

withdraws a former statement. The source for Rashi's story is found in J. Sanh. VI, 3; 6, and in J. Hag. II, 2, with slight variations.

(38) In order to hasten his death and lessen the pain (Maim.). The Talmud, however, bases it on Scripture.

Talmud - Mas. Sanhedrin 45a

GEMARA. Our Rabbis taught: One part of a man was covered, [viz.,] in front and two parts of a woman, [viz.,] in front and behind, because she is wholly shameful [when naked]: this is R. Judah's opinion. The Sages said: A man is stoned naked, but not a woman, What is the Rabbis' reason? — Scripture states, And they shall stone otho [him]. Why state 'otho'?¹ Shall we say, 'otho' but not 'othah,' [her]? but it is written, Then shalt thou bring forth that man or that woman!² What then is the significance of 'otho'. — That only he³ [is stoned] without his garments, but she⁴ is stoned in her clothes.

R. Judah⁵ said: 'Otho' implies without clothes, and there is no distinction of sex.⁶ Are we to assume that the Rabbis are apprehensive of unchaste thoughts, and that R. Judah is not? But we know in fact that they both hold the reverse, for we learnt:⁷ The Priest seizes her garments,⁸ it does not matter if they are rent or torn open, until he uncovers her bosom and unloosens her hair. R. Judah said: If her bosom was beautiful, he did not expose it, and if her hair was comely, he did not loosen it,⁹ Rabbah said: In the other case, this was the reason: lest she should come forth from the Beth din innocent and the young priests conceive a passion for her; but here, she is about to be executed! And should you object, But through her their passions might be inflamed for others, Rabbah said: We have it on tradition that evil inclination moves a man only towards what his eyes see.

Raba said: Is there only an inconsistency between R. Judah's two statements and not between those of the Rabbis?¹⁰ — But, said Raba, R. Judah's two statements are not contradictory, even as we have solved the difficulty. And the Rabbis' views are also not opposed: Scripture says, That all women may be warned and not to do after your lewdness:¹¹ but here, no greater warning is possible than this [sc. the execution].¹² And should you say, Let us wreak both¹³ upon her, behold R. Nahman said in Rabbah b. Abbahu's name: Scripture says Love thy neighbour as thyself:¹⁴ choose an easy death for him.¹⁵

Shall we say that R. Nahman's statement is the subject of a conflict between Tannaim?¹⁶ — No: all agree with R. Nahman, but they differ on the following point: One Master¹⁷ holds that [the avoidance of] personal humiliation is far preferable to lack of bodily pain,¹⁸ and the other holds the reverse.

MISHNAH. THE PLACE OF STONING WAS TWICE A MAN'S HEIGHT.¹⁹ ONE OF THE WITNESSES PUSHED HIM BY THE HIPS, [SO THAT] HE WAS OVERTURNED ON HIS HEART. HE WAS THEN TURNED ON HIS BACK.²⁰ IF THAT CAUSED HIS DEATH, HE HAD FULFILLED [HIS DUTY];²¹ BUT IF NOT, THE SECOND WITNESS²² TOOK THE STONE²³ AND THREW²⁴ IT ON HIS CHEST. IF HE DIED THEREBY, HE²⁵ HAD DONE [HIS DUTY]; BUT IF NOT, HE [THE CRIMINAL] WAS STONED BY ALL ISRAEL,²⁶ FOR IT IS WRITTEN: THE HAND OF THE WITNESSES SHALL BE FIRST UPON HIM TO PUT HIM TO DEATH, AND AFTERWARDS THE HAND OF ALL THE PEOPLE.²⁷

GEMARA. A Tanna taught: And with his own height,²⁸ there were three [men's heights] in all. Yet do we really require so much height?²⁹ For the following contradicts it: 'Just as a pit to be reckoned as causing death must be ten handbreadths [deep],³⁰ so must all other [excavations] be sufficient to cause death, viz., ten handbreadths'³¹ — R. Nahman said in Rabbah b. Abbahu's name: Scripture states, Love thy neighbour as thyself;³² i.e., choose an easy³³ death for him. But if so, it [sc. the place of stoning] should be still higher! — [That, however, is not so] to prevent

disfiguration.³⁴

ONE OF THE WITNESSES PUSHED HIM: Our Rabbis taught: Whence do we know that it [the execution]³⁵ was accomplished by hurling down?³⁶ — Scripture states, And he shall be cast down.³⁷ And whence the necessity of stoning? — Scripture states, He shall be stoned.³⁸ And whence do we know that both stoning and hurling down [were employed]?³⁹ — From the verse, he shall surely be stoned or thrown down.⁴⁰ And whence do we know that if he died through being hurled down, it is enough? — Scripture states, or cast down.⁴¹ Whence do we know the same procedure is to be followed for [all subsequent] generations?

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- (1) In a separate pronoun, instead of using the pronominal suffix.
 - (2) Deut. XVII, 5, with reference to idolatry which is punishable by sinning.
 - (3) I.e., a man.
 - (4) I.e., a woman.
 - (5) Who requires only partial covering of a woman.
 - (6) Since 'Otho' serves for one exclusion, that of clothes — it cannot serve as excluding women from that requirement, v. supra 43a.
 - (7) Sotah 8a.
 - (8) In connection with the procedure for a woman suspected of infidelity (sotah). Cf. Num.V, 11ff.
 - (9) Hence it is R. Judah and not the Rabbis who are apprehensive that the sight of her may incite to unchaste thought.
 - (10) For Rabbah's distinction only reconciled R. Judah's two views, but left the difficulty of the Rabbis' views untouched.
 - (11) Ezek. XXIII, 48. The procedure with the Sotah therefore was only instituted as a deterrent.
 - (12) Hence there is on need to add humiliation.
 - (13) Humiliation and stoning.
 - (14) Lev. XIX, 18.
 - (15) One entailing as little humiliation as possible.
 - (16) R. Judah and the Sages, inasmuch as the former, by requiring only partial covering of the woman and so enhancing her humiliation, does not seem to be of that opinion.
 - (17) I.e., the Sages.
 - (18) Lit., 'bodily ease'. Though being clothed delays death and increases pain, yet the humiliation of nakedness is harder to bear.
 - (19) I.e., six cubits, the normal height of man to the shoulders being three cubits,
 - (20) To see whether the drop brought his death forthwith. [So Abraham de Botton on Maim. Yad, Sanh. XV, 1. Rashi explains: Because it is degrading (for the dead) to be on the face, v. Tosaf. Yom. Tob. The rendering could accordingly be: One of the witnesses pushed him down on the hips. If (however) he overturned (i.e., fell) on his heart, he was turned on his back, v. Hoffmann.]
 - (21) I.e., the witness, the obligation of execution lying primarily upon him.
 - (22) According to the Naples ed. he himself takes etc. and only if that failed to cause death did the second witness take part.
 - (23) 'The' stone, because it was prepared beforehand. This was a very heavy stone, which it required two men to lift.
 - (24) Lit., 'placed'.
 - (25) Sc., the second witness.
 - (26) I.e., all the bystanders.
 - (27) Deut. XVII, 7.
 - (28) He was pushed down from a standing position.
 - (29) To cause instant death.
 - (30) Cf. M. B.K. 50b.
 - (31) Why is the height of three men required in this case?
 - (32) Lev. XIX, 18.
 - (33) I.e., a quick death.
 - (34) A fall from a greater height would unnecessarily disfigure the body.

(35) Of those who approached Mt. Sinai, Ex. XIX, 12ff.

(36) In Scripture stoning is first mentioned, as that was the means of bringing about the actual death. Here hurling down is dealt with first as that is preliminary to the other.

(37) Ex. XIX, 13.

(38) Ibid; cf. Deut. XXII, 24, where stones are expressly mentioned in connection with 'stoning',

(39) In case death did not result from the hurling down alone.

(40) Ibid.

(41) Because if stoning were always necessary in addition to the hurling down, even when the latter alone had caused death, why state or cast down?

Talmud - Mas. Sanhedrin 45b

— Because Scripture states, He shall surely be stoned.¹

BUT IF NOT, THE SECOND WITNESS TOOK THE STONE. HE TOOK'?² But has it not been taught: R. Simeon b. Eleazar says: 'A stone was there which it took two men to lift, — he lifted that and dropped it on his [the victim's] chest; if it killed him, his duty was fulfilled'?³ But on your reasoning, that itself is inconsistent! That 'which it took two men to lift' — 'he lifted that and dropped it on his chest!' But it must mean that he lifts it up together with his fellow witness, but drops it [down] by himself in order that it may come down with force.⁴ BUT IF NOT, HE WAS STONED BY ALL ISRAEL, etc. But has it not been taught: It [the stoning] was never actually repeated?⁵ — Do I then say that it was done? I merely state what might be necessary!

The Master said: 'A stone was there etc.'⁶ But has it not been taught: 'The stone with which he [the condemned] was stoned, the gallows on which he was hanged, the sword with which he was beheaded, or the cloth with which he was strangled, are all buried with him'?⁷ — It merely means that others were prepared and brought in their place.⁸ 'They are all buried with him.' Surely it has been taught: They are not buried with him!⁹ — R. Papa explained: What is meant by 'with him?' In the earth surrounding his corpse.¹⁰

Samuel said: If the hand[s] of the witnesses were cut off,¹¹ he [the condemned] goes free. Why so? — Because it is necessary that The hand of the witnesses shall be first upon him,¹² which is here impossible. But according to this, if they were without hands from the outset,¹³ are they also ineligible?¹⁴ — There¹⁵ it is different, for Scripture states, The hand of the witnesses, implying, the hand which they had previously possessed.¹⁶

An objection is raised; 'Wherever two witnesses testify, saying, We testify against so and so¹⁷ that he was sentenced by such and such a court, and so and so are his witnesses, he is to be executed'.¹⁸ — Samuel explained this as referring to a case where the same were also the original witnesses.¹⁹ But must [every] verse be [carried out] as written? Has it not been taught: 'He that smote him shall surely be put to death, he is a murderer'?²⁰ I only know that he may be executed with the death that is decreed for him.²¹ But where it is not possible to execute him in the manner prescribed,²² whence do I know that one may execute him by any means possible? From the verse: He that smote him shall surely be put to death, — in all cases'?²³ — There it is different, for Scripture says, He shall surely be put to death.²⁴ Then let us draw an inference from it.²⁵ — Because the references to a murderer, and the 'avenger of blood' are two verses written with the same object, and the teaching of two such verses does not extend to anything else.²⁶ 'A murderer', as has just been stated. And what is the reference to the 'avenger of blood'? — It has been taught: The avenger of blood shall himself put the murderer to death;²⁷ it is [primarily] the duty of the avenger of blood [to slay the murderer]. And whence do we know that, if he [the murdered man] has no avenger of blood,²⁸ the Beth din must appoint one?²⁹ — From the verse, When he meeteth him,³⁰ i.e., in all cases.³¹

Mar Kashisha, the son of R. Hisda, said to R. Ashi: But are we really not to interpret the verse literally? Have we not learnt: If either of them³² has a hand or fingers cut off, or is dumb, lame, blind, or deaf, he does not become a 'stubborn and rebellious son';³³ because it is written, And they shall lay hold on him,³⁴ — this excludes those with hands or fingers cut off; and they shall bring him out, so excluding lame [parents]; and they shall say, excluding the dumb; this our son,³⁵ excluding the blind; he will not obey our voice, excluding the deaf.³⁶ Why so? Surely because a verse must be literally interpreted! — No. There it is different, because the entire verse is superfluous.³⁷

Come and hear! If it [the city] has no 'public square',³⁸ it cannot become a condemned city: this is R. Ishmael's view. R. Akiba said: If it has no public square, one is made for it.³⁹ Now, they differ only in that one holds that 'the public square thereof'⁴⁰ implies, that it must have been there from the outset [i.e., before sentence]; and the other holds that 'the public square thereof', even if it has only now [sc. after sentence] become one, is to be regarded as though it had been one originally. Yet both agree that the verse must be interpreted literally! — It is a point of difference between Tannaim, for we learnt:⁴¹ If he has no thumb or great toe or right ear, he can never obtain cleansing. R. Eliezer said: He [the priest] applies it [the blood] on the corresponding place, and his duty is discharged. R. Simeon said: He applies it on the left side and his duty is discharged.⁴²

MISHNAH. ALL WHO ARE STONED ARE [AFTERWARDS] HANGED: THIS IS R. ELIEZER'S VIEW, THE SAGES SAY: ONLY THE BLASPHEMER AND THE IDOLATER ARE HANGED. A MAN IS HANGED WITH HIS FACE TOWARDS THE SPECTATORS, BUT A WOMAN WITH HER FACE TOWARDS THE GALLOWS: THIS IS THE VIEW OF R. ELIEZER. BUT THE SAGES SAY: A MAN IS HANGED, BUT NOT A WOMAN. WHEREUPON R. ELIEZER SAID TO THEM: BUT DID NOT SIMEON B. SHETAH HANG WOMEN AT ASHKELON?⁴³ THEY RETORTED: [ON THAT OCCASION] HE HANGED EIGHTY WOMEN, NOTWITHSTANDING THAT TWO [MALEFACTORS] MUST NOT BE TRIED ON THE SAME DAY.⁴⁴

GEMARA. Our Rabbis taught: [Scripture states,] And if he be put to death, then thou shalt hang him on a tree:⁴⁵ I might think that all who are put to death are to be hanged: therefore Scripture states, For he is hanged [because of] a curse against God.⁴⁶ Just as the blasphemer in question is executed by stoning, so all who are stoned [must be subsequently hanged]: this is R. Eliezer's view. But the Sages say: Just as the blasphemer in question denied the fundamental principle [of faith].⁴⁷ So all who deny the fundamental principle [of faith].⁴⁸ Wherein do they differ?⁴⁹ — The Rabbis⁵⁰ employ [the rule of] the general and the particular; whilst R. Eliezer employs [the rule of] extension and limitation.⁵¹ 'The Rabbis employ [the rule of] the general and the particular.' [Thus:] And if he be put to death then thou shalt hang him, is a general proposition; for he is hanged [because of] a curse against God is the particular. Now, had these two clauses been placed beside each other,⁵² we should have said, the general includes nothing [but] the particular, i.e., only this man⁵³ and no one else.

(1) In the future tense. [Ms. M. adds 'or he shall surely be thrown down.']

(2) Was it done by one man alone?

(3) Obviously two people were required to handle it.

(4) Because if two threw it they might not both follow exactly the same direction with a consequent loss of force.

(5) Death having always resulted from the first operation.

(6) Implying that the same stone was regularly employed for stoning.

(7) A.Z. 62b.

(8) I.e., that a stone was lying there in readiness, and not brought just at the moment when it was needed.

(9) Tosef. Sanh. IX.

(10) Which comes to be regarded as part of the body and must be carried with it when moved. Cf. Nazir 64b.

(11) After they testified.

- (12) Deut. XVII, 7.
- (13) Before they testified.
- (14) Seeing that the injunction in Deut. XVII, 7 cannot in their case be applicable.
- (15) In the case dealt with by Samuel.
- (16) But if they lack hands at the outset they are eligible to testify.
- (17) If the condemned person escaped and was recaptured (Mak. 7a).
- (18) Even in the absence of the original witnesses. This proves that the injunction in Deut. XVII, 7 is not indispensably essential, but only desirable when possible.
- (19) Hence the injunction can be carried out.
- (20) Num. XXXV, 21,
- (21) I.e., decapitation by the sword.
- (22) E.g., if he fled, but could be reached by an arrow (Rashi on 72b).
- (23) Infra 53a; 72b. Hence it is not necessary to understand the verse literally.
- (24) **מוֹת יוֹמָת**. The infinitive strengthens the idea of the verb and denotes an inclusion of other modes of execution if necessary.
- (25) That just as there, where he should be decapitated, he is nevertheless executed by any means possible, so here too, where he should be hurled down by the hands of the witnesses, he is still to be executed even if their hands have been cut off.
- (26) V. p. 458, n. 9.
- (27) Num. XXXV, 19, referring to wilful murder. Rashi's interpretation that it refers to accidental homicide where the murderer was found outside the city of refuge is difficult. V. Mishneh Lemelek on Yad, Rozeah I, 2.
- (28) A near kinsman, upon whom devolves the duty of hunting down a murderer to death.
- (29) I.e., the Court is always responsible for prosecuting the murderer, whether there is a relative or not.
- (30) Ibid.
- (31) Thus this verse too shows that the provisions of an avenging kinsman are not limited to the precise statement of the Bible,
- (32) The parents of a 'stubborn and rebellious son'; Deut, XXI, 18ff.
- (33) So the law concerning such is not operative.
- (34) Ibid, 19.
- (35) Showing that they must point him out.
- (36) Who are unable to bear his reply to their orders. V. infra 71a.
- (37) It could have been written thus: 'And they shall bring him unto the elders of his city, and all the men shall stone him with stones,' as is usual with other cases punishable by stoning, without repeating the indictment. Therefore that verse must certainly be understood literally; but it does not prove that all verses are to be understood exactly as they are written.
- (38) Cf. Deut, XIII, 17: And thou shalt gather all the spoil of it into the midst of the public square thereof.
- (39) Infra 112a,
- (40) Cf. n. 5.
- (41) Nazir 46b, with reference to the purification of a leper. Cf. Lev, XIV, 14:
- (42) I.e., the leper becomes clean, This proves that in the opinion of R. Eliezer and R. Simeon a verse need not be understood literally, whilst the first Tanna maintains that it must be so interpreted. Hence Samuel agrees with the latter.
- (43) Though this southern coastal city was never for any length of time populated by Jews, a fact which makes such an execution most unusual, it was twice surrendered to Jonathan the Maccabee (cf. Mace. X, 36; XI, 60) and later to Alexander Jannaeus (Simeon's brother-in-law). It is therefore not improbable that Jews made their home there, despite the view of Schurer. [V. Klausner, **היסטוריה ישראלית** II, 134. Derenbourg, however, op. cit., p. 69, n. 1, maintains that Simeon Maccabeus has been here confused with Simeon b. Shetah, as it was only in the days of the former that Ashkelon had a large Jewish population, and it is also known from other sources that he visited Ashkelon several times.]
- (44) Hence this occurrence cannot be brought forward as a valid precedent, owing to its extraordinary nature. Witchcraft amongst Jewish women prevailed at that time to an alarming extent, and in order to prevent a combined effort on the part of their relations to rescue the culprits, he had to execute all of them at once. He hanged them, then, to prevent such practices and to avoid rescue, but his action is no precedent, and in itself was actually illegal, as the Sages pointed out.

(45) Deut. XXI, 22.

(46) קללת אלהים (E.V. For he that is hanged is a reproach unto God,) is so interpreted by the Mishnah, i.e., he was a blasphemer.

(47) I.e., the unity of God.

(48) Are to be hanged. 'All' can only mean an idolater.

(49) On what principle of exegesis — the practical difference, of course, being obvious,

(50) The Sages.

(51) These two hermeneutical rules form one of R. Ishmael's thirteen principles by which the law is expounded. The former rule כלה ופרט means that when a general term (which may denote an indefinite number of things) is followed by a particular (specifying a definite thing), the law is restricted to the specified thing alone. A particular is then regarded, not as an illustrative example of the preceding general, but as its explanation, so indicating that the content of the general is restricted solely to that of the particular. According to the other theory רבוי ומיעוט, the general retains its significance as applying to many things, but the particular limits the scope of the preceding general so as to include in it only things which are similar and to exclude such as are not similar thereto. The application of these exegetical principles, however, is dependent on the two terms following each other in the same passage. If they are found in two different passages, the rule is somewhat varied, as explained here in the Talmudic discussion.

(52) I.e., in the same verse.

(53) The blasphemer.

Talmud - Mas. Sanhedrin 46a

Since, however, they are separated from each other, it has the effect of including an idolater,¹ who is like him, [the blasphemer] in every respect. 'Whilst R. Eliezer employs [the rule of] extension and limitation.' [Thus:] And if he be put to death then thou shalt hang him is an [indefinite] extension; for he is hanged because of a curse . . . is a limitation. Now, had these two clauses been placed beside each other, we should have extended the law only to an idolater, who is similar to him in every respect. Since, however, they are separated from each other, it has the effect of extending [the law] to all who are stoned.²

A MAN IS HANGED etc. What is the Rabbis' reason? — Scripture states, then the shalt hang him — 'him',³ but not her.⁴ And R. Eliezer?⁵ — 'Him' implies without his clothes. And the Rabbis?⁶ — [They admit that] that indeed is so; but Scripture says, And if a man have committed a sin,⁷ implying, a man, but not a woman. And R. Eliezer, — how does he interpret the words, And if a man have committed? — Resh Lakish answered: As excluding a stubborn and rebellious son⁸ [from that mode of execution]. But has it not been taught: A stubborn and rebellious son is stoned and [afterwards] hanged: so says R. Eliezer? — But, said R. Nahman b. Isaac: [He interprets it] as including a stubborn and rebellious son. How so?⁹ — Scripture says, As if a man has committed a sin — 'a man,' but not a son; 'a sin' implies one who is executed for his [present] sin, thus excluding a stubborn and rebellious son, who is executed on account of his ultimate destiny.¹⁰ So we have one exclusion following another, and such always indicates inclusion.¹¹

WHEREUPON R. ELIEZER SAID TO THEM: BUT DID NOT SIMEON B. SHETAH HANG etc. R. Hisda said: They taught this¹² only of two different death penalties,¹³ but if a single mode of execution is involved, they [two charges] may be tried [on the same day]. But in the instance of Simeon b. Shetah, only one mode of execution was involved, and yet [the Sages] said to him¹⁴ that the cases should not [legally] have been tried! — But if a statement was made, it was made thus: They taught this only of a single death penalty appearing as two. And how can that be? E.g., [when one is accused of] two different transgressions.¹⁵ But cases dealing with the same transgression and the same mode of execution may be tried.¹⁶

R. Adda b. Ahabah raised an objection: 'Two [capital] cases may not be tried in one day; not even that of an adulterer and his paramour'?¹⁷ R. Hisda explained this as referring to the daughter of a

priest and her paramour;¹⁸ or to the daughter of a priest and the refuters of the refuting witnesses.¹⁹

It has been taught: R. Eliezer b. Jacob said: I have heard²⁰ that the Beth din may, [when necessary,] impose flagellation and pronounce [capital] sentences even where not [warranted] by the Torah; yet not with the intention of disregarding the Torah but [on the contrary] in order to safeguard it.²¹ It once happened that a man rode a horse on the Sabbath in the Greek period and he was brought before the Court and stoned, not because he was liable thereto,²² but because it was [practically] required by the times.²³ Again it happened that a man once had intercourse with his wife under a fig tree.²⁴ He was brought before the Beth din and flogged, not because he merited it,²⁵ but because the times required it.²⁴ MISHNAH. HOW IS HE HANGED?²⁶ — THE POST IS SUNK INTO THE GROUND WITH A [CROSS-] PIECE BRANCHING OFF [AT THE TOP].²⁷ AND HE²⁸ BRINGS HIS HANDS TOGETHER²⁹ ONE OVER THE OTHER AND HANGS HIM UP [THEREBY]. R. JOSE SAID: THE POST IS LEANED AGAINST THE WALL,³⁰ AND HE HANGS HIM UP AFTER THE FASHION OF BUTCHERS. HE IS IMMEDIATELY AFTERWARDS LET DOWN. IF HE IS LEFT [HANGING] OVER NIGHT, A NEGATIVE COMMAND IS THEREBY TRANSGRESSED, FOR IT IS WRITTEN, HIS BODY SHALL NOT REMAIN ALL NIGHT UPON THE TREE, BUT THOU SHALT SURELY BURY HIM THE SAME DAY FOR HE IS HANGED [BECAUSE OF] A CURSE AGAINST GOD,³¹ — AS IF TO SAY WHY WAS HE HANGED? — BECAUSE HE CURSED THE NAME [OF GOD]; AND SO³² THE NAME OF HEAVEN [GOD] IS PROFANED.³³

R. MEIR SAID³⁴ WHEN MAN SUFFERS,³⁵ WHAT EXPRESSION DOES THE SHECHINAH³⁶ USE? — MY HEAD IS TOO HEAVY FOR ME, MY ARM IS TOO HEAVY FOR ME.³⁷ AND IF GOD IS SO GRIEVED OVER THE BLOOD OF THE WICKED THAT IS SHED, HOW MUCH MORE SO OVER THE BLOOD OF THE RIGHTEOUS! AND NOT ONLY OF THIS ONE [A CRIMINAL,] DID THEY [SC. THE SAGES] SAY IT,³⁸ BUT WHOSOEVER LETS HIS DEAD LIE OVER NIGHT TRANSGRESSES A NEGATIVE COMMAND.³⁹ IF HE KEPT HIM OVER NIGHT FOR THE SAKE OF HIS⁴⁰ HONOUR, TO PROCURE FOR HIM A COFFIN OR A SHROUD, HE DOES NOT TRANSGRESS THEREBY.

AND THEY DID NOT BURY HIM [THE EXECUTED PERSON] IN HIS ANCESTRAL TOMB, BUT TWO BURIAL PLACES WERE PREPARED BY THE BETH DIN, ONE FOR THOSE WHO WERE DECAPITATED OR STRANGLERED, AND THE OTHER FOR THOSE WHO WERE STONED OR BURNED.

WHEN THE FLESH WAS COMPLETELY DECOMPOSED, THE BONES WERE GATHERED AND BURIED IN THEIR PROPER PLACE.⁴¹ THE RELATIVES THEN⁴² CAME AND GREETED THE JUDGES AND WITNESSES, AS IF TO SAY, WE HAVE NO [ILL FEELINGS] AGAINST YOU IN OUR HEARTS, FOR YE GAVE A TRUE JUDGMENT.

(1) The separation indicates that the rule of the general and particular is not to be applied in the usual way to limit the law solely to the thing specified, but to extend it to some similar thing.

(2) Whatever their offence.

(3) A man.

(4) A woman.

(5) How does he interpret the verse?

(6) Do they not agree with the interpretation given by R. Eliezer; whence then do they deduce the exemption of a woman from hanging?

(7) Deut. XXI, 22, which is the introduction to the passage under discussion,

(8) The term 'man' is used of one who has reached the age of thirteen, and one cannot be declared rebellious once he has reached that age. V. infra 68b.

(9) Surely 'man' implies the reverse, if anything.

- (10) V. infra 72a, top.
- (11) V. p. 71, n. 7. Hence this includes a rebellious son.
- (12) That two capital cases may not be tried on one day by the same court.
- (13) Because where the crimes committed are different, the mitigating circumstances cannot be carefully brought forward to a hasty discussion.
- (14) R. Eliezer, in answer to his remark.
- (15) E.g., the desecration of the Sabbath and idolatry, although both are punishable by the same penalty — stoning. Two such cases may not be tried on the same day. All the more so cases involving two different modes of execution may certainly not be tried on the same day.
- (16) But in the instance of Simeon the son of Shetah the women were convicted for what Scripture regards as two different branches of witchcraft, viz., necromancy and charming. Cf. Lev. XX, 27; hence the Rabbis remarked that his action was illegal, but that it was done in an emergency.
- (17) Tosef, Sanh. VII. Although it is one transgression involving the same penalty; moreover, the crime of both consisted in the single identical act.
- (18) Whose executions are not similar. The woman is punished by burning (Lev. XXI, 9) and the man by strangulation if she be a nesu'ah, or by stoning, if she be an arusah (v. Glos.).
- (19) E.g., if A and B, who gave evidence against the daughter of a priest, were refuted by C and D, and the latter were afterwards themselves refuted by E and F, the woman undergoes her due death penalty — burning — since her refuting witnesses C and D were proved to be collusive, and the false witnesses are punished by the same penalty as the male adulterer (strangulation or burning, according to the status of the woman). V. infra 90a.
- (20) From my teachers.
- (21) Lit., 'to make a fence round it.'
- (22) The prohibition against riding on the Sabbath is only a 'shebuth', i.e., a Rabbinical injunction. Cf. Bezah. 37a M.
- (23) During the time that Palestine was under Greek rule there was great laxity in the Jews' adherence to their religion, and stringent measures had to be adopted to enforce observance (Rashi). [Cf. Derenbourg, Essai, p. 107.]
- (24) I.e., in public.
- (25) The law does not prescribe this punishment for such improper conduct. (11) I.e., loose morals prevailed at the time.
- (26) After being stoned.
- (27) This bears no resemblance at all to crucifixion. Cf. Rabbinowicz, Legislation criminelle du Talmud, p. 111: What a difference between this hanging after death, where the executed man had both his hands tied and did not remain one minute upon the gallows, and the Supplicium, which the Romans inflicted upon Jesus, who was nailed to the cross whilst alive, with his hands on the cross, and left hanging on the gallows all day.
- (28) The first witness, Krauss, loc. cit.
- (29) [מקיף, Me'iri reads סומך]
- (30) And not fixed into the ground.
- (31) Deut. XXI, 23. קללת אלהים is interpreted by the Mishnah as an objective genitive — 'a curse against God'.
- (32) If his body be left hanging a considerable time, thus reminding men of his blasphemy.
- (33) Man's sin reflecting, in a manner of speaking, on God.
- (34) In interpretation of the words קללת אלהים.
- (35) In consequence of sin, as those are who are executed in this instance.
- (36) The word שכינה is omitted in most editions of the Mishnah. Where it is omitted, the definite article is added to the word לשון, and the phrase is translated, 'When man suffers, what does the tongue say?' [The tongue stands for the Divine, and some texts accordingly add here, "if it could be said", כביכול.]
- (37) V. Gemara. The phrase is intended to express how painful it is to God when His children suffer, even though they may deserve punishment for their iniquities, as a father would deplore the pain of his sinful son.
- (38) I.e., that the corpse must not be left hanging over night.
- (39) Mentioned above.
- (40) 'HIS' is ambiguous, and the Talmud on 47a discussed to whom it refers.
- (41) I.e., the family vault.
- (42) Soon after the execution.

Talmud - Mas. Sanhedrin 46b

AND THEY OBSERVED NO MOURNING RITES¹ BUT GRIEVED [FOR HIM],² FOR GRIEF IS BORNE IN THE HEART ALONE.

GEMARA. Our Rabbis taught: Had it been written, 'If he has sinned, then thou shalt hang him,' I should have said that he is hanged and then put to death, as the State does.³ Therefore Scripture says, And he be put to death, then thou shalt hang him — he is first put to death and afterwards hanged. And how is this done? — It [the verdict] is delayed until just before sunset. Then they pronounce judgment and put him [immediately] to death, after which they hang him; One ties him up and another unties [him],⁴ in order to full the precept of hanging.

Our Rabbis taught: [Then thou shalt hang him on] a tree:⁵ this I might understand as meaning either a cut or a growing tree; therefore Scripture states, Thou shalt surely bury him:⁶ [thus, it must be] one that needs only burial,⁷ so excluding that which needs both felling and burial.⁸ R. Jose said; [It must be] one that needs only burial, thus excluding that which requires both detaching and burial.⁹ And the Rabbis?¹⁰ — Detaching is of no consequence.¹¹

AS IF TO SAY WHY WAS HE HANGED? — BECAUSE HE CURSED etc. It has been taught: R. Meir said: A parable was stated, To what is this matter comparable? To two twin brothers [who lived] in one city; one was appointed king, and the other took to highway robbery. At the king's command they hanged him. But all who saw him exclaimed, 'The king is hanged!'¹² whereupon the king issued a command and he was taken down.

R. MEIR SAID etc. How is that implied?¹³ — Abaye answered: It is as though one said: It is not light.¹⁴ Raba objected: If so, he [the Tanna] should have said: My head is heavy upon me, my arm is heavy upon me!¹⁵ Raba therefore explained it thus: It is as though one said: Everything is light¹⁶ to me. But this [the word Kilelath] is needed for its own purpose!¹⁷ — If so, Scripture should have stated 'mekallel':¹⁸ why 'kilelath'!¹⁹ Then perhaps the entire verse was written for that purpose?²⁰ — If so, it should have stated, 'killath':²¹ why 'kilelath'.²² Hence both [meanings] are inferred from it.

AND NOT ONLY OF THIS ONE etc. R. Johanan said on the authority of R. Simeon b. Yohai: Whence is it inferred that whoever keeps his dead [unburied] over night transgresses thereby a negative command?²³ — From the verse, Thou shalt surely bury him;²⁴ whence we learn that he who keeps his dead [unburied] over night transgresses a prohibitory command. Others state: R. Johanan said on the authority of R. Simeon b. Yohai: Where is burial [as a means of disposing of the dead] alluded to in the Torah? — In the verse, Thou shalt surely bury him: here we find an allusion to burial in the Torah.

King Shapor²⁵ asked R. Hama: From what passage in the Torah is the law of burial derived? The latter remained silent, and made no answer. Thereupon R. Aba b. Jacob exclaimed: The world has been given over into the hands of fools, for he should have quoted, For thou shalt bury!²⁶ — [That is no proof, since] it might merely have meant, that he should be placed in a coffin!²⁷ But it is also written, Bury, thou shalt bury him.²⁸ — He [King Shapor] would not have understood it thus.²⁹ Then he should have proved it from the fact that the righteous were buried!³⁰ — [He might object.] That was merely a general custom.³¹ Well then, from the fact that the Holy One, blessed be He, buried Moses!³² — But, [he might answer,] that was so as not to depart from the general custom. But come and hear! And all Israel shall make lamentation for him and they shall bury him.³³ — That [too] might have been done so as not to depart from the general custom. [But again it is written,] They shall not be lamented, neither shall they be buried; they shall be as dung upon the face of the ground?³⁴ — The purpose of that, however, might have been to depart from the established custom.³⁵

The scholars propounded : Is burial [intended to avert disgrace.³⁶ or a means of atonement?³⁷ What is the practical difference? If a man said, 'I do not wish myself³⁸ to be buried.' If you say that it is to prevent disgrace, then it does not depend entirely upon him;³⁹ but if it is for atonement, then in effect he has declared, 'I do not desire atonement.'⁴⁰ What [then is its purpose]? Come and hear! 'From the fact that the righteous were buried.' If then you say that it is for atonement — are the righteous in need thereof? Even so, for it is written, For there is not a righteous man upon earth who doeth good and sinneth not.⁴¹

Come and hear! [It is written,] And all Israel shall make lamentations for him, and they shall bury him, for only he of Jeroboam shall come to the grave.⁴² Now should you assert [that burial] is for the attainment of forgiveness, then the others too should have been buried, that there might be atonement for them? — This one [sc. Abijah], who was righteous, deserved to find forgiveness, but the others were not [worthy] to attain it.

Come and hear! They shall not be lamented neither shall they be buried.⁴³ — [It may be precisely] in order that there might be no atonement for them.

The scholars asked: Is the funeral oration in honour of the living or of the dead? What is the practical difference? If the deceased had said, Pronounce no funeral oration over me;⁴⁴ or again in respect of collecting [the cost] from the heirs!⁴⁵ — Come and hear! And Abraham came⁴⁶ to mourn for Sarah and to weep for her.⁴⁷ Now, should you maintain that it is no honour of the living: in that case for Abraham's honour he delayed Sarah's [burial]! — [There] Sarah herself was pleased that Abraham should attain honour through her.

Come and hear! And all Israel shall make lamentation for him and they shall bury him:⁴⁸ If you say that it is in honour of the living, were these [Abijah's relatives] worthy of honour?⁴⁹ — It is pleasing to the righteous that people⁵⁰ should be honoured through them.

Come and hear! They shall not be lamented neither shall they be buried!⁵¹ — The righteous do not wish to be honoured through evil-doers.

Come and hear! They shall die in peace, and with the burnings of thy fathers, the former kings that were before thee, so shall they make a burning for thee, and they shall lament thee, saying Ah! Lord.⁵² Now if you maintain that it is in honour of the living, of what consequence was this to him?⁵³ — He spoke this to him: Israel will be honoured through thee, as they were honoured through thy parents.⁵⁴

(1) E.g., the seven and thirty days and the twelve months, v. M. K. 20a.

(2) As, in ordinary cases, before the burial.

(3) V. supra p. 304, n. 2.

(4) I.e., no sooner is he hung up, than he is untied and taken down.

(5) Deut. XXI, 22.

(6) The need of burial for the post is deduced from the strengthening of the idea of the verb by the infinitive, קבר תקברנו, v. supra 45b.

(7) Such as a detached post.

(8) E.g., a growing tree.

(9) I.e., excluding a post which is driven into the earth, because it must be detached thence before it can be buried. Therefore he maintains that it must not be fixed in the ground, but merely leaned against the wall.

(10) Do they not admit the justice of R. Jose's arguments, and if so, why do they assert that the post is driven into the earth?

(11) I.e., it is not a weighty action which constitutes a real delay of burial.

- (12) Being twins their appearance was similar. So man has some resemblance to God, having been created in His image. Cf. Gen. V, 1.
- (13) R. Meir's explanation of the word קללת.
- (14) קל לית.
- (15) Using the positive adjective כבד instead of the negative, 'not light'.
- (16) Euphemistically for heavy, as no one is inclined to speak evil in connection with his own person. (Rashi). Kohut explains it as meaning that when one is in trouble he cannot pull himself together, and is in a state of light headedness or giddiness. V. 'Aruch. vol. VII, p. 90, n. 4.
- (17) As indicating that the law refers to a 'blasphemer', v. supra p. 300, n. 4.
- (18) Which is the exact Hebrew for 'blasphemer'; (cf. Lev. XXIV, 14: Bring forth him that hath cursed, i.e., the blasphemer — Heb. מקלל).
- (19) Which, though it may mean 'a curse (against God),' (v. p. 304, n. 6), is not as unambiguous as mekallel. Hence it must have been chosen because both meanings can be understood in it.
- (20) Which R. Meir deduces from it, according to Raba; how then do I know that it refers to a blasphemer at all? It may refer to any criminal.
- (21) קלת; 'the lightness of'.
- (22) Which also implies blasphemy.
- (23) His body shall not remain all night: Deut. XXI, 23, which in the first place was stated in reference to those executed by the Court.
- (24) The infinitive indicates that the command concerns all dead, not only those executed by the Court.
- (25) [Shapor II, King of Persia, 359-380, transferred the royal residence to Csetifon, and there came in contact with Jewish sages, v. Obermeyer, op. city., p. 175.]
- (26) Ibid. 23.
- (27) Lit., 'that a coffin should be made for him.' The verse does not necessarily imply that the corpse must be placed in the ground — so, at least, it might be urged.
- (28) קבור תקברנו, and the emphatic infinitive must imply burying in the earth.
- (29) I.e., a Gentile would not have understood the principle underlying the deduction.
- (30) Thus it is related in Scripture that the Patriarchs were buried.
- (31) Prior to the giving of the law, and so has no basis in the Torah.
- (32) Cf. Deut. XXXIV, 6.
- (33) I Kings XIV 13, with reference to Abijah the son of Jeroboam I, King of Israel, who was seriously ill. The fact that he would come to his grave in peace and be mourned by all Israel was foretold to his mother by the Prophet Ahijah, whom she consulted respecting his recovery. Hence it is evident that burial was an established practice after the giving of the law also.
- (34) Jer. XVI, 4. Hence non-burial was regarded as a punishment for the wicked.
- (35) Which would thus be a great disgrace. Kohut accounts for this discussion being raised on the part of the Persian King Shapor by the fact that the ancient Persians regarded burial as a desecration of the soil, which they looked upon as sacred. V. 'Aruch. Vol. I, p. 271 s.v. ארגו.
- (36) Decomposition and putrefaction make the dead loathsome: burial may be intended to spare them and their relatives the disgrace.
- (37) For the sins committed during life-time Cf. infra 47a, where it is stated that the process of decay in the earth is a means of expiation.
- (38) Lit., 'that man'.
- (39) Because his relatives are humiliated along with him.
- (40) And so, even if he is buried, he does not attain forgiveness.
- (41) Eccl. VII, 20
- (42) I Kings XIV, 13, referring to Abijah, the son of Jeroboam.
- (43) Jer. XVI, 4, i.e., if burial is a means of expiation, why should they too not attain it?
- (44) If it is in honour of the living, he has no power to object; on the other hand, the heirs can then dispense with it.
- (45) If it is in honour of the dead, they are obliged to pay for a funeral oration, even against their desire,
- (46) From Mt. Moriah, the scene of the binding of Isaac.
- (47) Gen XXIII, 2.

(48) I Kings XIV, 13.

(49) Seeing that the whole family of Jeroboam, with the exception of Abijah, were wicked.

(50) I.e., the people as a whole even outside the immediate family circle.

(51) Jer. XVI, 14. If lamentation is in honour of the living, why were the righteous who survived them deprived of that honour?

(52) Jer. XXXIV, 5; a prophecy to Zedekiah, the last king of Judah.

(53) Zedekiah, that Israel would be honoured.

(54) It may be observed, both here and in the following passage, that if the deceased is a king, the honour of the living, if that is the purpose of the funeral eulogy, extends beyond his immediate family circle and embraces the people as a whole.

Talmud - Mas. Sanhedrin 47a

Come and hear! In whose eyes a vile person is despised¹ — this refers to Hezekiah, king of Judah, who had his father's remains dragged upon a pallet made of ropes.² But if it [the respect paid to the dead] is in honour of the living, why [did he do so]?³ — It was in order that his father might obtain forgiveness. And for the sake of his father's atonement he disregarded⁴ the honour of Israel! — Israel itself was pleased to have its honour violated for his sake.

Come and hear! He⁵ said to them:⁶ Do not hold funeral orations over me in the [small] towns.⁷ Now, should you maintain that it is in honour of the living, what did it matter to him? — He wished that Israel might be honoured through him, in greater measure.

Come and hear! IF HE KEPT HIM OVER NIGHT FOR THE SAKE OF HIS HONOUR, TO PROCURE FOR HIM A COFFIN OR A SHROUD HE DOES NOT TRANSGRESS THEREBY. Now surely that [sc. FOR THE SAKE OF HIS HONOUR] means, for the honour of the dead?⁸ — No: for the honour of the living. And for the sake of the honour of the living the dead is to be kept overnight! — Yes When did the Merciful One say, His body shall not remain all night upon the tree,⁹ only in a case similar to be hanged, where it [the keeping of the corpse] involves disgrace;¹⁰ but here, where there is no disgrace¹¹ it does not apply.

Come and hear! If he [the relative] kept him overnight for his own honour, so as to inform the [neighbouring] towns of his death, or to bring professional women mourners for him,¹² or to procure for him a coffin or a shroud, he does not transgress thereby, for all that he does is only for the honour of the deceased!¹³ — What he [the Tanna] means is this: Nothing that is done for the honour of the living involves dishonour to the dead.

Come and hear! R. Nathan said: It is of good omen for the dead when he is punished [in this world] after death. E.g., if one dies and is not mourned, or [properly] buried, or if a wild beast drags him along, or if rain drips down on his bier, it is a good omen for him.¹⁴ We may infer therefore from this that the funeral rites are in honour of the dead.¹⁵ This proves it.

AND THEY DID NOT BURY HIM etc. And why such severity?¹⁶ — Because a wicked man may not be buried beside a righteous one. For R. Aha b. Hanina said: Whence is it inferred that a wicked man may not be buried beside a righteous one? — From the verse, And it came to pass as they were burying a man that behold they spied a band and they cast the man into the sepulchre of Elishah, and as soon as the man touched the bones of Elishah, he revived and stood up on his feet.¹⁷ Said R. Papa to him, Perhaps that was only to fulfil [the request], Let a double portion of thy spirit be upon me?¹⁸ — Thereupon he retorted: If so, what of that which was taught: [He only] arose on his feet, but did not return home?¹⁹ Then what of, Let a double portion of thy spirit etc. where is it found that he resurrected [two people]? — As R. Johanan said: He healed the leprosy of Naaman,²⁰ which is the equivalent of death, as it is written, Let her not, I pray Thee, be as one dead.²¹

And just as a wicked person is not buried beside a righteous one, so is a grossly wicked person not to be buried beside one moderately wicked. Then should there not have been four graveyards?²² — It is a tradition that there should be but two.

‘Ulla said in R. Johanan's name: If one ate forbidden fat²³ and thereupon dedicated a sacrifice,²⁴ abjured his faith, but subsequently returned, since it [the offering] has [once] been invalidated,²⁵ it remains so. It has been stated likewise: R. Jeremiah said in the name of R. Abbahu in R. Johanan's name; If one ate forbidden fat and thereupon dedicated a sacrifice, became insane, but later recovered, since it [the sacrifice] has once been invalidated.²⁶ it remains so. And both rulings are necessary. For had he taught us the first one only, [one might have assumed that] it is because he had

rendered himself unfit [to offer a sacrifice] by his own action;²⁷ but as for the latter case [insanity], where he was automatically unfitted, I might say that he is [merely] as a person who has slept [in the meantime].²⁸ Again, had he taught us only the latter, [one might have thought that] it was because it was not in his power to recover; but there [in the case of apostasy], since it was in his power to return, one might say that it does not [remain invalidated]. Both rulings are therefore necessary.

R. Joseph said: We too have learnt similarly: If there are holy objects therein,²⁹ that which is dedicated to the altar [i.e. sacrifices] must die;³⁰ to the Temple repair, must be redeemed.³¹ Now we pondered thereon, Why should they die? Since they [the inhabitants of the condemned city] are executed, they obtain forgiveness: should they [the sacrifices] not then be offered to Heaven!³² Surely then is it not so because we hold that once invalidated, they remain so? Abaye retorted; Do you then think that he who dies in his wickedness obtains forgiveness [by his death]? Nay, he who dies in his wickedness does not obtain forgiveness, for R. Shemaiah learnt: One might have thought that even if his [the priest's] parents had dissociated themselves from the practices of the congregation,³³ he [the priest] may defile himself:³⁴ but Scripture states, among his people³⁵ teaching, that it is so provided he [the parent] has followed the practices of his people.³⁶ Said Raba to him: Dost thou compare one who was executed in his wickedness to one who died in his wickedness? In the latter case, since he dies a natural death, he attains no forgiveness;³⁷ but in the former, since he does not die a natural death, he obtains forgiveness [by the mere execution]. In proof thereof, it is written, A Psalm of Asaph, O God, the heathen are come into Thine inheritance; they have defiled Thy Holy Temple... They have given the dead bodies of Thy servants to be food unto the fowls of the heaven; the flesh of Thy saints onto the beasts of the earth.³⁸ Who are meant by 'Thy servants,' and who by 'Thy saints'? Surely 'thy saints' means literally, saints, whereas, 'thy servants' means those who were at first liable to sentence [of death], but having been slain, are designated 'servants'.³⁹ Abaye retorted: Would you compare

(1) Ps. XV, 4, in answer to the question in verse 1: Who shall sojourn in Thy Tabernacle?

(2) A rude bed made out of ropes so depriving him of a kingly burial, his object being to show that the deceased deserved contempt because of his wickedness in spreading heathendom in Israel. The act could not be viewed as transgression of the fifth commandment, as the latter does not apply to a father who is wicked. — V. Yeb. 22b on the verse, Nor curse a prince among thy people (Ex. XXII, 27). — Again, he did not consider his own honour, as is deduced from the verse quoted above.

(3) Surely he had no right to deprive the living of their due.

(4) Lit., 'delayed'.

(5) R. Judah, the Prince (135-220 C.E.), who died in Sepphoris and was carried to Beth She'arim for burial. V. Keth. 103a.

(6) His sons. So Rashi. From the context in Keth. it appears that the request among other testamentary wishes, was made to the Sages.

(7) But only in the more important towns where there would be larger audience.

(8) Hence it follows that anything done in connection with the dead is for the honour of the dead.

(9) Deut. XXI, 22, in connection with the criminal from whom this procedure has been deduced for all other dead.

(10) I.e., the longer the body remains exposed, the greater the disgrace; and even in the case of an ordinary person, if the funeral is delayed without cause, but simply out of neglect, it is likewise accounted a disgrace to the dead, therefore it is forbidden.

(11) The delay not being due to neglect (v. preceding note), but to the needs of the living.

(12) V. Jer. IX, 16, and cf. M. K. III, 9.

(13) Hence it follows that funeral orations are for the deceased's honour.

(14) That his sins will be forgiven.

(15) For otherwise why should any such disgrace have an atoning effect?

(16) As to have two burial grounds.

(17) II Kings XIII, 21. According to tradition, the man buried was the old prophet of Beth-El (I Kings XIII, 1; v. infra p. 312, and note a.l.). Hence it is seen that it is not the Divine Will to have a wicked man buried with a righteous.

- (18) II Kings II, 9. This was Elishah's request of Elijah. Hence, since the latter had restored one person from death (cf. I Kings XVII, 22), Elishah should have restored two, whereas he had as yet restored but one — the son of the Shunamite (II Kings IV) Thus this incident does not prove that a wicked man may not be buried beside a good man.
- (19) I.e. he did not live for more than a few minutes: surely that is not a fulfilment! Hence the reason of the man's momentary resurrection must have been because the wicked must not be buried beside the righteous.
- (20) V. II Kings V.
- (21) Num XII, 12, with reference to Miriam, who was stricken with leprosy.
- (22) One for each mode of execution since these varied in severity.
- (23) V. Lev. III, 17.
- (24) To atone for his sin. Cf. Lev. IV, 27-28.
- (25) Lit., 'repelled'. Sacrifices are not accepted from apostates Cf. Hul. 5b.
- (26) Because he lacked the intelligence to be cognisant of his doing. v. 'Ar. 21a.
- (27) In becoming a apostate.
- (28) Where no suspension is caused by the normal intermediary gap in one's intelligent consciousness.
- (29) The condemned city, all the property of which save holy things, have to be destroyed. Deut XIII, 16.
- (30) Even though not destroyed, they cannot be offered, v. infra 112b.
- (31) Just as all other objects intended for the repair-fund.
- (32) Lit., 'the (most) High'. Since after death their offerings cannot be classed as offerings of the wicked
- (33) E.g., if they (the parents) had been apostates.
- (34) Through their dead bodies, attending in their funerals, etc.
- (35) The whole passage reads: 'Speak unto the priests the sons of Aaron, and say unto them, There shall none be defiled for the dead among his people. But for his kin, that is near unto him, that is, for his mother, and for his father etc. Lev. XXI, 1-2. By linking 'among his people' (as interpreted here) with the following verse, 'But for his kin, etc.' it is deduced that only then may a priest defile himself, but not if his parents were, e.g., apostates.
- (36) Hence death does not bring forgiveness if one had died in his wickedness.
- (37) By mere death without repentance.
- (38) Ps. LXXIX, 1-2.
- (39) Having attained expiation through execution.

Talmud - Mas. Sanhedrin 47b

those who are slain by a [Gentile] Government,¹ to those who are executed by the Beth din? The former, since their death is not in accordance with [Jewish] law, obtain forgiveness; but the latter, whose death is justly merited, are not [thereby] forgiven. This can also be proved from what we learnt: **THEY DID NOT BURY HIM IN HIS ANCESTRAL TOMB.** And if you should imagine that having been executed, he attains forgiveness: he should be buried [with his fathers]! — Both death and [shameful] burial² are necessary [for forgiveness].³

R. Adda b. Ahabah objected: **THEY OBSERVED NO MOURNING RITES, BUT GRIEVED FOR HIM FOR GRIEF IS BORNE ONLY IN THE HEART.** But should you think that having been [shamefully] buried, he attains forgiveness, they should observe mourning rites! — The decay of the flesh too is necessary.⁴ This also follows from what he [the Tanna] teaches: **WHEN THE FLESH WAS COMPLETELY DECOMPOSED, THE BONES WERE GATHERED AND BURIED IN THEIR PROPER PLACE.**⁵ This proves it.

R. Ashi said: When do the mourning rites commence? From the closing of the grave with the grave stone.⁶ When is atonement effected? After the bodies have experienced a little of the pains of the grave.⁷ Therefore, since they [the mourning rites] have once been suspended,⁸ they remain so. If so, why must the flesh be consumed?⁹ — Because it is impossible [otherwise].¹⁰

It was the practice of people to take earth from Rab's grave and apply it [as a remedy] on the first day of an attack of fever. When Samuel was told of it,¹¹ he said: They do well; it is natural¹² soil,

and natural soil does not become forbidden, for it is written, And he cast the dust thereof¹³ upon the graves of the common people:¹⁴ thus he compares the graves of the common people to idols. Just as [the use of] idols is not forbidden when they are ‘attached,’¹⁵ for it is written, [Ye shall utterly destroy all the places, wherein the nations] that ye are to dispossess served their gods, upon the high mountains,¹⁶ their gods which are upon the high mountains [are forbidden for use], but not the mountains which themselves are their gods;¹⁷ so here too, what is ‘attached’ [i.e., what belongs to the dead] is not forbidden.

An objection is raised: ‘If one hews a grave for his [dead] father and then goes and buries him elsewhere, he himself may never be buried therein’?¹⁸ — The reference here is to a built grave.¹⁹ Come and hear! ‘A fresh grave²⁰ may be used. But if an abortion had been laid therein, it is forbidden for use’?²¹ — Here too, the reference is to a built grave.

Come and hear! ‘Thus we see²² that there are three kinds of graves:²³ A grave that has been found;²⁴ a known grave;²⁵ and one which injures the public.²⁶ A grave that has been found may be cleared;²⁷ when cleared, the place thereof is [levitically] clean and permitted for use.²⁸ A known grave may not be cleared; if it has been, the spot is unclean and forbidden for use.²⁹ A grave which injures the public may be cleared; if it has been, the place thereof is clean but may not be used’?³⁰ — Here too, the reference is to a built grave. But may a grave that was found be evacuated? Perhaps a meth-mizwah was buried therein; and a meth-mezwah takes possession of his place of burial!³¹ A meth-mizwah is quite different, since its existence is generally known.³²

It has been stated: If one wove a shroud for a dead person: Abaye rules, it is forbidden;³³ Raba says, It is permitted. ‘Abaye rules, It is forbidden;’ [he holds,] designation is a material act.³⁴ ‘Raba says, It is permitted;’ designation is not a material act. What is Abaye's reason? — He deduces [identity of law] from the use of ‘sham’ [there] both here [with reference to the dead] and in connection with the broken-necked heifer.³⁵ Just as the broken-necked heifer becomes forbidden through designation,³⁶ so this too³⁷ becomes prohibited through designation. But Raba makes his deduction from the use of sham both here and in connection with idol-worship.³⁸ Just as in idol-worship mere designation imposes no prohibition,³⁹ so here too, it does not become forbidden through designation. But why does Raba not make his deduction from the broken-necked heifer? — He answers you:

(1) Such as that referred to in the Psalm.

(2) I.e. in the criminals’ graveyard.

(3) The inhabitants of the condemned city, therefore, having undergone both punishments, obtained forgiveness on this view, and their offerings could have been accepted, but for the reason that, having been once invalidated, they remained so.

(4) For forgiveness.

(5) Proving that only then is the crime fully expiated

(6) **רלל** from **רלל** ‘to roll,’ so called because it can be rolled away. This is not to be confused with the modern tombstone, but was a stone placed on top of the grave immediately it was filled in.

(7) The process of decay in the earth was believed to be painful to the body. Cf. Ber. 18b, ‘The worm is as painful to the flesh of the dead, as the needle to the flesh of the living.’

(8) In the interval between the covering of the grave and the experiencing of pains in the grave. Since forgiveness had not yet been obtained, the dead are yet accounted wicked, and therefore no mourning rites are necessary.

(9) Before they can bury him in the family vault.

(10) I.e., owing to the decomposition of the body, it is impossible to remove the remains before the flesh is completely destroyed.

(11) Thus calling his attention to their use of an object belonging to the dead, which is forbidden. Cf. A.Z. 29b.

(12) Lit., ‘world’.

(13) Of the Ashera.

(14) II Kings XXIII, 6.

(15) The technical term for soil, mountains, etc., and things growing therein.

(16) Deut. XII, 2.

(17) I.e., only detached idols are forbidden for use, but if natural earth (which includes mountains) is worshipped, it is not thereby forbidden for use.

(18) Because having been prepared for a particular corpse, it may not be used for anyone else. Now, it is assumed that this holds good even if it was dug for any corpse, 'father' being mentioned merely because that is the usual thing. Thus we see that even natural soil is under the same prohibition.

(19) [A grave erected within the excavation (Yad Ramah).] Such a grave is not regarded as part of the soil, and, had it been prepared for any other person, would not have been forbidden. The prohibition here, however, is on account of filial respect.

(20) One just dug and not yet assigned to any dead body.

(21) The argument is that even natural soil must be forbidden.

(22) Lit., 'it is found that thou sayest.

(23) I.e., which are separate and distinct in the laws pertaining to them.

(24) One in which a dead body had been buried by stealth, and without the consent of the owner of the ground, i.e., it has only now been found to be a grave.

(25) In which a body was buried with the consent of the owner.

(26) E.g., which lies in a thoroughfare.

(27) I.e., the bones may be transferred elsewhere.

(28) Since the burial took place without the knowledge of the owner of the ground, the dead man does not 'take possession of the place' (v. infra for the meaning of that phrase).

(29) This is a precautionary measure against the unwarranted transference of bones.

(30) This proves that natural soil can also be prohibited.

(31) I.e., it becomes his, whether it had a right to the soil in the first place or not. This is one of the ten enactments of Joshua on entering the land. Cf B.K. 81a.

(32) Lit., 'he has a voice'. I.e., the discovery of such was broadcast, and his burial was not really a secret unknown to the owner.

(33) To be used for any other purpose.

(34) I.e., mere designation for the dead subjects it to the same law as though it has been employed for the purpose.

(35) In connection with the dead: And Miriam died there and was buried there (אש) (Num. XX, 1); with reference to the heifer, And shall break the heifer's neck there (Deut. XXI, 4).

(36) Even the mere bringing it down to the valley renders it forbidden for any other purpose (Rashi: cf. Kid. 57a)

(37) Sc. a shroud woven for the dead.

(38) Ye shall surely destroy all the places there (אש) where the nations which ye are to dispossess serve their gods. (Deut. XII, 2).

(39) I.e., if one dedicates an object for idol-worship, it does not become forbidden, unless actually used so, because 'The laws of dedication do not operate in connection with idol worship.' A.Z. 44b.

Talmud - Mas. Sanhedrin 48a

Objects of service are deduced from objects of service,¹ thus excluding the broken-necked heifer, which is in itself taboo. And why does Abaye not deduce [his ruling] from idol-worship? — He answers you: Normal practices are deduced from normal practices so excluding idol-worship which is not normal.²

(Mnemonic: Veil; Tomb; Hewn. The craftsman's bag.)³

An objection is raised: 'If a veil, which is unclean⁴ through Midras,⁵ is designated [as a cover] for the Book [of the law], it is purified from [the uncleanness of] Midras,⁶ yet may become unclean by direct contact [with the dead]?'⁷ — Say thus: If it was designated for and wrapped round [the Book].⁸ But why are both 'designation' and 'wrapping' necessary?⁹ — This is in accordance with R.

Hisda, who said: If a cloth was assigned for wrapping Tefillin therein, and was so used, one may not tie up coins in it. If it was assigned, but not used so, or vice versa,¹⁰ one may tie up coins in it.¹¹ But on Abaye's view, viz., that [mere] designation is a material act; if one had assigned the cloth [for the purpose of wrapping up his Tefillin], even though he did not do so, or if he wrapped them in it, and also assigned it [for that purpose], it is so [i.e., the prohibition holds good]; but if he had not assigned it, it is not [forbidden].

Come and hear! 'A tomb¹² built for a man still alive, may be used.¹³ If, however, one added a single row of stones for a dead person,¹⁴ no [other] use may be made thereof?'¹⁵ — This deals with a case where the corpse had actually been buried there. If so why [teach] particularly 'if one added [etc.]'; even if not, the law would have been the same! — This is only necessary [to teach that the prohibition remains] even if the body has [subsequently] been removed.¹⁶

Rafram R. Papa said In R. Hisda's name: If he recognizes that [additional row] he may remove it and the tomb becomes again permissible.

Come and hear! 'If one hews a grave for his [dead] father and then goes and buries him elsewhere, he [himself] may never be buried therein'?¹⁷ — Here it is on account of his father's honour.¹⁸ That too stands to reason. For the second clause teaches: R. Simeon b. Gamaliel said; Even if one hews stones¹⁹ [for a tomb] for his father, but goes and buries him elsewhere, he [himself] may never employ them for his own grave.²⁰ Now, if you agree that it is out of respect for his father, it is correct. But if you say that it is because of designation, does any one maintain that yarn spun for weaving [a shroud is forbidden]?²¹

Come and hear! A fresh grave may be used. But if an abortion has been laid therein, it is forbidden for use,²² Thus, it is so only if it has actually been laid therein, but not otherwise!²³ — The same law holds good even if it [the abortion] was not laid therein;²⁴ and it [the statement, 'if it has been laid therein'] is [only] intended to exclude the view of R. Simeon b. Gamaliel, who maintains: Abortions take no possession of their graves.²⁵ He therefore teaches us [otherwise].²⁶

Come and hear! 'The surplus [of a collection] for the dead must be used for [other] dead,²⁷ but the surplus [of a collection] for a [particular] deceased person belongs to his heirs'?²⁸ — This refers to a case [where the money was] collected during [the deceased's] lifetime. But [the Tanna] did not teach thus? For we learnt: The surplus [of a collection] for the dead must be used for [other] dead, but the surplus [of a collection] for a [particular] deceased person belongs to his heirs. Now, it was taught thereon: How so? If it was collected for the dead in general that is where we rule; The surplus [of a collection] for the dead must be used for [other] dead, but if it was collected for a particular dead person, that is where we rule, The surplus [of a collection] for a deceased belongs to his heirs! — But according to your view,²⁹ consider the second section: R. Meir said: It must remain intact until Elijah comes;³⁰ R. Nathan ruled: It is to be expended for a monument on his grave, or sprinkling [aromatic wine] before his bier.³¹ But Abaye reconciles them³² in accordance with his view, and Raba in accordance with his view.³³ 'Abaye reconciles them in accordance with his view;' [thus:] all agree that designation is a material act. Now, the first Tanna holds that he [the dead] takes possession³⁴ only of as much as he needs, and not of the surplus;³⁵ R. Meir, however, is doubtful whether he takes possession [of the surplus] or not: consequently it must remain intact until Elijah comes; whereas R. Nathan holds that he certainly takes possession [even of the surplus]; hence it is to be employed for a monument on his grave. 'And Raba in accordance with his view;' [thus:] all agree that assignment is not a material act.³⁶ Now, the first Tanna maintains: Though they humiliated him,³⁷ he forgives his humiliation for his heirs' sake,³⁸ R. Meir, however, is doubtful whether he forgives it or not; therefore it must remain intact etc.; whilst R. Nathan takes the definite view that he does not forgive it, therefore the surplus must be expended on a monument for his grave or for sprinkling [aromatic wine] before his bier.

Come and hear! If his father and mother are throwing garments upon him,³⁹ it is the duty of others to save them.⁴⁰

(1) I.e., the shroud for the dead and the animal devoted to be sacrificed to an idol are not in themselves taboo, but merely so because they are used in the service of something that is forbidden. In A.Z. 51b the verse referring to idolatry (quoted in n. 4) is interpreted as bearing upon objects used in the service of idols.

(2) 'Normal' is used in the sense of 'sanctioned by law.' I.e., it is a normal (permitted) practice to make a shroud for the dead, likewise to break the neck of a heifer under prescribed conditions. But under no circumstances can idolatry be 'normal' (i.e. — permitted). Therefore, mere designation in connection with idolatry does not impose a prohibition, because, since it is abnormal (forbidden), one may repent and never use it for the purpose. But in the case of the other two, if permitted (or even obligatory), once they are designated for that purpose they will certainly be used, unless unforeseen circumstances intervene. Therefore the mere designation suffices to give them the same status as though they had actually been used.

(3) [On this mnemonic v. Brull. I., Mnemotechnick p. 44.]

(4) Rashi here, and the commentary of R. Samson of Sens on the Mishnah, Kel. XXVIII, 5, understand it literally, i.e., it had actually become unclean. Maim. and Asheri, however, translate (loc. cit.), which is liable to become unclean, but had not, in fact, become so.

(5) **מדרם**, a technical term in the laws of purity, from **דרם** 'to tread', denoting the uncleanness of an object through being used either for sitting on or lying on, i.e., being made to bear the weight of a person with issue. If it is so defiled, it becomes a primary source of uncleanness to men and utensils. A veil is thus liable, since it may be folded up and sat upon, or, when it is being worn on the head, the wearer may lean back on her seat or the wall, and thus cause it to bear her weight.

(6) So according to Rashi and R. Samson. M. and Asheri: it ceases to be liable to the uncleanness of Midras. The reason, according to all interpretations, is that it can no longer be used in such a way.

(7) As all other finished articles which have a definite use (technically, 'utensils'). Rashi translates (with a different reading): yet it retains the uncleanness of touch, i.e., if when the person with issue bore down on it, he also touched it, the uncleanness of Midras disappears, but it retains to the uncleanness of having been touched by him — which is a different degree of impurity', (Kelim XXVIII, 5). This proves that mere designation is a material act which suffices to change the status of an object, and thus contradicts Raba's ruling.

(8) Hence there was not merely designation, but also use; the combination can certainly effect a change.

(9) The use itself should have sufficed for the change.

(10) I.e., Tefillin were wrapped therein, but it had not been previously assigned for that purpose.

(11) I.e., assignment by itself is not a material act. Again, wrapping something in it without having made the assignment is assumed to be merely incidental. The same applies to the veil, and therefore both are required. — Of course, that is only on Raba's view; Abaye will interpret the Mishnah cited quite literally.

(12) **נפש**. The word actually means a structure built over a tomb, to be used as a grave.

(13) For other purposes.

(14) I.e., the addition was made when the person was actually dead.

(15) Thus proving that mere designation is a material act.

(16) When the prohibition of its use depends on whether a special row of stones was added for the corpse. If not it loses its forbidden character, for it is then like the cloth in which Tefillin were wrapped without its having been previously designated for that purpose.

(17) V. p. 315, n. 12.

(18) That the grave is prohibited to serve as the son's burial place.

(19) From a quarry for the purpose of building a vault.

(20) Lit., 'may never be buried in them.'

(21) None, not even Abaye. For Abaye only maintains that if a shroud is actually woven, and so fit for its purpose, it is forbidden through mere designation. But when yarn is spun, though its ultimate destiny is to be woven into a shroud, it is not forbidden, since as yarn it is useless for its purpose. Similarly, when stones are prepared for building a tomb, they should not become forbidden. Hence the prohibition must be on account of filial respect, not designation.

(22) V. p 316, n. 2.

- (23) I.e., if it was merely assigned for an abortion, it is not forbidden, proving that mere assignment is not a material act.
- (24) On account of the assignment of the abortion.
- (25) I.e., they do not impose a lasting prohibition thereon, to operate even after the graves are cleared.
- (26) Therefore the Tanna is particular to mention 'an abortion,' but is not exact in his statement as to what is done for the abortion. But actually, even if the grave is merely designated for an abortion, it is forbidden for use.
- (27) If a collection was made for burying the poor, the actual person, however, being unspecified, and at any particular moment there is a balance in hand, it must be kept for other dead. This is so even if, when the collection was made, it was known that it was for certain dead, but they were not specified.
- (28) To be used for any purpose, thus proving that designation is not a material act (Mishnah Shek. II. 5).
- (29) That assignment is not material.
- (30) I.e., Elijah the prophet glorified in the Haggadah as a messenger charged with various tasks, one of which is to be the precursor of the Messiah, when he will solve all questions in doubt. (Cf. B.M. 29b; Pes. 15a).
- (31) From this it would seem that since it was designated for the dead, it must be so used, proving that designation is a material act. [The words, 'Or sprinkling . . . his bier', do not occur in the cited Mishnah, but in Tosef, Shek. I.]
- (32) The differences of opinion in the Mishnah.
- (33) In such a way that the differing Tannaim may be seen to agree with their (Abaye's and Raba's) views respectively.
- (34) I.e., it becomes his peculiar property, in the sense that it may not be used for any other purpose.
- (35) Lit., 'of what he does not need.'
- (36) And the reasons given by R. Meir and R. Nathan for prohibiting the balance for general use is not that it is actually forbidden, but because the deceased was put to shame when a public collection was made for his funeral.
- (37) V. preceding note.
- (38) I.e., that they may have the benefit of the surplus.
- (39) Their dead son. It was an expression of extreme grief, and a symbol that they were ready to renounce everything left behind, that belonged to him (Rashi).
- (40) By removing them from the corpse, as though returning lost property. Now, had assignment been a material act, how could they be saved after being dedicated to the dead?

Talmud - Mas. Sanhedrin 48b

— There [it is done] solely out of grief.¹ If so, how explain what was taught regarding this: R. Simeon b. Gamaliel said: When is this so? Only if they [the garments] have not [actually] touched the bier, but if they have, they are forbidden [for use]?² — 'Ulla interpreted this as referring to a bier which is buried with him,³ [the garments being forbidden] because they might be confused with the vestments of the dead.⁴

Come and hear! 'One may not put money in a bag which was made to hold Tefillin.⁵ But if one [incidentally] put Tefillin in a bag, he may afterwards put money therein'⁶ — Let us put it thus: If a man made it [for Tefillin] and placed Tefillin therein, it is forbidden to put money in it: and this is in accordance with R. Hisda.⁷

Come and hear! 'If one says to a craftsman, Make me a sheath for a Scroll [of the Law], or a receptacle for Tefillin,' before they are actually used for their sacred purposes, they may be employed for secular requirements; but once used for their sacred purposes they may not be put to secular use!⁸ — There is here a dispute among Tannaim for it has been taught: If one overlaid them [the Tefillin] with gold or covered them with the hide of an unclean beast, they are unfit.⁹ If with the hide of a clean beast, they are permissible, even though it was not dressed for the purpose. R. Simeon b. Gamaliel said: Even if covered with the hide of a clean beast, they are unfit, unless it was not specially dressed for the purpose.¹⁰ Rabina said to Raba: Is there any place where the dead lie while the shroud is being woven?¹¹ Yes, he answered; e.g., it is so with the dead of Harpania.¹² Meremar said in a lecture: The law rests with Abaye. But the Rabbis say: The law rests with Raba. In fact the law is as Raba says.

Our Rabbis taught: The property of those executed by the State¹³ belongs to the King: the property of those executed by the Beth din belongs to their heirs. R. Judah said: Even the property of those executed by the State goes to their heirs. Said they to R. Judah: But it is not written, Behold he [Ahab] is in the vineyard of Naboth whither he is gone down to take possession of it?¹⁴ — He answered: He [Naboth] was his [the King's] cousin,¹⁵ and therefore he [Ahab] was his legitimate heir.¹⁶ But he [Naboth] had many sons! — He [the King] slew both him and his sons, he replied, as it is written, Surely I have seen yesterday the blood of Naboth and the blood of his sons.¹⁷ And the Rabbis?¹⁸ — They refer to his potential sons.¹⁹ Now, on the view that their property belongs to the King, it is correct: hence it is said, Naboth did curse God and the King.²⁰ But on the view that their estate belongs to their heirs,²¹ why mention and the King?²² — But even according to your reasoning,²³ why state, 'God'?²⁴ Hence [it must have been added] in order to increase the anger [of the judges].²⁵ So here too,²⁶ it [the mention of the King] was made in order to increase the anger [of the judges].²⁷ Now, on the view that the estate belongs to the King, it is correct: hence it is written, And Joab fled unto the tent of the Lord and caught hold of the horns of the Altar;²⁸ and it is further written, And he said Nay, but I will die here.²⁹ But on the view that their estate belongs to their heirs, what difference did it make to him? — [It would serve] to prolong his life for a while.³⁰

And Benaiah brought back word unto the King saying, thus said Joab and thus he answered me:³¹ He [Joab] had said to him: Go and tell him [the King]: Thou canst not inflict a twofold punishment upon me:³² if thou slayest me, thou must submit to the curses which thy father uttered against me,³³ but if thou art unwilling [to submit thereto], thou must let me live and suffer from thy father's curses against me. And the King said unto him, Do as he hath said,³⁴ and fall upon him and bury him.³⁵

Rab Judah said in Rab's name; All the curses wherewith David cursed Joab were fulfilled in David's own descendants. [It is written:] Let there not fail from the house of Joab one that hath an issue, or that is a leper, or that leaneth on a staff, or that falleth by the sword, or that lacketh bread.³⁶ 'He that hath an issue' [was fulfilled] in Rehoboam,³⁷ for it is written, And king Rehoboam made speed³⁸ to get him up to his chariot to flee to Jerusalem;³⁹ whilst it is elsewhere written, And what saddle soever he that hath the issue rideth upon shall be unclean.⁴⁰ 'A leper' — Uzziah,⁴¹ for it is written, But when he was strong his heart was lifted up so that he did corruptly, and he trespassed against the Lord his God, for he went unto the Temple of the Lord to burn the incense upon the altar of incense;⁴² and it is further written, And the leprosy broke forth on his forehead.⁴³ 'He that leaneth on a staff' — Asa,⁴⁴ for it is written, Only in the time of his age he was diseased in his feet:⁴⁵ concerning which Rab Judah said in Rab's name: He was afflicted with gout.⁴⁶ Mar Zutra the son of R. Nahman asked R. Nahman; What is it [this complaint] like? — He answered: Like a needle in the raw flesh. But how did he [R. Nahman] know that? — Either because he himself suffered with it; alternatively, he had a tradition from his teacher; or again [he knew it] because, The secret⁴⁷ of the Lord is with them that fear Him, and His covenant to make them know it.⁴⁸ 'He that falleth by the sword,' — Josiah,⁴⁹ for it is written, And the archers shot at king Josiah:⁵⁰ concerning which Rab Judah said in Rab's name: They riddled his body like a sieve. 'That lacketh bread' — Jechoniah,⁵¹ for it is written, And for his allowance, there was a continual allowance given him [by the king].⁵² Rab Judah said in Rab's name: Thus people say,

(1) But without seriously intending to devote the garments to the dead. Therefore it is not regarded as designation at all.

(2) But seeing that the act is done only out of grief and there is no assignment to the dead at all, why should they be forbidden?

(3) Such was the custom in those days.

(4) I.e., the permission given to use the garments might be taken as applying also to the vestments, seeing that they come in contact with one another. Otherwise they might have been permitted for use, not because assignment is not material, but because in this case it was only an expression of grief.

(5) Although it had not actually been used for that purpose.

(6) Hence assignment is material.

- (7) Who holds that both designation and actual use are needed for prohibition. Cf. supra 48a.
- (8) V. Tosef Meg. II. This definitely proves that use and not designation is material, and contradicts Abaye.
- (9) Cf. Shab. 108a on the verse in Ex. XIII, 9, That the law of the Eternal may be in thy mouth, — they (the Tefillin) should be made out of objects permissible for food.
- (10) Men. 42b. Git. 45b. thus, the first Tanna considers designation as immaterial, whereas R. Simeon B. Gamaliel holds it to be a material act. Hence Raba agrees with the first Tanna; Abaye is with R. Simeon b. Gamaliel.
- (11) I.e., surely one does not wait for a person to die and delay the funeral while a shroud is being woven. In that case, the dispute of Abaye and Raba, whether a shroud woven for the dead (which means when the person is actually dead) may be used for other purposes, is entirely an imaginary one, such circumstances being inconceivable.
- (12) [Or Neharpania (v. D.S. a.l.), a town in Babylon in the Mesene district, v. Obermeyer, op. cit., p. 197.] According to Rashi, its inhabitants were so poor that they could not afford to prepare the shrouds beforehand, and only after a death occurred was a public collection made, and a shroud hastily woven. [According to Obermeyer, op. cit., p. 201, the corpse in the meantime was lying naked in accordance with the Zoroastrian practice which the Jews of that town seemed to have adopted which forbade the covering or dressing of a corpse with any cloth but one that had been specially woven and prepared for the purpose.]
- (13) The reference is to the Jewish State, e.g., those executed for treason against the King.
- (14) So God said to Elijah. I Kings XXI, 18. The expression 'take possession' (from the verb 'to inherit') indicates that he took legitimate possession, as an heir.
- (15) Lit., 'the son of his father's brother.'
- (16) This statement has no Biblical source.
- (17) II Kings IX, 26.
- (18) How could they urge the fact that he had sons in face of the definite statement that they were slain?
- (19) Lit., 'to the sons that should have issued from him.' — A murderer is held guilty not only of his victim's death, but also for the frustration of the lives of his potential descendants for all time. (Cf. Mishnah. supra 37a). But in their view, Ahab did not slay his actual sons.
- (20) I Kings XXI, 13, pointing to his culpability for treason to the King in addition to blasphemy, which is punished by the Beth din; hence his estate would fall to the crown.
- (21) So that Ahab took possession of the vineyard as heir.
- (22) Since blasphemy itself was sufficient for conviction, why needlessly add a false indictment?
- (23) That treason was punished by death and royal confiscation.
- (24) The charge of blasphemy being in itself superfluous.
- (25) I.e., they might have been inclined to think that a charge of treason alone was trumped up, but when blasphemy was added, they assumed it to be genuine. So Rashi. Kimhi maintains that the judges knew the testimony to be false, but that the accusation was made stronger in order to keep the people from revolting against the execution.
- (26) I.e., even if he held that their estate did not belong to the King.
- (27) I.e. to make the crime appear more heinous.
- (28) I Kings II, 28.
- (29) Ibid. 30. I.e., he declined to be tried by the King so that his estate might not be confiscated.
- (30) He wished to gain the time which it would require to take his message to the King and bring back an answer.
- (31) Ibid. This gives the impression that Benaiah had had a long conversation with Joab.
- (32) Lit., 'that man.'
- (33) For the murder of Abner. V. II Sam. III, 29: The curse is quoted in the text. — That curse then was to be Joab's punishment. But if Solomon executed him, the curse would be transferred to Solomon himself.
- (34) And kill him where he is.
- (35) I Kings II, 31. Thus Solomon accepted the curses.
- (36) II Sam. III, 29.
- (37) Solomon's only son. V. I Kings XIV, 21.
- (38) Lit., 'used effort'.
- (39) I Kings XII, 18.
- (40) Lev. XV, 9. The deduction is made from a comparison of the uses of the expression 'to ride' in both verses. According to Kimhi, however, it is deduced from the fact that he had to use an effort to mount his chariot.
- (41) Son of Amaziah, called also Azariah, Cf. II Kings XV, 1.

- (42) II Chron. XXVI, 16.
 (43) Ibid. 19.
 (44) Son of Abijah, King of Judah. II Kings XV, 8.
 (45) I Kings XV, 23.
 (46) Podagra, gout in the feet, in consequence of which he had to lean on a staff.
 (47) E.V. 'The counsel.'
 (48) Ps. XXV, 14, — i.e., as a Divine revelation.
 (49) Son of Amon, II Kings XXII, 1.
 (50) II Chron. XXXV, 23.
 (51) Grandson of Josiah.
 (52) Of Babylon, II Kings XXV, 30.

Talmud - Mas. Sanhedrin 49a

Let thyself be cursed rather than curse [another].¹

Then Joab was brought before the Court,² and he [Solomon] judged and questioned him, 'Why didst thou kill Abner?'³ He answered, 'I was Asahel's⁴ avenger of blood.'⁵ 'But Asahel was a pursuer!'⁶ 'Even so,' answered he; 'but he [Abner] should have saved himself at the cost of one of his [Asahel's] limbs.'⁷ 'Yet perhaps he could not do so, remonstrated [Solomon]. 'If he could aim exactly at the fifth rib,' he retorted, ('even as it is written, Abner with the hinder end of the spear smote him at the waist;⁸ concerning which R. Johanan said: It was at the fifth rib, where the gall-bladder and liver are suspended.) — could he not have aimed at one of his limbs?' Thereupon [Solomon] said: 'Let us drop [the incident of] Abner; why didst thou kill Amasa?'⁹ He answered: 'Amasa disobeyed the royal order,¹⁰ for it is written, Then said the King to Amasa, Call me the men of Judah together within three days etc. So Amasa went to call the men of Judah together; but he tarried etc.' 'But,' said he [Solomon], 'Amasa interpreted [the particles] 'Ak and Rak.'¹¹ [Thus:] he found them¹² just as they had begun [the study of] a tractate; whereupon he said: It is written, Whosoever he be that shall rebel against thy [the King's] commandments and shall not hearken unto thy words in all that thou commandest him, he shall be put to death.¹³ Now, one might have thought that this holds good even [when the transgression is committed] for the sake of the study of the law: it is therefore written, only [Rak] be strong and of good courage.¹⁴ But thou thyself¹⁵ didst disobey the royal order, for it is written, And the tidings¹⁶ come to Joab, for Joab had turned after Adonijah, though he had turned not after Absalom.¹⁷ What is the purpose of 'though he had turned not.'¹⁸ — Rab Judah said: He wished to turn [after him], but did not. And why did he not? — R. Eleazar said: David still possessed his vitality.¹⁹ R. Jose the son of R. Hanina said: David's star²⁰ was still in the ascendant, for Rab Judah said in Rab's name:²¹ Four hundred children had David, all the issue of yefoth to'ar; they had long locks, and used to march at the head of the troops; it was they who were the men of power in David's household.

This [view of Joab] is in contradiction to the view held by R. Abba b. Kahana, who said: But for David,²² Joab would not have succeeded in²³ war; and but for Joab, David could not have devoted himself to [the study of] the Torah, for it is written, And David executed justice and righteousness for all his people, and Joab the son of Zeruiah was over the host:²⁴ — i.e., why was David able to execute 'justice and righteousness for all his people'? — Because 'Joab was over the host.' And why was 'Joab over the host'?²⁵ — Because 'David executed justice and righteousness for all his people.'

And when Joab was come out from David he sent messengers after Abner and they brought him back from Bor-Sira.²⁶ What meaning has [the name] Bor-Sira? — R. Abba b. Kahana said: Bor²⁷ and Sira²⁸ caused Abner to be killed.²⁹

And Joab took him aside into the midst of the gate to speak with him quietly.³⁰ R. Johanan said:

He judged him according to the law of the Sanhedrin.³¹ Thus he asked him: 'Why didst thou kill Asahel?' — 'Because Asahel was my pursuer.' 'Then thou shouldst have saved thyself³² at the cost of one of his limbs!' 'I could not do that,' [he answered]. 'If thou couldst aim exactly at his fifth rib, couldst thou not have prevailed against him by [wounding] one of his limbs?'

'To speak with him ba-sheli [quietly]:' Rab Judah said in Rab's name: [He spoke to him] concerning the putting off [of the shoe].³³ 'And smote him there at the waist:' R. Johanan said: At the fifth rib, where the gall-bladder and liver are suspended.³⁴

And the Lord will return his [Joab's] blood upon his own head because he fell upon two men more righteous and better than he.³⁵ 'Better,' because they interpreted aright [the particles] 'ak and rak,³⁶ whilst he did not;³⁷ 'More righteous,' because they were instructed verbally,³⁸ yet did not obey, whereas he was instructed in a letter,³⁹ and nevertheless carried it out.

But Amasa did not beware of the sword that was in Joab's hand.⁴⁰ Rab said: That was because he did not suspect him. And he was buried in his own house in the wilderness.⁴¹ But was his house a wilderness?⁴² — Rab Judah said in Rab's name: It was like a wilderness, just as a wilderness is free to all, so was Joab's house free to all.⁴³ Alternatively: 'Like a wilderness' means, just as a wilderness is free from robbery and licentiousness,⁴⁴ so was Joab's house free from robbery and licentiousness.

And Joab kept alive⁴⁵ the rest of the city:⁴⁶ R. Judah said: Even fish broth and hashed fish he would merely taste and then distribute to the poor.⁴⁷

CHAPTER VII

- (1) For, as in this case, the curses always recoil on oneself or on one's descendants.
- (2) This is a continuation of the narrative commenced on 48b, which was interrupted to shew that all David's curses were fulfilled upon his descendants.
- (3) Cf. II Sam. III, 27.
- (4) Joab's brother, who pursued Abner when he fled for his life, after having been defeated by Joab at Gibeon whilst fighting for Ishbosheth, Saul's surviving son, v. II Sam. II, 23.
- (5) Cf. Num. XXXV, 19.
- (6) I.e., Abner, seeing his life in danger, killed him in self-defence. Cf. II Sam. II, 8-32.
- (7) And so incapacitate him, instead of inflicting a mortal wound. V. infra 74a: If one can injure his adversary in self-defence, but kills him instead, he is guilty of murder.
- (8) II Sam. II, 23 חוּמֵשׁ 'loins', 'waist', means also 'fifth'. Hence R. Johanan's interpretation.
- (9) Son of Abigail, King David's sister, who commanded the rebel army of Absalom. Subsequently he was pardoned by David and given the command of the army when the rebellion of Shebah broke out (II Sam. XX). On that account Joab saw a dangerous rival in him. II Sam. XVII, 25; XIX, 14.
- (10) Lit., 'he rebelled against the throne.' This was punishable by death.
- (11) אֲךְ, 'but'; רַק, 'only', both denoting limitation.
- (12) The men of Judah.
- (13) Josh. I, 18.
- (14) Rak intimating a limitation. Hence the duty to fulfil the King's command does not apply where one is engaged in the study of the Law, According to the view held by Amasa, God's Law seemed more important to him than the will of the King, and no transgression was involved in waiting until they had finished their study.
- (15) Lit., 'that man.'
- (16) Of Solomon's ascent to the throne.
- (17) I Kings II, 28.
- (18) For the information that he did not turn after Absalom seems superfluous at this point.
- (19) Lit., 'moisture'. But as soon as David became feeble he inclined after Adonijah.
- (20) אֵי צַמְגֵי נִי (astrological power), symbol of his mighty men upon whom he placed reliance in war, and who led

him to victories.

(21) V. nn. 4-5, supra p. 114.

(22) Who studied the Torah continuously.

(23) Lit., 'waged'.

(24) II Sam, VIII, 15-16.

(25) I.e., why was he successful in war?

(26) Ibid. III,26.

(27) בּוֹר 'well', hence container of water, a pitcher.

(28) סִירָה a thorn-bush.

(29) The explanation of this statement is found in J. Sotah I, where one of the reasons given for Abner's death was his indifference to the effecting of a reconciliation between Saul and David, instead of seeking which, he rather endeavoured to increase their hatred. He did not take advantage of the following two occasions when he might have brought about the reconciliation: One, when Saul entered the cave of En-Gedi where David and his band were hidden, and the latter, though he could have destroyed his pursuer, contented himself with merely cutting off the skirt of his robe (I Sam. XXIV, 4). The second time, in the wilderness of Ziph, when David found Saul sleeping and took the spear and jug of water from beside his head (ibid. XXIV, 12ff), subsequently reproaching Abner for not watching better over the King. Abner, however, made nought of this generous treatment of Saul by David, contending that the jug of water might have been given to David by one of the servants, whilst the skirt of the robe might have been torn away by a thorn-bush, and left hanging. These two incidents are hinted at in the words Bor (well, i.e., a jug of water), and Sira (a thorn-bush).

(30) II Sam. III, 27.

(31) This is inferred from the word 'gate', frequently denoting 'court'; cf. Deut. XXI, 19.

(32) Lit., 'him', i.e., save the pursuer from committing a crime, v. supra p. 326, n 8.

(33) The word בְּשֵׁלִי is here derived from נָשַׁל to draw or pull off. Joab is supposed to have inquired from Abner in what way a one-armed woman would loosen the shoe in the ceremony of halizah (v. Deut. XXV, 9). On his replying that she would do it with her teeth (cf. Yeb 105a), he asked him to demonstrate it, and as he stooped low to do so, he smote him. This incident is hinted at in David's words of farewell to Solomon: He (sc. Joab) shed the blood of war in peace, — and put the blood of war in the shoes that were on his feet (I Kings II, 5).

(34) V. p. 326, n. 9.

(35) And slew them with the sword. I Kings II, 32.

(36) Signifying limitation. v. p. 326, n. 12. According to this, the king's orders were not to be obeyed where they involved serious transgressions; v. p. 327 n. 2, with reference to Amasa, Abner's attitude is intimated in a reference to the murder of the Priests of Nob (v. I Sam. XXII, 17). And the King said unto the guard that stood about him, turn and slay the Priests of the Lord, but the servants of the king would not put forth their hand to fall upon the Priests of the Lord. Cf. also supra 20a, where, according to R. Isaac, Abner tried to restrain the king from committing a murder, but without avail.

(37) When the king directed him to expose Uriah the Hittite to the enemy in such a manner as to ensure his destruction. V. II Sam. XI, 14ff.

(38) To kill the priests of Nob.

(39) Ibid. XI, 14. And a verbal command by the king is stronger than a mere written order.

(40) II Sam. XX, 10.

(41) I Kings II, 34.

(42) Regarding 'in' as indicating apposition: i.e., 'in his own house,' viz. 'the wilderness.'

(43) I.e., Everyone was sure to find hospitality there.

(44) Because it is not inhabited by men.

(45) יָדִיָּהּ lit., 'made alive,' (E V.; repaired) i.e., fed.

(46) I Chron. XI, 8.

(47) I.e., even his smallest meal he would share with the poor.

Talmud - Mas. Sanhedrin 49b

MISHNAH. FOUR DEATHS HAVE BEEN ENTRUSTED TO BETH DIN: STONING, BURNING, SLAYING [BY THE SWORD] AND STRANGULATION.¹ R. SIMEON

ENUMERATED THEM THUS: BURNING, STONING, STRANGULATION AND SLAYING.²
THAT IS THE MANNER OF STONING.³

GEMARA. Raba said in the name of R. Sehora in the name of Rab: Whatever the Sages taught by number is in no particular order, excepting the [Mishnah of] the seven substances. For we learnt: Seven substances are applied to the stain, viz., tasteless saliva,⁴ the liquid exuded by crushed beans, urine, natron,⁵ lye,⁶ Cimolian earth⁷ and ashleg.⁸ Now, the latter clause [of that Mishnah] states: If they were not applied in this order, or if they were all applied simultaneously,⁹ the test is inconclusive. R. Papa the Elder said in Rab's name: The same [exception] applies to 'FOUR DEATHS etc'; for, since R. Simeon disputes the order, it is to be inferred that it is exact. But the other?¹⁰ — He does not refer to cases [where the order] is disputed. R. Papa said: The order of Service on the Day of Atonement is also exactly taught, for we learnt: All the rites of the Day of Atonement which are prescribed in a particular order, if one was performed out of its turn, it is invalid. But the other?¹¹ — That law is merely one of added stringency.¹² R. Huna, the son of R. Joshua said: The order of the Tamid¹³ is also exact, for in connection therewith we have learnt: This is the order of the Tamid.¹⁴ But the other?¹⁵ — That [Mishnah] merely teaches that the precept of the Tamid is best carried out in this order.¹⁶

[Now reverting to Raba's statement] this ['whatever etc.'] is intended to exclude the precept of halizah¹⁷ [from the need of a particular order in its procedure], for we have learnt: the precept of halizah is thus carried out: — He [the deceased man's brother] and his sister-in-law come before Beth din, who counsel him in a manner fitting for him,¹⁸ as it is written. Then the elders of his city shall call him, and speak unto him.¹⁹ Then she declares: My husband's brother refuseth etc.,²⁰ whilst he states: I like not to take her.²¹ The members of Beth din thereupon announce in Hebrew:²² Then shall his brother's wife come unto him in the presence of the elders, and remove his shoe from off his foot, and spit in his sight²³ — the spittle was to be visible to the judges — Then shall she answer and say, So shall it be done unto that man etc. . . . And his name shall be called in Israel etc. Now Rab Judah said: The precept of halizah is carried out thus: [First] she declares [My husband's brother refuseth etc.]; then he declares [I like not to take her]; then she removes his shoe and spits in his presence, and then she again declares [So shall it be done etc.]. But we pondered thereon: What does Rab Judah teach us? Is this not stated in the Mishnah? — Rab Judah teaches us this: The precept is best carried out thus; but if the order was changed, it does not matter. It has been taught likewise: Whether the halizah was performed before the spitting or the reverse, the ceremony is efficacious.

Raba's statement above is also intended to exclude that which we learnt: The High Priest officiates [in the Temple] wearing eight garments, but the ordinary priest wears only four, viz., tunic, breeches, mitre and girdle; to which the High Priest adds the breast plate, ephod, robe²⁴ and head plate. Now it has been taught: Whence do we know that nothing must be donned before the breeches? From the verse: [He shall put on the holy linen tunic,] and the linen breeches shall [already] be upon his flesh.²⁵ But why does the Tanna give precedence [in this enumeration] to the tunic? — Because it is given precedence in Scripture;²⁶ and why does Scripture do this? — Because it prefers to state first that which covers the whole body.²⁷

STONING, BURNING, etc.

Stoning is severer than burning, since thus the blasphemer²⁸ and the idol-worshipper are executed.²⁹ Wherein lies the particular enormity of these offences? — Because they constitute an attack upon the fundamental belief of Judaism.³⁰ On the contrary, is not burning more severe, since that is the punishment of a priest's adulterous daughter; and wherein lies the greater enormity of her offence: in that she profanes her father?³¹

(1) The enumeration is in descending order of severity.

- (2) The Gemara discusses the consequences of this dispute.
- (3) This refers to the directions given in the Mishnah on 45a.
- (4) I.e., the saliva of one who had not eaten that day. Nid. 62a.
- (5) Nether (*****) is correctly translated 'nitre' in Jer. II, 22, where it signifies carbonate of soda, a cleansing agent. But by a transference of terms 'natron' has been adopted to denote carbonate of soda; whilst 'nitre' now denotes saltpetre, which has no washing properties.
- (6) A sort of soap.
- (7) A clay used in cleaning clothes.
- (8) A kind of alkali, or mineral used as soap. These materials were applied to a red stain on a woman's garments, to ascertain whether it is blood or a dye. If the stain disappears, it is blood; otherwise it is a dye.
- (9) And the suspicion of blood is attached to the stain.
- (10) Raba, why did he not cite our Mishnah as an exception?
- (11) R. Papa the Elder, why does he not include this latter Mishnah among the exceptions?
- (12) I.e., Scripture, in insisting on a certain order of ceremonial on the Day of Atonement, did not thereby ascribe greater sanctity to any particular rite, but decreed the order merely as a matter of greater stringency, having regard to the solemnity of the Day. But in those cases cited as exceptions, the order is intimately bound up with the effectiveness or importance of the things mentioned. E.g., in our Mishnah the order of deaths is in descending severity; in the Mishnah treating of the test applied to a stain, these materials, if applied in a different order, are actually ineffective.
- (13) The daily burnt offering.
- (14) Tamid VII, 3; the preceding Mishnah enumerated its rites: this Mishnah states that they must be performed in the order taught.
- (15) R. Papa, why does he not cite this too as an exception?
- (16) Yet if the order was not adhered to, the service is valid.
- (17) Lit. 'drawing off', sc. 'the shoe'. The ceremony is referred to in the text. By this act the widow is freed from the obligation of Levirate marriage.
- (18) If, e.g., he is an old man, whilst his widowed sister-in-law is a young woman, or vice versa, they advise him to repudiate the marriage.
- (19) Deut. XXV, 8. 'Speak unto him' is interpreted as meaning to advise him.
- (20) Ibid. 7.
- (21) Ibid. 8.
- (22) Lit., 'The Holy Language'. By this is meant the actual Biblical text; v. M. H. Segal, Mishnaic Hebrew Grammar, p. 2.
- (23) Ibid. 9.
- (24) Worn over the tunic.
- (25) Lev. XVI, the inserted 'already' is implied in the use of the verb 'to be', 'יהיו'.
- (26) Ibid.
- (27) Thus we see that the enumeration of the Tanna is not according to the order in which the garments are donned.
- (28) Lev. XXIV. 14-16.
- (29) Deut. XVII, 2-5, i.e., a Jew who committed idol worship. In this discussion on the relative severity of the different modes of execution the painfulness of the deaths is not taken into account, but merely the gravity of the offences for which they are imposed.
- (30) Since both are virtually a denial of the existence of the true God. This is undoubtedly an assertion that the confession of God is the cardinal tenet of Judaism — a dogma, in fact. Notwithstanding the controversies that have arisen on the questions whether Judaism contains any dogmas, there can be no doubt that the rejection of idolatry is a sine qua non of Judaism. V. Schechter, Studies in Judaism: The Dogmas of Judaism. Cf. also Y. D. 268, 2, on the admission of proselytes, of whom is demanded the profession of belief in God and the rejection of idolatry.
- (31) V. infra 52b. This discussion, though refuted at a later stage, is interesting as shewing the eminently practical character of Judaism. Though adultery does not undermine the essential basis of Judaism, it is nevertheless suggested that it is to be regarded as a greater offence than idolatry, particularly where its results extend beyond the person of the offender.

Talmud - Mas. Sanhedrin 50a

— The Rabbis¹ maintain that a priest's daughter, only if a nesu'ah, is excepted [from the usual punishment by strangulation meted out for adultery] and is executed by burning; but an arusah, [who, if an Israelite's daughter, is stoned] as [if a priest's daughter] not excepted [from the usual punishment, i.e., she is stoned likewise].² Now since [in a case of a priest's daughter] an arusah is singled out by the Divine Law [and punished] by stoning [instead of burning], we may conclude that stoning is more severe than burning.³ Stoning is severer than slaying by the sword, since it is the punishment of a blasphemer and an idol worshipper, the greater enormity of whose offence has already been stated.⁴ On the contrary, is not death by the sword more severe, since that is the penalty for the inhabitants of a seduced city,⁵ the graver character of whose sin is proved by the fact that their property is destroyed? — Now, let us consider: whose crime is greater; that of the seducer or of the seduced? Surely that of the seducer.⁶ And it has been taught: The seducers of a seduced city are executed by stoning.⁷

Stoning is severer than strangulation, since it is the penalty of the blasphemer and the idol worshipper, the enormity of whose offence has already been stated. On the contrary, is not strangulation severer, since it is the punishment of one who smites his father or mother, the greater seriousness of whose offence lies in the fact that their honour is assimilated to that of the Omnipresent?⁸ — Since the Divine Law excluded an arusah, the daughter of an Israelite, from the general penalty of a nesu'ah, the daughter of an Israelite, altering her punishment from strangulation to stoning, it follows that stoning is severer.⁹

Burning is severer than slaying by the sword, since it is the penalty of a priest's adulterous daughter, the greater enormity of whose offence lies in the fact that she thereby profanes her father. On the contrary, is not the sword severer, since this is the penalty of the inhabitants of a seduced city, the enormity of whose crime is shewn by the fact that their property is destroyed? — 'Her father' is mentioned in connection with stoning;¹⁰ 'her father' is also mentioned in reference to burning:¹¹ just as when 'her father' is mentioned in connection with stoning, stoning is severer than the sword; so 'her father', when mentioned in connection with burning, shews that burning is severer than slaying by the sword.¹²

Burning is severer than strangulation, since it is the punishment of a priest's adulterous daughter, the enormity of whose offence has already been stated. On the contrary, is not strangulation severer, since it is the punishment of one who smites his father or mother, the greater enormity of whose offence lies in the fact that their honour is assimilated to that of the Omnipresent? — Since the Divine Law varied the penalty of a nesu'ah, if a priest's daughter, from that of a nesu'ah, if an Israelite's daughter, from strangling to burning, we may conclude that burning is severer.¹³

Slaying is severer than strangling, since thereby the inhabitants of a seduced city are punished, the severity of whose punishment is attested by the fact that their property is destroyed. On the contrary, is not strangulation severer, being the punishment of one who smites his father or mother, the greater enormity of whose offence lies in the fact that their honour is assimilated to that of the Almighty? — Even so the offence against the fundamental tenet of Judaism [which is the crime of the seduced city] is greater.

R. SIMEON ENUMERATED THEM THUS etc.

[In his view] burning is severer than stoning, since it is the punishment of a priest's adulterous daughter, the enormity of whose offence lies in the fact that she profanes her father. On the contrary, is not stoning severer, being the punishment of a blasphemer and idol-worshipper, the gravity of whose offence lies in that they reject the fundamental tenet of Judaism? — R. Simeon's view here is in accordance with his other opinion, viz., that a priest's adulterous daughter, whether an arusah or a

nesu'ah, is excepted [from the punishment meted out to an Israelites' daughter], in that her penalty is burning. Now since the Divine Law varied the punishment of an arusah, if a priest's daughter, from that of an Israelite's daughter, from stoning to burning, it follows that burning is a severer penalty.

Burning is severer than strangulation, since it is the punishment of a priest's adulterous daughter, the gravity of whose offence has already been stated. On the contrary, is not strangulation severer than burning, being the punishment of one who strikes his father or mother, the enormity of whose offense is constituted by the fact that their honour is compared to that of the Omnipresent?—Since the Divine Law excluded a nesu'ah, the daughter of a priest, from the penalty of a nesu'ah, if an Israelite's daughter, by changing her death from strangling to burning, it follows that burning is severer.

Burning is severer than slaying, since it is the punishment of a priest's adulterous daughter, the enormity of whose offence has already been stated. On the contrary, is not the sword more severe, since it is the penalty of the inhabitants of a seduced city, the gravity of whose offence is shewn by the fact that their property is destroyed? Now consider, whose offence is greater: that of the seducer or of the seduced?

(1) The anonymous opinion cited first in the Mishnah.

(2) Marriage consists of two stages: kiddushin or erusin, whereby the matrimonial bond is made, not to be broken without divorce; and huppah, or home taking, without which cohabitation is forbidden. A woman who has undergone the first ceremony is called an arusah (betrothed); after the second she is called a nesu'ah (married). Nowadays both ceremonies are united, the canopy (huppah) being symbolic of the home to which the husband takes his newly-married wife; but in ancient days there was generally an interval between them.

(3) For obviously the offence of an arusah, who is still in her father's house and thereby profanes him, is greater than that of a nesu'ah; and therefore we may assume that her punishment is correspondingly greater. This conclusion is further supported by the fact that a nesu'ah, if an Israelite's daughter, is punished by strangulation, the most lenient of all death penalties, whilst an arusah is punished by stoning, the most severe. Rashi, however, points out that Scripture does not state that a priest's daughter, only if a nesu'ah, is excepted from the punishment of an Israelite's daughter: but not if an arusah. It is only because the Rabbis hold stoning to be more severe than burning that they assume that an arusah, if a priest's daughter, cannot be more leniently treated than if a Israelite's daughter, for her penalty to be commuted from stoning to burning. This vitiates the whole argument. Hence we must fall back upon the first line of reasoning, that stoning is severer, since it is the punishment of an idol worshipper and blasphemer, because their offence, constituting a rejection of the fundamental basis of Judaism is greater than that of the harlot, in spite of the fact that she profanes her father. That being so, the passage 'the Rabbis maintain etc.' will not be part of the proof, but an answer to an unexpressed difficulty. For this difficulty arises: If stoning is severer than burning, how is it that a priest's daughter is punished by the latter instead of the former, which is the punishment of an Israelite's daughter (if an arusah)? To this the answer is given that only a nesu'ah is thus punished by burning, whilst an Israelite's daughter is only strangled — an easier death than burning. But if an arusah, her death is by stoning, just as in the case of an Israelite's daughter. Consequently, the next passage now, since an arusah, etc.' is entirely superfluous, being neither part of the argument nor an answer to the unexpressed difficulty: Rashi therefore deletes it from the text.

(4) Supra. 49b.

(5) Deut. XIII, 13-19.

(6) The Rabbis always regarded the offence of the tempter as greater than that of the sinner himself. Cf. Ab. V, 23: 'He who causes the multitudes to sin, shall not have the means to repent.... Jeroboam, the son of Nebat, sinned and caused the multitude to sin; the sin of the multitude was laid upon him.' This is in conformity with the general rabbinic dictum: 'All Israel are sureties for one another'.

(7) Thus proving stoning to be the greater penalty.

(8) Cf. Honour thy father and thy mother (Ex. XX, 12) with Honour the Lord with thy substance (Prov. III, 9).

(9) An arusah's sin is greater, because she destroys her virginity in addition to disgracing her family.

(10) In the case of a betrothed damsel who committed whoredom: Then shall they bring out the damsel to the door of her father's house, and the men of her city shall stone her with stones that she die; because she hath wrought folly in Israel,

to play the whore in her father's house. Deut. XXII, 21.

(11) In the case of a priest's daughter: And the daughter of any priest, if she profane herself by playing the whore, she profaneth her father: she shall be burnt with fire. Lev. XXI, 9.

(12) A Gezerah Shawah, v. Glos.

(13) The sin of a priest's daughter is greater than that of an Israelite's daughter, since the former profanes her father in addition to disgracing herself.

Talmud - Mas. Sanhedrin 50b

Surely that of the seducer! This affords an argument from a major to a minor premise. If burning is severer than strangulation [as has already been shewn], though¹ the latter is severer than the sword,² it [burning] is surely severer than slaying, which is a lesser penalty.

Stoning is severer than strangulation, being the penalty of a blasphemer and idol worshipper, the extreme gravity of whose offence has already been stated. On the contrary, is not strangulation severer, since it is the penalty of one who smites his father or mother, the gravity of whose offence lies in the fact that their honour is likened etc.? — Since the Divine Law excluded an arusah, the daughter of an Israelite, from the penalty of a nesu'ah, the daughter of an Israelite, changing it from strangling to stoning,³ it follows that stoning is severer.

Stoning is severer than slaying, being the penalty of a blasphemer, etc. On the contrary, is not slaying severer than stoning, since it is the penalty of the inhabitants of a seduced city, the gravity of whose offence is proved by the fact that their property is destroyed? — Now consider, whose offence is greater: the seducer's or the seduced? Surely that of the seducer! Hence you may argue from a major to a minor premise. If stoning is severer than strangulation, though the latter be severer than slaying,⁴ surely it is severer than slaying itself.

Strangulation is severer than slaying, since it is the penalty of one who smites his father or mother, the gravity of whose offence has already been stated — On the contrary, is not slaying severer, since it is the penalty of the inhabitants of a seduced city, the enormity of whose crime is attested by the fact that their property is destroyed? — Now consider: whose offence is greater, the seducer's or the seduced? Surely the seducer's! And it has been taught: The seducers of a seduced city are punished by stoning. R. Simeon maintained: By strangulation.

R. Johanan used to teach⁵ If a betrothed [i.e., an arusah] maiden⁶ committed adultery, her punishment is stoning. R. Simeon said: It is burning. If she committed incestuous adultery with her father, her punishment is stoning. R. Simeon said: It is burning.⁷ What does this shew? — That according to the Rabbis, only a nesu'ah, [if a priest's daughter] was excluded from the penalty of an Israelite's daughter by being burnt [instead of strangled], but not so an arusah — But according to R. Simeon, both an arusah and a nesu'ah, [if a priest's daughter] were thus excepted, by being burnt [instead of strangled]. Why so? — Because the Rabbis consider stoning to be severer, but R. Simeon holds burning to be severer; and from this is inferred that if a person incurred two death penalties, he is punished by the more severe.⁸

What statement of R. Simeon [shows that he holds that the priest's daughter, whether an arusah or nesu'ah, is punished by burning]? — It has been taught: R. Simeon said: Two general principles have been stated in respect of a priest's daughter.⁹ Do these principles apply only to a priest's daughter, and not to an Israelite's daughter [surely not]?¹⁰ — Say thus: In respect of a priest's daughter too. But then Scripture excluded a priest's daughter, a nesu'ah, from the penalty of an Israelite's daughter, a nesu'ah, and an arusah, from the penalty of an Israelite's daughter, an arusah.¹¹ Now, just as when the scripture excluded the priest's daughter, a nesu'ah, from the penalty of an Israelite's daughter, a nesu'ah, it was in order to decree a severer punishment;¹² so also, when excluding the priest's

daughter, an arusah, from the penalty of an Israelite's daughter, an arusah, it must have been in order to impose a greater punishment.¹³ But false witnesses in respect of a nesu'ah, the daughter of a priest, are treated as though they had testified against an Israelite's daughter; likewise, if in respect of an arusah, who is a priest's daughter, they are punished just as though they had testified against an Israelite's daughter.¹⁴

Our Rabbis taught: And the daughter of any priest, if she profane herself:¹⁵ I might think that this applies even to the profanation of the Sabbath,¹⁶ — but the Writ states by playing the whore: thus Scripture speaks only of profanation through whoredom. I might think that this applies even to an unmarried woman. But her father is mentioned in this passage,¹⁷ and her father is also mentioned elsewhere:¹⁸ just as elsewhere the reference is to whoredom by one who is bound to a husband, so here too. But perhaps 'her father' is stated in order to exclude others?¹⁹ — When Scripture states, She profaneth her father, it must apply to whoredom with others.²⁰ Hence, to what purpose do I put the phrase 'her father' [which, strictly speaking, is superfluous]? 'Her father' is mentioned in this passage, and 'her father' is also mentioned elsewhere; just as elsewhere the reference is to whoredom by one who is bound to a husband, so here too.²¹ If so, just as the reference there is to a maiden²² who is an arusah, so here too the reference is to a maiden who is an arusah: but if she is a maiden and a nesu'ah, or if she is a full-grown damsel²³ and an arusah, or a full-grown damsel and a nesu'ah, or even if she is aged, whence do we know [that the same law applies]? — The Writ states: 'And the daughter of any priest',²⁴ implying that the law holds good in all cases.²⁵

'The daughter of any priest':

(1) no note.

(2) B. Simeon holding that the seducer, whose offence is greater, was punished by strangulation, v. infra 89b.

(3) The offence of an arusah being greater, v. p. 335. n. 1.

(4) As will be proved in the next passage.

(5) Lit., 'It was fluent in his mouth', i.e., he received it orally from his teachers as at traditional law not actually taught in a Mishnah or a Baraitha (Rashi).

(6) 'The Hebrew נערה na'arah denotes a damsel between twelve years and a day and twelve and a half years of age. Before that she is a minor (קטנה), after that an adult, 'entering maturity', bogereth (בוגרת).

(7) All this is R. Johanan's saying.

(8) Since R. Johanan maintains that the Rabbis rule that a priest's daughter, an arusah, is stoned, because stoning is the severer death, whilst R. Simeon holds that she is burnt, because he regards burning severer, deducing all this from the Scripture, it follows that if one incurs a double death penalty, the severer must be imposed. For here too, a choice of two deaths lies before us, and we chose the severer penalty because of the greater gravity of the offence.

(9) One referring to an arusah, and one to a nesu'ah; i.e., when the Torah states, the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbour's wife, the adulterer and the adulteress shall surely be put to death, (Lev. XX, 10) this is a general law regarding a nesu'ah, in which a priest's daughter should be included. Likewise the law in Deut. XXII, 23f: If a damsel that is a virgin be betrothed unto a husband, and a man find her in the city and lie with her, then shall ye bring them both out unto the gate of the city, and ye shall stone them with stones that they die, is a general principle for an adulterous arusah, which should embrace the priest's daughter too.

(10) This is an interjection.

(11) And the daughter of any priest, if she profane herself by playing the whore, she profaneth her father; she shall be burnt with fire. (Lev. XXI, 9). 'The daughter of any priest', being unspecified, must refer both to an arusah and to a nesu'ah, whilst Lev. XX, 10 (quoted in preceding note) refers to a nesu'ah, and the death penalty mentioned there is interpreted as strangulation. Thus a priest's daughter, whether an arusah or a nesu'ah, is excepted from the penalty of an Israelite's daughter in a like case.

(12) Burning instead of strangulation, all admitting that the former is more severe.

(13) Burning instead of stoning, making Lev. XXI,9 (quoted on p. 335, n. 3) refer both to a nesu'ah and an arusah. This Baraitha then will be the authority for R. Johanan's statement that R. Simeon maintained that both an arusah and a nesu'ah, if priests' daughters, were excepted from the penalty of an Israelite's daughter.

(14) Deut. XIX, 16-19. If a false witness rise up against any man, to testify against him that which is wrong . . . then shall ye do unto him as he had thought to do unto his brother. Thus a false witness incurred the penalty he had sought to impose. But if he testified against a priest's daughter, whether an arusah or a nesu'ah, his punishment was that of an Israelite's daughter in like circumstances.

(15) Lev. XXI, 9.

(16) The Hebrew **תהל** tehel, used in the text, is not necessarily reflexive, as translated in the A.V.

(17) She profaneth her father.

(18) But if this thing be true, and the tokens for virginity be not found for the damsel: Then they . . . shall stone her with stones that she die: because she hath wrought folly in Israel, to play the whore in her father's house. Deut. XXII, 21f.

(19) I.e., only if she committed incest with her father is she punished by burning, but not for playing the harlot with others. The Talmud explains further on why one should wish to interpret the passage thus.

(20) For if she commits incest with her father, he profanes her too.

(21) I.e., that her profanation is in respect of this tie.

(22) V. p. 337, n. 5.

(23) Heb. bogereth, v. p. 337, n. 5.

(24) Lev. XXI, 9.

(25) This is deduced by interpreting the copulative waw (and) as an extending particle.

Talmud - Mas. Sanhedrin 51a

from, this phrase I know the law only if she was married to a priest;¹ but if she was married to a Levite, Israelite, heathen,² a profaned person,³ bastard,⁴ or a Nathin,⁵ whence do we know that the same applies? From the verse: And the daughter of a man who is a priest, which teaches that even if she is married to one who is not a priest the same applies.⁶ Further: she [profaneth her father; she shall be burnt in fire] teaches that only she is punished by fire, but not her paramour, nor those who testify falsely against her. R. Eliezer said: If with her father, she is burnt; if with her father-in-law, she is stoned.⁷

The Master said: 'I might think that this applies even to the Profanation of the Sabbath.' But if she profaned the Sabbath, must she not be stoned?⁸ — Raba replied: This is taught according to R. Simeon, who regards burning a severer penalty. I might think that since the Divine Law has in general been stricter with the priests [than with the Israelites], giving them an additional number of precepts, therefore the priest's daughter [if she profaned the Sabbath] should be burnt; hence we are taught that this verse applies only to profanation by whoredom. But why should she differ from a priest himself?⁹ — I would think that a priest is punished more leniently, because he is permitted to work on the Sabbath in the sacrificial service;¹⁰ but since a priest's daughter is not so permitted, her punishment should be stoning. We are therefore taught otherwise.

'I might think that this applies even to an unmarried woman. But does not the Writ state: 'by playing the whore'? — This is taught on the view of R. Eliezer, who maintained: If an unmarried man cohabits with an unmarried woman without conjugal intent, he renders her a harlot.¹¹ 'But perhaps "her father" is stated in order to exclude others?' — How then would you explain the verse? That she committed adulterous incest with her father! If so, why only a priest's daughter: does not the same apply to an Israelite's daughter? For [did not] Raba say: R. Isaac b. Abudimi said unto me: 'We learn identity of law from the fact that hennah [they] occurs in two related passages, and likewise zimmah [wickedness] in two'?¹² — The verse [she profaneth] is necessary. For I would think that this whole passage treats of incest with one's father, and the penalty of burning is prescribed here intentionally to obviate Raba's deduction.¹³ Hence the deduction [from she profaneth].

'The daughter of any priest: from this phrase I know the law only if she was married to a priest; if she was married to a Levite, Israelite, heathen, a profaned person, bastard, or a Nathin, whence do I

know that the same applies? From the verse: And the daughter of a man who is a priest, which teaches that even if she is married to one who is not a priest the same applies.' But because she is married to one of these, is she no longer considered a priest's daughter? Moreover, does Scripture state . . . a priest's daughter married to a priest?¹⁴ — I might think that since Scripture states, if she profane herself by playing the whore, the law deals only with one who now profanes herself for the first time;¹⁵ but in these other cases where she was already profaned before [this law should not apply]. For, a Master stated : [The verse,] If the priest's daughter also be married unto a stranger, [she may not eat of an offering of the holy things]¹⁶ teaches that if she cohabits with one who is unfit for her,¹⁷ he disqualifies her [to eat of the holy food] — And [similarly] if she was married to a Levite or an Israelite, since Scripture also states, [But if a priest's daughter be a widow or divorced, and have no child] and is returned unto her father's her house, as in her youth, [she shall eat of father's meat, i.e. , of the holy food],¹⁸ it shows that as long as her husband [a Levite or Israelite] is alive, she must not eat of the holy food.¹⁹ Hence I would think that she should not be burnt; therefore the verse teaches otherwise.

Now this ruling [that even if married to a bastard, etc., she is burnt] does not agree with R. Meir's view. For it has been taught: If a priest's daughter, married to an Israelite, ate of terumah,²⁰ she must repay the principals but not the additional fifth.²¹ [If she committed adultery] her penalty is burning. But if she was married to one unfit for her [e.g., a bastard, etc.] she must repay the principal and the added fifth, and her penalty is strangulation: this is the ruling of R. Meir. But the Sages hold that in both cases she must pay the principal but not the fifth, and her penalty is burning.

'R. Eliezer said: If with her father, she is burnt; if with her father-in-law, she is stoned.' What is meant by 'her father' and 'her father-in-law'? If we say 'her father' means [that she committed whoredom] with her father, and 'her father-in-law' [that she did so] with her father-in-law: why speak particularly of a priest's daughter; an Israelite's daughter too is thus punished — a daughter [for incest with her father] by burning, and a daughter-in-law by stoning?—But 'her father' means 'under her father's authority',²² and 'her father-in-law' indicates 'under her father-in-law's authority'.²³ Whose view is this? If the Rabbis? Do they not maintain that a nesu'ah is excluded [from strangulation and punished] by burning, but not so an arusah [who is stoned]? If R. Simeon's? Does he not maintain that both an arusah and a nesu'ah are burnt? And if R. Ishmael's?²⁴ Does he not maintain that only an arusah is burnt, but not a nesu'ah, and accordingly, [when under the authority of] her father-in-law, she is strangled?²⁵ — Rabin sent a message in the name of R. Jose son of R. Hanina:²⁶ This is the explanation of the teaching.²⁷ Indeed it is in accordance with the Rabbis' views and this is its meaning: Where an adulterous woman's death is more lenient than that of her father for incest [with his daughter], that is in the case of an Israelite's daughter, who is an arusah, her punishment being strangulation;²⁸ then in the case of a priest's daughter, her punishment is the same as her father's, viz., burning; but where an adulterous woman's penalty is greater than her father's, that is in the case of an Israelite's daughter, who is an arusah, her punishment being stoning,²⁹ then in the case of a priest's daughter, her punishment is as that of her father-in-law for incest with her, viz., by stoning.³⁰ R. Jeremiah objected to this explanation: does then the Baraita state 'greater' or 'lesser'? But R. Jeremiah explained it thus:

(1) The Talmud explains further on why such an assumption should be made.

(2) (Read with MSS 'Cuthean', v. Yad Ramah).

(3) The issue of a marriage forbidden by priestly law'; cf. Lev. XXI, 7, 14.

(4) The issue of adultery or incest forbidden on pain of death or Kareth: e.g., the offspring of a father and his daughter, cp. Yeb. 49a.

(5) The Nethinim (Nathin, pl. Nethinim) are regarded in the Talmud as descendants of the Gibeonites, who, having obtained immunity during the Conquest of Canaan by a ruse, were degraded by Joshua to the position of 'hewers of wood and drawers of water' (Yeb. 78b; Josh. IX, 19-23). Actually they are first heard of as returning to Palestine after the Babylonian Exile (Ezra II, 58, VII, 20; Nehem. III, 26, 31). They served under the Levites in the Temple (Ezra VII,

- 24). Though first mentioned only after the return from the exile, it is stated that they were appointed by David to serve the Levites; hence they must have been well known in Israel long before the Babylonian Exile, in spite of their late mention. In Talmudic times they were placed on a very low level, being forbidden to intermarry with freeborn Israelites.
- (6) Because 'man' (E.V. 'any') is superfluous; hence it teaches that only her father need be a priest for this law to apply.
- (7) This is explained further on.
- (8) Stoning is the penalty for desecrating the Sabbath, and it is surely not commuted to burning for a priest's daughter.
- (9) If this be taught according to R. Simeon, why should I think that though a priest is stoned for desecrating the Sabbath — since nowhere does the Scripture differentiate between a priest and an Israelite in this respect, — his daughter is punished more severely by being burnt?
- (10) All Sabbath laws were suspended in favour of the Temple service, for which male priests only were eligible.
- (11) Whom a priest may not marry (Lev. XXI, 7); hence in his view whoredom includes pre-marriage unchastity.
- (12) In Lev. XVIII,10 it is stated: The nakedness of thy son's daughter, or of thy daughter's daughter, even their nakedness thou shalt not uncover: for they (הַנְּהוּא hennah) are thine own nakedness. Further it is written (ibid. XVIII, 17): Thou shalt not uncover the nakedness of a woman and her daughter, neither shalt thou take her son's daughter, or her daughter's daughter, to uncover her nakedness; for they (הַנְּהוּא hennah) are her near kinswomen: it is wickedness (זִמְמָה zimmah). Just as in the latter verse, intercourse with one's wife's daughter is treated as with her granddaughter, so in the former case, incest with one's daughter is the same offence as with one's granddaughter. Though this is not explicitly stated, it is deduced from the fact that hennah occurs in both cases. Further, in Lev. XX, 14 it is stated: And if a man take a wife and her mother, it is wickedness (זִמְמָה zimmah): they shall be burnt with fire. The use of zimmah in Lev. XX, 14 and in Lev. XVIII, 17 show that burning by fire is the penalty in both cases; and the use of hennah in Lev. XVIII, 17 and Lev. XVIII, 10 shews that in Lev. XVIII, 10 too the penalty is burning (cf. the Euclidean axiom: the equals of equals are equal). Thus we see that incest between a man, even an Israelite, and his daughter is punished by burning. How then could we assume that the verse under discussion, which decrees burning as a penalty for whoredom by a priest's daughter (implying the exclusion of an Israelite's daughter), refers to incest with one's father, and consequently what need is there for the deduction from she profaneth?
- (13) I.e., to shew that only a priest's daughter committing incest is burnt, but not an Israelite's daughter, who is differently punished. In that case, the identical phrasing of the verses cited by Raba would have to be otherwise interpreted.
- (14) I.e., on what grounds could we assume at all that the law is applicable only if she married a priest?
- (15) I.e., through her whoredom.
- (16) Lev. XXII, 12.
- (17) E.g., a Nathin or bastard; that is the meaning attached to a stranger.
- (18) Ibid. 13.
- (19) This too is regarded as a measure of profanation.
- (20) Lit., 'that which is separated': the portion of the corn produce due to the priest.
- (21) Which a non-priest had to pay for eating terumah, ibid. 14.
- (22) I.e., when one is under the parental roof, viz., an arusah, v. p. 333, n. 3.
- (23) I.e., when she is to longer under the parental roof, viz., a nesu'ah.
- (24) His view is explained later.
- (25) Not stoned; for since he maintains that a nesu'ah, if a priest's daughter, does not differ from an Israelite's daughter, her penalty is strangulation, as in the case of the latter.
- (26) Here we have an example of a Talmudic responsum. Rabin migrated from Babylonia to Palestine, and wrote many letters from Babylonia to Palestine with the results of his researches. Cf. Keth. 49b; B.M. 114a; B.B. 139a., 'Rabin sent' then will mean from Palestine to Babylonia.
- (27) I.e., the Baraita containing the statement of R. Eliezer.
- (28) Whilst her father's penalty is death by burning.
- (29) Which, according to the Rabbis, is severer than burning, the father's punishment.
- (30) Rashi points out that it is unnecessary to liken her punishment to her father-in-law's, since the penalty of every arusah is stoning. But in any case the Talmud refutes this explanation.

Talmud - Mas. Sanhedrin 51b

In truth, this is in accordance with R. Ishmael's views, and this is its meaning: 'with her father', i.e. whilst under her parental roof [i.e., an arusah], her punishment is burning; 'with her father-in-law', i.e., for incest with her father-in-law, she is stoned; but if she committed adultery with any other person, she is strangled. Raba objected to this: Why this difference [in the meaning attached to the two phrases]? Either each is to be understood literally,¹ or to refer to the authority under which she is?² Hence Raba explained it thus: This is in agreement with R. Simeon [who holds burning to be the severest penalty]. R. Eliezer [who taught this] maintaining that a nesu'ah is as an arusah: just as with an arusah, [the penalty of a priest's daughter] is raised in stringency by one degree more [than that of an Israelite's daughter], viz. , from stoning to burning, so also with a nesu'ah the penalty is raised in stringency by one degree, viz., from strangulation to stoning.³ R. Hanina objected: But R. Simeon maintains that in both cases the penalty is burning! Hence Rabina explained it thus: This is really according to the Rabbis, but you must reverse the text, thus: If 'with her father' [i.e. an arusah], she is stoned; if 'with her father-in-law', [i.e., a nesu'ah], she is burned. And as to the phrase 'with her father'?⁴ He [R. Eliezer] is influenced by the general phraseology.⁵

R. Nahman said in the name of Rabbah b. Abbuha in the name of Rab: The halachah is in accordance with the message sent by Rabin in the name of R. Jose b. Hanina. R. Joseph queried: [Do we need] to fix a halachah for [the days of] the Messiah?⁶ — Abaye answered: If so, we should not study the laws of sacrifices, as they are also only for the Messianic era. But we say: Study and receive reward;⁷ so in this case too, study and receive reward: [He replied:] This is what I mean: Why state a halachah? In the course of the discussion, was there given a ruling at all?⁸

Now, what statement of R. Ishmael was referred to?⁹ — It has been taught: And the daughter of any priest, If she profanes herself by playing the whore:¹⁰ Scripture here speaks of a maiden [na'arah] who is an arusah. You say so, but perhaps it also refers to a nesu'ah? — The Writ sayeth: And the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbour's wife, the adulterer and the adulteress shall be put to death.¹¹ Now all are included in the terms 'adulterer' and 'adulteress', but the Writ excluded the daughter of an Israelite, teaching that she is stoned,¹² and the daughter of a priest, teaching that she is burnt. Just as the exception made for an Israelite's daughter refers to an arusah, but not a nesu'ah;¹³ so also, when a priest's daughter was excepted, an arusah was so excepted, but not a nesu'ah. Further, false witnesses [in respect of the charge of adultery] and the paramour [of an adulterous woman] were [originally] included in the verse: [If a false witness rise up against any man to testify against him that which is wrong . . .] then ye shall do unto him, as he had thought to have done unto his brother.¹⁴ — Now, how can the words, as he had thought apply to a Paramour!¹⁵ — But say thus: The punishment of her false witnesses is included in the text referring to the death of her paramour,¹⁶ because Scripture states: then ye shall do unto him, as he had thought to have done unto his brother; implying, but not unto his sister.¹⁷ This is R. Ishmael's opinion. R. Akiba said: [A priest's daughter]. whether an arusah or a nesu'ah, is excepted [from the punishment of strangulation,] but is punished with fire. I might think that this applies even to an unmarried woman: but her father is mentioned in this passage, and her father is also mentioned elsewhere:¹⁸ just as elsewhere the reference is to whoredom by one who is bound to a husband, so here too. Thereupon R. Ishmael said unto him: If so, just as the second passage refers to a maiden [na'arah] who is an arusah, so this verse [treating of a priest's daughter] should be taken to refer to a maiden who is an arusah; [but if a nesu'ah, her punishment should be different]. R. Akiba replied: My brother, I interpret the and the daughter etc., when it would have been sufficient to say the daughter etc., as teaching the inclusion of a nesu'ah.¹⁹ R. Ishmael said to him: Shall we except this woman [i.e., a nesu'ah from the punishment of strangulation] and impose [the severer penalty of] death by fire, because you interpret the superfluous 'waw' ['and']; if this superfluous waw indicates the inclusion of a nesu'ah, then include an unmarried woman too;²⁰ whilst if it implies the exclusion of an unmarried woman [since the Deuteronomic passage explicitly relates to a married woman], then exclude a nesu'ah too. And R. Akiba?²¹ — [He holds that] the gezerah shawah serves the purpose to exclude an unmarried woman, whilst the superfluous 'waw' serves to

indicate the inclusion of a nesu'ah. And R. Ishmael? — In raising the foregoing [objection] he thought that since R. Akiba had replied. 'I interpret the superfluous waw', it proved that he had withdrawn his deduction from the gezerah shawah.²² Now, how does R. Ishmael interpret this superfluous waw? — As shewing that which was taught by the father of Samuel b. Abin: Since we find Scripture differentiating in male [priests] between the [physically] unblemished and the blemished,²³ I would think that a distinction must also be drawn in their daughters:²⁴ therefore Scripture writes a pleonastic 'waw' [to teach the inclusion of the daughter of a physically blemished priest].²⁵ And R. Akiba?²⁶ — He deduces this from the verse: [for the offerings of the Lord made by fire, and the bread of their God,] they [i.e. the priests] do offer: therefore they shall be holy.²⁷ And R. Ishmael? — He maintains that that verse could apply only to priests themselves,²⁸ but not to their daughters. Hence the necessity of the pleonastic 'waw'.

Now how does R. Ishmael interpret

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- (1) I.e., incest with her father, or with her father-in-law.
 - (2) I.e., under her father's authority, viz., an arusah; under her father-in-law's authority, viz., a nesu'ah.
 - (3) And 'with her father', 'with her father-in-law', refer to status, under whose authority she is.
 - (4) Why is such a roundabout expression used instead of simply 'arusah' and 'nesu'ah'?
 - (5) This is in accordance with the printed text. Rashi, apparently on the basis of a slightly different reading, renders 'He is influenced by the phraseology of the first Tanna', who quotes from Lev. XXI, 9, in which 'her father' is mentioned. Tosaf., however, points out, that in many versions the text reads: why does he say, (if with) her father she is burnt? According to this, the question is: how did such an error arise in the text? To which the answer is: he is influenced by the Biblical phraseology: And the daughter of any priest . . . she shall be burnt with fire. Lev. XXI, 9.
 - (6) Since the Sanhedrin no longer had jurisdiction in capital offences, there is no practical utility in this ruling, which can become effective only in the days of the Messiah.
 - (7) [Learning has its own merit, quite apart from any practical utility that may be derived therefrom].
 - (8) Surely not! Since Rabin and Rabina agree on the point of law, and differ only on the interpretation of R. Eliezer's statement.
 - (9) This reverts to the former discussion, when it was said, this is according to R. Ishmael.
 - (10) Ibid.
 - (11) Ibid. XX, 10. Wherever the manner of death is unspecified, strangulation is meant.
 - (12) Deut. XXII, 23f. referring to adultery by an arusah.
 - (13) Ibid. This explicitly treats of an arusah: if it be applied to a nesu'ah too, there is none to which Lev. XX, 10 can refer.
 - (14) Deut. XIX, 16, 19.
 - (15) This is an interjection.
 - (16) That is, they are punished by the same death which they intended to have brought about on the paramour.
 - (17) Where the penalties differ; e.g., when a priest's daughter commits adultery, she is burned, but her paramour is stoned; hence, if witnesses testified falsely on such a charge, they are to be stoned, not burned.
 - (18) Ibid. XXII, 21f.
 - (19) I.e., the deduction from the verbal identity (Gezerah Shawah, v. Glos.) of 'her father' does in fact apply only to an arusah: but the superfluous copulative waw (ו) extends the law to embrace a nesu'ah too.
 - (20) So the commentary of Hananel; Rashi interprets: if the gezerah shawah (identical use of 'her father' in both passages) indicates the inclusion of a nesu'ah, etc. This interpretation is rather difficult, as R. Akiba did not include nesu'ah through the gezerah shawah.
 - (21) How would he meet this objection?
 - (22) For mere identity of phraseology is insufficient to deduce similarity of law. There must be a tradition from one's teacher, and supposedly handed down from scholar to scholar, going right back to Moses. (Pes. 66a: so Rashi's interpretation of the rule: No one may draw conclusions from identical phraseology on his own authority). Thus R. Ishmael thought that R. Akiba had abandoned this gezerah shawah, being doubtful of the authenticity of its tradition.
 - (23) Lev. XXI, 17, forbidding priests with a physical blemish to perform the sacrificial service.
 - (24) With respect to adultery. viz., that only the daughter of a physically perfect priest is burnt.

(25) Weiss, Dor, Vol. II, p. 105, quotes R. Ishmael's remark in this connection 'shall we exclude a nesu'ah because thou interpretest a superfluous 'waw' as being a protest against R. Akiba's method of interpretation? From the whole passage, however, we see that R. Ishmael was not fundamentally opposed to this at all, but merely disagreed on the actual application of the extension and apparent inconsistency in R. Akiba's distinction between a nesu'ah and an unmarried woman.

(26) Whence does he derive this latter deduction?

(27) Ibid. XXI, 6. Therefore they shall be holy is an emphatic assertion of their holiness, implying that they do not lose it even if blemished.

(28) Teaching that they retain their holiness even if blemished, e.g. that they may not be defiled by the dead.

Talmud - Mas. Sanhedrin 52a

the verse, she profaneth her father?¹ — He employs it in accordance with R. Meir's dictum, as it has been taught : R. Meir used to say: What is meant by the verse, she profaneth her father'? If he [the father] was regarded as holy, he is now regarded as profane;² if he was treated with respect, he is now treated with contempt; and men say, 'Cursed be he who begot her, cursed be he who brought her up, cursed be he from whose loins she sprung. R. Ashi said: in accordance with whose view is a wicked man called 'the son of a wicked man', even if he is actually the son of a righteous man? — It is in accordance with this Tanna's dictum.³

THAT IS THE MANNER OF STONING.

To what does this refer?⁴ — To the statement [in a preceding Mishnah]: When the verdict [of guilty] was finally announced, he [the accused] was led out to be stoned . . .⁵ Now, the scaffolding [for stoning] was twice a man's height etc.⁶ And because the Tanna is about to teach the manner of death by fire, he sums up the foregoing with the words: THAT IS THE MANNER OF STONING etc.

MISHNAH. THE MANNER IN WHICH BURNING IS EXECUTED IS AS FOLLOWS: HE WHO HAD BEEN THUS CONDEMNED WAS LOWERED INTO DUNG UP TO HIS ARMPITS, THEN A HARD CLOTH WAS PLACED WITHIN A SOFT ONE,⁷ WOUND ROUND HIS NECK, AND THE TWO LOOSE ENDS PULLED IN OPPOSITE DIRECTIONS, FORCING HIM TO OPEN HIS MOUTH. A WICK WAS THEN LIT, AND THROWN INTO HIS MOUTH, SO THAT IT DESCENDED INTO HIS BODY AND BURNT HIS BOWELS. R. JUDAH SAID: SHOULD HE HOWEVER HAVE DIED AT THEIR HANDS [BEING STRANGLER BY THE BANDAGE BEFORE THE WICK WAS THROWN INTO HIS MOUTH, OR BEFORE IT COULD ACT], HE WOULD NOT HAVE BEEN EXECUTED BY FIRE AS PRESCRIBED. HENCE IT WAS DONE THUS: HIS MOUTH WAS FORCED OPEN WITH PINNERS AGAINST HIS WISH, THE WICK LIT AND THROWN INTO HIS MOUTH, SO THAT IT DESCENDED INTO HIS BODY AND BURNT HIS BOWELS. R. ELEAZAR B. ZADOK SAID: IT ONCE HAPPENED THAT A PRIEST'S DAUGHTER COMMITTED ADULTERY, WHEREUPON BUNDLES OF FAGGOTS WERE PLACED ROUND ABOUT HER AND SHE WAS BURNT. THE SAGES REPLIED, THAT WAS BECAUSE THE BETH DIN AT THAT TIME WAS NOT WELL LEARNED IN LAW.

GEMARA. What is meant by a WICK? — R. Mathna said: A lead bar.⁸

Whence do we know this?⁹ — It is inferred from the fact that burning is decreed here;¹⁰ and was also the fate of the assembly of Korah,¹¹ just as there the reference is to the burning of the soul, the body remaining intact, so here too. R. Eleazar said: It is deduced from the employment of the word 'burning' here and in the case of Aaron's sons;¹² just as there the burning of the soul is meant, while the body remained intact, so here too.

Now, he who deduces it from the assembly of Korah, whence does he know [that they were thus burnt]? — Because it is written: [Speak unto Eleazar . . . that he take up the censers out of the burning . . . The censers of these sinners against their own souls,¹³ implying that their souls were burned, but their bodies were unharmed. And the other?¹⁴ He maintains that they were literally burnt [i.e., their bodies], and what is the meaning of against their own souls? — That they incurred the punishment of fire because of [the pollution of] their souls; as Resh Lakish [taught]. For R. Simeon b. Lakish said: What is the meaning of the verse, with hypocritical mockers in feasts, they gnashed upon me with their teeth?¹⁵ Because they hypocritically [i.e., polluting their own sincerity] flattered Korah in return for the feast he set before them, the Prince of Gehenna¹⁶ gnashed his teeth against them [for their destruction]. Now he [R. Eleazar] who infers it from the sons of Aaron, whence does he know [that their bodies were not burnt]? — Because it is written, And they died before the Lord,¹⁷ teaching that it was like normal death [from within]. And the other? — He maintains that they were actually burnt, whilst the verse, And they died before the Lord, shews that the fire commenced from within, as in normal death. For it has been taught: Abba Jose b. Doseithai said: Two streams of fire issued from the Holy of Holies, branching off into four, and two entered into each of their nostrils and burned them.¹⁸ But it is written, And the fire devoured them?¹⁹ — This implies them but not their garments.

But why should we not learn [the manner of death by fire] from the bullocks that were burnt,²⁰ just as there they were actually burnt, so here too? — It is logical to learn this from man, because these have the following points in common: — [i] man, [ii] sin, [iii] soul, and [iv] piggul.²¹ On the contrary, should we not compare it rather to the burnt bullocks, since they have in common [i] the carrying out of God's command, and [ii] permanency?²² — Even so, the others have more in common.

Now, he who deduces it from the assembly of Korah, why did he not learn it from Aaron's sons? — Because they were actually burnt [this being his opinion]. Then why not deduce from them [that this shall be the method of burning]? — R. Nahman answered in the name of Rabbah b. Abbuha: The verse saith, But thou shalt love thy neighbour as thyself,²³ [which implies:] choose an easy death for him.²⁴ Now, since we have R. Nahman's dictum, what need is there of the *gezerah shawah*? — But for the *gezerah shawah* — I would think that burning of the soul, the body remaining intact, is not deemed burning at all; whilst as for [the implication of the verse], Thou shalt love thy neighbour as thyself, this can be fulfilled by piling up an abundance of faggots to cause a speedy death. Hence the teaching of the *gezerah shawah*.

Moses and Aaron once walked along, with Nadab and Abihu behind them, and all Israel following in the rear. Then Nadab said to Abihu, 'Oh that these old men might die, so that you and I should be the leaders of our generation.' But the Holy One, blessed be He, said unto them: 'We shall see who will bury whom.' R. Papa said: Thus men say: Many an old camel is laden with the hides of younger ones.'²⁵

R. Eleazar said:

(1) Ibid. XXI, 9. Since R. Ishmael maintains that an *arusah* is burnt, but not a *nesu'ah*, deducing this by analogy, and not admitting the *gezerah shawah* based upon the phrase 'her father', what do these words teach?

(2) In the sense of not holy.

(3) That the father is cursed and reviled for his offspring's misdemeanours.

(4) [This is Rashi's reading, found also in MS.M.; cur edd.: What does he teach that he states?]

(5) Supra 42b.

(6) Supra 45a.

(7) The soft one alone could not exert sufficient pressure to open his mouth; whilst a hard one alone would bruise the

skin and unnecessarily disfigure him (Rashi).

(8) 'Lit' in the Mishnah will therefore mean 'melted'.

(9) That death by fire was thus carried out, instead of burning the body.

(10) Lev. XXI, 9. She shall be burnt with fire.

(11) Num. XVII, 4. And Eleazer the priest took the brazen censers, wherewith they that were burnt had offered.

(12) Lev. X, 6. Let your brethren . . . bewail the burning which the Lord hath kindled.

(13) Num. XVII, 2f(E. V. XVI, 37f).

(14) R. Eleazar.

(15) Ps. XXXV, 16.

(16) In the valley to the south of Jerusalem, known as the valley of the son of Hinnom, children were at one time sacrificed to Moloch (II Kings XXIII, 10; Jer. II, 23; VII, 31f). For this reason the valley was deemed accursed, and Gehenna thus became a synonym for hell. It is assumed to be in charge of a demon prince, who voraciously demands multitudes of victims (Shab. 104a).

(17) Lev. X, 12.

(18) So that the fire commenced, within and spread without.

(19) Ibid. This implies limitation: 'them', but not something else; now, if they were entirely burnt, what does this word exclude?

(20) As sacrifices, where, of course, the carcasses were burnt. Lev. IV, 12 et passim.

(21) I.e., both refer to (i) man, (ii) punishment for sin, (iii) destruction of the soul, and (iv) in both there is no law of *piggul*. *Piggul*, lit., 'abomination,' a sacrifice slaughtered with the unlawful intention of eating it beyond the prescribed limits of time; for the flesh of sacrifices had to be eaten within prescribed times (v. Zeb. V, 2. 53a). But the burnt bullocks differed from man on all these points

(22) I.e., they have the following in common: (i) each is performed by man in obedience to God's command, but Aaron's sons and the assembly of Korah were destroyed by God himself; (ii) the law of execution by fire, as that of sacrifices, was of permanent validity, whereas in the other two cases their deaths were unique, the result of miracles confined to particular times.

(23) Lev. XIX, 18.

(24) But the burning of the body is a most painful death.

(25) I.e., many an old man surprises the young.

Talmud - Mas. Sanhedrin 52b

How is the scholar regarded by the ignorant? — At first, like a golden ladle; if he converses with him, like a silver ladle; if he [the scholar] derives benefit from him, like an earthen ladle, which once broken cannot be mended.¹

Imarta the daughter of Tali, a priest, committed adultery. Thereupon R. Hama b. Tobiah had her surrounded by faggots and burnt. R. Joseph² said: He [R. Hama] was ignorant of two laws. He was ignorant of R. Mathna's dictum³ and of the following Baraitha: And thou shalt come unto the priests, the Levites, and unto the judge that shall be in those days:⁴ This teaches that when the priesthood is functioning [in the Temple], the judge functions [in respect of capital punishment]; but when the priesthood is not functioning, the judge may not function.⁵

R. ELEAZAR B. ZADOK SAID, IT ONCE HAPPENED THAT A PRIEST'S DAUGHTER COMMITTED ADULTERY, etc.

R. Joseph said: It was a Sadducee⁶ Beth din that did this. Now, is this what R. Eleazar b. Zadok said, and did the sages answer him so? Has it not been taught: R. Eleazar b. Zadok said, 'I remember when I was a child riding on my father's shoulder that a priest's adulterous daughter was brought [to the place of execution], surrounded by faggots, and burnt.' The Sages answered him: 'You were then a minor, whose testimony is inadmissible'⁷ — There were two such incidents.⁸ Now which incident did he first relate to them? Shall we say that he first told them of the incident first mentioned here

[which happened in his majority]: but if he told them what happened in his majority, and they paid no attention to him, surely he would not proceed to tell them what occurred in his minority? — But he must have related this one [of the Baraita] first, to which they replied: ‘You were a minor.’ Then he told them of the case that occurred in his majority, and they replied, ‘That was done because the Beth din at that time was not learned in the law.’

MISHNAH. EXECUTION BY THE SWORD WAS PERFORMED THUS: THE CONDEMNED MAN WAS DECAPITATED BY THE SWORD, AS IS DONE BY THE CIVIL AUTHORITIES.⁹ R. JUDAH SAID: THIS IS A HIDEOUS DISFIGUREMENT; BUT HIS HEAD WAS LAID ON A BLOCK AND SEVERED WITH AN AXE.¹⁰ THEY REPLIED, NO DEATH IS MORE DISFIGURING THAN THIS.

GEMARA. It had been taught: R. Judah said to the Sages: I too know that this is a death of repulsive disfigurement, but what can I do, seeing that the Torah hath said, neither shall ye walk in their ordinances?¹¹ But the Rabbis maintain: Since Scripture decreed the sword, we do not imitate them [when using their method]. For if you will not agree to this, then how about that which was taught: Pyres may be lit in honour of deceased kings,¹² and this is not forbidden as being of the ‘ways of the Amorites’: but why so? Is it not written, neither shall ye walk in their ordinances? But because this burning is referred to in the Bible, as it is written, [But thou shalt die in peace:] and with the burnings of thy fathers . . . [so shall they burn for thee],¹³ it is not from them [the heathens] that we derive the practice. So here too, since the Torah decreed the sword,¹⁴ it is not from them [the Romans] that we derive the practice. Now we have learnt in another chapter, ‘The following are decapitated: A murderer, and the inhabitants of a seduced city.’¹⁵ We know this to be true of the inhabitants of a seduced city, because it is written, [‘Thou shalt surely smite the inhabitants of that city] with the edge of the sword.¹⁶ But whence do we know it of a murderer? — It has been taught: [And if a man smite his servant . . . and he die under his hand,] he shall surely be avenged.¹⁷ Now I do not know what form this vengeance is to take; but when the Writ saith, And I will bring a sword upon you, that shall execute the vengeance of the covenant,¹⁸ I learn that vengeance is by the sword. But perhaps it means that he must be pierced through? — The Writ saith, with the edge of the sword. Then perhaps it means that he must be cut in two [lengthwise]? — R. Nahman said in the name of Rabbah b. Abbuha: Scripture teaches, But thou shalt love thy neighbour as thyself¹⁹ choose an easy death for him. Now we find this law [of execution by the sword] when one murdered a slave; whence do we know that this law holds good if he murdered a free man? — Surely this can be deduced by reasoning from the minor to the major: if the murderer of a slave is decapitated, shall he who slays a free man be only strangled! Now, this answer agrees with the view that strangulation is an easier death; but what of the view that strangulation is more severe? It is then deduced from the following: It has been taught: [The verse], So shalt thou put away the guilt of the innocent blood from among you,²⁰ serves to denote that all that shed blood are likened [in treatment] to the atoning heifer:²¹ just as there, it is done with a sword and at the neck, so here too, execution is with the sword and at the neck [i.e., the throat]. If so, just as there it was done with an axe, and on the nape of the neck, so here too? — R. Nahman answered in the name of Rabbah b. Abbuha: Scripture saith: But thou shalt love thy neighbour as thyself:²² choose an easy death for him.

MISHNAH. STRANGULATION WAS THUS PERFORMED: — THE CONDEMNED MAN WAS LOWERED INTO DUNG UP TO HIS ARMPITS, THEN A HARD CLOTH WAS PLACED WITHIN A SOFT ONE, WOUND ROUND HIS NECK, AND THE TWO ENDS PULLED IN OPPOSITE DIRECTIONS UNTIL HE WAS DEAD.

GEMARA. Our Rabbis taught: [And the man that committeth adultery with another man's wife, even he that committeth adultery with his neighbour's wife the adulterer and the adulteress shall surely be put to death].²³ ‘The man ‘excludes a minor; ‘that committeth adultery with another man's wife’ excludes the wife of a minor; ‘even he that committeth adultery with his neighbour's wife’

excludes the wife of a heathen; 'shall surely be put to death', by strangulation. You say, by strangulation; but perhaps one of the other deaths decreed by the Torah is meant here? — I will answer you: Whenever the Torah decrees an unspecified death penalty, you may not interpret it stringently but leniently:²⁴ this is R. Josiah's view. R. Jonathan said: Not because strangulation is the most lenient death, but because by every unspecified death in the Torah strangulation is meant. Rabbi [proceeding to demonstrate this] said: Death by God is mentioned in Scripture;²⁵ and death by man is also decreed. Just as the death by God²⁶ leaves no mark [of violence on the body], so also death by man must leave no mark [of violence], a condition which only strangling fulfils. But may it not apply to burning?²⁷ Since the Divine Law explicitly decreed burning for a priest's adulterous daughter, it follows that the adulterous married [Israelite] woman is not put to death by burning.

(1) This passage is inserted here because the assembly of Korah has just been mentioned, who were scholars 'the elect men, of the assembly' (Num. XVI, 2). These, becoming over familiar with Korah and accepting gifts from him, lost his esteem, until ultimately he incited them to support him in his revolt against Moses.

(2) (First of the Saboraim, v. Funk, *Die Juden in Babylonien*. II, 123.)

(3) That burning was carried out by pouring molten lead down the condemned man's throat.

(4) Deut. XVII, 9.

(5) Thus R. Hama, an Amora living long after the destruction of the Temple, had no jurisdiction for capital punishment. [According to Funk, *loc. cit.*, R. Hama's rigorous sentence was prompted by his desire to combat the Mazdakian doctrine of the community of wives that had found many adherents in his day.]

(6) The party opposed to the Pharisees, and drawing their support mainly from the aristocratic classes. As they represented the nobility and wealth of the country, their interests were centred chiefly in the political, not the religious life, of the people. Their origin is wrapped in obscurity (Weiss, *Dor*, 1, 100); but Halevy, *Doroth Voi*. III: 'The Sadducees and Boethusians', regards them as the children of the Hellenizing Jews in the days of the Maccabees; he denies that they were a religious party at all. The passage from Josephus (*Ant.* XIII, 10, 6) upon which this assertion is commonly based is explained by him as referring to the rejection of distinctive Rabbinic ordinances as apart from laws derived through interpretation of Scripture. In regard to criminal jurisdiction, they were very rigorous and, as seen in this passage, carried out the penalty of death by fire in a literal manner. Halevy (*op. cit.* Vol. III, p. 412f) observes that the reply of the Sages to R. Eleazar b. Zadok, — Because the Beth din at that time (amplified by R. Joseph as meaning a Beth din of the Sadducees) were not well learned in the law', shews that their ruling was in the first instance not based on the principle of literal interpretation, but the result of ignorance, it was only subsequently that such ruling crystallized into definite principles. J. Derenbourg (*Essai*, p. 251, n. 2) suggests that the burning of the priest's adulterous daughter, as described by R. Eleazar b. Zadok, took place during the short interval between the death of Festus, the Roman Procurator, (in 62 C.E.) and the coming of Albinus (63 C.E.). during the High-Priesthood of Hanan b. Hanan (a Boethusian mentioned in *Tosef. Yoma i*). Cp. also *ibid* p. 262.

(7) This refutation differs from that of the Mishnah.

(8) One taking place during R. Eleazar's minority, the other during his majority. The answer in the Mishnah was in respect of the other.

(9) Under the Empire the Romans practised various forms of execution. Execution by the axe after flogging, previously confined to slaves, was revised in the early Empire and applied to citizens too. (*Tac. An.* II, 32; *Suet. Nero*, 49). Beheading by the sword ('*decollatio*') was also common, Sandys: *A Companion to Latin Studies*, p.339. With the introduction of the later, the former was prohibited (*Hast. Dict.* IV, 299), and therefore R. Judah stigmatises beheading by the sword as a Roman practice, and prefers the axe instead, though that too was formerly employed by the Romans.

(10) **

(11) Lev. XVIII, 3. Hence the method of the civil authorities — i.e., the Romans — must not be used.

(12) Cp. 'And with the burnings of thy fathers, the former kings which were before, so shall they make a burning for thee (*Jer.* XXXIV, 5). This does not refer to the cremation of the body, but to the funeral pyre lit in honour of kings. The pyre consisted of the royal bed and his general utensils. The same honour was paid to Patriarchs, and the greater the value of the things burnt, the greater the honour. A.Z. 11a. (The A. V. of *Jer.* XXXIV, 5, 'so shall they burn odours for thee', is not warranted by the text.)

(13) *Jer.* XXXIV, 5.

(14) V. *Infra*.

- (15) *Infra* 76b.
 (16) *Deut.* XIII, 18.
 (17) *Ex.* XXI, 20.
 (18) *Lev.* XXVI, 25.
 (19) *Ibid.* XIX, 18.
 (20) *Deut.* XXI, 9.
 (21) *Lit.*, 'the heifer, the neck of which is broken.'
 (22) *Lev.* XIX, 18.
 (23) *Ibid.* XX, 10.
 (24) *Lit.*, 'attract it to stringency etc'. Hence strangulation, the easiest of deaths, must be meant.
 (25) E.g., God's slaying of Onan, *Gen.* XXXVIII, 10.
 (26) I.e., a normal death, which leaves the body intact.
 (27) Since, as explained above, an inner fire was applied, leaving the body intact.

Talmud - Mas. Sanhedrin 53a

Now, R. Jonathan's view raises no difficulty, its reason being explained by Rabbi. But on R. Josiah's view, how do we know that there is death by strangulation at all; perhaps the sword is meant?¹ — Raba replied: It is a tradition that there are four deaths. Why does R. Jonathan say, 'not because strangulation is the most lenient death'? — Because his dispute with R. Josiah is on the same lines as that of R. Simeon and the Rabbis.²

R. Zera asked of Abaye; Those who are stoned, but in whose case Scripture does not explicitly decree stoning,³ so that we derive the penalty by analogy of a necromancer, or a wizard,⁴ from which phrase do we deduce it: from 'they shall surely be put to death', or from 'their blood shall be upon them'?⁵ — He replied: It is deduced from the phrase 'their blood shall be upon them,; for if it is inferred from the passage 'they shall surely be put to death', what need is there of the words 'their blood shall be upon them'? But do you say that it is deduced from 'their blood shall be upon them'; what need is there then of the phrase 'they shall surely be put to death'? — Even as it has been taught: He that smote him shall surely be put to death; for he is a murderer.⁶ I only know that he may be executed with the death that is decreed for him: Whence do I know that if you cannot execute him with that death, you may execute him with any other death? — From the verse: He that smote him shall surely be put to death, implying in any manner possible.⁷

R. Aha of Difti questioned Rabina: Now, had the deduction been from the phrase, they shall surely be put to death — what would be R. Zera's difficulty?⁸ Shall we say that his difficulty would be in respect of [adultery with] a married woman,⁹ namely, that we ought to learn the manner of death from the law of a necromancer or a wizard; just as there it is stoning, so here too?¹⁰ But since the Divine Law ordained stoning for an arusah,¹¹ it follows that a nesu'ah is not stoned!¹² If, again, the difficulty would arise in respect of one who smites his father or mother;¹³ namely, that we ought to learn [by analogy of a necromancer or a wizard [that he is stoned]]?¹⁴ But instead of deducing it from the necromancer, etc., deduce it rather from adultery with a married woman [who is strangled], since you may not make a deduction in favour of a stringent penalty in preference to a lenient one.¹⁵ — He replied: His difficulty would be in respect of all others who are stoned, for if it [the punishment of them by stoning] is deduced from the phrase, they shall surely be put to death, why deduce it from a necromancer and a wizard; deduce it rather from the adultery of a married woman?¹⁶

MISHNAH. THE FOLLOWING ARE STONED: HE WHO COMMITS INCEST WITH HIS MOTHER, HIS FATHER'S WIFE, OR HIS DAUGHTER-IN-LAW; HE WHO SEXUALLY ABUSES A MALE OR BEAST; A WOMAN WHO COMMITS BESTIALITY WITH A BEAST; A BLASPHEMER; AN IDOLATER; HE WHO GIVES OF HIS SEED TO MOLECH; A NECROMANCER OR A WIZARD; ONE WHO DESECRATES THE SABBATH; HE WHO

CURSES HIS FATHER OR MOTHER; HE WHO COMMITS ADULTERY WITH A BETROTHED MAIDEN; HE WHO INCITES [INDIVIDUALS TO IDOLATRY]; HE WHO SEDUCES [A WHOLE TOWN TO IDOLATRY];¹⁷ A SORCERER; AND A WAYWARD AND REBELLIOUS SON.

ONE WHO [UNWITTINGLY] COMMITS INCEST WITH HIS MOTHER INCURS A PENALTY IN RESPECT OF HER BOTH AS HIS MOTHER AND AS HIS FATHER'S WIFE.¹⁸ R. JUDAH SAID: HE IS LIABLE IN RESPECT OF HER AS HIS MOTHER ONLY. ONE WHO COMMITS INCEST WITH HIS FATHER'S WIFE INCURS A PENALTY IN RESPECT OF HER BOTH AS HIS FATHER'S WIFE, AND AS A MARRIED WOMAN. [HE IS GUILTY IN RESPECT OF THE FORMER] BOTH DURING HIS FATHER'S LIFETIME AND AFTER HIS DEATH, WHETHER SHE WAS WIDOWED FROM ERUSIN¹⁹ OR FROM NESU'IN.¹⁸ HE WHO COMMITS INCEST WITH HIS DAUGHTER-IN-LAW INCURS A PENALTY IN RESPECT OF HER BOTH AS HIS DAUGHTER-IN-LAW AND AS A MARRIED WOMAN. [HE IS GUILTY IN RESPECT OF THE FORMER] BOTH DURING HIS SON'S LIFETIME AND AFTER HIS DEATH, WHETHER SHE WAS WIDOWED FROM ERUSIN OR FROM NESU'IN. GEMARA. It has been taught: R. Judah said: If his mother was unfit for his father, he is guilty only in respect of her maternal relationship to him. What is meant by unfit for him? Shall we say, forbidden to him on pain of extermination²⁰ or death inflicted by the Beth din? This would prove that the Rabbis²¹ hold that even for such he incurs a twofold penalty. But how so, seeing that his father cannot be legally married to her at all?²² — Hence it must refer to a woman who is forbidden to him in virtue of a negative precept,²³ R. Judah agreeing with R. Akiba, who holds that Kiddushin is not valid between those who are interdicted to each other by a negative command.

R. Oshaia objected: [We have learnt:] A woman who is forbidden [to her deceased husband's brother] by a positive precept, or on the score of sanctity, must perform the halizah ceremony,²⁴ but may not marry her brother-in-law.

(1) Since the only ground for his assertion is the leniency of strangulation, perhaps there are only three death penalties, and when unspecified death is decreed in the Torah, it means the sword, the most lenient of the three.

(2) As to which is the easiest death (v. supra 50b). R. Jonathan maintaining that strangulation is not the easiest.

(3) For a number of offences such as idolatry, adultery by a betrothed maiden, desecration of the Sabbath, etc., Scripture explicitly ordains stoning. But in the case of others, e.g., witchcraft, incest, incitement to idolatry, etc., Scripture merely decrees death, and by a *gezerah shawah* we learn that stoning is meant.

(4) Cf. infra 54a.

(5) Lev. XX, 27 A man also or a woman that hath a familiar spirit (necromancer), or that is a wizard, they shall surely be put to death: they shall stone them with stones: their blood shall be upon them. In the case of all other malefactors who are stoned, though stoning is not explicitly stated, the two phrases 'they' shall surely be put to death' and 'their blood shall be upon their head' occur.

(6) Num. XXXV, 21.

(7) This is learnt from the emphatic 'surely', expressed in Hebrew as usual, by the insertion of the infinitive before the finite form of the verb. **מוֹת יוֹמָת** V. supra 45b.

(8) For since he asked from which phrase the deduction is made, it is obvious that if from one particular phrase, a difficulty would arise.

(9) For which it was said above, that the death penalty being unspecified, it is strangulation.

(10) I.e., instead of regarding it as an unspecified death penalty, why not treat it as explicit, in virtue of the phrase they shall surely be put to death, written also in the case of adultery with a married woman.

(11) Deut. XXII, 23f.

(12) So that this difficulty falls to the ground.

(13) Who is strangled, infra 84b.

(14) Since the phrase he shall surely be put to death (Ex. XXI, 15) is written of him too.

(15) For as the same phrase (v. p. 375. n.7) occurs in the three places. viz., (i) necromancer etc. (stoning), (ii) married

woman (strangulation), and (iii) he that smites his father or mother, the last to be deduced from one of the first two, it follows, that one must incline to leniency. So that even if the deduction were made from the phrase, they shall surely be put to death, it would be still correct to say that one who smites his father or mother is strangled.

(16) Since the deduction must be in favour of the more lenient death.

(17) The former is called mesith: the latter maddiah.

(18) Hence if unwittingly, he is bound to bring two sin-offerings.

(19) V. p. 333, n. 3.

(20) Divine punishment (Kareth) through sudden or premature death, opposed to capital punishment at the hand of man, v. Glos.

(21) Represented by the anonymous opinion in the Mishnah.

(22) Lit., 'he has no claim of kiddushin in her regard'. Kiddushin (marriage betrothal) is invalid when contracted between parties forbidden to each other under such severe penalties. Consequently, she is not his wife, and her son, in committing incest, does not transgress the interdict attaching to one's father's wife.

(23) Which carries with it the penalty of flogging, but not of death or extermination; e.g. a bastard or a nathin or a divorcee in respect of a priest. The Sages maintain that in such cases kiddushin, though forbidden, is valid if contracted.

(24) V. p. 331, n. 7.

Talmud - Mas. Sanhedrin 53b

Now 'forbidden by a positive precept' means the prohibitions in the second degree,¹ imposed by the Soferim,² and why is it thus designated? Because it is a 'positive precept' to obey the Sages. 'Forbidden on the score of sanctity' refers to the prohibition of a widow to [marry] a High Priest, and of a divorcee or a haluzah³ to marry an ordinary priest; and why is it so called? Because it is written, they [sc. the priests] shall be holy unto their God.⁴ And it has been taught thereon: R. Judah reversed the definition. Now, though reversing the definition, he agreed on the fundamental law, that these required halizah [before being free to marry others]. But if you maintain that R. Judah agreed with R. Akiba [on the invalidity of kiddushin between those who are forbidden by a negative command], then consider: R. Akiba places those who are forbidden by a negative command in the same category as those who are forbidden on pain of extermination; but are not the latter exempt from both halizah and Levirate marriage?⁵ — R. Judah reverses the definition according to the ruling of the first Tanna, with which, however, he disagrees.⁶

When R. Isaac came,⁷ he taught as we have learnt [in our Mishnah]: R. Judah said, he incurs guilt only on account of her maternal relationship to him.⁸ Now why is this? — Abaye said: Scripture saith, The nakedness of thy father, or the nakedness of thy mother, shalt thou not uncover, she is thy mother.⁹ [This teaches:] You must punish him for maternal incest, but not for incest with his father's wife. If so, what of the verse, The nakedness of thy father's wife shalt thou not uncover: It is thy father's nakedness?¹⁰ Does it not imply, you may penalise him for incest with his father's wife, but not for maternal incest? In that case, if she is both his mother and his father's wife, one verse implies the exclusion of maternal incest [as the incriminating offence] — and the other excludes incest with his father's wife [as punishable].¹¹ Now if he is punished for incest with his mother, even when not his father's wife, and with his father's wife, though not his mother—shall we say that when she is both his mother and his father's wife, he incurs no penalty at all? A further difficulty is this: Do not the Rabbis admit the existence of this verse, 'she is thy mother'?¹² But they interpret it as teaching the law deduced by R. Shisha, the son of R. Iddi;¹³ in that case, R. Judah must also utilise it for the same purpose.¹⁴ But R. Aha the son of Ika said thus: The Writ sayeth: [she is thy mother: thou shalt not uncover] her nakedness.¹⁵ This teaches: You may penalise him for one degree of 'nakedness', but not for two degrees,¹⁶ If so, what of the verse: Thou shalt not uncover the nakedness of thy daughter-in-law: She is thy son's wife: thou shalt not uncover her nakedness?¹⁷ Does this too teach: You may penalise him for one degree of 'nakedness', but not for two? But we have learnt: HE WHO COMMITS INCEST WITH HIS DAUGHTER-IN-LAW INCURS A PENALTY IN RESPECT OF HER BOTH AS HIS DAUGHTER-IN-LAW AND AS A MARRIED WOMAN. (HE IS GUILTY

IN RESPECT OF HER BOTH DURING HIS SON'S LIFETIME AND AFTER H[IS DEATH]); and R. Judah does not dispute this! But since she is but one person, though forbidden in a double capacity, the Writ saith, 'her nakedness' [singular]: here too then, [in the case of one's mother who is also the father's wife] since she is one person, even if she were doubly forbidden, the Writ saith: 'her nakedness'.¹⁸ — But Raba answered thus: R. Judah maintains that the nakedness of thy father [thou shalt not uncover], means thy father's wife, deducing this by a *gezerah shawah*,¹⁹ and it applies to her whether she is his mother or not; whence do we know then that one's mother who is not his father's wife is likewise forbidden? — From the verse, the nakedness of thy mother shalt thou not uncover. [Hence the phrase,] 'she is thy mother' teaches that he is guilty only on account of her maternal relationship, but not because she is his father's wife.²⁰

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(1) This refers to a Rabbinical ordinance extending the prohibition of incest to one degree beyond the Biblical interdict, e.g., the Bible forbids one's mother: the Rabbis added one's maternal grandmother. The Bible forbids the father's wife: the Rabbis extended this to the grandfather's wife. The full list is given in Yeb. 21a. V. supra 27b seqq.

(2) *Soferim*, lit., 'scribes.' Originally it meant people skilled in writing (cf. II Sam. VIII, 17; II Kings XIX, 2). Later, in the time of Ezra, it referred to the body of teachers who interpreted the Law to the people, and then it came to mean teachers generally. Usually, when employed in the Talmud, it applies to teachers up to and including Simon the Just. Consequently, when an ordinance is described as a measure of the *Soferim*, it must have been of great antiquity. But occasionally the designation is applied to later teachers too; e.g., in J. Ber. I, 7, and R.H. 19a.

(3) A woman freed from Levirate marriage, by the ceremony of *halizah*.

(4) Lev. XXI, 6. This relates to these forbidden marriages.

(5) I.e. 'a woman standing in such relationship to her brother-in-law is automatically free, without the *halizah* ceremony.

(6) I.e., R. Judah maintains that in such cases there is neither *halizah* nor levirate marriage; but granted the view of the first teacher that *halizah* is obligatory, he holds that the definition must be reversed.

(7) From Palestine to Babylon. With the decay of the Palestinian academies in the fourth century, many scholars emigrated from Palestine. These brought with them traditional teachings of the Tannaim.

(8) In all cases, not, as stated in the *Baraitha*, only when she is forbidden to his father.

(9) Lev. XVIII, 7.

(10) *Ibid.* 8.

(11) Thus leaving no grounds for punishment at all. Or, as Rashi prefers, though admitting that this is undoubtedly punishable, the two verses contradict each other as to the grounds of punishment. On this interpretation, Rashi omits the following passage, 'Now . . . at all'.

(12) I.e., of course they do, yet they do not agree with R. Judah's view.

(13) This is given further on.

(14) Thus the question remains, what is R. Judah's reason?

(15) *Ibid.*

(16) Where a woman stands in a dual relationship of consanguinity, a penalty is incurred only in respect of one.

(17) *Ibid.* XVIII, 15.

(18) I.e., the use of the singular cannot teach that a penalty can be imposed only for one degree of consanguinity.

(19) As shewn further on.

(20) Thus, Raba agrees with Abaye that R. Judah's reason is the limitation implied in the phrase 'she is thy mother'. But he disposes of the consequent difficulty. viz., that of the verse, it is thy father's nakedness in the following way: The dictum, The nakedness of thy father shalt thou not uncover, refers to his father's wife, whether his mother or not; and so far, (without an additional limiting phrase) it is implied that in both cases the interdict is on account of paternal, not maternal consanguinity. Hence, when the following verse states, (The nakedness of thy father's wife thou shalt not uncover:) it is thy father's nakedness, it cannot mean that guilt is incurred only on account of paternal, but not maternal relationship, since that has already been implied in the preceding verse, the nakedness of thy father . . . shalt thou not uncover. Therefore the limitation undoubtedly intended by the latter verse must be otherwise interpreted. (This is done further on.) Now, since the nakedness of thy father should imply that whether she is his mother or not he is penalised on account of paternal consanguinity, it follows that when the same verse inserts a limiting clause, 'she is thy mother', the limitation must apply to that which has already been expressed, viz., that the father's wife, if also one's mother, is forbidden on account of maternal, not paternal, consanguinity. This is more fully explained in the next passage.

Talmud - Mas. Sanhedrin 54a

It has been taught in support of Raba; [And the man that lieth with his father's wife hath uncovered his father's nakedness: both of them shall surely be put to death, ' their blood shall be upon them.]¹ The man excludes a minor; that lieth with his father's wife, implies whether she is his mother or not. Whence do I know that his mother who is not his father's wife [is also thus forbidden]? — From the verse, [he] hath uncovered his father's nakedness. For this is redundant,² in order that an analogy may be drawn therefrom and identity of meaning based on a *gezerah shawah* deduced.³ [They] shall surely be put to death, by stoning. You say, by stoning; but perhaps it means by one of the other deaths decreed in the Torah? — The Writ saith here, their blood shall be upon them; and in the case of a necromancer or a wizard, the Writ saith likewise, their blood shall be upon them;⁴ just as there, stoning is meant, so here too. Now, in this verse, we are informed of the penalty: whence do we know the formal prohibition?⁵ — From the verse, The nakedness of thy father . . . shalt thou not uncover:⁶ the nakedness of thy father means thy father's wife. You say so: but perhaps it has its literal meaning?⁷ — It is here said, The nakedness of thy father . . . shalt thou not uncover; and elsewhere⁸ it is said, [he] hath uncovered his father's nakedness: just as there the reference is to the opposite sex, so here too; and it implies his father's wife, whether his mother or not. Whence do we know [that this law applies to] his mother, even if she is not his father's wife? — From the verse, The nakedness of thy mother thou shalt not uncover. From this I learn only the formal prohibition, viz., that the Scripture interdicts his mother, though not his father's wife, just as his father's wife. Whence do I derive the punishment?⁹ — It is here stated , the nakedness of thy father . . . thou shalt not uncover,' and It is said elsewhere, [he] hath uncovered his father's nakedness: just as the Writ assimilated his mother, when not his father's wife, to his mother who was also his father's wife, in respect of formal prohibition, so it assimilated her in respect of punishment. She is thy mother; this teaches, you must punish him in respect of her as a mother, but not as his father's wife.¹⁰ But the Rabbis contend: the nakedness of thy father is literally meant. But is this not taught by the verse: Thou shalt not lie with mankind as with womankind?¹¹ — This teaches that a double penalty is incurred; and as R. Judah said: If a heathen committed pederasty with his father or with his paternal uncle he incurs a double penalty. Raba said: This dictum of Rab Judah presumably refers to a Jew, the offence having been committed unwittingly, and the penalty mentioned being a sacrifice; whilst the designation 'heathen' is a euphemism.¹² For if you will say that he meant a heathen literally, what is his penalty? Death! Will you slay him twice? It has been taught likewise: He who commits pederasty with his father or with his paternal uncle incurs a twofold penalty. Some say that this does not agree with R. Judah [of the Mishnah].¹³ But others maintain that this may agree even with R. Judah, and he deduces a twofold penalty by reasoning from the minor to the major, basing his argument upon the law pertaining to a paternal uncle, [thus:] If for a paternal uncle, who is but a relation of one's father, a twofold penalty is incurred,¹⁴ how much more so is a double penalty incurred for pederasty with one's father. These two conflicting views are involved in the dispute of Raba and Abaye,¹⁵ one maintaining that punishment is imposed as a result of a minor to a major conclusion, the other maintaining that It is not.¹⁶

Now, whence do the Rabbis derive a formal prohibition against a father's wife?¹⁷ — From the verse, The nakedness of thy father's wife thou shalt not uncover.¹⁸ And R. Judah? — He maintains that this verse interdicts her after his father's death. And the Rabbis? They maintain that this is derived from it is thy father's nakedness.¹⁹ And R. Judah? — He utilises it to teach that he is punished in respect of her as his father's wife, but not as a married woman.²⁰ But we have learnt, ONE WHO COMMITS INCEST WITH HIS FATHER'S WIFE INCURS A PENALTY IN RESPECT OF HER BOTH AS HIS FATHER'S WIFE AND AS A MARRIED WOMAN. [HE IS GUILTY IN RESPECT OF THE FORMER] BOTH DURING HIS FATHER'S LIFETIME AND AFTER HIS DEATH; and R. Judah does not dispute it? — Abaye answered: He does dispute it in the Baraita.

Now, whence do the Rabbis derive punishment for incest with one's father's wife after the former's death? It is all well according to R. Judah, for he derives it by means of the *gezerah shawah*; but whence do the Rabbis derive it? They answer thus: [he] hath uncovered his father's nakedness,²¹ which R. Judah utilises for a *gezerah shawah*, is rather to be employed as teaching punishment for incest with one's father's wife after his death.

Now, whence do the Rabbis derive punishment for incest with one's mother who is not his father's wife?²² — R. Shisha the son of R. Iddi said: The Writ saith, she is thy mother,²³ thereby teaching that one's mother, even if not his father's wife, is exactly as his father's wife.²⁴

HE WHO COMMITS INCEST WITH HIS DAUGHTER-IN-LAW, etc. Why is he not also guilty in respect of her as his son's wife?²⁵ — Abaye answered: The Writ commences with his daughter-in-law, and concludes with his son's wife,²⁶ teaching that they are identical.²⁷ MISHNAH. HE WHO COMMITS SODOMY WITH A MALE OR A BEAST, AND A WOMAN THAT COMMITS BESTIALITY ARE STONED. IF THE MAN HAS SINNED, WHEREIN HAS THE ANIMAL OFFENDED? BUT BECAUSE MAN WAS ENTICED TO SIN THEREBY,²⁸ SCRIPTURE ORDERED THAT IT SHOULD BE STONED. ANOTHER REASON IS THAT THE ANIMAL SHOULD NOT PASS THROUGH THE STREETS, WHILST PEOPLE SAY, THIS IS THE ANIMAL ON ACCOUNT OF WHICH SO AND SO WAS STONED.

GEMARA. Whence do I know that pederasty is punished by stoning? — Our Rabbis taught : [If a man lieth also with mankind, as the lyings of a woman,²⁹ both of them have committed on abomination: they shall surely be put to death; their blood shall be upon them,]³⁰ A man — excludes a minor; [that] lieth also with mankind — denotes whether an adult or a minor; as the lyings of a woman — this teaches that there are two modes of intimacy,³¹ both of which are punished when committed incestuously. R. Ishmael said: This verse comes to throw light [upon pederasty] but receives illumination itself.³² They shall surely be put to death: by stoning. You say, by stoning: but perhaps some other death decreed in the Torah is meant? — Their blood shall be upon them is stated here, and also in the case of one who has a familiar spirit or is a wizard:³³ just as there the reference is to stoning, so it is here too.

(1) Lev. XX, 11.

(2) In a *gezerah shawah*, the word used as a basis of deduction must be otherwise redundant (*מופנה*), being required for no other purpose. This is the opinion of R. Ishmael and R. Eliezer; the former deeming it sufficient if the redundancy is in one of the passages only, the latter insisting that the word must be superfluous in both. R. Akiba, however, maintained that such redundancy, even in one passage, is unnecessary.

(3) The *gezerah shawah*, whereby this phrase is made to include one's mother, is given further on.

(4) Lev. XX, 27. A man also or a woman that hath a familiar spirit (i.e., a necromancer), or that is a wizard, shall surely be put to death: they shall stone them with stones, their blood shall be upon them.

(5) It is an axiom that before punishment can be imposed for any act, it must be explicitly prohibited. Now the whole of this verse merely decrees the punishment to be inflicted: hence the Talmud asks, where in the formal prohibition?

(6) Ibid. XVIII, 7.

(7) In which case it should be part of the wider injunction of Lev. XVIII, 22: Thou shalt not lie with mankind as with womankind.

(8) Ibid. XX, 11.

(9) I.e., that it is a punishable offence too; for no punishment is mentioned in this verse.

(10) Thus the whole Baraitha supports Raba's statement.

(11) Lev. XVIII, 22.

(12) Not wishing to ascribe such a gross offence to a Jew.

(13) Since he does not interpret the verse, the nakedness of thy father, literally, there is only one prohibition against pederasty, viz., that of Lev. XVIII, 22; hence in his view there is only one penalty, no matter with whom the offence is

committed.

(14) This is deduced from the verse (Lev. XVIII, 14), thou shalt not uncover the nakedness of thy father's brother, thou shalt not approach to his wife. Since his wife is specifically prohibited, the first half of the verse must be understood literally. Consequently, it is twice prohibited. (for it is also included in the prohibition of Lev. XVII, 22) and hence a double penalty is incurred.

(15) *Infra* 76a.

(16) On the first view R. Judah may hold that a double penalty is incurred for pederasty with one's father. But on the second, this cannot be so. For he does not interpret the nakedness of thy father literally. Hence there is only one injunction (Lev. XVIII, 22) against this, and consequently only one penalty, the *ad majus* conclusion being insufficient to impose one.

(17) Since they interpret the nakedness of thy father literally.

(18) *Ibid.* XVIII, 8.

(19) Which being redundant, extends the prohibition to after his father's death.

(20) As she stands in a double relationship to him, being his father's wife and at the same time a married woman, which is separately forbidden in Lev. XVIII, 20, the emphatic 'she is thy father's nakedness' shews that the latter relationship is not considered in this matter.

(21) *Ibid.* XX, 11.

(22) This being nowhere stated.

(23) *Ibid.* XVIII, 7.

(24) I.e., the emphasis of the clause teaches that.

(25) Since there are two prohibitions, viz. Thou shalt not uncover the nakedness of thy daughter-in-law; and, she is thy son's wife, thou shalt not uncover her nakedness (*ibid.* XVIII, 15).

(26) She is thy son's wife refers back to the word daughter-in-law.

(27) I.e., that it is to be regarded as one prohibition, not two, but that it applies even after the son's death.

(28) Lit., 'a stumbling block has come to the man through it.'

(29) Lit. rendering of **זכר מישכב** translated 'as he lieth with a woman'.

(30) *Ibid.* XX, 13.

(31) Natural and unnatural.

(32) For the phrase, the lyings of a woman, is redundant in so far as it teaches that even unnatural pederasty is punishable, since all pederasty is such. Hence its teaching is thrown back upon itself, viz., that unnatural cohabitation is punishable when committed incestuously.

(33) *Ibid.* XX, 27.

Talmud - Mas. Sanhedrin 54b

This teaches the punishment: whence do we derive the formal prohibition? — From the verse, Thou shalt not lie with mankind, as with womankind: it is an abomination.¹ From this we learn the formal prohibition for him who lies [with a male]: whence do we know a formal prohibition for the person who permits himself thus to be abused? — Scripture saith: There shall be no sodomite of the sons of Israel:² and it is further said, And there were also sodomites in the land: and they did according to the abominations of the nations which the Lord had cast out before the children of Israel:³ this is R. Ishmael's view. R. Akiba said: This is unnecessary, the Writ saith, thou shalt not lie with mankind as with womankind: read, 'thou shalt not be lain with.'⁴ Whence do we learn a formal prohibition against bestiality? — Our Rabbis taught: [and if a man lie with a beast, he shall surely be put to death: and ye shall slay the beast].⁵ A man excludes a minor; [that] lieth with a beast — whether it be young or old; he shall surely be put to death — by stoning. You, by stoning; but perhaps one of the other deaths decreed in the Torah is meant? — It is here said, [and] ye shall kill [the beast]; and it is stated elsewhere, But thou shalt surely kill him. [. . . And thou shalt stone in him with stones]:⁶ just as there, stoning is meant, so here too.

We have learnt from this the punishment for him who commits bestiality; whence do we derive punishment for him who allows himself to be thus abused? — The Writ saith: Whosoever lieth with

a beast shall surely be put to death.⁷ Since this is redundant in respect of the person committing bestiality,⁸ you must regard it as applying to the person permitting himself to be thus abused.⁹ From the Writ we know that there is punishment both for him who commits bestiality and for him who permits himself to be thus abused; whence do we know the formal prohibition? — Scripture saith, neither shalt thou lie with any beast to defile thyself therewith.¹⁰ From this verse we learn the formal prohibition for him who commits bestiality, whence do we derive the formal prohibition for him who allows himself to be thus abused? Scripture saith: There shall be no Sodomite of the sons of Israel; and it is elsewhere said, And there were also sodomites in the land, etc.¹¹ R. Akiba said: This is unnecessary. The Writ saith, Thou shalt not lie [with any beast], which means, thou shalt not permit thy lying [with any beast, whether actively or passively].

Now, he who [actively] commits pederasty, and also [passively] permits himself to be thus abused — R. Abbahu said: On R. Ishmael's view, he is liable to two penalties, one [for the injunction] derived from thou shalt not lie with mankind, and the other for [violating the prohibition,] There shall not be a Sodomite of the sons of Israel. But on R. Akiba's view, he incurs only one penalty, since thou shalt not lie and thou shalt not be lain with is but one statement.¹²

He who commits bestiality, and also causes himself to be thus abused — R. Abbahu said: On R. Ishmael's view, he incurs two penalties, one for the injunction, thou shalt not lie with any beast, and one for the prohibition, there shall be no sodomite of the sons of Israel. But on R. Akiba's view, he incurs but one penalty, since thy lying [actively] and thy lying [passively] is but one injunction. Abaye said: Even on R. Ishmael's view he incurs one penalty only, for there shall be no Sodomite applies to sodomy with mankind.¹³ If so, whence does R. Ishmael derive a formal prohibition against permitting oneself to be bestially abused? — From the verse, Whosoever lieth with a beast shall surely be put to death.¹⁴ Now, this being redundant in respect of him who [actively] lies with a beast,¹⁵ apply it to him who [passively] permits himself to be abused this; and the Divine Law designates the passive offender as the active offender:¹⁶ this teaches that the punishment for, and the formal prohibition against, active bestiality¹⁷ apply to passive submission too.¹⁸

He who submits both to pederasty and to bestiality — R. Abbahu said: On R. Akiba's view, he incurs two penalties; one for thou shalt not lie [with mankind], and the other for thou shalt not lie [with any beast]. But on R. Ishmael's view, he incurs only one punishment, both offences being derived from the single verse, There shall be no Sodomite.¹⁹ Abaye said: Even on R. Ishmael's view, he incurs two penalties, because it is written, Whosoever lieth with a beast shall surely be put to death.²⁰ This being redundant in respect of active bestiality, it must be applied to passive submission, and the Divine Law thus designated passive submission as an active offence: just as for the active offence there is punishment and prohibitions so for the passive offence too.²¹ But he who commits pederasty and causes himself to be abused thus; and also commits bestiality and causes himself to be abused too — both R. Abbahu and Abaye maintain that on R. Ishmael's view he is trebly guilty, and on R. Akiba's view he is doubly guilty.²²

Our Rabbis taught: In the case of a male child, a young one is not regarded as on a par with an old one; but a young beast is treated as an old one.²³ What is meant by this? — Rab said: Pederasty with a child below nine years of age is not deemed as pederasty with a child above that. Samuel said: Pederasty with a child below three years is not treated as with a child above that.²⁴ What is the basis of their dispute? — Rab maintains that only he who is able to engage in sexual intercourse, may, as the passive subject of pederasty throw guilt [upon the active offender]; whilst he who is unable to engage in sexual intercourse cannot be a passive subject of pederasty [in that respect].²⁵ But Samuel maintains: Scripture writes, [And thou shalt not lie with mankind] as with the lyings of a woman.²⁶

It has been taught in accordance with Rab: Pederasty at the age of nine years and a day;

- (1) Ibid. XVIII, 22.
- (2) Deut. XXIII, 18.
- (3) I Kings XIV, 24. Just as abomination applies to sodomy in the latter verse, so it applies to it in the former too: thus it is as though the former verse read, There shall be no Sodomite of the sons of Israel: it is an abomination. And just as the abomination implicit here applies to both parties, so the abomination explicitly stated in Lev. XIII, 22 refers to both.
- (4) I. e., the niph'al, the letters being the same, תשנב and תשנב.
- (5) Ibid. XX, 15.
- (6) Deut. XIII, 10, referring to a mesith, one who incites to idolatry.
- (7) Ex. XXII, 18.
- (8) As it is taught elsewhere, viz., in Lev. XX, 15.
- (9) One of the methods of Talmudic hermeneutics is to apply a Biblical statement, superfluous in respect of its own law, to some other subject.
- (10) Lev. XVIII, 23.
- (11) Ibid. v. p. 368. n. 1: the same reasoning applying to bestiality as to pederasty.
- (12) I.e., though differently vocalized in order to deduce two injunctions, it is nevertheless one statement only, so that a person transgressing these two injunctions violates one Biblical prohibition only.
- (13) Not to bestiality at all, in spite of the fact that this was cited above in this connection.
- (14) Ex. XXII, 18.
- (15) Since it is stated in Lev. XVIII.
- (16) I.e., though as shewn, this verse applies to a passive offender, yet its grammatical construction speaks of active bestiality.
- (17) The reference having been given above.
- (18) So that all is deduced from one verse, involving only one penalty.
- (19) Since R. Akiba maintains that the prohibition of passive sodomy is included in active sodomy, it follows that passive pederasty and bestiality are two distinct offences, for there are two distinct injunctions. But as R. Ishmael maintains that the injunction against active sodomy does not include passive submission, and that the latter, whether in pederasty or bestiality, is derived from the single injunction, There shall be no sodomite, the double offence incurs one penalty only.
- (20) Ex. XXII, 18.
- (21) Thus, this applies to passive bestiality, whilst there shall be no sodomite applies to passive pederasty. Hence, there being two separate injunctions for the two offences, a double punishment is incurred.
- (22) Thus: R. Abbahu maintains that on R. Ishmael's view: (i) active pederasty is forbidden by Thou shalt not lie with mankind; (ii) active bestiality by Thou shalt not lie with any beast; (iii) passive pederasty and bestiality by There shall be no sodomite. Whilst Abaye maintains that on R. Ishmael's view, (i) active pederasty is derived from Thou shalt not lie with mankind; (ii) submission thereto from There shall be no sodomite; and (iii) active and passive bestiality from Neither shalt thou lie with any beast to defile thyself therewith. (Lev. XVIII, 23) Hence, according to R. Abbahu and Abaye there are three injunctions for the four offences. Further, R. Abbahu and Abaye both teach R. Akiba's view to be that (i) active and passive bestiality are derived from Thou shalt not lie with mankind as with womankind; and (ii) active and passive bestiality from Neither shalt thou lie with any beast. Hence there are two injunctions for the four offences.
- (23) The reference is to the passive subject of sodomy. As stated supra 54a, guilt is incurred by the active participant even if the former be a minor, i.e., less than thirteen years old. Now, however, it is stated that within this age a distinction is drawn.
- (24) I.e., Rab makes nine years the minimum; but if one committed sodomy with a child of lesser age, no guilt is incurred. Samuel makes three the minimum.
- (25) At nine years a male attains sexual matureness.
- (26) Lev. XVIII, 22. Thus the point of comparison is the sexual matureness of woman, which is reached at the age of three.

Talmud - Mas. Sanhedrin 55a

[he] who commits bestiality, whether naturally or unnaturally; or a woman who causes herself to be bestially abused, whether naturally or unnaturally, is liable to punishment .¹

R. Nahman, son of R. Hisda stated in an exposition: In the case of a woman, there are two modes of intimacy, but in the case of a beast, only one.² R. Papa objected: On the contrary, since sexual intercourse with a woman is a natural thing, guilt should be incurred only for a natural connection, but for nothing else, whilst, since a connection with a beast is an unnatural thing, one should be punished for every such act, however it be done.³

It has been taught: Pederasty at the age of nine years and a day; she who commits bestiality, whether naturally or unnaturally, and a woman who causes herself to be bestially abused, whether naturally or unnaturally, are liable to punishment.⁴

Rabina asked Raba: What if one commits the first stage of pederasty? [He replied: Dost thou ask] what if one commits the first stage of pederasty! Is it not written, Thou shalt not lie with mankind as with womankind?⁵ But [the question to be asked is] what if one commits the first stage of bestiality? — He replied: Since the culpability of the first stage of incest, which is explicitly stated with reference to one's paternal or maternal aunt, is redundant there, for it is likened to the first stage of intercourse with a niddah,⁶ apply its teaching to the first stage of bestiality [as being punishable].⁷ Now consider: bestiality is a capital offence, punishable by Beth din. Why then does the Scripture teach the capability of its first stage in a law relating to a sin punishable by extinction:⁸ should it not rather have been indicated in a verse dealing with sexual intercourse as a capital offence too;⁹ so that one capital offence might be deduced from another? Since this entire verse¹⁰ is written for the sake of new interpretations [whereby additional laws are deduced] — another statement for the same purpose is inserted.¹¹

R. Ahdaboi b. Ammi propounded a problem to R. Shesheth: What if one excited himself to the first stage [of masturbation]? — He replied: You annoy us!¹² R. Ashi said: What is your problem? This is impossible in self-stimulation; but it is possible in the case of coition with a membrum mortuum. On the view that such, in incest, is not punishable, in masturbation too it is not punishable. But on the view that it is punishable, a twofold penalty is incurred here, since he is simultaneously the active and passive partner of the deed.

It was asked of R. Shesheth: What if a heathen committed bestiality [is the animal killed or not]? Must it have been both a stumbling block and a cause of degradation [in order for it to be stoned], but here it was only a stumbling block, but not a cause of degradation;¹³ or perhaps, even if it was only a stumbling block, without having led to degradation, [it is still stoned]?¹⁴ — R. Shesheth replied, We have learnt it: If in the case of trees, which neither eat nor drink nor smell, the Torah decreed that they should be burnt and destroyed,¹⁵ because they had proved a stumbling block: how much more so [must thou destroy him] who seduces his neighbour from the path of life to that of death.¹⁶ If so, where a heathen worships his cow, should it not be forbidden and killed?¹⁷ — Is there anything which is not forbidden to an Israelite, yet forbidden to a heathen?¹⁸ But why should it not be forbidden if an Israelite worshipped it: is it not analogous to bestiality? — Abaye answered: In the latter case [bestiality] the degradation is great; whilst in the former [animal worship] the disgrace is little.¹⁹ But in the case of trees, the degradation is not great, yet did not the Torah order them to be burnt, destroyed, and annihilated? — We are speaking of living creatures, for which the All-Merciful One shewed pity.²⁰ Raba said: The Torah ordered that the animal should be destroyed, because it too derived pleasure from sin.²¹ But trees derive no pleasure, yet the Torah commanded that they should be destroyed, burnt, and annihilated! We are speaking of living creatures, for which the All-Merciful One shewed pity. Come and hear!²² ANOTHER REASON IS, THAT THE ANIMAL SHOULD NOT PASS THROUGH THE STREETS, WHILST PEOPLE SAY, THIS IS THE ANIMAL ON ACCOUNT OF WHICH SO AND SO WAS STONED. Now surely,

(1) (Rashi reads זכור instead of the זכר in our printed texts. A male, aged nine years and a day who commits etc.)

There are thus three distinct clauses in this Baraitha. The first — a male aged nine years and a day—refers to the passive subject of pederasty, the punishment being incurred by the adult offender. This must be its meaning — because firstly, the active offender is never explicitly designated as a male, it being understood, just as the Bible states, Thou shalt not lie with mankind, where only the sex of the passive participant is mentioned; and secondly, if the age reference is to the active party, the guilt being incurred by the passive adult party, why single out pederasty: in all crimes of incest, the passive adult does not incur guilt unless the other party is at least nine years and a day? Hence the Baraitha supports Rab's contention that nine years (and a day) is the minimum age of the passive partner for the adult to be liable.

(2) The reference is to bestiality. If a woman allows herself to be made the subject thereof, whether naturally or not, she is guilty. But if a man commits bestiality, he is liable only for a connection in a natural manner, but not otherwise. Thus Rashi. Tosaf., more plausibly, explains it thus: If one commits incest or adultery with a woman, whether naturally or not, guilt is incurred; but bestiality is punishable only for a connection in a natural manner, but not otherwise.

(3) The meaning according to the interpretation of Tosafoth is clear. Yet R. Papa's objection is not made in order to prove that unnatural incest is not liable (which, in fact, it is), but that if a distinction is to be drawn, unnatural bestiality is far more likely to be liable than unnatural incest. On Rashi's interpretation, R. Papa's objection is explained thus: Since a woman is naturally the passive object of sexual intercourse, it follows that she should be punished for bestiality only when the connection is carried out in a natural way. But as man is the active offender in an unnatural crime he should be punished even for unnatural connection. It must be confessed that this is not without difficulty, and hence Tosaf. rejects Rashi's explanation, which is based on a slightly different reading.

(4) V. supra p. 371. n. 5. This refutes the former view; and the latter too, on Rashi's interpretation.

(5) Ibid. XVIII, 20. Hence, why ask? Obviously, just as the first stage of incest or adultery is punishable, so also the first stage of pederasty.

(6) Niddah, a woman during her menstruation.

(7) In respect of one's paternal or maternal aunt, Scripture states: And thou shalt not uncover the nakedness of thy mother's sister, nor of thy father's sister: for he uncovereth his near kin. (Lev. XX, 19). The word for 'he uncovereth' (Heb. he'erah **הערה**) is understood as meaning the first stage of sexual intercourse, and this verse teaches that this is a culpable offence. But this teaching is superfluous, for in the preceding verse the same is taught of a niddah, which serves as a model for all forbidden human sexual intercourse. Hence the teaching, being redundant here, is applied to the first stage of bestiality. V. p. 368, n. 7.

(8) Incest with a paternal or a maternal aunt is so punishable.

(9) E. g., incest with one's mother, father's wife, or daughter-in-law is punished by stoning; v. supra 53a.

(10) Lev. XX, 19, referring to incest with a paternal or maternal aunt.

(11) In Yeb. 54b it is shewn that the whole verse is superfluous, its provisions being stated in Lev. XVIII, 12f. Hence it is written in XX, 19 in order that additional laws might be deduced.

(12) By a reprehensible sophistry, the thing being an impossibility. Other translations: 'You disgust us; insolent man that you are!'

(13) Because bestiality was not unusual among the heathens, therefore he would not feel himself disgraced. This Talmudic judgment on heathen morals may appear very harsh and prejudiced, yet it is not a malicious slander. In the Gilgamesh epic Eban, the primitive man, lives a wild life with the animals and satisfies his lust with them. Bestiality seems to have been prevalent among the Greeks and Romans of a later period, as is proved by an extremely unsavoury adventure described in the Metamorphoses of Apuleius. Cf. 'A. Z. 22a, which forbids the stabling of cows with heathens, for fear of bestiality. (Hast. Dict. s.v. Bestiality.)

(14) The point of the problem is this: The Mishnah states two reasons for the stoning of the animal. The first, that it had been a stumbling block; the second, that it was a constant reminder that someone had been executed through it, i.e., that man had degraded himself thereby. Hence the question whether both are necessary before the animal must be stoned, or only one.

(15) Deut. XII, 3: And ye shall burn their groves with fire.

(16) I.e., to idolatry. That proves that that which caused sin, even without degradation, (the worship of trees by heathens not being accounted a disgrace to them) must be destroyed.

(17) Since a heathen is liable to death for animal worship, though it is not accounted a disgrace to him.

(18) Surely not. If a Jew worships his cow, it is not forbidden to benefit therefrom (Tem. 29a). Hence we cannot impose a prohibition if a heathen worships it. This is a general principle in the Talmud. It is very instructive as showing quite clearly the temper in which the Rabbis regarded the idea of election of Israel. So far from conferring special privileged

dispensations, it could be taken as axiomatic that nothing permitted to the Jew was forbidden to the heathen. Cf. Joseph, M., *Judaism as Creed and Life*, pp. 153-4. 'In styling ourselves God's people we do not claim to possess any worldly advantage, or even any special share of the Divine love ... The pledge of God's affection for his people lies in his gift to them of a special opportunity of service, with its additional joys but also with its additional obligations. Nay, by taking upon himself the Yoke of the Law, Israel has been self-doomed to a life of trial.'

(19) Thus Tosaf. and R. Han. and one interpretation of Rashi. Another explanation by Rashi (adopted by Jast., s. v. **קִלְבֵּי**) is: In this case (of a Jew being the criminal) his disgrace is great, but in the latter (that of a Gentile) his disgrace is little. The first explanation seems to be more suited to the context.

(20) Hence, only where there is much degradation, as in bestiality, is the animal destroyed; but trees are destroyed even when the disgrace is not great.

(21) This is another point of difference between bestiality and animal worship. In the former, the animal too derives pleasure, but not in the latter.

(22) In answer to the problem, R. Shesheth's proof not being considered conclusive.

Talmud - Mas. Sanhedrin 55b

since the latter reason embraces both the reason of a stumbling block and of human degradation¹, the former reason is that of stumbling block alone,

e.g. when a heathen commits bestiality!² — No. The second reason is that of stumbling block and of degradation, but the first teaches that even if there is degradation without a stumbling block, the animal is stoned, e.g., if a Jew committed bestiality in ignorance [of the fact that it is forbidden].³ Even as R. Hamnuna propounded: What if a Jew committed bestiality in ignorance; must there have been both a stumbling block and degradation [for the animal to be stoned] and in this case there is only degradation, but no sin; or perhaps for degradation alone without there having been a stumbling block [the animal is stoned]?⁴ — R. Joseph said: Come and hear! A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabits with her, she becomes his. The penalty of adultery may be incurred through her; [if a niddah] she defiles him who has connection with her, so that he in turn defiles that upon which he lies, as a garment which has lain upon [a person afflicted with gonorrhoea].⁵ If she married a priest, she may eat of terumah;⁶ If any unfit person⁷ has a connection with her, he disqualifies her from the priesthood —⁸ If any of the forbidden degrees had intercourse with her, they are executed on her account,⁹ but she is exempt.¹⁰ Now, 'any of the forbidden degrees' implies even a beast: in this case, there is degradation but no stumbling-block, yet it is taught that they [including a beast] are slain on her account.¹¹ [No, this is not conclusive, as it can be argued that] since she deliberately offended there is a stumbling-block [though she is a minor] but the All-Merciful One had mercy upon her; now, He shewed mercy to her, but not to the animal.

Raba said: Come and hear! A male aged nine years and a day who cohabits with his deceased brother's wife [the former having left no issue] acquires her [as wife]. But he cannot divorce her until he attains his majority.¹² He is defiled through coition with a niddah,¹³ so that he in turn defiles that upon which he lies, as a garment which has lain upon [a person afflicted with gonorrhoea] — He disqualifies [a woman from the priesthood],¹⁴ but cannot enable a woman to eat [of terumah].¹⁵ He renders an animal unfit for the altar,¹⁶ and it is stoned on his account,¹⁷ and if he had intercourse with one of the degrees forbidden in the Torah, the latter is executed. Now here there is degradation, but no stumbling-block, yet it is taught: 'It is stoned on his account.' Since it was a deliberate offence, there is a stumbling-block, but the All-Merciful One had mercy upon him; now, He showed mercy to him, but not to the animal.

Come and hear! ANOTHER REASON IS THAT THE ANIMAL SHOULD NOT PASS THROUGH THE STREETS WHILST PEOPLE SAY, 'THIS IS THE ANIMAL ON ACCOUNT OF WHICH SO AND SO WAS STONED.' Now surely, since the latter reason embraces both

stumbling-block and degradation, the former reason refers to degradation only, that is, when a Jew committed bestiality in ignorance.¹⁸ No! The second reason is one of stumbling-block and degradation; but the first teaches that even if there is a stumbling block without degradation, the animal is stoned,¹⁸ e.g., if a heathen committed bestiality, even as it was asked of R. Shesheth.¹⁹

MISHNAH. THE BLASPHEMER IS PUNISHED ONLY IF HE UTTERS [THE DIVINE] NAME.²⁰ R. JOSHUA B. KARHA SAID:

- (1) When people remark that so and so was stoned through this animal, its own part in enticing to sin and the degradation of the offender are brought to mind.
- (2) The reasoning is as follows: Since the second reason refers to both sin and disgrace, the first is superfluous; hence it must have been given in order to shew that even where sin alone is incurred, without degradation, the animal is stoned.
- (3) According to this, the 'stumbling block' refers to the degradation involved, and not to the sin. When bestiality is committed in ignorance, one has not sinned, yet he has greatly degraded himself. The superiority of this explanation lies in the fact that both reasons now refer to a Jew, instead of one referring to a Jew and one to a heathen, which is not very plausible.
- (4) According to the latter explanation of the Mishnah, this problem is solved, whilst the first remains unanswered; but according to the first explanation, the first problem is solved, but not the second. As we cannot be certain which is correct, both so far are unsolved.
- (5) A man who had sexual connection with a niddah, defiles that upon which he lies even if he does not actually touch it. But the degree of uncleanness it thereby acquires is not the same as that of bedding upon which a niddah herself, or a person afflicted with gonorrhoea, lies. For in the latter case, the defilement is so great that the bedding in turn renders any person or utensil with which it comes into contact unclean; whilst in the former, it can only defile foodstuffs and liquids. This is the same degree of uncleanness possessed by a garment which has lain upon, or been borne by a zab (i.e., one afflicted with issue).
- (6) As the law of an Israelite's (adult) daughter who married a priest. But if she was less than three years old, although the Kiddushin accepted on her behalf by her father is valid, yet since she is sexually immature, the marriage cannot be consummated, and hence she is not thereby enabled to eat of terumah. On terumah, the priest's portion of an Israelite's produce, v. Glos.
- (7) E.g., a heathen, hallal, nathin, or bastard.
- (8) I.e., if a priest's daughter, or if the daughter of a Levite or Israelite married to a priest, she may not eat of terumah.
- (9) If they are of those forbidden on pain of death, v. supra 53a.
- (10) As she is a minor.
- (11) This solves R. Hamuna's problem.
- (12) For, being a minor, he has no power to release her from a bond laid upon her, in the first place, by an adult (his brother).
- (13) This rendering follows the more correct text of the Mishnah, Niddah 45a, of which this is a quotation, which has umittamma beniddah (through or by a niddah), instead of the reading here: umittamma keniddah, as a niddah.
- (14) V. p. 343, n. 6.
- (15) If he is a priest, and has sexual connection with an Israelite's daughter with marital intent, this does not authorise her to eat of terumah, because he has no legal powers of acquisition in marriage, excepting over his levirate sister-in-law, who is already bound to him.
- (16) If he committed bestiality therewith, only one witness attesting the offence, the animal is not killed, nor does it become unfit for secular use, but it may no longer be offered as a sacrifice.
- (17) If his bestiality was attested by two witnesses.
- (18) Which solves the problem propounded by R. Hamnunah.
- (19) V. p. 373, supra.
- (20) I.e., the Tetragrammaton.

Talmud - Mas. Sanhedrin 56a

THE WHOLE DAY [OF THE TRIAL] THE WITNESSES ARE EXAMINED BY MEANS OF A

SUBSTITUTE FOR THE DIVINE NAME, THUS, 'MAY JOSE SMITE JOSE.'¹ WHEN THE TRIAL WAS FINISHED, THE ACCUSED WAS NOT EXECUTED ON THIS EVIDENCE, BUT ALL PERSONS WERE REMOVED [FROM COURT], AND THE CHIEF WITNESS WAS TOLD, 'STATE LITERALLY WHAT YOU HEARD. THEREUPON HE DID SO, [USING THE DIVINE NAME]. THE JUDGES THEN AROSE AND RENT THEIR GARMENTS, WHICH RENT WAS NOT TO BE RESEWN. THE SECOND WITNESS STATED; I TOO HAVE HEARD THUS' [BUT NOT UTTERING THE DIVINE NAME], AND THE THIRD SAYS: 'I TOO HEARD THUS'.

GEMARA. It has been taught: [The blasphemer is not punished] unless he 'blesses' the Name, by the Name². Whence do we know this? — Samuel said: The Writ sayeth, And he that blasphemeth [nokeb] the name of the Lord . . . when he blasphemeth the name of the Lord, shall be put to death.³ How do you know that the word nokeb⁴ [used in the Hebrew] means a 'blessing'? — From the verse, How shall I curse [Ekkob]⁵ whom God hath not cursed;⁶ whilst the formal prohibition is contained in the verse, thou shalt not revile God.⁷ But perhaps it means 'to pierce,'⁸ as it is written, [So Jehoiada the priest took a chest,] and bored [wa-yikkob]⁹ a hole in the lid of it,¹⁰ the formal injunction against this being the verses, Ye shall destroy the names of them [idols] out of that place. Ye shall not do so unto the Lord your God?¹¹ — The Name must be 'blessed' by the Name, which is absent here. But perhaps the text refers to the putting of two slips of parchment, each bearing the Divine Name, together, and piercing them both? — In that case one Name is pierced after the other.¹² But perhaps it prohibits the engraving of the Divine Name on the Point of a knife and piercing therewith [the Divine Name written on a slip of parchment]? — In that case, the point of the knife pierces, not the Divine Name. But perhaps it refers to the pronunciation of the ineffable Name, as it is written, And Moses and Aaron took these men which are expressed [nikkebu]¹³ by their names;¹⁴ the formal prohibition being contained in the verse, Thou shalt fear the Lord thy God?¹⁵ — Firstly, the Name must be 'blessed' by the Name, which is absent here; and secondly, it is a prohibition in the form of a positive command, which is not deemed to be a prohibition at all.¹⁶ An alternative answer is this: The Writ saith, [And the Israelitish woman's son] blasphemed wa-yikkob¹⁷ [and cursed],¹⁸ proving that blasphemy [nokeb] denotes cursing. But perhaps it teaches that both offences must be perpetrated?¹⁹ You cannot think so, because it is written, Bring forth him that hath cursed,²⁰ and not 'him that hath blasphemed and cursed', proving that one offence only is alluded to.

Our Rabbis taught: [Any man that curseth his God, shall bear his sin]²¹ It would have been sufficient to say], 'A man, etc.' What is taught by the expression any man?²² The inclusion of heathens, to whom blasphemy is prohibited just as to Israelites, and they are executed by decapitation; for every death penalty decreed for the sons of Noah is only by decapitation.²³

Now, is [the prohibition of blasphemy to heathens] deduced from this verse? But it is deduced from another, viz., The Lord, referring to the 'blessing' of the Divine Name.²⁴ — R. Isaac the smith²⁵ replied; This phrase ['any man'] is necessary only as teaching the inclusion of substitutes of God's name²⁶, and the Baraita is taught in accordance with R. Meir's views For it has been taught: Any man that curseth his God shall bear his sin.²⁷ Why is this written? Has it not already been stated, And he that blasphemeth the name of the Lord, he shall surely be put to death?²⁸ Because it is stated, And he that blasphemeth the name of the Lord shall surely be put to death, I might think that death is meted out only when the ineffable Name is employed. Whence do I know that all substitutes [of the ineffable Name] are included [in this law]? From the verse, Any man that curseth his God-shewing culpability for any manner of blasphemy [even without uttering the Name, since the Name is not mentioned in this sentence]: this is the view of R. Meir. But the Sages maintain: [Blasphemy] with use of the ineffable Name, is punishable by death: with the employment of substitutes, it is the object of an injunction. [but not punishable by death].

This view [of R. Isaac the smith] conflicts with that of R. Miyasha; for R. Miyasha said: If a heathen [son of Noah] blasphemed, employing substitutes of the ineffable Name, he is in the opinion

of the Sages punishable by death. Why so? — Because it is written, as well the stranger, as he that is born in the land [when he blasphemeth the name of the Lord, shall be put to death].²⁹ This teaches that only the stranger [i.e., a proselyte], and the native [i.e., a natural born Israelite] must utter the ineffable Name; but the heathen is punishable even for a substitute only. But how does R. Meir interpret the verse, ‘as well the stranger, as he that is born in the land’? — It teaches that the stranger and citizen are stoned, but a heathen is decapitated. For I would think, since they are included [in the prohibition], they are included [in the manner of execution too]: hence we are taught otherwise. Now how does R. Isaac the smith interpret the verse, ‘as well the stranger, as he that is born in the land’, on the view of the Rabbis?³⁰ — It teaches that only a stranger and a native must revile the Name by the Name, but for a heathen this is unnecessary. Why does the Torah state any man?³¹ — The Torah employed normal human speech.³²

Our Rabbis taught: seven precepts were the sons of Noah commanded: social laws,³³ to refrain from blasphemy, idolatry; adultery; bloodshed; robbery; and eating flesh cut from a living animal.³⁴

(1) The witnesses, in giving testimony, do not state that they heard the accused say, ‘May He slay himself’, uttering the actual divine name, but use the word ‘Jose’ as a substitute for the divine name. ‘Jose’ is chosen as a substitute, because it contains four letters, like the actual Tetragrammaton, which must have been used by the blasphemer for him to be punished. Moreover, the numerical value of ‘Jose’ is the same as of Elohim (81). According to Levy, s.v. **בִּינוּי**, the first Jose **יוסי** stands for Jesus (**, son), and the second is an abbreviation of **יוסף**, Joseph, the Father, by which, however, God was to be understood. The witnesses were accordingly asked whether the accused in his blasphemy had set Jesus above God. (R. Joshua b. Karha, the author of this saying, lived at a time when Judeo-Christians ascribed more power to Jesus than to God.)

(2) As in the Mishnah, ‘Jose strike Jose’. ‘Bless’ is here a euphemism for curse, and is so in the whole of the ensuing discussion.

(3) Lev. XXIV, 16. The repetition shows that the Divine Name must be cursed by the Divine Name.

(4) **נקב**

(5) **אקב**

(6) Num. XXIII, 8.

(7) Ex. XXII, 27.

(8) I.e., it is a capital offence to pierce the Divine Name, written on a slip of parchment, and thus destroy it.

(9) **ויקב**

(10) II Kings XII, 10.

(11) Deut. XII, 3f. The interpretation is based on the juxtaposition of the two verses; v. Mak. 22a.

(12) The knife passes successively from one slip to the other, but one Name does not pierce the other.

(13) **נקבו**

(14) Num. 1, 17.

(15) Deut. VI, 13, which is interpreted as a prohibition against the unnecessary utterance of His Name.

(16) The statement, Thou shalt fear the Lord thy God, though implying abstention from something, is nevertheless given as a positive command, but punishment is imposed for the violation only of a direct negative precept.

(17) **ויקב**

(18) Lev. XXIV, 11.

(19) I.e., only he who both blasphemes, that is, utters the ineffable Name, and curses it, is executed.

(20) Ibid. XXIV, 14.

(21) Ibid. XXIV, 15.

(22) Lit., ‘A man, a man’, heb.ish ish, **איש איש**

(23) The only place where death is explicitly decreed for non-Israelites is in Gen. IX, 6: Whoso sheddeth man's blood, by man shall his blood be shed. It is a general law, applicable to all, having been given in the pre-Abrahamic era; his blood shall be shed must refer to the sword, the only death whereby blood is shed.

(24) V. infra 56b. And the Lord God commanded the man, saying, of every tree of the garden, thou mayest freely eat. Gen. II, 16. Every word or phrase in this verse is separately interpreted, the Lord teaching the prohibition of blasphemy to a Noachide.

- (25) In the Talmudic period the Rabbi was an honorary official; consequently, he had to have a private occupation e.g., R. Joshua, who came into conflict with R. Gamaliel, was a blacksmith, (Ber. 28a.) others translate, charcoal-burner.
- (26) I.e., even if only a substitute was employed in blasphemy, the death penalty is incurred.
- (27) Lev. XXIV, 15
- (28) Ibid. 16.
- (29) Ibid.
- (30) That a heathen too must use the ineffable Name for incurring punishment.
- (31) This is a difficulty For R. Isaac and R. Miyasha, as they explain the opinions of the Sages. They both maintain that the culpability of a heathen is deduced from And the Lord (God commanded etc.) When employing substitutes, his culpability, in the view of R. Miyasha is deduced from as well the stranger etc.; Whilst R. Isaac denies that it is punishable at all. Hence the difficulty, why the repetition ish ish, a man, a man?
- (32) I.e., no particular significance attaches to the repetition, it being the usual idiom.
- (33) I.e., to establish courts of justice, or, perhaps, to observe social justice (Nahmanides on Gen. XXXIV, 13): Hast. Dict. (s.v. Noachian precepts) translates 'obedience to authority'.
- (34) These commandments may be regarded as the foundations of all human and moral progress. Judaism has both a national and a universal outlook in life. In the former sense it is particularistic, setting up a people distinct and separate from others by its peculiar religious law. But in the latter, it recognises that moral progress and its concomitant Divine love and approval are the privilege and obligation of all mankind. And hence the Talmud lays down the seven Noachian precepts, by the observance of which all mankind may attain spiritual perfection, and without which moral death must inevitably ensue. That perhaps is the idea underlying the assertion (passim) that a heathen is liable to death for the neglect of any of these. The last mentioned is particularly instructive as showing the great importance attached to the humane treatment of animals; so much so, that it is declared to be fundamental to human righteousness.

Talmud - Mas. Sanhedrin 56b

R. Hanania b. Gamaliel said: Also not to partake of the blood drawn from a living animal. R. Hidka added emasculation. R. Simeon added sorcery. R. Jose said: The heathens were prohibited everything that is mentioned in the section on sorcery. viz., There shall not be found among you any one, that maketh his son or daughter to pass through the fire, or that useth divination, or an observer of times, or an enchanter, or a witch, or a charmer, or a consulter with familiar spirits, or a wizard, or a necromancer. For all that do these things are an abomination unto the Lord: and because of these abominations the Lord thy God doth drive them [sc. the heathens in Canaan] out from before thee.¹ Now, [the Almighty] does not punish without first prohibiting.² R. Eleazar added the forbidden mixture [in plants and animals]: now, they are permitted to wear garments of mixed fabrics [of wool and linen] and sow diverse seeds together; they are forbidden only to hybridize heterogeneous animals and graft trees of different kinds.

Whence do we know this? — R. Johanan answered: The Writ saith: And the Lord God commanded the man saying, of every tree of the garden thou mayest freely eat.³ And [He] commanded, refers to [the observance of] social laws, and thus it is written, For I know him, that he will command his children and his household after him, and they shall keep the way of the Lord, to do justice and judgment.⁴ The Lord-is [a prohibition against] blasphemy, and thus it is written, and he that blasphemeth the name of the Lord, he shall surely be put to death.⁵ God-is [an injunction against] idolatry, and thus it is written, Thou shalt have no other gods before Me.⁶ The man-refers to bloodshed [murder], and thus it is written, Whoso sheddeth man's blood, by man shall his blood be shed.⁷ Saying-refers to adultery, and thus it is written, They say, If a man put away his wife, and she go from him, and became another man's.⁸ Of every tree of the garden-but not of robbery.⁹ Thou mayest freely eat-but not flesh cut from a living animal.¹⁰

When R. Isaac came,¹¹ he taught a reversed interpretation. And He commanded-refers to idolatry; God [Heb. elohim] to social law. Now 'God' may rightly refer to social laws, as it is written, And the master of the house shall be brought unto elohim [i.e., the judges].¹² But how can 'and He

commanded' connote a prohibition of idolatry? — R. Hisda and R. Isaac b. Abdimi-one cited the verse, They have turned aside quickly out of the way which I commanded them: they have made them a molten calf, etc.¹³ And the other cited, Ephraim is oppressed and broken in judgment, because he willingly walked after the commandment.¹⁴ Wherein do they differ? — In respect of a heathen who made an idol but did not worship it: On the view [that the prohibition of idolatry is derived from] they have made them a molten calf, guilt is incurred as soon as the idol is made [even before it is worshipped]; but according to the opinion that it is from, because he willingly walked after the commandment, there is no liability until the heathen actually follows and worships it. Raba objected: Does any scholar maintain that a heathen is liable to punishment for making an idol even if he did not worship it? Surely it has been taught: With respect to idolatry, such acts for which a Jewish Court decrees sentence of death [on Jewish delinquents] are forbidden to the heathen; but those for which a Jewish Court inflicts no capital penalty on Jewish delinquents are not forbidden to him.¹⁵ Now what does this exclude? Presumably the case of a heathen who made an idol without worshipping it?¹⁶ R. Papa answered: No. It excludes the embracing and kissing of idols.¹⁷ Of which idols do you say this? Is it of those whose normal worship is in this manner; but in that case he is surely liable to death? — Hence it excludes the embracing and kissing of idols which are not usually worshipped thus.

'Social laws.' Were then the children of Noah bidden to observe these? Surely it has been taught: The Israelites were given ten precepts at Marah, seven of which had already been accepted by the children of Noah, to which were added at Marah social laws, the Sabbath, and honouring one's parents; 'Social laws,' for it is written, There [sc. at Marah] he made for them a statute and an ordinance;¹⁸ 'the Sabbath and honouring one's parents'. for it is written, As the Lord thy God commanded thee!¹⁹ — R. Nahman replied in the name of Rabbah b. Abbuha: The addition at Marah was only in respect of an assembly, witnesses, and formal admonition.²⁰ If so, why say 'to which were added social laws'?²¹ — But Raba replied thus: The addition was only in respect of the laws of fines.²² But even so, should it not have been said, 'additions were made in the social laws'? — But R. Aha b. Jacob answered thus: The Baraitha informs us that they were commanded to set up law courts in every district and town. But were not the sons of Noah likewise commanded to do this? Surely it has been taught: Just as the Israelites were ordered to set up law courts in every district and town, so were the sons of Noah likewise enjoined to set up law courts in every district and town! — But Raba answered thus: The author of this Baraitha [which states that social laws were added at Marah] is a Tanna of the School of Manasseh, who omitted social laws and blasphemy²³ [from the list of Noachian precepts] and substituted emasculation and the forbidden mixture [in plants, ploughing. etc.].²³ For a Tanna of the School of Manasseh taught: The sons of Noah were given seven precepts. viz., [prohibition of] idolatry, adultery, murder, robbery, flesh cut from a living animal, emasculation and forbidden mixtures. R. Judah said: Adam was prohibited idolatry only, for it is written, And the Lord God commanded Adam.²⁴ R. Judah b. Bathyra maintained: He was forbidden blasphemy too. Some add social laws. With whom does the following statement of Rab Judah in the name of Rab agree: viz., [God said to Adam,] I am God, do not curse Me; I am God, do not exchange Me for another; I am God, let My fear be upon you?²⁵ — This agrees with the last mentioned [who adds social laws to the list].

Now, what is the standpoint of the Tanna of the School of Manasseh? If he interprets the verse, And the Lord God commanded etc. [as interpreted above], he should include these two [social laws and blasphemy] also, and if he does not, whence does he derive the prohibition of the rest? — In truth, he does not accept the interpretation of the verse, 'And the Lord God commanded etc.', but maintains that each of these [which he includes] is separately stated: Idolatry and adultery.

(1) Deut. XVIII, 10ff.

(2) Therefore, since it is stated that they are being expelled as a punishment for these sins, they must first have been warned (i.e., prohibited) against them.

- (3) Gen. II, 16.
- (4) Gen. XVIII, 19. Thus 'command' relates to justice and judgment.
- (5) Lev. XXIV, 16-'The Lord' being used in connection with blasphemy.
- (6) Ex. XX, 3.
- (7) Gen. IX, 6.
- (8) Jer. III, 1. Thus 'saying' is used in connection with adultery.
- (9) Since it was necessary to authorize Adam to eat of the trees of the garden, it follows that without such authorisation-i.e., when something belongs to another-it is forbidden.
- (10) By interpreting thus: Thou mayest eat that which is now ready for eating, but not whilst the animal is alive. It is perhaps remarkable that a verse, the literal meaning of which is obviously permission to enjoy, should be interpreted as a series of prohibitions. Yet it is quite in keeping with the character of the Talmud: freedom to enjoy must be limited by moral and social considerations, and indeed only attains its highest value when so limited. Cf. Ab. VI, 2: No man is free but he who labours in the Torah.
- (11) V. p. 361, n. 5.
- (12) Ex. XXII, 7. The root idea of 'elohim' is power, majesty.
- (13) Ex. XXXII, 8.
- (14) Hos. V, 11, referring to idolatry; thus in both cases 'command' is used in connection with idolatry.
- (15) V. Mishnah 60b.
- (16) For which a Jew is not punished by death.
- (17) Teaching that these are not punishable.
- (18) Ex. XV, 25. Ordinance (Heb. mishpat) refers to social law.
- (19) Deut. V, 16. This occurs in the fifth commandment of the second Decalogue. Similar words are used in the fourth commandment: therefore the Lord thy God commanded thee to keep the sabbath day. In both cases then there is a reference to some previous event, shewn by the use of the past tense: commanded thee. Now the second Decalogue, though spoken by Moses towards the end of his life in the plains of Moab many years after the first at Sinai, was nevertheless a repetition thereof. Therefore this reference back must have been made in the first promulgation also, and can only relate to Marah, where, as stated above, 'he made for them a statute and an ordinance', i.e., gave certain laws to the the Israelites.
- (20) I.e., that Justice should be meted out by an 'assembly'. viz., a Sanhedrin; that an accusation was to be attested by at least two witnesses, and that a formal warning or admonition was to be given to the accused before he committed his offence, as otherwise he was not liable to the prescribed penalty. But the sons of Noah, though bidden to observe civil laws, were not bound by these regulations.
- (21) Since the addition was only in the method of procedure, but not in actual content.
- (22) E.g., Deut. XXII, 19, 29, where a slanderer of a woman's honour is ordered to pay 100 silver shekels to her father, and a seducer of a virgin 50 silver shekels. These payments are not regarded as equitable indemnifications against loss sustained, but as fines for reprehensible acts. These laws were wanting in the civil code of the sons of Noah, and only these commands added at Marah.
- (23) The text employs abbreviations for these commands.
- (24) Which means that He commanded him to remember His Godhead, and not to reject it for a different deity.
- (25) 'Let my fear be upon you' is an exhortation to dispense justice uprightly, without fear of man.

Talmud - Mas. Sanhedrin 57a

for it is written, The earth also was corrupt before God;¹ and a Tanna of the School of R. Ishmael taught: Wherever corruption is mentioned, it must refer to immorality and idolatry.² 'Immorality.' as it is written, for all flesh had corrupted his way upon the earth.³ 'Idolatry,' for it is written, Lest ye corrupt yourselves and make you a graven image, etc.⁴ And the other teacher [who deduces this from the verse, and the Lord God commanded etc.]⁵ He maintains that this verse [sc. the earth also etc.] merely describes their way of living.⁶ 'Bloodshed', as it is written, Whoso sheddeth man's blood, etc.⁷ And the other?⁸ — This verse [he will maintain] merely teaches the manner of execution.⁹ Robbery, for it is written, As the wild herbs have I given you all things;¹⁰ upon which R. Levi commented: as the wild herbs, but not as the cultivated herbs.¹¹ And the other?¹² — He will hold

that this verse is written to permit animal flesh,¹³ [but not to prohibit robbery]. Flesh cut from the living animal, as it is written, But flesh with the life thereof, which is the blood thereof, shall ye not eat.¹⁴ And the other?¹⁵ — He may hold that this verse teaches that flesh cut from live reptiles is permitted.¹⁶ Emasculation, for it is written, Bring forth abundantly in the earth, and multiply therein.¹⁷ And the other?¹⁸ — He may regard this merely as a blessing.¹⁹ Forbidden mixture, as it is said, Of fowls after their kind.²⁰ And the other?²¹ — He will maintain that this was merely for the sake of mating.²²

R. Joseph said, The scholars²³ stated: A heathen is executed for the violation of three precepts—Mnemonic G Sh R-²⁴ viz., adultery, bloodshed, and blasphemy. R. Shesheth objected: Now bloodshed is rightly included, since it is written, Whoso sheddeth the blood of man, by man shall his blood be shed;²⁵ but whence do we know the others? If they are derived from bloodshed,²⁶ the other four should also be included; whilst if their inclusion is taught by the extending phrase any man,²⁷ should not idolatry too be included?²⁸ But R. Shesheth said thus: The scholars stated, A heathen is executed for the violation of four precepts [including idolatry]. But is a heathen executed for idolatry? Surely it has been taught: With respect to idolatry, such acts for which a Jewish court decrees sentence of death [on Jewish delinquents] are forbidden to the heathen. This implies that they are merely forbidden, but their violation is not punished by death! — R. Nahman b. Isaac answered: Their prohibition is their death sentence.²⁹

R. Huna, Rab Judah, and all the disciples of Rab maintained: A heathen is executed for the violation of the seven Noachian laws; the Divine Law having revealed this of one [murder], it applies to all. Now is a heathen executed for robbery? Has it not been taught: ‘With respect to robbery — if one stole or robbed³⁰ or [seized] a beautiful woman,³¹ or [committed] similar offences,³² if [these were perpetrated] by one Cuthean³³ against another, [the theft, etc.] must not be kept, and likewise [the theft] of an Israelite by a Cuthean, but that of a Cuthean by an Israelite may be retained’?³⁴ But if robbery is a capital offence, should not the Tanna have taught: He incurs a penalty? — Because the second clause wishes to state, ‘but that of a Cuthean by an Israelite may be retained,’ therefore the former clause reads, ‘[theft of an Israelite by a Cuthean] must not be kept.’³⁵ But where a penalty is incurred, it is explicitly stated, for the commencing clause teaches: ‘For murder, whether of a Cuthean by a Cuthean, or of an Israelite by a Cuthean, punishment is incurred; but of a Cuthean by an Israelite, there is no death penalty’?³⁶ — How else could that clause have been taught? Could he state, ‘forbidden’ . . . ‘permitted’? Surely it has been taught; A Cuthean and a [Jewish] shepherd of small cattle [sheep, goats, etc.]³⁷ need neither be rescued [from a pit] nor may they be thrown [therein]!³⁸

‘And similar acts.’ To what can this apply in the case of robbery? — R. Aha b. Jacob answered: To a worker in a vineyard [who eats of the grapes]. When so? If his is the finishing work, it is permitted?³⁹ If it is not the finishing work, is it not actual robbery?⁴⁰ — But R. Papa said: This applies to [the theft of] an article worth less than a perutah.⁴¹ But if so, why say that such robbery of a Jew by a Cuthean must not be kept: does he not forgive him?⁴² — Though he later forgives him, he is grieved when it occurs [therefore it is prohibited] — But how can you say that such robbery by one Cuthean from another is but a ‘similar act’ [i.e., bordering on robbery]: since a Cuthean does not forgive,⁴³ is it not actual theft? — But R. Aha, the son of R. Ika answered; It applies to the withholding of a labourer's wage.⁴⁴ One Cuthean from another, or a Cuthean from an Israelite is forbidden, but an Israelite from a Cuthean is permitted.⁴⁵ To what can ‘a similar act’ apply in the case of a beautiful woman? — When R. Dimi came,⁴⁶ he said in the name of R. Eleazar in the name of R. Hanina: To a heathen who allotted a bondwoman to his slave [for concubinage] and then took her for himself, for this he is executed.⁴⁷

‘A similar act’, however, is not taught with reference to murder.⁴⁸ Abaye said: If it should be, however, that it is so taught, it would be in accordance with R. Jonathan b. Saul. For it has been

taught; If one was pursuing his neighbour to slay him, and the latter could have saved himself by maiming a limb [of the pursuer, e.g., his foot], and did not thus save himself [but killed him instead],

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- (1) Gen. VI, II
 - (2) And once they were punished for these offences, they must first have been admonished against them.
 - (3) Ibid. 'Corrupted his way' connotes immorality; cf. the way of a man with a maid. Prov. XXX, 19.
 - (4) Deut. IV, 16.
 - (5) How does he utilize this latter verse?
 - (6) But is not intended to imply a prohibition.
 - (7) Gen. IX, 6.
 - (8) I.e., who deduces it from the verse, all the Lord commanded.
 - (9) I.e., by the sword, v. p. 380 n. 5; but the fact of execution is taught elsewhere.
 - (10) Ibid. 3.
 - (11) I.e., only as that which grows wild, without any owners; but not as that which is cultivated, hence owned by someone. This proves that robbery was forbidden them.
 - (12) V. n. 8.
 - (13) Which was prohibited to Adam, v. infra 59b.
 - (14) Ibid. 4. 'Flesh with the blood thereof' means flesh cut from the living animal.
 - (15) V.n.8.
 - (16) V. infra 59a, b.
 - (17) Ibid. This, of course, is a direct negation of emasculation.
 - (18) V. p. 386, n.8,
 - (19) But it is not intended to convey any prohibition.
 - (20) Ibid. VI, 20; hence different species are not to be crossed.
 - (21) V. p. 386, n.8.
 - (22) It being easier to mate with the same species than with another; but no prohibition is implied thereby.
 - (23) The term be Rab does not necessarily mean the school presided over by Rab, though it may have that meaning occasionally. In one sense, it connotes the school founded by him, but lasting many generations after his lifetime. In another, it denotes schools in general. In this very instance, the views attributed to be Rab conflict with the teaching of Rab, Rab Judah, and all his disciples (Weiss. Dor II, p. 206.)
 - (24) ג"ש"ר: a mnemonic is given to facilitate the remembering of the subjects of a discussion. Here it stands for Gilluy 'Arayoth — adultery; Shefikuth damin — murder; and birkath ha-shem — blasphemy.
 - (25) Gen. IX, 6.
 - (26) That as bloodshed was forbidden on pain of death, so were the others too.
 - (27) Heb. יש יש ish ish. Lev. XXIV, 15: Any man (ish ish) that curseth his God shall bear his sin. Ibid. XVIII, 6: No man (ish ish) shall approach to any that is near of kin to him, to uncover their nakedness. In both cases one referring to blasphemy, and the other to incest, the repetition of ish extends the law to embrace heathens too.
 - (28) Lev. XX, 2: Whosoever he be (ish ish) of the children of Israel, or of the strangers that sojourn in Israel, that giveth any of his seed to Moloch (i.e., engages in idol worship); he shall surely be put to death. The repetition then, here too, should extend the death penalty for idolatry to heathens.
 - (29) I.e., in speaking of heathens, when the Tanna teaches that they are forbidden to do something, he ipso facto teaches that it is punishable by death; for only in speaking of Jews is it necessary to distinguish between prohibition and punishment.
 - (30) Stole (ganab) refers to secret stealing, robbed (gazal), to stealing by open violence.
 - (31) In war, v. Deut. XXI, 10-14 — a species of robbery. [This is the only possible and correct rendering of the text, contra Goldschmidt. Cf. Tosef A.Z.]
 - (32) Acts which are not actual robbery, but partake of its nature.
 - (33) 'Cuthean' (Samaritan) was here substituted by the censor for the original goy (heathen).
 - (34) [I.e., though it is forbidden to rob the heathen (v. Yad, Genebah I, 2; VI, 8), the offence was non-actionable. For reason, v. B. K. (Sonc. ed.) note on Mishnah 37b.]
 - (35) But actually it is punishable too. [This is merely a survival of old Semitic tribal law that regarded theft and robbery as a crime against the state, and consequently punishable by death. V. Muller, D. H., Hammurabi, 88]

(36) Thus the Tanna does refer to punishment; since then he omits a reference to punishment in the clause under discussion, it shows that the heathen is not executed for robbery. In the whole of this discussion the punishment referred to is death.

(37) Both are regarded as robbers the latter because they permit their charges to graze in other people's fields.

(38) One need neither exert oneself to save them from death, nor may one encompass it. This, of course, is theoretical only, v. p. 388, n. 6. Not a few of these harsh utterances (where they do not reflect the old Semitic tribal law, v. p. 388, n. 7) were the natural result of Jewish persecution by the Romans, and must be understood in that light. In actual practice, these dicta were certainly never acted upon, and it is significant that a commission of Roman officers, after investigating Jewish law in its relation to Gentiles, took exception only to two laws, one relating to the damage done by a goring ox, and the other permitting a Jew the use of property stolen from a Gentile. R. Gamaliel repealed this latter law. (B.K. 38a: Sifre Deut. 344.) Hence, reverting to the discussion, the Tanna could not have stated that the murder of a Cuthean by a Jew is permissible, therefore he is forced to speak of punishment.

(39) E.g., the gathering in of the grapes. Deut. XXIII, 25 is interpreted by the Rabbis as referring to work in connection with the finishing touch given to the produce.

(40) Not merely bordering thereon.

(41) A small coin, one-eighth of the Roman as.

(42) One does not mind such a trifle, and readily forgives it.

(43) Even such a trifle, v. infra 59a.

(44) This only borders on a robbery, for actual robbery means depriving a person of what he already possesses

(45) I.e., non-actionable.

(46) R. Dimi was a Palestinian Amora of the fourth century, who travelled to and fro between, Babylon and Palestine, and was very zealous in transmitting the teachings of Palestine Scholars to his colleagues in Babylon (v. J. E. IV, 603; cf. p. 361, n. 5, supra).

(47) This, though not actual robbery, is similar to it.

(48) A deed is either actual murder or not. Even unwitting murder is murder, though the Almighty shewed mercy by sparing the murderer.

Talmud - Mas. Sanhedrin 57b

he is executed for his death.¹

R. Jacob b. Aha found it written in the scholars'² Book of Aggada:³ A heathen is executed on the ruling of one judge, on the testimony of one witness, without a formal warning, on the evidence of a man, but not of a woman, even if he [the witness] be a relation. On the authority of R. Ishmael it was said: [He is executed] even for the murder of an embryo. Whence do we know all this? — Rab Judah answered: The Bible saith, And surely your blood of your lives will I require;⁴ this shows that even one judge [may try a heathen].⁵ At the hand of every living thing will I require it: even without an admonition having been given;⁶ And at the hand of man: even on the testimony of one witness;⁷ at the hand of man:⁸ but not at the hand [i.e., on the testimony] of a woman; his brother: teaching that even a relation may testify. On the authority of R. Ishmael it was said: [He is executed] even for the murder of an embryo. What is R. Ishmael's reason? Because it is written, Whoso sheddeth the blood of man within [another] man, shall his blood be shed.⁹ What is a man within another man? — An embryo in his mother's womb.¹⁰ But the first Tanna [who excludes the murder of an embryo from capital punishment] is a Tanna of the school of Manasseh, who maintains that every death penalty decreed for the heathens is by strangulation. He connects the [second] 'man' with the latter half of the sentence, and interprets thus: Whoso sheddeth man's blood, within man [i.e., within him], shall his blood be shed. Now, how can man's blood be shed, and yet be retained within him? By strangulation.

R. Hammuna objected: Now, is not a [heathen] woman commanded [to keep the social laws]? Surely it is written, For I know him, that he will command his sons and his household [which includes the womenfolk] after him, and they shall keep the way of the Lord to exercise charity, and

judgment?¹¹ — He raised the objection, and he answered it himself: he would command ‘his sons’ to exercise judgment; ‘his daughters’ to perform charity.

R. Awia the elder said to R. Papa: Let us say that a heathen woman who committed murder must not be executed, since it is written, at the hand of every man [who committed murder] etc. implying,¹² ‘but not at the hand of woman’? — He replied: Thus did Rab Judah say: Whoso sheddeth man's blood implies whosoever it be [even a woman]. Let us say that a heathen woman who committed adultery is not executed, since it is written, therefore shall a man forsake [his father and mother, and cleave to his wife], implying¹² that a man [must cleave], but not a woman? — He replied: Thus did Rab Judah say: The verse, And they shall be as one flesh, reassimilated them to each other [making the law of fidelity applicable to both].

Our Rabbis taught: [A man, a man shall not approach to any that is near of kin to him, to uncover their nakedness.¹³ It would have been sufficient to state,] A man shall not approach etc. What is taught by the repetition, A man, a man? — The extension of the law to heathens, that they too are forbidden incest [including adultery]. Now is this deduced from this verse; is it rather not deduced from a different text, viz., [And the lord God commanded...] saying, which refers to adultery?¹⁴ — The latter text refers to adultery with a woman of their own [i.e., with a heathen married woman]; the former to adultery with one of ours [i.e., a Jewish married woman], for the second clause teaches: If he committed incest with a Jewess, he is judged according to Jewish law. With regard to what is this?¹⁵ — R. Nahman said in the name of Rabbah b. Abbuha: With regard to an assembly, witnesses and formal admonition.¹⁶ Is a Jewess then of less account?¹⁷ But R. Johanan answered thus: It is with regard to a betrothed Jewish maiden,¹⁸ whose violation by heathen law is not a capital offence;¹⁹ hence they are judged by Jewish law.

But if their offence was against a fully married woman, are they judged according to their law? Surely it has been taught: ‘If a heathen committed adultery with a [Jewish] betrothed maiden, he is stoned; with a fully married woman, he is strangled.’ Now if we judged them according to the law pertaining to them, should he not be decapitated? — R. Nahman b. Isaac answered: By a ‘married woman’ this Baraitha means one whose huppah ceremony²⁰ has been performed, but without the marriage being consummated. Since by their law her violation is not a capital offence, they are judged by ours. For R. Hanina taught: They recognise the inviolability of a woman whose union has been consummated, but not if she merely entered the huppah without the union having been consummated. It has been taught in agreement with R. Johanan: All prohibited [sexual] relationships for which a Jewish Beth din imposes capital punishment are forbidden to heathens, but those for which a Jewish Beth din does not impose death are permitted to heathens; this is R. Meir's view. But the Sages maintain: There are many relationships²¹ for which a Jewish Beth din does not impose death, which are nevertheless forbidden to a Gentile. If a heathen committed incest with a Jewess, he is judged according to Jewish law; if with a heathen woman, he is judged according to heathen law. The only difference that this makes is with respect to a betrothed maiden.²² But should not the Tanna include a woman whose huppah ceremony has been performed without the marriage being consummated? — The teacher of this Baraitha is the Tanna of the college of Manasseh, who maintains that every death penalty decreed for the heathens is by strangulation, and by both codes [Jewish and heathen] this last-mentioned offence is punished by strangulation.

Now, is R. Meir of the opinion that all relationships for which a Jewish Beth din imposes capital punishment are forbidden to heathens? Surely it has been taught: A proselyte,

(1) Yet this cannot be regarded as real murder, and hence may be called ‘a similar act’. But the sages dispute this, and maintain that he is not executed at all.

(2) V. p. 387, n. 7. It may also mean the School of Rab (Bacher. Agad. Bab. Amor. p. 2).

(3) Aggadah (or Haggadah, from nagad, to declare), means the whole non-legal portion of Jewish learning. Here

however, an actual law is cited from the Book of Aggadah. In the T. J. and Midrashim, many statements cited in the T. B. as being from the Book of Aggadah of the schools, are those cited under the name of Noachian precepts. Hence it is possible that the reference is to a collection of laws relating to Gentiles, and in order to distinguish it from specifically Jewish laws, it was called the Book of Aggadah (Weiss, Dor, III, p. 158).

(4) Gen. IX, 5.

(5) The interpretation is based on the use of the singular, 'I' will require.

(6) This is based on the extending word 'every'.

(7) This is based on the singular.

(8) Not the same phrase in Heb. as the preceding one.

(9) Lit. rendering of Gen. IX, 6.

(10) This law was directed against the Roman practice of prenatal murder. Weiss, Dor, II, 22.

(11) Ibid. XVIII, 19. Why then should a woman's testimony be inadmissible?

(12) According to Rab Judah's exegesis.

(13) Lit. rendering of Lev. XVIII, 6.

(14) V. p. 383.

(15) Since by the Noachian Law also he is liable to death.

(16) He must be tried by a full Sanhedrin; he cannot be convicted on the testimony of less than two witnesses, and he must have been formally admonished before committing the offence.

(17) I.e., is he dealt with more leniently because his offence was against a Jewess? For when his offence is against a heathen, these are unnecessary.

(18) V. p. 333, n. 3; p. 337, n. 5.

(19) As they do not regard her as married until the actual consummation of the nuptials.

(20) V. p. 333, n. 3.

(21) The Gaon of Wilna deletes 'many': Maimonides likewise does not include it in his text. Actually, the dispute of the Sages and R. Meir is only in reference to a half sister by one's mother.

(22) Tosef. 'A.Z. IX. Since heathen law does not recognise this as a capital offence, he is judged by our law. This statement supports R. Johanan's contention.

Talmud - Mas. Sanhedrin 58a

born, but not conceived in sanctity,¹ possesses kin on his mother's side but not on his father's side. E.g., if he married his sister by his mother, [born before his mother's conversion, and who subsequently became converted too,] he must divorce her; by his father, he may keep her; his father's sister by his father's mother, he must divorce her; by his father's father, he may keep her; his mother's sister by her mother, he must renounce her; by her father — R. Meir ruled that he must divorce her, but the Sages maintained that he may keep her; for R. Meir held that all forbidden degrees of consanguinity on the mother's side must be divorced; on the father's side may be kept.² He may marry his brother's wife,³ his paternal uncle's wife, and all other relations by marriage are permitted to him, this including his father's wife. If he married a woman and her daughter⁴ he retains one and must divorce the other. But in the first place, he must not marry them.⁵ If his wife died, he may marry his mother-in-law; others say that he may not!⁶ — Rab Judah said, There is no difficulty: one dictum is by R. Meir according to R. Eliezer, and one is by R. Meir according to R. Akiba.⁷ For it has been taught: Therefore shall a man leave his father and his mother;⁸ R. Eliezer said: His father means 'his father's sister'; his mother, 'his mother's sister'.⁹ R. Akiba said: His father means 'his father's wife'; his mother is literally meant. And he shall cleave, but not to a male;¹⁰ to his wife, but not to his neighbour's wife;¹¹ and they shall be as one flesh, applying to those that can become one flesh, thus excluding cattle and beasts, which cannot become one flesh with man.¹²

The Master stated: 'R. Eliezer said: His father means 'his father's sister'. But may it not mean his father literally?¹³ — This is forbidden by and he shall cleave, but not to a male. But perhaps it means 'his father's wife'? — That is taught by to his wife, but not to his neighbour's wife [which includes his father's]. But perhaps it forbids her even after his father's death? — It must be similar to his

mother: just as his mother is not his relation by marriage, so his father must refer to a non-marriage relationship.

‘His mother means, his mother's sister’. But may it not be literally meant? — That is taught by to his wife, but not to his neighbour's wife. But perhaps it forbids her even after his father's death? — It must be similar to his father: just as his father is not literally meant, so his mother is not literally meant.

‘R. Akiba said: His father, means, his father's wife’. But perhaps it is literally meant? — That is taught by and he shall cleave, but not to a male. If so, is not his father's wife taught by to his wife, but not to his neighbour's wife? — That teaches that she is forbidden even after his father's death.

‘His mother is literally meant’. But is this not taught by to his wife, but not to his neighbour's wife? — This refers to his mother who was violated by his father.¹⁴

What are the grounds of their dispute? — R. Eliezer is of the opinion

- (1) I.e., whose mother was a heathen at his conception, but became a Jewess before his birth.
- (2) The guiding principal in all this is: ‘a proselyte is as a new born babe’, who stands absolutely in no relationship to any pre-conversion relation. Consequently, his brothers and sisters, father, mother, etc. from before his conversion lose his relationship on his conversion. Should they too subsequently become converted, they are regarded as strangers to him, and he might marry, e.g., his mother or sister. This is the Biblical law. But since heathens themselves recognised the law of incest in respect of maternal relations, the Rabbis decreed that this should hold good for a proselyte too, i.e., that he is forbidden to marry his maternal relations who were forbidden to him before his conversion, so that it should not be said that he abandoned a faith with a higher degree of sanctity than the one he has embraced (since he cannot be expected to understand the principle of complete annulment of relationships). In this case, since he was born in sanctity, he is really not a proselyte at all. He is so styled because he too is legally a stranger to all his father's and mother's pre-conversion relations. As for his mother's paternal sister, R. Meir held that since she is partly maternally related, she is forbidden, as otherwise it would be thought that a proselyte is permitted to marry his maternal relations. But the Rabbis held that there was no fear of this, and since the relationship is in its source paternal, it is not forbidden.
- (3) By ‘his brother's wife’ is meant even his brother by his mother. For the heathens do not recognise consanguinity in relations by marriage, and consequently these are permitted to a proselyte.
- (4) I.e., who stood in that relationship before they were converted.
- (5) This is explained in Yeb. 98b as referring to those relations whom, as stated above, he may retain
- (6) Now in this Baraita a number of relations forbidden to Jews on pain of death e.g., his father's wife and his mother-in-law, are permitted to the proselyte, and hence to heathens in general; whilst a number of relations not forbidden on pain of death, e.g., his sister, his paternal and maternal aunts, are prohibited to him: This, taught in R. Meir's name, contradicts his other ruling that all forbidden degrees of consanguinity punishable by death are forbidden to heathens.
- (7) Rashi states that both were his teachers, and cites Bezah 3b as proof. The J.E. (v. Meir) and Weiss, Dor II, 132, do not give R. Eliezer as one of his teachers. Nevertheless he may well have transmitted some of his rulings.
- (8) Gen. II, 24.
- (9) I.e., that union with these relations are forbidden.
- (10) I.e., a prohibition against pederasty. This is deduced from the fact that it is natural only for the opposite sexes to cleave to each other.
- (11) This is a prohibition of adultery.
- (12) Hence R. Meir's dictum that heathens are forbidden those relations which are prohibited to Jews on pain of death, e.g., the father's wife, reflects R. Akiba's teaching, whilst his ruling in the Baraita that a proselyte may marry his father's wife is R. Eliezer's view, who does not interpret ‘his father’ as his father's wife.
- (13) Thus prohibiting pederasty.
- (14) But not made his wife.

Talmud - Mas. Sanhedrin 58b

that only by referring to collateral relations¹ can his father and his mother bear similar interpretations.² But R. Akiba prefers to interpret his father as his father's wife, who is designated as the nakedness of his father, rather than his father's sister, who, is designated as his father's kin, not his father's nakedness.³

Come and hear: And Amram took him Jochebed his father's sister to wife.⁴ Does it not [presumably] mean his father's sister on her mother's side [too]?⁵ — No. It means his father's paternal sister.⁶

Come and hear: And yet indeed she is my sister; she is the daughter of my father, but not of my mother.⁷ Does not this prove that his mother's daughter is forbidden?⁸ — Now, is this logical: was she then his sister? She was his brother's daughter, and therefore, whether by his father or mother,⁹ permitted to him. But Abram declared to him [i.e., Abimelech] thus: I am fraternally related to her, [i.e., she is my brother's daughter] on my father's side [i.e., my brother by my father] but not on my mother's side.¹⁰

Come and hear! Why did not Adam marry his daughter?¹¹ So that Cain should marry his sister, as it is written, For I said, the world shall be built up by grace.¹² But otherwise, she would have been forbidden [to Cain]?¹³ — Once however that it was permitted, it remained so.

R. Huna said: A heathen may marry his daughter. But should you ask, If so, why did not Adam marry his daughter? — In order that Cain might marry his sister, that the world might be built up by grace. Others give this version: R. Huna said: A heathen may not marry his daughter; the proof being that Adam did not marry his daughter. But that proof is fallacious: The reason was that Cain should marry his sister, so that the world should be built up by [Adam's] grace.

R. Hisda said: A heathen slave [owned by a Jew] may marry his daughter and his mother, for he has lost the status of a heathen, but has not yet attained that of a Jew.¹⁴ When R. Dimi came,¹⁵ he said in the name of R. Eleazar in the name of R. Hanina: A heathen who allotted a bondwoman to his slave [for concubinage] and then took her for himself is executed on her account. From when [is she regarded as the particular concubine of that slave]? — R. Nahman said: When she is referred to as so and so's mistress.¹⁶ When is she free again [to others]? — R. Huna said: From the time that she goes bareheaded in the streets.¹⁷

R. Eleazar said in R. Hanina's name: If a heathen had an unnatural connection with his wife, he incurs guilt; for it is written, and he shall cleave, which excludes unnatural intercourse.¹⁸ Raba objected: is there anything for which a Jew is not punishable and a heathen is?¹⁹ But Raba said thus: A heathen who violates his neighbour's wife unnaturally is free from punishment — Why so? — [Scripture saith:] To his wife, but not to his neighbour's; And he shall cleave, which excludes unnatural intercourse.²⁰

R. Hanina said: If a heathen smites a Jew, he is worthy of death²¹ for it is written, And he looked this way and that way, and when he saw that there was no man, he slew the Egyptian.²² R. Hanina also said: He who smites an Israelite on the jaw, is as though he had thus assaulted the Divine Presence; for it is written, one who smiteth²³ man [i.e. an Israelite] attacketh²⁴ the Holy One.²⁵

(Mnemonic: lifts, his servant, Sabbath.)²⁶ Resh Lakish said: He who lifts his hand against his neighbour, even if he did not smite him, is called a wicked man as it is written, And he said unto the wicked man, Wherefore wouldst thou smite thy fellow?²⁷ 'Wherefore hast thou smiteth is not said, but wherefore wouldst thou smite, shewing that though he had not smitten him yet, he was termed a

wicked man. Ze'iri said in R. Hanina's name: He is called a sinner, for it is written, But if not, I will take it by force;²⁸ and it is further written, Wherefore the sin of the young men was very great before the Lord.²⁹ R. Huna said: His hand should be cut off, as it is written, Let the uplifted arm be broken.³⁰ R. Huna had the hand cut off [of one who was accustomed to strike other people].³¹ R. Eleazar said: The only thing to be done with him is to bury him, as it is written, And a man of [uplifted] arm, for him is the earth.³² R. Eleazar also said: The earth was given only to the strong.³³ as it is said, But as for the mighty man, for him is the earth.³⁴ Resh Lakish said also: What is the meaning of the verse, He that serveth his land shall be satisfied with bread?³⁵ If one enslaves himself to his land [continually toiling thereon] he shall be satisfied with bread: if not, he shall not be satisfied with bread. Resh Lakish also said: A heathen who keeps a day of rest, deserves death, for it is written, And a day and a night they shall not rest,³⁶ and a master has said: Their prohibition is their death sentence.³⁷ Rabina said: Even if he rested on a Monday. Now why is this not included in the seven Noachian laws? — Only negative injunctions are enumerated, not positive ones.³⁸

(1) I.e., to the father's sister or mother's sister.

(2) For they cannot both be literal, since his father is prohibited by 'and he shall cleave'; nor can they both refer to relationship by marriage, since his mother is a blood relation.

(3) Lev. XVIII, 8: The nakedness of thy father's wife thou shalt not uncover it is thy father's nakedness; Lev. XVIII, 12: Thou shalt not uncover the nakedness of my father's sister: she is thy father's near kinswoman. Since his father's wife is designated his father's nakedness she forms part and parcel of himself, as it were, in contradistinction to his father's sister, who by being described as his father's kin, is recognised as a separate entity. Consequently, in the interests of literalness 'his father's wife' is a more preferable interpretation.

(4) Ex. VI, 20.

(5) This refutes R. Eliezer's ruling. [Belonging to the pre-Sinaitic era, the Patriarchs were accounted Noachians.]

(6) Only this relation was permitted in the pre-Sinaitic era. But his father's maternal sister would have been forbidden.

(7) Gen. XX, 12. Spoken by Abraham about Sarah.

(8) This contradicts R. Akiba's ruling. For since he interprets the verse as referring us his father's wife and his mother, who are forbidden on pain of death, he evidently regards those who are forbidden under penalty of extinction as permissible, and his mother's daughter is only thus forbidden, but not on pain of death.

(9) This refers to his brother.

(10) Not that she would have been forbidden in that case, but this was stated merely for the sake of exactness.

(11) [Or why could not Adam have married his daughter? Eve's offence should have been followed by her death, and as to Adam, he could have found a help-meet in his daughter (Tosaf.)]

(12) Ps. LXXXIX, 2. It was an act of grace on Adam's part to deny himself his sister; or, as Rashi states, God commanded Adam to deal graciously with Cain, so that Cain, by marrying her, should build up the world.

(13) This proves that one's paternal sister was forbidden to the sons of Noah.

(14) Heathen slaves owned by Jews occupied an intermediate position in respect to Judaism. The males were circumcised, and permitted to eat of the Passover sacrifice. Like women, they were bound to observe all negative commandments and all positive ones not limited to certain times. We see here that this applied to marriage too. Their status was neither that of a heathen nor of an Israelite proper. As they were no longer heathens, they stood in no relationship to their former relations. But as they were not Jews either, there was no need to forbid them their former maternal relations through fear that it would be said that they had left a higher sanctity for a lower one.

(15) V. supra p. 390, n. 1.

(16) Lit., 'girl'.

(17) Even non-Jewish married women did not walk bareheaded in the streets, and this bondwoman, though not legally married, would do likewise. If she appeared bareheaded, it was a sign that her connection with the slave to whom she had been allotted was now broken.

(18) His wife derives no pleasure from this, and hence there is no cleaving.

(19) A variant reading of this passage is: Is there anything permitted to a Jew which is forbidden to a heathen. Unnatural connection is permitted to a Jew.

(20) By taking the two in conjunction, the latter as illustrating the former, we learn that the guilt of violating the injunction 'to his wife but not to his neighbour's wife' is incurred only for natural, but not unnatural intercourse.

- (21) [By the Hand of God, V. Yad, Melakim. I, 6].
- (22) Ex. II, 12. Thus Moses slew the Egyptian for striking an Israelite, proving that he had merited it.
- (23) Deriving mokesh from, nakosh.
- (24) Yala' יָלָא is here derived from loa' לֹא the jaw: lit., 'smiteth the jaw.'
- (25) Prov. XX, 25.
- (26) V. 387 n. 8.
- (27) Ex. II, 13.
- (28) I Sam., II, 16. This refers to the sons of Eli, who demanded their portion of the sacrifices before it was due, threatening physical violence if their demands were not satisfied.
- (29) Ibid. 16.
- (30) Job XXXVIII, 15. The editions give the reference as Job XXXI, but this is an error caused by a slightly similar passage in XXXI, 22.
- (31) This is not actually permitted in the Torah. Weiss (Dor, II. 14) holds that R. Huna was influenced by Persian practice in this.
- (32) I.e., he is to be buried, homiletical rendering of Job XXII, 8.
- (33) I.e. only a strong man should wish to possess land, as there are always quarrels in connection therewith.
- (34) Ibid.
- (35) Prov. XII, 11
- (36) Gen. VIII, 22. 'They' is here made to apply to men, and 'shall not' is taken to mean 'may not'.
- (37) Eisenstein, J. E., V. p. 623. suggests that this may have been directed against the Christian Jews, who disregarded the Mosaic law yet observed the Sabbath, and quotes Maimonides who advances the following reason: 'The principle is, one is not permitted to make innovations in religion or to create new commandments. He has the privilege to become a true proselyte by accepting the whole law.' (Yad. Melakim, X, 9.) He also points out that 'Deserves death' expresses strong indignation, and is not to be taken literally; [cf. the recurring phrase. 'He who transgresses the words of the Sages deserves death.' Ber. 6b.]
- (38) The seven Noachian laws deal with things which a heathen must abstain from doing. But when we say that a heathen must not observe a day of rest, we bid him to do a positive action, viz., work.

Talmud - Mas. Sanhedrin 59a

But the precept of observing social laws is a positive one, yet it is reckoned? — It is both positive and negative.¹

R. Johanan said: A heathen who studies the Torah deserves death, for it is written, Moses commanded us a law for an inheritance;² it is our inheritance, not theirs.³ Then why is this not included in the Noachian laws? — On the reading morasha [an inheritance] he steals it; on the reading me'orasah [betrothed], he is guilty as one who violates a betrothed maiden, who is stoned.⁴ An objection is raised: R. Meir used to say. Whence do we know that even a heathen who studies the Torah is as a High Priest? From the verse, [Ye shall therefore keep my statutes, and my judgments:] which, if man do, he shall live in them.⁵ Priests, Levites, and Israelites are not mentioned, but men: hence thou mayest learn that even a heathen who studies⁶ the Torah is as a High Priest! — That refers to their own seven laws.⁷

'R Hanania b. Gamaliel said: [They were also commanded] not to partake of the blood drawn from a living animal.'

Our Rabbis taught: But flesh with the life thereof, which is the blood thereof, shall ye not eat,⁸ this prohibits flesh cut from the living animal. R. Hanina b. Gamaliel said: It also prohibits blood drawn from a living animal. What is his reason? — He reads the verse thus: flesh with the life thereof [shall ye not eat]: blood with the life thereof shall ye not eat. But the Rabbis maintain that this reading teaches that flesh cut from live reptiles is permitted.⁹ Similarly it is said, Only be sure that thou eat not the blood: for the blood is the life,' and thou mayest not eat the life with the flesh.¹⁰ But the

Rabbis maintain that the verse teaches that the blood of arteries, with which life goes out, [is also forbidden as blood].¹¹

Why was it first enjoined upon the sons of Noah, and then repeated at Sinai? — As the dictum, of R. Jose b. Hanina. For R. Jose b. Hanina said: Every precept which was given to the sons of Noah and repeated at Sinai was meant for both [heathens and Israelites]; that which was given to the sons of Noah but not repeated at Sinai was meant for the Israelites, but not for the heathens. Now, the only law thus commanded to the children of Noah and not repeated at Sinai was the prohibition of the sinew that shrank [nervous ischiadicus], and in accordance with R. Judah's view.¹²

The Master said: 'Every precept which was given to the sons of Noah and repeated at Sinai was meant for both [Noachides and Israelites]'. On the contrary, since it was repeated at Sinai, should we not assume it to be meant for Israel only?¹³ — Since idolatry was repeated as Sinai, and we find that the Noachides were punished for practising it,¹⁴ we must conclude that it was meant for both.

'That which was given to the sons of Noah but not repeated at Sinai was meant for the Israelites, but not for the heathens.' On the contrary, since it was not repeated at Sinai, should we not assume that it was meant for the Noachides and not for Israel?¹⁵ — There is nothing permitted to an Israelite yet forbidden to a heathen. Is there not? But what of a beautiful woman?¹⁶ — There it is because the heathens were not authorised to conquer.¹⁷ But what of a thing worth less than a Perutah?¹⁸ — There it is because the heathens do not forgive.¹⁹

'Every precept which was given to the sons of Noah and repeated at Sinai was meant for both [Noachides and Israelites]'.

(1) Positive: In dispense justice; negative: to refrain from injustice. But the Sabbath is entirely positive.

(2) Deut. XXXIII. 4.

(3) This seems a very strong expression. In the J. E. (loc. cit.) it is suggested that R. Johanan feared the knowledge of Gentiles in matters of Jurisprudence, as they would use it against the Jews in their opponents' courts. In support of this it may be observed that the Talmud places R. Johanan's dictum (which, of course, is not to be taken literally) immediately after the passage dealing with the setting up of law courts by Gentiles. It is also possible that R. Johanan's objection was to the studying of Oral Law by Jewish Christians, as the possession of the Oral Law was held to be the distinguishing mark of the Jews. It is significant that it was R. Johanan who also said that God's covenant with Israel was only for the sake of the Oral Law. (Cf. Ex. Rab. 47.)

(4) In Pes. 49b two opinions on the reading of this verse are recorded. One view is that it should be read, Moses commanded us a law for an inheritance (morasha מורשה), in accordance with the Scriptural text. Another version is Moses commanded us a law for a betrothal (reading me'orasah מורשה = מארסה i.e., as something betrothed, consecrated to us, from ארם = ארש). On the first view, this prohibition is included in that of robbery; on the second, in that of adultery.

(5) Lev. XVIII. 5.

(6) Which includes observing.

(7) It is meritorious for them to study these; but not laws which do not pertain to them.

(8) Gen. IX, 4.

(9) V. infra 59b.

(10) Deut. XII, 23. Thus, the blood being equated with the life, it may not be eaten whilst 'the life' is with the 'flesh', i.e., whilst the animal is alive.

(11) The prohibition of blood is mentioned in the same chapter in connection with the slaughtering of the animal: 15 seq., Notwithstanding thou mayest kill and eat flesh in all thy gates . . . Only ye shall not eat the blood. Now, owing to this juxtaposition, I might think that only the blood that gushes forth from the throat when the animal is slaughtered is forbidden. Therefore the second injunction in v. 23 equates the prohibition of blood with that of flesh cut from the living animal. Just as the latter is forbidden in itself, so the former is forbidden irrespective of any connection with slaughtering. In Ker. 22a R. Johanan and Resh Lakish dispute as to what is meant by 'the blood with which life goes

out'.

(12) R. Judah maintains that this was forbidden to the children of Jacob, who, living before the giving of the Law, are accounted Noachians. But the Rabbis maintain that this was given at Sinai, but that Moses when writing the whole Pentateuch, was commanded to insert it in Gen. XXXII, 33, so as to elucidate its reason.

(13) For if it were not so repeated, it would be natural to suppose that its application was a universal one. Hence its repetition would seem to limit it to Israel.

(14) V. p. 382. n. 3.

(15) The stand point of this objection is that the code promulgated at Sinai to the Israelites should cancel any previous code not given specifically to them.

(16) V. supra 57a.

(17) I.e., Palestine. For even the Israelites were permitted this only in the course of their conquest of Palestine, but not otherwise.

(18) The theft of which is regarded as an offence by heathens but not by Jews. V. supra 57a.

(19) Actually, it would be theft in the case of a Jew too, but that Jews are not particular about such a trifle, and readily forgive. Heathens, however, do not forgive, and therefore it is theft in their case.

Talmud - Mas. Sanhedrin 59b

But circumcision, which was given to the Sons of Noah, for it is written, Thou shalt keep my covenant,¹ and repeated at Sinai, And in the eighth day the flesh of his foreskin shall be circumcised,² yet was meant for Israel, and not for the Noachides? — That repetition was inserted to permit circumcision on the Sabbath, by interpreting, on the day [whichever it is], and even on the Sabbath.³

But procreation, which was enjoined upon the Noachides, for it is written, And you be ye fruitful and multiply,⁴ and repeated at Sinai, as it is written, Go say to them, get you in to your tents again,⁵ was nevertheless commanded to Israel but not to the heathens? — That repetition was to teach that whatever has been constitutionally forbidden by a majority vote requires another majority vote to abrogate it.⁶ If so, may we not say of each [of the Noachian laws] that it was repeated for a definite purpose?⁷ — He éeans this: why should the prohibition be repeated?⁸

'Now the only law [thus commanded to the children of Israel and not repeated at S:nai] was the prohibition of the sinew that shrank [nervus ischiadicus], and in accordance with R. Judah's view.' But these⁹ too were not repeated.¹⁰ — These two were repeated, though for a purpose, but this was not repeated at all.

An alternative answer is this:¹¹ Circumcision was from the very first commanded to Abraham only [and not to the Noachides in general]: Thou shalt keep my covenant, therefore, thou and thy seed after thee in their generation],¹² meaning, thou and thy seed are to keep it, but no others. If so, should it not be incumbent upon the children of Ishmael [Abraham's soa]? — For in Isaac shall thy seed be called.¹³ Then should not the children of Esau be bound to practise it?—In Isaac,¹⁴ but not all Isaac. R. Oshaia objected: If so, the children of Keturah should have been exempt!¹⁵ — Did not R. Jose b. Abin, or as otheÛs say, R. Jose b. Hanina, state: [And the uncircumcised man child whose flesh of his foreskin is not circumcised, that soul shall be cut off from his people;] he hath brokeÉ my covenant¹⁶ — this extends the precept [of circumcision] to the children of K½turah?¹⁷

; Rab Judah said in Rab's name: Adam was not permitted to eat flesh, for it is written, [Behold I ave given you all the herbs, etc.] to you it shall be for food, and to all the beasts of the earth,¹⁸ implying, but the beasts of the earth shall not be for ou.¹⁹ But wi+h the adVent of the sons of Noah, it was permitted, for it is said, [Every moving thing that liveth shall be meat for you;] even as the green'he'b have I given you all things.²⁰ Now one might think that the prohibition of flesh cut from the living animal does not apply to them [sc. the Noachides]: therefore the Writ teacheth, But flesh witóthe life thereof, which is the blood thereof, shall ye not eat.²¹

One might think that this prohibition applies even to reptiles; therefore it is stated — but.²² How is this implied? — R. Huna said [But flesh with the life thereof, which is] the blood thereof: this shews that the prohibition applies only to those creatures whose flesh is distinct from their blood [in its prohibition]; excluding reptiles, whose flesh is not distinct from their blood.²³ An objection is raised: And rule over the fish of the sea,²⁴ surely that means that they should serve as food?²⁵ — No. It refers to toil.²⁶ But can fish be made to work? — Yes, even as Rahabah propounded: What if one drove [a waggon] with a goat and a shibbuta?²⁷ Come and hear: and over the fowl of the heaven.²⁸ Surely this is in respect of food? — No. It refers to toil. But can fowø be made to work? — Yes, even as Rabbah, ðon of R. Huna propounded: According to the ruling of R. Jose b. R. Judah, what if one threshed [corn] with geese or cocks?²⁹

Come and hear: And over every living creature that moveth upon the earth!³⁰ — That refers to the serpent. For it has been tought: — R. Simeon b. Manassia said: Woe for the loss of a great servant. For had not the serpent been cursed, every Israelite would have had two valuable serpents, sending one to the north and one to the south to bring him costly gems, precious stones and pearls.³¹ Moreover, one would have fastened a thong under its tail, with which it would bring forth earth for his garden and waste land.³²

A [further] objection is raised: R. Judah b. Tema said: Adam reclined in the Garden of Eden, whilst the ministering angels roasted flesh and strained wine for him. Thereupon the serpent looked in, saw his glory, and became envious of him?³³ — The reference there is to flesh that descended from heaven. But does flesh descend from heaven? — Yes; as in the story of R. Simeon b. Halafta, who was walking on the road, when lions met him and roared at him. Thereupon he quoted: The young lions roar after their prey;³⁴ and two lumps of flesh descended [from heaven]. They ate one and left the other. This he brought to the schoolhouse and propounded: Is this clean [fit for food] or not? — They [sc. the scholars] answered: Nothing unclean descends from heaven. R. Zera asked R. Abbahu: What if something in the shape of an ass were to descend? — He replied: Thou howling yorod:³⁵ did they not answer him that no unclean thing descends from heaven?³⁶

‘R. Simeon said, They were also forbidden to practice sorcery.’ What is R. Simeon's reason? — Because it is written,

(1) Gen. XVII, 9. Abraham and his descendants until Sinai are also accounted sons of Noah.

(2) Lev. XII, 3.

(3) Hence, being repeated for a purpose, the above principle does not apply to it.

(4) Gen. IX, 7.

(5) Deut. V, 27. This is interpreted as a command to resume their marital obligations, which were suspended for three days before the Revelation, v. Ex. XIX, 15.

(6) Although the prohibition in Ex. XIX, 15 was explicitly limited to three days, yet after that it did not cease automatically, but was formally abrogated. This proves that any prohibition constitutionally imposed, as by a majority of the Sanhedrin, even for a limited period, must be constitutionally repealed thereafter. Hence the repetition being necessary, it is not subject to the general principle. — So Rashi. Tosaf however, (here and in Bezah 5a) maintains that a temporary prohibition automatically ceases at the end of its period. Accordingly, Ex. XIX, 15 is to be translated: Be ready against the third day (for God's Revelation); approach not your wives (for an unspecified period). Tosaf. therefore substitutes this explanation: A prohibitory measure, constitutionally passed, does not automatically cease when its reason no longer exists. Thus in this case the prohibition was obviously on account of the approaching Revelation, yet after the Revelation, when there was no longer any reason for its continuance, it had to be formally revoked.

(7) E.g., idolatry, to shew which acts of devotion are forbidden; incest, to teach its punishment.

(8) I.e., if some additional detail had to be taught, that alone could have been stated without repeating the basic law. Such repetition must have been to enlarge its scope, as embracing both Israelites and heathens.

(9) I.e., circumcision and procreation.

(10) For, as explained above, their repetition being for a definite purpose, is not a repetition at all.

(11) This is in answer to the first difficulty of circumcision having been given to the Noachides and repeated at Sinai.

(12) Gen. XVII, 9.

(13) Ibid. XXI, 12.

(14) Heb. בִּיצְחָק the ב (in) being taken as partitive preposition.

(15) Keturah was Abraham's wife after Sarah's death, by whom he had six sons. Gen. XXV, 1f. According to the verse

For in Isaac etc. these should not have been included in the precept.

(16) Gen. XVII, 14.

(17) This is the reply. The verse teaches the inclusion of the immediate sons of Keturah, but not of their descendants.

(18) Gen. I, 29f.

(19) I.e., the herbs, etc. have been given to you and to the beasts of the earth, but the beasts of the earth have not been given to you for food.

(20) Ibid. IX, 3.

(21) Ibid. 4.

(22) Heb. אֲכַח אֲכַח. It is a principle of Talmudic hermeneutics that the particles *akh* (but) and *rak* (save) always indicate a limitation or exclusion. Here *akh* is interpreted as teaching the exclusion of reptiles from the law under discussion.

(23) The mention of blood is redundant, for the verse should have read, but flesh with the life thereof shall ye not eat, meaning, whilst life is in it thou must not eat its flesh; it being self evident that the life force lies in the blood. The redundancy teaches that this applies only to those creatures that have a separate prohibition for its flesh (cut from, the living animal), and a separate one for its blood. But the blood of reptiles is not separate from its flesh and is forbidden by the same injunction, there being no separate law. Hence they are excluded from the present verse.

(24) Ibid. I, 28.

(25) This was said to Adam.

(26) Adam was given dominion over the lower creatures, to make them work for him.

(27) Name of a fish, conjectured by Jastrow to be the mullet (*Cephalus*, v. Payne Smith, *Thesaurus Syriacus* 4029). The problem raised is whether this would involve the transgression of the prohibition, Thou shalt not plow an ox and ass together, Deut. XXII, 10.

(28) Continuing the verse.

(29) V. B.M. 91b. The problems raised in connection with the prohibition, Thou shalt not muzzle the ox when he treadeth out the corn. Deut. XXV, 4 shows that birds may be utilized for service.

(30) The Heb. חַיָּה translated 'living creature', denotes literally a wild animal, which cannot be put to service, but can only be caught and eaten.

(31) Heb. סַנְדֵּל בּוֹנִים from ** (Levy) or ** (Krauss).

(32) Thus the Serpent was intended to be put to service before it was cursed.

(33) This proves that flesh was permitted to Adam.

(34) Ps. CIV, 21.

(35) Yarod is a bird of solitary habits, or a jackal (Rashi). The meaning is: what a foolish question to ask!

(36) Hence thy supposition is an impossible one; and if it did happen, it would be fit for food.

Talmud - Mas. Sanhedrin 60a

Thou shalt not suffer a witch to live;¹ and this is followed by, Whosoever lieth with a beast shall surely be put to death;² thus, all who are included in the second prohibition are included in the first.³

'R. Eleazar said; They were also enjoined against the forbidden mixtures.' Whence do we derive this? — Samuel replied: Because Scripture saith, My statutes ye shall keep,⁴ implying the statutes which I have already decreed:⁵ viz., Thou shalt not let thy cattle gender with a diverse kind: Thou shalt not sow thy field with mingled seed.⁶ This teaches: just as in the case of animal life, the prohibition is against hybridization, so in plant life, the injunction is against grafting;⁷ and just as the former holds good both within the land [sc. Palestine] and without,⁸ so the latter holds good both within and without Palestine. But if so, does the verse, Ye shall therefore keep my statutes⁹ also imply the statutes which I imposed long ago?¹⁰ — There the verse reads, Ye shall therefore keep my statutes which I [now] command you: but here it reads, My statutes ye shall keep, implying the statutes decreed from of old shall ye keep.¹¹

R. JOSHUA B. KARHA SAID etc. R. Aha b. Jacob said: He is not guilty unless he cursed the Tetragrammaton, excluding a biliteral Name,¹² the blaspheming of which is not punishable. Is this not obvious, the Mishnah stating, May Jose smite Jose?¹³ — I might think that the name is used as a

mere illustration;¹⁴ he therefore teaches otherwise.

Others give this version: — R. Aha b. Jacob said: This proves that the Tetragrammaton is also a Divine Name.¹⁵ But is it not obvious, since the Mishnah states: JOSE SMITE JOSE [using a four-lettered name]? — I might think that the great¹⁶ Name must be employed, whilst Jose is merely an illustration [of the mode of testifying]; therefore he teaches otherwise.

WHEN THE TRIAL WAS FINISHED, etc. Whence do we know that they arose? — R. Isaac b. Ami said, because the Writ saith — And Ehud came unto him: and he was sitting in a summer parlour, which he had for himself alone. And Ehud said, I have a message from God unto thee. And he arose out of his seat.¹⁷ Now, does this not afford an ad majus conclusion: If Eglon king of Moab, who was only a heathen and knew but an attribute of God's name, nevertheless arose, how much more so must an Israelite arise when he hears the Shem Hameforash.¹⁸

Whence do we know that they rent their garments? — From the verse, Then came Eliakim the son of Hilkiah, which was over the household, and Shebna the scribe, and Joah the son of Asaph the recorder, to Hezekiah with their clothes rent, and told him the words of Rab-Shakeh.¹⁹

WHICH RENT WAS NOT TO BE RESEWN. Whence do we derive this? — R. Abbahu said: A gezerah shawah is deduced from the word 'rent'.²⁰ This verse states, with their clothes rent; whilst elsewhere is written, And Elisha saw it [sc. Elijah's ascension] and he cried, My father, my father, the chariot of Israel and the horsemen thereof. And he saw him no more; and he took hold of his own clothes and rent them in two rents.²¹ Now, do we not understand from, 'and he rent them in two' that the cognate object is 'rents'; why then does the Writ expressly state 'rents'? — To teach that they were always to remain thus.²²

Our Rabbis taught: He who hears [the Name blasphemed], and he who hears it from the person who first heard it [i.e., from the witness who testifies], are both bound to rend their garments. But the witnesses are not obliged to rend their clothes [when they hear themselves repeating the blasphemy in the course of their testimony], because they had already done so on first hearing it. But what does this matter: do they not hear it now too?²³ — You cannot think so, because it is written, And it came to pass, when king Hezekiah heard it [sc. the report of Rab-Shakeh's blasphemy] that he rent his clothes. Thus, Hezekiah rent his clothes, but they did not. Rab Judah said in Samuel's name: He who hears the Divine Name blasphemed by a gentile need not rend his clothes. But if you will object, what of Rab-Shakeh?²⁴ — He was an apostate Israelite.

Rab Judah also said in Samuel's name: One must rend his clothes only on hearing the Shem hameyuhad²⁵ blasphemed, but not for an attribute of the Divine Name. Now both of these statements conflict with R. Hiyya's views. For R. Hiyya said: He who hears the Divine Name blasphemed nowadays need not rend his garments, for otherwise one's garments would be reduced to tatters.²⁶ From whom does he hear it? If from an Israelite — are they so unbridled [as to sin thus so frequently]? But it is obvious that he refers to a gentile. Now, if the Shem hameyuhad is meant, are the gentiles so well acquainted with it [as to make such frequency possible]? Hence it must refer to an attribute, and concerning that he says that only nowadays is one exempt, but formerly one had to rend his clothes. This proof is conclusive.

THE SECOND WITNESS STATED, I TOO HAVE HEARD THUS. Resh Lakish said: This proves that 'I too have heard thus' is valid evidence in civil and capital cases,²⁷ but that the Rabbis imposed a greater degree of stringency [insisting that each witness should explicitly testify]. Here, however, since this is impossible [on account of the desire to avoid unnecessary blasphemy], they reverted to Biblical law. For should you maintain that such testimony is [Biblically] invalid, can we execute a person when it is impossible for the evidence to be validly given?²⁸

AND THE THIRD DID LIKEWISE. This anonymous statement agrees with R. Akiba, who likens three witnesses to two.²⁹ [

(1) Ex. XXII, 17.

(2) Ibid. 18.

(3) Therefore, since the Noachides were forbidden bestiality, they were also forbidden sorcery.

(4) Lev. XIX, 19.

(5) Since other precepts are not introduced by this formula, we interpret it thus.

(6) Hence these were pre-Sinaitic, i.e., given to the sons of Noah.

(7) For the first is a law against crossing two actual animals to produce a hybrid. So the second must refer to the grafting of one tree upon another of a different kind, but not to the sowing of different seeds together, which are trees in posse but not in esse.

(8) It is a general principle that any obligation imposed upon man and not dependent upon the soil is binding outside Palestine too.

(9) Ibid. XVIII, 26.

(10) That verse refers to God's statutes in general, and if Samuel's interpretation is correct, it follows that all the statutes of the Torah were given to the Noachides.

(11) The answer is based on the fact that in Lev. XIX, 19 'statutes' comes first in the verse, implying that they were already in existence, whilst in XVIII, 26 'Ye shall keep' is first, teaching that the statutes which follow were only then imposed.

(12) EL or YH.

(13) Thus, as a substitute a four lettered name is used, shewing that the Tetragrammaton must have been employed.

(14) Of how the witnesses gave their testimony. But the choice of a four lettered name — Jose — might be quite fortuitous.

(15) In addition to the Tetragrammaton, there were twelve-lettered, forty-two-lettered, and seventy-two-lettered Names. (Kid. 71a; Lev. Rab. XXIII; Gen. Rab. XLIV) R. Aha b. Jacob states that since 'Jose' is used as a substitute, it proves that even if the longer Names are not employed, but merely the Tetragrammaton, the guilt of blasphemy is incurred.

(16) I.e., of forty-two letters.

(17) Judg. III, 20.

(18) Lit., 'the distinguished Name', synonymous with the Shem hameyuhad, the unique Name. Both words designate something which is distinguished from other objects of its kind. (V. J. E., XI, 262) The term also means 'preeminent'. From Rashi here and in 'Er. 18b it appears that he does not regard the Shem hameforash as the Tetragrammaton. But Maimonides (Yad, Yesode Hatorah, VI, 2; Tefilah, XIV, 10) declares that they are identical. In general it was regarded as sinful to utter this Name (Sanh. 90a; 'A.Z. 17b; Kid. 71a), nor was it widely known, being an object of esoteric knowledge (Kid. Ibid; Yer. Yoma 40), though there were exceptions

(19) II Kings XVIII, 37. Their clothes were rent on account of Rab-Shakeh's blaspheming of God. Cf. Ibid. XIX, 4.

(20) Ibid. II, 11.

(21) Ibid. 12.

(22) I.e., never to be resewn; and by analogy, the same interpretation is placed upon II Kings XVIII, 37.

(23) Hence they should be obliged to rend their clothes again.

(24) Who was a gentile, and yet his hearers rent their clothes: in fact, that incident is the basis of the law.

(25) V. p. 408, n. 1.

(26) Blasphemy being of such frequent occurrence.

(27) I.e., in these cases, when the first witness has testified, it is sufficient, by Biblical law, for the second to say, 'I too heard (or saw) thus', without explicitly stating what he had heard or seen.

(28) If the testimony must be given in particular form, but cannot, it is obvious that the malefactor should not be executed.

(29) This is in reference to Deut. XIX, 15: at the mouth of two witnesses, or at the mouth of three witnesses shall the matter be established. The difficulty arises, if two witnesses are sufficient, surely three are: then why state it? R. Akiba answers, To teach that just as in the case of two, if one is proved invalid, the whole testimony loses its validity (since only one witness is left), so also, even if there are three or more, and one was proved invalid, the testimony of all is

valueless, though there are still two or more valid witnesses left. Now, when the Mishnah states that the third also must testify 'I too heard thus', it is in conformity with R. Akiba's ruling, so that should he be contradicted as having been absent, the entire testimony is null. Otherwise, it would be unnecessary for the third witness to be examined at all.

Talmud - Mas. Sanhedrin 60b

MISHNAH. HE WHO ENGAGES IN IDOL-WORSHIP [IS EXECUTED]. IT IS ALL ONE WHETHER HE SERVE IT, SACRIFICE, OFFER INCENSE, MAKE LIBATIONS, PROSTRATE HIMSELF, ACCEPT IT AS A GOD, OR SAY TO IT, 'THOU ART MY GOD.' BUT HE WHO EMBRACES, KISSES IT, SWEEPS OR SPRINKLES THE GROUND BEFORE IT, WASHES IT, ANOINTS IT, CLOTHES IT, OR PUTS ON ITS SHOES, HE TRANSGRESSES A NEGATIVE PRECEPT [BUT IS NOT EXECUTED]. HE WHO VOWS OR SWEARS [LIT. CONFIRMS A THING] BY ITS NAME, VIOLATES A NEGATIVE PRECEPT. HE WHO UNCOVERS HIMSELF BEFORE BAAL-PEOR¹ [IS GUILTY, FOR] THIS IS THE MODE OF WORSHIPPING HIM. HE WHO CASTS A STONE ON MERCULIS² THEREBY WORSHIPS IT.

GEMARA. What is meant by 'WHETHER HE SERVE IT'?³ — R. Jeremiah said: This is what is meant: Whether he serve it in its normal way, or sacrifice, make libations, offer incense, or prostrate himself, even if these acts are not the normal mode of worshipping that particular deity. Why is blood sprinkling not included? — Abaye said: Because sprinkling is the same as offering LIBATIONS,⁴ as it is written, their drink libations of blood will I not offer.⁵

Whence do we derive all these?⁶ — Our Rabbis taught: Had Scripture written, He that sacrificeth shall be utterly destroyed.⁷ I would have thought that the Writ refers to sacrificing without the Temple precincts;⁸ therefore Scripture adds: to any God, shewing that it refers to sacrificing to idols.⁹ From this I know only that sacrificing [as an abnormal act or worship] is punishable: Whence do I learn the same of offering incense and making libations? — From the additional words, save unto the Lord alone, whereby the Writ restricted all these services to the worship of the Divine¹⁰ name. Now, since sacrificing was singled out from the general statement,¹¹ teaching that the latter applies to all services performed within the Temple precincts,¹² whence can it be extended to include prostration? — From the verse, And he hath gone and served other gods, and prostrated himself before them,¹³ which is followed by, Thou shalt bring forth that man or that woman . . . and shalt stone them with stones.¹⁴ From this we learn the punishment: whence do we derive the formal prohibition? From the verse, For thou shalt prostrate thyself to no other god.¹⁵ I might think that I may also include embracing, kissing, and putting on its shoes [as punishable by death]:¹⁶ but the Writ saith, He hath sacrificeth.¹⁷ Now, sacrificing was included in the general statement;¹⁸ wherefore was it singled out? — That a comparison therewith might be drawn, and to teach you: just as sacrificing is distinguished, in that it is a service within the Temple precincts, and the death penalty is incurred through it, so for all services performed in the Temple precincts [in lawful worship] one is liable to death [when performing them idolatrously]. Hence prostration was singled out to illumine itself alone, whilst sacrificing was singled out to throw light upon the general proposition.¹⁹

The Master stated: 'I would have thought that the Writ refers to sacrificing without the Temple precincts'. But is that not punishable by extinction?²⁰ — I might have thought: if he was warned, he is executed; if not, he is punished by extinction. It is therefore taught otherwise.

Raba, son of R. Hanan asked Abaye: Let us say that prostration was singled out in order to throw light upon the general law; and if you answer, in that case, why was sacrificing singled out too?²¹ To throw light upon itself, viz., that the intention to perform one act in the service of idolatry, even if made during the performance of another [non-idolatrous] act, renders one liable to punishment. For it has been taught: If one slaughtered a cow with the intention of sprinkling its blood and burning its fat idolatrously, — R. Johanan said,

- (1) A Moabite deity. 'That the statements of the Rabbis (on the repulsive mode of worship) are not wholly imaginative and do not take their colouring from the rites of some heathen or antinomian-Gnostic sects is shewn by the fact that the worship of Peor is ridiculed, but nowhere stigmatised as moral depravity, by the Rabbis, which latter might have been expected, had the assertion of the Rabbis been based on the Gnostic cults mentioned.' J. E. s.v. Baal-Peor.
- (2) Mercurius, a Roman divinity, identified with the Greek Hermes; also a statue or a way-mark dedicated to Hermes, the patron deity of the wayfarer.
- (3) Are not all the actions mentioned modes of worship?
- (4) And already included in the Mishnah.
- (5) Ps. XVI, 4.
- (6) I.e., that guilt is incurred for all these acts of worship.
- (7) Omitting the words, to any God, Ex. XXII, 19.
- (8) Since this is forbidden elsewhere; Lev. XVIII, 3f; 8f.
- (9) Now the reference must be to sacrificing as an abnormal mode of worship, for the normal act of worship is designated in Heb. by עָבַד (to serve), and the verse should have read, He who serves any other god by sacrificing to it. Every normal act of service is derived from Deut. XVII, 3.
- (10) Heb. Shem Hameyuhad, v. p. 408, n. 1.
- (11) In Deut. XVII, 2-5; v. next note.
- (12) The penalty of death for idolatry is stated in Deut. XVII, 2-5; If there be found among you . . . a man or woman that hath wrought wickedness . . . And hath gone and served other gods and prostrated himself before them . . . thou shalt stone them with stones, till they die. 'And hath gone and served other gods' is a general statement, not particularizing any mode of service. Consequently, the verse in Ex. XXII, 19, which ordains the death penalty for sacrificing, is a singling out of a particular service from the general proposition of Deut. XVI, 3. Now it is one of the principles of exegesis that in such a case the particularized statement is intended to illumine and define the general proposition as a whole: thus just as sacrificing is a form of service performed within the Temple precincts (in lawful worship), so the general statement, 'and hath . . . served other gods' refers to such services, e.g., sprinkling of the blood, offering incense, and making libations. But prostration was not a mode of worship within the Temple precincts.
- (13) Ibid. 3.
- (14) Ibid. 4.
- (15) Ex. XXXIV, 14.
- (16) Since prostration is specially stated, I might think that it teaches that for any act of adoration, even if it is not the normal mode of worship, and not performed within the Temple precincts, just as prostration, guilt is incurred.
- (17) Ibid. XXII, 19.
- (18) Of Deut. XVIII, 3.
- (19) For if prostration was singled out in order to throw light upon the general law, viz., that for paying honour to an idol in any shape one is liable to death, why should sacrificing have been singled out too, since thereby one certainly honours the deity?
- (20) Kareth, v. Glos. cf. Lev. XVIII, 3f; 8f; whilst here the penalty of death is decreed.
- (21) V. p. 411, n. 9.

Talmud - Mas. Sanhedrin 61a

the animal is forbidden for any use;¹ but Resh Lakish ruled that it is permitted.² Now this difficulty is disposed of on R. Johanan's view;³ but on the view of Resh Lakish,⁴ [why not say that] the verse is required [for this purpose]?

R. Papa demurred: Would the verse singling out sacrificing be superfluous on R. Johanan's view? Surely he merely rules that the animal is forbidden [as a result of the analogy from piggul], but the person may not be liable to death. Hence the verse teaches [by singling out sacrificing] that he is so liable!

R. Aha the son of R. Ika demurred: Would the verse singling out sacrificing not be superfluous on

the view of Resh Lakish? Surely he merely rules that the animal is permitted, yet the person may be punishable by death, just as in the case of one who prostrates himself before a mountain, the mountain remaining free for use though the person thereby renders himself liable to decapitation!⁵

R. Aha of Difti said to Rabina: According to Raba son of R. Hanan's question to Abaye, vi., 'let us say that prostration was singled out in order to throw light upon the general law,' what is excluded by the verse, [Take heed to thyself . . . that thou enquire not after their gods, saying,] How did these nations serve their gods³ even so will I do likewise]?⁶ Should you say, it excludes the act of uncovering oneself before deities whose normal mode of worship is sacrifice — but that is derived from prostration: just as prostration is an act of honour, so every act [to be punishable] must be one of honour! — But it excludes the act of uncovering oneself before mercuris: for I would think, since its normal mode of worship is a contemptuous act [viz. — casting stones thereon], therefore any other degrading action [incurs guilt]; hence the verse excludes it. But what of R. Eleazar's dictum: Whence do we know that, if one sacrificed an animal to mercuris, he is liable to punishment? — From the verse, And they shall no more offer their sacrifices unto demons.⁷ Since this is redundant in respect of normal worship, being derived from, How did these nations serve their gods,⁸ apply it to abnormal worship [as being punishable].⁹ Now, [on Raba son of R. Hanan's hypothesis that prostration throws light on the general statement] is not abnormal worship derived from prostration? — That verse teaches that even if he sacrificed to mercuris merely as an act of provocation¹⁰ [but without thereby accepting it as a divinity], he is punished.

R. Hamnuna lost his oxen. [On going to seek them] he was met by Rabbah, Who showed a contradiction in two Mishnahs. We have learnt: He WHO ENGAGES IN IDOL-WORSHIP [IS EXECUTED]; implying, only if he actually worshipped it, but \emptyset he merely said that he would serve it, he is not punished. But we have learnt: If he [the seduced person] says — 'I will worship.' or 'I will go and worship' or we will go and worship' [the seducer is executed].¹¹ — He replied, The first Mishnah refers to one who said, 'I will not accept it as a god before I serve it.' R. Joseph said: You have chosen Tannaim at random!¹² This is a conflict of Tannaim. For it has been taught: If a man said, 'Come and worship me,' R. Meir declared him liable to death [as any other seducer], but R. Judah ruled that he is not. Now if they [his listeners] did actually worship him, all agree that he is executed, for it is written, Thou shalt not make unto thee any idol.¹³ Their dispute is only if they merely affirmed that they would worship him: R. Meir maintaining that a mere affirmation is of consequence¹⁴, whilst R. Judah holds that a mere affirmation is of no consequence.¹⁵ Subsequently R. Joseph said: My answer is groundless for even R. Judah maintains that guilt is incurred for a mere assertion, as it has been taught: R. Judah said: He [the seducer] is not liable to execution unless the seduced person declares, 'I will worship it,' or 'I will go and worship,' or 'Let us go and worship.'¹⁶ But the dispute of R. Meir and R. Judah applies to a case where he incited others to worship him, and they replied. 'Yes!', R. Meir maintaining that when a man incites others to worship him, he is paid heed to, and the 'yes' was said in earnest; whilst R. Judah holds that no heed is paid to him, for they say,

(1) Although it was not slaughtered with idolatrous intent, and even if subsequently the blood was not sprinkled idolatrously, the unlawful intention at the time of slaughtering, though in respect of a different service, renders the animal unfit for use. R. Johanan deduces this by drawing an analogy from piggul (v. Glos.).

(2) Resh Lakish does not accept the analogy of piggul.

(3) Since R. Johanan draws an analogy in respect of the animal itself, he can apply the same analogy to the offender-viz., that an idolatrous intention in respect of one service is punishable, even though made in another act. Consequently, if prostration was singled out in order to illumine the entire law, the special statement of sacrificing is superfluous. Hence we are forced to the conclusion that prostration was singled out only for itself.

(4) For since he does not accept the analogy, we can argue thus. Prostration was singled out to illumine the whole, and sacrificing was singled out to teach that though an unlawful intention in respect of one act of service made in the course of another does not affect the animal's fitness for use, it is nevertheless punishable.

(5) I.e., though Resh Lakish rejects the analogy of piggul, he might accept that of mountain worship. For he rejects the former because piggul is in the course of service within the Temple, whilst ordinary slaughter is without. But mountain service, being also without, may provide the basis of an analogy.

(6) Deut. XII, 30. This implies that only the normal mode of serving the deities is forbidden. But, as shewn above, the light thrown upon the general statement of Deut. XVII,3, whether by prostration or by sacrificing, is in respect of abnormal acts of worship. Now, if prostration teaches that even extra-Temple acts are punished, what is excluded by this verse?

(7) Lev. XVII, 7.

(8) Deut. XII, 30.

(9) Hence sacrificing to mercuris, though not its normal mode of worship, incurs guilt.

(10) I.e., to God.

(11) Infra 67a.

(12) I.e.. there is no warrant for assuming both Mishnahs to be of the same Tanna.

(13) Ex. XX, 4. Hence, since they worshipped him, he is guilty as a seducer.

(14) And renders the seducer liable.

(15) Hence the first Mishnah is taught in accordance with R. Judah; the second agrees with R. Meir.

(16) Thus though he did not actually worship it, even R. Judah maintains that he is executed.

Talmud - Mas. Sanhedrin 61b

‘Wherein does he differ from us?’ and in saying ‘yes’ they were but mocking him.¹ The two Mishnahs however are to be reconciled thus: The first Mishnah refers to a multitude who were seduced; the second to an individual. For an individual will not reconsider his resolve, hence he will surely go astray after the seducer; but a multitude do reconsider [because they discuss it with each other], and will therefore not go astray after the seducer.²

R. Joseph said: Whence do I know it [that the seducer is liable in the case of an individual]? — From the verse, [If thy brother . . . entice thee . . .] Thou shalt not consent unto him, nor hearken unto him.³ Hence, if he consented and hearkened unto him [declaring that he would do as the seducer urged], guilt is incurred. Abaye demurred to this: Is there any difference whether the one or the many are seduced? Surely it has been taught: If thy brother, the son of thy mother, entice thee;⁴ it is all one whether the one or the many are seduced. Scripture however excludes an individual from the law pertaining to a multitude, and a multitude from the provisions of an individual; [viz..] an individual is excluded from the law pertaining to a multitude, in that his person is punished with greater severity, whilst his property is treated with greater leniency, whilst a multitude are excluded from the law of an individual, being personally punished with greater leniency, but their property is treated with greater severity.⁵ Hence the distinction is only in this respect, but in all other matters they are alike⁶. Abaye therefore answered thus:⁷ The first Mishnah refers to one who is self-persuaded, the second to enticement by others; if he is self-persuaded, he may reconsider the matter [therefore he is punished only if he actually engages in worship]; but if he is enticed by others, he will be dragged after them [therefore for his mere assertion the penalty is merited]. Abaye said: Whence do I know this? From the verse, Thou shalt not consent unto him, nor hearken unto him: hence if he consented and hearkened [unto the seducer by affirmation] he is liable.

Raba said: Both Mishnahs deal with one who was seduced by others; the second Mishnah refers to a seducer who [described the idol's might] saying. ‘it eats thus,’ ‘it drinks thus,’ ‘it does so much good and so much harm;’ but the first Mishnah treats of a seducer who did not thus descant upon the idol's greatness.⁸ Raba said, Whence do I learn this? — From the verse, [If thy brother... entice thee . . . saying let us go and serve other gods . . . ;] Namely, of the gods of the people which are round about you, nigh unto thee or far from thee.⁹ Now, what does it matter whether they are far or near? — But the Writ means this: from the character of the near idols you can learn the nature of the distant ones.¹⁰ Surely then it means that the seducer had said to the seduced; ‘It eats thus, it drinks

thus, it does so much good and so much harm.’ This proof is conclusive.

R. Ashi said; The second Mishnah refers to a non-conforming Israelite.¹¹ Rabina said: The two Mishnahs teach ‘not-only-this. but-even-that.’¹²

It has been taught; If one engages in idolatry through love or fear [of man, but does not actually accept the divinity of the idol], Abaye said, he is liable to punishment; but Raba said, he is free from a penalty. Abaye ruled that he is liable, since he worshipped it; but Raba said that he is free: only if he accepts it as a god is he liable, but not otherwise.

Mnemonic; ‘ebed yishtahaveh lemoshiah.’¹³ Abaye said, how do I know it? Because we have learnt, HE WHO ENGAGES IN IDOL WORSHIP, IT IS ALL ONE WHETHER HE SERVE IT etc. Surely it means: whether he serve it through love or fear, [or whether he sacrifice to it as a god].¹⁴ But Raba answers you: That is not so, but as R. Jeremiah resolved the difficulty.¹⁵

Abaye [further] said, Whence do I know it? For it has been taught: Thou shalt not bow down thyself to them:¹⁶ thou mayest not bow down to them, but thou mayest bow down to a human being like thyself. I might think that this applies even to one who is worshipped, like Haman; but the Writ adds, not serve them.¹⁷ But Haman was thus served through fear.¹⁸ Raba, however, explains it thus: ‘like Haman, but not altogether so. [To bow down to one] ‘like Haman’ [is forbidden], since he set himself up as a divinity; ‘but not altogether so,’ for Haman was worshipped through fear, whilst the prohibition of this verse applies only to a voluntary action.

Abaye said: Whence do I know it? — For it has been taught: [As for an anointed High priest's¹⁹ [liability to a sacrifice] for [unwitting] idol-worship — Rabbi said: It holds good even if his inadvertency was in respect of the action only. But the Sages say, There must have been forgetfulness of the [principal] law itself.²⁰ They agree, however, that his sacrifice is a she-goat, as that of a private individual [who committed idolatry inadvertently].²¹ They also agree that he is not bound to bring the guilt offering of doubt.²² Now, how can the act of idol-worship be committed unwittingly? If he [saw an idolatrous shrine,] thought it to be a synagogue, and bowed down to it. — surely his heart was to heaven!²³ But it must mean that he saw a royal statue and bowed down to it;²⁴ now, if he accepted it as a god, he is a deliberate sinner;

(1) And therefore he is not treated as a seducer, the likelihood of his obtaining a hearing being so remote

(2) Therefore in their case guilt is incurred only for actual worship; but in the case of a single individual the mere declaration is punishable.

(3) Deut XIII, 9, referring to an individual.

(4) Ibid. 7.

(5) Deut. XIII, 13-17 treats of a multitude that are seduced; they are to be decapitated (an easier death than stoning), and their property destroyed. Deut. XVII, 2-5 deals with an individual (or individuals) who engage in idol worship; he is to be stoned, but nothing is said about his property, whence it may be concluded that it is left intact. Thus the individual is excluded from the law pertaining to the multitude, and vice versa, there being an aspect of greater severity and leniency in each.

(6) This refutes R. Joseph's distinction between an individual and a multitude.

(7) The difficulty presented by the two Mishnahs.

(8) Consequently his listener is likely to reconsider his resolve, and therefore punishment is not imposed until actual worship.

(9) Ibid. 8.

(10) A seducer generally seeks to entice one to worship distant idols by describing their great power, but avoids mention of the near ones, which his victims would themselves know to be powerless; therefore Scripture warns one against such enticement, by pointing out that the near (and known) idols are an object lesson for the distant ones. Scripture thus assumes that such blandishments were used.

(11) Therefore his mere assertion is sufficient to condemn him, as it is certain that he will keep it. But an observant Israelite may reconsider his desire.

(12) The first Mishnah states that the death penalty is imposed for engaging in idol worship, the second adds that this is so not only for actually worshipping idols but also for the mere statement of intention. Both Mishnahs will then refer to the same kind of Jew.

(13) **ישתחוה עבד למשיח** Lit. 'The servant shall bow down to the anointed one.' Three passages are adduced, whose catchwords are respectively Service, Prostration, The Anointed One. S. Funk (Die Juden in Babylonien, P. 94. n. 2) sees in this mnemonic an allusion to the Christians' acceptance of Jesus, 'the servant' being the title claimed by those who worship him as the Messiah.

(14) For, as in supra 60b the difficulty arises, what is meant by 'whether he serve it', Seeing that all other actions mentioned are forms of service. Abaye therefore proposes this solution.

(15) Supra 60b.

(16) Ex, XX, 5.

(17) Ibid. This phrase is superfluous, and is therefore so interpreted.

(18) This proves that idolatry (which includes worshipping a human as a divinity) is forbidden even when done through fear.

(19) Until the destruction of the First Temple, High Priests were consecrated by anointing (Ex. XXVIII, 41; XXX, 30; Lev, VII, 36. X, 7); and one thus consecrated was called Kohen ha-mashiah (the anointed priest). But during the second Temple, when no anointing took place (Sifra Zaw, Par. 3 ch, v.). they were consecrated by investiture in the official garments of the High Priesthood. Such a high priest was called merubeh begadim, i.e distinguished by a larger number of garments (eight as against the ordinary priest's four).

(20) Lit., 'the thing (in itself)'. This is in reference to Lev. IV, 2f: If soul shall sin through ignorance ... If the priest that is anointed do sin . . . then let him bring for his sin . . . etc. In Hor. 7b it is deduced that by ignorance in the case of the anointed priest is meant an inadvertence; viz., the action involving a complete forgetfulness of the prohibition on his part, as against an ordinary individual who has to bring an offering even if his inadvertency was only in regard to the action, but not to the prohibition itself. Now the Sages maintain that this applies to all sins, including idolatry. But Rabbi rules that if idolatry be committed inadvertently by the anointed Priest, though without forgetting that it is forbidden, he is still obliged to offer a sacrifice like an ordinary individual.

(21) I.e., though in Lev. IV, 3, a young bullock is prescribed as the sacrifice for an anointed Priest's inadvertent sin, yet in the case of idolatry, even the Sages agree that he is treated as an ordinary individual, who offers a she-goat: Num. XV, 27. And if any soul sin through ignorance, then he shall bring a she-goat of the first year for a sin offering. By 'any soul' one understands even a High Priest; and 'sin' is interpreted as referring to idol-worship.

(22) If one is in doubt whether he has committed a sin, for the certain (unwitting) transgression of which a sin-offering must be brought, he is bound to bring a guilt offering of doubt (Lev. V, 17-19). This, however, does not apply to a High Priest. Now, even if the doubt is in respect of idolatry, though Rabbi assimilates the High Priest in this case to the common people as to the measure of inadvertency required, he nevertheless concurs with the Sages that the High Priest differs from others, in that he need not bring a guilt-offering of doubt. All this is deduced from Scripture in Hor. 7b.

(23) Hence, he has not even inadvertently committed idolatry.

(24) It was customary to set up royal statues to which homage was paid. This was quite permissible. But occasionally a royal statue was actually worshipped; thereafter it was forbidden to make obeisance to it.

Talmud - Mas. Sanhedrin 62a

whilst if not, his action was not idolatrous at all. Hence, it surely must mean that he worshipped it idolatrously, through love or fear.¹ But Raba answers you thus: His inadvertency arose through his declaring that idolatry is permissible. But if he declares it permissible, is it not forgetfulness of the law? It refers to a declaration that it is entirely permissible; whilst forgetfulness consists of partial confirmation and partial annulment.²

R. Zakkai recited to R. Johanan: If one sacrificed, offered incense, made libations, and prostrated himself [before an idol] in one state of unawareness,³ he is bound to bring only one sacrifice. Thereupon R. Johanan retorted: 'Go, teach this outside'.⁴

[But] R. Abba said, This teaching of R. Zakkai is the subject of a dispute between R. Jose and R. Nathan. For it has been taught: The prohibition of kindling [on the Sabbath] was singled out [from the general prohibition of work] to teach that it is merely the object of a negative precept — This is R. Jose's view. R. Nathan maintained, it was particularly specified to indicate 'separation'.⁵ Now, on the view that kindling was specified to teach that it is merely the object of a negative precept, prostration too was singled out for that purpose. Whilst if kindling was singled out to indicate 'separation', prostration was likewise singled out for the same reason.⁶ R. Joseph objected: Perhaps R. Jose maintains that kindling was singled out to teach that it is the object of a negative precept, only because he derives 'separation' of different acts of labour from the phrase 'of one of them'.⁷ For it has been taught: R. Jose said, [If a soul shall sin through ignorance against any of the commandments of the Lord, concerning things which ought not to be done,] and shall do of one of them:⁸ this teaches that sometimes one sacrifice is incurred for 'all of them' [transgressions], whilst at others for each one [of the transgressions] a separate sacrifice must be brought. Whereon, R. Jonathan remarked, What is the reason of R. Jose [i.e., how does he deduce this from the verse]? — Because It is written, and shall do of one of them.⁹ This teaches that liability is incurred for one complete act of violation [i.e., 'one']; and for one which is but a part of one [i.e., 'of one']; and for transgressing actions forbidden in themselves [i.e., 'them'], and for actions [the prohibited nature of which is derived] from others [i.e., 'of them']; further, that one transgression may involve liability for a number of sacrifices [i.e. 'one' = 'them']. whilst many offences may involve but one sacrifice [i.e., 'them' = 'one']. Thus: 'one complete act of violation,' — the writing [on the Sabbath] of Simeon; 'one which is but a part of one,' — the writing of Shem as part of Simeon;¹⁰ 'actions forbidden in themselves' [i.e., 'them'] — the principal acts of labour forbidden on the Sabbath; 'actions [the prohibited nature of which is derived] from others [i.e., "of them"]' — the derivatives;¹¹ 'One transgression may involve liability for a number of sacrifices [i.e., "one" = "them"]' — e.g., if one knew that it was the Sabbath [and that some work is forbidden on the Sabbath] — but was unaware that these particular acts are forbidden;¹² 'many offences may involve but one sacrifice [i.e., "them" = "one"]' — e.g., if he was unaware that it was the Sabbath, but knew that his actions are forbidden on the Sabbath.¹³ But here [in idol worship]. since separation of actions is not derived from elsewhere, may we not say that all agree [even R. Jose] that prostration was singled out to indicate 'separation'?¹⁴ [But is this so?] May not 'separation' of acts in the case of idolatry too be deduced from 'of one of them'?¹⁵ Thus, 'one complete act of idolatry' — sacrificing [to idols]; a part of one [i.e., 'of one'] — the cutting of one organ.¹⁶ 'Actions forbidden in themselves' [i.e., 'them'] — principal acts; i.e., sacrificing, burning incense, making libations, and prostration; 'actions derived from others' [i.e., 'of them'] the derivatives of these — e.g., if he broke a stick before it;¹⁷ 'one transgression may involve liability for a number of sacrifices,' [i.e., 'one' = 'them']. e.g., when one knows that it is an idol [and that idolatry is forbidden], but is unaware that the particular acts in question constitute idol-worship;¹⁸ many offences may involve but one sacrifice, [i.e., 'them' = 'one']; if he is unaware that it is an idol, but knows that these acts are forbidden in idol worship?¹⁹ — Now, how is the unawareness of the idolatrous nature of a thing possible?²⁰ If one [saw an idolatrous shrine,] thought it to be a synagogue, and bowed down to it? Surely his heart was to

heaven! But it must mean that he saw a royal statue and bowed down to it. Now, if he accepted it as a god, he is a deliberate sinner; whilst if not, he has committed no idolatry at all. Hence it must surely mean that he worshipped it idolatrously through love or fear. Now, this interpretation [of the phrase ‘of one of them’] is possible on Abaye's view that a penalty is incurred for this. But on Raba's view that there is no liability, what can you say? Hence you will have to explain it that his inadvertency arose through his declaring that idolatry is permissible.²¹ But on that assumption you may solve the problem which Raba propounded to R. Nahman, viz., ‘What if one forgot both?’²² [Now on that assumption] you may deduce that he is liable only for one sacrifice?²³ — That causes no difficulty: then solve it!²⁴

But canst thou apply this verse to idolatry? In this chapter,²⁵ for the sin of an anointed High priest a bullock is prescribed;²⁶ of a chief, a he-goat²⁷; and of a private individual, a she-goat or a lamb;²⁸ whilst with respect to idolatry we have learnt: They agree that his sacrifice is a she-goat, as that of a private individual. There is nothing more to be said about the matter.²⁹

When R. Samuel b. Judah came,³⁰ he said:

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- (1) Without knowing that this is idol worship. This constitutes inadvertency in respect of the action, but not forgetfulness (or ignorance) of the law, since he knows that idolatry per se is forbidden. Hence this Baraita supports Abaye's ruling.
 - (2) E.g. if the priest declares: Sacrificing and offering incense to idols are forbidden, but prostration is permitted, that is called ignorance of the law; if he declares that idolatry is not prohibited at all, it is, in Raba's opinion, regarded as inadvertency of action.
 - (3) I.e., he was not apprised between these actions of their forbidden character, subsequently forgetting it, but was unconscious thereof throughout.
 - (4) I.e., it is incorrect, and not to be admitted to the school as authentic teaching.
 - (5) In Ex. XX, 10, it is stated: But the seventh day is the Sabbath of the Lord thy God: in it thou shalt not do any work. This is repeated in XXV, 2, with a special prohibition against kindling a fire, v. 3: Six days shall work be done, but on the seventh day there shall be to you an holy day, a Sabbath of rest to the Lord: whosoever doeth work therein shall be put to death. Ye shall kindle no fire throughout your habitations on the Sabbath day. Now kindling is prohibited by the general law of Ex. XX, 10: why is it singled out? R. Jose answers, to teach that whereas other modes of work are punishable by death, this is merely punishable like any other negative precept (viz., by flagellation). But R. Nathan maintained that it was in order to shew that if one did a number of separate acts on the Sabbath (in one state of forgetfulness) e.g., seething, reaping, and threshing, they are accounted as separate offenses, just as kindling was given as a separate offence, and a sacrifice must be brought on account of each.
 - (6) On 63a (infra) it is stated that prostration is specifically forbidden three times: (i) Ex. XX, 5: Thou shalt not bow down thyself to them, nor serve them, (ii) Ibid. XXIII, 24: Thou shalt not bow down to their Gods, nor serve them; and (iii) Ibid. XXXIV, 14: For thou shalt not bow down to any other god. (The injunctions against prostration in Deut. are not included, since Deut. is a repetition of the preceding books). One prohibition teaches that prostration even as an abnormal mode of worship is forbidden; the second that as a normal mode of worship it is forbidden (v. 63a); and the third intimates ‘separation’, viz., that if a number of idolatrous acts were unwittingly committed (in one state of ignorance), separate atonement must be made for each. Now, R. Abba holds that interpretation to agree only with the view that kindling was specified in order to teach separation. But on the other view, prostration was singled out to indicate not ‘separation’ but that its deliberate transgression is the subject of a negative precept and not punished by extinction as other idolatrous acts, involving consequently no sin offering for its unwitting transgression, albeit here the punishment is greater, viz., death instead of extinction (v. Deut. XVII, 3, 5). Consequently, R. Zakkai's statement is not incorrect; it is in accord with the view of R. Jose.
 - (7) Lev. IV, 2.
 - (8) Ibid.
 - (9) **מִאֶחַת הֶנְהָ**. This is a peculiar construction. The Scripture should have written, ‘and shall do one (not of) of them’, or, ‘and do of them’ (one being understood), or, ‘and shall do one’ (of them being understood). Instead (of which, a partitive preposition is used before each. Hence each part of the pronoun is to be interpreted separately, teaching that he is liable for the transgression of ‘one’ precept; and for part of one (i.e., for ‘of one’); for ‘them’ (explained as

referring to the principal acts); and for the derivatives 'of them' (acts forbidden because they partake of the same nature as the fundamentally prohibited acts); also, each pronoun reacts upon the other, as explained in the discussion.

(10) A sin offering for the unwitting violation of the Sabbath is not due unless a complete action is performed. The writing of a complete word — Simeon — is given as an example. Now, if one commenced writing the word Simeon **שמעון** SHime'on in Hebrew, and only wrote the first two letters thereof, viz., Shem, **שם**, SHem, he is also liable, though his intention was only partly fulfilled, because Shem is a complete name in itself; similarly, if he commenced writing Daniel and only wrote Dan. This the Talmud calls one action which is part of another (i.e. — 'of one'). If, however, the part he wrote is not complete in itself, e.g., the first two letters of Reuben, in Hebrew, there is no liability.

(11) Labour forbidden on the Sabbath is divided into two categories: (1) fundamental or principal acts, forbidden in themselves and named in the Talmud 'fathers' — 39 are enumerated in Shab. 73a; and (ii) derivative or secondary acts, regarded as species of the former, and called 'toledoth', lit., 'offsprings'. E.g., Sowing, ploughing, and reaping belong to the first category; planting, digging, and vintaging are their respective derivatives.

(12) Hence, though he violated only one injunction, viz., the sacredness of the Sabbath, yet since he was ignorant of each of these acts, he is regarded as having committed a number of separate inadvertent transgressions, for each of which a sacrifice is due.

(13) Therefore, since all his actions were the result of being unaware of one single fact, viz., that it was the Sabbath, only one sacrifice is due. In this discussion 'them' is taken to indicate more than one. We see from this Baraitha that R. Jose derives 'separation' of labour on the Sabbath from this verse, therefore he is bound to interpret the singling out of kindling as teaching something else, viz., that kindling is only subject to a negative precept.

(14) This difficulty is left unanswered, and a further one is raised.

(15) Since that verse refers to sin in general, not particularly to the Sabbath, its deductions apply to idolatry too.

(16) The ritual slaughtering and the sacrificing of an animal consists of cutting through two organs, the windpipe and the gullet. Now, if one cuts only one organ (in idol worship) he commits 'part of one' forbidden action. Nevertheless, he incurs the penalty of idolatry, because this partial action is a complete action elsewhere, for a fowl sin-offering needs only the severing of one organ.

(17) I.e., in honour of the idol. As an idolatrous act, this being similar to slaughter, whereby the neck is broken, is hence a derivative. A penalty is incurred only if this is the normal mode of worship of that particular deity. 'A.Z. 51a.

(18) E.g., knowing that sacrifice is forbidden, but thinking that burning incense and offering libations are permitted.

(19) The reasoning is the same as in the case of the Sabbath.

(20) This is the answer.

(21) Though this does not constitute unawareness that a particular thing is an idol and consciousness that these particular acts are forbidden in idol worship, yet it is a case where many transgressions involve but one sacrifice.

(22) This refers to the Sabbath. If one did a number of forbidden acts on the Sabbath, unaware that it was the Sabbath and also ignorant that these particular acts are forbidden on the Sabbath.

(23) For if one declared that idolatry is permissible, it is as though he were unaware that a particular thing was an idol, as explained at the beginning of 62a. Hence if we deduce from the verse that in idolatry only one sacrifice is needed for such inadvertence, the same must apply to the Sabbath. At this stage of the discussion it is assumed, however, that this deduction is impossible, as otherwise Raba would not have propounded his problem. Consequently the verse cannot be applied to idolatry, and R. Abba is justified in regarding kindling and prostration as interdependent both in interpretation and in the resultant laws and R. Zakkai's statement is admissible as correct — according to R. Jose.

(24) I.e., the fact that this interpretation solves Raba's problem does not militate against its correctness. Consequently, the verse can be applied to idolatry, and R. Abba's views are again refuted.

(25) Introduced by the passage under discussion, viz., If a soul shall sin through ignorance against any of the commandments of the Lord . . . and shall do of one of them.

(26) Lev. IV, 3.

(27) Ibid. 22f.

(28) Ibid. 27f, 32.

(29) I.e., to this no answer is possible. Consequently this verse cannot teach separation of idolatrous actions. In R. Joseph's view, as expressed by his objection, it is deduced from the singling out of prostration.

(30) From Palestine to Babylon.

Talmud - Mas. Sanhedrin 62b

This is the teaching which he [R. Zakkai] recited to him [R. Johanan]: [In one respect] the Sabbath is more stringent than other precepts; [in another,] it is the reverse. Now the Sabbath is more stringent than other precepts — in that if one did two acts of work in one state of unawareness, he must make atonement for each separately; this is not so in the case of other precepts. Other precepts are more stringent than the Sabbath, for in their case, if an injunction was unwittingly and unintentionally violated, atonement must be made: this is not so with respect to the Sabbath.¹

The `aster said: 'The Sabbath is more stringent than other precepts, in that if one did two acts of work etc.' How so? Shall we say that he reaped and ground [corn]? Then an analogous violation of other precepts would be the partaking of forbidden fat and blood — but in both cases, two penalties are incurred! But how is it possible in the case of other precepts that only one liability is incurred? E.g., if one ate forbidden fat twice;² then by analogy, the Sabbath was desecrated by reaping twice — but in each case, only one liability is incurred! Therefore R. Johanan said to him? 'Go, teach it outside!'

But what is the difficulty? Perhaps it can be explained after all as referring to reaping and grinding. whilst 'this is not so in the case of other precepts' refers to idolatry, and in accordance with the dictum of R. Ammi, who said: If one sacrificed, burnt incense, and made libations [to an idol] in one state of unawareness, only one penalty is incurred [though a number of services were performed]! — This cannot be explained as referring to idolatry, because the second clause states: 'Other precepts are more stringent than the Sabbath, for in their case, if an injunction was unwittingly and unintentionally violated, atonement must be made.' Now, how is an unwitting and unintentional transgression of idolatry possible? If one thought it [sc. an idolatrous shrine] to be a synagogue, and bowed down to it — but his heart was to heaven! But it must mean that he saw a royal statue, and bowed down to it; now, if he accepted it as a god, he is a deliberate sinner; whilst if he did not accept it as a god, he has not committed idolatry at all. Hence it must mean that he worshipped it idolatrously through love or fear. Now this agrees with Abaye's view that a penalty is incurred; but on Raba's view that there is no liability, what can you say? You will therefore explain that his inadvertency arose through his declaring that idolatry is permissible.³ Then 'this is not so in the case of the Sabbath' will mean that there is no liability at all.⁴ But this cannot be so, for when Raba propounded to R. Nahman, 'What if one is unaware of both [i.e. that it is the Sabbath, and that labour on the Sabbath is forbidden],' his problem was whether one sacrifice is incurred or two [one for each act of work]; but none maintain that he is entirely exempt? What difficulty is this! Perhaps after all, it ought be said, the first clause [dealing with the greater severity of the Sabbath] refers to idolatry, whilst the second treats of other precepts; the unwitting and unintentional transgression of which consisted of thinking that [melted forbidden fat] was spittle, which he swallowed. [For this, liability is incurred,] which is not so with regard to the Sabbath, there being no liability [in an analogous case, e.g.] if one intended lifting something detached from the soil, but accidentally tore out a plant from the earth, he is exempt from a penalty.⁵ Now, this is in accordance with R. Nahman's dictum in Samuel's name, viz., He who violates the injunction of forbidden fat or consanguineous relationship whilst intending to do something else⁶ is liable to a penalty, since he derived pleasure thereby. But he who mistakenly did a forbidden act on the Sabbath whilst intending to do another⁷ is free from penalty — because the Torah prohibited only a calculated action.⁸ But R. Johanan [who said, 'Go, teach it outside'.] was consistent with his attitude [elsewhere], that two clauses of a Mishnah must not be interpreted as referring each to different circumstances — for R. Johanan said: He who will explain to me the Mishnah of 'a barrel' to agree with one Tanna entirely, I shall carry his clothes for him to the baths.⁹ To revert to the main text:

(1) The Talmud discusses further on what is meant by unwittingly and unintentionally.

(2) In one state of unawareness, not being reminded in between that this fat is forbidden,

(3) And since he has never known of any prohibition, it is not only regarded as unwitting, but as unintentional too. Cf.

62a top.

(4) If one worked on the Sabbath, not knowing that there is any prohibition against it.

(5) Cutting or tearing out anything growing in the earth is a forbidden labour on the Sabbath. His offence was both unwitting and unintentional for (i) he had no intention of tearing out anything and (ii) he did not know that this was growing in the soil. Now, had he known that it was growing in the soil and deliberately uprooted it in ignorance of the forbidden nature of that action, his offence would have been unwitting but intentional. By analogy, had he intended to eat the melted fat, thinking that it was permitted, his offence would be regarded as unwitting but intentional. Since, however, he did not intend eating it at all, but accidentally swallowed it, thinking at the same time that it was spittle, his offence was both unwitting and unintentional.

(6) E.g., if he reached out for a permitted piece, and accidentally took the forbidden fat, or mistook his sister for his wife.

(7) Whether the other itself was forbidden or permitted. So Tosaf. Rashi, however, in Shebu. 19a explains it that he intended doing a permitted act, but mistakenly did a forbidden one, in accordance with the example given here.

(8) Hence the distinction drawn in the second clause between the Sabbath and other precepts is quite feasible.

(9) I.e., I would be his servant, The reference is to a Mishnah on B.M. 40b: If a barrel was entrusted to a man's keeping, a particular place being assigned to it, and this man moved it from the place where it was first set down, and it was broken. — Now, where it was broken whilst he was handling it, then if he was moving it for his own purposes (e.g., to stand on it), he must pay for it; if for its sake (e.g., if it was exposed to harm in the first place), he is not liable. But if it was broken after he had set it down, then in both cases he is not liable. If the owner, however, had assigned a place to it, and this man moved it, and it was broken, whether whilst in his hand or after he had set it down: if he moved it for his sake, he is liable; if for its own, he is not. The Talmud then proceeds to explain that the first clause is in accordance with R. Ishmael, who maintained that if one stole an article and returned it without informing its owner, he is free from all further liability in respect of it. Consequently, if he moved the barrel for his own purpose (which is like stealing), and set it down elsewhere, no particular place being assigned to it, his liabilities have ceased. But the second clause agrees with R. Akiba's ruling that if an article is stolen and returned, the liability remains until the owner is informed of its return. Consequently, if he moved it for his own purpose, he remains liable even after it is set down. But R. Johanan was dissatisfied with this explanation, holding that both clauses should agree with one Tanna. Now, the Talmud does actually explain that it can agree with one Tanna, viz., by assuming that in the first clause the barrel was subsequently returned to its original place, but that in the second clause it was not. Consequently, it concurs entirely with R. Ishmael, but his liability continues in the second instance because he did not return it to its first place. But R. Johanan rejects this explanation, not deeming it plausible to conceive of such different circumstances in the two clauses of the Mishnah. For the same reason, when R. Zakkai taught that sometimes the Sabbath is more stringent than other precepts, and sometimes it is the reverse, R. Johanan would not accept an interpretation whereby 'other precepts' in the first clause means idolatry, whilst in the second it referred to forbidden fat.

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'R. Ammi said: If one sacrificed burnt incense and made libations [to an idol] in one state of unawareness, Only one penalty is incurred.' Abaye said: What is R. Ammi's reason?¹ — Scripture saith, [Thou shalt not bow down thyself to them] nor serve them . . .² thereby the Writ declares that all idolatrous deeds constitute one act of service. But did Abaye say thus? Did he not say: 'Why is prostration forbidden three times?³ Once to prohibit it when it is the normal mode of service, the second even if abnormal; and the third teaches separation'? — He explains R. Ammi's ruling, but disagrees with it himself.

To revert to the main text: Abaye said: Why is prostration forbidden three times? Once to prohibit it when it is the normal mode of service, the second even if abnormal, and the third teaches separation' — But is not the normal mode of worship derived from [Take heed . . . that thou enquire not after their gods saying,] How did these nations serve their gods? [Even so will I do likewise]?⁴ — But [amend thus:] one teaches that prostration is forbidden when it is the appropriate but unusual mode of worshipping that deity;⁵ the second forbids it even if it is not the normal mode of service;⁶ and the third teaches separation.

[WHETHER HE] ACCEPTS IT AS A GOD OR SAYS TO IT, THOU ART MY GOD.

R. Nahman said in the name of Rabbah b. Abbuha in Rab's name: As soon as he said, 'Thou art my God', he is liable, [Liable] to what? If to execution, this is stated [already] in the Mishnah? — Hence it means liable to a sacrifice. Now, is this so even in the view of the Rabbis? But it has been taught: He [the idolator] is liable [to a sacrifice] only for that which entails an action, e.g., sacrificing, burning incense, making libations, and prostration. Whereon Resh Lakish observed: Which Tanna maintains that a sacrifice is due for prostration? R. Akiba, who rules that a deed entailing [much] action is unnecessary.⁷ Does this not prove that the Rabbis maintain that [much] action is necessary? [Consequently, in their opinion, the declaration 'Thou art my god' made unwittingly, does not involve a sacrifice]? — Rab's dictum is only in accordance with R. Akiba. But if so, is it not obvious; for it is just like blasphemy?⁸ — I might think that only for blasphemy does R. Akiba rule that a sacrifice is incurred, since extinction is prescribed for it [if committed deliberately]; but not in this case, since extinction is not prescribed. Therefore Rab teaches that a sacrifice is due, because they [sc. the sacrificing to an idol and the declaring 'thou art my god'] are equalized for it is written, [They have made them a molten calf,] and have worshipped it, and have sacrificed thereunto, and have said, these be thy gods, O Israel [which have brought thee up out of the land of Egypt].⁹

R. Johanan said: But for the waw in 'who have brought thee up', the wicked of Israel would have deserved extermination.¹⁰ This is disputed by Tannaim: [It has been taught]: 'Others'¹¹ say, but for the wow in 'who have brought thee up', the wicked of Israel would have deserved extermination. Thereupon R. Simeon b. Yohai remarked; But whoever associates the Heavenly Name with anything else [as co-deities] is utterly destroyed [lit., 'eradicated from the world'], for it is written, He that sacrificeth unto any god, save unto the Lord alone, he shall be utterly destroyed.¹² What then is intimated by [the plural in] 'who have brought thee up'? — That they lusted after many deities.¹³

BUT HE WHO EMBRACES, KISSES IT, SWEEPS OR SPRINKLES THE GROUND BEFORE IT, etc.¹⁴

When R. Dimi came,¹⁵ he said in R. Eleazar's name: For all these offences he is flagellated, except for vowing or swearing by its name. Now, why for 'Vowing or Swearing by its name'; because it is a negative precept the transgression of which involves no action? But those others too are only forbidden by a negative precept stated in general terms,¹⁶ and for such one is not flagellated? For it has been taught: Whence do we know that the eating of the flesh of an animal before it has expired¹⁷ is forbidden by a negative precept? From the verse, Ye shall not eat anything with the blood.¹⁸ Another meaning of Ye shall not eat anything with the blood is, Ye shall not eat the flesh [of sacrifices] whilst the blood is in the sprinkling bowl.¹⁹ R. Dosa said: Whence do we know that the meal of comfort is not eaten for criminals executed by Beth din?²⁰ From the verse Ye shall not eat [i.e., observe the funeral meal] for one whose blood has been shed. R. Akiba said: Whence do we know that a Sanhedrin which executed a person must not eat anything on the day of the execution? From the verse, Ye shall not eat anything with the [shedding of] blood. R. Jonathan said: Whence do we derive a formal prohibition against a wayward and rebellious son? From the verse, Ye shall not do anything to cause bloodshed.²¹ Now, R. Abin b. Hiyya, or, as others state, R. Abin b. Kahana said: For none of these offences is the offender flagellated, because it is a negative precept in general terms.²² But when Rabin came, he said in R. Eleazar's name: For none of these [embracing, kissing, etc.] is the offender flagellated, excepting for vowing and swearing by its name. Now, why are these not punished by flagellation: because it is a negative command in general terms? But these too [should be exempt, since they] are forbidden by a negative precept involving no action? That is in accordance with R. Judah, who said: One is flagellated for a negative precept involving no action. For it has been taught: And ye shall let nothing of it remain until the morning; and that which remaineth of it until the morning ye shall burn with fire.²³ Now, the Scripture follows up a negative

precept with a positive one,

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- (1) Why does he not agree that prostration is singled out to teach 'separation'?
- (2) Ex. XX, 5.
- (3) V. p. 420. n. 4.
- (4) Deut. XII, 30.
- (5) If the deity is worshipped by an act of honour, but not prostration. Since the latter too is an act of honour, it is an appropriate mode of service, yet not the usual mode.
- (6) And also an inappropriate form, e.g. prostration before Baal Peor. Not only is it unusual, but inappropriate too, since the normal mode of worship is by an act of contempt.
- (7) Even if little action is involved, as in, e.g., prostration, a sacrifice must be brought. The same will apply to a formal declaration of belief, in which the action is very slight. This excludes a mere mental affirmation.
- (8) I.e., since blasphemy consists only of speech, and yet R. Akiba rules that a sacrifice is due, it is obvious that for such a declaration, though also consisting only of speech, a sacrifice is likewise due.
- (9) Ex. XXXII, 8.
- (10) The verb **העלוך** lit., 'they have brought thee up', is in the plural, the sign of which is a waw (ו). By using the plural, they shewed that they did not recognise the molten calf as the sole god, but admitted the divinity of the Almighty too. This circumstance in their favour saved them from complete annihilation.
- (11) [Heb. Aherim represents frequently R. Meir, v. Hor. 13b.]
- (12) Ex. XXII, 19. [To associate another deity with God is, according to R. Simeon, a graver offence than the total denial of God's existence.] Hence in his view, had they acknowledged other gods in addition to the Lord, they would the sooner have merited extermination.
- (13) Without associating them with God.
- (14) The negative precept for embracing etc. is: Turn ye not unto idols (Lev. XIX, 4); for vowing and swearing by its name: and make no mention of the name of other gods (Ex. XXIII, 13).
- (15) V. supra p. 390, n. 1.
- (16) I.e., a negative precept which does not explicitly forbid a particular action, but a class, as is the case of Turn ye not unto idols.
- (17) After it has been ritually slaughtered, but before it is actually dead.
- (18) Lev. XIX, 26, 'blood' being understood as a synonym of life.
- (19) I.e., before the sprinkling of the blood.
- (20) The first meal taken by mourners after the funeral is called the se'udath habra'ah, the meal of comfort, lit., 'the meal of refreshment or restoration' (from habra'ah, recovery to health). It is prepared by neighbours, and usually consists of bread with eggs or lentils, these being a symbol of death. B.B. 16a.
- (21) V. infra 70a; since a rebellious son is executed for gluttony, as stated there, the verse is translated, Do not eat (gluttonously), that ye may not be executed (as rebellious sons).
- (22) I.e., the commandment, Ye shall not eat with the blood involves many things; and if so, why is there a flogging attached to these other offences?
- (23) Ex. XII, 10.

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thereby teaching that one is not flagellated for it. This is R. Judah's view.¹ R. Jacob said: This is not the real reason,² but because it is a negative precept involving no action, for which one is not flagellated. From this we infer that in R. Judah's opinion one is flagellated for such transgressions.

HE WHO VOWS OR SWEARS BY ITS NAME VIOLATES A NEGATIVE PRECEPT. Whence do we know this? — It has been taught: and make no mention of the name of other gods.³ This means, one must not say to his neighbour 'Wait for me at the side of that idol'; neither let it be heard out of thy mouth:⁴ one should not vow or swear by its name nor cause others [sc. heathens] to swear by the name. Another interpretation: and neither let it be heard out of thy mouth, — this is a formal prohibition against a mesith and maddiah. But a mesith is explicitly forbidden: and all Israel shall

hear and fear, and shall do no more any such wickedness as this is among you?⁵ — But it is a formal prohibition against a maddiah.⁶

‘Nor cause others [sc. heathens] to vow or swear by its name.’ This supports the dictum of Samuel's father. For the father of Samuel said: One may not enter into a business partnership with a heathen, lest the latter be obliged to take an oath [in connection with a business dispute], and he swear by his idol, whilst the Torah hath said, Neither let it be heard out through thy mouth.⁷

When ‘Ulla came [to Babylonia] he lodged in Kalnebo.⁸ Subsequently Raba asked him, ‘Where did you stay the night?’ He replied, ‘In Kalnebo’. ‘But,’ said he, ‘is it not written, And make no mention of the name of other gods.’ — He answered: Thus did R. Johanan say: The name of every idol written in the Torah may be mentioned. Now, where is this name written? — Bel boweth down, Nebo stoopeth.⁹ But if the name is not written, may it then not be mentioned? To this R. Mesharshia objected: [We have learnt:] If one had a protracted issue of matter from his body, lasting as long as three normal issues, which is equivalent to the time of walking from Gadyawan to Shiloh, namely, as long as it takes to perform two ritual immersions, and dry oneself twice, he is a zab in all respects.¹⁰ — Rabina answered: Also Gad is written in the Bible viz., That prepare a table for Gad.¹¹

R. Nahman said: All scoffing is forbidden, excepting scoffing at idols, which is permitted, as it is written, Bel boweth down, Nebo stoopeth . . . they stoop, they bow down together; they could not deliver the burden.¹² And it is also written, They have spoken: The inhabitants of Samaria shall fear because of the calves of Beth Aven: for the people thereof shall mourn over it, and the priests thereof that rejoiced on it for the glory thereof, which is departed from it.¹³ Read not Kebedo [its glory], but Kebedo [his weight].¹⁴

R. Isaac said, What is meant by, And now they sin more and more, and have made them molten images of their silver, and idols in their image?¹⁵ — This teaches that each made a [small] image of his idol, put it in his pocket, and whenever he thought of it withdrew it from his bosom, and embraced and kissed it. What is meant by, Let the men that sacrifice kiss the calves?¹⁶ — R. Isaac, of the school of R. Ammi said: Whenever the idols' priests became envious of any wealthy men, they starved the calves [which were worshipped], made images of these men, and placed them at the side of the cribs. Then they loosed the calves, who recognising these men [from the images set before them] ran after them and pawed them. Thereupon the priests said, ‘The idol desires thee; come and sacrifice thyself to them.’¹⁷ Raba said, If so, the verse should not be, They sacrifice men and kiss the calves, but, ‘The calves kiss them [i.e., paw, and fawn upon them] that they should sacrifice themselves’. But Raba explained it thus: If one sacrificed his son to the idol, the priest said to him: You have offered a most precious gift to it; come and kiss it.

Rab Judah said in rab's name: And the men of Babylon made Succoth-benoth.¹⁸ What is this? A fowl.¹⁹ And the men of Cuth made Nergal.²⁰ What is it? — A cock. And the men of Hamath made Ashima:²¹ What is that? — A bald buck. And the Avites made Nibhaz and Tartak:²² What are these? — A dog and an ass. And the Sepharvites burnt their children in fire to Adrammelech and Anammelech, the gods of Sepharvaim:²³ What are these? — The mule and the horse: Adrammelech meaning that it [the mule] honours its master²⁴ [lit., ‘king’] with its load;²⁵ Anammellech meaning that the horse responds to its master in battle.²⁶ The father of Hezekiah King of Judah wished to do likewise to him [i.e. burn him in fire], but that his mother anointed him [with the blood of the] salamander.²⁷

Rab Judah said in Rab's name: The Israelites knew that the idols were nonentities, but they engaged in idolatry only that they might openly satisfy their incestuous lusts. R. Mesharshia objected: As those who remember their children, so they longed for their altars, and their graves by the green trees etc;²⁸ which R. Eleazar interpreted. As one who yearns for his son [so they

yearned]?²⁹ — That was after they became addicted thereto.³⁰ Come and hear: And I will cast your carcasses upon the carcasses of your idols.³¹ It was related of Elijah the Righteous, that whilst searching for those who were languishing with hunger in Jerusalem, he once found a child faint with hunger lying upon a dungheap. On questioning him as to the family to which he belonged, he replied, 'I belong to such and such a family.' He asked: 'Are any of that family left,' and he answered, 'None, excepting myself.' Thereupon he asked: 'If I teach thee something by which thou wilt live, wilt thou learn?' He replied, 'Yes.' 'Then,' said he, 'recite every day, Hear O Israel, the Lord is our God, the Lord is one.' But the child retorted,

(1) This is a general principle, for when a positive precept follows a negative one, it is implied that If the latter is violated, the remedy lies in the former.

(2) Lit., 'this is not of the same denomination'.

(3) Ex. XXIII, 13.

(4) Ibid.

(5) Deut. XIII, 12. This refers to the punishment of a mesith.

(6) On mesith and maddiah v. infra 67a.

(7) [I.e., at thy word, instance, instrumentality, ** translated out of thy mouth is taken in an instrumental sense. Cf. Gen. XLI, 40, **]

(8) [Kar-nebo, 'the city of Nebo,' prob. Borsippa, Funk, Monumenta, I, p. 299.]

(9) Isa. XLVI, 1. The conjunction of the first letter of boweth down (**), the second of Bel, and the word Neho, gives the name Kalnebo, the letters r and l interchanging.

(10) One is not considered a zab, with all the laws pertaining thereto, unless he has three separate issues of matter. The minimum overall period for the three combined is the time taken for the issues themselves, (if very short) plus the time necessary to perform two ritual immersions and dry oneself twice, i.e., between the first and second issue, and between the second and third. This is equivalent to the walking time from Gadyasvan to Shiloh. This Mishnah is quoted from Zabin i. 5. where, however, the reading is Gad Yawan (two separate words, lit., 'Greek Fortune') to Siloah. Gad Yawan is probably the name of a pool connected with the Siloah, perhaps Fount of the Virgin. Gad was the name of the god of fortune, but as such it is only mentioned in Isa. LXV, 2, though occurring in the compounds Ba'al Gad and Migdal Gad Dillman (on Isaiah a.l.) suggests that Gad and Meni may have been mere Hebrew appellatives of Babylonian idols otherwise named there. We see from the present passage that Gad was the name of a Deity in Talmudic times. During the Second Temple, Palestine became thickly populated with Greeks (Halevy, Dorah iii, P. 9), and many places bore Greek names; Gad Yawan is an example of such. R. Mesharshia's objection is based on the use of the word Gad, though the name of a deity, by the Tanna of this Mishnah. The Pool of Siloam (the same as Siloah and Shiloah of the Bible, Isa. VIII, 6, Neh. III, 15) is located at the south eastern extremity of the European valley, at the southern part of Ophel. Its source is the Fountain of the Virgin, with which it is connected by a subterranean channel or conduit. Probably to this conduit Isaiah alluded when he spoke of the waters of Shiloah that go softly. Though the direct distance is only 1,100 feet, the passage from one to the other, owing to its winding and Zigzagging nature, measures 1750 feet.

(11) Isa. LXV, 2.

(12) Isa. XLVI, 1.

(13) Hos. X, 5. The same passage in Meg. 25b omits 'They have spoken', which belongs to the previous verse.

(14) ** instead of ** i.e., its weight is reduced (Jast.). Rashi explains that the reference is to its excrements.

(15) E.V., according to their own understanding: Hos. XII, 2.

(16) Ibid.

(17) Thus the verse is translated: They sacrifice (so. themselves) in their homage to the calves.

(18) II Kings XVII, 30. This and the following verses refer to the idols set up by the heathens with whom Sannecherib repopulated Samaria after its inhabitants were deported.

(19) They worshipped the image of a fowl, called in their language Succoth-benoth.

(20) Ibid.

(21) Ibid.

(22) Ibid. 3. (Our printed Talmud texts read Nibhan. ** = 'to bark' (instead of Nibhaz), hence taken to be a dog.)

(23) Ibid.

(24) Adar, Heb. hadar ** = 'to honour', and melech (melek) = king, master.

(25) (I.e., the mule honours its master by carrying his load.)

(26) 'Ana, Heb. ** = 'to respond.'

(27) A reptile believed to be engendered in fire. One who smeared himself with its blood was thought to be fire-proof. Hag. 27a.

(28) Jer. XVII, 2.

(29) This shows that they really believed in idols.

(30) I.e., at first, it was only a pretext to satisfy their lust. But having engaged in idolatry, they were ensnared by its allurements and really believed in it.

(31) Lev. XXVI, 30.

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'Be silent, for one must not make mention of the name of the Lord.'¹ [He said this] because his father and mother had not taught him [to serve the Lord], and straightway he brought forth an idol from his bosom, embracing and kissing it, until his stomach burst, his idol fell to the earth, and he upon it, thus fulfilling the verse, And I shall cast your carcasses upon the carcasses of your idols.² — That too was after they became addicted thereto.

Come and hear: And they cried with a loud voice unto the Lord their God.³ Now what did they say? — Rab Judah, or as others maintain R. Jonathan said: [They cried this:] 'Woe, woe, it is that [sc. idolatry] which destroyed the Sanctuary, burnt the Temple, slew the righteous, and exiled Israel from their land; and still it sports amongst us! Hast Thou not set it before us that we might be rewarded [for withstanding its allurements]? But we desire neither temptation nor reward!'⁴ — That too was after they were seduced by it. [Continuing Rab Judah's statement:] They fasted for three days, entreating for mercy; thereafter their sentence fell from Heaven, the word emeth [truth] written upon it. (R. Hanina said: This proves that the seal of the Holy One, blessed be He, is emeth.) The shape of a fiery lion's whelp issued from the Holy of Holies, and the Prophet said to Israel, That is the Tempter of Idolatry. Whilst they held it fast, a hair [of its body] fell out, and his roar of pain was heard for four hundred parasangs. [In perplexity] they cried: 'What shall we do? Maybe Heaven will pity him!' The prophet answered: Cast him into a lead cauldron, and cover it with lead to absorb his voice, as it is written, And he said, This is wickedness; and he cast it into the midst of the ephah: and he cast the weight of lead upon the mouth thereof.⁵ Then they said, 'Since the time is propitious, let us pray that the Tempter of Sin [may likewise be delivered into our hands].' So they prayed and it was delivered into their hands. They imprisoned it for three days; after that they sought a new laid egg for an invalid in the whole of Palestine and could not find one.⁶ Then they said, 'What shall we do? Shall we pray that his power be but partially destroyed?'⁷ Heaven will not grant it.' So they blinded it with rouge. This was so far effective that one does not lust for his forbidden relations.

Rab Judah said in Rab's name: A gentile woman once fell sick. She vowed, 'If I recover, I will go and serve every idol in the world.' She recovered, and proceeded to serve all idols. On reaching Peor, she asked its priests, 'How is this worshipped?' They replied, 'People eat beets, drink strong drink, and then uncover themselves before it.' She replied, 'I would rather fall sick again than serve an idol in such a manner.' But ye, O House of Israel,⁸ were not so [as it is written, Slay ye every one his men) that were joined unto Baal Peor:⁹ ye were attached to it like an air-tight lid.¹⁰ Whereas, Whilst ye that did cleave unto the Lord your God,¹¹ implies merely like two dates sticking to each other.¹² In a Baraita it has been taught: that were joined unto Baal Peor: [loosely] like a bracelet on the hands of a woman;¹³ whereas Whilst ye that did cleave unto the Lord your God indicates that they were firmly attached.¹⁴

Our Rabbis taught: Sabta, a townsman of Avlas,¹⁵ once hired an ass to a gentile woman. When she came to Peor, she said to him, 'Wait till I enter and come out again.' On her issuing, he said to her, 'Now do you wait for me too until I go in and come out again.' 'But,' said she, 'are you not a Jew?'

He replied, 'What does it concern thee?' He then entered, uncovered himself before it, and wiped himself on the idol's nose, whilst the acolytes praised him, saying, 'No man has ever served this idol thus.'

He that uncovers himself before Baal Peor thereby serves it, even if his intention was to degrade it. He who casts a stone at Mercuris thereby serves it, even if his intention was to bruise it.

R. Manasseh was going to Be Toratha.¹⁶ On the way he was told, 'An idol stands here.' He took up a stone and threw it at the idol's statue. Thereupon they said to him: 'It is Mercuris'. He said to them, 'But we have learned, HE WHO CASTS A STONE FOR MERCULIS¹⁷ THEREBY SERVES IT.' So he went and inquired at the Beth Hamidrash [whether he had done wrong, since his action was a gesture of contempt]. They informed him, We have learned, HE WHO CASTS A STONE AT MERCULIS¹⁸ [thereby serves it] — that is to say even if it is merely to bruise it. He said to them, 'Then I will go and remove it.' But they replied, 'Whether one casts a stone or removes it, he incurs guilt, because every stone thus removed leaves room for another.'

MISHNAH. HE WHO GIVES OF HIS SEED TO MOLECH INCURS NO PUNISHMENT UNLESS HE DELIVERS IT TO MOLECH AND CAUSES IT TO PASS THROUGH THE FIRE. IF HE GAVE IT TO MOLECH BUT DID NOT CAUSE IT TO PASS THROUGH THE FIRE, OR THE REVERSE, HE INCURS NO PENALTY, UNLESS HE DOES BOTH.

GEMARA. The Mishnah¹⁹ teaches idolatry and giving to Molech.²⁰ R. Abin said: Our Mishnah is in accordance with the view that Molech worship is not idolatry. For it has been taught, [if one causes his seed to pass through the fire,] whether to Molech or to any other idol he is liable [to death]. R. Eleazar son of R. Simeon said: If to Molech, he is liable; if to another idol, he is not.

Abaye said: R. Eleazar son of R. Simeon and R. Hanina b. Antigonus said the one and same thing. R. Eleazar son of R. Simeon, that which has just been stated. R. Hanina b. Antigonus — as it has been taught: R. Hanina b. Antigonus said: Why did the Torah employ the word Molech? To teach that the same law applies to whatever they proclaimed as their king, even a pebble or a splinter.²¹ Rabina²² said: The difference between them is in respect of a temporary Molech.²³

(1) Amos VI, 10.

(2) Now this too shows that the child had really been taught to believe in it.

(3) Nehem. IX, 4. This was on the fast-day held by the newly established community in Palestine.

(4) This also proves that it had a strong hold upon them. (5) A parasang is 8000 cubits.

(5) Zech. V. 8.

(6) Through the imprisonment of the Tempter sexual lust was dormant throughout creation.

(7) Lit.. 'half and half'. That it may arouse only legitimate sexual desire.

(8) This is Rab's comment.

(9) Num. XXV, 5.

(10) This connects the Heb. **הנצמדִים** hanizmadim, who cleaved, with zamid, an exactly fitting lid.

(11) Deut. IV, 4.

(12) **דבק, הדבקים**, dabak, used in this verse, does not imply so strong an attachment as zamad; thus they clung more fervently to Peor than to the Lord.

(13) Deriving hanizmadim from zamid, a bracelet.

(14) This reverses Rab's interpretation.

(15) In Cilicia, mentioned as one of the northern border places of the Land of Israel; Targum Jerus. Num. XXIV, 8; Targum Jonathan b. Uzziel a. I. (Jast.).

(16) A town in Babylonia, on the road to Pumbaditha, 'A.Z. 26a. It may perhaps be identified with Bithra, on the south of the royal canal, on the Seleucian road (A. Neubauer, Geographie du Talmud, p. 363).

(17) **למורקולִים** i.e., as act of worship.

(18) [He was told that the reading in the Mishnah is **במרקוליס** AT MERCULIS, implying even as a gesture of contempt.]

(19) On 53a.

(20) As two separate offences, proving that giving one's seed to Molech is not idolatry. The difference is, that if one sacrificed to Molech, or caused his son to pass through the fire to some other deity, he is not punished.

(21) Molech is connected with the idea of kingship. This shows that he too regards any fetish as a Moloch.

(22) In his view they did not say the one and the same thing.

(23) I.e., anything which was only temporarily worshipped as Molech, such as a pebble which would obviously not be a permanent idol.] According to R. Hanina b. Antigonus, he is executed even then. But R. Eleazar son of R. Simeon holds that the law applies only to a permanent idol worshipped as Molech.

Talmud - Mas. Sanhedrin 64b

R. Jannai said: Punishment is not incurred unless one delivers his seed to the acolytes of Molech,¹ for it is said, And thou shalt not give of thy seed to pass through the fire to Molech.² It has been taught likewise: I might think, that if one caused his seed to pass through the fire to Molech, without first delivering it to the priests, he is liable: therefore the Writ teaches, Thou shalt not give. If he gave it to the priests, but did not cause it to pass through the fire, I might think that he is liable: therefore the Writ states, to pass through. If one delivered it [to the priests of Molech], but caused it to pass through to some other deity, I might think that he is punished: therefore the Writ teaches, to Molech. Now, if he delivered it to the priests and caused it to pass to Molech, but not through the fire, I might think that he is liable: but, as here is written, to pass through; and elsewhere it is stated, There shall not be found among you any one that maketh his son or his daughter to pass through the fire:³ just as there, the reference is to fire, so here too; and just as here the reference is to Molech, so there too.

R. Aha the son of Raba said: If one caused all his seed to pass through [the fire] to Molech, he is exempt from punishment, because it is written, of thy seed implying, but not all thy seed.⁴

R. Ashi propounded: What if one caused his blind or sleeping son to pass through,⁵ or if he caused his grandson by his son or daughter to pass through? — One at least of these you may solve. For it has been taught: [Any men . . . that giveth any of his seed unto Molech; he shall he put to death . . . And I will set my face against that man, and will cut him off from among his people;] because he hath given of his seed unto Molech.⁶ Why is this stated?⁷ — Because it is said, there shall not be found among you any one that maketh his son or his daughter to pass through the fire.⁸ From this I know it only of his son or daughter. Whence do I know that it applies to his son's son or daughter's son too? From the verse, [And if the people of the land do any ways hide their eyes from the man] when he giveth of his seed unto Molech [and kill him not: Then I will . . . cut him off.]⁹

Now the Tanna commences with the verse, 'because he hath given of his seed', but concludes with 'when he giveth of his seed'? — This is to intimate another deduction.¹⁰ Thus: [because he hath given] of his seed: From this I know only that the law applies to legitimate seed [that being the normal meaning of the word]; whence do I know that it also applies to illegitimate seed?¹¹ — From the verse, when he giveth of his seed.¹²

Rab Judah said: He is only liable to punishment if he causes his seed to pass through in the normal way. How is that? — Abaye said: There was a loose pile of bricks in the middle, and fire on either side of it.¹³ Raba said: It was like the children's leaping about on Purim.¹⁴ It has been taught in support of Raba. Punishment is incurred only for causing one's seed to pass in the normal fashion; if he caused him to pass through on foot, he is exempt.¹⁵ He is liable only for his own issue; e.g., for his son and daughter, he is punished; but for his father or mother, brother or sister, he is not. If he passed through himself, he is free from punishment.¹⁶ R. Eleazar son of R. Simeon ruled that he is

liable. Further, whether to Molech or to any other idol, he is liable. R. Eleazar son of R. Simeon said: If to Molech, he is liable; if to another idol, he is not.

‘Ulla said: What is R. Eleazar son of R. Simeon’s reason? — Scripture saith, There shall not be found among thee . . .¹⁷ ‘among thee’ means in thyself.¹⁸ And the Rabbis? Do they not interpret ‘among thee’ thus? Surely we have learnt: If one must search for a lost article of his own and of his father’s, priority is given to his own. And we observed thereon: Why so? — To which Rab Judah replied: Scripture saith, Save that there shall be no poor among thee,¹⁹ teaching that one’s own loss has priority over that of any other man?²⁰ There the deduction follows from ‘save that’.²¹

R. Jose, son of R. Hanina said: Why is extinction thrice threatened for idolatry?²² — One teaches extinction for the normal worship of idols; one for abnormal; and one for the service of Molech.²³ But on the view that Molech worship is included in general idolatry, why is extinction mentioned in its case? — To apply to one who causes his son to pass through to an idol [not Molech], where such is not the normal mode of worship. Now, on the view that a megaddef²⁴ is a worshipper of idols,²² why is extinction stated for it?²⁵ — Even as it has been taught²⁶ : That soul shall surely be cut off from among his people;²⁷ he shall be cut off in this world and in the next: this is R. Akiba’s view.²⁸ R. Ishmael said: But the verse has previously stated ‘that soul shall be cut off’:²⁹ are there then three worlds?³⁰ But [interpret this:] ‘and [that soul] shall be cut off’ — in this world: ‘he is to be cut off’ — [of the following verse, and denoted by the infinitive]³¹ in the next; whilst as for the repetition [the finite form of the verb],³² that is because the Torah employs human phraseology.³³

(1) He explains this to be the meaning of the Mishnah UNLESS HE GIVES IT TO MOLECH.

(2) Lev. XVIII, 21. This proves that the offence consists of two parts; (i) formal delivery to the priests, and (ii) causing the seed to pass through the fire.

(3) Deut. XVIII, 10.

(4) Probably because this would not be accounted a normal mode of Molech worship: cp. pp. 438, 440.

(5) Is ‘thou shalt not cause to pass’ applicable only to a son who can naturally pass through himself, but not to a blind or sleeping son, who must be led or carried, or does it apply to all?

(6) Lev. XX, 2f.

(7) Since the passage commences by explicitly referring to this offence, why is it repeated?

(8) Deut. XVIII, 10.

(9) Lev. XX, 4. Hence the law applies also to grandsons.

(10) I.e., from the first verse, because etc. we learn that the law applies to one’s grandsons too; when he giveth is stated in order that another law may be deduced.

(11) Not in the modern sense, but seed from a woman forbidden to him.

(12) This is superfluous, since it has already been stated twice in that passage that the reference is to this effect. Hence it indicates the application of the law to illegitimate seed.

(13) The victim walked along that pile to Moloch, but was not burnt. The statement that Hezekiah was smeared with the blood of the salamander to render him fireproof (63b), shewing that the victim was actually burnt, does not refer to Moloch, but to the divinities of Sepharvaim (Rashi).

(14) Probably referring to a game played on Purim when children jump over a fire lit in a pit. According to this, a pit was dug and a fire lit therein, and the victim leaped over it (So Rashi). Jast. translates: ‘like the stirrup (a ring suspended from a frame) thrust over a bonfire on Purim;’ cp. Aruch.

(15) This proves that the victim did not walk, but leaped to it.

(16) This too proves that the victim was not burnt in passing through the fire to Molech.

(17) Deut. XVIII, 10.

(18) Hence his view that one is liable if he passes through himself.

(19) Deut. XV, 4.

(20) The questioner understood this to be deduced from ‘among thee’ — in thyself. Since this is not taught in the name of any particular Tanna, it should agree with the Rabbis too.

(21) Heb. **דבס** efes, implying an admonition to avoid any action which may lead to poverty. Naturally, this is not to be

interpreted as permitting dishonesty, but merely insists that poverty must not be courted.

(22) Twice in Lev. XX, 2-5: Whosoever be he . . . that giveth of his seeds to Molech . . . I will cut him off from among his people . . . And if the people of the land . . . kill him not: Then I will set my face against that man . . . and will cut him off. Once in Num. XV, 30f. But the soul that doeth aught presumptuously . . . the same reproacheth the Lord; and that soul shall be cut from among his people. Because he hath despised the word of the Lord. This refers to idolatry.

(23) Which is not included in general idolatry, as stated above.

(24) In Num. XV, 30, the Heb. for 'he reproacheth' is megaddef.

(25) The meaning of megaddef is disputed in Ker. 7b. By a 'worshipper of idols' is meant, e.g., one who sings hymns in a heathen Temple.

(26) Since, being a normal part of idolatry, it is understood.

(27) Num. XV, 31. Continuing the verses quoted in note 3. In the Heb, as usual, this emphasis is denoted by the repetition of the verb, **הכרת תכרת**

(28) He interprets the doubling of the verb as referring to two worlds.

(29) Ibid. 30.

(30) Rashi explains that this question is not put to R. Akiba, because he interprets megaddef in that previous verse as referring to blasphemy, not idolatry. But this question is rhetorically stated by R. Ishmael on his own assumption that megaddef means an idol worshipper.

(31) **הכרת**

(32) **תכרת**

(33) In ordinary human speech, such repetition is quite common.

Talmud - Mas. Sanhedrin 65a

MISHNAH. A BA'AL OB¹ IS THE PITHOM² WHO SPEAKS FROM HIS ARMPIT. THE YIDDE'ONI ['A WIZARD'] IS ONE WHO SPEAKS FROM HIS MOUTH.³ THESE TWO ARE STONED; WHILST HE WHO ENQUIRES OF THEM TRANSGRESSES A FORMAL PROHIBITION.⁴

GEMARA. Why are both a Ba'al ob and Yidde'oni mentioned here [as being executed], whilst in the list of those who are punished by extinction only Ba'al ob is included, but Yidde'oni is omitted?⁵ — R. Johanan said: Because both are stated in one negative precept.⁶ Resh Lakish said: Yidde'oni is omitted [in Kerithoth], because it involves no action.⁷ Now, according to R. Johanan, why is a Ba'al ob mentioned [rather than a Yidde'oni]? — Because it is written first in the Scripture. Now why does Resh Lakish reject R. Johanan's answer? — R. Papa said: They are stated separately in the verse decreeing death.⁸ But R. Johanan maintains: Offences which are distinct in their injunctions [there being a different one for each], are held to be separate [in their atonement]; but if only in the decree of death, they are not regarded as separate.

Now, why does R. Johanan reject Resh Lakish's answer? — He can tell you: The Mishnah of Kerithoth is taught in accordance with R. Akiba's views, that action is unnecessary [for a sin offering to be incurred]. But Resh Lakish maintains: Granted that R. Akiba does not require a great action, but he requires at least a small one. But what action is there in blasphemy [which is included in the enumeration]? — The movement of the lips. But what action is done by a Ba'al ob? — The knocking of his arms.⁹ Now, is this so even in the view of the Rabbis? But it has been taught: [The idolater] is liable [to a sacrifice] only for that which entails an action, e.g., sacrificing, burning incense, making libations and prostration. Whereon Resh Lakish observed: Which Tanna maintains that a sacrifice is due for prostration? R. Akiba, who rules that a deed entailing [much] action is unnecessary. But R. Johanan said: It even agrees with the Rabbis, for in bending his body, he performs an action. Now, since Resh Lakish maintains that in the view of the Rabbis bending one's body is not regarded as an action, surely the knocking of the arms is not one? — Well then Resh Lakish's statement [that the Ba'al ob performs an action] is made on the view only of R. Akiba, but not of the Rabbis. If so, should not the Mishnah there state, [But the Rabbis maintain that] the blasphemer and Ba'al ob are

excluded?¹⁰ — But ‘Ulla answered: The Mishnah there refers to a Ba'al ob who burnt incense to a demon.¹¹ Raba asked him: But is not burning incense to a demon idolatry?¹² — But Raba said: It [i.e., the Ba'al ob in Kerithoth] refers to one who burns incense as a charm.¹³ Abaye said to him: But burning incense as a charm is to act as a charmer, which is merely prohibited by a negative precept? — That is so, but the Torah decreed that such a charmer is stoned.¹⁴

Our Rabbis taught: [There shall not be found among you any one that maketh his son or daughter pass through to the fire . . .] Or a charmer.¹⁵ This applies to one who charms large objects, and to one who charms small ones,¹⁶ even snakes and scorpions. Abaye said: Therefore even to imprison wasps or scorpions [by charms], though the intention is to prevent them from doing harm, is forbidden.

Now, as for R. Johanan, why does he maintain that in the view of the Rabbis the bending of one's body [in prostration] is an action, whilst the movement of the lips is not? — Raba said: Blasphemy is different, since the offence lies in the intention.¹⁷

(1) Lev. XIX, 31. ‘He that hath a familiar spirit’.

(2) ** ventriloquist, necromancer.

(3) Both refer to making the dead speak thus.

(4) Lev. XIX, 31, lit., ‘a warning’, carrying with it no penalty.

(5) Ker. 2a.

(6) Lev. XIX, 31. Regard not them that have familiar spirits, and wizards. Now in Ker. 2a, where the Mishnah teaches that thirty six offences are punished by extinction, the Gemara explains that the number — 36 — intimates that if one committed them all in one state of unawareness, he is bound to offer 36 separate sacrifices. Since however, those two are forbidden by one injunction, only one atonement must be made for both. Consequently, the two cannot be taught there.

(7) The Mishnah there refers to transgressions, the deliberate committal of which is punished by extinction, whilst if unwitting, a sin offering is due; but this is brought only for an offence involving action.

(8) Ibid. XX, 27. A man also that hath a familiar spirit, or (not and) that is a wizard, shall surely be put to death. ‘Or’, וְ is a disjunctive particle. Since they are thus sharply distinguished, one would have to make two separate atonements for the unwitting transgression, if the offence of wizardry incurred a sin offering at all.

(9) By flapping his arms about the Ba'al ob made it appear that the dead was speaking from his armpits

(10) In Ker. 2a the Rabbis state that a blasphemer is exempted from a sin offering, since his offence involves no action. But according to Resh Lakish, that they regard a Ba'al ob as doing no action too, they should have stated that he also is exempted.

(11) I.e., to the spirit of necromancy. That of course is an action even in the view of the Rabbis. This answer is given on the basis of Resh Lakish's statement.

(12) And does not come under the heading of Ba'al ob at all. Idolatry is taught there separately.

(13) To exorcise the demons (Jast.). Rashi reverses the interpretation: to call up the demons, that they may assist him in his sorcery. This is not idolatry, for the demons are not thereby worshipped as divinities, but it comes under the heading of Ba'al ‘ob.

(14) Consequently, for unwitting transgression a sin offering is due. But the charmer who is punished by lashes is one who charms animals by bringing them together.

(15) Deut. XVIII, 10f.

(16) Large objects, viz., cattle, and beasts; small objects, creeping things, insects, etc.

(17) For blasphemy is an indictable offence only if it is mentally directed against God. If however, one reviles the Divine Name, whilst mentally employing it to denote some other object, he is not punished. Consequently, since the essence of the offence is mental, the slight action is disregarded.

Talmud - Mas. Sanhedrin 65b

R. Zera objected: False witnesses¹ are excluded [from the necessity of a sin offering if they unwittingly offended], since their offence entails no action.² But why so; their offence does not depend on intention? — Raba answered: False witnesses are different, because their offence is

caused by sound.³ But does not R. Johanan regard sound as a [concrete] action? Has it not been stated: If one frightened [lit. 'muzzled'] off an animal by his voice, or drove animals by his voice,⁴ R. Johanan ruled that he is liable to punishment, because the movement of his lips is an action; Resh Lakish ruled that he is not, because this is not an action?⁵ — But Raba answered thus: False witnesses are different, because their offence is caused through vision.⁶

Our Rabbis taught: A Ba'al ob is one who speaks from between the joints of his body and his elbow joints. A yidde'oni is one who places the bone of a yidoea⁷ in his mouth and it speaks of itself. An objection is raised: And thy voice shall be, as of one that hath a familiar spirit, out of the ground:⁸ surely that means that it speaks naturally?⁹ — No. It ascends and seats itself between his joints and speaks. Come and hear: And the woman said unto Saul, I saw a god-like form ascending out of the earth: [And Samuel said to Saul . . .]¹⁰ surely that means that it spoke naturally? — No. It settled itself between her joints and spoke.

Our Rabbis taught: Ba'al ob denotes both him who conjures up the dead by means of soothsaying¹¹ and one who consults a skull. What is the difference between them? — The dead conjured up by soothsaying does not ascend naturally [but feet first], nor on the Sabbath; whilst if consulted by its skull it ascends naturally and on the Sabbath too. [You say,] it ascends: but whither — does not the skull lie before him? — But say thus: It answers naturally,¹² and on the Sabbath too. And this question was asked by Turnusrufus¹³ of R. Akiba: 'Wherein does this day [the Sabbath] differ from any other?' — He replied: 'Wherein does one man differ from another?'¹⁴ — 'Because the Lord [the Emperor] wishes it.' 'The Sabbath too,' R. Akiba rejoined, 'then, is distinguished because the Lord wishes so.' He replied: 'I ask this: Who tells you that this day is the Sabbath?' — He answered: 'Let the river Sabbath¹⁵ prove it; let the Ba'al ob prove it;¹⁶ let the father's grave, whence no smoke ascends on the Sabbath,¹⁷ prove it.' He said to him: 'You have shamed, disgraced, and reviled him [by this proof].'

He who enquireth of an ob — is that not the same as one that consulteth the dead?¹⁸ — As has been taught: Or that consulteth the dead: this means one who starves himself and spends the night in a cemetery, so that an unclean spirit [of a demon] may rest upon him [to enable him to foretell the future]. And when R. Akiba reached this verse, he wept: If one who starves himself that an unclean spirit may rest upon him has his wish granted, he who fasts that the pure spirit [the Divine Presence] may rest upon him — how much more should his desire be fulfilled! But alas!¹⁹ our sins have driven it away²⁰ from us, as it is written, But your iniquities have separated between you and your God.²¹

Raba said: If the righteous desired it, they could [by living a life of absolute purity] be creators, for it is written, But your iniquities have distinguished between etc. ²² Rabbah created a ma'at,²³ and sent him to R. ZeGa. R. Zera spoke to him, but received no answer. Thereupon he said unto him: 'Thou art a creature of the magicians. Return to thy dust.'

R. Hanina and R. Oshaia spent every Sabbath eve in studying the 'Book of Creation',²⁴ by means of which they created a third-grown calf²⁵ and ate it.

Our Rabbis taught: Me'oner²⁶ — R. Simeon said: That is one who applies the semen of seven male species to his eyes [in order to perform witchcraft]. The Sages say: It is one who holds people's eyes.²⁷ R. Akiba said: It is one who calculates the times and hours, saying, To-day is propitious for setting forth; tomorrow for making purchases; the wheat ripening on the eve of the seventh year²⁸ is generally sound; let the beans be pulled up [instead of being harvested in the usual manner] to save them from becoming worthy.

Our Rabbis taught: A Menahesh²⁹ is one who says: So and so's bread has fallen out of his hand; his staff has fallen out of his hand; his son called after him; a raven screamed after him, a deer has

crossed his path; a serpent came at his right hand or a fox at his left;³⁰

(1) Lit., 'witnesses proved zomemim', v. Glos.

(2) Ker. 4a.

(3) Causing certain sounds, i.e., words, to be heard at Beth din. Since sound too is not concrete, false testimony is comjorable to blasphemy, and the essence of the transgression lies in intention.

(4) The first refers to Deut. XXV, 4: Thou shalt not muzzle the ox when he treadeth out the corn; the second to Deut. XXII, 10, Thou shalt not plough with an ox and an ass together.

(5) Hence we see that R. Johanan considers voice an action?

(6) I.e., they offend byö saying that they saw something: and sight does not entail work or action.

(7) Rashi, the name of a beast; Maim., the name of a bird.

(8) Isa. XXIX, 4.

(9) I.e., the dead actually speaking out of the ground.

(10) I Sam. XXVIII, 13.

(11) [זכור from Syriac זכר 'to divine'. Rashi connects it with זכרות, membrum'.]

(12) I.e., not from between the necromancer's joints.

(13) Tineius Rufus, a Roman Governor of Judea.

(14) 'Why is one a noble and one a commoner?' — referring to the high office which Rufus held.

(15) A legendary river, said to flow with such a strong current on week days, carrying (for note 10 see p. 447) along stones and rubble with tremendous force, as to be quite unnavigable, but resting on the Sabbath. (Cf. Plinius, Hist. Nat. XXI, 2, and Josephus, Wars, VII, 5, ¶ 1].

(16) Who cannot conjure up the dead on that day.

(17) The whole week smoke ascended from his grave, as he was being burnt in the fires of purgatory: but even the wicked in Gehenna have rest from their torments on the Sabbath.

(18) Deut. XVIII, 11.

(19) Lit., 'What am I to do'.

(20) Lit., 'have brought (this) upon us'.

(21) Isa. LIX, 2.

(22) Ibid. Raba understands mabadilim in the sense of 'draw a distinction'. But for their iniquities, their power would equal God's, and they could create a world.

(23) By means of the Sefer Yeziroh, Book of Creation. V. next note.

(24) The Book of Creation, Heb. Sefer Yeziroh, is the title of two esoteric books. The older, referred to here, was a thaumaturgical work popular in the Talmudic period. It was also known as Hilkoth Yezirah (Laws of Creation), and is so called in the same story quoted on 67b. Rashi there states that the creation was performed by means of mystic combinations of the Divine Name, which does not come under the ban of witchcraft. Its basic idea is that the Creation was accomplished by means of the power inherent in those letters (Cf. Rab's saying: 'Bezalel knew how to combine the letters by which heaven and earth were created'. Ber. 55a. Cf. also Enoch LXI, 3 et seq.; Prayer of Manasseh: Ecc. R. III, 11 on the magic power of the letters of the Divine Name), and that this same power could be utilised in further creation. The work was ascribed to Abraham, which fact indicates an old tradition, and the possible antiquity of the book itself. It has affinities with Babylonian, Egyptian, and Hellenic mysticism and its origin has been placed in the second century B.C.E., when such a combination of influences might be expected. It is noteworthy that Raba's statement above, though not mentioning the Sefer Yezirah, insists on freedom from sin as a prerequisite of creation by man, v. J.E., XII, 602.

(25) (I.e., a calf that has reached one third of its full growth; others interpret: (i) in its third year; (ii) third born, fat].

(26) Observer of times, Deut. XVIII, 10.

(27) Producing hallucinations in people by opening and shutting their eyes (Rashi).

(28) Time was calculated by seven-year cycles. The seventh year was called the year of release, and the land was not to be ploughed or sown therein. Lev. XXV, 1-7.

(29) An enchanter, Deut. XVIII, 10.

(30) All these omens were regarded by the superstitious as generally bad.

Talmud - Mas. Sanhedrin 66a

do not commence with me;¹ it is morning; it is new moon; it is the conclusion of the Sabbath.²

Our Rabbis taught: Ye shall not use enchantments nor observe times.³ This refers to those who practise enchantment by means of weasels, birds, and fish.⁴

MISHNAH. HE WHO DESECRATES THE SABBATH [IS STONED], PROVIDING THAT IT IS AN OFFENCE PUNISHED BY EXTINCTION IF DELIBERATE, AND BY A SIN-OFFERING IF UNWITTING.

GEMARA. This proves that there is a manner of desecrating the Sabbath for the deliberate committal of which there is no extinction, nor is a sin offering to be brought for its unwitting transgression. What is it? — The law of boundaries, according to R. Akiba,⁵ and kindling a fire, according to R. Jose.⁶

MISHNAH. ONE WHO CURSES HIS FATHER OR HIS MOTHER IS NOT PUNISHED UNLESS HE CURSES THEM BY THE DIVINE NAME. IF HE CURSED THEM BY AN ATTRIBUTE,⁷ R. MEIR HELD HIM LIABLE, BUT THE SAGES RULED THAT HE IS EXEMPT.

GEMARA. Who is meant here by the Sages?⁸ — R. Menahem, son of R. Jose. For it has been taught: R. Menahem, son of R. Jose said, When he blasphemeth the name of the Lord, he shall be put to death.⁹ Why is 'the name' mentioned?¹⁰ To teach that he who curses his father or his mother does not incur a penalty unless he employs the Divine Name.¹¹

Our Rabbis taught: [For any man¹² that curseth his father or his mother shall surely be put to death: his father and his mother he hath cursed; his blood shall be upon him.¹³ Now, the Scripture could have said,] A man [ish]; what is taught by any man [ish ish]? — The inclusion of a daughter, a tumtum,¹⁴ and a hermaphrodite [as being subject to this law]. That curseth his father and his mother.' from this I know only [that he is punished for cursing] his father and his mother; whence do I know [the same] if he cursed his father without his mother or his mother without his father? — From the passage his father and his mother he hath cursed: his blood shall be upon him,¹⁵ implying, a man that cursed his father; a man that cursed his mother. This is R. Joshiah's opinion. R. Jonathan said: The [beginning of the] verse alone implies either the two together or each separately unless the verse had explicitly stated 'together'.¹⁶ He shall surely be put to death — by stoning. You say: By stoning. But perhaps it means by one of the other deaths decreed in the Torah? — Here it is written, his blood shall be upon him; and elsewhere it is written, [A man also or a woman that hath a familiar spirit, or that is a wizard, shall surely be put to death; they shall stone them with stones:] their blood shall be upon them:¹⁷ just as there stoning is meant, so here too. From this we learn punishment: whence do we derive the prohibition? — From the verse, Thou shalt not revile the judges, nor curse the ruler of thy people.¹⁸ Now, if his father is a judge, he is included in the Thou shalt not revile the judges; if a nasi,¹⁹ in nor curse the ruler of they people. If neither a judge nor a ruler, whence do we know it? — You may construct a syllogism with these two as premises; the case of a nasi is not analogous to that of a judge, nor of a judge to that of a nasi. Now, the case of a judge is not analogous to that of a nasi, for you art commanded to obey the ruling of a judge, but not of a nasi; whilst the case of a nasi is not analogous to that of judge, for you are enjoined not to rebel against the decree of a nasi, but not of a judge.²⁰ Now, what is common to both, is that they are of 'thy people'²¹ and you are forbidden to curse them: so I extend the law to thy father, who is of 'thy people', that thou art forbidden to curse him. No; their common characteristic is their greatness, which is the decisive factor. Hence Scripture writes, Thou shalt not curse the deaf;²² thus applying the injunction even to the humblest of thy people. No; in the case of the deaf, his very deafness may be the cause [of the prohibition].²³ Then let the nasi and the judge prove otherwise. But in their case their greatness may be the cause: then let the deaf prove the reverse. And thus the argument proceeds in a circle: the particular characteristic of

one is lacking in the other, and vice versa.²⁴ What is common to all is that they are of ‘thy people’, and you are forbidden to curse them: so I include thy father who is of thy people, and you are forbidden to curse him. No! What they have in common is that they are distinguished [from the average person].²⁵ But if so, Scripture should have written either the judge and the deaf or the nasi and the deaf.²⁶ Why then is the judge mentioned? — Since this is superfluous for itself, apply it to one's father. Now, this agrees with the view that elohim is profane; but on the view that it is holy, what canst thou say?²⁷ For it has been taught: Elohim is profane:²⁸ that is R. Ishmael's opinion. R. Akiba said: It is sacred.²⁹ And it has been taught thereon: R. Eliezer b. Jacob said: Whence do we derive a formal prohibition against cursing God's name? From the verse, Thou shalt not revile god?³⁰ — On the view that elohim is profane, the sacred is derived from the profane,³¹ hence, contrariwise, on the view that elohim is sacred, thou mayest derive the profane from the sacred.³² Now, it is quite correct to say that on the view that elohim is profane, the sacred is derived from it. But on the view that elohim is holy, how canst thou derive the profane from it: perhaps the prohibition is only in respect of the sacred [i.e., God], but not of the profane at all? — If so, Scripture should have written, elohim lo takel [Thou shalt not revile God],

(1) I.e., if a tax-collector comes to him, he asks him to collect first from someone else, as it is a bad omen to be the first to pay taxes.

(2) He declines to pay his debts on these occasions, regarding it as a bad omen to start the week or day or month by paying debts. — All these superstitions are forbidden under the term menahesh.

(3) Lev. XIX, 26.

(4) Var. lec.: ‘and stars’.

(5) According to Biblical law, as deduced by the Rabbis, one was not to go more than 12 mil (a mil = 1,000 cubits) beyond the town boundaries on the Sabbath (the Rabbis reduced this to 2,000 cubits). R. Akiba maintained that if this law was violated the offender was liable neither to extinction nor to a sin offering.

(6) V. supra 62a.

(7) E.g., The Merciful, the Gracious, the Almighty.

(8) This anonymous term did not necessarily represent the view of many Sages; it frequently connoted a single scholar.

(9) Lev. XXIV, 16.

(10) Since the beginning of the same verse explicitly states that the reference is to the Name: And he that blasphemeth the Name of the Lord shall surely be put to death.

(11) For ‘the name’ being unnecessary here, is applied to a different law. V. supra p. 365, n. 7.

(12) Lit. ‘a man, a man’, **אִישׁ אִישׁ**

(13) Lev. XX, 9.

(14) A person whose genitals are hidden or undeveloped, and hence of unknown sex.

(15) At the beginning of the sentence that curseth is in immediate proximity to his father; at the end, cursing is mentioned nearest to his mother, shewing that each is separate.

(16) I.e., the conjunctive waw implies both conjunction and separation. Hence, the first half of the sentence is sufficient to shew that the law applies to each separately. The second half is employed for a different purpose. V. infra 85b.

(17) Lev. XX, 27.

(18) Ex. XXII, 27.

(19) The Patriarch or chief of the great sanhedrin in Jerusalem and of its successors in Palestinian places. In earlier times, the princes of the tribes; v. Num. VII, 12-89.

(20) I.e., each has a measure of authority which the other lacks: the judge to give his verdict in disputes, the nasi make decrees. Now, considered separately, it might be argued that one is forbidden to curse either the nasi or the judge on account of the particular authority he enjoys. But when they are examined in conjunction, it is seen that the particular authority of each is not the decisive factor, since the other lacks it. Hence they must base something in common as the final factor, and the same law will apply to whomever shares it with them.

(21) This is taken to mean that they conform to the laws of Judaism (Yeb. 22b; B.B. 4a).

(22) Lev. XIX, 14.

(23) I.e., one may not take advantage of his infirmity.

(24) At this stage, the judge and the nasi are one proposition, the deaf another.

(25) The judge and the nasi by their greatness; the deaf by his infirmity.

(26) Had the Torah forbidden the cursing of the deaf and either a judge or a nasi, the other could have been deduced. For their common feature is that they are distinguished from other people; consequently, by analogy, the same law applies to either a judge or a nasi.

(27) Ex. XXII, 27: Thou shall not revile elohim (translated above 'the judges'); but that itself is the subject of a dispute.

(28) I.e., its meaning is 'judge', the root idea of elohim being power, authority.

(29) I.e., it means literally 'God'.

(30) Soferim IV, 5. On this latter view, elohim is not superfluous, to be applied to one's father, and the question remains, whence is derived the prohibition of cursing a father?

(31) Though elohim means judge, nevertheless the same law applies to God, by deriving the latter from the former. Such derivation is warranted, since Scripture expresses 'judge' by a word normally meaning God (Tosaf.).

(32) Thus, even if elohim means 'God', yet the same applies to a judge, by analogy. Now, since a nasi could have been deduced from a judge and the deaf, it is superfluous, and consequently must be applied to one's father. Hence, the general argument is as before, but the nasi, and not the judge, is now, regarded as unnecessary.

Talmud - Mas. Sanhedrin 66b

why [write] lo tekallel?¹ — That both [God and judge] may be understood therefrom.

MISHNAH. HE WHO HAS INTIMATE CONNECTION WITH A BETROTHED MAIDEN IS NOT PUNISHED UNTIL SHE IS A NA' ARAH,² A VIRGIN, BETROTHED, AND IN HER FATHER'S HOUSE.³ IF TWO MEN VIOLATED HER,⁴ THE FIRST IS STONED, BUT THE SECOND IS STRANGLER.

GEMARA. Our Rabbis taught: If a na'arah [damsel] that is a virgin be betrothed unto an husband,⁵ na'arah excludes a bogereth;⁶ 'virgin' excludes one who is no longer a virgin; 'betrothed' excludes a nasu'ah; [because she hath wrought folly in Israel, to play the whore] in her father's house⁷ — this excludes one whom her father has given over to her husband's messengers [to take to her new home].

Rab Judah said in Rab's name: This [our Mishnah] is R. Meir's view, but the Sages maintain that by a betrothed damsel even a minor⁸ is understood.⁹ R. Aha of Difti said to Rabina: Whence do we know that the Mishnah is as R. Meir only, the term na'arah excluding a minor too; perhaps it agrees even with the Rabbis, whilst na'arah is intended to exclude a bogereth, but none else? — He replied: If so, instead of saying: HE IS NOT PUNISHED UNTIL SHE IS A NA'ARAH, A VIRGIN, AND BETROTHED, the Mishnah should have said: He is punished only for a na'arah, a virgin, and a betrothed.¹⁰ No further argument is possible!

R. Jacob b. Ada asked of Rab: What if one has intimate connexion with a betrothed minor, according to R. Meir's view? Does he exclude a minor entirely,¹¹ or only from stoning?¹² — He replied: It is reasonable to assume that he excludes him only from stoning. But is it not written. [If a man be found lying with a woman married to a husband,] then they shall both of them die,¹³ implying that they must both be equal?¹⁴ Rab remained silent.¹⁵ Samuel said: Why was Rab silent? He should have answered him: [It is written, But if a man find a betrothed damsel in the field . . .] then the man only that lay with her shall die.¹⁶

This question is disputed by Tannaim: Then they shall both of them die: this teaches that they must both be equal. That is R. Joshiah's view. R. Jonathan said: Then the man only that lay with her shall die.¹⁷ And the other [R. Jonathan] — what does he deduce from 'then they shall both die'? — Raba answered: It excludes the mere whetting of one's lust.¹⁸ But the other?¹⁹ — He regards such excitation as of no consequence.²⁰ And the other [R. Joshiah] — how does he interpret 'alone'? — Even as it has been taught: If ten men cohabited with her, yet leaving her a virgin,²¹ they are all

stoned. Rabbi said: The first is stoned, but the others are strangled.²²

Our Rabbis taught: And the daughter of any priest, if she profane herself [tehel]²³ by playing the whore.²⁴ — Rabbi said: It implies the first,²⁵ and thus it is also written, Then the man only that lieth with her shall die. What does this mean? — R. Huna the son of R. Joshua said: Rabbi agrees with R. Ishmael,²⁶ viz., that only in arusah, the daughter of a priest, is singled out for burning; but not a nesu'ah [who is strangled, just as an Israelite's daughter]. And this is what he says: If her first coition is adulterous [i.e., if she is an arusah at the time] she is burnt; otherwise she is stoned.²⁷ What is meant by 'and thus etc.'? — It is as there; just as there, Scripture refers to her first coition, so here too.²⁸

R. Bibi b. Abaye said to him: The Master has not said thus (Who is it?²⁹ — R. Joseph), but that Rabbi agreed with R. Meir who held that if a priest's daughter married one who was unfit for her [and then committed adultery], she is strangled [instead of burnt],³⁰ and this is what Rabbi says: If her first profanation is through adultery, she is burnt; otherwise she is stoned.³¹ Then what is meant by 'and thus etc.'?³² —

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- (1) תקלל tekallel, though having the same meaning as תקל takel, is a heavier form, being more emphatic, and hence of wider application.
- (2) V. Glos.
- (3) This excludes a maiden who had been given over to the messengers of her husband to be taken to her new home (Rashi).
- (4) The first unnaturally, so that she was still as virgin.
- (5) Deut. XXII, 23.
- (6) V. Glos.
- (7) Ibid. 21. This is quoted from a previous section dealing with slander. The subject being the same — a betrothed maiden — it is linked up with the present passage
- (8) קטנה before the age of twelve.
- (9) V. Keth. 29a.
- (10) He is not punished until she is (Heb. עד שתהא the imperfect of the verb 'to be') definitely implies that she must reach the state of a na'arah.
- (11) I.e., that the whole law of Deut XXII, 23f. decreeing death for intimate connexion with a betrothed maiden, does not apply if she is a minor.
- (12) I.e., the seducer is not stoned, as he would be for a na'arah, but executed in another way.
- (13) Ibid. 22.
- (14) Both must be of a responsible age: but if one is not, as in this case, both are exempt.
- (15) I.e., he could not answer this objection.
- (16) Ibid. 25. Now, only is superfluous, for the next verse distinctly states, But unto the damsel thou shalt do nothing. Hence it teaches that sometimes the man alone is punished, even when the betrothed consented, viz., if she was a minor.
- (17) V. n. 3.
- (18) On a woman's body, without coming into contact with her sexual organ. This is deduced from 'both': both must enjoy sexual gratification. (Aruch reads מעשה הורדום i.e., 'the doing of Herod' with reference to B.B. 3b. V. Derenbourg, J. Essai 152, n. 1.)
- (19) R. Joshiah — why does he reject that interpretation?
- (20) It is not an offence at all in the sense that it should be necessary to teach that no punishment follows.
- (21) The connections having been unnatural.
- (22) That is deduced from 'alone': though all of them committed adultery with a virgin, 'alone' shows that only the first is stoned, stoning being ordained in that passage.
- (23) תהל
- (24) Lev. XXI, 9.
- (25) He derives tehel from tehilah, 'the beginning', and thus renders the verse, If she begin by playing the whore.
- (26) Supra 51b.

(27) And in each case, her paramour's punishment is the same.

(28) I.e., just as a betrothed maiden is excepted from the punishment of a nesu'ah, viz., strangulation, being stoned instead, which exception applies to her seducer too, and that only for the first coition (the word 'only' showing that her second paramour is strangled, even if she was still a virgin), so also, in the case of the priest's daughter, the exception is made only for her first coition, viz., if she is an arusah, but not if a nesu'ah.

(29) The Master referred to.

(30) V. supra 51b.

(31) I.e., if she was married to one who was fit for her, so that only though her adultery does she profane herself, the law of Lev. XXI 9, applies viz., that she is burnt. But if she first profaned herself not through adultery, but through marrying a person forbidden to her and then committed adultery, she is strangled.

(32) For the explanation given above will not fit in with this interpretation.

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. That is merely a mnemonical sign.¹

MISHNAH. A MESITH IS A [SEDUCING] LAYMAN² AND HE WHO SEDUCES AN INDIVIDUAL³ SAYING, 'THERE IS AN IDOL IN SUCH AND SUCH A PLACE; IT EATS THUS, IT DRINKS THUS, IT DOES SO MUCH GOOD AND SO MUCH HARM. FOR ALL WHOM THE TORAH CONDEMNS TO DEATH NO WITNESSES ARE HIDDEN TO ENTRAP THEM, EXCEPTING FOR THIS ONE. IF HE INCITED TWO [TO IDOLATRY], THEY THEMSELVES ARE WITNESSES AGAINST HIM, AND HE IS BROUGHT TO BETH DIN AND STONED. BUT IF HE ENTICED ONE, HE MUST REPLY, I HAVE FRIENDS WHO WISH TO DO SO LIKEWISE [COME AND PROPOSE IT TO THEM TOO].' BUT IF HE WAS CUNNING AND DECLINED TO SPEAK BEFORE THEM, WITNESSES ARE HIDDEN BEHIND A PARTITION, WHILST HE WHO WAS INCITED SAYS TO HIM, MAKE YOUR PROPOSAL TO ME NOW IN PRIVATE. WHEN THE MESITH DOES SO, THE OTHER REPLIES, HOW SHALL WE FORSAKE OUR GOD IN HEAVEN TO GO AND SERVE WOOD AND STONES?' SHOULD HE RETRACT, IT IS WELL. BUT IF HE ANSWERS, 'IT IS OUR DUTY [TO WORSHIP IDOLS], AND IS SEEMLY FOR US, THEN THE WITNESSES STATIONED BEHIND THE PARTITION TAKE HIM TO BETH DIN, AND HAVE HIM STONED. IF HE SAYS, 'I WILL WORSHIP IT', OR, 'I WILL GO AND WORSHIP', OR, 'LET US GO AND WORSHIP'; OR, 'I WILL SACRIFICE [TO IT]', 'I WILL GO AND SACRIFICE', 'LET US GO AND SACRIFICE'; 'I WILL BURN INCENSE, 'I WILL GO AND BURN INCENSE'. 'LET US GO AND BURN INCENSE'; 'I WILL MAKE LIBATIONS TO IT', 'I WILL GO AND MAKE LIBATIONS TO IT', LET US GO AND MAKE LIBATIONS, 'I WILL PROSTRATE MYSELF BEFORE IT', 'I WILL GO AND PROSTRATE MYSELF'. 'LET US GO AND PROSTRATE OURSELVES'. (GUILT IS INCURRED).⁴

GEMARA. A MESITH IS A LAYMAN. Thus, only because he is a layman [is he stoned]; but if a prophet, he is strangled. WHO SEDUCES AN INDIVIDUAL: thus, only if he seduces an individual; but if a community, he is strangled. Hence, who is [the Tanna of] the Mishnah? — R. Simeon. For it has been taught: A prophet who entices [people to idolatry] is stoned; R. Simeon said: He is strangled.⁵ Then consider the second clause.⁶ A maddiah⁷ is one who says: 'Let us go and serve idols': whereon Rab Judah observed in Rab's name: This Mishnah teaches of those who lead astray a seduced city. Thus it agrees with the Rabbis [who maintain that these too are stoned, not strangled]. Hence, the first clause is taught according to R. Simeon; the second according to the Rabbis! — Rabina said: Both clauses are based on the Rabbis' ruling, but proceed from the universally admitted to the disputed.⁸ R. Papa said: When the Mishnah states A MESITH IS A HEDYOT,⁹ it is only in respect of hiding witnesses.¹⁰ For it has been taught: And for all others for whom the Torah decrees death, witnesses are not hidden, excepting for this one. How is it done? — A light is lit in an inner chamber, the witnesses are hidden in an outer one [which is in darkness], so that they can see and

hear him,¹¹ but he cannot see them. Then the person he wished to seduce says to him, 'Tell me privately what thou hast proposed to me'; and he does so. Then he remonstrates; 'But how shall we forsake our God in Heaven, and serve idols'? If he retracts, it is well. But if he answers: 'It is our duty and seemly for us', the witnesses who were listening outside bring him to the Beth din, and have him stoned.¹² MISHNAH. A MADDIAH IS ONE WHO SAYS, 'LET US GO AND SERVE IDOLS'. A SORCERER, IF HE ACTUALLY PERFORMS MAGIC, IS LIABLE [TO DEATH]. BUT NOT IF HE MERELY CREATES ILLUSIONS.¹³ R. AKIBA SAID IN R. JOSHUA'S NAME: OF TWO WHO GATHER CUCUMBERS [BY MAGIC] ONE MAY BE PUNISHED AND THE OTHER EXEMPT: HE WHO REALLY GATHERS THEM IS PUNISHED: WHILST HE WHO PRODUCES AN ILLUSION IS EXEMPT.

GEMARA. Rab Judah said in Rab's name: This Mishnah teaches of those who lead astray a seduced city.¹⁴

A SORCERER, IF HE ACTUALLY PERFORMS MAGIC etc. Our Rabbis taught: [Thou shalt not suffer] a witch [to live]:¹⁵ this applies to both man and woman. If so, why is a [female] witch stated? — Because mostly women engage in witchcraft. How are they executed? — R. Jose the Galilean said: Here it is written, Thou shalt not suffer a witch to live; whilst elsewhere is written, Thou shalt not suffer anything that breatheth to live.¹⁶ Just as there, the sword is meant, so here is the sword meant too. R. Akiba said: It is here stated, Thou shalt not suffer a witch to live; whilst elsewhere it is said, [There shall not a hand touch it, but he shall surely be stoned, or shot through;] whether it be beast or man, it shall not live.¹⁷ Just as there, death by stoning is meant, so here too. R. Jose said to him, I have drawn an analogy between 'Thou shalt not suffer to live' written in two verses, whilst you have made a comparison between 'Thou shalt not suffer to live', and 'It shall not live'. R. Akiba replied: I have drawn an analogy between two verses referring to Israelites, for whom the Writ hath decreed many modes of execution,¹⁸ whilst you have compared Israelites to heathens, in whose case only

(1) I.e., in both the reference is to something done for the first time: there to coition; here to profanation. But the similarity ceases at this point.

(2) Heb. hedyot. As opposed to a prophet.

(3) Heb. hedyot. But not a whole community. On the Heb. term hedyot, v. p 456, nn. 2 and 3.

(4) The seducer by using any one of those expressions incurs guilt and is executed; v., Rashi (supra, 661a) who refers it to the seduced person.

(5) V. infra 84a.

(6) I.e., the next Mishnah, which is really part of this.

(7) Who is stoneable, as stated in the Mishnah on 53a, "of which all the subsequent Mishnahs, in this chapter after aru explanations.

(8) Lit., 'nor only this, but that also).' When the Mishnah says, [HE] WHO SEDUCES AN INDIVIDUAL, it is not intended to exclude a multitude, but merely to commence with the universally agreed law. Then the next Mishnah adds that the same applies to the seduction of a multitude, though this is not admitted by all.

(9) לַיְזָן, rendered in Mishnah, 'LAYZAN', also means ignorant, ignoble.

(10) I.e., hedyot is not used in the sense of a layman as opposed to a prophet, but in the sense of ignoble; so dastardly in his action, that he is not shown the same consideration as other malefactors, but hidden witnesses are set to entrap him. There is no dispute between Rabina and R. Papa, both teaching that the two clauses agree with the Rabbis; but Rabina explains the phrase, 'HE WHO SEDUCES AN INDIVIDUAL', whilst R. Papa deals with 'A MADDIAH IS A HEDYOT'.

(11) Otherwise, they could not testify.

(12) In the uncensored editions of the Talmud there follows this important passage (supplied from D.S. on the authority of the Munich and Oxford Mss. and the older editions) 'And this they did to Beš Stada in Lydda (לַיְזָן), and they hung him on the eve of Passover. Ben Stada was Ben Padira. R. Hisda said: 'The husband was Stada~ the paramour Padira. But was not the husband Pappos b. Judah? — His mother's name was Stada. But his mother was Miriam, a dresser of

woman's hair? (מגדלא נשיא megaddela neshayia): — As they say in Pumbeditha, This woman has Yurned away (sath da) from her husband, (s.e., committed adultery). T. Herford, in 'Christianity in the Talmud', pp. 37 seqq, 344 seqq, identifies this Ben Stada with Jesus of Nazareth. As to the meaning of the name, he connects it with ** 'seditious', and suggests (p. 345 n.1) that it originally denoted 'that Egyptian' (Acts XXI 38, Josephus, Ant. XX, 8, 6) who claimed to be a prophet and led his followers to the Mount of Olives, where he was routed by the Procurator Felix, and that in later times he might have been confused with Jeshua ha-Notzri. This hypothesis, however, involves the disregard of the Talmudic data, for Pappos b. Judah lived a century after Jesus (Cit. 90a), though the mother's name, Miriam (Mary), would raise no difficulty, as מגדלא נשיא megaddla neshayia may be the result of a confusion with Mary Magdalene (v. also Box, The Virgin Birth of Jesus, pp. 201f, for other possible meanings of Ben Stada and Ben Pandira) Derenbourg (Essai note 9, pp. 465-471) rightly denies the identity of Ben Stada with Jesus, and regards him simply as a false prophet executed during the second century at Lydda.

(13) I.e., the illusion of doing something, whereas in fact he does nothing.

(14) Cf. supra 53a.

(15) Ex. XXII, 17.

(16) Deut. XX, 17. This refers to the war of extermination against the seven races inhabiting Canaan before the Conquest by Joshua. They would naturally be killed by the sword.

(17) Ex. XIX, 13. This refers to the taboo placed upon Mount Sinai before the Theophany.

(18) And yet at Sinai stoning was chosen.

Talmud - Mas. Sanhedrin 67b

one death penalty is decreed.¹ Ben 'Azzai said:² It is here written, Thou shalt not suffer a witch to live, whilst [immediately after] it is said, Whosoever lieth with a beast shall surely be put to death.³ Now, this is placed in proximity, teaching that just as the latter is stoned, so is the former. Thereupon R. Judah said to him: Shall we, because of this proximity, exclude the former [from the easier death implied by an unspecified death sentence] changing it to stoning?⁴ But [reason this:] The ob and yidde'oni were included among other sorcerers.⁵ Why were they singled out?⁶ That other sorcerers may be assimilated to them, and to teach thee, just as the ob and yidde'oni are stoned, so are all other sorcerers stoned. But even according to R. Judah, are not ob and yidde'oni two statements teaching the same thing, and two statements teaching the same thing cannot throw light upon anything else?⁷ — R. Zechariah answered: For this very reason R. Judah is generally said to maintain that even two statements singled out for the same purpose illumine the proposition as a whole.⁸

R. Johanan said: Why are they [sorcerers] called Kashshafim?⁹ — Because they lessen the power of the Divine agencies.¹⁰

There is none else besides Him:¹¹ R. Hanina said: Even by sorcery.¹² A woman once attempted to take earth from under R. Hanina's feet.¹³ He said to her, 'If you succeed in your attempts, go and practise it [sc. sorcery]: it is written, however, There is none else beside him'. But that is not so, for did not R. Johanan say: Why are they called mekashshafim?¹⁴ Because they lessen the power of the Divine agencies? — R. Hanina was in a different category, owing to his abundant merit.¹⁵

R. Abaye b. Nagri said in the name of R. Hiyya b. Abba: Belatehem refers to magic through the agency of demons, belahatehem to sorcery [without outside help].¹⁶ And thus it is also said, And the flame [Heb. lahat] of the sword that turns of itself.¹⁷

Abaye said: The sorcerer who insists on exact paraphernalia¹⁸ works through demons; he who does not works by pure enchantment.

Abaye said: The laws of sorcerers are like those of the Sabbath: certain actions are punished by stoning, some are exempt from punishment, yet forbidden, whilst others are entirely permitted. Thus:

if one actually performs magic, he is stoned; if he merely creates an illusion, he is exempt, yet it is forbidden; whilst what is entirely permitted? — Such as was performed by R. Hanina and R. Oshaia, who spent every Sabbath eve in studying the Laws of Creation, by means of which they created a third-grown calf and ate it.¹⁹

R. Ashi said: I saw Karna's father²⁰ blow his nose violently and streamers of silk issued from his nostrils.

Then the magicians said unto Pharaoh, This is the finger of God:²¹ R. Eleazar, said: This proves that a magician cannot produce a creature less than a barley corn in size. R. Papa said: By God! he cannot produce even something as large as a camel; but these [larger than a barley corn] he can [magically] collect [and so produce the illusion that he has magically created them], the others he cannot.

Rab said to R. Hiyya: 'I myself saw an Arabian traveller take a sword and cut up a camel; then he rang a bell, at which the camel arose.' He replied, 'After that, was there any blood or dung? But that was merely an illusion.'

Ze'iri happened to go to Alexandria in Egypt and bought an ass. When he was about to water it, it dissolved, and there stood before him a landing board.²² The vendors then said to him; 'Were you not Ze'iri, we would not return you [your money]: does anyone buy anything here without first testing it by water?'²³

Janna²⁴ came to an inn. He said to them, 'Give me a drink of water,' and they offered him shattitha.²⁵ Seeing the lips of the woman [who brought him this] moving,²⁶ he [covertly] spilled a little thereof, which turned to snakes. Then he said, 'As I have drunk of yours, now do you come and drink of mine.' So he gave her to drink, and she was turned into an ass he then rode upon her into the market. But her friend came and broke the charm [changing her back into a human being], and so he was seen riding upon a woman in public.

And the frog came up, and covered the land of Egypt.²⁷ R. Eleazar said: It was one frog, which bred prolifically and filled the land. This is a matter disputed by Tannaim. R. Akiba said: There was one frog which filled the whole of Egypt [by breeding]. But R. Eleazar b. Azariah said to him, 'Akiba, What hast thou to do with Haggadah?²⁸ Cease thy words and devote thyself to 'Leprosy' and 'Tents.'²⁹ One frog croaked for the others, and they came'.

R. AKIBA SAID, etc.

(1) Viz., decapitation. Consequently, no true analogy is possible.

(2) His full name was Simeon b. 'Azzai. There were four companions each named Simeon, so for short they were referred to by their patronym (Rashi in Ab. IV, 1).

(3) Ex. XXII, 19.

(4) R. Judah does not regard the proximity of two subjects, **סמוכין** as a method of exegesis.

(5) I.e., in the verse, Thou shalt not suffer a sorcerer to live.

(6) In Lev. XX, 27.

(7) This is in accordance with the exegetical principle that if a general proposition is stated, and then one part thereof is singled out for special mention, the latter illumines the former; but not if two are singled out. For if they were intended to convey a teaching with respect to the proposition as a whole, only one should have been singled out, from which the second (together with the rest of the general statement) would be derived.

(8) R. Judah does not agree with the limitation expressed above, and it is precisely from this verse that he deduces that even two statements may be singled out to convoy a teaching for the whole; v. Kid. 35a.

(9) **כשפים**

(10) I.e., making incantations of death against those for whom Heaven has decreed life (Rashi); and in general seeking to interfere with the course of events as decreed from above. The word is treated as an abbreviation, thus Keshafim, Kahash, Famalia, Ma'alah. (Lessens [the] Family on High).

(11) Deut. IV, 35.

(12) I.e., not even sorcerers have power to oppose His decree.

(13) To perform magic against him.

(14) **מכשפים** Hebrew form of Kashshafim.

(15) Therefore God should certainly not permit any sorcerer to harm him.

(16) In the references to Pharaoh's magicians, two words are employed to denote their art: belatehem, (**בלטיהם**) e.g., Ex. VII, 22 (with their enchantments); and belahatehem (**בלהטיהם** v. **להט**) Ex. VII, 11.

(17) Gen. III, 24, thus lahat is referred to an action taking place of itself; similarly, belahatehem connotes sorcery performed without extraneous aid.

(18) Demanding particular properties for different kinds of magic.

(19) V. p 446, nn. 9, 10. It thus all depends as to whose help is invoked in performing the miraculous.

(20) He was a magician.

(21) Ex. VIII, 19; this refers to the plague of lice, which they could not imitate.

(22) The ass had been a product of sorcery, created out of a landing board. Things thus created reverted to their original form when brought into contact with water.

(23) The scholars of the first century referred frequently to Egypt as the original home of magic arts (Blau, *Das aljudische Zauberesen*, pp. 37-49). Sorcery was very rife in Alexandria, and was practised by Jews too, who were more influenced by pagan ideas in this city than in any other place of their dispersion. Among the less intelligent, Jewish and pagan, witchcraft were freely indulged in (Schurer, *Geschichte*, 3rd ed., III, 294-304). It is not clear in this passage whether Ze'iri had bought the ass from a Jew or Gentile, but the fact that such particular respect was shewn to him would seem to indicate that the vendor was a Jew.

(24) Rashi observes that this is the reading, not R. Jannai; for a scholar would not practise witchcraft.

(25) A drink prepared of flour and water. Cf. Lat. ptisanarium, a decoction of barley groats

(26) By this he recognised her to be a witch, probably muttering a charm.

(27) Ex. VIII, 6.

(28) Haggadah, also aggadah, from Nagad, to narrate, denotes the narrative, and homiletical portions of the Talmud.

(29) [Nega'im and Ohaloth, two subjects in the Talmud and name of two tractates dealing respectively with uncleanness of a corpse and leprosy, subjects of extreme difficulty and thus suited to R. Akiba's keen dialectics.]

Talmud - Mas. Sanhedrin 68a

But did R. Akiba learn this from R. Joshua? Surely it has been taught: When R. Eliezer fell sick, R. Akiba and his companions went to visit him. He was seated in his canopied four-poster, whilst they sat in his salon.¹ That day was Sabbath eve, and his son Hyrcanus went in to him to remove his phylacteries.² But his father rebuked him, and he retreated crestfallen. 'It seems to me,' said he to them, 'that my father's mind is deranged'.³ But R. Akiba said to them, 'his mind is clear, but his mother's [sc. of Hyrcanus] is deranged:⁴ how can one neglect a prohibition which is punished by death, and turn his attention to something which is merely forbidden as a shebuth?'⁵ The Sages, seeing that his mind was clear, entered his chamber and sat down at a distance of four cubits.⁶ 'Why have ye come?' said he to them. 'To study the Torah', they replied; 'And why did ye not come before now', he asked? They answered, 'We had no time'. He then said, 'I will be surprised if these die a natural death'. R. Akiba asked him, 'And what will my death be?' and he answered, 'Yours will be more cruel than theirs'. He then put his two arms over his heart, and bewailed them, saying, 'Woe to you, two arms of mine, that have been like two Scrolls of the Law that are wrapped up.'⁷ Much Torah have I studied, and much have I taught.⁸ Much Torah have I learnt, yet have I but skimmed from the knowledge of my teachers as much as a dog lapping from the sea. Much Torah have I taught, yet my disciples have only drawn from me as much as a painting stick from its tube. Moreover, I have studied three hundred laws on the subject of a deep bright spot,⁹ yet no man has ever asked me about them. Moreover, I have studied three hundred, (or, as others state, three

thousand laws) about the planting of cucumbers [by magic] and no man, excepting Akiba b. Joseph, ever questioned me thereon. For it once happened that he and I were walking together on a road, when he said to me, "My master, teach me about the planting of cucumbers". I made one statement, and the whole field [about us] was filled with cucumbers. Then he said, "Master, you have taught me how to plant them, now teach me how to pluck them up". I said something and all the cucumbers gathered in one place'. His visitors then asked him, 'What is the law of a ball, a shoemaker's last, an amulet, a leather bag containing pearls, and a small weight?'¹⁰ He replied, 'They can become unclean, and if unclean, they are restored to their uncleanness just as they are.'¹¹ Then they asked him, 'What of a shoe that is on the last?'¹² He replied, 'It is clean;' and in pronouncing this word his soul departed. Then R. Joshua arose and exclaimed, 'The vow is annulled, the vow is annulled!'¹³ On the conclusion of the Sabbath R. Akiba met his bier being carried from Caesarea to Lydda. [In his grief] he beat his flesh until the blood flowed down upon the earth — Then R. Akiba commenced his funeral address, the mourners being lined up about the coffin, and said: 'My father, my father, the chariot of Israel and the horsemen thereof;¹⁴ I have many coins, but no money changer to accept them.'¹⁵ Thus from this story we see that he learned this [sc. the producing of cucumbers by magic] from R. Eliezer? — He learned it from R. Eliezer, but did not grasp it, then he learned it from R. Joshua, who made it clear to him.

But how might R. Eliezer do so?¹⁶ Did we not learn, IF HE ACTUALLY PERFORMS MAGIC, HE IS LIABLE? — If it is only to teach, it is different. For it has been said, Thou shalt not learn to do after the abominations of these nations:¹⁷ thou mayest not learn in order to practise, but thou mayest learn in order to understand.¹⁸ [

(1) טרקלין triclinium.

(2) For the Sabbath was drawing near, when the phylacteries are not to be worn.

(3) Since he would not let me remove his phylacteries.

(4) (So Bah in his marginal glosses: printed texts read 'His mind and that of his mother's etc.]

(5) An occupation forbidden only by the Rabbis, not by the Bible, because it does not harmonize with the nature of the Sabbath. R. Eliezer had observed that his wife had not yet kindled the Sabbath lights, nor put away the Sabbath meal to keep it hot. Both of these, if done on the Sabbath, are punishable by stoning, whereas the wearing of phylacteries indoors are forbidden merely by a Rabbinical ordinance, lest one forget himself and go out in the street with them, which is biblically forbidden. Therefore he rebuked his son and wife.

(6) Because R. Eliezer had been placed under the ban; v. B.M. 59b.

(7) So that they cannot be read. So had his knowledge been, none learning from it, because he had been under a ban.

(8) Before the ban.

(9) One of the forms of leprosy, Lev. XII, 2.

(10) All these were made of leather, stuffed with hair or cottonwool. No leathern utensil can become unclean unless it has a receptacle, i.e., a hollow in which something can be placed. Now, the Sages maintain that since the hollow in these is made in the first place in order to be filled up, it is not a receptacle, and hence cannot become unclean. But R. Eliezer held that as they do, in fact, contain a hollow, though now filled up, they can become unclean. There is another dispute, with respect to the first two, if their outer covering was torn. It is then admitted by all that they are liable to become unclean, but there is a conflict with respect to tebilah (i.e. immersion in a ritual bath to restore them to cleanliness. It is a general law that when anything is put into a ritual bath, no foreign matter may adhere to it, lest it prevent the water from getting to it. Now the Sages maintain that the stuffing is to be regarded as such, and hence must be removed before the immersion, which is otherwise ritually invalid. But R. Eliezer ruled that in this respect the stuffing is regarded as integrally part of themselves, and hence does not render the immersion invalid. Now that he was on his death-bed, thy asked him whether he still adhered to his ruling. The amulet was a charm, containing some mystic verses, worn about the neck to prevent or cure illness. A leather bag containing pearls (probably imitation, or of a very cheap kind) was worn by cattle for the same purpose. Small weights were inclosed in leather, to prevent from becoming worn.

(11) I.e., the filling is not to be regarded as foreign matter, which must be removed. Thus he told them that he adhered to his views.

(12) No utensil or garment could become unclean until it was quite ready for use. R. Eliezer and the Sages dispute with

reference to a new shoe, ready for wear, but not yet removed from the last upon which it was made. The Rabbis maintained that it was a completely finished article, and hence liable to uncleanness: whilst R. Eliezer held that until removed from its last it was not regarded as completely finished.

(13) I.e., the ban is now lifted from him. This declaration was made on account of the funeral, for had it not been annulled, a stone would have been placed upon his coffin. v. 'Ed. V, 6.

(14) II Kings II, 12.

(15) I.e., I have many questions on Torah, but no one to answer them.

(16) Cause cucumbers to grow by magic.

(17) Deut. XVIII, 9. This introduces the prohibitions of necromancy and witchcraft.

(18) R. Eliezer's action was likewise merely in order to teach.

Talmud - Mas. Sanhedrin 68b

CHAPTER VIII

MISHNAH. 'A STUBBORN AND REBELLIOUS SON'¹ WHEN DOES HE BECOME LIABLE TO THE PENALTY OF A STUBBORN AND REBELLIOUS SON'? FROM THE TIME THAT HE PRODUCES TWO HAIRS UNTIL HE GROWS A BEARD RIGHT ROUND (BY WHICH IS MEANT THE HAIR OF THE GENITALS, NOT THAT OF THE FACE, BUT THAT THE SAGES SPOKE IN POLITE TERMS), FOR IT IS WRITTEN, IF A MAN HAVE A STUBBORN AND REBELLIOUS SON:² 'A SON', BUT NOT A DAUGHTER; 'A SON', BUT NOT A FULL-GROWN MAN. WHILST A MINOR IS EXEMPT, SINCE HE DOES NOT COME WITHIN THE SCOPE OF THE COMMANDMENTS.³

GEMARA. Whence do we know that A MINOR IS EXEMPT? (Whence do we know? The Mishnah states the reason, viz that HE DOES NOT COME WITHIN THE SCOPE OF THE COMMANDMENTS. Moreover, where else do we find that Scripture prescribed a penalty [for a minor], that a verse should be necessary here to exempt him? — This is our question: Now, is then a 'STUBBORN AND REBELLIOUS SON' executed for his actual iniquity? Surely he is rather slain on account of his ultimate end;⁴ and that being so, even a minor should be executed? Moreover, [the interpretation,] 'a son', but not a man, implies a minor?) Rab Judah said in Rab's name: Scripture saith, If a man have a son [that is stubborn and rebellious], implying, a son near to the strength of manhood.⁵

UNTIL HE GROWS A BEARD RIGHT ROUND, etc. R. Hiyya taught: Until he grows a beard round the corona. When R. Dimi came,⁶ he explained it thus: It means, until the hair surrounds the membrane, but not until it grows round the testicles.⁷

R. Hisda said: If a minor begot a son, the latter does not come within the category of a stubborn and rebellious son, for it is written, If a man have a son, but not if a son [i.e., one who has not reached manhood] have a son. But is not that verse needed for the deduction made by Rab Judah in Rab's name?⁸ — If so, the verse should read, If there be a son to a man: why state, If a man have a son? — To teach R. Hisda's dictum.⁹ Then let us say that the entire verse teaches this?¹⁰ — If so, Scripture should have said, 'If there be the son of a man who [sc. the son] is stubborn,' etc.: Why state, If a man have a son etc.? Hence both are deduced.¹¹

Now, R. Hisda's statement conflicts with Rabbah's. For Rabbah said: A minor cannot beget children, for it is written, But if the man hath no kinsman [to recompense the trespass unto].¹² Now, is there any man in Israel that has no kinsman?¹³ Hence the Writ must refer to the robbery of a proselyte,¹⁴

(1) This chapter continues the exposition of the Mishnah on 53a.

(2) Deut. XXI, 18.

(3) I.e., the stage of moral responsibility involved on reaching the age of 13 years and one day; v. Ab. V, 24.

(4) V. infra 72a.

(5) The interpretation is based on the fact that 'son' is stated (in the Heb.) in immediate proximity to 'man' —
בן איש

(6) V. p. 390, n. 1.

(7) The other occurs much later. But once the former has taken place, he is a man, and no longer liable.

(8) v. supra.

(9) For if the verse merely teaches that the son must be just before the age of manhood, son should have immediately preceded man. By reversing the order, the manhood of the father (when begetting the son) is emphasized: only if a man beget a son but not if a minor beget one, though he is already a man when his son transgresses.

(10) Hence, how is Rab's dictum deduced?

(11) For if the verse wished to intimate only the manhood of the father, 'son' should have been in the weak, construct form (i c) so that the entire emphasis should be upon 'man'. By putting son in the absolute form (i c) and in immediate proximity to 'man', the manhood of both is emphasised, as taught in the dicta of Rab and b. Hisda.

(12) Num. V, 8.

(13) Since all Israel are related, being the descendants of Abraham, Isaac, and Jacob.

(14) Who died before it could he returned. A proselyte has no relationship whatever with his pre-conversion relations; v. p. 394. n. 1.

Talmud - Mas. Sanhedrin 69a

and the Divine Law states, But if the man etc.,¹ teaching that only in the case of a man must thou seek whether he has kinsmen or not, but not in the case of a minor, for it is obvious that he can have none.

Abaye objected. [It has been taught: And If any man lieth carnally with a woman that is a bondmaid].² 'A man': from this I know the law only with respect to a man: whence do I know it of one aged nine years and a day who is capable of intercourse? From the verse, And 'if a man'?³ — He replied: Such a minor can produce semen, but cannot beget therewith; for it is like the seed of cereals less than a third grown.⁴

The School of Hezekiah taught: But if a man came presumptuously [yazid] upon his neighbour to slay him with guile:⁵ a man can inflame [his genital] and emit semen, but not a minor.⁶ R. Mordechai asked of R. Ashi: Whence do we know that mezid denotes heating? — From the verse, And Jacob sod [wa-yazed] pottage.⁷

But this is not so.⁸ For the School of Ishmael⁹ taught: If a man have a son:¹⁰ implying, a son but not a father.¹¹ Now, how is this possible? Shall we say that he impregnated [his wife] after producing two hairs, and begot before the hair was fully grown¹² — but can there be such a long interval [between these, as to allow for complete gestation]? Did not R. Kerespedai say: The extreme limits of a 'stubborn and rebellious' son are only three months?¹³ Hence he must have caused conception before producing two hairs, and begot the child before the hair was fully grown; [and in that case he is excluded from the operation of the law] thus proving that a minor can beget children! — No. In truth, this refers to one who impregnated [his wife] after the appearance of two hairs, and begot [the child] after his hair was fully grown. But as for the difficulty raised by R. Kerespedai's dictum, — when R. Dimi came, he said: In the West [i.e.. Palestine], they explain [the deduction of the School of Ishmael] thus; a son, but not one who is fit to be called a father.¹⁴

To revert to the above text: 'R. Kerespedai said in R. Shabbethai's name: The extreme limit of a "stubborn and rebellious son is only three months'. But did we not learn, FROM THE TIME THAT HE PRODUCES TWO HAIRS UNTIL HE GROWS A BEARD RIGHT ROUND? — If he grew a

beard, even if three months have elapsed, or if three months elapsed, even if he did not grow a beard [he is no longer liable].¹⁵

R. Jacob of Nehar Pekod¹⁶ sat before Rabina, and said thus in the name of R. Huna the son of R. Joshua: From the dictum of R. Keruspedai in R. Shabbethai's name one may deduce that if a woman bears at seven months, her pregnancy is not discernible at a third of its course; for if it is, why three months: two and a third are sufficient?¹⁷ He demurred: In truth, it may be that her pregnancy becomes manifest at a third of its course, but we must regard the majority.¹⁸ Now, this was repeated before R. Huna the son of R. Joshua, whereupon he remarked: But can we consider the majority [only, disregarding the majority entirely] in capital charges; did not the Torah say, Then the congregation shall judge . . . and the congregation shall deliver the slayer?¹⁹ Yet you say, regard the majority! This was reported back to Rabina. He replied: Do we then not follow the majority in capital charges? But we learnt: If one witness testified that the crime was committed on the second day of the month, and one on the third, their testimony is valid; for one knew that the past month had been full, and the other did not.²⁰ But if you maintain that we do not follow the majority, should we not say that these witnesses testify exactly,²¹ and thus contradict each other? Hence it surely must be that we follow the majority who are wont to err with respect to the fulness of the month.

R. Jeremiah of Difti said: We also learnt the following: A maiden aged three years and a day may be acquired in marriage by coition, and if her deceased husband's brother cohabited with her, she becomes his. The penalty of adultery may be incurred through her; [if a niddah,] she defiles him who has connection with her, so that he in turn defiles that upon which he lies, as a garment which has lain upon [a person afflicted with gonorrhoea]. If she married a priest, she may eat of terumah; if any unfit person cohabits with her, he disqualifies her from the priesthood. If any of the forbidden degrees had intercourse with her, they are executed on her account, but she is exempt.²²

(1) 'Man' is superfluous, as the verse could have read, But if he hath no kinsman . . .

(2) Lev. XIX, 20.

(3) 'And' (ו) indicates an extension of the law, and is here interpreted to include a minor aged nine years and a day.

(4) Such cereals contain seed, which if sown, however, will not grow.

(5) Ex XXI, 14.

(6) Hif 'il, יִי' (come presumptuously), is here derived from צִיד, to seethe, Hif'il, hezid, to cook, boil, the technical terms for the excitation producing semen. Rashi states that this interpretation is placed upon the word, for if mere wanton wickedness were referred to, Scripture should have written Yarshia' ירשיע from רשע, a wicked man. Thus, by this exegesis, a minor is excluded from the scope of the law.

(7) יִיד Gen. XXV, 29.

(8) Thus the text as reconstructed by Rashal. This is an objection to the view that a minor cannot beget children.

(9) V. p. 387 n. 7. Similarly the 'School of Ishmōel' refers to his successors long after him; Weiss, Dor, 11. p. 93, 94 (where he implies that some teachings introduced by this caption would not really originate with him, or were such of which he would not have approved).

(10) Deut. XXI, 18.

(11) I.e. if the son is himself a father already, this law does not apply.

(12) Since these are the limits between which the law operates.

(13) Whilst the fetus needs at least six months to develop.

(14) I.e., once his wife is impregnated he is already fit to be called a father. But it is unnecessary to exclude him when he is already a father, for by then this hair must be fully grown, and he is automatically excluded by the limitations expressed in the Mishnah.

(15) I.e., whichever period is shorter.

(16) [A town in the vicinity of Nehardea; v. Obermeyer, Die Landschaft Babylonien, 27iff.]

(17) For the fetus being then discernible, the son is fit to be called a father, and is no longer liable, as stated above. v. Yeb. 35a.

(18) Whose pregnancy lasts nine months, the fetus thus not being discernible before three months, when the son

bäcomes fit to be called a father and no longer lia"le to the law of a rebe-lious son.

(19) Num. XXXV, 25f; this
אֲזַכְּמֶקֶנָּה קִיָּא מְקַהְזָּע קֵנָּה גְּקֻדּוּבָּה קִיָּא אַנּוּסָּג מִן אִשִּׁיָּא תְּמַשְׁקֵצ אַּא מִ לְשֵׁא דִּן
יָּשׁ 40 שְׂרִפּוּד יָּזָּה (20)

מִסְּנֵאֲשֵׁרוּג דְּטִשְׁג טַאֲרִיָּא רַם קְמוּנ־טַאֲלָּהָּ, קִיָּאֲזֵק כֶּם קִרְשׁ דִּיאַמְסֵצ יִדְו־קָח (21)
קִא אֲבִקְרוּגָּה קִיָּא מִם גְּקֻמְקֻפְקֻג יֵאֲמֵסֵצ, קִמָּה קִיָּא כֶּם מִן אֲשִׁבּוּכְנָאֲבַמְשֵׁד קִיָּא דִּשׁ יָּן
קִימְשֵׁד קִיָּא טֵנ גְּקֻצְוִשְׁדְּכֶסֶרֶפ עִמּוּקֵנָּה יֵאֲמֵסֵצ, קִמָּה יִבְשֵׁק תְּדִקְדֻדְקָמָּה יָּן, כֶּם טִמְסֵצֻאֲד
רֶפֶה קִיָּא אִשִּׁיָּא מִסְּמַלְ אַסְמִלְ גִּשִׁי דְּדִקְמַאֲוִן, שׁ אִשִּׁיָּא מְקַפְפִּשִׁי אִיעֻזֻצ דְּדָּקָה, אִן יָּמֻזְרָג
אִשִּׁיָּא אִיעֻוִסִיָּא קִבְמִקִי גִמֵּשׁ תְּדִטִשְׁג טַאֲרִיָּא כֶּם גְּקַאֲדוּמְסֵב גִּשִׁי יֵאֲמֵסֵצ עִמּוּגְקֻבְקָה
קִיָּא כֶּם תְּגִמְסֵבְקֵד קִיָּא כֶּם גְּצֻקַּאֲדֻמֵּן תְּגִרְוִיָּא קִיָּא דִּשׁ, קֻצְוִרְבָּה קִיָּא כֶּם טִשְׁג קִיָּא
יָּיאַמְסֵצ, קִמָּה

קִפְדֻקֵר מִן רִמְק אַסְמִלְ דְּקִסָּג אִשִּׁיָּא טַאֲזֶרְסִמְוֻצ שׁ דִּן קִרְקִיָּא קִבְמֻזְד אִשִּׁיָּא יָּקֻזְוִיָּא (22)
דְּ קִיָּא דְּסְמַלְ יִבְשֵׁק אִשִּׁיָּא קֻצְוֻדְדֵשׁ אַסְמִלְ טִי, תִיַאֲמֵסֵצ קִיָּא כֶּם יֵאֲעִמְקֵד קִיָּא כֶּם אֲב
יֵאֲמֵסֵצ עִמּוּגְקֻבְקֶרֶפ קִיָּא כֶּם יֵאֲעִמָּה.

Talmud - Mas. Sanhedrin 69b

But why sll: may she not prove ¹ to be barren, her husband not having married her zn such a condition?² Hence it must be that we take into account only the majority, and the majority of women are not constitutionally barren! No. The penalty incurred on her account is a sacrifice, [but not death]. But it is explicitly stated, ‘They are executed on her account?’ — That refers to incest by her father. But the statement is, If any of the forbidden degrees had intercourse with her?³ — Hence this [Mishnah] refers to a husband who explicitly accepted her under all conditions.

Our Rabbis taught: If a woman sported lewdly with her young son [a minor], and he committed the first stage of cohabitation with her, — Beth Shammai say, he thereby renders her unfit to the priesthood.⁴ Beth Hillel declare her fit. R. Hiyya the son of Rabbah b. Nahmani said in R. Hisda's name; others state, R. Hisda said in Ze'iri's name: All agree that the connection of a boy aged nine years and a day is a real connection; whilst that of one less than eight years is not:⁵ their dispute refers only to one who is eight years old, Beth Shammai maintaining, We must base our ruling on the earlier generations, but⁶ Beth Hillel hold that we do not.

Now, whence do we know that in the earlier generations [a boy of eight years] could beget children? Shall we say since it is written: [i] [And David sent and inquired after the woman, And one said:] Is not this Bath Sheba, the daughter of Eliam, the wife of Uriah the Hittite?⁷ And it is written, [ii] Eliam, the son of Ahitophel the Gilonite;⁸ and it is written, [iii] And he sent by the hand of Nathan the prophet; and he called his name Jedidiah [afterwards Solomon] because of the Lord;⁹ and it is written, [iv] And it came to pass, after two full years [after Solomon's birth], that Absalom had sheepshearers;¹⁰ and it is written, [v] So Absalom fled and went to Geshur and was there three years;¹¹ and it is written [vi] So Absalom dwelt two full years in Jerusalem, and saw not the king's face;¹² and it is written, [vii] And it came to pass after forty years, that Absalom said unto the king, I pray thee, let me go and pay my vow, which I have vowed unto the Lord in Hebron; and it is written,¹³ [viii] And when Ahitophel saw that his counsel was not followed, he saddled his ass, and arose, and got him home to his house, to his city and put his household in order, and hanged himself;¹⁴ and it is written, [ix] Bloody and deceitful men shall not live out half their days.¹⁵ And it has been taught: Doeg lived but thirty-four years, and Ahitophel thirty-three. Hence deduct seven years, Solomon's age when [Ahitophel] committed suicide,¹⁶ which leaves [Ahitophel] twenty-six years old at his birth. Now deduct two years for the three pregnancies, leaving each eight years old when he begot a child.¹⁷ But why so? Perhaps both [Ahitophel and Eliam] were nine years old [at conception], Bath Sheba being only six years when she conceived, because a woman has more [generative] vitality; the proof being that she bore a child before Solomon?¹⁸ — But it is deduced from the following: Now these are the generations of Terah: Terah begat Abram, Nahor and Haran.¹⁹

Now Abraham must have been [at least] one year older than Nahor, and Nahor one year older than Haran;²⁰ hence Abraham was two years older than Haran. And it is written, And Abram and Nahor took them wives: the name of Abram's wife was Sarai,' and the name of Nahor's wife Milcah, the daughter of Horan, the father of Milcah, and the father of Iscah.²¹ Whereon R. Isaac observed: Iscah was Sarai, and why was she called Iscah? Because she foresaw [the future] by holy inspiration;²² hence it is written, In all that Sarah hath said unto thee, hearken unto her voice.²³ Another reason is, that all gazed at her beauty. It is also written. Then Abraham fell upon his face, and laughed and said in his heart, shall a child be born unto him that is on hundred years old? and shall Sarah, that is ninety years old bear?²⁴ Hence, Abraham was ten years older than Sarah, and two years older than her father [Haran]. Therefore, Sarah must have been born when Haran was eight years old. But why so: perhaps Abram was the youngest of the brethren, the Writ giving them in order of wisdom? In proof of this contention, it is written, And Noah was five hundred years old, and Noah begat Shem, Ham and Japheth; hence [if the order is according to age], Shem was at least a year older than Ham, and Ham a year older than Japheth, so that Shem was two years older than Japheth. Now, it is written, And Noah was six hundred years old when the flood of water was upon the earth;²⁵ and it is written, These are the generations of Shem. Shem was a hundred years old, and begat Arphaxad two years after the flood.²⁶ But was he a hundred years old? He must have been a hundred and two years old?²⁷ Hence thou must say that they are enumerated in order of wisdom [not age];²⁸ then here too [in the case of Terah's sons], they are stated in order of wisdom.

R. Kahana said: I repeated this discussion before R. Zebid of Nahardea. Thereupon he said to me: You deduce [that the order is according to wisdom] from these verses, but we deduce it from the following: Unto Shem also, the father of all the children of Eber, the brother of Japheth the elder, even unto him were children born;²⁹ this means that he was the eldest of the brothers.

Then [the difficulty remains,] whence do we know it?³⁰ — From this; [i] And Bezaleel the son of Uri, the son of Hur, of the tribe of Judah;³¹ and it is written, [ii] And when Azubah [Caleb's wife] was dead, Caleb took unto him Ephrath, which bore him Hur.³² Now, how old was Bezaleel when he made the Tabernacle? Thirteen years, for it is written, [iii] And all the wise men, that wrought all the work of the Sanctuary, came every man from his work which they made.³³ And it has been taught: [iv] In the first year after the Exodus, Moses made the Tabernacle; in the second, he erected it and sent out the spies. And it is written, [v] [And Caleb . . . said . . .] Forty years old was I when Moses the servant of the Lord sent me from Kadesh-barnea to espy out the land,³⁴ . . . and now lo, I am this day fourscore and five years old.³⁵ Now, how old was he when sent as a spy? Forty. Deduct fourteen, Bezaleel's age at the time,³⁶ this leaves twenty-six [as Caleb's age at Bezaleel's birth]. Now, deduct two years for the three pregnancies; hence each must have begotten at the age of eight.³⁷

A SON', BUT NOT A DAUGHTER. It has been taught: R. Simeon said, Logically, a daughter should come within the scope of a 'stubborn and rebellious child',

(1) V. supra 55b.

(2) In which case the marriage is null.

(3) This includes the violation of the marriage bond.

(4) I.e., she becomes a harlot, whom a priest may not marry (Lev. XXI, 7).

(5) So that if he was nine years and a day or more, Beth Hillel agree that she is invalidated from the priesthood; whilst if he was less than eight, Beth Shammai agree that she is not.

(6) When a boy of that age could cause conception.

(7) II Sam. XI, 3.

(8) Ibid. XXIII, 34.

(9) Ibid. XII, 25.

(10) Ibid. XIII, 23.

(11) Ibid. 38.

(12) Ibid. XIV, 28.

(13) Ibid. XV, 7.

(14) Ibid. XVII, 23.

(15) Ps. LV, 24. This is quoted in support of the next statement that Ahitopel did not reach thirty-five, half the normal span.

(16) This is arrived at by comparing verses iv, v and vi: Absalom slew Amnon two years after Solomon's birth (iv); he was exiled for three years (v); he then lived two years in Jerusalem before his rebellion (vi), in consequence of which Ahitophel hanged himself soon after (viii). Hence, Solomon was seven years old at the time.

(17) For Ahitopel begat Eliam (ii), Eliam begat Bath Sheba (i), and Bath Sheba begat Jedidiah, i.e., Solomon (iii). Now even allowing only seven months for each pregnancy, these three must have taken nearly two years (Rashi tries to prove that it would take exactly two years, by allowing an additional month in each case for pre-conception menstruation and purification; but this is difficult, and it is preferable to assume with Tosaf. that the two years are approximate). Thus twenty four years are left for the three generations, giving eight years for each: Ahitopel must have been eight years at the conception of Eliam; Eliam eight years at the conception of Bath Sheba; Bath Sheba eight years at the conception of Solomon.

(18) So that in any ease we are bound to assume a lower age for her conception.

(19) Gen. XI, 27.

(20) On the assumption that they are stated according to seniority.

(21) Ibid. 29.

(22) **סַכַּח** is derived from the Aramaic root **סכא** to gaze, to look.]

(23) Ibid XXI, 12.

(24) Ibid. XVII, 17.

(25) Ibid. VII, 6.

(26) Ibid. XI, 10.

(27) Since Noah was five hundred years old when Shem was born, and six hundred when the flood commenced, Shem must have been a hundred then. Consequently, two years later he was a hundred and two years old.

(28) So that Shem as the youngest, not the eldest.

(29) Ibid. X, 21.

(30) That in the earlier generations, a boy of eight could beget child.

(31) Ex. XXXVIII, 22.

(32) Chron. II, 19.

(33) Ex. XXXVI, 4; In the Heb. 'every man' is expressed by ish ish, the doubling of the word emphasising that he had just reached manhood.

(34) Josh. XIV, 7.

(35) Ibid. 10.

(36) Deduced from iii and iv.

(37) i shews that Caleb was Bezaleel's great-grandfather, and iii and iv shew that he was twenty-six at Bezaleel's birth, within which three generations were born.

Talmud - Mas. Sanhedrin 70a

since many frequent her in sin,¹ but that it is a divine decree: 'a son', but not a daughter.

MISHNAH. WHEN DOES HE BECOME LIABLE? — WHEN HE EATS A TARTEMAR² OF MEAT AND DRINKS HALF A LOG³ OF ITALIAN WINE.⁴ R. JOSE SAID: A MINA⁵ OF FLESH AND A LOG OF WINE. IF HE ATE IT IN A COMPANY [CELEBRATING] A RELIGIOUS ACT, OR GATHERED FOR THE PURPOSE OF INTERCALATING THE MONTH;⁶ IF HE ATE THE SECOND TITHE⁷ IN JERUSALEM;⁸ IF HE ATE THE NEBELOTH⁹ OR TEREFOTH,¹⁰ ABOMINABLE AND CREEPING THINGS,¹¹ OR TEBEL,¹² OR THE FIRST TITHE FROM WHICH TERUMAH HAD NOT BEEN SEPARATED,¹³ OR UNREDEEMED SECOND TITHE,¹⁴ OR UNREDEEMED SACRED FOOD;¹⁵ IF HIS EATING INVOLVED A RELIGIOUS ACT OR A TRANSGRESSION;¹⁶ IF HE ATE ANY FOOD BUT MEAT OR DRANK

ANY DRINK BUT WINE, HE DOES NOT BECOME A 'STUBBORN AND REBELLIOUS SON THEREBY, UNLESS HE EATS MEAT AND DRINKS WINE, FOR IT IS WRITTEN, [THIS OUR SON IS STUBBORN AND REBELLIOUS, HE WILL NOT OBEY OUR VOICE;] HE IS A GLUTTON [ZOLEL] AND A DRUNKARD [WE-SOBE].¹⁷ AND THOUGH THERE IS NO ABSOLUTE PROOF, THERE IS A SUGGESTION FOR THIS, AS IT IS WRITTEN, BE NOT AMONG WINEBIBBERS [BE-SOBE]; AMONG GLUTTONOUS EATERS OF FLESH [BE-ZOLELE].¹⁸ GEMARA. R. Zera said: I do not know what is this tartemar; but since R. Jose doubled the measure of wine, he must have doubled that of meat too; hence the tartemar is half a mina.

R. Hanan b. Moladah said in R. Huna's name: He is not liable unless he buys meat and wine cheaply and consumes them,¹⁹ for it is written. He is a Zolel.²⁰ R. Hanan b. Moladah also said in R. Huna's name: He is not liable unless he eats raw meat and drinks undiluted wine.²¹ But that is not so, for did not Rabbah and R. Joseph both say: If he ate raw meat or drank undiluted wine, he does not become a 'stubborn and rebellious son'? — Rabina answered, by 'undiluted wine' insufficiently diluted wine is meant, and raw meat means only partially cooked, like charred meat eaten by thieves.²² Rabbah and R. Joseph both said: If he eats pickled meat or drinks 'wine from the vat', [i. e., new wine before it has matured], he does not become a stubborn and rebellious son'.²³

We learnt elsewhere: On the eve of the ninth of Ab²⁴ one must not partake of two courses, neither eat meat nor drink wine.²⁵ And a Tanna taught: But he may eat pickled meat and drink new wine.²⁶ Now, what length of time must elapse before it is regarded as pickled meat [as opposed to fresh meat]? — R. Hanina b. Kahana said: As long as the flesh of the peace offering may be eaten.²⁷ And how long is it called new wine? — As long as it is in its first stage of fermentation; and it has been taught: wine in the first stage of fermentation does not come within the prohibition against uncovered liquid.²⁸ and how long is this first stage? — Three days. Now, what is the law here? — There [the prohibition of eating meat on the eve on the month of Ab] is on account of joy: as long as it is as the flesh of a peace offering, it yields the joy of meat eating. Here, however, it is on account of its seductiveness, and when a short period has passed, it no longer attracts, whilst wine is unattractive until it is forty days old.²⁹

R. Hanan said: The only purpose for which wine was created was to comfort mourners and requite the wicked,³⁰ for it is written, Give strong drink unto him that is ready to perish [i. e., the wicked], and wine unto those that be of heavy hearts.³¹ R. Isaac said: what is meant by, Look not thou upon the wine when it is red?³² — Look not upon the wine, which reddens the faces of the wicked in this world and makes them pale [with shame] in the next. Raba said: Look not thou upon the wine ki yith'addam: look not upon it, for it leads to bloodshed [dam]³³.

R. Kahana raised a difficulty; The Bible writes tirash [for wine], but the word is read tirosh.³⁴ — If one has merit, he becomes a leader, if not, he becomes impoverished. Raba raised a difficulty: The Bible writes, [and wine] yeshammah [the heart of man], but it is read yesammah.³⁵ — If one has merit, it gladdens him; if not, it saddens him.³⁶ And thus Raba said: wine and spices have made me wise.

R. Amram the son of R. Simeon b. Abba said in R. Hanina's name: What is meant by, Who hath woe? who hath sorrow? who hath contentions? who hath babbling? who hath wounds without cause? who hath redness of eyes? They that tarry long at the wine; they that go to seek mixed wine?³⁷ — When R. Dimi came,³⁸ he said: In the West it is said, In these verses, the second may be interpreted as explanatory of the first, or vice versa.³⁹

'Ubar the Galilean gave the following exposition: The letter waw [and]⁴⁰ occurs thirteen times in the passage dealing with wine: And Noah began to be an husbandman, and he planted a vineyard:

And he drank of the wine and was drunken; and he was uncovered within his tent. And Ham the father of Canaan, saw the nakedness of his father, and told his two brethren without. And Shem and Japheth took a garment, and laid it upon their shoulders, and went backward and covered the nakedness of their father, and their faces were backward, and they saw not their father's nakedness. And Noah awoke from his wine, and knew what his younger son had done unto him.⁴¹ [With respect to the last verse] Rab and Samuel [differ,] one maintaining that he castrated him, whilst the other says that he sexually abused him. He who maintains that he castrated him, [reasons thus:] Since he cursed him by his fourth son,⁴² he must have injured him with respect to a fourth son.⁴³ But he who says that he sexually abused him, draws an analogy between 'and he saw' written twice. Here it is written, And Ham the father of Canaan saw the nakedness of his father; whilst elsewhere it is written, And when Shechem the son of Hamor saw her [he took her and lay with her and defiled her].⁴⁴ Now, on the view that he emasculated him, it is right that he cursed him by his fourth son; but on the view that he abused him, why did he curse his fourth son; he should have cursed him himself? — Both indignities were perpetrated.⁴⁵

And Noah began to be a husbandman, and he planted a vineyard, — R. Hisda said in R. 'Ukba's name, and others state, Mar 'Ukba said in R. Zakkai's name: The Holy One, blessed be He, said unto Noah: 'Noah, shouldst thou not have taken a warning from Adam, whose transgression was caused by wine?' This agrees with the view that the [forbidden] tree from which Adam ate was a vine. For it has been taught: R. Meir said: That [forbidden] tree from which Adam ate was a vine,

(1) I.e., in her 'ultimate end' she may become a harlot, and cause many to err. V. infra 72a, cf. supra 65b.

(2) **, a weight; v. note 11.

(3) A liquid measure equal to the contents (or space occupied by) six eggs.

(4) Italian wine was particularly choice (and strong) and drinking such a quantity thereof, might lead him to drunkenness and its consequent vices. But this measure of any other (inferior) wine would be neither so potent nor seductive.

(5) The mina, sometimes called the Italian mina, was the equivalent of 1 1/2 Roman pounds. The Roman pound contained 288 scruples, the mina 300 scruples = 12 1/2 ounces. According to the Gemara below, the tartemar was half a mina. The word really means a third, and probably indicated 1/3 Alexandrian mina, which contained 150 denarii, whilst the Hebrew mina (maneh) was only 100 denarii. Cf. Zuckermann: Ueber Talmudische Gewichte und Munzen, p. 8.

(6) A religious feast was eaten on such occasions.

(7) One tithe of the crops was to be eaten by its owners in Jerusalem; this was called the second tithe (the first being the tithe given to the Levites. cf. Deut. XIV, 26).

(8) I.e. if he stole money of the second tithe and purchased meat and wine, which he ate in Jerusalem.

(9) Nebelah, pl. nebeloth, is the technical term for an animal that came to its death by any but the prescribed method of slaughter.

(10) Terefah, plural terefoth, denotes an animal which having been ritually slaughtered, is found to have been suffering from certain diseases, which render it unfit for food.

(11) Which are forbidden, v. Lev. XX, 15, and XI, 10ff, 41ff.

(12) Tebel, the crops before the terumoth (v. Glos.) and tithes had been separated.

(13) The Levite, to whom the first tithe was given, had to separate a tithe thereof, called the terumah of the tithe, for the priest.

(14) If one lived at a distance from Jerusalem, he redeemed the second tithe by setting aside its value, plus a fifth, to be expended in Jerusalem. The second tithe then lost its sanctity and might be eaten anywhere.

(15) Food dedicated to sanctuary which had to be redeemed, Lev. XXVII, 19.

(16) V. infra 70b.

(17) זולל וסובא Deut. XXI, 20. Gluttony applies to meat, and drunkenness to wine.

(18) בסבאי יין בזללי בשר, Prov. XXIII, 20.

(19) For if he has to pay a high price, he may find it difficult to procure them, and is therefore not likely to be led into the evil ways for fear of which he is punished — a striking example of the influence of economics on morals.

(20) זולל glutton; by a play on words, this is connected with זול cheap. This does not really prove the point, but is merely adduced as a support.

- (21) This is discussed below.
- (22) Thieves, always fleeing, have no time for properly cooked meat, so they place it hastily on a very hot fire, with the result that it is partly burnt and partly raw. Eating such meat and drinking strong drink is a sign of a voraciousness and drunkenness which justifies fear for his future.
- (23) V. p. 476. n. 2.
- (24) The great fast held in memory of the destruction of the Temple.
- (25) Ta'an. 26b.
- (26) Ibid. 30a.
- (27) I.e., two days, which includes that of slaughter. Even if meat was salted for preserving immediately after slaughter, it has the taste of fresh meat for the first two days.
- (28) For whilst it thus bubbles, it repels snakes. The prohibition of drinking liquid left overnight uncovered was through the fear that a snake might have drunk thereof and in so doing injected some of its poison into it.
- (29) Since his sin lies not in that he actually eats and drinks, but because he is thereby drawn into evil ways, he is liable only for eating and drinking such food as can have a strong attraction for him. Meat more than a day, and wine less than forty days old, lack that attraction.
- (30) The wicked are thereby rewarded for the little good they do in this world (Rashi).
- (31) Prov. XXXI, 6.
- (32) Ibid. XXIII, 31.
- (33) **כִּי יִתְאֲדָם** translated 'when it is red,' is taken as reflexive of **דָּם** 'blood'.
- (34) **תִּירֶשׁ** may mean 'thou shalt become impoverished': **תִּירֶשׁ** 'thou shalt become a leader', a contraction of **תִּהְיֶה רֹאשׁ**. Thus the written word and the actual reading are contradictory.
- (35) **יִשְׂמַח** means 'maketh glad'; **יִשְׂמַח** a play on the word **יִשְׁמַח** (**שְׂמַח**) maketh desolate.
- (36) I.e. in moderation it is good; in excess, it wastes one's life.
- (37) Prov. XXIII. 29f.
- (38) V. p. 390, n. 1.
- (39) The second as explanatory of the first: who have all these evils? — Those who tarry long etc., the second being the cause, the first the effect. Vice versa: for whom is it fitting to tarry long over wine? — For the wicked only (i.e.. those who have the woes, and contentions of a life of wickedness).
- (40) V. following note.
- (41) Gen. IX, 20-24. In this passage, the conversive waw occurs thirteen times, in each case followed by the yod of the imperfect. The combination waw yod, (**וַי**) means 'woe' in Heb. Thirteen woes: so great are the sorrows caused by drunkenness.
- (42) The sons of Ham were Cush and Mizraim, and Phut and Canaan. Gen. X, 7. Noah cursed Canaan, his fourth son. Ibid. IX, 25ff
- (43) I.e., by emasculating him, he deprived Noah of the possibility of a fourth son.
- (44) Ibid. XXXIV, 2.
- (45) He both castrated and abused his father.

Talmud - Mas. Sanhedrin 70b

for nothing else but wine brings woe to man. R. Judah said: It was the wheat plant,¹ for an infant cannot say 'father' and 'mother' until it has tasted of wheat.² R. Nehemiah said: It was the fig tree, for whereby they transgressed, they were taught to make amends, as it is written, And they sewed fig leaves together.³

The words of King Lemuel, the burden wherewith his mother admonished him.⁴ R. Johanan said in the name of R. Simeon b. Yohai: This teaches that his mother thrust him against a post⁵ and said to him, What my son? and what, the son of my womb? and what, the son of my vows? 'What my son?' All know that thy father was a God-fearing man, and therefore they will say that thou inheritest [thy sinfulness] from thy mother.⁶ 'And what, the son of my womb?' All the women of thy father's harem, as soon as they conceived, no longer saw the king, but I forced myself in, so that my child might be vigorous and fair-skinned.⁷ 'And what, the son of my vows?' All the women of thy

father's household made vows [praying] that they might bear a son fit for the throne, but I vowed praying that I might bear a son zealous and filled with the knowledge of the Torah and fit for prophecy. It is not for Kings, O Lemuel, it is not for kings to drink wine, nor for princes [to say,] Where is strong drink?⁸ She spoke thus to him: What hast thou to do with kings who drink wine and say, 'What need have we of God?'⁹ R. Isaac said: whence do we know that Solomon repented and confessed to his mother [the justice of her rebukes]? — From the verse, Surely, 'I am more brutish than man, and' have not the understanding of a man.¹⁰ I am more brutish than a man [ish].¹¹ — that is, than Noah, of whom it is written, And Noah began to be an husbandman [ish];¹¹ 'and have not the understanding of a man' [adam]¹² — of Adam.¹³

IF HE ATE IT IN A COMPANY [CELEBRATING] A RELIGIOUS ACT. R. Abbahu said: He is not liable unless he eats in a company consisting entirely of good-for-nothings. But did we not learn, IF HE ATE IT IN A COMPANY [CELEBRATING] A RELIGIOUS ACT, . . . HE DOES NOT BECOME A REBELLIOUS SON THEREBY. Hence, it is only because they were celebrating a religious act, but otherwise, [he becomes a rebellious son] even if they are not all wastrels? — The Mishnah teaches that even if they were all wastrels, yet if they were celebrating a precept, he is not punished.¹⁴

OR GATHERED FOR THE PURPOSE OF INTERCALATING THE MONTH.

Shall we say that they ate¹⁵ meat and wine [on such occasions]? But it has been taught: They ascended¹⁶ for it with a meal consisting only of wheat bread and beans. — The Mishnah teaches thus; Though they normally ascended only with wheat bread and beans, whilst he brought up meat and wine and ate, Yet since they were engaged in a religious act, he would not be led astray.

Our Rabbis taught; Not less than ten ascend for the purpose of proclaiming the month a full one,¹⁷ nor do they ascend for it except with a meal consisting of wheat bread and beans; they ascend only on the evening following the intercalated day, and at night, not by day.¹⁸ But has it not been taught: They may not ascend for it by night, but only by day? — It is even as R. Hiyya b. Abba said to his sons: 'Go up there early, and come out early, so that the people may learn of your celebration.'¹⁹

IF HE ATE THE SECOND TITHE IN JERUSALEM.

For since he eats it in the normal way [i.e. in Jerusalem] he is not drawn [to wickedness].

IF HE ATE NEBELOTH OR TEREFOH, ABOMINABLE OR CREEPING THINGS.

Raba said: If he eats the flesh of fowl, he does not become a 'stubborn and rebellious son'. But did we not learn: IF HE ATE NEBELOTH OR TEREFOH, ABOMINABLE OR CREEPING THINGS²⁰ . . . HE DOES NOT BECOME A 'STUBBORN AND REBELLIOUS SON' THEREBY. [This implies;] but if he ate [the flesh of] clean [fowl], he does? — The Mishnah refers only to the completion [of the necessary amount].²¹

IF HIS EATING INVOLVED A RELIGIOUS ACT OR A TRANSGRESSION.

By a RELIGIOUS ACT is meant the meal for comforting mourners;²² A TRANSGRESSION mean
 2 4 מוסד ק קיא דן א י, גמש 2 3 ימשג אדשכ בךנופ ש מם עמזאהק
 קנם ג ד גוךבסק דיא 2 5 :קבזסה רום טקנם אסמ דדן, קי תיאף ד קדנז קיב
 2 6 יקבזסה ד'גסע כם קתמקזג

יבאקדקמ , אונ ל זרג טמש למשרג רסל שקצ ונ גססכ טמש קן קי כן

סרכ ד זכ גקדדקרפ מקוק דוגודבמן דניא פאשקצ אונ גססכ טמש קאש קי כן
 זו/םך מקוק דקגודבמן דניא קמון, אונ למזרג טמש למשרג רם 7 2 ין שדוקל צ
 כ דעזכ גקדדקרע אה קמם כן :א עושא מק ז דתמ אן רסכ ילדוקצ גמש ט מי
 mi"k and Êheû eÚtered the Sanctuary,

(1^a In which case, \$g\$á (tree) in õhe Heb. must be unde[stood as aygenµric noun for plant life. There is also a legend that in the distant future the wheat shall grow a° tall as a Valm tree; Úin tB! Garden of eden story it is therefore called alltree on account of its future state.

(2) Thus, wheat is the first thing to induce knowledge.

(3) Gen. III, 7.

(4) Prov. XXXI, 11.

(5) To have hiÚ flagellated for his over-indulgence in worldly pTMasures (RHshi)..(6e #.e., why should 'ou thus — called m^a son?

(7) And ná= he was employing µis very strength andábeauty in evil courses.

(8) Ibid.3.

(9) By a play on words אל לא meaning 'not' is HonneÊteh with 'to God', Lemuel read as Immo-el, (למו-אל למואל), 'to !od', the He\ letters being the same, "iffering only in -he vowel.

(10) =bid. XXX, 2.

(11) איש

(12) אדם

(13) Both of whom were ensnared by wine, yet have I drunk more than they.

(14) For in that case, the company will not cause him to err, seeing that they are thus engaged. But on the other hand, even if not engaged in celebrating a prec.pt, if there is a single decent man among א מןשראדקי טשצ יבוי, תקבמקודכמן טרשאודשד ש קדזברקס טשצ קי תצקיא א יןןהק כם קדרוסב עמסדגשקי ש צ רכ רסדדקרעדמשרא דני

(15) ין פו איעוסרנ יןאנד

(16) יקאסמ אסקמ יזה

(17) דשצרסכ ש כם דספרופ קיא רסכ אסמ דש, דניא ידטשג טארניא כם תיקקין
 סאשמזרגקימשד קיא כם מסדזבג קיא מ.סמל עמולשצ כם אונ תמסזאשרשדבג.
 מש מן קמסג דש, דניא דךש תטאזבדנופ אן קהזע סא רקגרם מן יקדפסקפ קיא
 א גקדספסק מקי, גקמקבדש נרזה קיא כם קדו קיא קבמקי תרקנצשיב רקפפו
 ין, קזה בזדנופ קיא ס

(18) קדן, רקיאם איעוצ אן אשיא דמזשפסק יכשדסא ין 0 ודכרקפוד דצקקד דניא
 ש קיא עמן, סדךס עמזמקהק קיא מם טךמם גמקבדש טקיא ישיא איעוסיא קן
 עמזמקהק קיא מם קן אסמ אדוצ אן אשיא דקדדשיפצק טדקרקצ טשג דשמסזאזג
 יןאיעושיא טךרשדובזארשפ אסמ דן כדקדאן עמזמקהק אשיא אוס תעמזגקבקרפ

(19) ון/ דש, אן דןאמו אןש, סא אסמ קרק, טקיא תיקקין יטסט רשקי תיןאנד
 קרק, טקיא קרסכקרקיא תגקארקדקג קרש דאקקראד קיא מקיא טנ דש תלרשג קא
 שדפ לססא טמסצקרקב דשזאמקדדק קיא אונ יטשג אקט דש, אן אדדני, פו סע סא
 מרסי קיא מן טךרש/ רקנצשיב קיא קהש ד סא סדךש קרק, טקיא יןאיעזמ אש קב
 ו קיא מן איעזמ קיא אמקפד טקיא אשיא אמקנזהק קצשבקן אן עמזסג סד טנ :עמן
 אונ יןאמקנזהק קצשבקן סדךש פו עמזסע מן קדספרופ רןקיא גמש רקנצשיב רקפפ
 מן טךמם פו קמסע גשי טקיא אשיא איעום א קן איעוצ אן תגקזררשא טקיא כן
 ין, קזה מן קדספרופ רקיאם קצסד גשי גמש עמזמרסצ קיא

(20) י כן תוקקין (21) יככ 13 תזם ינהקד יזה פדך, סכ משקדבמו סדךש עמזאסמקג
 ו גקאקדפצסב גמשו תידקדכ גקאאזצרקפ כם רשצקארשא ש משיא דדקד קאש ק
 קארש קדסי, קיא כן אונ יןגקידזמופ אסמ דן קי יבאק יאסדקנקמ עמ אשק טנ א
 יןאפצקסמ קן סדךש גדום, קי ד, סכ משקדב כם ידק כ קיא דש, רשצ

(22) רקן רשק קיא רסכ יןאמקצאבשמק דשבזמזננשר ש טךמם דש, דניא יעוסיא
 עזקר ש (עמזאשרנקדקב) טטמש צסב ש מן קאש קי כן ישמידוקצ קיא כם קדושדב
 תאפקבקרפ דשבזדנזן ש סא עמזררקקד דש גקאקרפרקאמן קן איעוצ אבש דוסן

יקבוצר בשד רקהסדדשפ קיא כם עמזאשק קיא עיזק
 זגרם דשבזמזננשר ש טדמם דן ססא דזיא יעוסיא ידזננשר טנ גקצזשדכסרפ (23)
 יקבמזשז
 דדקנקר ש קמם רקגמקר אסמ דקסג גססכ מקגגנרסכ כם עמזאשק קיא אשיא (24)
 יזמסד דוסן
 יז 20 תזסם יזאוקג (25)
 יז יז יזה אמקדקרפזמצם קבשדפ קיא תצסלשז כם קבזסה קיא תזאזד (26)
 יזככ 225 יזפפ תזזה מזרזידקה תזבדרי
 קרק, דעזכ גקדדקרפ קדקיא יזשקגזח כם אבזראדזג גמשד,סד קיא מז מ,סא ש (27)
 ד דוסדדקנקר ש צזי רקגמקר אסמ סג טקיא תדדקדקיארקקמ תעמזאשכזססאזן
 יזמם

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he is punished.¹

HE DOES NOT BECOME A 'STUBBORN AND REBELLIOUS SON,' UNLESS HE EATS MEAT AND DRINKS WINE.

Our Rabbis taught: If he ate any food but meat, and drank any drink but wine, he does not become a stubborn and rebellious son' — unless he eats meat and drinks wine, for it is written. He is a glutton and a drunkard; and though there is no absolute proof, there is a suggestion for this, as it is written, Be not among the winebibbers, among gluttonous eaters of flesh.² And it is also said, For the drunkard and glutton shall come to poverty; and drowsiness shall clothe a man with rags.³ R. Zera said: whoever sleeps in the Beth Hamidrash,⁴ his knowledge shall be reduced to tatters,⁵ for it is written, and drowsiness shall clothe a man with rags. MISHNAH. IF HE STOLE OF HIS FATHER'S AND ATE IT IN HIS FATHER'S DOMAIN, OR OF STRANGERS AND ATE IT IN THE DOMAIN OF THE STRANGERS, OR OF STRANGERS AND ATE IN HIS FATHER'S DOMAIN, HE DOES NOT BECOME A 'STUBBORN AND REBELLIOUS SON,' — UNTIL HE STEALS OF HIS FATHER'S AND EATS IN THE DOMAIN OF STRANGERS. R. JOSE, SON OF R. JUDAH SAID: UNTIL HE STEALS OF HIS FATHER'S AND MOTHER'S.

GEMARA. IF HE STOLE OF HIS FATHER'S AND ATE IT IN HIS FATHER'S DOMAIN: though this is easily within his reach, he is afraid;⁶ OR OF STRANGERS AND ATE IT IN THE DOMAIN OF STRANGERS: though he is not afraid, yet it is not easily within his reach; how much more so IF HE STOLE OF STRANGERS AND ATE IN HIS FATHER'S DOMAIN, this not being easily attainable, and he, in addition, is afraid. UNTIL HE STEALS OF HIS FATHER'S AND EATS IT IN THE DOMAIN OF STRANGERS, which is easily within his reach and does not cause him fear.

R. JOSE, SON OF R. JUDAH SAID: UNTIL HE STEALS OF HIS FATHER'S AND MOTHER'S.

But how can his mother possess aught, seeing that whatever a woman acquires belongs to her husband? — R. Jose. son of R. Hanina answered: It means that he steals from a meal prepared for his father and mother. But did not R. Hanan b. Molad say in R. Huna's name: He is not liable unless he buys meat and wine cheaply and consumes them? — But say thus: from the money set aside for a meal for his father and mother.⁷ An alternative answer is this: a stranger had given her something and said to her, 'I stipulate that your husband shall have no rights therein.'

MISHNAH. IF HIS FATHER DESIRES [TO HAVE HIM PUNISHED], BUT NOT HIS MOTHER; OR THE REVERSE, HE IS NOT TREATED AS A 'STUBBORN A REBELLIOUS

SON', UNLESS THEY BOTH DESIRE IT. R. JUDAH SAID: IF HIS MOTHER IS NOT FIT FOR HIS FATHER, HE DOES NOT BECOME A 'STUBBORN AND REBELLIOUS SON'.

GEMARA. What is meant by 'NOT FIT'? Shall we say that she is forbidden to him under penalty of extinction or capital punishment at the hand of Beth din,⁸ but after all, his father is his father, and his mother is his mother? — But he means not physically like his father. It has been taught likewise: R. Judah said: If his mother is not like his father in voice, appearance and stature, he does not become a rebellious son. Why so? — The Writ saith, he will not obey our voice,⁹ and since they must be alike in voice, they must be also in appearance and stature. With whom does the following Baraitha agree: There never has been a 'stubborn and rebellious son',¹⁰ and never will be. Why then was the law written? That you may study it and receive reward. — This agrees with R. Judah.¹¹ Alternatively, you may say it will agree with R. Simeon. For it has been taught: R. Simeon said: Because one eats a tartemar of meat and drinks half a log of Italian wine, shall his father and mother have him stoned? But it never happened and never will happen. Why then was this law written? — That you may study it and receive reward. R. Jonathan said: 'I saw him¹² and sat on his grave'.

With whom does the following agree? Viz., It has been taught: 'There never was a condemned city, and never will be.' — It agrees with R. Eliezer. For it has been taught, R. Eliezer said: No city containing even a single mezuzah¹³ can be condemned. Why so? Because the Bible saith [in reference thereto], And thou shalt gather all the spoil of it in the midst of the street thereof and shalt burn [them].¹⁴ But if it contains a single mezuzah, this is impossible, because it is written, [And ye shall destroy the names of them — i.e., the idols — . . .] Ye shall not do so unto the Lord your God.¹⁵ R. Jonathan said: I saw it, [a condemned city] and sat upon its ruins.

With whom does the following agree: There never was a leprous house [to need destruction], and never will be?¹⁶ Then why was its law written? — That you may study it and receive reward. With whom does it agree? — With R. Eliezer son of R. Simeon. For we learnt: R. Eliezer son of R. Simeon said: A house never becomes unclean unless a plague spot appears, the size of two beans, on two stones in two walls, and at the angle of the walls; It must be two beans in length, and one in breadth. Why so? Because the Bible refers to the walls [of the house]¹⁷ and also to the wall:¹⁸ where is one wall as two? At its angle.¹⁹

It has been taught: R. Eliezer son of R. Zadok said: There was a place within a Sabbath's walk²⁰ of Gaza, which was called the leprous ruins. R. Simeon of Kefar Acco²¹ said: I once went to Galilee and saw a place, which was marked off, and was told that leprous stones were thrown there!

MISHNAH. IF ONE OF THEM [HIS FATHER OR HIS MOTHER] HAD A HAND OR FINGERS CUT OFF, OR WAS LAME, DUMB, BLIND OR DEAF, HE DOES NOT BECOME A 'STUBBORN AND REBELLIOUS SON', BECAUSE IT IS WRITTEN, 'THEN SHALL HIS FATHER AND HIS MOTHER LAY HOLD ON HIM', — THIS EXCLUDES THOSE WITH HANDS OR FINGERS CUT OFF; 'AND BRING HIM OUT', EXCLUDING LAME PARENTS; 'AND THEY SHALL SAY', EXCLUDING THE DUMB; 'THIS OUR SON', EXCLUDING THE BLIND;²² 'HE WILL NOT OBEY OUR VOICE, EXCLUDING THE DEAF.²³ HE IS ADMONISHED IN THE PRESENCE OF THREE AND FLAGELLATED. IF HE TRANSGRESSES AGAIN AFTER THIS, HE IS TRIED BY A COURT OF TWENTY THREE, AND CANNOT BE SENTENCED TO STONING UNLESS THE FIRST THREE ARE PRESENT, BECAUSE IT IS WRITTEN, 'THIS OUR SON', IMPLYING, 'THIS ONE WHO WAS WHIPPED IN YOUR PRESENCE'.

GEMARA. This proves that the Bible must be taken literally as it is written!²⁴ — [No; for] here it is different,

- (1) This refers to a priest, who was forbidden to enter the Sanctuary after indulging in strong drink (Lev. X, 9).
- (2) Prov. XXIII, 20.
- (3) Ibid. 21.
- (4) V. Glos.
- (5) I.e., he shall forget most of it, retaining only scraps — perhaps R. Zera found an inclination among his disciples to dose off whilst he was teaching.
- (6) To do this often, and hence will not be led into evil ways.
- (7) [In which money the mother has an exclusive share, as alimentionation is part of the husband's obligations to the wife.]
- (8) E.g., if his mother was his father's sister or daughter.
- (9) Deut. XXI, 20. Since 'voice' is in the singular, they must both have a similar voice, so that they sound as one,
- (10) In the Biblical sense, to be executed.
- (11) Since it is obviously impossible that his father and mother should be so exactly alike.
- (12) A rebellious son who was executed at his parents' demand.
- (13) **מזוזה** an encased strip of parchment, on which is written the first two sections of the Shema' (v. Glos.). This is fixed to the doorpost.
- (14) Deut. XIII, 17.
- (15) Ibid. XII, 4.
- (16) V. Lev. XIV, 34 et seq.
- (17) Lev. XIV, 37.
- (18) Ibid. 37.
- (19) Such a combination of circumstances must be so rare as to amount to an impossibility.
- (20) 2000 cubits out of town.
- (21) [Caphare Accho in lower Galilee, v. Hildesheimer, Beitrage, p. 81.]
- (22) 'This our son' implies that they see him.
- (23) For when they order him, and he replies, they cannot say for certain that he declined to obey them when ordered, even if they subsequently see that their order was disregarded.
- (24) V. supra 45b.

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since the entire verse is superfluous.¹

HE IS ADMONISHED IN THE PRESENCE OF THREE.

Why so? Are not two sufficient? — Abaye answered: The Mishnah means this: He is admonished in the presence of two,² and ordered lashes by a court of three.³

Where are lashes stated for a stubborn and rebellious son? — As in R. Abbahu's exegesis. For R. Abbahu said: we draw an analogy between and they shall chastise him, written twice;⁴ and [the meaning of] and they shall chastise him is deduced from [the fact that] ben⁵ [occurs in this passage], and then a further analogy is drawn between the word ben written here and in And it shall be if the wicked man be worthy⁶ to be beaten.⁷

IF HE TRANSGRESSES AGAIN AFTER THIS, HE IS TRIED BY A COURT OF TWENTY THREE etc.

But is not this verse [sc. This our son] needed to teach, 'This', excluding blind parents?⁸ — if so, the Bible should have written, 'He is⁹ our son'. Why state, This our son?¹⁰ [Hence] deduce there from both.

MISHNAH. IF HE [THE REBELLIOUS SON] FLED BEFORE HIS TRIAL WAS COMPLETED, AND THEN HIS NETHER HAIR GREW ROUND,¹¹ HE IS FREE. BUT IF HE

FLED AFTER HIS TRIAL WAS COMPLETED, AND THEN HIS NETHER HAIR GREW ROUND, HE REMAINS LIABLE.

GEMARA. R. Hanina said: A Noachide who blasphemed the Divine Name and then became a proselyte, escapes punishment, since the judicial procedure and death are [thereby] changed.¹² Shall we say that [the Mishnah] supports him? IF HE FLED BEFORE HIS TRIAL WAS COMPLETED AND THEN HIS NETHER HAIR GREW ROUND, HE IS FREE. Why so? Surely because since he has changed [in age] he has [also] changed [in liability]!¹³ — No, here [in the Mishnah] it is different, for should he transgress now, he is not liable at all.¹⁴

Come and hear: BUT IF HE FLED AFTER HIS TRIAL WAS COMPLETED, AND THEN HIS NETHER HAIR GREW ROUND, HE REMAINS LIABLE.¹⁵ — You speak of one who is actually sentenced! But once sentenced, he is [already] as dead.¹⁶

Come and hear: A Noachide who slew his neighbour [likewise a gentile] or violated his wife, and then became converted, is exempt. But if he did this to an Israelite, he is punished. But why so? Should we not say: Since he is changed [in respect of judicial procedure] he is changed [in respect of liability too]? — The change must be in respect of both the judicial procedure and the death penalty: but this Noachide's status has altered only in respect of the former, but not of the latter. Granted that this is true of a murderer: before [conversion] his penalty was decapitation, and it is so now too. But [the violation of] a married woman was punishable before [conversion] by decapitation, but now by strangulation? — [This refers to] the violation of a betrothed maiden, for which stoning is decreed in both cases. But 'if he did this to an Israelite' is parallel to 'or violated his neighbour's wife!'¹⁷ — The lesser [punishment] is included in the greater.¹⁸ Now this agrees with the view of the Rabbis that decapitation is severer [than stoning]; but on the view of R. Simeon that stoning is the greater punishment, what can you say? — R. Simeon concurs with the Tanna of the School of Manasseh, who says that wherever death is decreed for the Noachide, it is by strangulation. Now, this is true of adultery, the penalty for which both before and after [conversion] is strangulation.¹⁹ But murder was punishable before by strangulation; now by decapitation! — The lesser is included in the greater.²⁰

Shall we say that the following supports him? [For it was taught:] If she [sc. a betrothed maiden] sinned [by committing adultery], and then attained puberty [becoming a bogereth], she is strangled.²¹ Now, why not stoned?²² Surely, because since she is changed [physiologically], she is likewise changed [in respect of punishment];²³ how much more so in this case,²⁴ where a complete change has taken place? — [This does not support him,] for R. Johanan said to the tanna:²⁵ Read, she is stoned.

MISHNAH. A 'STUBBORN AND REBELLIOUS SON' IS TRIED ON ACCOUNT OF HIS ULTIMATE DESTINY: LET HIM DIE INNOCENT AND LET HIM NOT DIE GUILTY. FOR THE DEATH OF THE WICKED BENEFITS THEMSELVES AND THE WORLD;²⁶ OF THE RIGHTEOUS, INJURES THEMSELVES AND THE WORLD. WINE AND SLEEP OF THE WICKED BENEFIT THEMSELVES AND THE WORLD;²⁷ OF THE RIGHTEOUS, INJURE THEMSELVES AND THE WORLD.²⁸ THE SCATTERING OF THE WICKED BENEFITS THEMSELVES AND THE WORLD;²⁹ OF THE RIGHTEOUS, INJURES THEMSELVES AND THE WORLD. THE ASSEMBLING OF THE WICKED INJURES THEMSELVES AND THE WORLD; OF THE RIGHTEOUS, BENEFITS THEMSELVES AND THE WORLD. THE TRANQUILLITY OF THE WICKED INJURES THEMSELVES AND THE WORLD;³⁰ OF THE RIGHTEOUS, BENEFITS THEMSELVES AND THE WORLD.

(1) For the Bible could have written, 'And ye shall bring him out unto the gate of that city, and stone him.' Hence, the rest must have been inserted as limiting clauses. But if a verse is not superfluous in itself, it may be that it need not be literally interpreted.

- (2) So that they may be witnesses thereof since he cannot be executed on his parents' testimony alone.
- (3) As all who are sentenced to lashes; v. supra 2a.
- (4) R. Abbahu said this in reference to the slanderer of a woman's honour: whence do we know that he is punished by lashes? Because the Bible writes, And they (the elders) shall chastise him. Deut. XXII, 18. By analogy with And they shall chastise him, said with reference to a rebellious son (ibid. XXI, 18), we learn that the same treatment is meted out to both.
- (5) בן 'son'.
- (6) בן Heb. bin — the letters do not differ from ben, the meaning is the same.
- (7) Deut. XXV, 2. There, flagellation is explicitly prescribed. By analogy, the same applies to a rebellious son, and by a further analogy, to the slanderer.
- (8) V. Mishnah.
- (9) That would imply, 'he who was lashed in your presence.'
- (10) Which implies that they actually point to him (Rashi). [Yad Ramah reverses the interpretation].
- (11) So that he is beyond the age limit; v. supra 68b.
- (12) A Noachide is tried by one judge, and on the testimony of one witness only, and is executed even if no formal admonition preceded his offence; a Jew is tried by a court of twenty three, on the testimony of at least two, and only after formal admonition. Moreover, a gentile is decapitated, whereas a Jew is stoned.
- (13) Hence, the same principle holds good here.
- (14) But in the case under discussion, blasphemy after conversion is also punishable, though the procedure differs.
- (15) In spite of his changed status. This refutes R. Hanina's dictum.
- (16) Therefore his altered status does not free him.
- (17) 'His neighbour's wife' must refer to a nesu'ah, since the sacredness of betrothal alone is not recognised by heathens. Consequently, 'if he did this to an Israelite must also refer to a nesu'ah.
- (18) I.e., this does refer to a nesu'ah, whose violation before conversion is punished by decapitation; after conversion, by stoning. But the latter being more lenient than the former, it is regarded as included therein; hence his death has not changed. But in blasphemy, the change is from decapitation to stoning. Which is the reverse.
- (19) According to the last answer.
- (20) Decapitation being more lenient than strangulation.
- (21) V. Keth. 45a.
- (22) In accordance with the penalty of a na'arah.
- (23) Though here it does not exempt her entirely, since strangulation, to which a bogereth is liable, is included in stoning, the punishment of a na'arah.
- (24) Of blasphemy.
- (25) [R. Shila, who recited the Baraita, Keth. 45a.]
- (26) It benefits them, in that they sin no more.
- (27) For whilst drinking and sleeping they can do no evil.
- (28) Because their time can be better spent, with greater advantage to themselves and to others.
- (29) Being scattered, they cannot take counsel together for evil.
- (30) As it gives them the opportunity of devising evil.

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GEMARA. It has been taught: R. Jose the Galilean said: Did the Torah decree that the rebellious son shall be brought before Beth din and stoned merely because he ate a tartemar of meat and drank a log of Italian wine? But the Torah foresaw his ultimate destiny. For at the end, after dissipating his father's wealth, he would [still] seek to satisfy his accustomed [gluttonous] wants but being unable to do so, go forth at the cross roads and rob.¹ Therefore the Torah said, 'Let him die while yet innocent, and let him, not die guilty.' For the death of the wicked benefits themselves and the world; of the righteous, injures themselves and the world. Sleep and wine of the wicked benefit themselves and the world; of the righteous, injure themselves and the world. The tranquillity of the wicked injures themselves and the world; of the righteous, benefits themselves and the world. The scattering of the wicked benefits themselves and the world; of the righteous, injures themselves and the world.

MISHNAH. [THE THIEF] WHO BURROWS HIS WAY IN² IS JUDGED ON ACCOUNT OF ITS PROBABLE OUTCOME. IF HE BROKE THROUGH AND BROKE A JUG, SHOULD THERE BE 'BLOOD-GUILTINESS FOR HIM,'³ HE MUST PAY [FOR THE JUG], BUT IF THERE IS NO 'BLOOD-GUILTINESS FOR HIM,'⁴ HE IS NOT LIABLE.⁵

GEMARA. Raba said: what is the reason for the law of breaking in? Because it is certain that no man is inactive where his property is concerned; therefore this one [the thief] must have reasoned, 'If I go there, he [the owner] will oppose me and prevent me; but if he does I will kill him.' Hence the Torah decreed, 'If he come to slay thee, forestall by slaying him'.

Rab said: If one broke into a house, and stole some utensils and departed, he is free [from making restitution] — Why? Because he has purchased them with his blood.⁶ Raba⁷ said: It would logically appear that Rab's dictum holds good only if he broke the utensils, so that they are not in existence; but not if he merely took them [and they are still intact]. But in truth,⁸ Rab's dictum applies even if he merely took them. For [even] where there is 'blood-guiltiness for him', if the utensils are injured, he is liable. This proves that they stand under his [the thief's] ownership; so here too, they are under the thief's ownership.⁹ But it is not so.¹⁰ The Divine Law placed it under the thief's control only in respect of injury;¹¹ but as to ownership, it remains the property of the first owner,¹² just as in the case of a borrower.¹³

We learnt: IF HE BROKE THROUGH AND BROKE A JUG, SHOULD THERE BE BLOOD-GUILTINESS FOR HIM', HE MUST PAY [FOR THE JUG]; BUT IF THERE IS 'NO BLOOD-GUILTINESS FOR HIM', HE IS NOT LIABLE. Thus, it is only because he broke it that he is exempt when there is no blood-guiltiness for him, but if he only took it, he is not exempt?¹⁴ — The same law [of exemption] applies even if he merely took it, and the reason it states, 'AND BROKE A JUG' is to show that if there is blood-guiltiness for him, he is liable even if he broke it. But is this not obvious, since he damaged it? — We are thereby informed that [he is liable] even if he broke it unintentionally. What does this teach us? That a man is always regarded as forewarned?¹⁵ But we have already learnt this: A man is always regarded as forewarned, whether [he did damage] unwittingly or wittingly accidentally or deliberately. This is a difficulty!¹⁶

R. Bibi b. Abaye objected: [We learnt:] If one steals a purse on the Sabbath, he is bound to make restitution, since the liability for theft arose before the desecration of the Sabbath. But if he drags it out of the house, he is exempt, since they are simultaneous!¹⁷ — [No]. This ruling holds good only, if he threw it into the river.¹⁸

Raba was robbed of some rams through a thief breaking in. Subsequently they [the thieves] returned them, but he refused to accept them, saying. 'Since Rab has thus ruled,¹⁹ [I abide by his decision]'.¹⁹

Our Rabbis taught: [If a thief be found breaking up, and be smitten that he die], there shall no blood be shed for him, if the sun be risen upon him.²⁰ Now, did the sun rise upon him only? But [this is the meaning: 'If it is as clear to thee as the sun that his intentions are not peaceable, slay him; if not, do not slay him.' Another [Baraita] taught: If the sun be risen upon him, there shall be blood shed for him. Now, did the sun rise upon him alone? But if it is as clear to thee as the sun that his intentions are peaceable, do not slay him; otherwise, slay him. These two unnamed [Baraitas] contradict each other.²¹ — This is no difficulty:

(1) Evil habits, even if not actually sinful, very rapidly lead to sin. 'For precept draws precept in its train, and transgression, transgression; for the recompense of a precept is a precept, and the recompense of a transgression, a transgression' (Aboth IV. 2).

- (2) V. Ex. XXII, 1. He may be killed by the occupier of the house with impunity.
- (3) I.e., if his death is punishable.
- (4) I.e., if he may be killed with impunity.
- (5) V. infra. Not in every circumstance was the house owner allowed to kill him.
- (6) Since he risked his life, which the owner could have taken with impunity.
- (7) The Rashal reads 'Rabbah'.
- (8) Lit., 'Oh God!' — an oath.
- (9) The reasoning is as follows: when something is stolen, it loses its first ownership, and passes into that of the thief, who is therefore liable for having removed it from its owner's control as for an ordinary debt. Consequently, he is liable even if it is broken. For if it theoretically remained in its first ownership, the thief would not be liable for any injury to it. Hence in this case, since the thief, by his act of breaking in, became liable to death, restoration cannot be demanded even if it is intact, for liability to monetary restoration is cancelled in the face of the greater liability to death.
- (10) Raba (or Rabbah), having proved that Rab's dictum holds good even if the utensils are intact, now demolishes the theory upon which it is based.
- (11) As explained in note 1.
- (12) And if intact, the thief cannot retain the stolen article and offer the value instead.
- (13) If one borrows (not hires) an article, and it is damaged in his possession, he must make it good, though it really remains the property of the first owner, who can claim the return of it intact, if available. So he is liable too.
- (14) This contradicts Rab's ruling.
- (15) I.e., lack of intention or an accident, does not free him from his full liabilities.
- (16) Nevertheless, it does not altogether refute Rab's ruling, since the Mishnah can be interpreted as holding good even if he looks at it, though as shown above, such interpretation is not very plausible (Rashi).
- (17) Lit., 'The prohibition of stealing and the prohibition involving stoning came together'. But 'stealing' is meant that he took it in his hand, thereby lifting it up from its place. Lifting up is a method of final acquisition, and as soon as he does this with felonious intent he has stolen it, and hence is liable for theft. But the Sabbath is violated until he takes it into the street, the violation consisting of the carrying of the purse from a private domain (the house) into a public domain (the street). But if he draws it along the floor of the house, not lifting it up, the act of theft is committed only when it leaves the house; simultaneously with this, the Sabbath is desecrated. Since he is liable to stoning for the latter he is exempt on account of the former, it being a principle that if a person simultaneously commits two wrongs, the greater only is punished. Hence we see that though the purse is still in existence, he is not bound to return it. This refutes Rab's ruling. (18) I.e., destroyed it. But if it is intact, he is bound to return it.
- (19) Lit., 'Since the matter came out from the mouth of Rab'. (20) Eo. XXII, 1 f. The clauses here thus coupled in this Baraita, the Massoretic punctuation... being disregarded.
- (21) The first implying that in doubt thou mayest not slay him; the second, that in doubt thou mayest.

Talmud - Mas. Sanhedrin 72b

The first [Baraita] refers to a father [robbing] his son, the second to a son [robbing] his father. ¹

? Rab said: 'Any man that broke into my house, I would kill, excepting R. Hanina b. Shila.' Why? Shall we say because he is righteous [and therefore certain not to kill me]? Surely he has broken in!² — But because I am assured that he would have pity upon me, like a father for his son.

Our Rabbis taught: [If the sun be risen upon him,] there shall be blood [damim] shed for him: both on a week day, and on the Sabbath. [If the thief be found breaking up, . . .] there shall no blood [damim] be shed for him:³ neither on week days, nor on the Sabbath. Now, granted that the exegesis of 'there shall be no blood be shed for him', as including both week days and the Sabbath, is necessary, for I might think that this case is similar to that of those who are executed by Beth din, who may not be executed on the Sabbath:⁴ we are therefore told that [the thief] may be slain [even on the Sabbath].⁵ But why deduce 'there shall be blood shed for him', neither on a week day nor on the Sabbath? If he may not be slain on a week day, he may surely not be slain on the Sabbath? — R.

Shesheth replied: This is necessary only to teach that a pile [of debris] must be removed for his sake.⁶

Our Rabbis taught: [If a thief be found breaking up,] and be smitten, — by any man; that he die, — by any death wherewith you can slay him. Now, [the exegesis] ‘And be smitten, — by any man’ is rightly necessary; for I might think that only the owner may be assumed not to remain passive. [Whilst his money is being stolen, but not a stranger:⁷ it is therefore taught that he is regarded as a potential murderer⁸, whom even a stranger may kill [in defence of the owner]. But what need of ‘that he die’, — by any death wherewith you can slay him’; can this not be deduced from a murderer? For it has been taught: He that smote him shall surely be put to death; for he is a murderer.⁹ I only know that he may be executed with the death that is decreed for him; whence do I know that if you cannot execute him with that death, that you may execute him with any other death? From the verse: He that smote him shall surely be put to death, implying in any manner possible!¹⁰ — There it is different, because Scripture writes, He shall surely be put to death. Then why not derive this from it? Because the murderer and the avenging kinsman are two verses with the same object, and the teaching of such two verses does not extend to anything else.¹¹

Our Rabbis taught: If a thief be found breaking in:¹² from this I know that law only for breaking in [through the wall]: whence do we know it if he be found on the roof, in the court, or in an enclosure [attached to the house]? — From the verse, If the thief be found, implying, wherever he is [found as thief].¹³ If so, why state ‘breaking in’? — Because most thieves enter by breaking in.

Another [Baraita] taught: if a thief be found breaking in: from this I know the law only for breaking in: whence do I know it if he be found on the roof, in the court, or an enclosure? From the verse, ‘If the thief be found,’ implying. Wherever he is found as thief. If so, why state ‘breaking in’? — Because his breaking in constitutes a formal warning.¹⁴

R. Huna said: A minor in pursuit may be slain to save the pursued.¹⁵ Thus he maintains that a pursuer, whether an adult or a minor, need not be formally warned. R. Hisda asked R. Huna: we learnt: Once his head has come forth, he may not be harmed, because one life may not be taken to save another.¹⁶ But why so? Is he not a pursuer?¹⁷ — There it is different, for she is pursued by heaven.¹⁸

Shall we say that the following supports him? [Viz.,] If a man was pursuing after his fellow to slay him, he (observer) says to him, ‘See, he is an Israelite, and a son of the covenant, whilst the Torah hath said, Whosoever would shed the blood of a man, [to save] that man shall his own blood be shed,¹⁹ meaning, save the blood of the pursued by the blood of the pursuer’!²⁰ — That is based on the ruling of R. Jose son of R. Judah. For it has been taught; R. Jose son of R. Judah said: A haber²¹ need not be warned, because a warning is necessary only to distinguish between ignorance and presumption.²²

Come and hear: If a man was pursuing his neighbour to slay him, the observer says to him ‘See he is an Israelite, and a son of the Covenant, whilst the Torah hath taught, Whosoever would shed the blood of a man, to save that man, shall his blood be shed’. If he [the pursuer] replied. ‘I know that it is so’, he is not liable to be slain; but if he replied. ‘I do it even on such a condition’,²³ he is liable!²⁴ — This is only if they are standing on two opposite sides of the river, so that he cannot save him. Hence what is [to be done]? To bring him before Beth din! But [punishment] by Beth din must be preceded by a warning. An alternative answer if you wish is this: R. Huna can tell you: My ruling agrees with the Tanna of ‘breaking in’, who held that his breaking in constitutes a formal warning.²⁵

(1) A father has more compassion for his son than a son for his father. Hence, if a father robs his son, the latter must assume that he will not go to extremes if he defends his property. Consequently, he may kill him only if he is certain

thereof. But if a son robs his father (and even more so, when he robs a stranger), he may assume that he is prepared to kill him, unless certain that he will not. Therefore, if he has any doubt, he may take his life.

(2) Which disposes of his righteousness.

(3) Ex. XXII,1-2. Damim is plural, teaching that this law holds good on more than one occasion and is therefore interpreted as referring to Sabbaths and week days.

(4) For this is really execution, the house owner standing in lieu of Beth din: hence, just as the latter may not execute on the Sabbath, so the former too.

(5) Since it is self-defence.

(6) If, in burrowing his way in, he dislodged a pile of masonry, which fell upon him, it must be removed even on the Sabbath, and if the owner does not, he is guilty of bloodshed.

(7) For it is only because of that assumption that his death is regarded as self-defence. But a stranger might not be assumed (by the thief) actively to interfere; therefore the thief is not likely to slay him, and hence his death at the hands of a stranger is not in self-defence.

(8) Lit., 'pursuer'.

(9) Num. XXXV, 21.

(10) V. p. 358, n. 2.

(11) V. supra 45b. Hence the need of a special verse here.

(12) Ex. XXII, 1.

(13) Since the writ does not state, If he be found, etc., but if the thief be found, which is superfluous, being understood from the context, it shows that if he is at all seen to be a thief, no matter what his position, the law applies.

(14) I.e., the owner need not warn him before killing him, as in the case elsewhere.

(15) Lit 'the pursued is to be saved by his (the pursuer's) blood'.

(16) This refers to a woman giving birth, whose life is endangered. Now, if the fetus put forth any limb but the head, it may be cut off, so as to facilitate delivery, and save the mother. But if his head issued, it is regarded as alive, and the mother may not be saved at his expense.

(17) I.e., in seeking to be born, he is as a pursuer. endangering his mother's life.

(18) I.e. it is an 'act of God'.

(19) Gen, IX, 6.

(20) Though the pursuer did not accept the warning, as is normally necessary in a formal admonition, he may be slain, which proves that a warning is unnecessary in his case.

(21) Lit., 'associate', fellow student; it was also a scholar's title (Fellow), and is employed in this sense here.

(22) Hence a scholar who knows what is forbidden need not be warned, even if his crime is punished by Beth din. Likewise, the above Baraitha is on the same basis. But on the opposing view that all transgressors, including scholars, must be formally warned, and the warning accepted, it may be that the same applies to a pursuer. Therefore this does not support R. Huna.

(23) I.e., even if I am to be slain for it.

(24) The latter formula is the acceptance of a warning. This proves that the pursuer must be formally warned, and thus refutes R. Huna.

(25) V. p. 494, n. 1. Because by breaking in he is really a pursuer, needing no warning.

Talmud - Mas. Sanhedrin 73a

MISHNAH. THE FOLLOWING MUST BE SAVED [FROM SINNING] EVEN AT THE COST OF THEIR LIVES: HE WHO PURSUES AFTER HIS NEIGHBOUR TO SLAY HIM, [OR] AFTER A MALE [FOR PEDERASTY]. [OR] AFTER A BETROTHED MAIDEN [TO DISHONOUR HER].¹ BUT HE WHO PURSUES AFTER AN ANIMAL [TO ABUSE IT]. OR WOULD DESECRATE THE SABBATH, OR COMMIT IDOLATRY, MUST NOT BE SAVED [FROM SINNING] AT THE COST OF HIS LIFE.

GEMARA. Our Rabbis taught: whence do we know that he who pursues after his neighbour to slay him must be saved [from sin] at the cost of his own life? From the verse, Thou shalt not stand by the blood of thy neighbour.² But does it come to teach this? Is it not employed for the following

[Baraita] that has been taught: Whence do we know that if a man sees his fellow drowning, mauled by beasts, or attacked by robbers, he is bound to save him? From the verse, Thou shalt not stand by the blood of thy neighbor! — That in truth is so. Then whence do we know that [the pursuer] must be saved at the cost of his own life? — It is inferred by an *ad majus* reasoning from a betrothed maiden. If a betrothed maiden, whom he wishes merely to dishonour, yet the Torah decreed that she may be saved by the life of her ravisher, how much more so does this hold good for one who pursues his neighbour to slay him. But can punishment be inflicted as a result of an *ad majus* conclusion?³ — The School of Rabbi taught, It is derived by analogy:⁴ For as when a man riseth against his neighbour, and slayeth him, even so in this matter.⁵ But what do we learn from this analogy of a murderer?⁶ Thus, this comes to throw light, and is itself illumined.⁷ The murderer is compared to a betrothed maiden; just as a betrothed maiden must be saved [from dishonour] at the cost of his [her violater's] life, so in the case of a murderer, he [the victim] must be saved at the cost of his [the attacker's] life. And whence do we know this of betrothed maiden? — As was taught by the School of R. Ishmael. For the School of R. Ishmael taught; [The betrothed damsel cried]; and there was none to save her,⁸ but, if there was a rescuer, he must save her by all possible means [including the death of her ravisher].

[To revert to] the above text: 'Whence do we know that if a man sees his neighbour drowning, mauled by beasts, or attacked by robbers, he is bound to save him? From the verse, Thou shalt not stand by the blood of thy neighbour.' But is it derived from this verse? Is it not rather from elsewhere? *Viz.*, Whence do we know [that one must save his neighbour from] the loss of himself? From the verse, And thou shalt restore him to himself!⁹ — From that verse I might think that it is only a personal obligation,¹⁰ but that he is not bound to take the trouble of hiring men [if he cannot deliver him himself]: therefore, this verse teaches that he must.

Our Rabbis taught: He who pursues after his neighbour to slay him, he who pursues a male [for sexual abuse], or a betrothed maiden, a woman forbidden to him on pain of death at the hands of Beth din, or one forbidden on pain of extinction¹¹ — these are saved [from sin] at the cost of their own lives. But a High Priest in pursuit of a widow, and an ordinary priest in pursuit of a divorcee or a haluzah, may not be saved at the cost of their lives. If [the betrothed maiden] has been ravished previously, she may not be saved by her pursuer's death, likewise, if she can be otherwise rescued. R. Judah said: This applies also if she said [to her rescuers]. 'Let him be,' lest he slay her.¹²

Whence do we know all this? — But unto the damsel *na'ar[ah]* thou shalt do nothing there is in the damsel no sin worthy of death.¹³ *Na'ar* refers to a male, *na'arah* to a betrothed maiden;¹⁴ sin — to women forbidden on pain of extinction; death — to those forbidden on pain of death at the hands of Beth din.¹⁵ Why are all these needed?¹⁶ — They are necessary. For had the Divine Law written *na'ar* [a youth], I would have thought that he must thus be saved because it is unnatural lust; but since connection with a maiden is natural, I would think that she may not be saved thus. Whilst if *na'arah* [damsel] were written, I would think that the law applies only to her, because he destroys her virginity; but not to a youth, who is not thus injured. And had these [only] been stated,

(1) These must be slain, rather than be allowed to carry out their intention.

(2) Lev. XIX, 16. Stand not idly by, but save him from committing such a great sin.

(3) v. *supra* 54a.

(4) A *hekkesh*, v. *Glos.*,

(5) Deut. XXII, 26. This refers to the ravishing of a betrothed maiden.

(6) For the simile itself is superfluous, since the Torah explicitly states that the maiden is not punished. Hence it implies that a certain feature of the law of a murderer holds good here too, and vice versa.

(7) I.e., the verse shows that the case of a murderer throws light upon that of a betrothed maiden (v. *infra* 74a), but is it itself also illumined thereby.

(8) *Ibid.* 27.

(9) Ibid. 2. The passage refers to restoring a neighbour's lost property. This interpretation extends it to his own person. e.g. if he has lost himself, he must be helped to find his way again. Hence it also applies to the rescuing of one from danger.

(10) Because, 'thou shalt restore' . . . implies thou in person.

(11) To commit incest or adultery.

(12) Before they reach her.

(13) Ibid. 26.

(14) The second half of the verse is superfluous, since the first half states, 'but unto the damsel thou shalt do nothing'. Hence each part thereof is separately interpreted. Though the verse as read (Kre) is na'arah, (נַעֲרָה damsel), the written text (Kethib) is na'ar, (נַעַר a youth). Hence both the written and the read word are interpreted.

(15) And those deduced from the verse must be saved at the cost of their pursuer's life.

(16) Could not the Torah have taught it of one, from which the others might be deduced?

Talmud - Mas. Sanhedrin 73b

I would think that it is because the one is unnatural, and the other is deprived of her virginity; but other consanguineous relations, cohabitation with whom is both natural and does not inflict a great loss,¹ might not be thus saved: therefore the Divine Law writes 'sin'.² Now, had the Divine Law written 'sin' [only], I would have thought it applies even to those who are forbidden merely by a negative precept: therefore the Divine Law wrote 'death'. And had the the Divine Law written 'death' [only], I would have thought the law applies only to those forbidden on pain of death by Beth din, but not on pain of extinction: therefore the Divine Law writes 'sin'. Then why did the Divine Law not write merely there is no sin worthy of death, na'ar [youth] and na'arah [a damsel] being superfluous?³ — That is so. But as for na'ar and na'arah, one teaches the exclusion of an idolater, and the other, the exclusion of bestiality and the [desecration of the] Sabbath.⁴ But on the view of R. Simeon b. Yohai that an idolater must be saved [from sin] at the cost of his life, why are these verses necessary? — One excludes bestiality, and the other excludes the [desecration of the] Sabbath; for I would [otherwise] think, that the Sabbath is included through an analogy with idolatry, since 'profanation' is written in both.⁵ But on the view of R. Eleazar son of R. Simeon, that he who desecrates the Sabbath must be saved [from sin] by death, because an analogy is drawn with idolatry, on account of profanation being written in both, what can you say? — One excludes bestiality; and as for the other, since the Divine Law wrote na'ar, it also wrote na'arah.⁶

'R. Judah said: The same applies if she said [to her rescuer] "Let him be", lest he slay her.'⁷

In which case do they⁸ differ?—Raba said: when she objects to dishonour, yet permits him, so that he should not slay her. The Rabbis maintain, The Divine Law was insistent for her honour, and since she too is particular about it. [her pursuer may be slain]. But R. Judah maintains that the reason that the Divine Law decreed that he should be slain is because she is prepared to give her own life [rather than be violated]; but this one is not prepared to do so.

R. Papa said to Abaye: But does not a High Priest dishonour a widow?⁹ — He replied, The Divine Law sought to protect her from great dishonour, but not from little dishonour.¹⁰

'Sin — refers to women forbidden on pain of extinction.

The Scholars objected: [We learnt,] Fine is imposed for the violation of the following maidens:¹¹ he who outrages his sister.¹² — The Rabbis explained this before R. Hisda: Once he has committed the first stage, thereby dishonouring her, he may no longer be slain;¹³ whereas monetary liability is not contracted until the completion of cohabitation.¹⁴ Now, this agrees with the view that the first stage [which dishonours her] is contact with her sexual organ; but on the view that the first stage is the insertion of the membrum, what can you say?¹⁵ But R. Hisda answered thus: This refers to

unnatural followed by natural cohabitation.¹⁶ Raba said: This applies where she allows him [to have his will] so that he shall not slay her, and is based on the ruling of R. Judah.¹⁷

- (1) For if they are unbetrothed, there is no arus (a betrothed husband) in whom the loss of virginity will rankle deeply; whilst if they are married, her virginity has already gone.
- (2) Teaching that it applies to those who are forbidden on pain of execution.
- (3) Since the violation of a betrothed maiden and the abuse of a male are punishable by death, they are included in the exegesis of 'death'.
- (4) That one must not be prevented from sinning in respect of these by killing him.
- (5) v. *Infra* 74b.
- (6) In fact, it is not a double redundancy, for though na'ar is written, the context demands that na'arah be read, since the entire passage refers to a maiden.
- (7) In the Baraita quoted above,
- (8) R. Judah and the Rabbis.
- (9) By violating her he disqualifies her from marrying a priest; why then should she not be saved at the cost of his life?
- (10) I.e., the Torah authorised the extreme measure of slaying the ravisher only when he would inflict great dishonour, e.g., in the case of incest forbidden on pain of extinction, as a result of which she becomes a harlot (zonah) and the child a bastard. But here (a widow, violated by a High Priest), she is merely profaned (halalah).
- (11) The reference is to Deut. XXII, 28f. The fifty shekels are regarded as a fine.
- (12) Keth. 29a. I.e., even his sister, though and she shall be his wife is inapplicable. But if she might be saved by his life, he should not be fined, in accordance with the principle stated on p, 490, n. 1. In the case of the death penalty, this principle holds good even if the offender is not actually executed, or, as in this case, slain by the rescuers,
- (13) By her rescuers in order to save her, for the extreme measure is permitted only if she is as yet untarnished,
- (14) Consequently, the two penalties are not incurred simultaneously, and the principle is inoperative. By 'completion' the destruction of her virginity is meant,
- (15) Since then dishonour and destruction of virginity are simultaneous.
- (16) Since she has been unnaturally violated before, whether by her brother or another, she may not be saved now by his life. Therefore he is fined for destroying her virginity.
- (17) V. *supra* 73a.

Talmud - Mas. Sanhedrin 74a

R. Papa said: This refers to seduction [not outrage], and therefore agrees with all.¹ Abaye said: This applies where she could have been saved at the cost of one of the limbs [of the violator].² and agrees with R. Jonathan b. Saul. For it has been taught: If one was pursuing his fellow to slay him, and he could have been saved³ by maiming a limb [of the pursuer] but did not thus save himself [killing him instead], he is executed on his account.⁴

What is R. Jonathan b. Saul's reason? — Because it is written, if men strive [and hurt a woman . . .] he shall be surely punished . . . and pay as the judges determine. And if any mischief follow, then thou shalt give life for life.⁵ Whereon R. Eleazar said: The verse refers to attempted murder,⁶ for it is written, And if any mischief follow, then thou shalt give life for life⁷ and yet the Divine Law states, If no mischief follows, he shall surely be punished. Now this is correct if you say that where the pursued can be saved at the cost of one limb [of the pursuer] the latter may not be slain: hence it is conceivable that he shall be punished [by paying monetary compensation]. But if you maintain that he may be slain, how is it possible for him to be punished!⁸ Perhaps it is different here, because his liability to death is incurred on account of one person, but his monetary obligation on account of another?⁹ — That makes no difference. For Raba¹⁰ said: If a man was pursuing after his fellow [to slay him]. and broke some utensils, whether of the pursued or of some other person. he is free from liability. Why so? Because he is liable to be killed. If the pursued broke some articles: if they belonged to the pursuer, he is not liable for them; if to someone else, he is. 'If they belonged to the pursuer he is not liable', — because his property is not more precious than his own person.¹¹ But 'if

to someone else, he is' , — because he saved himself at his neighbour's expense. But if one pursuer was pursuing another pursuer to save him [the latter's victim] and broke some utensils, whether of the pursuer. or the pursued. or of any other person, he is not liable for them. This should not be so in equity¹² but if thou wilt not rule thus, no man will save his neighbour from a pursuer.¹³

BUT HE WHO PURSUES AN ANIMAL [TO ABUSE IT].

It has been taught: R. Simeon b. Yohai said: An idolater may be saved [from sin] at the cost of his own life. This is deduced by reasoning from the minor to the major: If the dishonouring of a human¹⁴ being must be averted even at the cost of [the violator's] life, how much more so the dishonouring of the All-Highest.¹⁵ But can we punish¹⁶ as a result of an *ad majus* conclusion? — He maintains that we can.

It has been taught: R. Eliezer, son of R. Simeon, said: He who desecrates the Sabbath may be saved [from sin] by his own life. He agrees with his father, that punishment is imposed as a result of an *ad majus* conclusion, and then he deduces the Sabbath from idolatry by [a *gezerah shawah* based on the use of] 'profanation' in connection with the Sabbath and idolatry.¹⁷

R. Johanan said in the name of R. Simeon b. Jehozadak: By a majority vote, it was resolved in the upper chambers of the house of Nithza in Lydda¹⁸ that in every [other] law of the Torah, if a man is commanded: 'Transgress and suffer not death' he may transgress and not suffer death, excepting idolatry, incest, [which includes adultery] and murder.¹⁹ Now may not idolatry be practised [in these circumstances]? Has it not been taught: R. Ishmael said: whence do we know that if a man was bidden, 'Engage in idolatry and save your life', that he should do so, and not be slain? From the verse, [Ye shall therefore keep my statutes and my judgements,' which if a man do] he shall live in them:²⁰ but not die by them. I might think that it may even be openly practised. but Scripture teaches, Neither shall ye profane my holy name; but I will be hallowed?²¹ — They²² ruled as R. Eliezer. For it has been taught, R. Eliezer said: And thou shalt love the Lord thy God with all thy heart and with all thy soul, and with all thy might.²³ Since 'with all thy soul' is stated, why is 'with all thy might' stated? Or if 'with all thy might' be written, why also write 'with all thy soul'? For the man to whom life is more precious than wealth, 'with all thy soul' is written;²⁴ whilst he to whom wealth is more precious than life is bidden, 'with all thy might' [i.e., substance].²⁵

Incest and murder [may not be practised to save one's life], — even as Rabbi's dictum. For it has been taught: Rabbi said, For as when a man riseth against his neighbour, and slayeth him, even so is this matter.²⁶ But what do we learn from this analogy of a murderer? Thus, this comes to throw light and is itself illumined. The murderer is compared to a betrothed maiden: just as a betrothed maiden must be saved [from dishonour] at the cost of his [the ravisher's] life, so in the case of a murderer, he [the victim] must be saved at the cost of his [the attacker's] life. Conversely, a betrothed maiden is compared to a murderer: just as one must rather be slain than commit murder, so also must the betrothed maiden rather be slain than allow her violation. And how do we know this of murder itself? — It is common sense. Even as one who came before Raba²⁷ and said to him, 'The governor of my town has ordered me, "Go and kill so and so; if not, I will slay thee"'. He answered him, 'Let him rather slay you than that you should commit murder; who knows that your blood is redder? Perhaps his blood is redder.'²⁸

When R. Dimi came,²⁹ he said: This was taught only if there is no royal decree,³⁰ but if there is a royal decree, one must incur martyrdom rather than transgress even a minor precept. When Rabin came, he said in R. Johanan's name: Even without a royal decree, it was only permitted in private; but in public one mÖst be martyred even for a minor precept rather than violate it. What is meant by a 'minor precept'? — Raba son of R. Isaac said in Rab's name:

- (1) For if she is seduced of her own consent, she may not be saved at the cost of her seducer's life, nevertheless, the fine is imposed.
- (2) without killing him.
- (3) Here Rashi explains, either by the pursued, or by another person. On 57a he states, 'by the pursued'.
- (4) Hence, in such circumstances the violator is not liable to death, and consequently liable to the fine.
- (5) Ex. XXI. 22ff.
- »6) I.e., he who injured the woman was striving to kill his opponent.
- (7) Ibid. The extreme penalty, though the murder of the woman is unintentional, is explicable only on the above assumption.
- (8) V. p. 490, n. 1.
- (9) I.e., he is liable to be slain because he seeks to slay his combatant; but the monetary liability arises through his injury to the woman. Where, however, these liabilities are incurred on account of two different persons it may be that the one does not cancel the other.
- (10) In B.K. 117b the text is Rabba's.
- (11) And just as he would not have been punished had he killed him, so he is not liable for destroying his property.
- (12) For if he who saves himself at another's expense is liable «or the damage, how much more so when one saves another at a third party's expense»
- (13) Lest in doing so he causes damage for which he will have to pay. Hence reverting to the subject under discussion, in the case of one man striving to kill another and injuring a woman, it must be assumed that he was not liable to be slain, and this is only possible if his opponent could be saved by a limb of the murderer, which proves R. Jonathán b. Saul's assertion.
- (14) Viz., that of a betrothed maiden.
- (15) Idolatry, by recognizing a divine power in addition to God's, dishonours Him, conceding to another that which is His alone.
- (16) In this case, indemnify his slayer.
- (17) The Sabbath: Everyone that profaneth it shall surely be put to death (Ex. XXXI, 14) idolatry: And thou shalt not let any of thy seed pass through the fire to Moloch, neither shalt thou profane the name of the Lord thy God, (Lev. XVII, 21).
- (18) A town in South Palestine (Roman name Diospolis).
- (19) According to Grœtz, Geschichte, IV, p.p. 155 and 428ff this took place during the Hadrianic persecutions consequent upon the failure of the revolt of Bar Cochba 132-135 C.E. [According to Halevy Doroth i.e., p. 371. before the Fall of Bether].
- (20) Lev. XVIII, 5.
- (21) Lev. XXII & 32., (22) The Sages that met at the house of Nithza.
- (23) Deut, VI. 5.
- (24) I.e., even to give thy soul (life) in His service.
- (25) This proves that one must incur a martyr's death rather than practice idolatry, for 'and thou shalt love the Lord thy God' means that we must not worship any other in His place.
- (26) Deut. XXII, 26.
- (27) Var. lec., R7bbah.
- (28) I.e., you have no right to murder him to save yourself: his life is not less valuable than your own.
- (29) V. p. 3a n. 1.
- (30) Forbidding the practice of Judaism, the action being by an individual.

Talmud - Mas. Sanhedrin 74b

Even to change one's shoe strap.¹ And how many make it public? — R. Jacob said in R. Johanan's name: The minimum for publicity is ten.

It is obvious that Jews are required [for this publicity], for it is written. But I will be hallowed among the children of Israel.² R. Jeremiah propounded: What of nine Jews and one Gentile? — Come and hear: For R. Jannai, the brother of R. Hiyya b. Abba learned: An analogy is drawn from

the use of tok [‘among’] in two passages. Here is written, But I will be hallowed among [be-tok] the children of Israel; and elsewhere, separate yourselves from among [mi-tok] this congregation:³ just as there the reference is to ten, all Jews, so here too — ten, all Jews.⁴ But did not Esther transgress publicly?⁵ — Abaye answered; Esther was merely natural soil.⁶ Raba said: When they [sc. the persecutors] demand it for their personal pleasure. it is different.⁷ For otherwise, how dare we yield to them’ [sc. the Parsees or fire worshippers] our braziers [or fire bellows] and coal shovels?⁸ But their personal pleasure is different;⁹ so here too [in Esther's case].¹⁰ This [answer] concurs with Raba's view expressed elsewhere. For Raba said: If a Gentile said to a Jew. ‘Cut grass on the Sabbath for the cattle, and if not I will slay thee’, he must rather be killed than cut it; ‘Cut it and throw it into the river, he should rather be slain than cut it. Why so? — Because his intention is to force him to violate his religion.

It was asked of R. Ammi: Is a Noachide bound to sanctify the Divine Name or not? — Abaye said, Come and hear: The Noachides were commanded to keep seven precepts.¹¹ Now, if they were commanded to sanctify the Divine Name, they are eight. Raba said to him: Them, and an pertaining thereto.¹²

What is the decision?-The disciples of Rab¹³ said: It is written, In this thing, the Lord pardon thy servant, that when my master goeth into the house of Rimmon to worship there, and he leaneth on my hand, and I bow myself in the house of Rimmon.¹⁴ And it is written, And he said unto him, Go in peace.¹⁵

(1) When religion itself is persecuted even the most insignificant religious custom or habit must be defended at all costs, having regard to the higher principle at stake. [The shoe latches worn by Jews were white, those worn by heathens black. v. Nacht. JQR, (N.S.) VI, p. 12.]

(2) Lev. XXII, 23.

(3) Num. XVI, 21.; v. Meg. 23b. A further analogy is there drawn from the use of congregation (‘edah עדה) in two passages; one, just quoted, and the second, How long shall I bear with this evil congregation. (‘edah) Ibid. XIV, 27. ‘Congregation’ there refers to the Spies sent out by Moses. As Joshua and Caleb had dissociated themselves from their evil report, ten were left, all Israelites, cf. Supra Mishnah I.i.

(4) Therefore one is not called upon to suffer martyrdom if bidden to transgress in the presence of nine Jews and one Gentile.

(5) By permitting a Gentile — Ahasuerus — to take her to wife.

(6) Which is tilled, i.e., she was only the passive object of his embraces.

(7) And not as a measure of religious persecution.

(8) The passage is obscure. The interpretation here is that of Levy. Who adopts the reading להו הני קווקי ורימונקי היכי יהבינן להו. This refers to the Guebres, who permitted no fires in private dwellings on the festival days, and forced the Jews to give up to them their braziers (or bellows) and coal shovels, and themselves sit in darkness. On this interpretation קווקי is derived from קוק, the sound made by blowing up a fire. The Munich edition reads להו נורא דיומניקי תהני קיואקי ודימוניקי היכי יהבינן להו or דיומניקי (another reading), bears a strong resemblance to dominica: now, dies dominica (the Lord's Day) signifies Sunday, and aedes dominica signifies church; קווקאי, for which an alternative reading is קורקי, may be a Greek word (** also meaning church. In Raba's time there were Christian communities in Persia, observing their Sunday as strictly as the Jews observed the Sabbath, who therefore arranged for the Jews to heat their churches on that day, as they probably did a similar service for the Jews on the Sabbath (M. Jast. in REJ 1884, pp. 277ff.)

(9) I.e., They do not demand the fire as a religious act, whereby the Jew shall associate himself in idolatrous worship, but merely desire its warmth in their churches.

(10) Ahasuerus made her transgress for his personal pleasure, not because he desired her to violate her religion.

(11) V. supra 56a.

(12) I.e. sanctifying the Divine Name by observing their seven precepts is not a separate precept, but included therein.

(13) V. p. 387 n. 7.

(14) II Kings V, 18.

Talmud - Mas. Sanhedrin 75a

Now, if it be so [that a Noachide is bidden to sanctify the Divine Name], he should not have said this?¹ — The one is private, the other public.²

Rab Judah said in Rab's name: A man once conceived a passion for a certain woman,³ and his heart was consumed by his burning desire [his life being endangered thereby]. When the doctors were consulted, they said, 'His only cure is that she shall submit.' Thereupon the Sages said: 'Let him die rather than that she should yield.' Then [said the doctors]; 'let her stand nude before him;' [they answered] 'sooner let him die'. 'Then', said the doctors, 'let her converse with him from behind a fence'. 'Let him die,' the Sages replied 'rather than she should converse with him from behind a fence.' Now R. Jacob b. Idi and R. Samuel b. Nahmani dispute therein. One said that she was a married woman; the other that she was unmarried. Now, this is intelligible on the view, that she was a married woman, but on the latter, that she was unmarried, why such severity? — R. Papa said: Because of the disgrace to her family. R. Aha the son of R. Ika said: That the daughters of Israel may not be immorally dissolute. Then why not marry her? — Marriage would not assuage his passion, even as R. Isaac said: Since the destruction of the Temple, sexual pleasure has been taken [from those who practise it lawfully] and given to sinners, as it is written. Stolen waters are sweet, and bread eaten in secret is pleasant.⁴

CHAPTER IX

MISHNAH. THE FOLLOWING ARE BURNT: HE WHO COMMITS INCEST WITH A WOMAN AND HER DAUGHTER, AND A PRIEST'S ADULTEROUS DAUGHTER. THERE IS INCLUDED IN 'A WOMAN AND HER DAUGHTER' HIS OWN DAUGHTER, HIS DAUGHTER'S DAUGHTER, HIS SON'S DAUGHTER, HIS WIFE'S DAUGHTER AND THE DAUGHTER OF HER DAUGHTER OR SON, HIS MOTHER-IN-LAW, HER MOTHER, AND HIS FATHER-IN-LAW'S MOTHER.

GEMARA. The Mishnah does not state, 'He who commits incest with a woman whose daughter he has married', but 'HE WHO COMMITS INCEST WITH A WOMAN AND HER DAUGHTER'; this proves that both are forbidden. Who are they then? His mother-in-law and her mother. Then the Mishnah further states, THERE IS INCLUDED IN 'A WOMAN AND HER DAUGHTER'; this proves that the first are explicit and the others derived.⁵ Now this agrees with Abaye,⁶ who maintains that they⁷ differ as to the text from which the law is derived; hence the Mishnah is taught in accordance with R. Akiba's view.⁸ But on Raba's view, that they differ about his mother-in-law after [his wife's] death,⁹ with whom does the Mishnah agree? — Raba can answer you: Read [in the Mishnah] He who commits incest with a woman whose daughter he has married.

THERE IS INCLUDED IN 'A WOMAN AND HER DAUGHTER HIS MOTHER-IN-LAW, HER MOTHER, AND HIS FATHER-IN-LAW'S MOTHER.

In Abaye's view,¹⁰ since the Mishnah desires to state — HIS FATHER-IN-LAW'S MOTHER, It adds HIS MOTHER-IN-LAW AND HER MOTHER. On Raba's view,¹¹ because the Mishnah must teach HIS FATHER-IN-LAW'S MOTHER', and 'HIS MOTHER-IN-LAW'S MOTHER', 'HIS MOTHER-IN-LAW' too is mentioned.

Whence do we know this? — For our Rabbis taught: And if a man take a woman and her mother [it is wickedness: they shall be burnt with fire, both he and they.]¹² This law refers only to a woman and her mother. Whence do I derive it for a woman and her daughter, or her daughter's daughter, or

her son's daughter? The word zimmah [wickedness] occurs here, and is also written elsewhere:¹³ Just as there, her daughter, her daughter's daughter and her son's daughter [are meant by zimmah], so here too her daughter, her daughter's daughter, and her son's daughter [are included in the punishment of burning decreed for incest with them]. Whence do we know that males are as females? 'Wickedness' [zimmah] is stated here, and also elsewhere; just as there, males are as females, so here too. Whence do we know that the lower is as the upper? 'Wickedness' [zimmah] is stated here, and also elsewhere: just as there, the lower is as the upper, so here too; and just as here the upper is as the lower, so there too.¹⁴

The Master said: 'Whence do we know that males are as females?' What is meant by this? Shall we say that her son's daughter is equally forbidden as her daughter's daughter?¹⁵ But these are simultaneously derived!¹⁶ Again, if it means that his father-in-law's mother is as his mother-in-law's mother:¹⁷ but seeing that the latter is as yet unproven, why demonstrate that the former is equal thereto?¹⁸

(1) For thereby he tacitly concurred in Naaman's proposal.

(2) Naaman was to simulate idolatry in the Temple of Rimmon, where no Jews were present. This, according to the statement on 74b, is transgression in private. The problem however is whether he must publicly sanctify the Divine Name, i.e. in the presence of Jews.

(3) Lit 'set his eyes on a certain woman.'

(4) Prov. IX, 17.

(5) The statement that a number of other women are included in the first cannot be literal, for in fact the meaning of 'a woman and her daughter' cannot be extended to include, e.g., his own daughter or his son's daughter. Hence it must mean that 'a woman and her daughter' are explicitly stated in the Bible, whilst the others are included as derivations from these two. Now since the wording of the Mishnah shows that both the first two are forbidden and that the only relation explicitly forbidden on pain of burning is his mother-in-law, it follows that 'a woman and her daughter' must mean his mother-in-law ('daughter') and her mother. And these are regarded as explicitly forbidden.

(6) V. infra 76b.

(7) R. Akiba and R. Ishmael.

(8) Who holds that the mother of his mother-in-law is explicitly prohibited.

(9) But as to his mother-in-law's mother there is a common agreement that the prohibition is only derived and not explicitly stated.

(10) That burning for the first two is explicitly decreed, so that they cannot be included in 'a woman etc.' but are identical therewith.

(11) That only his mother-in-law is explicitly forbidden on pain of death by fire, but not her mother.

(12) Lev. XX, 14.

(13) Thou shalt not uncover the nakedness of a woman and her daughter, neither shalt thou take her son's daughter, or her daughter's daughter, to uncover her nakedness; for they are her near kinswomen; it is wickedness, זמה (Lev. XVIII, 17).

(14) This is explained in the Gemara.

(15) The meaning being, the issue of males is prohibited just as that of females.

(16) From the gezarah shawah of zimmah.

(17) Thus teaching that incest with both is punished by fire.

(18) At this stage, nothing has been adduced to shew that incest with his mother-in-law's mother is thus punished, for 'a woman' has been translated literally. Consequently, only his mother-in-law is forbidden in this verse.

Talmud - Mas. Sanhedrin 75b

— Abaye said, This is what is meant: Whence do we know that his issue is as hers?¹ The word 'zimmah' occurs here, and is also written elsewhere etc. But 'zimmah' is not written in connection with his issue?² Raba answered: R. Isaac b. Abudimi said unto me: We learn identity of law from the fact that 'hennah' [they] occurs in two related passages, and likewise 'zimmah' [wickedness] in

two.³

The Master said: 'Whence do we know that the lower is as the upper?' What is meant by 'lower' and 'upper'? Shall we say that her son's daughter and her daughter's daughter ['lower'] are as her own daughter ['upper']?⁴ But are not [all three] simultaneously derived?⁵ Again, if it means that his father-in-law's mother and his mother-in-law's mother are as his mother-in-law: then instead of 'the lower is as the upper', the Tanna should have said 'the upper is as the lower'.⁶ — Read, 'the upper is as the lower'. If so, [how explain] wickedness [zimmah] is stated here, and also elsewhere?⁷ Abaye answered: This is its meaning: Whence do we know that the third generation above is treated as the third below?⁸ — The word 'zimmah' is written in connection with both the lower generation⁹ and the upper;¹⁰ just as in the lower, the third generation is forbidden also,¹¹ so in the upper too;¹² and just as the lower is assimilated to the upper in respect of punishment, so is the upper to the lower in respect of formal prohibition.¹³ R. Ashi said: After all, it is as taught:¹⁴ What then is the meaning of 'lower'? Lower in [gravity of the] prohibition.¹⁵

Now, if so,¹⁶ then just as her [i.e. his wife's] maternal grandmother is forbidden [to him], so is his maternal grandmother?¹⁷ — Abaye answered: The Writ sayeth, [The nakedness of thy father, or the nakedness of thy mother, shalt thou not uncover] she is thy mother —¹⁸ teaching: thou canst punish for [incest with] his mother, but not with his mother's mother.

Raba said: Whether we maintain, 'judge from it in its entirety', or¹⁹ 'judge from it, and place it on its own basis', this could not be deduced.²⁰ For on the view, 'judge from it in its entirety', [the deduction would proceed thus:] Just as her [his wife's] maternal grandmother is forbidden [to him], so is his maternal grandmother forbidden. [Then carrying the analogy] to its uttermost, just as in her case [i.e.,incest with the former] is punished by fire so in his case [i.e.,incest with the latter] is punished by fire. But on the view²¹ that burning is severer [than stoning]. This analogy can be refuted. [Thus:] Why is her case [forbidden]?²² Because her [his wife's] mother is similarly forbidden.²³ But can you say the same in his case, seeing that his mother is forbidden [only] on pain of stoning!²⁴ Moreover, his mother is forbidden on pain of stoning: shall his mother's mother be forbidden on pain of burning!²⁵ Further, just as in her [his wife's] case, you have drawn no distinction between her mother and her mother's mother [both being forbidden on pain of burning], so in his, no distinction must be drawn between his mother and his mother's mother.²⁶ And on the view that stoning is severer, the analogy cannot be deduced because of this last difficulty.²⁷ Whilst on the view, 'judge from it and place it on its own basis,' [the deduction would proceed thus:] Just as her [his wife's] maternal grandmother is forbidden [to him], so is his maternal grandmother forbidden. But 'place it on its own basis', thus: in the former case the punishment is burning; but in the latter, stoning, the penalty which we find prescribed for incest with his mother. Now, on the view that burning is severer, this can be refuted,

(1) I.e., that his daughter, his son's daughter, or daughter's daughter by a mistress are forbidden to him on pain of burning just as wife's daughter, her son's daughter, and her daughter's daughter. For Lev. XVIII, 17 (cited on p. 508 n. 5) refers to the offspring of marriage, not of seduction or outrage. On this interpretation, 'male' refers to his issue, 'female' to his wife's.

(2) For that his issue is at all forbidden is derived not from Lev. XVIII, 17, but from Lev. XVIII, 10: The nakedness of thy son's daughter, or thy daughter's daughter, even their nakedness thou shalt not uncover: for their's (hennah הַנָּה) is thine own nakedness

(3) Supra 51a. In Lev. XVIII, 10 it is stated. The nakedness of thy son's daughter, or of thy daughter's daughter, even their nakedness thou shalt not uncover; for they (hennah) are thine own nakedness. Further, it is written (ibid. XVIII, 17): Thou shalt not uncover the nakedness of a woman and her daughter, neither shalt thou take her son's daughter, or her daughter's daughter, to uncover her nakedness; for they (hennah) are her near kinswomen; it is wickedness (zimmah, זִמְמָה). Since hennah occurs in these two passages, they are identified with each other, and zimmah in the second

passage, referring to her issue, is understood to be implicit in the first too, which refers to his issue. Then the first passage is further identified with Lev. XX, 14: And if a man take a wife and her mother, it is wickedness (zimmah): They shalt be burnt with fire: thus we derive burning for incest with his issue.

(4) So that 'lower' and 'upper' refer to the order of generations: 'lower', the third generation in the downward direction, viz. her son's daughter and her daughter's daughter; 'upper', one generation above them, viz., her daughter.

(5) As explained in that very passage.

(6) For the older generation is always referred to as the upper.

(7) Cf. p. 509 n. 4. At this stage, no verse has been adduced at all to show that his father-in-law's mother or his mother-in-law's mother are forbidden.

(8) I.e., just as his daughter's daughter and his son's daughter (the third generation below) are forbidden, so likewise his father-in-law's mother and mother-in-law's mother, the third generation above.

(9) Lev. XVIII, 17.

(10) Ibid. XX, 14.

(11) I.e., his son's daughter and daughter.

(12) I.e., though only the second generation is explicitly interdicted, viz., his mother-in-law, the third is included too, viz., his mother-in-law's mother and his father-in-law's mother.

(13) For in Lev. XVIII, 10, where the third lower generation is forbidden, nothing is said about punishment, which is derived from Lev. XX, 14, as stated above. On the other hand, in Lev. XX, 14, which is made to include the third generation above, though only explicitly stating the second, no formal prohibition is given. This in turn is derived from Lev. XVIII, 10. (Both are derived through the medium of Lev. XVIII, 17, the connecting link between the other two.) On Abaye's interpretation it is necessary to amend the Baraitha from 'and the lower is as the upper', to 'that the upper is as the lower etc.'

(14) I.e., no emendation is necessary.

(15) I.e., 'the upper' or higher prohibition is that of his mother-in-law, his more immediate relation, whilst the prohibition of her mother, as also of his father-in-law's mother, is regarded as 'lower', i.e., weaker, as they are a generation further removed. Hence this is its meaning: Whence do we know that his mother-in-law's mother and his father-in-law's mother, whose relationships are lower (i.e., further removed, and consequently weaker) than his mother-in-law's, are treated as his mother-in-law? — It is derived from his wife's daughter: just as in the latter case, the 'lower' relation is as the 'upper' (stronger), i.e., his wife's daughter's daughter is as his wife's daughter, though more distant; so here too, his mother-in-law's mother is as she herself. This deduction is in respect of equal punishment. The second clause is explained by R. Ashi as Abaye, as referring to the prohibition.

(16) This reverts to the explanation of 'whence do we know that males are regarded as females', as meaning, 'whence do we know that his relations are regarded as hers?'

(17) Whereas in Yeb. 21a the prohibition of the latter is regarded as Rabbinical only, whilst the former is Biblical.

(18) Lev. XVIII, 7.

(19) Lit., 'whether according to the one (Tanna) who says . . . or whether according to the one who says etc.'

(20) A verse is unnecessary, because his maternal grandmother could not be deduced from the gezerah shawah based on zimmah, whatever view be held on the scope of a gezerah shawah. There are two views on this. One is that the identity of law taught by a gezerah shawah must hold good in all respects, so that the case deduced is equal to the premise in all points; this is called 'judge from it and from (all) of it'. An opposing view is that the analogy holds good only in respect of the main question at issue, but that thereafter, the case deduced may diverge from its premise. This is called, 'judge from it, but place it on its own basis', i.e., confine the analogy to the main question, not to the subsidiary points.

(21) Lit., 'but according to the one Tanna who says that, etc.'

(22) I.e., the reason that his wife's maternal grandmother is forbidden on pain of burning.

(23) Hence, since the prohibition of his wife's mother is so severe, it is natural that it should extend to her maternal grandmother too.

(24) Surely not! Since the prohibition is weaker, its punishment being more lenient, its extent too may be more limited, and not include his maternal grandmother.

(25) Surely there cannot be a severer punishment for the latter, a more distant relative, than for the former. Yet if the latter be derived at all by this gezerah shawah, the punishment must be burning, on this view that the analogy must be carried through on all points.

(26) Just as incest with his mother is punished by stoning, so with his mother's mother. But making the analogy from

another angle, the latter should be punished by burning, as has already been shewn. Hence, by a *reductio ad absurdum*, we are forced to dismiss the entire analogy.

(27) Though the former two do not arise.

Talmud - Mas. Sanhedrin 76a

[Thus]: Why is her case [i.e., his wife's maternal grandmother forbidden]? Because her mother is [forbidden] on pain of death by fire. But can you say the same in his case, seeing that his mother is forbidden on pain of stoning [only]? Further, his maternal grandmother is like her's: just as in the latter case no distinction is drawn between his wife's maternal grandmother and her [his wife's] daughter,¹ so in the former, no distinction should be allowed between his own maternal grandmother and his daughter.² Whilst on the view that stoning is severer, the analogy cannot be made on account of this last difficulty.³

But if so,⁴ just as his daughter-in-law is forbidden him, so is his wife's daughter-in-law forbidden him?⁵ Abaye answered: The Writ saith, [Thou shalt not uncover the nakedness of thy daughter-in-law:] she is thy son's wife;⁶ teaching, you can punish only for incest with his son's wife, but not with her [his wife's] son's wife. Raba said: Whether it be maintained, 'judge from it in its entirety,' or 'judge from it and place it on its own basis', this could not be deduced. For on the first view, [the deduction would proceed thus:] just as his daughter-in-law is forbidden him, so is her's forbidden him. [Then carrying through the analogy] 'in its entirety,' just as in his case [the penalty] is stoning,⁷ so in her case is the penalty stoning. But if we regard stoning severer, this analogy can be refuted. [Thus]: Why is his [daughter-in-law forbidden]? Because his mother is forbidden him on pain of stoning: Can you then say the same of her daughter-in-law, seeing that incest with her mother incurs only death by fire?⁸ Moreover, her daughter is forbidden on pain of burning: shall her daughter-in-law be forbidden on pain of stoning?⁹ [This is no difficulty, for] let his own case prove it: his own daughter is forbidden by fire, yet his daughter-in-law by stoning. But [refute the analogy thus:] just as in his case, thou drawest no distinction between his mother and his daughter-in-law, so in her's [his wife's], you can draw no distinction between her mother and her daughter-in-law.¹⁰ And on the view that burning is considered more severe, the analogy cannot be made because of this last difficulty.¹¹ Whilst on the view, 'judge from it and place it on its own basis,' [the deduction would proceed thus:] just as his daughter-in-law is forbidden him, so is her daughter-in-law forbidden; and place it on its own basis, thus: in the former case, [his daughter-in-law] the punishment is stoning; but in the latter, burning, the punishment we find for incest with her mother. But if stoning is severer, this can be refuted. [Thus]: Why is his daughter-in-law forbidden? Because his mother is forbidden him on pain of stoning. But can you say the same of her daughter-in-law, seeing that her mother is forbidden only on pain of burning! Moreover, just as in his case, you draw a distinction between his daughter [punished by burning] and his daughter-in-law [by stoning], so in her case, you should draw a distinction between her daughter and her daughter-in-law.¹² And even on the view that burning is severer, the analogy cannot be made on account of this last difficulty.

Whence do we know that his daughter by a seduced woman [not his wife] is forbidden him?¹³ — Abaye said:¹⁴ This may be proved by arguing from the minor to the major; if he is punished for incest with his daughter's daughter, surely he is punished for his own daughter!¹⁵ But can punishment be imposed as the result of an *ad majus* conclusion? — The argument merely illumines the prohibition.¹⁶ Raba answered: R. Isaac b. Abudimi said unto me; we learn identity of law from the fact that 'hennah' [they] occurs in two related passages, and likewise 'zimmah' in two.¹⁷

The father of R. Abin learned: Because we have no express sanction [from Scripture that incest] with an illegitimate daughter [is punished by burning], therefore the Writ must say, And the daughter of a man [and] a priest, if she profane herself through her father, she profaneth him; she shall be burnt with fire.¹⁸ If so, just as in the case of a priest's [adulterous] daughter, only she is burnt, but not her

paramour, so for incest with an illegitimate daughter, only she should be burnt, but not her paramour?¹⁹ — Abaye answered: The Writ sayeth, she profaneth her father, [teaching] that this applies only to a case where she profaneth her father, excluded thus is this case,²⁰ since her father profanes her,²¹ Raba answered, In the former case²² you rightly exclude him from the penalty of a priest's daughter, and assimilate him to an Israelite's daughter.²³ But in this case,²⁴ to whom will you assimilate him? to an unmarried woman?²⁵

Now, whence do we derive a formal prohibition of incest with an illegitimate daughter? This is in order according to Abaye and Raba: from the verse from which they deduce punishment, they also learn the prohibition.²⁶ But what of the deduction made by R. Abin's father?²⁷ — R. Elai answered: The Writ sayeth, Do not profane thy daughter to cause her to be a whore.²⁸ R. Jacob, the brother of R. Aha b. Jacob objected: Is this verse, Do not profane thy daughter to cause her to be a whore, employed for this purpose? But it is needed for that which has been taught: 'Do not profane thy daughter, to cause her to be a whore' I might think that this prohibits²⁹ a priest from marrying his daughter to a Levite or an Israelite:³⁰ therefore Scripture states, 'to cause her to be a whore', shewing that the reference is only to profanation by harlotry, thus prohibiting the giving over of one's daughter for sex purposes without marriage intention'? If so, Scripture should have said al tahlal; why al tehalal? — That both may be deduced from it.³¹

Now, how do Abaye and Raba utilize the verse, Do not profane thy daughter to cause her to be a whore? — R. Mani said: [According to them] this refers to one who marries his [young] daughter to an old man.³² As it has been taught: Do not profane thy daughter to cause her to be a whore; R. Eliezer said: This refers to marrying one's [young] daughter to an old man. R. Akiba said: This refers to the delay in marrying off a daughter who is already a bogereth.³³

R. Kahana said on R. Akiba's authority: The only poor in Israel is the subtly wicked and he who delays in marrying off his daughter, a bogereth.³⁴ But is not one who thus delays himself subtly wicked?³⁵ Abaye answered:

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- (1) Incest with both being punishable by fire.
 - (2) So that incest with the former should be punished by burning, as with the latter. This however is impossible, for incest with one's grandmother cannot be more severely punished than with his mother, the penalty for which is only stoning, which on the present hypothesis is more lenient than burning.
 - (3) Since according to this comparison incest with his maternal grandmother is punished by burning. But his maternal grandmother should also be compared to his mother, the punishment for which is stoning; hence the entire analogy falls to the ground.
 - (4) This raises a new difficulty, reverting to the statement (75b) that his relatives are compared to hers.
 - (5) I.e., the wife of her son by a previous husband. But this is not so.
 - (6) Lev. XVIII, 15.
 - (7) v. supra 53a.
 - (8) Hence, since the prohibition of his relative, viz., his mother, is so severe, it is natural that it should extend in a downward direction too, whereas the prohibition of her relation, viz., her mother, being punished only by burning and consequently weaker, its extent may be more limited, and not embrace her daughter-in-law.
 - (9) Surely not!
 - (10) Hence, incest with the latter should be punished by burning. But as has already been proved, stoning is the proper punishment; therefore the entire analogy is impossible.
 - (11) Though the former two do not arise.
 - (12) I.e., Just as the punishment for his daughter-in-law is severer than for his daughter, viz., stoning instead of burning, so her daughter-in-law should be more stringently interdicted than her daughter, viz., by stoning, instead of burning. But if we compare her daughter-in-law to her mother, the punishment is burning. Hence the entire deduction is impossible.
 - (13) As explained by Abaye supra 75b. q.v. The difficulty arises because in Lev. XVIII, 10 q.v., which has been interpreted as referring to his illegitimate offspring, no mention is made of his own daughter.

(14) V. next note.

(15) [Thus Tosaf.; var lec., Did not Abaye say etc. i.e. 'what is the question'-surely Abaye has solved it.]

(16) I.e., does not add the prohibition of another person, but shews that when Scripture (in Lev. XVIII, 10) interdicted his daughter's daughter, it meant that the daughter relationship in general is forbidden.

(17) V. p. 342, n. 1; just as in Lev. XVIII, 17 the daughter is forbidden equally with the daughter's daughter, so in XVIII, 10. The punishment of burning is then deduced from Lev. XX, 14.

(18) Lev. XXI, 9. 'A man' Is superfluous, and therefore teaches that even if she is only his daughter, not his wife's, this law holds good. By translating the rest of the verse as in the text, we deduce that an illegitimate daughter is burnt for incest with her father; and by regarding 'a man' as distinct from "priest" (the latter being attached to the former with the copula 'and'), the deduction is made to refer to any illegitimate daughter, not only a priest's (v. Tosef. Sanh. XII).

(19) Seeing that the former is deduced from 'she shall be burnt with fire', whilst the verse is made to refer to incest too.

(20) Incest with one's illegitimate daughter.

(21) Her case is excluded from the limitation implied in, she (and not her paramour) 'shall be burnt with fire': hence her paramour is likewise punished.

(22) The seducer of a priest's adulterous daughter.

(23) I.e., punishing him by stoning instead of burning. For the limitation of 'she', though teaching that the special law of a priest's daughter does not apply to him, yet leaves him to be punished as the seducer of a married woman in general.

(24) Incest with an illegitimate daughter.

(25) For if an incestuous paramour be excluded from the punishment of an adulterous woman, whether the daughter of a priest or an Israelite (since relationship is independent of these), his law can only be assimilated to that of an unmarried woman, whose unchastity is not punished at all. But surely it cannot be maintained that an illegitimate daughter is burnt for incest with her father, though her offence is a passive one, and less than the man's (v. supra 74b), whilst he goes scot free! Hence the limitation of 'she' cannot apply to this.

(26) Both being stated in the verses they employ for this purpose.

(27) Lev. XXI, 9 speaks only of punishment, but contains no prohibition.

(28) Lev. XIX, 29. This includes incest, and since 'daughter' in general is mentioned, it applies to an illegitimate one too.

(29) Lit., 'the Writ speaks of a priest etc.'

(30) Since he thereby 'profanes her', in that she is not permitted to eat of terumah (v. Glos) thereafter.

(31) The latter **לְהַלְלָהּ** is a heavier form, yet with the same meaning **לְהַלְלָהּ** the former. Being heavier, it has a wider application.

(32) Since she cannot willingly accept him, she may be led to adultery.

(33) Having attained puberty, she may become unchaste if not married. Marriage, of course, was then at a far earlier age than now.

(34) This is explained further on.

(35) Why 'and he who delays etc.': the two are identical. His wickedness consists in that he keeps her unmarried, that he may profit by her labour whilst endangering her chastity.

Talmud - Mas. Sanhedrin 76b

This is its meaning: Which poor man is subtly wicked? He who delays marrying off his daughter, a bogereth.¹

R. Kahana also said on R. Akiba's authority: Beware of one who counsels thee for his own benefit.²

Rab Judah said in Rab's name: One who marries his daughter to an old man or takes a wife for his infant son, or returns a lost article to a Cuthean,³ — concerning him Scripture sayeth, [that he bless himself in his heart saying, I shall have peace, though I walk in the imagination of mine heart] to add drunkenness to thirst: The Lord will not spare him.⁴

An objection was raised: He who loves his wife as himself and honours her more than himself,⁵

and leads his children in the right path, and marries them just before they attain puberty — of him Scripture saith, And thou shalt know that thy tabernacle shall be in peace and thou shalt visit thy habitation, and shalt not sin.⁶ — If just before puberty, it is different.

Our Rabbis taught: He who loves his neighbour, displays friendly intimacy towards his relatives, and marries his sister's daughter and lends a sela' to the poor man in time of his need — of him Scripture saith, Then shalt thou call, and the Lord shall answer.⁷

Our Rabbis taught: [And if a man take a wife and her mother, it is wickedness: they shall be burnt with fire,] both he and they [ethe'en].⁸ [This means], he and one of them. That is R. Ishmael's opinion. R. Akiba said: [It means], he and both of them. Wherein do they differ?⁹ — Abaye said: They differ as to the text from which the law is derived: R. Ishmael maintains that 'he and ethe'en' means 'he and one of them', for in Greek 'one' is hello.¹⁰ Hence [incest with] his mother-in-law's mother [as a punishable offence] is arrived at [only] by [Biblical] interpretation. But R. Akiba maintained, 'he and ethe'en' means 'he and both of them', hence his mother-in-law's mother is explicitly interdicted in this verse.¹¹ Raba said: They differ about his mother-in-law after [his wife's] death: R. Ishmael holds that [incest with] his mother-in-law after [his wife's] death is punished by burning; whilst R. Akiba's view is that it is merely forbidden.¹²

MISHNAH. THE FOLLOWING ARE DECAPITATED: A MURDERER, AND THE INHABITANTS OF A SEDUCED CITY. A MURDERER WHO SLEW HIS FELLOW WITH A STONE OR AN IRON, OR KEPT HIM DOWN UNDER WATER OR IN FIRE, SO THAT HE COULD NOT ASCEND THENCE, IS EXECUTED. IF HE PUSHED HIM INTO WATER OR FIRE, BUT SO THAT HE COULD ASCEND, YET HE DIED, HE IS FREE [FROM DEATH]. IF HE SET ON A DOG OR A SNAKE AGAINST HIM [AND THEY KILLED HIM], HE IS FREE FROM DEATH. BUT IF HE CAUSED A SNAKE TO BITE HIM [BY PUTTING HIS JAWS AGAINST HIM] — R. JUDAH RULED THAT HE IS EXECUTED; THE SAGES, THAT HE IS NOT.

GEMARA. Samuel said: why is 'hand' not mentioned in connection with iron?¹³ — Because iron can kill no matter what its size. It has been taught likewise: Rabbi said; It was well known to Him who spake and the world came into being that iron, no matter how small, can kill; therefore the Torah prescribed no size for it. This however, is only if one pierced therewith:¹⁴

OR KEPT HIM DOWN UNDER WATER. The first clause teaches the extreme limit of the law, and so does the last. Thus, the first clause teaches the extreme limit of the law, that though he himself did not push him [into the water], yet since he could not ascend, [through being held down], and so died, he is executed. The last clause likewise teaches the extreme limit, that though he actually pushed him into the water, yet since he could have ascended, but died, he is free from death.

Whence do we know that [he is liable to death] for keeping him down?-Samuel answered: The Writ sayeth, Or if with enmity he smote him with his hand:¹⁵ this extends the law to one who keeps his neighbour fast [e.g., in water, thus causing his death].

A certain man confined his neighbour's animal in a place exposed to the sun, so that it died [of sunstroke]. Rabina held him liable: R. Aha b. Rab ruled that he was not. Rabina held him liable by an ad majus argument from a murderer. If a murderer, in whose case unwitting murder is not treated as deliberate, nor an accident as intention, is nevertheless executed for confining [his neighbour in a place where he must die];

(1) Through his poverty he delays her marriage, that he may profit from her labour, The poor man has no other opportunity of cunning wickedness

- (2) Lit., 'in his own way'.
- (3) v. p. 388, nn. 5-6.
- (4) Deut. XXIX, 18ff. i.e., the associations involved in these practices are displeasing in the eyes of the Lord. [How bitter must have been the persecution of the Jews under Ardeshir (v. Funk, op. cit 1, pp 66 ff.) to have provoked gentle Rab to this harsh utterance.]
- (5) By providing her with fine ornaments (Rashi).
- (6) Job. V. 24. This proves that it is meritorious to marry off one's children whilst minors.
- (7) Isa. LVIII, 9.
- (8) אִתְּהוֹן, Lev. XX, 14.
- (9) For obviously R. Akiba cannot mean that a man's wife must be burnt because her husband committed incest with his daughter.
- (10) ***, acc. of ***.
- (11) Since R. Ishmael maintains that only 'one of them' is denoted by אִתְּהוֹן, It must mean his mother-in-law. Consequently, her mother is not directly referred to, and has to be deduced. But R. Akiba, translating אִתְּהוֹן 'both of them' (which cannot possibly include his wife), regards the verse as referring to his mother-in-law and her mother; hence death by fire for the latter is explicitly taught in this verse.
- (12) R. Ishmael interprets the verse, 'he and one of them' i.e., even if only one of them is alive (viz., his mother-in-law), the penalty for incest is burning, whilst R. Akiba maintains, 'he and both of them' i.e., only during the lifetime of both is incest with his mother-in-law punished by fire. Otherwise, there is no penalty, though it is forbidden.
- (13) In Num. XXXV, 16-18, dealing with murder, iron, stone, and wooden weapons are enumerated: 'hand' is used in connection with the latter two, implying that they must be large enough to afford a hold to the hand, but not in connection with the first.
- (14) But if used to strike therewith, it must be of a certain minimum size before the murderer is executed.
- (15) Num. XXXV, 21.

Talmud - Mas. Sanhedrin 77a

then with respect to damages, wherein unwitting damage is treated as deliberate, and an accident as intention,¹ surely he is liable for confining [the animal].

‘R. Aha b. Rab ruled that he is not liable.’ Said R. Mesharshia: Why does my grandfather² rule him not liable? — Because of the verse, [Or in enmity he smite him with his hand, that he die:] He that smote him shall surely be put to death: for he is a murderer:³ only a murderer has the law made liable for confining, but not one who causes damage thereby.

Raba said: If one bound his neighbour and he died of starvation, he is not liable to execution. Raba also said: If he bound him in the sun, and he died, or in a place of intense cold and he died, he is liable; but if the sun was yet to appear, or the cold to make itself felt, he is not.⁴ Raba also said: If he bound him before a lion, he is not liable:⁵ before mosquitoes, [who stung him to death] he is. R. Ashi said: Even before mosquitoes, he is not liable, because these go and others come.⁶

It has been stated: If one overturned a vat upon a man [who then died of suffocation], or broke open a ceiling above him,⁷ — Raba and R. Zera [differ]: One ruled that he is liable, the other that he is not. It can be proved that it was Raba who ruled that he is not liable, for he said: If one bound his neighbour and he dies of starvation, he is not liable.⁸ On the contrary. it can be shewn that R. Zera ruled that he is not liable. For R. Zera said: If one led his neighbour in to an alabaster chamber⁹ and lit a candle therein, so that he died [of the fumes]. he is liable. Now, the reason is only that he lit a candle that he is liable;¹⁰ but had he not lit a candle [and the prisoner died of the natural heat and lack of air], he would be exempt!¹¹ — I will tell you: In that case, without a candle, the heat would not have commenced [its effects]

(1) It being a general principle that a man is liable for any damage he does, no matter how, B.K. 26b.

(2) R. Aha b. Rab was a Babylonian amora of the fourth century, and the grandfather of R. Mesharshia.

(3) Ibid. The first half of the verse extends the law to confining one's neighbour in a place of death, (p. 519).

(4) I.e., he is liable only if the place was already exposed to heat or cold. But if it was merely destined to become hot, the sun not yet having risen, he is not liable. In the first case, he is regarded as a direct murderer, in the second, as an indirect cause. That is the general reason for the exemptions taught in this passage.

(5) Because he could not have saved himself in any case. [Raba probably refers to a prisoner thrown into an arena to be torn by lions.]

(6) I.e., the mosquitoes before which the prisoner was bound do not kill him entirely. as there is a continuous coming and going, Hence it is similar to binding one in a place where the sun will appear, but has not yet done so.

(7) So that the cold entering therein, killed him.

(8) This is similar: he did not kill him but indirectly caused his death.

(9) Which was then hermetically sealed, so that no fumes could escape.

(10) This being considered active murder under the circumstances.

(11) Thus R. Zera maintains that no penalty is incurred for indirectly causing one's death.

Talmud - Mas. Sanhedrin 77b

immediately [he placed him therein];¹ but in this case [of placing the overturned vat over him] the heat commences immediately.

(Mnemonic: Ladder, shield, balsam, in a wall.)

Raba said: If one thrust his neighbour into a pit, in which there was a ladder [so that he could have climbed out], and then another came and removed it, or even if himself hastened to remove it, he is not liable [for the victim's death], because when he threw him in he could have climbed out. Raba

also said: If one shot an arrow at his neighbour, who was holding a shield, but another came and snatched it away, or even if he himself [the thrower] hastened to do so, he is not liable, because when he shot the arrow its force was spent.²

Raba also said: If one shot an arrow at his neighbour, who had balsam in his hand [wherewith he could have healed the wound], but another dashed it out of his hand, or even if he himself [the thrower] did so, he is not liable, because when he did it he could have been healed. R. Ashi said: Therefore this holds good even if there was balsam in the market.³ R. Aha the son of Raba asked R. Ashi: What if he came across the balsam by chance?⁴ — He replied: Behold, he has left Beth din a free man.⁵

Raba also said: If one threw a stone at a wall, which rebounded and killed his neighbour,⁶ he is liable. And a Tanna teaches [in support of this]: If murder is committed by a man playing, for example, with a ball,⁷ if intentional, the thrower is executed; if unintentional, he is sentenced to the refuge cities.⁸ 'If unintentional, he is sentenced to the refuge cities:' but is that not obvious? — It is necessary to teach that if intentional, he is executed, [the second half being added to complete it]; for I might say, this is a case of 'a doubtful warning', for who knows that it will rebound?⁹ We are therefore taught otherwise.

R. Tahlifa of the West¹⁰ recited before R. Abbahu [the following]: If [unintentional] murder is committed by a man playing, for example, with a ball, if [the victim] was within four cubits [of the wall], the thrower is exempt; if beyond four cubits, he is liable [to exile]. Rabina objected to R. Ashi: How is this? If he desired it [to rebound], he should be liable even for a short distance;¹¹ whilst if not, he should be liable even for a greater distance? — He replied: The greater the rebound, the more is the average player pleased.¹²

Are we to say that [a murder] so committed is regarded as by his direct action?¹³ But the following contradicts it: If one was sanctifying [the water], and the ashes¹⁴ fell upon his hand or upon the side of the utensil, whence it fell into the trough, it is unfit?¹⁵ — The reference here is to a dripping down.¹⁶

Come and hear! If an [unclean] needle was lying upon a shard, and the [purifying] water was sprinkled thereon, but it is doubtful whether upon the needle or upon the shard, and then it spurted [miza] upon the needle, the sprinkling is invalid.¹⁷ — R. Hinena b. R. Judah said in Rab's name: We have learnt, It was found [maza].¹⁸

R. Papa said: If one bound his neighbour and then caused a column of water to inundate him, it is as his arrows, and he is liable [for his death]. But that is only if [he was drowned] by his direct agency; but if through his indirect agency,¹⁹ he is merely regarded as a subsidiary cause.²⁰

R. Papa also said: If one threw a stone upwards, and it returned in a slanting direction and killed a man, he is liable. Mar son of R. Ashi asked R. Papa. Why so? Because it is by his agency! But if so it should go upwards;²¹

(1) [By consuming the oxygen, the fire immediately produces effects of asphyxiation, but without fire such effects are not immediately felt.]

(2) Lit., 'broken', as at the time it was released there was a shield to prevent its killing.

(3) I. e., if when the arrow was thrown, a healing ointment could have been procured sufficiently quickly to prevent death, the attacker is not liable, even if for some reason the ointment became subsequently unavailable.

(4) When smitten, he neither possessed nor could procure it. But by some happy chance, he subsequently obtained it, and though he could have healed himself therewith, did not. Do we say, since when the attack was made, murder was its probable outcome, he is liable; or since he could have healed himself, he is not.

- (5) I.e., he is not liable: in spite of the fact that the balsam was unavailable when he threw the arrow.
- (6) And this was his intention.
- (7) Children play by throwing a ball at a wall and catching or striking it on the rebound, thus here, one threw something at a wall, which, rebounding, struck his neighbour and killed him.
- (8) V. Num. XXXV, 15.
- (9) V. supra 72b. In this case, however, it might be thought that no true warning can be given, since the murder is doubtful.
- (10) I.e., a Palestinian amora.
- (11) I.e., even if it did not rebound so far, and struck a man standing within four cubits
- (12) Therefore it may be presumed that he intended it to rebound at least four cubits; hence if less, he is not liable.
- (13) Lit., 'force'.
- (14) Lit., 'the sanctifier'.
- (15) The reference is to the law of the red heifer: Num. XIX. The ashes thereof, when mixed with running water, are said to sanctify, the ashes themselves being denominated 'the sanctifier'. These had to be placed by a person into the water, not merely fall therein. Now, if one was engaged in sanctifying the water, and instead of pouring the ashes straight in, permitted them to fall upon his hand or on the side of a utensil, whence they fell into the trough containing the sanctified water, the water is unfit for its purpose, because the mixing had not been done directly by the person. This proves that a rebound is not regarded as a person's direct action, and this contradicts the law of murder.
- (16) The ashes did not fall with force from the side of the utensil into the trough, but merely dripped down; therefore it is not regarded as man's direct agency. Had they fallen with force, however, the fall would be regarded as part of the man's action in dropping them on to the utensil, and the water would accordingly be fit. In the case of murder, the rebound is with force, and directly caused by the strength of the throw.
- (17) Because the sprinkling, as the mixing, must be done by man. Thus we see that the rebound is not regarded as direct action.
- (18) I.e., the text is corrupt, and instead of miza מִיֵּצֵא, miza מִצֵּא is to be read. Thus, the water was found upon the needle, but how it came there is not known, whether sprinkled direct thereon, or it had rebounded from the shard, which, on the present hypothesis would also be valid, or flowed of itself from the shard on to the needle, in which case it was not due at all to man's action.
- (19) If the victim was lying immediately in front of the burst, where the strength of the water's flow is still due to the man's action, the drowning is by his direct agency. But if he was lying at some distance, he is held to be an indirect or secondary cause.
- (20) Not the actual murderer.
- (21) For he had exerted himself to cause it to go up, not down.

Talmud - Mas. Sanhedrin 78a

whilst if it is not by his agency, it should fall [vertically] down?¹ — But it is through his agency, though weakened.²

Our Rabbis taught: If ten men smote a man with ten staves, whether simultaneously or successively, and he died, they are exempt. R. Judah b. Bathyra said: If successively, the last is liable, because he struck the actual death blow.³ R. Johanan said: Both derive [their rulings] from the same verse, And he that killeth kol nefesh⁴ [lit., 'all life'] of man shall surely be put to death.⁵ The Rabbis maintain that kol nefesh implies the whole life;⁶ but R. Judah b. Bathyra holds that kol nefesh implies whatever there is of life.⁷

Raba said: Both agree that if he killed a terefah,⁸ he is exempt; if he slew one who was dying through an act of God,⁹ he is liable; their dispute refers only to one who was dying through man's act:¹⁰ the one likens him to a terefah,¹¹ the other to a person dying naturally. Now, he who likens him to a terefah, why does he not liken him to a person dying naturally? — Because no injury has been done to the latter; but an injury has been done to this one. Whilst he who likens him to a person dying naturally, why does he not liken him to a terefah? — A terefah has his vital organs affected¹²,

but this one has not.¹³

A tanna recited before R. Shesheth: And he that killeth all life of man: this includes one who smote his fellow, but there was not in his blow enough [force] to kill, and then a second came and killed him, [teaching] the latter is executed — But if the first man's blow was insufficient to kill, is it not obvious [that the second is liable]? — But [say thus: the first smote him] with sufficient force to kill, [but before he expired] a second came and slew him,; then the second is liable. This anonymous Baraita agrees with R. Judah b. Bathyra.¹⁴

Raba said: If one kills a terefah, he is exempt; whilst if a terefah committed murder: if in the presence of a Beth din, he is liable; otherwise he is exempt. Why is he liable if in the presence of a Beth din? — Because it is written, so shalt thou put away the evil from the midst of thee.¹⁵ But if not, he is exempt, because the law of confuted testimony is inapplicable, and testimony which cannot be so confuted is inadmissible.¹⁶

Raba also said: He who commits pederasty with a terefah is liable to punishment; but if a terefah committed it, if in the presence of a Beth din, he is liable; otherwise he is not. 'If in the presence of a Beth din, he is liable', because it is written, So shalt thou put the evil away from the midst of thee. 'Otherwise he is not', because the law of confuted testimony is inapplicable. Why state this second [law]; is it not identical with the first? — It is necessary to teach concerning one who commits pederasty with a terefah: for I might think that he is as one who abuses a dead person, and hence exempt. Therefore he teaches that [punishment is generally imposed] because of the [forbidden] pleasure derived, and in this case too pleasure is derived.¹⁷

Raba also said: if witnesses testified [to murder] against a terefah and were then confuted,¹⁸ they are not executed.¹⁹ But if witnesses, themselves terefah, were confuted, they are executed. R. Ashi said : Even these are not slain , because those who disprove their evidence are not liable if their own is subsequently confuted.²⁰

Raba also said: If an ox, a terefah, killed [a man], it is liable [to be stoned]; but if an ox belonging to a terefah [person] killed, it is exempt. Why so? — Because the Writ saith, The ox shall be stoned, and his owner shall also be put to death;²¹ wherever it is possible to read, 'and his owner shall also be put to death,' we also read, 'the ox shall be stoned;'but where we cannot apply, 'and his owner shall also be put to death,'²² we do not read, 'the ox shall be stoned.' R. Ashi said: Even an ox, a terefah is exempt. Why so? — Since the owner in a similar condition would be exempt, the ox too is exempt.²³

IF HE SET ON A DOG OR A SNAKE AGAINST HIM, etc.

R. Aha b. Jacob said: If you will investigate [the grounds of the dispute, you will learn that] in R. Judah's opinion the snake's poison is lodged in its fangs, therefore, one who causes it to bite [by placing its fangs against the victim's flesh] is decapitated, whilst the snake itself is exempt. But in the view of the Sages the snake emits the poison of its own accord; therefore the snake is stoned, whilst he who caused it to bite is exempt.²⁴ MISHNAH. IF A MAN SMOTE HIS FELLOW, WHETHER WITH A STONE OR WITH HIS FIST, AND THEY [THE EXPERTS] DECLARED THAT DEATH WOULD ENSUE; BUT THEN ITS EFFECT LESSENERD [SO THAT IT WAS THOUGHT THAT HE WOULD LIVE], ONLY TO INCREASE SUBSEQUENTLY, SO THAT HE DIED. — HE IS LIABLE. R. NEHEMIAH SAID THAT HE IS EXEMPT, SINCE THERE IS EVIDENCE²⁵ [THAT HE DID NOT DIE AS A RESULT OF HIS INJURIES, AS HE HAD ALREADY BEEN ON THE MEND.]

GEMARA. Our Rabbis taught: R. Nehemiah gave the following exposition: If he rise again, and

walk abroad

- (1) Not in a slanting direction.
- (2) I.e., most of the force with which he threw it was already expended, but sufficient was left to impel it in the direction in which it fell.
- (3) Lit., 'brought his death near'; v. B.K. 26b.
- (4) כָּל נֶפֶשׁ
- (5) Lev. XXIV, 17.
- (6) Hence, if ten men assailed him successively, he was already nearly dead when the last smote him: therefore the last too is exempt.
- (7) I.e., however little life the man has, even if he is nearly dead, the man who actually kills him is liable.
- (8) V. Glos. When used of a person, it means that he was suffering from some fatal organic disease, recovery from which is impossible.
- (9) I.e., naturally, through age or weakness, but without an organic disease or wound.
- (10) As here: nine men had smitten him, and though not actually a trefah, he was already at the point of death.
- (11) Hence his slayer is exempt.
- (12) Lit., 'cut'.
- (13) Although suffering very much from the successive blows, and on the point of death, no vital organ, e.g., the heart or lungs, is injured, as in the case of a trefah.
- (14) That the last of the ten is liable for hastening his death, though the cumulative effect of the preceding nine would have caused his death in any case, if not so soon.
- (15) Deut. XIII, 6.
- (16) Ibid. XIX, 16-19. Since the murder was not committed in the presence of a Beth din, witnesses must testify thereto. But should they subsequently be proved false (Zomemim, v. Glos.) they could not be executed in accordance with Deut. XIX, 16-19, because they had sought the execution of one who is already regarded as dead, a terefah being thus considered, and testimony to which this law is inapplicable is not valid. But if the murder was committed in the presence of a Beth din, so that no testimony at all is required, the ordinary law of a murderer applies.
- (17) Whereas there is no sexual gratification in abusing the dead.
- (18) It being proved they they were absent from the scene of the alleged murder.
- (19) V. p. 523, n. 3.
- (20) If A and B's testimony is disproved by C and D, who testify that they were with them elsewhere than at the scene of the alleged crime, and then the latter themselves are similarly refuted, the law of Deut. XIX, 16-19 is applicable to C and D, since they had sought to impose punishment upon the first two. But if A and B were terefah, this law would not apply to C and D; consequently, the entire law does not apply, and hence they are not executed.
- (21) Ex. XXI, 29.
- (22) As here, since the owner, being a terefah, is regarded as already dead.
- (23) For this verse puts the two on an equal basis. It should be observed that in practice the owner was never killed, but ransomed, in accordance with Ex. XXI, 30 (v. supra 2a).
- (24) On R. Judah's view, the fangs themselves are poisonous. Consequently, the snake does nothing, the murder being committed by the person. But the Sages maintain that even when its fangs are embedded in the flesh, they are not poisonous, unless it voluntarily emits poison. Consequently the murder is committed by the snake, not the man. The law of Ex. XXI, 30 applies to all animals and reptiles.
- (25) Lit., 'there are feet', 'there is a basis, a reason for it'.

Talmud - Mas. Sanhedrin 78b

upon his staff, then shall he that smote him be quit.¹ Now, could you have thought that whilst he walks in the market place his assailant is executed! But it must refer to one who, it was judged, would die [of his injuries], but then their effect lessened, only to increase subsequently so that he died, [the Torah thus teaching that his assailant] is quit. But how do the Rabbis² explain 'then shall he that smote him be quit'? — This teaches that he is incarcerated [until the result is known]. Whence does R. Nehemiah know this? — From the 'gatherer [of sticks]'.³ Then let the Rabbis also

deduce it thence? — The ‘gatherer’ was certainly liable to death, Moses merely not knowing by which death;⁴ that excludes our case, where we do not know whether he is liable to death at all.⁵ But R. Nehemiah maintains that it can be deduced from the ‘blasphemer’: though not knowing whether he was liable to death, they imprisoned him.⁶ But the Rabbis say that in case of the blasphemer, [his incarceration] was an ad hoc decision.⁷

[The preceding discussion agrees with what] has been taught: Moses knew that the ‘gatherer’ was to be executed, for it is written, Every one that defileth it shall surely be put to death;⁸ but he did not know by which death, as it is written, [And they put him in ward,] because it was not declared what should be done to him.⁹ But in the case of the blasphemer, it is only said, [And they put him in ward,] that the mind of the Lord might be shewed them;¹⁰ implying that Moses did not know whether he was at all liable to death or not.

Now, on R. Nehemiah's view, it is right that two phrases bearing on judicial assessment are written;¹¹ one teaching that if his injury was declared to be fatal, but yet he survived; the other, that if it was judged that he would die, and then the effect of the blow was lightened, [yet he subsequently died — that in both cases he is quit]. But according to the Rabbis [who maintain that in the latter case he is executed], why are two such clauses necessary? — One teaches that if his injuries were declared fatal, yet he survived, and the other, that if they were declared non-fatal, yet he died, — [that in both cases the assailant is free]. But R. Nehemiah maintains that no verse is necessary for the latter case, since he left Beth din a free man.¹²

Our Rabbis taught: If a man smite his neighbour and the blow was assessed to be fatal, yet he survived, he is dismissed.¹³ If the injury was declared fatal, but subsequently lightened, a second assessment of the financial damage is made.¹⁴ If thereafter he grew worse and died, the second assessment is followed.¹⁵ This is R. Nehemiah's view. The Sages maintain: There can be no second assessment after the first.¹⁶

Another [Baraita] taught: If his injuries were declared fatal, they may subsequently be declared non-fatal.¹⁷ But once his injuries are declared non-fatal, they cannot subsequently be declared fatal.¹⁸ If the blow was assessed to be fatal, but then he became better, a second assessment of the financial damage is made, and if he subsequently died, he must make compensation for the damage, pain [etc.]¹⁹ to the heirs. From when must compensation be made? — From when he smote him.²⁰ And thus this anonymous [Baraita] agrees with R. Nehemiah.²¹

MISHNAH. IF HE INTENDED KILLING AN ANIMAL BUT SLEW A MAN, OR A HEATHEN AND HE KILLED AN ISRAELITE, OR A PREMATURELY BORN AND HE KILLED A VIABLE CHILD, HE IS NOT LIABLE.²² IF HE INTENDED TO STRIKE HIM ON HIS LOINS, WHERE THE BLOW WAS INSUFFICIENT TO KILL, BUT SMOTE THE HEART INSTEAD, WHERE IT WAS SUFFICIENT TO KILL, AND HE DIED; OR IF HE INTENDED SMITING HIM ON THE HEART,

(1) Ex. XXI, 19.

(2) The representatives of the anonymous opinion in the Mishnah.

(3) V. Num. XV, 32-36. Pending a decision, ‘they put him in ward’.

(4) Hence it is obvious that he had to be incarcerated. On this view, Moses knew that he had to be executed. This is discussed below.

(5) I.e., this case could not be deduced from the other.

(6) Lev. XXIV, 10-14.

(7) Lit., ‘a decision for the moment’. For, death not having been previously prescribed for blasphemy, there was no reason for his incarceration, but that it seemed expedient. But a special ad hoc decision cannot be taken as precedent for normal procedure.

(8) Ex. XXXI, 14.

(9) Num. XV, 34.

(10) Lev. XXIV, 12. This implies that the entire law was unknown, whilst 'what should be done to him' indicates that only the details, i.e. mode of death, were unknown.

(11) V. Ex. XXI, 18f: And if men strive together, and one smite another with a stone, or with his fist, and he die not, but keepeth his bed: If he rise again, and walk abroad upon his staff, then shall he that smote him be quit: only he shall pay for the loss of his time, and shall cause him to be thoroughly healed. Two phrases are superfluous, viz., 'and he die not', and 'If he rise again and walk abroad upon his staff', for it is self-evident that the assailant cannot be executed under such circumstances: hence they must refer to a judicial calculation that he would not die, which was, however, subsequently falsified.

(12) A favourable verdict cannot be reversed (v. supra 33b). Therefore in the latter case it is obvious that 'he is quit'.

(13) [I.e., exempt from death, but liable to pay damages.]

(14) I.e., the probable period that he would be incapacitated and the cost of medical assistance, for both of which he is liable.

(15) I.e., he is liable for the financial damage, as it was computed, but not to death.

(16) I.e., since on the first computation the injuries were declared fatal, when he subsequently grew better, and financial damages were awarded, we do not regard him as having left Beth din a free man (in respect of the capital penalty), but judge him according to the ultimate issue, and hence he is executed.

(17) If he grew better, and the assailant is thus freed from death.

(18) If he grew worse and died, the culprit is not executed.

(19) [On the payments for injuries, v. B.K. VIII, 1.]

(20) In assessing the victim's worth, his value before being smitten is taken. But we do not say, since his injuries were first declared fatal, and then not fatal, subsequent to which he died, his value should be assessed on the basis of his health at the time of the second computation.

(21) That financial compensation must be made, but there is no liability to death.

(22) [A prematurely born child for the first thirty days is not considered viable.]

Talmud - Mas. Sanhedrin 79a

WHERE IT WAS ENOUGH TO KILL, BUT STRUCK HIM ON THE LOINS, WHERE IT WAS NOT, AND YET HE DIED, HE IS NOT LIABLE. IF HE AIMED A BLOW AT AN ADULT, WHOM IT WAS INSUFFICIENT TO KILL, BUT CAUGHT A CHILD,¹ WHOM IT WAS ENOUGH TO KILL, AND HE DIED, HE IS NOT LIABLE. IF HE STRUCK AT A CHILD WITH SUFFICIENT FORCE TO KILL HIM, BUT IT CAUGHT AN ADULT, FOR WHOM IT WAS INSUFFICIENT, AND YET HE DIED, HE IS NOT LIABLE. BUT IF HE INTENDED TO STRIKE HIS LOINS WITH SUFFICIENT FORCE TO KILL, BUT CAUGHT THE HEART INSTEAD, HE IS LIABLE. IF HE AIMED A BLOW AT AN ADULT HARD ENOUGH TO KILL, BUT STRUCK A CHILD INSTEAD, AND HE DIED, HE IS LIABLE. R. SIMEON SAID: EVEN IF HE INTENDED KILLING ONE BUT KILLED ANOTHER, HE IS NOT LIABLE.

GEMARA. To which clause does R. Simeon refer? Shall we say to the last? In that case, the Mishnah should state, R. Simeon declares him not liable.² But he refers to the first clause: IF HE INTENDED KILLING AN ANIMAL, BUT SLEW A MAN, OR A HEATHEN AND HE SLEW AN ISRAELITE, OR A PREMATURELY BORN AND HE SLEW A VIABLE CHILD, HE IS NOT LIABLE. This implies, that if he intended killing one [Israelite] and killed another, he is liable. [Thereupon] R. SIMEON SAID: EVEN IF HE INTENDED KILLING ONE BUT KILLED ANOTHER, HE IS NOT LIABLE.

Now, it is obvious that if Reuben and Simeon were standing, and the murderer said, 'I intended killing Reuben, not Simeon [whom he did actually kill] — that is the case wherein they differ. But what if he said, 'I intended killing any of them,'³ or [again], if he thought that this victim was Reuben, but then found him to be Simeon? — Come and hear! For it has been taught: R. Simeon

said: [He is not liable] unless he declares, 'My intention was to kill so and so' [whom he did kill].⁴

What is R. Simeon's reason? — The Writ saith, [But if any man hate his neighbour,] and lie in wait for him, and rise up against him:⁵ teaching that his intention must be against him. But the Rabbis?⁶ — The disciples of R. Jannai said: This excludes the case of one who threw a stone into the midst of a company [of Israelites and heathens]. How is this? Shall we say that the company consisted of nine heathens and one Israelite? Then his non-liability can be inferred from the fact that the majority were heathens. And even if half and half, when there is a doubt in a capital charge, a lenient attitude must be taken!⁷ — The verse is necessary only if there were nine Jews and one heathen, so that the heathen [though in a minority] is 'settled' there, and every 'settled' [minority] is as half and half.⁸

All is well according to the Rabbis, who maintain that if he intended killing one man and killed another, he is liable. For it is written, If men strive, and hurt a woman with child;⁹ whereupon R. Eleazar observed: The verse refers to attempted murder,¹⁰ because It is written, And if any mischief follow, then thou shalt give life for life.¹¹ But how does R. Simeon interpret, 'thou shalt give life for life' ?¹² — It refers to monetary compensation, in harmony with Rabbi's [interpretation]. For it has been taught: Rabbi said: Then thou shalt give life for life: this refers to monetary compensation.¹³ You say, monetary compensation: but perhaps this is not so, life being literally meant? 'Giving' is stated below;¹⁴ and 'giving' is also stated

(1) Lit., 'a minor'.

(2) Why repeat, Even if he intended etc.? Since it bears upon the clause immediately preceding, the circumstances having been stated, it is sufficient just to give R. Simeon's ruling.

(3) Does R. Simeon regard this as intentional, or not, since he would have been equally satisfied had the other been killed.

(4) This proves that in both cases propounded, he is not liable according to R. Simeon.

(5) Deut. XIX, 11

(6) How do they interpret 'for him' and 'against him'?

(7) Since they were equally divided, we do not know whether he aimed at a Israelite or a heathen, and hence even without a verse we know that he is not liable.

(8) This is a general rule in the Talmud. Although the majority is always followed, that is only when the minority is not קבוע Kabua', fixed, settled in a certain place; but otherwise, it is equal to the majority. The following example from the Talmud will make it clearer. If there are ten butcher shops in a street, nine of which sell only kosher meat, the tenth selling terefah meat, and a piece of meat is found in the street, it may be assumed to be kosher, as the majority is followed. But if meat was bought in one of the shops, and it is not known from which, this assumption may not be made, because the doubt arises not in the street but in the shop, and the minority is in a settled place. Thus here too, since the company is all together, the place of the heathen is known and fixed, as it were. The verse under discussion teaches that the murderer in this case is not liable: hence it becomes the source of the principle that a 'settled' minority is regarded as equal to the majority.

(9) Ex. XXI, 22.

(10) Lit , 'the verse speaks of a strife with murderous intent'.

(11) Ibid. 23; v. supra, 74a.

(12) Since the murder of the woman was unintentional, according to R. Simeon there is no death penalty.

(13) I.e., the value of the woman's life must be paid to her husband.

(14) Viz., in the verse under discussion.

Talmud - Mas. Sanhedrin 79b

above:¹ just as the latter refers to money, so the former too.

Raba said: The following Tanna of the School of Hezekiah differs from both Rabbi and the Rabbis

— For a Tanna of the School of Hezekiah taught: And he that killeth a beast [shall pay for it:] and he that killeth a man, [he shall be put to death].² Just as in the case of one who kills an animal, you draw no distinction between an unwitting or a deliberate act, an intentional or unintentional blow, a downward blow or an upward one,³ not acquitting him thereof, but imposing monetary liability; so in the case of killing a man,⁴ you must draw no distinction between an unwitting or a deliberate act, an intentional or unintentional blow, a downward or an upward thrust, not imposing a monetary liability. but acquitting him thereof.⁵ Now, what is meant ‘unintentional’? Shall we say, entirely unintentional? But then it is identical with ‘unwitting’. Hence it obviously means not intending to slay this one, but another: and for such a case it is taught, ‘not imposing monetary liability’, but acquitting him thereof’. But if he is liable to death, it is surely unnecessary to teach that he is not liable to make compensation?⁶ Hence it follows that he is liable neither to execution nor to make compensation.⁷ MISHNAH. IF A MURDERER BECAME MIXED UP WITH OTHERS, THEY ARE ALL EXEMPTED [FROM THE PENALTY]. R. JUDAH SAID: THEY ARE PLACED IN A CELL.⁸ IF A NUMBER OF CONDEMNED PERSONS DIFFERING IN THEIR DEATH SENTENCES BECAME MIXED WITH WITH ONE ANOTHER, THEY ARE EXECUTED BY THE MOST LENIENT [DEATH]. IF CRIMINALS CONDEMNED TO STONING [BECAME MIXED UP] WITH OTHERS CONDEMNED TO BURNING, — R. SIMEON SAID: THEY ARE STONED, BECAUSE BURNING IS SEVERER; BUT THE SAGES SAY THEY ARE BURNED, BECAUSE STONING IS MORE SEVERE. R. SIMEON SAID TO THEM: WERE NOT BURNING SEVERER, IT WOULD NOT BE DECREED FOR A PRIEST'S ADULTEROUS DAUGHTER. THEY REPLIED: WERE NOT STONING MORE SEVERE, IT WOULD NOT BE THE PENALTY OF A BLASPHEMER AND AN IDOLATER. IF MEN CONDEMNED TO DECAPITATION BECAME MIXED UP WITH OTHERS CONDEMNED TO STRANGLING, — R. SIMEON SAID: THEY ARE [ALL] DECAPITATED; THE SAGES SAY: THEY ARE STRANGLLED.

GEMARA. Who are meant by ‘others’?⁹ Shall we say, other innocent men: is it not obvious?¹⁰ Moreover, could R. Judah say in such a case that ‘they are placed in a cell’? (Mnemonic Besh rak)¹¹ — R. Abbahu said in Samuel's name: The Mishnah treats of an unsentenced murderer who became mixed up with other murderers already sentenced, the Rabbis holding that no man can be condemned save¹² in his presence; therefore they are all freed;¹³ while R. Judah maintains that they cannot all be exempted, since they are murderers: therefore they are placed in a cell.

Resh Lakish said: If this happened to human beings, all agree that they are exempt. But here the reference is to an ox [that had gored] but was as yet uncondemned, which was mixed up with other oxen already condemned. The Rabbis maintain: As the death penalty of its owner, so is that of the ox; therefore an ox [too] can be sentenced only in its presence, hence they are all exempt. But R. Judah rules that they are placed in a cell.¹⁴ Raba demurred:

(1) Viz., If . . . no mischief follow . . . he shall pay (Heb. ונתן give) as the judges determine.

(2) Lev. XXIV, 21. This verse, by coupling the two, likens them to each other; It also implies that where monetary compensation was to be made for an animal, it is not so for a man, since ‘shall pay for it’ is only prescribed for the former.

(3) This is irrelevant here, but is mentioned because in the case of homicide this distinction is drawn (v. Mak. 7a).

(4) Where, as observed in n. 4, there is no monetary compensation.

(5) [The greater penalty of death attached to the offence acquits the offender of all monetary liability even in cases where the death penalty is not applied.]

(6) V. p, 490 n. 1.

(7) Thus this teacher differs from Rabbi, who holds him liable to compensation, and from the Rabbis, who rule that he is even executed.

(8) V. infra 81b.

(9) In the first clause.

(10) That they must all be freed.

(11) בשר"ר. B (c) ABBAHU; SH (a) = SAMUEL; R (r) = RABA; K (e) = RESH LAKISH; the names of the Amoraim that follow.

(12) Even if they are all assembled, it is still regarded as in his absence, since he is unknown.

(13) Lit., 'they complete not the trial of a man'.

(14) The reasoning being as before.

Talmud - Mas. Sanhedrin 80a

If so, how could R. Jose observe thereon: Even if Abba Halafta were amongst them?¹ — But Raba explained it thus: If two were standing, and an arrow was shot by one of them² [unknown] and killed, they are both exempt. Whereon R. Jose remarked: Even if Abba Halafta was one.³ But if an ox [a gorer] which had been sentenced was mixed up with innocent⁴ oxen, they are all stoned.⁵ R. Judah said: They are placed in a cell.⁶ And thus has it been taught likewise: If a cow killed [a man] and then calved: if before sentence, the calf is permitted [for any use]; if after the sentence, the calf is forbidden.⁷ If the cow became mixed up with others, and these with others again, they are placed in a cell. R. Eleazar, son of R. Simeon, said: They are [all] brought to Beth din and stoned.

The Master said: 'If [it calved] before sentence, the calf is permitted'; implying, even if it was with calf when it gored. But did not Raba say: The calf of a cow that gored is forbidden, because the mother and the calf gored; the calf of a cow subjected to bestiality is [likewise] forbidden because the mother and the calf were thus subjected!⁸ — Say thus: If the calf was conceived and born before its mother was condemned, it is permitted [for use]; but if conceived and born after sentence, it is forbidden.⁹ Now, this agrees with the view that the product of two things [one being forbidden] is itself forbidden;

(1) Abba Halafta was a pious scholar. Raba objects to both explanations: whether 'others' mean murderers or goring oxen. R. Jose's remark is entirely irrelevant.

(2) Lit., 'came forth from between them'.

(3) Though unthinkable that he should have shot the arrow, the other cannot be executed on this ground.

(4) Lit., 'good'.

(5) Since, in any case one could not benefit at all from them (v. Zeb. 70b), the owners suffer no loss.

(6) On this interpretation the text of the Mishnah is assumed to be defective, since R. Judah's ruling cannot refer to the first case.

(7) Because whilst within its mother, it is regarded as a part thereof. Therefore, when its mother became forbidden for use, as is the case of an animal condemned to stoning (v. Ex. XXI, 28), the prohibition extended to the unborn calf, which remains in force even after its birth.

(8) The reference is to sacrifice; these animals are not fit to be sacrificed. The act of goring or bestiality was in this case attested by one witness only, so that the cow is not stoned, and is permitted for secular, but not for sacred use, otherwise both mother and calf would be stoned. Thus

(9) In the first case, the mother itself was permitted at the time of calving, hence the calf too is likewise permitted; in the second, the cow having been condemned, the calf was the product of a forbidden animal, and hence itself forbidden too; but in both cases, the calf was not yet conceived at the time of goring, whereas Raba's statement applies only if it had already been conceived.

Talmud - Mas. Sanhedrin 80b

but on the view that such is permitted, what can you say?¹ — But Rabina said: Read thus: If the calf was conceived and born before its mother was condemned, it is permitted: but if conceived before sentence and born after sentence, it is forbidden, because the embryo is a thigh [i.e., part] of its mother.²

IF A NUMBER OF CONDEMNED PERSONS DIFFERING IN THEIR DEATH SENTENCES ETC.. — [THEY ARE EXECUTED BY THE MOST LENIENT DEATH]. This proves that a warning of a greater penalty is ipso facto a warning for a smaller one too!³ — R. Jeremiah said: [This is no proof, for] the Mishnah treats of a case where he was warned in general terms,⁴ and it agrees with the following Tanna. For it has been taught: But others liable to any death penalty decreed in the Torah⁵ are executed only on the testimony of [at least two] witnesses, by a ‘congregation’ [i.e., a full Beth din of twenty three], and after a warning, which warning must have

we see that if the cow was with calf when it gored, the calf is regarded as identical with its mother. stated that he ‘was liable to death at the hands of Beth din. R. Judah said: They [the witnesses] must have informed him by which death he would be executed.⁶ The first Tanna deduces his ruling from ‘the gatherer [of sticks], who had not been warned how he would be executed, but was nevertheless stoned]. Whereas R. Judah maintains that ‘the gatherer’ [was executed] on an ad hoc decision.⁷

IF CRIMINALS CONDEMNED TO STONING [BECAME MIXED UP] WITH OTHERS CONDEMNED TO BURNING. R. Ezekiel taught his son Ram: If criminals condemned to burning [became mixed up] with others condemned to stoning — R. Simeon said, they are stoned, because burning is severer. Thereupon Rab Judah said to him, ‘Father, teach it not thus: Why state the reason because burning is severer? This follows from the fact that the majority are for stoning.’⁸ How then should I teach it? The son replied, ‘Thus: IF CRIMINALS CONDEMNED TO STONING [BECAME MIXED UP] WITH OTHERS CONDEMNED TO BURNING, — R. SIMEON SAID, THEY ARE STONED, BECAUSE BURNING IS SEVERER.’ If so, consider the second clause, BUT THE SAGES SAY, THEY ARE BURNED, BECAUSE STONING IS MORE SEVERE. But does it not follow from the fact that the majority are to be burnt? — There the Rabbis oppose R. Simeon: You say, burning is severer; but that is not so, for stoning is severer.⁹

Samuel said to Rab Judah: You keen scholar,¹⁰

(1) The calf is the product of a cow and an ox, but the ox is permitted; therefore, on the latter view, even if conceived after sentence, it should still be permitted.

(2) In this case it is forbidden, not because it is the product of its mother, but because before birth it is part and parcel of its mother, and the prohibition of the latter applies to the embryo too.

(3) For each culprit must have been warned, and presumably, the warning had stated to which manner of death he would be liable. Since the Mishnah rules that they are all executed by the most lenient death, it follows that the warning in respect of a particular death is regarded as a warning in respect of an easier death too. Otherwise, they could not be executed.

(4) I.e., the culprit had been warned that he was liable to death, but not of the manner of execution.

(5) I.e., excluding a mesith, who requires no warning.

(6) Tosef. Sanh. XI.

(7) V. p. 527, n. 8.

(8) For ‘if criminals condemned to burning became mixed up with others condemned to stoning’ implies that the latter were in the majority, as the smaller number is lost (i.e., ‘mixed up’) in the larger.

(9) But their ruling could be deduced from the fact that the majority are to be burnt.

(10) Others translate: ‘man of long teeth’.

Talmud - Mas. Sanhedrin 81a

speak not thus to your father;¹ for it has been taught: If one was [unwittingly] transgressing a precept of the Torah, his son must not say ‘Father, you transgress a Biblical precept’, but say, ‘The Torah writes thus.’² But after all, does it not amount to the same thing? — But he must say this, ‘Father, the following verse is written in the Torah.’³ MISHNAH. HE WHO INCURS TWO DEATH PENALTIES IMPOSED BY BETH DIN IS EXECUTED BY THE SEVERER. IF HE

COMMITTED ONE SIN FOR WHICH A TWOFOLD DEATH PENALTY IS INCURRED, HE IS EXECUTED BY THE SEVERER. R. JOSE SAID: HE IS JUDGED ACCORDING TO THE FIRST INTERDICT WHICH LAY UPON HIM.⁴

GEMÊRA. Is it not obvious [that he is executed by the severer]: shall he then profit [by his additional crime]? Raba answered: The circumstances are these: First he committed the lighter offence, for which he was sentenced; then the more serious one. I might think, since he was already under sentence for the lighter offence, he is as a dead man _and cannot be further sentenced] — We are therefore taught otherwise.

The father⁵ of R. Joseph b. Hama inquired of Rabbah b. Nathan: Whence do we know this law stated by the Rabbis viz., ONE WHO INCURS TWO DEATH PENALTIES PASSED BY BETH DIN IS EXECUTED BY THE SEVERER? — [He answered:] From the verse, If he [sc. the righteous man] beget a son that is a robber, a shedder of blood, . . . [who] hath eaten upon the mountains, and defiled his neighbour's wife.⁶ Now, 'If he beget a son that is a robber, a shedder of blood, — this [murder] is punished by decapitation; 'and defiled his neighbour's wife', — this is adultery, punished by strangulation; 'and hath lifted up his eyes to the idols',⁷ refers to idolatry, for which stoning is incurred. And it is written, He shall surely die, his blood shall be upon him,⁸ which indicates stoning.⁹ R. Nahman b. Isaac objected: May it not refer to a series of offences all punishable by stoning? Thus: 'If he beget a sort a robber, a shedder of blood', refers to a wayward and rebellious son,¹⁰ who is stoned; 'and defiled his neighbour's wife', to a betrothed maiden, whose ravisher too is stoned; 'and hath lifted up his eyes to the idols', to idolatry, for which stoning is likewise incurred? — If so, what does Ezekiel teach us?¹¹ But perhaps he was merely revising the Torah?¹² — Then he should have revised it [all] just as Moses had revised it.¹³

R. Aha b. Hanina gave the following exposition: What is meant by, [But if a man be just and do that which is lawful and right, etc.] and hath not eaten upon the mountains?¹⁴ I.e., he did not eat through his forbears' merit;¹⁵ neither hath he lifted up his eyes to the idols of the house of Israel, that he did not walk with haughty mien; neither hath defiled his neighbor's wife, indicating that he did not [competitively] enter his neighbour's profession; neither hath come near to a menstruous woman, meaning that he did not benefit from the charity fund.¹⁶ And it is written, He is just, he shall surely live.¹⁷ When R. Gamaliel read this verse he wept, saying, 'Only he who does all these things shall live, but not merely one of them!' Thereupon R. Akiba said to him, 'If so, Defile not yourselves in all these things.¹⁸ is the prohibition against all [combined] only, but not against one?' [Surely not!] But it means, in one of these things; so here too, for doing one of these things [shall he live].

IF HE COMMITTED ONE SIN FOR WHICH A TWOFOLD DEATH PENALTY IS INCURRED, etc.

It has been taught: When did R. Jose rule, HE IS JUDGED ACCORDING TO THE FIRST INTERDICT WHICH LAY UPON HIM? E.g., if a woman was first interdicted as a mother-in-law¹⁹ and then became a married women, he is judged [for incest with her] as for his mother-in-law only. If she was first forbidden to him as a married woman and then became his mother-in-law, he is punished for a married woman.²⁰ R. Adda b. Ahaba said to Raba: 'If she was first his mother-in-law and then became a married woman, he is judged as for his mother-in-law only'; but should he also not be punished for the interdict attaching to her as a married woman? For R. Abbahu said: R. Jose agrees in regard to a more extensive prohibition [that it becomes operative where a prohibition already exists].²¹

(1) I.e., explicitly telling him that he was wrong.

(2) I.e., he states the Biblical law.

(3) But not directly state the law, leaving it for his father to draw the inference. This does not shame him.

- (4) This is explained below.
- (5) Var. lec., 'brother'.
- (6) Ezek. XVIII, 10f.
- (7) Ibid 12.
- (8) Ibid. 13.
- (9) 'His blood shall be upon him' always means stoning, v. p. 357 n.7. Thus we see that the severest penalty is imposed; and it must be under the circumstances posited by Raba, for otherwise the verse is unnecessary.
- (10) So called, because he ultimately becomes a murderer, v. supra 72a.
- (11) For then it is obvious.
- (12) His coreligionists having forgotten it; but not intending to teach any new law.
- (13) [In Deuteronomy.]
- (14) Ibid. 6.
- (15) His own merit being sufficient that God should sustain him. 'Mountains' is interpreted as metaphorically referring to one's ancestors; cf. Micah VI, 2, which may be so translated.
- (16) It being wrong to do so unless one is absolutely compelled.
- (17) Ibid. 9.
- (18) Lev. XVIII, 24.
- (19) I.e.,if one marries a widow's daughter, so that the widow is forbidden to him only as a mother-in-law.
- (20) Because R. Jose maintains that a second prohibition cannot become operative where one is already in existence. Adultery with a married woman is punished by strangling; incest with one's mother-in-law by burning.
- (21) As his mother-in-law she was forbidden to him only; on remarriage, the prohibition was extended to all men. Since the second prohibition is thus wider in scope than the first, it is operative even where the first already exists.

Talmud - Mas. Sanhedrin 81b

— He replied: 'Adda, my son, will you execute him twice!'"¹

MISHNAH. HE WHO WAS TWICE FLAGELLATED [FOR TWO TRANSGRESSIONS, AND THEN SINNED AGAIN,] IS PLACED BY BETH DIN IN A CELL AND FED WITH BARLEY BREAD, UNTIL HIS STOMACH BURSTS.

GEMARA. Because he has been twice flagellated Beth din places him in a cell?² — R. Jeremiah answered in the name of Resh Lakish: The reference is to flagellation for an offence punishable by extinction,³ so that he is already liable to death [at the hand of God], but the time of his death has not yet come: since, however, he abandoned himself [to sin, by transgressing a third time], we hasten his death. R. Jacob said to R. Jeremiah b. Tahlifa: 'Come, I will interpret it to you. This treats of flagellation for one sin involving extinction [which was twice repeated]: but [if he committed]two or three different sins each involving extinction, It may merely be his desire to experience sin, and not a complete abandonment thereto.'⁴

ONE WHO WAS TWICE FLAGELLATED.

Twice, though not thrice; shall we say that the Mishnah does not agree with R. Simeon b. Gamaliel? For if it did, does he not maintain, There is no presumption until a thing has happened three times?⁵ — Rabina said: It may agree even with R. Simeon b. Gamaliel: The Mishnah is of the opinion that transgressions afford a basis for presumption.⁶

An objection was raised: If one committed an offence involving flagellation, the first and second time he is flagellated; on the third occasion he is placed in a cell. Abba Saul said: Even on the third occasion he is flagellated; but on the fourth, he is placed in a cell.⁷ Now presumably, both agree that flagellation affords a basis for presumption, and they differ on the lines of Rabbi and R. Simeon b. Gamaliel?⁸ — No. Both agree with R. Simeon b. Gamaliel, but they differ on this question: One

Master⁹ holds that transgression affords a basis for presumption, the other Master,¹⁰ that only flagellation affords it. But what of the following that has been taught, viz.: If he [the transgressor] was warned [of his liability to flagellation], but remained silent, or warned and nodded his head, — the first and second time he is to be warned, but on the third occasion he is placed in a cell. Abba Saul said: The third time too he is warned, but on the fourth, he is placed in a cell.¹¹ Now there he is not flagellated:¹² wherein then do they differ? — Rabina said: They differ as to whether one must be warned of the cell.¹³

And what was the form of the cell? — Rab Judah said: A chamber of his [the transgressor's] full height. And where is it alluded to?¹⁴ — Resh Lakish quoted: Evil shall slay the wicked.¹⁵ Resh Lakish also said: What is meant by, For man also knoweth not his time, as the fishes that are taken in an evil trap;¹⁶ what is 'an evil trap'? — Resh Lakish said: A hook.¹⁷

MISHNAH. ONE WHO COMMITS MURDER WITHOUT WITNESSES IS PLACED IN A CELL AND [FORCIBLY] FED WITH BREAD OF ADVERSITY AND WATER OF AFFLICTION'.¹⁸

GEMARA. How do we know [that he committed murder]? — Rab said: On a 'disjoined' evidence.¹⁹ Samuel said: Without a warning.²⁰ R. Hisda said in Abimi's name: Through witnesses who were disproved as to the minor circumstances [of the crime], but not on the vital points.²¹ As we learned: It once happened that Ben Zakkai examined [the witnesses] as to the stalks of the figs.²²

AND FED 'BREAD OF ADVERSITY AND WATER OF AFFLICTION'. Why does this Mishnah teach, AND FED WITH BREAD OF ADVERSITY AND WATER OF AFFLICTION', whilst the former teaches, HE IS PLACED BY BETH DIN IN A CELL AND FED WITH BARLEY BREAD UNTIL HIS STOMACH BURSTS? — R. Shesheth answered: In both cases he is fed with 'bread of adversity and water of affliction' for his intestines to shrink [thus blocking the passage], and then he is fed with barley bread until his stomach bursts.

MISHNAH. IF ONE STEALS THE KISWAH,²³ OR CURSES BY ENCHANTMENT, OR COHABITS WITH A HEATHEN [LIT. SYRIAN] WOMAN, HE IS PUNISHED BY ZEALOTS.²⁴ IF A PRIEST PERFORMED THE TEMPLE SERVICE WHILST UNCLEAN, HIS BROTHER PRIESTS DO NOT CHARGE HIM THEREWITH AT BETH DIN, BUT THE YOUNG PRIESTS TAKE HIM OUT OF THE TEMPLE COURT AND SPLIT HIS SKULL WITH CLUBS. A LAYMAN WHO PERFORMED THE SERVICE IN THE TEMPLE, R. AKIBA SAID: HE IS STRANGLERED; THE SAGES SAY: [HIS DEATH IS] AT THE HANDS OF HEAVEN.

GEMARA. What is kiswah? — Rab Judah answered: The service vessels [of the Temple]; and thus it is said, And the vessels [Kesoth]²⁵ of libation.²⁶ And where is this alluded to?²⁷ That they come not to see how the holy things are stolen,²⁸ lest they [the purloiners] die.²⁹

OR CURSES BY ENCHANTMENT. R. Joseph learned, [He curses thus:] May the charm [the idol] slay its enchanter.³⁰ The Rabbis, others say, Rabbah b. Mari, say: [He curses:] May the charm slay him [his enemy], his Master and his Provider, etc.³¹

OR COHABITS WITH A HEATHEN WOMAN.

R. Kahana propounded a problem to Rab:

(1) Obviously not! Therefore under no circumstances can one prohibition take legal hold where another exists, if death is the penalty. R. Jose's admission refers only to unwitting transgression, and is in connection with sacrifices.

(2) Surely that is inequitable!

- (3) But the witnesses had warned him that he would be flagellated, — a lesser penalty.
- (4) So that there is hope for his reformation; consequently we do not hasten his death.
- (5) This is in connection with widowhood: only if a woman has been thrice widowed is there a presumption that it is her destiny to cause her husbands' death, and hence she may not remarry. Rabbi maintains that this presumption may be made even if she has only been twice widowed.
- (6) Not flagellation. Therefore, if he transgressed thrice, though only twice flagellated, there is a presumption that he is incorrigible.
- (7) Tosef. Sanh. XII.
- (8) The first Tanna agreeing with Rabbi that twice affords presumption, Abba Saul with R. Simeon b. Gamaliel. But since the first Tanna is identical with the Tanna of our Mishnah, it follows that it cannot agree with R. Simeon b. Gamaliel. This refutes Rabina.
- (9) The first Tanna.
- (10) Abba Saul.
- (11) Tosef. XII. When a warning is given, the offender must explicitly accept it, (cf. supra pp. 494-5), otherwise he cannot be punished. Nevertheless, since he was warned, and shewed by his silence or his nodding that he accepted the warning, there is a presumption that he is a confirmed sinner, and hence the law of Mishnah applies to him.
- (12) So that there is no flagellation to afford a basis for presumption.
- (13) Both agree that he becomes a confirmed sinner when he has thrice transgressed. The first Tanna maintains that once we regard him as such, he is placed in a cell without further ado; but Abba Saul is of the opinion that this too must be preceded by a formal warning. Hence, after sinning three times, it is necessary that he shall sin a fourth time, that he may be warned of the consequences.
- (14) It is assumed that the law is traditional, going back to Moses; nevertheless, an allusion is sought in the Bible.
- (15) Ps. XXXIV, 22.
- (16) Ecc. IX, 12.
- (17) This, though small, captures even large fish; thus it is more subtle and dangerous than a net. Presumably also it is more painful.
- (18) Isa. XXX, 20.
- (19) I.e., the murder was witnessed by two persons who were not standing together. In that case, he cannot be executed; hence he is imprisoned. cf. Mak. 6b.
- (20) I.e., there were two witnesses, but invalid to impose the usual death sentence, because they did not warn him.
- (21) By 'vital points' (hakiroth **הקירות**.) time and place of the crime are meant; by 'minor circumstances' (bedikoth **בדיקות**) the weapon, clothes worn by the victim or the murderer, etc. Since the vital evidence has not been disproved, the accused is adjudged a murderer; as, however, the witnesses were disproved on minor details, he cannot be executed, and is therefore placed in a cell.
- (22) The witnesses having deposed that the murder took place under a fig tree. Ben Zakkai examined them on the nature of the stalks, Whether thick or thin, etc. v. supra 40a ff.
- (23) V. Gemara.
- (24) I.e., pious men, jealous for the honour of Judaism, may punish him if they apprehend him in the act; but if they did not, they cannot subsequently charge him therewith at Beth din (Rashi).
- (25) **קשות**
- (26) Num. IV, 7.
- (27) That a zealot who sees the theft must punish, i.e., slay him.
- (28) **כבלע** lit., 'swallowed up'.
- (29) Ibid. 20. Nevertheless, this not being the true meaning of the verse, q.v., it is regarded merely as a hint, the actual law being traditional. [The allusion is probably to the vessel employed for water libation, a rite opposed by the Sadducees. The purloiner would accordingly be a member of that sect, v. Krauss, Sanh.-Mak. p. 260.]
- (30) Referring to God. The meaning of the passage is uncertain. H. Danby, Tractate Sanhedrin, a.l., suggests that **קסם** may be an abbreviation of some transliterated unorthodox divine name, e.g., *****, or a disguised form of the Tetragrammaton. The offence then will consist in blaspheming the Divine Name under a pseudonym (Sanh. VII, 5). Levy, s.v. **קסם** translates: May the charmer (= idol) slay its charmer (= God). But the Munich MS. reads **את קוסו** = what is like him (cf. **יכה יוסי את יוסי** supra 56a). Jastrow renders: 'May the carver (i.e., God, invoked as 'carver' instead of creator ex nihilo) strike his carving!'

(31) The last two refer to God. This is translated by Levy (loc. cit.): The charmer smite him, his possessor, and Him who gives him possession. The J. a. l. reads: כגון אילין נפתאי דמקללין לקנייך קיינך קנווך e.g., as the Nabateans curse, viz., Cursed be thou, thy possessor, and Him who gives thee possession.

Talmud - Mas. Sanhedrin 82a

What if zealots did not punish him? Now Rab had completely forgotten [what he had learnt about this];¹ So R. Kahana was made to read in his dream, Judah hath dealt treacherously, and an abomination is committed in Israel and in Jerusalem; for Judah hath profaned the holiness of the Lord which he loved, and hath been intimate with the daughter of a strange god.² He then went and related to Rab, 'This was I made to read'. Thereupon he reminded Rab of it all: Judah hath dealt treacherously, — this refers to idolatry, even as it is said, [Surely as a wife departeth treacherously from her husband], so have ye dealt treacherously with me, O house of Israel, saith the Lord;³ and an abomination is committed in Israel and in Jerusalem, refers to pederasty, and thus it is written, Thou shalt not lie with mankind as with womankind; it is an abomination;⁴ for Judah hath profaned the holiness [kodesh]⁵ of the Lord, — this refers to harlotry, and thus it is said, There shall be no consecrated harlot [kedeshah]⁶ of the daughters of Israel;⁷ and hath been intimate with the daughter of a strange god, — this refers to intimacy with a heathen woman. Now, this verse is followed by, The Lord will cut off the men that doeth this, the master and the scholar, out of the tabernacles of Jacob, and him that offereth an offering unto the Lord of Hosts.⁸ This means: If he is a scholar, he shall have none awakening [i.e., teaching] among the sages and none responding among the disciples; if a priest, he shall have no son to offer an offering unto the Lord of hosts.⁹

R. Hiyya b. Abuiyah said: He who is intimate with a heathen woman is as though he had entered into marriage relationship with an idol, for it is written, and hath been intimate with the daughter of a strange god:¹⁰ hath then a strange god a daughter — But it refers to one who cohabits with a heathen woman.

R. Hiyya b. Abuiyah also said: 'This and yet another' is written upon Jehoiakim's skull.¹¹ R. Perida's grandfather found a skull thrown down at the gates of Jerusalem, upon which 'this and yet another' was written. So he buried it, but it re-emerged; again he buried it, and again it re-emerged. Thereupon he said, This must be Jehoiakim's skull, of whom it is written, He shall be buried with the burial of an ass, drawn and cast forth beyond the gates of Jerusalem.¹² Yet, he reflected, he was a king, and it is not mannerly to disgrace him. So he took it, wrapped it up in silk, and placed it in a chest. When his wife came home and saw it, she went and told her neighbours about it. 'It must be the skull of his first wife', said they to her, 'whom he cannot forget'. So she fired the oven and burnt it. When he came, he said to her, 'That was meant by its inscription, "This and yet another"'.¹³

When R. Dimi came,¹⁴ he said: The Beth din of the Hasmoneans¹⁵ decreed that one who cohabits with a heathen woman is liable to punishment on account of Nashga.¹⁶ When Rabin came,¹⁷ he said: On account of Nashgaz, i.e., niddah, shifhah, goyyah and zonah;¹⁸ but not on account of a married woman, because they themselves [sc. the heathens] do not recognize the marriage bond.¹⁹ But the other?²⁰ — They certainly gave no license to their wives.²¹

R. Hisda said: If the zealot comes to take counsel [whether to punish the transgressors enumerated in the Mishnah], we do not instruct him to do so. It has been stated likewise: Rabbah b. Bar Hana said in R. Johanan's name: If he comes to take counsel, we do not instruct him to do so. What is more, had Zimri forsaken his mistress and Phinehas slain him, Phinehas would have been executed on his account;²² and had Zimri turned upon Phinehas and slain him, he would not have been executed, since Phinehas was a pursuer [seeking to take his life].

And Moses said unto the judges of Israel, Slay ye every one of his men that were joined unto Baal

Peor.²³ Thereupon the tribe of Simeon went unto Zimri ben Salu and said unto him, 'Behold, capital punishment is being meted out, yet you sit silent [i.e., inactive].' What did he do? He arose and assembled twenty-four thousand Israelites and went unto Cozbi, and said unto her, 'Surrender thyself unto me.' She replied, 'I am a king's daughter, and thus hath my father instructed me, "Thou shalt yield only to their greatest man". 'I too,' he replied, 'am the prince of a tribe; moreover, my tribe is greater than his [Moses], for mine is second in birth, whilst his is third.'²⁴ He then seized her by her coiffure and brought her before Moses. 'Son of Amram,' exclaimed he, 'is this woman forbidden or permitted? And should you say. "She is forbidden", who permitted thee Jethro's daughter'? At that moment Moses forgot the halachah [concerning intimacy with a heathen woman], and all the people burst into tears; hence it is written, and they were weeping before the door of the tabernacle of the congregation.²⁵ And it is also written, And Phineas, the son of Eleazar, the son of Aaron the priest, saw it.²⁶ Now, what did he see? — Rab said: He saw what was happening and remembered the halachah, and said to him, 'O great-uncle! did you not teach us this on thy descent from Mount Sinai: He who cohabits with a heathen woman is punished by zealots?' He replied. 'He who reads the letter, let him be the agent [to carry out its instructions]'. Samuel said: He saw that 'There is no wisdom nor understanding nor counsel against the Lord':²⁷ whenever the Divine Name is being profaned, honour must not be paid to one's teacher.²⁸ R. Isaac said in R. Eleazar's name: He saw the angel wreaking destruction amongst the people. And he rose up out of the midst of the congregation, and took a spear in his hand;²⁹ hence one may not enter the house of learning with weapons.³⁰ He removed its point and placed it in his undergarment, and went along

(1) He did not know what to reply.

(2) Mal. II, 11.

(3) Jer. III, 20. The simile shews that the reference is to idolatry.

(4) Lev. XVIII, 22.

(5) קדש

(6) קדשה

(7) Deut. XXIII, 18.

(8) Mal. II, 12.

(9) This is his punishment and the answer to R. Kahana's question.

(10) Ibid. 11.

(11) The meaning of this is given in the following story.

(12) Jer. XXII, 19.

(13) I.e., it would be exposed to this disgrace, of being cast away in the streets, and yet another, viz., burning.

(14) From Palestine; v. p. 390, n. 1.

(15) J. Derenbourg, Essai p. 84 places this Beth din during the rule of Simeon the Hasmonean (143-135 B.C.E.), or the first years of his son John. The troublous times of the Maccabees would seem to have led to licentiousness and a lowering of moral standards, and consequent liaisons with heathens. When the country became more settled, the religious authorities naturally attempted to stem this, and hence the decree. (V. 'A.Z. (Sonc. ed.) p. 177, n. 7.)

(16) This is a mnemonic: N = niddah, a menstruous woman; SH = Shifhah, a non-Jewish maidservant; G = goyyah, a heathen woman; and A = esheth, ish, a married woman. He is regarded as having transgressed in respect of all four, and as such will be punished by heaven.

(17) V. p. 544, n. 7.

(18) Zonah = harlot; for the first three v. preceding note.

(19) They are very lax, and their women, even married, indulge in promiscuity; v. Weiss, Dor. Vol.II, pp. 19 ff,

(20) R. Dimi, who includes this.

(21) I.e., they expect their wives to observe the marriage bond.

(22) For the zealot may slay only when he is engaged in the commission of the offence.

(23) Num. XXV, 5.

(24) Simeon was Jacob's second son; Levi, to which Moses belonged, the third.

(25) Ibid 6.

(26) Ibid 7.

(27) Prov. XXI, 30.

(28) I.e., seeing the profanation of the Divine Name, he did not wait for Moses' ruling.

(29) Num. XXV, 7.

(30) Since he rose up out of the congregation, i.e., the Sanhedrin, implying that he went out.

Talmud - Mas. Sanhedrin 82b

leaning upon the stock [of the spear, into which the pointed blade is inserted], and as soon as he reached the tribe of Simeon, he exclaimed, 'Where do we find that the tribe of Levi is greater¹ than that of Simeon? [i.e., I too wish to indulge]. Thereupon they said, 'Let him pass too. He enters to satisfy his lust. These abstainers have now declared the matter permissible.' R. Johanan said: Six miracles were wrought for Phinehas: — [i] Zimri should have withdrawn [from the woman] but did not;² [ii] he should have cried out [for help], but did not; [iii] he [Phinehas] succeeded [in driving his spear] exactly through the sexual organs of the man and woman;³ [iv] they did not slip off the spear; [v] an angel came and lifted up the lintel;⁴ [vi] an angel came and wrought destruction amongst the people.⁵ Then he [Phinehas] came and struck them down before the Almighty, saying. 'Sovereign of the Universe! shall twenty-four thousand perish because of these.' even as it is written, And those that died in the plague were twenty and four thousand.⁶ Hence it is written, then stood up Phinehas, and executed judgement [wa-yefallel]⁷ R. Eleazar said: [wa-yispallel] [he prayed] is not written, but wa-yefallel,⁸ as though he argued with his maker [on the justice of punishing so many]. Thereupon the ministering angels wished to repulse him, but He said to them, 'Let him be, for he is a zealot and the descendant of a zealot; a turner away of wrath and the son of a turner away of wrath.'⁹ The tribes now began abusing him: 'See ye this son of Puti [= Putiel] whose maternal grandfather fattened [pittem] cattle for idols,¹⁰ and who has now slain the prince of a tribe of Israel!' Therefore Scripture detailed his ancestry: Phinehas, the son of Eleazar, the son of Aaron the Priest.¹¹ [Moreover,] the Holy One, blessed be He said to Moses, 'Be the first to extend a greeting of peace to him', as it is written, Wherefore say, Behold, I give unto him my covenant of peace;¹² and this atonement, [that Phinehas has made] is worthy of being an everlasting atonement.¹³ R. Nahman said in Rab's name: What is meant by, A greyhound [zarzir mathnaim, lit, 'energetic of loins']: an he goat also [tayish]; and a king, against whom there is no rising up?¹⁴ — That wicked man, [sc. Zimri] cihabited four hundred and twenty-four times¹⁴, that day, and Phinehas waited for his strength to weaken,¹⁵ not knowing that [God is] a King, against whom there is no rising up.¹⁶ In the Baraitha we learnt: Sixty [time], until he became like an addled egg, whilst she became like a furrow filled with water. R. Kahana said: And her seat was a beth s'eah.¹⁷ R. Joseph learned: Her womb opening was a cubit.

R. Sheshet said: Her name was not Cozbi, but Shewilanai the daughter of Zur. Why then was she called Cozbi? Because she falsified¹⁸ her father's teachings.¹⁹ Another interpretation is: She said to her father, 'Devour me [kosbi]²⁰ this people,' And thus it is a popular proverb, 'What business hath Shewilanai²¹ by the reeds of the lake? What hath Shewilanai to do amongst the peeling rushes?²² She prostitutes her mother.'²³

R. Johanan said: [Zimri] had five names: Zimri, the son of Salu, Saul, the son of the Canaanitish woman, and Shelumiel, the son of Zurishaddai. Zimri, because he became like an addled egg [beza hamuzereth]; the son of Salu, because he outweighed [hisli]²⁴ the sins of his family;²⁵ Saul, because he lent himself [hish'il fr. sha'al] to sin; the son of the Canaanitish woman, because he acted in a Canaanitish fashion, [i.e., depravedly]; whilst his real name was Shelumiel the son of Zurishaddaif

IF A PRIEST PERFORMED THE TEMPLE SERVICE WHILST UNCLEAN

R. Abba b. Huna propounded a problem to R. Shesheth: Does a priest who performed the Temple service whilst unclean merit death at the hands of Heaven or not? — He replied: We learntit: IF A PRIEST PERFORiED THE TEMPLE SEōVICE WHILST UNCLEAN, HIS BROTHER PRIESTS

DO NOT CHARGE HIM AT BETH DIN, BUT THE YOUNG PRIESTS TAKE HIM OUT OF THE TEMPLE COURT AND BREAK HIS SKULL WITH CLUBS. But should you think that he merits death at the hands of Heaven, should he not be left to be slain by Him? Will you say then that he is not so liable? Is there anything for which the Merciful One did not impose a penalty, for which we may kill? — And is there not? But we learnt, ONE WHO WAS TWICE FLAGELLATED IS PLACED BY BETH DIN IN A CELL: thus, the Merciful One exempted him, yet we slay him! — [That is no difficulty;] for did not R. Jeremiah say in the name of Resh Lakish: The reference is to flagellation for an offence punishable by extinction?²⁶ hence he is liable to death. But what of one who steals a Kiswah? — [That too causes no difficulty], for did not Rab Judah say: This refers to service vessels, [death for the theft of which] being alluded to in the verse, That they come not to see how the holy things are stolen, lest they [the purloiners] die.²⁷ But what of one who CURSES BY ENCHANTMENT?²⁸ — [There too,] did not R. Joseph learn, [He curses thus:] May the charm slay the enchanter? So that it is somewhat analogous to blasphemy.²⁹ But what of ONE WHO COHABITS WITH A HEATHEN WOMAN? — There too, R. Kahana was made to read [a verse] in his dream, which [on being told to Rab], entirely reminded him of the law.³⁰ He objected: He who pours [the oil on the meal-offering], mingles [it with the flour], breaks up [the meal-offering cakes], salts [the meal-offering], waves it, presents it [opposite the south west corner of the altar], sets the table [with the shew bread], trims the lamps, takes off the handful [of flour from the meal-offering] or receives the blood. — [if he did any of these] outside [the Temple Court], he is not liable [to extinction]. Nor is punishment incurred for any of these acts

(1) I.e., more sanctimonious.

(2) Had he withdrawn, Phinehas could not have punished him.

(3) Thus showing that he was punishing immorality, and not satisfying a private hate.

(4) So that it should not interfere with the spear as he was carrying them out aloft.

(5) Thereby distracting their attention: otherwise Zimri's partisans would have slain him.

(6) Ibid. 9.

(7) Ps. CVI, 30.

(8) Fr. פלל, to argue.

(9) Levi, the first ancestor of his tribe, had shown zeal for his sister's honour (Gen. XXXIV, 25f.); Aaron, Phinehas' grandfather, had turned away God's wrath on the occasion of Korah's revolt. Num. XVII, 13.

(10) V. Ex. VI. 25: And Eleazar, Aaron's son, took him one of the daughters of Putiel to wife. According to the legend, Putiel was Jethro, so called because as a priest of Midian he had fattened (פיתם pittem, with which Putiel is here connected) cattle for idolatrous sacrifices.

(11) Num. XXV, 11.

(12) Ibid. 12.

(13) Cf. ibid. 13.

(14) Prov. XXX, 31. (12) The numerical value of zarzir זרזיר, whilst cohabitation is understood from 'loins'.

(15) Heb. תשש (weakened) is connected here with תיש.

(16) I.e. he need not have waited, for Zimri was already doomed.

(17) I.e., she became very bloated. Beth se'ah is a field requiring one se'ah of seed.

(18) From כזב falsehood.

(19) V. 82a; he had instructed her to surrender only to the greatest man in Israel.

(20) כם-בי

(21) A common name for a dissolute woman. [The word is connected with the Arabic denoting 'womb opening', v. MGWJ. LXXIII, p. 398].

(22) I.e., surely she goes to these secluded spots only for immoral purposes.

(23) I.e., she transfers her own harlotry to her mother — an unchaste woman being generally called a harlot, the daughter of a harlot (Rashi). Jast. renders, 'Did she embrace her mother?'

(24) From שאל.

(25) From מלא. Others: he caused the sins of the family to rise, i.e., became notorious. (Jast.); Rashi (one version) caused his sins to be searched out, probed.

(26) V. supra 81b.

(27) Num. IV, 20.

(28) The reading here in our printed texts differs slightly from that of the Mishnah on 81b; the latter has been followed; cp. DS. a.l.

(29) V. supra 56a. May Jose Smite Jose: blasphemy was punished by death.

(30) That verse hints at death.

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on account of zaruth,¹ uncleanness, lack of [priestly] garments² or the [non-] washing of hands and feet.³ [This implies,] but if he burned incense,⁴ he is liable, and presumably [his liability is] to death⁵ — [No;] merely in respect of a prohibition.⁶ But if so, the Zaruth mentioned is likewise merely in respect of a prohibition: surely, it is written, And the stranger [zar] that cometh nigh shall be put to death⁷ — Each has its own ruling.⁸ Now it follows that not even a negative precept is transgressed for pouring and mingling [under the conditions enumerated]; but it has been taught: Whence do we derive a negative precept for the pouring and mingling [of the oil by an unclean priest]? — From the verse, They shall be holy unto their God, and not profane [the name of their God]?⁹ — The prohibition is Rabbinical only, the verse being a mere support. An objection was raised: The following are liable to death [at the hands of Heaven ...an unclean [priest] who performed the [Temple] service, (etc.).] This definitely refutes his [R. Shesheth's] ruling.

To turn to the main [Baraita]: The following are liable to death [at the hands of Heaven]: One who ate tebel,¹⁰ an unclean priest who ate undefiled terumah, a zar or an unclean [priest] who performed [the Temple service], or one who performed it on the day of his ritual bath,¹¹ or lacking the proper [priestly] garments, or lacking the [sacrificial] atonement,¹² one who did not wash his hands and feet, or drank wine, or a priest with over-grown locks.¹³ But the performance of the service by an uncircumcised [priest], an onen.¹⁴ or by one who officiated whilst sitting is not liable to death, but merely prohibited. If a priest with a blemish [officiated], Rabbi said: He is liable to death; the Sages maintain: He is merely prohibited. If he deliberately transgressed in respect of a trespass offering,¹⁵ Rabbi said: He is liable to death. and the Sages say: He transgressed a mere prohibition.

Now, whence do we know it of one who eats tebel? — As Samuel said on the authority of R. Eliezer: Whence do we know that one who eats tebel is liable to death? From the verse, And they shall not profane the holy things of the children of Israel, which they shall offer to the Lord.¹⁶ Now, the verse refers to that which is yet to be offered;¹⁷ and then identity of law is learnt from the use of 'profanation' here and in the case of terumah:¹⁸ just as there the penalty is death, so here too. But let us rather learn [the penalty] from the use of profanation here and in the case of nothar:¹⁹ just as there, the penalty is extinction. so here too? — It is logical to make the deduction from terumah, because they are equal in the following points: — [i] terumah, [ii] extra-territoriality, [iii] annulment, [iv] plural form, [v] land produce. [vi] piggul, and [vii] nothar.²⁰ On the contrary, should not the deduction rather be made from nothar, since they are alike in the following points: [i] unfitness of food and [ii] no annulment of prohibition by a mikveh?²¹ — Even so, those [tebel and terumah] have more points in common. Rabina answered: The use of the plural form is certainly a stronger link.²² And whence do we know that an unclean priest who ate undefiled terumah [is liable to death]? — As Samuel said: Whence do we know that an unclean priest who ate undefiled terumah is punished by death at the hands of Heaven? From the verse, Therefore they shall keep mine ordinance, lest they bear sin for it, and die therefore, if they profane it.²³ This [however] applies only to undefiled, but not to polluted terumah: for Samuel said in R. Eliezer's name: Whence do we know that an unclean priest who ate unclean is not liable to death? — From the verse, and die therefore, if they profane it:

- (1) I.e., the prohibition of a zar (a non-priest) to officiate in the Temple: a zar who performs any of these services is not punished, as none of these functions form the concluding part of a service.
- (2) The priest had to officiate in the special garments prescribed in Ex. XXVIII; if he did not wear them all whilst engaged in any of these, he incurs no liability.
- (3) (Zeb. 112b), V. Ex. XXI, 17f.
- (4) A function completing a service.
- (5) But since uncleanness is mentioned, it follows that a ritually unclean priest who offered incense is liable to death. This contradicts R. Shesheth's ruling.
- (6) He is merely regarded as having transgressed an ordinary prohibition.
- (7) Num. XVIII, 7.
- (8) I.e., for uncleanness there is a mere prohibition: for zaruth, death.
- (9) Lev. XXI, 6. This is referred to the performance of one of these services whilst unclean.
- (10) V. Glos.
- (11) Tebbul Yom. Lit., 'one who immersed during the day'. An unclean priest purified himself by taking a ritual bath: yet even then he could not officiate until after sunset.
- (12) A priest who became unclean through the dead was sprinkled with the ashes of the red heifer mixed with water; then he took a ritual bath; and on the eighth day of his uncleanness, he offered a sacrifice, which made atonement for him. Before this, he is regarded as one 'lacking atonement', and may not officiate.
- (13) I.e., who has not trimmed his hair for thirty days or more.
- (14) A mourner before the burial of a near relative, e.g.. father.
- (15) I.e., be benefited from a holy thing. for the secular (unwitting) use of which one is bound to bring a trespass offering; cf. Lev. V, 14ff.
- (16) Lev. XXII, 15.
- (17) The verb **זָבַח** is imperfect ('which they shall offer') and hence refers to 'holy things' — i.e., terumah — which is yet to be separated from the produce, so that it is all tebel.
- (18) Ibid. 9: They shall therefore keep mine ordinance, lest they bear sin for it, and die therefore, if they profane it. This refers to the eating of terumah by an unclean priest.
- (19) That which is left over of the sacrifice after the time appointed for eating. Ibid. XIX, 6, 8: And if ought remain until the third day, it shall be burnt in fire . . . Therefore every one that catch it shall bear his iniquity, because he hath profaned the hallowed thing of the Lord: and that soul shall be cut off from among his people.
- (20) Both deal with terumah, as tebel too is forbidden on account of the unseparated terumah which it contains. Neither terumah nor tebel operated outside Palestine, but nothar was forbidden in the wilderness too. Further, both of these prohibitions can be annulled: that of the unclean priest by a ritual bath; tebel, by separating its terumah: but under no circumstances can the prohibition of nothar be annulled. Profanation in both cases is stated in plural form: tebel: And they shall not profane etc. terumah:...if they profane it; but nothar has its use in the singular...because he hath profaned. Tebel and terumah apply to land produce (cereals and fruits); nothar to animals. Finally, the law of piggul (v. Glos) and nothar is inapplicable to tebel and terumah.
- (21) In the case of tebel and nothar the substance itself is forbidden; but the terumah is not forbidden, only that the priest is unclean. Also the prohibition of tebel and nothar cannot be annulled through a mikweh (ritual bath); but that of terumah ceases when the priest takes a ritual bath.
- (22) I.e., the fourth point which tebel and terumah have in common is itself sufficient to justify the preference for terumah, as the basis for deduction, rather than nothar.
- (23) Lev. XXII, 9.

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excluding this [unclean terumah], which already stands profaned.

A zar who ate terumah: Rab said: A zar who ate terumah is flagellated. R. Kahana and R. Assi said to him: Why does not the master say — is liable to death, since it is written, there shall no stranger eat of the holy thing?¹ — I the Lord do sanctify them breaks across the subject.² An objection is raised: The following are liable to death: ...a zar who ate terumah? — Do you oppose a

Baraita to Rab's ruling? Rab is a Tanna, and may dispute [the ruling of Baraita].³

‘A zar who performed the [Temple] service’: for it is written, And the stranger that cometh nigh shall be put to death.⁴

‘Or an unclean [priest] who performed the [Temple] service:’ even as R. Hiyya b. Abin inquired of R. Joseph: Whence do we know that an unclean priest who performed the [Temple] service is punished by death? Because it is written, Speak unto Aaron, and to his sons, that they separate themselves from the holy things of the children of Israel, and that they profane not my holy name.⁵ And identity of law is derived from the use of ‘profanation’ here and in the case of terumah; just as there the penalty is death, so here too. But should not the deduction rather be made from nothar: just as there the penalty is extinction, so here too? — It is reasonable to make the deduction from terumah, because they have the following in common: — [i] bodily [unfitness], [ii] uncleanliness, [iii] mikweh, [iv] plural form.⁶ On the contrary, should not the deduction rather be made from nothar, since they share the following in common: [i] sanctity, [ii] within [the Temple court], [iii] piggul and [iv] nothar?⁷ — Even so, the fact that in both cases [viz. terumah and the sacrificial service] profanation is spoken of as an act of many [unlike nothar], outweighs [the points which sacrificial service and nothar have in common].

‘Or one who performed it on the day of his ritual bath’. Whence do we know this? — Even as has been taught: R. Simai said: Where is the allusion that one who officiated in the Temple on the day of his ritual bath has committed an act of profanation? From the verse, They shall be holy unto their God, and not profane [the name of their God].⁸ Since this cannot refer to the ministration of an unclean priest, [the prohibition of which] is derived from that they separate themselves,⁹ apply it to a priest's officiating on the day of his ritual bath. Then an analogy is drawn from the use of ‘profanation’ both here and in the case of terumah: just as there, the penalty is death, so here too.

‘Or lacking the proper priestly garments’. Whence do we know it? — R. Abbahu said in R. Johanan's name, and [the teaching] is ultimately derived from R. Eleazar son of R. Simeon: [The Writ saith, And thou shalt...put coats upon them...] and thou shalt gird them with girdles. [Aaron and his sons, and put the bonnets on them]: and the priest's office shall be theirs for a perpetual state].¹⁰ when wearing the appointed garments, they are invested in their priesthood; when not, they lack their priesthood and are considered zarim,¹¹ and a Master hath said, A zar who performs the [Temple] service is liable to death.

‘Or one lacking the sacrificial atonement — Whence do we know this? — R. Huna said: The Writ saith, And the priest shall make an atonement for her, and she shall be clean.¹² ‘And she shall be clean’ implies that hitherto she was unclean: and a Master hath said, An unclean priest who officiated is liable to death.

‘One who did not wash his hands or feet.’ Whence do we know this? — From the verse, When they go into the tabernacle of the congregation, they shall wash with water, that they die not.¹³

‘Or drank wine’. Because it is written, Do not drink wine or strong drink, [thou, nor thy sons with thee, when ye go into the tabernacle of the congregation, lest ye die].¹⁴

‘Or a priest with overgrown locks’. As it is written, Neither shall they shave their heads, nor suffer their locks to remain unshorn;¹⁵ and this is followed by, Neither shall they drink wine:¹⁶ hence the former is likened to the latter: just as the latter is liable to death, so the former too.

‘But the performance of the service by an uncircumcised [priest], an onen, or [by one who officiated whilst sitting is not liable to death, but merely prohibited.’ Whence do we know it of the

uncircumcised? — R. Hisda said: We did not learn this from the Torah of Moses our Teacher, until Ezekiel the son of Buzi came and taught it to us: No stranger, uncircumcised in heart,

(1) Ibid. 10. This immediately follows the verse stating...and die therefore, if they profane it.

(2) Vv. 9 and 10 read: ...and die therefore, if they profane it: I the Lord do sanctify them. There shall be no stranger eat of the holy thing. 'I the Lord do sanctify them' clearly marks a break: consequently the penalty of death stated in v. 9. does not apply to the prohibition of v. 10.

(3) Whilst it is axiomatic that an Amora cannot disagree with a Tanna, unless he finds a support in another Tanna, Rab, as a younger contemporary of Rabbi, stood midway between the last generation of the Tannaim and the first of Amoraim; and although generally assigned to the latter, he is occasionally, as here, conceded to be a Tanna, owing to his personal greatness and vast erudition.

(4) Num. XVIII, 7.

(5) Lev. XXII, 2: the reference is to abstention from sacrificial service during their uncleanness, as is stated in v. 3.

(6) Both the eating of terumah and the sacrificial service are prohibited to the priest through his bodily unfitness. Also, this bodily unfitness in both cases is uncleanness (this is counted as a second point, since bodily unfitness may be for some other cause, viz., a blemish). Further, in both cases, the unfitness can be remedied by a ritual bath. And finally, profanation in both cases is ascribed to many (v. p. 551, n. 8). Nothar differs on all these points.

(7) Both the eating of nothar and the sacrificial service by an unclean priest are offences in respect of the extreme sanctity of sacrifices. Terumah, however, is of a lower degree of sanctity. Also, they are done within the Temple precincts. Again, piggul is possible in both cases, for the unclean priest too whilst engaged in sacrificing might have intended eating the flesh beyond its appointed time, as nothar in fact has so been left. And finally, he might actually have eaten it thus. (The last two are counted as two distinct points, since the mere expressed intention of eating the flesh beyond its appointed time is an offence, even if not done subsequently. The actual eating again, is another and separate offence.) None of these, however, is applicable to the eating of terumah by an unclean priest.

(8) Lev. XXI, 6.

(9) Lev. XXII, 2ff.

(10) Ex. XXIX, 9.

(11) Zarim, pl. of Zar.

(12) Lev. XII, 8. This refers to a woman after confinement, but its implications extend to all forms of uncleanness which must be followed by a sacrifice.

(13) Ex. XXX, 20. The preceding verse states that they are to wash their hands and feet.

(14) Lev. X, 9.

(15) Ezek. XLIV, 20.

(16) Ibid. 21.

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nor uncircumcised in flesh, shall enter into my sanctuary.¹ Whence do we know it of an onen? — Because it is written, Neither shall he [sc. the onen High Priest] go out of the sanctuary, yet shall he not profane the sanctuary of his God:² hence, if any other [priest] does not go out, he profanes [the sanctuary]. R. Adda said to Raba: Then let us derive [identity of law] from the use of 'profanation' here and in the case of terumah: just as there the punishment is death, so here too? — Is then the [prohibition] of an onen explicitly stated in that verse? It is only inferred [from the High Priest]. Hence it is a law derived from a general proposition, and such cannot be further subjected to deduction by a gezerah shawah.

Whence do we know it of one who officiates whilst sitting? — Raba said in R. Nahman's name: The Writ saith, For the Lord thy God hath chosen him out of all thy tribes, to stand to minister:³ implying, I have chosen him for standing, but not for sitting.

If a priest with a blemish [officiated], Rabbi said: He is liable to death [at the hands of Heaven]; the Sages maintain: He is merely prohibited. What is Rabbi's reason? — Because it is written, Only

he shall not go in unto the vail, [nor come nigh unto the altar, because he hath a blemish]; that he profane not my sanctuaries.⁴ Then the law is derived from the use of ‘profanation’ here and in the case of terumah; just as there the penalty is death, so here too. But let it rather be derived from nothar; just as there the penalty is extinction, so here too? — It is more reasonable to make the deduction from terumah, for thus bodily unfitness is derived from bodily unfitness.⁵ On the contrary, is it not preferable to base the analogy on nothar, since they share the following in common: [i] sanctity, [ii] within the Temple precincts, [iii] piggul and [iv] nothar?⁶ — But the analogy is drawn from an unclean priest who officiated; thus bodily unfitness is derived from bodily unfitness, and a case distinguished by sanctity, the inner precincts of the Temple, piggul and nothar derived from another so distinguished. But the Rabbis?⁷ — The Writ saith, and die therefore:⁸ implying but not for the sin of being blemished.⁹

‘If he deliberately transgressed in respect of a trespass offering, Rabbi said: He is liable to death; and the Sages maintain: He is merely prohibited.’ What is Rabbi's reason? — R. Abbahu said: He derives identity of law from the fact that ‘sin’ is used here and in the case of terumah:¹⁰ just as there, the penalty is death, so here too. But the Rabbis?¹¹ They maintain, the Writ saith, and die therefore:¹² implying, but not for trespass.

A ZAR WHO OFFICIATED IN THE TEMPLE. It has been taught: R. Ishmael said: It is here written, And the stranger that cometh nigh shall be put to death;¹³ whilst it is elsewhere said, Whosoever cometh anything near unto the tabernacle of the Lord shall die:¹⁴ just as there death was at the hands of Heaven, so here too. R. Akiba said: It is here written, And the stranger that cometh nigh shall be put to death; whilst it is elsewhere said, And that prophet, or that dreamer of dreams, shall be put to death:¹⁵ just as there, it is by stoning, so here too. R. Johanan b. Nuri said: Just as there, it is by strangling, so here too. Wherein do R. Ishmael and R. Akiba differ? — R. Akiba maintains, ‘shall be put to death’ must be compared with ‘shall be put to death’ but not with ‘shall die’.¹⁶ Whilst R. Ishmael maintains, a layman must be compared to a layman, but not to a prophet. But R. Akiba avers, Since he seduced, no man is more of a layman than he.¹⁷ Wherein, do R. Akiba and R. Johanan b. Nuri differ? — In the dispute of R. Simeon and the Rabbis. For it has been taught: If a prophet seduced, he is stoned; R. Simeon said: he is strangled. But we learnt, R. AKIBA SAID, HE [THE ZAR] IS STRANGLED?¹⁸ — Two Tannaim differ as to R. Akiba's ruling: our Mishnah is taught on R. Simeon's view¹⁹ as to R. Akiba's ruling; whilst the Baraitha [stating that the zar is stoned, and that this is derived from the false prophet] gives the Rabbis' view as to R. Akiba's ruling.²⁰ [

(1) Ibid. 9; v. 7 shews that the reference is to entering for the purpose of ministration.

(2) Lev. XXI, 12. By ‘not going out’ continuance of the service is meant.

(3) Deut. XVIII, 5.

(4) Lev. XXI, 23.

(5) V. p. 552, n. 1.

(6) V. p. 553, n. 4. The same applies to a blemished priest.

(7) In view of this deduction, why do they maintain that he is merely prohibited?

(8) ׀ ׀ (because of it) Ibid. XXII, 9. This refers to an unclean priest eating terumah.

(9) I.e., there is no death penalty for transgressing the prohibition particularly applying to a blemished priest, viz., performing the Temple service.

(10) Trespass: If a soul commit a trespass, and sin through ignorance, in the holy things of the Lord. (Lev. V, 15); Terumah: Lest they bear sin for it, and die therefore (Ibid. XXII, 9).

(11) Do they not admit this deduction?

(12) Ibid.

(13) Num. XVIII, 7.

(14) Ibid. XVII, 28. This refers to the plague which followed Korah's rebellion.

(15) Deut. XIII, 6.

(16) V. verses quoted.

(17) I.e., he has lost all claims to the prophetic title.

(18) Which contradicts the passage quoted where R. Akiba says that he is stoned.

(19) That the false prophet is strangled, and from this he derives the law of a zar.

(20) Both the Rabbis here mentioned and R. Simeon being R. Akiba's disciples.

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CHAPTER X

MISHNAH. THE FOLLOWING ARE STRANGLED: HE WHO STRIKES HIS FATHER OR MOTHER; OR KIDNAPS A JEW [TO SELL AS A SLAVE]; AN ELDER REBELLING AGAINST THE RULING OF BETH DIN; A FALSE PROPHET; ONE WHO PROPHESES IN THE NAME OF AN IDOL; ONE WHO COMMITS ADULTERY; WITNESSES WHO TESTIFIED FALSELY [TO THE ADULTERY OF] A PRIEST'S DAUGHTER, AND HER PARAMOUR.¹

GEMARA. Whence do we know it of him who strikes his father or mother? — From the verse, And he that smiteth his father or mother shall surely be put to death:² and by every unspecified death sentence decreed in the Torah strangulation is meant. But say! perhaps it is only if he kills [not merely strikes] them? — You surely cannot think so: for killing any other person he is decapitated, whilst for his father's murder he is [only] strangled! Now, this [answer] is correct on the view that strangulation is more lenient: but on the view that the sword is more lenient, what canst thou say? — But since it is written, He that smiteth a man, so that he dies, shall surely be put to death:³ and also, or in enmity smite him with his hand, that he die,⁴ it follows that whenever an unqualified smiting is mentioned, it does not mean slaying.

Now, it is necessary that both 'He that smiteth a man' and 'whoso killeth any soul etc.'⁵ be written. For had the Divine Law written only, 'He that smiteth a man, that he die', I should have thought that it applies to the slaying of an adult [ish]⁶ only, since such is himself bound by law, but not [to the slaying of] a minor; therefore the Divine Law writes, 'Whoso killeth any soul.' Whilst had the Divine Law written only, 'Who killeth any soul,' I should have thought that it applies even to a nefel⁷ or an 'eight months' child:⁸ therefore the former verse is necessary too [to exclude these].

[Now, reverting to the main question:] Let us say that even if he [smote his father] without wounding him [he is executed]: Why have we learnt, He who strikes his father or his mother is liable only if he wounds them? — The Writ saith, And he that killeth a beast, he shall restore it; and he that killeth a man, he shall be put to death:⁹ just as for smiting an animal [there is no liability] unless it is wounded, since nefesh ['soul'] is written in connection therewith;¹⁰ so also, no liability is incurred for smiting a man [i.e., one's parent] unless there is a wound. R. Jeremiah objected: If so, if one [permanently] impaired its [sc. the animal's] strength by [loading] stones upon it, [yet not wounding it], is he then not liable [for its loss in value]? — But [say thus]: Since nefesh, written in connection with an animal, is irrelevant there, for even if one impaired its strength by loading stones upon it he is liable, transfer Its teachings to man.¹¹ Then what need is there of the analogy?¹² For that which was taught in the school of Hezekiah.¹³ Now, this is well according to the view which accepts this teaching: but on the view that rejects it, why is the analogy required? [To teach:] just as one who smites an animal to heal it is not liable for any damage, so if one wounds a man [sc. his parent] to heal him he is not liable [for any damage that may ensue]. For the scholars propounded: May a son let blood for his father?¹⁴ — R. Mathna ruled: But thou shalt love thy neighbour as thyself.¹⁵ R. Dimi b. Hinena said: [The Writ saith,] And he that killeth a beast, he shall restore it: and he that killeth a man, he shall be put to death:¹⁶ just as one who strikes an animal to heal it is not liable for damage, so if one wounds a man [sc. his parent] to heal him he is not liable. Rab would not permit his son to extract a thorn [from his flesh, since in drawing it out he would make a slight wound].

Mar, the son of Rabina, would not permit his son to lance a fester for him, lest he wound him, thereby unintentionally transgressing a prohibition. If so, even a stranger should be forbidden?¹⁷ — In the case of a stranger, the unintentional transgression is in respect of a mere negative precept: but hi' son's involves strangulation. But what of that which we learnt: A small needle [lit. 'hand-needle'] may be moved [on the Sabbath] for the purpose of extracting a thorn?¹⁸ But should we then not fear that a wound might be made [in extracting it], and thus a prohibition involving stoning be unintentionally transgressed? — There by so doing he effects damage.¹⁹ Now, this agrees with the view that one who does damage on the Sabbath is not liable [to punishment]: but on the view that he is, what can you say? — Whom have you heard maintaining that one who inflicts damage by means of a wound is liable [for the desecration of the Sabbath]? R. Simeon;

(1) If she was nesu'ah, cf. supra 51b.

(2) Ex. XXI, 15.

(3) Ibid. 12.

(4) Num. XXXV, 21.

(5) Ibid. 30.

(6) ז'ס a man, an adult.

(7) Lit., 'born of miscarriage', a term applied to all non-viable births.

(8) I.e., one born after eight months of pregnancy. The Talmud regards such as nonviable, though a seven months' child is.

(9) Lev. XXIV, 21.

(10) And he that smiteth the nefesh of a beast shall make it good. Ibid. 18. Nefesh is elsewhere associated with the blood (e.g. Gen. IX, 4) and therefore denotes here that the blood of the animal is affected by the wounding stroke.

(11) Nefesh, which indicates that the blow must wound, is irrelevant in respect of an animal: therefore its teaching must be transferred to the smiting of man, sc. one's parent. On this method of interpretation, v. p. 368 n. 7.

(12) In view of this latter suggested interpretation.

(13) Supra 79b.

(14) Since he thereby inflicts a wound on him.

(15) Lev. XIX, 18; i.e., since he would desire it to be done to himself, if necessary, he may do it to another, even his father.

(16) Lev. XXIV, 21.

(17) Since no man may wound another.

(18) Some utensils may not be handled at all on the Sabbath, notably, those whose purpose is a manner of work forbidden on the Sabbath: others may be handled. This Mishnah enumerates various articles which may be handled, and for what purpose.

(19) There is no punishment for committing an act of damage on the Sabbath, even deliberately.

Talmud - Mas. Sanhedrin 85a

but R. Simeon also maintains that any mode of work not required for itself is not punishable.¹

A problem was propounded to R. Shesheth. May one be appointed an agent [by Beth din] to flagellate and curse his father?² — He replied, Who then permitted even a stranger to do this, but that the Divine honour overrides [other prohibitions]: so here too, the Divine honour overrides [the prohibition against smiting and cursing one's parents].³ An objection was raised: If one, whom it is a positive command to smite, may nevertheless not be smitten; how much more so, may one, whom it is not a positive command to smite, not be smitten. Now, do not both clauses relate to smiting as a precept, but that one treats of a son, the other of a stranger?⁴ — No. In both clauses no distinction is drawn between a son and a stranger, yet there is no difficulty. The one treats of smiting as a precept, the other when not. And it is thus to be interpreted: If when a precept is involved, i.e., when it is a positive command to smite [sc. a person under sentence of flagellation], it is nevertheless a command not to smite [unnecessarily, i.e., with more than the prescribed number of lashes, viz.,

forty]; then when no positive command is involved, viz., when one is not to be flagellated, one is surely commanded not to smite unnecessarily.⁵ Come and hear: If one was going forth to execution, and his son came and smote him and cursed him, he is liable; if a stranger did this, he is exempt. Now we pondered thereon, What is the difference between a son and a stranger? And R. Hisda answered: This refers to one who is being impelled forth, but holds back?⁶ — R. Shesheth maintains that it refers to one who is not urged to go forth. If so, a stranger too [should be punished for beating him]? — As far as a stranger is concerned, he is already a dead man.⁷ But did not R. Shesheth say: If one insulted a sleeping person, and he died [in his sleep], he is nevertheless liable [to punishment for same]?⁸ — The reference here is to a blow which inflicted an injury less than a perutah in value. But did not R. Ammi say in R. Johanan's name: [Even] if one smote his neighbour with a blow inflicting less than a perutah's worth of damage, he is punished with lashes? — By 'exempt', non-liability to monetary compensation is meant. It follows then that a son is liable to monetary compensation!⁹ But it must therefore mean, [he is liable] according to the law pertaining to him.¹⁰ If so [a stranger too is exempt from] the law pertaining to him [for smiting his neighbour, viz., lashes].¹¹ But this is the reason why a stranger is exempt, because the Writ saith, Thou shalt not curse a prince among thy people:¹² meaning, [only] when he acts as is fitting for thy people.¹³ This is well as far as cursing is concerned: but whence do we know the same of smiting? — Because we compare smiting with cursing. If so, should not the same apply to his son? — Even as R. Phineas said [elsewhere]: This refers to one who had repented. If so, even a stranger [should be liable]? — R. Mari answered, 'among thy people' implies 'abiding among thy people'.¹⁴ If so, should not the same apply to his son?

(1) E.g., the carrying out of a dead body on its bier from a private to a public domain. Now, this is not done because the dead body is wanted there, but because it is not wanted in the private domain. So here too, when a thorn is extracted and a wound made, even intentionally, no punishment is involved, because the purpose of the work is extraction, not wounding.

(2) I.e., if his father had to be thus punished or banned, when a curse was pronounced (for the latter).

(3) It is an offence to curse or smite any Jew; nevertheless, it is permitted in God's honour, i.e., as a punishment for transgressing the Divine law: hence it is likewise permitted to a son.

(4) The meaning then will be as follows: If one, whom it is a positive command to smite — i.e., who is under sentence of flagellation — may nevertheless not be smitten by his son as the agent appointed to execute the sentence, how much more so may one, whom it is not a positive command to smite — i.e., who is not under sentence of flagellation — not be smitten by his son. Thus, by an *ad majus* reasoning, a formal prohibition is deduced against a son's striking his father. For Ex. XXI, 15 merely prescribes the punishment; but it is either stated or deduced from elsewhere. On this interpretation, of course, R. Shesheth's ruling is contradicted.

(5) Hence this teaches a prohibition against smiting anyone unless sentenced by Beth din.

(6) Hence this teaches that his son, as an agent of Beth din, may not smite him to drive him forward, and is punished for so doing, which is in contradiction to R. Shesheth.

(7) But this reasoning obviously cannot apply to his son, who is bound to honour him even after death, the verse excluding a transgressor from this filial duty being at this stage of the discussion unknown.

(8) Though he was not even aware of it. Surely then smiting a condemned man comes under the same category.

(9) But that is impossible, since the injury is less than a perutah's worth.

(10) I.e., the law pertaining to the smiting of a father by his son, viz., death.

(11) Thus the question remains, what is the difference between his son and a stranger?

(12) Ex. XXII, 27.

(13) But to transgress is not 'fitting for thy people': hence the prohibition does not apply to such a case.

(14) But when one is sentenced to death, he is no longer so.

Talmud - Mas. Sanhedrin 85b

— It is the same as after death.¹ What is our final decision? — Rabbah son of R. Huna said, and a Tanna of the school R. Ishmael [taught] likewise; For no offence may a son be appointed an agent to

smite or curse his father, excepting if he be a mesith, since it is written, neither shalt thou spare nor conceal him.²

MISHNAH. HE WHO STRIKES HIS FATHER OR HIS MOTHER IS LIABLE ONLY IF HE WOUNDS THEM. IN THIS RESPECT, CURSING IS MORE STRINGENT THAN SMITING, FOR, HE WHO CURSES [HIS PARENTS] AFTER DEATH IS LIABLE, WHILST HE WHO SMITES THEM AFTER DEATH IS NOT.

GEMARA. Our Rabbis taught: His father or his mother he hath cursed:³ [his blood shall be upon him]. This means, even after death.⁴ For I would think, since he is liable for smiting and for cursing; so also for cursing. Moreover, an ad majus reasoning [would seem to prove the contrary]: If for smiting, where [a parent] ‘not of thy people’ is assimilated to one ‘of thy people’,⁵ there is nevertheless no punishment for doing so after his death; then cursing, where one ‘not of thy people’ is assimilated to ‘of thy people’, is surely not punishable if done after death! Therefore the Writ saith, He hath cursed his father or his mother. Now this accords with R. Jonathan, to whom the verse, His father or his mother, he hath cursed, is superfluous; but on R. Joshiah's view, what can be said? For it has been taught: For [ish ish] any man⁶ [that curseth his father or his mother shall surely be put to death].⁷ Now, Scripture could have said, A man [ish]; what is taught by ‘any man’ [‘ish ish’]? The inclusion of a daughter, a tumtum, and a hermaphrodite [as being subject to this law]. ‘That curseth his father and his mother’: from this I know only [that he is punished for cursing] his father and his mother: whence do I know [the same] if he cursed his father without his mother or his mother without his father? — From the passage, His father and his mother he hath cursed, implying, a man that cursed his father, a man that cursed his mother. This is R. Joshiah's opinion. R. Jonathan said: The [beginning of the] verse alone implies either the two together or each separately, unless the verse had explicitly stated ‘together’.⁸ Whence then does he [R. Joshiah] learn [the law under discussion]?⁹ — He derives it from the verse, And he that curseth his father or his mother shall surely be put to death.¹⁰ And the other?¹¹ — He utilises it to include a daughter, a tumtum, and a hermaphrodite. But why not derive this from ‘any man’ [ish ish]? — The Torah employed human speech.¹² [Now, reverting to the Mishnah:] Should it not [also] teach: smiting is a graver offence than cursing, since with respect to the smiting ‘not of thy people’ is as ‘of thy people’, which is not the case with respect to cursing?¹³ — The [Tanna of the Mishnah] maintains that smiting is assimilated to cursing.¹⁴

Shall we say that these Tannaim¹⁵ differ on the same lines as the following? Viz., One Baraitha was taught: As for a Cuthean, you are enjoined against smiting him, but not against cursing him. But another [Baraitha] taught: You are enjoined neither against smiting nor cursing him. Now, the hypothesis is that all agree that the Cutheans were true proselytes:¹⁶ hence presumably the grounds of their dispute are these. One Master holds that smiting is likened to cursing, and the other Master that it is not!¹⁷ — No! All agree that smiting is not likened to cursing, but this is the cause of their dispute: — The one Master maintains, Cutheans are true proselytes;¹⁸ the other Master holds that they are [sham] proselytes [driven to conversion through fear of] lions.¹⁹ If so, how can the [Baraitha] further state, But his ox is as one belonging to an Israelite?²⁰ Hence this proves that the dispute is in respect of the analogy.²¹ This proves it.

MISHNAH. ‘HE WHO KIDNAPS A JEW’²² INCURS NO LIABILITY UNLESS HE BRINGS HIM INTO HIS OWN DOMAIN. R. JUDAH SAID: UNLESS HE BRINGS HIM INTO HIS OWN DOMAIN AND PUTS HIM TO SERVICE. FOR IT IS WRITTEN, [IF A MAN BE FOUND STEALING ANY OF HIS BRETHREN OF THE CHILDREN OF ISRAEL,] AND PUT HIM TO SERVICE, AND SELL HIM.²³ IF HE ABDUCTS HIS OWN SON. — R. ISHMAEL THE SON OF R. JOHANAN B. BEROKA DECLARED HIM LIABLE, BUT THE SAGES EXEMPTED HIM. IF HE KIDNAPPED A SEMI-SLAVE AND SEMI-FREEMAN,²⁴ — R. JUDAH DECLARES HIM LIABLE, BUT THE SAGES ACQUIT [HIM].

GEMARA. But does not the first Tanna require putting to service [as a condition of punishment]?²⁵ — R. Abba the son of Raba said: They differ in respect of service worth less than a perutah.²⁶ R. Jeremiah propounded: What if one kidnapped and sold a person asleep? What if one sold a [pregnant] woman for the expected child?²⁷ Is this a sort of service or not? But, [surely,] can this not be solved from the fact that there is no service at all? — It is necessary [to propound this] only if he [the kidnapper] leaned upon the sleeper, or, in the case of a [pregnant] woman, if she was placed in front of a wind:²⁸ now, does this constitute service or not? This problem remains unsolved.

Our Rabbis taught: If a man be found stealing any of his brethren of the children of Israel. From this I know [the law] only if a man abducted: whence do I know it of a woman? From the verse And one that stealeth a man.²⁹ From [these verses] I know [the law] only if a man kidnapped a man or a woman,³⁰ and of a woman who abducted a man.³¹ Whence do I know it if a woman abducted a woman? From the verse, Then that thief shall die:³² implying, in all cases [of theft].³³

Another [Baraitha] taught: If a man be found stealing any of his brethren: whether a man, woman, proselyte, manumitted slave or minor be abducted, he is liable. If he stole him, but did not sell him, or if he sold him, but he is still in his [sc. the victim's] own house, he is exempt. If he sold him to his [sc. the victim's] father, brother, or to one of his relations, he is liable. He who steals slaves is exempt.

(1) For if one curses his father even after death he is liable. So here too (v. Rashi).

(2) Deut. XIII, 9.

(3) Lev. XX, 9.

(4) It is so interpreted because it is superfluous, since the beginning of the verse states, For everyone that curseth his father or his mother shall surely be put to death.

(5) V. supra. Because in Ex. XXI, 15, dealing with this, no mention is made that the parents must be 'of thy people'.

(6) **אִישׁ אִישׁ** Lit., 'A man, a man',

(7) Lev. XX, 9.

(8) V. supra 66a for notes.

(9) Since on his view it is not superfluous.

(10) Ex. XXI, 17, which is superfluous in view of Lev. XX, 9.

(11) R. Jonathan: how does he interpret this verse?

(12) In which this repetition is common. Hence it has no special significance.

(13) The difficulty is this: since the Mishnah teaches an aspect of the greater severity of cursing, it should also state the reverse.

(14) So that they are alike in this respect.

(15) Viz., those of the Mishnah and of the Baraitha.

(16) Originally, though in the course of time they had deteriorated.

(17) Hence, on the former view, one is not forbidden to smite him, since he is not 'of thy people' as taught in the second Baraitha, but on the latter, no distinction is drawn between him and an Israelite — as taught in the first Baraitha.

(18) Therefore they are as Jews.

(19) V. II Kings XVII, 24-29. Therefore they are not Jews at all.

(20) I.e., if his ox gored or was gored, the same law applies to it as to one of Jewish ownership, whereas an ox of non-Jewish ownership is differently treated, v. B.K. 38a. This proves that the Cuthean is regarded as a real Jew.

(21) Whether 'smiting' is assimilated to 'cursing'.

(22) Lit., 'a soul of Israel'.

(23) Deut. XXIV, 7.

(24) E.g., if he had belonged to two masters, one of whom had manumitted him.

(25) Surely he must, since Scripture explicitly states it.

(26) The first Tanna maintains that even the smallest service renders the kidnapper liable, and therefore does not mention it, whilst R. Judah holds that the service must be worth at least a perutah.

(27) I.e., only the child, when born, but not the woman.

(28) To act as a shield; since the stouter she is, the more effectively is this done, the fetus is actually put to use.

(29) Ex. XXI, 16. The subject being unspecified, it applies to both sexes, although the verb is masculine.

(30) Since the object of 'steal' in Deut. XXIV, 7, where the kidnapper is a man, is nefesh, a soul, applicable to both man and woman.

(31) For Ex. XXI, 16 speaks of 'one' stealing a man.

(32) Deut. Ibid.

(33) Since thief is superfluous, being understood from the context.

Talmud - Mas. Sanhedrin 86a

Now, a tanna recited [this Baraitha] before R. Shesheth. whereupon he observed: I learned. 'R. Simeon said, [if a man be found stealing a person] from his brethren, [implies that he is not liable unless he] withdraws him from the control of his brethren, [i.e., relations].' yet you say that he is liable!¹ Read [instead], 'He is exempt.' But what difficulty is this: perhaps the latter is R. Simeon's view [only]. and the former the Rabbis'? — You cannot think so, for R. Johanan said: [The author of] an anonymous Mishnah is R. Meir; of an anonymous Tosefta, N. Nehemiah; of an anonymous [dictum in the] Sifra, R. Judah; in the Sifre, R. Simeon;² and all are taught according to the views of R. Akiba.³

IF HE ABDUCTS HIS OWN SON, etc. What is the reason of the Rabbis? — Abaye answered, The Writ saith, If a man be found [stealing any of his brethren etc.] thus excluding one [sc. the victim] who is [ever] to be found [with him].⁴ R. Papa said to Abaye: If so, [when Scripture saith,] If a man be found lying with a woman married to a husband,⁵ will you also interpret, 'If [a man] be found, as excluding [a woman] who is immediately accessible [i.e., 'found with him']: e.g., in the house of so and so,⁶ where [the women] are within easy reach,⁷ are they [their lovers] exempt? — He replied: I deduce it from [And he that stealeth a man, and selleth him,] and he be found in his hand.⁸ Raba said: Therefore, the instructors of children and teachers of students are [regarded] as having their charges ready to hand, and hence are not punished [for abducting them].

IF HE KIDNAPPED A SEMI-SLAVE AND SEMI-FREEMAN, etc. We learnt elsewhere: R. Judah said: Slaves have no claim for shame.⁹ What is R. Judah's reason? — The Writ saith, When men strive together, a man with his brother,¹⁰ teaching that this applies only to] one who has fraternal relationship, thus excluding a slave, who has no fraternal relationship.¹¹ But the Rabbis maintain: He [the slave] is his brother in [obligation to fulfil] the [Divine] precepts. Now, in this case [abduction], how is the verse interpreted? — R. Judah maintains, [If a man be found stealing any of his brethren of the children of Israel:] of his brethren excludes slaves; the children of Israel excludes a semi-slave, and a semi-freeman; of the children of Israel¹² likewise excludes one who is a semi-slave and semi-freeman.¹³ Thus, one limitation follows another, which always indicates extension.¹⁴ But the Rabbis do not agree that of his brethren excludes slaves, since they are his brethren [in obligation to fulfil] the [Divine] precepts; [whilst as for the double limitation implied in] 'the children of Israel, and of the children of Israel, one excludes a slave, and the other excludes a semi-slave and semi-freeman.¹⁵

Whence do we learn a formal prohibition¹⁶ against abduction?¹⁷

R. Josiah said: From Thou shalt not steal.¹⁸ R. Johanan said: From They shall not be sold as bondsmen.¹⁹ Now, there is no dispute: one Master states the prohibition for stealing [i.e., abduction], the other Master for selling [the kidnapped person].

Our Rabbis taught: Thou shalt not steal. —²⁰ Scripture refers to the stealing of human beings. You say, Scripture refers to the stealing of human beings; but perhaps it is not so, the theft of property

[lit., 'money'] being meant? — I will tell you: Go forth and learn from the thirteen principles whereby the Torah is interpreted. [one of which is that] a law is interpreted by its general context: of what does the text speak? of [crimes involving] capital punishment: hence this too refers [to a crime involving] capital punishment.²¹

Another [Baraita] taught: Ye shall not steal:²² The Writ refers to theft of property. You say thus, but perhaps it is not so, Scripture referring to the theft of human beings? — I will tell you: Go forth and learn from the thirteen principles whereby the Torah is interpreted, [one of which is that] a law is interpreted by its general context. Of what does the text speak? of money matters;²³ therefore this too refuse to a money [theft].

It has been stated: If the witnesses of the abduction or those of the sale of human being were proved zomemim,²⁴ — Hezekiah said: They are not executed; R. Johanan maintained that they are. Now Hezekiah's ruling agrees with the view of R. Akiba, viz., [At the the mouth of two witnesses, or at the mouth of three witnesses, shall] the matter [be established]:²⁵ the whole matter, but not half of the matter;²⁶ whilst R. Johanan's view agrees with that of the Rabbis, viz., the matter implies even half the matter.²⁷ Yet Hezekiah admits in the case of a 'stubborn and rebellious' son, that if the last witnesses were contradicted, they are executed, since the first could say,

(1) For selling him to his father, etc.

(2) Rabbi (R. Judah ha-Nassi), in compiling the Mishnah, drew upon earlier collections, of which each Tanna possessed one. An anonymous Mishnah is based upon R. Meir's collection, though not necessarily reflecting R. Meir's views. For this interpretation. v. Weiss, Dor. Vol. II, pp. 51f; Strack, Introduction to Talmud and Midrash, p. 21, The Tosefta, as its name implies ('addition') is a further elaboration and development of Tannaitic teaching, closely allied to the Mishnah. The relation of the Mishnah to the Tosefta is a problem which has so far remained unsolved; v. Strack, op. cit., pp. 74ff. The Sifra (also called **תורת כהנים**) is the traditional interpretation of Leviticus, to which is prefaced an exposition of the Thirteen Principles of Hermeneutics of the School of R. Ishmael. Though ascribed here to R. Judah b. Ila'i, our version contains many additions by later teachers, and its final compilation is generally assigned to R. Hiyya. It is also occasionally referred to as the Sifra debe Rab (of the College of Rab). Whether this is to indicate Rab's authorship is one of the literary problems, among others, which the Sifra presents. (V. Weiss, op. cit pp. 193 seqq.) The Sifre contains the commentary on Num. V to the end of Deut. This too contains additions later than R. Simeon, to whom it is here ascribed, and is a composite work shaped by the School of Rab (v. Weiss, op. cit.), but in any case the Sifre now extant is not identical with the Talmudic Sifre.

(3) Hence, since both are anonymous passages in the Sifre, R. Simeon is the author of both.

(4) '(Shall) be found' **מֵצֵא** implies that the abductor goes out of his way and is thus 'found' where he should not be; but he does not go out of his way in abducting his child, who is always to be found with him.

(5) Ibid. XXII, 22.

(6) R. Papa alluded to a definite house, but suppressed the name.

(7) Lit., 'to be found with them.' A number of families lived there together, so that it would have been comparatively easy for a man to seduce his neighbour's wife.

(8) **וְנִמְצֵא** Ex. XXI, 16. This is redundant and therefore shows that the law applies only to a person who 'is found' in his (captor's) hand as a result of abduction, and not to one who was 'to be found' in his hand before too.

(9) B.K. 87a. If one shamed a slave, there is no monetary liability.

(10) Deut. XXV, 11. This treats of indecent assault in the course of a quarrel, and the compensation that must be made (v. 12 q.v.) is interpreted as meaning monetary damages for the humiliation sustained.

(11) Rashi in B.K. 88a, explains: he has no fraternal relationship with a Jew, viz., he cannot marry into the Jewish fold. A marginal explanation given there is: he has no forbidden fraternal relationship, i.e., he may marry his fraternal sister and his brother's wife. Rashi's interpretation here is different, but Tosaf. refutes it.

(12) 'Of' (Heb **בְּ**) being partitive, implies limitation.

(13) There being nothing else which it can exclude.

(14) Just as in English a double negative denotes a positive, so it is one of the principles of Talmudic exegesis that the double exclusion of the same thing intimates that it is to be included.

(15) Therefore, the double limitation applies to two different persons, not to one and the same person, and hence remains a limitation.

(16) v. p. 364. n. 2, cf. also supra p. 382.

(17) Since Deut. XXII,7 and Ex. XXI, 16 merely state the punishment.

(18) Ex. XX, 15. The object of the theft being unspecified, it applies to a human being too. So in general. But in the next passage it is shown that it refers particularly to abduction.

(19) Lev. XXV, 42.

(20) Ex. XX, 15.

(21) The Decalogue, of which this is part, deals in general with capital offences, e.g., idolatry, the desecration of the Sabbath, murder. Hence this too must be similar, and abduction is the only theft so punished.

(22) Lev. XIX, 11.

(23) Cf. *ibid*, 10-15.

(24) V. *Glos*.

(25) Deut. XIX, 15.

(26) I.e., the two witnesses must testify to the entire matter. If two, however, testify to one part, and two

(27) I.e., if two witnesses attested a portion of an act or an offence, and another two witnesses the rest, their evidence is combined and the accused punished. Consequently, if they are proved *zomemim*, they receive themselves the punishment they sought to impose.

Talmud - Mas. Sanhedrin 86b

‘We came [merely] to have him flogged’, and therefore these last witnesses attest the whole offence [involving execution].¹ R. Papa objected: If so, the witnesses of the sale [of the abducted person] should likewise be executed, since those of abduction can say, ‘We came [merely] to have him flogged’.² nor could you answer³ that Hezekiah is of the opinion that [the abductor] is not flogged,² — since it has been stated: If the witnesses of abduction were proved *zomemim* — R. Johanan, and Hezekiah [differ]: one maintains that they are flagellated, the other that they are not. Whereon we observed, It may be shewn that it was Hezekiah who ruled that they are flagellated, since he said that they are not executed.⁴ For were it R. Johanan, since however he maintains that they are executed, their injunction⁵ is one for which a warning of death at the hands of *Beth din* may be given,⁶ and for such there is no flagellation.⁷ But if he [the accused] is not

to another, their testimony is invalid. Here also, the abduction is only half an offence, likewise the sale in itself proves nothing, as the vendor might have sold his own slave. Therefore their testimony cannot convict the accused, and consequently they themselves, if proved *zomemim*, are not executed. flagellated, how can they [the false witnesses] be?⁸ But R. Papa said thus: All agree that the witnesses of the sale [who were proved *zomemim*] are slain; they differ only with respect to the witnesses of abduction: Hezekiah maintains that they are not executed, abduction being one offence, and selling another;⁹ whilst R. Johanan holds that they are executed, abduction being the first step towards selling.¹⁰ But R. Johanan admits that if the first witnesses of a ‘stubborn and rebellious’ son are proved *zomemim*, they are not executed, since they can say, ‘We came to have him flogged’. Abaye said: All agree in [one matter relating to] a ‘stubborn and rebellious son’; and all agree in [a second relating to] a ‘stubborn and rebellious son’; and there is a dispute [in the case of] a ‘stubborn and rebellious’ son. [Thus:] ‘All agree in [one matter relating to] a “stubborn and rebellious son, viz., with respect to the first witnesses [proved *zomemim*], that they are not slain, since they can plead, ‘We came to have him flagellated.’ ‘And all agree in a second matter relating to a “stubborn and rebellious” son,’ viz., with respect to the last witnesses, that they are executed, for since the first witnesses could plead. ‘We came to have him flogged,’ these attest the entire offence [involving death]. And there is a dispute in [the case of] a ‘stubborn and rebellious son,’ viz., when two testify that he stole, and two that he ate.’¹¹

R. Assi said: If the witnesses of the sale of an [abducted] person are proved *zomemim*, they are

not executed, since the [vendor] could plead, 'I sold my slave.'¹² R. Joseph said: With whom does this dictum of R. Assi agree? — With R. Akiba, who ruled 'the whole matter, but not half the matter.' Abaye said to him, For on the view of the Rabbis they would be executed? But he gives his reason, 'since etc.'¹³ Hence it may agree even with the Rabbis, providing there were no witnesses of abduction. If so, why state it?¹⁴ — It is necessary [to state this] only if witnesses [of abduction] subsequently appeared.¹⁵ But even so, why state it? — This is necessary only when they made signs [to each other:]¹⁶ I might think that signalling is of consequence; therefore he [R. Assi] informs us that it is of no consequence.

MISHNAH. 'AN ELDER REBELLING AGAINST THE RULING OF BETH DIN' [IS STRANGLED],¹⁷ FOR IT IS WRITTEN IF THERE ARISE A MATTER TOO HARD FOR THEE FOR JUDGEMENT [etc.].¹⁸ THREE COURTS OF LAW WERE THERE,¹⁹ ONE SITUATE AT THE ENTRANCE TO THE TEMPLE MOUNT,²⁰ ANOTHER AT THE DOOR OF THE [TEMPLE] COURT,²¹ AND THE THIRD IN THE HALL OF HEWN STONES.²² THEY²³ [FIRST] WENT TO THE BETH DIN WHICH IS AT THE ENTRANCE TO THE TEMPLE MOUNT, AND HE [THE REBELLIOUS ELDER] STATED, THUS HAVE I EXPOUNDED AND THUS HAVE MY COLLEAGUES EXPOUNDED; THUS HAVE I TAUGHT, AND THUS HAVE MY COLLEAGUES TAUGHT. IF [THIS FIRST BETH DIN] HAD HEARD [A RULING ON THE MATTER], THEY STATE IT. IF NOT, THEY GO TO THE [SECOND BETH DIN] WHICH IS AT THE ENTRANCE OF THE TEMPLE COURT, AND HE DECLARES, THUS HAVE I EXPOUNDED AND THUS HAVE MY COLLEAGUES EXPOUNDED; THUS HAVE I TAUGHT AND THUS HAVE MY COLLEAGUES TAUGHT. IF [THIS SECOND BETH DIN] HAD HEARD [A RULING ON THE MATTER]. THEY STATE IT; IF NOT, THEY ALL PROCEED TO THE GREAT BETH DIN OF THE HALL OF HEWN STONES WHENCE INSTRUCTION ISSUED TO ALL ISRAEL, FOR IT IS WRITTEN, [WHICH THEY] OF THAT PLACE WHICH THE LORD SHALL CHOOSE [SHALL SHEW THEE].²⁴ IF HE RETURNED TO HIS TOWN AND TAUGHT AGAIN AS HERETOFORE, HE IS NOT LIABLE. BUT IF HE GAVE A PRACTICAL DECISION, HE IS GUILTY, FOR IT IS WRITTEN, AND THE MAN THAT WILL DO PRESUMPTUOUSLY,²⁵ [SHEWING] THAT HE IS LIABLE ONLY FOR A PRACTICAL RULING. BUT IF A DISCIPLE²⁶ GAVE A PRACTICAL DECISION [OPPOSED TO THE BETH DIN], HE IS EXEMPT:²⁷ THUS THE VERY STRINGENCY OF HIS [ORDINATION] IS [A SOURCE OF] LENIENCY FOR HIM.²⁸

GEMARA. Our Rabbis taught: If a thing be outstandingly difficult [yippale] for thee²⁹

(1) V. supra 71a. It is there stated that he was first warned in the presence of three, and then flogged (on the testimony of two witnesses), and only if he offended again is he executed. The second offence too, of course, must be attested by two witnesses. Now, if these last two were proved zomemim, Hezekiah admits that they are executed, for their testimony is complete in itself, in so far as it imposes an additional punishment, as explained here.

(2) For the mere 'stealing'.

(3) Lit., 'and shouldst thou answer'.

(4) I.e., if another two witnesses testified to the sale, and then the first two were proved false, they are not executed. The argument is concluded in the next passage.

(5) Viz., Thou shalt not bear false witness against thy neighbor, Ex. XX, 16.

(6) I.e., they could formally be warned against falsely testifying on the grounds that should they be proved Zomemim after another two witnesses had attested the sale, they would be executed.

(7) Even if the death sentence is not imposed.

(8) This concludes the proof that Hezekiah must hold that abduction alone is punished by lashes. For since it has been shown that in his opinion witnesses who testify falsely thereto are flogged, it follows that abduction itself is so punished, as it is a general rule, stated in Deut. XIX, 19, that the witnesses receive only the punishment they sought to impose.

(9) And only the two together incur capital punishment: therefore the witnesses of abduction have not testified to a capital offence.

- (10) For, as above, abduction itself is not punished by flagellation; therefore it is part of a capital offence.
- (11) V. supra 71a. Thus each attested half an offence. Hence according to Hezekiah, who agrees with R. Akiba's dictum, 'the whole matter, but not half the matter', they are exempt; but in R. Johanan's view, based on that of the Rabbis, 'the matter, and even half the matter,' they are liable.
- (12) Hence he was not liable to death on their evidence, and therefore they in turn are also exempt.
- (13) I.e., that the purchaser can plead not guilty altogether, so that their testimony is not even 'half the matter'.
- (14) For it is obvious.
- (15) And on the combined testimonies the accused was convicted. Yet, if the first witnesses of the sale were falsified, they are not punished, since they can plead: 'we did not know that others would testify to the kidnapping.'
- (16) Either the intending witnesses of abduction to those of the sale that they were going to give evidence, or the witnesses of the sale to two others in court, urging them to testify to the abduction.
- (17) I.e., in a matter not explicitly stated in the Torah but for which Beth din must give a ruling, either by Biblical interpretation or their own reasoning. This interpretation is borne out by the general context of the Mishnah. Cf. also R. Judah and R. Simeon's views on same (87a), and the while of the discussion in the Talmud as to the type of rulings in virtue of which one is adjudged a rebellious elder. Krauss, Sanhedrin-Makkot a.l. however points out that the verb מרה is constructed with את or ב of the accusative of person, not על פי. Consequently he translates: The elder (who is declared) rebellious on account of a ruling of the (upper) Beth din. Cp. Rashi, on Mishnah, 84b.
- (18) Deut. XVII, 8. This proves that the reference is to a question not explicitly dealt with in the Torah, since it is 'too hard' for judgement.
- (19) In Jerusalem; cf. Then thou shalt arise, and get thee up into the place which the Lord thy God shall choose (ibid.).
- (20) (In the east gate of the Women's Court (Rashi).
- (21) Is the Court of the Israelites.
- (22) This was partly within and partly without the Temple (Yoma 25a).
- (23) The elder and the other members of the local Beth din, with whom he was in dispute.
- (24) Ibid.10.
- (25) Ibid12
- (26) I.e., one who is not ordained, and hence has no authority to give a ruling at all.
- (27) Because his ruling is not likely to be accepted.
- (28) It was exceedingly difficult to obtain ordination, none under the age of forty receiving it. This very difficulty protected him, since without being ordained he was not liable to the penalty of a rebellious elder.
- (29) פלא' Ibid. 8.

Talmud - Mas. Sanhedrin 87a

— the Writ refers to an 'outstanding' member, [mufla] of Beth din;¹ 'thee' refers to [a matter needing] a counsellor,² and thus it is said, There is one come out from thee, that imagineth evil against the Lord, a wicked counsellor;³ a thing refers to a [traditional] halachah,' 'in judgement,' this means [a law deduced by] a din;⁴ between blood and blood, the blood of a niddah, childbirth, and gonorrhoea; 'between ruling and ruling,' whether capital or civil cases, or cases involving flagellation; 'between [leprous] plague spots, and plague spots' — embracing leprosy in man, houses and garments; 'matters' refers to haramim,⁵ valuations,⁶ and sanctifications;⁷ 'contentions' refers to the water ordeal of a sotah,⁸ the beheading of the heifer⁹ and the purification of a leper;¹⁰ 'within thy gates' — this refers to the gleanings, forgotten [sheaves] and the corner [of the field;] 'then thou shalt arise', [that is,] from the sitting of Beth din,¹¹ 'and ascend' — this teaches that the Temple was higher than [the rest of] Palestine, and Palestine is [geographically] higher than all other countries' 'into the place', — this teaches that the place is the cause.¹²

Now, it is correct to say that the Temple was higher than [the rest of] Palestine, since it is written, and thou shalt ascend;¹³ but whence does he¹⁴ learn that Palestine is more elevated than all other countries?¹⁵ — From the passage, Therefore, behold the days come, saith the Lord, that they shall no more say, The Lord liveth, which brought up the children of Israel out of the land of Egypt,' But the Lord liveth, which brought up and which led the seed of the house of Israel out of the north country,

and from all the countries whither I have driven them;¹³ and they shall dwell in their own land.¹⁶

Our Rabbis taught: A rebellious elder is liable only for a matter the deliberate transgression of which is punished by extinction, whilst the unwitting offence involves a sin offering:¹⁷ this is R. Meir's view. R. Judah said: For a matter of which the fundamental principle is Biblical, whilst its interpretation is by the Scribes.¹⁸ R. Simeon said: Even for a single detail arising out of the subtle interpretations of the Rabbis.¹⁹

What is R. Meir's reason? — He draws an analogy from the use of *dabar* [matter] in two places: Here it is written, If there arise a *dabar* [matter] too hard for thee in judgement; and elsewhere it is written, [And if the whole congregation of Israel sin through ignorance,] the matter [*dabar*] being hidden from the eyes of the assembly:²⁰ just as there [the reference is to] a provision which if deliberately transgressed is punished by extinction, whilst if unwittingly, involves a sin offering, so here too. And R. Judah?²¹ — [Scripture states:] According to the Torah which they shall teach thee,²² intimating that both the Torah [i.e., the basic law] and their [sc. the Scribes,] teaching [i.e., the interpretation thereof] must be involved. Whilst R. Simeon's reason is: [And thou shalt do according to the sentence,] which they of that place shall shew thee,²³ indicating even the smallest nicety.

R. Huna b. Hinena said to Raba, Explain me the above *Baraitha*²⁴ according to R. Meir.²⁵ Thereupon Raba said to R. Papa. Go forth and explain it to him. [Thus:] If a matter be outstandingly difficult [*yippale*]: the *Writ* refers to an outstanding member, [*mufla*] of Beth din; 'thee', to a [question needing a] counsellor, who knows how to determine the intercalation of years and fixation of months.²⁶ [Now, the rebelliousness of the elder may be in respect of] what we learnt: They testified²⁷ that a leap year may be proclaimed during the whole month of Adar. [This testimony was necessary,] because they [i.e., the other Sages] maintained: Only until Purim. [Hence, if the elder flouted the ruling of the great Beth din] in either direction, he permitted leaven to be eaten on the Passover.²⁸

"A thing" refers to a [traditional] *halachah*. By this is meant the [traditional] *halachahs*²⁹ of the eleventh [day].³⁰ For it has been stated: As for the tenth day. R. Johanan maintained that it is as the ninth, whilst R. Simeon b. Lakish ruled that it is as the eleventh. R. Johanan maintained that it is as the ninth: Just as [a blood discharge on] the ninth necessitates observation,³¹ so for an issue on the tenth too observation is required.³² But Resh Lakish ruled that the tenth day is as the eleventh: just as [a blood discharge on] the eleventh does not necessitate observation,³³ so on the tenth too no observation is required.³⁴ "In judgment", — this means [a law deduced by] a *din*.'

(1) מופלא *Mufla* generally means the instructing judge, 'a special expert assessor to whom questions of law are referred. (Jast.). Tosaf. supra 16b s.v. מופלא states that the *mufla* was supernumary to the actual Beth din. In this case, however, *mufla* means 'ordained' (*mumhe*), in contradiction to *talmid*, an unordained disciple (Rashi and Tosaf. 16b, *ibid.*) Cf. Mishnah 86b.

(2) This is explained below.

(3) Nah. I, 11.

(4) Argument based on verbal similarity, and thus the equivalent of *gezerah shawah*. Rashi points out that *din* cannot bear its usual meaning here, viz., 'a legal ruling', since that is expressly stated in the verse.

(5) Herem, pl. *haramim*, anything devoted to the Lord (Lev. XXVII, 28).

(6) V. Lev. XXVII, 2 et seqq.

(7) Of animals, all these are the result of vows expressed by words and hence included in 'words' etc.

(8) A woman suspected of infidelity (Num. V, 12ff.).

(9) In expiation of a murder committed by a person unknown (Deut. XXI, 1-9).

(10) These three are deduced from 'contentions', being the result of such. *Sotah* and murder obviously so, whilst leprosy, according to the Rabbis, is a punishment for slander, which generally gives rise to strife. — 'Ar. 15b. (11) All of which

belonged to the poor, of whom it is written, If there be among you a poor man of one of thy brethren within any of thy gates (Deut. XV, 7; cf. also *ibid.* XIV, 29; XVI, 12). Thus the Baraita teaches that the dispute between the rebellious elder and the Beth din was in respect of any of these laws enumerated. These are discussed below in detail. In nearly all cases cited these matters were disputed by the Rabbis themselves, but of course the minority had to submit to the majority. The crime of the rebellious elder, for which he was executed, consisted of his giving a practical decision opposed in the final ruling of one of the Botte din (plural of Beth din) in Jerusalem. (On the general question of the minority submitting to the majority. v. Halevy., *Doroth ha-Rishonim* I, 5 205 seq.)

(11) Thou shalt arise implies that there was first a formal sitting, where these difficulties arose, viz., at the local Beth din.

(12) Of the supreme authority of the Great Sanhedrin. The fact that it was situated in the Temple, the religious hub of the nation, imparted to its decisions and powers a weightiness which it would otherwise have lacked.

(13) Implying that wherever one was in Palestine, he had to ascend, in order to reach the Temple.

(14) The Tanna.

(15) Since the passage refers to Palestine only.

(16) Jer. XXIII, 7f. Thus the journey from all countries to Palestine is termed an ascent.

(17) I.e., if he gave a practical ruling on a matter in which these are involved.

(18) V. p. 572. n. 5.

(19) Lit., 'Scribes'.

(20) Lev. IV, 13.

(21) What is his reason?

(22) Deut. *Ibid.* 11.

(23) *Ibid.* 10.

(24) Which enumerates all the matters of dispute between the rebellious elder and his Beth din, and includes such things as valuations and haramim.

(25) I.e., how do all these matters involve extinction and sin offerings?

(26) V. *supra* 2a.

(27) R. Joshua and R. Pappias. ('Ed. VII, 7.) Owing to the development of the Mishnah, of which each Tanna had his own version, a great uncertainty arose as to the exact law. R. Gamaliel in consequence undertook a sifting of the various traditions with the purpose of declaring them authentic or otherwise. The scholars assembled at Jabneh, and attested their various teachings. The collection of these testimonies forms the tractate 'Eduyyoth (J.E. VII, 611).

(28) Thus: If the Beth din ruled after Purim that the year was to be prolonged by a month (called the second Adar), Passover would commence six weeks after the end of the first Adar. If he disregarded this and gave a practical decision that such intercalation was invalid, Passover would commence four weeks earlier and end three weeks before it even began according to the ruling of the Beth din. Hence those who followed his views would be eating leaven during the Passover fixed by the latter. The same would result if they ruled that a month was not to be intercalated, and he ruled that it was. The deliberate eating of leaven on Passover is punished by extinction, as are all the offences enumerated in the following passage.

(29) V. note 6 for the explanation of the plural here.

(30) According to Biblical law, a niddah can cleanse herself when seven days have passed from the beginning of her menstrual flow, provided it ceased on the seventh day before sunset (בין השמשות) During the following eleven days, which are called the beginning days between the menses, she cannot become a niddah again, it being axiomatic that a discharge of blood in that period is not a sign of niddah, but may be symptomatic of gonorrhoea. A discharge on one or two day's within the eleven days renders her unclean, and she is forbidden cohabitation until the evening of the following day (the full details of her position vis a vis her husband, and her uncleanness in general, are discussed in *Nid.* 71b ff.), and must wait for the third to see whether another discharge will follow, rendering her a zabah, or not. Should another discharge follow the third day, she becomes unclean as a zabah, and cannot become clean until seven days have passed without any issue at all. Should she, however, discharge on the tenth, eleventh, and twelfth days she is not a zabah, for the twelfth day commences a new period wherein the issue of blood may make her a niddah. (The foregoing is, as mentioned, on the basis of the ancient law, but already in the period of the Talmud itself the law was adopted whereby a single blood issue at any time imposes all the restrictions necessitating for cleanness a period of seven clean days.)

(31) On the tenth and eleventh days. Since discharges on those days following that of the ninth renders her a zabah.

(32) Though unable to become a zabah, she is subject to the law of a woman under observation.

(33) Both R. Johanan said Resh Lakish agree to this, on the basis of Beth Hillel's ruling in the Mishnah Nid. 72a.

(34) Thus, in R. Johanan's opinion, there is only one traditional halachah with respect to the eleventh day, viz., that a blood discharge thereon does not necessitate observation, and this is the only thing in which it differs from the preceding ten days. But if there was a discharge on the tenth, observation is necessary on the eleventh just as on the other days. But according to Resh Lakish it differs in two respects: (i) that a discharge thereon necessitate further observation, and (ii) that it does not become an observation day on account of the tenth day's discharge. Hence there were two halachoth for that day. This explains the use of the plural in this passage. Now to revert to the main subject, in the opinion of R. Johanan, if a woman had a discharge on the tenth, cohabitation on the eleventh is Biblically forbidden on pain of extinction, whilst according to Resh Lakish it is prohibited only by a Rabbinical ordinance, not by Biblical law; thus this too conforms to R. Meir's requirements.

Talmud - Mas. Sanhedrin 87b

Viz., [incest with] one's daughter by an outraged woman. For Raba said, R. Isaac b. Abudimi said unto me: We learn identity of law from the fact that hennah ['they'] occurs in two related passages, and likewise zimmah ['wickedness'].¹

"Between blood and blood" — the blood of a niddah, childbirth, and gonorrhoea'. 'The blood of a niddah', — this enters into the dispute of Akabia b. Mahalalel and the Rabbis. For we learnt: A greenish [discharge of] blood: Akabia b. Mahalalel declares it unclean, and the Sages declare it clean.²

'The blood of childbirth,' — this depends on the dispute between Rab and Levi. For it has been stated: Rab said, It [all] issues from one and the same source,³ the Torah declaring it unclean [during the first fourteen days], and clean [the following sixty six days]. Levi said, It proceeds from two different sources: [at the end of fourteen days] the unclean [source] is closed and the clean one opened: [at the end of eighty days] the source of clean [blood] is closed and that of unclean [blood] opened.⁴

'And the blood of gonorrhoea [zibah]'. — This enters into the dispute of R. Eliezer and R. Joshua. For we learnt: If a woman was in labour for three days within the eleven,⁵ then ceased for twenty four hours [lit., 'from time to time' — from an hour on one day to the same on the next]. and then gave birth, she is regarded as a woman bearing with a gonorrhoeic discharge: this is R. Eliezer's opinion. R. Joshua said, [The cessation must be] a night and a day, as the night and day of the Sabbath. The cessation referred to is cessation from labour, not from blood[-discharge].⁶

"Between ruling and ruling" — whether they be capital or civil cases, or cases involving flagellation.' Civil cases depend on the dispute between Samuel and R. Abbahu. For Samuel said, If two [judges] gave a [civil] ruling, their action is valid, but that they are dubbed 'an impudent court', whilst R. Abbahu maintained: All agree that their decision is invalid.⁷

'Capital cases' — in this the dispute of Rabbi and the Rabbis is involved. For it has been taught: Rabbi said, Then thou shalt give life for life⁸ — this refers to monetary compensation. You say, monetary compensation: but perhaps this is not so, life being literally meant? — 'Giving' is stated below:⁹ It is also stated above:¹⁰ just as the latter refers to money, so the former too.¹¹

'Cases involving flagellation. — This is dependent on the dispute of R. Ishmael and the Rabbis. For we learnt: Flagellation [is imposed by [a court of] three. On the authority of R. Ishmael it was said, by twenty-three.¹²

"Between [leprous] plague spots and plague spots", including leprosy in man, houses, and garments. Leprosy in man depends on the dispute of R. Joshua and the Rabbis. For we learnt: If the

bright spot preceded the white hair, he is unclean, If the reverse, he is clean.¹³ [If the order is] in doubt, he is unclean; R. Joshua said, It is as though darkened.¹⁴ What does this mean? — Raba¹⁵ said, [When the spot is] darkened, he is clean.¹⁶

‘Leprosy in houses.’ — This enters into the dispute of R. Eleazar, son of R. Simeon and the Rabbis. For we learnt: R. Eleazar, son of R. Simeon said: A house never becomes unclean unless a plague spot appears the size of two beans on two stones in two walls, and at the angle of the walls; it must be two beans in length and one in breadth.¹⁷ Why so? Because the Bible refers to the ‘walls’ [of the house]¹⁸ and also to the ‘wall’:¹⁹ where is one wall as two? At its angle.²⁰

‘Leprosy in garments.’ — This depends on the dispute of R. Nathan b. Abtolemos and the Rabbis. For it has been taught: R. Nathan b. Abtolemos said: Whence do we know

(1) V. supra 51b. From that gezerah shawah we learn that such incest is punishable by extinction, where capital punishment cannot be imposed. Since there is no dispute in this at all, it must be assumed that the rebellious elder denies the validity of this particular gezerah shawah (Tosaf.).

(2) Nid. 19a. Now, if the rebellious elder rules as the former, he involves her in an offence of niddah, which is punished by extinction. E.g., if after two days of this greenish discharge there was a one-day normal red-blooded flow. Now a niddah had to wait a minimum of seven days from the beginning of her menstruous flow of blood (v. p. 577, n. 2). On the view of Akabiah b. Mahalalel, but not of the Rabbis, the greenish discharge is regarded as blood and the two days of greenish discharge are counted as part of the seven. Hence by following the former she becomes clean, and cohabits two days earlier than warranted by the latter, according to which she is still a niddah.

(3) I.e., the blood discharge within eighty days after childbirth. V. Lev. XII, 1-5.

(4) In Nid. 35b it is explained that they differ practically if there is a continuous issue from the end of the fourteenth into the beginning of the fifteenth, or from the eightieth into the eighty-first day. According to Rab, notwithstanding this, the blood of the fifteenth is clean, and that of the eighty first unclean. Since Levi however maintains that normally there are two different sources, there should be a definite break between the two, in the absence of which the blood of the fifteenth is unclean, whilst that of the eighty first is clean. Thus a rebellious elder, by flouting the ruling of the Beth din either way causes the injunction of niddah to be violated.

(5) V. p. 577, n. 2.

(6) Nid. 36b. As was stated on p. 577 n. 2, if a woman has blood discharges on three days within the eleven between the menses, she becomes a zabah. If however, this is caused by labour pangs, she is not a zabah, providing however, that her travail continues until giving birth. But if three days of labour and discharge are succeeded by one day free from pain, and then she gives birth, the interruption proves that the issue of the first three days was not the result of labour, but of gonorrhoea, and hence she is a zabah, and subject to the laws thereof, which supersede those of childbirth, the issue during the sixty-six days (v. p. 578) being considered unclean. Now, R. Eliezer and R. Joshua differ as to the meaning, of ‘one day’. R. Eliezer maintains that it means a day of 24 hours; but R. Joshua holds that it is a calendar day. i.e., a night and a day. E.g., if she was free from pain from 12 noon on one day to 12 noon on the next, according to R. Eliezer she is a zabah. But on the view of R. Joshua, since she had suffered on the same day. viz., until 12 noon it is not a complete day of cessation, and hence she is not a zabah. As a zabah, cohabitation may be forbidden her on pain of extinction when for mere confinement it would be permitted.

(7) Extinction may be involved therein in the following way: — If as a result of their decision money was withdrawn from A to B, on Samuel's view, it rightfully belongs to B: on R. Abbahu's, it does not. Now if B married a woman with this money as kiddushin, according to Samuel the marriage is valid, and cohabitation with another man is punishable by death or extinction in the absence of witnesses; but according to R. Abbahu, the kiddushin is invalid, for if one marries a woman with money or goods not belonging to him, his act is null. Hence, if the Beth din accepted Samuel's view, whilst the rebellious elder accepted R. Abbahu's, he declares a married woman free to others. Now further, if another man C also married the same woman, in Samuel's opinion the second marriage is invalid, and if B subsequently died, she is a free woman. But on R. Abbahu's view, this second marriage is valid, since the first was null. Hence, if the Beth din ruled as R. Abbahu, and the rebellious elder as Samuel, he declares her free from C, when in reality she is married to him.

(8) Ex. XXI, 23.

(9) Viz., in the verse under discussion.

(10) Viz., If . . . no mischief follow . . . he shall pay (lit., 'give') as the judges determine, Ibid, 22.

(11) V. supra 79a. If one intended killing one person but killed another instead, Rabbi maintains that he must make monetary compensation to the heirs, whilst the Rabbis rule that he is financially exempt. Hence, if the heirs seized the money, according to Rabbi, it belongs to them, according to the Sages it does not. — Extinction is then involved as explained p. 579. n. 3.

(12) V. supra 2a. Hence, in his view, if a court of three had him flagellated, they acted ultra vires, and must compensate him. If he seized this compensation money, on R. Ishmael's view, it belongs to him, on the Rabbis', it does not. Extinction is then involved as in p. 579, n. 3.

(13) V. Lev. XIII, 2ff.

(14) Neg. IV, 11.

(15) Var. lec. Rabbah.

(16) Thus R. Joshua maintains that if the order is doubtful, he is clean, and consequently permitted to enter the Sanctuary, whilst on the view of the Rabbis, he is forbidden on pain of extinction.

(17) Neg. XII, 3.

(18) Lev. XIV, 37, 39.

(19) Ibid. 37.

(20) But according to the Rabbis it is unclean even if the leprous outbreak is not at the angle, and renders anyone who enters unclean too. V. supra note 3.

Talmud - Mas. Sanhedrin 88a

that a spreading outbreak [of leprosy] in garments [covering the whole] is clean? Baldness [of the back of the head — karahath] and baldness [of the front — gabahath] are mentioned in connection with human leprosy; and also in connection with leprosy of garments:¹ just as in the former, if [the plague] spread over the whole [skin], he is clean, so here too, if it spread over the whole [garment] it is clean.²

"Matters", — this refers to valuations, haramim and sanctifications'. 'Valuations' is dependent on the dispute of R. Meir and the Rabbis. For we learnt: If one dedicates the value of [an infant] less than a month old, R. Meir rules, he must render its value;³ The Sages maintain, his declaration is null.⁴

'Haramim' is involved in the dispute of R. Judah b. Bathyra and the Rabbis. For we learnt: R. Judah b. Bathyra said, Unspecified haramim are for the Temple use, as it is written, Every herem ['devoted thing'] is most holy unto the Lord.⁵ But the Sages say, Unspecified haramim belong to the priests, as it is written, [but the field, when it goeth out in Jubilee, shall be holy unto the Lord] as a field of herem, the possession thereof shall be the priests.⁶ If so, what is taught by, Every herem is most holy unto the Lord? That it [sc. the vow of herem] is legally binding in respect of objects of the highest or of ordinary sanctity.⁷

'Sanctifications' — this depends on the dispute of R. Eliezer b. Jacob and the Rabbis. For it has been taught: R. Eliezer b. Jacob said: Even a hook⁸ of hekdesch requires ten men for its redemption.⁹

'Contentions,' refers to the water ordeal of a sotah, the beheading of the heifer, and the 'purification of a leper'. 'The water ordeal of a sotah, is involved in the dispute of R. Eliezer and R. Joshua. For we learnt: He who warns his wife [against infidelity] — R. Eliezer said: He must warn her in the presence of two witnesses,¹⁰ and can subject her to the water ordeal on the testimony of one witness, or on his own.¹¹ R. Joshua said: He must warn her in the presence of two, and cause her to drink on the testimony of two.¹²

'The beheading of the heifer' — this is dependent on the dispute of R. Eliezer and R. Akiba. For we learnt: Whence was the measurement taken?¹³ R. Eliezer said: From his [sc. the victim's] navel.

R. Akiba said: From his nose. R. Eliezer b. Jacob said: From the place where he becomes a murdered corpse. Viz., the neck.¹⁴

‘And the purification of a leper’ — this depends on the dispute of R. Simeon and the Rabbis. For we learnt: If he [the leper] lacks the thumb of the right hand, the big toe of his right foot, and the right ear, he can never become clean.¹⁵ R. Eliezer said: It [sc. the blood and oil] is put upon the place thereof,¹⁶ and he thus fulfils the requirements of purification. R. Simeon said: It is placed upon his [corresponding] left [limbs] and he is acquitted [of his obligations].¹⁷

“Within thy gates” — this refers to the gleanings, forgotten [sheaves] and the corner of the field’. ‘The gleanings,’ even as we learnt: Two ears [that fell down] are gleanings [to be left for the poor], three are not. As to forgotten sheaves — two [forgotten] sheaves are [treated as] ‘forgotten’ [i.e., must be left for the poor]; three are not. And concerning all these Beth Shammai ruled: Three belong to the poor, four to the landowner.¹⁸

‘The corner of the field’ — this is dependent on the dispute of R. Ishmael and the Rabbis. For it has been taught: The precept of pe'ah [‘the corner’] applies [in the first instance] to the standing corn.¹⁹ If this was not done, a portion of the [harvested] sheaves should be given; if this was omitted, a part of the stack should be separated, providing it has not yet been evened. But once evened, it must [first] be tithed, and then [the poor man's portion] given to him.²⁰ On the authority of R. Ishmael it was said: It must be separated even from the dough.²¹

THREE COURTS OF LAW etc. R. Kahana said: If he says, ‘[I base my ruling] on tradition,’ and they say likewise, he is not executed; if he says, ‘Thus it appears to use,’ and they say, ‘Thus it appears to us,’ he is not executed; how much more so, if he says, ‘[I base it] on tradition,’ and they say, ‘Thus it appears to us’!

He is executed only when he says, ‘Thus it appears to me,’ whilst they say, ‘We base [our ruling] on tradition’, the proof being that Akabia b. Mahalalel was not executed.²² R. Eleazar said: Even if he says, ‘[I base my ruling] on tradition’, and they say, ‘Thus it appears to us,’ he is executed, that strife may not spread in Israel; and if thou arguest, Why was Akabia b. Mahalalel not executed? Because he did not give a rule for practical guidance.

We learnt : HE STATED, THUS HAVE I EXPOUNDED, AND THUS HAVE MY COLLEAGUES EXPOUNDED, THUS HAVE I TAUGHT, AND THUS HAVE MY COLLEAGUES TAUGHT. Does it not [mean that] he said, ‘[I base it] on tradition’, and they said, ‘Thus it appears to us’? — No! He said, ‘Thus it appears to me,’ and they said, ‘[We base it] on tradition.’

Come and hear! R. Josiah said: Three things did Ze'ira, an inhabitant of Jerusalem, tell me: [i] If the husband renounced his warnings, they are null;²³

(1) Leprosy in man: Lev. XIII, 42f; in garments: Ibid 55. In connection with garments, karahath denotes leprosy on the inside (right) of the cloth; gabahath on the front or outside (reverse) thereof.

(2) The Rabbis dispute this. Hence one who touches such a garment is clean according to R. Nathan R. Abtolemos, but unclean according to the Rabbis, v. note 3.

(3) Based on its selling price as a slave. This is not provided for in Lev. XXVII, a month being the lowest age dealt with there. R. Meir maintains that he knew that his dedication was invalid as such, and therefore meant it as an ordinary vow.

(4) Ar. 5a. Since there is no law of dedication for such an age. Now, extinction may result in the following two ways: — (i) If the Temple overseer took a pledge for the infant's value, in R. Meir's opinion this becomes hekdesh (consecrated), in the Rabbis', it does not. Hence according to the latter, if this pledge was used as kiddushin, it is valid; according to R. Meir, it is valid only if so used with the full knowledge that it was hekdesh, but not otherwise, as stated in Kid. 22b — v.

p. 579 n .3 (ii) Since according to R. Meir it is hekdesch, if unwittingly used, a trespass offering must be brought, which if eaten by an unclean person, involves the offender in extinction. But in the view of the Rabbis it is not hekdesch, and the use thereof does not necessitate an offering, and if one erroneously, believing himself to have incurred a liability thereto, brings a trespass offering, the sacrifice is invalid, and consequently the eating thereof by an unclean person does not entail extinction.

(5) Lev. XXVII, 28.

(6) Ibid. 21; Consequently the secular use thereof entails no offering; v. p. 581, n. 11 (ii)

(7) I.e., if one declared an animal herem, which was already dedicated as a sacrifice, whether of the highest degree of sanctity, e.g., a burnt offering, or of the lighter degree of sanctity, e.g., a peace offering, the declaration is valid, and the value thereof must be given for the Temple.

(8) Used for weaving gold (Rashi); v, supra 14b.

(9) Nine Israelites and one priest must assess it for redemption. If less, the redemption is invalid and it remains hekdesch. The Rabbis hold that only three are necessary for the assessment, and after redemption it loses its sacred character; v. p. 551. n. 11 (ii).

(10) Sotah 2a. The form of the warning was 'Thou shalt not closet thyself with so and so'. If she disregarded the warning, she became forbidden to her husband, unless tried by the water ordeal. But if the warning was not given in the presence of two witnesses, and was disregarded, she remained permitted to him, and he could not compel her to be tried by the 'bitter waters'.

(11) I.e., if one witness or the husband himself testified that she had flouted the warning duly administered in the presence of two witnesses, she had to be tried by the water ordeal.

(12) Now, instead of submitting to the water ordeal, she could demand a divorce, but without the kethubah (marriage settlement). Hence, if there are no witnesses or only one witness and she demands her divorce, in the opinion of R. Eliezer, she is not entitled to the kethubah, whilst in that of R. Joshua she is. Consequently, if she sold the rights in her kethubah to another man, and the latter seizes the amount involved from the husband, it does not belong to the purchaser, according to R. Eliezer, but does according to R. Joshua; v. p. 579, n. 3.

(13) In fulfilment of Deut. XXI, 2.

(14) Sotah 45b. The easiest form of murder is by slitting the throat. Now, if one gives this heifer as kiddushin, it is invalid. Consequently, if of two towns one is nearest the victim's navel, and the other to his nose, and each assigned a heifer (one of which of course is invalid), one is fit for kiddushin, and the other is not; v. p. 579. n. 3.

(15) Since the Torah directs that these shall be anointed Lev. XIV, 14.

(16) I.e., where these limbs would be.

(17) In Neg. IV, 9 the reading is: If it is placed upon his left limbs etc. Hence what renders him clean according to one leaves him unclean according to another Tanna: v. p. 581, n. 3.

(18) Hence, if three fell down, and embroiled the rebellious elder and the Beth Din in a dispute, the question of ownership involves the validity of kiddushin, as explained on p. 579, n. 3.

(19) 3 I.e., a corner of the field should be left unreaped.

(20) But if not given even then, and the wheat was milled, the poor lose their rights.

(21) V. Mak. 16b. Therefore the question of ownership is involved here too, which has a further bearing on kiddushin.

(22) Akabia maintained his view, which he based on the traditions of his teachers, against the Rabbis in the chamber of Hewn Stones ('Ed. V.6).

(23) V. p. 583. n. 1. If after giving his wife a formal warning he withdrew it, it is null, and hence if she did closet herself with her suspected lover, she is not forbidden to her husband.

Talmud - Mas. Sanhedrin 88b

[ii] if the father and mother wished to pardon a 'stubborn and rebellious son',¹ they may do so, and [iii] the [local] Beth din may pardon a rebellious elder, if they desire it. But when I went to my colleagues of the South,² they agreed to the [first] two but not to the rebellious elder, that contention might not increase in Israel.³ This is all [unanswerable] refutation.

It has been taught; R. Jose said; Originally there were not many disputes in Israel, but one Beth din of seventy-one members sat in the Hall of Hewn Stones, and two courts of twenty-three sat, one

at the entrance of the Temple Mount and one at the door of the [Temple] Court, and other courts of twenty-three sat in all Jewish cities. If a matter of inquiry arose, the local Beth din was consulted. If they had a tradition [thereon] they stated it; if not, they went to the nearest Beth din. If they had a tradition thereon, they stated it, if not, they went to the Beth din situated at the entrance to the Temple Mount; if they had a tradition, they stated it; if not, they went to the one situated at the entrance of the Court, and he [who differed from his colleagues] declared, 'Thus have I expounded, and thus have my colleagues expounded; thus have I taught, and thus have they taught.' If they had a tradition thereon, they stated it, and if not, they all proceeded to the Hall of Hewn Stones, where they [i.e., the Great Sanhedrin] sat from the morning tamid⁴ until the evening talmid; on Sabbaths and festivals they sat within the hel.⁵ The question was then put before them: if they had a tradition thereon, they stated it; if not, they took a vote: if the majority voted 'unclean' they declared it so; if 'clean' they ruled even so. But when the disciples of Shammai and Hillel, who [sc. the disciples] had insufficiently studied, increased [in number], disputes multiplied in Israel, and the Torah became as two Torah.⁶ From there [the Hall of Hewn Stones] documents were written and sent to all Israel, appointing men of wisdom and humility⁷ and who were esteemed by their fellowmen as local judges. From there [sc. the local Beth din] they were promoted to [the Beth din of] the Temple Mount,⁸ thence to the Court, and thence to the Hall of Hewn Stones.

They sent word from there,⁹ Who is destined for the world to come? He who is meek, humble, stooping on entering and on going out, and a constant student of the Torah without claiming merit therefor. [Thereupon] the Rabbis cast their eyes upon R. 'Ulla b. Abba [as endowed with all these qualities].

IF HE RETURNED TO HIS TOWN AND TAUGHT AGAIN etc. Our Rabbis taught: He is not liable unless he [himself] acts upon his ruling, or states his ruling to others, who act thereon. Now, as for stating his ruling to others, who act upon it, it is well: before [receiving the decision of the Great Beth din] he was not liable to death, [since he personally committed no wrong] whilst now he is [for flouting its authority]. But [as for the proviso that] he himself must act upon his ruling — even before [the decision was rendered in the Hall of Hewn Stones] he was liable to death! Now, there is no difficulty if his ruling referred to forbidden fat and blood, since before he was not liable to whilst now he is. But if he ruled on a matter involving the death penalty at the hands of Beth din, he would have been liable to death even before! — Before, he needed a formal warning;¹⁰ now he does not.¹¹ But what of a mesith, for whom no warning is required?¹² — Before, had he stated a reason [excusing or justifying his action], it might have been accepted; but now, even if he stated a reason, it would not be accepted.

MISHNAH. THERE IS GREATER STRINGENCY IN RESPECT TO THE TEACHINGS OF THE SCRIBES THAN IN RESPECT TO THE TORAH. [THUS,] IF ONE [A REBELLIOUS ELDER] SAYS, THERE IS NO PRECEPT OF TEFILLIN, SO THAT A BIBLICAL LAW MAY BE TRANSGRESSED, HE IS EXEMPT.¹³ [BUT IF HE RULES THAT THE TEFILLIN MUST CONTAIN] FIVE COMPARTMENTS, THUS ADDING TO THE WORDS OF THE SCRIBES,¹⁴ HE IS LIABLE.

GEMARA. R. Eleazar said in R. Oshaia's name: He is liable only for a matter of which the fundamental law is Biblical, whilst its interpretation is of the Scribes, and in which there is room for addition, which addition, however, is the equivalent of subtraction. Now, the only precept [fulfilling these conditions] is that of tefillin.¹⁵ Now, this statement was made according to R. Judah.¹⁶ But is there not the lulab,¹⁷ the fundamental law of which is Biblical.¹⁸ the interpretation Rabbinical,¹⁹ there being room for addition,²⁰ which addition amounts to subtraction?²¹ — Now, what is our opinion? If we hold that the lulab need not be bound [with the other two species],²² each stands apart.²³ Whilst if we maintain that the lulab needs binding, it is defective from the very outset.²⁴ But is there not the law of fringes, the basic precept of which is Biblical,²⁵ the interpretation Rabbinical,

there is room for addition,²⁶ whilst such addition amounts to subtraction?²⁷ — What is our opinion? If we maintain that the upper knot is not required by Biblical law, they are separate from each other;²⁸ whilst if we hold

- (1) Even after all the necessary warnings had been given.
- (2) [I.e., R. Meir, R. Judah and R. Jose among others, v. Halevy, op. cit., II, p. 180].
- (3) Since this is the reason, it proves that he is executed even if he based his ruling on tradition and they on reason.
- (4) The daily continual burnt offering.
- (5) A place within the fortification of the Temple (Jast.). They changed their locale, lest they should appear to be giving judgments, which is forbidden on these days.
- (6) Pl. of Torah. There being many conflicting rulings.
- (7) Lit., 'of lowly knee.'
- (8) When a vacancy occurred through death.
- (9) Palestine. This expression always refers to R. Eleazar b. Pedath (supra 17b). (7) An offence in connection with these does not involve capital punishment.
- (10) Cf. supra pp. 494-5.
- (11) Since he is punished not for actually committing the offence, but for flouting Beth din.
- (12) If he acted as an inciter to idolatry, but maintained that his words did not purport thus, and the Great Beth din ruled that they did, it is shewn that he was liable to death even before and without a warning, which is unnecessary for a mesith.
- (13) Since all know that the Bible commands the wearing of tefillin, the words of the elder will be ineffective.
- (14) Who required only four in the head-tefillin.
- (15) The fundamental law of wearing tefillin is Biblical. By Rabbinic interpretation, the head-tefillin must contain four compartments, with inscriptions in each. Hence it is possible to rule that it should consist of a greater number. But if this is done, the tefillin is unfit, so that the addition amounts to subtraction of its fitness.
- (16) V. supra 87a. where R. Meir, R. Judah, and R. Simeon are in dispute.
- (17) The palm branch, which was to be taken with other species of plant life on the Festival of Tabernacles.
- (18) Lev. XXIII, 40.
- (19) I.e., that it must be taken together with three other species, viz., the citron, myrtle, and willow.
- (20) I.e., more than three species can be added.
- (21) For if there are more than three species in all, the combination is invalid for the fulfilment of the precept.
- (22) The citron, though taken together with the other species, is not bound with them.
- (23) So that the combination is quite valid.
- (24) I.e., as soon as more than the three species are bound together, the combination is invalid. But in the case of phylacteries, when four compartments are made, the head-tefillin is valid; when a fifth is added, it becomes invalid.
- (25) Num. XV, 38f.
- (26) By placing more than the requisite number of threads.
- (27) Since the fringes become invalid thereby.
- (28) The fringes are inserted through a hole and knotted near the edge of the garment. It is disputed whether this is really necessary by Biblical law. If not, then even when made the fringes are regarded as hanging apart and distinct. Consequently, if five instead of four were inserted and knotted, four fulfil the precept, whilst the fifth may be disregarded entirely, without rendering the rest invalid.

Talmud - Mas. Sanhedrin 89a

it necessary, it is defective from the very outset. If so, in the case of tefillin too, if one [first] made four compartments [for the four inscriptions], and then a fifth was placed at their side, each stands separately. Whilst if one made five compartments,¹ it is defective from the very outset, for R. Zera said: If one compartment is open to the next, it is unfit.² — This must be taught only in the case of one who made a frontlet of four compartments, and then added a fifth thereto and joined it. [By this addition the original is impaired.] Even as Raba said: If the outer compartment does not look upon space, it is invalid.³ MISHNAH. HE [THE REBELLIOUS ELDER] WAS EXECUTED NEITHER

BY HIS LOCAL BETH DIN NOR BY THE BETH DIN AT JABNEH,⁴ BUT WAS TAKEN TO THE GREAT BETH DIN IN JERUSALEM AND KEPT THERE UNTIL THE [NEXT] FESTIVAL⁵ AND EXECUTED THEREON, FOR IT IS WRITTEN, 'AND ALL THE PEOPLE SHALL HEAR AND FEAR, AND DO NO MORE PRESUMPTUOUSLY:'⁶ THIS IS R. AKIBA'S OPINION. R. JUDAH SAID: HIS JUDGMENT MUST NOT BE DELAYED, BUT HE IS EXECUTED IMMEDIATELY, WHILST PROCLAMATIONS ARE INDITED AND SENT BY MESSENGERS TO ALL PLACE, 'SO AND SO HAS BEEN SENTENCED TO DEATH AT BETH DIN.

GEMARA. Our Rabbis taught: He was executed neither by his local Beth din nor by the Beth din at Jabneh, but taken to the great Beth din in Jerusalem and kept there until the [next] Festival and executed thereon, for it is written, And all the people shall hear and fear: this is R. Akiba's opinion. But R. Judah said to him: Is it then stated, 'shall see and fear'? Only 'shall hear and fear' is stated, why then delay his sentence? But he is executed immediately, and a proclamation is written and sent to all places: 'So and so has been sentenced to death at Beth din.'

Our Rabbis taught: Public announcements must be made for four [malefactors]: a mesith, a 'stubborn and rebellious' son, a rebellious elder, and witnesses who were proved zomemim.⁷ In the case of all [others]⁸ it is written, And all the people, or, and all Israel; but in the case of witnesses proved zomemim it is written, And those which remain [shall hear and fear],⁹ since not all are eligible to be witnesses.¹⁰

MISHNAH. 'A FALSE PROPHET'; HE WHO PROPHESES WHAT HE HAS NOT HEARD, OR WHAT WAS NOT TOLD TO HIM,¹¹ IS EXECUTED BY MAN. BUT HE WHO SUPPRESSES HIS PROPHECY, OR DISREGARDS THE WORDS OF A PROPHET, OR A PROPHET WHO TRANSGRESSES HIS OWN WORD¹¹, — HIS DEATH IS AT THE HANDS OF HEAVEN. FOR IT IS WRITTEN, [AND IT SHALL COME TO PASS, THAT WHOSOEVER WILL NOT HEarken UNTO MY WORDS WHICH THE PROPHET SHALL SPEAK IN MY NAME.] I WILL REQUIRE IT OF HIM.¹² HE WHO PROPHESES IN THE NAME OF AN IDOL, SAYING, 'THUS HATH THE IDOL DECLARED. EVEN IF HE CHANCED UPON THE RIGHT HALACHAH, DECLARING THE UNCLEAN, UNCLEAN, OR THE CLEAN, CLEAN; OR HE WHO WAS INTIMATE WITH A MARRIED WOMAN AFTER HER ENTRY INTO HER HUSBAND'S HOME FOR NESU'IN,¹³ THOUGH THE MARRIAGE WAS NOT CONSUMMATED — HE IS STRANGLLED; LIKEWISE [WITNESSES PROVED ZOMEMIM [IN A CHARGE OF ADULTERY AGAINST] A PRIEST'S DAUGHTER, AND HER PARAMOUR [ARE STRANGLLED]. FOR ALL ZOMEMIM ARE LED FORTH TO MEET THE SELF-SAME DEATH [WHICH THEY SOUGHT TO IMPOSE,] SAVE ZOMEMIM IN A CHARGE AGAINST A PRIEST'S DAUGHTER — AND HER PARAMOUR.¹⁴ GEMARA. Our Rabbis taught; Three are slain by man, and three by heaven; He who prophesies what he has not heard or what has not been told him, and he who prophesies in the name of an idol are slain by man. But he who suppresses his prophecy, or disregards the words of a prophet, and a prophet who transgresses his own words are slain by Heaven.

Whence do we know all this? — Rab Judah said in Rab's name: From the verse, But the prophet, which shall presume to speak a word in my name:¹⁵ this applies to one who prophesies what he has not heard;¹⁶ which I have not commanded him to speak,¹⁷ implying but which I did command his neighbour, hence means one who prophesies what was not told to him personally; or that shall speak in the name of other gods,¹⁸ this connotes prophesying in the name of idols. And then it is written, Even that prophet shall die,' and by every unspecified death sentence decreed in the Torah strangulation is meant. But he who suppresses his prophecy, or disregards the words of a prophet, or a prophet who transgresses his own words is slain by Heaven, for it is written, All it shall come to pass, that whosoever will not hearken [yishma']:¹⁹ now this may be understood²⁰ [as implying] to

proclaim'²¹ and 'hearkening himself'²² unto my words;²³ and the verse concludes, I will require it of him, i.e., [he shall be slain] by Heaven.

HE WHO PROPHESES WHAT HE HAS NOT HEARD. E.g., Zedekiah the son of Chenaanah, as it is written, And Zedekiah the son of Chenaanah had made him horns of iron.²⁴ But what [else] could he have done, seeing that the spirit of Naboth had deceived him, it is written, And the Lord said, Who shall persuade Ahab, that he may go up and fall at Ramoth-gilead? . . . And there came forth a spirit and stood before the Lord, and said, I will persuade him . . . And he [the Lord] said, Thou shalt persuade him and prevail also; go forth and do so?²⁵ Rab Judah said: What is meant by 'Go forth'? 'Go forth' from My precincts.²⁶ What 'spirit' is meant? — R. Johanan said: The spirit of Naboth the Jezreelite?²⁷ — He should have scrutinised [the forecasts of the assembled prophets]. even as R. Isaac said; viz.: The same communication²⁸ is revealed to many prophets, yet no two prophets prophecy in the identical phraseology. [Thus,] Obadiah said, The pride of thine heart hath deceived thee;²⁹ whilst Jeremiah said, Thy terribleness hath deceived thee, and the pride of thine heart.³⁰ But since all these prophets³¹ employed [exactly] the same expression,³² it proved that they had nothing [really divinely inspired]. But perhaps he did not know of this [criterion laid down by] R. Isaac? — Jehoshopat was there and warned them thereof, as it is written, And Jehoshopat said, Is there not here a prophet of the Lord besides, that we may enquire of him?³³ Thereupon he [Ahab] exclaimed, 'But behold all these!' 'I have a tradition from my grandfather's house that the same communication is revealed to many prophets, but no two prophesy in the identical phraseology,' replied Jehosopat.

HE WHO PROPHESES WHAT WAS NOT TOLD HIM. E.g., Hananiah the son of Azur. Now Jeremiah stood in the upper market place, and said, Thus saith the Lord of Hosts, Behold, I will break the bow of Elam.³⁴ Thereupon, Hananiah the son of Azur drew an a minori conclusion; If Elam, which only came to assist Babylon, yet the Holy one, blessed be He, said, Behold, I will break the law of Elam; then how much more so the Chaldeans [i.e., Babylonians] themselves! So he went to the lower market place and proclaimed, Thus speaketh the Lord of hosts, the God of Israel saying, I have broken the yoke of the kingdom of Babylon.³⁵ R. Papa asked Abaye; But this was not told even to his colleagues [viz., Jeremiah]? He answered: Since the a minori reasoning has been given for [Biblical] exegesis, it is as though it had been told to him [Jeremiah]; hence only to Hananiah was it not revealed.³⁶

HE WHO PROPHESES IN THE NAME OF AN IDOL. E.g., the prophets of Baal.

HE WHO SUPPRESSES HIS PROPHECY. E.g., Jonah the son of Amittai.³⁷

OR WHO DISREGARDS THE WORDS OF A PROPHET. E.g., the colleague of Micah

(1) One of which opened out to the other.

(2) I.e., not having been made according to rule, which requires that each compartment shall be entirely shut off from the next, it is not a case of tefillin having been rendered unfit, but of something that was never tefillin.

(3) [Hence the tefillin were fit in the first place, and rendered unfit through addition, but for a reason which cannot apply to the lulab or zizith. This rendering follows the reading in the MS. M.v.D.S a.l., which is that of R. Hananel and the Aruch.

(4) The great Sanhedrin was removed from the Hall of Hewn Stones and set up at Jabneh. If this took place between the sentence and the time fixed for the execution, the sentence was remitted (Rashi). Weiss, Dor. ii p. 37, assumes that the Great Sanhedrin at Jabneh was instituted by R. Johanan b. Zakkai shortly after the fall of Jerusalem in 70 C.E., although he made it into a seat of learning even before. Derenbourg, Essai, p. 288, however, quotes the present passage to prove that it existed, for some time at least, side by side with the Great Sanhedrin at Jerusalem.

(5) פֶּגַע regel, denotes one of the three pilgrimage festivals, Passover, Weeks, or Tabernacles.

(6) Deut. XVII, 13. Hence they had to wait till then, when all Israel assembled in Jerusalem, that the publicity of his

death should serve as a deterrent.

(7) V. Glos.

(8) I.e., the first three.

(9) Deut. XIX, 20.

(10) Thieves, usurers, etc. being ineligible; hence the warning is not to all Israel.

(11) Even though it had been revealed to another.

(12) Deut. XVIII, 19.

(13) V. Glos.

(14) I.e., he also affords an exception. Whereas all men who commit incest (including adultery) are executed with the same death as the women, the paramour of a priest's daughter is strangled, whilst she is burnt (Rashi). [Now, if the accusation was against both the priest's daughter and her paramour, and they were proved false, they are strangled, in accordance with the death they sought to impose upon the paramour. But if they brought an accusation merely against the priest's daughter, but not against her paramour, e.g., declaring that they did not know who he was, and subsequently proved zomemim, they are burnt, since that was the death they sought to impose. That is the meaning of the Mishnah save witnesses proved zomemim, in a charge against both a priest's daughter and her paramour, that is, both having been accused (so Tosaf. Yom Tob a.l.). Others take the words and her paramour as a mere incidental repetition of the phrase as it occurs earlier.]

(15) Deut. XVI, 20.

(16) That is the connotation of 'presume'.

(17) Ibid.

(18) Ibid.

(19) Ibid. 19.

(20) Lit., 'read'.

(21) Yashmia, **ישמיא**.

(22) Yishamea' **ישמעא'** the Nif'al, as reflexive.

(23) Hence all three are included in the verse, [which, in addition to the usual translation, will accordingly be rendered thus: and the man (i.e., the prophet) who will nor hearken unto my words which he has to speak in my name (namely he refuses to proclaim it.) For he (himself) will not hearken unto my words which he shall speak in my name (v. Meklenburg, a.l.).]

(24) I Kings XXII, 11; II Chron. XVIII, 10.

(25) I Kings XXII, 20ff.

(26) V. Shabb. 149b. Two possible reasons are suggested there for the spirit's expulsion from the sacred precincts, viz., either because one who is the means whereby another is punished must not come into the immediate neighbourhood of God, or because God cannot abide falsehood. Though in this case God himself sought to lure Ahab to his doom, He desired that this should nevertheless be done by arguments drawn from true facts (Maharsha).

(27) This is deduced from the use of the def. art. in the Heb. 'And the spirit came forth', implying a particular one, viz., that of Naboth the Jezreelite, whom Ahab had turned from a living human being into a spirit — by judicial murder; v. ibid. ch. XXI. Now, returning to the main point: what else could Zedekiah have done: how was he to know that a false spirit was leading all those prophets astray?

(28) Lit., 'watchword', 'signal'.

(29) Obad. I, 3.

(30) Jer. XLIX, 16. Thus, though the thought is the same in both (both referred to Edom), the wording differs.

(31) The four hundred prophets of Ahab, v. I Kings XXII, 6.

(32) V. ibid. 12

(33) I Kings XXII, 7.

(34) Jer. XLIX, 35.

(35) Ibid. XXVIII, 2.

(36) To the logical implications of the prophecy as deduced by the a minori reasoning, and which was true, viz., that the power of Babylon should be broken, Hananiah added on his own authority that this would take place within two years (ibid. 3). This was entirely false (Maharsha). In any case, only Jeremiah was permitted to draw an a minori conclusion from the prophecy revealed to him alone.

(37) Jonah I, 1-3.

Talmud - Mas. Sanhedrin 89b

[i.e., Micaiah, the son of Imlah] as it is written, And a certain man of the son of the prophets said unto his neighbour in the word of the Lord, Smite me I pray thee. And the man refused to smite him.¹ . And it is further written, And he said unto him, Because thou has not obeyed [the voice of the Lord, behold as soon as thou art departed from me, a lion shall slay thee etc.]²

OR A PROPHET WHO TRANSGRESSES HIS OWN WORDS. E.g., Iddo the prophet, as instanced by the following verses, [i] For so it was charged me by the word of the Lord [saying, Eat no bread, nor drink water, nor turn again by the same way that thou camest].³ [ii] And he [the self-styled prophet] said unto him, I am a prophet also as thou art [and an angel spake unto me by the word of the Lord, saying, Bring him back with thee into thine house that he may eat bread, and drink water].⁴ [iii] So he went back with him; [iv] And when he was gone, a lion met him [by the way, and slew him].⁵

A tanna recited before R. Hisda; He who suppresses his prophecy is flogged. To which he retorted, 'One who eats dates out of a sieve is flogged!'⁶ Who then warned him?⁷ Abaye answered; His fellow prophets, Whence do they know? — Said Abaye; For it is written, Surely the Lord will do nothing but that he revealeth his secret [unto his servants the prophets].⁸ But perhaps they [sc. the Heavenly Court] repented thereof?⁹ — Had they repented, all prophets would have been informed. But in the case of Jonah they did repent, yet Jonah himself was not informed! — Jonah was originally told that Nineveh would be turned, but did not know whether for good or for evil.¹⁰

HE WHO DISREGARDS THE WORDS OF A PROPHET. But how does he know [that he is a true prophet], that he should be punished? — If he gives him a sign. But Micah did not give a sign, yet he [i.e., his colleague] was punished!¹¹ — If he was well established [as a prophet], it is different. For should you not admit this, how could Isaac listen to Abraham at Mount Moriah,¹² or the people hearken to Elijah at Mount Carmel and sacrifice without [the Temple]?¹³ Hence the case, where the prophet is well established is different.

And it came to pass after these words, that God did tempt Abraham.¹⁴ What is meant by 'after'? — R. Johanan said on the authority of R. Jose b. Zimra: After 'the words of Satan, as it is written, And the child grew, and was weaned: [and Abraham made a great feast the same day that Isaac was weaned].¹⁵ Thereupon Satan said to the Almighty; 'Sovereign of the Universe! To this old man Thou didst graciously vouchsafe the fruit of the womb at the age of a hundred, yet of all that banquet which he prepared, he did not have one turtle-dove or pigeon to sacrifice before thee! Hath he done aught but in honour of his son!' Replied He, 'Yet were I to say to him, "Sacrifice thy son before Me", he would do so without hesitation.' Straightway, God did tempt Abraham . . . And he said, Take, I pray thee [na]¹⁶ thy son.¹⁷ R. Simeon b. Abba said; 'na' can only denote entreaty. This may be compared to a king of flesh and blood who was confronted by many wars, which he won by the aid of a great warrior. Subsequently he was faced with a severe battle. Thereupon he said to him, 'I pray thee, assist me in battle, that people may not say, there was no reality in the earlier ones.' So also did the Holy One, blessed be He, say unto Abraham, 'I have tested thee with many trials and thou didst withstand all. Now, be firm, for My sake in this trial, that men may not say, there was no reality in the earlier ones.

Thy son.

[But] I have two sons!

Thine only one.

Each is the only one of his mother!

Whom thou lovest.

I love them both!

Isaac!

And why all this [circumlocution]?¹⁸ — That his mind should not reel [under the sudden shock]. on the way Satan came towards him and said to him. ‘If we assay to commune with thee, wilt thou be grieved? . . . Behold, thou hast instructed many, and thou hast strengthened the weak hands. Thy words have upholden him that was falling, and thou hast strengthened the feeble knees. But now it is come upon thee, and thou faintest.’¹⁹ He replied, ‘I will walk in mine integrity.’²⁰ ‘But’, said [Satan] to him, ‘should not thy fear be thy confidence?’²¹ ‘Remember’, he retorted, ‘I pray thee, whoever perished, being innocent?’²² Seeing that he would not listen to him, he said to him, ‘Now’ a thing was secretly brought to me:²³ thus have I heard from behind the Curtain.²⁴ “the lamb, for a burnt-offering²⁵ but not Isaac for a burnt-offering.”²⁵ He replied, ‘It is the penalty of a liar, that should he even tell the truth, he is not listened to.’

R. Levi said [in explanation of ‘after these words’]; After Ishmael's words to Isaac. Ishmael said to Isaac: ‘I am more virtuous²⁶ than thee in good deeds, for thou wast circumcised at eight days, [and so couldst not prevent it], but I at thirteen years’. ‘On account of one limb wouldst thou incense me!’ he replied: ‘Were the Holy One, blessed be He, to say unto me, Sacrifice thyself before Me, I would obey’, Straightway, God did tempt Abraham.

Our Rabbis taught; A prophet who seduced [people to idolatry] is stoned; R. Simeon said; He is strangled. The seducers of a seduced city are stoned; R. Simeon said: They are strangled. ‘A prophet who seduced is stoned’. What is the reason of the Rabbis? — Similarity of law is learnt from the employment of ‘seduction’ here and in the case of a mesith:²⁷ just as there execution is by stoning, so here too. But R. Simeon maintained: [Simple] death is provided for in this case,²⁸ and by every unspecified death sentence in the Torah strangulation is meant.

‘The seducers of a seduced city are executed by stoning’. What is the reason of the Rabbis? — Similarity of law is learnt from the employment of ‘seduction’ here and in the case of either a mesith or a prophet who seduced.²⁹ But R. Simeon maintained: similarity of law is learned from the employment of ‘seduction’ here and in the case of a prophet who seduced.³⁰ But let us rather deduce it from mesith?³¹ — An analogy is drawn between two who incite a multitude, and not between one who incites a multitude and another who seduces an individual.³² On the contrary, should not an analogy be drawn between two laymen, rather than between a layman and a prophet? — R Simeon maintains, since he seduced, no man is more of a layman than he.³³

R. Hisda said;

(1) I Kings XX, 35.

(2) Ibid. 36. According to the Rabbis, the prophet here referred to was Micaiah the son of Imlah (v. ibid. XXII, 9 et seq.).

(3) Ibid. XIII, 9.

(4) Ibid. 18.

(5) Ibid. 24. It is nowhere stated that this was Iddo; possibly the Talmud had a tradition to that effect (Maharsha). Kimhi (Ibid. 1) however observes that Iddo was a contemporary of Jeroboam and prophesied against him, as is mentioned in II Chron. IX, 29.

(6) I.e., just as that would be absurd, so is the statement.

- (7) For how can anyone know that he suppressed a prophecy?
- (8) Amos III, 7.
- (9) When a prophecy of doom was revealed to a prophet, as in the case of Jonah, it might subsequently have been withdrawn and therefore the prophecy was suppressed. How then can that prophet be flogged?
- (10) I.e., whether 'turned' meant 'overturned', or 'turned to repentance'.
- (11) V. p. 593.
- (12) To permit himself to be sacrificed.
- (13) This being normally forbidden.
- (14) Gen. XXII, 1. The sacrifice of Isaac having been mentioned, the Talmud proceeds to discuss it.
- (15) Ibid. XXI, 8.
- (16) **סג**.
- (17) Ibid. 2.
- (18) Why not say, 'Take Isaac'?
- (19) Job. IV, 2-5; he taunted him upon being unable to withstand his great trial, or perhaps suggested it to him. Rashi explains and translates: Should One (sc. God) have so assayed to speak to thee (putting thee to such severe trial) that thou shouldst faint, i.e., lose thy seed.
- (20) Ps XXVI, 2.
- (21) Job. IV, 6, i.e., through fearing God, you should be entirely safe, instead of which you are about to sacrifice your son! So Tosaf. in B.M. 58b, s.v. **סג**.
- (22) Ibid. 6. Thus he reasserted his faith in God.
- (23) Ibid. 12.
- (24) I.e., from the most intimate secrets of God.
- (25) Cp. ibid. 7.
- (26) Lit., 'greater'.
- (27) Prophet: Because he hath spoken . . .to seduce thee from the way which thy Lord thy God commanded thee to walk in (Deut. XIII, 6); mesith: because he hath sought to seduce thee from the Lord thy God (Ibid. 11).
- (28) Ibid. 6: And that prophet . . . shall be put to death.
- (29) Here: and have seduced the inhabitants of their city. Ibid. 13, the other two: ibid. 6 and 11. V. p. 596. n. 9 for quotations.
- (30) And as the latter is strangled, in his opinion so are the former too.
- (31) Where stoning is distinctly stated (ibid. 11).
- (32) The maddiah and the false prophet seduce a community, the mesith an individual (or individuals).
- (33) V. p. 557, n. 5.

Talmud - Mas. Sanhedrin 90a

They¹ differ only in respect of one who uproots the fundamental [prohibition] of idolatry,² or who partially confirms and partially annuls [the prohibition] of idolatry,³ since the Divine Law said, [. . . to seduce thee] from [min] the way [which the Lord thy God commanded thee to walk in],⁴ implying even part of the way.⁵ But if one [a false prophet] fundamentally uproots any other precept,⁶ all agree that he is strangled;⁷ whilst if he partially annuls and partially confirms any other precept, all agree that he is exempt. R. Hamnuna objected; [It has been taught] [Because he hath spoken ...to seduce thee from the way which the Lord thy God commanded thee] to walk; this refers to positive commands;⁸ therein [bah]: to negative commands.⁹ But should you say that this refers to idolatry, — how is a positive command conceivable in respect of idolatry? — R. Hisda explained it [as referring to], And ye shall overthrow their altars.¹⁰

R. Hamnuna said; They¹¹ differ in respect of one who uproots the fundamental injunction, whether of idolatry or other precepts, or who partially annuls and partially confirms [the prohibition of] idolatry, since the Torah said, from the way, implying even part of the way;¹² but if he partly confirms and partly annuls any other precept, all agree that he is exempt.

Our Rabbis taught: If one prophesies so as to eradicate a law of the Torah, he is liable [to death]; partially to confirm and partially to annul it. — R. Simeon exempts him. But as for idolatry, even if he said, ‘Serve it to-day and destroy it to-morrow,’¹³ all declare him liable. Now, Abaye agrees with R. Hisda,¹⁴ and reconciles this with him; Raba holds with R. Hamnuna, and explains it according to his views. ‘Abaye, agrees with R. Hisda, and reconciles it with him.’ [Thus:] If one prophesies so as to uproot a law of the Torah, all agree that he is strangled; partially to confirm and partially to annul it, — R. Simeon exempts him, and the Rabbis likewise.¹⁵ But as for idolatry, even if he said, ‘Serve it to-day and destroy it to-morrow’, he is liable — each according to his views.¹⁶ ‘Raba holds with R. Hamnuna, and explains it according to his opinion’; If one prophesies to uproot an injunction of the Torah, whether idolatry or any other precept, he is liable, — each according to his views. Partially to confirm and partially to annul it. R. Simeon declares him exempt, and also the Rabbis.¹⁷ But as for idolatry, even if he said, ‘Serve it to-day and destroy it to-morrow,’ he is liable — each according to his views.

R. Abbahu said in R. Johanan's name; In every matter, if a prophet tells you to transgress the commands of the Torah, obey him,¹⁸ with the exception of idolatry; should he even cause the sun to stand still in the middle of the heavens for you [as proof of Divine inspiration], do not hearken to him.

It has been taught; R. Jose the Galilean said: The Torah understood the extreme depths [of depravity inherent in] idolatry,¹⁹ therefore the Torah gave him [the false prophet] power therein, that should he even cause the sun to stand still in the middle of the heavens, thou must not hearken to him.²⁰ R. Akiba said; God forbid that the Almighty should cause the sun to stand still at the behest of those who transgressed His will, but [the Torah refers to one] as Hananiah the son of Azur, who was originally a true prophet and [only] subsequently became a false prophet.²¹

LIKEWISE [WITNESSES, PROVED] ZOMEMIM, [IN AN ACCUSATION OF ADULTERY AGAINST] A PRIEST'S DAUGHTER, — AND HER PARAMOUR. Whence do we know this? — R. Abba the son of R. Ika said; For it has been taught: R. Jose said; Why does Scripture state, Then shall ye do unto him, as he had thought to have done unto his brother?²² For all falsified witnesses²³ [spoken of] in the Torah, — the zomemim and the paramours are assimilated to them;²⁴ but in the case of a priest's daughter. ‘She [profaneth]’ teaches, ‘She’ is executed by burning, but not her paramour. Hence, I do not know whether the zomemim are likened to him or to her:²⁵ but when the Writ saith . . . ‘to have done unto his brother’, it teaches, to his ‘brother,’ but not to his sister.²⁶

CHAPTER XI²⁷

MISHNAH. ALL ISRAEL²⁸ HAVE A PORTION IN THE WORLD TO COME,²⁹ FOR IT IS WRITTEN, THY PEOPLE ARE ALL RIGHTEOUS; THEY SHALL INHERIT THE LAND FOR EVER, THE BRANCH OF MY PLANTING, THE WORK OF MY HANDS, THAT I MAY BE GLORIFIED.³⁰ BUT THE FOLLOWING HAVE NO PORTION THEREIN: HE WHO MAINTAINS THAT RESURRECTION IS NOT A BIBLICAL DOCTRINE,³¹ THE TORAH WAS NOT DIVINELY REVEALED, AND AN EPIKOROS.³² R. AKIBA ADDED: ONE WHO READS UNCANONICAL BOOKS.³³ ALSO ONE WHO WHISPERS [A CHARM] OVER A WOUND AND SAYS, I WILL BRING NONE OF THESE DISEASES UPON THEE WHICH I BROUGHT UPON THE EGYPTIANS: FOR I AM THE LORD THAT HEALETH THEE.³⁴ ABBA SAUL SAYS: ALSO ONE WHO PRONOUNCES THE DIVINE NAME AS IT IS SPELT.³⁵

THREE KINGS AND FOUR COMMONERS HAVE NO PORTION IN THE WORLD TO COME: THE THREE KINGS ARE JEROBOAM, AHAB, AND MANASSEH.³⁶ R. JUDAH SAID: MANASSEH HATH A PORTION THEREIN, FOR IT IS WRITTEN, ‘AND HE PRAYED UNTO HIM, AND WAS INTREATED OF HIM, AND HE HEARKENED TO HIS SUPPLICATION AND

THEY RESTORED HIM TO JERUSALEM, TO HIS KINGDOM.³⁷ THEY [THE SAGES] ANSWERED HIM: THEY RESTORED HIM TO HIS KINGDOM, BUT NOT TO [HIS PORTION IN] THE WORLD TO COME. FOUR COMMONERS, VIZ., BALAAM, DOEG, AHITOPHEL, AND GEHAZI.³⁸

GEMARA. And why such [severity]? — A Tanna taught: Since he denied the resurrection of the dead, therefore he shall not share in that resurrection, for in all the measures [of punishment or reward] taken by the Holy One, blessed be He, the Divine act befits the [human] deed.³⁹ As it is written, Then Elisha said, Hear ye the word of the Lord; Thus saith the Lord, To-morrow about this time shall a measure of fine flour be sold for a shekel, and two measures of barley for a shekel, in the gates of Samaria.⁴⁰ And it is written, Then a lord on whose hand the king leaned answered the man of God, and said, Behold, if the Lord made windows in heaven, might this thing be? And he said, Behold, thou shalt see it with thine eyes, but shalt not eat thereof.⁴¹

(1) R. Simeon and the Rabbis, whether the seducing prophet is stoned or strangled.

(2) Stating in the name of God that idolatry is permissible, or even meritorious, as it is written . . . saying, let us go after other gods. Deut. XIII, 3.

(3) V. infra.

(4) Ibid. 6.

(5) Since *min* (מִן), is partitive and denotes limitation. The verses adduced by the Rabbis and R. Simeon refer to these cases.

(6) E.g., stating as a Divine communication that the Sabbath was no longer to be kept holy.

(7) Because this is prohibited in Deut. XVIII, 20: But the prophet, which shall presume to speak a word in my name, which I have not commanded him to speak . . . shall die. Unspecified death means strangulation.

(8) 'To walk' implies to do, not to abstain from doing.

(9) This is deduced in the Sifre by *gezerah shawah*.

(10) Ibid. XII, 3.

(11) V. p. 597, n. 7.

(12) He regards the deduction of 'to walk', which refers to positive commands, as applying to all precepts.

(13) That is partial annulment.

(14) Missing footnote.

(15) R. Simeon is mentioned for this reason; According to him, the death from which he is exempt is obviously strangulation. Consequently the first clause, teaching that he is liable, must mean to strangulation, and R. Simeon not being mentioned there, that is the general opinion. Had the second clause simply stated that he is exempt, it would imply from stoning or strangulation, according to either the Rabbis or R. Simeon, and hence the liability of the first clause would be the same.

(16) I.e., In the opinion of the Rabbis, to stoning; of R. Simeon, to strangulation.

(17) In R. Hammuna's view, R. Simeon is particularly mentioned to shew that he is exempt even from strangulation, a more lenient death than stoning; hence certainly from stoning.

(18) E.g., as in the case of Elijah, who ordered sacrifices to be offered on Mount Carmel.

(19) Or, the wiles by which idolatry attracts.

(20) Since Scripture says, and giveth thee a sign or a wonder, it follows that the false prophet must have been endowed with such powers.

(21) The 'sign' being given during his first phase, and he supported himself thereon in his second.

(22) Deut. XIX, 19: 'unto his brother' is redundant.

(23) [In cases of incest including adultery *Lec. var.* who are sentenced to death.]

(24) [I.e., the *zomemim*, to the death they sought to impose on the women, and the paramours, to that of the women the had dishonoured.]

(25) V. p. 347. n. 2.

(26) I.e., he is executed by her paramour's death, not her own.

(27) In the Jerusalem Talmud this is the tenth chapter, whilst 'These are strangled', which in the Babylonian version is the tenth, is there the eleventh. H. Danby, *Sanhedrin*, Introduction VIII, 2, defends the order of the Bab. Tal. as correct.

Rashi likewise states: 'Having first dealt with those who are executed by Beth din by one of the four modes of execution, the Mishnah proceeds to enumerate those who have no portion in the world to come.' Maimonides in his commentary places this as the tenth chapter (v. also his Introduction to Seder Zera'im), and Asheri does likewise. This order is adopted in the printed editions of the Mishnah and in the Jerusalem Talmud (cp. also Mak. 2a).

(28) This is not a dogmatic assertion that only Israel has a portion in the world to come, but is closely connected with the preceding chapters, and asserts that even those who were executed by Beth din are not shut out from the future world, as is stated in VI, 2.

(29) The conception of what is to be understood by the future world is rather vague in the Talmud. In general, it is the opposite of עולם הזה, this world. In Ber. I, 5, 'this world' is opposed to the days of the Messiah. Whether the Messianic era is thus identical with the future world, and these again with the period of resurrection, is a moot point (v. infra, 91b). The following quotation from G. Moore, 'Judaism' (Vol. 2, p. 389) is apposite: 'Any attempt to systematize the Jewish notions of the hereafter imposes upon them an order and consistency which does not exist in them.'

(30) Isa. LX, 22.

(31) Lit., 'that resurrection is not intimated in the Torah.' The doctrine of resurrection was denied by the Sadducees and the Samaritans. It was to oppose these that the doctrine was emphatically asserted in the second of the Eighteen Benedictions (v. W.O. Oesterley. The Jewish Background of Christian Liturgy, Oxford, 1925, 60ff.). According to the present text, however, the reference is not to one who denies the fact of resurrection, but that it is intimated in the Torah. (On the importance of conceding the Biblical origin of this tenet, v. p. 604, n. 12.) But D.S. omits the phrase as interpolated, and he is supported by the Tosef. XIII, 5.

(32) In the first place, the word denotes an adherent of the Epicurean philosophy, and then, one who lives a licentious and dissolute life. The word has also been derived from פקר (cf. הפקר) to be unbridled, and it is frequently used as a synonym of min (q.v. p. 604, n. 12), heretic. The Gemara defines it as one who speaks disparagingly of the Bible and its disciples.

(33) Lit., 'the external books'. Graetz, Gesch. IV, p. 99, regards this as referring to un-Jewish, particularly Gnostic literature. Weiss takes a similar view. The pernicious influence of Gnosticism, particularly as it impaired the pure monotheism of Judaism, made the Rabbis very anxious to stem its spread, and hence R. Akiba's dictum. (Weiss maintains that Elisha b. Abua's revolt against the Rabbis was in some measure occasioned by the influence of Gnosticism.) On this view, ordinary reading is referred to. There are indications, however, that something more is meant. The J. Tal. a.l. adds: 'E.g., the books of Ben Sira and Ben La'anah. But the reading of Homer and all subsequent books is as the reading of a letter.' In spite of the fact that the Bab. Tal. forbids the books of Ben Sira, it is evident from the discussion that all its contents were well-known, and Sira's wisdom is frequently quoted by the Talmudists. It is also difficult to see why greater exception should be taken to Sira than to Homer. To obviate these difficulties the theory has been put forward that the prohibition is against reading these uncanonical works publicly, treating them as the Scripture and expounding them to the community. Private reading, however, would on this theory not come within the ban. (V. Krochmal More Nebuche ha-Zeman, XI, 5.)

(34) Ex. XV, 26.

(35) Lit., 'according to its letters'.

(36) Jeroboam, the son of Nebat, who is frequently stigmatised in the Bible as having 'sinned and caused Israel to sin'. Ahab, the son of Omri, a later King; v. I Kings. XXI, 21. Manasseh, the son of Hezekiah, King of Judah; v. II Kings. XXI.

(37) II Chron. XXXIII, 13.

(38) Balaam: v. Num. XXXI. 8, 16; Doeg the Edomite: v. I Sam. XXI, 22; Ahitophel: v. II Sam. XV; Gehazi: v. II Kings V, 20.

(39) Lit., 'Measure for measure'.

(40) II Kings VII, 1.

(41) Ibid. 2.

Talmud - Mas. Sanhedrin 90b

And it is [further] written, And so it fell unto him: for the people trod upon him in the gate, and he died.¹ But perhaps this was the result of Elisha's curse, for Rab Judah said in Rab's name: The curse of a Sage, even if unmerited, is fulfilled? — If so, Scripture should have written, they trod upon him

and he died. Why, trod upon him in the gate? — [To show that it was] on account of matters pertaining to the gate.²

How is resurrection derived from the Torah? — As it is written, And ye shall give thereof the Lord's heave offering to Aaron the priest.³ But would Aaron live for ever; he did not even enter Palestine, that *terumah*⁴ should be given him?⁵ But it teaches that he would be resurrected, and Israel give him *terumah*. Thus resurrection is derived from the Torah. The school of R. Ishmael taught: To Aaron [means to one] like Aaron: just as Aaron was a *haber*,⁶ so his sons must be *haberim*.⁷ R. Samuel b. Nahmani said in R. Jonathan's name: Whence do we know that *terumah* must not be given to a priest and 'am ha-arez?⁸ From the verse, Moreover he commanded the people that dwelt in Jerusalem to give the portion of the Levites, that they might hold fast to the law of the Lord:⁹ [thus,] whoever holds fast to the law of the Lord, has a portion; whoever does not, has no portion. R. Aha b. Adda said in Rab Judah's name: One who gives *terumah* to an ignorant priest is as though he had placed it before a lion: just as a lion may possibly tear his prey and eat it and possibly not,¹⁰ so is an ignorant priest — he may possibly eat it undefiled and possibly defiled. R. Johanan said: He even causes his [sc. the ignorant priest's] death, for it is written, and die therefore, if they profane it.¹¹ The School of R. Eliezer b. Jacob taught: He also embroils him in a sin of general trespass,¹² for it is written, Or suffer them to bear the iniquity of trespass when they eat their holy things.¹³

It has been taught: R. Simai said: Whence do we learn resurrection from the Torah? — From the verse, And I also have established my covenant with them, [sc. the Patriarchs] to give them the land of Canaan:¹⁴ '[to give] you' is not said, but 'to give them' [personally]; thus resurrection is proved from the Torah.¹⁵

(Mnemonic: Zedek, Gam, Geshem, Kam.)¹⁶ Sectarials [minim]¹⁷ asked Rabban Gamaliel: Whence do we know that the Holy One, blessed be He, will resurrect the dead? He answered them from the Torah, the Prophets, and the Hagiographa, yet they did not accept it [as conclusive proof]. 'From the Torah': for it is written, And the Lord said unto Moses, Behold, thou shalt sleep with thy fathers and rise up [again].¹⁸ 'But perhaps,' said they to him, '[the verse reads], and the people will rise up?' 'From the prophets': as it is written, Thy dead men shall live, together with my dead body shall they arise. Awake and sing, ye that dwell in the dust: for thy dew is as the dew of herbs, and the earth shall cast out its dead.¹⁹ But perhaps this refers to the dead whom Ezekiel resurrected?²⁰ 'From the Hagiographa': as it is written, And the roof of thy mouth, like the best wine of my beloved, that goeth down sweetly, causing the lips of those that are asleep to speak.²¹ But perhaps it means merely that their lips will move, even as R. Johanan said: If a *halachah* is said in any person's name in this world, his lips speak in the grave, as it is written, causing the lips of those that are asleep to speak? [Thus he did not satisfy them] until he quoted this verse, which the Lord sware unto your fathers to give to them;²² not to you, but to them is said; hence resurrection is derived from the Torah. Others say that he proved it from this verse, But ye that did cleave unto the Lord your God are alive every one of you this day;²³ just as you are all alive to-day, so shall you all live again in the world to come.²⁴

The Romans asked R. Joshua b. Hananiah: Whence do we know that the the Holy One, blessed be He, will resurrect the dead and knows the future? — He replied: Both are deduced from this verse, And the Lord said unto Moses, Behold thou shalt sleep with thy fathers, and rise up again; and this people shall go a whoring etc.²⁵ But perhaps 'will rise up, and go a whoring'? — He replied: Then at least you have the answer to half, viz., that He knows the future. It has been stated likewise: R. Johanan said on the authority of R. Simeon b. Yohai: Whence do we know that the Holy One, blessed be He, will resurrect the dead and knoweth the future? From, Behold, Thou shalt sleep with thy fathers, and . . . rise again etc.

It has been taught: R. Eliezer, son of R. Jose, said: In this matter I refuted the books of the

sectarians,²⁶ who maintained that resurrection is not deducible from the Torah. I said to them: You have falsified your Torah,²⁷ yet it has availed you nothing. For ye maintain that resurrection is not a Biblical doctrine, but it is written, [Because he hath despised the word of the Lord, and hath broken his commandment], that soul shall utterly be cut off²⁸ [Heb. hikkareth tikkareth]; his iniquity shall be upon him.²⁹ Now, [seeing that] he shall utterly be cut off in this world, when shall his iniquity be upon him? surely in the next world.³⁰ R. Papa said to Abaye: Could he not have deduced both [this world, and the next] from he shall be utterly cut off?³¹ — They would have replied: The Torah employed human phraseology.

This is disputed by Tannaim: That soul shall utterly be cut off [hikkareth] he shall be cut off in this world and [tikkareth] in the next: this is R. Akiba's view. R. Ishmael said: But the verse has previously stated, he reproacheth the Lord, and that soul shall be cut off are there then three worlds? But [interpret thus]: and [that soul] shall be cut off — in this world: hikkareth, he is to be cut off — in the next; whilst as for [the repetition] tikkareth, that is because the Torah employs human phraseology.³² How do both R. Ishmael and R. Akiba utilize his iniquity shall be upon him? — For that which has been taught: I might think that [this is so] even if he repented: therefore Scripture saith, his iniquity is upon him: I decreed [that he shall be cut off] only if his iniquity is still in him. Queen Cleopatra³³ asked R. Meir, 'I know that the dead will revive, for it is written, And they [sc. the righteous] shall [in the distant future] blossom forth out of the city [Jerusalem] like the grass of the earth.³⁴ But when they arise, shall they arise nude or in their garments?' — He replied, 'Thou mayest deduce by an a fortiori argument [the answer] from a wheat grain: if a grain of wheat, which is buried naked, sprouteth forth in many robes, how much more so the righteous, who are buried in their raiment!'

An emperor said to Rabban Gamaliel: 'Ye maintain that the dead will revive; but they turn to dust, and can dust come to life?'

(1) Ibid. 20.

(2) I.e., Elisha had prophesied that wheat and barley would be sold cheaply at the gate of Samaria, and he denied it.

(3) Num. XVIII, 28.

(4) V. Glos.

(5) The priestly dues were rendered only in Palestine.

(6) V. Glos.

(7) Hence this verse is to teach that the priestly dues are not to be rendered to an ignoramus, and affords no basis for resurrection.

(8) Lit., 'people of the earth,' peasants, and then denoting the ignorant and irreligious in general.

(9) II Chron. XXXI, 4.

(10) I.e., when a lion steals an animal and mauls it, we do not know whether it was to appease his hunger, or merely to satisfy his blood lust.

(11) Lev. XXII, 9.

(12) I.e., a sin which leads to guilt in a number of ways.

(13) Ibid. 16.

(14) Ex. VI, 4.

(15) The promise could be literally fulfilled only by the Patriarchs' resurrection.

(16) An apt mnemonic, meaning lit., 'As to the Righteous, also the Body Riseth.'

(17) Term used generally as a designation for Judeo-Christians. Herford, *Christianity in the Talmud*, pp. 232-4, conjectures that this discussion took place in Rome, whither R. Gamaliel journeyed in 95 C.E., since this is followed by 'The Romans asked R. Joshua.' He maintains that both sides accepted the fact of resurrection of the dead, the dispute being whether it is intimated in the Torah. The importance of the debate lay in the fact that the Christians maintained that the resurrection of the dead was consequent upon the resurrection of Christ this doctrine of course would be weakened if it could be shewn that resurrection was already taught in the Torah.

(18) Deut. XXXI, 16.

(19) Isa. XXVI, 19.

(20) V. Ezek. XXVII.

(21) Cant. VII, 9. As the entire Song is interpreted by the Rabbis as a dialogue between God and Israel, the last phrase is understood to refer to the dead, whom God will cause to speak again.

(22) Deut. XI, 21.

(23) Ibid. IV, 4.

(24) This is deduced from 'this day', which is superfluous.

(25) Deut. XXXI, 16.

(26) Herford, op. cit. states that **מינים** is an error for **כותים** Cutheans, Samaritans, as is proved by parallel passages in the Sif.; cf. 87a, and D.S.

(27) [The words 'to them', from which R. Gamaliel (p. 605) deduced the resurrection are left out in the Samaritan text.]

(28) **הכרת תכרת**.

(29) Num. XV, 31.

(30) I.e., at the resurrection.

(31) V. next passage in text.

(32) V. supra 64b.

(33) [Not of 'Anthony and Cleopatra' fame. Bacher, Agada der Tanaiten, I, 68, n. 2, regards **קליאופטרא מלכתא** (Cleopatra, the Queen) as a corruption of **פטרוקי דכותאי** the Patriarch of the Samaritans (v. Gen. Rab. XCIV, 6). Cp. Koh. Rab. V, 12, where the disputant of the belief of the resurrection of the dead with R. Meir is a Samaritan, **כותי**.]

(34) Ps. LXXII, 16: the bracketed addition gives the sense according to Rabbinic interpretation; v. Keth. 111a.

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Thereupon his [the emperor's] daughter said to him [the Rabbi]: 'Let me answer him: In our town there are two potters; one fashions [his products] from water, and the other from clay: who is the more praiseworthy?' 'He who fashions them from water, he replied.¹ 'If he can fashion [man] from water,² surely he can do so from clay!'³

The School of R. Ishmael taught: It can be deduced from glassware: if glassware, which, though made by the breath of human beings,⁴ can yet be repaired when broken;⁵ then how much more so man, created by the breath of the Holy One, blessed be He.

A sectarian [min]⁶ said to R. Ammi: 'Ye maintain that the dead will revive; but they turn to dust, and can dust come to life?' — He replied: I will tell thee a parable. This may be compared to a human king who commanded his servants to build him a great palace in a place where there was no water or earth [for making bricks]. So they went and built it. But after some time it collapsed, so he commanded them to rebuild it in a place where water and earth was to be found; but they replied, 'We cannot'. Thereupon he became angry with them and said, 'If ye could build in a place containing no water or earth, surely ye can where there is!'⁷ 'Yet,' [continued R. Ammi], 'If thou dost not believe, go forth in to the field and see a mouse, which to-day is but part flesh and part dust,⁸ and yet by to-morrow has developed and become all flesh. And shouldst thou say, 'That takes a long time,'⁹ go up to the mountains, where thou wilt see but one snail, whilst by to-morrow the rain has descended and it is covered with snails.'¹⁰

A sectarian [min] said to Gebiha b. Pesisa, 'Woe to you, ye wicked, who maintain that the dead will revive; if even the living die, shall the dead live!' He replied, 'Woe to you, ye wicked, who maintain that the dead will not revive: if what was not,[now] lives, — surely what has lived, will live again!' 'Thou hast called me wicked,' said he, 'If I stood up I could kick thee and strip thee of thy hump!'¹¹ 'If thou couldst do that,' he retorted, 'thou wouldst be called a great doctor, and command large fees.'

Our Rabbis taught: On the twenty-fourth of Nisan¹² the revenue farmers¹³ were removed from Judah and Jerusalem. For when the Africans¹⁴ came to plead against the Jews before Alexander of Macedon, they said, 'Canaan belongs to us, as it is written, The land of Canaan with the coasts thereof;¹⁵ and Canaan was the ancestor of these people [i.e., ourselves].' Thereupon Gebiha b. Pesisa¹⁶ said to the Sages, 'Authorise me to go and plead against them before Alexander of Macedon: should they defeat me, then say, "ye have defeated but an ignorant man of us;" whilst if I defeat them, then say to them thus: "The Law of Moses has defeated you." 'So they authorised him, and he went and pleaded against them. 'Whence do ye adduce your proof?' asked he. 'From the Torah,' they replied. 'I too,' said he, 'will bring you proof only from the Torah, for it is written, And he said, Cursed be Canaan; a servant of servants shall he be unto his brethren.¹⁷ Now if a slave acquires property, to whom does he belong, and whose is the property?'¹⁸ Moreover, it is now many years that ye have not served us.'¹⁹ Then Alexander said to them, 'Answer him!' 'Give us three days' time,' they pleaded. So he gave them a respite; they sought but found no answer. Immediately thereon they fled, leaving behind their sown fields and their planted vineyards. And that year was a Sabbatical year.

On another occasion the Egyptians came in a lawsuit against the Jews before Alexander of Macedon. They pleaded thus: 'Is it not written, And the Lord gave the people favour in the sight of the Egyptians, and they lent them [gold and precious stones, etc.]²⁰ Then return us the gold and silver which ye took!' Thereupon Gebiha b. Pesisa said to the Sages, 'Give me permission to go and plead against them before Alexander of Macedon: should they defeat me, then say, "Ye have merely defeated an ignorant man amongst us;" whilst if I defeat them then say, "The Law of Moses has defeated you.'" So they gave him permission, and he went and pleaded against them. 'Whence do ye adduce your proof?' asked he, 'From the Torah,' they replied. 'Then I too,' said he, 'will bring you proof only from the Torah, for it is written, Now the sojourning of the children of Israel, who dwelt in Egypt, was four hundred and thirty years.²¹ Pay us for the toil of six hundred thousand men whom ye enslaved for four hundred thirty years.' Then King Alexander said to them, 'Answer him!' 'Give us three days' time,' they begged. So he gave them a respite; they sought but found no answer. Straightway they fled, leaving behind their sown fields and planted vineyards. And that year was a Sabbatical year.²²

On another occasion the Ishmaelites and the Keturians²³ came for a lawsuit against the Jews before Alexander of Macedon. They pleaded thus: 'Canaan belongs jointly to all of us, for it is written, Now these are the generations of Ishmael, Abraham's son;²⁴ and it is [further] written, And these are the generations of Isaac,' Abraham's son.'²⁵ Thereupon Gebiha b. Pesisa said to the Sages: 'Give me permission to go and plead against them before Alexander of Macedon. Should they defeat me then say, "Ye have defeated one of our ignorant men; whilst if I defeat them, say, "The Law of Moses has defeated you.'" So they gave him permission, and he went and pleaded against them. 'Whence do ye adduce your proof?' asked he. 'From the Torah,' they replied. 'Then I too,' said he, 'will bring you proof only from the Torah, for it is written, And Abraham gave all that he had unto Isaac. But unto the sons of the concubines which Abraham had, Abraham gave gifts:²⁶ if a father made a bequest to his children in his lifetime and sent them away from each other, has one any claim upon the other? [Obviously not.]'

What gifts [did he give them]? — R. Jeremiah b. Abba said: This teaches that he imparted to them [the secrets of] the unhallowed arts.²⁷

Antoninus²⁸ said to Rabbi: 'The body and the soul can both free themselves from judgment. Thus, the body can plead: The soul has sinned, [the proof being] that from the day it left me I lie like a dumb stone in the grave [powerless to do aught]. Whilst the soul can say: The body has sinned, [the proof being] that from the day I departed from it I fly about in the air like a bird [and commit no sin].' He replied, 'I will tell thee a parable. To what may this be compared? To a human king who

owned a beautiful orchard which contained

- (1) This being far more difficult.
- (2) Vis.:, the sperm.
- (3) I.e., the dust into which the dead are turned.
- (4) A reference to the blowing of glass.
- (5) By being melted down again.
- (6) V. Herford, op. cit. p. 281. In R. Ammi's time (end of the third and beginning of the fourth centuries) there was no class of heretic which denied resurrection. The Sadducees no longer existed, whilst the Gnostics did not deny it. Herford therefore suggests that R. Ammi's opponent was really a heathen.
- (7) Thus if God can make man without these, surely He will be able to resuscitate their dust.
- (8) I.e., only partly formed, it being believed that there is a species of mice developing from the earth. Maim. on Hullin IX, 6 states that many people have claimed to have seen a mouse, part earth and part clay.
- (9) Whereas resurrection must happen in a moment.
- (10) Thus proving that God can create life with great speed.
- (11) He was hunchbacked.
- (12) The first month of the Jewish calendar.
- (13) דִּימוֹסְנַיִי ** = publican; Graetz, Geschichte, III, 2, pp. 573-4. connects this celebration with the defeat and retreat of Florus from Jerusalem, when the people ceased to pay tribute to Caesar (v. Josephus, Wars, II, 16, 5). For other views, v. HUCA, VII-VIII, 302ff.]
- (14) The Phoenicians, the descendants of Ham through Canaan (v. Gen. X, 15) and who ruled over a large part of N. Africa (Carthage).
- (15) Num. XXXIV, 2.
- (16) [A legendary character traditionally contemporary with Alexander the Great.]
- (17) Gen. IX, 25.
- (18) Obviously to his owner. Therefore, even if the land was given to the Canaanites, it belongs to their masters, the Jews, descendants of Shem.
- (19) So that you owe us your toil too for all that time.
- (20) Ex. XII, 36.
- (21) Ibid. 40.
- (22) [On the dispute between the Egyptians and Jews, v. Levi, REJ. LXIII, 211ff.]
- (23) V. Gen. XXV, 1-4.
- (24) Ibid. 12.
- (25) Ibid. 19. Hence, both being sons of Abraham, they had equal claims upon the land. For the same reason the Keturians too made a claim.
- (26) Ibid. 5f.
- (27) I.e., the knowledge of sorcery, demons, etc.
- (28) Antoninus has been variously identified: with Marcus Aurelius (Rapport); Severus (Graetz, who, however, assumes that it was the second R. Judah the Prince who was the friend of Antoninus); Caracalla (Jast. and N. Krochmal), and others; v. 'A. Z. 10a, and J. E. I, 656.

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splendid figs. Now, he appointed two watchmen therein, one lame and the other blind. [One day] the lame man said to the blind, "I see beautiful figs in the orchard. Come and take me upon thy shoulder, that we may procure and eat them." So the lame bestrode the blind, procured and ate them. Some time after, the owner of the orchard came and inquired of them, "Where are those beautiful figs?" The lame man replied, "Have I then feet to walk with?" The blind man replied, "Have I then eyes to see with?" What did he do? He placed the lame upon the blind and judged them together. So will the Holy One, blessed be He, bring the soul, [re]place it in the body, and judge them together, as it is written, He shall call to the heavens from above, and to the earth, that he may judge his people:¹ He shall call to the heavens from above-this refers to the soul; and to the earth, that he may judge his

people-to the body.'

Antoninus said to Rabbi, 'Why does the sun rise in the east and set in the west?' He replied, 'Were it reversed, thou wouldst ask the same question.' 'This is my question,' said he, 'why set in the west?'² He answered, 'In order to salute its Maker, as it is written, And the host of the heavens make obeisance to thee.'³ 'Then,' said he to him, 'it should go only as far as mid-heaven, pay homage, and then re-ascend?'⁴ — 'On account of the workers and wayfarers.'⁵

Antoninus also said to Rabbi, 'When is the soul placed in man; as soon as it is decreed [that the sperm shall be male or female, etc.], or when [the embryo] is actually formed?' He replied, 'From the moment of formation.' He objected: 'Can a piece of meat be unsalted for three days without becoming putrid?'⁶ But it must be from the moment that [God] decrees [its destiny].' Rabbi said: This thing Antoninus taught me, and Scripture supports him, for it is written, And thy decree hath preserved my spirit [i.e., my soul].⁷

Antoninus also enquired of Rabbi, 'From what time does the Evil Tempter hold sway over man; from the formation [of the embryo], or from [its] issuing forth [into the light of the world]?! — 'From the formation,' he replied. 'If so,' he objected, 'it would rebel in its mother's womb and go forth. But it is from when it issues.' Rabbi said: This thing Antoninus taught me, and Scripture supports him, for it is said, At the door [i.e., where the babe emerges] sin lieth in wait.⁸

Resh Lakish opposed [two verses to each other]. It is written, [I will gather them . . .] with the blind and the lame, the woman with child and her that travaileth with child together;⁹ whilst it is also written, Then shall the lame man leap as an hart, and the tongue of the dumb sing, for in the wilderness shall waters break out, and streams in the desert.¹⁰ How so?¹¹ — They shall rise with their defects and then be healed.

'Ulla opposed [two verses]. It is written, He will destroy death for ever, and the Lord God will wipe away tears from all faces;¹² whilst elsewhere it is written, For the child shall die an hundred years old . . . there shall be no more thence an infant of days!¹³ — It is no difficulty: the one refers to Jews, the other to heathens. But what business have heathens there?¹⁴ — [The reference is to] those of whom it is written, and strangers shall stand and feed your flocks, and the sons of the alien shall be your plowmen and your vinedressers.¹⁵

R. Hisda opposed [two verses]. It is written, Then the moon shall be confounded, and the sun ashamed, when the Lord of Hosts shall reign;¹⁶ whilst [elsewhere] it is written, Moreover the light of the moon shall be as the light of the sun, and the light of the sun shall be sevenfold, as the light of seven days.¹⁷ — It is no difficulty: the latter refers to the Messianic era, the former to the world to come.¹⁸ And according to Samuel, who maintained, This world differs from the Messianic era only in respect of the servitude of the Diaspora, it is still no difficulty: the latter refers to the camp of the righteous, the former to the camp of the Divine Presence.¹⁹

Raba opposed [two verses]: It is written, I kill, and I make alive;²⁰ whilst it is also written, I wound, and I heal!²¹ — The Holy One, blessed be He, said, What I slay, I resurrect [i.e., in the same state], and then, what I wound, I heal [after their revival].

Our Rabbis taught: I kill, and I make alive. I might interpret, I kill one person and give life to another, as the world goes on:²² therefore the Writ states, I wound, and I heal. Just as the wounding and healing [obviously] refer to the same person, so putting to death and bringing to life refer to the same person. This refutes those who maintain that resurrection is not intimated in the Torah.

It has been taught: R. Meir said, Whence do we know resurrection from the Torah? From the

verse, Then shall Moses and the children of Israel sing this song unto the Lord:²³ not sang but shall sing²⁴ is written: thus resurrection is taught in the Torah.²⁵ Likewise thou readest, Then shall Joshua build an altar unto the Lord God of Israel:²⁶ not 'built', but shall build is written: thus resurrection is intimated in the Torah. If so, Then did Solomon build an high place for Chemosh, the abomination of Moab:²⁷ does that too mean that he shall build?²⁸ But [there] the Writ regards him as though he had built.²⁹

R. Joshua b. Levi said: Whence is resurrection derived from the Torah? From the verse, Blessed are they that dwell in thy house: they shall ever praise thee. Selah.³⁰ Not 'praised thee,' but they shall praise thee is stated: thus resurrection is taught in the Torah.

R. Joshua b. Levi also said: Whoever uttereth song [of praise to God] in this world shall be privileged to do so in the next world too, as it is written, Blessed are they that dwell in thy house: they shall ever praise thee. Selah.

R. Hiyya b. Abba said in R. Johanan's name: Whence do we learn resurrection from the Torah? — From the verse, Thy watchmen shall lift up the voice; with the voice together shall they sing.³¹ Not 'sang,' but shall sing is written: thus resurrection is derived from the Torah.

Rab Judah said in Rab's name: Whoever withholdeth a halachah from his disciple is as though he had robbed him of his ancestral heritage, as it is written, Moses commanded us a law, even the inheritance of the congregation of Jacob.³² it is an inheritance destined for all Israel from the six days of Creation. R. Hanah b. Bizna said in the name of R. Simeon the Pious: Whoever withholds a halachah from a disciple, even the embryo in its mother's womb curses him, as it is written, He that withholdeth bar [corn] yikkebuhu le'om

(1) Ps. L, 4.

(2) I.e., rising in any quarter, it should return to the same for setting-a question possible, of course, since the earth was assumed to be flat.

(3) Neh. IX. 6. Thus, the sun having reached the west, where the Divine Presence is, sinks down in homage, and therefore does not return to the east to set.

(4) Because it is not etiquette to go right up to one in saluting him.

(5) Were the sun to set suddenly in mid-heaven, i.e., at midday, they would have no sign when to cease work or halt.

(6) Likewise, if the sperm-cell is not immediately endowed with a soul, it would become putrid, and then could not fertilize the ovum.

(7) Job X, 12.

(8) Gen. IV, 7.

(9) Jer. XXXI, 8; implying that they shall retain their defects at the resurrection.

(10) Isa. XXXV, 6.

(11) I.e., how reconcile these verses?

(12) Ibid. XXV, 9.

(13) Isa. LXV, 20. The order of the phrases has been reversed here.

(14) I.e., in the re-established state after the resurrection.

(15) Ibid. LXI, 5.

(16) Ibid. XXIV, 23.

(17) Ibid. XXX, 26.

(18) Then the sun and the moon shall be ashamed, i.e., fade into insignificance — because of the light radiating from the righteous (Rashi).

(19) Both verses referring to the world to come.

(20) Deut. XXXII, 39. This implies, I resurrect him just as he was at death: if one died with a blemish, he is resurrected with it too.

(21) Ibid. This implies that at the resurrection all wounds, i.e., blemishes, are healed.

(22) People dying and others being born.

(23) Ex. XV, I.

(24) Lit. rendering of **ישיר** yashir.

(25) For the verse implies that they shall sing in the future. As they did not sing a second time in this life, it must mean after their resurrection.

(26) Josh. VIII, 30.

(27) I Kings XI, 7.

(28) In the three quotations the imperfect tense is used, which generally, though not always, connotes the future in Heb.

(29) The imperfect there denotes that he merely wished to build, but so heinous is even the mere intention, that he is stigmatised as having actually done so. But in the first two verses the imperfect cannot bear that meaning, since Moses did sing, and Joshua did build. Therefore the future meaning must be complementary to the past, and the imperfect implies that as they sang once, so will they again.

(30) Ps. LXXXIV, 5.

(31) Isa. LII, 8.

(32) Deut. XXXIII, 4.

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:¹ 'le'om' can only mean 'embryo,' as it is written, And one le'om shall be stronger than the other people;² and 'yikkebuhu' can only denote cursing, as it is written, how shall I curse [ekkob]³ whom God hath not cursed?⁴ and 'bar' can refer to nothing but the Torah, as it is written, Nourish yourselves bar⁵ [on the Torah] lest he be angry.⁶ 'Ulla b. Ishmael said: He is riddled with holes like a sieve:⁷ here is written, 'the people yikkebuhu;' whilst elsewhere is written, wa-yikkob [and he bored] a hole in the lid of it.⁸ Abaye said: Like a fuller's trough.⁹ But if he teaches him, what is his reward? — Raba said in the name of R. Shesheth: He will receive blessings like Joseph's, as it is written, but blessing shall be upon the head of mashbir [him who selleth it]:¹⁰ 'mashbir' can only refer to Joseph, as it is said, And Joseph was the Governor over the land, and it was he ha-mashbir [that sold] to all the people of the land.¹¹

R. Shesheth said: Whoever teaches the Torah in this world will be privileged to teach it in the next, as it is written, And he that watereth shall water again too.¹²

Raba said: Whence is resurrection derived from the Torah? From the verse, Let Reuben live, and not die:¹³ meaning, let Reuben live, in this world, and not die, in the next.¹⁴ Rabina said, [it is derived] from this verse, And many of them that sleep in the dust of the earth shall awake, some to everlasting life, and some to shame and everlasting contempt.¹⁵ R. Ashi said: From this verse, But go thou thy way till the end be; for thou shalt rest and stand in thy lot at the end of the days.¹⁶

R. Eleazar said: Every leader who leads the community with mildness will be privileged to lead them in the next world [too], as it is written, for he that hath mercy on them shall lead them; even by the springs of water shall he guide them.¹⁷

R. Eleazar also said: Great is knowledge,¹⁸ since it was placed between two Letters,¹⁹ as it is written, For a God of knowledge is the Lord.²⁰ R. Eleazar also said: Great is the Sanctuary, since it was placed between two Letters, as it is written, Thou hast made for thee, O Lord, a Sanctuary: O Lord, thy hands have established it.²¹ R. Adda Karhina demurred: If so, then great is vengeance, since it was placed between two Letters, as it is written, O God of vengeance, O Lord: O God of vengeance, manifest thyself!²² — He replied: For its purposes it is so indeed. Even as 'Ulla said: Why these two manifestations?²³ One as a measure of reward [for the righteous] and the other as a measure of punishment [for the wicked].

R. Eleazar also said: Whenever one has knowledge, it is as though the Temple was built in his days, since each [sc. knowledge and the Temple] was placed between two letters.

R. Eleazar also said: Whoever has knowledge will eventually be wealthy, as it is written, And by knowledge shall the chambers be filled with all precious and pleasant riches.²⁴ R. Eleazar also said: Whosoever lacks knowledge, one may have no mercy upon him, as it is written, For it is a people of no understanding: therefore he that made them will not have mercy upon them, and he that formed them will show them no favour.²⁵

R. Eleazar also said: Whoever gives of his bread to one who lacks knowledge will be assailed by suffering, as it is written, They that eat thy bread have laid mazor [a wound]²⁶ under thee: there is no understanding in him;²⁷ 'mazor' can refer only to suffering, as it is written, When Ephraim saw his sickness, and Judah his mezero [suffering].²⁸

R. Eleazar also said: Whoever lacks knowledge will ultimately be exiled, for it is written, Therefore my people are gone into exile, because they have no knowledge.²⁹

R. Eleazar also said: The house in which the words of the Torah are not heard at night shall be consumed by fire, as it is written, All darkness is hid in his secret places: a fire not blown shall consume him; he grudgeth [sarid]³⁰ him that is left in his tabernacle:³¹ now, 'sarid' can refer only to the scholar, as it is written, And in those left [u-base-ridim]³² whom the Lord shall call.³³

R. Eleazar also said: Whoever does not benefit a scholar with his goods will never see a sign of blessing, as it is written, There be none ['sarid'] that remaineth to eat it; therefore shall he not hope for prosperity.³⁴ now 'sarid' refers to none but the scholar, as it is written, And in those left whom the Lord shall call.³⁵

R. Eleazar also said: He who leaves no bread on the table [at the end of his meal] will never see a sign of blessing, as it is written, There be none of his meat left; therefore shall he not hope for his prosperity.³⁶ But did not R. Eleazar say: He who leaves crumbs on his table is as though he engaged in idol worship, for it is written, That prepare a table for Gad, and that furnish the drink offering unto Meni?³⁷ — It is no difficulty: in the latter case a whole loaf is left therewith [i.e., with the pieces],³⁸ but in the former there is no whole loaf left therewith.³⁹

R. Eleazar also said: Whoever dissembles in his speech is as though he had engaged in idolatry: here it is written, And I shall seem to him as a deceiver,⁴⁰ and elsewhere it is said, They are vanity, and the work of deceivers.⁴¹

R. Eleazar also said: Whoever gazes upon one's shame,⁴² his virility shall be emptied,⁴³ for it is written, Shame shall empty thy bow [i.e., strength].⁴⁴

R. Eleazar also said: Be always humble.⁴⁵ so shalt thou endure. R. Zera said: We have learned likewise. The windows of a dark house may not be opened to examine its leprosy.⁴⁶ This proves it.

R. Tabi said in R. Josia's name: What is meant by, The grave; and the barren womb; and the earth that is not filled by water:⁴⁷ now, what connection has the grave with the womb? But it is to teach thee: just as the womb receives and brings forth,⁴⁸ so does the grave too receive and bring forth.⁴⁹ Now, does this not furnish us with an a fortiori argument? If the womb, which receives in silence, yet brings forth amid great cries [of jubilation]; then the grave, which receives the dead amid cries [of grief], will much more so bring them forth amid great cries [of joy]! This refutes those who maintain that resurrection is not intimated in the Torah. [The] Tanna debe Eliyyahu [states]: The righteous, whom the Holy One, blessed be He, will resurrect, will not revert to dust,⁵⁰ for it is said, And it shall come to pass. that he that is left in Zion and he that remaineth in Jerusalem, shall be called holy, even every one that is written among the living in Jerusalem:⁵¹ just as the Holy One endures for ever, so shall they endure for ever.

(1) **יִקְבְּהוּ לְאָוִם** translated in the versions, the people shall curse him. Prov. XI, 26.

(2) Gen. XXV, 23: as Jacob and Esau were not yet born, it must refer to them in their embryonic state.

(3) **אֶקֶב**.

(4) Num. XXIII, 8.

(5) **נִשְׁקוּ** nashku, translated, 'do homage' (A.J.V.) or 'kiss' (A.V.) is here connected with **יִשְׁק** and by thy command shall my people be provided for (Gen. XLI, 40).

(6) Ps. II, 12.

(7) I.e., with ridicule and curses. According to Maharsha it denotes that all his knowledge will escape him as corn through a sieve, or water through a fuller's trough.

(8) II Kings XII, 10.

(9) Upon which the washing is placed for the water to drain off; hence it is perforated.

(10) **מִשְׁבִּיר** Prov. XI, 26.

(11) Gen. XLII, 6.

- (12) Prov. XI, 25. Having watered i.e., taught, in this world, he will do so in the next too.
- (13) Deut. XXXIII, 6.
- (14) But rise at the resurrection: it is so interpreted on account of its redundancy.
- (15) Dan. XII, 2.
- (16) Ibid. 13.
- (17) Isa. XLIX, 10.
- (18) Knowledge in the sense of moral discernment.
- (19) I.e., two Divine Names.
- (20) 1 Sam. II, 3.
- (21) Ex. XV, 17.
- (22) Ps. XCIV, 1.
- (23) The verse being divided into two stichs, 'manifest thyself' is applied to each separately.
- (24) Prov. XXIV, 4.
- (25) Isa. XXVII, 11
- (26) **מזור**
- (27) Obad. I,7.
- (28) **מזורו** Hos.V,13.
- (29) Isa.V, 13.
- (30) **שריד**
- (31) Job XX, 26.
- (32) **בשרידים**
- (33) Joel III, 5: the first part of the verse, all darkness is hid etc., is interpreted as, 'his secret places are not illumined by the study of the law;' the last part, he grudgeth etc., as 'he looks with disfavour upon any student who enters his house for a meal.'
- (34) Job XX, 21.
- (35) Joel III, 5.
- (36) Job XX, 21.
- (37) Isa. LXV, 11. Gad and Meni are the names of two idols; v. p. 432, n. 4.
- (38) Then it appears to have been set specially for these deities.
- (39) So that the pieces appear to have been left for the poor.
- (40) Gen. XXVII, 12.
- (41) Jer. X, 15. The reference is to idols.
- (42) Either the pudenda, or metaphorically, whoever lusts after a married woman.
- (43) I.e., he will lose the power to beget children.
- (44) Hab. III, 9.
- (45) Lit., 'obscure'.
- (46) If leprosy breaks out in the walls of a house and the priest, coming to examine it, (v. Lev. XIV, 36) finds the house too dark for a proper survey, the windows must not be opened to allow the light to enter, as it must be examined by its usual light. Thus its darkness protects it, since in the absence of a proper examination it cannot be pronounced unclean. Similarly, the darkness in which a man wraps himself, i.e., obscurity and humility, protects his life.
- (47) Prov. XXX, 16.
- (48) The child.
- (49) The dead are laid there, and will be taken out at the resurrection.
- (50) In the interval between the Messianic era and the time of the world to come; but their flesh will remain intact upon them until they live again in the future.
- (51) Isa. IV, 3.

Talmud - Mas. Sanhedrin 92b

And should you ask, in those years during which the Almighty will renew his world, as it is written, And the Lord alone shall be exalted in that day,¹ what will the righteous do?² — The Lord will make them wings like eagles', and they will fly above the water, as it is written, Therefore we will not fear

when the earth be removed and the mountains be carried into the midst of the sea.³ And should you imagine that they will suffer pain — therefore Scripture saith, But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run and not be weary; and they shall walk and not faint.⁴ But should we not deduce [the reverse] from the dead whom Ezekiel resurrected?⁵ — He accepts the view that in the truth [the story of the resurrection of the dry bones] was [but] a parable.⁶ For it was taught: R. Eliezer said: The dead whom Ezekiel resurrected stood up, uttered song, and [immediately] died. What song did they utter? — The Lord slayeth in righteousness and reviveth in mercy.⁷ R. Joshua said: They sang thus, The Lord killeth and maketh alive: he bringeth down to the grave, and bringeth up.⁸ R. Judah said: It was truth; it was a parable. R. Nehemiah said to him: If truth, why a parable; and if a parable, why truth? — But [say thus]: In the truth there was but a parable.⁹

R. Eliezer the son of R. Jose the Galilean said: The dead whom Ezekiel revived went up to Palestine, married wives and begat sons and daughters. R. Judah b. Bathyra rose up and said: I am one of their descendants, and these are the tefillin¹⁰ which my grandfather left me [as an heirloom] from them.

Now, who were they whom Ezekiel revived? — Rab said: They were the Ephraimites, who counted [the years] to the end [of the Egyptian bondage], but erred therein,¹¹ as it is written, And the sons of Ephraim; Shuthelah, and Bared his son, and Tahath his son, and Eladah his son, and Tahath his son. And Zabad his son, and Shuthelah his son, and Ezzer, and Elead, whom the men of Gath that were born in that land slew.¹² And it is written, And Ephraim their father mourned many days, and his brethren came to comfort him.¹³

Samuel said: They were those who denied resurrection, as it is written, Then he said unto me, Son of man, these bones are the whole house of Israel; behold, they say, Our bones are dried, and our hope is lost: we are cut off for our parts.¹⁴

R. Jeremiah b. Abba said: They were the men who lacked the [vitalizing] sap of good deeds, as it is written, O ye dry bones, head the word of the Lord.¹⁵

R. Isaac Nappaha said: They were the men who covered the whole Temple with abominations and creeping things, as it is written, So I went in and saw; and behold every form of creeping things, and abominable beasts, and all the idols of the house of Israel, portrayed upon the wall round about.¹⁶ whilst there [in the case of the dry bones] it is written, And caused me to pass by them round about.¹⁷

R. Johanan said: They were the dead of the plain of Dura.¹⁸ R. Johanan also said: The plain of Dura extends from the river Eshel to Rabbath. Amongst the Israelites whom Nebuchadnezzar drove into exile there were young men who shamed the sun by their beauty. The Chaldean women, looking upon them, were inflamed with passion. Their husbands, being informed thereof, reported it to the king, who ordered the execution of these exiles; yet they still burned with desire:¹⁹ so by royal command they were trampled [out of recognition].

Our Rabbis taught: When the wicked Nebuchadnezzar threw Hananiah, Mishael and Azariah into the fiery furnace, the Holy One, blessed be He, said to Ezekiel: ‘Go and resurrect the dead in the plain of Dura.’ This being done, the bones came and smote the wicked man upon his face. ‘What kind of bones are these!’ he exclaimed. They [his courtiers] answered him, ‘Their companion²⁰ is resurrecting the dead in the plain of Dura.’ Thereupon he broke into utterance, How great are His signs, and how mighty are His wonders! His kingdom is an everlasting kingdom, and His dominion is from generation to generation!²¹ R. Isaac said: May molten gold be poured into the mouth of that wicked man [sc. Nebuchadnezzar]! Had not an angel come and struck him upon his mouth he would

have eclipsed²² all the songs and praises uttered by David in the Book of Psalms.²³

Our Rabbis taught: Six miracles were wrought on that day, viz.: [i] The furnace floated upward;²⁴ [ii] its walls [partly] fell in;²⁵ [iii] its foundations crumbled [with the heat];²⁵ [iv] the image [which Nebuchadnezzar had set up to be worshipped] was overthrown upon its face; [v] four royal suites were burned;²⁶ [vi] Ezekiel resurrected the dead in the valley of Dura. All these are [known by] tradition, but [that pertaining to] the four royal suites is Scriptural, for it is written, Then Nebuchadnezzar the king sent to gather together the princes, the governors, and the captains, the judges, the treasurers, the counsellors, the sheriffs, and all the rulers of the provinces, [to come to the dedication of the image etc.];²⁷ and it is further written, There are certain Jews [. . . serve not thy god etc.];²⁸ also, And the princes, governors and captains, and the king's counsellors, being gathered together, saw these men, upon whom the fire had no power.²⁹

The School of R. Eliezer b. Jacob taught: Even in times of danger one should not lay aside his insignia of office, for it is written, Then these men were bound in their coats, their hosen, and their hats, and their other garments etc.³⁰

R. Johanan said:

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- (1) Isa. II, 11, i.e., during this era of change the universe will be totally destroyed.
 - (2) [Where will they be in this period of complete desolation?]
 - (3) Ps. XLIV, 3.
 - (4) Isa. XL, 31. [For parallel passages in the book as we have it, v. Friedmann's edition, Introduction, p. 46.]
 - (5) Just as they died again, so will the righteous whom God will resurrect also return to dust.
 - (6) I.e., a symbol of the revival of the Jewish State.
 - (7) Cp. I Sam. II, 6.
 - (8) Ibid.
 - (9) I.e., their resurrection did in fact take place, and that was a foreshadowing of the renaissance of the Jewish people.
 - (10) Phylacteries, v. Glos.
 - (11) They counted the four hundred years foretold by God to Abraham (Gen. XV, 13) as commencing there and then, whereas in reality they dated from Isaac's birth, which according to tradition took place thirty years later. As a result, they left Egypt thirty years before the rest of Israel.
 - (12) I Chron. VII, 20f.
 - (13) Ibid. 22.
 - (14) Ezek. XXXVII, 11. Though they personally were not entitled to resurrection, since they denied it (v. supra 90a), yet the miracle was wrought for them that the belief might become established for Israel.
 - (15) Ibid. 4. Though lacking good deeds to their credit, they were resurrected to shew that the wicked, provided they deny not resurrection, after undergoing their punishment, will participate therein (Maharsha).
 - (16) Ibid. VIII, 10. The identification is based on the use of 'round about' in both narratives. In his view even those who in their despair surrender themselves to abominable worship are not excluded from the bliss of resurrection. (Adapted from Maharsha.)
 - (17) Ibid. XXXVII, 2.
 - (18) [Dan. III, 1. The plain of Dura has not yet been identified. Obermeyer, op. cit. 310, suggests a locality near Nahr Dura, a small river which flows into the Euphrates, some six miles south of Babylon.]
 - (19) Lit., 'discharged issue'.
 - (20) Lit., 'The companion of these', (viz., of Hananiah, Mishael and Azariah).
 - (21) Dan. III, 23.
 - (22) Lit., 'shamed'.
 - (23) On seeing the great miracle performed for Hananiah, Mishael and Azariah. This being praiseworthy, R. Isaac expressed his curse euphemistically.
 - (24) It was originally built in the earth, but floated upwards, that all might see the miracle.
 - (25) For the same reason.

(26) Other versions, based on different readings: his (Nebuchadnezzar's) pride crumbled, (he confessed his wrong); the lime in it melted and burned those who cast them in (v. Rashi).

(27) Ie., four kings and their retinues, who had assisted Nebuchadnezzar in casting them into the furnace.

(28) Ibid. 2.

(29) Ibid. 27. Those who are omitted in this verse from the enumeration of v. 2 were burned.

(30) Ibid. 21. These were garments specially worn by men in their exalted position, and they did not doff them, though cast into the furnace.

Talmud - Mas. Sanhedrin 93a

The righteous are greater than the ministering angels, for it is said, He answered and said, Lo, I see four men loose, walking in the midst of the fire, and they have no hurt; and the form of the fourth is like the son of God.¹

R. Tanhum b. Hanilai said: When Hananiah, Mishael and Azariah emerged unscathed from the fiery furnace, all the nations of the world came and smote the enemies of Israel² upon their faces, saying to them, 'Ye have such a God, yet ye worship an image!' Immediately they [the apostate Jews] opened their mouths and confessed, O Lord, righteousness belongeth unto thee, but unto us shamefacedness, as at this day.³

R. Samuel b. Nahmani said in R. Jonathan's name: What is meant by, I said, I will go up to the palm tree, I will take hold of the boughs thereof?⁴ 'I said, I will go up to the palm tree, [etc.]' this refers to Israel;⁵ but now I grasped but the one bough of Hananiah, Mishael and Azariah.

R. Johanan said: What is meant by, I saw by night, and behold a man riding upon a red horse, and he stood among the myrtle trees that were in the bottom, etc.?⁶ What means, 'I saw by night'? — The Holy One, blessed be He, wished to turn the whole world into night,⁷ 'but behold, A man riding'. 'Man' can refer to none but the Holy One, blessed be He, as it is written, The Lord is a man of war: the Lord is his name;⁸ 'upon a red horse' — the Holy One, blessed be He, wished to turn the whole world to blood;⁹ but as soon as he looked upon Hananiah, Mishael and Azariah his anger was appeased, for it is written, and he stood among [hadasim]¹⁰ the myrtle trees that were in the deep. Now 'hadasim' refers but to the righteous, as it is written, And he brought up Hadassah;¹¹ and 'deep' refers to Babylon, as it is said, that sayeth to the deep, Be dry, and I will dry up thy rivers.¹² Straightway He who was filled with wrath was partially calmed, and then completely pacified.¹³ R. Papa said: This shows that a white horse is a favourable omen in a dream.¹⁴ Whither did the Rabbis go?¹⁵ — Rab said: They died through an evil eye;¹⁶ Samuel said: They drowned in the spittle;¹⁷ R. Johanan said: They went up to Palestine, married and begat sons and daughters. [This is] as [the dispute] of Tannaim. R. Eliezer said: They died through an evil eye. R. Joshua said: They drowned in the spittle. The Sages said: They went up to Palestine, married and begat sons and daughters, as it is written, Hear now, O Joshua the High Priest and thy fellows that sit before thee: for they are men wondered at.¹⁸ Now for which men was a wonder wrought? — Hananiah, Mishael and Azariah.

Whither had Daniel gone?¹⁹ — Rab said: To dig a great spring at Tiberias;²⁰ Samuel said: To procure animal fodder; R. Johanan said: To obtain pigs from Alexandria of Egypt.²¹ But that is not so. For we learnt that Theodos the doctor said: No cow or pig leaves Alexandria of Egypt without its uterus being cut out, to prevent reproduction.²² — She procured small ones, to which they paid no attention.²³

Our Rabbis taught: Three were involved in that conspiracy [to keep Daniel out of the furnace]: The Holy One, blessed be He, Daniel and Nebuchadnezzar. The Holy One, blessed be He, said: 'Let Daniel depart hence, lest it be said that they were delivered through his merit.'²⁴ Daniel said: 'Let me go from here, that I be not a fulfilment of, the graven images of their gods shall ye burn with

fire.’²⁵ Whilst Nebuchadnezzar said: ‘Let Daniel depart, lest people say he has burnt his god in fire.’ And whence do we know that he worshipped him? — From the verse, Then the king Nebuchadnezzar fell upon his face, and worshipped Daniel etc.²⁶

Thus saith the Lord of hosts, the God of Israel, of Ahab the son of Kolaiah, and of Zedekiah the son of Maaseiah, which prophecy a lie unto you in my name etc.²⁷ And it is written, And of them shall be taken up a curse by all the captivity of Judah which are in Babylon, saying, the Lord make thee like Zedekiah, and like Ahab, whom the King of Babylon roasted in the fire.²⁸ Not ‘whom he burnt’, but ‘whom he roasted,’ is written. R. Johanan said on the authority of R. Simeon b. Yohai: This teaches that he made them like parched sheaves of corn.²⁹

Because they have committed villainy in Israel, and have committed adultery with their neighbours’ wives etc.³⁰ What did they do? They went to Nebuchadnezzar's daughter: Ahab said to her, ‘Thus saith God, "Give thyself unto Zedekiah;"’ whilst Zedekiah said to her, ‘Thus saith God, "Surrender to Ahab."’ So she went and told her father, who said to her, ‘The God of these hates unchastity: when they [again] approach thee, send them to me.’ So when they came to her, she referred them to him. ‘Who told this to you?’ asked he of them. ‘The Holy One, blessed be He,’ replied they. But I have enquired of Hananiah, Mishael, and Azariah, who informed me that it is forbidden.’ They answered, ‘We too are prophets, just as he: to him He did not say it, but to us.’ ‘Then I desire that ye be tested, just as Hananiah, Mishael and Azariah were,’ he retorted. ‘But they are three, whilst we are only two,’ they protested.³¹ ‘Then choose whom ye wish to accompany you,’ said he. ‘Joshua the High Priest,’ they answered, thinking, ‘Let Joshua be brought, for his merit is great, that he may protect us.’ So he was brought, and they were all thrown [into the furnace]. They were burned, but as to Joshua the High Priest, only his garments were singed, for it is said, And he shewed me Joshua the High Priest standing before the angel of the Lord;³² and it is written, And the Lord said unto Satan, the Lord rebuke thee, O Satan etc.³³ [Thus] said he to him, ‘I know that thou art righteous, but why should the fire have affected thee even slightly; Hananiah, Mishael and Azariah were not affected at all.’ ‘They were three,’ said he, ‘but I am only one.’³⁴ ‘But,’ he remonstrated, ‘Abraham [too] was only one.’ ‘No wicked were with him, so the fire was not empowered [to do any harm]; but here, I had wicked men with me, so the fire was enabled [to do its work],’ he rejoined. Thus people say, ‘If there are two dry billets and one wet one, the former burn the latter.’ Now why was he [thus] punished? — R. Papa said: Because his sons married wives unfit for the priesthood; and he did not protest, as it is said, Now Joshua was clothed with filthy garments.³⁵ Now, surely it was not his wont to wear filthy garments! But this intimates that his sons married women unfit for the priesthood and he did not forbid them.

R. Tanhum said: Bar Kappara expounded in Sepphoris:³⁶ What is meant by, These six of barley gave he to me?³⁷ What are ‘six of barley’? Shall we say it is meant literally?³⁸ But was it Boaz's practice to give [only] six barley grains?

(1) Ibid. 25. Thus the angel is mentioned last, as being least esteemed.

(2) A euphemism for the Jews who had worshipped the image set up by the king.

(3) Ibid. IX, 7.

(4) Cant. VII, 9.

(5) Who should have been as full of righteousness as a palm tree of dates.

(6) Zech. I, 8.

(7) Because the people had bowed down to the image set up by Nebuchadnezzar.

(8) Ex. XV, 3.

(9) This may be based upon either the similarity in Hebrew of blood (dam, דָּם) and red (adom, אָדוֹם) or the natural association of blood with redness.

(10) הַדָּמִים

(11) הַדָּמִה Esth. II, 7; the reference is to Esther.

- (12) Isa. XLIV, 27, i.e., to Babylon, situated in a hollow.
- (13) I.e., metaphorically, the redness of his anger gave way to more subdued tints, denoting partial calm, and then became white, a sign of complete appeasement.
- (14) Since the white horse signifies complete appeasement.
- (15) I.e., Hananiah, Mishael and Azariah; after emerging from the furnace, they are never mentioned again.
- (16) The belief that the eye has power to effect harm, whether through excessive admiration or astonishment, as here, or by actual malignant intent, was and is widespread among many peoples. Rab's statement here is in accordance with his dictum in B.M. 107b that ninety-nine people out of a hundred die through an evil eye.
- (17) V. supra; when the nations expressed their scorn of the apostates, they spat at them, and so much spittle collected, that the three heroes were drowned in it. It is hard to believe that this is meant to be taken seriously; it is more probably said in a humorous vein; v. Lazarus, Ethics of Judaism, ¶ 48a, p. 62, and Appendix 9, pp. 256ff on 'Humour in the Talmud.' Maharsha explains that this is metaphorical. The heroes, having by their action caused Israel to be spat upon, died to save them from further disgrace.
- (18) Zech. III, 8.
- (19) Not being mentioned in connection with this story.
- (20) Another meaning (based probably on a different reading), 'laboriously to dig a canal in the mountain side.'
- (21) Which were of a distinguished breed. Perhaps this is a tilt at certain Alexandrians.
- (22) The Alexandrians being anxious for the monopoly of that breed (Bek. 28b; v. supra, 33a). How then could Daniel have obtained them?
- (23) Not thinking that these would be required for breeding purposes.
- (24) Whereas they were delivered through their own.
- (25) Deut. VII, 25. Nebuchadnezzar had exalted him to a deity.
- (26) Dan. II, 46.
- (27) Jer. XXIX, 21.
- (28) Ibid. 22.
- (29) I.e., he burnt them to a cinder.
- (30) Ibid. 23.
- (31) The combined merit of three may be sufficient for a miracle, but not of two.
- (32) Zech. III, 1.
- (33) Ibid. 2.
- (34) V. p. 624, n. 8.
- (35) Ibid. 3.
- (36) Sepphoris, Heb. **שֶׁפּוֹרִי**, derived its name from the fact that it was perched, bird-like, on a mountain. It is identified with the modern Saffusiah, a village north-west of Nazareth.
- (37) Literal rendering of Ruth III, 17.
- (38) I.e., six grains of barley.

Talmud - Mas. Sanhedrin 93b

But [if it means] six se'ahs,¹ can a woman take six se'ahs?² — But he symbolically intimated to her [by giving her six barley grains] that six sons were destined to come forth from her, who should each be blessed with six blessings. Viz, David, Messiah, Daniel, Hananiah, Mishael and Azariah. David, for it is written, Then answered one of the servants, and said, Behold, I have seen a son of Jesse, the Bethlehemite, that is cunning in playing, and a mighty valiant man, and a man of war, and understanding in matters, and a comely person, and the Lord is with him.³ And Rab Judah said in Rab's name: This whole verse was said by Doeg with nothing but evil intent.⁴ Thus: 'that is cunning in playing' — skillful in asking questions [of law]; 'a mighty valiant man' — an adept in answering them; 'a man of war' — well versed in the battle of the Torah;⁵ 'understanding in matters' — understanding [how to deduce] one thing from another; 'and a comely person' — who sustains his ruling by weighty reasons;⁶ 'and the Lord is with him' — everywhere the halachah is determined in accordance with his views.⁷ With respect to all he replied, My son Jonathan is equally so. But when he said, 'And the Lord is with him' — a privilege which even he himself did not enjoy,⁸ — he felt

humiliated and envied him. For in the case of Saul it is written, And whithersoever he turned about, he vexed them,⁹ whereas of David it is said, ' And whithersoever he turned about, he prospered.¹⁰

Whence do we know that this was Doeg? — Here is written, Then answered one of the servants, implying one distinguished from the other young men; whilst elsewhere it is written, Now a man of the servants of Saul was there that day, detained before the Lord; and his name was Doeg, an Edomite, the chiefest of the herdmen that belonged to Saul.¹¹

The Messiah-as it is written, And the spirit of the Lord shall rest upon him, the spirit of wisdom and understanding, the spirit of counsel and might, the spirit of knowledge of the fear of the Lord. And shall make him of quick understanding [wa-hariho] in the fear of the Lord.¹² R. Alexandri said: This teaches that he loaded him with good deeds and suffering as a mill[is laden].¹³ Raba said: He smells [a man] and judges,¹⁴ as it is written, and he shall not judge after the sight of his eyes, neither reprove after the hearing of his ears, yet with righteousness shall he judge the poor.¹⁵

(Bar Koziba¹⁶ reigned two and a half years, and then said to the Rabbis, 'I am the Messiah.' They answered, 'Of Messiah it is written that he smells and judges: let us see whether he [Bar Koziba] can do so.' When they saw that he was unable to judge by the scent, they slew him.)

Daniel, Hananiah, Mishael and Azariah, as it is written of them, In whom was no blemish, but well favoured, and skillful in all wisdom, and cunning in knowledge, and understanding science, and such as had ability in them to stand in the king's palace, and whom they might teach the learning and the tongue of the Chaldeans.¹⁷ What is meant by in whom there was no blemish? — R. Hama b. Hanina said: They did not even bear the scar made by bleeding. What is the meaning of and such as had ability in them to stand in the king's palace? — R. Hama b. Hanina said: This teaches that they restrained themselves from levity, conversation, and sleep, and suppressed the call of Nature out of royal respect.

Now among these were of the children of Judah, Daniel, Hananiah, Mishael and Azariah.¹⁸ — R. Eleazar said: They were all of the children of Judah; but R. Samuel b. Nahmani said: Daniel was of the tribe of Judah, whilst Hananiah, Mishael and Azariah were of the other tribes.¹⁹

And of thy sons which shall issue from thee, which thou shalt beget, shall they take away: and they shall be eunuchs in the palace of the King of Babylon.²⁰ What is meant by 'eunuchs'? — Rab said: Literally eunuchs. R. Hanina said: In their days the idols were sterilized.²¹ Now, according to the opinion that the idols were sterilized in their days, it is well to state, And there is no hurt in them.²² But on the view that 'eunuchs' is literally meant, what is meant by, And there is no hurt in them?²³ — No hurt of fire. But is it not written, nor the smell of fire had passed on them?²⁴ They were neither hurt [by the fire] nor even smelled thereof. Now according to the opinion that the idols were sterilized in their days, it is well to write, For thus saith the Lord unto the eunuchs that keep my Sabbaths.²⁵ But on the view that 'eunuchs' is literally meant, would Scripture recount the shame of the righteous? — There were both among them.²⁶

Now, the literal rendering is in conformity with the verse, [Even unto them will I give] in mine house, and within my walls a place, and a name better than of sons and of daughters.²⁷ But on the view that the idols were sterilized in their days, why state 'better than of sons and of daughters'?²⁸ — R. Nahman b. Isaac answered: [Better] than the children whom they had formerly possessed, but had died.

What is meant by, I shall give them an everlasting name, that shall not be cut off?²⁹ — R. Tanhum said: Bar Kappara expounded in Sepphoris: This alludes to the Book of Daniel, which was named after him.

Now let us consider. The whole subject matter of [the book of] Ezra was narrated by Nehemiah the son of Hachalia; why then was the book not called by his name?³⁰ — R. Jeremiah b. Abba said: Because he claimed merit for himself, as it is written, Think upon me, my God, for good.³¹ But did not David say likewise, Remember me, O Lord, with the favour that thou bearest unto thy people; O visit me with thy salvation?³² — David [merely] supplicated in prayer.³³ R. Joseph said:³⁴ Because he spoke disparagingly of his predecessors, as it is written, But the former governors that had been before me were chargeable unto the people, and had taken of them bread, and wine, beside forty shekels of silver etc.³⁵ Moreover, he spoke thus even of Daniel, who was greater than he. And whence do we know that Daniel was greater than he? From the verse, And I Daniel alone saw the vision: for the men that were with me saw not the vision; but a great quaking fell upon them, so that they fled to hide themselves.³⁶ ‘For the men that were with me saw not the vision.’ now who were these men? — R. Jeremiah — others say R. Hiyya b. Abba-said: Haggai, Zecharia and Malachi.³⁷

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- (1) For if it refers to a measure, se'ah must be understood, it being the measure generally used on the field and in the threshing floor. (Rashi).
- (2) She cannot carry such a heavy weight.
- (3) I Sam. XVI, 18. The six epithets viz., cunning in playing, a mighty, valiant man, etc., are regarded as blessings applicable to each of the six persons mentioned.
- (4) That these praises should excite Saul's jealousy.
- (5) I.e., in Biblical dialectics.
- (6) Lit., ‘shows a face in halachah’.
- (7) To the Rabbis there were no higher virtues than those pertaining to study, thus they homiletically interpreted a series of military and other virtues as referring to the Torah.
- (8) That his ruling should be accepted as the halachah.
- (9) Ibid. XIV, 47.
- (10) There is no such verse in the Bible. Possibly it is a misquotation or a copyist's error of and David behaved himself wisely in all his ways (ibid. XVIII, 14). Thus David was ‘wise, i.e., his view always became halachah, whereas Saul merely ‘vexed them,’ i.e., he was a redoubtable opponent in halachah, yet was not successful in having his views adopted.
- (11) Ibid. XXI, 8. Thus ‘a man,’ i.e., ‘one distinguished,’ is the epithet applied to Doeg.
- (12) Isa. XI, 2f.
- (13) This is a play of words on **והריחו** (wa-hariho) and **ריחיים** (rehayyim).
- (14) Thereby definitely knowing whether he is guilty or innocent. **והריחו** is thus derived from **ריח** reah, smell.
- (15) Ibid. 3f. Since he uses neither his eyes nor his ears, he must judge through his sense of smell.
- (16) Bar Koziba was the leader of the third war against Rome in the reign of Hadrian, which terminated disastrously at Bethar (132-135 C.E.). Many scholars believe that this name was derived from Chezib (Gen. XXXVIII, 5) or Chozeba (I Chron. IV, 22). Others believe that it means ‘Son of Lies,’ bestowed upon him after the tremendous defeat which he sustained, and on account of his alleged claims to be the Messiah. Probably, however, Kozeba was an actual patronym, which was thus disparagingly applied to him (Lam. R. II, 2). He is also referred to as Bar Cochba, but this was certainly merely because R. Akiba applied to him the verse, There shall come a star (kokab) out of Jacob (Num. XXIV, 17). The revolt met with initial success, and Bar Koziba maintained his independence for some time. [Our sources do not agree as to the length of his reign, varying between two and a half years as in our text, and three and a half (so Seder ‘Olam according to reading of Dei Rossi). Derenbourg, Essai (v. pp. 413 and 431) gives preference to the period given in the Talmud. Graetz, Geschichte iv, 418, accepts three and a half years as the total duration of the war, but gives only one year to the actual siege of Bethar. It is nevertheless possible that the last year, marking the disastrous siege of Bethar, was omitted in the Talmudic statement on the length of his ‘reign.’]
- (17) Dan. I, 4.
- (18) Ibid 6.
- (19) In Heb. the verb **ויהי** (rendered ‘they were’) is singular. Thus he does not accept the homiletical interpretation of ‘six barley grains’ as stated above.
- (20) II Kings XX, 18; Isa, XLIX, 7.

- (21) I.e., their impotency was demonstrated.
- (22) Dan. III, 25; v. next note.
- (23) Since castration itself, which eunuchs underwent, is a hurt.
- (24) Ibid. 27, which renders the former verse on this interpretation superfluous.
- (25) Isa. LVI, 4.
- (26) Among those who were exiled to Babylon, some were actually castrated for eunuchs, and others lived to see the 'sterilization of the idols', and Isa. LVI, 4 refers to the latter.
- (27) Ibid. 5.
- (28) Seeing that they had children. Here it cannot be answered that there were both among them, as above, for in that case there is no conflict at all between Rab and R. Hanina (Rashi).
- (29) Ibid.
- (30) The reference is to the Book of Nehemiah, as it is, in fact, called in our canon. It is evident from this query that according to the Talmudic canon it was called Ezra. In some canons it bears the title Esdras II or Esdras III.
- (31) Nehem. V, 19.
- (32) Ps. CVI, 4.
- (33) Whereas Nehemiah was boasting.
- (34) Reverting to the question why the Book does not bear his name.
- (35) Nehem. V, 15.
- (36) Dan. X, 7.
- (37) Since he was vouchsafed the vision, whilst they were not, he was greater than they, though they were prophets; hence he was certainly greater than Nehemiah, who was not a prophet.

Talmud - Mas. Sanhedrin 94a

They were greater than he [in one respect], and he was superior to them [in another]. [Thus:] They were greater than he, since they were prophets, whilst he was not. He [on the other hand] was superior to them, since he saw [the vision] which they did not. But since they did not see it, why were they terrified? — Though they themselves saw nothing, their guardian angel did see it.¹ Rabina said: This proves that when one is terrified [and knows not why], though he has not seen anything, his guardian angel has.² What shall he do [to dissipate his fears]? — Let him leap four cubits from his place; alternatively, let him read the shema'.³ But if he is standing in an unclean place [where the shema' may not be recited], let him say thus: 'the butcher's goat is fatter than I.'⁴

Of the increase⁵ of his government and peace there shall be no end.⁶ R. Tanhum said: Bar Kappara expounded in Sepphoris, Why is every mem in the middle of a word open, whilst this is closed?⁷ — The Holy One, blessed be He, wished to appoint Hezekiah as the Messiah, and Sennacherib as Gog and Magog;⁸ whereupon the Attribute of Justice⁹ said before the Holy One, blessed be He: 'Sovereign of the Universe! If Thou didst not make David the Messiah, who uttered so many hymns and psalms before Thee, wilt Thou appoint Hezekiah as such, who did not hymn Thee in spite of all these miracles which Thou wroughtest for him?' Therefore it [sc. the mem] was closed.¹⁰ Straightway the earth exclaimed: 'Sovereign of the Universe! Let me utter song before Thee instead of this righteous man [Hezekiah], and make him the Messiah.' So it broke into song before Him, as it is written, From the uttermost part of the earth have we heard songs, even glory to the righteous.¹¹ Then the Prince of the Universe¹² said to Him: 'Sovereign of the Universe! It [the earth] hath fulfilled Thy desire [for songs of praise] on behalf of this righteous man.'¹³ But a heavenly Voice cried out, 'It is my secret, it is my secret.'¹⁴ To which the prophet rejoined, 'Woe is me, woe is me.'¹⁵ how long [must we wait]?' The heavenly Voice [again] cried out, 'The treacherous dealers have dealt treacherously; yea, the treacherous dealers have dealt very treacherously:¹⁶ which Raba — others say, R. Isaac — interpreted: until there come spoilers, and spoilers of the spoilers.'¹⁷

The burden of Dumah. He calleth to me out of Seir, Watchman, what of the night? Watchman, what of the night?¹⁸ R. Johanan said: The angel in charge of the souls is named Dumah. All the souls

assembled before Dumah and said to him, What [sayeth] the Watchman [sc. God] of the night, What [sayeth] the Watchman of the night?¹⁹ The watchman said, The morning cometh, and also the night: if ye will enquire, enquire ye: return, come.²⁰ A Tanna reported in the name of R. Pappias: It was a reproach to Hezekiah and his company²¹ that they uttered no song [to God] until the earth broke into song, as it is written, From the uttermost part of the earth have we heard songs, even glory to the righteous. Similarly we read, And Jethro said, Blessed be the Lord who hath delivered you,²² whereon a Tanna taught in the name of R. Pappias: It was a reproach to Moses and the six hundred thousand [Israelites] that they did not bless [the Lord] until Jethro came and did so.

And Jethro rejoiced [wa-yihad].²³ Rab and Samuel [dispute its meaning]. Rab said: He caused a sharp knife to pass over his flesh;²⁴ Samuel said: His flesh crept [with horror at the destruction of the Egyptians].²⁵ Rab²⁶ observed: Thus people say, Before a proselyte, even unto the tenth generation, insult not an Aramean.²⁷

Therefore shall the Lord, the Lord of hosts, send among his fat ones leanness.²⁸ What is meant by, among his fat ones [bemishmanav]²⁹ leanness? — The Holy One, blessed be He, said: Let Hezekiah, who hath eight [shemoneh] names, come and mete out punishment to Sennacherib, who hath [likewise] eight.³⁰ Hezekiah, as it is written, For unto us a child is born, unto us a son is given; and the government shall be upon his shoulder: and his name shall be called [i] Wonderful, [ii] Counsellor, [iii] Mighty, [iv] Judge,³¹ [v] Everlasting, [vi] Father, [vii] Prince, and [viii] Peace.³² But is there not Hezekiah too?³³ — That means, ‘whom God hath strengthened;’ alternatively, Hezekiah denotes ‘Who strengthened’ Israel [in their devotion] to their father in Heaven.³⁴ Sennacherib, of whom it is written, [i] Tiglath-pileser,³⁵ [ii] [Tilgath-] pilneser,³⁶ [iii] Shalmaneser,³⁷ [iv] Pul,³⁸ [v] Sargon,³⁹ [vi] Asnapper,⁴⁰ [vii] Rabba,⁴¹ and [viii] Yakkira.⁴² But is there not Sennacherib too? — [That means,] that his very conversation was strife; alternatively, that he prated with inflammatory speech against the Most High.⁴³

R. Johanan said: Why did that evil man merit the titles of the great and noble Asnapper? — Because he did not speak slightly of the Land of Israel, as it is written, Until I come and take you away to a land like your own land.⁴⁴ Rab and Samuel [dispute the matter]: one maintained that he was a wise king; the other that he was foolish. The view that he was a wise king is because had he said, ‘a land that is better than your own,’ they would have replied, ‘Thou liest;’ whilst the opinion that he was foolish is because if so [i.e., that the land of exile would be no better than their own], what inducement [did he offer]?

Whither did he deport them? — Mar Zutra said: To Africa,⁴⁵ R. Hanina maintained: To the mountains of Salug.⁴⁶

But Israel spoke with contempt about Palestine, for when they came to Shush,⁴⁷ they said: This is as good as our land;⁴⁸ to ‘Almin,⁴⁹ they said: This is like the House of Eternities [i.e., Jerusalem, or the Temple];⁵⁰ on arriving at Shush Tere,⁵¹ they said: This is twice as good [as our land].⁵²

And beneath his glory shall he kindle a burning like the burning of a fire.⁵³ R. Johanan said: That which was beneath his glory [would be burnt], but ‘glory’ is not literal;⁵⁴ even as R. Johanan called his garments ‘my honourers.’ R. Eleazar said: ‘Beneath his glory’ is literal, as the burning of the sons of Aaron: just as there the burning of the soul [is meant], the body remaining intact, so here too.⁵⁵

A Tanna taught in the name of R. Joshua b. Karha: Pharaoh, who personally blasphemed, was punished by the Holy One, blessed be He, in Person; Sennacherib, who blasphemed

(1) According to the Talmud, every man has a special guardian angel, who accompanies him: Hag. 16a; cf. Targ. Jer. on

Gen. XXXIII, 10: I have seen thy face, as though I had seen the face of thy angel. In the present passage, the word **מוזל** Mazzal is used, which really implies the angel or spirit of one's destiny; as far as individuals are concerned, it is not clear whether the guardian angel is identical with the angel of destiny or not. In the German mysticism of the thirteenth century the two were most probably identified, the term **מוזל מלאך** 'angel of destiny' being used in the 'Book of Angels' by Eliezer of Worms, a disciple of R. Judah Hasid; v. J.E. I. p. 588.

(2) May there be a connection between this 'guardian spirit' and the modern idea of the 'subconscious mind'?

(3) V. Glos.

(4) Go to them for a victim.

(5) **לסרבה**.

(6) Isa. IX, 6.

(7) There are two forms of mem: medial, which is open (**מ**) and final, which is closed (**ם**). In this sentence, however, the closed form occurs in the middle of a word (**לסרבה**).

(8) Gog and Magog are, in Jewish eschatology, the tribes who shall lead all nations in a tremendous attack upon Israel; their final defeat ushers in the halcyon days of the Messiah, (Ezek. XXXVIII, XXXIX). It is not clear whom the prophet had in mind, the whole passage having the mystic form of apocalyptic prediction. The present passage is remarkable in that it shews that in the opinion of its author no particular nation was intended, but any great heathen power whose destruction, by the will of God, is to precede the millenium.

(9) [The attributes of Justice and Mercy are often hypostasized and represented as interceding with the Almighty.]

(10) Shewing that God's original intention was 'closed', i.e., revoked. Other interpretations: God wished to 'close' i.e., end the troubles of Israel by making Hezekiah the Messiah; or Hezekiah's mouth was closed, i.e., he sang no psalms to the Almighty.'

(11) Ibid. XXIV, 16.

(12) This is a special angel set over the world, distinct from the guardian angels of the separate nations. He has been identified with Metatron; Tosaf. Yeb. 16b however rejects this identification.

(13) So translated by Maharsha. The passage might also mean: Fulfil the desire of this righteous man, i.e., appoint him the Messiah.

(14) Ibid., i.e., the delay of Messiah's advent is God's secret.

(15) Ibid.

(16) Ibid.

(17) I.e., until Israel's enemies and their enemies' enemies are destroyed.

(18) Ibid. XXI, 11.

(19) The verse is thus interpreted: The burden of the angel Dumah. One (i.e., the souls) calleth out to me concerning Seir, which, as a synonym of Edom, is symbolic of Rome, the power responsible for Israel's exile.

(20) Ibid. 12. Rashi gives a number of versions: (i) The watchman said, 'Has then the morning come? Surely not!' i.e., it is not yet time for redemption; (ii) 'The morning cometh,' i.e., redemption will surely come, 'but also the night' — a long exile will precede it; (iii) 'The morning cometh,' i.e., the Babylonian exile will end and a second Temple be built, but 'also the night' — only to be succeeded by another exile; (iv) 'The morning cometh,' i.e., redemption cometh for the righteous, 'but also the night,' i.e., punishment for the wicked, a rendering which is borne out by the Targum.

(21) A band of scholars who assisted him in his literary labours, v. B.B. 15a.

(22) Ex. XVIII, 10.

(23) **ויחד**, Ibid. 9.

(24) I.e., he circumcised himself, **ויחד** thus being derived from had **חד**, sharp.

(25) Lit., 'his flesh became full of sharp edges,' 'Prickles,' deriving it likewise from had, the goosiness of the flesh caused by fear or horror.

(26) Yalk.: R. Papa.

(27) General term for a non-Jew. Jethro, though according to tradition a proselyte, was nevertheless horror-stricken at the fate of the Egyptians.

(28) Isa. X, 16.

(29) **במשמניו**

(30) **במשמניו** is here derived from **שמונה**.

(31) For this meaning of el, cf. Ex. XXI, 6; XXII, 8.

(32) Isa. IX, 5. It is assumed that the verse refers to Hezekiah.

- (33) A ninth name.
- (34) According to both these answers, Hezekiah, as a combination of **חזק** (hazak) and **יה** (Jah) — to be strong and God-is not a proper name, but an epithet.
- (35) II Kings XV, 29.
- (36) I Chron. V, 26.
- (37) II Kings XVII, 3.
- (38) Ibid. XV, 29.
- (39) Isa. XX, 1.
- (40) Ezra IV, 20.
- (41) Ibid.
- (42) Ibid. The E.V. of the last three is ‘the great and noble Asnapper,’ but here the phrase is regarded as consisting of three proper nouns (Rashi). But the Wilna Gaon gives a different reading, which renders this unnecessary.
- (43) Sennacherib is treated as a combination of a verb or verbs **סיה** and **נחר** with a noun, rib, ‘strife;’ cp. n. 1.
- (44) II Kings XVIII, 32.
- (45) [Obermeyer, Die Landschaft Babylonien, 11ff., identifies it with Abrik, 150 Km. N. W. of Diarbekir.]
- (46) [Identified by Obermeyer, *ibid.*, with the mountains of Salak in the district of Adiabene.]
- (47) The modern Susa. Shushan.
- (48) [‘Shush’ in Persian meaning ‘beautiful,’ ‘good,’ op. cit. 212.]
- (49) Elymais (Elam).
- (50) Heb. **עלמי**, which may denote also ‘Almin.
- (51) [Sushtar, 18 parasangs East of Susa (op. cit. 213).]
- (52) [Lit., ‘double shush’ (good), here used as a proper noun.]
- (53) Isa. X, 16.
- (54) For the literal meaning of ‘glory’ in reference to a man is his body, the outer flesh which gives him his beauty; hence ‘beneath his glory’ would have to mean his soul, which R. Johanan regards as unsuited to the context. Therefore ‘glory’ cannot be literal, but refers to the garments, which lend dignity to a person; whilst ‘beneath his glory’ denotes the body.
- (55) V. supra 52a; cp. Shab. 113b.

Talmud - Mas. Sanhedrin 94b

through an agent,¹ was punished by the Holy One, blessed be He, through an agent.² [Thus:] Pharaoh, of whom it is written, [And Pharaoh said,] Who is the Lord, that I should obey his voice?³ was punished by the Holy One, blessed be He, in Person, as it is written, And⁴ the Lord overthrew the Egyptians in the midst of the sea;⁵ and it is also written, Thou didst walk through the sea with thine horses.⁶ But Sennacherib, of whom it is written, By thy messengers hast thou reproached the Lord,⁷ was punished by the Holy One, blessed be He, through an angel, as it is said, And the angel of the Lord went out, and smote in the camp of the Assyrians an hundred fourscore and five thousand.⁸

R. Hanina b. Papa opposed [two verses]: It is written, [I will enter the height of his border;⁹ but elsewhere it is written, [I will enter into] the lodgings of his borders!³ — That wicked man said: First will I destroy [His] nether abode [sc. the Temple on earth], and then the upper.¹⁰

R. Joshua b. Levi said: What is meant by Am I now come up without the Lord against this place to destroy it? The Lord said to me, Go up against this land, and destroy it.¹¹ How so?¹² He had heard the prophet declare, Forasmuch as this people refuseth the waters of Shiloah that go softly, and rejoice in Rezin and Ramaliah's son.¹³ R. Joseph said: But for the Targum¹⁴ of this verse, I would not know its meaning: Because this people have wearied of the Davidic dynasty, which rules them with gentleness like the waters of Shiloah which flow tranquilly, and have set their desire upon Rezin and the son of Ramaliah.

R. Johanan said: What is meant by, The curse of the Lord is in the house of the wicked: but he

blesseth the habitation of the just?¹⁵ ‘The curse of the Lord is in the house of the wicked’ refers to Pekah the son of Ramaliah, who ate forty se’ahs of young birds as a [mere] dessert;¹⁶ ‘but he blesseth the habitation of the just’ applies to Hezekiah, king of Judah, who ate [but] a litra of vegetables for his [entire] meal.)¹⁷

Now therefore, behold, the Lord bringeth up upon them the waters of the river, strong and many, even the king of Assyria: and all his glory.¹⁸ And it is further written, And he shall pass through Judah; he shall overflow and go over, he shall reach even to the neck.¹⁹ Then if so, why was he [Sennacherib] punished? — The prophet prophesied with respect to the Ten Tribes, whereas he set his face against the whole of Jerusalem. [Thereupon] the prophet came and said to him, For the wearied is not for the oppressor.²⁰ R. Eleazar b. Berechiah said: [This means], the people that is tired out by [intensive study of] the Torah will not be delivered into the hands of her oppressor.

What is meant by, When aforetime the land of Zebulun and the land of Naphtali did lighten [its burden], but in later times it was made heavy by the way of the sea, beyond Jordan, in Galilea of the nations?²¹ — It is not as the early generations,²² who rejected²³ the yoke of the Torah; but as for the latter generations²⁴ who strengthened²⁵ the yoke of the Torah upon themselves and are therefore worthy of having a miracle wrought for them, like those who passed over the [Red] Sea and the Jordan — should he [Sennacherib] repent [of his attack upon Jerusalem], ‘tis well; but if not, I will render him the butt of the nations’ scorn.²⁶

After these things, and the truth thereof, Sennacherib, king of Assyria, came and entered into Judah, and encamped against the fenced cities, and thought to win them for himself.²⁷ Is such a reward meet for such a gift?²⁸ But what is meant by, ‘After these things and the truth thereof’? — Rabina said: After the Holy One, blessed be He, had anticipated [events] by an oath.²⁹ For he reasoned thus: If I say to Hezekiah, ‘I will bring Sennacherib and deliver him into thy hands’, he will reply, ‘I require neither [the ultimate victory over] him nor the [preceding] terror’; therefore the Holy One, blessed be He, forestalled him by swearing that he would bring him, as it is written, the Lord of Hosts hath sworn, saying, Surely as I have thought, so shall it come to pass, and as I have purposed, so shall it stand: That I will break the Assyrian in my land, and upon my mountains tread him under foot: then shall his yoke depart from off them, and his burden depart front off their shoulders.³⁰ R. Johanan said: The Holy one, blessed be he, said thus: ‘Let Sennacherib and his army³¹ come and be a crib for Hezekiah and his army.’³²

And it shall come to pass in that day, that his burden shall be taken away from off thy shoulders, and his yoke from off thy neck, and the yoke shall be destroyed because of the oil.³³ R. Isaac, the Smith, said: [This means,] the yoke of Sennacherib shall be destroyed on account of the oil of Hezekiah, which burnt in the synagogues and schools. What did he do? — He planted a sword by the door of the schoolhouse and proclaimed, ‘He who will not study the Torah will be pierced with the sword.’ Search was made from Dan unto Beer Sheba, and no ignoramus was found; from Gabbath³⁴ unto Antipris,³⁵ and no boy or girl, man or woman was found who was not thoroughly versed in the laws of cleanliness and uncleanness.³⁶ And concerning that generation it is said, And it shall come to pass in that day, that a man shall nourish a young cow, and two sheep;³⁷ and it is further said, And it shall come to pass on that day, that every place shall be, where there were a thousand vines at a thousand silverlings, it shall even be for briers and thorns:³⁸ though a thousand vines be worth a thousand silverlings, yet shall it be for briers and thorns.³⁹

And your spoil shall be gathered like the gathering of a caterpillar.⁴⁰ The prophet said unto Israel: ‘Gather your spoil.’ Thereupon they questioned him, ‘To take it as our own booty, or to divide it?’⁴¹ ‘Like the gathering of a caterpillar’, replied he: just as caterpillars gather, each one for itself, so take your spoil, each one for himself. ‘But’, objected they, ‘the wealth of the Ten tribes is mixed up therein.’ He answered, ‘As the watering of pools doth he water it:’⁴² just as pools purify the

unclean,⁴³ so are the possessions of Israel, which having fallen into the hands of heathens,⁴⁴ become clean [i.e., legitimate].⁴⁵

R. Huna said: That wicked man⁴⁶ made ten marches on that day, as it is written, [i] He is come to Aiath; [ii] he is passed at Migron; [iii] at Michmash he hath laid up his carriages; [iv] they are gone over the passage; [v] they have taken up their lodgings at Geba; [vi] Ramah is afraid; [vii] Gibeah of Saul is fled. [viii] Lift up thy voice, O daughter of Gallim, [ix] cause it to be heard unto Laish, [x] O poor Anathoth. [xi] Madmenah is removed; [xii] the inhabitants of Gebim gather themselves to flee.⁴⁷ But these are more [than ten]! Lift up thy voice, O daughter of Gallim was said by the prophet to the people of Israel: Lift up thy voice, O daughter of Gallim, thou daughter of Abraham, Isaac and Jacob, who performed good deeds as the waves⁴⁸ of the sea [in multitude]. Cause it to be heard unto Laish: Fear not this man, but be in dread of the wicked Nebuchadnezzar, who is likened to a lion, as it is written, The Lion [sc. Nebuchadnezzar] is come up from his thicket.⁴⁹ What is meant by

(1) Which is a greater insult.

(2) Which is a more humiliating punishment.

(3) Ex. V, 2.

(4) Ibid. XIV, 27.

(5) Hab. III, 15.

(6) II Kings XIX, 23.

(7) Ibid. 35.

(8) Isa. XXXVII, 24.

(9) II Kings XIX, 23. Both refer to the same. 'The height of his border' would seem to apply to the Temple, cf. Jer. XVII,12: a glorious high throne from the beginning is the place of our sanctuary. 'The lodging' etc. on the other hand is applicable to God's heavenly dwelling.

(10) The Heavenly Temple.

(11) II Kings XVIII, 25.

(12) I.e., how could Sennacherib claim that he had God's orders to destroy Jerusalem?

(13) Isa. VIII, 6. this concludes: Now therefore, behold the Lord bringeth up upon them the waters of the river, strong and many, even the king of Assyria, and all his glory: and he shall come up over all his channels, and go over all his banks. This was understood by Sennacherib as an order to possess Jerusalem.

(14) The Aramaic version of the Prophets was written, according to a Tannaitic tradition, by Jonathan b. Uzziel, 'from the mouths of Haggai, Zechariah and Malachi' (Meg. 3a). The present passage shews clearly that by R. Joseph's time (beginning of the fourth century) it was recognized as authoritative, hence ancient.

(15) Prov. III, 33.

(16) Lit., 'wiping away the meal', i.e., he could never satisfy his hunger.

(17) And was nevertheless satisfied therewith.

(18) Isa. VIII, 7. This resumes the thread of the previous discussion, viz., 'How could Sennacherib claim to have been ordered by God to destroy Jerusalem?' which was interrupted by the digression on Pekah and Hezekiah.

(19) Ibid. 8.

(20) Ibid. 23, this makes **מוצק**, though in reality a passive, into an active.

(21) Ibid.

(22) I.e., the Ten Tribes, who, having been destroyed in 722 B. C. E. could be thus referred to by Isaiah.

(23) Lit., 'lightened from themselves'.

(24) Hezekiah and his contemporaries.

(25) Lit., 'who made heavy'.

(26) Lit., 'I will make him wallow in the scorn of the nations'; another version: 'I will make him as dung (gelalim) among the nations.' These are renderings of **גליל הגוים** (Gelil ha-goyim), 'the Galilee of the Nations', **גליל** (gelil) being connected with **גלל** (galal), to roll.

(27) II Chron. XXXII, 1.

(28) The previous verse relates that Hezekiah turned earnestly to the service of God. Was then this — Sennacherib's invasion-his just reward?

- (29) This oath is referred to as 'the truth', (E.V. establishment) since 'God's seal is truth' (Rashi).
- (30) Isa. XIV, 24f.
- (31) Lit., 'retinue'.
- (32) R. Johanan connects אַבְוֹסְנִי (E.V. 'tread him under foot') with אַבְוֹס, the trough or crib from which an animal feeds (cf. Isa. I, 3). Hezekiah's cattle would forage for food among the dead bones of Sennacherib's army as in a crib.
- (33) Ibid. X, 27.
- (34) Later name for Biblical Gibbethon, in the territory of Dan (Josh. XIX, 44); this was later given to the Levites (ibid. XXI, 23). In the reign of Nadab it belonged to the Philistines (I Kings XV, 27).
- (35) Also called Antipatris, a town northwest of Jerusalem, founded by Herod the Great and named after his father. (Jast.). The mention here of the locality by this name is an anachronism.
- (36) These are probably mentioned on account of their difficulty. The reference to girls and women is interesting as shewing that in the ideal Jewish state they too must be educated.
- (37) Isa. VII, 21; i.e., one shall possess a minimum of cattle, so that very little time be required for its tending.
- (38) Ibid. 23.
- (39) I.e., in spite of the high price, people shall neglect the cultivation of the vines for the study of the law.
- (40) Ibid. XXXIII, 4.
- (41) Shall the booty belong to us, or must we divide it amongst other peoples, since it contains the spoil taken from the ten tribes, which is forbidden to us as theft? (Rashi.)
- (42) Ibid.
- (43) Lit., 'raise man from uncleanness to cleanness'.
- (44) [I.e., Sennacherib and his armies plundered Israel of their possessions.]
- (45) When the latter abandoned all hope of the return thereof; hence other Jews may take it. Here follows in the text a bracketed passage, which is rightly deleted as having no bearing upon the subject.
- (46) Sennacherib.
- (47) Isa. X, 28-31.
- (48) Heb. galle, constr. of gallim.
- (49) Jer. IV, 7: laish (layish) too is a 'lion'. 'Cause it to be heard unto laish' therefore means, 'thy cries should be on account of Nebuchadnezzar, the lion, not Sennacherib'.

Talmud - Mas. Sanhedrin 95a

O poor Anathoth? — Jeremiah the son of Hilkiyah, from Anathoth, is destined to prophesy thereon, [sc. concerning Jerusalem],¹ as it is written, The words of Jeremiah the son of Hilkiyah, of the priests that were in Anathoth in the land of Benjamin.² But what comparison is it? there³ [Nebuchadnezzar is called] 'ari,' whilst here 'laish' [is written]? — R. Johanan answered: The lion has six names, viz. ari,⁴ kefir,⁵ labi,⁶ laish,⁷ shahal,⁸ and shahaz.⁹ But if so, there were less [than ten]? — [i] They are gone over, [ii] the passage, implies two.

What is meant by, As yet shall he halt at Nob that day?¹⁰ — R. Huna said: [Only] that day was left for [the punishment of] the crime [committed] in Nob.¹¹ So his soothsayers said to him, 'If thou proceedest now [to attack], thou wilt conquer it; if not, thou wilt not conquer it.' Therefore the journey that should have taken ten days to make he completed in one day.¹² When Jerusalem was reached, mattresses were piled up for him until, by ascending and sitting on the uppermost, he saw the whole of Jerusalem. On beholding it, it appeared small in his eyes. 'Is this the city of Jerusalem,' he exclaimed, 'for which I set all my troops in motion, and conquered the whole country? Why, it is smaller and weaker than all the cities of the nations which I have subdued by my might!'¹³ Then he arose and shook his head and waved his hand to and fro contemptuously toward the Temple in Zion, against the [Temple] Court in Jerusalem.¹⁴ They [the astrologers] urged, 'Let us attack immediately.'¹⁵ 'Ye are too worn out,' he replied, 'but to-morrow let each of you bring me a stone, and we shall stone it.'¹⁶ Straightway, And it came to pass that night that the angel of the Lord went out, and smote in the camp of the Assyrians an hundred fourscore and five thousand: and when they arose early in the morning, behold, they were all dead corpses.¹⁷ R. Papa said: Thus men say: If the

verdict is postponed overnight, it comes to nought.¹⁸

And Ishbi-benob, which was of the sons of the giant, the weight of whose spear weighed three hundred shekels of brass in weight, he being girded with a new sword, thought to have slain David.¹⁹ What is meant by 'And Ishbi-be-nob'? — Rab Judah said in Rab's name: A man who came on account of Nob.²⁰ [For] the Holy One, blessed be He had said to David, 'How long will this crime be hidden in thy hand. [i.e.. unpunished]. Through thee Nob, the city of Priests, was massacred; through thee Doeg the Edomite was banished; and through thee Saul and his three sons were slain:²¹ wouldst thou rather thy line to end, or be delivered unto the enemy's hand? He replied: 'Sovereign of the Universe! I would rather be delivered into the enemy's hand than that my line should end.'²² One day, when he [David] ventured forth to Sekhor Bizzae,²³ Satan appeared before him in the guise of a deer. He shot arrows at him, but did not reach him, and was thus led on until inveigled into the land of the Philistines. When Ishbi-benob espied him, he exclaimed, 'It is he who slew my brother Goliath.' So he bound him, doubled him up and cast him under an olive press; but a miracle was wrought, and the ground softened under him. Hence it is written, Thou hast enlarged my steps under me, that my feet did not slip.²⁴ Now that day was Sabbath Eve, and Abishai the son of Zeruah,²⁵ washing his head in four gribahs²⁶ of water, remarked some blood-stains [therein]. Others say a dove came and beat [its wings] before him. Thereupon he reasoned: Israel²⁷ is likened to a dove, as it is written, ye are as the wings of a dove covered with silver;²⁸ this must be an intimation that David is in trouble. So he went to his house, but did not find him. Now, said he, we learnt, One may not ride upon his [sc. a king's] horse, nor sit upon his seat, nor use his sceptre:²⁹ but how is it in a time of danger? So he went and propounded the question in the schoolhouse, and was answered, 'In time of danger, it is permitted.' He then mounted his [sc. David's] mule and rode off,³⁰ and the earth contracted under him.³¹ Whilst riding, he saw Orpah his [sc. Ishbi-benob's] mother spinning. On descrying him, she broke off [the thread of] the spindle and threw it [the spindle] at him, intending to kill him. Then she said, 'Young man, bring me the spindle.'³² but he threw it on the top of her head instead, and killed her. When Ishbi-benob beheld him, he said [to himself], Now that there are two they will slay me. So he threw David up [in the air] and stuck his spear [into the earth], Saying. 'Let him fall upon it, and perish;' but Abishai pronounced the Divine Name, by means of which David was held suspended between heaven and earth. (Why did not David pronounce it himself? — Because 'a prisoner cannot free himself from prison.') [Abishai] then enquired of him, 'What dost thou here?' — 'Thus did God speak unto me,³³ and thus did I answer Him,' replied he. 'Reverse thy prayer.' said he: 'let thy grandson sell wax rather than that thou shouldst suffer.'³⁴ 'If so,' said he, 'do thou aid me [to reverse it].' Hence it is written, But Abishai the son of Zeruah succoured him,³⁵ upon which Rab Judah commented in Rab's name: He succoured him in prayer. Abishai then [again] pronounced the Divine Name and brought him down³⁶ [from midair, where he was still suspended]. Now Ishbi-benob was pursuing them. When they reached Kubi³⁷ they said to [each other], 'Let us stand [and fight] against him.' [But they were still afraid, and proceeded further.] When they reached Bethre³⁸ they said, 'Can two whelps kill a lion?'³⁹ So they taunted him, 'Go and find thy mother Orpah in the grave.' On their mentioning his mother's name to him⁴⁰ his strength failed, and they slew him. Hence it is written, Then the men of David swore unto him, saying, Thou shalt no more go out with us unto battle, that thou quench not the light of Israel.⁴¹

Our Rabbis taught: For three did the earth shrink: Eliezer, Abraham's servant, our father Jacob, and Abishai the son of Zeruah. Abishai the son of Zeruah, as has just been narrated. Eliezer, Abraham's servant, as it is written, And I came this day unto the well,⁴² implying that he had set out on that day.⁴³ Our father Jacob,

(1) 'O poor' ענייה, is thus derived from ענה, to answer, and thence to prophesy.

(2) Jer. I, 1. Thus viii, ix, and x must be deducted. The Talmud objects further that in that case there are less than ten, but it first questions the identification of laish with Nebuchadnezzar.

(3) In Jer. IV, 7.

- (4) Gen. XLIX, 9.
- (5) Judges XIV, 5.
- (6) Gen. ibid.
- (7) Isa. XXX, 6.
- (8) Ps. XCI, 13.
- (9) Job XXVIII, 8.
- (10) Isa. X, 32.
- (11) When the priests of Nob were massacred (I Sam. XXII, 17-19). God set a term for punishment, of which that day was the last. The verse is thus interpreted: 'That day yet remained (of the fixed term) on which(Sennacherib) might stand (against Jerusalem) on account of Nob.'
- (12) These are the ten marches referred to above.
- (13) Lit., 'the might of my hand.'
- (14) Zion was one of the hills-which is a matter of dispute-upon which Jerusalem was built. By a synecdoche, it is often, though not here, used for Jerusalem itself.
- (15) Lit., 'stretch forth a hand against it.'
- (16) So Jast., whose reading differs slightly from our text. Rashi: Bring you each a portion of the wall, i.e., any weak stone you may find which can easily be dislodged. [Another rendering: Bring me as much mortar as is necessary to seal a letter (v. Levy, s. v. גולמהרג)].
- (17) II Kings XIX, 35.
- (18) I.e., what is not done immediately may never be done.
- (19) II Sam. XXI, 16.
- (20) As an avenger, Ish = a man.
- (21) When David, on his flight from Saul, received succour in Nob, (I Sam. XXI.) he was seen there by Doeg the Edomite. On the latter's reporting this to Saul, he slew all the priests of Nob for treason (Ibid. XXII, 17-19), Doeg being his instrument. For this Doeg was banished from his portion in the future world (the phrase may also mean lost his life — נטרד מן העולם; v. II Sam. I, 2; Pesik. ed. Buber III, 28b) and the defeat and death of Saul and his three sons at Mount Gilboa (I Sam. XXX, 1, 6) was a punishment for the same. Thus all this was indirectly caused by David.
- (22) Lit., 'thy seed to cease'.
- (23) The name of a place (Rashi). Other interpretations: 'to fill up breaches'; ['to limit', the word being a composite: 'net and falcon' (Levy)].
- (24) Ps. XVIII, 37.
- (25) David's sister's son, and brother of Joab, and one of the captains of David's army.
- (26) A gribah = one se'ah.
- (27) Lit., 'The Assembly of Israel.'
- (28) Ibid. LXVIII, 14; v. Ber. 53b.
- (29) V. supra 22a.
- (30) Hoping that the animal's instinct would lead it to its master.
- (31) That he might cover the distance quickly.
- (32) Pretending that it had merely fallen out of her hand.
- (33) The alternative mentioned above.
- (34) [Juvenal, Saturnalia, 6,542. alludes to the Jews selling wax-candles in Rome. V. Ginzberg, Legends. VI, 264, n. 87.]
- (35) II Sam. XXI, 17.
- (36) At some distance from where Ishbi stood (Rashi).
- (37) A town near the border. [Horowitz, Palestine, p. 158 identifies it with El-Kabbu S.W. of Bethar.]
- (38) Bethar, where the last stand in the Bar Cochba revolt was made (Neubauer, op. cit. 103).
- (39) Surely not; i.e., 'we are too weak, even combined, to slay him.' The remark was suggested by the place name Bethre, which means 'by two', as previously 'let us arise' — קום בי — was suggested by קובי.
- (40) I.e., that she was dead.
- (41) Ibid.
- (42) Gen. XXIV, 42.
- (43) Since the journey could not be normally done in a day, the earth must have shrunk for him.

Talmud - Mas. Sanhedrin 95b

as it is written, And Jacob went out from Beer-sheba, and went to Haran;¹ which is followed by and he lighted upon a certain place, and tarried there all night, because the sun was set.² For when he reached Haran, he said [to himself], 'Shall I have passed through a place in which my fathers prayed, without doing so likewise!' He wished therefore to return, but no sooner had he thought of this than the earth contracted, and immediately he lighted upon a place [the objective of his journey]. An alternative exegesis is this: Pegi'ah³ can only mean prayer, as it is written, Therefore pray thou not for this people, neither lift up cry nor prayer for them, neither make intercession⁴ to me.⁵

And tarried there all night, because the sun was set. Having prayed, he wished to proceed: thereupon the Holy One, blessed be He, said: This righteous man has come to my habitation:⁶ shall he depart without a night's rest? Immediately the sun set [before its time].⁷ Hence it is written, [And as he passed over Penuel,] the sun rose for him.⁸ Now, had the sun risen for him alone: surely it had risen for the whole world! But, said R. Isaac, the sun which had [prematurely] set on his account, now rose [prematurely] on his account too.

Now, whence do we know that David's seed ceased?⁹ — From the verse, And when Athaliah the mother of Ahaziah saw that her son was dead, she arose and destroyed all the seed royal.¹⁰ But was not Joash left? — There too Abiathar was left, as it is written, And one of the sons of Ahimelech the son of Ahitub, named Abiathar, escaped.¹¹ Rab Judah said in Rab's name: Had not Abiathar been left of Ahimelech the son of Ahitub, not the slightest remnant¹² would have remained of David's seed.

Rab Judah said in Rab's name: The wicked Sennacherib advanced against them¹³ with a force consisting of forty-five thousand princes, each enthroned in a golden chariot and accompanied by his ladies and harlots, eighty thousand warriors in coat-of-mail, and sixty thousand swordsmen of the front line, the rest cavalymen. A similar host attacked Abraham,¹⁴ and a like force will accompany Gog and Magog.¹⁵ In the Baraitha it was taught: The length of his army was four hundred parasangs, the horses standing neck to neck formed a line forty parasangs long, and the grand total of his army two million, six hundred thousand less one. Abaye inquired: Less one ribbo [ten thousand], one thousand, one hundred, or one? The question stands over.

A Tanna taught: The first company swam across, as it is written, he shall overflow and go over;¹⁶ the second walked across,¹⁷ as it is written, he shall reach even to the neck; the third cast up the dust [of the river bed] with their feet and found no water in the river to drink, until it was brought from elsewhere and they drank, as it is written, I have digged, and drunk water.¹⁸

But is it not written, Then the angel of the Lord went forth, and smote in the camp of the Assyrians an hundred and fourscore and five thousand: and when they arose early in the mornings behold, they were all dead corpses?¹⁹ — R. Abbahu replied: These were the army captains. R. Ashi said: This may be deduced too, for it is written, [Therefore shall the Lord . . . send] among his fat ones leanness,²⁰ meaning, amongst the cream [i.e., the leaders] of them. Rabina said: This may be also deduced, for it is written, And the Lord sent an angel, which cut off all the men of valour, and the leaders and the princes in the camp of the king of Assyria. So he returned with shamefacedness to his own land. And when he entered into the house of his god, they that came forth of his own bowels slew him there with the sword.²¹ This proves it.

Wherewith did he [the angel] smite them? — R. Eliezer said: He smote them with his hand, as it is written, And Israel saw the great hand,²² implying the hand that was destined to exact vengeance of Sennacherib.²³ R. Joshua said: He smote them with his finger, as it is written, Then the magicians said unto Pharaoh, This is the finger of God,²⁴ implying this is the finger destined to punish Sennacherib. R. Eliezer, the son of R. Jose, said: The Holy One, blessed be He, said to Gabriel, 'Is

thy sickle sharpened [to mow down the Assyrians]?’ He replied: ‘Sovereign of the Universe! It has been sharpened since the Six days of Creation’, as it is written, For they fled from the swords, from the sharpened sword etc.²⁵ R. Simeon b. Yohai said: It was the time for the ripening of fruits, so the Holy One, blessed be He, said to Gabriel, ‘When thou goest forth to ripen the fruits,²⁶ attack them, as it is written, As he passeth²⁷ he shall take you:’ for morning by morning shall he pass by, by day and by night, and it shall be a sheer terror to understand the report.’²⁸ R. Papa said: Thus people say, ‘In passing, reveal thyself to thine enemy.’²⁹

Others say: He [Gabriel] breathed into their nostrils, and they died, as it is written, and he shall also blow upon them, and they shall wither.³⁰ R. Jeremiah b. Abba said: He smote his hands at them, and they died, as it is written, I will also smite mine hands together, and I will cause my fury to rest.³¹ R. Isaac the Smith said: He unsealed their ears for them, so that they heard the Hayyoth³² sing [praises to God] and they died, as it is written, at thine exaltation the people were scattered.³³

Now how many were left of them. [sc. the Assyrians host]? — Rab said: Ten, as it is written, And the rest of the trees of his forest shall be few, that a child may write them:³⁴ What figure can a child write? — Ten.³⁵ Samuel said: Nine [were left], as it is written, yet gleaning grapes shall be left in it, as the shaking of an olive tree, two and three berries in the top of the uppermost bough, four and five in the utmost fruitful branches thereof.³⁶ R. Joshua b. Levi said: Fourteen, as it is written, two, three . . . four five.³⁷ R. Johanan said: Five, viz., Sennacherib and his two sons, Nebuchadnezzar and Nebuzaradan. [That] Nebuzaradan [survived] is a tradition. Nebuchadnezzar, as it is written, And the form of the fourth is like an angel of God:³⁸ Had he not seen [an angel], how did he know [his appearance]?³⁹ Sennacherib and his two sons, as it is written, And it came to pass, as he was worshipping in the house of Nisroch his god, that Adrammelech and Sharezer his sons smote him with the sword.⁴⁰

R. Abbahu said: Were not the [following] verse written, it would have been impossible to conceive of it: viz., In the same day shall the Lord shave with a razor that is hired, namely, by the riverside, by the king of Assyria, the head, and the hair of the feet: and it shall consume the beard.⁴¹ The Holy one, blessed be He, went and appeared before him [Sennacherib] as an old man, and said to him, ‘When thou goest to the kings of the east and the west, whose sons thou didst lead [to battle]⁴² and cause their death, what wilt thou say to them?’ He replied, ‘I⁴³ too entertain that fear. What then shall I do?’ asked he. ‘Go,’ He replied,

(1) Ibid. XXVIII, 10.

(2) Ibid. 11. The first verse implies that he had reached Haran, the second that he had not. The Talmud therefore proceeds to reconcile the discrepancy.

(3) פגיעה, the root idea of ויפגע ‘he lighted upon’.

(4) תפגע.

(5) Jer. VII, 16. Rashi, in his teacher's name, and the Wilna Gaon both delete the passage ‘an alternative . . . me’ as being out of place here.

(6) According to tradition, he was on the future site of the Temple.

(7) This exegesis is based on the use of the plus perfect **בא**, instead of the continuous imperfect **בא**, which is interpreted as implying that its setting was premature.

(8) Ibid. XXXII, 32.

(9) Since David reversed his prayer; v. supra 95a.

(10) II Kings XI, 1.

(11) I Sam. XXII, 20. Since the cessation of David's seed was in expiation of the crime against the city of Nob, it was but just that as one had escaped on that occasion, so should one now too be saved.

(12) Lit., ‘one that escaped or remained.’

(13) The Israelites in the days of Hezekiah.

(14) On the occasion of his pursuit of the four kings. (Gen. XIV).

- (15) V. p. 630, n. 6.
- (16) Isa. VIII, 8.
- (17) Lit., 'passed over in an upright position.'
- (18) Ibid. XXXVII, 25. The passage of the first company, effected by swimming, so diminished the water of the river that the second had to walk across, while the second thoroughly emptied it, leaving it quite dry.
- (19) Ibid. 36, proving that this was the size of the army.
- (20) Ibid. X, 16.
- (21) II Chron. XXXII, 21. This is another proof that the reference is only to the leaders.
- (22) Ex. XIV, 31.
- (23) This is deduced from the def. art.
- (24) Ibid. VIII, 14.
- (25) Isa. XXI, 15.
- (26) Gabriel being the angel in charge of this.
- (27) On his mission of ripening the fruits.
- (28) Ibid. XXVIII, 19.
- (29) Lit., 'on the way make thyself heard by the enemy,' i.e., take revenge when the opportunity is afforded.
- (30) Ibid. XL, 24.
- (31) Ezek. XXI, 22.
- (32) [The celestial 'living creatures' mentioned in Ezekiel's mystic vision; v. Ezek. I and X.]
- (33) Isa. XXXIII, 3. The first half of the verse reads, At the noise of the tumult the people fled. 'Tumult' is taken to refer to the song of the Hayyoth in their 'exaltation' of the Lord.
- (34) Ibid. X, 19.
- (35) [A yod^ו], being formed by a mere stroke of the pen, is the easiest letter for a child to write.]
- (36) Ibid. XVII, 6. This is rendered: 'just as after the shaking of an olive tree there may remain two olives here and three there, so shall there be left of the army four here and five there-nine in all.'
- (37) Interpreting, 'two here, three there, four here, five there- fourteen in all.'
- (38) Dan. III, 25.
- (39) Hence he must have been present when Gabriel destroyed the army. — The speaker is Nebuchadnezzar.
- (40) II Kings XIX, 37. It is assumed that they all must have been in the army before Jerusalem.
- (41) Isa. VII, 20.
- (42) V. supra.
- (43) Lit., 'that man', frequently employed euphemistically for I'.

Talmud - Mas. Sanhedrin 96a

'and disguise thyself'. 'How shall I disguise myself?' 'Bring me a razor, and I myself will shave thee'. He answered. 'Whence shall I procure it?' 'Enter that house and take it', He rejoined. So he went and found it there. But the Ministering angels appeared to him in the shape of men grinding palm kernels. 'Give me the razor,' said he. 'Grind a griwah¹ of palm kernels,' they replied, 'and we will give it thee'. So he ground a griwah of palm kernels, and they gave him the razor. By the time he returned, it had become dark. 'Go and bring some fire', He ordered. So he went and brought fire. Whilst he was blowing it [into a blaze], it caught hold of his beard, whereupon He shaved off the hair of his head together with his beard.² They [sc.' the scholars] said: That is what is meant by the phrase, and it shall also consume the beard.³ R. Papa said: Thus men say, If thou art singeing [the hair of] an Aramean, and he is pleased therewith, set light to his beard; so wilt thou not suffer his mockery.⁴ He then went away and found a plank of Noah's ark. 'This', said he, 'must be the great God who saved Noah from the flood. If I⁵ go [to battle] and am successful, I will sacrifice my two sons to thee', he vowed. But his sons heard this, so they killed him, as it is written, And it came to pass, as he was worshipping in the house of Nisroch his god, that Adrammelech and Sharezer his sons smote him with the sword etc.⁶

And he fought against them, he and his servants, by night [lailah]⁷ and smote them.⁸ R. Johanan

said: The angel who was appointed to [aid] Abraham was named Lailah [Night]. as it is written, [Let the day perish wherein I was born], and the Lailah which said, There is a man child conceived.⁹ R. Isaac, the smith, said: He [the angel] set into motion the activities of the night [viz.. the stars] on his behalf, as it is written, They fought from heaven; the stars in their courses fought against Sisera.¹⁰ Resh Lakish said: The smith's interpretation is better than the son of the smith's.¹¹ And he pursued them unto Dan.¹² R. Johanan said: As soon as that righteous man came unto Dan, his strength failed him, for he [prophetically] saw his descendants who would practise idolatry in Dan, as it is written, And he set the one in Beth-el, and the other put he in Dan.¹³ That wicked man [Nebuchadnezzar] too did not prevail until he reached Dan, as it is written, The snorting of his horses was heard from Dan.¹⁴

R. Zera said: Though R. Judah b. Bathyra¹⁵ sent a message from Nisibis,¹⁶ [saying]. Observe [the respect due to] a scholar¹⁷ who has forgotten his learning through a misfortune [e.g., illness]; and be careful [to cut] the jugular veins, in accordance with R. Judah's ruling;¹⁸ and be heedful of the honour due to the children of the ignorant, for from them proceedeth the Torah:¹⁹ yet such a thing as this is made known to them.²⁰ [Viz..] Righteous art thou, O Lord, when I plead with thee: Yet let me talk to thee of thy judgments: wherefore doth the way of the wicked prosper? Wherefore are all they happy that deal very treacherously? Thou hast planted them, yea, they have taken root: they grow, yea, they bring forth fruit.²¹ What was he answered? — If thou hast run with the footmen, and they have wearied thee, then how canst thou contend with the horses? And if in the land of peace, wherein thou trustedst, they wearied thee, then how wilt thou do in the swelling of the Jordan?²² This may be compared to a man who boasted, 'I can run three parasangs in front of horses on marshy land.' But happening to meet a pedestrian, he ran three miles²³ before him on dry land, and was exhausted. Thereupon he said to him: 'If thou art thus before a pedestrian, how much more so before horses: and if three miles have so [tired thee], how much more so three parasangs; and if on dry land it is thus, how much more so on marshy swamps!' It is even so with thee: if thou art thus astonished at the reward wherewith¹⁸ requited that wicked man for the four steps which he ran in my honour,²⁴ how much more when I give their due reward to Abraham, Isaac, and Jacob, who ran before me like horses [i.e., eagerly and swiftly]! Hence it is written, My heart within me is broken because of the prophets;²⁵ all my bones shake; I am like a drunken man, and like a man whom wine hath overcome; because of the Lord, and because of the words of his holiness.²⁶

To what does the 'four steps' refer? — As it is written, At that time, Merodach-baladan, the son of Baladan, king of Babylon, sent letters and a present to Hezekiah: [for he had heard that he had been sick, and was recovered].²⁷ But just because Hezekiah had fallen sick and was recovered, he sent him letters and a present!²⁸ Indeed 'to enquire of the wonder that was done in the land.'²⁹ For R. Johanan said: The day on which Ahaz died consisted of but two hours;³⁰ and when Hezekiah sickened and recovered, the Holy One, blessed be He, restored those ten hours, as it is written, Behold, I will bring again the shadow of the degrees, which is gone down in the sun dial of Ahaz, ten degrees backward. So the sun returned ten degrees, by which degrees it was gone down.³¹ Thereupon he [Merodach-baladan] inquired of them [his courtiers], 'What is this?' They replied, 'Hezekiah has sickened and recovered.' 'There is such a [great] man,' exclaimed he, 'and shall I not send him a greeting! Write thus to him: "Peace to King Hezekiah, peace to the city of Jerusalem, and peace to the great God!"' Now Nebuchadnezzar was Baladan's scribe, but just then he was not present. When he came, he asked them, 'How did ye write?' And they told him, 'We wrote thus and thus.' 'Ye called him the great God,' said he, 'yet ye mentioned him last! Thus,' said he, 'should ye have written: "peace to the great God, peace to the city of Jerusalem, and peace to King Hezekiah."' 'Let the reader of the letter,' said they to him, 'become the messenger.'³² So he ran after him;³³ but when he had taken four steps, Gabriel came and made him halt. R. Johanan observed: Had not Gabriel come and stopped him, nothing could have saved³⁴ the enemies of Israel.³⁵

Why was he called [Merodach-]Baladan the son of Baladan?³⁶ It is told: Baladan was a king

whose face turned into that of a dog,³⁷ so that his son sat upon his throne instead. In his documents he wrote his own name, and the name of his father, King Baladan, [i.e., Merodach-baladan]. This is the meaning of the verse, A son honoureth his father, and a servant his master.³⁸

Now, 'a son honoureth his father' refers to what has just been said. 'And a servant his master' — as it is written, Now in the fifth month, in the tenth day of the month, which was the nineteenth year of Nebuchadnezzar, king of Babylon, came Nebuzaradan, captain of the guard, and stood before the king of Babylon in Jerusalem, And burned the house of the Lord, and the king's house.³⁹

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- (1) A dry measure: the quantity put in one time into a handmill.
- (2) Thus he was shaved with a razor hired by his own work, a work which is done 'by the riverside', viz., grinding, the water providing power for the mill.
- (3) 'Consume' not being applicable to the action of a razor, something else must be intended, viz., the fire.
- (4) I.e., even when he is pleased with a Jew, he is still a potential source of danger.
- (5) V. p. 646, n. 6.
- (6) II Kings XIX, 37.
- (7) לִיָּהּ
- (8) Gen. XIV, 15.
- (9) Job III, 3 the verse is translated: And Lailah fought on their behalf; he (Abraham) and his etc.
- (10) Judges V, 20; thus, just as there, so here too.
- (11) So Rashi, assuming that R. Johanan was the son of a smith. But Bar Nappaha may simply mean a smith (Jast.); R. Johanan was so occasionally dubbed; e.g., B.M. 85b. Rashi also suggests that the name may allude to his beauty. In that case נִפְיָהּ may be understood, the sense being, inflaming one's desires.
- (12) Gen. XIV, 14.
- (13) I Kings XII, 29. The reference is to the golden calves set up by Jeroboam.
- (14) Jer. VIII, 16.
- (15) Var. lec., R. Joshua b. Levi; but v. next note.
- (16) Nisibis was on the frontier of Armenia, not far from Mesopotamia. There R. Judah b. Bathyra had his school. (V. supra, 32b — this fact supports the reading of our text.)
- (17) Lit., 'elder,' but generally used of a mature scholar.
- (18) When a fowl is slaughtered, the jugular vein, which contains much blood, must be cut too; otherwise the fowl may not be roasted whole. This is R. Judah's opinion.
- (19) Though the fathers may be unlearned, the children, if scholars, must be duly respected, for they may be the forebears of great scholars, as is evidenced by Shemaiah and Abtalion who were the descendants of Sennacherib (Rashi); v. infra 96b.
- (20) The reference is not quite clear. Rashi gives two alternatives: (i) They are honoured on account of the slight merit which their father possessed; or (ii) they are honoured solely on account of their learning, not their ancestry, lest they forget their ignoble origin.
- (21) Jer. XII, 1f. The question refers to Nebuchadnezzar's military successes, particularly in Palestine.
- (22) Ibid, 5.
- (23) Mil=1/4 parasang.
- (24) The allusion is explained further on.
- (25) I.e., Abraham, Isaac and Jacob: I am filled with wonderment at the magnitude of their reward. Maharsha explains this more naturally: My heart is broken because of the false prophets, who assure Israel that Nebuchadnezzar will not meet with success in Palestine, being a greater sinner than the Jews. But that is a false hope: he shall be rewarded with victory on account of the four steps which he ran in God's honour.
- (26) Ibid. XXIII, 9.
- (27) Isa. XXXIX, 1.
- (28) Surely not!
- (29) II Chron. XXXII, 31.
- (30) I.e., it set ten hours too soon, to allow of no time for the funeral obsequies and eulogies. This was in order to make atonement for his sins, for the disgrace of being deprived of the usual funeral honours expiates one's misdeeds, as stated

supra 46b and 47a.

(31) Isa. XXXVIII, 8. The return of the ten degrees is assumed to mean a prolongation of the day by ten hours, light having healing powers.

(32) I.e., let him who gave the advice carry it out.

(33) I.e., the messenger, who was already on his way, to recall him and rewrite it.

(34) Lit., 'there would have been no remedy for . . .

(35) A euphemism for the Jews themselves. Had he run further and actually carried out his desire, his title to reward would have been so great as to enable him to wipe out Israel. The scholarly children of the ignorant — a synonym here for the wicked — should thus be informed that the honour paid to them is due to the slight merit of their fathers, as in this case.

(36) It being unusual for father and son to bear the same name.

(37) [In Assyrian-Babylonian Monuments there are to be seen dogs in the company of Merodach, and this is very likely an explanation of this conception of Baladan's dog-face; v. Ginzberg, Legends, VI, 368, 82.]

(38) Mal. I, 6.

(39) Jer. LII, 12f.

Talmud - Mas. Sanhedrin 96b

But had Nebuchadnezzar gone up to Jerusalem? Surely it is written, They carried him up unto the King of Babylon to Riblah,¹ and R. Abbahu said that this was Antioch? — R. Hisda and R. Isaac b. Abudimi [replied as follows] — One answered: His [Nebuchadnezzar's] portrait was engraved on his [Nebuzaradan's] chariot; and the other explained: He stood in such awe before him that it is as though he were in his presence.²

Raba said: Nebuchadnezzar sent Nebuzaradan three hundred mules laden with iron axes that could break iron,³ but they were all shattered⁴ on a single gate of Jerusalem, for it is written, And now they attack its gate [lit., 'door'] together: with axes and hammers they smite.⁵ He desired to return, but said, 'I am afraid lest I meet the same fate which befell Sennacherib.'⁶ Thereupon a voice cried out, 'Thou leaper, son of a leaper, leap, Nebuzaradan, for the time has come for the Sanctuary to be destroyed and the Temple burnt.' He had but one axe left, so he went and smote [the gate] with the head thereof, and it opened, as it is written, A man was famous according as he had lifted up axes upon the thick trees.⁷ He hewed down [the Jews] as he proceeded, until he reached the Temple. Upon his setting fire thereto, it sought to rise up, but was trodden down⁸ from Heaven, as it is written, The Lord hath trodden down the virgin daughter of Judah [the Temple] as in a winepress.⁹ His mind was now elated [with his triumph], when a voice came forth from Heaven saying to him, 'Thou hast slain a dead people, thou hast burned a Temple already burned, thou hast ground flour already ground, as it is written, Take the millstones, and grind meal: uncover thy locks, make bare the leg, uncover the thigh, pass over the rivers:'¹⁰ not 'wheat' but meal is said.¹¹

[After that] he saw the blood of Zechariah¹² seething. 'What is this?' cried he. 'It is the blood of sacrifices, which has been spilled,' they answered. 'Then,' said he, 'bring [some animal blood] and I will compare them, to see whether they are alike.' So he slaughtered animals and compared them, but they were dissimilar. 'Disclose [the secret] to me, or if not, I will tear your flesh with iron combs,' he threatened. They replied: 'This is [the blood of] a priest and a prophet, who foretold the destruction of Jerusalem to the Israelites, and they killed him.' 'I,' said he, 'will appease him.' So he brought the scholars and slew them over him,¹³ yet it did not cease [to boil]. He brought schoolchildren and slew them over him, still it did not rest; he brought the young priests and slew them over him, and still it did not rest, until he had slain ninety four thousand, and still it did not rest. Whereupon he approached him and cried out, 'Zechariah, Zechariah, I have destroyed the flower of them: dost thou desire me to massacre them all?' Straightway it rested. Thoughts of repentance came into his mind: if they, who killed one person only, have been so [severely punished], what will be my fate? So he fled, sent his testament to his house, and became a proselyte.

Our Rabbis taught: Naaman was a resident alien,¹⁴ Nebuzaradan was a righteous proselyte,¹⁵ the descendants of Sisera studied Torah in Jerusalem; the descendants of Sennacherib taught Torah to the multitude: Who were these? — Shemaiah and Abtalion.¹⁶ The descendants of Haman studied Torah in Benai Berak. The Holy One, blessed be He, purposed to lead the descendants of that wicked man¹⁷ too under the Wings of the Shechinah,¹⁸ but the ministering Angels protested before Him, ‘Sovereign of the Universe! Shalt Thou bring him under the wings of the Shechinah who laid Thy House in ruins, and burnt Thy Temple?’ That is meant by the verse, We would have healed Babylon, but she is not healed.¹⁹ ‘Ulla said: This refers to Nebuchadnezzar;²⁰ R. Samuel b. Nahmani said: By this are meant the rivers of Babylon²¹ which run along the palm-trees of Babylonia.²² ‘Ulla said: Ammon and Moab were evil neighbours of Jerusalem. As soon as they heard the prophets predicting the destruction of Jerusalem, they sent to Nebuchadnezzar, ‘Leave [thy country] and come hither.’ He replied, ‘I am afraid lest I be treated as my predecessors. Thereupon they sent word, ‘For the man is not at home;²³ and ‘man’ refers only to the Holy One, blessed be He, as it is written, The Lord is a man of war.²⁴ He sent answer, ‘But he may be near, to which they returned, ‘He hath gone a long journey.’²⁵ He again sent word: ‘They have among them righteous men who may pray to Him and bring Him back.’ They answered, ‘He hath taken a bag of money with him;’²⁶ and ‘money’ refers to none but the righteous, as it is written, So I bought her to me for fifteen pieces of silver, and for an homer of barley, and an half homer of barley.²⁷ He sent back: ‘The wicked may repent, pray for mercy, and bring Him back.’ They answered, ‘He hath already fixed a time for them,’²⁸ as it is written, And will come home at the day appointed [ha-kese]²⁹ and ‘kese’ can only refer to time, as it is written, in the time appointed [ba-kese] on our solemn feast day.³⁰ He then sent word, ‘It is winter, and I cannot come on account of the approaching snows and rains.’ They replied, ‘Come by way of the mountains, [which will protect you];’³¹ as it is written, Send ye a messenger to the ruler of the earth [i.e., Nebuchadnezzar] [that he may come] by way of the rocks [i.e., mountains] to the wilderness, [unto the mount of the daughter of Zion].³² He sent back, ‘If I come, I have no place for encamping.’³³ They replied, ‘Their graveyards are better than thy palaces’; as it is written, At that time, saith the Lord, they shall bring out the bones of the King of Judah, and the bones of his princes, and the bones of the priests, and the bones of the prophets, and the bones of the inhabitants of Jerusalem, out of their graves: And they shall spread them before the sun, and the moon, and all the host of heaven, whom they have loved, and whom they have served, and after whom they have walked.³⁴

R. Nahman said to R. Isaac: ‘Have you heard when Bar Nafle³⁵ will come?’ ‘Who is Bar Nafle?’ he asked. ‘Messiah,’ he answered, ‘Do you call Messiah Bar Nafle?’ — ‘Even so,’ he rejoined, ‘as it is written, in that day I will raise up

(1) Ibid. 9.

(2) According to both answers the verse shews the singular honour which he paid him.

(3) Lit., ‘that has power over iron;’ to hew down the gate of Jerusalem.

(4) Lit., ‘swallowed up.’

(5) Ps. LXXIV, 6.

(6) Who was assassinated on his return from Jerusalem, II Kings XIX, 37.

(7) Ps. LXXIV, 5.

(8) I.e., forced down.

(9) Lam. I, 15.

(10) Isa. XLVII, 2.

(11) I.e., he had no cause for pride, for the destruction of Israel having been decreed, they were already as destroyed.

(12) Zechariah, the son of Jehoiada, was a priest who flourished during the reign of Joash, king of Judah. On account of his stern denunciation of idolaters a conspiracy was formed against him, and he was stoned in the Temple Court at the king's command — II Chron. XXIV, 20-22. In his dying words he called for vengeance. [V. however, Baeck, MGWJ, pp. 313ff.]

- (13) I.e., his blood.
- (14) One who renounces idolatry for the sake of certain rights of citizenship in Palestine.
- (15) One who accepts all the laws of Judaism with no ulterior motive.
- (16) The teachers of Hillel.
- (17) Nebuchadnezzar.
- (18) I.e., make them proselytes.
- (19) Jer. 21, 9.
- (20) That God desired his descendants to become proselytes.
- (21) Which are unfit for drinking purposes (v. Obermeyer, op. cit. 195). [The reference is to Ps. CXXXVII, 1; v. Strashun, a.l.]
- (22) [Which stand by the river's edge and bear no fruit. Thus Rashi on the basis of a slightly different reading. According to Obermeyer, op. cit. 295, following our text, it may be rendered thus: 'By this are meant the rivers of Babylonia which, as is explained, run along the palm trees of Babylon.' The water, that is to say, is rendered unfit for drinking purposes by reason of the salt it absorbs from the soil, as palm trees need salty ground for their cultivation.]
- (23) Prov. VII, 19.
- (24) Ex. XV, 3.
- (25) Prov. Ibid.
- (26) Ibid. 20.
- (27) Hos. III, 2: This is figuratively interpreted: I redeemed the Israelites from Egypt on the fifteenth of Nisan, in the merit of the forty five righteous men (a homer and a half is forty five se'ahs) by whose virtue the world exists (Hul. 92a). Thus 'silver', the price of redemption, is an allegorical reference to the righteous.
- (28) That He will not return to them until seventy years of exile have passed.
- (29) **סכסכ** Prov. Ibid.
- (30) Ps. LXXXI, 1, 3.
- (31) So Rashi. Jast. renders: 'Come, even if it be necessary to march over the cliffs and mountains.'
- (32) Isa. XVI, 1.
- (33) 'There is no sheltered place outside Jerusalem where I may encamp with my whole army.'
- (34) Jer. VIII, 1f. I.e., the great burial vaults will be cleaned to give shelter to Nebuchadnezzar's army.
- (35) [Lit., 'son of the fallen.' Bar Nafle is generally assumed to represent the Greek **, the 'son of the clouds;' cf. Dan. VII, 13, there came with the clouds of heaven one like a son of man, which R. Nahman gave a Hebrew connotation.]

Talmud - Mas. Sanhedrin 97a

the tabernacle of David ha-nofeleth [that is fallen].'¹ He replied, 'Thus hath R. Johanan said: in the generation when the son of David [i.e., Messiah] will come, scholars will be few in number, and as for the rest, their eyes will fail through sorrow and grief. Multitudes of trouble and evil decrees will be promulgated anew, each new evil coming with haste before the other has ended.'

Our Rabbis taught: in the seven year cycle at the end of which the son of David will come—in the first year, this verse will be fulfilled: And I will cause it to rain upon one city and cause it not to rain upon another city;² in the second, the arrows of hunger will be sent forth;³ in the third, a great famine, in the course of which men, women, and children, pious men and saints⁴ will die, and the Torah will be forgotten by its students; in the fourth, partial plenty;⁵ in the fifth, great plenty, when men will eat, drink and rejoice, and the Torah will return to its disciples; in the sixth, [Heavenly] sounds;⁶ in the seventh, wars; and at the conclusion of the septennate the son of David will come. R. Joseph demurred: But so many septennates have passed, yet has he not come! — Abaye retorted: Were there then [Heavenly] sounds in the sixth and wars in the seventh! Moreover, have they [sc. the troubles] been in this order⁷ !

[Wherewith thine enemies have reproached, O Lord,' wherewith they have reproached the footsteps of thine anointed.]⁸ it has been taught, R. Judah said: in the generation when the son of David comes, the house of assembly⁹ will be for harlots, Galilee in ruins, Gablan lie desolate,¹⁰ the

border inhabitants¹¹ wander about from city to city, receiving no hospitality, the wisdom of scribes in disfavour, God-fearing men despised, people¹² be dog-faced,¹³ and truth entirely lacking, as it is written, Yea, truth faileth, and he that departeth from evil maketh himself a prey.¹⁴ What is meant by 'yea, truth faileth [ne'edereth¹⁵]'? — The Scholars of the School of Rab¹⁶ said: This teaches that it will split up into separate groups¹⁷ and depart.¹⁸ What is the meaning of 'and he that departeth from evil maketh himself a prey [mishtollel¹⁹]'? — The School of R. Shila said: He who departs from evil will be dubbed a fool by his fellow-men.²⁰

Raba said: I used to think at first that there is no truth in the world.²¹ Whereupon one of the Rabbis, by name of R. Tabuth — others say, by name of R. Tabyomi — who, even if he were given all the treasures of the world, would not lie, told me that he once came to a place called Kushta,²² in which no one ever told lies, and where no man ever died before his time. Now, he married one of their women, by whom he had two sons. One day his wife was sitting and washing her hair, when a neighbour came and knocked at the door. Thinking to himself that it would not be etiquette [to tell her that his wife was washing herself], he called out, 'She is not here.' [As a punishment for this] his two sons died. Then people of that town came to him and questioned him, 'What is the cause of this?' So he related to them what had happened. 'We pray thee,' they answered, 'quit this town, and do not incite Death against us.'²³

It has been taught: R. Nehorai said: in the generation when Messiah comes, young men will insult the old, and old men will stand before the young [to give them honour]; daughters will rise up against their mothers, and daughters-in-law against their mothers-in-law. The people shall be dog-faced, and a son will not be abashed in his father's presence.

It has been taught, R. Nehemiah said: in the generation of Messiah's coming impudence will increase, esteem be perverted,²⁴ the vine yield its fruit, yet shall wine be dear,²⁵ and the Kingdom will be converted to heresy²⁶ with none to rebuke them. This supports R. Isaac, who said: The son of David will not come until the whole world is converted to the belief of the heretics. Raba said: What verse [proves this]? it is all turned white: he is clean.²⁷

Our Rabbis taught: For the Lord shall judge his people, and repent himself of his servants, when he seeth that their power is gone, and there is none shut up, or left:²⁸ the son of David will not come until denunciators are in abundance.²⁹ Another interpretation [of their power is gone]: until scholars are few. Another interpretation: until the [last] perutah has gone from the purse. Yet another interpretation: until the redemption is despaired of, for it is written, there is none shut up or left, as — were it possible [to say so] — Israel had neither Supporter nor Helper. Even as R. Zera, who, whenever he chanced upon scholars engaged thereon [I.e., in calculating the time of the Messiah's coming], would say to them: I beg of you, do not postpone it, for it has been taught: Three come unawares:³⁰ Messiah, a found article and a scorpion.³¹

R. Kattina said: Six thousand years shall the world exist, and one [thousand, the seventh], it shall be desolate, as it is written, And the Lord alone shall be exalted in that day.³² Abaye said: it will be desolate two [thousand], as it is said, After two days will he revive us: in the third day, he will raise us up, and we shall live in his sight.³³

It has been taught in accordance with R. Kattina: Just as the seventh year is one year of release in seven, so is the world: one thousand years out of seven shall be fallow, as it is written, And the Lord alone shall be exalted in that day,' and it is further said, A Psalm and song for the Sabbath day,³⁴ meaning the day that is altogether Sabbath —³⁵ and it is also said, For a thousand years in thy sight are but as yesterday when it is past.³⁶

The Tanna debe Eliyyahu teaches: The world is to exist six thousand years. In the first two

thousand there was desolation;³⁷ two thousand years the Torah flourished,³⁸ and the next two thousand years is the Messianic era,³⁹

(1) Amos, IX, 11.

(2) *ibid.* IV, 7.

(3) I.e., not actual famine, but the first signs thereof, no one being completely satisfied.

(4) Lit., 'men on whose behalf miracles occur.' — Jast.

(5) Lit., 'plenty and no plenty'.

(6) Either Heavenly voices announcing the advent of Messiah, or the blasts of the great Shofar; cf. Isa. XXVII, 13.

(7) Though troubles and evil decrees have come in abundance, they were not in the order prescribed.

(8) Ps. LXXXIX, 52.

(9) Where scholars assemble.

(10) [Gaulan, E. of the Sea of Galilee and the upper Jordan].

(11) The Jews living by the borders of Palestine. **אנשי גזית** the men of (the Hall of) Hewn Stones, I.e., the Sanhedrin.

(12) Lit., 'the face of the generation.'

(13) I.e., brazen, without shame of each other.

(14) Isa. LIX, 15.

(15) **נעדרת**

(16) V. p. 387, n. 7.

(17) **עדרים עדרים** 'Adarim, 'adarim. **נעדרת** is connected with **עדר**, meaning 'drove,' 'group.'

(18) Probably meaning that there will be so many conflicting opinions as to what is the truth as to render it, for all practical purposes, inaccessible.

(19) **משתולל**

(20) Cf. Job XII, 17: He leadeth counsellors away spoiled (**שולל**) and maketh the judges fools. Sholal being parallel to 'fools', it bears the same connotation.

(21) I.e., no person always speaks the truth.

(22) Lit., 'truth'.

(23) Lit., 'against these men.'

(24) I.e., none shall esteem another. Another opinion: even the most esteemed shall be perverted and deceitful.

(25) Everyone will be drunk, so that in spite of the abundant yield, there will be a scarcity.

(26) [Heb. Minuth. By 'the Kingdom' is meant the Roman Empire, and the statement is a remarkable forecast by R. Nehemia (150 C.E.) of the conversion of Rome to Christianity under Constantine the Great in 313; v. however, Herford, Christianity in the Talmud, 207ff.]

(27) Lev. XIII, 13. This refers to leprosy: a white swelling is a symptom of uncleanness; nevertheless, if the whole skin is so affected, it is declared clean. So here too; when all are heretics, it is a sign that the world is about to be purified by the advent of Messiah.

(28) Deut. XXXII, 36.

(29) 'When he seeth that their power is gone' is interpreted as meaning that they will be at the mercy of informers; then God will judge his people — redeem them through the Messiah.

(30) Lit., 'when the mind is diverted.'

(31) Hence by thinking of him they were postponing his coming.

(32) Isa. II, 11.

(33) Hosea VI, 2: the 'two days' meaning two thousand years. Cf. Ps. XC, 4. quoted below.

(34) Ps. XCII, 1.

(35) I.e., the period of complete desolation.

(36) Ps. XC, 4; thus 'day' in the preceding verses means a thousand years.

(37) I.e., no Torah. It is a tradition that Abraham was fifty-two years old when he began to convert men to the worship of the true God; from Adam until then, two thousand years elapsed.

(38) I.e., from Abraham's fifty-second year until one hundred and seventy-two years after the destruction of the second Temple. This does not mean that the Torah should cease thereafter, but is mentioned merely to distinguish it from the next era.

(39) I.e., Messiah will come within that period.

Talmud - Mas. Sanhedrin 97b

but through our many iniquities all these years have been lost.¹

Elijah said to Rab Judah, the brother of R. Salia the pious: 'The world shall exist not less than eighty five jubilees,² and in the last jubilee the son of David will come.'³ He asked him, 'At the beginning or at the end?'⁴ — He replied, 'I do not know.' 'Shall [this period] be completed or not?'⁵ - 'I do not know,' he answered. R. Ashi said: He spoke thus to him, 'Before that, do not expect him; afterwards thou mayest await him.'⁶

R. Hanan b. Tahlifa sent [word] to R. Joseph: I once met a man who possessed a scroll written in Hebrew in Assyrian characters.⁷ I said to him: 'Whence has this come to thee?' He replied, 'I hired myself as a mercenary in the Roman army, and found it amongst the Roman archives. In it is stated that four thousand, two hundred and thirty⁸ -one years after the creation the world will be orphaned.⁹ [As to the years following,] some of them will be spent in the war of the great sea monsters,¹⁰ and some in the war of Gog and Magog, and the remaining [period] will be the Messianic era, whilst the Holy One, blessed be He, will renew his world only after seven thousand years.' R. Abba the son of Raba said: The statement was after five thousand years.

It has been taught; R. Nathan said: This verse pierces and descends to the very abyss:¹¹ For the vision is yet for an appointed time, but at the end it shall speak, and not lie: though he tarry, wait for him; because it will surely come, it will not tarry.¹² Not as our Masters, who interpreted the verse, until a time and times and the dividing of time;¹³ nor as R. Simlai who expounded, Thou feedest them with the bread of tears; and givest them tears to drink a third time;¹⁴ nor as R. Akiba who expounded, Yet once, it is a little while, and I will shake the heavens, and the earth:¹⁵ but the first dynasty [sc. the Hasmonean] shall last seventy years, the second [the Herodian], fifty two, and the reign of Bar Koziba¹⁶ two and a half years.¹⁷

What is meant by 'but at the end it shall speak [we-yafeah] and not lie?' — R. Samuel b. Nahmani said in the name of R. Jonathan: Blasted be¹⁸ the bones of those who calculate the end.¹⁹ For they would say, since the predetermined time has arrived, and yet he has not come, he will never come. But [even so], wait for him, as it is written, Though he tarry, wait for him. Should you say, We look forward [to his coming] but He does not: therefore Scripture saith, And therefore will the Lord wait, that he may be gracious unto you, and therefore will he be exalted, that he may have mercy upon you.²⁰ But since we look forward to it, and He does likewise, what delays [his coming]? — The Attribute of Justice delays it.²¹ But since the Attribute of Justice delays it, why do we await it? — To be rewarded [for hoping], as it is written, blessed are all they that wait for him.²²

Abaye said: The world must contain not less than thirty-six righteous men in each generation who are vouchsafed [the sight of] the Shechinah's countenance, for it is written, Blessed are all they that wait lo²³ [for him]; the numerical value of 'lo' is thirty-six. But that is not so, for did not Raba say: The row [of righteous men immediately] before the Holy One, blessed be He, consists of eighteen thousand,²⁴ for it is written, it shall be eighteen thousand round about?²⁴ — That is no difficulty: the former number [thirty-six] refers to those who see Him through a bright speculum, the latter to those who contemplate him through a dim one.²⁵ But are there as many? Did not Hezekiah say in the name of R. Jeremiah on the authority of R. Simeon b. Yohai: I have seen the sons of heaven,²⁶ and they are but few; if there are a thousand, I and my son are included; if a hundred, I and my son are included; and if only two, they are myself and my son? — There is no difficulty: the former number [thirty-six] refers to those who enter [within the barrier to contemplate the Shechinah] with permission; the latter [uncertain number] to those who may enter without permission.

Rab said: All the predestined dates [for redemption] have passed, and the matter [now] depends only on repentance and good deeds. But Samuel maintained: it is sufficient for a mourner to keep his [period of] mourning.²⁷ This matter is disputed by Tannaim: R. Eliezer said: if Israel repent, they will be redeemed; if not, they will not be redeemed. R. Joshua said to him, if they do not repent, will they not be redeemed! But the Holy One, blessed be He, will set up a king over them, whose decrees shall be as cruel as Haman's, whereby Israel shall engage in repentance, and he will thus bring them back to the right path.²⁸ Another [Baraita] taught: R. Eliezer said: if Israel repent, they will be redeemed, as it is written, Return, ye backsliding children, and I will heal your backslidings.²⁹ R. Joshua said to him, But is it not written, ye have sold yourselves for naught; and ye shall be redeemed without money?³⁰ Ye have sold yourselves for naught, for idolatry; and ye shall be redeemed without money — without repentance and good deeds. R. Eliezer retorted to R. Joshua, But is it not written, Return unto me, and I will return unto you?³¹ R. Joshua rejoined — But is it not written, For I am master over you: and I will take you one of a city, and two of a family, and I will bring you to Zion?³² R. Eliezer replied, But it is written, in returning and rest shall ye be saved.³³ R. Joshua replied, But is it not written, Thus saith the Lord, The Redeemer of Israel, and his Holy One, to him whom man despiseth, to him whom the nations abhorreth, to a servant of rulers,

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- (1) He should have come at the beginning of the last two thousand years; the delay is due to our sins.
 - (2) Of fifty years.
 - (3) [Messiah. The belief in his Davidic descent is already mentioned in the Psalms of Solomon XVII, 21.]
 - (4) Of the last fifty years.
 - (5) I.e., if at the end of the jubilee, shall it be at the beginning of the fiftieth year or at the end thereof?
 - (6) He will certainly not come before then, but may delay a long time afterwards.
 - (7) The square character of Hebrew letters is so called on account of the great resemblance it bears to Aramaic writing, the name Assyria being here used in the widest sense to include the countries on the Mediterranean inhabited by the Arameans; v. supra, 22b and 22a and notes.
 - (8) So the Wilna Gaon; v. A.Z. 9b; our editions have ninety.
 - (9) In great distress, as an orphan who has none to take care of him.
 - (10) Maharsha explains this as a figurative reference to the great nations.
 - (11) Just as the bottom of an abyss cannot be reached, so is it impossible to grasp the full purport of this verse (Rashi).
 - (12) Hab. II, 3.
 - (13) Dan. VII, 25.
 - (14) Ps. LXXX, 6.
 - (15) Hag. II, 6.
 - (16) V. p. 627, n. 4.
 - (17) The verses cited from Daniel, the Psalms, and Haggai were interpreted so as to give a definite date for the advent of the Messiah. R. Nathan however, on the authority of Hab. II, 3, asserts that all such calculations are false. The three verses refer to the Hasmonean, Herodian, and Bar Koziba's reign, but the advent of Messiah is unknowable, Rashi.
 - (18) **יִפְּחֵ** The verse is rendered, 'he will blast him who calculated the end.'
 - (19) I.e., Messiah's advent.
 - (20) Isa. XXX, 18.
 - (21) I.e., because we are not yet worthy of it.
 - (22) Ibid.
 - (23) **לֵ**
 - (24) Maharsha deletes **פָּרְסָא**, parasang. (12) Ezek. XLVIII, 35.
 - (25) Only thirty-six see Him with absolute clarity. The others receive a clouded vision of Him.
 - (26) I.e., those who enjoy the sight of the Shechinah in the hereafter.
 - (27) Israel's sufferings in the Galuth in themselves sufficiently warrant their redemption, regardless of repentance.
 - (28) [in the Jerushalmi, the last sentence, 'But the Holy . . . right path' is given as R. Eliezer's reply to R. Joshua.]
 - (29) Jer. III, 22.
 - (30) Isa. LII, 3.

(31) Mal. III, 7.

(32) Jer. III, 14: 'master over you' implies even against your wishes — i.e., without repentance of the whole nation (Rashi).

(33) Isa. XXX, 15.

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Kings shall see and arise, princes also shall worship?¹ R. Eliezer countered, But is it not written, if thou wilt return,² O Israel, saith the Lord, return unto me?³ R. Joshua answered, But it is elsewhere written, And I heard the man clothed in linen, which was upon the waters of the river, when he held up his right hand and his left hand unto heaven, and swore by him that liveth for ever that it shall be for a time, times and a half⁷ and when he shall have accomplished to scatter the power of the holy people, all these things shall be finished.⁴ At this R. Eliezer remained silent.

R. Abba also said: There can be no more manifest [sign of] redemption than this: viz., what is said, But ye, O mountains of Israel, ye shall shoot forth your branches, and yield your fruit to my people of Israel, for they are at hand to come.⁵ R. Eleazar said: Than this too, as it is written, For before these days there was no hire for man, nor any hire for beast; neither was there any peace to him that went out or came in because of the affliction.⁶ What is meant by, 'neither was there any peace to him that went out or came in because of the affliction?' — Rab said: Even for scholars, who are promised peace,⁷ as it is written, Great peace have they which love thy law,⁸ 'There [shall] be no peace on account of the affliction.' Samuel said, 'Until all prices are equal.'⁹

R. Hanina said: The Son of David will not come until a fish is sought for an invalid and cannot be procured, as it is written, Then will I make their waters deep, and cause their rivers to run like oil;¹⁰ whilst it is written,¹¹ in that day will I cause the horn of the house of Israel to bud forth.¹²

R. Hama b. Hanina said: The son of David will not come until even the pettiest kingdom ceases [to have power] over Israel,¹³ as it is written, He shall both cut off the sprigs¹⁴ with pruning hooks, and take away and cut down the branches;¹⁵ and this is followed by, in that time shall the present be brought unto the Lord of hosts of a people that is scattered and peeled.¹⁶

Ze'iri said in R. Hanina's name: The son of David will not come until there are no conceited men in Israel, as it is written, For then I will take away out of the midst of thee them that rejoice in thy pride:¹⁷ which is followed by, I will also leave in the midst of thee an afflicted and poor people, and they shall take refuge in the name of the Lord.¹⁸

R. Simlai said in the name of R. Eleazar, son of R. Simeon: The son of David will not come until all judges and officers are gone from Israel, as it is written, And I will turn my hand upon thee, and purely purge away thy dross and take away all thy tin: And I will restore thy judges as at first.¹⁹

'Ulla said: Jerusalem shall be redeemed only by righteousness,²⁰ as it is written, Zion shall be redeemed with judgment, and her converts with righteousness.²¹

R. Papa said: When the haughty cease to exist [in Israel] the magi²² shall cease [among the Persians]; when the judges cease to exist [in Israel], the chiliarchi²³ shall cease likewise. Now, 'when the haughty cease to exist, the magi shall also cease,' as it is written, And I will purely purge away thy haughty ones²⁴ and take away all thy tin.²⁵ 'When the judges cease to exist, the chiliarchi shall cease likewise, as it is written, The Lord hath taken away thy judgments, he hath cast out thine enemy.'²⁶

R. Johanan said: When you see a generation ever dwindling, hope for him [the Messiah], as it is

written, And the afflicted people thou wilt save.²⁷ R. Johanan said: When thou seest a generation overwhelmed by many troubles as by a river, await him, as it is written, when the enemy shall come in like a flood, the Spirit of the Lord shall lift up a standard against him;²⁸ which is followed by, And the Redeemer shall come to Zion.²⁹

R. Johanan also said: The son of David will come only in a generation that is either altogether righteous or altogether wicked. 'in a generation that is altogether righteous,' — as it is written, Thy people also shall be all righteous: they shall inherit the land for ever.³⁰ 'Or altogether wicked,' — as it is written, And he saw that there was no man, and wondered that there was no intercessor;³¹ and it is [elsewhere] written, For mine own sake, even for mine own sake, will I do it.³²

R. Alexandri said: R. Joshua b. Levi pointed out a contradiction. it is written, in its time [will the Messiah come], whilst it is also written, I [the Lord] will hasten it!³³ — if they are worthy, I will hasten it: if not, [he will come] at the due time. R. Alexandri said: R. Joshua opposed two verses: it is written, And behold, one like the son of man came with the clouds of heaven³⁴ whilst [elsewhere] it is written, [behold, thy king cometh unto thee . . .] lowly, and riding upon an ass!³⁵ — if they are meritorious, [he will come] with the clouds of heaven;³⁶ if not, lowly and riding upon an ass. King Shapur [I] said to Samuel, 'Ye maintain that the Messiah will come upon an ass: I will rather send him a white horse of mine.'³⁷ He replied, 'Have you a hundred-hued steed?'³⁸

R. Joshua b. Levi met Elijah standing by the entrance of R. Simeon b. Yohai's tomb. He asked him: 'Have I a portion in the world to come?' He replied, 'if this Master desires it.'³⁹ R. Joshua b. Levi said, 'I saw two, but heard the voice of a third.'⁴⁰ He then asked him, 'When will the Messiah come?' — 'Go and ask him himself,' was his reply. 'Where is he sitting?' — 'At the entrance.'⁴¹ And by what sign may I recognise him?' — 'He is sitting among the poor lepers: all of them untie [them]⁴² all at once, and rebandage them together,⁴³ whereas he unties and rebandages each separately, [before treating the next], thinking, should I be wanted, [it being time for my appearance as the Messiah] I must not be delayed [through having to bandage a number of sores].' So he went to him and greeted him, saying, 'peace upon thee, Master and Teacher.' 'peace upon thee, O son of Levi,' he replied. 'When wilt thou come Master?' asked he, 'To-day', was his answer. On his returning to Elijah, the latter enquired, 'What did he say to thee?' — 'peace Upon thee, O son of Levi,' he answered. Thereupon he [Elijah] observed, 'He thereby assured thee and thy father of [a portion in] the world to come.' 'He spoke falsely to me,' he rejoined, 'stating that he would come to-day, but has not.' He [Elijah] answered him, 'This is what he said to thee, To-day, if ye will hear his voice.'⁴⁴

The disciples of R. Jose b. Kisma asked him, 'When will the Messiah come?' — He answered, 'I fear lest ye demand a sign of me [that my answer is correct].' They assured him, 'We will demand no sign of you.' So he answered them, 'When this gate⁴⁵ falls down, is rebuilt, falls again, and is again rebuilt, and then falls a third time, before it can be rebuilt the son of David will come.' They said to him, 'Master, give us a sign.' He protested, 'Did ye not assure me that ye would not demand a sign?' They replied, 'Even so, [we desire one].' He said to them. 'if so, let the waters of the grotto of Paneas turn into blood;' and they turned into blood. When he lay dying he said to them, 'place my coffin deep [in the earth],

(1) *ibid.* XLIX, 7: 'to him whom man despiseth etc.' implies that he is still an unrepentant sinner (Rashi), or that their prostration in itself will bring about the redemption (Yad Ramah).

(2) I.e., to thy land.

(3) Jer. IV, 1.

(4) Dan. XII, 7, thus proving that Messiah's coming is dependant only upon the utter prostration of Israel, not his repentance.

(5) Ezek. XXXVI, 8. When Palestine becomes so very fertile, Messiah's advent is near, and there can be no clearer sign

than this (Rashi).

(6) Zech. VIII, 10; I.e., when there is no money left, and troubles abound everywhere. Cf. supra 'until the perutah ceases from the purse.'

(7) Lit., 'concerning whom peace is written.'

(8) Ps. CXIX, 165.

(9) This is a difficult passage. Rashi explains it as meaning either that the prices of all commodities, e.g., wheat, wine, oil etc. shall be alike, or that all commodities shall be equally dear. But it is difficult to see how this explains 'neither was there any peace etc. Maharsha therefore connects this verse 'to him that went out or came in' with Ezek. XLVI, 9: But when the people of the land shall come before the Lord in the solemn feasts, he that entereth in by the way of the north gate to worship shall go out by the way of the south gate; and he that entereth by the way of the south gate shall go forth by the way of the north gate . . . Accordingly he interprets: until all gates are alike, i.e., all people, whether entering or leaving the Temple—an idiom denoting 'without exception' — will suffer.

(10) Ezek. XXXII, 14. When an oily film covers the water, fish cannot be caught—an anticipation of the havoc to sea life wrought in modern times by oil-burning vessels?

(11) [in the same connection, dealing with the destruction of Egypt (Maharsha).]

(12) Ibid. XXIX, 21.

(13) [So Maharsha. Rashi renders: 'until even the pettiest rule ceases among Israel' — i.e., Israel will be deprived of all semblance of power.]

(14) Metaphorical for 'petty kingdoms.'

(15) Isa. XVIII, 5.

(16) Ibid. 7.

(17) Zeph. III, 11.

(18) Ibid. 12: i.e., for them shall the redeemer come.

(19) Isa. I, 25f: this proves that they must first have been removed.

(20) I.e., through the exercise of charity.

(21) Ibid. 27.

(22) [The Guebres who were responsible for much of the suffering of the Jews under the Sassanians, v. supra p. 504, n. 6.]

(23) גזירפטי [Pers. Wezirpat, a ruler, Funk, Schwarz Festschrift, p. 432;] the name of a class of oppressive Persian officers.

(24) סיגיד from סגיד, 'great', 'haughty'.

(25) Metaphorically applied to the magi, as being 'a cheap metal.'

(26) Zeph. III, 15.

(27) II Sam. XXII, 28.

(28) Isa. LIX, 19.

(29) Ibid. 20.

(30) Ibid. LX, 21.

(31) Ibid. LIX, 16.

(32) Ibid. XLVIII, 11.

(33) Ibid. LX, 22: The verse reads, I the Lord will hasten it in its time. The two phrases are contradictory, since 'hasten it' implies before its proper time.

(34) Dan. VII, 13.

(35) Zech. IX, 7.

(36) 'Swiftly' (Rashi).

(37) This is more fitting.

(38) [This jest is explained by Krochmal, (Hechalutz, I, p. 83) as an overt invitation to the Jews to help Shapur in his struggle with the Romans.]

(39) He referred to the Shechinah, which was with them (Rashi). Maharsha renders: when thou art worthy thereof.

(40) I.e., he saw only himself and Elijah there, but heard a third voice — that of the Shechinah.

(41) Cur. edd. read ' . . . of the town:' The Wilna Gaon deletes this and substitutes 'of Rome.'

(42) The bandages of their sores for dressing.

(43) I.e., if they have many leprous sores, they first take off all the bandages, and treat each sore, then replace them

together.

(44) Ps. XCV, 7, thus he made his coming conditional—the condition was unfulfilled.

(45) [The gate of Caesarea Philippi, the home of R. Jose. Its fall would be a symbol of the destruction of the Roman power by the Parthians. Bacher, AT, I, p. 402.]

Talmud - Mas. Sanhedrin 98b

for there is not one palm-tree in Babylon to which a Persian horse will not be tethered, nor one coffin in Palestine out of which a Median horse will not eat straw.’¹

Rab said: The son of David will not come until the [Roman] power enfolds Israel² for nine months, as it is written, Therefore will he give them up, until the time that she which travaileth hath brought forth: then the remnant of his brethren shall return unto the children of Israel.³

‘Ulla said; Let him [The Messiah] come, but let me not see him.⁴ Rabbah said likewise: Let him come, but let me not see him. R. Joseph said: Let him come, and may I be worthy of sitting in the shadow of his ass's saddle.⁵ Abaye enquired of Rabbah: ‘What is your reason [for not wishing to see him]? Shall we say, because of the birth pangs [preceding the advent] of the Messiah?⁶ But it has been taught, R. Eleazar's disciples asked him: ‘What must a man do to be spared the pangs of the Messiah?’ [He answered,] ‘Let him engage in study and benevolence; and you Master do both.’ He replied: ‘[I fear] lest sin cause it,⁷ in accordance with [the teaching of] R. Jacob b. Idi, who opposed [two verses] [viz.,] it is written, And, Behold, I am with thee, and ‘will guard thee in all places whither thou goest.⁸ but it is written, Then Jacob was greatly afraid and distressed’⁹ — He was afraid that sin might cause [the nullification of God's promise]. Even as it was taught, Till thy people pass over, O Lord.’¹⁰ this refers to the first entry [into Palestine]; till thy people pass over, which thou hast purchased:¹¹ this refers to their second entry. Hence you may reason: The Israelites were as worthy of a miracle being wrought for them at the second entry as at the first, but that sin caused it [not to happen].

R. Johanan said likewise: Let him come, and let me not see him. Resh Lakish said to him: Why so? Shall we say, because it is written, As if a man did flee from a lion, and a bear met him, or went into the house, and leaned his hand on the wall, and a serpent bit him?¹² But come, and I will shew you its like even in this world. When one goes out into the field and meets a bailiff,¹³ it is as though he had met a lion. When he enters the town, and is accosted by a tax-collector, it is as though he had met a bear. On entering his house and finding his sons and daughters in the throes of hunger, it is as though he were bitten by a serpent!¹⁴ — But [his unwillingness to see the Messiah] is because it is written, Ask ye now, and see whether a man doth travail with child? Wherefore do I see every man [geber]¹⁵ with his hands on his loins, as a woman in travail, and all faces are turned into paleness?¹⁶ What is meant by ‘wherefore do I see every geber?’ — Raba b. Isaac said in Rab's name: it refers to Him to whom all geburah¹⁷ [strength] belongs.¹⁸ And what is the meaning of ‘and all faces are turned into paleness?’ — R. Johanan said: [This refers to God's] heavenly family [I.e., the angels] and his earthly family [I.e., Israel,] when God says, These [the Gentiles] are my handiwork, and so are these [the Jews]; how shall I destroy the former on account of the latter?¹⁹ R. Papa said: Thus men say, ‘When the ox runs and falls, the horse is put into his stall.’²⁰

R. Giddal said in Rab's name: The Jews are destined to eat [their fill] in the days of the Messiah.²¹ R. Joseph demurred: is this not obvious; who else then should eat — Hilek and Bilek?²² — This was said in opposition to R. Hillel, who maintained that there will be no Messiah for Israel, since they have already enjoyed him during the reign of Hezekiah.²³

Rab said: The world was created only on David's account.²⁴ Samuel said: On Moses account;²⁵ R. Johanan said: For the sake of the Messiah. What is his [the Messiah's] name? — The School of R.

Shila said: His name is Shiloh, for it is written, until Shiloh come.²⁶ The School of R. Yannai said: His name is Yinnon, for it is written, His name shall endure for ever:²⁷ e'er the sun was, his name is Yinnon.²⁸ The School of R. Haninah maintained: His name is Haninah, as it is written, Where I will not give you Haninah.²⁹ Others say: His name is Menahem the son of Hezekiah, for it is written, Because Menahem [‘the comforter’], that would relieve my soul, is far.³⁰ The Rabbis said: His name is ‘the leper scholar,’ as it is written, Surely he hath borne our griefs, and carried our sorrows: yet we did esteem him a leper, smitten of God, and afflicted.³¹

R. Nahman said: if he [the Messiah] is of those living [to day], it might be one like myself, as it is written, And their nobles shall be of themselves, and their governors shall proceed from the midst of them.³² Rab said: if he is of the living, it would be our holy Master;³³ if of the dead, it would have been Daniel the most desirable man.³⁴ Rab Judah said in Rab's name: The Holy One, blessed be He, will raise up another David for us,³⁵ as it is written, But they shall serve the Lord their God, and David their king, whom I will raise up unto them:³⁶ not ‘I raised up’, but ‘I will raise up’ is said. R. Papa said to Abaye: But it is written, And my servant David shall be their prince [nasi] for ever?³⁷ — E.g., an emperor and a viceroy.³⁸

R. Simlai expounded: What is meant by, Woe unto you, that desire the day of the Lord! to what end is it for you? the day of the Lord is darkness, and not light.³⁹ This may be compared to a cock and a bat who were hopefully waiting for the light [i.e., dawn]. The cock said to the bat, ‘I look forward to the light, because I have sight; but of what use is the light to thee?’⁴⁰

(1) This was a forecast of the future. Babylon and Palestine would be overrun with Persians, Medes and Parthians and their horses would dig up the dead, whose coffins would serve as cribs.

(2) I.e., the whole world in which Israel is scattered.

(3) Micah V, 2: ‘therefore will he give them up’ is interpreted as meaning to a foreign — viz., the Roman — power, and the duration of their servitude is fixed by ‘until the time etc.’ i.e., nine months, the period of pregnancy.

(4) V. n. 7.

(5) [Following the reading in Yalkut (v. Levy,) בשולא. Our texts read: דכופיתא, ‘dung’.]

(6) These troubles are generally referred to as birth pangs, being the travail which precedes the birth of a new era.

(7) That sin may neutralise the other two, and so I will suffer after all.

(8) Gen. XXVIII, 15; spoken by God to Jacob.

(9) Ibid. XXXII, 8: in view of God's promise, why did he fear?

(10) Ex. XV, 16.

(11) Ibid.

(12) Amos V, 19.

(13) Who contests his title to the field-(Jast.). Rashi translates: an official surveyor, who fixes the boundary lines of the different owners, and thus may increase or: limit one's property.

(14) I.e., we experience the same successive troubles even now, without the Messiah coming: why then should you be afraid of it?

(15) גבר.

(16) Jer. XXX, 6.

(17) גבורה.

(18) I.e., the Almighty himself bewails Israel in the power of the Gentile.

(19) To avenge the wrongs suffered by the Jews. Because the suffering would be so great that even the Almighty would lament it, R. Johanan desired to be spared the Messiah's coming.

(20) The horse is made to replace it, but when the ox recovers, it is difficult to remove the horse. So the Israelites, having fallen, were replaced in power by the Gentiles: but on their recovery, it will be difficult to remove the Gentiles from their position without inflicting much suffering.

(21) I.e., the years of plenty which the Messiah will usher in will be enjoyed by the Israelites.’

(22) Two fictitious names — ‘any Tom, Dick and Harry’ — shall these years be enjoyed indiscriminately by anyone?

(23) Therefore R. Giddal puts it in the future.

- (24) That he might sing hymns and psalms to God.
- (25) That he might receive the Torah.
- (26) Gen. XLIX, 10.
- (27) E.V. 'shall be continued'.
- (28) Ps. LXXII, 17.
- (29) Jer. XVI, 13. Thus each School evinced intense admiration of its teacher in naming the Messiah after him by a play on words.
- (30) Lam. I, 16.
- (31) Isa. LIII, 4.
- (32) Jer. XXX, 21: this description fitted R. Nahman, who, as the son-in-law of the Resh Galutha, enjoyed great power and prestige.
- (33) I.e., R. Judah the Nasi, generally called Rabbi par excellence.
- (34) [Preferably, if of the living, our holy Master (would be the type) of the Messiah; if of the dead, Daniel.]
- (35) Lit., 'for them'.
- (36) Ibid. XXX, 9.
- (37) Ezek. XXXVII, 25: prince (nasi) is a lower title than king.
- (38) The second David shall be the king, and the former David shall be his viceroy.
- (39) Amos V, 18.
- (40) Thus Israel should hope for the redemption, because it will be a day of light to them: but why should the Gentiles, seeing that for them it will be a day of darkness?

Talmud - Mas. Sanhedrin 99a

And thus a Min¹ said to R. Abbahu: 'When will the Messiah come?' He replied, 'When darkness covers those people.'² 'You curse me, he exclaimed. He retorted, 'it is but a verse: For, behold, the darkness shall cover the earth, and gross darkness the people: but the Lord shall shine upon thee, and his glory shall be seen upon thee.'³

It has been taught: R. Eliezer said: The days of the Messiah will last forty years, as it is written, Forty years long shall I take hold of the generation.⁴ R. Eleazar b. Azariah said: Seventy years, as it is written, And it shall come to pass in that day, that Tyre shall be forgotten seventy years, according to the days of one king.⁵ Now, who is the one [uniquely distinguished] king? The Messiah, of course. Rabbi said: Three generations; for it is written, They shall fear thee with the sun, and before the moon [they shall fear thee], a generation and generations.⁶

R. Hillel⁷ said: There shall be no Messiah for Israel,⁸ because they have already enjoyed him in the days of Hezekiah. R. Joseph said: May God forgive him [for saying so]. Now, when did Hezekiah flourish? During the first Temple. Yet Zechariah, prophesying in the days of the second, proclaimed, Rejoice greatly, O daughter of Zion, shout, O daughter of Jerusalem, behold, thy king cometh unto thee! he is just, and having salvation, lowly, and riding upon an ass, and upon a colt the foal of an ass.⁹

Another [Baraita] taught: R. Eliezer said: The days of the Messiah will be forty years. Here it is written, And he afflicted thee, and suffered thee to hunger, and fed thee with manna;¹⁰ whilst elsewhere it is written, Make us glad, according to the days wherein thou hast afflicted us.¹¹ R. Dosa said: Four hundred years. It is here written, And they shall serve them,' and they shall afflict them four hundred years;¹² whilst elsewhere it is written, Make us glad, according to the days wherein thou hast afflicted us. Rabbi said: Three hundred and sixtyfive years, even as the days of the solar year, as it is written, For the day of vengeance is in mine heart, and the year of my redemption is come.¹³ What is meant by 'the day of vengeance is in mine heart'? — R. Johanan said: I have [so to speak] revealed it to my heart, but not to my [outer] limbs.¹⁴ Abimi the son of R. Abbahu learned: The days of Israel's Messiah shall be seven thousand years, as it is written, And as the bridegroom

rejoiceth over the bride, so shall thy God rejoice over thee.¹⁵ Rab Judah said in Samuel's name: The days of the Messiah shall endure as long as from the Creation until now, as it is written, [That your days may be multiplied, and the days of your children, in the land which the Lord swore unto your fathers to give to them,] as the days of heaven upon the earth.¹⁶ R. Nahman b. Isaac said: As long as from Noah's days until our own, as it is written, For this is as the waters of Noah, which are mine, so I have sworn etc.¹⁷

R. Hiyya b. Abba said in R. Johanan's name: All the prophets prophesied [all the good things] only in respect of the Messianic era; but as for the world to come 'the eye hath not seen, O Lord, beside thee, what he hath prepared for him that waiteth for him.'¹⁸ Now, he disagrees with Samuel, who said: This world differs from [that of] the days of the Messiah only in respect of servitude to [foreign] powers.

R. Hiyya b. Abba also said in R. Johanan's name: All the prophets prophesied only for repentant sinners; but as for the perfectly righteous [who had never sinned at all], 'the eye hath not seen, O God, beside thee, what he hath prepared for him that waiteth for him.' Now he differs from R. Abbahu, who said: The place occupied by repentant sinners cannot be attained even by the completely righteous, for it is written, Peace, peace, to him that is far off and to him that is near:¹⁹ thus, first he that is 'far off', then he that is 'near'. Now what is meant by 'far off'? — originally far off;²⁰ and what is meant by 'near'? — originally near [and still so].²¹ But R. Johanan interprets: 'him that is far off' — that is [and has been] far from sin; 'him that is near' — that was near to sin, but is now far off.

R. Hiyya b. Abba also said in R. Johanan's name: All the prophets prophesied only in respect of him who marries his daughter to a scholar, or engages in business on behalf of a scholar,²² or benefits a scholar with his possessions; but as for scholars themselves, — 'the eye hath not seen, O God, beside thee etc.' What does 'the eye hath not seen' refer to? — R. Joshua b. Levi said: To the wine that has been kept [maturing] with its grapes since the six days of Creation. Resh Lakish said: To Eden, which no eye has ever seen; and should you demur, Where then did Adam live? in the Garden. And should you object, The Garden and Eden are one: therefore Scripture teaches, And a river issued from Eden to water the garden.²³

AND HE WHO MAINTAINS THAT THE TORAH WAS NOT DIVINELY REVEALED. Our Rabbis taught: Because he hath despised the word of the Lord, and hath broken his commandment, that soul shall utterly be cut off:²⁴ this refers to him who maintains that the Torah is not from Heaven. Another rendering: Because he hath despised the word of the Lord, refers to an epikoros. Another rendering: Because he hath despised the word of the Lord, refers to one who gives an interpretation of the Torah²⁵ [not according to the halachah]. And hath broken his commandment: this means one who abolishes the covenant of flesh.²⁶ That soul shall utterly be cut off [hikkareth tikkareth]: 'hikkareth' [to be cut off] implies in this world; 'tikkareth' [it shall be cut off], in the next.²⁷ Hence R. Eliezer of Modi'im taught: He who defiles the sacred food, despises the festivals,²⁸ abolishes the covenant of our father Abraham,²⁹ gives an interpretation of the Torah not according to the halachah, and publicly shames his neighbour, even if he hath learning and good deeds to his credit, hath no portion in the future world.³⁰

Another [Baraita] taught: Because he hath despised the word of the Lord — this refers to him who maintains that the Torah is not from Heaven. And even if he asserts that the whole Torah is from Heaven, excepting a particular verse, which [he maintains] was not uttered by God but by Moses himself, he is included in 'because he hath despised the word of the Lord.' And even if he admits that the whole Torah is from Heaven, excepting a single point, a particular ad majus deduction or a certain gezerah shawah, — he is still included in 'because he hath despised the word of the Lord'.

It has been taught: R. Meir used to say: He who studies the Torah but does not teach it is alluded to in 'he hath despised the word of the Lord'. R. Nathan said: [it refers to] whoever pays no heed to the Mishnah.³¹ R. Nehorai said: Whosoever can engage in the study of the Torah but fails to do so. R. Ishmael said: This refers to heathens. How is this implied? — Even as the school of Ishmael taught: Because he hath despised the word of the Lord — this applies to one who despises the words spoken to Moses at Sinai, viz., I am the Lord thy God . . . Thou shalt have no other gods before me.³²

R. Joshua b. Karha said: Whosoever studies the Torah and does not revise it is likened unto one who sows without reaping. R. Joshua said: He who studies the Torah and then forgets it is like a woman who bears [a child] and buries [it.] R. Akiba said:

(1) V. p. 604, n. 12.

(2) Alluding to the questioner and his companions.

(3) Isa. LX, 2.

(4) Ps. XCV, 10: I.e., rule over them through the Messiah (rendered, 'I wearied') is connected with root 'to hold'.

(5) Isa. XXIII, 15.

(6) Ps. LXXII, 5. The verse is thus interpreted: They shall fear thee when Messiah comes, who is referred to as a sun (cf. 17), and they shall fear thee on account of the reign of the house of David, which is likened to the moon (cf. LXXXIX, 39: He shall be established for ever as the moon) for a generation (one) and generations (two).

(7) [A brother of Judah II.]

(8) But the Almighty will himself redeem Israel and reign over them (Rashi). ['He may have been prompted to this declaration by Origen's professed discovery in the Old Testament of Messianic passages referring to the founder of Christianity' (J.E. VI, 401).]

(9) Zech. IX, 9.

(10) Deut. VIII, 3.

(11) Ps. XC, 15: hence, just as they were afflicted forty years in the wilderness, so shall they rejoice forty years under the kingship of the Messiah.

(12) Gen. XV, 13.

(13) Isa. LXIII, 4. This is interpreted: For it is in mine heart (I.e., intention) that the year (365 days) of redemption shall come, of which each day shall be as long as the day of my vengeance. God's day of vengeance is a year, as in the case of the Spies, on account of whom the Israelites were condemned to wander forty years in the wilderness, — a year for each day of their mission. Cf. Num. XIV, 34 (Rashi). Maharsha explains it in a simpler fashion: For each day of the year that they afflicted Israel, I will take vengeance a full year; as there was a year of days, so will my vengeance last 365 years.

(14) I.e., I have kept my intentions sealed in my heart, not giving expression to them with my tongue, that all my limbs should know thereof.

(15) Isa. LXII, 5. The bridegroom's rejoicing is seven days, and God's day is a thousand years. Cf. Ps. XC, 4: For a thousand years in thy sight are but as yesterday when it is past.

(16) Deut. XI, 21: I.e., as long as the world has already existed. Since they were not settled so long in their land, it will be completed in the Messianic era.

(17) Isa. LIV, 9. The time that had elapsed since the days of Noah until the moment when this promise was made is regarded as God's, and he swears that for an equal period he will not be wroth with Israel, I.e., when Messiah reigns over them.

(18) Ibid. LXIV, 3.

(19) Ibid. LVII, 19.

(20) I.e., a sinner who is far from God.

(21) One who has never sinned. Thus he assigns a higher rank to the repentant sinner than to the completely righteous.

(22) [I.e., assigns him a share in his business as sleeping partner.]

(23) Gen. II, 10.

(24) Num. XV, 31.

(25) [Or, 'who acts insolently against the Torah', the phrase **מגלה פנים** being similar to the English 'bare-faced'. This, and epikoros, are discussed further on.]

(26) I.e., who neglects the precept of circumcision. Weiss, Dor. II. p. 8 states that the Rabbinic teachings in praise of circumcision and their emphasis on the penalty of its neglect were directed against the Christians, who substituted baptism for it; v. also n. 5 for another interpretation.

(27) V. supra 90b.

(28) The reference is to the intermediate days of Passover and Tabernacles, called חולו של מועד, the week-days of the festival.

(29) Graetz. Gesch., IV, p. 73, n. 1. suggests that this refers to epiplasm, I.e., drawing a skin over the circumcision so as to hide it. This was resorted to by the Judeo-Christians in order to evade the Fiscus Judaicus, I.e., the Temple Tax which Vespasian converted into a per capita tax for the upkeep of Jupiter's Temple. The galling nature of such conversion, added to the fact that it singled out the Jews as definitely not being full citizens of the Roman Empire with all the privileges and exemptions appertaining thereto, and the severity with which Domitian, a later emperor, applied it, combined to induce a number of these semi-Jews to deny their Judaism altogether and to hide the marks of their circumcision.

(30) V. Aboth III, 15.

(31) Rabbi's compilation was held in such high esteem that to disregard it was considered a sin.

(32) Ex. XX, 2f.

Talmud - Mas. Sanhedrin 99b

‘Chant it every day, chant it every day.’¹ Said R. Isaac b. Abudimi: What verse [supports this]? — He that laboureth laboureth for himself for his mouth craveth it of him:² he toils in one place, the Torah toils for him in another.³

R. Eleazar said: Every man is born for toil, as it is written, Yet man is born for toil.⁴ Now, I do not know whether for toil by mouth or by hand, but when it is said, for his mouth craveth it of him, I may deduce that toil by mouth is meant.⁵ Yet I still do not know whether for toil in the Torah or in [secular] conversation, but when it is said, This book of the Torah shall not depart out of thy mouth,⁶ I conclude that one was created to labour in the Torah. And this coincides with Raba's dictum, viz., All human bodies are carriers; happy are they who are worthy of being receptacles of the Torah.

Whoso committeth adultery with a woman lacketh understanding.⁷ Resh Lakish said: This alludes to one who studies the Torah at [irregular] intervals,⁸ as it is written, For it is a pleasant thing if thou keep them within thee; they shall withal be fitted in thy lips.⁹

Our Rabbis taught: But the soul that doeth aught presumptuously:¹⁰ this refers to Manasseh the Son of Hezekiah, who examined [Biblical] narratives to prove them worthless. Thus, he jeered, had Moses nothing to write but, And Lotan's sister was Timna,¹¹ And Timna was concubine to Eliphaz,¹² And Reuben went in the days of the wheat harvest, and found mandrakes in the field.¹³ Thereupon a Heavenly Voice cried out: Thou sittest and speakest against thy brother; thou slanderest thine own mother's son. These things hast thou done, and I kept silence, thou thoughtest that I was altogether such an one as thyself but I will reprove thee, and set them in order before thine eyes.¹⁴ And of him it is explicitly stated in the post-Mosaic Scriptures,¹⁵ Woe unto them that draw iniquity with cords of vanity, and sin as it were with a cart rope.¹⁶ What is meant by ‘and sin as it were with a cart rope’? — R. Assi said: Temptation at first is like a spider's thread, but eventually like a cart rope.

A propos, what is the purpose of [writing], And Lotan's sister was Timna? — Timna was a royal princess, as it is written, alluf [duke] Lotan,¹⁷ alluf [duke] Timna;¹⁸ and by ‘alluf’ an uncrowned ruler is meant. Desiring to become a proselyte, she went to Abraham, Isaac and Jacob, but they did not accept her. So she went and became a concubine to Eliphaz the son of Esau, saying, ‘I had rather be a servant to this people than a mistress of another nation.’ From her Amalek was descended who afflicted Israel. Why so? — Because they should not have repulsed her.

And Reuben went in the days of the wheat harvest [and found mandrakes in the field]. Raba b. Isaac said in Rab's name: This shews that righteous men do not take what is not theirs.¹⁹ And found dudaim²⁰ [mandrakes] in the field. What are dudaim? — Rab said: mandrakes;²¹ Levi said: violets; R. Jonathan said: mandrake flowers.

R. Alexandri said: He who studies the Torah for its own sake²² makes peace in the Upper Family²³ and the Lower Family [men], as it is written, Or let him take hold of my strength [i.e., the Torah], that he may make peace with me; and he shall make peace with me.²⁴ Rab said: it is as though he built the heavenly and the earthly Temples, as it is written, And I have put my words in thy mouth, and I have covered thee in the shadow of mine hand, that I may plant the heavens, and lay the foundations of the earth, and say unto Zion, Thou art my people.²⁵ R. Johanan said: He also shields the whole world [from the consequences of its sins], for it is written, and I have covered [i.e.,protected] thee in the shadow of mine hand. Levi said: He also hastens²⁶ the redemption, as it is written, and say unto Zion, Thou art my people.

Resh Lakish said: He who teaches Torah to his neighbour's son is regarded by Scripture as though he had fashioned him, as it is written, and the souls which they had made in Haran.²⁷ R. Eleazar said: As though he himself had created the words of the Torah, as it is written, Keep therefore the words of this covenant, and make them.²⁸ Raba said: As though he had made himself, for it is written, 'and make them': render not them but yourselves.²⁹

R. Abbahu said: He who causes his neighbour to fulfil a precept is regarded by Scripture as though he had done it himself, for it is written, [The Lord said unto Moses . . . take . . .] thy rod, wherewith thou smotest the river:³⁰ did Moses then smite it? Aaron smote it! But, he who causes his neighbour to fulfil a precept, is regarded by Scripture as though he had done it himself.

AN EPIKOROS. Rab and R. Hanina both taught that this means one who insults a scholar. R. Johanan and R. Joshua b. Levi maintained that it is one who insults his neighbour in the presence of a scholar. Now on the view that he who insults his neighbour in the presence of a scholar is an epikoros, it is well; for then he who insults a scholar himself will be included in the expression, 'he who acts impudently against the Torah.'³¹ But on the view that he who insults a scholar himself is an epikoros, who is meant by 'she who acts impudently against the Torah'? — E.g., Manasseh b. Hezekiah.³² Others taught this [dispute] with reference to the second clause: 'he who acts impudently against the Torah.' Rab and R. Hanina both maintained that this means one who insults a scholar himself, whilst R. Johanan and R. Joshua b. Levi held that it is one who insults his neighbour in the presence of a scholar. Now, on the view that he who insults a scholar himself is denoted by the expression 'he who acts impudently against the Torah,' it is well, for then he who insults his neighbour in a scholar's presence is dubbed an epikoros; but on the view that he who insults his neighbour in the presence of a scholar 'is considered to have acted impudently against the Torah, who then is meant by epikoros? — R. Joseph said: E.g., Those who give, 'Of what use are the Rabbis to us? For their own benefit they read [the Scripture], and for their own benefit they study [post-Scriptural learning, particularly the Mishnah]'. Abaye said to him: But this too denotes acting impudently against the Torah, as it is written, Thus saith the Lord, But for my covenant [studied] day and night, I had not appointed the ordinances of heaven and earth.³³ R. Nahman b. Isaac said: it is also deduced from the verse, Then I will spare all the place for their sakes.³⁴ But it means one, e.g., who was sitting before his teacher, when the discussion turned to some other subject, and the disciple remarked, 'We said so and so on that matter,' instead of 'Thou Master hast said.'³⁵ Raba said: E.g., The family of Benjamin the doctor who say, 'Of what use are the Rabbis to us? They have never

(1) Revise thy learning with a chant. To aid the memory, a system of chanting was in use for study and revision.

(2) Prov. XVI, 26.

- (3) I.e., as a reward for repeated revision, the Torah ensures him a complete remembrance and understanding thereof.
- (4) Job. V, 7.
- (5) I.e., study.
- (6) Josh. I, 8.
- (7) Prov. VI, 32.
- (8) As adultery is naturally committed.
- (9) Ibid. XXII, 18—one can keep the Torah only if its words are fitted — always — on his lips, not at rare intervals only.
- (10) Num. XV, 30.
- (11) Gen. XXXVI, 22.
- (12) Ibid. 12.
- (13) Ibid. XXX, 14.
- (14) Ps. L, 20 f.
- (15) **קבלה** kabbalah is used in contradistinction to Torah, the Pentateuch.
- (16) Isa. V, 18.
- (17) **אֵלֶּיךָ** Gen. XXXVI, 28.
- (18) Ibid. 40.
- (19) Lit., stretch forth their hands to theft.’ Since Reuben went when the fields had already been reaped, after which it is permissible for all to enter (Rashi). Maharsha explains: The wheat had not yet been harvested, but Reuben was careful to take only mandrakes, to which the owner of the field would not object.
- (20) **דודאים**.
- (21) **יְבִרוּחֵי** ‘the chaser’, perhaps on account of its use to expel demons ; v. Ginzberg, Legends, V, 298, n. 189.]
- (22) For the love of learning, without ulterior motives.
- (23) I.e., the angels.
- (24) Isa. XXVII, 5; the repetition shews that peace amongst two groups is meant.
- (25) Ibid. LI, 16. The eschatology of the apocalyptic writers and many Rabbis looked forward to the creation of a Heavenly Temple in the Messianic era—Enoch XC, 29 et seq.; cf. Hag. 12b.
- (26) Lit., ‘brings nearer’.
- (27) Gen. XII, 5. Since no human being can make (create) life, this is interpreted as meaning whom Abraham taught; v. supra 19b.
- (28) Deut. XXIX, 9.
- (29) Not **אותם** but **אתם** [instruction, like the quality of mercy, ‘blesseth him that gives and him that takes’; cf. Mak. 10a; ‘Much have I learned from my Masters, more from my fellow-students, but from my disciples most of all.’]
- (30) Ex. XVII, 5.
- (31) So Rashi; v. supra p. 672, n. 1.
- (32) V. supra.
- (33) Jer. XXXIII, 25, i.e., the world endures only because the Torah (‘my covenant’) is studied. To deny the utility of scholars therefore is ‘to act bare-faced’, I.e., express disbelief of what is asserted in the Torah.
- (34) Gen. XVIII, 26. To the Rabbis of the Talmud, scholarship and righteousness are synonymous.
- (35) I.e., taking partial credit for the dictum, when in reality it belonged entirely to the teacher.

Talmud - Mas. Sanhedrin 100a

permitted us the raven, nor forbidden us the dove.’¹ Whenever a [suspected] trefa² of the family Benjamin was brought before Raba, if he saw a reason for permitting it, he would remark to them, ‘See, I permit you the raven:’ if there were grounds for forbidding it, he would observe, ‘See, I forbid you the dove’.³ R. Papa forgot himself and exclaimed, ‘O these Rabbis.’⁴ Thereupon he kept a fast.

Levi b. Samuel and R. Huna b. Hiyya were repairing the mantles of the Scrolls of R. Judah’s college. On coming to the Scroll of Esther, they remarked, ‘O, this Scroll of Esther does not require a mantle.’⁵ Thereupon he reprovved them, ‘This too savours of irreverence.’⁶ R. Nahman said: [An epikoros is] one who calls his teacher by name,⁷ for R. Johanan said: Why was Gehazi punished?

Because he called his master by name, as it is written, And Gehazi said, My lord, O King, this is the woman, and this is her son, whom Elisha restored to life.⁸

R. Jeremiah sat before R. Zera and declared: The Holy One, blessed be He, will bring forth a stream from the Holy of Holies, at the side of which shall be all kinds of delicious fruits, as it is written, And by the river upon that bank thereof on this side and on that side, shall grow all trees for meat, whose leaf shall not fade, neither shall the fruit thereof be consumed: it shall bring forth new fruit, according to his months, because their waters they issued out of the sanctuary: and the fruit thereof shall be for meat, and the leaf thereof for medicine.⁹ Whereupon a certain¹⁰ old man said to him, 'Well spoken! and R. Johanan taught likewise.' R. Jeremiah said to R. Zera: Such an attitude savours of irreverence.¹¹ He replied: But he merely supported you! But if you have heard of something [which may be dubbed irreverent] it is this: R. Johanan was sitting and teaching: The Holy One, blessed be He, will bring jewels and precious stones, each thirty cubits long, and thirty cubits high, and make an engraving in them, ten by twenty cubits, and set them up as the gates of Jerusalem, for it is written, And I will make thy windows of agates, and thy gates of carbuncles.¹² A certain disciple derided him saying, 'We do not find a jewel even as large as a dove's egg, yet such huge ones are to exist!' Some time later he took a sea journey and saw the ministering angels cutting precious stones and pearls. He said unto them: 'For what are these?' They replied: 'The Holy One, blessed be He, will set them up as the gates of Jerusalem.' On his return, he found R. Johanan sitting and teaching. He said to him: 'Expound, O Master, and it is indeed fitting for you to expound, for even as you did say, so did I myself see.' 'Wretch!' he exclaimed, 'had you not seen, you would not have believed! You deride the words of the Sages!' He set his eyes upon him, and he turned in to a heap of bones.¹³

An objection was raised: And I will make you go Komamiyuth [upright].¹⁴ R. Meir said: it means [with a height of] two hundred cubits, twice the height of Adam.¹⁵ R. Judah said: A hundred cubits, corresponding to the [length of the Temple] and its walls, as it is written, That our sons may be as plants grown up in their youth; that our daughters may be as corner stones, fashioned after the similitude of the Temple!¹⁶ — R. Johanan referred only to the ventilation windows.¹⁷

What is meant by and the leaf thereof li-terufah¹⁸ [for medicine]?¹⁹ R. Isaac b. Abudimi and R. Hisda differ therein: One maintained, to unlock the upper mouth;²⁰ the other, to unseal the lower mouth.²¹ it has been said likewise.²² Hezekiah said: To free the mouth of the dumb; Bar Kappara said: To open the mouth²³ of barren women. R. Johanan said: Literally for a medicine. What does this mean? — R. Samuel b. Nahmani said: To give a comely countenance to scholars.²⁴

R. Judah, son of R. Simeon, expounded: He who emaciates²⁵ his face for the sake of the study of the Torah in this world,²⁶ the Holy One, blessed be He, will make his lustre shine in the next, as it is written, His countenance shall be as the Lebanon, excellent as the cedars.²⁷ R. Tanhum b. R. Hanilai said: He who starves himself for the sake of the study of the Torah in this world, the Holy One, blessed be He, will fully satisfy him in the next, as it is written, They shall be abundantly satisfied with the fatness of thy house; and thou shalt make them drink of the river of thy pleasures.²⁸ When R. Dimi came,²⁹ he said: The Holy One, blessed be He, will give every righteous man His full Hand³⁰ [of reward], for it is written, Blessed be the Lord, who daily loadeth us with benefits, even the God of our salvation. Selah.³¹ Abaye demurred: But is it possible to say thus: is it not written, Who hath measured the waters in the hollow of his hand, and meted out heaven with the span?³² — He replied, Why are you not found familiar with the aggadah?³³ For it was said in the West, [i.e., Palestine] in the name of Raba b. Mari: The Holy One, blessed be He, will give to every righteous man three hundred ten worlds, as it is written, That I may cause those that love me to inherit substance [yesh]³⁴ and I will fill their treasures:³⁵ now the numerical value of yesh is three hundred ten.³⁶

It has been taught, R. Meir said: in the measure which one measures, so will there be [measured out] to him, as it is written, in measure, when it shooteth forth, thou wilt contend with it.³⁷ R. Judah said: But can we say thus: if one gives a handful [of charity] to a poor man in this world, shall the Holy One, blessed be He, give him His hand full in the next? Surely it is written, and meted out heaven with the span? — [He replied:] Do you not admit this? [Now consider:] Which measure is greater? That of goodness [i.e., reward] or of punishment?

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- (1) in spite of all their discussions, they cannot go beyond what is written in the Torah.
- (2) V. Glos.
- (3) To shew them that in practice the Rabbis did decide whether a thing was permitted or not.
- (4) Contemptuously.
- (5) Being of the opinion that its sanctity was of a lower grade, so that it would not defile one's hands through contact with it. The defilement of the hands by Holy Scriptures was one of the Eighteen Decrees adopted in the year 65. V. Shab. 14a.
- (6) Rashi explains, because they took it upon themselves, without consulting him. Maharsha says because they spoke slightly of its sanctity.
- (7) Which was regarded as irreverent.
- (8) II Kings VIII, 5.
- (9) Ezek. XLVII, 12.
- (10) [Wherever the Talmud speaks of 'a certain old man', Elijah is thought by some to be meant. V. Tosaf. Hul. 6a.]
- (11) Perhaps he thought it an insinuation of plagiarism. Rashi renders it as a question: 'Would such an attitude savour of irreverence?'
- (12) Isa. LIV, 12.
- (13) V. B. B. 75a.
- (14) Lev. XXVI, 13.
- (15) Deriving קוממיות from קומה, one's stature. That is, the people will gain in stature to twice the height of Adam. According to tradition, Adam's height was one hundred cubits (Hag. 12a).
- (16) Psalms CXLIV, 12. The complete length of the Temple, including the porch, the chamber behind the main Hall, and the thickness of the intervening walls, was 100 cubits (Rashi); cf. B.B. (Sonc. ed.) p. 301. How then could such tall people pass through an aperture only 20 cubits high?
- (17) These would be ten by twenty: but the gates themselves would be much taller.
- (18) לתרופה.
- (19) V. supra.
- (20) I.e., to make the dumb speak, a play on the word להתיר פה לתרופה
- (21) I.e., to make the barren womb bear child; cf. n. 3.
- (22) 'Likewise' is absent from the version in Men. 98a, where this is repeated. The context justifies its retention.
- (23) A euphemism for 'womb'.
- (24) Lit., 'to the possessors of mouths', those who toil with their mouths; v. supra 99b.
- (25) Lit., 'blackens'.
- (26) I.e., who undergoes privation and want.
- (27) Cant. V, 15.
- (28) Ps. XXXVI, 9.
- (29) V. p. 390, n. 1.
- (30) Lit., 'pack, 'load'
- (31) Ps. LXVIII, 20.
- (32) Isa. XL, 12. How then can man receive such a great reward?
- (33) V. Glos.
- (34) וי.
- (35) Prov. VIII, 21.
- (36) Thus man's receptive capacity will be enormously increased — that too is the probable meaning of this statement.
- (37) Isa. XXVII, 8, I.e., in the same measure that sin spreads, so it is punished, and conversely, the same holds good of righteousness — the conception of 'measure for measure'.

Talmud - Mas. Sanhedrin 100b

Surely the measure of reward is greater than that of punishment, for with respect to the measure of goodness it is written, And he commanded the clouds from above, and opened the doors of heaven, And rained down manna upon them to eat;¹ whilst of the measure of punishment it is written, And the windows of heaven were opened.² Yet, in respect of the measure even of punishment it is written, And they shall go forth, and look upon the carcasses of the men that have transgressed against me, for their worm shall not die, neither shall their fire be quenched: and they shall be an abhorring unto all flesh.³ But if one puts his fingers into the fire in this world, it is immediately burnt!⁴ — But just as the Holy One, blessed be He, gives the wicked the strength to receive punishment, so does he give the righteous the capacity to receive reward.⁵

R. AKIBA SAID: ALSO HE WHO READS UNCANONICAL BOOKS etc. A Tanna taught: [This means], the books of the Sadducees.⁶ R. Joseph said: it is also forbidden to read the book of Ben Sira. Abaye said to him: Why so? Shall we say because there is written therein, 'Do not strip the skin [of a fish] even from its ear, lest thou spoil it, but roast it [all, the fish with the skin] in the fire, and eat therewith two [twisted] loaves'?'⁷ Now, if [you object to it in] its literal sense, the Torah too states, Thou shalt not destroy the trees thereof.⁸ Whilst in a metaphorical sense, this teaches good taste,⁹ that one should not cohabit unnaturally. But if you take exception to the passage:¹⁰ A daughter is a vain treasure to her father: through anxiety on her account, he cannot sleep at night. As a minor, lest she be seduced; in her majority, lest she play the harlot; as an adult, lest she be not married;¹¹ if she marries, lest she bear no children; if she grows old, lest she engage in witchcraft! But the Rabbis have said the same: The world cannot exist without males and females; happy is he whose children are males, and woe to him whose children are females. Again if because of the following: 'Let not anxiety enter thy heart, for it has slain many a person!' But Solomon said likewise, Anxiety in the heart of man yashhenna [maketh it stoop].¹² R. Ammi and R. Assi [differ in its interpretation]: one rendered it, 'let him banish it from his mind,' the other, 'let him relate it to others.'¹³ And if because it contains, 'Withhold the multitude from thy house, and bring not every one into thy house!' But Rabbi said the same, for it has been taught, Rabbi said: One should never have a multitude of friends in his house, for it is written, A man that hath many friends bringeth evil upon himself.¹⁴ But because there is written therein, 'A thin-bearded man is very wise: a thick-bearded one is a fool: he who blows away [the froth] from off his glass [of liquor] is not thirsty; he who says, with what shall I eat my bread? — take the bread away from him;¹⁵ he whose beard is parted will be defeated by none.'¹⁶

R. Joseph said: [Yet] we may expound to them¹⁷ the good things it contains.¹⁸ E.g., 'a good woman is a precious gift, who shall be given to the God-fearing man. An evil woman is a plague to her husband: how shall he mend matters? Let him banish [i.e., divorce] her from his house: so shall he be healed of his plague. Happy the man whose wife is beautiful; the number of his days is doubled. Avert thine eyes from a charming woman, lest thou be caught in her snare. Turn not in to her husband to drink¹⁹ wine with him, for many have been slain by the countenance of a beautiful woman, and numerous are those slain by her, and many are the blows sustained by itinerant peddlers.²⁰ Those who seduce to adultery are as the spark that kindles the ember. As a cage is full of birds, so are their houses full of deceit.²¹ Restrain the multitude from entering into thine house, and bring not everyone thereinto. Let there be many to inquire after thy well-being, yet reveal thy secret to but one in a thousand. Guard the openings of thy mouth from her who lieth in thy bosom. Fret not over to-morrow's trouble, for thou knowest not what a day may bring forth,²² and peradventure to-morrow he is no more: thus he shall be found grieving over a world that is not his.'²³

All the days of the poor²⁴ are evil.²⁵ Ben Sira said: His nights too. The lowest roof is his roof, and on the highest mountain is his vineyard. The rain of [other] roofs [drip] on to his, whilst the earth of

his vineyard is [borne] on [to other] vineyards.²⁶

(Mnemonic: Zera, Raba, Mesharsheya, Hanina, Tobiah, Jannai, Easily suited, Johanan, Merahem, Joshua Mekazer.)²⁷

R. Zera said in Rab's name: What is meant by, All the days of the afflicted are evil? This refers to the students²⁸ of the Talmud; But he that is of a merry heart hath a continuous feast: this refers to students of the Mishnah.²⁹ Raba reversed the interpretation.³⁰ And this is what R. Mesharsheya said in Raba's name: What is meant by, whoso removeth stones shall be hurt therewith?³¹ This refers to the students of the Mishnah; But he that cleaveth wood shall be warmed thereby,³² — this refers to students of the Talmud. R. Hanina said: All the days of the afflicted are evil alludes to one who has a bad wife; whilst but he that is of a merry heart hath a continuous feast, — to him who possesses a good wife. R. Jannai said: All the days of the afflicted are evil refers to one who is over-fastidious;³³ but he that is of a merry heart hath a continuous feast, — to a person who is easily suited. R. Johanan said: All the days of the afflicted are evil refers to the compassionate; but he that is of a merry heart hath a continuous feast, to the cruel. R. Joshua b. Levi said: All the days of the afflicted are evil refers to him

(1) Ps. LXXVIII, 23f.

(2) Gen. VII, 11; 'doors' implies a greater opening than 'windows': I.e., God metes out reward more fully than punishment.

(3) Isa. LXVI, 24.

(4) How then can the bodies of the dead go on burning for ever in the next?

(5) I.e., in both cases they are endowed with abnormal receptiveness.

(6) This probably refers to the works of the Judeo-Christians, i.e., the New Testament. There were no Sadducees after the destruction of the Temple, and so 'Sadducees' is probably a censor's emendation for sectarians or Gentiles (Herford, Christianity in the Talmud, p. 333.) [MS. M. reads, Minim.]

(7) I.e., fish is fit for consumption even if baked or roasted with its skin, and therefore it is wasteful to remove it.

(8) Deut. XX, 19, i.e., one must not wantonly destroy what is fit for use.

(9) Lit., 'way of the earth.'

(10) Ben Sira XLIII, 9-10.

(11) V. p. 517 top. The reference is to the three stages: קטנה תנערה תבוגרת, minority, majority, and ripeness.

(12) יִשְׁחַנְהָ; Prov. XII, 25.

(13) One connects it with הִיִּסַח (הַדְעָתָ), to discard from one's mind, the other with שִׁיחַ, to converse: but on either interpretation, the sentiment is the same as Ben Sira's.

(14) Prov. XVIII, 24.

(15) Because he is certainly not hungry — otherwise he would not waste time in considering with what to eat it.

(16) I.e., he is extremely cunning, the parting of his beard being due to incessant stroking whilst brooding over his schemes. — All this is nonsense, and hence R. Joseph's objection to reading it.

(17) I.e., to the masses, in the public lectures.

(18) [Yad Ramah records a reading confirmed by many MSS.

אִי לֹא דַגְנוּזָה רַבְנֵן לְהַאי סְפָרָא הוּי דְרִשְׁיִנִּין לְהוּ וְכוּ 'Had not the Rabbis hidden this book, we should have expounded them etc.', implying that Ben Sira was hitherto included in the canon; v. J.Q.R., 1891, 686 and 700.]

(19) Lit., 'to dilute'.

(20) These, trading on a petty scale, generally transacted their business with the women-folk, which led to jealousy on the part of their husbands and assaults on the peddlers.

(21) A quotation from Jer. V, 27

(22) Prov. XXVII, 1.

(23) [Ben Sira XXX, 21; XXVI, 1-4; IX, 8-9; XI, 29-34; VI, 6.]

(24) E.V. 'afflicted'.

(25) Prov. XV, 15.

(26) Being poor, he cannot afford a tall building. At the same time, when purchasing a vineyard, he must take one at the top of a mountain, where land is cheaper than in the valley; so that in a storm the earth of his field is carried away to enrich the low-lying lands — thus, whatever happens, he is the loser.

(27) V. p. 387, n. 8.

(28) Lit., 'masters'.

(29) The Talmud, owing to its complexity and difficulty, due to its intricate discussions, is a source of distress to its students; whereas the Mishnah, which is plain and straightforward, brings pleasure to those who study it.

(30) A student of the Talmud may give a definite decision, but not a student of the Mishnah, which is regarded as incomplete without the Talmud. Hence the former sees the fruit of his labours, whereas the latter derives no practical benefit from his studies.

(31) Eccl. X, 9.

(32) Ibid. E.V. translates 'shall be endangered'; for the present rendering of סכנ' cf. סוכנת in 1 Kings I, 4.

(33) So that he is worried by the smallest thing which is not exactly to his liking.

Talmud - Mas. Sanhedrin 101a

who is of a petty nature; but he that is of a merry heart hath a continuous feast, to a contented mind.

R. Joshua b. Levi also said: All the days of the poor are evil: but are there not the Sabbaths and festivals? — it is as Samuel said, viz., Change of diet is the first step to indigestion.¹

Our Rabbis taught: He who recites a verse of the Song of Songs and treats it as a [secular] air,² and one who recites a verse at the banqueting table³ unseasonably,⁴ brings evil upon the world. Because the Torah girds itself in sackcloth, and stands before the Holy One, blessed be He, and laments before Him, 'Sovereign of the Universe! Thy children have made me as a harp upon which they frivolously play.' He replies, 'My daughter, when they are eating and drinking, wherewith shall they occupy themselves?' To which she rejoins, 'Sovereign of the Universe! if they possess Scriptural knowledge, let them occupy themselves with the Torah, the Prophets, and the Writings; if they are students of the Mishnah, with Mishnah, halachoth, and haggadoth;⁵ if students of the Talmud, let them engage in the laws of Passover, Pentecost and Tabernacles on the respective Festivals. R. Simeon b. Eleazar testified on the authority of R. Simeon b. Hanina: He who reads a verse in season [as just defined] brings good to the world, as it is written, and a word spoken in season, how good is it.⁶

ALSO ONE WHO WHISPERS OVER A WOUND etc. R. Johanan said: But only if he expectorates in doing so because the Divine Name may not be expressed in conjunction with expectoration.⁷

It has been said, Rab declared: Even [the verse], When the plague of leprosy [etc.];⁸ R. Hanina said: Even, And he called unto Moses.⁹

Our Rabbis taught: One may oil and massage the bowels [of an invalid] on the Sabbath,¹⁰ and snakes and serpents may be charmed [to render them tame and harmless] on the Sabbath, and an article may be placed over the eye on the Sabbath [to protect it]. R. Simeon b. Gamaliel said: This applies only to articles which may be handled;¹¹ but those which may not be handled¹² are forbidden; nor may demons be consulted on the Sabbath. R. Jose said: This is forbidden even on week-days. R. Huna said: The halachah is not¹³ as R. Jose, and even he said it only on account of its danger, as in the case of R. Isaac b. Joseph, who was swallowed up in a cedar tree, but a miracle was wrought for him, the cedar splitting and casting him forth.¹⁴

Our Rabbis taught: The bowels may be oiled and massaged on the Sabbath, providing this is not

done as on week-days.¹⁵ How then shall it be done? — R. Hama son of R. Hanina said: They must first be oiled, and then massaged.¹⁶ R. Johanan said: The oiling and massaging must be done simultaneously.

Our Rabbis taught: it is permitted to consult by a charm the spirits of oil or eggs,¹⁷ but that they give false answers. Incantations are made over oil contained in a vessel, but not in the hand;¹⁸ therefore one may anoint with the latter, but not with the former.¹⁹

R. Isaac b. Samuel b. Martha chanced upon a certain inn. Some oil was brought to him in a vessel, with which he rubbed himself, whereupon blisters broke out on his face. He then went out to the market place, and was seen by a woman who observed: 'I see here the blast of Hamath.'²⁰

R. Abba said to Rabbah b. Mari: it is written, I will put none of these diseases upon thee, which I have brought upon the Egyptians, for I am the Lord that healeth thee.²¹ But since He hath brought no [disease], what need is there of a cure?—He replied: Thus hath R. Johanan said: This verse is self-explanatory, because the whole reads, And he said, if thou wilt diligently hearken to the voice of the Lord thy God: thus, if thou wilt hearken, I will not bring [disease upon thee], but if thou wilt not, I will; yet even so, I am the Lord that healeth thee.

Rabbah b. Bar Hana said: When R. Eliezer fell sick, his disciples entered [his house] to visit him. He said to them, 'There is a fierce wrath in the world.'²² They broke into tears, but R. Akiba laughed. 'Why dost thou laugh?' they enquired of him 'Why do ye weep?' he retorted. They answered, 'Shall the Scroll of the Torah²³ lie in pain, and we not weep?' — He replied, 'For that very reason I rejoice. As long as I saw that my master's wine did not turn sour, nor was his flax smitten, nor his oil putrefied, nor his honey become rancid,²⁴ I thought, God forbid, that he may have received all his reward in this world [leaving nothing for the next]; but now that I see him lying in pain, I rejoice [knowing that his reward has been treasured up for him in the next].' He [R. Eliezer] said to him, 'Akiba, have I neglected anything of the whole Torah?'²⁵ — He replied, 'Thou, O Master, hast taught us, For there is not a just man upon earth, that doeth good and sinneth not.'²⁶

Our Rabbis taught: When R. Eliezer fell sick, four elders went to visit him, viz., R. Tarfon, R. Joshua, R. Eleazar b. Azariah, and R. Akiba. R. Tarfon observed, 'Thou art more valuable to Israel than rain; for rain is [precious] in this world, whereas thou art [so] for this world and the next.'²⁷ R. Joshua observed, 'Thou art more valuable to Israel than the sun's disc: the sun's disc is but for this world, whilst my master is for this world and the next.' R. Eleazar b. Azariah observed, 'Thou art better to Israel than a father and a mother: these are for this world, whereas my master is for this world and the next. But R. Akiba observed, 'Suffering is precious.' Thereupon he [the sick man] said to them, 'Support me, that I may hear the words of Akiba, my disciple, who said, "Suffering is precious.'²⁸ Akiba,' queried he, 'whence dost thou know this?' — He replied, 'I interpret a verse: Mannasseh was twelve years old when he began to reign, and he reigned fifty and five years in Jerusalem etc. and he did that which was evil in the sight of the Lord.'²⁹ Now it is [elsewhere] written,

(1) Lit., 'disease of the bowels'. So that the poor man does not enjoy even the lordly fare of these days.

(2) I.e., not with its traditional cantillation (Rashi).

(3) Lit., 'in the house of banquet.'

(4) Making it the subject of a jest or secular amusement.

(5) V. Glos.

(6) Prov. XV, 23.

(7) In uttering a charm one generally expectorated, the charm itself being usually a Biblical verse containing the Name of God. Thus the actual enchantment was done by means of the Biblical verse; a similar kind of enchantment was practised by the Essenes. In the opinion of some scholars, expectoration was the essential part of the charm, and L. Blau maintains

that ורוקק (expectorates) belongs to the original text of the Mishnah (Krauss, Sanh.-Mak. p. 220).

(8) Lev: XIII, 9: though not containing the Divine Name its use as a magical formula is forbidden.

(9) Lev. I, 1. Though this contains no mention of illness or disease, and is whispered only that one may be saved from illness through the merit of reading the Torah, it is still forbidden.

(10) Though a medicine is forbidden on that day.

(11) E.g., a key, food-knife, and a ring.

(12) E.g., every tool used in work which is forbidden on the Sabbath.

(13) The Wilna Gaon deletes 'not'.

(14) He consulted a demon, which turned itself into a tree and swallowed him; it was only through a miracle that he escaped.

(15) To maintain a distinction between the Sabbath and the rest of the week.

(16) On week-days massage preceded oiling (Rashi).

(17) Every plant in the vegetable kingdom was believed to have its own presiding genius, which could be provoked by incantations; v. Gen. Rab. X, 6. Both eggs and oil were used for purposes of magic and in folk-medicine; cf. A. Marmorstein in MGWJLXXII, p. 395. It is noteworthy from the present passage that the Talmud had no faith in these charms.

(18) This states the practice, not a ruling.

(19) Since it may have been used as a charm.

(20) The name of a demon.

(21) Ex. XV, 26.

(22) He referred to himself-God must be very angry with him so to have afflicted him. So Rashi. Graetz Geschichte IV. p. 47 conjectures that his death took place shortly before Trajan's attack upon the Jews of many countries (c. 116-117 C.E.), to which he was alluding in this remark, as the storm was already brewing.

(23) I.e., R. Eliezer.

(24) He was prosperous in everything.

(25) That thou sayest that I now suffer for my sins, so that I may have nothing but reward in the world to come.

(26) Ecc. VII, 20.

(27) For as a result of his teaching Israel would enjoy a reward in the next world too.

(28) Because they make atonement for the sufferer.

(29) II Kings XXI, 1f.

Talmud - Mas. Sanhedrin 101b

These are also the proverbs of Solomon, which the men of Hezekiah king of Judah copied out.¹ Now, would Hezekiah king of Judah have taught the Torah to the whole world, yet not to his own son Manasseh? But all the pains he spent upon him, and all the labours he lavished upon him did not bring him back to the right path, save suffering alone, as it is written, And the Lord spoke to Manasseh and to his people: but they would not hearken unto him. Wherefore the Lord brought upon them the captains of the host of the king of Assyria, which took Manasseh among the thorns, and bound him with fetters, and carried him to Babylon.² And it is further written, And when he was in affliction, he besought the Lord his God, and humbled himself greatly before the God of his fathers. And prayed unto him, and he was entreated of him, and heard his supplication, and brought him again to Jerusalem unto his kingdom, and Manasseh knew that the Lord he was God.³ Thus thou learnest how precious is suffering.'

Our Rabbis taught: Three came with a circuitous plea.⁴ viz., Cain, Esau and Manasseh. Cain — for it is written, [And Cain said unto the Lord.] is my sin too great to be forgiven?⁵ He pleaded thus before Him: 'Sovereign of the Universe! Is my sin greater than that of the six hundred thousand [Israelites] who are destined to sin before Thee, yet wilt Thou pardon them!' Esau — for it is written, [And Esau said unto his father,] Hast thou but one blessing, my father?⁶ Manasseh — he first called upon many deities, and [only] eventually called upon the God of his fathers.⁷

ABBA SAUL SAID: ALSO HE WHO PRONOUNCES THE DIVINE NAME AS IT IS SPELT etc. It has been taught: [This holds good] only in the country,⁸ and in the sense of [the Samaritan] aga [blaspheming].⁹

THREE KINGS AND FOUR COMMONERS etc. Our Rabbis taught: [The name] Jeroboam [denotes] that 'he debased the nation.'¹⁰ Another meaning is that 'he fomented strife amongst the nation.'¹¹ Another explanation, that 'he caused strife between Israel and their Father in Heaven.'¹² The son of Nebat denotes that 'he beheld, but did not see.'¹³

A Tanna taught: Nebat, Micah, and Sheba the son of Bichri are one and the same.¹⁴ [He was called] Nebat, because 'he beheld but did not see'; Micah, because 'he was crushed'¹⁵ in the building';¹⁶ and what was his real name? — Sheba the son of Bichri.

Our Rabbis taught: Three beheld but did not see, viz., Nebat, Ahitophel, and Pharaoh's astrologers. Nebat — he saw fire issuing from him. He interpreted it [as signifying] that he would reign,¹⁷ yet that was not so, but that Jeroboam would issue from him. Ahitophel, — he beheld leprosy breaking out in him. He thought that it meant that he would reign,¹⁸ but it was not so, but referred to Bath Sheba, his daughter,¹⁹ from whom issued Solomon. Pharaoh's astrologers, — even as R. Hama son of R. Hanina said: What is meant by This is the water of Meribah?²⁰ 'This is' what Pharaoh's astrologers saw, but erred [in its interpretation]. They saw that Israel's Saviour would be smitten through water: therefore he [Pharaoh] ordered, Every son that is born ye shall cast into the river;²¹ but they did not know that he was to be smitten [i.e., punished] on account of the water of Meribah.

Now whence do we know that he [Jeroboam] will not enter the future world? — Because it is written, And this thing became sin unto the house of Jeroboam even to cut it off and to destroy it from off the face of the earth:²² 'to cut it off' [implies] in this world; 'and to destroy it,' in the next.

R. Johanan said: Why did Jeroboam merit sovereignty? Because he reprov'd Solomon. And why was he punished? Because he reprov'd him publicly. As it is written, And this was the cause that he lifted up his hand against the king: Solomon built Millo, and repaired the breaches of the city of David his father.²³ He said thus to him: Thy father David made breaches in the wall, that Israel might come up [to Jerusalem] on the Festivals; whilst thou hast closed them, in order to exact toll for the benefit of Pharaoh's daughter.²⁴ What is meant by And this was the cause that he lifted up his hand against the king?²⁵ — R. Nahman said: He took off his phylacteries in front of him.²⁶

R. Nahman said: The conceit which possessed Jeroboam drove him out of the world,²⁷ as it is written, Now Jeroboam said in his heart, Now shall the kingdom return to the house of David: if this people go up to do sacrifice in the house of the Lord at Jerusalem, then shall the heart of this people turn unto their Lord, even unto Rehoboam king of Judah, and they shall kill me, and go again to Rehoboam king of Judah.²⁸ He reasoned thus: it is a tradition that none but the kings of the house of Judah may sit in the Temple Court.²⁹ Now, when they [the people] see Rehoboam sitting and me standing, they will say, The former is the king and the latter his subject; whilst if I sit too, I am guilty of treason,³⁰ and they will slay me, and follow him. Straightway, Wherefore the king took counsel, and made two calves of gold, and said unto them, it is too much for you to go up to Jerusalem: behold thy gods, O Israel, which brought thee up out of the land of Egypt.³¹ How did he 'take counsel'? — R. Judah said: He set a wicked man by the side of the righteous [in the council chamber] and said to him, 'Will ye sign [your approval] of all that I may do?' They replied, 'Yes.' 'I wish to be king,' he went on; and they again said, 'Yes.' 'Will ye execute all my commands?' he asked. Again they replied 'Yes.' 'Even for the worship of idols?' Whereupon the righteous man rejoined, 'God forbid!' 'But,' urged the wicked upon the righteous, 'dost thou really think that a man like Jeroboam would serve idols? He only wishes to test us, to see whether we will give full acceptance to his orders?'³²

- (1) Prov. XXV, 1. This implies that they copied it out for general instruction. Cf. also supra 94a, that Hezekiah had the whole nation taught.
- (2) II Chron. XXXIII, 10f.
- (3) Ibid. 12f.
- (4) Preferring their request as a right, not a favour.
- (5) Gen. IV, 13.
- (6) Ibid. XXVII, 38: thus he justified his demand for a blessing.
- (7) This is deduced from, And when he was in affliction, he besought the Lord his God—implying that he had prayed to other deities before. ‘If thou wilt not hearken to my prayer, he pleaded, ‘of what profit was my turning to thee?’
- (8) As opposed to the Temple.
- (9) [So Levy, who quotes J. Sanh. X, 28b כגון אילין כותאי דמשתבעין in a way as those Samaritans swear: ויקב ‘he blasphemed’, Lev. XXIV, 11, is rendered by the Samaritan Targum וואגא. S. Krauss, Sanh-Mak. p. 271, translates: ‘in a corrupt, barbarous language,’ debasing thereby the Holy Name; cf. Rashi.]
- (10) ריבע מעם
- (11) By his introduction of calf worship.
- (12) The latter two connect Jeroboam with ריב rib, strife.
- (13) He beheld a vision, but did not understand (see) its true significance. The vision is stated below. — Nebat is here connected with root נבט, nabat, to see.
- (14) Micah was a resident of Mount Ephraim who established a private idolatrous shrine and engaged a Levite to minister therein. — Judges XVII, 1-5. This image was subsequently stolen and set up in Dan; Ibid. XVIII. Sheba the son of Bichri was an Ephraimite who revolted against David immediately after the collapse of Absalom's insurrection; II Sam. XX, 1 et seqq.
- (15) נתמכמך with which מיכה is connected.
- (16) According to legend, when the Israelites in Egypt did not complete their tale of bricks, their children were built into the walls instead. On Moses' complaining thereof to God, He answered him that he was thus weeding out the destined wicked. As proof, he was empowered to save Micah, who had already been built in, but only to become an idolater on his reaching manhood. Rashi also gives an alternative rendering: he became impoverished (Cf. Lev. XXV, 25; XXVII, 8) through building — presumably his idolatrous shrine.
- (17) And hence he raised the standard of revolt.
- (18) According to legend (infra 107a), David was smitten with leprosy for six months on account of his sin with Bath Sheba. Ahitophel therefore interpreted the outbreak on his own person as shewing that David's leprosy would bring him to the throne.
- (19) I.e., his granddaughter. Her father Eliam (II Sam. XI, 3) being identified with the son of Ahitophel (II Sam. XXIII, 34).
- (20) Num. XX, 13.
- (21) Ex. I, 22.
- (22) I Kings. XIII, 34.
- (23) Ibid. XI, 27.
- (24) Very few openings were left, so that visitors to Jerusalem could be checked and taxed for the privilege.
- (25) I.e., what did he actually do?
- (26) This was regarded as a mark of disrespect. Another version: he removed his phylacteries, so as to be unconstrained in his abuse of Solomon, which he would not wish to do with these religious symbols upon him.
- (27) I.e., led him into destruction.
- (28) I Kings XII, 26f.
- (29) This was a special prerogative of Davidic kings. V. Kid. 78a, and cf. Josephus Ant. VIII, 4, 2.
- (30) Lit., ‘a rebel against royal authority.’
- (31) Ibid. 28.
- (32) Thus he received the signature of the righteous under false pretences, and it could not be subsequently withdrawn.

And even Ahijah the Shilonite erred and signed. For Jehu was a very righteous man, as it is written, And the Lord said unto Jehu, Because thou hast done well in executing that which is right in mine eyes, and hast done unto the house of Ahab according to all that was in mine heart, thy children of the fourth generation shall sit upon the throne of Israel.¹ Yet it is written, But Jehu took no heed to walk in the law of the Lord God of Israel with all his heart; for he departed not from the sins of Jeroboam which made Israel to sin.² Now what caused this? — Abaye said: A covenant is made for the lips,³ as it is written, [And Jehu gathered all the people together, and said unto them,] Ahab served Baal a little; but Jehu shall serve him much.⁴ Raba said: He saw the signature of Ahijah the Shilonite, and was thus led into error.

It is written, And the revoltors are profound to make slaughter, though I have been a rebuke of them all.⁵ R. Johanan explained this: The Holy One, blessed be He, said, ‘They have gone deeper [i.e., are more stringent] than I. I said, “Whoever does not go up [to Jerusalem] for the Festival violates a positive injunction” whereas they proclaimed, “Whoever does go up for the Festival will be pierced with the sword.”’⁶

And it came to pass at that time when Jeroboam went out of Jerusalem, that the prophet Ahijah the Shilonite found him in the way, and he had clad himself with a new garment:⁷ a Tanna taught in the name of R. Jose: [That time was] a time predestined for punishment.⁸ In the time of their visitation they shall perish:⁹ a Tanna taught in the name of R. Jose: [In] a time predestined for punishment. In an acceptable time have I heard thee:¹⁰ a Tanna taught in R. Jose's name: [In] a time predestined for good. Nevertheless in the day when I visit, I will visit their sin upon them:¹¹ a Tanna taught in R. Jose's name: [In] a time Predestined for punishment.¹² And it came to pass at that time, that Judah went down from his brethren:¹³ a Tanna taught in R. Jose's name: [In] a time predestined for punishment.¹⁴ And Rehoboam went to Shechem: for all Israel were come to Shechem to make him king:¹⁵ a Tanna taught in R. Jose's name: [It was] a place predestined for evil; in Shechem Dinah was ravished;¹⁶ in Shechem his brethren sold Joseph;¹⁷ and in Shechem the kingdom of the House of David was divided.

[Now it came to pass at that time] that Jeroboam went out of Jerusalem:¹⁸ R. Hanina b. Papa said: He went out of the destiny of Jerusalem.¹⁹ And the prophet Ahijah the Shilonite found him in the way, and he clad himself with a new garment, and they two were alone in the field.²⁰ What is meant by ‘with a new garment’? — R. Nahman said: As a new garment: just as a new garment has no defect, so was Jeroboam's scholarship without defect. Another explanation: A new garment intimates that they expounded new teachings, such as no ear had ever heard before. What is taught by, ‘and they two were alone in the field’? — Rab Judah said in Rab's name: All other scholars were as the herbs of the field before them.²¹ Others say that all the reasons of the Torah were as manifest to them as a field.²²

Therefore shalt thou give parting gifts to Moresheth-gath: the houses of Achzib shall be a lie to the kings of Israel.²³ R. Hanina b. Papa said: A heavenly voice cried out and said, ‘He who slew the Philistine and thereby gave you possession of Gath,²⁴ shall ye give parting gifts to his sons!’²⁵ [Therefore] the houses of Achzib shall be a lie to the kings of Israel.²⁶

R. Hanina b. Papa said: He who enjoys aught of this world without uttering a blessing is as though he robbed the Holy One, blessed be He, and the Kenesseth Yisrael,²⁷ for it is written, Whoso robbeth his father or his mother, and saith, It is no transgression the same is the companion of a destroyer.²⁸ Now ‘his father’ can refer only to the Holy One, blessed be He, as it is written. Is not he [sc. God] thy father that hath bought thee?²⁹ whilst ‘his mother’ can mean nothing but Kenesseth Yisrael, as it is written, My son, hear the instruction of thy father, and forsake not the law of thy mother.³⁰ What is meant by ‘the same is the companion of a destroyer’? — He is the companion of Jeroboam the son of Nebat, who destroyed [the allegiance of] Israel to their Father in Heaven.

And Jeroboam drove Israel from following the Lord, and made them sin a great sin.³¹ R. Johanan said: As two sticks which cause each other to rebound.³²

[These be the words which Moses spake unto all Israel. . . in the wilderness, . . .] and Di Zahab.³³ The School of R. Jannai expounded: Moses said before the Holy One, blessed be He: Sovereign of the Universe! It was because of the silver and gold [zahab] which Thou didst lavish upon them, until they said, Enough! [dai] that they were led to make a god of gold. A parable: The lion does not tear and roar out of a basket of straw, but out of a basket of meat.³⁴

R. Oshaia said: Until Jeroboam, Israel imbibed [a sinful disposition] from one calf; but from him onwards, from two or three calves.³⁵ R. Isaac said: No retribution whatsoever comes upon the world which does not contain a slight fraction³⁶ of the first calf [i.e.. the molten calf in the wilderness], as it is written, nevertheless in the day when I visit, I will visit their sin upon them.³⁷ R. Hanina said: After twenty-four generations [the doom foretold in] this verse was exacted,³⁸ as it is written, He cried also in mine ears with a loud voice, saying, cause the visitations of the city to draw near, even every man with his destroying weapon in his hand.³⁹

After this thing Jeroboam turned not from his evil way.⁴⁰ What is meant by, after this thing? — R. Abba said: After the Holy One, blessed be He, had seized Jeroboam by his garment and urged him, 'Repent, then I, thou, and the son of Jesse [i.e.. David] will walk in the Garden of Eden.' 'And who shall be at the head?' inquired he. 'The son of Jesse shall be at the head.' 'If so,' [he replied] 'I do not desire [it].'

R. Abbahu used to make a practice of lecturing on the Three Kings.⁴¹ Falling sick, he undertook not to lecture [thereon any more];⁴² yet no sooner

(1) II Kings X, 30.

(2) Ibid. 31.

(3) I.e., the spoken word, even if unintentional, becomes fulfilled.

(4) Ibid. 18. These words, though spoken guilefully, had to be fulfilled.

(5) Hosea V, 2.

(6) Thus they forbade more severely than I had commanded it.

(7) I Kings XI, 29.

(8) On that occasion Ahijah prophesied the division of the kingdom as a punishment for Solomon's backsliding.

(9) Jer. LI, 18.

(10) Isa. XLIX, 8.

(11) Ex. XXXII, 34.

(12) The "day" referred to is the ninth of Ab. The spies returned from their ill-fated mission on that day; God's fiat that the whole of that generation should perish in the wilderness was promulgated on that day; and the destruction of the Temple took place likewise on the ninth of Ab.

(13) Gen. XXXVIII, 1.

(14) For as a result of that expedition it was fated that Judah should beget two sons, who should die, and his daughter-in-law Tamar be condemned to death.

(15) I Kings XII, 1.

(16) V. Gen. XXXIV.

(17) Dothan, where Joseph was sold (Gen. XXXVII, 17), being in the vicinity of Shechem.

(18) I Kings XI, 29.

(19) I.e., he would have no share in the welfare of Jerusalem.

(20) Ibid.

(21) I.e., were of no account at all in comparison with them.

(22) Even of laws of which the reason is generally unknown.

(23) Micah I, 14.

(24) Sc. David, who slew Goliath and thereby gained Possession of Gath for Israel, Moresheth gath means the possession of Gath.

(25) I.e., shall ye revolt against and forsake them!

(26) This is thus interpreted: since ye deal treacherously (i.e., lyingly. the root-idea of achzib) with the house of David, preferring the rule of the kings of Israel, therefore ye shall be delivered into the hands of the heathens. whose religion is 'a lie' — I.e., It is false.

(27) Lit., 'Community of Israel.'

(28) Prov. XXVIII, 24.

(29) Deut. XXXII, 6.

(30) Prov. I, 8.

(31) II Kings XVII, 21.

(32) When two pieces of wood are struck together, each rebounds from the other. So Jeroboam forced the Israelites to forsake God.

(33) Deut. I, 1.

(34) I.e., when a lion is fully satisfied he shews his high spirits by killing and roaring; when hungry, he is too dejected to do so. Thus in the case of Israel too, it was not poverty but the self-indulgence of wealth which ensnared them into idolatry.

(35) Until Jeroboam, only the one calf which Israel had made in the wilderness was responsible for their sinning. But he added the calves of Beth-El and Dan, thus furnishing more incentives to sin.

(36) Lit., 'a twenty-fourth part of the overweight of a litra.' By the overweight of a litra (v. Glos.) is meant the slight addition which is made to tip the scales in the direction of the weights. The general idea is that some small portion of all punishment is due to the sin of the golden calf.

(37) Ex. XXXII, 34.

(38) [Yad Ramah reads פתיק זה 'this decree'.]

(39) Ezek. IX, 1, The use of 'visitations' suggests that this was the fulfilment of the doom threatened in Ex. XXXII, 34. There were twenty-four generations from that of the wilderness, when the Calf was made, to that of Zedekiah, in whose reign the State was overthrown and Judah deported to Babylon.

(40) I Kings XIII, 33.

(41) Mentioned in our Mishnah as having no 'portion in the future world.

(42) He viewed his illness as a punishment for dwelling upon the sins of others.

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had he recovered, than he lectured [upon this] again. They [his disciples] remonstrated with him, 'Did you not undertake not to lecture on them?' — He replied, 'Did they abandon [their evil course], that I should abandon [my habit of lecturing upon them]?'

In the college of R. Ashi the lecture [one day] terminated at 'Three Kings.'¹ 'To-morrow, said he, 'we will commence with our colleagues.'² [That night] Manasseh came and appeared to him in a dream. 'Thou hast called us thy colleagues and the colleagues of thy father; now, from what part [of the bread] is [the piece for reciting] the ha-mozi³ to be taken?' 'I do not know,' he answered. 'Thou hast not learned this,' he jibed, 'yet thou callest us thy colleagues!'⁴ 'Teach it me,' he begged, 'and to-morrow I will teach it in thy name at the session.' He answered, 'From the part that is baked into a crust.'⁵ He then questioned him, 'Since thou art so wise, why didst thou worship idols?' He replied, 'Wert thou there, thou wouldst have caught up the skirt of thy garment and sped after me.' The next day he observed to the students: We will commence with our teachers [so referring to the Three Kings]. Ahab denotes that he was an ah [a brother]⁶ to Heaven, and an ab [a father] to idolatry. An ah to Heaven, as it is written, a brother [ah] is born for trouble,⁷ and ab [father] to idolatry, as it is written, As a father loveth his children.⁸

And it came to pass, that it were a light thing for him to walk in the sins of Jeroboam the son of

Nebat.⁹ R. Johanan said: The light [minor] transgressions which Ahab committed were equal to the gravest committed by Jeroboam. Why then does Scripture make Jeroboam the exemplar¹⁰ of sin? Because he was the first to corrupt.

Yea, their altars are as heaps in the furrows of the fields.¹¹ R. Johanan said: [This teaches that] there is no furrow in Palestine upon which Ahab did not plant an idol and worship it.

Whence do we know that he will not enter the future world? — From the verse, And I will cut off from Ahab him that pisseth against the wall, him that is shut up and forsaken in Israel,¹² shut up [implies] in this world; forsaken, in the next.

R. Johanan said: Why did Omri merit sovereignty? Because he added a region to Palestine, as it is written, And he bought the hill Samaria of Shemer for two talents of silver, and built on the hill, and called the name of the city which he built, after the name of Shemer, owner of the hill Samaria,¹³ R. Johanan said: Why did Ahab merit royalty for twenty-two years? — Because he honoured the Torah, which was given in twenty-two letters,¹⁴ as it is written, And he sent messengers to Ahab king of Israel into the city, and said unto him, Thus saith Ben-hadad, Thy silver and thy gold is mine; thy wives also and thy children, even the goodliest, are mine . . . Yet will I send my servants unto thee tomorrow at this time, and they shall search thine house, and the houses of thy servants; and it shall be, that whatsoever is pleasant in thine eyes, they shall put in their hand, and take it away . . . Wherefore he said unto the messengers of Ben-hadad, Tell my lord the king, all that thou didst send for to thy servant at the first I will do; but this thing I may not do.¹⁵ Now what is meant by ‘whatsoever is pleasant in thine eyes’? Surely the Scroll of the Torah!¹⁶ But perhaps [this refers to] an idol? — You cannot think so, because it is written, And all the leaders and all the people said unto him, Hearken not unto him, nor consent.¹⁷ But perhaps they were evil elders?¹⁸ Is it not written. And the saying pleased Absalom well, and all the elders of Israel?¹⁹ Whereon R. Joseph commented: They were evil elders? — There ‘and all the people’ is not stated, whilst here it is written, ‘and all the people’, and it is impossible that there were no righteous among them, for it is written, Yet I have left one seven thousand in Israel, all the knees which have not bowed unto Baal, and every mouth which hath not kissed him.²⁰

R. Nahman said: Ahab was equally balanced,²¹ since it is written, And the Lord said, Who shall persuade Ahab, that he may go up and fall at the Ramoth-gilead? And one said in this manner, and one said in that manner.²² R. Joseph objected: He of whom it is written, But there was none like unto Ahab, which did sell himself to work wickedness in the sight of the Lord, whom Jezebel his wife stirred up:²³ whereon it was taught: Every day she used to weigh out gold shekels for idols — yet thou sayest that he was equally balanced! But Ahab was generous with his money, and because he used to benefit scholars with his wealth, half [his sins] were forgiven.

And there came forth the spirit, and stood before the Lord, and said, I will persuade him. And the Lord said unto him, Wherewith? And he said, I will go forth, and I will be a lying spirit in the mouth of his prophets. And he said, Thou shalt persuade him, and prevail also: go forth, and do so.²⁴ Which spirit [is meant]? — R. Johanan said: The spirit of Naboth the Jezreelite. What is meant by ‘go forth’? — Rabina said: Go forth from within my barrier, as it is written, He that telleth lies shall not tarry in my sight.²⁵ R. Papa observed, Thus men say, ‘He who takes his vengeance destroys his own house.’²⁶

And Ahab made a grove; and Ahab did more to provoke the Lord God of Israel to anger than all the kings of Israel that were before him.²⁷ R. Johanan said: [This means] that he wrote upon the gates of Samaria, ‘Ahab denies the God of Israel.’ Therefore he has no portion in the God of Israel.

And he sought Ahaziah: and they caught him, for he was hid in Samaria.²⁸ R. Levi said: He was

engaged in erasing the Divine Names [from the Torah] and substituting [the names of] idols in their stead.²⁹

Manasseh [denotes] that he forgot God.³⁰ Another explanation: Manasseh [denotes] that he caused Israel to forget their Father in Heaven. And how do we know that he will not enter the future world? — Because it is written, Manasseh was twelve years old when he began to reign, and he reigned fifty and five years in Jerusalem . . . and he made a grove, as did Ahab king of Israel.³¹ Just as Ahab has no portion in the world to come, so has Manasseh neither.

R. JUDAH SAID: MANASSEH HATH A PORTION THEREIN, FOR IT IS WRITTEN, AND HE PRAYED UNTO HIM AND WAS INTREATED OF HIM etc. R. Johanan said: Both of them [in support of their views] expounded the same verse. For it is written, And I will cause to be removed unto all kingdoms of the earth, because of Manasseh the son of Hezekiah, king of Judah.³² One Master³³ maintains, 'Because of Manasseh' who repented, whilst they did not;³⁴ whilst the other Master³⁵ maintains,

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- (1) I.e., the lecture on a particular day ended when 'Three Kings' of supra XI,1, was reached.
 - (2) This was a playful reference to the three kings, who were scholars.
 - (3) The blessing for bread, on account of its ending 'who bringest forth (ha-mozi) bread from the earth.'
 - (4) He was jeering at R. Ashi as not worthy of being called his colleague.
 - (5) I.e., a piece of the outer surface must be taken for the purpose, not the inner dough.
 - (6) In an evil sense, as the Talmud proceeds to quote.
 - (7) Prov. XVII, 17.
 - (8) Ps. CIII, 13; so translated here (Rashi). Cf. ibid. XVIII, 2: **הַזִּקְיָה אֶת־אֲרַחֲמוֹךְ ה'** I will love thee, O Lord, my strength.
 - (9) I Kings XVI, 31. The reference is to Ahab,
 - (10) Lit., 'fasten on to Jeroboam.'
 - (11) Hosea XII, 12.
 - (12) I Kings XXI, 21.
 - (13) Ibid. XVI, 24.
 - (14) I.e., the number of letters in the Hebrew alphabet.
 - (15) Ibid. XX, 3, 6, 9.
 - (16) Thus shewing that he honoured it and it was in respect of this that he defied him (Rashi).
 - (17) Ibid, 8. 'Elders', by which is meant scholars, would not have counselled him to hold fast to his idols.
 - (18) Lit., 'elders of shame'.
 - (19) II Sam. XVII, 4.
 - (20) I Kings XIX, 18.
 - (21) Between sin and merit, having performed as many good deeds as evil ones.
 - (22) Ibid. XXII, 20: this shews that it was a difficult matter to lure him to his fate, and that must have been because his righteousness equalled his guilt.
 - (23) Ibid. XXI, 25.
 - (24) Ibid. XXII, 21f.
 - (25) Ps. CI. 7: v. supra, p. 592, nn. 3 and 4 for commentary.
 - (26) [Some MSS. read 'nest', a play on **קְנָאִיָּה** (his vengeance) and **קִינָיָה** (his nest).] Naboth, through avenging himself on Ahab, was expelled from God's presence.
 - (27) I Kings XVI, 33.
 - (28) II Chron. XXII, 9.
 - (29) [This was the sacrilege which he carried on in his hiding place.]
 - (30) [Manasseh is connected with the root nashah **נָשָׁה** 'to forget'.]
 - (31) II Kings XXI, 2,3.
 - (32) Jer. XV, 4.
 - (33) The author of the anonymous opinion.

(34) This aggravated their sin.

(35) R. Judah.

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‘because of Manasseh’ — who did not repent.

R. Johanan said: He who asserts that Manasseh has no portion in the world to come weakens the hands of penitent sinners. For a tanna recited before R. Johanan: Manasseh was penitent for thirty-three years, as it is written, Manasseh was twelve years old when he began to reign, and reigned fifty and five years in Jerusalem, and he made a grove, as did Ahab king of Israel. How long did Ahab reign? Twenty-two years. How long did Manasseh reign? Fifty-five years. Subtract therefrom twenty-two, which leaves thirty-three.¹ R. Johanan said on the authority of R. Simeon b. Yohai: What is meant by, And he prayed unto him, and an opening was made for him.² Should not ‘and was entreated of him’ rather have been written?³ — This teaches that the Holy One, blessed be He, made him a kind of opening in the Heavens, in order to accept him with his repentance, on account of the Attribute of Justice.⁴

R. Johanan also said on the authority of R. Simeon b. Yohai: Why is it written, In the beginning of the reign of Jehoiakim the son of Josiah;⁵ and in the beginning of the reign of Zedekiah king of Judah;⁶ were there then no kings until then? But [it teaches that] the Holy One, blessed be He, wished to hurl the world back into chaos⁷ on account of Jehoiakim, but that He gazed at [the rest of] his generation, and His mind was appeased.⁸ The Holy One, blessed be He, [also] desired to hurl the world back into chaos because of Zedekiah's generation, but that He gazed at Zedekiah [himself] and his mind was appeased. But in the case of Zedekiah too it is written, And he did that which was evil in the sight of God?⁹ — [That denotes] that he could have stemmed [the evil of others], and did not.

R. Johanan also said on the authority of R. Simeon b. Yohai: What is meant by, If a wise man contend with a foolish man, whether he rage or laugh, there is no rest?¹⁰ — The Holy One, blessed be He, said, ‘I was wrath with Ahaz, and delivered him into the hands of the kings of Damascus, whereupon he sacrificed burnt incense to their gods, as it is written, For he sacrificed unto the gods of Damascus, which smote him: and he said, Because the gods of the kings of Syria help them, therefore will I sacrifice to them that they may help me. But they were the ruin of him, and of all Israel.¹¹ I smiled upon Amaziah and delivered the kings of Edom into his hand, so he brought their gods, and prostrated himself before them, as it is written, Now it came to pass, that after Amaziah was come from the slaughter of the Edomites, that he brought the gods of the children of Seir, and set them up to be his gods, and bowed down himself before them, and burned incense unto them.¹² R. Papa commented: Thus men say, ‘Weep for him who knows not his fortune, laugh for him who knows not his fortune. Woe to him who knows not the difference between good and bad.’

And all the princes of the king of Babylon came in, and sat in the middle gate.¹³ R. Johanan said on the authority of R. Simeon b. Yohai: It was the place where halachot are decided upon.¹⁴ R. Papa observed: Thus men say, ‘Where the master hangs up his weapons, there the mean shepherd hangs up his pitcher.’¹⁵

[Mnemonic: By the field, houses, nought shall befall.]

R. Hisda said in the name of R. Jeremiah's b. Abba: What is meant by the verse, I went by the field of the slothful, and by the vineyard of the man void of understanding,’ And lo, it was all grown over with thorns, and nettles had covered the face thereof, and the stone wall thereof was broken down?¹⁶ — I went by the field of the slothful — this refers to Ahaz;¹⁷ and by the vineyard of the man void of understanding — this denotes Manasseh;¹⁸ And lo, it was all grown over with thorns, —

to Amon;¹⁹ and nettles had covered the face thereof — to Jehoiakim;²⁰ and the stone wall thereof was broken down, — this alludes to Zedekiah, in whose days the Temple was destroyed.

R. Hisda also said in the name of R. Jeremiah b. Abba: Four classes will not appear²¹ before the presence of the Shechinah, — the class of scoffers, the class of liars, the class of hypocrites, and the class of slanderers. ‘The class of scoffers’ — as it is written, He withdrew His hand from the scoffers.²² ‘The class of liars’ — as it is written, He that telleth lies, shall not tarry in my sight.²³ ‘The class of hypocrites’ — as it is written, For an hypocrite shall not come before him.²⁴ ‘The class of slanderers’ — as it is written, For thou art not a God that hath pleasure in wickedness: neither shall evil dwell with thee,²⁵ [which means] Thou art righteous, and hence there will not be evil²⁶ in thy abode.

R. Hisda also said in the name of R. Jeremiah b. Abba: What is meant by the verse, There shall no evil befall thee, neither shall any plague come nigh thy dwelling?²⁷ ‘There shall no evil befall thee,’ the Evil Impulse²⁸ shall have no power over thee; ‘neither shall any plague come nigh thy dwelling’ — thou wilt not find thy wife a doubtful niddah²⁹ when thou returnest from a journey. Another interpretation: ‘There shall no evil befall thee’ — thou wilt not be affrighted by nightmares and dread thoughts; ‘neither shall any plague come nigh thy dwelling’ — thou wilt not have a son or a disciple who publicly burns his food.³⁰ Thus far his father blessed him: beyond this, his mother blessed him:³¹ For he shall give his angels charge over thee, to keep thee in all thy ways. They shall bear thee in their hands etc. . . Thou shalt tread upon the lion and the adder.³² Thus far his mother blessed him, beyond this, Heaven blessed him:

(1) It is assumed that the verse implies that their sinning and their punishment was equal.

(2) II Chron. XXXIII, 13, reading **ויהתר לו**.

(3) **ויעתר לו** wa-ye'tar. In our text this is indeed the reading, and was so cited supra, 90a and 101b; perhaps R. Simeon b. Yohai's text differed; v. Tosaf. Shab. 55b. s.v. **מעבירם** who draws attention to the fact that the Talmudic text of the Bible does not always correspond to ours. [Yad Ramah preserves a variant: What is the meaning of **ויעתר** seeing that it is written, and he heard his supplication? This teaches that the Holy One, blessed be He, made him a kind of opening: thus taking **ויעתר** as equivalent to **ויהתר** the **ע** and **ח** being interchanging letters.]

(4) The Attribute of Justice urged that his repentance should not be accepted.

(5) Jer. XXVI, 1.

(6) Ibid. XXVIII, 1: his difficulty is, why is the word **בראשית** bereshith used here to denote the beginning instead of simply ‘In the first year’.

(7) Lit., ‘formlessness and emptiness’.

(8) Hence the use of **בראשית** which, being the same word with which the Creation story is introduced — ‘in the beginning (**בראשית**) God created’ — intimates that He wished to plunge the world into chaos, as it was at the beginning. — Though Jehoiakim was wicked, the rest of his generation was righteous.

(9) II Kings XXIV, 19.

(10) Prov. XXIX, 9.

(11) II Chron. XXVIII, 23.

(12) Ibid. XXV, 14.

(13) **שער התוך** Sha'ar hatok. Jer. XXXIX, 3.

(14) **מהתכין** (‘cut’, ‘decide’) with which, by a play upon words, **התוך** is connected.

(15) I.e., where the Jews decided upon their laws, there Nebuchadnezzar issued his decrees.

(16) Prov. XXIV, 30f.

(17) [Who forbade the study of the Law, v. infra.]

(18) [Who destroyed the altar, v. infra.]

(19) [Who allowed the altar to be covered with spiderwebs. v. infra.]

(20) [Who declared that he could dispense with the light of God, v. infra.]

(21) Lit., ‘receive the presence of.’

(22) Hosea VII, 5.

(23) Ps. CI, 7.

(24) Job XIII, 15.

(25) Ps. V, 5.

(26) I.e., slander, as defined by the context, cf. verses 7, 10.

(27) Ps. XCI, 10.

(28) Heb. Yezer Hara'. יצר הרע

(29) V. Glos. If a woman observed a reddish stain upon her garments and does not know whether it is blood or not, she is a doubtful niddah, and is forbidden cohabitation.

(30) [By the addition of too much salt; A metaphor for the open acceptance of heretical teachings. v. Hereford, op. cit., pp. 60f.]

(31) These blessings, 'there shall no evil befall thee etc.' were David's blessings to Solomon. Those that follow 'For he shall give his angels etc.' are a mother's blessings.

(32) Ibid. 10f.

Talmud - Mas. Sanhedrin 103b

Because he hath set his love upon me, therefore will I deliver him: will set him on high, because he hath known my name. He shall call upon me, and I will answer him: I will be with him in trouble; I will deliver him, and honour him. With long life will I satisfy him, and shew him my salvation.¹

R. Simeon b. Lakish said: What is meant by the verse And from the wicked their light is withholden, and the high arm shall be broken:² now why is the 'ayin of resha'im [wicked] suspended?³ Once a man becomes poor [in friends] below [on earth], he becomes poor above [in heaven]" Then let the 'ayin not be written at all? — R. Johanan and R. Eleazar [differ in their answer]: One said, because of David's honour; the other said, because of the honour of Nehemiah, the son of Hachaliah.⁴

Our Rabbis taught: Manasseh interpreted Leviticus⁵ in fifty-five different ways, corresponding to the years of his reign. Ahab [in] eighty-five, and Jeroboam [in] one hundred and three [ways].

It has been taught: R. Meir said: Absalom has no portion in the world to come, for it is written, And they smote Absalom, and slew him:⁶ 'they smote him' — in this world, 'and slew him' — in the next. It has been taught: R. Simeon b. Eleazar said on the authority of R. Meir: Ahaz, Ahaziah, and all the kings of Israel of whom it is written, And he did that which was evil in the sight of the Lord will neither live [in the future world] nor be judged [there].⁷

Moreover, Manasseh shed innocent blood very much, till he had filled Jerusalem from one end to another; beside his sin wherewith he made Judah to sin, in doing that which was evil in the sight of the Lord.⁸ Here, [in Babylon] it is interpreted as meaning that he slew Isaiah; in the West [Palestine] they said: [It means] that he made an image as heavy as a thousand men, and every day it slew all of them.⁹ With whom does this dictum of Rabbah b. Bar Hana agree? Viz., The soul of one righteous man is equal to the whole world: with whom does it agree? With the author of the view that he killed Isaiah.¹⁰ [Scripture writes, And he set] the graven image,¹¹ but it is also stated, [And the groves and the] graven images, [which he had set up].¹² R. Johanan said: At first he made it with one face, but subsequently he made it with four faces,¹³ that the Shechinah might see it, and be wroth. Ahaz set it¹⁴ in an upper chamber, as it is written, And the altars that were on the top of the upper chamber of Ahaz etc.¹⁵ Manasseh placed it in the Temple, as it is written, And he set up a graven image of the grove that he had made in the house, of which the Lord said to David, and to Solomon his son, In this house, and in Jerusalem which I have chosen out of all tribes of Israel will I put my name for ever.¹⁶ Amon introduced it into the Holy of Holies, as it is said, For the bed is shorter than that a man can stretch himself on it: and the covering narrower than that he can wrap himself in it.¹⁷ Now, what is meant by 'For the bed is shorter than that one can stretch himself on it'? — R. Samuel b.

Nahmani said in the name of R. Jonathan: For this bed is too short that two neighbours may rule therein together.¹⁸ What is the meaning of 'and the covering narrower etc.'? — R. Samuel b. Nahmani said: When R. Jonathan reached this verse, he wept. He of whom it is written, He gathereth the waters of the sea together as an heap¹⁹ — should a molten image be made a rival to it!²⁰

Ahaz caused the [sacrificial] service to cease, and sealed the Torah, as it is written, Bind up the testimony, seal the law among my disciples.²¹ Manasseh cut out the Divine Name [from the Torah], and broke down the altar. Amon burnt the Torah, and allowed spider webs to cover the altar [through complete disuse]. Ahaz permitted consanguineous relations; Manasseh violated his sister; Amon, his mother, as it is written, For he Amon sinned very much.²² R. Johanan and R. Eleazar [dispute therein]: One maintained, He burnt the Torah; the other, he dishonoured his mother. His mother remonstrated with him: 'Hast thou then any pleasure in the place whence thou didst issue?' He replied: 'Do I do this for any other purpose than to provoke my Creator!' When Jehoiakim came, he said, 'My predecessors knew not how to anger him: do we need [Him] for aught but his light?'²³ But we have Parvaim²⁴ gold, which we use [for light]; let him take His light!' Said they [his courtiers] to him, 'But silver and gold are His too, as it is written, The silver is mine, and the gold is mine, saith the Lord of Hosts.'²⁵ 'He has long since given them to us,' he replied, 'as it is written, The heaven, even the heavens, are the Lord's: but the earth hath he given to the children of men.'²⁶

Raba said to Rabbah b. Mari: Why did they not count Jehoiakim²⁷ [amongst those who have no portion in the world to come], seeing that it is written of him, And the remaining words of Jehoiakim, and the abomination which he wrought, and that which was found upon him etc.?²⁸ (What is meant by that which was found upon him? — R. Johanan and R. Eliezer differ: one maintained that he engraved the name of an idol upon his person, and the other held that he engraved the name of Heaven thereon [as a gesture of contempt])? — He answered: I have heard no explanation concerning the kings [why Jehoiakim was not included]: but I have heard one concerning the commoners. [Thus:] Why did they not include Micah?²⁹ — Because his bread was available to travellers, as it is written, Every traveller [turned] to the Levites.³⁰

And he shall pass through the sea with affliction, and shall smite the waves in the sea.³¹ R. Johanan observed: This refers to Micah's graven image.

It has been taught: R. Nathan said: From Gareb³² to Shiloah is a distance of three mils, and the smoke of the altar³³ and that of Micah's image intermingled. The ministering angels wished to thrust Micah away, but the Holy One, blessed be He, said to them, 'Let him alone, because his bread is available for wayfarers.' And it was on this account³⁴ that the people involved in the matter of the concubine at Gibeah³⁵ were punished.³⁶ For the Holy One, blessed be He, said to them, 'Ye did not protest for My honour, yet ye protest for the honour of a woman.'³⁷

R. Johanan said on the authority of R. Jose b. Kisma: Of great [importance] is the mouthful [of food given to wayfarers], since it alienated two families from Israel, as it is written, [An Ammonite or Moabite shall not enter into the congregation of the Lord] . . . Because they met you not with bread and water in the way, when ye come forth out of Egypt.³⁸ R. Johanan, stating his own views, said: It alienates those who are near, and draws near those who are distant; it causes [God's] eyes to be averted from the wicked, and made the Shechinah to rest even on the prophets of Baal; and an unwitting offence in connection therewith is accounted as deliberate. 'It alienates those who are near,

(1) Ibid. 14ff.

(2) Job XXXVIII, 15.

(3) In the text it is written רשעים, the ע being written above the level of the line, making it read רשים plur. of רש 'poor'. (11) I.e., where one earns the disapproval of man, it is proof that he has earned the disapproval of God too. Cf. Aboth. III 13.

- (4) Both had many enemies, yet were truly righteous men.
- (5) Lit., 'the Priestly Law'.
- (6) II Sam. XVIII, 15.
- (7) I.e., they lead in the Hereafter an indifferent existence.
- (8) II Kings XXI, 16.
- (9) I.e., its enormous weight crushed such a number every day (Rashi); [or, he (Manasseh) slew them every day (at the end of the day's work); V. Ginzberg, Legends, IV, 278.]
- (10) Since, in his opinion, that is meant by the statement that Manasseh filled Jerusalem with innocent blood from end to end.
- (11) II Chron. XXXIII, 7.
- (12) Ibid. 19. The Talmud discusses the discrepancy in number.
- (13) [Copying the pattern of the four figures on the throne of God; v. Ezek. 1.]
- (14) An idol — not the one just mentioned.
- (15) II Kings XXIII, 13.
- (16) Ibid. XXI, 7.
- (17) Isa. XXVIII, 20.
- (18) A play on the word **מהשתרע** I.e., the Holy of Holies is too small that God and the idol should rule together.
- (19) Ps. XXXIII, 7.
- (20) The verse is accordingly translated: 'And the molten image is a rival to him who gathered (the waters) as an heap.'
- (21) Isa. VIII, 16.
- (22) II Chron. XXXIII, 23.
- (23) I.e., the sun.
- (24) A place famed for its gold, [cf. II Chron. III, 6.]
- (25) Hag. II, 8.
- (26) Ps. CXV, 16.
- (27) V. infra p. 706.,
- (28) II Chron. XXXVI, 8. [V. Yad Ramah, whose interpretation is here adopted.]
- (29) Amongst the commoners who are excluded in the Mishnah from the future world: Micah was an Ephraimite, who had a private idolatrous shrine; Judges XVII.
- (30) For refreshment. This verse is not found in our Bible, v. p. 698, n. 8. 'The Levite' stands for Micah, since he had a Levite ministering at his shrine. [This gloss is however suspect, as it does not occur in many MSS. v. D.S.]
- (31) Zech. X, 11. It is not clear how this applies to Micah. Rashi gives two explanations: (i) When Moses cast the Divine Name into the sea in order to bring up Joseph's coffin, Micah stole and hid it; subsequently, he crossed the Red Sea together with the Israelites, bearing this Divine Name with him, by means of which he was able magically to make the Golden Calf (v. p. 446, nn. 9, 10); the verse is accordingly translated: And he passed over the sea with that which was to be a source of distress; (ii) Micah made his graven image (which he subsequently set up in his private sanctuary) whilst yet in Egypt, and took it with him when Israel crossed the Red Sea. The translation will be similar to the first.
- (32) A town supposed to be the seat of Micah's image in Shiloh. [Gareb has been identified with Kirbat Gharaba, Horowitz, op. cit. p. 144.]
- (33) Lit., 'wood pile (on the altar).'
- (34) Sc. Micah's image, which his neighbours permitted.
- (35) V. Judges XIX.
- (36) Forty thousand of those who went to war against Benjamin being slain.
- (37) Lit. 'flesh and blood'.
- (38) Deut. XXIII, 4f.

Talmud - Mas. Sanhedrin 104a

— [this is deduced] from Ammon and Moab. 'And brings near those who are distant,' from Jethro. For R. Johanan said: As a reward for [Jethro's saying] Call him, that he may eat bread,¹ his descendants were privileged to sit in the Hall of Hewn Stones² [as scribes], as it is written, And the family of the scribes which dwell at Jabez; the Tirahites, the Shimeathites, and Suchathites. These

are the Kenites that came of Hemath, the father of the house of Rechab;³ whilst elsewhere it is written, And the children of the Kenite, Moses' father-in-law, went up out of the city of palm trees with the children of Judah into the wilderness of Judah, which lieth in the south of Arad; and they went and dwelt among the people.⁴ 'It causes [God's] eyes to be averted from the wicked' — [this is learnt] from Micah.⁵ 'And made the Shechinah to rest upon the prophets of Baal', — from the companion of Iddo the prophet. For it is written, And it came to pass, as they sat at the table, that the word of the Lord came unto the prophet that brought him back.⁶ 'And an unwitting offence in connection therewith is accounted as deliberate' — for Rab Judah said in Rab's name: Had but Jonathan given David two loaves of bread for his travels, Nob, the city of priests would not have been massacred, Doeg the Edomite would not have been destroyed,⁷ and Saul and his three sons would not have been slain.⁸

Now, why did they not include Ahaz?⁹ — R. Jeremiah b. Abba said: Because he was placed between two righteous men, Jotham and Hezekiah. R. Joseph said: Because he was abashed before Isaiah, as it is written, Then said the Lord unto Isaiah, Go forth now to meet Ahaz, thou and Shear-jashub thy son, at the end of the conduit of the upper pool in the highway of the field of the kobes.¹⁰ What is the meaning of kobes? — Some say, he hid his face [in shame] and fled.¹¹ Others say, he dragged a fuller's trough¹² upon his head [reversed, to hide his face in shame] and fled.

And why was Amon not included? — Because of Josiah's honour.¹³ Then Manasseh [Hezekiah's son] too should not be included, because of Hezekiah's honour? — A son confers privileges on his father, but a father confers no privilege on a son. For it is written, Neither is there any one that can deliver out of my hand:¹⁴ Abraham cannot deliver Ishmael, [and] Isaac cannot deliver Esau. Now, having arrived at this answer, Ahaz too was omitted because of Hezekiah's honour. And why was Jehoiakim omitted? — On account of what R. Hiyya, son of R. Abuiyah said. For R. Hiyya, son of R. Abuiyah, said: Upon Jehoiakim's skull was written, 'This and yet another.' Now, R. Perida's grandfather found a skull lying about at the gates of Jerusalem, and upon it was written, 'This and yet another.' So he buried it, but it refused to be buried [i.e., it re-emerged]; again he buried it, and again it would not remain buried. Thereupon he said, 'This must be Jehoiakim's skull, of whom it is written, He shall be buried with the burial of an ass, drawn and cast forth beyond the gates of Jerusalem.'¹⁵ 'Yet,' reflected he, 'he was a king, and it is not meet to disgrace him'. So he wrapped it up in silk and placed it in a chest. On his wife's seeing it, she thought that it must be the skull of his first wife, whom he could not forget. So she fired the oven and burnt it. This is the meaning of the inscription: 'This and yet another.'¹⁶

It has been taught: R. Simeon b. Eleazar said: On account of [Hezekiah's boasting] And I have done that which was good in thy sight,¹⁷ [he was led to inquire] What shall be the sign [that the Lord will heal me]?¹⁸ On account of 'What shall be the sign', heathens ate at his table;¹⁹ and on account of heathens eating at his table, he caused his children to go into exile.²⁰ This supports Hezekiah's dictum: He who invites a heathen into his house and attends to him, causes his children to go into exile, as it is written, And of thy sons that shall issue from thee, which thou shalt beget, shall they take away; and they shall be eunuchs in the palace of the king of Babylon.²¹

And Hezekiah was glad of them, and shewed them the house of his precious things, the silver, and the gold, and the spices, and the precious ointment etc.²² Rab said: What is meant by 'the house of his precious things'? — His wife, who mixed the drinks for them.²³ Samuel said: He shewed them his treasury. R. Johanan said: He shewed them weapons which could destroy other weapons. How [ekah] doth the city sit solitary!²⁴ Rabbah said in R. Johanan's name: Why was Israel smitten with 'ekah'?²⁵ Because they transgressed the thirty-six injunctions²⁶ of the Torah which are punished by extinction.²⁷ R. Johanan said: Why were they smitten with an alphabetical dirge?²⁸ Because they violated the Torah, which was given by means of the alphabet.²⁹

'Sit [badad]³⁰ Solitary': Rabbah said in R. Johanan's name: The Holy One, blessed be He, exclaimed, 'I said, "Israel then shall dwell in safety alone [badad].' the fountain of Jacob shall be upon a land of corn and wine; also his heavens shall drop down dew,"³¹ but now they shall sit solitary.'³²

The city that was full of people. Rabbah said in R. Johanan's name: They used to marry off a young girl to an adult, and a minor to a full-grown woman, that they might bear many children.³³

She is become as a widow. Rab Judah said in Rab's name: As a widow, yet not a widow in fact: as a woman whose husband had gone overseas, but intends returning to her.

She that was great among the nations, and princess among the provinces: Rabbah said in R. Johanan's name: Wherever they went, they became princes of their masters.³⁴

Our Rabbis taught: It once happened that two men [Jews] were taken captive on Mount Carmel, and their captor was walking behind them.

(1) Ex. II, 20.

(2) V. supra, p. 573, n. 1.

(3) I Chron. II, 55.

(4) Judges I, 16. This shews that the Kenites were descended from Jethro, and they sat in the Hall of Hewn Stones as scribes and Sanhedrin.

(5) V. supra 103b.

(6) I Kings XIII, 20: he was a prophet of Baal, yet God's word came to him, as a reward for his hospitality.

(7) V. p. 640, n. 5.

(8) For had he provided him with food, he would not have taken any from Ahimelech. Thus, all this happened, though Jonathan's initial offence was due to an oversight.

(9) V. supra, 103b.

(10) **כֹּוֹבֵם** Isa. VII, 3.

(11) Connecting it with **כִּבֵּשׁ** 'to suppress', 'to bend down'.

(12) Giving kobes its usual meaning.

(13) Josiah was his son, and a righteous man. To safeguard his honour and spare him from disgrace, Amon is permitted to enjoy the world to come.

(14) Deut. XXXII, 39.

(15) Jer. XXII, 19.

(16) This story is also related on 82a, with some slight variations. — These indignities made sufficient atonement for him that he should share in the future world.

(17) II Kings XX, 3.

(18) Ibid. 9: 'Sin draws sin in its train'. The sin of boastfulness led him to that of disbelief, requiring a visible sign. The whole dictum is in this spirit

(19) Those whom Merodach-baladan had sent to congratulate him on his recovery. — Ibid. 22.

(20) Cf. Ibid. 17f.

(21) Ibid. 18.

(22) Isa. XXXIX, 2; cf. II Kings XX, 13.

(23) He permitted his wife ('his treasure') openly to wait upon them, disregarding the modesty which should have kept her within her own quarters (Maharsha).

(24) Lam. I, 1. Having mentioned exile, the Talmud proceeds to discuss Lamentations.

(25) I.e., brought to such a dirge.

(26) V. Ker. I, 1.

(27) The numerical value of **אֵיכָה** is 36.

(28) Lamentations is written in the form of an alphabetical acrostic.

(29) I.e., its words are formed from the alphabet. Possibly this alludes to the belief that the letters themselves are

endowed with certain powers; v. p. 446, n. 9.

(30) בַּדָּד.

(31) Deut. XXXIII, 28. Thus 'solitariness' was promised as a blessing, viz., freedom from outside entanglements which might threaten their safety.

(32) I.e., desolate.

(33) This is meant to exclude marriage where both are minors.

(34) Even in the Diaspora they forged to the front ranks.

Talmud - Mas. Sanhedrin 104b

One of them said to the other, 'The camel walking in front of us is blind in one eye, and is laden with two barrels, one of wine, and the other of oil, and of the two men leading it, one is a Jew, and the other a heathen.' Their captor said to them, 'Ye stiff-necked people, whence do ye know this?' They replied, 'Because the camel is eating of the herbs before it only on the side where it can see, but not on the other, where it cannot see.¹ It is laden with two barrels, one of wine and the other of oil: because wine drips and is absorbed [into the earth], whilst oil drips and rests² [on the surface].³ And of the two men leading it, one is a Jew, and the other a heathen: because a heathen obeys the call of Nature in the roadway, whilst a Jew turns aside.' He hastened after them, and found that it was as they had said.⁴ So he went and kissed them on the head,⁵ brought them into his house, and prepared a great feast for them. He danced [with joy] before them and exclaimed 'Blessed be He who made choice of Abraham's seed and imparted to them of His wisdom, and wherever they go they become princes to their masters!' Then he liberated them, and they went home in peace.

She weepeth, yea, She weepeth, in the night.⁶ Why this double weeping? — Rabbah said in R. Johanan's name: Once for the first Temple, and once for the second. 'In the night' — on account of what happened at night. For it is written, And all the congregation lifted up their voice, and cried, and the people wept that night.⁷ Rabbah observed in R. Johanan's name: It was the night of the ninth of Ab, and the Almighty said to Israel, 'Ye have wept without cause: therefore will I appoint a weeping to you for future generations. Another interpretation of 'in the night': whoever weeps at night, his voice is heard.⁸ Another meaning: whoever weeps at night, the stars and constellations weep with him. Another meaning: whoever weeps at night, he who hears him, weeps [in sympathy]. It happened that the child of a neighbour of R. Gamaliel died, and she was weeping for him at night. R. Gamaliel, on hearing her, wept in sympathy with her, until his eyelashes fell out. On the morrow, his disciples discerned this, and removed her from his neighbourhood.

And her tears are on her cheeks.⁹ Rabbah said in R. Johanan's name: As a woman who weeps for the husband of her youth, as it is written, Lament like a virgin girded with sackcloth for the husband of her youth.¹⁰

Her adversaries are the chief.¹¹ Rabbah said in R. Johanan's name: Whoever distresses Israel becomes a chief, as it is written,¹² Nevertheless, there shall be no weariness for her that oppressed her.¹³ In the former time he brought into contempt the land of Zebulun and the land of Naphtali, but in the latter time hath he made it glorious, by way of the sea, beyond Jordan, the circuit of the nations.¹⁴ Whereupon Rabbah said in R. Johanan's name: Whoever oppresses Israel does not weary.

Not to you, all ye that pass by.¹⁵ Rabbah said in R. Johanan's name: This gives Biblical support to the custom of saying 'not to you'.¹⁶ 'All ye that pass by.' R. Amram said in Rab's name: They have made me as those who transgress the law;¹⁷ for in the case of Sodom it is written, And the Lord rained upon Sodom [and upon Gomorrah brimstone and fire],¹⁸ whilst in the case of Jerusalem it is written, From above hath he sent fire into my bones, and it prevaieth against them.¹⁹

For the iniquity of the daughter of my people is greater than the sin of Sodom.²⁰ is there then

favouritism in the matter?²¹ — Rabbah answered in R. Johanan's name: There was an extra measure [of punishment] in Jerusalem, which Sodom was spared. For in the case of Sodom, it is written, Behold, this was the iniquity of thy sister Sodom, pride, fulness of bread, and abundance of idleness was in her and in her daughters, neither did she strengthen the hand of the poor and the needy.²² Whereas in the case of Jerusalem it is written, The hands of the pitiful women have sodden their children.²³

The Lord hath trodden under foot all my mighty men in the midst of me.²⁴ as one says to his neighbour, This coin has lost its currency.²⁵

All thine enemies have opened their mouths against thee.²⁶ Rabbah said in R. Johanan's name: Why did he place the pe before the 'ayin?²⁷ Because of the Spies who spoke with their mouths what they had not seen with their eyes.²⁸

They eat my people as they eat bread, and call not upon the Lord.²⁹ Rabbah said in R. Johanan's name: Whoever eats the bread of Israel enjoys the taste of bread; whoever does not eat the bread of Israel does not enjoy the taste of bread.³⁰

They call not upon the Lord. Rab said: This refers to the judges;³¹ Samuel said: To teachers of children.³²

Now, who enumerated them?³³ — R. Ashi said: The men of the Great Assembly³⁴ enumerated them.

Rab Judah said in Rab's name: They wished to include another [sc. Solomon], but an apparition of his father's likeness came and prostrated itself [in supplication] before them, which, however, they disregarded. A heavenly fire descended and its flames licked their seats, yet they still disregarded it. Whereupon a Heavenly Voice cried out to them, 'Seest thou a man diligent in his business? he shall stand before kings; he shall not stand before mean men.'³⁵ He who gave precedence to My house over his, and, moreover, built My house in seven years, but his own in thirteen, he shall stand before kings;³⁶ he shall not stand before mean men.'³⁷ Yet they paid no attention even to this. Whereupon the Heavenly Voice cried out, 'Should it be according to thy mind? he will recompense it, whether thou refuse, 'or whether thou choose; and not I etc.'³⁸

The Doreshe Reshumoth³⁹ maintained: All of them will enter the world to come, as it is written, Gilead is mine, Manasseh is mine;⁴⁰ Ephraim also is the strength of mine head; Judah is my lawgiver, Moab is my washpot; over Edom will I cast out my shoe: Philistia, triumph thou because of me.⁴¹ [Thus:] 'Gilead is mine' this refers to Ahab, who fell at Ramoth-gilead; 'Manasseh' is literally meant;⁴² 'Ephraim also is the strength of mine head' — this alludes to Jeroboam, a descendant of Ephraim; 'Judah is my lawgiver' — this refers to Ahitophel,

(1) An animal eats from the herbs on both sides of it. This camel however, was eating of one side only, proving that it was blind in one eye.

(2) Lit., 'floats'.

(3) And they had observed two lines of such drops — one absorbed into the earth, and the other remaining on the surface.

(4) In our editions this story is considerably abbreviated. The Munich edition (referred to and partly quoted in the Aruch) proceeds from here: 'It appears to us,' said they, 'that our master is the son of the king's dancer' (So translated in the REJ. XI, 15, on the basis of the general context. Jast: the king's fool, which is probably the same. Aruch: the son of the king's executioner (quaestionarius), but that is quite unsuited to the context). Then he brought them into his house, prepared a great feast, and danced before them. Seeing this, the Jews exclaimed, 'Did we not say that our master is the son of the king's dancer?' On hearing these words, the man sped to his mother and threatened her, 'If thou dost not

confess the truth to me, I will kill thee.' Thereupon she disclosed to him that on her wedding day, her husband having quitted the nuptial chamber, the king's dancer entered and ravished her. He then returned to his captives and served them with some meat. Having smelt it, they cried out, 'This meat smells of dog!' Again he threatened his mother with death if she would not tell him the truth. She answered: 'This is the meat of a ewe suckled by a bitch, its own mother having died'. He then offered them wine. 'It smells of the dead', said they. A third time he challenged his mother to reveal the truth, on pain of death. She told him that the wine had been manufactured from a vine whose branches had trailed over his father's tomb. He returned, kissed them, and exclaimed, 'Blessed be the God who made choice of Abraham's posterity.' Then he dismissed them in peace to their homes. Cf. REJ. loc. cit. et seqq., where the parallel story is quoted from the Yalkut on Ekah (1000), and the probable date, place, and purpose of its composition discussed.

(5) Kissing, in ancient days as well as in our own, was often a mark of respect and admiration, not necessarily of affection.

(6) Literal rendering of Lam. I, 2.

(7) Num. XIV, 1 — this was after the discouraging report of the Spies.

(8) Israel's weeping did not arouse any pity.

(9) Lam. I, 2.

(10) Joel I, 8.

(11) Lam. I, 5.

(12) Wilna Gaon deletes this.

(13) V. supra p. 636.

(14) Isa. VIII, 23.

(15) Lam. I, 12.

(16) קובלנא (kublana) is a formula for warding off danger from one's neighbour when reciting woes to him by saying, 'May this not befall you'. Another meaning: 'crying out'; i.e., a man in trouble should cry out to his neighbours and obtain their sympathy (Jast). On this rendering the E.V. can be retained: 'Is it nothing to you?'

(17) Translating עוברי דרך 'Transgressors of the way of the Lord'.

(18) Gen. XIX, 24.

(19) Lam. I, 13: thus Jerusalem was treated as Sodom and Gomorrah.

(20) Ibid. IV, 6. In the editions this is preceded by 'And it is written', thus making it a continuation of the previous passage. But the Wilna Gaon deletes it.

(21) Since Sodom was completely destroyed, whilst Jerusalem in spite of its greater iniquity was left standing.

(22) Ezek. XVI, 49.

(23) Lam. IV, 10, thus Jerusalem suffered extreme hunger, which Sodom never did, and this fact counterbalanced her being spared total destruction (Rashi).

(24) Ibid. I, 15.

(25) Lit., 'disqualified', 'rejected'; and so may be trodden under foot. So did God treat Israel's heroes as being of no value (Rashi).

(26) Ibid. II, 16.

(27) As remarked before, Lamentations is written in the form of an alphabetical acrostic. But in this chapter, and also in Chs. III and IV, the verse beginning with פ precedes that of the ע; pe פ means mouth and 'ayin ע means eye.

(28) Thus putting the one before the other.

(29) Ps. XIV, 4.

(30) The Heathens enjoy their bread only if it is stolen from the Jews.

(31) Who do not mete out fair justice.

(32) Who do not carry out their task honestly.

(33) Who originally enumerated these kings and commoners as having no portion in the coming world, seeing that ordinary persons cannot know such things?

(34) The men of the Great Synagogue or Great Assembly are regarded as the connecting link in the chain of tradition from Moses down to the Rabbis, and many institutions are traced to them; v. Aboth I, 1.

(35) Prov. XXII, 29.

(36) In Paradise (Rashi).

(37) I.e., he must not be included among those who have no portion in the future world.

(38) Job XXXIV, 33. It would appear from this passage that the men of the Great Synagogue were regarded as the actual

arbiters of the matter, save in the case of Solomon.

(39) [דורש רשומות] lit., 'interpreters of signs,' i.e., those who interpret the law symbolically, for the sake of edification and instruction, a school of exegetes belonging to a period anterior to that of Hillel and Shammai and of Palestinian origin. For a full discussion of the term, v. Lauterbach, J.Q.R. (N.S.) I, pp. 291ff. and 503ff.]

(40) I.e., it is for me to bear their iniquities, that they may enter into the coming world.

(41) Ps. LX, 9f.

(42) Viz., the son of Hezekiah.

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who is descended from Judah; 'Moab is my washpot,' to Gehazi, who was smitten on account of matters connected with bathing; 'over Edom will I cast out my shoe'¹ — to Doeg the Edomite;² 'Philistia, triumph thou because of me,' The ministering Angels exclaimed before the Holy One, blessed be He, 'Sovereign of the Universe! If David comes, who slew the Philistine and gave possession of Gath to thy children. [and complains at Thy giving a share in the world to come to Doeg and Ahitophel], what wilt thou do with him?' He replied, 'It is My duty to make them friends with each other.'³

Why is this people of Jerusalem slidden back by a perpetual backsliding?⁴ Rab said: The Kenesseth Yisrael⁵ gave the prophet a victorious answer.⁶ [For] the prophet said to Israel. 'Return and repent: your fathers who sinned — where are they?' They replied, 'And your prophets who did not sin — where are they? As it is written. Your fathers, where are they? — and the prophets, do they live for ever!'⁷ He answered them, 'Yet [your fathers] repented and admitted [the justice of their punishment],⁸ as it is written, But my words and my statutes, which I commanded my servants the prophets, did they not take hold of your fathers? and they returned and said, Like as the Lord of Hosts thought to do unto us, according to our ways, and according to our doings, so hath he dealt with us.'⁹

Samuel said: Ten men came and sat down before him [sc. the prophet]. Said he to them, 'Return and repent.' They answered, 'If a master sells his slave, or a husband divorces his wife, — has one a claim upon the other?'¹⁰ Thereupon the Holy One, blessed be He, said to the prophet, 'Go and say to them, Thus saith the Lord, Where is the bill of your mother's divorcement, whom I have put away? or which of my creditors is it to whom I have sold you? Behold, for your iniquities have ye sold yourselves, and for your transgressions is your mother put away.'¹¹ This agrees with Resh Lakish, who said: Why does Scripture write, David my servant, Nebuchadnezzar my servant?¹² Because it was revealed and known to Him who spoke, and the world was created¹³ that Israel would argue thus: therefore the Holy One, blessed be He, forestalled [them] by calling him His servant, and when a servant acquires property — to whom does the servant belong, and to whom the property?¹⁴

And that which cometh into your mind shall not be at all, that ye say, We will be as the heathen, as the families of the countries, to serve wood and stone. As I live, saith the Lord God, surely with a mighty hand, and with a stretched out arm, and with fury poured out, will I rule over you.¹⁵ R. Nahman said: Even with such fury let the Merciful rage against us, but that He redeem us.

For he doth chastise him to discretion, and his God doth teach him.¹⁶ Rabbah b. Bar Hana said: The prophet urged Israel, 'Return and repent.' They replied, 'We cannot: the Tempter¹⁷ rules over us. He said to them, 'Curb your [evil] desires.' They replied, 'Let His God teach us.'¹⁸

FOUR COMMONERS, VIZ., BALAAM, DOEG, AHITOPHEL, AND GEHAZI. Belo'-am [denotes without the people].¹⁹ Another explanation: Balaam denotes that he corrupted a people.²⁰ The son of Beor [denotes] that he committed bestiality.²¹ A Tanna taught: Beor, Cushan-rishathaim and Laban the Syrian are identical; Beor denotes that he committed bestiality; Cushan-rishathaim,

that he perpetrated two evils upon Israel: one in the days of Jacob,²² and the other in the days of the Judges.²³ But what was his real name? Laban the Syrian.

Scripture writes, the son of Beor;²⁴ [but also] his son [was] Beor.²⁵ R. Johanan said: His father [Beor] was as his son in the matter of prophecy.²⁶

Now only Balaam will not enter [the future world], but other [heathens] will enter.²⁷ On whose authority is the Mishnah [taught]? — On R. Joshua's. For it has been taught: R. Eliezer said, The wicked shall be turned into hell, and all the nations that forget God:²⁸ The wicked shall be turned into hell — this refers to transgressors among Israel; and all the nations that forget God — to transgressors among the heathen.²⁹ This is R. Eliezer's view. But R. Joshua said to him: Is it stated, and [those] among all the nations?³⁰ Surely all the nations that forget God is written! But [interpret thus:] The wicked shall be turned into hell, and who are they? — all the nations that forget God.³¹ Now, that wicked man [Balaam] too gave a sign for himself [that he would not enter the future world by saying, Let me die the death of the righteous³² — meaning, If I die the death of the righteous [i.e., a natural death], my last end will be like his;³³ but if not [i.e., if I die a violent death], then behold I go unto my people.³⁴

And the elders of Moab and the elders of Midian departed.³⁵ A Tanna taught: There was never peace between Midian and Moab. The matter may be compared to two dogs in one kernel which were always enraged at each other. Then a wolf attacked one, whereupon the other said, If I do not help him, he will kill him to-day, and attack me to-morrow; so they both went and killed the wolf. R. Papa observed: Thus people say, 'The weasel and cat [when at peace with each other] had a feast on the fat of the luckless.' And the princes of Moab abode with Balaam.³⁶ But whither had the princes of Midian gone? — As soon as he said to them, Lodge here this night, and I will bring you word again, [as the Lord shall speak unto me],³⁷ they reasoned, Does any father hate his son!³⁸ R. Nahman said: Impudence, even against Heaven, is of avail: at first it is written, Thou shalt not go with them,³⁹ yet subsequently it is said, Rise up and go with them.⁴⁰ R. Shesheth said: Impudence is sovereignty without a crown,⁴¹ for it is written, And I am this day weak, though anointed king, and these men the sons of Zeruiah be too hard for me.⁴²

R. Johanan said: Balaam limped on one foot, as it is written, And he walked haltingly.⁴³ Samson was lame in both feet, as it is written, [Dan shall be a serpent by the way,] an adder in the path that biteth the horse's heels.⁴⁴ Balaam was blind in one eye, as it is said, [and the man] whose eye is open . . .⁴⁵ He practised enchantment by means of his membrum. For here it is written, falling, but having his eyes open; whilst elsewhere is written, And Haman was fallen on the bed whereon Esther was.⁴⁶

It was stated, Mar Zutra said: He practised enchantment by means of his membrum. Mar the son of Rabina said: He committed bestiality with his ass. The view that he practised enchantment by means of his membrum is as was stated. The view that he committed bestiality with his ass [is because] here it is written, He bowed,⁴⁷ he lay down as a lion and as a great lion;⁴⁸ whilst elsewhere it is written, At her feet

(1) נעלי (E.V. 'my shoe') is connected with root meaning 'to lock' and the phrase is taken to denote, 'I will lock him up in Paradise.'

(2) V. p., 640. n. 5.

(3) התרועעי hithro'a'i (E.V. 'triumph thou') is thus derived from רע, and translated 'make thyself a friend'. It may be observed that it is not taught here that they actually have a portion in the world to come as a right, but that they will nevertheless enter therein, God bearing their iniquities to make this possible (v. n. 1). This is in accordance with the general attitude of Judaism that punishment is not everlasting. Cf. M. Joseph. Judaism as Creed and Life, pp. 146-147.

(4) Heb. meshubah nizzahath, משובה נצחת Jer. VIII, 5.

(5) The Community of Israel.

- (6) **תשובה נצחת** teshubah nizzahath, with which **משובה נצחת** is connected.
- (7) Zech. I, 5. The verse is treated as a dialogue between the prophets and the people.
- (8) [The passage is difficult. It is best to adopt the reading of several editions of MSS. deleting 'He answered them,' viz., 'Yet they (i.e., the people) repented and admitted.' The people, that is to say, despite their victorious rejoinder, did not press this advantage home but moved by the words of Jeremiah, why is this people etc., repented and confessed their guilt.]
- (9) Ibid. 6.
- (10) 'God having sold us to Nebuchadnezzar, He has no further claim upon us, and we have no cause to repent.' This, in Samuel's view, was the victorious answer.
- (11) Isa. L, 1. This vitiated the premises of their argument.
- (12) The latter in Jer. XLIII, 20: why was Nebuchadnezzar honoured with such an exalted title, whereby he was made equal to David?
- (13) This phrase has become liturgical; v. p. 519.
- (14) I.e., even if God had sold them to Nebuchadnezzar, they were still God's.
- (15) Ezek. XX, 32f.
- (16) Isa. XXVIII, 26. (E.V. For his God doth instruct him to discretion and doth teach him.)
- (17) The Evil inclination, the yezer hara'.
- (18) I.e., 'Let God, who is master even over the Tempter, teach us to curb our desires.' This was in Rabbah b. Bar Hana's view' the 'victorious answer' (Rashi).
- (19) **בלא עם** Belo'am, i.e., he has no portion in the future world together with other people.
- (20) **בלה עם** balah'am, [or **בלע עם** bala'-'am, 'he devoured the people,' Aruch]. Both meanings are a play of words on his name. The reference is to Israel, as explained further on.
- (21) Lit., 'had connection with an animal'. Heb. **בעיר**.
- (22) When he pursued him, wishing to destroy him (Gen. XXVI, 23 et seqq.).
- (23) Judges III, 8; Therefore the anger of the Lord was hot against Israel, and he sold them into the hand of Cushon-rishathaim, king of Mesopotamia. Rish'athaim is taken as dual of Rish'ah, **רשעה** 'evil'.
- (24) Num. XXII, 5.
- (25) Ibid. XXIV, 3: so **בנו בעור** may be translated.
- (26) I.e., he was a greater prophet than his father.
- (27) This follows as a corollary to the Mishnah.
- (28) Ps. IX, 17.
- (29) [Heathens, however, who do not forget God will share the bliss of eternal life.]
- (30) Which would denote only some of them.
- (31) [Yad Ramah preserves a more preferable reading: 'this refers to the heathen. This is R. Eliezer's view. But R. Joshua said to him: Is it stated, and all nations, surely all nations etc. i.e., without a waw copulative, and hence in apposition to the first clause.]
- (32) Num. XXIII, 20.
- (33) I.e., 'I will enter the world to come.'
- (34) Ibid. XXIV, 14; i.e., into the Gehenna.
- (35) Ibid. XXII, 7.
- (36) Ibid. 8.
- (37) Ibid.
- (38) They knew that it was useless to wait.
- (39) Ibid. 12.
- (40) Ibid. 20. [His insistence wrested from God His consent for him to go.]
- (41) I.e., it wields great power, and lacks nothing but a crown.
- (42) II Sam. III, 39. Thus their boldness and impudence outweighed sovereignty.
- (43) Num. XXIII, 3.
- (44) Gen. XLIX, 17. According to tradition, this was a prophecy of Samson; 'An adder in the path' is taken to mean that he would have to slither along like an adder, being lame in both feet.
- (45) Num. XXIV, 3. Since 'eye' is in the singular, it follows that only one eye was open, the other being sightless.
- (46) Est. VII, 8.

(47) E.V. 'he couched'.

(48) Num. XXIV, 9.

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he bowed, he fell.¹

And knoweth the mind² of the most High.³ Now, seeing that he did not even know the mind of his ass, could he know the mind of the most High! What [is this about] the mind of his ass? — For they [the elders] said to him, 'Why didst thou not ride upon thy horse?' He replied. 'I have put it [to graze] in the dewy pastures. But the ass said to him, 'Am I not thine ass?'⁴ — 'Merely for carrying loads', [he replied]. 'Upon which thou hast ridden.' — 'That was only by chance.' 'Ever since I was thine until this day,' [she added]. 'Moreover, I serve thee as a companion by night.' Here is written, Was I ever wont to do so unto thee;⁵ whilst elsewhere it is written, And let her be his companion.⁶ What then is meant by knowing the mind of the most High? — He knew how to gauge the exact moment when the Holy One, blessed be He, is angry; and that was what the prophet said to Israel: O thy people, remember now what Balak king of Moab consulted, and what Balaam the son of Beor answered him from Shittim unto Gilgal, that ye may know the righteousness of the Lord.⁷ What is meant by that ye may know the righteousness of the Lord? — The Holy One, blessed be He, said to Israel: Know now how many acts of charity I performed for you in that I did not become angry all that time, in the days of Balaam the Wicked; for had I waxed angry during that time none would have remained or been spared of Israel's enemies.⁸ And thus Balaam said to Balak, How shall I curse, whom God hath not cursed? or how shall I rage, when the Lord hath not raged?⁹ This teaches that for the whole of that time the Lord had not been wroth.¹⁰ [But normally] God is angry every day.¹¹ And how long does His anger last? — A moment, as it is written, For his anger endureth but a moment; in his favour is life etc.¹² Or, if you like, deduce it from this verse, Come, my people, enter into thy chambers, and shut thy doors about thee: hide thyself as it were for a little moment, until the indignation be overpast.¹³ Now, when is He angry? — In the first three hours [of the day], when the comb of the cock is white. But at all times it is white! — At all other times it has red streaks, but at that moment [of God's anger] there are no red streaks in it.

A sectarian¹⁴ lived in the neighbourhood of R. Joshua b. Levi, who used to vex him. One day he took a fowl, tied it to the foot [of his bed]¹⁵ and sat down, saying, When that moment comes,¹⁶ I will curse him. But when that moment came, he dozed off. This proves, said he, that it is not fitting [to do this], for it is written, Also to punish, is not meet ['good'] for the righteous:¹⁷ even of a sectarian, one should not speak thus.¹⁸

A Tanna taught in the name of R. Meir: When the sun shines and kings place their crowns upon their heads and adore the sun, immediately [the Almighty] becomes wroth.

And Balaam rose up in the morning, and saddled his ass.¹⁹ A Tanna taught on the authority of R. Simeon b. Eleazar: Love disregards the rule of dignified conduct. [This is deduced] from Abraham, for it is written, And Abraham rose up early in the morning, and saddled his ass.²⁰ Hate likewise disregards the rule of dignified conduct: [this is deduced] from Balaam, for it is written, And Balaam rose up in the morning, and saddled his ass.

Rab Judah said in Rab's name: One should always occupy himself with Torah and good deeds, though it be not for their own sake,²¹ for out of good work misapplied in purpose there comes [the desire to do it] for its own sake. For as a reward for the forty-two sacrifices offered up by Balak, he was privileged that Ruth should be his descendant,²² [as]²³ R. Jose b. Huna said: Ruth was the daughter of Eglon, the grandson of Balak, king of Moab.

Raba said to Rabbah b. Mari: It is written, [And moreover the king's servants came to bless our lord king David, saying] God make the name of Solomon better than thy name, and make his throne greater than thy throne:²⁴ is it mannerly to speak thus to a king? — He replied: They meant, according to the nature of [thy throne etc.].²⁵ For should you not say thus, [consider:] Blessed above women shall Jael the wife of Heber the Kenite be, blessed shall she be above women in the tent.²⁶ Now who are the 'women in the tent'? — Sarah, Rebecca, Rachel and Leah. Is it then meet to say thus? — But it means according to the nature of [their blessedness].²⁷ So here too, it bears the same meaning. Now, this conflicts with R. Jose b. Honi. For R. Jose b. Honi said: Of everyone a man is jealous, except his son and disciple. 'His son' — this is deduced from Solomon.²⁸ 'His disciple' — [is deduced] if you like, say, from Let a double quantity of thy spirit be upon me;²⁹ or if you like, say, from And he laid his hands upon him, and gave him a charge.³⁰

And the Lord put a thing in the mouth of Balaam.³¹ R. Eleazar said, An angel;³² R. Jonathan said: a hook.

R. Johanan said: From the blessings of that wicked man you may learn his intentions:³³ Thus he wished to curse them that they [the Israelites] should possess no synagogues or school — houses — [this is deduced from] How goodly are thy tents, O Jacob;³⁴ that the Shechinah should not rest upon them — and thy tabernacles, O Israel;³⁵ that their kingdom should not endure — As the valleys are they spread forth;³⁶ that they might have no olive trees and vineyards — as gardens by the river's side; that their odour might not be fragrant — as the trees of lign aloes which the Lord hath planted; that their kings might not be tall — and as cedar trees beside the waters; that they might not have a king the son of a king —³⁷ He shall pour the water out of his buckets;³⁸ that their kingdom might not rule over other nations — and his seed shall be in many waters; that their kingdom might not be strong — and his king shall be higher than Agag; that their kingdom might not be awe-inspiring — and his kingdom shall be exalted. R. Abba b. Kahana said: All of them reverted to a curse,³⁹ excepting the synagogues and schoolhouses, for it is written, But the Lord thy God turned the curse into a blessing for thee, because the Lord thy God loved thee;⁴⁰ the curse, but not the curses.⁴¹

R. Samuel b. Nahmani said in R. Jonathan's name: What is meant by the verse, Faithful are the wounds of a friend; but the kisses of an enemy are deceitful?⁴² Better is the curse wherewith Ahijah the Shilonite cursed Israel than the blessing wherewith the wicked Balaam blessed them. Ahijah the Shilonite cursed Israel by a reed, as it is said, For the Lord shall smite Israel, as a reed is shaken in the water:⁴³ just as a reed grows in well watered soil and its stem

(1) Judges V, 27. This is taken to refer to sexual intercourse, and hence the first verse quoted is interpreted as referring to this likewise. That is the explanation according to our reading. But the verse he couched, he lay down as a lion, etc. refers not to Balaam but to Israel; this, of course, destroys the whole argument. In consequence the Wilna Gaon deletes this verse. The passage then reads: The view that he had sexual intercourse is deduced from, At her feet he bowed, he fell: just as 'falling' in this verse denotes cohabitation, so also in 'falling, but having his eyes open'. V.D.S. a.l.

(2) E.V. 'knowledge'.

(3) Num. XXIV, 16.

(4) Ibid. XXII, 30; thus affirming that it was his usual wont to ride upon her, not upon a horse.

(5) Ibid. XXII, 30.

(6) I Kings I, 2. In both cases a word from root **יכב** is used. Thus we see that he did not even know his beast's mind, not being able to anticipate her answers. How then could he claim to know the mind of God?

(7) Micah VI, 5.

(8) A euphemism for Israel; v. p. 622, n. 1, For Balaam's curse pronounced at the very moment of My anger, would have been effective.

(9) Num. XXIII, 8.

(10) I.e., He was never angry during that period.

(11) Ps. VII, 12.

- (12) Ibid. XXX, 5.
- (13) Isa. XXVI, 20.
- (14) Heb. Min, v. Glos.
- (15) 'Of his bed' is supplied from Ber. 7a. where this story is repeated. Magical properties were ascribed to the feet of a bed. V. A. Marmorstein in MGWJ. 1927, p. 44 and 1928. p. 391. et seqq., where a number of instances are given both from Talmudic and non-Talmudic literature of the feet of a bed being used in magic. For variants in the whole passage. cf. A.Z. 4a.
- (16) When its comb is entirely white.
- (17) Prov. XVII, 26.
- (18) I.e., one must not curse even a sectarian.
- (19) Num. XXII, 21.
- (20) Gen. XXII, 3. Though the saddling of an ass is not work becoming for a great man, yet in his love to God and eagerness to carry out his commands, Abraham did it.
- (21) V. next note.
- (22) Though Balak offered up these sacrifices for a most unworthy purpose — viz. that Balaam might thereby be enabled to curse Israel — he was nevertheless rewarded for it, shewing that it has some merit.
- (23) V. Hor. 10b.
- (24) I Kings I, 47.
- (25) I.e.. God make the name of Solomon illustrious (lit., 'good') even as the nature of thine own, and make his throne great, according to the character of thy throne. [The מ in מְשֻׁמָּד is taken as partitive.]
- (26) Judges V, 24.
- (27) I.e., 'Blessed shall she be, with the blessedness of women in the tent.' [The מ in מְנַשִּׂים is likewise treated as partitive.]
- (28) I.e., from the passage under discussion; David's servants were not afraid to wish Solomon a greater name than his own, knowing that he would not be jealous of his own son. He thus translates the verse literally.
- (29) II Kings II, 9. Elisha asked this of his master Elijah.
- (30) Num. XXVII, 23. This alludes to Moses' giving of his spirit to Joshua.
- (31) Ibid. XXIII, 5.
- (32) I.e., put an angel at his mouth, to curb his speech.
- (33) Every blessing is the reverse of the curse he wished to utter.
- (34) Ibid. XXIV, 5. 'Tents' is interpreted 'synagogues'. etc.
- (35) Ibid. The tabernacle symbolising the Divine Presence.
- (36) Ibid. 6; the spreading forth of the valleys symbolising length of time.
- (37) I.e., that no king should found a dynasty — a sign of unrest and civil war.
- (38) I.e., one king shall be descended from another.
- (39) His intention in every case was eventually fulfilled.
- (40) Deut. XXIII, 6.
- (41) I.e., only one intentioned curse was permanently turned into a blessing, viz.. that concerning synagogues etc.; as these were destined never to disappear from Israel.
- (42) Prov. XXVII, 6.
- (43) I Kings XIV, 15.

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is renewed¹ and its roots are numerous, and even if all the winds of the world come and blow upon it they cannot dislodge it from its place, but it sways in unison with them, and as soon as the winds subside, the reed still stands in its place, [so may Israel be]. But the wicked Balaam blessed them by the cedar:² just as the cedar does not stand in a watery place, and its roots are few and its stock is not renewed, and even if all the winds of the world come and blow upon it they cannot stir it from its place, but immediately the South wind blows upon it it uproots and overturns it on its face, [so may Israel be]. Nay, more, it was the reed's privilege that a quill thereof should be taken for the writing of the Scroll of the Torah, Prophets and Hagiographa. And he looked on the Kenite, and took up his

parable.³ Balaam said to Jethro, 'Thou Kenite, wast thou not with us in that scheme?'⁴ Who then placed thee among the strong ones of the world!' ⁵ And that is what R. Hiyya b. Abba said in R. Simai's name: Three were involved in that scheme,⁶ viz., Balaam, Job, and Jethro. Balaam, who advised it, was slain; Job, who was silent,⁷ was punished through suffering; and Jethro, who fled — his descendants were privileged to sit in the Hall of Hewn Stones, as it is written, And the families of the scribes which dwell at Jabez, the Tirathites, the Shemeathites, and Suchathites. These are the Kenites that came of Hemath, the father of the house of Rechab;⁸ whilst elsewhere it is written, And the children of the Kenite, Moses' father in law, went up out of the city of palm trees.⁹

And he took up his parable, and said, Alas, who shall live when God doeth this!¹⁰ R. Simeon b. Lakish said: Woe unto him who maketh himself alive by the name of God,¹¹ R. Johanan said: Woe to the nation that may be found [attempting to hinder], when the Holy One, blessed be He, accomplishes the redemption of his children: who would throw his garment between a lion and a lioness when these are copulating!¹²

And ships shall come from the coast of Chittim.¹³ Rab said: This refers to the White Legion.¹⁴ And shall afflict Asshur, and shall afflict Eber:¹⁵ Until Asshur, they shall slay; after that, they shall throw into subjection.¹⁶

And now, behold I go unto my people; come, therefore, and I will advertise thee what this people shall do to thy people in the latter days.¹⁷ But he should have said, What thy people shall do to this people?¹⁸ — R. Abba b. Kahana said: It is as one who, cursing himself, refers his malediction to others.¹⁹ He [Balaam] said thus to him [Balak]. 'The God of these hates lewdness, and they are very partial to linen.'²⁰ Come, and I will advise thee. Erect for them tents enclosed by hangings, in which place harlots, old women without, young women within, to sell them linen garments.' So he erected curtained tents from the snowy mountain [Hermon] as far as Beth ha-Yeshimoth [i.e., right from north to south], and placed harlots in them — old women without, young women within. And when an Israelite ate, drank, and was merry, and issued forth for a stroll in the market place, the old woman would say to him, 'Dost thou not desire linen garments?' The old woman offered it at its current value, but the young one for less. This happened two or three times. After that she would say to him, 'Thou art now like one of the family; sit down and choose for thyself.' Gourds of Ammonite wine lay near her, and at that time Ammonite²¹ and heathen wine had not yet been forbidden. Said she to him, 'Wouldst thou like to drink a glass of wine?' Having drunk, [his passion] was inflamed, and he exclaimed to her, 'Yield to me!' Thereupon she brought forth an idol from her bosom and said to him, 'Worship this!' 'But I am a Jew', he protested. 'What does that concern thee?' she rejoined, 'nothing is required but that thou should uncover thyself' — whilst he did not know that such was its worship. 'Nay', [said she,] 'I will not leave thee ere thou hast denied the Torah of Moses thy teacher,' as it is written, They went into Baal-peor, and separated themselves unto that shame, and their abominations were according as they loved.²²

And Israel abode in Shittim.²³ R. Eliezer said: Its name was Shittim. R. Joshua said: They engaged in ways of folly [shetuth],²⁴ And they called the people unto the sacrifices of their gods:²⁵ R. Eliezer said: They met them naked;²⁶ R. Joshua said: They were all excited to pollution.²⁷

What is the meaning of Rephidim?²⁸ — R. Eliezer said: Rephidim was its name. R. Joshua said: [It was so called] because there they slackened in [their loyalty to] the Torah, as it is written, The fathers shall not look back to their children for feebleness of hands.²⁹

R. Johanan said: Wherever [Scripture] writes 'And he abode [or dwelt]', it denotes trouble, Thus: And Israel abode in Shittim — and the people began to commit whoredom with the daughters of Moab;³⁰ And Jacob dwelt in the laid where his father was a stranger, in the land of Canaan —³¹ and Joseph brought unto his father their evil report;³² And Israel dwelt in the land of Egypt, in the

country of Goshen —³³ And the time drew near that Israel must die;³⁴ And Judah and Israel dwelt safely, every man under his vine and under his fig tree —³⁵ And the Lord stirred up an adversary unto Solomon, Hadad the Edomite; he was the king's seed in Edom.³⁶

And they slew the kings of Midian, beside the rest of them that were slain . . . Balaam also the son of Beor they slew with the sword.³⁷ What business had Balaam there? — R. Jonathan said: He went to receive his reward for the twenty-four thousand Israelites whose destruction he had encompassed.³⁸ Mar Zutra b. Tobiah remarked in Rab's name: This is what men say, 'When the camel went to demand horns, they cut off the ears he had.'³⁹

Balaam also the son of Beor, the soothsayer, [did the children of Israel slay with the sword].⁴⁰ A soothsayer? But he was a prophet! — R. Johanan said: At first he was a prophet, but subsequently a soothsayer.⁴¹ R. Papa observed: This is what men say, 'She who was the descendant of princes and governors, played the harlot with carpenters.'⁴²

(1) It grows again after it is cut down,

(2) Deut. XXIV, 6, quoted above.

(3) Num. XXIV, 21.

(4) To destroy Israel through Pharaoh's decree: Every son that is born ye shall cast into the river — Ex. I, 22 — Of course thou wast!

(5) A metaphor for the Sanhedrin situated in the Hall of Hewn Stones, which counted amongst its members Jethro's descendants. That is the meaning of Strong is thy dwelling place.

(6) V. n. 2.

(7) Not voicing his disapproval.

(8) I Chron. II, 55.

(9) Judges I, 16.

(10) Num, XXIV, 23.

(11) **משמו אל** is read **משמו אל** [Herford, op. cit. 74ff. sees in this a covert allusion to Jesus.]

(12) So also, woe to the nation that would come between God and Israel when He is redeeming them to bring them to Himself

(13) Ibid. 24.

(14) [**ליכון אספיר**]. So Levy, adopting the reading **ליכון** (**). **אספר** (**). Funk, Schwarz Festschrift, p. 248, takes **אספר** as the Persian aswar, 'knight', and renders 'a legion of knights', (cf. Lat. ferreus equitatus). The verse is accordingly interpreted: 'Legions will come from the Coast of Chittim, etc.' the Chittim being taken to denote Rome, (cf. Targ. Yerushalmi a.l.). Jastrow regards the whole passage as an interpolation of the eighth or ninth century, and as referring to Leo the Isaurian, the Byzantine Emperor, leader of the iconoclastic movement which caused a long war between the East and the West of the Empire.

(15) Ibid.

(16) The nations which shall conquer each other — referred to in the words 'and ships' shall, up to Asshur, completely destroy the defeated. But after that a victorious nation shall merely enthral its victim, but not destroy it.

(17) Ibid. 14.

(18) According to Rabbinic tradition, he advised the Moabites to ensnare Israel through unchastity. Thus, he was referring to an action by the former to the latter, whilst Scripture suggests the reverse.

(19) I.e., makes others the object thereof, though meaning himself, so Scripture, alluding to Israel's disgrace, makes it appear that the allusion is really to Moab.

(20) Linen garments were worn by the wealthy and noble; cf. Gen. XLI, 42; Ex. XXVIII, 39.

(21) This is omitted in the Yalkut and Tanhuma.

(22) Hosea IX, 10; i.e., they separated themselves from Moses' teaching.

(23) Num. XXV, 1.

(24) **שטות**.

(25) Ibid. 2.

(26) They called — i.e., they attracted them by their naked bodies.

- (27) Deriving **ותקראו** from **קרי** the usual euphemism for semen.
- (28) Having discussed the meaning of one place name, the Talmud proceeds to discuss another: Then came Amalek and fought with Israel in Rephidim — Ex. XVII, 8.
- (29) Jer. XLVII, 3. This is quoted to shew that **רפה** which he assumes to be the root of Rephidim, connotes weakness.
- (30) Ibid.
- (31) Gen. XXXVII, 1.
- (32) Ibid. 3.
- (33) Ibid. XLVII, 27.
- (34) Ibid. 29.
- (35) I Kings V, 5.
- (36) Ibid. XI, 14.
- (37) Num, XXXI, 8.
- (38) V. ibid, XXV, 1-9: since Israel was thus seduced and punished through his advice, as stated above, he demanded payment.
- (39) So Balaam, demanding a reward, lost his life.
- (40) Joshua XIII, 22.
- (41) As a punishment for wishing to curse Israel he was degraded from a prophet to a soothsayer.
- (42) ‘Shipdragers,’ (v. Rashi). Herford, Christianity in the Talmud, p. 48, suggests that Balaam is frequently used in the Talmud as a type for Jesus (v. also pp. 64-70). Though no name is mentioned to shew which woman is meant, the mother of Jesus may be alluded to, which theory is strengthened by the statement that she mated with a carpenter. (The Munich MS. has **גבר** in the margin instead of **גברי**, i.e., singular instead of plural.)

Talmud - Mas. Sanhedrin 106b

Did the children of Israel slay with the sword among them that were slain by them.¹ Rab said: They subjected him to four deaths, stoning, burning, decapitation and strangulation.²

A certain min³ said to R. Hanina: Hast thou heard how old Balaam was? — He replied: It is not actually stated, but since it is written, Bloody and deceitful men shall not live out half their days,⁴ [it follows that] he was thirty-three or thirty-four years old.⁵ He rejoined: Thou hast said correctly; I personally have seen Balaam's Chronicle, in which it is stated, ‘Balaam the lame was thirty years old when Phinehas the Robber killed him.’⁶ Mar, the son of Rabina, said to his sons: In the case of all [those mentioned as having no portion in the future world] you should not take [the Biblical passages dealing with them] to expound them [to their discredit], excepting in the case of the wicked Balaam: whatever you find [written] about him, lecture upon it [to his disadvantage].

Scripture writes Doeg⁷ and Doeeg:⁸ R. Johanan said: At first the Holy One, blessed be He, sits and is anxious lest one go out on an evil course. But when he has done so, He exclaims, ‘Woe, that he has entered [on an evil path]!’

(Mnemonic: The Mighty, Wicked, Righteous, Riches, Scribe.)

R. Isaac said: What is meant by the verse, Why boastest thou thyself in mischief, O mighty man? The goodness of God endureth continually?⁹ — The Holy One, blessed be He, said to Doeg,¹⁰ ‘Art thou not a mighty man in Torah? Why then boastest thou thyself in mischief?’¹¹ Is not the love of God continually spread over thee?’ R. Isaac also said: What is meant by the verse; But unto the wicked God sayeth, What hast thou to do to declare my statutes?¹² The Holy One, blessed be He, said to the wicked Doeg, ‘What hast thou to do to declare [i.e., study] my statutes: when thou comest to the sections dealing with murderers and slanderers, how dost thou expound them?’¹³ Or that thou shouldst take my covenant in thy mouth?¹⁴ R. Ammi said: Doeg's learning was only from the lips without.¹⁵ R. Isaac also said: What is meant by the verse, The righteous also shall see, and fear, and shall laugh at him?¹⁶ — At first they shall fear [the wicked person], but subsequently laugh at him.

R. Isaac also said: What is meant by the verse, He hath swallowed down riches, and he shall vomit them up again: God shall cast them out of his belly?¹⁷ David pleaded before the Holy One, blessed be He, 'Sovereign of the Universe! Let Doeg die!' He replied, 'He hath swallowed down riches, and he shall vomit them up again.'¹⁸ He rejoined, 'Let God cast them out of his belly!'¹⁹

R. Isaac also said: What is meant by God shall likewise destroy thee for ever?²⁰ — The Holy One, blessed be He, said to David, 'Let us bring Doeg to the future world.' He replied to Him, 'God shall likewise destroy thee for ever.' What is meant by the verse, He shall take thee away, and pluck thee out of the tent, and root thee out of the land of the living. Selah!²¹ The Holy One, blessed be He, urged, 'Let a law be stated in his name in the schoolhouse,' but he [David] replied to Him, 'He shall take thee away and pluck thee out of the tent. 'Then let his children be Rabbis!' — 'And thy root [shall be torn out] of the land of the living. Selah!' R. Isaac also said: What is meant by the verse, Where is the enumerator, where is the weigher! Where is he that counted the towers!²² — Where is he who enumerated all the letters of the Torah?²³ Where is he who weighed all the light [comparatively unimportant] and heavy [important] [precepts] of the Torah?²⁴ Where is he that counted the towers — who counted three hundred fixed laws on a 'tower flying in the air.'²⁵

R. Ammi said: Doeg and Ahitophel propounded four hundred problems with respect to a tower flying in the air, and not one was solved. Raba observed: Is there any greatness in propounding problems? In the years of Rab Judah the whole study was confined to Nezikin,²⁶ whilst we study a great deal even of 'Ukzin,²⁷ and when Rab Judah came to the law, 'If a woman preserves vegetables in a pot' — or as others say, 'olives which were preserved with their leaves are clean,'²⁸ — he observed, 'I see here the discussion of Rab and Samuel;²⁹ whilst we, on the other hand, have studied Ukzin at thirteen sessions, yet Rab Judah merely took off his shoes, and the rain came down,³⁰ whilst we cry out [in supplication] but there is none to heed us. But it is because the Holy One, blessed be He, requires the heart, as it is written, But the Lord looketh on the heart.³¹ R. Mesharsheya said: Doeg and Ahitophel did not comprehend legal discussions. Mar Zutra objected: Those of whom it is written, Where is the enumerator, where is the weigher? Where is he that counted the towers?³² yet you say that they did not comprehend legal discussions! — But their views were not in accordance with the halachah [final ruling], as it is written, The secret of the Lord is with them that fear him.³³

R. Ammi said: Doeg did not die until he forgot his learning,³⁴ as it is written, He shall die without instruction, and in the greatness of his folly he shall go astray.³⁵ R. Ashi said: He was smitten with leprosy, for it is said, Thou hast destroyed all them that go a whoring from thee;³⁶ whilst elsewhere it is written, [And if it be not redeemed within the space of a full year, then the house . . . shall be established] la-zemithuth³⁷ [to him that hath bought it],³⁸ which we translate la-halutin³⁹ [i.e., 'absolutely and definitely the purchasers']. And we learnt: The only difference between him who is a mezora' muhlat [definitely a leper] and one who is locked up [for observation] is in respect of letting the hair grow wild and tearing the garments.⁴⁰

(Mnemonic: Three, Saw, and Half; and Called.)

R. Johanan said: Three destroying angels appeared before Doeg: one caused him to forget his learning, one burnt his soul, and the third scattered his ashes in the synagogues and schoolhouses. R. Johanan also said: Doeg and Ahitophel did not see each other [i.e., were not contemporaries], Doeg living in Saul's reign, Ahitophel in David's. R. Johanan also said: Doeg and Ahitophel did not live out half their days. It has been taught likewise: Bloody and deceitful men shall not live out half their days:⁴¹ Doeg's entire lifetime amounted only to thirty four years, and Ahitophel's to thirty three.

R. Johanan also said: At first David called Ahitophel his teacher, then his companion [colleague], and finally his disciple. At first he called him his teacher, as it is written, But it was thou, a man mine equal, my guide, and mine acquaintance.⁴² Then his companions [as it is written] We took sweet

counsel together, and walked into the house of God in company.⁴³ Finally his disciple — Yea, mine own familiar friend, in whom I trusted,

(1) Ibid.

(2) This is suggested by the use of the plural ‘among them that were slain by them,’ intimating that the various deaths inflicted upon others were all suffered by Balaam. Thus he was hung (strangulation), a fire was lit under him (burning), his head was struck off (decapitation), and then he was allowed to fall to earth (stoning); v. supra 45a.

(3) Heretic, v. Glos.

(4) Ps. LV, 24.

(5) cf. p.471. n. 1.

(6) [According to the view that all the Balaam passages are anti-Christian in tendency, Balaam being used as an alias for Jesus, Phineas the Robber is thus taken to represent Pontius Pilatus, and the Chronicle of Balaam probably to denote a Gospel (v. Herford op. cit. 72ff.). This view is however disputed by Bacher and others: cf. Ginzberg, Journal of Biblical Literature, XLI, 121.]

(7) I Sam, XXI, 8. **אָנְדִּי** denoting ‘anxious’.

(8) Ibid. XXII, 18. **אָנְדִּי** with letters ‘woe’ being inserted,

(9) Ps. LII, 3.

(10) The psalm deals with Doeg; v. superscription in v. 2.

(11) I.e., to slander David and Abimelech for succouring him.

(12) Ibid. L, 16.

(13) Seeing that thou art both.

(14) Ibid.

(15) I.e., it did not penetrate into his heart and mould his character.

(16) Ibid, LII, 8.

(17) Job XX, 15.

(18) He has studied the Torah; wait till he forgets it.

(19) Do not wait for him to forget it naturally, but speed his forgetfulness.

(20) Ps. LII, 7.

(21) Ibid.

(22) Isa. XXXIII, 18.

(23) V. J.E. s.v. Masorah VIII, 366. It is there suggested that the Numerical Masorah, which counted and grouped the various elements of the Biblical text, developed on account of the copyists, who were paid according to the amount. The Talmud regards this as a work of piety and devotion, undertaken with the object of guarding the Bible from the introduction of spurious matter.

(24) I.e., who can draw conclusions by means of ad majus arguments.

(25) Rashi offers a number of interpretations: (i) who deduced three hundred laws from the upper stroke of the **ש**; (ii) who stated three hundred laws in respect of the defilement of one who enters the land of heathens in a tower-shaped conveyance; (iii) three hundred laws relating to the suspension of a tower in the air by means of enchantment. Another reading is, ‘on a tower standing in the air,’ i.e., not immediately situated upon the grounds but supported by pillars. The laws will refer to the cleanliness or otherwise of its contents (v. Ohal. IV, 1).

(26) ‘Damages’, the fourth Order (**סֵדֶר**) of the Talmud. When Rab Judah was head of the academy of Pumbeditha, only the fourth Order was studied, but not the other Orders. This would appear to be the meaning of the passage. But Weiss, Dor III, 196ff, having regard to the abundance of contributions in Rab's name by Rab Judah on the other orders, explains the passage to mean; ‘only as far as Nezikin.’ i.e., the first four Orders. These being of practical utility, were intensively studied, and new laws stated. But as for the last two Orders dealing with sacrifices and ritual purity, though taught in the academy, no effort was made to formulate new laws, since the subjects were of no practical interest to Babylon, and Rab Judah contented himself with teaching only what had been transmitted to him.

(27) Name of a treatise of the Mishnah and the Tosefta, belonging to the sixth Order; lec. var. ‘we study intensively the six Orders.’

(28) I.e., if their stalks came into contact with anything unclean, the vegetables or the olives themselves are unaffected.

(29) Rashi interprets: He did not know why they should be clean — i.e., he regarded these subjects as extremely difficult. Weiss a.l. explains: It is sufficient to deal with these matters on the basis of the discussions of Rab and Samuel,

without endeavouring to formulate new reasons or laws in connection with them.

(30) When special intercessory prayers for rain had to be offered, at which the shoes were removed, Rab Judah merely had to make resort to this self-humiliation in preparation for prayer, and they were immediately answered.

(31) I Sam. XVI, 7.

(32) V. p. 727.

(33) Ps. XXV, 14.

(34) V. supra.

(35) Prov. V, 23.

(36) Ps. LXXIII, 27.

(37) צמיתות.

(38) Lev. XXV, 30.

(39) [להלוטין, v. Targum Onkelos and Jonathan.]

(40) Which shows that the term הלוט is employed to denote a leper. Hence, the first verse is to be rendered, Thou hast smitten with definite (leprosy) all them that go a whoring from thee.

(41) Ps. LV, 24.

(42) Ibid. 14.

(43) Ibid. 15.

Talmud - Mas. Sanhedrin 107a

which did eat of my bread, hath lifted up his heel against me.¹

Rab Judah said in Rab's name: One should never [intentionally] bring himself to the test, since David king of Israel did so, and fell. He said unto Him, 'Sovereign of the Universe! Why do we say [in prayer] "The God of Abraham, the God of Isaac, and the God of Jacob," but not the God of David?' He replied, 'They were tried by me, but thou wast not.' Then, replied he, 'Sovereign of the Universe, examine and try me' — as it is written, Examine me, O Lord, and try me.² He answered 'I will test thee, and yet grant thee a special privilege;³ for I did not inform them [of the nature of their trial beforehand], yet, I inform thee that I will try thee in a matter of adultery.' Straightway, And it came to pass in an eveningtide, that David arose from off his bed etc.⁴ R. Johanan said: He changed his night couch to a day couch,⁵ but he forgot the halachah: there is a small organ in man which satisfies him in his hunger but makes him hunger when satisfied.⁶ And he walked upon the roof of the king's house: and from the roof he saw a woman washing herself; and the woman was very beautiful to look upon.⁷ Now Bath Sheba was cleansing her hair behind a screen,⁸ when Satan came to him, appearing in the shape of a bird. He shot an arrow at him, which broke the screen, thus she stood revealed, and he saw her. Immediately, And David sent and enquired after the woman. And one said, Is not this Bath Sheba, the daughter of Eliam, the wife of Uriah the Hittite? And David sent messengers, and took her, and she came unto him, and he lay with her; for she was purified from her uncleanness: and she returned unto her house.⁹ Thus it is written, Thou hast proved mine heart; thou hast visited me in the night; thou hast tried me, and shalt find nothing; I am purposed that my mouth shall not transgress.¹⁰ He said thus: 'Would that a bridle had fallen into the mouth of mine enemy [i.e., himself], that I had not spoken thus.'¹¹

Raba expounded: What is meant by the verse, To the Chief Musician, A Psalm of David. In the Lord put I my trust: how say ye to my soul, Flee as a bird to your mountain?¹² David pleaded before the Holy One, blessed be He: 'Sovereign of the Universe! Forgive me that sin, that men may not say, "Your mountain [sc. the king] has been put to flight by a bird."¹³

Raba expounded: What is meant by the verse, Against thee, thee only, have I sinned, and done this evil in thy sight: that thou mightest be justified when thou speakest, and be clear when thou judgest?¹⁴ David pleaded before the Holy One, blessed be He: 'Thou knowest full well that had I wished to suppress my lust, I could have done so, but, thought I, let them [the people] not say, "The servant triumphed against his Master."¹⁵

Raba expounded: What is meant by the verse, For I am ready to halt, and my sorrow is continually before me?¹⁶ Bath Sheba, the daughter of Eliam, was predestined for David from the six days of Creation, but that she came to him with sorrow.¹⁷ And the school of R. Ishmael taught likewise: She was worthy [i.e., predestined] for David from the six days of Creation, but that he enjoyed her before she was ripe.¹⁸

Raba expounded: What is meant by the verse, But in mine adversity they rejoiced, and 'gathered themselves together: yea, the abjects gathered themselves together against me, and I knew it not; they did tear me, and ceased not?¹⁹ David exclaimed before the Holy One, blessed 'be He, 'Sovereign of the Universe! Thou knowest full well, that had they torn my flesh, my blood would not have flown.²⁰ Moreover, when they are engaged in studying the four deaths inflicted by Beth din they interrupt their studies and taunt me [saying], "David, what is the death penalty of him who seduces a married woman?" I reply to them, "He who commits adultery with a married woman is executed by strangulation, yet has he a portion in the world to come. But he who publicly puts his neighbour to shame has no portion in the world to come."

Rab Judah said in Rab's name: Even during David's illness he fulfilled the conjugal rights²¹ [of his eighteen wives], as it is written, I am weary with my groaning: all the night make I my bed to swim; I water my couch with my tears.²² Rab Judah also said in Rab's name: David wished to worship idols, as it is written, And it came to pass, that when David was come to the head, where he worshipped God.²³ Now rosh ['head'] can only refer to idols, as it is written, This image's head was of fine gold.²⁴ [But] Behold, Hushai the Archite came to meet him with his coat rent, and earth upon his head.²⁵ He demonstrated with David, 'Shall people say, A king like thee has worshipped idols!' He replied, 'And shall a king like myself be slain by his son! Let me worship idols rather than that the Divine Name be publicly profaned!'²⁶ He retorted, 'Why then didst thou marry a beautiful woman [captured in battle]?'²⁷ He replied, 'The Merciful One permitted a beautiful woman. He rejoined, 'Dost thou not interpret the proximity of verses? For in proximity thereto²⁸ is written, If a man have a stubborn and rebellious son,²⁹ [this teaches:] Whoever marries a beautiful woman [taken in battle] will have a stubborn and rebellious son.'

R. Dosetai of Beri³⁰ expounded: Unto whom may David be likened? Unto a heathen merchant.³¹ David said before the Holy One, blessed be He, 'Sovereign of the Universe! [Who can understand his errors?]'³² He replied, 'They are forgiven thee.' 'Cleanse thou me from secret faults,' [he pursued]. 'I grant it thee.' 'Keep back thy servant also from presumptuous sins!' — 'Tis granted.' 'Let them not have dominion over me: then shall I be upright: so that scholars may not discuss me.'³³ 'Granted.' 'And I shall be innocent from the great transgression: so my sins may not be recorded.' He replied, 'That is impossible. If the [single] yod which I removed from Sarai³⁴ continuously cried out [in protest] for many years until Joshua came and I added it to his name, as it is written, And Moses called Oshea the son of Nun Jehoshua:³⁵ how much more so a complete section!'

And I shall be innocent from great transgression. He pleaded before Him, 'Sovereign of the Universe! Pardon me that sin completely [as though it had never been committed].' He replied, 'It is already ordained that thy son Solomon should say in his wisdom, Can a man take fire in his bosom, and his clothes not be burned? Can one go upon hot coals, and his feet not be burned? So he that goeth in to his neighbour's wife; whosoever toucheth her shall not be innocent.'³⁶ He lamented, 'Must I³⁷ suffer so much!' He replied, 'Accept thy chastisement,' and he accepted it.

Rab Judah said in Rab's name: Six months was David smitten with leprosy, the Shechinah deserted him, and the Sanhedrin held aloof from him. 'He was smitten with leprosy' — as it is written, Purge me with hyssop, and I shall be clean; wash me, and I shall be whiter than snow.³⁸ 'The Shechinah deserted him' — as it is written, Restore unto me the joy of thy salvation,' and uphold me with thy free spirit.³⁹ 'And the Sanhedrin kept aloof from him' — as it is written, Let those that fear thee turn unto me, and those that have known thy testimonies.⁴⁰ How do we know that it was for six months? — Because it is written, And the days that David reigned over Israel were forty years:

(1) Ibid. XLI, 10. This is understood to refer to Ahitophel, and 'which did eat my bread', as a metaphor for 'who learnt of my teaching'.

(2) Ibid. XXVI, 1.

(3) Lit., 'I will do something for thee.'

(4) II Sam. XI, 2.

(5) I.e., he cohabited by day instead of night, that he might be free from desire by day.

(6) With regard to human passion, 'the appetite grows by what it feeds on'.

(7) Ibid.

(8) Or 'beehive' (Rashi).

(9) Ibid, 2f.

(10) Ps. XVII, 3.

- (11) I.e., 'would that I had not asked God to try me'. By a play on words, 'on (E.V. 'I am purposed') is connected with **זמנא** 'a bridle', and the second half of the verse is explanatory of the first: 'Would that my mouth had been bridled, so that I would not have to admit now, "Thou hast proved etc."'
- (12) Ibid. XI, 1.
- (13) V. supra.
- (14) Ibid. LI, 6.
- (15) V. supra. Had David not yielded, his plea for the inclusion of 'the God of David' would have been justified.
- (16) Ibid. XXXVIII, 18.
- (17) Translating **לצלע** (E.V. 'to halt'), 'a rib': 'For I am ready for my rib,' i.e., Bath Sheba, David's rib.
- (18) I.e., before she was his legitimate wife.
- (19) Ibid. XXXV, 15.
- (20) [By reason of the shame to which he had been put. Cf. B.M. 58b: The red color of the face departs, and the white takes its place.]
- (21) Lit., 'eighteen marital duties.'
- (22) Ibid. VI, 7.
- (23) II Sam. XV, 32.
- (24) Dan. II, 32.
- (25) II Sam. Ibid.
- (26) For then it would be said that Absalom had slain him because of his idolatry, which would justify him and his supporters.
- (27) Absalom's mother, Maachah the daughter of Talmai, king of Geshur, was, according to tradition, a war captive.
- (28) I.e., the section permitting a beautiful woman captured in battle.
- (29) Deut. XXI, 18.
- (30) [Near Safed, v. Horowitz, I.S., Palestine and the Adjacent Countries. s.v. **בירי**]
- (31) Who begins by offering small wares; emboldened by his success, he presses more and more upon the purchaser. So David made a small request of God: it being granted, he proceeded to ask for more and more.
- (32) Ps. XIX, 13; i.e., he asked pardon for sins committed in error.
- (33) Holding me up as an example and warning — **ימשלו** 'have dominion' is connected with **משל**.
- (34) **שרי**, when her name was changed to Sarah, **שרה**.
- (35) Num. XIII, 16; thus turning **יהושע** into **יהושע**.
- (36) Prov. VI, 27ff.
- (37) Lit., 'that man.'
- (38) Ps. LI, 9. Hyssop was required for the purification of a leper; v. Lev. IV, 4.
- (39) Ibid. 14.
- (40) Ps. CXIX, 79.

Talmud - Mas. Sanhedrin 107b

Seven years reigned he in Hebron, and thirty and three years reigned he in Jerusalem;¹ whilst [elsewhere] it is written, In Hebron reigned he over Judah seven years, and six months.² Thus, these six months are not counted [in the first passage quoted], proving that he was smitten with leprosy.³ He prayed to Him, 'Sovereign of the Universe! Forgive me that sin!' 'It is forgiven thee.' '[Then] shew me a token for good,' that they which hate me may see it, and be ashamed; because thou, Lord, hast helped me, and comforted me.'⁴ He replied, 'In thy lifetime I will not make it known [that I have forgiven thee] but in the lifetime of thy son Solomon.' [Thus:] When Solomon built the Temple, he wished to take the ark into the Holy of Holies, but the gates [thereof] cleaved to each other [and would not open]. He uttered twenty-four psalms,⁵ but was not answered. He then further supplicated, Lift up your head, O ye gates; and be ye lifted up, ye everlasting doors; and the King of glory shall come in. Who is this King of glory? The Lord strong and mighty, the Lord mighty in battle. And it is further said, Lift up your heads, O ye gates, even lift them up, ye everlasting doors.⁶ Still he was not answered. But on praying, O Lord God, turn not away the face of thine anointed: remember the mercies of David thy servant,⁷ he was immediately answered. In that hour the faces of

David's enemies turned [black] as the bottom of a pot [in their discomfiture], and all Israel knew that the Holy One, blessed be He, had forgiven him that sin.

GEHAZI,⁸ as it is written, And Elisha came to Damascus:⁹ whither did he go? — R. Johanan said: He went to bring Gehazi back to repentance, but he would not repent. 'Repent thee,' he urged. He replied, 'I have thus learnt from thee: He who sins and causes the multitude to sin is not afforded the means of repentance.' What had he done? — Some say: He hung a loadstone above Jeroboam's sin [i.e., the Golden Calf], and thus suspended it between heaven and earth [by its magnetism]. Others maintain: He engraved the Divine Name in its [sc. the calf's] mouth, whereupon it [continually] proclaimed, 'I [am the Lord thy God],' and 'Thou shalt have no [other] gods before me.'¹⁰ Others say: He drove the Rabbis away from him [sc. Elisha], as it is written. And the sons of the prophets said unto Elisha, Behold now, the place where we dwell with thee is too strait for us;¹¹ proving that till then it was not too narrow.¹²

Our Rabbis taught: Let the left hand repulse but the right hand always invite back: not as Elisha, who thrust Gehazi away with both hands,¹³ as it is written, And Naaman said, Be content, take two talents. And he urged him, and bound [two talents of silver in two bags. . .] And Elisha said unto him, Whence comest thou, Gehazi? And he said, Thy servant went no whither. And he said unto him, Went not my heart with thee, when the man turned again from his chariot to meet thee? Is it a time to receive money, and to receive garments, and oliveyards, and vineyards, and sheep and oxen, and menservants and maidservants?¹⁴ But had he taken so much? He had only taken silver and garments! — R. Isaac said: Just then Elisha was sitting and lecturing on the eight [unclean] reptiles.¹⁵ Now Naaman, the chief captain of the king of Syria, was a leper. A maiden, who had been captured from the land of Israel, said to him, 'If thou wilt go to Elisha, he will heal thee.' When he came there he said to him, 'Go and dip thyself in the Jordan.' 'Thou dost but ridicule me!' he exclaimed. But his companions urged him, 'What does it matter to thee? Go and test it.' So he went, dipped himself in the Jordan and was healed. He returned and offered him all he had, but he [Elisha] refused to accept it. Thereupon Gehazi left Elisha's presence, went and took whatever he did, and put it away. When he returned, Elisha saw a leprous eruption on his head. 'Thou wicked man,' he cried, 'the time has come for thee to receive thy reward [for studying the laws] of the eight reptiles!'¹⁶ [So] 'The leprosy therefore of Naaman shall cleave unto thee, and unto thy seed for ever.' And he went out from his presence a leper as white as snow.¹⁷

And there were four leprous men at the entering in of the gate.¹⁸ R. Johanan said: They were Gehazi and his three sons. It was taught, R. Simeon b. Eleazar said: Human nature,¹⁹ a child and a woman — the left hand should repulse them, but the right hand bring them back.²⁰

Our Rabbis taught: Elisha was ill on three occasions: once when he incited the bears against the children, once when he repulsed Gehazi with both hands, and the third [was the illness] of which he died; as it is written, Now Elisha was fallen sick of his sickness where of he died.²¹ Until Abraham there was no old age:²² whoever saw Abraham said, 'This is Isaac;' and whoever saw Isaac said, 'This is Abraham.' Therefore Abraham prayed that there should be old age, as it is written, And Abraham was old, and well stricken in age.²³ Until Jacob there was no illness,²⁴ so he prayed and illness came into existence, as it is written, And one told Joseph, Behold, thy father is sick.²⁵ Until Elisha no sick man ever recovered, but Elisha came and prayed, and he recovered, as it is written, Now Elisha was fallen sick of sickness whereof he died.²⁶

MISHNAH. THE GENERATION OF THE FLOOD HAS NO PORTION IN THE FUTURE WORLD, NOR WILL THEY STAND AT THE [LAST] JUDGMENT, AS IT IS WRITTEN, [AND THE LORD SAID,] MY SPIRIT WILL NOT ALWAYS ENTER INTO JUDGMENT WITH MAN:²⁷ THERE WILL BE NEITHER JUDGMENT NOR [MY] SPIRIT FOR THEM.²⁸ THE GENERATION OF THE DISPERSION HAVE NO PORTION IN THE FUTURE WORLD, AS IT

IS WRITTEN, SO THE LORD SCATTERED THEM ABROAD FROM THENCE UPON THE FACE OF ALL THE EARTH:²⁹ 'SO THE LORD SCATTERED THEM ABROAD', REFERS TO THIS WORLD, 'AND FROM THENCE DID THE LORD SCATTER THEM ABROAD',³⁰ TO THE WORLD TO COME. THE MEN OF SODOM HAVE NO PORTION IN THE FUTURE WORLD, AS IT IS WRITTEN, BUT THE MEN OF SODOM WERE WICKED AND SINNERS BEFORE THE LORD EXCEEDINGLY:³¹ 'WICKED IN THIS WORLD, AND 'SINNERS' IN THE WORLD TO COME;³² YET WILL THEY STAND AT JUDGMENT. R. NEHEMIAH SAID: NEITHER [THE GENERATION OF THE FLOOD NOR THE MEN OF SODOM] WILL STAND AT JUDGMENT, AS IT IS WRITTEN, THEREFORE

(1) I Kings II, 11.

(2) II Sam, V, 5.

(3) A leper being accounted as dead.

(4) Ps. LXXXVI, 17.

(5) In II Chron. VI, words for prayer, supplication and hymn, occur twenty-four times (Rashi and Maharsha).

(6) Ibid. XXIV, 7ff.

(7) II Chron. VI, 42.

(8) The Talmud now proceeds to show that he has no portion in the coming world,

(9) II Kings VIII, 7. The text of the Talmud reads, 'And Elisha went to Damascus,' Actually there is no such verse, and so the one quoted must be substituted. And the Talmud asks 'whither did he go?' since the text 'And Elisha came to Damascus' implies that his objective was not Damascus, but, happening to come there (on his way to a certain destination, unspecified), he was consulted about Ben-hadad's illness as related in the chapter. Therefore the Talmud asks, what then was the original purpose of his journey? (Maharsha).

(10) Magical powers were ascribed to the Divine Name; v. p. 446, n. 9.

(11) II Kings VI, 1.

(12) Because they were not given access to him at all. This was said after Gehazi left Elisha; v. 27.

(13) In the uncensored editions there follows here, 'and not like R. Joshua b. Perahjah, who repulsed Jesus (the Nazarene) with both hands. Gehazi, as it etc.'

(14) II Kings V, 23-26.

(15) [Name of the Chapter in Mishnah Shabbath XIV, 1. Cf. Lev. XI, 29.]

(16) That is the meaning of 'Is it a time to receive money, and ... garments, and oliveyards etc.' — Eight objects are enumerated, corresponding to the eight reptiles, the former being referred to by Elisha as a fit reward for studying the latter.

(17) II Kings V, 27. The uncensored edition continues: What of R. Joshua b. Perahjah? — When King Jannai slew our Rabbis, R. Joshua b. Perahjah (and Jesus) fled to Alexandria of Egypt. On the resumption of peace, Simeon b. Shetach sent to him: 'From me, (Jerusalem) the holy city, to thee, Alexandria of Egypt (my sister). My husband dwelleth within thee and I am desolate.' He arose, went, and found himself in a certain inn, where great honour was shewn him. 'How beautiful is this Acsania!' (The word denotes both inn and innkeeper. R. Joshua used it in the first sense; the answer assumes the second to be meant.) Thereupon (Jesus) observed, 'Rabbi, her eyes are narrow.' 'Wretch,' he rebuked him, 'dost thou thus engage thyself.' He sounded four hundred trumpets and excommunicated him. He (Jesus) came before him many times pleading, 'Receive me!' But he would pay no heed to him. One day he (R. Joshua) was reciting the Shema', when Jesus came before him. He intended to receive him and made a sign to him. He (Jesus) thinking that it was to repel him, went, put up a brick, and worshipped it. 'Repent,' said he (R. Joshua) to him. He replied, 'I have thus learned from thee: He who sins and causes others to sin is not afforded the means of repentance.' And a Master has said, 'Jesus the Nazarene practised magic and led Israel astray.' For a full discussion of this passage and attempted explanation of this anachronism making Jesus a contemporary of King Jannai (104-78 B.C.E.). v. Herford, op. cit. 51ff. [The tradition of an early Jesus was also known to Epiphanius. Whether he derived this tradition from the Talmud or from an independent source is a moot point hotly contested by Klausner and Guttman; v. MGWJ. 1931, 250ff. and 1933, 38. In any case there does not appear to be sufficient data available to account for this tradition.]

(18) Ibid. VII, 3.

(19) [Heb. yezer, יצר, v. Lazarus, Ethics, II, 106ff.]

(20) One must not attempt to subdue his desires altogether, which is unnatural, but to regulate them. In chiding a child

and a woman, one must not be too severe, lest they be so disheartened as to be driven away far from repentance altogether.

(21) II Kings XIII, 14. 'Was fallen sick' denotes one illness; 'of his sickness' another, and 'whereof he died' a third (Rashi).

(22) I.e., old age did not mark a person.

(23) Gen. XXIV, 1. He is the first of whom this is said.

(24) One lived his allotted years in full health and then died suddenly.

(25) Ibid. XLVIII, 1. V. preceding note.

(26) This shews that he had been sick on previous occasions too' but recovered.

(27) Gen. VI, 3.

(28) I.e., they will neither be judged, nor be granted of my spirit to enable them to share in the world to come.

(29) Ibid. XI, 8.

(30) Ibid. 9.

(31) Ibid. XIII, 13.

(32) I.e., their claim to a portion therein will not be admitted.

Talmud - Mas. Sanhedrin 108a

THE UNGODLY SHALL NOT STAND IN THE JUDGMENT, NOR SINNERS IN THE CONGREGATION OF THE RIGHTEOUS:¹ THEREFORE 'THE UNGODLY SHALL NOT STAND IN THE JUDGMENT', REFERS TO THE GENERATION OF THE FLOOD; NOR SINNERS IN THE CONGREGATION OF THE RIGHTEOUS', TO THE MEN OF SODOM. THEY [THE SAGES] ANSWERED HIM: THEY WILL NOT STAND IN THE CONGREGATION OF THE RIGHTEOUS, BUT THEY WILL STAND IN THE CONGREGATION OF THE WICKED.² THE SPIES HAVE NO PORTION IN THE WORLD TO COME, AS IT IS WRITTEN, EVEN THOSE MEN THAT DID BRING UP THE EVIL REPORT UPON THE LAND, DIED BY THE PLAGUE BEFORE THE LORD.³ '[THEY] DIED' — IN THIS WORLD, 'BY THE PLAGUE' — IN THE WORLD TO COME.⁴ THE GENERATION OF THE WILDERNESS HAVE NO SHARE IN THE FUTURE WORLD AND WILL NOT STAND AT THE [LAST] JUDGMENT, AS IT IS WRITTEN, IN THIS WILDERNESS THEY SHALL BE CONSUMED, AND THERE THEY SHALL DIE:⁵ THIS IS R. AKIBA'S VIEW. R. ELIEZER SAID: CONCERNING THEM IT IS SAID, GATHER MY SAINTS TOGETHER UNTO ME; THOSE THAT HAVE MADE A COVENANT WITH ME BY SACRIFICE.⁶ THE CONGREGATION OF KORAH IS NOT DESTINED TO ASCEND [FROM THE EARTH], AS IT IS WRITTEN, AND THE EARTH CLOSED UPON THEM' — IN THIS WORLD, 'AND THEY PERISHED FROM AMONG THE CONGREGATION' — IN THE NEXT:⁷ THIS IS R. AKIBA'S OPINION. R. ELIEZER SAID: OF THEM IT IS WRITTEN, THE LORD KILLETH, AND MAKETH ALIVE: HE BRINGETH DOWN TO THE GRAVE, AND BRINGETH UP.⁸

GEMARA. Our Rabbis taught: The generation of the flood have no portion in the world to come, as it is written, And every living substance was destroyed which was upon the face of the ground⁹ and every living substance was destroyed refers to this world; which was upon the face of the ground — to the next: this is R. Akiba's view. R. Judah b. Bathyra maintained: They will neither revive nor be judged, as it is written, My spirit will not always enter into judgment with man:¹⁰ teaching, neither judgment nor spirit.¹¹ Another meaning of 'My Spirit will not enter etc.': their soul shall not return to its sheath.¹² R. Menahem son of R. Jose said: Even when the Holy One, blessed be He, restores the souls to the dead bodies,¹³ their soul shall grieve them in the Gehenna, as it is written, Ye shall conceive chaff ye shall bring forth stubble: your soul, as fire, shall devour you.¹⁴

Our Rabbis taught: The generation of the flood waxed haughty only because of the good which the Holy One, blessed be He, lavished upon them. Behold, what is written of them? Their houses are safe from fear, 'neither is the rod of God upon them,¹⁵ it is also written, Their bull gendereth, and

faileth not,' their cow calveth, and casteth not her calf;¹⁶ further, They send forth their little ones like a flock, and their children dance;¹⁷ further, They take the timbrel and the harp, and rejoice at the sound of the organ;¹⁸ and it is also written, They spend their days in prosperity, and their years in pleasures;¹⁹ and it is also written, and in a moment go down to the grave.²⁰ And 'tis that which caused them to say to God, Depart from us; for we desire not the knowledge of thy ways. What is the Almighty, that we should serve him? and what profit should we have, if we pray unto him?²¹ They said thus: Do we need Him for aught but the drop of rain? We have rivers and wells to supply our wants. Thereupon the Holy One, blessed be He, said: By that very good which I lavished upon them they provoke Me, and by that I will punish²² them, as it is written, And behold, I, even I, do bring a flood of waters upon the earth.²³

R. Jose said: They waxed haughty only on account of the covetousness of the eye-ball, which is like water, as it is written, And they took them wives from all which they chose.²⁴ Therefore He punished them by water, which is like the eye-ball,²⁵ as it is written, All the fountains of the great deep were broken up, and the windows of heaven were opened.²⁶

R. Johanan said: The corruption of the generation of the Flood is characterised as great, and their punishment is characterised as great. Their corruption is characterised as great, as it is written, And God saw that the wickedness of man, was great in the earth;²⁷ and their punishment is characterised as great, as it is written, All the fountains of the great deep. R. Johanan said: Three of those [hot fountains] were left,²⁸ the gulf of Gaddor, the hot-springs of Tiberias, and the great well of Biram.²⁹

For all flesh had corrupted his way upon the earth.³⁰ R. Johanan said: This teaches that they caused beasts and animals, animals and beasts, to copulate; and all of these were brought in connection with man, and man with them all. R. Abba b. Kahana said, All of them returned [to their own kind], excepting the tushlami.³¹

And God said unto Noah, the end of all flesh is come before me.³² R. Johanan said: Come and see how great is the power of robbery. for lo, though the generation of the flood transgressed all laws, their decree of punishment was sealed only because they stretched out their hands to rob, as it is written, for the earth is filled with violence through them, and, behold, I will destroy them with the earth.³³ And it is 'also written, Violence [i.e., robbery] is risen up into a rod of wickedness: none of them shall remain, nor of their multitude, nor any of theirs: neither shall there be wailing for them.³⁴ R. Eleazar said: This teaches that it [violence personified] erected itself like a staff, stood before the Holy One, blessed be He, and said: 'Sovereign of the Universe! [There is no good in aught] of them, or aught of their multitude, or of theirs; neither shall there be wailing for them.' The School of R. Ishmael taught: The doom [of destruction] was decreed against Noah too, but that he found favour in the eyes of God, as it is written, It repenteth me that I have made them. But Noah found grace in the eyes of the Lord.³⁵

And the Lord was comforted that he had made man in the earth.³⁶ When R. Dimi came³⁷ he said: The Holy One, blessed be He, exclaimed, 'I did well in preparing graves for them in the earth.'³⁸ How is this signified [by the verse]? — Here is written, And the Lord was comforted;³⁹ whilst elsewhere it is stated, And he comforted them, and spake kindly to them.⁴⁰ Others say, [He exclaimed,] 'I did not do well in establishing graves for them in the earth;'⁴¹ here it is written, And it repented the Lord; whilst elsewhere it is written, And the Lord repented of the evil which he had thought to do unto his people.⁴²

These are the generations of Noah: Noah was a just man, and perfect in his generations.⁴³ R. Johanan said: In his generations, but not in other generations. Resh Lakish maintained: [Even] in his generations — how much more so in other generations. R. Hanina said: As an illustration of R. Johanan's view, to what may this be compared? To a barrel of wine lying in a vault of acid: in its

place, its odour is fragrant [by comparison with the acid]; elsewhere, its odour will not be fragrant.⁴⁴ R. Oshaia said: As an illustration of Resh Lakish's view, to what may this be compared? To a phial of spikenard oil lying amidst refuse: [if] it is fragrant where it is, how much more so amidst spices!⁴⁵

And every living substance was destroyed which was upon the face of the ground, [both man and cattle].⁴⁶ If man sinned, how did the beasts sin? — A Tanna taught on the authority of R. Joshua b. Karha: This may be compared to a man who set up a bridal canopy for his son, and prepared a banquet with every variety [of food]. Subsequently his son died, whereupon he arose and broke up the feast,⁴⁷ saying, 'Have I prepared all this for any but my son? Now that he is dead, what need have I of the banquet?' Thus the Holy One, blessed be He, said too, 'Did I create the animals and beasts for aught but man: now that man has sinned, what need have I of the animals and beasts?'

All that was in the dry land died;⁴⁸ but not the fish in the sea.

R. Jose of Caesarea taught: What is meant by the verse, He is swift as the waters; their portion is cursed in the earth: [he beholdeth not the way of the vineyards]?⁴⁹ This teaches that the righteous Noah rebuked them, urging, 'Repent; for if not, the Holy One, blessed be He, will bring a deluge upon you and cause your bodies to float upon the water like gourds, as it is written, He is light [i.e., floats] upon the waters. Moreover, ye shall be taken as a curse for all future generations,⁵⁰ as it is written, their portion is cursed' in the earth. He beholdeth not the way of the vineyards: this teaches that they looked by the way of the vineyards.⁵¹ They said to him, 'Who then prevents him?'⁵² — He replied.⁵³ 'I have one dear one⁵⁴ to draw out from you.'⁵⁵

(1) Ps. I, 5.

(2) I.e., they shall stand at the last judgment like all other evildoers.

(3) Num. XIV, 37.

(4) This passage 'the spies . . . next' is omitted in the Yerushalmi.

(5) Ibid. 35.

(6) Ps. L, 5.

(7) Num. XVI, 33.

(8) I Sam. II, 6.

(9) Gen. VII, 23.

(10) Gen. VI, 3.

(11) V. supra.

(12) I.e., their bodies; connecting Yadon, יָדוֹן with nadan נָדַן 'sheath', 'case'.

(13) This phrase has become liturgical.

(14) Isa. XXXIII, 11.

(15) Job XXI, 9.

(16) Ibid. 10.

(17) Ibid. 11.

(18) Ibid. 12.

(19) Ibid. XXXVI, 11.

(20) Ibid. XXI, 13 — they do not suffer before death.

(21) Ibid. 14.

(22) Lit., 'judge'.

(23) Gen. VI, 17.

(24) Ibid. VI, 2.

(25) Just as tears gush forth from the eye-ball, which is a small place, so water streams forth from a well.

(26) Ibid. VII, 11.

(27) Ibid. VI, 5.

(28) It is stated further on that hot water gushed forth from these fountains. Only three such fountains remained after the flood.

- (29) גַּדָּר (Gadara) was famous for its thermal springs; Eusebius, Jerome, and other authors of antiquity speak of its thermal waters, and it is identified with Gum Kreis — Neubauer, *Geographie*, p. 35. Biram, identified with Baaras near the thermal spring of Callirhoe, east of the Dead Sea. V. Neubauer, *op. cit.* 36.
- (30) *Ibid.* VI, 12.
- (31) The name of a bird (Tartarian lark, v. Jast.), which, according to R. Abba b. Kahana, copulates indiscriminately.
- (32) *Ibid.* 13.
- (33) *Ibid.*
- (34) Ezek. VII, 11.
- (35) Gen. VI, 7f. The first verse indicates that God's regret in the first instance extended to all, Noah included, but that a special exception was made in his favour.
- (36) *Ibid.* VI, 6. V. below for this translation:
- (37) V. p. 390, n. 1.
- (38) Since the wicked are thereby destroyed.
- (39) E.V. 'repented'.
- (40) *Ibid.* L, 21. By comparing יִנְחֵם in both places, he translates it 'comforted' in the first as in the second, the comfort being that since man was evil, it was fortunate that God had instituted graves, i.e., death.
- (41) [Since having regard to their evil they do not deserve an honourable grave but to perish ignominiously by the flood (Yad Ramah).]
- (42) Ex. XXXII, 14.
- (43) Gen. VI, 9.
- (44) So Noah: by comparison with the rest of his generation, who were exceptionally wicked, he stood out as a righteous man; in other generations he would not have been superior to the average person.
- (45) Thus, if Noah was righteous even when his entire surroundings were evil, how much more so had he lived amongst righteous men!
- (46) *Ibid.* VII, 23.
- (47) Lit., 'broke up the canopy.'
- (48) Gen. VII, 22.
- (49) Job XXIV, 18.
- (50) Lit., 'all that come into the world.'
- (51) V. p. 743, n. 5. The passage is out of place here and the Wilna Gaon deletes it.
- (52) If He has such power, what prevents him from using it?
- (53) The speaker now is God.
- (54) Lit., 'pigeon'. [A better reading: 'He (God) has one dear one, (the speaker being Noah).]
- (55) One righteous man who must first die, so that he may not suffer your punishment, viz., Methuselah.

Talmud - Mas. Sanhedrin 108b

'If so, [they retorted,] we will not turn aside from the way of the vineyards.'¹

Raba taught: What is meant by the verse, He that is ready to slip with his feet is as a stone despised in the thought of him that is at ease?² — This teaches that when Noah rebuked them and spoke words to them that were as hard as fiery flints, they derided him. Said they to him, 'Old man, what is this ark for?' — He replied, 'The Holy One, blessed be He, will bring a flood upon you.' 'A flood of what,' they jeered? 'If a flood of fire, we have a substance called 'alitha;³ whilst should He bring a flood of water: if He brings it up from the earth, we have iron plates with which we can cover the earth [to prevent the water from coming up]; if from heaven, we have a substance called 'akob (others say, 'akosh)⁴ [which can ward it off].' — He replied. 'He will bring it from between the heels of your feet, as it is written, He is ready for the steps of your feet.'⁵ It has been taught: The waters of the flood were as severe as semen,⁶ as it is written, It is ready for the steps of the feet.⁷

R. Hisda said: With hot passion they sinned, and by hot water they were punished. [For] here it is written, And the water cooled;⁸ whilst elsewhere it is said, Then the king's wrath cooled down.⁹

And it came to pass, after seven days, that the waters of the flood were upon the earth.¹⁰ What was the nature of these seven days?¹¹ — Rab said: These were the days of mourning for Methuselah, thus teaching that the lamenting for the righteous postpones retribution. Another meaning is: After the seven days during which the Holy One, blessed be He, reversed the order of nature,¹² the sun rising in the west and setting in the east.¹³ Another meaning: the Holy One, blessed be He, [first] appointed a long time for them, and then a short time.¹⁴ Another meaning: After the seven days during which He gave a foretaste of the future world, that they might know what good they had withheld from themselves.

Of every clean beast thou shalt take to thee by sevens, man and wife.¹⁵ Have then beasts marital relationship? — R. Samuel b. Nahman said in R. Jonathan's name: It means of those with which no sin had been committed.¹⁶ Whence did he [Noah] know? — R. Hisda said: He led them past the ark; those which the ark accepted had certainly not been the object of sin; whilst those which it rejected had certainly been the object of sin. R. Abbahu said: [He took only] those which came of their own accord.¹⁷

Make thee an ark of gopher wood:¹⁸ what is 'gopher'? — R. Adda said: The scholars of R. Shila said, It is mabliga;¹⁹ others maintain, golamish.²⁰

A window²¹ shalt thou make to the ark.²² R. Johanan said: The Holy One, blessed be He, instructed Noah, 'Set therein precious stones and jewels, so that they may give thee light, bright as the noon.'²³ And in a cubit shalt thou finish it above:²⁴ for thus would it stand firm.²⁵ With lower, second, and third stories shalt thou make it.²⁶ A Tanna taught: The bottom storey was for the dung; the middle for the animals; and the top for man.

And he sent forth a raven.²⁷ Resh Lakish said: The raven gave Noah a triumphant retort. It said to him, 'Thy Master hateth me, and thou hatest me. Thy Master hateth me — [since He commanded] seven [pairs to be taken] of the clean [creatures], but only two of the unclean.²⁸ Thou hatest me — seeing that thou leavest the species of which there are seven, and sendest one of which there are only two. Should the angel of heat or of cold smite me, would not the world be short of one kind? Or perhaps thou desirest my mate!' — 'Thou evil one!' he exclaimed; 'even that which is [usually] permitted me²⁹ has [now] been forbidden: how much more so that which is [always] forbidden me!' And whence do we know that they³⁰ were forbidden? — From the verse, And thou shalt enter into the ark, thou, and thy sons, and thy wife, and the wives of thy sons with thee;³¹ whilst further on it is written, Go forth from the ark, thou, and thy wife, and thy sons, and thy sons' wives with thee.³² Whereon R. Johanan observed: From this we deduce that cohabitation had been forbidden.³³

Our Rabbis taught: Three copulated in the ark, and they were all punished — the dog, the raven, and Ham. The dog was doomed to be tied, the raven expectorates [his seed into his mate's mouth]. and Ham was smitten in his skin.³⁴

Also he sent forth a dove from him, to see if the waters were abated.³⁵ R. Jeremiah said: This proves that the clean fowl dwelt with the righteous.³⁶ And lo, in her mouth was an olive leaf taraf [as food].³⁷ R. Eleazar said: The dove prayed to the Holy One, blessed be He, 'Sovereign of the Universe! Let my sustenance be as bitter as the olive, but in Thy charge, rather than sweet as honey and in the charge of flesh and blood.' Whence do we know that taraf connotes food? — From the verse, Feed me³⁸ with food convenient for me.³⁹

After their kinds they went forth from the ark.⁴⁰ R. Johanan said: After their kinds, but not they [alone].⁴¹ R. Hana b. Bizna said: Eliezer [Abraham's servant] remarked to Shem [Noah's] eldest son,⁴² 'It is written, After their kinds they went forth from the ark. Now, how were you situated?'⁴³

— He replied. ‘[In truth], we had much trouble in the ark. The animals which are usually fed by day we fed by day; and those normally fed by night we fed by night. But my father did not know what was the food of the chameleon. One day he was sitting and cutting up a pomegranate, when a worm dropped out of it, which it [the chameleon] consumed. From then onward he mashed up bran for it, and when it became wormy, it devoured it. The lion was nourished by a fever, for Rab said, "Fever sustains for not less than six (days) nor more than thirteen."⁴⁴ As for the phoenix,⁴⁵ my father discovered it lying ‘in the hold of the ark. "Dost thou require no food?" he asked it. "I saw that thou wast busy," it replied, "so I said to myself, I will give thee no trouble." "May it be (God's) will that thou shouldst not perish," he exclaimed; as it is written, Then I said, I shall die in the nest, but I shall multiply my days as the phoenix.’⁴⁶

R. Hana b. Liwai said: Shem, [Noah's] eldest son,⁴⁷ said to Eliezer [Abraham's servant]. ‘When the kings of the east and the west attacked you, what did you do?’ — He replied. ‘The Holy One, blessed be He, took Abraham and placed him at His right hand, and they [God and Abraham] threw dust which turned to swords, and chaff which turned to arrows, as it is written, A Psalm of David. The Lord said unto my master, Sit thou at my right hand, until I make thine enemies thy footstool⁴⁸ and it is also written, Who raised up the righteous man [Sc. Abraham] from the east, called him to his foot; gave the nations before him, and made him rule over kings? he made his sword as the dust, and his bow as driven stubble.’⁴⁹

Nahum of Gimso⁵⁰ was accustomed, whatever befell him, to say, ‘This too is for good.’ It once happened that the Jews wished to send a gift to the Emperor. Said they. ‘By

(1) The meaning is somewhat obscure. Rashi interprets: we will insist in going through the crooked paths which cross the vineyards, instead of going on the straight high-way — a metaphor for pervasion. Maharsha explains: the vineyards are symbols of wine and licentiousness. The metaphor then is quite obvious.

(2) Job XII, 5.

(3) [A fire-extinguishing demon, the *Pyralis*. V, Lewysohn, *Zoologie*, 351.]

(4) [A legendary fungus which when donned on the head protects against rain. Lewysohn, *op. cit.*, p. 343. identifies in with the *Alcyonium cydonium*.]

(5) *Ibid.* The idea seems to be that He would bring it in such a way as to render all protectives useless, just as though the deluge were to well up from between their very feet; v. also next passage in text.

(6) *I.e.*, thick and hot.

(7) Here understood as a euphemism for sperm.

(8) (E.V. ‘abated’.) Gen. VIII, 1.

(9) Est. VII, 10. In both cases the root שִׁכַּךְ is used, giving them the same meaning, and proving that the water was hot when it descended.

(10) Gen. VII, 10.

(11) That God should have postponed the flood on their account.

(12) *Lit.*, ‘beginning’.

(13) That the wicked might be arrested by the phenomenon and led to repentance.

(14) He first gave them 120 years in which to repent (this being the homiletical interpretation of Gen. VI, 3); this ended, he gave them a further seven days’ grace.

(15) *Ibid.* VII, 2. This is the literal translation.

(16) V. *supra* 108a; *i.e.*, those which had mated only with their kind.

(17) Only such coming as fulfilled the above condition.

(18) *Ibid.* VI, 14.

(19) A resinous tree, a species of cedar. (*Jast.*)

(20) Also a species of cedar, and very hard and stone-like. (*Jast.*)

(21) *Heb. zohar*, צֹהַר.

(22) *Ibid.* 16.

(23) *Heb. zoharayim*, צֹהָרִים.

- (24) Ibid.
- (25) The sides being sloping, the rain would fall off it.
- (26) Ibid. [Some MSS, have the following addition: and the door of the ark shalt thou set in the side thereof (ibid.) in order to enable the nozila (a huge animal of the antelope species that could not be accommodated in the ark on account of its size) to put its head therein (it having been tied to the ark behind which it ran); v. Gen. R. XXXI, 13.]
- (27) Ibid. VIII, 7.
- (28) The raven is unclean (Lev. XI, 15).
- (29) I.e., his own wife.
- (30) The wives.
- (31) Gen. VI. 18.
- (32) Ibid. VIII, 26.
- (33) Since it is obvious that Noah's wife etc., were to leave the ark with him, the verse must be explained as granting permission for the resumption of marital ties. Hence these were interdicted in the ark.
- (34) I.e., from him descended Cush (the negro) who is black-skinned.
- (35) Ibid. VIII, 8.
- (36) This is deduced from 'from him', which is not mentioned in connection with the raven.
- (37) טרף (E.V. 'plucked off'.) Ibid. 11.
- (38) הטרפני haterifeni, derived from טרף.
- (39) Prov. XXX, 8.
- (40) Gen. VIII, 19.
- (41) The meaning is obscure. Maharsha explains it thus: — As stated above, whilst in the ark, copulation was forbidden. On their exit, it was permitted. That is the significance of 'after their kind', which denotes that mating was resumed, and they ceased to be a group of single entities.
- (42) [Or 'great son', i.e., the most important of his sons, v. supra 69b. (Yad. Ramah.)]
- (43) 'After their kind' implies that they kept to the habits of their kind throughout the flood. 'How then were you able to take care of them, and give them individual attention, since animals' habits are so divergent?'
- (44) Those that suffer from fever can do without food.
- (45) [Heb. אורישנה reading doubtful, 'urishna' or 'urshana'. V. Lewysohn Zoologie, 353, and Gudemann, M., Religionsgeschichtliche Studien, 55].
- (46) Job XXIX, 18: v. A.J.V., a legendary immortal bird.
- (47) V. p. 746, n. 7.
- (48) Ps. CX, 1: supposed to be said by Eliezer, 'my master' referring to Abraham.
- (49) Isa. XLI, 2.
- (50) A town in Judea. [V. II Chron. XXVIII, 18.] It is always written in two words: גַּם זֶה which, taken by themselves, mean 'this too', and this connotation was attached thereto on account of his habit of saying, 'This too is for good.'

Talmud - Mas. Sanhedrin 109a

whom shall we send it? We will send it by Nahum of Gimso, who is well versed in miracles.' On arriving at a certain inn, he wished to lodge there. 'What hast thou with thee,' they asked him? He replied. 'I am bearing tribute to the Emperor.' So they arose at night, untied his box, removed all its contents, and refilled it with earth. When he arrived there¹ it was found to be earth. 'The Jews mock me!' he exclaimed. So they led him out to execution. 'This too is for good.' said he. Then Elijah came, disguised as one of theirs [the Romans], and suggested to them, 'Perhaps this is the earth of Abraham, the patriarch, who threw earth which turned to swords, and chaff which became arrows!' So they examined it, and found it to be even so: and a district which they had been unable to conquer, they threw this earth at it and conquered it. Thereupon they led him to the treasury and said to him, 'Take what thou pleasest!' So he filled his box with gold. On his return, the inmates [of the inn where he had previously been robbed] asked him, 'What didst thou take to the king?' 'What I took away from here I carried there,' was his reply. So they took [the same] and brought it there, [as a result of which] these folk were executed.

THE GENERATION OF THE DISPERSION HAVE NO PORTION IN THE WORLD TO COME etc. What did they do? — The scholars of R. Shila taught: They said, 'Let us build a tower, ascend to heaven, and cleave it with axes, that its waters might gush forth.' In the West [sc. Palestine academies]² they laughed at this: If so, they should have built it on a mountain!³

R. Jeremiah b. Eleazar said: They split up into three parties. One said, 'Let us ascend and dwell there;' the second, 'Let us ascend and serve idols;' and the third said, 'Let us ascend and wage war [with God].' The party which proposed, 'Let us ascend, and dwell there' — the Lord scattered them: the one that said, 'Let us ascend and wage war' were turned to apes, spirits, devils, and night-demons; whilst as for the party which said, 'Let us ascend and serve idols' — 'for there the Lord did confound the language of all the earth.'⁴

It has been taught. R. Nathan said: They were all bent on idolatry. [For] here it is written, let us make us a name;⁵ whilst elsewhere it is written, and make no mention of the name of other gods:⁶ just as there idolatry is meant, so here too. R. Jonathan said: A third of the tower was burnt, a third sunk [into the earth], and a third is still standing.⁷ Rab said: The atmosphere of the tower causes forgetfulness. R. Joseph said: Babylon and Borsif⁸ are evil omens for the Torah.⁹ What is the meaning of Borsif? — R. Assi said: An empty [shafi] pit [bor].¹⁰ THE MEN OF SODOM HAVE NO PORTION IN THE WORLD TO COME etc. Our Rabbis taught: The men of Sodom have no portion in the future world, as it is written, But the men of Sodom were wicked and sinners before the Lord exceedingly:¹¹ wicked — in this world, and sinners — in respect of the world to come.¹² Rab Judah said: [They were] wicked — with their bodies [i.e., immoral] and sinners — with their money [i.e., uncharitable]. 'Wicked — with their bodies,' as it is written, How then can I do this great wickedness, and sin against God?¹³ 'And sinners — with their money,' as it is written, and it be sin unto thee.¹⁴ 'Before the Lord' refers to blasphemy; 'exceedingly' — that they intentionally sinned. A Tanna taught: Wicked — with their money; and sinners — with their bodies 'Wicked — with their money,' as it is written, And thine eye be wicked against thy poor brother;¹⁵ 'and sinners — with their bodies,' as it is written, and I will sin against God.¹⁶ Before the Lord — this refers to blasphemy. Exceedingly — this refers to bloodshed, as it is written, Moreover, Manasseh shed innocent blood exceedingly.¹⁷

Our Rabbis taught: The men of Sodom waxed haughty only on account of the good which the Holy One, blessed be He, had lavished upon them. What is written concerning them? — As for the earth, out of it cometh bread: and under it it is burned up as it were with fire. The stones of it are the place of sapphires: and it hath dust of gold. There is a path which no fowl knoweth, and which the vulture's eye hath not seen: The lion's whelps have not trodden it, nor the fierce lions passed by it.¹⁸ They said: Since there cometh forth bread out of [our] earth, and it hath the dust of gold, why should we suffer wayfarers, who come to us only to deplete our wealth. Come, let us abolish¹⁹ the practice of travelling²⁰ in our land, as it is written, The flood breaketh out from the inhabitants,' they are forgotten of the foot; they are dried up, they are gone away from men.²¹

Raba gave the following exposition: What is meant by the verse, How long will ye imagine mischief against a man? ye shall be slain all of you: ye are all as a bowing wall, and as a tottering fence?²² This teaches that they used to cast [envious] eyes at wealthy men, place them by a leaning wall, thrust it upon them, then go and take their wealth. Raba expounded: What is meant by the verse, In the dark they dig through houses, which they had marked for themselves in the daytime: they know not the light?²³ This teaches that they used to cast [envious] eyes at wealthy men, and entrust balsamum into their keeping, which they placed in their storerooms. In the evening they would come and smell it out like dogs, as it is written, They return at evening: they make a noise like a dog, and go round about the city.²⁴ Then they would go, burrow in, and steal the money, [and as for their victim —] They cause him to go naked without clothing,²⁵ that they have no covering in the cold.²⁶ They lead away the ass of the fatherless, they take the widow's ox for a pledge.²⁷ They

remove the landmarks; they violently take away flocks, and feed them.²⁸ And he [the victim] shall be brought to the grave, and shall remain in the tomb.²⁹ R. Jose taught this in Sepphoris. That night [after his lecture] three hundred [houses] were broken into in Sepphoris. So they came and harassed him. Said they to him, 'Thou hast shown³⁰ a way to thieves!' He replied, 'Could I have known that thieves would come?'³¹ When R. Jose died, the gutters of Sepphoris ran with blood.³²

[Reverting to the misdeeds of the Sodomites] they ruled: He who has [only] one ox must tend [all the oxen of the town] for one day; but he who has none must tend [them] two days.³³ Now a certain orphan, the son of a widow, was given oxen to tend. He went and killed them' and [then] said to them [the Sodomites],

(1) In the Emperor's presence.

(2) V, supra 17b.

(3) And not in a valley.

(4) Gen. XI, 9.

(5) Ibid. 4.

(6) Ex. XXIII, 13.

(7) [Identified by Obermeyer. op. cit. 314, as the Borsippa Tower, near Babylon. V. next note]

(8) ** A city frequently identified with Babel. Neubauer, op. cit., pp. 327, 346, observes that Borsif was not far from Borsippa. A sect of Chaldean astrologers had their locale there, for which reason the Talmud says that the place is unfavourable for study.

(9) Because one's learning is soon forgotten there.

(10) I.e., a pit emptied of its waters — a place where all knowledge is forgotten.

(11) Gen. XIII, 13.

(12) I.e., they are excluded therefrom on account of sin.

(13) Ibid. XXXIX, 9 — the reference is to adultery.

(14) Deut. XV, 9 — the reference is to the withholding of financial assistance from the poor.

(15) Ibid. V. previous note.

(16) V, supra n. 3.

(17) II Kings XXI, 16.

(18) Job XXVIII, 5-8.

(19) Lit., 'cause to be forgotten.'

(20) Lit., 'the law of the foot.'

(21) Ibid. 4.

(22) Ps. LXII, 4.

(23) Job XXIV, 16.

(24) Ps. LIX, 7.

(25) Job XXIV, 10.

(26) Ibid. 7.

(27) Ibid. 3.

(28) Ibid. 2.

(29) Ibid. XXI, 32.

(30) Lit., 'given'.

(31) Or, 'Did I then know that ye are thieves' — i.e., that there are so many thieves amongst you (Rashi)

(32) An expression denoting the great loss that was felt. — This is really irrelevant here, but that R. Jose has just been mentioned (Rashi).

(33) This was a measure of oppression against the poor.

Talmud - Mas. Sanhedrin 109b

'He who has an ox, let him take one hide; he who has none, let him take two hides.' 'What is the meaning of this?' they exclaimed. Said he, 'The final usage [i.e., the disposal of the ox when dead]

must be as the initial one; just as the initial usage is that he who possesses one ox must tend for one day, and he who has none must tend two days; so should be the final usage: he who has one ox should take one hide, and he who has none should take two.' [Likewise, they ruled,] He who crosses with the ferry must pay one zuz [for the privilege], but he who does not, [entering by another way] must give two. If one had rows of bricks every person came and took one, saying, 'I have taken only one.' If one spread out garlic or onions [to dry them], every person came and took one, saying, 'I have taken only one.'

There were four judges in Sodom, [named] Shakrai, Shakurai, Zayyafi, and Mazle Dina.¹ Now, if a man assaulted his neighbour's wife and bruised her, they would say [to the husband], 'Give her to him, that she may become pregnant for thee.' If one cut off the ear of his neighbour's ass, they would order, 'Give it to him until it grows again.' If one wounded his neighbour they would say to him [the victim], 'Give him a fee for bleeding thee.' He who crossed over with the ferry had to pay four zuzim, whilst he who crossed through the water had to pay eight. On one occasion, a certain fuller happened to come there. Said they to him, 'Give us four zuzim [for the use of the ferry].' But, protested he, 'I crossed through the water!' 'If so,' said they, 'thou must give eight zuzim for passing through the water.' He refused to give it, so they assaulted him. He went before the judge, who ordered, 'Give them a fee for bleeding and eight zuzim for crossing through the water. Now Eliezer, Abraham's servant, happened to be there, and was attacked. When he went before the judge, he said, 'Give them a fee for bleeding thee.' Thereupon he took a stone and smote the judge. 'What is this!' he exclaimed. He replied, 'The fee that thou owest me give to this man [who attacked me], whilst my money will remain in statu quo.' Now, they had beds upon which travellers slept. If he [the guest] was too long, they shortened him [by lopping off his feet]; if too short, they stretched him out. Eliezer, Abraham's servant, happened to go there. Said they to him, 'Arise and sleep on this bed!' He replied, 'I have vowed since the day of my mother's death not to sleep in a bed.' If a poor man happened to come there, every resident gave him a denar, upon which he wrote his name, but no bread was given him. When he died, each came and took back his. They made this agreement amongst themselves: whoever invites a man [a stranger] to a feast shall be stripped of his garment. Now, a banquet was in progress, when Eliezer chanced there, but they gave him no bread. Wishing to dine, he went and sat down at the end of them all. Said they to him, 'Who invited thee here?' He replied to the one sitting near him, 'Thou didst invite me.' The latter said to himself, 'Peradventure they will hear that I invited him, and strip me of my garments!' So he took up his raiment and fled without. Thus he [Eliezer] did to all, until they had all gone; whereupon he consumed the entire repast. A certain maiden gave some bread to a poor man, [hiding it] in a pitcher. On the matter becoming known, they daubed her with honey and placed her on the parapet of the wall, and the bees came and consumed her. Thus it is written, And the Lord said, The cry of Sodom and Gomorrah, because it is great:² whereon Rab Judah commented in Rab's name: On account of the maiden [ribah].³

THE SPIES HAVE NO PORTION IN THE WORLD TO COME, AS IT IS SAID, EVEN THOSE MEN THAT DID BRING UP THE EVIL REPORT UPON THE LAND, DIED BY THE PLAGUE BEFORE THE LORD:⁴ DIED [IMPLIES] IN THIS WORLD; BY THE PLAGUE — IN THE NEXT.⁵ THE ASSEMBLY OF KORAH HAVE NO PORTION IN THE WORLD TO COME, AS IT IS WRITTEN, AND THE EARTH CLOSED UPON THEM, [IMPLYING] IN THIS WORLD, AND THEY PERISHED FROM AMONG THE CONGREGATION — IN THE NEXT — THIS IS R. AKIBA'S VIEW. R. ELIEZER SAID: OF THEM THE WRIT SAITH, THE LORD KILLETH AND MAKETH ALIVE: HE BRINGETH DOWN TO THE GRAVE, AND BRINGETH UP.⁶

Our Rabbis taught: THE ASSEMBLY OF KORAH HAVE NO PORTION IN THE WORLD TO COME, for it is said, And the earth closed upon them; and they perished from among the congregation: this is R. Akiba's view. R. Judah b. Bathyra said: They are as a lost article, which is sought, for it is said, I have gone astray like a lost sheep: seek thy servant; for I do not forget thy

commandments.⁷

Now Korah took . . .⁸ Resh Lakish said: He took a bad bargain for himself, being plucked out⁹ of Israel. The son of Izhar: a son who incensed¹⁰ the whole world with himself as the [heat of] noon.¹¹ The son of Kohath,¹² a son who set the teeth of his progenitors on edge.¹³ The son of Levi: a son who became an inmate¹⁴ of Gehenna. Then why not state too ‘the son of Jacob’, [implying] a son who marched¹⁵ himself into Gehenna? — R. Samuel b. R. Isaac answered: Jacob supplicated for himself [not to be enumerated amongst Korah's ancestors], as it is written, O my son, come not into their secret: unto their assembly, mine honour, be not thou united:¹⁶ ‘O my soul, come not unto their secret’ — this refers to the spies;¹⁷ ‘unto their assembly, mine honour, be not thou united’ — to the Assembly of Korah.

Dathan¹⁸ [denotes] that he violated God's law;¹⁹ Abiram²⁰ — that he stoutly refused to repent;²¹ On²² — that he sat in lamentations;²³ Peleth²⁴ — that wonders were wrought for him;²⁵ the son of Reuben — a son who saw and understood.²⁶

Rab said: On, the son of Peleth, was saved by his wife. Said she to him, ‘What matters it to thee? Whether the one [Moses] remains master or the other [Korah] becomes master, thou art but a disciple.’ He replied, ‘But what can I do? I have taken part in their counsel, and they have sworn me [to be] with them.’ She said, ‘I know that they are all a holy community, as it is written, seeing all the congregation are holy, everyone of them.’²⁷ [So,] she proceeded, ‘Sit here, and I will save thee.’ She gave him wine to drink, intoxicated him and laid him down within [the tent]. Then she sat down at the entrance thereto

(1) These are fictitious names meaning, Liar, Awful Liar, Forger, and Perverter of Justice.

(2) Heb, rabbah, רבה, Gen. XVIII, 20.

(3) ריבה, a play on רבה.

(4) Num. XIV, 37.

(5) Wilna Gaon deletes this whole passage, from ‘THE SPIES... THE NEXT,’ v. p. 738, n. 6.

(6) I Sam. II, 6. The Wilna Gaon deletes this whole passage.

(7) Ps. CXIX, 176: though gone astray, they will be found and restored to their share in the future world.

(8) Num. XVI, 1.

(9) A play on קרה and קרהה ‘baldness’.

(10) Lit., ‘heated’.

(11) יצהר is connected with צהרים noon.

(12) הקהה with which קהת is related.

(13) I.e., who disgraced his parents.

(14) Lit., ‘company’, ‘escort’, לוייה a play of words on לוי.

(15) Connecting יעקב with עקב ‘to trace’, ‘follow’.

(16) Gen. XLIX, 6.

(17) In no case is the genealogy of the spies traced to Jacob (Rashi).

(18) Korah's confederate. Num. XVI, 1.

(19) דת, a play on דתן.

(20) V, note 12.

(21) איבר, a play on אבירם.

(22) V. n. 12. On means also ‘lamentation’.

(23) I.e., he repented for having joined them.

(24) On's father.

(25) Connecting the name with the root פלא, ‘wonder’. He abandoned the conspiracy, and was miraculously saved from its fate.

(26) ראו-בן ‘He saw and perceived’ that the conspiracy was unjust, and therefore kept aloof from it.

(27) Ibid. 3.

Talmud - Mas. Sanhedrin 110a

and loosened her hair. Whoever came [to summon him] saw her and retreated.¹ Meanwhile, Korah's wife joined them [the rebels] and said to him [Korah], 'See what Moses has done. He himself has become king; his brother he appointed High Priest; his brother's sons he hath made the vice High Priests. If terumah is brought, he decrees, Let it be for the priest; if the tithe is brought, which belongs to you [i.e., to the Levite], he orders, Give a tenth part thereof to the priest. Moreover, he has had your hair cut off,² and makes sport of you as though ye were dirt; for he was jealous³ of your hair.' Said he to her, 'But he has done likewise!' She replied, 'Since all the greatness was his, he said also, Let me die with the Philistines.⁴ Moreover, he has commanded you, Set [fringes] of blue wool [in the corners of your garments];⁵ but if there is virtue in blue wool, then bring forth blue wool, and clothe thine entire academy therewith.'⁶ Thus it is written, Every wise woman buildeth her house⁷ — this refers to the wife of On, the son of Peleth; but the foolish plucketh it down with her hands — to Korah's wife.

And they rose up before Moses, with certain of the children of Israel, two hundred and fifty:⁸ they were the most distinguished men of the community; chosen for the appointed times:⁹ meaning, they were skilled in intercalating the year¹⁰ and fixing new moons; men of renown, famous throughout the whole world.

And when Moses heard it, he fell upon his face.¹¹ What news did he hear? — R. Samuel b. Nahmani said in R. Jonathan's name: That he was suspected of [adultery with] a married women, as it is written, They were jealous of Moses in the camp,¹² which teaches that every person warned his wife¹³ on Moses' account, as it is written, And Moses took the tabernacle, and pitched it without the camp.¹⁴

And Moses rose up and went in to Dathan and Abiram.¹⁵ Resh Lakish said: This teaches that one must not be obdurate in a quarrel;¹⁶ for Rab said: He who is unyielding in a dispute violates a negative command, as it is written, And let him not be as Korah, and as his company.¹⁷ R. Ashi said: He deserves to be smitten with leprosy: here it is written, [as the Lord said] to him by the hand of Moses,¹⁸ whilst elsewhere, it is said, And the Lord said furthermore unto him, Put now thine hand into thy bosom. [. . . and when he took it out, behold, his hand was leprous as snow].¹⁹

R. Joseph said: Whoever contends against the sovereignty of the House of David deserves to be bitten by a snake. Here it is written, And Adonijah slew sheep and oxen and fat cattle by the stone of Zoheleth;²⁰ whilst elsewhere it is written, with the poison of serpents [zohale]²¹ of the dust.²² R. Hisda said: Whoever contends against [the ruling of] his teacher is as though he contended against the Shechinah, as it says, when they strove against the Lord.²³ R. Hama son of R. Hanina said: Whoever quarrels²⁴ with his teacher is as though he quarrelled with the Shechinah, as it is said, This is the water of Meribah; because the children of Israel strove with the Lord.²⁵ R. Hanina b. Papa said: Whoever expresses resentment against his teacher, is as though he expressed it against the Shechinah, as it is said, Your murmurings are not against us, but against the Lord.²⁶ R. Abbahu said: He who imputes [evil] to his teacher is as though he imputed [it] to the Shechinah, as it says, And the people spake against God, and against Moses.²⁷

Riches kept for the owners thereof to their hurt:²⁸ Resh Lakish said: This refers to Korah's wealth. And all the substance that was at their feet:²⁹ R. Eleazar said: This refers to a man's wealth, which puts him on his feet. R. Levi said: The keys of Korah's treasure house were a load for three hundred white mules,³⁰ though all the keys and locks were of leather.³¹

R. Hama son of R. Hanina said: Three treasures did Joseph hide in Egypt: one was revealed to

Korah; one to Antoninus the son of Severus,³² and the third is stored up for the righteous for the future time.

R. Johanan also said: Korah was neither of those who were swallowed up nor of those who were burnt. 'Neither of those who were swallowed up' — as it is written, [And the earth . . . swallowed them up. . .] and all the men that appertained unto Korah,³³ [implying], but not Korah himself. 'Nor of those who were burnt' — for it is written, What time the fire devoured two hundred and fifty men,³⁴ — but not Korah.³⁵ A Tanna taught in a Baraitha: Korah was one of those who were swallowed up and burnt.³⁶ 'Of those who were swallowed up' — as it is written, . . . and swallowed them up together with Korah.³⁷ 'Of those who were burnt' — since it is written, And there came out a fire from the Lord, and consumed the two hundred and fifty men [that offered incense],³⁸ which includes Korah.³⁹

Raba said: What is meant by the verse, The sun and the moon stood still in their zebul, at the light of thine arrows they went?⁴⁰ — This teaches that the sun and the moon ascended from the rakia' to the zebul, and exclaimed before the Holy One, blessed be He, 'Sovereign of the Universe! If thou wilt execute justice for Amram's son [by punishing Korah and his assembly], we will go forth [to give light]; if not, we will not go forth.' Thereupon he shot arrows at them, saying, 'For My honour ye did not protest, yet ye protest for the honour of flesh and blood!'⁴¹ So now they do not go forth until they are driven to it.⁴²

Raba gave the following exposition: What is meant by the verse, But if the Lord make a new thing, and the earth open her mouth?⁴³ — Moses said to the Holy One, blessed be He, 'If the Gehenna has already been created, 'tis well; if not, let the Lord create it.' Now, in respect of what? If actually to create it, but there is no new thing under the sun!⁴⁴ But [he prayed] that its mouth might be brought up [to the spot where they were standing].

Notwithstanding the children of Korah died not.⁴⁵ A Tanna taught: It has been said on the authority of Moses our Master: A place was set apart for them in the Gehenna, where they sat and sang praises [to God].

Rabbah b. Bar Hana said: I was proceeding on my travels, when an Arab said to me, 'Come, and I will shew thee where the men of Korah were swallowed up.' I went and saw two cracks whence issued smoke. Thereupon he took a piece of clipped wool, soaked it in water, attached it to the point of his spear, and passed it over there, and it was singed. Said I to him, 'Listen to what you are about to hear.' And I heard them saying thus: 'Moses and his Torah are true, but they [Korah's company] are liars.'

(1) It being immodest to look upon a married woman's loosened hair.

(2) In accordance with the purification rites of the Levites; and let them share all their flesh (Num. VIII, 7).

(3) Lit., 'cast his eyes' — with envy.

(4) Judges XVI, 30. This was used proverbially to denote readiness to suffer, so that others might suffer too. — Moses, retaining all the greatness himself, did not mind shaving his own hair off, seeing that he had caused all the rest to do so, thus depriving them of their beauty.

(5) Num. XV, 38.

(6) Why limit it to a thread in the corner of the garment? Every scholar ought to be completely garbed therewith.

(7) Prov. XIV, 1.

(8) Num. XVI, 2.

(9) So translated here. E.V. 'famous in the congregation'.

(10) V, supra 2a.

(11) Ibid. 4.

(12) Ps. CVI, 16.

- (13) V. p. 583, n. 1.
- (14) Ex. XXXIII, 7 — to avoid all ground of suspicion.
- (15) Num. XVI, 25.
- (16) Moses disregarded his own dignity, going forth to the rebels in an attempt to end the quarrel.
- (17) Ibid. XVII, 5.
- (18) Ibid.
- (19) Ex. IV, 6; to which 'the hand of Moses' is taken to allude.
- (20) I Kings I, 9.
- (21) **וְיָמִין**.
- (22) Deut. XXXII, 24.
- (23) Num. XXVI, 9. The reference is to Korah's rebellion; though against Moses only, it is stigmatised as being against God.
- (24) I.e., in general.
- (25) Ibid. XX, 13. V. n. 14.
- (26) Ex. XVI, 8.
- (27) Num. XXI, 5.
- (28) Eccl. V, 12.
- (29) Deut. XI, 6.
- (30) This of course is not to be taken literally.
- (31) Instead of metal, so as to be light in weight, yet they amounted to such a load.
- (32) V. p. 610, n. 7.
- (33) Num. XVI, 32.
- (34) Ibid. XXXVI, 10.
- (35) Since there were two hundred and fifty besides Korah; v. XVI, 17, where Korah is mentioned apart from the two hundred and fifty.
- (36) First his soul was burnt, the body remaining intact, and this in turn was swallowed up (Rashi).
- (37) Ibid. 10.
- (38) Ibid. XVI, 35.
- (39) He includes Korah among the two hundred and fifty men who offered incense, as stated in v. 17.
- (40) Hab. III, 11; according to tradition, there are seven heavens, of which zebul is one. What were they doing in zebul, seeing that they are set in the rakia' — a lower heaven, translated in Gen. I, 4, 'firmament'?
- (41) Men worship you, whereby they dishonour Me, yet ye do not protest.
- (42) [As they do not wish to give light to sinful man.]
- (43) Num. XVI, 30.
- (44) Eccl. I, 9.
- (45) Num. XXVI, 11.

Talmud - Mas. Sanhedrin 110b

The Arabian then said to me, 'Every thirty days Gehenna causes them to turn back [here] like meat in a pot, and they say thus: "Moses and his Torah are true, but they are liars."' ¹ THE GENERATION OF THE WILDERNESS HATH NO PORTION IN THE WORLD TO COME etc. Our Rabbis taught: The generation of the wilderness hath no portion in the world to come, as it is written, in this wilderness they shall be consumed, and there they shall die. ² 'they shall be consumed', refers to this world; 'and there they shall die' — to the world to come. And it is also said, Forty years long was I grieved with his generation [sc. of the wilderness — . . .] Unto whom I swear in my wrath that they should not enter into my rest: ³ this is R. Akiba's view. R. Eliezer maintained: They will enter into the future world, for it is written, Gather my saints together unto me; those that have made a covenant with me by sacrifice. ⁴ How then do I interpret ⁵ Unto whom I swear in my wrath etc? — [Only] in my wrath I swear, but repented thereof. R. Joshua b. Karha said: This verse was spoken only in reference to future generations. [Thus:] Gather my saints together unto me — this refers to the righteous of every generation; that have made a covenant with me — to Hananiah, Mishael, and

Azariah, who submitted to the fiery furnace; by sacrifice — to R. Akiba and his companions, who gave themselves up to immolation for the sake of the Torah.⁶ R. Simeon b. Manasya said: They will enter the future world, as it is said, And the ransomed of the Lord shall return, and come to Zion with songs.⁷ Rabbah b. Bar Hana said in R. Johanan's name: [Here] R. Akiba abandoned his love.⁸ For it is written, Go and cry in the ears of Jerusalem, saying, Thus saith the Lord: I remember thee, the kindness of thy youth, the love of thine espousals, when thou wentest after me in the wilderness, in a land that was not sown;⁹ if others will enter [the future world] in their merit, surely they themselves most certainly will!

MISHNAH. THE TEN TRIBES WILL NOT RETURN [TO PALESTINE], FOR IT IS SAID, AND CAST THEM INTO ANOTHER LAND, AS IS THIS DAY:¹⁰ JUST AS THE DAY GOES AND DOES NOT RETURN, SO THEY TOO WENT AND WILL NOT RETURN: THIS IS R. AKIBA'S VIEW. R. ELIEZER SAID: AS THIS DAY — JUST AS THE DAY DARKENS AND THEN BECOMES LIGHT AGAIN,¹¹ SO THE TEN TRIBES — EVEN AS IT WENT DARK FOR THEM, SO WILL IT BECOME LIGHT FOR THEM.

GEMARA. Our Rabbis taught: The ten tribes have no portion in the world to come,¹² as it says, And the Lord rooted them out of their land in anger, and in wrath, and in great indignation:¹³ And the Lord rooted them out of their land, refers to this world; and cast them into another land — to the world to come:¹⁴ this is R. Akiba's view. R. Simeon b. Judah, of the Kefar of Acco,¹⁵ said on R. Simeon's authority: If their deeds are as this day's,¹⁶ they will not return; otherwise they shall. Rabbi said: They will enter the future world, as it is said, [And it shall come to pass] in that day, that the great trumpet shall be blown, [and they shall come which were ready to perish in the land of Assyria, and the outcasts in the land of Egypt, and shall worship the Lord in the holy mount of Jerusalem].¹⁷

Rabbah b. Bar Hana said in R. Johanan's name: [Here] R. Akiba abandoned his love,¹⁸ for it is written, Go and proclaim these words toward the north, and say, Return, thou backsliding Israel, saith the Lord; and I will not cause mine anger to fall upon you; for I am merciful, saith the Lord, and I will not keep mine anger for ever.¹⁹

Now, to what does 'his love' refer? — Even as it has been taught: The children of the wicked of Israel, [who died] in their minority, will not enter the future world, as it is written, For, behold, the day cometh that shall burn as an oven; and all the proud, yea, and all that do wickedly, shall be stubble: and the day that cometh shall burn them up, saith the Lord of hosts, that it shall leave them neither root or branch:²⁰ 'root', refers to this world; 'branch' — to the world to come:²¹ This is Rabban Gamaliel's view. R. Akiba said: They will enter the world to come, as it is written, The Lord preserveth petha'im,²² and in the island cities, a child is called pattia;²³ and it is said also, Hew the tree down, and destroy it: yet leave the stump of the roots thereof in the earth.²⁴ How then do I interpret²⁵ 'that it shall leave them neither root nor branch'? — That He shall not leave them [unpunished the violation of] a single precept or the remnant thereof [i.e., even the most insignificant precept]. Another interpretation: 'root' refers to the soul, and 'branch' to the body.²⁶ But as for young children of the wicked heathens, all agree that they will not enter the future world. And R. Gamaliel²⁷ deduces it from And thou hast made all their memory perish.²⁸

It has been said: An infant — from when may he enter the future world? — R. Hiyya and R. Simeon b. Rabbi [disagree]: one maintained, from birth; the other, from when it spoke. The one who says that it is from birth derives it from the verse, They shall come, and shall declare his righteousness unto a people that shall be born, that he hath done this.²⁹ The one who holds, from when it spoke, [deduces it] from the verse, A seed shall serve him; it shall be related of the Lord for a generation.³⁰

It has been stated: Rabina maintained: From conception,³¹ as it is written, A seed shall serve him.

R. Nahman b. Isaac said: From its circumcision, for it is written, I am afflicted and ready to die from my youth up; while I suffer thy terrors I am distracted.³²

It was taught on R. Meir's authority: From when he said Amen, as it is written, Open ye the gates, that the righteous nation which keepeth the truth may enter in:³³ render not which keepeth the truth³⁴ but which sayeth Amen.³⁵

(1) [V. B.B. 74a, with slight variations.]

(2) Num. XIV, 35.

(3) Ps. XCV, 10f.

(4) Ibid. L, 5. This description fits the generation of the wilderness. Cf. And he sent young men of the children of Israel, which offered burnt offerings, and sacrificed peace offerings of oxen unto the Lord . . . And Moses took the blood (thereof), and sprinkled it on the people, and said, Behold the blood of the covenant, which the Lord hath made with you concerning all these words. (Ex. XXIV, 5, 8).

(5) Lit., 'fulfil.'

(6) R. Akiba disobeyed the Roman edict forbidding the practice and teaching of religion, and was martyred in consequence. — Ber. 61b. He was executed after several years of imprisonment (supra 12a) about the year 132 C.E.

(7) Isa. XXXV, 10: he regards 'the ransomed of the Lord' as alluding to those who left Egypt, whom the Lord 'ransomed'.

(8) In his love for Israel he generally sought the happiest destinies for them. Here, however, he taught that the generation of the wilderness had no portion in the world to come, though, as the speaker proceeds to demonstrate, he could so have interpreted a verse as to grant them a share therein.

(9) Jer. II, 2: thus the merit of this act of faith on the part of the generation of the wilderness stood their descendants in good stead and conferred the privilege upon them of a share in the future world.

(10) Deut. XXIX, 27.

(11) Becoming dark in the evening and light in the morning.

(12) [I.e., not in the hereafter but in the Messianic days.]

(13) Ibid.

(14) I.e., into a place other than the future world.

(15) V. p. 484, n. 7.

(16) I.e., if they do not repent, 'this day' referring to the time of their being exiled.

(17) Isa. XXVII, 13: 'the holy mount of Jerusalem' is understood here to mean the future world.

(18) V, p.758, n. 7.

(19) Jer. III, 12.

(20) Mal. III, 19.

(21) And both are assumed to refer to the young children of the wicked.

(22) פתאים. (E.V. 'the simple'.)

(23) פתיה.

(24) Dan. IV, 20; i.e., the family stock remains, the children of the wicked entering the future world.

(25) Lit., 'fulfil'.

(26) But of the wicked themselves, not their children. Thus we see R. Akiba, in his love for Israel, interpreting the verse as leniently as possible.

(27) The name is deleted by the Wilna Gaon and this appears so too from Rashi.

(28) Isa. XXVI, 14.

(29) Ps. XXII, 32.

(30) Ibid. 31. It shall be related shews that when God's glory can be related by a person, i.e., when he can speak, he earns his right to a portion of the world to come.

(31) Lit., 'its being sown'.

(32) Ibid. LXXXVIII, 16, translated: I am poor and ready to die (like the wicked, i.e., without entering the future world) from my being cast forth (from the womb); but once I have borne thy dread i.e., circumcision, which one always bears on his body, I am whirled round — in the whirl of life (the future world).

(33) Isa. XXVI, 2.

(34) שומר אמונים.

(35) שאומר אמן.

Talmud - Mas. Sanhedrin 111a

What is the meaning of Amen?¹ — R. Hanina said: God, faithful, King.²

Therefore hell hath enlarged herself, and opened her mouth without measure:³ Resh Lakish said: [It means] for him who leaves undone even a single statute.⁴ R. Johanan said to him: It is not pleasing to their Master⁵ that you say thus to them. But [say], who has not studied even a single statute.⁶

And it shall come to pass, that in all the land, saith the Lord, two parts therein shall be cut off and die,' but the third shall be left therein.⁷ Resh Lakish said: [This means] a third of the descendants of Shem.⁸ Said R. Johanan to him: Their Master is not pleased that you say so of them. But [say thus:] a third even of all the descendants of Noah.

For I am married unto you: and I will take you one of a city, and two of a family.⁹ Resh Lakish said: This is meant literally.¹⁰ Said R. Johanan unto him: Their Master is not pleased that you say so of them.¹¹ But [say thus:] 'one of a city' [means that his virtues] shall benefit an entire city;¹² and 'two of a family' will benefit the entire family.¹³ R. Kahana sat before Rab and stated: This is meant literally. Rab said to him: Their Master is not pleased that you say so of them. But [say thus:] 'one of a city' — shall benefit an entire city, and 'two of a family' — will benefit the entire family. He [Rab] then observed him dress his hair [instead of paying attention to his studies] and come and sit before Rab. Said he to him, And it shall not be found in the land of the living.¹⁴ He exclaimed, 'You curse me!'¹⁵ He replied, 'I but cite a verse, [which teaches,] The Torah shall not be found in one who attends to his own wants whilst studying it.'¹⁶ It has been taught: R. Simai said: It says, And I will take you to me for a people,¹⁷ and it is also said, And I will bring you in [unto the land etc.].¹⁸ Their exodus from Egypt is thus likened to their entry into the [promised] land: just as at their entry into the [promised] land there were but two out of six hundred thousand,¹⁹ so at their exodus from Egypt there were but two out of six hundred thousand.²⁰ Raba said: It shall be even so in the days of the Messiah, for it is said, And she shall sing there, as in the days of her youth, and as in the days when she came up out of the land of Egypt.²¹

It has been taught: R. Eleazar son of R. Jose said: I once visited Alexandria of Egypt and found an old man there, who said to me, 'Come, and I will shew thee what my ancestors did to thine: some of them they drowned in the sea, some they slew by the sword, and some they crushed in the buildings.'²² And for this Moses was punished,²³ as it is said, For since I came to Pharaoh to speak in thy name, he hath done evil to this people,' neither hast thou delivered thy people at all.²⁴ Thereupon the Holy One, blessed be He, said to him, 'Alas for those who are gone and no more to be found! For how many times did I reveal Myself to Abraham, Isaac, and Jacob by the name of El Shaddai,²⁵ and they did not question my character,²⁶ nor say to Me, What is Thy name? I said to Abraham, Arise, walk through the land in the length of it, and in the breadth of it,' for I will give it unto thee:²⁷ yet when he sought a place to bury Sarah, he did not find one, but had to purchase it for four hundred silver shekels; and still he did not question My character. I said to Isaac, Sojourn in this land, and I will be with thee, and will bless thee:²⁸ yet his servants sought water to drink, and did not find it without its being disputed, as it is said, And the herdmen of Gerar did strive with Isaac's herdmen saying, The water is our's;²⁹ still he did not question My character. I said to Jacob, The land whereon thou liest, to thee will I give it, and to thy seed:³⁰ yet he sought a place to pitch his tent and did not find one until he purchased it for an hundred kesitah;³¹ nevertheless he did not question My character; nor did they say to me, What is Thy name?³² And now thou sayest to Me, Neither hast thou delivered thy people at all. [Therefore] Now shalt thou see what I will do to Pharaoh:³³ thou

shalt behold the war against Pharaoh, but not the war against the thirty one kings.’³⁴ And Moses made haste, and bowed his head toward the earth, and worshipped.³⁵ What did Moses see?³⁶ — R. Hanina b. Gamala³⁷ said: He saw long-suffering [as one of His attributes].³⁸ The Rabbis say: He saw [His attribute of] truth.³⁸ It has been taught in agreement with the one who holds that ‘he saw long-suffering,’ viz.,³⁹ When Moses ascended on high, he found the Holy One, blessed be He, sitting and writing ‘long-suffering’. Said he to Him, ‘Sovereign of the Universe! Long-suffering to the righteous?’ He replied, ‘Even’ to the wicked.’ He urged, ‘Let the wicked perish!’ ‘See now what thou desirest,’ was His answer.⁴⁰ ‘When Israel sinned,’ He said to him, ‘didst thou not urge Me, [Let Thy] long-suffering be for the righteous [only]?’

(1) When one responds ‘Amen’ after a benediction, how does it suggest ascent thereto and the acceptance of God's yoke?

(2) אמן is an abbreviation of אל מלך נאמן.

(3) Isa. V, 15.

(4) Giving קל, translated ‘measure’, its usual meaning. Maharsha softens the severity of this statement by referring it to one whose evil deeds would be exactly counterbalanced by good deeds — in which case he would be saved from Gehenna — had he but fulfilled one more precept. But R. Johanan observed that even this is too harsh.

(5) Israel's.

(6) But the study of a single statute saves one from Gehenna.

(7) Zech. XIII, 8.

(8) Mankind is descended from Noah and his three sons, Shem, Ham and Japheth. By a ‘third’ Resh Lakish understands the original number divided and again divided by three. Therefore a third of the first three gives Shem (since he was the ancestor of Israel, and it is assumed that Israel must be included amongst those saved) and then a further third of Shem.

(9) Jer. III, 14.

(10) Lit., ‘the words are as they are written.’

(11) For that is too pessimistic.

(12) For the sake of a single righteous man in a city I will bring the whole to Zion.

(13) V. preceding note.

(14) Job XXVIII, 13.

(15) For the Hebrew אל תמצא may also mean, ‘thou shalt not’, and he understood it in this sense.

(16) Lit., ‘over it’.

(17) Ex. VI, 7.

(18) Ibid.

(19) Only Caleb and Joshua, out of the 600,000 who left Egypt, entered Palestine.

(20) The rest perished in Egypt (as stated anon), yet that small fraction amounted to 600,000.

(21) Hos. II, 17.

(22) V. p. 688, n. 11.

(23) I.e., for losing faith in God through this.

(24) Ex. V, 23.

(25) God Almighty.

(26) Lit., ‘my attributes’, ‘my dealings’ with man. Whether my promises were reliable.

(27) Gen. XIII, 17.

(28) Ibid. XXVI, 3.

(29) Ibid. 20.

(30) Ibid. XXVIII, 13.

(31) Ibid. XXXIII, 19. R.V.; ‘piece of money’.

(32) The emphasis laid here upon the name of God, the virtue ascribed to the Patriarchs for refraining to ask it, and the reproach that Moses had wished to know it, are due to the fact that God's name was regarded as more than a mere title of distinction. It represented His character, His Attributes, and the relationship in which He stood to His people. Consequently, to refrain from asking after God's name was the equivalent of displaying complete confidence in Him, without examining his character closely to see whether His promises were reliable; whilst to ask it was to betray a lack of confidence.

(33) Ibid. VI, 1.

(34) I.e., the conquest of Palestine. V. Josh. XII, 24.

(35) Ex. XXXIV, 8.

(36) This verse follows the enumeration of God's thirteen Attributes. Which of these did he see, that he hastened to bow and worship?

(37) Var. lec. 'Gamaliel.'

(38) Ibid. 7.

(39) Lit., 'For it has been taught.'

(40) It is an ill-advised request, which thou wilt revoke at a future occasion, viz., at the sin of the Golden Calf.

Talmud - Mas. Sanhedrin 111b

'Sovereign of the Universe!' said he, 'but didst Thou not assure me, Even to the wicked!' Hence it is written, And now, I beseech thee, let the power of my Lord be great, according as thou hast spoken, saying.¹

R. Hagga was walking up the steps of Rabbah b. Shila's college, when he heard a child recite, Thy testimonies are very sure: holiness becometh thy house; O Lord, [thou art] for the length of days.² And in proximity thereto is stated, A prayer of Moses etc.³ This proves, said he, that he saw [that God is] long-suffering.⁴

R. Eleazar said in R. Hanina's name: The Lord shall be a crown upon the head of every righteous man, as it is written, In that day shall the Lord of hosts be for a crown of glory [zebi], and for a diadem of beauty, unto the residue of his people etc.⁵ What is meant by for a crown of glory, and for a diadem of beauty? — To those who obey His will and hope for His salvation.⁶ I might think, this applies to all; therefore Scripture states, unto the residue of his people, [meaning] unto those who make themselves as a remnant.⁷ And for a spirit of judgment to him that sitteth in judgment, and for strength to them that turn the battle to the gate.⁸ 'And for a spirit of judgment' — this means, to him who rules over his inclinations;⁹ 'and to him that sitteth in judgment': i.e., to him that renders an honest judgment according to the truth thereof;¹⁰ 'and for strength' — viz., to him that prevails against his evil inclinations;¹¹ 'that turn the battle' — to those who engage in the battle of the Torah;¹² 'to the gate' — to those who repair morning and evening to the synagogue and house of study. But the Attribute of Judgment protested before the Holy One, blessed be He:¹³ 'Sovereign of the Universe! Wherein do these differ from those?'¹⁴ — He replied, 'But they also have erred through wine, and through strong drink are out of the way . . . paku pelilyah they stumble in judgement.'¹⁵ Now pukah [the root idea of paku] can only mean the Gehenna, as it is said, That this shall be no grief unto thee;¹⁶ and pelilyah can only refer to the judges, as it is said, and he shall pay as the judges determine.¹⁷

MISHNAH. THE INHABITANTS OF A SEDUCED CITY HAVE NO PORTION IN THE WORLD TO COME, AS IT IS WRITTEN, CERTAIN MEN, THE CHILDREN OF BELIAL, ARE GONE OUT FROM AMONG YOU, AND HAVE WITHDRAWN THE INHABITANTS OF THEIR CITY.¹⁸ THEY ARE NOT EXECUTED UNLESS THE SEDUCERS ARE OF THAT CITY AND THAT TRIBE, AND THE MAJORITY THEREOF ARE SEDUCED, AND THE SEDUCERS ARE MEN. IF WOMEN OR MINORS SEDUCED IT, IF A MINORITY WERE SEDUCED, OR IF THE SEDUCERS WERE FROM WITHOUT THE CITY, THEY¹⁹ ARE TREATED AS INDIVIDUALS, AND TWO WITNESSES AND A FORMAL WARNING ARE NECESSARY FOR EACH [OFFENDER]. IN THIS [THE PENALTY OF] INDIVIDUALS IS SEVERER THAN [THAT OF] A MULTITUDE, FOR INDIVIDUALS ARE STONED, THEREFORE THEIR PROPERTY IS SAVED; BUT MULTITUDES ARE DECAPITATED; HENCE THEIR POSSESSIONS ARE DESTROYED.

THOU SHALT SURELY SMITE THE INHABITANTS OF THAT CITY WITH THE EDGE OF THE SWORD.²⁰ A COMPANY OF ASS-DRIVERS OR CAMEL-DRIVERS PASSING FROM PLACE TO PLACE SAVES IT.²¹ DESTROYING IT UTTERLY, AND ALL THAT IS THEREIN, AND THE CATTLE THEREOF: FROM THIS IT WAS DEDUCED THAT THE PROPERTY OF THE RIGHTEOUS, WHICH IS WITHIN [THE CITY] IS DESTROYED, BUT THAT WHICH IS WITHOUT IS SAVED, WHILST THAT OF THE WICKED, WHETHER WITHIN OR WITHOUT, IS DESTROYED.²² AND THOU SHALT GATHER ALL THE SPOIL THEREOF IN TO THE MIDST OF THE PUBLIC SQUARE THEREOF ETC.²³ IF IT HAD NO PUBLIC SQUARE, ONE IS MADE FOR IT; IF IT WAS [SITUATED] WITHOUT [THE TOWN], IT IS BROUGHT WITHIN IT,²⁴ AS IT IS SAID, AND THOU SHALT BURN WITH FIRE THE CITY, AND ALL THE SPOIL THEREOF EVERY WHIT, FOR THE LORD THY GOD.²⁵

THE SPOIL THEREOF' IMPLIES, BUT NOT THE SPOIL OF HEAVEN. HENCE IT WAS RULED, THE HOLY OBJECTS THEREIN²⁶ MUST BE REDEEMED; THE TERUMOTH²⁷ ALLOWED TO ROT; AND THE SECOND TITHE²⁸ AND THE SACRED WRITINGS HIDDEN.²⁹ A WHOLE-OFFERING FOR THE LORD THY GOD:³⁰ R. SIMEON SAID: THE HOLY ONE, BLESSED BE HE, DECLARED, IF YE EXECUTE JUDGMENT UPON THE SEDUCED CITY, I WILL ASCRIBE MERIT TO YOU AS THOUGH YE HAD SACRIFICED TO ME A WHOLE OFFERING. AND IT SHALL BE A HEAP FOR EVER;³¹ [HENCE] IT MAY NOT BE CONVERTED INTO GARDENS AND ORCHARDS: THIS IS THE VIEW OF R. JOSE THE GALILEAN. R. AKIBA MAINTAINED: IT SHALL NOT BE BUILT AGAIN [IMPLIES] THAT IT MAY NOT BE REBUILT AS IT WAS, BUT MAY BE CONVERTED INTO GARDENS AND ORCHARDS. AND THERE SHALL CLEAVE NOUGHT OF THE CURSED THING TO THINE HAND: [THAT THE LORD MAY TURN FROM THE FIERCENESS OF HIS WRATH, AND SHEW THEE MERCY].³² AS LONG AS THE WICKED EXIST IN THE WORLD, THERE IS FIERCE ANGER IN THE WORLD; WHEN THE WICKED PERISH FROM THE WORLD, FIERCE ANGER DISAPPEARS FROM THE WORLD.

GEMARA. Our Rabbis taught: [If thou shalt hear say in one of thy cities ... saying,] they have gone out: [this implies,] they, but not their agents.³³ Men: the plural cannot mean less than two.³⁴ Another explanation: men, [implies] but not women; men, but not minors. The children of Belial denotes children who have thrown off the Yoke of Heaven from their necks.³⁵ From among you, but not from a border town.³⁶ The inhabitants of their city — but not the inhabitants of a different city. Saying, [teaches that] witnesses and a formal warning are necessary for each offender.

It has been stated: R. Johanan maintained: One city might be divided among two tribes.³⁷ Resh Lakish said: One city might not be divided among two tribes.³⁸ R. Johanan asked Resh Lakish: UNLESS THE SEDUCERS ARE OF THAT CITY AND OF THAT TRIBE — surely it means, though the seducers be of that city, yet only if they belong to that tribe too does the law apply, but not otherwise; which proves that a city might be divided among two tribes? — No: such a case is possible if it [a portion of the town] came to them [the seducers] through inheritance,³⁹ or was gifted to them. He [further] objected: nine cities, out of these two tribes.⁴⁰ Surely it means four and a half from each, thus proving that a city might be divided among two tribes. — No: four from one and five from the other. If so, these should be specified.⁴¹

(1) Num. XIV, 17; thus the Baraita shews that what called forth Moses' worship of God when Israel sinned through the Golden Calf was his vision of the Almighty as long-suffering.

(2) Ps. XCIII, 5; i.e., 'thou art long-suffering.'

(3) Ibid. XC, 1.

(4) Regarding the former verse as part of Moses' prayer.

(5) Isa. XXVIII, 5.

(6) Thus translating זְבִי (zebi, E.V. glory,) 'will,' 'desire' — a common meaning in the Talmud and Targumim, and

- deriving **צפירה** zefirah (E.V. 'beauty') from **צפה** 'to look forward', 'to hope'. The whole reads: In that day shall the Lord of hosts be for a crown of desire and for a diadem of hope etc.
- (7) I.e., of no value; hence, to the humble.
- (8) Ibid. 6.
- (9) Translating: and to a spirit, i.e., evil inclination, that is judged, i.e., subdued.
- (10) V, supra 7a.
- (11) Reversing them to noble desires — this is higher than ruling over them, which is merely a non-surrender to them.
- (12) In discussions and disputes thereon.
- (13) V, p. 630, n. 7.
- (14) Those who have these qualities, how are they differentiated from those who lack them?
- (15) **פקו פליטה** Ibid. 7.
- (16) **לפוקה** I Sam. XXV, 31.
- (17) **בפליטים** Ex. XXI, 22. I.e., judges that go astray and render unfair judgments are consigned to the Gehenna.
- (18) Deut. XIII, 14. The deduction is from, are gone out from among you, implying that they have lost their share in the future world (Rashi and the Yad Ramah). Bertinoro deduces it from the word Belial **בליעל**, which he reads **בלי יעל** 'without ascending', i.e., who will never ascend from the grave to the future world.
- (19) The inhabitants.
- (20) Ibid. 26.
- (21) If a travelling caravan made a thirty days' halt in the town, its members are regarded as inhabitants. Consequently, if they resist seduction, and their abstention turns the remainder who abstain from idolatry too, and would otherwise be in a minority, into a majority, the town is saved from the fate of a condemned city. — This is followed in the text by 'as it is said etc.' But as the deduction is from 'inhabitants', not from the verse next quoted, the Wilna Gaon deletes 'as it is said'. [Yad Ramah preserves another reading: 'they are saved', that is, if the caravan passing through the city becomes involved in the seduction, they do not share the fate of the inhabitants, but are treated as individual idolators, provided they did not halt for thirty days.]
- (22) This is deduced from all. This too is followed by 'as it is said', which is also deleted by the Wilna Gaon (and in both cases Rashi's version seems to lack it too), and for the same reason.
- (23) Ibid. 17.
- (24) [By building a city wall outside it.]
- (25) Ibid. Hence everything, including the market place, must be within the city.
- (26) I.e., such objects which, though consecrated, (e.g., for general Temple use as distinct from sacrifices) should be redeemed.
- (27) V. Glos.
- (28) This is discussed in the Gemara.
- (29) I.e., buried, which is the meaning of **גנז** when used in connection with sacred objects no longer fit for use; v. Meg. 26b on the hiding of a Scroll of the Torah which has mouldered away. It is insufficient merely to put away these objects, viz., the sacred writings and the second tithe, and let them rot (as in the case of terumah), because being available to all, they would probably, in a moment of forgetfulness, be put to some use; whereas terumah was eaten only by the priests, who were very observant. (Tosefot Yomtob a.l.) S. Krauss in Sanh.-Mak. a.l. remarks that **גנז** is a general term for withdrawing a Scroll from its public use in the synagogue, and presumably he understands it in the same light here. This meaning, however, is quite unsuited to the context (which deals with the method of destruction to be applied to holy things, which, though not to be burnt, are nevertheless to be disposed of, as is seen in the case of terumah and holy objects), particularly as the word is here applied to both the sacred Writings and the second tithe, and in the case of the latter this interpretation is obviously impossible.
- (30) Ibid. [**בליעל** (E.V. 'in its entirety') denotes also whole-offering.]
- (31) Ibid.
- (32) Ibid.
- (33) I.e., only if the seducers of the same city personally enticed the majority of the city to idolatry. But if a number were enticed by their agents, the law of a condemned city does not apply, the enticed ones being punished as individuals.
- (34) If only one person seduced a city, it is not treated as such.
- (35) [**בליעל** is explained **בלי עול** 'without a yoke'.]
- (36) Only a town that is among you can become a condemned city. But a border town, in close proximity to Gentile

cities, is not treated as such (v, supra 16b).

(37) I.e., when Canaan was parcelled out among the tribes, and the boundary line of a tribal portion cut across a town, that town would legally belong to the two tribes.

(38) The whole legally belonging to the tribe the greater part of which fell within its borders. Jerusalem, which belonged partly to Benjamin and partly to Judah, was an exception on this view (Early Tosafoth, Yoma 12a).

(39) Rashi explains: if the seducers, though not of the tribe to which the city belonged, inherited part thereof through a daughter who became heiress of an estate after having married out of her tribe.

(40) Judah and Simeon. Josh. XXI, 16.

(41) Which tribe gave four and which five?

Talmud - Mas. Sanhedrin 112a

This is a difficulty.¹ The scholars propounded: What if they were self-seduced? Since Scripture writes [Certain men . . .] have seduced the inhabitants etc. It implies, but not if they were self-seduced; or perhaps, [the law holds good] even if they were self-seduced?² — Come and hear: IF WOMEN OR MINORS SEDUCED IT [... THEY ARE TREATED AS INDIVIDUALS]: but why so? Should it not be [at least] as though they were self-seduced?³ — [No.] The latter are enticed through their own desires, whilst the former are influenced by women and minors.⁴ UNLESS THE MAJORITY THEREOF ARE SEDUCED. How is this encompassed?⁵ R. Judah said: We judge and imprison, judge and imprison.⁶ Said 'Ulla to him: Then thou delayest the judgment of these.⁷ But 'Ulla said thus: We judge and stone them, and judge and stone.⁸ It has been stated: R. Johanan maintained: We judge and stone them, judge and stone them. Resh Lakish ruled: Many courts of law are set up.⁹ But that is not so, For did not R. Hama, son of R. Jose, say in R. Oshaia's name: Then thou shalt bring forth that man or that woman ... unto thy gates:¹⁰ [this teaches,] a man or a woman thou mayest bring forth to thy gates, but not a whole city?¹¹ — But many lawcourts are set up and the indictments examined [but no verdicts pronounced]; then the accused are taken to the great Beth din, their trials completed, and they are executed.

THOU SHALT SURELY SMITE THE INHABITANTS OF THAT CITY etc. Our Rabbis taught: If a company of ass-drivers or camel-drivers passing from place to place lodges therein and were seduced together with it: if they had stayed there thirty days, they are decapitated and their possessions destroyed;¹² if less, they are stoned, but their possessions unharmed.¹³

An objection was raised: 'How long must [a stranger] stay in a town, that he may be as its citizen?¹⁴ Twelve months'? — Raba answered: There is no difficulty. The latter [period is necessary] for one to be a full citizen; the former, to be regarded a town resident.¹⁵ And it has been taught likewise: He who forswears benefit from the citizens of a town is forbidden to benefit from any one who has tarried twelve months therein, but if less he is permitted. [If he forswears benefit from] the residents of a town, he may not benefit from any one who has tarried there thirty days, but if less, he is permitted.

DESTROYING IT UTTERLY, AND ALL THAT IS THEREIN etc.¹⁶ Our Rabbis taught: Destroying it utterly, and all that is therein:¹⁷ this excludes the property of righteous men without the city. 'And all that is therein:' this includes the property of righteous men within it. 'The spoil of it' [teaches], but not the spoil of Heaven.¹⁸ 'And all the spoil of it', teaches that the property of the wicked without the city is included.

R. Simeon said: Why did the Torah ordain that the property of the righteous within the city shall be destroyed? What caused them to dwell therein? Their wealth.¹⁹ Therefore their wealth is destroyed.

The Master said: And all the spoil of it thou shalt gather includes the property of the wicked

without it. R. Hisda observed: But only if it can be gathered thereinto.²⁰

R. Hisda said: Entrusted objects of the inhabitants of a doomed city are permitted. How so? Shall we say, Those belonging to another city and now within it?²¹ Is it then not obvious that they are permitted, not being ‘the spoil thereof’? If, again, the reference is to their own objects placed in another city: in this case, if they can be gathered thereinto,²² why are they permitted? Whilst if they cannot be gathered, then surely he has already stated this once! — No. After all, it refers to objects of another city placed in this one. But the circumstances are that [the person to whom they were entrusted] accepted responsibility for them.²³ I might think, since he accepted responsibility, they are as his;²⁴ therefore, he teaches [otherwise].

R. Hisda said: An animal, the property partly of a condemned city and partly of another, is forbidden [entirely]; dough, belonging partly to a condemned city and partly to another, is permitted. Why so? Because an animal is as undivided,²⁵ whilst dough is as though [already] divided.

R. Hisda propounded: An animal of a condemned city — does shechita²⁶ avail to purify it from [the uncleanness of] nebelah:²⁷ the Divine Law said, [Thou shalt surely smite . . . the cattle thereof] with the edge of the sword: hence it is all alike, whether slaughtered [ritually] or killed;²⁸ or perhaps, having been ritually slaughtered, the shechita is efficacious [to permit it]. What is the law? [This problem is] to stand over.

R. Joseph²⁹ propounded: What of the hair of the righteous women [within the condemned city]?³⁰ Raba asked: This implies that the hair of the wicked women is forbidden!³¹ [Surely] Scripture writes, Thou shalt gather . . . and thou shalt burn, denoting, that which only lacks gathering and burning [is forbidden for general use, yet must be thus destroyed;] excluding this, which needs cutting off, gathering and burning?³² — But, said Raba, the problem refers to a wig. How so? If it is fastened to herself it is as herself?³³ — It is necessary [to propound this] only if it is hanging on a nail [i.e., not being worn]: is it as other property of the righteous within the town, and destroyed; or perhaps, since it is donned and doffed, it is as her garments? [The problem is] to stand over.

AND THOU SHALT GATHER ALL THE SPOIL OF IT INTO THE MIDST OF THE PUBLIC SQUARE THEREOF etc. Our Rabbis taught: If it has no public square, it cannot become a condemned city: this is R. Ishmael's view. R. Akiba said: If it has no public square, a public square is made for it. Wherein do they differ? — The one maintains that ‘the public square thereof’ implies, that which was originally [before sentence] so; whilst the other holds that ‘the public square thereof’ implies even if it has [only] now become one. [

(1) Though not actually refuting Resh Lakish, the Biblical expression ‘nine out of the two’ is difficult.

(2) The Bible merely stating a general truth, that people are usually enticed to idolatry by others, but not making this an integral condition of the law.

(3) Thus proving that self-seduction is insufficient.

(4) When they are drawn to idolatry by their own wish, their desire for it must be very strong; consequently, the place is treated as a seduced city. But if enticed by women or minors, their adherence thereto is weaker, and hence the law does not apply. — This distinction is merely stated as a possibility, not a certainty.

(5) Since each individual's offence must be attested by two witnesses and preceded by a formal warning, how is it possible for a whole town to be treated so simultaneously?

(6) If a few are observed practising idolatry, they are tried and sentenced; but instead of being executed, they are imprisoned. Then others are similarly treated, and the process is repeated until a majority have thus been sentenced. Then they are all tried together, and the place declared a condemned city.

(7) Which is forbidden.

(8) I.e., every few caught practising idolatry are stoned, as idolaters. But when half of a town have thus been executed, and there are still more, the place is declared a condemned city, and the rest are decapitated.

- (9) That all may be judged simultaneously, and the provisions of a condemned city applied.
- (10) Deut. XVII, 5.
- (11) I.e., only individuals are tried by the local Beth din, but a community can be tried only by the great Sanhedrin of 71; how then can many courts of law be set up?
- (12) As the inhabitants of the condemned city, wherein they are included after a stay of thirty days.
- (13) As is the case of individuals.
- (14) To share in their general liabilities in respect of town maintenance; v. B.B. 7b.
- (15) And since in the case of a seduced city the condemnation extends to 'the inhabitants', a period of thirty days suffices.
- (16) Ibid.
- (17) The Wilna Gaon deletes 'and all that is therein'.
- (18) V. Mishnah on 111b.
- (19) Only for the sake of wealth would the righteous live in such a wicked town.
- (20) Only if it is so near that it can be brought into the doomed city on the same day that everything else is carried into the public square, but not if it is more than a day's journey distant (Rashi).
- (21) I.e., the doomed city, the articles having been entrusted to its inhabitants.
- (22) V. n. 3.
- (23) For damage etc.
- (24) Cf. p. 773, n. 5.
- (25) For to obtain even the smallest part of it, the whole must be slaughtered.
- (26) Ritual slaughtering according to the Jewish law.
- (27) V. Glos: the problem is, if slaughtered ritually, is it 'purified.' i.e., permitted?
- (28) I.e., however it comes to its death the animal is forbidden, being regarded as though slain by the edge of the sword!
- (29) This passage is cited in 'Ar. 7b with the reading R. Jose son of R. Hanina.
- (30) Is it permitted or forbidden for use?
- (31) If cut off before execution.
- (32) I.e., it is not ready for immediate burning, but must first be cut off. Such is not forbidden.
- (33) And regarded as personal wear, which are not destroyed in the case of the righteous.

Talmud - Mas. Sanhedrin 112b

THE HOLY OBJECTS THEREIN MUST BE REDEEMED etc. Our Rabbis taught: If there were holy objects therein, that which is dedicated to the altar [i.e., for sacrifices] must die; to the Temple repair, must be redeemed; terumoth must be allowed to rot, and the second tithe and sacred Writings hidden. R. Simeon said: 'The cattle thereof,' — but not firstlings or tithes.¹ 'The spoil thereof,' excludes sacred money and tithe money.²

The Master said: 'If there were holy objects therein, that which is dedicated to the altar must die.' But why should they die? Let them graze until unfit [for sacrifice], then be sold,³ and the money utilised for a free-will offering! — R. Johanan answered, The sacrifice of the wicked is an abomination.⁴ Resh Lakish said: It is the property of its owner, the reference here being to dedicated animals for which the owner is responsible [if lost or injured], and [the ruling] according to R. Simeon, who maintained that such is the owner's property.⁵ But since the second clause is R. Simeon's, it follows that the first is not? — [Say, then,] the reference is to sacrifices of lower sanctity, and it agrees with R. Jose the Galilean, who maintained that such are the property of their owners. But what of sacrifices of the highest sanctity? Are they to be redeemed! [If so,] the second clause, instead of teaching that that which is dedicated to the Temple repair must be redeemed, should have drawn and taught a distinction in that very matter [viz., animals dedicated to the altar]. [Thus:] This law [that the animals must die] holds good only of sacrifices of lower sanctity, but sacrifices of the highest sanctity are to be redeemed? — Since there is the sin-offering [among the latter], which, if its owner die, must perish, this cannot be stated as a general rule.⁶

Now it is intelligible that R. Johanan did not answer as Resh Lakish, since it is written, 'The sacrifice of the wicked is an abomination'⁷ but why did Resh Lakish not answer as R. Johanan? — He can reply to you: When do we say, 'The sacrifice of the wicked is an abomination'? When they are in their original state; but these, since their state is changed [if the animal is redeemed], are changed.⁸

'R. Simeon said: The cattle thereof implies, but not the firstlings or tithes.' To what does this refer? Shall we say, to unblemished animals? Then they are the 'spoil of Heaven'⁹ But if blemished, they are 'the spoil of it'¹⁰ — Rabina answered: In truth, the reference is to blemished animals. But [only] that which is eaten as 'the cattle thereof' [is destroyed], excluding these, which are eaten not as 'the cattle thereof' but as firstlings and tithes,¹¹ and are thus considered 'spoil of Heaven'.¹²

Now this [Rabina's answer] conflicts with Samuel's. For Samuel said [in explanation of the same difficulty]: Everything can be sacrificed, and everything can be redeemed. Now, what does this mean? — It means this: That which is sacrificed if unblemished, and redeemed when blemished,¹³ is excluded by 'the spoil of it';¹⁴ but that which is offered up if unblemished, but not redeemed when blemished, e.g., the firstling and the tithe, is excluded by 'and the cattle thereof'.¹⁵

THE TERUMOTH MUST BE ALLOWED TO ROT. R. Hisda said: This applies only to terumah in the hands of an Israelite;¹⁶ but if in the hands of the priest, being his property, it must be burnt. R. Joseph objected: THE SECOND TITHE AND THE SACRED WRITINGS MUST BE HIDDEN. Now, the second tithe in the hands of an Israelite is as terumah in the hand of the priest,¹⁷ yet it teaches, THEY MUST BE HIDDEN, [but not burnt]. But if it [R. Hisda's dictum] was stated, it was thus stated: R. Hisda said: This applies only to terumah in the hand of the priest;¹⁸ but terumah in the hand of an Israelite must be given to a priest of another city.

We learnt¹⁹ elsewhere: 'Dough of the second tithe is exempt from hallah:²⁰ this is R. Meir's view. But the Sages hold it liable.' R. Hisda said: This refers only to the second tithe in Jerusalem, R. Meir maintaining that the second tithe is sacred property,²¹ whilst the Rabbis regard the second tithe as secular property. But in the provinces,²² all agree that it is exempt.²³

R. Joseph objected: THE SECOND TITHE AND SACRED WRITINGS MUST BE HIDDEN. To what does this refer? Shall we say to Jerusalem?²⁴ But can it become a condemned city? Has it not been taught, 'Ten things were said concerning Jerusalem, and this is one of them, [viz.,] it cannot become a condemned city.'²⁵ But if it [the second tithe] was of another city, and was brought up thither [to Jerusalem],²⁶ surely its barriers have received it.²⁷ Hence it must surely refer to the provinces, yet it is stated, THEY MUST BE HIDDEN?²⁸ — No. In truth, it is of another city and brought thither [to Jerusalem]; but we deal with a case where it became defiled.²⁹ Then should it not be redeemed? For R. Eleazar said: Whence do we know that if the second tithe became defiled it can be redeemed even in Jerusalem? From the verse, When thou art not able to bear it [then thou shalt turn it into money].³⁰ Now se'eth³¹ can only refer to eating, as . . . And he took and sent mase'oth³² [messes] unto them from before him?³³ — We deal with purchased [commodities].³⁴

(1) Which were of a sacred character, the flesh being eaten by the owners, and the blood and fat offered on the altar.

(2) I.e., the money for which sacred objects and tithes were redeemed.

(3) Because an animal dedicated to the altar may not be redeemed as long as it is fit to be sacrificed.

(4) Prov. XXI, 27; and even the money received for its redemption is abhorrent for sacrifice.

(5) When a person vows, dedicating a particular animal for a sacrifice, which is subsequently lost or destroyed, he is not bound to replace it, it being regarded from the moment of the dedication as sacred property, not his own, and he has no further obligation in respect of it. But if he vows to bring a sacrifice, and then dedicates an animal for the purpose, he is bound to replace it if subsequently lost or destroyed, since his vow did not specify that particular animal. R. Simeon maintains that since he must bear the responsibility for it, it is regarded as his own property. Consequently, if in a

condemned city, it must be destroyed, like all other secular possessions therein.

(6) If the owner of any sacrifice of the highest sanctity, excepting the sin-offering, dies, the animal is put to pasture until it receives a blemish, when it is redeemed. But if a sin-offering, it is slain (not as a sacrifice). In the case under discussion, the owners are executed: consequently, it cannot be stated as a general rule that sacrifices of the highest sanctity must be redeemed, and therefore the second clause speaks of animals dedicated to the Temple repair instead.

(7) Which is quite a sufficient answer.

(8) And the verse is inapplicable; hence another answer must be sought.

(9) Since the blood and fat must be offered on the altar; hence their exclusion is deduced from 'and the spoil of it', as stated above.

(10) Being blemished, their blood and fat are not offered upon the altar. Consequently they belong entirely to their owners, and should be destroyed, being included in 'the spoil of it'.

(11) Notwithstanding that their blood and fat are not offered upon the altar, when their owners eat them they do not regard them as ordinary animals, such as could be denominated 'the cattle thereof', but as firstlings and tithes.

(12) [MSS, delete 'and . . . Heaven'.]

(13) Viz., all sacrifices of lower sanctity, excepting firstlings and tithes.

(14) Thus in his opinion, he disagrees with the view of the first Tanna, who maintains that such sacrifices are destroyed, as they are their owners 'property'.

(15) [Even if unblemished, they are not considered as 'spoil of Heaven', which is not in agreement with Rabina.]

(16) I.e., before it was given to the priest. Since it does not belong to the Israelite, and he might have given it to the priest of some other town, it is regarded as property merely entrusted to an inhabitant of this town, and therefore not destroyed. On the other hand, since he may have intended to give it to a priest of the same town, it may not be eaten. Hence it is left to rot.

(17) Since both belong to their possessor.

(18) Which, being his own property must be destroyed, though not burnt, on account of its sanctity.

(19) This is the formula introducing a Mishnah. But the passage cited is a Baraita, and **תנן** 'we learnt', is probably an error for **תניא** 'it has been taught'.

(20) **חלה**, the first portion of the dough. V. Num. XV, 20.

(21) Whereas only secular food is liable to hallah. Cf. Ye shall offer up a cake of the first of your dough for an heave offering. (Num. XV, 20), thus excluding sacred dough, which belongs to Heaven.

(22) A technical term for the whole of Palestine as opposed to Jerusalem.

(23) Since the owner may not eat it there, it is certainly sacred property.

(24) Which became a condemned city.

(25) V. B.M. 82b.

(26) [Before the city was seduced.]

(27) I.e., once within Jerusalem, the law of that town applies to it, and therefore, since it cannot become a condemned city, it should be permitted even for food.

(28) Thus proving that the second tithe in the provinces is treated as secular property.

(29) In which case it may not be eaten; consequently it must be hidden.

(30) Deut. XIV, 25.

(31) **שאת** (E.V. 'to bear').

(32) **משאת**.

(33) Gen. XLIII, 34. Thus he translates the first verse: If thou art not able to eat it — being defiled — then thou shalt turn it into money — i.e., redeem it.

(34) The original second tithe having been redeemed, the money was expended upon commodities, which in turn became defiled. At this stage it assumed that only the original second tithe can be redeemed if defiled, but not that purchased with the redemption money.

Talmud - Mas. Sanhedrin 113a

But let them be redeemed, for we learnt: If that which was purchased with the [redemption-] money of the second tithe became defiled, it is redeemed.¹ — This agrees with R. Judah, who ruled: It must be buried. If so, why particularly [the second tithe] of a condemned city; the same applies to any

place in general?² — But in reality, it refers to undefiled [second tithe], the circumstances being that the barriers of Jerusalem had fallen. And this is in accordance with Raba's dictum. For Raba said: The law of the walls [of Jerusalem], in that it [the second tithe] must be eaten within them, is Biblical; but that they have retaining power,³ is merely Rabbinical. Now, when did the Rabbis decree this? Only as long as the walls exist; but if the walls are gone [having fallen], the decree does not hold good.⁴

SACRED WRITINGS MUST BE HIDDEN. Our Mishnah does not agree with R. Eliezer. For it was taught, R. Eliezer said: No city containing even a single mezuzah⁵ can be condemned.⁶ Why so? Because it says [in reference thereto], and thou shalt burn with fire the city and all the spoil thereof every whit.⁷ But if it contains a single mezuzah, this is impossible, because it is written, Ye shall not so do unto the Lord your God.⁸

R. SIMEON SAID: THE HOLY ONE BLESSED BE HE, DECLARED etc. Shall we say that they⁹ disagree in respect of the dictum of R. Abin in R. Elai's name: For R. Abin said in the name of R. Elai: Wherever you find a general proposition in the form of a positive command and a particular specification in the form of a negative injunction, they are not interpreted as a general proposition followed by a particular specification:¹⁰ one Master¹¹ agreeing with Abin's dictum,¹² while the other Master¹³ rejects R. Abin's dictum.¹⁴ — No! All accept R. Abin's rule. But here the ground of their dispute is this: the one Master¹¹ maintains that [it shall not be built] 'od [again] implies 'not at all',¹⁵ whilst the latter¹³ holds that 'od implies 'as it was formerly'.¹⁶

IT MAY NOT BE REBUILT, BUT MAY BE CONVERTED INTO GARDENS AND ORCHARDS. Our Rabbis taught: If it contained trees already cut down [before the city was condemned], they are forbidden; but if still growing [in the soil], they are permitted.¹⁷ But the trees of a different city, whether cut down or growing in the soil, are forbidden. What is alluded to by 'a different city'? — R. Hisda said: Jericho; for it is written, And the city shall be accursed [...] to the Lord.¹⁸

And Joshua adjured them at that time, saying: Cursed be the man before the Lord, that riseth up and buildeth this city Jericho: he shall lay the foundation thereof in his firstborn, and in his youngest son shall he set up the gates of it.¹⁹ It has been taught: Neither Jericho with the name of a different town, nor a different town under the name of Jericho. It is written, in his days did Hiel the Bethelite build Jericho: he laid the foundations thereof in Abiram his firstborn, and set up the gates thereof in his youngest son Segub, according to the word of the Lord, which he spoke by Joshua the son of Nun.²⁰ It has been taught: In Abiram his firstborn: he was wicked, and so he could not have learnt from his death; but in his youngest son Segub he should have taken a lesson. What then did Abiram and Segub do?²¹ — This is its meaning: From Abiram his firstborn that wicked man [Hiel] should have learnt [that its doors would be set up only with the death of] Segub his youngest son. Now, since it is written, in Abiram his firstborn, I know that Segub was his youngest:²² why then state Segub his youngest son? — This teaches that he buried [his children] in succession from Abiram to Segub.²³ Now Ahab was his close friend.²⁴ He and Elijah went to enquire after his welfare in the house of mourning.²⁵ He [Ahab] sat and remarked, 'Perhaps when Joshua pronounced his curse, it was thus: Neither Jericho under a different name, nor a different city by the name of Jericho?' Elijah replied, 'That is so.' Said he, 'If Moses' curse was not fulfilled, for it is written, And ye turn aside, and serve other gods, and worship them,' which is followed by, and he shut up the heaven that there be no rain, etc.:²⁶ yet though that man set up idols upon every single furrow, the rain did not permit him to go and worship them;²⁷ shall the curse of Joshua, his disciple, have been fulfilled?' Straightway, And Elisha the Tishbite, who was of the inhabitants of Gilead, said unto Ahab, As the Lord God of Israel liveth, before whom I stand, there shall not be dew or rain these years, but according to my word.²⁸ He prayed, and the key of rain was given him, upon which he arose and departed. And the word of the Lord came unto him, saying, Get thee hence, and turn thee eastward,

and hide thyself by the brook Cherith, that is before Jordan . . . And the ravens brought him bread and flesh in the morning etc.²⁹ Whence [did they bring it]? — Rab Judah said in Rab's name: From Ahab's slaughterers.

And it came to pass after a while, that the brook dried up, because there had been no rain in the land.³⁰ Now, when [God] saw that the world was distressed [because of the drought], it is written, And the word of the Lord came unto him, saying, Arise, get thee to Zarephath.³¹ And it is further written, And it came to pass after these things, that the son of the woman, the mistress of the house, fell sick.³² Elijah prayed that the keys of resurrection might be given him, but was answered, Three keys have not been entrusted to an agent:³³ of birth,³⁴ rain, and resurrection. Shall it be said, Two are in the hands of the disciple³⁵ and [only] one in the hand of the Master? Bring [Me] the other and take this one, as it is written, Go, shew thyself unto Ahab; and I will send rain upon the earth.³⁶

A certain Galilean expounded before R. Hisda: If one should make an analogy in respect of Elijah, what does this matter resemble? A man who locked his gate and lost the key.³⁷ R. Jose taught in Sepphoris: Father Elijah³⁸

(1) Ma'as. Sh. III, 10.

(2) This difficulty really arose when it was first answered that the reference is to the defiled second tithe, but it was postponed whilst other objections were put forward.

(3) I.e., that once within the precincts of Jerusalem, the second tithe is retained by the walls and cannot be redeemed and taken out.

(4) Hence, in this case, since it actually belongs to the condemned city, and Jerusalem cannot assimilate it to itself, because its walls had fallen, it must be destroyed; but being sacred, it is hidden instead of burnt.

(5) V. Glos.

(6) V. supra 71a.

(7) Deut. XIII, 17.

(8) Ibid. XII, 4, referring back to the preceding verse, And ye shall destroy the name of them, i.e., the idols; hence in his view the whole law of a condemned city does not apply if it contains sacred writings.

(9) R. Jose the Galilean and R. Akiba.

(10) The rule in such a case is: the general proposition includes only what is enumerated in the particular specification. But when one is thrown into the form of a positive command and the other stated as a negative injunction this does not apply. Now, in the passage under discussion, And it shall be an heap forever is a general proposition, implying that it may not be turned even into parks or orchards; whilst it shall not be built again is a particular specification, denoting a prohibition against the erection of houses, etc., which require building, but not against parks, etc. Now had they both been expressed in the form of a positive or negative command, the rule of exegesis would be as stated, the particularized expression defining the general proposition. Thus: It shall be an heap for ever, and that only in respect of rebuilding, but not in respect of parks, etc. Since, however, they are not both expressed in the same form, this method of exegesis is not followed, but the two clauses are regarded as distinct, a different exegetical rule being followed; viz., 'That which was included in the general proposition and was then separately stated is intended to illumine the former' (for it shall not be built again, which refers to houses, etc., was really included in the general proposition). Thus: And it shall be an heap for ever implies a prohibition of parks and orchards. Now, how is this implication understood? Because Scripture continues, it shall not be built again, from which we deduce, just as a building is anything erected in a human settlement, so it shall be an heap for ever prohibits everything that finds a place in civilization, and therefore includes gardens, etc.

(11) R. Jose, the Galilean.

(12) Consequently he forbids the laying out of parks.

(13) R. Akiba.

(14) Hence forbids only building.

(15) Hence gardens are forbidden.

(16) Consequently **וְיָבֵן** limits the meaning of the former passage, as it would be understood by R. Abin's rule.

(17) Thou shalt gather . . . and thou shalt burn excludes that which cannot immediately be gathered into the public square, but must first be cut down.

(18) Josh. VI, 17; hence there everything was forbidden.

(19) Ibid. 26.

(20) I Kings XVI, 34; he did not actually build Jericho but a different town which he called Jericho, and was punished in accordance with Joshua's oath, proving that this too was forbidden. Rashi, however, points out that there is nothing to shew that a different town is referred to.

(21) It is now assumed that the meaning is: Hiel could not have deduced from Abiram's death that Joshua's curse was being fulfilled, because Abiram was wicked, to which fact Hiel might have attributed his death. But Segub was not evil, and therefore he should have known that his death was the result of his curse. Therefore the Talmud asks: what did Abiram and Segub do, i.e., how do we know that one was wicked and the other not (Maharsha).

(22) For, as the verse informs us that Joshua's curse was fulfilled, it follows that Segub must have been his youngest.

(23) Rashi regards this passage 'now, since it . . . to Segub' as distinct from the preceding. Maharsha treats it as a continuation thereof. Hiel's wickedness was evinced by the fact that the death of his children one after the other failed to make him desist from his impious work.

(24) Heb. שושבין שושבין, particularly denotes the bridegroom's best man (v, supra 27b).

(25) I.e., when he was in mourning for the death of his children.

(26) Deut. XI, 16f.

(27) In spite of his idolatry, there were such heavy rains as to render the roads impassable.

(28) I Kings XVII, 1. This verse immediately follows the one treating of Hiel's building of Jericho.

(29) Ibid. 2f, 6.

(30) Ibid. 7.

(31) Ibid. 8f.

(32) Ibid. 17.

(33) God entrusted the keys of His treasures to various angels, God's agents. But three had never been entrusted to them.

(34) Lit., 'a woman in confinement.

(35) Since the key of rain was already in Elijah's possession, and now he was asking for the key of resurrection too.

(36) Ibid. XVIII, 1; I but not thou. The whole passage is adduced to shew how God, having given the key of rain to Elijah, obtained its return, and that the illness of the widow's son was for that purpose.

(37) So Elijah, having obtained the key of rain, locked it up, but could not unlock it when necessary.

(38) A term of reverence and endearment.

Talmud - Mas. Sanhedrin 113b

was a hot tempered man. Now, he [Elijah] used to visit him, but [after this] he absented himself three days and did not come. When he came on the fourth day, he [R. Jose] said to him, Why didst thou not come before?' He replied, '[Because] thou didst call me hot tempered.' He retorted, 'But before us [thou] Master hast displayed [thy] temper!'¹ AND THERE SHALL CLEAVE NOUGHT OF THE CURSED THING TO THINE HAND: FOR AS LONG AS THE WICKED EXIST IN THE WORLD, THERE IS FIERCE ANGER IN THE WORLD, etc. Who are the wicked? — R. Joseph said: Thieves.²

Our Rabbis taught: When the wicked enter the world, wrath enters therein, for it is written, When the wicked cometh, then cometh also contempt, and with ignominy, reproach.³ When the wicked perish from the world, good comes to the world, as it is written, And when the wicked perish, there is exultation.⁴ When the righteous departeth from the world, evil entereth therein, as it is written, The righteous perisheth, and no man layeth it to heart: and merciful men are taken away, none considering that the righteous is taken away from the evil to come.⁵ When the righteous cometh into the world, good cometh into the world as it is written, This same shall comfort us in our work and in the toil of our hands.⁶

(1) By staying away for three days for such a trivial reason.

(2) [With particular reference to those who appropriate property of a condemned city. Cf. Sem. II, 9, where such an offence is made equivalent to the most cardinal sins (v. Yad Ramah and Glosses of Zebi Chajes).]

- (3) Prov. XVIII, 3.
- (4) Ibid. XI, 10.
- (5) Isa. LVII, 1.
- (6) Gen. V, 29.

Talmud - Mas. Avodah Zarah 2a

CHAPTER I

MISHNAH. ON THE THREE DAYS PRECEDING THE FESTIVITIES¹ OF IDOLATERS, IT IS FORBIDDEN TO TRANSACT BUSINESS WITH THEM, TO LEND ARTICLES TO THEM OR BORROW ANY FROM THEM, TO ADVANCE, OR RECEIVE ANY MONEY FROM THEM, TO REPAY A DEBT, OR RECEIVE REPAYMENT FROM THEM.² R. JUDAH SAYS: WE SHOULD RECEIVE REPAYMENT FROM THEM, AS THIS CAN ONLY DEPRESS THEM;³ BUT THEY [THE RABBIS]⁴ SAID TO HIM: EVEN THOUGH IT IS DEPRESSING AT THE TIME, THEY ARE GLAD OF IT SUBSEQUENTLY.

GEMARA. Rab and Samuel [differed]: the one quoting [from this Mishnah] ed, while the other quoted 'ed.⁵ The one who quoted ed is not in error, nor is the one who quoted 'ed in error.⁶ The one who quoted ed is not in error, since Scripture says: For the day of their calamity is at hand;⁷ so also is he who quotes 'ed not in error, for Scripture also says: Let them bring their witnesses [testimonies] that they may be justified.⁸ Why does he who quotes ed not have 'ed? — He might say, the term ed ['calamity'] is more applicable [to idolatry]. Why then does not the one who quotes 'ed have ed? — He might say: What is it that brings about that calamity [if not] their testimony? hence the term 'ed ['testimony'] is more apt.

But does the verse, Let them bring their witnesses that they may be justified, refer to idolaters at all? It surely refers to Israel; as R. Joshua b. Levi said: All the good deeds which Israel does in this world will bear testimony unto them in the world to come, as it is said: Let them bring their witnesses that they may be justified — that is Israel; And let them hear and say: It is truth — these are the idolaters. Whereupon R. Huna the son of R. Joshua said that the one who quotes 'ed derives it from this verse: They that fashion a graven image are all of them vanity, and their delectable things shall not profit,' and their own witnesses see not, nor know.⁹

R. Hanina b. Papa — some say R. Simlai — expounded [the foregoing verse] thus: In times to come,¹⁰ the Holy One, blessed be He, will take a scroll of the Law in His embrace and proclaim: 'Let him who has occupied himself herewith, come and take his reward.' Thereupon all the nations will crowd together in confusion, as it is said: All the nations are gathered together, etc.¹¹ The Holy One, blessed be He, will then say to them: 'Come not before Me in confusion, but let each nation come in

(1) The Hebrew word עֵד ED, here used as a metonymy for FESTIVITY, means CALAMITY; in the variant spelling עֵדִי ED it means WITNESS OR TESTIMONY — hence the variation discussed in the Gemara which follows.

(2) Lest any benefit they may derive from these be made by them a cause for rejoicing before their idols on the day of festivity.

(3) The reason for the objection does not therefore exist.

(4) Representing the opinion of teachers in general.

(5) V. n. 1.

(6) As both terms are used in Scripture in connection with idolatry. [The letter ע was frequently confused, especially among the Babylonians, with ס; and according to Berliner, Beitr. z. Gram. i. Tal. u. Mid., p. 17, it is Samuel the Babylonian who quoted עֵד while Rab who was a Palestinian, read עֵדִי]

(7) Deut. XXXII, 35.

(8) Isa. XLIII, 9.

(9) Ibid. XLIV, 9.

(10) A typical example of consolatory Aggadah wherewith the Rabbis sought to sooth the people's present afflictions by depicting the glories which the future had in store for them. A liturgical difficulty is solved thereby. The term consolations נְחֻמָּה in the Kaddish passage: 'Blessed be He above all the blessings and hymns, praises and

consolations which are uttered in the world' (P.B., p. 75), which is so puzzling to commentators, is explained by the fact that the Kaddish is in its origin a doxology pronounced after Aggadic expositions, which were generally of a consolatory nature. Cp. **יְהִי שִׁמְחָה רַבָּא דְאַגְדָּתָא** (Sot. 49a).

(11) Isa. XLIII, 9.

Talmud - Mas. Avodah Zarah 2b

with its scribes;' as it is said, and let the peoples be gathered together,¹ and the word le'om [used here] means a kingdom, as it is written, and one kingdom [u-leom] shall be stronger than the other kingdom.² (But can there be confusion in the presence of the Holy One, blessed be He? — [No;] it is only that they be not confused, and so hear what He says to them.) Thereupon the Kingdom of Edom³ will enter first before Him. (Why first? Because they are the most important. Whence do we know they are so important? — Because it is written: And he shall devour the whole earth and shall tread it down and break it in pieces;⁴ and R. Johanan says that this refers to Rome, whose power is known to the whole world. And whence do we know that the most important comes forward first? — Because R. Hisda said: When a king and a community appear before the [Heavenly] tribunal, the king enters first, as it is said: That He maintain the cause of His servant [King Solomon] and [then] the cause of His people Israel.⁵ And why is it so? — You may say, because it is not the way of the world that a king shall wait without; or you may say [in order that the king shall plead] before the anger [of the Judge] is roused.)⁶ The Holy One, blessed be He, will then say to them: 'Wherewith have you occupied yourselves?' They will reply: 'O Lord of the Universe, we have established many market-places, we have erected many baths, we have accumulated much gold and silver, and all this we did only for the sake of Israel, that they might [have leisure] for occupying themselves with the study of the Torah.' The Holy One, blessed be He, will say in reply: 'You foolish ones among peoples, all that which you have done, you have only done to satisfy your own desires. You have established marketplaces to place courtesans therein; baths, to revel in them; [as to the distribution of] silver and gold, that is mine, as it is written: Mine is the silver and Mine is the gold, saith the Lord of Hosts;⁷ are there any among you who have been declaring this?' And 'this' is nought else than the Torah, as it is said: And this is the Law which Moses set before the children of Israel.⁸ They will then depart crushed in spirit. On the departure of the Kingdom of Rome, Persia will step forth. (Why Persia next? — Because they are next in importance. And how do we know this? — Because it is written: And behold another beast, a second like to a bear;⁹ and R. Joseph learned¹⁰ that this refers to the Persians, who eat and drink greedily like the bear, are fleshly like the bear, have shaggy hair like the bear, and are restless like the bear.)¹¹ The Holy One, blessed be He, will ask of them: 'Wherewith have ye occupied yourselves?'; and they will reply 'Sovereign of the Universe, we have built many bridges, we have captured many cities, we have waged many wars, and all this for the sake of Israel, that they might engage in the study of the Torah. Then the Holy One, blessed be He, will say to them: 'You foolish ones among peoples, you have built bridges in order to extract toll, you have subdued cities, so as to impose forced labour;¹² as to waging war, I am the Lord of battles, as it is said: The Lord is a man of war;¹³ are there any amongst you who have been declaring this?' and 'this' means nought else than the Torah, as it is said: And this is the Law which Moses set before the Children of Israel¹⁴. They, too' will then depart crushed in spirit. (But why should the Persians, having seen that the Romans achieved nought, step forward at all? — They will say to themselves: 'The Romans have destroyed the Temple, whereas we have built it.')¹⁵ And so will every nation fare in turn. (But why should the other nations come forth, seeing that those who preceded them had achieved nought? They will say to themselves: The others have oppressed Israel, but we have not. And why are these [two] nations singled out as important, and not the others? — Because their reign will last till the coming of the Messiah.) The nations will then contend: 'Lord of the Universe, hast Thou given us the Torah, and have we declined to accept it? (But how can they argue thus, seeing that it is written, The Lord came from Sinai and rose from Seir unto them, He shined forth from Mount Paran?¹⁶ And it is also written, God cometh from Teman.¹⁷ What did He seek in Seir, and what did He seek in Mount Paran?¹⁸ — R. Johanan says: This teaches us that the Holy One, blessed

be He, offered the Torah to every nation and every tongue, but none accepted it, until He came to Israel who received it. [How, then, can they say that the Torah was not offered to them?] Their contention will be this: 'Did we accept it and fail to observe it? But surely the obvious rejoinder to this their plea would be: 'Then why did you not accept it?' — This, then, will be their contention: 'Lord of the Universe, didst Thou suspend the mountain over us like a vault¹⁹ as Thou hast done unto Israel and did we still decline to accept it?' For in commenting on the verse: And they stood at the netherpart of the mountain²⁰ R. Dimi b. Hama said: This teaches us that the Holy One, blessed be He, suspended the mountain over Israel like a vault, and said unto them: 'If ye accept the Torah, it will be well with you, but if not, there will ye find your grave.' Thereupon the Holy One, blessed be He, will say to them: 'Let us then consider the happenings of old,' as it is said, Let them announce to us former things,²¹ 'there are seven commandments which you did accept.²² did you observe them?' (How do we know that they did not observe them? — For R. Joseph learned:²³ He standeth and shaketh the earth, He seeth and maketh the nations to tremble:²⁴ what did He see? He saw that the nations did not observe even the seven precepts which the sons of Noah had taken upon themselves,²⁵ and seeing that they did not observe them, He stood up and released them therefrom.²⁶ Then they benefited by it; according to this it pays to be a sinner! — Said Mar the son of Rabina:

(1) Ibid.

(2) Gen. XXV, 23.

(3) Edom, or Esau, generally represents Rome.

(4) Dan. VII, 23.

(5) I Kings VIII, 59.

(6) By the misdeeds of the people for which the king would be held responsible.

(7) Hag. II, 8.

(8) Deut. IV, 44.

(9) Dan. VII, 5.

(10) Kid. 72a.

(11) Cf. Lewysohn, Zoologie des Talmuds, p. 99. The Persians are compared to the bear, which bolts its food, is covered with a girdle of fat, and can stand the winter with but little food. The skin is woolly and thick, and only gets softer with age. He is always rolling about, even if kept in a cage.

(12) ** = angaria.

(13) Ex. XV, 3.

(14) Deut. IV, 44.

(15) Referring to Cyrus's edict. Ezra I, 2 seq.

(16) Deut. XXXIII, 2.

(17) Hab. III, 3.

(18) Seir or Edom representing the predecessors of Rome; Paran, those of Ishmael, Gen. XXI, 21.

(19) Lit., 'cask', 'tub'.

(20) Ex. XIX, 17.

(21) Isa. XLIII, 9.

(22) V. n. 6.

(23) B.K. 38a.

(24) Hab. III, 6.

(25) The Rabbis held that God had given Noah seven commandments embracing the whole of natural religion: against (i) idol worship, (ii) blasphemy, (iii) bloodshed, (iv) adultery, (v) robbery, (vi) for the establishment of courts of justice, (vii) against eating the limb torn off a living animal. These were imposed on all men, Jews and non-Jews alike. V. Sanh. 56a ff. Cf. Maimonides' Guide for Perplexed, III, 48.

(26) The Heb. word for maketh to tremble, **וִיתַר**, also means, 'he releaseth', cf. **מוֹתַר** permitted.

Talmud - Mas. Avodah Zarah 3a

The release from those commands only means that even if they observed them they would not be

rewarded. But why should they not? Is it not taught: R. Meir used to say. 'Whence do we know that even an idolater who studies the Torah is equal to a High Priest? From the following verse: Ye shall therefore keep My statutes and My ordinances which, if a man do, he shall live by them.¹ It does not say "If a Priest, Levite, or Israelite do, he shall live by them," but "a man"; here, then, you can learn that even a heathen who studies the Torah is equal to a High Priest!' — What is meant, then, is that they are rewarded not as greatly as one who does a thing which he is bidden to do, but as one who does a thing unbidden. For, R. Hanina said: He who is commanded and does, stands higher than he who is not commanded and does.²)

The nations will then say, 'Sovereign of the Universe, has Israel, who accepted the Torah, observed it? The Holy One, blessed be He, will reply, 'I can give evidence that they observed the Torah.' 'O Lord of the Universe,' they will argue, 'can a father give evidence in favour of his son? For it is written, Israel is My son, My firstborn.'³ Then will the Holy One, blessed be He, say: 'Heaven and Earth can bear witness that Israel has fulfilled the entire Torah.' But they will [object], saying: 'Lord of the Universe, Heaven and Earth are partial witnesses, for it is said, If not for My covenant with day and with night. I should not have appointed the ordinances of Heaven and Earth.'⁴ (And R. Simeon b. Lakish further said: What is conveyed by the phrase. And there was evening and there was morning the sixth day?⁵ It teaches us that God made a condition with the works of creation, saying: 'If Israel accept my Law it will be well, but if not, I shall reduce you to a state of chaos'⁶; which accords with the comment of R. Hezekiah on the verse, Thou didst cause sentence to be heard from Heaven, the earth trembled and was still:⁷ If the earth trembled, how could it be still, and if it was still, how could it tremble? But at first it trembled, and subsequently it became still.)⁸ Then the Holy One, blessed be He, will say, 'Some of yourselves shall testify that Israel observed the entire Torah. Let Nimrod come and testify that Abraham did not [consent to] worship idols; let Laban come and testify that Jacob could not be suspected of theft;⁹ let Potiphar's wife testify that Joseph was above suspicion of immorality; let Nebuchadnezzar come and testify that Hanania, Mishael and Azariah did not bow down to an image; let Darius come and testify that Daniel never neglected the [statutory] prayers;¹⁰ let Bildad the Shuhite, and Zophar the Naamathite, and Eliphaz the Temanite [and Elihu¹¹ the son of Barachel the Buzite]¹² testify that Israel has observed the whole Torah; as it is said, Let them [the nations] bring their [own] witnesses, that they [Israel] may be justified.'¹³

The nations will then plead. 'Offer us the Torah anew and we shall obey it.' But the Holy One, blessed be He, will say to them, 'You foolish ones among peoples, he who took trouble [to prepare] on the eve of the Sabbath can eat on the Sabbath, but he who has not troubled on the eve of the Sabbath, what shall he eat on the Sabbath? Nevertheless, I have an easy command which is called Sukkah;¹⁴ go and carry it out.'¹⁵ (But how can you say so: does not R. Joshua b. Levi say: What is [the meaning of] the verse, The ordinances which I command thee this day to do them?¹⁶ It is that this day only [the present] is the time to do them,' they cannot be done tomorrow [in times to come]: this day is the time in which to do them, but not in which to be rewarded for them. [Why then should they be offered this observance in the Messianic time?]) — Because the Holy One, blessed be He, does not deal imperiously with His creatures.¹⁷ And why does He term it an easy command? — Because it does not affect one's purse.) Straightaway will every one of them betake himself and go and make a booth on the top of his roof; but the Holy One, blessed be He, will cause the sun to blaze forth over them as at the Summer Solstice.¹⁸ and every one of them will trample down his booth and go away, as it is said, Let us break their bands asunder, and cast away their cords from us.¹⁹ (But you have just said 'The Holy One, blessed be He, does not deal imperiously with his creatures? — True! but with the Israelites, too, it occasionally happens

(1) Lev. XVIII, 5.

(2) [The idea underlying this principle is the contrast between the Autonomy of the Will and the Law of God as the Authority to Man. The moral act finds its sure basis only when it is conceived as prompted by the command of God.

When man acts in obedience thereto the merit is thus greater. Cf. Lazarus, M. *The Ethics of Judaism* (English ed.) 1 pp. 123 ff.]

(3) Ex. IV, 22.

(4) Jer. XXXIII, 25 rendered homiletically thus: If not for My covenant (i.e, the Torah, which is to be meditated) day and night, I should not have appointed etc.

(5) Gen. I, 31.

(6) The phrase is made to read — There was evening and there was morning [only because of] the sixth day of Sivan, the date of the revelation at Sinai.

(7) Ps. LXXVI, 9.

(8) The earth feared that its inhabitants could not abide in the absence of a moral code to serve as the foundation of society; but it was set at rest when sentence was heard from heaven, i.e., when the Divine commandments were proclaimed from Sinai.

(9) Cf. Gen. XXXI, 37.

(10) His windows were open in his upper chamber towards Jerusalem, and he kneeled upon his knees three times a day, and prayed, and gave thanks before his God, as he did aforetime. (Dan. VI, 11). This is the earliest record of the practice, still observed by Jews the world over, of offering prayers thrice daily. morning (Shaharith), afternoon (Minhah) and evening (Ma'arib) with face turned towards the Holy City.

(11) A friend of Job; Job XXXII, 2.

(12) Buz, according to Gen. XXII, 21, was a son of Nahor; his descendant Elihu, therefore, being an Israelite, is not to be included here (Rashi); cf. B.B. 15b, where it is discussed whether Elihu was an Israelite or a Gentile.

(13) Isa, *ibid*.

(14) Sukkah, booth, the temporary structure in which Jews dwell during the Festival of Tabernacles (Lev. XXIII, 42).

(15) To test their self-exertion for the sake of a religious observance.

(16) Deut. VII, 11.

(17) **טְרַנִּיָּא**, sovereignty, despotic rule.

(18) Lit., 'the cycle of Tammuz' which lasts from 21st June to 22nd September. The Jewish Calendar, while being lunar, takes cognisance of the solar system, to which it is adjusted at the end of every cycle of nineteen years. For ritual purposes, the four Tekufoth are calculated according to the solar system, each being equal to one fourth of 365 days, viz. 91 days, 7 1/2 hours. T. of Nisan, (vernal Equinox) begins March 21; T. of Tammuz (Summer Solstice), June 21; T. of Tishri (Autumnal Equinox). Sept. 23; T. of Tebeth (Winter Solstice) Dec. 22.

(19) Ps. II, 3.

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that the summer solstice extends till the Festival [of Tabernacles] and they are vexed [by the heat].¹ But does not Raba say: He who is vexed thereby is freed from dwelling in the Sukkah?² — Granted, they would [in such circumstances] be freed, but would Israelites contemptuously trample it down?) Thereupon the Holy One, blessed be He, will laugh at them, as it is said, He that sitteth in heaven laugheth.³ Said R. Isaac: 'Only on that day is there laughter for the Holy One, blessed be He!' Some connected that comment of R. Isaac with the following teaching: R. Jose says, In time to come idol-worshippers will come and offer themselves as proselytes. But will such be accepted? Has it not been taught⁴ that in the days of the Messiah proselytes will not be received; likewise were none received in the days of David or of Solomon? — Well, they will be self-made proselytes,⁵ and will place phylacteries on their foreheads and on their arms, fringes in their garments, and a Mezuzah on their doorposts, but when the battle of Gog-Magog will come about⁶ they will be asked, 'For what purpose have you come?' and they will reply: 'Against God and His Messiah' as it is said, Why are the nations in an uproar, and why do the peoples mutter in vain, etc.⁷ Then each of the proselytes will throw aside his religious token and get away, as it is said, Let us break their bands asunder⁸, and the Holy One, blessed be He, will sit and laugh, as it is said: He that sitteth in heaven laugheth.⁹ [It was on this that] R. Isaac remarked that there is no laughter for the Holy One, blessed be He, except on that day. But is there not, indeed? Yet Rab Judah said in the name of Rab: 'The day consists of twelve hours; during the first three hours the Holy One, blessed be He, is occupying

Himself with the Torah, during the second three He sits in judgment on the whole world, and when He sees that the world is so guilty as to deserve destruction, He transfers Himself from the seat of Justice to the seat of Mercy;¹⁰ during the third quarter, He is feeding the whole world, from the horned buffalo to the brood of vermin; during the fourth quarter He is sporting with the leviathan,¹¹ as it is said, There is leviathan, whom Thou hast formed to sport therewith?¹² Said R. Nahman b. Isaac: Yes, He sports with His creatures, but does not laugh at His creatures except on that day.¹³

R. Aba said to R. Nahman b. Isaac: Since the day of the destruction of the temple, there is no laughter for the Holy One, blessed be He. Whence do we know that there is not? Shall we say from the verse, And on that day did the Lord, the God of Hosts, call to weeping and lamentation?¹⁴ But this refers to that day and no more. Shall we then say, from this verse: If I forget thee, O Jerusalem, let my right hand forget her cunning, let my tongue cleave to the roof of my mouth if I do not remember thee?¹⁵ But this, too, excludes forgetfulness, but not laughter. Hence, [it is known] from the verse, I have long time held my peace, I have been still, and refrained myself, now will I cry.¹⁶ What then does God do in the fourth quarter?¹⁷ — He sits and instructs the school children,¹⁸ as it is said, Whom shall one teach knowledge, and whom shall one make to understand the message? Them that are weaned from the milk.¹⁹ Who instructed them theretofore?²⁰ — If you like, you may say Metatron,²¹ or it may be said that God did this as well as other things. And what does He do by night? — If you like you may say, the kind of thing He does by day; or it may be said that He rides a light cherub, and floats in eighteen thousand worlds; for it is said, The chariots of God are myriads, even thousands shinan.²² Do not read Shinan, [repeated], but she-enan [that are not];²³ or it may be said, He sits and listens to the song of the Hayyoth,²⁴ as it is said, By the day the Lord will command His lovingkindness and in the night His song shall be with me.²⁵

R. Levi says: He who discontinues [learning] words of the Torah and indulges in idle gossip will be made to eat glowing coals of juniper, as it is said, They pluck salt-wort with wormwood; and the roots of juniper are their food.²⁶

Resh Lakish says: To him who is engaged in the study of the Torah by night, the Holy One extends a thread of grace by day, as it is said, By day the Lord will command his lovingkindness, and in the night his song shall be with me.²⁷ For what reason will the Lord command his lovingkindness by day? — because His song shall be with me in the night.

Some report the exposition of Resh Lakish thus: To him who is engaged in the study of the Torah in this world, which is likened unto the night, the Holy One, blessed be He, extends the thread of grace in the future world, which is likened unto the day, as it is said: By day the Lord, etc.

Rab Judah says in the name of Samuel: Why is it written, And Thou makest man as the fishes of the sea, and as the creeping things, that have no ruler over them?²⁸ Why is man here compared to the fishes of the sea? To tell you, just as the fishes of the sea, as soon as they come on to dry land, die, so also man, as soon as he abandons the Torah and the precepts [incurs destruction]. Another explanation: Just as the fishes of the sea, as soon as the sun scorches them, die; so man, when struck by the sun, dies. This can be applied to the present world, or to the future world. You can, in accordance with R. Hanina, apply this to the present world, for R. Hanina says: Everything is in Heaven's hands, except cold and heat, as is said, 'colds and heat-boils are in the way of the froward, he that keepeth his soul holdeth himself far from them;²⁹ or, according to R. Simeon b. Lakish, it can be applied to the future life, for R. Simeon b. Lakish says: There is no Gehenna in the Future World,³⁰ but the Holy One, blessed be He, brings the sun out of its sheath, so that it is fierce: the wicked are punished by it, the righteous are healed by it. The wicked are punished

(1) The test is therefore not exceptional or harsh.

(2) Suk. 26a.

- (3) Ps. II, 4.
- (4) Yeb. 24a.
- (5) [Gerim gerurim, lit., 'dragged-in proselytes' a class of converts who judaize in mass under the impulsion of fear, v. Moore, G. F., Judaism I, 337].
- (6) In the great drama of the Messianic age there will be a combat with the heathen powers under the leadership of Gog and Magog (Ezek. XXXIX).
- (7) Ps. II, 1.
- (8) Ibid. 3.
- (9) Ibid. 4.
- (10) I.e., instead of meting out punishment, exercises clemency.
- (11) [A huge sea monster, real according to some but according to others imaginary. We have here a magnification of God's power in sporting with the mightiest, as men do with their animal pets.]
- (12) Ps. CIV, 26; hence we see there is laughter before the Lord!
- (13) [The discomfiture of the nations which sought to rule without the restraints of the moral law will prove the most laughter-provoking sight.]
- (14) Isa. XXII, 12.
- (15) Ps. CXXXVII, 5,6.
- (16) Isa. XLII, 14.
- (17) According to the statement that all laughter has been eliminated since the Destruction.
- (18) [I.e., who died in their infancy (Rashi); the development of their personality that survives death is in the special care of the Eternal.]
- (19) Isa. XXVIII, 9.
- (20) I.e., prior to the Destruction.
- (21) [Metatron: Name of an angel, who is also called **שר הפנים** Metatron is probably derived from Metator, meaning guide, precursor, he being regarded as the angel who went before the Israelites in the wilderness.]
- (22) Ps. LXVIII, 18.
- (23) By altering **שנאן** into **שאינן** the verse is made to mean: The chariots . . . are twice ten thousand less two thousand, i.e. eighteen thousand.
- (24) Hayyoth are angels that surround the heavenly throne (v. Ezek. III), proclaiming the praises and holiness of God.
- (25) Ps. XLII, 9.
- (26) Job XXX, 4. By a very slight alteration, the verse — which speaks of the poor who pick vegetables and roots for their food — is made to read: **הקוטפים מלוח אלי שיה ושורש רתמים לחמם** which is rendered thus: They who break away from the table (of the Law) to idle gossip will have roots of juniper as their food.
- (27) Ps. XLII, 9.
- (28) Hab. I, 14.
- (29) Prov. XXII, 5. The Heb. words (**צנים ופחים**) standing for thorns and snares may also be rendered colds and heat-boils. The underlying idea is that man is not to take a fatalistic view and blame Providence for maladies and other evils which, by care and prudence, he can avert.
- (30) I.e., the Messianic era.

Talmud - Mas. Avodah Zarah 4a

by it, as it is said: For, behold, the day cometh, it burneth as a furnace; and all the proud, and all that work wickedness, shall be stubble; and the day that cometh shall set them ablaze, saith the Lord of Hosts, that it shall leave them neither root nor branch.¹ It shall leave them neither root — in this world, nor branch — in the world to come. The righteous are healed by it, as it is said, But unto you that fear My name, shall the sun of righteousness arise with healing in its wings.¹ Moreover, they will revel therein, as it is said, And ye shall go forth, and gambol as calves of the stall.² Another explanation:³ Just as among fish of the sea, the greater swallow up the smaller ones, so with men, were it not for fear of the government, men would swallow each other alive. This is just what we learnt: R. Hanina, the Deputy High Priest, said, Pray for the welfare of the government, for were it not for the fear thereof, men would swallow each other alive.⁴

R. Hinena b. Papa pointed to the following contradiction: Scripture says, As to the Almighty, we do not find him [exercising] plenteous power,⁵ yet it says, Great is our Lord and of abundant power⁶ and also, Thy right hand, O Lord, is become glorious in power!⁷ [The answer is] there is no contradiction here: the former refers to the time of judgment,⁸ the latter refers to a time of war.⁹

R. Hama b. Hanina pointed to another contradiction: Scripture says, Fury is not in me,¹⁰ yet it also says. The Lord revengeth and is furious!¹¹ But there is really no contradiction: the former refers to Israel, the latter to idolaters.¹² R. Hinena b. Papa [or R. Aha b. Hanina] explains the foregoing verse thus: Fury is not in me, for I already vowed;¹³ would that I had not so vowed, then, as the briars and thorns in flame I would with one step burn it altogether.¹⁴

This¹⁵ accords with the following teaching of R. Alexandri: What is the meaning of the verse, And it shall come to pass on that day that I will seek to destroy all the nations¹⁶ — ‘seek’ among whom? What the Holy One, blessed be He, says is, I will seek their records:¹⁷ if they have any meritorious deeds to their credit, I will redeem them, but if not, I will destroy them. This also accords with what Raba said: What is the meaning of the verse, Howbeit He will not stretch out a hand for a ruinous heap though they cry in his destruction ?¹⁸ — The Holy One, blessed be He, said to Israel, ‘When I judge Israel, I do not judge them as I do the idolaters concerning whom it is said, I will overturn, overturn, overturn it,¹⁹ but I only exact payment from them [little at a time] as the hen does her picking.’²⁰ Another explanation: Even if Israel does before Me but few good deeds at a time, like hens picking in a rubbish heap, I will make it accumulate to a large sum, as it is said, though they pick little they are saved.²¹ Another rendering is: As a reward of their crying unto Me, I help them.²² This is similar to what R. Abba said, What is the meaning of the verse, Though I would redeem them, yet they have spoken lies against Me?²³ I thought I would redeem them by depriving them of monetary possessions in this world, so that they be worthy to merit the world to come, yet they etc. Which is in agreement with what R. Papi said in the name of Raba: What is the meaning of the verse, Though I have trained [yissarti], strengthened their arms, yet do they imagine mischief against Me?²⁴ The Holy One, blessed be He, says, I thought I would chastise them²⁵ with suffering in this world, so that their arm might be strengthened in the world to come, yet they etc.

R. Abbahu commended R. Safra to the Minim²⁶ as a learned man, and he was thus exempted by them from paying taxes for thirteen years.²⁷ One day, on coming across him, they said to him; ‘It is written: You only have I known [or loved] from all the families of the earth; therefore I will visit upon you all your iniquities;²⁸ if one is in anger does one vent it on one's friend?’ But he was silent and could give them no answer; so they wound a scarf round his neck and tortured him. When R. Abbahu came and found him [in that state] he said to them, Why do you torture him? Said they, ‘Have you not told us that he is a great man? he cannot explain to us the meaning of this verse!’ Said he, ‘I may have told you [that he was learned] in Tannaitic teaching; did I tell you [he was learned] in Scripture?’ — ‘How is it then that you know it?’ they contended. ‘We,’ he replied. ‘who are frequently with you, set ourselves the task of studying it thoroughly, but others²⁹ do not study it as carefully.’ Said they, ‘Will you then tell us the meaning?’ ‘I will explain it by a parable.’ he replied. ‘To what may it be compared? To a man who is the creditor of two persons, one of them a friend, the other an enemy; of his friend he will accept payment little by little, whereas of his enemy he will exact payment in one sum!’³⁰

Said R. Aba b. Kahana: What is the meaning of the verse, That be far from Thee to do after this manner, to slay the righteous with the wicked?³¹ What Abraham said is: ‘Sovereign of the Universe, it is profanation to do after this manner.’³² And does not God act after this manner? Is it not written, And I will cut off from thee the righteous and the wicked?³³ — That refers to one who is not thoroughly righteous. But not to one who is wholly righteous? Is it not written, And begin [the slaughter] with my sanctuary,³⁴ which, R. Joseph learned, should not be read my sanctuary but my

sanctified ones, namely the men who fulfilled the Torah from Aleph to Taw? — There, too, since it was in their power to protest against [the wickedness of the others] and they did not protest, they are not regarded as thoroughly righteous.

R. Papa mentioned the following contradiction: It is written, God is angry every day,³⁵ while it is also written Who could stand before His anger?³⁶ But there is really no contradiction; the latter refers to an individual, the former to men collectively.³⁷ Our Rabbis taught: God is angry every day, but how long does His anger last? — A moment. And how long is a moment? — one fifty three thousand eight hundred forty eighth of an hour is a moment.³⁸ No creature could ever precisely fix this moment, except Balaam the wicked, of whom it is written

(1) Mal. III, 29.

(2) Ibid. 20.

(3) Of the foregoing verse, comparing men to fishes.

(4) Ab. III, 2. Shakespeare's lines, put in the mouth of Marcius (Coriolanus, Act 1, Sc. 1). What's the matter, That in these several places of the city You cry against the noble senate, who, Under the gods, keep you in awe, which else Would feed on one another? bear such a close resemblance to R. Hanina's words, that the suggestion has been made that the Poet was cognisant of them through the Latin translation of Aboth by Paulus Fagius which was published in 1541 (see L. Kelner in the Hebrew periodical D'VIR, Berlin, 1923, vol. 1, p. 287). It is, however, quite probable that Shakespeare merely had in his mind the scriptural verse: If it had not been the Lord who was for us, When men rose up against us, Then they had swallowed us up alive, When their wrath was kindled against us. Ps. CXXIV, 2, 3.

(5) A literal rendering of Job XXXVII, 23.

(6) Ps CXLVII, 5.

(7) Ex. XV, 6.

(8) When the Almighty restrains His power, by tempering Justice with Mercy.

(9) When Divine Power is exercised against His enemies.

(10) Isa. XXVII, 4.

(11) Nah. I, 2.

(12) V. nn. 6-7.

(13) That I would not be in wrath with thee (Isa. LIV, 9).

(14) According to this explanation the whole verse applies to Israel.

(15) The statement that in dealing with Israel, God is ever mindful of His oft repeated promise of their eternal preservation.

(16) Zech. XII, 9.

(17) The reading in editions is **בנגני** which Jastrow connects with the Latin *benignae*, favourable side. Kohut, however, points out that Mss. have **בננני** from root **ננג** which he associates with a Persian word meaning a book.

(18) Job XXX, 24.

(19) Ezek. XXI, 32.

(20) Little at a time; a play on the word **פיד** (*pid*) which stands here for destruction but which also means picking with the beak.

(21) A homiletical rendering of the phrase **בפידו להם שוע** — by picking they have salvation.

(22) **שוע** conveying the double sense of cry and salvation.

(23) Hos. VII, 13, v. RV.

(24) Ibid. 15.

(25) **יסר** (*Yasser*) stands both for training and chastising.

(26) Sectaries, dissenters; used generally as a designation for the early (Jewish) Christians. From many places in the Talmud it appears that to taunt Rabbis, particularly about difficult biblical passages, was a favourite practice of the Minim.

(27) [As honorarium for his work either (a) as teacher to the Minim (Herford, Christianity in Talmud and Midrash p. 267 f) or (b) as assistant collector of imperial revenues (Bacher A.d. Pal. Am., II, 96 ff.) or (c) simply as a scholar, v. B.B. 8b.]

(28) Amos III, 2.

(29) [I.e., those of Babylonia.]

(30) So does God punish Israel only by intermittent visitations.

(31) Gen. XVIII, 25.

(32) The word Halilah חלילה is here connected with חול Hol profane, as secondary root of חלה.

(33) Ezek. XXI, 8.

(34) Ibid. IX, 6.

(35) Ps. VII, 12.

(36) Nah. 1, 6.

(37) As the merits of some may atone for the rest. Cp. infra 5a.

(38) [The duration of the moment is given variously in different parts of the Talmud. V. Feldman, W. M. Rabbinical Mathematics etc., p 188.]

Talmud - Mas. Avodah Zarah 4b

who knew the knowledge of the Most High.¹ Is that possible? He did not know the mind of his animal, how could he have known the mind of the Most High! (What is meant by the words 'he did not know the mind of his animal'? — At the time when he was seen riding on his ass, they said to him, 'Why do you not ride on a horse?'² And he replied, 'I consigned mine to the meadow.' Whereupon the ass said,³ Am I not thy ass — 'Just for carrying burdens,' he interrupted; she continued, upon whom thou hast ridden — 'Only casually' he again interrupted; but she continued, ever since I was thine? 'What is more [she added] I have carried you by day and have been thy companion by night;' for the word I was wont [hiskanti], used here, is analagous to the word let her be his companion [sokeneth] used elsewhere.)⁴ What, then, is the meaning of He knew the knowledge of the Most High? — He knew the exact hour when the Holy One, blessed be He, is angry. This, indeed, is what the Prophet is alluding to when he says, O my people, remember now what Balak king of Moab consulted, and what Balaam son of Beor answered him from Shittim unto Gilgal; that ye may know the righteousness of the Lord.⁵ Said R. Eleazar: The Holy One, blessed be He, said to Israel, O my people, see how many righteous acts I did for you, in that I abstained from anger all those days, for had I been in anger, none would have remained or been spared of Israel's enemies.⁶ This, too, is what Balaam refers to when he says, How can I curse, seeing that God doth not curse, and how can I be wrathful, seeing that the Lord hath not been wrathful?⁷ And how long does His wrath last? — A moment [Rega']. And how long is a Rega'? Said Amemar (others say, Rabina): As long as it takes to utter this word. And whence do we know that His wrath lasts a moment? — Because it is written, For His anger is for a moment, His favour is for a life-time;⁸ or, if you wish, from this verse: Hide thyself for a little moment, until the wrath be past.⁹ When is He wrathful? — Said Abaye: During the first three hours,¹⁰ when the comb of the cock is white. And is it not white at all other times? — At other times it has red streaks, at that time there are no red streaks in it.

R. Joshua b. Levy used to be pestered by a Min [with taunts] about scriptural verses. One day the Rabbi took a cock and, placed it between the legs of the bed and watched it, thinking. 'When that hour will arrive, I shall curse him.' When that hour did arrive, he was dozing. Whereupon he said: You can learn from this that it is not proper to act thus: His tender mercies are over all His works¹¹ is what Scripture says, and it also says. Neither is it good for the righteous to punish.¹²

It was taught in the name of R. Meir: It is when the kings place their crowns on their heads and bow down to the sun,¹³ that the Holy One, blessed be He, at once becomes wrathful.

Said R. Joseph: No one should recite the Prayer¹⁴ of the Additional Service on the first day of the New Year,¹⁵ during the first three hours of the day, in private,¹⁶ lest, since judgment is then proceeding, his deeds may be scrutinised and the prayer rejected. But if that be so, it should apply to congregational prayer also! — The [collective] merits of a congregation are greater. In that case, [the

Prayer] of the Morning Service, too, should not be recited in private! — That is not so, since there is sure to be a congregation praying at the same time,¹⁷ the prayer will not be rejected. But have you not said,¹⁸ ‘During the first three hours the Holy One, blessed be He, is occupying Himself with the Torah, during the second three He sits in judgment over the whole world’? — You may reverse [the order]; or, if you wish, you may say it need not be reversed: [while occupied with] the Torah, which Scripture designates as ‘truth’, as it is written, buy the truth and sell it not,¹⁹ the Holy One, blessed be He, will not overstep the line of justice; [but when sitting in] judgment, which is not designated by Scripture as ‘truth’,²⁰ the Holy One, blessed be He, may overstep the line of justice [towards mercy].

[To revert to] the above text:²¹ ‘R. Joshua b. Levi said: What is the meaning of the verse, The ordinances which I command thee this day to do them? It is that this day only is the time to do them; they cannot be done in the time to come: this day is the time in which to do them, but not in which to be rewarded for them’. R. Joshua b. Levi also said:²² All the good deeds which Israel does in this world will bear testimony unto them in the world to come, as it is said, Let them bring their witnesses that they may be justified; let them hear and say it is truth. Let them bring their witnesses that they may be justified — that is Israel; let them hear and say it is truth — these are the idolaters. R. Joshua b. Levi also said:²³ All the good deeds which the Israelites do in this world will come and flutter before the faces of the idolaters in the world to come, as it is said, Keep therefore and do them, for this, your wisdom and understanding [will be] in the eyes of the peoples.²⁴ It does not say in the presence of the peoples, but, in the eyes of the peoples; that teaches you that they will come and flutter before the faces of the idolaters in the world to come. R. Joshua b. Levi further said: The Israelites made the [golden] calf only in order to place a good argument in the mouth of the penitents,²⁵ as it is said, O that they had such a heart as this always, to fear Me and keep all My commandments etc.²⁶

This last statement accords with what R. Johanan said in the name of R. Simeon b. Yohai: David was not the kind of man to do that act,²⁷ nor was Israel the kind of people to do that act.²⁸ David was not the kind of man to do that act, as it is written, My heart is slain within me;²⁹ nor were the Israelites the kind of people to commit that act, for it is said, O that they had such a heart as this always etc. Why, then, did they act thus?

(1) Num. XXIV, 16.

(2) As a man of high rank would do when on an urgent errand.

(3) Num. XXII, 30.

(4) I Kings I, 2 **הַסִּנְתִּי** and **סִנְתִּי**

(5) Micah VI, 5.

(6) A euphemistic substitution for Israel.

(7) Literal rendering of Num. XXIII, 8.

(8) Ps. XXX, 6.

(9) Isa. XXVI, 20.

(10) Of the day, the day always consisting of 12 hours, from 6 a.m. to 6 p.m.

(11) Ps. CXLV, 9.

(12) Prov. XVII, 26.

(13) Generally during the first three hours of the day.

(14) I.e., the part called ‘Amidah. P.B., 245.

(15) Which is also the Day of Judgment.

(16) Without a congregation.

(17) Though not in the same place; as the Morning Service must be terminated by noon, whereas the Additional Service may be held any time during the day.

(18) Supra 3b.

(19) Prov. XXIII, 23.

- (20) Judgment may be modified by equity, but Truth is rigid and unyielding.
- (21) Supra 3a.
- (22) Ibid. 2a.
- (23) 'Er. 22a.
- (24) Literal rendering of Deut. IV, 6.
- (25) To rely on the efficacy of repentance, however grievous their sins might be.
- (26) Deut. V, 26 which shows that they possessed all the self-discipline that could be desired.
- (27) Relating to Bathsheba.
- (28) The worship of the golden calf.
- (29) This literal rendering of Ps. CIX, 22 is taken to mean that David's inclinations had been completely conquered by himself.

Talmud - Mas. Avodah Zarah 5a

[God predestined it so] in order to teach thee that if an individual hath sinned [and hesitates about the effect of repentance] he could be referred to the individual [David], and if a community commit a sin they should be told: Go to the community.¹ And both these instances are necessary; for if [the case of] the individual only were mentioned. [it might have been thought that pardon is granted] because his sin is not generally known, but in the case of a community whose sins are publicly known it might not be so; if, on the other hand, the case of a community only were mentioned, it might have been thought, because they command greater mercy,² but with an individual, whose merits are not so numerous, it is not so; hence both are necessary.

This accords with the following saying of R. Samuel b. Nahmani, who said in the name of R. Jonathan: What is the meaning of the verse The saying of David the son of Jesse, and the saying of the man raised on high.³ [It means this:] The saying of David the son of Jesse, the man who elevated the yoke of repentance.⁴

R. Samuel b. Nahmani in the name of R. Jonathan also said: Every good deed that one does in this world precedes him and walks in front of him in the world to come, as it is said: And thy righteousness shall go before thee; the glory of the Lord shall be thy rearward.⁵ Likewise, every transgression that one commits clasps him and leads him on the day of judgment, as it is said, They clasp him in the course of their way.⁶ R. Eleazar said: It is tied on to him like a dog, as it is said, He hearkened not unto her, to lie by her, to be with her;⁷ [it is to say that] to lie by her in this world, [would mean for him] to be with her in the world to come.

Said Resh Lakish: Come let us render gratitude to our forebears,⁸ for had they not sinned, we should not have come to the world, as it is said: I said ye are gods and all of you sons of the Most High; now that you have spoilt your deeds, ye shall indeed die like mortals etc.⁹ Are we to understand that if the Israelites had not committed that sin they would not have propagated? Had it not been said, And you, be ye fruitful and multiply?¹⁰ — That refers to those who lived up to the times of Sinai. But of those at Sinai, too, it is said, Go say to them, Return ye to your tents¹¹ which means to the joy of family life?¹² And is it not also said, that it might be well with them and with their children?¹³ — It means to those of their children who stood at Sinai. But did not Resh Lakish [himself] say. What is the meaning of the verse This is the book of the generations of Adam?¹⁴ Did Adam have a book? What it implies is that the Holy One, blessed be He, showed to Adam every [coming] generation with its expositors, every generation with its sages, every generation with its leaders; when he reached the generation of R. Akiba¹⁵ he rejoiced at his teaching, but was grieved about his death, and said, How precious are Thy thoughts unto me, O God!¹⁶ Also, what of the teaching of R. Jose:¹⁷ The Son of David will only come when all the souls destined to [inhabit earthly] bodies will be exhausted, as it is said, For I will not contend for ever, neither will I be always wroth, for the spirit should fall before me and the spirits which I have made?¹⁸ — Do not

take Resh Lakish's saying to mean that [if our ancestor had not sinned] we should not have come to the world, but that [they would have become immortal and] we should have been [disregarded] as if we had never come to the world. Does that mean then that if they had not sinned, they would have been immune from death? But there are written [in the Torah] the chapter about the widow of a man dying without issue, and the chapter about inheritances!¹⁹ — These were written conditionally. But are conditional passages written [in the Torah]? — Certainly; for R. Simeon b. Lakish said:²⁰ What is the meaning of the verse, And it was evening and it was morning the sixth day?²¹ It teaches us that the Holy One, blessed be He, made a condition with all creation, saying, If Israel will accept the Torah all will be well, but if not, I will turn the world void and without form.

The following objection was then raised: ‘The verse, O that they had such a heart as this always that it may be well with them and their children²² cannot obviously refer to the abolition of the angel of death, since the decree [of death] had already been made?²³ It means therefore that the effect of Israel's acceptance of the Torah would be that no nation or tongue could prevail against them, as it is said, that it might be well with them and their children after them’?²⁴ He [Resh Lakish] may be of the same opinion as the following Tanna, for it is taught: R. Jose said, The Israelites accepted the Torah only so that the Angel of Death should have no dominion over them, as it is said: I said ye are gods [i.e., immortals] and all of you children of the Most High, now that you have spoilt your deeds, ye shall indeed die like mortals.²⁵ But against R. Jose, too, [it may be argued] that the verse that it may be well with them and their children for ever holds out the promise of well-being but not of deathlessness? — R. Jose may reply: The abolition of death is surely as desirable a kind of well-being as you might wish for. Then how does the first Tanna²⁶ explain the phrase: Ye shall indeed die? — What may be meant here by dying is to become impoverished²⁷ for a Master has said:²⁸ Four [kinds of persons] may be regarded as dead, they are: the poor, the blind, the leprous, and the childless; the poor, for it is said, for all the men are dead which sought thy life²⁹ — now these ‘men’ were Dathan and Abiram, and they surely were not then dead, they only became reduced in their material circumstances; the blind, as it is said: He hath made me to dwell in darkness, as those that have been long dead;³⁰ the leprous, as it is said, Let her not, I pray thee, be as one who is dead,³¹ the childless, as it is said, Give me children, or else I die.³²

Our Rabbis taught: In the verse, If ye walk in my statutes,³³ the word if is used in the sense of an appeal, similar to the verse, O that my people would hearken unto Me, that Israel would walk in my ways . . . I should soon subdue their enemies;³⁴ or in the verse, O that thou hadst hearkened to my commandments: Then had thy peace been as a river, thy seed also had been as the sand, etc.³⁵

Our Rabbis taught: In the verse, O that they had such a heart always.³⁶ Moses said to the Israelites, Ye are an ungrateful people, the offspring of an ungrateful ancestor. When the Holy One, blessed be He, said to you³⁷. Who might grant that they had such a heart always³⁸, you should have said: ‘Thou grant!’ [They proved themselves] ungrateful by saying. Our soul loatheth

(1) I.e., the Israelites, in order to be convinced that the gates of repentance are ever open.

(2) As their collective merits are greater.

(3) II Sam. XXIII, 1.

(4) A play on the words ‘al, עַל ‘on high’, and ‘ol, עַל ‘yoke’, i.e., ‘duty’, ‘obligation’. [The way of penitence which he showed to sinners is David's distinct greatness, which set him ‘on high’.]

(5) Isa. LVIII, 18.

(6) Homiletical rendering of Job VI, 18, based on a play on the word lapath לַפֶּת which means ‘to turn aside’ as well as ‘to clasp’, or ‘cling’.]

(7) Gen. XXXIX, 10.

(8) Who worshipped the golden calf.

(9) Ps. LXXXII, 6, which is applied to the Israelites who witnessed the revelation at Sinai.

(10) Gen. IX, 7.

- (11) Deut. V, 27.
 (12) Which had been interrupted for three days (Ex. XIX, 15).
 (13) Deut. V, 26.
 (14) Gen. V, 1.
 (15) The great sage who died a martyr's death during the persecution of Hadrian.
 (16) Ps: CXXXIX, 17.
 (17) Yeb. 62b.
 (18) Isa. LVII, 16. In face of the foregoing teachings how could it be stated that had it not been for the sin of the golden calf, we should not have come into the world?
 (19) Which takes the incidence of death for granted.
 (20) Supra 3a.
 (21) Gen. I, 31.
 (22) Deut. V, 26.
 (23) At the worship of the golden calf.
 (24) How then could Resh Lakish hold that but for the golden calf worship Israel would have enjoyed physical deathlessness?
 (25) Ps. LXXXII, 6.
 (26) Who holds that the Torah was to render Israel proof against attacks by other nations.
 (27) Through oppression by other nations.
 (28) Ned. 62b.
 (29) Ex. IV, 19.
 (30) Lam. III, 6.
 (31) Of Miriam, who had become leprous. Num. XII, 12.
 (32) Gen. XXX, 1.
 (33) Lev. XXVI, 3.
 (34) Ps. LXXXI, 14-15. [Cf, the Latin *si, o si*, and the English 'O if I had!' in which the conditional becomes a desiderative. V. Ges. K. (1910) 151e.]
 (35) Isa. XLVIII, 18.
 (36) Deut. V, 26.
 (37) [So MS.M.]
 (38) Lit., rendering of preceding verse.

Talmud - Mas. Avodah Zarah 5b

this light bread;¹ 'the offspring of an ungrateful ancestor', for it is written, The woman whom Thou gavest to be with me, she gave me of the Tree, and I did eat.² Yet Moses indicated this to the Israelites only after forty years had passed, as it is said, And I have led you forty years in the wilderness . . . but the Lord hath not given you a heart to know, and eyes to see and ears to hear, unto this day.³ Said Raba:⁴ From this you can learn that it may take one forty years to know the mind of one's master.

R. Johanan said on behalf of R. Bana'ah: What is the meaning of the verse, Blessed are ye that sow beside all waters, that send forth the feet of the ox and the ass?⁵ [It means this: [Blessed is Israel; when they occupy themselves with Torah and acts of kindness their inclination is mastered by them, not they by their inclination,⁶ as it is said, Blessed are ye that sow beside all waters. For what is meant by 'sowing' but doing kind deeds, as it is said,⁷ Sow to yourselves in righteousness, reap according to mercy; and what is meant by 'water' is Torah, as it is said, Oh ye who are thirsty come to the water.⁸ [The phrase,] that send forth the feet of the ox and the ass, [was explained in the] Tanna debe Eliyyahu⁹ thus: In order to study the words of the Torah one must cultivate in oneself the [habit of] the ox for bearing a yoke and of the ass for carrying burdens.

ON THE THREE DAYS PRECEDING THEIR FESTIVALS IT IS FORBIDDEN TO DO ANY

BUSINESS TRANSACTION WITH THEM.

Is all this period necessary? Have we not learnt:¹⁰ ‘At four periods of the year it is necessary for one, when selling cattle to another for slaughter, to let him know if its dam had been sold or if its young had been sold to be slain [the same day]:¹¹ namely, the eve of the last day of the Feast [of Tabernacles].¹² the eve of the first day of Passover, the eve of Pentecost, and the Eve of the New Year,¹³ and, according to R. Jose the Galilean, also on the day preceding the Eve of the Day of Atonement, in Galilee’?¹⁴ — In those cases where the animals are bought for consumption, one day is enough, but in the case where these are required for sacrifices, three days are needed.¹⁵ But are three days enough in the case of sacrifices? Have we not learnt’;¹⁶ ‘The laws relating to Passover should be discussed for thirty days before the Passover; R. Simeon b. Gamaliel says two weeks’? — We, with whom blemishes [disqualifying a sacrifice] abound, since we disqualify an offering even because of a blemish in the eye-lid, require thirty days; but for the heathen, who only take note of a missing limb, three days suffice. And so also R. Eleazar said: How do we know that [an animal] short of a limb is forbidden to Noahides [for use as a sacrifice]? — Because it is written, Of every living thing of all flesh two of every sort shall thou bring into the ark.¹⁷ The Torah thus says. ‘Bring such cattle whose principal limbs are living [i.e. sound]’. But is not this phrase needed to exclude such animals as are trefa,¹⁸ so that they were not [brought into the ark]? — Trefa is excluded by the phrase, to keep seed alive.¹⁹ This answer holds good according to the one who is of the opinion that an animal which is trefa cannot bear any young;²⁰

(1) Num. XXI, 5.

(2) Gen. III, 12, wherein Adam, instead of being appreciative of his God-given gift, makes Eve an object of complaint.

(3) Deut. XXIX, 3, 4.

(4) Some texts have Rabbah.

(5) Isa. XXXII, 20.

(6) [צַרִּים] i.e. character, not to be confused with the ‘Evil Urge’ but ‘man’s vital and active impulse in general’; Lazarus, M., The Ethics of Judaism II, 107.] Sending forth the ox and the ass is interpreted to mean the banishment of bestial inclinations.

(7) Hos. X, 12.

(8) Isa. LV, 1.

(9) The title of a Midrash, containing chiefly Baraitas compiled by R. Anan, Bab. Amora of the 3rd cent.

(10) Hul. 83a.

(11) So as to avoid slaying an animal and its young on the same day (Lev. XXII, 28).

(12) Which was regarded as a ‘festival by itself’. On the eve of the first day of the Feast of Tabernacles, the erection of the Sukkah (the booth) did not leave much time for slaying animals.

(13) As on these days preceding the respective festivals the animals would be slain for the festivals.

(14) From the mention made in Lev. XXIII, 32 of the ninth day of the month Tishri, it is deduced that the partaking of meals on that day, the eve of the Day of Atonement, is as much a religious observance as the fasting on the Day of Atonement, hence the meals on that day were specially lavish. Thus, the assumption is that the animals needed for the festival are slain only on the preceding day: why then extend the prohibition to three days?

(15) As they have to be prepared for the purpose beforehand.

(16) Meg. 29b.

(17) Gen. VI, 19. Some of these animals were intended for the purpose of sacrifices: v. Gen. VIII, 20.

(18) Trefa, lit., ‘torn’ — connotes any animal which is mortally affected and forbidden for consumption.

(19) Gen. VII, 3.

(20) Zeb. 113a.

Talmud - Mas. Avodah Zarah 6a

but according to the one who holds that a trefa animal can bear, what answer would you give? — [This:] The words spoken [to Noah] are, Thou shalt bring with thee, which implies such as are like

thymself. But how can we tell that Noah himself was not mortally affected? — Because he is described as perfect.¹ Does this not rather mean that he was perfect in his manners? — That is implied by his being described as righteous.² But does not this phrase rather mean ‘perfect’ in his manners and ‘righteous’ in his deeds? — It cannot enter your mind [in any case] that Noah himself was mortally affected; for were he so affected, would the Divine Law³ have bidden him take in animals similarly affected, and keep out whole ones? Well, now that we deduce this⁴ from the phrase with thee, wherefore do we need the phrase to keep seed alive? — ‘With thee’ might mean such as could just keep him company, even if they be old or castrate, therefore the Divine Law had to indicate ‘to keep seed alive.’

The question was asked: Does THREE DAYS mean inclusive of the FESTIVALS or apart from the FESTIVALS? Come and hear: R. Ishmael says: On the three preceding and the three following [days] it is forbidden.⁵ Now if it should enter your mind that the numbers given are inclusive of the Festival itself, R. Ishmael must be taken to include the day of the Festival both in the preceding and following days!⁶ — [Not at all!] It is only because he uses the words ‘three preceding’ that he also speaks of the ‘three following’.⁷

Come then and hear the comment of R. Tahlifa b. Abdimi in the name of Samuel: According to R. Ishmael, it should always be forbidden [to transact business with idolaters because of] Sunday!⁸ Now, were we to take it that the festival is to be included, there would still remain Wednesday and Thursday on which dealing would be permitted! — According to R. Ishmael, there is no question but that the period does not include the festivals themselves. It is only according to the Rabbis’ opinion⁹ that I ask what [is the law],

Said Rabina: Come and hear [the following Mishnah]: These are the festivals of idolaters, Kalenda, Saturnalia and Kratesis,¹⁰ now R. Hanin b. Raba explained that Kalenda [lasts for] eight days after the [Winter] Equinox, and Saturnalia [is kept on the] eight days preceding the Equinox; as a mnemonic take the verse, Thou hast beset me behind and before. Now, were you inclined to think that the periods are inclusive of the Festivals, then there are [at times] ten days:¹¹ The Tanna may regard the whole Kalenda as one day.

Said R. Ashi: Come and hear: [Our Mishnah says] ON THE THREE DAYS PRECEDING THE FESTIVITIES OF THE IDOLATERS. Now were it to mean that the period is to include the festival itself, it might have said, ‘At the Festivals of the idolaters for three days;’¹² or, even if you contend that the words PRECEDING THE FESTIVAL are necessary to avoid [their being applied to] those after the festival, it might still have said, ‘At the festivals of the idolaters for three days preceding them’;¹³ but [from the words actually used]¹⁴ you can only deduce that the period is exclusive of the festival. This is conclusive.

The question was asked: Is it [forbidden] because of the profit, or perhaps because Thou shalt not put a stumbling block before the blind?¹⁵ The difference would affect a case where an idolater has an animal of his own. If you say [one must not sell him one] because of profit, here, too, the profit is derived; if however you say it is because of placing a stumbling block before the blind, here, then, he has [a sacrifice] of his own.¹⁶

And if he has one of his own does the placing of a stumbling block before the blind not apply? Have we not learnt¹⁷ that R. Nathan said:

(1) Gen. VI, 9.

(2) Ibid.

(3) Lit., ‘the All-Merciful One, Whose word Scripture reveals.’

(4) I.e., that Trefa was to be excluded from the Ark.

(5) Infra 7b.

(6) In which case the days following would have been given as two, and not three.

(7) Although apart from the Festival they are, indeed, only two.

(8) Infra 7b. Each Sunday, which is a festive day, with the three preceding and three following days would rule out the whole week. The passage in editions is obscure, owing to censorial tampering. The interpretation here given is borne out by Rashi. One might suggest the reading **לְעוֹלָם אוֹסֵר יוֹם א'** instead of **אוֹסֵר** 'Sunday would render it permanently forbidden'.

(9) Who forbid only the preceding, but not the following days.

(10) V. infra p. 36, note 9.

(11) That is the eight Kalenda together with the two preceding days instead of the three days mentioned in the Mishnah.

(12) But not PRECEDING THE FESTIVAL.

(13) Implying that the prohibition refers also to the festivals themselves.

(14) Which say distinctly, **THREE DAYS PRECEDING THE FESTIVALS** — a phrase which places the festive days themselves outside the terms of reference of the Mishnah, as too obvious to be stated.

(15) Lev. XIX, 14. Is the reason for forbidding business transactions with idolaters near their festivals because any profit they may derive might be made a cause for thanksgiving to the idols, to which an Israelite should not be party, or because of the means or the opportunity that might be thus afforded to the idolater of acquiring and offering an animal for sacrifice to the idols, of the prohibition of which he may be ignorant, the Israelite thus causing him to 'stumble'?

(16) The prohibition therefore should not apply.

(17) Pes. 22b.

Talmud - Mas. Avodah Zarah 6b

How do we know that one should not hold out a cup of wine to a Nazirite¹ or a limb from a living animal to a Noachide?² From Scripture, which says, Thou shalt not put a stumbling block before the blind.³ Now here, too, were it not held out to him he could take it himself, yet the one [who hands it] is guilty of placing a stumbling block before the blind!⁴ Here we may be dealing with a case of two persons on opposite sides of a river.⁵ You can prove it, indeed, by the use of the words 'one should not hold out': it does not say, 'one should not hand'. This proves it.

The question was asked: What if one did transact business?⁶ — R. Johanan says: [The proceeds of] the transaction are forbidden. R. Simeon b. Lakish says [the proceeds of] the transaction are permitted. R. Johanan cited [the following as] an argument against Resh Lakish: As to the festivals of idolaters, if one transacts any business [the proceeds] are forbidden. Does not this refer to [the period] preceding the festivals? — No, [it refers to] the festival exclusively.

Some report it was R. Simeon b. Lakish who cited [this passage] as an argument against R. Johanan: 'As to the festivals of idolaters, if one transacts any business [the proceeds] are forbidden'. During their festivals only it is forbidden, but before their festival it is not?⁷ — No, by 'their festivals' the Tanna means the one as well as the other.

There is a Baraitha⁸ which is in accordance with the view of Resh Lakish: The prohibition of transacting business with them [before their festivals] only applies to unperishable articles⁹ but not to perishable articles; and even in the case of unperishable articles, if the transaction is made, [the proceeds] are permitted. R. Zebid learned out of the Baraitha of R. Oshaia:¹⁰ An article that is perishable may be sold to them, but may not be bought from them.¹¹

A certain Min once sent on his festival day a Caesarean denar¹² to R. Judah Nesi'a¹³, while Resh Lakish happened to sit before him. Said he, 'What shall I do? if I accept it, he will go and praise [the idols for it]; if I do not accept it, he will be displeased.' 'Take it,' answered Resh Lakish, 'and drop it into a well in the messenger's presence.' 'But this will displease him all the more!' 'I mean you should do it by sleight of hand.'

TO LEND ARTICLES TO THEM OR BORROW ANY FROM THEM. It is quite right to forbid lending to them, which benefits them; but surely borrowing from them can only mean deprivation to them! — Said Abaye: We forbid the borrowing from them as a safeguard against lending to them. But Raba said: It is all on account of their going to offer thanks.¹⁴

TO LEND THEM MONEY OR BORROW ANY FROM THEM.

It is quite right to forbid lending them money, which profits them, but why not borrow any from them? Abaye said: The borrowing is forbidden as a safeguard against lending. Raba, however, said: Both are [forbidden] because of their going to offer thanks.

TO REPAY A DEBT, OR RECEIVE REPAYMENT FROM THEM.

The [forbidding of] repayment is quite right, since it benefits them, but to recover from them, surely, means to deprive them! — Said Abaye: The recovery is forbidden as a safeguard against repayment. Raba said: It is all because of their going to offer thanks.

And all [the instances given in our Mishnah] are necessary; for if it only mentioned transacting business with them, I might have said [it is forbidden] because it profits them and they will go and offer thanksgiving for it, but to borrow from them, which means a deprivation to them, would be quite in order. If [on the other hand] it only mentioned borrowing articles from them, I might have thought it is because the importance that the idolater attaches¹⁵ to it [would induce him to] go and offer thanksgiving for it, but to borrow money from him might only cause him anxiety, as he might think, 'My money may not be returned again.' Were the case of lending money only mentioned, [it might be thought this is] because he might say, 'I can enforce payment,' and he would have good cause for thanksgiving, but to recover from them money which will never return to the lender we might regard as troublesome, so that he would not offer thanks for it — hence all the instances are necessary.

R. JUDAH SAYS: WE SHOULD RECEIVE REPAYMENT FROM THEM, [AS THIS CAN ONLY DEPRESS THEM; BUT THE RABBIS SAID TO HIM: EVEN THOUGH IT IS DEPRESSING AT THE TIME, THEY ARE GLAD OF IT SUBSEQUENTLY].

Does R. Judah, then, disregard the idea that though it is depressing at the time it is pleasing subsequently? Is it not taught: R. Judah says, A woman must not smear lime on her face on Mo'ed¹⁶ because it disfigures her; R. Judah, however, admits that if the lime can still be scraped off during Mo'ed, it may be applied on Mo'ed for though she is troubled by it for the while, it will eventually please her!¹⁷ — Said R. Nahman b. Isaac: Leave alone the laws relating to [work permitted on] Mo'ed: they are all of the trouble now, pleasure later' kind.¹⁸ Rabina said: To an idolater, the matter of repayment is always irksome.

Our Mishnah is not in accord with [the opinion of] R. Joshua b. Karha. For it is taught: R. Joshua b. Karha says, A loan made against a document, should not be recovered from them,¹⁹ but a loan made against the word of mouth may be recovered from them, since it is, as it were, rescued from their hands.²⁰

R. Joseph was sitting behind R. Abba while R. Abba was sitting facing R. Huna who, as he was sitting [and lecturing], stated: [In one instance] the halachah²¹ is to be decided according to R. Joshua b. Karha and [in another] the halachah is according to R. Judah. The law [decided] according to R. Joshua is the one about which we have just spoken; that according to R. Judah refers to what we learnt:²² If one gives wool to a dyer to be dyed red and he dyed it black, or to be dyed black and

he dyed it red,

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- (1) Who is forbidden to partake of any strong drink, Num. VI, 1 seq.
 - (2) Supra p. 5, note 7.
 - (3) Lev. XIX, 14.
 - (4) The selling of an animal to an idolater is surely analogous to this and should therefore be forbidden.
 - (5) So that the one could not have attained the prohibited article without the agency of the other.
 - (6) With an idolater before his festival; may he derive any benefit from the proceeds?
 - (7) Hence this teaching is contrary to R. Johanan's ruling.
 - (8) Tosef. A.Z.I.
 - (9) Such as will remain in good condition till the festival.
 - (10) R. Oshaia, and R. Hiyya, both disciples of R. Judah the prince, compiled a collection of Baraithas; v. infra, p. 284, n. 6.
 - (11) As the disposal of such an article is gratifying to the idolater.
 - (12) [(i) Coined in commemoration of the coronation; or (ii) coined at Caesarea in Cappadocia, the only Greek colony that enjoyed the right of coinage in gold under the Romans; v. Zuckermann, Ueber Talm. Gewich, u. Mun, p. 28.]
 - (13) Judah II, lived in Tiberias in the middle of the third century.
 - (14) The lender's dependence on him is also a matter of gratification.
 - (15) The knowledge that the Israelite is in need of his articles, coupled with the certainty of having them safely returned, would give him great satisfaction.
 - (16) Full term, Hol Hammo'ed חולו של מועד — lit., 'the weekdays of the Festival' — the intermediate days of Passover and the Feast of Tabernacles, when many kinds of work, including those necessary for personal appearance, forbidden on Festivals, are permitted. The lime which remained smeared on the face for some days showed its beautifying effect on its removal.
 - (17) M.K., 8b. Thus R. Judah expresses the very opinion which he seems to oppose in our Mishnah.
 - (18) Such as the slaying of animals for consumption, the preparation of food-articles and the like.
 - (19) From idolaters before their festivals, as the redemption of the bond is a matter of gratification.
 - (20) Tosef. A.Z. Chap. I; v, also B.K. 102a.
 - (21) I.e. 'the regulated law', v. Glos.
 - (22) B.K. 100b.

Talmud - Mas. Avodah Zarah 7a

R. Meir says: The dyer should refund to the owner the value of his wool.¹ R. Judah says: If the increase in value [through the dyeing] exceeds the outlay thereon, the owner may refund the outlay, or if the outlay exceeds the increased value, he may offer him the increase in value.² Thereupon R. Joseph turned his face away [and remarked]: It was right and necessary [to state] that the halachah is according to R. Joshua b. Karha.³ We might indeed have applied the principle:⁴ '[Where the opinions of] an individual and of a majority [conflict] the halachah is according to the majority', so we are given to understand that here the halachah is according to the individual. But wherefore state that the law is according to R. Judah? It is a commonplace that where differing opinions [are quoted, and one of these is] subsequently quoted anonymously, the law is decided according to the anonymous opinion.⁵ Now, these differing opinions are quoted in Baba Kamma, and there is the subsequent anonymous opinion in Baba Mezi'a,⁶ where we learn that the party which changes [an agreement] has the lesser right, likewise whichever party alters his mind has the lesser right!⁷

And as to R. Huna?⁸ — [His statement is necessary] because the Mishnah has not [retained its original] order,⁹ so that it might be said that the anonymous statement was quoted earlier and the differing opinions later. But if that were so, you can apply to every case of differing opinions followed by an anonymous one the argument that the Mishnah has not retained its original order!¹⁰ R. Huna, however, [could reply thus]: The argument that the Mishnah has not its original order could not be admitted in regard to the same Tractate, but it could be used in regard to two Tractates.¹¹ And

as to R. Joseph?¹² — He holds that all [those dealing with] torts¹³ are to be regarded as one tractate; or, if you wish, it could be said, because this rule is included among legal and fixed decisions, thus: ‘The party which changes an agreement has the lesser right; and whichever party alters his mind has the lesser right.’¹⁴

Our Rabbis taught:¹⁵ One should not say to another [on the Sabbath], ‘We shall see whether you will stay on with me [to do work] this evening.’¹⁶ R. Joshua b. Karha says: One may say to another, ‘We shall see whether you will stay on with me this evening.’ Said Rabbah b. Bar-Hana in the name of R. Johanan, the halachah is according to R. Joshua b. Karha.

Our Rabbis taught: If one consulted a sage who declared [the person or article] as unclean, he should not consult another sage who might declare it as clean; if one sage declared as forbidden, one should not consult another sage who might declare as permitted. If of two sages present one declares as unclean and the other as clean, one forbids and the other permits, then if one of them is superior to the other in learning and in point of number¹⁷ his opinion should be followed, otherwise, the one holding the stricter view should be followed. R. Joshua b. Karha says: In laws of the Torah¹⁸ follow the stricter view, in those of Soferim¹⁹ follow the more lenient view.²⁰ Said R. Joseph: The halachah is according to R. Joshua b. Karha.

Our Rabbis taught: If they²¹ reverted [to their usual practices] none of them should ever be accepted.²² This is the opinion of R. Meir. R. Judah says: If they reverted in secret matters, they should not be accepted,²³ but if in things done in public they should be accepted.²⁴ Some say that, if they observed [in their penitent state] even secret things, they should be accepted,

(1) In the undyed state, and he has the right to retain the dyed wool, however much its value may have increased.

(2) And claim the wool; since, in the case of the dyed wool being worth more than undyed wool plus the cost of dyeing, the dyer will benefit by miscarrying the order.

(3) That a loan made on a verbal understanding may be recovered from idolaters, contrary to the opinion of the Rabbis of our Mishnah.

(4) Ber. 9a.

(5) Yeb. 42b.

(6) 15a.

(7) And since here the dyer, by miscarrying the order, changed the agreement, it might be taken for granted that he would be placed at a disadvantage in accordance with the ruling of R. Judah.

(8) What was the object of his assertion?

(9) In which it was originally propounded.

(10) And since this principle is generally accepted (v. Yeb 42) R. Huna's explanation is inadmissible.

(11) And in this case the differing opinions and the anonymous one are each in a separate Tractate; R. Huna's statement was therefore necessary.

(12) Why did he then disapprove of R. Huna's statement?

(13) Baba Kamma, Baba Mezi'a, and Baba Bathra.

(14) It was therefore too obvious to be stated that the decision is according to R. Judah.

(15) Shab. 150a.

(16) Since he engages him, even though by mere insinuation, on the Sabbath to do work.

(17) I.e., of disciples or followers.

(18) Laws explicitly stated in Scripture.

(19) Laws enacted by the Scribes (sofer-scribe) from the time of Ezra onward.

(20) V. Tosef. ‘Eduy. I.

(21) I.e., ‘amme ha-arez — people who are ignorant and careless about religious observances, particularly those relating to the tithe which they would generally withhold from the Levite — their utensils and food articles were consequently held by the Haber (v. note 7) in Levitical uncleanness. This made them unacceptable to the Haber's society. And the discussion that follows is whether they could be accepted again.

(22) Regarded as Haberim (plural of Haber), those particular about religious observances and the giving of the tithe. On Haber v. Weinberg and Krauss, Jeshurun 1929, 1930.

(23) They prove themselves hypocrites and are not to be trusted.

(24) Their frankness may be taken to show that they give an undertaking to act rightly and will stand by it.

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but if only things done in public they should not be accepted. R. Simeon and R. Joshua b. Karha say: Whether in the one case or in the other they should be accepted, for it is said, Return, O backsliding children.¹ Said R. Isaac, the native of Kefar Acco, in the name of R. Johanan: The halachah is according to the latter pair.

MISHNAH. R. ISHMAEL SAYS ON THE THREE PRECEDING DAYS AND THE THREE FOLLOWING DAYS IT IS FORBIDDEN;² BUT THE SAGES SAY BEFORE THEIR FESTIVITIES IT IS FORBIDDEN, BUT AFTER THEIR FESTIVITIES IT IS PERMITTED.

GEMARA. Said R. Tahlifa b. Abdimi in the name of Samuel: According to R. Ishmael it should always be forbidden [to transact business with idolaters because of] Sunday.³

BUT THE SAGES SAY, BEFORE THEIR FESTIVITIES IT IS FORBIDDEN, BUT AFTER THEIR FESTIVITIES IT IS PERMITTED. Is not [the opinion of] the Sages identical with that of the first Tanna?⁴ — The exclusion of the festivals themselves is the point on which they differ. The first Tanna holds that the period is exclusive of the festival, but these latter Rabbis hold that it includes the festivals. Or it might probably be said that they differ on the question of business transactions carried out,⁵ the first Tanna holding that [the proceeds of] such transactions are permissible, while our latter Rabbis hold that [the proceeds of] these transactions are forbidden. It might also be said that this ruling of Samuel is a matter on which they differ. For Samuel said:⁶ In the Diaspora⁷ the prohibition is limited to their festival day only. The first Tanna accepts Samuel's ruling, while our last Rabbis do not hold with Samuel. You may further say that they differ in the ruling of Nahum the Mede. For it is taught:⁸ Nahum the Mede says, The prohibition applies to only one day before their Festivals. The first Tanna does not accept the ruling of Nahum the Mede, and our latter Rabbis do agree with Nahum the Mede's ruling.

To revert to [the above text]: 'Nahum the Mede says: The prohibition applies to only one day before their festivals.' Thereupon they said to him: 'This matter ought to be suppressed and left unsaid.'⁹ But are there not our latter Rabbis who hold the same opinion?¹⁰ — Our latter Rabbis may be none other than Nahum the Mede.¹¹

Another [Baraita] taught: Nahum the Mede says, One may sell [to idolaters] a male or old horse in war time.¹² Whereupon they said to him: This matter ought to be suppressed and left unsaid. But is there not Ben Bathyra who holds the same opinion; for we learnt: Ben Bathyra permits [the sale of] a horse?¹³ — Ben Bathyra makes no distinction between the sale of horses and mares, whereas Nahum the Mede, who does make that distinction will share the opinion of the Rabbis;¹⁴ but according to the Rabbis: This matter ought to be suppressed and left unsaid.¹⁵

It is [further] taught: Nahum the Mede says: The dill plant is subject to tithe whether [in its state of] seeds, or vegetables, or pods.¹⁶ Whereupon he was told: This matter ought to be suppressed and left unsaid. But is there not R. Eliezer who holds the same opinion; for we learnt: R. Eliezer said: The dill plant is subject to tithe whether in its state of seeds, or vegetable, or pods?¹⁷ — There the garden variety is meant.¹⁸

Said R. Aha b. Minyomi to Abaye: A great man has come from our place,¹⁹ but whatever he says

he is told that it ought to be suppressed and left unsaid. He replied: There is one instance in which we do follow his ruling. It is taught: Nahum the Mede says: One may ask for one's own needs in the course of the Benediction [concluding with] 'Who heareth prayer.'²⁰ — As to this ruling, he said, an exception had to be made, for it is hanging on strong ropes!²¹ It is taught: R. Eliezer says: One should first pray for his own needs and then recite The Prayer.²² as it is said; A prayer for the afflicted [himself] when he is overwhelmed, and [then] poureth forth his meditation before the Lord;²³ and by 'meditation,' only prayer is meant, as it is said, And Isaac went out to meditate in the field at the eventide.²⁴ But R. Joshua says: One should first recite The Prayer and then ask for his own needs, as it is said, I pour out my meditation²⁵ before Him [then] I declare my [own] affliction before Him.²⁶ Now, as to R. Eliezer, what of the verse, I pour out my meditation etc.? — He interprets it thus, 'I pour out my meditation before Him when I had already declared my [own] affliction.' And as to R. Joshua [how does he explain] the verse, A prayer for the afflicted when he is overwhelmed etc.? — He explains it thus: When is the [personal] 'prayer for the afflicted' offered? When he had poured forth his meditation before the Lord. Well now, as for these scriptural verses, they prove no more the statement of the one than they prove that of the other; is there any [principle] underlying their dispute? — It is the one explained by R. Simlai; for R. Simlai gave the following exposition:²⁷ One should always recount the praises of the Omnipresent and then offer his supplications.²⁸ Whence do we learn it? From [the prayer of] our Teacher Moses which is recorded thus: O Lord God, Thou hast begun to show Thy servant Thy greatness etc., and then only, Let me go over, I pray Thee, and see the good land.²⁹

(1) Jer. III, 14. Thus repentant sinners are to be accepted unconditionally.

(2) The prohibitions enumerated in the preceding Mishnah (supra 2a) extend to three days before the idolaters' festivities and three days after them.

(3) V. p. 24, n. 9.

(4) Of the Mishnah supra 2a.

(5) Infra 18b.

(6) Infra 11b.

(7) Lit., 'exile', applied to all places outside Palestine in which Jews resided. Many restrictions as to idolaters were waived outside Palestine, since 'gentiles of the lands other than Palestine are not really idolaters' (Hul. 13b).

(8) Tosef. A.Z.I.

(9) 'Inadmissible', 'ruled out of court'.

(10) According to the reply given last.

(11) His opinion being recorded in the Mishnah anonymously in the form of 'the Sages say'.

(12) 'Er. 83a. The sale of big cattle to an idolater is forbidden (v. infra 14b) out of consideration for the animal: as, being used for labour, it would be deprived of its weekly day of rest. The sale, however, in war time, of a male horse, which is not easily disciplined (V.J.A.Z.I, 6 40a) or of an old one, to which the general objection of 'placing a weapon in the hand of a heathen' is not quite applicable, might be permitted as a matter of rare occurrence.

(13) Infra 17a. Since it is used chiefly for riding, and the carrying of a rider is not to be regarded as carrying a burden (on the Sabbath) according to the dictum 'a living being carries itself'.

(14) Who prohibit the sale of a horse, v. infra 14b and 16a.

(15) As the Rabbis prohibit the sale of all kinds of horses, and do not admit the distinction made by Nahum.

(16) Vegetables are only subject to tithe when reaching the state in which they are used as food; in the case of the dill plant, the seeds and the leaves, as well as the pods, are used as such.

(17) Ma'as. IV, 5. Bek. 2a.

(18) Which is eaten in the various forms mentioned; but generally, as grown in fields, it is only used as food in its seed-state.

(19) Media, whence Nahum hailed, was also their native place. Weiss Dor. I, 182, sees in this remark a bitter complaint against Palestinian authorities, who are alleged to take up a derogatory attitude towards Sages coming from other lands.

(20) The sixteenth of the Eighteen (now nineteen) Benedictions which are the main part of each of the three daily Services. P. B. p. 30.

(21) An idiom meaning. 'It is based on high authority'. Contrarily, that for which there is but slender authority is

characterised as 'a mountain hanging on a hair;' v. Hag. 10a.

(22) I.e. the Eighteen Benedictions, also called Shemone-'Esre, or 'Amidah.

(23) Ps. CII, 1.

(24) Gen. XXIV, 63, which is interpreted that Isaac was then offering the now statutory afternoon Prayer (Minhah), the institution of which tradition ascribes to the second Patriarch (Ber. 26b).

(25) I.e., the statutory Prayer.

(26) Ps. CXLII, 3.

(27) Ber. 32b.

(28) praise is a higher form of Divine worship than supplication. A man should offer thanks for what he has, before he thinks of what he lacks.

(29) Deut. III, 24, 25.

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Now R. Joshua holds that we are guided by [the example of] Moses,¹ while R. Eliezer says we should not follow the example of Moses; it is different with Moses whose greatness is so outstanding.² The Sages, however, say [the decision is] neither according to the one nor according to the other, but that one should pray for his personal needs at the Benediction [concluding with], 'Who heareth prayer'. Rab Judah in the name of Samuel declared that the halachah is that one should pray for his personal needs only at the Benediction [ending with], 'Who heareth prayer'.

Said Rab Judah the son of Samuel b. Shilath in the name of Rab: Even though it was said that one should pray for his private needs only at 'Who heareth prayer,' nevertheless, if he is disposed to supplement any of the Benedictions [by personal supplications] relevant to the subject of each particular Benediction, he may do so. [So also] said R. Hiyya b. Ashi in the name of Rab:³ Even though it has been said that one should pray for his own needs only at 'Who hearest prayer', still if [for example] one has a sick person at home, he may offer [an extempore] prayer at the Benediction for the Sick;⁴ or if he is in want of sustenance, he may offer a [special] prayer in connection with the Benediction for [Prosperous] Years.⁴ R. Joshua b. Levi said: Though it has been decided that private prayers for personal needs only may be inserted in the Benediction 'Who heareth prayer'⁵, yet if one is disposed to offer supplication after The Prayer to the extent of the Day of Atonement Service.⁶ he may do so.⁷

MISHNAH. THESE ARE THE FESTIVITIES OF THE IDOLATERS⁸: KALENDA,⁹ SATURNALIA,¹⁰ KRATESIS,¹¹ THE ANNIVERSARY OF ACCESSION TO THE THRONE AS WELL AS [ROYAL] BIRTHDAYS AND ANNIVERSARIES OF DEATHS. THIS IS R. MEIR'S OPINION. BUT THE SAGES SAY, A DEATH AT WHICH BURNING [OF ARTICLES OF THE DEAD] TAKES PLACE IS ATTENDED BY IDOLATRY, BUT WHERE THERE IS NOT SUCH BURNING THERE IS NO IDOLATRY. HOWEVER, THE DAY OF SHAVING ONES BEARD OR LOCK OF HAIR,¹² OR THE DAY OF LANDING AFTER A SEA VOYAGE, OR THE DAY OF RELEASE FROM PRISON, OR IF AN IDOLATER HOLDS A BANQUET FOR HIS SON — THE PROHIBITION ONLY APPLIES TO THAT DAY AND THAT PARTICULAR PERSON.

GEMARA. Said R. Hanan b. Raba: KALENDA is kept on the eight days following the [winter] equinox. SATURNALIA on the eight days preceding the equinox. As a mnemonic take the verse, Thou hast beset me behind and before.¹³

Our Rabbis taught:¹⁴ When primitive Adam saw the day getting gradually shorter, he said, 'Woe is me, perhaps because I have sinned, the world around me is being darkened and returning to its state of chaos and confusion; this then is the kind of death to which I have been sentenced from Heaven!' So he began keeping an eight days' fast. But as he observed the winter equinox and noted the day getting increasingly longer, he said, 'This is the world's course', and he set forth to keep an

eight days' festivity. In the following year he appointed both¹⁵ as festivals. Now, he fixed them for the sake of Heaven, but the [heathens] appointed them for the sake of idolatry.

This is quite right according to the one who holds that the world was created in Tishri,¹⁶ so that he saw the short days before seeing the longer days; but according to the one holding that the world was created in Nisan, Adam must have seen the long days as well as the short ones!¹⁷ — Still, he had not yet seen the very short days. Our Rabbis taught: When Adam, on the day of his creation, saw the setting of the sun he said! 'Alas, it is because I have sinned that the world around me is becoming dark; the universe will now become again void and without form — this then is the death to which I have been sentenced from Heaven!' So he sat up all night fasting and weeping and Eve was weeping opposite him. When however dawn broke, he said: 'This is the usual course of the world!' He then arose and offered up a bullock whose horns were developed before its hoofs, as it is said [by the Psalmist], And it [my thanksgiving] shall please the Lord better than a bullock that hath horns and hoofs.¹⁸ Rab Judah said in the name of Samuel: The bullock which Adam offered had only one horn in its forehead, as the verse says, And it shall please the Lord better than a bullock that is horned and hoofed. But does not 'horned' imply two horns? — Said R. Nahman b. Isaac: 'Horned' is here spelt [defectively].¹⁹

R. Mattena asked: When Rome appoints a Kalend and there are towns in its vicinity subjected to her, is it forbidden or permitted [to transact business etc.] in those towns?²⁰ R. Joshua b. Levi said: On the Kalends the prohibition applies to all. R. Johanan said: The prohibition applies only to [the Romans] who celebrate it. A Baraitha is taught which accords with the view of R. Johanan: Even though it was said that when Rome institutes Kalends they extend to all the towns in its vicinity which are subjected to it, yet the actual prohibition is only in regard to those who celebrate it. As to Saturnalia, Kratesis, Royal Celebrations, or the day on which a king is proclaimed, the prohibition applies to the period preceding them, but thereafter it is permitted. If an idolater gives a banquet for his son the prohibition is limited to that day and that man.

Said R. Ashi: We ourselves have learnt likewise. For our Mishnah states²¹ [AS TO] THE DAY OF SHAVING ONE'S BEARD OR LOCK OF HAIR, OR THE DAY OF LANDING AFTER A SEA VOYAGE, OR THE DAY OF RELEASE FROM PRISON — THE PROHIBITION ONLY APPLIES TO THAT DAY AND THAT PARTICULAR PERSON. Now, it rightly says. THAT DAY, thereby excluding the preceding and following [days], but what is THAT MAN meant to exclude, unless it excludes those subjected to him? From here then you deduce it!

It has been taught: R. Ishmael says,²² Israelites who reside outside Palestine serve idols though in pure innocence. If, for example, an idolater gives a banquet for his son and invites all the Jews in his town, then, even though they eat of their own and drink of their own and their own attendant waits on them, Scripture regards them as if they had eaten of the sacrifices to dead idols, as it is said, And he will call thee and thou wilt eat of his sacrifice.²³ But does not this apply to actual eating? — Said Raba: If that were so, the verse would have only said, And thou shalt eat of his sacrifice; why then say, And he will call thee? That extends the prohibition to the time of the participation. Hence

(1) Hence the Shemone-'Esre, declaring God's praise, should be recited before any private petition.

(2) An ordinary man should proceed direct with his petition; to dilate might be considered as presumptuous.

(3) Ber. 31b.

(4) P.B. p. 47.

(5) Ibid. p. 49.

(6) Which may last all day.

(7) While the obligatory prayers are necessarily fixed, private extemporary prayers are desirable.

(8) Referred to in our Mishnah (supra 2a).

(9) The Roman New Year which was observed as a day of rejoicing.

(10) A Roman festival beginning on the 17th December and lasting several days. 'Feasting and revelry and all the mad pursuits of pleasure are the features which seem to have specially marked this carnival of antiquity' (Frazer, Golden Bough, III, p. 138).

(11) ** A Roman festival commemorating the conquest of Eastern Countries.

(12) Which Greek and Roman youths, on arriving at puberty, offered to the gods.

(13) Ps. CXXXIX, 5. As an aid to remembering that KALENDA mentioned first in the Mishnah is behind the equinox and SATURNALIA mentioned later is before it.

(14) V. ARN ch. VIII.

(15) The eight days preceding and following the equinox (v. p. 8, note 2).

(16) The Jewish year has two starting points. The New Year begins on the 1st of Tishri (about September) yet in counting months, Nisan (about March) is taken first. Hence the different opinions as to which of these two dates formed the beginning of the year ONE (v. R. H. 10a und 11b).

(17) His experience during the spring and summer should have made him familiar with the fluctuation of the days.

(18) Ps. LXIX, 32, which is taken to refer to sacrifice offered by Adam, since the animal is described as שור-פר lit. a bullock-ox, implying an animal which was mature in form though young in age. פר denotes a mature ox, whereas שור designated an ox even of the tenderest age; cf. Lev. XXII, 27 (Rashi).

(19) מִקְרָן ('horned') owing to its defective spelling, instead of מִקְרִין, may be read מִקְרָן (of a horn).

(20) Whose inhabitants do not observe the festivity, lest their profit, which generally goes to Rome, be used for procuring offerings to idols.

(21) V. supra p. 36.

(22) Tosef. V and ARN XXVI have 'R. Simeon b. Eleazar'.

(23) Ex. XXXIV, 15.

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during the entire thirty days [following a marriage celebration] whether it is or it is not mentioned that the banquet is connected with the wedding, [participation in it] is forbidden; from that time onward, however, if it is stated that it is connected with the wedding, it is forbidden, but if its connection with the wedding is not mentioned, it is permitted. And how long [is it forbidden] if it is connected with the wedding? — Said R. Papa: For a twelvemonth thereafter. And how long is it forbidden beforehand? — Said R. Papa in the name of Raba: From the time when the barley is placed in the tub.¹ Is it, then, permitted [to partake of food in the house] after the twelvemonth? Yet R. Isaac the son of R. Mesharsheya, who happened to be in the house of a certain idolater more than a year after a marriage, when he heard that they were feasting [because of that event] abstained from eating there! It is different with R. Isaac the son of R. Mesharsheya who was a highly esteemed man.²

KRATESIS etc. What does KRATESIS mean? Said Rab Judah in the name of Samuel: [the anniversary of] the day on which Rome extended her dominion.³ But have we not learnt Kratesis and the day on which Rome extended her dominion? — Said R. Joseph: Rome extended her dominion twice; once in the days of Cleopatra⁴ the queen [of Egypt] and [once before] in the days of the Greeks. For when R. Dimi came⁵ he said: Thirty-two battles did the Romans fight against the Greeks and could not prevail against them until the Romans made an alliance with the Israelites. And these were the conditions made with them: If the kings are [chosen] from among us, the princes should be chosen from your midst, and if the kings are chosen from among you, the princes shall come from our midst. Then the Romans sent word to the Greeks as follows: Hitherto we have been fighting matters out, now let us argue them out: Of a pearl and a precious stone which shall form a setting for which?⁶ They sent the reply: 'The pearl for the precious stone.' And of a precious stone and an onyx which shall form a setting to the other? 'The precious stone to the onyx.' was the reply. And of an onyx and the Book of the Law which shall serve as the setting for the other? 'The onyx for the Book of the Law,' they replied. The Romans then sent word: In that case, the Book of the Law is in our possession, for Israel is with us. Thereupon the Greeks gave in.

For twenty-six years did the Romans keep faith with Israel, thereafter they subdued them.

What scriptural support did they have for their former attitude and what for the latter? To the former may be applied the words: Let us take our journey and let us go.⁷ And to the latter may be applied the words: Let my lord now pass before his servant.⁸

Whence can it be proved that Rome kept faith with Israel for twenty six years? [From the following:]⁹ For R. Kahana said: When R. Ishmael b. Jose was ill they sent word to him: Rabbi, tell us the two or three things which thou hadst told us in thy father's name. He then told them: One hundred and eighty years before the Temple was destroyed did Rome cast her rule over Israel; eighty years before the destruction of the Temple it was decreed that neighbouring countries of Palestine¹⁰ were to be regarded as ritually unclean,¹¹ and likewise all glass vessels.¹² Forty years before the Temple was destroyed did the Sanhedrin abandon [the Temple] and held its sittings in Hanuth.¹³ Has this any legal bearing? — Said R. Isaac b. Abdimi: It indicates that [from that time onward] they did not deal with cases of fines.¹⁴ 'Cases of fines'! How can that enter your mind? Has not Rab Judah said [the following] in the name of Rab: Verily that man, R. Judah b. Baba by name, be remembered for good, for were it not for him the laws of fine would have been forgotten in Israel? 'Forgotten'! Surely, they could be studied? — Nay, they would have been abolished;¹⁵ for the wicked Government of Rome¹⁶ issued a decree that he who ordains a Rabbi shall be slain, likewise he who is ordained shall be put to death, the town in which an ordination takes place shall be destroyed and the tehum¹⁷ in which the ordination is held shall be laid waste. What did R. Judah b. Baba do? He went and sat down between two mountains and between two large towns between two tehums,¹⁸ namely, between Usha and Shefar'am¹⁹ and there he ordained five elders: R. Meir, R. Judah [b. Il'ai], R. Jose, R. Simeon and R. Eleazar b. Shammua (R. Awia adds also R. Nehemiah). On seeing that they were detected by the enemies, he said to them, 'Flee, my children!' but they said to him, 'And you, O Rabbi, what about you?' 'I,' he replied. 'will lie still before them, even as a stone that is not turned.' It was stated that the Romans did not move from there until they drove three hundred iron spears into his body and made his corpse like a sieve!²⁰ — But said R. Nahman b. Isaac: Say not that 'cases of fines' ceased, but that capital cases ceased. Why? — Because when the Sanhedrin saw that murderers were so prevalent that they could not be properly dealt with judicially, they said: Rather let us be exiled from place to place than pronounce them guilty [of capital offences] for it is written²¹ And thou shalt do according to the sentence, which they of that place which the Lord shall choose shall tell thee, which implies that it is the place that matters.²²

[Now, it was mentioned above that Rome cast her rule over Israel] one hundred and eighty years prior to the Destruction. Is not the period longer? For R. Jose b. Rabbi²³

(1) Some time prior to a wedding, barley was customarily sown in tubs to sprout forth in time for the wedding, when they were placed before the bridal pair to symbolise fertility (Rashi).

(2) And importance would have been attached to his partaking of the celebration even at a later period.

(3) On conquering the Greeks.

(4) [When Octavian gained the victory over her at the Battle of Actium.]

(5) From Palestine to Babylon.

(6) I.e., which is the inferior of the two.

(7) I.e., as equals; words spoken by Jacob to Esau, Gen. XXXIII, 12.

(8) Ibid, 14. I.e., Rome is to lord it over Israel.

(9) Shab. 15a.

(10) Syria and Asia Minor.

(11) One who went outside Palestine was regarded as defiled and on returning had to undergo the usual process of purification. According to Graetz this measure was intended to stem the migration of the people, and in particular of the priests, from the Holy Land.

- (12) [Glass vessels imported from those countries were regarded as unclean; probably to protect the glass industry in Palestine. V. L. Ginzberg's lecture on The Place of the Halachah, etc., p. 6. Hebrew University. Jerusalem, 1931.]
- (13) [A place on the Temple mount, v. Sanh. (Sonc, ed.) p. 267, n. 4.]
- (14) These could only be dealt with by Rabbis ordained in Palestine by the laying on of hands **סמיכה** (v. Sanh. 13b-14a). This mode of ordination, first mentioned in connection with the appointment by Moses of Joshua as his successor (Num. XXVII, 20), was continued, according to tradition, unbroken throughout the succeeding generations; it ceased about the 4th century when the academies of Palestine declined. An attempt by Jacob Berab to re-introduce the Semichah in Palestine, in 1538, ended in failure.
- (15) For want of properly ordained Rabbis who are qualified to adjudicate such matters; v. B. K 84a-b.
- (16) During the Hadrianic Persecutions in 135 C.E.
- (17) **תחום**, fuller term **תחום שבת** a Sabbath limit is an area of 2000 cubits (about 1516 metres) round an inhabited place, forming the limit within which it is permitted to walk on Sabbath (v. Er. 42a).
- (18) I.e., in an area adjacent to neither of the two towns, in the meaning of the decree.
- (19) Towns in Galilee near Tiberias.
- (20) These Rabbis were thus qualified to deal with the imposition of fines some 100 years after the Destruction; how then can R. Isaac b. Abdimi say that cases of fines ceased to be dealt with 40 years before the Destruction?
- (21) Deut. XVII, 10.
- (22) Capital cases were only dealt with by any court of 23 while the Sanhedrin sat in the Hewn-Stone Chamber of the Temple: the abandoning of their seat therefore meant the cessation of judging capital cases. V. Sanh. (Sonc, ed.) p. 267, n. 7.
- (23) [Read with MS.M.: R. Jose b. Halaftha.]

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taught: Persian rule lasted thirty-four years after the building of the Temple, Greece ruled one hundred eighty years during the existence of the Temple, the Hasmonean rule lasted one hundred three years during temple times, the House of Herod ruled one hundred three years. Thence onward, one should go on counting the years as from the Destruction of the Temple. Hence we see that it was two hundred six years,¹ yet you say one hundred eighty years! — But for twenty six years the Romans kept faith with Israel² and did not subdue them, and therefore those years are not reckoned in the period during which Rome cast her dominion over Israel.

Said R. Papa, if a³ Tanna is uncertain about the minor figures [of any year] let him ask a notary what year it is according to his reckoning and add twenty thereto; he will then find his solution.⁴ As a mnemonic sign take the verse, Thus I have been twenty years in Thy house.⁵

If on the other hand a notary is uncertain, let him ask a Tanna what the year is according to his reckoning and deduct therefrom twenty years and he will find his solution.⁶ As a mnemonic [memorise] 'The Scribe is sparing the Tanna is redundant.'⁷

The Tanna debe Eliyyahu taught:⁸ The world is to exist six thousand years; the first two thousand years are to be void;⁹ the next two thousand years are the period of the Torah, and the following two thousand years are the period of the Messiah. Through our many sins a number of these have already passed [and the Messiah is not yet].

From when are the two thousand years of the Torah to be reckoned? Shall we say from the Giving of the Torah at Sinai? In that case, you will find that there are not quite two thousand years from then till now [i.e., the year four thousand after the Creation], for if you compute the years [from the Creation to the Giving of the Torah] you will find that they comprise two thousand and a part of the third thousand;¹⁰ the period is therefore to be reckoned from the time when Abraham and Sarah had gotten souls in Haran¹¹ for we have it as a tradition that Abraham was at that time fifty-two years old. Now, to what extent does our Tanna encroach [on the other thousand]? Four hundred and

forty-eight years! Calculate it and you will find that from the time when they had gotten souls in Haran till the giving of the Torah there are just four hundred and forty-eight years.¹²

Said R. Papa: If the Tanna¹³ does not know the exact number of years [of the period of the Messiah] that have passed let him ask a notary what year he uses in his writings, and on adding forty-eight to it he will find his solution.¹⁴ As a mnemonic

(1) Before the destruction, i.e., at the end of the Greek dominion, that Rome began, to extend her dominion.

(2) V. p. 40.

(3) So D.S., a.l.

(4) The Eras in use among Jews in Talmudic Times are: (a) ERA OF CONTRACTS **מנין שטרות** dating from the year 380 before the Destruction of the Second Temple (312-1 B.C.E.) when, at the Battle of Gaza, Seleucus Nicator, one of the followers of Alexander the Great, gained dominion over Palestine. It is also termed Seleucid or Greek Era **מנין יונים**. Its designation as Alexandrian Era connecting it with Alexander the Great (Maim. Yad, Gerushin 1, 27) is an anachronism, since Alexander died in 323 B.C.E. — eleven years before this Era began (v. E. Mahler, Handbuch der jüdischen Chronologie, p. 145). This Era, which is first mentioned in Mac. I, 10, and was used by notaries or scribes for dating all civil contracts, was generally in vogue in eastern countries till the 16th cent, and was employed even in the 19th cent, among the Jews of Yemen, in South Arabia (Eben Saphir, Lyck, 1866, p. 62b). (b) THE ERA OF THE DESTRUCTION (of the Second Temple) **להרבן הבית** the year 1 of which corresponds to 381 of the Seleucid Era, and 69-70 of the Christian Era. This Era was mainly employed by the Rabbis and was in use in Palestine for several centuries, and even in the later Middle Ages documents were dated by it. One of the recently discovered Genizah documents bears the date 13 Tammuz 987 after the Destruction of the Temple — i.e. 917 C.E. — (Op. cit. p. 152, also Marmorstein ZDMG, Vol. VI, p. 640). The difference between the two Eras as far as the tens and units are concerned is thus 20. If therefore a Tanna, say in the year 156 Era of Dest. (225 C.E.), while remembering, naturally, the century, is uncertain about the tens and units, he should ask the notary what year it is according to his — Seleucid — era. He will get the answer 536 (156 + 380), on adding 20 to which he would get 556, the last two figures giving him the year [1] 56 of the Era of Destruction.

(5) Gen. XXXI 41.

(6) If in the same year, (225 C.E.) — 536 Seleucid Era — the Scribe, remembering that he is in the 6th century is uncertain as to the exact number of the year to be used by him, he will ascertain from the Tanna that it is the year 156 E. of D., and on subtracting 20 will get 136, the last two figures of which give him the tens and units of his year [5] 36.

(7) I.e., in regard to the use of vowel letters the Scribe (of Biblical scrolls) frequently employing the scriptio defectiva, where the Tanna uses the scriptio pleno. Thus, the Scribe has to deduct from, the Rabbi to add to, the given number.

(8) V. p. 22, n. 10.

(9) I.e., without possessing the Divine Law.

(10) The exact number is 2,448 years which is arrived at as follows (v. Gen. Chap. V and XI): Age of Adam at birth of Seth 130 years From birth of Seth to birth of Enosh 105 " " " Enosh " " " Kenan . . 90 " " " "Kenan " " " Mahalalel . 70 " " " " Mahalalel " " " Jared . . 65 " " " " Jared " " " Enoch . . 162 " " " " Enoch " " " Methuselah . 65 " " " " Methuselah " " " Lamech . 187 " " " " Lamech " " " Noah . . 182 " Period from Adam to Noah 1,056 years Age of Noah at birth of Shem (allowing 2 years from birth of Japhet, Noah's eldest son) . . . 502 years From birth of Shem to birth of Arpachshad 100 " " " " Arpachshad " " " Shelah . 35 " " " " Shelah " " " Eber . . 30 " " " " Eber " " " Peleg . . 34 " " " Peleg " " " Re'u . . 30 " " " " Re'u " " " Serug . . 32 " " " " Serug " " " Nahor . 30 " " " " Nahor " " " Terah . . 29 " " " " Terah " " " Abraham . 70 " Period from Noah to Abraham 892 " Age of Abraham at birth of Isaac . . . 100 years From birth of Isaac to birth of Jacob . . . 60 " Age of Jacob on arriving in Egypt . . . 130 " Israelites' sojourn in Egypt . . . 210 " Period from birth of Abraham to Exodus from Egypt 500 " Period from Creation to Exodus and Giving of the Law at Sinai 2,448 years

(11) Gen. XII, 5. These words are taken by the Targum and other Rabbinic commentators to refer to the heathen men and women whom Abraham and Sarah respectively gained for the worship of God.

(12) The birth of Abraham was, as given above, in the year of Creation 1948 (1,056 + 892); add thereto the fifty-two years that passed till his proselytising activity and you get exactly 2,000, i.e. 448 years before the Giving of the Torah.

(13) Who said before that a number of these have already passed', etc.

(14) As the notary uses the Seleucid Era, the year 1 of which corresponds to 380 before the Destruction, and as the year

4,000 of Creation corresponds to 172 after the Destruction, the difference between the two eras is 552 (380 + 172), which 48 would bring up to even hundreds.

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take the phrase, Forty-eight cities.¹ If, on the other hand, the notary is uncertain as to his number, let him ask the Tanna how many he counts and deduct therefrom forty-eight and he will find his solution. As a mnemonic, take the phrase, 'The Scribe is sparing, the Tanna is redundant.'²

Said R. Huna the son of R. Joshua: If one does not know what the year is in the Sabbatical cycle of seven years,³ let him add one year [to that in the era of the Destruction] and let him put aside the hundreds as Jubilee Cycles and convert the remainder into Sabbatical Cycles [of seven years each] after adding thereto two years for every complete century; what is left over will give him the number of the given year in the current Sabbatical Cycle. As a mnemonical sign [for adding two years for every century, think of the verse]. For these two years hath the famine been in the land.⁴

Said R. Hanina:⁵ From the year four hundred after the destruction onwards, if one says unto you, 'Buy a field that is worth one thousand denarii for one denar' — do not buy it.⁶ In a Baraitha it is taught: From the year four thousand two hundred and thirty-one of the Creation of the World onward, if one says unto you, 'Buy thee a field that is worth a thousand denarii for one denar,' do not buy it. What difference is there between these two [given periods]? — There is a difference of three years between them, the one of the Baraitha being three years longer.⁷

There was [produced in court] a document which was dated

(1) Assigned to the Levites. Num. XXXV, 7.

(2) V. supra p. 43, n. 3.

(3) Scripture enjoins that every seventh year is to be kept as a Sabbatical Year, on which there is to be observed: (a) A land release **שמיטת קרקעות** the fields being allowed to lie fallow, and the produce of the vineyards and olive-yards left ungathered by the owner for his servants, the poor and the strangers, 'and what they leave the beast of the field shall eat' (Ex. XXV, 8 and Lev. XXV, 1, seq.). (b) Monetary release a **שמיטת כספים** according to which all debts incurred were forfeited at the end of the Sabbatical Year (Deut. XV, 1, 2) a procedure which was modified by the institution of the Probul by Hillel the Elder. The Bible does not furnish any fixed data as to the year from which the Sabbatical Cycle is to be counted. There is, however, a talmudic tradition (Ta'an. 29a) that the Second Temple, as well as the First, was destroyed on the 9th of Ab in the year immediately following a Sabbatical Year. This means that the Sabbatical Cycle began on the year preceding the year 1 of the Era of Destruction. Some authorities, however, (Maim. Yad, Shemittoth X, 4) take the statement in Ta'an. to mean that the Destruction was on the Sabbatical Year itself, so that the Sabbatical Cycle is to begin with the year 1 of that Era. Another matter of dispute is the fixing of the Jubilee Year, i.e. the year following the completion of seven Sabbatical Cycles, in which all slaves were freed and all real estates reverted to their hereditary owners (Lev. XXV, 10). According to the Rabbis (Ned. 61a and R.H. 8b-9a) the fiftieth year was excluded from the Sabbatical Cycles, so that it formed a 'blank' year after every seven cycles. But according to Rabbi Judah it formed both the Jubilee Year and the first of the next Sabbatical Cycle, so that these cycles followed on in uninterrupted succession. (It must be pointed out that the Jewish Encyclopedia in the article 'Sabbatical Year and Jubilee', Vol. X, p. 606, not only designates Rabbi Judah b. Il'ai wrongly as Rabbi Judah Hanasi, but his statement, too, is misrepresented to mean that the Jubilee Year is to be regarded as 'identical with the seventh Sabbatical Year'.) The rule given by R. Huna for computing the year of the Sabbatical Cycle is based on the opinion that (a) the Sabbatical Cycle began with the year preceding that of the Destruction, and (b) that, in accordance with R. Judah's view, the Jubilee Year did not interrupt the succession of Sabbatical Cycles. Applied to the present year, 1934 C.E. — 1865 E. of D. — this process would work out as follows: — 1865 + 1 = 1866. Leaving aside hundreds take 66 and add thereto 2 for every 100: 66 + (18 X 2) = 102. Divide total by 7: 102 / 7 = 14 (remainder 4). Thus the year 1934 is the 4th of the Sabbatical Cycle.

(4) Gen. XLV, 6.

(5) In the first generation of the third century.

(6) As the coming of the Messiah will then be imminent, when Israel will be rehabilitated in the Holy Land.

(7) The year 1 of Destruction is equal to 3828 of the Era of Creation (4000 — 172, v. p. 42, n. 7(b)); hence the period given by R. Hanina is 4228 (3828+400), while the one given in the Baraitha — 4231 — is three years later. This Baraitha is of particular importance on account of its allusion — the earliest on record and the only one in the Talmud — to the Era of the World (generally designated *Anna Mundi*) which is now in use by Jews well nigh universally. While familiar to the Rabbis of the Talmud, it is not known to have been used as an Era until long after the close of the Talmud (Azariah de Rossi, *Me'or 'Enayim*. Vienna, 1829, 152a). Among the earliest evidence of its use are epitaphs dating from 822 and 827 C.E. in the catacombs of Vnosa (Poznanski *Encyc. of Rel. and Eth*, s.v. *Calendar*) also a Genizah scroll describing an incident as having occurred on the 3rd Shevat in the year 4772 A.M. (1012 C.E., J. Mann, *HUCA. Annual*, Voi. 111, 259). The attempt which had been made to ascribe the use of this Era to Sherirah Gaon in his famous Epistle, has been disproved (Poznanski *ZDMG*, LXVIII, 121). Likewise, an epitaph which the Karaite Firkowitz professed to have discovered in Crimea registering the Era of the World in 151 B.C.E. has been pronounced as spurious by Harkavy (*Altjudische Denkmäler*, p. 161). Solomon Ibn Verga's **שבט יהודה** contains a description of the Yom-Kippur Service in the Temple by the Roman Consul Marcus in which mention is made of the Era of the World **שנת כך וכך ליצירה** (Amst. 1709, p. 52b); but 'That description is a late forgery' (Buchler). Dr. F. C. Ewald (*Aboda Zara Nurnberg*, 1856, p. 68, note) suggests that it was early in the 10th century that the Jews, who were mostly settled in Spain, on dispensing with the Seleucid Era, adopted the A.M. for fear of being compelled to use the Christian era, but this suggestion lacks historical basis. Much better founded is the assertion of Mahler (*op. cit.* 158) that the C.E., which came into general use in France and Germany in the 10th century, found its way into Spain about two centuries later, and that it was about that time and for that reason that the Era of Creation gained general currency among the Jews. In computing this conventional Era, a number of uncertainties have, naturally, to be compromised (see *Jewish Encyclopedia*. Vol. IV, p. 68). To convert any given year from A.M. into C.E. — apart from the thousands — 240 is to be added; thus, the present year A.M. 5694 plus 240 gives [1]934 C.E. To convert from C.E. into A.M. add 3760: thus, 1934 + 3760 = 5694.

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six years ahead.¹ The Rabbis who were sitting before Raba were of opinion that it should be pronounced a post-dated document, which is to be deferred and not executed until the date which it bears. Whereupon R. Nahman said: This document must have been written by a scribe who was very particular and took into account the six years of the Greek Reign in Elam which we do not reckon. The dating is therefore correct, for we have learnt: Rabbi Jose said, Six years did the Greeks reign in Elam and thereafter their dominion extended universally.

R. Aha b. Jacob then put this question: How do we know that our Era [of Documents] is connected with the Kingdom of Greece at all? Why not say that it is reckoned from the Exodus from Egypt, omitting the first thousand years and giving the years of the next thousand?² In that case, the document is really post-dated! — Said R. Nahman: In the Diaspora the Greek Era alone is used. He [the questioner] thought that R. Nahman wanted to dispose of him anyhow, but when he went and studied it thoroughly he found that it is indeed taught [in a Baraitha]: In the Diaspora the Greek Era alone is used.

Said Rabina: Our Mishnah also proves this, for we learn,³ 'The first of Nisan is New Year for reckoning [the reign of] kings⁴ and of Festivals,' and to the question 'The reign of kings', what is the practical object of this law? R. Hisda replied: [It affects] the dating of documents.⁵ Now, the same Mishnah says. 'The first of Tishri is New Year for [counting] years and sabbatical cycles'⁶ and when it was asked: 'What practical significance has this ruling?' R. Hisda [again] replied: [It affects the dating of] documents.⁷ [The question was then raised:] Is not this rule of dating documents self-contradictory?⁸ And the answer given was: 'The one refers to Jewish kings, the other to kings of Gentile nations — the year of Gentile kings being counted from Tishri, and of Jewish kings from Nisan.' Now, in the present time we count the years from Tishri; were we then to say that our Era is

connected with the Exodus it is surely from Nisan that we ought to count.⁹ Does this not prove that our reckoning is based on the reign of the Greek kings [and not on the Exodus]? That indeed proves it.

THE ANNIVERSARY OF THE GENOSIA [ACCESSION] OF HEATHEN KINGS etc.

What is meant by GENOSIA OF HEATHEN KINGS? — Said Rab Judah: It is the day on which the king is raised [to the throne]. But has it not been taught [elsewhere] ‘The day of Genosia and the day of the king's accession’?¹⁰ — There is no difficulty there; the one term indicates the king's own accession, the other that of his son.¹¹ But do [the Romans]¹² ever appoint a king's son as king? Did not R. Joseph apply [the following verse to Rome]: Behold I made thee small among the nations¹³ — in that they do not place the son of a king on the royal throne, — thou art greatly despised¹⁴ — in that they do not possess a tongue or script?¹⁵ What then does GENOSIA mean? — [The King's] birthday. But we learn [elsewhere] ‘The Genosia and the birthday.’ That, too, is no contradiction. The one refers to the king's own birthday, the other to that of his son. But we have also the wording: ‘The king's Genosia and his son's Genosia, his own birthday and his son's birthday’! Then [as said previously] Genosia means indeed the day of the King's accession. but there is no difficulty [raised by the mention of both terms], the one applying to his own accession, the other to that of his son; and as to your question about their not appointing a king's son as king, such appointment would be made at the [king's] request, as was the case with Asverus the son of Antoninus¹⁶ who reigned [in his father's place].

Antoninus once said to Rabbi: It is my desire that my son Asverus should reign instead of me and that Tiberias¹⁷ should be declared a Colony.¹⁸ Were I to ask one of these things it would be granted while both would not be granted.¹⁹ Rabbi thereupon brought a man, and having made him ride on the shoulders of another, handed him a dove bidding the one who carried him to order the one on his shoulders to liberate it. The Emperor perceived this to mean that he was advised to ask [of the Senate] to appoint his son Asverus to reign in his stead, and that subsequently he might get Asverus to make Tiberias a free Colony.

[On another occasion] Antoninus mentioned to him that some prominent Romans were annoying him. Rabbi thereupon took him into the garden and, in his presence, picked some radishes, one at a time. Said [the Emperor to himself] his advice to me is: Do away with them one at a time, but do not attack all of them at once.

(1) Its date was six years later than the time when it was claimed to be due e.g. 516 instead of 510 (Seleucid Era).

(2) The Era of Documents, as explained above, (p. 42, n. 7) dates from the dominion of Seleucus which was established in the year 380 before the Destruction. Now, the Exodus occurred in the year 1380 before the Destruction, thus: — Exodus to building of 1st Temple...480 years Existence of 1st Temple 410 " Babylonian Exile 70 " Existence of 2nd Temple 420 " Period from Exodus to Destruction of 2nd Temple 1380 years The Exodus was therefore just one thousand years earlier than the Seleucid Conquest, so that the year, say, 510 Era of Contract would be 1510 from the Exodus. R. Aha therefore submits that the year of Contracts may have as its starting point not the Seleucid Conquest but the Exodus, with the omission of the thousand; the year, say, 310 would not mean 310 years after the Sel Con. but [1]310 after the Exodus.

(3) R. H. 2a.

(4) The reign of a Jewish King was always reckoned from Nisan, so that even if it began in the preceding month, it would be in its second year in Nisan.

(5) The year given in dating legal documents was that of the reign of the present king.

(6) V. above note.

(7) For the purpose of dating documents Tishri is to be regarded as the beginning of the year.

(8) According to the early part of the Mishnah the year should begin with Nisan, while in the latter part it is said to begin with Tishri.

- (9) Since the Exodus occurred in Nisan.
- (10) Which proves that the two are not identical.
- (11) When raised to the throne at the father's wish in his own lifetime.
- (12) Whose kings do not reign by hereditary right but are elected.
- (13) Obad. I, 2.
- (14) Ibid.
- (15) [Greek remained the spoken and written language throughout the East even after the establishment of the Eastern Roman Empire, to which the allusion here is made, v. Obermeyer, op. cit. 263]
- (16) The bearers of the names given here have been variously identified. S. J. Rappaport **ערך מלין** s.v. **אנטונינם אסורום** is of opinion that our Antoninus is Antoninus Pius (138-161) and that Asverus is his adopted son Marcus Aurelius (161-180), who was also called Annius Verus — here contracted into A-S-Verus. According to Jast, however, (Allgem. Gesch. des Isr. Volkes, Berlin 1832, II, 129 and Gesch. d. Israeliten IV, 88 seq.) our Ant. is Caracalla (211-217) and Asverus is his son Alexander Severus (222-235). Z. Frankel **דרכי המשנה** (Warsaw, 1923, 203) identifies Ant. with Lucius Verius Antoninus who was co-regent with Marcus Aurelius and is reputed to have issued decrees favourable to Jews. Differing from all the foregoing authorities, Graetz (Geschichte, Vol. IV, pp. 450ff) claiming the support of Origen's Epistola ad Africanum, asserts that Ant. is none other than Alexander Severus who was surnamed Antoninus in the East, and that the 'Rabbi' who is associated with Ant. in the narratives that follow here and in many others is not R. Judah I but his grandson R. Judah II who flourished near the middle of the 3rd century. That he, too, was sometimes called by the title Rabbi alone is, indeed, borne out by the phrase in the Mishnah (infra 35b) 'Rabbi and his court' which is taken to refer to R. Judah II.
- (17) In Galilee whither the Sanhedrin was transferred by R. Judah II.
- (18) So that its inhabitants should be raised to the rank of libertines — evidently intended as a tribute of regard to Rabbi.
- (19) The Emperor was seeking Rabbi's guidance without openly taking counsel with an outsider on matters of state. Rabbi, likewise, would not commit himself to more than offering his advice by mere insinuation.

Talmud - Mas. Avodah Zarah 10b

But why did he not speak explicitly? — He thought his words might reach the ears of those prominent Romans who would persecute him. Why then did he not say it in a whisper? — Because it is written: For a bird of the air shall carry the voice.¹

The Emperor had a daughter named Gilla who committed a sin² so he sent to Rabbi a rocket-herb,³ and Rabbi in return sent him coriander.⁴ The Emperor then sent some leeks⁵ and he sent lettuce in return.⁶ Many a time⁷ Antoninus sent Rabbi gold-dust in a leather bag filled with wheat at the top, saying [to his servants]: 'Carry the wheat to Rabbi!' Rabbi sent word to say. 'I need it not, I have quite enough of my own', and Antoninus answered: 'Leave it then to those who will come after thee that they might give it to those who will come after me, for thy descendants and those who will follow them will hand it over to them.'⁸

Antoninus⁹ had a cave which led from his house to the house of Rabbi. Every time⁷ [he visited Rabbi] he brought two slaves, one of whom he slew at the door of Rabbi's house and the other [who had been left behind] was killed at the door of his own house.¹⁰ Said Antoninus to Rabbi: When I call let none be found with thee. One day he found R. Haninah b. Hama sitting there, so he said: 'Did I not tell thee no man should be found with thee at the time when I call?' And Rabbi replied. 'This is not an [ordinary] human being.' 'Then', said Antoninus, 'let him tell that servant who is sleeping outside the door to rise and come in.' R. Haninah b. Hama thereupon went out but found that the man had been slain. Thought he, 'How shall I act now? Shall I call and say that the man is dead? — but one should not bring a sad report; shall I leave him and walk away? — that would be slighting the king.' So he prayed for mercy for the man and he was restored to life. He then sent him in. Said Antoninus: 'I am well aware that the least one among you can bring the dead to life, still when I call let no one be found with thee.' Every time [he called] he used to attend on Rabbi and wait on him with food or drink. When Rabbi wanted to get on his bed Antoninus crouched in front of it saying.

‘Get on to your bed by stepping on me.’ Rabbi, however, said, ‘It is not the proper thing to treat a king so slightly.’ Whereupon Antoninus said: ‘Would that I served as a mattress unto thee in the world to come!’ Once he asked him: ‘Shall I enter the world to come?’ ‘Yes!’ said Rabbi. ‘But,’ said Antoninus, ‘is it not written, There will be no remnant to the house of Esau?’¹¹ ‘That,’ he replied, ‘applies only to those whose evil deeds are like to those of Esau.’ We have learnt likewise: There will be no remnant to the House of Esau, might have been taken to apply to all, therefore Scripture says distinctly — To the house of Esau, so as to make it apply only to those who act as Esau did. ‘But’, said Antoninus, is it not also written: There [in the nether world] is Edom, her kings, and all her princes.’¹² ‘There, too,’ Rabbi explained, ‘[it says:] ‘her kings’, it does not say all her kings; ‘all her princes’, but not all her officers!

This is indeed what has been taught: ‘Her kings’ but not all her kings; ‘all her princes’, but not all her officers; ‘Her kings’, but not all her kings — excludes Antoninus the son of Asverus; ‘all her princes’. but not all her officers — excludes Ketiah the son of Shalom.

What about this Ketiah b. Shalom? — There was once a Caesar who hated the Jews. One day he said to the prominent members of the government. ‘If one has a wart¹³ on his foot, shall he cut it away and live [in comfort] or leave it on and suffer discomfort?’ To which they replied: ‘He should cut it away and live in comfort’. Then Ketiah b. Shalom addressed them thus: ‘In the first place, you cannot do away with all of them, for it is written, For I have spread you abroad as the four winds of the heaven.¹⁴ Now, what does this verse indicate? Were it to mean that [Israel] was to be scattered to the four corners of the world, then instead of saying, as the four winds, the verse would have said, to the four winds? It can only mean that just as the world cannot exist without winds, so the world cannot exist without Israel. And what is more, your kingdom will be called a crippled kingdom.’ To this the king replied: ‘You have spoken very well; however, he who contradicts the king is to be cast into a circular furnace’.¹⁵ On his being held and led away, a Roman matron said of him: ‘Pity the ship that sails [towards the harbour] without paying the tax’.¹⁶ Then, throwing himself on his foreskin he cut it away exclaiming: ‘Thou hast paid the tax thou wilt pass and enter [paradise]’. As he was being cast [into the furnace] he said: ‘All my possessions [are to go to] R. Akiba and his friends’. This, R. Akiba interpreted according to the verse, And it shall be unto Aaron and his sons¹⁷ [which is taken to mean that] one half is Aaron's and one half his sons’. A bath-kol¹⁸ then exclaimed: ‘Ketiah b. Shalom is destined for [eternal] life in the world to come!’ Rabbi [on hearing of it] wept saying: ‘One may acquire eternity in a single hour, another may acquire it after many years!’

Antoninus attended on Rabbi: Artaban¹⁹ attended on Rab. When Antoninus died, Rabbi exclaimed: The bond is snapped! [So also] when Artaban died, Rab exclaimed:

(1) Eccl. X, 20.

(2) Presumably adultery.

(3) The Aramaic for which is גרגילא Gargilla, which may be divided into the two words: Gar-Gilla, meaning ‘Gilla has gone astray.’ Editions give the name of the daughter as Gira and of the herb Gargira גרגירא by which the meaning is unchanged; Kohut (‘Aruch II, 343) prefers the version given here which is found in the best MSS.

(4) In Aram. כוסברתא Kusbarta mod. Greek **, divisible into the two words כוס kus which has a treble meaning (a) Reprove — the verse in Proverbs אל תוכח לץ Reprove not the fool lest he hate thee being rendered by Targ. על כל פשעים תכסה אהבה love covereth all sins (c) Slay, as in Hul. 37b כוס slay; ib. 15a לאוי לכוס fit for slaughter. ברתא daughter. The message could therefore be taken to mean: ‘Reprove’ or ‘Forgive’ or ‘Slay the daughter.’

(5) Aram. כרתתי Karethi, which also means ‘cut-off.’

(6) In Aram חסא hasa, which also means ‘compassion’. This clandestine correspondence, deciphered, reads as follows: ‘My daughter has gone astray.’ — ‘Reprove her (or overlook it, or slay her)’. — ‘Shall she be cut off?’ — ‘No, have compassion.’

(7) Lit., ‘Everyday’.

- (8) An ironical allusion to the Jews always having to purchase their freedom with gold from their Roman masters.
- (9) Dr. L. Ginzberg's comments on the conversations between Ant. and Rabbi reported here are as follows (J.E.I, 656): 'Jewish folklore loved to personify the relations of Judaism with heathendom in the guise of conversations between Jewish sages and heathen potentates. Legend has many details concerning the personal relations between the two . . . It appears that, owing to political circumstances, the exchange of views between these friends was attended with positive danger although it was arranged that there should be no third person when A. visits R. . . The friends were also compelled to have recourse to a species of sign language.'
- (10) So that the visits should not be reported. Tosaf, suggests that the slaves employed for that purpose were traitors who had incurred capital punishment.
- (11) Obad. I, 18.
- (12) Ex. XXXII, 29.
- (13) Editions have **נימא** but Mss give **נומו** ** nome, a sore, wart, v. 'Aruch s.v. **נמ**. To regard the Jewish subjects of the State as an irritating appendage of the body politic is characteristic of the Roman attitude to alien races who were unwilling to merge their identity. In complete contrast to this is the emphatic and repeated scriptural injunction to love the stranger and to accord him equal rights and treatment (v. Lev. XIX, 33 etc.).
- (14) Zech. II, 10.
- (15) **קמוניא**, a furnace, pottery kiln, to which K. was consigned.
- (16) In order to make sure of entering the harbour the tax should be paid. Probably an allusion to the Roman custom of placing a coin in the mouth of the corpse as a kind of passage-money to the other world. Rashi: K., who was laying down his life for the sake of Israel, was going to the hereafter without having conformed to the Jewish rite of circumcision. This Roman matron's assertion, that Paradise would be closed to the uncircumcised, did not express the Jewish view which is that 'The pious of all nations have a portion in the world to come.' Tosef. San. XIII. **חסדי אומות העולם יש להם חלק לעולם הבא**.
- (17) . Ex. XXIX, 28. The bequest is to be interpreted in the same manner; half the property being assigned to Rab and the other half to his friends.
- (18) A heavenly voice; v. Glos.
- (19) Artaban IV, Parthian King, a contemporary of Marcus Aurelius and of his son Ant. Comodus, who is reported to have sent a gift to Rabbi **ארטבן שלח לרבי מרגליתא** (J. Pes. I) and was an intimate friend of Rab. [Graetz, Geschichte, IV, p. 257, n. 1, rightly maintains that in the latter the reading 'Rabbi' is erroneously given instead of Rab.]

Talmud - Mas. Avodah Zarah 11a

The bond is snapped!

[When] Onkelos¹ the son of Kalonymus became a proselyte, the Emperor sent a contingent of Roman [soldiers] after him,² but he enticed them by [citing] scriptural verses and they became converted to Judaism. Thereupon, the Emperor sent another Roman cohort after him, bidding them not to say anything to him. As they were about to take him away with them, he said to them: 'Let me tell you just an ordinary thing: [In a procession] the torchlighter carries the light in front of the torchbearer,³ the torchbearer in front of the leader, the leader in front of the governor, the governor in front of the chief officer; but does the chief officer carry the light in front of the people [that follow]?' 'No!' they replied. Said he: 'Yet the Holy One, blessed be He, does carry the light before Israel, for Scripture says. And the Lord went before them . . . in a pillar of fire to give them light.'⁴ Then they, too, became converted. Again he sent another cohort ordering them not to enter into any conversation whatever with him. So they took hold of him; and as they were walking on he saw the mezuzah⁵ which was fixed on the door-frame and he placed his hand on it saying to them: 'Now what is this?' and they replied: 'You tell us then.' Said he, 'According to universal custom, the mortal king dwells within, and his servants keep guard on him without; but [in the case of] the Holy One, blessed be He, it is His servants who dwell within whilst He keeps guard on them from without; as it is said: The Lord shall guard thy going out and thy coming in from this time forth and for evermore.'⁶ Then they, too, were converted to Judaism. He sent for him no more.

- (11) קישואין from root קשה hard.
- (12) I.e., the Sages who oppose R. Meir in our Mishnah.
- (13) Sanh. 52b, Tos. Shab. VIII.
- (14) Lev. XVIII, 3.
- (15) Both R. Meir and the Rabbis.
- (16) Tosef. Shab. VIII, 9. Tos. Sanh. IV.
- (17) Jer. XXXIV, 5. Spoken to King Zedekiah.
- (18) V. supra.
- (19) 1 maneh of Tyrian weight equals 25 sela's, v. Glos.
- (20) Yet from the wording here used it would appear that the coins were burned.
- (21) Tosef. Shab. ibid. Hence the articles mentioned above are not exclusive.
- (22) Which comes under the category of articles in use by him.
- (23) Unfit for use as food, v. supra. p. 23, n. 8.

Talmud - Mas. Avodah Zarah 11b

Trimming the tendons of its hoofs from the ankle downward!¹ — This was explained by R. Papa to refer to a calf [employed for] drawing the royal coach.

THE DAY OF SHAVING THE BEARD, etc.

The question was asked: What does it mean — the day of [the usual] shaving of one's beard when the lock of hair is left, or the [annual] shaving of the beard when the lock of hair is removed? — Come and hear: Both are taught distinctly: [In one Baraitha it is said]: The day of shaving one's beard when one's lock of hair is left; [in another it is said:] The day of shaving one's hair and of removing one's lock of hair.

Said Rab Judah in the name of Samuel: They have yet another festival in Rome [which occurs] once every seventy years. Then a healthy man is brought and made to ride on a lame man; he is dressed in the attire of Adam,² on his head is placed the scalp of R. Ishmael,³ and on his neck are hung pieces of fine gold to the weight of four zuzim,⁴ the market places [through which these pass] are paved with onyx stones, and the proclamation is made before him: 'The reckoning of the ruler is wrong. The brother of our lord, the impostor! Let him who will see it see it; he who will not see it now will never see it. Of what avail is the treason to the traitor or deceit to the deceiver!'; and they concluded thus: Woe unto the one when the other will arise.⁵ Said R. Ashi: the wording [of the proclamation] defeats their object:⁶ Had they said 'Our lord's brother the impostor', it would have accorded with their intention, but when they say⁶ The brother of our lord, the impostor, it may be taken to mean that it is their lord himself who is the impostor. And why does not our Tanna include this [festivity in the preceding Mishnah?] — He only enumerates those which occur year by year, but does not mention such as are not annual ones. Those are the Roman [annual festivals]. Which are the Persian ones? — Mutardi, Turyaskai, Muharneikai, Muharin.⁷ These then are those of the Romans and Persians, which are the Babylonian ones? — Muharneikai, Aknayata, Bahnani and the Tenth of Adar.⁸

Said R. Hanan b. Hisda in the name of Rab (some have it, 'Said R. Hanan b. Raba in the name of Rab'): There are five appointed Temples of idol-worship: they are: The Temple of Bel in Babel,⁹ The Temple of Nebo in Kursi,¹⁰ Tar'ata which is in Mapug,¹¹ Zerifa which is in Askelon,¹² and Nishtra which is in Arabia.¹³ When R. Dimi came¹⁴ he said that to these had been added the market-place¹⁵ [with the idol] in 'En-Beki and the Nidbakah of Acre [some call it Nitbara of Acre]¹⁶. R. Dimi of Nahardea gave these in the reversed order: The market place of Acre, the Nidbakah of 'En-Beki.

Said R. Hanan son of R. Hisda to R. Hisda: What is meant by saying that these [Temples] are 'appointed'? — He answered him: This is how your mother's father¹⁷ explained it, 'They are appointed permanently; regularly all the year round worship is taking place in them.'

Said Samuel: In the Diaspora¹⁸ it is only forbidden [to transact business with idolaters] on the actual festival days alone.¹⁹ And is it forbidden even on the actual days of the Festivals, did not Rab Judah declare it permissible to R. Bruna to buy wine and to R. Giddal to buy wheat on the Festival of the Travellers?²⁰ — The Festival of the Travellers is different, as it is not a fixed one.²¹

MISHNAH. WHEN AN IDOLATROUS [FESTIVAL] TAKES PLACE WITHIN A CITY IT IS PERMITTED [TO TRANSACT BUSINESS WITH HEATHEN] OUTSIDE IT; IF THE IDOLATROUS [FESTIVAL] TAKES PLACE OUTSIDE IT, [BUSINESS] IS PERMITTED WITHIN IT. HOW ABOUT GOING THERE? IF THE ROAD LEADS SOLELY TO THAT PLACE, IT IS FORBIDDEN;²² BUT IF ONE CAN GO BY IT TO ANY OTHER PLACE, IT IS PERMITTED.

GEMARA. What may be regarded as OUTSIDE IT? — Said R. Simeon b. Lakish, such as, for example, the bazaar of Gaza.²³ Some report this as follows: R. Simeon b. Lakish asked of R. Hanina, How about the market-place of Gaza?²⁴ — He replied: Have you never gone to Tyre²⁵ and seen an Israelite and an idolater

(1) Tosef. *ibid.* This must refer to clean animals which are not generally employed for personal use of the King, which proves that burning is not confined to articles in use.

(2) In garments of skin (Gen. III, 21).

(3) Ishmael b. Simeon, one of the Ten Martyrs executed by order of Hadrian, who was flayed before his execution (v. Jellinek *Beth Hamidrash*, I, 64 and VI, 19).

(4) So עין יעקב also MSS. Editions have 'two hundred zuzim' — an error which evidently arose from mistaking the numeral letter ט — 4 for ק — 200.

(5) The whole spectacle including the obscure proclamation is explained by Rashi to apply to Jacob, representing the Jews, here impersonated by the lame man (Gen. XXXII, 32 and he halted upon his thigh); and to Esau, representing Rome, impersonated by the healthy man; The reckoning which is pronounced as wrong alludes Jacob's prediction as to what would happen to his descendants at the end of days (Gen. XLIX, 1) the treason being an allusion to Jacob's deceitful gaining of the paternal blessing which was intended for Esau, and the concluding threat is a warning to Israel for whom the rising of Rome would be fraught with trouble. Quite a different interpretation is offered by Rapaport ('Erek Millin s.v. אֵיךְ). According to him, Samuel here presents an account which reached him of one of the *Ludi Saeculares*, the spectacular carnivals and pompous pageants, of which altogether ten are known to Roman history. This one must have been arranged by the Roman Emperor Philippus, about 247 C.E., who introduced into the pageant the spectacle of a halting dancer ridden upon by a strong man. This was intended to satyrise and discredit P's rival, Decius, who pretended to be a friend and 'brother' of the Emperor, yet had accepted the crown which P. fondly hoped would be handed to his own son. The lame dancer with a larva, or kind of mask, tied at his neck (described by the Rabbi as R. Ishmael's scalp), thus impersonated Decius the treacherous 'ruler' whose plans and plottings are declared as wrong. The rider was impersonating Philippus. When he (or his son) rises woe betide his rival. The exclamation 'Let him who will see it etc.' alludes to the festivity which occurs but once in a lifetime. The fact that Samuel lived till 3 or 13 years after the date of this Game lends added feasibility to this interpretation.

(6) Lit., Their own mouth (i.e., words) causes them to stumble.

(7) מוטרדי וטוריסקי מוהרנקי ומוהריץ Names of idolatrous annual festivals. Kohut s.v. מוטרדי cites a Responsum by R. Moses b. Isaac (*Responsa of the Geonim* ed. Harkavi, Vol. 1, 22, ch. 46) where the names are given as follows: 1. מוטרדי 2. מוהרנקי 3. טוריאסקי 4. מהריד stating that the first and third are no longer kept, but that the second takes place at the beginning of the summer and of the winter, while the last one is celebrated as New Moon, v. Brull's *Jahrbuch*, Vol. I, 168 and *Jeshurun*, ed. Kobak, Vol. VIII, 49 seq.

(8) Names of Chaldean Festivals.

(9) Capital of Chaldea, (Gen. XI, 9) called Babylon [The reference is to the Temple of Marduk]

- (10) Nebo נבו an Assyro-Babylonian Deity regarded by some as the Chaldean Mercury, v. Sanh. 63a. Kursi is probably Gerasa where ruins of Temples have been discovered. [V. I. Borsip (Borsippa) the sister city of Babylon.]
- (11) [Tar'ata, a Syrian deity in Mabug (Hieropolis) v. Perles, Etym. Stud. p. 100].
- (12) Ashkelon, on the Mediterranean coast, v. Josh. XIII, 3 and I Samuel VI, 17, צריפא probably an adaptation of שריפא the burning deity, Venus. [Or, Serapis, Kohut, Aruch.]
- (13) An Arabian deity resembling an eagle Heb. נשר Arab. Nasr.
- (14) To Babylon from Palestine.
- (15) יריד, yerid — a yearly fair accompanied by idol-worship. evidently identical with נדבכה Nidbakah. The two terms are indeed interchanged here in manuscripts. 'En-Bechi עין-בכי assumed to be identical with בעל-בכי Baalbek, a place between the Lebanon and Anti-Lebanon mountains, the Greek Heliopolis. Acre עכו; town on Phoenician shore at foot of Mt. Carmel; the 'Ummah עמה of Josh. XIX, 30.
- (16) The words in parenthesis are not found in the MS.M.
- (17) [R. Hanan b. Raba, the son-in-law of Rab; v. Hyman, Toledoth. p. 517.]
- (18) Since the Jews depend for their livelihood on heathens.
- (19) V. supra 7b.
- (20) טייעא, Tai, traveller, especially Bedouin merchants, the Tai being a name of an Arab tribe applied to all Bedouins, as a part to a whole. Obermeyer, Die Landschaft Babylonien, 234 renders it simply 'Festivals of the Tai', whose festivals were not determined by the calendar and consequently bore no religious character.]
- (21) It cannot therefore be cited as a case for establishing a general rule.
- (22) As he might be regarded as going to the celebration.
- (23) A Philistine city on Mediterranean coast, S.E. of Jerusalem, inhabited by pagans. Its bazaar, though quite close to it, is considered 'outside it'.
- (24) Being quite close to the city, should it be termed 'outside it' according to the Mishnah or not?
- (25) A Phoenician city.

Talmud - Mas. Avodah Zarah 12a

placing two pots on the same stove? yet the Sages did not mind.¹

What is it that they did not mind?² Said Abaye: The possibility of eating 'flesh of nebelah:³ We are not to presume that while the Israelite turned his face, the heathen dropped some nebelah into his pot; as a parallel case, here too the Sages should not mind the possibility of receiving money of an idolater.⁴ Raba said, what the Sages did not mind there is the cooking by a heathen; the parallel being that here too, the Sages should not object to the transacting of business on account of the festivity.⁵ Rabbah b. 'Ulla said: What the Sages raised no objection to is only the splashing,⁶ the analogy to our case is [only] that the sages would not object to the period before the festivity.

WHAT ABOUT GOING THERE? etc.

Our Rabbis taught: It is forbidden to enter a city while idolatrous worship is taking place therein — or [to go] from there to another city; this is the opinion of R. Meir. But the Sages say, only when the road leads solely to that city is it forbidden; if however the road does not lead exclusively to that place it is permitted. If a splinter has got into his [foot] while in front of an idol, he should not bend down to get it out, because he may appear as bowing to the idol; but if not apparent⁷ it is permitted. If his coins got scattered in front of an idol he should not bend and pick them up, for he may be taken as bowing to the idol; but if not apparent it is permitted. If there is a spring flowing in front of an idol he should not bend down and drink, because he may appear to be bowing to the idol; but if not apparent it is permitted. One should not place one's mouth on the mouth of human figures, which act as water fountains in the cities, for the purpose of drinking; because he may seem as kissing the idolatrous figure. So also one should not place one's mouth on a water pipe and drink therefrom for fear of danger.⁸

What is meant by 'not being apparent' — Shall we say that he is not seen? Surely Rab Judah stated in the name of Rab that whatever the Sages prohibited merely because it may appear objectionable to the public, is also forbidden in one's innermost chamber! — It can only mean that if [by bending] he will not appear as bowing to the idol.

And all [three instances given] are necessary. For if we were taught the case of the splinter only, [we would have thought that it is forbidden] because he can well walk away from the idol and take it out, but in the case of the coins where this could not be done, the prohibition does not apply. If, on the other hand, we were given the case of the coins only [we might say that the prohibition holds good] because only a loss of money is incurred, but in the case of the thorn, where pain is caused, the prohibition is not to be applied. Were we given both these instances, [we might still say that the prohibition applied to them] because there is no danger involved, but in the case of the spring where there is danger, for it may mean dying of thirst, we might say that the prohibition should be waived, hence all the instances are necessary.

(1) So also no objection need be raised against transacting business with the idolaters in the bazaar merely because of the festival held at Gaza in proximity to it.

(2) What kind of prohibition was disregarded in the case of Tyre, which might offer an analogy to our case?

(3) **נבלה**, flesh of any animal, even a clean one, which dies of itself, or which is not slaughtered in accordance with ritual law and is forbidden to a Jew.

(4) We are not to assume that the money paid by the heathen outside the city for the animal sold to him by the Jew, has been handed to him by an idolater within the city with the express order of procuring a sacrifice for the idolatrous festival. Ye shall not eat of anything that dieth of itself (Deut. XIV 21) being a scriptural injunction, the practice in Tyre may be taken as a parallel for waiving the scriptural prohibition, There shall cleave naught of the devoted thing to thy hand (Deut. XIII, 18) which is applied to things connected with idolatry (v, infra 64a). Thus, according to Abaye, even a possible transgression of a scriptural prohibition may be disregarded under the circumstances given here.

(5) Raba's contention is that in the case of Tyre there is no Scriptural prohibition involved at all. The possibility of eating forbidden flesh could not have occurred to the Sages, for there is no ground for suspecting the heathen of the offence of tampering with the Israelite's food. What did suggest itself to them is the possibility of the heathen, in the desire to oblige the Israelite, attending in the latter's absence to his cooking, in which case it would become food cooked by an idolater (**בשולי עכ'ום**) which is prohibited by the Rabbis. This case may therefore only be cited as a parallel to transacting business with an idolater, on his festival, when he is dealing with his own money and not with that appertaining to idolatry — so that only a Rabbinic enactment is involved, in which case the proximity of the Bazaar of Gaza to the town might be overlooked.

(6) According to Rabbah b. 'Ulla the case of Tyre does not offer a parallel for disregarding even a Rabbinic prohibition. The possibility of cooking by heathen must here be excluded, this being applicable only to food cooked solely by idolaters without any intervention by the Jew, which is obviously not the case in this instance. All that the Sages could have suspected in that case is the 'splashing' of some of the contents of the heathen's pot into that of the Jew. This being but a light prohibition — as the small quantity of the Trefa liquid would become 'nullified' by the much larger quantity of the kasher one — and of rare occurrence, it can only be taken to offer a parallel to the transaction of business in the Bazaar of Gaza prior to, but not during, the idolatrous festival held within the city.

(7) This is explained presently.

(8) I.e., of swallowing an insect, etc. v. Tosef. A.Z., VII.

Talmud - Mas. Avodah Zarah 12b

Why then mention the instance of [placing one's mouth on the mouths of the] figures? — That is only because he wanted to teach the instance, which resembles it, of not placing one's mouth on the water-pipe to drink therefrom for fear of danger. What is the danger? — The swallowing of a leech.

Our Rabbis taught: One should not drink water either from rivers or from pools direct with his mouth or [by drawing the water] with the one hand;¹ if he drinks it, his blood shall be upon his head,

for it is dangerous. What danger is there? That of [swallowing] a leech.

[This statement] supports R. Hanina: for R. Hanina said: For one who swallows a leech it is permissible to get water heated on the Sabbath.²

There was actually a case of one swallowing a leech, when R. Nehemiah declared it permissible to get water heated for him on the Sabbath. ‘Meanwhile’, said R. Huna son of R. Joshua, ‘let him sip vinegar’. Said R. Idi b. Abin: One who has swallowed a wasp cannot possibly live. Let him however drink a quarter³ of strong vinegar; perhaps [by this means] he will live long enough to set his house in order.

Our Rabbis taught: One should not drink water in the night;⁴ if he does drink his blood is on his head, for it is dangerous. What danger is there? The danger of Shabriri.⁵ But if he be thirsty, how can he put things right? — If there is another person with him, he should wake him and say: ‘I am athirst for water’. If not, let him knock with the lid on the jug and say to himself: ‘Thou [giving his name] the son of [naming his mother], thy mother hath warned thee to guard thyself against Shabriri, briri, riri, iri, ri, which prevail in blind vessels.’⁶

MISHNAH. A CITY IN WHICH IDOLATRY IS TAKING PLACE, SOME OF ITS SHOPS BEING DECORATED WITH GARLANDS AND SOME NOT DECORATED⁷ — THIS WAS THE CASE WITH BETH-SHEAN,⁸ AND THE SAGES SAID: IN THE DECORATED ONES IT IS FORBIDDEN [TO BUY] BUT IN THE UNDECORATED ONES IT IS PERMITTED.⁹

GEMARA. Said R. Simeon b. Lakish: This only refers to [shops] decorated with garlands of roses and myrtle, so that he enjoys the odour,¹⁰ but if they are decorated with fruit, it is permissible [to buy in them]. The reason is this: Scripture says, There shall cleave naught of the devoted thing to thy hand¹¹; hence it is to derive an enjoyment that is forbidden

(1) The drawing of the water with one hand has to be done so rapidly that he would have no time to examine it.

(2) The biblical injunction ye shall kindle no fire throughout your habitation upon the Sabbath day (Ex. XXXV, 3) is to be waived in cases where danger to life is involved; hence the swallowing of a leech is regarded as dangerous.

(3) Of a Log.

(4) V. Pes. 112a, where the words ‘either from streams or from pools’ are added.

(5) שְׁבִירִי Aram. ‘blindness’; v. Targum to Gen. XIX, 11. Generally taken as a contraction of the words שׁוֹבֵר רְאִיָּה breaker of the eyesight. Kohut, s.v. בְּרִירִי asserts that the correct reading is shab-khiri, Persian for night blindness. — ‘A demon appointed over the affliction of blindness’ (Rashi).

(6) So Kohut, who calls attention to the resemblance of this incantation against the demon of blindness to the amulet bearing the inscription Abracadabra reduced by one letter on each succeeding line till the last letter only remains, and used by Romans as an antidote to the influence of evil spirits.

(7) The decoration signified that part of the proceeds in that shop is dedicated to idolatry.

(8) Place in Palestine south of Lake Gennesareth, v. Josh. XVII, 16 and, Judges I, 27. The modern Baisan.

(9) Tosaf. explains that we are here dealing with a market-day that is not a festival, to which the prohibition mentioned in the first Mishnah of this Tractate does not apply.

(10) Of articles which are usually strewn before the idols as part of the worship.

(11) Deut. XIII, 18.

Talmud - Mas. Avodah Zarah 13a

but to confer enjoyment [or profit] is permitted. But R. Johanan said: Even if they are decorated with fruit they are also forbidden, by an induction from the minor to the major, thus: if it is forbidden to enjoy [the odour of idolatrous articles] how much more so should it be forbidden to confer a benefit [which will be applied to such purpose]!

The following question was then asked: R. Nathan says: On the day when remission is made of the usual tax towards idolatrous purpose, the proclamation is made: ‘Whosoever will take a wreath and put it on his head and on the head of his ass in honour of the idols, his tax will be remitted; otherwise his tax will not be remitted!’ How should the Jew act who is present there? Shall he put it on? That means that he is enjoying [the odour of idolatrous articles]! Shall he not put it on? Then he confers a benefit [of paying tax towards idolatry]! Hence it was said: If one buys aught in a market of idolaters, if it be cattle it should be disabled, if fruit, clothes or utensils, they should be allowed to rot, if money or metal vessels he should carry them to the Salt Sea.¹ What is meant by disabling? the cutting the tendons of the hoofs beneath the ankle.² Here, then, we are taught: ‘Shall he put it on? That means he is enjoying! Shall he not put it on? Then he confers a benefit!’³ Said R. Mesharsheya the son of R. Idi: R. Simeon b. Lakish is of opinion that the Rabbis disagree with R. Nathan, so that [he can reply:] ‘I give the opinion of the Rabbis who held the opposite view; whereas R. Johanan⁴ is of opinion that the Rabbis do not disagree [with R. Nathan]’.⁵ But [how could R. Johanan think that] the Rabbis do not disagree? Was it not taught:⁶ One may attend a fair of idolaters and buy of them cattle, menservants, maidservants, houses, fields and vineyards; one may even write the necessary documents and deposit them at their courts⁷ because thereby he, as it were, rescues [his property] from their hands.⁸ If he be a priest⁹ he may incur the risk of defilement by going without the [Holy] Land for the purpose of arguing the matter with them and have it tried in court. And just as he may defile himself [by going] without the Land, so he may become defiled by walking on a burial ground (‘A burial ground’! How can that enter your mind? this is a defilement forbidden by Scripture! — What is meant is an Unclean Field¹⁰ which is only a Rabbinic prohibition.) Likewise, one may incur similar defilement for the sake of studying the Torah or taking a wife. Said R. Judah: This only applies when he cannot find [a place elsewhere] for studying, but when one can manage to learn [elsewhere] one must not defile oneself; but R. Jose said: Even when one can manage to study [elsewhere] he may defile himself, for no man is so meritorious as to learn from any teacher. Said R. Jose: There is the case of Joseph the Priest who followed his master to Zidon.¹¹ Whereupon R. Johanan [himself] said: The halachah is according to R. Jose. Hence the Sages do disagree!¹² R. Johanan may answer you thus: The Rabbis do not indeed disagree [with R. Nathan], yet there is no difficulty here: The one case¹³ refers to purchasing from a dealer, from whom the tax is exacted, the other case refers to purchasing from a private man¹⁴ from whom the tax is not exacted.

The master stated: ‘Cattle should be disabled.’ But is there not the prohibition of causing suffering to a living being?¹⁵ — Said Abaye: The Divine Law says, Their horses thou shalt hough.¹⁶

The Master stated: ‘What is meant by disabling [cattle]? The cutting of the tendons beneath the ankle.’ The following is cited as contradicting it: One should not declare anything as sanctified, or as devoted, or as set value upon¹⁷ at the present time;¹⁸ and if one did declare aught as sanctified or devoted or set value upon, then if it be cattle it should be disabled, if fruit clothes or utensils

(1) In the Talmud this refers to the (Mediterranean) Ocean, though it is generally identified with the Dead Sea. They should be disposed of so that no benefit whatsoever is derived from them by anybody.

(2) So as not to affect the vitality of the animal, which is forbidden in all circumstances.

(3) Which is forbidden. Why then does R.S.b.L. say that to confer benefit on idols is permitted?

(4) Who opposes R.S.b.L.

(5) He therefore shares R. Nathan's view.

(6) M.K. 11a, ‘Er. 47a.

(7) Regardless of the fact that this recognition of the idolaters’ court may be made the subject of praise to the idols.

(8) By arming himself with evidence which will establish his ownership.

(9) Who must not come in contact with any ritual uncleanness.

(10) Beth ha-Peras **בֵּית הַפֶּרָס** (lit., ‘an area of a square peras’; peras=half length of a furrow) a field which has been ploughed together with a grave it contained, which is to be regarded as unclean, on account of the crushed bones carried

over it (v. M. K. 5b).

(11) In Phoenicia, which, being, outside Palestine, is declared by the Rabbis unclean, like a Beth ha-Peras.

(12) With the view of R. Nathan who stated above that it is forbidden to make any purchase at a market of idolaters; nor could R. Johanan have been unaware of this teaching, as he is reported to express an opinion on it.

(13) Where purchase is forbidden.

(14) בעל הבית lit., 'master of the house', an ordinary, private, man.

(15) צער בעלי חיים Causing of suffering to any living being, or leaving a suffering animal unrelieved, is a Scriptural prohibition (v. Shab. 128b).

(16) Josh. XI, 6; hence in exceptional cases this biblical command may be waived (Tosaf s.v. אומר).

(17) The article, or in the case of a person his value, as set forth in Lev. XXVII, thereby becoming the property of the Sanctuary.

(18) After the destruction of the Temple.

Talmud - Mas. Avodah Zarah 13b

they should be allowed to rot, if money or metal vessels, he should carry them to the Salt Sea. What is meant by disabling? The door is locked in front of it, so that it dies of itself!¹ — Said Abaye: That case is treated differently, so as [to avoid] despising sanctified things.² Then by all means let it be slaughtered! — That may lead to transgression.³ Then let him cut it in twain!⁴ — Said Abaye: Scripture says, And ye shall break down their altars . . . and ye shall hew down the graven images of their gods . . . Ye shall not do so unto the Lord your God.⁵ Raba said: [Houghing is here avoided] because it seem like inflicting a blemish upon sanctified things.⁶ 'Seems!' This is surely a real blemish! — This could only be so termed while the Temple was in existence, so that the animal is fit for being offered up; but at the present time, since it cannot in any case be offered, the scriptural injunction does not apply.⁷ But let it be regarded as inflicting a blemish upon a blemished animal which, even though such animal was not fit for a sacrificial purpose, is forbidden by Scripture!⁸ — Granted; an animal which had been blemished cannot itself be used for sacrifice, yet the money obtained for it may be so used;⁹ but our case¹⁰ is unlike it, in that neither its equivalent in money nor the animal itself is capable of being used for a sacrificial purpose.¹¹

R. Jonah found R. Elai as he was standing at the gate of Tyre; he said to him: It is stated, cattle [bought at a heathen fair] should be invalidated; what about a slave? I am not asking about a Jewish slave; what I am asking about is a heathen slave — what is one to do? — The other replied: Why do you ask at all? It has been taught;¹² As to idolaters and [Jewish] shepherds of small cattle,¹³ even though one is not bound to get them out [of a pit], one must not throw them in [to a pit to endanger their lives].¹⁴

Said R. Jeremiah to R. Zera: It was taught, 'We may buy of them cattle, menservants and maidservants,'¹⁵ — Is this to be applied to a Jewish servant or to a heathen servant also? — Said he in reply: According to common sense, a Jewish servant [is meant]; for were it to apply to a heathen servant, what [meritorious] use could he make of him?¹⁶ When Rabin came,¹⁷ he said in the name of R. Simeon b. Lakish: It may even apply to a heathen servant; because he brings him under the wings of the Shechinah.¹⁸ Said R. Ashi: How then could the bringing under the wings of the Shechinah be applied to cattle?¹⁹ — It is only because of diminishing [the possessions of the idolaters]²⁰ that those are permitted; this also is permitted because of its diminishing effect.

R. Jacob once bought sandals, while R. Jeremiah bought bread.²¹ Said the one to the other: 'Ignoramus!²² would your master act thus?' The other rejoined: 'Ignoramus, would your master act thus?' Both in fact had bought of private men,²³ but each one thought that the other had bought of a dealer; for R. Abba the son of R. Hiyya b. Abba said: The prohibition was only taught in the case of buying of a dealer of whom tax is exacted, but the buying of a private person of whom no tax is exacted is permitted.

Said R. Abba the son of R. Hiyya b. Abba: 'Had R. Johanan been present at the time in that place where taxes were exacted even from private persons he would have forbidden [even such purchase].' How is it then that they made the purchase? — They bought of a private person who was not a permanent resident of the place.²⁴ MISHNAH. THE FOLLOWING THINGS ARE FORBIDDEN TO BE SOLD TO IDOLATERS: IZTROBLIN, BNOTH-SHUAH,²⁵ STEMS, FRANKINCENSE, AND A WHITE COCK.²⁶ R. JUDAH SAYS: IT IS PERMITTED TO SELL A WHITE COCK TO AN IDOLATER AMONG OTHER COCKS; BUT IF IT BE BY ITSELF, ONE SHOULD CLIP ITS SPUR AND THEN SELL IT TO HIM, BECAUSE A DEFECTIVE [ANIMAL] IS NOT SACRIFICED TO AN IDOL. AS FOR OTHER THINGS, IF THEY ARE NOT SPECIFIED²⁵ THEIR SALE IS PERMITTED, BUT IF SPECIFIED²⁵ IT IS FORBIDDEN. R. MEIR SAYS: ALSO A GOOD-PALM',²⁷ HAZAB AND NIKOLAUS²⁵ ARE FORBIDDEN TO BE SOLD TO IDOLATERS.

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- (1) Shek. 13b. Hence the mode of 'disabling' is different from the one here described!
- (2) It would be derogatory to an animal which was declared as sacred to be seen in its disabled state, hence a quicker means than hocking is resorted to.
- (3) Lit. 'stumbling block'. Its flesh might be eaten, which, being sanctified, is forbidden.
- (4) גִּיסְטְרָא. From the Aramaic גִּיסֵי תְרֵי two sides, or parts. The animal killed thus, not according to ritual, would not be used for food.
- (5) Deut. XII, 3.4.
- (6) Which is contrary to the scriptural injunction: Whosoever bringeth a sacrifice . . . it shall be perfect to be accepted; there shall be no blemish therein. (Lev. XXII, 21).
- (7) The prohibition is thus only a Rabbinic one, and is therefore referred to as 'seeming'.
- (8) According to one opinion given in Bek. 33. Why then does Raba describe this case as a 'seeming' prohibition?
- (9) For purchasing another animal for an offering, so that the scriptural words . . . to be accepted, there shall be no blemish therein are still applicable to it.
- (10) Of an animal declared as sacred, while there is no temple for offering any sacrifices.
- (11) The houghing of such animal is therefore only a Rabbinic prohibition, justly described by Raba as the 'seeming' infliction of a blemish upon sanctified things.
- (12) Infra 26a. San. 57b.
- (13) Whether Jews or heathen. Most shepherds were known to practise robbery and theft; hence they were disqualified as witnesses.
- (14) It is therefore plain that to invalidate a heathen servant is forbidden.
- (15) Supra 13a.
- (16) Which should justify the opinion of the Rabbis who, in opposition to R. Nathan, permit such purchase.
- (17) From Palestine.
- (18) The Divine Presence. The meritorious feature of buying such a servant is his being introduced to the tenets of true religion.
- (19) The purchase of which is likewise permitted by these Rabbis.
- (20) I.e., the withdrawal of the animal from their idolatrous service.
- (21) Of idolaters at one of their fairs.
- (22) יְתוּמָא, lit., 'orphan', 'untutored'. The remark is obviously to be taken as a friendly reproof. R. Jacob and his younger contemporary R. Jeremiah (b. Abba) were both friends who came from Babylon to study at the Academies in Palestine; both sat at the feet of R. Johanan who (infra 13a) forbids all kinds of purchase from which any benefit may accrue to idolatry.
- (23) Which is permissible, as private persons are not liable to pay part of their profits towards idolatrous purposes (supra 13a).
- (24) As such a person would in no case be liable to pay the tax.
- (25) Explanation follows in the Gemara.
- (26) White animals were offered to heavenly deities; the white cock was a regular offering for a poor man to make (v. Elmslie, p. 9 note).

(27) Heb. Dekel Tab, a variety of dates.

Talmud - Mas. Avodah Zarah 14a

GEMARA. What is IZTROBLIN? — Pine-wood.¹ But this is contradicted [by the following teaching]: ‘To these² have been added Alexandrian nuts, iztroblin, moxasin³ and bnoth-shuah.’ Now were you to suggest that iztroblin is pine-wood, has pine-wood anything to do with the Sabbatical Year? Has it not been taught:⁴ This is the general rule: Everything which has a [perennial] root is subject to the laws of the Sabbatical Year⁵ but anything that has no such root is not subject to the law of the Sabbatical Year. R. Safra then said: It means fruit of the cedar. So also when Rabin came [from Palestine] he said in the name of R. Eleazar [It means] fruit of the cedar.⁶

BNOT-SHUAH. Said Raba b. Bar-Hana in the name of R. Johanan, White figs.⁷

STEMS. Said Raba b. Bar-Hana ‘with their stems’ is what the Mishnah intended to teach.⁸ FRANKINCENSE. Said R. Isaac in the name of R. Simeon b. Lakish, that is clear-frankincense. A Tanna taught:⁹ But of any of these a parcel may be sold.¹⁰ And how much is a parcel? — R. Judah b. Bathyra explained, A parcel is no less than three manehs.¹¹ But we surely ought to fear lest he goes and sells it to others who will burn it [before idols]? — Said Abaye; We should be particular not to [place a stumbling-block] before [the blind]¹² but we need not be so particular as to avoid placing it before one who may place it before the blind.

AND A WHITE COCK. Said R. Jonah in the name of R. Zera who said in the name of R. Zebid [Some report, ‘Said R. Jonah in the name of R. Zera’]: [If an idolater asks,] Who has a cock? it is permitted to sell him [even] a white cock, but if he asks, Who has a white cock? it is forbidden to sell him a white cock.

Our Mishnah states: R. JUDAH SAID: ‘ONE MAY SELL HIM A WHITE COCK AMONGST [OTHER] COCKS.’¹³ Now what are the circumstances? Shall we say that he was enquiring: Who hath a white cock, who hath a white cock? In that case it must not be sold to him even among others! It can only mean that he was enquiring: Who hath a cock, who hath a cock? and even then according to R. Judah a white one may be sold him only among others but not by itself, while according to the first Tanna it may not be sold even among others!¹⁴ — Said R. Nahman b. Isaac: The case dealt with in our Mishnah is of one asking for various kinds.¹⁵ It has been taught likewise.¹⁶ Said R. Judah: Only if he asks for ‘this [white] cock’ [it must not be sold to him], but if he asks for this and another one it is permitted [to sell both together]; and even when he asks for ‘this [white] cock’, if the idolater is giving a banquet for his son, or if he has a sick person in his house, [its sale] is permitted.¹⁷

But have we not learnt: ‘If an idolater gives a banquet for his son the prohibition [of selling] applies to that day and that man alone’, so that as regards that day and that man the prohibition does apply!¹⁸ Said R. Isaac son of R. Mesharsheya: Our statement refers to an ordinary party.¹⁹

We have learnt: AS FOR OTHER THINGS, IF THEY ARE NOT SPECIFIED THEIR SALE IS PERMITTED, BUT IF SPECIFIED IT IS FORBIDDEN. Now what is meant by ‘specified’ and by ‘unspecified’? Shall we say that ‘unspecified’ means if he asks [for example] for white wheat, and ‘specified’ if he states that [he requires it] for idolatry?

(1) So Rashi. Tosaf. s.v. תורניתא renders it ‘brimstone’, hence ‘Kohut, Aruch suggests the reading תויניתא.

(2) I.e., to articles enumerated in connection with the laws relating to the Sabbatical Year.

(3) A species of figs.

(4) Shah. 90a; Nid. 62b.

(5) V. supra p. 45 n. 7(a).

- (6) [Cones of pine or fir-trees (**) were burned before deities as sweet smelling gifts, v. Krauss, Talm. Arch. I, 686, and Elmslie, loc. cit.]
- (7) The fruit of the fig-tree was closely associated with phallic worship (Elmslie, a.l.)
- (8) The word 'stems' is not an additional item but refers to the 'cedar-fruit' and the 'white figs' which precede it. These were usually hanged by their stems as ornaments for idols.
- (9) Tosef. A.Z.I.
- (10) Because it is intended for sale and not for idolatrous worship.
- (11) Weight equal to a hundred ordinary or 50 sacred shekels. V. Zuckerman Talm. Mun., p. 7. seq.
- (12) V. supra p. 26.
- (13) Cf. the slight variations in our Mishnah.
- (14) This refutes the ruling reported by R. Jonah.
- (15) Hence R. Judah forbids its sale since it was specified by the idolator; his mentioning those of other colours may have been prompted by his knowledge that if he were to ask for a white one only, it would be withheld from him. It is however permitted to be sold among cocks of other colours, for we may assume that, as the others are not intended for idolatry, neither is this one. The other Rabbis however hold that, since it was specified by the idolater, it must not be sold even among others. When however the idolater asks for cocks without specifying any colour both R. Judah and the other Rabbis permit the sale of a white one. There is thus no difference between the opinion expressed in our Mishnah and that held by R. Zera.
- (16) Tosef. A.S.I, end; in Zuck. ed. the version is different from ours.
- (17) For it is required to lend importance to the banquet, or as a remedy for the sick and not for idolatrous purposes.
- (18) Supra 8a, which is contrary to the foregoing statement.
- (19) **טוויג** picnic. (v. Pes. 49b) where no idolatry takes place, whereas the statement cited refers to a wedding.

Talmud - Mas. Avodah Zarah 14b

In that case it is neither necessary to state that the unspecified may be sold,¹ nor is it necessary to state that the specified must not be sold!² We must then say that 'unspecified' means if he asks for [say], wheat, [which is permitted] and 'specified' when he asks for white wheat, [which is forbidden]; and this would imply that in the case of a cock it is forbidden even when unspecified!³ — [No.] We may say, indeed, that 'unspecified' is when he asks for white wheat, and 'specified' is when he states [that it is required] for idolatry; yet it is necessary to state that the 'specified' is forbidden: we might think that that man does not really require it for idolatry; only being very much attached to idolatry, he thinks that all people are likewise attached to it; [he therefore thinks to himself] let me say thus, so that they might readily give it to me; it is therefore necessary to state [that its sale is forbidden].

R. Ashi propounded: [If he asks,] 'Who has a mutilated white cock?' may one sell him a white cock without blemish? Do we say since he asks for a mutilated one, he does not require it for the idols, or perhaps he is merely acting cunningly? And if you should say that this one is acting cunningly, [what if one enquires,] 'Who has a white cock? Who has a white cock?' and when a black one is given to him he accepts it or when a red one is given to him he accepts it, may a white one be sold to him? Do we say, since when he was given a black one or a red one he accepted it, it is proved that he does not require one for idolatry, or perhaps he is merely acting cunningly? This stands undecided.

R. MEIR SAYS, ALSO A GOOD-PALM etc. Said R. Hisda to Abimi: There is a tradition that the [tractate] Avodah Zarah of our father Abraham consisted of four hundred chapters; we have only learnt five, yet we do not know what we are saying. And what difficulty is there? The Mishnah states that R. MEIR SAYS: ALSO A GOOD-PALM', HAZAB AND NIKOLAUS ARE FORBIDDEN TO BE SOLD TO IDOLATERS [which implies that] it is only a 'good-palm' that we must not sell but a 'bad-palm' we may sell, yet we have learnt:⁴ One may not sell to them anything that is attached to the soil! He replied: What is meant by 'good-palm' is the fruit of a 'good-palm'. And so also said R.

Huna: The fruit of a good-palm. HAZAB is the species of dates called Kishba. As to NIKOLAUS, when R. Dimi came⁵ he said in the name of R. Hama b. Joseph that it is kuirati.⁶ Said Abaye to R. Dimi: We learn 'nikolaus, and do not know what it is, so you tell us it is 'kuriati' which we do not know either, where then have you benefited us? — Said he: I have benefited you this much: were you to go to Palestine and say 'nikolaus'⁷ no one would know what it is; but if you say 'kuriati' they will know and will show it to you.

MISHNAH. IN A PLACE WHERE IT IS THE CUSTOM TO SELL SMALL CATTLE TO IDOLATERS, SUCH SALE IS PERMITTED; BUT WHERE THE CUSTOM IS NOT TO SELL, SUCH SALE IS NOT PERMITTED.⁸ IN NO PLACE HOWEVER IS IT PERMITTED TO SELL BIG CATTLE, CALVES OR FOALS, WHETHER WHOLE OR MAIMED.⁹ R. JUDAH PERMITS IN THE CASE OF A MAIMED ONE¹⁰ AND BEN BATHYRA PERMITS IN THE CASE OF A HORSE.¹¹

GEMARA. Are we to take it that there is no actual prohibition, but that it is only a matter of custom; so that where the usage is to prohibit, it is to be followed, and where the usage is to permit it is to be followed? But this is in conflict with the following [Mishnah]: One should not place cattle in inns kept by heathen, because they are suspected of immoral practices!¹² — Said Rab: In places where it is permitted to sell, it is permitted to leave them together alone, but where leaving them together alone is forbidden [by usage] the sale is also forbidden.¹³

(1) As there is no ground for such prohibition, since it is only in the case of cocks that white ones are used for idolatry.

(2) Since no article required for idol-worship may be sold.

(3) Which is contrary to the ruling reported by R. Jonah above!

(4) *Infra* 19b.

(5) From Palestine.

(6) A species of dates. The date-palm was the most sacred of all trees to the Semitic peoples (*Elmslie*, p. 10).

(7) [The Nikolaus dates are named after the Greek philosopher, Nicholas of Damascus, who supplied his friend, the Emperor Augustus, with a variety of dates which grew in Palestine. The Emperors as a mark of appreciation called the dates by the philosopher's name (*v. J.E. IX, 11, and Elmslie, p. 11*). This name would naturally not be generally known to the people of Palestine.]

(8) In *Pes. 53*, where this Mishnah also occurs, the following words are inserted: let no one alter (local customs) in order to avoid controversy.

(9) The sale of big cattle to a heathen is forbidden out of consideration for the animal, as it will be deprived by its master of its rest on Sabbaths and Festivals (*v. Ex. XX, 10*).

(10) As it is sure to be killed for food.

(11) This is generally used for riding which is not to be termed as carrying a burden, on the principle that 'the living rider carries himself.' *V. supra 7b*.

(12) The Israelite is thus guilty of 'placing a stumbling-block before the blind'. *V. infra 22a*.

(13) The prohibition of placing cattle with a heathen in the other Mishnah cited here is also dependent on local usage.

Talmud - Mas. Avodah Zarah 15a

But R. Eleazar said: Even where it is forbidden to leave them together it is permitted to sell, the reason being that the heathen will avoid the risk of having his cattle sterilised.¹ And Rab, too, altered his opinion: for R. Tahlifa said in the name of R. Shila b. Abimi, who said in the name of Rab: A heathen will not run the risk of having his cattle sterilised.²

IN NO PLACE, HOWEVER, IS IT PERMITTED TO SELL BIG CATTLE etc. What reason is there [for this prohibition]? — Though there is no fear of immoral practice,³ there is the fear of his making the animal work [on the days of rest]. Then let him make it work; since he has bought it, he owns it!⁴ — The prohibition⁵ is because of lending and because of hiring. [But, surely] when he

borrowed it he owns it, or when he hires it he owns it [during that period]!⁶ Then said Rami the son of R. Yeba: The prohibition is because of the probability of 'trying'.⁷ For he might happen to sell it to him close to sunset on the eve of the Sabbath and the heathen might say to him 'Come now let us give it a trial,' and hearing the owner's voice it will walk because of him, and he indeed desires it to walk, so that he acts as a driver of his burdened beast on the Sabbath and he who drives his burdened beast on the Sabbath is liable to bring a sin-offering.⁸

R. Shisha the son of R. Idi objected:⁹ But does hire constitute acquisition? Have we not learnt, 'Even in a place where they pronounced as permitted to let [premises to a heathen], they did not pronounce it in regard to a dwelling house, because he will bring idols into it.'¹⁰ Now, if we were to be of opinion that hiring constitutes acquisition, then whatever this one brings in he brings into his own house! — It is different with bringing in idols, which is a very grave matter, for scripture says, And thou shalt not bring abomination into thy house.¹¹

Then R. Isaac the son of R. Mesharsheya objected: But does hire constitute acquisition? Have we not learnt, An Israelite¹² who hires a cow from a priest may feed her on vegetables which are Terumah;¹³ but a priest who hires a cow of an Israelite, even though he is obliged to feed it, may not feed it on vegetables that are Terumah.¹⁴ Now, were we to hold the opinion that hiring constitutes acquisition, why should he not feed her on it? Surely the cow belongs to him! From here then you can deduce that hire does not constitute acquisition.

Now, since you have declared that hire does not constitute acquisition, the prohibition¹⁵ is both because of 'hiring', and because of 'lending' and because of 'trying'.

R. Adda permitted to sell an ass [to a heathen] through a [Jewish] agent: As for 'trying', it is not familiar with his voice that it should walk because of him, and as to 'lending' or 'hiring', since it is not his own he will neither lend nor give it on hire; also, lest some fault be discovered in it.¹⁶

R. Huna sold a cow to a heathen. Said R. Hisda to him: Wherefore have you acted thus? — Said he, I assume that he bought it for slaying.

(1) Through immoral practice.

(2) *Infra* 22b.

(3) For the reason just stated.

(4) A heathen is not commanded to let his cattle rest on the Sabbath; the Israelite is therefore not guilty of 'placing a stumbling-block before the blind', as is the case where he affords him an opportunity for an immoral practice which is forbidden to a Noachide (*V. supra* 2b).

(5) The permission to sell may lead to lending or hiring cattle to a heathen over the Sabbath.

(6) Since he is liable for any accidents that might happen to it.

(7) How the animal carries a load.

(8) According to an opinion given in *Shah.* 154a.

(9) To the statement above, 'when he hires it, he owns it'.

(10) *Infra* 21a.

(11) *Deut.* VII, 26.

(12) One who is not of the priestly family or the Levitical tribe.

(13) The heave-offering of the produce set aside as the portion of the priests (*Num.* XVIII, 8ff.), which may not be given to a beast that is not owned by a priest. He is not guilty thereby of robbing the priest of his portion, for having the option of giving it to any priest he chooses, he may consider it as assigned to the one whose cow he had hired.

(14) *Ter.* XI, 9.

(15) Pronounced in our Mishnah of selling big cattle to a heathen.

(16) Which would be against his interest as an agent charged with selling it.

Talmud - Mas. Avodah Zarah 15b

And whence can it be deduced that one may so assume in a case of this kind? — From [the Mishnah which we learnt:]¹ ‘Beth Shammai say: One should not sell a ploughing-cow during the Sabbatical Year;² but Beth Hillel permit it, because he may possibly slay it.’³ Said Raba:⁴ How can the two be compared: In that other case, one is not commanded to let one's cattle rest on the Sabbatical year,⁵ whereas in our case, one is commanded to let one's cattle rest on the Sabbath!⁶ Said Abaye to him: Are we to take it then that when one is commanded [concerning a thing] he is forbidden [to sell it to one who may disregard the command]? Take then the case of a field — for one is commanded to let his field lie fallow on the Sabbatical Year. Yet it has been taught: Beth Shammai say: One may not sell a ploughed field on the Sabbatical year, but Beth Hillel permit it, because it is possible that he will let it lie fallow [during that year]!⁷

R. Ashi objected: Are we, on the other hand, to take it that a thing concerning which there is no direct command may be sold to one who is likely to use it contrary to that command? Take then the case of implements — for no one is commanded to let one's implements be idle in the Sabbatical year. Yet we have learnt: Following are the implements which one is not allowed to sell in the Sabbatical year: the plough and all its accessory vessels, the yoke, the winnowing-fan and the mattock!⁸ But, continued R. Ashi, where there is reason for the assumption [that proper use will be made] we assume it,⁹ even though a command is involved, and where there is no reason for such assumption,¹⁰ we do not assume it, even where there is no command involved.

Rabbah once sold an ass¹¹ to an Israelite who was suspected of selling it to an idolater. Said Abaye to him: ‘Wherefore have you acted thus?’ said he, ‘It is to an Israelite that I have sold it.’ ‘But,’ he retorted, ‘he will go and sell it to an idolater!’ ‘Why’ — [argued the other] ‘should he sell it to an idolater and not sell it to an Israelite?’¹² He [Abaye] objected to him [from the following Baraita]: In a place where it is the custom to sell small cattle to Cutheans,¹³ such sale is permitted, but where they usually do not sell, such sale is not permitted. Now, what is the reason [for the prohibition]? Shall we say because they are suspected of immoral practices? But are they to be suspected? Has it not been taught: One may not place cattle in inns kept by idolaters even male-cattle with male persons and female-cattle with female persons, and it is needless to say that female-cattle with male persons and male-cattle with female persons [are forbidden]; nor may one hand over cattle to one of their shepherds; nor may one be alone with them;¹⁴ nor may one entrust a child to them to be educated, or to be taught a trade.¹⁵ One may however place cattle in inns kept by Cutheans even male-cattle with female persons and female-cattle with male persons, and it goes without saying that males with males and females with females are permitted; so also may one hand over cattle to one of their shepherds and be alone with them, or hand over a child to them to be educated or to be taught a trade.¹⁶ This shows indeed that they are not to be suspected.¹⁷ And it has further been taught: One should not sell them either weapons or accessories of weapons, nor should one grind any weapon for them, nor may one sell them either stocks or neck-chains or ropes, or iron chains — neither to idolaters nor Cutheans.¹⁸ Now, what is the reason?¹⁹ Shall we say because they are suspected of murder? But are they suspect, seeing we have just said that one may be alone with them! Hence it is only because he might sell it to an idolater.²⁰ Should you, moreover, say that whereas a Cuthean will not repent an Israelite will repent?²¹ Surely R. Nahman said in the name of Raba b. Abbuha: Just as it was said that it is forbidden to sell to an idolater, so is it forbidden to sell to an Israelite who is suspected of selling it to an idolater! He [Rabbah] thereupon ran three parasangs²² after the buyer (some say one parasang along a sand-mount) but failed to overtake him.

R. Dimi b. Abba said: Just as it is forbidden to sell²³ to an idolater, so it is forbidden to sell to a robber who is an Israelite. What are the circumstances? If he is suspected of murder, then it is quite plain; he is the same as an idolater! If [on the other hand] he has never committed murder, why not [sell them to him]? — It refers indeed to one who has not committed murder; but we may be dealing

here with a cowardly thief who is apt at times [when caught] to save himself [by committing murder].

Our Rabbis taught: It is forbidden to sell them shields; some say, however, that shields may be sold to them. What is the reason [for this prohibition]? Shall we say, Because they protect them? In that case even wheat or barley should likewise not [be sold to them].²⁴ — Said Rab:

(1) Sheb. V, 8.

(2) To a fellow-Jew who is suspected of tilling his fields on that year contrary to the Biblical prohibition, as he thereby 'places a stumbling-block before the blind'.

(3) R. Hunah's action has therefore the ruling of the Hillelites as its authority.

(4) [So Ms. M. Cur. edd. 'Rabbah', v. p. 77 n. 7.]

(5) The question of hiring, lending or trying, mentioned in connection with selling cattle to a heathen does not therefore arise; and the comparatively minor objection of 'placing a stumbling-block before the blind' is waived by the assumption that the animal may have been intended for slaughter.

(6) The objections mentioned before therefore do apply.

(7) Tosef. Sheb. III.

(8) Sheb. V, 6.

(9) In the case of a field, for example, the fact that it is not often procurable may serve as ground for the assumption that the buyer availed himself of the opportunity of purchasing it, even though he does not intend tilling it till the following year.

(10) As, for instance, in the case of the 'implements'.

(11) To which case the assumption of buying for slaughter cannot be applied.

(12) We have a right to assume that he will sell it to an Israelite, so that there is no objection to its being sold to him. [This is contrary to the view expressed above by Rabbah (v. p. 76, n. 9), and supports the reading 'Raba', v. Tosaf. s.v. **רבה**.]

(13) Members of the Samaritan sect.

(14) As his life would be endangered.

(15) Lest he be taught idolatry.

(16) Tosef. A.S. III.

(17) Since, however, the sale of small cattle only is governed by custom, it is obvious that big cattle may not be sold in any case to a Cuthean; and as the suspicion of immorality does not exist, the reason for the prohibition can only be the probability of his selling it to an idolater, which is contrary to the view of Raba.

(18) Tosef. *ibid*.

(19) For forbidding the sale of these articles to a Cuthean.

(20) Who might use them for assailing an Israelite, which refutes Rabbah's view.

(21) So that even though he had been addicted to this wrongdoing, he might be taken to have recanted, and this justifies Rabbah's action.

(22) Persian miles.

(23) The aforementioned articles.

(24) Since they protect them against hunger.

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If it is possible,¹ these, too, should not.

There are some who say that the reason for not permitting [the sale of] shields is this: When they have no weapons left, they might use these for killing [in battles]. But there are others who say that shields may be sold to them, for when they have no more weapons they run away. Said R. Nahman in the name of Rabbah b. Abbuha: The halachah is with 'the Others'.

Said R. Adda b. Ahabah: One should not sell them bars of iron. Why? — Because they may

hammer weapons out of them. If so, spades and pick-axes too [should be forbidden]! — Said R. Zebid: We mean [bars of] Indian iron.² Why then do we sell it now? — Said R. Ashi: [We sell it] to the Persians who protect us.

CALVES AND FOALS. It has been taught:³ R. Judah permits [the sale of] a maimed one, since it cannot be cured or restored to health.⁴ Said they to him: Might she not be fit for breeding purposes, and since she proves fit for breeding purposes, she will be kept?⁵ He replied: You wait till she bears. This is to say, An animal [in such a state] will not let the male get near her.

BEN BATHYRA PERMITS IN THE CASE OF A HORSE. It has been taught: Ben Bathyra permits [the sale of] a horse, because it is only put to a kind of work which does not involve the bringing of a sin-offering.⁶ Rabbi, however, forbids it for two reasons: the one, because it comes under the prohibition of selling weapons,⁷ the other, because it comes under the prohibition of big cattle. It is quite right as regards the prohibition of weapons; there are [horses] which [are trained to] kill by trampling, but how does the prohibition of big cattle apply?⁸ — Said R. Johanan, when the horse gets old, it is made to work a mill on the Sabbath.⁹ Said R. Johanan: The halachah is with Ben Bathyra.

The following question was asked: What about an ox that has been fatted?¹⁰ This question applies both to R. Judah¹¹ and to the Rabbis:¹² It applies to R. Judah, for R. Judah only permits in the case of a maimed one, which can in no case be fit for work, whereas this one, which if kept long enough may be fit for work, might be forbidden; or it might be said that even according to the Rabbis it is only in that case [of a maimed one], which is ordinarily not intended for slaughter, that they forbid, but this one, which is ordinarily intended for slaughter, they might permit?

Come and hear: Rab Judah said in the name of Samuel that the House of Rabbi had to present a fatted ox [to the Romans] for their festival, and a sum of forty thousand [coins] was paid for the concession not to contribute it on the day of the festival but on the morrow; then another forty thousand was paid for the permission to present it not alive but slaughtered; then forty thousand was again expended to be freed altogether from presenting it. Now what is the reason [for not presenting it alive] if not to avoid its being kept?¹³ — But if that is the reason, what is the purpose of the concession of offering it on the morrow instead of on the day? Obviously, then, Rabbi was anxious to abolish the thing entirely, but he considered it advisable to do it little by little.¹⁴ But is [a fatted ox] if kept [and slimmed] healthy enough to do work? — Said R. Ashi: Zabida¹⁵ told me that a young bullock when kept [and slimmed] does the work of two.

MISHNAH. ONE SHOULD NOT SELL THEM BEARS, LIONS OR ANYTHING WHICH MAY INJURE THE PUBLIC. ONE SHOULD NOT JOIN THEM IN BUILDING A BASILICA,¹⁶ A SCAFFOLD, A STADIUM, OR A PLATFORM.¹⁷ BUT ONE MAY JOIN THEM IN BUILDING PEDESTALS [FOR ALTARS]¹⁸ AND ALSO [PRIVATE-] BATHS. WHEN HOWEVER HE REACHES THE CUPOLA IN WHICH THE IDOL IS PLACED HE MUST NOT BUILD.

GEMARA. Said R. Hanin, son of R. Hisda (some report, Said R. Hanan b. Raba in the name of Rab): To big beasts the same rule applies as to small cattle as regards struggling¹⁹ but not as regards selling,²⁰ but my opinion is that it applies to selling also, so that in such places where it is the custom to sell,²¹ such sale is permitted, but where the custom is not to sell, it is forbidden.

Our Mishnah says: **ONE SHOULD NOT SELL THEM BEARS, LIONS, OR ANYTHING WHICH MAY INJURE THE PUBLIC.** The reason, then, is because they may injure the public, but were it not for fear of injury to the public would it be permitted?²² Said Rabbah b. 'Ulla: [Our Mishnah may refer] to a mutilated lion

- (1) To withhold it from them without incurring their animosity.
- (2) Which is used exclusively for manufacturing weapons.
- (3) Tosef. A.Z. II.
- (4) It is therefore only fit for slaughter.
- (5) And those who see her might think that any other cattle may likewise be sold to a heathen.
- (6) V. supra p. 33, n. 6.
- (7) A horse being as helpful as a weapon in battle.
- (8) Since you have stated that a horse is not put to a kind of labour which involves a sin-offering, there is no ground for prohibiting the sale for fear of the animal being tried (v. supra ibid.).
- (9) Which is a 'principal' work.
- (10) Being unfit for work, may it be sold to an idolater?
- (11) Who permits in the case of a maimed one.
- (12) The representatives of the anonymous opinion in our Mishnah.
- (13) And then put to work; hence it is proved that for this reason a fatted ox may not be sold to idolaters.
- (14) His action cannot therefore be cited as a proof.
- (15) Who was an expert in fattening cattle.
- (16) [A large high building used partly as an exchange and mart and also regularly as a court of law where men might be sentenced to death (Elmslie, p. 12).]
- (17) **בִּימָה**, used for throwing off victims sentenced to death. [So Rashi. Hoffmann: 'Judge's seat' (**); Elmslie: 'judge's tribunal'.]
- (18) **בִּימוֹסְאִיּוֹת** from **, v. l. **דִּימוֹסְאִיּוֹת** (**) 'public-baths'.]
- (19) According to Hul. 37a, an animal whose condition is dangerous, must, after being slaughtered, show signs of struggling to be at all fit for food; otherwise it is assumed that it died before being slaughtered and is thus unfit for food. The least extent of struggling is: in the case of small cattle, the stretching out and the bending back of a leg, and in the case of big cattle either stretching or bending is sufficient.
- (20) Which depends on local custom. V. supra 14b.
- (21) Big beasts to idolaters.
- (22) E.g., tamed lions and the like. This Mishnah is thus contrary to the opinion of Rab.

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in accordance with the opinion of R. Judah.¹ R. Ashi said: Generally, any lion may be regarded as 'mutilated' in regard to labour.²

An objection was raised: Just as it is forbidden to sell them big cattle, so it is forbidden to sell them big animals; and even in such places where they do sell small cattle [to heathen], big animals should not be sold to them.³ This refutes the opinion of R. Hanan b. Raba!⁴ It [admittedly] refutes it.

Rabina referred to the contradiction between our Mishnah and this Baraita, but adjusted it: We learnt: ONE SHOULD NOT SELL THEM BEARS, LIONS OR ANYTHING WHICH MAY INJURE THE PUBLIC. The reason, then, is because they may injure the public, but apart from such injury they may be sold! This is contradicted [by the following Baraita]: Just as it is forbidden to sell them big cattle, so it is forbidden to sell them big animals, even in such places where they do sell small cattle [to heathens] big animals should not be sold to them! — He then adjusted it by saying [that our Mishnah] refers to a mutilated lion, in accordance with the view of R. Judah. R. Ashi said: Generally, any lion may be regarded as 'mutilated' as regards labour.

R. Nahman objected: Who told us that a lion is to be regarded as a big animal? Let us regard it as a small animal.³

R. Ashi, on examining our Mishnah minutely, deduced therefrom the following refutation: We there learn, ONE SHOULD NOT SELL THEM BEARS, LIONS OR ANYTHING WHICH MAY

INJURE THE PUBLIC. The reason is, evidently, that it is injurious, but were it not for the injury, it could be sold; furthermore, the reason why 'lion' is mentioned, is because a lion is generally regarded as 'mutilated' as regards labour, but to any other animal which is fit for labour the prohibition would not apply — this refutes the opinion of R. Hanan b. Raba.⁵ It admittedly refutes it.

But to what kind of labour could any big animal be put? — Said Abaye: Mar Judah told me that at Mar Johni's they work mills with wild asses.

Said R. Zera: When we were at the school of Rab Judah⁶ he said to us: You may take the following matter from me, for I have heard it from a great man — though I know not whether from Rab or from Samuel: To big beasts the same rule applies as to small cattle as regards struggling.⁷ When I came to Korkunia⁸ I found R. Hiyya b. Ashi who was sitting [in the academy] and saying in the name of Samuel, 'To a big beast the same rule applies as to small cattle as regards struggling' — Said I, 'That means then that it is in the name of Samuel that this has been stated' — But when I came to Sura I found Rabbah b. Jeremiah who was sitting and saying in the name of Rab, 'To a big beast the same rule applies as to small cattle as regards struggling' — Then said I, 'That means that this has been stated in the name of Rab as well as in the name of Samuel'. Now, when I went up there⁹ I found R. Assi sitting and saying, 'Said R. Hama b. Guria in the name of Rab: To a big beast the same rule applies as to small cattle as regards struggling'. Said I to him, 'Do you not hold, then, that the one who reported this teaching in the name of Rab is Rabbah b. Jeremiah?'¹⁰ He answered me: 'You black-pot.'¹¹ Through me and you this report will be completed.'¹² It has indeed been stated so: R. Zera said in the name of R. Assi, in the name of Rabbah b. Jeremiah, in the name of R. Hama b. Guria, in the name of Rab: To a big animal the same rule applies as to small cattle as regards struggling.

ONE SHOULD NOT JOIN THEM IN BUILDING A BASILICA, AN EXECUTIONER'S SCAFFOLD, A STADIUM OR A TRIBUNE.

Said Rabbah b. Bar-Hana in the name of R. Johanan: There are three kinds of basilica-buildings: those attached to royal palaces, baths, or store-houses. Said Raba: Two of these are permitted and one¹³ is forbidden; as a reminder [take the phrase], To bind their Kings with chains.¹⁴ Some report, Raba said: All [basilicae] are permitted. But have we not learnt, ONE SHOULD NOT JOIN THEM IN BUILDING A BASILICA, AN EXECUTIONER'S SCAFFOLD, A STADIUM OR A TRIBUNE? — This should be taken to mean a basilica attached to an executioner's scaffold, a stadium or a tribune.¹⁵

Our Rabbis taught:¹⁶ When R. Eliezer¹⁷ was arrested because of Minuth¹⁸ they brought him up to the tribune to be judged. Said the governor¹⁹ to him, 'How can a sage man like you occupy himself with those idle things?' He replied, 'I acknowledge the Judge as right.' The governor thought that he referred to him — though he really referred to his Father in Heaven — and said, 'Because thou hast acknowledged me as right, I pardon;²⁰ thou art acquitted.' When he came home, his disciples called on him to console him, but he would accept no consolation.²¹ Said R. Akiba to him, 'Master, wilt thou permit me to say one thing of what thou hast taught me?' He replied, 'Say it.' 'Master,' said he, 'perhaps some of the teaching of the Minim had been transmitted to thee

(1) In the Mishnah, 14b.

(2) It is unfit for work; hence even according to the other Rabbis its sale should be permitted, as the reasons given in case of cattle are inapplicable here.

(3) Tosef. A.Z. II.

(4) Who holds that there is no objection to the sale of big animals, where it is customary to do so. (8) There will thus be no contradiction offered by the Baraitha which forbids the sale of big animals.

(5) V. p. 82, n. 7.

- (6) Who was a disciple of both Rab and Samuel.
- (7) V. supra p. 81.
- (8) [Identified with Kirkesium (Circesium) on the Euphrates. This town as well as Sura lay on R. Zera's itinerary from Pumbeditha to Palestine, Obermeyer, op. cit. p. 33.]
- (9) To Palestine.
- (10) The Rabbis attached great importance to the accuracy of those in whose names anything was reported. V. Ab. VI, 6.
- (11) The mild rebuke was presumably warranted by R. Zera's attire.
- (12) [That it was R. Hama who heard it from Rab and from whom Rabbah in turn had heard it reported.]
- (13) Connected with the royal palace — where men are sometimes sentenced to death.
- (14) **לאסור מלניהם בזיקים** Ps. CXLIX, 8. **לאסור** suggests, prohibition.
- (15) Otherwise, even one of a royal palace is permitted; the latter being only used as part of the royal residence.
- (16) The following incident is recorded with considerable variations in Eccl. Rab. I, 8.
- (17) For the historical significance of this story, v. Klausner's Jesus of Nazareth, p. 37ff and references there given; also T. Herford's, op. cit. p. 143 and note.
- (18) **מינות** (abstract noun of **מין** Min, v. supra, p. 14, n. 2) 'heresy', with special reference to Christianity. [During the Roman persecution of Christians in Palestine in the year 109 under Trajan (Herford, loc. cit.) R. Eliezer b. Hyrcanus was arrested on suspicion of following that sect.]
- (19) **.
- (20) **דימום**, dimissus.
- (21) He was sorely grieved to have been at all suspected of apostacy.

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and thou didst approve of it and because of that thou wast arrested?' He exclaimed: 'Akiba thou hast reminded me.' I was once walking in the upper-market of Sepphoris when I came across one [of the disciples of Jesus the Nazarene]¹ Jacob of Kefar-Sekaniah² by name, who said to me: It is written in your Torah, Thou shalt not bring the hire of a harlot . . . into the house of the Lord thy God.³ May such money be applied to the erection of a retiring place for the High Priest?⁴ To which I made no reply. Said he to me: Thus was I taught [by Jesus the Nazarene],⁵ For of the hire of a harlot hath she gathered them and unto the hire of a harlot shall they return.⁶ they came from a place of filth, let them go to a place of filth. Those words pleased me very much, and that is why I was arrested for apostasy; for thereby I transgressed the scriptural words, Remove thy way far from her — which refers to minuth — and come not nigh to the door of her house,⁷ — which refers to the ruling power.⁸

There are some who apply, 'Remove thy way from her' to minuth as well as to the ruling power, and, 'and come not nigh to the door of her house' to a harlot. And how far is one to keep away? Said R. Hisda: Four cubits. And to what do the Rabbis⁹ apply, of the hire of a harlot? — To the saying of R. Hisda. For R. Hisda said: Every harlot who allows herself to be hired will at the end have to hire,¹⁰ even as it is said, And in that thou givest hire, and no hire is given to thee, thus thou art reversed.¹¹ This¹² is contrary to what R. Pedath said; for R. Pedath said:¹³ Only in the case of incest did the Torah forbid close approach, as it is said, None of you shall approach to any that is near of kin to him to uncover their nakedness.¹⁴

'Ulla¹⁵ on returning from college used to kiss his sisters on the hand; some say, on the breast. He, then, contradicts himself. For 'Ulla said: Even mere approach is forbidden because we say to a Nazarite,¹⁶ 'Go, go — round about; but do not approach 'the vineyard.'¹⁷

The horse-leech hath two daughters: Give, give.¹⁸ What is meant by 'Give, give'? Said Mar 'Ukba: It is the voice of the two daughters who cry from Gehenna calling to this world: Bring, bring! And who are they? Minuth¹⁹ and the Government.²⁰ Some report: Said R. Hisda in the name of Mar 'Ukba: It is the voice of Hell crying and calling: Bring me the two daughters who cry and call in this world, 'Bring, bring.'

Scripture says, None that go unto her return neither do they attain the paths of life.²¹ But if they do not return, how can they attain [the paths of life]? — What it means is that even if they do turn away from it they will not attain the paths of life.¹² Does it mean then that those who repent from minuth die? Was there not that woman who came before R. Hisda confessing to him that the lightest sin that she committed was that her younger son is the issue of her older son? Whereupon R. Hisda said: Get busy in preparing her shrouds — but she did not die. Now, since she refers to her [immoral] act as the lightest sin, it may be assumed that she had also adopted minuth [and yet she did not die]! — That one did not altogether renounce her evil-doing, that is why she did not die.

Some have this version: [Is it only] from minuth that one dies if one repents, but not from other sins? Was there not that woman who came before R. Hisda who said, Prepare her shrouds and she died?²² — Since she said [of her guilt] that it is one of the lightest, it may be assumed that she was guilty of idolatry also.

And does not one die on renouncing sins other [than idolatry]? Surely it has been taught: It was said of R. Eleazar b. Dordia that he did not leave out any harlot in the world without coming to her. Once, on hearing that there was a certain harlot in one of the towns by the sea who accepted a purse of denarii for her hire, he took a purse of denarii and crossed seven rivers for her sake. As he was with her, she blew forth breath and said: As this blown breath will not return to its place, so will

Eleazar b. Dordia never be received in repentance. He thereupon went, sat between two hills and mountains and exclaimed: O, ye hills and mountains, plead for mercy for me! They replied: How shall we pray for thee? We stand in need of it ourselves, for it is said, For the mountains shall depart and the hills be removed!²³ So he exclaimed: Heaven and earth, plead ye for mercy for me! They, too, replied: How shall we pray for thee? We stand in need of it ourselves, for it is said, For the heavens shall vanish away like smoke, and the earth shall wax old like a garment.²⁴ He then exclaimed: Sun and moon, plead ye for mercy for me! But they also replied: How shall we pray for thee? We stand in need of it ourselves, for it is said, Then the moon shall be confounded and the sun ashamed.²⁵ He exclaimed: Ye stars and constellations, plead ye for mercy for me! Said they: How shall we pray for thee? We stand in need of it ourselves, for it is said, And all the hosts of heaven shall moulder away.²⁶ Said he: The matter then depends upon me alone! Having placed his head between his knees, he wept aloud until his soul departed. Then a bath-kol²⁷ was heard proclaiming: 'Rabbi Eleazar b. Dordai is destined for the life of the world to come!' Now, here was a case of a sin [other than minuth] and yet he did die! — In that case, too, since he was so much addicted to immorality it is as [if he had been guilty of] minuth. Rabbi [on hearing of it] wept and said:²⁸ One may acquire eternal life after many years, another in one hour! Rabbi also said: Repentants are not alone accepted, they are even called 'Rabbi'!

R. Hanina and R. Jonathan were walking on the road and came to a parting of ways, one of which led by the door of a place of idol-worship and the other led by a harlots' place. Said the one to the other: Let us go [through the one leading] by the place of idolatry

(1) The bracketed words occur in MS. M.

(2) [Identified with Suchnin, north of the plain of El Batauf in Galilee (v. Klein, Neue Beitr, z. Geschichte und Geogr., 20ff); and this Jacob may have been either James the son of Alphaeus (Mark III, 18) or James the Little (ibid. XV, 40).]

(3) Deut. XXIII, 19.

(4) Who spent the whole night preceding the Day of Atonement in the precincts of the Temple, where due provision had to be made for all his conveniences.

(5) V. n. 3.

(6) Micah I, 7.

(7) Prov. V, 8.

(8) Cf. Ab. I, 10, 'Seek not intimacy with the ruling power'; also ib. II, 3.

(9) Who do not share the view of Jacob cited above.

(10) She will be despised by all.

(11) Ezek. XVI, 34.

(12) The distance of four cubits prescribed by R. Hisda.

(13) Shab. 13a.

(14) Lev. XVIII, 6.

(15) V. Shab. 13a.

(16) Who has vowed to abstain from wine or anything issuing from the vine (v. Num. VI, 1 seq.).

(17) Infra 58b.

(18) Prov. XXX, 15.

(19) Which continually lures the unwary to its erroneous teaching.

(20) Which constantly imposes fresh taxes and duties.

(21) Prov. II, 19, applied to those converted to idolatry. (12) Torment of remorse will shorten their lives.

(22) Though her sin was incest and not minuth!

(23) Isa. LIV, 10.

(24) Ibid. LI, 6.

(25) Ibid. XXIV, 23.

(26) Ibid. XXXIV, 4.

(27) 'A heavenly voice', v. Glos.

(28) V. supra 10a.

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the inclination for which has been abolished.¹ The other however said: Let us go [through that leading] by the harlots' place and defy our inclination and have our reward. As they approached the place they saw the harlots withdraw² at their presence. Said the one to the other: Whence didst thou know this?³ The other, in reply, quoted, She shall watch over thee, mezimmah [against lewdness], discernment shall guard thee.⁴ Said the Rabbis to Raba: How is this word mezimmah to be understood?⁵ Shall it be rendered 'The Torah' since the word zimmah in Scripture is rendered in the Targum,⁶ 'It is a counsel of the wicked';⁷ and Scripture has the phrase, wonderful is His counsel and great His wisdom?⁸ But in that case the word should have been zimmah. This, then, is how it is to be understood, Against things of lewdness — zimmah — she [Discernment, i.e., the Torah] shall watch over thee.

Our Rabbis taught: When R. Eleazar b. Perata and R. Hanina b. Teradion were arrested, R. Eleazar b. Perata said to R. Hanina b. Teradion: Happy art thou that thou hast been arrested on one charge; woe is me, for I am arrested on five charges. R. Hanina replied: Happy art thou, who hast been arrested on five charges, but wilt be rescued; woe is me who, though having been arrested on one charge, will not be rescued; for thou hast occupied thyself with [the study of] the Torah as well as with acts of benevolence, whereas I occupied myself with Torah alone.

This accords with the opinion of R. Huna. For R. Huna said: He who only occupies himself with the study of the Torah is as if he had no God, for it is said: Now for long seasons Israel was without the true God.⁹ What is meant by 'without the true God'? — It means that he who only occupies himself with the study of the Torah is as if he had no God.

But did he not occupy himself with acts of benevolence? Surely it has been taught: R. Eliezer b. Jacob says: One should not put his money into a charity-bag, unless it is supervised by a learned man such as R. Hanina b. Teradion!¹⁰ — He was indeed very trustworthy, but he did not practise benevolence.

But has it not been taught: He¹¹ said to him [R. Jose b. Kisma]: I mistook Purim-money¹² for ordinary charity money, so I distributed [of my own] to the poor!¹³ — He did indeed practise charity, but not as much as he might have done.

When they brought up R. Eleazar b. Perata [for his trial] they asked him, 'Why have you been studying [the Torah] and why have you been stealing?' He answered, 'If one is a scholar he is not a robber, if a robber he is not a scholar, and as I am not the one I am neither the other.' 'Why then,' they rejoined, 'are you titled Master?'¹⁴ 'I,' replied he, 'am a Master of Weavers.' Then they brought him two coils and asked, 'Which is for the warp and which for the woof?' A miracle occurred and a female-bee came and sat on the warp and a male-bee came and sat on the woof. 'This,' said he, 'is of the warp and that of the woof.' Then they asked him,¹⁵ 'Why did you not go to the Meeting-House?'¹⁶ He replied, 'I have been old and feared lest I be trampled under your feet.' 'And how many old people have been trampled till now?' he was asked. A miracle [again] happened; for on that very day an old man had been trampled. 'And why did you let your slave go free?'¹⁷ He replied, 'No such thing ever happened.' One of them then was rising to give evidence against him, when Elijah came disguised as one of the dignitaries of Rome and said to that man: As miracles were worked for him in all the other matters, a miracle will also happen in this one, and you will only be shown up as bad natured. He, however, disregarded him and stood up to address them, when a written communication from important members of the government had to be sent to the Emperor and it was dispatched by that man. [On the road] Elijah came and hurled him a distance of four hundred parasangs. So that he went¹⁸ and did not return.

They then brought up R. Hanina b. Teradion and asked him, ‘Why hast thou occupied thyself with the Torah?’¹⁹ He replied, ‘Thus the Lord my God commanded me.’ At once they sentenced him to be burnt, his wife to be slain, and his daughter to be consigned to a brothel.

(The punishment of being burnt came upon him because he

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- (1) V. Sanh. 64a.
 - (2) Abstaining from solicitation.
 - (3) How could he be so sure of being able to subdue his inclination.
 - (4) Prov. II, 11.
 - (5) **מְזוּמָה** (E.V. ‘discretion’). **זְמָה** has the twofold meaning of ‘counsel’ and ‘lewdness’.
 - (6) V. Targum Onkelos.
 - (7) Lev. XVIII, 17. **זְמָה הוּא** — generally rendered, it is lewdness.
 - (8) Isa. XXVIII, 29. ‘Counsel’ is thus used as a synonym for the Torah; the words quoted from Prov. would therefore be rendered, The Torah shall watch over thee.
 - (9) II Chron. XV, 3.
 - (10) B.B. 10a.
 - (11) R. Han, b. Ter., who was a Charity-Treasurer.
 - (12) Money set aside for distribution among the poor for celebrating the Festival of Purim (v. Esther) which must not be applied by the recipient to any other purpose whatsoever.
 - (13) Having distributed the Purim Funds without specifying their purpose, he distributed his own money as Purim allowances. Infra 18a.
 - (14) The third charge.
 - (15) The fourth charge brought against him.
 - (16) **בֵּיּוֹעֵדֵי אֲבִידִין** Place of Assembly for matters and performances connected with idolatry. Under Hadrian Jews were forced to attend these. V. Shab. 115a, where this is referred to as a place where disputations were held between Jews and the early Christians. [Meaning of the word still obscure despite the many and varied explanations suggested; e.g., (a) House of the Ebonites, (b) Abadan (Pers.) ‘forum’, (c) Beh Mobedhan (Pers.), i.e., House of the chief magi; v. Krauss, Synagogale Altertumer, p. 31].
 - (17) In accordance with the Biblical injunction to free all Jewish slaves after six years, or at the advent of the Jubilee Year — the fifth offence with which he was charged.
 - (18) Without giving the intended evidence.
 - (19) This was forbidden by Hadrian under penalty of death.

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pronounced the Name in its full spelling.¹ But how could he do so? Have we not learnt: The following have no portion in the world to come: He who says that the Torah is not from Heaven, or that the resurrection of the dead is not taught in the Torah. Abba Saul says: Also he who pronounces the Name in its full spelling?² — He did it in the course of practising, as we have learnt: Thou shalt not learn to do after the abominations of those nations,³ but thou mayest learn [about them] in order to understand and to teach. Why then was he punished? — Because he was pronouncing the Name in public. His wife was punished by being slain, because she did not prevent him [from doing it]. From this it was deduced: Any one who has the power to prevent [one from doing wrong] and does not prevent, is punished for him.⁴ His daughter was consigned to a brothel, for R. Johanan related that once that daughter of his was walking in front of some great men of Rome who remarked, ‘How beautiful are the steps of this maiden!’ Whereupon she took particular care of her step. Which confirms the following words of R. Simeon b. Lakish: What is the meaning of the verse, The iniquity of my heel compasseth me about?⁵ — Sins which one treads under heel⁶ in this world compass him about on the Day of Judgment.)

As the three of them went out [from the tribunal] they declared their submission to [the Divine] righteous judgment. He quoted, The Rock, His work is perfect; for all his ways are justice.⁷ His wife continued: A God of faithfulness and without iniquity, just and right is He;⁸ and the daughter quoted: Great in counsel and mighty in work, whose eyes are open upon all the ways of the sons of men, to give everyone according to his ways, and according to the fruit of his doing.⁹ Said Raba: How great were these righteous ones, in that the three Scriptural passages, expressing submission to Divine justice, readily occurred to them just at the appropriate time for the declaration of such submission.

Our Rabbis taught: When R. Jose b. Kisma was ill, R. Hanina b. Teradion went to visit him. He said to him: 'Brother Hanina, knowest thou not that it is Heaven¹⁰ that has ordained this [Roman] nation to reign? For though she laid waste His House, burnt His Temple, slew His pious ones and caused His best ones to perish, still is she firmly established! Yet, I have heard about thee that thou sittest and occupiest thyself with the Torah, dost publicly gather assemblies, and keepest a scroll [of the Law] in thy bosom!'¹¹ He replied, 'Heaven will show mercy.' — 'I,' he remonstrated, 'am telling thee plain facts, and thou sayest "Heaven will show mercy"! It will surprise me if they do not burn both thee and the scroll of the Law with fire.' 'Rabbi,' said the other, 'How do I stand with regard to the world to come?' — 'Is there any particular act that thou hast done?' he enquired. He replied: 'I once mistook Purim-money for ordinary charity-money, and I distributed [of my own] to the poor.'¹² 'Well then,' said he, 'would that thy portion were my portion and thy lot my lot.'

It was said that within but few days R. Jose b. Kisma died and all the great men of Rome¹³ went to his burial and made great lamentation for him. On their return, they found R. Hanina b. Teradion sitting and occupying himself with the Torah, publicly gathering assemblies, and keeping a scroll of the Law in his bosom. Straightaway they took hold of him, wrapt him in the Scroll of the Law, placed bundles of branches round him and set them on fire. They then brought tufts of wool, which they had soaked in water, and placed them over his heart, so that he should not expire quickly. His daughter exclaimed, 'Father, that I should see you in this state!' He replied, 'If it were I alone being burnt it would have been a thing hard to bear; but now that I am burning together with the Scroll of the Law, He who will have regard for the plight of the Torah will also have regard for my plight.' His disciples called out, 'Rabbi, what seest thou?' He answered them, 'The parchments are being burnt but the letters are soaring on high.'¹⁴ 'Open then thy mouth' [said they] 'so that the fire enter into thee.'¹⁵ He replied, 'Let Him who gave me [my soul] take it away, but no one should injure oneself.' The Executioner¹⁶ then said to him, 'Rabbi, if I raise the flame and take away the tufts of wool from over thy heart, will thou cause me to enter into the life to come?' 'Yes,' he replied. 'Then swear unto me' [he urged]. He swore unto him. He thereupon raised the flame and removed the tufts of wool from over his heart, and his soul departed speedily. The Executioner then jumped and threw himself into the fire. And a bathkol¹⁷ exclaimed: R. Hanina b. Teradion and the Executioner have been assigned to the world to come. When Rabbi heard it he wept and said: One may acquire eternal life in a single hour, another after many years.¹⁸

Beruria, the wife of R. Meir, was a daughter of R. Hanina b. Teradion. Said she [to her husband], 'I am ashamed to have my sister placed in a brothel.' So he took a tarkab-full¹⁹ of denarii and set out.²⁰ If, thought he, she has not been subjected to anything wrong, a miracle will be wrought for her, but if she has committed anything wrong, no miracle will happen to her. Disguised as a knight, he came to her and said, 'Prepare thyself for me.' She replied, 'The manner of women is upon me.' 'I am prepared to wait,' he said. 'But,' said she, 'there are here many, many prettier than I am.' He said to himself, that proves that she has not committed any wrong; she no doubt says thus to every comer. He then went to her warder and said, 'Hand her over to me. He replied, 'I am afraid of the government.' 'Take the tarkab of dinars.' said he, 'one half distribute [as bribe], the other half shall be for thyself.' 'And what shall I do when these are exhausted?' he asked. 'Then,' he replied, 'say, "O God of Meir, answer me!" and thou wilt be saved.' 'But,' said he,

- (1) The Tetragrammaton, the four-lettered Name of God, יהוה, was fully pronounced only by the Priests in the temple when blessing the people. Everywhere else it was pronounced 'Adonai'. For full treatment of the subject, v.J.E. IX, 162 seq.
- (2) Sanh. 90a.
- (3) Deut. XVIII, 9.
- (4) Shab. 54b.
- (5) Literal rendering of Ps. XLIX, 6.
- (6) Regards as insignificant.
- (7) Deut. XXXII, 4.
- (8) Ibid.
- (9) Jer. XXXII, 19. These verses are embodied to this day in the Jewish Burial Service (v.P.B, p. 318), the main idea of which is submission to the justice of the Divine judgment — צדוק-הדין by which Hebrew name the Burial Service is called.
- (10) Synonym for God.
- (11) Contrary to the Roman decree.
- (12) V. supra 17a.
- (13) [The Roman officials in Caesarea where he lived and died.]
- (14) Scrolls of the Torah may be destroyed, but its spirit is immortal and indestructible.
- (15) And put an end to his agony.
- (16) קלצטונירי, ** Torturer, executioner.
- (17) V. Glos.
- (18) His favourite aphorism. V. supra 10b, 17a.
- (19) תרי-קבתתרקב a dry measure holding two kabs.
- (20) To release her.

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'who can assure me that that will be the case?' He replied, 'You will see now.' There were there some dogs who bit anyone [who incited them]. He took a stone and threw it at them, and when they were about to bite him he exclaimed, 'O God of Meir answer me!' and they let him alone. The warder then handed her over to him. At the end the matter became known to the government, and [the warder] on being brought [for judgment] was taken up to the gallows, when he exclaimed, 'O God of Meir answer me.' They took him down and asked him what that meant, and he told them the incident that had happened. They then engraved R. Meir's likeness on the gates of Rome and proclaimed that anyone seeing a person resembling it should bring him there. One day [some Romans] saw him and ran after him, so he ran away from them and entered a harlot's house.¹ Others say he happened just then to see food cooked by heathens and he dipped in one finger and then sucked the other. Others again say that Elijah the Prophet appeared to them as a harlot who embraced him. God forbid, said they, were this R. Meir, he would not have acted thus! [and they left him]. He then arose and ran away and came to Babylon. Some say it was because of that incident that he ran to Babylon; others say because of the incident about Beruria.²

Our Rabbis taught: Those who visit stadiums³ or a camp⁴ and witness there [the performance] of sorcerers and enchanters, or of bukion and mukion, lulion and mulion, blurin or salgurin⁵ — lo, this is 'the seat of the scornful,' and against those [who visit them] Scripture says, Happy is the man that hath not walked in the counsel of the wicked . . . nor sat in the seat of the scornful, but his delight is in the law of the Lord.⁶ From here you can infer that those things cause one to neglect the Torah.⁷

The following was cited as contradicting the foregoing: It is permitted to go to stadiums, because by shouting one may save [the victim].⁸ One is also permitted to go to a camp for the purpose of maintaining order in the country, providing he does not conspire [with the Romans], but for the purpose of conspiring it is forbidden. There is thus a contradiction between [the laws relating to]

stadiums as well as between [those relating to] camps! There may indeed be no contradiction between those relating to camps, because the one may refer to where he conspires with them, and the other to where he does not; but the laws relating to stadiums are surely contradictory! — They represent the differing opinions of [two] Tannaim. For it has been taught: One should not go to stadiums because [they are] ‘the seat of the scornful’, but R. Nathan permits it for two reasons: first, because by shouting one may save [the victim], secondly, because one might be able to give evidence [of death] for the wife [of a victim] and so enable her to remarry.

Our Rabbis taught: One should not go to theatres or circuses because entertainments are arranged⁹ there in honour of the idols. This is the opinion of R. Meir. But the Sages say: Where such entertainments are given there is the prohibition of being suspected of idolatrous worship, and where such entertainment is not given, the prohibition is because of being in ‘the seat of the scornful’. What is the difference between these two reasons?¹⁰ Said R. Hanina of Sura: There is a difference in the case of calling to do business.¹¹

R. Simeon b. Pazi expounded [the foregoing verse as follows]: What does Scripture mean by, Happy is the man that hath not walked in the counsel of the wicked, nor stood in the way of sinners, nor sat in the seat of the scornful?¹² If he did not walk [that way] at all how could he stand there? And if he did not stand there he obviously did not sit [among them], and as he did not sit among them he could not have scorned! The wording is to teach thee that if one walks [towards the wicked] he will subsequently stand with them, and if he stands he will at the end sit with them, and if he does sit, he will also come to scorn, and if he does scorn the scriptural verse will be applicable to him, If thou art wise, thou art wise for thyself, and If thou scornest thou alone shalt bear it.¹³ Said R. Eleazar: He who scoffs, affliction will befall him, as it is said, Now therefore do ye not scoff lest your punishment be made severe.¹⁴ Raba used to say to the Rabbis: I beg of you, do not scoff, so that you incur no punishment. R. Kattina said: He who scoffs, his sustenance will be reduced, as it is said, He withdraweth His hand in the case of scoffers.¹⁵ R. Simeon b. Lakish said: He who scoffs will fall into Gehenna, as it is said, A proud and haughty man, scoffer is his name, worketh for arrogant wrath.¹⁶ And by ‘wrath’ nought but Gehenna is meant; as it is said, That day is a day of wrath.¹⁷ R. Oshaia said: He who is haughty falls into Gehenna, as it is said, A proud and haughty man, scoffer is his name, worketh for arrogant wrath.¹⁶ And by ‘wrath’ nought but Gehenna is meant; as it is said, That day is a day of wrath.¹⁷ Said R. Hanilai¹⁸ b. Hanilai: He who scoffs brings destruction upon the world, as it is said, Now therefore be ye not scoffers, lest your affliction be made severe, for an extermination wholly determined have I heard.¹⁹ Said R. Eleazar: It is indeed a grievous sin, since it incurs ‘affliction’ at first and ‘extermination’ at last.

R. Simeon b. Pazi expounded [that verse as follows]: ‘Happy is the man that hath not walked’ — i.e., to theatres and circuses of idolaters ‘nor stood in the way of sinners’ — that is he who does not attend contests of wild beasts;²⁰ ‘nor sat in the seat of the scornful’ — that is he who does not participate in [evil] plannings. And lest one say, ‘Since I do not go to theatres or circuses nor attend contests of wild animals, I will go and indulge in sleep.’ Scripture therefore continues, ‘And in His Law doth He meditate day and night.’ Said R. Samuel b. Nahmani in the name of R. Jonathan: Happy is the man that hath not walked in the counsel of the wicked — that is

(1) So as not to be identified with R. Meir, who naturally would not enter such a place.

(2) The incident as related in Kid. 80b is to the effect that when R. Meir's wife taunted him about the familiar Rabbinic adage ‘Women are lightminded’, נשים דעתן קלות, he replied that one day she would herself testify to its truth. When, subsequently, she was enticed by one of her husband's disciples, she indeed proved to be too weak to resist. She then committed suicide and the husband, for shame, ran away to Babylon.

(3) Arenas for gladiatorial contests.

(4) כרקום, the Roman castra.

(5) Names given to various performers and performances. [Krauss, op. cit. III, 120, gives the Latin equivalent: bucco,

pappus, maccus, morio (kinds of clowns), ludio (mimic), burrae (drolleries), scurrae (buffoons).]

(6) Ps. I, 1-2.

(7) Tos. 'A.Z. Ch. II.

(8) From the animal which might he scared by their shouts. [Rashi: They might succeed in rescuing the victim by interceding on his behalf.]

(9) [מזבלין Levy takes it as kakophemism for מזבחיך 'sacrifice'.]

(10) Since according to the Sages one is forbidden to enter such places in any case, is there any difference between a place where idolatrous entertainments are present or absent? (V. Tosaf. s.v. מאי.)

(11) In the absence of idolatrous entertainments the sages would not forbid the going for such purpose, since the purpose is not to sit in the seat of the scornful.

(12) Ps. I. 1.

(13) Prov. IX, 12.

(14) Isa. XXVIII, 22. The word מוסרכם, here rendered 'your bands', may also stand for 'your affliction', v. supra, p. 14, n. 1.

(15) A homiletical rendering of Hos. VII, 5.

(16) Prov. XXI, 24, rendered homiletically.

(17) Zeph. I, 15, referring to the Day of Judgment when the wicked will be sentenced to Gehenna.

(18) Some versions have Tanhum.

(19) Isa. ibid.

(20) קניגיון ** contest of wild beasts with beasts or with men; hunt of animals.

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our father Abraham who did not follow the counsel of the men of the Generation of the Division¹ who were wicked, as it is said, Come, let us build us a city, and a tower, with its top in heaven,² nor stood in the way of sinners — for he did not take up the stand of the Sodomites, who were sinful, as it is said, Now the men of Sodom were wicked and sinful against the Lord exceedingly;³ nor sat in the seat of the scornful — for he did not sit in the company of the Philistines, because they were scoffers; as it is said, And it came to pass, when their hearts were merry, that they said: Call for Samson that he may make us sport.⁴

Happy is the man that feareth the Lord:⁵ Does it mean happy is the 'man' and not the woman? — Said R. Amram in the name of Rab: [It means] Happy is he who repents whilst he is still a 'man'.⁶ R. Joshua b. Levy explained it: Happy is he who over-rules his inclination⁷ like a 'man'. That delighteth greatly in His commandments,⁸ was explained by R. Eleazar thus: 'In His commandments,' but not in the reward of His commandments.⁹ This is just what we have learnt. 'He used to say, Be not like servants who serve the master on the condition of receiving a reward; but be like servants who serve the master without the condition of receiving a reward.'¹⁰

But whose desire is in the law of the Lord.¹¹ Said Rabbi: A man can learn [well] only that part of the Torah which is his heart's desire,¹² for it is said, But whose desire is in the law of the Lord.

Levi and R. Simeon the son of Rabbi were once sitting before Rabbi and were expounding a part of Scripture.¹³ When the book was concluded, Levi said: Let the book of Proverbs now be brought in. R. Simeon the son of Rabbi however said: Let the Psalms be brought; and, Levi having been overruled, the Psalms were brought. When they came to this verse, 'But whose desire is in the Law of the Lord', Rabbi offered his comment: One can only learn well that part of the Torah which is his heart's desire. Whereupon Levi remarked: Rabbi, You have given me the right to rise.¹⁴

Said R. Abdimi b. Hama: He who occupies himself with the Torah will have his desires granted by the Holy One, blessed be He, as it is said: He who [is occupied] with the Law of the Lord, his desire [shall be granted].¹⁵

Raba likewise said: One should always study that part of the Torah which is his heart's desire, as it is said, But whose desire is in the law of the Lord. Raba also said: At the beginning [of this verse] the Torah is assigned to the Holy One, blessed be He, but at the end it is assigned to him [who studies it],¹⁶ for it is said, Whose desire is in the Law of the Lord and in his [own] Law doth he meditate day and night.¹⁷

Raba also said the following: One should always study the Torah first and meditate in it afterwards,¹⁸ as it is said, ' . . . the Law of the Lord', and then, 'and in his [own] law he meditates.'¹⁹ This, too, did Raba say: Let one by all means learn, even though he is liable to forget, yea, even if he does not fully understand all the words which he studies, as it is said, My soul breaketh for the longing that it hath unto Thy ordinances at all times.²⁰ 'Breaketh' is what Scripture says, it does not say 'grindeth'.²¹

Raba pointed to the following contradictions:²² Scripture says, Upon the highest places,²³ and then it says. On a seat [in the high places]!²⁴ — At the beginning [the student occupies] any place, but ultimately [he will occupy] a seat.²⁵ [In another instance] Scripture says, In the top of high places²⁶ and then it says by the road!²⁷ — Though at first he is in the [solitary] top in [out of the way] high places, yet ultimately [he will sit as judge] by the road.

'Ulla pointed to the following contradiction: Scripture says, Drink waters out of thine own cistern;²⁸ and then it says, and running waters out of thine own well!²⁹ — At first drink from thy cistern, and latterly, running waters from thine own well.³⁰

Said Raba in the name of R. Sehorah, who said it in the name of R. Huna:³¹ What is the meaning of the verse, Wealth gotten by vanity shall be diminished, but he that gathereth little by little shall increase?³² — If one takes his studies by heaps at a time, he will benefit but little, but if one gathers [knowledge] little by little he will gain much.

Said Raba: The Rabbis know this thing, and yet they disregard it. Said R. Nahman b. Isaac: I have acted up to it and it stood me in good stead.

Said R. Shizebi in the name of R. Eleazar b. Azariah: What is the meaning of the verse, The slothful man shall not hunt his prey?³³ — [It means that] he who is, as it were, a cunning hunter [in matters of learning], will not live or have length of days.³⁴ R. Shesheth, however, said: [It means that] the cunning hunter has prey to roast,³⁵ When R. Dimi came³⁶ he said: This may be likened to one who is hunting birds; if he breaks the wings of each one in turn,³⁷ he has made sure that all will remain in his possession, otherwise none will remain with him.

And he shall be like a tree transplanted³⁸ by streams of water.³⁹ — Those of the school of R. Jannai said: 'a tree transplanted,' not 'a tree planted' — [which implies that] whoever learns Torah from one master only will never achieve great success. Said R. Hisda to the Rabbinic students: I have a mind to tell you something, though I fear that you might leave me and go elsewhere: 'Whoever learns Torah from one master only will never achieve great success.'⁴⁰ They did leave him and went [to sit] before Rabbah, who however explained to them that the maxim only applies to lessons in logical deductions,⁴¹ but as to oral traditions⁴² it is better to learn from one master only, so that

(1) The builders of the Tower of Babel. Abraham was a younger contemporary of Peleg in whose days was the earth divided. (Gen. X, 25.)

(2) Ibid. XI, 4.

(3) Ibid. XIII, 13.

- (4) Judges XVI, 25.
- (5) Ps. CXII, 1.
- (6) [Enjoying the full vitality and energy of youthful manhood.]
- (7) V. supra p. 22, n. 8.
- (8) Ibid.
- (9) Cf. Ab. IV, 2. 'The reward of a precept is the precept.'
- (10) V. Ibid. I, 3, note (Soncino ed.)
- (11) Ps. I, 2.
- (12) I.e., for which he has an aptitude, or to which his mood is attuned.
- (13) The phrase here used **פסק סדרא**, 'expounded a part of scripture', which occurs only in the Babylonian Talmud, is the equivalent of **פשט קרא** of the Palestinian Talmud, which has the same meaning. Though it refers to Scripture generally, the phrase is mostly applied to the exposition of the Hagiographa. The passage in Shab. 116b, **בנהרדעא פסקי סדרא בכתובים כמנחתא דשבתא**, 'In Nehardea a portion of the Hagiographa is expounded at the Sabbath Afternoon Service' has been taken to indicate the custom of reading a Haftarah from the Hagiographa at those services. This is hardly warranted by the passage in question. V. Bacher Terminologie s.v. **סדרא**.
- (14) From the exposition, as the subject was not of his choice.
- (15) Homiletical rendering of the same verse.
- (16) Kid. 32b.
- (17) By diligent study the student makes the subject his own.
- (18) One should make oneself master of a subject before discussing it.
- (19) Ber. 63b.
- (20) Ps. CXIX.
- (21) Comparing the intellect (soul) to a mill, the above verse is made to indicate that it is satisfied just to break up the grain, even though it cannot grind it into fine flour.
- (22) Sanh. 38a.
- (23) Prov. IX, 3. Wisdom, the subject of this chapter, is taken as a synonym for the Torah.
- (24) Ibid. 14.
- (25) As an exponent of the Torah to disciples. V. Sanh. 38b.
- (26) Ibid. VIII, 2.
- (27) Ibid.
- (28) Prov. V, 15.
- (29) Ibid.
- (30) Imbibe the knowledge drawn from other sources, and in time you will become an inexhaustible source of learning.
- (31) 'Er. 54b.
- (32) Prov. XIII, 11.
- (33) Ibid. XII, 27.
- (34) He who poses as a man of learning without having acquired any knowledge does not deserve to live. The interpretation is based on a play on the words **לא יהרוך** which is made to read **לא יהיה ויאריך** 'He will not live nor have length of days.'
- (35) The wise scholar who gathers knowledge little by little will amass good stores.
- (36) From Palestine.
- (37) Lit., 'of the first one' (and then proceeds to hunt for other birds).
- (38) **שתול** (E.V. planted) is rendered 'transplanted' as distinct from **נטוע** 'planted'. V. Malbim, **הכרמל** s.v. **נטע**.
- (39) Ps. I, 3.
- (40) Lit., 'a sign of blessing.'
- (41) **סברא** dialectic, from **סבר**, 'to hold an opinion', 'to reason'.
- (42) [**גמרא** Gemara from **גמר** — 'to complete', a subject that has been completely acquired by means of oral study, v. Bacher, HUCA. 1904, pp. 20 seqq.]

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one is not confused by the variation in the terms used.

‘By streams of water’.¹ — Said R. Tanhum b. Hanilai:² [This implies that] one should divide one's years [of study] into three [and devote] one third of them to Scripture, one third to Mishnah,³ and one third to Talmud.³ But does a man know the tenure of his life? — What is meant is that he should apply this practice to every day of his life.⁴

That bringeth forth its fruit in its season and whose leaf doth not wither⁵ — was explained by Raba thus: If he bringeth forth his fruit in its season, then, his leaf will not wither,⁶ otherwise, both to the one taught and to the one who teaches does the scriptural verse apply, Not so the wicked; but they are like the chaff which the wind driveth away.⁷ R. Abba said in the name of R. Huna, in the name of Rab:⁸ The scriptural words, For she hath cast down many wounded,⁹ refer to the disciple who gives decisions though he has not reached the age of ordination;¹⁰ yea, a mighty host are her slain¹¹ refer to the disciple who has reached the ordination age but refrains from giving decisions.¹² And what is the age? — Forty years. But did not Rabbah act as Rabbi?¹³ — That was a case of being equal [to anyone].¹⁴

And whose leaf doth not wither.¹⁵ — Said R. Aha b. Adda in the name of Rab (some ascribe it to R. Aha b. Abba in the name of R. Hamnuna, in the name of Rab): Even the ordinary talk of scholars needs studying, for it is said, And whose leaf doth not wither, and whatsoever he doeth shall prosper.¹⁶ R. Joshua b. Levi said: The following is written in the Law,¹⁷ repeated in the Prophets and mentioned a third time in the Hagiographa: Whosoever occupies himself with the Torah, his possessions shall prosper. ‘It is written in the Law,’ — for it says, Observe therefore the words of this covenant, and do them, that ye may make all that ye do to prosper.¹⁸ ‘It is repeated in the Prophets,’ — for it is written, This book of the Law shall not depart out of thy mouth, but thou shalt meditate therein day and night, that thou mayest observe to do according to all that is written therein; for then thou shalt make thy ways prosperous, and then thou shalt have good success.¹⁹ ‘It is mentioned a third time in the Hagiographa,’ — for it is written, But his delight is in the Law of the Lord, and in His Law doth he meditate day and night. And he shall be like a tree planted by streams of water, that bringeth forth its fruit in its season, and whose leaf doth not wither; and in whatsoever he doeth he shall prosper.²⁰

R. Alexandri was once calling out, ‘Who wants life, who wants life?’ All the people came and gathered round him saying: ‘Give us life!’ He then quoted to them, Who is the man who desireth life and loveth days that he may see good therein? Keep thy tongue from evil and thy lips from speaking guile, depart from evil and do good, seek peace and pursue it.²¹ Lest one say, ‘I kept my tongue from evil and my lips from speaking guile. I may therefore indulge in sleep,’ Scripture therefore tells us, Turn from evil and do good. By ‘good’ nought but Torah is meant; as it is said, For I have given you a good doctrine, forsake ye not my Torah.

WHEN, HOWEVER, HE REACHES THE CUPOLA IN WHICH THE IDOL IS PLACED [HE MUST NOT BUILD]. Said R. Eleazar in the name of R. Johanan: If, however, he did build, the pay he received is permitted. This surely is obvious: it is a case of appurtenances of idols, and appurtenances of idols, whether according to R. Ishmael or according to R. Akiba,²² are not forbidden till actually worshipped! — Said R. Jeremiah: It is necessary in the case of the idol itself.²³ This would be right according to the one²⁴ who holds that [to derive any benefit from] the making of an idol for an Israelite²⁵ is forbidden forthwith, but from the making of one for an idolater, not until it is worshipped. In that case this is very well; but according to the one who holds that even when made for an idolater [any benefit] is forbidden forthwith, what is there to be said?²⁶ — But, said Rabbah b. ‘Ulla, the statement is necessary in regard to the last stroke of work; for what is it that makes the idol fit for worship? It is its completion; and when is the completion brought about? With

the last stroke.²⁷ But the last stroke does not constitute the value of a perutah!²⁸ Consequently, he holds the opinion that the wage is earned from the beginning to the end [of the work].²⁹

MISHNAH. ONE SHOULD NOT MAKE JEWELLERY FOR AN IDOL [SUCH AS] NECKLACES, EAR-RINGS, OR FINGER-RINGS. R. ELIEZER SAYS, FOR PAYMENT IT IS PERMITTED. ONE SHOULD NOT SELL TO IDOLATERS A THING WHICH IS ATTACHED TO THE SOIL, BUT WHEN SEVERED IT MAY BE SOLD. R. JUDAH SAYS, ONE MAY SELL IT ON CONDITION THAT IT BE SEVERED.

GEMARA. Whence do we derive these rules? — Said R. Jose b. Hanina:

(1) Ibid.

(2) V. Kid. 30a.

(3) V. Glos.

(4) V. Tosaf. S.V. **ישלש**. It is in conformity with this rule that the scriptural verses from Num. XXVIII, the Mishnah from Zeb. Ch. V, and the Baraitha de-R. Ishmael have been inserted into the preliminary part of the Morning Service. (V.P.B. pp. 9-14). [The term 'Talmud' when occurring in the Talmud denotes the discussion in the Amoraic schools based on the Mishnah of Rabbi.]

(5) Ps. *ibid.*

(6) Only if the student's deeds and conduct are in harmony with the teaching of the Torah will his study be of lasting benefit.

(7) Ps. I, 4.

(8) V. Sotah 22a.

(9) Prov. VII, 26.

(10) The word **הפילה** in the original is suggestive of **נפל** = 'a child of premature birth'.

(11) Ibid.

(12) The original **עצומים** (E.V. mighty host) is rendered those who shut themselves up, or suppress themselves, as **עוצם עיניו** 'he closes his eyes'.

(13) Though he died on reaching the age of 40 years, (v. R.H. 18b). [On the difficulties involved in this figure v. Halevy Doroth. II, 438 ff. He maintains that Rabbah lived 60 years (40 in the text being a copyist's error), but seeing that he was head of his school for 22 years he must have already acted as Rabbi at the age of 38. Hence the question of the Gemara. Cf. however Funk, *Die Juden in Babylonien*, II, note 1.]

(14) Rabbah, though young in years, was second in learning to none in the town (Rashi). [Tosaf., Sotah 22b, s.v. **בשוין** explains that Rabbah surpassed all other scholars in his town, and the restriction to age applies only where there are others who are equal in learning to the young scholar.]

(15) Ps. I, 3.

(16) Ps. *ibid.* Even the table-talk of the learned — here likened to the leaves, the least useful produce of the tree — is instructive,

(17) The Pentateuch.

(18) Deut. XXIX, 8.

(19) Josh. 1,8.

(20) Ps. I, 2-3.

(21) Ibid. XXXIV, 13-15.

(22) V. *infra* 51b, seq.

(23) Where an Israelite has been working at the making of an idol, R. Eleazar's statement, permitting the use of the payment for such work, is necessary.

(24) The point is under dispute between R. Ishmael and R. Akiba in the reference given above.

(25) Probably for selling to idolaters.

(26) About the statement of R. Eleazar permitting the payment received.

(27) It is therefore necessary for R. Eleazar to state that the payment received even for the completion of the work is not forbidden.

(28) Smallest coin (v. Glos.); it should therefore, in any case, be too insignificant to be forbidden!

(29) V. Kid. 48a and B.K. 99a, where it is discussed whether a job-worker is entitled to payment as his work progresses, or only on the completion of the job.

Talmud - Mas. Avodah Zarah 20a

From the scriptural words, nor be gracious unto them — lo-tehannem¹ — [which may be rendered] nor allow them to settle on the soil. But are not these words needed to convey the Divine command not to admire their gracefulness? — If that alone were intended, the wording should have been lo tehunem;² why is lo tehannem used? To imply both these meanings. But there is quite another purpose for which this is needed, to express the Divine command not to give them any free gift!³ — For that purpose the wording should have been lo tehinnem,⁴ why then is it lo tehannem? — So as to imply all these interpretations. It has indeed been taught so elsewhere: lo tehannem means, thou shalt not allow them to settle on the soil. Another interpretation of lo tehannem is, thou shalt not pronounce them as graceful; yet another interpretation of lo tehannem is, thou shalt not give them any free gift.

The giving of free gifts [to idolaters] is itself a matter of dispute between Tannaim, for it has been taught:⁵ [The verse], 'Ye shall not eat of anything that dieth of itself' unto the stranger that is within thy gates thou mayest give it that he may eat it,' or thou mayest sell it unto a heathen,⁶ only tells us that it may be given away to a stranger or sold to a heathen. How do we know that it may be sold to a heathen? Because Scripture says, thou mayest give it — or sell it. How do we know that it may be given away to a heathen? Because Scripture says, thou mayest give it that he may eat it or thou mayest sell it to a heathen: hence it may be derived that both giving and selling may be applied to a stranger or a heathen.⁷ This is the opinion of R. Meir. R. Judah, however, says: The words should be taken as they are written, giving being applied to a stranger, and selling to a heathen.⁸ But R. Meir's interpretation is quite right! — R. Judah may contend thus: Were the divine words to be interpreted according to R. Meir, they would have read: 'Thou shalt give it as well as sell it'; why then does it say 'or' [sell it] if not to convey the particular meaning of the words?⁹ And R. Meir? — [He might reply that 'or'] indicates that it is preferable to give it away to a stranger-settler than to sell it to a heathen. And as to R. Judah? — He might say that, since the maintenance of such a stranger is commanded by Scripture¹⁰ and that of a heathen is not so commanded, no scriptural word is needed to give [the stranger] preference.

[It has been stated above.] 'Another interpretation of lo tehannem is, Thou shalt not pronounce them as graceful.' This supports the view of Rab. For Rab said: One is forbidden to say, 'How beautiful is that idolatress!' The following objection was raised: It happened that R. Simeon b. Gamaliel, while standing on a step on the Temple-mound, saw a heathen woman who was particularly beautiful, and he exclaimed: How great are Thy works, O Lord.¹¹ Likewise, when R. Akiba saw the wife of the wicked Tyranus Rufus,¹² he spat, then laughed, and then wept. 'Spat,' — because of her originating only from a putrefying drop;¹³ 'laughed,' — because he foresaw that she would become a proselyte and that he would take her to wife; 'wept', that such beauty should [ultimately] decay in the dust. What then about Rab's ruling?¹⁴ [He might say that] each of these Rabbis merely offered thanksgiving. For a Master has said: He who beholds goodly creatures should say, 'Blessed be He who hath created such in His universe.'¹⁵ But is even mere looking permitted? The following can surely be raised as an objection: 'Thou shalt keep thee from every evil thing'¹⁶ [implies] that one should not look intently at a beautiful woman, even if she be unmarried, or at a married woman even if she be ugly,

(1) Deut. VII, 2. **תהנמ**, connected with root **הנה**, to encamp.

(2) **תהונם**.

(3) Infra 64a.

(4) **תחינם**.

(5) Hul. 114b.

(6) Deut. XIV, 21 — The Hebrew word here rendered ‘stranger’ is Ger גֵר, a heathen who, for the purpose of acquiring rights of citizenship in Palestine, renounced idolatry but does not observe Jewish dietary laws. Such a ‘stranger’ had to be maintained by the state according to the Biblical injunction: a stranger and a settler he shall live with thee (Lev. XXV, 35).

(7) The phrasing may be so altered as to make giving and selling applicable to both cases.

(8) But to give it as a gift to a heathen is forbidden. Thus the giving of a free gift to a heathen, which is permitted according to R. Meir, is forbidden according to R. Judah.

(9) That selling refers to the one case, and giving to the other.

(10) V. n. 2, end.

(11) Ps. CIV, 24.

(12) Tineius Rufus, Governor of Judea, 1st century (C.E.).

(13) Ab. III, 1.

(14) Who holds that one must not admire the beauty of heathen.

(15) V. Ber. 58b, where the prescribed benediction is ‘Blessed be He who hath such in His universe.’

(16) Deut. XXIII, 10.

Talmud - Mas. Avodah Zarah 20b

nor at a woman's gaudy garments, nor at male and female asses, or a pig and a sow, or at fowls when they are mating; even if one be all eyes like the Angel of Death! (It is said of the Angel of Death that he is all full of eyes. When a sick person is about to depart, he stands above his head-pillow with his sword drawn out in his hand and a drop of gall hanging on it. As the sick person beholds it, he trembles and opens his mouth [in fright]; he then drops it into his mouth. It is from this that he dies, from this that [the corpse] deteriorates, from this that his face becomes greenish)? — [What may have happened in those cases was that] the woman turned round a corner.¹

[It was said above.] ‘Nor at a woman's gaudy garments!’ Said R. Judah b. Samuel: Even when these are spread on a wall. Whereon R. Papa remarked: That is if he knows their owner. Said Raba: This is also proved by the wording which reads, ‘Nor at a woman's gaudy garments,’ but does not read ‘at gaudy garments.’² This proves it. R. Hisda said: That can only refer to such as had been worn,³ but in the case of new ones it does not matter; for were you not to say so, how could women's dresses be handed to a trimmer; he must needs look at them! — And according to your opinion, [how will you explain] the statement of Rab Judah⁴ that in the case of animals of the same kind one may bring them together [for mating] in the very closest manner; surely he, too, must needs look!⁵ — But, we assume that what he cares about is only his work; so here, too, it is only his work that he cares about.

The Master said: ‘From it he dies.’ Shall we say, then, that this differs from the statement of Samuel's father?⁶ For Samuel's father said: The Angel of Death told me, Were it not for the regard I have for people's honour, I could cut the throat of men as widely as that of an animal [is cut]!⁷ — Possibly, it is that very drop that cuts into the organs of the throat. [The above-mentioned statement.] ‘From it the corpse deteriorates’ supports the view of R. Hanina b. Kahana. For R. Hanina b. Kahana stated: It had been said in the school of Rab that if one wants to keep a corpse from deteriorating, he should turn it on its face.

Our Rabbis taught: The words, Thou shalt keep thee from every evil thing,⁸ mean that⁹ one should not indulge in such thoughts by day as might lead to uncleanness by night. Hence R. Phineas b. Jair said:¹⁰ Study leads to precision, precision leads to zeal, zeal leads to cleanliness, cleanliness leads to restraint, restraint leads to purity, purity leads to holiness, holiness leads to meekness, meekness leads to fear of sin, fear of sin leads to saintliness, saintliness leads to the [possession of] the holy spirit, the holy spirit leads to life eternal,¹¹ and saintliness is greater than any of these, for Scripture

says. Then Thou didst speak in vision to Thy saintly ones.¹² This, then, differs from the view of R. Joshua b. Levy. For R. Joshua b. Levy said: Meekness is the greatest of them all, for Scripture says, The spirit of the Lord God is upon me, because the Lord hath anointed me to bring good tidings unto the meek.¹³ It does not say, 'unto the saints', but 'unto the meek', from which you learn that meekness is the greatest of all these.

ONE SHOULD NOT SELL TO IDOLATERS A THING WHICH IS ATTACHED TO THE SOIL. Our Rabbis taught: One may sell a tree to a heathen with the stipulation that it be felled and he then fells it; this is the opinion of R. Judah. R. Meir, however says: We may only sell to heathen a tree when felled. Likewise, low-growth, with the stipulation that it be cut and he may then cut it; this is the opinion of R. Judah. R. Meir, however, says: We may only sell it to them when it is cut. So also, standing corn, with the stipulation that it be reaped and he may then reap it; this is the opinion of R. Judah. R. Meir, however, says: We may only sell it them when reaped.¹⁴ And all these three instances are necessary; for were we told of the case of a tree only [we might think that] in that case only does R. Meir oppose, for, since the heathen will not lose by letting it remain in the ground, he might leave it so, but the other case [the standing corn] where he would lose by letting it remain in the soil, we might think that R. Meir would agree with R. Judah. On the other hand, were we told about the tree and the corn only [we might have thought that] it is because it is not obvious that he benefits by leaving them in the soil [that R. Judah permits], but in the case of low-growth where he obviously benefits by leaving it to grow on, we might think that he agrees with R. Meir. Were we again to be told of the case of [low-growth] only, we might have thought that it is only in that case that R. Meir objects [since it pays him not to cut it], but in the other two cases, he shares the view of R. Judah; hence all these are necessary.

The question was asked: How about selling cattle with the stipulation that it be slaughtered? Shall we say that in those other instances the reason why R. Judah permits is because [the articles], not being in the heathen's domain, could not be left there altogether, whereas cattle, which is in his own domain, might be kept by him [unslaughtered], or should no distinction be made? — Come and hear: It has been taught: [We may sell a heathen] cattle with the stipulation that he should slaughter it, and he then slaughters it; this is the opinion of R. Judah. R. Meir, however, says: We may only sell it to them when slaughtered.

MISHNAH. ONE SHOULD NOT LET HOUSES TO THEM IN THE LAND OF ISRAEL; AND IT IS NEEDLESS TO MENTION FIELDS. IN SYRIA.¹⁵

(1) Her face thus met the Rabbi's eyes unexpectedly.

(2) **בגדי צבעונין** is used only of feminine wear, as men do not wear highly coloured garments (Rashi.)

(3) Which may bring to mind the one who had been seen wearing them.

(4) B. M. 91a.

(5) Which, as stated above, is forbidden.

(6) Abba b. Abba, the father of the Babylonian Amora, Samuel (b. about 165), is usually known by the designation of 'The Father of Samuel'.

(7) Which implies that an incision, though an imperceptibly small one, is actually made.

(8) Deut, *ibid*.

(9) V. Ket. 46b.

(10) V. Shek. IV, 6, also Sotah IX, 9, where the version varies from the present one. [For a full discussion of this passage which has been named the Saint's Progress, v. Buchler, A. Types of Jewish Palestinian Piety, pp. 42-67.]

(11) **תחיית המתים** Lit., 'resurrection of the dead'. [The phrase may also mean that the possessor of the holy spirit is endowed with the power of restoring life to the dead.]

(12) Ps. LXXXIX, 20.

(13) Isa. LXI, 1.

(14) V. Tosef. A.Z. II.

(15) The northern part of Trans-Jordania which King David annexed to Palestine of his own accord; v. II Sam. X, 6 ff.

Talmud - Mas. Avodah Zarah 21a

HOUSES MAY BE LET TO THEM, BUT NOT FIELDS. ABROAD,¹ HOUSES MAY BE SOLD AND FIELDS LET TO THEM; THIS IS THE OPINION OF R. MEIR. R. JOSE SAYS: IN THE LAND OF ISRAEL, ONE MAY LET TO THEM HOUSES BUT NOT FIELDS; IN SYRIA, WE MAY SELL THEM HOUSES AND LET FIELDS; BUT ABROAD, THE ONE AS WELL AS THE OTHER MAY BE SOLD. EVEN IN SUCH A PLACE WHERE THE LETTING OF A HOUSE HAS BEEN PERMITTED, IT IS NOT MEANT FOR THE PURPOSE OF A RESIDENCE, SINCE THE HEATHEN WILL BRING IDOLS INTO IT; FOR SCRIPTURE SAYS, AND THOU SHALT NOT BRING AN ABOMINATION INTO THY HOUSE.² NOWHERE, HOWEVER, MAY ONE LET A BATH-HOUSE TO A HEATHEN, AS IT IS CALLED BY THE NAME OF THE OWNER.

GEMARA. Why is it 'NEEDLESS TO MENTION FIELDS'? Shall we say because it offers two [objections]: the one, that the heathen settles on the soil, and the other that [the produce] becomes exempt from tithes? If it be that, then houses too offer two objections: the one, that the heathen settles on the soil, and the other that they become exempt from having a mezuzah.³ Said R. Mesharsheya: It is upon the occupant that the observance of mezuzah devolves.⁴

IN SYRIA HOUSES MAY BE LET TO THEM, BUT NOT FIELDS. Why is selling [of houses] not allowed — lest it lead to selling [houses] in the Land of Israel? Why then not make a safeguard in the case of letting also? — Letting⁵ is in itself a safeguard;⁶ shall we then go on making another safeguard to guard it? But is not the letting of a field in Syria a safeguard to another safeguard,⁷ and yet it is upheld? — That is not a mere safeguard, it follows the opinion that even the annexation by an individual is to be regarded as annexed [to Palestine];⁸ hence, in the case of a field, which offers a twofold objection⁹ our Rabbis ordained a safeguard;¹⁰ but in the case of houses, since there is no such double objection, no safeguard was made by our Rabbis.

ABROAD, HOUSES MAY BE SOLD AND FIELDS LET TO THEM. Because in the case of a field, which offers a twofold objection, our Rabbis ordained a safeguard;¹¹ but in the case of a house, since there is no such double objection, no such safeguard was made by our Rabbis.

R. JOSE SAYS: IN THE LAND OF ISRAEL, WE MAY LET TO THEM HOUSES BUT NOT FIELDS. What is the reason? — In the case of fields, which offer the twofold objection, our Rabbis ordained a safeguard, but in the case of houses, since there is no such double objection, no safeguard was made by our Rabbis.

IN SYRIA, WE MAY SELL THEM HOUSES AND LET FIELDS, What is the reason? — [R. Jose] holds that the annexation made by an individual is not regarded as a proper annexation; hence in the case of fields, which offer the twofold objection, our Rabbis instituted a safeguard, but in the case of houses, since there is no such double objection, no safeguard was made by our Rabbis. BUT ABROAD, THE ONE AS WELL AS THE OTHER MAY BE SOLD. What is the reason? — Because, on account of the distance [from Palestine], the principle of safeguard does not apply.

Said Rab Judah in the name of Samuel: The halachah is with R. Jose.¹² Said R. Joseph: Provided he does not make it a [heathen] settlement. And how many [tenants] constitute a settlement? — A Tanna taught that at least three persons constitute a settlement. But should we not fear lest, after this Israelite has sold the property to one idolater, the latter may go and sell a part thereof to two others?¹³ — Said Abaye: We need not be particular overmuch.¹⁴

EVEN IN SUCH A PLACE WHERE LETTING HAS BEEN PERMITTED. This implies that

there are places where letting is not permitted —

(1) לְחוּץ לְאֶרֶץ, ‘outside the Land (of Israel).’

(2) Deut. VII, 26.

(3) V. supra p. 55, n. 5.

(4) The house is only liable to have a mezuzah if it is occupied by an Israelite; the term exemption cannot therefore be applied to it. V.B.M. 101b, Pes. 4a.

(5) Even in Palestine.

(6) Against possible sale.

(7) Lest it lead to selling in Syria which in turn may lead to selling in Palestine.

(8) V. supra p. 108, n. 1, and Git. 8b.

(9) As explained before.

(10) Forbidding letting as against possible sale.

(11) As against possible selling in the Land of Israel.

(12) That abroad one may sell them both houses and fields.

(13) [Retaining a part for himself and thus forming a heathen settlement.]

(14) Lit., ‘we are particular as regards before, but not before before.’ V. supra 14a.

Talmud - Mas. Avodah Zarah 21b

which proves that R. Meir's view is accepted.¹ since according to R. Jose letting is permitted everywhere.

NOWHERE, HOWEVER, MAY ONE LET A BATH-HOUSE, etc. It has been taught: Rabban Simeon b. Gamaliel said: One should not let his bath-house to a heathen, for it is called by the owner's name, and the idolater will work in it on Sabbath and festivals.² It would seem, then, that to a Cuthean³ it may be let? But might not a Cuthean do work in it on the intermediate Days?⁴ — We, too, are permitted to do [such] work on the Intermediate Days.⁵ [Again] it would seem that in the case of a field, letting to a heathen is permitted! What is the reason?⁶ — Because people will say that he is merely a metayer working for his tenancy.⁷ Why then not apply the same principle to a bath-house? — People do not generally let a bath-house on terms of metayage.

It has been taught: R. Simeon b. Eleazar says: One should not let one's field to a Cuthean, for it is called by the owner's name and that Cuthean will do work in it on the intermediate Days.⁸ So that to an idolater such letting is permitted? Because it will be said that he is a metayer working for his own tenancy. If so, why should it not be said in the case of a Cuthean, too, that he is a metayer working for his own tenancy?

(1) According to which letting in Palestine is forbidden.

(2) [And the Jew would appear to desecrate the Sabbath (Tosef. A.Z.II.)]

(3) V. Glos. Who abstains from work on Sabbath and Festivals, but not on the intermediate Days of the Festivals.

(4) V. supra p. 28, n. 2.

(5) Heating a bath is permitted on the week-days of the festivals. [Text in cur. edd. difficult. Render with Venice ed. (v.D.S. a.l.): But to a Cuthean it may be sold. (For) when might he do work in it? On the Intermediate days; but on the intermediate days we too are permitted to do such work.]

(6) Even though where the objection of letting them settle on the soil does not apply, as for example, outside Palestine, this objection to work being done by a heathen in a property known to be owned by an Israelite still exists! [Venice ed.: But in the case of a field . . . permitted, because etc.]

(7) And not by order of the Jewish owner.

(8) Tosef. A.Z. ibid,

Talmud - Mas. Avodah Zarah 22a

Talmud - Mas. Avodah Zarah 22a

— R. Simeon b. Eleazar has not in mind the metayage principle at all; but the reason why he permits in the case of an idolater is because, if he is told [to abstain from work on forbidden days] he obeys. But a Cuthean, too, if told would surely obey! — A Cuthean would not obey; he would say: 'I am more learned than thou!' If that is so, why then mention the objection of the field being called by the owner's name; he could have given the reason of not placing a stumbling block before the blind?¹ — He mentions that reason as an additional one, as if to say: There is the one reason of [not placing a stumbling block] before the blind, and there is also the objection of its being called by his name.

Two² saffron-growers, [one of whom was] a heathen who took charge of the field on the Sabbath, and [the other] an Israelite who did so on the Sunday, came before Raba; he declared the partnership as permissible. Rabina, however, cited the following in refutation of Raba's ruling: If an Israelite and a heathen leased a field in partnership, the Israelite must not say subsequently to the heathen, Take as thy share the profit in respect of the Sabbath, and I will take as mine that in respect of a week-day;³ only when such a condition was made originally is it permitted. [Likewise] if they just calculate the profit⁴ it is forbidden! Whereupon he [Raba] blushed. Subsequently, the fact came to light that the partners had indeed laid down that condition originally.

R. Gabiha of Be-Kathil⁵ said: That was a case of 'orlah⁶ plants, the produce of which the heathen was to eat during the forbidden years and the Israelite during [a corresponding number of] permitted years, and they came before Raba who permitted it.⁷ But did not Rabina cite a statement in objection to Raba's ruling? — [No,] it was in order to support it.⁸ Then why did Raba blush? — That never occurred at all.

The question was asked: What if no arrangements at all were made? — Come and hear [the above passage]: 'Only when such a condition was made originally is it permitted,' hence, if there was no arrangement it is forbidden. Continue, then, with the next part: 'If they calculated the profit it is forbidden,' which implies that, if there was no arrangement it is permitted! — The fact is, no answer can be deduced from this passage.

CHAPTER II

MISHNAH. ONE SHOULD NOT PLACE CATTLE IN HEATHENS' INNS,⁹ BECAUSE THEY ARE SUSPECTED OF IMMORAL PRACTICE WITH THEM. A WOMAN SHOULD NOT BE ALONE WITH THEM, BECAUSE THEY ARE SUSPECTED OF LEWDNESS, NOR SHOULD A MAN BE ALONE WITH THEM, BECAUSE THEY ARE SUSPECTED OF SHEDDING BLOOD.

(1) Lev. XIX, 14. V. supra. 6a.

(2) Lit., 'these'.

(3) As the partnership was entered into unconditionally, the duty of working the field devolved equally on both partners. The work carried out by the heathen on the Sabbath is therefore done by him, in respect of one half thereof, as the agent of the Israelite.

(4) If the Israelite apportions the profits in respect of the Sabbath to the heathen even without telling him explicitly to work on the Sabbath it is likewise forbidden, as in the absence of specific conditions, the assumption is that the heathen is to work on behalf of the Jew on the Sabbath — which is in direct opposition to Raba's ruling.

(5) [On the Tigris, north of Bagdad (Obermeyer, op. cit. p. 147).]

(6) Lit., 'uncircumcised', newly-planted trees, the produce of which is forbidden during the first three years. V. Lev. XIX, 23.

(7) This is quite in order since even during the forbidden years, the Israelite is only forbidden to eat of the produce, but is permitted to do the work. There is therefore no objection to the heathen's working even though he does so as the Israelite's agent.

(8) The statement in Rabina's citation, that where the prohibition does not extend to the work — as in the case of laying

down the conditions originally — the arrangement is permitted, distinctly supports Raba's ruling in regard to produce of 'orlah trees.

(9) (On the ill-repute of the Greek and Roman inns, v. Elmslie a.l.)

Talmud - Mas. Avodah Zarah 22b

GEMARA. The following was cited in contradiction: One may buy of them cattle for a sacrifice, and it need not be feared lest it committed, or had been used for, an immoral act, or had been designated as an offering to idols, or had been worshipped.¹ Now we are quite right not to fear about its having been designated as an offering to idols or having been made an object of worship, since if it had been so designated or worshipped, its owner would not have sold it; but we surely ought to fear as to committing an immoral act!² — Said R. Tahlifa in the name of R. Shila b. Abina in the name of Rab: A heathen would have regard for his cattle, lest it becomes barren.³ This would indeed hold good in the case of female cattle but what answer would you give in the case of males? — Said R. Kahana: Because it has a deteriorating effect on their flesh. Then what about that [Baraitha] which has been taught: 'One may buy cattle of any heathen shepherd'; ought we not to fear lest he used it for an immoral purpose?⁴ — The heathen shepherd would be afraid of forfeiting his fee. What then about this [other Baraitha] which has been taught: 'One should not entrust cattle to a heathen shepherd';⁵ why not assume that the heathen shepherd would be afraid of forfeiting his fee? — They fear detection by one another since they know a good deal about it, but they are not afraid of us who do not know much about it. Rabbah said: This is what the popular proverb says. 'As the stylus penetrates the stone so one cunning mind detects another.' In that case, neither should we buy male cattle⁶ from women, for fear of their having used them for immoral practice! — She would be afraid of being followed about by the animal. What then about this which R. Joseph learnt: 'A widow should not rear dogs, nor accommodate a student as a guest'? Now it is quite right in the case of a student, as she might reckon on his modesty,⁷ but in the case of a dog why not say that she would be afraid of being followed about by it? — Since it would follow about on being thrown a piece of meat, people will say that it is because of being given such pieces that it follows her. Why then should we not leave female animals alone with female heathens?⁸ — Said Mar 'Ukba b. Hama: Because heathens frequent their neighbours' wives, and should one by chance not find her in, and find the cattle there, he might use it immorally. You may also say that even if he should find her in he might use the animal, as a Master has said:⁹ Heathens prefer the cattle of Israelites to their own wives, for R. Johanan said: When the serpent came unto Eve he infused filthy lust into her.¹⁰ If that be so [the same should apply] also to Israel! — When Israel stood at Sinai that lust was eliminated, but the lust of idolaters, who did not stand at Sinai, did not cease.

The question was asked: How about fowls?¹¹ — Come and hear: Rab Judah said in the name of Samuel on behalf of R. Hanina: I saw a heathen buy a goose in the market, use it immorally, and then strangle it, roast, and eat it. Also R. Jeremiah of Difti¹² said: I saw an Arab who bought a side [of meat], pierced it for the purpose of an immoral act, after which act he roasted and ate it.

(1) Any of which uses would disqualify it for the purpose of sacrifice (Tosef. 'A.Z. II). V. B.K. 40b.

(2) The Baraitha which rules out such possibility is therefore in conflict with our Mishnah.

(3) Hence the Baraitha does not suspect immoral practice in the case of the heathen's own cattle, while our Mishnah, which deals with other people's cattle left in a heathen's inn, does suspect it.

(4) As the cattle does not belong to him.

(5) Supra 15b, Tosef. A.Z. III.

(6) For sacrifices.

(7) Which would deter him from making it known.

(8) V. supra, 15b.

(9) Git. 38a.

(10) Shab. 146a; Yeb. 103b.

(11) Does the suspicion connected with animals apply to them?

(12) [Identified with Dibtha below the Tigris, S.E. Babylon, Obermeyer, op. cit. p. 197.]

Talmud - Mas. Avodah Zarah 23a

Rabina said:¹ There is really no contradiction; the one teaching [prohibits it] in the first instance; the other [permits it] after it happened.² And whence do we know that a difference is to be made in a case between the first instance and where it had happened? — From the following: We have learnt: A WOMAN SHOULD NOT BE ALONE WITH THEM, BECAUSE THEY ARE SUSPECTED OF LEWDNESS; now this seems to be contradicted by the following: A woman who had been imprisoned by heathens in connection with money matters, is permissible to her husband,³ but if on a capital charge, she is forbidden to her husband.⁴ Does this not go to prove that we make a difference in a case between the first instance and where it had happened?⁵ — Not at all! It may indeed be that the prohibition applies even after it happened, but here the reason is that the heathen will be afraid to forfeit his money! You can indeed prove it by what is stated in the second clause: ‘If on a capital charge, she is forbidden to her husband.’ So there is no more [to be said about this].

R. Pedath said: There is no contradiction,⁶ the one is [according to] R. Eliezer, the other is [according to] the Rabbis. For we have learnt in connection with the Red Heifer:⁷ R. Eliezer says: It must not be bought of a heathen, but the Sages permit it.⁸ Is not [the point] on which they differ this: that R. Eliezer holds that we suspect immoral practice whilst the Rabbis hold that we do not suspect immoral practice?⁹ — Whence [do you know this]? It may well be said that all agree that immoral practice is not to be suspected, the reason for R. Eliezer's opinion being this: he holds the view presented by Rab Judah in the name of Rab. For Rab Judah said in the name of Rab: [In the case of the Red Heifer]¹⁰ even if a bundle of sacks has been laid on her she becomes ritually unfit, but in the case of the calf,¹¹ only if she had been made to draw a burden. [It may thus be that] one master¹² is of the opinion that we should suspect,¹³ and the other that we should not suspect it! — Do not let this enter your mind; for the sake of a small benefit one would not risk a big loss.¹⁴ Let us then say likewise that for the sake of a little enjoyment¹⁵ one would not risk so big a loss! — In that instance his passion impels him.

But [still] it may be that all agree that immoral practice is not to be suspected, but that the reason for R. Eliezer's ruling is the one given in the teaching of Shila? For Shila learned: ‘What is the reason for R. Eliezer's ruling? [It is the scriptural words:] Speak unto the Children of Israel that they bring unto thee,¹⁶ [which imply that] Israelites shall bring, but it should not be brought by heathens’!¹⁷ — Do not let this enter your mind; for it is stated in the second clause: ‘R. Eliezer applied this disqualification to all other kinds of sacrifices.’ Now were you to adduce the reason as taught by Shila, it would hold good in the case of the [red] heifer, in connection with which Scripture mentions ‘bringing’, but does Scripture ever mention ‘bringing’ in connection with other sacrifices? But [still] might we not say, then, that the Rabbis differ from R. Eliezer

(1) In reference to the contradiction between our Mishnah and the Baraitha cited above, p. 113.

(2) The Mishnah forbids the deliberate placing of an animal with a heathen, while the Baraitha permits the use of such an animal when it had already been so placed.

(3) The heathen who has charge of her will not ill-use her for fear of losing the money involved.

(4) Keth. 26b.

(5) The former being forbidden according to the first teaching, while the latter is permitted according to the second.

(6) Between our Mishnah and the Baraitha.

(7) פרה אדומה, Num. XIX, 1 seq.

(8) Par. II, 1.

(9) Their opinions are thus represented respectively by our Mishnah and Baraitha.

(10) Concerning which it is said, upon which never came yoke (Num. XIX, 2).

(11) עגלה ערופה, To be brought by the elders of the place in the vicinity of which a murdered person is found (Deut. XXI, 1 seq.), concerning which it is said, which hath not drawn in the yoke.

(12) R. Eliezer.

(13) The owner, of having placed a bundle on her, and not because of immoral practice.

(14) The price paid for a perfectly red heifer being very high.

(15) Of committing an immoral act.

(16) With reference to the red heifer, Num. XIX, 2.

(17) [And since R. Eliezer extends the disqualification to all sacrifices, his reason must be that he suspects immoral practice, and our Mishnah thus represents his view.]

Talmud - Mas. Avodah Zarah 23b

only in the case of the [red] heifer which commands a high price,¹ but that in the case of other sacrifices they agree with him? — In that case, whose opinion would the [Baraita] taught [above, viz.]: ‘We may purchase from heathen cattle for [ordinary] sacrifices’ represent? Neither that of R. Eliezer nor that of the Rabbis! Moreover, it is distinctly taught as follows:² What was cited as a refutation to R. Eliezer by his colleagues is, All the flocks of Kedar shall be gathered together unto thee . . . they shall come up with acceptance on mine altar.³

The difference of opinions⁴ is only in regard to suspicion, so that where the immoral use is certain, the heifer is unfit. From here then you can deduce that the degree of sanctity of the red heifer is that of animals sacrificed on the altar; for if it had only the sanctity of those [dedicated] to repairs of the temple,⁵ immoral use should not render it unfit! — The red heifer may be different [in this respect alone], because it is designated by Divine law as a sin-offering.⁶ If that be so, it ought to be unfit if it be a Yoze Dofan:⁷ and were you to say that it is so indeed, why then are we taught: If one dedicates a Yoze Dofan as a red heifer, it is unfit, but R. Simeon declares it as fit?⁸ Again, were you to say that R. Simeon follows here the opinion he expressed elsewhere that a Yoze Dofan is to be regarded as a properly born child,⁹ has not R. Johanan said that R. Simeon admitted, in regard to sacred things, that it is not valid for such sanctity?¹⁰ — But the case of the red heifer is different; since a blemish renders it unfit, immoral use or idolatrous worship also render it unfit;¹¹ for Scripture says, for their corruption is in them, there is a blemish in them; they shall not be accepted,¹² and the School of R. Ishmael taught:¹³ Wherever ‘corruption’ is mentioned it only means lewdness and idolatry: ‘lewdness’, as it is said, for all flesh had corrupted their way upon the earth;¹⁴ and ‘idolatry’, for Scripture says, lest ye deal corruptly, to make ye a graven image,¹⁵ and since a blemish renders the red heifer unfit, immoral use and idolatrous worship also render it unfit.

The above text stated: ‘Shila learned, What is the reason for R. Eliezer's ruling? [It is the scriptural words,] Speak unto the Children of Israel that they bring unto thee, [which imply that] Israelites shall bring, but it should not be brought by heathens.’ According to this, Speak unto the Children of Israel that they take for me an offering¹⁶ should also mean that Israelites should take and that it should not be taken of idolaters! And were you to say that it does indeed mean so, surely Rab Judah reported in the name of Samuel:¹⁷ R. Eliezer [himself] was asked: To what extent is honouring one's father and mother to be practised? He answered: Go forth and see how a certain idolater of Ashkelon, Dama the son of Nathina by name, acted towards his father. He was once approached about selling precious stones for the ephod¹⁸

(1) So that the owner would not tamper with her for fear of monetary loss.

(2) Infra 24a.

(3) Isa. LX, 7. This proves that the discussion between the Rabbis and R. Eliezer applies to all sacrifices. [The Rabbis will permit in every case, whereas R. Eliezer will forbid in all cases; the Mishnah thus represents the view of R. Eliezer, and the Baraita that of the Rabbis, even as is explained by R. Pedath.]

(4) Between R. Eliezer and the Rabbis.

(5) V. Shebu. 11b.

(6) Num. XIX, 9.

(7) יִצְיָ דּוֹפָן 'A fetus extracted by means of the cesarean section' (Jast.) which is, according to Bek. 12a, unfit as sacrifice, of which it is said (Lev. XXII, 27), When a bullock or a sheep or a goat is born . . . it may be accepted for an offering.

(8) Tosef. Par. I.

(9) So that the period of uncleanness and subsequent purification and sacrifice (Lev. XII) are to be observed by the woman (Nid. 40a).

(10) Why then should a Yoze Dofan be valid as a red heifer?

(11) Though in other respects it does not possess the sanctity of sacrifices brought on the altar.

(12) Lev. XXII, 25.

(13) Sanh. 27a.

(14) Gen. VI, 12, where immorality is meant.

(15) Deut. IV, 16.

(16) Ex. XXV, 2.

(17) Kid. 31.

(18) The vestment worn by the high priest, the shoulder piece of which had two onyx stones on which the names of the twelve tribes of Israel were engraved. (Ex. XXVIII, 9.)

Talmud - Mas. Avodah Zarah 24a

at a profit of six hundred thousand [denarii] (R. Kahana's version is eight hundred thousand); but the keys were lying under his father's head-pillow, so he would not disturb him!¹ — The words 'onyx stones'² are detached from the preceding words.³ But are they not followed by and stones to be set⁴ which again connects them? Moreover, the sequel to the report is:⁵ In a subsequent year a 'red heifer' was born in his herd, and some of the Sages of Israel called on him.⁶ Said he to them: From what I know of you [I am aware] that if I were to demand of you all the money in the world, you would give it to me, but all I ask of you now is that money that I had lost because of my father!⁷ — In that case it was purchased through [the agency of] Israelite merchants.⁸

Does R. Eliezer then hold that immoral use is not to be suspected?⁹ Has it not been taught: When the incident was mentioned to R. Eliezer of [a Red Heifer] having been bought of a heathen named Dama — or, as some say, named Ramaz — R. Eliezer replied: What does that prove, seeing that Israelites watched the heifer from the hour of its birth?¹⁰ — R. Eliezer indeed admits both reasons, that of its having to be brought [by an Israelite] as well as the suspicion of immoral use.

The Master said: 'Israelites watched the heifer from the hour of its birth.' But is there not the suspicion that its mother may have been ill-used when she bore her, seeing that Raba said: The young of a goring cow is unfit¹¹ for it was both the cow and her young that did the goring. Likewise the young of an ill-used animal is unfit, since the animal and the young were ill-used together? — What is evidently meant is that it was watched by Israelites from the time it was first formed. Still, is there not the suspicion of the mother having been ill-used previously, for we have learnt: As to all those which are forbidden to be offered on the altar — their young¹² are permitted.¹³ And thereon it was learnt that R. Eliezer forbade. Now, this is all right according to [the exposition of] Raba, for Raba said in the name of R. Nahman: The dispute only applies to a case of an animal being ill-used when already dedicated as a sacrifice; but if when still in an ordinary state, all agree that [the young] is permitted. But how will you explain it according to R. Huna b. Hinena who said in the name of R. Nahman that the dispute applies only to a case of an animal being ill-used while still undedicated, but if when already dedicated all agree that [the young] is forbidden?¹⁴ — Then we must say that the mother, too, was watched by Israelites since the time it was first formed. And why not raise the suspicion of the mother's mother having been ill-used? — We should not let suspicion go so far as all that.

The Master said: 'It was watched by Israelites from the time it was first formed.' How did they know it?¹⁵ — Said R. Kahana: A red cup is being passed before [the mother] when the male is mating with her.¹⁶ If that is so, why should [a red heifer] be so costly? — Because even two hairs [of another colour] render her unfit. Then why [use this means] on their [animals]?¹⁷ — Said R. Kahana: Only with specified breeds [is it effective].

R. Ammi and R. Isaac Nappaha were sitting in the tent of R. Isaac Nappaha when one of them began to cite: Thus R. Eliezer forbade [cattle bought of a heathen] for all sacrifices. Thereupon the other stated that, in refutation of R. Eliezer's opinion, there was cited by his colleagues [the verse], All the flocks of Kedar shall be gathered together unto Thee . . . they shall come up with acceptance on my altar;¹⁸ to which R. Eliezer replied: All these will become self-made proselytes in the time to come.¹⁹ Said R. Joseph: What is the scriptural authority for this? For then will I turn to the peoples a pure language, that they may all call upon the name of the Lord.²⁰ Abaye asked: perhaps this merely means that they will turn away from idolatry?²¹ And R. Joseph answered him: The verse continues, and to serve Him with one consent.²² This is how R. Papa reported it; but R. Zebid reported thus: Both [R. Ammi and R. Isaac Nappaha] said: Thus, R. Eliezer forbade [cattle bought of a heathen] for all sacrifices, and both of them said: What was cited as a refutation to R. Eliezer by his colleagues is, All the flocks of Kedar shall be gathered etc., and R. Eliezer said: They will all become self-made proselytes in the time to come, [and it was he who cited] the scriptural authority, For then will I turn to the peoples a pure language, that they may all call upon the name of the Lord [and when] R. Joseph objected: Does this not say merely that they will turn away from idolatry? [it was] Abaye [who] answered him that the verse continues, to serve Him with one consent.

An objection was raised: And Moses said: Thou must also give into our hand sacrifices and burnt-offerings.²³ It was different before the giving of the Torah. Then come and hear [this]: And Jethro, Moses' father-in-law, took a burnt-offering and sacrifices for God.²⁴ In the case of Jethro, too, it was before the giving of the Torah. This is very well according to the one who says that Jethro's [visit to Moses] preceded the giving of the Torah,²⁵ but how will you explain it according to the one who says

(1) Thus R. Eliezer himself assumes that the onyx stone of a heathen was considered fit for the purpose enacted in the scriptural passage which opens with the very words quoted above, Speak unto the Children of Israel that they take for me an offering. (Ex. XXV, 2 and 7.)

(2) [Without the waw copulativum which is prefixed to the other enumerated offerings.]

(3) So that the words, . . . the Children of Israel shall take, do not apply to them.

(4) [R. Han. deletes 'to be set', and the reference is to Ex. XXXV, 9; v. Tosaf. s.v. **וְאֵבֶנֶת**.]

(5) V. Kid. 31a.

(6) With a view to purchasing it for the ritual purpose.

(7) Thus a red heifer bought of a heathen was considered fit for the ritual purpose!

(8) So that when acquired for the ritual purpose it was the property of an Israelite.

(9) According to Shila, who gives as the reason for R. Eliezer's prohibition of a heathen's heifer the wording, the Children of Israel shall bring.

(10) Tosef. Par. I. R. Eliezer thus implies that were it not watched, it would not have been fit on account of suspected ill-use.

(11) For use as a sacrifice if her mother bore her whilst goring a person fatally.

(12) Which are born subsequently.

(13) Infra 46b.

(14) [And thus the suspicion of the mother having been ill-used previously should have disqualified the heifer.]

(15) That the cow would give birth to a potential 'red heifer'.

(16) Which has the effect of producing a red calf.

(17) Of the family of Dama b. Nethina.

(18) Isa. LX, 7.

(19) The Messianic era, v. supra p. 8, n. 8.

(20) Zeph. III, 9.

(21) [But not from immoral practice.]

(22) Ibid.

(23) Ex. X, 25; so that Pharaoh's cattle were considered fit for sacrifices. This refutes R. Eliezer.

(24) Ibid. XVIII, 12.

(25) V. Zeb. 116a.

Talmud - Mas. Avodah Zarah 24b

that Jethro's [call] was after the giving of the Torah? — In that case [it must be assumed that] Jethro bought it from an Israelite.

Come and hear: And Saul said, They have brought them from the Amalekites; for the people spared the best of the sheep and of the oxen, to sacrifice unto the Lord thy God!¹ — What is meant by the best is the price of the best.² Then why bring the best? — So that they find eager buyers.

Come and hear: And Araunah said unto David, Let my lord the King take and offer up what seemeth good unto him: behold the oxen for the burnt offering and morigim [the threshing instruments] and the furniture of the oxen for the wood.³ — Said R. Nahman: Araunah was a resident alien.⁴ What are morigim? — Said 'Ulla: It is a 'turbil bed'.⁵ And what is a 'turbil bed'? — A 'goat with hooks' wherewith one threshes.⁶ Said R. Joseph: What is the scriptural [evidence]? — Behold I will make thee a new sharp threshing instrument [Heb. morag] having teeth; thou shalt thresh the mountains, and beat them small, and shalt make the hills as chaff.⁷ A [further] objection was raised: And the kine they offered as burnt offering unto the Lord!⁸ — This was a special ruling for that occasion.⁹ Common sense, indeed, proves it; for had not that been the case, how could a female be used as a burnt offering?¹⁰ What difficulty does this present? We could say that it referred to a private 'high place,'¹¹ in accordance with the opinion of R. Adda b. Ahaba; for R. Adda b. Ahaba said: Whence can it be deduced that a female is fit as a burnt offering on a private high-place? From what is said in Scripture, And Samuel took one sucking lamb and offered it for a burnt offering.¹² [But is not] the wording, and offered him, that is to say a male! — Said R. Nahman b. Isaac: It is written, and offered her.¹³

R. Johanan said.¹⁴ There are limits.¹⁵ Under the age of three years [an animal] becomes mutilated,¹⁶ but from the age of three years it does not become mutilated. When all the above verses were cited to him in refutation, he replied that they referred to animals under the age of three years. Come then and hear: And the kine they offered as a burnt offering unto the Lord!¹⁷ — This, too, refers to those under the age of three years. To this R. Huna the son of R. Nathan strongly objected. In that case the words, and their calves they shut up at home,¹⁸ [refer to those of kine] under three years; but does a cow under three years bear at all? Have we not learnt: In the case of a cow or of an ass which is three years old [the one born] certainly belongs to the priest; from that age upward this is doubtful?¹⁹ — The answers given previously are therefore best.

And the kine took the straight way [wa-yishsharnah] by the way to Beth-Shemesh etc.²⁰ What is the meaning of the word 'wa-yishsharnah'? — Said R. Johanan in the name of R. Meir: They rendered song. R. Zutra b. Tobiah said in the name of Rab: They directed their faces towards the Ark and rendered song.²¹ And what did they sing? — It was stated in the name of R. Johanan on behalf of R. Meir: [The song beginning with] Then sang Moses and the Children of Israel.²² R. Johanan, however, gave it as his own opinion that they sang: And in that day shall ye say, Give thanks unto the Lord, call upon His name, make known His doings among the peoples etc.²³ R. Simeon b. Lakish said: [They sang] the 'Orphaned' Psalm: A Psalm. O sing unto the Lord a new song, for He hath

done marvellous things; His right hand, and His holy arm, hath wrought salvation for Him.²⁴ R. Eliezer said: The Lord reigneth, let the peoples tremble.²⁵ R. Samuel b. Nahmani said: The Lord reigneth; He is apparelled with majesty.²⁶ R. Isaac Nappaha said: [They sang:]

Sing, O sing, acacia tree,²⁷ Ascend in all thy gracefulness. With golden weave they cover thee, The sanctuary-palace hears thy eulogy, With divers jewels art thou adorned.

R. Ashi connected this [song cited] by R. Isaac with the following: [Scripture says,] And it came to pass, when the Ark set forward, that Moses said, Rise up, O Lord etc.²⁸ What did the Israelites say? — Said R. Isaac:

‘Sing, O sing, acacia tree, etc.’

Said Rab:²⁹ What analogy is there for the Persians calling a book ‘Debir’?³⁰ — This: Now the name of Debir before time was Kiriath-sepher.³¹ R. Ashi said: What analogy is there for the Persians calling a menstruous woman ‘Dashtana’? This: For the manner of woman is upon me.³²

(1) I Sam. XV, 15.

(2) The proceeds of the cattle, which were sold, were intended to be used as offerings.

(3) II Sam. XXIV, 22.

(4) **גַּר תּוֹשֵׁב** is a gentile who undertakes to observe the seven Noachide precepts, which include that of morality, v. supra p. 5, n. 7.

(5) **, a threshing sledge consisting of a wooden platform studded with sharp pieces of flint or with iron teeth (Jast.).

(6) **עֵיזָא דְקוֹרְקָמָא**. The phrase is obscure. Krauss, Talm. Arch. II, 57b, suggests tentatively, ‘Circassian goats’ with reference to the front teeth of the sledge shaped like goats’ horns. The rendering adopted is Jastrow’s.]

(7) Isa. XLI, 15.

(8) I Sam. VI, 14, so that the cattle of the Philistine were considered fit for sacrifice.

(9) [In celebration of the miracle performed through the cattle (Rashi).]

(10) If his sacrifice be a burnt offering of the herd, he shall offer a male. Lev. I, 3.

(11) A high place (bamah) used either by individuals or communities for offering sacrifices when the tabernacle was not in existence, as at the time in question, when the tabernacle at Shiloh had been destroyed.

(12) I Sam. VII, 9.

(13) In the Heb. text the word in question is written (Kethib) **וַיַּעֲלֶהָ**, which refers to a female, while it is to be read (Kere) **וַיַּעֲלֶהּ**, referring to a male.

(14) In reconciliation of our Mishnah and the Baraita on p. 113.

(15) To the permission of using cattle of heathens for sacrificial purposes.

(16) By immoral use; it may therefore be assumed that its owner did not ill-use it.

(17) I Sam. VI, 14.

(18) Ibid. 10.

(19) Bek. 19b. Dealing with the young born of an animal bought of a heathen, so that it cannot be ascertained whether the young is a first born one which — either itself or its value — belongs to the priest (v. Num. XVIII, 15), the Mishnah states that if the mother is not more than three years old, the one born is to be taken as a first born; it is thus assumed that a cow does not bear under the age of three years.

(20) I Sam. VI, 12.

(21) **וַיִּשְׂרַנְנָה** is connected with **שִׁירָה** song.

(22) Ex. XV, 1. The song of triumph and thanksgiving at the Red Sea was also rendered as the Ark was being returned from the land of the Philistines, on the downfall of Dagon their idol.

(23) Isa. XII, 4.

(24) Ps. XCVIII, called ‘orphaned’ because, apart from the absence of its author’s name, its heading ‘A Psalm’ has no designation, such as is given to other anonymous psalms, e.g., A Psalm, a Song for the Sabbath Day, XCII A Psalm of Thanksgiving, C.

(25) Ibid. XCIX.

(26) Ibid. XCIII.

(27) And they shall make an ark of acacia wood Ex. XXV, 10).

(28) Num. X, 35.

(29) Yalkut, Gen. has 'R. Safra.'

(30) [דְּבִיר] is the Heb. of 'sanctuary' in the above song, and this provides the connecting link of the statements that follow.]

(31) Judg. I, 11. Kiriath-Sepher, lit. means, 'the City of the Book'.

(32) Gen. XXXI, 35. The Heb. words used רָדַךְ נָשִׁים לִי bear a similarity to דַּשְׁתַּנְתָּא.

Talmud - Mas. Avodah Zarah 25a

[The same Rabbis also discuss the following:] And the sun stood still, and the moon stayed until the nation had avenged themselves of their enemies. Is not this written in the book of Jashar. What is the book of Jashar? — Said R. Hiyya b. Abba in the name of R. Johanan: It is the book of Abraham, Isaac and Jacob,¹ who are designated as righteous,² as it is said, Let me die the death of the righteous:³ And where is this incident hinted at [in Genesis]? — And his seed shall fill the nations:⁴ When shall [Ephraim's fame] reach the nations? When the sun shall stand still for Joshua. And the sun stayed in the midst of the heaven and hasted not to go down about a whole day.⁵ How long [is day-time said to have lasted]? — Said R. Joshua b. Levi: Twenty four hours: [The sun] moved for six hours and stood still for six, then it moved for six and stood still for six, then it moved for six and stood still for six; the whole incident equalled a whole day.

R. Eleazar said: Thirty-six hours; it moved for six hours and stood still for twelve, it then moved for six and stood still for twelve so that the halt alone equalled a whole day. R. Samuel b. Nahmani said: Forty-eight; it moved for six and stood for twelve, it then moved for six and stood still for twenty-four, for Scripture says, and hasted not to go down about a whole day, which implies that the previous halt did not equal a whole day. Some report that it is the additional hours of daytime which are disputed. R. Joshua b. Levi said: They were twenty-four; it moved for six and stood for twelve, then moved for six and stood for twelve — its halt thus equalled a whole day; while R. Eleazar said: Thirty-six; it moved for six and stood for twelve, then moved for six and stood for twenty-four [which is meant by] and hasted not to go down about a whole day. R. Samuel b. Nahmani said: Forty-eight; it moved for six and stood for twenty-four, then moved for six and again stood for twenty-four; the standing still [at noon] equalled that of setting time; as the one at setting time equalled a whole day, so the standing still [in the midst of the heaven] equalled a whole day.

A Tanna taught:⁶ Just as the sun stood still for Joshua, so did the sun stand still for Moses and for Nakdimon b. Gorion. [As to the case of] Joshua, there are the scriptural verses; [that of] Nakdimon b. Gorion is a tradition;⁷ whence do we know about Moses? — It may be derived from the identical [expression] I will begin [used in the two cases]. Here is written, I will begin to put the dread of thee,⁸ and there, referring to Joshua, it is written, I will begin to magnify thee.⁹ R. Johanan¹⁰ said: It may be derived from the use of the identical word teth¹¹ ['put'] [in both cases]. Here is written, I will begin to put the dread of thee,¹² and there, concerning Joshua, it is written, In the day when the Lord put the Amorites.¹³ R. Samuel b. Nahmani said: You can detect it in the very wording of the verse itself, [The peoples that are under the whole heaven] who shall hear the report of thee, and shall tremble and be in anguish because of thee:¹⁴ When did they tremble and were in anguish because of Moses? When the sun stood still for him.

The question was asked: [Does not Scripture say in the case of Joshua] And there was no day like that before it or after it?¹⁵ [The answer given was,] You may explain this [to mean that] there was none that lasted as long as that one; or, if you wish, you may say it means that there were no hailstones [as in the case of Joshua], of which it is written, And it came to pass, as they fled from before Israel, while they were in the going down of Beth-Horon, that the Lord cast down great stones

from heaven upon them unto Azeka and they died.¹⁶

And he bade them teach the Children of Judah [to handle] the bow, behold it is written in the Book of Jashar.¹⁷ Which is the Book of Jashar? — Said R. Hiyya b. Abba in the name of R. Johanan: It is the book of Abraham, Isaac and Jacob who are designated as righteous and of whom Scripture says, Let me die the death of the righteous and let my last end be like his.¹⁸ And where is this fact referred to?¹⁹ — Judah, thee shall thy brethren praise; thy hand shall be on the neck of thine enemies;²⁰ what kind of fighting requires the aiming of the hand at the [enemy's neck]? Surely, archery. R. Eleazar said: It is the book of Deuteronomy, which is here called the Book of Jashar, because it contains the words And thou shalt do that which is Jashar [‘right’] in the sight of the Lord.²¹ And where does it refer [to Judah's archery]? — With his hands he contended for himself;²² What kind of fighting requires both hands? Surely, archery. R. Samuel b. Nahmani said: It is the Book of Judges, which is here called the Book of Jashar, because it contains the verse, In those days there was no King in Israel; every man did that which was Jashar [‘right’] in his own eyes.²³ And where is [Judah's skill in archery] referred to in it? That the generations of the Children of Israel might know, to teach them war;²⁴ now what kind of warfare requires teaching? Surely, archery. But how do we know that this verse refers to Judah? — From the scriptural verse, Who shall go up for us first against the Canaanites, to fight against them? And the Lord said, Judah shall go up.²⁵

[These same Rabbis also discussed the following:] And the cook took up the thigh, and that which was upon it and set it before Saul.²⁶ — What means, ‘that which was upon it’? — R. Johanan [explained it to mean] ‘the thigh and the tail’: and what does that which was upon it mean? The thigh which is adjoined by the tail; while R. Eleazar said that the thigh and the breast [are here meant]: and what does ‘that which was upon it’ mean? The placing of the breast upon the thigh when these have to be formally waved.²⁷ R. Samuel b. Nahmani, however, applied it to the leg and the cap; and what does ‘that which was upon it’ mean? The cap which is above the leg.

A WOMAN SHOULD NOT BE ALONE WITH IDOLATERS. To what circumstances [does this rule apply]? If to one idolater, then even in the case of an Israelite it would not be permitted? Have we not learnt, ‘One man should not remain alone even with two women’?

(1) I.e., the Book of Genesis.

(2) Josh. X, 13. יָשָׁר, righteous.

(3) Num. XXIII, 10, which is taken to refer to the peaceful ending of the Patriarchs.

(4) Gen. XLVIII, 19, spoken of Ephraim to whose tribe Joshua belonged.

(5) Josh. *ibid.* The wording implies a double halt by the sun: (a) in the midst of the heaven, i.e., at noon; (b) hastened not to go down, i.e., towards evening.

(6) V. Ta'an. 20a.

(7) V. *Ibid.*

(8) Deut. II, 25, referring to Moses.

(9) Josh. III, 7.

(10) In Ta'an. R. Samuel b. Nahmani is given.

(11) תָּת.

(12) Deut. *ibid.*

(13) Josh. X, 12.

(14) Deut. *ibid.*

(15) Josh. X, 14.

(16) *Ibid.* 11.

(17) II Sam. I, 18.

(18) V. p. 124, n. 8.

(19) In Genesis, that the descendants of Judah were skilled in handling the bow.

(20) Gen. XLIX, 8.

- (21) Deut. VI, 18.
 (22) Ibid. XXXIII, 7, in the words spoken by Moses of Judah.
 (23) Judg. XVII, 6.
 (24) Ibid. III, 2.
 (25) Ibid. I, 1-2.
 (26) 1 Sam. IX, 24.
 (27) V. Zeb. 119b.

Talmud - Mas. Avodah Zarah 25b

It must therefore refer to three idolaters being present [which would be permissible in the case of Israelites].¹ But would even this be permitted in the case of Israelites of loose manners? Have we not learnt: 'But one woman may be alone with two men', whereon Rab Judah commented: This only refers to well-mannered men, but as to loose-mannered ones, it is not permitted, even if they be ten; there is indeed the incident of ten men having carried an adulterous woman on a bier [for an immoral purpose]! — Our Mishnah refers to a case where the man's wife is present, and implies [that in the case of] an idolater his wife is no safeguard,² though in the case of an Israelite his wife is a safeguard. But is there not, in any case, the fear of her being murdered? — Said R. Jeremiah: We are here dealing with a woman of high repute, so that he would be afraid of killing her.³ R. Idi replied: Every woman has her weapons on her.⁴ Wherein do these two differ? — In the case of a woman who has a high repute among men but not among women.⁵ [The following Baraita] has been taught in agreement with the opinion of R. Idi b. Abin: A woman, even though she can always look after her safety, should not be alone with heathen, because they are suspected of lewdness.

NO MAN SHOULD BE ALONE WITH THEM. Our Rabbis taught: If a Jew happens to be overtaken by an idolater while on the road, he should let him walk on his right.⁶ R. Ishmael the son of R. Johanan the son of R. Johanan b. Berokah says: [If the heathen is armed] with a sword, he should be let to walk on the right; if with a stick on the left.⁷ If they are ascending or descending, let not the Israelite be on the lower level and the heathen on the higher, but the Israelite higher and the heathen lower; nor should the Israelite bend down in front of him, lest he smashes his skull. If the heathen asks him whither he is going, he should say towards a place beyond his actual destination,⁸ just as our father Jacob acted towards the wicked Esau; for Scripture says, Until I come unto my lord to Seir,⁹ while it records, And Jacob journeyed to Succoth.¹⁰ It once happened to some disciples of R. Akiba that while journeying to Chezib¹¹ they were overtaken by robbers who asked them whither they were going. They replied, 'To Acco'.¹² On reaching Chezib they stopped.¹³ The robbers then said to them, 'Whose disciples are you?' And they replied, 'The disciples of R. Akiba.' Said they, Happy are R. Akiba and his disciples, for no evil man has ever encountered them.

R. Manashi was once going

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- (1) V. Kid. 80b.
 (2) As she is not particular about her husband's conduct. V. Meg. 12a.
 (3) One who has influence in government circles, so that murder need not be feared, but the fear of committing immorality, with her consent, still exists.
 (4) 'Her physical weakness is her protection against murder. (Jast.)
 (5) One who has influence in high places but who is repulsive in appearance. According to R. Jeremiah both the risks of murder and of adultery are here eliminated; while according to R. Idi, who evidently does not take the woman's unattractiveness into consideration, the prohibition still holds good.
 (6) Having his right hand close to the heathen, he will find it easier to ward off an attack by his companion.
 (7) A sword being worn on one's left and a stick on one's right, the Israelite should see that he walks on the side of the weapon, so that it could quickly be got hold of by him in case of a contemplated attack.
 (8) The heathen may then defer the carrying out of his contemplated attack till the end of the journey, and the Israelite

will reach his destination safely.

(9) Gen. XXXIII, 14.

(10) Ibid. 17, Succoth being before Seir.

(11) [The Biblical Achzib' (Judg. I, 31) nine miles N. of Acco (Acre)]

(12) [Which was beyond Chezib on their line of journey.]

(13) Lit., 'they desisted'.

Talmud - Mas. Avodah Zarah 26a

to Be-Toratha¹ when thieves met him and asked him whither he was going. He said, 'Toward Pumbeditha,' but when he reached Be-Toratha he stopped. Whereupon they exclaimed, 'You are a disciple of Judah the deceiver.'² Said he to them, 'Do you indeed know him [as such]? May it be the [Divine] will that these men be under his ban.' For twenty-two years they went on stealing but did not meet with any success. When they saw this, they all came to ask for the ban to be revoked. Now there was among them one weaver who did not come to have his ban annulled, and he was devoured by a lion. Hence the popular saying: A year's scanty earnings will alter [improve] a weaver if he be not a proud fool.³

Come now and see what difference there is between mere thieves of Babylon and robbers of Palestine!⁴

MISHNAH. AN ISRAELITE WOMAN SHOULD NOT ACT AS MIDWIFE TO A HEATHEN WOMAN, BECAUSE SHE WOULD BE DELIVERING A CHILD FOR IDOLATRY. A HEATHEN WOMAN, HOWEVER, MAY ACT AS MIDWIFE TO AN ISRAELITE WOMAN. AN ISRAELITE WOMAN SHOULD NOT SUCKLE THE CHILD OF A HEATHEN, BUT A HEATHEN WOMAN MAY SUCKLE THE CHILD OF AN ISRAELITE WOMAN IN HER PREMISES.

GEMARA. Our Rabbis taught: An Israelite woman should not act as midwife to heathen, because she delivers a child to idolatry; nor may a heathen woman [be allowed to] act as midwife to an Israelite woman because heathens are suspected of murder. This is the opinion of R. Meir. The Sages, however, say: A heathen may act as midwife to an Israelite woman so long as there are others standing by, but not if she is acting on her own.⁵ But R. Meir holds: Not even if others are standing by her, for she may find an opportunity of pressing her hand on the [infant's] temples and kill it without being observed; witness the incident of that woman who, on being called by a neighbour 'Jewish midwife, the daughter of a Jewish midwife!' retorted, 'May as many evils befall that woman, as I have dropped [Jewish children] like lumps of wood into the river.' Our Rabbis, however, say: No; she may have merely given her some kind of retort.

AN ISRAELITE WOMAN SHOULD NOT SUCKLE etc. Our Rabbis taught: An Israelite woman should not suckle a child of a heathen, because she rears a child for idolatry; nor should a heathen woman [be allowed to] suckle a child of an Israelite woman, because she is liable to murder it. This is the opinion of R. Meir. But the Sages say: A heathen may suckle a child of an Israelite woman, so long as there are others standing by her, but not if she is on her own. R. Meir, however, says: Not even while others are standing by her, for she may take the opportunity of rubbing in poison on her breast beforehand and so kill the child. And both the above instances are necessary; for if we were told about a midwife only [we might have thought that] only in that case do the Sages permit, since, being observed by others, she could do no harm, but in the case of suckling, where it is possible for her to apply poison to the breast beforehand and so kill the child, they might agree with R. Meir. If [on the other hand] we were told only about suckling, [we might have thought that] only in that case does R. Meir forbid, because she could kill the child by applying poison to her breast beforehand, but in the case of a midwife, where she could do no harm while others are standing by her, he might

agree with the Rabbis; [hence both are] necessary.

The following was cited in contradiction: A Jewish woman may act as midwife to a heathen woman for payments but not gratuitously! — Answered R. Joseph: Payment is permitted to prevent ill feeling.⁶ R. Joseph had a mind to say that even on the Sabbath it is permitted to act as midwife to a heathen for payment, so as to avoid ill feeling;⁷ he was, however, told by Abaye that the Jewish woman could offer the excuse, ‘Only for our own, who keep the Sabbath, may we waive it, but we must not waive the Sabbath for you who do not keep it.’ R. Joseph also had a mind to say that even suckling for payment should be allowed because of ill-feeling; but Abaye said to him: She can excuse herself by saying, ‘I want to get married,’ if she is unmarried; or, if she be married, ‘I will not degrade myself before my husband.’ R. Joseph further had in mind to say, in regard to what has been taught that in the case of idolaters and shepherds of small cattle one is not obliged to bring them up [from a pit] though one must not cast them in it⁸ — that for payment one is obliged to bring them up on account of ill feeling. Abaye, however, said to him: He could offer such excuses as, ‘I have to run to my boy who is standing on the roof’, or, ‘I have to keep an appointment at the court.’

R. Abbahu recited to R. Johanan: ‘Idolaters and [Jewish] shepherds of small cattle need not be brought up

(1) A place in Babylon unidentified.

(2) Rab Judah was indeed R. Manashi's teacher.

(3) V. Jast. s.v. טיזן.

(4) The Palestinian robbers complimented R. Akiba on having outwitted them, while the Babylonian thieves slandered Rab Judah for the same reason.

(5) V. Tosef. A.Z. III.

(6) As the Jewish midwife could not then offer any feasible excuse for her refusal.

(7) It being known to the heathen that the Sabbath is waived in the case of a Jewish woman.

(8) V. supra 13b and San. 57a.

Talmud - Mas. Avodah Zarah 26b

though they must not be cast in, but minim,¹ informers, and apostates may be cast in, and need not be brought up.’ Whereupon R. Johanan remarked: I have been learning that the words, And so shalt thou do with every lost thing of thy brother's [thou mayest not hide thyself],² are also applicable to an apostate, and you say he may be thrown down; leave out apostates! Could he not have answered that the one might apply to the kind of apostate who eats carrion meat to satisfy his appetite,³ and the other to an apostate who eats carrion meat to provoke? — In his opinion, an apostate eating carrion meat to provoke is the same as a min.⁴

It has been stated: [In regard to the term] apostate there is a divergence of opinion between R. Aha and Rabina; one says that [he who eats forbidden food] to satisfy his appetite, is an apostate, but [he who does it] to provoke is a ‘min’; while the other says that even [one who does it] to provoke is merely an apostate. — And who is a ‘min’? — One who actually worships idols.⁵

An objection was raised: If one eats a flea or a gnat he is an apostate. Now such a thing could only be done to provoke, and yet we are taught that he is merely an apostate! — Even in that case he may just be trying to see what a forbidden thing tastes like.

The Master said: ‘They may be cast in and need not be brought up’ — if they may be cast in need it be said that they need not be brought up? — Said R. Joseph b. Hama in the name of R. Shesheth: What is meant to convey is that if there was a step in the pit-wall, one may scrape it away, giving as a reason for doing so, the prevention of cattle being lured by the step to get unto the pit. Raba and R.

Joseph both of them said: It means to convey that if there is a stone lying by the pit opening, one may cover the pit with it, saying that he does it for [the safety] of passing animals. Rabina said: It is meant to convey that if there is a ladder there, he may remove it, saying, I want it for getting my son down from a roof.

Our Rabbis taught: An Israelite may perform a circumcision on a heathen for the purpose of becoming a proselyte — thus excluding [the purpose of] removing a morana.⁶ But a heathen should not [be allowed to] perform circumcision on an Israelite, because he is liable to take his life. This is the opinion of R. Meir. The Sages said: A heathen may circumcise an Israelite, so long as others are standing by him, but not while he is on his own.⁷ R. Meir, however, said: Not even when others are standing by, for he may find occasion to let the knife slip and so sterilise him. Does then R. Meir hold the opinion that a heathen is not [to be allowed to circumcise]? But the opposite is proved by the following: In a town where there is no Jewish physician, but there is a physician who is a Cuthean as well as one who is an idolater, circumcision should be performed by the idolater but not by the Cuthean.⁸ This is the opinion of R. Meir. R. Judah, however, said: It should be performed by the Cuthean but not by the idolater?⁹ — Reverse [the names]: R. Meir holding that the Cuthean and not the idolater should circumcise, and R. Judah holding the idolater and not the Cuthean. Does then R. Judah hold that it is in order for an idolater to do so? Surely it has been taught: R. Judah said: Whence can it be deduced that circumcision performed by a heathen is invalid? From this verse, And as for thee, thou shalt keep my covenant!¹⁰ — Indeed, do not reverse, but say that we are here dealing

(1) Those who act as priests to idols whether they be Israelites or heathen (Rashi).

(2) Deut. XXII, 3.

(3) When he can get no other meat; but who would avoid eating forbidden food when other food is at hand.

(4) And does not require specification.

(5) Hor. 11a.

(6) A parasite worm(?) which may be lodged in the foreskin; which would mean healing without payment.

(7) Tosef. 'A.Z. Ch.III.

(8) An idolater does not usually practise circumcision. He would therefore perform it in accordance with the intention of the father of the infant. The Cutheans (Samaritans) however, observe circumcision in the name of some object of worship placed on Mount Gerizim where their Temple stood — for which an Israelite must not afford an opportunity.

(9) The heathen being suspected of taking the child's life. (Men. 42a.) Thus R. Meir is said to permit circumcision by a heathen!

(10) Gen. XVII, 9, spoken by God to Abraham when the rite of circumcision was first enacted, which implies that only one bound to keep the rite is qualified to perform it. R. Judah thus rules that a heathen is not qualified.

Talmud - Mas. Avodah Zarah 27a

with an expert physician.¹ For when R. Dimi came² he said in the name of R. Johanan that if [a heathen physician] is recognised as an expert by multitudes, it is permissible [for an Israelite child to be circumcised by him]. Does then R. Judah hold that it is in order for a Cuthean [to circumcise an Israelite]? Surely it has been taught: An Israelite may perform circumcision on a Cuthean, but a Cuthean should not [be allowed to] circumcise an Israelite, because he performs the circumcision in the name of Mount Gerizim,³ this is the opinion of R. Judah. Said R. Jose to him: Where is it at all to be found in the Torah that circumcision must be performed specifically for its purpose? But he may go on performing it⁴ even though he expires in the act!⁵ — We must then indeed reverse names as we did before,⁶ and as to the opinion cited in the name of R. Judah which contradicts the opinion held here by R. Judah — the former opinion should be ascribed to R. Judah the Prince.⁷ For it has been taught: R. Judah the Prince says: Whence can it be deduced that circumcision performed by a heathen is invalid? From the words of Scripture, And as for thee, thou shalt keep my covenant.⁸ Said R. Hisda: What reason could R. Judah give?⁹ — The scriptural words, Unto the Lord he shall

circumcise.¹⁰ And [what scriptural authority has] R. Jose? — [The words are,] must needs be circumcised.¹¹ But as to the other [R. Jose], is not the phrase unto the Lord he shall circumcise? — The words Unto the Lord refer to the Passover sacrifice.¹² And as to the other [R. Judah] is it not written, must needs be circumcised? — The Torah speaks in the language of men.¹³

It has been stated: Whence could it be deduced that circumcision performed by a heathen is invalid? — Daru b. Papa said in the name of Rab: [From the words,] And as for thee, thou shalt keep my covenant;¹⁴ while R. Johanan [deduces it from the words] Himmol yimmol.¹⁵ What practical difference is there between these two? — The case of a circumcised Arab or a circumcised Gibeonite:¹⁶ According to the one who relies on 'He who is circumcised shall circumcise' [the qualification] is there, but according to the one who relies on Thou shalt keep my covenant, it is not there.¹⁷ But is such a one qualified according to him who relies on He who is circumcised shall circumcise! Have we not learnt: [He who says], I vow not to enjoy anything belonging to uncircumcised persons, may enjoy anything of uncircumcised Israelites, but must not enjoy anything of circumcised heathen.¹⁸ Which proves that heathens who undergo circumcision are still designated as uncircumcised!¹⁹ We must therefore say that they differ in the case of an Israelite whose brothers died in consequence of circumcision, so that he was not circumcised: according to the one who relies on Thou shalt keep my covenant the qualification is there:²⁰ while according to the one who relies on He who is circumcised shall circumcise, it is not there. And is such a one not qualified according to the one who relies on He who is circumcised shall circumcise? Have we not learnt: [He who says,] I vow not to enjoy anything belonging to circumcised persons, must not enjoy of uncircumcised Israelites, but may enjoy of circumcised heathens:²¹ which proves that Israelites who are not circumcised are designated as 'circumcised'! — We must therefore say that the case wherein they differ is that of a woman. According to the one who relies on Thou shalt keep my covenant, the qualification is not there, since a woman is not subject to the observance, while according to the one who relies on He who is circumcised shall circumcise, the qualification is there, for a woman should be classed among the 'circumcised'. But does anyone hold that a woman is not [qualified to perform circumcision]. Does not scripture say, Then Zipporah took a flint?²² — Read into it, she caused to be taken.²³ But it also says, And she cut off! — Read into it, and she caused it to be cut off, by asking another person, a man, to do it. Or you may say it means that she only began and Moses came and completed it.

MISHNAH. WE MAY ALLOW THEM TO HEAL US WHEN THE HEALING RELATES TO MONEY, BUT NOT PERSONAL HEALING;²⁴ NOR SHOULD WE HAVE OUR HAIR CUT BY THEM IN ANY PLACE.²⁵ THIS IS THE OPINION OF R. MEIR; BUT THE SAGES SAID, IN A PUBLIC PLACE IT IS PERMITTED, BUT NOT WHEN THE TWO PERSONS ARE ALONE. GEMARA. What is HEALING RELATING TO MONEY and what is PERSONAL HEALING? Shall we say that HEALING RELATING TO MONEY means for payment and PERSONAL HEALING free? Then the Mishnah should have said: We may allow them to heal us for payment but not free! HEALING RELATING TO MONEY must therefore mean where no danger is involved²⁶ and PERSONAL HEALING where there is danger. But has not Rab Judah said: Even a scar over the puncture caused by bleeding should not be healed by them? — HEALING RELATING TO MONEY therefore relates to one's cattle, and PERSONAL HEALING to one's own body, about which Rab Judah said that even a scar over the puncture caused by bleeding should not be healed by them. Said R. Hisda in the name of Mar 'Ukba: But if [a heathen physician on being consulted] says to one that such and such medicine is good for him and such and such medicine is bad for him, it is permitted [to follow his advice]

(1) Who, though a heathen, would not risk his reputation by miscarrying the operation.

(2) From Palestine to Babylon.

(3) Cf. p. 132, n. 4.

(4) [Tosaf: 'in the name of Mount Gerizim'.]

- (5) Tosef. 'A.Z. III.
- (6) R. Judah holding that a Cuthean is not allowed.
- (7) The Redactor of the Mishnah, a younger contemporary of his namesake R. Judah (b. Ila'i).
- (8) V. p. 133, n. 2,
- (9) R. Judah b. Ila'i, who disqualifies a Cuthean because circumcision must be performed specifically for its purpose.
- (10) Ex. XII, 48: And when a stranger shall sojourn with thee, and will make the Passover sacrifice unto the Lord, he shall circumcise etc. The claimed scriptural authority is thus obtained by the juxtaposition.
- (11) Gen. XVII, 13. The emphatic wording (indicated in Hebrew by the infinitive before the finite verb) is taken to imply that the stricture of purpose is not to be applied.
- (12) V. n. 3.
- (13) An oft quoted dictum. The words are therefore not to be taken to imply anything beyond ordinary emphasis.
- (14) V. 133, n. 2.
- (15) Gen. XVII, 13. **הַמּוֹל יְמוֹל** 'He must needs be circumcised' may be rendered, by a slight alteration in the first word, to read **הַמּוֹל יְמוֹל**, He who is circumcised shall circumcise, excluding a heathen.
- (16) Instead of **גִּבְעוֹנִי** in cur. edd. MS.M. and Yalk. Gen. 81, has **גִּבְעוֹנִי** Gibeonite.
- (17) As the covenant was only concluded with the Israelites, [or those who join without reservation the congregation of Israel.]
- (18) V. Ned. 31b.
- (19) Hence an Arab or Gibeonite should not be considered qualified to practise circumcision.
- (20) As he is exempted from circumcision by law (V. Maim. Yad. Milah, II, 1. Tur. Y.D. 264, 1).
- (21) Ned. *ibid.*
- (22) Ex. IV, 25.
- (23) Heb. **וּתְקַח** and **וּתְכַרֵּת**.
- (24) Explanation follows in the Gemara.
- (25) For the heathen is liable to cut his throat with the razor.
- (26) A case where a misdemeanour by the heathen physician may only result in prolonged illness or intensified pain.

Talmud - Mas. Avodah Zarah 27b

for he will think that he is merely asking him, and just as he is asking him so he will also ask others, so that that man [by giving wrong advice] would have his reputation spoilt. Said Raba in the name of R. Johanan [some say R. Hisda in the name of R. Johanan]: In the case where it is doubtful whether [the patient] will live or die, we must not allow them to heal; but if he will certainly die, we may allow them to heal. 'Die [etc.]! Surely there is still the life of the hour [to be considered]?¹ The life of the hour is not to be considered. What authority have you for saying that the life of the hour is not to be considered? — The scriptural words, If we say: we will enter into the city, then the famine is in the city, and we shall die there.² Now there is the life of the hour [which they might forfeit]! This implies that the life of the hour is not to be considered. An objection was raised: 'No man should have any dealings³ with Minim, nor is it allowed to be healed by them even [in risking] an hour's life. It once happened to Ben Dama the son of R. Ishmael's sister that he was bitten by a serpent and Jacob, a native of Kefar Sekaniah,⁴ came to heal him but R. Ishmael did not let him; whereupon Ben Dama said, 'My brother R. Ishmael, let him, so that I may be healed by him: I will even cite a verse from the Torah that he is to be permitted'; but he did not manage to complete his saying, when his soul departed and he died.⁵ Whereupon R. Ishmael exclaimed, Happy art thou Ben Dama for thou wert pure in body and thy soul likewise left thee in purity; nor hast thou transgressed the words of thy colleagues, who said, He who breaketh through a fence, a serpent shall bite him'?⁶ — It is different with the teaching of Minim, for it draws, and one [having dealings with them] may be drawn after them.

The Master said: 'Nor hast thou transgressed the words of thy colleagues who have said, He who breaketh through a fence, a serpent shall bite him'? But a serpent did indeed sting him! — The bite of the serpent [which is inflicted upon those transgressing the words] of the Rabbis is such as can

never be cured.⁷ Now, what is it that he might have said?⁸ — ‘He shall live by them,⁹ but not die by them.’ And R. Ishmael? — This is only meant when in private, but not in public; for it has been taught: R. Ishmael used to say: Whence can we deduce that if they say to one, ‘Worship the idol and thou wilt not be killed,’ that he may worship it so as not to be killed? because Scripture says, He shall live by them, but not die by them; you might take this to mean even in public, therefore Scripture says, And ye shall not profane my holy name.¹⁰

Said Rabba b. Bar Hanah in the name of R. Johanan: Any sore for which the Sabbath may be profaned should not be healed by a heathen.¹¹ Others report that Rabba b. Bar Hanah said: Any

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- (1) The heathen may bring about the end prematurely, and so shorten his life even though by some hours.
 - (2) II Kings VII, 4; where the four leprous men decide to hand themselves over to the besieging enemy saying, If they kill us, we shall but die.
 - (3) Conversational intercourse [v. Tosaf. a.l.).
 - (4) A disciple of Jesus, v. supra p.85, n. 3.
 - (5) [Ms. M. omits ‘he died’.]
 - (6) Eccl. X, 8, applied to those who break through ‘legal fences’ which serve to safeguard the Torah (V. Ab. I, 1). — Thus the above cited opinion of R. Johanan is contradicted by this incident which proves that in cases of extreme danger it is forbidden to be attended by a Min! [On this passage v. Herford, op cit. pp. 104 ff.]
 - (7) [The fate in the hereafter that meets him who transgresses the words of the wise is more grievous than the sting of a serpent on earth.]
 - (8) What scriptural verse might Ben Dama have cited in support of being healed by the Min?
 - (9) Lev, XVIII, 5, Ye shall therefore keep my statutes and mine ordinances, which if a man do he shall live by them. ‘The Rabbis take these words to mean that God’s commandments are to be a means of life and not of destruction to His children. With the exception of three prohibitions — public idolatry, murder, or adultery — all commandments of the Law are therefore in abeyance whenever life is endangered’. Lev. edited by the Chief Rabbi (Dr. J. H. Hertz), p. 175.
 - (10) Lev. XXII, 32 (Sanh. 74a).
 - (11) It is to be regarded as serious enough to involve the risk of a misdemeanour by the heathen.

Talmud - Mas. Avodah Zarah 28a

internal sore should not be healed by them. Wherein do these versions differ? — They differ in the case of a swelling of the hand or a swelling of the foot.¹ For R. Adda b. Mattena said² in the name of Rab: A swelling of the hand or a swelling of the foot is to be regarded as [serious as] an internal sore, and the Sabbath may be profaned for it. Said R. Zutra b. Tobiah in the name of Rab: Any sore which requires [medical] opinion³ justifies the profanation of the Sabbath. R. Shaman b. Abba said in the name of R. Johanan: The inflammatory fever is to be regarded as an internal sore for which the Sabbath may be profaned. Which sore is to be termed internal? R. Ammi explained: [Such as are] on the lip and inward. R. Eleazar asked: How about the gums and the teeth: should they, being hard, be regarded as external; or do we say that, since they are placed within [the mouth], they are to be regarded as internal? — Said Abaye: Come and hear: One who is troubled with his teeth must not rinse them with vinegar [on the Sabbath].⁴ [Which means that] if he is only ‘troubled’ he must not [rinse them] but if they hurt him very much it is proper [for him to do it]! — Probably this Tanna would call ‘being troubled’ even if they hurt very much. Then come and hear this:⁵ R. Johanan was troubled with scurvy [on his gums] and he went to a certain [heathen] lady⁶ who attended to him on the Thursday and the Friday. Said he: What about to-morrow?⁷ She replied: You will not need [the treatment]. But what if I do need it? he asked. She replied: Swear unto me that you will not reveal [the remedy]. Said he: I swear, to the God of Israel I will not reveal it. She then divulged it to him and on the morrow he referred to it in the course of lecturing. But did he not swear unto her? — He swore: ‘To the God of Israel I will not reveal it,’ [implying that] I may reveal it to His people Israel. But is this not a profanation of the Name?⁸ He mentioned [that proviso] to her originally. Now is it not evident then that [a sore on the gum] is regarded as an internal sore?⁹ — Said R. Nahman b.

Isaac: Scurvy is different, because though starting in the mouth it extends to the intestines. What is its symptom? — If he places anything between his teeth, blood comes from the gums. What brings it on? — The chill of cold wheat-food and the heat of hot barley-food, also the remnant of fish-hash and flour. What did she apply to it? — Said R. Aha the son of Raba: Leaven-water with olive oil and salt. Mar son of R. Ashi said: Geese-fat smeared with a goose-quill. Said Abaye: I did all this but was not cured, until a certain Arab told me to get seeds of an olive not one third ripe and burn them on a new spade and spread [the ashes] on the gums; which I did and was cured. But how came R. Johanan to act as he did: had not Rabba b. Bar Hanah said in the name of R. Johanan: Any sore for which the Sabbath may be profaned should not be healed by a heathen? — It is different with a distinguished man.¹⁰ What about R. Abbahu, who too was a distinguished man,¹¹ yet Jacob the Min prepared for him a medicine for his leg, and were it not for R. Ammi and R. Asi who licked his leg,¹² he would have cut his leg off? — The one [who attended] R. Johanan was an expert physician. — So too was that of R. Abbahu, an expert physician! — It was different in the case of R. Abbahu, for Minim adopt the attitude of let me die with the Philistines.¹³

Said Samuel: An open wound is to be regarded as dangerous for which the Sabbath may be profaned. What is the remedy? — For stopping the bleeding, cress with vinegar; for bringing on [flesh], scraped root of cynodon and the paring of the bramble, or worms from a dunghill.

Said R. Safra: A berry-like excrescence¹⁴ is a forerunner of the Angel of Death. What is the remedy for it? — Rue in honey, or parsley in strong wine. In the meantime a berry resembling it [in size] should be brought and rolled over it: white [berry] for a white one, and black for a black one. Said Raba: An abscess is a forerunner of fever. What is the remedy for it? — It should be snapped sixty times with the thumb and then cut open crosswise; that is if it has not been brought to a white head, but if its head is white, it matters not.

R. Jacob was suffering from

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- (1) Which is serious enough to justify the waiving of the Sabbath, yet is not an internal sore.
 - (2) Shab. 109a.
 - (3) As to whether it is fatal or not.
 - (4) Lest he be led to grind ingredients on the Sabbath (Shab. 111a).
 - (5) Yoma 84a.
 - (6) [The daughter of (a certain) Domitian. J. Shab. XIV. v. Preuss, op. cit., p. 196, n. 3].
 - (7) When his Sabbath lecture would prevent him from calling on her.
 - (8) **הַלְוֵי הַשֵּׁם**, the profanation of the Divine Name by doing anything that may discredit God or Israel was always regarded as a grievous sin, particularly if the misdeed is committed in dealing with a non-Jew. The positive form **קְדוּשַׁת הַשֵּׁם**, sanctifying the Name is applied to every act which brings credit upon God and His People (v. p. 137, n. 6).
 - (9) Since he was prepared to have it treated on the Sabbath.
 - (10) Such as R. Johanan was; as the heathen would be afraid to commit any foul play.
 - (11) V. Sanh. 14a and Keth. 17a, where he is spoken of as a familiar figure in the Emperor's court.
 - (12) [To suck the poison out.]
 - (13) Judg. XVI, 30, exclaimed by Samson, who readily jeopardised his own life in order to avenge himself on his enemies.
 - (14) **עֵינְבִתָּא**, the disease referred to is not clear, Preuss, op. cit., pp. 304 ff.]

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a slit in the rectum and R. Ammi — some say R. Assi — directed him to take seven grains of purple coloured alkali, wrap them up in the collar of a shirt, tie it round with a white thread [of cattle-hair], dip it in white naphtha and burn it, and apply [the ashes] to the sore. While preparing this he was to

take the kernel of a bramble nut and apply its split side to the slit. That is if there is a slit externally; what [is one to do] if it is internal? One should take some fat of a goat that has not borne any young, melt it and apply it. Else one should take three melon leaves which have faded in the shade, burn them and apply the ashes. In the absence of these, let one apply snail-shells, or else take olive-oil mixed with wax and let him be covered with rag of linen in the summer and cotton wool in the winter.

R. Abbahu had pain in his ear and he was given some directions by R. Johanan — others say, by those in the House of Study. What were the directions? — Similar to those of Abaye¹ [who said]: My Mother told me that kidneys were only made to [heal] the ear. So also said Raba: Minyomi the physician told me that any kind of fluid is bad for the ear except the juice from kidneys. One should take the kidney of a 'bald-buck', cut it cross-wise and place it on glowing coals, and pour the water which comes out of it into the ear, neither cold nor hot, but tepid. Else, one should take the fat of a large-size cockchafer, melt it and drip it [into the ear]. Or else, the ear should be filled with oil, then seven wicks should be made out of green blades of wheat-stalks at the one end of which dry garlic ends and some white thread should be set alight while the other end is placed within the ear, the ear should be exposed to the light but care should be taken that no spark falls on it, each wick [when done with] should be replaced by another. Another version is: One should prepare seven wicks of white thread² and dip them in oil of balsam-wood³ setting light to the one end and placing the other end in the ear, each one, when done with, should be replaced by another, care being taken to avoid any sparks. Or let one take tow cotton which has been dyed but not combed and place it within the ear, which should be placed above a fire, taking precaution against sparks. Another remedy: Take a tube of an old cane [which has been detached from the soil] for about a century and fill it with rock salt, then burn it and apply the ashes [to the sore part]. [Take as] thy mnemonic [to remember how to apply the foregoing,] in liquid form to a dry sore, and in dry form to a wet sore.

Said Raba b. Zutra in the name of R. Hanina: It is permissible to restore the ear into its proper position on the Sabbath. Whereon R. Samuel b. Judah commented: Only with the hand, but not by applying medicines. Some report: By applying medicine, but not with the hand, the reason being that it causes soreness.

Said R. Zutra b. Tobiah in the name of Rab: If one's eye gets out of order, it is permissible to paint it on the Sabbath. He was understood to be of opinion that this only holds good when the medical ingredients had been ground the previous day, but if it is necessary to grind them on the Sabbath and carry them through a public road, it would not be permitted; but one of the Rabbis, R. Jacob by name, remarked to him: It was made plain to me on behalf of Rab Judah that even grinding on the Sabbath and the carrying through the public street are permissible.

Rab Judah declared it as permissible to paint the eye on the Sabbath. Whereupon R. Samuel b. Judah said: He who acts according to Judah profanes the Sabbath. After some time when he himself had a sore eye he sent to ask of Rab Judah: Is it permitted or forbidden? He sent back [the following reply:] 'To everyone else it is permitted — but to you it is forbidden.⁴ Was it on my own authority [that I permitted it?] It was on that of Mar Samuel'. It once happened to a maid-servant in Mar Samuel's house that her eye became inflamed on a Sabbath; she cried, but no one attended her⁵ and her eye dropped. On the morrow Mar Samuel went forth and propounded that if one's eye gets out of order it is permissible to paint it on the Sabbath, the reason being because the eyesight is connected with the mental faculties.⁶

What kind [of disorder]?⁷ Said R. Judah: Such as discharge, pricking, congestion, watering, inflammation or the first stages of sickness, excluding the last stage of sickness or the brightening of the eyesight in which cases it is not permitted.

Said Rab Judah: The sting of a wasp, the prick of a thorn,⁸ an abscess, a sore eye or an inflammation — for all these a bath-house is dangerous. Radishes are good for fever, and beets for cold shivers: the reverse is dangerous. Warm things [are good] for a scorpion [bite] and cold things for that by a wasp: the reverse is dangerous. Likewise warm things for a thorn prick and cold

(1) Kid. 31b.

(2) [So MS. M. (v. Jast.); according to current edd.: wax tapers.]

(3) So according to MSS. and old editions which have **דאפרסמא** instead of **דאנספסתא** (wheat stalks) in current edd.

(4) Since, in opposition to Rab Judah, he declared it as forbidden.

(5) Thinking that it was not serious enough to warrant disregarding the Sabbath.

(6) So Tosaf. a.l. s.v. **שורייני** Rashi's rendering is, The nerves of the eye affect the fat around the heart.

(7) Justifies the medical painting of the eye on the Sabbath.

(8) Lit., 'he who was stung by a thorn', similarly with the other phrases that follow.

Talmud - Mas. Avodah Zarah 29a

for an eruption: the reverse is dangerous. Vinegar [is good] after letting blood and small fish in brine after fasting; the reverse is dangerous. Cress [after] blood-letting is dangerous. Fever is [likewise] dangerous for blood-letting; so also are sore eyes dangerous for blood-letting. The second [day] after [eating] fish [may be used] for [the letting of] blood; the second day after bleeding, for [eating] fish; on the third day it is injurious.

Our Rabbis taught:¹ One who has his blood let should abstain from HGBSH,² milk, cheese, onions and pepperwort. If one has eaten any of these, said Abaye, he should take a quarter³ of vinegar and a quarter of wine, mix them together and drink; and when he has subsequently to attend to his natural needs, he should retire east of the town to obviate the vitiating smell.

Said R. Joshua b. Levi: It is permitted to lift the Unklai on the Sabbath. What does unklai mean? Said R. Abba: The cartilage [in front] of the heart.⁴ What is the remedy for it? — Take cumin, caraway, mint, wormwood, saturera and hyssop.⁵ For [curing the cartilage of] the heart, [these should be taken] in wine — as a mnemonic take Wine maketh glad the heart of man;⁶ for [defective] breathing, in water. Mnemonic: The breath of God hovered over the face of the water;⁷ for a woman in childbirth, in beer — mnemonic, her pitcher on her shoulder.⁸ R. Aha the son of Rabba ground all these together and took a fist-full [of the mixture] and drank it. R. Ashi ground each one separately and took a full pinch of it with his thumb and little finger. Said R. Papa: I did all these but was not cured till an Arabian traveller told me to take a new jug, fill it with water into which a spoonful of honey, which stood overnight under the stars, should be dropped, and the contents should be drunk on the morrow;⁹ this I did and was cured.

Our Rabbis taught: Six things help the sick to recover from sickness and have a real curative effect — they are: cabbage, beets, a decoction of dry sisin,¹⁰ tripe, womb and the lobe above the liver; some say, also small fish; moreover small fish keep the whole human body in a fit condition. Ten things are liable to send the patient back to his illness, and to make his illness severe; these are: to eat ox-meat, fat, roast meat, birds' meat, roast egg, pepperwort, shaving, bathing, cheese or liver. Some say also nuts, others add also melons. In the School of Ishmael it was taught: Why are they called Kishshuim [melons]? Because they are Kashin [injurious] to the whole human body as swords.¹¹

NOR SHOULD WE HAVE OUR HAIR CUT BY THEM IN ANY PLACE. Our Rabbis taught: When an Israelite is having his hair cut by a heathen he should be looking in the mirror;¹² and when an Israelite cuts the hair of a heathen he should, on reaching the forelock, leave it alone.¹³ The

Master said: ‘When an Israelite is having his hair cut by a heathen he should be looking in the mirror.’ What are the circumstances? If it is done in a public road, what for the mirror?¹⁴ If in a private place, what is the use of looking into it? — [It refers] indeed to a private place, but his using the mirror will make him appear an important person. R. Hana b. Bizna was having his hair cut in the road leading to Nehardea by a heathen who remarked: Hana, Hana, thy throat is fine for the shears. Answered he: I deserve it for transgressing the words of R. Meir. And did he not also transgress those of the Rabbis, for the Rabbis only permit it in a public place but not in a private place? — He thought that the roads leading to Nehardea, where there are usually many [passers by], are to be regarded as a public place.

‘When an Israelite cuts the hair of a heathen he should, on reaching the forelock, leave it alone.’ How much [of it is he to leave]? — Said R. Malkiah in the name of R. Adda b. Ahaba: Three fingers’ length on every side.

Said R. Hanina the son of R. Ika!¹⁵ [The statements about] a Spear,¹⁶ Maid-servants,¹⁷ Depressions,¹⁸ are by R. Malkio; [but those about] Forelock,¹⁹ Vegetable-ashes,²⁰ and Cheese²¹ are by R. Malkiah. R. Papa however said: If referring to a Mishnah or Baraitha, it is R. Malkiah, but if independent statements, it is R. Malkio. Mnemonic — ‘The Mishnah is queen.’²² Wherein do the two differ? — They differ in regard to the statement about Maid-servants.²³

(1) V. Ned. 54b.

(2) A mnemonic consisting of the initials of the Hebrew of the words that follow.

(3) Of a log.

(4) [R. Hananel: ‘the stomach’.]

(5) MSS. have אברתא instead of אבדתא of current edd.

(6) Ps. CIV, 15.

(7) Gen. I, 2. The Heb. word רוּחַ used there denotes ‘spirit’, ‘breath’, ‘wind’.

(8) Ibid. XXIV, 15. In the original כדה stands for her pitcher and שכמה for her shoulder, while כודא stands for sickness in childbirth and שכרא for beer.

(9) [MS. M.: fill it with water allowing it to stand overnight under the stars, in the morning drop into it a spoonful of honey.]

(10) Sisin, a medicinal herb.

(11) V. supra 11a.

(12) The study of his appearance will make the barber think that he is an important person whom he will fear to harm (Rashi).

(13) As it is dedicated to the idols, V. supra 8a.

(14) The heathen will all the same be afraid to harm him.

(15) V. Mak. 21a.

(16) If it may be straightened on the festival, v. Bezah 28b.

(17) Brought by a woman at marriage, Keth. 59b.

(18) Nid. 52b.

(19) Quoted above.

(20) Spread on wounds. Mak. 21a.

(21) If that made by a heathen is forbidden. Infra 29b.

(22) The one associated with the Mishnah (and Baraitha) is Malkiah, which name closely resembles Malkah — queen.

(23) According to R. Hanina it is attributed to R. Malkio, while according to R. Papa, since it has reference to a Mishnah, it is attributed to R. Malkiah.

Talmud - Mas. Avodah Zarah 29b

MISHNAH. THE FOLLOWING THINGS BELONGING TO HEATHENS ARE FORBIDDEN AND THE PROHIBITION EXTENDS TO ANY BENEFIT THAT MAY BE DERIVED FROM

THEM: WINE, OR A HEATHEN'S VINEGAR THAT WAS FORMERLY WINE,¹ HADRIANIC EARTHENWARE,² SKINS PIERCED AT THE ANIMAL'S HEART.³ RABBAN SIMEON B. GAMALIEL SAYS: WHEN ITS RENT IS ROUND, [THE SKIN] IS FORBIDDEN, BUT IF OBLONG IT IS PERMITTED.⁴ MEAT WHICH IS BEING BROUGHT IN TO A PLACE OF IDOLS IS PERMITTED,⁵ BUT THAT WHICH IS BROUGHT OUT IS FORBIDDEN, BECAUSE IT IS [REGARDED] AS SACRIFICES OF THE DEAD,⁶ THIS IS THE OPINION OF R. AKIBA. [WITH IDOLATERS] GOING ON A PILGRIMAGE⁷ IT IS FORBIDDEN TO HAVE ANY BUSINESS TRANSACTIONS, BUT WITH THOSE COMING THENCE IT IS PERMITTED. SKIN-BOTTLES OR FLAGONS OF HEATHENS IN WHICH WINE OF AN ISRAELITE IS KEPT ARE FORBIDDEN AND THE PROHIBITION EXTENDS TO ANY BENEFIT THAT MAY BE DERIVED FROM THEM, THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY THAT THE PROHIBITION DOES NOT EXTEND TO DERIVING ANY BENEFIT. GRAPE-STONES AND GRAPE-SKINS OF HEATHENS ARE FORBIDDEN, THE PROHIBITION EXTENDING TO ANY BENEFIT, THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY, WHEN FRESH THEY ARE FORBIDDEN BUT WHEN DRY THEY ARE PERMITTED. MURIES⁸ AND BITHYNIAN CHEESE⁹ OF THE HEATHENS ARE FORBIDDEN, THE PROHIBITION EXTENDING TO ANY BENEFIT, THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY THAT THE PROHIBITION DOES NOT EXTEND TO ANY BENEFIT.

R. JUDAH SAID: R. ISHMAEL PUT THIS QUESTION TO R. JOSHUA AS THEY WERE ON A JOURNEY, 'WHY,' ASKED HE, 'HAVE THEY FORBIDDEN THE CHEESE OF HEATHENS?'¹⁰ HE REPLIED, BECAUSE THEY CURDLE IT WITH THE RENNET OF A NEBELAH.'¹¹ HE RETORTED: 'BUT IS NOT THE RENNET OF A BURNT-OFFERING MORE STRICTLY FORBIDDEN THAN THE RENNET OF A NEBELAH? [AND YET] IT WAS SAID THAT A PRIEST WHO IS NOT FASTIDIOUS MAY SUCK IT OUT RAW (THOUGH THIS OPINION WAS NOT APPROVED, AND IT WAS SAID THAT NO BENEFIT MAY BE DERIVED FROM IT, ALTHOUGH NO TRESPASS WOULD APPLY THERETO).'¹² 'THE REASON THEN,' [R. JOSHUA SAID,] 'IS BECAUSE THEY CURDLE IT WITH THE RENNET FROM CALVES SACRIFICED TO IDOLS.' SAID HE, 'IF THAT BE SO, WHY DO THEY NOT EXTEND THE PROHIBITION TO ANY BENEFIT DERIVED FROM IT?' HE, HOWEVER, DIVERTED TO ANOTHER MATTER, SAYING:¹³ 'ISHMAEL, HOW DO YOU READ — FOR THY [MASC.] LOVE IS BETTER THAN WINE OR THY [FEM.] LOVE ETC.'¹⁴ HE REPLIED: 'THY [FEM.] LOVE IS BETTER . . .' HE RETORTED: THIS IS NOT SO, AS IT IS PROVED BY ITS FELLOW [-VERSE]: THINE OINTMENTS HAVE A GOODLY FRAGRANCE [WHEREFORE THE MAIDENS LOVE THEE].'¹⁵

GEMARA. Whence do we deduce [the prohibition of] WINE? — Rabbah b. Abbuha said: From the scriptural verse which says, Who did eat the fat of their sacrifices, and drank the wine of their drink-offering,¹⁶ as [heathens'] sacrifice is forbidden as to deriving any benefit, so also their wine is forbidden. But whence do we deduce the prohibition of a sacrifice itself? — From the scriptural words, They joined themselves also unto Baal of Peor, and ate the sacrifices of the dead:¹⁷ as anything appertaining to the dead is forbidden as to any benefit, so [heathen] sacrifices are likewise forbidden. And how do we know this about the dead? — We deduce it from the similar expression 'there' used in connection with the heifer whose neck was to be broken,¹⁸ as well as here [in connection with the dead]. Here it is said, And Miriam died there,¹⁹ and there it is said, And they shall break the heifer's neck there in the valley.²⁰ As in that other case the heifer was forbidden as to any benefit, so also in our case the prohibition is the same. But how do we know that it is so in that case? — Those of the School of R. Jannai said: Because forgiveness²¹ is mentioned in connection therewith as with sacrifices.²²

OR A HEATHEN'S VINEGAR THAT WAS FORMERLY WINE. This, surely, is obvious! Shall its prohibition cease because it turned sour? — R. Ashi said: The statement serves to imply that

vinegar belonging to us when in the keeping of a heathen does not require double sealing;²³ [and for this reason:] as to the fear lest he would offer it to idols — this is generally not offered, and [again] as to the possibility that he might exchange it for his own — since there is one seal, he would not take the trouble to falsify it.

R. Elai said: We have had it stated that a heathen's boiled wine, which was formerly [raw] wine [while in his possession], is forbidden. This, too, is self evident! Does its prohibition cease because it had been boiled? — Said R. Ashi: This, too, enables us to draw the implication that our boiled wine which is in the keeping of a heathen does not require double sealing.²⁴ For as to the fear lest he would offer it to the idol, it is not offered [in that state]; and as for

(1) While it was in the heathen's possession

(2) V. infra 32a.

(3) It was the practice of the heathen to remove the heart of a living animal for a sacrifice to the idol; thus the whole animal is forbidden as an idolatrous offering.

(4) The rounded shape is a sign of the crinkling of the skin on being rent while the animal was still alive; the oblong, or natural, shape of the rent shows that it was made after the animal was dead. V. J. a.l.

(5) To derive some benefit therefrom.

(6) [Cf. Ps. CVI, 28, and Ab. III, 3. The meat is regarded as idolatrous even though no part of it had actually been offered as sacrifice to the idol. Tosaf. 32b, s.v. **והיציא**.]

(7) [**תרפות**, lit., 'obscurity', a contemptuous designation of an idolatrous cult. Jast. and Elmslie (p. 33) understand the reference to be to the Dyonisian festivals.]

(8) 'Fish-brine', often mixed with wine.

(9) The reason given (infra 34b) is that in Bithynia many calves were offered to the idols; it is therefore to be suspected that their rennet is used in preparing the cheese. ['Bithynian cheese was prized as a delicacy,' Elmslie, p. 35.]

(10) Why do the Sages forbid the eating of such cheese, seeing it is only made from the milk of 'clean' animals.

(11) An animal which dies of itself (v. Glos.).

(12) Cf. Lev. V, 15. Which goes to prove that rennet in a burnt-offering was not regarded as part of the animal, but as mere refuse.

(13) The diversion was intentional, as is explained further in the Gemara.

(14) Cant. I, 2. The Heb. word may stand for either gender according to the vocalisation: **דודיך** masc., or **דודיך** fem. The Song of Songs is regarded as a dialogue between God the lover (in the masc.) and Israel His beloved (fem.).

(15) Which obviously is addressed to one of masculine gender.

(16) Deut. XXXII, 38.

(17) Ps. CVI, 28.

(18) Deut. XXI.

(19) Num. XX, 1.

(20) Deut. XXI, 4.

(21) Forgive O Lord Thy people Israel (ibid. 8).

(22) From which no secular benefit may be derived.

(23) Lit., 'a seal within a seal,' as is the case with wine, to make sure that part of it is not offered to the idol.

(24) The teaching that it is forbidden to benefit from boiled wine only when it was in the heathen's keeping in a raw state implies that, if the Israelite handed it to the heathen after boiling it, there is no fear of its being offered to the idol, as only raw wine is used for such purpose.

Talmud - Mas. Avodah Zarah 30a

the possibility that he might exchange it — since there is one seal, he would not take the trouble to falsify it.

Our Rabbis taught: Boiled wine or alontith of a heathen is forbidden, but prepared alontith¹ is permitted. What is alontith? — As it has been taught in connection with Sabbath:² We may make

anomalin³ but not alontith.⁴ What is 'anomalin' and what is 'alontith'? 'Anomalin' [is a mixture of] wine, honey and pepper; 'alontith', of old wine, clear water and balsam, which is used [as a cooling drink] in the bath-house.

Rabbah and R. Joseph both of them said that diluted wine⁵ does not become forbidden through being left uncovered,⁶ nor is boiled wine to be suspected of idolatrous use. The question was asked: Is boiled wine rendered forbidden by being left uncovered or is it not so? — Come and hear: R. Jacob b. Idi testified in regard to boiled wine that it is not rendered forbidden by being left uncovered. R. Jannai b. Ishmael was sick and R. Ishmael b. Zirud and other Rabbis called to enquire about him. As they sat, the question was asked of them: Does the objection to remaining uncovered apply to boiled wine or not? — To which R. Ishmael b. Zirud replied: Thus said R. Simeon b. Lakish on behalf of a great man — namely, R. Hiyya: Boiled wine is not rendered unfit by being left uncovered. On their asking, 'Shall we rely on it?' R. Jannai b. Ishmael motioned [as if to say], 'Upon my responsibility.'⁷

Samuel and Able⁸ were sitting together when boiled wine was brought up for them and [the latter] withdrew his hand,⁹ but Samuel said to him: Behold, it has been said that boiled wine is not to be suspected of idolatrous use! R. Hiyya's maid-servant found that some boiled wine had been left uncovered. She came [to ask about it] of R. Hiyya, who told her that it had been declared that boiled wine is not rendered unfit by being left uncovered. The servant of R. Adda b. Ahaba found that some diluted wine had been left uncovered. [His master] however told him that it had been stated that diluted wine is not rendered unfit by being left uncovered. R. Papa said: This has only been said [of wine] that is well diluted; but if it is only slightly diluted [a snake] might indeed drink it. But does it indeed drink wine that is slightly diluted? — [What about] Rabbah son of R. Huna who was travelling in a boat and had some wine with him? Observing that a snake, cutting through the water, was approaching, he said to his attendant, 'Turn it away,'¹⁰ and the attendant took some water and was pouring it into the wine; whereupon the snake turned back! — [This may only show that] for pure wine [the snake] will even endanger its life, while for diluted wine it will not face danger.¹¹ And does it not face danger for diluted wine? — What about R. Jannai who was at 'Akbara¹² (some say it was Bar-Hadaya¹³ that was at 'Akbara) where people were sitting and drinking diluted wine, and as there was some of it left in the cask they tied a shred over it? He then saw a snake carrying water which it poured into the cask till the cask was so filled that the wine came above the shred, and [the snake then] drank! — It may be said that what [the snake] itself dilutes it will drink, but it will not drink what others dilute. Said R. Ashi (some say, R. Mesharsheya): What an answer [to give in a matter] where danger [to life is involved]!¹⁴

Raba said: The law is that diluted wine is rendered unfit by being left uncovered and is to be suspected of idolatrous use, but boiled wine does not become unfit by being left uncovered nor is it suspected of idolatrous use.

The attendant of R. Hilkiyah b. Tobi [found that] a tank of water had been left uncovered, though he had been sitting and slumbering close to it. He came to [ask about it of] R. Hilkiyah b. Tobi, who said to him: It has been stated that snakes are afraid of a sleeping person; this, however, only applies in day time but not at night. But this is not the case; it is not to be assumed that they are afraid of a sleeping person either by day or by night.

Rab did not drink water of an Aramean's house, saying that they do not mind if it is kept uncovered. He, however, drank that of a widow's¹⁵ house, saying: She is sure to follow her husband's practice. Samuel [on the other hand] would not drink water of the house of a widow. In the absence of the fear of a husband, he said, she will not necessarily keep the water covered. He, however, drank that of the house of an Aramean. Even if they are not particular about [the prohibition relating to] uncovered liquids, they are particular about cleanliness.¹⁶ Some report that Rab would not drink the

water of an Aramean's house, but would drink that of a widow's house, while Samuel would not drink the water of either the house of an Aramean or that of a widow.

R. Joshua b. Levi said: There are three kinds of wine to which the prohibition through being left uncovered does not apply, namely: Strong, Bitter, and Sweet. 'Strong' is the acrid *tila*¹⁷ which makes the wine-skin burst; 'Bitter' is wine made of unripe grapes; 'Sweet' is wine made of grapes sweetened [by the heat of the sun].¹⁸ R. Hama taught [that those three] are improved wines: 'Strong'-is wine mixed with pepper; 'Bitter' — mixed with wormwood; 'Sweet' — is sparkling wine.¹⁹ Said R. Simeon b. Lakish: Karina becomes prohibited through being left uncovered. What is Karina? — Said R. Abbahu: Karina²⁰ is a sweet wine which comes from Assia.²¹ Said Raba: In its own place, however, it is rendered unfit if left uncovered, the reason being that it is the 'local wine.'²²

Raba said: Wine which has formed a film is made unfit by being left uncovered and is suspected of idolatrous use during the first three days;

- (1) If when it reached the heathen it was already in its prepared state and not in the form of wine.
- (2) Shab. 140a.
- (3) Because it is for drinking purposes, and may be prepared on the Sabbath.
- (4) Which is for medicinal purposes, and must not be prepared, lest he might be led to grind the ingredients.
- (5) The usual proportion is 2 water to 1 pure wine.
- (6) As a snake does not drink it (cf. Ter. VIII, 4).
- (7) Lit., 'On me and on my neck,' an idiom denoting the assuming of full responsibility.
- (8) A learned Gentile, mentioned in several places in the Talmud. [E.g., Shab. 129a, 156b.]
- (9) Wine touched by a heathen is suspected of being manipulated for idolatrous purposes.
- (10) Lit., 'Blind its eyes.'
- (11) [But not that it will not drink undiluted wine where it can do so without being seen.]
- (12) A place in Upper Galilee. [R. Jannai had established there a school wherein the study of the Law went hand in hand with agricultural pursuits, v. Halevy, Doroth II, 273 ff.]
- (13) [A famous interpreter of dreams, v. Ber, 56a.]
- (14) [The fact that a snake has been seen to drink diluted wine is sufficient warrant to put us on our guard and apply the prohibition to diluted wine that has been left uncovered.]
- (15) A Jewess; though women are not well versed in laws.
- (16) They will therefore keep it covered for the sake of cleanliness.
- (17) A wine with a very pungent taste.
- (18) The taste of any of these being objectionable, a snake would not drink thereof even if left uncovered.
- (19) **מִי בִּאֲרָג** — Borag-water, 'a superior drink' (Rashi). [Krauss, Talm. Arch. II, 241, takes **מִי** in its Persian sense, meaning 'wine', and renders accordingly 'Barag wine'.] These three are also distasteful to snakes.
- (20) Cf. L. *carenum* (Jast.)
- (21) **עֲסִיא** or **אֲסִיא** taken by some to mean Asia Minor or a certain part of it; by others, Essa, a town E. of the Lake of Tiberias. V. Sanh, (Sonc. ed.) p. 151, n. 1.
- (22) And snakes of that locality drink it.

Talmud - Mas. Avodah Zarah 30b

thence onwards neither the suspicion of idolatry nor the objection to being uncovered applies to it;¹ those in Nehardea, however, said that even after the three days the objection to being uncovered still holds good, the reason being that occasionally even such wine is drunk [by snakes].

Our Rabbis taught: Wine in the first stage of fermentation is not subject to the rules relating to uncovered [liquids]; and how long does that stage last? Three days. Cress-dish² is not subject to the rules relating to uncovered [liquids]. Those in the Diaspora³ made a practice of forbidding it [if left

uncovered]; but only if there was no vinegar in it; for the vinegar that is in it deters⁴ serpents [from tasting it]. Babylonian Kutah,⁵ too, is not rendered unfit if left uncovered, though those in the diaspora have the practice of forbidding it. R. Manashi said: If it has traces of biting we must suspect [it of being bitten by a serpent]. Said R. Hiyya b. Ashi in the name of Samuel: Water that drips into a vessel is not subject to the rules in regard to uncovered [liquids].⁶ R. Ashi said: That is if the dripping is continuous. R. Hiyya b. Ashi said in the name of Samuel: The opening of a fig⁷ does not come under the rules relating to [liquids] left uncovered. This view accords with that of this Tanna: For it has been taught:⁸ R. Eliezer says, One may eat grapes and figs at night without suspecting any harm,⁹ for Scripture says, The Lord guardeth the simple.¹⁰

R. Safra said in the name of R. Joshua of the South: There are three kinds of venoms [of serpents]: that of a young one sinks to the bottom; that of one not quite young drops to about the middle; while that of an old one floats on top. Are we to take it that the older a serpent gets the more his strength diminishes? Has it not been taught:¹¹ There are three whose strength increases as their age advances, these are: a fish, a serpent and a swine! — Its strength may indeed increase, but its venom becomes weaker.

‘The venom of a young one sinks to the bottom’. — What practical application has this? — That of the following teaching: If a barrel was uncovered, even if nine persons drank of its contents with no fatal consequence, the tenth person is still forbidden to drink thereof. It happened indeed that nine people drank of such and did not die but the tenth one died; and R. Jeremiah said: It was a case of the venom sinking to the bottom. Likewise if a [cut] melon was left uncovered and nine persons partook thereof without fatal consequences, it is forbidden for a tenth person to partake thereof, for it once happened that nine persons ate of such a one and did not die and the tenth one who ate it died; and Rab said that it was a case of venom that sank to the bottom.

Our Rabbis taught: Water which had been left uncovered should not be poured out in a public road, or used for sprinkling the floor of a house, or for kneading mortar; nor should one give it to his animal or to his neighbour's animal to drink; nor should one wash one's face, hands or feet therewith. Others said: Only a part of the body that has an opening¹² must not [be washed therewith] but where there is no opening it is permitted. Do not the ‘Others’ hold the same opinion as the first Tanna?¹³ — They differ in regard to the back part of the hand and of the foot, or the upper part of the face.¹⁴

The Master said: ‘Nor should one give it to his own animal or to his neighbour's animal to drink’. But has it not been taught: One may, however, give it to his own animal to drink? — That teaching refers to a cat.¹⁵ Why then not to his neighbour's? — Because it deteriorates it. Then his own, too, would deteriorate? — But it subsequently recovers. Then his neighbour's would likewise recover? — It might so happen that he might wish to sell it and would suffer loss through it.¹⁶

R. Assi said in the name of R. Johanan who said it on behalf of R. Judah b. Bathyra: There are three kinds of wine: [i] Libation-wine,¹⁷ from which it is forbidden to derive any benefit, and of which a quantity of the size of an olive causes grave defilement;¹⁸

(1) As its taste is then completely changed.

(2) Chopped cress mixed with wine.

(3) כַּלְמֵי, All countries outside Palestine, with special reference to Babylonia, v. Glos. s.v. Golah.

(4) Lit., ‘attacks’.

(5) A mixture consisting of sour milk, crusts of bread and salt (Jast.).

(6) As the noise caused by the dripping would frighten a serpent.

(7) Freshly plucked and left overnight.

(8) B.K. 116b.

(9) Though liquids must not be had in the dark.

(10) Ps. CXVI, 6.

(11) Shab. 77b.

(12) Where the poisonous matter would be retained and subsequently penetrate into the body.

(13) He too forbids the parts of the body, such as the face, hands and feet, which are liable to retain the poison.

(14) Parts which are smooth, which the others permit, but the first Tanna forbids.

(15) To which such drink is not injurious, v. Pes. 112b.

(16) He has a right to risk a loss to himself, but not to his neighbour.

(17) Yen Neseq, wine from which libation had been poured before an idol. V. Glos.

(18) Anyone coming in contact with it, or being in premises in which it is found, becomes ritually unclean, as in the case of a dead body. (V. supra 29b).

Talmud - Mas. Avodah Zarah 31a

[ii] Ordinary wine of heathens, from which it is likewise forbidden to derive any benefit whatsoever,¹ and a quarter [of a log] of which renders drinks [or edibles] unclean;² [iii] Wine [of an Israelite] that had been deposited with an idolater, which must not be drunk, but the benefit of it is permitted. But have we not learnt:³ 'If one deposits his fruit with an idolater it is considered as if it were the idolater's own fruit as regards tithes or Sabbatical year's produce'?⁴ In our instance he assigned a separate corner to it.⁵ In that case it should be permissible for drinking also! For when R. Johanan happened to be in Parud⁶ he enquired if there was any Mishnah of Bar-Kappara [available], and R. Tanhum of Parud quoted to him [the following]: Wine which had been deposited with an idolater is permissible for drinking. Applying the verse, In the place where the tree falleth, there shall it be⁷ — [he commented:] How can it be assumed that there it shall be? But it means that there shall its fruit be!⁸ — R. Zera said: There is no contradiction here: the one is according to the opinion of R. Eliezer and the other according to that of the Rabbis, For it has been taught: If one buys or hires a house in a court of an idolater and stores wine therein, the key or seal of the place being in the charge of an Israelite, [such wine] is permitted by R. Eliezer but the Sages forbid it.⁹ R. Hiyya the son of R. Hiyya b. Nahmani said in the name of R. Hisda [who said it] in the name of Rab (some say that R. Hisda said it in the name of R. Ze'iri, while others report that R. Hisda said, I was told by Aba b. Harina that Ze'iri said it): The halachah rests with R. Eliezer.

R. Eleazar said: Everything is sufficiently guarded by one seal, except wine, which is not considered guarded by one seal. R. Johanan however said: Even wine is sufficiently guarded by one seal. And the one is not in conflict with the other, as the one follows the opinion of R. Eliezer, and the other, that of the Rabbis.¹⁰ Some have the following version: Said R. Eleazar: Everything is sufficiently guarded by a seal within another seal,¹¹ except wine which is not guarded even by such double seal. R. Johanan however said: Even wine is guarded by a seal within a seal. Both these follow the opinion of the Rabbis, the one holding that the Rabbis only differ from R. Eliezer where there is but one seal, but if there is a seal within another seal they, too, permit it; while the other holds that even in the case of a double seal they forbid.

What, for example, is a seal within another seal? — Raba said: A basin placed over the opening of a barrel and joined to the barrel with a seal on it, is a seal within another seal, otherwise it is not so; or a basket fastened [over the stopper] is a seal within a seal, but if it is not fastened it is not a seal within a seal; a skin bottle within a bag with the closed opening of the skin bottle inside, is a seal within a seal, but if the opening is without, it is not a seal within a seal; if he bends in the closed opening of the skin bottle within and then ties the bottle up again and seals it, it is likewise considered a seal within a seal.

Our Rabbis taught: Formerly the ruling was that wine of En-Kus;¹² is forbidden because of Birath-Sirika,¹³ that of Borkata¹⁴ is forbidden on account of Kefar-Parshai, and that of Zagdar is forbidden because of Kefar-Shalem;¹⁵ subsequently however this was altered thus: If in open barrels

it is forbidden, but if in closed ones it is permitted. What was the opinion held formerly and what was the later opinion? — At first the opinion was held that a Cuthean is not particular about an idolater's coming in contact [with the wine] whether the barrels be open or closed; but subsequently they formed the opinion that only in the case of open ones they are not particular, but in the case of closed barrels they are very particular indeed.

Is it then permitted in the case of open barrels? But the following contradicts it:

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- (1) [This is an extension of the prohibition of 'libation-wine'.]
 - (2) [V. Tosaf. Pes. 14a, for various explanations as to the necessity of a minimum quantity to communicate defilement. Maim. Yad, Aboth ha-Tume'oth, VII, 8, makes no mention of this reservation.]
 - (3) Dem. III, 4; Bek. 11b.
 - (4) It is not liable to tithe etc., as the idolater may have exchanged it for his own. Why, then, is the wine deposited with an idolater not regarded as such?
 - (5) The Israelite has thus made sure that it was not exchanged.
 - (6) Where Bar-Kappara, who was already dead, had resided. [Identified with El-Faradije, S.W. of Saffed, v. Klein, S. op. cit. p. 40.]
 - (7) Eccl. XI, 3.
 - (8) The teachings of the wise are preserved in the place where they had lived. According to him wine deposited with an idolater is thus permissible even for drinking, which is contrary to the ruling given above!
 - (9) For drinking only. V. Shab. 122a.
 - (10) The Sages. [For each Amora the matter had already been settled by a Tanna whom he followed, so that there was no need for him to make it a point of controversy with the other, so Tosaf.]
 - (11) V. infra.
 - (12) A place inhabited by Cutheans.
 - (13) A place in Samaria, whose inhabitants were idolaters, in close proximity of the former place. The same applies to each of the cases that follow.
 - (14) [Probably Borkeos on the boundary between Samaria and Judaea mentioned in Josephus, Wars, III, 3, 5, v. Montgomery, The Samaritans, p. 146.]
 - (15) [Perhaps Salem on the Jordan, south of Beth-Shean, Montgomery, loc. cit.]

Talmud - Mas. Avodah Zarah 31b

If one sends a cask of wine by the hand of a Cuthean, or of brine¹ or muries² by the hand of an idolater if he can identify his seal and the [spot and manner of] his closing up, it is permitted, but if not it is forbidden!³ — R. Zera said: There is no contradiction: The one refers to the town,⁴ the other to the open road.⁵ R. Jeremiah demurred to this: But did not that of the town come by road? — But, said R. Jeremiah: Our teaching only refers to [barrels closed in] the vicinity of the wine presses; since all the people are about there, he would be afraid [to let an idolater touch it] lest it be detected and he lose thereby.

It has been stated: Why has beer of heathens been forbidden? Rami b. Hama said in the name of R. Isaac: Because of marriages.⁶ R. Nahman said: Because it might have been left uncovered. 'Uncovered' when? If while in the vat — we also keep it uncovered;⁷ and if while in the barrel, in that state, too, we keep it uncovered!⁸ — It may only refer to a place where the water is allowed to settle.⁹ In that case it should be permitted when it matures, for Rab said:¹⁰ [Liqueur which is] matured is permitted, for [the venom] would not allow it to mature; [so also wine which is] fermented is permitted, for it would not have allowed it to ferment! — Matured is forbidden as a safeguard against the fresh. R. Papa used to drink beer when it was brought out to him to the door of the shop; R. Ahai used to drink it when it was brought to his house. Both of them held that the reason [for the prohibition] is intermarriage, but R. Ahai insisted on extraordinary precaution.

R. Samuel b. Bisna happened to be in Marguan;¹¹ they brought him wine but he would not drink it, they then brought him beer which he did not drink either. It is quite correct as to the wine, as there is a suspicion, but what objection is there to the beer? There is the suspicion of a suspicion.¹² Said Rab: 'Beer of an Aramean is permitted, still I would not allow my son Hiyya to drink it'. Which way will you have it? If it is permitted then it should be permitted to all; if [on the other hand] it is forbidden, it should be forbidden to all! — Rab suspects it of being left uncovered; but the bitter taste of the hops counteracts any venom that might be in it, so that it can only prove injurious to one who is an invalid, and his son Hiyya, being an invalid, should therefore abstain from drinking it.

Samuel said: All reptiles have poisonous venom; that of a serpent is fatal, while that of other reptiles has no fatal effect. Said Samuel to Hiyya b. Rab: O son of a scholar,¹³ come let me tell you a good thing which your father Rab used to say. Thus said your father: The reason why those swollen Arameans who drink what is kept uncovered suffer no fatal consequences is because, through eating abominable and creeping things, their bodies become immune from it. R. Joseph said:

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- (1) Which the heathen might exchange for brine of unclean fish.
 - (2) **מזוריים** a kind of pickle sometimes mixed with wine.
 - (3) Though a Cuthean is not suspected of making idolatrous use of wine, it is feared that he might let an idolater get in contact with it even though it is in a sealed casket — which is contrary to the opinion here given.
 - (4) Where a Cuthean, fearing that he might be noticed by a Jew, would not allow an idolater to get in contact with the wine and thus be unable to dispose of it among Israelites.
 - (5) Where there is no-one to notice him.
 - (6) To avoid intimacy with heathens which might lead to intermarriage.
 - (7) As it is assumed that serpents do not drink beer. [According to R. Han. this had to be done in order to allow the fumes to escape.]
 - (8) [As otherwise the barrels would burst as a result of the fermentation, R. Han.]
 - (9) Before being used for making beer; there is thus the danger of the water having been exposed. [R. Han. explains: Where water is added to the beer to make it settle, there being thus no fermentation.]
 - (10) V. infra 35a, where the name given is R. Hanina.
 - (11) The Jewish inhabitants of which place were not particular about using wine of idolaters. [Neubauer, p. 380, identifies it with the province of Margiana between the Oxus and Aria.]
 - (12) The drinking of beer may lead to drinking wine.
 - (13) **בר-אריא** Ms.M. has **בר-איריא** some versions have **בר-ארי** — son of a lion. V. Ber. 12a and Kohut s.v.

Talmud - Mas. Avodah Zarah 32a

The vinegar which the Arameans make of beer is forbidden because they mix yeast of idolatrous wine with it. R. Ashi said: If however it had been in store it is permitted, for if it contained such admixture it would have got spoilt.

HADRIANIC EARTHENWARE. What does HADRIANIC mean? — Said Rab Judah in the name of Samuel: Earthenware of King Hadrian.¹ When R. Dimi came [from Palestine] he said: Virgin soil, which had not been tilled before, used to be tilled by [the Romans] and planted with vines; the wine [produced] they used to pour into white jugs² which absorbed the wine. These vessels they broke into fragments which they used to carry, and wherever they came they soaked them [in water] and drank of it. R. Joshua b. Levi said: Our first [quality wine] is only equal to their third [soaking].

The question was asked: How about placing these shards as supports of the legs of a bedstead? Is this intention to preserve a [forbidden thing]³ for some other purpose allowed or forbidden? — Come and hear! For R. Eleazar and R. Johanan [argued about it], one pronouncing it as forbidden and the other as permitted. An objection was raised: Wine kept in barrels or leather bottles belonging to idolaters is forbidden for drinking but permitted for deriving benefit. Simeon b. Gudda testified in the presence of R. Gamaliel's son⁴ that R. Gamaliel⁵ drank of such in Acco, but this was not accepted. As to flagons belonging to idolaters, R. Simeon b. Gamaliel says in the name of R. Joshua b. Kapusai that it is forbidden to make of them covers for an ass. Now in this latter case there is an intention to preserve [the forbidden thing] for some other purpose and yet we are taught that it is forbidden! — According to your opinion then, the sale of [earthenware] flasks of heathens should also be forbidden, for what difference is there between [leather] flagons⁶ and [earthenware] flasks? But Raba said: There is this risk: if his flask be split he might take the one of the heathen and patch his own with it.⁷ Now according to the one who holds that the intention to preserve [a forbidden thing] for some other purpose is forbidden, why is the use of [earthenware] flasks allowed? — His answer might be: In that case the forbidden matter is not there in substance,⁸ whereas in the other case⁹ the substance of the forbidden matter is there.

[It has been stated above:] 'But this was not accepted.' A contradiction was raised: Wine contained in leather bottles of heathens is forbidden for drinking but permitted for deriving benefit. Simeon b. Gudda' testified in the presence of R. Gamaliel's son that R. Gamaliel drank of such in Acco, and it was accepted! — What is meant there is that it was not accepted by the whole company, but it was the son who did accept it. Or, if you wish, it may be said that Gudda is one and Gudda' is another.¹⁰

SKINS PIERCED AT THE ANIMAL'S HEART. Our Rabbis taught:¹¹ What is [the sign of] such a heart-rent skin? If it is rent opposite the heart and is round like a circular aperture, and there is a drop of coagulated blood on it, it is forbidden,¹²

(1) [Which Hadrian took with him on his journeys with his troops (Rashi)]. Elmslie, A.Z. p. 31, quoting Lewy, *Philologus*, 52 p. 571, explains it as earthenware jars coming from the Adriatic coast.

(2) [I.e., of unburnt clay.]

(3) [By putting these shards to such use there is incidentally evidence of a desire to preserve them, though not for the sake of the wine they contain, but for some other purpose. Any act which involves the preservation of idolatrous wine is forbidden. V. infra 73b.]

(4) [Hanina b. Gamaliel II (Tosaf.).]

(5) [Gamaliel II, v. Buchler, gal. 'Amh. p. 313, n. 1.]

(6) [Which as stated do not render prohibited for use the wine kept in them, cf. Tosaf. The passage is, however, difficult and does not occur in Ms.M. and several other texts.]

(7) In which case the idolatrous wine will actually flavour the contents of his flask.

(8) The flavour only is retained.

(9) Of Hadrianic wine which is absorbed and emitted by the vessel.

(10) The name given in the first report is Gudda גודא while that in the second is Gudda' גודע'. [While they may not have accepted the report of one, when reported by the other too they accepted it.]

(11) Tosef. A.Z. Ch. V.

(12) It proves that the skin was rent while the animal was alive.

Talmud - Mas. Avodah Zarah 32b

but if it has no such drop of blood it is permitted. R. Huna said: That is only if it has not been treated with salt, but if salt has been applied to it, it is forbidden in either case, as the salt may have removed it.

R. SIMEON B. GAMALIEL SAYS WHEN ITS RENT IS ROUND [THE SKIN] IS FORBIDDEN, BUT IF OBLONG IT IS PERMITTED. Said R. Joseph in the name of Rab Judah who said it in the name of Samuel: The halachah rests with R. Simeon b. Gamaliel. Said Abaye: 'The halachah [rests with him]' implies that the matter is disputed!¹ But what difference does it make to you? retorted the other. To which he replied: Is the learning of Gemara, then, to be like the singing of a song?²

MEAT WHICH IS BEING BROUGHT INTO AN IDOLATROUS PLACE IS PERMITTED. What Tanna's opinion might this represent? — Said R. Hiyya b. Abba in the name of R. Johanan: Not that of R. Eliezer; for were it R. Eliezer's, surely he holds the opinion that an idolater has generally idolatry in his mind.³

BUT THAT WHICH IS BROUGHT OUT IS FORBIDDEN, BECAUSE IT IS REGARDED AS SACRIFICES OF THE DEAD.

What is the reason? Because it is impossible for some idolatrous sacrifice not to have taken place. Whose [opinion might this represent]? — That of R. Judah b. Bathyra; for it has been taught: R. Judah b. Bathyra says: Whence can we deduce that idolatrous offerings defile by overshadowing⁴? From the verse, They joined themselves unto Ba'al-Peor, and ate the sacrifices of the dead⁵ — as a dead body defiles by overshadowing, so also an idolatrous sacrifice causes such defilement by overshadowing.⁶

WITH IDOLATERS GOING ON A PILGRIMAGE IT IS FORBIDDEN TO HAVE ANY BUSINESS TRANSACTIONS. Samuel said: With idolaters going on a pilgrimage it is forbidden [to transact business] on their journey there, for they will go and offer thanks to the idols; but on their return journey it is permitted, for by-gones are by-gones. If an Israelite however goes on such a pilgrimage [to idols], it is permitted [to deal with him] on his journey there, for he may change his mind and not go; but on his return it is forbidden, for as

(1) Whereas no other opinion is mentioned at all.

(2) Where precision is of no consequence.

(3) He must have therefore appointed it in his mind for idolatry already at the time of the slaughtering of the animal.

(4) טומאת אהל cf. Num. XIX, 14. Whatever is overshadowed by the same roof or object that is over a corpse.

(5) Ps. CVI, 28.

(6) Hul. 13b.

Talmud - Mas. Avodah Zarah 33a

he has already become attached to it he will go again and again. But has it not been taught: It is

forbidden [to do any business transactions] with an Israelite going on a pilgrimage of idolatry either on his journey there or back? — R. Ashi said: That refers to an apostate Israelite, who is sure to go.

Our Rabbis taught: With an idolater going to a market-fair¹ it is permitted to deal both on his journey there and back; but in the case of an Israelite going to such a fair, it is permitted on his journey thither but forbidden on his return journey. Now, how is it that in the case of an Israelite it is forbidden on his return journey? Because we say that he may have been selling articles of idolatry and has thus idolatry-money with him! Should we not likewise say in the case of an idolater that he may have sold articles of idol-worship and carries idolatry-money on him? It appears therefore that in the case of an idolater we say that he may have sold such things as a garment or wine. [If so] let us then say in the case of an Israelite, too, that it may have been such things as a garment or wine that he was selling! — If he had such things only he would have sold them here.

BUT WITH THOSE COMING THENCE IT IS PERMITTED.

R. Simeon b. Lakish said: This teaching applies only if they do not form one band, but if they² are keeping closely together it is forbidden, for we are to assume that each one has a mind to return again.

SKIN BOTTLES AND [EARTHENWARE] FLAGONS OF HEATHENS.

Our Rabbis taught: 'Skin bottles of heathens, if stripped,³ are permitted while new,⁴ but if old or pitch-lined⁵ they are forbidden. If an idolater pitched⁶ and lined and put the wine⁷ into it while an Israelite was standing by him there is no cause for suspicion.'⁸ But since it is the heathen who puts the wine into the bottles, of what avail is it that an Israelite does stand by him? — R. Papa said: What is meant is that if a heathen pitched and lined them and an Israelite poured wine into them while another Israelite was standing by there is no cause for suspicion. But if it is an Israelite that is pouring the wine into them, what need is there for another Israelite to stand by? — Lest while the Israelite is engaged in the pouring, the heathen pour some of it for idolatry without being detected by him.

R. Zebid said: The original wording can indeed stand, but here the reason is that when wine is poured into the fresh pitch it is as water that is poured in mortar.⁹ R. Papi said: From what was said by R. Zebid it may be deduced that if a heathen poured wine into the salt cellar of an Israelite [the salt] is permitted. R. Ashi demurred to this: How can these be compared? In that case the wine has disappeared, while in our case it has not disappeared!¹⁰

A certain Arab, Bar 'Adi, once seized a wine-skin from R. Isaac b. Joseph, and after keeping wine in it returned it to him. He came and asked about it in the House of Learning and R. Jeremiah said to him: Thus was the decision given by R. Ammi in a specific case:¹¹ [The vessels] are to be filled with water for three days and then emptied; whereon Raba said: The water should be emptied every twenty-four hours. This was taken to apply to our¹² [vessels if used by heathens] but not to theirs; when, however, Rabin came [from Palestine] he said in the name of R. Simeon b. Lakish: [It applies to] either ours or theirs. R. Aha b. Raba, sitting before R. Ashi, was of opinion that this only applies to skin-bottles but not to earthenware ones;¹³ but R. Ashi said to him: It makes no difference whether they be skin-bottles or earthenware ones.

Our Rabbis taught: Earthenware bottles of idolaters, if new and stripped, are permitted, but if old and pitched they are forbidden. If an idolater kept wine in them, the Israelite should put water into them;¹⁴ but though an idolater kept wine in them an Israelite may [immediately] put bran, or Muries¹⁵ into them without any scruples¹⁶. The question was asked:

- (1) [The markets were associated with idolatrous festivals, v. Elmslie, p. 33.]
- (2) [Those who come back and those who go there].
- (3) Having no pitch coating.
- (4) Not having been long in use, the skin would not have absorbed any wine: skin being more dense than earthenware.
- (5) [Wine soaks into pitch.]
- (6) [He poured the molten pitch into them (Rashi).]
- (7) [While the pitch was still hot, wine was poured into it to remove its bitterness (Rashi).]
- (8) Tosef. Ch. V.
- (9) The reason why wine poured into a bottle freshly lined with pitch by a heathen is permitted is because the wine which first comes in contact with the pitch soaks thoroughly into it, like the water in the mortar, and does not exude again when the pitch hardens.
- (10) [The flavour it imparted to the salt remains.]
- (11) הלכה למעשה, lit., 'a decision for practice'.
- (12) As in R. Isaac's case, where the vessel originally used by an Israelite had already absorbed a large quantity of permissible wine, while the absorption of the prohibited wine would be scant.
- (13) Which absorb more.
- (14) As above — on three days, changing the water every 24 hours.
- (15) V. p. 156, n. 2. The sharpness of these annuls the taste of the wine.
- (16) [Having regard to the question that follows, read with MS.M., 'and it is permissible.']

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[Does this apply to] deliberate action or to an act committed?¹ — Come and hear: For R. Zebid b. Oshaia learned: If one buys earthenware bottles of an idolater, if they be new he may put wine into them; if old, he may use them for bran and Muries deliberately.

R. Judah Nesi'a² asked of R. Ammi: What if he put them back into a furnace, so that they became heated? — He replied: If bran has a cleansing effect on them, how much more so fire! It has likewise been stated: R. Johanan said (according to others R. Assi said it in the name of R. Johanan): Flagons of heathens which had been placed back in the furnace, as soon as the pitch thereof has dropped off, are permitted. Said R. Ashi: You need not say 'until it has dropped off'; if it has only been loosened, even though it has not dropped off [it is enough]. [Where the pitch is removed by means of] lighted chips this is a matter of dispute between R. Aha and Rabina, the one forbidding [the use of the flask], while the other permitted. The law rests with the one who forbids.³ The question was asked: How about putting beer into such a vessel?⁴ — R. Nahman and Rab Judah forbid, but Raba permits it. Rabina declared it permissible to R. Hiyya the son of R. Isaac to pour beer into such a vessel, so he went and put wine into it; still he had no scruples about it, saying: It was only done casually. R. Isaac b. Bisna had some vessels of heathens, made of boxwood;⁵ he filled them with water and let them stand in the sun,⁶ and they split. Said R. Abba to him: You have indeed rendered them forbidden for good!⁷ All that our Rabbis said is that such are to be filled with water; has it been said they should be left in the sun? Said R. Yosna in the name of R. Ammi: A vessel of natron⁸ can never be rendered ritually clean. What is a vessel of natron? — Said R. Jose b. Abin: A vessel made of crystals coming from an alum- mine. Some of the men of the field-marshal Parzak⁹ seized some [earthenware] wine-casks from [Jews in] Pumbeditha, kept wine in them and then returned them. [The owners] came to ask Rab Judah about these, and he said: This is a case of vessels taken for temporary use, let them be rinsed with water and they will be permitted for use. R. 'Awira said: Those jugs of Arameans made of dark clay, since they do not absorb much, are permitted for use on being rinsed in water. R. Papa said: Those earthenware vessels coming from Be-Mikse¹⁰ may be used after being rinsed in water, as they do not absorb much.¹¹ Cups¹² are forbidden by R. Assi, but permitted by R. Ashi. If an idolater drank from it the first time it was used, no one disputes that it is forbidden,¹³ the dispute only arises if it was the second time. Some say that if it is the first or second time it is indisputably forbidden and that the dispute only arises if it is the third time. The law is, if it is the

first or second time it is forbidden, if the third time it is permitted. R. Zebid said: Vessels which are glazed, if white or black are permitted, but if green are forbidden because it contains crystals of alum;¹⁴ and if they have any cracks [in the glazing] they are all forbidden.

Meremar stated in his exposition¹⁵ that glazed¹⁶ vessels, whether black or white or green, are permitted. But why should this case be different from that of leaven on Passover? For Meremar [himself] was asked: How about using glazed vessels¹⁷ on Passover; we do not ask [they said] about green glazing which contains alum crystals which absorb and thus [renders the vessel] forbidden; what we are asking about is white or black glazing; nor do we ask even about these if there are any cracks, for such unquestionably absorb and are forbidden; it is about smooth ones that we are asking you what [the law is]? — He answered

- (1) Is it permitted ab initio or only as an accomplished fact?
- (2) [The prince, Judah II.]
- (3) [As the pitch in this case melts even before the fire could exercise a cleansing effect on the flasks themselves.]
- (4) Is this to be forbidden as a safeguard against wine or not?
- (5) פקסונא, v. l. פיקסינא, 'Boxwood'; according to Rashi: made of clay and ordure.
- (6) [As an additional precaution.]
- (7) [I.e., you have destroyed them for no reason.]
- (8) If used for wine by idolaters.
- (9) [Funk, Die Juden in Babylonien, I, 105, renders: 'the great field marshal,' taking Parzak not as nom. prop., but as Persian wzurg, 'great,' v. infra p. 301, n. 3.]
- (10) [Be-Mekse was a frontier town between Babylon and Arabia. V. Obermeyer, op. cit., 334.]
- (11) The clay of this place was particularly hard.
- (12) Earthenware cups which are used for drinking, but not keeping, wine.
- (13) As it would absorb idolatrous wine while new and in a receptive state.
- (14) Which absorb liquid freely.
- (15) V. Pes. 30b.
- (16) Kovia, 'powdered lime'.
- (17) Which had been used for leaven.

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them: I observed that such vessels exude, and being porous they certainly absorb and are therefore forbidden, the reason being that the Torah testified that an earthenware vessel can never be rid of its defect.¹ Why then should this be different from wine used for idolatry concerning which [we are told] Meremar expounded that all glazed vessels [which had been used for it] are permitted? And should you say that leaven [on Passover] is forbidden by the Torah, whereas idolatrous wine is merely a Rabbinic prohibition, [surely it is an established principle] that whatever is instituted by the Rabbis is [treated] as [that which is ordained] by the Torah!² [The difference is this:] In the one case [the use of the vessel, is for hot things,³ while in the other only for cold.

R. Akiba⁴ happened to come to Ginzak;⁵ he was asked: Is fasting by hours considered a fast, or is it not considered a fast?⁶ He had no answer to give them. [They then asked him:] Is the use of bottles of idolaters ever permitted? Again he had no answer. In what garments [he was then asked] did Moses minister during the seven days of consecration?⁷ He had no answer to this either. He then went and enquired at the House of Learning and they said to him: The law is: Fasting by hours is considered a fast, so that if he completed the day, he may say the prayer for a fast; as to bottles of heathens, the law is that they are permissible for use after twelve months;⁸ and as to the garment in which Moses ministered during the seven days of consecration, [he ministered] in a white frock without border.⁹ GRAPE-STONES AND GRAPE-SKINS OF HEATHENS etc. Our Rabbis taught: Grape-stones and grape-skins of heathens are forbidden while fresh but permitted when dry. Which

are considered fresh and which dry? — Said Rab Judah in the name of Samuel: They are considered moist during the first twelve months, and dry after the twelve months. It has been stated that Raba b. Bar-Hana said in the name of R. Johanan: When they are forbidden, the prohibition extends to any benefit to be derived from them, and when they are permitted, they are permitted even as food. Said R. Zebid: Yeast made of wine of Arameans is permitted after a full year. R. Habiba the son of Raba said: Jugs are permitted after a complete year. R. Habiba said:

(1) V. Pes. 30b, where instead of דּוּפְּנֵי the word is דּוּפְּיָא which Mss. have also here.

(2) And the earthen vessel shall be broken, Lev. XV, 12, thus, the same Meremar pronounced glazed vessels forbidden on Passover on account of the leaven they may have absorbed.

(3) In the case of a vessel which had been used all the year for leaven its prohibition on the Passover is based on the fact that it had been used for hot matter which is more liable to penetrate.

(4) [Ta'an, 11a: Mar 'Ukba, which appears to be the proper reading.]

(5) [Ganzaka, identified with Shiz, S.E. of the Urmia lake, N.W. of Persia. V. Obermeyer, op. cit. p. 10.]

(6) If one undertakes to fast part of a day and happens to abstain from food during the rest of the day, is he entitled to say 'Anenu, the prayer which is appointed for a fast day (Rashi). V. Ta'an. 11b.

(7) Lev. VIII, 33.

(8) Without any special cleansing.

(9) [To indicate that it was for temporary ministrations only (Tosaf.).]

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Travellers' wine-bags are permitted after a twelve-month. Said R. Aha the son of R. Ika: Kernels sold by Arameans are permitted after a twelvemonth. R. Aha the son of Raba said: Those red or black jugs are likewise permitted after twelve months.

MURIES¹ etc. Our Rabbis taught: Muries made by an expert is permitted.² R. Judah b. Gamaliel says in the name of R. Hanina b. Gamaliel: [Brine of] heilek³ prepared by an expert is likewise permitted. Abimi the son of R. Abbahu learned that muries of an expert is permitted; while he had learnt it thus, he however explained that only the first and second [extracts] from this fish are permitted, but the third is forbidden, the reason being that these first and second [extracts] are quite fat and require no admixture of wine; after these, however, wine is put into it.

Once a ship-load of muries reached the port of Acco⁴ and R. Aha of Acco placed a guard by it.⁵ Said Raba to him: And who watched the ship till now? — Till now, he replied, there was no cause for suspicion: as to mixing the brine with wine, a xestos⁶ of muries cost⁷ a luma⁸ while a xestos of wine cost four lumas. Said R. Jeremiah to R. Zera: Might they not have come by the way of Tyre where wine is cheap? — He replied: There are narrow bays and shallow waters.⁹

AND BITHYNIAN CHEESE etc. Said R. Simeon b. Lakish: The reason why Bithynian cheese has been forbidden¹⁰ is because the majority of calves of that place are slaughtered [as sacrifices] to idols.¹¹ Why say 'the majority of calves'? Even if it were the minority it would have sufficed, since R. Meir always takes the minority into consideration!¹² — When we say the majority [of calves] we really have only a minority [of cattle],¹³ but were only a minority of calves slain for idolatry — seeing that there would have been a majority of calves not slain for idolatry to which would have to be added all other cattle that are not slaughtered for idolatry — they would really have formed a minority of a minority, and even R. Meir does not take a negligible minority into consideration. Said R. Simeon b. Eliakim to R. Simeon b. Lakish: What matters it if they are slaughtered for idolatry, seeing that you yourself permit [something similar]? For it has been stated:¹⁴ If one slaughters an animal with the intention of sprinkling its blood for idolatry, or offering its fat for idolatry, R. Johanan says that the animal is forbidden, as in his opinion the one sacrificial process is to be connected with the other process,¹⁵ and the slaughtering without the sanctuary is deduced from that

within it;¹⁶ . R. Simeon b. Lakish, however, says it is permitted! — He replied: You are to be congratulated¹⁷ [on your acumen; but in our case we assume that] he¹⁸ declares that he worships [the idol] with the completion of the slaughtering.¹⁹

SAID R. JUDAH: R. ISHMAEL PUT A QUESTION etc. Said R. Ahdaboi in the name of Rab: If one acquires²⁰ a woman with the dung of an ox which is to be stoned²¹ she becomes ‘consecrated’ to him; but if with dung of calves used for idolatry, she does not become ‘consecrated’ to him. You can say that this can be proved by common sense, or, you may prove it from Scripture: As a matter of common sense — in the case of calves to be offered to idols it pleases [the owner] that they be stout,²² whereas in the case of the ox to be stoned there is no pleasure to him in its being stout. And as to Scripture-here the verse says, There shall cleave nought of the banned thing to thy hand,²³ while there the words are, The ox shall be surely stoned and its flesh shall not be eaten²⁴ — its flesh only is forbidden, but its dung is permitted [to profit by]. Raba said: We have learnt both these cases [in our Mishnah]. The fact that when R. Joshua replied:²⁵ BECAUSE THEY CURDLE IT WITH THE RENNET OF A NEBELAH AND R. ISHMAEL RETORTED, BUT IS NOT THE RENNET OF A BURNT OFFERING MORE STRICTLY FORBIDDEN THAN THAT OF A NEBELAH?²⁶

(1) Fish-brine.

(2) As no unclean fish is used in its preparation, the only objection is offered by its being mixed with wine; an expert, however, will avoid such practice (Rashi).

(3) L. Alec, halec, alex — a small fish not easily distinguished from unclean ones; an expert will, however, take care to use the genuine kind only.

(4) Acre, a town and harbour on the Phoenician coast.

(5) To watch lest wine be mixed with the brine.

(6) קיסתא, Sictarius, a measure of about the size of a log.

(7) In the place from where the cargo came.

(8) לומא, Luma, corrupt from a nummus(-sesterius) (Jast.), a small coin.

(9) Between the ports of Tyre and Acco; and the pilot would not risk taking that course.

(10) Even as to deriving any benefit according to R. Meir.

(11) And the rennet of these calves is used in preparing the cheese.

(12) Infra 40b.

(13) Whose rennet might be used in preparing cheese.

(14) V. Hul. 38b; Sanh. 60b.

(15) The sprinkling of the blood or the offering of the fat affects also the slaughtering.

(16) The Biblical injunction (Lev. VII, 18) which is taken to declare any sacrifice offered within the sanctuary with an improper intention as ‘an abhorred thing’ (פגול) is to be applied also to ordinary slaughtering without the sanctuary.

(17) תרמינך שעתך, lit., ‘may the hour of thy birth prove lucky.’

(18) Whoever slaughters a sacrifice to an idol.

(19) In such a case I, too, forbid.

(20) Lit., ‘Consecrates’. One of the ways of effecting a betrothal is the handing by the man to the woman of a coin or an article of some value (a perutah, a small coin), pronouncing at the time the formula: ‘Behold, thou art consecrated unto me by this according to the law of Moses and of Israel.’ V. Kid. I, 1, Ter. 30b.

(21) From which animal no benefit may be derived.

(22) He would therefore give them extra food on that account, so that even the dung is associated with idolatry.

(23) Deut. XIII, 18, referring to things connected with idol worship.

(24) Ex. XXI, 28.

(25) To the question as to why heathen's cheese is forbidden.

(26) And yet benefit may be derived from the rennet of a burnt offering, though the animal itself, like an ox which is to be stoned, is forbidden as to any benefit.

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proves that the dung of an animal from which no benefit may be derived is permitted. Again, since when R. JOSHUA GAVE AS THE REASON, BECAUSE THEY CURDLE IT WITH THE RENNET OF CALVES SACRIFICED TO IDOLS, R. Ishmael replied: IF THAT BE SO, WHY DO THEY NOT EXTEND THE PROHIBITION TO ANY BENEFIT DERIVED FROM IT, — this proves that the dung of animals used for idolatry is forbidden as to the derivation of any benefit.

Could he not, in reply, have given the reason that the forbidden matter is not present in substance? For take the case of Muries; is not the reason why the Rabbis did not forbid the derivation of any benefit from it because the forbidden matter is not there in substance? — I will tell you: Since it is [the rennet] that keeps the milk curdled it must be regarded as though the prohibited matter is there in substance.

DIVERTED TO ANOTHER MATTER etc. What is the meaning of the words, For thy love is better than wine?¹ When R. Dimi came [from Palestine] he explained it thus: The Congregation of Israel declared to the Holy One, blessed be He: Master of the Universe! The words of thy beloved ones² are more pleasant to me than the wine of the Torah.³

Why did he ask him just about this verse? Said R. Simeon b. Pazi (some say R. Simeon b. Ammi): He hinted at the beginning of this verse: Let him kiss me with the kisses of his mouth,⁴ [saying]: 'Ishmael, my brother, press thy lips one to the other and do not be eager to ask for an answer.'⁵ For what reason? — Said 'Ulla (some say R. Samuel b. Aba): This is a new ordinance about which one should not particularise. What [then] is the reason for this ordinance? — Said R. Simeon b. Pazi in the name of R. Joshua b. Levi: [The probability of its] having been bitten [by a serpent]. Then why not tell him that the reason is the probability of its having been bitten? — Because of 'Ulla's ruling; for 'Ulla said: When an ordinance is made in Palestine, its reason is not revealed before a full year passes, lest there be some who might not agree with the reason and would treat the ordinance lightly. This⁶ was ridiculed by R. Jeremiah. If that be so [said he] then hard [cheese] should be permitted, and old [cheese], too, should be permitted. for R. Hanina said: [When any matter becomes] dry, it is permitted, because the [serpent's venom] would not let it get dry; [so also] when matured it is permitted,⁷ as it would not have allowed it to mature! — Said R. Hanina: [The reason for forbidding cheese is] because it is impossible for it not to have particles of milk.⁸ Samuel said: Because it is set in the skin of the rennet of a nebelah.⁹ This implies that the rennet itself is permitted — how could Samuel have stated so? Have we not learnt, 'The rennet of heathen's animals or of a nebelah is forbidden'?¹⁰ And when the question was asked, Is then any [slaughtered] animal of a heathen not a nebelah? it was Samuel himself who answered: These are meant to be taken together thus: The rennet of an animal slaughtered by heathens, which is nebelah, is forbidden! — There is no contradiction here.

(1) Cant. I, 2.

(2) The Heb. word here used, תִּיִּיִּי, stands for thy beloved ones as well as thy love.

(3) The verbal expositions of the sages are more precious than the written words of the Torah. [For it is the unwritten Law that supplements the written Law and completes it.]

(4) Ibid.

(5) To the question why heathen's cheese is forbidden.

(6) The reason given in the name of R. Joshua b. Levy.

(7) V. supra 31b.

(8) It is assumed that the milk out of which cheese is made is of clean animals, as milk of unclean ones does not curdle. There may however have been an admixture of milk of an unclean animal which would remain in the holes of the cheese.

(9) And though the rennet being mere 'refuse' is permitted, the skin is forbidden.

(10) Hul. 116a.

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The former [represents R. Joshua's opinion] before it was reversed;¹ the latter after it was reversed, and the Mishnah was allowed to remain as it was.

R. Malkiah in the name of R. Adda b. Ahaba said: [Cheese is forbidden] because its surface is smeared with fat of swine. R. Hisda said: Because it is curdled with vinegar.² R. Nahman b. Isaac said: Because it might be curdled with the sap of 'Orlah.³ Whose opinion does this [last answer] represent? — That of the following Tanna; for we learnt: R. Eliezer says: If milk is curdled with sap of 'Orlah it is forbidden because it is considered fruit!⁴ — You may even say that it also represents the opinion of R. Joshua,⁵ for R. Joshua only differs from R. Eliezer as regards the sap of the tree, but as regards that of the fruit he agrees with him, even as we learnt: R. Joshua said: I have heard explicitly that milk curdled with the sap of the leaves or with the sap of the root is permitted; but if with the sap of unripe figs it is forbidden, because this is a fruit.⁶

Whether the reason be the one given by R. Hisda, or by R. Nahman b. Isaac the prohibition ought surely to extend to the derivation of any benefit!⁷ — This indeed is a difficulty.

R. Nahman the son of R. Hisda gave the following exposition:⁸ What is the meaning of the verse, Thine ointments have a goodly fragrance [thy name is as ointment poured forth]? To what may a scholar⁹ be compared? To a flask of poliatum:¹⁰ When opened,¹¹ its odour is diffused, but if covered up its odour does not diffuse; moreover things that are hidden become revealed to him, as it is said, Therefore do the maidens love thee:¹² which may be read to mean 'the hidden [love thee].' What is more, even the Angel of Death loves him, for the words may be read to mean, 'The one [appointed] over Death [loves thee];' still more, he inherits both worlds — this world and the world to come — for the words may be read to mean, worlds [love thee].'

MISHNAH. THE FOLLOWING ARTICLES OF HEATHENS ARE PROHIBITED BUT THE PROHIBITION DOES NOT EXTEND TO ALL USE OF THEM:¹³ MILK WHICH A HEATHEN MILKED WITHOUT AN ISRAELITE WATCHING HIM, THEIR BREAD AND OIL — RABBI¹⁴ AND HIS COURT PERMITTED THE OIL — STEWED¹⁵ AND PRESERVED¹⁶ FOODSTUFFS INTO WHICH THEY ARE ACCUSTOMED TO PUT WINE OR VINEGAR, PICKLED HERRING WHICH HAD BEEN MINCED,¹⁷ BRINE IN WHICH THERE IS NO KALBITH-FISH¹⁸ FLOATING, HELEK,¹⁹ DROPS OF ASAFOETIDA²⁰ AND SAL-CONDITUM.²¹ BEHOLD THESE ARE PROHIBITED BUT THE PROHIBITION DOES NOT EXTEND TO ALL USE OF THEM.

GEMARA. Why should we feel concern about milk [that it is prohibited]? If on account of the possibility that there may have been a substitution [of animals], [the milk of] a clean animal is white and of an unclean animal greenish in colour! If, on the other hand, it is on account of the possibility of a mixture [of a clean animal's milk with that of an unclean animal], let him curdle it, because a Master has declared: The milk of a clean animal curdles but that of an unclean animal does not! — [This test is all right] if he required [the milk for the purpose of making] cheese; but with what circumstance are we dealing here? When he requires it as a diet! Then let him take a small quantity and curdle it! — [This test would not be conclusive], because even with the milk of a clean animal there is the whey which does not curdle, so nothing can be proved thereby. Or if you wish I can say that even should you maintain that the milk is intended for cheese [the test is not conclusive because drops of milk] remain between the holes.²²

THEIR BREAD. R. Kahana said in the name of R. Johanan: Their bread was not permitted by the Court.²³ Is it to be deduced from this statement that anybody does allow it? — Yes, because when R. Dimi came [from Palestine] he said: On one occasion Rabbi went out into the field, and a heathen

brought before him a loaf baked in a large oven from a se'ah of flour. Rabbi exclaimed: How beautiful is this loaf; why should the Sages have thought fit to prohibit it! 'Why should the Sages have thought fit to prohibit it?' As a safeguard against intermarriages! — No, what he meant was: Why should the Sages have thought fit to prohibit it in a field!²⁴ [As the result of this remark] people imagined that Rabbi permitted the loaf [of a heathen] but it was not so; Rabbi did not permit it. R. Joseph — according to another version, R. Samuel b. Judah said: The incident was not so;²⁵ but it is said that Rabbi once went to a certain place and observed that his disciples experienced difficulty in obtaining bread; so he asked, 'Is there no baker here?' people imagined that his inquiry was for a Gentile baker, but he really intended an Israelite baker. R. Helbo said: Even according to those who maintain [that he inquired for] a Gentile baker, [the permission] would only apply where there was no Israelite baker and not where such was to be found. R. Johanan, however, said: Even according to those who maintain [that he inquired for] a Gentile baker, [the permission] only holds good in a field, and not in a city as a safeguard against intermarriages. Aibu used to bite and eat [Gentiles'] bread at the boundaries [of the fields];²⁶ but Raba-according to another version, R. Nahman b. Isaac-said to the people, 'Hold no converse with Aibu because he eats the bread of Gentiles.'²⁷

AND THEIR OIL. As regards oil Rab said: Daniel decreed against its use; but Samuel said:

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- (1) The Mishnah in Hul. 116, stating that the rennet of a nebelah is forbidden, represents the opinion of R. Joshua in our Mishnah before he retracted in deference to the objection raised by R. Ishmael.
- (2) Of wine that turned sour, which is forbidden; v. supra.
- (3) Produce of a tree during its first three years.
- (4) 'Orlah I, 7.
- (5) V. ibid. * [The translation from here to the end of the Tractate is by the Rev. Dr. A. Cohen.]
- (6) Ibid.
- (7) Since vinegar and 'Orlah are both so forbidden.
- (8) Of Cant. I, 3, following the verses cited above.
- (9) תלמיד חכם, lit., 'a disciple of a sage.'
- (10) **, a fragrant ointment.
- (11) [Applied to the scholar it means that he does not keep his knowledge to himself.
- (12) Ibid. The Heb. word here used for maidens, עלמות may be read: 'Alummoth-hidden ones; 'Al-Maweth — upon death; 'Olamoth-worlds.
- (13) They may not form part of the diet of a Jew, but he is allowed to dispose of them to Gentiles.
- (14) The reference is to R. Judah II, the grandson of the R. Judah who compiled the Mishnah. The parenthesis must therefore be a later interpolation.
- (15) The prohibition is not caused by the presence of yen nesek (v. Glos.), but is due to the fear of close social intercourse resulting in mixed marriages (Rashi).
- (16) Lit., 'pressed', viz. in brine.
- (17) Since it is minced, the identity of the fish is in doubt and it may have belonged to an unclean species.
- (18) The kalbith was a kind of stickleback which was supposed to breed only in brine formed with the clean species of fish.
- (19) Probably the Latin allec, a sauce made from small fish; and there is a doubt whether the fish of which it was made is allowed.
- (20) The bark from which it was obtained was presumably cut with a knife which had been used for prohibited food.
- (21) Traditionally explained as salt used by the Romans as a condiment which was mixed with fat. But Krauss (TAI p. 500) suggests that the word salkundith is a corruption of istroknith, i.e., Ostracena, a town on the border between Palestine and Egypt where salt was produced.
- (22) Even when the milk is derived from a clean animal. So it is not possible to determine with certainty whether forbidden milk was mixed in the cheesemaking.
- (23) Of R. Judah the Prince, although they permitted the oil.
- (24) As distinct from an inhabited area like a city where the reason, viz. the danger of mixed marriages, could not apply.
- (25) As related by R. Dimi.

(26) To take advantage of the rule which allows the bread to be eaten outside the city.

(27) [Ran reads: Do not report (any teaching) in the name of Aibu.]

Talmud - Mas. Avodah Zarah 36a

The residue from their unclean vessels [which they pour into the oil-container] renders it prohibited. Is this to say that people generally are concerned to eat their food in a state of ritual purity!¹ — Rather [must Samuel's statement be amended to:] the residue from their prohibited vessels [which they pour into the oil-container] renders it prohibited. Samuel said to Rab: According to my explanation that the residue from their prohibited vessels renders it prohibited, it is quite right that when R. Isaac b. Samuel b. Martha came [from Palestine] he related that R. Simlai expounded in Nisibis:² As regards oil R. Judah and his Court took a vote and declared it permitted, holding the opinion that [when the forbidden element]³ imparts a worsened flavour [the mixture] is permitted. But according to your statement that [it is prohibited because] Daniel decreed against it, [can it be thought that] Daniel made a decree and R. Judah the Prince then came and annulled it? For have we not learnt: A Court is unable to annul the decisions of another Court, unless it is superior to it in wisdom and numerical strength! — Rab replied to him: You quote Simlai of Lud; but the inhabitants of Lud are different because they are neglectful [of Rabbinical ordinances]. [Samuel] said to him: Shall I send for him?⁴ [Rab] thereupon grew alarmed and said: If [R. Judah and his Court] have not made proper research,⁵ shall we not do so? Surely it is written, But Daniel purposed in his heart that he would not defile himself with the king's meat nor with the wine which he drank⁶ — the verse speaks of two drinkings, viz. the drinking of wine and the drinking of oil! Rab was of the opinion that Daniel purposed in his own heart [not to drink the oil] and decided similarly for all Israel; whereas Samuel was of the opinion that he purposed in his own heart [not to drink the oil] but did not decide similarly for all Israel.

But did Daniel decree against oil? Behold Bali declared that Abimi the Nabatean⁷ said in the name of Rab: The bread, wine and oil of heathens and their daughters are all included in the eighteen things!⁸ Should you argue that Daniel came and made the decree but it was not accepted, and then the disciples of Hillel and Shammai came and made the decree which was accepted, in that case what was the purpose of Rab's testimony?⁹ — But [Rab's contention is that] Daniel decreed against the use of the oil in a city,¹⁰ and [the disciples] came and decreed against its use even in a field. How, then, was it possible for R. Judah the Prince to permit [what was forbidden by] the ordinance of the disciples of Shammai and Hillel, seeing that we have learnt: A Court is unable to annul the decisions of another Court, unless it is superior to it in wisdom and numerical strength! Furthermore, Rabbah b. Bar Hanah has said in the name of R. Johanan: In all matters a Court can annul the decisions of another Court except the eighteen things [prohibited by the Schools of Hillel and Shammai], for even were Elijah and his Court to come [and declare them permitted] we must not listen to him! — R. Mesharsheya said: The reason [that these eighteen things form an exception] is because their prohibition has spread among the large majority of Israelites, but the prohibition concerning oil did not so spread;¹¹ for R. Samuel b. Abba said in the name of R. Johanan: Our masters¹² sat and made investigation concerning [the use of heathens'] oil [and found] that its prohibition had not spread among the large majority of Israelites; they accordingly relied upon the dictum of Rabban Simeon b. Gamaliel and R. Eliezer b. Zadok who declared: We make no decree upon the community unless the majority are able to abide by it.¹³ R. Adda b. Ahaba said:¹⁴ What Scriptural verse supports this rule?

(1) That on such a ground the oil of a heathen is prohibited. In fact the majority of people have not that concern.

(2) Formerly an important city in N.E. Mesopotamia.

(3) Derived from the prohibited vessel, v. supra 75b.

(4) So that he can hear the charge which Rab brought.

(5) In the Scriptures to ascertain that Daniel had decreed against oil. Rab implied that they had acted in ignorance when they permitted the oil.

(6) Dan. I, 8. The last words are lit., 'the wine of his drinkings'.

(7) Belonging to Nabatea, a district to the S.E. of Palestine.

(8) Which were prohibited by decree in the upper room of Hananiah b. Hezekiah b. Gorion when the School of Shammai outnumbered the School of Hillel. V. Shab. 13b, 17b. How, then, could Rab attribute the decree to Daniel?

(9) In ascribing the decree to Daniel since it was not adopted.

(10) V. p. 173, n. 2.

(11) And consequently R. Judah was able to annul it.

(12) I.e., R. Judah II and his Court.

(13) [Oil was one of the staple products of Palestine, and the trade in it was of vital importance, so that it became difficult to keep the laws; v. Elmslie, p. 38.]

(14) [So Ms.M.]

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Ye are cursed with the curse; for ye rob Me, even this whole nation¹ — i.e., when the whole nation has [accepted an ordinance, then the curse which is the penalty of its infraction] does apply, otherwise it does not.

The above text stated: 'Behold Bali declared that Abimi the Nabatean said in the name of Rab: The bread, wine and oil of heathens and their daughters are all included in the eighteen things?' What means 'their daughters'? — R. Nahman b. Isaac said: [The Schools of Hillel and Shammai] decreed that their daughters should be considered as in the state of niddah² from their cradle; and Geneva said in the name of Rab: With all the things against which they decreed the purpose was to safeguard against idolatry. For when R. Aha b. Adda came [from Palestine] he declared in the name of R. Isaac: They decreed against [heathens'] bread on account of their oil. But how is oil stricter than bread! — Rather [should the statement read that they made a decree] against their bread and oil on account of their wine; against their wine on account of their daughters;³ against their daughters on account of another matter,⁴ and against this other matter on account of still another matter.⁵ [But the prohibition against marrying] their daughters is a Biblical ordinance, for it is written, Neither shall thou make marriages with them!⁶ — The 'Biblical ordinance is restricted to the seven nations [of Canaan] and does not include other heathen peoples; and [the Schools of Hillel and Shammai] came and decreed against these also. But according to 'R. Simeon b. Yohai who declared that the words, For he will turn away thy son from following Me,⁷ include all women who would turn [their husbands aside from the worship of God], what is there to say? — Perhaps [the explanation is that] the Biblical ordinance is against intercourse through marriage, and they came and decreed even against immoral connection with them. But the decree against such connection had already been made by the Court of Shem,⁸ for it is written, And Judah said, Bring her forth and let her be burnt!⁹ — Perhaps, then, [the explanation is that] the Biblical ordinance refers to an Israelite woman in intercourse with a heathen since she would be drawn after him¹⁰ but not against an Israelite having intercourse with a heathen woman,¹¹ and they came and decreed even against the latter. But [the prohibition against] an Israelite having intercourse with a heathen woman is a law of Moses from Sinai,¹² for a Master has said: If [an Israelite] has intercourse with a heathen woman, zealots may attack him! — The Biblical ordinance refers to a public act even as the incident that had happened;¹³ but they came and decreed even against a private act. But the Court of the Hasmoneans¹⁴ had already decreed also against a private act; for when R. Dimi came [from Palestine] he declared: The Court of the Hasmoneans decreed that an Israelite who had intercourse with a heathen woman is liable on four counts, viz., she is regarded as niddah, a slave, a non-Jewess, and a married woman; and when Rabin came [from Palestine] he declared: On the following four counts, viz., she is regarded as niddah, a slave, a non-Jewess, and a harlot! — The decree of the Court of the Hasmoneans was against Intercourse but not against private association [with a heathen woman]; so they came and decreed even against this. But the Court of David had already decreed against private association, for Rab Judah said: At that time¹⁵ they made a decree against private association! — It may be replied

[that the decree of the Court of David] there referred to private association with an Israelite and not a heathen woman, and they came and decreed even against associating with a heathen woman. But [the prohibition against] associating with an Israelite woman is a Biblical ordinance; for R. Johanan said in the name of R. Simeon b. Jehozedek: Whence is there an indication in the Torah against such association? As it is said, If thy brother, the son of thy mother... entice thee¹⁶ — can, then, the son of the mother, and not the son of the father, entice! But the intention is, a son may privately associate with his mother, and nobody else may privately associate with any woman whom the Torah disallows him in marriage! — [The correct explanation is that] the Biblical ordinance against such association refers to an [Israelite] married woman; David came and extended the law to association with an unmarried woman; and the disciples of the Schools of Shammai and Hillel came and extended it still further to association with a heathen woman.

What is the meaning of the phrase used above: ‘and against this other matter on account of still another matter’? — R. Nahman b. Isaac said: They decreed in connection with a heathen child that it should cause defilement by seminal emission¹⁷ so that an Israelite child should not become accustomed to commit pederasty with him. For R. Zera said: I experienced great trouble with R. Assi,¹⁸ and R. Assi with R. Johanan, and R. Johanan with R. Jannai, and R. Jannai with R. Nathan b. Amram, and R. Nathan b. Amram with Rabbi over this question: From what age does a heathen child cause defilement by seminal emission? — He replied to me: From a day old; but when I came to R. Hiyya, he told me: From the age of nine years and one day. When I then came and discussed the matter with Rabbi, he said to me: Abandon my reply and adopt that of R. Hiyya who declared: From what age does a heathen child cause defilement by seminal emission? From the age of nine years and one day,

(1) Mal. III, 9. The verse is thus interpreted: The whole nation undertook to fulfil a law, the penalty for disobedience being a curse; and now that they robbed God by utilising what they had agreed to forgo, the curse has come upon them.

(2) V. Glos. They would then defile by touch.

(3) Drinking wine with heathens would arouse desire for their women.

(4) Viz., idolatry.

(5) This phrase is discussed later.

(6) Deut. VII, 3, so how can it be said to be the consequence of a Rabbinical decree?

(7) Ibid. 4.

(8) The son of Noah from whom the Hebrews descended. Tradition ascribes to him a School of Torah-study.

(9) Gen. XXXVIII, 24, referring to Tamar who was with child; and the penalty which Judah intended to inflict upon her was derived by him from the Court of Shem.

(10) Into idolatry.

(11) Because he might rather turn her from idolatry.

(12) An old traditional law; so it could not have been instituted by the Schools of Hillel and Shammai.

(13) V. Numb. XXV, 6 ff.

(14) In the 2nd cent. B.C.E., nearly two hundred years before the Schools of Hillel and Shammai. [Derenbourg, Essai, p. 84., places it under Simeon who ruled from 143-135 B.C.E. v. Sanh. (Sonc. ed.) p. 544, n. 8.]

(15) Referring to the incident of Tamar, II Sam. XIII.

(16) Deut. XIII, 7.

(17) [Even though he suffered from no issue.]

(18) He put the following question to him and had difficulty in eliciting a reply.

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for inasmuch as he is then capable of the sexual act he likewise defiles by emission. Rabina said: It is therefore to be concluded that a heathen girl [communicates defilement] from the age of three years and one day, for inasmuch as she is then capable of the sexual act she likewise defiles by a flux. This is obvious! — You might argue that he is at an age when he knows to persuade [a female]

but she is not at an age when she knows to persuade [a male, and consequently although she is technically capable of the sexual act, she does not cause defilement until she is nine years and one day old]. Hence he informs us [that she communicates defilement at the earlier age].

R. Judah Nesi'a¹ was once walking and leaning upon the shoulder of his attendant, R. Simlai, when he said to him, 'Simlai, you were not present yesterday at the House of Study when we declared [heathens'] oil permitted.' He replied, 'Would that in our days you permitted their bread also!' He said to him, 'If we were to do that, they would call us "the permitting Court". As we have learnt: R. Jose b. Jo'ezer of Zeredah testified that the stag-locust is clean,² that the flow [of blood and water] from the place of slaughter [in the Temple] is non-defiling, and that one who comes in contact with a corpse is defiled; and they called him "Joseph the permitter".' [R. Simlai] said to him, 'There he permitted three things,³ and the master has only permitted one; so that if he permits another there would still be only two!' He replied, 'I have already permitted a second.' What is it? — As we have learnt: [If a husband said to his wife before a journey,] 'This is your bill of divorce should I not return within twelve months', and he died within the twelve months, the divorce is invalid.⁴ In this connection it was taught: And our Rabbis permitted her to remarry;⁵ and we ask, who is intended by 'our Rabbis'? — Rab Judah replied in the name of Samuel: The Court which permitted [heathens'] oil;⁶ for they held the same view as R. Jose who said: The date of the document is proof of this.⁷ R. Abba, son of R. Hiyya b. Abba said: R. Judah the Prince gave this decision, but [the Rabbis] did not agree with him all his lifetime [sha'ato]. Another version is: All his colleagues [saya'to] [did not agree with him].

R. Eleazar asked a certain old man: When you permitted a woman [to remarry in the circumstances described above], did you allow her to do so immediately⁸ since he could not return, or perhaps it was after the lapse of the twelve months since his condition had then been fulfilled? — [He rejoined:] But this question arises also in connection with [the continuation of the cited] Mishnah where we learnt: [But if the husband said,] 'Behold this is your bill of divorce from now onward should I not return within twelve months', and he died within the twelve months, the divorce is valid-because the condition had been fulfilled; and the question thus arises. Does the divorce take effect immediately [on his death] since he could not return, or perhaps only after twelve months when the condition had been fulfilled? — [R. Eleazar said to him:] Yes, even in this case [I am in doubt] but [I put the question to you] because you were among the number [who voted to grant her permission to remarry]. Abaye said: All⁹ admit [that if a man said to his wife that the divorce should take effect] when the sun issues from its sheath,¹⁰ he intended the time of sunrise, and should he die in the night, it is then a bill of divorce which comes into force after his death [and is invalid]; [but if he said to her that the divorce should take effect] on condition that the sun issues from its sheath, he intended it to apply from that moment onward, and should he die in the night, this was certainly a condition, and the divorce thus took effect while he was alive [and is valid] in agreement with the view of R. Huna. For R. Huna said: If one uses the expression 'on condition' [in a bill of divorce] it is the same as if he had said, 'From now onward'. They only differ over the case [where he used the expression] if the sun issues [from its sheath];¹¹ R. Judah the Prince being of the same opinion as R. Jose who said, 'The date of the document is proof of this' and he holds it to be identical with the phrases, 'From to-day if I die' and 'From now onward if I die'. The Rabbis, on the other hand, do not agree with R. Jose and maintain that it is merely identical with, 'Here is your bill of divorce if I die.'

The above text stated: 'R. Jose b. Jo'ezer of Zeredah testified that the stag-locust is clean, that the flow [of blood and water] from the place of slaughter [in the Temple] is non-defiling, and that one who comes in contact with a corpse is defiled; and they called him, "Joseph the permitter."' What is the stag-locust? — R. Papa said: Shoshiba, and R. Hiyya b. Ammi said in the name of 'Ulla: Susbel.¹² R. Papa said it was the shoshiba, — so they¹³ differ on [the permissibility] of the long-headed locust, one holding that it is prohibited and the other that it is permitted. R. Hiyya b. Ammi said in the name of 'Ulla that it was the susbel,

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- (1) The Prince, i.e., R. Judah II, as in the Mishnah.
 - (2) And may be eaten.
 - (3) It will be explained below that he took a lenient view of the law of defilement by a corpse.
 - (4) Because he did not say that the divorce was to apply 'from now onward'. Consequently if she was left a childless widow, she became subject to the law of levirate-marriage (v. Deut. XXV, 5 ff.).
 - (5) Whomever she wished and released her from the levirate-marriage.
 - (6) I.e., R. Judah II and his Court.
 - (7) According to the Mishnah on B.B. 136a, if a father assigns the whole of his estate to one of his sons for him to take possession of it after his death, he must insert in the document the words 'from to-day and after my death', otherwise it has no value. R. Jose disagrees on the ground that the date of the document is sufficient indication of the testator's intentions. R. Judah similarly held that the bill of divorce was valid in the circumstances described, so that the wife on the husband's death had legally the status of a divorcee and not a widow.
 - (8) On learning of her husband's death.
 - (9) I.e., even R. Jose.
 - (10) In which its rays were thought to be encased when not shining; i.e., when the sun has fully risen.
 - (11) And he died in the night.
 - (12) The former is a long-headed and the latter a short-headed species of locust.
 - (13) R. Jose of Zeredah and his colleagues.

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and nobody differs that the long-headed locust is prohibited, and here they disagree when there is difficulty in perceiving whether its wings cover the greater part of the body, one holding that we require [the wings] to cover just more than the greater part of the body and the other that we require it appreciably to cover the greater part of the body.

'That the flow [of blood and water] from the place of slaughter [in the Temple] is non-defiling.' What means 'non-defiling'? — Rab said: It is essentially clean;¹ but Samuel said: It was non-defiling in the sense that it did not render other things unclean [which it touched] but in itself there was uncleanness. When Rab said that it was essentially clean, he was of the opinion that the defiling power of liquids was a [Rabbinical ordinance and when the Rabbis decreed so their intention was to attribute defilement to liquids in general but they did not so decree in connection with the flow from the place of slaughter. When, however, Samuel said that it was non-defiling in the sense that it did not render other things unclean but in itself there was uncleanness, he was of the opinion that the defilement in liquids was a Biblical ordinance; but with respect to its power to render other things unclean it was a Rabbinical ordinance, and when the Rabbis decreed so their intention was to attribute the power of communicating defilement to liquids in general, but they did not so decree in connection with the flow from the place of slaughter.

'And that one who comes in contact with a corpse is defiled; and they called him, "Joseph the permitter".' Rather should he have been called [in this instance] 'Joseph the prohibiter'! Furthermore [that a corpse defiles] is a Biblical ordinance, as it is written, And whosoever in the open field toucheth one that is slain with a sword, or a dead body [or a bone of a man, or a grave, shall be unclean seven days]² — According to Scripture he who comes in contact with a corpse is defiled, but anybody who comes in contact with this person is clean; and [the Rabbis] proceeded to decree that even such as he is defiled; then [Jose b. Jo'ezer] proceeded to re-establish the law in its Biblical form.³ But [the defilement of] the person who comes in contact with one who had touched a corpse is likewise a Biblical ordinance, for it is written, And whatsoever the unclean person toucheth shall be unclean!⁴ — The Rabbis declared in the presence of Raba on the authority of Mar Zutra son of Nahman who said it in the name of R. Nahman: According to the Scriptures, if a person touches another while the latter is in contact [with a corpse], he too is defiled for seven days; but if he

touches him when there is not this contact, then he is only defiled until the evening. The Rabbis proceeded to decree that even without contact he is defiled for seven days, and [R. Jose] proceeded to re-establish the law in its Scriptural form. Whence is this to be derived from the Torah?⁵ — For it is written, He that toucheth the dead body of any man shall be unclean seven days,⁶ and it is also written, And whatsoever the unclean person toucheth shall be unclean⁷ continuing with And the soul that toucheth it shall be unclean until even. How [are these texts] to be understood? The former refers to the circumstance where there is actual contact and the latter to where there is not actual contact.

Raba said to them: Have I not previously told you not to hang empty pitchers on R. Nahman?⁸ This is what R. Nahman said: He [Jose of Zeredah] permitted a doubtful case of defilement in a public domain.⁹ But this is a rule which is drawn by analogy from the case of a woman suspected of infidelity, viz., as [the case of doubt in connection with] the suspected woman can only occur [when seclusion with her paramour takes place] in a private domain, so [the case of doubt in connection with] defilement can only occur [when the contact with the corpse takes place] in a private domain!¹⁰ — R. Johanan said: Such, indeed, is the traditional rule, but [none of the Rabbis] would decide in that manner¹¹ until [Jose b. Jo'ezer] came and definitely decided so.¹² There is a teaching to the same effect: R. Judah says: [Jose b. Jo'ezer] stuck stakes [in the ground] for the people, declaring, 'Up to here is a public domain and up to there a private domain,'¹³ When persons¹⁴ came to consult R. Jannai, he used to tell them, 'There is plenty of water in the depth of the river; go and immerse yourselves.'¹⁵

STEWED FOODSTUFFS. Whence is this derived?¹⁶ — R. Hiyya b. Abba said in the name of R. Johanan: Scripture states, Thou shalt sell me food for money that I may eat, and give me water for money that I may drink.¹⁷ A comparison is to be drawn with water — as only water which has undergone no change [is permitted to Jews] so also must the food have undergone no change [at the hand of heathens]. According to this reasoning ears of corn should also be prohibited when roasted by them; and should you maintain that that is so, behold it has been taught: Ears of corn are permitted when roasted by them! — Perhaps, then, the comparison with water must be drawn in this sense — as only water which has not been changed from its natural form [is permitted to Jews] so the food must not have been changed from its natural form. According to this reasoning wheat should be prohibited when milled by them; and should you maintain that that is so, behold it has been taught: Roasted ears of corn and the various kinds of ground flour of heathens are permitted! — perhaps, then, the comparison with water must be drawn in this sense — as only water which has not been changed from its natural form by fire [is permitted to Jews] so the food must not have been changed from its natural form by fire. But there is nothing in the verse about fire!

(1) I.e., there was no element of defilement in it at all.

(2) Num. XIX, 16.

(3) Viz., the man who touches a corpse is unclean for seven days, but he who touches him does not contract uncleanness.

(4) Ibid. 22.

(5) That without actual contact the defilement only lasts until the evening.

(6) Ibid. 11.

(7) Ibid. 22.

(8) I.e., do not ascribe absurd teachings to him.

(9) [I.e., he declared clean a person who is in doubt whether he incurred defilement in a public domain.]

(10) Consequently, if the doubt occurred about contact in a public place, he would be considered undefiled. If so, what was the innovation of Jose of Zeredah?

(11) Publicly, so that people should not be negligent about the laws of defilement.

(12) [By declaring that only he who is certain of having come in contact with a corpse in a public domain is unclean, but not he who is in doubt. For an interesting discussion of these decisions of Jose of Zeredah, v. Lauterbach, J.Z. JQR. (N.S.) VI, pp. 62 ff.]

- (13) As a guide for them should they come in contact with a defiling object.
 (14) Who were in doubt whether they came in contact in a public domain with a corpse.
 (15) To be on the safe side he told them to regard themselves as unclean.
 (16) That the cooked foods of heathens are prohibited.
 (17) Deut. II, 28.

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— Rather, then, is it a Rabbinical ordinance and the Scriptural verse is merely a support.

R. Samuel b. Isaac said in the name of Rab: Whatever is eaten raw does not come within [the law of what is prohibited] on account of having been cooked by heathens. Thus was it taught in Sura;¹ but in Pumbeditha² they taught this version: R. Samuel b. R. Isaac said in the name of Rab: Whatever is not brought upon the table of kings to serve as a relish with bread does not come within [the law of what is prohibited] on account of having been cooked by heathens. What is the difference between the two versions? — [The permissibility of] small fish, mushrooms and pounded grain.³

R. Assi said in the name of Rab: Small fish when salted [by heathens] do not come within [the law of what is prohibited] on account of having been cooked by heathens. R. Joseph said: If a heathen roasted them, an Israelite may rely upon them in connection with 'erube tabshilin.⁴ If, however, a heathen made them into a pie of fish-hash it is prohibited. This is obvious! — You might argue that [in such a pie] the fish-hash is the principal element;⁵ hence he informs us that the flour is the principal element.

R. Berona said in the name of Rab: If a heathen set fire to uncleared ground,⁶ all the [roasted] locusts found in the uncleared ground are prohibited. How is this to be understood? Is it to say that the reason is because he could not distinguish between the clean and unclean species; why, then, specify that a heathen [kindled the fire] since it would be the same if even an Israelite did so! Or is it on account of [the locusts] having been cooked by a heathen? But in such a circumstance⁷ would they be prohibited! Did not R. Hanan b. Ammi declare that R. Pedath said in the name of R. Johanan: If a heathen singed the head,⁸ it is permissible to eat of it even from the tip of the ear!⁹ This proves [does it not?] that it is assumed that his intention, was to remove the hair; so similarly [in the other case it should be allowed] because his intention was to clear the ground! — [No, the true reason was] certainly because he could not distinguish between the clean and unclean species, and the incident actually happened with a heathen.¹⁰

The above text stated: 'R. Hanan b. Ammi declared that R. Pedath said in the name of R. Johanan: If a heathen singed the head, it is permissible to eat of it even from the tip of the ear.' Rabina said: Consequently if a heathen threw a coulter into a stove and an Israelite had previously deposited a pumpkin there, it is all right.¹¹ This is obvious! — You might argue that his intention had been to boil the blade;¹² hence he informs us that his intention was to harden it.¹³

Rab Judah said in the name of Samuel: If an Israelite left meat on the coals and a heathen came and turned it over, it is permitted. How is this to be understood? If I say that the meat would have been cooked without being turned over, obviously [it is permitted]; is it not then [to be inferred] that we have here a case where it would not have been cooked without being turned over? Why, then, is it permitted seeing it is food cooked by a heathen! — No; it is necessary to suppose a circumstance where it would have taken two hours to cook if he had not turned it over, but now it was cooked in one hour. You might consequently have argued that hastening the process of cooking is a matter which is taken into consideration;¹⁴ hence he informs us [that it is not considered]. But R. Assi said in the name of R. Johanan: Any food which is [already cooked to the extent] of that which was eaten by Ben Drusus¹⁵ does not come within the law prohibiting the cooked food of heathens,¹⁶ hence if it

is not cooked to that extent it does come within the prohibition!¹⁷ — The circumstance referred to [by R. Johanan] is where, e.g., [an Israelite] placed the meat in a pot and a heathen took and set it in an oven.¹⁸ There is a teaching to the same effect: An Israelite may set meat upon the coals and let a heathen then come and turn it over pending his return from the Synagogue or House of Study, and he need not take notice of it; and [an Israelite] woman may set a pot on a stove and let a Gentile woman

- (1) A town in S. Babylonia where Rab founded his School.
- (2) Called in the Talmud 'the capital of the Exile', to the north of Sura.
- (3) These are not eaten raw nor served as a relish. According to the Sura teaching they may not be eaten when cooked by a heathen, but according to the Pumbeditha version they are permitted.
- (4) Lit., 'conjunctions of cookings'. A device of the Rabbis to enable cooking to be done on a Friday which is a Festival for the following day. Jastrow defines the regulation as follows: 'A person prepares a dish on Thursday and lets it lie over until the end of the Sabbath, by which fiction all the cooking for the Sabbath which he does on the Holy Day (Friday) is merely a continuation of the preparation begun on Thursday'. The subject is treated at length in Tractate 'Erubin.
- (5) And for that reason the pie should be allowed, since the fish element can be eaten raw.
- (6) To prepare it for cultivation.
- (7) Where he did not light the fire for cooking purposes.
- (8) Of an animal which had been slaughtered by a Jew, the object being to remove the hair.
- (9) Which, being tender, would be roasted by the singeing.
- (10) That is why a heathen was specified above.
- (11) It may be eaten although roasted by a heathen. The Jew placed the pumpkin in the oven before the fire was lit.
- (12) In which case the pumpkin would have been cooked by a heathen.
- (13) Since his object was only to harden it, there was nothing in his mind about cooking.
- (14) And if performed by a heathen disqualifies the food.
- (15) The name of a bandit who ate his food slightly cooked.
- (16) If a heathen completes the cooking.
- (17) Under this rule the meat turned over by the heathen should be disallowed.
- (18) This is prohibited, but when the food is already placed in the oven, where it would have been cooked without the heathen, it is permitted.

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then come and stir it pending her return from the bathhouse or Synagogue, and she need take no notice of it.

The question was asked: How is it if a heathen placed [meat upon the coals] and an Israelite turned it over? — R. Nahman b. Isaac said: The answer can be deduced by a fortiori reasoning — if the food is permitted when its cooking is completed by a heathen, how much more so when it is completed by an Israelite! It has been similarly stated: Rabbah b. Bar Hanah said in the name of R. Johanan — another version is, R. Aha son of Hanah said in the name of R. Johanan: Whether a heathen placed it there and an Israelite turned it over or vice versa, it is permitted; and it is not prohibited unless both the beginning and completion of the cooking are performed by a heathen. Rabina said: The law with reference to bread is, if a heathen kindled the fire and an Israelite baked it or vice versa, or if a heathen both kindled the fire and baked the bread but an Israelite came and raked the fire, it is all right. Fish salted [by a heathen] is permitted by Hezekiah but prohibited by R. Johanan.¹ An egg roasted [by a heathen] is permitted by Bar Kappara² but prohibited by R. Johanan. When R. Dimi came [from Palestine] he said: Both salted fish and roasted eggs are permitted by Hezekiah and Bar Kappara but prohibited by R. Johanan.

R. Hiyya Parva'ah visited the house of the Exilarch where he was asked, 'How is it when an egg is roasted [by a heathen]?' He replied, 'Hezekiah and Bar Kappara permit it, but R. Johanan prohibits

it, and the opinion of one authority cannot stand against that of two.' R. Zebid said to them, 'Pay no attention to him, because Abaye declared that the legal decision agrees with R. Johanan.' [The Exilarch's heathen servants were infuriated by R. Zebid's remark and] gave him a draught of spiced vinegar from which he died.

Our Rabbis taught: The caper-flower, leeks and liver-wort [preserved by heathens],³ water boiled and ears of corn⁴ roasted by them are permitted, but a roasted egg is prohibited. As regards oil, R. Judah the Prince and his Court took a vote on it and declared it permitted. It has been taught: The rule which applies to liver-wort holds good also of the beans called pesilya and Egyptian beans [shi'atha]. What are shi'atha? — Rabbah b. Bar Hanah said in the name of R. Johanan: It is forty years since this preparation was imported from Egypt; while Rabbah b. Bar Hanah himself said: It is sixty years since this preparation was imported from Egypt. There is no contradiction since each statement was made in the corresponding year.⁵ [The manner of its preparation is as follows:] Take the seeds of parsley, flax and fenugreek, soak them together in lukewarm water and leave them until they begin to sprout. Then take new earthenware pots, fill them with water and soak therein red clay into which the seeds are planted. After that go to the bathhouse and by the time of coming out they will have blossomed, and on eating of them you will feel cooled from the hair of the head down to the toe-nails. R. Ashi said: R. Hanina told me that this is an empty tale; according to another version [he told him that the effect was achieved] through magical spells.

Our Rabbis taught: Date-husk⁶ belonging to a heathen when boiled in a large cauldron are prohibited, but if in a small cauldron they are permitted.⁷ Which is a small cauldron? — R. Jannai said: One into which a swallow cannot enter. But perhaps it is cut up in pieces and placed in it [to be cooked]!⁸ — Rather [must a small cauldron be defined as] one into which the head of a swallow cannot enter.⁹ But it has been taught: Whether it be a large or small cauldron [the brew] is permitted! There is no contradiction; for where [the teacher forbids the large cauldron] he is in agreement with the view that when [the forbidden element of a mixture] imparts a worsened flavour it is prohibited, while in the other case the teacher is in agreement with the view that when [the forbidden element] imparts a worsened flavour the mixture is permitted.¹⁰

R. Shesheth said: The cooked oil of a Gentile is prohibited. R. Safra said: Why should we be concerned about it [to declare it prohibited]? If because of the possibility that he may have mixed [yen nesek] with it, the effect would be to turn it rancid! If it is on account of [the prohibition against] all things cooked by a heathen, it is something which is eatable in its raw state!¹¹ If on account of the rule that vessels used by heathens must be scoured before they may be used by a Jew,¹² it is an instance where a worsened flavour is imparted and it should therefore be permitted! R. Assi was asked: What of dates cooked by a Gentile? — As regards the sweet species the question does not arise since they are certainly permitted;¹³ as regards the bitter species the question also does not arise since they are certainly prohibited;¹⁴ but there is a question about the middle species?¹⁵ How is it with them? — He replied: Why do you ask me this question seeing that my teacher, viz. Levi, has declared them prohibited!

As for shattitha'a¹⁶ [brewed by a heathen], Rab permits it but Samuel's father and Levi prohibit it. If it is made from wheat or barley, they all agree that it is permitted.¹⁷ If from lentils and vinegar all agree that it is prohibited; where there is disagreement is when it is made from lentils and water.¹⁸ [Samuel's father and Levi] are of the opinion that we decree it prohibited from fear [that being permitted with water people will drink it when it has been prepared with vinegar], whereas [Rab] held that we do not declare it prohibited because of that fear. Another version is: When [the shattitha'a] is made from lentils and water all agree that it is prohibited; where there is disagreement is when it is made from wheat or barley [and prepared with water, Samuel's father and Levi] being of the opinion that we decree it prohibited from fear [that being permitted with water people will drink it when it has been prepared with vinegar], whereas [Rab] held that we do not declare it prohibited

because of that fear. Rab said: Two kinds of shattitha'a did Barzilai the Gileadite send to David, as it is said, Beds and basins and earthen vessels and wheat and barley and meal and parched [corn] and beans and lentils and parched [pulse].¹⁹ Nowadays people carry out basketfuls to the markets of Nehardea and no attention is paid to the view of Samuel's father and Levi.

AND PRESSED FOODSTUFFS INTO WHICH THEY ARE ACCUSTOMED TO PUT WINE. Hezekiah said: This teaching only applies when they are merely accustomed [to put wine or vinegar into them]; but when it is certain [that they actually do so], the foodstuffs are prohibited even for all use. Why, then, the distinction in that the Rabbis permit muries brine²⁰ for every use? — There the purpose [of the wine] is to overcome the bad smell [of the fish] and here the purpose is to sweeten the taste. R. Johanan, however, said: Even when it is certain [that wine is included in the pressed foodstuffs] they are also permitted. Why, then, the distinction in that R. Meir prohibits muries brine for every use? —

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- (1) The former does not, and the latter does, consider the salting to be an act of cooking.
 - (2) The egg, being roasted in its shell, could not be affected by what the heathen does.
 - (3) They are allowed because they are also eaten raw. V. supra 38a.
 - (4) These do not change their natural form as the effect of heat. V. supra p. 184.
 - (5) Bar Bar Hanah made his statement twenty years after R. Johanan.
 - (6) What is left after the juice has been pressed out.
 - (7) Its mouth is very small, so it is assumed that he had cooked nothing unclean in it.
 - (8) So that the date-husks brewed therein are affected by what had been previously cooked.
 - (9) It is not to be assumed that they cooked in it an unclean thing of a smaller size than this.
 - (10) V. infra p. 324.
 - (11) And it was stated above that the prohibition of things cooked by a heathen does not apply in such a case.
 - (12) V. infra p. 362.
 - (13) Being eaten raw, they are permitted when cooked by a heathen.
 - (14) Because they are not eaten raw.
 - (15) Which are not very sweet or very bitter.
 - (16) A beverage made from roasted flour. Since it is very sweet, vinegar is usually added, and that is the ground of the prohibition.
 - (17) Because the brew is not so sweet and vinegar is not added.
 - (18) [So Ms.M.]
 - (19) II Sam. XVII, 28. The word parched occurs twice and is explained as denoting two kinds of brew made from roasted flour.
 - (20) Fish-brine, when prepared by heathens, although wine is included in it. V. supra 34b.

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There [when the bread is dipped in the fish-sauce] the presence of the wine is something actual,¹ but [with the pressed foodstuffs] it is not something actual.²

PICKLED HERRING WHICH HAD BEEN MINCED, BRINE IN WHICH NO FISH etc. What is the meaning of HELEK? — R. Nahman b. Abba said in the name of Rab: It is the sultanith.³ Why is it prohibited? Because other species of a similar kind⁴ [but prohibited] are caught together with it.

Our Rabbis taught: [Those species of fish] which have no [fins and scales] at the time but grow them later, as, e.g., the sultanith and 'aphiz,⁵ are permitted; those which have them at the time but shed them when drawn out of the water, as, e.g., the colias, scomber, sword-fish, anthias and tunny are permitted. R. Abbahu announced in Caesarea that fish-entrails and fish-roes may be purchased from anybody since the presumption is that they only come from Pelusium and Aspamia.⁶ This is like what Abaye said: The zahanta⁷ from the river Bab-Nahara⁸ is permitted. On what ground? If I

answer because of the rapid flow of the stream and an unclean species of fish cannot exist in fast-flowing water since the backbone is lacking in them, we do see them existing there! If it be suggested that the reason is because the water is salty and an unclean species of fish cannot exist in salty water since scales are lacking in them, we do see them existing there! — Rather must the explanation be that the river-bed is such that it does not permit the breeding of the unclean species of fish. Rabina said: Since nowadays the rivers Goza and Gamda flow into [Bab-Nahara, its zahanta] is prohibited.⁹ Abbaye said: The sea-ass [i.e., hake] is permitted, the sea-ox¹⁰ prohibited; and an aid to the memory is the unclean [on land, viz., the ass] is clean [in the water] and vice versa. R. Ashi said: Shefarnuna¹¹ is permitted, kedashnuna¹² prohibited; and an aid to the memory is Holy [kodesh] to the Lord¹³ [but not to men]. According to another version he said that the kebarnuna¹⁴ is prohibited, an aid to the memory being the phrase ‘graves [kibre] of heathens.’

When R. Akiba visited Guizak,¹⁵ they set before him a fish resembling the mud-fish; he covered it over with a basket, and noticing scales¹⁶ in it declared it permitted. When R. Ashi visited Tamduria,¹⁷ they set before him a fish resembling an eel; holding it up against the sun, he noticed that it had growths [like scales], so he declared it permitted. When R. Ashi visited a certain place, they set before him fish resembling the shefarnuna, — he covered white basins over them, and perceiving scales¹⁸ in them declared them permitted. When Rabbah b. Bar Hanah visited the fort of Agama,¹⁹ they set before him some zahanta; but when he heard somebody call it ‘roach’, he said, ‘Since this has been called "roach", I conclude that there is something unclean in it.’ He did not eat any of it; and looking at it the following day he found something unclean in it; so he applied to himself the verse, There shall no mischief happen to the righteous.²⁰

DROPS OF ASAFOETIDA. On what ground [are they prohibited when obtained by a heathen]? — Because [to secure them the root] must be cut with a knife;²¹ and although a Master has said that when [the forbidden element] imparts a worsened flavour [the mixture] is permitted, yet on account of the pungency of the asafetida it sweetens the fatty substance [which had been absorbed in the knife] and it therefore becomes a case where [the forbidden element] imparts an improved flavour and as such is prohibited. R. Levi's slave used to sell asafetida; and when R. Levi died people asked R. Johanan whether it was permissible to buy of him. He replied to them: The slave of a haber²² is like a haber.

R. Huna b. Minyomi bought blue wool²³ from the wife²⁴ of R. Amram the pious, and came before R. Joseph.²⁵ He was unable to answer him; and when Hanan the tailor chanced to meet him [R. Huna mentioned the matter to him]. He replied: How could the poor Joseph be acquainted with this! But it once happened that I bought blue wool from the household of Rabbanaah,²⁶ brother of R. Hiyya b. Abba, and I came before R. Mattena who could not answer [the same question]. So I went to R. Judah of Hagronia²⁷ who said to me: You have need of my instruction. Thus said Samuel: The wife of a haber is like a haber; for our Rabbis have taught: The wife of a haber is like a haber, the slave of a haber is like a haber, and when a haber dies his wife, children and members of his household remain in that state of confidence until they give grounds for suspicion. Similarly a store in which blue wool is sold remains in a state of confidence until its wares are disqualified.

Our Rabbis have taught: The wife of an ‘am ha-arez²⁸ who marries a haber, likewise the daughter of an ‘am ha-arez who marries a haber, and the slave of an ‘am ha-arez who is sold to a haber are all required to take the obligation relating to the status of a haber;²⁹ but the wife of a haber who marries an ‘am ha-arez likewise the daughter of a haber who marries an ‘am ha-arez and the slave of a haber who is sold to an ‘am ha-arez are not ab initio³⁰ required to take the obligation relating to the status of a haber. Such is the statement of R. Meir; R. Judah says: These too are required ab initio to take the obligation relating to the status of a haber. Similarly declared R. Simeon b. Eleazar: It happened that a woman married to a haber used to bind the phylacteries upon his arm; she afterwards married a tax-collector³¹ and she used to attach the tax-seals for him.³²

Rab said: Milk, meat, wine and blue wool [if transmitted through

was no longer alive at the time of the purchase and the wife might have sold him some imitation instead of the genuine blue. a heathen] with only one seal [attached to identify them] are prohibited;³³ but asafoetida, fish-sauce, bread and cheese³⁴ are permitted with one seal. Milk, meat, wine and blue wool

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- (1) Because one swallows the sauce together with the bread.
 - (2) One eats the preserved food but not the liquor in which it has been kept.
 - (3) A fish of the anchovy species.
 - (4) Lewysohn, *Zoologie des Talmuds*, p. 260, explains the word as meaning 'the sprat'.
 - (5) Perhaps the sardine (Lewysohn, p. 261).
 - (6) The former is a town on the Nile, the latter is Spain. It was supposed that no forbidden kinds of fish existed there.
 - (7) A small fish preserved in brine.
 - (8) A tributary of the Euphrates.
 - (9) Because these streams carry unclean fish into it. [These three tributaries of the Euphrates flowed above Pumbeditha, Obermeyer, op. cit. p. 228.]
 - (10) According to Lewysohn, p. 270, a species of ray.
 - (11) Lewysohn, p. 267, explains it as the hammer-fish, of the shark family.
 - (12) A fish of the anthias genus.
 - (13) Ex. XXVIII, 36. Tosaf. cites another reading to the effect that the shefarnuna is prohibited and the kedashnuna permitted, and this is the more probable. The mnemonic then indicates that this latter fish is 'holy', i.e., clean.
 - (14) A species of mud-fish. According to Tosaf. the reading should be 'permitted' instead of 'prohibited', the mnemonic 'graves of heathens' indicating this since they do not defile.
 - (15) V. supra, p. 165, nn. 4-5.
 - (16) [Which the fish dropped while struggling in the basket (Rashi). R. Han. explains: He scraped the back of the fish against the edge of a basket.]
 - (17) An unidentified place in Babylonia.
 - (18) [I.e., the dark scales against the white background.]
 - (19) Near Pumbeditha.
 - (20) Prov. XII, 21.
 - (21) Which may be impregnated with the fat of forbidden food.
 - (22) V. Glos. Just as the master was scrupulous with the dietary laws so is the servant likely to be. It is therefore allowed to buy of him.
 - (23) For the zizith. V. Glos.
 - (24) Lit., 'household'.
 - (25) To inquire whether he may use it, since R. Amram
 - (26) [Rabbanai; v., e.g., Ber. 21b.]
 - (27) The town Agranum on one of the tributaries of the Euphrates near Nehardea.
 - (28) V. Glos.
 - (29) Before reliance can be placed upon them.
 - (30) I.e., before they can be trusted. It is assumed that they will continue their former practice.
 - (31) Who was generally an unscrupulous person.
 - (32) Which served as a receipt. The point is that a woman is influenced by her husband. Therefore the wife of a haber who marries an 'an ha-arez cannot be trusted.
 - (33) The heathen may have changed the article and attached the seal to it. In the text mnemonics are employed to represent the two sets of enumerated articles, and the explanation of the mnemonics follows on.
 - (34) These being less expensive articles, the heathen is not so likely to make a substitution.

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are prohibited with one seal; but asafoetida, fish-sauce, bread and cheese are permitted with one seal. Why need we be concerned about bread? Were he to change a fresh loaf for a stale one, or a wheaten-loaf for one of barley, it could be readily detected! If [the fear is that he might substitute] one loaf for another like it [baked by a heathen], since there is one seal attached he would not take the trouble to commit a fraud. Why, however, should Rab make a distinction that with cheese [the heathen] would not take the trouble to commit a fraud [and allows one seal]; likewise with milk he would not take the trouble to commit a fraud [and yet Rab demands two seals]? — R. Kahana said: Strike out the word 'milk' and insert 'slices of fish' which have no distinguishing mark. But that is the same as meat! — [Rab differentiates] two kinds of meat.¹ Samuel, on the other hand, said: Meat, wine and blue wool are prohibited with one seal; but fish-sauce, asafoetida and cheese² are permitted with one seal. According to Samuel, a slice of fish which has no distinguishing mark is regarded as the same as meat, and we do not say that there are two kinds of meat.³

Our Rabbis taught: We do not buy in Syria⁴ wine, fish-sauce, milk, sal-conditum, asafoetida or cheese,² unless it be from a reliable dealer; but if [an Israelite] is the guest of a host there [all these foodstuffs] are permitted.⁵ This supports the statement of R. Joshua b. Levi who said: If [a Syrian] householder sends him [as a gift any of these foodstuffs] to his house he may eat them; for what reason? — A householder would not leave what is allowed and eat what is forbidden, and if he sends anything to him [it may be assumed that] he sends him from what he himself eats.

AND SAL-CONDITUM. What is sal-conditum? — Rab Judah said in the name of Samuel: Salt of which all Roman guests⁶ partake. Our Rabbis have taught: Black sal-conditum is prohibited and the white is permitted. Such is the statement of R. Meir; R. Judah says: The white is prohibited and the black permitted. R. Judah b. Gamaliel says in the name of R. Hanina b. Gamaliel: Both kinds are prohibited. Rabbah b. Bar Hanah said in the name of R. Johanan: In the opinion of him who declared the white to be prohibited, the intestines of unclean white fish are mixed with it; in the opinion of him who declared the black to be prohibited, the intestines of unclean black fish are mixed with it; and in the opinion of him who declared both kinds to be prohibited, [the intestines of] both species of fish are mixed with them. R. Abbahu said in the name of R. Hanina b. Gamaliel: There was an old man in our neighbourhood who used to polish this salt with swine's fat.

BEHOLD THESE ARE PROHIBITED. What does this intend to exclude? — According to Hezekiah it excludes [those preserved foods] in which it is known [that wine is included].⁷ According to R. Johanan it excludes fish-brine and cheese from Bithynia.⁸ This anonymous statement [in the Mishnah] is that of R. Meir.

MISHNAH. THE FOLLOWING ARE PERMITTED TO BE EATEN [BY AN ISRAELITE]: MILK WHICH A HEATHEN MILKED WITH AN ISRAELITE WATCHING HIM; HONEY, GRAPE-CLUSTERS⁹ — EVEN WHEN THESE EXUDE MOISTURE THE LAW WHICH RENDERS FOOD SUSCEPTIBLE TO DEFILEMENT BY A LIQUID DOES NOT APPLY TO THEM — PRESERVED FOODSTUFFS INTO WHICH THEY ARE NOT ACCUSTOMED TO PUT WINE OR VINEGAR, PICKLED HERRING WHICH HAS NOT BEEN MINCED, BRINE CONTAINING FISH, A LEAF OF ASAFOETIDA, AND ROLLED OLIVE-CAKES. R. JOSE SAYS: THOSE OLIVES HAVING STONES READY TO DROP OUT ARE PROHIBITED. LOCUSTS WHICH COME OUT OF [A SHOPKEEPER'S] BASKET¹⁰ ARE PROHIBITED, BUT IF FROM HIS STOCK THEY ARE PERMITTED. THE SAME RULE APPLIES TO THE HEAVE-OFFERING.

GEMARA. What we learn here in the Mishnah is a support for what the Rabbis have taught elsewhere: If an Israelite is sitting near a heathen's flock¹¹ and the latter milks and brings some to him, he need have no concern [and is allowed to drink it]. How is this to be understood? If there is no unclean animal in the flock, obviously so; but if there is an unclean animal in the flock why

[should he be permitted to drink the milk]! — It certainly deals here with the circumstance when there is an unclean animal, but [the Israelite is in such a position that] when he stands up he can see the heathen and when sitting he is unable to see him. You might argue that since he cannot see him when sitting, he should fear that he might bring him [milk in which something forbidden] has been mixed; hence we are informed [that there need be no such fear], because inasmuch as he is able to see him when standing, the heathen would be afraid to mix anything with the milk.

HONEY. Why should he have any concern about honey? If because of the possibility that something [forbidden] may have been mixed with it, the effect would be to make it rancid! If it is on account of [the prohibition against] all things cooked by a heathen, it is something which is eaten in its raw state!¹² If on account of the rule that vessels used by heathens must be scoured [before they may be used] by a Jew, it is an instance where a worsened flavour is imparted and it is therefore permitted!

GRAPE-CLUSTERS-EVEN WHEN THESE EXUDE MOISTURE THE LAW WHICH RENDERS FOOD SUSCEPTIBLE TO DEFILEMENT BY A LIQUID DOES NOT APPLY TO THEM. Against this I quote: If one gleanes grapes for the wine-press, Shammai says that they are susceptible to defilement [by liquid] while Hillel says that they are not susceptible; but eventually Hillel agreed with Shammai! — In the passage just cited the grapes are required for the manufacture of a liquid,¹³ whereas [in the Mishnah] they are not required for that purpose.

PICKLED HERRING WHICH HAS NOT BEEN MINCED. Our Rabbis have taught: How do we define 'pickled herring which has not been minced'? Such as have the head and backbone recognisable.¹⁴ And how do we define 'brine containing fish'? Such as have one or two kalbith-fish¹⁵

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- (1) One of a more costly kind than the other.
 - (2) These are likewise introduced by mnemonics.
 - (3) He omits bread because he felt no concern about that; and as to fish, this is included in meat and need not be specified.
 - (4) The Israelite shopkeepers there were suspected of adulterating their wares.
 - (5) The food used in the Jewish house may be considered unadulterated.
 - (6) This is Krauss's explanation, identifying the word with the Greek sullektoi. Jastrow thinks of the Latin siliginarii, bakers of wheat flour. The traditional Jewish interpretation is 'nobles'.
 - (7) They are forbidden for any use.
 - (8) V. Mishnah, supra 29b.
 - (9) The word is also explained to mean 'honeycombs'.
 - (10) In which they are exhibited for sale on the counter.
 - (11) Although he does not actually see the milking done.
 - (12) And should be permitted, as already explained.
 - (13) In which case the liquid that exudes is acceptable to him, and accordingly can render the cluster susceptible to uncleanness, which is not the case when he wishes to eat the grapes. V. Mak. I, 1.
 - (14) They have not been broken up, and the species, whether clean or unclean, can then be identified.
 - (15) V. supra p. 172.

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floating in it. Since you declare it permitted when there is one kalbith-fish in it, is there any need of mentioning two? — There is no difficulty; in open barrels [two are necessary],¹ but in closed [one suffices].

It has been stated: R. Huna said: [Pickled herring is not considered as minced] so long as the head

and backbone are recognisable. R. Nahman said: Either the head or the backbone. R. 'Ukba b. Hama objected: [We learnt] with regard to fish, only such as have fins and scales [may be eaten]!² — Abaye said: The Mishnah deals with the skate and pelamys³ the heads of which resemble those of unclean fish.⁴

Rab Judah said in the name of 'Ulla: The difference of opinion [between R. Huna and R. Nahman is over the permissibility] to dip [bread] in the brine, but as regards eating the chopped herring, all agree that it is prohibited unless both the head and backbone are recognisable. R. Zera said: At first I used to dip [bread] in the brine;⁵ but when I heard the statement of Rab Judah in the name of 'Ulla, viz., the difference of opinion is over the permissibility to dip [bread] in the brine but as regards eating the chopped herring all agree that it is prohibited unless both the head and backbone are recognisable, I would not also dip in it.⁶

R. Papa said: The legal decision is that both the head and backbone of each fish must be recognisable. An objection is raised: Pieces of fish are all permitted so long as a mark [that the fish was of the clean species] is found in the whole of it or a portion of it, even a hundredth part of it. And it once happened that a heathen brought a barrel containing pieces of fish and a mark [of the clean species] was found in one of them; thereupon Rabban Simeon b. Gamaliel declared the whole barrel to be permitted! — R. Papa gave this explanation: [Such a decision is correct] when the pieces are alike.⁷ If this be so, why mention it!⁸ — You might argue that we are concerned lest [that fish which had the mark of cleanness] happened [to fit in] by chance;⁹ so he informs us [that we need have no such fear].

A boat-load of zahanta once came to Sikara.¹⁰ R. Huna b. Hinnena went to inspect it and, noticing scales [on the sides of the boat], declared the fish to be permitted. Raba said to him: How is it possible to give permission in a place where [fish with] scales are common!¹¹ So Raba issued an announcement prohibiting the fish, whereupon R. Huna b. Hinnena issued an announcement that they were permitted. R. Jeremiah of Difti¹² said: R. Papi told me that R. Huna b. Hinnena only allowed the brine but not the eating of the fish. R. Ashi said: R. Papa told me that R. Huna b. Hinnena even allowed the fish to be eaten; but as for myself, I cannot prohibit it after what R. Papa told me, nor can I permit it in view of what Rab Judah declared in the name of 'Ulla,¹³ viz., the difference of opinion is over the permissibility to dip [bread] in the brine, but as regards eating the fish all agree that it is prohibited unless both the head and backbone are recognisable in each one.

R. Hinnena b. Idi was sitting in the presence of R. Adda b. Ahabah; and while sitting there he said: If a heathen brought a boat laden with barrels [of fish-brine] and a kalbith-fish is found in one of them, should they be open barrels they are all permitted,¹⁴ but if closed that barrel is permitted and the rest are prohibited. [R. Adda] asked him: Whence have you this? — [He replied:] I heard it from three eminent scholars,¹⁵ viz., Rab, Samuel and R. Johanan.

R. Berona said in the name of Rab: Fish-entrails and roe should only be bought of a reliable man. 'Ulla remarked to R. Dosthai of Berai:¹⁶ Since Rab mentioned that fish-entrails and roe should only be bought of a reliable man, it follows that unclean fish have roe; but against this I quote: Unclean fish are viviparous, whereas clean fish eject eggs! — [He replied:] Then strike out the word roe! R. Zera said to him: Do not strike out the word because they both eject eggs; but whereas [the clean species] breed [by ejecting eggs which mature in the sand of the river-bed] the other is actually viviparous. Why, however, is it necessary [to buy the roe] from a reliable man? Surely we could examine the marks [which differentiate the clean and unclean species]; for it has been taught: The marks of [clean birds'] eggs are the same as those of [clean] fish.¹⁷ But how can such a thought enter your mind since Scripture mentions fins and scales as the marks of [clean] fish!¹⁸ The meaning is: The marks of [clean birds'] eggs are the same as those of fish-roe [which may be eaten]; and the following are the marks of [clean] birds' eggs: Such as are arched and rolling, i.e., one end is

rounded and the other pointed, are clean; if both ends are pointed or rounded 'they are unclean; if the yolk is outside and the white inside the egg is unclean; if the white is outside and the yolk inside the egg is clean; if the white and yolk are mixed up it is a reptile's egg! — Raba said: [Rab's statement that it must only be bought of a reliable person refers to when the roe] has been pressed.¹⁹ But as for R. Dosthai of Berai who said that the word 'roe' should be struck out,

- (1) If there was only one, it might be thought that the fish fell into it after the brine had been prepared.
- (2) Hul. 59a. So how can the head or backbone be used as the criterion?
- (3) A species of tunny fish.
- (4) In which case the head or backbone is no criterion, but generally it is.
- (5) When either the head or backbone could be recognised, on the supposition that the two Rabbis only differed with regard to eating the herring.
- (6) He adopted R. Huna's view that both the head and backbone must be capable of identification.
- (7) I.e., they can be joined together so that it is possible to see that they are all pieces of the same fish.
- (8) There being a sign of cleanness, the fish may obviously be eaten.
- (9) And the remainder were of the unclean species.
- (10) A town on the Tigris near Mahoza.
- (11) The boat might contain a mixture of clean and unclean fish.
- (12) Identified with Dibtha on the lower Tigris.
- (13) V. supra, p. 197.
- (14) It is assumed that each barrel had such a fish in it, and if not there at that time it may have fallen out.
- (15) The word really denotes 'a scholar of the Scriptures'. Rashi explains: They are so eminent that they may be relied upon as upon the Scriptures.
- (16) A town in Babylonia. It was also the birth-place of 'Ulla (Jast.). [There was a Biri also in Galilee, with which the place mentioned here is rather to be identified.]
- (17) Hul. 63b.
- (18) Lev. XI, 9. This is an interjection.
- (19) And the shape of the eggs cannot be ascertained.

Talmud - Mas. Avodah Zarah 40b

surely it has been taught: The marks of [clean birds'] eggs are the same as those of fish-roe [which may be eaten]!¹ — Must not [this Baraita at all events] be explained?² Read, therefore, thus:³ 'Are the same as fish entrails.' But where is it found that the marks of fish-entrails are rounded and pointed?⁴ — This is actually found with the fish-bladder.

If there be no reliable man,⁵ what then? — Rab Judah said: So long as he declares, 'I salted the fish,'⁶ it is permitted — R. Nahman said: He must be able to declare, 'These are the fish and these their entrails.'⁷ Rab Judah instructed Adda, the attendant, 'So long as he declares, "I salted the fish," it is permitted.'

A LEAF OF ASAFOETIDA. Obviously [it may be eaten]!⁸ It would not have been necessary to mention it except for the drops which may be attached to the leaf. You might argue that we must be concerned lest [a heathen] bring [other drops of asafoetida which he had cut from the root with his knife] and mix them with it. Hence he informs us that [the drops which are found on the leaf] detached themselves [without cutting] and came off together with it.

AND ROLLED OLIVE-CAKES. Obviously they may be eaten! — No, it is necessary to mention [that they may be eaten] even when they are very soft. For you might argue that [the heathen] put wine on them.⁹ Hence he informs us that their softness is due to the oil.

R. JOSE SAYS: THOSE OLIVES HAVING STONES READY TO DROP OUT [SHELAHIN]

ARE PROHIBITED. What is to be understood by shelahin! — R. Jose b. Hanina said: Those olives whose kernels drop out as soon as one takes them in his hand.

LOCUSTS WHICH COME etc. Our Rabbis taught: Locusts, capers and leeks¹⁰ which come from the warehouse, the stock or from a ship are permitted; but those sold on the counter in front of a shop are prohibited because [the shopkeeper] sprinkles wine upon them. Similarly the apple-cider of a heathen taken from the warehouse, the stock or a basket is permitted; but if it is sold on the counter it is prohibited because they mix wine with it.

Our Rabbis taught: Rabbi once suffered from a disorder of the bowels and said, 'Does anyone know whether apple-cider of a heathen is prohibited or permitted?' R. Ishmael son of R. Jose replied, 'My father once had the same complaint and they brought him apple-cider of a heathen which was seventy years old; he drank it and recovered.' He said to him, 'You had this information all this time and let me suffer!' They made inquiry and found a heathen who possessed three hundred jars of apple-cider seventy years old. [Rabbi] drank some of it and recovered; whereupon he exclaimed, 'Blessed be the All-present Who delivered His Universe into the keeping of guardians!'¹¹

THE SAME RULE APPLIES TO THE HEAVE-OFFERING. How is this phrase to be understood? — R. Shesheth said: [It means that] the same rule applies to a priest who is suspected of selling his portion of the heave-offering¹² as though it were common food. If it is in front of him, it is prohibited [to buy it]; but if it comes out of a warehouse or the stock or a basket,¹³ it is permitted because he would be afraid [to include the heave-offering among the wares] thinking that should the Rabbis hear of it they would deprive him of the lot.

CHAPTER III

MISHNAH. ALL IMAGES ARE PROHIBITED¹⁴ BECAUSE THEY ARE WORSHIPPED ONCE A YEAR. SUCH IS THE STATEMENT OF R. MEIR; BUT THE SAGES DECLARE: [AN IMAGE] IS NOT PROHIBITED EXCEPT ONE THAT HAS A STAFF OR BIRD OR ORB¹⁵ IN ITS HAND. RABBAN SIMEON B. GAMALIEL SAYS: Also ANY [IMAGE] WHICH HAS ANYTHING IN ITS HAND [IS PROHIBITED].

GEMARA. If they are worshipped once a year, what is the reason of the Rabbis?¹⁶ — R. Isaac b. Joseph said in the name of R. Johanan: In the place where R. Meir lived, [the heathens] used to worship each image once a year; and since R. Meir takes a minority into consideration,¹⁷ he decreed [against the use of images] in the other places on account of the place [where they are worshipped]. The Rabbis, on the other hand, who do not take a minority into consideration, did not decree [against the use of images] in the other places on account of the place [where they are worshipped].

Rab Judah said in the name of Samuel: The teaching of the Mishnah refers to the royal statues.¹⁸ Rabbah b. Bar Hanah said in the name of R. Johanan: The teaching of the Mishnah only applies [to these statues] when they stand at the entrance of a city.¹⁹

(1) Consequently there is roe which may not be eaten; so how can he omit the word from Rab's statement?

(2) As above.

(3) [So Ms.M.]

(4) And its edibility is decided by this criterion.

(5) When the roe has been pressed.

(6) And can vouch that they were of the clean kind.

(7) He must be able to produce the fish from which the roe had been obtained.

(8) Since it was plucked and not cut with a knife.

(9) And this is the cause of their softness.

(10) Preserved by a heathen.

(11) He thanked God that the beverage which he required to cure his illness had been preserved for the seventy years necessary to make it effective.

(12) It should only be eaten by priests.

(13) Belonging to a priest.

(14) To be used for any purpose whatever.

(15) E.g., Hermes was often represented as holding a staff (caduceus). Zeus an eagle and the sun-god (Helios) an orb.

(16) In allowing them to be used for a secular purpose, provided certain symbols are not in their hand.

(17) V. supra 34b. Although he knew that the custom practised in his own town was not generally followed, he decreed against all images lest, in the exceptional places where they were worshipped annually, they would be used by the Jews because they saw them in use elsewhere.

(18) Statues of kings which were revered by the populace, and not to ordinary idolatrous images.

(19) Only such are prohibited by R. Meir because they are erected in a conspicuous place to be worshipped.

Talmud - Mas. Avodah Zarah 41a

Rabbah said: There is a difference of opinion [with regard to statues] in villages, but as for those which are in cities all agree that they are permitted. What is the reason [for their being permitted]? They are made for ornamentation.¹ But is there anyone [who says that the images set up] in villages are made merely for ornamentation? Surely those in the villages were made to be worshipped!² — If, however, [Rabbah's statement] is quoted it must be in this form: Rabbah said: There is difference of opinion [with regard to statues] in cities;³ but as for those in villages all agree that they are prohibited.

BUT THE SAGES DECLARE, [AN IMAGE] IS NOT PROHIBITED etc. [It is prohibited when holding] a staff, because [the implication is] that it rules the whole world as with a staff.⁴ [It is prohibited when holding] a bird, because [the implication is] that it grasps the whole world as though it were a bird. [It is prohibited when holding] an orb, because [the implication is] that it grasps the whole world as though it were a ball.

A Tanna taught: They added [subsequently to the aforementioned] a sword [in the hand], a crown [upon the head], or a ring [upon the finger].⁵ A sword — at first it was thought to be just the emblem of a robber, but later it was interpreted as denoting that it has the power of slaying the whole world. A crown — at first it was thought to be just a woven wreath, but later it was interpreted as denoting a kingly crown. A ring — at first it was thought to be just an emblem of distinction, but later it was interpreted as denoting that it has the power of sealing [the fate of] the whole world for death.

RABBAN SIMEON B. GAMALIEL. SAYS etc. A Tanna taught: Even [if it has in its hand] a pebble or chip of wood. R. Ashi asked: How is it if it held excrement in its hand? Do we say that [the intention is that] it shows contempt for all people as though they were filth,⁶ or perhaps [the meaning is] that it is held in contempt by all as though it were filth? The question remains unanswered.

MISHNAH. IF ONE FINDS FRAGMENTS OF IMAGES, BEHOLD THEY ARE PERMITTED. IF ONE FOUND THE FIGURE OF A HAND OR THE FIGURE OF A FOOT, BEHOLD IT IS PROHIBITED BECAUSE SUCH AN OBJECT IS WORSHIPPED.⁷

GEMARA. Samuel said: Even fragments of idols [are permitted]. But have we not learnt: FRAGMENTS OF IMAGES?⁸ — The same law applies even to fragments of idols. And the reason the Mishnah uses the phrase FRAGMENTS OF IMAGES is because of the intention to continue with the teaching: IF ONE FOUND THE FIGURE OF A HAND OR THE FIGURE OF A FOOT, BEHOLD IT IS PROHIBITED BECAUSE SUCH AN OBJECT IS WORSHIPPED.⁹

We learnt [in the Mishnah]: IF ONE FOUND THE FIGURE OF A HAND OR THE FIGURE OF A FOOT, BEHOLD IT IS PROHIBITED BECAUSE SUCH AN OBJECT IS WORSHIPPED. But why [should they be prohibited]?

- (1) And not to be worshipped.
- (2) Because villagers do not spend money on statues just as ornaments.
- (3) Since there it is uncertain whether they are ornamental or for worship.
- (4) Lit., 'it rules itself beneath the whole world' etc. The purpose is to avoid saying that an idolatrous image has sway over the world. Similarly with the phrases that follow.
- (5) As symbols disqualifying the image.
- (6) In which case the image would be prohibited for any use whatsoever.
- (7) Elmslie, a.I., suggests that Asklepios, the god of healing, was often thanked by invalids for their cure by the presentation of an image of the part of the body which had been affected.
- (8) Which presumably excludes 'fragments of idols'.
- (9) If the Mishnah had used 'idols' in the first clause, the second might have been understood in the sense that only the figure of a hand or foot of an idol is prohibited. By using 'images' in the first clause, it is clear that the figure is prohibited even if it had belonged to an image and not an idol; but other fragments, even those of an idol, are permitted.

Talmud - Mas. Avodah Zarah 41b

They are only fragments! — Samuel explained that [the prohibition only applies when the hand and foot] are set upon their base.¹

It has been stated: If an idol was broken of its own accord,² R. Johanan said that [its fragments] are prohibited, and R. Simeon b. Lakish said that they are permitted. R. Johanan said that they are prohibited because [the idol] has not been annulled.³ R. Simeon b. Lakish said that they are permitted because [the owner] certainly annuls [the idol] without expressly doing so by saying, 'It could not save itself, so how can it save me!'

R. Johanan quoted against R. Simeon b. Lakish: And the head of Dagon and both the palms of his hands lay cut off . . . Therefore neither the priests of Dagon, nor any that come into Dagon's house, tread etc.⁴ — He replied to him: Can any proof [be brought] from there? In that passage [we learn] that they abandoned Dagon and worshipped the threshold; because, said they, the divinity left Dagon and went and settled itself upon the threshold.⁵ [R. Johanan then] quoted against him: IF ONE FINDS FRAGMENTS OF IMAGES, BEHOLD THEY ARE PERMITTED — consequently, fragments of idols are prohibited! — [R. Simeon replied:] Do not deduce that fragments of idols are prohibited, but deduce that the images themselves [when whole] are forbidden, and the anonymous statement in the Mishnah is the view of R. Meir.⁶

Now as to R. Johanan, are we not to infer from the view of R. Meir what is the opinion of the Rabbis: Did not R. Meir say that images are prohibited but the fragments of images are permitted? Hence likewise, according to the Rabbis, while an idol itself is prohibited, its fragments are permitted?⁷ — But is the analogy correct? There [in the case of images] they were perhaps worshipped or perhaps not; and even if you assume that they had been worshipped, perhaps they had been annulled. But in the case of an idol, it has certainly been worshipped; and who can say whether it has been annulled? Consequently there is a doubt⁸ and a certainty,⁹ and a doubt cannot set aside a certainty.¹⁰

And cannot a doubt set aside a certainty? Behold it has been taught: If a haber¹¹ died and left a store-room full of fruits even if they are only then due to be tithed,¹² they are presumed to have been properly treated.¹³ Now here it is certain [that the fruits were once] untithed and there is a doubt whether he had tithed them or not; yet the doubt does set aside the certainty!¹⁴ [No] here it is a case

of certainty and certainty, because it is regarded as certain that he had tithed the produce, according to the teaching of R. Hanina of Hozae.¹⁵ For R. Hanina of Hozae said: It is presumed with a haber that he does not allow anything to pass out of his control unless it had been properly treated. Or if you wish I can say that it is a case of doubt and doubt, as he might have acted according to [the advice of] R. Oshaia who said: A man may act cunningly with his produce and store it together with the chaff, so that his cattle may eat of it and it become exempt from the tithe.¹⁶

And cannot a doubt set aside a certainty? Behold it has been taught: R. Judah said: It once happened that a female slave

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- (1) I.e., they are not part of an image but a separate object upon a base. The presumption then is that it is an idolatrous object.
 - (2) By falling, and was not shattered by human action.
 - (3) An idol could be annulled only by a wilful act of desecration on the part of an idolater.
 - (4) I Sam. v. 4 f. Consequently they revered the fragments.
 - (5) On the idea of sanctity attached to the threshold, v. H.C. Trumbull, *The Threshold Covenant*. This passage, with its parallel in the J. Talmud, is quoted by Jast. on p. 308.
 - (6) Although in Mishnah I he prohibits all images, yet he teaches in the first clause of Mishnah II that the fragments are permitted.
 - (7) Why, then, does R. Johanan forbid the use of the fragments of idols?
 - (8) Whether the idol was deliberately broken or fell of its own accord.
 - (9) That it was an idol and had been worshipped.
 - (10) For this reason the fragments of idols are prohibited, though those of images are permitted.
 - (11) V. Glos.
 - (12) Lit., 'sons of their day'. The time varies with the different kinds of produce. V. Ma'as. I, 2 ff.
 - (13) And the tithe removed.
 - (14) Because on the strength of the owner's reputation it is assumed that he had tithed the produce.
 - (15) A district East of the Tigris.
 - (16) Corn, in order to become liable to the tithe, must be winnowed before it is brought into the store-room within the house (v. B. M. 88a). If brought in unwinnowed, it need not be tithed, though according to Rabbinic ruling, while cattle may feed on it, it may not be used for human consumption without the tithe having been removed. Accordingly, there is a doubt (Biblically) whether the produce was liable to the tithe, and assuming that a haber would not allow anything to pass out of his control unless it had been properly treated, the Rabbis waived aside their reservation in this case.

Talmud - Mas. Avodah Zarah 42a

of a certain tax-collector in Rimmon¹ threw the body of a premature child into a pit, and a priest² came and gazed [into the pit] to ascertain whether it was male or female.³ The matter came before the Sages and they pronounced him clean⁴ because weasels and martens are commonly found there.⁵ Now here is a certainty that the woman had cast a premature child [into the pit], and a doubt whether [animals] dragged it elsewhere or not; yet the doubt sets aside the certainty! — Do not say 'she cast a premature child into a pit' but 'she cast a kind of embryo into a pit.'⁶ But it is stated [that the priest gazed] to ascertain whether it was male or female!⁷ — It must be understood thus: [he gazed] to ascertain whether she had aborted wind⁸ or cast a premature child [into the pit]; and if you assume that she threw a premature child there, [he gazed] to ascertain whether it was male or female. Or if you wish I can say that since weasels and martens are commonly found there, they certainly dragged it elsewhere.

[R. Johanan] quoted against [R. Simeon b. Lakish]: IF ONE FOUND THE FIGURE OF A HAND OR THE FIGURE OF A FOOT, BEHOLD IT IS PROHIBITED BECAUSE SUCH AN OBJECT IS WORSHIPPED. Why [should they not be permitted]? They are only fragments!⁹ But surely Samuel explained that [the prohibition only applies when the hand and foot] are set upon their base.¹⁰

[R. Johanan further] quoted against [R. Simeon]: An idolater can annul an idol belonging to himself or to another idolater, but an Israelite cannot annul the idol of an idolater.¹¹ Why [should not an Israelite be able to annul it]? Let it be considered the same as an idol which was broken of its own accord! — Abaye said: [The Mishnah refers to a case] where he only defaced the idol.¹² And supposing he only defaced it, what of it? Behold we have learnt: If he defaced it, although there was no reduction in the mass of the material, it is annulled!¹³ — This rule only applies when an idolater defaced it in this manner, but if an Israelite did so it is not annulled.¹⁴ Raba, however, said: In reality when an Israelite only defaces it, it is also annulled; but it was feared that he might lift it up¹⁵ and then annul it. In that event it would be an idol in the possession of an Israelite, and an idol which is in the possession of an Israelite can never be annulled.

[R. Johanan further] quoted against [R. Simeon]: If an idolater brought stones from [the statue of] Mercurius and used them for paving roads or theatres, they are permitted [to be walked on by an Israelite]; but if an Israelite brought stones from [the statue of] Mercurius and used them for paving roads or theatres, they are prohibited.¹⁶ But why [are they not permitted]? Let them be considered the same as an idol which was broken of its own accord! — This case has also to be explained according to the exposition of Raba.¹⁷

[R. Johanan further] quoted against [R. Simeon]: If an idolater chipped off an idol to make use of the pieces, it and the pieces are permitted, and if he did so to embellish it, it is prohibited but its pieces are permitted; but if an Israelite chipped off an idol, whether to make use of the pieces or for its embellishment, it and the pieces are prohibited.¹⁸ Now why [are they not allowed]? Let them be considered the same as an idol which is broken of its own accord! — This case has also to be explained according to the exposition of Raba.

[R. Johanan further] quoted against [R. Simeon]: R. Jose says: He may grind [an idol] to powder and scatter it to the wind or throw it into the sea. They said to him: Even so it may then become manure, and it is stated, And there shall cleave nought of the devoted thing to thine hand.¹⁹ Now why [is it not permitted]? Let it be considered the same as an idol which is broken of its own accord! — This case has also to be explained according to the exposition of Raba.

[R. Johanan further] quoted against [R. Simeon:] R. Jose b. Jasian says: If he found the figure of a dragon with its head cut off, should there be a doubt whether an idolater or an Israelite had mutilated it, it is permitted; but if it is certain that an Israelite had mutilated it, it is prohibited. But why? Let it be considered the same as an idol which is broken of its own accord! — This case has also to be explained according to the exposition of Raba.

[R. Johanan further] quoted against [R. Simeon]: R. Jose says: Nor may vegetables [be planted beneath an Asherah] in winter because the foliage falls upon them.²⁰ But why? Let it be considered the same as an idol which is broken of its own accord! — It is different in this case because the basic part of the idol remains.²¹

(1) A Biblical town south of Jerusalem.

(2) He would be well versed in the laws of defilement.

(3) To determine the duration of the woman's impurity, which was twice as long in the case of a female child (Lev. XII, 2 ff.).

(4) By bending over the pit, the kohen may have contracted impurity through the presence of the dead body.

(5) In pits. The Rabbis presumed that the animals had devoured it or dragged it elsewhere. For that reason they declared the priest to be clean (Tosef. Oh. XVI).

(6) A. Judah's statement is amended. There is a doubt whether the embryo was sufficiently developed to cause defilement to the priest.

- (7) Consequently it must have been sufficiently developed to defile.
- (8) I.e., an undeveloped embryo; in that event she does not become impure.
- (9) v. supra. This refutes the view of R. Simeon b. Lakish that idol-fragments are permitted.
- (10) But ordinary idol-fragments are permitted.
- (11) V. infra 52b.
- (12) Knocked it with a hammer out of shape without breaking off any part of the material.
- (13) V. infra 53a.
- (14) And it cannot be compared to an idol which fell in pieces of itself, because the effect of the falling produced in the mind of the heathen, viz., it cannot save itself, is more devastating than 'when he knows that a Jew had defaced it. But when a Jew breaks off a piece to annul it, it is considered as if it broke of its own accord and is permitted.
- (15) In order to deface it; and the act of raising caused it technically to become the property of the Jew.
- (16) V. infra 50a, b. So the fragments may not be used!
- (17) viz., the raising of the stones constitutes an act of possession.
- (18) V. infra 49b.
- (19) Deut. XIII, 18. The passage is cited from the Mishnah 43b.
- (20) V. infra 48b.
- (21) Although the leaves fell, the tree used for idolatrous worship still exists; for that reason the foliage is prohibited as manure.

Talmud - Mas. Avodah Zarah 42b

But there is [the analogous instance] of chips where the basic part of the idol remains, and it was taught [above]: 'If he did so to embellish it, it is prohibited but its pieces are permitted'! — R. Huna the son of R. Joshua said: [There is a difference] because an idol cannot be annulled by a natural cause.¹

R. Simeon b. Lakish quoted against R. Johanan: If there be a bird's nest upon the top of a tree which had been dedicated to the Sanctuary, no use may be made of it;² but if wrongful use of it had been made the law of trespass³ does not apply to it. [If, however, the nest be] on top of an Asherah, he knocks it off with a stick!⁴ Now it is to be assumed [is it not? that the case dealt with here] is, for example, where [the bird] broke twigs from the Asherah and built a nest of them; and yet it is taught: He knocks it off with a stick!⁵ [No:] We are dealing here with the case where, for example, [the bird] brought twigs from all sorts of places⁶ and built a nest of them. This conclusion is proved to be correct from the fact that in connection with [a tree] dedicated to the Sanctuary it is stated: No use may be made of it, but if wrongful use had been made of it the law of 'trespass' does not apply to it. Now this is quite right, if you say that [the bird] brought twigs from all sorts of places, that it is stated in connection with a tree dedicated to the Sanctuary: No use may be made of it, but if wrongful use had been made of it the law of 'trespass' does not apply to it. 'No use may be made of it' according to Rabbinical ruling,⁷ 'and no law of "trespass" applies to it' — according to the law of the Torah because [the twigs] were not dedicated to the Sanctuary. But if, on the other hand, you say that [the bird] broke twigs from that tree [which had been dedicated] and built a nest with them, why is there no 'trespass' since they were dedicated to the Sanctuary!

Does this prove anything?⁸ Here we are dealing with the circumstance where [the bird used twigs] which grew after [the tree had been dedicated to the Sanctuary], and he holds that there is no 'trespass' involved [if a wrongful use is made of] the after-growth!⁹ R. Abbahu said in the name of R. Johanan: What means 'he knocks off'? He knocks [the nest down] to get the young birds.¹⁰ R. Jacob said to R. Jeremiah b. Tahlifa: I will make the cited passage clear to you: As for young birds, 'they may be used in any event;¹¹ as for eggs they are prohibited in any event.¹² R. Ashi said: But young birds which need the care of their mother¹³ are considered to be like eggs [and are not permitted].

MISHNAH. IF ONE FINDS UTENSILS UPON WHICH IS THE FIGURE OF THE SUN OR MOON OR A DRAGON,¹⁴ HE CASTS THEM INTO THE SALT SEA.¹⁵ RABBAN SIMEON B. GAMALIEL SAYS: IF IT IS UPON PRECIOUS UTENSILS THEY ARE PROHIBITED, BUT IF UPON COMMON UTENSILS THEY ARE PERMITTED.

GEMARA. Is this to say that [the heathens] worship these objects and no others? [Against such a conclusion] I cite the following: If one slaughters an animal in the name of seas, rivers, a desert, the sun, moon, stars and planets, Michael the great Prince¹⁶ or a tiny worm, behold these come within the category of 'sacrifices to dead objects'¹⁷ — Abaye explained: As to worshipping they might worship whatever they take hold of; but in regard to the making of images for worship, they do so only of these three objects [enumerated in the Mishnah] which are specially honoured by them; but as for the other figures, they only make them for ornamental purposes.

R. Shesheth used to collect difficult extra-Mishnaic passages and expound them:¹⁸ [Pictures of] all the planets are permissible except that of the sun and moon; of all faces are permissible except that of a human face; and of all figures are permissible except that of the dragon.

The Master said: '[Pictures of] all the planets are permissible except that of the sun and moon.' With what are we dealing here? Shall I say with the making of them? If it is with the making of them, are any of the planets allowed, seeing that it is written, Ye shall not make with Me¹⁹ — i.e., ye shall not make according to the likeness of My attendants who serve before Me in the heights!²⁰ Obviously, then, it must refer to finding them,²¹ and it is in accord with our Mishnah: IF ONE FINDS UTENSILS UPON WHICH IS THE FIGURE OF THE SUN OR MOON OR A DRAGON, HE CASTS THEM INTO THE SALT SEA. If, then, it refers to finding them, consider the middle clause: 'Of all faces are permissible except that of a human face.' Now if this refers to finding them, is the picture of a human face prohibited? Surely we have learnt: IF ONE FINDS UTENSILS UPON WHICH IS THE FIGURE OF THE SUN OR MOON OR A DRAGON, HE CASTS THEM INTO THE SALT SEA. Which implies that [he does this] to the figure of a dragon but not to the picture of a human face! Obviously, then, it must refer to making them, and it is in accord with the view of R. Huna the son of R. Joshua.²² If, then, it refers to making them, consider the last clause: 'Of all figures are permissible except that of the dragon.' Now if this refers to making them, is the image of a dragon prohibited seeing it is written, Ye shall not make with Me gods of silver or gods of gold

(1) In the course of nature the foliage falls; but to chip a piece off an idol has to be a conscious act on the part of a human being.

(2) For secular purposes.

(3) V. Lev. V, 15.

(4) He is permitted to use the material of the nest as fuel. He may not climb the Asherah to get it, because he would then be making use of an idolatrous object (Me'i, III, 5).

(5) And uses it as fuel; which proves that fragments of an idol may be used, as against the view of R. Johanan.

(6) But not from an Asherah or dedicated tree, and it is for this reason that its nest may be used as fuel.

(7) Which made the law stricter from fear that if the twigs were used the tree itself might be used.

(8) Now R. Simeon b. Lakish will demonstrate that no support can be derived from this extract for R. Johanan's view because the analogy is false.

(9) Since the tree and not the after-growth was dedicated.

(10) It is objected to the foregoing argument that it is based on a misunderstanding of the extract quoted. It has nothing to do with using the nest as fuel; but as against a possible view that since the nest is on a tree which may not be used, the young birds in the nest there are likewise forbidden for fear the tree itself might be used, it is maintained that he may knock the nest from the tree to secure the pigeons.

(11) Whether the nest be on a dedicated tree or an Asherah, because the birds can fly away and do not require the tree.

(12) Because use is made of the tree as a resting-place for the eggs and there is a likelihood that the man might be making use of the tree.

- (13) They are unable to fly away and need the security of the nest on the tree.
- (14) The figure referred to was in the form of a pendant attached to the utensil. The device of a dragon was commonly carried upon the standards of the Roman legions. See the illustration in Seyffert, Dict. of Classical Antiquities. p. 586. [On the worship of the 'Dragon', v. Elmslie, a. I.]
- (15) I.e., the Dead Sea, It is an expression denoting utter destruction.
- (16) The Archangel.
- (17) Cf. Ps. CVI, 28. Hul. 40a.
- (18) There follows an example of a difficult Baraitha with his exposition.
- (19) Ex. XX, 23.
- (20) And all the planets serve God in heaven.
- (21) If they are found one may use them, except figures of the sun and moon.
- (22) Who explained Ex. XX, 23, as referring to man as made in the image of God and not His attendants. V. infra 43b.

Talmud - Mas. Avodah Zarah 43a

[implying,] these are [prohibited] but not the image of a dragon!¹ Obviously, then, it refers to finding them, and it is in accord with our Mishnah: IF ONE FINDS UTENSILS UPON WHICH IS THE FIGURE OF THE SUN [or a dragon, they are prohibited]. Therefore the first and last clauses deal with the act of finding and the middle clause with the act of making! Abaye said: That is so, the first and last clauses deal with the act of finding and the middle clause with the act of making. Raba said: They all deal with the act of finding, and as for the middle clause it is the teaching of R. Judah.² For it has been taught: 'R. Judah also includes the picture of a woman giving to suck and Serapis.'³ A woman giving to suck alludes to Eve who suckled the whole world; Serapis alludes to Joseph who became a prince [sar] and appeased [hefis] the whole world.⁴ [The picture of Serapis is only prohibited when he is represented as] holding a measure and is measuring,⁵ and that [of Isis] when she is holding a child and giving it to suck.⁶

Our Rabbis taught: Which is the figure of a dragon [that is prohibited]? — R. Simeon b. Eleazar explained: Such as has scales⁷ between its joints. Upon this R. Assi commented: Between the joints of the neck. R. Hama son of Hanina said: The halachah is in accord with the view of R. Simeon b. Eleazar.

Rabbah b. Bar Hanah said in the name of R. Joshua b. Levi: I was once walking with the eminent R. Eleazar Hakkappar along the road, and he found a ring upon which was the figure of a dragon.⁸ There passed by⁹ a heathen child but he said nothing to him. Then there passed by an adult heathen and [R. Eleazar] said to him, 'Annul it,'¹⁰ but he refused to do so; and he struck him until he annulled it. Draw three deductions from this: first, a heathen can annul an idolatrous object which belongs to himself or to a fellow-heathen;¹¹ secondly, if [the heathen] understands the nature of the idolatrous object and its mode of worship he can annul it, but if he is ignorant of its nature and mode of worship he cannot annul it;¹² and thirdly, force may be used to make a heathen annul the object. R. Hanina ridiculed [the foregoing statement, saying]: Does not the eminent R. Eleazar Hakkappar agree with the following teaching: If a person rescued something from a lion, bear, leopard, or from a robber,¹³ a river, or from what the tide throws up, or the overflow of a river; or if a person finds something in a camp or main highway or in a place where many people congregated behold the object belongs to him because the owner despairs of recovering it!¹⁴ — Abaye explained: Granted that [the owner] despaired of recovering it, but did he despair of its sacred character?¹⁵ He must have said [to himself]: If an idolater finds it he will worship it, if an Israelite finds it, since it is a valuable object, he will sell it to an idolater who will worship it.¹⁶

We have learnt elsewhere: R. Gamaliel had a picture of lunar diagrams in his upper chamber in the form of a chart hanging on the wall, which he used to show to the unlearned¹⁷ and ask then, 'Did you see (the moon) thus or thus?'¹⁸ But is [such a picture] allowed, for behold it is written, Ye shall

not make with Me — i.e., ye shall not make according to the likeness of My attendants who serve before Me! — Abaye explained: The Torah only forbids the making of his attendants which can be reproduced in facsimile, according to the teaching: A man may not make a house after the design of the Temple, or a porch after the design of the Temple-porch, a courtyard after the design of the Temple-court, a table after the design of the table [in the Temple], or a candelabrum after the design of its candelabrum — He may, however, make one with five, six or eight [branches], but with seven he may not make it even though it be of other metals.¹⁹ R. Jose b. Judah says: Also of wood he may not make it, because thus did the Hasmoneans make it,²⁰ [The Rabbis] said to him: Is any proof to be deduced from that? It consisted of metal staves overlaid with tin.²¹ When [the Hasmoneans] grew rich they made one of silver, and when they grew still richer they made one of gold!²² And are His attendants which cannot be reproduced in facsimile allowed? For behold it has been taught: Ye shall not make with Me — i.e., ye shall not make according to the likeness of My attendants who serve before Me in the heights!²³ — Abaye explained:

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- (1) Since the dragon is not among the heavenly bodies.
 - (2) Who prohibits the use of utensils found with a human figure on them.
 - (3) Tosef. A.S. VI. The former indicates Isis; the latter is the Greek name for Osiris — both of them important Egyptian deities.
 - (4) During the seven years of famine. [The identification of Serapis with Joseph occurs frequently in writings of antiquity. V. Blaufuss, Gotter etc. p. 19.]
 - (5) In Seyffert, op. cit., p. 578, the modius or 'measure' is depicted as resting on the head of Serapis.
 - (6) See the illustration in Seyffert, op. cit., p. 325.
 - (7) [Or 'hairs' (v. Rashi). Dragons were believed to be bearded. V. Blaufuss, op. cit., p. 41.]
 - (8) He left it lying on the ground, since if he picked it up he could never have it annulled.
 - (9) Lit., 'he found'.
 - (10) By doing some damage to the ring or treating it disrespectfully.
 - (11) Because the man annulled the ring which did not belong to him.
 - (12) For that reason he ignored the child (v. infra 57b), and that the man whom the Rabbi met knew the nature of the symbol on the ring was evidenced by his refusal at first to annul it.
 - (13) In B.M. 24a the reading is 'a panther'.
 - (14) It may therefore be assumed that the owner of the ring, having given up hope of finding it, must have annulled it, why then, did the Rabbi go to the trouble of having it annulled?
 - (15) Being preserved by the finder.
 - (16) On that account the Rabbi rightly had the ring annulled before he picked it up.
 - (17) Who came to report that they had seen the new moon.
 - (18) R.H. 24a.
 - (19) That in the Temple had seven branches and was of gold.
 - (20) When they recaptured and purified the Temple.
 - (21) Some MSS. read: 'with wood'.
 - (22) Consequently the wooden candelabrum was only temporary; so why should it be forbidden to make a wooden reproduction?
 - (23) From which it may be inferred that even such as cannot be reproduced in facsimile are forbidden.

Talmud - Mas. Avodah Zarah 43b

The Torah only prohibited the making of the likeness of the four faces together.¹ According to this, a human face by itself should be permitted; so how can it have been taught: 'Of all faces are permissible except that of a human face'! — R. Judah the son of Rab Joshua said: From the discourse of R. Joshua² I learnt: Ye shall not make itti ['with me'] — [this should be rendered as though it was] 'ye shall not make Me' [othi],³ but the other attendants are permitted.

But are the other attendants permitted? Behold it has been taught: Ye shall not make with Me, i.e.,

ye shall not make according to the likeness of My attendants who serve before Me in the heights, as, e.g., the Ophanim, Seraphim, holy Hayyoth and Ministering Angels!⁴ — Abaye explained: The Torah only prohibited the reproduction of the attendants who are in the highest stratum.⁵ Are, then, those in the lower stratum permitted? Behold it has been taught: That is in heaven⁶ — this is to include the sun, moon, stars and planets; above this is to include the Ministering Angels! — That teaching alludes to serving them.⁷ But if it is a matter of serving them, even a tiny worm is also [prohibited]! — That is so, and [the thought] is derived from the continuation of the verse; for it has been taught: Or that is in the earth — this is to include seas, rivers, mountains and hills; beneath — this is to include a tiny worm. But is the mere making of them permitted?⁸ Behold it has been taught: Ye shall not make with Me, i.e., ye shall not make according to the likeness of My attendants who serve before Me in the heights, as, e.g., the sun, moon, stars and planets! — It was different with R. Gamaliel because others⁹ made [the chart] for him.

But there is the case of Rab Judah for whom others made [a design on a ring], and Samuel said to him, ‘You clever person!’¹⁰ Blind its eyes!’¹¹ In this instance it was a ring whose signet was cut in relief and on account of suspicion [that it might be worshipped Samuel objected to it]; for it has been taught: It is forbidden to put on a signet-ring which is cut in relief but it is allowed to seal with it; and if the signet is cut in, one may put the ring on but not seal with it. Do we, however, take into account the suspicion [that an object might be worshipped]? Behold in the Synagogue of Shaph-veyathib¹² in Nehardea a statue was set up; yet Samuel's father and Levi entered it and prayed there without worrying about the possibility of suspicion! It is different when there are many people together.¹³ But R. Gamaliel was a single individual!¹⁴ — Since he was President of the Community many persons were always found with him. Or if you wish I can answer that [his chart] was in sections.¹⁵ As a further alternative I can answer that when it is for the purpose of study the matter is different; as it has been taught: Thou shalt not learn to do¹⁶ — but thou mayest learn in order to understand and teach.

RABBAN SIMEON B. GAMALIEL SAYS etc. Which utensils are precious and which common? — Rab said: The precious are those which [have the figures] above the water,¹⁷ the common those which have them under the water. Samuel said: Both these kinds are to be regarded as common,¹⁸ but those are precious which are upon bracelets, nose-rings and signet-rings.¹⁹ There is a teaching in agreement with Samuel: The precious utensils are those which [have figures] upon bracelets, nose-rings and signet-rings; the common those which have them upon kettles, pots, vessels for boiling water, sheets and towels.

MISHNAH. R. JOSE SAYS: HE MAY GRIND [AN IDOL] TO POWDER AND SCATTER IT TO THE WIND OR THROW IT INTO THE SEA. THEY SAID TO HIM, EVEN SO IT MAY THEN BECOME MANURE,²⁰ AS IT IS STATED, AND THERE SHALL CLEAVE NOUGHT OF THE DEVOTED THING TO THINE HAND.²¹

GEMARA. It has been taught: R. Jose said to [the Rabbis]: Has it not been stated, And I took your sin,

(1) Of the heavenly creatures described in Ezek. I, 10, each of which hath four faces viz., of a man, lion, ox and eagle.

(2) [Read with MS. M. ‘R. Huna b. R. Joshua . . . discourse of Abaye.’]

(3) And since man was made in God's image (Gen. I, 27) the reproduction of the human face is not allowed.

(4) V. Ezek. I.

(5) The Rabbis thought of heaven as divided into seven strata one above the other. V. Hag. 12b.

(6) Ex. XX, 4.

(7) Not making pictures of them.

(8) Without the intention of worshipping them.

(9) Non-Jews.

(10) [Lit. 'sharp. toothed', v. B.B. (Sonc. ed.) p. 561, n. 14.]

(11) Deface the image; hence the fact that it had been made by others did not render it permissible.

(12) Either the name of a place or man. On the image in this Synagogue, v. Krauss, *Synagogale Altertumer*, pp. 214 ff.

(13) There is less likelihood of idolatrous worship.

(14) Yet nobody suspected him in connection with his lunar diagrams.

(15) And he only joined them together, when they formed a picture of the moon, in the presence of the witnesses who came to report to him. So he was not alone.

(16) Deut. XVIII, 9.

(17) The figures are on the upper part of the utensils.

(18) When they are used in connection with food or drink.

(19) They are only ornamental.

(20) And advantage would be derived from it contrary to the law.

(21) Deut. XIII, 18.

Talmud - Mas. Avodah Zarah 44a

the calf which ye had made, and burnt it with fire, and stamped it, grinding it very small, until it was as fine as dust; and I cast the dust thereof into the brook that descended out of the mount¹ They replied to him: Can any proof be adduced from this passage? Behold it states, And he strewed it upon the water, and made the children of Israel drink of it² — i.e he had no other intention than to test them as is done with women suspected of infidelity!³ R. Jose answered them: But has it not been stated, And also Maacah the mother of Asa the king, he removed her from being queen, because she had made an abominable image . . . he made dust of it, and burnt it at the brook of Kidron!⁴ They said to him: Can any proof be adduced from this passages seeing that the brook of Kidron is not a fertile place?⁵ It is not! But it has been taught: [The blood of] the various [sacrifices] mingled in the conduit and flowed into the brook of Kidron and was sold to gardeners for manure, and by making an illegal use of it one becomes liable to bring a 'trespass' offering!⁶ — There were different kinds of sites there, some fertile and others not.

What means *miplezeth* [abominable image]? — Rab Judah said: [An object which] intensifies licentiousness [*maphli' lezanutha*] as R. Joseph taught: It was a kind of phallus with which she had daily connection.

R. Jose said to [the Rabbis]: But has it not been stated, He brake in pieces the brazen serpent that Moses had made.⁷ They replied to him: Can any proof be adduced from this passage? Behold it states, And the Lord said unto Moses, Make *leka* ['thee'] a fiery serpent,⁸ — '*leka*' means 'from what belongs to thee,' and a man cannot render prohibited what is not his property!⁹ — In the affair [of the brazen serpent] there was really no necessity for it to have been broken in pieces,¹⁰ but when [Hezekiah] saw that the Israelites were erring after it, he arose and destroyed it. [R. Jose] said to [the Rabbis]: But has it not been stated — And they left their images there, and David and his men took them away¹¹ — and what means, and David . . . took them away? — It is an expression for scattering, as R. Joseph translated¹² the word in the passage, Thou shalt fan them and the wind shall carry them away.¹³ and we translate it: 'Thou shalt winnow them and a wind will disperse them'! They replied to him: Can any proof be adduced from this passage? Behold it states, And they were burned with fire,¹⁴ and since it is not written, 'and he burnt them and took them away,' conclude that took them away must be interpreted in the literal sense [and not as 'scattered']! Nevertheless the two verses are contradictory! — It is as R. Huna pointed out; for R. Huna objected: It is written, And David gave commandment, and they were burned with fire, and it is written, he took them away. There is no contradiction; the first passage refers to the time before Ittai the Gittite came, the latter to after his coming;¹⁵ for it is written, And he took the crown of Malcam from off his head, and the weight thereof was a talent of gold.¹⁶ But was that permissible since any advantage is prohibited [from an idol]? — R. Nahman explained: Ittai the Gittite came and annulled it. If the weight [of the crown]

was a talent of gold, how could [David] have put it on? — Rab Judah said in the name of Rab: [The meaning is] that it was fit to rest upon David's head.¹⁷ R. Jose son of R. Hanina said: There was a lodestone in it¹⁸ which raised it up.¹⁹ R. Eleazar said: [The meaning is] that there was a precious stone in it worth a talent of gold.

This I have had, because I kept Thy precepts²⁰ — what does this intend? — The following: as a reward for keeping Thy precepts, 'this' is a testimony on my behalf.²¹ What was its testimony? — R. Joshua b. Levi said: He used to wear [the crown] in the place of the phylacteries and it fitted him. But it would be necessary for him to put on the phylacteries! R. Samuel son of R. Isaac said: There is sufficient room on the forehead to lay two sets of phylacteries.²²

[It is written], Then he brought out the king's son and put upon him the Nezer and the testimony.²³ 'Nezer' — that is the 'crown'. [What is] 'the testimony'? — Rab Judah said in the name of Rab: It was a testimony to the house of David that whoever was eligible for the throne [the crown] fitted, but it would not fit anyone who was not eligible.

[It is written], Then Adonijah the son of Haggith exalted himself saying, I will be king.²⁴ Rab Judah said in the name of Rab: He exalted himself [thinking that the crown] would fit him, but it did not fit him. And he prepared his chariots, and horsemen, and fifty men to run before him. In what did their superiority consist? — It has been taught: All of them had had their spleen cut out and the soles of their feet hollowed.²⁵

(1) Ibid. IX, 21. So Moses had no scruple about throwing the dust into the water.

(2) Ex. XXXII, 20. Moses disposed of the dust in this way for a special purpose; so this is an exceptional case.

(3) Whose innocence was proved by means of the ordeal of drinking water mingled with dust from the floor of the Sanctuary (Num. V, 12 ff.).

(4) II Chron. XV, 16.

(5) So there could have been no practical purpose in scattering the dust there as manure, but on fertile ground it is forbidden to scatter it.

(6) V. Lev. V, 15. Since manure was used in the brook of Kidron, it must have been a fertile place.

(7) II Kings, XVIII, 4.

(8) Num. XXI, 8.

(9) Consequently even if the Israelites did worship the serpent, it was not an idol which could be prohibited by Hezekiah, since it was technically the private property of Moses' heirs.

(10) Because for the reason just mentioned there was no infringement of the law.

(11) II Sam. V, 21.

(12) [The edition of the Targum to the Prophets is ascribed to him.]

(13) Isa. XLI, 16. Here carry away clearly means their being scattered.

(14) I Chron. XIV, 12.

(15) Being a heathen (II Sam. XV, 19) he was able to annul the idols; so David countermanded his first order to have them burnt.

(16) II Sam. XII, 30. Malcam (Milcom) is the name of the Ammonite god. A talent was about 57 lbs. in weight.

(17) Not that he actually wore it.

(18) [Rashi omits 'in it'.]

(19) David sat beneath it, the appearance being that he was wearing it.

(20) Ps. CXIX, 56. The word 'this' alludes to the crown.

(21) V. infra.

(22) So David had room for the crown and phylacteries.

(23) II Kings, XI, 12.

(24) I Kings, I, 5.

(25) To make them swifter runners. Based on the literal meaning of he prepared, viz., 'he made'. V. Sanh. (Sonc. ed.) p. 115, nn. 11-12.

Talmud - Mas. Avodah Zarah 44b

MISHNAH. PROCLOS, SON OF A PHILOSOPHER,¹ PUT A QUESTION TO R. GAMALIEL IN ACCO WHEN THE LATTER WAS BATHING IN THE BATH OF APHRODITE.² HE SAID TO HIM, IT IS WRITTEN IN YOUR TORAH, AND THERE SHALL CLEAVE NOUGHT OF THE DEVOTED THING TO THINE HAND;³ WHY ARE YOU BATHING IN THE BATH OF APHRODITE?' HE REPLIED TO HIM, WE MAY NOT ANSWER [QUESTIONS RELATING TO TORAH] IN A BATH.⁴ WHEN HE CAME OUT, HE SAID TO HIM, 'I DID NOT COME INTO HER DOMAIN, SHE HAS COME INTO MINE.'⁵ NOBODY SAYS, THE BATH WAS MADE AS AN ADORNMENT FOR APHRODITE; BUT HE SAYS, APHRODITE WAS MADE AS AN ADORNMENT FOR THE BATH. ANOTHER REASON IS, IF YOU WERE GIVEN A LARGE SUM OF MONEY, YOU WOULD NOT ENTER THE PRESENCE OF A STATUE REVERENCED BY YOU WHILE YOU WERE NUDE OR HAD EXPERIENCED SEMINAL EMISSION, NOR WOULD YOU URINATE BEFORE IT. BUT THIS [STATUE OF APHRODITE] STANDS BY A SEWER AND ALL PEOPLE URINATE BEFORE IT. [IN THE TORAH] IT IS ONLY STATED, THEIR GODS⁶ — I. E., WHAT IS TREATED AS A DEITY IS PROHIBITED, WHAT IS NOT TREATED AS A DEITY IS PERMITTED.

GEMARA. But how did [R. Gamaliel] act in this manner?⁷ For Rabbah b. Bar Hanah has said in the name of R. Johanan: It is permitted to ponder [over matters of Torah] in any place except a bath and privy! Should you reply that he spoke to him in the vernacular,⁸ behold Abaye has said: It is permitted to discuss secular subjects in the holy tongue, but it is forbidden to discuss holy subjects in the vernacular! A Tanna taught: When he came out, he replied to him, 'We may not answer [questions relating to Torah] in a bath.'⁹

R. Hama b. Joseph said in the name of R. Oshaia: R. Gamaliel made a fallacious reply to that general [Proclos], but I maintain that it was not fallacious. What was the fallacy? — Because he told him,¹⁰ THIS [STATUE] STANDS BY A SEWER AND ALL PEOPLE URINATE BEFORE IT. And if people do urinate before it, what of it?¹¹ For Raba has said: Peor¹² proves [the contrary], because people evacuate in its presence every day but it is not annulled as a consequence. 'But I maintain that [R. Gamaliel's answer] was not fallacious,'¹³ — because [in the case of Peor] such was the mode of its worship, but [with Aphrodite] it was not the mode of her worship.

Abaye said: [It can be shown that the reply was] fallacious from the fact that he told him, 'I DID NOT COME INTO HER DOMAIN, SHE HAS COME INTO MINE.' And if he had come into her domain, what of it?¹⁴ For we learn: If an idol has a bath-house or garden, we may use either so long as it is not to the advantage [of idolatry],¹⁵ but we may not use either if it is to its advantage!¹⁶ 'But I maintain that [R. Gamaliel's answer] was not fallacious,'¹⁷ — because no token of recognition by R. Gamaliel was as valued as a token of recognition by other men.¹⁸

R. Shimi b. Hiyya said: [It can be shown that the reply was] fallacious from the fact that he told him, 'THIS [STATUE] STANDS BY A SEWER AND ALL PEOPLE URINATE BEFORE IT.' And if people do urinate before it, what of it? For we learn: If he spat before it, urinated before it, dragged it [in the dust] or hurled excrement at it, behold it is not annulled!¹⁹ 'But I maintain that [his answer] was not fallacious.' There [in the Mishnah just cited] the man may have been momentarily incensed against the idol and subsequently made his peace with it; but here [in the case of the Aphrodite image] it is constantly treated in this contemptuous manner.

Rabbah b. 'Ulla said: [It can be shown that the reply was] fallacious from the fact that he told him, 'NOBODY SAYS, THE BATH WAS MADE AS AN ADORNMENT FOR APHRODITE, BUT APHRODITE WAS MADE AS AN ORNAMENT FOR THE BATH. And if one said that the bath

was made as an adornment for Aphrodite, what of it? For it has been taught: If one says, 'This house is for an idol, this cup is for an idol,' he has said nothing because there can be no dedication to an idol!²⁰ 'But I maintain that [his answer] was not fallacious.' Granted that [the use of the bath] is not actually forbidden, it is nevertheless intended as an ornament [of the idol, and is consequently prohibited].

(1) The word for 'philosopher' is doubtless a corruption of a proper noun (v. Bacher, *Agada d. Tan.*, I, p. 86 n.).

(2) Baths were frequently adorned with statues of deities. v. Krauss, *Tal. Arch.*, I, p. 218.

(3) Deut. XIII, 18.

(4) Owing to the nudity of the persons there.

(5) The bath existed before the image of Aphrodite was set up in it and it was constructed for general use.

(6) Deut. VII, 16; XII, 2.

(7) To answer him at all while in the bath.

(8) And not Hebrew, and therefore it is permissible.

(9) And while he was in there he made no reply at all. This is a more correct version than that given in the Mishnah.

(10) According to R. Oshaia.

(11) That would not annul the idol.

(12) The name of a heathen deity; v. Num. XXV, 3.

(13) What follows is in explanation of the vague statement of R. Hama.

(14) That the use thereof should then be prohibited.

(15) There is no payment or recognition of any kind for the use.

(16) *Infra* 51b.

(17) V. p. 221, n. 8.

(18) Since he was so eminent, the heathens would consider it an honour for him to use the bath gratis if it had really been dedicated to Aphrodite; so that if the bath had been there first it would have been impossible for him to have entered such a bath.

(19) *Infra* 53a.

(20) By word of mouth; it must be formally offered to the idol (*Tosef.* 'Ar. IV).

Talmud - Mas. Avodah Zarah 45a

MISHNAH. IF IDOLATERS WORSHIP MOUNTAINS AND HILLS THESE ARE PERMITTED;¹ BUT WHAT IS UPON THEM² IS PROHIBITED, AS IT IS SAID, THOU SHALT NOT COVET THE SILVER OR THE GOLD THAT IS ON THEM.³ R. JOSE THE GALILEAN SAYS: [IT IS STATED] THEIR GODS UP ON THE HIGH MOUNTAINS,⁴ NOT THEIR MOUNTAINS WHICH ARE THEIR GODS, AND THEIR GODS UPON THE HILLS, NOT THEIR HILLS WHICH ARE THEIR GODS.⁵ BUT WHY IS AN ASHERAH PROHIBITED?⁶ BECAUSE THERE WAS MANUAL LABOUR CONNECTED WITH IT,⁷ AND WHATEVER HAS MANUAL LABOUR CONNECTED WITH IT IS PROHIBITED. R. AKIBA SAID: LET ME EXPOUND AND DECIDE [THE INTERPRETATION] BEFORE YOU: WHEREVER YOU FIND A HIGH MOUNTAIN OR ELEVATED HILL OR GREEN TREE, KNOW THAT AN IDOLATROUS OBJECT IS THERE.⁸

GEMARA. But R. Jose the Galilean holds the same opinion as the first teacher [in the Mishnah]!⁹ — Rami b. Hama said in the name of R. Simeon b. Lakish: The issue between them is whether the covering on a mountain is identical with the mountain. The first Tanna holds that the covering on a mountain is not identical with the mountain and is prohibited, whereas R. Jose the Galilean holds that the covering on a mountain is identical with the mountain [and is permitted]. R. Shesheth said: All agree that the covering on a mountain is not identical with the mountain,

(1) E.g., to quarry there or use the plants which grow on the slopes.

(2) If they had been adorned with precious metals.

(3) Deut. VII, 25.

(4) Ibid. XII, 2.

(5) He therefore holds that the mountains and hills are permitted.

(6) The text continues, and under every green tree, and R. Jose would not argue under the tree and not the tree itself!

(7) It had been planted by somebody for idolatrous worship, whereas mountains are the work of nature.

(8) I.e., neither the mountains nor what is upon them are prohibited, but only the object which is actually worshipped, as the passage is intended only to tell the people where they were likely to find the idols which they were commanded to destroy.

(9) Why, then, is his view separately expressed?

Talmud - Mas. Avodah Zarah 45b

and here they differ with regard to a tree which had been planted¹ and was subsequently worshipped. The first Tanna holds that a tree which had been planted and was subsequently worshipped is permitted, whereas R. Jose the Galilean holds that such a tree is prohibited. From where [is it deduced that R. Jose is of this opinion]? — From what he stated in the latter part of the Mishnah: **BUT WHY IS AN ASHERAH PROHIBITED? BECAUSE THERE WAS MANUAL LABOUR CONNECTED WITH IT, AND WHATEVER HAS MANUAL LABOUR CONNECTED WITH IT IS PROHIBITED;** and what does the phrase, **WHATEVER HAS MANUAL LABOUR CONNECTED WITH IT,** mean to include? It surely includes the case of a tree which had been planted and was subsequently worshipped.

R. Jose son of R. Judah likewise holds that a tree which had been planted and was subsequently worshipped is prohibited; for it has been taught: R. Jose son of R. Judah says: Since it is stated, Their gods upon the high mountains — and not the mountains which are their gods, Their gods upon the hills — and not the hills which are their gods, I might have [similarly] understood, Their gods under every green tree — and not the green tree itself which is their god, therefore there is a text to state, **And burnt their Asherim with fire.**² Why, then, is there need for the phrase, **under every green tree?** — This is required in accordance with the teaching of R. Akiba; for R. Akiba said: **LET ME EXPOUND AND DECIDE [THE INTERPRETATION] BEFORE YOU:-WHEREVER YOU FIND A HIGH MOUNTAIN OR ELEVATED HILL OR GREEN TREE, KNOW THAT AN IDOLATROUS OBJECT IS THERE.**³

What do the Rabbis make of, ‘and burn their Asherim with fire’?⁴ — It is required to cover the case of a tree which had been planted in the first instance for idolatry.⁵ And does not R. Jose son of R. Judah likewise require the same text for this rule? — Indeed so. Whence then does he derive his teaching that a tree which had been planted and was subsequently worshipped [is prohibited]? — He derives it from, and hew down their Asherim,⁶ Which tree has its later growth⁷ prohibited while its root is permitted? Answer that it is a tree which had been planted and was subsequently worshipped. But surely the teaching uses the phrase, ‘and burn their Asherim with fire’!⁸ — He employs the argument ‘if it had not been stated’ as follows: If it had not been stated, ‘and burn their Asherim with fire’, I would have said that, ‘and hew down their Asherim’, refers to a tree which had been originally planted for idolatry; but since it is written, ‘and burn their Asherim with fire’, the phrase, ‘and hew down their Asherim’, is superfluous; [so it must be employed] to refer to a tree which had been planted and was subsequently worshipped.

What do the Rabbis make of the phrase, ‘and hew down their Asherim’? — [They explain it] according to the view of R. Joshua b. Levi; for R. Joshua b. Levi said: The felling of idolatrous trees takes precedence of the conquest of the land of Israel,⁹ but the conquest of the land of Israel takes precedence of the burning of idolatrous trees. For R. Joseph learned: Ye shall break down their altars¹⁰ — and leave them,¹¹ and dash in pieces their pillars — and leave them. Can it enter your mind that they are to be left?¹² They must be burnt! — R. Huna said: [The meaning is,] Pursue [the

enemy after breaking the altars and pillars] and then burn them [immediately afterwards]. Whence does R. Jose son of R. Judah derive this rule?¹³ He derives it from, ye shall surely destroy¹⁴ — destroy [by breaking them] and after [conquering the land] ye shall destroy [the Asherim by burning them]. How do the Rabbis [explain this phrase]? — They require it for the rule that when one destroys an idol he must eradicate every trace of it, Whence does R. Jose son of R. Judah [derive the rule] that he must eradicate every trace of it? — He derives it from, and ye shall destroy their name out of that place.¹⁵ And how do the Rabbis [explain that phrase]? — That the idol must be renamed;¹⁶ for it has been taught: R. Eliezer says: Whence is it that when one destroys an idol he must eradicate every trace of it? — There is a text to state, And ye shall destroy their name.

(1) Not as an idol but to produce fruit.

(2) Deut, XII, 3.

(3) [This proves that R. Jose b. R. Judah prohibits the use of a tree that had been planted and subsequently worshipped, for otherwise he could have explained the phrase, ‘under’ every green tree as teaching that ‘the green tree itself which is their god’, if it had not been originally planted as an idol, is permitted.]

(4) Since they permit the trees that had not been planted for idolatrous worship.

(5) This, they agree, must not be used.

(6) Ibid. VII, 5, i.e., the tree must be cut down and not used, but its root is permitted.

(7) After the trunk had been felled,

(8) To deduce the prohibition by R. Jose b. R. Judah of such a tree.

(9) As the Israelites marched through Canaan they must cut down these trees and leave the trunks to be burnt after the campaign was over.

(10) Deut. VII, 5.

(11) The Torah does not add: and burn them.

(12) They might be put together and worshipped!

(13) Since he applies this verse to a tree which had been planted and then worshipped.

(14) Ibid. XII, 2, lit., ‘destroy ye shall destroy.’

(15) Ibid. 3.

(16) When its name is attached to a shrine.

Talmud - Mas. Avodah Zarah 46a

R. Akiba said to him: But has it not been already stated, Ye shall surely destroy? If so, why is there a text to state, And ye shall destroy their name out of that place? — [Its purpose is to teach that] an idol must be renamed. It is possible to think [it may be renamed] for praise.¹ Can it enter your mind [that the renaming] is for praise? But it is possible to think [that the renaming may be] neither for praise nor contempt; therefore there is a text to state, Thou shalt utterly detest it, and thou shalt utterly abhor it.² How is it, then? If [the heathens] called it Beth Galya [house of revelation], call it Beth Karya [house of concealment]; if they called it ‘En Kol [the all-seeing eye], call it ‘En Koz [the eye of a thorn].

A tanna recited as follows in the presence of R. Shesheth: If idolaters worship mountains and hills, these latter are permissible but the worshippers [should be destroyed] with the sword; [if they worshipped] plants and herbage, these latter are prohibited but the worshippers [should be destroyed] with the sword. [R. Shesheth] said to him: Who tells you that? It must be R. Jose son of R. Judah who declared: A tree which had been planted and was subsequently worshipped is prohibited. But let [R. Shesheth] apply [the statement reported by the tanna] to a tree which had been planted for idolatry at the outset and [make it agree with the view of] the Rabbis! — This cannot enter your mind, because it states the analogy of a mountain: as with a mountain it was not planted for idolatry at the outset, so with this also it was not planted for idolatry at the outset.

It has been stated: If boulders become detached from a mountain, the sons of R. Hiyya and R.

Johanán [take different views];³ one says that they are prohibited and the other that they are permitted. What is the reason of him who says they are permitted? — [The boulders are] like the mountain; and as the mountain is something with which no manual labour has been connected and is permitted, so these likewise have had no manual labour connected with them and are permitted. [But it may be argued] that a mountain is immovable!⁴ — The case of an animal will prove [the contrary].⁵ [Here again it may be argued] that an animal [is only permitted] because it is an animate being! — The case of a mountain proves [the contrary].⁶ Therefore the conclusion returns,⁷ because the two examples⁸ are dissimilar; but the point common to them both is that with neither has there been any manual labour and each is permitted. Consequently everything is permitted with which there has been no manual labour.

[But it may be argued that] the point common to them both is that they have not changed from their natural form!⁹ — [Well then, derive that a boulder is permitted by] an analogy drawn between an animal which has become blemished and a mountain;¹⁰ or [it may be drawn] also between an unblemished animal and a withered tree.¹¹ As for him who prohibits [the boulders], it is because Scripture declares, Thou shalt utterly detest it, and that, shalt utterly abhor it — although it is possible to reason to the conclusion that they are permitted, yet do not draw that conclusion.¹²

It can be proved that it is the sons of R. Hiyya¹³ who permit their use; because Hezekiah asked: How is it if a man set up an egg to worship it? This question must be understood in the sense that the man had the intention of worshipping it and did worship it; and the point of [Hezekiah's] query is whether the setting up of the egg is to be considered an action¹⁴ or not. Consequently [his opinion must be that] if the man had not set it up, it is not prohibited [to be used].¹⁵ Conclude, therefore, that it was the sons of R. Hiyya who permitted [the use of the boulders]! — No; I can always maintain that it was the sons of R. Hiyya who prohibited their use, because if the man worshipped [the egg], even though he had not set it up,¹⁶ it would be prohibited [according to their view]; and the circumstance with which we are dealing here is where he set up an egg to worship but did not worship it. Now according to whom [is the question of its permissibility to be decided]? If according to him who says that the idolatrous object of an Israelite is prohibited forthwith, then it is prohibited;¹⁷ if according to him who says [that such an object is not prohibited] until it has been actually worshipped, behold the man has not worshipped it!¹⁷ — No;¹⁸ but it is necessary [to suppose the following case]: If he, e.g., set up an egg to worship but did not do so, and an idolater came and worshipped it [is it permitted] regard being had to what Rab Judah said in the name of Samuel:¹⁹ If an Israelite set up a brick to worship [but did not do so] and an idolater came and worshipped it, it is prohibited. And [Hezekiah] asked thus the question: [Does he specify] a brick because its erection is conspicuous, but the law is otherwise with an egg;¹⁷ or perhaps there is no difference? — The question remains unanswered.

Rami b. Hama asked: If a man worshipped a mountain, may its stones be used to build an altar [to God]?²⁰

(1) I.e., to give it a better-sounding name.

(2) Ibid. VII, 26.

(3) As to whether they may be used, the mountain had been worshipped.

(4) And a boulder is not fixed in the ground and therefore the two are not comparable, with the consequence that a boulder should not be permitted.

(5) Since it is not fixed in the ground; and yet, if it had been worshipped, it may be put to a secular use.

(6) Because it is inanimate and yet permitted.

(7) To what was stated at first, viz., the boulders are permitted.

(8) The mountain and the animal.

(9) And for that reason an animal or mountain is permitted; but this is not so with a boulder because it is now a movable object and should therefore be prohibited.

- (10) If the animal, while unblemished, was worshipped, it may be used later if it became blemished. Therefore the criterion of not having changed its form cannot apply to the boulder.
- (11) The latter, despite the change it has undergone in its condition, is permitted solely on the ground that the existence thereof, like that of the beast, is not due to human action.
- (12) In order to carry out the strict law of Scripture and only allow what the Torah expressly permits. Therefore that reason must apply also to a boulder.
- (13) Their names were Judah and Hezekiah.
- (14) I.e., the effect of human labour.
- (15) So it all depended upon whether there had been manual labour, and the same criterion applies to the boulders.
- (16) And so there had been no manual labour. Consequently the illustrations of the boulder and egg are not analogous.
- (17) And what was the point of Hezekiah's query?
- (18) It is agreed that Hezekiah asked his question on the view of the one who holds that the idolatrous object of an Israelite must first be worshipped before it is prohibited.
- (19) *Infra* 53b; the reading is 'Rab'. (8) Since it is a small object.
- (20) Is it analogous to an animal which has been worshipped? It cannot be offered to God but may be used by man.

Talmud - Mas. Avodah Zarah 46b

Does the law prohibiting the use in the divine Service of objects which have been worshipped apply to things fixed in the ground or does it not? And if you decide that this law does apply to things fixed in the ground, are objects necessary for the preparation of a sacrifice¹ analogous to the sacrifice or not?² — Raba said: It is an a fortiori conclusion: if the hire of a harlot is usable for secular purposes when it is an object which is not fixed in the ground, but is prohibited in the divine Service when it is an object fixed in the ground³ (as it is written, Thou shalt not bring the hire of a harlot, or the wages of a dog⁴ — consequently it is immaterial [with the divine Service] whether it is not fixed in the ground or is fixed), how much more must a worshipped object, whose use for secular purposes is prohibited when it is not fixed, be prohibited in the divine Service when it is fixed! R. Huna the son of R. Joshua said to Raba: The reverse conclusion may be deduced, thus: If a worshipped object may not be used for secular purposes when unfixed but is permitted in the divine Service when fixed (as it is said, Their gods upon the high mountains, not the mountains which are their gods — consequently it is immaterial whether it is for secular use or for the divine Service), how much more must the hire of a harlot which is usable for secular purposes when it is unfixed be permissible in the divine Service when it is fixed! And if [you would argue that this conclusion is inadmissible] because of the words, into the house of the Lord thy God,⁵ they are required in accordance with this teaching: Into the house of the Lord thy God excludes a [red] heifer which does not enter the Sanctuary⁶ — such is the statement of R. Eliezer; but the Sages say: Their purpose is to include plates of beaten gold.⁷

[Raba] replied to [R. Huna]: I reason from the lenient to the strict view and you reason from the strict to the lenient view; and the rule is that where it is possible to reason to both conclusions we argue to the strict view. R. Papa said to Raba: But is it a fact that where it is possible to reason to both conclusions we never argue to the lenient view? Behold there is the example of the sprinkling in connection with the Passover⁸ on which R. Eliezer and R. Akiba differ; for R. Eliezer holds the strict view and makes the man liable [to bring the Paschal lamb] and R. Akiba holds the lenient view and absolves him.⁹ And still R. Akiba argues for the lenient conclusion; for we have learnt: R. Akiba said: Rather conclude the reverse: if the sprinkling which is only (forbidden on the Sabbath) on account of shebuth¹⁰ does not supersede the Sabbath, how much more must the act of slaughtering [the Paschal lamb which is a form of work prohibited] by the Torah not [supersede the Sabbath]!¹¹ — [No;] in that matter R. Eliezer had himself taught him,¹² but had forgotten his own teaching; so R. Akiba came and reminded him of it. That is why [R. Akiba] said to him, 'My master! do not make me an atonement in the time of judgment!¹³ Thus have I received the teaching from you: Sprinkling [is prohibited] on account of shebuth and it does not supersede the Sabbath.'¹⁴

Rami b. Hama asked: How is it if a man had worshipped standing-corn [in a field]; may it be subsequently used for meal-offerings? Does a change in form¹⁵ (make permissible) what had been used for idolatrous worship or does it not have that effect? — Mar Zutra son of R. Nahman said: Come and hear: In cases where [animals] are prohibited from being offered upon the altar, their young are permissible for that purpose;¹⁶ and in this connection it was taught that R. Eliezer forbids [the young as offerings].¹⁷ But was it not stated on that subject; R. Nahman said in the name of Rabbah b. Abbahu:¹⁸ The difference of opinion is over the circumstance where the animals had been unnaturally used and had then conceived,

(1) As, e.g., the altar.

(2) If they are, then they cannot be used in the divine Service.

(3) Suppose he gave her a house, it may not be sold and the proceeds used for the purposes of the Sanctuary.

(4) Deut. XXIII, 19.

(5) Ibid.

(6) V. Num. XIX, 3. The red heifer was burnt outside the camp and only its ashes were used in the Sanctuary. Therefore the woman's hire may be used to purchase the animal.

(7) To decorate the walls of the Temple. These may not be purchased from her hire (Tosef. Par, I).

(8) I.e., a man had become defiled through contact with a dead body, and his seventh day, when he should be sprinkled with the water of purification occurred on the eve of Passover. If that day is the Sabbath, is the purification to be postponed?

(9) And they both employ the a fortiori argument. V. Pes. VI, 2.

(10) V. Glos.

(11) [Whereas R. Eliezer had previously argued to the effect that sprinkling supersedes the Sabbath.]

(12) Viz., R. Akiba, that in such a circumstance the sprinkling is forbidden on the Sabbath.

(13) I.e., do not say to me that my death be an atonement for my sins (v. Pes. 69a). In other words, do not show anger against me for contradicting your argument.

(14) In this illustration R. Akiba only employed his argument to refute his master's mistaken teaching. We have not, therefore, a genuine case against the rule quoted by Raba.

(15) The corn being now ground into flour.

(16) So by analogy the flour should be permitted.

(17) Hence the query propounded by Rami is a point of issue between Tannaim.

(18) Rashi corrects the text to: Raba said in the name of R. Nahman. In the parallel passage (Tem. 30b) the reading is: R. Huna b. Hinnena said in the name of R. Nahman.

Talmud - Mas. Avodah Zarah 47a

but when they had conceived and then been unnaturally used, all agree that [the young] are forbidden [as offerings]?¹ Similarly here [with the standing-corn] it is analogous to the circumstance where the animals conceived and had then been unnaturally used.² Others declare that [Mar Zutra himself quoted the following statement of R. Nahman:] ‘The difference of opinion is over the circumstance where the animals had been unnaturally used and then conceived, but when they had conceived and then been unnaturally used, all agree that [the young] are forbidden [as offerings]. Similarly here [with the standing-corn] it is analogous to the circumstance where the animals conceived and had then been unnaturally used,’³ But is the analogy correct? In the one instance it was originally an animal⁴ and now it is an animal, only the door had been closed in its face;⁵ but in the other instance it was originally wheat and now it is flour!

R. Simeon b. Lakish asked: How is it if a man had worshipped a palm-tree, may its branch be used for the fulfilment of the commandment?⁶ If it was a tree originally planted for idolatry the question does not arise, because it is prohibited even for secular use; but the question does arise with a tree which had been planted and subsequently worshipped. Now according to the view of R. Jose son of R. Judah,⁷ [even then] the question does not arise because it is prohibited by him even for secular use; but the question does arise according to the view of the Rabbis.⁸ How, then, is [the branch] to be regarded in connection with the fulfilment of a commandment; is it to be rejected in the divine Service or not? — When R. Dimi came⁹ he said: [R. Simeon b. Lakish] asked the question in connection with an Asherah¹⁰ which had been annulled: Does a disability continue in respect of commandments or not?¹¹ — You can solve this problem from what we have learnt: If one covered it,¹² and it became uncovered,¹³ he is free from the obligation to cover it again; but if the wind covered it,¹⁴ he is obliged to cover it himself. And Rabbah b. Bar Hanah said in the name of R. Johanan: This teaching only applies when the wind again uncovered it,¹⁵ but if the wind did not again uncover it, he is free from the obligation to cover it. And we raised the question against this point of view: If the wind again uncovered it, what of it?¹⁶ Since [the blood] has been obliterated [by the covering], it is obliterated [once for all]! Thereupon R. Papa said: This proves that a disability does not continue in respect of commandments.¹⁷ But there is a question in connection with this very statement of R. Papa, viz., Is it quite clear to R. Papa that disability does not continue in respect of commandments either to take a lenient¹⁸ or strict¹⁹ view; or perhaps he is doubtful; and we apply [accordingly] this rule to the strict view only and not to the lenient?²⁰ — The question remains unanswered.

R. Papa asked: How is it if a man worshipped an animal; may its wool be used for blue thread? ‘Blue thread’ for what purpose? If it is for the blue material of the priests’ [garments], that is dealt with in the question of Rami b. Hama!²¹ If it is for the blue thread of the zizith,²² that is dealt with in the question of R. Simeon b. Lakish!²³ — Quite so, there was no need [for R. Papa] to ask about this; but the reason why he raised the question is because there are other similar matters [about which he asked, viz.]: May its wool be used for blue thread, its horns for trumpets, the bones of its legs for flutes, its intestines for harp-strings?²⁴ According to him, who says that the basis of [Temple-] music is in the instrument, the question does not arise because these are certainly prohibited; but the question does arise according to him who says that the basis of [Temple-] music is in the mouth. Is, then, the purpose [of the instrument] only to sweeten the sound²⁵ and we may introduce them [when made of these materials], or perhaps even then it is prohibited? — The question remains unanswered.

Rabbah asked: How is it if a man worshipped a fountain; may its water be used for the drink-offerings? What is the point of his question? Is it whether the man worshipped his reflection [in the water],²⁶ or perhaps he worshipped the water itself?²⁷ He could, then, have put the same question about a bowl of water and its use for secular purposes!²⁸ — Certainly [it is assumed] that he worshipped the water; and this is the point of his question: Did he worship the water which was in

front of him and that water has flowed away,²⁹ or did he worship the whole stream of water? But can [water which has been worshipped] be prohibited at all; for behold R. Johanan said in the name of R. Simeon b. Jehozedek: Water which is public property is not prohibited [if an individual worshipped it]! — No, it was necessary [to ask the question] where it is water which wells up front the earth.³⁰

MISHNAH. IF [AN ISRAELITE] HAS A HOUSE ADJOINING AN IDOLATROUS SHRINE AND IT COLLAPSED, HE IS FORBIDDEN TO REBUILD IT.³¹ HOW SHOULD HE ACT? HE WITHDRAWS A DISTANCE OF FOUR CUBITS INTO HIS OWN GROUND AND THERE BUILDS. [IF THE WALL] BELONGED BOTH TO HIM AND THE SHRINE, IT IS JUDGED

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- (1) Because the act was committed against the animal and its embryo.
 - (2) The flour being in the ears of corn when these were worshipped, it is therefore prohibited.
 - (3) [According to the first version, Mar Sutra expressed no opinion as to the use of the flour for offerings; in the second he forbids it.]
 - (4) When still an embryo.
 - (5) It had an existence as an animal while still in the womb. There had been no essential change as the effect of birth
 - (6) On the Feast of Tabernacles; v. Lev. XXIII, 40.
 - (7) He maintained that if a tree had been planted and afterwards worshipped its use is prohibited. V. supra 45b.
 - (8) Who oppose R. Jose b. R. Judah supra, loc. cit.
 - (9) From Palestine to Babylon.
 - (10) Consisting of a palm-tree.
 - (11) The disability in this case was removed when the Asherah was annulled so far as secular use is concerned: but does it continue when it is a question of using it to carry out a precept of the Torah?
 - (12) The blood of an animal or bird which had been slaughtered; v. Lev. XVII, 13.
 - (13) The wind blew the dust off.
 - (14) The wind blew dust over the blood in the first instance.
 - (15) After covering it in the first instance and it was not covered by the slaughterer.
 - (16) Why is a second covering necessary?
 - (17) [And when the disability is removed the precept, in this case the covering of the blood, must be fulfilled.]
 - (18) And permit the use of a branch for the ritual from an Asherah which has been annulled.
 - (19) And require the second covering of the blood.
 - (20) [And the branch of the Asherah which has been annulled cannot be employed for the precept.]
 - (21) When he asked whether the preparation of a sacrifice is analogous to the sacrifice, since the priestly garments are a preparation. V. infra 46b.
 - (22) V. Glos.
 - (23) Who asked whether the branch of an Asherah can be used in the Feast of Tabernacles.
 - (24) For the music in the Temple.
 - (25) To give an accompaniment to the vocal music.
 - (26) Then obviously it may be used because the water was not worshipped.
 - (27) It would then obviously be prohibited.
 - (28) If that was the point of his question; so why does he ask about a well and its use for drink-offerings?
 - (29) And consequently the fountain may be used even for divine Service.
 - (30) It is the property of an individual. The question remains unanswered.
 - (31) Because by rebuilding his house, he restores the wall of the shrine.

Talmud - Mas. Avodah Zarah 47b

AS BEING HALF AND HALF.¹ ITS STONES, TIMBER AND RUBBISH DEFILE LIKE A CREEPING THING,² AS IT IS SAID, THOU SHALT UTTERLY DETEST IT;³ R. AKIBA SAYS: [IT DEFILES] LIKE A NIDDAH,⁴ AS IT IS SAID, THOU SHALT CAST THEM AWAY AS AN UNCLEAN THING, THOU SHALT SAY UNTO IT, GET THEE HENCE.⁵ AS A NIDDAH DEFILES [AN OBJECT] BY CARRYING IT, SO ALSO AN IDOLATROUS OBJECT DEFILES

BY ITS BEING CARRIED.

GEMARA. [But by acting as directed in the Mishnah], he enlarges the space for the shrine! — R. Hanina of Sura said: He should use [the four cubits] for constructing a privy. But it is necessary to safeguard modesty!⁶ — He should make a privy for use at night. But behold a Master has said: Who is modest? He who relieves himself at night in the same place where he relieves himself by day!⁷ And although we explain that [in that statement] the phrase ‘in the same place’ is to be understood as ‘in the same manner,’⁸ still it is necessary to safeguard modesty! — He should, then, make [a privy] for children; or let him fence in the space with thorns and shrubs.⁹

MISHNAH. THERE ARE THREE TYPES OF SHRINES:¹⁰ A SHRINE ORIGINALLY BUILT FOR IDOLATROUS WORSHIP — BEHOLD THIS IS PROHIBITED.¹¹ IF A MAN PLASTERED AND TILED [AN ORDINARY HOUSE] FOR IDOLATRY AND RENOVATED IT, ONE MAY REMOVE THE RENOVATIONS.¹² IF HE HAD ONLY BROUGHT AN IDOL INTO IT AND TAKEN IT OUT AGAIN, [THE HOUSE] IS PERMITTED.¹³

GEMARA. Rab said: If one worshipped a house, he has rendered It prohibited. Conclude, then, that he holds that an object which is not fixed in the ground and subsequently becomes fixed is like an unfixed object.¹⁴ But the Mishnah deals with a shrine built [originally for idolatry]!¹⁵ — [The prohibition applies to a shrine] built [originally for idolatry] although nobody has yet worshipped in it, and to one in which somebody worshipped although he had not built it.¹⁶ If that be so, the three types [mentioned in the Mishnah] should be four!¹⁷ — Since the reference is to the subject of annulment,¹⁸ the erection [of a shrine] and worshipping there are considered one and the same thing. MISHNAH. THERE ARE THREE KINDS OF [IDOLATROUS] STONES:¹⁹ A STONE WHICH A MAN HEWED ORIGINALLY TO SERVE AS A PEDESTAL [FOR AN IDOL] — BEHOLD THIS IS PROHIBITED. IF A MAN [MERELY] PLASTERED AND STUCCOED [A STONE] FOR IDOLATRY, ONE MAY REMOVE THE PLASTER AND STUCCO, AND IT IS THEN PERMITTED. IF HE SET AN IDOL UPON IT AND TOOK IT OFF, BEHOLD [THE STONE] IS PERMITTED.

GEMARA. R. Animi said: [It is only prohibited] if he plastered and stuccoed in the stone itself.²⁰ But surely it is, as we learn, analogous to a house; and²¹ in the case of a house [the plastering] was not inserted into the material and yet it is prohibited!²² — Also with the house there is [that kind of plastering] in the space between the bricks. [Since, however, the Mishnah does not mention this,] may we not be dealing with the circumstance where he plastered [a house not for idolatry] and then re-plastered it [for idolatry]?²³ — Therefore, if R. Ammi's teaching is quoted it must be with reference to annulment,²⁴ and although the man plastered and stuccoed in the stone itself, if he removes the renovation, it is all right — For²⁵ what you might have said was that since he plastered and stuccoed in the material of the stone, it is analogous to a stone which had been originally hewn for idolatry and the whole of it is prohibited. He consequently informs us [that it is not so].

(1) So he reckons his four cubits from half the wall's thickness.

(2) V. Lev. XI, 31. Even the debris of his own part of the wall defiles, because it cannot be clearly distinguished from that of the shrine.

(3) Deut. VII, 26.

(4) V. Glos and v. Lev. XV, 19 ff. This is more contaminating.

(5) Isa. XXX, 22. The Heb. word for unclean thing also denotes a woman in her time of uncleanness.

(6) When arranging for the construction of a privy, and here he is not allowed to put up a wall.

(7) Even at night he should go to a walled-in place.

(8) V. Ber. 62a.

(9) And use the space behind as a privy.

(10) With regard to the question of annulment.

- (11) And must be annulled before it can be used.
- (12) And then the house is permitted.
- (13) No annulment is necessary.
- (14) The materials were originally unfixed, but being built into the house are now fixed. Therefore the house is prohibited.
- (15) Consequently if not built with that intention, it should not be prohibited.
- (16) In either case it is forbidden, the Mishnah dealing only with one of the two cases — the former.
- (17) There should be added a fourth category, viz., a shrine built for idolatry but not yet used for that purpose.
- (18) And not prohibiting the house.
- (19) With reference to annulment.
- (20) It was not merely external ornamentation; but incisions had been made in the stone and plaster inserted.
- (21) [Ms. M. omits 'surely . . . and'.]
- (22) V. preceding Mishnah.
- (23) In that case none of the new plaster penetrated, and yet the house is prohibited unless the stucco is removed.
- (24) And not to prohibiting the stone.
- (25) If R. Ammi had not given this explanation.

Talmud - Mas. Avodah Zarah 48a

MISHNAH. THERE ARE THREE KINDS OF ASHERAH: A TREE WHICH HAS ORIGINALLY BEEN PLANTED FOR IDOLATRY — BEHOLD THIS IS PROHIBITED. IF HE LOPPED AND TRIMMED [A TREE] FOR IDOLATRY,¹ AND ITS SPROUTED AFRESH, HE REMOVES THE NEW GROWTH. IF HE ONLY SET [AN IDOL] UNDER IT AND TOOK IT AWAY, BEHOLD THE TREE IS PERMITTED.

GEMARA. Those of the School of R. Jannai said: [When the Mishnah declares that he removes the new growth and then the tree is permitted,] it applies only when he trailed a branch and grafted it on the trunk of the tree.² But surely we learnt in the Mishnah: IF HE [MERELY] LOPPED AND TRIMMED!³ — Therefore if the statement of the School of R. Jannai is quoted it must be with reference to annulment,⁴ viz., that although he trained a branch and grafted it on the trunk of the tree, if he removes the new growth [on the grafting], it is all right. For what you might have said was that since he trained a branch and grafted it on the trunk of the tree, it is like a tree which had been originally planted for idolatry and the whole of it is prohibited. Consequently we are informed [that it is not so].

Samuel said: If a man worshipped a tree, the branches which subsequently grow are also prohibited. R. Eleazar quoted against him: IF HE [MERELY] LOPPED AND TRIMMED [A TREE] FOR IDOLATRY, AND ITS SPROUTED AFRESH, HE REMOVES THE NEW GROWTH — therefore if he lopped and trimmed it the new growth is [prohibited] otherwise it is not! — Samuel could reply: Whose is [the teaching of the Mishnah]? It is the Rabbis',⁵ whereas Samuel's view agrees with that of R. Jose b. Judah who said: If a tree was planted and subsequently worshipped it is prohibited. R. Ashi objected to this explanation: How do we know that R. Jose b. Judah and the Rabbis differ on the question of the new growth? Perhaps they all agree that it is prohibited, and it is on the question of [the permissibility of] the trunk itself that they are at variance! For R. Jose b. Judah holds that the trunk [of a tree which has been worshipped] is likewise prohibited⁶ since it is stated, And burn their Asherim with fire, and the Rabbis hold that the trunk of the tree is permitted since it is stated, And hew down their Asherim-which tree has its hewn part prohibited while the trunk is permitted? Answer that it is a tree which had been planted and was subsequently worshipped! Should you retort to this: But we have not explained [the verses] in this way above!⁷ [I could reply:]⁸ Reverse the interpretation of the passages cited respectively by the Rabbis and R. Jose b. Judah!⁹ — [This is an impossible suggestion:] because if that were so, who taught the passage in the Mishnah: IF HE LOPPED AND TRIMMED?¹⁰ It cannot be either the Rabbis or R. Jose b.

Judah; because according to the Rabbis, even if he did not lop and trim the tree, the new growth would still be prohibited, and according to R. Jose b. Judah even the trunk of the tree is prohibited! [No.] If you wish I can say that [the Mishnah agrees] with either the Rabbis or R. Jose b. Judah. I can say that it agrees with R. Jose b. Judah, because he maintained that the trunk is prohibited when the tree has not been lopped and trimmed,¹¹ but if the man lopped and trimmed it then he revealed that his intention was to worship the new growth and not the trunk.¹² I can likewise say that it agrees with the Rabbis, and [as to the phrase] IF HE LOPPED AND TRIMMED, It is necessary [to mention it] since I might have otherwise imagined that for the reason that he does this to the tree itself the trunk is also prohibited, Consequently we are informed [that the prohibition extends only to the new growth].¹³

MISHNAH. WHAT IS AN ASHERAH? ANY [TREE] BENEATH WHICH THERE IS AN IDOL. R. SIMEON SAYS: ANY [TREE] WHICH IS WORSHIPPED. IT HAPPENED AT SIDON¹⁴ THAT THERE WAS A TREE WHICH WAS WORSHIPPED AND THEY FOUND A HEAP OF STONES BENEATH IT. R. SIMEON SAID TO THEM, 'EXAMINE THIS HEAP.' THEY EXAMINED IT AND DISCOVERED AN IMAGE IN IT, HE SAID TO THEM, 'SINCE IT IS THE IMAGE THAT THEY WORSHIP, WE PERMIT THE TREE FOR YOU.'¹⁵

GEMARA. [The Mishnah asks:] WHAT IS AN ASHERAH? But we learnt above: There are three kinds of Asherah!¹⁶ — What he means is this: There is agreement about two kinds,¹⁷ but in connection with the third there is a difference of opinion between R. Simeon and the Rabbis. [Therefore the Mishnah must be construed thus:] What is the Asherah about which R. Simeon and the Rabbis differ? Any [tree] beneath which there is an idol. R. Simeon says: Any [tree] which is worshipped.

How is an Asherah which is not specified as such [to be recognised]?¹⁸ — Rab said: Any tree beneath which heathen priests sit but do not partake of its fruits.¹⁹ Samuel said: Even if [the priests beneath it] say, 'These dates are for a Christian place of worship,'²⁰ the tree is prohibited because²¹ they brew an intoxicating liquor from them which they drink on their feast days. Amemar said: The elders of Pumbeditha²² told me that the legal decision is in agreement with Samuel. [

(1) I.e., to worship what would from then grow upon it.

(2) The Mishnah only refers to what grows on the grafted branch as being prohibited; and if he had merely trimmed the tree without grafting on to it, it would not be prohibited.

(3) And nothing is said about grafting.

(4) And not in connection with declaring the tree prohibited at the outset.

(5) Who allow a tree to be used if it was not originally planted for idolatry. (5) And the prohibition includes the new growth, v. supra 45b.

(6) Even when a tree was not originally planted for idolatry.

(7) Supra 45b. R. Jose used the text and hew down their Asherim exactly as the Rabbis do here. Consequently he does not differ from them on the permissibility of the trunk of a tree which had not been originally planted for idolatry, and the point of variance must be the new growth which the Rabbis permit and R. Jose prohibits.

(8) Since the interpretation of and burn their Asherim ascribed here to R. Jose is nowhere explicitly stated but was assumed to be his, the assumption may be wrong and he does differ from the Rabbis on the question of the trunk.

(9) Viz., R. Jose prohibits the root and the Rabbis permit it, but the Rabbis likewise prohibit the new growth and so Samuel agrees with their opinion.

(10) The implication being that if he did not lop and trim it, the new growth is permitted!

(11) [The text in current edd. is difficult, Rashi preserves the simpler reading, adopted in this rendering, v. a.l.]

(12) So in such a circumstance he prohibits the new growth and not the root.

(13) And so Samuel's view will agree both with R. Jose b. Judah and the Rabbis.

(14) A Biblical city in Phoenicia.

(15) Not 'for them,' as in the edd.

- (16) The logical order would be first to define an Asherah and then enumerate the three kinds.
 (17) First mentioned in the preceding Mishnah.
 (18) How can it be distinguished from an ordinary tree?
 (19) This is evidence that they worship the tree.
 (20) Lit., 'for the house of Nizrefe', a cacophemistic disguise of Nozrae, 'the Nazarenes', (Jast.) [Ginzberg. L., MGWJ., LXXVII, regards it as the name of a Persian house of worship meaning 'the Asylum of Helplessness'.]
 (21) Although they do not worship the tree.
 (22) [By the elders of Pumbeditha are meant Rab Judah and R. 'Ena, v. Sanh. 17b.]

Talmud - Mas. Avodah Zarah 48b

MISHNAH. ONE MAY NOT SIT IN ITS SHADOW,¹ BUT IF HE SAT HE IS UNDEFILED. NOR MAY HE PASS BENEATH IT,² AND IF HE PASSED HE IS DEFILED. IF IT ENCROACHES UPON THE PUBLIC ROAD AND HE PASSED BENEATH HE IS UNDEFILED.³

GEMARA. [The Mishnah states:] ONE MAY NOT SIT IN ITS SHADOW — this is obvious!⁴ — Rabbah b. Bar Hanah said in the name of R. Johanan: There is no necessity to mention it but for the case of the shadow of its shadow.⁵ Is it to be inferred that if he sat in the shadow corresponding to the height of the tree he is defiled? — No, because even if he sat in the shadow corresponding to the height of the tree he is also undefiled, yet we are informed that one may not sit even in the shadow of its shadow. There are some who apply this teaching to the continuation: BUT IF HE SAT HE IS UNDEFILED — this is obvious!⁶ — Rabbah b. Bar Hanah said in the name of R. Johanan: There is no necessity to mention it but for the case of the shadow corresponding to the height of the tree. Is it to be inferred that even ab initio he may sit in the shadow of its shadow? No; but we are informed that even if he sat in the shadow corresponding to the height of the tree he is undefiled.⁷

NOR MAY HE PASS BENEATH IT, AND IF HE PASSED HE IS DEFILED. What is the reason? — Because it is impossible that there should be no [remains] of idolatrous offerings there. Whose teaching is this? — It is that of R. Judah b. Bathyra; for it has been taught: R. Judah b. Bathyra says: Whence is it that an idolatrous offering communicates defilement within a space which is covered over? Because it is said, They joined themselves also unto Baal-Peor, and ate the sacrifices of the dead⁸ — as a dead body communicates defilement in a space which is covered over, so an idolatrous offering communicates defilement in a space which is covered over.

IF IT ENCROACHES UPON THE PUBLIC ROAD AND HE PASSED BENEATH IT HE IS UNDEFILED. The question was asked: [Is the word to be read] 'passed' or 'passes'?⁹ — R. Isaac b. Eleazar said in the name of Hezekiah: It should be 'passes', but R. Johanan said: [The reading is] IF HE PASSED; and yet there is no difference of opinion between them — One [has in mind] if there is another road,¹⁰ and the other if there is not another road.

R. Shesheth¹¹ said to his attendant, 'When you reach there,¹² hurry me past.' How is this to be understood? If there was no other road, why need he say, 'Hurry me past, since it is permitted? If, however, there was another road, when he said, 'Hurry me past, was that permissible? Certainly there was no other road; but with an eminent man it is different.¹³

MISHNAH. THEY MAY SOW VEGETABLES BENEATH IT IN WINTER¹⁴ BUT NOT IN SUMMER,¹⁵ AND LETTUCE NEITHER IN SUMMER NOR WINTER.¹⁶ R. JOSE SAYS: NOR MAY VEGETABLES [BE PLANTED] IN WINTER BECAUSE THE FOLIAGE FALLS UPON THEM AND BECOMES MANURE FOR THEM. GEMARA. Is this to say that R. Jose holds that a product of combined causes is prohibited¹⁷ and the Rabbis hold that a product of combined causes is permitted? But we heard the reverse in connection with them, for we have learnt: R. Jose says: He may grind [an idol] to powder and scatter it to the wind or throw it into the sea. They said to him:

Even so it may then become manure, as it is stated, And there shall cleave nought of the devoted thing to thine hand!¹⁸ Here we have the Rabbis contradicting themselves and R. Jose contradicting himself!¹⁹ It is quite right, there is no contradiction in the teaching of R. Jose. In the case just cited since the man proceeds to destroy [the idol],²⁰ [R. Jose] permits [the use of the dust as manure]; but in the case [dealt with in our Mishnah], where he does not proceed to destroy [the idol], [the dust] is prohibited [as manure]. But the Rabbis contradict themselves! — Reverse [the statements in our Mishnah].²¹ Or if you wish I can say that there is no need to reverse them.²² The opinion of R. Jose is as we explained;²³ and that of the Rabbis is as R. Mari the son of R. Kahana said: What makes the hide valuable decreases the value of the meat.²⁴ Similarly here, the benefit gained through the foliage is lost by reason of the shade.²⁵

Does, however, R. Jose hold that a product of combined causes is prohibited? Behold We have learnt: R. Jose says: We may plant a young shoot which is 'orlah²⁶ but not a nut which is 'orlah because it is fruit. And Rab Judah said in the name of Rab: R. Jose admits that if one planted [a nut which is 'orlah] or trained and grafted [a young shoot which is 'orlah on an old tree], [the fruit it grows] is permitted!²⁷ It has been similarly taught R. Jose admits

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- (1) Not the shade of the foliage but the shadow cast by the tree.
 - (2) I.e., beneath its branches; it then forms a tent over him and for that reason he is defiled.
 - (3) [The defilement involved is only due to Rabbinical ruling, and has not been extended by them to these cases.]
 - (4) Because he would be deriving advantage from a prohibited object.
 - (5) Viz., the additional shadow, beyond that corresponding to the height of the tree, which is cast when the soil is in the east or west. The true shadow of the tree is denser than is its extension through the slanting rays of the sun, and the thinner shade is the shadow of the shadow.
 - (6) He has not contracted defilement by touching the tree.
 - (7) If it is an accomplished fact.
 - (8) Ps. CVI, 28. V. supra, 42b,
 - (9) The point at issue is whether we are dealing here with an act which is disallowed ab initio but is condoned as an accomplished fact.
 - (10) Then it is not permitted to pass under an Asherah.
 - (11) He was blind.
 - (12) A place in his town where an Asherah overhung the public road.
 - (13) He interpreted the law for himself in a stricter sense than for an ordinary person. Although he was allowed to pass beneath the tree, he did so as quickly as possible.
 - (14) Lit., 'the days of rain,' which really occur in the late Autumn. The reason why sowing is then permitted is because the proximity of the tree is not beneficial to them at that season.
 - (15) Because the shade is helpful to their growth.
 - (16) Because the shade of the tree is helpful at all seasons.
 - (17) When one of the causes is itself prohibited. The Gemara is here dealing with the vegetables planted in winter. The manure is a prohibited cause, but the soil is permitted.
 - (18) V. supra 43b.
 - (19) The Rabbis here forbid the powder to be used as manure while R. Jose permits it.
 - (20) And the act of destruction is virtual annulment of the idol.
 - (21) Assign to the Rabbis the statement which is attributed to R. Jose.
 - (22) And still there is no contradiction.
 - (23) That he draws a distinction between the case dealt with in our Mishnah and that in regard to the destruction of the idol.
 - (24) If an animal dedicated to the Temple became blemished, it is sold and the proceeds are devoted to its treasury. But the hide is not to be flayed whole, as this would lessen the value of the fish which would be badly cut up in the process, and the gain in the enhanced value of the hide would be counterbalanced by the loss in the value of the flesh.
 - (25) While the fall of the leaves may be beneficial to the vegetables growing there, the shadow cast by the tree is to their detriment. So the gain is set off by the loss

(26) V. Glos.

(27) Despite the fact that one contributory cause, being 'orlah, was prohibited. Rashi gives an alternative explanation: he planted the nut and grafted the shoot which grew from it on an old tree; but he prefers the former because, even without grafting, the shoot which grew from the nut is the effect of combined causes, viz., the nut which is prohibited and the soil which is permitted.

Talmud - Mas. Avodah Zarah 49a

that if he planted [a nut which is 'orlah] or trained and grafted [a young 'orlah shoot on an old tree], [the fruit it grows] is permitted.¹ And should you say that R. Jose makes a distinction [in respect of combined causes] between idolatry and other prohibitions², does he really make this differentiation? Has it not been taught: If a field has been manured with the manure derived from an idolatrous source or a cow has been fattened on beans derived from an idolatrous source, one Tanna decides that the field may be sown and the cow slaughtered, while another decides that the field must lie fallow³ and the cow grow lean? Is it not, then, that the former decision is that of R. Jose⁴ and the latter that of the Rabbis?⁵ — No, the former decision is that of R. Eliezer and the latter that of the Rabbis.⁶

Where have we [a difference between] R. Eliezer and the Rabbis on this question? Can I say it is [the difference] between them in the matter of leaven? For we have learnt: If common leaven and leaven of heave-offering fell into dough,⁷ and in each there was an insufficient quantity to cause fermentation, but added together they caused fermentation, R. Eliezer says: I decide according to which [leaven entered the dough] last.⁸ But the Sages say: Whether the disqualifying matter fell in first or last, [the dough] is not prohibited unless it is of a sufficient quantity by itself to cause fermentation.⁹ And Abaye explained: The teaching [of R. Eliezer] only applies when he first removed the disqualifying matter.¹⁰ but if he did not first remove the disqualifying matter, [the dough] is prohibited.¹¹ But whence do we know that R. Eliezer's meaning is that offered by Abaye; perhaps his meaning is to be derived from the words, 'I decide according to which [leaven] entered [the dough] last,' i.e., if it ended with what is forbidden then [the dough] is forbidden and if it ended with what is permitted then [the dough] is permitted, whether he first removed the disqualifying matter or not!¹²

Rather is it [the difference] between R. Eliezer and the Rabbis on the question of the wood [of an Asherah]; for we learn: If one took pieces of wood from it, they are forbidden to be used. If he heated a new oven with them, it must be taken to pieces; [if he kindled] an old oven with them, it must be allowed to cool. If he baked bread [in an oven so heated], it is forbidden to be used, and if [the loaf] became mixed with other loaves, they are all prohibited. R. Eliezer says: Let him cast the advantage [he derives] into the Salt Sea. [The Sages] said to him: There is no redemption with an idol.¹³ Now which Rabbis¹⁴ differ from R. Eliezer? If I say it is the Rabbis [whose opinion has been quoted on the subject] of the pieces of wood, they take the stricter view!¹⁵ — Therefore it must be the Rabbis [whose opinion has been quoted on the subject] of the leaven.¹⁶ But, then, even though you understood the Rabbis to take the lenient view in connection with leaven, does it follow that they take the lenient view in connection with idolatry!¹⁷ Surely, then, one opinion is R. Jose's and the other is the Rabbis';¹⁸ and R. Jose¹⁹ is merely discussing the statement of the Rabbis, saying to them: According to my opinion, the product of combined causes is permitted; but according to you who maintain that the product of combined causes is prohibited, at least admit to me that²⁰ also [the sowing of] vegetables in winter [is prohibited]!²¹ But the Rabbis [make reply] as R. Mari son of R. Kahana stated.²² Rab Judah said in the name of Samuel: The halachah agrees with R. Jose.

There was a garden manured with the manure obtained from an idolatrous source. R. Amram sent to R. Joseph [to know how to act with the fruits]. He replied to him: Thus said Rab Judah in the name of Samuel: The halachah agrees with R. Jose.

MISHNAH

- (1) This proves that R. Jose permits a product of combined causes.
- (2) He prohibits the product of combined causes only when idolatry is a contributory cause, but not otherwise.
- (3) Until the effect is the manure has passed.
- (4) He allows the field to be sown exactly as he permitted the fruit from the 'orlah.
- (5) Who prohibit the grinding of an idol to powder, lest it be used for manure.
- (6) And so nothing can be quoted of R. Jose inconsistent with his view that the regulation of combined causes only applies in connection with idolatry.
- (7) For ordinary use.
- (8) If the common leaven fell in last, the dough may be eaten by non-priests, otherwise it may not be eaten by them.
- (9) 'Orlah II, 11.
- (10) Viz., the leaven of the heave-offering.
- (11) Whichever fell in last. Consequently we have here an instance of combined causes; and since one of them is prohibited the effect is also prohibited, according to R. Eliezer; whereas according to the Sages it is permitted.
- (12) In view of this uncertainty, it is not possible to derive from the illustration what R. Eliezer's view is on the question of combined causes.
- (13) Quoted from the next Mishnah.
- (14) Who permit the product of combined causes.
- (15) Whereas the attempt is to show that R. Eliezer takes the stricter view on the question of combined causes.
- (16) There they allow dough in which two kinds of leaven had fallen provided the leaven of the offering was insufficient to cause fermentation by itself.
- (17) [And there is thus no proof that the above Baraitha which permits the product of combined causes in the case of idolatry will represent the view of these Rabbis.]
- (18) The former maintaining that the product of combined causes is permitted, the latter that it is prohibited. [There is still no contradiction between the view of R. Jose given in the Baraitha and his ruling in our Mishnah.]
- (19) In the Mishnah, on the subject of planting vegetables in winter.
- (20) [The text is difficult and can only mean 'admit to me that you have here a case of combined products'. Ms. M., however, omits 'at least . . . that'.]
- (21) Since the foliage, which is prohibited, is a contributory cause.
- (22) supra 48b: the advantage derived from the foliage is counterbalanced by the shade cast.

Talmud - Mas. Avodah Zarah 49b

IF ONE TOOK PIECES OF WOOD FROM IT, THEY ARE FORBIDDEN TO BE USED — IF HE HEATED A NEW OVEN WITH THEM, IT MUST BE BROKEN TO PIECES;¹ [IF HE HEATED] AN OLD OVEN WITH THEM, IT MUST BE ALLOWED TO COOL.² IF HE BAKED BREAD [IN AN OVEN SO HEATED], IT IS FORBIDDEN TO BE USED, AND IF [THE LOAF] BECAME MIXED WITH OTHER LOAVES, THEY ARE ALL PROHIBITED,³ R. ELIEZER SAYS: LET HIM CAST THE ADVANTAGE [HE DERIVES] INTO THE SALT SEA.⁴ [THE SAGES] SAID TO HIM: THERE IS NO REDEMPTION WITH AN IDOL. IF ONE TOOK [A PIECE OF WOOD] FROM IT [TO USE AS] A SHUTTLE, IT IS FORBIDDEN TO BE USED. IF HE WOVE A GARMENT WITH IT, IT IS FORBIDDEN TO BE USED. IF [THE GARMENT] BECAME MIXED WITH OTHERS, AND THESE WITH OTHERS, THEY ARE ALL FORBIDDEN TO BE USED. R. ELIEZER SAYS: LET HIM CAST THE ADVANTAGE [HE DERIVES] INTO THE SALT SEA. [THE SAGES] SAID TO HIM: THERE IS NO REDEMPTION WITH AN IDOL.

GEMARA. It was necessary [to mention both illustrations, baking and weaving]; because if he had informed us of only the first [it might have been supposed] that R. Eliezer makes his remark because at the time when the loaf is finished [baking, the wood which is] the prohibited material has

been consumed; but in the case of the shuttle, since it remains discernible as a forbidden object [after the weaving is finished] conclude that he agrees with the Rabbis.⁵ If, on the other hand, he had only informed us of the illustration of the shuttle, [it might have been supposed] that the Rabbis make their remark in connection with it alone, but in the case of a loaf conclude that they agree with R. Eliezer.⁶ [Therefore both are] necessary.

R. Hiyya, son of Rabbah b. Nahmani, said in the name of R. Hisda: Ze'iri said that the halachah agrees with R. Eliezer. Others declare that R. Hisda said: Abba son of R. Hisda informed me that Ze'iri said: The halachah agrees with R. Eliezer.

R. Adda b. Ahabah said: They only differ in the matter of the loaf, but not in the matter of a cask of wine.⁷ But R. Hisda said: Even a cask of wine is permitted.⁸ An instance occurred of a man who mixed a cask of yen nesek⁹ with his own wine. He came before R. Hisda who told him, 'Take four zuz¹⁰ and throw them into the river and the wine will then be permitted to you [to dispose of].'¹¹

MISHNAH. HOW DOES ONE ANNUL [AN ASHERAH]? IF [A HEATHEN] PRUNED OR TRIMMED IT,¹² REMOVING FROM IT A STICK OR TWIG OR EVEN A LEAF, BEHOLD IT IS ANNULLED. IF HE CHIPPED IT TO EMBELLISH IT, IS IS PROHIBITED; BUT IF NOT TO EMBELLISH IT, IS IT PERMITTED.

GEMARA. What of the pieces chipped off?¹³ — R. Huna and Hiyya b. Rab differ in opinion. One said that they are prohibited, the other that they are permitted — There is a teaching in agreement with him who said that they are permitted, for it has been taught: If an idolater chipped off an idol to make use of the pieces, it and the pieces are permitted, and if he did so to embellish it, it is prohibited but its pieces are permitted; but if an Israelite chipped off an idol, whether to make use of the pieces or for its embellishment, it and the pieces are prohibited.¹⁴

It has been stated: If an idol was broken of its own accord, Rab said: It is necessary to annul every fragment;¹⁵ but Samuel said: An idol is only annulled when it is in its natural form!¹⁶ — On the contrary, does one annul it when it is in its natural form!¹⁷ — But thus he means to say: An idol need not be annulled except when it is in its natural form.¹⁸ Is this to say that they differ on this point: One holds that [idolaters] worship fragments [of idols] and the other holds that they do not worship fragments? — No, they all agree that idolaters worship fragments; and here they differ with respect to the fragments of the fragments. One holds that the fragments of the fragments are prohibited and the other holds that they are permitted. Or if you wish, I can say that they all agree that the fragments of the fragments are permitted, and here they differ with respect to an idol which is formed in sections¹⁹ and in connection with an ordinary man who is able to restore it.²⁰ One holds that since an ordinary man is able to restore it, it is not annulled; while the other holds that an idol can only be annulled when it is in its natural form, that is, the form it normally assumes.²¹ So in this instance it is not in its natural form,²² and there is no need to annul it.

CHAPTER IV

MISHNAH. R. ISHMAEL SAYS: IF THREE STONES ARE LYING SIDE BY SIDE NEXT TO A MERCURIUS,²³ THEY ARE PROHIBITED; IF THERE ARE TWO THEY ARE PERMITTED. THE SAGES, HOWEVER, SAY: IF [THE STONES] ARE SEEN TO BE CONNECTED WITH IT THEY ARE PROHIBITED;²⁴ BUT IF THEY DO NOT APPEAR TO BE CONNECTED WITH IT THEY ARE PERMITTED.²⁵

GEMARA. The opinion of the Rabbi²⁶ is clear. They maintain that [idolaters] worship the fragments [of their idols], so that when [the stones] are seen to be connected with it, the assumption is that they fell from it and are prohibited, but if they do not appear to be connected with it they are

permitted. What, however, does R. Ishmael maintain? If he holds that [idolaters] worship the fragments, then even two stones should be prohibited; and if he holds that they do not worship the fragments, then even three stones should not [be prohibited]! — R. Isaac b. Joseph said in the name of R. Johanan: When it is certain that they dropped from the idol, all agree that they are prohibited, and even according to him who says that they do not worship fragments [and so these may be used], this only applies to an idol which has not that form;²⁷ whereas here [with the Mercurius, the stones are] from the outset detached²⁸ and that is its normal form. When, therefore, [R. Ishmael and the Rabbis] differ, it must be in connection with stones which cannot be determined.²⁹

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- (1) Because the oven, made of clay, became hardened by the heat from fuel which is prohibited.
 - (2) There is no need to break it up in pieces because the oven derives no benefit from the heat of the fuel as does a new one.
 - (3) Since the loaf which has been baked under unlawful conditions cannot be distinguished from the rest.
 - (4) Rashi explains this to be the monetary value of the prohibited fuel. But Tosaf. rightly objects that the man could in this way redeem the loaf which had become mixed with the others, it therefore explains that the monetary value of the loaf is intended.
 - (5) That there can be no redemption. So we learn from the Mishnah that R. Eliezer does not take this view.
 - (6) That the fuel having been consumed, there can be redemption.
 - (7) Even R. Eliezer admits that if a cask of prohibited wine became mixed with others, there can be no redemption.
 - (8) By means of redemption.
 - (9) V. Glos.
 - (10) The value of a cask of wine. For zuz, v. Glos.
 - (11) But not to drink thereof.
 - (12) To use the twigs as fuel or for any other secular purpose.
 - (13) When the heathen embellishes the tree, may they be used?
 - (14) V. Infra 42a.
 - (15) He regards every piece as an idolatrous object.
 - (16) If it has been damaged, it ceases to be an idol and further annulment is unnecessary.
 - (17) It must be damaged to be annulled.
 - (18) But when it falls and is broken, the heathen virtually annuls it by thinking, 'It could not save itself.' V. supra 41b.
 - (19) Such an idol has fallen and is broken up into its component parts.
 - (20) It does not require a skilled workman to put it together.'
 - (21) [Even if it falls in pieces as in the case of the foliage, since it is natural for a tree to drop its foliage (Rashi).]
 - (22) Having fallen to pieces.
 - (23) [The Greek Hermes, the patron deity of wayfarers, v. Sanh. (Sonc. ed.) p. 410, n. 2.] It is presumed that they are the remains of a dolmen and for that reason forbidden.
 - (24) Whatever be their number.
 - (25) Even if there be three stones there.
 - (26) The Sages in the Mishnah.
 - (27) I.e., the idol does not consist of a pile of stones.
 - (28) Lit., 'broken', i.e., they were never cemented together but simply a pile. Therefore each stone is an idolatrous object and prohibited.
 - (29) Whether they belong to the statue or not.

Talmud - Mas. Avodah Zarah 50a

With regard to stones which are near,¹ we may likewise assume that they fell [from the idol] and all agree that they are prohibited; the point of variance between them must therefore be with respect to stones which are at a distance.² But the Mishnah uses the phrase: NEXT TO A MERCURIUS!³ — What means NEXT TO? Within four cubits of its side. R. Ishmael holds that they make a small Mercurius⁴ by the side of a large Mercurius; if, then, there are three stones which together resemble a Mercurius they are prohibited, and if there are two they are permitted. The Rabbis, on the other

hand, hold that they do not make a small Mercurius by the side of a large Mercurius; consequently it is immaterial whether there are three or two stones. If they are seen to be connected with it they are prohibited, otherwise they are permitted.

The Master said [above]: ‘When it is certain that they dropped from the idol, all agree that they are prohibited.’ Against this statement I cite the following: When stones dropped from a Mercurius, if they are seen to be connected with it they are prohibited, and if they do not appear to be connected with it they are permitted; and R. Ishmael says: Three stones are prohibited but two are permitted! — Raba explained: Do not read in this extract ‘dropped’ but ‘were found’.⁵ But is R. Ishmael's opinion that [if they are within four cubits] two stones are permitted? Behold it has been taught: R. Ishmael says: If two stones were found within the idol's reach⁶ they are prohibited and three are prohibited even at a greater distance! — Raba explained: There is no contradiction; here⁷ they were within one reach, and there within two reaches. How is this to be understood?⁸ — There is a mound between [the stones] and the Mercurius.

When they are lying in this manner⁹ [are they to be considered a Mercurius]? For behold it has been taught: The following are the stones of a Beth-Kulis¹⁰ — one here, a second next to it, and a third on the top of them!¹¹ — Raba explained: This teaching refers to the basis of a Mercurius.¹²

The palace of King Jannaeus¹³ was destroyed. Idolaters came and set up a Mercurius there. Subsequently other idolaters came, who did not worship Mercurius, and removed the stones with which they paved the roads and streets. Some Rabbis abstained [from walking in them] while others did not. R. Johanan exclaimed, ‘The son of the holy walks in them, so shall we abstain!’ Who was ‘the son of the holy’? — R. Menahem son of R. Simai. And why did they call him ‘the son of the holy’? — Because he¹⁴ would not gaze even at the image on a zuz.¹⁵ What was the reason of him who abstained [from walking in these streets]? — He agreed with what R. Giddal said in the name of R. Hiyya b. Joseph: Whence is it that an idolatrous offering¹⁶ can never be annulled? As it is stated, They joined themselves also unto Baal-peor, and ate the sacrifices of the dead¹⁷ — as a dead body can never be annulled,¹⁸ similarly an idolatrous offering can never be annulled. As for him who did not abstain, he said: We require [such an offering] to resemble what was offered within the Temple.¹⁹ and we have not such here.²⁰

R. Joseph b. Abba said: Rabbah b. Jeremiah once visited our town. When he came he brought with him this teaching: If an idolater took stones from a Mercurius and paved roads and streets with them,

(1) E.g., within a cubit or a half cubit of the idol (Rashi).

(2) Within four cubits (Rashi).

(3) So they must be near it.

(4) Consisting of three stones or more.

(5) According to the amended reading there is still uncertainty whether the stones are part of the idolatrous heap.

(6) I.e., within a distance of four cubits.

(7) When he prohibits two stones.

(8) Viz., the phrase ‘within two reaches’. The probability is then much less that they were part of the idol.

(9) V. Mishnah: SIDE BY SIDE.

(10) A wayside cairn dedicated to Mercurius.

(11) Formed like a dolmen.

(12) In this manner they start the heap and additions are made to it. But a small Mercurius by the side of a large one need not take the form of a dolmen.

(13) Alexander Jannaeus who ruled over Judea 104-78 B.C.E. The allusion is probably to the palace which he had built, not that it was destroyed during his lifetime. [Klein. op. cit. p. 2, refers this to the palace of Herod the Tetrarch in Tiberias, which was destroyed at the beginning of the revolt in 67 C.E.; v. Josephus, Vita, 12.]

(14) [R. Menahem, ‘son’ expressing an attributive idea = a holy man. Tosaf. ascribes the designation ‘holy’ to the father,

whose holiness the son inherited.]

(15) V. Glos. The coin bore the emblem of some idolatrous cult.

(16) And the stones used for Mercurius came within that category.

(17) Ps. CVI, 28.

(18) So as not to defile.

(19) Before we declare that it cannot be annulled.

(20) Stones were not offered in the Temple!

Talmud - Mas. Avodah Zarah 50b

they are permitted;¹ if an Israelite took stones from a Mercurius and paved roads and streets with them, they are prohibited; [and he added that] there was no scholar² or scholar's son³ who could elucidate this teaching.⁴ R. Shesheth said: I am neither a scholar nor a scholar's son, yet I can elucidate it. What is the difficulty? The statement of R. Giddal.⁵ [To this I make the reply given above:] 'We require [such an offering] to resemble what was offered within the Temple, and we have not such here.'

R. Joseph b. Abba said: Rabbah b. Jeremiah once visited our town. When he came he brought with him this teaching: We may remove worms [from a tree] and patch the bark with dung⁶ during the Sabbatical year,⁷ but we may not perform these operations during [the non-holy days of] a festival. On both these occasions we may not prune,⁸ but we may smear oil on the place of pruning⁹ either during [the non-holy days of] a festival or during the Sabbatical year; and he added that there was no scholar or scholar's son who could elucidate this teaching. Rabina said: I am neither a scholar nor a scholar's son, yet I can elucidate it. What is the difficulty in it? Shall I say that the difficulty lies [in the operations mentioned] in connection with [the non-holy days of] a festival and the Sabbatical year, viz., why is the latter occasion different that the work is permitted from the former occasion when it is prohibited? Is, then, the Sabbatical year analogous [to the non-holy days of a festival], since the Divine Law forbade labour then but permitted occupation, whereas on [the non-holy days of] a festival even occupation is also prohibited!

Perhaps the difficulty is in connection with patching the bark and smearing the place of pruning — what is the distinction that the former is permitted and the latter prohibited? But is patching the bark, the purpose of which is the preservation of the tree and is permitted, analogous to smearing the place of pruning, the purpose of which is to strengthen the tree and is prohibited!¹⁰

Perhaps the difficulty is in the contradiction about patching the bark, because the teaching was: 'We may remove worms [from a tree] and patch the bark with dung during the Sabbatical year'; and against this I quote: We may patch the bark of plants, enwrap them, cover them with powder, make supports for them, and water them up to the New Year¹¹ — up to the New Year this is permissible but not in the Sabbatical year itself!¹² — Perhaps [the contradiction might be solved] according to the view of R. 'Ukba b. Hama who said: There are two kinds of hoeing [olive trees]; one to strengthen the tree and this is prohibited [in the Sabbatical year] and the other to close up cracks¹³ and this is permitted. Similarly here there are two kinds of patching; one is to preserve the tree and is permitted and the other to strengthen the tree and is prohibited!

Perhaps the difficulty is in the contradiction about smearing the place of pruning, because the teaching was: 'We may smear oil on the place of pruning either during [the non-holy days of] a festival or during the Sabbatical year'; and against this I quote: We may smear figs and perforate them to fatten them [with oil] up to the New Year¹⁴ — up to the New Year this is permissible but not in the Sabbatical year itself! — But are the two cases analogous; in the former the purpose is to preserve the tree and is permitted, whereas in the latter it is to fatten the fruit and is prohibited!

R. Sama the son of R. Ashi said to Rabina: Rabbah b. Jeremiah's difficulty is in connection with smearing the place of pruning on [the non-holy days of] a festival¹⁵ and patching the bark on that occasion.¹⁶ Since the purpose of both is to preserve the tree, why the distinction that one is permitted and the other prohibited? That is why [Rabbah b. Jeremiah] remarked, 'There was no scholar or scholar's son who could elucidate it.'

Rab Judah said in the name of Rab: If an idol is worshipped [by tapping before it] with a stick and [an Israelite] broke a stick in its presence, he is liable;¹⁷ if he threw a stick in front of it he is free of penalty. Abaye said to Raba: Why is it different when he broke the stick? Because it resembles the slaughter [of an animal in the Temple].¹⁸ Then the act of throwing a stick resembles the rite of sprinkling [the blood in the Temple]!¹⁹ — He replied: We require a sprinkling which is broken up and that we have not here.²⁰ Against [this explanation of Raba] is quoted: If he offered to the idol excrement or poured out before it a vessel of urine,

(1) Because by using them for such a purpose, the heathen annulled them.

(2) Lit., 'skilled artisan', i.e., an ordained Rabbi.

(3) A Rabbinical student.

(4) The difficulty is, how could idolatrous offerings have been annulled?

(5) That there can be no annulment with an idolatrous offering.

(6) In places where the bark had fallen off, Jastrow explains: smear a plant with rancid oil to keep worms away.

(7) When all agricultural labour has to be suspended (Lev. XXV, 4).

(8) To increase the foliage. So Rashi; but Jastrow has: Cut a branch to let the sap drip.

(9) To prevent the sap from running out, which would injure the tree.

(10) The latter, unlike the former, increases the growth and is consequently forbidden in the Sabbatical year. So the problem is not to be sought in this point.

(11) Preceding the Sabbatical year (Sheb. II, 4).

(12) Whereas Rabbah b. Jeremiah taught that this could be done during the Sabbatical year.

(13) In the soil around the root. Its purpose is then only to preserve the tree.

(14) Sheb. II, 5.

(15) Which is permitted.

(16) Which is prohibited.

(17) To the death-penalty for the sin of idolatry.

(18) The animal is, as it were, broken.

(19) So the man who did this should also be punished.

(20) There is no analogy between throwing a solid object and sprinkling drops of a liquid.

Talmud - Mas. Avodah Zarah 51a

he is liable. It is clear [why he is liable if he poured out] a vessel of urine because it is a kind of sprinkling which is broken up; but where is there a sprinkling which is broken up with excrement? — With moist excrement. Is it to be said [that Rab's statement] is a matter of dispute between Tannaim: 'If one slaughtered a locust to an idol, R. Judah holds him liable, but the Sages free him of penalty'? Is not this the point at issue between them — [R. Judah] holds that we declare [that to incur guilt the idolatrous worship need only be] like the act of slaughter,¹ whereas the others hold that we do not declare [it sufficient to be only] like the act of slaughter and it must resemble the ritual within the Temple? — No, all agree that we do not declare [it sufficient to be only] like the act of slaughter and we require a resemblance to the ritual within the Temple; but it is different with a locust because it has a neck like the neck of an animal.²

R. Nahman reported that Rabbah b. Abbuha said in the name of Rab: If an idol is worshipped [by rapping before it] with a stick and [an Israelite] broke a stick in its presence, he is liable and [the stick] is prohibited.³ If he threw a stick in front of it, he is liable but [the stick] is not prohibited.⁴

Raba asked R. Nahman: Why the distinction — if he broke the stick it is regarded as an act of slaughter; if he threw the stick, it should likewise be regarded as an act of sprinkling! — He replied to him: We require a sprinkling which is broken up and that we have not here. [Raba retorted:] According to this reasoning, whereby should the stones [which are thrown before] a shrine of Mercurius be forbidden?⁵ — He answered him: I, too, had that difficulty and I put the question to Rabbah b. Abbuha who put it to Hiyya b. Rab and he put it to Rab who said to him: [The stone] becomes, as it were, an enlargement of the idol.⁶ This reply is satisfactory for him who maintains that the idol of an idolater is prohibited forthwith;⁷ but according to him who maintains that [the idol is not prohibited] until it has been worshipped [the stones] should be permitted since it has not been worshipped!⁸ — [R. Nahman] answered [Raba]: Each stone becomes an idolatrous object in itself and also an offering to the one next to it.⁹ [Raba asked]: If this is so, the last stone at least should be permitted!¹⁰ — [R. Nahman retorted]: If you know [which is the last stone], go and remove it!¹¹ R. Ashi said: Each stone becomes an offering in itself and an offering to the one next to it.¹²

We learn: If he found on top [of a Mercurius] a garment or coins or utensils, behold these are permitted; but [if he found] grape-clusters, wreaths of corn, [gifts of] wine, oil or fine flour, or anything resembling what is offered upon the altar, it is prohibited.¹³ This is all right with [gifts of] wine, oil and fine flour, since they have a resemblance to what is within the Temple and also to the sprinkling which is broken up; but grape-clusters and wreaths of corn have no resemblance to what is within the Temple and to sprinkling which is broken up!¹⁴ — Raba said in the name of ‘Ulla: [The prohibition applies when,] e.g., the man cut them at the outset for an idolatrous purpose.¹⁵

R. Abbahu said in the name of R. Johanan: Whence is it that he who sacrifices a blemished animal to an idol is free of liability? — As it is stated, He that sacrificeth unto any god, save unto the Lord alone, shall be utterly destroyed.¹⁶ — the Torah only prohibits what resembles that which is within the Temple. Raba objected: What [sort of blemish has R. Abbahu in mind]? Shall I say it is a cataract in the eye?¹⁷ Since, however, such an animal was qualified to be offered by the sons of Noah¹⁸ to God upon their altars, how much more so to an idol! Rather [must he be thinking of a blemish like] being defective in a limb, and it is in accord with R. Eleazar who said: Whence is it that an animal defective in a limb is prohibited [as an offering] to the sons of Noah? As it is stated, And of every living thing of all flesh, two of every sort¹⁹ — the Torah declares, Bring an animal which has all its limbs living.²⁰ But the phrase of every living thing is required to indicate the exclusion of an animal which is trefa!²¹ — This is derived from the phrase to keep them alive with thee.²² This reply is satisfactory for him who maintains that an animal which is trefa cannot bring forth young; but for him who maintains that it can, what is there to say? — Scripture states with thee, i.e., animals like yourself.²³ Perhaps, however, Noah was himself unsound of limb! It is written concerning him that he was perfect.²⁴ Perhaps that means perfect in his ways! It is written concerning him that he was righteous!²⁵ Perhaps the meaning is ‘perfect’ in his ways and ‘righteous’ in his actions! — It is impossible to say that Noah himself was unsound of limb, for if it entered your mind that he was, then the All-merciful said to him, Animals like yourself [which are defective] take [into the Ark] and exclude those which are unblemished! Since, now, [the thought that the animals were not defective] is derived from ‘with thee’, what is the purpose of ‘to keep them alive’? — If [the Torah had only written] ‘with thee,’ I might have imagined that the reason was merely to provide him with company and [the animals could include] the old and even the castrated; therefore we are informed ‘to keep them alive.’²⁶

R. Eleazar said: Whence is it that if one slaughters an animal to Mercurius he is liable?²⁷ As it is stated, And they shall no more sacrifice their sacrifices unto the satyrs.²⁸ Since this text cannot apply to the subject [of worshipping idols] in their regular way — for it is written, How do these nations serve their gods!²⁹ — apply it to the subject [of worshipping idols] in a way which is not regular to them. But is [the verse and they shall no more sacrifice etc.] to be used for this purpose? Surely it is required in accordance with the following teaching:

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- (1) Although a locust was never sacrificed in the Temple. Similarly with the breaking of the stick for which the man is liable.
- (2) For that reason R. Judah holds the man liable with the slaughter of a locust but with throwing a stick he may not hold him liable, so that Rab finds no support for his view among Tannaim.
- (3) The breaking of the stick is an offering to the idol.
- (4) It is not then considered to be an offering.
- (5) Since this is analogous to throwing a stick and cannot be said to resemble the act of sprinkling in the Temple.
- (6) It is therefore not an offering to an idol but itself an idolatrous object, a Mercurius consisting of a cairn.
- (7) Before it was actually worshipped, v. supra 46a.
- (8) Even if the stones are considered to enlarge the idol, they are still not prohibited until there has been an act of worship.
- (9) His act of throwing the stone renders the rest of the heap an idol since he thereby worships Mercurius, and the stone which is thrown becomes an idolatrous object as soon as another is added.
- (10) For the reason that it has not yet been worshipped.
- (11) Because one cannot be sure which is the last stone added to the heap, they are all prohibited.
- (12) The worship of Mercurius consisting in the throwing of stones, the act of throwing constitutes each stone an idolatrous object, even the last.
- (13) Quoted from the next Mishnah.
- (14) This refutes Rab's ruling.
- (15) It is then analogous to an act of slaughter.
- (16) Ex. XXII, 19. Hence the animal must be such as is fit to be offered to God before the man is liable.
- (17) This defect would disqualify an animal as a sacrifice.
- (18) Rashi explains the term as including the Israelites before they received the Torah at Sinai.
- (19) Gen. VI, 19.
- (20) To the exclusion of any that are defective; and it was understood that the criterion which applied to the clean animals for the Ark was also to hold good for the Temple, v. supra 5b.
- (21) V. Glos.
- (22) Ibid.
- (23) Sound in limb. It therefore does not intend the exclusion of what is trefa.
- (24) Ibid. VI, 9.
- (25) So if 'perfect' referred to his character, it is superfluous.
- (26) To preserve the species and only such as are fit for that purpose were to be selected. On the whole passage, v. supra 5b-6a.
- (27) Although sacrificing animals to it was not its mode of worship.
- (28) Lev. XVII, 7.
- (29) Deut. XII, 30. Here the Torah forbids the normal worship of idols.

Talmud - Mas. Avodah Zarah 51b

Up to here¹ it speaks of sacrificial animals which had been dedicated as offerings during the time that improvised altars were prohibited and were offered during the time such altars were prohibited, because the penalty is actually stated, viz., And hath not brought it unto the door of the tent of meeting etc.² Here we learn the penalty; but whence is the prohibition? There is a text to state, Take heed to thyself lest thou offer thy burnt offerings in every place that thou seest;³ and it is as R. Abin said in the name of R. Elai: Wherever it is stated Take heed, or lest, or do not, it denotes a negative command. From [and they shall no more sacrifice] onwards it speaks of sacrificial animals which had been dedicated as offerings during the time that improvised altars were permitted and were offered during the time such altars were permitted, as it is stated, To the end that the children of Israel may bring their sacrifices, [which they sacrifice in the open field,]⁴ viz., which I previously permitted you [to offer upon improvised altars]; 'in the open field' — this teaches that whoever sacrifices upon an improvised altar at a time when such is prohibited, Scripture ascribes it to him as

though he sacrifices in the open field. 'And bring them unto the Lord' — this is a positive command; but whence is the negative precept in this connection? There is a text to state, And they shall no more sacrifice their sacrifices. It is possible to think that the penalty [for transgressing the law about sacrificing to satyrs] is excision;⁵ therefore there is a text to state, This shall be a statute for ever unto them⁶ — i.e., this is for them but the other is not for them!⁷ — Raba said: Scripture reads, And they shall no more sacrifice.⁸

MISHNAH. IF HE FOUND ON TOP [OF A MERCURIUS] A GARMENT OR COINS OR UTENSILS BEHOLD THESE ARE PERMITTED;⁹ [BUT IF HE FOUND] GRAPE-CLUSTERS, WREATHS OF CORN, [GIFTS OF] WINE, OIL OR FINE FLOUR, OR ANYTHING RESEMBLING WHAT IS OFFERED UPON THE ALTAR, SUCH IS PROHIBITED.

GEMARA. Whence have we this? — R. Hiyya b. Joseph said in the name of R. Oshaia: One verse states, And ye have seen their abominations, and their idols, wood and stone, silver and gold, which were among them;¹⁰ and another verse states, Thou shalt not covet the silver or the gold that is on them.¹¹ How is it, then? 'Among them,' is analogous to 'on them'; as with the things 'on them' what is ornamental¹² is prohibited and what is not ornamental is permitted, so with the things 'among them' what is ornamental is prohibited and what is not ornamental is permitted. But reason [the other way about]: 'On them' is analogous to 'among them'; as 'among them' means that everything that is among them [is prohibited]¹³ so 'on them' means that everything that is upon them [is prohibited]! — In that case there would have been no need to mention 'on them'.¹⁴

COINS are surely an ornament!¹⁵ — The School of R. Jannai said: [The Mishnah deals with the circumstance] where they are tied in a bag and suspended from the idol.¹⁶ A GARMENT is surely an ornament! — The School of R. Jannai said: [The Mishnah deals with the circumstance] where it is folded and placed upon the head of the idol.¹⁷ A utensil is surely an ornament! R. Papa said: [The Mishnah deals with the circumstance] where a basin is inverted over its head. R. Assi b. Hiyya said: Whatever is within the veils,¹⁸ even water and salt, is prohibited;¹⁹ of the things outside the veils what is ornamental is prohibited and what is not ornamental is permitted.²⁰ R. Jose b. Hanina said: We have a tradition that [this regulation concerning] veils applies neither to the idol Peor nor to a Mercurius. For what purpose [does he mention this]? If I answer that [non-ornamental] objects which are even within [the veils] are like those outside and are permitted, since people relieve themselves before it²¹ would they not the more bring water and salt as an offering to it! — Rather must the reason be that even what is outside is like what is within the veils and is prohibited.²²

MISHNAH. IF AN IDOL HAS A GARDEN OR BATH-HOUSE, WE MAY USE EITHER SO LONG AS IT IS NOT TO THE ADVANTAGE [OF IDOLATRY],²³ BUT WE MAY NOT USE EITHER IF IT IS TO ITS ADVANTAGE. IF THEY BELONGED JOINTLY TO IT AND TO OTHERS, USE MAY BE MADE OF THEM WHETHER IT BE TO THE ADVANTAGE [OF IDOLATRY] OR NOT. THE IDOL OF AN IDOLATER IS PROHIBITED FORTHWITH; BUT IF IT BELONGED TO AN ISRAELITE IT IS NOT PROHIBITED UNTIL IT IS WORSHIPPED.

GEMARA. Abaye said: The term ADVANTAGE means that payment is made to the heathen priests, and NOT TO ITS ADVANTAGE means that no payment is made to them, thus excluding the circumstance where payment is made to the idol-worshippers, which is permitted. There are some who apply this explanation to the second clause [of the Mishnah]: IF THEY BELONGED JOINTLY TO IT AND TO OTHERS, USE MAY BE MADE OF THEM WHETHER IT BE TO THE ADVANTAGE [OF IDOLATRY] OR NOT. Abaye said: The term ADVANTAGE means that the payment is made to the other joint-owners, and NOT TO THEIR ADVANTAGE means that no payment is made to the heathen priests. If one applies this explanation to the second clause, it clearly holds good all the more of the first clause;²⁴ but if he applies it to the first clause, then it could not hold good of the second clause for the reason that there being others [sharing the ownership] with it,

it would be right even to make payment to the heathen priests.²⁵

THE IDOL OF AN IDOLATER IS PROHIBITED FORTHWITH. Whose is the teaching of our Mishnah? — It is R. Akiba's; for it has been taught: Ye shall destroy all the places wherein the nations served²⁶ — the verse refers to the utensils which are used for idolatry. It is possible to think that if they were made but not completed, or completed but not brought [into the heathen shrine], or brought there but not yet used, they would still be prohibited; therefore the text states, 'Wherein the nations served', i.e., they are not prohibited until they have been used in the worship. Hence it is said: The idol of an idolater is not prohibited until it is worshipped; but if it belonged to an Israelite it is prohibited forthwith — Such is the statement of R. Ishmael; but R. Akiba says the opposite: The idol of an idolater is prohibited forthwith; but if it belonged to an Israelite it is not prohibited until it is worshipped.

The Master said [above]: 'The verse refers to the utensils which are used for idolatry.' But the verse speaks of 'places' [and not utensils]! — Since, however, It cannot refer to places, which are not prohibited — for it is written, Their gods upon the high mountains, not their mountains which are their gods²⁷ —

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- (1) I.e., in the preceding verses of Lev. XVII.
 - (2) Ibid. 4. The continuation is: that man shall be cut off from among his people.
 - (3) Deut. XII, 13.
 - (4) Lev. XVII, 5.
 - (5) The same as if he had offered sacrifices when improvised altars were prohibited, as mentioned above.
 - (6) Ibid. 7.
 - (7) I.e., the penalty is restricted to the offence stated and not to one who sacrifices, e.g., to Mercurius. Consequently Lev. XVII, 7, cannot be employed to support the rule that a man who sacrifices to Mercurius is liable.
 - (8) Lit., 'they shall not sacrifice' and 'no more'. The double phrase therefore indicates two prohibitions, and one of them may be applied to R. Eleazar's dictum about sacrificing to Mercurius.
 - (9) Elmslie suggests that these were not offerings to the idol but were left there by devotees to be used by passers-by. For that reason they were not prohibited. The Gemara gives a different explanation.
 - (10) Deut. XXIX, 16.
 - (11) Ibid. VII, 25. Here there is no mention of wood and stone, because these are not ornaments of an idol.
 - (12) [E.g., 'the silver or the gold'.]
 - (13) [Although not ornamental as, e.g., 'wood and stone'.]
 - (14) The verse would have been superfluous, since the law could have been deduced from Deut. XXIX, 16.
 - (15) Why, then, does the Mishnah allow them?
 - (16) Only then is it permitted, because the idol appears to be a carrier and this is derogatory to it.
 - (17) This too takes away from the dignity of the idol.
 - (18) Which hang in front of the idol.
 - (19) Because it is presumably an offering.
 - (20) It is not regarded as an offering.
 - (21) The idol Peor. V. infra 44b.
 - (22) Even though it be non-ornamental, because the veils are only used for reasons of decency since the worship takes an immodest form. They cannot therefore be regarded as partitioning off the idol.
 - (23) There is no payment or any other recognition for the use.
 - (24) The reason must be the stronger when the garden or bathhouse belongs exclusively to the idol.
 - (25) Because whether payment is made to the joint-owners or the priests, there is advantage to idolatry.
 - (26) Deut. XII, 2.
 - (27) V. supra 45a.

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apply it to the subject of utensils.¹ 'Hence it is said: The idol of an idolater is not prohibited until it is worshipped; but if it belonged to an Israelite [it is prohibited] forthwith.' But we explained the verse as referring to utensils [and not to idols]! — Scripture states, Which ye shall possess their gods,² thus comparing their gods to utensils — as utensils [are not prohibited] until they are used in worship so their gods likewise [are not prohibited] until they are worshipped. R. Akiba, however, who does not draw this comparison, can tell you that the particle *eth*³ interrupts the subject-matter.⁴

We have ascertained R. Ishmael's reason for the view that the idol of an idolater is not prohibited until it is worshipped; but whence does he derive that the idol of an Israelite is prohibited forthwith? — It is common sense that if when it belongs to an idolater [it is not prohibited] until it is worshipped, when it belongs to an Israelite it should be prohibited forthwith — But draw the conclusion that when it belongs to an Israelite [it is prohibited] not at all! — Since it has to be removed out of sight,⁵ shall it not be prohibited at all! But why not say [that when it belongs to an Israelite it is to be treated in the same way as when it belongs to] an idolater! — Scripture stated, And I took your sin, the calf which ye had made⁶ — from the moment it was made it came within the category of 'sin'. [But again] conclude from these words that a man is guilty of sin [when he makes an idol] but not that it is prohibited! — Scripture stated, Cursed be the man that maketh a graven or molten image⁷ — from the moment it is made he comes under the curse. Conclude from these words that a man becomes involved in a curse [when he makes an idol] but not that it is prohibited! — It is written, An abomination unto the Lord.⁸

How does R. Akiba [explain this phrase]?⁹ — [The idol] is a thing that leads to an abomination.¹⁰ Whence does R. Akiba derive his view that the idol of an idolater is prohibited forthwith? — 'Ulla said: Scripture stated, The graven images of their gods shall ye burn with fire¹¹ — as soon as they have been made into graven images they become deities. And how does the other¹² [explain this verse]? — He requires it in accordance with the teaching of Rab Joseph who learned: Whence is it that an idolater can annul his deity? — As it is stated, The graven images of their gods shall ye burn with fire.¹³ And whence does the other [i.e., R. Akiba, derive this regulation]? — He deduces it from the statement of Samuel who asked: It is written, Thou shalt not covet the silver or the gold that is on them, and it continues, Thou shalt take it unto thee¹⁴ — so how is this to be understood? When [the idolater] fashions it into a god do not covet it, but when he has annulled¹⁵ it so that it is no longer a god you may take it for yourself.

We have ascertained R. Akiba's reason for the view that the idol of an idolater is prohibited forthwith, but whence does he derive that if it belonged to an Israelite [it is not prohibited] until it is worshipped? — Rab Judah said: Scripture stated, And setteth it up in secret,¹⁶ i.e., [he is not involved in the curse] until he performs towards it things which are done in secret.¹⁷ And how does the other [i.e., R. Ishmael, explain this phrase]? — He requires it in accordance with the teaching of R. Isaac who said: Whence is it that an idol belonging to an Israelite must be removed out of sight?¹⁸ As it is stated, And setteth it up in secret. And from where does the other [i.e., R. Akiba, derive this regulation]? — He deduces it from what R. Hisda said in the name of Rab: Whence is it that an idol belonging to an Israelite must be removed out of sight? As it is stated, Thou shalt not plant thee an Asherah of any kind of tree beside the altar¹⁹ — as an altar must be removed out of sight,²⁰ so an Asherah [belonging to an Israelite] must be removed out of sight. And what does the other [i.e., R. Ishmael, make of this verse]? — He requires it in accordance with the teaching of R. Simeon b. Lakish who said: Whoever appoints an unworthy judge is as though he plants an Asherah in Israel, as it is stated, Judges and officers shalt thou make thee in all thy gates,²¹ and near it [is stated], 'Thou shalt not plant thee an Asherah of any kind of tree'; and R. Ashi said: [Should he have appointed such a judge] in a place where there are disciples of the Sages, it is as though he had planted an Asherah by the side of the altar, as it is stated, 'Beside the altar.'²²

R. Hamnuna asked: How is it if one rivetted a vessel [which has been broken] for an idol? Whose

idol? If I answer the idol of an idolater, then both according to R. Ishmael and R. Akiba they are appurtenances of idolatry, and appurtenances of idolatry are not prohibited until they are used. It must therefore be the idol belonging to an Israelite; so according to whom [is the question to be decided?] If I say it is according to R. Akiba, since the idol itself is not prohibited until it is worshipped obviously its appurtenances [must first be used before they are prohibited]! If on the other hand, according to R. Ishmael who said that [the idol of an Israelite] is prohibited forthwith [the question will then be]: do we draw a deduction about the appurtenances [of an Israelite's] idol from the appurtenances [of a heathen's idol]? Just as with the latter [they are not prohibited] until they are used, so with the former [they are not prohibited] until they are used. Or do we draw the deduction from the idol itself, that as [an Israelite's idol] is prohibited forthwith also its appurtenances are prohibited forthwith? [But if this is what R. Hamnuna meant to ask,] why does he specify 'one rivetted a vessel' in his question? Let him ask about one who made a vessel!²³ — R. Hamnuna put the question in that form because of the problem of the former defilement; for we have learnt: Of metal utensils those which are flat and those which are formed as receptacles contract defilement; if they are broken they lose their defilement, but if repaired they return to their former defilement.²⁴ So thus did [R. Hamnuna ask]: When its defilement returns, does it mean to the Biblical defilement or to the Rabbinical defilement, or perhaps there is no difference?²⁵ But if that were his intention, let him put his question with reference to the other Rabbinical defilements!²⁶ — His purpose was that one question should embrace another, viz., Does Rabbinical defilement return or not? And if you decide that it does not return, do the Rabbis make defilement caused by idolatry, on account of its severity, equal to Biblical defilement or not?²⁷ — The question remains unanswered.

R. Johanan asked R. Jannai: How is it with foodstuffs offered to an idol?²⁸ Does the annulment [of the idol] avail to purify them of their defilement or not? But he should have framed his question with reference to utensils!²⁹ — There is no question about utensils, because for them there is purification [by immersion] in a ritual bath,³⁰ so the defilement [by idolatry] can likewise be annulled.³¹ What he does ask is about foodstuffs [offered to an idol].³² But let him frame his question with reference [to foodstuffs] which are themselves the object of idolatrous worship!³³ — He does not frame his question with reference [to foodstuffs] which are themselves the object of idolatrous worship,

(1) I.e., the things worshipped or used for worship in these places.

(2) Ibid., so the Hebrew literally.

(3) The sign of the accusative case before 'their gods'.

(4) And so 'places', i.e. utensils, is distinct from 'their gods' and no analogy is to be drawn to overthrow his contention that the idol of an idolater is prohibited forthwith.

(5) As will be explained below.

(6) Deut. IX, 21.

(7) Ibid. XXVII, 15.

(8) Ibid., so obviously it is prohibited forthwith.

(9) His opinion being that the idol of an Israelite is prohibited only after it has been worshipped.

(10) When it is worshipped.

(11) Ibid. VII, 25.

(12) R. Ishmael who says that they must be worshipped before they are prohibited.

(13) I.e., so long as they are graven images they are gods; when he has damaged them they are no longer gods.

(14) Ibid. Samuel separates the two phrases and does not understand the second as governed by the negative in the first.

(15) The word for 'annul' is the same as for 'fashion',

(16) Ibid. XXVII, 15.

(17) Cf. Deut. XIII, 7.

(18) If it is undamaged it should be buried in the earth.

(19) Ibid. XVI, 21.

(20) When no longer used in the Temple it is buried in the earth, v. infra 52b.

- (21) Ibid. XVI, 18.
- (22) V. Sanh. 7b.
- (23) [For an idol, whether it is prohibited forthwith or not.]
- (24) Kelim XI, 1.
- (25) In certain respects the Rabbis made the Biblical laws of defilement stricter. E.g., the regulation that an idol contaminates is a Rabbinical ordinance. If, then, an article was unclean in the severer Rabbinical sense, when it is repaired after being broken, to which degree of defilement does it return?
- (26) Why does he specify an idol?
- (27) So that in this exceptional case the defilement does return.
- (28) Which have become defiled by idolatry.
- (29) Why did he specify foodstuffs?
- (30) For other defilements.
- (31) [Annulment in the case of idolatry is of the same effect as immersion with other defilements.]
- (32) [Foodstuffs cannot become purified by immersion.]
- (33) Would their defilement depart if they were annulled as idols?

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because when its prohibited character is annulled its defilement is likewise annulled. What he does ask is with reference to foodstuffs offered to an idol: How [are we to decide]? [Shall we say] since its prohibited character cannot be annulled according to R. Giddal,¹ it follows that its defilement can likewise never be annulled; or perhaps, though what is prohibited by the Torah cannot be annulled its defilement, which is a Rabbinical ordinance, can be annulled? — The question remains unanswered.

R. Jose b. Saul asked Rabbi: May utensils which were used in the Temple of Onias² be used in the Sanctuary? This question follows on the view of him who said that the Temple of Onias was not an idolatrous shrine; for we have learnt: Priests who served in the Temple of Onias may not serve in the Sanctuary which is in Jerusalem, and it is unnecessary to state that [priests who served] an idol³ [are disqualified].⁴ Were the priests penalised by the Rabbis because they were rational beings but [they did not penalise] the utensils, or perhaps there is no difference [and the utensils are also disqualified]? — [Rabbi] replied to him: They are prohibited and I had a Scriptural text [upon which to support this decision] but I have forgotten it. [R. Jose b. Saul] quoted against him: Moreover all the vessels, which king Ahaz in his reign did cast away when he trespassed, have we prepared and sanctified⁵ — does not ‘have we prepared’ mean that we immersed them [in a ritual bath to purify them], and ‘sanctified’ that we have made them holy again!⁶ He said to him: May the blessing of Heaven be upon you for having restored my loss to me!⁷ ‘Have we prepared’ means we have stored them away, and sanctified that we have substituted others for them. Is this to say that [Rabbi] has support [from this Mishnah]: In the north-east⁸ the Hasmoneans stored away the altar-stones which the Greeks had made abominable;⁹ and R. Shesheth remarked thereon: They had made them abominable through idolatry?¹⁰ — R. Papa said: There [in the case of the Hasmoneans] they found a verse and expounded it [to support their action], for it is written, And robbers shall enter into it and protect it.¹¹ [When the Hasmoneans recaptured the Temple] they said, How shall we act? If we have them broken,¹² the All-merciful declared that they were to be whole stones;¹³ if we saw them,¹⁴ the All-merciful declared, Thou shalt lift up no iron tool upon them!¹⁵ But why did they not have them broken¹⁶ and take them for their own private use? Has not R. Oshaia said: [The Rabbis] wished to store away all the silver and gold in the world on account of the silver and gold [plundered from the Sanctuary] of Jerusalem!¹⁷ And to this it was objected: Is Jerusalem the greater part of the world!¹⁸ But, said Abaye: What the Rabbis aimed at doing was to store away every Hadrianic and Trajanic denarius¹⁹ which had become worn by use²⁰ because it was coined from [metal captured from] Jerusalem;²¹ until they discovered a verse of the Torah according to which it was permitted. viz., And robbers shall enter into it and profane it! — There [in the case of the coins] they had not been used in the Divine Service;²² but here [in the case of the altar-stones], since they had been used in

the Divine Service it would not be respectful to put them to a secular use.

MISHNAH. AN IDOLATER CAN ANNUL AN IDOL BELONGING TO HIMSELF OR TO ANOTHER IDOLATER, BUT AN ISRAELITE CANNOT ANNUL THE IDOL OF AN IDOLATER. HE WHO ANNULS AN IDOL ANNULS ITS APPURTENANCES. IF HE ONLY ANNULLED THE APPURTENANCES THESE ARE PERMITTED BUT THE IDOL IS PROHIBITED.

GEMARA. Rabbi taught his son R. Simeon: AN IDOLATER CAN ANNUL AN IDOL BELONGING TO HIMSELF OR TO ANOTHER [HEATHEN]. The latter said to him, 'My Master, in your youth you taught us that an idolater can annul an idol belonging to himself or to an Israelite!' But can the idol of an Israelite be annulled; for behold it is written. And setteth it up in secret!²³ R. Hillel the son of R. Wallas said: No, [Rabbi's teaching] is necessary for the circumstance where there was joint-ownership of the idol [by an Israelite and a heathen]. On this point what view did Rabbi hold in his youth and what view in his old age? — In his youth he held that the Israelite worshipped the idol on account of the heathen, so that when the latter annulled it for himself he annulled it also for the Israelite. In his old age, however, he held that the Israelite worshipped it on his own account, so that when the heathen annulled it he did so for himself but not for the Israelite.

There are some who apply [the statement of R. Hillel] to the next clause in our Mishnah: AN ISRAELITE CANNOT ANNUL THE IDOL OF AN IDOLATER. This is obvious! — R. Hillel the son of

(1) V. supra p. 251.

(2) Erected by Onias IV in Leontopolis in Egypt about 260 B.C.E. V. Josephus, Antiquities, XIII, iii, 1 ff.

(3) Lit., 'another matter'.

(4) V. Men. 109b.

(5) II Chron. XXIX, 19.

(6) If, then, utensils used for idolatry could be restored to purity and used in the Sanctuary, how much more so those belonging to the Temple of Onias!

(7) The verse cited by R. Jose was the one Rabbi had forgotten.

(8) Of the four chambers in the part of the Temple where the fire was kept continually burning.

(9) Mid. I, 6.

(10) Although these stones, as property of the Temple, might have been allowed for secular use, on the principle that 'no one can render prohibited anything that is not his,' v. infra 53b, yet as a precautionary measure they were stored away lest they be employed in the divine Service. The same applies to the utensils in the Temple of Onias.

(11) Ezek. VII, 22. [The stones, having been rendered profane by the actions of the idolaters, were no longer regarded as the property of the Temple and became forbidden even for secular use.]

(12) Viz., the altar stones, by an idolater, to annul them.

(13) Deut, XXVII, 6.

(14) After they had been broken to make them level.

(15) Ibid. 5.

(16) And annulled by a heathen.

(17) Some of this metal, captured by the Romans, must have come into the possession of Jews as coins, which, by law, they should not use.

(18) The majority cannot be prohibited on account of the minority.

(19) [Or, every denarius of Hadrianus Trajanus, Trajan being an adopted name of Hadrian, v. next note.]

(20) [Kuk. S.H. Hazofeh, 1928, p. 262, renders 'obliterated', and suggests the reference to be to the holy coins restruck by Hadrian, who stamped over their holy legends those of the Romans. For other explanations of this difficult passage. v. Madden, Jewish Coinage, p. 331 ff.]

(21) And as such its use by a Jew was illegal.

(22) So having been annulled by the 'robbers' they could be put to secular use.

(23) Deut. XXVII, 15. On the basis of this text it was taught above (52a) that the idol of an Israelite cannot be annulled.

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R. Wallas said: No, the clause is necessary for the circumstance where there was joint-ownership; and it informs us that while the Israelite cannot annul [the part of] the idol which belongs to the heathen, the heathen can do it [to the part] which belongs to himself.

There are still others who apply [the statement of R. Hillel] to this teaching: R. Simeon b. Menasya says: An idol belonging to an Israelite can never be annulled. What means 'never'? — R. Hillel the son of R. Wallas said: No, it was necessary [to have the word 'never'] for the circumstance where a heathen has part-ownership.¹ He thereby informs us that the Israelite worships the idol on his own account.²

MISHNAH. HOW DOES HE ANNUL IT? IF HE CUT OFF THE TIP OF ITS EAR, THE TIP OF ITS NOSE, OR THE TIP OF ITS FINGER; OR IF HE DEFACED IT,³ ALTHOUGH THERE WAS NO REDUCTION IN THE MASS OF THE MATERIAL,⁴ HE HAS ANNULLED IT. IF HE SPAT BEFORE IT, URINATED BEFORE IT, DRAGGED IT [IN THE DUST] OR HURLED EXCREMENT AT IT, BEHOLD IT IS NOT ANNULLED. IF HE SOLD OR GAVE IT AS A PLEDGE, RABBI SAYS THAT HE HAS ANNULLED IT, BUT THE SAGES SAY THAT HE HAS NOT ANNULLED IT.

GEMARA. Since there was no reduction in the mass of the material, how could it be annulled?⁵ — R. Zera said: Because he defaced its appearance.⁶

IF HE SPAT BEFORE IT, URINATED BEFORE IT. Whence is this? — Hezekiah said: Because Scripture stated, And it shall come to pass that, when they shall be angry, they shall fret themselves and curse their king and their god and turn their faces upward,⁷ and it continues, And they shall look unto the earth, and behold, distress and darkness etc.⁸ Thus, although [the heathen] curse his king and his god and turn upward [to the true God], he still looks unto the earth.⁹

IF HE SOLD OR GAVE IT AS A PLEDGE, RABBI SAYS THAT HE HAS ANNULLED IT etc. Zei'ri in the name of R. Johanan and R. Jeremiah b. Abba in the name of Rab [are at variance].¹⁰ One said that the difference is over a heathen smelter,¹¹ but if it was [sold to] an Israelite smelter all agree that he annulled it.¹² The other said that the difference is over an Israelite smelter.¹³ The question was asked: Is the difference over an Israelite smelter but with a heathen smelter all agree that he has not annulled it, or perhaps in either case there is the difference?¹⁴ — Come and hear: For Rabbi said: My view¹⁵ is the more probable when he sold it to be broken up,¹⁶ and my colleagues' view is the more probable when he sold it to be worshipped.¹⁷ What means 'to be broken up' and 'to be worshipped'? Am I to say that these terms are to be understood in their literal sense? [If that were so,] what is the reason of him who says that he had annulled it¹⁸, and the reason of him who says that he had not annulled it?¹⁹ Must not, then, 'to be broken up' mean [that he sold it] to someone who would break it up, viz., an Israelite smelter,²⁰ and 'to be worshipped' means [that he sold it] to someone who would worship it, viz., a heathen smelter;²¹ and are we not to conclude that in either case there is a difference of opinion?²² — No; this is the meaning — Rabbi said: My view is acceptable to my colleagues when he sold it to be broken up, i.e., to an Israelite smelter, because even my colleagues do not differ from me except in the case where he sold it to be worshipped, but when it is sold to be broken up they agree with me [that it had been annulled].

Against the above the following is quoted: If one brought scrap metal from a heathen and found an idol amongst it, should he have drawn it [into his possession] before paying over the purchase price he can return the idol;²³ but should he have drawn it [into his possession] after paying over the

purchase money, he casts it into the Salt Sea.²⁴ This is quite right if you say that the above difference is over an Israelite smelter; then whose is this teaching? It is the Rabbis'.²⁵ But if you say that the difference is over a heathen smelter and all agree that with an Israelite smelter he has annulled it, whose is this teaching?²⁶ — It is otherwise in the present illustration because his intention was to sell scrap metal and not an idol.²⁷

Our Rabbis taught: If [a heathen] borrowed money on an idol, or ruins fell upon it,²⁸ or robbers stole it,²⁹ or the owners left it behind and journeyed to a distant land,

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- (1) When he annuls the idol, it does not affect the Israelite's position. So far as he is concerned the idol can never be annulled.
 - (2) And what his heathen partner does cannot affect his own position in the matter.
 - (3) By hammering at it when it is hollow.
 - (4) Nothing was broken off.
 - (5) Since something must be broken off the idol for its annulment.
 - (6) And it is no longer recognisable as an idol.
 - (7) Isa. VIII, 21.
 - (8) Ibid, 22.
 - (9) And eventually resumes his idolatry. His repudiation of the idol is only the effect of momentary exasperation. V. supra, p. 222.
 - (10) Over the reasons which induced Rabbi and the Rabbis to adopt their respective views.
 - (11) If the idol were sold to a heathen he may worship instead of melting it.
 - (12) Because the seller assumes that the idol will be destroyed.
 - (13) In that case the Rabbis maintain the idol is not annulled.
 - (14) Whoever bought it, Rabbi maintaining that it is annulled and the Rabbis that it is not.
 - (15) [I.e., the view which I received from my teachers (Rashi).]
 - (16) It can then be assumed that he annulled it,
 - (17) Then the seller probably had not annulled it.
 - (18) If he sold it to be worshipped.
 - (19) If he sold it to be broken up.
 - (20) And then all must agree that he had annulled it.
 - (21) Therefore all must agree that there has been no annulment.
 - (22) The Rabbis holding that even if sold to an Israelite smelter the seller may think the Jewish purchaser will sell it to another heathen to be worshipped, and so he did not annul it; whereas Rabbi is assured that the seller annulled it even when he sold it to a heathen smelter because he was certain that it would be put into the melting-pot.
 - (23) For the owner to annul and then the purchaser may accept it.
 - (24) He may not return the idol and get his money back. Since the idol has to be thrown away, the assumption is that the seller has not annulled it. (v. infra 71b).
 - (25) Who, in our Mishnah, say 'He has not annulled it'.
 - (26) It agrees with neither Rabbi nor the Rabbis,
 - (27) And so presumably there had been no annulment.
 - (28) He makes no effort to recover it.
 - (29) He does not try to get it back.

Talmud - Mas. Avodah Zarah 53b

if with the intention of returning [to claim it] as happened during the war waged by Joshua,¹ it is not annulled. It was necessary [to cite all these circumstances]. For if there had only been taught the case where he borrowed money on it, from the fact that he had not sold it [it follows that] he had not annulled it; but if ruins fell upon it, since he does not clear them away [to recover it], conclude that he had annulled it! Therefore it was necessary [to mention that in the latter circumstance the idol is not annulled]. If there had only been taught the case where ruins fell upon it, because he thought that

[the idol] is lying there and whenever I want it I can take it [he did not annul it]; but in the case where robbers stole it, from the fact that he does not go searching for it [it might be assumed] that he had annulled it! Therefore it was necessary [to mention that in the latter circumstance the idol is not annulled]. If there had only been taught the case where robbers stole it, because he thought that if a heathen took it he would doubtless worship it and if an Israelite took it, it being an article of value, he would sell it to a heathen who would worship it [therefore it is not annulled]; but in the case where the owners left it behind and journeyed to a distant land, since they did not take it with them [it might be assumed] that they had annulled it! Therefore it was necessary [to mention that in the latter circumstance the idol is not annulled].

‘If with the intention of returning [to claim the idol] as happened during the war waged by Joshua, it is not annulled!’ But in the instance of the war waged by Joshua did [the Amorites] return?² — This is the meaning: If [the owners] have the intention of returning, it is analogous to the war waged by Joshua and there can be no annulment.³ Why, then, compare it to⁴ the war waged by Joshua? — He thereby informs us of something incidentally, and it is as Rab Judah said in the name of Rab: If an Israelite set up a brick to worship [but did not do so] and an idolater came and worshipped it, it is prohibited.⁵ Whence have we that it is prohibited?⁶ — R. Eleazar said: It is the same as happened at the beginning of the settlement in the land of Israel; for the Divine Law declared, And burn their Asherim with fire.⁷ Now it was an inheritance to [the Israelites] from their ancestors⁸ and a man cannot make prohibited what does not belong to him!⁹ If [it is assumed that the reason was] on account of those [Asherim] which existed there originally,¹⁰ then just an annulment would have sufficed!¹¹ But inasmuch as the Israelites worshipped the Golden Calf, they revealed their proneness for idolatry, so¹² when the idolaters came [and worshipped Asherim] they acted according to [the Israelites’] bidding.¹³ Similarly when an Israelite set up a brick, he revealed his proneness for idolatry; therefore when a heathen came and worshipped it he acted according to [the Israelite’s] bidding. But perhaps the proneness was only for the Golden Calf and for nothing else!¹⁴ — No; Scripture states, These be thy gods, O Israel,¹⁵ which proves that they lusted for many gods. Conclude, then, that all [the Asherim] which existed at the same time as the Golden Calf are prohibited, but those planted subsequently¹⁶ are permitted!¹⁷ — Who is able to distinguish between them? MISHNAH. AN IDOL WHICH ITS WORSHIPPERS ABANDONED IN TIME OF PEACE IS PERMITTED,¹⁸ IN TIME OF WAR IS PROHIBITED. PEDESTALS OF KINGS¹⁹ ARE PERMITTED BECAUSE [THE HEATHENS ONLY] SET THEM UP AT THE TIME THE KINGS PASS BY.

GEMARA. R. Jeremiah b. Abba said in the name of Rab: The Temple of Nimroc²⁰ is to be regarded the same as an idol which its worshippers abandoned in time of peace and is permitted; for although, due to the fact that the All-merciful dispersed them, it was like a time of war, if they had wished to return [and claim the idols] they could have returned; but since they did not, they must have annulled them.

PEDESTALS OF KINGS ARE PERMITTED. Because [the heathens only] set them up at the time the kings pass by they are permitted! Rabbah b. Bar Hanah said in the name of R. Johanan: The meaning is — because they only set them up at the time kings pass by and the kings may abandon that road and proceed by another road.²¹ When ‘Ulla came²² he seated himself on a damaged pedestal. Rab Judah said to him: Behold both Rab and Samuel declared that a damaged pedestal is prohibited; and even according to him who said that [heathens] do not worship fragments [of idols], that applies only to an idol because it is an act of contempt to worship fragments but with this [pedestal] one does not care!²³ — He replied to him: Who would give me some of the dust [from the bodies] of Rab and Samuel that I might fill my eyes with it!²⁴ [Nevertheless] both R. Johanan and R. Simeon b. Lakish declared that a damaged pedestal is permitted; and even according to him who said that [heathens] do worship fragments, that applies only to an idol because from the fact that they worship it, they would regard it a desecration to annul it; but as for these [pedestals] they throw them

aside [when damaged] and bring another.²⁵ There is a teaching in agreement with R. Johanan and R. Simeon b. Lakish, viz.: A damaged pedestal is permitted — a damaged altar is prohibited until the greater part of it is demolished.²⁶

What constitutes a pedestal and what an altar?²⁷ — R. Jacob b. Idi said in the name of R. Johanan: A pedestal consists of a single stone, an altar of several stones.

(1) Against the Amorites for the possession of Canaan.

(2) Why is that cited as an illustration?

(3) And the idol would have to be destroyed in the same manner, as everything captured during the war against the Amorites was under a ban (Josh. VI, 19).

(4) Lit., 'make it depend on.'

(5) And cannot be annulled, despite the rule that a person cannot render prohibited what does not belong to him.

(6) Although it was not his property.

(7) Deut. XII, 3.

(8) The land having been promised to the patriarchs.

(9) So how could the Amorites make the Asherim prohibited when they really belonged to the Israelites?

(10) Before the promise to the patriarchs, and were consequently the property of the Amorites.

(11) The Israelites could have compelled the Amorites to annul the Asherim and there would have been no need to burn them.

(12) Although the land really belonged to the Israelites.

(13) Therefore the Asherim were in fact idols of the Israelites and as such could not be annulled and had to be destroyed.

(14) And the Asherim were not idolatrous objects of the Israelites and should be annulled.

(15) Ex. XXXII, 4. Note the plural.

(16) [After they had repented of their sin.]

(17) If annulled.

(18) Because they did not take it with them, it is assumed that they annulled it.

(19) Upon which an idol is set when the king passes that way.

(20) The Tower of Babel erected at the time when, according to tradition, Nimrod was king.

(21) Therefore they are not necessarily idolatrous appurtenances. The object was rather to honour the king.

(22) From Palestine to Babylon.

(23) Whether it is damaged or not, he could still put an idol upon it.

(24) Such was his veneration for these great teachers.

(25) Consequently nobody attaches sanctity to pedestals.

(26) Tosef. A.Z. VI.

(27) How are we to distinguish in the case of idolaters which erection is for a pedestal and which for offerings?

Talmud - Mas. Avodah Zarah 54a

Hezekiah said: Which is the text?¹ — When he maketh all the stones of the altar as chalkstones that are beaten in sunder, so that the Asherim and the sun-images shall rise no more² — i.e., if [the altar] becomes like 'chalkstones that are beaten in sunder', then 'the Asherim and the sun-images shall rise no more,'³ otherwise they will rise again.

A Tanna taught: If a man worshipped [an animal] which is his own it is prohibited,⁴ but if it belonged to another it is permitted. Against this I quote: Which [animal is considered to have been] worshipped? Any which was worshipped, whether inadvertently or deliberately, whether under compulsion or voluntarily.⁵ How is the term 'under compulsion' to be understood? Is it not, e.g., when a man took his neighbour's animal by force and worshipped it?⁶ — Rami b. Hama said: No, it is, e.g., when heathens brought pressure to bear upon a man and he worshipped his own animal.⁷ [To this interpretation] R. Zera objected: But the All-merciful absolves anyone who acts under pressure, as it is written, But unto the damsel thou shalt do nothing!⁸ — But, said Raba, all⁹ were included in

the general law Nor serve them;¹⁰ so when Scripture specifies He shall live by them,¹¹ i.e., and not die through them, it excludes the man who acts under pressure. After that, however, the All-merciful wrote. And ye shall not profane My holy name¹² — i.e., not even under compulsion!¹³ How is it, then? — The former refers to an act in private, the latter to an act in public.¹⁴

The Rabbis said to Raba: There is a teaching which supports your view, viz.: Idolatrous pedestals [set up] in a time of religious persecution¹⁵ are not annulled even when the persecution is over.¹⁶ He said to them: If it is on that account, [the teaching you quote] gives no support to my view, for the reason that perhaps there was an apostate who worshipped at it voluntarily! R. Ashi said: Do not use the word ‘perhaps’, but there certainly was an Israelite, an apostate, who worshipped voluntarily.¹⁷ Hezekiah said: For instance, he poured wine unto an idol upon the horns of [his neighbour's animal].¹⁸ [To this explanation] R. Adda b. Ahaba objected: Can this be considered [an animal] which is worshipped?¹⁹ [In such circumstances the animal] is merely a pedestal and is permitted!²⁰ — But, said R. Adda b. Ahaba, it is, e.g., a case where he poured wine between the horns of [his neighbour's animal] in which case he performed on it an act [of worship].²¹ This is in accord with what ‘Ulla reported in the name of R. Johanan when he came [from Palestine]: Although they declare that he who worships his neighbour's animal does not render it prohibited, still if he performed on it an act [of idolatrous worship]²² he rendered it prohibited. R. Nahman said [to the Rabbis]: Go, tell ‘Ulla, that R. Huna has already expounded this thy teaching in Babylon!²³ For R. Huna said: If the animal of his neighbour was lying in front of an idol, as soon as he cut one of its neck-veins²⁴ he has rendered it prohibited.²⁵ Whence have we that he rendered it prohibited? If I answer from the priests,²⁶ it is different with priests because they are rational beings;²⁷ and if [I answer that it may be derived] from the altar-stones,²⁸ perhaps it is as R. Papa explained!²⁹

(1) That proves an altar to consist of several stones and that it is prohibited until the greater part is demolished

(2) Isa. XXVII, 9.

(3) I.e., no more offerings will be brought upon such an altar and it is then no longer prohibited.

(4) As an offering in the Temple.

(5) Tosef. A.S. VI.

(6) [Whereas the first Baraita teaches that one does not render prohibited his neighbour's animal by worshipping it.]

(7) According to this interpretation the two teachings are in agreement.

(8) Deut. XXII, 26, when a betrothed girl was violated in a field.

(9) Viz., both the cases of under compulsion and voluntarily. This is how Raba proposed to harmonise the two contradictory teachings.

(10) Ex. XX, 5.

(11) Lev. XVIII, 5, viz., by the divine commandments.

(12) Ibid. XXII, 32.

(13) So here is a contradiction.

(14) In similar manner are the two teachings to be harmonised. If a man worshipped his own animal not in public under compulsion it may be brought as an offering; but if the worship was in public the animal is prohibited.

(15) When a Jew is compelled publicly to worship at them.

(16) [This proves that whatever is worshipped in public under compulsion is rendered prohibited.]

(17) Among a large number it is improbable that there should not be at least one apostate. Therefore the pedestal is an idolatrous object worshipped by an Israelite voluntarily and remains prohibited for ever.

(18) He offers this explanation of the phrase ‘animal worshipped under compulsion.’ It does not refer to just bowing before it.

(19) It was not the animal that was worshipped but the idol.

(20) Under the rule that animate beings used as an appurtenance to idolatry are not prohibited.

(21) Then it is prohibited although he took his neighbour's animal by force and worshipped it.

(22) As, e.g., pouring wine between its horns.

(23) There was no need to bring it as a teaching of the Palestinian Schools.

(24) For a complete act of slaughter both the gullet and windpipe must be cut; but if he cut only one in honour of the idol

the animal is prohibited.

(25) [Because he performed on it an act of worship.]

(26) Israelite priests whom their kings forced to sacrifice to idols. V. Ezek. XLIV, 13.

(27) And could have fled rather than act as they did; therefore they were for ever disqualified from the divine Service. But an animal is not a rational being and did not willingly submit to being used for the worship of an idol; so why should it be prohibited?

(28) Which the Hasmoneans stored away after they had been desecrated.

(29) In his exposition of Ezek. VII, 22. V. supra p. 266.

Talmud - Mas. Avodah Zarah 54b

— Rather [must it be derived] from the Sanctuary vessels; for it is written, Moreover all the vessels, which king Ahaz in his reign did cast away when he trespassed, have we prepared and sanctified, and a Master declared: 'Have we prepared' means that we have stored them away, and 'sanctified' means that we have substituted others for them.¹ But [there is the rule that] a man cannot render prohibited what is not his property! Since, however, an act [of idolatrous worship] was performed on them [king Hezekiah and his followers] declared them prohibited for themselves — Similarly here [with the animal] since he performed an act [of idolatrous worship] on it, he has rendered it prohibited.

When R. Dimi came [from Palestine] he reported in the name of R. Johanan: Although [the Rabbis] declared that he who worships a piece of ground does not render it prohibited, yet if he dug in it² wells, pits or caves he has rendered it prohibited. When R. Samuel b. Judah came [from Palestine] he reported that R. Johanan said: Although [the Rabbis] declared that he who worships animate beings has not rendered them prohibited, if he obtained them in exchange for an idol he has rendered them prohibited. When Rabin came [from Palestine] he said: On this point R. Ishmael son of R. Jose and the Rabbis are at variance. One said that the animals obtained in exchange for an idol are prohibited but the animals obtained in exchange for these are permitted; while the other says that even these are prohibited. What is the reason of him who says that even these are prohibited? — Scripture states, And become a devoted thing like unto it,³ i.e., whatever you bring into being from [a devoted thing] is to be treated like it. [What is the reason of] the other? — Scripture states, [For] it [is a devoted thing]⁴ — it [is a devoted thing] but not what is obtained as the result of a double exchange. [How does] the second authority [explain this phrase]? — He requires it for the exclusion of 'orlah⁵ and the mixed plantings of a vineyard,⁶ so that if he sold them and with the proceeds married a wife⁷ she is legally married. [Why does] the first authority [not explain the word it similarly]? Because 'orlah and the mixed plantings of a vineyard do not require to be specially excluded, since in connection with idolatry and the Sabbatical year we have two texts which have an identical purpose,⁸ and the rule is: We draw no deduction when two texts have an identical purpose.⁹ As regards idolatry it is as we have stated.¹⁰ As regards the Sabbatical year, it is written, For it is a jubilee, it shall be holy unto you¹¹ — as the holiness affects the redemption money¹² and is prohibited, similarly the Sabbatical year [described as holy like the Sanctuary] affects its money¹³ and is prohibited. If [this conclusion is correct], then as the holiness affects its redemption money and [the object which is redeemed] becomes non-holy,¹⁴ similarly the Sabbatical year should affect its money and [the produce which had been sold] become non-holy! But there is a text to state, It shall be [holy],¹⁵ i.e., it shall remain in that state.¹⁶ How is it, then? If he bought meat with fruits grown in the seventh year, both must be 'removed' during the Sabbatical year.¹⁷ But if he bought fish with that meat, the meat ceases to be holy and the fish becomes holy; if he then bought wine with the fish, the fish ceases to be holy and the wine becomes holy; if he then bought oil with the wine, the wine ceases to be holy and the oil becomes holy. How is it, then? It is the last thing [in the series of exchanges] which is affected by the Sabbatical year¹⁸ and the fruit itself is prohibited.¹⁹ What, however, of the second authority?²⁰ — He holds that we do draw a deduction when two texts have an identical purpose, and [the phrase 'for it is a devoted thing'] is required for the exclusion [of

‘orlah and the mixed plantings of a vineyard, as explained above].

MISHNAH. THE ELDERS²¹ IN ROME WERE ASKED, ‘IF [YOUR GOD] HAS NO DESIRE FOR IDOLATRY, WHY DOES HE NOT ABOLISH IT?’ THEY REPLIED, ‘IF IT WAS SOMETHING UNNECESSARY TO THE WORLD THAT WAS WORSHIPPED, HE WOULD ABOLISH IT; BUT PEOPLE WORSHIP THE SUN, MOON, STARS AND PLANETS; SHOULD HE DESTROY HIS UNIVERSE ON ACCOUNT OF FOOLS!’ THEY SAID [TO THE ELDERS], ‘IF SO, HE SHOULD DESTROY WHAT IS UNNECESSARY FOR THE WORLD AND LEAVE WHAT IS NECESSARY FOR THE WORLD!’ THEY REPLIED, ‘[IF HE DID THAT], WE SHOULD MERELY BE STRENGTHENING THE HANDS OF THE WORSHIPPERS OF THESE,²² BECAUSE THEY WOULD SAY, "BE SURE THAT THESE ARE DEITIES, FOR BEHOLD THEY HAVE NOT BEEN ABOLISHED!"’

GEMARA. Our Rabbis taught: Philosophers asked the elders in Rome, ‘If your God has no desire for idolatry, why does He not abolish it?’ They replied, ‘If it was something of which the world has no need that was worshipped, He would abolish it; but people worship the sun, moon, stars and planets; should He destroy the Universe on account of fools! The world pursues its natural course, and as for the fools who act wrongly, they will have to render an account. Another illustration: Suppose a man stole a measure of wheat and went and sowed it in the ground; it is right that it should not grow, but the world pursues its natural course and as for the fools who act wrongly, they will have to render an account. Another illustration: Suppose a man has intercourse with his neighbour's wife; it is right that she should not conceive, but the world pursues its natural course and as for the fools who act wrongly, they will have to render an account.’ This is similar to what R. Simeon b. Lakish said: The Holy One, blessed be He, declared, Not enough that the wicked put My coinage to vulgar use, but they trouble Me and compel Me to set My seal thereon!²³

A philosopher asked R. Gamaliel, ‘It is written in your Torah, For the Lord thy God is a devouring fire, a jealous God.²⁴ Why, however, is He so jealous of its worshippers rather than of the idol itself?’ He replied, ‘I will give you a parable: To what is the matter like? To a human king who had a son, and this son reared a dog to which he attached his father's name, so that whenever he took an oath he exclaimed, "By the life of this dog, my father!" When the king hears of it, with whom is he angry — his son or the dog? Surely he is angry with his son!’ [The philosopher] said to him, ‘You call the idol a dog; but there is some reality in it.’ [The Rabbi asked], ‘What is your proof?’ He replied, ‘Once a fire broke out in our city, and the whole town was burnt with the exception of a certain idolatrous shrine!’ He said to him, ‘I will give you a parable: To what is the matter like? To a human king against whom one of his provinces rebelled. If he goes to war against it, does he fight with the living or the dead? Surely he wages war with the living!’²⁵ [The philosopher] said to him, ‘You call the idol a dog and you call it a dead thing. In that case, let Him destroy it from the world!’ He replied, ‘If it was something unnecessary to the world that was worshipped, He would abolish it; but people worship the sun and moon, stars and planets, brooks and valleys. Should He destroy His universe on account of fools! And thus it states,

(1) V. supra p. 266.

(2) As an act of idolatry.

(3) Deut. VII, 26.

(4) Ibid.

(5) V. Glos.

(6) Lev. XIX, 19.

(7) At marriage the bridegroom has to hand the bride a sum of money. Although the money was obtained in exchange for what was unlawful it could be used for the purpose.

(8) Lit., ‘two texts which come as one,’ i.e., a law is given twice in Scripture in such similar terms that one appears to be superfluous since either could have been deduced from the other by analogy.

- (9) We do not apply the regulation contained in the two texts to anything else than what is specified therein.
- (10) Viz., And become a devoted thing like unto it, from which is deduced that what is exchanged for a prohibited thing is likewise prohibited.
- (11) Lev. XXV, 12.
- (12) When the object dedicated to the Sanctuary is redeemed for a sum of money.
- (13) Obtained by illegally selling produce grown in that year.
- (14) And may be put to secular use.
- (15) Not 'it is holy'.
- (16) I.e., whatever grows in that year shall be always in a state of holiness.
- (17) They are both 'holy'. [They can be eaten by the owner only as long as like produce is available to the public and animals in the fields. Once this produce is beginning to fail, it must be 'removed' from the house and made free to all.]
- (18) And is holy.
- (19) [It is 'holy'. We thus have two texts to teach the prohibition of things obtained in exchange for forbidden things, so that there is no need of the phrase 'it' to exclude 'orlah etc.' Hence it must be applied to the exclusion of that which is obtained as the result of a double exchange.]
- (20) Who deduces that the result of a double exchange is forbidden.
- (21) They were R. Gamaliel, Eleazar b. Azariah, Joshua b. Hananiah and Akiba, who visited Rome in 95 C.E. V. Bacher, *Agada d. Tann*, I, p. 84, and the authorities quoted by him.
- (22) The essential things which God spared.
- (23) The wicked make wrong use of the sexual instinct with which they have been endowed by God and trouble Him to form the embryo which results from their immorality.
- (24) Deut. IV, 24.
- (25) The idol is a dead thing, so God does not wage war with it.

Talmud - Mas. Avodah Zarah 55a

Am I utterly to consume all things from off the face of the ground, saith the Lord; am I to consume man and beast; am I to consume the fowls of the heaven, and the fishes of the sea, even the stumbling-blocks of the wicked!¹ — i.e., because the wicked stumble over these things is He to destroy them from the world? Do they not worship the human being; so am I to cut off man from off the face of the ground!²

The General Agrippa asked R. Gamaliel, 'It is written in your Torah, For the Lord thy God is a devouring fire, a jealous God. Is a wise man jealous of any but a wise man, a warrior of any but a warrior, a rich man of any but a rich man?'³ He replied, 'I will give you a parable: To what is the matter like? To a man who marries an additional wife. If the second wife is her superior, the first will not be jealous of her; but if she is her inferior, the first wife will be jealous of her.'⁴

[An Israelite named] Zunin⁵ said to R. Akiba: 'We both know in our heart that there is no reality in an idol; nevertheless we see men enter [the shrine] crippled and come out cured.⁶ What is the reason?' He replied, 'I will give you a parable: To what is the matter like? To a trustworthy man in a city, and all his townsmen used to deposit [their money] in his charge without witnesses. One man, however, came and deposited [his money] in his charge with witnesses; but on one occasion he forgot and made his deposit without witnesses. The wife [of the trustworthy man] said to [her husband], "Come, let us deny it." He answered her, "Because this fool acted in an unworthy manner, shall I destroy my reputation for trustworthiness!" It is similar with afflictions. At the time they are sent upon a man the oath is imposed upon them, "You shall not come upon him except on such and such a day, nor depart from him except on such and such a day, and at such an hour, and through the medium of so and so, and through such and such a remedy." When the time arrives for them to depart, the man chanced to go to an idolatrous shrine. The afflictions plead, "It is right that we should not leave him and depart; but because this fool acts in an unworthy way shall we break our oath!"' This is similar to what R. Johanan said: What means that which is written, And sore and

faithful sicknesses?⁷ — ‘Sore’ in their mission and ‘faithful’ to their oath.

Raba son of R. Isaac said to Rab Judah: ‘There is an idolatrous shrine in our place, and whenever the world is in need of rain, [the idol] appears to [its priests] in a dream, saying, "Slay a human being to me and I will send rain." They slay a human being to it and rain does come!’ He replied, ‘Now were I dead, nobody could have related to you a certain dictum of Rab, viz., What means that which is written, Which the Lord thy God hath divided [halak] unto all the peoples under the whole heaven!⁸ This teaches that He made smooth [hehelik] their words⁹ to banish [idolaters] from the world. This is similar to what R. Simeon b. Lakish said: What means that which is written, Surely He scorneth the scorers, but He giveth grace unto the lowly!¹⁰ If one comes to defile himself he is granted facilities for so doing, and if he comes to purify himself support is given to him.

MISHNAH. A WINEPRESS [CONTAINING] TRODDEN [GRAPES] MAY BE PURCHASED FROM A HEATHEN EVEN THOUGH IT WAS HE THAT LIFTED [THE TRODDEN GRAPES] WITH HIS HAND AND PUT THEM AMONG THE HEAP;¹¹ AND [THE JUICE] DOES NOT BECOME YEN NESEK¹² UNTIL IT DESCENDS INTO THE VAT. WHEN IT HAS DESCENDED INTO THE VAT, WHAT IS IN THE VAT IS PROHIBITED¹³ BUT THE REMAINDER IS PERMITTED. [ISRAELITES] MAY TREAD THE WINEPRESS TOGETHER WITH A HEATHEN

(1) Zeph. I, 2 f. The Talmud requires this translation. E.V., I will utterly consume etc.

(2) Ibid.

(3) Consequently if God is jealous of idols, they must be comparable to Him.

(4) Because the affront is when the man chooses an inferior woman to take her place in his affections.

(5) [Bacher, op. cit., p. 301, identifies him with the superintendent of R. Gamaliel's household. Pes. 49a.]

(6) [According to Bacher, loc. cit., n. 3, the reference is to the pagan practice which was for the afflicted person to repair to the shrine of Asklepios or Serapis where he would pass the night in the expectation of receiving in a dream a revelation of his cure.]

(7) Deut. XXVIII, 59. So the Hebrew literally.

(8) Ibid. IV, 19.

(9) Gave the idols power to deceive men.

(10) Prov. III, 34.

(11) [‘After the first treading the husks and stalks were piled in a heap in the centre and then submitted to further pressure by means of weights.’ (Elmslie, a.l.)]

(12) ‘Libation-wine,’ v. Glos.

(13) [Should the heathen handle it.]

Talmud - Mas. Avodah Zarah 55b

BUT MAY NOT GLEAN GRAPES WITH HIM.¹ SHOULD AN ISRAELITE BE WORKING IN A STATE OF RITUAL IMPURITY, WE MAY NEITHER TREAD NOR GLEAN WITH HIM, BUT WE MAY CONVEY [EMPTY] CASKS WITH HIM TO THE PRESS AND CARRY THEM [FILLED] WITH HIM FROM THE PRESS. IF A BAKER WAS WORKING IN A STATE OF RITUAL IMPURITY, WE MAY NEITHER KNEAD NOR ROLL DOUGH WITH HIM BUT WE MAY CONVEY LOAVES WITH HIM TO THE BAKERY.

GEMARA. R. Huna said: As soon as the wine begins to flow² it may become nesek. But we learn in our Mishnah: A WINEPRESS [CONTAINING] TRODDEN [GRAPES] MAY BE PURCHASED FROM A HEATHEN EVEN THOUGH IT WAS HE THAT LIFTED [THE TRODDEN GRAPES] WITH HIS HAND AND PUT THEM AMONG THE HEAP!³ — R. Huna said: This refers to a winepress which is stoppered and full.⁴ Come and hear: AND [THE JUICE] DOES NOT BECOME YEN NESEK UNTIL IT DESCENDS INTO THE VAT!⁵ — Similarly here [says R. Huna, the

Mishnah deals with] a vat which is stoppered and full.⁶ Come and hear: WHEN IT HAS DESCENDED INTO THE VAT, WHAT IS IN THE VAT IS PROHIBITED BUT THE REMAINDER IS PERMITTED!⁷ — R. Huna said: There is no contradiction; one teaching is from the older Mishnah and the other from the later Mishnah;⁸ for it has been taught: ‘At first [the Sages] used to say (B.D.D.)⁹ that [Israelites] may not glean grapes together with a heathen [and bring them] into a winepress,¹⁰ for the reason that it is forbidden to cause defilement to the ordinary foodstuffs¹¹ of the Land of Israel, nor may they tread grapes together with an Israelite who works with his fruits while he is in a state of defilement for the reason that it is forbidden to assist transgressors; but they may tread grapes together with a heathen in a winepress.’¹² Consequently no attention is here paid to the view of R. Huna.¹³ ‘Later [the Rabbis] said (D.B.B.):¹⁴ [Israelites] may not tread grapes together with a heathen in a winepress,’ for the reason given by R. Huna,¹⁵

(1) The explanation is given in the Gemara.

(2) From the upper trough which contains the grapes through a pipe into the lower where the wine collects. The press always consisted of two compartments. V. the illustration in Encyc. Bib., IV, col. 5312, and the description in Krauss, Tal, Arch., II, pp. 233 f.

(3) It would consequently appear that the wine is not prohibited as soon as it begins to flow.

(4) No wine could then run out; so when the juice flows from the grapes it remains on top. Consequently the wine must have been touched by the heathen and it is rendered neseq.

(5) This contradicts the explanation just given.

(6) So that the wine remains in the upper trough.

(7) Consequently wine must have flowed into the vat.

(8) [Probably that of R. Akiba, v. Sanh, (Sonc. ed.) p. 163, n. 7.]

(9) A mnemonic of the three rulings that follow: **בוצרין. דורכין. דורכין.**

(10) [The heathen winepress for which they are destined will cause defilement to the grapes.]

(11) Eaten by the people as distinct from parts of certain offerings which belong to the priests.

(12) [Because the grapes having been picked and placed in the winepress by the heathen have already become defiled, and the assistance of the Jew at treading causes no further damage.]

(13) That wine becomes neseq as soon as it begins to flow, in which case it would be forbidden for the Jew to assist in the treading.

(14) Mnemonic of the rulings that follow: **דורכין. בוצרין. בוצרין.**

(15) Viz., that the juice is considered to be wine as soon as it runs from the grapes, and the Jew would be working at Yen Neseq.

Talmud - Mas. Avodah Zarah 56a

‘nor may they glean grapes together with an Israelite who works with his fruits while he is in a state of defilement;¹ so how much more may they not tread grapes,² but may glean them, together with a heathen, since it is permitted to cause defilement to the ordinary foodstuffs of the land of Israel.’

AND [THE JUICE] DOES NOT BECOME YEN NESEK UNTIL IT DESCENDS INTO THE VAT. But we have learnt: Wine [becomes subject to the tithe] when it is skimmed!³ — Raba said: There is no contradiction, because [this latter teaching] is R. Akiba's and [that of the Mishnah] is the Rabbis'. For it has been taught: [The liquid is considered to be] wine when it descends into the vat, whereas R. Akiba says, When it is skimmed.⁴

The question was asked: Does this mean skimming [of the wine] while it is in the vat or when it is in the cask? — Come and hear! We have learnt: [It is to be considered] wine when it is skimmed; and although he has skimmed it, he may draw some off from the upper trough and from the pipe and drink it.⁵ Deduce from this that we mean the skimming while it is in the vat. Draw this conclusion. But R. Zebid learnt in the [collection of Baraithas] of the School of R. Oshaia:⁶ [It is to be considered] wine when it descends into the vat and is skimmed; whereas R. Akiba says: When it is

drawn into casks!⁷ — That former [Baraita]⁴ must be also explained in the sense just given, vis.: [It is considered to be] wine when it descends into the vat and is skimmed; whereas R. Akiba says: When it is drawn into casks. But since our Mishnah teaches: IT DOES NOT BECOME YEN NESEK UNTIL IT DESCENDS INTO THE VAT, conclude that there are three Tannaim [offering different definitions]!⁸ — No; it is different as regards yen nesek because the Rabbis take a strict view;⁹

(1) [Because they would be aiding in the breach of the law, by preparing for the defilement of the priestly portion he is obliged to offer when the grapes are placed in his vat. Grapes, in common with other foodstuffs, are not susceptible to levitical impurity before they come in contact with certain kinds of liquids.]

(2) [When they would be actually assisting transgressors.]

(3) I.e., when the substances which are on top of the wine at the time of fermentation are skimmed off (Ma'as. I, 7). This is a later stage than that mentioned in the Mishnah.

(4) B.M. 92b.

(5) Without first tithing it; consequently it is not yet considered to be wine.

(6) [R. Oshaia had a collection of Baraitas as supplementary to the Mishnah of Rabbi. V. Halevy, II, 253 ff, and supra, p. 27, n. 4.]

(7) This contradicts the Mishnah which does not include skimming, according to the Rabbis, nor drawing into casks, according to R. Akiba.

(8) Viz., (i) the Mishnah, that it is wine when it descends into the vat; (ii) the Rabbis, when it is skimmed in the vat; (iii) R. Akiba, when it is drawn into casks.

(9) For the law of nesek they regard the juice as wine as soon as it descends into the vat, but for the law of tithe they are not so strict and add the condition that it must have been skimmed.

Talmud - Mas. Avodah Zarah 56b

but as for Raba who draws no distinction,¹ he makes his explanation on the hypothesis that there are three Tannaim [offering different definitions].

WHAT IS IN THE VAT IS PROHIBITED BUT THE REMAINDER IS PERMITTED. R. Huna said: They only taught this in the case where he did not return the net-work² to the press, but if he did return it to the press [the whole of it] is prohibited.³ Why, however, should that which is in the net-work itself be prohibited?⁴ — On account of the outflow.⁵ Deduce from this that the outflow is a connecting medium! [No,] as R. Hiyya taught: His jar⁶ forced the wine back; and similarly here the [contents of the] vat forced the wine back.⁷

There was a boy who had learnt the Tractate on Idolatry when he was six years old. He was asked, 'May [an Israelite] tread grapes together with a heathen in a press?' He replied, 'It is lawful to tread grapes together with a heathen in a press.' [To the objection] 'But he renders it yen nesek by [the touch of] his hands!'⁸ [he answered], 'We tie his hands up.' [To the further objection] 'But he renders it yen nesek by [the touch of] his feet!' [he answered], 'Wine touched by the feet is not called nesek.'

It happened in Nehardea that an Israelite and a heathen pressed out wine together. [On the question being put to him how this wine was to be considered,] Samuel delayed three Festivals⁹ [before replying]. What was his reason [for the delay]? Shall I say that he thought to himself,

(1) Between the definition of wine for tithe and for nesek, since he finds a contradiction between our Mishnah and that dealing with tithes; supra 284.

(2) Used as a strainer before the juice descends from the pipe into the vat.

(3) [Even that which is in the upper trough.]

(4) Since the heathen only touched what was in the vat.

- (5) This forms a connection between the liquid in the vat network and lower vat and is the conductor of the prohibited wine from one to the other.
- (6) V. infra p. 347. The jar was filled to the brim through a pipe and so forced some of the liquor back into the cask.
- (7) The vat was so full that the surface of the wine touched the net-work, which forced the wine back again. In this way it caused contamination, and not because the outflow is considered a connecting medium.
- (8) Which is contrary to the ruling of the later Mishnah, v. supra 55b.
- (9) On these Festivals discourses were given in public on the laws of the holy days.

Talmud - Mas. Avodah Zarah 57a

If I find a Tanna who forbids its use as does R. Nathan, then I will forbid it even to be used for any purpose whatever — since it has been taught: If [a heathen] measured [the quantity of wine] either by using his hand or leg for that purpose, it may be sold;¹ whereas R. Nathan says: If he used his hand it is prohibited, but if his leg it is permitted. But then admit that R. Nathan declared [his prohibition where the wine was touched] by the hand,² but did he say so [when it was touched] by the leg! — Rather [must he have thought to himself], If I find a teacher who permits³ like R. Simeon, then I will permit it even for drinking.

It happened at Biran⁴ that a heathen climbed a palm-tree and took one of its branches. While descending he unintentionally touched a [cask of] wine with the branch. Rab, [on being consulted] permitted it to be sold to heathens.⁵ R. Kahana and R. Assi said to him, 'But the Master⁶ it was who declared that a child only a day old can render wine nesek!' ⁷ He replied, 'I merely decided against its being drunk [by Israelites], but did I say aught against its use otherwise [by them]?'

The text states: The Master himself has declared that a child only a day old can render wine nesek.' R. Shimi b. Hiyya quoted in objection to Rab's statement: If [an Israelite] bought slaves from a heathen who had been circumcised but not immersed,⁸ and similarly with the children of female slaves⁹ [born in an Israelite's house] who had been circumcised but not immersed, their spittle and the place where they tread in the street¹⁰ are unclean, but others declare that they are clean. As for wine, adults render it nesek [by contact with it], but minors do not render it nesek. The following are adults and minors: Adults are such as understand the nature of an idol and its appurtenances, whereas minors are such as do not understand this.¹¹ At all events, it here teaches that adults do [render wine nesek] and minors do not!¹² — [Rab] explained the teaching as referring to the children of female slaves.¹³ But in the passage [cited above] we have the words 'and similarly'!¹⁴ — That refers to their spittle and place of treading!¹⁵ This answer is all right according to him who declared that these are unclean, but according to him who declared that they are clean what is there to say?¹⁶ — It informs us of the similarity of slaves to the children of female slaves: as the children of female slaves, when circumcised but not immersed, render wine nesek, and if both circumcised and immersed do not, so is it also with slaves. This excludes what R. Nahman said in the name of Samuel, viz.: If [an Israelite] bought slaves from a heathen, although they had been both circumcised and immersed, they render wine nesek until idolatry is entirely banished from their lips. Hence we are informed that it is not so.

The text states: 'R. Nahman said in the name of Samuel: If [an Israelite] bought slaves from a heathen, although they had been both circumcised and immersed, they render wine nesek until idolatry is entirely banished from their lips.' How long is this? — R. Joshua b. Levi said: Up to twelve months.

Rabbah quoted against R. Nahman: If [an Israelite] bought slaves from a heathen, who had been circumcised but not immersed, and similarly with the children of female slaves, who had been circumcised but not immersed, their spittle and the place where they tread

- (1) By an Israelite to a Gentile, although he may not drink it himself. The heathen's intention was to measure and not render the wine neseq. For all that R. Nathan prohibits it when the measuring was done by hand.
- (2) And the question put to Samuel related to treading grapes with the feet.
- (3) Wine touched by a heathen when the intention was innocent of idolatry. V. infra 60b.
- (4) A town between Syria and Mesopotamia. It possessed a hot spring (Sanh. 108a). [According to Obermeyer op. cit., p. 25, it lay 8 parasangs north of Pumbeditha, on the Western bank of the Euphrates.]
- (5) And the money used, but Israelites may not drink the wine.
- (6) I.e., Rab himself. It was respectful to address an individual in the third person.
- (7) Obviously without intention; so why is it mentioned that the heathen touched the wine unintentionally?
- (8) In a ritual bath. Both are necessary for proselytisation.
- (9) If they have not become converts before the birth of the children. After their conversion, the children born to them are Jews and do not require immersion.
- (10) [Even in a street, where doubtful cases of uncleanness are considered clean (Toh. IV, 11). Tosef, A.Z. III, however, omits 'in the street'.]
- (11) V. Tosef. A.S. III.
- (12) This contradicts Rab's assertion that a child a day old can make wine neseq.
- (13) Only these do not make wine neseq, but ordinary heathen children do.
- (14) Which seem to imply that the law holds good equally of heathen slaves who were bought and slave-children born in an Israelite's house.
- (15) And not to wine.
- (16) How is the phrase 'and similarly' to be explained?

Talmud - Mas. Avodah Zarah 57b

in the street are unclean, but others declare that they are clean. As for wine, adults render it neseq but minors do not render it neseq. The following are adults and minors: Adults are such as understand the nature of an idol and its appurtenances, whereas minors are such as do not understand this! At all events it here teaches that when circumcised but not immersed, they do [render wine neseq], and if both circumcised and immersed they do not!¹ — [R. Nahman] explained the teaching as referring to the children of female slaves.² But in the passage cited above we have the words 'and similarly'! — That refers to their spittle and place of treading. This answer is all right according to him who declared that these are unclean, but according to him who declared that they are clean what is there to say? — It informs us of the similarity of slaves to the children of female slaves: as the adult children of female slaves render wine neseq but if minors they do not, so also with slaves they render wine neseq when adults but not when minors. This excludes what Rab said: A child only a day old can render wine neseq. Hence we are informed that it is not so.

It happened at Mahuza³ that a heathen came and entered the shop of an Israelite. He asked them, 'Have you wine to sell?' They replied, 'We have not.' There was some wine contained in a bucket, into which [the heathen] plunged his hand and splashed about, and said to them, 'Is not this wine?' In his anger [the shop-keeper] took the wine and poured it back into the cask. Raba permitted him to sell it⁴ to Gentiles, but R. Huna b. Hinnena and R. Huna son of R. Nahman differed from him.⁵ An announcement issued from Raba permitting [the sale of the wine], and an announcement issued from R. Huna b. Hinnena and R. Huna son of R. Nahman forbidding it.

(1) Nothing is here said of the condition 'until idolatry is entirely banished from their lips.'

(2) Having been reared in the house of an Israelite, such a condition is unnecessary, but not with bought slaves who had been brought up in an idolatrous environment.

(3) A town on the Tigris.

(4) Although it contained yen neseq.

(5) When they heard of it, but they were not in the town to argue the subject with Raba. They forbade its use for any purpose.

Talmud - Mas. Avodah Zarah 58a

[Later on]¹ R. Huna son of R. Nahman visited Mahuza, and Raba said to his attendant, R. Eliakim, 'Bolt the doors so that nobody shall enter to disturb us.'² [R. Huna son of R. Nahman] entered the room and asked him, 'In such circumstances³ how is the law?' — He replied, 'It is forbidden even for use.' [R. Huna exclaimed], 'But the Master⁴ it was who declared that such splashing does not render wine nesek!' [Raba replied], 'I was referring [to the contents of the cask] apart from the value of that wine [which had been in the bucket]; I said nothing with reference to the value of that wine.'⁵ Raba continued, 'When I came to Pumbeditha,⁶ Nahmani⁷ overwhelmed me with precedents and teachings to the effect that it is prohibited. As to precedents, there was a similar occurrence in Nehardea where Samuel prohibited it, and another in Tiberias where R. Johanan prohibited it; and when I replied to him that [they gave that decision because in those towns the inhabitants] were not students of Torah,⁸ he retorted, "[The inhabitants of] Tiberias and Nehardea are not students of Torah and those of Mahuza are students of Torah! As to a teaching, there is that of a heathen inspector of weights who tapped [a cask of wine] with a tube and drew off [some wine], or he tasted some of it in a glass and returned [the remainder] to the cask — this actually happened and [the Rabbis] declared it forbidden.⁹ Is it not be supposed that [the decision applied] to its use for any purpose?¹⁰ — No, only to its being drunk [by Israelites]." [Abaye asked,] "If that is so, let it teach: 'He may sell it,' in the same way that it teaches in the sequel: If a heathen oppressor extends his hand into a cask, thinking that it contained oil, but it chanced to contain wine — this actually happened and [the Rabbis] said that it may be sold!" This is a refutation of Raba! It is a refutation.¹¹

R. Johanan b. Arza¹² and R. Jose b. Nehorai were once sitting and drinking wine, when a man entered to whom they said, 'Come, pour out for us.' After he had poured it into their glass, the fact was disclosed that he was a heathen. One of them prohibited it to be used for any purpose, while the other permitted it even for drinking. R. Joshua b. Levi said: He who prohibited it acted rightly and he who permitted it acted rightly. He who prohibited it

(1) By which time Raba had retracted his decision, v. below, n. 6. cf. however, p. 290, n. 2.

(2) I.e., when R. Huna paid him a visit.

(3) When a heathen splashed his hand in the wine without any intention of idolatry.

(4) Viz., Raba himself.

(5) Which had been touched by the heathen, its value must be cast into the sea, since a Jew may derive no benefit from it. In this way Raba attempted to extricate himself from his difficult position (v. however, p. 290, n. 2).

(6) [This occurred before R. Huna's visit to Raba. V. p. 290, n. 2.]

(7) I.e., Abaye, whose grandfather's name was Nahmani which was occasionally applied to him.

(8) And where the people are unlearned, the law must be interpreted in a stricter sense because of their liability to err.

(9) Tosef, A.Z. VIII.

(10) This refutes Raba.

(11) [Tosaf. on the basis of a variant reading has a different version. R. Nahman happened to be in Mahuza when he was visited by Raba, his former disciple, who asked him his opinion. When R. Nahman declared himself against the use of the wine, Raba recalled a former decision of his in a similar case that splashing does not render nesek. To this R. Nahman replied that his ruling related only to the contents of the wine in the cask etc. The merit of this version is that it clears Raba from a charge of prevarication and further obviates the necessity of placing Raba's visit in Pumbeditha mentioned later in the text before the discussion he had with his visitor in Mahuza.]

(12) Another reading is: Arwa.

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[acted on this supposition: The heathen] must have said to himself, 'Would it occur to such Rabbis as these to drink beer? It must surely be wine!' and he rendered it nesek. He who permitted it acted

rightly [on this supposition: The heathen] must have said to himself, 'Would it occur to such Rabbis as these to drink wine and ask me to pour out for them? It must be beer they are drinking!'¹ and he did not render it nesek. But he could have seen [whether it was wine or beer]! — It was night. But he could have smelt! — It was new.² But he must have touched it [when he drew the liquor from the cask] with a measure, so it is a case where a heathen touched [wine] unintentionally³ and it is prohibited! — No; it is necessary [to understand it as a case] where he merely poured out,⁴ and so it is a circumstance of unintentional action,⁵ and the Rabbis did not decree against a circumstance of unintentional action.

R. Assi asked R. Johanan: How is it when wine is mixed⁶ by a heathen? — He said to him: Use the verb mazag!⁷ [R. Assi] replied: I used the Scriptural word as in, She hath killed her beasts, she hath mingled [masekah] her wine.⁸ He said to him: The language of the Torah is distinct and so is the language of the Sages.⁹ How is it, then, [if a heathen mixes it with water]? — [R. Johanan] answered: It is prohibited¹⁰ on the principle, 'Keep off, we say to a Nazirite; go round the vineyard and come not near it!'¹¹

R. Jeremiah once visited Sakhuthā¹² and there saw heathens mixing the wine and Israelites drinking it. He prohibited it to them on the principle, 'Keep off, we say to a Nazirite; go round the vineyard and come not near it!' It has likewise been stated: R. Johanan said — another version is, R. Assi said in the name of R. Johanan: Wine mixed by a heathen is prohibited on the principle, 'Keep off, we say to a Nazirite; go round the vineyard and come not near it.'

R. Simeon b. Lakish once came to Bozrah¹³ and there saw the Israelites eating untithed fruits and he prohibited them. He saw water which had been worshipped by idolaters being drunk by Israelites and he prohibited it. He came before R. Johanan [and related to him what he had done]; and the latter said to him, 'While your cloak is still upon you, return;¹⁴ Bezer¹⁵ is not Bozrah; and water belonging to the public cannot become prohibited!'¹⁶ R. Johanan here followed his own opinion;

(1) The law of nesek does not apply to beer.

(2) When fresh the smell is not so distinctive.

(3) Since he was unaware that it was wine.

(4) And did not touch the wine.

(5) The man being unaware that it was wine he was to pour out.

(6) Wine was usually diluted with water before it was drunk.

(7) This is the usual verb for 'to dilute wine with water', whereas R. Assi used masak.

(8) Prov. IX, 2.

(9) His point is that in the language of the Rabbis mazag has the signification to mix wine with water; but masak, while having that meaning in Biblical Hebrew, means in Rabbinic Hebrew to mix strong wine with weaker wine.

(10) For drinking but not for other use, and it is prohibited although he had not touched it.

(11) As a precautionary measure to avoid the possibility of breaking the law which forbids the fruit of the vine to a Nazirite.

(12) According to Jastrow the Aramaic equivalent of Mizpah. Neubauer prefers the alternative reading 'Sabtha' which may be Sebaste. [Obermeyer, op. cit., p. 185, identifies it with Sabat, in the district of Mahuza.]

(13) An Edomite city (Isa. XXXIV, 6).

(14) I.e., without delay go back and rescind your prohibition.

(15) One of the cities of refuge (Deut. IV, 43). As a Palestinian city untithed fruits were disallowed there but not in a town like Bozrah, which was outside the confines of the Holy land.

(16) If it had been worshipped.

Talmud - Mas. Avodah Zarah 59a

for R. Johanan said in the name of R. Simeon b. Jehozadak: Water belonging to the public cannot

become prohibited. Consequently when it belongs to an individual it does become prohibited. But it should be excluded for the reason that it is something fixed in the ground!¹ — No; it is necessary [to mention it because it can be prohibited in the case] where a wave caused some of the water to flow away.² At all events [such water may be compared] to boulders which had broken away;³ and it must therefore be concluded that it was R. Johanan who said they were prohibited! — No; it is necessary [to suppose a case] where [a heathen] collected [the waters] with his own hand⁴

R. Hiyya b. Abba once visited Gabla,⁵ and there saw Israelite women who were pregnant by heathens who had been circumcised but not immersed. He also saw wine being drunk by Israelites which had been mixed by heathens, and lupins eaten when cooked by heathens; but he said nothing to them. When he came before R. Johanan [and reported the matter to him], the latter exclaimed, ‘Go and announce that their children are illegitimate, their wine is neseq, and their lupins [are prohibited] as something cooked by heathens, because [the inhabitants of Gabla] are not students of Torah!’⁶ [In announcing that] their children were illegitimate R. Johanan followed his own opinion; for R. Johanan said: [A Gentile] is never to be regarded as a proselyte until he is both circumcised and immersed, and since he has not undergone immersion he is a Gentile. And Rabbah b. Bar Hanah has said in the name of R. Johanan: If a Gentile or a slave has intercourse with an Israelite woman, the child is a mamzer.⁷ He decreed that their wine was neseq on the principle, ‘Keep off, we say to a Nazirite; go round the vineyard and come not near it.’ [And he decreed] against their lupins as something cooked by heathens, because [the inhabitants of Gabla] were not students of Torah. His reason was that they were not students of Torah. Consequently if they had been students of Torah, [the lupins] would have been permitted! But surely R. Samuel son of R. Isaac said in the name of Rab: Whatever is eaten raw does not come within [the law of what is prohibited] on account of having been cooked by heathens!⁸ — R. Johanan follows a different version [of the teaching, viz.]: R. Samuel son of R. Isaac said in the name of Rab: Whatever is not brought upon the table of kings to serve as a relish with bread does not come within [the law of what is prohibited] on account of having been cooked by heathens.⁹ Therefore his reason was that they were not students of Torah, and if they had been students of Torah [the lupins] would have been permitted.

R. Kahana was asked: May a heathen be allowed to convey grapes to a winepress? He replied: It is prohibited on the principle, ‘Keep off, we say to a Nazirite; go round the vineyard and come not near it!’ R. Jemar quoted against R. Kahana: If a heathen carried grapes to a winepress in baskets

(1) And what is fixed in the ground does not become prohibited if worshipped.

(2) And such a stream of water, if belonging to an individual, would be prohibited as it is no longer fixed to the ground.

(3) From a mountain which had been worshipped. Whether they may be used was debated supra 46a, by R. Johanan and R. Hiyya's sons, and it was not decided which of them took the view that they were prohibited.

(4) There would then be manual labour involved and consequently prohibited if belonging to an individual; whereas the breaking away of the boulders was due to a natural force, and the two cases are not analogous.

(5) Gebal of Ps. LXXXIII, 8, i.e., the northern part of Mount Seir. [V. Klein, S. MGWJ, LXIV, p. 183.]

(6) The phrase ‘because they are not students of Torah’ applies only to the prohibition of the lupins, as will be explained.

(7) ‘Illegitimate’, v, Glos.

(8) Lupins are not eaten raw; so they should be prohibited when cooked by heathens whether the inhabitants were learned or not.

(9) Lupins are not used for such a purpose and should be permitted.

Talmud - Mas. Avodah Zarah 59b

or barrels, even though the wine drips upon them, it is permitted! — [R. Kahana] replied to him: You used the word ‘carried’,¹ whereas I was speaking of a case ab initio.²

A citron once fell into a cask of wine, and a heathen sprang for ward to pull it out. R. Ashi said to

them:³ Hold his hand so that he does not splash about,⁴ and tilt [the cask] until it is emptied.⁵

R. Ashi said: When a heathen has deliberately rendered the wine of an Israelite neseq, although it is prohibited to sell it to another heathen, [the owner] is allowed to receive the cost from the person [who disqualified it]. On what ground? — Because he involved him in a loss.⁶ R. Ashi said: Whence do I derive this? — From this teaching: If an idolater offered wine of an Israelite [as a libation], not in the presence of an idol, it is prohibited; but R. Judah b. Baba and R. Judah b. Bathyra permit it⁷ for two reasons: first, because wine can be rendered neseq only in the presence of an idol, and secondly because [the owner can] say to him, ‘You have no right to make my wine prohibited through no fault of my own.’⁸

It once happened that the bung fell out of a cask of wine, and a heathen sprang forward and placed his hand over it, R. Papa said: All the wine that is on the level with the bung-hole is prohibited⁹

(1) Signifying an accomplished fact.

(2) He only forbids it ab initio but post factum he too would allow it.

(3) The Jewish bystanders.

(4) Which action would render all the wine neseq.

(5) Into another vessel. So long as he did not move his hand about in the wine, he has not rendered it prohibited.

(6) Lit., ‘he burned it’,

(7) To be sold.

(8) It follows, at all events, though the ruling of R. Judah b. Baba and R. Judah b. Bathyra is not accepted, that the Jew can receive compensation for his loss.

(9) To be drunk by a Jew but it may be sold to a Gentile, since there was no ‘splashing’ at that spot.

Talmud - Mas. Avodah Zarah 60a

and the remainder is permitted.¹ Another version is — R. Papa said: The wine above the bung-hole is prohibited² and the remainder is permitted. R. Jemar said: [This is] like the Tannaim [who are at variance over the following]:³ If a keg⁴ became perforated whether on top, the bottom or its sides, and a tebul yom⁵ touched it, it is defiled. R. Judah says: [If it was perforated] on top or bottom it is defiled,⁶ but if on its sides it is altogether undefiled.⁷

R. Papa said: If a heathen [was holding] the barrel and an Israelite the cask,⁸ the wine is prohibited. On what ground? — Because [the pouring] results from the effort of the heathen. If, however, an Israelite [was holding] the barrel and a heathen the cask, the wine is permitted; but should [the heathen] tilt it sideways it is prohibited.⁹

R. Papa said: If a heathen carries a skin-bottle [of wine] and an Israelite follows behind him,¹⁰ should it be full it is permitted because [the wine] does not shake,¹¹ but should it not be full it is prohibited because there is the possibility of shaking. In the case, however, of a full cask [being so carried],¹² it is prohibited because he might have touched it, but should it not be full it is permitted because there is less likelihood that he touched it. R. Ashi said: In the case of a skin-bottle, whether full or not, it is permitted. On what ground? — Because such is not the way of rendering wine neseq¹³.

[Wine] from a press where beams are used¹⁴ is permitted¹⁵ by R. Papi but prohibited by R. Ashi, or according to another version, by R. Shimi b. Ashi. In the case of direct action¹⁶ there is certainly no difference of opinion that it is prohibited, the difference being over the circumstance where there was indirect action.¹⁷ Some declare that in the case of indirect action there is certainly no difference of opinion that it is permitted, the difference being over the circumstance where there was direct action. An instance of such indirect action occurred and R. Jacob of Nehar-Pekod¹⁸ prohibited it.

It once happened that a cask

- (1) To be drunk.
- (2) Because it would tend to run out and by touching his hand communicate contamination to the rest of the wine.
- (3) Accordingly R. Papa's decision is not accepted by all.
- (4) Containing wine to be used for the heave-offering.
- (5) V. Glos.
- (6) Because the defilement is communicated to all the contents.
- (7) This opinion corresponds with R. Papa's, but it is not adopted in law.
- (8) The wine being poured from the barrel into the cask.
- (9) Because he would then be contributing effort towards filling the cask.
- (10) To see that he does not touch the wine.
- (11) The bottle is tied at the neck, and when full the contents are not shaken; but when not full, the wine may be shaken. [R. Papa regards shaking when carried as 'splashing' with the hand.]
- (12) Which is open on top.
- (13) [Through accidental shaking in the carrier's hand.]
- (14) To crush the grapes so that the treader does not come in contact with the wine.
- (15) When the beams are placed over the grapes by a heathen.
- (16) On the part of the heathen, as when he stood on the beams to press the grapes.
- (17) If, e.g., a wheel, turned by a heathen, pressed on the beams.
- (18) Pekod is mentioned in Jer. L, 21 and Ezek XXIII, 23; a district in S.E. Babylon; v. Sanh, (Sonc. ed.) p. 468, n. 3.

Talmud - Mas. Avodah Zarah 60b

split lengthwise, and a heathen sprang forward and clasped it in his arms. Rafram b. Papa — another version is, R. Huna the son of Rab Joshua — permitted it to be sold to heathens. This rule applies only when it split lengthwise, but if crosswise it is permitted even to be drunk [by Israelites].¹ On what ground? — [The heathen] only did what a brick might have done.²

A heathen was once found standing in [the empty] wine-press [of an Israelite]. [On being consulted] R. Ashi said: If it was sufficiently moist to moisten other objects, it needs to be rinsed with water and rubbed dry, otherwise mere rinsing is sufficient.

MISHNAH. IF A HEATHEN WAS FOUND STANDING BY THE SIDE OF A VAT OF WINE, SHOULD HE HAVE A LIEN UPON IT THEN IT IS PROHIBITED;³ BUT SHOULD HE NOT HAVE A LIEN UPON IT THEN IT IS PERMITTED. IF [A HEATHEN] FELL INTO A VAT AND CLIMBED OUT,⁴ OR MEASURED IT WITH A ROD, OR FLICKED OUT A HORNET WITH A ROD, OR TAPPED ON THE TOP OF A FROTHING CASK⁵ — IT HAPPENED SO WITH ALL THESE CIRCUMSTANCES, AND [THE RABBIS] SAID THAT IT MAY BE SOLD, WHILE R. SIMEON PERMITS IT.⁶ IF HE TOOK A CASK, AND IN HIS ANGER THREW IT INTO THE VAT — THIS ACTUALLY HAPPENED AND [THE RABBIS] DECLARED IT FIT [FOR DRINKING].

GEMARA. Samuel said: [The first clause of the Mishnah only applies] when he has a lien on that wine [which is in the vat].⁷ R. Ashi said: This is also implied in the [next] Mishnah where we learn: If [an Israelite] prepares a heathen's wine in a state of ritual purity⁸ and leaves it in [the latter's] domain who writes for him, 'I have received the money from you,'⁹ then [the wine] is permitted.¹⁰ If, however, the Israelite wished to remove it and [the heathen] refuses to let it go until he paid him — this actually happened in Beth-Shan and [the Rabbis] prohibited it.¹¹ The reason [why they prohibited it] was because he refused to let it go; hence if he had agreed to let it go, it would have been permitted. Conclude, then, that we require that the lien should be on that wine [for it to be

prohibited]! Draw that conclusion.

IF [A HEATHEN] FELL INTO A VAT AND CLIMBED OUT. R. Papa said: [The teaching of the Mishnah that the wine may be sold] applies only to the circumstance when he is brought out dead, but if he climbed out alive it is prohibited. On what ground? — Because it would then be to him like an idolatrous feast-day.¹²

OR MEASURED IT WITH A ROD . . . IT HAPPENED SO WITH ALL THESE CIRCUMSTANCES, AND [THE RABBIS] SAID THAT IT MAY BE SOLD, WHILE R. SIMEON PERMITS IT. R. Adda b. Ahabah said: May blessings alight upon the head of R. Simeon, because when he permits he permits even the drinking [of the wine] and when he prohibits he prohibits it for all use!¹³ R. Hiyya the son of Abba b. Nahmani reported that R. Hisda said in the name of Rab — another version is, R. Hisda said in the name of Ze'iri: The halachah agrees with R. Simeon. Others declare that R. Hisda said: Abba b. Hanan remarked to me that Ze'iri said: The halachah agrees with R. Simeon. But the halachah is not in accord with R. Simeon.

IF HE TOOK A CASK AND IN HIS ANGER THREW IT INTO THE VAT — THIS ACTUALLY HAPPENED AND [THE RABBIS] DECLARED IT FIT [FOR DRINKING]. R. Ashi said: Whatever is rendered unclean by a zab¹⁴ makes wine [in a similar circumstance] nesek by a heathen, and whatever is not rendered unclean by a zab makes wine not to be nesek by a heathen. R. Huna quoted against R. Ashi: IF HE TOOK A CASK AND IN HIS ANGER THREW IT INTO THE VAT — THIS ACTUALLY HAPPENED IN BETH-SHAN¹⁵ AND [THE RABBIS] DECLARED IT FIT [FOR DRINKING]! [Consequently if he did this] in anger it is [fit for drinking], but if he had not done it in anger it would not [be fit]!¹⁶ —

(1) The top part of the barrel presses upon the lower, so only a little wine would run, and there is less possibility of contamination if the heathen exerted pressure on top.

(2) Pressed down to lessen the crack.

(3) Because he would not be afraid to touch it. If the Israelite were to remonstrate with him, he had the right to claim the wine for his debt.

(4) The Gemara requires the rendering: and is brought out (dead).

(5) To reduce the amount of the froth.

(6) Even to be drunk by Jews.

(7) Which the owner was making to pay off the debt, because then the heathen would not be afraid to touch it. But if his lien was generally upon the owner, he would hesitate to disqualify the wine and so involve his debtor in loss.

(8) To be sold to Jews.

(9) So that the Jew can remove the wine whenever he so desires.

(10) So long as the Jew holds the key to the place where the wine is stored.

(11) Because the heathen had a lien on that wine, it not having been paid for.

(12) In gratitude for his escape he would dedicate the wine to his god.

(13) Unlike the other Rabbis whose prohibition is often limited to the drinking of the wine by Jews.

(14) V. Glos. The reference here is only to the effect of touching an article.

(15) The words in 'Beth-Shan' are included in the text of the Mishnah in some MSS. The place is a Biblical city, the modern Beisan, west of the Jordan.

(16) As against this conclusion, if a zab had thrown a cask into the vat, the wine would have been defiled, whereas it is an established principle that a zab defiles only by 'contact' and not by 'throwing'.

Talmud - Mas. Avodah Zarah 61a

[R. Ashi replied:] There [it refers to the circumstance where the cask] was being roiled by him [the whole distance into the vat].¹

MISHNAH. IF [AN ISRAELITE] PREPARES A HEATHEN'S WINE IN A STATE OF RITUAL PURITY² AND LEAVES IT IN [THE LATTER'S] DOMAIN, IN A HOUSE WHICH OPENS ON TO THE PUBLIC DOMAIN, SHOULD IT BE IN A CITY WHERE HEATHENS AND ISRAELITES RESIDE, IT IS PERMITTED;³ BUT SHOULD IT BE IN A CITY WHERE ONLY HEATHENS RESIDE IT IS PROHIBITED UNLESS [AN ISRAELITE] SITS AND WATCHES.⁴ THERE IS NO NEED FOR THE SUPERVISOR TO SIT AND WATCH [THE WHOLE TIME]; EVEN IF HE KEEPS GOING OUT AND COMING IN IT IS PERMITTED. R. SIMEON B. ELEAZAR SAYS: IT IS ALL ONE WITH THE DOMAIN OF A HEATHEN.⁵ IF [AN ISRAELITE] PREPARES A HEATHEN'S WINE IN A STATE OF RITUAL PURITY AND LEAVES IT IN [THE LATTER'S] DOMAIN WHO WRITES FOR HIM 'I HAVE RECEIVED THE MONEY FROM YOU,' THEN [THE WINE] IS PERMITTED. IF, HOWEVER, THE ISRAELITE WISHED TO REMOVE IT AND [THE HEATHEN] REFUSES TO LET IT GO UNTIL HE PAID HIM — THIS ACTUALLY HAPPENED IN BETH-SHAN AND [THE RABBIS] PROHIBITED IT.⁶

GEMARA. In a city where only heathens reside it should also [be permitted without a supervisor] since there are [Israelite] spice-sellers⁷ going about the cities! — Samuel said: [The Mishnah refers] to a city which has doors and bolts.⁸ R. Joseph said: If there is a window⁹ it is the equivalent [of the house being in] a public domain; or if there is a rubbish-heap¹⁰ it is the equivalent [of the house being in] a public domain; and similarly a date-palm makes it the equivalent of a public domain.¹¹ If the top [of the date-palm] had been cut off,¹² R. Aha and Rabina differ, one forbidding [the wine] and the other permitting it. He who forbids it [does so for the reason that the heathen thinks that the owner of the tree] has no cause to climb it; and he who permits it [does so for the reason that] an occasion may occur that [the Israelite's] cattle will stray and he will climb it to look for them.¹³

Our Rabbis taught: 'Whether [an Israelite] purchases or rents an apartment in the court of a heathen and fills it with [casks of] wine, and an Israelite resides in that court, it is permitted even though the key and seal be not in his [the Israelite's] possession.

(1) Vis., acting in anger, he gave the cask a violent push and it rolled of itself into the vat; consequently he did not handle the cask and for that reason the wine is fit. If, on the other hand, he did not act in anger, he must have rolled the cask the whole distance to the vat, likely touched the wine, and so the wine is disqualified. Hence the parallel of the zab and the heathen holds good.

(2) [For the purpose of selling it to Jews. Wine prepared by heathens was alike forbidden and levitically unclean. V. supra 30b.]

(3) It is assumed that the heathen would be afraid to tamper with the wine because he might be seen by a Jewish inhabitant, and be unable to dispose of his wine among Jews.

(4) [V.l. 'he appoints a supervisor'.]

(5) Whether it be private or public, a supervisor is necessary.

(6) The second half of the Mishnah was quoted on p. 297. V. the notes there.

(7) General term for pedlars.

(8) So that nobody could enter without the fact becoming known, and he could therefore, even if the wine is placed in a house opening on to the public domain, disqualify the wine without the fear of being seen.

(9) In the heathen's house looking on to the public domain. Rashi prefers the explanation that the window of a Jew's house faces the entrance of the heathen's house.

(10) On which a person could stand and see what was done in the house.

(11) In all these circumstances there is the possibility of being overlooked, so the heathen would be afraid to tamper with the wine.

(12) The tree belonging to a Jew; and since the top is cut off, he would have no occasion to climb it to gather the fruit. There would then be less fear of being overlooked.

(13) And the possibility of being watched would act as a deterrent.

Talmud - Mas. Avodah Zarah 61b

If, however, [he resides] in another court, it is permitted only when the key and seal are in his possession. If [an Israelite] prepares the wine of a heathen in a state of ritual purity in the latter's domain and an Israelite resides in that court, it is permitted should the key and seal be in his possession.' R. Johanan said to the tanna:¹ Read [as follows]: Even though the key and seal be not in his possession it is permitted. '[Should he reside] in another court, it is prohibited even if the key and seal are in his possession. Such is the statement of R. Meir; but the Sages prohibit it unless a supervisor sits and watches or until somebody is appointed to go there for stated periods.' To which [of the four circumstances just enumerated] do the Sages refer? If I say it is to the last,² the first Tanna³ also prohibits it. Perhaps it is to the third!⁴ But R. Johanan informed the tanna: 'Read [as follows]: Even though the key and seal be not in his possession [the wine is permitted]'⁵ — Rather must it be to the second, for the first Tanna declared, 'If, however, [he resides] in another court, it is permitted only when the key and seal are in his possession.' Whereas the Sages hold that it is always prohibited 'unless a supervisor sits and watches or until somebody is appointed to go there for stated periods.' But his going there for stated periods is a disadvantage!⁶ — Rather [must the statement be amended to]: Until somebody is appointed to go there not for stated periods.

R. SIMEON B. ELEAZAR SAYS: IT IS ALL ONE WITH THE DOMAIN OF A HEATHEN, The question was asked: Is the purpose of R. Simeon b. Eleazar to make the law lenient or strict? — Rab Judah said in the name of Ze'iri: To make it lenient; but R. Nahman said in the name of Ze'iri: To make it strict. Rab Judah said in the name of Ze'iri that it is to make the law lenient, and the statement of the first Tanna must be understood thus: Just as [the wine] is prohibited in the domain of [that heathen] it is similarly prohibited in the domain of any other heathen and we take into account [the possibility of heathens] being partial one to another;⁷ but R. Simeon b. Eleazar says: That only applies to his own domain, but when it is in the domain of another heathen it is permitted because we do not take into account the fear of partiality.⁸ R. Nahman said in the name of Ze'iri that it is to make the law strict, and the statement of the first Tanna must be understood thus: This only applies to his own domain, but when it is in the domain of another heathen it is permitted and we do not take into account the fear of partiality; but R. Simeon b. Eleazar says: It is all one with the domain of a heathen. There is a teaching in accord with what R. Nahman said in the name of Ze'iri, i.e., the purpose is to make the law strict, viz.: R. Simeon b. Eleazar said: It is all one with the domain of a heathen because of the fraudulent.

[Israelites once bought grapes from] the house of Parzak, the king's field-marshal,⁹ [and having made wine from them] left it in charge of his tenant-labourers. The Rabbis in the presence of Raba thought to declare [it permitted] on the ground that we only take into account the fear of partiality where there might be mutual agreement;¹⁰ but in this instance since it could not be the custom of the tenant-labourers to enter into an agreement with Parzak, the king's field-marshal, we take no account of the fear of partiality, Raba, however, said to them: On the contrary, even according to him who maintains that we take no account of the fear of partiality, that only applies where there is no possibility of terrorisation; but in this instance since [the tenants] are afraid of him, they would conceal any action on his part [to interfere with the wine] to shield him.

In a certain town where there was wine belonging to an Israelite, a heathen was found standing among the jars. Raba said: If he would be arrested on that account as a thief,¹¹ the wine is permitted,¹² otherwise it is prohibited.¹³ [

(1) Who quoted this teaching to the students.

(2) The Jew resides in a different court.

(3) I.e., R. Meir.

(4) Lit., 'the first (part) of the last (clause).' The Jew resides in the court where the wine is stored.

- (5) [Which shows that R. Johanan did not consider it possible for anyone to forbid the wine in such a case even though the key and seal are not in the Israelite's possession.]
- (6) The heathen knows when he will be there and can interfere with the wine during his absence.
- (7) Lit., 'paying favours'. They would not give one another away and for that reason cannot be trusted.
- (8) [The heathen householder in whose domain the wine is placed would not permit the other heathen to tamper with it, R. Simeon's statement must accordingly be understood as a rhetorical question: 'Is it all one with the domain of a heathen?']
- (9) [Cf. Lat. Rufulus. v, Funk, op. cit., I, 33, v. p. 163, n. 7.]
- (10) I.e., one heathen tells a lie for another, or does not expose his wrong-doing, on condition that the latter will act similarly towards him.
- (11) Should he be found touching the jars.
- (12) He would be afraid to touch the jars because he would be suspected of wanting to steal them.
- (13) It must then be assumed that he touched the wine and disqualified it.

Talmud - Mas. Avodah Zarah 62a

CHAPTER V

MISHNAH. IF [A HEATHEN] HIRE [AN ISRAELITE] WORKMAN TO ASSIST HIM IN [THE PREPARATION OF] YEN NESEK, HIS WAGE IS PROHIBITED. IF HE HIRED HIM TO ASSIST HIM IN ANOTHER KIND OF WORK, EVEN SAYING TO HIM, 'REMOVE FOR ME A CASK OF YEN NESEK FROM THIS PLACE TO THAT,' HIS WAGE IS PERMITTED. IF HE HIRED [AN ISRAELITE'S] ASS TO CARRY YEN NESEK, ITS HIRE IS PROHIBITED; BUT IF HE HIRED IT TO SIT UPON, EVEN THOUGH THE HEATHEN RESTED HIS JAR [OF YEN NESEK] UPON IT, ITS HIRE IS PERMITTED.

GEMARA. Why is [the workman's] wage prohibited? If I answer that inasmuch as yen nesek is prohibited for use of any kind and therefore the wage which came to him from it is likewise prohibited, behold 'orlah¹ and the mixed plantings of a vineyard² are prohibited for use of any kind and yet we have learnt: If he sold them and with the proceeds married a wife she is legally married!³ On the other hand, [should I answer that the reason is] because his money [which comes to him on account of yen nesek] is affected as though it were an idolatrous object,⁴ behold the Sabbatical year affects the money [obtained from the sale of its produce] and yet we have learnt: If one said to a workman [in the Sabbatical year], 'Here is a denar and for it gather vegetables for me to-day,' his wage is prohibited;⁵ [but if he said,] 'Gather vegetables for me to-day,' his wage is permitted!⁶ — R. Abbahu said in the name of R. Johanan: [The true explanation is] that it is a penalty which the Sages imposed upon ass-drivers and in connection with yen nesek.⁷ As for yen nesek it is as has just been stated; and what is the case of the ass-drivers? — As it has been taught: If ass-drivers work with the fruits of the Sabbatical year, their wage is [the produce of] a Sabbatical year.⁸ What means 'their wage is [produce of] a Sabbatical year'? If I say it means that they receive their wage in fruits of the Sabbatical year, consequently [the employer] discharges his obligation with fruits of the Sabbatical year and the Torah stated, [And the sabbath of the land shall be] for food⁹ — but not for trading!¹⁰ If, on the other hand, [I answer that the meaning is] that their wage is holy¹¹ like the holiness of [the produce of] the Sabbatical year, is it holy? For it has been taught: If one said to a workman [in the Sabbatical year], 'Here is a denar and gather vegetables for me to-day,' his wage is permitted; [only if he said], 'Gather vegetables for me to-day for this [denar]' is his wage prohibited! — Abaye said: It certainly means that they receive their wage in fruits of the Sabbatical year, and the difficulty you raise, viz., 'for food' but not for trading, [is met by the supposition] that he paid them in a lawful manner, as we have learnt: One may not say to his neighbour,

(1) V. Glos.

(2) Lev. XIX, 19.

(3) V. supra, p. 277.

(4) Since the wine was prepared as a libation to an idol, on the principle, 'Whatever you bring into being from a devoted thing is to be treated like it' (loc. cit.).

(5) [To use it after the time of 'removal', v. supra, p. 278 n. 5,]

(6) In the latter case he did not stipulate by his words that the money was given as payment for gathering the forbidden produce. But the point is, the workman may use the money he earned by performing an illegal act.

(7) Although legally the wage should be permitted.

(8) And is accordingly prohibited.

(9) Lev. XXV, 6.

(10) Consequently the employer has no right to pay wages with the produce.

(11) I.e., prohibited.

Talmud - Mas. Avodah Zarah 62b

‘Carry up for me these fruits¹ to Jerusalem [and for doing so] have a share in them’; but he may say to him, ‘Carry them up so that we may eat and drink of them in Jerusalem.’ They may also make a free gift of them to each other.² Raba, however, said: [The meaning is] certainly that their wage is holy like the holiness of [the produce of] the Sabbatical year, and the difficulty you raise over the teaching concerning the workman [who gathers fruits in that year can be met by the answer] that in the case of a labourer whose wage is small the Rabbis did not impose a penalty, but in the case of ass-drivers whose wage is considerable the Rabbis did impose a penalty;³ and as for our Mishnah⁴ the seriousness of *yen nesek* accounts for the difference.

The question was asked: How is it with his wage [when an Israelite is employed by a heathen] in connection with ordinary wine?⁵ Do we maintain that since its prohibition⁶ is as strict as with wine for a libation, the wage is likewise prohibited; or perhaps for the reason that its power of defilement is lighter⁷ [the attitude towards] the wage is also more lenient? — Come and hear! A certain man hired out his ship [to transport] ordinary wine [of heathens] and they paid him in wheat. He came before R. Hisda who said to him, ‘Go, burn and bury it in a graveyard.’ But he should have told him to scatter it!⁸ — People might come to wrong-doing through it.⁹ Then he should have told him to burn and scatter it! — People might use it as manure. Then let it be buried in its natural state, for have we not learnt: The stone with which a person was stoned, the tree upon which he was hanged, the sword with which he was decapitated, and the sheet with which he was strangled are all alike buried with him!¹⁰ — In this latter instance, since the persons were buried by the Court,¹¹ it would be generally known that they had been executed under sentence of the Court; but in the former instance the circumstances would not be generally known and a person might suppose that somebody had stolen [the wheat] and brought it to be buried there.

The scholars in the School of R. Jannai used to borrow fruits of the Sabbatical year from the poor and repay them in the eighth year.¹² When this was reported to R. Johanan, he said to them, ‘They act rightly’;¹³ and an analogy may be found in the matter of a harlot's hire which is permitted;¹⁴ for it has been taught: If he gave her [an animal] without having intercourse with her or had intercourse without giving it to her,¹⁵ her hire is permitted [for use in the Sanctuary]. Now if he gave her it without having intercourse with her, obviously [it may be devoted to the Sanctuary] for the reason that, having had no intercourse with her, he merely presented her with a gift! Further, if he had intercourse without giving it to her, behold he gave her nothing, and since he made no presentation to her what means that her hire is permitted! — This is what he intends: If he gave her it and subsequently had intercourse with her, or had intercourse with her and subsequently gave it to her, the hire is permitted¹⁶ But if he gave it to her and subsequently had intercourse with her, since he did have intercourse with her,

(1) Representing the second tithing which must be taken by the owner to Jerusalem and eaten there. It would be unlawful to discharge an obligation with the fruits.

(2) M. Sh. III, 1. Similarly by a legal fiction the ass-drivers may be given a free gift from the produce of the Sabbatical year.

(3) This then is the case referred to where a penalty was imposed on ass-drivers.

(4) Where a workman's wage is declared to be prohibited although it is small.

(5) Not made expressly for a libation to idols.

(6) The wine, belonging to a heathen, is still *nesek* although not used for a libation.

(7) V. *supra*, 30b, seq.

(8) Why did he insist on its being burnt and buried?

(9) Jews would unwittingly collect and use it.

(10) Sanh. 45b. Consequently no account is taken of the possibility that people may disinter it.

(11) There were special cemeteries for them.

(12) This was done to assist them in a year when the harvest, after the Sabbatical year, would be meagre. Nevertheless the lenders ate what was obtained in exchange for the Sabbatical produce, and this should be prohibited.

(13) Because it was not actually a case of exchange since the produce of the eighth year was non-existent at the time when the fruits of the Sabbatical year were borrowed, and the 'holiness' of the Sabbatical year did not affect what they ate in the eighth year.

(14) To be devoted to the Temple, in spite of the Law of Deut. XXIII, 19.

(15) At the time, but he did so later.

(16) The two matters are regarded as separate and what she received is legally a gift. Similarly with the borrowing of the fruits of the Sabbatical year, what is repaid is technically a gift.

Talmud - Mas. Avodah Zarah 63a

the prohibition of the harlot's hire should apply retrospectively to [the animal]! — R. Eleazar replied: [It is permitted] when she first offered it.¹ How is this to be understood? — If he said to her, 'Take possession of this at once,'² then obviously it is permitted because it is no longer there at the time of intercourse and he merely presented her with a gift; but if he had not said to her, 'Take possession of this at once,' how could she offer it, since the All-merciful has declared, And when a man shall sanctify his house to be holy³ — as the house [which he sanctifies] must be in his possession, so must everything [which is dedicated to the Sanctuary] be in the person's possession! — Rather [must we suppose the circumstance] where he said to her, 'Let it be with you until the time of intercourse; but should you require it then take possession of it at once.'⁴

R. Hoshai asked: How is it if she dedicated [the animal to the Sanctuary] beforehand?⁵ Since a Master has said that a declaration⁶ in connection with the Divine service is like the act of delivery in a secular transaction, is she like one who has actually offered it,⁷ or perhaps [the animal] is after all still in existence [at the time of intercourse]?⁸ But why not solve the question from the statement of R. Eleazar who said: Only if she actually offered it beforehand is the offering [lawful] but not if she merely dedicated it? On this statement of R. Eleazar itself the question is to be asked: Is it clear to R. Eleazar that only if she had actually offered it [is it permitted] but not if she merely dedicated it because it is [in her possession] at the time of intercourse; or perhaps he is clear in the circumstance where it had been offered but doubtful when it had only been dedicated? The question remains unanswered.

[It was stated:] If he had intercourse with her and subsequently gave it to her, her hire is permitted. Against this I quote: If he had intercourse with her and subsequently gave it to her, even after the lapse of three years, her hire is prohibited! — R. Nahman b. Isaac said in the name of R. Hisda: There is no contradiction, the latter teaching referring to the circumstance where he said to her, 'Have intercourse with me for this lamb,' and the former teaching to the circumstance where he said to her, 'Have intercourse with me for a lamb.'⁹ And if he did use the phrase 'for this lamb' what of it, inasmuch as the act of drawing towards oneself is lacking!¹⁰ — [It deals here] with a gentile harlot who does not acquire an object by the act of drawing it towards herself.¹¹ Or if you wish I can say that it surely deals with an Israelite harlot when, e.g., it is standing in her courtyard.¹² But if it was standing in her courtyard, [how can it be taught that] he had intercourse with her and subsequently presented it to her, seeing that she already had possession of it! — No, it is necessary [to suppose a case] where he used it as a pledge, saying to her, 'If I bring you a certain number of zuz by such a date, well and good; otherwise take [the lamb] for your hire.'¹³

R. Shesheth quoted in objection:¹⁴ A man can say to his ass-drivers and workmen,¹⁵ 'Go and eat for this denar, go out and drink for this denar,' and he need not be concerned

(1) To the Temple and afterwards had intercourse. [In this case the offering is acceptable and valid. V. Yad, Issure Mizbeah, IV, 11.]

(2) Before the intercourse.

(3) Lev. XXVII, 14.

- (4) And therefore the prohibition of a harlot's hire does not apply to it.
- (5) But intercourse occurred before she presented the animal.
- (6) That the animal is to be dedicated to the Temple.
- (7) And it may therefore be offered.
- (8) And is to be considered a harlot's hire.
- (9) In this latter circumstance, what she receives afterwards is not technically her hire.
- (10) He merely indicated the lamb which he would give her. Until she actually draws the animal towards her she has not legally acquired it, v. B.M. 47b.
- (11) [Ms. M.: Who does not lack 'drawing'. A non-Jew acquires possession by payment (Bek. 13a) in this case by the act of intercourse. V. R. Gershom, Tem. 29b.]
- (12) [A courtyard confers possession, v. B.M. 10b.]
- (13) [In this circumstance the lamb is partly her property and considered a harlot's hire and yet strictly speaking is not yet presented to her, since he may substitute for it some other gift.]
- (14) To the action of R. Jannai's School who used to borrow fruits of the Sabbatical year from the poor and repay them in the eighth year.
- (15) Who are Gentiles or Israelites who do not observe the law of tithe.

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[about their eating and drinking the produce of] the Sabbatical year or [what has not been subject to] the tithe or *yen nesek*; but if he said to them, 'Go out and eat and I will pay, go out and drink and I will pay,' he must be concerned [about their eating and drinking the produce of] the Sabbatical year or [what has not been subject to] the tithe or *yen nesek*.¹ Consequently when he pays them he does so at the price of what is prohibited, and similarly in the case [of the School of R. Jannai] when they made repayment they did so for something that was prohibited! — R. Hisda explained: [The teaching just quoted deals] with a shop-keeper who gives [the employer] credit so that he is indebted to him,² and since it was his custom to give him credit it is as though the latter had himself bought for a denar of him.³ When, on the other hand, he does not give him credit, how is it? It is permitted! If that is so,⁴ when he teaches the circumstance of, 'Go and eat for this denarius, go out and drink for this denarius,' he should draw a distinction in this very case and teach as follows: When does this apply? [When they make their purchase] of a shopkeeper who gives him credit so that he is indebted to him [it is prohibited], but of a shopkeeper who does not give him credit it is permitted! And further, as regards a shopkeeper who does not give him credit, is not [the employer in such a circumstance] indebted to him? For Raba has declared: If a man says to his neighbour, 'Give so-and-so a *maneh*⁵ and let all my possessions be surety to you,' [the lender] has acquired them by the law of security!⁶ — But, said Raba: It is immaterial whether he gives him credit or not; but although [the employer] is indebted to him, for the reason that he does not specify his indebtedness,⁷ it is not prohibited.⁸ Why, then, in the present circumstance⁹ should he be concerned [about their eating and drinking the produce of] the Sabbatical year inasmuch as he does not specify his indebtedness! — R. Papa said: Here it is when, e.g., he paid him the denar in advance.¹⁰

R. Kahana said: I cited this teaching in the presence of R. Zebid of Nehardea who remarked to me: If that were so, then instead of the words 'Go out and eat and drink and I will pay,' we should have expected 'I will have a reckoning with him'!¹¹ [R. Kahana] said to him: Read, 'Go out and I will have a reckoning with him.' R. Ashi said: It is when, e.g., [the employer] took [the foodstuffs] from the shopkeeper and handed them [to his workmen].¹² R. Jemar said to R. Ashi: If that were so, then instead of the words, 'Go out¹³ and eat, go out and drink' we should have expected, 'Take and eat, take and drink'! — He replied to him: Read, 'Take and eat, take and drink.'

R. Nahman, 'Ulla and Abimi b. Papi were sitting together and R. Hiyya b. Ammi sat with them. As they sat the question was raised: How is it if [an Israelite] was hired to break [a cask of] *yen nesek* [and pour out the contents]?¹⁴ Do we say that since his wish is the preservation [of the cask]¹⁵

it is prohibited, or perhaps it is right in every case where the effect is to reduce what is improper? — R. Nahman said: Let him break it and may a blessing alight upon him [for so doing]. Is it to be assumed that his opinion receives support [from this teaching]: We may not hoe together with a heathen among mixed plantings

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- (1) Because he would then be discharging his obligation to them with what was forbidden. (V. Tosef. A.Z. VIII.)
 - (2) As soon as the employees receive the food and drink, so that it is as though the shop-keeper handed the goods to the employer.
 - (3) If, therefore, the foodstuff was prohibited, the employer exchanged his money for what was illegal. In the case of R. Jannai's School, however, the poor were not accustomed to give credit, so that we have not here an instance of unlawful exchange.
 - (4) Viz., that the decision rests on whether he gives him credit.
 - (5) V. Glos.
 - (6) As soon as the loan is made, the lender is technically the owner of what had been given as surety. Therefore when the shopkeeper gives the workmen the food, he is technically the owner of the employer's denarius whether he is in the habit of giving him credit or not.
 - (7) He owes him a denarius but not any particular one.
 - (8) Thus is the action of the school of R. Jannai justified.
 - (9) When the employer added the words 'and I will pay'.
 - (10) And then told his men to get food for it. In this case he must be concerned about unlawful foodstuffs.
 - (11) I.e., I will set off what you have had against the money which I have already given the shopkeeper.
 - (12) In that case the employer became the owner of the foodstuffs and must be concerned about their legality, whether he took them on credit or not.
 - (13) 'Go out' implies that he does not accompany them and therefore he could not hand the food to them.
 - (14) May he use the money he earned in this way?
 - (15) So that he may have the work of breaking it and earn money.

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but we may uproot them¹ together with him in order to reduce what is improper!² They maintained that the statement [that uprooting is permitted] was [even according to] R. Akiba who said: He who helps to preserve mixed plantings³ is liable to the punishment of lashes; for it has been taught: He who weeds or covers mixed plantings with soil is liable to the punishment of lashes; R. Akiba says: Also he who helps to preserve them. What is R. Akiba's reason? — Scripture stated, Thou shalt not sow thy field with two kinds of seed⁴ — I have here mention only of sowing; whence is it [that the prohibition applies also to] preserving them? There is a text to state, Not . . . with a diverse kind,⁵ so [deduce from this that] if the purpose is to reduce what is improper it is permitted!⁶ — No, we have here [not the opinion of R. Akiba but] of the Rabbis.⁷ If, however, it is the opinion of the Rabbis, why specify 'We may uproot them,' since their teaching holds good even with the preservation of the plants!⁸ — With what circumstance are we dealing here? When, e.g., he worked for nothing,⁹ and it is in accord with the teaching of R. Judah who said: It is forbidden to make them a free gift.¹⁰ [But nevertheless] from R. Judah's statement can we not infer what is R. Akiba's view: R. Judah having declared that it is forbidden to make them a free gift, but it is all right for the purpose of reducing what is improper;¹¹ similarly with R. Akiba, although he declared that he who preserves [mixed plantings] is liable to the punishment of lashes, it is all right for the purpose of reducing what is improper!¹² There is nothing further to discuss on this subject. Again [while the afore-mentioned Rabbis] were sitting together the question was raised: How is it with the price of an idol in the possession of an idolater?¹³ Does [the prohibition] affect the money which is in the possession of an idolater or not? — R. Nahman said to them: The more probable view is that the price of an idol in the possession of an idolater is permitted, [as may be seen from the incident where some would-be proselytes] came before Rabbah b. Abbahu and he told them, 'Go and sell all your possessions and then come to be converted.'¹⁴ What was his reason? Was it not because he held that the price of an

idol in the possession of an idolater is permitted!¹⁵ But perhaps it is different in this latter circumstance, because having the intention of becoming a proselyte each of them must surely have annulled [his idolatrous objects]!¹⁶ — Rather may [support for R. Nahman's view be obtained] from this teaching: If an Israelite has a claim for a maneh against an idolater and the latter sold an idol or yen neseq and brought him the proceeds, [the money] is permitted to him; but if [the idolater] said, 'Wait until I sell an idol or yen neseq and I will bring you the proceeds,' it is prohibited.¹⁷

What is the difference between the two circumstances [that one is permitted and the other not]? — R. Shesheth said: The latter [is prohibited] because [the Israelite] then wishes [the idol] to be preserved.¹⁸ But is it prohibited if he wishes it to be preserved under such conditions? For behold we have learnt: If a proselyte and an idolater inherited from their father who was an idolater, the proselyte can say to the other, 'You take the idol and I the money; you take the yen neseq and I the fruits';¹⁹ but after [the inherited objects] have come into the possession of the proselyte it is forbidden [to make such a proposition]!²⁰ — Raba b. 'Ulla said: This Mishnah refers to an idol which can be divided according to its pieces.²¹ Granted that this is so with an idol, but what is there to say with yen neseq!²² — [It refers to wine preserved] in hadrianic earthenware.²³ But is he not desirous of their preservation that they should not be stolen or lost! — Then R. Papa said: [You cite a passage that] treats of the inheritance of a proselyte!²⁴ It is different with a proselyte's inheritance in connection with which the Rabbis took a lenient view from fear that he might relapse into his error.²⁵

(1) Even for payment.

(2) Here, too, the Jew must long for the preservation of the forbidden plantings so that he may be hired to uproot them.

(3) By putting up a hedge around them.

(4) Lev. XIX, 19.

(5) The verse in Lev. is lit.: 'Thou shalt not let thy cattle gender with a diverse kind, thou shalt not sow thy field with a diverse kind.' Since the two laws are not connected by 'and', they are united for the purpose of exposition, and the second clause is interpreted as implying that not only may a field not be sown with two kinds of seeds but a mixed planting which had already taken place there must not be allowed to remain.

(6) Although it is in his interests that they should be cultivated since he would have employment. [This is what led them to maintain that the author of the Baraitha permitting uprooting could also be R. Akiba.]

(7) Who are unconcerned about the man's interest in the preservation of the mixed plantings in order to earn money from their eradication. [As regards idolatry, however, they would agree that it is forbidden to accept payment where it involves the wish to preserve idolatry.]

(8) Therefore the quoted teaching cannot be the Rabbis'; and since it is found to agree neither with them nor R. Akiba, it must be re-interpreted, and this is done to make it accord with the Rabbis.

(9) The regulation 'we may uproot them' does not refer to paid labour.

(10) It is accordingly forbidden for a Jew to give his services free to an idolater (v. supra 20a) and yet where the effect is to reduce what is improper it is permitted.

(11) As, e.g., uprooting mixed plantings.

(12) And R. Nahman who permits the breaking of a cask of yen neseq finds support in this Baraitha, whoever the author of it may be.

(13) If an idolater sold an idol to another idolater, may a Jew have dealings with him for that money?

(14) If they become converts first, their idolatrous objects could not be annulled and the proceeds used by them or by Jews generally.

(15) This supports R. Nahman.

(16) And then they could be sold and the money used.

(17) Tosef. A.S. VIII. This supports R. Nahman.

(18) So that it may be sold and he receive the proceeds.

(19) The proselyte then hopes for their preservation, so that he may have his share; and yet this is permitted.

(20) Dem. VI, 10.

(21) E.g., a golden image which is broken up and the metal shared between them, because the proselyte would have no

objection to the idol being destroyed.

(22) The proselyte would be anxious that the jars containing it should not be broken.

(23) V. supra 32a. In this case there is no anxiety about the jar being broken.

(24) This is an exceptional circumstance; consequently nothing can be deduced from it in connection with the subject under discussion.

(25) If he lost his inheritance through a strict interpretation of Jewish law.

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There is a teaching to the same effect: This only applies when they inherit, but in a case of partnership¹ it is prohibited.

Then again [the afore-mentioned Rabbis] were sitting together and the question was raised: Can a ger toshab² annul an idol? Must a worshipper annul it so that a non-worshipper cannot, or perhaps anybody who belongs to them³ can annul it and he belongs to them? — R. Nahman said to them: The more probable view is that a worshipper must annul it and a non-worshipper cannot. Against this is quoted: If an Israelite found an idol in a public place, before it comes into his possession he may ask an idolater to annul it, but after it comes into his possession he may not ask an idolater to annul it because [the Rabbis] declared: An idolater can annul the idol belonging to himself or to another idolater whether he worships or does not worship it.⁴ What means 'he worships it' and what means 'he does not worship it'? If I say that in either case it refers to an idolater, then it is identical with 'belonging to himself or to another idolater'! Must we not then suppose that the subject of 'worships' is an idolater and of 'does not worship' a ger toshab, and deduce from it that a ger toshab can also annul? — No; I can always tell you that in either case it refers to an idolater, and when it is argued that it is then identical with 'belonging to himself or to another idolater,' [the reply I make is] that in the first clause it means when each of them [worships] Peor or each [worships] Mercurius,⁵ whereas in the second clause it means when one [worships] Peor and the other [worships] Mercurius.⁶

Against this is quoted: 'Who is a ger toshab? Any [Gentile] who takes upon himself in the presence of three haberim⁷ not to worship idols. Such is the statement of R. Meir; but the Sages declare: Any [Gentile] who takes upon himself the seven precepts⁸ which the sons of Noah undertook; and still others maintain: These do not come within the category of a ger toshab; but who is a ger toshab? A proselyte who eats of animals not ritually slaughtered, i.e., he took upon himself to observe all the precepts mentioned in the Torah apart from the prohibition of [eating the flesh of] animals not ritually slaughtered. We may leave such a man alone with wine,⁹ but we may not deposit wine in his charge even in a city where the majority of residents are Israelites.¹⁰ We may, however, leave him alone with wine even in a city where the majority of residents are heathens; and his oil is like his wine.' How can it enter your mind to say that his oil is like his wine; can oil become nesek!¹¹ [The wording must be amended to] his wine is like his oil,¹² but in every other respect he is like a heathen.¹³ Rabban Simeon says: His wine is yen nesek. Another version [of Rabban Simeon's statement] is: 'It is allowed to be drunk [by Israelites].' At all events it teaches that 'in every other respect he is like a heathen.' For what practical purpose [is this mentioned]? Is it not that he can annul an idol in the same manner as an idolater?¹⁴ — R. Nahman b. Isaac said: No; it is in connection with his power to transfer or renounce ownership;¹⁵ as it has been taught: An apostate Israelite who publicly observes the Sabbath¹⁶ may renounce his ownership, but if he does not observe the Sabbath publicly he may not renounce his ownership because [the Rabbis] said: An Israelite may transfer or renounce his ownership, whereas with a heathen this can only be done by renting [his property]. In what way? — [One Israelite] can say to [another Israelite], 'My ownership is acquired by you; my ownership is renounced in your favour,' and the latter has thereby acquired [the property]¹⁷ without the necessity of a formal assignment.

Rab Judah sent a present

- (1) Between a proselyte and a heathen. In that case the proselyte may not derive benefit from an idol or yen nesek.
- (2) Lit., 'proselyte-settler,' i.e., a Gentile who renounces idolatry to become a settler in Palestine. V. the next paragraph for a discussion of the term.
- (3) I.e., are non-Jews whether actual idolaters or not.
- (4) Tosef. A.Z. VI.
- (5) Each worships a separate idol of the same deity; only then can one annul the idol of the other.
- (6) Even then one can annul the other's idol although he himself does not worship it.
- (7) V. Glos. s.v. Haber.
- (8) V. supra p. 5, n. 7.
- (9) Without its being disqualified as yen nesek. This is not allowed with a heathen.
- (10) [For fear that he might erroneously exchange it with his wine, which is forbidden.]
- (11) [Rashi omits the word 'wine' in our edd.]
- (12) I.e., just as his oil may be used by Jews so his wine may be used by them, though not for drinking purposes.
- (13) Because he had not submitted to the two conditions of a proselyte vis., circumcision and immersion.
- (14) This contradicts R. Nahman.
- (15) Of a piece of land to combine it with the property of a Jew for the purpose of uniting them to enable an article to be carried from one place to another within that area on the Sabbath.
- (16) Whatever he may do in private. The fact that he observes it publicly indicates that his Jewish sensibility has not been completely suppressed.
- (17) By the mere declaration, without the purchase money having been first paid.

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to Abidarna¹ on a heathen feast-day, saying, 'I know that he does not worship idols.' R. Joseph said to him, 'But it has been taught: Who is a ger toshab! Any [Gentile] who takes upon himself in the presence of three haberim not to worship idols!'² — [Rab Judah] replied, 'This teaching only applies to the matter of supporting him.'³ [R. Joseph] retorted, 'But Rabbah b. Bar Hanah said in the name of R. Johanan: A ger toshab who allows twelve months to pass without becoming circumcised is to be regarded as a heretic among idolaters!'⁴ [Rab Judah] answered, 'This refers to the circumstance where he undertook to be circumcised but did not undergo the rite.'

Raba once sent a present to Bar-Sheshak⁵ on a heathen feast-day, saying, 'I know that he does not worship idols'; but on paying him a visit, he found him sitting up to his neck in a bath of rosewater while naked harlots were standing before him. [Bar-Sheshak] said to him, 'Have you [Israelites] anything like this in the World to Come?' He replied, 'We have much finer than this.' He asked, 'Is there anything finer than this?' [Raba] answered, 'There is upon you the fear of the ruling power,⁶ but for us there will be no fear of the ruling power.' He said to him, 'What fear have I, at any rate, of the ruling power!' While they were sitting together, the king's courser arrived with the message, 'Arise, the king requires your presence.' As he was about to depart [Bar-Sheshak] said to [Raba], 'May the eye burst that wishes to see evil of you!' To this Raba responded, 'Amen,' and Bar-Sheshak's eye burst. R. Papi said: [Raba] should have answered him by quoting the verse, Kings' daughters are for thine honour; at thy right hand doth stand the queen in gold of Ophir.⁷ R. Nahman b. Isaac said: [Raba] should have answered him by quoting the verse, No eye hath seen what God, and nobody but Thee, will work for him that waiteth for Him.⁸

IF HE HIRED HIM TO ASSIST HIM IN ANOTHER KIND OF WORK. [Is his wage permitted] even if he did not ask him [to remove the cask of yen nesek] towards evening?⁹ Against such a conclusion I quote: If [a heathen] hires an [Israelite] workman¹⁰ and towards evening says to him, 'Remove a cask of yen nesek from this place to that,' his wage is permitted.¹¹ The reason [why it is permitted] is because he asked him to do so towards evening; consequently [if he was asked to do so]

throughout the day it would not [be permitted]! — Abaye said: Our Mishnah likewise refers to when he asked him to do so towards evening. Raba said: [Even if we assume that our Mishnah does not refer to the time towards evening] there is no contradiction, because [the second teaching deals with the circumstance] where he says to him, ‘Remove for me a hundred casks for a hundred perutahs’,¹² and [the Mishnah] where he says to him, ‘Remove for me some casks for a perutah each.’¹³ And thus it has been taught: If [a heathen] hires an [Israelite] workman, saying to him, ‘Remove for me a hundred casks for a hundred perutahs’ and a cask of yen nesek was found among them, his wage is prohibited; [but if he said, ‘Remove for me] some casks for a perutah each,’ and a cask of yen nesek was found among them, his wage is permitted.¹⁴ IF HE HIRED [AN ISRAELITE'S] ASS TO CARRY YEN NESEK, ITS HIRE IS PROHIBITED. What need is there for this [to be mentioned] since it is identical with the first clause?¹⁵ — It was necessary on account of the continuation, viz., BUT IF HE HIRED IT TO SIT UPON, EVEN THOUGH HE RESTED HIS JAR [OF YEN NESEK] UPON IT, ITS HIRE IS PERMITTED.¹⁶ Is this to say that it is not lawful¹⁷ to rest the jar [upon the ass]? Against this I quote: If a man hires an ass, the hirer may rest upon it his clothes, jar and the food which is required for that journey, but as regards anything beyond this the ass-driver may object; an ass-driver may rest upon it barley, straw and food required by him for that day, but as regards anything beyond this the hirer may object!¹⁸ — Abaye said: Granted that it is lawful to rest a jar upon the animal; nevertheless should [the hirer] not rest a jar upon it, do we say to him, ‘Deduct the carriage of the jar’!¹⁹

How is this?²⁰ Since [the hirer] is able to purchase [food on the journey], the ass-driver should also be allowed to object!²¹ And should [the driver] not be able to purchase [food on the journey], the hirer should also not be allowed to object!²² — R. Papa said: No; it is necessary [to suppose conditions] where one is able by trouble²³ to make purchases from station to station; an ass-driver is accustomed to the trouble of making such purchases²⁴ whereas the hirer is not accustomed to it.²⁵

The father of R. Aha the son of R. Ika²⁶

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- (1) A heathen friend of his.
 - (2) And Abidarna was not considered a ger toshab.
 - (3) If a Gentile renounced idolatry and became poor he must receive support from the Jewish community.
 - (4) And Abidarna was not circumcised.
 - (5) A heathen friend.
 - (6) Your fate is in the hands of your king who can at will deprive you of all you possess.
 - (7) Ps. XLV, 10. Instead of ‘for thine honour’ required as the rendering by the Talmud, E.V. has ‘among thy honourable women.’ The point of the verse is that Israelites in the Hereafter will be attended by noble women, and not surrounded by harlots as this heathen was.
 - (8) Isa. LXIV, 3, sic. This verse, understood in this sense, is used by the Talmud to denote that the good things of the World to Come cannot be conceived by the mind of man (v. Ber. 34b).
 - (9) The labourer was hired by the day and at evening he was paid for his work. The question, therefore, is whether a Jew may accept pay for removing the cask when it was part of the day's lawful work.
 - (10) For permitted work, and after the day's task is completed he imposes the additional task upon him.
 - (11) Tosef. A.Z. VI.
 - (12) V. Glos., s.v. perutah. His wage is for all the work he did. If, then, all the casks contained oil but one had yen nesek, all his earnings are prohibited.
 - (13) He can then throw away what he earned for the unlawful work and retain the rest.
 - (14) With the exception of the perutah for that cask.
 - (15) Viz., if a heathen hired an (Israelite) workman to assist him in (the preparation of) yen nesek, his wage is prohibited.
 - (16) Consequently it is considered that the owner of the ass only receives pay for the man riding upon it and the jar is not taken into account.
 - (17) [Rashi reads, ‘not usual’.]
 - (18) It follows that the hirer may rest his jar upon the ass, and therefore the owner receives payment for this.

- (19) Because there is no special charge for the carrying of the jar, the hire is permitted.
- (20) That the hirer can load the animal with the food he requires for the whole journey but the ass-driver with what he requires for one day.
- (21) Because the stop to buy food prolongs the duration of the journey.
- (22) To his having food for the whole journey.
- (23) [Ms. M.: 'he is able to purchase.']
- (24) So he is allowed only a day's supply.
- (25) For that reason he may take food with him for the whole journey.
- (26) He was a wine-dealer. He did not sell heathens jars of wine, but used to pour it into their bottles retaining the jar for himself. The usual custom was to sell the wine inclusive of the jar.

Talmud - Mas. Avodah Zarah 65b

used to pour out the wine for heathens [into their own vessels], and carry it across the ford for them, receiving from them the jars as the reward for doing so. People reported the matter to Abaye who told them: When he laboured¹ he did so with what was permitted.² But, [it was objected,] he had an interest in the preservation of something [that was unlawful],³ viz., that their skin-bottles should not split! — [No;] he had made a condition with them;⁴ or [as an alternative explanation] they brought barrels with them.⁵ But, [it was objected,] he carried them across the ford for them and consequently he laboured with what was prohibited! [No;] he instructed the ferryman from the outset [to convey the buyers across],⁶ or [as an alternative explanation] they carried with them certain identification marks.⁷

MISHNAH. IF YEN NESEK FELL UPON GRAPES, ONE MAY RINSE THEM AND THEY ARE PERMITTED, BUT IF THEY WERE SPLIT THEY ARE PROHIBITED. IF IT FELL UPON FIGS OR UPON DATES, SHOULD THERE BE IN THEM [SUFFICIENT WINE] TO IMPART A FLAVOUR, THEY ARE PROHIBITED. IT HAPPENED WITH BOETHUS B. ZUNIN THAT HE CONVEYED DRIED FIGS IN A SHIP AND A CASK OF YEN NESEK WAS BROKEN AND IT FELL UPON THEM; SO HE CONSULTED THE SAGES WHO DECLARED THEM PERMITTED. THIS IS THE GENERAL RULE: WHATEVER DERIVES ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR IS PROHIBITED, BUT WHATEVER DOES NOT DERIVE ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR IS PERMITTED, AS, E.G., VINEGAR WHICH FELL UPON SPLIT BEANS.

GEMARA. But there is an incident⁸ [narrated] which contradicts [the first clause of the Mishnah]! — [The wording of the Mishnah] is defective and should read as follows: If [the wine] affects the flavour adversely it is permitted; and thus it happened with Boethus b. Zunin that he conveyed dried figs in a ship and a cask of yen nesek was broken and it fell upon them; so he consulted the Sages who declared them permitted.⁹

A cask of yen nesek once fell upon a heap of wheat, and Raba permitted it to be sold to heathens. Rabbah b. Liwai quoted against Raba: If mixed stuffs occur¹⁰ in a garment, he may not sell it to a heathen, nor make a pack-saddle of it for an ass, but he may use it as shrouds for a meth mizwah.¹¹ Why may he not [sell it] to a heathen? Lest he dispose of it to an Israelite! So here also [there is the fear that the wheat] may be sold back by him to an Israelite? — Thereupon [Raba] permitted [the Israelite] to mill it, bake it and sell [the loaves] to a heathen not in the presence of an Israelite.¹²

We learnt: IF YEN NESEK FELL UPON GRAPES, ONE MAY RINSE THEM AND THEY ARE PERMITTED, BUT IF THEY WERE SPLIT THEY ARE PROHIBITED. If they are split they are [prohibited], but if not split they are not!¹³ — R. Papa said: It is different with wheat because on account of the slit [in the ears] they are considered to be split.

- (1) [By pouring the wine into their bottles.]
- (2) The wine did not become neseq until it was in the jars of the heathens.
- (3) Viz., their bottles, because if these were broken they would retain his jars and he would be the loser.
- (4) That he was to have the jars even if their bottles were broken.
- (5) In which the bottles were placed, so that if wine ran out it would not be lost.
- (6) Before the jars were filled; this is allowed because they were still in his possession.
- (7) Which the ferryman recognised, and he conveyed them across without being told to do so in each case. Accordingly R. Ika did not himself carry them to the other side.
- (8) Viz., what is told of Boethus.
- (9) Because the wine had a bad effect on the dried figs.
- (10) Lit., 'was lost'. Cf. Lev. XIX, 19. The case here is where some threads of different materials were woven into the fabric and they cannot be distinguished from the rest to be cut away.
- (11) V. Glos. A dead person is absolved from the precepts of the Torah, and so the prohibition of mixed stuffs does not apply.
- (12) If he sold them in the presence of a Jew, they might be bought by a Jew. Loaves baked by a heathen are disallowed, so that there would be no fear lest they would be bought by a Jew.
- (13) And this rule should also apply to wheat.

Talmud - Mas. Avodah Zarah 66a

When old wine [falls] upon grapes, all agree that [they are prohibited, if] it imparts a flavour. In the case of new wine [which falls] upon grapes, Abaye said that [they are prohibited] however small the quantity be, but Raba said that it must impart a flavour. Abaye said that [they are prohibited] however small the quantity be for the reason that we use the criterion of flavour, and since both [the wine and grapes] have one flavour, it is a case of one species being mixed with the same species, and in such circumstances a minimum quantity [suffices to disqualify]. Raba, on the other hand, said that it must impart a flavour for the reason that we use the criterion of name; and since they each have a distinctive name it is a case of one species [being mixed] with a different species, and in such circumstances [the disqualification depends upon the prohibited element] imparting its flavour [to the mixture].¹

We learnt: IF YEN NESEK FELL UPON GRAPES etc. Now it is assumed that [the reference is to] new wine upon grapes; and yet [are they not disqualified only] if it imparts a flavour?² — No, [they are prohibited] however small the quantity be. Since, however, it states in the sequel: THIS IS THE GENERAL RULE: WHATEVER DERIVES ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR IS PROHIBITED; WHATEVER DOES NOT DERIVE ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR IS PERMITTED, it follows that we are dealing here with a case where it does impart a flavour. What, then, of Abaye?³ — [He explains] our Mishnah as referring to old wine [which fell] upon grapes.⁴

If wine-vinegar [becomes mixed] with malt-vinegar or wheat-yeast with barley yeast,⁵ Abaye said: [The mixture is prohibited when the unlawful element] imparts a flavour and we use the criterion of flavour; and since each has a separate flavour, it is a case of one species [being mixed] with a different species, and in such circumstances [the disqualification depends upon the prohibited element] imparting its flavour [to the mixture]. Raba, on the other hand, said: [It is prohibited] however small the quantity be and we use the criterion of name; and since each is called vinegar or yeast, they belong to the same species and a minimum quantity [suffices to disqualify] with what belongs to the same species. Abaye said: Whence do I declare that we use the criterion of flavour? As we learnt: Spices of two or three different categories⁶ which belong to the same species,⁷ or three species [of one category], are prohibited⁸ and may be combined together;⁹ and Hezekiah said: We are dealing here with kinds of [condiments which impart a flavour of] sweetness¹⁰ because they are appropriately used for sweetening what is cooked. Now this is quite right if you maintain that we

use the criterion of flavour, since they all taste alike; but should you maintain that we use the criterion of name, each of them has a separate name!¹¹ — Raba, however, can reply:¹² Whose teaching is this? It is R. Meir's, as it has been taught: R. Judah says in the name of R. Meir: Whence is it that all the prohibited things of the Torah may be combined together?¹³ — As it is stated, Thou shalt not eat any abominable thing¹⁴ — everything which I declared to be abominable comes within the law of Thou shalt not eat.¹⁵

If [prohibited] vinegar fell into [permitted] wine, all agree that it depends on whether it imparts a flavour;¹⁶ but if [prohibited] wine fell into [permitted] vinegar,¹⁷ Abaye said [that it is prohibited] however small the quantity be, and Raba said [that it depends upon whether the forbidden element] imparts a flavour. Abaye said [that it is prohibited] however small the quantity be,

(1) What the proportion of the forbidden element must be to the whole for the mixture to be allowed is discussed at the end of this Gemara (p. 329).

(2) This refutes Abaye.

(3) Who prohibits them however small be the quantity of wine which fell upon them.

(4) And then all agree that the prohibition depends on the flavour.

(5) I.e., the wine-vinegar being neseq and the wheat-leaven being part of a heave-offering.

(6) Viz., they are forbidden for common use under different headings, as, e.g., 'orlah, heave-offering etc.

(7) E.g., white pepper, black pepper, etc.

(8) When they impart a flavour to food with which they have been mixed.

(9) If each one by itself is not sufficient to impart a flavour but together they are ('Orlah, II, 10).

(10) They must all have the same taste if they are to be combined together to disqualify the mixture.

(11) Why then should they combine?

(12) He rejects Hezekiah's interpretation.

(13) If each element is itself insufficient to disqualify.

(14) Deut. XIV, 3.

(15) Consequently the criterion in regard to combination is neither name nor taste. The forbidden character of the several spices is in itself sufficient to make them combine.

(16) Because the vinegar is not affected either in its odour or taste before it mixes with the wine and it is thus a case of the mixture of two species.

(17) As soon as the wine begins to fall into the vessel, it is affected by the odour of the vinegar, even before the two liquids actually mix.

Talmud - Mas. Avodah Zarah 66b

because where the smell [of the wine] is that of vinegar and the taste is of wine it is regarded as vinegar;¹ it is then a case of one species [being mixed] with the same species and in such circumstances a minimum quantity [suffices to disqualify]. Raba, on the other hand, said [that it depends upon whether the forbidden element] imparts a flavour, because when the smell [of the wine] is vinegar and the taste is of wine it is regarded as wine, and it is a case of one species [being mixed] with a different species, and in such circumstances [the disqualification depends upon the prohibited element] imparting its flavour [to the mixture].

If a heathen [smelt the wine] of an Israelite through the bung-hole² it is all right; but if an Israelite does this with the wine of a heathen Abaye declared it prohibited whereas Raba declared it permitted. Abaye declared it prohibited because the smell is something actual, whereas Raba declared it permitted because the smell is not something actual. Raba said: Whence do I maintain that the smell is not considered anything at all? As we have learnt: If they used cumin of a heave-offering as fuel for an oven and baked a loaf in it, the loaf is permitted because it [absorbs] not the taste but the smell of the cumin.³ [How does] Abaye [meet this argument]? — It is different in this instance because the prohibited element was burnt. R. Mari said: This is like [the difference

between the following] Tannaim: If a man removes a warm loaf [from the oven] and places it upon a cask of wine⁴ which is heave-offering, R. Meir prohibits and R. Judah permits it;⁵ R. Jose permits it with a wheaten-loaf but prohibits it with a barley-loaf because the latter absorbs [the fumes of the wine]. Is not the issue here that one Master regards smell as something actual and the other regards it as nothing at all? From Raba's viewpoint the Tannaim do certainly differ on this matter;⁶ but from Abaye's viewpoint are we to say that the Tannaim differ on this matter!⁷ — Abaye can reply: Has it not been stated in this connection: Rabbah b. Bar Hanah said in the name of R. Simeon b. Lakish: With a hot loaf and open cask

(1) The smell of vinegar is stronger than of wine, and people would judge the mixture by the odour.

(2) To see whether it was matured.

(3) Ter. X, 4. And if the smell were considered something actual, the loaf would be prohibited.

(4) The mouth of the cask being open so that the smell of the wine penetrates the loaf.

(5) To a non-priest.

(6) Because his opinion coincides with R. Judah's, whereas R. Meir by prohibiting the loaf obviously takes notice of the smell of the wine.

(7) Abaye could explain that even R. Judah regards smell as something actual, only his opinion is that the loaf does not absorb the fumes of the wine.

Talmud - Mas. Avodah Zarah 67a

all agree that it is prohibited;¹ with a cold loaf and a stoppered cask all agree that it is permitted; they only differ when the loaf is hot and the cask stoppered or when the loaf is cold and the cask open; and the case under consideration² is like a hot loaf upon an open cask.

THIS IS THE GENERAL RULE: WHATEVER DERIVES ADVANTAGE [FROM YEN NESEK BY ITS] IMPARTING A FLAVOUR etc. Rab Judah said in the name of Samuel: Such is the legal decision.³ Further declared Rab Judah in the name of Samuel: This teaching only applies when [the vinegar] fell into hot split beans;⁴ but if it fell into cold split beans⁵ and he then warms them⁶ the effect is to improve them and only in the end are they deteriorated, and therefore they are prohibited. Similarly when Rabin came [from Palestine] he reported that Rabbah b. Bar Hanah said in the name of R. Johanan : This teaching only applies when [the vinegar] fell into hot split beans; but if it fell into cold split beans and he then warms them the effect is to improve them and only in the end are they deteriorated, and therefore they are prohibited. There was a similar report from Rab Dimi when he came [from Palestine, and he added] that they used to do this⁷ on Sabbath-eves in Sephoris and they called them cress-dish.⁸

R. Simeon b. Lakish said: When [the Rabbis] use the phrase 'it imparts a worsened flavour,' [they do not mean] that we are to say that a certain dish lacks salt or is oversalted, or lacks spice or is over-spiced;⁹ but [what they do mean is] any food which is not lacking in anything and is not eaten because of this.¹⁰ Another version is: R. Simeon b. Lakish said: When [the Rabbis] use the phrase 'it imparts a worsened flavour', we do not attribute [the bad flavour to the fact that] a certain dish lacks salt or is oversalted, or lacks spice or is over-spiced, but [we declare that] now only it has deteriorated [owing to the mixture].¹¹

R. Abbahu said in the name of R. Johanan: Whenever the flavour and substance [of the prohibited element in a mixture are perceptible] it is prohibited [and one who eats it] is liable to the punishment of lashes; and that is a quantity equal to the size of an olive [of the prohibited element mixed] with a quantity equal to half a loaf.¹²

(1) Because the smell certainly affects the loaf.

(2) The Israelite smelling the heathen's wine through the bung-hole.

- (3) Viz., that when the wine or vinegar causes a deterioration in the value of the food-stuff it is permitted.
- (4) The effect is to spoil them.
- (5) Which improves the flavour.
- (6) In order to destroy the advantage of the vinegar.
- (7) Pour vinegar upon cold split beans.
- (8) Cf. supra 30b.
- (9) And would not for that reason be eaten quite apart from the disqualifying matter which has been mixed with it.
- (10) Viz., the bad flavour which resulted from the mixture with disqualifying matter. Only in that circumstance does it become permitted.
- (11) This is a less strict view than what is given in the previous version; because even if it is under- or over-seasoned, it may still be allowed when mixed with what is unlawful, provided this imparted a bad flavour.
- (12) I.e., a quantity equal to the size of four eggs (Rashi). To be liable he must in addition have eaten the minimum amount spread over a period which is defined by the phrase 'in which one could eat half a loaf.'

Talmud - Mas. Avodah Zarah 67b

If the taste [is perceptible] but not the substance,¹ it is prohibited but he is not punished with lashes; should, however, [the unlawful element] have intensified the flavour so as to worsen it, then it is permitted. Let him then say [more explicitly] that if it imparts a worsened flavour it is permitted! — He thereby informs us that it is so even when there is another element in it which worsens the flavour, and [that] the legal decision is in accord with the second version of R. Simeon b. Lakish's statement.²

R. Kahana said: We learn from the words of them all³ that when [the forbidden element] imparts a worsened flavour it is permitted. Abaye said to him: As regards all the rest of them very well, but since R. Simeon b. Lakish has the words, 'When [the Rabbis] use the phrase,' it follows that he personally does not hold that view. Are we, then, to infer that there are some who maintain that when [the forbidden element] imparts a worsened flavour it is prohibited? — Yes, for it has been taught: Whether it imparts a worsened or improved flavour it is prohibited — such is the statement of R. Meir; R. Simeon says: If improved it is prohibited but if worsened it is permitted. What is R. Meir's reason? — He derives it from the vessels of Gentiles. The vessels of Gentiles, do they not impart a worsened flavour [to the food cooked in them]? and yet the All-merciful forbade them;⁴ so here also it makes no difference [and it is prohibited]. How does the other [viz., R. Simeon establish his view]? — In the same manner as R. Huna the son of R. Hiyya who said: The Torah only forbade a utensil which had been used [by a Gentile] the same day, the effect of which is not to worsen the flavour. [What reply is made to this by] the other? — Even in the case of a pot used [by a Gentile] the same day it is impossible that it should not worsen [the flavour] a little. And what is R. Simeon's reason? — Because it has been taught: Ye shall not eat of anything that dieth of itself [nebelah]; thou mayest give it unto the stranger that is within thy gates⁵ — whatever is fit for use by a stranger is called nebelah,

(1) It had become dissolved in the mixture.

(2) The more lenient view is adopted.

(3) Rab Judah, R. Dimi, Resh Lakish, R. Abbahu.

(4) They must be rinsed with boiling water before a Jew may use them. This law is based on Num. XXXI, 23; v. p. 362.

(5) Deut. XIV, 21.

Talmud - Mas. Avodah Zarah 68a

and whatever is unfit for use by a stranger is not called nebelah.¹ How does R. Meir [explain the verse]? — Its purpose is to exclude what was tainted from the outset.² How does R. Simeon [meet this argument]? — An animal tainted from the outset does not require to be specially excluded

because it is nothing more than dust.³

‘Ulla said: The difference [between R. Meir and R. Simeon] is over the circumstance where [the mixture] is improved [by the addition of the forbidden element] and in the end deteriorates, but if it deteriorates in the first instance all agree that it is permitted. R. Haga quoted against ‘Ulla: If wine [which is nesek] fell into lentils or vinegar into split beans it is prohibited, but R. Simeon permits it. Hence is a case where it deteriorates from the outset, and for all that they differ! — ‘Ulla replied: Haga is ignorant of what the Rabbis are here discussing and yet quotes it in objection. With what are we dealing here? E.g., it fell into cold split beans and he then warms them, the effect of which is to improve them, and only in the end are they deteriorated, and so they are prohibited. R. Johanan, on the other hand, said: The difference is when [the mixture] deteriorates from the outset. The question was asked: Is the difference over a case where it deteriorates from the outset and all agree that it is prohibited when it first improves and only in the end deteriorates, or perhaps in either event there is a difference of opinion?⁴ — The question remains unanswered.

R. Amram said: Is it possible that R. Johanan's statement⁵ should have any substance and not be the subject of a Mishnaic teaching? He went forth and examined and found a teaching. For we learnt: If non-holy yeast fell into dough and was sufficient to leaven it and did actually leaven it, and subsequently there fell into it yeast of a heave-offering or yeast of mixed plantings⁶ sufficient to cause leavening, it is prohibited — but R. Simeon permits it.⁷ Now, here is a case where [the mixture] deteriorated from the outset⁸ and yet they differ!⁹ — R. Zera said: It is otherwise with dough because it is capable of fermenting many other pieces of dough.¹⁰

Come and hear!¹¹ If yeast of a heave-offering and also some which was non-holy fell into dough,¹² each being sufficient to cause leavening, and they leavened it, then it is prohibited; but R. Simeon permits it. If the yeast of a heave-offering fell in first, all agree that it is prohibited,¹³ but if the non-holy yeast fell in first and then the yeast of a heave-offering or mixed plantings,¹⁴ it is prohibited, but R. Simeon permits it. Now here is a case where it deteriorated from the outset and yet they differ! Should you answer that here also

(1) I.e., if it was unfit for consumption because it was so deteriorated, the prohibition departs from it.

(2) So that it had never been fit for consumption; consequently the prohibition of nebelah does not apply to it.

(3) It is not regarded as an animal at all.

(4) Viz., R. Meir prohibits and R. Simeon permits it.

(5) That the difference is when the mixture deteriorates from the outset.

(6) Prohibited by the law of Lev. XIX, 19.

(7) ‘Orlah II, 10.

(8) Since it was already leavened before the prohibited yeast fell into it. The effect must be to spoil the dough.

(9) This supports R. Johanan.

(10) The yeast that fell into the dough deteriorated it from the point of view of eating; yet it was an advantage by rendering it capable of leavening other pieces of dough.

(11) Another attempt is made to find a teaching in support of R. Johanan's statement.

(12) At the same time, and the combined quantity was greater than was necessary for leavening.

(13) Because there was improvement at first and only in the end it deteriorated because of the second quantity of yeast.

(14) And leavened it so that it was worsened from the outset by the unlawful element.

Talmud - Mas. Avodah Zarah 68b

R. Zera's explanation applies,¹ come and hear the continuation [of this teaching]: If wine [which is nesek] fell into lentils or vinegar into split beans, it is prohibited, but R. Simeon permits it. Now here is a case where it deteriorated from the outset and for all that they differ! Should you answer that here also what ‘Ulla taught R. Haga applies, viz., where it first improved and only in the end

deteriorated, do they differ in a case where it first improves and only in the end deteriorates? For behold it taught: If the yeast of a heave-offering fell in first,² all agree that it is prohibited! Is it not then to be concluded from this that there is difference of opinion even when it deteriorated from the outset? — Draw that conclusion.

Why were the three clauses³ which are taught necessary? — It is quite right that he quotes the third because he thereby teaches us that there is difference of opinion even when it deteriorated from the outset. The second likewise [taught us that] if it improved and in the end deteriorated all agree that it is prohibited. But why [quote] the first clause? Since in the third clause, where no improvement at all occurred, the Rabbis prohibit it, how much more so [must they prohibit it] where there was improvement! — Abaye said: The first clause is necessary because of R. Simeon,⁴ and the Rabbis spoke thus to R. Simeon: This dough should take two hours to leaven and what caused it to leaven in one hour? — [Yeast which was] prohibited.⁵ How does R. Simeon [meet this argument]? — When there was improvement it was caused by both [kinds of yeast]⁶ and when there was deterioration it was also caused by both. But according to R. Simeon, the lawful and prohibited elements should be combined and render [the dough] prohibited! — R. Simeon follows his own opinion, viz., that even two prohibited elements⁷ are not to be combined,⁸ for we have learnt: ‘Orlah and mixed plantings may be combined; R. Simeon says that they may not be combined.’⁹

A mouse fell into a cask of beer and Rab prohibited the beer. Some Rabbis mentioned this in the presence of R. Shesheth and remarked: He evidently was of the opinion that when it imparts a worsened flavour it is prohibited. [R. Shesheth] said to them: Rab certainly maintains elsewhere that when it imparts a worsened flavour it is permitted. Here, however, we have an anomaly since it is something repugnant and people recoil from it; and even then the Divine Law prohibited it¹⁰ with the consequence that although it imparts a worsened flavour it is nevertheless prohibited. The Rabbis said to R. Shesheth: According to your argument [a creeping thing] should defile¹¹ whether moist or dry; why then have we learnt: They defile when moist but not when dry!¹² — And according to your reasoning semen should defile whether moist or dry; why then have we learnt: It defiles when moist but not when dry! What, however, you could say is that the semen of which the Divine Law speaks [as defiling] is such as is capable of causing fertilisation; and likewise here [in connection with creeping things] the Divine Law uses the expression when they are dead,¹³ i.e., when they have the appearance of being dead.¹⁴ R. Shimi of Nehardea objected: Is [the mouse something] repugnant; is it not brought upon the table of kings! — R. Shimi of Nehardea said:¹⁵ There is no contradiction, for [what is served at meals] is the fieldmouse and [what fell into the beer] was the domestic mouse.

Raba said: The legal decision is that when it imparts a worsened flavour it is permitted, but what was Rab's reason [for prohibiting it] in the case where a mouse fell into beer I do not know. Was it because he held that when it imparts a worsened flavour it is prohibited and the legal decision is not in agreement with him, or because he held that when it imparts a worsened flavour it is permitted but a mouse in the beer causes an improvement [to the flavour]!

The question was asked:

(1) That there is a special feature about dough, and no general rule can be deduced from it.

(2) Cf. n. 1.

(3) (a) Holy and non-holy yeast fell in the dough at the same time. (b) The holy yeast fell in first. (c) Yen nesek fell into lentils.

(4) Who permits the dough when the unlawful yeast fell in simultaneously.

(5) Consequently the yeast was at first an advantage and only in the end a cause of deterioration, and even R. Simeon admits that this is prohibited.

(6) And not only by the prohibited yeast.

(7) Each of which is insufficient in quantity.

- (8) To constitute a quantity sufficient to render something prohibited.
- (9) 'Orlah, II, 1.
- (10) Lev. XI, 29. That the mouse was eaten, v. Isa. LXVI, 17.
- (11) For the reason that the Torah prohibited it despite its repugnance.
- (12) Liquid being a conductor of defilement.
- (13) Lev. XI, 32, only then does contact cause defilement.
- (14) I.e., when they are moist.
- (15) [To be deleted with MS. M.]

Talmud - Mas. Avodah Zarah 69a

How is it if [a mouse] fell into vinegar?¹ — R. Hillel said to R. Ashi: Such an incident happened with R. Kahana and he prohibited it. [R. Ashi] replied to him: In that case [the mouse] may have been dissolved into pieces.² Rabina thought to apply here the standard of a hundred and one³ since it is not less than with the heave-offering in connection with which we learnt: A heave-offering [mixed with the non-holy] is neutralised when the proportion is one in a hundred.⁴ R. Tahlifa b. Giza said to Rabina: Perhaps [the case under discussion] is like spices of a heave-offering [which fell into] a pot of food the taste of which is not neutralised. R. Ahai estimated that with vinegar the proportion must be fifty [to one].⁵ R. Samuel the son of R. Ika estimated that with beer the proportion must be sixty [to one]. The legal decision in either case is sixty [to one], and it is so with all things prohibited by the Torah.

MISHNAH. IF A HEATHEN WAS CONVEYING JARS OF WINE TOGETHER WITH AN ISRAELITE FROM PLACE TO PLACE, AND IT MAY BE PRESUMED THAT [THE WINE] IS UNDER SUPERVISION, IT IS PERMITTED. BUT IF [THE ISRAELITE] INFORMED HIM THAT HE WAS GOING AWAY [AND HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR THE OTHER TO BORE A HOLE [IN A JAR], STOP IT UP AND [THE SEALING CLAY] TO BECOME DRY, [THE WINE IS PROHIBITED]. R. SIMEON B. GAMALIEL SAYS: [A LENGTH OF TIME] SUFFICIENT FOR HIM TO OPEN A CASK,⁶ RESTOPPER IT AND [THE NEW STOPPER] TO BECOME DRY.⁷ IF [AN ISRAELITE] LEFT HIS WINE⁸ IN A WAGGON OR A SHIP WHILE HE WENT ALONG A SHORT CUT, ENTERED A TOWN AND BATHED, IT IS PERMITTED. BUT IF HE INFORMED HIM THAT HE WAS GOING AWAY [AND HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR THE OTHER TO BORE A HOLE, STOP IT UP AND [THE SEALING CLAY] TO BECOME DRY, [THE WINE IS PROHIBITED]. R. SIMEON B. GAMALIEL SAYS: [A LENGTH OF TIME] SUFFICIENT FOR HIM TO OPEN A CASK, RESTOPPER IT AND [THE NEW STOPPER] TO BECOME DRY. IF [AN ISRAELITE] LEFT A HEATHEN IN HIS SHOP, ALTHOUGH HE KEPT GOING IN AND OUT, [THE WINE THERE] IS PERMITTED. BUT IF HE INFORMED HIM THAT HE WAS GOING AWAY [AND HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR THE OTHER TO BORE A HOLE, STOP IT UP AND [THE SEALING CLAY] TO BECOME DRY, [THE WINE IS PROHIBITED]. R. SIMEON B. GAMALIEL SAYS: [A LENGTH OF TIME] SUFFICIENT FOR HIM TO OPEN A CASK, RESTOPPER IT AND [THE NEW STOPPER] TO BECOME DRY. IF HE WAS EATING WITH HIM AT A TABLE AND SET SOME FLAGONS UPON THE TABLE AND OTHERS UPON A SIDE-TABLE⁹ AND LEAVING THEM THERE WENT OUT, WHAT IS UPON THE TABLE IS PROHIBITED¹⁰ AND WHAT IS UPON THE SIDE-TABLE IS PERMITTED;¹¹ . AND SHOULD HE HAVE SAID TO HIM, 'MIX [SOME OF THE WINE WITH WATER] AND DRINK,' WHAT IS UPON THE SIDE-TABLE IS LIKEWISE PROHIBITED.¹² OPENED CASKS¹³ ARE PROHIBITED, AND THE CLOSED ONES ARE PERMITTED [EXCEPT WHEN HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR [THE HEATHEN] TO OPEN, RESTOPPER AND [THE NEW STOPPER] TO BECOME DRY.

GEMARA. How is the phrase, IT MAY BE PRESUMED THAT [THE WINE] IS UNDER

SUPERVISION to be defined? — As it has been taught: Behold a man's ass-drivers and workmen¹⁴ are laden with things which are ritually clean; and though he be more than a mil¹⁵ apart from them, his ritually clean things retain their state of purity; but if he said to them, 'Go on and I will follow you,' as soon as they are out of sight his ritually clean things lose their state of purity. What is the difference between the first and second circumstance [that one is permitted and the other prohibited]?¹⁶ — R. Isaac said: The first refers to when he purified his ass-drivers and workmen for the task.¹⁷ If that is so, it should apply also to the second clause!¹⁸ — An 'am ha-arez¹⁹ is not particular about the touch of his fellow.²⁰ If that is so, it should apply also to the first clause!²¹ — Raba said:

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- (1) Do we say that the mouse does not affect the taste since it is so sharp?
 - (2) And R. Kahana prohibited the vinegar from fear that a piece might be swallowed. Therefore no answer to the question can be inferred from this incident.
 - (3) If the permitted quantity is a hundred times as much as the prohibited element, the mixture is allowed.
 - (4) V. Ter. IV, 7.
 - (5) Owing to its pungent flavour the proportion is halved, i.e., the quantity of vinegar must be fifty times as much as the bulk of the mouse, if the liquid is to be permitted.
 - (6) I.e., remove the clay stopper which is sealed on to the cask.
 - (7) R. Simeon does not accept the first teaching because, in his opinion, the new patch of clay in the side of the jar could easily be detected.
 - (8) In charge of a heathen. Since he is unaware how long the owner will be away, he is afraid to tamper with the jars.
 - (9) Delphica mensa.
 - (10) Because from the fact that he was eating with the Jew, he would assume that he had the right to drink some of the wine and by touching it he renders it nesek.
 - (11) [As it is unusual for a guest to help himself from the provisions on the side-table.]
 - (12) Acting upon the permission, he may have touched the wine on the side-table.
 - (13) In the room where the heathen had been eating with a Jew and received permission to drink some wine.
 - (14) Belonging usually to the 'Am-ha-arez class. Their touch would defile what is ritually clean.
 - (15) A thousand paces; and he cannot see at such a distance what they might do with the loads.
 - (16) Even in the first circumstance described, inasmuch as the men are carrying the load they must necessarily touch and defile it.
 - (17) Through immersion in a ritual bath.
 - (18) Being cleansed how could they defile the load?
 - (19) V. Glos.
 - (20) Who, being ritually unclean, would communicate defilement to the load; and since the owner is out of sight, the men would not be careful to avoid such contact.
 - (21) Because he could not watch what happened at a distance of a mil.

Talmud - Mas. Avodah Zarah 69b

It refers to when [the owner] could come upon them by some by-path.¹ If that is so, it should apply also to the second clause! — Since he had told them, 'Go on and I will follow you,' their mind is at rest.² IF [AN ISRAELITE] LEFT A HEATHEN IN HIS SHOP etc. IF [AN ISRAELITE] LEFT HIS WINE IN A WAGGON OR A SHIP etc. [Both the circumstances] are necessary; for if he had only taught the case of a heathen [conveying jars of wine], since the man thought that perhaps [the Israelite] would come and observe him,³ but when [the wine is left] in a waggon or ship, conclude [that it must be prohibited because the heathen] could put the ship to sea and do whatever he wished [to the wine].⁴ If, however, he had only taught the instance [of wine being left] in a waggon or ship, [it might have been assumed that it was permitted] because the man would have thought, 'Perhaps [the owner] will come by another path or stand upon the bank and observe me,' but when a heathen [is left] in his shop, conclude [that it must be prohibited because] he could shut the door and do whatever he wished. Hence he informs us [that in such a circumstance the wine is not necessarily

prohibited].

Rabbah b. Bar Hanah said in the name of R. Johanan: The difference⁵ is over [a stopper of] lime,⁶ but with one of clay⁷ all agree [that he must have been absent a length of time] sufficient for him to open, restopper and [the new stopper] to become dry. Against this statement the following is quoted: R. Simeon b. Gamaliel said to the Sages: But [if he bored a hole in a jar] cannot his stopping be detected either on the outside⁸ or the inside!⁹ This is all right if you maintain that there is difference of opinion [when the stopper is] of clay and hence [R. Simeon b. Gamaliel] teaches that the stopping can be detected either on the outside or the inside. If, on the other hand, you maintain that there is difference of opinion [when the stopper is] of lime, then it is all right as regards the inside since it can be known, but as regards the outside it cannot be known! — R. Simeon b. Gamaliel was uncertain what the Rabbis intended; so he spoke to them as follows: If you refer [to a stopper of] clay, then his stopping can be detected on the outside or the inside; but if you refer to one of lime, granted that it cannot be known on the outside, yet it can be known on the inside! [What was the answer of] the Rabbis? — Since it cannot be known on the outside, it would not occur to him to reverse [the stopper] and inspect it; or also at times [the new stopping] hardens.¹⁰

Raba said: The halachah agrees with R. Simeon b. Gamaliel, since there is an anonymous Mishnah in accord with him; for we learn: IF HE WAS EATING WITH HIM AT A TABLE AND SET SOME FLAGONS UPON THE TABLE AND OTHERS UPON A SIDE-TABLE AND LEAVING THEM THERE WENT OUT, WHAT IS UPON THE TABLE IS PROHIBITED AND WHAT IS UPON THE SIDE-TABLE IS PERMITTED; AND SHOULD HE HAVE SAID TO HIM, 'MIX [SOME OF THE WINE WITH WATER] AND DRINK,' WHAT IS UPON THE SIDE-TABLE IS LIKEWISE PROHIBITED. OPENED CASKS ARE PROHIBITED, AND THE CLOSED ONES ARE PERMITTED [EXCEPT WHEN HE WAS ABSENT A LENGTH OF TIME] SUFFICIENT FOR [THE HEATHEN] TO OPEN, RESTOPPER AND [THE NEW STOPPER] TO BECOME DRY. Obviously [this teaching agrees with R. Simeon b. Gamaliel; so why does Raba mention the fact]! — You might have said that the whole of the passage was taught by R. Simeon b. Gamaliel. Hence we are informed [that it is not so].¹¹ Now since we have established the fact that [the halachah] agrees with R. Simeon b. Gamaliel, viz., we need not be concerned about the possibility of a hole being bored in a jar, and inasmuch as the halachah also agrees with R. Eliezer, viz., we need not be concerned about the possibility of the seal being forged,¹² what is the reason that we do not nowadays leave [stoppered casks] in charge of a heathen? — On account of the vent.¹³

Raba said: If Israelites were reclining at table with a Gentile harlot, the wine is permitted because while lust would be strong in them

(1) The men would then be afraid to defile their load.

(2) They are not under observation and would be careless. Accordingly the phrase UNDER SUPERVISION means that the heathen is afraid to tamper with the wine because he might be observed by the owner.

(3) Tampering with the wine, and for this reason he would be afraid to do so, and consequently the wine is permitted.

(4) Therefore the Mishnah has to state this case separately, and draw a distinction between whether the owner informed or did not inform the heathen of his intention to be absent for a while.

(5) Between the Rabbis and R. Simeon b. Gamaliel in the Mishnah.

(6) Because this is white from the beginning, and a new stopper of this material could not be easily detected.

(7) This is of a dark colour at first, and only after several days becomes white. Tampering would be readily noticed.

(8) The newness of the inserted material would be apparent.

(9) Even if the heathen smoothed the outside surface, he could not do this inside the jar; consequently the Jew could soon discover if anything was wrong by examining the stopper on the inside. If, then, R. Simeon holds that the new stopper can always be detected, why does he disagree with the Rabbis in the Mishnah?

(10) Both on top and bottom alike, so that detection is difficult.

(11) I.e., from 'If he was eating' is not part of R. Simeon's statement which precedes, although it harmonises with his

view.

(12) V. supra 31a.

(13) Through which the fumes of the wine are allowed to escape. A heathen might draw off some of the wine through it. Another reading is shibba, 'plug'. This could be taken out and the wine interfered with.

Talmud - Mas. Avodah Zarah 70a

a desire for *yen nesek* would not be strong in them.¹ If, however, Gentiles were reclining at table with an Israelite harlot the wine [which belongs to her] is prohibited. Why? — Because she would be held in contempt by them and be influenced to follow them.²

In a certain house was stored wine belonging to an Israelite. A heathen entered and locked the door behind him. There was a crack in the door through which the heathen was discovered standing among the jars. Raba said: All those which were opposite the crack are permitted,³ but those on either side are prohibited.

Wine belonging to an Israelite was stored in a house where an Israelite resided above and a heathen below.⁴ Once they heard a sound of quarrelling [in the street] and went out. The heathen came back first and locked the door behind him. Raba said: The wine is permitted on the ground that [the heathen] must have thought, 'Just as I came back first, so might the Israelite have come back first and be sitting upstairs watching me.'

There was some wine belonging to an Israelite stored in an inn, and a heathen was discovered among the jars. Raba said: If he could be convicted of theft the wine is permitted, otherwise it is prohibited.⁵

Wine [of an Israelite] was stored in a house and a heathen was discovered among the jars. Raba said: If he has an excuse⁶ the wine is prohibited, otherwise it is permitted.⁷ Against this is quoted: If the inn was locked⁸ or [the Israelite] said to him,⁹ 'Keep watch,' it is prohibited.¹⁰ Is it not to be supposed that [the wine is prohibited] even when the heathen has no excuse?¹¹ — No, [the cited teaching applies] when he has an excuse.¹²

An Israelite and a heathen were sitting and drinking wine together. The Israelite heard the sound of prayer in a Synagogue; so he arose and went there. Raba said: The wine is permitted on the ground that [the heathen] must have thought, 'He will remember the wine at any moment and return.'

An Israelite and a heathen were sitting in a ship. The Israelite heard the sound of the ram's horn announcing the advent of the Sabbath;¹³ so he left [the ship] and went ashore. Raba said: The wine is permitted on the ground that [the heathen] must have thought, 'He will remember the wine at any moment and return.' But if [it is supposed that the heathen would not think so] on account of its being the Sabbath, behold Raba has said: Issur the proselyte¹⁴ once told me, 'When we were still Gentiles we declared that Jews do not observe the Sabbath, because if they did observe it how many purses would be found in the streets!¹⁵ I did not¹⁶ then know that we follow the view of R. Isaac who said: If a person finds a purse on the Sabbath he may carry it for distances less than four cubits.'¹⁷

A lion once roared in an [Israelite] wine-press and a heathen [who was working in it], on hearing this, hid among the jars. Raba said: The wine is permitted on the ground that he must have thought, 'Just as I am hiding here, so also may the Israelite be hiding behind me and watching me.'

Some thieves came up¹⁸ to Pumbeditha and opened many casks. Raba said: The wine is permitted. What was his reason? — Because the majority of thieves [in that part of the country] are Israelites.

The same thing happened in Nehardea and Samuel said: The wine is permitted. According to whom [was this decision made]? Was it according to R. Eliezer who said: When there is uncertainty about his entrance¹⁹ he is undefiled; for we have learnt: If a person entered [the fields in] a valley during the rainy season²⁰ and there was a source of defilement in a certain field, and he said, 'I walked in that place but am not sure whether I did or did not enter that field,' R. Eliezer says: When there is uncertainty about his entrance²¹ he is undefiled but if the uncertainty is about his having touched [the unclean object] he is defiled!²² — No, it is different there [in the case of the thieves] because there are some who open [the casks] to search for money;²³ thus there is a double uncertainty.²⁴ [

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- (1) And they would prevent her touching it. [So, R. Nissim Gerondi (Ran.)]
- (2) She would raise no objection if they touched the wine.
- (3) It was assumed that the heathen would be afraid to tamper with these because he might be under observation.
- (4) The wine was stored below, but the Jew was able to see it.
- (5) V. supra 61b.
- (6) By pretending that he was looking for something, it is evidence that he went there with the intention of tampering with the wine.
- (7) Being confused and unable to give an explanation, it is assumed that he was too afraid to have come there with the intention of disqualifying the wine.
- (8) In which was a heathen together with the wine of a Jew.
- (9) To a heathen outside the door.
- (10) Because relying on the owner's absence, the heathen could interfere with the wine.
- (11) For being suspiciously close to the wine. This contradicts Raba's decision.
- (12) If he is found near the jars.
- (13) That was the signal for work to cease. A description is given in Suk. V, 5. V. also Josephus, War, IV, ix, 12.
- (14) V. B.B. (Sonc, ed.) p. 644, n. 15.
- (15) Which Jews would have to throw away if in their possession when Sabbath began, and no other Jew could pick up.
- (16) [Alfasi reads 'they (the Gentiles) do not know.']
- (17) I.e., he carries it a distance less than four cubits and stops a while, and so on until he reaches his house. This explains why purses are not found in the streets on the Sabbath.
- (18) [From some district in the South (v. Obermeyer, op. cit., p. 253).]
- (19) Whether a ritually clean person had entered a ritually defiled place. Similarly here there is doubt whether the thieves were heathens.
- (20) The fields are then sown and are regarded as a private domain.
- (21) Into the field where the defiled object was.
- (22) Toh. VI, 5; v. B.B. (Sonc. ed.) p. 225.
- (23) [So Rashi. The difficulty is obvious. V.l.: 'Since they opened many casks (it is clear that) the intention was for money.' V. D.S. a.l., n. 9. This implies that in Nehardea too 'many' casks were opened. The word is missing in cur. edd. but occurs in several texts; cf. Tosaf. s.v. פתחו.]
- (24) Besides the doubt whether they were heathens, there was the additional doubt whether they interfered with the wine since they were only searching for money. [In this case even the Rabbis who oppose R. Eliezer will agree that the wine is permitted.]

Talmud - Mas. Avodah Zarah 70b

A [heathen] girl¹ was found among jars of wine holding some of the froth in her hand. Raba said: The wine is permitted on the ground that she probably obtained it from the outside of the cask, and although none was there any more² [at the time she was discovered] we say she happened to find some.

Some troops³ once came up to Nehardea and opened several casks. When R. Dimi arrived [from Palestine] he said: A similar occurrence came before R. Eleazar and he permitted [the wine], but I do not know whether he did so because he agreed with the view of R. Eliezer who said that when there

is uncertainty about his entrance he is undefiled or whether he did so because he held the opinion that the majority of the men who were in the troops⁴ were Israelites. But if that is so⁵ this is not a case of uncertainty about entrance; but uncertainty about touching!⁶ — Since, however, they opened many,⁷ conclude that they opened them with the intention of [searching for money]⁸ and so it is like a case of uncertainty about entrance.⁹

An [Israelite] woman who dealt in wine left the key of her door in charge of a heathen woman. R. Isaac said in the name of R. Eleazar: A similar occurrence was once brought before our House of Study [and they permitted the wine because] they maintained that she only entrusted her with charge of the key.¹⁰ Abaye said: We have likewise learnt similarly: If a person entrusts his keys to an ‘am ha-arez his things which are in a state of ritual purity remain undefiled because he only entrusted him with charge of the key.¹¹ Since his things which are in a state of ritual purity remain undefiled, this must be all the more true in the matter of yen nesek. Is this to say that the law of ritual purity is more stringent than that of yen nesek? — Yes, for it has been stated: If a courtyard is divided off by pegs,¹² Rab said that the ritually clean things [of a haber] are defiled,¹³ but [if the resident on the other side is] a heathen he does not render the wine [of the haber] nesek; and R. Johanan said: Also his ritually clean things remain undefiled. Against this is quoted: [If there are two courtyards one within the other,] the inner belonging to a haber and the other to an ‘am ha-arez, the haber may lay out his fruits there¹⁴ and leave utensils there, even though the hand of the ‘am ha-arez can reach to it.¹⁵ This contradicts Rab's statement! — Rab can answer you: It is different in this case because he can be regarded as a thief.¹⁶

Come and hear: R. Simeon b. Gamaliel says: If the roof of a haber is higher than the roof of an ‘am ha-arez, the former may lay out his fruits there and leave utensils there, provided the hand of the ‘am ha-arez cannot reach to it.¹⁷ This contradicts R. Johanan's statement! — R. Johanan can answer you: It is different in this case because he could offer the excuse that his intention was to take measurements.¹⁸

Come and hear: If the roof of a haber adjoined that of an ‘am ha-arez, the former may lay out his fruits there and leave utensils there, even though the hand of the ‘am ha-arez can reach to it. This contradicts Rab's statement!¹⁹ — Rab can answer you: Is there not R. Simeon b. Gamaliel who shares my view?²⁰ I made my statement in agreement with R. Simeon b. Gamaliel. MISHNAH. IF A BAND OF MARAUDERS²¹ ENTERED A CITY IN PEACE-TIME, THE OPEN CASKS ARE PROHIBITED AND THE SEALED ARE PERMITTED; IN WAR-TIME BOTH ARE PERMITTED BECAUSE THEY HAVE NOT THE LEISURE TO OFFER LIBATIONS.

(1) She being only a child, the presumption was that she knew nothing about disqualifying the wine and her intentions were innocent.

(2) [Ms.M. omits ‘any more’.]

(3) [Or, ‘a commander’ (Rashi).]

(4) [Lit., ‘who came with those troops,’ or with that commander.]

(5) Viz., his doubt was whether they were Jews. [Delete, however, with Ms.M. ‘if that is so.’]

(6) In regard to which even R. Eliezer adopts the more rigorous view, since the doubt is whether it was Jews who opened the casks.

(7) More casks than were required only for drinking.

(8) And there was no thought of disqualifying the wine.

(9) In respect of which a more lenient view is taken by R. Eliezer; and so the wine was permitted.

(10) And not of the wine-store itself.

(11) Toh. VII, 1.

(12) And not by a high partition, and a haber lives on one side and an ‘am ha-arez on the other.

(13) Since it is presumed the ‘am ha-arez has touched them.

(14) Because the ‘am ha-arez has not to walk through it to reach his own courtyard.

- (15) The 'am ha-arez if found in the courtyard of the haber.
- (16) But this cannot be assumed when the one courtyard is only divided off by pegs.
- (17) Tosef. Toh. IX.
- (18) From his roof to construct a building, and for that reason he stretched out his hand. [V.I. 'I merely stretched myself.']
- (19) [In Tosef. Toh. IX, the reading is 'provided the 'am ha-arez cannot reach,' which is in support of Rab.]
- (20) He added above the condition, 'provided the hand of the 'am ha-arez cannot reach to it.'
- (21) Some edd. add: of heathens.

Talmud - Mas. Avodah Zarah 71a

GEMARA. I quote in contradiction to this: When a city has been captured by besieging troops, all the wives of priests therein are disqualified [to their husbands]!¹ — R. Mari said: [The soldiers] have no leisure to offer libations, but they have it to satisfy their lust.

MISHNAH. IF A HEATHEN SENT TO ISRAELITE CRAFTSMEN A CASK OF YEN NESEK AS THEIR WAGE, THEY ARE ALLOWED TO SAY, GIVE US ITS VALUE IN MONEY';² BUT AFTER [THE WINE] HAS COME INTO THEIR POSSESSION [THE EXCHANGE] IS PROHIBITED.³

GEMARA. Rab Judah said in the name of Rab: A man is allowed to say to a heathen, 'Go and settle for me the king's portion.'⁴ Against this is quoted: A man may not say to a heathen, 'Go in my place [and give a bribe] to the official'! — Rab retorted: You speak of a case where a man says, 'Go in my place [and give a bribe] to the official.'⁵ But the circumstance [where I give permission is quite different] and is the equivalent of: He may, however, say to him, 'Save me from the official.'⁶ MISHNAH. IF [AN ISRAELITE] SELLS HIS WINE TO A HEATHEN, SHOULD HE HAVE SETTLED THE PRICE BEFORE HE MEASURED IT OUT, THE PURCHASE-MONEY IS PERMITTED; BUT SHOULD HE HAVE MEASURED IT OUT BEFORE HE SETTLED THE PRICE,⁷ THE PURCHASE-MONEY IS PROHIBITED.

GEMARA. Amemar said: Acquisition by meshikah⁸ does apply to a Gentile.⁹ You may ascertain this from the practice of the Persians who send presents¹⁰ to one another and never retract.¹¹ R. Ashi said: I certainly maintain that acquisition by meshikah does not apply to a Gentile, and the reason why [the Persians] do not retract is due to the spirit of pride which possesses them.¹² R. Ashi said: What is my authority for this statement? That which Rab told the [Israelite] wine-sellers, viz., 'When you measure wine for Gentiles, first take the money and then measure for them, and if they have not the cash with them, lend it to them and get it back later so that it should be a loan [of money] with them; for should you not act in this manner, when it becomes yen nesek it will be in your possession and when you receive payment it will be for yen nesek.' Now should it enter your mind [argued Rab Ashi] that acquisition by meshikah does apply to a Gentile,

(1) Keth. 27a. The assumption is that they were violated; and a priest's wife, even when dishonoured by force, is disqualified to her husband.

(2) Because their wages were due in money.

(3) Once in their possession the wine belongs to them, and to get money in exchange for it is the equivalent of its sale.

(4) The royal levy on the subject's produce which was paid in kind. If what the heathen paid over included yen nesek, it is permitted although the Jew is discharging his obligation with what is prohibited.

(5) Therefore if the heathen presents him with wine, it is as though the Israelite had given it, and he cannot use yen nesek for that purpose.

(6) To secure himself from molestation he requests the heathen to make a present to the official. He would be willing to make a gift of money; so if the heathen gave him wine, he is not technically the Jew's agent in the presentation of that wine and for that reason it is allowed.

(7) The heathen has not acquired the wine by drawing it towards himself; but by touching it he rendered it nesek. Therefore the Jew is in fact selling disqualified wine.

(8) V. Glos.

(9) Before the payment of the money, whether the seller or purchaser is a Gentile; consequently in the circumstance described in the Mishnah the money should be permitted.

(10) [Another rendering: 'Samples'. Rashi in name of Gaonim.]

(11) Because having once passed into the possession of the receiver it is considered his property. [Or, having accepted the samples, the transaction is deemed closed.]

(12) And legally they could demand its return.

Talmud - Mas. Avodah Zarah 71b

then as soon as the Gentile drew [the wine] to himself he acquired it¹ and it did not become yen nesek until he touched it!² — It would indeed not be so if the wine was measured and poured [by the Israelite] into the Israelite's vessel;³ but it is necessary [to suppose the circumstance] where [the Israelite] measured and poured it into the Gentile's vessel.⁴ At all events when [the wine] enters the interior of the vessel [the Gentile] acquired it,⁵ and it does not become yen nesek until it reached the bottom of the vessel.⁶ Are we, then, to conclude that the flow is a connecting link?⁷ — No; if the Gentile was holding the vessel in his hand it would indeed not be so;⁸ but it is necessary [to suppose the circumstance] where it was resting upon the ground.⁹ But let [the Gentile's] vessels acquire [the wine] for him!¹⁰ Is it to be deduced from this that when the purchaser's vessels are in the possession of the seller the former has not become the owner?¹¹ — No; I can always maintain that the purchaser does acquire them; but with what are we dealing here?¹² E.g., when there is some wine held back on the mouth of the smaller vessel¹³ through which the former wine becomes all the while nesek even before [it enters the Gentile's vessel].¹⁴ According to whom will this be? — It will not be in accord with R. Simeon b. Gamaliel; for if it were in accord with him, behold he has said: All of it may be sold to a heathen with the exception of the value of the yen nesek which is in it!¹⁵ — Against whom is this argument [directed]? Against Rab; but he himself declared that the halachah agrees with R. Simeon b. Gamaliel only when a cask [of yen nesek] became mixed with other casks but not when wine [which is nesek] became mixed with other wine.

Against [the statement of Amemar that acquisition by meshikah does apply to a Gentile] is quoted: If one bought scrap metal from a heathen and found an idol amongst it, should he have drawn it to himself before paying over the purchase price he can return the idol; but should he have drawn it after paying over the purchase money, he casts [the profit he derives from it] into the Salt Sea!¹⁶ Now if it enters your mind that acquisition by meshikah does apply to a Gentile, how can he return it?¹⁷ — Abaye said: Because it appears to be a purchase in error.¹⁸ Raba said: Is there a purchase in error in the first circumstance and not in the second!¹⁹ — But, said Raba: There is a purchase in error in both circumstances; but in the first, since he had not paid over the money, it does not appear like an idol in the possession of an Israelite, whereas in the second, since he had paid over the money, it does appear like an idol in the possession of an Israelite.²⁰

Mar Kashisha, son of R. Hisda, said to R. Ashi: Come and hear: IF [AN ISRAELITE] SELLS HIS WINE TO A HEATHEN, SHOULD HE HAVE SETTLED THE PRICE BEFORE HE MEASURED IT OUT, THE PURCHASE-MONEY IS PERMITTED. Now should you maintain that acquisition by meshikah does not apply to a Gentile, why is the purchase-money permitted?²¹ — [R. Ashi replied:] With what are we dealing here? When he paid him the denar²² beforehand. [Mar Kashisha said]: If so, I quote the continuation: BUT SHOULD HE HAVE MEASURED IT OUT BEFORE HE SETTLED THE PRICE THE PURCHASE-MONEY IS PROHIBITED. Now if he paid him the denar beforehand, why should the purchase-money be prohibited? — [R. Ashi replied:] But according to you who maintain that acquisition by meshikah does apply to a Gentile, why in the first circumstance is the purchase-money permitted and prohibited in the second! What you have to say is

that when he settled the price his mind is made up [to acquire the wine] and if he had not settled the price his mind is not made up. Similarly, according to my view, even when he has paid him the denar in advance, should he have settled the price his mind is made up and if he had not settled the price his mind is not made up.²³

Rabina said to R. Ashi: Come and hear: R. Hiyya b. Abba said in the name of R. Johanan: A son of Noah²⁴ is put to death for stealing less than a perutah's worth [of the property of an Israelite] and is not obliged to make restitution. Now if you maintain that acquisition by meshikah does not apply to a Gentile, why should he be put to death?²⁵ — Because he caused trouble to an Israelite.²⁶

(1) Even before paying for it.

(2) In that case how could Rab insist on payment first on the ground that otherwise the Israelite would be selling *yen neseq*, since on the supposition that a Gentile acquires by meshikah the wine does not become *nesek* until after it had passed into his possession? Therefore the supposition is wrong and we must conclude that meshikah does not apply to a Gentile.

(3) The wine would not become *nesek* until after it had passed into the Gentile's possession by his touching it.

(4) The wine would then become *nesek* as soon as it was poured out because the vessel is prohibited and communicates forthwith the prohibition to the wine, even before the heathen drew it towards himself; so there is nothing to prove that meshikah does not apply to a Gentile.

(5) If he held the vessel while the wine was poured into it.

(6) Why then should Rab require the money to be paid first, seeing that the wine does not become *nesek* until after it had passed into the possession of the Gentile?

(7) [I.e., the flow of the liquid connects the two vessels and conveys the prohibition of the Gentile's vessel to that of the Israelite's, from which it is poured out, making the wine it contains *nesek* even before it had been acquired by the Gentile.] This question is debated in B.B. 85b. V. also supra 56b, and infra 72b.

(8) [Rab would not demand the payment of the money first, because he might hold that the flow is no connecting link.]

(9) While the wine is poured out, and in that circumstance Rab does prohibit the money unless paid first, since the wine becomes *nesek* while still in the possession of the Israelite.

(10) [Why then should Rab demand payment in advance?]

(11) Of the contents which the seller put into them even before the purchaser takes hold of the vessels, so that the wine becomes *nesek* even before it passed into the possession of the Gentile.

(12) The reason why Rab demanded payment in advance was not based on the law of meshikah but is to be sought in the cause which is now explained.

(13) Of the Gentile into which the wine is poured from the Israelite's vessel. These drops retained on the rim are *yen neseq* before the wine enters the interior of the vessel and becomes the possession of the Gentile.

(14) [Every portion of the wine passing over the brim becomes contaminated through these drops.]

(15) V. infra 74a, referring to *yen neseq* which fell into a vat. [Likewise here the money of all the wine apart from the value of the drops retained on the brim should be permitted.]

(16) Supra 53a.

(17) It is then an idol in a Jew's possession and his duty is to destroy it.

(18) The Jew did not intend to buy an idol; for that reason he may return it.

(19) If that were the true explanation, it should hold good in both instances.

(20) And if he received money back for its return, the impression would be that he had sold the idol to the heathen.

(21) Since on that hypothesis the wine belongs to the Jew until he is paid and it becomes *nesek* by the heathen touching it before he pays for it.

(22) Representing the cost of the wine. The money was handed over before the wine was measured out.

(23) That is the criterion underlying the Mishnah and it has no bearing on the question of meshikah.

(24) Who took upon himself seven precepts (v. supra p. 314) one of which was to abstain from robbery, v. Sanh. (Sonc. ed.) p. 381, n. 5.

(25) Since technically what had been stolen is still the Jew's property.

(26) The thief is not put to death for the theft, but for the reason that he may have endangered the Jew's life; because if the owner had tried to prevent the robbery the thief might have killed him.

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And what means 'he is not allowed an opportunity of making restitution'?¹ — [It signifies that] he does not come within the scope of the law of restitution.² If that is so I quote the continuation of the teaching: If his neighbour came and stole it from him, [that man] is put to death on account of it. Now this is quite right with the first circumstance because [the original thief] caused trouble to an Israelite; but what had [the second thief] done in the latter circumstance [to be put to death]?³ Consequently we must deduce from this that acquisition by meshikah does apply to a Gentile! [Yes,] draw that conclusion.

A man once said to his neighbour, 'If I sell this piece of land, I will sell it to you';⁴ but he went and sold it to another person. R. Joseph said: The first one acquired it.⁵ Abaye said to him: But he had not settled the price!⁶ [R. Joseph asked:] And whence do you declare that wherever he had not settled the price he has not acquired it? — [He replied:] As we learn in our Mishnah: IF [AN ISRAELITE] SELLS HIS WINE TO A HEATHEN, SHOULD HE HAVE SETTLED THE PRICE BEFORE HE MEASURED IT OUT, THE PURCHASE-MONEY IS PERMITTED; BUT SHOULD HE HAVE MEASURED IT OUT BEFORE HE SETTLED THE PRICE THE PURCHASE-MONEY IS PROHIBITED. [Now,] how is it then? — [How can you ask,] how is it then? It is as we have stated.⁷ — Perhaps the seriousness of *yen neseq* makes a difference! — Come and hear: R. Idi b. Abin said: A similar occurrence⁸ came before R. Hisda who referred it to R. Huna. The latter expounded it from the following: For it has been taught: If a man took possession of another's ass-drivers and workmen⁹ and brought them into his own house, whether he settled the price before measuring [the fruits] or measured them without having settled the price, he has not acquired them and both can retract. If, however, he unloaded them and brought them into his house, then should he have settled the price before he measured them neither can retract, and should he have measured them before settling the price both can retract.¹⁰

A man once said to his neighbour, 'If I sell this piece of land I will sell it to you for a hundred zuz.' He later sold it to another for a hundred and twenty. R. Kahana said: The first man acquired it. Rab Jacob of Nehar-pekod objected: As to this man, [it was] those zuz that compelled him.¹¹ The legal decision agrees with R. Jacob of Nehar-pekod.

If [the seller] said to [the would-be purchaser], 'When the article has been valued by three persons [we will settle the price accordingly],' even if two of the three agree [on the price it must be accepted]; but if he said, 'As three will declare [the price to be],' then there must be three who agree on the price.¹² If he said, 'When it has been valued by four persons,'¹³ then there must be four who agree on the price; so how much more so if he said to him, 'As four will declare [the price to be].' If he said to him, 'When the article has been valued by three persons' and three men came and valued it, and then the other said, 'Let three different men come who are better qualified,' R. Papa said: He has the right to object.¹⁴ R. Huna the son of R. Joshua demurred: How can we know that the latter three will be better qualified; perhaps the first three were better qualified!¹⁵ The legal decision agrees with R. Huna the son of R. Joshua.

MISHNAH. IF [AN ISRAELITE] TOOK THE FUNNEL AND MEASURED [WINE] INTO A HEATHEN'S FLASK AND THEN MEASURED SOME INTO AN ISRAELITE'S FLASK, SHOULD A DROP OF THE [FIRST] WINE HAVE REMAINED [IN THE FUNNEL], THEN [THE WINE MEASURED INTO THE SECOND FLASK] IS PROHIBITED. IF HE Poured FROM [HIS OWN] VESSEL INTO [A HEATHEN'S] VESSEL, [THE WINE IN THE VESSEL] FROM WHICH HE Poured IS PERMITTED AND [THE WINE IN THE VESSEL] INTO WHICH HE Poured IS PROHIBITED.

GEMARA. We have learnt elsewhere: An outflow, a downward stream of water and dripping liquid do not form a connecting link to communicate either defilement or purification,¹⁶ but a pool of water is a connecting link to communicate both defilement and purification.¹⁷ R. Huna said: An outflow, a downward stream of water and dripping liquid form a connecting link in connection with yen neseq.¹⁸ R. Nahman asked R. Huna: Whence have you this? If from [the Mishnah] which we learnt: An outflow, a downward stream of water and dripping liquid do not form a connecting link to communicate either defilement or purification, [and you argue that] it is only in connection with defilement and purification that it does not form a link but it does in connection with yen neseq; in that case I cite the continuation, viz., but a pool of water is a connecting link to communicate both defilement and purification, [and you must by analogy deduce that] it is only in connection with defilement and purification that it does form a link but it does not in connection with yen neseq! So there is no inference to be drawn from this extract.

We learnt: IF [AN ISRAELITE] TOOK THE FUNNEL AND MEASURED [WINE] INTO A HEATHEN'S FLASK AND THEN MEASURED SOME INTO AN ISRAELITE'S FLASK,

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- (1) The property being ex hypothesi the Jew's.
 - (2) For the very reason that he had not technically acquired the Jew's property.
 - (3) He would not be executed for stealing the property of a non-Jew; hence he is regarded as having stolen what belonged to a Jew. Consequently what was in the possession of 'the son of Noah' was Jewish property and he had acquired it by meshikah.
 - (4) [This was attended by a formal kinyan (Rashi).]
 - (5) If he pays the price given by the purchaser.
 - (6) [The kinyan is of no effect, since in the absence of the fixation of any price the mind of the seller is not made up (Rashi).]
 - (7) Viz., the criterion is the settling of the price.
 - (8) Viz., similar to the sale of the field.
 - (9) I.e., a man is conveying fruits to market laden upon asses or carriers, and a would-be purchaser leads the asses and men into his own house, which is evidence of his intention to buy the produce.
 - (10) It follows that the criterion is the settling of the price. Accordingly in the case mentioned above, the man cannot claim the field.
 - (11) The offer of the higher price may have tempted him to dispose of it; and if it had not been made he would not have sold the field.
 - (12) In the former instance the three constituted a Court, and with a Court of three judges the verdict of two is adopted.
 - (13) Since a Court never consists of four, the intention when arranging for that number must have been to secure a unanimous valuation.
 - (14) To the first valuation and ask for three other valuers.
 - (15) The bargaining could then be drawn out indefinitely.
 - (16) So that if what is below is ritually unclean what is on top is not similarly affected; and if a ritual bath does not contain the requisite minimum quantity of water, an outflow etc. cannot be reckoned in to make up the deficiency.
 - (17) Toh. VIII, 9.
 - (18) So that if wine is poured into a vessel which contains yen neseq the former is contaminated.

Talmud - Mas. Avodah Zarah 72b

SHOULD A DROP OF THE [FIRST] WINE HAVE REMAINED [IN THE FUNNEL], THEN [THE WINE MEASURED INTO THE SECOND FLASK] IS PROHIBITED. How is the wine left [in the funnel] rendered prohibited? Must it not be by the outflow?¹ So deduce from this that the outflow is a connecting link. [But against such a conclusion] R. Hiyya taught: [Our Mishnah refers to the circumstance where] his flask forced the wine back;² therefore if his flask did not force it back, how is it? It is not [prohibited]. May you then not solve from the foregoing that the outflow is not a connecting link? — No; it merely proves that when his flask forced the wine back it is

prohibited,³ but the question whether the outflow [is or is not a connecting link] remains.

Come and hear: IF HE Poured FROM [HIS OWN] VESSEL INTO [A HEATHEN'S] VESSEL, [THE WINE IN THE VESSEL] FROM WHICH HE Poured IS PERMITTED. Hence what is between [the two vessels] is prohibited; so deduce from this that the outflow is a connecting link! But if the outflow is a connecting link, then what is inside [the first] vessel should likewise be prohibited! — This is no difficulty, because [we have here a case where] he cuts off [the outflow].⁴ Nevertheless [we do deduce from this that]⁵ the outflow is a connecting link! But according to your reasoning I will quote the continuation: AND [THE WINE IN THE VESSEL] INTO WHICH HE Poured IS PROHIBITED. Hence what is between [the two vessels] is permitted! Consequently no inference is to be drawn from this Mishnah.⁶

Come and hear: If he pours from a cask into a vat [which contains *yen neseq*], the jet of liquid which descends from the rim of the cask is prohibited!⁷ — R. Shesheth explained this [extract] as referring to a heathen pouring out so that [the wine flows] because of his action.⁸ But if it is a heathen pouring out, what is in the cask is likewise prohibited!⁹ — [What is disqualified] because of a heathen's action is prohibited by the Rabbis,¹⁰ and they decreed only against what issued [from the cask] and not against what was inside it.¹¹

R. Hisda told the [Israelite] wine-dealers: When you measure wine for heathens, either cut off [the outflow] or pour it in with a splash.¹² Raba told the [Israelites] whose occupation was to pour wine: When you pour wine, let no heathen come near to help you, lest you forget yourselves and rest [the vessel] upon his [hands] and [the pouring] result from his action and [the wine] be prohibited.

A man was drawing wine¹³ through [a siphon consisting of] a large and small tube. A heathen came and laid his hand upon the large tube,¹⁴ and Raba disqualified all the wine.¹⁵ R. Papa said to Raba — another version is, R. Adda b. Mattena said to Raba; and still another version is, Rabina said to Raba: Was it on account of the outflow? So is it to be deduced from this that the outflow is a connecting link? — [Raba answered: No;] it is different in this instance, because all the wine is drawn through the siphon.¹⁶

Mar Zutra son of R. Nahman said: It is permitted [to drink from] a vessel containing several tubes,¹⁷ provided the Israelite stops first but not when a heathen stopped first.¹⁸ Rabbah son of R. Huna visited the house of the exilarch and allowed [the company which included Gentiles] to drink from a vessel containing several tubes.

(1) Which connected the wine poured into the Jew's vessel with what was left in the funnel, and this was previously made *neseq* by the flow into the heathen's vessel.

(2) The heathen's flask being full, some wine flowed back into the funnel. According to this explanation, the wine in the funnel was contaminated not because the outflow formed a link.

(3) [Even if no drop of wine remained in the funnel (Tosaf.).]

(4) Before the wine enters the heathen's flask he moves aside the vessel from which he is pouring out so that the outflow does not connect the two.

(5) [The bracketed words are from Ms. M.]

(6) Whether the outflow is a link or not.

(7) The inference must then be that the flow is a link.

(8) In that case the flow was disqualified by the heathen and not by the contents of the vat.

(9) And not merely the outflow; why, then, does the extract refer to the outflow only as being prohibited?

(10) And not by the Torah.

(11) This extract accordingly does not establish the view that the outflow forms a link.

(12) I.e., a connecting flow must be avoided; he held that it did form a link.

(13) [From a full cask to an empty one.]

(14) [The side from which the wine flowed into the empty cask (Rashi).]

(15) [Even the wine in the full cask.]

(16) For this reason it must be considered as though he had touched the whole quantity of wine and not merely what was in the tube.

(17) So that many can drink at the same time; this is permitted even when a heathen is one of the number.

(18) If the heathen stopped first, what he had drawn into the tube but not drunk would flow back and disqualify the remainder.

Talmud - Mas. Avodah Zarah 73a

Some say that Rabbah son of R. Huna himself drank from such a vessel. MISHNAH. YEN NESEK IS PROHIBITED AND RENDERS [OTHER WINE] PROHIBITED BY THE SMALLEST QUANTITY. WINE [MIXED] WITH WINE AND WATER WITH WATER¹ [DISQUALIFIES] BY THE SMALLEST QUANTITY. WINE [MIXED] WITH WATER AND WATER WITH WINE [DISQUALIFIES WHEN THE PROHIBITED ELEMENT] IMPARTS A FLAVOUR. THIS IS THE GENERAL RULE: WITH THE SAME SPECIES [THE MIXTURE IS DISQUALIFIED] BY THE SMALLEST QUANTITY, BUT WITH A DIFFERENT SPECIES [IT IS DISQUALIFIED WHEN THE PROHIBITED ELEMENT] IMPARTS A FLAVOUR.

GEMARA. When R. Dimi came [from Palestine] he reported that R. Johanan said: If one pours yen nesek from a cask into a vat,² even the whole day long, the former is all the while annulled.³ We learnt: YEN NESEK IS PROHIBITED AND RENDERS [OTHER WINE] PROHIBITED BY THE SMALLEST QUANTITY! Does not this mean when the forbidden element fell into the permitted? — No, when the permitted fell into the prohibited.⁴

Come and hear: WINE [MIXED] WITH WATER [DISQUALIFIES WHEN THE PROHIBITED ELEMENT] IMPARTS A FLAVOUR. Does not this mean when prohibited wine fell into permitted water? — No, when permitted wine fell into prohibited water. If, however, the first clause [deals with] prohibited water, the second clause must likewise [deal with] prohibited water, but in the second clause he teaches: WATER WITH WINE [DISQUALIFIES WHEN THE PROHIBITED ELEMENT]⁵ IMPARTS A FLAVOUR!⁶ — R. Dimi can reply to you: Throughout our Mishnah it deals with the permitted falling into the prohibited, the first clause when permitted wine fell into prohibited water and the second when permitted water fell into prohibited wine.

When R. Isaac b. Joseph came [from Palestine] he reported in the name of R. Johanan: If one pours yen nesek from a small cooler⁷ into a vat, even the whole day long, the former is all the while annulled. This applies only to a small cooler whose jet is not considerable⁸ but not to a cask whose jet is considerable.

When Rabin came [from Palestine] he reported in the name of R. Johanan: If yen nesek fell into a vat and a ewer of water also fell into it, we consider the permitted [portion of the wine] as nonexistent and as for the remainder the water may prevail over it and annul it.⁹ When R. Samuel b. Judah came [from Palestine] he reported in the name of R. Johanan: This teaching only applies when the ewer of water fell in first, but if it did not fall in first a species met with its own species and is aroused.¹⁰ There are some who connect [this statement of R. Samuel b. Judah's] with our Mishnah: WINE [MIXED] WITH WINE [DISQUALIFIES] BY THE SMALLEST QUANTITY. R. Samuel b. Judah said in the name of R. Johanan: This teaching only applies when a ewer of water did not fall into it, but if a ewer of water did fall into it we consider the permitted [portion of the wine] as non-existent and as for the remainder the water may prevail over it and annul it. What difference is there whether [R. Samuel's statement] is connected with our Mishnah or Rabin's statement? — He who connects it with our Mishnah does not require [the ewer of water to fall in] first, but he who connects it with Rabin's statement does require [it to fall in] first.

It has been stated: If yen neseq fell into a vat and a ewer of water also fell into it,

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- (1) When one liquid has been used for a libation.
 - (2) And the wine in the vat is of sufficient quantity to absorb the yen neseq poured into it, viz., the proportion of sixty to one; v. supra 69a.
 - (3) Each portion of yen neseq is absorbed as it falls into the vat, however large the aggregate be, and the wine may be sold or used for any other purpose but actual drinking (Rashi).
 - (4) Whereas R. Dimi referred to the prohibited falling into the permitted; hence the difference.
 - (5) I.e., the water, on the present assumption.
 - (6) And so it is not true here that the prohibited element is absorbed.
 - (7) A stone vessel containing a strainer and having an indented (comb-like) rim (Jast.).
 - (8) And there is always a preponderance of pure wine of sixty to one.
 - (9) I.e., so long as the water is sixty times as much as the yen neseq the mixture is not disqualified.
 - (10) The two combine so that the wine is disqualified even if the quantity of water which mixes with it subsequently is sixty times the yen neseq.

Talmud - Mas. Avodah Zarah 73b

Hezekiah said that should [the mixture] have become increased in quantity through the prohibited element,¹ then it is prohibited; but should it have become increased in quantity through the permitted element,² then it is permitted. R. Johanan, however, said: Even when it becomes increased in quantity through the prohibited element it is permitted.³ R. Jeremiah said to R. Zera: Does this mean that Hezekiah and R. Johanan differ over the same issue as R. Eliezer and the Rabbis, for we have learnt: If leaven of non-holy and leaven of an offering fell into dough, and in each there was an insufficient quantity to cause fermentation, but added together they caused fermentation, R. Eliezer says: I decide according to which [leaven entered the dough] last. But the Sages say: Whether the disqualifying matter fell in first or last, [the dough] is not prohibited unless there is in it a sufficient quantity [of disqualifying matter] to cause fermentation!⁴ But how can you understand the passage in this way, for behold Abaye explained: The teaching [of R. Eliezer] only applies when he first removed the disqualifying matter, but if he did not first remove the disqualifying matter, [the dough] is prohibited.⁵ Now, then, with whom does Hezekiah agree!⁶ — But here the point of difference is⁷ whether we consider [the pure wine as non-existent],⁸ Hezekiah holding that we do not and R. Johanan that we do. Does, however, R. Johanan hold that we do consider [the pure wine as non-existent]? For behold R. Assi asked R. Johanan: How is it if there were two goblets, one containing secular wine and the other wine of a heave-offering, and a man diluted them with water and then mixed the two together?⁹ And he did not offer a decision!¹⁰ — At first he gave no decision but subsequently he did. For it has been similarly reported: R. Ammi said in the name of R. Johanan — another version is, R. Assi said in the name of R. Johanan: If there were two goblets, one containing secular wine and the other wine of a heave-offering, and a man diluted them with water and then mixed the two together, we consider the permitted element as non-existent and as for the remainder the water may prevail over it and annul it.

THIS IS THE GENERAL RULE: WITH THE SAME SPECIES [THE MIXTURE IS DISQUALIFIED] BY THE SMALLEST QUANTITY, BUT WITH A DIFFERENT SPECIES [IT IS DISQUALIFIED WHEN THE PROHIBITED ELEMENT] IMPARTS A FLAVOUR. Rab and Samuel both declare: With all the prohibited things of the Torah, should the mixture consist of the same species [it is disqualified] by the smallest quantity and with different species when [the prohibited element] imparts a flavour. What do the words THIS IS THE GENERAL RULE mean [accordingly] to include? — To include all the prohibited things of the Torah. R. Johanan and R. Simeon b. Lakish both declared: With all the prohibited things of the Torah, whether mixed with the same species or not, [they are disqualified when the prohibited element] imparts a flavour, with the

exception of produce from which the heave-offering has not been taken and *yen nesek*. In these instances with the same species [the mixture is disqualified] by the smallest quantity, but with a different species when [the prohibited element] imparts a flavour. What [then] do the words **THIS IS THE GENERAL RULE** mean to include? — To include produce from which the heave-offering has not been taken.

There is a teaching in agreement with Rab and Samuel, and also one in agreement with R. Johanan and R. Simeon b. Lakish. There is a teaching in agreement with Rab and Samuel, viz.: With all the prohibited things of the Torah, should the mixture consist of the same species [it is disqualified] by the smallest quantity, and with different species when [the prohibited element] imparts a flavour. There is a teaching in agreement with R. Johanan and R. Simeon b. Lakish, viz.: With all the prohibited things of the Torah, whether mixed with the same species or not, [they are disqualified when the prohibited element] imparts a flavour, with the exception of produce from which the heave-offering has not been taken and *yen nesek*. In these instances with the same species [the mixture is disqualified] by the smallest quantity, but with a different species when [the prohibited element] imparts a flavour. This is quite right with *yen nesek* because of the seriousness of idolatry; but why with produce from which the heave-offering has not been taken? — Like its permissibility is its prohibition; for Samuel said: One grain of wheat can free the heap.¹¹ And we learnt to the same effect: When [the Rabbis] declared that produce from which the heave-offering has not been taken renders [a mixture] prohibited by the smallest quantity, it refers to the same species, but when it is with a different species it must impart a flavour.¹²

(1) I.e., the water fell into the pure wine, and then *yen nesek* fell into it; and although the water is more than sixty times the forbidden element, the whole is prohibited. This teaching is at variance with that reported by Rabin in the preceding paragraph.

(2) The pure wine fell in last. In that event the *yen nesek* was annulled by the water before the other wine fell into it, and so the mixture is permitted.

(3) This is consistent with the view expressed in his name in the last paragraph. Since the water fell in first, it is not a case of a species meeting with its own species.

(4) [Supra p. 243. R. Jeremiah assumes that Hezekiah will hold with R. Eliezer that we decide according to which element entered last, whereas R. Johanan will agree with the Sages.]

(5) Whichever fell in last.

(6) According to R. Eliezer the contents of the vat would be prohibited whichever fell in last since the forbidden element had not been removed; and according to the Rabbis it would be allowed in any event.

(7) Not which fell in first or last.

(8) In calculating whether the water is sixty times as much as the *yen nesek* which fell into the vat.

(9) In the final mixture the water is sixty times as much as the holy wine.

(10) [This shows that R. Johanan was not quite decided on the question whether 'we consider etc.']

(11) The Torah does not prescribe how much is to be removed to constitute a heave-offering, so the obligation can be discharged with the smallest quantity. The same criterion is therefore applied to its power of rendering a mixture prohibited.

(12) Hal. III, 10.

Talmud - Mas. Avodah Zarah 74a

MISHNAH. THE FOLLOWING ARE PROHIBITED AND RENDER PROHIBITED¹ BY THE SMALLEST QUANTITY: [A CASK OF] *YEN NESEK*,² AN IDOLATROUS OBJECT,³ SKINS OF ANIMALS WHICH HAVE HOLES OVER THE REGION OF THE HEART,⁴ AN OX WHICH HAD BEEN STONED,⁵ AN HEIFER WHOSE NECK WAS BROKEN,⁶ BIRDS BROUGHT AS AN OFFERING BY A LEPER,⁷ THE HAIR-OFFERING OF A NAZIRITE,⁸ THE FIRSTLING OF AN ASS,⁹ FLESH COOKED IN MILK,¹⁰ THE SCAPEGOAT,¹¹ AND NON-CONSECRATED ANIMALS SLAUGHTERED IN THE TEMPLECOURT.¹² BEHOLD THESE ARE PROHIBITED

AND RENDER PROHIBITED BY THE SMALLEST QUANTITY.

GEMARA. On what basis does the Tanna make his enumeration? If he enumerates objects which are [customarily] numbered,¹³ then he should include slices of meat from an animal which had not been ritually slaughtered; if they are objects which may not be put to any use, then he should include leaven during Passover! — R. Hiyya b. Abba — another version is, R. Isaac the smith — said: The Tanna enumerates the objects to which both criteria apply, viz., they are customarily numbered and may not be put to any use.¹⁴ In that case he should include the nuts of Perek and the pomegranates of Baddan¹⁵ because they are customarily numbered and may not be put to any use! [The compiler of the Mishnah] treated of them elsewhere,¹⁶ [and he enumerated a list of which he stated:] Those which belong to 'orlah-fruit come within the law of 'orlah, and those which belong to mixed plantings of a vineyard come within the law of mixed plantings of a vineyard. Then he should include the loaves of a householder¹⁷ with reference to the law of leaven during Passover!¹⁸ — The teacher whom you have heard expressing this opinion is R. Akiba; and [the compiler of the Mishnah] has already stated there:¹⁹ R. Akiba adds the loaves of a householder.

BEHOLD THESE. What do these words intend to exclude? — To exclude things which are customarily numbered but are not prohibited for all use, or the things which are prohibited for all use but are not customarily numbered.²⁰ MISHNAH. IF YEN NESEK FELL INTO A VAT, THE WHOLE OF IT IS PROHIBITED FOR ALL USE. R. SIMEON B. GAMALIEL SAYS: THE WHOLE OF IT MAY BE SOLD TO HEATHENS WITH THE EXCEPTION OF [A QUANTITY CORRESPONDING TO] THE VALUE OF THE YEN NESEK IN IT.

GEMARA. Rab said: The halachah agrees with R. Simeon b. Gamaliel when a cask [of yen nesek] has been mixed with other casks, but not when it is a matter of wine [which is nesek becoming mixed with other] wine. Samuel, on the other hand, said: Even when it is wine mixed with wine. Similarly said Rabbah b. Bar Hanah in the name of R. Johanan: Even when it is wine mixed with wine. Similarly said R. Samuel b. Nathan in the name of R. Hanina: Even when it is wine mixed with wine. Similarly said R. Nahman in the name of Rabbah b. Abbuha: Even when it is wine mixed with wine. R. Nahman said: In practice the rule to follow in connection with yen nesek is that when wine is mixed with wine it is prohibited and a cask mixed with casks is permitted;²¹ but with ordinary wine²² even when it is a matter of wine being mixed with wine it is permitted.²³

(1) What they are mixed with, irrespective of the proportion of the forbidden element to the whole.

(2) When confused with other casks of wine.

(3) E.g., an image which had been worshipped confused with others of a similar kind which had not been worshipped.

(4) V. supra 29b.

(5) Ex. XXI, 29.

(6) Deut. XXI, 4.

(7) Lev. XIV, 4 ff.

(8) Num. VI, 18.

(9) Ex. XIII, 13.

(10) Ibid. XXIII, 19.

(11) Lev, XVI, 22.

(12) V. B.K. 70a.

(13) With such objects each one is a separate entity, and therefore it cannot be annulled by becoming absorbed in the rest.

(14) [Thus excluding from his ruling leaven during Passover, unless it is of a large size, and slices of meat which had not been ritually slaughtered.]

(15) They are both localities in Samaria (cf. Rashi). These nuts and pomegranates are included in a list of fruits which are counted when sold and render prohibited what they are mixed with if they are in a state of 'orlah. V. 'Orlah III, 7. [Tosaf. Yeb. 81b s.v. פֶּרֶךְ takes the former to mean 'crack nuts'.]

- (16) Loc. cit. Having dealt with them in that Tractate, the Mishnah does not include them here.
- (17) As distinct from the loaves of a baker which are smaller.
- (18) Because both criteria apply to them.
- (19) V. 'Orlah loc. cit.
- (20) These do not render prohibited by the smallest quantity.
- (21) For use only (but not for drinking) apart from the value of one cask. This agrees with Rab.
- (22) Belonging to heathens which had not been used for a libation.
- (23) For use only (not for drinking). With the deduction of the value of the heathen's wine.

Talmud - Mas. Avodah Zarah 74b

MISHNAH. IF A HEATHEN COVERED A STONE WINE-PRESS WITH PITCH¹ IT MAY BE SCOURED AND IS THEN CLEAN; BUT IF IT WAS OF WOOD, RABBI SAYS THAT IT MAY BE SCOURED² AND THE SAGES SAY THAT HE MUST PEEL OFF THE PITCH.³ IF IT WAS OF EARTHENWARE, EVEN THOUGH HE PEELED OFF THE PITCH IT IS PROHIBITED.⁴

GEMARA. Raba said: [Scouring is necessary] only when he coated it with pitch,⁵ but not if he trod [his grapes] in it.⁶ This is obvious since the Mishnah stated: COVERED . . . WITH PITCH! — You might have said that the same law⁷ applied even if he trod them in it, and the reason why he stated the circumstance of coating with pitch is because he mentioned the customary practice.⁸ He accordingly informs us [that rinsing is sufficient if the heathen trod grapes in it]. Another version is: Raba said: [Scouring is necessary] only when he coated it with pitch, but if he trod [his grapes in a press which had been covered with pitch] scouring is insufficient.⁹ This is obvious, since the Mishnah stated: COVERED... WITH PITCH! — You might have said that the same law¹⁰ applied even when he trod them in it, and the reason why he stated the circumstance of coating with pitch is because he mentioned the customary practice. He accordingly informs us that [scouring suffices] only when he coated it with pitch but if he trod in it scouring is insufficient. As when a man came before R. Hiyya and said to him, 'Provide for me a man to purify my winepress.' [R. Hiyya] said to Rab, 'Go with him and see that there is no ground for complaint against me in the House of Study.'¹¹ He went and noticed that [the sides of the press] were very smooth; so he said, 'Here it will surely be sufficient with scouring.' But as he proceeded [with his examination] he noticed a crack at the bottom and saw that it was full of wine; so he said, 'Here it will not be sufficient with scouring but it will have to be scraped.' That is what my uncle¹² intended when he said to me, 'See that there is no ground for complaint against me in the House of Study.'

Our Rabbis taught: As for the winepress, ladle and funnel¹³ belonging to a heathen, Rabbi permits them after scouring, whereas the Sages prohibit them. Rabbi, however, admits that flasks¹⁴ belonging to a heathen are prohibited. What is the difference between one and the other? — In the latter he puts wine to be kept but not in the former.¹⁵ Should [the winepress, ladle or funnel] be of wood or stone he scours them,¹⁶ and if they had been covered with pitch they are prohibited.¹⁷ But we learnt: IF A HEATHEN COVERED A STONE WINEPRESS WITH PITCH IT MAY BE SCOURED AND IS THEN CLEAN! — Our Mishnah refers to when he had not trodden in it,¹⁸ and the quoted Baraitha to when he had trodden in it.¹⁹

The Master said, 'As for the winepress, ladle and funnel²⁰ belonging to a heathen, Rabbi permits them after scouring, whereas the Sages prohibit them.' But we learnt: IF IT WAS OF EARTHENWARE, EVEN THOUGH HE PEELED OFF THE PITCH IT IS PROHIBITED! — Raba said: This last clause of our Mishnah gives the view of the Rabbis.²¹

Raba expounded: 'Scald the vat!'²² When Raba sent [empty] jars to Harpania²³ he placed them mouth downwards [in sacks] the hem of which he sealed, being of the opinion that the Rabbis decreed against every utensil into which [wine] is put for keeping [by a heathen] even temporarily.

With what does one scour them? — Rab said: With water; Rabbah b. Bar Hanah said: With ashes. When Rab said with water, [did he mean] with water and not with ashes; and when Rabbah b. Bar Hanah said with ashes [did he mean] with ashes and not with water! — Rather

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- (1) The custom was to throw in some wine to remove the smell of the pitch.
 - (2) With water and ashes.
 - (3) A thicker coating is necessary with wood and it would absorb a greater quantity of wine.
 - (4) Because of the absorptive power of the earthenware.
 - (5) And threw wine into the vat.
 - (6) Without coating it with pitch; in that circumstance rinsing is sufficient.
 - (7) That scouring is necessary.
 - (8) Viz., to throw wine into a vat after pitching it.
 - (9) The pitch must also be peeled off, because the wine must have penetrated the cracks in the pitch.
 - (10) That scouring is sufficient.
 - (11) I.e., see that the cleaning is done according to law that the man's wine should not be disqualified.
 - (12) Either 'my friend' or 'my uncle', this being the relationship of Rab and R. Hiyya. V. Sanh. 5a.
 - (13) Made of earthenware and not covered with pitch.
 - (14) When made of earthenware and not covered with pitch.
 - (15) Consequently there is less time for the wine to become absorbed, and scouring makes them fit for use.
 - (16) On this point they all agree.
 - (17) Unless the pitch is scraped off.
 - (18) So if the press was of stone, all agree that scouring is enough, and if of wood only Rabbi requires it to be scoured.
 - (19) In that event, whether it is of stone or wood, the pitch must be scraped off.
 - (20) [I.e., of earthenware, since those of wood or stone are mentioned later.]
 - (21) And Rabbi differs from them.
 - (22) Of a heathen before a Jew may use it.
 - (23) A town in Babylon. He sent them in charge of a heathen. He took these precautions to guard against the carrier putting his wine into the jars, even for a short while, and disqualifying them. [Harpania on the Tigris, South of Babylon, was one of the most fruitful districts in the country; and Raba, whose home was Mahuza, also on the Tigris, sent down his empty casks to Harpania in order to import wine from there. V. Obermeyer, *op. cit.*, p. 200.]

Talmud - Mas. Avodah Zarah 75a

did Rab intend with water and then with ashes, and Rabbah b. Bar Hanah intended with ashes and then with water. Nor is there any difference between them, since one was referring to what is dry and the other to what is moist.¹

It has been stated: The School of Rab said in the name of Rab: [The number of processes is] two and three;² but Samuel maintained that it is three and four.³ Thus they taught in Sura, but in Pumbeditha they taught: The School of Rab said in the name of Rab: [The number of processes is] three and four; but Samuel maintained that it is four and five. Nor is there any contradiction [in the two versions], since the latter counts the final rinsing with water [as a separate process] whereas the former does not.

The question was put to R. Abbahu: How is it with wicker-nets⁴ used by Gentiles? — R. Abbahu answered: You have learnt the law: If his winepress and oil-press were defiled and he wished to prepare [wine or oil] in them in a state of purity, the boards [on the sides], the troughs and supporting-beams⁵ must be rinsed, and as for the wicker-work, if it is made of willows and hemp, it must be scoured, but if of bast and reeds, it must remain unused for twelve months.⁶ R. Simeon b. Gamaliel says: He leaves them from one period of wine-pressing to another and from one period of oil-pressing to another. But that agrees with the statement of the first Tanna!⁷ — The issue between them is the matter of the early and late ripening [of the grapes].⁸ R. Jose says: If he desires to purify

them at once, he should pour over them boiling water or scald them with olive-water.⁹ R. Simeon b. Gamaliel says in the name of R. Jose: He leaves them beneath a pipe through which there is a continuous stream of water or in a fountain with flowing water. For how long? — An 'onah.¹⁰ The same provisions made with regard to yen nesek are made with regard to purification.¹¹ But is not the order reversed, since we are dealing here¹² with purification? — Rather [say] they made the same provisions with regard to yen nesek as they made for purification.

How long is an 'onah? — R. Hiyya b. Abba said in the name of R. Johanan: Either a day or a night. R. Hana-She'ina — according to another version, R. Hana b. She'inah — reported that Rabbah b. Bar Hanah said in the name of R. Johanan: Half a day and half a night. R. Samuel b. Isaac said: There is no contradiction [in the two definitions], the former referring to the time of the spring and autumn equinox¹³ and the latter to the summer and winter solstice.¹⁴

Rab Judah said: Filter-bags used by Gentiles, if made of hair, are to be rinsed, if of wool they must be scoured, and if of flax they must be left unused [for twelve months]; and if there be any knots in them they must be untied.¹⁵ Wicker-baskets and strainers used by Gentiles, if plaited from strips of palm-fibre, must be rinsed,

(1) If the traces of the wine had dried in the vat, it is rinsed with water and then rubbed with ashes; but if the moisture of the wine was still present the order was reversed.

(2) I.e., with a moist vat first ashes then water, and with a dry vat first water then ashes and again water.

(3) With a moist vat, ashes, water and ashes, and if he then rinses with water, this is not counted because the purpose is only to wash away the ashes; and with a dry vat the process is water, ashes, water and ashes.

(4) Which are placed over the grapes to prevent them from being scattered during the pressing (Rashi). How are these cleaned for use by a Jew?

(5) [Or 'twigs used as brooms in the wine press' (Rashi).]

(6) [This solves the question put to R. Abbahu. V. Asheri a.l.]

(7) Since the interval was twelve months; so why is it mentioned separately?

(8) The time of pressing varies according to the state of ripening and it may not be exactly twelve months.

(9) The water in which olives are boiled to make them soft.

(10) Half of the day and night. The definition is discussed below.

(11) Tosef. Toh. XI.

(12) In the Tosef. just cited.

(13) When day and night are of equal duration, i.e., twelve hours.

(14) At such times of the year it is not correct to say either a day or a night since they are unequal. We then have to say half a day and half a night, i.e., twelve hours.

(15) Before they are rinsed or scoured.

Talmud - Mas. Avodah Zarah 75b

if of twigs they must be scoured, and if of flax they must be left unused [for twelve months]; and if there be any knots in them they must be untied.

It has been stated: If an 'am ha-arez¹ stretched his hand into a winepress and touched [one of] the clusters, Rabbi and R. Hiyya [express different opinions]. One says that the cluster and all that is around it are defiled² but the press as a whole is undefiled, whereas the other says that the entire press is also defiled. According to him who maintained that the clusters and all that is around them are defiled but the press as a whole is undefiled, why should there be a difference, since we learnt:³ 'If a reptile is found in an oil-mill, it only defiles the place it touches, but if there is flowing liquid it is all defiled'? — In this latter case there is no division at all,⁴ but in the former the clusters are separate. The Rabbis taught R. Jeremiah — another version is, [they taught] R. Jeremiah's son — in agreement with him who says that the cluster and all that is around it are defiled but the press as a

whole is undefiled.

MISHNAH. IF [AN ISRAELITE] PURCHASES COOKING-UTENSILS⁵ FROM A HEATHEN, THOSE WHICH ARE CUSTOMARILY CLEANSED BY IMMERSION⁶ HE MUST IMMERSE, BY SCALDING HE MUST SCALD, BY MAKING WHITE-HOT IN THE FIRE HE MUST MAKE WHITE-HOT IN THE FIRE. A SPIT AND GRILL MUST BE MADE WHITE-HOT, BUT A KNIFE MAY BE POLISHED AND IS THEN RITUALLY CLEAN.

GEMARA. It has been taught: They al⁷ need to be immersed in [a ritual bath containing a minimum of] forty se'ah.⁸ Whence is this derived? — Raba said: Because Scripture states, Every thing that may abide the fire ye shall make to go through the fire, and it shall be clean.⁹ Scripture¹⁰ has here added for you an additional [process of] cleansing. Bar Kappara taught: From the text, [Nevertheless it shall be purified] with the water of separation,¹¹ I might have inferred that [a Gentile's utensil] requires sprinkling [with this water] on the third and seventh day;¹² therefore the word nevertheless is used, the purpose of which is to make a distinction. If that be so, what is the purpose of the words with the water of separation [niddah]? It signifies water in which a niddah¹³ immerses. And it was necessary for Scripture to write both and it shall be clean, and with the water of separation. If it had only written, and it shall be clean, I might have thought, it shall be clean means by any quantity of water, so the Divine Law wrote, with the water of separation; and if the Divine Law had only written, with the water of separation, I might have thought that [it only becomes ritually clean] at sunset as happens with a niddah, so the Divine Law wrote and it shall be clean, i.e., immediately [after the immersion].

R. Nahman said in the name of Rabbah b. Abbuha: Even new utensils¹⁴ must be included, since old ones when made white-hot are regarded as new and for all that require to be immersed. R. Shesheth raised the objection: If this be so, shearing-scissors should likewise [be immersed if obtained from a heathen]! — [R. Nahman] replied: The Scriptural passage deals with utensils connected with a meal. R. Nahman said in the name of Rabbah b. Abbuha: The teaching only applies to utensils which are purchased as then happened,¹⁵ but not when they are borrowed.

R. Isaac b. Joseph bought a vessel made from a mixture of earth and animal's ordure from a heathen and thought to immerse it. A certain Rabbi, named R. Jacob, said to him: It was explained to me by R. Johanan that the Scriptural passage deals only with utensils of metal.

R. Ashi said: Utensils of glass, since they can be repaired when broken, are like utensils of metal.¹⁶ As for a glazed utensil R. Aha and Rabina differ; one maintains [that it must be treated] according to its original state,¹⁷ while the other maintains [that it must be treated] according to its final state.¹⁸ The legal decision is [that it must be treated] according to its final state.

The question was asked: How is it with [a new vessel which had been given by a heathen] as a pledge? — Mar son of R. Ashi said: A heathen deposited a silver goblet with my father as a pledge, and he immersed it and drank from it; but I do not know whether it was because he considered a pledge to be the same as a bought article or for the reason that he saw that the heathen's intention was to leave it with him.¹⁹

Our Rabbis taught: If [an Israelite] purchases cooking-utensils from a heathen, the unused articles are to be immersed and are then clean; as for those which were used for cold things, such as cups, jugs and flasks, they must be rinsed and immersed and are then clean; but as for those which were used for hot things, such as boilers, kettles and heating vessels, they must be scalded and immersed and are then clean. Utensils used with fire, such as spits and grills, must be made white-hot and immersed and are then clean. If, with all of them, any had been used [by an Israelite] before it was immersed or scalded or made white-hot, one authority teaches that [the contents] are prohibited

whereas another teaches that they are permitted. There is, however, no contradiction; for one decides according to him who said that when [the forbidden element] imparts a worsened flavour it is prohibited and the other according to him who said that when it imparts a worsened flavour it is permitted.²⁰ But according to him who maintains that when it imparts a worsened flavour it is permitted, in which circumstance can the prohibition of the Divine Law against the use of Gentiles' vessels²¹ apply?²² — R. Hiyya, the son of R. Huna²³ said: The Torah only forbade a utensil

(1) V. Glos.

(2) And must be removed.

(3) Toh. IX, 8.

(4) The olives are not in clusters where the twigs separate one from the other as with grapes, and the oil unites them together. Therefore the defilement affects them all.

(5) Lit., 'utensils of service.'

(6) Before they may be used by a Jew.

(7) Even after being scalded or made white-hot.

(8) Approximately 120 gallons.

(9) Num. XXXI, 23.

(10) By adding the words, and it shall be clean, the inference is that something more is required, viz., immersion besides making the article white-hot.

(11) Ibid.

(12) As is done with one that had been defiled by a corpse. Cf. *ibid.*, XIX, 12 ff.

(13) V. Glos. The reference is to the ritual bath containing a minimum of forty se'ah.

(14) Which belonged to a heathen; although not used by him, must be immersed.

(15) When the Israelites captured such utensils from the Midianites; i.e., they must be the property of the Jew to require cleansing by him.

(16) And require immersion.

(17) Like earthen vessels and need not be immersed.

(18) Like utensils of metal, since lead is used for the glazing.

(19) And not redeem it. For that reason he considered it to be his property and cleansed it.

(20) V. *supra* 36a.

(21) Without previous cleansing.

(22) [It is assumed that the vessels taken from the Midianites imparted a deteriorating flavour.]

(23) *Supra* 67b, the name is given as R. Huna b. R. Hiyya. The present reading is preferable.

Talmud - Mas. Avodah Zarah 76a

which had been used [by a Gentile] the same day since the effect is not to worsen the flavour. Then let [the utensils which had been used] from then onwards be permitted [without cleansing]! — The decree was made against those which had not been used the same day on account of those which had been used the same day.¹ What of the other authority? — [His view is] that a utensil used the same day also imparts a worsened flavour.²

R. Amram pointed out the following contradiction to R. Shesheth: We learn: A SPIT AND GRILL MUST BE MADE WHITE-HOT; but it has been learnt with reference to the holy flesh: A spit and grill must be scalded with boiling water!³ — He replied: Amram, my son, what have the sacred utensils to do with Gentiles' vessels since the former absorbed what is permitted and the latter what is prohibited! Raba said: At all events what they discharge is prohibited!⁴ — But, said Raba, what does the term *hag'alah* ['scalding'] imply?⁵ Merikah and shetifah ['rinsing and washing'].⁶ Abaye said to him: What comparison is this? Merikah and shetifah are with cold water whereas *hag'alah* applies to boiling water! — But, said Abaye, let his fellow tell concerning him.⁷ Here [in the Mishnah] he taught that it must be made white-hot and scalding also applies,⁸ and there [in connection with the holy flesh] he taught that they must be scalded and making them white-hot also

applies. Raba answered him: If that be so, let him teach both in one passage and one of them in the other, and then it would be possible to say, 'Let his fellow tell concerning him'!⁹ But, said Raba, [in the case of] the holy flesh [the cleansing of the vessels by means of scalding] follows the reason given by R. Nahman in the name of Rabbah b. Abbuha, viz., Every day scalding was carried out with respect to the preceding day's [offerings].¹⁰ This is quite right with the peace-offerings which could be eaten on the second day [after the sacrificial act]; in this case the process of scalding would be performed before [the traces of the offering] became 'left over'.¹¹ With a sin-offering, however, since it must be eaten the same day [as sacrificed] and the following night, when he cooks to-day a sin-offering, there would be [traces thereof] 'left over'; so if he further cooked in it on the morrow either a peace-offering or sin-offering, then what was 'left over' of to-day's sin-offering would be discharged into the sin-offering or peace-offering of the next day!¹² — I can reply: It is not necessary [to arrive at such a conclusion], for if he cooks to-day a sin-offering, then he again cooks to-day a peace-offering [so that the time-limit of the morrow's sin-offering and the peace-offering of the preceding day will expire simultaneously;] and then he may cook in it the morrow's peace-offering!¹³ If that be so, then scalding would likewise be unnecessary!¹⁴ This [indeed] is a difficulty. R. Papa said: [The reason is that] one is encrusted and the other is not.¹⁵ R. Ashi said: [The reason is] certainly as was originally explained, viz., in the former they absorbed what is permitted and in the latter what is prohibited, and as for your¹⁶ objection that what it gives forth when it discharges is prohibited, [the reply is] that at the time of discharging there is nothing which is prohibited apparent.¹⁷

For how long must they be made white-hot? — R. Mani said: Until the accretion falls off. And how is scalding done? — R. Huna said: A small vessel must be placed inside a large vessel.¹⁸ What, however, is to be done with a large vessel? — Come and hear: There was a pot in the house of R. Akabiah¹⁹ [which had to be scalded]; so he made for it

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- (1) Theoretically they do not need cleansing, but as a precaution Rabbinic law does not draw the distinction.
- (2) [The prohibition against the use of such utensils proves that the effect of a deteriorating flavour is also prohibited.]
- (3) Zeb. 97a. Before they may be used again on account of the 'remnant' they have absorbed of previous sacrifices. V. next note.
- (4) If the flesh of the sacrifice remains on them beyond the prescribed period it becomes prohibited and the traces of it left behind affect the next offering which is roasted on them. If a priest ate of it he incurred the penalty of excision, v. Lev. VII, 18.
- (5) In the passage quoted about the 'holy flesh.' [Delete with Ms.M. 'also' in curr. edd.]
- (6) [I.e., in addition to the cleansing by fire, the Torah has demanded 'rinsing and washing'.]
- (7) I.e., let one passage explain the other. The phrase is actually a quotation from Job XXXVI, 33, but given a different sense.
- (8) Both processes are necessary.
- (9) Only when the Mishnah or Baraita expressly mentioned that both processes are necessary either with the sacred utensils or a Gentile's vessels could such an inference be drawn.
- (10) The cooking of each day served to clean away what the utensil absorbed on the preceding day before it actually became 'left over', so that nothing could remain beyond the prescribed period. For that reason the process of making it white-hot was not required with the spit or grill, and scalding sufficed.
- (11) Which may no longer be eaten and must be burnt as 'an abomination'. V. Lev. VII, 18.
- (12) Because before the daily scalding occurred, the time-limit of the preceding day's offering would have expired. [The text in curr. edd. is difficult. Read with Ms. M., 'When he cooks to-day's sin-offering and boils in it tomorrow's peace-offering, then what etc.']
- (13) In this way the difficulty of the 'left over' is obviated. [The bracketed passage is likewise difficult, and is best deleted with Ms.M.]
- (14) Since there would be nothing 'left over' to remove from the utensil.
- (15) The Gentile's utensil, which may not have been in constant use, becomes encrusted and must be made white-hot. The sacred vessels, on the other hand, are in regular use and escape this crust. For that reason scalding is sufficient.

(16) I.e., Raba's.

(17) What is 'left over' is nothing more than vapour of the cooked flesh and that need not be treated so seriously.

(18) The utensil to be cleansed must be placed inside a larger pot, filled with boiling water. The whole of the former is thus affected by the boiling water.

(19) [V.l. Mar 'Ukba or R. 'Ukba.]

Talmud - Mas. Avodah Zarah 76b

a rim of dough around its mouth and filled it with water which he boiled up.¹ Raba said: Who could have been clever enough to do this if not R. Akabiah who is a great man! He was of the opinion that as [a vessel] absorbs so it discharges; as [its rim] absorbs by the splashings [of the food which is cooked in the pot] so [the boiling water] would cause [the rim] to discharge by means of the splashings.

BUT A KNIFE MAY BE POLISHED AND IS THEN RITUALLY CLEAN. R. 'Ukba b. Hama said: One plunges it ten times in soil.² R. Huna the son of R. Joshua said: That is, in untilled soil. R. Kahana said: [This holds good only] of a knife which is in sound condition and has no notches. It has been also taught to the same effect: With a knife in sound condition and without notches one plunges it ten times in soil. R. Huna the son of R. Joshua said: [This holds good only] to eat cold food with it.³ Thus Mar Judah and Bati b. Tobi were sitting with King Shapur and a citron was set before them. [The king] cut a slice and ate it, and then cut a slice and handed it to Bati b. Tobi. After that he stuck [the knife] ten times in the ground, cut a slice [of the citron] and handed it to Mar Judah. Bati b. Tobi said to [the king], 'Am I not an Israelite!' He replied, 'Of him I am certain that he is observant [of Jewish law] but not of you.' According to another version he said to him, 'Remember what you did last night!'⁴

(1) The purpose of the rim was that the boiling water should overflow the top of the vessel and every part of it be scalded.

(2) In addition to polishing it with a rough cloth (Rashi).

(3) For hot food it must be scalded.

(4) According to the Persian rule of hospitality, the king sent a slave-girl to each of them the night before. Mar Judah refused to receive her but the other did not. [Bati was a half-manumitted slave. Tosaf. s.v. אֵידָכָר.]

Talmud - Mas. Horayoth 2a

CHAPTER I

MISHNAH. IF THE COURT¹ RULED THAT 'ANY ONE OF THE [RITUAL.] COMMANDMENTS MENTIONED IN THE TORAH MAY BE TRANSGRESSED, AND AN INDIVIDUAL PROCEEDED AND ACTED THROUGH ERROR², IN ACCORDANCE WITH THEIR RULING, WHETHER THEY³ ACTED [THUS]⁴ AND HE ACTED WITH THEM⁵ OR THEY ACTED⁴ AND HE ACTED AFTER THEM OR EVEN IF THEY DID NOT ACT⁴ AND HE ACTED,⁴ HE IS EXEMPT,⁶ BECAUSE HE RELIED ON [A RULING OF] THE COURT. [IF, HOWEVER, WHEN] THE COURT ISSUED [AN ERRONEOUS] RULING ONE OF THEM,³ WHO KNEW THAT THEY HAD ERRED, OR A DISCIPLE WHO WAS HIMSELF CAPABLE OF DECIDING MATTERS OF LAW, PROCEEDED AND ACTED IN ACCORDANCE WITH THEIR RULING, WHETHER THEY³ ACTED⁴ AND HE⁷ ACTED WITH THEM OR THEY ACTED AND HE ACTED AFTER THEM OR THEY DID NOT ACT AND HE ACTED,⁴ HE IS LIABLE,⁸ SINCE HE⁹ WAS NOT DEPENDENT UPON [THE RULING OF] THE COURT. THIS IS THE GENERAL RULE: HE WHO IS [IN A POSITION] TO RELY UPON HIMSELF IS SUBJECT TO A PENALTY, AND [ONLY] HE WHO MUST DEPEND UPON THE COURT IS EXEMPT.⁶

GEMARA. Samuel said: A court is never responsible¹⁰ unless they ruled.¹¹ 'You are permitted'. R. Dimi of Nehardea said: Unless they ruled, 'You are permitted to act'. What is the reason? — Because [otherwise]¹² the decision is not final. Said Abaye: We also have learned the same: If he¹³ returned to his [home] town and continued to teach as he had taught,¹⁴ he is exonerated. If, however, he issued instructions [for the public] to act,¹⁵ he is subject to the penalty.¹⁶ Said R. Abba: We also have learned the same: If the court decided¹⁷ that she¹⁸ may be married, and she went and contracted a forbidden union¹⁹, she²⁰ must bring an offering, because the court permitted her only to marry.²¹ Rabina said: We also have learned the same: IF THE COURT RULED THAT ANY ONE OF THE [RITUAL] COMMANDMENTS MENTIONED IN THE TORAH MAY BE TRANSGRESSED.²² Nothing more [need he said about it]. Some read as follows:²³ Samuel said: A court is not responsible unless they' ruled, 'You are permitted to act'.²⁴ R. Dimi of Nehardea said.' Even [if the ruling was], 'You are permitted' the decision is [regarded as] final. But surely, said Abaye, we have not so learnt: If he returned to his [home] town and continued to teach as he had taught he is exonerated. If, however, he issued instructions [for the public] to act, he is subject to penalty!²⁵ But surely, said R. Abba, we have not so learned: If the court decided that she may be married and she went and committed adultery, she must bring an offering, because the court permitted her only to be married!²⁶ But surely, said Rabina, We have not so learned: IF THE COURT RULED THAT ANY ONE OF THE [RITUAL] COMMANDMENTS MENTIONED IN THE TORAH MAY BE TRANSGRESSED!²⁶ Nothing more [need be said about it]. AND AN INDIVIDUAL PROCEEDED AND ACTED THROUGH ERROR IN ACCORDANCE WITH THEIR RULING. Let it be taught, AND HE ACTED IN ACCORDANCE WITH THEIR RULING; what need was there for²⁷ THROUGH ERROR! — Raba replied: [The addition of] THROUGH ERROR [was meant] to include [the following case]. If the court ruled that suet²⁸ was permitted [to be eaten], and a person mistook²⁹ suet for fat and ate it,³⁰ he is exonerated;³¹ [while] ACCORDING TO THEIR RULING [implies] at their actual ruling.³² Others read [as follows]. Raba said: Only a person who ACTED THROUGH ERROR [NAMELY] IN ACCORDANCE WITH THEIR RULING IS EXONERATED, but he who mistook suet for fat³³ and ate it is liable.³⁴ That which was obvious to Raha was raised by Rami b. Hama as a question. For Rami b Hima asked.' What [is the law where] the court ruled that suet was permitted and a person mistook it for fat³⁵ and ate it?³⁶ — Raba replied: Come and hear: AN INDIVIDUAL PROCEEDED AND ACTED THROUGH ERROR IN ACCORDANCE WITH THEIR RULING etc. Why should it be necessary to state³⁷ THROUGH ERROR [and also] IN ACCORDANCE WITH THEIR RULING.³⁸ Obviously³⁹ to include [the following case]: Where

the court ruled that suet was permitted and a person mistook suet for fat and ate it, he is exonerated!⁴⁰ — Perhaps [it may be retorted, our Mishnah means to] exempt a person only when he ACTED THROUGH ERROR [namely] IN ACCORDANCE WITH THEIR RULING, but when he mistook suet for fat and ate it he is liable. Others say that Raba said: Come and hear AN INDIVIDUAL PROCEEDED AND ACTED THROUGH ERROR IN ACCORDANCE WITH THEIR RULING. This surely implies⁴¹ that only when he acted THROUGH ERROR [namely] IN ACCORDANCE WITH THEIR RULING he is exonerated, but when he mistook suet for fat and ate it he is liable!⁴² — Perhaps [it was retorted, our Mishnah implies] either THROUGH ERROR or IN ACCORDANCE WITH THEIR RULING.⁴³ [The following are] in dispute [on the case mentioned]: If the court ruled that suet was permitted and a person mistook suet for fat and ate it, Rab said: He is exonerated, and R. Johanan said: He is liable. An objection was raised: Of the common people [sin] in doing⁴⁴ excludes⁴⁵ the apostate.⁴⁶ R. Simeon b. Jose said in the name of R. Simeon: This is not necessary; since it is written, [And doeth] through error [any of all the things], which [the Lord hath commanded] not to be done, and is guilty; if [his sin] . . . be known to him,⁴⁷ [which shows that only] he who repents when it becomes known to him [that he has sinned] brings a sacrifice for a sin he committed through error, but he who does not repent when he becomes aware [of his sin] does not bring a sacrifice for a sin he has committed through error.⁴⁸ Now, if [this view] is tenable, surely [it may be objected], he⁴⁹ would not repent even when he becomes aware [of the facts]!⁵⁰ — R. Papa replied: R. Johanan holds the view that since the court would repent when [the error] became known to them, and he⁵¹ also would then repent, [such a person] may justly be described as one who repents of his action when he becomes aware [of his sin], and he is, therefore, liable. Raba said: Rab agrees that he is not counted in the making up of the majority of the congregation.⁵² What is the reason? Scripture says, through error, implying [that no sacrifice is to be brought] unless all of them shared⁵³ one and the same ‘error’. WHETHER THEY ACTED [THUS] AND HE ACTED WITH THEM etc. What need was there⁵⁴ to teach all these?⁵⁵ [In the case of] the former section, this may be justified [as being a climactic arrangement]: ‘not only this but also that:’ in the later section, however, where liability is spoken of, the order, surely, should have been reversed!⁵⁶

(1) rich. Beth din, House of Judgement or Law, v. Glos.

(2) This will be explained in the Gemara Infra.

(3) The members of the court.

(4) In accordance with their decision.

(5) Eating, e.g., together with them blood or suet.

(6) From bringing the prescribed sin offerings. V. Lev. IV, 27 ff.

(7) The member of the court or the disciple who knew the ruling to be erroneous.

(8) To bring the prescribed sin offerings. Cf. n. 6. supra.

(9) Being capable of deciding such matters for himself.

(10) Lit., ‘guilty’, ‘culpable’.

(11) Lit., ‘until they’ would say’ to them’, i.e., to the public. (12) Unless the ruling was issued in this definite form it is not regarded as final. [Cf. B. B. 130b.] Hence, in the case there the entire, or the majority of the public transgressed by relying on a ruling of a court to which the formula ‘You are permitted’ was not added, neither they nor the court are under an obligation to bring a sin offering (v. Lev. IV, 13 ff). nor is an individual in the case of such a ruling entitled to claim exemption by reason of his reliance upon the court. (The question whether, in any case, the court or the congregation, are to bring the offering is a matter of dispute, infra).

(12) If ‘to act’ is not added.

(13) A ‘rebellious elder’ who defied the authority of the supreme court in Jerusalem. Deut. XVII, 8 ff.

(14) Before the decision of the supreme court.

(15) In accordance with his own decisions.

(16) Sanh. 86b. The expression ‘to act’ in this case implies final decision, similar to the formula ‘You are permitted to act’ required by R. Dimi.

(17) Lit., ‘they taught her or directed her’.

(18) A woman the death of whose husband is attested by one witness only. (In the case of two witnesses no special

ruling of a court is necessary.)

- (19) Which was in any case forbidden to her.
- (20) Her husband having subsequently appeared.
- (21) I.e., to contract a lawful marriage. Yeb. 87b. Since the expression 'decided' and not merely 'allowed' is used, a definite and final decision is meant. Cf. supra note 5.
- (22) 'Ruled . . . may be transgressed', implies definite and final decision to act. Cf. previous note.
- (23) Lit., 'there are who say'.
- (24) V. supra p. I for notes.
- (25) V. supra p. 2 for notes. This proves, contrary to the view of H. Dimi, that the formula 'you are permitted' is not sufficient unless 'to act' is added!
- (26) V. supra p. for notes, and Previous note.
- (27) Lit., 'Why to me'.
- (28) 'Forbidden fat', v. Lev. III, 17. VII, 25.
- (29) Lit., 'it was exchanged for him'.
- (30) Thus sinning through error, though not 'serially 'at their ruling', since he ate the suet not because he depended upon the court but lease he thought the suet was fat.
- (31) Because even if he had known it to be suet he would have eaten it, relying on the ruling of the court.
- (32) I.e., the case where a person ate suet not through his own error but through his reliance upon the ruling of the court.
- (33) V. supra note 5.
- (34) Since his error was not due to the Court's ruling. The Mishnah had to specify both 'through error', and 'in accordance with their ruling', to indicate that where the sin was due to his error alone he is liable.
- (35) V. p. 3, n. 5.
- (36) Is he exempt from a sin offering because the court permitted the eating of suet; or is he liable since he ate the suet not because of his reliance upon the court but through his own error of mistaking suet for fat?
- (37) Lit., 'why to me'.
- (38) [Delete with MS. M.: IN ACCORDANCE WITH THEIR RULING, v. D.S. a.l.]
- (39) Lit., 'not'?
- (40) I.e., in accordance with the first version of Raba's statement.
- (41) Lit., 'what, not'
- (42) I.e., in accordance with the second version of Raba's statement.
- (43) And one is exonerated in either case Hence a person mistaking suet for fat would also be exonerated.
- (44) Lev. IV, 27.
- (45) 'Of the people', **מֵעַם**, the **ו** partitive implying. 'not all of them'.
- (46) From whom no offering is to be accepted.
- (47) Lev. IV, 22f
- (48) An apostate does not repent when he becomes aware of his sin.
- (49) The person who mistook suet for fat.
- (50) Because even when it was brought us his notice that he ate suet he would not repent, in view of the ruling of the court. How then could R. Johanan subject one in such a case to the obligation of a sacrifice?
- (51) The person who mistook the suet for fat.
- (52) The sacrifice of a bullock on the part of the congregation (Lev. IV, 13 ff) is brought only when all or at least a majority of the people had committed the same sin through the error of the court. Eating forbidden food by mistake is not the same as eating it deliberately in reliance upon the decision of a court, though erroneous (MS. M. preserves a clearer inference: Num. XV, 26, For in respect of all the people it was done in error.)
- (53) Lit., 'were in'.
- (54) Lit., 'wherefore to him'.
- (55) Acting with, acting after, etc. (10) Not only is one exonerated when acting together with the court (a definite case of dependence on it) but also when acting after them, not only when the court also has so acted but even when one acted alone but in reliance on the court's ruling.
- (56) Since each succeeding case is more obvious than the previous one as regards obligation.

Talmud - Mas. Horayoth 2b

— This is a case¹ [of anti-climax]: ‘this, and there is no need to say that.’ ONE OF THEM WHO KNEW THAT THEY HAD ERRED, OR A DISCIPLE WHO WAS HIMSELF CAPABLE OF DECIDING MATTERS OF LAW. What need was there for the two? — Raba replied: Both are required, since, otherwise, it might have been assumed that the reference was only to² one who possesses learning and is also capable of logical reasoning and deduction but not to one possessing learning and no capacity for logical reasoning. Said Abaye to him: Surely, CAPABLE OF DECIDING MATTERS OF LAW implies the possession of knowledge and also capacity for logical reasoning! What I mean, the other replied, is this: If [the inference had to be derived] from that,³ it might have been assumed that the reference is only to² one who possesses learning and is also capable of logical reasoning and deduction, but not to one possessing learning and no capacity for logical reasoning and deduction; hence it was taught, CAPABLE OF DECIDING MATTERS OF LAW [so that] from the superfluous Mishnah [it may be inferred that the reference includes] even him who possesses learning only, though incapable of logical reasoning and deduction, [as well as] him who is only capable of logical reasoning and deduction though he possesses no learning. CAPABLE OF DECIDING MATTERS OF LAW etc. Like whom, for instance? — Raba replied: For instance, like Simeon b. Azzai and Simeon b. Zoma.⁴ Said Abaye to him: In the case of such [scholars] it would be a wilful transgression!⁵ And according to your argument, [the other replied, how will you explain] the following wherein it was taught: ‘In doing one,⁶ [implies that if] an individual acts on his own authority he is liable; if under the authority of the ruling of the court, he is exonerated. How is this so? [In the case where] the court ruled that suet was permitted and it was known to one of them, or to a disciple sitting before them and capable of deciding matters of law, such for instance as Simeon b. ‘Azzai, that they erred, it might have been assumed that he is exonerated, hence it was expressly taught, in doing one,⁷ [implying that if] an individual acts on his own authority he is liable: if under the authority of the ruling of the court he is exonerated’?⁸ How then could this⁹ be possible? [Obviously] in such a case as where [the scholar] knew that it¹⁰ was prohibited, but erred in the [interpretation of the] precept of obeying the words of the Sages;¹¹ according to my view also¹² it is a case where they erred in the [interpretation of the] precept of obeying the words of the Sages. THIS IS THE GENERAL RULE: HE WHO IS [IN A POSITION] TO RELY UPON HIMSELF IS SUBJECT TO A PENALTY. What does this include? It includes one who usually disregards¹³ the decisions of the court.¹⁴ ‘HE WHO MUST DEPEND UPON THE COURT includes [the case where] the court issued a decision and when they discovered that they erred they retracted.¹⁵ But this, surely, is explicitly stated!¹⁶ — It was first stated here and later it was amplified. Rab Judah said in the name of Samuel: This¹⁷ is the view of R. Judah, but the Sages maintain that an individual who acted in accordance with [an erroneous] ruling of the court is liable. Which [statement of] R. Judah [is referred to]? — It was taught: If any one person...sin through error in doing,¹⁸ behold there are three limitations¹⁹ [to indicate that only] he who acts on his own authority is liable; [but he who acts] on the authority of the ruling of the court is exonerated. Which [statement of the] Rabbis?²⁰ — It was taught: Lest it be said²¹ that a minority of the congregation who committed a sin are subject to the obligation of a sacrifice because the court does not bring a bullock on their account,²² but a majority of the congregation who had committed a sin should be exempt because the court brings a bullock on their account,²² Scripture expressly stated, Of the common people²³ [to indicate that] even if a majority of them²⁴ or all of them. Now, in what [circumstances was the sin spoken of committed]? If it be suggested through error in action,²⁵ how [it may be asked] does the court enter at all into the question²⁶ when [the commission of the sin] was not on the authority of the ruling of the court? Does then a court bring [a sacrifice] when [the commission of the sin] was not under the authority of their ruling!²⁷ If, however, [it be suggested that the sin had been committed] under the authority of the ruling of the court, surely [it may be pointed out] the text, Of the common people,²³ was written in reference to error in action!²⁵ Consequently²⁸ [it must be concluded that] it is this that was meant: A minority of the congregation who committed a sin through error in action²⁵ are liable, because the court does not bring a bullock on their account in [the case where a sin was committed] on the authority of the ruling of the court,

and yet they²⁹ are liable.³⁰ [Since, however,] one might assume that a majority of the congregation who committed [a sin] through error in action²⁵ should be exempt because the court brings a bullock on their account when [the sin was committed] under the authority of the ruling of the court, it was expressly taught, ‘Of the common people’³¹ [to include] even a majority of them.³² Said R. Papa: Whence [is this proved]? Is it not possible that neither they nor the court [bring any sacrifice]!³³ — If so,³⁴ why should it be sought to prove that a majority is liable?³⁵ Must it not then be concluded that [in the case of] a minority acting under a court's ruling it had been definitely established that they were liable, though they had acted under the authority of the ruling of a court;³⁶ for [otherwise] it should have been sought first to prove that a minority is liable, when sinning through error of action, and then should have come the attempt to prove that a majority also is liable when sinning through error of action. Consequently, since³⁷ the attempt has not been made [first] to prove that a minority is liable, when sinning through error of action, and only finally to prove that a majority [also] is liable when sinning through error of action, it must be concluded that a minority [committing a sin] under the ruling of the court are liable [to bring] a lamb or a goat, and likewise when they committed the sin under no authority from the ruling of a court, through error of action, they are also liable.³⁸ Consider, however, this: Both [Baraitas]³⁹ have been taught⁴⁰ anonymously, whence then [is it proved] that the first one [represents the view of] R. Judah and the last [that of] the Rabbis? Might not the reverse be suggested! — Who has been heard to make an exposition on limitations in such a manner?⁴¹ Surely it was R. Judah: for it has been taught: R. Judah said:

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- (1) Lit., ‘he teaches’.
 - (2) Lit., ‘these words’.
 - (3) If one qualification only had been mentioned.
 - (4) They were for some reason never ordained. V. Sanh. 17b.
 - (5) Involving no sacrifice, while our Mishnah does subject such disciples to the obligation of a sacrifice.
 - (6) Lev. IV. 27. **בעשותה** Lit., ‘in her doing one’, ‘her’ referring to ‘soul’, the subject of the sentence.
 - (7) V. p. 6, n. 7.
 - (8) Which shows that even in the case of a Ben ‘Azzai he is not considered a wilful transgressor, contrary to the view of Abaye.
 - (9) The obligation to bring a sacrifice on the part of a scholar who knew the ruling of the court to be wrong.
 - (10) That which the court permitted.
 - (11) Believing that the Sages must be obeyed even here they permit a thing prohibited.
 - (12) Raba's: Instancing b. ‘Azzai and b. Zoma, as the kind of disciple referred to in our Mishnah.
 - (13) Lit., ‘kicks against’.
 - (14) It is obvious, therefore, that on this occasion he acted in accordance with their decision, not because he relied upon their ruling but because it happened to agree with his convenience or with his view.
 - (15) Even in such a case the individual who acted on the authority of their ruling is exonerated.
 - (16) In the Mishnah infra 3b.
 - (17) The ruling of our Mishnah exempting an individual acting on the erroneous decision of the court.
 - (18) Lev. IV, 27. E.V.. ‘If anyone etc.’
 - (19) ‘One’, ‘person’, ‘in its doing’. **נפש אחת בעשותה** Cf. Shab. 93a.
 - (20) The Sages.
 - (21) Lit., ‘I might yet say’.
 - (22) I.e., If they committed the sin by acting in accordance with his erroneous ruling of the court.
 - (23) Lev. IV. 27.
 - (24) Lit., ‘her’, the congregation.
 - (25) The people committed the sin through their own error and not in depending on an erroneous ruling of the court.
 - (26) Lit ‘what is their doing?’
 - (27) [Read with MS. M.: ‘If it be . . . in action, not on the ruling of the court, how does the court enter etc.?’]
 - (28) Lit., ‘but not’.
 - (29) The minority of the congregation.
 - (30) Because, according to the Rabbis, even an individual who acted under the ruling of a court is also obliged to bring

the prescribed sin offering.

(31) V. p. 8, n. 5.

(32) I.e. that even where most of the people committed the sin, everyone of them must bring the sin offering prescribed in Lev. IV, 27ff.

(33) The Baraita cited being interpreted as follows: 'A minority ate liable to bring a sacrifice when they have sinned through error in action because only in the case where their sin was committed on the authority of the court's ruling neither the court nor they themselves (acting as they did under the court's authority) are liable. Whereas in the case of a majority, since the court brings a bullock on their account, they should be exempt in respect of error in action.

(34) That a minority who committed a sin under the authority of a ruling of the court is exempt from the obligation of bringing a sacrifice.

(35) In respect of an error in action when the liability of a minority has not yet been proved.

(36) And this warrants the assumption that they are liable in respect of error in action.

(37) Lit., 'but not'.

(38) [The text in cur. edd. is unduly long and not smooth. MS. M. preserves a better reading: Why should the Tanna have sought to prove that a majority is liable in respect of an error in action, he should first have sought to prove that a minority is liable in respect of error in action and then attempted to show that a majority (too) is liable through error in action. Consequently it must be concluded that a minority (committing a sin) under the ruling' etc.]

(39) The one ascribed to R. Judah and the one ascribed to the Sages.

(40) Lit., 'we learned'.

(41) As supra 'behold these are three limitations'.

Talmud - Mas. Horayoth 3a

This is the law of the burnt offering,¹ behold these are three exclusions.² And if preferred I might say, [the statement beginning] 'Lest it be said'³ cannot be attributed to R. Judah, for in it was taught, 'Where a majority of the congregation committed a sin, the court brings a bullock on their account', while⁴ R. Judah had said, 'The congregation only have to bring [the sacrifice] but not the court'; as we learned: R. Judah said: Seven tribes who committed a sin⁵ bring seven bullocks.⁶ R. Nahman, however, said in the name of Samuel: This⁷ is the view of R. Meir, but the Sages maintain that an individual who acted in accordance with [an erroneous] ruling of the court is liable. Which [statement of] R. Meir and which of the Rabbis? — It was taught, 'If they had ruled and acted accordingly, R. Meir exonerates them and the Sages consider them liable'. Now, who are 'those that acted'? If the court be suggested, what [it may be retorted] is the reason of the Rabbis who consider them liable? Surely it was taught, 'Since it might have been assumed that a court who issued [an erroneous] ruling and acted accordingly are liable, it was expressly taught. The assembly, and do,⁸ indicate that] action depends on the assembly⁹ and ruling depends on the court.'¹⁰ If, again,¹¹ [it be suggested that the meaning¹² is that] the court ruled and the majority of the congregation acted accordingly, the question arises] what is the reason why R. Meir exonerates them? Must it not then be concluded¹³ [that the meaning¹⁴ is that] the court ruled and a minority of the congregation acted accordingly, and that the principle underlying their¹⁵ dispute is the following: The Master¹⁶ holds that an individual who acted under the authority of the ruling of the court is exonerated, and the Masters hold that an individual who acted under the authority of the ruling of the court is liable! R. Papa. however, said: All agree¹⁷ that an individual who acted under the authority of the court's ruling is exonerated, but they differ [on the question] whether the court is counted in the making up of a majority of the congregation.¹⁸ The Masters hold that the court is counted in the making of a majority of the congregation¹⁹ and the Master holds that the court is not to be counted in making up a majority of the congregation. And if preferred I might say [that the meaning²⁰ is that] the court ruled and a majority of the congregation acted accordingly: and²⁰ by 'Sages' was meant²¹ R. Simeon who stated that both the congregation and the court bring [a sin offering].²² And if you prefer I might say [that they differ in the case where] one tribe acted in accordance with the ruling of its own court: and by 'Sages' R. Judah was meant; for it was taught, 'A tribe that acted on the authority of [an erroneous] ruling of its court, that tribe is liable.'²³ And if you prefer I might say [that the dispute

relates to] such a case as where the sin was committed by six [tribes] who formed a majority of the congregation or by seven [tribes] although they did not form a majority of the congregation, and [the anonymous author of] our Baraita²⁴ is²¹ R. Simeon b. Eleazar; for it was taught: R. Simeon b. Eleazar said in his²⁵ name. ‘Six [tribes] who form a majority of the congregation or seven [tribes] although they do not form a majority of the congregation, who have committed a sin are liable [to bring a sin offering].²⁶ R. Assi said: In [the case of an erroneous] ruling [of a court]²⁷ the majority of the inhabitants of the Land of Israel are to be taken into account,²⁸ for it is said, So Solomon held the feast at that time, and all Israel with him, a great congregation, from the entrance of Hamath unto the Brook of Egypt, before the Lord our God, seven days and seven days, even fourteen days.²⁹ Now, consider, it is written, and all Israel with him a great congregation, what need was there for,³⁰ from the entrance of Hamath unto the Brook of Egypt? From this it may be inferred that only these³¹ are included in the³² ‘congregation’ but those are not.²⁸ It is obvious [that the case where] a majority³³ has been reduced³⁴ to a minority [is a matter of] dispute between R. Simeon and the Rabbis.³⁵ What, [however, is the law where] a minority³⁶ has become³⁷ the majority?³⁸ Do R. Simeon and the Rabbis differ [in this case also]. R. Simeon, who is guided by³⁹ [the status of the person at the time of the] discovery [of the sin], holding them liable,⁴⁰ and the Rabbis who are guided by [the status of the person at the time of the] commission of the sin, exonerating them,⁴¹ or not? — How could [such a thing]⁴² be imagined! It might well be said that R. Simeon was heard to be guided by³⁹ [the time of the] discovery [of the sin] also:⁴³ was he heard, however, [to be guided by the time of the] discovery alone!⁴⁴ For had that been the case⁴⁵ they⁴⁶ should have brought [their offering] according to their present status.⁴⁷ Consequently [it must be concluded that] R. Simeon requires both commission of the sin and its discovery.⁴⁸ The question was raised: What [is the law where] the court ruled that suet was permitted and a minority of the congregation acted accordingly, and, after the court had withdrawn their decision and again issued a similar ruling, another minority acted accordingly? [Are we to say,] since this is a case of two distinct spells of awareness,⁴⁹ they do not combine,⁵⁰ or perhaps, since both⁵¹ [are concerned with] suet they combine? And if some ground could be found for the decision⁵² that, since both⁵¹ [are concerned with] suet, they combine, [the question arises,] what [is the law where one] minority [was involved] in the forbidden fat of⁵³ the maw and [another] minority in the forbidden fat of⁵³ the small bowels? Is it certain that in these cases,⁵⁴ since [the prohibitions] are derived⁵⁵ from⁵⁶ two [distinct] texts, they⁵⁷ do not combine, or, perhaps, since both⁵¹ [are concerned with] forbidden fat, they⁵⁷ combine. And if some ground should be for the decision⁵² that, [since the two kinds bear] the name of ‘forbidden fat’, they⁵⁷ combine, [the question may be asked,] what [is the law where one] minority [was involved] in the [eating of] suet and [another] minority in that of blood? Is it certain that in this case,⁵⁸ since these are two [distinct] prohibitions they⁵⁹ do not combine, or perhaps, since the same kind of sacrifice has to be brought in both cases,⁶⁰ they combine? And if some ground could be found for the decision⁶¹ that, since the same kind of sacrifice has to be brought in both cases, they⁵⁹ combine, [the question might be asked,] What is the law [where one] minority [was involved] in [the eating of] suet and [another] minority in idolatry? Is it certain that in this case,⁵⁸ [since] neither the prohibitions nor the sacrifices are alike [they⁵⁹ are not to be combined] or, perhaps, since [the punishment] in both cases⁶² is that of kareth⁶³ they are to be combined. — These questions remain undecided.⁶⁴ The question was raised: [What is the law where] a court ruled that suet was permitted and a minority of the congregation acted accordingly, and the members of that court died and another court that was appointed also issued a similar ruling and another minority acted [in accordance with that ruling]? According to him who stated that the court brings [the sacrifice] no question arises, for, surely, they are no more in existence. The question, however, arises what [is the law] according to him who stated that the congregation bring [the sacrifice]? The congregation, surely, exists:⁶⁵

(1) Lev. VI, 2.

(2) V. Nid. 40a.

(3) The second Baraita, supra 2b.

(4) Lit., ‘and if’.

- (5) Owing to an erroneous ruling of the court.
- (6) But the court brings none, infra 5a.
- (7) V. supra p. 11, n. 7.
- (8) Lev. IV, 13.
- (9) Or 'congregation', i.e the people.
- (10) Consequently 'those who acted' cannot refer to the court.
- (11) Lit 'but'.
- (12) Of the Baraitha cited.
- (13) Lit., 'what, not'?
- (14) Of the Baraitha cited.
- (15) That of R, Meir and the Sages.
- (16) R. Meir.
- (17) Lit., 'all the world', i.e., R. Meir and the Sages.
- (18) Where members of the public as well as the judges of the court had acted in accordance with the court's decision and together only they form a majority of the congregation.
- (19) [In which case there is a liability for a communal offering.]
- (20) As to the question why R. Meir exonerates them.
- (21) Lit., 'who. . .it'.
- (22) And to this R. Meir objected, advancing the view that the congregation is exonerated. The court only has to bring the sacrifice.
- (23) To bring a sin offering. One tribe, in his opinion, is also called 'assembly' or 'congregation' (kahal).
- (24) The Sages.
- (25) R. Meir's
- (26) Infra 5a.
- (27) In connection with which a sin offering of a bullock must be brought if the majority of the people acted in accordance with this ruling.
- (28) Those living outside that land are not to be included in the computation.
- (29) I Kings VIII, 65.
- (30) Lit. 'wherefore to me'.
- (31) Those living within the boundaries of Palestine specified.
- (32) Lit., 'called'.
- (33) Of the people, who acted in accordance with an erroneous ruling of the court.
- (34) Between the time of the emission of the sin and that of bringing the Sacrifice.
- (35) Infra 10a.
- (36) V. supra note 9.
- (37) Between the time of the action and the time when it was discovered to have been a sinful act.
- (38) Owing to cases of death among members of the previous majority.
- (39) Lit., 'goes after'.
- (40) Since at the time their sin came to their notice they were already a majority.
- (41) Because when the sin had been committed they were still a minority.
- (42) That a minority who increased into a majority shall be liable.
- (43) Cur. edd. add, 'where the sin and consciousness of it took place (when the person was under the status of obligation'.
- (44) Lit., 'knowledge (of the sin) that is not (i.e.. without) sin'.
- (45) Lit., 'if so', that discovery alone is the determining factor.
- (46) A High Priest and a prince who assumed office after they had committed a sin as laymen.
- (47) I.e., a bullock, and not (as laymen) a lamb or a goat. Since they are now conscious of the sin why does not R. Simeon consider them liable unless they were also conscious of it before their appointment!
- (48) One without the other is no determining factor. Consequently, in the case under discussion (i.e., a minority that became a majority), no communal sacrifice is to be brought, since the sin was committed when they were still a minority who are exempt if acting on the ruling of the court.
- (49) The acts being based on two separate rulings, the erroneous character of which was subsequently discovered.

- (50) To form a majority and consequently to become liable to bring a communal sacrifice.
 (51) Lit., 'that and that'.
 (52) Lit., 'and if you will find to say'.
 (53) Lit., 'which is upon'.
 (54) Lit., 'here'.
 (55) Lit., 'come'.
 (56) Lit., 'in'.
 (57) The two minorities.
 (58) Lit., 'here'.
 (59) The two minorities.
 (60) Lit., 'their sacrifice is the same'.
 (61) Lit., 'and if you will find to say'.
 (62) Lit., 'that and that'.
 (63) כרת 'premature, or sudden death through some visitation'. V. Glos.
 (64) תיקו Teku, v. Glos.
 (65) Hence the two minorities are to be combined to form a majority, and a sacrifice is to be brought.

Talmud - Mas. Horayoth 3b

or is it, perhaps, necessary¹ [to have in the case of both minorities] the ruling² of the court that ruled [in the first instance]. — This is undecided. R. Jonathan said: Where a hundred [judges] sat down to consider a decision they are not liable³ unless all of them arrived at the same [erroneous] decision; for it is said, and if the whole congregation of Israel shall err⁴ [which implies] that they must all⁵ err.⁶ Said R. Huna son of Hoshaiyah: Logical deduction leads to the same conclusion.⁷ For throughout the Torah there is an established rule that a majority is like the whole and yet it was written here, 'the whole congregation'; and since such is the case⁸ [it must be concluded that] even if there were a hundred.⁹ We learned, [WHEN] THE COURT ISSUED [AN ERRONEOUS] RULING AND ONE OF THEM, WHO KNEW THAT THEY HAD ERRED OR A DISCIPLE WHO WAS HIMSELF CAPABLE OF DECIDING MATTERS OF LAW PROCEEDED AND ACTED IN ACCORDANCE WITH THEIR RULING, WHETHER THEY ACTED AND HE ACTED WITH THEM OR THEY ACTED AND HE ACTED AFTER THEM, OR THEY DID NOT ACT AND HE ACTED, HE IS LIABLE, SINCE HE WAS NOT DEPENDENT UPON [THE RULING OF THE COURT]. [From this it follows that only] that person¹⁰ is liable, but another¹¹ is exempt; but why? The decision, surely, was not unanimous!¹² — Here it is a case where that person¹³ nodded with his head.¹⁴ Come and hear: If the court issued a ruling, and one of them knew that they erred and said to them, 'You are mistaken', they are exempt.¹⁵ The reason, then, why they are exempt is because he said to them, 'You are mistaken', had he however remained silent they would have been liable and their decision would have been regarded as unanimous;¹⁶ but why? Surely, they did not all arrive at the same decision? — It may be answered that here also it is a case where he nodded with his head. R. Mesharsheya raised an objection: Our Rabbis relied upon the words of R. Simeon b. Gamaliel and upon the words of R. Eleazar the son of R. Zadok who said, 'No law may be imposed upon the public unless a majority of the people can endure it'; and R. Adda b. Abba said: What Scriptural proof is there for this view? Ye are cursed with a curse, yet ye rob me, even this whole nation.¹⁷ Now, surely, it is written here, 'This whole nation,' and yet a majority is regarded as the whole.¹⁸ [Is not this] a refutation of the view of R. Jonathan?¹⁹ — This is a refutation. Why then did the All-Merciful say, 'the whole congregation'? — It is this that was meant: Where they are all present²⁰ the decision is valid; but if not, their decision is invalid. R. Joshua said: When ten sit in judgment, the responsibility rests upon²¹ all of them. Is not this obvious? It teaches us that even a disciple in the presence of his Master [must share the responsibility].²² When R. Huna went to court he took with him ten students of the college, 'in order that', he said, 'each of us²³ might receive only a chip of the beam',²⁴ When an animal suffering from an organic disease was brought before R. Ashi²⁵ he used to bring together ten ritual slaughterers²⁶ of Matha Mehasia²⁷ and made them sit down before

him, saying, 'In order that each of us might receive only a chip of the beam'.²²

MISHNAH. WHERE A COURT ISSUED A DECISION,²⁸ AND LATER DISCOVERED THAT THEY HAD ERRED AND WITHDREW THEIR DECISION, WHETHER THEY BROUGHT THEIR OFFERING²⁹ OR WHETHER THEY DID NOT BRING THEIR OFFERING, IF AN INDIVIDUAL³⁰ PROCEEDED AND ACTED IN ACCORDANCE WITH THEIR [ERRONEOUS] DECISION, R. SIMEON EXONERATES HIM AND R. ELEAZAR DECLARES [HIS CASE] DOUBTFUL.³¹ WHICH CASE MAY BE REGARDED DOUBTFUL? IF HE³² WAS³³ AT HOME, HE IS LIABLE.³⁴ IF, HOWEVER, HE WENT TO A COUNTRY BEYOND THE SEA HE IS EXEMPT. SAID R. AKIBA: I AGREE THAT A PERSON IN SUCH A CASE³⁵ IS NEARER TO EXONERATION THAN TO CULPABILITY. SAID BEN 'AZZAI TO HIM: HOW DOES SUCH A PERSON DIFFER FROM ONE WHO REMAINS AT HOME? HE WHO REMAINS AT HOME IS IN A POSITION TO ASCERTAIN THE FACTS³⁶ BUT THE OTHER WAS NOT IN SUCH A POSITION.³⁷ IF THE COURT RULED THAT AN ENTIRE PRINCIPLE HAS TO BE UPROOTED; IF THEY SAID, FOR EXAMPLE, THAT [THE LAW CONCERNING THE] MENSTRUANT³⁸ IS NOT FOUND IN THE TORAH OR THE [LAW CONCERNING THE] SABBATH IS NOT FOUND IN THE TORAH OR [THE LAW CONCERNING] IDOLATRY IS NOT FOUND IN THE TORAH, THEY ARE EXEMPT. IF, HOWEVER, THEY RULED THAT A PART [OF A COMMANDMENT] WAS TO BE ANNULLED AND A PART RETAINED, THEY ARE LIABLE. HOW IS THIS SO? — IF THEY SAID: [THE LAW CONCERNING THE] MENSTRUANT OCCURS IN THE TORAH BUT IF A MAN HAS INTERCOURSE WITH A WOMAN THAT AWAITS A DAY CORRESPONDING TO A DAY³⁹ HE IS EXEMPT, [OR THAT THE LAW CONCERNING THE] SABBATH OCCURS IN THE TORAH BUT IF A MAN CARRIES ANYTHING FROM A PRIVATE DOMAIN TO A PUBLIC DOMAIN HE IS EXEMPT, [OR THAT THE LAW OF] IDOLATRY OCCURS IN THE TORAH, BUT IF A MAN ONLY BOWS DOWN TO AN IDOL HE IS EXEMPT, THEY ARE LIABLE; FOR SCRIPTURE SAYS, AND IF SOME THING BE HID,⁴⁰ 'SOMETHING BUT NOT THE ENTIRE PRINCIPLE.

GEMARA. Rab Judah said in the name of Rab: What is R. Simeon's reason? Because he acted on the authority of the court. Others say that Rab Judah said in the name of Rab: R. Simeon used to say that [in the case of] any ruling [of the court], which has spread⁴¹ to a majority of the congregation, if an individual acted according to it he is exempt;⁴² for [he ruling was given for the purpose⁴³ of distinguishing between one who acts in error⁴⁴ and one acting presumptuously.⁴⁵ An objection was raised: The bullock required⁴⁶ when a matter was hid from the congregation,⁴⁷ and the goats [of atonement] for idolatry⁴⁸ are to be purchased from a collection made for the purpose:⁴⁹ these are the words of R. Simeon. R. Judah said: They are taken⁵⁰ from the funds of the Temple treasury.⁵¹ Now, why?⁵² Since a collection is made for the purchase of the sacrifices, the facts became known!⁵³ — If you wish I might say: It is a case, for instance, where the object of the collection was not stated.⁵⁴ And if you prefer I might say: In the case, for instance, where he was not in town.⁵⁵ And if you prefer I might say: Rab holds the same view as the other Tanna,⁵⁶ [in whose name] the reverse was taught: 'A collection is made for the occasion;⁵⁷ these are the words of R. Judah. R. Simeon said: They are taken from the funds of the Temple treasury.'⁵⁸ It was taught: R. Meir declares him⁵⁹ liable and R. Simeon exonerates him; R. Eleazar said, 'doubtful'; in the name of Symmachus it was said, 'suspended'. Said R. Johanan: The difference between them⁶⁰ is the obligation to bring an ashm talui.⁶¹ Said R. Zera: [As to an] analogy [in respect of the view] of R. Eleazar — to what may the thing be compared? To the case of a man who ate something about which it is doubtful whether it was suet or fat,⁶² who, when it becomes known to him⁶³ brings a guilt offering.⁶⁴

(1) If the two minorities are to be combined.

(2) Thus Bomberg ed. Cur. edd.: 'knowledge', i.e., 'discovery of the sin'.

(3) To bring the sacrifice if they erred in their decision.

(4) Lev. IV, 13.

- (5) Since Scripture uses the expression 'the whole', which is taken to refer to the assembly of the judges who are the cause of the error committed by the congregation.
- (6) Cur. edd. insert, 'until the rulings will spread among all the congregation of Israel'.
- (7) Lit., 'thus also'.
- (8) 'The whole' being specifically stated.
- (9) They must all arrive at a unanimous decision.
- (10) The member of the court or learned disciple.
- (11) Anyone who did not take part in the deliberations of the court.
- (12) Lit., 'the ruling was not concluded', since there was at least one dissident.
- (13) V. supra note 6.
- (14) Which is taken as consent.
- (15) Infra 4b.
- (16) Cf. note 8.
- (17) Mal. III. 9.
- (18) Since both R. Simeon and R. Eleazar had said, 'a majority of the people'. v. A.Z. 36a.
- (19) Who said supra that a majority of the court is not regarded as the whole.
- (20) Though their opinions differ.
- (21) Lit., 'the collar (or 'chain') hangs on the neck of'.
- (22) Sanh. 10a.
- (23) Lit., 'we'.
- (24) That the responsibility for any wrong decision might be shared by all of them.
- (25) For him to decide whether it was ritually fit for human consumption.
- (26) Who were familiar with the ritual laws relating to diseased animals.
- (27) A suburb of the town of Sura; v. B.B. (Sonc. ed.) p. 10, n. 1.
- (28) And a majority of the people acted accordingly.
- (29) Lit., 'their atonement', the sin offering prescribed in Lev. IV, 13ff.
- (30) Who was unaware that the decision is as rescinded.
- (31) It cannot be determined whether such a case comes under the category of dependence upon the court or under that of acting independently. Hence an asham talui (v. Glos.) must be brought.
- (32) The transgressor who claims not to have heard that an erroneous decision had been withdrawn.
- (33) Lit., 'sat'.
- (34) To bring an asham talui (v. Glos.).
- (35) Lit., 'in this, that he'.
- (36) Lit., 'it was possible for him to hear'.
- (37) Cf. previous note. Since it was an impossibility for him to ascertain the facts his action is regarded as entirely dependent upon the court's decision. Hence he is exonerated.
- (38) Cf. Lev. XV, 19ff: XVIII, 19.
- (39) If during the eleven day's (which follow the seven unclean days that a woman must observe after her menstruation (cf. Lev. XV, 19), she noticed any kind of blood, it is not regarded as the blood of menstruation but as a mere flow; and she need not, therefore, count seven days (as in the case of menstruation) but waits only one day, after which she is again clean.
- (40) Lev. IV, 13.
- (41) Lit., 'went out'.
- (42) [Even after the court had retracted, provided he was unaware of the retraction.]
- (43) Lit., 'was not given but'.
- (44) Believing the decision of the court to be a correct one and thus acting upon it.
- (45) (And this reason applies even after the court has withdrawn its decision.)
- (46) As an offering.
- (47) In consequence of which they committed a transgression, and when the error was discovered must bring an offering, cf. Lev. IV, 13.
- (48) Cf. Num. XV, 24.
- (49) Lit., 'in the beginning they called for them'. Every member of the congregation makes a special contribution

towards the cost of the sacrifice.

(50) Lit., 'they come', i.e., they are purchased.

(51) No special collection from the members of the congregation is to be made. Men. 52a.

(52) Why does R. Simeon exempt the individual in our Mishnah?

(53) Lit., 'it is to be known'. Since every individual contributes towards the cost of the offering everyone must be aware of the fact that the court has retracted!

(54) Hence it is quite possible for individuals to be unaware of the retraction of the court.

(55) He should not know, therefore, of the retraction of the court even if those in town were informed of the object of the collection.

(56) Quoted in the following Baraitha.

(57) V. supra p. 18, n. 10.

(58) So that, according to R. Simeon, individuals might be unaware of the fact that the court had retracted, and are, therefore, as stated by him in our Mishnah, exonerated.

(59) An individual who acted in accordance with an erroneous ruling of the court after it had been rescinded.

(60) R. Eleazar who said, 'doubtful' and Symmachus who said 'suspended'.

(61) V. Glos. According to R. Eleazar such an offering is to be brought as is the case with all 'doubtful' trespasses. According to Symmachus, however, his offering is 'suspended' and he consequently brings nothing.

(62) Lit., 'doubtful suet, doubtful fat', and he took it to be fat.

(63) That it might have been suet.

(64) Asham talui, v. Glos.

Talmud - Mas. Horayoth 4a

And there is no need¹ [to say that this is so] according to him, who holds that the public bring the offering, since [in that case] the matter is well known;² but even according to him who holds that the court brings the sacrifice, in which case the matter is not well known,³ [the asham talui must be brought, because] had he inquired he would have been told.⁴ R. Jose b. Abin — others say, R. Jose b. Zebida — said: [As to an] analogy [in respect of the view'] of Symmachus — to what may the thing be compared? To [the case of] a man who brought [an offering for] his atonement at twilight when there was doubt whether it was still day⁵ and⁶ his atonement was effective or night has already fallen⁷ and his atonement was not effective,⁶ who does not bring an asham talui.⁸ And there is no need⁹ [to say that this is so] according to him who holds that the court bring [the sacrifice] since [in that case] the matter is not sufficiently known;¹⁰ but even according to him who holds that the public bring the sacrifice, in which case the matter is well known and people could have told him,¹¹ [this case is nevertheless the same] as¹² that of doubt whether it was still day, or night has already fallen.¹³ For even if he had wished to ask he might not have found anyone who could tell him.¹⁴ SAID BEN 'AZZAI TO HIM: HOW DOES SUCH A PERSON DIFFER FROM ONE WHO REMAINS etc. R. Akiba, surely, answered Ben 'Azzai well!¹⁵ — Raba replied: The difference between them is [the case of one who started on a journey.¹⁶ According to Ben 'Azzai he is liable because he is still at home;¹⁷ according to R. Akiba he is exempt since he has already started on his journey.¹⁸ IF THE COURT RULED THAT AN ENTIRE PRINCIPLE WAS TO BE UPROOTED. Our Rabbis taught: And something be hid,¹⁹ but not when an entire commandment be uprooted. How? One might assume that if they said, for example, that [the law concerning] the menstruant is not found in the Torah [or the law concerning] the Sabbath is not found in the Torah [or the law concerning] idolatry is not found in the Torah — they are liable,²⁰ hence it was expressly stated, 'And something be hid'²¹ but not when an entire commandment he hid. They are consequently exempt. One might assume, however, that if they said: [The law' concerning] the menstruant occurs in the Torah but if a man has intercourse with a woman that awaits a day corresponding to a day²² is exempt [or that the law concerning] the Sabbath occurs in the Torah but if a man carries anything from a private domain into a public domain he is exempt. [or that the law' concerning] idolatry occurs in the Torah but if a man only bows down to an idol he is exempt, they²³ are exempt, hence it was expressly stated, 'and something he hid' but not the entire principle. The Master said, 'One

might assume that . . . they are exempt'. But [it may be asked] if when [the ruling was that] part [of a commandment] be retained and a part annulled they are exempt. and when an entire principle be uprooted they are also exempt, in what case, then, would they be liable?²⁴ — The Tanna bad raised his question thus: It might have been assumed that *dabar*'²⁵ means the entire commandment,²⁶ hence it was expressly said. And something be hid. How does this prove it? — 'Ulla replied: In this text, read, 'and a part of a thing was hid'.²⁷ Hezekiah replied: Scripture says. And do any of the commandments²⁸ [which implies] of the commandments,²⁹ but not all the commandments. Does not commandments' denote the plural?³⁰ — R. Nahman b. Isaac replied: It is written, commandment.³¹ R. Ashi replied: *Dabar*,³² here, is to be deduced from *dabar*' mentioned in the case of a 'rebellious elder.'³³ For concerning a 'rebellious elder' it was written, If there arise a matter too hard for thee³⁴ . . . thou shalt not turn aside from the sentence which they shall declare unto thee, to the right hand, nor to the left hand,³⁵ as in the case of the 'rebellious elder' the meaning is 'a part of the thing' and not all the thing³⁶ so in the case of an [erroneous] ruling, [of a court] a part of the thing [is meant] and not an entire principle. Rab Judah said in the name of Samuel: The court is liable only when they ruled concerning a prohibition³⁷ which the Sadducees³⁸ do not admit,³⁹ but if concerning a prohibition³⁷ which the Sadducees admit⁴⁰ they are exempt.⁴¹ What is the reason? It is a matter which anyone can learn at school.⁴² We learnt: [THE LAW' CONCERNING THE] MENSTRUANT OCCURS IN THE TORAH BUT IF A MAN HAS INTERCOURSE WITH A WOMAN THAT AWAITS A DAY CORRESPONDING TO A DAY HE IS EXEMPT. But why? Surely [the law concerning] a woman that awaits a day corresponding to a day is mentioned in the Scriptures: Then she shall number to herself,⁴³ teaches that she counts one [day] for one [day]!⁴⁴ — They might rule that the first stage of contact is permitted and only the consummation of coition is forbidden. Surely this also is written in the Scriptures: He hath made naked her fountain!⁴⁵ — They might rule that in the natural way it is forbidden; in an unnatural way it is permitted. but, surely, it is written, As with womankind.⁴⁶ — They might rule that in the natural way even the first stage of contact is forbidden; in the unnatural way, however, consummation of coition only is forbidden but the first stage of contact is permitted. If so, [the same might apply] even [to the case of] a menstruant also!⁴⁷ — The fact, however, is [that the ruling might have permitted]⁴⁸ even in the natural way⁴⁹ alleging [that the prohibition of] the first stage⁵⁰ has reference to a menstruant woman only.⁵¹ And if you prefer I might say: The — ruling may have been that a woman is not regarded as a *zabah*⁵² except during the day time because it is written, all the days of her issue.⁵³ We learnt: [THE LAW CONCERNING THE] SABBATH OCCURS IN THE TORAH BUT IF A MAN CARRIES ANYTHING FROM A PRIVATE DOMAIN INTO A PUBLIC DOMAIN IS EXEMPT [etc.]. But why? Surely the prohibition of carrying from [one domain into another] is mentioned in the Scriptures: Neither carry forth a burden out of your houses on [the Sabbath day]!⁵⁴ — They ruled that carrying out alone is prohibited but bringing in is permitted. And if you prefer I might say: They ruled that only carrying out and bringing in⁵⁵ is prohibited but handing across and throwing⁵⁶ is permitted.⁵⁷ We learnt: [THE LAW CONCERNING] IDOLATRY OCCURS IN THE TORAH BUT IF A MAN ONLY BOWS DOWN TO AN IDOL HE IS EXEMPT [etc.]. But why? The case of him, who bows down is certainly mentioned in the Scriptures: for it is written, Thou shalt bow down to no other god!⁵⁸ — They ruled that bowing down is prohibited only when performed in the usual manner but if in an unusual manner it is permitted. And if you prefer I might say: They ruled that bowing itself in a natural manner is only then prohibited when the hands and the feet are stretched out but bowing without stretching out the hands and the feet is permitted.

(1) Lit., 'and it is not required'.

(2) And every individual is thus acquainted with the retraction of the court.

(3) And it might have been assumed that the transgressor could justify his action by claiming that he was not aware of the retraction of the court.

(4) As he did not take the trouble to inquire he must himself bear part of the responsibility.

(5) Sacrifices may only be offered in the day time.

(6) So MS.M., Cur. edd., 'it was atoned for him'.

- (7) Lit., 'from when it was dark'.
- (8) V. Glos.
- (9) V. supra p. 19. n. 12.
- (10) Hence the individual can justify his action by pleading ignorance of the retraction and claiming reliance upon the court's original ruling.
- (11) Cf. Bomberg ed.
- (12) So Ma'aseh Rab, quoted in marginal glosses, a.l., Cur. edd., 'in'.
- (13) As no sacrifice is required in the latter case so it is not required in the former.
- (14) So MS.M. v. D.S. a.l., Cur. edd. 'whom to ask'.
- (15) How then, could the latter differ from the former's view?
- (16) Lit., 'he took hold of the way', i.e., he already left his house but is still in town.
- (17) The town being regarded as home MS.M. reads, 'in town' for, 'in his house' of cur. edd.
- (18) Being pre-occupied with the anxieties of travel he is not in a position to pay attention to what is happening in the town.
- (19) Lev. IX, 13; then a sacrifice is to be brought.
- (20) To bring the prescribed offering.
- (21) V. p. 20,11 13.
- (22) V. Supra p. 17, n. 10.
- (23) The court or the public.
- (24) since it is impossible that there should be no liability at all, how could such an assumption be entertained?
- (25) **דבר** rendered something, may also signify 'a thing', i.e., an entire commandment.
- (26) And that only when an entire commandment was uprooted is liability incurred, but not when a part only was annulled.
- (27) The Mem, **מ** in **ונעלם דבר** is read twice; once as the final letter of **ונעלם** and again as the initial of **דבר** having the force of the partitive; **מדבר** '(a part) of a thing'.
- (28) Lev. ibid.
- (29) I.e., a part was annulled and a part retained.
- (30) Lit., 'two'. Does not 'any of the commandments' imply one of several, and not a part of one,
- (31) **מצות** (with the omission of the waw of the plural) is to be read as mizwath, **מצות** , sing. const., 'commandment of', not mizwoth in the plur.
- (32) **דבר** 'thing'. (Lev. ibid.).
- (33) An elder who defies the authority of the supreme Court in Jerusalem.
- (34) Deut. XVII, 8.
- (35) Ibid. v. II.
- (36) V. Sanh. 88b.
- (37) Lit., 'thing'.
- (38) A sect believing in the Scriptures (the Written Law) but not in the Rabbinic interpretations and traditions (Oral Law).
- (39) I.e., a prohibition not mentioned in the Scriptures.
- (40) A Biblical law'.
- (41) Because their ruling, being Contrary to what everybody is expected to know, has no validity whatsoever.
- (42) Lit 'it (is a matter of) go read at school'. There was no reason why anyone should rely upon the court's erroneous ruling when any school boy knew it to be contrary to a Biblical prohibition.
- (43) Lev. XV, 28.
- (44) Cf. supra p. 17, n. 10. Since she is thus Biblically' considered unclean how could a court rule that one having intercourse with her is exempt?
- (45) Lev. XX,18.
- (46) Ibid. 13. The plural **משכב** implies natural, and unnatural intercourse.
- (47) Why then was the case of a woman who 'awaits a day corresponding to a day' given as an illustration when the case of a menstruant, already mentioned, should supply the same illustration.
- (48) The first stage of Contact.
- (49) In the case of one 'who awaits a day corresponding to a day'; only consummation of coition being forbidden in her

case.

(50) Cf. Lev. XX, 18.

(51) Thus permitting a forbidden act which the Sadducees do not admit.

(52) A woman who has an issue of blood not in the time of her menstruation, and is subject to certain laws of uncleanness and purification (Lev. XV, 25 ff).

(53) Lev. XV, 26. Emphasis being laid on days.

(54) Jer. XVII, 22. Why then should there be liability to a communal offering seeing that the Court ruled against a specific Biblical prohibition?

(55) So Bomberg ed. Cur. edd. delete 'Carrying in' [V. shap. 96b, where 'carrying in' is treated as a specific Biblical prohibition as well as 'carrying forth'.]

(56) From one domain into another.

(57) These are not mentioned in the Scriptures.

(58) Ex. XXXIV, 14; cf. p. 23. n.9.

Talmud - Mas. Horayoth 4b

R. Joseph enquired: What [is the law where the court ruled that] ploughing is not forbidden on the Sabbath, is it assumed that, as they had admitted the whole law,¹ the ruling is deemed to be a partial annulment and a partial retention [of a law]² or, perhaps, since they have uprooted altogether the law of ploughing it is deemed to be an uprooting of an entire principle? — Come and bear! [THE LAW CONCERNING THE] MENSTRUANT OCCURS IN THE TORAH BUT IF A MAN HAS INTERCOURSE WITH A WOMAN THAT AWAITS A DAY CORRESPONDING TO A DAY HE IS EXEMPT [. . . THEY ARE LIABLE]. But why? surely, [the law concerning] a woman that awaits a day corresponding to a day has been uprooted completely!³ — R. Joseph can reply⁴ [that the law of] a woman that awaits a day corresponding to a day, that has been mentioned, is to be explained as above.⁵ Come and bear: [THE LAW CONCERNING THE] SABBATH OCCURS IN THE TORAH BUT IF A MAN CARRIES ANYTHING FROM A PRIVATE DOMAIN INTO A PUBLIC DOMAIN HE IS EXEMPT [. . . THEY ARE LIABLE]. But why? Surely, [the law concerning] carrying from [one domain into another] has been completely uprooted!³ — There also the explanation is as given above.⁵ Come and hear: [THE LAW CONCERNING] IDOLATRY OCCURS IN THE TORAH BUT IF A MAN ONLY BOWS DOWN TO AN IDOL HE IS EXEMPT [. . . THEY ARE LIABLE]. But why? Surely, the law concerning bowing to an idol has been completely uprooted!⁶ — It may be reported that [the law of] bowing also is to be explained as above.⁷ R. Zera enquired: What [is the law where the court ruled that] no Sabbath is to be kept in the seventh⁸ year? Wherein did they err? — In the following text: In ploughing time and in harvest thou shalt rest,⁹ when ploughing is carried on, [they explained,] Sabbath is to be observed but when no ploughing is carried on Sabbath is not to be observed. Is it to be assumed that, as they retain it¹⁰ in the other years of the Septennial, [their ruling] is deemed to be a partial annulment and a partial retention [of a law] or, perhaps, since they are uprooting it in the seventh year it is deemed to be an uprooting of an entire principle? Rabina replied: Come and hear! If a prophet taught¹¹ that any thing¹² of the words of the Torah was to be uprooted, he is guilty; if only to annul a part of it and to retain a part he is, R. Simeon said, exempt. And in respect of idolatry, even if he said that the idol be worshipped only to-day and destroyed to-morrow, he is guilty.¹³ From this¹⁴ it may be inferred that [the ruling that] no Sabbath is to be kept in the Sabbatical year is to be deemed as partial annulment and partial retention.¹⁵ This proves it.

MISHNAH. IF THE COURT RULED AND ONE OF THEM KNEW THAT THEY HAD ERRED AND SAID TO THEM, YOU ARE MISTAKEN', OR IF THE MUFLA¹⁶ OF THE COURT WAS NOT PRESENT,¹⁷ OR IF ONE OF THEM WAS A PROSELYTE OR A BASTARD OR A NATHIN¹⁸ OR TOO OLD TO HAVE CHILDREN,¹⁹ THEY ARE²⁰ EXONERATED, FOR CONGREGATION WAS MENTIONED²¹ HERE²² AND CONGREGATION WAS MENTIONED FURTHER ON,²³ AS CONGREGATION FURTHER ON [REFERS TO MEN] ALL. (IF WHOM

MUST BE CAPABLE OF DECIDING MATTERS OF LAW²⁴ SO [IN THE CASE OF] CONGREGATION. MENTIONED HERE [THE RULING IS INVALID] UNLESS²⁵ THEY ARE ALL CAPABLE OF DECIDING MATTERS OF LAW.

GEMARA. OR IF THE MUFLA OF THE COURT WAS NOT PRESENT. Whence is this derived? — R. Shesheth replied, and so It was taught by the School of R. Ishmael: Why has it been said that a court that ruled concerning a prohibition²⁶ which the Sadducees admit, are exempt? because they should have learned and did not learn; [in the case of] the absence of the mufla of the court they are also exempt, because they should have learned and did not learn.²⁷ CONGREGATION WAS MENTIONED HERE AND CONGREGATION WAS MENTION FURTHER IN . . . UNLESS THEY ARE ALL CAPABLE OF DECIDING MATTERS OF LAW. And whence is this²⁸ derived there? — For R. Hisda said: Scripture states, That they may stand there with thee;²⁹ with thee implies ‘such as are like thee’. Might it not be suggested that with thee [has reference] to the divine presence?³⁰ — but, said R. Nahman b. Isaac. Scripture states, And they shall bear the burden with thee,³¹ ‘with thee’ implies ‘such as are like thee’.³²

MISHNAH. IF THE COURT ISSUED A [WRONG] DECISION UNWITTINGLY AND ALL THE PEOPLE ACTED UNWITTINGLY ACCORDINGLY, A BULLOCK MUST BE BROUGHT.³³ [IF THE COURT RULED] WILFULLY AND [THE PEOPLE] ACTED UNWILLINGLY ACCORDINGLY, A LAMB OR A GOAT³⁴ MUST BE BROUGHT. [IF THE COURT RULED] UNWILLINGLY AND [THE PEOPLE] ACTED WILLINGLY ACCORDINGLY, THEY ARE EXEMPT.

GEMARA. [IF THE COURT RULED] UNWITTINGLY AND [THE PEOPLE] ACTED WILFULLY, THEY ARE EXEMPT. [From this³⁵ it follows] that one acting unwittingly though in a way similar to one acting wilfully, is liable; and how’ is this to be imagined? When e.g., the court ruled that suet was permitted and a man mistook it for fat and ate it.³⁶ May it then he suggested that this answers Rann b. Hania's enquiry!³⁷ — He can tell you: Because in the first clause it was taught, [IF THE COURT RULED] WILFULLY AND THE PEOPLE ACTED UNWITTINGLY it was also taught in the final clause,³⁸ [IF THE COURT RULED] UNWITTINGLY AND [THE PEOPLE] ACTED WILFULLY.³⁹

MISHNAH. IF THE COURT ISSUED AN [ERRONEOUS] RULING AND. ALL THE PEOPLE OR A Majority OF THEM ACTED ACCORDINGLY, A BULLOCK MUST BE BROUGHT.⁴⁰ AND IN [THE CASE OF] IDOLATRY A BUTTOCK OR A GOAT⁴¹ ARE TO BE BROUGHT; THESE ARE THE WORDS OF R. MEIR. R. JUDAH SAID: THE TWELVE TRIBES BRING TWELVE BULLOCKS,⁴² AND IN RESPECT OF IDOLATRY TWELVE BULLOCKS AND TWELVE GOATS.

(1) Lit., ‘thing’, the corpus of all the laws of Sabbath.

(2) Hence, in accordance with our Mishnah, they are liable.

(3) And yet it is regarded in our Mishnah as partial annulment only. So also in the case of the law of ploughing its denial where the other laws of the Sabbath are retained, should be regarded as partial annulment.

(4) Lit. ‘he said to you’.

(5) Supra 4a, where it was explained that only a part of that law was annulled.

(6) V. p. 24, n. 4.

(7) V. p. 24. N. 6.

(8) v. Ex. XXIII, 10F, DEUT. XV, 1FF.

(9) Ex. XXXIV, 21.

(10) The Sabbath.

(11) Lit., ‘prophesied’.

(12) A Complete law.

- (13) Sanh, 90a.
- (14) That worshipping idols on one day and destroying them in another is regarded as partial annulment and partial retention of the law of idolatry.
- (15) Like the case of idolatry cited the law of the Sabbath was, according to the ruling, to be retained at one time and annulled at another.
- (16) מופלא lit., 'distinguished'; an expert not a member of the court, to whom doubtful points are submitted and by whose directions the court is guided in its deliberations. For a fuller discussion of the term, v. Sanh. 9Sonc.ed.) p. 574, n. 1.
- (17) Lit., 'there'.
- (18) נתין lit., 'given', i.e., dedicated in the service of the Temple and the people. A descendant of the Gibeonites (Josh. IX, 3ff) whom Joshua made into hewers of wood and drawers of water (ibid. v. 27) and David excluded from intermarriage with the Community (Yeb. 78b) [They are not competent to act as members of the Beth din, v. Sanh. 32a]
- (19) Others: 'too aged, or one who never had children.' [These too may not act on the Beth din, v. Sanh. 36b]
- (20) So MS. M. Cur. edd 'he is exempt', is obviously a misprint.
- (21) Lit., 'for it was said'.
- (22) In the case of an erroneous ruling of the court, Lev'. IV, 13.
- (23) In respect of the Sanhedrin. (V. Num. XV, and Sanh. 2a.)
- (24) Proof of this is given in the Gemara infra.
- (25) Lit., 'until',
- (26) Lit., 'thing'.
- (27) And as such are in be considered wilful transgressors.
- (28) That they' must all be capable of deciding matters of law.
- (29) Num. XI, 16.
- (30) I.e., though God said to Moses, 'Gather unto Me seventy' men', they are to remain 'with thee', i.e., with Moses, and must not venture into the divine presence.
- (31) Ex, XVIII, 22. The section deals with the appointment of judges.
- (32) V. Sanh, (Sonc. ed.) p. 230.
- (33) It will be explained infra by' whom it is to be brought.
- (34) V. Lev, IV, 27ff, 32ff.
- (35) The mention of wilful action only for which a sacrifice cannot atone,
- (36) His eating of the suet was done unwittingly since he believed to be permitted fat, it is nevertheless similar to wilful action since in fact he has not been acting on the strength of the court's decision,
- (37) V. Supra 2a.
- (38) By way of contrast.
- (39) Hence no deduction can be made, and Rami's enquiry remains unanswered.
- (40) Lev. IV, 13ff.
- (41) Num. XV, 24. V. Gemara, infra.
- (42) In his view the people and not the court bring sacrifices, and each tribe is called 'congregation' (kahal).

Talmud - Mas. Horayoth 5a

R. SIMEON SAID: THIRTEEN BULLOCKS;¹ AND IN RESPECT OF IDOLATRY, THIRTEEN BULLOCKS AND THIRTEEN GOATS: A BULLOCK AND A GOAT FOR EACH TRIBE, AND A BULLOCK AND A GOAT FOR THE COURT. IF THE COURT RULED [ERRONEOUSLY] AND SEVEN TRIBES OR A MAJORITY OF THEM² ACTED ACCORDINGLY, A BULLOCK IS TO BE BROUGHT; AND IN RESPECT OF IDOLATRY, A BULLOCK AND A GOAT MUST BE BROUGHT; THESE ARE THE WORDS OF R. MEIR. R. JUDAH SAID: THE SEVEN TRIBES WHO SINNED MUST BRING SEVEN BULLOCKS AND THE REST OF THE TRIBES WHO DID NOT SIN MUST BRING BULLOCK[S]³ (IN THEIR ACCOUNT, BECAUSE EVEN THOSE WHO DID NOT SIN MUST BRING OFFERINGS ON ACCOUNT OF THESE WHO SINNED. R. SIMEON SAID: EIGHT BULLOCKS; AND IN RESPECT OF IDOLATRY, EIGHT BULLOCKS AND EIGHT GOATS, A BULLOCK AND A GOAT FOR EVERY TRIBE AND A

BULLOCK AND A GOAT FOR THE COURT. IF THE COURT OF ONE OF THE TRIBES RULED [ERRONEOUSLY], AND THAT TRIBE ACTED ACCORDINGLY, THAT TRIBE IS LIABLE, BUT ALL THE OTHER TRIBES ARE EXEMPT; THESE ARE THE WORDS OF R. JUDAH. BUT THE SAGES SAY: NO LIABILITY IS INCURRED EXCEPT AS A RESULT OF THE RULINGS OF THE SUPREME COURT ONLY; FOR IT IS STATED, AND IF THE WHOLE CONGREGATION OF ISRAEL SHALL ERR,⁴ BUT NOT THE CONGREGATION OF ONE PARTICULAR TRIBE.

GEMARA. Our Rabbis taught: It might have been assumed that, if it had come to the knowledge of the court that a ruling of theirs was erroneous and they had forgotten what the ruling was,⁵ they are liable,⁶ hence it was expressly stated, When the salt was known,⁷ [implying] not, however, when only those who sinned were known. Wherein they have sinned⁸ [implies that] if two tribes had sinned they must bring two bullocks,⁹ if three had sinned three have to be brought. But is it not possible that this only means¹⁰ that if two individuals had sinned they bring two bullocks, if three had sinned they bring three? It was expressly stated. The congregation,¹¹ [showing that] only a congregation is liable, and that every congregation¹² is liable. How? If two tribes sinned they bring two bullocks, if seven sinned they bring seven, and also the other tribes who did not sin bring each a bullock on account of the former,¹³ because even those who had not sinned must bring sin offerings, because of those who sinned — Hence Scripture stated, ‘congregation’, in order to impose the obligation upon every congregation: these are the words of R. Judah. R. Simeon said: If seven tribes sinned they bring seven bullocks, and the court also brings a bullock on account of them, for ‘congregation’ was mentioned below¹⁴ and ‘congregation’ was also mentioned above,¹⁵ as ‘congregation’ that was mentioned above means both the court and the congregation¹⁶ so ‘congregation’ that was mentioned below means both the court and the congregation. R. Meir said: If seven tribes had sinned the court brings a bullock on their account but they themselves are exempt, for ‘congregation’ was mentioned below¹⁴ and ‘congregation’ was mentioned above,¹⁵ as ‘congregation’ that was mentioned above refers to the court and not to the people¹⁷ so ‘congregation’ that was mentioned below refers to the court and not to the people. R. Simeon b. Eleazar said in his name: If six tribes had sinned and they¹⁸ represent a majority of the people, or seven, although they¹⁸ do not represent a majority of the people, they bring a bullock. The Master said: ‘When the sin was known [implying], not, however, when only those who sinned were known’. Who is the author of this statement? — Rab Judah said in the name of Rab (others say Raba): It is not¹⁹ R. Eliezer, for it was taught:²⁰ R. Eliezer said,²¹ ‘Whatever your assumption [he must bring a sin offering], for if he ate the suet he is liable and if he ate the nothar²² he is also liable.’²³ R. Ashi said: It may even be said to be R. Eliezer, for here the case is different since it is written, [When the sin] wherein they have sinned [is known]²⁴ But surely, there²⁵ also it is written, [If he sin], wherein he has sinned, [be known to him]²⁶ — That²⁷ is required for the purpose of excluding the case of one who performed a forbidden act while his intention was to perform a different act.²⁸ What is the reason of R. Judah? — He holds the opinion that ‘congregation’ was written four times: ‘Congregation’, the congregation congregation, the congregation.²⁹ One of these is to indicate [that] the obligation bring offering falls on every congregation;³⁰ one is to indicate that the ruling depends on the court and the action depends on the congregation;³¹ one is to indicate attraction,³² and one has reference to a tribe that acted in accordance with the [erroneous] ruling of its own court.³³ And R. Simeon maintains that ‘congregation’ was written three times: The congregation, congregation, the congregation³⁴ because the expression, from the eyes of the congregation is the usual form of Biblical speech — as people say, ‘from the eyes of so and so’,³⁵ one of these³⁶ is to indicate that the obligation to bring an offering falls on every congregation.³⁷ and the other two [are required for the following deduction]: ‘Congregation’ was mentioned below and ‘congregation’ was mentioned above, as below the reference is to the court together with the congregation, so here also it refers to the court together with the congregation.³⁸ And R. Meir makes no exposition on congregation, the congregation. Consequently, congregation was written only twice, and both are required [for the following deduction]: ‘congregation was mentioned below and ‘congregation’ was mentioned above,

as below the reference is to the court and not to the congregation, so here also the reference is to the court and not to the congregation.³⁸ As to R. Simeon b. Eleazar, what is his reason? It is written, And it shall be it from the eyes of the congregation³⁹ which clearly refers to a minority, since it is written, from the eyes,⁴⁰ but it is also written, For in the respect of all the people it was done in error,⁴¹ which indicates that the reference is only to⁴² a majority and not to a minority; how', then, [are these contradictory deductions to be reconciled]? — If the sin was committed by six tribes who represent the majority of the congregation or by seven, even though they do not comprise a majority of the congregation, they are liable.

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- (1) In the case of an erroneous ruling other than idolatry.
- (2) Of each tribe, representing a majority of all Israel.
- (3) Each of them one.
- (4) Lev. IV, 13.
- (5) Lit., 'they knew that they ruled and erred what they ruled'.
- (6) To bring an offering of a bullock if the people unwittingly infringed two prohibitions one or the other of which was that which the court erroneously permitted.
- (7) Lev, IV, 24: Emphasis on sin. Only then is an offering of a bullock to be brought.
- (8) Ibid.
- (9) I.e., one offering is not enough when more than one tribe had sinned.
- (10) Lit., 'or he does not say'.
- (11) **הַקְהָלָא**
- (12) I.e., 'tribe', which is called kahal. V. infra.
- (13) Lit., 'through them'.
- (14) Lev, IV, 24, 'then the congregation shall offer'.
- (15) Ibid, v. 13, 'the thing being hid from the eyes of the congregation'.
- (16) 'The eyes' referring to the court: 'congregation' to the people.
- (17) The eyes of the congregation', according to R. Meir, implying the court only.
- (18) In the number of their individuals,
- (19) Lit, 'that not as'.
- (20) Gut. edd. 'we learnt'.
- (21) In the case where it is not certain which of two prohibited foods a man has eaten through error,
- (22) **נותר**, sacrificial meat that was left over beyond the period allowed for its consumption.
- (23) Shebu. 18b. So here, according to R. Eliezer, a sin offering would be obligatory even if it were not certain to what precise prohibition the ruling of the court referred. (Cf. supra p. 29.11 2).
- (24) Lev, IV, 14. Emphasis on 'knowledge of the sin'.
- (25) The case of all individual who is uncertain which prohibited food he ate. Cf. supra n.4.
- (26) Lev. IV, 23. Emphasis on 'wherein' (**בֵּה**).
- (27) The emphasis bah. V. previous note.
- (28) V. Sanh. (Sonc. ed.) p. 426.
- (29) I.e., 'the congregation' (hakahal), occurs in Lev, IV, 13 and ibid. v. 14, and each expression (because the definite article is used there it could have been omitted) counts for two.
- (30) I.e., 'tribe'.
- (31) V. supra p.10 notes 12 and 13.
- (32) **גְרִירָה** 'dragging', i.e., the tribes who sinned drag with them the others who did not sin into the liability of bringing the sin offerings.
- (33) V. the final section of our Mishnah.
- (34) Cf. p. 30, n. 12.
- (35) I.e., while the definite article in v. 14 is unnecessary and may, therefore, be regarded as doubling the expression of 'congregation', the article in v. 13 is grammatically required by the status constructus.
- (36) Expressions of 'congregation'.
- (37) I.e. tribe,
- (38) V. supra p. 29, for notes.

(39) Num. XV, 24.

(40) מַעֲיִנִי (מ) partitive.

(41) Ibid, 26.

(42) Lit., 'yes'.

Talmud - Mas. Horayoth 5b

And whence does R. Simeon and R. Meir¹ infer that the ruling depends on the court and the action depends on the congregation?² — Abaye replied: For Scripture stated, And it shall be it from the eyes of the congregation the sin be committed unwittingly.³ Raba said: [It is inferred] from, In respect of all the people it was done in error.⁴ And [both texts are] required. For if the All Merciful had written only, 'And it shall be if from the eyes of the congregation the sin be committed unwittingly it might have been assumed that the reference⁵ is even to a minority', hence it was written, In respect of all the people it was done in error. And if only In respect of all the people it was done in error had been written, It might have been assumed [that there is no obligation]⁶ unless the court⁷ committed the sin together with the majority, hence it was written. Did it shall be if from the eyes of the congregation the sin be committed unwittingly. But, surely, both these texts speak rather of⁸ idolatry! — From the eyes⁹ is inferred from [the other expression] from the eyes.¹⁰ IF THE COURT OF ONE etc, The question was raised: Where one tribe acted on the [erroneous] ruling of the supreme court, do the other tribes, according to the view of R. Judah, bring sin offerings] or not? Is it assumed that only where seven tribes [have sinned] do the other tribes bring [sin offerings] together with them because they¹¹ constitute a majority, but not where one tribe¹² [only had sinned] since it does not constitute a majority, or is there, perhaps, no difference? — Come and hear! 'What do they bring? One bullock. R. Simeon said two bullocks.' Now, under what circumstances?¹³ If it be suggested where seven tribes had sinned. [it might be retorted.] R. Simeon, 'surely, requires [in such a case] eight [bullocks]!¹⁴ If, again,¹⁵ [it be suggested,] where one tribe had sinned, [it may be asked] under what authority?¹⁶ If on the ruling of its own court, R. Simeon, surely, does not in such a case admit liability!¹⁷ Consequently it must be a case¹⁸ of acting under the ruling of the supreme court; who, however, is the first Tanna?¹⁹ If it be suggested R. Meir, be, [it may be asked] surely requires a majority;²⁰ consequently,²¹ it must be R. Judah!²² — It may be argued²³ that here it is a case²⁴ where a sin was committed by six tribes who constituted a majority of the congregation and it²⁵ is the view of R. Simeon b. Eleazar. For it was taught: R. Simeon b. Eleazar said in his name, 'Six [tribes] who form a majority of the congregation or seven [tribes], although they do not form a majority of the congregation who committed a sin, bring a bullock.'²⁶ Come and hear: R. Judah said, 'If a tribe acted on the ruling of its own court, that tribe is liable²⁷ and all the other tribes are exempt: if, [however, it acted] on the ruling of the supreme court. even the other tribes are liable. This proves it. Said R. Ashi: This may also be deduced from our Mishnah, for it was taught, AND THAT TRIBE ACTED ACCORDINGLY, THAT TRIBE IS LIABLE, BUT ALL THE OTHER TRIBES ARE EXEMPT; what need was there for the statement, THE OTHER TRIBES ARE EXEMPT when²⁸ it was stated, THAT TRIBE IS LIABLE? Surely, since it was stated, THAT TRIBE IS LIABLE it is obvious that THE OTHER TRIBES ARE EXEMPT! This, consequently, teaches us the following: That only when [one tribe acted] on the ruling of its own court are the other tribes exempt, but if on the ruling of the supreme court even the other tribes are liable — This proves it. The question was raised: Does one tribe who acted on the [erroneous] ruling of the supreme court bring [a sin offering],²⁹ according to R. Simeon, or not?³⁰ Come and hear! 'What do they bring? One bullock. R. Simeon said: Two bullocks.' Now, under what circumstances? If it be suggested that seven tribes had sinned, [it may be retorted that in such a case not] two bullocks but eight bullocks are required! Consequently it must be a case where one tribe had sinned, but, [it may be asked,] under what authority?³¹ If on the ruling of its own court, R. Simeon surely does not in such a case admit liability! Consequently, [it must be a case of a tribe's acting] under the ruling of the supreme court!³² Who, however, is to be understood to be the first Tanna? If [it be suggested] R. Meir, be, surely, [it may be asked,] requires a majority!³³ If R. Judah. [surely he holds] that other tribes also must

bring;³⁴ consequently, it must be [the view of] R. Simeon b. Eleazar, and as it has been taught.³⁵ Come and hear: But the Sages say. 'One is never liable except when acting on a ruling of the supreme court.'³⁶ Now, who are the Sages? If it be suggested R. Meir, surely. [it may be retorted,] be requires a majority!³³ Consequently it must represent the view of R. Simeon. This proves it. And whence do R. Judah and R. Simeon infer that one tribe is called 'congregation'? — It may be replied: Because it is written, And Jeheshaphat stood in the congregation of Judah and Jerusalem, in the house of the Lord before the new court.³⁷ What is meant by 'new'? — R. Johanan replied: They issued new regulations ordaining that an unclean man who bathed during the day³⁸ must not enter the camp of the Levites. R. Aha b. Jacob demurred: How [does this prove it]?³⁹ Is it not possible that Jerusalem is different since Benjamin also was there!⁴⁰ — But, said R. Aha b. Jacob, because it is written, And he said unto me: Behold, I will make thee fruitful and multiply thee, and I will make of thee a congregation of Peoples;⁴¹ but who was born to him at that time? Only Benjamin! Consequently it must be concluded that the All Merciful said thus: Another congregation will now be born unto thee.⁴² Said R. Shaba to R. Kahana: Is it not possible that the All Merciful said to him⁴³ thus: 'When Benjamin will have been born to you there will be twelve tribes so that you might then be called congregation'? — He said to him: Would twelve tribes, then, be called 'congregation' while eleven tribes would not be called 'congregation'.⁴⁴ It was taught, R. Simeon said: What need was there for stating. And a second young bullock shalt thou take for a sin offering⁴⁵ If it is to teach that there were two, surely, [it may be pointed out] it has already been stated, And he shall offer the one for a sin offering and the other for a burnt offering, unto the Lord!⁴⁶ But [the purpose of the statement is this]: As it might have been assumed that this sin offering was to be eaten by the Levites⁴⁷ it was expressly stated, And a second young bullock,⁴⁸ [implying that it is] second to the burnt offering; as the burnt offering must not be eaten

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- (1) Who require the two expressions of 'congregation' (Lev. IV, 13 and 14) for the purpose of comparison.
 - (2) A law which R. Judah inferred supra from one of the expressions of 'congregation'.
 - (3) Num. XV, 24. The use of the Niph'al (נעשתה) implies that the commission of the sin by the people was due to the error of others, i.e., the court on whom the ruling depends.
 - (4) Ibid. 26. 'All the people', implies the court as well as the congregation, the former through their ruling and the latter through their action.
 - (5) To the obligation of bringing a bullock for a sin offering.
 - (6) Cf. n.4.
 - (7) In addition to their erroneous ruling.
 - (8) Lit., 'are written'.
 - (9) Lev. IV, 13, dealing with an erroneous ruling of the court.
 - (10) Num. XV, 24 speaking of idolatry.
 - (11) The seven tribes.
 - (12) Or any minority of the tribes.
 - (13) Lit., 'in what are engaged'.
 - (14) Seven for the tribes and one for the court.
 - (15) Lit., 'but'.
 - (16) Lit., 'in what'.
 - (17) Lit., 'there is not to him', i.e., he does not impose the obligation to bring a sin offering, the word 'congregation', according to him, occurring only three times providing no Biblical authority for this obligation. (V. supra 5a)
 - (18) Lit., 'but not'.
 - (19) In the Baraitha cited,
 - (20) A minority bring no such sin offering.
 - (21) Lit., 'but, not'.
 - (22) Thus it has been proved that according to R. Judah the other tribes do not bring sin offerings on account of the one tribe that sinned, (Cur. edd., 'and for example when one tribe had sinned').
 - (23) Lit., 'said'.
 - (24) Lit., 'in what are we engaged'.

- (25) The statement of the first Tanna in the Baraita.
- (26) On behalf of all the congregation (v. supra 3a). The first Tanna of the Baraita cited who requires the offerings of one bullock may consequently be R. Simeon b. Eleazar.
- (27) To bring the sin offering of a bullock.
- (28) Lit., 'surely'.
- (29) As it must bring in the case where it committed the sin together with the majority.
- (30) Is one tribe, committing the sin alone, regarded as an individual who is exempt from an offering when acting on the ruling of the court?
- (31) Lit., 'and in what'.
- (32) This shows that according to R. Simeon a single tribe committing a sin has to bring an offering.
- (33) Cf supra p. 33, n.5.
- (34) As shown supra p. 33.
- (35) Ct. p. 33. The Baraita, consequently, does not deal with the case of one tribe.
- (36) Cf. our Mishnah. The Sages ate in dispute with R. Judah who speaks of the case where only one tribe had sinned.
- (37) II Chron. XX, 5. The tribe of Judah alone was mentioned and yet it is described as 'Congregation' (kahal).
- (38) **טבול יום**, lit., 'immersed of the day', a person Levitically unclean who bathed during the day and is awaiting sunset (nightfall) for the completion of his purification,
- (39) That one tribe is called 'congregation'. Lit., 'from what'.
- (40) Congregation (Kahal) may have reference to the two tribes,
- (41) **קהל עמים**, Gen. XLVIII, 4.
- (42) Thus it is proved that one tribe is also called 'Congregation'.
- (43) Jacob.
- (44) Hence, it must have been Benjamin alone who was referred to as 'congregation', proving that one tribe also is so called.
- (45) Num, VIII, 5,
- (46) Ibid, 22.
- (47) As were the other sin offerings.
- (48) Num, VIII, 8.

Talmud - Mas. Horayoth 6a

so must not this sin offering be eaten. Similarly, said R. Jose: The children of the captivity, that were come out of exile, offered burnt offerings unto the God of Israel twelve bullocks . . . all this was a burnt offering;¹ can it be imagined that 'all this was a burnt offering' [is to be taken literally]? Is it possible for a sin offering to be a burnt offering?² But [this is the meaning]: all this was like a burnt offering, as a burnt offering must not be eaten so were those sin offerings not to be eaten,' for it was taught:³ R. Judah said, 'They brought them for the sin of idolatry'.⁴ Furthermore, Rab Judah said in the name of Samuel: [They brought them] for the sin of idolatry that had been committed in the days of Zedekiah. According to R. Judah one can well understand these twelve sin offerings to be possible in the case, for example, where the sin was committed by twelve tribes who must bring twelve goats — or again where the sin was committed by seven tribes where others must bring offerings on account of them.⁵ According to R. Simeon, also, this is possible in the case, for example, where the sin was committed by eleven tribes who bring eleven goats, the twelfth⁶ being that of the court, According to R. Meir, however, who said that the court, and not the congregation, bring the sin offering. how could [the bringing of] twelve offerings be possible? — In the case, for instance, where they sinned, and sinned again and again unto the twelfth time. But surely, those who had committed the sin⁷ were dead!⁸ — R. Papa replied: The tradition that a sin offering the owner of which died must be left to die,⁹ is applicable only to the offering¹⁰ of an individual, but not to that of a congregation — because a congregation does not die.¹¹ Whence does R. Papa derive this law? If it be suggested, from the Scriptural text, Instead of thy fathers shall be thy sons,¹² if so, [it may be asked], this should apply to the offering of an individual also! — But R. Papa draws his inference from the goat of the new moon¹³ concerning which the All Merciful said that it was to be brought

from the funds of the Temple treasury.¹⁴ but surely, some of Israel had died,¹⁵ how then¹⁶ could those who survived bring [the new moon sin offering]? From this it must consequently be inferred that a sin offering of the congregation — whose owners had died, may be offered. Are these at all alike? [In the case of] the goat for the new moon it is possible that none of the congregation had died, but here¹⁷ [the owners] had certainly died! — R. Papa's proof, however, is derived from here: Because it is written, Forgive, O Lord, thy people Israel, whom thou hast redeemed¹⁸ [which implies that] this offering is fit to atone even for those who departed from Egypt,¹⁹ for it is written, Whom thou hast redeemed.²⁰ Is this, however, a proper analogy? There²¹ they were all²² present, and since [the heifer] atones for the living it may also atone for the dead: here,²³ however, were there any survivors? — Yes; there were indeed, for it is written, But many of the priests and Levites and heads of fathers' houses etc.²⁴ Is it not possible that they²⁵ were only a minority²⁶ and not a majority?²⁷ — Surely it is written, So that the people could not discern the noise of the shout of joy from the noise of the weeping of the people. . . . and the noise was heard afar off.²⁸ Were they not, however, wilful sinners?²⁹ — That³⁰ was a temporary measure. This³¹ may also be arrived at by reasoning. For should this not be granted, on whose behalf, [it may be asked,] were the ninety and six rams and seventy and seven lambs?³² But, [it must be granted, that] it was a temporary measure; in this respect also it must have been a temporary measure. Our Rabbis taught: If one of the congregation died³³ they are still liable; if one of the court, they are exempt. Who is the author [of this statement]? — R. Hisda, in the name of R. Zera in the name of R. Jeremiah, in the name of Rab, said: It is R. Meir who maintains that the court, and not the congregation, bring the sin offering. Hence, when one of the congregation dies they are still liable since all the members of the court are alive; if, however, one of the court dies they are exempt, because it is then a sin offering one of whose joint owners died; and for this reason they are exempt. R. Joseph demurred: Let this statement be established in accordance with the view of R. Simeon who maintains that the court together with the congregation [bring the sin offering]. Hence, when one of the congregation dies, they are still liable because a congregation does not die;³⁴ if one of the court dies they are exempt for the reason given, because it is a sin offering [one] of [whose] joint owners [died]! — Abaye said to him: We have heard R. Simeon say that a sin offering in joint ownership is not to be left to die;³⁵ for it was taught, 'If the bullock and the goat of the Day of Atonement were lost and others were set aside in their stead,³⁶ all these must be left to die; so R. Judah. R. Eleasar and R. Simeon said: They shall be left to the pasture,³⁷ because no congregational sin offering may be left to die.'³⁸ — Said R. Joseph to him: Do you speak of priests! Priests are different, because they are called 'congregation'; for it is written, And he shall make atonement for the priests and for all the people of the congregation.³⁹

(1) Ezra VIII, 35.

(2) The text referred to enumerates sin offerings as well as burnt offerings.

(3) [Read with MS.M. 'And it was taught.' as R. Jose would not likely appeal for support to a statement of R. Judah his contemporary. v. D.S. a.l.]

(4) Such sin offerings must not be eaten (v.Zcb. 47a).

(5) V.supra p. 30, n.14.

(6) Lit., 'and the other',

(7) The generation of Zedekiah, as stated supra.

(8) In the time of Ezra when the offerings were brought. This difficulty arises according to the views of both R. Judah and R. Simeon as well as according to that of R. Meir, since a sin offering, the owner of which had died, must not be offered up.

(9) I.e., not offered up on the altar.

(10) Lit., 'these words'.

(11) Though the whole generation had passed away.

(12) Ps. XLV, 17.

(13) Which was a sin offering. V. Num. XXVIII, 15.

(14) All congregational offerings were purchased from the funds to which all Israel contributed,

(15) Between the time they contributed to the funds and the time the sacrifice was offered.

- (16) Since owners of the sacrifice were dead.
- (17) The sin offerings in the days of Ezra brought for the idolatry of the generation of Zedekiah.
- (18) Deut. XXI, 8.
- (19) Who were obviously dead when the heifer was brought (v. Deut, XXI, I ff).
- (20) An allusion to those 'redeemed' from the slavery of Egypt. As a sin offering could be brought for the dead men of the Exodus so it could be brought for the dead generation of Zedekiah.
- (21) In the case of the heifer (Deut. ibid.).
- (22) All living men concerned,
- (23) The offerings in the days of Ezra,
- (24) Ezra III, 12. The conclusion of the verse reads, The old men that had seen the first house . . . wept with a loud voice, which shows that there were survivors from the days of the first Temple.
- (25) The survivors.
- (26) Of the generation of Ezra.
- (27) If a majority of the sinners had died, the sin offering must not be offered up.
- (28) Ezra III, 13. This shows that the survivors formed a majority of the people. Where a majority of its owners ate alive, a sin offering may be offered up.
- (29) The idolaters in the days of Zedekiah, whose sin, therefore, could not be atoned by an offering.
- (30) The privilege of bringing an offering for a wilful sin.
- (31) That it was a temporary measure.
- (32) Ezra VIII, 35.
- (33) Before the sin offering, for an erroneous ruling of the court that resulted in a transgression by the public, had been offered.
- (34) And consequently a congregational sin offering is to be offered on the altar though a number of individuals (its joint owners) died.
- (35) If one of the owners died: but is to be offered on the altar.
- (36) And after the rite of atonement had been performed with the substituted animal the lost one was found.
- (37) Where they graze until they contract some disqualifying blemish when they are sold and the sum they realize is used for the purchase of free will offerings.
- (38) V. Shebu. 11a, The bullock of the Day of Atonement brought by Aaron and his sons as a sin offering is of joint ownership, and concerning it R. Simeon stated that, unlike the sin offering of an individual, it must not be left to die. Now, since according to R. Simeon no sin offering in joint ownership may be left to die, it is possible that in this case only, where the atonement was performed with a substituted animal, are the original ones to be left to the pasture, but where one of the joint owners died (no animal having been substituted for the original one) it is possible that R. Simeon even allows the sacrifice to be offered on the altar, Hence the Baraita cited cannot be taken, as A. Joseph suggested, to represent his view (Rashi). [Or, better, since the other joint owners (the surviving members of the court) are alive there is no reason why it should not be sacrificed by them (Tosaf. Asheri).]
- (39) Lev, XVI, 33. 'priests' being placed on the same footing as 'congregation', [Tosaf. Asheri reads, 'they are considered a people by themselves, since they are mentioned separately.] A court, however, cannot be regarded as a 'congregation' and if one of them died their joint sin offering, according to R. Simeon, may have to be killed.

Talmud - Mas. Horayoth 6b

If so,¹ however, let them also bring a bullock in the case of an erroneous ruling! And if it be said that this is really the case,² then there would be more tribes!³ — But, said R. Aha, son of R. Jacob: The tribe of Levi is not called 'congregation',⁴ for it is written, Behold, I will make thee fruitful and multiply thee, and I will make of thee a congregation of peoples etc.⁵ He who has a possession is designated 'congregation', but he who has no possession is not designated 'congregation'.⁶ If so,⁷ there would be less than twelve tribes! — Abaye replied: Ephraim and Manasseh, even as Reuben and Simeon, shall be mine.⁸ Said Raba: But, surely, it is written, They shall be called after the name of their brethren it, their inheritance,⁹ [which shows that] they were compared only in regard to 'inheritance' but not in any other respect!¹⁰ — Were they not? Surely, they were also separated [when mentioned] in [connection with] the banners!¹¹ — Their campings were like their possessions;

in order to show respect to their banners. But, surely, they were also separated in respect of their princes!¹² — That was done in order to show honor to the princes, as it was taught: ‘Solomon celebrated seven days of dedication; what reason did Moses have for celebrating twelve days of dedication? In order to show honor to the princes.’ What becomes of that?¹³ — Come and hear that which has been taught: R. Simeon said: The following five kinds of sin offerings are to be left to die.¹⁴ The young of a sin offering,¹⁵ the exchange of a sin offering, a sin offering whose owner died — a sin offering whose owner has received atonement¹⁶ and a sin offering that passed the age of a year. And since in the case of a congregation one cannot speak of the young of a sin offering, because no female offering is ever brought¹⁷ by a congregation; and one cannot speak of an exchange of a sin offering in the case of a congregation because a congregation may not exchange an offering;¹⁸ and one cannot speak, in the case of a congregation, of a sin offering whose owner died because a congregation does not die; while as regards one whose owner had received atonement and one that passed the age of a year we have not heard;¹⁹ one might suppose that they should be left to die, it is, therefore, pointed out²⁰ that what is vague may be inferred from what is explicit; as in regard to the law²¹ of the young of a sin offering, the exchange of a sin offering and one whose owner had died we find that it applies only to an individual owner²² and not to a congregation, so also the law²¹ in regard to the case of one whose owner has received atonement and one that passed the age of a year it is applicable to an individual and not to a congregation.²³ But may that which is possible²⁴ be deduced from that which is impossible?²⁵ — R. Simeon received the tradition [in regard to the five kinds of sin offering that they must be left to die] from one common source.²⁶

CHAPTER II

MISHNAH. AN ANOINTED HIGH PRIEST²⁷ WHO MADE A DECISION FOR HIMSELF²⁸ THROUGH ERROR AND ACTED UNWITTINGLY ACCORDINGLY, MUST BRING A SIN OFFERING OF A BULLOCK.²⁹ IF, HOWEVER, HE MADE THE DECISION THROUGH ERROR BUT ACTED UPON IT WILFULLY, OR MADE IT WILFULLY BUT ACTED UPON IT UNWITTINGLY, HE IS EXEMPT; FOR A DECISION A HIGH PRIEST MADE FOR HIMSELF IS LIKE A RULING ISSUED BY THE COURT TO THE CONGREGATION.³⁰

GEMARA. THROUGH ERROR AND ACTED UNWITTINGLY ACCORDINGLY MUST BRING A SIN OFFERING OF A BULLOCK. Is not this Obvious? — Abaye replied: The case dealt with here is one, for example, where³¹ he made a decision and forgot on what ground his decision had been made, and at the time of his action³² he declared, ‘I am acting on the strength of my³³ decision;’ in view of the fact that [in such a case] it might be assumed that, since, had he recollected³⁴ he might have retracted, he is like a wilful sinner³⁵ and, therefore, not liable to a sin offering, hence it was taught [that it is not so]. **OR MADE IT WILFULLY BUT ACTED UPON IT UNWITTINGLY etc.** Whence these words? — For our Rabbis taught: So as to bring guilt upon the people,³⁶ proves³⁷ that the anointed High Priest is like the congregation.³⁸ Could not this be arrived at by deduction?

(1) Lit., ‘From now’, if the priests are designated ‘congregation’.

(2) Lit., ‘thus also’.

(3) Thirteen; while R. Simeon speaks of no more than twelve tribes,

(4) And the same applies to the priests who are descendants of that tribe. Hence the Baraitha, contrary to R. Joseph's arguments, cannot be reconciled with the view of R. Simeon (Rashi). [Tosaf. Asheri: priests nevertheless are considered a ‘people’ in respect of the sacrifice one of the joint owners of which died, so that the Baraitha can be in agreement with R. Simeon.]

(5) Gen. XLVIII, 4, the conclusion of the verse being ‘And I will give this land to thy seed . . . for an everlasting possession.’

(6) Priests and Levites received no possessions when Canaan was divided between the tribes.

(7) That the tribe of Levi was not included in the number of the tribes.

- (8) Gen. XLVIII, 5. The tribe of Joseph was divided into two tribes.
- (9) Ibid. 6.
- (10) In the case, e.g., of the number of offerings on the occasion of an erroneous ruling of the court Ephraim and Manasseh would, consequently, be regarded as one tribe. How, then, is the number twelve in the total of the tribes arrived at?
- (11) V. Num. II, 18-21.
- (12) V. ibid, Vli, 45, 54,
- (13) Lit., what is on it'; the question, supra, whether, according to R. Simeon, a sin offering belonging to joint owners, one of whom has died, is to be offered on the altar or left to die,
- (14) I.e., must not be offered up on the altar,
- (15) Born after its dam had been consecrated.
- (16) Through another offering, in the case where the original could not be found at the time.
- (17) Lit., 'separate'.
- (18) Cf. Tem. 13a.
- (19) Whether, if their owners were a congregation, they were to be offered up on the altar or left to die.
- (20) Lit., 'you said',
- (21) That it must be left to die,
- (22) Lit., 'in an individual the words are said'.
- (23) Tem. 26a.
- (24) The last two cases which may be applicable to a congregational sin offering.
- (25) The first three cases which can never occur with regard to an offering of the congregation.
- (26) Lit., 'place'. Consequently, they must all be subject to the same reservations, and since the first three cannot apply to a Congregation, the last two must all deal with the case of an individual. Similarly since the second case (the 'exchange') applies only to an individual to the exclusion even of joint partners (v. Tem, 13a), the others too must be similarly restricted, It thus follows that according to R. Simeon a sin offering of joint owners, one of whom died, may be offered, Therefore the Tanna of the Baraitha which exempts the court when one of its members died, because the sin offering must be left to die, cannot be R. Simeon,
- (27) כהן משיח the title of the High Priests in the days of the first Temple when they were anointed with the 'holy anointing oil' (v. Ex. XXX, 30 ff).
- (28) In ritual, or other religious matters.
- (29) v. Lev. IV, 3 ff.
- (30) Both action and ruling must be the result of an error.
- (31) Lit., 'here in what are we engaged? As for instance.'
- (32) So MS.M., Cur. edd. 'when he erred'.
- (33) So MS.M. Cur. edd. 'his'.
- (34) The reason for his decision.
- (35) He should have hesitated in his act, in view of the fact that he could no longer recollect the reason of his decision.
- (36) Lev. Iv., 3.
- (37) Lit., 'behold'.
- (38) It is explained infra in what respect.

Talmud - Mas. Horayoth 7a

A congregation, [it might be argued,] is excluded from the law relating to¹ an individual and the anointed High Priest is excluded from the law relating to an individual; as the congregation is only liable [to bring a sin offering] where there was ignorance of the law² together with error in action³ so an anointed High Priest should only be liable where there was ignorance of the law together with error in action! Or it might be argued thus:⁴ A ruler is excluded from the law relating to an individual⁵ and an anointed High Priest is excluded from the law relating to an individual; as a ruler brings a sin offering where there was only error in action without ignorance of the law so an anointed High Priest should bring a sin offering where there was error in action without ignorance of the law! — Let us, then, see whom he more resembles. The congregation brings a bullock but does

not bring an asham talui⁶ and an anointed High Priest brings a bullock and does not bring an asham talui;⁷ as the congregation is liable to a sin offering only where there was ignorance of the law together with error in action so an anointed High Priest should be liable only where there was ignorance of the law together with error in action! Or argue thus: A ruler brings a goat for the sin of idolatry⁸ and also brings an asham waddai⁹ and an anointed High Priest brings a goat for idolatry and also an asham waddai; as a ruler brings a sin offering where there was error in action only¹⁰ so the anointed High Priest brings a sin offering where there was error in action only. Hence¹¹ it was definitely stated, So as to bring built upon the people¹² to show that¹³ an anointed High Priest is like the congregation; as the congregation bring a sin offering only where there was ignorance of the law together with error in action so the anointed High Priest brings a sin offering only where there was ignorance of the law together with error in action. Since it might be suggested that as [in the case of] a congregation, [if the court] ruled and the congregation acted in accordance with their decision they are liable, so [in the case of] an anointed High Priest where he ruled and they acted in accordance with his ruling he is also liable, it was, therefore, definitely stated, Then let him offer for his sin, which he hath sinned,¹⁴ [which shows that] he brings a sin offering for his own sin¹⁵ only, and that he does not bring a sin offering for the sins of others.¹⁶ The Master said, 'An anointed High Priest brings a bullock and does not bring an asham talui.' Whence is it deduced that he does not bring an asham talui? — For it is written,¹⁷ And the priest shall make an atonement for him concerning the error which he committed,¹⁸ [which shows that] only he whose sin and error are alike¹⁹ [brings an asham talui], but not²⁰ an anointed High Priest whose error and sin are not alike, for it is written, So as to bring guilt upon the people²¹ which shows²² that an anointed High Priest is like the congregation.²³ Did he not, however, speak at that point²⁴ [on the assumption that]. So as to bring guilt upon the people²¹ had not been written!²⁵ — But [the fact is that the mention of] guilt offering²⁶ is irrelevant²⁷ MISHNAH. IF [THE ANOINTED HIGH PRIEST] GAVE [AN ERRONEOUS] DECISION ALONE²⁸ AND ACTED [ACCORDINGLY] ALONE, HE MARES HIS ATONEMENT ALONE.²⁹ IF HE GAVE HIS RULING TOGETHER WITH [THE COURT OF] THE CONGREGATION AND ACTED ACCORDINGLY TOGETHER WITH THE CONGREGATION, HE MAKES HIS ATONEMENT TOGETHER WITH THE CONGREGATION.³⁰ THE COURT IS NOT LIABLE³¹ UNLESS THEY RULED TO ANNUL PART OF A COMMANDMENT AND TO RETAIN A PART OF IT; AND SO [IT IS WITH] THE HIGH PRIEST. NOR [ARE THEY LIABLE] FOR IDOLATRY UNLESS THEY RULED TO ANNUL THE LAW IN PART AND TO RETAIN IT IN PART.

GEMARA. Whence are these laws³² derived? — [From that] which our Rabbis taught; It might have been assumed that if he³³ ruled together with [the court of] the congregation and acted together with the congregation he must bring a bullock independently, this being arrived at by the following argument: A ruler is excluded from the law relating to an individual³⁴ and an anointed High Priest is excluded from the law relating to an individual; [if the argument — then, be advanced that] as a ruler, if he committed a sin alone, brings his offering alone and if he committed the sin together with the congregation he makes atonement together with the congregation, so in the case of a High Priest, if he sinned alone he must bring a sin offering alone, and if he sinned together with the congregation he must make his atonement together with the congregation, [it can be retorted] no; if this³⁵ applies to the ruler who makes his atonement together with the congregation on the Day of Atonement, must it also apply to an anointed High Priest who does not make his atonement together with the congregation on the Day of Atonement! Consequently, since his atonement is not made together with the congregation on the Day of Atonement it might have been assumed that he must bring a bullock as a sin offering independently, hence it was expressly stated, For his sin which he hath sinned,³⁶ how [is this to be understood]? If he sinned alone he brings his sin offering alone, and if he sinned together with the congregation he makes his atonement together with the congregation.³⁷ How is this³⁸ to be imagined? It be suggested, that he is a mufla³⁹ and they⁴⁰ are not mufla'in,⁴¹ is it not obvious that he must make his atonement alone since their ruling has no legal force⁴² and every individual⁴³ must bring a lamb or a goat!⁴⁴ And if [it be suggested] that they are mufla'in and he is

not a mufla,⁴⁵ why should he make his atonement alone? His ruling, surely, has no legal force!⁴⁶ —

- (1) Lit., 'general rule', that of bringing a sin offering of a lamb or a goat (Lev. IV. 27ff). The congregation brings a bullock (ibid. 23ff).
- (2) On the part of the court.
- (3) On the part of the congregation.
- (4) Lit., 'finish and go to this way'.
- (5) Cf. n. 3. A ruler brings a goat as a sin offering (Lev. IV, 22 ff).
- (6) V. Glos. Such a guilt offering is brought only by an individual when it is doubtful whether he committed a sin. [This cannot apply to a congregation whose offering is limited to a sin through an erroneous decision.]
- (7) When his sin is in doubt, v. infra.
- (8) [Cf. Num. XV, 27; 'A soul' includes all-commoners, as well as prince or High Priest.]
- (9) אֲשָׁם וְדָאֵי a guilt offering brought in connection with a number of sins (v. Lev. v, 20 ff) when there is no doubt that the sin had been committed. Cf. asham talui in Glos.
- (10) Though there was no ignorance of the law.
- (11) As logically it is uncertain with whom the High Priest is to be compared.
- (12) Lev. IV, 3.
- (13) Lit., 'behold'.
- (14) Lev. IV. 3.
- (15) Lit., 'what he sinned'.
- (16) Lit., 'what others sinned'.
- (17) In the case of an asham talui.
- (18) Lev. V, 18
- (19) I.e., an ordinary individual in whose case error in action alone involves him in the obligation of bringing a sin offering as if he was also ignorant of the law.
- (20) Lit., 'he went out', 'excluded'.
- (21) Lev. IV, 3.
- (22) Lit., 'behold'.
- (23) Before obligation to bring a sin offering is incurred by him, both error in action as well as ignorance of the law are necessary'.
- (24) Lit., 'until here'; i.e., iii the argument, supra, where it was attempted to show that the High Priest resembles the congregation.
- (25) Lit., 'he did not say', i.e., if the assumption is that the text had not been written, how can this presumably non-existent text be adduced as proof?
- (26) The asham talui, v. Glos.
- (27) Lit., 'he took it without any purpose,' the resemblance between an anointed High Priest and the congregation being their respective obligations to bring a bullock, and not a goat or a lamb, as a sin offering, being in itself sufficient to compare the High Priest to the Congregation.
- (28) Though the court had at the same time ruled erroneously concerning another prohibition, e.g., he having permitted suet, and they an idolatrous cult,
- (29) He brings the offering of a bullock on his own behalf.
- (30) His atonement is effected by the communal offering.
- (31) So MS.M. reading, אֲשָׁם [אֲשָׁם] in cur. edd. is explained by Tosaf. Asheri אֲשָׁם v. Bezah 8a.]
- (32) Lit., 'words'; the first two laws in our Mishnah relating to an anointed High Priest.
- (33) A High Priest.
- (34) Cf. supra p. 43, n.6.
- (35) Lit., 'you said'. That if he sinned together with the congregation he brings his offering together with them.
- (36) Lev. IV, 3. I.e., he brings an offering alone, only where he alone has sinned.
- (37) Thus the first two laws in our Mishnah have been proved.
- (38) That where a High Priest ruled erroneously alone he must bring his sin offering alone, though the court had at the same time ruled erroneously concerning another prohibition, e.g., he having permitted suet, and they an idolatrous rite. [R. Han. explains the question as referring to where he sinned together with the congregation in which case he makes his

atonement together with them.]

(39) V. Glos. [The term mufla seems here to be used in a loose sense to denote one who is qualified to give decisions, although this would imply that when no qualified scholars were available, the absence of the necessary qualifications would not debar one from acting as judge — v. Tosaf. Asheri, cf. also Tosaf. Sanh. 16b, s.v. **מַטְלָא** .]

(40) The court who ruled erroneously concerning a prohibition other than that permitted by the High Priest.

(41) Plural of mufla.

(42) Lit., 'and nothing'.

(43) Of the Congregation.

(44) V. supra 4b.

(45) V. Glos.

(46) Lit., 'and nothing'.

Talmud - Mas. Horayoth 7b

R. Papa replied; in the case, for instance, where both¹ were mufla'in. Abaye proposed to say that IF [THE ANOINTED HIGH PRIEST] GAVE [AN ERRONEOUS] DECISION² ALONE AND ACTED [ACCORDINGLY] ALONE, is to be understood³ [as referring to a High Priest and a court] who live⁴ in two different places and ruled respectively concerning two different prohibitions. Raba, however, said to him; Is then diversity of domicile⁵ the determining factor? [Surely not]; but even if they dwell' in the same place. so long as they ruled concerning two different prohibitions, he⁶ is regarded as having sinned alone. It is obvious that if he⁶ [transgressed⁷ in respect of the prohibition] of Suet and they⁸ in respect of idolatry. he [is regarded as] having sinned alone, because these prohibitions are distinct in origin⁹ and distinct in respect of sacrifices, he⁶ bringing a bullock and they⁸ a bullock and a goat.¹⁰ so that they bring, in addition, a goat and he does not bring one; and much more so¹¹ if he transgressed in respect of idolatry and they in respect of suet, since these prohibitions are entirely distinct in respect of their sacrifices, he having to bring a goat¹² and they a bullock; what, however, is the law where he transgressed in respect of the forbidden fat of the entrails and they in respect of the forbidden fat of the small bowels? Is it assumed that, though they are alike in respect of sacrifices, they are nevertheless, being derived from two different Biblical texts, to be regarded as distinct in their origins¹³ or, perhaps, since the designation of 'fat' is the same [in both cases, they are regarded as one]. If some reason could be found for the assumption¹⁴ that [since] the designation of 'fat' is the same [in both cases, they are to be regarded as one], what is the law, [it may be asked], where he⁶ transgressed in respect of suet and they⁸ in respect of blood? Is it assumed [that these are distinct prohibitions since] they are distinct in their origins, or, perhaps, since they are alike in respect of sacrifices, [they are to be regarded as one] the determining factor being the sacrifice?¹⁵ — This remains undecided.¹⁶ THE COURT IS NOT LIABLE UNLESS THEY RULED TO ANNUL PART OF A COMMANDMENT AND TO RETAIN A PART OF IT etc. Whence is it derived that [they are not liable] UNLESS THEY RULED TO ANNUL PART OF A COMMANDMENT AND TO RETAIN A PART OF IT? — As it has been said in the preceding¹⁷ chapter; And a thing be hid,¹⁸ i.e. 'a thing' but not an entire principle.¹⁹ AND SO IT IS WITH THE ANOINTED HIGH PRIEST. Whence is this deduced? — [From the text] wherein it is written, So as to bring guilt upon the people,²⁰ which shows²¹ that the anointed High Priest is like the congregation. NOR [ARE THEY LIABLE] FOR IDOLATRY etc. Whence is this derived? — [From] what our Rabbis taught: From the fact²² that idolatry was singled out²³ it might have been assumed that only the uprooting of the entire principle involves the bringing of a sacrifice,²⁴ hence it was stated here, from the eyes²⁵ and elsewhere it was stated, from the eyes,²⁶ as elsewhere the court is meant²⁷ so here also the court was meant;²⁷ and as further on only a think²⁸ [was hid]²⁶ but not an entire principle so here also²⁹ a part only, not an entire principle, must have been annulled.

MISHNAH. THE OBLIGATION [UPON THE COURT TO BRING A SACRIFICE]³⁰ IS INCURRED ONLY WHERE IGNORANCE OF THE LAW WAS ACCOMPANIED BY ERROR IN ACTION, AND SO [IT IS WITH THE] ANOINTED HIGH PRIEST; NOR [DO THEY INCUR

OBLIGATION] IN THE CASE OF IDOLATRY UNLESS IGNORANCE OF THE LAW WAS ACCOMPANIED BY ERROR IN ACTION. GEMARA. Whence is this³¹ deduced? — [From] what our Rabbis taught: They err³² might have been assumed to imply obligation for error in action, hence it was stated, They err and a thing be hid,³² indicating that no obligation is incurred unless ignorance of the law was accompanied by error in action. AND SO [IT IS WITH] THE ANOINTED HIGH PRIEST. Whence is this deduced? — From the Scriptural text, So as to bring guilt upon the people.³³ which shows³⁴ that the anointed High Priest is like the congregation. NOR [DO THEY INCUR OBLIGATION] IN THE CASE OF IDOLATRY UNLESS IGNORANCE OF THE LAW WAS ACCOMPANIED BY ERROR IN ACTION. Whence is this derived? — [From what] our Rabbis taught: In view of the fact that the prohibition of idolatry was singled out it might have been assumed that obligation is incurred even for error in action, hence it was stated here, from the eyes,³⁵ and elsewhere it was stated, from the eyes.³⁶ [to indicate that] as further on no obligation is incurred unless ignorance of the law was accompanied by error in action so here also no obligation is incurred unless ignorance of the law was accompanied by error in action. Since the anointed High Priest was not mentioned³⁷ in connection with idolatry, our Mishnah must represent the view of³⁸ Rabbi. For it was taught: [As to the obligation to bring a sacrifice on the part of] an anointed High Priest in the case of idolatry, Rabbi said, [it depends] on his error in action, and the Sages said, [only if this was accompanied] by ignorance of the law. Both, however, agree³⁹ that the sacrifice he brings is a goat, and both also agree³⁹ that he does not bring an asham talui.⁴⁰ Consider, however, [this point]; Has [the anointed High Priest] been specified³⁷ in connection with [the offence] concerning which the punishment is kareth, if it was committed wilfully, and a Sin offering if committed unwittingly?⁴¹ And yet it must be admitted⁴² that though he was mentioned in the one case⁴³ the same law applies to the other,⁴⁴ so here also⁴⁵ he was mentioned in the first case⁴⁶ and the same law applies to the second. What is Rabbi's reason? — Scripture states, And the priest shall make atonement for the soul that erreth, when he sinneth through error.⁴⁷ The soul, refers to⁴⁸ the anointed High Priest; that erreth, refers to the ruler; when he sinneth through error, implies, according to⁴⁹ Rabbi, 'this shall be deemed a "sin"⁵⁰ even if due to error in action alone⁵¹. But the Rabbis are of the opinion [that the reference is to] him whose sin depends on error in action, the anointed High Priest, however, being excluded, since his 'sin'⁵² does not depend solely on error in action but also on ignorance of the law.⁵³ 'Both, however, agree that the sacrifice he brings is a goat like [that of any other] individuals' Whence is this deduced? — [From that] which Scripture stated, And If one person,⁵⁴ implying that there is no difference between a private individual, a ruler, or an anointed High Priest. All of them, are included in the general expression of 'one person'

(1) The High Priest and the court.

(2) So MS.M. reading תורה Cur. edd.: תשא 'he sinned'.

(3) Lit., 'how is it to be imagined'.

(4) Lit., 'sit'.

(5) Lit., 'two places'.

(6) The High Priest.

(7) I.e., by erroneous ruling and action.

(8) The court.

(9) Lit., 'in their reasons', each prohibition being derived from a different Biblical text.

(10) Cf. Num. XV, 24.

(11) Is the High Priest regarded as having transgressed alone.

(12) V. supra p. 43, n. 9, and infra p. 50.

(13) V. supra 3a.

(14) Lit., 'if you will find to say'.

(15) Lit., 'we go after the sacrifice'.

(16) Heb., teko, v. Glos.

(17) Lit., 'other'.

(18) Lev. IV, 23.

- (19) Supra 4a.
- (20) Lev. IV, 3.
- (21) Lit., 'behold'.
- (22) Lit., 'because'.
- (23) Lit., 'went out to pass sentence (or 'to judge') separately'. i.e., Scripture did not include the sin of idolatry among the prohibitions for which a bullock is offered (Lev. IV, 13ff) but singled it out for special sacrifices (Num. XV. 22ff).
- (24) Lit., 'they are liable for'.
- (25) Num. XV, 24, referring to idolatry.
- (26) Lev. IV, 13, referring to the other commandments.
- (27) V. supra 5a. Lit., 'in (or about) the court'.
- (28) Heb. dabar, ** read with the addition of the Mem ** partitive, v. supra p. 21, n. 8.
- (29) Num. XV, 24, referring to idolatry.
- (30) V. Lev. IV, 23.
- (31) The first law in our Mishnah.
- (32) V. Lev. IV, 13.
- (33) Lev. IV, 3.
- (34) Lit., 'behold'.
- (35) Num. XV, 24, referring to idolatry.
- (36) Lev. IV, 13, referring to the other commandments.
- (37) Lit., 'taught'.
- (38) Lit., 'who? it is'.
- (39) Lit., 'and they are alike'.
- (40) Sanh. 61b. V. Glos. Our Mishnah thus represents the view of the Rabbi.
- (41) V. Mishnah, infra 8a.
- (42) Lit., 'but'.
- (43) Lit., 'he taught that', i.e., mentioned the High Priest in the first clause of the Mishnah, infra 5a.
- (44) The second clause.
- (45) In our Mishnah.
- (46) Lit., 'he taught that'.
- (47) Num. XV, 28.
- (48) Lit., 'this'.
- (49) Lit., 'holds the view', 'is of the opinion'.
- (50) For which the must bring a sin offering.
- (51) Lit., 'this sin, in error shall be'.
- (52) In connection with other transgressions.
- (53) V. Supra 7a.
- (54) Num. XV. 27.

Talmud - Mas. Horayoth 8a

'And both also agree that he does not bring an asham talui'. Whence is this deduced? — From the Scriptural text. And the priest shall make atonement for him concerning the error which he committed.¹ Rabbi is of the opinion [that only] he whose 'sin'² depends entirely on error in action³ [brings such a guilt offering]; a High Priest, however,⁴ whose sin⁵ does not [invariably] depend entirely on error in action alone but also on ignorance of the law, is excluded. Is it, then, written 'entirely'?⁵ — [Virtually] Yes; for otherwise⁶ it should have been written, 'Concerning his error'; what need was there for which he committed! Its object, consequently, must be, to teach us that [there is no obligation] unless all one's sin⁷ is dependent on error in action.⁸ And the Rabbis?⁹ — Only he whose sin⁷ depends on error in action alone [is liable]; an anointed High Priest, however, is excluded since his sin⁷ does not depend on error in action alone, either in idolatry or in the other commandments, but on ignorance of the law together with error in action.

MISHNAH. THE COURT IS UNDER NO OBLIGATION¹⁰ UNLESS THEY RULED CONCERNING A PROHIBITION¹¹ THE PUNISHMENT FOR WHICH IS KARETH,¹² IF IT WAS TRANSGRESSED WILFULLY, AND A SIN OFFERING IF TRANSGRESSED UNWITTINGLY; AND SO [IT IS WITH] THE ANOINTED HIGH PRIEST. NOR [ARE THEY LIABLE] IN RESPECT OF IDOLATRY UNLESS THEY RULED CONCERNING A MATTER THE PUNISHMENT FOR WHICH IS KARETH, IF IT WAS COMMITTED WILFULLY, AND A SIN OFFERING IF COMMITTED UNWITTINGLY.

GEMARA. Whence is this deduced? — From the following.¹³ Rabbi said: Here¹⁴ it is stated ‘aleha,¹⁵ and further on¹⁶ it is stated ‘aleha;¹⁷ as further on¹⁶ the prohibition involves the penalty of kareth,¹⁸ if it was transgressed wilfully, and that of a sin offering if transgressed unwittingly, so¹⁴ here also, [the ruling must be concerning] a prohibition which involves the penalty of kareth, if it was transgressed wilfully and that of a sin offering if transgressed unwittingly. Proof has thus been found for the case of the congregation, whence that of the anointed High Priest? — So as to bring guilt upon the people¹⁹ shows²⁰ that the anointed High Priest is like the congregation. As to a ruler? — The inference is made by a comparison of ‘commandments’;²¹ with ‘commandments’ in respect to a ruler it is written, And doeth [through error] any one of all the commandments which the Lord,²² and in respect of the congregation it is written, And do any of the commandments,²³ as the [obligation of the] congregation relates to a prohibition involving kareth, if it was transgressed wilfully, and a sin offering if transgressed unwittingly, so also the obligation of a ruler relates to a prohibition involving kareth, if it was transgressed wilfully, and a sin offering if transgressed unwittingly. As to an ordinary individual? — Scripture states, And if any one,²⁴ and the latter is inferred from the former.²⁵ NOR [ARE THEY LIABLE] IN RESPECT OF IDOLATRY UNLESS THEY RULED etc. Whence [is this law deduced] in regard to idolatry? — [From] what our Rabbis taught: From the fact that idolatry was singled out²⁶ it might have been assumed that, [in regard to it] obligation is incurred even in respect of a prohibition which does not involve kareth when it was transgressed wilfully and a sin offering when transgressed unwittingly,²⁷ hence it was stated here, From the eyes²⁸ and elsewhere it was stated, From the eyes.²⁹ as there obligation is incurred only in respect of a prohibition involving kareth when it was transgressed wilfully and a sin offering when transgressed unwittingly, so here also obligation is incurred only in respect of a prohibition involving kareth when it was transgressed wilfully and a sin offering when transgressed unwittingly. Proof has thus been found for the case of the congregation. whence that of an ordinary individual, a ruler or an anointed High Priest? — Scripture stated, And if one person.³⁰ [which implies that] there is no distinction between a private individual, a ruler, or an anointed High Priest. All of them, are included in the general expression of one person, and the latter may be deduced from the former.³¹ [This explanation] is satisfactory in accordance with the view of him who employed³² the expression of ‘aleha for an analogical purpose, as stated above; whence, however, do the Rabbis, who employed ‘aleha in connection with the laws of incest and rival wives,³³ deduce that obligation is incurred only where the prohibition involves kareth when it was transgressed wilfully, and a sin offering when transgressed unwittingly? — They deduce it from that which R. Joshua b. Levi taught his son: Ye shall have one law for him that doeth aught in error. But the soul that doeth aught with a high hand etc.,³⁴ all the commandments of the Torah were compared to the prohibition of idolatry;³⁵ as in regard to idolatry obligation is incurred only where the offence involves the punishment of kareth when it was committed wilfully, and a sin offering when committed unwittingly, so also here obligation is incurred only where the offence involves kareth when committed wilfully and a sin offering when committed unwittingly. Proof has thus been found³⁶ for the case of a private individual, a ruler and an anointed High Priest both in regard to idolatry and the rest of the commandments; whence, however, [is it proved that the same applies to the] congregation? The former³⁷ is deduced from the latter.³⁸ As to Rabbi,³⁹ what does he do with R. Joshua b. Levi's text? He applies it to the following:⁴⁰ Since we find that Scripture made a distinction⁴¹ between a majority and individuals, a majority being punished by the sword and their money destroyed⁴² while individuals are punished by stoning and their money is spared.⁴³ it might have been assumed that a

distinction should also be made in respect of their sacrifices,⁴⁴ hence⁴⁵ it was expressly stated, Ye shall have one law etc.⁴⁶ R. Hilkiyah of Hagronia⁴⁷ demurred: is the reason⁴⁸ because Scripture did not differentiate in this respect, but had it differentiated it would have been suggested that a distinction should be made [in respect of their sacrifices]? What, however, could they⁴⁹ bring! Should they bring a bullock? The congregation, surely, brings a bullock for the infringement of any of the other commandments!⁵⁰ Should they bring a bullock for a burnt offering and a goat for a sin offering? The congregation, surely, brings such offerings in respect of idolatry!⁵¹ Should they bring a goat? A ruler, surely, brings such an offering in the case of his transgression of any of the other commandments!⁵¹ Should they bring a goat? This, Surely, is also the sacrifice of an individual!⁵¹ — It⁵² is required; because it might have been suggested that whereas the congregation brings a bullock for a burnt offering and a goat for a sin offering, these⁵³ should reverse the procedure and bring a bullock for a sin offering and a goat for a burnt offering. Or [the meaning⁵⁴ may be]; It might have been assumed to be necessary⁵⁵ and that consequently there is no remedy for them,⁵⁶ hence it was taught [that there was no such necessity].⁵⁵ All,⁵⁷ at any rate, agree that if these verses were written [for any purpose at all] they were written for that of idolatry; but what is the proof? Raba, (others say R. Joshua b. Levi, and again others say, Kadi), replied: Scripture says; And when ye shall err, and not observe all these commandments.⁵⁸ Now, which is the commandment that is as weighty as all other commandments? Surely⁵⁹ it is that concerning idolatry. The School of Rabbi⁶⁰ taught; Scripture Says, Which the Lord hath spoken unto Moses,⁶¹ and it is also written That the Lord hath commanded you by the hand of Moses.⁶² Now, which is the commandment that was given in the words of the Holy One, blessed be He, and also by the hand of Moses? Surely⁶³ it is that of idolatry; for R. Ishmael recited; [The words] I⁶⁴ and Thou shalt not have⁶⁵ were heard⁶⁶ from the mouth of Omnipotence.⁶⁷ The School of R. Ishmael taught:

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- (1) Lev. V, 18, dealing with the laws of asham talui.
 - (2) Making him liable to a sin offering.
 - (3) Lit 'all his sin in error'.
 - (4) Lit., 'this'.
 - (5) Lit., 'all'.
 - (6) Lit., 'if so', i.e., if 'entirely' was not implied.
 - (7) V. p. 50, n. 15.
 - (8) Cur. edd. insert in parenthesis: 'An anointed High Priest is excluded, all whose sin is not in error but in idolatry, not in the rest of the commandments, where it must be through ignorance of the law together with error in action'.
 - (9) Why do they exempt a High Priest from the asham talui?
 - (10) To bring the sin offering prescribed in Lev. IV, 13ff.
 - (11) Lit., 'a thing', 'matter'.
 - (12) V. Glos.
 - (13) Lit., 'for it was taught'.
 - (14) Concerning an erroneous ruling.
 - (15) עליה Lev. IV, 14. (E.V. 'wherein'.)
 - (16) Concerning the marriage of two sisters.
 - (17) Ibid. XVIII, 18. (E.V. 'to her')
 - (18) V. Ibid. 29.
 - (19) Ibid. IV, 3.
 - (20) Lit., 'behold'.
 - (21) מצות 'commandments'.
 - (22) Lev. IV, 22.
 - (23) Ibid. 13.
 - (24) Ibid. 27. dealing with one of the common people.
 - (25) Yeb. 9a. Lit., 'lower from the upper', the case of the individual (Lev. IV. 27ff) is deduced from that of ruler (ibid. v. 22ff). [The inference is from the copulative particle. waw', 'and' (Rashi. Yeb. 9a).]
 - (26) V. supra p. 48, notes 6 and 7.

- (27) When the idol, e.g., was only kissed or embraced.
- (28) Num. XV, 24, dealing with idolatry.
- (29) Lev. IV, 13, with reference to other commandments.
- (30) Num. XV, 27.
- (31) Cf. supra p. 52, n. 7. 'One person' (in Num. XV, 27) which includes a private individual, ruler and High Priest is deduced from the law relating to the congregation (ibid. 24).
- (32) I.e., Rabbi.
- (33) V. Yeb. 3b. [Read with MS.M. 'to prohibit the rivals if the forbidden relatives'.]
- (34) Num. XV, 29-30.
- (35) The text quoted refers to idolatry (v. infra), and in it the expression of law or Torah is mentioned.
- (36) By deduction from 'person' (Num. XV. 27) which includes persons of all ranks and the analogy, supra, in Num. XV. 29-30.
- (37) Num. XV, 22, 'and when ye shall err', which refers to the congregation. v. ibid. 24.
- (38) Ibid. 27, 'and if one person'.
- (39) Who derives this latter ruling from the similarity of expressions — 'aleah.
- (40) Lit., 'as it was taught'.
- (41) Where the offence was committed wilfully.
- (42) In the case of a town 'condemned for idolatry'. V. Deut. XIII, 13ff.
- (43) V. ibid. XVII, 21f.
- (44) If the sin was committed unwittingly.
- (45) To show that where an entire town committed idolatry (v. Deut. XIII, 13ff) unwittingly they only bring the same sacrifices as individuals.
- (46) Yeb. 911.
- (47) [A suburb of Nebardea; Obermeyer, Die Landschaft Babylonian, p. 265.]
- (48) Why there is no differentiation between the sacrifices of a majority and those of individuals. V. supra.
- (49) The inhabitants of the 'condemned town'. (V. supra notes 5 and 6).
- (50) If a distinction must be made between the sin offerings of a 'condemned town' and those of individuals, how-much more should such a distinction be made between the sin offerings of such a town and those which the congregation — which must consist of at least one tribe (v. supra 3a) and which consequently is never subject to the laws of a 'condemned town' (v. Sanh. 2a) brings for the transgression of any of the other commandments!
- (51) And consequently if a distinction is to be made, these could not be offerings of a condemned town.
- (52) The Scriptural text of Num. XV. 29.
- (53) The inhabitants of a condemned town.
- (54) Of the citation supra from Yeb. 9a.
- (55) For the inhabitants of a 'condemned town' to bring a special sin offering.
- (56) If the sin was committed unwittingly; since an offering all peculiar to themselves is an impossibility.
- (57) Lit., 'that all the world'.
- (58) Num. XV, 22, emphasis on all.
- (59) Lit., 'be saying'.
- (60) Bomberg Ed., 'R. Ishmael'.
- (61) Ibid.
- (62) Ibid. 23.
- (63) Lit., 'be saying'.
- (64) The first word of the first commandment, 'I am the Lord etc.' Ex. XX, 2.
- (65) First words of the second commandment. Ibid. 3.
- (66) Lit., 'we heard them'.
- (67) The Almighty. Mak. 24a. The commandment was repeated by Mosei in many passages of the Pentateuch. [The other commandments, according to R. Ishmael, the people received from Moses only. This is another way of saying that the Revelation at Sinai that enabled Israel to apprehend in a unique manner the Divine was limited, as far as the people themselves were concerned, to God's special dealings with Israel and to His Oneness as proclaimed in the first two commandments; the others the people accepted on trust at the hands of Moses whose divine mission they had seen confirmed before their eyes.]

Talmud - Mas. Horayoth 8b

From the day that the Lord gave commandments, and onward throughout your generations;¹ which is the commandment that was spoken at the very beginning?² Surely³ it is that of idolatry.⁴ But did not a Master state that Israel was given ten commandments at Marah!⁵ — But⁶ the best proof is that given at first.⁷

MISHNAH. [THE COURT] ARE UNDER NO OBLIGATION [TO BRING A SIN OFFERING] FOR THE TRANSGRESSION⁸ OF A POSITIVE OR A NEGATIVE COMMANDMENT RELATING TO THE SANCTUARY; NOR [DOES ANYONE]⁹ BRING AN ASHMTALUI¹⁰ FOR THE TRANSGRESSION OF A POSITIVE OR A NEGATIVE COMMANDMENT RELATING TO THE SANCTUARY. THEY¹¹ ARE LIABLE, HOWEVER,¹² FOR THE TRANSGRESSION¹³ OF A POSITIVE, OR A NEGATIVE COMMANDMENT RELATING TO THE MENSTRUANT; AND [ANY OTHER INDIVIDUALS] BRING AN ASHAM TALUI FOR THE TRANSGRESSION OF A POSITIVE OR NEGATIVE COMMANDMENT RELATING TO THE MENSTRUANT. WHICH IS THE POSITIVE COMMANDMENT CONCERNING THE MENSTRUANT? [THE COMMANDMENT]. SEPARATE THYSELF FROM THE MENSTRUANT.¹⁴ AND THE NEGATIVE COMMANDMENT? — DO NOT COME IN UNTO THE MENSTRUANT.¹⁵

GEMARA. Whence is it deduced¹⁶ that elsewhere¹⁷ the congregation is not liable to bring a sacrifice and that an individual also is not liable to bring an asham talui?¹⁸ — R. Isaac b. Abdimi replied: Scripture said, And he is guilty in connection with a sin offering¹⁹ and an asham talui,²⁰ and it also said, And they are guilty in connection with the congregation;²¹ as [the phrase] ‘and he is guilty’ in connection with an individual refers to the fixed sin offering²² So And are guilty, said in connection with the congregation, also refers to the fixed sin offering, and, furthermore, as the congregation brings only the fixed sin offering, so is the asham talui²³ brought only in the case of doubt in respect of one's liability to the fixed sin offering.²⁴ If so, the same law should also apply to a sliding scale sacrifice²⁵, for Surely it is written, And it shall be, when he shall be guilty in one of these things?²⁶ — Deduction may be made from the analogy between ‘is guilty’ and ‘are guilty’, but no deduction may be made from an analogy between ‘is guilty’ and ‘he shall be guilty’. But what is the difference? The School of R. Ishmael taught. [with reference to the expressions.] The priest shall return²⁷ and The priest shall come²⁸ that ‘returning’ and ‘coming’ mean the same thing!²⁹ Furthermore, let deduction be made from And he is guilty, said in connection with uncleanness relating to the Sanctuary and its consecrated things; for it is written, And [it being hidden from him that] he is unclean and he is guilty!³⁰ — R. Papa replied: An analogy is drawn only between the expressions. And he is guilty, and, The commandments of the Lord [on the one hand],³¹ and the expressions. And are guilty, and, The commandments of the Lord³² [on the other].³³ Said R. Shimi b. Ashi to R. Papa; Then let deduction be made from the analogy between, ‘And he is guilty, and, Bearing of iniquity³⁴ [used in reference to the asham talui] and he is guilty, and, Bearing of iniquity³⁵ [that occur in connection with sliding scale sacrifices]! — But, said R. Nahman b. Isaac: Deduction is made from analogy between ‘he is guilty’, and The things which the Lord hath commanded not to be done³⁶ [used in reference to asham talui] and ‘they are guilty’ and ‘The things which the Lord hath commanded not to be done³⁷ [that’ occur in connection with the congregational sin offering];³⁸ no proof, however, may be adduced from, The hearing of the voice,³⁹ Swearing clearly with the lips,⁴⁰ and uncleanness relating to the Sanctuary and its consecrated things,⁴¹ concerning ‘which it has not been said, ‘he is guilty’ and ‘The things which the Lord hath commanded not to be done’.

MISHNAH. [THE COURT] ARE UNDER NO OBLIGATION [TO BRING AN OFFERING] FOR [AN ERRONEOUS RULING RELATING TO] THE HEARING OF THE VOICE [OF

ADJURATION].⁴² FOR SWEARING CLEARLY WITH THE LIPS⁴³ AND FOR UNCLEANNESS RELATING TO THE SANCTUARY AND ITS CONSECRATED THINGS;⁴⁴ AND THE RULER IS SIMILARLY [EXEMPT]; THESE ARE THE WORDS OF R. JOSE THE GALILEAN. R. AKIBA SAID; THE RULER IS LIABLE⁴⁵ IN THE CASE OF ALL THESE EXCEPT THAT OF HEARING OF THE VOICE [OF ADJURATION], BECAUSE THE KING⁴⁶ MAY NEITHER JUDGE NOR BE JUDGED, NEITHER MAY HE GIVE EVIDENCE NOR MAY EVIDENCE BE TENDERED AGAINST HIM.⁴⁷ GEMARA. ‘Ulla said: What is the reason of R. Jose the Galilean? — Scripture said, And it shall be when he shall be guilty in one of these things;⁴⁸ whoever is subject to liability for every one of these is liable for any of them, and whosoever is not subject to liability for every one of these is not liable for any of them.⁴⁹ Might not this⁵⁰ be suggested to imply that liability is incurred for one⁵¹ even where a person is not subject to liability for all!⁵² — But the following is the source from which⁵³ R. Jose the Galilean derives his reason. It was taught: R. Jeremiah⁵⁴ used to say, it was stated in the Scriptures,

(1) Num. XV, 23.

(2) before any of the other commandments.

(3) Lit., ‘be saying’.

(4) Since it is the first of the Ten Commandments.

(5) Sanh. 56b. Marah was reached long before Sinai where the Ten Commandments were given.

(6) Cut. edd. insert in parenthesis: For it is written, If thou wilt diligently hearken to the voice of the Lord thy God (Ex. XV, 26).

(7) Either that of Rabbi's school or R. Joshua b. Levi.

(8) Through an erroneous timing of theirs (V. Lev. IV. 13).

(9) Who in the case of doubtful transgressions has to bring an asham talui.

(10) V. Glos.

(11) The Court.

(12) To bring a sin offering.

(13) V. supra, note 6

(14) V. Shebu. 18b.

(15) V. Lev. XVIII. 19.

(16) Lit., ‘these words’.

(17) I.e., wherever the sin involves a sliding scale sacrifice, the value of which is determined by the sinner's financial position, as in the case of a transgression relating to the sanctuary, v. Shebu. 2a.

(18) For transgressing a positive or negative precept relating to the Sanctuary.

(19) Lev. IV, 27, dealing with the sin offering of an individual.

(20) Ibid. V. 17.

(21) Ibid. IV, 13.

(22) חטאת קבועה

(23) Of an individual.

(24) But not in the case of an offering that must be brought for the certain transgression of precepts (positive and negative) relating to the Sanctuary, the value of which varies according to one's means.

(25) קרבן עולה ויורד determined by the means of the offender.

(26) Lev. V. 5, dealing with a sliding-scale sacrifice.

(27) Lev. XIV, 39.

(28) Ibid. 44.

(29) Viz. the coming of the priest to the affected house. Now, if a comparison is made between words which resemble each other in their general significance only, how much more should comparison be made between the same verbs that differ in tense only!

(30) Lev. V,2. (Cf. vv. 3 and 4).

(31) Ibid. V, 17, used with reference to the asham talui.

(32) Ibid. IV. 13. used in reference to the congregation.

(33) In the case, however, of uncleanness relating to the Sanctuary and its consecrated things these two expressions do

not occur.

(34) Lev. V, 17.

(35) *ibid.* vv. I and 4.

(36) Lev. V, 17.

(37) *Ibid.* IV. 13.

(38) As the congregation brings the fixed sin offering only so is an *asham talui* to be brought in here there is doubt about that kind of sin offering only; but not where the doubt relates to an offering the value of which is not fixed, and varies according to one's means.

(39) Of adjuration; Lev. V, I.

(40) Lev. V, 4.

(41) For the transgressions for which sliding scale sacrifices are prescribed. v. Lev. V, 1-13.

(42) V. Lev. V, 1.

(43) V. *ibid.* v. 4.

(44) For these transgressions individuals are liable to a sliding scale sacrifice, whereas the court is exempt.

(45) To bring the offering.

(46) Ruler, v. *infra* 10a, Mishnah.

(47) Sanh. 18a. Since he cannot act as witness the laws of evidence cannot apply to him.

(48) Lev. v, 5, dealing with the transgressions enumerated in our Mishnah.

(49) Since the former is exempt from one (hearing of the voice) he is also exempt from the others.

(50) The text cited from Lev. V, 5.

(51) Of the transgressions enumerated.

(52) The ruler should, consequently, be liable for the last two transgressions mentioned though he may be exempt from the first.

(53) Lit., 'from here'.

(54) [A Tanna and contemporary of Rabbi; not to be confused with the Palestine Amora.]

Talmud - Mas. Horayoth 9a

His means suffice not¹ and later it was stated again. His means suffice not² [to indicate that] only he who is subject to the vicissitudes of³ poverty and wealth [is subject to the laws mentioned], a ruler and an anointed High Priest, however, are excluded since they can never be reduced to poverty. As to 'a ruler', — it is written, And doeth any one of all the things which the Lord his God hath commanded,⁴ [implying], he above whom there is none but the Lord his God;⁵ as to 'an anointed High Priest', — It is written, And the priest that is highest among his brethren,⁶ [meaning,] who is greatest among his brethren in beauty, strength, wisdom and wealth. Others say: Whence is it proved that if he has nothing of his own he must be made to be greater than his brethren? For it was expressly stated, And the priest that is highest among his brethren upon whose head [the anointing oil] is poured,⁶ he must be made greater than his brethren. Rabina enquired of R. Nahman b. Isaac: What is the law of a ruler who was stricken with leprosy;⁷ [was his obligation] completely set aside,⁸ or was he only temporarily exempted?⁹ — He said to him: [Does he bring] of yours or of his own!¹⁰ It was taught: R. Akiba said: An anointed High Priest is exempt from all these.¹¹ Raba said: What is R. Akiba's reason? — Scripture stated, This is the offering of Aaron and his sons,¹² [implying] that only this [one] is obligatory upon him but no other such offering¹³ is obligatory upon him. Might it not be suggested that the All Merciful has exempted him only from the poorest offering which is¹⁴ a tenth part of an ephah¹⁵ but not¹⁶ [from those other offerings that are brought in case of] poverty and wealth!¹⁷ — his cannot be imagined at all, for it is written, And the priest shall make atonement for him as touching his sin that he hath sinned in any of these things,¹⁸ whoever may receive atonement by everyone of these¹⁹ may also receive atonement by any of the others,²⁰ but whosoever may not obtain atonement by every one of these may not obtain atonement by any of the others. Now, however,²¹ since it is written, And it shall be, when he shall be guilty in one of these things,²² is the meaning there also that whosoever is liable for everyone of these can also become liable for any of the others and whosoever is not liable for everyone of these cannot become

liable for the others! Why then have we learned that R. Akiba said: A ruler is liable for all except for hearing of the voice? — Both Abaye and Raba replied: [The expression] in any²³ is regarded by him as proof but that of in one²⁴ is not regarded by him as proof. But why is 'in any' regarded as proof? — Because the All Merciful has written in at the end in connection with the law of the tenth part of an ephah; thus indicating that whosoever is liable to bring the tenth part of an ephah can also come under the obligation to bring any of the others. For could it have been imagined that a person may be liable for one of these offerings [alone] although he cannot become liable for any of the others, in any of these things²⁵ should have been written either in connection with the offering to the poor²⁶ or with that for the rich!²⁷

MISHNAH. [FOR THE UNWITTING TRANSGRESSION OF ANY OF] ALL THE COMMANDMENTS IN THE TORAH THE PENALTY FOR WHICH, IF COMMITTED WILFULLY, IS KARETH AND, IF COMMITTED UNWITTINGLY, A SIN OFFERING, THE INDIVIDUAL BRINGS AS AN OFFERING A LAMB OR A GOAT;²⁸ THE RULER BRINGS A GOAT;²⁹ AND THE ANOINTED HIGH PRIEST AND THE COURT BRING A BULLOCK.³⁰ IN THE CASE OF IDOLATRY, THE INDIVIDUAL AND THE RULER AND THE ANOINTED HIGH PRIEST BRING A GOAT³¹ WHILE THE COURT BRING A BULLOCK AND A GOAT, THE BULLOCK FOR A BURNT OFFERING AND THE GOAT FOR A SIN OFFERING.³² THE INDIVIDUAL AND THE RULER ARE BOTH SUBJECT TO THE OBLIGATION OF AN ASHAM TALUI,³³ BUT THE ANOINTED HIGH PRIEST AND THE COURT ARE EXEMPT. THE INDIVIDUAL AND THE RULER AND THE ANOINTED HIGH PRIEST ARE SUBJECT TO THE OBLIGATION OF AN ASHAM WADDAI,³⁴ BUT THE COURT IS EXEMPT. [FOR UNWITTING TRANSGRESSION] IN RESPECT OF THE HEARING OF THE VOICE [OF ADJURATION],³⁵ FOR SWEARING CLEARLY WITH THE LIPS³⁶ AND FOR UNCLEANNESS RELATING TO THE SANCTUARY AND ITS CONSECRATED THINGS, THE COURT IS EXEMPT AND THE INDIVIDUAL, THE RULER³⁷ AND THE ANOINTED HIGH PRIEST ARE LIABLE, WITH THIS EXCEPTION,³⁸ THAT THE ANOINTED HIGH PRIEST IS NOT LIABLE FOR A TRANSGRESSION RELATING TO THE UNCLEANNESS OF THE SANCTUARY AND ITS CONSECRATED THINGS; THESE ARE THE WORDS OF R. SIMEON. WHAT DO THEY³⁹ BRING? A SLIDING SCALE SACRIFICE. R. ELIEZER SAID: THE RULER BRINGS A GOAT.⁴⁰

GEMARA. It was taught: R. Simeon laid down the following rule; Wherever the individual is liable to an asham talui⁴¹ the ruler is subject to the same obligation, while an anointed High Priest and the court are exempt; and wherever the individual is liable to an asham waddai⁴¹ a ruler and an anointed High Priest are subject to the same obligation while the court is exempt. In respect of hearing of the voice, swearing clearly with the lips, and the uncleanness relating to the Sanctuary and its consecrated things, the court is exempt while a ruler and an anointed High Priest are liable, except that the ruler is not liable in respect of hearing of the voice nor the anointed High Priest in respect of uncleanness relating to the Sanctuary and its consecrated things. Wherever an individual is liable to a sliding scale sacrifice, the ruler is subject to the same obligation while the anointed High Priest and the court are exempt. Is not this teaching self-contradictory? First it is stated that an anointed High Priest is not liable in respect of uncleanness relating to the Sanctuary and its consecrated things. [from which it follows that] he is exempt only in respect of uncleanness relating to the Sanctuary and its consecrated things but that in respect of hearing of the voice and swearing clearly with the lips he is liable; now read the final clause; 'Wherever an individual is liable to a sliding scale sacrifice, the ruler is subject to the same obligation while an anointed High Priest and the court are exempt;' since the exemptions of the High Priest and that of the court were mentioned together⁴² [it follows that] as the court is exempt from all these⁴³ so is the anointed High Priest exempt from all these.

(1) Lev. V,7, referring to the transgressions enumerated in our Mishnah.

(2) Ibid. V. 11, with reference to the same transgressions.

- (3) Lit., 'he who comes to the hand of'.
- (4) Lev. IV, 22, dealing with the transgression of a ruler. Emphasis is laid on his.
- (5) I.e., he must be supreme in all things including wealth.
- (6) Lev. XXI, 10.
- (7) And was in consequence deposed from office.
- (8) Hence he is never liable to such an offering.
- (9) While he held office. Hence he must bring the offering now.
- (10) Lit., 'treasure'. As he would obviously have to bring the offering out of his own funds there can be no difference between his being in, or out of office. His wealth, which is the cause of his exemption, has not been lost or diminished by his deposition. There is, therefore, no need for him to bring an offering even after his deposition.
- (11) As regards the bringing of a sliding scale sacrifice.
- (12) Lev. VI, 13. with reference to the special priestly offering of a tenth part of an ephah.
- (13) I.e., the offering of a tenth part of an ephah which forms one in the series of offerings the value of which varies according to means. (V. Lev. V, 6-11.)
- (14) Lit., 'and what is it'.
- (15) V. Lev. VI, 13. and *ibid.* V, II.
- (16) Lit., 'the All Merciful did not exclude bins'.
- (17) A lamb or a goat for the rich who can afford it (Lev. V, 6), and turtledoves or pigeons for the poor who cannot afford it (*ibid.* V. 7). How, then, could R. Akiba maintain that a High Priest is exempt from these offerings if his transgression related to any of those enumerated in our Mishnah.
- (18) Lev. V. 13.
- (19) Including the offering of a tenth part of an ephah.
- (20) Lit., 'all of them'.
- (21) If deduction is to be made from 'in any', **מֵאִתָּם**
- (22) *Ibid.* v. 5; 'in one', **לְאִתָּם**
- (23) Lev. V. 13 (V. p. 60, n. 14).
- (24) *Ibid.* V, 5.
- (25) Lev. V, 13.
- (26) I.e., with that of turtledoves or pigeons (*ibid.* v. 7).
- (27) A lamb or a goat (*ibid.* v. 6). Since, however, it was written in connection with the tenth part of an ephah (the poorest of the offerings) it must have been intended for the purpose of indicating that whosoever is exempt from that offering is also exempt from the rest. An anointed High Priest being exempt from that offering by deduction from Lev. VI, 23 (v. *supra*), is also exempt from all the others.
- (28) Lev. IV, 27ff, 32ff.
- (29) *Ibid.* 22ff
- (30) *Ibid.* IV, 3ff, 13ff. V. *supra* 8a
- (31) Num. XV, 27. V. Gemara *infra*.
- (32) *Ibid.* 24. V. *supra* 7b.
- (33) V. Glos. and Lev. V, 17ff.
- (34) V. Glos. and Lev. V, 14-16, 20-26; *ibid.* XIX, 20-22; *ibid.* XIV, 12; Num. VI, 12.
- (35) Lev. V, I.
- (36) *Ibid.* 4.
- (37) It will be shown *infra* that a ruler is exempt according to R. Simeon from the 'hearing of the voice', even as in the view of R. Akiba in the preceding Mishnah.
- (38) Lit., 'but'.
- (39) The ruler in the case of the two last mentioned transgressions (v. *supra* note 5), and the High Priest in the case of the two first mentioned.
- (40) Lev. IV, 22ff
- (41) V. Glos.
- (42) Lit., 'it taught . . . exempt'.
- (43) The three transgressions enumerated.

Talmud - Mas. Horayoth 9b

Are not, then, these two statements contradictory! — R. Huna son of R. Joshua replied: There is really no contradiction, one statement referring¹ to the poor² and the other¹ to the poorest;³ and R. Simeon is of the same opinion as R. Akiba in respect of the one, and disagrees with him in respect of the other. He is of the same opinion as R. Akiba that in respect of the poorest offering the High Priest is exempt,⁴ and disagrees with him in respect of the poor.⁵ WITH THIS EXCEPTION, THAT THE ANOINTED HIGH PRIEST IS NOT LIABLE etc. Hezekiah said; What is A. Simeon's reason?⁶ — Because it is written,⁷ That soul shall be cut off from the midst of the assembly⁸ [which implies that] only he whose offering is like that of the 'assembly' [is liable];⁹ he,¹⁰ however, since his offering is not like that of the 'assembly',¹¹ is excluded. If so, [it may be asked, the offering of] a ruler also is not like that of the 'assembly'!¹² — It is like [that of the 'assembly'] in the atonement of the Day of Atonement. If so, [it may again be asked.] the priests also are not like the 'assembly' in the atonement of the Day of Atonement!¹³ — Priests are like the 'assembly' in respect of the other commandments throughout the year. But the anointed High Priest also is like [the 'assembly'] in respect of the other commandments of the year! — But. said Raba. say thus: He whose sin is like that of individuals; and who are they? The 'assembly'.¹⁴ R. ELIEZER SAID; THE RULER BRINGS A GOAT etc. Said R. Johanan; R. Eliezer referred only to the uncleanness relating to the Sanctuary and its consecrated things¹⁵ because the punishment of kareth was mentioned concerning it as in the case of the fixed sin offering.¹⁶ R. Papa said; Logical argument leads to the same conclusion. For if it be imagined that R. Eliezer referred to all of them.) consider this; Since the goat of a ruler or the bullock of an anointed High Priest corresponds to the sin offering of an individual it should also have been stated that an anointed High Priest brings a bullock in respect of a transgression relating to the 'hearing of the voice' and the 'swearing clearly with the lips'! As, however, the anointed High Priest was not mentioned, it must be concluded that the reference is only to the uncleanness relating to the Sanctuary and its consecrated things from which the anointed High Priest is exempt.¹⁷ R. Huna son of R. Nathan said to R. Papa: How is this inferred? Is it not possible that R. Eliezer refers to all of them,¹⁸ but in the case of an anointed High Priest he holds the same opinion as R. Akiba who maintains that the anointed High Priest is exempt in the case of all of them?¹⁹ — He replied to him; And does R. Akiba exempt him from the bringing of the bullock!²⁰ And there is nothing more [to be said on the subject]. R. Johanan said; R. Eliezer admits that he²¹ does not bring a guilt offering.²² A tanna recited before R. Shesheth: An asham talui²³ is offered for [the unwitting transgression of the law of] uncleanness relating to the Sanctuary and its consecrated things. He said to him: Who could have told you this? Obviously R. Eliezer who²⁴ said: Because kareth was mentioned in connection with it, as in the case of a fixed sin offering, a goat must be offered by the ruler for it;²⁵ but R. Johanan Surely said that R. Eliezer admitted that he²¹ does not bring an asham talui! — This is a difficulty.

CHAPTER III

MISHNAH. IF AN ANOINTED HIGH PRIEST COMMITTED A SIN AND SUBSEQUENTLY RELINQUISHED²⁶ HIS HIGH PRIESTHOOD,²⁷ AND SIMILARLY IF A RULER COMMITTED A SIN AND SUBSEQUENTLY LOST²⁶ HIS RANK,²⁸ THE ANOINTED HIGH PRIEST BRINGS²⁹ A BULLOCK, AND THE RULER BRINGS A GOAT. IF THE ANOINTED HIGH PRIEST RELINQUISHED²⁶ HIS HIGH PRIESTHOOD²⁷ AND COMMITTED A SIN AFTERWARDS, AND, SIMILARLY, IF A RULER LOST²⁶ HIS RANK AND COMMITTED A SIN AFTERWARDS, THE ANOINTED HIGH PRIEST STILL BRINGS A BULLOCK WHILE THE RULER [BRINGS THE SAME SIN OFFERING] AS A LAYMAN.

GEMARA. Now that it had to be stated [that if a High Priest] relinquished his High Priesthood

(1) Lit., 'here'.

- (2) In the case of an offering brought by a poor man (turtledoves or pigeons) the High Priest is liable in respect of 'Hearing of the voice' and 'Swearing with the lips'.
- (3) In which case the High Priest is exempt, as deduced supra 9a.
- (4) As deduced from who is the offering', supra p. 60.
- (5) Though R. Akiba exempts the High Priest in this case also R. Simeon does not, as he does not accept the argument based on the text, 'And the priest shall . . . in any,' loc. cit.
- (6) I.e., why does he exempt a High Priest from transgressions relating to uncleanness of the Sanctuary and its consecrated things
- (7) In connection with such transgressions. (V. previous site.)
- (8) 'Assembly' — congregations'. Num. XIX, 20.
- (9) V. p. 63, n. 9.
- (10) Lit., 'this', the High Priest.
- (11) On the Day of Atonement his offering is a bullock and that of the congregation is a goat.
- (12) For a transgressions committed during the year a ruler brings a goat while the congregation brings a bullock. Why, then, was only a High Priest, and not also a ruler excluded?
- (13) The offering of the priests is the same as that of the High Priest. Since they, like him, differ from the congregation they also should be exempt like him from the same offering (v. p. 63. n. S).
- (14) If individuals, or a congregation, committed a sin through 'error in action', where there was no 'ignorance of the law', every one of them must bring a sin offering. A High Priest, however, is not liable to bring an offering unless his error in action was also accompanied by ignorance of the law.
- (15) Only in that case does a ruler bring an offering of a goat instead of a sliding scale sacrifice.
- (16) Which is brought by individuals only for offenses involving the penalty of kareth, if committed wittingly; and as in the case of a fixed sin offering, the offering for this offence of uncleanness to be brought by the ruler must be that of a goat. In respect, however, of transgressions relating to 'hearing of the voice' and 'swearing with the lips' which are not subject to the penalty of kareth if committed wilfully. the offering of a ruler, in the case of error, is not a goat but the same as that of a private individual — a sliding scale sacrifice. (9) I.e., that a ruler brings an offering of a goat for 'hearing of the voice', 'swearing', and uncleanness relating to the Sanctuary and its consecrated things.
- (17) As suited by R. Simeon in the Mishnah.
- (18) V. p. 64, n. 9.
- (19) Cf supra p. 60. And he consequently could not have mentioned the High Priest.
- (20) He only exempts him from a sliding scale sacrifice. Had R. Eliezer therefore been referring to all the other offenses, he should have mentioned the High Priest as well as the ruler. [There is no warrant for the assumption that R. Akiba would not exempt the High Priest from bringing a bullock. On the other hand if R. Papa's statement was a mere suggestion, it would be devastating for his claim that logical reasoning is in support of R. Johanan. The words 'He replied . . . bullock' are accordingly suspect, especially as they do not occur in MS.M., v. Tosaf. Asheri.]
- (21) The ruler.
- (22) MS.M. reads asham talui. I.e., he agrees with the Mishnah supra p. 56. without differentiating between a ruler and an ordinary individual.
- (23) V. Glos.
- (24) In giving the reason why a ruler brings a goat for all offence of uncleanness relating to the Sanctuary and its consecrated things.
- (25) And from this the liability to an asham talui is obviously deduced.
- (26) Lit., 'he passed'.
- (27) Lit., 'from his anointing'.
- (28) Lit., 'from his greatness'.
- (29) As a sin offering.

Talmud - Mas. Horayoth 10a

and committed a sin afterwards he still must bring a bullock, was it also necessary to state [that he brings a bullock] where he sinned first and relinquished his high priesthood afterwards? — Since it was stated¹ in respect of a ruler that if he lost his rank and committed a sin afterwards he brings [the

same sin offering] as a layman it stated in respect of an anointed High Priest that if he committed a sin and afterwards relinquished [his high priesthood] he brings a bullock.² Whence are these laws derived? — [From] that which our Rabbis taught: Then let him offer for his sin³ teaches that he⁴ brings his sin offering even [if he sinned] after he relinquished office. For it might have been argued,⁵ if a ruler who brings a sin offering in case of error in action alone does not bring his sin offering⁶ after he lost his rank how much less an anointed High Priest who does not bring his sin offering in case of error in action alone but only where error in action was accompanied by ignorance of the law; hence Scripture expressly stated, ‘Then let him offer for his sin,’⁷ which teaches that he brings [the same offering] for his sin even [if he sinned] after he relinquished his office. [And in case it be argued:] Let, then [the law that] a ruler also⁸ brings [the same sin offering]⁹ be deduced by an inference from major to minor:¹⁰ If an anointed High Priest who does not bring a sin offering for error in action alone brings nevertheless [the same] sin offering¹¹ [even if he sinned] after relinquishing office, how much more should a ruler who brings a sin offering for error in action alone, bring the same sin offering¹² [even if he sinned] after losing his rank; Scripture expressly stated, When a ruler sinneth,¹³ only when he is ‘a ruler’¹⁴ but not when he is a layman.

MISHNAH. IF THEY¹⁵ COMMITTED A SIN BEFORE THEY WERE APPOINTED, AND WERE SUBSEQUENTLY APPOINTED, THEY ARE REGARDED¹⁶ AS LAYMEN. R. SIMEON SAID: IF THEIR SIN CAME TO THEIR KNOWLEDGE BEFORE THEY WERE APPOINTED THEY ARE LIABLE, BUT IF AFTER THEY WERE APPOINTED THEY ARE EXEMPT. WHO IS MEANT BY RULER? A KING; FOR IT IS STATED IN THE SCRIPTURES, ANY OF ALL THE THINGS WHICH THE LORD HIS GOD HATH COMMANDED,¹⁷ HE ABOVE WHOM THERE IS NONE BUT THE LORD HIS GOD. GEMARA. Whence are these laws derived? — [From] that which our Rabbis taught: If the anointed priest shall sin,¹⁸ excludes sins committed previously.¹⁹ Could not this law, however, be arrived at by logical reasoning: If a ruler who brings a sin offering for error in action alone does not bring one for sins committed previously,²⁰ how much less should a High Priest, who brings a sin offering only where error in action was accompanied by ignorance of the law, bring one for sins committed previously! But no; if this²¹ is said to apply to a ruler who indeed does not bring his sin offering after he lost his rank, could it be said to apply also to an anointed High priest who does bring his sin offering even after he relinquished office?²² Since he brings his sin offering even after relinquishing office it might have been assumed that he brings also for sins committed previously,¹⁹ hence Scripture stated, ‘The anointed priest shall sin’¹⁸ [which teaches that] if he sinned while he was already anointed High Priest he brings [the prescribed sin offering], if, however, when he was still one of the common people he does not bring it. A similar discussion also took place²³ in respect of a ruler: When in ruler sinneth²⁴ excludes sins he committed previously.¹⁹ Could not this law, however, be arrived at by logical reasoning: If an anointed High Priest who brings his sin offering even [if he sinned] after he relinquished office does not, nevertheless, bring one for sins he committed previously,¹⁹ how much less should a ruler who does not bring his sin offering²⁵ [if he sinned] after he lost his rank, bring one for sins he committed previously. The anointed High Priest [it may, however, be retorted] may well be exempt from bringing²⁶ because he is also exempt [where his sin consisted] of error in action alone, could it be said, however, [that the same law should apply] to a ruler who does bring one [where his sin consisted] of error in action alone? Now, since he brings ‘for error in action alone it might be assumed that he brings also for sins he committed previously,²⁷ hence Scripture stated, ‘When a ruler sinneth,’²⁸ only if he sinned when he was already ruler,²⁹ but not if he sinned while he was still a layman. Our Rabbis taught: When³⁰ a ruler sinneth³¹ might have been taken to imply a decree, hence Scripture stated, If the anointed priest shall sin;³² as there the meaning is ‘if and when³³ he sinneth’ so here also the meaning is ‘if and when he sinneth’. The Master said, ‘[It] might have been taken to imply a decree’; but could one possibly imagine such a thing!³⁴ — Yes, it may be answered, for we find that it is written in the Scripture, And I shall put the plague of leprosy in a house of the land of your possession,³⁵ which is an announcement to them that they will be visited by plagues; these are the words of R. Judah. R. Simeon said: [This text] excludes³⁶ plagues due to supernatural causes.³⁷

Now, as³⁸ R. Judah declared [that the Scriptural text is] an announcement, so here also it might have been assumed that the text implies a decree, hence 'if' had to be written.³⁹ According to R. Simeon, however, do not plagues that are due to supernatural causes impart Levitical uncleanness? Surely it was taught, When a man shall have,⁴⁰ implies 'from the time of the promulgation onwards'.⁴¹ May not this, however, be arrived at by logical deduction? Uncleanness [is mentioned in connection] with one who has an issue,⁴² and uncleanness [is mentioned in respect] of plagues; as in the case of a man who has an issue, [the laws of uncleanness are applicable only] from the time of their promulgation onwards,⁴³ so in the case of plagues [their laws of uncleanness are applicable only] from the time of their promulgation onwards! No; if [this restriction] is applicable to a man who has an issue, because he does not become unclean where it was due to accident, could it also be said to apply to plagues which do impart uncleanness even where they were due to supernatural causes.⁴⁴ Hence Scripture stated, 'When a man shall have'⁴⁵ which implies, 'from the time of the promulgation onwards'!⁴⁶ — Raba replied: The exclusion⁴⁷ refers to plagues that are due to ghosts,⁴⁸ R. Papa replied: The exclusion refers to plagues that are due to witchcraft.⁴⁸ Our Rabbis taught: When in ruler sinneth⁴⁹ excludes a sick man. Should he, because he is, sick, be removed from his rank? — R. Abdimi b. Hama replied: The exclusion refers to a ruler who became leprous; as it is said, And the Lord smote the king, so that he was a leper unto the day of his death, and dwelt in the house of freedom,⁵⁰ and Jotham the king's son wins over the household.⁵¹ Since it is stated, In the house of freedom⁵⁰ it must be inferred that until then he was a servant;⁵² as is illustrated in the case⁵³ of R. Gamaliel⁵⁴ and R. Joshua.⁵⁵ They once traveled on board a ship. R. Gamaliel had with him some bread only, while R. Joshua had with him bread and flour. When R. Gamaliel's bread was consumed he depended on R. Joshua's flour. 'Did you know', the former asked him, 'that we should be so much delayed that you brought flour with you?' The latter answered him, 'A certain star rises once in seventy years and leads the sailors⁵⁶ astray, and I suspected it might rise and lead us astray.' 'You possess so much knowledge', the former said to him, 'and yet must travel on board a ship!'⁵⁷ The other replied, 'Rather than be surprised at me, marvel at two disciples you have on land, R. Eleazar Hisma and R. Johanan b. Gudgada,⁵⁸ who are able to calculate how many drops there are in the sea, and yet have neither bread to eat nor raiment to put on. He decided to appoint them as supervisors,⁵⁹ and when he landed⁶⁰ he sent for them, but they did not come.⁶¹ He sent for them a second time and when they came he said to them, 'Do you imagine that I offer you rulership?

(1) Lit., 'that it taught'.

(2))Text of cur. edd. is difficult. Read with MR.M. 'It was necessary to state it on account of a ruler. As I might think since where he had passed from his greatness and then sinned he is treated as a layman, he should be also considered so even where he first sinned and then passed from his greatness, hence we are told that this is not so.'

(3) Lev. IV, 3.

(4) A High Priest.

(5) Lit., 'for he could, is it not (a matter for) reasoning'.

(6) I.e., a he-goat which is the prescribed sin offering for a ruler.

(7) Lev. IV, 3.

(8) Where he sinned after he lost his rank.

(9) A he-goat. V. supra note 2.

(10) Kal wa-homer. V. Glos.

(11) A bullock, as if he were still High Priest.

(12) V. supra note 2.

(13) Lev. IV, 22.

(14) Does he bring the sin offering of a he-goat.

(15) A High Priest and a ruler.

(16) In respect of their sin offerings.

(17) Lev. IV, 22.

(18) Ibid. 3.

(19) Prior to his appointment.

- (20) V. infra.
- (21) That no sin offering is to be brought for sins committed prior to appointment.
- (22) As stated in the previous Mishnah.
- (23) Lit., 'and it was also taught'.
- (24) Lev. IV, 22.
- (25) A he-goat which is the ruler's prescribed sin offering.
- (26) A bullock, the sin offering prescribed for a High Priest. (10) A he-goat which is the ruler's prescribed sin offering.
- (27) Prior to his appointment.
- (28) Emphasis on 'ruler'.
- (29) Only then does he bring the sin offering prescribed for a ruler.
- (30) אֲשֶׁר may be rendered 'when' (i.e., 'if') as well as 'that', (i.e., 'shall').
- (31) Lev. IV, 22.
- (32) Ibid. v. 3.
- (33) The expression 'if', (im, אם) having been used.
- (34) Lit., 'a decree? Whence does it come!'
- (35) Lev. XIV, 34.
- (36) From Levitical uncleanness.
- (37) [נִגְעֵי אֲוֵנוֹסִין] So Rashi. The argument that follows, however, does not run smoothly: Tosaf. Asheri in the name of the Ramah renders, 'due to accident,' it being assumed at present that the reference is to bodily plagues as those affecting houses were held to be possible only as a result of a providential infliction.]
- (38) Lit., 'not'.
- (39) The expression 'if'(אם).
- (40) Lev. XIII, 2.
- (41) But any plagues that broke out prior to the promulgation of the law were not subject to the laws of uncleanness
- (42) V. Lev. XV, 2ff.
- (43) Since the future (imperfect) יִהְיֶה is used in Lev. XV, 2. V. supra p. 69, n. 15.
- (44) [Or 'to accident'.]
- (45) Lev. XIII, 2.
- (46) How, then, could it be said that, according to R. Simeon, plagues that are due to supernatural causes (or to accidents) are not subject to the laws of uncleanness?
- (47) Deduced by R. Simeon.
- (48) Such are not unclean: while in the Baraita cited the reference is to plagues that are due to external violence such as a fall or scald which do impart uncleanness. [According to Tosaf. Asheri: Such are not unclean, while in the Baraita cited the reference is to plagues of houses inflicted providentially, and as such impart uncleanness, it being now maintained that there is an additional agency apart from a special act of Providence for the infliction.]
- (49) Lev. IV, 22.
- (50) הַחֲפְשִׁית בַּבַּיִת (E.V. 'in a house set apart'), indicating that he became freed of all royal prerogatives and privileges and considered an ordinary individual.
- (51) II Kings XV, 5.
- (52) Of his people, i.e., a ruler.
- (53) Lit., 'that'.
- (54) [R. Gamaliel II on his journey to Rome in the year 95.]
- (55) Which proves that a person in authority is described as 'servant'.
- (56) Who steer their course by the stars. [The star with which R. Joshua was acquainted has been identified as Halley's comet whose periodic time is about 75 years. Brodetsky, Z. disputes this view, since one of the periodic returns of Halley's comet was in the year 66, whereas the journey of R. Gamaliel to Rome was in the year 95. It remains nevertheless remarkable that the periodic time of at least one comet was known to R. Joshua in the second century, about 1500 years before this phenomenon became known even to the most civilized nations. V. Feldman, W.M. Rabbinical Mathematics, pp. 11 and 216.]
- (57) To earn a livelihood.
- (58) [R. Johanan b. Gudgada belonged to a much earlier generation, and the reference must be in R. Johanan b. Nuri, v. Bacher AT., I, 374.]

(59) Thus enabling them to earn a living.

(60) Lit., 'went up', i.e., on land.

(61) being too modest to accept a position of honor.

Talmud - Mas. Horayoth 10b

It is servitude that I offer you; as it is said, And they spoke to him saying: If thou wilt be a servant unto this people this day.¹ Our Rabbis taught: When a ruler sinneth;² R. Johanan b. Zakkai said: Happy³ is the generation whose ruler brings a sacrifice for a sin he has committed unwillingly. If its ruler brings a sacrifice, is there any need to say what one of the common people would do; and if he brings a sacrifice for a sin he has committed unwillingly, is there any need to say what he would do in case of a sin committed wilfully? Raba son of Rabbah demurred: Now, then, it is written, And he shall make restitution for that which⁴ he hath done amiss in the holy thing,⁵ and concerning Jeroboam the son of Nebat it is written, Which⁴ he hath sinned, and wherewith⁶ she hath made [Israel] to sin,⁷ could the meaning there⁸ also be, 'happy is that generation'? — Here the case is different, because Scripture deliberately changed the expression.⁹ R. Nahman b. Hisda made the following exposition: What is meant by the Scriptural text: There is a vanity which is done upon the earth: [That⁴ there are righteous men, unto whom it happeneth according to the work of the wicked; again there are wicked men to whom it happeneth] etc?¹⁰ Happy¹¹ are the righteous men unto whom it happeneth in this world according to the work of the wicked in the world to come;¹² woe¹³ to the wicked men to whom it happeneth in this world according to the work of the righteous in the world to come.¹⁴ Said Raba: Would the righteous, then, if they enjoyed both worlds find it so distasteful? — But, said Raba, happy¹¹ are the righteous men unto whom it happeneth in this world according to the work of the wicked in this world;¹⁴ woe¹³ to the wicked men unto whom it happeneth in this world according to the work of the righteous in this world.¹² R. Papa and R. Huna son of R. Joshua once came before Raba. 'Have you', he asked them, 'mastered¹⁵ this or that tractate?' 'Yes', they replied. 'Are you', he asked, 'a little better off?'¹⁶ 'Yes', they replied, 'for we have bought some¹⁷ land.' He, thereupon, exclaimed:¹⁸ Happy are the righteous unto whom it happeneth in this world according to the work of the wicked in this world. Rabbah b. Bar Hana said in the name of R. Johanan: What is meant by the Scriptural text, For the ways of the Lord are right, and the just do walk in them; but transgressors do stumble therein?¹⁹ This may be applied²⁰ to two men both of whom roasted their paschal lambs, and one of them ate his with the intention of performing the commandment, while the other ate his merely to enjoy a substantial meal.²¹ To him who ate with the intention of performing the commandment [applies], The just do walk in them,²² while to him who ate merely to enjoy a substantial meal [applies], But transgressors do stumble therein.²² Said Resh Lakish to him: Do you call him 'wicked'? Granted he has not performed the commandment to perfection, has he not, however, eaten of the paschal lamb? But it²² may be applied²³ to two men, one of whom had his wife and his sister with him at home and the other also had his wife and sister with him at home. One happened to come in contact with his wife while the other happened to come in contact with his sister. To him who happened to come in contact with his wife [applies] The just do walk in them,²² while to him who happened to come in contact with his sister [applies], But transgressors do stumble therein.²² What a comparison! We spoke of one way;²⁴ but here, is it not a case of two ways?²⁵ But it²² may be applied²³ to Lot and his two daughters. To them, whose intention was the performance of a commandment [applies], The just do walk in them,²² but to him, since his intention was to commit a sin [applies], But transgressors do stumble therein.²² Is it not possible that he also intended to perform a commandment? R. Johanan replied: This entire verse shows that his intention was transgression: And Lot lifted up²⁶ [is analogous to], His Master's wife lifted up her eyes;²⁷ His eyes²⁶ [is analogous to] Samson said. . . . 'Get her for me, for she is pleasing in my eyes;²⁸ And beheld²⁶ [is analogous to], Shechem the son of Hamor beheld her;²⁹ All the plain³⁰ of the Jordan²⁶ [is analogous to], For on account of a harlot in man is brought to a loaf³⁰ of bread;³¹ That it was well watered²⁶ [is analogous to], I will go after my lovers, that give me my bread and my water, my wool and my flax, mine oil and my drink. But was he³² not a victim

of circumstances?³³ — It was taught in the name of R. Jose son of R. Honi: Why is there a point on the waw of u-be-kumah³⁴ mentioned in connection with the elder daughter? To indicate that though he did not know when she lay down³⁵ he well knew when she arose.³⁵ What, however, could he do?³⁶ Surely what was done could not be undone?³⁷ — Matters might have been different: He should not have drunk again on the following evening. Rabbah made the following exposition: What is meant by the Biblical text, A brother transgressed against a strong city, and their contentions are like the bars of a castle?³⁸ — A brother transgressed against a strong city refers to Lot who separated himself from Abraham;³⁹ and their contentions are like the bars of the castle, because he caused contentions between Israel and Ammon, as it is said, An Ammonite or a Moabite shall not enter into the assembly of the Lord.⁴⁰ Raba (others say R. Isaac) made the following exposition: What is the meaning of the Biblical text, He that separateth himself seeketh his own desire, and snarleth against all sound wisdom?⁴¹ — He that separateth himself seeketh his own desire, refers to Lot who separated himself from Abraham: And snarleth⁴² against all sound wisdom, for his shame was exposed⁴³ in the Synagogues and in the houses of study, as we learnt: An Ammonite and a Moabite are forbidden [to enter into the assembly] for ever. ‘Ulla said: Tamar⁴⁴ committed adultery and Zimri⁴⁵ also committed adultery. Tamar committed adultery and kings and prophets descended from her;⁴⁶ Zimri committed adultery and through him many ten thousands of Israel fell.⁴⁷ R. Nahman b. Isaac said: A transgression with good intent is more meritorious than the performance of a commandment with no intent; for it is said, Blessed above women Jael be,⁴⁸ the wife of Heber the Kenite, above women in the tent shall she be blessed.⁴⁹ Who are the women in the tent? Sarah, Rebeka, Rachel and Leah. But this⁵⁰ is not so! For did not Rab Judah say in the name of Rab: Let a man always engage in Torah and the performance of commandments even though his motive may be ulterior,⁵¹ because even ulterior motive will ultimately lead to disinterested [study and performance]?⁵² Say. ‘Like the meaningless performance of a commandment.’⁵³ R. Johanan said: That profligate⁵⁴ had seven sexual connections at that hour; for it is said, Between her feet he sunk, he fell. he lay etc.⁵⁵ But, surely, she enjoyed the transgression! — R. Johanan said in the name of R. Simeon b. Yohai: Even the favours of the wicked are distasteful to the righteous. [Reverting to] the above text,⁵⁶ ‘Rab Judah said in the name of Rab: Let a man always engage in Torah and the performance of commandments even though his motive be ulterior, because ulterior motive will ultimately lead to disinterested [study and performance;]’⁵⁷ for as a reward for the forty-two sacrifices which the wicked Balak offered⁵⁸ he gained the privilege of having Ruth descended from him; for R. Jose son of R. Hanina said: Ruth was the daughter of the son of Eglon who was the son of the son of Balak the King of Moab. R. Hiyya b. Abba said in the name of R. Johanan: Whence is it deduced that the Holy One, blessed be He, does not deprive one even of the reward for an elegant expression? From here: Whereas in the case of the elder daughter,⁵⁹ who called her son Moab,⁶⁰ the All Merciful said to Moses, Be not at enmity with Moab, neither contend with them in battle,⁶¹ ‘battle’

(1) I Kings XII, 7, addressed by the old counsel lots to Rehoboam who was at that time King of Judah and Israel.

(2) Lev. IV, 22.

(3) When, אֲשֶׁר, is rendered ‘happy’ like אֲשֶׁרִי .

(4) אֲשֶׁר .

(5) Lev. V, 16.

(6) וְאֲשֶׁר

(7) I Kings XIV. 16.

(8) Lit., ‘here’: the incidents referred to in the texts cited.

(9) While in the case of the High Priest (Lev. IV, 3) and the people (ibid. v. 13) the expression אִם (if) has been used, in that of the ruler the expression is אֲשֶׁר (v. supra p. 71, n. 9).

(10) Eccl. VIII, 14.

(11) Cf. p. 71, n. 9.

(12) They suffer.

(13) אִישׁ read as אִישׁוֹ (woe that there is).

- (14) They prosper.
- (15) Lit., 'established'.
- (16) Lit., 'richer'.
- (17) Lit., 'a small (piece)'.
- (18) Lit., 'called about them'.
- (19) Hos. XIV, 10.
- (20) Lit., 'compared'.
- (21) [Or, a gluttonous meal, Tosaf. Asheri.]
- (22) Hos. XIV, 10.
- (23) Lit., compared'.
- (24) In which the righteous walk and the transgressors stumble.
- (25) One permitted (wife); and one forbidden (sister).
- (26) Gen. XIII, 10.
- (27) Ibid. XXXIX, 7. With immoral intent.
- (28) Jud. XIV, 3. Unholy marriage with a heathen.
- (29) Gen. XXXIV, 2. Adultery.
- (30) ככר .
- (31) Prov. VI, 26. (12) Hos, II, 7.
- (32) Lot.
- (33) Having been under the influence of drink administered by his daughters (v Gen. XIX, 32ff).
- (34) ובקוֹמָה Gen. XIX. 33.
- (35) Ibid.
- (36) When she arose.
- (37) Lit., 'that which was, was'.
- (38) Prov. XVIII, 19.
- (39) V. Gen. XIII, 11. 'Strong' is a reference to Abraham (cf. Isa. LI, 1-2).
- (40) Deut. XXIII, 4.
- (41) Prov. XVIII, 1.
- (42) יתגלע .
- (43) נתגלה (rt. גלה resembles גלע).
- (44) V. Gen. XXXVIII, 13ff.
- (45) V. Num. XXV, 6ff and 14.
- (46) Her motive was not gratification but the propagation of her tribe.
- (47) This was a case of common adultery.
- (48) Though she committed a sin (v. infra), her intention was to weaken and exhaust the wicked.
- (49) Jud. V, 24.
- (50) That a meaningless performance of a commandment is worse than a well-meant transgression and must, consequently, be discouraged.
- (51) Lit., 'not for its sake'.
- (52) Which shows that even meaningless performance of a commandment is to be encouraged.
- (53) I.e., not more, but a, meritorious.
- (54) Sisera,
- (55) Jud. V, 27. Each of the expressions, he sunk (כרע), and he fell (נפל) occurs three times, and he lay (שכב), occurs once.
- (56) So in Naz. 23b.
- (57) [This is based on the sound psychologic principle that 'personal experience with the good will induce recognition of its ideal value and teach that it is to be esteemed and sought for its own sake.' Lazarus, M. The Ethics of Judaism, I, p. 173.]
- (58) Seven bullocks and seven rams on each of three altars, V. Num, XXIII, 1f., 14, 29ff.
- (59) Of Lot.
- (60) Meaning 'from the father', thus publicly announcing her indecent act.
- (61) Deut. II, 9.

Talmud - Mas. Horayoth 11a

only must not [be contended with them] but annoying them was well permitted; in the case, however, of the younger daughter, who called her son Ben-ammi,¹ He told him, Harass them not, nor contend with them² at all, even annoying them was not permitted. R. Hiyya b. Abin said in the name of R. Joshua b. Korha: One should always perform a good deed³ as early as possible, for as a reward for the one night by which she⁴ anticipated the younger⁵ the elder⁵ gained the privilege of royal status [in Israel]⁶ four generations earlier.⁷ Our Rabbis taught: Of the common people⁸ excludes an anointed High Priest;⁹ 'of the common people' excludes a ruler.⁹ Have not these been once excluded, the anointed High Priest having been subjected to the offering¹⁰ of a bullock and the ruler to that¹⁰ of a he goat? — Since it might have been assumed that an anointed High Priest brings a bullock only where ignorance of the law was accompanied by error in action but where there was error in action alone he brings a lamb or a she-goat,¹¹ hence it was expressly stated, 'of the common people,' to exclude an anointed High Priest,¹² 'of the common people', to exclude a ruler. This reply satisfactorily explains the case of the anointed High Priest, but as regards that of the ruler, he, surely, does bring [his particular] offering even where there was only error in action!¹³ — R. Zebid replied in the name of Raba: Here it is a case¹⁴ where he ate, for instance, suet of the size of an olive¹⁵ while he was still a commoner, then he was appointed to rulership and then his transgression came to his knowledge;¹⁶ it might have been assumed that he must bring a lamb or a she goat,¹⁷ hence it was stated [that the law was not so].¹⁸ This explanation is quite satisfactory according to R. Simeon who is guided by¹⁹ [the time the sin was brought to his] knowledge;²⁰ what, however, can be said according to the Rabbis who are guided by [the time] the sin was committed?²¹ — But, said R. Zebid in the name of Raba, here it is a case¹⁴ where he ate, for instance, suet of the size of half an olive while he was a commoner and then he was appointed to rulership and finished it,²² and after that his transgression came to his knowledge; since it might have been assumed that these²³ are combined²⁴ and he must bring an offering of a lamb or a she goat, hence it was stated [that the law was not so].²⁵ Raba enquired of R. Nahman: Does rulership constitute a break? How is this to be understood? Where a man, for instance, ate suet of the size of half an olive while he was commoner, then he was appointed to rulership, and when he relinquished office he finished it;²² are [the two halves] in the previous case²⁶ not combined merely because he ate the one half when he was a commoner and the other when he was ruler, but in this case,²⁷ since he ate both halves²⁸ when he was a commoner, the two are combined, or is there perhaps no difference? — This may be solved from the following: For 'Ulla said in the name of R. Johanan: If a man having eaten suet had set aside a sacrifice,²⁹ and then changed his faith and subsequently retracted, his offering, since it had been suspended,³⁰ must remain so for ever.³¹ How now! An apostate is not a person qualified to bring a sacrifice, but this ruler is, surely, one who is well qualified to bring a sacrifice. R. Zera enquired of R. Shesheth: What is the law if, while a commoner, [the ruler]³² ate something concerning which there is doubt as to whether it was not suet,³³ and having been appointed to rulership the doubt came to his knowledge?³⁴ According to the Rabbis who are guided by the time the sin was committed³⁵ there can be no question that he must bring an asham talui; the question, however, arises according to R. Simeon; does the change³⁶ affect a case of doubt as it does one of certainty³⁷ or does it, perhaps, affect a case of certainty only, because the ruler has to bring a different sacrifice,³⁸ but here, since his sacrifice does not change,³⁹ it might be said that he must bring an asham talui? — This remains undecided.⁴⁰ Our Rabbis taught: Of the common people⁴¹ excludes an apostate.⁴² R. Simeon b. Jose said in the name of R. Simeon: [And doeth through] error [any of all the things] which [the Lord his God hath commanded] not to be done, and is guilty⁴³ implies that only he who repents when he becomes conscious of his sin brings a sacrifice for his error, but he who does not repent on becoming conscious of his sin does not bring a sacrifice for his error. What practical difference is there between them?⁴⁴ — R. Hammuna replied: The difference between them lies in the case of one who, being an apostate in respect of the eating of suet, brings a sacrifice for eating blood; the Masters hold that since he is an apostate in respect of the eating of suet he is also regarded as an apostate in

respect of the eating of the blood,⁴⁵ while the Master holds that in respect of blood, at least, he repents when he becomes conscious of his sin.⁴⁶ But, surely, Raba stated that all agreed that an apostate in respect of the eating of suet is not regarded as an apostate in respect of the blood! — But here they⁴⁴ differ in regard to one who eats carrion⁴⁷ to satisfy his appetite,⁴⁸ and suet was mistaken by him for permitted fat and he ate it;⁴⁹ the Masters are of the opinion that, as he would have eaten it to satisfy his appetite even wilfully,⁵⁰ he is treated as an apostate,⁴⁵ while the Master is of the opinion that, as he does not eat forbidden food when he can obtain permitted food, he is not regarded as an apostate.⁵¹ Our Rabbis taught: He who eats suet is considered an apostate; and who is an apostate?⁵² He who eats meat that is nebelah or trefa;⁵³ loathsome creatures or reptiles; or he who drinks wine of libation.⁵⁴ R. Jose son of⁵⁵ R. Judah said: Also he who wears a garment made of wool and linen mingled together.⁵⁶ The Master said: ‘He who eats suet is considered an apostate; and who is an apostate? He who eats the meat that is nebelah or trefa.’ What does this mean?⁵⁷ — Rabbah b. Bar Dana replied in the name of R. Johanan: It is this that was meant: If a man eats suet merely in order to satisfy his appetite he is considered an apostate, but if in defiance of the law he is considered a Sadducee.⁵⁸ And which apostate, in the absence of declared motive, is to be regarded a Sadducee? He who⁵⁹ eats the meat of animals that is nebelah or trefa, loathsome creatures or reptiles, or he who drinks wine of libation.⁶⁰ ‘R. Jose son of R. Judah said: Also he who wears a garment made of wool and linen mingled together.’ What is the practical difference between them?⁶¹ — The difference between them is the case of a mingled texture forbidden only Rabbinically; the Masters hold the opinion that only when something is Biblically forbidden is he [who disregards it] to be deemed an apostate but if it is only Rabbinically forbidden one is not to be deemed an apostate; while the Master is of the opinion that in respect of a mingled texture, since its prohibition is well known, one is deemed an apostate [if he disregards it] even though the prohibition is only Rabbinical. [Concerning this law] there is a dispute between R. Aha and Rabina. One maintains [that he who eats forbidden food] in order to satisfy his appetite is deemed an apostate, but if in defiance of the law he is deemed to be a Sadducee; and the other maintains that even in defiance of the law he is deemed an apostate; but who is a Sadducee? He who worships idols. An objection was raised: ‘If he ate one flea or one gnat he is considered an apostate;’ in this case, surely, he acted in defiance of the law⁶² and yet he is called an apostate! — There it is a case where he said, ‘I would like to feel the taste of forbidden food.’⁶³ WHO IS MEANT BY RULER? A KING etc. Our Rabbis taught: A ruler⁶⁴ might signify the ruler of a tribe, like Nahshon the son of Amminadab, hence it was stated, Of all the things which the Lord his God hath commanded,⁶⁵ and further on it stated, That he may learn to fear the Lord his God,⁶⁶

(1) I.e., ‘son of my people’, thus displaying some modesty.

(2) Ibid. v. 19.

(3) Lit., ‘to a matter of commandment’.

(4) Lit., ‘the elder’,

(5) Daughter of Lot.

(6) So in Naz. 23b.

(7) From the elder daughter descended Ruth the ancestress of Obed, Jesse, David and Solomon (v. Ruth IV, 21f), while from the younger descended Naamah the mother of Rehoboam (v. I Kings XIV, 31) the first King of Judah.

(8) Lev. IV, 27.

(9) Whose sin offering is not to be that of a goat or a lamb as prescribed in that section for laymen.

(10) Lit., ‘to be judged’.

(11) As a layman.

(12) Who is not to bring a sin offering for error in action alone.

(13) What, then, does the text exclude?

(14) Lit., ‘in what are we engaged’?

(15) The minimum quantity for which an offering is due.

(16) Lit., ‘and afterwards it was known to him’.

(17) His sin having been committed while he was still one of the common people.

- (18) His appointment to office exempts him from the offering of the commoner.
- (19) Lit., goes after’.
- (20) I.e., the nature of the offering is determined by the status of the sinner at the time he becomes aware of his sin: not by that in which he was at the time of its commission, v. supra 10a.
- (21) The ruler, surely, having been a commoner at the time of the commission of the sin would have to bring the offering of the layman.
- (22) Eating suet of the size of another half an olive and thus completing the prescribed minimum (v. supra p. note 2).
- (23) The two halves.
- (24) To form together the prescribed minimum.
- (25) The two halves are not to be combined.
- (26) Lit., ‘there’.
- (27) Lit., ‘here’.
- (28) Lit., ‘this and this’.
- (29) An offering for his sin.
- (30) During the period of his apostasy when no offering would be accepted at his hands.
- (31) Lit., ‘shall be suspended’.
- (32) The same question applies mutatis mutandis to a High Priest.
- (33) He being unaware of the doubtful nature of the food.
- (34) Has he to bring an asham talui (v. Glos.)?
- (35) V. supra, p. 77 notes 6-8.
- (36) Of the personal status of the sinner.
- (37) As in the case of certain sin he is entitled to exemption from the offering prescribed for a commoner on attaining to rulership, so should he be exempt in the case of doubtful sin.
- (38) As commoner he had to bring a she goat or a lamb; as ruler he has to bring a he goat.
- (39) Both ruler and commoner having to bring the same kind of offering for a doubtful sin.
- (40) V. Glos. s.v. teko.
- (41) Lev. IV, 27; emphasis on of, i.e., some of and not all.
- (42) From whom no sacrifice is accepted.
- (43) Lev. IV, 22.
- (44) The Rabbis and R. Simeon.
- (45) Hence no sacrifice whatsoever may be accepted from him.
- (46) If, then, he brings a sacrifice as an atonement for having eaten blood it is to be accepted.
- (47) נבילה, the meat of an animal that has not been ritually slaughtered.
- (48) I.e., not just in defiance of the law.
- (49) Believing that he was eating permitted food; and when he discovered his error he desired to bring a sin offering.
- (50) Even if he had known it to be suet.
- (51) And his sacrifice must be accepted.
- (52) The meaning of the question is explained infra.
- (53) V. Glos.
- (54) יין נסך wine that is known, or suspected, to have been consecrated to an idol.
- (55) Cur. edd. omit.
- (56) כלאים, V. Lev. XIX, 19.
- (57) First a definition of apostate is given and then it is asked what is an apostate!
- (58) [Read with MS.M., Min, a general term for sectarian, heretic, not necessarily a Jewish Christian; v. A. Z. (Sonc. ed.) p. 14, n. 2.]
- (59) Lit., ‘be saying’.
- (60) [These are supposed to be unfit for human consumption, trefa denoting here meat of an animal afflicted with a disease which renders it unwholesome for food even as carrion and other loathsome creatures and reptiles. As to wine of libation, it is the gravity of the prohibition which branded the offender as an apostate; v. Tosaf. Asheri.]
- (61) The Rabbis (first Tanna), and R. Jose.
- (62) Since no man would eat such unwholesome things to satisfy his appetite.
- (63) And no defiance was intended.

(64) Lev. IV, 22.

(65) Lev. IV, 22.

(66) Deut. XVII, 29.

Talmud - Mas. Horayoth 11b

as further on the reference is to him¹ who has none above him save the Lord his God so in the case of the ruler the reference is to him above whom there is none save the Lord his God. Rabbi enquired of R. Hiyya: 'Is one like myself to bring a he-goat?'² 'You have your rival in Babylon,'³ the other replied. 'The Kings of Israel and the Kings of the House of David,' the first objected, 'bring sacrifices independently of one another!' 'There,' the other replied, 'they were not subordinate to one another, here,⁴ however, we are subordinate to them.'⁵ R. Safra taught thus: Rabbi enquired of R. Hiyya, 'Is one like myself to bring a he-goat?'² 'There,'⁶ the other replied, 'is the scepter; here⁴ only the law giver;' as it was taught. The scepter shall not depart from Judah⁷ refers to the exilarch in Babylon who rules Israel with the scepter; nor the ruler's staff from between his feet⁷ refers to the grandchildren of Hillel⁸ who teach the Torah to Israel in public.⁹

MISHNAH. AND WHO IS THE ANOINTED HIGH PRIEST?¹⁰ HE WHO WAS ANOINTED WITH THE ANOINTING OIL¹¹ AND NOT HE [WHO MERELY MINISTERS] IN MORE GARMENTS.¹² THE ONLY DIFFERENCE BETWEEN A HIGH PRIEST WHO IS ANOINTED WITH THE ANOINTING OIL AND THE [ONE WHO MERELY MINISTERS] IN MORE GARMENTS IS THE BULLOCK¹³ THAT IS OFFERED FOR [THE UNWITTING TRANSGRESSION OF] ANY OF THE COMMANDMENTS.¹⁴ AND THE ONLY DIFFERENCE BETWEEN THE ACTING, AND THE RETIRED¹⁵ HIGH PRIEST IS THE BULLOCK ON THE DAY OF ATONEMENT AND THE TENTH PART OF THE EPHAH.¹⁶ THEY¹⁷ ARE BOTH EQUAL IN THE TEMPLE SERVICE OF THE DAY OF ATONEMENT, AND BOTH ARE COMMANDED TO MARRY A VIRGIN¹⁸ AND ARE FORBIDDEN TO MARRY A WIDOW.¹⁹ BOTH MAY NOT DEFILE THEMSELVES FOR [THE DEAD BODIES OF] THEIR RELATIVES,²⁰ NEITHER MAY THEY LET THEIR HAIR GROW WILD, NOR MAY THEY REND²¹ THEIR CLOTHES, AND BOTH ENABLE THE MANSLAYER TO RETURN.²²

GEMARA. Our Rabbis taught: The anointing oil which Moses prepared in the wilderness²³ was used for the boiling of²⁴ the roots;²⁵ these are the words of R. Judah. R. Jose said: Surely it did not suffice even for the dabbing of the roots!²⁶ But the roots were soaked in water and over its surface the oil was poured, which thus absorbed the scent and retained it. Said R. Judah to him: Did, then, only one miracle happen with the anointing oil? Surely, it was originally only twelve logs and with it was anointed the Tabernacle and its furniture, Aaron and his sons, throughout the seven days of consecration, and all of it still remained intact for the time to come, as it is said, This shall be a holy anointing oil unto Me throughout your generation.²⁷ Another [Baraita] taught: And Moses took the anointing oil, and anointed the tabernacle and all that was therein,²⁸ R. Judah said: With the anointing oil which Moses prepared in the wilderness there occurred many miracles from the beginning to the end. Originally it only measured twelve logs. Now, consider how much the pot absorbed, how much the roots absorbed, and how much the fire burned, and yet it sufficed for the anointing of²⁹ the Tabernacle and its furniture, and Aaron and his sons, throughout the seven days of consecration; and High Priests and kings also were anointed with it. And even a High Priest who was the son of a High Priest must be anointed,³⁰ but a king who was the son of a king need not be anointed. And if it be asked: Why was Solomon anointed?³¹ It was due, [it may be replied], to the dispute of Adonijah; and so was Joash anointed on account of the claims of Athaliah, and Jehoahaz on account of Jehoiakim who was older than he by two years; and that oil remains for the time to come, as it is said, This shall be a holy anointing oil unto Me throughout your generations,³² the numerical value of Zeh³³ is twelve — logs. The Master said, 'And even a High Priest who is the son of a High Priest must be anointed.' Whence is this deduced? — [From the Scriptures] wherein it is

written, And the anointed priest that shall be in his stead from among his sons;³⁴ Scripture should have stated, 'And the priest that shall be in his stead³⁵ from among his sons,' why, then, the anointed? Consequently it must have been intended to imply³⁶ that even the son³⁷ of a High Priest succeeds to his father's office only if he was anointed: otherwise³⁸ he does not. The Master said, 'But a king who is the son of a king need not be anointed.' Whence is this deduced? R. Aha b. Jacob replied: [From Scripture] wherein it is written, To the end that he may prolong his days in his kingdom [he and his children] etc.³⁹ which implies that the kingship is an inheritance.⁴⁰ Whence is it deduced that in cases of dispute anointing is required, and that the king is not entitled to transmit the kingship as he desires? — R. Papa replied: Scripture stated, He and his children in the midst of Israel,⁴¹ only when there is peace in Israel may the text, He and his children, be applied to him even though no anointing had taken place. A Tanna taught: Jehu the son of Nimshi also was anointed only on account of the dispute of Joram. This surely could have been deduced from the fact that he was the first of a dynasty! — There is a lacuna in the text and the following should be inserted: 'The kings of the House of David were anointed: the kings of Israel were not anointed.'⁴² Whence is this deduced? — Raba replied: Scripture stated, Arise, anoint him; for this is he, etc.,⁴³ only he requires anointing but no other [who is not of the Davidic dynasty] requires anointing. The Master said, 'Jehu the son of Nimshi also was anointed only on account of the dispute of Joram.' Is it permissible to make inappropriate use⁴⁴ of the sacred oil on account of the dispute of Joram the son of Ahab? — As R. Papa said elsewhere⁴⁵ that the anointing was performed with pure balsam,⁴⁶ so here also it was performed with pure balsam. 'And Jehoahaz on account of Jehoiakim who was older than he by two years.' But was he older than he? Surely it is written, And the sons of Josiah: the firstborn Johanan, the second Jehoiakim, the third Zedekiah, the fourth Shallum,⁴⁷ and R. Johanan said that Shallum is identical with Zedekiah, and Johanan with Jehoahaz! — Jehoiakim was in fact older, but the meaning of firstborn⁴⁸ is 'first in succession to the kingship.' Do, however, younger sons succeed to kingship before the older ones? Surely, it is written, But the kingdom gave he to Jehoram, because he was the firstborn!⁴⁹ — Jehoram was worthily filling the place of his ancestors;⁵⁰ Jehoiakim was not worthily filling the place of his ancestors. The Master said, 'Shallum is identical with Zedekiah, and Johanan with Jehoahaz.' Were they not, however, enumerated individually, for it is written, the third, the fourth?⁵¹ — 'Third' means third of the sons, and 'fourth' means fourth in succession to the kingdom, since Jehoahaz reigned first, then Jehoiakim, then Jekoniah and finally Zedekiah. Our Rabbis taught: Shallum is identical with Zedekiah. Then why was he called Shallum? Because he was perfect⁵² in his deeds. Others say: Shallum implies that the kingdom of David came to end⁵³ in his days. And what was his real name? Mattaniah; as it is stated, And the king of Babylon made Mattaniah his father's brother king in his stead, and changed his name to Zedekiah.⁵⁴ He said to him, 'May God justify⁵⁵ my judgment against you, should you rebel against me,' as it is said, And he⁵⁶ brought him under an oath;⁵⁷ and it is also written, And he also rebelled against King Nebuchadnezzar, who had made him swear by God.⁵⁸

(1) The king. The entire section (ibid. XVII, 14-20) deals with the appointment of a king.

(2) The ruler's sin offering (Lev. IV, 23). i.e., does his office of Patriarch in the Palestine community confer upon him the title of 'ruler' over all Israel?

(3) The Babylonian exilarch.

(4) In Palestine.

(5) V. next paragraph.

(6) In Babylon.

(7) Gen. XLIX, 10.

(8) Rabbi was of the line of Palestine Patriarchs and heads of the principal academies, who descended from Hillel.

(9) V. Sanh. (Sonc. ed.) p. 16, n. 2.

(10) Referred to in Lev. IV, 3.

(11) V. Ex. XXX, 23ff.

(12) **מְרוֹבָה בְּגָדִים** ('having more garments', i.e., more than an ordinary priest) was the title of the High Priests in the days of the Second Temple. In the days of the first Temple when the anointing oil was in use the title was

כהן משיח (or **משיח**) 'the anointed High Priest'

(13) Which is to be brought by the anointed High Priest only. The other brings the same sin offering as an ordinary individual.

(14) V. Lev. IV, 2ff.

(15) If the High Priest is for any reason disqualified for the Temple service, a substitute is appointed in his place. When the disqualification is removed the priest returns to his duties while his substitute retires. The former then becomes the acting, and the latter the retired High Priest.

(16) V. ibid. VI, 13-15.

(17) The acting, and the retired High Priest.

(18) V. Lev. XXI, 13.

(19) V. ibid. 14.

(20) Ibid. 11.

(21) In token of mourning. Ibid. 10.

(22) From the cities of refuge. v. Num. XXXV, 25.

(23) V. Ex. XXX, 23ff.

(24) Lit., 'they were boiling in it'.

(25) Of the spices. V. ibid. 23ff.

(26) Much less for boiling them.

(27) Ex. XXX, 31.

(28) Lev. VIII, 10.

(29) Lit., 'and with it was anointed'.

(30) Otherwise he does not succeed to the office.

(31) V. I Kings, I, 34, 39.

(32) Ex. XXX. 31; emphasis on the last three words.

(33) **זֶה** 'this'.

(34) Lev. VI, 15.

(35) [So MS.M.]

(36) Lit., 'he teaches us'.

(37) Lit., 'from his sons'.

(38) Lit., 'and if not'.

(39) Deut. XVII, 20.

(40) Lit., 'an inheritance to you'.

(41) Deut. XVII, 20.

(42) Yet Jehu was anointed for the reason stated.

(43) I Sam. XVI, 12.

(44) Since the other kings of Israel were not anointed.

(45) Infra 12a.

(46) Not with the holy oil.

(47) I Chron. III, 15.

(48) As applied to Johanan (Jehoahaz).

(49) II Chron. XXI, 3.

(50) In the early days of his kingship he was righteous and just.

(51) I Chron. III, 15.

(52) **משולם** from the same root as **שלום** .

(53) **שלמה** Cf. previous note.

(54) II Kings XXIV, 17.

(55) **יה יצדיק**, a play upon the word **צדקיהו**

(56) The King of Babylon.

(57) Ezek. XVII, 13. This is the reading of Bomberg Ed. M.T. reads **ויבא אתו** instead of **ויביאהו** . Cur. edd. enclose in parentheses, **ויביאהו בבליה** which is meaningless in the context.

(58) II Chron. XXXVI, 13.

Talmud - Mas. Horayoth 12a

Talmud - Mas. Horayoth 12a

Was, however, the anointing oil in existence [in the days of Jehoahaz]? Surely it was taught: At the time when the Holy Ark was hidden away there were also hidden the anointing oil, the jar of manna,¹ Aaron's rod with its almonds and blossoms,² and the coffer which the Philistines had sent to Israel as a gift and concerning which it is said, And put the jewels of gold, which ye returned Him for a guilt offering, in a coffer by the side thereof; and send it away that it may go.³ And who hid them? It was Josiah, King of Judah, who hid them; because, having observed that it was written in the Torah, The Lord will bring thee and thy king . . . [unto a nation that thou hast not known],⁴ he gave orders that they shall be hidden away, as it is said, And he said unto the Levites that taught all Israel, that were holy unto the Lord, 'Put the Holy Ark into the house which Solomon the son of David, King of Israel, did build; there shall no more be a burden upon your shoulders; now serve the Lord your God and his people Israel;'⁵ and R. Eleazar stated: The inference⁶ is arrived at by an analogy between the expressions. 'There' and 'there',⁷ 'To he kept'⁸ and 'to he kept',⁹ and 'generations' and 'generations'!¹⁰ — R. Papa replied: [Jehoahaz was anointed] with pure balsam. Our Rabbis taught: How were the kings anointed? — In the shape of a wreath. And the priests? — In the shape of a Chi. What is meant by 'the shape of a Chi'! — R. Menashya b. Gadda replied: In the shape of a Greek **. One [Tanna] reported that oil was poured upon his head first and afterwards some oil was applied between his eyelids, but another [Tanna] reported that first some oil was applied between his eyelids and afterwards oil was poured upon his head!¹¹ — This is a matter of dispute between Tannaim. Some maintain that anointing takes precedence while others maintain that the pouring takes precedence. What reason is advanced by him who maintains that pouring takes precedence? — [The fact] that it is written. And he poured of the anointing oil upon Aaron's head and anointed him, to sanctify him.¹² And what reason is offered by him who maintains that anointing takes precedence? — He holds this opinion because a similar procedure is found in connection with the vessels of ministry.¹³ But, surely, And he poured¹² is written first, and only afterwards And he anointed!¹² — The meaning intended is this: What is the reason why he poured? Because he had already anointed. Our Rabbis taught: It is like the precious oil . . . coming down upon the beard, even Aaron's beard, etc.,¹⁴ two drops like pearls hung from Aaron's beard. R. Papa said: A Tanna taught that when he spoke¹⁵ they ascended and lodged at the root of his beard. And concerning this matter, Moses was anxious. He said, 'Have I, God forbid, made an improper use of the anointing oil?'¹⁶ A heavenly voice came forth and called out, Like the precious oil . . ., like the dew of Hermon;¹⁷ as the law of improper use of holy objects is not applicable to the dew of Hermon, so also is it not applicable to the anointing oil on the beard of Aaron. Aaron however, was still anxious. He said, 'It is possible that Moses did not trespass, but I may have trespassed'. A heavenly voice came forth and said to him, Behold how good and how pleasant it is for brethren to dwell together in unity;¹⁸ as Moses is not guilty of trespass, so are you not guilty of trespass. Our Rabbis taught: The kings are anointed only at a fountain that their sovereignty may endure, as it is said, And the king said unto them: 'Take with you the servants of your lord . . . and bring him down to Gihon'.¹⁹ R. Ammi said: He who wishes to ascertain whether he will live through the year or not shall, during the ten days between the New Year and the Day of Atonement, kindle a lamp in a house wherein there is no draught. If the light continues to burn he may know that he will live through the year. He who desires to engage in business and wishes to ascertain whether he will succeed or not, let him rear up a cock; if it grows plump and fine he will succeed. He who desires to set out on a journey and wishes to ascertain whether he will return home again or not. let him station himself in a dark house; if he sees the reflection of his shadow he may know that he will return home again. This, however, is not a proper thing to do, lest his courage fail him and he meet with misfortune in consequence. Said Abaye: Now that it has been said that omens are of significance, a man should make a regular habit of eating,²⁰ at the beginning of the year, pumpkin, fenugreek, leek, beet and dates.²¹ R. Mesharsheya said to his sons: Whenever you intend coming in for your lesson with your master revise the subject first and then enter the presence of your master; and when you sit before him, look at his mouth, for it is written, But thine eyes shall see thy teacher.²² When you practice your lessons, practice them by

a river of water so that as the waters advance continually, so may your acquired knowledge advance continually. Rather sit on the rubbish heap of Matha Mehasia²³ than in the palaces of Pumbeditha. Rather eat an unsavory gildana²⁴ of Matha Mehasia than the kuthha²⁵ of the lofty mansions.²⁶ My horn is exalted in the Lord;²⁷ my horn is exalted but not my flask: The kingdoms of David and Solomon who were anointed with a 'horn'²⁸ endured; the kingdoms of Saul and Jehu who were anointed with a 'flask'²⁹ did not endure. HE WHO WAS ANOINTED WITH THE ANOINTING OIL etc. Our Rabbis taught: 'Anointed' might imply a king, hence it was stated 'priest'. If only 'priest' had been stated one might have applied it to the High Priest who was dedicated by the additional garments only, hence it was stated, 'anointed'. If only 'anointed' had been written one might have applied it to the priest anointed for war,³⁰ hence it was stated, and the anointed Priest³¹ above whom there is no other anointed [Priest]. How is this inferred? — As Raba said that 'the thigh'³² implies the right thigh, so here also 'the anointed' implies the most important of the anointed. The Master said, 'Anointed might imply a king.' Does a king bring a sin offering of a bullock? Surely it is a he-goat that he brings!³³ — It³⁴ was necessary, since it might have been assumed that only for error in action does a king bring a sin offering of a he-goat but that for ignorance of the law he brings a bullock, hence it was necessary to teach us [that he never brings a bullock]. THE ONLY DIFFERENCE BETWEEN A [HIGH PRIEST WHO IS] ANOINTED WITH THE ANOINTING OIL etc. Our Mishnah cannot be reconciled with the view of R. Meir; for should it be assumed to agree with the view of R. Meir it may be pointed out that it was taught: A High Priest who is dedicated by the additional garments brings a bullock which is the prescribed sin offering for the transgression of all the commandments; these are the words of R. Meir, but the Sages did not agree with him. What is R. Meir's reason? Because it was taught: Anointed only implies a High Priest who was anointed with the anointing oil, whence, however, is it deduced that one dedicated by the additional garments only is also subject to that law? For it was expressly stated, If the priest the anointed.³⁵ To whom, then is our Mishnah to be attributed? To the Rabbis!³⁶

(1) V. Ex. XVI, 33.

(2) V. Num. XVII, 23.

(3) I Sam. VI, 8.

(4) Deut, XXVIII, 36.

(5) II Chron. XXXV, 3.

(6) That the anointing oil and the other objects mentioned were hidden at the same time as the Ark.

(7) Ex. XVI, 33 (the manna) and *ibid.* XXX, 6 (the Ark).

(8) *Ibid.* XVI, 33 (the manna).

(9) Num. XVII, 25 (Aaron's rod).

(10) Ex. XVI, 33 (manna) and *ibid.* XXX, 31 (anointing oil). Thus it has been shown by analogy that the anointing oil was hidden away in the days of Josiah: how then could it have been in use when Jehoahaz was made king?

(11) How are the two contradictory statements to be reconciled?

(12) Lev. VIII, 12.

(13) Which were only anointed.

(14) Ps. CXXXIII. 2.

(15) [Or when he dipped (his beard).]

(16) [By having applied too much (Rashi Ker. 5b).]

(17) *Ibid.* 3.

(18) *Ibid.* 1.

(19) I Kings I, 33.

(20) So in Ker. 5b. Cur, edd.: 'to see'.

(21) These grow in profusion and are symbolic of prosperity.

(22) Isa. XXX, 20.

(23) A suburb of Sura, a place of scholarship and culture; v. B.B. (Sonc. ed.) p. 10, n. 1.

(24) A kind of small fish.

(25) A kind of preserve of curdled milk.

(26) Jastrow, 'than a kuthha which is hard enough to break rocks.'

(27) I Sam. II, 1.

(28) The receptacle of the anointing oil, v. I Sam. XVI, 13, and I Kings I, 39.

(29) V. I Sam. X, 1, and II Kings IX, 1.

(30) V. Deut. XX, 2.

(31) Lev. IV, 3.

(32) Gen. XXXII, 33.

(33) Consequently the context could not possibly have been assumed to refer to a king; what need, then, was there for a specific expression to show the obvious?

(34) The specific expression.

(35) Lev. IV, 3. [So literally. The inference is from the redundant 'the priest', v. Tosaf. Asheri.]

(36) Lit., 'in what did you set it? According to the Rabbis.'

Talmud - Mas. Horayoth 12b

Read, however, the final clause: THE ONLY DIFFERENCE BETWEEN THE ACTING, AND THE RETIRED HIGH PRIEST IS THE BULLOCK ON THE DAY OF ATONEMENT AND THE TENTH PART OF THE EPHAH. This,¹ surely, must represent the view of R. Meir! For it was taught: If some disqualification occurred in the High Priest who consequently retired and another priest was anointed in his stead, when the first² returns to his ministry the other retains all the obligations relating to the priesthood; these are the words of R. Meir. R. Jose said: The first returns while the second is rendered unfit either as a High Priest or as an ordinary priest. Said R. Jose, once it happened with Joseph the son of Ailim of Sepphoris³ that, a disqualification in the High Priest having occurred, he⁴ was appointed in his stead; and when the incident was submitted to the Sages they ruled that the first returns to his ministry while the second is rendered unfit either as a High Priest or as an ordinary priest. [He is unfit as] a High Priest owing to enmity;⁵ [and he is unfit as] an ordinary priest, because, in the sphere of holiness, you may ascend, not descend.⁶ Does the first clause,⁷ then, represent the view of the Rabbis and the final clause⁷ that of R. Meir! — R. Hisda replied: Yes; the first clause represents the view of the Rabbis and the final clause that of R. Meir. R. Joseph replied: The author of our Mishnah is Rabbi who based⁸ it upon the opinions of two Tannaim. Raba replied: The views represented⁹ are those of R. Simeon who agrees with R. Meir in one respect and differs from him in the other; as it was taught: The things which distinguish a High Priest from an ordinary priest are the following: The bullock that is offered for [the unwitting transgression of any of] all the commandments, and the bullock of the Day of Atonement, and the tenth part of the ephah; he must neither let his hair grow wild nor may he rend his garments, but he tears them from below while the ordinary priest tears them from above; he must not defile himself by [coming in contact with the dead bodies even of his] relatives; he is commanded to marry a virgin and is forbidden to marry a widow; he¹⁰ enables the manslayer to return to his home;¹¹ he may offer sacrifices even while an onan,¹² though he must not then eat of the sacrificial meat or take a share of it; he offers up his portion first and receives his portion first; he ministers in eight garments, and the entire service of the Day of Atonement may be performed by him alone; and he is also exempt from bringing a sacrifice for an unwitting transgression of defilement relating to the Sanctuary and its consecrated things. And all these laws are applicable to the High Priest who is dedicated by the additional garments alone, with the exception of the bullock that is offered for [the unwitting transgression of any of] 'all the commandments'. All these laws, furthermore, are also applicable to an anointed High Priest who [having acted as substitute] has retired from office, with the exception of the bullock of the Day of Atonement and the tenth part of the ephah. All these laws are inapplicable to a Priest anointed for War, with the exception of the five things that are specified in the Biblical Section under discussion: He must not let his hair grow wild nor may he rend his garments, he must not defile himself for the dead bodies of his relatives, he is commanded to marry a virgin and forbidden to marry a widow, and enables the manslayer to return to his home;¹³ so R. Judah. But the Sages said: He does not enable [the manslayer] to return.¹⁴ And whence is it proved

that this Baraita represents the view of R. Simeon? — R. Papa replied: Who was it that was heard to say that [the High Priest] is exempted in regard to an unwitting transgression of defilement relating to the Sanctuary and its consecrated things? Surely it was R. Simeon.¹⁵ ‘With the exception of the five things that are specified in the Biblical section under discussion.’ Whence is this inference?¹⁶ — From that which our Rabbis taught: And the priest that is highest among his brethren,¹⁷ refers¹⁸ to the High Priest; upon whose head the anointing oil is poured,¹⁷ refers to the Priest who is anointed for War; and that is consecrated to put on the garments,¹⁷ refers to the High Priest who is dedicated by the additional garments alone. Concerning all of them it is stated, He shall not let the hair of his head grow wild,¹⁹ nor rend his clothes, neither shall he go in to any dead body.²⁰ As one might assume that all of them may offer sacrifices while onans, it was specifically stated, For the consecration of the anointing oil of his God is upon him,²¹ upon ‘him’²² but not upon his associate.²³ Now that Scripture has excluded him²³ it might have been assumed that he is not commanded to marry a Virgin, hence it was stated, And he [shall take a wife in her virginity].²⁴ On this point²⁵ Tannaim are in dispute: And he shall take a wife in her virginity,²⁴ after Scripture has excluded him²³ it included him again; so R. Ishmael. R. Akiba said: One could well have known²⁶ [this law]²⁷ in the case where he²⁸ was [temporarily] removed on account of a mishap²⁹; whence, however, could it have been inferred [in the case where he was permanently removed] on account of disqualifying blemishes? Hence it was stated, ‘And he.’²⁴ Raba inquired of R. Nahman: May an anointed High Priest who was stricken with leprosy³⁰ marry a widow;³¹ is he only suspended³² or is he exempt from all the duties of the High Priesthood?³³ — He³⁴ was unable to give an answer.³⁵ Once R. Papa was sitting at his studies and raised the same inquiry. Said Huna the son of R. Nahman to R. Papa: We have learned [such a law]:³⁶ ‘One could well have known [this law] in the case where he was [temporarily]³⁷ removed on account of a mishap; whence, however, could it be inferred [in the case where he was permanently] removed on account of disqualifying blemishes? Hence it was stated, ‘and he’. He³⁸ thereupon arose, kissed him on his head and gave him his daughter. MISHNAH. A HIGH PRIEST RENDS HIS GARMENTS³⁹ FROM BELOW AND AN ORDINARY PRIEST FROM ABOVE. A HIGH PRIEST MAY OFFER SACRIFICES WHILE AN ON AN THOUGH HE MAY NOT EAT [OF THE SACRIFICIAL MEAT]; BUT AN ORDINARY PRIEST MAY [IN SUCH CIRCUMSTANCES] NEITHER OFFER SACRIFICES NOR EAT [OF SACRIFICIAL MEAT].

GEMARA. Rab said: BELOW means actually below⁴⁰ and ABOVE means actually above.⁴¹ Samuel, however, said: BELOW means beneath the binding⁴² and ABOVE means above the binding,⁴³ the one as well as the other being round the neck. An objection was raised: In respect of all relatives⁴⁴ a man may, if he wishes, sever⁴⁵ his binding, and if he wishes he need not sever his binding. In respect of his father and mother, however, he must sever.⁴⁶ Now, since [a tear made in such a manner]⁴⁷ is elsewhere [regarded as a legally proper] tear, the prohibition for a High Priest to tear his garments should be applied to such a tear also!⁴⁸ — Samuel is of the same opinion as R. Judah who said: Any tear that does not sever one's binding is nothing more than a wanton rent.⁴⁹ Is R. Judah, however, of the opinion that the law of rending one's garments is applicable to a High Priest? Surely it was taught: If Scripture had only stated, ‘He shall not let the hair of a head go loose, nor rend a garment’ it might have been assumed that Scripture spoke of the head and the garment of a sotah,⁵⁰ hence it was expressly stated, He shall not let the hair of his head grow wild, nor rend his clothes.⁵¹ showing that the requirements of letting one's hair grow wild or rending one's garments⁵² are not at all applicable to him;⁵³ so R. Judah. R. Ishmael said: He does not rend his clothes in the manner of other people, but he rends from below while an ordinary priest rends from above!⁵⁴ — Samuel holds the same opinion as R. Judah in one respect⁵⁵ and disagrees with him in another.⁵⁶

MISHNAH. WHATEVER IS MORE FREQUENT THAN ANOTHER TAKES PRECEDENCE OVER THAT OTHER, AND WHATSOEVER IS MORE SACRED THAN ANOTHER TAKES PRECEDENCE OVER THAT OTHER. IF THE BULLOCK OF THE ANOINTED HIGH PRIEST AND THE BULLOCK OF THE CONGREGATION ARE SIMULTANEOUSLY PRESENTED,⁵⁷

THE BULLOCK OF THE ANOINTED HIGH PRIEST MUST PRECEDE THAT OF THE CONGREGATION IN ALL ITS DETAILS.⁵⁸

GEMARA. Whence are these laws deduced? — Abaye replied: From Scripture which stated, Besides the burnt offering of the morning which is for a continual burnt offering.⁵⁹ Now consider, since it was written the burnt offering of the morning, what need was there for writing again continual burnt offering? Consequently it was this that the All Merciful intended: Whatsoever is more frequent takes precedence. AND WHATSOEVER IS MORE SACRED THAN ANOTHER TAKES PRECEDENCE OVER THAT OTHER. Whence is this deduced? — From what was taught at the School of R. Ishmael: Thou shalt sanctify him [the priest] therefore,⁶⁰ in respect of any matter of sanctity; he must be the first in the reading of the Law, the first in the recital of any benediction⁶¹ and the first in receiving a handsome portion.

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- (1) That in all respects other than those mentioned the two are entitled to the same privileges.
 - (2) His disqualification having disappeared.
 - (3) [He was a kinsman of Matthias, a High priest, at the time of Herod. 'This Matthias the High Priest, on the night before that day when the fast was to be celebrated, seemed in a dream to have conversation with his wife, and because he could not himself officiate on that account, Joseph the son of Ellemus his kinsman assisted him in that sacred office.' (Josephus. Ant. XVII, 6, 4.)]
 - (4) This to the end of the sentence, is the reading in Yoma 12b, and is adopted here by Bash (v. marginal Glosses). Cur. edd. enclose the following in parentheses: 'And he was removed, and another was appointed in his stead, and his brethren the priests did not allow him to be either High Priest or ordinary priest.'
 - (5) Between him and the first High Priest.
 - (6) Lit., 'we bring up in holiness, but do not bring down'.
 - (7) Of our Mishnah.
 - (8) Lit., 'took'.
 - (9) In our Mishnah.
 - (10) When he dies.
 - (11) One who killed another unwittingly finds shelter in the cities of refuge where he remains until the death of the High Priest.
 - (12) V. Glos.
 - (13) V. p. 90, n. 7.
 - (14) Thus it has been shown that R. Simeon, the presumed author of the Baraitha, agrees with R. Meir that the only difference between the High priest and his temporary substitute is the bullock of the Day of Atonement and the tenth part of the ephah, and differs from him in maintaining that the bullock for the unwitting transgression of any of 'all commandments' is to be brought by the anointed High Priest only and not, as R. Meir asserted, by the High Priest also, who was dedicated by the extra garments only.
 - (15) Supra 9a.
 - (16) Lit., 'these words'.
 - (17) Lev. XXI, 10.
 - (18) Lit., 'this'.
 - (19) E.V. 'go loose'.
 - (20) Ibid, vv. 10-11.
 - (21) Ibid, v. 12.
 - (22) The anointed High Priest.
 - (23) The Priest anointed for War only.
 - (24) Lev. XXI, 13.
 - (25) Whether the Priest anointed for War is commanded to marry a virgin.
 - (26) Lit., 'there is not to me but'.
 - (27) That a High Priest must marry a virgin.
 - (28) A High Priest.
 - (29) Cf. Deut. XXIII, 11.

- (30) In consequence of which he retired from office.
- (31) For the following interpretation, which differs from that of Rashi, v. Tosaf. Asheri.
- (32) From the High Priesthood; i.e., from the performance of such duties as are forbidden to a leper; hence he is still subject to all other restrictions of the High Priesthood including the prohibition to marry a widow which a leper also may observe.
- (33) And consequently also from the prohibition to marry a widow.
- (34) R. Nahman.
- (35) Lit., 'it was not in his hand'.
- (36) Supra (in the name of R. Akiba) q. v. for notes.
- (37) Leprosy is, of course, one of the disqualifying blemishes.
- (38) R. Papa.
- (39) A sign of mourning on the death of certain relatives.
- (40) The lower hem of the garment.
- (41) The upper hem round the neck.
- (42) קמ"י שפה 'the stiff cords in the binding round the neck'. The binding itself remaining unrent.
- (43) The tear starting above the binding and passing also through it.
- (44) Other than parents.
- (45) V. supra, n. 1.
- (46) M.K. 22b.
- (47) From beneath the binding only.
- (48) Lit., 'read here: He shall not rend his garments'. How, then, could Samuel state that the High Priest does rend his garment beneath the binding?
- (49) It has no legal or religious significance. Samuel could, therefore, justly permit a High Priest to rend his garment below the binding.
- (50) A woman suspected of adultery. The priest lets her hair go loose (Num. V, 18), and takes hold of her garments which may or may not thereby be torn (Sotah 7a).
- (51) Lev. XXI, 10.
- (52) As symbols of mourning.
- (53) The High Priest.
- (54) Now, since R. Judah exempts a High Priest from the law of rending one's clothes, how could Samuel who, as it has been said, holds the same opinion as R. Judah require a priest to rend his clothes at all?
- (55) That a rent that does not cut the binding round the neck is of no legal or religious significance.
- (56) While R. Judah exempts the High Priest entirely from the law of rending one's clothes, Samuel maintains that a High Priest must rend his garments but only from below the binding.
- (57) As sin offerings (v. Lev. IV, 3, 13). Lit., 'stand'.
- (58) Lit., 'deeds', i.e., the various parts of the process of sacrificing.
- (59) Num. XXVIII, 23.
- (60) Lev. XXI, 8.
- (61) Especially in the zimmun, v. Glos.

Talmud - Mas. Horayoth 13a

IF THE BULLOCK OF THE ANOINTED HIGH PRIEST AND THE BULLOCK OF THE CONGREGATION etc. Whence is this deduced? — From what our Rabbis taught: And he shall burn it ins he burnt the first bullock;¹ what need was there to state, the first?² In order to indicate that it³ must precede the bullock of the congregation in all its details.⁴ Our Rabbis taught: If the bullock of the anointed High Priest and the bullock of the congregation are simultaneously presented, the bullock of the anointed High Priest must precede the bullock of the congregation in all its details,⁴ forasmuch as the anointed High Priest effects the atonement and the congregation receives the atonement, it is reasonable that he who effects atonement shall take precedence over him who receives the atonement; and so it is also stated [in Scripture]. And have made atonement [i] for himself, and [ii] for his household, and [iii] for all the assembly of Israel.⁵ The bullock that is offered

for a sin committed by the congregation through ignorance of a law is to precede the bullock for the sin of idolatry. What is the reason? — The one is a sin offering and the other⁶ is a burnt offering, and it was taught, ‘What need was there for Scripture to state, And he shall offer that which is for the sin offering first?’⁷ If merely in order to teach that the sin offering was to be the first, surely, it has already been stated, And he shall prepare the second for a burnt offering, according to the ordinance!⁸ Consequently it must be concluded that in this text there has been laid down the general principle⁹ that all sin offerings are to precede the burnt offerings that are presented together with them; and, there is an accepted tradition that even a sin offering consisting of a bird is to precede a burnt offering consisting of a beast.’ The bullock for idolatry is to precede the goat for idolatry. Why? The one surely, is a sin offering while the other is a burnt offering! — In the West¹⁰ it was explained in the name of Rabbah¹¹ b. Mari: Because an Aleph is wanting in the Hattath¹² for idolatry, the written form being le-Hatth.¹³ Raba replied: Because According to the ordinance¹⁴ was written concerning it.¹⁵ The goat for idolatry is to precede the goat of the ruler. What is the reason? — The one is for a congregation while the other is for an individual. The he-goat of a ruler is to precede the she-goat of a private individual. What is the reason? — The one is for a sovereign; the other for a commoner. The she-goat of an individual is to precede the ewe-lamb of an individual.¹⁶ But, surely, it was taught that the ewe-lamb of an individual must precede the she-goat of an individual! — Abaye replied: This is a matter of dispute between Tannaim. One Master holds the view that a she-goat is preferable since it has also the advantage of being the offering of an individual for the sin of idolatry, while the other Master is of the opinion that a ewe-lamb is preferable since it has the advantage of having its fat tail also offered on the altar. The omer¹⁷ must precede the lamb that is brought together with it. The two loaves¹⁸ are to precede the lambs¹⁹ that are brought with them. This is the general rule: The offering which is due to the sanctity of²⁰ the day is to precede the offering the presentation of which is due to²⁰ the bread.²¹ MISHNAH. A MAN TAKES PRECEDENCE OVER A WOMAN IN MATTERS CONCERNING THE SAVING OF LIFE AND THE RESTORATION OF LOST PROPERTY, AND A WOMAN TAKES PRECEDENCE OVER A MAN IN RESPECT OF CLOTHING AND RANSOM FROM CAPTIVITY. WHEN BOTH ARE EXPOSED TO IMMORAL DEGRADATION IN THEIR CAPTIVITY THE MAN'S RANSOM²² TAKES PRECEDENCE OVER THAT OF THE WOMAN.

GEMARA. Our Rabbis taught: If a man and his father and his teacher were in captivity he takes precedence over²³ his teacher and his teacher takes precedence over his father,²⁴ while his mother takes precedence over all of them. A scholar takes precedence over a king of Israel, for if a scholar dies there is none to replace him²⁵ while if a king of Israel dies, all Israel are eligible for kingship. A king takes precedence over a High Priest, for it is said, And the king said unto them: Take with you the servants of your lord etc.²⁶ A High Priest takes precedence over a prophet, for it is said, And let Zadok the priest and Nathan the prophet anoint him there,²⁷ Zadok being mentioned before Nathan; and furthermore it is stated, Hear now, O Joshua the High Priest, thou and thy fellows etc.;²⁸ lest it be assumed that these were common people it was expressly stated, For they are men that are a sign,²⁸ and the expression ‘sign’ cannot but refer to a prophet as it is stated, And he²⁹ give thee a sign or a wonder.³⁰ A High Priest anointed with the anointing oil takes precedence over one who is only dedicated by the additional garments. He who is dedicated by the additional garments takes precedence over an anointed High Priest who has retired from office owing to a mishap. An anointed High Priest who has retired from office on account of a mishap takes precedence over one who has retired on account of his blemish. He who has retired on account of his blemish takes precedence over him who was anointed for war purposes only. He who was anointed for war takes precedence over the Deputy High Priest.³¹ The Deputy High Priest takes precedence over the amarkal.³² What is amarkal? — R. Hisda replied: He who commands³³ all. The amarkal takes precedence over the Temple treasurer. The Temple treasurer takes precedence over the chief of the watch.³⁴ The chief of the guard takes precedence over the chief of the men of the daily watch.³⁵ The chief of the daily watch takes precedence over an ordinary priest. The question was raised: In respect of Levitical uncleanness,³⁶ who takes precedence, the Deputy High Priest or the Priest anointed for War? — Mar

Zutra the son of R. Nahman replied: Come and hear what has been taught: If a Deputy High Priest or a Priest anointed for War were going on their way and came upon a corpse the burial of which is obligatory upon them,³⁷ it is better that the Priest anointed for War shall defile himself rather than the Deputy High Priest; for if the High Priest meet with some disqualification the Deputy High Priest steps in to perform the Temple service. Has it not been taught, however, that the Priest anointed for War takes precedence over the Deputy High Priest? — Rabina replied: That Baraitha deals with the question of saving life.³⁸

MISHNAH. A PRIEST TAKES PRECEDENCE OVER A LEVITE, A LEVITE OVER AN ISRAELITE, AN ISRAELITE OVER A BASTARD, A BASTARD OVER A NATHIN,³⁹ A NATHIN OVER A PROSELYTE, AND A PROSELYTE OVER AN EMANCIPATED SLAVE. THIS ORDER OF PRECEDENCE APPLIES ONLY WHEN⁴⁰ ALL THESE WERE IN OTHER RESPECTS EQUAL. IF THE BASTARD, HOWEVER, WAS A SCHOLAR AND THE HIGH PRIEST AN IGNORAMUS,⁴¹ THE LEARNED BASTARD TAKES PRECEDENCE OVER THE IGNORANT HIGH PRIEST.

GEMARA. A PRIEST TAKES PRECEDENCE OVER A LEVITE for it is stated The sons of Amram: Aaron and Moses; and Aaron wins separated that he should be sanctified as most holy.⁴² **A LEVITE takes precedence OVER AN ISRAELITE** for it is stated, At that time the Lord separated the tribe of Levi etc.⁴³ **AN ISRAELITE takes precedence OVER A BASTARD** for the one is of legitimate birth and the other is not. **A BASTARD takes precedence OVER A NATHIN** for the one comes from an eligible origin and the other from a non-eligible origin. **A NATHIN takes precedence OVER A PROSELYTE** for the one was brought up with us in holiness and the other was not brought up with us in holiness. **A PROSELYTE takes precedence OVER AN EMANCIPATED SLAVE** for the one was included in the curse⁴⁴ and the other was not included in the curse. **THIS ORDER OF PRECEDENCE APPLIES ONLY WHEN ALL THESE WERE IN OTHER RESPECTS EQUAL** etc. Whence is this deduced? — R. Aha son of R. Hanina replied: From Scripture which states, She⁴⁵ is more precious than rubies,⁴⁶ i.e., more precious than the High Priest who enters into the innermost⁴⁷ sanctuary. It was taught, R. Simeon b. Yohai said: It stands to reason that an emancipated slave should take precedence over a proselyte, for the one was brought up with us in holiness and the other was not; but the former was included in the curse⁴⁴ while the latter was not. R. Eleazar son of R. Zadok was asked by his disciples: Why are all willing to marry a proselyte while not all are willing to marry an emancipated slave? He answered them: The one was included in the curse⁴⁸ while the other was not. Another explanation is that the one is known to protect her chastity while the other is not. R. Eleazar⁴⁹ was asked by his disciples: Why does a dog know its owner while a cat does not? He answered them: If he who eats something of that from which a mouse has eaten loses his memory, how much more so the animal which eats the mouse itself! R. Eleazar⁵⁰ was asked by his disciples: Why do all persecute the mice? — Because of their bad nature. What is it? Raba replied: They gnaw even at clothes⁵¹

(1) Lev. IV, 21.

(2) This being obvious, since that offering was in that context mentioned first.

(3) The bullock of the High Priest.

(4) V. supra p. 94, n. 8.

(5) Lev. XVI, 17.

(6) That for idolatry.

(7) Lev. V, 8.

(8) Ibid. 10.

(9) Lit., 'but this built a father'.

(10) Palestine.

(11) So MS. M. Cut, edd. 'Raba'.

(12) חטאת, 'sin offering'.

- (13) **לַחֲטָאת** , ‘for a sin offering’. Num. XV, 24; as if to say that it is lacking in something accorded to other sin offerings.
- (14) Ibid.
- (15) The burnt offering for idolatry; thus implying that the process of the offering of the sacrifices in that particular case must be in the same order as they were ordained in that text, viz., the burnt offering first.
- (16) The individual's sin offering may be either a she-goat (Lev. IV, 28) or a ewelamb (ibid. v. 32).
- (17) V. Glos.
- (18) The wave-loaves offered on Pentecost. V. Lev. XXIII, 17.
- (19) V. ibid. v. 18.
- (20) Lit., ‘that comes for the sake of’.
- (21) The wave-loaves and the omer. The lambs are merely an adjunct to these.
- (22) [To spare him the indignity of pederasty.]
- (23) In procuring his ransom.
- (24) I.e., he must procure the ransom of his teacher before that of his father.
- (25) Lit., ‘we have none like him’.
- (26) I Kings I, 33. David is designated lord in an instruction addressed to Zadok his High Priest.
- (27) Ibid. 34.
- (28) Zech. III, 8.
- (29) The prophet.
- (30) Deut. XIII, 2.
- (31) Segan, v. Sanh. (Sonc, ed.) p. 97, n. 1.
- (32) V. Glos. [They were officers, the ‘Keepers of the door’ (cf. II Kings XII, 12) drawn from every watch; Mishmar (v. n. 4), entrusted with the keys and vessels of the Temple during their particular week of service. V. Buchler, Priester and Cultus, p. 96, who draws attention to Josephus, Contra Apinem, II, 8: ‘When those days are over, other priests . . . assemble together at mid-day and receive the Keys of the temple and the vessels by tale.’]
- (33) **אָמַר כּוֹלָא** , ‘who said (i.e. directs) all things.’
- (34) Mishmar, v. Glos.
- (35) Heb., beth ab, v. Glos.
- (36) The burial, e.g., of a corpse found in a lonely spot where there is no one else to attend to it.
- (37) Heb, meth mizwah, v. Glos. and cf. previous note.
- (38) The life of the Priest for War is of more importance in a war of defence than the life of the Deputy High Priest.
- (39) V. Glos.
- (40) Lit., ‘when? at the time’.
- (41) Heb. ‘am ha-arez, v. Glos.
- (42) I Chron. XXIII, 13. A priest is a descendant of Aaron.
- (43) Deut. X, 8.
- (44) Lit., ‘cursed be’, ‘the first two words of the curse which Noah pronounced against Canaan when he condemned him to slavery (v. Gen. IX, 25), which he considered the greatest curse imaginable (Rashi).
- (45) The Torah, learning.
- (46) Prov. III, 15. **מִכְנִינִים** .
- (47) **לִפְנֵי וּלְפָנִים** a play upon the word **מִפְנֵינִים** V. n. 7.
- (48) V. p. 99, n. 5.
- (49) [MS. M.: ‘Eleazar b. Zadok.’]
- (50) [Var. lec.: ‘Eleazar b. Zadok.’]
- (51) Which is no food. They cause loss to the owner though they themselves derive no benefit.

Talmud - Mas. Horayoth 13b

R. Papa replied: They gnaw even at the handle of a hoe. Our Rabbis taught: Five things make one forget one's studies: Eating¹ something from which a mouse or a cat has eaten, eating¹ the heart of a beast, frequent consumption² of olives, drinking³ the remains of water that was used for washing, and washing⁴ one's feet one above the other. Others say: He also who puts his clothes under his head

[forgets his studies]. Five things restore one's learning:⁵ Wheaten bread and much more so wheat⁶ itself, eating¹ a roasted⁷ egg without salt, frequent consumption⁸ of olive oil, frequent indulgence in wine and spices, and the drinking³ of water that has remained from kneading. Others say: Dipping one's finger in salt and eating is also included. 'Frequent consumption of olive-oil'. This corroborates the view of R. Johanan who said: As the olive causes one to forget seventy years of study, so does olive oil restore seventy years of study. 'Frequent indulgence in wine and spices'. This corroborates the view of Raba who said: Wine and spices have made me wise. 'Dipping one's finger in salt' — Said Resh Lakish: One only. This is a matter of dispute between Tannaim: R. Judah said, one finger but not two; R. Jose said, two but not three. Your mnemonic⁹ is the third finger.¹⁰ Ten things adversely affect one's study: Passing¹¹ under the bit of a camel and much more so under the camel itself, passing¹¹ between two camels, passing between two women, the passing of a woman¹² between two men, passing under the offensive odour of a carcass, passing under a bridge under which water has not flowed for forty days, eating bread that was insufficiently baked, eating meat out of a soup-ladle, drinking from a streamlet that runs through a graveyard, and looking into the face of a dead body. Others say: He who reads an inscription upon a grave is also [subject to the same disability]. Our Rabbis taught: When the Nasi¹³ enters, all the people rise and do not resume their seats until he requests them to sit. When the Ab-beth-din¹⁴ enters, one row rises on one side¹⁵ and another row on the other [and they remain standing] until he has sat down in his place. When the Hakam¹⁶ enters, every one [whom he passes] rises and sits down [as soon as he passed] until the Sage has sat down in his place. Sons of sages, and scholars may, if the public is in need of their services, tread upon the heads of the people.¹⁷ If one [of them] went out in his need to ease himself he may re-enter and sit down in his place.¹⁸ Sons of a scholar¹⁹ whose father holds the office of Parnas²⁰ may, if they possess the capability of understanding [the discourses], enter and sit down before their father with their backs to the people. When, however, they do not possess the capability of understanding [the discourses] they enter and sit down before their father with their faces towards the public. R. Eleazar son of R. Zadok said: In a festive gathering²¹ also they are treated as attachments [to their father].²² The Master said, 'If he went out in his need to ease himself he may re-enter and sit down in his place.' R. Papa said: This applies only²³ to the minor [functions of the body] but not to the major [functions], since he should have examined himself before; for Rab Judah said: A man should always make a habit of easing himself early in the morning and late in the evening in order that there be no need for him to go far.²⁴ Now,²⁵ however, that everybody²⁶ is weaker the same rule applies even to the larger functions. 'R. Eleazar son of R. Sadok said: At a festive gathering also they²⁷ are treated as attachments [to their father].' Raba said: Only during the lifetime of their father and in the presence of their father. R. Johanan said: That instruction²⁸ was issued²⁹ in the days of R. Simeon b. Gamaliel [III], when R. Simeon b. Gamaliel was the President, R. Meir the Hakam,³⁰ and R. Nathan the Ab-beth-din.³¹ Whenever R. Simeon b. Gamaliel entered all the people stood up for him; when R. Meir and R. Nathan entered all the people stood up for them also. Said R. Simeon b. Gamaliel: Should there be no distinction between my [office] and theirs? And so he issued that ordinance.³² R. Meir and R. Nathan were not present on that day. Coming on the following day and seeing that the people did not rise for them as usual, they inquired as to what had happened.³³ On being told that R. Simeon b. Gamaliel had issued that ordinance, R. Meir said to R. Nathan, 'I am the Hinkam and you are the Ab-heth-din, let us retaliate.³⁴ Now, how are we to proceed against him? — Let us request him to discourse³⁵ upon the tractate of 'Ukzin with which he is unfamiliar,³⁶ and as he will be unable to discourse upon it³⁷ we shall tell him: Who can express the mighty acts of the Lord; make all His praise to be heard;³⁸ for whom is it becoming to express the mighty acts of the Lord? For him who can make all his praise to be heard. We shall then depose him and I shall become Ab-beth-din and you the Nasi.' R. Jacob b. Korshai on hearing this conversation³⁹ said, 'The matter might, God forbid, lead to [the Nasi's] disgrace.' So he went and sat down behind R. Simeon b. Gamaliel's study, expounding [the tractate of 'Uksin], and repeating it again and again. He⁴⁰ said, 'What could this mean?⁴¹ Did anything, God forbid, happen at the college!' He concentrated his attention and familiarized himself with it. On the following day when they said to him, 'Will the Master come and discourse on 'Uksin', he began and discoursed upon it.

After he had finished he said to them, 'Had I not familiarized myself with it, you would have disgraced me!' He gave the order and they were removed from the college. Thereupon they wrote down scholastic difficulties on slips of paper which they threw into the college.⁴² That which he⁴³ solved was disposed of⁴⁴ and as to those which he did not solve they wrote down the answers and threw them in. Said R. Jose to them:⁴⁵ The Torah is without and we are within! Said R. Simeon b. Gamaliel to them:⁴⁵ We shall re-admit them⁴⁶ but impose upon them this penalty, that no traditional statement shall be reported in their names. [As a result] R. Meir was designated 'others', and R. Nathan 'some say'. In their dreams they received a message to go and pacify⁴⁷ R. Simeon b. Gamaliel. R. Nathan went; R. Meir did not, for he said: Dreams are of no consequence.⁴⁸ When R. Nathan came,⁴⁹ R. Simeon b. Gamaliel remarked to him: The honorable position⁵⁰ of your father has indeed helped you to become Ab-beth-din; shall we therefore make you also Nasi? Rabbi taught his son R. Simeon: Others say that if it⁵¹ had been an exchanged beast

(1) Lit., 'he who eats.'

(2) Lit., 'he who is accustomed in.'

(3) Lit., 'he who drinks.'

(4) Lit., 'he who washes'.

(5) I.e., strengthen one's memory.

(6) So MS. M. Cur. edd. 'bread of (i.e. baked on) coals . . . coals.'

(7) Lit., 'rolled'.

(8) Lit., 'he who is accustomed'.

(9) An aid for remembering the numbers given by the two Tannaim.

(10) Which, the thumb not being counted, has one finger on its right and two on its left.

(11) Lit., 'he who passes.'

(12) Lit., 'and a woman who passes.'

(13) The Prince, the President of the Sanhedrin.

(14) [Father of the Beth din, generally taken to denote as here the Vice-President. Buchler, *Synedrin*, pp. 172ff., however, shows that the title 'Ab-beth-din' was also of a more general character, designating the head of any important school.]

(15) Lit., 'they make for him one row from here.'

(16) [Lit., 'the Sage.' There is no certainty either in regard to the original function or rank of the Hakam. He here appears as third in rank to the Nasi; v. Buchler, *op. cit.* pp. 155, 161ff.]

(17) [I.e., they may enter the house of study though the rest are already seated (cf. n. 10); v. *Sanh.* (Sonc. ed.) p. 30, n. 8.]

(18) Though he thereby disturbs the people whom he has to pass.

(19) Lit., 'scholars.'

(20) [A title denoting usually a general leader of the people, and sometimes also a member of the council of the city; v. Buchler, *Sepphoris*, pp. 14, 16.]

(21) Lit., 'house'.

(22) Are given a place beside him. [According to Krauss, *Sanhedrin-Makkot*, p. 34, the meaning is that the young men were delegated to assist as supervisors against laxities and misdemeanours at marriage festivities.]

(23) Lit., 'they did not say but.'

(24) To find a private spot. In those days privies within the town or the village were unknown.

(25) 'Raba said' is placed within parentheses in cur. edd. [It is rightly omitted in some texts, as Raba is unlikely to comment on a statement of R. Papa, his pupil.]

(26) Lit., 'all the world.'

(27) The sons of scholars mentioned supra.

(28) Heb., Mishnah, (teaching), v. Glos.

(29) Lit., 'taught.'

(30) חכם 'sage', 'wise man'; an office in the college next in rank to that of Ab-beth-din. V supra p. 101, n. 8.

(31) V. supra p. 101, n. 6.

(32) Lit., 'established that teaching.' the procedure described supra. [This arrangement, made by H. Simeon, was not

prompted by personal vanity. (Simeon's humility, well attested by his sayings. B. M. 84, 55a, is the best proof against such an imputation.) But it was introduced in order to increase the authority of the College over which the Nasi presided and to promote due respect for learning. V. Lauterbach, J.E. XI, p. 347.]

- (33) Lit., 'they said, what is this'.
- (34) Lit., 'let us do a thing as to us'.
- (35) Lit., 'reveal', i.e., expound.
- (36) Lit., 'he has not'.
- (37) Lit., 'he did not learn'.
- (38) Ps. CVI, 2.
- (39) Lit., 'heard them'.
- (40) K. Simeon b. Gamaliel.
- (41) Lit., 'what is that in front'.
- (42) Lit., 'there'.
- (43) V. p. 102, n. 9.
- (44) Lit., 'was solved'.
- (45) The members of the college.
- (46) The expelled scholars.
- (47) Lit., 'they showed them in their dreams, go pacify him'.
- (48) Lit., 'words of dreams neither bring up nor bring down'.
- (49) Lit., 'went'.
- (50) Lit., 'girdle'.
- (51) A beast that in the course of tithing has been erroneously counted as the tenth.

Talmud - Mas. Horayoth 14a

it would not have been sacrificed.¹ The latter said to him: Who are those whose waters we drink but whose names we do not mention? Rabbi answered him: These are men who wished to uproot your dignity and the dignity of your father's house. His son said to him: As well their love, as their hatred and their envy is long ago perished!² Rabbi said to him, The enemy has disappeared; the swords³ are forever.⁴ The other said to him: This applies only to the case where their actions were successful; in the case of these Rabbis, however, their actions were not successful. Subsequently he repeated his lesson [as follows]: It was said in the name of R. Meir that if it had been an exchanged beast it would not have been sacrificed. Raba said: Even Rabbi who was unassuming used the expression,⁵ 'it was said in the name of R. Meir', and did not say 'R. Meir said'. R. Johanan said: [On the following point] there is a difference of opinion between R. Simeon b. Gamaliel and the Rabbis. One view is⁶ that a well-read scholar⁷ is superior [to the keen dialectician] and the other view is⁶ that the keen dialectician⁸ is superior. R. Joseph was a well-read scholar; Rabbah was a keen dialectician. An enquiry was sent up to Palestine:⁹ Who of these should take precedence? They sent them word in reply: 'A well-read scholar is to take precedence'; for the Master said, 'All are dependent on the owner of the wheat'.¹⁰ R. Joseph, nevertheless, did not accept office. Rabbah was head¹¹ for twenty-two years and only after this period did R. Joseph take up the office.¹² Throughout the years of Rabbah's rectorship. Rab Joseph did not call to his house even a cupper.¹³ Abaye. Raba, R. Zera and Rabbah b. Mattana once sat studying together and felt the need to appoint a head.¹⁴ They agreed¹⁵ that whosoever would make a statement which could not be refuted shall become head. The statements of all of them were refuted, but that of Abaye was not. When Raba¹⁶ saw that Abaye held up his head, he called out to him: 'Nahmani,¹⁷ begin and say something'. The question was asked: Between R. Zera and Rabbah son of R. Mattana which is the superior? R. Zera was keen-witted but undecided¹⁸ while Rabbah son of R. Mattana was slow but able to arrive at conclusions.¹⁹ Now, what is the answer? — This must remain undecided.²⁰

(1) V. Bek. 60a.

(2) Eccl. IX, 6.

- (3) הרבות , pl. of הרב 'sword'. Others, 'waste places'.
- (4) Ps. IX, 7.
- (5) Lit., 'taught'.
- (6) Lit., 'one said'.
- (7) A Sinai. A scholar well versed in the Law communicated from Mount Sinai.
- (8) Lit., 'he who uproots mountains'.
- (9) Lit., 'thither.'
- (10) The scholar who is well read and who is, consequently, able to give reliable decisions based on trustworthy tradition.
- (11) Lit., 'reigned' [as head of the school of Pumbeditha].
- (12) [Because he was told by astrologers that he would reign only two years (v. Ber. 64a). Rabbah was head 309.330, and R. Joseph who succeeded him died in 333, v. Graetz, Geschichte IV, pp. 322ff. Funk, Die Juden in Babylonien, I, p. 26, suggests that there may be a deeper reason for R. Joseph's reluctance. He felt that the keen dialectical method of the Pumbeditha School (cf. Sanh, 17b) needed for its direction a man with greater dialectical powers than he possessed.]
- (13) R. Joseph, in his modesty, avoided all superior airs and called on the cupper instead of summoning him to his house.
- (14) [To the school of Pumbeditha after the death of R. Joseph.]
- (15) Lit., 'said.'
- (16) So Bomberg ed. Cur. edd.: 'Rabbah.' [D.S. a.l. n. 90, gives preference to the reading 'Rabbah' who, as Abaye's teacher, had to give him permission to expound. In this case, the 'head' they felt in need of would be, not for the school of Pumbeditha, but for the purpose of taking charge of that particular course: v. Tosaf. Asheri.]
- (17) Abaye's nickname. Nahmani was the name of the father of Rabbah in whose house Abaye received his education as well as his upbringing.
- (18) מקשה 'raises difficulties.'
- (19) מסיק 'coming to conclusions.'
- (20) Heb, tekū, v. Glos.

Talmud - Mas. Shevu'oth 2a

CHAPTER I

MISHNAH. OATHS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR;¹ THE LAWS CONCERNING THE DISCOVERY OF HAVING [UNCONSCIOUSLY] SINNED THROUGH UNCLEANNESS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR;² THE LAWS CONCERNING CARRYING ON THE SABBATH ARE OF TWO KINDS, SUBDIVIDED INTO FOUR;³ THE SHADES OF LEPROUS AFFECTIONS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR.⁴

WHERE⁵ THERE IS KNOWLEDGE AT THE BEGINNING AND AT THE END BUT FORGETFULNESS BETWEEN,⁶ A 'SLIDING SCALES' SACRIFICE IS BROUGHT.⁷ WHERE THERE IS KNOWLEDGE AT THE BEGINNING BUT NOT AT THE END, THE GOAT THE BLOOD OF WHICH IS SPRINKLED WITHIN THE VEIL ON THE DAY OF ATONEMENT⁸ TOGETHER WITH THE DAY OF ATONEMENT ITSELF HOLD THE SIN IN SUSPENSE⁹ UNTIL IT BECOME KNOWN TO THE SINNER, AND HE BRINGS THE 'SLIDING SCALE' SACRIFICE. WHERE THERE IS NO KNOWLEDGE AT THE BEGINNING BUT THERE IS KNOWLEDGE AT THE END, THE GOAT SACRIFICED ON THE OUTER ALTAR TOGETHER WITH THE DAY OF ATONEMENT ITSELF BRING HIM FORGIVENESS;¹⁰ FOR IT IS SAID: '[ONE HE-GOAT FOR A SIN-OFFERING] BESIDE THE SIN-OFFERING OF ATONEMENT':¹¹ [THEY ARE LIKENED TO ONE ANOTHER SO THAT WE MAY DEDUCE THAT] BOTH ATONE FOR SIMILAR KINDS OF SIN: JUST AS THE 'INNER' GOAT¹² ATONES ONLY FOR AN UNCONSCIOUS SIN — WHERE THERE WAS KNOWLEDGE [AT THE BEGINNING], SO THE 'OUTER'¹³ GOAT ATONES ONLY FOR AN UNCONSCIOUS SIN — WHERE THERE WAS KNOWLEDGE [AT THE END]. WHERE THERE IS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END, THE GOATS OFFERED AS SIN-OFFERINGS ON FESTIVALS AND NEW MOONS BRING ATONEMENT. THIS IS THE OPINION OF R. JUDAH [B. ILA'I]. R. SIMEON [B. YOHAI] HOLDS THAT THE FESTIVAL GOATS ALONE AND NOT THE NEW MOON GOATS ATONE FOR THIS CLASS OF UNCONSCIOUS OFFENCE.¹⁴ AND FOR WHAT DO THE NEW MOON GOATS BRING ATONEMENT? —

(1) Positive and negative with reference to both future action (I swear I shall . . . ; I swear I shall not . . .) and past action (I swear I did . . . ; I swear I did not . . .). V. Lev. V, 4.

(2) A person defiled by dead man or carrion who, forgetful of his uncleanness, eats holy food or enters the sanctuary; or, does either of these two actions, whilst conscious of his uncleanness, but not of eating holy (sacrificial) food or entering the sanctuary. V. Lev. V, 2ff.

(3) Two kinds of Hoza'ah, carrying out: standing in public ground, stretching out the hand to private ground, and withdrawing an object; standing in private ground, and removing an object thence to public ground. And two kinds of Haknasah, bringing in: standing in private ground, stretching out the hand to public ground, and withdrawing an object; standing in public ground, and removing an object thence to private ground.

(4) Bahereth, white like snow; Se'eth, like white wool; Sid ha-hekal, white like the plaster of the Temple walls; and Kerum Bezah, white like the membrane round an egg: they are all different shades of white. V. Lev. XIII, 2ff.

(5) The laws of uncleanness are here discussed. The Gemara (3a) explains why these laws rather than the laws of oaths are discussed first. The Sabbath and leprosy laws are explained in their own tractates, and are only mentioned here en passant simply because of their similarity in that they are 'two, subdivided into four'.

(6) I.e., Knowledge at the time of becoming unclean, but forgetfulness (v. n. 2) at the actual moment of eating the holy food or entering the sanctuary.

(7) According to the pecuniary circumstances of the sinner: a lamb or goat, if he be wealthy; two turtledoves or two young pigeons, if he cannot afford a lamb; or the tenth part of an ephah of fine flour, if he be poor (Lev. V, 6-11).

(8) Lev. XVI, 15.

(9) Shielding the sinner from punishment.

(10) For he can never bring a sacrifice himself, since there was no knowledge at the beginning.

(11) Num. XXIX, 11.

(12) I.e., 'the sin-offering of atonement.'

(13) The 'he-goat for a sin-offering.'

(14) V. infra 9b.

Talmud - Mas. Shevu'oth 2b

FOR A RITUALLY CLEAN MAN WHO ATE HOLY FOOD THAT HAD BECOME UNCLEAN. R. MEIR SAYS: ALL THE GOATS [EXCEPT THE 'INNER'] HAVE EQUAL POWERS OF ATONEMENT FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE¹ AND HOLY FOOD THEREOF.² NOW, R. SIMEON HOLDS THAT THE NEW MOON GOATS BRING ATONEMENT FOR A CLEAN MAN WHO ATE UNCLEAR HOLY FOOD; AND THE FESTIVAL GOATS ATONE FOR TRANSGRESSION OF THE LAWS OF UNCLEANNESS WHERE THERE WAS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END; AND THE 'OUTER' GOAT OF THE DAY OF ATONEMENT FOR TRANSGRESSION OF THESE LAWS WHERE THERE WAS NO KNOWLEDGE AT THE BEGINNING BUT THERE WAS KNOWLEDGE AT THE END. THEY³ [THEREFORE] SAID TO HIM: 'IS IT PERMITTED TO OFFER UP THE GOAT SET APART FOR ONE DAY ON ANOTHER?'⁴ HE REPLIED 'YES!' THEY [HOWEVER] ARGUED WITH HIM: 'SINCE THEY ARE NOT EQUAL IN THE ATONEMENT THEY BRING, HOW CAN THEY TAKE EACH OTHER'S PLACE?' HE REPLIED: 'THEY ARE ALL AT LEAST EQUAL [IN THE WIDER SENSE] IN THAT THEY ALL BRING ATONEMENT FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF.' R. SIMEON B. JUDAH SAID IN HIS NAME:⁵ THE NEW MOON GOATS BRING ATONEMENT FOR A CLEAN PERSON WHO ATE UNCLEAR HOLY FOOD; THE FESTIVAL GOATS, IN ADDITION TO BRINGING ATONEMENT FOR SUCH A CASE, ATONE ALSO FOR A CASE WHERE THERE WAS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END; THE 'OUTER' GOAT OF THE DAY OF ATONEMENT, IN ADDITION TO BRINGING ATONEMENT FOR BOTH THESE CASES, ATONES ALSO FOR A CASE WHERE THERE WAS NO KNOWLEDGE AT THE BEGINNING BUT THERE WAS KNOWLEDGE AT THE END. THEY ACCORDINGLY ASKED HIM: 'IS IT PERMITTED TO OFFER UP THE GOAT SET APART FOR ONE DAY ON ANOTHER?' HE SAID, 'YES!' THEY [FURTHER] SAID TO HIM: 'GRANTED THAT THE DAY OF ATONEMENT GOAT⁶ MAY BE OFFERED UP ON THE NEW MOON, BUT HOW CAN THE NEW MOON GOAT BE OFFERED UP ON THE DAY OF ATONEMENT TO BRING ATONEMENT FOR A TRESPASS THAT IS NOT WITHIN ITS SCOPE?' HE REPLIED: 'THEY ARE ALL AT LEAST EQUAL [IN THE WIDER SENSE] IN THAT THEY ALL BRING ATONEMENT FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF.

FOR WILFUL TRANSGRESSION OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF, THE 'INNER' GOAT OF THE DAY OF ATONEMENT TOGETHER WITH THE DAY OF ATONEMENT ITSELF BRING FORGIVENESS.⁷ FOR OTHER TRANSGRESSIONS OF THE TORAH, LIGHT AND GRAVE, WILFUL AND UNCONSCIOUS, KNOWN AND UNKNOWN, POSITIVE AND NEGATIVE, THOSE PUNISHABLE BY KARETH⁸ AND THOSE PUNISHABLE BY DEATH IMPOSED BY THE COURT — FOR ALL THESE THE SCAPEGOAT⁹ BRINGS ATONEMENT TO ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST. WHAT [THEN] IS THE DIFFERENCE BETWEEN ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST?¹⁰ — [NONE], SAVE THAT THE BULLOCK¹¹ BRINGS ATONEMENT TO THE PRIESTS FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNESS IN CONNECTION WITH THE

TEMPLE AND HOLY FOOD.¹² R. SIMEON SAYS: JUST AS THE BLOOD OF THE GOAT THAT IS SPRINKLED WITHIN THE VEIL BRINGS ATONEMENT FOR ISRAELITES, SO THE BLOOD OF THE BULLOCK BRINGS ATONEMENT FOR PRIESTS; AND JUST AS THE CONFESSION OF SINS PRONOUNCED OVER THE SCAPEGOAT BRINGS ATONEMENT FOR ISRAELITES, SO THE CONFESSION PRONOUNCED OVER THE BULLOCK BRINGS ATONEMENT FOR PRIESTS.¹³ GEMARA. Now, the Tanna has just ended the treatise Makkoth; why does he study Shebu'oth?¹⁴ — Because he learned:¹⁵ For rounding the corners of the head¹⁶ the penalty of lashes is incurred twice, once for each corner;

(1) Lit., 'sanctuary'.

(2) They all equally atone for sins committed unconsciously, whether there was no knowledge at the beginning but knowledge at the end, or no knowledge either at the beginning or at the end; and for a clean man who ate unclean holy food.

(3) The Sages.

(4) If, for example, the goat set apart for offering on the Day of Atonement was lost, and was found only after another had been offered in its place, is it permissible to offer it up on a festival or new moon?

(5) Another version of R. Simeon b. Yohai's view.

(6) Because it is more inclusive.

(7) V. 12b seq.

(8) Extinction by divine intervention; v. Glos.

(9) Lit., 'the one to be sent away'.

(10) This apparent contradiction of the former statement is explained in the Gemara (13b).

(11) The bullock brought by the High Priest, Lev. XVI, 3-6.

(12) Whereas for Israelites the 'inner' and 'outer' goats bring atonement for these transgressions; the scapegoat, however, brings atonement both to Israelites and priests for all other transgressions.

(13) Disagreeing with the previous Tanna who holds that the scapegoat brings atonement to both Israelites and priests for other transgressions, he contends that the scapegoat is for Israelites only; the sprinkling of the blood of the 'inner' goat (attended by no confession) brings atonement to Israelites for transgressions connected with uncleanness; the confession over the scapegoat (attended by no blood sprinkling) brings atonement to Israelites for other transgressions. Similarly, the sprinkling of the blood of the bullock brings atonement to priests for transgressions connected with uncleanness; and the confession over the bullock brings atonement to them for other transgressions; v. 13b. seq.

(14) Shebu'oth follows immediately upon Makkoth in the Mishnah. What connection is there between the two treatises that the Tanna studies them in this order?

(15) Mak. 20a.

(16) Removing the hair from the temples, where the head joins the cheeks; v. Lev. XIX, 27.

Talmud - Mas. Shevu'oth 3a

and for shaving the beard, five times, twice for each cheek,¹ and once for the point of the chin. Since he has been discussing a single prohibition involving two punishments, he continues with OATHS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. Why did the Tanna enumerate all the instances of 'two, subdivided into four' only in this treatise, and not in the treatise Shabbath, when discussing the laws of carrying, nor in the treatise Nega'im, when discussing the shades of leprous affections? — I will tell you: The laws of oaths and uncleanness are mentioned together in the Bible,² and are akin to each other in that their transgressor brings a 'sliding-scale' sacrifice;³ the Tanna therefore mentions them together here, and, having mentioned these two, he includes the rest also.

Having begun with the laws of oaths, why does the Tanna proceed to explain the laws of uncleanness first? Because the laws of uncleanness are few he disposes of them first; then he proceeds to explain the laws of oaths which are more numerous.

OATHS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. TWO: I shall eat; I shall not eat. SUBDIVIDED INTO FOUR: I have eaten; I have not eaten.

THE LAWS CONCERNING THE DISCOVERY OF HAVING [UNCONSCIOUSLY] SINNED THROUGH UNCLEANNESS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. TWO: The discovery of having been unclean and partaken of holy food; and the discovery of having been unclean and entered the Temple [the uncleanness having been forgotten in both cases]. Subdivided INTO FOUR: The discovery that it was holy food he had eaten while being unclean [having forgotten that it was holy during the eating of it]; and the discovery that it was the Temple he had entered while being unclean [having forgotten it was the Temple at the time of entering].

THE LAWS CONCERNING CARRYING ON THE SABBATH ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. TWO: The carrying out by the poor man; and the carrying out by the householder.⁴ SUBDIVIDED INTO FOUR: The bringing in by the poor man; and the bringing in by the householder.

THE SHADES OF LEPROUS AFFECTIONS ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. TWO: Se'eth and Bahereth. SUBDIVIDED INTO FOUR: The derivative of Se'eth, and the derivative of Bahereth.⁵

Who is the Tanna of our Mishnah? — It is neither R. Ishmael nor R. Akiba! It is not R. Ishmael, for he states: He is guilty only when the oath is in the future tense.⁶ And it is not R. Akiba, for he states: He is guilty only in the cases where he forgets his uncleanness [while eating holy food or entering the Temple], but not in the cases where he forgets that it is the Temple he is entering [or that the food is holy while he is unclean].⁷

If you wish, I can say the Tanna of our Mishnah is R. Ishmael, or, if you prefer, I can say it is R. Akiba. It may be R. Ishmael. [Of the four kinds of oaths mentioned, not all are equally serious; but] two incur punishment, and the other two do not. Or, it may be R. Akiba. Two [of the cases of transgression through uncleanness] incur punishment, and two do not. In some cases there is no punishment?

(1) Which has two corners, the end of the lower jawbone where it joins the bottom of the ear, and the end near the chin.

(2) Lev. V, 2ff.

(3) V. p. 1, n. 7.

(4) For the sake of brevity the terms 'poor man' and 'householder' are employed, it being assumed that the poor man stands outside, and the householder inside; v. supra p. 1, n. 3 on Mishnah.

(5) V. supra p. 1, n. 4 on Mishnah.

(6) Infra 25a. Our Mishnah includes also oaths in the past tense.

(7) Infra 14b. Our Mishnah includes the four categories.

Talmud - Mas. Shevu'oth 3b

But does not the Tanna mention them together with the laws concerning the shades of leprosy: just as in these laws all four shades make him unclean, necessitating a sacrifice, so here [in the case of oaths and uncleanness] all must be equal, necessitating a sacrifice? — Verily, the Tanna is R. Ishmael; and though in the case of oaths R. Ishmael excludes the past tense, it is only to free the transgressor from bringing a sacrifice¹ [if he transgresses unwittingly], but not to free him from lashes [if he transgresses wilfully].² And this will be in accordance with Raba's dictum, for Raba said:³ Clearly did the Torah state that a false oath is like a vain oath⁴ [for lashes]; just as a vain oath which is necessarily in the past [being untrue the moment it is uttered, is attended by the penalty of lashes], so is a false oath in the past [attended by the penalty of lashes].

Granted in the case of the oaths, 'I have eaten,' 'I have not eaten,' [he is guilty and receives the lashes, if they are false], as Raba says. Also, in the case of 'I shall not eat,' and he ate, he is guilty [and receives lashes], for he has transgressed a negative precept involving action; but in the case of 'I shall eat,' and he did not eat, why should he receive lashes, since the transgression is of a negative precept involving no action?⁵ [Where then are the four kinds of punishable oaths?] — R. Ishmael holds that the violation of a negative precept not involving action is also punishable by lashes. If so, R. Johanan contradicts himself; for R. Johanan said: The rule is in accordance with the anonymous Mishnah;⁶ and yet we find it stated: 'I swear I shall eat this loaf today,' and the day passed, and he did not eat it; R. Johanan and Resh Lakish both say he does not receive lashes, R. Johanan's reason for his opinion being because it is a negative precept not involving action, and the transgression of a negative precept involving no action is not liable to lashes; and Resh Lakish's reason being because it is an 'uncertain warning',⁷ and an uncertain warning is not a warning — R. Johanan found another anonymous Mishnah [which agrees with his view] Which one? Is it the following anonymous Mishnah? For we learnt: 'But he who leaves over a portion of even a ritually clean paschal lamb; or breaks the bone of an unclean paschal lamb, does not receive the forty lashes.'⁸ Granted that he who breaks the bone of an unclean paschal lamb does not receive lashes, because it is written: Ye shall not break a bone thereof⁹ — of a ritually clean and not of a disqualified paschal lamb. But he who leaves over a portion of a clean paschal lamb — why should he be exempt, unless it be because he is transgressing a negative precept not involving action, and a negative precept not involving action is not liable to punishment? [This, then, is the anonymous Mishnah with which R. Johanan agrees.] But how do you know that this Mishnah is reflecting the view of R. Jacob, who holds that the violation of a negative precept involving no action is not punishable by lashes? Perhaps it is reflecting the view of R. Judah [b. Ila'i], who holds that this transgression is not punishable by lashes, because Scripture has come to appoint a positive precept to follow the negative precept,¹⁰ but otherwise it would be punishable by lashes. For it is taught: Ye shall let nothing remain until the morning; but that which remaineth of it until the morning ye shall burn with fire:¹¹ Scripture has come to appoint the positive precept to follow the negative precept to teach us that this negative precept is not punishable by lashes, — this is the opinion of R. Judah. R. Jacob says, this is not the reason;¹² but rather because it is a negative precept not involving action, and the disregard of a negative precept not involving action is not punishable by lashes.¹³ But he found the following anonymous Mishnah: 'I swear I shall not eat this loaf, I swear I shall not eat it;' and he ate it,

(1) V. Lev. V, 4 seq.

(2) According to this, our Mishnah, in enumerating four kinds of oaths, is referring to wilful transgression.

(3) V. infra 21a.

(4) A vain oath is an oath which is demonstrably untrue on the face of it, e.g., 'I swear this is gold' (pointing to a lump of wood or stone). A false oath is an oath which is not, on the face of it, demonstrably untrue, e.g., 'I swear I have eaten a loaf of bread.' It may be true; it is false only if he has not eaten.

(5) V. infra.

(6) Which, in the present instance, is shown to be in accordance with R. Ishmael's view that a negative precept not involving action is liable to the punishment of the forty lashes.

(7) If a transgressor is not warned immediately before committing the sin, the punishment is not inflicted. In this case the actual moment of transgression is uncertain, for he has the whole day in which to fulfil his oath.

(8) Pes. 84a.

(9) Ex. XII, 46.

(10) I.e., to provide a remedy for the violation of the negative precept, averting punishment.

(11) Ex. XII, 10.

(12) Lit., 'not of the same denomination.'

(13) And since the exemption of the transgressor from lashes in the cited Mishnah may be due to R. Judah's reason and not R. Jacob's, the question remains, which is the anonymous Mishnah which supports R. Johanan?

Talmud - Mas. Shevu'oth 4a

he is guilty of transgressing only one oath:¹ this is the 'useless oath'² for which the punishment of lashes is inflicted for wilful transgression, and the sliding-scale sacrifice for unwitting transgression.³ This is the oath for which the punishment of lashes is inflicted for wilful transgression, but in the case: 'I swear I shall eat,' and he did not eat, [we may deduce] he would not receive lashes. [Presumably because the transgression involves no action, and this anonymous Mishnah would be the one with which R. Johanan agrees.] Now, well! This Mishnah is anonymous, and our Mishnah is anonymous; why does R. Johanan prefer the ruling of this Mishnah rather than of ours? But [might it not be asked as a counter-question] even according to your argument, how can Rabbi⁴ himself agree with both? — At first, Rabbi held that a negative precept not involving action is punishable by lashes, and, therefore, stated the ruling of our Mishnah anonymously; afterwards, he held it is not so punishable, and stated the ruling of the second Mishnah anonymously, and [though he had changed his view] he allowed the first Mishnah to stand also.⁵

You have explained our Mishnah as being in accordance with R. Ishmael's view, and as referring to lashes for wilful transgression: if so, what lashes can there be in connection with the shades of leprosy? — There are lashes in the case where one cuts off his leprous spot; and as R. Abin said in the name of R. Ila'a; for R. Abin said in the name of R. Ila'a: Whenever there occur in Holy Writ the expressions 'take heed', 'lest', or 'do not', they are negative precepts.⁶ In connection with carrying on the Sabbath what lashes can there be? Is it not a negative precept which requires the warning that its violation is punishable by death?⁷ and every such negative precept is not punishable by lashes?⁸ — For this very reason we have explained the Mishnah as being in accordance with R. Ishmael's view, who holds that a negative precept requiring the death warning is [if the lashes warning be given] punishable by lashes.⁹ But, were it not for this, would it have been possible to explain the Mishnah as being in accordance with R. Akiba's view? [Surely not! For] has it not been shown that the laws of uncleanness in our Mishnah are not in accordance with his views? — But did you not say that even according to R. Ishmael, the Mishnah would have to be interpreted as referring to wilful transgressions involving the punishment of lashes; and, if so [were it not for the fact that R. Akiba holds that a negative precept requiring the death warning is not punishable by lashes, even if the lashes warning be given],¹⁰ we could just as easily have explained the Mishnah as being in accordance with R. Akiba's view, and as referring to lashes.¹¹

If so,¹² the phrase THE DISCOVERY OF HAVING SINNED THROUGH UNCLEANNESS [implying unconscious sinning] is inappropriate; the appropriate expression would be 'warnings against sinning through uncleanness'? — This question need cause no difficulty: the Tanna means 'the laws concerning the knowledge of the warnings against sinning' . . . If so, how can there be TWO, SUBDIVIDED INTO FOUR? There are only two!¹³ Further, WHERE THERE IS KNOWLEDGE AT THE BEGINNING AND AT THE END, BUT FORGETFULNESS BETWEEN . . . How can there be forgetfulness, if the Mishnah is referring to wilful transgression and lashes? Further, A 'SLIDING SCALE' SACRIFICE IS BROUGHT [obviously refers to wilful transgression]?¹⁴ — Hence, said R. Joseph, we must conclude that the Tanna of the Mishnah is Rabbi himself, who [as editor] incorporates the views of both Tannaim; for the laws of uncleanness he gives the view of R. Ishmael, and for the laws of oaths he gives the view of R. Akiba [the Mishnah referring accordingly to unwitting transgression]. Said R. Ashi: I repeated this statement [of R. Joseph's] to R. Kahana; and he said to me: Do not think that [R. Joseph meant that] Rabbi simply incorporated in the Mishnah the views of both Tannaim, he himself not agreeing; but the fact is that Rabbi himself, for a sufficiently good reason, agrees [with R. Ishmael in the laws of uncleanness and with R. Akiba in the laws of oaths]. For it is taught: Whence do we deduce that one is not liable [to bring a sacrifice] except when there is knowledge at the beginning and at the end and forgetfulness between? Scripture records: It was hidden from him — twice.¹⁵ This is the opinion of R. Akiba. Rabbi said: This deduction is not necessary. Scripture says:

(1) The first: for, having uttered the first oath, the loaf is already prohibited to him; and when he utters the second oath, he is, as it were, swearing to fulfil a mizvah [i.e., to fulfil the first oath]; and he who swears to fulfil a mizvah, and does not fulfil it, is not liable to punishment; v. infra 27a.

(2) See Lev. V, 4.

(3) Infra 27b.

(4) Rabbi Judah the Prince, redactor of the Mishnah. Why does he include both anonymous Mishnahs, if they contradict each other?

(5) Lit., 'the Mishnah was not removed from its place', Rabbi relying on the intelligence of the student to realise that the second Mishnah is the authoritative one. R. Johanan, therefore, agrees with the second Mishnah.

(6) Deut. XXIV, 8: Take heed in the plague of leprosy. Cutting off a leprous spot is therefore a violation of a negative precept, punishable by lashes.

(7) The violation of a negative precept is punishable only if the appropriate warning be given by witnesses.

(8) Even if the warning was, erroneously, that its violation was punishable by lashes.

(9) Mak. 13b.

(10) Ibid.

(11) And not to an offering.

(12) If the Mishnah refers to wilful transgression and lashes.

(13) Warnings: against eating holy food whilst unclean, and against entering the Temple whilst unclean.

(14) And the question, 'Who is the Tanna of our Mishnah?' still remains unanswered.

(15) Lev V, 2, 3. One being superfluous, it is to teach that the uncleanness was hidden from him after having been known to him (i.e., knowledge at the beginning); knowledge at the end is obviously necessary, otherwise how does he know to bring a sacrifice? (Tosaf).

Talmud - Mas. Shevu'oth 4b

it was hidden from him [i.e., forgotten], therefore, it must have been known to him at the beginning; then Scripture says: and he knows of it¹ [i.e., at the end], hence, knowledge is essential both at the beginning and at the end. If so, why does Scripture say: it was hidden from him — twice? — In order to make him liable both in the case of forgetfulness of the uncleanness, and in the case of forgetfulness of the Temple or holy food.²

Concerning the laws of uncleanness, then, Rabbi has his own reason; but concerning oaths, where we do not find that he gives a reason of his own, how do we know [that he holds OATHS ARE TWO, SUBDIVIDED INTO FOUR]? — It is a reasonable assumption; for, what is R. Akiba's reason for including oaths in the past tense for liability? — Because he expounds 'amplifications and limitations'³ We find that Rabbi also expounds 'amplifications and limitations'. For it is taught:⁴ Rabbi said: The first-born of man may be redeemed⁵ by all things except bonds; but the Rabbis⁶ said: The first-born of man may be redeemed by all things except slaves, bonds, and lands. What is Rabbi's reason? — He expounds [the verse in accordance with the principle of] 'amplifications and limitations': And those that are to be redeemed from a month old — the verse amplifies; according to thy valuation, five shekels of silver — the verse limits; shalt thou redeem — the verse again amplifies; since it amplifies, limits, and amplifies, it includes everything, and excludes only bonds. But the Rabbis expound [the verse in accordance with the principle of] 'generalisations and specifications': And those that are to be redeemed from a month old — the verse generalises; according to thy valuation, five shekels of silver — the verse specifies; shalt thou redeem — the verse again generalises; since it generalises, specifies, and generalises, you must include in the 'generalisation' only those things which are similar to the 'specification': just as the specification is clearly movable and of intrinsic value, so all things which are movable and of intrinsic value [may be used for redeeming the first-born]; but you must exclude lands, which are not movable, and slaves, which have been likened to lands,⁷ and bonds, which, though they are movable, are not of intrinsic value. [Hence, since Rabbi expounds 'amplifications and limitations', he agrees with R. Akiba.]

Rabina said to Amemar: Does Rabbi really expound ‘amplifications and limitations’? Surely, Rabbi expounds ‘generalisations and specifications’! For it is taught:⁸ [Then thou shalt take] an awl . . .⁹ Hence I deduce that an awl may be used; whence do I deduce also a sharp wooden prick, thorn, needle, borer, or stylus? — It is said: Thou shalt take — anything that may be taken by hand. This is the opinion of R. Jose, son of R. Judah. Rabbi said: and awl — just as an awl is of metal, so only those things which are of metal [may be used]. And we explained the reason for their argument thus: Rabbi expounds ‘generalisations and specifications’,¹⁰ and R. Jose son of R. Judah expounds

(1) Lev. V, 3.

(2) This proves that the statement THE LAWS OF UNCLEANNES ARE TWO SUBDIVIDED INTO FOUR represents the view of Rabbi.

(3) Infra 26a. R. Akiba expounds the verse (Lev. V, 4) thus: If any one swear clearly with his lips — ‘amplification; (i.e., all oaths); to do evil or to do good — ‘limitation’ (i.e., this particularisation limits the general statement to oaths which are similar to the particular in that they are in the future tense); Whatsoever it be that a man utter clearly with an oath — another ‘amplification’ (this additional general statement serves to amplify the particular, adding even oaths which are not similar to it, i.e., even those in the past tense, and excluding only swearing to transgress a precept).

(4) Bek. 51a.

(5) V. Num. XVIII, 15, 16.

(6) Representing the opinion of teachers in general. And those that are to be redeemed is a general statement, implying that they may be redeemed with all things; this is followed by a particular statement five shekels of silver, limiting redemption to that alone; then follows another general statement shalt thou redeem — apparently with all things. According to Rabbi, the particular (five shekels) implies that the first generalisation is to be taken as including all things which are similar to the particular, and the final generalisation adds even things which are not entirely similar to the particular, excluding only that which is most dissimilar. According to the Rabbis, the particular limits the first generalisation to that particular alone, excluding even similar things, but the final generalisation adds all similar things, excluding all things which are dissimilar. Though in this verse both generalisations precede the particular (and those that are to be redeemed from a month old shalt thou redeem, according to thy valuation, for five shekels of silver), the procedure is, in such a case, to assume that the particular is between the two generalisations. Rabbi’s method of exposition is called ‘amplification and limitation’ (Ribbu u-Mi’ut ריבוי ומיעוט); the other is called ‘generalisation and specification’ (Kelal u-ferat כלל ופרט). The former is more inclusive than the latter.

(7) Lev. XXV, 46: And ye may make them (the slaves) and inheritance for your children, to hold for a possession.

(8) Bek. 51a.

(9) Deut. XV, 17, referring to a Hebrew slave who does not desire to be set free at the end of six years.

(10) Explaining the verse thus: Thou shalt take — a ‘generalisation’; an awl — a ‘specification’; and thrust it through his ear and into the door — another ‘generalisation’ (i.e., anything that may be thrust); in such a case, only those things which are similar to the specification (in the present instance, made of metal) are included. But R. Jose includes everything, excluding only the use of a poison which is powerful enough to bore a hole.

Talmud - Mas. Shevu'oth 5a

‘amplifications and limitations’.¹

True, elsewhere he expounds ‘generalisations and specifications’, but here [in connection with the redemption of the first-born he expounds ‘amplifications and limitations’, and] his reason is that which was taught in the Academy of R. Ishmael, for in the Academy of R. Ishmael it was taught:² In the waters, in the waters — twice.³ This is not ‘generalisation and specification’, but ‘amplification and limitation’. And the Rabbis [who disagree with Rabbi in connection with the redemption of the first-born — what is their reason]? Rabina said: They agree with the Western [Palestinian] Academies who hold that where there are two general statements followed by a particular, the particular should be regarded as being between the two general statements, and the verse may then be expounded on the principle of ‘generalisations and specifications’.

Now that you say that Rabbi [as a general rule] expounds ‘generalisations and specifications’, the difficulty concerning oaths [in our Mishnah] necessarily remains.⁴ We must perforce say, therefore, that [in the Mishnah] he gives R. Akiba's view on oaths, but he himself does not agree.

To revert to the main subject:⁵ ‘Whence do we deduce that one is not liable except when there is knowledge at the beginning and at the end and forgetfulness between? Scripture records: It was hidden from him — twice. This is the opinion of R. Akiba. Rabbi said: This deduction is not necessary. Scripture says: It was hidden from him, — therefore it must have been known to him at the beginning; then Scripture says: And he knows of it [i.e., at the end], hence, knowledge is essential both at the beginning and at the end. If so, why does Scripture say: it was hidden from him — twice: — In order to make him liable both in the case of forgetfulness of the uncleanness, and in the case of forgetfulness of the Temple or holy food.’

The Master said: ‘And it was hidden from him, therefore it must have been known to him’. How do you conclude this? Raba said: Because it is not written: ‘and it is hidden from him’.⁶ Abaye said to him: If so, in connection with the wife suspected of infidelity, when Scripture says: And it was hidden from the eyes of her husband,⁷ will you reason from this also that he knew at the beginning? [Surely not, for] if he knew, the waters would not test her, as it is taught: And the man shall be clear from iniquity, and that woman shall bear her iniquity:⁸ when the man is clear from iniquity, the waters test his wife; but when the man is not clear from iniquity,⁹ the waters do not test his wife.¹⁰ And further, in connection with the Torah it is written: It is hid¹¹ from the eyes of all living, and from the birds of the heavens it is kept secret;¹² will you conclude from this that they knew it? [Surely not, for] it is written: Man knows not the value thereof.¹³ Of necessity then, said Abaye, Rabbi holds that the knowledge gained from a teacher¹⁴ is also called knowledge. But if so, said R. Papa to Abaye, the statement in the Mishnah WHERE THERE IS NO KNOWLEDGE AT THE BEGINNING, BUT THERE IS KNOWLEDGE AT THE END [is incomprehensible, for] is there anyone who has not even the knowledge gained from a teacher? He replied: Yes! it is possible in a child taken into captivity among heathen.

THE LAWS CONCERNING CARRYING ON THE SABBATH ARE OF TWO KINDS, SUBDIVIDED INTO FOUR. We learnt there:¹⁵ The laws concerning carrying on the Sabbath are two, subdivided into four inside;¹⁶ and two, subdivided into four outside.¹⁷ Why does our Mishnah here state simply: TWO, SUBDIVIDED INTO FOUR, and nothing else, whereas the Mishnah there states: Two, subdivided into four inside; and two, subdivided into four outside? — The Mishnah there deals mainly with the Sabbath laws, and therefore mentions the Principals and Derivatives, but our Mishnah here, which is not concerned mainly with the Sabbath laws mentions the Principals only and not the Derivatives. Which are the principals? — Carrying out: the laws of carrying out are only two.¹⁸ [and our Mishnah says: TWO, SUBDIVIDED INTO FOUR]! And perhaps you will say, [our Mishnah means] two hoza'oth [carrying out] which are punishable, and two which are not.¹⁹ [That is not possible, for] they are mentioned together with the shades of leprous affections, and just as those are all punishable, so are these? — We must necessarily say, said R. Papa, that the other Mishnah, which deals mainly with the Sabbath laws, mentions those which are punishable, and those which are not; but our Mishnah mentions only those which are punishable, and not those which are not. Which are those that are punishable? Carrying out: these are only two!²⁰ The Mishnah means two hoza'oth and two haknasoth. But the Mishnah says hoza'oth!²¹ — Said R. Ashi: The Tanna calls haknasah also hoza'ah. How do you know?

(1) Which shows that Rabbi does not expound ‘amplifications and limitations’, and that therefore he does not agree with R. Akiba.

(2) Hul. 67a.

(3) Lev. XI, 9: These may ye eat of all that are in the waters: whatsoever hath fins and scales in the waters, in the seas,

and in rivers, them may ye eat. In the waters is a general statement; in the seas and in the rivers is a particular. In this verse the particular is not between the two general statements, but follows them. In such a case, R. Ishmael's Academy assert, the verse is expounded on the principle of 'amplifications and limitations'. Rabbi agrees, and he therefore expounds similarly the verse about the redemption of the first-born.

(4) For if Rabbi does not expound 'amplifications and limitations' he cannot agree with R. Akiba, who includes oaths in the past tense.

(5) Supra p. 11.

(6) The form of the verb (niph'al) ונעלם used by Scripture has the force of: it became hidden from him, implying knowledge at the beginning.

(7) Num, V, 13: the niph'al is used.

(8) Num, V, 31.

(9) Having known of her intrigue and yet cohabited with her.

(10) Sotah 28a.

(11) The niph'al is used, ונעלסה

(12) Job XXVIII, 21.

(13) Job XXVIII, 13

(14) The theoretical knowledge that one who touches an unclean thing becomes unclean is also considered knowledge for the purpose of 'knowledge at the beginning', even if he did not realise at the moment of touching the unclean thing that he had become unclean. According to this, there is always 'knowledge at the beginning', the only exception being the case of a child taken into captivity among heathen.

(15) In Shab. 2a

(16) The haknasah of the poor man and the haknasah of the householder (which are punishable); and the same two haknasoth when only half the action is done by each person, one person withdrawing the object, and the other taking it from him, thus completing the action. These two haknasoth are not punishable.

(17) Two hoza'oth which are punishable, and two which are not.

(18) Of the householder and the poor man.

(19) v. p. 15, n. 10.

(20) V. previous note.

(21) The word used is yezi'oth (going out), but it is presumably equivalent to hoza'oth (carrying out).

Talmud - Mas. Shevu'oth 5b

— Because we learnt: He who carries out from one domain to another domain [on the Sabbath] is guilty.¹ And are we not concerned there also with bringing in, and yet he calls it hoza'ah.? [No!] Perhaps [the Tanna means] carrying out from a private domain to a public domain. — If so, let him say distinctly: He who carries out from a private domain to a public domain [is guilty]; why does he say: 'from one domain to another domain'? Obviously, to include even bringing in from a public domain to a private domain; and he calls it hoza'ah — What is the reason? — The withdrawing of an object from its place the Tanna calls hoza'ah. Rabina said: The Mishnah also lends support to this view, for it states: The laws of carrying [Yezi'oth] on the Sabbath are two, subdivided into four inside; and two, subdivided into four outside: and it goes on to explain haknasah [bringing in]!² This is conclusive. Raba said: The Tanna means domains; there are two kinds of domain³ with regard to carrying on the Sabbath.

THE SHADES OF LEPROUS AFFECTIONS ARE TWO, SUBDIVIDED INTO FOUR. We learnt there:⁴ the shades of leprous affections are two, subdivided into four: Bahereth intensively white, like snow; secondary to it [i.e., its derivative], Sid ha-hekal; Se'eth like white wool; secondary to it, Kerum bezah.⁵ R. Hanina said: the Tanna who stated this Mishnah of leprous affections⁶ is not R. Akiba; for, if it were R. Akiba, then, since elsewhere he enumerates them one above the other,⁷ Sid hekal cannot combine with any other shade; for, with which shade will you combine it? Will you combine it with Bahereth? There is Se'eth which is [one degree] higher than it [intervening, Bahereth being two degrees higher]. Will you combine it with Se'eth.? It is not its derivative. If so, Kerum

bezah also — with what will you combine it? Will you combine it with Se'eth? There is Sid which is [one degree] higher than it [intervening, Se'eth being two degrees higher]. Will you combine it with Sid? It is not of its kind.⁸

(1) Shah. 73a.

(2) The poor man, having withdrawn an object from public territory, stretches out his hand into the house, and hands it to the householder; the poor man is guilty. V. Mishnah, Shah. 2a.

(3) Public and private, which produce four punishable transgressions, two hoza'oth and two haknasoth. Raba endeavours to explain why the Tanna uses the word yezi'oth and not hoza'oth; and he explains that it means 'goings out', i.e., roads or paths which go out or lead out, and is therefore equivalent to domains (Tosaf).

(4) V. Neg. I, 1.

(5) V. supra Mishnah, note 4.

(6) In the form of principals and derivatives, implying that a principal combines with its derivative to form the requisite size of כְּגַרְיִם *garis*, bean, to mark the person thus afflicted a leper.

(7) According to their degree of whiteness — Bahereth, Se'eth, Sid, Kerum; holding that two shades, if separated by only one degree, may combine.

(8) For Sid and Kerum are derivatives of two different principals.

Talmud - Mas. Shevu'oth 6a

This is no question: without Sid hekal, Kerum bezah would present no difficulty, for, although Kerum bezah is [two degrees] lower than Se'eth, Scripture says: For Se'eth and for Sappahath.¹ Sappahath is secondary to Se'eth although it is much [i.e., two degrees] lower. But Sid hekal presents a difficulty: [with what shade can it combine?] Obviously, then, our Mishnah [in making Sid secondary to Bahereth, and Kerum secondary to Se'eth] is not in accordance with R. Akiba's view.

And where have we heard R. Akiba [enumerating the shades of leprosy] one above the other? Shall we say, in the following [Baraita], where it is taught that R. Jose said: Joshua, the son of R. Akiba, asked R. Akiba. 'Why did they say the shades of leprous affections are two, subdivided into four?' He replied. 'What should they say?' 'They should say', [said his son, 'All shades] from Kerum bezah and upwards are unclean'. He replied. '[The Rabbis stated the law in the form of two, subdivided into four] so that we may deduce that they combine with each other.' His son argued. 'They could have said. "[All shades] from Kerum bezah and upwards are unclean, and combine with each other".' He replied. '[The Rabbis stated it in the form of two, subdivided into four] to teach us that a priest who is not well versed in them and their names is not competent to inspect the leprous shades.' Now, [in his question], Joshua did not suggest [that they could have said that the shades from Kerum bezah and upwards are unclean and combine, and the shades] from Sid hekal and upwards are unclean and combine. And because he did not say this, we may deduce that he had heard that R. Akiba held that they all combine with Se'eth,² [But this is not conclusive], as [R. Akiba may perhaps hold that] Se'eth combines with its derivative, and Bahereth with its derivative.³ Well, then from R. Hanina's statement [we may deduce that R. Akiba enumerates the shades one above the other], for R. Hanina said: To what may R. Akiba's statement be compared? — To four tumblers of milk; into one there fell two drops of blood; into the second, four drops; into the third, eight drops; and into the fourth, twelve drops — some say, sixteen drops. They are all shades of white, but one above the other. [No!]⁴ When did you hear R. Akiba holding this view — only in connection with variegated leprosy,⁵ but did you hear it in connection with plain [white leprosy]? And if you will say that, just as he holds this view in connection with variegated leprosy, so he holds it in connection with plain; are you really sure that he holds it [even] in connection with variegated leprosy? Is it not taught: R. Akiba says: the redness in this and in that [Bahereth and Se'eth] is like wine mixed with water, except that Bahereth is white like snow, and Sid is fainter than it.

(1) Lev. XIV, 56: For a rising and for a scab. Sappahath (translated 'scab') is from a root meaning 'to Join', 'be added

- to'. It is here taken to denote that which is joined, attached to Se'eth (translated 'rising'), i.e., its derivative Kerum bezah.
- (2) Because he suggests that the Rabbis could have said: the shades from Kerum and upwards are unclean and combine: without differentiating a derivative for Bahereth and a derivative for Se'eth. Hence we may deduce that Se'eth has two derivatives, Sid and Kerum (because Sappahath, which implies derivatives, is connected with Se'eth in Holy Writ), both of which combine with it and each other, and that Bahereth being only one degree higher than Se'eth also combines with Se'eth; but Bahereth has no derivative. Thus R. Akiba holds they are one above the other.
- (3) And Joshua really asked: Let them say the shades from Kerum and upwards and from Sid and upwards are unclean and combine; but R. Jose was not particular to quote him verbatim.
- (4) Neither is this conclusive.
- (5) Reddish-white; v. Lev. XIII, 19

Talmud - Mas. Shevu'oth 6b

And if it is [as you say, that R. Akiba holds they are one above the other, i.e., Bahereth, then Se'eth], he should have said: White wool [i.e., Se'eth] is fainter than it? — That is so [R. Akiba really said Se'eth, and not Sid]. And so said R. Nathan: R. Akiba did not say: Sid is fainter than it, but white wool [i.e., Se'eth] is fainter than it.

And how do we know that Bahereth is brilliantly white? Abaye said: Because Scripture says: And if the bright spot be white . . .¹ That is white and no other is [as] white [as it].

Our Rabbis taught: Bahereth is deep; and so Scripture says: And the appearance thereof [of the Bahereth] is deeper than the skin² — like the appearance of the sun which is deeper than the shade. Se'eth: Se'eth denotes high; and so Scripture says: Upon all the high mountains and upon all the hills that are lifted up.³ Sappahath: Sappahath denotes an attachment [i.e derivative]; and so Scripture says: And he shall say: Attach me, I pray thee, [to one of the priest's offices].⁴ We find a derivative for Se'eth.⁵ Whence do we deduce that there is a derivative for Bahereth.⁶ R. Zera said: The word 'white' is mentioned with Se'eth,⁷ and the word 'white' is mentioned with Bahereth.⁸ Just as the 'white' mentioned with Se'eth has a derivative, so the 'white' mentioned with Bahereth has a derivative.⁹ In a Baraita it is taught: Scripture put Sappahath¹⁰ between Se'eth and Bahereth¹¹ to teach you that just as there is a derivative for Se'eth, so there is a derivative for Bahereth.

Se'eth is like white wool. What white wool? — R. Bibi said that R. Assi said: Clean wool of a new-born lamb which is covered, up [to be made] into a cloak of fine wool.¹²

R. Hanina said: The Rabbis' enumeration [of the four shades] — to what may it be likened? To two Kings and two Governors: the King of this is higher than the King of that; and the Governor of this is higher than the Governor of that.¹³ But this [enumeration] is one above the other!¹⁴ — Well then, the King of this is higher than his own Governor; and the King of that is higher than his own Governor.¹⁵ R. Adda bar Abba said: It is like King, Alkafta,¹⁶ Rufila,¹⁷ and Resh Galutha.¹⁸ But this is one above the other! Well then, it is like King, Rufila, Alkafta, and Resh Galutha. Raba said: It is like King Shapur and Caesar.¹⁹ R. Papa said to Raba: Which of them is greater? He replied: You eat in the forest!²⁰ Go forth and see whose authority is greater in the world; for it is written: It shall devour the whole earth, and shall tread it down, and break it in pieces.²¹ Said R. Johanan: This is wicked Rome²² whose authority is recognised all over the world. Rabina said: It is like a [new white] woollen garment, and a worn-out woollen garment; and a [new white] linen garment, and a worn-out linen garment.²³

WHERE THERE IS KNOWLEDGE AT THE BEGINNING ETC. Our Rabbis taught: How do we know that Scripture [in demanding a sliding scale sacrifice for uncleanness] refers only to cases where the Temple is entered or holy food eaten while unclean?²⁴ — There is a good argument for this deduction. Scripture warns against uncleanness,²⁵ and punishes it,²⁶ and also enacts that a

sacrifice be brought for uncleanness.²⁷ Now just as Scripture, in warning against uncleanness and punishing it, did so only in cases where the Temple was entered or holy food eaten while unclean; so when it enacted that a sacrifice be brought for uncleanness, it did so only in cases where the Temple was entered or holy food eaten. Then let us include Terumah²⁸ [for sacrifice, if eaten while unclean], since Scripture also warned [against its being eaten while unclean] and punished [the transgressor with death by divine intervention]?²⁹ — We do not find that the sin for which the death penalty by divine intervention is inflicted [for wilful transgression] should be punishable by sacrifice [for unwitting transgression].³⁰ You may say it is only the case in regard to a fixed sacrifice, but

(1) Lev. XIII. 4: 'bright spot' is the translation of Bahereth.

(2) Ibid. 25.

(3) Isa. II, 14: **נשאות** (lifted up) is from the same root as **שאת**.

(4) I Sam. II, 36. **ספחני** (Attach me) is from the same root as **ספחת**.

(5) V. supra p. 17, n. 7.

(6) This question is according to the Sages who hold that Bahereth has a derivative; and not according to R. Akiba who holds that it has no derivative.

(7) Lev. XIII, 10.

(8) Ibid. 4.

(9) This kind of deduction is called **גזרה שוה** Gezerah Shawah: an inference from similarity of phrases; v. Glos.

(10) Meaning derivative.

(11) Lev. XIV, 56.

(12) A covering of skin is clasped round the lamb to protect the wool.

(13) Bahereth, the King (i.e., principal) of Sid, is higher than Se'eth, the King of Kerum; and Sid, the Governor (i.e., second in command) of this King (Bahereth), is higher than Kerum, the Governor of that King (Se'eth). According to this, the order is: Bahereth, Se'eth, Sid, Kerum.

(14) Which is R. Akiba's and not the Rabbis' enumeration.

(15) I.e., Principal and derivative: Bahereth, Sid; Se'eth, Kerum.

(16) High Persian dignitary.

(17) Persian military officer, lower than Alkafta.

(18) Chief of the Babylonian Jews.

(19) I.e., Persian King and Roman Emperor, each having an adjutant.

(20) You live in a forest, and know not what is going on in the world. Surely you know that the Roman Emperor is greater! R. Papa, however, asked the question, because Raba had mentioned Shapur before Caesar. Raba had done so, because he was a Persian subject.

(21) Dan. VII, 23.

(22) Read **רומי** in the text instead of **פרם**.

(23) New garments are whiter than worn-out ones. New woollen and linen garments are closer to each other in whiteness than are the new and worn-out garments of each kind; so the two principals are, according to the Rabbis, nearer to each other than are principal and derivative of each kind.

(24) Lev. V, 2. The verse merely states: If anyone touch any unclean thing . . . , making no mention of eating holy food or entering the Temple while unclean.

(25) Num. V, 2-3: Command the Children of Israel that they put out of the camp . . . whosoever is unclean . . . that they defile not their camp; this is explained (Pes. 67a) as a warning against entering the Temple while unclean. Lev. XXII, 4: He shall not eat of the holy things until he be clean; this is the warning against eating holy food while unclean.

(26) With Kareth for willing transgression; Num. XIX. 13: Whosoever toucheth the dead . . . and purifieth not himself — he hath defiled the tabernacle of the Lord — that soul shall be cut off; this is the punishment for entering the Temple while unclean. Lev. VII, 20: Anyone that eateth of the flesh of the sacrifice of peace offerings . . . having his uncleanness upon him, that soul shall be cut off; this is the punishment for eating holy food while unclean.

(27) For unwitting transgression.

(28) The priest's share of the produce, which is holy in a minor degree; v. Glos.

(29) **מיתה** Mithah, as distinct from Kareth (v. Glos.). Lev. XXII, 4: He shall not eat of the holy things until he be clean; this is explained (Yeb. 74b) as being a warning also against eating Terumah while unclean, holy things including

Terumah. Ibid. 9: They shall therefore keep My charge, lest they bear sin for it, and die therein, if they profane it; this is the punishment for eating Terumah while unclean.

(30) When wilful transgression is punished by Kareth, unwitting transgression is punished by sacrifice (Hor. 8a).

Talmud - Mas. Shevu'oth 7a

a sliding scale sacrifice should perhaps be, as in the case of 'hearing the voice of adjuration'¹ and 'swearing clearly with the lips'² [where a sliding scale sacrifice is brought for unwitting transgression, though neither Kareth nor death [by divine intervention] is inflicted for wilful transgression]? — Scripture says: [Whatsoever his uncleanness be] by which [he becomes unclean].³ By which, excludes Terumah.⁴ Let us rather say that by which excludes Temple [and holy food] in that a sliding scale sacrifice shall not suffice, but a fixed sacrifice be necessary? Raba said of Rabbi: He draws water from deep pits;⁵ for it was taught: Rabbi said: I read, [If any one touch any unclean thing, whether it be the carcass of an unclean] beast [or the carcass of unclean cattle . . .].⁶ Why should cattle be written?⁷ — [To deduce the following:] Here it is said unclean cattle, and further on it is said unclean cattle.⁸ Just as there it refers to eating holy food while unclean, so here it refers to eating holy food while unclean. Thus we deduce the law regarding eating holy food while unclean; whence do we deduce the law regarding entering the Temple while unclean? — Scripture says: She shall touch no hallowed thing, nor come into the sanctuary.⁹ Sanctuary is equated with holy food. — If so, Terumah also [should be included for sliding scale sacrifice, if eaten while unclean], for it has been said that she shall touch no hallowed thing includes Terumah?¹⁰ — [No!] Scripture limits the application of the law by the expression, by which.¹¹ — Let us say that the expression by which excludes Temple [and not Terumah]? — It is reasonable not to exclude Temple, because the same punishment, Kareth, is inflicted [for wilfully entering the Temple, or eating holy food, while unclean].¹² — On the contrary, Terumah should not be excluded, because the act of transgression consists of eating, just as in the case of holy food [whereas in the case of the Temple, it is entering it which constitutes the transgression]? Well then, said Raba:¹³ Why is the punishment of Kareth for eating peace offerings [i.e., holy food] while unclean mentioned three times in Holy Writ?¹⁴ — Once for a general statement,¹⁵ once for a particular, and once for the uncleanness written in the Torah without being defined,¹⁶ so that I know not what it means. You may say, then, it means eating holy food while unclean; and since it is unnecessary to have another prohibition for eating holy food while unclean, for I deduce that from Rabbi's statement, you may utilise the prohibition for entering the Temple while unclean. — But this [extra Kareth] we require for R. Abbahu's deduction! For R. Abbahu said: Why does Scripture mention Kareth three times for eating peace offerings [while unclean]? — Once for a general statement, once for a particular, and once for things which are not eaten.¹⁷ And according to R. Simeon who holds that things which are not eaten are not punishable by Kareth if eaten during uncleanness,¹⁸ [we still require the extra Kareth to deduce that] the 'inner' sin offerings¹⁹ are included,²⁰ for we might have thought that, since R. Simeon holds that sacrifices which are not offered on the outer altar, as are peace offerings, are not subject to the law of piggul,²¹ therefore they are also not subject to the law of uncleanness;²² he therefore teaches us that they are. [The third Kareth, then, is necessary for this deduction. How then shall we deduce that an unclean person entering the Temple brings a sliding scale sacrifice?] — Well then, the Nehardeans say in the name of Raba:²³ Why does Scripture mention 'uncleanness' three times²⁴ in connection with peace offerings? — Once for a generalisation, once for a particular, and once for the uncleanness written in the Torah without being explained, so that I know not what it means. You may say then, it refers to eating holy food while unclean, and since it is unnecessary to have another prohibition for that, for I deduce that from Rabbi's statement, you may utilise the prohibition for entering the Temple while unclean. But this [extra word 'uncleanness'] we also require; since Scripture had to write [the extra] Kareth for R. Abbahu's deduction, it perforce had to write also [the extra] 'uncleanness', for without it the phrase would have been meaningless? — Well then, said Raba: We deduce [that an unclean person entering the Temple brings a sliding scale sacrifice] from [the similarity of phrases] 'his uncleanness', 'his uncleanness'. Here it is written: [If he touch the uncleanness of man] whatsoever

his uncleanness be.²⁵

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- (1) Lev. V, 1: He heareth the voice of adjuration, he being a witness; v. infra Ch. IV.
- (2) Ibid. 4: If anyone swear clearly with his lips to evil or to do good; v. infra p. 1, n. 1.
- (3) Ibid. 3.
- (4) The word **בִּרְבֵּי**, by which, is superfluous, and is taken to limit the applications of the law to some extent, i.e., to exclude a sacrifice for the lesser transgression; so that only for eating holy food while unclean is a sacrifice brought, but not for eating Terumah while unclean.
- (5) I.e., shows great erudition. Here follows another argument to deduce that holy food and Temple are included, and Terumah excluded.
- (6) Lev. V, 2.
- (7) Cattle is included in beast. V. Lev. XI, 2, 3: These are the beasts which ye may eat . . . whatsoever parteth the hoof . . . among the cattle . . .
- (8) Lev. VII, 21: And when anyone shall touch any unclean thing, whether it be the uncleanness of man or unclean cattle . . . and eat of the flesh of the sacrifice of peace offerings, which pertain unto the Lord, that soul shall be cut off from his people.
- (9) Lev. XII, 4: referring to a woman after childbirth.
- (10) Mak. 14b.
- (11) V. supra p. 22, n. 5.
- (12) Whereas the wilful eating of Terumah while unclean is not punishable by Kareth.
- (13) Another argument for including Temple and holy food, and excluding Terumah.
- (14) (a) Lev. XXII, 3: Whosoever he be . . . that approacheth unto the holy things . . . having his uncleanness upon him, that soul shall be cut off. (Approach here means eat; v. Zeb. 45b). (b) Lev. VII, 20: Anyone that eateth of the flesh of the sacrifice of peace offerings . . . having his uncleanness upon him, that soul shall be cut off (c) Ibid. 21: When anyone shall touch any unclean thing . . . and eat of the flesh of the sacrifice of the peace offerings . . . that soul shall be cut off.
- (15) Lev. XXII, 3: Whosoever he be . . . that approacheth unto the holy things. This is a generalisation — holy things; Lev. VII, 20: Anyone that eateth of the flesh of the sacrifice of the peace offerings. This is a particular specification — peace offerings. Now, peace offerings are included in holy things: why should they be specified separately? — In order that we may deduce that only holy things which are sacrificed on the altar (as are peace offerings) are included in the law regarding uncleanness, but offerings for the Temple repair are excluded. (Rashi.)
- (16) The Kareth in Lev. VII, 21, being superfluous, is for the purpose of teaching that it is the punishment for the witting transgression of that sin (eating holy food while unclean), the unwitting transgression of which is punished by a sliding scale sacrifice in Lev. V, 2 (which is there not fully defined). And since we already know that unwittingly eating holy food while unclean punishable by a sliding scale sacrifice (from Rabbi's deduction, v. supra), we may apply the superfluous Kareth for deducing that it is the punishment for the witting transgression of that sin, the unwitting transgression of which is punishable by a sliding scale sacrifice, i.e., entering the Temple while unclean (for, eating holy food while unclean we already know).
- (17) Such as incense. If he eats it wittingly while unclean, the transgressor is punished by Kareth.
- (18) V. Zeb. 45b.
- (19) Such as the bullock and goat offered on the Day of Atonement, whose blood is sprinkled within the veil.
- (20) Eating them while unclean is punishable by Kareth for witting, and sliding scale sacrifice for unwitting, transgression.
- (21) Zeb. 43a. **פִּיגּוּל** (abomination, Lev. VII, 18; XIX, 7, 8) is a sacrifice left over beyond the time limit for its consumption; its eating is punishable by Kareth. Piggul is mentioned only in connection with peace offerings. The 'inner' sin offerings, according to R. Simeon, are, therefore, not subject to the law of piggul.
- (22) Anyone eating an 'inner' sin offering while unclean would not be liable to Kareth for witting transgression, or sliding scale sacrifice for unwitting transgression.
- (23) Another version of Raba's statement.
- (24) Lev. XXII, 13: having his uncleanness upon him; Lev. VII, 20: having his uncleanness upon him; Lev. VII, 21: when anyone shall touch any unclean thing.
- (25) Lev. V, 3.

Talmud - Mas. Shevu'oth 7b

And there it is written: He shall be unclean; his uncleanness is yet upon him.¹ Just as there it refers to entering the Temple while unclean,² so here it refers to entering the Temple while unclean. — If so, why is the expression by which necessary?³ — To include [that he who eats] the carcass of a clean bird⁴ [and enters the Temple or eats holy food must bring a sliding scale sacrifice]. — But you said that by which is intended to exclude [and not include]! For the very reason that it does exclude it is superfluous: it is written: Or if he touch [the uncleanness]⁵ — this implies that only that which defiles by touch is included [in the regulation of the sliding scale sacrifice], but that which does not defile by touch is not included.⁶ Then it is written also: by which⁷ which implies limitation. We have, then, limitation after limitation; and limitation after limitation serves to amplify.⁸ WHERE THERE IS KNOWLEDGE AT THE BEGINNING BUT NOT AT THE END, THE GOAT THE BLOOD OF WHICH IS SPRINKLED WITHIN THE VEIL etc.

Our Rabbis taught: And he shall make atonement for the holy place, because of the uncleannesses of the Children of Israel . . .⁹ It is possible in this phrase to include three types of uncleanness — the uncleanness of idolatry, the uncleanness of incest, and the uncleanness of bloodshed. Of idolatry the verse says: [He hath given of his seed unto Molech] to defile My sanctuary.¹⁰ Of incest it says: Ye shall keep My charge, that ye do not any of these abominable customs . . . that ye defile not yourselves therein.¹¹ Of bloodshed it says: And thou shalt not defile the land.¹² Now, I might have thought that for these three types of uncleanness this ['inner'] goat atones, therefore the text says: Of the uncleannesses of the Children of Israel,¹³ and not 'all the uncleannesses'. [These three are excluded, because] what [uncleanness] do we find that the text has differentiated from all other uncleannesses? — You must say, it is the uncleanness of [the transgressor who enters] the Temple or [eats] holy food;¹⁴ so here also [the text in stating that the inner goat atones for the transgression of the laws of uncleanness refers to] the uncleanness connected with Temple and holy food.¹⁵ This is the opinion of R. Judah. R. Simeon says: From its own text it may be deduced, for it says. And he shall make atonement for the holy place, of the uncleannesses . . ., [i.e.,] of the uncleannesses of the holy place.¹⁶ Now, I might have thought that for every uncleanness connected with the Temple and holy food¹⁷ this goat atones, therefore the text says: And of their transgressions, even all their sins¹⁸ — sins are equated with transgressions; just as transgressions are not liable for sacrifice,¹⁹ so sins [in this verse] are those which are not liable for sacrifice.²⁰ And how do we know that [only] when there is knowledge at the beginning and not at the end does this goat hold the sin in suspense?²¹ — Because the text says, even all their sins — implying sins for which a sin offering may ultimately be brought.²²

The Master stated: 'It is possible in this phrase²³ to include three types of uncleanness — the uncleanness of idolatry, the uncleanness of incest, and the uncleanness of bloodshed.' With reference to idolatry, how is it possible? If it was witting transgression, the transgressor suffers the death penalty;²⁴ if unwitting, he brings a sacrifice.²⁵ — [Yes, it may atone] for witting transgression without warning,²⁶ or unwitting transgression before it becomes known to him.²⁷

(1) Num. XIX, 13.

(2) Ibid: He hath defiled the Tabernacle of the Lord.

(3) V. supra p. 22, n. 5. It had been suggested that by which excludes Terumah; but that argument had been refuted; and now we find that we even require an extra deduction to include Temple; we should therefore not have included Terumah in any case, even without the limitation of by which.

(4) A dead clean bird defiles on being eaten, and not on being touched, as does a dead beast. V. Zeb. 69b.

(5) Lev. V, 3.

(6) Hence the carcass of a clean bird is automatically excluded.

(7) Ibid. Whatsoever his uncleanness be by which he is unclean. By which implies some limitation or exclusion.

(8) A double limitation is equivalent to an amplification, just as a double negative is equivalent to a positive. This is one

of the thirty-two hermeneutical principles by which R. Eliezer, son of R. Jose the Galilean, expounds Holy Writ. In the present instance the double limitation serves to include that he who eats the carcass of a clean bird and enters the Temple or eats holy food must bring a sliding scale sacrifice.

(9) Lev. XVI, 16: referring to the sacrifice of the High Priest on the Day of Atonement of the goat the blood of which is sprinkled within the veil.

(10) Ibid. XX, 3; worshipping Molech is idolatry (Sanh. 64a).

(11) Ibid. XVIII, 30, referring to incest and other offences enumerated in the chapter.

(12) Num. XXXV, 34.

(13) Lev. XVI, 16: The **מ** of **מטמאת** (of) is taken as partitive, implying some of, and not all.

(14) In that a sliding scale sacrifice is brought for unwitting transgression, whereas a fixed sacrifice is brought for other unwitting transgressions.

(15) And not idolatry, incest, or bloodshed.

(16) As if in the text the two consecutive words **הקדש מטמאת** were transposed to read **מטמאת הקדש**

(17) Even where there is knowledge at the end.

(18) Lev. XVI, 16.

(19) Transgressions mean witting sins, and cannot be atoned for by sacrifice.

(20) Excluding those where there is knowledge at the end, when a sliding scale sacrifice is brought.

(21) And does not atone for the sin where there is no knowledge at the beginning, though it is also not liable for a sacrifice.

(22) **הטאתם** which may be atoned for by **הטאת**; i.e., where there is knowledge at the beginning, but not at the end; a sacrifice is brought later when knowledge comes to the sinner. But where there is knowledge at the beginning, there is no possibility that a sacrifice may ultimately be brought.

(23) Lev. XVI. 16.

(24) Stoning; v. Sanh. 53a.

(25) A she-goat; v. Num. XV, 27. How then could we possibly suggest that the 'inner' goat of the Day of Atonement atones for idolatry.

(26) When warning has not been given, the death penalty is not inflicted (Sanh. 41a).

(27) The inner goat will hold the sin in suspense till it become known to him, and he brings a sacrifice.

Talmud - Mas. Shevu'oth 8a

With reference to incest also, how is it possible? If it was witting transgression, the transgressor suffers the death penalty;¹ if unwitting, he brings a sacrifice.² — [Yes, it may atone] for witting transgression without warning, or unwitting transgression before it becomes known to him. With reference to bloodshed also, how is it possible? If it was witting transgression, the transgressor suffers the death penalty;³ if unwitting, he is exiled?⁴ — [Yes, it may atone] for witting transgression without warning, or unwitting transgression before it becomes known to him, or for cases where the punishment of exile is not inflicted.⁵

The Master has stated: 'I might have thought that for these three types of uncleanness this goat atones, therefore the text says, of the uncleannesses, and not "all the uncleannesses." What do we find that the text has differentiated from all other uncleannesses? — The uncleanness connected with Temple and holy food; so here also [the text refers to] the uncleanness connected with Temple and holy food. This is the opinion of R. Judah.' What is the differentiation [alluded to]? — [In that] he [alone]⁶ brings a sliding scale sacrifice.⁷ Then include idolatry;⁸ and as to the differentiation, it is in that the sinner brings a she-goat and not a lamb?⁹ — R. Kahana said: We mean a differentiation to relax,¹⁰ but this is a differentiation to restrict.¹¹

Then include a woman after childbirth, for the text differentiates in her case in that she brings a sliding scale sacrifice?¹² — R. Hoshai said: [The verse says,] all their sins,¹³ and not 'all their uncleannesses.' And according to R. Simeon b. Yohai who said that a woman after childbirth is also a sinner,¹⁴ what shall we say?¹⁵ — R. Simeon is consistent in that he holds 'from its own text it may

be deduced.’¹⁶

Then include a leper [who also brings a sliding scale sacrifice]?¹⁷ — R. Hoshaia said [the verse says]: all their sins; and not ‘all their uncleannesses’.¹⁸ And according to R. Samuel b. Nahman who said, for seven sins leprosy afflicts man,¹⁹ what shall we say?²⁰ — There the leprosy itself atones for him;²¹ and the sacrifice is merely to permit him to join the congregation. Then include a Nazirite²² who has become unclean, for the text differentiates in his case in that he brings turtledoves or young pigeons?²³ — R. Hoshaia said [the verse says]: all their sins, and not ‘all their uncleannesses.’²⁴ And according to R. Eleazar ha-Kappar who said that a Nazirite is also a sinner,²⁵ what shall we say?²⁶ — He agrees with R. Simeon who holds that ‘from its own text it may be deduced.’²⁷

The Master has stated: ‘R. Simeon said from its own text it may be deduced, for it says: And he shall make atonement for the holy place, of the uncleannesses . . . of the uncleannesses of the holy place.’ R. Simeon argues well. [Why then does not] R. Judah [accept this deduction]?²⁸ — He may say to you that [and he shall make atonement . . .] is required [to teach us] that just as he does in the Holy of Holies,²⁹ so shall he do [outside the veil] in the Temple. And how does R. Simeon [deduce this]? — He deduces it from and so shall he do.³⁰ And R. Judah [cannot he also deduce it from this phrase? — No!] From this phrase we might have thought that he must bring another bullock and goat to do [the service outside the veil in the Temple], therefore the text teaches us [and he shall make atonement for the holy place, implying that he shall use the same bullock and goat, and so shall he do means that he shall repeat the service outside the veil]. And R. Simeon [why does he not agree with this argument of R. Judah? — Because the phrase] and so shall he do for the tent of meeting implies everything.³¹

The Master stated: ‘I might have thought that for every uncleanness connected with the Temple and holy food this goat atones, therefore the text says: and of their transgressions, even all their sins [- sins are equated with transgressions; just as transgressions are not liable for sacrifice, so sins in this verse are those which are not liable for sacrifice: but a sin which is liable for sacrifice is excluded, i.e., the inner goat does not atone for it].’³² Which is it [that is excluded]? Where there is knowledge at the beginning and at the end. [Surely for such a sin] the transgressor must bring a sliding scale sacrifice!³³ The deduction is not necessary save in the case where the sin becomes known to the transgressor near sunset [on the eve of the Day of Atonement].³⁴ I might have thought that [in the meantime] until he brings his sacrifice,

(1) Stoning; v. Sanh. 53a.

(2) Ker. I, 2.

(3) Decapitation by the sword; Num XXXV, 16; Sanh, 76b.

(4) Num. XXXV, 11.

(5) E.g., if a man ascending a ladder falls on another man and kills him, he is not exiled; v. Mak. 7b.

(6) I.e., the unwitting transgressor of the laws of uncleanness connected with the Temple and holy food.

(7) Whereas for other unwitting transgressions a fixed sacrifice is brought.

(8) That the inner goat of the Day of Atonement should atone for it.

(9) Whereas for other unwitting transgressions, either a she-goat or a lamb may be brought.

(10) A sliding scale sacrifice is an act of leniency on the part of Holy Writ enabling the sinner to bring an offering according to his means (v. p. 1, n. 7) — a differentiation characteristic of the inner goat of the Day of Atonement, which is a sacrifice bought from public funds, and secures for the individual sinner the suspension of his sin.

(11) He must bring a she-goat even at great expense.

(12) Lev. XII, 6-8. If the Day of Atonement arrives before the time when she has to bring her sacrifice, let us say that the inner goat has already atoned for her, and she need not bring a sacrifice.

(13) Ibid. XVI, 16. The inner goat atones for sins; but the woman, in giving birth to a child, has not committed a sin; she brings a sacrifice merely to cleanse her from her uncleanness, so that she may partake of holy food.

- (14) Nid. 31b; because of the travail she vows she will not cohabit again with her husband; and she breaks her vow.
- (15) Why should not the inner goat atone for her?
- (16) He does not exclude a woman after childbirth because of the phrase all their sins; but he deduces that the inner goat atones only for the sin of uncleanness connected with the Temple and holy food from its own text; v. supra p. 26.
- (17) Lev. XIV, 10-32.
- (18) A leper is not a sinner,
- (19) Calumny, bloodshed, false oath, incest, haughtiness, robbery, selfishness; 'Ar. 16a.
- (20) A leper is therefore a sinner; let us say then that the inner goat of the Day of Atonement atones for him.
- (21) The distress he suffers because of his leprosy is sufficient punishment for him.
- (22) One who vows to consecrate himself to God; he must abstain from grapes and all productions of the vine, and let his hair grow; v. Num. VI, 1-21.
- (23) Ibid. 9-10.
- (24) A Nazirite is not a sinner.
- (25) By his vow he has inflicted upon himself abstinence from wine, and has thereby sinned; Nazir 19a.
- (26) Why should not the inner goat atone for him?
- (27) That the inner goat atones only for the uncleanness connected with Temple and holy food.
- (28) Instead of deducing it from the fact that Holy Writ differentiates in the case of the uncleanness connected with Temple and holy food; v. supra p. 26.
- (29) Lev. XVI, 14, 15.
- (30) Ibid. 16.
- (31) That he shall repeat the service outside the veil; and it would not have entered our minds to think that he should bring an extra bullock and goat. Therefore the phrase and he shall make atonement for the holy place, of the uncleannesses is superfluous, and hence may of be utilised for the deduction that the inner goat atones only for the uncleannesses of the holy place, i.e., Temple and holy food.
- (32) V. supra p 26.
- (33) Why then do we require the deduction to exclude such a sin from the atonement effected by the inner goat.
- (34) When there is no time to bring the sliding scale sacrifice, as sacrifices are offered only during the day-time (v. Meg. 20b).

Talmud - Mas. Shevu'oth 8b

the inner goat should hold the sin in suspense, therefore the text teaches us [that it does not].

The Master stated: 'How do we know that, when there is knowledge at the beginning and not at the end, this goat holds the sin in suspense?' 'How do we know'! What is his question?¹ — This is his question: Now that you say, 'sins are equated with transgressions: just as transgressions are not liable for sacrifice, so sins are those which are not liable for sacrifice;' you might logically argue, just as transgressions are never liable for sacrifice, so sins are those which are never liable for sacrifice; and which are they? Those where there is no knowledge at the beginning but knowledge at the end; but where there is knowledge at the beginning and not at the end, since, when the knowledge comes to him at the end, he is liable to bring a sacrifice, let us say that the inner goat should not hold the sin in suspense! And if you² should say, where there is no knowledge at the beginning but knowledge at the end, the outer goat together with the Day of Atonement atones?² — I might have thought that we should reverse [the atonements].³ Therefore the text says: even all their sins, so that we may infer that they are ultimately liable for a sin offering⁴ [i.e., the inner goat holds in suspense those sins where there is knowledge at the beginning but not at the end]. But why should it not atone completely [instead of merely holding the sin in suspense till he brings his sacrifice]? — If it had been written: '[And he shall make atonement . . . of their transgressions and] of their sins,'⁵ I should have agreed with you: but now that it is written: '[of their transgressions], even all their sins,' [the text means that it holds in suspense] such transgressions as may ultimately be atoned for by sin offerings.⁶

Now since it does not atone completely, what is the purpose of holding it in suspense? — R. Zera said: So that if he dies [before the knowledge comes to enable him to bring his sacrifice] — he dies without sin. Said Raba to him: If he dies, his death purges him from sin;⁷ but, said Raba, the inner goat [by holding the sin in suspense] shields him from suffering⁸ [until he brings his sacrifice].

WHERE THERE IS NO KNOWLEDGE AT THE BEGINNING BUT KNOWLEDGE AT THE END THE GOAT SACRIFICED ON THE OUTER ALTAR AND THE DAY OF ATONEMENT ATONE, etc.

Now, they⁹ have been equated with each other; let the inner goat, then, atone for its own [where there is knowledge at the beginning and not at the end] and for that for which the outer goat atones [where there is no knowledge at the beginning but at the end], and the outcome of this would be [that there would be atonement] in such case where the outer goat was not sacrificed.¹⁰ [No!] The text says: [And Aaron shall make atonement upon the horns of it] once [in the year; with the blood of the sin offering of atonement once in the year shall he make atonement for it]:¹¹ one atonement it atones, but it does not effect two atonements. Well, let the outer goat atone for its own and for that for which the inner goat atones; and the outcome of this would be [that there would be atonement] in such case where uncleanness occurred between the offering of this [inner goat] and that [outer goat].¹² No! The text says: once in the year — this atonement shall be

(1) It has just been deduced that the inner goat atones for sins which are not liable for sacrifice, and such a sin is not liable for sacrifice at present.

(2) V. Mishnah: hence we know that the inner goat does not atone for it, and therefore, of necessity it will atone for the sin where there is knowledge at the beginning and not at the end, then why his question?

(3) Viz. the inner goat should atone for the sin where there is no knowledge at the beginning but knowledge at the end, because it is never liable for sacrifice; and the outer goat should hold in suspense the sin where there is knowledge at the beginning but not at the end.

(4) V. supra p. 27, n. 5.

(5) Cf. Lev. XVI, 16. **ומפשעיהם ומהטאתם**

(6) Sins is explanatory of transgressions, i.e., the inner goat atones for the transgressions until such time as they enter the category **לכל הטאתם**, i.e., until a sin offering is brought; therefore the inner goat atones temporarily, not permanently; in other words, it holds the sin suspense.

(7) Since it was an unwitting sin; death purges also certain witting transgressions for which repentance alone does not suffice, such as the profanation of the Name; v. Yoma 86a.

(8) For certain offences for which Kareth (v. Glos.) is the penalty repentance alone does not suffice, but sufferings are inflicted on the transgressor to purge him from his sin; v. Yoma 86a.

(9) The inner and outer goats: v. supra p. 2.

(10) Because there were not sufficient goats available.

(11) Ex. XXX. 10: referring to inner goat.

(12) Where an unclean person entered the Temple or ate holy food after the inner goat had been offered, so that it cannot atone for him.

Talmud - Mas. Shevu'oth 9a

only once a year.¹

And according to R. Ishmael who holds that where there is no knowledge at the beginning but knowledge at the end the transgressor must bring a [sliding scale] sacrifice,² for which sin will the outer goat atone? For that where there is no knowledge either at the beginning or at the end. But for this the goats offered on the festivals and New Moons make atonement!³ He agrees with R. Meir who holds that ALL THE GOATS GIVE EQUAL ATONEMENT FOR THE UNCLEANNES CONNECTED WITH THE TEMPLE AND HOLY FOOD. In that case, for what purpose was the

outer goat equated with the inner?⁴ — [To teach us that] just as the inner does not atone for other sins, so the outer does not atone for other sins.

WHERE THERE IS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END THE FESTIVAL AND NEW MOON GOATS BRING ATONEMENT: THIS IS THE OPINION OF R. JUDAH [B. ILA'I].

Said Rab Judah that Samuel said: What is R. Judah's reason? — Because the text says: And one goat for a sin offering unto the Lord:⁵ for a sin which is known only to the Lord⁶ shall this goat atone. — But this [superfluous word] we require for the deduction of R. Simeon b. Lakish, for R. Simeon b. Lakish said: 'Why is the New Moon goat different in that [the phrase] onto the Lord is used in connection with it? — [Because] the Holy One, blessed be He, said: This goat shall be an atonement [for Me, as it were,] for my diminishing the size of the Moon!'⁷ — If so [for R. Simeon b. Lakish's deduction], the text could have said: '[a sin offering] for the Lord'; why 'to the Lord'? For our deduction. Then say that it is solely for this deduction [and eliminate R. Simeon b. Lakish's deduction]. If so, the text could have said: 'a sin offering of the Lord;' why 'to the Lord'? Hence we deduce both.

Let it [the New Moon goat] atone also for other sins [which are known only to the Lord, i.e., are unknown to the transgressor]! — In the school of R. Ishmael it was stated that since this [outer goat of the Day of Atonement] comes at a fixed season, and this [New Moon goat] comes at a fixed season; then, just as this [outer goat] atones only for the uncleanness connected with the Temple and holy food,⁸ so this [New Moon goat] atones only for the uncleanness connected with the Temple and holy food.

Thus we find [that] the New Moon goats [atone for this class of sin]; whence do we know [that] the festival goats [atone for it]? And if you will say that this also follows from the deduction of the school of R. Ishmael,⁹ it is possible to refute [this reasoning]: if [the deduction is made] from the New Moon [goat, it may be argued] that it is more frequent [than the festival goat, therefore it atones for this sin, but the festival goat may not atone for it]; and if [the deduction is made] from the Day of Atonement [goat, it may be argued] that the atonement of the Day is more inclusive,¹⁰ [therefore the outer goat of the Day atones for this sin, but the festival goat may not atone for it]. And if you will say,

(1) No other sacrifice can make this atonement.

(2) *Infra* 19b.

(3) *Supra* p. 2.

(4) *Ibid.* p. 2.

(5) Num. XXVIII, 15: referring to the New Moon goat.

(6) But unknown to others, i.e., where there is no knowledge at all either at the beginning or at the end. This deduction is made because the text could have said: one goat for a sin offering; the words unto the Lord are superfluous.

(7) V. Hul. 60b: It is written: 'And God made the two great lights' (sun and moon — apparently equal); and it is written: 'the greater light' and 'the lesser light' (obviously unequal)! The moon said to the Holy One, blessed be He: 'How can two kings use one crown?' He replied: 'Go and diminish thyself'.

(8) For it has been equated with the inner goat: *supra* p. 2.

(9) The festival goat comes at a fixed season, and the New Moon goat comes at a fixed season, and the Day of Atonement goat comes at a fixed season: the first may be deduced from either of the other two.

(10) Atoning for all sins, whereas the festival does not atone; and though Holy Writ states clearly that the festival goat atones, it may be that it has not the power to atone for a sin (such as entering the Temple or eating holy food while unclean), the witting transgression of which is punishable by *Kareth*.

Talmud - Mas. Shevu'oth 9b

but we deduced the New Moon [goat] from the Day Of Atonement [goat],¹ and did not refute the argument, [therefore let us deduce the festival goat from the Day of Atonement goat; it may be said in reply that with reference to the New Moon goat] atonement is distinctly mentioned in the text [for a sin which is unknown to the transgressor];² and what we desired is merely an intimation [that only the unknown sins connected with Temple and holy food are intended]; but here it may be said that the whole law we cannot deduce.³ Well then, just as R. Hama b. Hanina said [elsewhere: the text could have said] 'one goat', [but it says] 'and one goat';⁴ so here [the text could have said] 'one goat', [but it says] 'and one goat';⁵ so that the festival goats are equated with the New Moon goats; just as the New Moon goats atone only for sins where there is no knowledge either at the beginning or at the end,⁶ so the festival goats atone only for sins where there is no knowledge either at the beginning or at the end.

The question was propounded: when R. Judah said [that the New Moon and festival goats atone] for sins where there is no knowledge either at the beginning or at the end, does this statement apply only to a sin which will ultimately remain unknown [to the transgressor], but a sin which will ultimately become known⁷ is counted as if there were knowledge at the end, and consequently is atoned for by the outer goat [of the Day of Atonement] together with the Day of Atonement; or [does his statement include] even a sin which will ultimately become known, since actually at this moment it [is unknown and] may be termed a 'sin which is known only to the Lord'? — Come and hear: It has been taught: For sins where there is no knowledge either at the beginning or at the end, and for a sin which will ultimately become known, the festival and New Moon goats atone: this is the opinion of R. Judah.

R. SIMEON SAYS THE FESTIVAL GOATS ATONE [FOR THIS CLASS OF SIN], BUT NOT THE NEW MOON GOATS. [AND FOR WHAT DO THE NEW MOON GOATS ATONE? FOR A RITUALLY CLEAN MAN WHO ATE HOLY FOOD THAT HAD BECOME UNCLEAN.]

R. Eleazar said that R. Oshaia said: What is R. Simeon's reason?⁸ — The verse says: And it hath He given you to bear the iniquity of the congregation.⁹ This verse refers to the New Moon goat;¹⁰ and we deduce [by analogy, because of the use of the identical word] iniquity, from the ziz:¹¹ here it is said iniquity, and there it is said iniquity;¹² just as there it refers to the uncleanness of the flesh,¹³ so here it refers to the uncleanness of the flesh.¹⁴ [But, since we deduce one from the other, let us say,] just as there it refers to offerings, so here it refers [only] to offerings,¹⁵ [and let it not atone for a clean man who ate unclean holy food. No!] It is written: 'the iniquity of the congregation'.¹⁶ Well now, we deduce one from the other; then let the New Moon goat atone for its own,¹⁷ and also do the work of the ziz, and the outcome would be [that there would be acceptance of the offering though unclean,] even when the ziz is broken? — [No!] the verse says: the iniquity¹⁸ — one iniquity it bears, but it does not bear two iniquities. Well then, let the ziz atone for its own¹⁹ and for that for which the New Moon goat atones, and the outcome would be [that there would be atonement] for uncleanness²⁰ which occurred between this [New Moon] and the next?²¹ [No!] the verse says: it²² hath He given you to bear the iniquity of the congregation — it bears the iniquity, but no other bears the iniquity. R. Ashi said: Here²³ it is written the iniquity of the congregation — congregation and not holy things; and there²⁴ it is written the iniquity of the holy things — holy things and not congregation.

Hence we find that the New Moon goats atone for a clean man who ate unclean holy food. How do we know that the festival goats atone for [sins of uncleanness] where there is no knowledge either at the beginning or at the end? — As R. Hama b. Hanina said [elsewhere,²⁵ the text could have said:] 'one goat', [but it says:] 'and one goat'; so here [the text could have said:] 'one goat', [but it says:] 'and one goat'.²⁶

- (1) Just as this comes at a fixed season etc., supra p. 33.
- (2) Num. XXVIII, 15: a sin offering to the Lord, as explained above.
- (3) For, since it is necessary to deduce the whole law that the festival goats atone for these sins of uncleanness, the argument may be refuted: the Day of Atonement goat atones for these sins of uncleanness because its atonement is more inclusive, but the festival goats may not have the power to atone for sins which are punishable by Kareth for witting transgression.
- (4) Infra 10a.
- (5) Num. XXVIII, 22: the Passover goat; XXIX, 5: the New Year goat; XXIX, 16: the Tabernacles goat. In these verses the text has 'and one goat for a sin offering'; the superfluous, vav (ו) and, which is a conjunction, implies that the law with reference to these goats is connected with and is the same as that of the first mentioned goat, i.e., of the New Moon (XXVIII, 15). In connection with the Pentecost goat (XXVIII, 30) the text has 'one goat' (not and), but as long as and occurs in even one of the festivals, the other festivals may be likened to it: v. Tosaf.
- (6) This was deduced (supra 9a) from the phrase 'sin offering to the Lord', and by analogy from the Day of Atonement goat: just as this comes at a fixed season, etc.
- (7) E.g., if he was seen to become unclean and to enter the Temple, he will be told later.
- (8) For saying that the New Moon goat atones for a clean man who ate unclean holy food.
- (9) Lev. X, 17.
- (10) V. Zeb. 101b.
- (11) High Priest's plate of pure gold worn on the forehead: Ex. XXVIII, 36.
- (12) And it (the ziz) shall be upon Aaron's forehead, and Aaron shall bear the iniquity committed in the holy things; Ex. XXVIII, 38.
- (13) The ziz makes the sacrifice acceptable if the flesh or blood or fat had become unclean, and another need not be offered; but it does not atone for the uncleanness of the person offering the sacrifice: v. Men. 25b.
- (14) Hence, the New Moon goat atones for a clean man who ate unclean holy food.
- (15) The ziz does not atone for any sin, but makes the offering acceptable if it had become unclean. Let the atonement of the New Moon goat be limited likewise; it will be useful in the event of the ziz becoming broken.
- (16) Implying that it atones for sins committed by men.
- (17) For a clean man who ate unclean holy food.
- (18) 'It (the New Moon goat) hath He given you to bear the iniquity' (Lev. X, 17).
- (19) To make acceptable an offering the flesh of which had become unclean.
- (20) I.e., the guilt incurred by a clean man eating unclean holy food.
- (21) If the New Moon goat alone atones for this kind of sin, a clean man eating unclean holy food immediately after the New Moon would not have atonement until the next New Moon; but if the ziz atones, he will have immediate atonement, for the ziz is worn continually by the High Priest.
- (22) אִתָּהּ, the New Moon goat.
- (23) Lev. X, 17: referring to the New Moon goat; therefore it atones for a clean man who ate unclean holy food.
- (24) Ex. XXVIII, 38: referring to the ziz; therefore it makes acceptable an offering the flesh of which had become unclean.
- (25) Infra 10a.
- (26) Num. XXVIII, 22; XXIX, 5, 16: referring to the festival goats: and one goat for a sin offering. The 'and' connects and equates the festival goats with the New Moon goat mentioned in the text immediately before them.

Talmud - Mas. Shevu'oth 10a

Thus the festival goats are equated with the New Moon goats; just as the New Moon goats atone for something connected with holy things, so the festival goats atone for something connected with holy things. And if you should say, let them [the festival goats] atone for that for which the New Moon goat atones, [we would reply. No! for] we have said: it [hath He given to you to bear the iniquity] — it [the New Moon goat] bears the iniquity, and no other bears the iniquity. And if you should say, let them atone for that for which the Day of Atonement [outer] goat atones,¹ [we would reply. No! for] we have said: once in the year [shall he make atonement for it]² — this atonement [of the Day of Atonement outer goat] shall be only once a year. For what, then, do they [the festival goats] atone? If

for a case where there is knowledge at the beginning and at the end, the transgressor must bring a [sliding scale] sacrifice? If for a case where there is knowledge at the beginning and not at the end, this is a case where the inner goat and the Day of Atonement hold the sin in suspense? If for a case where there is no knowledge at the beginning but at the end, for this the outer goat and the Day of Atonement atone? Of necessity, therefore, they [the festival goats] atone for a case where there is no knowledge either at the beginning or at the end.

R. MEIR SAYS ALL THE GOATS HAVE EQUAL POWERS OF ATONEMENT, etc.

Said R. Hama b. Hanina: what is R. Meir's reason? — The text [could have] said: 'one goat', [but it says:] 'and one goat' — all the goats are thus equated with each other: the conjunction and adds to the preceding subject. It was at first assumed that each deduced [its additional powers of atonement] from its neighbour;³ [but that cannot be, for] R. Johanan said: In the whole Torah a law may be deduced by analogy from another law which has itself been deduced by analogy, except in the case of holy things, where a law may not be deduced by analogy from another law which has itself been deduced by analogy.⁴ — This need cause no difficulty: they may all deduce from the first.⁵ Granted, in every case where the text has 'and one goat',⁶ but in the case of Pentecost and the Day of Atonement where the text has not 'and one goat', how can we deduce [their laws]? — Well then, said R. Jonah, the verse says: 'These ye shall offer unto the Lord in your festivals'⁷ — all the festivals are equated with each other.⁸ But the New Moon is not a festival! Verily, the New Moon is also called a festival, as Abaye said [elsewhere], — for Abaye said Tammuz of that year⁹ they made a full month [of thirty days], as it is written: He hath called a solemn assembly [or, festival] against me to crush my young men.¹⁰

R. Johanan said: R. Meir agrees that the goat offered within [the veil on the Day of Atonement] does not atone their¹¹ atonements, nor do they atone his atonement. He does not atone their atonements: he atones one atonement, and does not atone two atonements;¹² they do not atone his atonement, for the verse says: once in the year [shall he make atonement]¹³ — this atonement shall be only once in the year. It was likewise taught [in a Baraitha]: For a case where there is no knowledge either at the beginning or at the end, and for a case where there is no knowledge at the beginning but knowledge at the end, and for a clean man who ate unclean holy food, the festival goats and the New Moon goats and the goat offered outside [the veil on the Day of Atonement] bring atonement: this is the opinion of R. Meir. The inner goat, however, he leaves out, and that they [the others] atone [his atonement] he also leaves out.¹⁴

NOW, R. SIMEON SAYS THE NEW MOON GOATS ATONE FOR A CLEAN MAN WHO ATE UNCLEAN HOLY FOOD, etc.

Granted that the New Moon goats do not atone for that for which the festival goats atone, because the text says: [It hath He given you to bear] the iniquity¹⁵ — one iniquity it bears, but it does not bear two iniquities; but let the festival goats atone for that for which the New Moon goats atone? — [No!] The text says: it¹⁶ [hath He given you to bear the iniquity] — it bears the iniquity, but no other bears the iniquity.¹⁷ Granted that the festival goats do not atone for that for which the Day of Atonement goat atones, because the text says: once in the year [shall he make atonement]¹⁸ — this atonement shall be only once a year; but let the Day of Atonement goat atone for that for which the festival goats atone? [No!] The text says: [And Aaron shall make atonement upon the horns of it] once¹⁹ — one atonement it atones, but it does not atone two atonements. But once is written in connection with the inner goat [and not the outer]! — The text says: [One goat for a sin offering,]²⁰ beside

(1) Where there is no knowledge at the beginning but at the end.

(2) Ex. XXX, 10; supra 8b.

(3) The Passover goat (Num. XXVIII, 22) is mentioned in Holy Writ immediately after the New Moon goat; it is equated with it, and therefore, like it, atones for a clean man who ate unclean holy food (R. Meir agreeing with R. Simeon that the New Moon goat atones for a clean man who ate unclean holy food.) The Tabernacles goat (Num. XXIX, 16), mentioned immediately after the Day of Atonement goat, is equated with it, and therefore, like it, atones for a case where there is no knowledge at the beginning but at the end; and the Day of Atonement goat, being equated with the Tabernacles goat, atones, like it, for a case where there is no knowledge either at the beginning or at the end. Similarly, all the goats deduce the necessary laws from each other, each one from its nearest neighbour in Holy Writ; the result is that they all equally atone for all things which they atone for individually.

(4) How then, for example, can R. Meir deduce that the Day of Atonement goat atones for a clean man who ate unclean holy food? This has to be deduced first from the Tabernacles goat, which in its turn (being likened to the Passover goat) has to be deduced from the New Moon goat?

(5) They need not deduce, by gradual stages, each one from its nearest neighbour, but they may all equally and simultaneously deduce from the New Moon goat to atone for a clean man who ate unclean holy food; and the New Moon goat may deduce from them (the festival goats) to atone for a case where there is no knowledge either at the beginning or at the end. And all may deduce from the Day of Atonement goat to atone for a case where there is no knowledge at the beginning but at the end; and the Day of Atonement goat from them for a case where there is no knowledge either at the beginning or at the end.

(6) The and adds to the preceding subject, and equates them with each other.

(7) Num. XXIX, 39.

(8) New Moon is included in festival: mo'ed (מועד), appointed season, is the word used in the text.

(9) The second year after the Exodus. The twelve men who went to reconnoitre the land of Canaan left on the 29th of Sivan, and returned on the 8th of Ab (the 2 last days of Sivan, 30 days of Tammuz, and 8 days of Ab 40 days). And the people wept that night (Num. XIV, 1), i.e., on the eve of the 9th of Ab. Because they wept for no reason that night, it was fixed as an annual night of weeping for the future. (The first and second Temples were destroyed on that date); v. Ta'an. 29a.

(10) Lam. I, 15: according to Abaye the verse means this: He called a mo'ed, מועד (festival), i.e., He intercalated an extra day, making Tammuz 30 days, so that the 30th day was proclaimed New Moon (festival), in order to crush my young men, in order that the night of weeping (9th of Ab) would coincide with the date my young men were to be crushed centuries later at the time of the destruction of the Temple.

(11) The outer goat of the Day of Atonement, festival and New Moon goats.

(12) Supra 8b.

(13) Ex. XXX, 10; supra 8b.

(14) He does not include the inner goat with the others; nor does he say that the other goats atone (or hold in suspense) where there is knowledge at the beginning but not at the end.

(15) Lev. X, 17; supra 9b.

(16) New Moon goat.

(17) Supra 9b.

(18) Ex. XXX, 10; supra 8b.

(19) Ibid.

(20) I.e., the outer goat.

Talmud - Mas. Shevu'oth 10b

the sin offering of atonement¹ — hence the outer is equated with the inner.

R. SIMEON B. JUDAH SAID IN HIS [R. SIMEON B. YOHAI'S] NAME: [THE NEW MOON GOATS ATONE FOR A CLEAN MAN WHO ATE UNCLEAR HOLY FOOD; THE FESTIVAL GOATS, IN ADDITION TO ATONING FOR A CLEAN MAN WHO ATE UNCLEAR HOLY FOOD, ATONE ALSO FOR A CASE WHERE THERE WAS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT THE END; THE OUTER GOAT OF THE DAY OF ATONEMENT, IN ADDITION TO ATONING FOR A CLEAN MAN WHO ATE UNCLEAR HOLY FOOD, AND FOR A CASE WHERE THERE WAS NO KNOWLEDGE EITHER AT THE BEGINNING OR AT

THE END, ATONES ALSO FOR A CASE WHERE THERE WAS NO KNOWLEDGE AT THE BEGINNING BUT THERE WAS KNOWLEDGE AT THE END.]

What is the difference: the New Moon goats do not atone for that for which the festival goats atone because the text says: [it hath He given you to bear] the iniquity² — one iniquity it bears, but it does not bear two iniquities; then let the festival goats also not atone for that for which the New Moon goats atone, because the text says: it [hath He given you to bear the iniquity]³ — it bears the iniquity, but no other bears the iniquity?⁴ — Because [the emphasis on] it does not seem justified to him.⁵

What is the difference: the festival goats do not atone for that for which the Day of Atonement goat atones, because the text says: once in the year [shall he make atonement]⁶ — this atonement [of the Day of Atonement goat] shall be only once a year; then let the Day of Atonement goat also not atone for that for which the festival goats atone, because it is written: [And Aaron shall make atonement upon the horns of it] once⁷ — one atonement it atones, but it does not atone two atonements?⁸ [The emphasis on] once does not seem justified to him. Why? — For it is written in connection with the inner goat [and not the outer]. If so, let the festival goats also atone for that for which the Day of Atonement goat atones, because once [in the year] is written in connection with the inner goat [and not the outer]. In reality, [the emphasis on] once does seem justified to him,⁹ but here it is different, for the text says: And Aaron shall make atonement upon the horns of it once in the year — the horns, namely, of the inner altar: with reference to this [we say that] it atones one atonement and not two atonements, but with reference to the outer [we may say] it atones even two atonements.¹⁰

Ulla said that R. Johanan said: The regular offerings which are not required for the community are redeemed unblemished.¹¹ Rabbah sat and stated this law. Said R. Hisda to him: Who heeds you and R. Johanan, your teacher! Whither has the holiness in them departed!¹² He replied to him: Do you not hold that we do not say, 'whither has the holiness in them departed'?¹³ For we learnt in a Mishnah:¹⁴ The remainder of the incense — what was done with it?¹⁵ The wages of the workmen were allocated [from the Temple treasury],¹⁶ and the extra incense was exchanged for this money, and given to the workmen as their wages, and was then re-bought [from them] with the new donations.¹⁷ Now why [should this procedure be permitted]? Let us say, 'whither has the holiness in them departed'?¹⁸ — He said to him: You argue from incense! Incense is different,

(1) I.e., the inner goat: Num. XXIX, 11.

(2) Lev. X, 17; supra 9b, 10a.

(3) Ibid.

(4) Why, then, does R. Simeon differentiate, and say that the festival goats do atone for that for which the New Moon goats atone?

(5) It hath He given you to bear the iniquity does not necessarily imply that no other goat can bear the iniquity. It may mean that it (the New Moon goat) was also, in addition to other goats, given the power of bearing the iniquity (of a clean man who ate unclean holy food). But the emphasis on iniquity he holds to be justified, for this word is clearly singular: the verse therefore implies that the New Moon goat atones for only one iniquity.

(6) Ex. XXX. 10: second half of the verse.

(7) Ibid.: first half of the verse.

(8) Why then does R. Simeon say that the Day of Atonement goat does atone also for that for which the festival goats atone?

(9) For, though it is written in connection with the inner goat, it has already been explained that the outer is equated with the inner (v. supra p. 2). Hence, the latter half of the verse: with the blood of the sin offering of atonement once in the year shall he make atonement for it implies that the atonement of the sin offering (i.e., inner goat, and also outer goat, for it has been equated with it) is only once a year, i.e., the other goats (such as the festival goats) cannot make this atonement.

(10) The first half of the verse does not mention the sin offering (i.e., inner goat), but only the inner altar; therefore we cannot say that the deduction that it atones only one atonement refers also to the outer goat; for the outer goat has been equated with the inner goat, but not with the inner altar; hence the outer goat of the Day of Atonement atones also for that for which the festival goats atone.

(11) In the Temple store-room for congregational offerings there had always to be at least six lambs which had been examined and found free from blemish ('Ar. 13a), in order that there should always be a ready supply for the two daily offerings (Num. XXVIII, 1-4). On the first of Nisan the lambs of the previous year (i.e., the day before) were not permitted to be sacrificed, because congregational sacrifices were not allowed to be bought with the previous year's donations to the Treasury; hence there were always four lambs left which are not required for the community. These could be redeemed, though they were unblemished, although an individual's offering may not be redeemed unless it has a blemish which disqualifies it as a sacrifice (Men. 101a). The method of redemption was to exchange the four lambs for their money equivalent, the lambs becoming hullin (un-holy), and the money becoming holy, and being utilised for making gold plates to cover the walls and floor of the Holy of Holies. Since the lambs were now not holy, they could be re-bought with the money subscribed in the New Year (1st of Nisan) to the Temple treasury.

(12) Since they were consecrated bodily (קדושת הגוף), and not merely for their value (קדושת דמים), how can they become hullin if they are unblemished?

(13) In the case of a congregational offering, as distinct from an individual's offering.

(14) Shek. IV, 5.

(15) The incense (Ex. XXX, 34-36) was compounded from eleven ingredients: balm, onycha, galbanum, frankincense (in quantities of seventy manehs each in weight), myrrh, cassia, spikenard, saffron (sixteen manehs each), costus (twelve manehs), aromatic bark (three manehs), and cinnamon (nine manehs) — altogether 368 manehs, one for each day of the year (half in the morning, and half in the evening) and three extra for the Day of Atonement (v. Ker. 6a). But in an ordinary lunar year there were 11 manehs over (the lunar year being 354 days); and though these 11 manehs were necessary for supplementing the incense in intercalary years, they had to be bought from the new donations every 1st of Nisan (Tosaf). Some method had to be devised, therefore, of making the remainder of the old incense valid for the new year. — The lye obtained from a species of leek and the Cyprus wine which are mentioned in connection with the incense, were not actual ingredients, but were used simply for whitening the onycha, and also for making its odour more pungent (Ker. 6a).

(16) Omit זמנה in the text. The workmen were the family of Abtinah who were skilled in compounding the incense for the Temple: Yoma 38a.

(17) The incense, having been exchanged for the money, became hullin, and could be re-bought with the donations of the new year, becoming holy again, and valid for the new year.

(18) And not permit the incense which had once been holy to become hullin; yet we do not say this. It is assumed at present that the mortar in which the incense is pounded, being a holy vessel, makes the incense bodily holy.

Talmud - Mas. Shevu'oth 11a

for it has [only] a monetary holiness.¹ — If so, let it not become invalid by [the touch of] a tebul yom,² and yet it has been taught: As soon as it [the incense] is placed in the mortar it becomes liable to invalidation by [the touch of] a tebul yom! But perhaps you will say, all things which have only a monetary holiness are liable to invalidation by [the touch of] a tebul yom — [that cannot be,] for we have learnt:³ The meal-offerings⁴ are liable to be trespassed against⁵ as soon as they are verbally consecrated; when they are consecrated in the vessel,⁶ they become liable also to invalidation by [the touch of] a tebul yom, and one lacking atonement,⁷ and by linah.⁸ [Hence we may deduce:] 'When they are consecrated in the vessel' — yes, [they become liable to invalidation by the touch of a tebul yom,] but before they are consecrated in the vessel — no!⁹ — Well then, is it [the incense] holy bodily? If so, let it become invalidated [also] by linah, and yet we have learnt:¹⁰ The handful,¹¹ and the frankincense,¹² and the incense, and the meal-offering of the priests,¹³ and the meal-offering of the anointed [High] Priest,¹⁴ and the meal-offerings brought with libations,¹⁵ are liable to be trespassed against as soon as they are verbally consecrated; when they are consecrated in the vessel, they become liable also to invalidation by [the touch of] a tebul yom, and one lacking atonement, and by linah, [Hence we may deduce:] When 'they are consecrated in the vessel' — yes, [they

become liable to invalidation by linah,] but before they are consecrated in the vessel — no.¹⁶ He said to him: You argue from [the fact that it is not invalidated by] linah [that therefore the incense is not bodily holy]! Incense is different [it is bodily holy even in the mortar, but is not invalidated by linah], because it retains its form all the year.¹⁷ Nevertheless, the question remains¹⁸ [since the incense is bodily holy]: whither has the holiness in them departed? — Rabbah said: The Beth din make a mental stipulation that if they are required, they are required [i.e., utilised]; but if not, they shall be holy only for their value.¹⁹

Said Abaye to him: But you, Sir, yourself said, if one consecrates a male [ram] to be holy only for its value, it nevertheless becomes bodily holy?²⁰ This is no question: [I said it becomes bodily holy] in the case where he said it should be holy for its value to buy a burnt offering;²¹ but if he said it should be holy for its value to buy libations [it does not become bodily holy].²² — Abaye asked him, [It was taught:]²³ The bullock and [inner] goat of the Day of Atonement which were lost, others being set apart in their stead,

(1) It is holy only for its value, and not bodily holy. The mortar in which it is pounded is not deemed to be a holy vessel; the incense can, therefore, be redeemed for money and become hullin, but why should the daily offerings which are actually holy bodily, be redeemable if unblemished?

(2) Lit., ‘bathed on that day’: a person who, having become unclean, and bathed, is not restored to perfect ritual cleanliness till sunset (Lev. XXII, 6, 7). His touch, before sunset, defiles holy objects. If the incense is not holy bodily, it should not become invalid by the touch of a tebul yom. (The holier the object the more easily it is liable to defilement.)

(3) Me'i. 9a.

(4) Of an individual who had sinned (Lev. V, II), **מנחת חוטא**; or a voluntary meal-offering (Men. 103a); or that which is brought with a thanksgiving sacrifice (Lev. VII, 12, 13).

(5) Lev. V, 15: unlawful use of sacred property constitutes **מעילה**, trespass.

(6) Having been brought to the Temple, and placed in the appropriate holy vessel, their holiness is increased.

(7) An unclean person such as a **זב**; (gonorrhoeist: Lev. XV, 1-15); **זבה** (woman having irregular issue of blood: Lev. XV, 25-30); woman after childbirth (Lev. XII, 1-8); and leper (Lev. XIV, 1-32); must bring a sacrifice on becoming clean. Before the sacrifice is brought the person is **מחוסר כפורים**; v. Ker. 8b. Strictly speaking, these four do not ‘lack atonement’, for they have committed no sin; they merely have to bring a sacrifice in order to be permitted to partake of holy food.

(8) Being kept over night.

(9) Hence things which have only a monetary, and not a bodily, holiness, are not liable to invalidation by the touch of a tebul yom; why then should the incense, if it has only a monetary holiness, become invalidated by the touch of a tebul yom?

(10) Me'i. 10a.

(11) Lev. II, 2: a handful (three middle fingers bent over the hollow of the palm) was taken by the priest from an individual's meal-offering, and burnt on the altar; the rest was eaten by the priest.

(12) Ibid. I: frankincense was put on the meal-offering to flavour it.

(13) Lev. VI, 16: a priest's meal-offering was wholly burnt on the altar.

(14) Ibid. 15.

(15) Num. XXVIII and XXIX: these meal-offerings are wholly burnt.

(16) This vessel is not the mortar in which the incense is pounded, but the vessel in which it is placed when brought to the altar to be burnt; for, while in the mortar, the Baraitha states, it is invalidated by the touch of a tebul yom, and not by linah, whereas this Mishnah states that when the incense is consecrated in the vessel it is invalidated also by linah; obviously, therefore, this is a different (holier) vessel. The incense, then, before it is placed in this holier vessel is not bodily holy.

(17) Linah does not alter its appearance or freshness as it would, for example, in the case of meat. When consecrated in the vessel, however, it is liable to invalidation by linah (though it still retains its form), because all other things consecrated in a vessel are liable to invalidation by linah; if incense were not so liable, it might sometimes be erroneously inferred that the others were also not so liable.

(18) Both in the case of incense and the daily offerings; why should they be redeemable if bodily holy?

(19) The authorities, when buying animals for the daily offerings, or when having the incense compounded, decide that only that which is necessary for that year shall become bodily holy; and that the rest shall become holy only for their value, and therefore be redeemable.

(20) And cannot be redeemed, because it is itself fit for a sacrifice. Accordingly, even granted that the Beth din do make the stipulation that they shall be holy only for their value, the daily offerings and incense ought still to retain their bodily holiness, and the question. ‘Whither has the holiness in them departed?’ remains.

(21) And since the ram is itself fit for a burnt offering, it cannot be sold in order that for its money another ram may be bought.

(22) Similarly, the Beth din have the power to stipulate at the outset that the daily offerings or incense not required shall become holy only for their value to provide gold plates for the floor and walls of the Holy of Holies.

(23) Tosaf. Yom Hakkip. IV.

Talmud - Mas. Shevu'oth 11b

and also the goats to atone for idolatry¹ which were lost, others being set apart in their stead — they all die.² This is the opinion of R. Judah. R. Eleazar and R. Simeon say: They pasture till they become unfit [for sacrifice],³ then they are sold, the money going as a donation [to the Temple treasury], for a congregational sin-offering does not die.⁴ — Why [should they be starved, or pasture till they become blemished]? Let us say the Beth din make a mental stipulation [that if they be lost and found again they be redeemed unblemished]? — You quote the case of lost sacrifices! Lost sacrifices are different, because they are rare.⁵ But the red heifer⁶ is rare, and yet it was taught:⁷ The red heifer is redeemed on account of any disqualification in it; if it died, it is redeemed; if it was slaughtered,⁸ it is redeemed; if he found another which was more excellent, it is redeemed;⁹ but if he had already slaughtered it on its wood-pile,¹⁰ it can never be redeemed?¹¹ The red heifer is different, for it is in the category of holy things for Temple repair.¹² If so,¹³ how is it redeemed if it died or was slaughtered [outside the prescribed place], surely we require ‘placing and valuation’?¹⁴ — This will be in accordance with R. Simeon, who says that holy things for the altar are subject to the law of ‘placing and valuation’, but holy things for the Temple repair are not subject to the law of ‘placing and valuation’.¹⁵ If it is in accordance with R. Simeon's view, how will you explain the last clause:¹⁶ If he had already slaughtered it on its wood-pile, it can never be redeemed? Surely, it has been taught:¹⁷ R. Simeon says. ‘The red heifer defiles the defilement of edibles,¹⁸ because it had a period of fitness.’¹⁹ And R. Simeon b. Lakish said: ‘R. Simeon used to say that the red heifer may be redeemed [even] on its woodpile!’²⁰ Well, then, the red heifer is different, because it is expensive.²¹

The Master said: ‘If it died, it is redeemed.’ Do we then redeem holy things in order to feed dogs?²² — R. Mesharsheya said: [It is redeemed] for the sake of its hide.²³ Do the Beth din, then, make a mental stipulation [merely] for the sake of its hide?²⁴ — R. Kahana said: ‘Men say, of a camel the ear [is valuable].’²⁵

He further asked him:²⁶ THEY SAID TO R. SIMEON: IS IT PERMITTED TO OFFER UP THE GOAT SET APART FOR ONE DAY ON ANOTHER? HE SAID TO THEM: IT MAY BE OFFERED. THEY ARGUED WITH HIM: SINCE THEY ARE NOT EQUAL IN THE ATONEMENT THEY BRING, HOW CAN THEY TAKE EACH OTHER'S PLACE? HE REPLIED: THEY [ARE ALL AT LEAST EQUAL IN THE WIDER SENSE IN THAT THEY] ALL BRING ATONEMENT FOR TRANSGRESSIONS OF THE LAWS OF UNCLEANNES IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF.²⁷ Now, why [should R. Simeon give such an unconvincing reply]? Let him say, the Beth din make a mental stipulation in their case!²⁸ — You argue thus against R. Simeon! R. Simeon does not hold that the Beth din are empowered to make a mental stipulation; for R. Idi b. Abin said that R. Amram said that R. Johanan said: The regular offerings which are not required for the community are, according to R. Simeon, not redeemed unblemished;²⁹ and, according to the Sages, are redeemed unblemished.

Who are the Rabbis who disagree with R. Simeon [and hold that the Beth din make a mental stipulation]? Shall we say they are the Rabbis [who state the law] of incense?³⁰

- (1) Num. XV, 22-26: referring to congregational lapse into idolatrous worship through erroneous ruling of the Beth din,
- (2) I.e., the lost ones which were found again after the others had already been sacrificed (v. Hor. 6a); they are put in a special stable, and not given food, so that they die. V. Kid. 55b; Tem. IV, 1; Tosaf. Yom Tob.
- (3) By becoming blemished.
- (4) I.e., is not starved to death. Sin-offerings of individuals are, in certain circumstances, starved to death; but not congregational sin-offerings. V. Tem. 15a.
- (5) It is rare for a sacrifice to be lost, and the Beth din, therefore, do not deem it necessary to make a stipulation for such an infrequent occurrence.
- (6) Num. XIX. During the whole period of the first and second Temples only seven were prepared. V. Parah III, 5.
- (7) Tosaf. Parah I.
- (8) Outside the spot prescribed for the purpose on the Mount of Olives. V. Parah III, 6-11,
- (9) Even if it has no blemish.
- (10) In the proper place and in accordance with the prescribed ritual.
- (11) Even if he finds a better one. Since everything in connection therewith has been correctly performed, it would not be seemly to redeem it and make it hullin (v. Glos.). Now reverting to the first clause of this Baraita, how could it be redeemed without a blemish, seeing that the Beth din do not make mental stipulations in connection with rare matters?
- (12) קדשי מזבח I.e., holy only for its value, and not for offering on the altar, and therefore redeemable without a blemish. קדשי בדק הבית is equivalent to קדושת דמים; v. Yoma 42a.
- (13) If it is holy only in respect of its value.
- (14) Lev. XXVII, 11, 12; He shall place (lit., cause to stand) the beast before the priest. And the priest shall value it. The beast must be able to stand on its feet to be valued and redeemed. If it died or was slaughtered, it cannot stand: how, then, can it be redeemed? It appears that if it were holy for the altar, the question would not arise, for, according to one authority (v. Tem, 32b), offerings for the altar, when redeemed, do not require 'placing and valuation'. V. Tosaf.
- (15) Tem, 32b: they may be redeemed even if they are not able to stand,
- (16) Lit., 'say the last clause.'
- (17) Tosaf. Parah VI.
- (18) After it has been slaughtered, its flesh can become unclean by contact with the carcass of an unclean animal (or clean animal not ritually killed), and it can then make edibles unclean by contact. Although the enjoyment of any kind of benefit from it is prohibited, and, according to R. Simeon, only edibles that are permitted are considered edibles capable of receiving and transmitting defilement (Men. 101b), it is, nevertheless, counted as an edible, because there was a time when the use of it might have been permitted, as explained infra. If it be asked, surely the flesh of the red heifer itself defiles without contact with a carcass, v. Hul. 82a, Rashi; B.K. 77a, Tosaf., for an explanation.
- (19) I.e., capable of being counted fit as an edible.
- (20) I.e., if a better one was obtainable, the heifer could be redeemed even after having been ritually slaughtered. This is the period of fitness to which R. Simeon alludes, and in virtue of which the flesh is regarded by him as an edible; R. Simeon holding that whatever is capable of being redeemed is counted as if it were redeemed. How, then, can the Baraita be in accordance with R. Simeon's view, since the last clause in it states that if he slaughtered it on its wood-pile it can never be redeemed?
- (21) The Baraita will not be in accordance with R. Simeon's view; and the reason for its statement that if he found a better heifer it can be redeemed, is that the Beth din make a mental stipulation to that effect; and though a red heifer is rare, yet, because it is expensive, the Beth din deem it worth while to make such a stipulation. The red heifer was expensive because it was difficult to obtain one which fulfilled all the ritual requirements: e.g., two black or white hairs rendered it unfit (Parah II, 5). A perfectly red heifer was so rare that almost any price could be demanded by the owner. Dama b. Nethina, a heathen, received 600,000 gold denarii for a red heifer (Kid. 31a).
- (22) If it died, its consumption is prohibited.
- (23) Which may be utilised.
- (24) Which is such an insignificant item.
- (25) A proverb current in his day. Of a valuable animal even a small part is valuable.
- (26) Abaye asked Rabbah.

(27) Supra Mishnah 2b.

(28) That if a goat set apart for the Day of Atonement, for example, is not offered on that day, it may be offered on a festival or New Moon. V. Rashal, comment on Rashi, a.l.

(29) This proves that he does not hold that the Beth din are empowered to make a mental stipulations; (v. supra 11a).

(30) Supra 10b. The incense left over at the end of the year was redeemed, because the Beth din made a mental stipulations to that effect.

Talmud - Mas. Shevu'oth 12a

[It may be retorted,] Incense is different, because it cannot be put to pasture.¹ Well, then, the Rabbis [who State the law] of the red heifer.² [But again it may be urged:] Perhaps the red heifer is different, because it is expensive!³ — Well, then, the Rabbis [of our Mishnah] who argued with him.⁴ [But here again,] how do you know that it is R. Judah⁵ [who argues with R Simeon], and that thus he argues with him: 'It is right according to my view, holding as I do that the Beth din make a mental stipulation; therefore the goat set apart for one day may be offered on another; but according to you who say, no, [we do not say the Beth din make a mental stipulation], why should the goat set apart for one day be offered on another?' — [How do you know this?] Perhaps it is R. Meir⁶ [who argues with R. Simeon], and thus he argues with him: 'It is right according to my view, holding as I do that all the goats bring equal atonement, therefore the goat set apart for one day may be offered on another; but according to you [who do not hold that all the goats bring equal atonement], why should the goat set apart for one day be offered on another?' [Who, then, are the Rabbis who disagree with R. Simeon, holding that the Beth din make a mental stipulation?] — But. R. Johanan had a tradition that, according to R. Simeon, they [the daily offerings] are not redeemed [unblemished]; and, according to the Sages, they are redeemed.⁷

And according to R. Simeon who does not hold that the Beth din make a mental stipulation [that the daily offerings which are not required should be redeemed], what is done with them? R. Isaac said that R. Johanan said: They are offered as dessert⁸ to the altar.

R. Samuel, son of R. Isaac, said: R. Simeon admits, however, that the goats for a sin-offering are not themselves offered as dessert for the altar, but their money equivalent;⁹ for here [in the case of the surplus daily offering], it was originally intended for a burnt-offering, and it is now also a burnt-offering; but there [in the case of the sin-offering], it was originally intended for a sin-offering, and now it will be a burnt-offering; [it is, therefore, not permitted to be offered up itself,] a restriction being imposed even after [the congregation have had] atonement [with another sin-offering], as a preventive measure [in case it may be offered up] before [the congregation have had] atonement [with another].¹⁰

Abaye said: We have also learnt [in a Baraitha]:¹¹ The bullock and [inner] goat of the Day of Atonement which were lost, others being set apart in their stead; and also the goats to atone for idolatry which were lost, others being set apart in their stead — they all die: this is the opinion of R. Judah. R. Eleazar and R. Simeon say: They pasture till they become unfit [for sacrifice], and then they are sold, the money going as a donation [to the Temple treasury],¹² for a congregational sin-offering does not die!¹³ — Now, why [should they pasture till they become blemished and then be sold]? Let them be offered up themselves as burnt-offerings [as dessert for the altar]. Obviously, therefore, [since they do not say this], we may deduce that a restriction is imposed [even] after atonement as a preventive measure [in case they may be offered up] before atonement.

Raba said: We have also learnt:¹⁴ . . . and the second one¹⁵ pastures till it becomes unfit [for sacrifice], when it is sold, and the money goes as a donation [to the Temple treasury].¹⁶ Now, why [should it pasture till it becomes blemished and then be sold]? Let it be offered up itself as a burnt-offering [as dessert for the altar]. Obviously, therefore, [since this is not done,] we may deduce

that a restriction is imposed [even] after atonement as a preventive measure [in case it may be offered up] before atonement,

Rabina said: We have also learnt.¹⁷ A guilt offering¹⁸ the owner of which died, or obtained atonement [with another], pastures till it becomes unfit [for sacrifice],¹⁹ when it is sold, and the money goes as a donation [to the Temple treasury]. R. Eliezer says: It dies.²⁰ R. Joshua says: He brings a burnt-offering for its money.²¹ Now, let it be offered up itself as a burnt-offering [as dessert for the altar]. Obviously, therefore, [since this is not done,] we may deduce that a restriction is imposed [even] after atonement as a preventive measure [in case it may be offered up] before atonement. This is conclusive.

This has also been taught [in the following Baraitha].²² What do they bring from the surplus [congregational offerings]?

(1) Therefore the Beth din make a mental stipulation, but in the case of the regular daily offerings that are left over at the end of the year, since they may be put to pasture till they become blemished, and then redeemed, the Beth din would make no mental stipulations. The Rabbis who state the law of incense may, therefore, agree with R. Simeon in the case of the daily offerings. Who, then, are the Rabbis who disagree with him?

(2) Supra 11b. The red heifer may be redeemed unblemished.

(3) Therefore the Beth din deem it worth while to make a mental stipulation, but in the case of the daily offerings which are not expensive, the Beth din possibly do not make a mental stipulation.

(4) Thus: Since the goats are not equal in the atonement they bring, and since you do not hold that the Beth din can make a mental stipulation that if the goat of the Day of Atonement, for example, was lost and found later, it may be offered on a subsequent festival, how according to you, can the goat set apart on one day be offered on another? These Rabbis, then, themselves hold that the Beth din can make a mental stipulation.

(5) Who agrees with R. Simeon that the goats do not bring equal atonement (v. supra. Mishnah 2a), and disagrees with him only in that he holds that the Beth din make a mental stipulation that the goats can take each other's place.

(6) Who holds that all the goats bring equal atonement (v. supra Mishnah 2b). R. Judah, however, may not argue with R. Simeon, as he may not hold that the Beth din make a mental stipulation, and R. Meir's question to R. Simeon could quite as easily be directed against R. Judah too. R. Judah, also, would agree with R. Simeon's reply.

(7) Because they do hold that the Beth din make a mental stipulation.

(8) קיץ is summer fruit, v. II Sam. XVI, 1, 2. These burnt offerings were consumed by the altar after the usual obligatory offerings had been consumed, just as summer fruit (dessert) is taken at the end of a meal. Barth (Jahrb. der jud. Liter. Gesel. VII. 129), connects קיץ המזבח with the Syriac קיסא 'wood', and translates it 'fuel for the altar', i.e., the extra burnt offerings are used as fuel for the altar when the ordinary offerings have been consumed. This is ingenious, but farfetched, and against the Talmud's own explanation of the word (infra 12b, top) 'as white figs for the altar'. Barth's objection that קיץ though meaning 'summer fruit', never has the meaning 'dessert', is unreasonable, for fruit is obviously dessert. — R. Simeon holds that the superfluous regular offerings are sacrificed on the altar as congregational freewill burnt-offerings, because they were originally intended as burnt-offerings (though as regular offerings and not as dessert); just as he holds, in the Mishnah, that a goat which was not offered on a festival may be offered on the New Moon or Day of Atonement because, though not exactly the same, they are all at least equal in that they atone for the sins of uncleanness connected with the Temple and holy food.

(9) If, for example, the New Moon goat for the month of Adar was lost, and found in Nisan, it cannot be offered up then, for it was bought with money from the previous year, but it may be used as dessert for the altar; it cannot, however, itself be offered on the altar as a burnt-offering, for it was originally intended as a sin-offering. It is allowed to pasture till it becomes blemished, and is then redeemed, and the money is expended on the purchase of an animal for a burnt-offering as dessert for the altar.

(10) After the congregation have had atonement with another sin-offering there is no reason why this sin-offering should not itself be permitted to be offered up as a burnt-offering as dessert for the altar. It is, however, prohibited, for, if it were permitted, it might be taken as a precedent for offering it up as a burnt-offering even before the congregation have had atonement with another sin-offering, when it is still a sin offering, having been expressly allocated for that purpose.

(11) V. supra 11a. Confirming that R. Simeon holds sin offerings may not themselves be used as dessert for the altar, but

only their money equivalent may be used, because a restriction is imposed even after atonement, in case they may be offered up before atonement.

(12) From which burnt offerings are bought as dessert for the altar. V. Suk. 56a, Rashi.

(13) Supra 11a-b.

(14) Another confirmation.

(15) Two goats were required for the Day of Atonement (Lev. XVI, 5-10), one of which, after lots had been cast, was offered up as a sin-offering, and the other hurled down a steep precipice in the wilderness (Yoma 67a). If the goat which had to be sent into the wilderness died, two other goats had to be obtained, and lots cast again. There were now two goats for a sin-offering to the Lord, the one left over from the first pair and one from the second pair. One of them was offered up as a sin-offering, and the other left to pasture till it became blemished, when it was sold, and the proceeds expended on a burnt-offering as dessert for the altar.

(16) Yoma 62a: 'Because a congregational sin-offering does not die.' It is R. Simeon who is known to hold this view; and yet he says that the goat is not itself offered up as dessert for the altar, but is sold, after it becomes blemished, and a burnt-offering bought from the proceeds.

(17) Tem. 20b. Another confirmation.

(18) Lev. V, 15-26; XIV, 12; XIX, 20-22; Nuns. VI, 12. There are different kinds of guilt-offerings, v. Zeb. V, 5.

(19) A sin-offering would, in such circumstances, be starved to death, v. Tem. 16a. Where a sin-offering is starved, a guilt-offering pastures, Tem. 18a.

(20) Holding the view that a guilt-offering is like a sin-offering; v. Zeb. 2a.

(21) The owner of the guilt-offering who obtained atonement with another sells this one, and for its money brings a burnt-offering; it is counted as his own private burnt-offering, and he must therefore supply the libations to go with it. According to the first view, as it comes from funds that had gone to the Temple treasury, it is counted as a congregational burnt-offering, and the libations are supplied from the public funds. V. Tem. 20b.

(22) In confirmation that surplus congregational offerings remaining over at the end of the year are used as dessert for the altar, as R. Simeon holds; but v. Tosaf.

Talmud - Mas. Shevu'oth 12b

Dessert like white figs¹ for the altar. But it is written: For any leaven or honey ye shall not offer up as smoke, as an offering made by fire unto the Lord?² — R. Hanina explained: [The burnt-offerings are dessert for the altar] as white figs are [dessert] for man.

R. Nahman son of R. Hisda expounded: A burnt-offering of a bird is not offered as dessert for the altar.³ Raba said: This is an absurdity! Said R. Nahman b. Isaac to Raba: Wherein lies its absurdity? I told it him; and in the name of R. Shimi of Nehardea I told it him; for R. Shimi of Nehardea said: The surplus offerings are utilised as congregational donations;⁴ and a burnt-offering of a bird cannot be a congregational burnt offering.⁵

And Samuel also agrees with R. Johanan,⁶ for Rab Judah said that Samuel said: In the case of congregational offerings, it is the knife that draws them to what they are.⁷

It has also been taught likewise:⁸ And R. Simeon admits that the goat which was not offered on a festival may be offered on the New Moon; and if it was not offered on the New Moon, it may be offered on the Day of Atonement; and if it was not offered on the Day of Atonement, it may be offered on a festival; and if it was not offered on this festival, it may be offered on another festival; for it was originally intended only to make atonement on the outer altar.

AND FOR WILFUL TRANSGRESSION OF THE LAWS OF UNCLEANNES IN CONNECTION WITH THE TEMPLE AND HOLY FOOD THEREOF THE GOAT OFFERED WITHIN [THE VEIL] AND THE DAY OF ATONEMENT ITSELF BRING ATONEMENT.⁹

How do we know this? For our Rabbis learnt. [Scripture says:] And he shall make atonement for

the holy place, because of the uncleannesses of the children of Israel, and because of their transgressions, even all their sins:¹⁰ Transgressions mean rebellious acts,¹¹ and thus it says, The king of Moab hath rebelled against me;¹² and also, Then did Libnah revolt at the same time.¹³ Sins mean unwitting sins, and thus it says: If any one shall sin through error.¹⁴

FOR OTHER TRANSGRESSIONS OF THE TORAH, LIGHT AND HEAVY, WILFUL AND UNWITTING, KNOWN AND UNKNOWN, POSITIVE AND NEGATIVE, THOSE PUNISHABLE BY KARETH AND THOSE PUNISHABLE BY DEATH AT THE HAND OF THE BETH DIN FOR ALL THESE THE SCAPEGOAT BRINGS ATONEMENT.¹⁵

Surely LIGHT is equivalent to POSITIVE AND NEGATIVE; HEAVY is equivalent to THOSE PUNISHABLE BY KARETH AND THOSE PUNISHABLE BY DEATH AT THE HAND OF THE BETH DIN; KNOWN is equivalent to WILFUL; and UNKNOWN is equivalent to in UNWITTING!¹⁶ — Rab Judah said: Thus he means:¹⁷ For other transgressions of the Torah, whether light or heavy, whether committed unwittingly or wilfully — those committed unwittingly, whether their doubtful commission¹⁸ was known to him or not known to him; and these are the light transgressions: positive and negative; and these are the heavy transgressions: those punishable by kareth and those punishable by death at the hand of the Beth din. That positive precept [for transgression of which the scapegoat atones] — how is this [to be understood]? If he did not repent, [why should the scapegoat atone? Surely it is written:] The sacrifice of the wicked is an abomination!¹⁹ If he did repent, [why do we require the scapegoat? Repentance on] any day avails, for it was taught: If he transgressed a positive precept and repented, he does not move from there until he is forgiven!²⁰ — R. Zera said:

(1) V. Ber. 40b.

(2) Lev. II, 11. Any sweet fruit juice is called honey. (Rashi, a.l.) How, then, can you use the expression like white figs for the altar?

(3) The money obtained from selling superfluous congregational sin-offerings or individual guilt-offerings is not expended on buying a turtle-dove or young pigeon to be offered as dessert for the altar.

(4) And the money obtained from their sale is used for providing burnt-offerings as dessert for the altar on behalf of the congregation.

(5) Lev. I, 14: He shall bring his offering of turtle-doves or of young pigeons. His offering: an individual may bring a bird as an offering, but not a congregation. (Sifra.)

(6) Supra 12a, that, according to R. Simeon, the surplus of regular offerings are used as dessert for the altar; and, according to the Rabbis, they are redeemed unblemished, and are re-bought to be sacrificed as regular offerings in the coming year; so that, both according to R. Simeon and the Rabbis, the regular offerings themselves are sacrificed, and they need not be put to pasture till they become blemished.

(7) It is the slaughtering knife, or, in other words, the moment of slaughter, that determines their purpose. Before they are slaughtered, however, they may be changed, according to R. Simeon, from one type of offering to another, e.g., from regular burnt-offerings to dessert (also burnt-offerings); and, according to the Rabbis who hold that the Beth din have the power to make a mental stipulation, the year's surplus of regular offerings may be redeemed unblemished, and later re-bought and sacrificed as regular offerings in the coming year. V. Rabbenu Hananel and Tosaf. a.l.; Zeb. 6b, Rashi and Tosaf.

(8) Confirmation of Samuel's statement that congregational offerings are drawn by the knife to be what they are; and that even R. Simeon holds this view. The Rabbis obviously hold this view, for they say the Beth din have the power to stipulate that the surplus regular offerings may be redeemed unblemished; but even R. Simeon, who disagrees with them, nevertheless holds that an offering which was set apart for one purpose may be sacrificed for a similar purpose, for he holds that the goats of all the festivals, New Moon, and Day of Atonement, are interchangeable, because they are all at least equal in that they are offered on the outer altar to bring atonement for transgressions of the laws of uncleanness connected with the Temple and holy food; and he would therefore similarly hold that the surplus regular offerings may be offered as dessert, because regular offerings and dessert are both at least equal in that they are both burnt-offerings; and it is at the moment of slaughter that their purpose is fixed.

(9) Supra 2b.

(10) Lev. XVI, 16; with the inner goat (verse 15).

(11) I.e., wilful transgressions.

(12) II Kings III, 7. The word used, פשע, is from the same root as that which is used in Lev. XVI, 16, and translated transgressions.

(13) Ibid. VIII, 22. The same root, פשע, is here also used for revolt.

(14) Lev. IV, 2. The word used for sin is from the same root, חטא, as that which is used for sins in Lev. XVI, 16.

(15) Supra 2b.

(16) Then why the repetition?

(17) The latter half is explanatory of the former half: POSITIVE AND NEGATIVE is explanatory of LIGHT, and KARETH AND DEATH is explanatory of HEAVY. And both light and heavy transgressions whether committed wilfully or unwittingly are atoned for by the scapegoat. KNOWN AND UNKNOWN is an amplification of UNWITTING.

(18) If, for example, he ate one of two pieces of fat, one of which was prohibited fat (הלב, Lev. III, 3, 4), and the other permitted fat (שומן); and he is in doubt as to which of the two he ate, he would normally have to bring a guilt-offering for a doubtful sin (אשם תלוי, v. Lev. V, 17, 18, Rashi). Whether he became aware or not of the doubtful commission of this sin before the Day of Atonement, and if he had not yet brought his offering, he need not bring it after the Day of Atonement, for the scapegoat had atoned for it (Ker. 25a-b).

(19) Prov. XXI, 27.

(20) Yoma 86a.

Talmud - Mas. Shevu'oth 13a

[It refers to the case of a man] who persists in his rebellion;¹ and it is in accordance with Rabbi's view, for it was taught: Rabbi said: For all transgressions of the Torah, whether he repented or not, the Day of Atonement brings atonement, except in the case of one who throws off the yoke,² perverts the teachings of the Torah,³ and rejects the covenant in the flesh⁴ — [in these cases,] if he repented, the Day of Atonement brings atonement, and if not — the Day of Atonement does not bring atonement.

What is Rabbi's reason? For it was taught: [Scripture says:] Because he hath despised the word of the Lord:⁵ this refers to one who throws off the yoke, or perverts the teachings of the Torah; and hath broken His commandment:⁵ this refers to one who rejects the covenant in the flesh; that soul shall utterly be cut off:⁵ to be cut off before the Day of Atonement; he shall be cut off, after the Day of Atonement.⁶ I might think that [this is the case] even if he repented, therefore Scripture says: his iniquity shall be upon him.⁵ I did not say [that the Day of Atonement does not bring atonement] except when his iniquity is still on him.⁷ And the Rabbis?⁸ — [They may reply: Scripture means] to be cut off, in this world; he shall be cut off in the world to come.⁹ His iniquity shall be upon him: if he repented¹⁰ and died, death wipes out [the sin].¹¹

But how can you establish [our Mishnah as being] in accordance with the view of Rabbi?¹² Surely since the last clause is in accordance with R. Judah's view, the first clause must also be in accordance with R. Judah's view! For the last clause states — [THE SCAPEGOAT BRINGS ATONEMENT FOR] ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST.¹³ Now, who holds this view? R. Judah.¹⁴ Therefore the first clause must also be in accordance with R. Judah's view!¹⁵ — R. Joseph said: It is really in accordance with Rabbi's view, and he is in agreement with R. Judah.¹⁶

Said Abaye to him: Do you, Master, mean particularly that Rabbi agrees with R. Judah, but R. Judah does not agree with Rabbi;¹⁷ or that just as [you say,] Rabbi agrees with R. Judah, so also R. Judah agrees with Rabbi, but you state, as is customary, that a disciple agrees with his master?¹⁸ — He replied: I mean particularly that Rabbi agrees with R. Judah, but R. Judah does not agree with Rabbi; for it was taught: I might think that the Day of Atonement should atone for those who repent

and for those who do not repent; and [although] an analogy [might be adduced to the contrary thus]: since sin-offering and guilt-offering atone, and the Day of Atonement atones, [we might therefore say,] just as the sin-offering and guilt-offering atone only for those who repent,¹⁹ so the Day of Atonement atones only for those who repent, [yet we could argue,] sin-offering and guilt-offering do not atone for wilful transgression²⁰ as for unwitting, [therefore they atone only for those who repent], but the Day of Atonement atones for wilful as for unwitting transgression, [therefore let us say that] just as it atones for wilful as for unwitting transgression, so let it atone for those who repent and for those who do not repent — therefore Scripture says: Howbeit²¹ [on the tenth day of this seventh month is the Day of Atonement] — this limits [the power of the Day of Atonement]. Now, who is the author of any anonymous statement in the Sifra? — R. Judah;²² and it states that [the Day of Atonement atones] for only those who repent, and not for those who do not repent.²³

But there is a contradiction between one anonymous statement in the Sifra and another! For it was taught: I might think that the Day of Atonement should not atone unless he fasted on it, and called it a holy convocation,²⁴ and did no work on it; but if he did not fast on it, and did not call it a holy convocation, and worked on it — whence do we deduce [that the Day atones for him]? Scripture says: It is a Day of Atonement²⁵ — in all cases [it atones].²⁶ Abaye said: This is no question; this [latter statement] is in accordance with the view of Rabbi,²⁷ and that [former statement] is in accordance with the view of R. Judah. Raba said: Both statements are in accordance with Rabbi's view; but Rabbi admits [that the Day does not atone for] the kareth of the Day itself;²⁸ for, if you will not say this, does not Rabbi hold that there is kareth for the Day of Atonement!²⁹ Why not?³⁰ It is possible, for example, in the case where he committed [the sin]³¹ at night, and died, so that the Day did not come to atone for him!³² — But, say:

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- (1) I.e., who did not repent, nevertheless the scapegoat atones for him, according to Rabbi; and the verse, the sacrifice of the wicked is an abomination, which implies that a wicked man (i.e., who does not repent) cannot obtain atonement with a sacrifice, has reference to a sacrifice on any other day, except the Day of Atonement.
 - (2) Denying the existence of God.
 - (3) Lit., 'reveals an aspect of the Torah (not in accordance with the correct interpretation)', or 'acts in a bare-faced manner against the Torah.' For a full discussion of the phrase, v. Sanh. 99a and Aboth III, 11.
 - (4) Circumcision. V. loc. cit.
 - (5) Num. XV, 31. Lit., 'to be cut off, he shall be cut off'. **הכרת תכרת**: the infinitive preceding the finite verb is taken as emphatic.
 - (6) I.e., the Day of Atonement shall not have the power to wipe out the sin.
 - (7) I.e., when he did not repent. According to Rabbi, therefore, it is only for these three sins that the Day of Atonement brings no atonement without repentance; but for other sins it brings atonement even without repentance.
 - (8) Who disagree with Rabbi, holding that the Day does not atone even for other sins, without repentance. How will they interpret the emphasis of Scripture on that soul shall utterly be cut off?
 - (9) In the case of these three sins, if the sinner does not repent; and even death cannot wipe out these sins without repentance; but in the case of other sins, if he does not repent, death has the power to wipe them out. The Day of Atonement, however, has not the power to wipe out even other sins without repentance.
 - (10) His iniquity being no longer upon him.
 - (11) Whereas in the case of other sins, apart from these three, death without repentance wipes them out.
 - (12) That for all sins, except these three, the Day of Atonement brings atonement, even without repentance; and that the Mishnah, in stating that the scapegoat of the Day of Atonement atones for the transgression of positive precepts, refers to cases of non-repentance, in accordance even with Rabbi's view.
 - (13) Supra 2b.
 - (14) Infra 13b: that the scapegoat brings atonement for the priests.
 - (15) And not Rabbi's.
 - (16) That the scapegoat brings atonement for the priests.
 - (17) That the Day of Atonement brings atonement even when there is no repentance.
 - (18) R. Judah the Prince was a disciple of R. Judah b. Il'ai; and therefore you said that Rabbi agrees with R. Judah, but

the reverse is also true.

(19) Lev. V, 5: he shall confess that wherein he hath sinned (sin-offering); Num. V, 7: they shall confess their sin (guilt-offering); (cf. verse 8, and Lev. V, 15).

(20) V. Rashi: the majority of sin offerings and guilt offerings atone only for unwitting transgressions, but there are a few exceptions.

(21) Lev. XXIII, 27. Heb. **וְיָסַח** implies limitation: that the Day should atone only for those who repent. V. Sifra, a.l.

(22) Sanh. 86a: an accepted Talmudic maxim. The Sifra is the tannaitic exposition of Leviticus (v. Sanh. p. 567, n. I).

(23) Hence R. Judah, who is the author of the anonymous passage quoted from the Sifra, does not agree with Rabbi.

(24) By including in the prayers on that day: Blessed art Thou, O Lord . . . Who sanctifiest Israel and the Day of Atonement; and by wearing holiday garments to signify his acceptance of the Day as holy. V. Ker. 7a, Tosaf.

(25) Lev. XXIII, 28. V. Sifra, a.l.

(26) Hence this anonymous statement in the Sifra holds that the Day atones even for those who do not repent (but actually sin on the very Day); it, therefore, contradicts the other statement in the Sifra.

(27) That the Day atones even for those who do not repent. It is not an anonymous statement, but should be mentioned in the Sifra as being the view of Rabbi.

(28) The first anonymous statement that the Day does not atone for those who do not repent refers only to the sins, punishable by kareth, of the Day itself, such as non-fasting and working; the second statement that the Day does atone, even when the person does not fast, refers to other sins, i.e., the Day atones for other sins committed during the year even without fasting on the Day; but it cannot atone for the sin of non-fasting on the Day itself.

(29) If the Day atones for all sins, even connected with the Day itself, without repentance, why does Scripture decree the punishment of Kareth for transgressing the Day (Lev. XXIII, 29)? It can never be put into effect. Obviously, therefore, Rabbi must make the distinction which Raba suggests.

(30) Rabbi may hold that the Day atones even for the kareth which it itself carries, and yet it is possible to find a case where kareth is inflicted.

(31) Punishable by kareth, e.g., non-fasting.

(32) The night of Atonement cannot atone; Only the Day has the power of atonement: For on this Day shall atonement be made for you (Lev. XVI, 30).

Talmud - Mas. Shevu'oth 13b

Does not Rabbi hold that there is kareth for the day [of the Day of Atonement]?¹ Why not?² It is possible in the case where he ate a piece of meat, which choked him,³ so that he died; or, he ate it almost at the setting of the sun,⁴ so that there was not time to atone for him.⁵

[THE SCAPEGOAT BRINGS ATONEMENT EQUALLY FOR] ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST.⁶

This itself is contradictory: he states that [THE SCAPEGOAT BRINGS ATONEMENT EQUALLY FOR] ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST; then he states WHAT IS THE DIFFERENCE BETWEEN ISRAELITES, PRIESTS, AND THE ANOINTED HIGH PRIEST?⁷ Rab Judah said, thus he means: Israelites, priests, and the anointed High Priest all equally obtain atonement with the scapegoat for other sins, and there is no difference between them [in this respect]; but what is the difference between Israelites, priests, and the anointed High Priest? [This:] the bullock atones for the priests for transgression of the laws of uncleanness in connection with the Temple and holy food thereof [whereas for Israelites the inner and outer goats atone for these transgressions]. And who holds this view?⁸ R. Judah; for it was taught: [Scripture says:] And he shall make atonement for the most holy place,⁹ this means the Holy of Holies; and the tent of meeting,⁹ this means the Holy place; and the altar⁹ — in its usual sense; he shall atone,⁹ this means for the various compartments in the Temple court; and for the priests⁹ — in the usual sense; and for all the people of the assembly;⁹ this means the Israelites;¹⁰ he shall atone,⁹ this means for the Levites; they are all equated for one atonement,¹¹ in that they obtain atonement with the scapegoat for other sins: this is the opinion of R. Judah. R. Simeon Says: Just as the blood of the goat offered

within [the veil] atones for Israelites for transgression of the laws of uncleanness connected with the Temple and holy food thereof, so the blood of the bullock atones for the priests for transgression of the laws of uncleanness connected with the Temple and holy food thereof; and just as the confession pronounced over the scapegoat atones for Israelites for other sins, so the confession pronounced over the bullock atones for the priests for other sins.¹²

But according to R. Simeon [it may be asked]: Surely they have been equated!¹³ — In what respect are they equated? In that they all obtain atonement, but each obtains atonement with his own.¹⁴

What is R. Simeon's reason?¹⁵ — It is written: And he shall take the two goats:¹⁶ the scapegoat is equated with the goat offered within [the veil]; just as the goat offered within [the veil] does not atone for the priests for transgression of the laws of uncleanness connected with the Temple and holy food thereof, because it is written concerning it: [the goat of the sin offering] that is for the people;¹⁷ so the scapegoat does not atone for the priests for other sins. And R. Judah?¹⁸ — He may say to you: For this reason they are equated, that they should be alike in colour, height, and value.¹⁹

Who is the Tanna who made this statement which the Rabbis taught. [viz., Scripture says:] He shall kill the goat of the sin offering that is for the people:²⁰ [this teaches] that the priests do not obtain atonement with it; and with what do they obtain atonement? With the bullock of Aaron.²¹ I might think that they should not obtain atonement with the bullock of Aaron, for it has already been said: [And Aaron shall offer the bullock of the sin offering] which is for himself;²² hence they would have no atonement at all.²³ But when Scripture says: And he shall make atonement for the priests,²⁴ we find that they have atonement. With what do they obtain atonement? It is better that they should obtain atonement with the bullock of Aaron, for it was released from its implication,²⁵ in order to include also his house;²⁶ and that they should not obtain atonement with the goat offered within [the veil], which was not released from its implication.²⁷ in order to include also his house. And if you desire to say anything,²⁸ [I may add another argument, for] Scripture says: O house of Aaron, bless ye the Lord; O house of Levi, bless ye the Lord; ye that fear the Lord, bless ye the Lord.²⁹ Who is the Tanna [of this Baraitha]?³⁰ — R. Jeremiah said: It is not R. Judah, for if R. Judah, surely he says the priests obtain atonement with the scapegoat!³¹ Then who is it? Raba said: It is R. Simeon who holds that the priests do not obtain atonement with the scapegoat. Abaye said: You may even say that it is R. Judah, and thus he³² reasons: Hence they would have no atonement at all for transgression of the laws of uncleanness connected with the Temple and holy food thereof;³³ but when Scripture says: And he shall make atonement for the priest, we find that they have atonement for other sins; and just as we find that they have atonement for other sins, so they have atonement

(1) If he holds that the Day atones even for transgression of the Day itself, the punishment of kareth decreed for transgressing the Day can never be put into effect; yet Scripture says: For whatsoever soul it be that shall not be afflicted in that same day, he shall be cut off from his people (Lev. XXIII, 29).

(2) Rabbi may still hold that the Day atones even for the kareth which it carries, and yet it is possible to have a case where kareth operates.

(3) So that not even a moment of the Day passed after the eating of it; but had he lived a moment after eating, the Day would have atoned.

(4) At the termination of the Day.

(5) Hence it is possible that Rabbi holds the Day atones even for the kareth it involves, and Raba's distinction does not necessarily follow.

(6) Supra 2b.

(7) Ibid.

(8) That the scapegoat atones also for priests for other sins.

(9) Lev. XVI, 33.

(10) From this verse it is deduced that the High Priest on the Day of Atonement makes atonement with the bullock and

goat for the transgression of the laws of uncleanness in the Holy of Holies, holy place, altar, etc. If one, that is to say, became unclean in the Holy of Holies, and tarried for such time as he could prostrate himself (v. infra 16b), or if he offered incense on the golden altar while unclean, or entered other compartments of the Temple court while unclean, he has transgressed the law of uncleanness, and for this the bullock atones for priests, and the goat for Israelites.

(11) Priests, Levites, and Israelites, are all deduced from this latter part of the verse, which is superfluous, as obtaining equal atonement; but this equal atonement cannot refer to the atonement for transgression of the laws of uncleanness connected with the Temple and holy food, because in this case the atonements are not equal, the bullock atoning for priests, and the inner and outer goats for Israelites and Levites. The equal atonement, consequently, refers to the scapegoat which atones for priests, Israelites, and Levites, for other sins.

(12) V. supra p. 4, n. 7.

(13) The verse quoted by R. Judah above seemingly implying that both Israelites and priests obtain atonement with the scapegoat for other sins.

(14) Priest with the bullock, and Israelite with the goat.

(15) For stating that the scapegoat does not atone for priests for other sins.

(16) Lev. XVI, 7: the inner goat and the scapegoat.

(17) Ibid. 15.

(18) How will he explain this equation of the two goats?

(19) Yoma VI. 1.

(20) Lev. XVI, 15.

(21) Or his successor in the High Priest's office.

(22) Lev. XVI, 6.

(23) Neither with the goat, which is for the people, nor with the bullock, which is for Aaron.

(24) Lev. XVI, 33.

(25) The Biblical statement, which is for himself, implies that the bullock atones only for himself, and for other priests.

(26) Lev. XVI, 6: And he shall make atonement for himself in for his house, i.e., household. The bullock, therefore, atones for more than himself; it may, therefore, atone also for the other priests.

(27) Lev. XVI, 15: The goat of the sin offering that is for the people.

(28) In refutation of this argument.

(29) Ps. CXXXV, 19, 20. All priests are included in House of Aaron; therefore the priests obtain atonement with Aaron's bullock, for Scripture says: And he shall make atonement for himself and for his house.

(30) Which states that if the priests would not obtain atonement with Aaron's bullock, they would have no atonement at all.

(31) At least for other sins; whereas, according to the Baraitha, it appears that their atonement depends entirely on the bullock of Aaron.

(32) R. Judah who is the Tanna of the Baraitha.

(33) If we should say that the priests can obtain atonement neither with the inner goat of the people nor with bullock of the High Priest for the sins of uncleanness connected with the Temple, the result would be that they would have no atonement at all for these sins; though for other sins they would still obtain atonement with the scapegoat.

Talmud - Mas. Shevu'oth 14a

for the sins of uncleanness in connection with the Temple and holy food thereof. With what do they obtain atonement? It is better that they should obtain atonement with the bullock of Aaron, for it was released from its implication, in order to include also his house; and that they should not obtain atonement with the goat offered within [the veil], which was not released from its implication. And if you desire to say anything, [I may add another argument, for] Scripture says: O house of Aaron, bless ye the Lord, etc.

What [is meant by]: If you desire to say anything?¹ You might say, it is written: [He shall atone for himself and for] his house,² [therefore I add the argument that] all [priests] are called his house, for it is said: O house of Aaron, bless ye the Lord . . . ye that fear the Lord, bless ye the Lord.

Now, as to the phrase, that is for the people,³ does it come for this purpose?⁴ Surely it is required [to deduce] that the Divine Law means it should be from the people's [funds]!⁵ — This we may deduce from: And from the congregation of the Children of Israel [he shall take two goats].⁶

Now, as to the phrase, which is for himself,⁷ does it come for this purpose?⁸ Surely it is required [to deduce] that which was taught: From his own [funds] he brings [the bullock], and he does not bring it from public funds. I might think that he does not bring it from public funds, because the congregation do not obtain atonement with it, but he may bring it from [funds subscribed by] his brother priests, for his brother priests obtain atonement with it, therefore Scripture says: which is for himself.⁹ I might think that he should not bring it [from priestly subscriptions], but if he did, it is still valid,¹⁰ therefore Scripture says once more: which is for himself;¹¹ the verse repeats it in order to make [this condition] indispensable!¹² — The Tanna meant thus in his argument: Why do they [the priests] not obtain atonement with [the goat of] the people? — Because they spend no money on it, for it is written: that is for the people;¹³ [then we should say, that since] on Aaron's [bullock] they also spend no money,¹⁴ [they should not obtain atonement with it,]¹⁵ therefore he says, they are all called his house.¹⁶

It is right according to R. Simeon¹⁷ that Scripture mentions two confessions¹⁸ and the blood of the bullock:¹⁹ one instead of the goat offered within [the veil],²⁰ one instead of the goat offered outside,²¹ and one instead of the scapegoat.²² But according to R. Judah,²³ why do we require two confessions and the blood of the bullock? One confession and the blood should suffice!²⁴ — One for himself and one for his household;²⁵ as it was taught in the Academy of R. Ishmael:²⁶ Thus the nature of justice is practiced:²⁷ it is better that the innocent should come and atone for the guilty, and not that the guilty should come and atone for the guilty.

CHAPTER II

MISHNAH. THE LAWS CONCERNING THE DISCOVERY OF HAVING UNCONSCIOUSLY SINNED THROUGH UNCLEANNESS ARE TWO, SUBDIVIDED INTO FOUR;²⁸ [IF] HE BECAME UNCLEAN AND WAS AWARE OF IT,²⁹ THEN THE UNCLEANNESS BECAME HIDDEN FROM HIM, THOUGH HE REMEMBERED THE HOLY FOOD;³⁰ [IF THE FACT THAT IT WAS] HOLY FOOD WAS HIDDEN FROM HIM, THOUGH HE REMEMBERED THE UNCLEANNESS; [IF] BOTH WERE HIDDEN FROM HIM; AND HE ATE HOLY FOOD, AND WAS NOT AWARE,³¹ AND WHEN HE HAD EATEN, BECAME AWARE: — IN THESE CASES HE BRINGS A SLIDING SCALE SACRIFICE. [IF] HE BECAME UNCLEAN AND WAS AWARE OF IT, THEN THE UNCLEANNESS BECAME HIDDEN FROM HIM, THOUGH HE REMEMBERED THE TEMPLE;³² [IF THE FACT THAT IT WAS] THE TEMPLE WAS HIDDEN FROM HIM, THOUGH HE REMEMBERED THE UNCLEANNESS; [IF] BOTH WERE HIDDEN FROM HIM; AND HE ENTERED THE TEMPLE, AND WAS NOT AWARE,³³ AND WHEN HE HAD GONE OUT, BECAME AWARE: — IN THESE CASES HE BRINGS A SLIDING SCALE SACRIFICE.

IT IS THE SAME WHETHER ONE ENTERS THE TEMPLE COURT OR THE ADDITION TO THE TEMPLE COURT,³⁴ FOR ADDITIONS ARE NOT MADE TO THE CITY [OF JERUSALEM], OR TO THE TEMPLE COMPARTMENTS EXCEPT BY KING, PROPHET, URIM AND TUMMIN,³⁵ SANHEDRIN OF SEVENTY ONE,³⁶ TWO [LOAVES] OF THANKSGIVING,³⁷ AND SONG;³⁸ AND THE BETH DIN WALKING IN PROCESSION, THE TWO [LOAVES] OF THANKSGIVING [BEING BORNE] AFTER THEM, AND ALL ISRAEL [FOLLOWING] BEHIND THEM.

(1) What argument could be used to refute this reasoning?

(2) Limiting the atonement to his household, and excluding other priests.

- (3) Lev. XVI, 15.
- (4) To limit the atonement by the inner goat to Israelites, and to exclude priests.
- (5) Though the bullock of the High Priest is bought from his own private means.
- (6) Lev. XVI, 5
- (7) Ibid. 6.
- (8) To limit the atonement by the bullock to the High Priest, and to exclude others.
- (9) Lev. XVI, 11: **אֲשֶׁר לוֹ**, which may be translated which is his, i.e., bought with his own money.
- (10) Sometimes an action which is not directly permissible before it is done is declared legitimate after it has been done, a distinction being drawn between **לְכַתְּחִלָּה** (before the act) and **דִּיעַבְד** (after the act).
- (11) Lev. XVI, 11. **אֲשֶׁר לוֹ** occurs twice in this verse, and once in verse 6. The first, in verse 6, prohibits the buying of the High Priest's bullock from public funds; the second, in verse 11, prohibits its purchase from priestly funds; and the third, in verse 11, is **לְעַכְבָּ**, to emphasize that it must be bought from his own funds, and that even if it had already been bought from priestly funds it is invalid.
- (12) The phrase **אֲשֶׁר לוֹ** is, therefore, necessary for this deduction. How then could the Tanna suggest that it would come to limit the atonement by the bullock to the High Priest, and exclude other priests, were it not for the further arguments adduced to include them?
- (13) From which we have deduced that it must be bought from the people's money, and not from the priest's money. More accurately, this deduction was made from the phrase: from the congregation of the Children of Israel; v. supra, and Tosaf.
- (14) For it must be bought from the High Priest's private means, as deduced from **אֲשֶׁר לוֹ**.
- (15) The Tanna, therefore, in stating that from the phrase **אֲשֶׁר לוֹ** we might be inclined to exclude other priests from the atonement of the bullock, meant that, because from this phrase we deduced that other priests must not subscribe to it, we would, for that very reason, exclude them from the atonement.
- (16) All priests are included in the house of Aaron, and therefore obtain atonement with his bullock, though they are not permitted to subscribe towards its cost.
- (17) Who holds that the priests obtain all their atonement with the bullock, and have no atonement at all, even for the other sins, with the scapegoat.
- (18) Lev. XVI, 6, 11: And he shall make atonement occurs twice. It refers to the verbal confession before the bullock is killed (Yoma 36b).
- (19) Ibid. 14: And he shall take of the blood of the bullock, and sprinkle it etc.
- (20) Which holds in suspense the sin in connection with uncleanness where there was knowledge at the beginning but not at the end.
- (21) Which atones for the case where there was no knowledge at the beginning but knowledge at the end.
- (22) Which atones for other sins. And for these three types of sin for which Israelites obtain atonement with the three goats, the priests obtain atonement with the two confessions and the blood sprinkling of the bullock.
- (23) Who holds that the priests obtain atonement for other sins with the scapegoat.
- (24) One instead of the inner goat, and one instead of the outer goat.
- (25) He confesses his own sins, and then, being innocent, is in a position to make confession for the other priests.
- (26) Yoma 43b.
- (27) I.e., common sense dictates this.
- (28) This Mishnah, elaborating the statement of the Mishnah, supra 2a, explains fully which are the four: forgetfulness of uncleanness (in connection with eating holy food), forgetfulness of holy food, forgetfulness of uncleanness (in connection with entering the Temple), forgetfulness of Temple, v. infra 14b.
- (29) Either immediately or later.
- (30) I.e., was aware that it was holy food he was eating.
- (31) That he was unclean, or that the food was holy, or both.
- (32) I.e., that the place he had entered was the Temple.
- (33) That he was unclean, or that it was the Temple he had entered, or both.
- (34) The additional portion is as holy as the original, for it is consecrated with full ceremonial. An unclean person entering the additional portion must, therefore, also bring a sacrifice. The whole of the Temple court was 187 cubits long and 135 cubits wide; and was divided into a number of compartments (Mid. V.). An unclean person was prohibited from entering anywhere within the court.

(35) V. Ex. XXVIII, 30; and Rashi, a.l.

(36) The great Sanhedrin sitting in Jerusalem; there were minor courts in each town composed of 3 members, for deciding monetary questions, and of 23 members, for deciding questions of life and death; v. Sanh. 2a.

(37) V. infra 15a.

(38) V. infra 15b.

Talmud - Mas. Shevu'oth 14b

THE INNER ONE IS EATEN, AND THE OUTER ONE IS BURNT.¹ AND AS TO ANY ADDITION THAT WAS MADE WITHOUT ALL THESE — HE WHO ENTERS IT [WHILE UNCLEAN] IS NOT LIABLE.²

IF HE BECAME UNCLEAN IN THE TEMPLE COURT [AND WAS AWARE OF IT], AND THE UNCLEANNESS THEN BECAME HIDDEN FROM HIM, THOUGH HE REMEMBERED THE TEMPLE; [OR, THE FACT THAT IT WAS] THE TEMPLE BECAME HIDDEN FROM HIM, THOUGH HE REMEMBERED THE UNCLEANNESS; [OR,] BOTH BECAME HIDDEN FROM HIM, AND HE PROSTRATED HIMSELF, OR TARRIED THE PERIOD OF PROSTRATION,³ OR WENT OUT THE LONGER WAY, HE IS LIABLE; THE SHORTER WAY, HE IS NOT LIABLE; THIS IS THE POSITIVE PRECEPT CONCERNING THE TEMPLE⁴ FOR WHICH THEY [THE BETH DIN] ARE NOT LIABLE.⁵ AND WHICH IS THE POSITIVE PRECEPT CONCERNING A MENSTRUOUS WOMAN FOR WHICH THEY ARE LIABLE?⁶ [THIS:] IF ONE COHABITED WITH A CLEAN WOMAN, AND SHE SAID TO HIM: 'I HAVE BECOME UNCLEAN!';⁷ AND HE WITHDREW IMMEDIATELY, HE IS LIABLE,⁸ BECAUSE HIS WITHDRAWAL IS AS PLEASANT TO HIM AS HIS ENTRY.⁹

R. ELIEZER SAID: [SCRIPTURE SAYS: 'IF ANY ONE TOUCH. . . THE CARCASS OF] AN UNCLEAN CREEPING THING, AND IT BE HIDDEN FROM HIM':¹⁰ WHEN THE UNCLEAN CREEPING THING IS HIDDEN FROM HIM, HE IS LIABLE; BUT HE IS NOT LIABLE, WHEN THE TEMPLE IS HIDDEN FROM HIM.¹¹ R. AKIBA SAID: [SCRIPTURE SAYS:] 'AND IT BE HIDDEN FROM HIM THAT HE IS UNCLEAN':¹² WHEN IT IS HIDDEN FROM HIM THAT HE IS UNCLEAN, HE IS LIABLE; BUT HE IS NOT LIABLE, WHEN THE TEMPLE IS HIDDEN FROM HIM.¹³ R. ISHMAEL SAID: [SCRIPTURE SAYS:] 'AND IT BE HIDDEN FROM HIM' TWICE,¹⁴ IN ORDER TO MAKE HIM LIABLE BOTH FOR THE FORGETFULNESS OF THE UNCLEANNESS AND THE FORGETFULNESS OF THE TEMPLE.

GEMARA. Said R. Papa to Abaye: TWO, SUBDIVIDED INTO FOUR! They are two, subdivided into six! Knowledge of the uncleanness at the beginning and at the end; knowledge of the holy food at the beginning and at the end; knowledge of the Temple at the beginning and at the end! — But [even] according to your argument, they should be eight; for there is the uncleanness in connection with eating holy food, and the uncleanness in connection with entering the Temple, [necessitating knowledge] both at the beginning and at the end!¹⁵ This is no question; the name uncleanness is the same.¹⁶ [But] nevertheless [there remains the question] there are six? — R. Papa said: Verily, they are eight:¹⁷ the first four which do not make him liable for a sacrifice¹⁸ are not counted; but the last four which make him liable for a sacrifice are counted. Some say: [Thus] said R. Papa: Verily, they are eight: the first four which occur nowhere else in the whole Torah are counted;¹⁹ but the last four which occur elsewhere in the Torah are not counted.

R. Papa asked; If the laws of uncleanness were hidden from him, what [is the ruling]? How do you mean? Shall we say that he did not know whether a reptile is unclean, or a frog is unclean?²⁰ Surely, this is taught in school!²¹ — Well then, he did know that a reptile is unclean, but, for example, he touched [a portion of a reptile] the size of a lentil; and he did not know whether the size of a lentil contaminates or not: What [is the ruling]? [Shall we say] since he knew that a reptile contaminates,

this is counted knowledge; or, since he did not know whether the size of a lentil contaminates or not, it is counted as unawareness?²² — The question remains undecided.²³

R. Jeremiah asked: If a Babylonian went up to Palestine, and the place of the Temple was hidden from him;²⁴ what [is the ruling]? — According to whose view? If according to R. Akiba, who holds there must be knowledge at the beginning,²⁵ [the question does not arise, for] he does not make him liable for [uncleanness in connection with] forgetfulness of the Temple;²⁶ if according to R. Ishmael, who does make him liable for [uncleanness in connection with] forgetfulness of the Temple,²⁷ [again the question does not arise, for] he does not require knowledge at the beginning?²⁸ — It is not necessary [to ask this question except] according to Rabbi, who requires knowledge at the beginning, and makes him liable in the case of forgetfulness of the Temple,²⁹ and who holds, furthermore, that knowledge gained from a teacher is counted knowledge;³⁰ what [is the ruling]? [Shall we say], since he knew that there was a Temple in existence, this is called knowledge; or, since its place was not known to him it is counted as unawareness?³¹ — The question remains undecided. IT IS THE SAME WHETHER ONE ENTERS THE TEMPLE COURT, etc. How do we know?³² — R. Shimi b. Hiyya said: Because Scripture says: According to all that I show thee, the pattern of the tabernacle, and the pattern of all its vessels,

(1) Ibid.

(2) Because it is not holy.

(3) V. infra 16b.

(4) Num. V, 2: Command the children of Israel that they send out of the camp . . . whosoever is unclean. If uncleanness occurs to him while in the precincts of the Temple, he must leave immediately by the shortest route.

(5) If the Beth din give an erroneous ruling, permitting that which is prohibited, they must bring a bullock for a sin-offering: If the whole congregation of Israel shall err . . . and do any of the things which the Lord hath commanded not to be done . . . the assembly shall offer a young bullock (Lev. IV, 13, 14). Congregation of Israel refers to the Beth din (Great Sanhedrin); v. Hor. 4b. In the present instance, if the Beth din give an erroneous ruling in connection with uncleanness occurring to a person while in the Temple, they do not bring a bullock, for they only bring a bullock for an erroneous ruling on a matter which, when unwittingly done by an individual, must be atoned for by a sin-offering, but not for an erroneous ruling on a matter which, when unwittingly done by an individual, is atoned for by a sliding scale sacrifice; v. Hor. 8b.

(6) Lev. XV, 31: Ye shall separate the children of Israel from their uncleanness; v. infra 18b. For an erroneous ruling on this the Beth din bring a bullock, because an individual, for an unwitting transgression of this precept, brings a sin offering.

(7) This is similar to entering the Temple legitimately while clean, and becoming unclean while in the Temple.

(8) And brings a sin offering.

(9) Coition; the remedy is to remain passive till the genital member becomes quiescent, when he withdraws.

(10) Lev. V, 2.

(11) He brings a sliding scale sacrifice for entering the Temple when unclean only when he has forgotten that he is unclean through contact with the carcass of a creeping thing, and not when he has forgotten that it is the Temple he is entering.

(12) Lev. V, 2.

(13) V. infra 18b for an explanation of the difference between the views of R. Eliezer and R. Akiba.

(14) Lev. V, 2, 3.

(15) The Mishnah uses the expression **ידיעות הטומאה**, states of knowledge (or, awareness) of the uncleanness. Had the Mishnah used the word **העלמות**, states of forgetfulness (or, unawareness), it would have been justified in stating that there are only four (v. supra p. 66, n. 1); states of awareness are, however, eight; for each state of unawareness must be preceded and followed by a state of awareness.

(16) The states of unawareness of the uncleanness both in connection with eating holy food and entering the Temple are reckoned as coming under one category. There are, therefore, only six states of awareness; before and after, in connection with the unawareness of the holy food; before and after, in connection with the unawareness of the Temple; before and after, in connection with the unawareness of the uncleanness (whether with reference to eating holy food or

entering the Temple).

(17) The states of awareness are definitely eight, v. n. 1.

(18) For, if he remains unaware at the end, he cannot, obviously, bring a sacrifice.

(19) Elsewhere, with reference to the commission of other transgressions, there need be no awareness before the act that it was forbidden.

(20) E.g., he touched a dead toad (צב, Lev. XI, 29) which resembles a frog, and did not know the law that a toad contaminates. A dead frog does not contaminate by touch (Ker. 13b).

(21) Lit., 'go, read it in school'. All children know that the carcass of a reptile contaminates (Lev. XI, 29, 30). His temporary forgetfulness of this law is, therefore, immaterial. He is reckoned as having knowledge at the beginning, and later, when eating holy food (having forgotten that he is unclean), there is unawareness in the middle; ultimately, when the knowledge at the end comes to him, he brings a sliding scale sacrifice. Had ignorance of the law been counted as unawareness, there would have been, in this case, no knowledge at the beginning, and he would not be liable for a sacrifice.

(22) Therefore, there is no knowledge at the beginning.

(23) Lit., 'Let it stand'.

(24) And he entered the Temple whilst unclean, and had never been aware that this building was the Temple.

(25) Supra 4a.

(26) Supra Mishnah 14b.

(27) Ibid.

(28) Infra 19b.

(29) Supra 4a-b.

(30) Supra 5a.

(31) And there is no knowledge at the beginning. The fact that he knew there is a Temple in existence does not constitute 'knowledge gained from a teacher', because he never knew its site; but in the case where he became unclean by touching a carcass though he was not aware at the moment of contact that this contact made him unclean, it is nevertheless counted as knowledge at the beginning (knowledge gained from a teacher), because he had been aware at one time that contact with a carcass makes him unclean, and he had been aware at the moment of contact that he was touching a carcass.

(32) That king, prophet, etc. are necessary for consecrating an addition to the Temple court.

Talmud - Mas. Shevu'oth 15a

even so shall ye make it¹ — for future generations. Raba objected: All the vessels which Moses made were consecrated by their anointing;² thenceforth,³ their employment in the service dedicated them.⁴ Now why? Let us say: so shall ye make it — for future generations.⁵ — It is different there, for Scripture says: And he anointed them and sanctified them⁶ — 'them' he anointed; but [vessels] in future generations [are] not [consecrated] by anointing. But you may say: 'them' he anointed; but [vessels] in future generations [may be consecrated] either by anointing or by employment in the service? — R. Papa said: Scripture says. [And they shall take all the vessels of ministry,] wherewith they minister in the sanctuary;⁷ the verse makes them dependent upon ministry.⁸ Now that Scripture has written 'wherewith they minister', why do we require 'them'?⁹ — If Scripture had not written 'them', I might have said: these [in the time of Moses] were [consecrated] by anointing [only], but [vessels] in future generations [require both] anointing and employment in service, for Scripture has written so shall ye make it;¹⁰ therefore Scripture limits [by writing] 'them' — them¹¹ by anointing, but not [vessels] in future generations by anointing.¹²

AND WITH TWO [LOAVES] OF THANKSGIVING. We learnt: The two thanksgiving offerings which are mentioned refer to their loaves and not their flesh.¹³ How do we know? R. Hisda said: Because Scripture says: And I placed two great thanksgiving offerings,¹⁴ and we went in procession, on the right upon the wall.¹⁵ Now, what is meant by 'great'? Shall we say, from a great [or, large] kind actually?¹⁶ [If so,] let him say, oxen! But then, large of their kind?¹⁷ [That is impossible, for] is there any importance [attached to size] before Heaven? Surely we learnt: It is said with reference to a

burnt offering of cattle: an offering made by fire, a sweet savour [unto the Lord];¹⁸ with reference to a burnt offering of a bird: an offering made by fire, a sweet savour [unto the Lord];¹⁹ with reference to a meal offering: an offering made by fire, a sweet savour [unto the Lord].²⁰ This teaches us that it is the same whether one gives much or little, as long as he directs his heart to his Father who is in Heaven! — Well then, that which is [inevitably] the larger in the thanksgiving offering, and which is it? The leaven. For we learnt: The thanksgiving offering came from five Jerusalem se'ahs, which are equivalent to six wilderness²¹ se'ahs, which are two ephahs, (for an ephah is three se'ahs); twenty tenths [of an ephah],²² ten for leavened, and ten for unleavened [loaves]; and the unleavened [loaves] were of three kinds: cakes, wafers, and cakes saturated with oil.²³ [Hence, the leavened loaves were larger.]²⁴

Rami b. Hama said: The [addition to the] Temple court is not sanctified except by the remnants of the meal offering.²⁵ What is the reason? — Like Jerusalem; just as Jerusalem is sanctified by that which must be eaten within it,²⁶ so the Temple court is sanctified by that which must be eaten within it.²⁷ Cannot then the loaves of thanksgiving be eaten in the Temple court?²⁸ — Well then, like Jerusalem; just as Jerusalem [is sanctified by] that which must be eaten within it, and which, if it goes outside it, becomes invalid,²⁹ so the Temple court [is sanctified by] that which must be eaten within it, and which, if it goes outside it, becomes invalid.³⁰ [But why not say,] just as there³¹ it is leaven, so here³² let it be leaven? — How can you reason thus? Is there, then, a meal offering of leaven!³³

(1) Ex. XXV, 9; the phrase, so shall ye make it, being superfluous, because it has already been said, Let them make Me a sanctuary (verse 8), is taken to imply that whatever was done for the tabernacle in the wilderness should be done for any future tabernacle or Temple. The tabernacle was consecrated in the presence of King and Prophet (Moses), Urim and Tummim (worn by Aaron), and the seventy elders.

(2) With the holy anointing oil (Ex. XXX, 25-28), becoming thereby bodily holy.

(3) Vessels in later times were not anointed.

(4) V. Sanh 16b.

(5) And let them require anointing.

(6) Num. VII, 1; the tabernacle and all its vessels.

(7) Num. IV, 12; this verse is taken to refer to future vessels, because the word used, **יִשְׁרְתוּ** is in the future tense (lit., 'they will minister'); v. Rashi, Sanh. 16b.

(8) I.e., being employed in the service, they become vessels of ministry (holy).

(9) Since we deduce from the phrase wherewith they minister that vessels in the future are consecrated by 'ministry', why do we require the emphasis on 'them' to exclude vessels in the future.

(10) In the future: Just as now the vessels are consecrated by anointing, so they shall be in the future; and that vessels in the future are consecrated by 'ministry' is deduced from wherewith they minister; hence they require both anointing and employment in service in order to become consecrated.

(11) In the time of Moses.

(12) But by 'ministry' only.

(13) A thanksgiving offering comprises, in addition to the animal sacrificed, loaves of unleavened and leavened bread (Lev. VII, 12, 13).

(14) **שְׁתֵּי תוֹדוֹת גְּדוּלוֹת**: E.V, two great companies that gave thanks.

(15) Neh. XII, 31. The verse refers to the re-dedication of Jerusalem by Nehemiah.

(16) The animals of the thanksgiving offerings were of a large breed (e.g., oxen) and not of a small breed (e.g., sheep).

(17) I.e., even if they were of a small breed (e.g., sheep), the largest of that kind were brought.

(18) Lev. I, 9.

(19) Ibid. 17.

(20) Lev. II, 2.

(21) I.e., Biblical se'ahs, measures referred to in the Bible, when the Israelites were in the wilderness.

(22) For it was made of 6 se'ahs = 2 ephahs; and an ephah is 10 tenths (i.e., omers): an omer is the tenth part of an ephah (Ex. XVI, 36).

(23) Lev. VII, 12; ten loaves of each kind were made, so that there were thirty unleavened loaves made from the ten omers; the leavened loaves were only of one kind (Lev. VII, 13); so that the ten leavened loaves were equal to the thirty unleavened loaves; each leavened loaf was, therefore, three times the size of an unleavened loaf (Men. 77a).

(24) Nehemiah's statement that he took two large thanksgiving offerings therefore means two leavened loaves of the thanksgiving offering.

(25) Eaten by the priests (Lev. VI, 9).

(26) The two loaves of the thanksgiving offering must be eaten within the city.

(27) The remnant of the meal offering eaten by the priests (Lev. VI, 9).

(28) The priest may eat the portion he receives from an Israelite's thanksgiving offering (Lev. VII, 14) within the Temple court, if he desires. Since the loaves of thanksgiving may, therefore, be eaten in the Temple court, let them sanctify the addition to the Temple court.

(29) The loaves of thanksgiving, if taken outside the city walls, become invalid.

(30) The remnant of the meal offering eaten by the priests becomes invalid, if taken outside the Temple court,

(31) In sanctifying the city two loaves of leavened bread are used.

(32) In sanctifying the Temple court.

(33) Since we require the remnant of a meal offering to sanctify the Temple Court, it must perforce be unleavened: No meal offering, which ye shall bring unto the Lord, shall be made with leaven (Lev. II, 11).

Talmud - Mas. Shevu'oth 15b

And if you should say that he leavens the remnants,¹ and sanctifies with them, [that cannot be, for] it is written: It shall not be baked leavened. As their portion [have I given it].² And Resh Lakish said: Even their portion must not be baked leavened. But why not?³ It is possible to sanctify it with the two loaves of Pentecost!⁴ — It is impossible. How shall he do it? Shall he build it⁵ on the eve [of Pentecost], and sanctify it on the eve? The two loaves become holy only by the sacrifice of the lambs [on Pentecost].⁶ Shall he build it on the eve, and sanctify it now [on Pentecost]? We require sanctification at the time of [the completion of] the building. Shall he complete the building on the festival, and sanctify it on the festival? The building of the Temple does not supersede the festival.⁷ Shall he leave [the two loaves] till [a day] later, and complete the building and sanctify it? They [the loaves] become invalid by linah.⁸ Shall he build it on the eve of the festival, and leave a little [incomplete], so that when he has recited the blessing at the end of the day [Habdalah], he may complete it immediately and sanctify it?⁹ The building of the Temple cannot take place at night, for Abaye said: How do we know that the building of the Temple cannot take place at night? Because it is said: 'And on the day that the tabernacle was reared up'¹⁰ — during the 'day' it is reared up, during the night it is not reared up. Therefore it is not possible.¹¹

AND WITH SONG. Our Rabbis taught: The song of thanksgiving¹² was [accompanied by] lutes,¹³ lyres,¹⁴ and cymbals¹⁵ at every corner and upon every great stone in Jerusalem; and [the psalm] is intoned; I will extol Thee, O Lord, for Thou hast raised me up etc.;¹⁶ and the song against evil occurrences,¹⁷ and some call it the song against plagues. He who calls it [the song] against plagues [does so] because it is written: neither shall any plague come nigh thy tent;¹⁸ and he who calls it [the song] against evil occurrences [does so] because it is written: a thousand may fall at my side;¹⁹ [that is to say, this psalm] is intoned: O thou who dwellest in the secret place of the Most High, and abidest in the shadow of the Almighty, till for thou hast made the Lord who is my refuge, even the Most High, thy habitation;²⁰ and then again [this psalm] is intoned; A Psalm of David, when he fled from Absalom his son. Lord, how many are mine adversaries become! till Salvation belongeth unto the Lord; Thy blessing be upon Thy people. Selah.²¹

R. Joshua b. Levi recited these verses²² when retiring to sleep. How could he do so? Did not R. Joshua b. Levi [himself] say it is prohibited to heal oneself with words of the Torah?²³ — To protect oneself is different.²⁴ Well then, when he said it is prohibited, [he meant] where there is [already] a wound. If there is a wound, is it merely prohibited, and nothing else? Surely, we have learnt: He who

utters an incantation²⁵ over a wound has no portion in the world to come!²⁶ — But it has been taught with reference to this; R. Johanan said: They taught [this law only] if he spits, for the Name of Heaven must not be mentioned in connection with spitting.²⁷

THE BETH DIN WALK IN PROCESSION, THE TWO [LOAVES] OF THANKSGIVING BEING BORNE AFTER THEM, etc. Shall we say that the Beth din walk in front of the [loaves of] thanksgiving? Surely, it is written: And after them [the two loaves] went Hoshaiiah and half of the princes of Judah.²⁸ — Thus he means: The Beth din walk, and the two [loaves] of thanksgiving are borne, and the Beth din walk behind.²⁹

How are they borne? — R. Hiyya and R. Simeon son of Rabbi [disagreed]: One said, one opposite the other; and the other said, one behind the other.³⁰ According to the one who holds they were opposite each other, the inner one is that which is nearest the wall,³¹ and according to the one who holds that they were one behind the other, the inner one is that which is nearest the Beth din.³²

We learnt: THE INNER ONE IS EATEN, AND THE OUTER ONE IS BURNT. It is right according to the one who holds that they were one behind the other, therefore the inner one is eaten, because the outer one came before it and sanctified the place;³³ but according to the one who holds that they were opposite each other, they both simultaneously sanctified the place!³⁴ — But even according to your reasoning, according to the one who holds they were one behind the other, [why is the inner one eaten?] does the one [loaf]³⁵ then sanctify the place? Surely, we have learnt: ANY [ADDITION] THAT WAS NOT MADE WITH ALL THESE [IS NOT HOLY],³⁶ and even according to the one who holds [that the reading in the Mishnah is]: ‘with any one of all these’,³⁷ [still] these two [loaves] together are one precept!³⁸ — Well then, said R. Johanan,

(1) After the ritual has been performed by the priest with the unleavened meal offering, he takes the remnant due to him, and makes it leavened.

(2) Lev. VI, 10. **לֹא תֹאֲפֶה חֲמֵץ חֶלְקֶם** may be translated: ‘their portion must not be baked leavened.’

(3) Is it not really possible to sanctify the Temple court with a meal offering of leaven?

(4) Lev. XXIII, 17: they shall be baked leavened.

(5) The addition in the Temple court.

(6) Lev. XXIII, 20: And the priest shall wave them with the bread of the first-fruits for a wave offering before the Lord, with the two lambs; they shall be holy to the Lord. Though the loaves are holy for their value (**קְדוּשַׁת דָּמִים**) before the lambs are sacrificed, for they are purchased from the Temple funds, they do not become bodily holy (**קְדוּשַׁת הַגּוֹף**) until the lambs are sacrificed on Pentecost; v. Men. 78b.

(7) No building operation may be performed on a Sabbath or festival even if it be for so sacred a task as the building of the Temple; v. Yeb. 6a.

(8) **לַיְנָה** (night rest) ‘Being left overnight till the morrow’: for they are permitted to be eaten only for one day (Pentecost) and one night (till midnight); v. Zeb. 54b.

(9) Before midnight, while the loaves are still valid.

(10) Num. IX, 15.

(11) To sanctify the Temple court with leavened loaves.

(12) Ps. C.

(13) Of seven strings (v. ‘Ar. 13b), resembles the guitar.

(14) Stringed instrument like harp; or, leather wind instrument like accordion or concertina; v. *ibid.* Rashi.

(15) Of metal, clashed together in pairs.

(16) Ps. XXX; the heading is: A psalm; a Song at the Dedication of the House.

(17) I.e., the psalm referring to evil spirits or demons, XCI.

(18) Ps. XCI, 10.

(19) *Ibid.* 7; i.e., the evil spirits will depart when the place is sanctified.

(20) Ps. XCI, 1-9 this is actually the song of *pegaim* or *nega'im*; v. Rashi.

(21) Ps. III; according to Maharsha the heading of this psalm was not recited.

(22) Ps. XCI, 1-9.

(23) And these verses are intended to drive away evil spirits.

(24) And is permitted; the verses are not intended to heal an actual wound, but to shield from possible affliction.

(25) Lit., 'whispers'.

(26) Sanh. 90a. This is more than merely prohibiting it. ['Spitting was believed to have the power of breaking the spell, v. Blau, Zaubewesen, p.68.]

(27) If he spits on the wound, and utters an incantation of Biblical verses, he has no portion in the world to come; but to utter the incantation without spitting is also prohibited; to utter verses to protect oneself from a possible affliction is permitted, v. Sanh. 101a.

(28) Neh. XII, 32.

(29) And the Mishnah should be emended accordingly.

(30) The loaves are borne by two priests; according to one view, the priests walk side by side; according to the other view, they walk one behind the other.

(31) According to Rashi, the procession marched round the wall outside; according to Tosaf., inside the city. In either case, the inner one is that which is nearest the wall. Tosaf. suggest that they marched inside the wall, because if the loaves were taken outside, they would automatically become invalidated by being **יצא** (outside the consecrated area, i.e., the city of Jerusalem).

(32) Because there is one priest in front, and the Beth din behind.

(33) As soon as the first loaf in the procession comes to a place, it sanctifies it; the second one, coming to it, enters holy ground, and does not, therefore, become invalid by being **יצא** (going out into unconsecrated ground). The first one, however, is burnt, because at the actual moment of entering the unconsecrated spot it became **יצא**.

(34) Then, either both should be burnt, if we assume that at the moment of entry into unconsecrated ground they became **יצא**; or, both should be eaten, if we assume that the act of entry automatically sanctifies the spot at the same moment.

(35) The first.

(36) Hence we require both loaves to enter a place in order to consecrate it.

(37) Infra 16a; that any one of those mentioned in the Mishnah suffices to consecrate a place; and you might, therefore, conceivably say that one loaf suffices.

(38) They are inseparable; 'any one of these' means either King or priest or Sanhedrin or two loaves.

Talmud - Mas. Shevu'oth 16a

by the ruling of the prophet the one was eaten, and by the ruling of the prophet the other was burnt.¹

ANY [ADDITION] THAT WAS NOT MADE WITH ALL THESE, ETC. It was taught: R. Huna said: WITH ALL THESE we learnt in our Mishnah; R. Nahman said: WITH ANY ONE OF ALL THESE we learnt in our Mishnah. R. Huna said: WITH ALL THESE we learnt in our Mishnah, because he holds the first consecration² consecrated it for the time being, and consecrated it for the future; and Ezra [in re-consecrating it] merely did it as a symbol.³ R. Nahman said: WITH ANY ONE OF ALL THESE we learnt in our Mishnah, because he holds the first consecration consecrated it for the time being, and did not consecrate it for the future; and Ezra really re-consecrated it,⁴ although there were no Urim and Tummim. Raba asked R. Nahman: We learnt: ANY ADDITION THAT WAS NOT MADE WITH ALL THESE!?! — [Emend it and] learn: 'With any one of all these.'

Come and hear: Abba Saul said: There were two meadows⁵ on the Mount of Olives, the lower and the upper;⁶ the lower was consecrated with all these;⁷ the upper was not consecrated with all these, but by the returned exiles,⁸ without King and without Urim and Tummim; the lower one which was properly consecrated; the illiterate⁹ entered there, and ate there sacrifices of a minor grade of holiness,¹⁰ but not the second tithe.¹¹ And the learned¹² ate there sacrifices of a minor grade of holiness and also the second tithe.¹³ The upper one which was not properly consecrated; the illiterate entered there, and ate there sacrifices of a minor grade of holiness,¹⁴ but not the second tithe. And the learned did not eat there either sacrifices of a minor grade of holiness or the second tithe. And

why did they not consecrate it? Because additions are not made to the city and to the Temple courts except by King, Prophet, Urim and Tummim, Sanhedrin of seventy-one, and two [loaves] of thanksgiving, and song. And why did they consecrate it?¹⁵ Why did they consecrate it? You have just said they did not consecrate it! — But [read] ‘why did they bring it within [the city boundaries]?’ Because it was a vulnerable spot of Jerusalem, and it would have been easy to conquer it [the city] from there.¹⁶ [This is, however, in conflict with R. Nahman's view!¹⁷ — He may answer that it is a subject upon which] Tannaim disagree [and he will agree with one of them], for it has been taught: R. Eliezer said: I heard [from my teachers] that when they were building the Temple [in Ezra's time], they made curtains for the Temple and curtains for the courts,¹⁸ but for the Temple they built [the wall] outside [the curtains],¹⁹ and for the courts they built [the walls] within [the curtains]. R. Joshua said: I heard that sacrifices were offered although there was no Temple,²⁰ and sacrifices of the highest grade of holiness were eaten although there were no curtains, and sacrifices of a minor grade and the second tithe, although there was no wall,²¹ because the first consecration consecrated it for the time being, and consecrated it for the future. This implies [does it not?] that R. Eliezer holds, it did not consecrate it for the future.²²

Said Rabina to R. Ashi; How [do you deduce this]? Perhaps all agree that the first consecration consecrated it for the time being, and consecrated it for the future, but one Master states [merely] what he heard [from his teachers], and the other Master states [merely] what he heard [from his teachers].²³ And if you will say, [if so,]²⁴ why, according to R. Eliezer, are curtains necessary? [We may reply,] for privacy only!

Well then, there the Tannaim [disagree], for it has been taught: ‘R. Ishmael son of R. Jose said: Why did the Sages enumerate these?²⁵ Because when the exiles returned, they came upon these, and consecrated them;²⁶ but [the sanctity of] the earlier [cities] was abolished when [the sanctity of] the land was abolished.’ Hence, he holds that the first consecration consecrated it for the time being, but did not consecrate it for the future. But we may point out an incongruity: ‘R. Ishmael son of R. Jose said: Were there, then, only these?²⁷ Surely it is already written: [And we took all his cities ... sixty cities, all the region of Argob, the kingdom of Og in Bashan. All these were fortified cities, with high walls.²⁸ Then why did the Sages enumerate these? Because when the exiles returned, they came upon these, and consecrated them.’ — They consecrated them now! Surely we state further on²⁹ that it was not necessary to consecrate them! But read, ‘they came upon these, and enumerated them. And not these only [are walled cities], but any one about which you may have a tradition from your fathers that it was surrounded by a wall from the days of Joshua, the son of Nun, then all these precepts³⁰ apply to it; because the first consecration consecrated it for the time being, and consecrated it for the future.’³¹ There is thus a discrepancy between [the statement of] R. Ishmael son of R. Jose [in the Baraita] and [that of] R. Ishmael son of R. Jose [in the Tosefta]!³² — If you will, you may say that [they reflect the opinions of] two tannaim [who] disagree about [the view of] R. Ishmael son of R. Jose; and if you will, you may say that one of the statements was spoken by R. Eleazar b. Jose,³³ for it has been taught: R. Eleazar b. Jose said: [Scripture says: The city] that has a wall;³⁴ although it has not [a wall] now, as long as it had one before [it is reckoned a walled city].³⁵

(1) There is no discoverable reason why one loaf suffices and the other burnt; but this was the ruling of the prophets Haggai, Zechariah, and Malachi who were present at Ezra's and Nehemiah's re-consecration of Jerusalem.

(2) Of the Temple and of Jerusalem in the time of Solomon.

(3) Because it was still holy, and did not need re-consecration, and could not, in any, case, be re-consecrated, because King and Urim and Tummim were lacking (v. Yoma 21 b); for R. Huna holds that we require ‘all these’ (enumerated in the Mishnah) for re-consecration, and Ezra neither re-consecrated the city nor made any addition to it which would require consecration.

(4) With Sanhedrin, two loaves of thanksgiving, and song; for, according in R. Nahman, even one of the requisites (mentioned in the Mishnah) suffices for re-consecration.

(5) [בצעיין] Schlatter, Tage Trajans, 20, renders it ‘parts’, ‘districts’; Krauss, as ‘fissures’ produced by an earthquake,

- the Eroge mentioned in Josephus, Ant. IX, 10, 4, and which he identifies with Bethsaida (Bethesda), v. REJ, LXXIII, 59ff.]
- (6) On the slopes of the mountain, one near the base and the other near the summit.
- (7) During the time if the First Temple it was incorporated within the city boundary, and joined to the city by a wall.
- (8) From Babylon, who included it in the city, and built another wall around it.
- (9) Amme ha-arez (v. Glos.). I.e., not strictly observant of the laws regarding levitical uncleanness.
- (10) Such as thanks offerings or peace offerings which were permitted to be eaten within the city by all Israelites; v. Zeb. V, 6-8.
- (11) Eaten by the owner in Jerusalem: Deut. XIV, 22-26. The second tithe could also have been eaten in the lower meadow, for it was properly consecrated, and was part of the city; but the illiterate thought that the second tithe had to be eaten within the inner (old) wall of Jerusalem, for the verse states: Thou shalt eat before the Lord thy God . . . the tithe of thy corn . . . (Deut. XIV, 23). They were stricter with the tithe than with the sacrifices, because the verse (ibid. 22) states: Thou shalt surely tithe; and they had probably heard the popular exposition: עֶשֶׂר תְּעָשֶׂר עֶשֶׂר בְּשִׁבִיל שְׂתַעֲשֶׂר (a play on the word תְּעָשֶׂר; v. Shab. 119a) — give tithes in order that thou mayest have wealth.
- (12) Haberim (v. Glos.).
- (13) Because they knew that the sacrifices and second tithe were equal, and that the lower meadow was properly consecrated and part of the city.
- (14) They thought the upper meadow was as holy as the lower, because it had also been incorporated within the city by a wall, and they did not distinguished between the full consecration of the lower meadow and the incomplete consecration of the upper meadow.
- (15) [Tosef. Sanh. III reads, ‘Why was it not consecrated?’]
- (16) [V. REJ, loc. cit.]
- (17) For it is stated that the upper meadow was not consecrated, because all the essentials were not present, whereas R. Nahman holds that ‘any one of all these’ suffices.
- (18) As temporary partitions to enable sacrifices to be offered and eaten forthwith (v. n. 8); and then they built the walls near curtain.
- (19) So that the curtains prevented the workmen from gazing into the holy place.
- (20) Before it was re-built by Ezra; v. Ezra III, 1-6; Meg. 10a, Rashi.
- (21) Round Jerusalem.
- (22) Because R. Eliezer requires curtains in order that it may be counted as a Temple; but without curtains it is not holy because, presumably, the first consecration did not consecrated it for the future. R. Nahman will thus agree with R. Eliezer.
- (23) R. Eliezer and R. Joshua are not arguing on this subject, their statements being entirely separate, and not uttered to each other's hearing.
- (24) If R. Eliezer holds that the first consecration consecrated it for the future also.
- (25) The Mishnah (‘Ar. 32a), explaining that walled cities (Lev. XXV, 29, 30) are such which had walls round them since the days of Joshua, mentions a few as examples, such as Gamala, Gedud, etc. Why did the Sages mentioned these particularly? There were many more which could have been mentioned.
- (26) By Beth din, two loaves of thanksgiving, and song; v. ‘Ar. 32b, Rashi. Cf. however Rashi a.l.
- (27) Walled cities, mentioned in ‘Ar. 32a.
- (28) Deut. III, 4, 5.
- (29) In the same passage.
- (30) Concerning the sale of a house (Lev. XXV, 20, 30); sending lepers outside the city (Lev. XIII, 46; Num. V, 2); and that the open space (1,000 cubits) round the city should be left uncultivated (‘Ar. 33b).
- (31) Tosaf. ‘Ar. V.
- (32) From the Baraitha it appears he holds that the first consecration did not consecrate it for the future, and from the Tosefta it appears he holds that it did.
- (33) The statement in the Tosefta.
- (34) Lev. XXV, 30; the kethib is לֹא הִמָּה (‘has not a wall’), but the kere is לוֹ (‘has a wall to it’).
- (35) Because the first consecration, when it had a wall, suffices for now also, though the wall is now destroyed. Hence, there are two tannaim, R. Ishmael and R. Eleazar b. Jose, who disagree as to whether the first consecration consecrated it

for the future also or not; and R. Nahman will agree with R. Ishmael.

Talmud - Mas. Shevu'oth 16b

IF HE BECAME UNCLEAN IN THE TEMPLE COURT [AND WAS AWARE OF IT], THEN THE UNCLEANNESS BECAME HIDDEN FROM HIM, etc. How do we know uncleanness in the Temple court [is punishable]?¹ — R. Eleazar [b. Pedath] said: One verse states: The tabernacle of the Lord he hath defiled;² and another verse states: For the sanctuary of the Lord he hath defiled.³ If it is not applicable to [the case of] uncleanness occurring outside,⁴ apply it to [the case of] uncleanness occurring inside.⁵ But are the verses superfluous? Surely they are necessary, for it has been taught: R. Eleazar [b. Shammua'] said: If tabernacle is mentioned, why is sanctuary mentioned; and if sanctuary is mentioned, why is tabernacle mentioned? If tabernacle had been mentioned, and sanctuary had not been mentioned, I might have thought that for [entering] the tabernacle he should be liable, because it was anointed with the anointing oil;⁶ but for [entering] the sanctuary [i.e., Temple] he should not be liable; and if sanctuary had been mentioned, and tabernacle had not been mentioned, I might have thought that for [entering] the sanctuary he should be liable, because its holiness is an everlasting holiness;⁷ but for [entering] the tabernacle he should not be liable; therefore tabernacle is mentioned, and sanctuary is mentioned.⁸ — R. Eleazar [b. Shammua'] argued thus; Since tabernacle is called sanctuary, and sanctuary is called tabernacle, let Scripture write either in both verses sanctuary, or in both verses tabernacle;⁹ why [does Scripture write] tabernacle and sanctuary? Hence, we deduce both.¹⁰

Granted that sanctuary is called tabernacle, for it is written: And I will set My tabernacle among you;¹¹ but whence do we know that tabernacle is called sanctuary? Shall we say, because it is written: And the Kohathites, the bearers of the sanctuary set forward?¹² This refers to the Ark,¹³ — Well then, from this verse: And let them make me a sanctuary, that I may dwell among them;¹⁴ and it is written: According to all that I show thee the pattern of the tabernacle.¹⁵

AND HE PROSTRATED HIMSELF, OR TARRIED THE PERIOD OF PROSTRATION, Raba said: They did not teach this¹⁶ except when he prostrated himself facing inwards;¹⁷ but if he prostrated himself facing outwards, then, only if he tarried is he liable, but if he did not tarry, he is not liable. Some append this [comment of Raba] to the latter clause; OR TARRIED THE PERIOD OF PROSTRATION: This implies that prostration itself requires tarrying. Raba said: They did not teach this except when he prostrated himself facing outwards; but, if facing inwards, even if he did not tarry [he is liable;] and thus [the Mishnah] means: If he prostrated himself facing inwards [without tarrying], or if he tarried the period of prostration in his prostration facing outwards, he is liable.

What is considered prostration in which there is tarrying, and what is considered prostration in which there is no tarrying? — Where there is no tarrying, that is mere kneeling; where there is tarrying, that is the spreading out of hands and feet. And what is the duration of tarrying? In this there is disagreement between R. Isaac b. Nahmani and one of his associates, namely, R. Simeon b. Pazzi (and some say, R. Simeon b. Pazzi and one of his associates, namely, R. Isaac b. Nahmani, and some say, R. Simeon b. Nahmani); one says: As the time taken to recite this verse:¹⁸ And all the children of Israel looked on, when the fire came down, and the glory of the Lord was upon the house; and they bowed themselves with their faces to the ground upon the pavement, and prostrated themselves, and gave thanks unto the Lord: 'for He is good, for His mercy endureth for ever';¹⁹ and the other says: As [the time taken to recite] from and they bowed till the end.

Our Sages taught: Kiddah means [falling] on the face; and so Scripture says: Then Bath-sheba bowed with her face to the earth.²⁰ Kneeling means upon the knees; and so Scripture says: from kneeling at his knees.²¹ Prostration means spreading out of hands and feet; and so Scripture says:

Shall I and thy mother and thy brethren indeed come to bow down to thee to the earth?²²

Raba queried: Is tarrying necessary for stripes,²³ or is tarrying not necessary for stripes? For [the bringing of] a sacrifice there is a tradition that tarrying is necessary,²⁴ but for stripes there is no tradition that tarrying is necessary?²⁵

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- (1) If one enters while clean, and becomes unclean in the Temple, how do we know that he must bring a sliding scale sacrifice?
 - (2) Num. XIX, 13; refers to a person defiled by a dead body entering the tabernacle or sanctuary.
 - (3) Ibid. 20.
 - (4) For that is deduced from the first verse.
 - (5) Since otherwise the verse is superfluous.
 - (6) And therefore possessed greater sanctity.
 - (7) Sacrifices on bamoth ('high places') being prohibited from the time the Temple was built, even after its destruction.
 - (8) Hence, since neither is superfluous, how can the case of uncleanness occurring inside be deduced?
 - (9) And from the superfluous verse we could deduce the case of uncleanness occurring inside.
 - (10) Because Scripture of set purpose uses tabernacle in one verse and sanctuary in the other, we may deduce also that they are both equal in sanctity, and that an unclean person entering either is liable; v. Tosaf.
 - (11) Lev. XXVI, 11; lit., 'I will set My dwelling (or, 'abode') among you'. Wherever God dwells is His mishkan; since He dwelt in the sanctuary (i.e. Temple), that also is His mishkan (i.e., tabernacle). V. 'Er. 2a. Rashi, for another interpretation.
 - (12) Num. X, 21.
 - (13) And not to the tabernacle, for that was borne by the sons of Gershon and the sons of Merari (Num. X, 17).
 - (14) Ex. XXV, 8.
 - (15) Ibid. 9: tabernacle in this verse is referred to as sanctuary in the previous verse; hence the tabernacle they built in the wilderness was also called sanctuary.
 - (16) That if he prostrated himself quickly, without tarrying the period that prostration should take, he is liable.
 - (17) To the Holy of Holies in the west.
 - (18) In Hebrew.
 - (19) II Chron. VII, 3.
 - (20) I Kings I, 31; וַתִּקַּד, from the same root as קִידָה, קָדַד, ; the face alone touches the ground; this is not the same as complete prostration of the whole body; v. Suk. 53a.
 - (21) I Kings VIII, 54.
 - (22) Gen. XXXVII, 10; 'bow down to earth' implies complete prostration.
 - (23) If, having become unwittingly unclean in the temple, he was warned to leave; but he remained, though less than the duration of the tarrying period, is he punished by stripes?
 - (24) If he became unwittingly unclean in the Temple, and tarried the period of prostration while he was unaware of his uncleanness or of the Temple, he brings a sliding scale sacrifice; supra 14b.
 - (25) Perhaps, since he remained wilfully, after being warned, he is liable for stripes, though he did not tarry the full period of prostration.

Talmud - Mas. Shevu'oth 17a

Or, perhaps the tradition is that within [the Temple] tarrying is necessary, no matter whether for sacrifice or for stripes?¹ It remains undecided.

Raba queried: If he suspended himself in the air in the Temple,² what is the ruling? Is the tradition that tarrying makes him liable only in the case of such tarrying as may be used for prostration,³ but for such tarrying which cannot be used for prostration there is no tradition [that he is liable]? Or perhaps the tradition is that within [the Temple] tarrying makes him liable, no matter whether it may be used for prostration or not? It remains undecided.

R. Ashi queried: If he defiled himself wilfully, what is the ruling?⁴ For an accidental defilement there is a tradition that tarrying is necessary, but for wilful defilement there is no tradition that tarrying is necessary? Or perhaps the tradition is that within [the Temple] tarrying is necessary, no matter whether for accidental or wilful defilement? It remains undecided.

R. Ashi queried: Does a Nazirite at a grave require tarrying for stripes or not?⁵ Within [the Temple] there is a tradition that tarrying is necessary, but outside there is no tradition that tarrying is necessary?⁶ Or perhaps for accidental uncleanness there is a tradition that tarrying is necessary,⁷ no matter whether inside or outside? It remains undecided.

IF HE WENT OUT THE LONGER WAY, HE IS LIABLE; THE SHORTER WAY, HE IS EXEMPT, etc. Raba said: THE SHORTER WAY which they said [exempts him, implies] even [walking] heel to toe,⁸ and even the whole day.

Raba queried: Can pauses be combined?⁹ — Let him solve it from his own statement!¹⁰ — There [he is exempt only] if he did not pause.¹¹

Abaye inquired of Rabbah: If he went out the longer way in the time taken for the shorter way, what is the ruling?¹² Is the tradition that the time taken [is the essential factor], and if he went out the longer way in the time taken for the shorter way, he is exempt; or, is the tradition definite that for the longer way he is liable, and for the shorter way he is exempt? — He said to him: [The law that for] the longer way [he is liable] was not given that it should be suspended for him.¹³

R. Zera objected strongly to this: Now, it is established with us that an unclean [priest] who officiated is punished by death.¹⁴ How can this be possible? If he did not tarry, how could he do the service?¹⁵ If he tarried, he is liable to kareth! Granted, if you would say that the tradition is that time [is the essential factor],¹⁶ then it is possible,¹⁷ if he strained himself in the shorter way, after he had done the service;¹⁸

(1) When one becomes unclean within the Temple accidentally, the punishment, whether of sacrifice or of stripes, is not inflicted, unless one tarries the period of prostration.

(2) For example, on becoming unclean, he immediately caught hold of a rope in the ceiling, and remained suspended thus for the tarrying period.

(3) I.e., when he is on the ground; but since he cannot prostrate himself in the air, he is not liable, even if he remains thus suspended for the period of tarrying.

(4) If Raba's question (whether tarrying is necessary for stripes) should be decided in the affirmative, that may be because he became unclean accidentally, though he tarried wilfully; but if he became unclean wilfully, perhaps he is liable for stripes, though he does not tarry.

(5) If a Nazirite (who must avoid defilement by the dead, Num. VI, 6) was borne aloft in the cemetery in a closed carriage (not, thereby, becoming unclean), and when there the top of the carriage was removed, thus making him unclean from the air of the cemetery; and he was warned to leave, but he remained, though not the period of tarrying, is he liable

for stripes? This example is similar to that of a person entering the Temple while clean, and becoming unclean inside.

(6) Because tarrying is measured as the duration of full prostration; this measure of duration is appropriate for the Temple, but not outside; and therefore the Nazirite is liable even if he did not tarry.

(7) The Nazirite became unclean accidentally, and is therefore not liable unless he tarries.

(8) Taking very short steps, so that the toe of one foot touches the heel of the foot in front.

(9) Walking out by the shorter route, he paused a while, then continued walking; then paused again; the combined moments of pausing being equal to the tarrying period. Is he liable in such case, or is he liable only when the tarrying period is one uninterrupted pause?

(10) For he holds that even if he walks very slowly, occupying the whole day, he is still exempt; though the time occupied is more than the tarrying period.

(11) Though he occupied the whole day, he did not stop walking.

(12) He ran quickly, so that the time taken in going out the longer way was only as much as would be taken in going out the shorter way at a medium pace.

(13) Even if he runs; hence, by the longer route he is always liable, even if he runs; by the shorter he is exempt, even if he walks slowly.

(14) By divine intervention, **מיתה בידי שמים**, not by a human tribunal; the priest must have become unclean in the Temple, for, if he became unclean outside, he is liable to the punishment of kareth (which is severer than **מיתה בידי שמים**) for entering.

(15) Which priestly service, however minute, could he possibly do in less time than the period of prostration?

(16) That the periods of duration mentioned in the Mishnah are simply measurements of time: the time duration of tarrying the period of prostration, and the time duration of going out by the longer route; and that he is exempt only if he does not tarry the period of prostration and goes out the shorter route, i.e., the time he spends in the Temple must be less than the combined times of the period of prostration and that occupied in walking out the shorter route at a medium pace.

(17) To have a case of an unclean priest officiating and tarrying the period of prostration, and yet not being liable for kareth, but for death by divine intervention.

(18) He ran out very quickly by the shorter route, so that, although he had tarried the period of prostration, the time he had spent altogether in the Temple was less than the combined times of prostration and walking out the shorter route at a medium pace.

Talmud - Mas. Shevu'oth 17b

but if you say that the tradition is definite,¹ how is it possible?² — Said Abaye: What a question! It is possible that he went out the shorter way [without tarrying first], and turned [a piece of the sacrifice on the altar fire] with a prong;³ and this is in accordance with R. Huna's view, for R. Huna said: A layman who turned [a piece of the sacrifice on the altar fire] with a prong is punished by death.⁴

The text says: 'R. Huna said, A layman who turned [a piece of the sacrifice on the altar fire] with a prong is punished by death.' How is this? If, without turning it, it would not have been consumed, this is self-evident! And if, without turning it, it would also have been consumed, then what has he done? — It is not necessary [for R. Huna to state his law except] in a case where if he had not turned it, it would have been consumed in two hours, and now [after turning it] it is consumed in one hour; and this [law] he teaches us, that an acceleration of the service is also a service.

R. Oshaia said: I wish to state a law, but am afraid of my associates: He who enters a house plagued by leprosy,⁵ backwards, even with his whole body [inside] except his nose, is clean, for it is written: He that cometh into the house . . . [shall be unclean].⁶ the normal way of coming in did Scripture prohibit; but I am afraid of my associates [in stating this law] for, if so, even if he entered wholly [including his nose, he should] also [be clean]. — Said Raba: His whole body is not worse than the vessels in the house; for it is written: [They shall empty the house before the priest comes to see the plague,] so that all that is in the house be not made unclean.⁷

It has also been taught similarly: These roofs [of the Temple] — sacrifices of the highest grade of

holiness may not be eaten there,⁸ and sacrifices of a minor grade of holiness may not be sacrificed there;⁹ and an unclean person who entered the Temple by the roof is exempt, for it is said: And into the sanctuary she shall not come:¹⁰ the normal way of coming did Scripture prohibit.

THIS IS THE POSITIVE PRECEPT CONCERNING THE TEMPLE FOR WHICH THEY [THE BETH DIN] ARE NOT LIABLE, ETC. What is he referring to that he says — THIS IS THE POSITIVE PRECEPT, etc.?¹¹ He is referring to this:¹² They [the Beth din] are not liable for [an erroneous ruling in connection with the transgression of] a positive¹³ or negative¹⁴ precept [concerning uncleanness] in the Temple; and they [individuals] do not bring a suspensive guilt offering for [a doubtful sin¹⁵ in connection with] the positive or negative precept [concerning uncleanness] in the Temple;¹⁶ but they [the Beth din] are liable for [an erroneous ruling in connection with the transgression of] the positive¹⁷ or negative¹⁸ precept concerning a menstruous woman;¹⁹ and they [individuals] bring a suspensive guilt offering for a [doubtful sin in connection with the] positive or negative precept concerning a menstruous woman.²⁰ So [the Tanna here] says:²¹ THIS IS THE POSITIVE PRECEPT CONCERNING THE TEMPLE FOR WHICH THEY ARE NOT LIABLE; AND WHICH IS THE POSITIVE PRECEPT CONCERNING A MENSTRUOUS WOMAN FOR WHICH THEY ARE LIABLE? [THIS:] IF ONE COHABITED WITH A CLEAN WOMAN, AND SHE SAID TO HIM; 'I HAVE BECOME UNCLEAN!', AND HE WITHDREW IMMEDIATELY, HE IS LIABLE, BECAUSE HIS WITHDRAWAL IS AS PLEASANT TO HIM AS HIS ENTRY.

It was stated: Abaye said in the name of R. Hiyya b. Rab: H²² is liable to [bring] two [sin-offerings].²³ And so said Raba that R. Samuel son of R. Sheba said that R. Huna said: He is liable to bring two, one for entering and one for withdrawing. Raba raised the question: In what [circumstances]? Shall we say, it was near the time of her regular period? And with whom? Shall we say, a learned man? Granted, then, for entering he should be liable, for he thought I am able to cohabit;²⁴ but for withdrawing, why should he be liable, since he acted wilfully!²⁵

(1) In each case: that if he tarried the period of prostration he is liable, even if he runs out the shorter way; and that if he goes out the longer way he is liable, even if he had not tarried, and even if he runs quickly.

(2) To have a case of an unclean priest doing the service, and presumably tarrying (in order to do the service), and yet not being liable to kareth?

(3) Which is a priestly function, and requires only a moment of time.

(4) Because it is a priestly function, and must not be done by a layman. Cf. Num. XVIII, 7. Death here, too, means by Divine intervention, v. n. 1.

(5) V. Lev. XIV, 33 seq.

(6) Ibid. 46.

(7) Ibid. 36.

(8) For they must be eaten within the Temple; and only the floor and air till the ceiling are holy, but not the attics and roofs.

(9) Though they may be eaten there, because, of course, they may be eaten anywhere within the walls of Jerusalem. According to Tosaf., however, they may not be eaten on the roof; but v. Pes. 85b, Rashi (s.v. גג), and Adreth, Responsa, 34.

(10) Lev. XII, 3; a woman after childbirth, till after 40 days for a male child, and 80 days for a female. Entering by the roof is not normal.

(11) Lit., 'where does he stand?' Where have we learnt that the Beth din are not liable for an erroneous ruling concerning the transgression of a positive precept with reference to uncleanness in the Temple, that he states here: this is the positive precept for which they are not liable?

(12) Hor. 8b.

(13) Num. V, 2: Command the children of Israel that they put out of the camp . . . whosoever unclean by the dead; טמא לנפש is put out of the מרחנה שכינה, i.e., Temple; v. Rashi a.l. If a person become unclean in the Temple, and stays, he is transgressing this positive precept.

(14) Lev. XII, 4: And into the sanctuary she shall not come (a woman after childbirth, till after 40 days for a male, and 80 days for a female).

(15) A suspensive guilt offering, אשם תלוי, is brought by a person who is in doubt whether he has committed an act which, if done wilfully, is punishable by kareth, and if done wittingly, is punishable by the bringing of a sin offering; v. Lev. V, 17-19; and Rashi on verse 17; Hor. 8b.

(16) Because a sliding scale sacrifice, and not a fixed offering, is brought for actual unwitting transgression,

(17) V. infra 18b.

(18) Lev. XVIII, 19: And unto a woman who is impure by her uncleanness thou shalt not approach.

(19) Because for an unwitting transgression a fixed sin offering is brought.

(20) V. n. 7.

(21) Referring to the ruling in the Mishnah just quoted from Hor. 8b.

(22) Who withdraws forthwith.

(23) V. infra.

(24) Before she has her period; if, therefore, she becomes unclean during cohabitation, he commits a sin unwittingly, and must bring a sin offering.

(25) Being learned, he knows that it is prohibited to withdraw immediately, and is therefore liable for kareth, and not a sin offering.

Talmud - Mas. Shevu'oth 18a

And if an illiterate man,¹ then both acts are the same as eating two portions of forbidden fat, each the size of an olive, in one spell of unawareness.² Well then, [shall we say,] it was not near the time of her period? And with whom? Shall we say, a learned man? Then he should not be liable to bring even one; for, in entering he was the victim of a pure accident,³ and in withdrawing he acted wilfully!⁴ And if an illiterate man, he is liable to bring one, for withdrawing?⁵ Afterwards, Raba said: It really refers to the time near her period, and to a learned man; but a learned man for this,⁶ and not a learned man for that.⁷

Raba said: And both [these laws] we have learnt: Entering, we have learnt; and withdrawing, we have learnt. 'Withdrawing, we have learnt' — for it states, IF ONE COHABITED WITH A CLEAN WOMAN, AND SHE SAID TO HIM: 'I HAVE BECOME UNCLEAR!', AND HE WITHDREW IMMEDIATELY, HE IS LIABLE. 'Entering, we have learnt' [in another Mishnah] — If [blood is] found on his [rag after cohabitation], they are [both] unclean,⁸ and are liable for a sacrifice.⁹ Now this surely refers [does it not?] to the time near her period, and to [the act of] entering.¹⁰ R. Adda b. Mattenah said to Raba: [No!] Really I can say to you, it refers to the time not near her period, and to withdrawing.¹¹ And should you ask, what need is there to state the law of withdrawing, since it has already been stated?¹² [I may reply,] because it is necessary to tell us: If [blood is] found on her [rag after cohabitation],¹³ they are [both] unclean because of the doubt,¹⁴ but exempt from bringing a sacrifice.¹⁵ And because he wishes to teach us [this law concerning] 'If found on hers',¹⁶ he teaches us also [the law concerning] 'If found on his.'¹⁷

Said Rabina to R. Adda; How can you maintain that that [other Mishnah] refers to the time not near her period, and to withdrawing, seeing that it states; If [blood is] found, and found implies later;¹⁸ and if it refers to withdrawing, from the very first when he withdrew he already had the knowledge!¹⁹ Said Raba to him [R. Adda]; Listen to what your teacher [Rabina]²⁰ tells you.²¹ — [He replied:] How can you [maintain that it refers to entering],²² since it has been taught with reference to it:²³ This is the positive precept concerning a menstruous woman for which one is liable; and if it is [as you say],²⁴ it is a negative precept!²⁵ — He said to him: If you have learnt [the Baraita thus], it is defective, and you should read it thus: This is the negative precept concerning a menstruous woman for which one is liable; if [however] he was cohabiting with a clean woman, and she said to him; 'I have become unclean', and he withdrew immediately, he is liable: this is the positive precept concerning a menstruous woman, etc.

The text says: 'If he withdrew immediately, he is liable.' What should he do? R. Huna said in the name of Rab: He should press his ten nails into the ground [i.e., bed] until his desire dies out.²⁶ Raba said: From this we may deduce that he who commits incest²⁷ with membrum mortuum is exempt, for, if it will enter your mind to say that he is liable, what is the reason that he is exempt here? Because he has no alternative?²⁸ If it is because he has no alternative, then even if he withdraws immediately, let him also be exempt, for he has no alternative!²⁹ — Abaye said to him: Verily, I may say to you, he who commits incest with membrum mortuum is liable, and here the reason that he is exempt is because he has no alternative, and as for your question, if he withdraws immediately, why is he liable? [I may reply,] because he should have withdrawn with little pleasure, and he withdrew with much pleasure. Said Raba b. Hanan to Abaye: If so, we find a longer and a shorter route in connection with a menstruant.³⁰

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- (1) Who acted unwittingly in both cases.
 - (2) For which he brings only one sin offering. Here also, since he is illiterate, he is not aware, when she tells him she has become unclean, that he has committed a sin by cohabiting near the time of her period; or that it is prohibited to withdraw immediately. Since he has no knowledge of guilt between the two acts (entering and withdrawing), he should bring only one sin offering.
 - (3) He could not be aware that she would become unclean, since it was not near her period.
 - (4) Being learned, and knowing that it is prohibited to withdraw immediately, he is liable to kareth.
 - (5) Thinking it is permitted to withdraw immediately, he acted unwittingly.
 - (6) Knowing that he ought not to cohabit near the time of her period, yet thinking he still had time before she became unclean; he therefore committed a sin unwittingly (not accidentally, as would be the case if he cohabited not near her period), and brings a sin offering.
 - (7) Not knowing that he must not withdraw immediately, he thus brings two, one for entering, and one for withdrawing. This is not the same as eating two portions of prohibited fat in one spell of unawareness (for which he brings only one sin offering) for, when she told him she had become unclean, he was immediately aware that he had committed a sin; for, being learned, he knew that he ought not to have cohabited with her near her period.
 - (8) Seven days; Lev. XV, 19 and 24.
 - (9) Sin offering for cohabiting while she is unclean. Nid. 14a.
 - (10) Hence we learn that for entering (near her period) he is liable for a sacrifice, if she becomes unclean.
 - (11) He brings the sacrifice for withdrawing immediately, when she tells him she is unclean; for entering he is not liable, because it was not near her period.
 - (12) In our Mishnah, supra 14b.
 - (13) Not immediately, but after a short interval; Nid. 14a.
 - (14) The woman is definitely unclean, because she is now menstruous, but the man is unclean only because of the doubt whether he had cohabited with her when she was already unclean, or before her uncleanness commenced.
 - (15) Because she may have become unclean infer cohabitation; and he does not even bring a suspensive guilt offering for the doubtful sin (Mishnah, Nid. 14b).
 - (16) And to distinguish between the case where she applied her rag immediately and the case where an interval elapsed (v. Nid. 14a).
 - (17) Though this is superfluous.
 - (18) After withdrawing, blood was found, but during cohabitation they were not aware of uncleanness.
 - (19) That she is unclean, for she told him during cohabitation.
 - (20) [So curr. ed. Other reading adopted by Adreth and Zerachis Halevi: 'He (Rabina) said to him (R. Adda): Listen when your teacher (Raba) tells you.' This is preferable, as Raba was the teacher of Rabina.]
 - (21) That the Mishnah cannot refer to withdrawing.
 - (22) [Read with MS. M. and other ed.: אֵצִיט, 'How can I listen?']
 - (23) As a comment on Mishnah in Nid. 14a.
 - (24) That it refers to entering.
 - (25) Lev. XVIII, 19.
 - (26) He should remain passive.

(27) Cohabits with a woman forbidden to him owing to consanguinity (Yeb. 2a, b).

(28) For he must not withdraw immediately and must perforce withdraw when it is passive; but if he commits incest even with membrum mortuum he is liable.

(29) If you say that he is liable if he commits incest with membrum mortuum, then there is no difference between passive and virile member, so that he should be exempt even if he is withdraws forthwith.

(30) If he took the shorter route, i.e., withdrew immediately, he is liable; and if the longer route, i.e., waited till it was passive, he is exempt.

Talmud - Mas. Shevu'oth 18b

Whereas we learnt [this distinction, only] in the case of the Temple!¹ — They are not the same:² the longer route here³ is as the shorter route there; and the longer route there is as the shorter route here.

R. Huna son of R. Nathan raised an objection: Did Abaye then say that he had no alternative,⁴ from which we deduce that we are discussing the time not near her period;⁵ surely, it was Abaye who said that he is liable to bring two;⁶ from which we deduced that it refers to the time near her period!⁷ — Abaye's statement⁸ was made elsewhere.

R. Jonathan b. Jose b. Lekunia enquired of R. Simeon b. Jose b. Lekunia: Where is the prohibition in the Torah against intercourse with a menstruous woman? — He took a clod, and threw it at him. Prohibition against intercourse with a menstruant! And into a woman who is impure by her uncleanness thou shalt not approach!⁹ — Well then, [I meant to ask] where do we find the warning that he who cohabits with a clean woman, and she says to him, 'I have become unclean'; he should not withdraw immediately? — Hezekiah said, Scripture says: [And if any man lie with her (a menstruous woman)] her impurity shall be with him¹⁰ — even at the time of her impurity she shall be 'with him'¹¹ Hence, we have a positive precept; whence do we derive a negative precept? — R. Papa said, Scripture says: Thou shalt not approach [unto a woman who is impure];¹² thou shalt not approach means also, thou shalt not withdraw; for it is written: Who say, Approach to thyself, come not near me, for I am holier than thou.¹³

Our Rabbis taught: Thus shall ye separate the children of Israel from their uncleanness;¹⁴ R. Josiah said: From this we deduce a warning to the children of Israel that they should separate from their wives near their periods. And how long before? Rabbah said: One 'onah.¹⁵

R. Johanan said in the name of R. Simeon b. Yohai: He who does not separate from his wife near her period, then even if he has sons like the sons of Aaron, they will die, even as it is written: Thus shall ye separate the children of Israel from their uncleanness, . . .¹⁶ [this is the law . . .] of her that is sick with her impurity;¹⁷ and next to it: [And the Lord spoke unto Moses] after the death [of the two sons of Aaron].¹⁸

R. Hiyya b. Abba said that R. Johanan said: He who separates from his wife near her period will have male children, even as it is written: To make a distinction between the unclean and the clean;¹⁹ and next to it: If a woman conceive and bear a male child.²⁰ R. Joshua b. Levi said: He will have sons worthy to be teachers, for it is written: That ye may make a distinction [between . . . the unclean and the clean]; and that ye may teach.²¹ R. Hiyya b. Abba said that R. Johanan said: He who recites the Habdalah over wine at the termination of the Sabbath will have male children, even as it is written: That ye may make a distinction between the holy and the common;²² and elsewhere it is written: To make a distinction between the unclean and the clean;²³ and next to it: If a woman conceive [and bear a male child].²⁴ R. Joshua b. Levi said: He will have sons worthy to be teachers, even as it is written: That ye may make a distinction [between the holy and the common] . . . and that ye may teach.²⁵

R. Benjamin b. Japhet said that R Eleazar said: He who sanctifies himself during cohabitation will have male children, even as it is said: Sanctify yourselves therefore, and be ye holy,²⁶ and next to it: If a woman conceive [and bear a male child].²⁷

R. ELIEZER SAID, [SCRIPTURE SAYS: IF ANY ONE TOUCH THE CARCASS OF AN UNCLEAN] CREEPING THING, AND IT BE HIDDEN FROM HIM etc. What is the difference between their views?²⁸ Hezekiah said: 'Creeping thing and carcass' is the difference between them; R. Eliezer holds, we require that he should know whether he had become unclean by [the carcass of] a creeping thing or of an animal; and R. Akiba holds, we do not require that he should know this; as long as he knows that he has actually become unclean, it is not necessary [that he should know] whether he has become unclean by a creeping thing or by an animal carcass.²⁹ And so said Ulla: 'Creeping thing and carcass' is the difference between them; for Ulla pointed out an incongruity between one statement of R. Eliezer's and another, and then explained it: Did R. Eliezer, then, say that we require he should know whether he had become unclean by a creeping thing or by a carcass? I question this, for R. Eliezer said: In any case, if he ate prohibited fat, he is liable, or if he ate nothar, he is liable;³⁰ if he desecrated the Sabbath, he is liable, or if he desecrated the Day of Atonement, he is liable;³¹ if he cohabited with his wife when menstruous, he is liable, or if he cohabited with his sister, he is liable.³² Said R. Joshua to him, Scripture says: If his sin, wherein he hath sinned, be known to him;³³ only when it is known to him wherein he hath sinned.³⁴ [Ulla, however,] explains it thus: There, Scripture says: he hath sinned, then he shall bring [his offering] — as long as [he knows that] he has sinned [though he does not know the actual sin, he brings his offering]: but here, since it is already written: [If any one touch] any unclean thing,³⁵ why do we require: or the carcass of an unclean creeping thing?³⁶ Hence, we deduce that we require he should know whether he had become unclean by a creeping thing or by an animal carcass.³⁷ And R. Akiba?³⁸ — Because

(1) If this distinction holds good also in the case of a menstruous woman, why does not the Mishnah mention it?

(2) And are therefore not mentioned in the Mishnah.

(3) In the case of a menstruous woman, exempts him, as does the shorter route in the Temple.

(4) If he withdraws when it is passive, he is exempt, because he has no alternative.

(5) For if he cohabited near the time of her period he should have realised that there is a possibility that she might become unclean; and he is liable for withdrawing even when passive, for Abaye holds that he who cohabits with membrum mortuum is also liable. (V. supra 18a.) Only if he cohabits not near the time of her period is he exempt if he withdraws when passive, with membrum mortuum, for he has no other alternative, and is not to be blamed for cohabiting then.

(6) Supra 17b; one for entering, and one for withdrawing.

(7) Supra 18a.

(8) That he is liable to bring two, was not made with reference to our Mishnah. Abaye explains our Mishnah, which differentiates between withdrawing with virile member and passive, as referring to cohabitation not near the time of her period when, in entering, he is completely innocent, and in withdrawing forthwith is liable to bring a sin offering (not two), because he could have withdrawn with member passive with less pleasure. Abaye's statement that he brings two offerings does not refer to our Mishnah, but to a case where he cohabits with a clean woman near the time of her period, and she tells him during cohabitation that she has become unclean. In this case he brings two offerings, one for entering, and one for withdrawing, even passive, for Abaye holds that in this case, there is no difference how he withdrew, since he is not entirely blameless, for he should have foreseen that she might become unclean during cohabitation.

(9) Lev. XVIII, 19.

(10) Ibid. XV, 24.

(11) I.e., he must not withdraw immediately.

(12) Lev. XVIII, 19.

(13) Isa. LXV, 5; **לֹא תִקְרַב** in Lev. XVIII, 19, may, therefore, mean: thou shalt not approach to thyself, i.e., thou shalt not withdraw.

(14) Lev. XV, 31.

- (15) A period of time (with special reference to marital duty): the whole day or the whole night. If her period comes during the day, he must separate from the beginning of the day; if during the night, from the beginning of the night.
- (16) Lev. XV, 31.
- (17) Ibid. 33.
- (18) Ibid. XVI, 1. He takes the sequence and contiguity of the verses to imply that if a man does not separate from 'her that is sick with her impurity', his sons will die, even as the sons of Aaron died.
- (19) Lev. XI, 47.
- (20) Ibid. XII, 2.
- (21) Ibid. X, 10, 11.
- (22) Ibid. 10. He who recites Habdalah also makes a distinction between the holy and the common (Sabbath and weekday). In verse 9 the priests are commanded: Drink no wine . . . when ye go into the tent of meeting. The implication is: but ye may drink wine when ye make a distinction between the holy and the common, I.e., when you recite the Habdalah.
- (23) Ibid, XI, 47.
- (24) Ibid. XII, 2.
- (25) Ibid. X, 10, 11.
- (26) Ibid. XI, 44.
- (27) Ibid, XII, 2.
- (28) Both R. Eliezer and R. Akiba agree in the Mishnah (supra 14b) that he is not liable unless he is aware that it is the Temple that he entered in an unclean state, and thus the question arises, what is the difference between them?
- (29) R. Eliezer holds he must know the exact source of his uncleanness (whether by a creeping thing or animal carcass), whereas R. Akiba holds it matters not, as long as he knows he is unclean.
- (30) Ker. 19a; if there lay before him **הֵלֵב**, a piece of prohibited fat, and **נֹתָר**, a piece of a sacrifice left over behind the time limit for its consumption, and he ate one of them unwittingly, but he does not know which, R. Eliezer says he must bring a sin offering, because, whether he ate the heleb or nothar, he is liable for a sin offering in either case; but R. Joshua says he is exempt; and is liable only when, he knows definitely which he has eaten.
- (31) If he did work unwittingly, but does not know whether it was on a Sabbath or the Day of Atonement.
- (32) His wife and sister were together with him, and he cohabited with one, thinking it was his wife not believing her to be clean, but later it was ascertained that his wife was already unclean, and, moreover, a doubt arose as to whether it might not have been his sister with whom he cohabited.
- (33) Lev. IV, 23.
- (34) I.e., exactly what his sin was, does he bring a sin offering. This contradicts the previous statement of R. Eliezer, for here he says, he brings a sin offering even if he does not know exactly what his sin was, and in our Mishnah he says, he does not bring his offering unless he knows exactly the source of his uncleanness, whether carcass of creeping thing or animal.
- (35) Lev. V, 2.
- (36) Surely, unclean creeping thing is included in any unclean thing?
- (37) Because Scripture particularises, we deduce that he does not bring an offering unless he knows the exact source of his uncleanness.
- (38) Since Scripture particularises, why does R. Akiba hold that it is not necessary he should know the exact source of his uncleanness, as long as he knows he is unclean?

Talmud - Mas. Shevu'oth 19a

Scripture wishes to write cattle and beast¹ for the sake of Rabbi's deduction,² it writes also creeping thing;³ as was taught in the School of R. Ishmael: Any Biblical passage that was stated once, and then repeated, was repeated only for the sake of something new that was added to it.⁴ And what does R. Eliezer do with the word wherein [he hath sinned]?⁵ — To exclude him who occupies himself [with a permitted thing and unintentionally does that which is prohibited].⁶

And R. Johanan said: 'Inferences of Expounders' is the difference between them.⁷ And so said R. Shesheth: 'Inferences of Expounders' is the difference between them, for R. Shesheth was wont to

change the words of R. Eliezer for those of R. Akiba, and the words of R. Akiba for those of R. Eliezer,⁸

Raba inquired of R. Nahman: If he was unaware of both, what is the ruling?⁹ — He said to him: Since there is the unawareness of uncleanness, he is liable. On the contrary, since there is the unawareness of Temple, he should be exempt! — R. Ashi said: we observe, if because of the uncleanness he leaves, then it is a case of unawareness of uncleanness, and he is liable; and if, because it is the Temple, he leaves, then it is a case of unawareness of Temple, and he is exempt:¹⁰ — Said Rabina to R. Ashi: Does he then leave because it is the Temple, unless it be also because of the uncleanness? And does he leave because of the uncleanness, unless it be also because it is the Temple?¹¹ Well then, there is no difference,¹²

Our Rabbis taught: Two [public] paths, one unclean,¹³ and one clean; and he walked along one,¹⁴ and did not enter [the Temple afterwards]; then along the other, and entered [the Temple],¹⁵ he is liable [to bring a sliding scale sacrifice].¹⁶ If he walked along one, and entered [the Temple],¹⁷ and was sprinkled upon [on the third day], and again [on the seventh day], and bathed himself;¹⁸ and then he walked along the other,¹⁹ and entered [the Temple],²⁰ he is liable.²¹ R. Simeon [b. Yohai] exempts him;²² and R. Simeon b. Judah exempts him in all these cases in the name of R. Simeon [b. Yohai].

‘In all of them,’

(1) Lev. v, 2: the carcass of an unclean beast, or the carcass of unclean cattle.

(2) Supra 7a.

(3) Though it is superfluous; but we must not deduce from this particularisation that the unclean person must know the source of his uncleanness in order to be liable for a sacrifice.

(4) Here the ‘something new’ is Rabbi's deduction.

(5) Lev. IV, 23; the word wherein implies that he must know the actual sin he has committed, yet R. Eliezer holds that if there lay before him heleb and nothar, and he unwittingly ate one of them, not knowing which, he must also bring a sin offering.

(6) E.g., on Sabbath he intended (what is permissible) to cut something which was already detached (from the ground or tree), but his knife slipped, and he cut something which was still attached (to the ground or tree). Or, he intended to cohabit with his wife who was clean, and he inadvertently cohabited with his sister who was sleeping near her. In these cases, his intention was quite innocent; and the word wherein (he hath sinned) implies that in such cases he is exempt from a sacrifice, and that he is liable only if his intention was to do something which is actually wrong, though he thought it was right; e.g., he intended to cut a definite thing, which he thought was detached, but which actually was attached; or, he intended to cohabit with a certain person, whom he thought was his wife, but who actually was his sister. In these cases, he brings a sacrifice, because the actual act, though innocently committed, was definitely intended; in the former cases, the actual act which was committed was not intended.

(7) He disagrees with Hezekiah who said that R. Eliezer and R. Akiba differ in their interpretation of the law; he holds that they do not differ at all as to the law; they both hold that it is not necessary that the unclean person should know the exact source of his uncleanness; but they merely choose different texts from which to deduce the law; they, therefore, differ as ‘expounders’ merely as to the texts from which they derive their ‘inferences’.

(8) It matters not, since there is no difference in law between them.

(9) According to R. Eliezer and R. Akiba who hold that sin offering is brought only for unawareness of uncleanness and not for unawareness of Temple, what is the ruling of the unclean person was unaware of both uncleanness and Temple?

(10) If he leaves the Temple, when told he is unclean (the fact that it is the Temple is not mentioned to him), we realise that he regrets his entry because of his uncleanness; and it is, therefore, a case of unawareness of uncleanness. If, however, he leaves the Temple, when told that he is in the Temple (his uncleanness is not mentioned), we realise that he regrets his entry because it is the Temple; and it is, therefore, a case of unawareness of Temple.

(11) When he is told one of the facts, either that he is unclean, or that he is in the Temple, he does not leave because of that one fact; for his uncleanness, were it not for the fact that he is in the Temple, would not matter; and the fact that he

is in the Temple, were it not for his uncleanness, would also not matter. He leaves, when told one of the facts, because he recollects immediately the other fact also. Since, however, when he entered the Temple while unclean, he was unaware of both facts, what is the ruling?

(12) And he is exempt, because R. Eliezer and R. Akiba hold that he is liable only for unawareness of uncleanness by itself, while realising that he has entered the Temple.

(13) Someone being buried there, and it is impossible to walk along the path without treading on the grave.

(14) But does not know whether it was the clean or the unclean path.

(15) Having forgotten that he is unclean, since he walked along both.

(16) Because he entered the Temple while definitely unclean, and had knowledge at the beginning of definite uncleanness.

(17) Having forgotten that he had walked along one path (which possibly was the unclean one, though he is not sure).

(18) Num. XIX, 19; a person unclean by the dead requires sprinkling with water into which has been put some of the ashes of the burnt red heifer.

(19) Knowing that it is possibly the unclean one.

(20) Having forgotten his possible uncleanness.

(21) Because either the first or the second time he entered the Temple while unclean.

(22) Because, before he entered the Temple either the first or second time, he had not the knowledge of definite uncleanness, for, before entering the Temple the first time, he certainly had not the knowledge of definite uncleanness (for the first path may have been clean), and even after walking along the second path he had not now the knowledge of definite uncleanness, since he had already purified himself from the first possible uncleanness (and the second path may be clean); and in order to bring a sacrifice we require knowledge at the beginning of definite uncleanness. In the previous instance, where he had not purified himself between the two entries, he has the knowledge of definite uncleanness before entering the Temple the second time.

Talmud - Mas. Shevu'oth 19b

even in the first case? At all events he is unclean?¹ — Said Raba: Here we are discussing the case of one who walked along the first [path]; and when he walked along the second [path], forgot that he had already walked along the first, so that he has only an incomplete knowledge [of uncleanness];² and this is in what they differ:³ The first Tanna holds that we say, an incomplete knowledge is like a complete knowledge;⁴ and R. Simeon [b. Judah] holds that we do not say, an incomplete knowledge is like a complete knowledge.⁵

‘If he walked along the first [path], and entered [the Temple], and was sprinkled upon [on the third day], and again [on the seventh day], and bathed himself; and then he walked along the second [path], and entered [the Temple], he is liable; and R. Simeon [b. Yohai] exempts him.’ Why is he liable,⁶ since it is a doubtful knowledge?⁷ — R. Johanan said: Here they made doubtful knowledge like definite knowledge.⁸ And Resh Lakish said: This is in accordance with the view of R. Ishmael, who holds that we do not require knowledge at the beginning.

We may point out an incongruity between the words of R. Johanan [here] and the words of R. Johanan [elsewhere]; and we may point out an incongruity between the words of Resh Lakish [here] and the words of Resh Lakish [elsewhere]; for it has been taught: If he ate doubtful prohibited fat, and became aware of it [later; and he ate again] doubtful prohibited fat, and became aware of it [later]; Rabbi said: Just as he would bring a sin offering for each one, so he brings a guilt offering for doubtful sin for each one.⁹ R. Simeon b. Judah and R. Eleazar son of R. Simeon said in the name of R. Simeon [b. Yohai]: He brings only one guilt offering for doubtful sin;¹⁰ for it is said: [And he shall bring a ram . . . for a guilt offering . . .] for his error wherein he erred¹¹ — the Torah includes many errors for one guilt offering.¹² And Resh Lakish said: Here Rabbi taught that the awareness of the doubt separates [the acts] for sin offerings.¹³ And R. Johanan said: [Rabbi meant:] Just as, the awareness of definite sin elsewhere separates [the acts] for sin offerings, so the awareness of doubtful sin [here] separates [the acts] for guilt offerings.¹⁴ [Hence, there is incongruity between R.

Johanan's statements,¹⁵ and between Resh Lakish's statements.]¹⁶ — Granted that there is no contradiction between one statement of R. Johanan and the other statement of R. Johanan, [for he said:] ‘Here they made [doubtful knowledge like definite knowledge]’, and not everywhere in the whole Torah did they do so; for [only] here, because knowledge [at the beginning] is not explicitly written, but is deduced from and it be hidden,¹⁷ [therefore they made doubtful knowledge like definite knowledge;] ‘but not everywhere in the whole Torah did they do so’, for it is written: [If his sin] be known to him¹⁸ — a definite knowledge we require. But Resh Lakish — why does he establish it as being in accordance with R. Ishmael's view? Let him establish it as being in accordance with Rabbi's view!¹⁹ — This he teaches us: that R. Ishmael does not require knowledge at the beginning. [But] it is obvious that he does not require [knowledge at the beginning], for he has no extra verse [from which to deduce it, since he requires] and it be hidden to make him liable for unawareness of Temple?²⁰ — Perhaps you might think that he does not infer [that we require knowledge at the beginning] from the verse, but he has it from a tradition; therefore [Resh Lakish] teaches us [that R. Ishmael definitely does not require knowledge at the beginning].

CHAPTER III

MISHNAH. OATHS ARE TWO, SUBDIVIDED INTO FOUR: ‘I SWEAR I SHALL EAT’, AND ‘[I SWEAR] I SHALL NOT EAT’;²¹ ‘[I SWEAR] I HAVE EATEN’, AND ‘[I SWEAR] I HAVE NOT EATEN’.²² — ‘I SWEAR I SHALL NOT EAT’, AND HE ATE A MINUTE QUANTITY, HE IS LIABLE: THIS IS THE OPINION OF R. AKIBA. THEY [THE SAGES] SAID TO R. AKIBA: WHERE DO WE FIND THAT HE WHO EATS A MINUTE QUANTITY IS LIABLE, THAT THIS ONE SHOULD BE LIABLE!²³ — R. AKIBA SAID TO THEM: BUT WHERE DO WE FIND THAT HE WHO SPEAKS BRINGS AN OFFERING, THAT THIS ONE SHOULD BRING AN OFFERING?²⁴

GEMARA. Shall We say that *okal* means ‘I shall eat’? We may question this, [for we learnt:] ‘“I swear I shall not eat of thine”, “I swear I shall eat [*okal*] of thine”; “I do not swear I shall not eat of thine”; he is prohibited [to eat of that man's food]’?²⁵ — Abaye said: Really [*okal*] means ‘I shall eat’ [as our Mishnah states], yet there is no difficulty: Here [it is a case where] he is urged to eat; and there [it is a case where] he is not

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- (1) After walking through both paths (without purification in the interval) he has the definite knowledge of uncleanness, and when he enters the Temple later, being unaware of his uncleanness, he should bring a sacrifice.
 - (2) Having forgotten that he had walked along the first path, and remembering only the second, he has not the complete knowledge of definite uncleanness.
 - (3) The first Tanna and R. Simeon b. Judah disagree as to the view of R. Simeon b. Yohai.
 - (4) The first Tanna who states that R. Simeon b. Yohai exempts him only in the case, where there was purification between the two entries, but not in the first case, holds that in the first case he is liable, because, when entering the Temple after having walked along both paths, he is definitely unclean, and though his knowledge is incomplete, for, when walking in the second path, he had forgotten about the first, nevertheless he is liable, for incomplete knowledge of definite uncleanness is counted as complete knowledge, since he is definitely unclean, and, if he had the complete knowledge, he would have known that he was definitely unclean, whereas in the case where there was purification between, the knowledge he had, though complete, was of doubtful uncleanness. He knew, that is to say, that he had walked in both paths, and yet, despite this knowledge, he is still doubtful, after walking in the second path, whether he is now unclean (for this path may be clean; and if the first was unclean he has already purified himself in any case) and is therefore exempt.
 - (5) And he is, therefore, exempt even in the first case, where there was no purification between the two entries.
 - (6) He questions the view of the Tanna who disagrees with R. Simeon b. Yohai.
 - (7) For when entering the Temple after walking along the first path he did not have the knowledge of definite uncleanness (for this path may have been clean); and when entering the Temple after walking along the second path, he also did not have the knowledge of definite uncleanness (for he had purified himself from the first path, and the second

may be clean).

(8) Though his knowledge, in the case of each entry, was doubtful, yet, since he had certainly entered the Temple once while definitely unclean, and he had knowledge at the beginning (though of a doubtful nature), he brings an offering.

(9) He ate a piece of fat about which there was a doubt whether it was prohibited fat (חלב) or permitted (שומן); at the time of eating he thought it was permitted fat, but later became aware that there was a doubt about it. In such a case he brings a suspensive guilt offering, (Lev. V. 17; Rashi). If, after becoming aware of this, he commits this doubtful sin again, he must bring a guilt offering for each separate act, since there was awareness between each act; just as, if he had unwittingly eaten actual (not doubtful) prohibited fat on a number of occasions (with awareness between each act) he would have had to bring a sin offering for each separate act.

(10) For all the acts together.

(11) Lev. V, 18.

(12) Because Scripture could have written simply, על שגגתו, for his error; but it adds the words, אשר שגג, wherein he erred, implying that, however many times he erred, he brings only one suspensive guilt offering.

(13) He takes Rabbi's statement to mean this: If, after a time, he became aware that it was definitely prohibited fat, he would have to bring a sin offering for each act, although the awareness between the acts was only the awareness of doubtful prohibited fat, because such awareness is also sufficient to separate the acts. If there were no awareness at all between the acts, he would bring only one sin offering.

(14) If, after unwittingly committing a definite sin, he became aware of it, and later again unwittingly committed the same definite sin, the awareness of the definite sin between the two acts makes a division between the acts, and he brings a sin offering for each act; so here, the awareness of the doubtful sin between the acts makes a division between the acts, and he brings a guilt offering for each act. But if the awareness between the acts was only the awareness of the doubtful sin, he does not later bring a sin offering for each act when the knowledge comes to him that he has committed a definite sin.

(15) For R. Johanan said, with reference to entering the Temple after walking along two paths, one of which was unclean (with purification between the two walks), that doubtful knowledge is counted as definite knowledge; yet here he says that doubtful knowledge is not the same as definite knowledge in making a division between acts for sin offerings.

(16) For Resh Lakish said above that the Tanna who says he is liable (in the ease of entering the Temple after walking along two paths etc.) agrees with R. Ishmael that there is no need for knowledge at the beginning; Resh Lakish could have said that he agrees with Rabbi (according to Resh Lakish's exposition of his view) that doubtful knowledge is counted as definite knowledge.

(17) Lev. V, 3; v. supra 4a.

(18) Lev. IV, 28.

(19) Why does he say that the Tanna who makes him liable in the case of walking along the two paths agrees with R. Ishmael that we do not require knowledge at the beginning? Let him rather say that he does require knowledge at the beginning, but he makes him liable because he holds with Rabbi that doubtful knowledge is like definite knowledge (in accordance with Resh Lakish's own interpretation of Rabbi's view).

(20) Supra 14b.

(21) Lev. V, 4: If any one swears, pronouncing with his lips, or to do evil, or to do good. These are the two oaths, positive and negative, in the future. 'To eat' and 'not to eat' are merely examples of doing good and doing evil.

(22) These are the two additional oaths, positive and negative, in the past; v. infra 25a.

(23) On eating prohibited food there is liability only when a certain minimum (the size of an olive) is consumed; v. Yoma 81a.

(24) An oath is merely the utterance of the lips; yet he brings an offering for transgressing his utterance; therefore he brings an offering also even if he eats a minute quantity, since thereby he has also transgressed his utterance.

(25) Ned. 16a; If he used any of these three forms of oath, he must not partake of the other's food. Hence, 'I swear that okal (I shall eat) of thine' apparently implies that he takes an oath not to eat; yet in our Mishnah it is taken as a positive oath. The explanation why שבועה שאוכל לך may be taken negatively is this: שבועה — it shall be prohibited to me by oath; שאוכל לך — that which I eat of thine; i.e., I swear I shall not eat. The third form of oath means this: לא שבועה — it shall not be prohibited to me by oath; לא אוכל — that which I shall not eat; the implications being, but that which I shall eat shall be prohibited to me by oath.

Talmud - Mas. Shevu'oth 20a

urged to eat: our Mishnah [refers to the case where] he is not urged to eat;¹ and the Baraitha² [to the case where] he is urged to eat, and he says: 'I shall not eat, I shall not eat'; so that when he swears,³ he means: 'I swear I shall not eat'. R. Ashi said: Read [in the Baraitha]: 'I swear I shall not eat of thine'.⁴ If so, what need is there to state it?⁵ — I might have thought his tongue became twisted,⁶ therefore he teaches us [that it is a definite negative].

Our Rabbis taught: Mibta⁷ is an oath; issar⁸ is an oath. What is the binding force of issar? If you say that issar is an oath, he is liable; and if not, he is exempt. If you say that issar is an oath! But you have just said that issar is an oath? Abaye said: Thus he means: Mibta is an oath; issar is tacked on to an oath.⁹ What is the binding force of issar? If you say, that which is tacked on to an oath is like a properly expressed oath, he is liable; and if not, he is exempt. And how do we know that mibta is an oath? Is it not because it is written: If any one swear, pronouncing with his lips.¹⁰ Then issar also [should be counted an oath], for it is written: Every vow and every oath of a bond?¹¹ Then again, how do we know that issar has the force of being tacked on to an oath? Is it not because it is written: Or bound he, soul by a bond with an oath?¹² Then mibta also [should have the force of being tacked on to an oath], for it is written: Whatsoever it be that a man shall pronounce with an oath.¹³ But, said Abaye: That mibta is an oath we deduce from this: And if she be married to a husband while her vows are upon her, or the utterance of her lips, wherewith she hath bound her soul:¹⁴ Now, oath is not mentioned; with what, then, did she bind herself? With mibta. Raba said: In reality, I can say to you, that which is tacked on to an oath is not like a properly expressed oath;¹⁵ and thus he [the Tanna] means: Mibta is an oath; issar is also an oath; and what is the binding force of issar? Scripture placed it between a vow and an oath [to teach us that] if he expressed it in the form of a vow, it is a vow; and if in the form of an oath, it is an oath.¹⁶ Where did [Scripture] place it [between a vow and an oath]? And if in her husband's house she vowed, or bound her soul by a bond with an oath.¹⁷

And they¹⁸ follow their own opinions, for it has been stated: That which is tacked on to an oath¹⁹ — Abaye said, it is like a properly expressed oath;²⁰ and Raba said, it is not like a properly expressed oath.

An objection was raised; [for it has been taught:] What is issar which is mentioned in the Torah? He who says: I take it upon me that I shall not eat meat, and that I shall not drink wine, as on the day that my father died, or, as on the day that So-and-So died, or, as on the day that Gedaliah, son of Ahikam, was killed, or, as on the day that I saw Jerusalem in its destruction; he is prohibited [from eating meat, etc.]; and Samuel said: only if he had already made a vow on that day.²¹ Now, it is well, according to Abaye, for just as that which is tacked on to a vow is a vow, so that which is tacked on to an oath is an oath;

(1) And he swears 'I shall eat' - obviously a positive oath.

(2) [Tosaf. deletes 'Baraitha' as the passage belongs to a Mishnah.]

(3) Using the expression שבועה שאוכל.

(4) Not שאוכל, but שאי אוכל.

(5) For לא אוכל is the same as אי אוכל.

(6) That he intended to say שאוכל (positive), but inadvertently said שאי אוכל (negative).

(7) Num. XXX, 7: the utterance (מבטא) of her lips. If a man says: 'This loaf shall be mibta to me', it is an oath, as if he had said: 'I swear I shall not eat this loaf'.

(8) Num. XXX, 3: To bind his soul with a bond (אמר). If a man says: 'This loaf shall be issar to me', it is an oath.

(9) If he says: 'This loaf is issar to me', it is not actually an oath, but has the same force as if it were tacked on to an oath, as in the following case: If he prohibits one loaf to himself by oath; then he says of a second loaf: 'This second loaf shall be like the first', the second loaf is here tacked on to an oath. Similarly, if he says: 'This loaf is issar to me', the ruling is the same as in the case of a statement which is tacked on to an oath. If that is counted as a proper oath, then issar is also a

proper oath. The Tanna is simply equating issar with a statement that is tacked on to an oath.

(10) Lev. V, 4: **תשבוע לכתבא**, i.e., swear by the expression **מכתבא**.

(11) Num. XXX, 14: **שבועת אסר**, i.e., the oath of issar.

(12) Ibid. 11: **אסרה ... אסר בשבועה**, i.e., bound herself by issar by (tacking it on to) an oath.

(13) Lev. V, 4: **יכתבא ... בשבועה**, i.e., prohibit it to himself by mibta by tacking it on to an oath.

(14) Num. XXX, 7: **מכתבא ... אסרה**, i.e., she bound herself by mibta; hence, mibta is an oath.

(15) Raba disagrees with Abaye who said that the Tanna holds that issar is the same as a statement tacked on to an oath, and that he is in doubt whether that has the force of a properly expressed oath or not; but, says Raba, the Tanna holds definitely that a statement tacked on to an oath is not the same as a proper oath.

(16) If he said: 'This loaf is issar to me', it is a vow, and he is exempt from a sliding scale sacrifice. If he said: 'Issar that I shall not eat this loaf', it is an oath, and he is liable.

(17) Num. XXX, 11: **נדרה ... אסר ... בשבועה**.

(18) Abaye and Raba.

(19) Lit., 'he who tacks on to an oath.'

(20) Lit., 'as if he expresses an oath by word of mouth.'

(21) He had previously vowed that he would never eat meat on the anniversary of his father's death, or on the anniversary of Gedaliah's murder (3rd Tishri); and now when he says, 'I take it upon me that I shall not eat meat on that day', he is tacking on the present prohibition to a previous vow; and he is prohibited from eating meat now, as if he had now made a vow; therefore a statement tacked on to a vow is like a proper vow; and similarly, a statement tacked on to an oath is like a proper oath.

Talmud - Mas. Shevu'oth 20b

but according to Raba, it is difficult? — Raba may say to you, explain it thus: What is the binding force of a vow which is mentioned in the Torah?¹ He who says: I take it upon me that I shall not eat meat, and that I shall not drink wine, as on the day that my father died, or, as on the day that So-and-So was killed; [he is prohibited from eating meat, etc.]; and Samuel said: only if he had already made a vow on that day. What is the reason Scripture says: If a man vow a vow unto the Lord² — only if he vow in the matter which he had already vowed.³ — 'As on the day my father died!' This is self-evident?⁴ — 'As on the day that Gedaliah, son of Ahikam, was killed' is necessary. I might have thought that, since it is also prohibited⁵ even if he had not vowed, the fact that he vowed does not bring a prohibition upon him [because of his vow]; so that it [his present vow] is not based on a [previous] vow, [and hence is not a normal vow]; therefore he teaches us [that it is so based; and because perforce he mentions this clause, he mentions also the previous clause, though it is unnecessary]. And R. Johanan also holds this view of Raba,⁶ for when Rabin came [from Palestine] he said that R. Johanan said: [If one says:] 'Mibta that I shall not eat of thine', or, 'Issar that I shall not eat of thine', it is an oath. When R. Dimi came [from Palestine] he said that R. Johanan said: [If one says: 'I swear] I shall eat', or, '[I swear] I shall not eat', [and he transgresses the oath,] it is a false oath;⁷ and its prohibition is [derived] from this [verse]: Ye shall not swear by My name falsely.⁸ [If one says: 'I swear] I have eaten' or, '[I swear] I have not eaten', [and it was untrue,] it is a vain oath,⁹ and its prohibition is [derived] from this [verse]: Thou shalt not take the name of the Lord thy God in vain.¹⁰ Vows¹¹ come under the prohibition of: He shall not break his word.¹²

An objection was raised: Vain and false [oaths] are one. Does not this imply that just as a vain oath is in the past tense, so a false oath is in the past tense;¹³ hence, '[I swear] I have eaten' and '[I swear] I have not eaten' are false oaths!¹⁴ — Is this an argument? This is in its own category, and that is in its own category.¹⁵ And what is the meaning of: 'They are one'? That they were pronounced in one utterance; as it has been taught [in another connection]: Remember¹⁶ [the Sabbath day], and Keep¹⁷ [the Sabbath day] were pronounced in a single utterance, — an utterance which the mouth cannot utter, nor the ear hear. Granted, there they were pronounced in one utterance, as R. Ada b. Ahabah said, for R. Ada b. Ahabah said: Women are in duty bound to sanctify the [Sabbath]

day,¹⁸ by decree of the Torah, for Scripture says: Remember and Keep; all who are included in the exhortation Keep are included in the exhortation Remember; and women, since they are included in Keep, are included also in Remember.¹⁹ But here, for what law is it necessary?²⁰ But, [say then to teach us that] just as stripes are inflicted for a vain oath, so they are inflicted for a false oath;²¹ — Whither are you turning?²² — Well [then, say]: Just as stripes are inflicted for a false oath,²³ so they are inflicted for a vain oath.²⁴ But this is obvious:²⁵ this²⁶ is a negative precept, and that²⁷ is a negative precept! — I might have thought, as R. Papa said to Abaye: He will not hold him guiltless at all,²⁸

(1) The Tanna is not discussing a statement tacked on to a vow, but explaining that every normal vow (to make him guilty, if he breaks it) must be based on a previous vow, and must be detailed. If, however, he says: ‘This day shall be to me as the day that father died’ (without mentioning details, ‘I shall not eat meat’, etc.), it is merely a statement tacked on to a vow, and is not counted as a vow.

(2) Num. XXX, 3.

(3) Base the present vow on a previous vow.

(4) If the reason is that he based this vow on a previous vow, why mention his father's death? This does not make the vow stronger.

(5) To him to eat, since it is a public fast.

(6) That issar expressed in the form of an oath is an oath.

(7) An oath uttered in the future tense, if transgressed, comes under the category of ‘false’ oath.

(8) Lev. XIX, 12; i.e., ye shall not swear to do that which later, by transgressing, you make false.

(9) An oath in the past tense, which is known to be untrue at the moment of utterance, comes under the category of ‘vain’ oath.

(10) Ex. XX, 7.

(11) קִנָּם konam is one of the forms in which vows are expressed.

(12) Num. XXX, 3.

(13) A vain oath is an oath which is known immediately to be untrue, such as, swearing that a stone pillar is gold (infra 29a); so a false oath in the past tense is known immediately to be untrue. It is called false, and not vain, because its falsity is not apparent to all, but only to the one who utters it.

(14) Yet R. Johanan calls them vain oaths.

(15) They are entirely different: vain oaths are in the past, and false oaths are in the future, but they are declared to be one merely because the prohibitions against both were simultaneously uttered by God.

(16) Ex. XX, 8.

(17) Deut. V, 12.

(18) By reciting, or hearing the recital of, the Kiddush. Though such positive precepts as depend for their observance on certain specified times need not be observed by women (מצות עשה שהזמן גרמא נשים פטורות), the precept of Kiddush must be observed by them, for Remember (which is explained as meaning ‘Remember it over wine’, i.e., recite Kiddush) is equated with Keep (i.e., do not transgress the negative precepts of the Sabbath); and just as women must keep the Sabbath (for all negative precepts, whether dependent for their observance on time or not, must be observed by women), so they must remember it.

(19) Therefore Remember and Keep were pronounced in one utterance, in order to teach us this.

(20) That the prohibition against vain oath and false oath should have been pronounced in one utterance?

(21) The statement ‘Vain and false oaths are one’ does not mean that they were pronounced in one utterance, but that they are both the same in that stripes are inflicted equally for both.

(22) Your statement should be reversed, for the transgression of a false oath (such as, ‘I swear I shall not eat’, and he ate) is more likely to be punishable by stripes (because it involves action) than the transgression of a vain oath (such as, ‘I swear I have eaten’ or, ‘not eaten’, which does not involve action).

(23) In the transgression of which, action is involved.

(24) Although no action is involved; v. infra 21a.

(25) As deduced from a verse, infra 21a.

(26) False oath.

(27) Vain oath.

(28) V. Ex. XX, 7; he who swears a vain oath will never be guiltless, i.e., he is not punished by stripes to remove his guilt (for, after punishment, the guilt is wiped out).

Talmud - Mas. Shevu'oth 21a

therefore he teaches us [that he is punished by stripes] as Abaye answered him.¹ And if you will, I may say, that just as he brings an offering for a false oath, so he brings an offering for a vain oath;² and it is in accordance with R. Akiba's view who makes him liable for [an oath in] the past as in the future.³

An objection was raised: What is a vain oath? Swearing that which is contrary to the facts known to man.⁴ A false oath? Swearing that which is the reverse.⁵ [Hence, a false oath is in the past tense, yet R. Johanan says, in the future.] Say, Swearing and reversing.⁶

When R. Abin came [from Palestine], he said that R. Jeremiah said that R. Abbahu said that R. Johanan said: '[I swear] I have eaten', '[I swear] I have not eaten' [and it was untrue], are false oaths,⁷ and their prohibition is from: Ye shall not swear by My name falsely.⁸ '[I swear] I shall eat', '[I swear] I shall not eat' [and he broke the oath], he transgresses: He shall not break his word.⁹ And what is a vain oath? Swearing that which is contrary to the facts known to man.

R. Papa said: This statement of R. Abbahu's was not explicitly expressed, but only deduced by implication;¹⁰ for R. Idi b. Abin said that R. Amram said that R. Isaac said that R. Johanan said: R. Judah said in the name of R. Jose the Galilean: Every negative precept in the Torah, if it involves action, is punished by stripes; if it does not involve action, is not punished by stripes, except swearing, exchanging,¹¹ and cursing one's neighbour with the Name.¹² 'Swearing' — how do we know?¹³ R. Johanan said in the name of R. Simeon b. Yohai: Scripture says: Thou shalt not take the name of the Lord thy God in vain; for the Lord will not hold him guiltless¹⁴ — the Upper Court¹⁵ will not render him guiltless, but the lower court inflict stripes and render him guiltless.¹⁶ Said R. Papa to Abaye: Perhaps Scripture means this: He will not render him guiltless at all? — If it had been written: For he will not hold him guiltless, it would have meant what you say; but now that it is written: For the Lord will not hold him, guiltless, [it means], the Lord does not render him guiltless, but the lower court inflict stripes and render him guiltless. Hence we find that a vain oath [is punished by stripes]. How do we know a false oath [is so punished]? — R. Johanan himself said: 'In vain' is mentioned twice.¹⁷ Since it¹⁸ is not needed for a vain oath, utilise it for a false oath. And R. Abbahu raised the question: This false oath — what kind is meant? Shall we say, 'I swear I shall not eat', and he ate? This is a negative precept involving action.¹⁹ Then again, if he said: 'I swear I shall eat', and he did not eat, does he then receive stripes? Surely, it has been stated: 'I swear I shall eat this loaf to day', and the day passed, and he did not eat it: R. Johanan and Resh Lakish both hold that he does not receive stripes; R. Johanan says he does not receive stripes, because it is a negative precept not involving action, and any negative precept not involving action is not punishable by stripes; and Resh Lakish says, he does not receive stripes, because it is an uncertain warning, and an uncertain warning is not a warning?²⁰ — Well then, said R. Abbahu: It refers to: '[I swear] I have eaten', '[I swear] I have not eaten'.²¹ And what is the difference?²² — Raba said: Clearly did the Torah include a false oath which is like a vain oath;²³ just as a vain oath is in the past, so a false oath which is in the past [is included].²⁴

R. Jeremiah put a question to R. Abbahu: [We learnt:] 'I swear I shall not eat this loaf; I swear I shall not eat it; I swear I shall not eat it', and he ate it, he is liable only for one [oath]:²⁵ this is the oath of utterance²⁶ for the wilful transgression of which stripes are incurred, and for the unwitting transgression of which a sliding scale sacrifice is brought.²⁷ 'This is [the oath, etc.]' What does 'this' exclude? Surely, it excludes '[I swear] I have eaten', '[I swear] I have not eaten', that he is not liable for stripes?²⁸ — No! It excludes '[I swear] I have eaten', '[I swear] I have not eaten' from an

offering: 'this²⁹ is [the oath . . .]' for the unwitting transgression of which a sliding scale sacrifice is brought, but not '[I swear] I have eaten', '[I swear] I have not eaten'; and this will be in accordance with the opinion of R. Ishmael who holds that he is only liable for an oath in the future,³⁰ but stripes he incurs.

(1) *infra* 21a.

(2) The statement 'Vain and false oaths are one' means they are equal in that an offering is brought for the transgression of a vain oath (such as, 'I have eaten', 'I have not eaten') as for a false oath ('I shall eat', 'I shall not eat').

(3) *Infra* 25a, and *supra* 3a.

(4) E.g., swearing of gold that it is wood.

(5) Of the truth; e.g., swearing that he had eaten, when he had not.

(6) Swearing to do something in the future, and not doing it.

(7) Disagreeing with R. Dimi who said in R. Johanan's name that they are vain oaths; *supra* 20b.

(8) Lev. XIX, 12,

(9) Num. XXX, 3.

(10) R. Jeremiah did not hear R. Abbahu say definitely that R. Johanan holds an oath in the past is termed a false oath, but deduced it from another statement of his; v. *infra* p. 109, n. 8.

(11) For another, a beast which he had dedicated as a sacrifice (v. Lev. XXVII, 10; both become holy); the exchange is effected merely by utterance, without action.

(12) Of God; v. Tem. 3b.

(13) That stripes are inflicted for its transgression?

(14) Ex. XX, 7.

(15) The Lord.

(16) The human tribunal punish him, and thereby (having expiated his offence), he becomes once more guiltless.

(17) Ex. XX, 7.

(18) The second 'in vain'.

(19) And therefore is certainly punished by stripes. But which is the oath not involving action which is said to be punished by stripes?

(20) *Supra* 3b; v. p. 8, n. 1.

(21) This is the false oath which, though not involving action, is punishable by stripes. From this statement of R. Abbahu's R. Jeremiah deduced that an oath in the past tense is called a false oath according to R. Johanan.

(22) Why should this oath, though not involving action, be punishable by stripes, whereas an oath in the future not involving action is not punishable?

(23) Because false oath is deduced from the second 'in vain'.

(24) Swearing that which is contrary to a known fact is like an oath in the past; the falsity is immediately evident.

(25) Although he uttered three oaths; because the second oath cannot 'fall' on the first; i.e., since the first oath already prohibits him from eating the loaf, the second oath is, in effect, a promise to fulfil the mizwah of keeping the first oath, and 'he who swears to fulfil a mizwah, and does not fulfil it, is not liable' (*Infra* 27a).

(26) Lev. V, 4; swearing to utter (or, pronounce) with the lips to do evil, or to do good.

(27) *Infra* 27b.

(28) Yet R. Abbahu states that he is.

(29) Oath in the future.

(30) *Infra* 25a.

Talmud - Mas. Shevu'oth 21b

How [then] will you explain the latter clause: This¹ is the vain oath for the wilful transgression of which stripes are incurred, and for the unwitting transgression of which he is exempt.² 'This is [the vain oath, etc.]' What does 'this' exclude? Surely, it excludes '[I swear] I have eaten', '[I swear] I have not eaten', that he is not liable for stripes!³ — No! 'This is [the oath . . .]' for the unwitting transgression of which he is exempt [from a sacrifice]' but '[I swear] I have eaten', '[I swear] I have not eaten', makes him liable for a sacrifice for unwitting transgression; and this will be in accordance

with the opinion of R. Akiba who holds that he is liable for [an oath] in the past as in the future.⁴ But you have said that the first statement is in accordance with R. Ishmael's view. Is the first statement, then, in accordance with R. Ishmael's view, and the second in accordance with R. Akiba's view! — [No!] It is entirely in accordance with R. Akiba's view; and the first statement is not intended to exclude '[I swear] I have eaten', '[I swear] I have not eaten' from a sacrifice, but to exclude '[I swear] I shall eat', and he did not eat, from stripes; but for a sacrifice he is liable.⁵ Why should you prefer this?⁶ — It is reasonable that, since he is discussing the future, he should exclude the future; but, discussing the future, shall he exclude the past?⁷

I SWEAR I SHALL NOT EAT , AND HE ATE A MINUTE QUANTITY, HE IS LIABLE;
[THIS IS THE OPINION OF R. AKIBA.]

It was queried [by the scholars]: Does R. Akiba agree in the whole Torah with R. Simeon who imposes liability for a minute quantity, for it has been taught: 'R. Simeon says. For a minute quantity stripes are incurred;⁸ and it was not said that the size of an olive is necessary except for a sacrifice.'⁹ And by right they¹⁰ should disagree also elsewhere, but the reason their disagreement is stated here is to show you the power of the Sages, for, although it is possible to say, since if he had expressly stated [a minute quantity] he would have been liable,¹¹ he should also be liable even if his statement is undefined,¹² we are informed, nevertheless, that they exempt him.¹³ Or, elsewhere, does R. Akiba agree with the Sages,¹⁴ and here, this is the reason:¹⁵ since if he expressly states [a minute quantity] he is liable, he is liable also if his statement is undefined?

Come and hear: THEY SAID TO R. AKIBA: WHERE DO WE FIND THAT HE WHO EATS A MINUTE QUANTITY IS LIABLE, THAT THIS ONE SHOULD BE LIABLE? And if it is so [that he agrees with R. Simeon elsewhere also], let him answer them: I agree in the whole Torah with R. Simeon? — [It is possible that] he is replying according to the views of the Rabbis¹⁶ themselves: As for me, I agree with R. Simeon in the whole Torah; but as for you, agree with me at least that, since if he expressly states [a minute quantity] he is liable, he should be liable also if his statement is undefined. And the Rabbis replied to him: No!

Come and hear: R. Akiba says, A nazirite who soaked his bread in wine, and there is sufficient in both together to make up the size of an olive, is liable.¹⁷ Now if you were to hold that everywhere he agrees with R. Simeon,¹⁸ what need is there for combining?¹⁹ And again, we learnt: 'I swear I shall not eat', and he ate carrion, trefa, forbidden animals, and reptiles, he is liable;²⁰ and R. Simeon exempts him.²¹ And we asked: Why is he liable,²² since he had already been adjured on Mount Sinai? Rab and Samuel and R. Johanan said: [He is liable because] he had included permitted things with the prohibited things.²³ And Resh Lakish said: You cannot find [that he should be liable] except either, if he expressly stated half the legal quantity,²⁴ and it will be in accordance with the view of the Rabbis, or, [even] if his statement was undefined, and it will be in accordance with R. Akiba's view,²⁵ who holds that a man [in an undefined oath], prohibits to himself [even] a minute quantity. Now if you were to say that elsewhere R. Akiba also agrees with R. Simeon,²⁶ then for a minute quantity he also stands adjured from Mount Sinai! Hence, we deduce from this [must we not?] that elsewhere he agrees with the Rabbis.²⁷ It is proven.

THEY SAID TO R. AKIBA: WHERE DO WE FIND [THAT HE WHO EATS A MINUTE QUANTITY IS LIABLE, etc.]. Can we not? Is there not the ant?²⁸ A creature is different.²⁹ Is there not sacred property?³⁰ — But we require it should be the value of a perutah.³¹ Is there not the expressly defined oath?³² An expressly defined oath is like a creature.³³ Is there not dust?³⁴ May you then,

(1) Swearing that which is contrary to a known fact,

(2) Infra 29a.

- (3) Yet R. Abbahu says he is.
- (4) *Infra* 25a.
- (5) For unwitting transgression.
- (6) Interpretation of the Mishnah? Perhaps it excludes an oath in the past from sacrifice; and it will not be in accordance with R. Akiba's view.
- (7) The Mishnah states: 'I swear I shall not eat', and he ate — this is the oath for which he is liable both for witting and unwitting transgression; but (we may deduce) 'I swear I shall eat', and he did not eat — for this he does not incur stripes for witting transgression. Both statement and deduction are future.
- (8) Not only in the case of oaths, but in the case of any prohibited food, R. Simeon holds that if he eats a minute quantity wittingly he incurs stripes.
- (9) For unwitting transgression where, for witting transgression, he incurs the penalty of kareth. In the case of an oath, however, witting transgression is punishable by stripes even for a minute quantity, and consequently unwitting transgression is punishable by a sacrifice even for a minute quantity.
- (10) R. Akiba and the Sages of our Mishnah; they disagree not only in the case of an oath, but in all prohibited things. R. Akiba holding with R. Simeon that for a minute quantity he is liable.
- (11) If he had expressly sworn: 'I swear I shall not eat a minute quantity', and he ate, the Sages agree that he is liable, for he has broken his oath.
- (12) For it may be that when he says: 'I swear I shall not eat', he means even a small quantity, because he is not thinking of the legal minimum enjoined by the Torah for prohibited foods.
- (13) When his oath is undefined.
- (14) That on eating a minute quantity of prohibited food he is exempt.
- (15) Why he makes him liable.
- (16) The Sages.
- (17) The permitted food (bread) combines with the prohibited (wine) to make up the legal minimum; *Nazir* 35b.
- (18) That he is liable for a minute quantity of any prohibited food.
- (19) The permitted bread with the prohibited wine?
- (20) To bring a sliding scale sacrifice for unwitting transgression of the oath.
- (21) From a sacrifice, for all Israel had been adjured at Mount Sinai to observe the Torah and not to eat carrion, etc., therefore his present oath cannot 'fall' on the first oath; it is merely like an oath to fulfil a mizwah, (*infra* 22b).
- (22) According to the Sages?
- (23) If he had sworn: 'I swear I shall not eat carrion', this oath could not have 'fallen' on the first oath (adjuration at Mount Sinai); but he said: 'I swear I shall not eat', thus including even permitted things; and since the oath can fall on the permitted things, it falls also on the prohibited, for this oath is more inclusive than the oath taken at Mount Sinai (including as it does even permitted things); and when the second oath is more inclusive than the first, it has the power to fall on the first. R. Simeon, however, holds that even a more inclusive second oath cannot fall on the first.
- (24) Not necessarily half: even a minute quantity.
- (25) According to Resh Lakish, in the case of an oath, even the Rabbis (who disagree here with R. Simeon) do not hold that a more inclusive second oath falls on the first oath; but they make him liable here only if he said: 'I swear I shall not eat a small quantity of carrion', because for a small quantity (less than the size of an olive) there is no previous oath (from Mount Sinai), and this oath therefore takes effect. Only in the case of such an oath will he be liable, according to the Sages (who disagree with R. Akiba). And according to R. Akiba, he is liable even if he says: 'I swear I shall not eat', because he thereby prohibits to himself even a minute quantity of carrion, and for a minute quantity there is no previous oath (from Mount Sinai).
- (26) That he is liable for a minute quantity of any prohibited food.
- (27) That he is liable only when he eats the legal minimum (the size of an olive).
- (28) For eating which, though it is less than the size of an olive, he is liable; *Mak.* 13a.
- (29) Because, though minute, it is a complete creature.
- (30) For which he is liable to bring a trespass offering if he uses for a profane purpose even an amount less than the size of an olive.
- (31) A small coin, (v. *Glos.*). That is the legal minimum for bringing a trespass offering; hence, here also there is a definite minimum.
- (32) 'I swear I shall not eat a minute quantity', and he ate, he is liable, though it is less than the size of an olive.

(33) Just as he is liable on eating a minute creature, because it is important owing to its being complete, so he is liable for a minute quantity, if he expressly states it in the oath, for he has rendered the minute quantity of sufficient importance to prohibit it to himself.

(34) The questioner assumes that if he says: 'I swear I shall not eat dust', he is liable for a minute quantity, because, since it is not edible, the normal minimum for edibles is not applicable.

Talmud - Mas. Shevu'oth 22a

decide that which Raba enquired: "I swear I shall not eat dust", and he ate; what quantity [must he eat to make him liable]? — May you [then] decide that it must be the size of an olive!¹ — [No!] When do we say² [that we do not find liability for a minute quantity,] only in the case of an edible do we say so.³ Is there not the case of vows?⁴ — Vows are like expressly defined oaths.⁵

HE SAID TO THEM: BUT WHERE DO WE FIND THAT HE WHO SPEAKS BRINGS AN OFFERING, THAT THIS ONE SHOULD BRING AN OFFERING?

Do we not [find such a case]? Is there not the blasphemer?⁶ — We mean, speaking and prohibiting; but this one speaks and sins.⁷ Is there not the nazirite?⁸ — We mean, bringing an offering for [breaking] his word;⁹ but this one brings an offering so that wine may again be permitted to him. Is there not sacred property?¹⁰ — We mean, prohibiting to himself only; but this one prohibits to the whole world.¹¹ Is there not the case of vows?¹² — He holds that there is no trespass offering for [breaking] vows.

Raba said: The controversy [between R. Akiba and the Sages] is in the case of an undefined oath, but if he expressly states [a minute quantity], all agree that he is liable for a minute quantity. What is the reason? An expressly defined oath is on a par with a 'creature'.¹³ And Raba said further: The controversy is only where he says, 'I shall not eat,' but if he says, 'I shall not taste, all agree that he is liable for a minute quantity. This is self-evident! — I might have thought that 'to taste' should be taken in the way that people talk,¹⁴ therefore he teaches us [that it is taken literally].

R. Papa said: The controversy is in the case of oaths, but in Konamoth all agree that he is liable for a minute quantity. What is the reason? Vows, since the word 'eating' is not mentioned in them,¹⁵ are like expressly defined oaths.

An objection was raised: Two Konamoth combine; two oaths do not combine.¹⁶ R. Meir says: Konamoth are like oaths. Now, if you say that [in vows] he is liable for a minute quantity, what need is there for combining? — He said, 'Eating of this [loaf] shall be to me konam; and eating of that [loaf] shall be to me konam.'¹⁷ — If so, why do they combine? In any case, if you go here, there is not the legal minimum, and if you go there, there is not the legal minimum.¹⁸ — He said, 'Eating of both [loaves] shall be to me konam.'¹⁹ Now, a similar expression in the case of oaths would be, if he said, 'I swear I shall not eat of both [loaves];' then why do they not combine?²⁰ — R. Phinehas said: Oaths are different; because they are divided in respect of sin offerings, they do not combine.²¹ If so, 'R. Meir says: Konamoth are like oaths.' [Why?] Granted, oaths [do not combine], because they are divided in respect of sin offerings; but konamoth, why not? — Reverse it: R. Meir Says: oaths are like Konamoth [and combine]; and he does not agree with R. Phinehas. Rabina said: That which R. Papa said [that in Konamoth he is liable for a minute quantity] refers only to stripes; and that which we learnt in the Baraitha [that vows combine] refers to an offering, where we require [that the enjoyment should be] the value of a perutah.²²

Shall we say that the Sages hold there is a trespass offering for Konamoth?²³ Yet we learnt: [If he says,] 'This loaf is sacred,' and he eats it — either he or his neighbour — he trespasses; therefore there is redemption for it.²⁴ [If he says,] 'This loaf is to me sacred', he trespasses [by eating it], but

his neighbour does not trespass; therefore there is no redemption for it;²⁵ this is the opinion of R. Meir.

- (1) For our Mishnah says: Where do we find that he who eats a minute quantity is liable? Apparently, therefore, it assumes that in the case of dust there must also be the legal minimum.
- (2) In our Mishnah.
- (3) But in the case of dust he may be liable even for a small quantity, and Raba's query remains.
- (4) If he says: 'This loaf shall be konam (v. p. 106, n. 6) to me', he prohibits himself, thereby, from partaking even of a small quantity of it.
- (5) Because he does not mention the term 'eating', — it is as if he had expressly prohibited even a minute quantity of it. It is only in oaths, where the term 'eating' is mentioned, that the question arises whether even a small amount is prohibited, or only the legal minimum, because elsewhere 'eating' implies a minimum of the size of an olive, **אכילה בכזית**.
- (6) Num. XV, 30; Lev. XXIV, 11; Ker. 7a: R. Akiba says the blasphemer brings an offering.
- (7) The Mishnah means: Where do we find that he, who by speaking, prohibits something to himself, should bring an offering for transgressing his word? But he who blasphemes the name of God, commits a sin by his very utterance.
- (8) Who by his speech (vow) prohibits wine to himself, and brings an offering when the period of his naziriteship is ended; Num. VI. 1-21.
- (9) Where do we find that a man by prohibiting something to himself, and then breaking his word, brings an offering?
- (10) Which is dedicated by his word; and if he breaks his word by making profane use of it, he brings a trespass offering.
- (11) Anything dedicated to the Temple is prohibited to all.
- (12) E.g., by vowing not to partake of food, he prohibits the food to himself only. The questioner assumes that, since he expressed the prohibition in the form of a vow, he must bring a trespass offering also (if he breaks the vow), for vowing is similar to dedicating.
- (13) V. supra 21b.
- (14) Colloquially, 'tasting' means 'eating'; and therefore we may think that if he says, 'I shall not taste,' he should not be liable unless he eats a ka-zayith (the size of an olive), according to the Sages.
- (15) I.e., where a man says: That loaf shall be to me Konam (v. Glos.).
- (16) If he prohibits two loaves to himself by vows, and he eats a small portion of each, the two portions combine to make up the requisite amount of ka-zayith, but if he prohibits them by oaths, they do not combine.
- (17) Although he utters it in the form of a vow, yet, since he mentions the word 'eating', there must be the requisite amount.
- (18) If he mentions the word 'eating' for each loaf, he must eat the legal minimum of each loaf in order to be liable; just as in the case of oaths.
- (19) Therefore if he eats the legal minimum of both together, it suffices for liability.
- (20) Why is it stated that two vows combine, and two oaths do not combine? What is the difference?
- (21) The two loaves are distinct in the case of oaths. If he said, 'I swear I shall not eat of this one and of that one', and he ate a ka-zayith of each in one spell of unawareness, he brings two offerings. Since, therefore, they are counted as separate, they do not combine if he ate less than a ka-zayith of each. But in the case of vows the two loaves are not treated as distinct, for according to the view that a trespass offering must be brought for the enjoyment of that which he prohibits to himself by Konam, he would be liable to only one offering for a number of enjoyments in one spell of unawareness (Rashi). [For a full discussion of this distinction between oaths and Konamoth, v. Mishnah le-Melek on Maim. Yad, Shevu'oth IV, 1.]
- (22) He receives stripes even for a minute quantity; and he brings a trespass offering if his combined enjoyments of the two loaves totalled the value of a perutah.
- (23) For they say that two vows combine for a trespass offering.
- (24) That which is dedicated to the Temple treasury (**קדושת דמים**) may be redeemed; Lev. XXVII, 27.
- (25) For he has not dedicated it to the Temple, but has vowed that it shall be prohibited to him like a sacred thing; and there can be no redemption to permit the prohibited.

Talmud - Mas. Shevu'oth 22b

And the Sages say: Neither he nor his neighbour trespasses [by eating it], for there is no trespass in Konamoth.¹ — Reverse it: Neither he nor his neighbour trespasses, for there is no trespass in Konamoth: this is the opinion of R. Meir. And the Sages say: He trespasses, but his neighbour does not trespass.² If so, 'R. Meir says: Konamoth are like oaths', implying that Konamoth do not combine, but there is trespass in them?³ Yet R. Meir says: There is no trespass in Konamoth at all! — According to the views of the Sages he is replying: As for me, I hold there is no trespass in Konamoth at all; but as for you, admit to me at least that Konamoth are like oaths [and do not combine]. And the Sages? — [They reply:] In oaths there is the reason of R. Phinehas; in Konamoth there is not the reason of R. Phinehas.⁴

Raba said: — [If a man says,] 'I swear shall not eat,' and he ate dust, he is exempt.⁵ Raba inquired: [If a man says.] 'I swear I shall not eat dust,' what amount [must he eat to make him liable]? [Shall we say:] Since he said, 'I shall not eat,' his intention was a kazayith,⁶ or, since it is not something that people eat, [his intention was] a minute quantity? — Let it stand.⁷

Raba inquired: [If a man says,] 'I swear I shall not eat grape stones,' what amount [must he eat to make him liable]? [Shall we say:] Since it can be eaten mixed [with the grapes], his intention was a ka-zayith, or, since, by itself, it is not eaten by people, his intention was a minute quantity?⁸ — Let it stand.

R. Ashi inquired: If a nazirite said, 'I swear I shall not eat grape stones,' what amount [must he eat to make him liable]?⁹ [Shall we say:] Since a ka-zayith is prohibited in the Torah,¹⁰ therefore when he swears, he swears for that which is permitted, and his intention is for a minute quantity; or, since he says, 'I shall not eat,' his intention is a ka-zayith?¹¹ — Come and hear: 'I swear I shall not eat,' and he ate carrion, trefa, forbidden animals, and reptiles, he is liable; and R. Simeon exempts him. And we asked: Why is he liable, since he stands adjured from Mount Sinai? Rab and Samuel and R. Johanan said: Because he included permitted things with the prohibited things. And Resh Lakish said: You cannot find [that he should be liable] except either, if he expressly stated half the legal quantity, in accordance with the view of the Sages, or, if his statement was undefined, in accordance with the view of R. Akiba, who holds that a man [in an undefined oath] prohibits to himself a minute quantity.¹² Now, carrion, for which he stands adjured from Mount Sinai, is like grape stones to a nazirite; and yet, only if he expressly states [less than the legal quantity, is he liable],¹³ but if he does not expressly state this, his intention is for a ka-zayith. — It is proven.

Well then, you may decide that which Raba enquired: [If a man says.] 'I swear I shall not eat dust,' what amount [must he eat to make him liable]? You may decide that it must be a ka-zayith; for carrion is like dust;¹⁴ and yet [he is liable] only if he expressly states [less than the legal quantity], but if he does not expressly state this, his intention is for a ka-zayith. — No! Dust is not edible at all;¹⁵ but carrion is edible, except that a lion is lying on it.¹⁶ MISHNAH. [IF A MAN SAYS,] 'I SWEAR I SHALL NOT EAT' AND HE ATE AND DRANK, HE IS LIABLE ONLY ONCE.¹⁷ 'I SWEAR I SHALL NOT EAT AND I SHALL NOT DRINK,' AND HE ATE AND DRANK, HE IS LIABLE TWICE.¹⁸ 'I SWEAR I SHALL NOT EAT,' AND HE ATE WHEAT BREAD, BARLEY BREAD, AND SPELT BREAD, HE IS LIABLE ONLY ONCE. 'I SWEAR I SHALL NOT EAT WHEAT BREAD, BARLEY BREAD, AND SPELT BREAD,' AND HE ATE, HE IS LIABLE FOR EACH ONE. 'I SWEAR I SHALL NOT DRINK,' AND HE DRANK MANY LIQUIDS, HE IS LIABLE ONLY ONCE. 'I SWEAR I SHALL NOT DRINK WINE, OIL, AND HONEY,' AND HE DRANK, HE IS LIABLE FOR EACH ONE. 'I SWEAR I SHALL NOT EAT,' AND HE ATE FOODS WHICH ARE NOT FIT TO BE EATEN, AND DRANK LIQUIDS WHICH ARE NOT FIT TO BE DRUNK, HE IS EXEMPT.¹⁹ 'I SWEAR I SHALL NOT EAT,' AND HE ATE CARRION, TREFA, FORBIDDEN ANIMALS, AND REPTILES, HE IS LIABLE.²⁰ AND R. SIMEON EXEMPTS HIM.²¹ HE SAID, 'I VOW THAT MY WIFE SHALL NOT BENEFIT FROM ME, IF I HAVE EATEN TODAY,' AND HE HAD EATEN CARRION, TREFA, FORBIDDEN ANIMALS,

OR REPTILES, HIS WIFE IS PROHIBITED TO HIM.²²

GEMARA. R. Hiyya b. Abin said that Samuel said: [If a man says,] 'I swear I shall not eat,' and he drank, he is liable. If you will, it may be deduced by reason; and if you will, it may be deduced from Scripture. If you will, it may be deduced by reason; for a man will say to his friend, 'Let us eat something,' and they go in, and eat and drink.²³ And if you will, it may be deduced from Scripture; drinking is included in eating, for Resh Lakish said: Whence do we know that drinking is included in eating? Because it is said: And thou shalt eat before the Lord thy God, in the place which He shall choose to cause His name to dwell there, the tithe of thy coin, of thy wine . . .²⁴

- (1) This proves that the Sages hold that there is no trespass in vows!
- (2) For the Sages hold there is trespass in vows.
- (3) A trespass offering is brought for breaking a vow, but two vows do not combine for one trespass offering.
- (4) Supra 22a.
- (5) Because dust is not edible, and 'eating' normally refers to edibles.
- (6) Because the legal minimum for eating is a ka-zayith.
- (7) I.e., it remains unsolved.
- (8) Assuming that in the case of dust he is liable for a minute quantity, is he here also liable for a minute quantity, or, since grape stones are not as inedible as dust (because they are eaten mixed with the grapes), a ka-zayith must be eaten for liability.
- (9) Assuming that in the case of other men (not nazirites) a ka-zayith is necessary (counting it as an edible), shall we say that a nazirite, knowing that a ka-zayith is in any case prohibited to him, intends, when taking the oath, to prohibit himself further (i.e., even a minute quantity)?
- (10) Num. VI, 4: from the grape stones even to the grape skin he shall not eat.
- (11) For the term 'eating' denotes the minimum of a ka-zayith.
- (12) V. supra 21b.
- (13) According to the Sages (in Resh Lakish's view); and we do not say, since a ka-zayith is in any case prohibited already by the Torah, his intention when swearing, must have been for a smaller quantity.
- (14) Since it must not be eaten.
- (15) Therefore the legal minimum for edibles is not applicable; and his intention may have been to prohibit even a minute quantity.
- (16) The prohibition of the Torah lies on it like a lion, making it inaccessible.
- (17) Though drink is included in the oath (for drinking is included in eating, as explained in the Gemara; v. infra), yet he is liable for only one punishment (stripes for wilful, and offering for unwitting transgression), for it is as if he had eaten twice in one spell of unawareness.
- (18) Because they are two oaths.
- (19) Because 'eating' implies edibles.
- (20) Because, though prohibited by the Torah, they are edible.
- (21) V. supra 21b.
- (22) R. Simeon agreeing, for he has eaten edibles.
- (23) Hence, drinking is included in eating.
- (24) Deut. XIV, 23.

Talmud - Mas. Shevu'oth 23a

Now, tirosh¹ is wine, and yet it is written, 'thou shalt eat'. Perhaps [Scripture means] when used in elaiogaron?² For Raba b. Samuel said: Elaiogaron contains the juice of beets, oxygaron the juice of all kinds of boiled vegetable! — But, said R. Aha b. Jacob: [We deduce that drinking is included in eating] from the verse, And thou shalt bestow the money for whatsoever thy soul desireth, for oxen, or for sheep, or for wine, or for strong drink . . . [and thou shalt eat there].³ Now, yayin is certainly wine; and yet it is written, 'thou shalt eat'. Perhaps here also [Scripture means] in elaiogaron? — 'Strong drink' is written, implying that which can cause intoxication.⁴ Perhaps pressed figs from

Keilah⁵ [are intended];⁶ for it was taught: If he ate a pressed fig from Keilah, or drank honey, or milk, and entered the Temple, and ministered, he is liable?⁷ — Well then, we deduce [that drinking is included in eating] by analogy from ‘strong drink’ [used here and in connection with a nazirite]: just as there it implies wine, so here it implies wine.⁸

Raba said: We have also learnt thus:⁹ ‘I SWEAR I SHALL NOT EAT,’ AND HE ATE AND DRANK, HE IS LIABLE ONLY ONCE. Granted, if you say that drinking is included in eating, it is necessary for the Tanna to teach us that [nevertheless] he is liable only once.¹⁰ But if you say that drinking is not included in eating,¹¹ [if he says.] ‘I swear I shall not eat,’ and he ate, and did work, would it be necessary [for the Tanna] to teach us that he is liable only once? Abaye said to him: What then, drinking is included in eating! [If so,] read the second clause, ‘I SWEAR I SHALL NOT EAT, AND I SHALL NOT DRINK,’ AND HE ATE AND DRANK, HE IS LIABLE TWICE. Now, since he said, ‘I shall not eat,’ he is already prohibited from drinking;¹² then when he says, ‘I shall not drink,’ why should he be liable? If he had said, ‘I shall not drink’ twice, would he have been liable twice? — He replied to him: There [the Mishnah means] he [first] said, ‘I shall not drink,’ and then he said, ‘I shall not eat;’ for drinking is included in eating, but eating is not included in drinking. But if he said, ‘I swear I shall not eat and I shall not drink,’ and he ate and drank, he would be liable only once? If so, why does he teach in the first clause: ‘I SWEAR I SHALL NOT EAT,’ AND HE ATE AND DRANK, HE IS LIABLE ONLY ONCE? Let him teach: ‘I swear I shall not eat and I shall not drink,’ he is liable only once; and most certainly [we should know, when he says:] ‘I shall not eat’ alone [he is liable only once]! We must therefore read the Mishnah as it stands;¹³ but here it is different.¹⁴ Since he said, ‘I shall not eat,’ and then he said, ‘I shall not drink,’ he revealed his mind that this ‘eating’ that he mentioned meant eating only.¹⁵

R. Ashi said: Our Mishnah also proves it:¹⁶ ‘I SWEAR I SHALL NOT EAT;’ AND HE ATE FOODS WHICH ARE NOT FIT TO BE EATEN, AND DRANK LIQUIDS WHICH ARE NOT FIT TO BE DRUNK, HE IS EXEMPT. [This implies that] if they are fit, he is liable.¹⁷ But why so? Surely he said [merely]: ‘I swear I shall not eat’! — Perhaps he said both: ‘I swear I shall not eat; I swear I shall not drink.’¹⁸ ‘I SWEAR I SHALL NOT EAT,’ AND HE ATE WHEAT BREAD, etc. But perhaps he wished to exempt himself from other kinds?¹⁹ — [In that case,] he should have said: ‘[I shall not eat] wheat, barley, and spelt.’²⁰ But perhaps, [that would have meant] ‘to chew’?²¹ — He could have said, ‘[I shall not eat] the bread of wheat, barley, and spelt.’²² — But perhaps, [that would have meant] the bread of wheat to eat, and barley and spelt to chew? — He could have said: ‘[I shall not eat] the bread of wheat, and of barley, and of spelt’.

(1) Heb. תִּירָשׁ (not the usual תִּירָשׁ) is used in the verse.

(2) A sauce of oil and garum to which wine is sometimes added; this is a food, and therefore Scripture calls it ‘eating’; but drinking is perhaps not included in eating.

(3) Deut. XIV, 26.

(4) ‘Strong drink’ is taken as explanatory of wine; hence it must be taken in its ordinary connotation, and not as an admixture to a sauce.

(5) A town in the lowland district of Judea.

(6) Strong drink may not be explanatory of wine, but a separate noun denoting pressed figs from the town of Keilah, which are intoxicating.

(7) If a priest conducts the service in the Temple when intoxicated, he transgresses the command in Lev. X, 9.

(8) A nazirite must abstain only from wine products (Naz. 4a); the term, ‘strong drink’ in the case of a nazirite (Num. VI, 3) refers only to wine; hence the term ‘strong drink’ in Deut. XIV, 26 refers also to wine; and Scripture says: ‘thou shalt eat’; hence drinking is included in eating.

(9) That drinking is included in eating.

(10) Because he ate and drank in one spell of unawareness.

(11) What need is there for the Tanna to teach us that he is liable only once?

(12) Since drinking is included in eating.

- (13) That he first says, 'I shall not eat', and then, 'I shall not drink,'
- (14) Why he is liable twice, though drinking is already included in eating.
- (15) And he supplemented his oath to include drinking.
- (16) That drinking is included in eating.
- (17) This would prove that drinking is included in eating.
- (18) From this passage there is no proof that drinking is included in eating, for the Mishnah may mean this: 'I swear I shall not eat,' and he ate foods which are not fit,' etc.; and 'I swear I shall not drink,' and he drank liquids which are not fit, etc. But the Mishnah abbreviates.
- (19) If he says, 'I swear I shall not eat wheat bread, barley bread, and spelt bread,' and he ate, he is liable for each one. Why? Perhaps he enumerates these kinds of bread in order to exclude other kinds, such as, bread of oats, rye, or millet, which he does not desire to prohibit; for, if he had said, 'I swear I shall not eat,' without particularising, he would have been prohibited from all kinds. But, in reality, it is only one oath, not three.
- (20) But since he mentions the word BREAD each time, he implies that they are three separate oaths.
- (21) Grains of wheat, barley, and spelt; but bread would not have been prohibited; therefore he must mention the word BREAD.
- (22) But because he mentions the word BREAD on each occasion, he implies that they are three separate oaths.

Talmud - Mas. Shevu'oth 23b

But perhaps [that would have meant] mixed?¹ — Say, [he could have said: 'I shall not eat the bread of wheat,] and also of barley, and also of spelt'. Why is BREAD repeated? Obviously, in order to separate.²

'I SWEAR I SHALL NOT DRINK;' AND HE DRANK MANY LIQUIDS. HE IS LIABLE ONLY ONCE, etc. Granted there,³ as you say, the word BREAD, being superfluous, makes him liable;⁴ but here,⁵ what could he have said? Perhaps he wishes to exempt himself from other liquids?⁶ — R. Papa said: Here we are discussing [the case of] where they are lying before him; so that he could have said: 'I swear I shall not drink these.'⁷ But perhaps [that would have meant], 'These I shall not drink, but others [of the same kind] I shall drink'? — Well, he could have said, 'I swear I shall not drink [liquids] just like these.' Perhaps [that would have meant], 'Just like these⁸ I shall not drink, but less than these, or more than these, I shall drink'? Well then, he could have said, 'I swear I shall not drink of these kinds.' Perhaps [that would have meant], 'These kinds I shall not drink, but these themselves I shall drink'? — Say [he could have said], 'I shall not drink these and their kinds.'

R. Aha the son of R. Ika said: We are discussing [a case] where his friend is urging him, saying to him, 'Come and drink with me wine, oil, and honey;' so that he could have said, 'I swear I shall not drink with you.' What need is there [to enumerate] wine and oil and honey? [Obviously, therefore,] to make him liable for each one.

We learnt there: [If a man says to another.] 'Give me the wheat, barley, and spelt of mine in your possession.'⁹ [and the other replies,] 'I swear that there is nothing of yours in my possession;' he is liable only once.¹⁰ [But if he says,] 'I swear that I have not of yours in my possession wheat, barley, and spelt;' he is liable for each one.¹¹ And R. Johanan said: Even if there is only a perutah of all of them together, they combine.¹² Now, R. Aha and Rabina disagree;¹³ one says, he is liable for the particularisations, but he is not liable for the generalisations; and the other says, he is liable also for the generalisations.¹⁴ Now here,¹⁵ how will it be? — Raba said: How now?¹⁶ There he is liable for the generalisation, and he is liable for the particularisation, for if he swears once, and then swears again, he is liable twice.¹⁷ But here, if it should enter your mind that they are included in the generalisation, why should he be liable for the particularisations, since he already stands adjured?¹⁸

'I SWEAR I SHALL NOT EAT', etc. This itself is contradictory! You say: 'I SWEAR I SHALL

NOT EAT', AND HE ATE FOODS WHICH ARE NOT FIT TO BE EATEN, AND DRANK DRINKS WHICH ARE NOT FIT TO BE DRUNK, HE IS EXEMPT. And then you teach: I SWEAR I SHALL NOT EAT,' AND HE ATE CARRION, TREFA, FORBIDDEN ANIMALS, AND REPTILES, HE IS LIABLE. What is the difference between the first clause, where he is exempt, and the second, where he is liable?¹⁹ — This is no question: the first clause relates to an undefined oath,²⁰ and the second to a defined oath.²¹ [In the case of] a defined oath itself it may also be asked: Why? Surely he is adjured from Mount Sinai!²² — Rab and Samuel and R. Johanan said: Because he included permitted foods with the prohibited foods.²³ And Resh Lakish said: You cannot find [that he should be liable] except either if he expressly states half the legal quantity, in accordance with the view of the Rabbis; or, if his oath is undefined, in accordance with the view of R. Akiba, who says, a man [in an undefined oath] prohibits to himself even a minute quantity.²⁴

Granted, R. Johanan does not agree with Resh Lakish, because he wishes to expound our Mishnah in accordance with the views of all;²⁵ but why does not Resh Lakish agree with R. Johanan? — He may reply to you: We say that a more inclusive prohibition [falls on a less inclusive one]

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- (1) That he should not eat bread made of all three together.
 - (2) Making them into three oaths.
 - (3) In the enumeration of the different kinds of bread.
 - (4) For each kind separately.
 - (5) In the Case where he enumerates the liquids, and is liable for each one separately.
 - (6) That is why he enumerates these; but there is really only one oath.
 - (7) But since he enumerates them, he is swearing three oaths.
 - (8) The same quantity.
 - (9) Deposited temporarily in the other's care.
 - (10) A trespass offering for the false oath (שבועת הפקדון); Lev, V, 21-26.
 - (11) Infra 36b.
 - (12) To make him liable to bring one trespass offering. The oath must be a denial of liability of at least the value of a perutah for a trespass offering to be brought.
 - (13) As to the meaning of the Mishnah and R. Johanan's comment.
 - (14) When he says, 'I swear that I have not of yours in my possession wheat, barley, and spelt,' the first part is a generalisation ('I swear that I have not of yours in my possession'), then there are three particularisations. When the Mishnah says, he is liable for each one, does it mean three trespass offerings or four? R. Aha and Rabina disagree: one says, three; he is liable for the particularisations alone, and not for the generalisation; and we do not say that the first part, 'I swear that I have not of yours in my possession,' should be taken as an additional oath; and R. Johanan's comment that they combine to the value of a perutah refers to the previous statement in the Mishnah: 'I swear that there is nothing of yours in my possession' (with no particulars mentioned at all); but where particulars are mentioned, they do not combine; there must be the value of a perutah in each. And the other Amora says, when the Mishnah states he is liable for each, it means four, the generalisation also being taken as an oath; and R. Johanan's comment refers to this too, that for the first of the four oaths (the generalisation) he is liable to bring a trespass offering even if there is only the value of a perutah in the wheat, barley, and spelt combined.
 - (15) In our Mishnah: 'I swear I shall not eat wheat bread, barley bread, and spelt bread,' he is liable for each one. Will R. Aha and Rabina disagree here also, one of them holding (taking the generalisation as a separate oath) that he is liable for four oaths?
 - (16) There is no comparison at all.
 - (17) In the case of denying a deposit, if the trustee denies it on oath several times, he brings a trespass offering for each denial; infra 36b.
 - (18) If we should assume that the generalisation, 'I swear I shall not eat,' is taken as an additional oath, and as prohibiting all foods, then, when he adds 'wheat, barley, and spelt', these three oaths cannot take effect, for they are already assumed to have been included in the generalisation; and a later oath cannot 'fall' on a previous oath.
 - (19) Is not carrion, etc., food unfit to be eaten?
 - (20) 'I swear I shall not eat' implies only foods which are fit to be eaten, and excludes carrion.

(21) 'I swear I shall not eat carrion, etc.'

(22) His oath cannot take effect, since there is already a previous oath (administered at Mount Sinai) not to eat carrion.

(23) He said: 'I swear I shall not eat properly killed meat and carrion, etc.:' and because the oath can take effect on the permitted food it takes effect also on the prohibited; v. supra 21b.

(24) V. supra 21b.

(25) R. Akiba and the Sages who agree that a more inclusive oath can fall on a less inclusive one.

Talmud - Mas. Shevu'oth 24a

only when the [more inclusive] prohibition comes of its own accord, but when the prohibition is imposed by himself, we do not say this.¹

Granted, according to Resh Lakish, it is for this reason that R. Simeon exempts him,² for we learnt, R. Simeon says: A minute quantity [imposes liability] for stripes; and it was not said that a ka-zayith is necessary except for [imposing liability for] a sacrifice. But, according to R. Johanan,³ what is R. Simon's reason for exempting him? — Is not the reason [that the Sages make him liable] because it is a more inclusive prohibition? R. Simeon is consistent in his view that a more inclusive prohibition cannot take effect; for it has been taught, R. Simeon Says: He who eats carrion on the Day of Atonement is exempt.⁴ Granted, according to Resh Lakish, it is possible to have it negative and positive;⁵ but, according to R. Johanan, granted that negative is possible, but how is positive possible?⁶ — Well then, [the Mishnah may be explained] in accordance with Raba's view, for Raba said: [If a man says,] 'I swear I shall not eat', and he ate dust, he is exempt.⁷

R. Mari said: We have also learnt thus.⁸ 'I VOW THAT MY WIFE SHALL NOT BENEFIT FROM ME IF I HAVE EATEN TO-DAY,' AND HE HAD EATEN CARRION, TREFA, FORBIDDEN ANIMALS, AND REPTILES, HIS WIFE IS PROHIBITED TO HIM. [Hence, eating carrion is also called eating!] — How now? There, since first he ate, and then he swore,

(1) If a man eats carrion on the Day of Atonement, he is liable to bring a sin offering for his transgression of the Day, though carrion was already prohibited to him before the Day, because the prohibition of the Day is more inclusive (including, as it does, also permitted foods). This more inclusive prohibition comes of its own accord, and is therefore powerful enough to fall even on previously prohibited food; but if the more inclusive prohibition comes by the action or word of the man himself (as in the case of an oath), it cannot fall on a previous prohibition. Resh Lakish, therefore, who makes this distinction, cannot explain the Mishnah as R. Johanan does.

(2) In the Mishnah, supra 22b, because R. Simeon holds that for a small quantity he also stands adjured, and consequently the oath cannot fall on a small quantity.

(3) Who explains that the Sages in the Mishnah make him liable because he says: 'I swear I shall not eat properly killed meat and carrion;' why does R. Simeon exempt him?

(4) From a sin offering (for unwitting transgression of the Day), for the prohibition of the Day, though more inclusive, cannot fall on the prohibition of carrion.

(5) A sliding scale sacrifice is not brought for the transgression of an oath unless it is equally punishable when reversed (v. infra 25a). According to Resh Lakish, the oath in the Mishnah for which the Sages make him liable is: 'I swear I shall not eat a small portion of carrion.' This may be reversed: 'I swear I shall eat a small portion of carrion;' and he is liable for transgressing it, for he has not sworn to annul a precept (only a ka-zayith is prohibited in the Torah). Had he sworn to eat a ka-zayith of carrion, i.e., to annul a precept, and transgressed his oath, he would have been exempt; infra 27a.

(6) According to R. Johanan, the oath in the Mishnah for which the Sages make him liable is, 'I swear I shall not eat properly killed meat and carrion.' The positive of this oath is not possible; if he says, 'I swear I shall eat properly killed meat and carrion,' his oath cannot be carried out, so far as the carrion is concerned, because it is an oath to annul a precept (for a ka-zayith of carrion is prohibited by the Torah).

(7) The contradiction in the Mishnah was first explained by saying that the first clause ('I swear I shall not eat', and he ate foods which are not fit, etc., he is exempt) refers to an undefined oath, and the second clause ('I swear I shall not eat', and he ate carrion, etc., he is liable) refers to a defined oath (i.e., 'I swear I shall not eat properly killed meat and carrion,

etc.'). This explanation raises a difficulty for R. Johanan, because the second oath is not reversible. The Gemara now says that both clauses refer to an undefined oath; in the first case he is exempt, because he ate dust (the phrase 'foods not fit to be eaten' refers to dust and similar inedibles); and in the second case he is liable, because he ate carrion (which is edible, but prohibited by the Torah). According to R. Johanan, in the second case when he says, 'I shall not eat,' he is liable if he eats carrion, because his oath is inclusive, including as it does all foods (permitted also); and because it can take effect on the permitted, it takes effect on the prohibited also. This oath (being undefined) is reversible: 'I shall eat', and can be fulfilled by eating permitted food; therefore if he transgresses it, he is liable.

(8) That carrion is counted food fit to be eaten (for, though prohibited, it is edible).

Talmud - Mas. Shevu'oth 24b

he had made it important;¹ but here, did he make it important?

Raba said: What is the reason of the one who holds an inclusive prohibition [can take effect on a previous prohibition]? Because it is analogous to an extensive prohibition.² And [the reason of] the one who exempts him, not holding this? Because he says, an extensive prohibition is applicable only to one piece, but not to two pieces.³

And Raba said further: According to the one who holds an inclusive prohibition [takes effect on a previous prohibition], if one says, 'I swear I shall not eat figs,' and then says, 'I swear I shall not eat figs and grapes,' because it takes effect on the grapes,⁴ it takes effect also on the figs. [But] this is self evident! — I might have thought that [in the case of] a prohibition which comes of its own accord we say it takes effect [on a previous prohibition], but [in the case of] a prohibition which is imposed by himself, we do not say this; therefore he teaches us [that even in this case it takes effect]. Raba the son of Rabbah raised an objection: [We learnt:] One may eat one portion [a ka-zayith] and yet be liable for it four sin offerings and one guilt offering, thus: An unclean person who ate heleb, which was nothar of holy food, on the Day of Atonement.⁵ R. Meir said: Also if it was Sabbath, and he carried it out in his mouth, he is liable.⁶ They [the Sages] said to him: It is not in the same category.⁷ Now, if it is [as you say],⁸ it is possible to have five;⁹ for example, if he said: 'I swear I shall not eat dates and heleb,' because it takes effect on the dates, it takes effect also on the heleb?' — The Tanna mentions only [the case of] a prohibition which comes of its own accord, but a prohibition imposed by himself he does not mention.¹⁰ But [he mentions] holy food!¹¹ — [It refers to] a firstborn, which is holy from the womb.

If you will, you may say, the Tanna mentions only that which does not come within the category of absolution, but an oath which comes within the category of absolution he does not mention.¹² — But [he mentions] holy food!¹³ — Well, we have established that it refers to a firstborn.

If you will, you may say, the Tanna mentions only [the case where] a fixed sacrifice [is brought], but where a sliding scale sacrifice is brought he does not mention.¹⁴ But [he mentions] an unclean person who ate holy food, for which a sliding scale sacrifice is brought! — [It refers to] a prince; and it is in accordance with the view of R. Eliezer, who says a prince brings a goat.¹⁵

R. Ashi said: The Tanna mentions only that which takes effect on the legal minimum,¹⁶ but an oath which takes effect on less than the legal minimum,¹⁷ he does not mention. But [he mentions] holy food!¹⁸ — Because we require that it should be the value of a perutah.¹⁹

And R. Ashi of Avirya said in the name of R. Zera: The Tanna mentions only that for which, for wilful transgression, kareth is inflicted, but that for which, for wilful transgression, there is only a negative prohibition,²⁰ he does not mention. But he mentions a guilt offering, in the case of which, for wilful transgression, there is only a negative prohibition!²¹ —

(1) The fact of having eaten the carrion shows that he deemed it edible and not distasteful to him; but if he swears, 'I shall not eat' (without specifying carrion), and he eats carrion, he may perhaps not be liable for the oath; as he might not have contemplated including carrion in the oath.

(2) An inclusive prohibition (**אִיסוּר כּוֹלֵל**) does not add anything to the previous prohibition, but includes more objects in the present prohibition; e.g., carrion is prohibited; when the Day of Atonement arrives, it prohibits not only carrion, but also previously permitted foods; the incidence of the Day does not make the carrion prohibited in any way except as food, but it includes in its prohibition other foods apart from this carrion. An extensive prohibition (**אִיסוּר מוֹסִיף**) adds something to this present prohibited object, making it more extensively prohibited; e.g., heleb (forbidden fat) of an offering is prohibited to be eaten, but may be offered on the altar; when it becomes nothar (by being kept beyond the time limit for its offering), it is prohibited to be offered on the altar. The prohibition of nothar takes effect on the heleb (which was permitted so far as the altar is concerned), so that it may not now be offered on the altar; and since the prohibition of nothar takes effect on the heleb (so far as the altar is concerned), it ipso facto takes effect on it so far as human consumption is concerned also; so that a man eating it now is liable both for heleb and nothar.

(3) An extensive prohibition can take effect on a previous prohibition because it extends the scope of the prohibition of this one piece; e.g., heleb, permitted for the altar, on becoming nothar is prohibited; this same piece of fat is now more extensively prohibited; previously it was prohibited for human consumption only, now it is prohibited for the altar also. But an inclusive prohibition does not add any prohibition to this one piece; it merely includes other pieces in its prohibition; therefore, he holds, it does not take effect on a previous prohibition.

(4) For they were not prohibited by the first oath.

(5) Four sin offerings: (i) for heleb, (ii) for nothar, (iii) for the Day of Atonement, and (iv) for eating holy food while unclean; and one guilt offering for his trespass in deriving enjoyment from holy food. He is liable for all these, if we hold that inclusive and extensive prohibitions can take effect on previous prohibitions. The heleb of an animal is prohibited; when he sanctifies the animal, the whole of it becomes prohibited to him: this second prohibition is an inclusive one, because the permitted portions of the animal are now included in the prohibition; and because the prohibition can take effect on the permitted portions, it takes effect also on the heleb; when it becomes nothar, a further prohibition is extended to this heleb itself, making it prohibited to the altar; this extensive prohibition therefore takes effect on it as far as human consumption is concerned also. When the person becomes unclean, holy foods previously permitted to him now become prohibited; this inclusive prohibition, because it can take effect on previously permitted holy foods, takes effect also on this heleb. The Day of Atonement is another inclusive prohibition (prohibiting all kinds of food), and therefore it takes effect on the heleb also.

(6) Another sin offering for carrying on the Sabbath, as well as for carrying on the Day of Atonement (for carrying is prohibited on the Day of Atonement also); v. Ker. 14a.

(7) As eating; for they are giving examples of liability for eating, and not for carrying. Mishnah Ker. 13b.

(8) That an inclusive prohibition, even if imposed by himself, can take effect.

(9) Sin offerings.

(10) Though he agrees that an inclusive prohibition, even if imposed by himself, can take effect, he wishes to limit his example to a case where four sin offerings are brought, without including any prohibition imposed by himself.

(11) Which is a prohibition imposed by himself, because he made it holy.

(12) An oath or a vow may be absolved in certain circumstances as, for example, if the person uttering the oath or vow explains to the Sage (or three laymen) that, had he known of certain eventualities which later transpired, he would not have uttered it.

(13) Which becomes holy by his vow, and may therefore be absolved.

(14) Therefore he does not mention oath, for the transgression of which a sliding scale sacrifice is brought.

(15) For the transgression of the laws of uncleanness in connection with the Temple and holy food (Hor. 9a, b); but he admits that for transgressing an oath a prince also brings a sliding scale sacrifice.

(16) Ka-zayith.

(17) If he expressly states so in the oath.

(18) A trespass offering is brought even if the holy food from which he derived enjoyment was less than a ka-zayith.

(19) So that this is its legal minimum.

(20) The wilful transgression of an oath is punishable by stripes, but heleb, nothar, Day of Atonement, and eating holy food while unclean, are punishable by kareth.

(21) For wilfully deriving enjoyment from holy food he is punished by stripes, v. Sanh 84a.

Talmud - Mas. Shevu'oth 25a

We mean in the case of a sin offering.¹

Rabina said: The Tanna mentions only that which is applicable to foods, but an oath, which can take effect even on that which is not a food, he does not mention. But [he mentions] holy things, which are applicable also to wood and stone!² — Well then, he mentions only that which is applicable to that which has substance, but an oath, which can take effect also on that which has no substance, as, for example, 'I shall sleep', or, 'I shall not sleep.' he does not mention.³

MISHNAH. IT IS THE SAME [WHETHER HE SWEARS OF] THINGS CONCERNING HIMSELF, OR OF THINGS CONCERNING OTHERS, OR OF THINGS WHICH HAVE SUBSTANCE, OR OF THINGS WHICH HAVE NO SUBSTANCE. HOW SO? [IF] HE SAID, 'I SWEAR THAT I SHALL GIVE TO SO-AND-SO,'⁴ OR, 'I SHALL NOT GIVE;' 'I HAVE GIVEN,' OR 'I HAVE NOT GIVEN;' 'I SHALL SLEEP,'⁵ OR, 'I SHALL NOT SLEEP;' 'I HAVE SLEPT,' OR, 'I HAVE NOT SLEPT;' 'I SHALL THROW A PEBBLE IN THE SEA.'⁶ OR, 'I SHALL NOT THROW;' 'I HAVE THROWN,' OR, 'I HAVE NOT THROWN'; [HE IS LIABLE.] R. ISHMAEL SAYS, HE IS LIABLE ONLY FOR [AN OATH IN] THE FUTURE, FOR IT IS SAID: TO DO EVIL OR TO DO GOOD.⁷ R. AKIBA SAID TO HIM: IF SO,⁸ WE KNOW ONLY SUCH CASES WHERE DOING EVIL AND DOING GOOD ARE APPLICABLE; BUT HOW DO WE KNOW SUCH CASES WHERE DOING EVIL AND DOING GOOD ARE NOT APPLICABLE.? HE REPLIED TO HIM: FROM THE AMPLIFICATION OF THE VERSE.⁹ WHEREUPON HE SAID TO HIM: IF THE VERSE AMPLIFIES FOR THAT, IT AMPLIFIES FOR THIS ALSO.¹⁰

GEMARA. Our Rabbis taught: There is a greater restriction in vows than in oaths [in one respect]; and there is a greater restriction in oaths than in vows [in another respect] — The greater restriction in vows is that vows take effect on a precept as on an optional matter, which is not the case in oaths.¹¹ The greater restriction in oaths is that oaths take effect on a thing which has no substance as on a thing which has substance, which is not the case in vows.¹²

HOW SO? [IF] HE SAID, 'I SWEAR THAT I SHALL GIVE TO SO-AND-SO,' OR, 'I SHALL NOT GIVE.' What is meant by, 'I shall give'? Shall we say, charity to the poor? [For that] he already stands adjured from Mount Sinai, for it is said: Thou shalt surely give him.¹³ — It must therefore mean a gift to a rich man.

'I SHALL SLEEP,' OR, 'I SHALL NOT SLEEP.' This cannot be,¹⁴ for R. Johanan said: He who says, 'I shall not sleep three days,' is given stripes, and he may sleep immediately.¹⁵ — There, he said 'three'; here, he did not say 'three'.¹⁶

I SHALL THROW A PEBBLE IN THE SEA,' OR, 'I SHALL NOT THROW'. It was stated: [If a man says,] 'I swear that So-and-so threw a pebble in the sea,' or, 'that he did not throw,' Rab said, he is liable; and Samuel said, he is exempt. Rab said, he is liable, because it is applicable in both negative and positive [forms];¹⁷ and Samuel said, he is exempt, because it is not applicable in the future.¹⁸ Shall we say that they disagree on the same principle on which R. Ishmael and R. Akiba disagree? For we learnt: R. ISHMAEL SAYS, HE IS LIABLE ONLY FOR [AN OATH IN] THE FUTURE, FOR IT IS SAID: TO DO EVIL OR TO DO GOOD. R. AKIBA SAID TO HIM: IF SO, WE KNOW ONLY SUCH CASES WHERE DOING EVIL AND DOING GOOD ARE APPLICABLE; BUT HOW DO WE KNOW SUCH CASES WHERE DOING EVIL AND DOING GOOD ARE NOT APPLICABLE.? HE REPLIED TO HIM: FROM THE AMPLIFICATION OF THE VERSE. WHEREUPON HE SAID TO HIM: IF THE VERSE AMPLIFIED FOR THAT, IT

AMPLIFIED FOR THIS ALSO. [Shall we say that] Rab agrees with R. Akiba,¹⁹ and Samuel agrees with R. Ishmael?²⁰ — [No!] With reference to R. Ishmael's view they do not disagree; for since even in a case which is [possible of application] in the future,²¹ R. Ishmael does not make him liable for the past, obviously in a case which is not [possible of application] in the future,²² he most certainly [does not make him liable for the past]. But they disagree with reference to R. Akiba's view: Rab agrees with R. Akiba; and Samuel says, R. Akiba makes him liable there²³ for [an oath in] the past, because in a case which is [possible of application] in the future, R. Akiba makes him liable for the past, but in a case which is not [possible of application] in the future, he does not [make him liable for the past].

Shall we say that they disagree on the same principle on which

- (1) He mentions only those for which kareth is inflicted for wilful transgression, and therefore omits an oath, for which stripes are inflicted; all these are sins for which a sin offering is brought for unwitting transgression; but he mentions the case of a trespass offering, through for wilful transgression only stripes are inflicted.
- (2) A man may devote wood and stone for the Temple treasury.
- (3) Sleep is not tangible
- (4) This comes in the category of 'things concerning others'.
- (5) This comes in the category of 'things which have no substance'.
- (6) This also comes in the category of 'things which have no substance', in the sense that no useful purpose is served.
- (7) Lev. V, 4; this implies an oath to do something in the future.
- (8) If you take the verse literally.
- (9) Lev., V, 4: whatsoever it be that a man shall utter with an oath.
- (10) That an oath in the past is also punishable.
- (11) If he says, 'I vow that the sukkah which I make shall be prohibited to me,' it is prohibited, and he may not sit in it; but if he says: 'I swear that I shall not sit in the sukkah,' his oath cannot take effect; v. infra 27a; Ned. 16a, b.
- (12) A vow can take effect only on something tangible. If he says, 'I vow that I shall not sleep,' it has no effect; but if he says, 'I vow my eyes from sleep' (i.e., I condemn my eyes to sleeplessness), the vow takes effect on the eyes (which are tangible). The reason is that uttering a vow (usually expressed by konam) is akin to dedicating to the Temple (konam is a substitute for korban, an offering to the Temple); and just as the korban must be tangible, so must the konam be tangible.
- (13) Deut. XV, 10; and an oath to fulfil a mizwah cannot take effect; infra 27a.
- (14) 'I shall not sleep,' with no time limit imposed, implies 'I shall never sleep,' which is obviously an impossibility.
- (15) Because it is impossible to refrain from sleep for three days; therefore it is a vain oath (i.e., as soon as uttered, its falsity is apparent), and not שבועת בטוי.
- (16) He might therefore have meant a lesser period.
- (17) For Scripture says, to do evil or to do good (Lev. V, 4); to do evil, e.g., 'I shall not eat' = negative; to do good, e.g., 'I shall eat' = positive. An oath, to make the utterer liable, must therefore be applicable both negatively and positively.
- (18) 'I swear that So-and-so will throw (or, will not throw) a pebble in the sea;' this is merely a vain oath, and not an oath of utterance (שבועת בטוי), because he has no power to compel that person to carry out his oath; and because the oath is inapplicable in the future, it imposes no liability when uttered in the past.
- (19) That he is liable for an oath in the past also.
- (20) That he is liable only for an oath in the future. Now, since R. Akiba and R. Ishmael already disagree on this point, why do Rab and Samuel (who are amoraim) state their view's as if they were disagreeing on a new principle? Let Rab say that he agrees with R. Akiba, and Samuel that he agrees with R. Ishmael.
- (21) E.g., 'I shall eat,' or, 'I shall not eat.'
- (22) E.g., 'So-and-so will throw (or, will not throw) a pebble in the sea.'
- (23) In the Mishnah.

Talmud - Mas. Shevu'oth 25b

R. Judah b. Bathyra and the Rabbis disagree? For we learnt: If he swore to annul a precept, and did not annul it, he is exempt; to fulfil a precept, and did not fulfil it, he is exempt; though logically he

should be liable [in the second case] as is the opinion of R. Judah b. Bathyra, [for] R. Judah b. Bathyra said: If, for an optional matter, for which he is not adjured from Mount Sinai, he is liable;¹ for a precept, for which he is adjured from Mount Sinai, he should most certainly be liable! — They replied to him: No! If you say that for an oath on an optional matter [he is liable], it is because [Scripture] has made negative equal to positive;² but how can you say that for an oath [to fulfil] a precept [he is liable], since [Scripture] in that case, has not made negative equal to positive?³ — Now, shall we say that Rab agrees with R. Judah b. Bathyra,⁴ and Samuel agrees with the Rabbis?⁵ — [No!] With reference to R. Judah b. Bathyra's view they do not disagree; since even negative and positive he does not require, will he require future and past?⁶ But they disagree as to the view of the Rabbis: Samuel agrees with the Rabbis, and Rab [says], the Rabbis do not make him liable [unless it is applicable] in both negative and positive [forms], for it is written distinctly: to do evil, or to do good; but for future and past, which is deduced [merely] from the amplification of the verse,⁷ they make him liable [even if the oath is not applicable in both future and past].⁸

R. Hammuna raised an objection: [We learnt: If a man says,] 'I did not eat today', or, 'I did not put of tefillin today.' 'I adjure you;' and he said, 'Amen!' he is liable.⁹ Granted, 'I did not eat' is applicable [in the future]: 'I shall not eat'; but 'I did not put on [tefillin]'- is this applicable [in the future]: 'I shall not put on tefillin'?¹⁰ — He himself put the question, and he himself answered it: The Mishnah means it disjunctively:¹¹ 'I did not eat', [he is liable] for an offering: 'I did not put on [tefillin]', he is liable] for stripes.¹²

Raba raised an objection [We learnt:] What is a vain oath? If he swore that which is contrary to the facts known to man, saying of a pillar of stone that it was of gold.¹³ And Ulla said: Provided that it was already known to three men [that it was of stone].¹⁴ Now, the reason [that he is liable for a vain oath] is because it is known [to three men that it is of stone], but if it were not known [to three men], he would be transgressing an oath of utterance.¹⁵ Why? It is not [applicable in the future: 'I swear] it will be of gold!'¹⁶ He himself put the question — and he himself answered it: If it is known, he transgresses a vain oath; if it is not known, he transgresses a false oath.¹⁷

Abaye said: Rab admits that he who says to his neighbour, 'I swear that I know some testimony for you,' and it was found that he did not know, is exempt, because it is not applicable [negatively]. 'I do not know any testimony for you.'¹⁸

[If a man says,] 'I did know [testimony for you]', or, 'I did not know;' [in this there is] disagreement [between Rab and Samuel].¹⁹ 'I bore witness [for you],' or, 'I did not bear witness': [in this there is also] disagreement [between them].²⁰

Granted, according to Samuel who says that in a case which is not applicable in the future he is not liable for the past, therefore the Divine Law removed the oath of testimony from the category of the oath of utterance;²¹ but, according to Rab, for what purpose did the Divine Law remove it?²² — The Rabbis said to Abaye: In order to make him liable for it twice.²³ He [however] replied to them: You cannot say [he is liable] twice, for it has been taught: [When he shall be guilty] in one of these things²⁴ — for one you make him liable, but you do not make him liable for two. Well then, according to Abaye, for what purpose did the Divine Law remove [the oath of testimony from the category of the oath of utterance in Rab's view]?²⁵ — [For this purpose:] It has been taught: In all of them it is said, and it was hidden [from him];²⁶ but here,²⁷ it is not said, and it was hidden; in order to make him liable²⁸ for wilful²⁹ as for unwitting [transgression]. The Rabbis said to Abaye: Say that for wilful transgression he is liable one;³⁰ for unwitting, two.³¹ — He replied to them: Is that not what I said: [it is written,] in one [of these things]²⁴ — for one you make him liable, but you do not make him liable for two; and if [it refers to] wilful transgression, are there, then, two?³²

Raba said: Because it was a matter included in a generalisation, and it was singled out [from the

generalisation] in order to introduce an anomaly; therefore, you cannot add anything to this anomaly.³³ — This would imply that Abaye holds that the oath [of utterance] is still in existence.³⁴ But did not Abaye say: Rab admits that he who says to his neighbour, ‘I swear that I know some testimony for you,’ and it was found that he did not know, is exempt, because it is not applicable [negatively], ‘I do not know any testimony for you’!³⁵ — Abaye withdrew from that [statement].³⁶ Or, if you will, you may say,

(1) For not fulfilling his oath.

(2) If he swears not to do a certain action, he is liable if he does not fulfil his oath.

(3) If he swears not to fulfil a precept, he cannot carry out his oath; Mishnah *infra* 27a.

(4) Who does not require that an oath should be applicable in both positive and negative forms, and therefore does not require also that it should be applicable in both past and future forms.

(5) Just as the Rabbis, who oppose R. Judah, hold that it should be possible for an oath to be applied both positively and negatively, so they hold that it should be possible for it to be applied also for past and future; and when it is inapplicable in the future (e.g., ‘I swear So-and-so will throw a pebble’), it cannot be applied in the past (‘I swear So-and-so has thrown’).

(6) Rab and Samuel agree that R. Judah b. Bathyra does not require an oath to be applicable both in the past and the future, for he does not even require it to be applicable both positively and negatively, though Scripture states, to do evil or to do good, which implies negative and positive. He therefore certainly does not require the oath to be applicable in both past and future, for this proviso is not definitely stated in the Scriptures.

(7) *Supra* 25a, *infra* 26a.

(8) Rab, therefore, in accordance with his interpretation of the view of the Rabbis, makes him liable in the case of ‘I swear So-and-so has thrown a pebble in the sea,’ though it is inapplicable in the future.

(9) A second person said to the first, ‘I want you to swear that you did not eat, or did not put on tefillin,’ and the first replied, ‘Amen;’ but he had eaten, or had put on tefillin, he is liable for breaking his oath; for ‘Amen’ in response to an adjuration is equivalent to uttering an oath; Mishnah *infra* 29b.

(10) This is swearing to annul a precept, for which he is not liable. According to the Rabbis (in Samuel's interpretation), if an oath is not applicable in the future he is not liable for it even in the past; then why is he liable for ‘I have not put on tefillin’?

(11) They are two distinct statements.

(12) Fictitiously uttering a false oath, but he is not liable for an offering, if he unwittingly uttered this false oath, because it is inapplicable in the future.

(13) *Infra* 29a.

(14) If a fact is known to at least three men, it is accepted as well established.

(15) **שבועת בטוי**; if it is known to less than three men, his oath is not contrary to the fact known to men (i.e., universally known); and is therefore not a vain oath (the falsity of which is evident to all immediately).

(16) And therefore, according to the Rabbis (in Samuel's interpretation), he should not be liable for it even in the past.

(17) Which need not be applicable in the future to make him liable. It is only in the case of **שבועת בטוי** that the oath must be applicable both for positive and negative and (according to Samuel) also for past and future.

(18) For Rab agrees that though it is not necessary for an oath to be applicable for both future and past, it must be applicable for negative and positive. If he swears, ‘I did not know any testimony for you,’ and it was found that he did know, he is not liable for **שבועת בטוי**, but for **שבועת העדות**, for refusing to bear witness for his neighbour; and for this he is liable only if he swears falsely before the Beth din; *infra* 30a.

(19) According to Rab he is liable, because it is applicable positively and negatively; but according to Samuel he is exempt; because it is not applicable in the future: ‘I swear I shall know (or, shall not know) testimony for you,’ for it is outside his control; v. Maharsha, a.l.

(20) Because it is inapplicable in the future: ‘I swear I shall (or, shall not) bear witness’ is an oath to fulfil (or, annul) a precept, for which he is exempt.

(21) And expressed it clearly in a separate verse (Lev. V, 1); because the oath of testimony, since it is inapplicable in the future (and yet imposes liability), could not be deduced from the oath of utterance (*ibid.* 4), which does not impose liability in the past in a case where the future is inapplicable.

(22) From the category of the oath of utterance, since, according to Rab, he is liable for an oath even if it is not

applicable in the future.

(23) If he is eligible as a witness, and swore before the Beth din that he did not know any testimony, he is liable both for the oath of testimony and oath of utterance.

(24) Lev. V, 5.

(25) V. note 1.

(26) Lev. V, 2, 3, 4; with reference to the laws of uncleanness, and the oath of utterance.

(27) Lev. V, 1; with reference to the oath of testimony.

(28) A sliding scale sacrifice.

(29) In which case there is no sacrifice for the transgression of the oath of utterance, but he brings a sacrifice for the wilful transgression of the oath of testimony.

(30) Sliding scale sacrifice for the oath of testimony.

(31) One for the oath of testimony, and one for the oath of utterance.

(32) The verse, in distinctly limiting liability to one offering, must refer to unwitting transgression (where two offerings are possible), and not to wilful transgression, for here, two are not possible, and there is no need for Scripture's limitation.

(33) Lit., 'You have therein only its anomaly.' Raba maintains that it is not necessary to deduce from the phrase, in one of these things that he is liable for only one offering; without this phrase we know it, for the oath of testimony was included in the oath of utterance (for it is also an utterance); but Scripture singled it out from this generalisation in order to teach us that he is liable to bring an offering even for wilful transgression; therefore, since this is exceptional, we cannot make it more exceptional still by declaring him liable to bring two offerings in certain circumstances.

(34) Abaye holds that the oath of testimony is still an oath of utterance also, for he requires the limitation (in one of these things) to deduce that only one offering is brought. According to him, therefore, in a case where the oath of testimony would not apply (e.g., an ineligible witness), he would be liable on account of the oath of utterance.

(35) The oath of testimony, therefore, cannot create liability on account of its being also an oath of utterance, because it is inapplicable negatively. But if Abaye holds that the oath of testimony is also an oath of utterance, it is possible to find a case where it is applicable negatively, e.g., one who is ineligible as a witness. In such a case, if he says: 'I swear I know some testimony for you', he should be liable on account of the oath of utterance, for it is applicable negatively: 'I swear I do not know any testimony for you;' and if he does know, he should bring an offering for transgressing the oath of utterance (for the oath of testimony does not apply at all, since he is ineligible as a witness).

(36) I.e., changed his opinion, and does not now hold that 'Rab admits that he who says, etc.'

Talmud - Mas. Shevu'oth 26a

one of them was stated by R. Papa.¹

R. ISHMAEL SAYS, HE IS LIABLE ONLY FOR [AN OATH IN] THE FUTURE. Our Rabbis taught: To do evil, or to do good.² [From this] we know only such cases where doing evil and doing good are applicable; but how do we know such cases where doing evil and doing good are not applicable? Because it is said, Or if anyone swear clearly with his lips.³ [From this] we know only [oaths in] the future;⁴ how do we know [oaths in] the past? Because it is said: Whatsoever it be that a man shall utter clearly, with an oath.⁵ This is the opinion of R. Akiba. R. Ishmael says: To do evil, or to do good implies the future. R. Akiba said to him: If so, we know only such cases where doing evil and doing good are applicable; how do we know such cases where doing evil and doing good are not applicable? He replied to him: From the amplification of the verse.⁶ Whereupon he said to him: If the verse amplified for that,⁷ it amplified for this also.⁸ Well did R. Akiba reply to R. Ishmael!⁹ — R. Johanan said: R. Ishmael who ministered to¹⁰ R. Nehunia b. Hakanah, who expounded the whole Torah on the principle of generalisation and specification, also expounded it on the principle of generalisation and specification; R. Akiba who ministered to Nahum of Gamzu,¹¹ who expounded the whole Torah on the principle of amplification and limitation, also expounded it on the principle of amplification and limitation.

How does R. Akiba expound it on the principle of amplifications and limitations? It has been

taught: Or if any one swear [clearly with his lips — this amplifies;¹² to do evil, or to do good — this limits;¹³ whatsoever it be that a man shall utter clearly [with an oath] — this again amplifies: because it amplifies, limits, and amplifies, it includes all;¹⁴ what does it include? It includes all things. What does it exclude? It excludes a precept.¹⁵ And R. Ishmael expounds it on the principle of generalisation and specification: or if any one swear clearly with his lips — this generalises; to do evil or to do good this specifies; whatsoever it be that a man shall utter clearly [with an oath] — this again generalises: because it generalises, specifies, and generalises, you may include in the generalisation only [those oaths which are] similar to the specification: just as the specification is clearly in the future, so all [oaths] in the future [may be included]; the generalisation helping to include even cases where doing evil and doing good are not applicable [as long as they are oaths] in the future; and the specification helping to exclude even cases where doing evil and doing good are applicable [if they are oaths] in the past. Let me reverse it!¹⁶ — R. Isaac said: [We include only oaths] similar to [the oath] to do evil, or to do good, where the prohibition is on account of he shall not break his word,¹⁷ but exclude this [oath] where the prohibition is not on account of he shall not break his word, but on account of ye shall not lie.¹⁸ R. Isaac b. Abin said: Scripture says, Or if any one swear clearly with his lips: the oath must precede the utterance, and not the utterance precede the oath;¹⁹ this excludes ‘I ate’, or, ‘I did not eat,’ where the action precedes the oath.

Our Rabbis taught: [Whatsoever it be that] a man [shall utter clearly] with an oath²⁰ — this excludes [a false oath by] accident; and it be hid — this excludes wilful [transgression of oath]; from him — [this implies that] the oath was hidden from him.²¹ I might think that [even] if the thing be hidden from him [he should be liable], therefore it is said: . . . with an oath, and it be hid . . . for the unawareness of the oath he is liable, and he is not liable for the unawareness of the thing.²² The Master said: ‘. . . a man . . . with an oath — this excludes [a false oath by] accident’. How is this? As the case of R. Kahana and R. Assi: when they rose from [the lecture of] Rab, one said, ‘I swear that thus said Rab,’ and the other said, ‘I swear that thus said Rab.’ When they came [again] before Rab, he would agree with one of them; then the other would say to him, ‘Did I, then, swear falsely?’ He would reply to him, ‘Your heart deceived you.’²³

‘And it be hid from him — [this implies that] the oath was hidden from him. I might think that [even] if the thing be hidden from him [he should be liable], therefore it is said: . . . with an oath, and it be hid . . . for the unawareness of the oath he is liable, and he is not liable for the unawareness of the thing.’ They laughed at this in the West.²⁴ Granted, [unawareness of] oath is possible without [unawareness of] thing; for example, if he said, ‘I swear I shall not eat wheat bread,’ and he thought he had said, ‘I shall eat,’ his oath he forgot, and the thing he remembered. But [unawareness of] thing without [unawareness of] oath — how is that possible? If for example, he said, ‘I swear I shall not eat wheat bread,’ and he thought he had said ‘barley [bread],’ his oath he remembered,²⁵ and the thing he forgot. — Since he forgot the thing, it is [automatically] unawareness of oath!²⁶ — Well then, said R. Eleazar, this and that are one.²⁷

R. Joseph demurred: This means that [unawareness of] thing without [unawareness of] oath is by no means possible? But surely it is possible; for example, if he said, ‘I swear I shall not eat wheat bread,’ and he stretched out his hand to the basket to take barley bread, but wheat [bread] came to his hand, and he, thinking it was barley [bread], ate it: now, his oath he remembered, but it was the thing that he did not know!²⁸ — Abaye said to him: But do you not make him liable for an offering for that which he holds in his hand? It is, therefore, unawareness of oath.²⁹ Another version: Abaye said to R. Joseph: In any case, he should bring an offering for this bread, for it is unawareness of oath. And R. Joseph? — He may reply to you: Since, if he had known that this was wheat, he would have refrained from [eating] it, it is unawareness of thing.

Raba enquired of R. Nahman: If there was unawareness of both, what is the ruling? — He said to him: Since there is unawareness of oath, he is liable. On the contrary, since there is unawareness of

thing, he should be exempt! — R. Ashi said: We observe, if because of the oath he refrains,³⁰ it is [a case of] unawareness of oath, and he is liable; and if because of the thing he refrains,³¹ it is [a case of] unawareness of thing, and he is exempt. Said Rabina to R. Ashi: Does he then refrain because of the oath unless it be also because of the thing, and does he refrain because of the thing unless it be also because of the oath?³² There is really no difference.³³

Raba enquired of R. Nahman:

(1) Who was a disciple of Abaye and Raba. His disciples, in turn, were sometimes not sure whether a statement of his was intended to be his own view or the view of Abaye (or Raba). One of the two statements (which cannot be reconciled with each other) attributed here to Abaye is, in reality, the opinion of R. Papa, his successor.

(2) Lev. V, 4.

(3) Ibid.; apparently any oath.

(4) If any one swear . . . to do evil, or to do good, implies swearing to do something in the future.

(5) Lev. V, 4, whatsoever it be, i.e., even an oath in the past.

(6) Whatsoever it be, etc.

(7) Cases where doing evil and doing good are not applicable.

(8) Oaths in the past.

(9) Why does not R. Ishmael agree with him?

(10) Was a disciple of.

(11) A village in south-western Judea; v. Ta'an. 21a; he was called **אִישׁ גַּם זֶה**, because, whatever evil befell him, he said, **גַּם זֶה לְטוֹבָה** 'this also is for the best'.

(12) All kinds of oaths.

(13) Only oaths where doing evil or good are applicable.

(14) V. p. 12, n. 3.

(15) Swearing to fulfil or annul a precept; infra 27a.

(16) Since the generalisation tends to include, and the specifications to exclude, let us include even oaths in the past which are similar to the specification in that doing evil and doing good are applicable; and exclude even oaths in the future where doing evil and doing good are not applicable.

(17) Num. XXX, 3; this implies that he may keep his word if he wishes, which is possible only in an oath in the future.

(18) Lev. XIX, 11, this implies that at the moment of utterance the oath must not be a lie; this can refer only to an oath in the past.

(19) Lit., 'if any one swear to utter with the lips:' the swearing must precede the utterance, i.e., the action to which the utterance refers; but if the action to which the utterance refers has already preceded the swearing (= oath in the past), the oath is excluded.

(20) Lev. V, 4; **הָאָדָם בְּשִׁבוּעָה**; at the time of the oath he must be a man, i.e., have all his faculties, but if he swears falsely by accident (thinking it is the truth), he is exempt.

(21) Whatsoever . . . a man shall utter with an oath, and it be hid from him; i.e., the oath be hid from him; he forgot, when doing the action, that he had sworn not to do it.

(22) E.g., 'I swear I shall not eat wheat bread,' and he took a loaf which he thought was of barley (but which was really of wheat), and ate it, he is not liable to bring an offering, because it is a case of unawareness of thing (and awareness of oath).

(23) You thought you were swearing the truth; it is a false oath by accident.

(24) In Palestine; v. Sanh. 17b.

(25) He remembered that it was: 'I shall not eat,' but forgot which thing it was he was not to eat.

(26) For the oath was: 'I shall not eat wheat bread,' and if he forgot 'wheat bread,' he forgot an integral part of the oath.

(27) Unawareness of oath and unawareness of thing are the same; unawareness of thing is not possible without unawareness of oath.

(28) He remembered the oath completely, but mistook the object: this then might be the unawareness of thing by itself which is excluded in the Baraita.

(29) He thought that what he held in his hand was barley bread, and therefore he thought that he had not sworn for what he held in his hand; but, in reality, he had sworn not to eat it, for it was wheat bread; he was, therefore, unaware of the

oath with reference to this loaf: hence, it is unawareness of oath.

(30) He is reminded, for example, that he has sworn not to eat wheat bread (and the fact that this loaf is wheat bread is not mentioned to him), and he immediately refrains from eating this loaf; he thus refrains because of the oath. He had already, however, eaten a ka-zayith, before he was reminded, and he is therefore liable to bring an offering, because it is a case of unawareness of oath.

(31) He is reminded that this is wheat bread (and the fact that he has sworn is not mentioned to him), and he refrains from continuing to eat it.

(32) When he is reminded of one of the facts (that he has sworn, or that this is wheat bread), he refrains from eating, because he immediately recollects the other fact. If he did not recollect the other fact, he would not refrain, for the fact that he had sworn not to eat wheat bread would not matter if this loaf were not wheat, and the fact that this loaf is wheat would not matter if he had not sworn not to eat it.

(33) And he is exempt; for he is liable only for unawareness of oath by itself; v. supra 19a for similar discussion.

Talmud - Mas. Shevu'oth 26b

What is unwitting transgression of oath of utterance in the past?¹ If he knew,² it is wilful transgression; if he did not know, it is accidental transgression? — He replied to him: [It is possible in the case of] one who says, 'I know that this oath is prohibited, but I do not know whether one is liable to bring an offering for it or not.'³ According to whom will this be? According to Monobaz, who holds that ignorance of [liability for] an offering is termed ignorance!⁴ — You may [however] say that it will be even in accordance with the view of the Rabbis;⁵ for the Rabbis disagree with Monobaz only in the rest of the Torah where there is no innovation,⁶ but here where there is an innovation — for in the whole Torah we do not find that [the unwitting transgression of] a negative precept [for the wilful transgression of which kareth is not inflicted] should make him liable for an offering, for we deduce it from the ruling concerning idolatry;⁷ yet here, it does make him liable to bring [an offering] even the Sages admit.⁸

Rabina enquired of Raba: If he swore concerning a loaf [not to eat it], and he was dangerously ill on account of [not being able to eat] it, what is the ruling? — If he is dangerously ill, [of course] you may permit it to him!⁹ Well then, if he is distressed,¹⁰ and he ate it, unwittingly transgressing the oath, what is the ruling?¹¹ — He said to him, it has been taught: He who would turn back if he knew¹² brings an offering for his unwitting transgression; he who would not turn back if he knew, does not bring an offering for his unwitting transgression.¹³

Samuel said: If he decided in his mind,¹⁴ he must utter it with his lips,¹⁵ for it is said: to utter with the lips.¹⁶ An objection was raised: with the lips, but not in the mind. If he decided in his mind, how do we know [that he is liable]? Because it is said: whatsoever it be that a man shall utter clearly with an oath.¹⁶ This itself is contradictory! You say, with the lips, but not in the mind; and then you say, if he decided in his mind, how do we know [that he is liable]? — R. Shesheth said: This is no question; thus he means: with the lips, but not if he decided in his mind to utter it with his lips, and did not utter it.¹⁷ If he decided in his mind, simply,¹⁸ how do we know [that he is liable]? Because it is said: whatsoever it be that a man shall utter clearly. But against Samuel the question remains!¹⁹ — R. Shesheth said: Answer it thus: with the lips, but not if he decided in his mind to utter 'wheat bread', and he uttered 'barley bread'.²⁰ If he decided in his mind to utter 'wheat bread', and he uttered 'bread' simply, how do we know [that he is liable]?²¹ Because it is said: whatsoever it be that a man shall utter clearly.²²

An objection was raised: That which is gone out of thy lips thou shalt observe and do;²³ from this we know only, if he uttered it with his lips; if he decided in his mind, how do we know [that he must keep his promise]? Because it is said: all who were willing-hearted [brought . . . an offering of gold unto the Lord].²⁴ — There it is different, because it is written: all who were willing-hearted.²⁵ But let us deduce from it.²⁶ — [No!] because [tabernacle] offerings and holy things are 'two verses which

come as one';²⁷ and all [cases of] 'two verses which come as one' do not teach [for other cases].²⁸ — That is well, according to the one who holds that 'they do not teach'; but according to the one who holds that 'they do teach', what shall we say?²⁹ — This is hullin, and [the others are] holy things; and hullin we cannot deduce from holy things.³⁰

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- (1) Since it has been deduced (from **האדם בשבועה**, supra) that if he swears falsely, thinking it is the truth, it is termed accidental transgression, and he is exempt; how is unwittingly transgression (for which he is liable) possible?
- (2) At the time of the oath that he was swearing falsely.
- (3) Although it is wilful transgression, it is counted as unwitting, because he did not know that he was liable for an offering.
- (4) Shab. 69a; and because of this his wilful transgression of the oath is counted as unwitting transgression.
- (5) Who hold that ignorance of liability for an offering does not make the transgression unwitting.
- (6) Normally, when kareth is inflicted for wilful transgression, an offering is brought for unwitting transgression; it is an innovation in the Torah, in the case of oaths, to make him liable for an offering for unwitting transgression, when for wilful transgression the punishment is merely stripes.
- (7) Shab. 68b, 69a; Scripture says: And if ye err, and do not observe all these commandments . . . (Num. XV, 22); this refers to idolatry (Hor. 8a); an offering is brought for unwitting transgression (verse 27); ye shall have one law for him that doeth aught in error (verse 29): this implies that one law, the same law, applies both to idolatry and to other sins; in idolatry, wilful transgression is punished by kareth: but the soul that doeth aught with a high hand (i.e., wilfully) . . . shall be cut off (verse 30); therefore all sins, for the wilful transgression of which kareth is inflicted, are punished by the bringing of an offering for unwitting transgression.
- (8) That ignorance of liability for an offering is counted as ignorance, and he brings an offering.
- (9) In the case of dangerous illness (**סכנה**) a commandment may be transgressed; even the Sabbath may be desecrated; v. Bez. 22a.
- (10) Not dangerously ill, but sufficiently distressed to have eaten it, even if he had remembered his oath.
- (11) Does he bring an offering, since he transgressed the oath unwittingly: or, since he was prepared to transgress it wilfully, does he not bring an offering?
- (12) I.e., he would not transgress wilfully.
- (13) V. Hor. 20a; in the present instance, since he would have eaten the loaf, even if he had remembered his oath, he does not bring an offering for eating it when he forgot the oath, for it is not absolutely unwitting transgression; it is almost (though not quite) like wilful transgression; and though stripes are not inflicted, for it is not actually wilful transgression, yet he is not allowed to bring an offering (which would serve to cleanse him from his sin): it is not a sufficiently heavy punishment for his sin.
- (14) To swear a certain oath.
- (15) Otherwise it is no oath, and he is not liable.
- (16) Lev. V, 4.
- (17) He decided it should not be an oath unless he uttered it.
- (18) That it should be an oath without uttering it.
- (19) For Samuel said: If he decided in his mind, he must utter it with his lips; apparently it is not counted an oath unless it is uttered. Samuel's statement cannot be explained in the same way as R. Shesheth explains the Baraita, because Samuel, being an amora, should have explained it clearly himself, had he intended it thus; v. Tosaf. a.l.
- (20) It is no oath; and he is exempt if he eats wheat bread, because he did not utter it; and he is exempt if he eats barley bread, because he had not intended it in his mind; v. R. Han. a.l.
- (21) If he eats wheat bread, since his uttered oath does not at least conflict with his intended oath.
- (22) Even if he does not utter his complete intention. And Samuel also means this: If he decided in his mind, he must utter it with his lips, i.e., he must utter at least the main portion of his oath (e.g., 'bread', and not necessarily 'wheat bread'); but if he does not utter it with his lips, it is no oath: an oath in the mind is not an oath.
- (23) Deut. XXIII, 24; promising to bring free-will offering.
- (24) Ex. XXXV, 22; hence, the willing-hearted (those who had only made up their hearts or minds to bring) fulfilled their promise. Why then, does Samuel say, in the case of an oath, that it must be uttered with the lips in order to make him liable?
- (25) But in the case of oaths the expression willing-hearted is not used.

(26) That in the case of an oath also the intention of the mind should be sufficient.

(27) i.e., teach the same thing. In the case of the Tabernacle offerings the phrase willing-hearted is used, and in the case of holy things (when Hezekiah re-consecrated the Temple, and the people brought free-will offerings: 2 Chron. XXIX, 31) the phrase willing-hearted is used. When the same phrase (or, rule) is used in the case of two things, the implications is that only in these two things is this phrase (or, rule) applicable, and in no other, for, if Holy Writ had desired other cases to be the same, then the phrase would have been used only in one case, and all others could have been deduced from it: the fact that it is used in two cases implies that it is limited to these two, and that no others are to be deduced from them.

(28) I.e., we cannot deduce other cases from them.

(29) One authority (R. Judah; v, Kid. 35a) holds that from two similar cases we can deduce for others; and that only when there are three similar cases we cannot deduce others from them. According to him, let us deduce from these two cases the case of oaths that intention should suffice.

(30) Tabernacle offerings and Temple offerings are holy things; and we cannot deduce the case of oaths (which are hullin, dealing with ordinary, unconsecrated objects) from that which obtains in connection with holy things: the law with reference to holy things may be stricter.

Talmud - Mas. Shevu'oth 27a

MISHNAH. IF HE SWORE TO ANNUL A PRECEPT, AND DID NOT ANNUL IT, HE IS EXEMPT; TO FULFIL [A PRECEPT], AND DID NOT FULFIL IT, HE IS EXEMPT; THOUGH LOGICALLY [IN THE SECOND INSTANCE] HE SHOULD HAVE BEEN LIABLE, AS IS THE OPINION OF R. JUDAH B. BATHYRA: [FOR] R. JUDAH B. BATHYRA SAID: NOW, IF FOR AN OPTIONAL MATTER, FOR WHICH HE IS NOT ADJURED FROM MOUNT SINAI, HE IS LIABLE;¹ FOR A PRECEPT, FOR WHICH HE IS ADJURED FROM MOUNT SINAI, HE SHOULD MOST CERTAINLY BE LIABLE!² THEY REPLIED TO HIM: NO! IF YOU SAY THAT FOR AN OATH IN AN OPTIONAL MATTER [HE IS LIABLE]. IT IS BECAUSE [SCRIPTURE] HAS IN THAT CASE MADE NEGATIVE EQUAL TO POSITIVE [FOR LIABILITY];³ BUT HOW CAN YOU SAY THAT FOR AN OATH [TO FULFIL] A PRECEPT [HE IS LIABLE], SINCE [SCRIPTURE] HAS NOT IN THAT CASE MADE NEGATIVE EQUAL TO POSITIVE, FOR IF HE SWORE TO ANNUL [A PRECEPT], AND DID NOT ANNUL IT, HE IS EXEMPT!⁴ GEMARA. Our Rabbis taught: I might think that if he swore to annul a precept, and did not annul it, he should be liable,⁵ therefore it is said: to do evil, or to do good; just as doing good is optional,⁶ so doing evil must be optional;⁷ I must therefore exclude: if he swore to annul a precept, and did not annul it; for which he is exempt. I might think that if he swore to fulfil a precept, and did not fulfil it, he should be liable, therefore it is said: to do evil, or to do good; just as doing evil is optional, so doing good must be optional; I must therefore exclude: if he swore to fulfil a precept, and did not fulfil it; for which he is exempt.⁸

I might think that if he swore to do evil to himself, and did not do so, that he should be exempt, therefore it is said: to do evil, or to do good; just as doing good is optional, so doing evil must be optional; I will therefore include: if he swore to do evil to himself, and did not do so, [that he is liable,] for the option is in his own hands.⁹ I might think that if he swore to do evil to others, and did not do so, that he should be liable, therefore it is said: to do evil, or to do good; just as doing good is optional, so doing evil must be optional. I will therefore exclude: if he swore to do evil to others, and did not do so, [that he is exempt], for the option is not in his hands. Whence do we know to include [an oath] to do good to others?¹⁰ Because it is said: or¹¹ to do good. And what is doing evil to others? 'I shall smite So-and-so, and crack his brain.'

But how do we know that the verses refer to optional matters, perhaps they refer [also] to matters relating to precepts?¹² — That cannot enter our minds, for we require that doing good shall be similar to doing evil, and that doing evil shall be similar to doing good; for [the verse] likens doing evil to doing good: just as doing good cannot refer to the annulling of a precept,¹³ so doing evil

cannot refer to the annulling of a precept;¹⁴ [so that this] doing evil is actually doing good!¹⁵ And it likens doing good to doing evil; just as doing evil cannot refer to the fulfilling of a precept,¹⁶ so doing good cannot refer to the fulfilling of a precept;¹⁷ [so that this] doing good is actually doing evil!¹⁸ If so, even in an optional matter it is not possible!¹⁹ — Well then since [the word] ‘or’ is necessary in order to include doing good to others,²⁰ we deduce that the verses refer to optional matters, for if it should enter your mind that they refer to matters relating to precepts [we would not require the word ‘or’ to include doing good to others for], since doing evil to others is included,²¹ doing good is certainly [included]!

But this [word] ‘or’ is necessary to separate [the phrases]?²² — To separate them the word is not necessary.²³ That is so, according to R. Jonathan, but according to R. Josiah, what is to be said? For it has been taught: A man who curseth his father or his mother [shall surely be put to death];²⁴ from this we know only [if he curses] his father and his mother;²⁵ [if he curses] his father and not his mother, or his mother and not his father, how do we know [that he is liable]? Because it is [also] said: His father or his mother he hath cursed;²⁶ his father he hath cursed, his mother he hath cursed.²⁷ This is the opinion of R. Josiah. R. Jonathan said: It may imply both together, and it may also imply each one alone

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- (1) If he swears to do it, and does not.
 - (2) If he swears to fulfil it, and does not.
 - (3) If he swears to do evil (e.g., not to eat) or, to do good (e.g., to eat), and breaks his oath, he is liable in either case.
 - (4) Annulling a precept being counted negative; and fulfilling, positive. If there is no liability for not fulfilling the negative oath, there is no liability for not fulfilling the positive oath.
 - (5) For it comes under the category of to do evil.
 - (6) It is explained below why the expression to do evil, or to do good is taken to refer to optional matters, and not to annulling (to do evil) or fulfilling (to do good) a precept.
 - (7) The oath to do evil must refer to that which is purely optional (e.g., not to eat), but not to the annulling of a precept (e.g., to eat on the Day of Atonement) which is not optional.
 - (8) For, fulfilling a precept is obligatory, and not optional.
 - (9) A man may do an injury to himself; v. B. K. 91b.
 - (10) That if he swore to do good to others, and did not fulfil his oath, he is liable.
 - (11) וְ is superfluous, for the verse could have said **לֹא תֵעָשֶׂה וְלֹא תֵעָשֶׂה** (vav has the meaning also of ‘or’).
 - (12) Doing good will mean complete good, i.e., to body and soul; e.g., to eat (= good for the body) mazzah on Passover (= good for the soul, in fulfilling the precept); and doing evil will mean complete evil, i.e., to body and soul; e.g., not to eat (= evil for the body) mazzah on Passover (= evil for the soul, in annulling the precept); v. Tosaf. a.l. and Maharsha.
 - (13) E.g., ‘I shall eat (= doing good) hamez on passover’ (= annulling a precept), for this is not a complete good. It must refer, therefore, to the fulfilling of a precept, e.g., ‘I shall eat mazzah on Passover’.
 - (14) E.g., ‘I shall not eat (= doing evil) mazzah on Passover’ (= annulling a precept), but must refer to the fulfilling of a precept, e.g., ‘I shall not eat hamez on passover’.
 - (15) ‘I shall not eat hamez on Passover’ is doing good, for though the first part (‘I shall not eat’) is evil for the body, the oath is good for the soul, and that is the main factor (v. Maharsha). If the verse, then, is concerned with the fulfilling and annulling of precepts, why is this clause (doing evil) mentioned, since it is actually doing good, and that has already been mentioned?
 - (16) E.g., ‘I shall not eat (= doing evil) hamez on Passover’ (= fulfilling a precept); for this is not doing evil so far as the precept is concerned (which is the main factor). It must therefore refer to the annulling of a precept, e.g., ‘I shall not eat mazzah on Passover.’
 - (17) E.g., ‘I shall eat (= doing good) mazzah on Passover’ (= fulfilling a precept); but must refer to the annulling of a precept, e.g., ‘I shall eat hamez on Passover.’ Hence this doing good (‘I shall eat’) is actually doing evil from the point of view of the precept; then why is this clause written, since doing evil is already mentioned?
 - (18) Hence, we must say that the verse is not concerned with precepts, but with optional matters, i.e., doing good or evil simply to the body in matters not affecting the soul.
 - (19) According to your reasoning the verse cannot refer to optional matters either; for, we may say, the verse likens

doing evil to doing good: just as doing good ('I shall eat') means a complete good, and not, e.g., 'I shall eat poison' (for that is not doing good), but means e.g., 'I shall eat bread,' where the result is beneficial; so doing evil ('I shall not eat') must have a beneficial result, e.g., 'I shall not eat poison.' but this doing evil is actually doing good: and that has already been mentioned. Similarly, the verse likens doing good to doing evil: just as doing evil ('I shall not eat') does not refer to injurious foods (for that is not doing evil) but to beneficial foods, so that the result is injurious; so doing good ('I shall eat') must refer to that which is injurious ('I shall eat poison') so that the result is injurious; hence this doing good is actually doing evil; and this has already been mentioned; why does the verse mention it again?

(20) That if he swears to do good to others, and does not fulfil his oath, he is liable.

(21) For if he they refer to precepts, doing evil means annulling a precept, and this includes doing evil to another (for, injuring another is prohibited); and if he is liable for breaking his oath to injure another, he is certainly liable for breaking his oath to benefit another.

(22) To do evil, or to do good; without 'or' we might have assumed that he is liable only if he swears both to do evil and to do good. Since 'or' is necessary, it cannot be said to be superfluous in order to include doing good to others.

(23) Vav is also disjunctive, and וְלֹהֵיטִיב (instead of או) could have been written.

(24) Lev. XX, 9.

(25) For the verse has: אֶת אָבִיו וְאֶת אִמּוֹ (not או אִמּוֹ).

(26) Lev. XX, 9.

(27) Though the verse has: אֶת אָבִיו וְאִמּוֹ (not או), we deduce that it means either father or mother; for in the first half of the verse the verb is contiguous to father (... יִקְלַף אֶת אָבִיו ...), and in the second half it is contiguous to mother (... וְאִמּוֹ קִלְפֵּי ...).

Talmud - Mas. Shevu'oth 27b

unless the verse clearly specifies together.¹ [According to R. Josiah, then, how do we know that the verse concerning oaths refers to optional matters?]² — You may say that it will be even in accordance with the view of R. Josiah.³ He agrees with R. Akiba who expounds [the verse on the principle of] amplification and limitation; so that, granted if you say the verse refers to optional matters, it may exclude a precept; but if you say it refers [also] to precepts, what can it exclude?⁴

R. JUDAH B. BATHYRA SAID: NOW, IF FOR AN OPTIONAL MATTER, etc. Well did the Rabbis reply to R. Judah b. Bathyra.⁵ And R. Judah b. Bathyra? He may reply to you: Is there not [the case of] doing good to others, which, though it is not applicable [negatively] in doing evil to others, is yet included by the Divine Law? Similarly, therefore, in [the case of] fulfilling a precept, though it is not applicable [negatively] in annulling a precept, it may be included by the Divine Law. And the Rabbis? — There⁶ it is applicable [negatively in such a case as], 'I shall not do good [to others];'⁷ but here,⁸ is it applicable [negatively] in, 'I shall not fulfil [the precept]'?

MISHNAH. 'I SWEAR I SHALL NOT EAT THIS LOAF;' 'I SWEAR I SHALL NOT EAT IT;' 'I SWEAR I SHALL NOT EAT IT;' AND HE ATE IT, HE IS LIABLE ONLY ONCE. THIS IS THE OATH OF UTTERANCE, FOR WHICH ONE IS LIABLE, FOR ITS WILFUL TRANSGRESSION, STRIPES; AND FOR ITS UNWITTING TRANSGRESSION, A SLIDING SCALE SACRIFICE. FOR A VAIN OATH ONE IS LIABLE FOR WILFUL TRANSGRESSION, STRIPES; AND FOR UNWITTING TRANSGRESSION ONE IS EXEMPT.

GEMARA. Why does he state: I SWEAR I SHALL NOT EAT [THIS LOAF]; I SWEAR I SHALL NOT EAT IT?⁹ — This he teaches us: The reason is because he said, '[I swear] I shall not eat;' then he said, '[I swear] I shall not eat it,' therefore he is liable only once;¹⁰ but if he said, '[I swear] I shall not eat it;' and then he said, '[I swear] I shall not eat,' he is liable twice;¹¹ as is Raba's view, for Raba said: [If he said,] 'I swear I shall not eat this loaf,' as soon as he ate a ka-zayith of it, he is liable;¹² [but if he said, 'I swear] I shall not eat it,' he is not liable until he eats it all.¹³

'I SWEAR I SHALL NOT EAT IT,' AND HE ATE IT, HE IS LIABLE ONLY ONCE, etc. Why

is this further [oath] necessary?¹⁴ — This he teaches us: that there is no liability,¹⁵ but the oath remains, so that if room is found,¹⁶ it takes effect. For what practical purpose?¹⁷ — For that which Raba said, for Raba said: If he obtained absolution¹⁸ from the first, the second takes effect in its place.¹⁹

Shall we say that [the following] supports him? [For it has been taught:] He who vowed two vows of naziriteship,²⁰ and counted the first, and set apart the offering for it,²¹ and then obtained absolution from the first — then the second [vow] takes the place of the first!²² — How now!²³ There the [second vow of] naziriteship is at least in existence, so that when he would have finished counting for the first, he would have had to begin counting for the second, even if there had been no absolution; but here, would the second oath have any existence at all [were it not for the absolution from the first]?²⁴

Raba said: If he swore concerning a loaf,²⁵ and was eating it; then, if he left a ka-zayith of it, he may obtain absolution from it;²⁶ but if he has eaten it all, he cannot obtain absolution from it. Said R. Aha the son of Raba to R. Ashi: How is this? If he said, 'I shall not eat,' then from the first ka-zayith he has already transgressed the prohibition?²⁷ And if he said: 'I shall not eat it', then why mention ka-zayith,

(1) From the first half of the verse we know that each one separately is intended; for when Scripture intends the vav as a conjunction the word together (וְיחדוּ) is added; e.g., Thou shalt not plough with an ox and an ass together (Deut. XX, 10). The second half of the verse is, according to R. Jonathan, not necessary for the deduction that each one separately is intended, and is utilised by him for another deduction (cursing after death; v. Sanh. 85b).

(2) According to R. Jonathan, vav may be disjunctive, and וְ is not necessary (in לְהַרְעוּ אִם לְהַיְטִיב) to separate the phrases, so that it may be utilised, because it is superfluous, to include doing good to others; hence, because we require to deduce that doing good to others is included, it follows that the verse refers to optional matters (v. supra). But according to R. Josiah, וְ is necessary to separate the phrases, for vav is conjunctive; so that we cannot deduce the inclusion of doing good to others from וְ; how, then, do we know that the verse refers to optional matters?

(3) That the verse refers to optional matters.

(4) For, on the principle of amplification and limitation, only one thing is excluded; and that which most logically should be excluded is swearing to annul a precept; swearing to fulfil a precept is automatically excluded, because every oath must be possible of application both negatively and positively.

(5) V. Mishnah supra 27a.

(6) In the case of doing good to others.

(7) E.g., 'I shall not give a present to a wealthy man' ('I shall not give charity' would be annulling a precept).

(8) In the case of fulfilling a precept.

(9) Let him use the same form twice: 'I swear I shall not eat; I swear I shall not eat.'

(10) Because when he swears, 'I shall not eat,' he prohibits even a ka-zayith of it to himself; the second oath, 'I swear I shall not eat it' (implying all of it) can therefore not take effect on the first oath.

(11) For the first oath prohibits only the eating of all of it (not a ka-zayith), and the second oath prohibits even a ka-zayith; when therefore he eats a ka-zayith, the second oath takes effect; when he eats it all, the first oath takes effect. He is therefore liable to bring two offerings, if he eats it all.

(12) For the oath implies 'I shall not eat (i.e., a ka-zayith, for אֲכִילָה בְּכִזַּית) of this loaf.'

(13) For the oath implies 'I shall not eat it' (i.e., the whole.)

(14) Why does the Mishnah mention the third oath? From the fact that the second oath does not take effect on the first, we already know that the third also does not take effect.

(15) To bring an offering, because a later oath cannot take effect when a previous oath exists; but the later oath is not wasted; it can take effect when the previous oath is removed.

(16) I.e., if the previous oath is removed.

(17) Does he tell us that the later oath remains?

(18) Lit., 'allowed himself to be asked,' v. note 2.

(19) If he explains to a Sage that the first oath was made under a misapprehension, and he expresses regret for it, the

Sage absolves him; so that it is now counted as if he had not sworn the first oath; the second oath therefore takes effect. The Mishnah therefore mentions a third oath to teach us that no matter how many oaths are uttered they all remain, but are merely suspended from taking effect as long as the first oath is in existence.

(20) I.e., vowed to be a nazir for two periods, each of which is for 30 days; v. Naz. I, 3.

(21) Num. VI, 13-21.

(22) And he does not need to be a nazir for another period of 30 days, for, since the first is absolved, the 30 days he has already counted are reckoned for the fulfilment of the second vow, and the offering may also be utilised for it. Similarly, in the case of all oaths, when the first is absolved, the second takes its place. This therefore supports Raba's statement.

(23) There is no similarity, and it does not support Raba.

(24) In the case of the vow of naziriteship, the second vow was not uttered in vain, for it was to be fulfilled in any case, but in the case of oaths, the second oath, when uttered, was in vain, and might possibly never take effect (if the first is not absolved); therefore we may say that, since when uttered, it was in vain, it should not take effect even when the opportunity arises.

(25) Not to eat it.

(26) Then he will not have transgressed the oath, and may also eat the remainder.

(27) Then how can he obtain absolution now?

Talmud - Mas. Shevu'oth 28a

even if only a minute quantity [is left, he should obtain absolution] also?¹ — If you will, you may say [that he said], 'I shall not eat,' and if you will, you may say [that he said], 'I shall not eat it.' If you will, you may say [that he said], 'I shall not eat;' and since absolution is effective for the last ka-zayith, absolution is effective also for the first ka-zayith.² And if you will, you may say [that he said], 'I shall not eat it;' now, if he left a ka-zayith, it is of sufficient consequence to have absolution obtained for it; but if not, it is not of sufficient consequence to have absolution obtained for it.³

An objection was raised: 'He who vowed two vows of naziriteship, and counted the first, and set apart an offering for it, and then obtained absolution from the first — the second [vow] takes the place of the first'.⁴ Here we are discussing the case where he has not yet obtained atonement.⁵ But surely it has been taught: [Even if] he obtained atonement [he can still obtain absolution]! — It refers to the case where he had not yet shaved;⁶ and it is in accordance with the view of R. Eliezer, who holds that shaving is indispensable.⁷ — But surely it has [also] been taught: [Even if] he shaved [he can still obtain absolution]? R. Ashi said: You put a question from that which obtains in the case of naziriteship! [There is no comparison.] What caused the second [vow] not to take effect? The first! Well, it is no more!⁸

Amemar [however] said: Even if he ate it all, he may obtain absolution from it; for, if unwittingly, he lacks an offering; and if wilfully, he lacks stripes;⁹ but if he had already been bound to the pole,¹⁰ no; as Samuel said, for Samuel said: If they bound him to the pole, and he ran away from the Beth din, he is exempt.¹¹ — But it is not really analogous; there he ran; here he did not run.¹²

Raba said: [If he said:] 'I swear I shall not eat this loaf, if I eat that one,' and he ate the first¹³ unwittingly, and the second¹⁴ wilfully, he is exempt;¹⁵ [if he ate] the first wilfully, and the second unwittingly, he is liable;¹⁶ both unwittingly, he is exempt;¹⁷

(1) For as long as he has not eaten it all he has not yet transgressed the oath, and may obtain absolution.

(2) After eating the first ka-zayith he may obtain absolution from the oath to permit him to eat the remainder of the loaf; and since he can obtain absolution for the rest, the oath is thus automatically removed (for the Sage has the power to uproot the oath ab initio), and the first ka-zayith which he has already eaten is therefore now counted as not having been eaten under prohibition.

(3) If he leaves less than a ka-zayith, it is counted as if he had already eaten the whole loaf, and thus transgressed his oath; and he cannot, therefore, obtain absolution; v. Tosaf. 27b, s.v. **DS**.

- (4) This shows that absolution may be obtained from the first vow even after it has been completely fulfilled. Why then, in the case of an oath, should he not be able to obtain absolution even after he has completely eaten the loaf?
- (5) Num. VI, 14-17; if the offerings have not yet been sacrificed, he has not obtained atonement for his vow; it is therefore not yet completed, and he may obtain absolution.
- (6) Cf. Num. VI, 18; the omission of this act invalidates the rite; therefore so long as this has not been done the first vow has not been completed entirely, and he may still obtain absolution.
- (7) Lit., 'restrains'; he must still refrain from drinking wine, until this is completed.
- (8) He vowed two vows, counted 30 days, and now asks for absolution from the first. Why assume that the 30 days that have been counted are for the first vow, and that it has therefore been completed, and absolution should not be possible? Since the Sage has the power to uproot the first vow in its entirety by showing it to have been made under a misapprehension, the result is that we may legitimately assume that the 30 days that have been counted are for the second vow, and the counting for the first vow has not even started, so that when absolution is asked for the first vow, it is still intact, and absolution may therefore be granted; but in the case of an oath, if he has already eaten the loaf completely, he has transgressed the oath; how can he now obtain absolution?
- (9) Since there is something still necessary, he may yet obtain absolution and be exempt from offering or stripes. Amemar disagrees with Raba who holds that only if a ka-zayith is left can he obtain absolution.
- (10) In readiness for receiving the stripes (v. Mak. 22b), he cannot obtain absolution, for it is counted as if he had already received the stripes.
- (11) It is counted as if he had already received the stripes, and he is not brought back.
- (12) By running away he has already suffered degradation (v. Mak. 23a), and it is counted as if he had already received his punishment; but here we may say that even if he has been bound to the pole, it is not yet counted as if he had received his stripes, and he may therefore still obtain absolution from his oath.
- (13) The conditional one.
- (14) The one he prohibited to himself; if he should eat the conditional one.
- (15) An oath which is conditional upon the performing of another act does not take effect at the moment it is uttered, but at the moment the first act is performed; and if at that moment he remembers the oath, it takes effect, but if he has forgotten the oath, it cannot take effect, for it is not counted **האדם בשבועה** (v. supra 26a). If he ate the conditional one unwittingly (having forgotten the oath) and the prohibited one wilfully (remembering the oath), he is exempt from stripes (though he ate the prohibited one wilfully), because at the moment of the first act (eating the conditional one) when the oath was due to take effect, he had forgotten it (and it is not, therefore, **האדם בשבועה**).
- (16) For an offering, because when he ate the conditional one he remembered the oath: he ate it wilfully (it was, of course, permitted to him then); when, therefore, he later ate the prohibited one unwittingly, he became liable for an offering.
- (17) Whether he ate the conditional or the prohibited loaf first, because at the moment he ate the first one he had forgotten the oath, and it cannot, therefore, take effect.

Talmud - Mas. Shevu'oth 28b

both wilfully, then, if he [first] ate the conditional one, and then he ate the prohibited one, he is liable;¹ but if he [first] ate the prohibited one, and then he ate the conditional one, [the ruling depends on] the controversy between R. Johanan and Resh Lakish:² according to the one who holds an uncertain warning is a warning he is liable, and according to the one who holds it is not a warning, he is exempt.³

If he made them conditional upon each other: 'I shall not eat this one, if I eat that one; I shall not eat that one, if I eat this one';⁴ then, if he ate this one wilfully, [mindful of the oath] concerning it, but forgetful [of the oath] concerning the other; and [ate] the other wilfully, [mindful of the oath] concerning it, but forgetful [of the oath] concerning the first, he is exempt;⁵ [if he ate] this one unwittingly, [forgetful of the oath] concerning it, but mindful [of the oath] concerning the other, and [ate] the other unwittingly, [forgetful of the oath] concerning it, but mindful [of the oath] concerning the first, he is liable;⁶ both unwittingly, he is exempt;⁷ both wilfully, then, for the second he is

liable;⁸ but for the first, [the ruling depends on] the controversy between R. Johanan and Resh Lakish.⁹

R. Mari said: We have also learnt thus [in a Mishnah]:¹⁰ Four vows did the Sages permit:¹¹ vows of urging.¹² vows of hyperbole.¹³ vows made unwittingly,¹⁴ and vows accidentally unfulfilled.¹⁵ Vows made unwittingly: how? ‘Konam¹⁶ [this loaf to me], if I ate or drank [today]’, and he remembered that he had eaten or drunk; ‘[konam this loaf to me,] if I eat or drink [today]’, and he forgot, and ate or drank, he is permitted [to eat that loaf]; and it was taught with reference to this: just as vows made unwittingly are permitted, so oaths made unwittingly are permitted.¹⁷

Efa¹⁸ learnt [the laws of] oaths in the school of Rabbah. His brother Abbimi met him, and asked him: [If one said,] ‘I swear I have not eaten; I swear I have not eaten’, [and he had eaten,] what is the ruling? — He replied: He is liable only once. He said to him: You are mistaken, for surely a false oath went forth [from his mouth].¹⁹ — [He asked him again: If one said,] ‘I swear I shall not eat nine [figs; I swear I shall not eat] ten [figs]’, and he ate ten figs], what is the ruling? — He replied: He is liable for each [oath].²⁰ — He said to him: You are mistaken, for if he will not eat nine, he will not eat ten.²¹ [He asked him again: If one said,] ‘I swear I shall not eat ten [figs; I swear I shall not eat] nine [figs,]’ and he ate ten], what is the ruling? — He replied: He is liable only once.²² He said to him: You are mistaken: ten he would not eat, but nine he would eat.²³

Abaye said: Sometimes this ruling of Efa is possible,²⁴ as the Master said, for Rabbah said: [If a man said,] ‘I swear I shall not eat figs and grapes [together in one day],’ then he said, ‘I swear I shall not eat figs;’²⁵

(1) Stripes; provided, before eating the second, he was given the required definite warning: ‘Do not eat this loaf, because you have sworn not to eat it, if you eat the first; and you have already eaten the first.’

(2) V. supra 3b.

(3) The warning, which must be given before the eating of the prohibited loaf, cannot be definite: ‘You must not eat this loaf’ (for it is not prohibited until he eats the conditional loaf). The warning is therefore: ‘You must not eat this loaf, in case you eat the conditional one, and then you will have transgressed the oath in having eaten this prohibited loaf.’ This warning is uncertain, for he may never eat the conditional loaf.

(4) Both loaves are conditional and prohibited.

(5) When he ate the first one, he remembered that he had sworn not to eat it, if he ate the other; but he forgot that he had also sworn not to eat the other, if he ate this one. When he ate the second, he remembered that he had sworn not to eat it, if he ate the first; but forgot that he had also sworn not to eat the first, if he ate this. Now, he is exempt from stripes for the second loaf which he has just eaten wilfully, because at the time the oath has to take effect, i.e., at the moment of the first act (eating the first loaf), he had forgotten that he had sworn not to eat the second loaf, if he ate the first; the second oath, therefore, does not take effect; and he is exempt from stripes or offering for the first, because, though he ate it wilfully, it was permitted at the moment of eating (for he had then not yet eaten the second).

(6) When he ate the first one, he forgot that he had sworn not to eat it, if he ate the second, but remembered that he had sworn not to eat the second, if he ate this; and when he ate the second, he forgot that he had sworn not to eat it, if he ate the first, but remembered that he had sworn not to eat the first, if he ate this. Now, for the second loaf he must bring an offering, for the second loaf took effect at the beginning, at the moment of the first act (eating the first loaf), for at that moment he remembered that he had sworn not to eat the second loaf, if he ate the first. And now when he ate the second loaf (though he forgot this oath now) he is liable, for it is a simple case of unwitting transgression (eating the loaf, having forgotten his oath not to do so). But he is not liable for stripes for the first loaf (though now, when eating the second loaf, he remembers that he had sworn, not to eat the first, if he ate the second, and yet he eats the second wilfully), because at the moment of the first act (eating the first loaf) this oath (not to eat the first, if he ate the second) did not take effect, for he had forgotten it.

(7) For at the moment of the first act, when the oaths are due to take effect, he had forgotten them, and the condition of **האדם בשבועה** is therefore not fulfilled.

(8) Stripes; where he was given a definite warning which, in this case, is possible: ‘Do not eat this loaf, for you have

sworn not to eat it, if you eat the first; and you have already eaten the first.'

(9) For it is an uncertain warning: 'Do not eat this in case you also eat the other, and if you eat the other you will be liable for having eaten this.' It is uncertain, because he may never eat the other.

(10) In support of Raba's statement that in the case of a conditional oath the person must remember the oath at the time of fulfilling the condition.

(11) To be deemed as of no effect even without absolution; Ned. 20b.

(12) Bargaining in business; e.g., the seller says: 'I vow that food shall be prohibited to me today, if I sell you this article for less than 4 denarii', and the buyer vows similarly that he will not give more than 2 denarii; both intend to compromise for 3 denarii; they vow merely to obtain better terms, and do not intend their vows to be taken seriously.

(13) Or exaggeration; e.g., I vow that this loaf shall be prohibited to me, if I did not see 500,000 men pass along this road today.' He knows it is untrue; It is merely exaggerated speech.

(14) E.g., 'I vow that this loaf shall be prohibited to me, if I have drunk wine today.' When uttering the vow he thought he had not drunk, but later reminded himself that he had; the vow is null, and he may eat the loaf.

(15) E.g., 'I vow that enjoyment of my property shall be prohibited to you, if you do not dine with me today,' and illness prevented the acceptance of the invitation, the vow' is null, for the person who made it did not intend it to take effect if accident prevented the fulfilment of the condition.

(16) Prohibited be (v. Glos.).

(17) E.g., 'I swear I shall not eat this loaf, if I drink wine today,' and he forgot and drank wine, he is permitted to eat the loaf; because in order that the oath shall take effect he must remember the oath at the time of fulfilling the condition, but in this case, when fulfilling the condition (drinking the wine), he had forgotten the oath. This, therefore, agrees with Raba's statement.

(18) He and Abbimi were the sons of Rahabah of Pumbeditha.

(19) Only in the case of an oath in the future can you say that the second oath does not take effect, because the first has already prohibited it, and the second is now an oath to fulfil a precept (to fulfil the first oath); but in the case of an oath in the past, which is false immediately when it is uttered, why should he not be liable for the second or any number of subsequent oaths?

(20) He assumed that the second oath is not included in the first, and therefore can take effect.

(21) The second oath is therefore already included in the first, and cannot take effect, for it is now an oath to fulfil a precept.

(22) He assumed that the second oath is included in the first, for 'nine' is included in 'ten'.

(23) The first oath was only for ten, but he was permitted to eat nine; the second prohibited nine. When he ate nine, he transgressed the second oath, and when he ate another one, he transgressed the first.

(24) That if he swore for ten, and then nine; and ate ten, he should be liable only once.

(25) If he would have eaten figs and grapes together in one day, he would have had to bring two offerings: for, as soon as he ate the figs, he is liable for the second oath, and when he eats also the grapes, he is liable for the first.

Talmud - Mas. Shevu'oth 29a

and he ate figs,¹ and set apart the offering; and then he ate grapes alone,² the grapes are then only half the quantity,³ and for half the quantity he is not liable. So here also, if he said: 'I swear I shall not eat ten [figs],' and then he said, 'I swear I shall not eat nine [figs],' and he ate nine, and set apart the offering, and then he ate a tenth [fig], the tenth is then only half the quantity, and for half the quantity he is not liable.⁴

MISHNAH. WHAT IS A VAIN OATH? IF HE SWORE THAT WHICH IS CONTRARY TO THE FACTS KNOWN TO MAN, SAYING OF A PILLAR OF STONE THAT IT IS OF GOLD; OR OF A MAN THAT HE IS A WOMAN; OR OF A WOMAN THAT SHE IS A MAN; IF HE SWORE CONCERNING A THING WHICH IS IMPOSSIBLE, [AS E.G., 'IF I HAVE NOT SEEN A CAMEL FLYING IN THE AIR',⁵ OR, 'IF I HAVE NOT SEEN A SERPENT LIKE THE BEAM OF THE OLIVE PRESS'; IF HE SAID TO WITNESSES, 'COME AND BEAR TESTIMONY FOR ME', [AND THEY REPLIED,] 'WE SWEAR THAT WE WILL NOT BEAR TESTIMONY FOR YOU';⁶ IF HE SWORE TO ANNUL A PRECEPT, [AS E.G.,] NOT TO MAKE A SUKKAH,⁷ OR,

NOT TO TAKE A LULAB,⁷ OR, NOT TO PUT ON TEFILLIN:⁷ THESE⁸ ARE VAIN OATHS, FOR WHICH ONE IS LIABLE, FOR WILFUL TRANSGRESSION, STRIPES, AND FOR UNWITTING TRANSGRESSION ONE IS EXEMPT. [IF A MAN SAID:] 'I SWEAR I SHALL EAT THIS LOAF; I SWEAR I SHALL NOT EAT IT,' THE FIRST IS AN OATH OF UTTERANCE,⁹ AND THE SECOND IS A VAIN OATH.¹⁰ IF HE ATE IT, HE TRANSGRESSED THE VAIN OATH; IF HE DID NOT EAT IT, HE TRANSGRESSED THE OATH OF UTTERANCE.¹¹

GEMARA. Ulla said: Provided that it was already known to three men.¹² IF HE SWORE CONCERNING A THING WHICH IS IMPOSSIBLE, [AS E.G.,] 'IF I HAVE NOT SEEN A CAMEL FLYING IN THE AIR.' 'I swear that I have seen,' he does not say! What [then] is meant by, 'If I have not seen ?' Abaye said: Learn, 'I swear I have seen.'¹³ Raba said: [The Mishnah means:] he said, '[I swear that] all the fruits of the world shall be prohibited to me, if I have not seen a camel flying in the air.' Said Rabina to R. Ashi: Perhaps this man saw a large bird, and gave it the name of camel, and when he swore, he swore according to his own mind;¹⁴ and if you say, we go according to his mouth, and we do not go according to his mind,¹⁵ [that cannot be,] for it has been taught: When they adjure him,¹⁶ they say to him, 'Know that we do not adjure you according to your own mind, but according to the mind of the Omnipresent and the mind of the Beth din.' What is the reason? Is it not because we say, perhaps he gave him counters,¹⁷ and called them zuzim, in which case when he swears, he swears according to his own mind?'¹⁸ — No! There [the reason is] because of the cane of Raba.¹⁹

Come and hear! And so we find that when Moses adjured the Israelites, he said to them: Know that I do not adjure you according to your own minds, but according to the mind of the Omnipresent and according to my mind.²⁰ Now, why [should he say this]? Let him say to them: Fulfil what God has decreed. Is it not then because they might bring to their minds an idol?²¹ — No! But because an idol is also called god,²² for it is written: gods of silver, or gods of gold, [ye shall not make unto you].²³ — Well, let him say to them: Fulfil the Torah.²⁴ — [That might have implied] one Torah.²⁵ Let him [then] say: Fulfil the two Torah. — [That might have implied] the Torah of sin offering and the Torah of trespass offering.²⁶ [Let him say:] Fulfil the whole Torah. — [That might have implied merely the avoidance of] idolatry,²⁷ for it has been said: Important is idolatry in that he who denies it is as if he accepts the whole Torah.²⁸ Well, let him say to them: Fulfil the precept. — [That would have implied] one precept. [Let him say:] Fulfil the precepts. — [That might have implied merely] two. [Let him say: Fulfil] all the precepts. — [That might have implied] the precept of zizith,²⁹ for a Master said: The precept of zizith is equal to all the precepts together.³⁰ Then, let him say to them: Fulfil the six hundred and thirteen precepts. — But, even according to your reasoning,³¹ let him say. 'According to my mind;' why is it necessary to add, 'according to the mind of the Omnipresent'?'³²

(1) Having forgotten the second oath.

(2) Having forgotten the first oath.

(3) I.e., only a portion of that which he prohibited to himself by the first oath, for as soon as he had set apart his offering for the figs, they can no longer combine with the grapes to make him liable for the first oath; so that he is not now transgressing the first oath by eating the grapes, for the oath was 'grapes and figs'.

(4) If he had not yet set apart the offering for the nine figs, and had eaten the tenth fig, he would have been liable for the first oath also; but now that he has set apart the offering for the nine, they no longer combine; he is therefore now eating only one fig, and is not thereby transgressing the first oath.

(5) The Gemara explains why the oath is not positive: 'I swear I have seen a camel flying'.

(6) This is annulling a precept, for they must bear testimony, if they were witnesses; Lev. V, 1.

(7) V. Glos.

(8) All those mentioned in the Mishnah.

(9) Lev. V, 4: if any one swear uttering with his lips to do evil, or to do good.

(10) For he is swearing to annul a precept; the fulfilling of his first oath is incumbent upon him like a precept.

- (11) In addition to transgressing the vain oath (v. infra 29b).
- (12) That the pillar is of stone; then it is a vain oath (for at the moment of utterance its falsity is already evident); but if it was not known to three men, it is a false oath, and not a vain oath.
- (13) I.e., emend the Mishnah.
- (14) And not according to the universally accepted view of what the word 'camel' connotes; therefore it is not a vain oath, for he really did see a 'camel' (the name he gave in his own mind to the large bird) flying.
- (15) Therefore it is a vain oath, for his mouth said 'camel', i.e., what is universally recognised as camel.
- (16) When the Beth din impose an oath on a litigant in court.
- (17) Perhaps the debtor (who has to swear) had given to the creditor counters, such as are used as tokens (instead of money) in the game of iskundre (a kind of draughts or chess).
- (18) I.e., when taking the oath the debtor may have mentally called the counters zuzim; therefore the Beth din say to him that the oath must be taken according to their mind, not his (i.e., mental reservations are not taken account of); hence, since the Beth din's warning is necessary, we deduce that an oath (were it not for the Beth din's warning) would take effect in accordance with the mind of the utterer.
- (19) Ned. 25a; a case came before Raba where the debtor, when ordered by Raba to take an oath, handed the creditor a cane to hold for a moment while he took the oath: 'I swear I have given to the creditor the money I owe him.' The creditor, in a fit of temper, broke the cane, and a number of coins (the amount of the debt) fell out. The debtor had put the coins in a hollow cane; the oath he took was true: he had given the creditor the money he owed him (by handing him the cane, which he would have taken back later). To avoid the occurrence of such an incident as this the Beth din warn the debtor that the oath he takes is in accordance with their mind, and not his. Hence, the Beth din's warning is necessary not because a man may swear an oath with mental reservations, but because he may swear a true oath (though with trickery). It may be, therefore, that in an oath we go according to the mouth and not the mind.
- (20) Deut. XXIX, 13: Neither with you only do I make this covenant and this oath, i.e., neither with you only, not as you yourselves think (with possible reservations in your minds) do I impose this oath of allegiance upon you.
- (21) I.e., they might in their own minds interpret the word 'God' by 'idol'; hence, an oath is in accordance with the mind of the utterer; and therefore Moses had to warn them.
- (22) An oath is in accordance with the mouth (i.e., actual words uttered); and 'god' may actually imply 'idol'.
- (23) Ex. XX, 20.
- (24) Yet he did not say this because, presumably, they could have made a mental reservation (when taking the oath to fulfil the Torah) that sins be included in the word 'Torah'; hence, we go according to the mind or thought of the utterer of the oath.
- (25) Therefore he could not have imposed the oath in that form, for we have two Torah, written and oral.
- (26) Lev. VI, 18: **זאת תורת החטאת**; ibid. VII, 1: **זאת תורת האשם**; The name 'Torah' is applied to the laws concerning sin offerings and trespass offerings, as also to the laws concerning burnt offerings (Lev. VI, 2) meal offerings (VI, 7), and peace offerings (VII, 11). If Moses had said: 'Fulfil the two Torah', the Israelites, in taking the oath, might have intended it to apply only to the laws concerning sin offerings and trespass offerings (or any other two, such as burnt offerings and peace offerings) to which the name **תורה** is specifically applied, but not to any other precepts.
- (27) Had the oath been imposed in that form, they could have fulfilled it by merely refraining from idol worship, without fulfilling any other commandments.
- (28) Num. XV, 22: And if ye err, and do not observe all these commandments; it is explained (Hor. 8a) that all these commandments refers to idolatry.
- (29) The fringes; Num. XV, 38.
- (30) Ibid. 39: that he may look upon it, and remember all the commandments of the Lord; v. Men. 43b.
- (31) You infer that the reason for the formula of the oath which Moses administered to the Israelites was because they might have made mental reservations.
- (32) Moses could have said, 'I adjure you according to my mind, not yours.' That would have sufficed to overcome the difficulty of possible mental reservations on their part.

Talmud - Mas. Shevu'oth 29b

Obviously, therefore, merely so that there should not be any absolution for their oath.¹

‘IF I HAVE NOT SEEN A SERPENT LIKE THE BEAM OF THE OLIVE PRESS.’ And is it not [possible]?² Lo! There was one in the reign of King Shapur³ which swallowed thirteen hides⁴ stuffed with straw.⁵ — Samuel said: [He meant] striped.⁶ But they are all striped! [He meant] striped on his back.⁷

‘I SWEAR I SHALL EAT THIS LOAF; I SWEAR I SHALL NOT EAT IT’, etc. Now, for the oath of utterance he is liable, and for the vain oath he is not liable?⁸ Surely, the oath was uttered in vain! — R. Jeremiah said: Learn, ALSO THE OATH OF UTTERANCE.⁹ MISHNAH. THE OATH OF UTTERANCE APPLIES TO MEN AND WOMEN, TO RELATIVES AND NON-RELATIVES,¹⁰ TO THOSE QUALIFIED [TO BEAR WITNESS] AND THOSE NOT QUALIFIED,¹¹ [WHETHER UTTERED] BEFORE THE BETH DIN, OR NOT BEFORE THE BETH DIN, [BUT IT MUST BE UTTERED] WITH A MAN'S OWN MOUTH;¹² AND HE IS LIABLE, FOR WILFUL TRANSGRESSION, STRIPES, AND FOR UNWITTING TRANSGRESSION, A SLIDING SCALE SACRIFICE. A VAIN OATH APPLIES TO MEN AND WOMEN, TO NON-RELATIVES AND RELATIVES, TO THOSE QUALIFIED [TO BEAR WITNESS] AND THOSE NOT QUALIFIED, [WHETHER UTTERED] BEFORE THE BETH DIN OR NOT BEFORE THE BETH DIN, [BUT IT MUST BE UTTERED] WITH HIS OWN MOUTH; AND HE IS LIABLE, FOR WILFUL TRANSGRESSION, STRIPES, AND FOR UNWITTING TRANSGRESSION HE IS EXEMPT. [IN THE CASE OF] BOTH THIS AND THAT [OATH], IF HE WAS ADJURED BY THE MOUTH OF OTHERS, HE IS LIABLE; THUS, IF HE SAID, ‘I HAVE NOT EATEN TODAY,’ OR, ‘I HAVE NOT PUT ON TEFILLIN TODAY,’ [AND THE OTHER SAID,] ‘I ADJURE THEE,’ AND HE SAID, ‘AMEN!’ HE IS LIABLE.

GEMARA. Samuel said: He who responds ‘Amen’ after an oath — it is as if he uttered the oath with his own mouth, for it is written: And the woman shall say, Amen, Amen.¹³ R. Papa said in the name of Raba: A Mishnah and a Baraitha also prove it, for the Mishnah states: ‘The oath of testimony applies to men, and not to women; to non-relatives, and not to relatives; to those qualified [to bear witness], and not to those unqualified; and it applies only to those liable to bear witness; and [whether uttered] before the Beth din or not before the Beth din, [if uttered] with his own mouth; but if [adjured] by the mouth of others, he is not liable unless he denies it before the Beth din: this is the opinion of R. Meir.’¹⁴ And in the Baraitha it was taught: What is the oath of testimony? He said to witnesses, ‘Come and bear testimony for me;’ [and they replied,] ‘We swear we know no testimony for you,’ or they said,¹⁵ ‘We know no testimony for you,’ [and he said,] ‘I adjure you,’ and they responded. ‘Amen’ — whether [it was uttered] before the Beth din, or not before the Beth din, whether from their own mouths or the mouths of others, since they denied [knowing any testimony], they are liable: this is the opinion of R. Meir. Now, they contradict each other!¹⁶ Obviously, therefore, we deduce from this that here¹⁷ [it is a case where] he said ‘Amen,’¹⁸ and there¹⁹ [a case where] he did not say ‘Amen’. This proves it.²⁰

Rabina said in the name of Raba: Our Mishnah also proves it, for it states: THE OATH OF UTTERANCE APPLIES TO MEN AND WOMEN, TO NON-RELATIVES AND RELATIVES, TO THOSE QUALIFIED [TO BEAR WITNESS] AND THOSE NOT QUALIFIED, [WHETHER UTTERED] BEFORE THE BETH DIN OR NOT BEFORE THE BETH DIN, [BUT IT MUST BE UTTERED] WITH HIS OWN MOUTH. [Hence, if uttered] WITH HIS OWN MOUTH, he is liable; but from the mouth of others, he is not liable. And yet the last clause states: [IN THE CASE] OF BOTH THIS AND THAT [OATH], IF HE WAS ADJURED BY THE MOUTH OF OTHERS HE IS LIABLE. Thus they contradict each other! Obviously, therefore, we must infer from this that here²¹ [it is a case where] he said ‘Amen’, and there²² [a case where] he did not say ‘Amen’. — But, if so, what does Samuel teach us?²³ — The deduction of the Mishnah he teaches us.²⁴ [

(1) For an oath taken in accordance with the mind of others cannot be absolved. An oath, however, always takes effect in

accordance with the mouth (i.e., actual words uttered); therefore, 'I have seen a camel flying' is a vain oath.

(2) To see a serpent as thick as the beam of the olive press?

(3) Sapur I, King of Persia.

(4) [Var. lec., 'stables'.]

(5) [According to Rashi, this was a man-devouring serpent, and he was killed by being stuffed with straw in which hot coals were concealed.]

(6) Like the markings in the wood of the beam; but he was not thinking of its girth or length.

(7) Whereas all serpents are striped only on the neck. (Rashi.) [Asheri, Ned. 28a, renders 'flat at the back', whereas serpents are flat only at the belly, v. Lewysohn, Zoologie, p. 234.]

(8) But why should he not be liable also, if he does not eat it for the vain oath, even if he fulfils it (by not eating the loaf)? The vain oath, when uttered, was designed to annul a precept (not to fulfil the previous oath); and if one swears to annul a precept, would he not be liable even if he fulfils the oath, and annuls the precept?

(9) The Mishnah means: If he did not eat it, he transgresses the oath of utterance also, in addition to the vain oath.

(10) If he swore, 'I shall give So-and-so a loaf,' and did not fulfil his oath, he is liable, whether that person is a relative or not.

(11) V. Sanh. III, 3, 4.

(12) But if he is adjured by another to say, e.g., whether he has eaten, and he replies, 'I have eaten,' it is not an oath, since he himself did not utter the oath. If, however, he says, 'Amen' to the other's adjuration, it is counted as an oath (v. infra).

(13) Num. V, 22; the previous verse states that the priest shall cause the woman to swear; but the priest himself pronounces the oath, and the woman merely responds, 'Amen'.

(14) Infra 30a.

(15) Without taking an oath.

(16) For in the Mishnah R. Meir says that, if adjured by others, they are liable only if the adjuration be uttered before the Beth din; and in the Baraitha he says that, even if adjured by others, they are liable even if the adjuration be not uttered before the Beth din.

(17) In the Baraitha.

(18) And this is counted as if he uttered the oath himself.

(19) In the Mishnah.

(20) That responding 'Amen' to an oath is like uttering an oath oneself, as Samuel states.

(21) The last clause.

(22) The first clause.

(23) Why does Samuel need to tell us that he who responds 'Amen' to an oath is reckoned as uttering an oath himself? This is so easily and obviously deduced from the Mishnah!

(24) That the Mishnah really wishes to teach us that there is no liability if adjured by others, unless he did say, 'Amen'; and we should not think that the first clause, in stating that the oath must be uttered by himself, does not thereby desire to exclude adjuration by others, but mentions it merely because it is more usual for the oath to be uttered by himself; and that the last clause, in stating that adjuration by others makes him liable, if he responds, 'Amen', does not thereby desire to imply that if he does not respond, 'Amen', he is not liable, but merely mentions 'Amen' because it is usual for 'Amen' to be said in response to an oath, but that really he is liable, if adjured by others, even if he does not say, 'Amen'. Therefore, Samuel states that the Mishnah really does desire to make this distinction in adjuration by others [between the case where 'Amen' is said and the case where it is not said].

Talmud - Mas. Shevu'oth 30a

CHAPTER IV

MISHNAH. THE OATH OF TESTIMONY¹ APPLIES TO MEN AND NOT TO WOMEN,² TO NON-RELATIVES AND NOT TO RELATIVES,³ TO THOSE QUALIFIED [TO BEAR WITNESS] AND NOT TO THOSE UNQUALIFIED;⁴ AND IT APPLIES ONLY TO THOSE LIABLE TO BEAR WITNESS; AND WHETHER [UTTERED] BEFORE THE BETH DIN OR NOT BEFORE THE BETH DIN, IF [UTTERED] WITH HIS OWN MOUTH; BUT IF [ADJURED]

BY THE MOUTH OF OTHERS HE IS NOT LIABLE UNLESS HE DENIES IT BEFORE THE BETH DIN; THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY: WHETHER [UTTERED] WITH HIS OWN MOUTH OR [ADJURED] BY THE MOUTH OF OTHERS HE IS NOT LIABLE UNLESS HE DENIES IT BEFORE THE BETH DIN. AND THEY ARE LIABLE FOR WILFUL TRANSGRESSION OF THE OATH, AND FOR ITS UNWITTING TRANSGRESSION COUPLED WITH WILFUL [DENIAL OF KNOWLEDGE OF] TESTIMONY;⁵ BUT THEY ARE NOT LIABLE FOR ITS UNWITTING TRANSGRESSION.⁶ AND WHAT ARE THEY LIABLE FOR THE WILFUL TRANSGRESSION OF THE OATH? A SLIDING SCALE SACRIFICE.

GEMARA. How do we know?⁷ — Because the Rabbis taught: And the two men shall stand.⁸ the verse refers to witnesses.⁹ — You say [it refers to] witnesses; but perhaps [it refers to] the litigants? When it says: between whom the controversy is,¹⁰ the litigants are already mentioned; hence, how do I explain and the two men shall stand, [Therefore,] the verse refers to witnesses.¹¹ And if you wish to say [something to refute this deduction, I give you another]: Here¹² it is said, ‘two’, and there¹³ it is said, ‘two’; just as there it refers to witnesses, so here it refers to witnesses.¹⁴ What is meant by: If you wish to say [something to refute the deduction]?¹⁵ — You might say, because the verse did not write: and those between whom the controversy is, the whole verse refers to the litigants,¹⁶ [therefore, I give the second deduction:] here it is said: two, and there it is said: two; just as there it refers to witnesses, so here it refers to witnesses.

Another [Baraita] taught: And the two men shall stand; the verse refers to witnesses. You say [it refers to] witnesses; but perhaps [it refers to] the litigants? You may retort: Do, then, two come to court, and do not three ever come to court?¹⁷ But if you wish to say something [to refute this deduction, I give you another]: Here it is said, ‘two’, and there it is said, ‘two’, just as there it refers to witnesses, so here it refers to witnesses. What is meant by: If you wish to say [something to refute this]? You might say, the verse refers to plaintiff and defendant,¹⁸ [therefore I give the second deduction:] here it is said, ‘two’, and there it is said, ‘two’; just as there it refers to witnesses, so here it refers to witnesses. Another [Baraita] teaches: And the two men shall stand; the verse refers to witnesses. You say [it refers to] witnesses; but perhaps [it refers to] the litigants? You may retort: Do, then, men come to court, and do not women ever come to court?¹⁹ But if you wish to say [something to refute this deduction, I give you another]: Here it is said, ‘two’, and there it is said, ‘two’; just as there it refers to witnesses, so here it refers to witnesses. What is meant by: If you wish to say [something to refute this]? — You might say, it is not usual for a woman,²⁰ because all glorious is the King's daughter within,²¹ [therefore I give the second deduction:] here it is said, ‘two’, and there it is said, ‘two’; just as there it refers to witnesses, so here it refers to witnesses.

Our Rabbis taught: And the two men shall stand: it is a precept that the litigants stand. R. Judah said: I heard that if they²² desire to allow them both to sit, they may allow them to sit. What is prohibited? One should not stand, and the other sit; one speak all that he wishes, and the other bidden to be brief.

Our Rabbis taught: In righteousness shalt thou judge thy neighbour:²³ that one should not sit, and the other stand; one speak all that he wishes, and the other bidden to be brief. Another interpretation: In righteousness shalt thou judge thy neighbour: judge thy neighbour in the scale of merit.²⁴ R. Joseph learnt: In righteousness shalt thou judge thy neighbour- he who is with thee²⁵ in Torah and precepts — endeavour to judge him favourably.

R. Ulla the son of R. Elai had a case before R. Nahman. R. Joseph sent [a message] to him:²⁶ Our friend Ulla is a neighbour²⁷ in Torah and precepts. Said [R. Nahman]: Why did he send [this message] to me? That I should favour him?²⁸ Then he said: [Probably] that I should settle his case first;²⁹

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- (1) Witnesses denying on oath that they know any testimony for a litigant; Lev. V, 1.
- (2) Because women are not eligible as witnesses.
- (3) V. Sanh. 27b.
- (4) Such as, e.g., a robber.
- (5) Knowing testimony for the litigant, and wilfully denying the knowledge on oath, but transgressing unwittingly so far as the sacrifice is concerned, i.e., not knowing that they are liable to bring a sacrifice for the transgression of the oath.
- (6) If, at the moment of taking the oath, they really thought they did not know any testimony, they are exempt from a sacrifice, for they swore falsely merely by accident.
- (7) That women are ineligible as witnesses.
- (8) Deut. XIX, 17.
- (9) Hence witnesses must be men.
- (10) Deut. XIX, 17: And the two men, between whom the controversy is, shall stand before the Lord, before the priests and the judges.
- (11) For the verse could have said: 'And those between whom the controversy is shall stand.' Because the verse adds, superfluously, 'the two men,' the reference is to witnesses, and what follows, 'between whom the controversy is,' is an asyndeton construction.
- (12) Deut. XIX, 17.
- (13) Ibid. 15: at the mouth of two witnesses.
- (14) This is a deduction by גזרה שווה, similarity of words.
- (15) How can the first deduction be refuted?
- (16) Had the verse written: 'And the two men, and those between whom the controversy is, shall stand', we could have inferred definitely that the two men refers to witnesses: since, however, the verse writes: And the two men between whom the controversy is, it refers to litigants only.
- (17) Litigants may be more than two: therefore the two men refers to witnesses.
- (18) And though there may be several plaintiffs and several defendants, the verse calls them the two men, i.e., the two protagonists, plaintiffs on the one side, and defendants on the other.
- (19) Surely, women are also litigants sometimes; hence, the two men refers to witnesses, who must be men.
- (20) To go to court as a litigant: therefore the verse talks of the two men, but in reality it includes women and refers to litigants.
- (21) Ps. XLV, 14; the King's daughter (i.e., the Jewish woman) is modest, and stays within her home as much as possible.
- (22) The court.
- (23) Lev. XIX, 15.
- (24) When you see a person doing what appears to be wrong, take a favourable view of his action.
- (25) Taking עמיתך as עם אתך.
- (26) R. Nahman.
- (27) A colleague, of your fraternity; i.e., a learned man.
- (28) Surely, that cannot be!
- (29) Before any other case that may come before me, and not keep him waiting.

Talmud - Mas. Shevu'oth 30b

or, [with reference to] the discretion of the judges.¹

Ulla said: The controversy² is in regard to the litigants, but in regard to witnesses all agree that they must stand, for it is written: And the two men shall stand. R. Huna said: The controversy is in regard to the time of the discussion,³ but at the time of the completion of the case⁴ all agree that the judges sit and the litigants stand, for it is written: And Moses sat to judge the people; and the people stood.⁵

Another version: The controversy is in regard to the time of the discussion, but at the time of the

completion of the case all agree that the judges sit and the litigants stand, for witnesses are like the completion of the case,⁶ and it is written with reference to them: And the two men shall stand.⁷

The widow of R. Huna had a case before R. Nahman. He said [to himself]: What shall I do? If I should rise before her,⁸ the plea of her opponent will be stopped up;⁹ if I should not rise before her, [I should be doing wrong, for] the wife of a scholar is like a scholar.¹⁰ So he said to his attendant: 'Go and make a duck fly over me, and urge it towards me, so that I will rise.'¹¹ But the Master said: The controversy is in regard to the time of the discussion, but at the time of the completion of the case all agree that the judges sit and the litigants stand!¹² — He sits as one who unties his shoes,¹³ and says, 'You, So-and-so, are innocent, and you, So-and-so, are guilty.'

Rabbah son of R. Huna said: If a Rabbinical scholar and an illiterate person have some dispute with each other, [and come to court,] we persuade the Rabbinical scholar to sit; and to the illiterate person we also say, 'Sit', and if he stands, it matters not. Rab son of R. Sherabya had a case before R. Papa. He told him to sit, and told his opponent also to sit; but the attendant of the court came and nudged¹⁴ the illiterate man and made him stand up. And R. Papa did not say to him, 'Sit'. How could he do so; will not the other's plea be stopped up?¹⁵ — R. Papa may say: He¹⁶ will say, 'He has¹⁷ asked me to sit, but the attendant was not appeased by me.'¹⁸ And Rabbah son of R. Huna said: If a Rabbinical scholar and an illiterate person have some dispute with each other, the scholar should not come first and sit down [before the judge],¹⁹ because it will appear as if he is setting forth his case. And we do not say this except when he has not a fixed time with him;²⁰ but if he has a fixed time with him, it matters not,²¹ for he²² will say, he is occupied with his lesson.

And Rabbah son of R. Huna said: If a Rabbinical scholar knows some testimony, and it is undignified for him to go to the judge, who is inferior to him, to give testimony before him, he need not go. R. Shisha the son of R. Idi said: We also learnt thus: If he found a sack or a basket which it is not his custom to handle, he need not take it.²³ However, this is only the case in money matters,²⁴ but in the case of a prohibition²⁵ [he must give evidence, for it is written]: There is no wisdom nor understanding nor counsel against the Lord.²⁶ wherever there is a profanation of the Name, the honour of a scholar is not regarded.

R. Yemar knew some testimony for Mar Zutra, and came before Amemar. He told them all to sit. Said R. Ashi to Amemar: Did not Ulla say: The controversy is in regard to the litigants, but in regard to witnesses all agree that they should stand? — He replied to him: This is a positive precept,²⁷ and that is a positive precept;²⁸ the positive precept enjoining respect for the Torah²⁹ is greater.

(Mnemonic: Advocate, Uncultured, Robbery, False.)

Our Rabbis taught: How do we know that a judge should not appoint an advocate for his words?³⁰ — Because it is said: From a false matter keep far.³¹ And how do we know that a judge should not allow an uncultured disciple to sit before him?³² Because it is said: From a false matter keep far. And how do we know that a judge who knows his colleague to be a robber, or a witness who knows his colleague to be a robber, should not join with him?³³ Because it is said: From a false matter keep far. And how do we know that a judge who knows that a plea is false³⁴ should not say, Since the witnesses give evidence, I will decide it,³⁵ and

(1) In a case which does not depend on witnesses or oath the judge may use his discretion. Here R. Joseph sent a message to R. Nahman that, if the case in which Ulla was involved was of such a nature, he should use his discretion in his favour, because he was a learned and righteous man, and was therefore more likely to be in the right.

(2) Between R. Judah and the Sages as to whether the litigants may sit in court.

(3) While the case is being argued.

(4) When the judge gives his decision.

- (5) Ex. XVIII, 13.
- (6) When they give their evidence, the case virtually ends.
- (7) This only proves that the litigants must stand, not that the judges have to sit.
- (8) Out of respect, because she is the widow of a scholar.
- (9) He will be intimidated, and will not be able to state his case clearly.
- (10) And must be respected.
- (11) I will really rise out of respect for her, but her opponent will not be intimidated, because he will think I rise to ward off the duck.
- (12) How then is a judge to show his respect for scholarship should a scholar happen to come in while he is giving the verdict?
- (13) [MS. M.: 'shoe-laces.'] Half sitting and half standing, and pronounces the verdict.
- (14) Lit., 'kicked.' [Omitted in some texts; v. D.S. a.l.]
- (15) When he sees that R. Papa respects his opponent more.
- (16) The illiterate man.
- (17) R. Papa. [MS. M.: 'He (the litigant) will say, R. Papa has asked me to sit but,' etc.]
- (18) I did not tip him, so he made me stand.
- (19) Before his opponent comes, even if he remains silent.
- (20) For study.
- (21) If the judge is his teacher, and they have a fixed time for study together, the scholar may come to him before his opponent arrives.
- (22) The opponent.
- (23) B.M. 29b; if an eminent man finds in the street something which, even if it were his own, he would not trouble to take into his house, because he deems it undignified, he need not pick it up in order to restore it to its owner.
- (24) He need not give evidence, if it is undignified.
- (25) E.g., if a married woman comes before the judge saying she believes her husband to be dead, and she desires to re-marry; and this scholar knows her husband to be alive, he must give his evidence before the judge, though he is his junior or inferior, for, in face of a prohibition, his dignity does not count.
- (26) Prov. XXI, 30; wisdom and understanding are of no value against the Lord, i.e., if their possession results in His will being opposed.
- (27) And the two men shall stand.
- (28) Thou shalt fear the Lord thy God: Deut. X, 20; from **ה' ירא** it is deduced that respect for scholars is also enjoined; v. B.K. 41b.
- (29) And its exponents.
- (30) Should not endeavour to bolster up his decision (though realising he has made a mistake) by an advocate, i.e., by trying to think of further arguments to support it, because he is ashamed to change his view.
- (31) Ex. XXIII, 7.
- (32) When trying a case, in order to discuss the arguments with him, for he may suggest wrong views to him.
- (33) To judge, or to give evidence.
- (34) Having concluded from the evidence of the witnesses that they are not speaking the truth.
- (35) In accordance with their evidence.

Talmud - Mas. Shevu'oth 31a

the chain [of guilt] will hang round the neck of the witnesses?¹ — Because it is said: From a false matter keep far.

(Mnemonic: Three [of] disciples, Three [of] creditors, Rags, Hearing, Explaining.)

How do we know that a disciple sitting before his master, who sees that the poor man is right and the wealthy man wrong, should not remain silent?² Because it is said: From a false matter keep far. And how do we know that a disciple, who sees his master making a mistake in the law, should not say, I will wait until he finishes, and then upset his decision, and build up [another decision]

according to my own judgment, so that the decision will be called by my name? Because it is said: From a false matter keep far. And how do we know that a disciple to whom his master says, 'You know that if I were given a hundred manehs, I would not tell a lie; now, So-and-so owes me one maneh, and I have only one witness against him;' how do we know that the disciple should not join with him?³ — Because it is said: From a false matter keep far. — Is this, then, deduced from: From a false matter keep far? Surely this is definitely lying, and the Divine Law said: Thou shalt not bear false witness against thy neighbour!⁴ — Well, then, for example, if he said to him, 'I have definitely one witness; and you come and stand there,⁵ and you need not say anything, so that you will not be uttering a lie from your mouth;⁶ even so it is prohibited, because It is said: From a false matter keep far.

How do we know that he who has a claim of a hundred zuzim against his neighbour should not say, 'I will claim two hundred, so that he will admit a hundred, and be liable for an oath,⁷ then I will be able to impose an oath upon him from another place'⁸ — Because it is said: From a false matter keep far. And how do we know that, if one has a claim of a hundred zuzim against his neighbour, and sues for two hundred, the debtor should not say, 'I will deny it totally in court, but admit it outside the court, so that I should not be liable for an oath, and he may not impose on me an oath from another place'? Because it is said: From a false matter keep far. And how do we know that, if three persons have a claim of a hundred zuzim against one person,⁹ one should not be the litigant, and the other two, the witnesses, in order that they may extract the hundred zuzim and divide it? Because it is said: From a false matter keep far.

How do we know that, if two come to court, one clothed in rags and the other in fine raiment worth a hundred manehs, they¹⁰ should say to him,¹¹ 'Either dress like him, or dress him like you'¹² — Because it is said: From a false matter keep far. When they¹³ would come before Raba son of R. Huna, he would say to them, 'Remove your fine shoes, and come down for your case.'

How do we know that a judge should not hear the words of one litigant before the other litigant arrives? — Because it is said: From a false matter keep far. And how do we know that a litigant should not explain his case to the judge before the other litigant arrives? — Because it is said: From a false matter keep far. R. Kahana learnt [these deductions] from: Thou shalt not utter [a false report]:¹⁴ thou shalt not cause to be uttered.¹⁵

And did that which is not good among his people:¹⁶ Rab said this refers to one who comes with power of attorney;¹⁷ and Samuel said it refers to one who buys a field about which there are disputes.¹⁸

AND IT APPLIES ONLY TO THOSE LIABLE TO BEAR WITNESS, etc. What does this exclude? — R. Papa said, it excludes a king;¹⁹ and R. Aha b. Jacob said, it excludes a dice player.²⁰ He who says [it excludes] a dice player certainly [holds it excludes] a king;²¹ but he who says [it excludes] a king [holds it does not exclude] a dice player, for he is fit [to be a witness] according to Holy Writ, and it is the Rabbis who have disqualified him.²²

BEFORE THE BETH DIN OR NOT BEFORE THE BETH DIN, etc. In what do they disagree?²³ — Said the Scholars to R. Papa: They disagree [as to whether we say,] 'deduce from it, and [entirely] from it'; or, 'deduce from it, and establish it in its own place'.²⁴ R. Meir holds, 'deduce from it, and [entirely] from it'. 'Deduce from it':²⁵ just as [in the case of] a deposit, if he swears of his own accord,²⁶ he is liable, so [in the case of] testimony, if he swears of his own accord, he is liable;²⁷ 'and [entirely] from it' — just as [in the case of] a deposit [he is liable] whether [he utters the oath] before the Beth Din or not before the Beth Din,²⁸ so [in the case of] testimony [he is liable] whether [he utters the oath] before the Beth Din or not before the Beth Din. And the Rabbis²⁹ hold, 'deduce from it, and establish it in its own place': 'Deduce from it':³⁰ just as [in the case of] a

deposit, if he swears of his own accord, he is liable, so [in the case of] testimony, if he swears of his own accord, he is liable; ‘and establish it in its own place’: just as when adjured by others, [he is liable only if he swears] before the Beth Din,³¹ but not [if he swears] not before the Beth Din, so if he swears of his own accord, before the Beth Din he is liable, but if not before the Beth Din he is not liable.

- (1) The guilt will be on their heads.
- (2) If his master has come to the opposite conclusion.
- (3) With the witness to give evidence, in order that there should be two witnesses.
- (4) Ex. XX, 13.
- (5) In the court.
- (6) But the debtor will think you have come to give evidence, and will perhaps admit the debt of his own accord.
- (7) He who admits a portion of a claim (מוודה במקצת) takes an oath that he owes no more, and is exempt.
- (8) I.e., in connection with another claim which he totally denied (כופר הכל), and for which no oath could be imposed; but since he has to take an oath in this case, the court can at the same time include the previous claim in the oath.
- (9) And have no witnesses.
- (10) The court.
- (11) The well dressed man.
- (12) In order that the judges be not biased in your favour, and the poorly dressed man be not intimidated.
- (13) Litigants.
- (14) Ex. XXIII, 1, lit., ‘thou shalt not take up, or accept’; a warning to the judge not to hear one litigant before the arrival of the other, because the litigant, in his opponent’s absence, may be tempted to lie.
- (15) Reading the same Hebrew word, תשא, with different vowels (the Hiphil): ‘thou shalt not cause to be accepted’; a warning to the litigant not to explain his case to the judge in his opponent’s absence, because he may be tempted to lie, and will thereby cause the judge to accept a false report, v. Sanh. 7b.
- (16) Ezek. XVIII, 18.
- (17) He is authorised by one of the litigants to take his place; he is doing ‘that which is not good among his people’, if he undertakes it merely out of love of contention and litigation, for the litigant himself might have been willing to compromise, whereas he presses for the full amount of the claim. If, however, the litigant himself is not able to appear for some reason, and he is acting on his behalf, in order to obtain his money for him, he is doing a meritorious act; v. Tosaf. a.l.
- (18) The title of which is disputed; this man buys it, relying on his strength to resist other claimants.
- (19) ‘Thou shalt set a king over thee (Deut. XVII, 15); he must be respected, and it is therefore not seemly that he should stand as a witness before the Judge; and since he cannot be a witness (Sanh. 18a), the oath of testimony does not apply.
- (20) A gambler, since he is willing to retain money won by him which is not really his, is disqualified by the Sages from being a witness. The Torah disqualifies only עד חמם (Ex. XXIII, 1). ‘a witness of violence’, i.e., who has been guilty of robbery by violence.
- (21) For a dice player is disqualified only by the Sages, whereas a king is disqualified by the Torah.
- (22) And, therefore, though we do not accept him as a witness owing to the Sages’ disqualification, the oath of testimony applies in his case, for, according to the Torah, he may be a witness.
- (23) R. Meir and the Sages, in the Mishnah; i.e., on what principle do they differ?
- (24) Where Holy Writ does not explicitly state the law concerning a certain subject, and it is necessary to deduce it by גזרה שוה from another subject concerning which Holy Writ states the law explicitly, we may either deduce one from the other entirely (i.e. liken the unexplained subject to the explained subject in every respect), or deduce only one point, and, as for the rest, leave the unexplained subject in its own place, i.e., leave it to be governed by the rules which govern other aspects of it.
- (25) [Adopting reading of MS.M.] By גזרה שוה: in the case of a deposit it is said תחטא if any one sin (Lev. V, 21), and in the case of the oath of testimony it is also said תחטא (Lev. V, 1).
- (26) Lev. V, 24: about which he hath sworn falsely (i.e., of his own accord).
- (27) Though Holy Writ does not specifically say so, but we deduce it by גזרה שוה from the case of a deposit.
- (28) For Holy Writ says: and sweareth falsely (Lev. V, 22) — wherever he swears falsely, not necessarily before the

Beth Din.

(29) The Sages.

(30) V. p. 173, n. 8.

(31) Lev. V, 1: he heareth the voice of adjuration . . . if he tell it not, then he shall bear his iniquity — in the place where, if he had told it (i.e., given his testimony), it would have been effective, i.e., before the Beth Din.

Talmud - Mas. Shevu'oth 31b

Said R. Papa to them: If the Rabbis deduce it from [the law of] deposit, none disagrees that we 'deduce from it, and [entirely] from it';¹ but this is the reason of the Rabbis; they deduce it by inference from minor to major:² since, if [adjured] by others, he is liable; if [he swears] of his own accord, how much more so should he be liable; and because they deduce it by inference from minor to major, [they hold] it is sufficient for that which is deduced by this inference to be similar to that from which it is deduced:³ just as, if adjured by others, he is liable before the Beth Din only, but not outside the Beth Din; so, if he swears of his own accord, he is liable before the Beth Din only, but not outside the Beth Din. Said the Scholars to R. Papa: How can you say that they do not disagree on [the principle of] 'deduce from it, and [entirely] from it'? Surely we learnt concerning a deposit: The oath of deposit applies to men and women, to non-relatives and relatives, to those qualified [to bear witness] and those unqualified, before the Beth Din and not before the Beth Din, if [uttered] from his own mouth; but if [adjured] by the mouth of others, he is not liable unless he denies it before the Beth Din: this is the opinion of R. Meir. And the Sages say, whether [uttered] by his own mouth or [adjured] by the mouth of others, since he denied it, he is liable.⁴ [Now,] if adjured by the mouth of others, in [the case of] a deposit, how do the Sages know that he is liable?⁵ Is it not because they deduce it from [the case of] testimony?⁶ Hence, you must infer from this that they disagree on [the principle of] 'deduce from it, and [entirely] from it'!⁷ — [R. Papa replied:] From this, yes,⁸ but from the other it is not possible to infer it.

AND THEY ARE LIABLE FOR THE WILFUL TRANSGRESSION OF THE OATH. How do we know this? — For our Rabbis taught: In all of them⁹ it is said, and it be hid [from him]; but here it is not said, and it be hid, in order to make him liable for wilful as for unwitting transgression.¹⁰

AND FOR ITS UNWITTING TRANSGRESSION COUPLED WITH WILFUL [DENIAL OF KNOWLEDGE OF] TESTIMONY. How is unwitting transgression possible coupled with wilful [denial of knowledge of] testimony? — Said Rab Judah that Rab said: If one says, 'I know that this oath is prohibited, but I do not know if one is liable to bring an offering for it or not.'

BUT THEY ARE NOT LIABLE FOR ITS UNWITTING TRANSGRESSION ONLY. Shall we say that we are here taught [a confirmation of] that which R. Kahana and R. Assi [were told]?¹¹ — No! Although we learnt it [here], it was necessary,¹² for I might have thought, here,¹³ because it is not written and it be hid, we require unwitting to be like wilful transgression;¹⁴ but there,¹⁵ since it is written and it be hid, even unwitting transgression in a slight degree [makes him liable],¹⁶ therefore he¹⁷ teaches us [that this is not so].¹⁸

MISHNAH. WHAT KIND IS THE OATH OF TESTIMONY? HE SAID TO TWO [PERSONS]: 'COME AND BEAR TESTIMONY FOR ME'; [AND THEY REPLIED:] 'WE SWEAR WE KNOW NO TESTIMONY FOR YOU'; OR THEY SAID TO HIM: 'WE KNOW NO TESTIMONY FOR YOU', [AND HE SAID:] 'I ADJURE YOU', AND THEY SAID, 'AMEN!', THEY ARE LIABLE.¹⁹ IF HE ADJURED THEM FIVE TIMES OUTSIDE THE BETH DIN,²⁰ AND THEY CAME TO THE BETH DIN, AND ADMITTED [KNOWLEDGE OF TESTIMONY], THEY ARE EXEMPT;²¹ BUT IF THEY DENIED,²² THEY ARE LIABLE FOR EACH [OATH].²³ IF HE ADJURED THEM FIVE TIMES BEFORE THE BETH DIN, AND THEY DENIED [KNOWLEDGE OF TESTIMONY], THEY ARE LIABLE ONLY ONCE. SAID R. SIMEON:

WHAT IS THE REASON?²⁴ BECAUSE THEY CANNOT AFTERWARDS ADMIT [KNOWLEDGE].²⁵ IF BOTH [PERSONS] DENIED [KNOWLEDGE] TOGETHER,²⁶ THEY ARE BOTH LIABLE; IF ONE AFTER ANOTHER, THE FIRST IS LIABLE, AND THE SECOND EXEMPT.²⁷ IF ONE DENIED, AND THE OTHER ADMITTED, THE ONE WHO DENIED IS LIABLE. IF THERE WERE TWO SETS OF WITNESSES, AND THE FIRST DENIED, AND THEN THE SECOND DENIED, THEY ARE BOTH LIABLE, BECAUSE THE TESTIMONY COULD BE UPHOLD BY [EITHER OF] THE TWO.

GEMARA. Samuel said: If they²⁸ saw him running after them, and they said to him, 'Why are you running after us? We swear we know no testimony for you', they are exempt, [being liable only] when they hear from his mouth.²⁹ — What does he teach us? We have learnt it: If he sent [the adjuration] by his slave,³⁰ or if the defendant said to them: 'I adjure you that, if you know any testimony for him,³¹ you should come and bear testimony for him', they are exempt³²

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- (1) And the Sages would therefore hold that if he swore of his own accord even outside the Beth Din he would be liable.
 - (2) From oath of testimony itself, and not from deposit at all.
 - (3) The principle of dayyo (v. B.K. 25a) is that the derived law cannot logically be stricter than the original law.
 - (4) Even if he denied it outside the Beth Din.
 - (5) For Holy Writ says: he hath sworn falsely (Lev. V, 24), implying of his own accord.
 - (6) By גזרה שוה, v. p. 173, n. 8.
 - (7) Since they hold that, in the case of deposit, even where adjured by others, he is liable even outside the Beth Din, obviously they deduce liability for adjuration by others from the case of testimony, though they do not make the case of deposit entirely like the case of testimony; for in the latter they hold the denial must always be before the Beth Din; whereas in the case of deposit, once they have deduced that there is liability for adjuration by others, they say, 'establish it in its own place', i.e., make the law of adjuration by others equal to the law of swearing of his own accord, which (in the case of a deposit) does not need to be before the Beth Din.
 - (8) We certainly infer that the Sages hold 'deduce from it, and establish it in its own place'; but from our Mishnah it is not possible to draw this inference, for it may be that the Sages deduce their ruling by inference from minor to major, as explained above.
 - (9) Laws of uncleanness and oath of utterance; Lev. V, 2-4.
 - (10) V. supra p. 136, for notes.
 - (11) Supra 26a; Rab re-assured the one who had sworn falsely by telling him he had committed no offence, since he had made a genuine mistake. Why was it necessary for Rab to re-assure him? Does not this mishnah teach us that one is not liable for absolutely unwitting transgression?
 - (12) For Rab to re-assure them in the case of oath of utterance.
 - (13) In the case of oath of testimony.
 - (14) But for a genuine mistake he is not liable.
 - (15) In the case of oath of utterance.
 - (16) For Holy Writ says he must bring an offering even if 'it be hid from him', i.e., even if he made a mistake.
 - (17) Rab, in re-assuring R. Kahana and R. Assi.
 - (18) But that even in the case of oath of utterance there is no liability for a genuine mistake.
 - (19) If they really knew testimony, and thus swore falsely.
 - (20) And they denied knowledge of testimony.
 - (21) Because denial outside the Beth Din does not make them liable.
 - (22) Before the Beth Din.
 - (23) Sworn outside.
 - (24) Why are they not liable for all the oaths?
 - (25) If they denied knowledge of testimony immediately after the first adjuration before the Beth Din, they are no longer able to bear testimony (for the principle that one cannot testify again after having testified once, v. Sanh. 44b). Hence, even if they denied it at the end, all the adjurations except the first are in vain; for, if silence at the beginning implies denial, they cannot be adjured again; and if silence at the beginning implies acquiescence (that they do know testimony), why the further oaths? But adjurations outside the Beth Din are all counted, because denial outside does not impose

liability, and they can still bear testimony, and can therefore be adjured again and again; then, when they deny the knowledge at the Beth Din they are liable for all the adjurations.

(26) Or, within a short time of each other's denial; v. infra 32a.

(27) For since the first denied knowledge, there is only one witness left, and one witness is not liable to bear testimony.

(28) The witnesses.

(29) 'Come and bear testimony for me.'

(30) He sent his slave to adjure them to bear testimony for him.

(31) The plaintiff.

(32) If they falsely deny knowledge of testimony.

Talmud - Mas. Shevu'oth 32a

unless they hear [the adjuration] from the mouth of the plaintiff!¹ — ‘If he ran after them’ he requires [to tell us]: I might have thought that, since he ran after them, it is as if he had said to them,² therefore he teaches us [that it is not so]. But this we have also learnt:³ What is the oath of testimony? He said to witnesses, ‘COME AND BEAR TESTIMONY FOR ME’, [AND THEY REPLIED,] ‘WE SWEAR etc.’, [implying only] if he said, [‘Come and bear testimony’,] they are liable, but if he did not say it, they are not liable! — ‘HE SAID’ is not necessarily stressed [by the Mishnah],⁴ for if you will not say thus, then, with reference to deposit, where we learnt: What is the oath of deposit? He said to him, ‘Give me the deposit that you have of mine’,⁵ will you also say that if he said, [‘Give me the deposit’,] he⁶ is liable, and if he did not say it, he is not liable?⁷ [That cannot be,] for [the verse] and deal falsely with his neighbour⁸ [implies] in however slight a degree.⁹ Hence, ‘HE SAID’ is not stressed [in that mishnah], and here also it is not stressed.¹⁰ What is this!¹¹ Granted, if you say that ‘HE SAID’ here [in our Mishnah] is stressed, he states it there¹² because of here;¹³ but if you say, neither ‘HE SAID’ there is stressed nor ‘HE SAID’ here is stressed, why does the Mishnah say ‘HE SAID’ in both places?¹⁴ — Perhaps because it is the usual thing,¹⁵ therefore he¹⁶ teaches us [that it is to be taken literally]. It was taught in agreement with Samuel: If they saw him coming after them, and said to him: ‘Why are you coming after us? We swear we know no testimony for you’, they are exempt; but in the case of a deposit, they are liable.

IF HE ADJURED THEM FIVE TIMES, etc. How do we know that for denial in the Beth Din they are liable, but outside the Beth Din they are not liable? — Abaye said: Scripture says, If he tell it not, he shall bear his iniquity;¹⁷ I do not say to you [that he bears his iniquity]¹⁸ except in the place where, if he would tell [his evidence], the other would be liable to pay money.¹⁹ Said R. Papa to Abaye: If so, say the oath itself, if [uttered] before the Beth Din, makes him liable, if not before the Beth Din, does not! — That cannot enter our minds, for we learnt: [Scripture says: when he shall be guilty] in one [of these things]²⁰ — to make him liable for each one; and if it enters your mind [to say it must be uttered] before the Beth Din, is he then liable for each one? Surely we learnt: IF HE ADJURED THEM FIVE TIMES BEFORE THE BETH DIN, AND THEY DENIED IT, THEY ARE LIABLE ONLY ONCE. SAID R. SIMEON: WHAT IS THE REASON? BECAUSE THEY CANNOT AFTERWARDS ADMIT IT. Hence, we deduce from this, the oath [must be uttered] outside the Beth Din, and denial [must be] before the Beth Din.

IF THEY BOTH DENIED IT TOGETHER, THEY ARE BOTH LIABLE. But it is impossible to ascertain simultaneity!²¹ — R. Hisda said: This is in accordance with the view of R. Jose the Galilean, who says it is possible to ascertain simultaneity.²² R. Johanan said: You may even say it is in accordance with the view of the Rabbis,²³ [and the Mishnah means,] for example, they both denied it within the time of an utterance;²⁴ and [two statements following each other] within an interval of the time of an utterance are considered one utterance. Said R. Aha of Difti²⁵ to Rabina: Well, now, within the time of an utterance — what is its duration? As the greeting of a disciple to his Master (some say, as the greeting of a Master to his disciple);²⁶ now, till they say, ‘We swear, we know no testimony for you’, the duration is longer!²⁷ — He said to him: Each one within the interval of utterance of his neighbour.²⁸

ONE AFTER ANOTHER, THE FIRST IS LIABLE, AND THE SECOND EXEMPT. Our Mishnah will not be in accordance with the view of this Tanna, for we learnt: If he adjures one witness,²⁹ he is exempt; but R. Eleazar son of R. Simeon makes him liable. Shall we say that they disagree in this: One³⁰ holds that one witness, when he comes [to bear testimony], comes [to make the defendant liable] for an oath; and the other³¹ holds that one witness, when he comes [to bear testimony], comes [to make him liable to pay] money?³² — Can you really think so?³³ Surely Abaye said: All agree in [the case of] the witness of the sotah; and all agree in [the case of] the witnesses of the sotah; and they disagree in [the case of] the witnesses of the sotah.³⁴ All agree in [the case of]

one witness;³⁵ and all agree in [the case of] the witness where his³⁶ adversary is suspected of swearing falsely!³⁷ — Well then, all agree that one witness, when he comes [to bear testimony], comes [to make the defendant liable] for an oath; and here, they disagree in this: one³⁸ holds that which causes [extraction of] money is counted as [if it had actually extracted] money;³⁹ and the other holds it is not counted as [if it had actually extracted] money.

[To revert to] the text above: ‘Abaye said: All agree in [the case of] the witness of the sotah; and all agree in [the case of] the witnesses of the sotah, and they disagree in [the case of] the witnesses of the sotah. All agree in [the case of] one witness, and all agree in [the case of] the witness where his adversary is suspected of swearing falsely.’ ‘All agree in [the case of] the witness of the sotah that he is liable’ — the witness of defilement,⁴⁰ for Scripture believes him, as it is written: and there be no witness against her⁴¹ — as long as there is [some testimony] against her. ‘And all agree in [the case of] the witnesses of the sotah that they are exempt’ — the witnesses of jealousy, for they are the cause of a cause.⁴²

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- (1) *Infra* 35a; why, then, does Samuel need to tell us his ruling? It is already taught in a Mishnah!
 - (2) ‘Come and bear testimony.’
 - (3) That he must definitely ask them, and running after them is of no avail.
 - (4) And, were it not for Samuel, we might have thought that if he ran after them, they are also liable.
 - (5) *infra* 36b.
 - (6) The bailee.
 - (7) If the bailee denied on oath having the deposit, will you say he is not liable, if the depositor did not in the first place ask for it!
 - (8) *Lev. V*, 21.
 - (9) As long as he deals falsely (i.e., denies the deposit), he is liable.
 - (10) We would therefore have thought that if he ran after the witnesses (even if he did not say, ‘Come and bear testimony’), they are liable; therefore Samuel must teach us that they are not.
 - (11) This is no argument.
 - (12) In connection with deposit, though it is not intended to be taken literally there.
 - (13) In our Mishnah it has to be stated, and is intended to be taken literally.
 - (14) Let them both be omitted. Obviously therefore we must say that at least in our Mishnah ‘HE SAID’ is to be taken literally; why, therefore, does Samuel need to tell us his ruling? It is implicit in the Mishnah!
 - (15) We might have thought that the Mishnah mentions ‘HE SAID’, not because it is to be taken literally, but because it is usual for the plaintiff to say, ‘Come and bear testimony for me.’
 - (16) Samuel.
 - (17) *Lev. V*, 1.
 - (18) For denying knowledge of testimony.
 - (19) The emphasis is on ‘tell’, ‘declare’, i.e., before the Beth Din.
 - (20) *Lev. V*, 5.
 - (21) How can we know if both witnesses denied it actually simultaneously?
 - (22) *Bek. 9a*.
 - (23) Who disagree (*loc. cit.*) with R. Jose.
 - (24) Which is explained below as the time required for the greeting: ‘Peace be upon thee, my Master!’
 - (25) [Dibtha on the Tigris, v. Die Landschaft Babylonien Obermeyer, J. p. 197.]
 - (26) ‘Peace be upon thee.’
 - (27) These words cannot be said in the time that a greeting can be uttered, for the greeting (in Hebrew) is three words, whereas the oath (in Hebrew) is six words.
 - (28) The interval elapsing between the denials of the two witnesses must not be longer than the time taken to utter the greeting.
 - (29) And he denies knowledge of testimony, he is exempt from bringing the offering.
 - (30) The first Tanna holds that one witness is not sufficient to make the defendant liable to pay what the plaintiff demands, but can only make him take an oath denying liability (v. *infra* 40a), and therefore, his testimony being

ineffective, the witness, if he denies knowledge of testimony, is not liable to bring an offering.

(31) R. Eleazar b. R. Simeon.

(32) Though Scripture says: One witness shall not rise up against a man for any iniquity, or for any sin (Deut. XIX, 15), R. Eleazar holds it refers only to stripes or other punishment, but one witness is sufficient in money matters; therefore, if one witness denies knowledge of testimony, he is liable. Our Mishnah, in exempting the second witness, is therefore not in accordance with the view of R. Eleazar b. R. Simeon.

(33) That R. Eleazar b. R. Simeon holds one witness is sufficient in money matters?

(34) Wife suspected by husband of unfaithfulness, Num. V, 11-31; all agree that in certain circumstances even if one witness of the sotah is adjured and denies knowledge he is liable; and in certain circumstances even if two witnesses are adjured and deny knowledge they are exempt; and in certain circumstances if two witnesses are adjured, R. Eleazar b. R. Simeon and the Sages disagree, the former holding they are liable, and the latter that they are exempt. The circumstances are explained below.

(35) That in certain circumstances (such as those at which R. Abba was present; infra 32b) he is liable, if he denies on oath knowledge of testimony.

(36) The reference will be explained infra.

(37) That he is liable (v. infra 32b for reason). Now the reason for R. Eleazar b. R. Simeon's view that in certain circumstances witnesses of the sotah who are adjured are liable, is explained below by Abaye to be that they are the cause of pecuniary loss and this is so also in the case of one witness (in money matters) who, though his testimony is insufficient to extract money, is yet liable, if adjured, because he is the cause of pecuniary loss, for he makes the defendant take an oath (to deny liability), and since the majority of people do not swear falsely, the defendant would have to pay. The witness, therefore, by denying knowledge of testimony, causes pecuniary loss to the plaintiff. This consequently shows that even according to R. Eleazar b. R. Simeon no money can be extracted on the strength of the mere evidence of one witness!

(38) R. Eleazar b. R. Simeon, in saying that if one witness is adjured he is liable, though if he had given evidence, he would have made the defendant liable for an oath only.

(39) This witness, though not actually extracting money, causes extraction of money, because the defendant, rather than take an oath, pays the claim.

(40) First there must be two witnesses before whom the husband warns his wife, 'Do not go with So-and-so secretly' (**עדי קנוי**, witnesses of his jealousy); and two witnesses that she did go secretly with him (**עדי סתירה**, witnesses of the secret meeting). If now there is one witness that she actually was unfaithful at this secret meeting (**עדי טומאה**, witness of defilement), the witness is believed, and the husband need not pay his wife her **כתובה** (marriage settlement). If this witness of defilement avoids giving testimony by swearing falsely that he knows no testimony, he is liable to bring an offering, for he has, by his avoidance of evidence, occasioned a pecuniary loss to the husband (who has to pay his wife the kethubah).

(41) Lev. V. 13; though Scripture says, there is no **עד** (singular), it is explained (Sotah 31b) that **עד** (without the qualifying numeral **אחד**) denotes two witnesses; hence, Scripture means, 'there be not two witnesses', but only one.

(42) Even if they had given evidence, there is still the need of the other two witnesses that the wife had secreted herself with her paramour; and even these latter do not actually benefit the husband directly (by freeing him from paying the kethubah), but indirectly, for by their evidence they cause the wife to drink the 'bitter waters' (Lev. V. 17-24), and possibly, out of fear, she might confess her unfaithfulness, and lose her kethubah. Hence, the **עדי סתירה** are merely the cause of pecuniary loss, and the **עדי קנוי** the cause of the cause, i.e., remote and very indirect cause. If, therefore, the **עדי קנוי** avoided giving evidence by swearing falsely, they are not liable, for they did not directly cause any pecuniary loss.

Talmud - Mas. Shevu'oth 32b

'And they disagree in [the case of] the witnesses of the sotah' — the witnesses of the secret meeting; one holds that which causes [extraction of] money is counted as [if it had actually extracted] money, and they are liable; and the other holds it is not counted as [if it had actually extracted] money, and they are exempt.¹

'All agree [in the case of the witness] where his adversary is suspected of swearing falsely'.² 'All

agree in [the case of] one witness' [in such circumstances as came] before R. Abba.³ 'All agree [in the case of the witness] where his adversary is suspected of swearing falsely.' Who is suspected? Shall we say the debtor is suspected; and the creditor could say [to the witness]. 'If you would have come to bear testimony for me, I would have sworn, and taken [the debt]'? Let the witness say to him, 'Who says that you would have sworn?'⁴ — Well then, for example, if they are both suspect, in which case it has been said, the oath returns to the one who is bound to take it,⁵ and because he cannot swear,⁶ he pays.⁷

'All agree in [the case of] one witness' [in such circumstances as came] before R. Abba; for there was a man who snatched a bar of silver from his neighbour; they came before R. Ammi, and R. Abba was sitting before him. He⁸ went and brought one witness that he had snatched it from him. The other said, 'Yes, I snatched it, but it is mine that I snatched'. Said R. Ammi: How shall judges settle this dispute? Shall he pay? There are not two witnesses. Shall he be exempt? There is one witness that he snatched it. Shall he swear? Since he said, 'Yes, I snatched it, but it is mine that [snatched]', he is like a robber.⁹ R. Abba said to him: He is bound to take an oath,¹⁰ and he cannot swear; and anyone who is bound to take an oath, and cannot swear, pays.¹¹

R. Papa said: All agree in [the case of] a witness of death¹² that he is liable; and all agree in [the case of] a witness of death that he is exempt. 'All agree in [the case of] a witness of death that he is exempt', — if he told it to her,¹³ and did not tell it to the Beth Din; for we learnt: A woman who said, 'My husband died', may remarry; 'my husband died', marries her brother-in-law.¹⁴ 'All agree in [the case of] a witness of death that he is liable,' — if he told it neither to her nor to the Beth Din.¹⁵ Can we deduce from this that if one adjures witnesses in connection with land [and they deny knowledge of testimony], they are liable?¹⁶ — No! Perhaps she had seized movables.¹⁷

IF ONE DENIED, AND THE OTHER ADMITTED, etc. Now, if in the case of one after another where both deny, you say the first is liable,¹⁸ and the second exempt, in the case where one denies and the other admits, is there any question?¹⁹ — It is not necessary [for the Mishnah to tell us this except in the case] where both denied, and then one of them turned and admitted within the interval of the time of an utterance; and this he teaches us, that [two statements following each other] within the interval of the time of an utterance are considered one utterance.²⁰ Granted, according to R. Hisda who explains that [clause]²¹ as being in accordance with the view of R. Jose the Galilean;²² the first clause [establishes that] it is possible to ascertain simultaneity, and the second clause²³ is necessary in order to teach us that [two statements following each other] within the interval of the time of an utterance are considered one utterance; but, according to R. Johanan, the first clause [teaches us the law with regard to statements uttered] within the interval of the time of an utterance, and the second clause [teaches us the law with regard to statements uttered] within the interval of the time of an utterance! Why do we need both? — You might have thought that only in the case of denial and denial²⁴ [do we say that two statements within a brief interval are considered one],²⁵ but in the case of denial and admission²⁶ we do not say this, therefore he teaches us [that we do].

IF THERE WERE TWO SETS OF WITNESSES, AND THE FIRST DENIED, AND THEN THE SECOND DENIED, [THEY ARE BOTH LIABLE]. Granted, the second should be liable, because the first denied;²⁷ but the first — why [should they be liable]?

(1) If the husband adjures the two witnesses of the secret meeting (עדי סתירה) to bear testimony for him, and they swear, denying knowledge of testimony, R. Eleazar b. R. Simeon (who regards the causing of pecuniary loss as the direct infliction of a money loss, as is proved by his view imposing liability on one witness who was adjured) will hold they are liable, for by withholding their testimony they cause a pecuniary loss to the husband (for, had they given testimony, the wife might have confessed rather than undergo the ordeal of the 'bitter waters', and the husband would have been exempt from paying the kethubah); but the Sages hold they are not liable, for their testimony would not have directly freed the husband from paying the kethubah.

(2) If there is one witness for a debt, the debtor takes an oath denying liability; but if he is suspected of swearing falsely, the creditor takes an oath that the debt is due, and is paid (infra 44b). If the witness is adjured by the creditor, and denies knowledge of testimony, he is thereby depriving the creditor of his debt, and therefore all agree that in such a case he is liable. [The order of the text in cur. edd. is somewhat disarranged. MS.M. preserves a better order and reading which avoid the needless repetitions in our text, v. D.S.].

(3) Explained below.

(4) Perhaps you would not have wished to swear, and would not have obtained your money. The witness is therefore merely a possible cause of monetary loss (and does not actually deprive the creditor of his money); the Sages (who disagree with R. Eleazar b. R. Simeon) would therefore not hold him liable. Why, then, say that all agree in this case?

(5) The debtor, infra 47a.

(6) Being suspected of swearing falsely.

(7) The witness, therefore, by withholding his testimony in such a case, definitely deprives the creditor of his money, and all agree that he is liable.

(8) The owner of the bar.

(9) A man cannot free himself by saying, 'it is mine that I snatched', for if this excuse were accepted, no robber would ever be liable, even when there were two witnesses that he robbed, for he could always say, 'I admit I took it, but it is my own property'; v. Tosaf. a.l. And since he is like a robber, he cannot take an oath.

(10) He cannot keep it by saying, 'it is mine', for there is a witness that he snatched it from some one else; and property is always presumed to belong to the one in whose possession it has been (unless there is definite proof to the contrary). He must therefore take an oath to deny the statement of the witness. This he cannot do, for he admits that he snatched it (agreeing with the witness), and since he cannot swear, he must return it; v. B.B. (Sonc. ed.) p. 156 and notes.

(11) The witness, therefore, if he had withheld his evidence, would have deprived the man of his bar of silver; therefore all agree that he must bring an offering for his false oath in such circumstances.

(12) That a woman's husband had died.

(13) That he knows her husband has died abroad; but when she adjured him to give evidence before the Beth Din, he denied the knowledge. He is not liable, because she can go to the Beth Din herself, and say her husband is dead, and requires no witness. He has therefore not occasioned any monetary loss to her by withholding his evidence, for she is believed, and can obtain her kethubah from the heirs.

(14) If her husband died without issue; Deut. XXV, 5.

(15) If the wife adjures him to give evidence, and he denies having any knowledge, he is liable, for he has deprived her of the kethubah, since he did not tell even her that her husband had died, and she has therefore no information at all on the matter.

(16) The kethubah was collected (in Talmudic times) from immovable property only; the witness of the husband's death is liable, according to R. Papa, if he is adjured and withholds information. But there is already a dispute between Tannaim on this point (v. infra 37b). Let R. Papa then merely say he agrees with one of the Tannaim!

(17) The wife had in her possession during the husband's lifetime some of his movable property; and if the witness had given evidence, she would have retained it in settlement of her kethubah. R. Papa's ruling may refer to such a case, and not to a case where the kethubah has to be collected from immovable property.

(18) Though he could say, 'Why should I be liable? My testimony alone is of no avail, since the other also denies', yet because when he denies, the other had not yet denied, he is liable.

(19) Surely, it is obvious that the first is liable, for the second admits knowing testimony; hence, the first, by withholding testimony, deprives the claimant of his money. Why, then, does the Mishnah mention this clause? It is superfluous!

(20) And the Mishnah does not wish to teach us that the one who denies is liable (for this we know from the previous clause), but that the one who admits is exempt, although he first denied, his admission within the brief interval being accepted, and exempting him.

(21) Where both denied together.

(22) V. supra 32a.

(23) One denied, and the other admitted.

(24) As in the first clause.

(25) And the second is liable like the first.

(26) The second clause, where the same person first denies, and then admits.

(27) Hence, only the second set were left to bear testimony, and by withholding testimony, they make the claimant incur

a loss.

Talmud - Mas. Shevu'oth 33a

The second set are still there!¹ — Rabina said: Here we are discussing [a case] where, for example, the second set, at the time of the denial of the first set, were related through their wives;² and their wives were dying: you might have thought [because we say] the majority of dying people actually die [the second set are eligible],³ therefore he teaches us [that they are not], because as yet the wives are not dead.⁴

MISHNAH. 'I ADJURE YOU THAT YOU COME AND BEAR TESTIMONY FOR ME THAT THERE ARE OF MINE IN THE POSSESSION OF SO-AND-SO A DEPOSIT, LOAN, THEFT, AND LOST OBJECT.'⁵ — 'WE SWEAR WE KNOW NO TESTIMONY FOR YOU': THEY ARE LIABLE ONLY ONCE. 'WE SWEAR WE KNOW NOT THAT THERE ARE OF YOURS IN THE POSSESSION OF SO-AND-SO A DEPOSIT, LOAN, THEFT, AND LOST OBJECT': THEY ARE LIABLE FOR EACH ONE. 'I ADJURE YOU THAT YOU BEAR TESTIMONY FOR ME THAT THERE IS OF MINE IN THE POSSESSION OF SO-AND-SO A DEPOSIT OF WHEAT, BARLEY, AND SPELT'. — 'WE SWEAR WE KNOW NO TESTIMONY FOR YOU': THEY ARE LIABLE ONLY ONCE. 'WE SWEAR WE KNOW NO TESTIMONY FOR YOU THAT THERE IS OF YOURS IN THE POSSESSION OF SO-AND-SO A DEPOSIT OF WHEAT, BARLEY, AND SPELT': THEY ARE LIABLE FOR EACH ONE.⁶ — 'I ADJURE YOU THAT YOU COME AND BEAR TESTIMONY FOR ME THAT SO-AND-SO OWES ME FULL INDEMNITY FOR DAMAGE, OR HALF INDEMNITY,⁷ OR DOUBLE,⁸ OR FOUR OR FIVE TIMES THE AMOUNT;⁹ OR THAT SO-AND-SO VIOLATED MY DAUGHTER, OR SEDUCED MY DAUGHTER;¹⁰ OR THAT MY SON SMOTE ME;¹¹ OR THAT MY NEIGHBOUR INJURED ME, OR SET FIRE TO MY HAYSTACK ON THE DAY OF ATONEMENT';¹² [AND THEY DENY KNOWLEDGE OF TESTIMONY] THEY ARE LIABLE.¹³

GEMARA. It was debated: If he adjures witnesses in [a case where] a fine [is imposed],¹⁴ what is the ruling? In accordance with the view of R. Eleazar son of R. Simeon who says, let the witnesses come and hear testimony, there is no question;¹⁵ but the question is in accordance with the view of the Rabbis who say, he who admits [an act for which] a fine [is imposed], and then witnesses come, is exempt.¹⁶ But [consider] the Rabbis there,¹⁷ with whom do they agree? Shall we say they agree with R. Eleazar son of R. Simeon here?¹⁸ Surely he says, that which causes [extraction of] money is counted as [if it had extracted] money!¹⁹ — Well then, they agree with the Rabbis here²⁰ who say that which causes [extraction of] money is not counted as [if it had extracted] money: what is the ruling? [Shall we say] since, if he had confessed, he would have been exempt,²¹ he is not denying [a legitimate] money [liability],²² or, since now he did not actually confess, [he is denying a money liability]?²³ — Come and hear: 'I ADJURE YOU THAT YOU COME AND BEAR TESTIMONY FOR ME THAT SO-AND-SO OWES ME FULL INDEMNITY FOR DAMAGE, OR HALF INDEMNITY'. Now, half indemnity is a fine,²⁴ [and yet they are liable]!²⁵ — [The Mishnah will agree with him] who holds the half indemnity is a liability.²⁶ That is well according to him who holds that the half indemnity is a liability, but according to him who holds it is a fine, what shall we say?²⁷ — [The Mishnah will refer to] the half indemnity of pebbles,²⁸ for which there is a tradition that it is a liability. Come and hear: '[SO-AND-SO OWES ME] DOUBLE'!²⁹ — Because of the principal.³⁰ 'FOUR OR FIVE TIMES THE AMOUNT'! — Because of the principal. — 'SO-AND-SO VIOLATED, OR SEDUCED MY DAUGHTER'!³¹ — Because of the shame and deterioration.³² What does he teach us? It is all liability!³³ — The first clause teaches us one thing, and the last clause teaches us one thing. The first clause teaches us one thing, that the half indemnity of pebbles is a liability.³⁴ The last clause teaches us one thing: 'THAT HE SET FIRE TO MY HAYSTACK ON THE DAY OF ATONEMENT' [etc.]. What does this exclude? It excludes the view of R. Nehunia b. Hakkanah, for it was taught: R. Nehunia b. Hakkanah made the Day of

Come and hear: 'I adjure you that you come and bear testimony for me

- (1) To bear testimony; and the first have therefore not occasioned him any loss by withholding their evidence.
- (2) They married two sisters, and therefore were ineligible to bear testimony together in one case.
- (3) Because we assume the wives are counted as dead, therefore the witnesses are no longer related to each other; and since they are now eligible, the first set should be exempt, because the second set are there to give evidence.
- (4) The first set are therefore liable, because they alone are eligible, and by withholding their testimony they make the claimant incur a loss.
- (5) 'I deposited with him some wheat, and he borrowed from me some wheat, and stole from me some wheat, and found some wheat which I had lost'.
- (6) In this clause the claim is under one head (deposit), but of different kinds (wheat, barley, and spelt). In the first clause the claim is under different heads (deposit, loan, theft, lost object), but one kind (e.g., wheat).
- (7) Explained in the Gemara.
- (8) For theft; Ex. XXII, 3.
- (9) If the thief sold or killed the animal he stole, he pays four times its value (for a sheep), and five times its value (for an ox); Ex. XXI, 37.
- (10) He must pay the father for the shame caused to his daughter (**בושת**), and for the deterioration in her value (**פגום**).
- (11) Without causing a wound, he must pay for the shame. If he caused a wound, the penalty is death (Sanh. 85b), and the lesser penalty (compensation for **בושת**) is not inflicted, but is merged in the larger.
- (12) Though the penalty for wounding or setting fire on the Day of Atonement is kareth, the money penalty is also inflicted.
- (13) For they thereby deprive the claimant of his money.
- (14) E.g., for seducing a maid, for which he pays 50 shekels; Deut. XXII, 29. This is a fine (**קנס**) in contradistinction to a real liability (**למזון**). Any payment that does not correspond to the amount of damage caused is considered a fine.
- (15) He who admits an act for which a fine is imposed is exempt (B.K. 64b); but if after his confession witnesses give evidence, he is liable, according to R. Eleazar b. R. Simeon. If, therefore, the witnesses withhold their testimony, they cause a pecuniary loss to the injured party, and are therefore liable.
- (16) Do we say this is not a real liability, since a confession would exempt him, and therefore if witnesses are adjured to bear testimony before he confesses, and deny knowledge of testimony, they are exempt; or, since, if they had given evidence before his confession, he would have been liable, they are, by withholding evidence, causing a loss to the claimant, and consequently should be liable?
- (17) Who hold that even if witnesses come after his confession he is still exempt.
- (18) Supra 32a; if one witness is adjured, and denies knowledge, he is liable.
- (19) Therefore, even if we say that confession of a fine, followed by witnesses, still exempts him; the witnesses, who are adjured before the confession, should be liable, because, by withholding their evidence, they cause loss to the claimant.
- (20) Supra 32a.
- (21) Even if witnesses had come later.
- (22) And therefore the witnesses, who are adjured before he confesses, are not liable, though by withholding testimony they cause a loss to the claimant, for that is merely **גורם למזון**.
- (23) And the witnesses who are adjured are depriving the claimant of money by withholding their testimony, and are therefore liable.
- (24) It is assumed at present that this half indemnity is for the damage caused by a goring ox on the first two occasions while yet a Tam (v. Glos.), Ex. XXI, 35; and this is a fine, B.K. 15a.
- (25) Hence you may deduce that if witnesses for a fine are adjured, they are liable.
- (26) B.K. 15a; hence you cannot solve the problem from the Mishnah.
- (27) How will he explain the half indemnity of the Mishnah?
- (28) If an animal, while walking, treads on pebbles, and they fly out from under its feet, and cause damage to another's property, the owner of the animal pays half the amount of the damage; B.K. 17a.
- (29) For theft; the extra amount above the principal is a fine. The witnesses are liable; hence you may solve your

problem.

(30) The witnesses are liable because by withholding evidence they deprive him even of the principal.

(31) For which a fine is imposed; Deut. XXII, 29.

(32) By withholding evidence the witnesses deprive the father of compensation by the seducer (apart from the fine of 50 shekels) for the shame, and also for the deterioration in value of the girl (which sums are **מזון**, not **קנס**).

(33) If all the clauses in the Mishnah refer to **מזון** and not **קנס**, why does the Mishnah need to enumerate them all? One clause would suffice.

(34) And because the Mishnah mentions this, it mentions also the rest (double, four or five times), for they are equal in that they are either more or less than the principal.

(35) Because he incurs the death penalty (**מיתת בית דין**) for setting a haystack on fire, he does not pay for the damage; so on the Day of Atonement, because he incurs the penalty of kareth, he does not pay; Keth. 30a. Our Mishnah, in stating that the witnesses are liable if they withhold evidence in the case of a man who set fire to a haystack on the Day of Atonement, obviously holds that had they given evidence he would have had to pay, hence it disagrees with R. Nehunia b. Hakkanah. This last clause is therefore inserted to exclude R. Nehunia b. Hakkanah's view.

Talmud - Mas. Shevu'oth 33b

that So-and-So uttered an evil report about my daughter';¹ [and the witnesses deny knowledge of testimony] they are liable. If he confessed himself, he is exempt!² — This is in accordance with the view of R. Eleazar son of R. Simeon, who says, let the witnesses come and bear testimony.³ Read then the latter clause: 'If he confessed himself, he is exempt'.⁴ We here thus come round to [the view of] the Rabbis! — It is all in accordance with the view of R. Eleazar son of R. Simeon; and thus he means: It is not possible that, if he confessed himself, he should be exempt, except when there are no witnesses at all, and he confessed himself.⁵

MISHNAH. 'I ADJURE YOU THAT YOU COME AND BEAR TESTIMONY FOR ME THAT I AM A PRIEST, OR, THAT I AM A LEVITE, OR, THAT I AM NOT THE SON OF A DIVORCED WOMAN, OR, THAT I AM NOT THE SON OF A HALUZAH;⁶ THAT SO-AND-SO IS A PRIEST, OR, THAT SO-AND-SO IS A LEVITE, OR, THAT HE IS NOT THE SON OF A DIVORCED WOMAN, OR, THAT HE IS NOT THE SON OF A HALUZAH; THAT SO-AND-SO VIOLATED ANOTHER'S DAUGHTER, OR SEDUCED HIS DAUGHTER; THAT MY SON INJURED ME;⁷ THAT MY NEIGHBOUR INJURED ME,⁸ OR SET FIRE TO MY HAYSTACK ON THE SABBATH,' — THEY ARE EXEMPT.⁹

GEMARA. The reason [they are exempt] is because [he adjured them:] 'SO-AND-SO IS A PRIEST, OR, SO-AND-SO IS A LEVITE',¹⁰ but [if he adjured them:] 'So-and-So owes So-and-So a hundred zuz', they would be liable? Surely he teaches in a later clause: [They are exempt] unless they hear [the adjuration] from the mouth of the claimant!¹¹ — Samuel said: [It refers to a case where] he comes with power of attorney.¹² But the Nehardeans say: We do not write an authorisation on movables!¹³ — That is only when he denies it, but when he does not deny it, we do write.¹⁴

Our Rabbis taught: How do we know that the verse refers only to a money claim? R. Eliezer said, Here¹⁵ it is said: or . . . or;¹⁶ and there¹⁷ it is said: or . . . or;¹⁸ just as there it refers only to a money claim, so here it refers only to a money claim. But let the or . . . or of a murderer¹⁹ prove [that a money claim is not intended], for they are or . . . or, and refer not to a money claim! We deduce or . . . or which are concerned with an oath²⁰ from or . . . or which are concerned with an oath;²¹ and let not the or . . . or of a murderer prove [anything], for they are not concerned with an oath. But let the or . . . or a sotah²² prove, for they are or . . . or,²³ and are concerned with an oath,²⁴ and refer not to a money claim!²⁵ We deduce or . . . or which are concerned with an oath, and not concerned with a priest from or . . . or which are concerned with an oath, and not concerned with a priest; and let not the or . . . or of a murderer prove [anything], for they are not concerned with an oath; nor let the or . . . or of a sotah prove [anything], for, although they are concerned with an oath, they are also

concerned with a priest.

R. Akiba said: And it shall be, when he shall be guilty in one of these things²⁶ — in some of ‘these things’ he is liable, and in some of ‘these things’ he is exempt: how is this? If he claimed from him money, he²⁷ is liable, if something else, he is exempt.

R. Jose the Galilean said, Behold Scripture says: He being a witness, whether he hath seen or known²⁸ — of such testimony as may be established by seeing without knowing, and by knowing without seeing, the verse deals.²⁹ ‘Seeing without knowing’, how? ‘A hundred zuz I counted out to you before So-and-so and So-and-so.’³⁰ ‘Let So-and-so and So-and-so come and bear testimony.’³¹ This is seeing without knowing. ‘Knowing without seeing’, how? ‘You admitted that you owe me a hundred zuz before So-and-So and So-and-so.’³² ‘Let So-and-so and So-and-so come and bear testimony.’³³ This is knowing without seeing.

R. Simeon said: He is liable here,³⁴ and he is liable in [the case of] deposit; just as there it deals only with a money claim, so here it deals only with a money claim; and further, [we have an argument] from minor to major: Deposit, where the law makes women equal to men, relatives equal to non-relatives, those ineligible [to bear testimony] equal to those eligible, and where he is liable for

(1) That he found her not a virgin when he married her; Deut. XXII, 14. If his allegation is false, he is fined 100 shekels of silver; *ibid.* 19.

(2) Apparently even if witnesses came later; yet if witnesses are adjured before the confession, and they withhold testimony, they are liable. Hence it is proved that if witnesses for a fine are adjured and withhold testimony they are liable.

(3) Even after confession (cf. p. 187, n. 10), but the question is with reference to the Rabbis.

(4) Apparently even if witnesses come later.

(5) And the confession was not followed by witnesses. We cannot therefore decide the question (according to the Rabbis) whether or not witnesses who are adjured for a fine and withhold testimony, are liable.

(6) A woman (whose husband died without issue) released, by the ceremony of halizah (Deut. XXV, 9), from marrying her husband's brother.

(7) Causing a wound. Since death is inflicted, there is no money payment.

(8) On the Sabbath: the penalty is death.

(9) The witnesses, denying knowledge of testimony, are exempt in all these cases, for they are liable only if by their refusal to testify they cause a monetary loss to the claimant. In the case of ‘So-and-so violated another's daughter’, they are exempt (though causing monetary loss) because it is not the claimant himself who adjures them.

(10) The issue is not monetary.

(11) *Infra* 35a.

(12) Our Mishnah, which implies that if it were a money claim the witnesses would be liable even if the person who adjured them was not the claimant, refers to a case where he who adjured the witnesses was authorised by the creditor to claim the debt on his behalf.

(13) B.K. 70a.

(14) Should then the debtor deny the claim after the authorisation was given, the witnesses, by withholding their testimony, would cause a loss to the claimant, and therefore be liable.

(15) In connection with the oath of testimony.

(16) Lev. V, 1: or saw or knew.

(17) In connection with the oath of deposit.

(18) Lev. V, 21: in a deposit or pledge or robbery, or oppressed his neighbour.

(19) Num. XXXV, 18-21: or if he smote him with a weapon of wood . . . or hurled at him . . . or in enmity smote him.

(20) Oath of testimony.

(21) Oath of deposit.

(22) Woman suspected by husband of infidelity; Num. V, 12-31.

(23) Num. V, 14: or if the spirit of jealousy; *ibid.* 30: or when the spirit of jealousy.

- (24) Ibid. 21, 22: the priest shall cause the woman to swear.
 (25) But to make her drink the bitter waters; Num. V, 24.
 (26) Lev. V, 5.
 (27) The witness who withholds testimony.
 (28) Lev. V, 1.
 (29) And this is only possible in a money claim, as he explains.
 (30) The claimant says to the debtor: 'The witnesses saw me counting out the money to you, but I did not tell them if it was a gift or loan or repayment of debt.'
 (31) The debtor replies: 'If they testify that they saw you counting out the money to me, I will pay you.'
 (32) They did not see the transaction; they only heard your admission, and therefore know that you owe me the money.
 (33) That they heard my admission, and I will pay you.
 (34) In the case of oath of testimony.

Talmud - Mas. Shevu'oth 34a

each [oath], whether [uttered] before the Beth Din or not before the Beth Din,¹ yet deals only with a money claim; testimony, where the law does not make women equal to men, relatives equal to non-relatives, those ineligible [to bear testimony] equal to those eligible, and where he is liable only once [if adjured] before the Beth Din, how much more that it should deal only with a money claim!² — [No! We may argue:] Deposit [is restricted to money claims] because the law does not make him who is adjured [by others] equal to him who swears [of his own accord], or him who swears wilfully like him who swears unwittingly; but how can you say in [the case of] testimony [that it should be restricted to money claims], since the law makes him who is adjured [by others] equal to him who swears [of his own accord], and him who swears wilfully equal to him who swears unwittingly? — It is said: sin, sin, for deduction by analogy;³ here⁴ it is said: [If any one] sin,⁵ and there⁶ it is said: [If any one] sin;⁷ just as there it deals only with a money claim, so here it deals only with a money claim.

Rabbah b. Ulla raised an objection:⁸ Or . . . or of [the oath of] utterance⁹ will prove [that a money claim is not intended], for they are or . . . or, and are concerned with an oath, and not concerned with a priest, and yet deal not with a money claim!¹⁰ — It is more reasonable to deduce it from deposit, because [we may deduce] 'sin'¹¹ from 'sin'.¹² — On the contrary, we should deduce it from [the oath of] utterance, for [we may deduce] sin offering from sin offering!¹³ — Well, it is more reasonable to deduce it from deposit, because [they are both equal in respect of] sin,¹⁴ wilful,¹⁵ claim and denial,¹⁶ past.¹⁷ On the contrary, we should deduce it from [oath of] utterance, because [they are both equal in respect of] sin offering, sliding scale, fifth!¹⁸ — The others are more.¹⁹

'R. Akiba said: And it shall be, when he shall be guilty in one of these things — in some of these things he is liable, and in some of these things he is exempt; how is this? If he claimed from him money, he is liable; if he claimed from him something else, he is exempt.'²⁰ Let me reverse it!²¹ — R. Akiba relies on the or . . . or of R. Eliezer.²² — [If so,] what is the difference between R. Eliezer and R. Akiba?²³ — The difference between them is, if he adjures witnesses for land: according to R. Eliezer²⁴ they are liable, according to R. Akiba they are exempt. — But according to R. Johanan who says there²⁵ that if he adjures witnesses for land, they are exempt even according to R. Eliezer, what will be the difference here between R. Eliezer and R. Akiba? — The difference between them will be witnesses for a fine.²⁶

'R. Jose the Galilean said: He being a witness, whether he hath seen or known — of such testimony as may be established by seeing without knowing, and by knowing without seeing, the verse deals.'²⁷ R. Papa said to Abaye: Shall we say that R. Jose the Galilean²⁸ does not agree with R. Aha? For it was taught: R. Aha said; If a camel copulates among other camels, and one camel is found killed at his side, it is known that he killed him.²⁹ Now, if he would agree with R. Aha, it is

possible also in capital cases, as [in the incident related by] R. Simeon b. Shetah, for we learnt, R. Simeon b. Shetah said; May I not see the consolation [of Zion] if I did not see a man running after his neighbour into a ruin, and I ran after him, and found him with a sword in his hand with the blood dripping, and the victim writhing in agony. I said to him: ‘Wicked one! Who killed this man? I or you? But what can I do, since your blood is not given into my hand, for Scripture says: At the mouth of two witnesses, or three witnesses, shall he that is to die be put to death.’³⁰ But the Omnipresent will exact retribution from you!’ It is said, they had not yet moved from there, when a serpent bit him, and he died!³¹ — You may say, he does agree with R. Aha. Granted, knowing without seeing is possible,³² but seeing without knowing how is that possible?³³ Does he not need to know if he killed a heathen or a Jew,³⁴ if he killed a man suffering from a fatal disease or a healthy man?

We may deduce that R. Jose the Galilean holds that if he adjures witnesses for a fine,³⁵ they are exempt, for if you will say they are liable, granted that knowing without seeing is possible,³⁶ but seeing without knowing — [how is that possible]? Does he not need to know if he cohabited with a heathen woman or a Jewish woman, with a virgin or with a woman who is not a virgin?³⁷

R. Hamnuna sat before Rab Judah, and Rab Judah sat and enquired; [If one said;] ‘A hundred zuz I counted out to you before So-and-So and So-and-So’;

(1) *Infra* 36b.

(2) If the law concerning the oath of deposit, which has a more universal application, is yet restricted to money claims only, the law concerning the oath of testimony, which is restricted in many points, should the more so be restricted to money claims.

(3) A Gezerah shawah, v. Glos.

(4) In the case of oath of testimony.

(5) Lev. V. 1.

(6) In the case of oath of deposit.

(7) Lev. V, 21.

(8) To the deduction of R. Eliezer; *supra* 33b.

(9) Lev. V, 4: Or if any one swear . . . to do evil, or to do good.

(10) Therefore let us say that the oath of testimony also does not deal with a money claim.

(11) Lev. V. 1: if any one sin (referring to oath of testimony).

(12) *Ibid.* 21: if any one sin (referring to oath of deposit).

(13) For transgression of oath of testimony, or oath of utterance, a sin offering (sliding scale sacrifice) is brought, whereas for transgression of oath of deposit a guilt offering is brought.

(14) In both testimony and deposit the phrase if any one sin occurs.

(15) In both an offering is brought for wilful transgression, whereas in the case of oath of utterance an offering is brought only for unwitting transgression.

(16) In both the oath is the result of a claim and a denial.

(17) In both the oath is in the past (‘We did not see you lend money to So-and-so’ — testimony. ‘You did not deposit anything with me’ — deposit); but the oath of utterance is mainly concerned with the future (‘I swear I shall eat’), for Scripture clearly implies the future: to do evil, or to do good (though according to R. Akiba it is possible to deduce the past also; *supra* 25a).

(18) Testimony and utterance entail liability for a sin offering, which is a sliding scale sacrifice, and no fine of a fifth of the principal is imposed, whereas in the case of deposit, the liability is for a guilt offering, which is a fixed sacrifice, and a fine of a fifth of the principal is imposed.

(19) Testimony is equal to deposit in four things, and equal to utterance only in three things, hence it is more reasonable to deduce testimony from deposit (and infer that it deals only with money claims) rather than deduce it from utterance (and infer that it is not restricted to money claims).

(20) *V. supra* 33b.

(21) Why deduce that if the claim is for money the witnesses are liable, and if not, they are exempt? The verse does not mention money claims.

- (22) Supra 33b; R. Eliezer deduces from or . . . or that the oath of testimony refers to money claims only; and on this R. Akiba says that in some cases (of money claims) the witnesses are liable, and in some they are exempt.
- (23) What sort of money claims does R. Akiba exempt?
- (24) Cf. infra 37b.
- (25) Loc. cit.
- (26) According to R. Eliezer who expounds the Torah on the principle of amplification and limitation (v. infra 37b), if he adjures witnesses in a case where only a fine would be imposed, they are liable if they withhold their testimony; according to R. Akiba they are exempt.
- (27) Supra 33b.
- (28) Who holds that only in money matters can there be testimony based on seeing without knowing, and knowing without seeing; but in other matters both seeing and knowing are necessary.
- (29) It is assumed that this camel kicked the other males away, and the owner of this camel must pay for the dead camel. R. Aha thus holds that circumstantial evidence is equivalent to definite knowledge, v. B.B. 93a; Sanh. 37b.
- (30) Deut. XVI, 6.
- (31) V. Sanh. (Sonc. ed.) p. 235. If R. Jose the Galilean agrees with R. Aha that circumstantial evidence is as good as definite knowledge, why does he say that only in money matters is it possible to have testimony based on knowing without seeing? Hence, he does not agree with R. Aha.
- (32) As in the case of R. Simeon b. Shetah.
- (33) If he sees one person killing another, would that be sufficient to condemn him? Would it not be necessary to know whether or not the victim e.g., suffered from a fatal disease (in which case the murderer does not pay the extreme penalty);? Sanh. 78a? R. Jose therefore rightly says that only in money matters is it possible to have evidence based on seeing without knowing.
- (34) V. B.K. (Sonc. ed.) p. 253, n. 4.
- (35) E.g., to testify that a man had seduced his daughter, for which a fine of 50 shekels is imposed; Deut. XX, 29.
- (36) By circumstantial evidence.
- (37) Since testimony cannot be established by seeing without knowing, R. Jose must hold that when witnesses are adjured in the case of a fine, and they withhold testimony, they are exempt; for he holds that the oath of testimony is applicable only in such a case where testimony may be established by seeing without knowing, and by knowing without seeing.

Talmud - Mas. Shevu'oth 34b

and witnesses had been watching him from outside,¹ what [is the ruling]? — R. Hamnuna said to him: And what does that one² plead? If he says, 'The thing never occurred', he is proven a liar.³ If he says, 'Yes, I took [the money], but it was my own that I took', if witnesses come, what happens?⁴ — He said to him: 'Hamnuna, you come and go in'.⁵

A certain [man] said to his neighbour. 'A hundred zuz I counted out to you by the side of this pillar'. He replied to him, 'I did not pass by the side of this pillar'. Two witnesses came and bore testimony that he had urinated by the side of that pillar. Said Resh Lakish, he is proven a liar. R. Nahman raised an objection: This is a Persian judgment!⁶ Did he then say 'never'?⁷ In connection with this affair, he meant.

Some say: A certain [man] said to his neighbour. 'A hundred zuz I counted out to you by the side of this pillar'. He replied to him, 'I never passed by the side of this pillar'. Witnesses came that he had urinated by the side of that pillar. R. Nahman said, he is proven a liar. Said Raba to R. Nahman; Anything which is not imposed upon a man⁸ he will do without being conscious of it.⁹ 'R. Simeon said: He is liable here, and he is liable in [the case of] deposit, etc.'¹⁰ They laughed at it in the West.¹¹ Why the laughter? — Because he states; 'Deposit [is restricted to money claims] because the law does not make him who is adjured [by others] like him who swears [of his own accord], nor him who swears wilfully like him who swears unwittingly.' Now, he who swears of his own accord in [the case of] testimony — how does R. Simeon know [that he is liable]?¹² Because he deduces it

from deposit;¹³ then let him also in [the case of] deposit deduce adjuration by others from testimony.¹⁴ But why the laughter? Perhaps R. Simeon deduces it by argument from minor to major: if when adjured by others he is liable, when he swears of his own accord he should the more so be liable?¹⁵ — Well then, the laughter is in connection with ‘wilful like unwitting’, for he states: ‘Deposit [is restricted to money claims] because the law does not make him who is adjured [by others] like him who swears [of his own accord], nor him who swears wilfully like him who swears unwittingly.’ Now for swearing wilfully in [the case of] testimony, how do we know [that he is liable]? Because it is not written, and it be hidden. Here¹⁶ also it is not written, and it be hidden.¹⁷ R. Huna said to them: But why the laughter? Perhaps R. Simeon deduces that wilful [transgression] is not like unwitting in [the case of] deposit from [the law of] trespass [in holy things].¹⁸ — This then is the very reason for the laughter: why does he deduce it from trespass?¹⁹ Let him rather deduce it from testimony!²⁰ — It is more reasonable that he should deduce it from trespass, because it is ‘trespass’ from ‘trespass’!²¹ On the contrary, he should deduce it from testimony, because it is ‘sin’ from ‘sin’.²² It is more reasonable that he should deduce it from trespass, because [they are both equal in respect of] ‘trespass’,²³ all,²⁴ enjoyment,²⁵ fixed offering,²⁶ fifth, and guilt offering. On the contrary, he should deduce it from testimony, because [they are both equal in respect of] ‘sin’,²⁷ layman,²⁸ oath,²⁹ claim and denial,³⁰ and ‘or . . . or’!³¹ — The others are more.³² Well then, why the laughter?³³ — When R. Papa and R. Huna the son of R. Joshua came from the Academy,³⁴ they said this is the reason for the laughter: Behold R. Simeon deduces by analogy [testimony from deposit].³⁵ Why then does he argue: ‘Deposit [is restricted to money claims] because the law does not make him who is adjured [by others] like him who swears [of his own accord], nor him who swears wilfully like him who swears unwittingly.’³⁶ But why the laughter? Perhaps he argued thus before he established the analogy, but after he established the analogy he does not argue thus.³⁷ But does he not? Surely Raba b. Ithi said to the Sages: Who is the Tanna who holds that [in the case of] the oath of deposit wilful transgression is not atoned for [by an offering]? It is R. Simeon!³⁸ — Perhaps he argues that wilful transgression [is not] like unwitting [in the case of deposit], because he deduces it from trespass³⁹ since [it is equal to it] in more respects; but that adjuration by others [is not] like swearing of his own accord he does not argue.⁴⁰ — Well, let testimony now be in turn deduced from deposit that wilful is not like unwitting transgression; just as [in the case of] deposit he is liable for unwitting but not for wilful transgression, so [in the case of] testimony let him be liable for unwitting and not for wilful transgression; just as he deduces deposit from trespass!⁴¹ —

(1) Unknown to the debtor.

(2) The debtor.

(3) And is not believed on oath, but must pay.

(4) The witnesses only saw him count the money, but they do not know if it was a loan, or gift, or the repayment of a loan.

(5) To the Academy; i.e., you are fit to teach.

(6) An arbitrary decision.

(7) ‘I never passed by this pillar’.

(8) An act which is not of sufficient importance to be done with concentration.

(9) Therefore he may really be unaware that he had urinated near the pillar, and should not be presumed a liar.

(10) Supra 33b.

(11) [Phrase generally denoting R. Jose b. Hanninah, v. Sanh. 17b.]

(12) For Scripture implies only adjuration by others; Lev. V, 1.

(13) Where Scripture implies that only he who swears of his own accord is liable; Lev. V, 21, 22. R. Simeon deduces testimony from deposit by analogy of phrases: **תהטא תהטא**.

(14) By the same analogy. Why then assume that in the case of deposit adjuration by others does not make him liable? This was the cause of the laughter.

(15) He does not deduce testimony from deposit by **גזרה שוה** from **תהטא תהטא**; he argues that in the case of testimony, where Scripture says adjuration by others makes him liable, he should certainly be liable if he swears of his own accord. Since he does not make use of the **גזרה שוה**, he does not use it for deducing deposit from testimony

either.

(16) In the case of deposit.

(17) Therefore let us say that for swearing falsely wilfully he is also liable to bring an offering. Because R. Simeon did not say this, they laughed.

(18) Lev. V, 15: If any one commit a trespass, and sin through error in the holy things. And in the case of deposit Scripture says: If any one sin, and commit a trespass: Lev. V, 21. We deduce deposit from trespass by the **גזרה שוה** of **מעל, מעל**: as in the case of trespass an offering is brought only for unwitting transgression, so also in the case of deposit.

(19) And say that wilful transgression is exempt.

(20) And say that wilful transgression is liable.

(21) In both, the word **מעל** is used.

(22) In both, the word **תחטא** is used.

(23) In both, **מעל** is used.

(24) The laws of deposit and trespass are applicable to all people, whereas testimony is limited to those eligible to be witnesses.

(25) In the case of both deposit and trespass the transgressor derives enjoyment and benefit from his transgression (from the deposit or from the holy things), but in the case of testimony the witnesses derive no benefit by withholding testimony.

(26) For deposit and trespass a fixed offering is brought, whereas for testimony a sliding scale sacrifice is brought. In the case of the first two also a fifth of the principal is imposed as a fine, and a guilt offering is brought, but not in the case of testimony. Therefore because deposit and trespass are equal in all these respects, we also equate deposit with trespass to exempt wilful transgression from an offering.

(27) In both deposit and testimony **תחטא** occurs.

(28) Deposit and testimony are both concerned with laymen, but not so trespass in holy things, where the Temple is the claimant.

(29) The transgression in the case of deposit and testimony is in respect of swearing falsely, but not so in the case of trespass.

(30) The transgression is the result of claim and denial.

(31) In both, 'or . . . or' occurs, which is not the case in trespass, v. supra p. 191.

(32) Deposit is like trespass in more respects than it is like testimony, six instead of five.

(33) For it is really more reasonable to deduce deposit from trespass, and therefore to exempt wilful transgression from an offering.

(34) Be-rab; v. Sanh. (Sonc. ed.) p. 387, n. 7.

(35) Supra 34a; by the **גזרה שוה** of **תחטא תחטא** that just as deposit deals only with money claims so testimony deals only with money claims.

(36) Since he uses the **גזרה שוה** to deduce testimony from deposit, let him use the same **גזרה שוה** to deduce deposit from testimony for liability in the case of adjuration by others, and for wilful as for unwitting transgression.

(37) But agrees that deposit may be deduced from testimony to make him liable in the case of adjuration by others, and for wilful transgression.

(38) Hence R. Simeon does not use the **גזרה שוה** to deduce deposit from testimony; and that was the cause of the laughter.

(39) Even after he has established the **גזרה שוה** of **תחטא תחטא** (testimony from deposit).

(40) After having established the **גזרה שוה**, but deduces deposit from testimony that adjuration by others makes him liable. There is therefore no cause for laughter, for he likens deposit to trespass to exempt wilful transgression from an offering (for deposit is like trespass in more respects than it is like testimony); and he likens deposit to testimony (because he has a **גזרה שוה**) to make him liable in the case of adjuration by others. (He cannot liken it to trespass in this respect, for there is no oath involved.)

(41) Since he has already deduced deposit from trespass that he is not liable for wilful transgression, and since he has a **גזרה שוה** to equate testimony with deposit, let him say that in the case of testimony also he is not liable for wilful transgression; why does he say that in testimony wilful is like unwitting transgression? Hence the laughter.

Talmud - Mas. Shevu'oth 35a

For this reason Scripture wrote testimony near the oath of utterance and near [the laws of] uncleanness in connection with the Temple and the holy food thereof: for in all of them it is said, and it be hidden; and here¹ it is not said, and it be hidden; in order to make him liable for wilful as for unwitting transgression.²

MISHNAH. [IF A MAN SAID,] 'I ADJURE YOU THAT YOU COME AND BEAR TESTIMONY FOR ME THAT SO-AND-SO PROMISED TO GIVE ME TWO HUNDRED ZUZ, AND DID NOT GIVE ME', THEY ARE EXEMPT, FOR THEY ARE LIABLE ONLY FOR A MONEY CLAIM AS [IN THE CASE OF] DEPOSIT.³ 'I ADJURE YOU THAT, WHEN YOU KNOW ANY TESTIMONY FOR ME, YOU SHOULD COME AND BEAR TESTIMONY FOR ME,' THEY ARE EXEMPT, BECAUSE THE OATH PRECEDED THE TESTIMONY.⁴ [IF] HE STOOD IN THE SYNAGOGUE AND SAID, 'I ADJURE YOU THAT IF YOU KNOW ANY TESTIMONY FOR ME YOU SHOULD COME AND BEAR TESTIMONY FOR ME,' THEY ARE EXEMPT⁵ UNLESS HE DIRECTS HIMSELF TO THEM.⁶ HE SAID TO TWO [PERSONS]. 'I ADJURE YOU, SO-AND-SO AND SO-AND-SO, THAT IF YOU KNOW ANY TESTIMONY FOR ME YOU SHOULD COME AND BEAR TESTIMONY FOR ME,' [AND THEY REPLIED,] 'WE SWEAR WE KNOW NO TESTIMONY FOR YOU;' AND THEY DID KNOW TESTIMONY FOR HIM, [BUT IT WAS EVIDENCE OF] 'ONE WITNESS FROM THE MOUTH OF ANOTHER WITNESS;'⁷ OR IF ONE OF THEM WAS A RELATIVE OR [OTHERWISE] INELIGIBLE [AS A WITNESS], THEY ARE EXEMPT.⁸ IF HE SENT BY THE HAND OF HIS SERVANT;⁹ OR IF THE DEFENDANT SAID TO THEM, 'I ADJURE YOU THAT IF YOU KNOW ANY TESTIMONY FOR HIM YOU SHOULD COME AND BEAR TESTIMONY FOR HIM;' THEY ARE EXEMPT, [BEING LIABLE ONLY] WHEN THEY HEAR [THE ADJURATION] FROM THE MOUTH OF THE CLAIMANT.

GEMARA. Our Rabbis taught; [If a man says,] 'I adjure you that you come and bear testimony for me that So-and-So promised to give me two hundred zuz, and did not give me'; I might think they should be liable, therefore it is said: [If any one] sin,¹⁰ [if any one] sin,¹¹ for analogy; here¹² it is said; '[if any one] Sin', and there¹³ it is said: '[if any one] sin'; just as there it deals with a claim of money which is due to him, so here it deals with a claim of money which is due to him.

'I ADJURE YOU THAT WHEN YOU KNOW ANY TESTIMONY FOR ME, etc.' Our Sages taught: 'I adjure you that when you know' any testimony for me you should come and bear testimony for me': I might think they should be liable, therefore it is said; and heard the voice of adjuration, he being a witness, whether he hath seen or known¹⁴ — where the testimony precedes the oath, and not where the oath precedes the testimony.

HE STOOD IN THE SYNAGOGUE AND SAID; 'I ADJURE YOU, etc.' Samuel said: Even if his witnesses are among them [they are exempt]. This is obvious!¹⁵ — It is not necessary [for him to tell us this except] where he stands next to them; you might have thought it is as though he said it to them [specifically], therefore he teaches us [that it is not so]. It was also taught likewise: If he saw a company of men standing, and his witnesses were among them, and he said to them, 'I adjure you that if you know any testimony for me you should come and bear testimony for me;' I might think they should be liable, therefore it is said, he being a witness¹⁶ — and here he did not single out his witnesses. I might think that even if he said, 'All who stand here [I adjure]', they are exempt], therefore it is said, 'he being a witness'; and here he did single out his witnesses.

HE SAID TO TWO [PERSONS]: 'I ADJURE YOU, etc.' Our Sages taught: If he said to two [persons]. 'I adjure you, So-and-So and So-and-So, that if you know any testimony for me you should come and bear testimony for me'; and they knew testimony for him, but it was evidence of 'one witness from the mouth of another witness', or if one of them was a relative or [otherwise]

ineligible [as a witness]; I might think they should be liable, therefore it is said, if he do not tell it, then he shall bear his iniquity¹⁷ — with those who are eligible to tell, the verse deals.

IF HE SENT BY THE HAND OF HIS SERVANT, etc. Our Sages taught: If he sent by the hand of his servant; or if the defendant said to them, 'I adjure you that if you know any testimony for him you should come and bear testimony for him;' I might think they should be liable, therefore it is said, if he do not tell it, then he shall bear his iniquity. How is the deduction made? — R. Eleazar said: It is written: if he tell it not,¹⁸ [implying] if to him¹⁹ he tell it not, then he shall bear his iniquity; but if to another he tell it not, he is exempt.

MISHNAH. [IF HE SAID.] 'I ADJURE YOU'; 'I COMMAND YOU'; 'I BIND YOU'; THEY ARE LIABLE.²⁰ 'BY HEAVEN AND EARTH!' THEY ARE EXEMPT. 'BY ALEF DALETH';²¹ 'BY YOD HE';²² 'BY SHADDAI';²³ 'BY ZEBAOTH';²⁴ 'BY THE MERCIFUL AND GRACIOUS ONE'; 'BY THE LONG SUFFERING ONE'; 'BY THE ONE ABOUNDING IN KINDNESS'; OR BY ANY OF THE SUBSTITUTES [FOR THE NAME]: THEY ARE LIABLE. HE WHO BLASPHEMES²⁵ BY ANY OF THEM IS LIABLE:²⁶ THIS IS THE OPINION OF R. MEIR; BUT THE SAGES EXEMPT HIM.²⁷ HE WHO CURSES HIS FATHER OR MOTHER BY ANY OF THEM IS LIABLE;²⁸ THIS IS THE OPINION OF R. MEIR; BUT THE SAGES EXEMPT HIM. HE WHO CURSES HIMSELF OR HIS NEIGHBOUR BY ANY OF THEM TRANSGRESSES A NEGATIVE PRECEPT.²⁹ [IF HE SAID,] 'THE LORD³⁰ SMITE YOU'; OR 'GOD SMITE YOU';³¹ THESE ARE THE CURSES WRITTEN IN THE TORAH.³² 'MAY [THE LORD] NOT SMITE YOU'; OR 'MAY HE BLESS YOU'; OR 'MAY HE DO GOOD UNTO YOU [IF YOU BEAR TESTIMONY FOR ME]': R. MEIR MAKES [THEM] LIABLE,³³ BUT THE SAGES EXEMPT [THEM].

GEMARA. 'I adjure you:' what does he mean? Rab Judah said; Thus he means: 'I adjure you by the oath stated in the Torah'; 'I command you by the command stated in the Torah'; 'I bind you by the bond stated in the Torah'.³⁴ Abaye said to him: But then what of R. Hiyya who taught; 'I chain you';³⁵ they are liable. Is 'chain' then mentioned in Scripture? — Well, said Abaye. Thus he means: 'I adjure you by oath'; 'I command you by oath', 'I bind you by oath'; 'I chain you by oath'.³⁶ 'BY ALEF DALETH'; 'BY YOD HE, BY SHADDAI'; 'BY ZEBAOTH'; 'BY THE MERCIFUL AND GRACIOUS ONE'; 'BY THE LONG SUFFERING ONE'; 'BY THE ONE ABOUNDING IN KINDNESS'.

Shall we say that Merciful and Gracious are Names?³⁷ This is contradicted [from the following]: There are Names which may be erased;³⁸ and there are Names which may not be erased. These are the Names which may not be erased, such as: 'El',³⁹ 'Eloha',⁴⁰ 'Elohim', 'your God', I am that I am,⁴¹ 'Alef Daleth', 'Yod He', 'Shaddai', 'Zebaoth' — these may not be erased; but the Great, the Mighty, the Revered, the Majestic, the Strong, the Powerful, the Potent, the Merciful and Gracious, the Long Suffering, the One Abounding in Kindness these may be erased!⁴² Abaye said: Our Mishnah means: '[I adjure you] by Him who is Gracious';

(1) In the case of testimony.

(2) Therefore we do not deduce testimony from deposit though we have a גזרה שוה, for it is as though Scripture had expressly stated (by the omission of ונעלם) that in the case of testimony he is liable also for wilful transgression.

(3) Where there is a definite liability; but here, even if the witnesses had given their testimony that he had promised the money, he would not have to pay, for he could say that he had changed his mind.

(4) At the time of the oath there was no testimony to be given.

(5) Because he must single out particular witnesses.

(6) [I.e., to some among them in particular. Some texts omit this clause.]

(7) A technical phrase denoting indirect evidence. They had no direct evidence, but only what they had heard from others; they could not, in any case, offer that as testimony.

- (8) Even if there were three witnesses, and only one was ineligible. Though there are two eligible witnesses left, they are also exempt, because as soon as one of the original three is found to be ineligible, the testimony of the other two is inadmissible; v. Tosaf.
- (9) He sent his servant to adjure them.
- (10) Lev. V, 1.
- (11) Ibid. 21.
- (12) With reference to oath of testimony.
- (13) With reference to oath of deposit.
- (14) Lev. V, 1, he being a witness implies that he already had evidence at the time of adjuration.
- (15) For if the witnesses were not there, of course they are exempt.
- (16) Lev. V, 1.
- (17) Ibid.
- (18) The Heb. has לוא instead of לא; so that we may deduce: אִם לֹא לֹא יגיד.
- (19) The claimant.
- (20) If he uses any of these forms when adjuring the witnesses, they are liable, if they deny knowledge of testimony.
- (21) If he adjures them by the Name Adonai.
- (22) The Tetragrammaton.
- (23) The Almighty.
- (24) (Lord of) Hosts.
- (25) The Name.
- (26) Death by stoning, v. Sanh. VII, 5.
- (27) If he uses the substitutes; holding that he is liable only if he uses the Names: Tetragrammaton, God, Lord, Almighty, Hosts.
- (28) V. Lev. XX, 9; Sanh. 66a; but the Sages hold that if he uses the substitutes he is exempt.
- (29) V. infra 36a.
- (30) [So MS.M. Cur. edd.: The Lord God. Var. lec. (v. Mishnah texts): God smite you; v. n. 7.]
- (31) [If you do not come to testify for me. According to var. lec. given in previous note: or 'Thus may God smite you.' I.e., having heard some one reading the curses in Deut. XXVIII, he says, 'Thus may God smite you if you do not come to testify for me.']
- (32) Deut. XXVIII, 22; e.g., 'The Lord smite you with consumption if you do not bear testimony for me'.
- (33) Because the opposite may be deduced: 'May the Lord smite you if you do not bear testimony.'
- (34) Using forms of adjuration mentioned in Scripture.
- (35) I impose upon you the obligation like a chain to bear testimony.
- (36) In all cases invoking the Name.
- (37) I.e., substitutes for the divine Name, and that therefore adjuration by these Names makes then, liable.
- (38) Because they are not used solely of the Deity, and are therefore not sacred.
- (39) God.
- (40) V. Vilna Gaon, a.l.
- (41) אֱהִיָּה אֲשֶׁר אֱהִיָּה.
- (42) Hence, Merciful and Gracious are not substitutes for the divine Name.

Talmud - Mas. Shevu'oth 35b

'by Him who is Merciful'. Raba said to him: If so, BY HEAVEN AND EARTH also [let us say] it means; 'By Him to whom heaven and earth belong'¹ — That is no question! There, since there is nothing else which is called Merciful and Gracious, it is clear that he means, 'By Him who is Gracious', 'By Him who is Merciful'; but here, since there are heaven and earth, he means, 'By heaven and earth'.

Our Sages taught: If he wrote alef lamed of Elohim, yod he of the Tetragrammaton, they may not be erased;² shin dalet of Shaddai, alef dalet of Adonai, zadi beth of Zebaoth, they may be erased.³ R. Jose said: The whole word Zebaoth may be erased, because Zebaoth refers only to Israel, as it is

said: And I will bring forth My hosts, My people the children of Israel, out of the land of Egypt.⁴
Samuel said: The halachah is not in accordance with R. Jose.

Our Sages taught: That which is joined to the Name, whether before it or after it,⁵ may be erased. Before it; how? To the Lord; the lamed [‘to’] may be erased; in the Lord: the beth [‘in’] may be erased; and the Lord: the vav [‘and’] may be erased; from the Lord; the mem [‘from’] may be erased; that the Lord; the shin [‘that’] may be erased; interrogative he⁶ before the Lord: the he may be erased; as the Lord: the kaph [‘as’] may be erased. After it: how? Our God: the suffix nu [‘our’] may be erased; their God: the suffix hem [‘their’] may be erased; your God: the suffix kem [‘your’] may be erased. Others say, the suffix may not be erased, for the Name has already hallowed it. R. Huna said: the halachah is in accordance with these others.

(Mnemonic:⁷ Abraham, who cursed, Naboth, in Gibeah of Benjamin, Solomon, Daniel.)

All the Names mentioned in Scripture in connection with Abraham are sacred, except this which is secular: it is said; And he said, ‘My lord, if now I have found favour in thy sight’.⁸ Hanina, the son of R. Joshua's brother, and R. Eleazar b. Azariah in the name of R. Eliezer of Modin, said, this also is sacred.⁹ With whom will [the following] agree? Rab Judah said that Rab said: Greater is hospitality to wayfarers than receiving the Divine Presence. With whom [will this agree]? With this pair.¹⁰

All the Names mentioned in connection with Lot are secular, except this which is sacred: it is said: And Lot said unto them, ‘Oh, not so, my Lord: behold now, thy servant hath found grace in thy sight, [and thou hast magnified thy mercy which thou hast shown unto me in saving my life]’¹¹ — He in whose power it is to kill and to revive; that is the Holy One blessed be He.

All the Names mentioned in connection with Naboth¹² are sacred; in connection with Micah¹³ are secular. R. Eliezer said, in connection with Naboth [all are] sacred; in connection with Micah, some are secular, and some sacred: [the Name beginning] alef lamed is secular,¹⁴ yod he¹⁵ is sacred; except this which is alef lamed and is sacred: all the time that the house of God was in Shiloh.¹⁶

All the Names mentioned in connection with Gibeah of Benjamin,¹⁷ R. Eliezer said, are secular; R. Joshua said, are sacred. R. Eliezer said to him: Does He then promise, and not fulfil?¹⁸ — R. Joshua replied to him: What He promised. He fulfilled; but they did not inquire whether [the result would be] victory of defeat;¹⁹ later, when they did inquire [of the Urim and Tummim], they approved their action, as it is said; And Phineas, the son of Eleazar, the son of Aaron, stood before it in those days — saying: ‘Shall I yet again go out to battle against the children of Benjamin my brother, or shall I cease?’ [And the Lord said: ‘Go up; for to-morrow I will deliver them into thy hand’].²⁰

Every Solomon mentioned in the Song of Songs is sacred: the Song to Him whose is the peace,²¹ except this: My vineyard, which is mine, is before me; thou, O Solomon, shalt have the thousand²² — Solomon for himself [shall have a thousand]; and two hundred for those that keep the fruit thereof²³ — [viz.] Sages. And there are some who say this also is secular: Behold it is the bed of Solomon²⁴ — ‘This also’, [implies] that the other²⁵ is undoubtedly [secular]. But then what of Samuel who said: A Government which kills Only one out of six²⁶ is not punished; for it is said: My vineyard, which is mine, is before me; thou, O Solomon, shalt have the thousand — for the Kingdom of Heaven;²⁷ and two hundred for those that keep the fruit thereof — for the kingdom on earth.²⁸ Now Samuel is not in agreement with the first Tanna nor with the ‘some who say’!²⁹ — But this is what it means: And some there are who say this³⁰ is sacred, and this is secular — [the verse] about his bed; and Samuel agrees with them.

All Kings mentioned in Daniel are secular except this which is sacred: Thou, O king, king of

kings, unto whom the God of heaven hath given the kingdom, the power, and the strength, and the glory.³¹ And some say, this also is sacred; it is said: My Lord, the dream be to them that hate thee, and the interpretation thereof to thine adversaries.³² To whom does he say this? If it should enter your mind that he says it to Nebuchadnezzar — who are those who hate him? Israel! Then he is cursing Israel!³³ And the first Tanna?³⁴ — He holds: Are the enemies [of Nebuchadnezzar] only Israelites? Are there not enemies [too] who are heathens?³⁵

OR BY ANY OF THE SUBSTITUTES [FOR THE NAME], THEY ARE LIABLE, etc. We may cite [the following] in contradiction: The Lord make thee a curse and an oath.³⁶ Why is this stated? Is it not already said: The priest shall cause the woman to swear with the oath of cursing?³⁷ Because it is said: And hear the voice of alah [cursing]:³⁸ here³⁹ it is said ‘alah’, and there⁴⁰ it is said ‘alah’; just as here it implies an oath,⁴¹ so there it implies an oath; just as here it must be by the Name,⁴² so there it must be by the Name.⁴³ — Abaye said: It is no question. This⁴⁴ is [the view of] R. Hanina b. Idi, and that⁴⁵ is [the view of] the Rabbis; for we learnt: R. Hanina b. Idi said: Since the Torah said, ‘Thou shalt swear,’⁴⁶ and ‘thou shalt not swear’;⁴⁷ ‘thou shalt curse’,⁴⁸ and ‘thou shalt not curse’;⁴⁹ [we deduce:] just as ‘thou shalt swear’ means by the Name, so ‘thou shalt not swear’ means by the Name; and just as ‘thou shalt curse’ means by the Name, so ‘thou shalt not curse’ means by the Name.

Now, the Rabbis, if they received on tradition this Gezerah shawah,⁵⁰ let them require the actual Name;⁵¹ and if they did not receive on tradition this Gezerah shawah, how do they know that ‘alah’⁵² implies an oath?⁵³ — They deduce it front [the Baraitha in] which it was taught. ‘Alah’:⁵² ‘alah’ is nothing but the expression of an oath; and so it says: And the priest shall cause the woman to swear with the oath of alah.⁵⁴ But there it is written: the oath of alah!⁵⁵ — Thus he means: ‘alah’; ‘alah’ can only be an oath,⁵⁶ and thus it says: ‘and the priest shall cause the woman to swear with the oath of alah.’

(1) Why does the Mishnah say it is not a proper adjuration, and they are exempt?

(2) Although he had not yet finished the words, because the first two letters also constitute a Name: **יה, אלה**.

(3) Because **צב, אד, שד** are not Names. [So Rashi; but MS.M. and R. Han. (v. Tosaf. a.l.) include Alef Daleth in the first group, i.e., among the Names that may not be erased, the reason being that **אד** as well as **יה** and **אל** were commonly used as abbreviations for a Divine name, which was not the case with **שד** and **צב** which out of reference for the Divine Name were never used as abbreviations, the former two letters spelling a ‘demon’ (**שד**), the latter, a ‘great lizard’ (**צב**). V. Lauterbach, J.Z American Academy for Jewish Research, Proceedings, 1930-1931, pp. 43ff.]

(4) Ex. VII, 4.

(5) Prefix or suffix.

(6) The fifth letter of the Heb. alphabet, **ה**.

(7) [In aid of memory; consisting of key words of the statements that follow. ‘Who cursed’ **דלטיא** is a play on the word ‘Lot’ who figures in the second passage.]

(8) Gen. XVIII, 3; Abraham was addressing the chief of the three men who came towards him: according to midrash they were the angels Michael, Gabriel, and Raphael.

(9) He was addressing the Lord.

(10) R. Hanina and R. Eleazar who say that Abraham addressed the Lord, asking Him not to withdraw His Presence while he entertained the angels.

(11) Gen XIX, 18, 19; the verse is read thus: And Lot said unto them. ‘Oh, not so’; then turning to God: ‘My Lord, behold now, Thy servant etc.’ The ordinary interpretation is that Lot is addressing one of the angels.

(12) I Kings XXI, 10, 13.

(13) Judges XVII, XVIII.

(14) E.g., Judges XVII, 5. XVIII, 5, 10, 24.

(15) E.g., Judges XVII, 2, 3, 13; XVIII, 6.

(16) Judges XVIII, 31.

(17) Ibid. XX, 18-28.

- (18) If, as you say, God is intended, why did He tell the other tribes to make war on the tribe of Benjamin, and then allow them to be defeated?
- (19) They merely enquired whether they should go to war against Benjamin, and which of their tribes should go to battle first.
- (20) Judges XX, 28, and this promise He fulfilled.
- (21) שלמה = His peace.
- (22) Cant. VIII, 12: homiletically interpreted the verse means this: God said: From My vineyard (Israel) Solomon shall have 1,000 men as soldiers out of every 1,200; and 200 shall be left to 'keep the fruit', i.e., study the Torah.
- (23) Ibid.
- (24) Ibid. III, 7.
- (25) V. p. 206, n. 12.
- (26) By going to war. [So according to reading of Rashi and R. Han. Cur. edd.: 'one-sixth of the world;' this was probably said by him with reference to Shapur's military campaigns in Asia: v. Krochmal, Hechalutz, I, p. 89.]
- (27) Taking Solomon as referring to God.
- (28) Serving the king; 200 for the king, and 1,000 for God = 1,200 altogether; the king is thus permitted one sixth for his army.
- (29) For they all hold that the word Solomon in the verse My vineyard, etc. is secular.
- (30) My vineyard, etc.
- (31) Dan. II, 37: Daniel would not have called Nebuchadnezzar King of Kings; the verse is therefore interpreted thus: Thou, O king (Nebuchadnezzar), unto whom the King of Kings, the God of heaven hath given, etc.
- (32) Dan IV. 16.
- (33) Hence, we must say that Daniel in saying, 'My lord, the dream, etc.' is addressing God, whose enemies are the heathens.
- (34) Who holds that 'My Lord' is secular, and that it is addressed to Nebuchadnezzar.
- (35) When Daniel said: 'My lord [Nebuchadnezzar], the dream be to them that hate thee', he referred to the heathens who hated him.
- (36) Num. V, 21.
- (37) Ibid.; this implies that she shall be for a curse and an oath. It would suffice if the verse now merely stated the curse: the Lord make thy thigh to fall away.
- (38) Lev. V, 1; i.e., adjuration.
- (39) Num. V, 21.
- (40) Lev. V, 1.
- (41) Because it is said: the priest shall cause . . . to swear.
- (42) For it is said: The Lord (Tetragrammaton) make thee a curse.
- (43) Hence, adjuration of witnesses must be by the Name, and not by substitutes.
- (44) The Baraitha which states that an oath must be by the Name.
- (45) The Mishnah which states that the substitutes are of equal potency.
- (46) There are occasions when an oath is obligatory, e.g., the oath of the Lord shall be between them both (Ex. XXII, 10).
- (47) E.g., ye shall not swear by My name falsely (Lev. XIX, 12).
- (48) E.g., the Lord make thee a curse (Num. V, 21).
- (49) E.g., thou shalt not curse the deaf (Lev. XIX, 14).
- (50) V. Glos. The analogy deriving adjuration from sotah. Adjuration (Lev. V, 1): and hear the voice of אלה (cursing); sotah (Num. V, 21): the Lord make thee a אלה (curse) and an oath. Just as אלה used in connection with sotah implies oath (for oath is explicitly mentioned in the verse), so אלה used in connection with adjuration means oath. But if we deduce adjuration from sotah we must carry the deduction further: just as in the case of sotah, the oath was by the Name (for the verse states: the Lord make thee a curse and an oath), so in the case of adjuration it should be by the Name, and not by any substitute. [It is a well established principle that no man may draw a conclusion from a Gezerah shawah unless he received it on tradition from his teacher. Pes. 66a; Nid. 19b.]
- (51) שם המיוחד, the 'Distinguishing Name', the Tetragrammaton; v. Sanh. (Sonc. ed.) p. 408, n. 1.
- (52) Mentioned in Lev. V. 1.
- (53) For in the case of adjuration, oath is not mentioned in the verse.

(54) Num. V, 21. This proves that 'alah' implies an oath.

(55) [This is a new question: the phrase 'the oath of alah' indeed proves that 'alah' implies an oath, but whence do we know that an oath without an accompanying 'alah' (curse) is an oath? V. n. 7.]

(56) [So MS.M. V. Sifra on Lev. V, 1; cur. edd.: with an oath; cf. n. 7.]

Talmud - Mas. Shevu'oth 36a

And whence do we know to make an oath unaccompanied by an alah like an oath accompanied by an alah? Because it is said; and heareth the voice of cursing;¹ and heareth the cursing; and heareth the voice.²

R. Abbahu said: Whence do we know that alah implies an oath? Because it is said: And brought him under an alah;³ and it is written; And he also rebelled against king Nebuchadnezzar who made him swear by God.⁴ A Tanna taught: Arur⁵ may imply excommunication,⁶ curse,⁷ or oath. [It implies] excommunication, as it is written: 'Curse ye Meroz', said the angel of the Lord, 'curse ye bitterly the inhabitants thereof.'⁸ And Ulla said: With four hundred blasts of the trumpet did Barak announce the ban over Meroz.

It implies curse, as it is written: And these shall stand for the curse;⁹ and it is written: Arur be the man that maketh a graven image.¹⁰

It implies oath, as it is written: And Joshua adjured them at that time, saying, Arur be the man before the Lord . . .¹¹ But perhaps two things he did to them: he adjured them, and cursed them!¹² — Well then, from here: And the men of Israel were distressed that day; but Saul adjured the people saying, Arur be the man that eateth;¹³ and it is written: But Jonathan heard not when his father adjured the people.¹⁴ But perhaps here also he did two things to them; he adjured them, and cursed them! — Is it then written: and arur?¹⁵ Now since you have come to this,¹⁶ [you may say] there¹⁷ also it is not written: and arur.

R. Jose b. Hanina said: 'Amen' implies oath,¹⁸ acceptance of words,¹⁹ and confirmation of words.²⁰ It implies oath, as it is written: And the woman shall say, Amen, amen.²¹ It implies acceptance of words, as it is written: Cursed be he that confirmeth not the words of this law to do them, and all the people shall say, Amen.²² It implies confirmation of words, as it is written: And the prophet Jeremiah said, Amen, the Lord do so! The Lord perform thy words!²³

R. Eleazar said: 'No' is an oath; 'Yes' is an oath. Granted, 'No' is an oath, as it is written: And the waters shall no more become a flood;²⁴ and it is written: For this is as the waters of Noah unto Me; for as I have sworn [that the waters of Noah should no more go over the earth . . .].²⁵ But that 'Yes' is an oath, how do we know? — It is reasonable; since 'No' is an oath. 'Yes' is also an oath. Said Raba: But only if he said, 'No! No!' twice;²⁶ or he said, 'Yes! Yes!' twice; for it is written: And all flesh shall not be cut off any more by the waters of the floods;²⁷ [and also:] and the waters shall no more become a flood.²⁸ And since 'No' [must be said] twice [to imply an oath]. 'Yes' [must] also [be said] twice.

HE WHO BLASPHEMES BY ANY OF THEM IS LIABLE: THIS IS THE OPINION OF R. MEIR; BUT THE SAGES EXEMPT HIM. Our Rabbis taught: Whosoever curseth his God shall bear his sin.²⁹ Why is it written? Is it not already said: And he that blasphemeth the name of the Lord shall surely be put to death?³⁰ — I might think he should be liable only for the actual Name;³¹ whence do we know to include the substitutes? Therefore it is said: Whosoever curseth his God — in any manner; this is the opinion of R. Meir; but the Sages say: for the actual Name, [the penalty is] death;³² for the substitutes, there is a warning.³³

HE WHO CURSES HIS FATHER OR MOTHER, etc. Who are the Sages?³⁴ R. Menahem b. Jose; for we learnt, R. Menahem b. Jose said; When he blasphemeth the Name, he shall be put to death.³⁵ Why is it said: 'Name'?³⁶ It teaches us that he who curses his father or mother is not liable unless he curses them by the Name.

HE WHO CURSES HIMSELF OR HIS NEIGHBOUR, etc. R. Jannai said; This is the view of all.³⁷ [HE WHO CURSES] HIMSELF: as it is written: Only take heed to thyself, and keep thy soul diligently;³⁸ and as R. Abin said in the name of R. Elai; for he said; Wherever it is said, take heed, lest, or not, it is nothing but a negative precept.³⁹ [HE WHO CURSES] HIS NEIGHBOUR; as it is written: Thou shalt not curse the deaf.⁴⁰

'THE LORD SMITE YOU', OR 'GOD SMITE YOU': THESE ARE THE CURSES WRITTEN IN THE TORAH. R. Kahana sat before Rab Judah, and was reciting this Mishnah as we learnt it. He⁴¹ said to him: Modify it!⁴² One of the Scholars was sitting before R. Kahana and reciting: God will likewise break thee forever; He will take thee up, and pluck thee out of thy tent, and root thee out of the land of the living. Selah.⁴³ He said to him: Modify it! — Why do we require both?⁴⁴ — I might have thought that only the Mishnah [we are permitted to modify], but verses of Scripture we are not permitted to modify; therefore he teaches us [that we are].

'[MAY THE LORD] NOT SMITE YOU'; OR, 'MAY HE BLESS YOU'; OR, 'MAY HE DO GOOD UNTO YOU, [IF YOU BEAR TESTIMONY FOR ME]'; R. MEIR MAKES THEM LIABLE; AND THE SAGES EXEMPT THEM. But R. Meir does not hold that from the negative you may derive the affirmative!⁴⁵ — Reverse it!⁴⁶ When R. Isaac came, he stated the Mishnah as we learnt it.⁴⁷ R. Joseph said; Since we learnt it thus, and when R. Isaac came he also stated it thus, we may infer that we learnt it definitely so. But the question [then] remains!⁴⁸ — He does not hold [that from the negative we derive the affirmative] in money matters, but in prohibitions he holds [this principle].⁴⁹ But the case of sotah is a prohibition, and yet R. Tanhum b. R. Hakinai said; It is written; hinnaki.⁵⁰ The reason is because it is written hinnaki [which may be read as hinki], but were it not for this, [we should not know the affirmative], for we do not say that from the negative you may derive the affirmative!⁵¹

(1) Lev. V, 1.

(2) The verse could have said: and heareth the alah (cursing) i.e., oath accompanied by a curse; the word voice is superfluous, so we deduce that it implies even a voice (i.e., oath) unaccompanied by a curse. [The interpretation adopted here follows Rashi who, apart from the reading of MS.M. referred to in n. 5, which he seemed to have had, deletes the words: 'an alah unaccompanied by an oath like an alah with an oath,' which are placed in cur. edd. in brackets. These words are, however, retained by Nahmanides in his novellae on Shebu'oth, and other texts. Adopting this reading, preference is to be given to the reading 'with an oath' of cur. edd. (v. n. 5) and the whole passage must be taken as a continuation of the discussion relating to the source whence the Rabbis derive that 'alah' implies an oath, and is to be interpreted thus: 'But there it is written the oath of alah (how then can there be derived from that verse that alah by itself denotes an oath)? — Thus he (the Tanna of the Baraita) means: 'alah'; alah can only be with an oath, and thus it says: 'and the priest . . . of alah.' And whence do we know to make an alah unaccompanied by an oath like an alah with an oath, and an oath unaccompanied by an alah like an oath accompanied etc. — Thus is afforded the source whence the Rabbis deduce that alah implies an oath.]

(3) Ezek. XVII, 13; Nebuchadnezzar imposed an oath (alah) upon King Zedekiah.

(4) 2 Chron. XXXVI, 13; here a derivative of שְׁבוּעָה is used; so that אֱלֹהֵי in Ezekiel is equated with שְׁבוּעָה in Chronicles; hence אֱלֹהֵי is an oath.

(5) 'Cursed be'. If a Sage says to a man: 'Thou art arur', he is excommunicated.

(6) For a period of at least 30 days; v. M.K. 16a.

(7) He who curses another, using this word, is liable.

(8) Judg. V, 23.

(9) Deut. XXVII, 13; קִלְלָהּ is used.

- (10) Ibid. 15; אָרָר is used; hence אָרָר implies קָלָלָה.
- (11) Josh. VI, 26; אָרָר is used in the adjuration, hence it is a form of oath.
- (12) And אָרָר is not the expression of the adjuration, but a curse apart from the adjuration.
- (13) I Sam. XIV, 24.
- (14) Ibid. 27; 'cursed be' (of verse 24) is here termed adjuration (שְׁבוּעָה).
- (15) Which would have implied that he adjured the people, and also said, 'and cursed be the man . . .' Since, however, the verse says: he adjured the people saying, 'Cursed be', this phrase is obviously the form of the adjuration.
- (16) Since you argue thus.
- (17) Josh. VI, 26.
- (18) He who responds 'Amen' after an oath is accounted as if he had uttered the oath himself.
- (19) Agreement to fulfil a request.
- (20) I.e., prayer for fulfilment: so may it be!
- (21) Num. V, 22; the priest utters the oath, the woman merely responding 'Amen'. Her response is counted as an oath, and the 'bitter waters' test her.
- (22) Deut. XXVII, 26. The people taking upon themselves to fulfil the words of the Law.
- (23) Jer. XXVIII, 6.
- (24) Gen. IX, 15.
- (25) Isa. LIV, 9.
- (26) Since he emphasizes his statement, he intends it as an oath.
- (27) Gen. IX, 11.
- (28) Ibid. 15; the promise not to bring a flood was made twice; but v. Asheri a.l.
- (29) Lev. XXIV, 15.
- (30) Ibid. 16.
- (31) Tetragrammaton, v. supra p. 208, n. 16.
- (32) By stoning; v. Lev. XXIV, 14.
- (33) I.e., negative prohibition, for the transgression of which the penalty is stripes.
- (34) Who exempt him, if he curses his father or mother by the substitutes.
- (35) Lev. XXIV, 16.
- (36) The verse is superfluous, because it is already said: He that blasphemeth the Name of the Lord shall surely be put to death. The verse is therefore taken to refer to the case of cursing a parent by the Name.
- (37) R. Meir and the Sages agree in this that he who curses himself or his neighbour by any of the substitutes (not merely the Name) transgresses a negative precept. [Although the verse is superfluous (cf. p. 211, n. 14), it can nevertheless be applied only in regard to the cursing of a parent, which like blasphemy is punishable by death, but not with reference to cursing oneself or one's neighbour which does not involve so grave a penalty.]
- (38) Deut. IV, 9. [The verse is explained in Ber. 32b as an injunction to take care of the body and its physical requirements and not to expose oneself to dangers. This implies the prohibition of invoking upon oneself any curses.]
- (39) Here, 'take heed to thyself' means 'do not curse thyself.'
- (40) Lev. XIX, 14; v. Sanh. 66a: the prohibition includes all persons, not only the deaf.
- (41) Rab Judah.
- (42) Use the third person, so that it should not appear as if you were cursing me.
- (43) Ps. LII, 7.
- (44) To be informed that both in the Mishnah and the Psalms it is necessary, when in company, to use the third person instead of the second, to avoid giving offence.
- (45) Kid. 61a. In our Mishnah: 'May the Lord not smite you, if you bear testimony' is not an oath unless the positive is implied: 'May the Lord smite you, if you do not bear testimony'; and yet R. Meir makes the witnesses liable, though he does not hold that the positive may be derived from the negative.
- (46) Read in the Mishnah: R. Meir exempts them, and the Sages make them liable.
- (47) Not reversed.
- (48) R. Meir does not hold that from the negative we derive the affirmative!
- (49) And our Mishnah deals with an oath (a prohibition).
- (50) Num. V, 19; הִנְקִי; If thou hast not gone aside to uncleanness . . . be thou free from this water of bitterness. This implies: 'if thou hast gone aside . . . be thou not free'. Hence, we deduce from the fact that Scripture does not state the

affirmative, that we may derive the affirmative from the negative. This is an argument against R. Meir. R. Tanhum (explaining R. Meir's view) states that Scripture uses the word **הִנְקִי** advisedly, so that it may also be read as **הִנְקִי** ('be thou choked'), and taken with the subsequent verse: be thou choked by this water of bitterness . . . if thou hast gone aside. Hence, Scripture itself gives both negative and positive: If thou hast not gone aside . . . be thou free (**הִנְקִי**); and be thou choked (**הִנְקִי**) . . . if thou hast gone aside. But we cannot derive the affirmative from the negative. According to Aruch, s.v. **הִנְקִי**, the word is taken by R. Tanhum in its double meaning 'to be bereft' (cf. Isa. III, 23), as well as 'to be free', and the phrase **הִנְקִי** is employed by him as a mere wordplay.

(51) Hence, even in the case of a prohibition R. Meir does not hold this principle.

Talmud - Mas. Shevu'oth 36b

— Well then [you must] reverse;¹ for even in a prohibition he does not hold [this principle]. To this Rabina demurred; And in a prohibition does he not hold [this principle]? Now then, [priests ministering in the Temple] intoxicated with wine,² or with a long growth of hair,³ the punishment for which is [said to be] death — will you also say [in these cases] that R. Meir does not hold [the principle]?⁴ Surely we learnt: These are liable for death: [priests] intoxicated with wine, and with a long growth of hair!⁵ — Hence indeed, reverse; but only in money matters does he not hold [the principle]; in a prohibition, however, he does hold the principle;⁶ and the case of sotah⁷ is different, because it is a prohibition which includes also money matters.⁸

CHAPTER V

MISHNAH. THE OATH OF DEPOSIT⁹ APPLIES TO MEN AND WOMEN. TO NON-RELATIVES AND RELATIVES, TO THOSE QUALIFIED [TO BEAR TESTIMONY] AND THOSE UNQUALIFIED; BEFORE THE BETH DIN AND NOT BEFORE THE BETH DIN, [IF UTTERED] FROM HIS OWN MOUTH;¹⁰ BUT [IF ADJURED] BY THE MOUTH OF OTHERS,¹¹ HE IS NOT LIABLE UNLESS HE DENIES IT BEFORE THE BETH DIN: THIS IS THE OPINION OF A. MEIR; BUT THE SAGES SAY, WHETHER [UTTERED] FROM HIS OWN MOUTH OR [ADJURED] BY THE MOUTH OF OTHERS — SINCE HE DENIED IT, HE IS LIABLE. AND HE IS LIABLE FOR THE WILFUL TRANSGRESSION OF THE OATH,¹² AND FOR ITS UNWITTING TRANSGRESSION,¹³ COUPLED WITH WILFUL [DENIAL OF] DEPOSIT; BUT HE IS NOT LIABLE FOR UNWITTING TRANSGRESSION SIMPLY.¹⁴ AND TO WHAT IS HE LIABLE FOR WILFUL TRANSGRESSION? A GUILT OFFERING¹⁵ OF [THE VALUE OF] TWO SHEKELS OF SILVER.¹⁶ THE OATH OF DEPOSIT — HOW? HE SAID TO HIM: 'GIVE ME MY DEPOSIT WHICH I HAVE IN THY POSSESSION.' [THE OTHER REPLIED:] 'I SWEAR THAT THOU HAST NOT [ANYTHING] IN MY POSSESSION'; OR HE REPLIED TO HIM; 'THOU HAST NOT [ANYTHING] IN MY POSSESSION,' [AND THE DEPOSITOR SAID:] 'I ADJURE THEE.' AND HE RESPONDED, 'AMEN!'; HE IS LIABLE. IF HE ADJURED HIM FIVE TIMES, WHETHER BEFORE THE BETH DIN OR NOT BEFORE THE BETH DIN, AND HE DENIED, HE IS LIABLE¹⁷ FOR EACH ONE. R. SIMEON SAID: WHAT IS THE REASON? BECAUSE HE CAN RETRACT AND ADMIT.¹⁸ IF FIVE CLAIMED FROM HIM, AND SAID TO HIM: 'GIVE US THE DEPOSIT THAT WE HAVE IN THY POSSESSION,' [AND HE REPLIED:] 'I SWEAR THAT YOU HAVE NOT [ANYTHING] IN MY POSSESSION,' HE IS LIABLE ONLY ONCE. [IF HE SAID:] 'I SWEAR THAT THOU HAST NOT IN MY POSSESSION, NOR THOU, NOR THOU,'¹⁹ HE IS LIABLE FOR EACH ONE. R. ELIEZER²⁰ SAYS: ONLY IF HE SAYS, 'I SWEAR' AT THE END.²¹ R. SIMEON SAYS: ONLY IF HE SAYS, 'I SWEAR' TO EACH ONE. 'GIVE ME THE DEPOSIT, LOAN, THEFT, AND LOST OBJECT THAT I HAVE IN THY POSSESSION.' — 'I SWEAR THAT THOU HAST NOT [THESE] IN MY POSSESSION,' HE IS LIABLE ONLY ONCE. 'I SWEAR THAT THOU HAST NOT IN MY POSSESSION DEPOSIT, LOAN, THEFT, AND LOST OBJECT,' HE IS LIABLE FOR EACH ONE. 'GIVE ME THE WHEAT, BARLEY, AND SPELT THAT I HAVE IN THY POSSESSION.' — 'I SWEAR THAT THOU HAST NOT [THESE] IN MY POSSESSION,' HE IS

LIABLE ONLY ONCE. 'I SWEAR THAT THOU HAST NOT IN MY POSSESSION WHEAT, BARLEY, AND SPELT,' HE IS LIABLE FOR EACH ONE. R. MEIR SAID: EVEN IF HE SAID, '... A GRAIN OF WHEAT, BARLEY AND SPELT,'²² HE IS LIABLE FOR EACH ONE. 'THOU HAST VIOLATED OR SEDUCED MY DAUGHTER' AND THE OTHER SAYS, 'I DID NOT VIOLATE, NOR SEDUCE.' — 'I ADJURE THEE,' — AND HE RESPONDS, 'AMEN!' HE IS LIABLE. R. SIMEON EXEMPTS HIM, FOR HE DOES NOT PAY A FINE ON HIS OWN ADMISSION.²³ THEY SAID TO HIM: THOUGH HE DOES NOT PAY A FINE ON HIS OWN ADMISSION, HE STILL PAYS FOR THE SHAME AND BLEMISH ON HIS OWN ADMISSION.²⁴ 'THOU HAST STOLEN MY OX,' AND HE SAYS, 'I HAVE NOT STOLEN IT.' — 'I ADJURE THEE,' — AND HE RESPONDS, 'AMEN!' HE IS LIABLE. 'I HAVE STOLEN IT, BUT I HAVE NOT KILLED IT OR SOLD IT.' — 'I ADJURE THEE,' AND HE RESPONDS, 'AMEN!' HE IS EXEMPT.²⁵ 'THY OX KILLED MY OX,' AND HE SAYS, 'IT DID NOT KILL [THY OX].'- 'I ADJURE THEE,' — AND HE RESPONDS, 'AMEN!' HE IS LIABLE. 'THY OX KILLED MY SLAVE,' AND HE SAYS, 'IT DID NOT KILL [THY SLAVE].' — 'I ADJURE THEE.' — AND HE RESPONDS, 'AMEN!' HE IS EXEMPT.²⁶ HE SAID TO HIM, 'THOU HAST INJURED ME, OR BRUISED ME,' AND THE OTHER SAYS, 'I HAVE NOT INJURED THEE OR BRUISED THEE.' — 'I ADJURE THEE,' AND HE RESPONDS, 'AMEN!' HE IS LIABLE. HIS SLAVE SAID TO HIM, 'THOU HAST KNOCKED OUT MY TOOTH, OR BLINDED MY EYE,' AND HE SAID, 'I DID NOT KNOCK OUT [THY TOOTH], OR BLIND [THY EYE].' — 'I ADJURE THEE,' — AND HE RESPONDS, 'AMEN!' HE IS EXEMPT.²⁷ THIS IS THE PRINCIPLE: WHENEVER HE PAYS ON HIS OWN ADMISSION,²⁸ HE IS LIABLE,²⁹ AND WHEN HE DOES NOT PAY ON HIS OWN ADMISSION,³⁰ HE IS EXEMPT.

GEMARA. R. Aha b. Huna and R. Samuel the son of Rabbah b. Bar Hanah and R. Isaac the son of Rab Judah studied [the tractate of] Shebu'oth at the School of Rabbah. R. Kahana met them and said

(1) Our Mishnah.

(2) Lev. X, 9: Drink no wine nor strong drink . . . when ye go into the tent of meeting, that ye die not.

(3) More than 30 days' growth; v. Rashi, Sanh. 83a. They shall not suffer their locks to grow long . . . neither shall any priest drink wine, when they enter into the inner court (Ezek. XLIV, 20, 21). Allowing the hair to grow long is equated with drinking wine; just as for drinking wine the penalty is death, so for allowing the hair to grow long the penalty is death; Sanh. 83b.

(4) In these cases we must derive the affirmative from the negative in order to impose the penalty: Drink no wine . . . that ye die not; but if you drink wine, you will die.

(5) Sanh. 83a, none disputing.

(6) Therefore he agrees that intoxicated priests are liable to the penalty of death.

(7) Where he does not hold the principle.

(8) Her kethubah is involved, for if she is guilty she does not receive it. In our Mishnah, too, the oath (adjuring the witnesses) involves a money claim; therefore R. Meir exempts the witnesses (for we reverse the reading).

(9) Lev. V, 2.

(10) Or if he responds 'Amen!' after the depositor's adjuration.

(11) Without responding 'Amen!'

(12) Knowing that he has the deposit, and knowing that for denying it on oath he is liable to bring a guilt offering.

(13) Not knowing that he is liable to an offering.

(14) If he really forgot that he had the deposit.

(15) Lev. V, 25.

(16) Ibid, 15: according to thy valuation in shekels of silver (shekels == two).

(17) An offering.

(18) After each oath he may retract, and admit that he has the deposit; each denial is thus a fresh denial of money.

(19) Addressing each of the five in turn.

(20) [MS.M.: 'R. Eleazar'.]

(21) 'You have not in my possession, nor you, nor you; I swear it,' he is liable for each one, because the oath refers to all.

(22) V. infra 38a.

(23) If he had confessed to the seduction, he would not have had to pay the fine (50 shekels; v. Deut. XXII, 29); on the principle that he who admits on his own accord liability to a fine is exempt from payment, v. B.K. 74b. Since he is therefore denying a fine קנס, and not a money liability, ממוץ, he is exempt.

(24) Because these sums are ממוץ; therefore he is liable for the oath.

(25) The extra amount he is liable to pay for killing or selling it (Ex. XXI, 37) is a fine; his oath is hence a denial of a fine, and not of an actual money liability.

(26) Because the 30 shekels which the owner of the ox has to pay for the slave (Ex. XXI, 32) is merely a fine, this sum being paid even if the slave is worth much less.

(27) For blinding an eye or knocking out a tooth of a slave the master must allow him to go free; Ex. XXI, 26, 27; this is a fine.

(28) I.e., ממוץ.

(29) To bring an offering for his oath.

(30) I.e., קנס.

Talmud - Mas. Shevu'oth 37a

to them: If he wilfully transgressed the oath of deposit, and [witnesses] warned him, what is the ruling?¹ Since it presents an anomaly in that in the whole Torah we do not find that a wilful transgressor brings an offering, and here he brings an offering;² there is therefore no difference whether he is warned or not warned;³ or, it applies only when he is not warned; but when he is warned, he receives stripes, and does not bring an offering; or, do we impose both [punishments] on him? — They said to him: We have it stated [in a Baraitha]: The oath of deposit is more severe than it;⁴ for one is liable for its wilful transgression, stripes,⁵ and for its unwitting transgression, a guilt offering of [the value of] two silver shekels.⁶ Now, since it says: 'for its wilful transgression, stripes,' we deduce they warned him;⁷ and yet it says stripes only and not an offering!⁸ And wherein lies then the greater severity?⁹ [In that] a man prefers to bring an offering rather than suffer stripes. Said Raba b. Ithi to them: [No! this affords no solution, for] who is the Tanna [who holds that] wilful transgression of oath of deposit is not atoned for by an offering? It is R. Simeon;¹⁰ but according to the Rabbis, he brings an offering also.¹¹ — R. Kahana said to them: Away with this [Baraitha];¹² for I learnt it, and thus I learnt it: Both for its wilful and unwitting transgression [the penalty is] a guilt offering of [the value of] two silver shekels. And wherein lies its greater severity?¹³ There¹⁴ [he may bring] a sin offering of the value of a danka,¹⁵ whereas here [he must bring] a guilt offering of the value of two shekels of silver. Let us then deduce from this!¹⁶ — Perhaps [it refers to the case where] they did not warn him.¹⁷

Another version.¹⁸ Come and hear: One is not liable for its unwitting transgression.¹⁹ To what is one liable for its wilful transgression? A guilt offering of [the value of] two shekels of silver. Now does this not refer to the case where they warned him?²⁰ — [No!] Here also it may refer to the case where they did not warn him. Come and hear: No! If you say in the case of a nazirite who had become unclean [that such and such is the case],²¹ it is because he receives stripes,²² but how can you say in the case of the oath of deposit [that such and such is the case], since its transgressor does not receive stripes? Since it says, 'he receives stripes,' we deduce that they warned him; and it says, 'how can you say in the case of the oath of deposit [that such and such is the case], since its transgressor does not receive stripes?' — but [presumably] an offering he brings!²³ — What is meant by 'he does not receive stripes' is that he is not freed by stripes.²⁴ Do we infer then that a nazirite who had become unclean is freed by stripes?²⁵ Surely an offering is [specifically] mentioned with reference to him!²⁶ — There he brings an offering merely in order that his naziriteship should recommence in cleanliness.²⁷

The Scholars told this to Rabbah.²⁸ He said to them: Hence,²⁹ if they did not warn him, though there are witnesses, he is liable,³⁰ [but surely] it is [like] a merely [useless] denial of words!³¹ This³² shows that Rabbah [himself] holds, he who denies money for which there are witnesses, is exempt.³³

R. Hanina said to Rabbah: There is [a Baraita] taught in support of your view: And denieth it³⁴ — except if he admits it to one of the brothers or one of the partners;³⁵ and sweareth falsely³⁴ — except if he borrowed on a bond or borrowed in the presence of witnesses!³⁶ — He said to him: From this you can bring no support to my view. [It refers to a case where] he says, ‘I borrowed, but I did not borrow in the presence of witnesses’; ‘I borrowed, but I did not borrow on a bond.’³⁷ How [do we know it refers to such a case]? Because it states: ‘and denieth it — except if he admits it to one of the brothers or one of the partners.’ [Now,] ‘to one of the brothers’ — what does it mean? Shall we say [it means] he admits his half?³⁸ But there is the denial of the other!³⁹ Obviously then, it means, they say to him: ‘From both of us you borrowed,’ and he replies to them: ‘No! From one of you I borrowed’;⁴⁰ and this is simply a denial of words.⁴¹ And since the first clause refers to a denial of words, the second clause also refers to a denial of words. (Mnemonic: Liable, sets [of witnesses], of the trustee, the severity, of the nazirite.⁴²)

Come and hear: He is not liable for its unwitting transgression; and to what is he liable for its wilful transgression? A guilt offering of [the value of] two silver shekels. Does it not mean wilful transgression [after warning by] witnesses?⁴³ — No! [It may mean] wilful transgression on his own account.⁴⁴

Come and hear: If there were two sets of witnesses, and the first denied, and then the second denied, they are both liable, because the testimony could be upheld by [either of] the two.⁴⁵ Now granted, the second set should be liable, for the first set have denied;⁴⁶ but the first set — why should they be liable?

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- (1) Does he bring an offering; or is he punished by stripes; or both?
 - (2) [Rashi and Tosaf. point out that it is not exactly an anomaly as there are other instances, a Nazirite who wilfully makes himself unclean, where an offering is brought for a wilful transgression, being one of them.]
 - (3) And even if warned he brings all offering, but does not suffer stripes.
 - (4) The oath of testimony.
 - (5) Whereas in the case of oath of testimony there cannot be stripes, because it is not possible to know if the witnesses transgressed wilfully, for they can always say they forgot the testimony; v. Tosaf. a.l.
 - (6) Whereas in the case of oath of testimony a sliding scale sacrifice (which may be worth less than 2 shekels) is brought.
 - (7) For without warning, stripes are not inflicted.
 - (8) Hence, R. Kahana's question is solved.
 - (9) Of oath of deposit. If for wilful transgression with warning, stripes only are inflicted (and no offering is brought); and in the case of oath of testimony an offering is brought, why is the oath of deposit said to be severer than the oath of testimony?
 - (10) Supra 34b.
 - (11) R. Kahana's question cannot be solved from this Baraita, for it may be voicing the view of R. Simeon; but according to the Sages it is possible that for wilful transgression of oath of deposit, with warning, an offering is also brought.
 - (12) We cannot in any way deduce anything from it; and there is no need to say it is in accordance with R. Simeon's view.
 - (13) Since in the case of oath of testimony, too, only an offering is brought for both wilful and unwitting transgression.
 - (14) In the case of oath of testimony.
 - (15) Small Persian coin, one sixth of denar.
 - (16) That he brings an offering, and does not suffer stripes; and thus solve R. Kahana's question.
 - (17) Therefore he does not suffer stripes.

- (18) [MS.M. rightly omits.]
- (19) If he swore falsely really by mistake.
- (20) And we may solve R. Kahana's question that even when warned he brings only all offering.
- (21) The actual reference is not known (Rashi), yet this does not affect the argument; but see R. Han. and Tosaf.
- (22) For wilfully making himself unclean; Num. VI, 6 ff. Therefore his case is stricter.
- (23) Hence, R. Kahana's question is solved, that the transgressor of the oath of deposit, after warning, does not receive stripes, but brings an offering.
- (24) Stripes alone are insufficient; he must bring an offering also.
- (25) And brings no offering.
- (26) Num. VI, 12: and he shall bring a lamb of the first year for a guilt offering.
- (27) And not as an atonement for sin.
- (28) The scholars mentioned above who studied the tractate of Shebu'oth in the School of Rabbah told Rabbah of R. Kahana's question.
- (29) Because R. Kahana asks only the ruling in the case where he was warned, he is apparently satisfied that, when not warned, he brings an offering, although the witnesses may know that he has the deposit.
- (30) An offering.
- (31) For his denial can achieve nothing, since there are witnesses who know he has the deposit.
- (32) Rabbah's question.
- (33) From an offering.
- (34) Lev. V, 22.
- (35) Who has a share in this deposit; when the deposit is claimed by one brother or partner, he admits it, and when it is claimed by another, he denies it; he is not, in such a case, liable to bring an offering for his false oath, because Scripture says: and denieth it, i.e., completely.
- (36) Since his denial can achieve nothing, he does not bring an offering for his oath. This supports Rabbah.
- (37) He does not deny that he owes the money; he merely denies that there were witnesses or that he gave a bond. Therefore, he does not bring an offering for his oath, because his denial is of no material consequence, but he who denies a money claim though there are witnesses would be liable to an offering.
- (38) The amount owing to the one brother.
- (39) He should be liable to bring an offering for denying the other half on oath.
- (40) The whole amount.
- (41) And not of money; therefore he is not liable for an offering.
- (42) Mnemonic of the teachings that follow.
- (43) Yet he is liable to bring an offering. This is opposed to Rabbah's view that where there is denial of money for which there are witnesses, he does not bring an offering.
- (44) And there are no witnesses.
- (45) Supra 31b.
- (46) And the claim now depends entirely on the evidence of the second set.

Talmud - Mas. Shevu'oth 37b

The second set are still available!¹ — Rabina said: Here we are discussing [a case] where the second set, at the time of the denial of the first set, were related through their wives, and their wives were dying; you might have thought that [because we say] the majority of dying people actually die [the second set are reckoned eligible witnesses];² therefore he teaches us [that they are not, because] as yet the wives are alive and not dead.³

Come and hear: If the trustee⁴ pleaded the plea of theft in the case of a deposit,⁵ and swore, then confessed, and witnesses came — if before the witnesses came he confessed, he pays the principal, the fifth, and brings a guilt offering;⁶ if after the witnesses came he confessed, he pays double,⁷ and brings a guilt offering!⁸ — Here also, as Rabina said.⁹

Rabina said to R. Ashi: Come and hear: The oath of deposit is more severe than it,¹⁰ for one is

liable for its wilful transgression, stripes, and for its unwitting transgression, a guilt offering of [the value of] two silver shekels. Now, since he says he receives stripes, it follows that there are witnesses; and yet he says, for its unwitting transgression a guilt offering of [the value of] two silver shekels.¹¹ — R. Mordecai said to them:¹² Away with this [Baraita]; for, lo. R. Kahana said to them: I learnt it, and thus I learnt it: Both for its wilful and unwitting transgression [the penalty is] a guilt offering of [the value of] two silver shekels.¹³

Come and hear: No! If you say in the case of a nazirite who had become unclean [that such and such is the case], it is because he receives stripes, but how can you say in the case of an oath of deposit [that such and such is the case] since its transgressor does not receive stripes!¹⁴ — Now, how is this? If there are no witnesses, why does he receive stripes? Obviously, therefore, there are witnesses; and yet he states: ‘How can you say in the case of an oath of deposit [that such and such is the case] since its transgressor does not receive stripes?’ — stripes he does not receive, but an offering he brings! Verily, a refutation of Rabbah's view!¹⁵ It is a refutation!

R. Johanan said: He who denies [on oath] money for which there are witnesses, is liable;¹⁶ for which there is a bond, is exempt. R. Papa said: What is R. Johanan's reason? Because witnesses are likely to die,¹⁷ but the bond remains.¹⁸ Said R. Huna the son of R. Joshua to R. Papa: But a bond, too, is likely to be lost! — However, said R. Huna the son of R. Joshua: This is R. Johanan's reason: A bond is a hypothecary pledge of lands,¹⁹ and an offering is not brought for a denial of a hypothecary pledge of lands.

It was stated: He who adjures witnesses for land,²⁰ — R. Johanan and R. Eleazar disagree: one says they are liable,²¹ and the other says they are exempt. It may be concluded that it is R. Johanan who says they are exempt, for R. Johanan said: He who denies money for which there are witnesses is liable; for which there is a bond, is exempt; and as R. Huna the son of R. Joshua [explained it].²² It is conclusive.

R. Jeremiah said to R. Abbahu: Shall we say that R. Johanan and R. Eleazar disagree on the same principle on which R. Eliezer and the Rabbis [disagree]? For we learnt: He who robs a field from his neighbour and a river flooded it, must restore a field to him: this is the opinion of R. Eliezer; but the Sages say: He may say to him, ‘Lo, thine own is before thee.’²³ And we said: On what do they disagree? R. Eliezer expounds ‘amplifications and limitations,’ and the Rabbis [Sages] expound ‘generalisations and specifications.’²⁴ R. Eliezer expounds ‘amplifications and limitations’: and lie unto his neighbour²⁵ — this amplifies;²⁶ in deposit or loan — this limits; or any thing about which he hath sworn²⁷ — this again amplifies; since it amplifies, limits, and amplifies, it includes all. What does it include? It includes all things: and what does it exclude? It excludes bonds.²⁸ And the Rabbis expound ‘generalisations and specifications’: and lie unto his neighbour — this generalises; in deposit or loan or robbery — this specifies; or any thing about which he hath sworn — this again generalises; since it generalises, specifies, and generalises, you may include only that which is similar to the specification: just as the specification is clearly movable and intrinsically money, so everything which is movable and intrinsically money [may be included], but exclude lands,²⁹ which are not movable, and exclude slaves, which have been likened to lands, and exclude bonds, which, though they are movable, are not intrinsically money. — [Now, shall we say that] he who makes them liable agrees with R. Eliezer,³⁰ and he who exempts them agrees with the Rabbis?³¹ — He said to him:³² No! He who makes them liable agrees with R. Eliezer; but he who exempts them, may tell you that in this even R. Eliezer agrees,³³ for Scripture says, ‘of all’, and not, ‘all’.³⁴

R. Papa said in the name of Raba: Our Mishnah too is evidence,³⁵ for it states: ‘THOU HAST STOLEN MY OX,’ AND THE OTHER SAYS, ‘I HAVE NOT STOLEN IT.’ — ‘I ADJURE THEE,’ AND HE RESPONDS, ‘AMEN!’ HE IS LIABLE. — Now, ‘Thou hast stolen my slave’ it does not state. What is the reason? is it not because a slave is likened to land, and an offering is not

brought for a denial of a hypothecary pledge of lands? — Said R. Pappi in the name of Raba: Say the final clause: THIS IS THE PRINCIPLE: WHENEVER HE PAYS ON HIS OWN ADMISSION, HE IS LIABLE; AND WHEN HE DOES NOT PAY ON HIS OWN ADMISSION, HE IS EXEMPT. — This is the principle: What does this include?³⁶ Does it not include [the case where he claims], ‘Thou hast stolen my slave’?³⁷

- (1) And the claim can be upheld by them. Since we say, however, that the first set are also liable (though their denial has not harmed the claimant), we may deduce that a denial of money for which there are witnesses (in this case, the second set), though it is ineffective, is still deemed a denial; and the transgressor is liable. This is opposed to Rabbah's view.
- (2) And the first set should therefore be exempt, because there are other witnesses; v. supra 33a.
- (3) And the first set are therefore liable.
- (4) Lit., ‘owner of a house’.
- (5) That it had been stolen from him; he is not responsible for theft, because he is an unpaid bailee, שומר חנם.
- (6) Lev. V, 24, 25.
- (7) As if he had been the thief himself, but he pays no fifth; v. B.K. 63b.
- (8) Though there are witnesses; this is opposed to Rabbah's view.
- (9) At the time the trustee swore the oath the witnesses were related through their wives, and, therefore, being ineligible, are counted as non-existent; he therefore brings an offering.
- (10) Oath of testimony.
- (11) Hence, a guilt offering is brought even when there are witnesses.
- (12) [Read with MS.M.: ‘He said to him.’]
- (13) Since stripes are not mentioned, wilful transgression need not imply the presence of witnesses; so that we cannot, from this Baraita, refute Rabbah's view.
- (14) V. supra p. 219.
- (15) For Rabbah holds he who denies money where there are witnesses does not bring an offering for his false oath.
- (16) An offering.
- (17) And since his denial would be effective if they died, he brings a guilt offering for his false oath.
- (18) His denial is therefore always ineffective.
- (19) Where there is a signed document of indebtedness, the lands of the debtor are security for the debt.
- (20) To bear testimony for him in a claim for land.
- (21) To bring a sliding scale sacrifice for denying testimony on oath.
- (22) That the reason for exemption in the case of a bond is that the lands of the debtor are security for the debt; and no offering is brought for a denial on oath in such a case.
- (23) They hold that land cannot be stolen, i.e., though he dispossesses the owner forcibly, it is still counted as the owner's property.
- (24) For full exposition v. supra 4b; and B.K. (Sonc. ed.) p. 703.
- (25) Lev. V, 21.
- (26) I.e. it includes anything about which he may lie.
- (27) Lev. V, 24.
- (28) Which are most dissimilar to the examples (‘limitations’) given by Scripture: but it does not exclude land. R. Eliezer therefore holds that he who robs a field, which was later flooded, must recompense the owner.
- (29) The Rabbis thus hold that land cannot be stolen.
- (30) R. Eleazar, as is concluded above, holds that witnesses who, adjured to bear witness to a land claim, deny testimony on oath, are liable to bring an offering. He will therefore agree with R. Eliezer who holds that land may be stolen and is in the same category as other goods.
- (31) R. Johanan who exempts the witnesses will agree with the Rabbis that land cannot be stolen.
- (32) R. Abbahu said to R. Jeremiah.
- (33) Though he holds that land is included in the category of things that may be stolen, and must be returned in the state it was at the time of the robbery (or the owner recompensed), he agrees that there is no liability to bring an offering for a false oath in a land claim, for with reference to oath Scripture says: of all things about which he hath sworn falsely . . . he shall bring his guilt offering; this implies that an offering is not brought for all things, but of all things: of excludes something, i.e., land, because land is (after bonds) least similar to the particulars mentioned by Scripture.

(34) Lev. V, 24: **מכל אשר ישבע**.

(35) In support of R. Johanan that there is no liability to bring an offering for an oath in respect of a land claim.

(36) The principle is obvious from the previous examples; the Mishnah, in stating this clause, therefore wishes us to infer something additional.

(37) For here also the thief pays on his own admission; hence, in his case too, he is liable to bring an offering for a false oath.

Talmud - Mas. Shevu'oth 38a

Hence, then, from this it is not possible to deduce.¹

THE OATH OF DEPOSIT-HOW? 'GIVE ME THE DEPOSIT WHICH I HAVE IN THY POSSESSION,' etc.

Our Rabbis taught: For a general statement he is liable only once; for a particular he is liable for each one:² this is the opinion of R. Meir. R. Judah says: 'I swear I do not owe thee, and not thee, and not thee,' he is liable for each one.³ R. Eliezer says: 'I do not owe thee, and not thee, and not thee, I swear it,' he is liable for each one. R. Simeon says: [He is not liable for each one] unless he says, 'I swear' to each one.

Rab Judah said that Samuel said: The general statement of R. Meir is the particular of R. Judah, and the general statement of R. Judah is the particular of R. Meir.⁴ And R. Johanan said: All agree that 'and not thee' is a particular; they disagree only in 'not thee,' R. Meir holding it is a particular, and R. Judah holding it is a general; and what is the general statement according to R. Meir? 'I swear that you have not in my possession ...'⁵ In what do they⁶ disagree? — Samuel argues from the Baraitha, and R. Johanan argues from our Mishnah. 'Samuel argues from the Baraitha': Since R. Judah says 'and not thee' is a particular, we infer that he heard R. Meir say it is a general, and therefore R. Judah [disagrees and] says to him it is a particular. And R. Johanan says: Both⁷ are, according to R. Meir, particulars; and R. Judah said to him: In 'and not thee' I agree with you,⁸ but in 'not thee' I disagree with you. But Samuel says: [If so,] why mention that in which he agrees with him; let him mention that in which he disagrees with him.⁹ 'And R. Johanan argues from our Mishnah': Since R. Meir says:¹⁰ 'I swear you [plural] have not in my possession ...' is a general statement, we infer that 'and not thee' is a particular, for if it enters your mind to say that 'and not thee' is a general statement, why does he teach us 'I swear I do not owe you,'¹¹ let him teach us, 'I swear I do not owe thee, and not thee, and not thee,' and it would be obvious that 'I swear I do not owe you' [is a general statement]. — And Samuel says, if he says, 'and not thee,' it is as if he says, 'I swear I do not owe you.'¹²

We learnt: NOT THEE, AND NOT THEE, AND NOT THEE.¹³ — Read in the Mishnah: 'not thee'.¹⁴

Come and hear: GIVE ME THE DEPOSIT, AND LOAN, AND THEFT, AND LOST OBJECT.¹⁵ Read: 'loan, theft, lost object.' Come and hear: GIVE ME THE WHEAT, AND BARLEY, AND SPELT. — Read: 'barley, spelt.' — But does the Tanna go on so frequently blundering?¹⁶ — Well then, it is the view of Rabbi,¹⁷ who says: There is no difference between 'Ka-zayith, ka-zayith' and 'ka-zayith and ka-zayith': both are particulars.¹⁸

Come and hear — from his own view:¹⁹ R. MEIR SAYS, [EVEN IF HE SAID:] 'A GRAIN OF WHEAT, AND BARLEY, AND SPELT,' HE IS LIABLE FOR EACH ONE.²⁰ — Read: 'A grain of wheat, a grain of barley, a grain of spelt.' — What is the force of EVEN?²¹ R. Aha the son of R. Ika said: Even a grain of wheat is included in wheat, and a grain of barley is included in barley, and a grain of spelt is included in spelt.²²

‘GIVE ME THE DEPOSIT, LOAN, THEFT, AND LOST OBJECT WHICH I HAVE IN THY POSSESSION,’ etc.

‘Give me the wheat and barley.’ R. Johanan said: If there is a perutah²³ [in the value] of all of them together, they combine.²⁴ — R. Aha and Rabina disagree. One says: For the particulars he is liable, but for the general statements he is not liable;²⁵ and the other says: For the general statements he is also liable.²⁶ But did not R. Hiyya teach: Behold, there are here fifteen sin-offerings;²⁷ and if it is [as you say], there are twenty. — This Tanna²⁸ is counting the particulars, and is not counting the general statements.²⁹ And behold, R. Hiyya taught: There are here twenty sin-offerings.³⁰ — [No!] that refers to deposit, loan, theft, and lost object.³¹

Raba inquired of R. Nahman: If five claimed from him, saying to him: ‘Give us the deposit, loan, theft, and lost object which we have in thy possession,’ and he said to one of them: ‘I swear that thou hast not in my possession a deposit, loan, theft, and lost object; and thou hast not, and thou hast not, and thou hast not, and thou hast not;’ what is the ruling? For one is he liable,³²

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- (1) Support for R. Johanan: the Mishnah may, or may not, agree with him.
 - (2) If he denies on oath the claim of several people in one general statement, ‘I swear I owe you all nothing,’ he is liable only for one oath; but, if he particularises, and says, ‘I swear I do not owe you, nor you, nor you,’ he is liable for each one; v. Mishnah, supra 36b.
 - (3) The difference between R. Meir and R. Judah is explained below.
 - (4) Because R. Judah says, ‘I swear I do not owe thee and not thee’ is counted a particular, he must have heard R. Meir say that it is a general statement (because of the connecting and), equivalent to ‘I do not owe all of you.’ R. Meir’s particular must therefore be, ‘I do not owe thee, not thee, not thee’ (without and) — turning to each claimant, and addressing him separately. This expression, ‘not thee, not thee,’ R. Judah counts as a general statement, for he states that ‘and not thee’ is a particular.
 - (5) I.e., ‘I swear I do not owe you’ (plural).
 - (6) Samuel and R. Johanan, in their interpretation of the views of R. Meir and R. Judah.
 - (7) ‘Not thee’ and ‘and not thee’.
 - (8) That it is a particular.
 - (9) When stating his view in the Baraitha, R. Judah should say, ‘not thee’ is a general (in which he disagrees with R. Meir, who holds it is a particular); and not ‘and not thee’ is a particular (with which R. Meir agrees).
 - (10) The author of an anonymous statement in the Mishnah is generally R. Meir.
 - (11) Is a general statement.
 - (12) They are both equal, and one is not more obvious than the other.
 - (13) He is liable for each one, supra Mishnah 36b; the author of the anonymous statement in the Mishnah being R. Meir (v. note 6), it proves that R. Meir holds that ‘and not thee’ is a particular; which is a refutation of Samuel’s interpretation of his opinion.
 - (14) Without and.
 - (15) And he replies, ‘I swear I have not in my possession the deposit, and loan, and theft, and lost object,’ he is liable for each one. Hence the enumeration of the objects with the connecting word and makes the statement a particular. This again is an argument against Samuel.
 - (16) The Tanna inserts and, and you say it must be omitted in all these instances; a Tanna is always very careful and exact.
 - (17) The anonymous statements in our Mishnah, which imply that and denotes a particular, are not the view of R. Meir (according to Samuel), but of Rabbi.
 - (18) If one kills a sacrifice, and intends to eat a ka-zayith (a piece the size of an olive) of it later than the time allotted for its consumption, or outside the place fixed for its consumption (v. Zeb., Mishnah, Chap. V), it is, in the first case, piggul (an abomination), v. Lev. VII, 18, (for which kareth (v. Glos.) is inflicted), and in the second case, merely ritually unfit (v. Zeb., 29b). If one has the intention: ‘I shall eat a ka-zayith outside the time limit, a ka-zayith outside the place,’ or, ‘I shall eat a ka-zayith outside the time limit, and a ka-zayith outside the place,’ it is the same, according to Rabbi, the first

thought ('ka-zayith outside the time') being in either case counted as the main thought, and the sacrifice is therefore piggul, and kareth inflicted; Zeb. 30b. Hence, Rabbi holds that whether and is inserted or omitted, the thoughts are separate, and in our Mishnah also he will hold that and separates the persons (or objects); and the statement is therefore particular, and not general.

(19) An argument against Samuel's interpretation of R. Meir's view from R. Meir's own clearly expressed opinion.

(20) Hence, and separates the items, and makes each one a particular.

(21) R. Meir says: Even if he said, 'Give me the grain of wheat . . .'

(22) Even if the claimant said, 'grain of wheat,' and the bailee said, 'wheat,' or vice versa, it matters not: they are the same; and the bailee is denying on oath exactly what the other is claiming.

(23) A small coin (v. Glos.).

(24) If the wheat, barley and spelt are together worth only one perutah they combine, and the bailee is liable to an offering for denying on oath that he has them in his possession; for less than a perutah there is no liability.

(25) When the bailee says, 'I swear thou hast not in my possession wheat, barley, or spelt,' he is liable for each one' i.e., three offerings (for the three particulars), but not four: we do not say that his first words ('I swear thou hast not in my possession') are themselves also an oath, meaning, 'I swear thou hast not anything in my possession.' R. Johanan's statement (that the wheat, barley and spelt combine to make up the value of a perutah) does not refer to this clause, because he is liable for three separate oaths, and there must be a perutah in each. R. Johanan's statement refers to the first clause: 'I swear thou hast not these in my possession,' he is liable only once; and in this case R. Johanan says: The wheat, barley and spelt combine to the value of a perutah.

(26) And he is liable for four oaths: for the three particulars, and for his opening words, which are counted as a general oath. R. Johanan's statement will hence refer to this clause too; and the wheat, barley and spelt combine to the value of a perutah to make him liable at least for one oath, the general oath; though not for the other three, if there is not a perutah in each.

(27) If five persons claimed, each one claiming wheat, barley, and spelt, and he denied on oath the claim of each one, he is liable to bring 15 sin-offerings (more correctly, guilt-offerings). Hence, since R. Hiyya said 15 offerings, he is counting the particulars only, for if he counted the general statements also, there would be 4 offerings for each of the 5 claimants, i.e., 20 offerings.

(28) R. Hiyya.

(29) Though he may agree that altogether he has to bring 20 offerings.

(30) So he really agrees that for the general statements he also brings offerings.

(31) Where there are 4 particulars, i.e., 20 for the 5 claimants; but he really does not reckon the general statements.

(32) For each of the 4 claimants, apart from the first, is he liable to only one offering, because he did not mention all the particulars to each claimant; and, therefore, he will be liable to 4 offerings for the 4 claimants, and another 4 for the first claimant (because in his case he mentioned the 4 particulars), i.e. 8 offerings in all.

Talmud - Mas. Shevu'oth 38b

or is he liable for each one?¹ — Come and hear: R. Hiyya taught: Behold, there are here twenty sin offerings. How is this? If he expressed fully,² [it is obvious;] does R. Hiyya come to tell us the number?³ Obviously therefore, he did not express fully;⁴ hence, we deduce from this that they are particulars.⁵

'THOU HAST VIOLATED OR SEDUCED MY DAUGHTER,' etc. R. Hiyya b. Abba said that R. Johanan said: What is R. Simeon's reason?⁶ Because mainly it is the fine that he is claiming.⁷ Said Raba: In illustration of R. Simeon's view, to what may it be compared? To a man who said to his neighbour, 'Give me the wheat, barley, and spelt that I have in thy possession,' and he replied to him, 'I swear that thou hast not in my possession wheat,' and it was found that wheat he really did not have, but barley and spelt he had; he is exempt, for when he swore about the wheat, he swore the truth.⁸ Said Abaye to him: How can they be compared? There he denies the wheat, but does not deny the barley and spelt,⁹ but here, he denies the whole thing!¹⁰ But this then is to be compared only to one who says to his neighbour, 'Give me the wheat, barley and spelt which I have in thy possession,' [and the other replies,] 'I swear that thou hast not anything in my possession,' and it was found that

wheat he really did not have, but barley and spelt he had; he is liable!¹¹ — But when Rabin came [from Palestine] he said in the name of R. Johanan: According to R. Simeon, he is claiming the fine, and not for shame and blemish; according to the Sages, he is claiming also for shame and blemish. In what do they disagree? — R. Papa said: R. Simeon holds, a man does not leave that which is fixed¹² to claim that which is not fixed;¹³ and the Rabbis hold, he does not leave that which, if he were to admit it, he would not be exempt,¹⁴ to claim that which, if he were to admit it, he would be exempt.¹⁵

CHAPTER VI

MISHNAH. THE OATH OF THE JUDGES¹⁶ [IS IMPOSED WHEN] THE CLAIM IS [AT LEAST] TWO SILVER COINS,¹⁷ AND THE ADMISSION THE EQUIVALENT OF A PERUTAH.¹⁸ AND IF THE ADMISSION IS NOT OF THE SAME KIND AS THE CLAIM,¹⁹ HE IS EXEMPT.²⁰ HOW? — ‘TWO SILVER MA’AHS²¹ OF MINE HAVE YOU IN YOUR POSSESSION,’ [AND THE OTHER REPLIES,] ‘I HAVE NOT IN MY POSSESSION OF YOURS EXCEPT A PERUTAH,’²² HE IS EXEMPT.²³ — ‘TWO SILVER MA’AHS OF MINE AND A PERUTAH HAVE YOU IN YOUR POSSESSION,’ [AND THE OTHER REPLIES,] ‘I HAVE NOT IN MY POSSESSION OF YOURS EXCEPT A PERUTAH,’ HE IS LIABLE.²⁴ — ‘YOU HAVE OF MINE A HUNDRED DENARII.’ — ‘I HAVE NOT OF YOURS,’ HE IS EXEMPT.²⁵ — ‘YOU HAVE OF MINE A HUNDRED DENARII.’ — ‘I HAVE OF YOURS ONLY FIFTY DENARII,’ HE IS LIABLE. — ‘YOU HAVE OF MY FATHER’S A HUNDRED DENARII.’²⁶ — ‘I HAVE OF HIS ONLY FIFTY DENARII.’ HE IS EXEMPT, BECAUSE IT IS AS IF HE RESTORES A LOST OBJECT.²⁷ ‘YOU HAVE OF MINE A HUNDRED DENARII.’ HE SAID TO HIM,²⁸ ‘YES.’ ON THE MORROW HE SAID TO HIM, ‘GIVE THEM TO ME;’ [AND HE REPLIED,] ‘I HAVE GIVEN THEM TO YOU,’ HE IS EXEMPT. [IF HE SAYS,] ‘I HAVE NOT OF YOURS IN MY POSSESSION,’ HE IS LIABLE.²⁹ — ‘YOU HAVE OF MINE A HUNDRED DENARII.’ HE SAID TO HIM, ‘YES. — GIVE THEM NOT TO ME EXCEPT BEFORE WITNESSES.’ ON THE MORROW HE SAID TO HIM, ‘GIVE THEM TO ME;’ [AND HE REPLIED,] ‘I HAVE GIVEN THEM TO YOU,’ HE IS LIABLE, BECAUSE HE SHOULD HAVE GIVEN THEM TO HIM BEFORE WITNESSES. — ‘YOU HAVE OF MINE A LITRA³⁰ OF GOLD.’ — ‘I HAVE OF YOURS ONLY A LITRA OF SILVER,’ HE IS EXEMPT.³¹ — ‘YOU HAVE OF MINE A GOLDEN DENAR.’³² — ‘I HAVE OF YOURS ONLY A SILVER DENAR, OR A TRESIS,³³ OR A PUNDION, OR A PERUTAH;’ HE IS LIABLE, FOR ALL ARE ONE KIND OF COINAGE.³⁴ — ‘YOU HAVE OF MINE A KOR³⁵ OF GRAIN.’ — ‘I HAVE OF YOURS ONLY A LETHEK OF BEANS;’ HE IS EXEMPT; ‘YOU HAVE OF MINE A KOR OF PRODUCE.’ — ‘I HAVE OF YOURS ONLY A LETHEK OF BEANS;’ HE IS LIABLE, FOR BEANS ARE INCLUDED IN PRODUCE. IF HE CLAIMED FROM HIM WHEAT, AND THE OTHER ADMITTED BARLEY, HE IS EXEMPT; BUT R. GAMALIEL MAKES HIM LIABLE.³⁶ IF HE CLAIMS FROM HIS NEIGHBOUR JARS OF OIL, AND HE ADMITS [HIS CLAIM TO THE EMPTY] JARS, ADMON SAYS, SINCE HE ADMITS TO HIM A PORTION OF THE SAME KIND AS THE CLAIM, HE MUST SWEAR. BUT THE SAGES SAY, THE ADMISSION IS NOT OF THE SAME KIND AS THE CLAIM.³⁷ R. GAMALIEL SAID, I APPROVE THE WORDS OF ADMON. IF HE CLAIMS FROM HIM VESSELS AND LANDS, AND HE ADMITS THE VESSELS, BUT DENIES THE LANDS; OR ADMITS THE LANDS, BUT DENIES THE VESSELS, HE IS EXEMPT.³⁸ IF HE ADMITS A PORTION OF THE LANDS, HE IS EXEMPT; A PORTION OF THE VESSELS, HE IS LIABLE;³⁹ BECAUSE PROPERTIES FOR WHICH THERE IS NO SECURITY⁴⁰ BIND PROPERTIES FOR WHICH THERE IS SECURITY⁴¹ TO TAKE AN OATH FOR THEM. NO OATH IS IMPOSED IN A CLAIM BY A DEAF-MUTE, IMBECILE, OR MINOR. AND NO OATH IS IMPOSED ON A MINOR; BUT AN OATH IS IMPOSED WHEN A CLAIM IS LODGED AGAINST A MINOR, OR AGAINST THE TEMPLE.⁴²

GEMARA. How do we impose the oath on him? — Rab Judah said that Rab said: We adjure him with the oath that is stated in the Torah, as it is written, And I will make thee swear by the Lord, the

God of heaven.⁴³ Said Rabina to R. Ashi: In accordance with whose view [is this]? In accordance with the view of R. Hanina b. Idi, who says we require the Distinguishing Name!⁴⁴ — He said to him: You may even say it is in accordance with the view of the Rabbis, who say [he may be adjured] with a Substitute [for the Name],⁴⁵ but the outcome is that he must hold something [sacred] in his hand;⁴⁶ and as Raba said, for Raba said: A judge who adjures by ‘the Lord God of heaven’ [without handing a sacred object to the person taking the oath] is counted as having erred in the ruling of a Mishnah,⁴⁷ and must repeat [the ceremony correctly].⁴⁸ And R. Papa said: A judge who adjures with tefillin⁴⁹ is counted as having erred in the ruling of a Mishnah, and must repeat [the ceremony].⁵⁰ The law is in accordance with the view of Raba,⁵¹ and the law is not in accordance with the view of R. Papa.⁵² The law is in accordance with the view of Raba, for he did not hold any [sacred] object in his hand; but the law is not in accordance with the view of R. Papa, for he held a [sacred] object in his hand.

The oath [must be taken] standing; a disciple of the wise [may take it] sitting. The oath must be administered with a Sefer Torah,⁵³ a disciple of the wise may directly take it with tefillin.⁵⁴

Our Sages taught: [As to] the oath of the judges — it also may be said in any language. They say to him: Know

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- (1) Of the particulars in the case of each of the claimants, i.e., 20 in all.
 - (2) To each claimant: ‘And thou hast not in my possession a deposit, loan, theft, and lost object,’ repeating all the particulars to each claimant.
 - (3) We can count ourselves.
 - (4) But as in Raba's enquiry.
 - (5) Though he does not express them fully to each claimant, we assume that when he says, ‘and thou hast not in my possession,’ he refers to the particulars already enumerated to the first claimant; and therefore he is liable to 20 offerings.
 - (6) For exempting him from an offering.
 - (7) 50 shekels; Deut. XXII, 29; and for denying a fine on oath he is not liable; and though for seduction there is also liability for ‘shame and blemish’ (which are **בְּמִוּוֹן**), the father of the girl is concerned mainly with obtaining the 50 shekels.
 - (8) Here also, since the father is claiming mainly the fine, the seducer in denying seduction on oath, is denying mainly the fine; and for denying a fine, he is not liable for an offering.
 - (9) And he swore the truth.
 - (10) For since he denies seduction, he is ipso facto denying liability also for shame and blemish, which are **בְּמִוּוֹן**.
 - (11) For he denied barley and spelt; here also, R. Simeon should make him liable, for he denied shame and blemish.
 - (12) The fine.
 - (13) Shame and blemish, which have to be estimated according to the individual.
 - (14) Shame and blemish, which are **בְּמִוּוֹן**.
 - (15) The fine.
 - (16) An oath is imposed by the judges on a debtor who admits a portion of the claim, denying the rest.
 - (17) Two ma'ahs; a ma'ah was the smallest silver coin (about 2 d.).
 - (18) The smallest copper coin, 1/32 of a ma'ah (8 perutahs = 1 isar, 2 isars = 1 pundion, 2 pundions = 1 ma'ah); hence a perutah = about 1/16 d.
 - (19) The debtor admits something else, which the creditor is not claiming.
 - (20) From an oath.
 - (21) Not the coins, but their weight in silver.
 - (22) Its weight in copper.
 - (23) Because the creditor claims silver, and the debtor admits copper. If, however, the claim was a silver coin, and the admission a copper coin, he is liable; for they are both coins.
 - (24) Because he admits a portion of the claim.
 - (25) Because there is no admission of a portion.
 - (26) I.e., ‘I believe you have, but I am not sure’; v. infra 42b.

- (27) For he could have denied it all, since the son who claims is himself doubtful.
- (28) In the presence of witnesses (Rashi, 42a).
- (29) To pay, and is not believed on oath, for he is already proved to be a liar, having the previous day admitted before witnesses his liability.
- (30) A certain weight.
- (31) Because the admission is not of the same kind as the claim.
- (32) Equals 25 silver denarii; 1 silver denar = 6 ma'ahs.
- (33) Read טריסים, = 3 isars; v. p. 232, n. 3.
- (34) The claim is a coin, and the admission is a coin.
- (35) 1 kor = 2 lethek; measure of capacity.
- (36) He does not require the admission to be of the same kind as the claim.
- (37) Since he claims both jars and oil, the admission must be a portion of both.
- (38) From an oath; if he admits the vessels, but denies the land, there is no oath, for there is no oath in the case of land (infra 42b); if he admits the land, but denies the vessels, there is no oath, for there is no admission of a portion of the vessels; and since he denies all (נופר הכל) he is free from an oath.
- (39) To swear for the vessels, and also for the lands, since an oath is imposed in any case because of the vessels.
- (40) Movables.
- (41) Land.
- (42) V. infra 42b.
- (43) Gen. XXIV,3.
- (44) Tetragrammaton; supra p. 208, n. 16.
- (45) Ibid.
- (46) What Rab meant in saying he must be adjured by the oath stated in the Torah is not that the Name must be used, but that a Sefer Torah (Scroll of the Law) or Tefillin (phylacteries) must be held by the person taking the oath.
- (47) Though it is not stated in the Mishnah, but is merely a law promulgated by Rab, it has the force of a mishnaic law; Sanh. 33a.
- (48) And we do not say that the judge, having already administered the oath incorrectly, should suffer the consequences of his mistake, and pay the amount denied by the debtor on this incorrectly administered oath.
- (49) Tefillin are not deemed as sacred as a Scroll of the Law.
- (50) With a Scroll of the Law.
- (51) That if he did not hold any sacred object when taking the oath, it must be repeated properly.
- (52) That if he held tefillin it is not good enough.
- (53) Though if it has already been administered with tefillin it is effective; but a Sefer Torah is required in the first instance לכתחלה.
- (54) As a special consideration.

Talmud - Mas. Shevu'oth 39a

that the whole world trembled at the time when the Holy One, blessed be He, said at Sinai: Thou shalt not take the name of the Lord thy God in vain.¹ And with reference to all transgressions in the Torah it is said, holding guiltless;² but here it is said, Will not hold him guiltless.³ And for all the transgressions in the Torah he [the sinner] alone is punished, but here he and his family; for it is said: Suffer not thy mouth⁴ to bring thy flesh into guilt;⁵ and 'flesh' means 'near relative', as it is said: And from thine own flesh thou shalt not hide thyself.⁶ And for all the transgressions in the Torah he alone is punished, but here he and all the world; for it is said: Swearing and lying...[therefore doth the land mourn, and every one that dwelleth therein doth languish].⁷ — But say, perhaps, only when he does them all!⁸ That cannot enter your mind, for it is written, Because of swearing the land mourneth;⁹ and it is written, therefore doth the land mourn, and every one that dwelleth therein doth languish.¹⁰ And with reference to all transgressions in the Torah, if he has merit, punishment is suspended for two or three generations, but here he is punished immediately, as it is said, I cause it to go forth, saith the Lord of hosts, and it shall enter into the house of the thief and into the house of him that sweareth falsely by My name; and it shall abide in the midst of his house, and shall

consume it with the timber thereof and the stones thereof.¹¹ 'I cause it to go forth':¹² immediately; 'and it shall enter into the house of the thief': he who steals the mind¹³ of people; [e.g.], there is no money owing to him by his fellow, but he claims from him, and causes him to swear; 'and into the house of him that sweareth falsely by My name': according to its plain meaning; 'and it shall abide in the midst of his house, and shall consume it with the timber thereof and the stones thereof': from this you learn, that things which neither fire nor water can destroy,¹⁴ a false oath can destroy. If he says, 'I shall not swear,'¹⁵ he is dismissed immediately.¹⁶ But if he said, 'I shall swear,' those who are standing there say to each other, 'Depart, I pray you, from the tents of these wicked men, etc.'¹⁷ And when they adjure him, they say to him: 'Know that we do not adjure you according to your own mind, but according to the mind of the Omnipresent, and the mind of the Beth din,'¹⁸ for thus we find in the case of Moses our teacher: When he adjured Israel,¹⁹ he said to them: 'Know that not according to your own minds do I adjure you, but according to the mind of the Omnipresent, and my mind;' as it is said: Neither with you only [do I make this covenant and this oath].²⁰ But with him that standeth here with us:²¹ hence we know only those who were standing by Mount Sinai [were adjured]; the coming generations, and proselytes who were later to be proselytised, how do we know [that they were adjured also then]? Because it is said, and also with him that is not here with us this day.²² And from this we know only [that they were adjured for] the commandments which they received at Mount Sinai; how do we know [that they were adjured for] the commandments which were to be promulgated later, such as reading the Megillah?²³ Because it is said: They confirmed and accepted:²⁴ they confirmed what they had long ago accepted.²⁵

What is the meaning of: it²⁶ also may be said in any language? — As we learnt: These may be recited in any language: The scriptural text of the Sotah,²⁷ confession when giving the tithe,²⁸ the Shema',²⁹ Tefillah,³⁰ Grace after meals,³¹ the oath of testimony, and the oath of deposit.³² And now it says also, 'The oath of the judges may also be said in any language.'

The Master said: They say to him, Know that the whole world trembled at the time when the Holy One blessed be He said, Thou shalt not take the name of the Lord thy God in vain. — What is the reason? Shall we say because it was given at Sinai? The Ten Commandments were also given there! Again, if because it is more serious?³³ — But is it more serious? Behold, has it not been taught: These are light: positive and negative [precepts], except, 'Thou shalt not take [the name of the Lord thy God in vain];' serious: [sins for the transgression of which] kareth and death at the hands of the Beth din [are inflicted], and 'Thou shalt not take etc.' is in this category.'³⁴ — Well then, because of the reason which he states: With reference to all transgressions in the Torah it is said 'holding guiltless', but here it is said, 'will not hold guiltless'. And with reference to all transgressions in the Torah is it not said, 'Will not hold guiltless'? Surely, it is written: and will by no means hold guiltless!³⁵ That is required for R. Eleazar's deduction, for we learnt, R. Eleazar said: It is impossible to say, 'holding guiltless', for it is already said, 'Will not hold guiltless'; it is impossible to say, 'Will not hold guiltless', for it is already said, 'holding guiltless'. How [can they be reconciled]? He 'holds guiltless' those who repent, and 'does not hold guiltless' those who do not repent.³⁶

'For all transgressions in the Torah he alone is punished, but here he and his family.' — And for all transgressions of the Torah is not his family punished? Lo, it is written, And I will set My face against that man, and against his family.³⁷ And it was taught: R. Simeon said: If he sinned, what sin did his family commit? But this shows you that there is not a family containing a tax-collector,³⁸ in which they are not all tax-collectors; or containing a robber, in which they are not all robbers,³⁹ because they protect him!⁴⁰ — There [the family are punished] with another [lighter] punishment, but here with his own punishment; as was taught: Rabbi said: And I will cut him off.⁴¹ Why is it said? Because it is said, And I will set My face [against that man, and against his family];⁴² I might think the whole family shall be cut off, therefore it is said, 'him':⁴³ him will I cut off, but not the whole family shall I cut off.⁴⁴

‘For all transgressions in the Torah he alone is punished, but here he and the whole world.’ — And for all transgressions of the Torah is not the whole world punished? Lo, it is written, And they shall stumble one upon another:⁴⁵ one because of the iniquity of the other; this teaches us that all Israel are sureties one for another!⁴⁶

(1) Ex. XX, 7.

(2) Ibid. XXXIV, 7: Keeping mercy unto the thousandth generation, forgiving iniquity and transgression and sin, and holding guiltless. The text has וְנִקְיָה לֹא יִנְקֶה, and will not hold guiltless; but Scripture of set purpose did not write simply לֹא יִנְקֶה, but wrote וְנִקְיָה first to teach us that there are occasions when He holds guiltless the transgressors (when they repent).

(3) Ibid. XX, 7: The Lord will not hold him guiltless that taketh His name in vain. Here the text has simply לֹא יִנְקֶה, and not נִקְיָה. So serious is the sin of a false oath that even repentance and the Day of Atonement do not bring the sinner complete absolution, but he must suffer some punishment to expiate his sin; v. Maharsha.

(4) By swearing falsely.

(5) Eccl. V, 5.

(6) Isa. LVIII, 7.

(7) Hosea IV, 2, 3.

(8) The verse says also, ‘killing, and stealing, and committing adultery.’ If he does them all, then the whole world suffers, but not for swearing only!

(9) Jer. XXIII, 10.

(10) Hosea IV, 3; when the land mourns, every inhabitant languishes; and because of swearing the land mourns (Jer. XXIII, 20), therefore every inhabitant languishes because of swearing.

(11) Zech. V, 4.

(12) The curse (verse 3), i.e., punishment.

(13) I.e., deceives.

(14) I.e., ‘stones’.

(15) As a result of the judges’ homily on the seriousness of a false oath.

(16) From the court, and not given the opportunity to change his mind; and he mist pay the claim.

(17) Num. XVI, 26.

(18) V. supra 29a.

(19) To keep the commandments.

(20) Deut. XXIX, 13; i.e., not in accordance with your own minds.

(21) Ibid. 14.

(22) Ibid.

(23) Scroll of Esther on Purim.

(24) Est. IX, 27.

(25) I.e., at Mount Sinai; for acceptance of laws was at Mount Sinai. The deduction is made because acceptance must come before confirmation. [For the whole passage cf. Tosaf. Sot. 7.]

(26) The oath imposed by the judges. Why also? What else is there?

(27) A wife suspected of adultery. Cf. Num. V, 19-22; the priest should adjure her in the language which she understands.

(28) Deut. XXVI, 13-15.

(29) Ibid. VI, 4-9; XI, 13-21; Num. XV, 37-41, v. Glos.

(30) Lit., ‘prayer’, the Eighteen (Nineteen) Benedictions recited three times daily, v. P.B. pp. 44-54.

(31) V. P.B. pp. 280-285.

(32) Sot. 32a.

(33) Than any other sin.

(34) Hence ‘Thou shalt not take’ etc. is the same as, and not more serious than the sins for which the penalty is kareth or death.

(35) Ex. XXXIV, 7.

(36) The text, literally, is: ‘and holding guiltless, will not hold guiltless.’ R. Eleazar explains: ‘holding guiltless’ those who repent, ‘He will not hold guiltless’ those who do not repent. But a false oath is more serious than other

transgressions in that Scripture writes, with reference to it, **לא ינקה**, He will not hold guiltless even those who repent; whereas, with reference to other transgressions, it writes, **ונקה לא ינקה**.

(37) Lev. XX, 5; for worshipping Molech.

(38) Tax-collectors were considered unscrupulous, often taking more than their due, v. Sanh. (Sonc. ed.), p. 148, n. 6.

(39) If there is a black sheep in a family, the other members are probably not much better.

(40) Hence, in the case of other transgressions, too, the whole family is punished; and not merely in the case of a false oath.

(41) Lev. XX, 3.

(42) Ibid.

(43) 'I will cut him off.'

(44) They will suffer merely a minor punishment.

(45) Lev. XXVI, 37.

(46) Hence in the case of all transgressions the whole world (of Israel) is punished, because all Israelites are responsible for one another, and bound to prevent wrongdoing!

Talmud - Mas. Shevu'oth 39b

There [they are punished], because it was in their power to prevent [the sin], and they did not prevent it.¹

What is the difference between the wicked of his² family and the wicked of the [rest of the] world; and between the righteous of his family and the righteous of the [rest of the] world? — He himself, in the case of other transgressions, is punished by his own [appropriate] punishment, and the wicked of his family, by a severe punishment, and the wicked of the [rest of the] world, by a light punishment; the righteous, both here³ and there,⁴ are free. In the case of a [false] oath, he and the wicked of his family are punished with his punishment, and the wicked of the [rest of the] world, with a severe punishment; and the righteous, both here and there, with a light punishment.⁵ 'If he says, I shall not swear, he is dismissed immediately; but if he said, I shall swear, those who are standing there say to each other: Depart, I pray you, from the tents of these wicked men.' — Granted that he who swears is committing a wrong, but he who causes him to swear — why [should he be counted wicked]?⁶ — As was taught: R. Simeon b. Tarfon said: The oath of the Lord shall be between them both,⁷ this teaches us that the oath rests on both.⁸

'And when they adjure him, they say to him, Know that not in accordance with your own mind, etc.' — Why should they say this to him? — Because of [the episode of] the cane of Raba.⁹

THE CLAIM [MUST BE AT LEAST] TWO MA'AH'S.

Rab said: The denial [in regard to] the claim must be [at least] two ma'ahs;¹⁰ and Samuel said: The claim itself must be [at least] two [ma'ahs]; even if he denied only a perutah, or admitted only a perutah, he is liable. Raba said: Our Mishnah is evidence in support of Rab, and there are Scriptural verses in support of Samuel. 'Our Mishnah is evidence in support of Rab' — for it states: **THE CLAIM [MUST BE AT LEAST] TWO MA'AH'S, AND THE ADMISSION [AT LEAST] THE VALUE OF A PERUTAH.** But it does not state that the denial of the claim may be a perutah; and we learnt also: Admission must be [at least] a perutah;¹¹ but it does not state that the denial [must be at least] a perutah. 'There are Scriptural verses in support of Samuel' — for it is written: If a man give unto his neighbour silver or vessels to keep¹² — just as 'vessels' implies two,¹³ so 'silver' implies two;¹⁴ just as 'silver' is a thing of worth, so everything¹⁵ which is of worth [is included]; and Scripture says, This is it.¹⁶ — And Rab?¹⁷ — That we require for admission of a portion of the claim.¹⁸ And Samuel? — It is written, 'it', and it is written, 'this', [to teach us] that if he denied a portion, and admitted a portion, he is liable.¹⁹ And Rab? — One [word is to teach us] that there must be admission of a portion of the claim, and one [word is to teach us] that there must be admission of

the same kind as the claim.²⁰ And Samuel? — [He may retort:] Can you not incidentally infer that the amount of the claim is lessened?²¹ — Well, then, Rab may tell you: ‘Silver’ when originally mentioned is with reference to the denial;²² for, if it were not so, Scripture could have written: ‘If a man give unto his neighbour vessels to keep’; and I would have said: Just as ‘vessels’ implies two, so everything must be two;²³ why did Scripture need to write ‘silver’? Since it is not required for the claim, apply it for the denial.²⁴ And Samuel? — He may say to you: If Scripture had written ‘vessels’, and had not written ‘silver’, I might have said: Just as ‘vessels’ implies two, so everything must be two, but a thing of worth we do not require,²⁵ therefore it teaches us [that we do].

We learnt: ‘TWO SILVER [MA'AHs] OF MINE YOU HAVE IN YOUR POSSESSION.’ — ‘I HAVE OF YOURS IN MY POSSESSION ONLY A PERUTAH,’ HE IS EXEMPT. What is the reason? Is it not because the claim is now less [than two ma'ahs]? Hence it is a refutation of Samuel's view! — Samuel may tell you: Do you think the Mishnah means the value [of two ma'ahs]?²⁶ It means literally [two ma'ahs];²⁷ that which he claimed, the other did not admit to him; and that which he admitted to him, he had not claimed from him. If so, say the latter clause: ‘TWO SILVER [MA'AHs] AND A PERUTAH OF MINE HAVE YOU IN YOUR POSSESSION.’ ‘I HAVE OF YOURS IN MY POSSESSION ONLY A PERUTAH,’ HE IS LIABLE. Granted, if you say [the Mishnah means] the value [of two ma'ahs and a perutah], therefore he is liable,²⁸ but if you say [the Mishnah means it] literally, why is he liable? That which he claimed, the other did not admit to him, and that which he admitted to him, he had not claimed from him! — Is this not an argument against Samuel? But surely R. Nahman said that Samuel said: If he claimed from him wheat and barley, and he admitted to him one of them, he is liable.²⁹ This appears to be the more reasonable interpretation, for it states in a later clause: ‘A LITRA OF GOLD OF MINE YOU HAVE IN YOUR POSSESSION.’ — ‘I HAVE OF YOURS IN MY POSSESSION ONLY A LITRA OF SILVER,’ HE IS EXEMPT. Granted, if you say the Mishnah means them literally, therefore he is exempt;³⁰ but if you say it means their value,³¹ why is he exempt? A litra is much!³² — Well then, since the latter clause is intended literally, the first clause is also intended literally; shall we say, then, that it will be a refutation of Rab's view!³³ — [No!] Rab may tell you: The whole Mishnah deals with the value [of ma'ahs and perutah];³⁴ but [the case of] a litra of gold is different.³⁵

(1) [Whereas false swearing undermines the very foundations and structure of human society involving in a common destruction the wholly righteous as well as the wicked.]

(2) The sinner's.

(3) Of his family.

(4) Of the rest of the world.

(5) The whole passage deals with people who were able to prevent the sin, and did not; righteous people are those who are righteous in other respects, but passive in not preventing sin; and wicked people are those who are wicked in other respects. Hence, in the case of a false oath, the righteous, both of the family and others, are punished by a light punishment, because they were able to prevent it, and did not; but in the case of other transgressions they are free, though they were able to prevent them, because other transgressions are not as serious as a false oath; and they were, in any case, merely passive. According to this, the statement of the Talmud (top of 39b), that in the case of other transgressions they are punished if they were able to prevent the sin and did not (which implies, that in the case of an oath, they are punished even if they were not able to prevent it), is, in the sequel, not accepted. This explanation of the passage is opposed to that of Maharsha who explains ‘righteous’ as those unable to prevent the sin. In that case, why should they, in the case of an oath, be punished? They did not commit the sin, and they were unable to prevent its commission. The view of the Maharsha seems to conflict with one's sense of justice, [V. however p. 238, n. 5].

(6) For the bystanders say, these wicked men, i.e., both.

(7) Ex. XXII. 10.

(8) The claimant also merits rebuke, for if he had been careful to arrange for witnesses to be present when giving the debtor the money, or to have a signed document, there would have been no need for an oath.

(9) V. supra 29a.

(10) Lit., ‘silver (pieces)’. The amount he denies must be at least two ma'ahs, and since the admission must be at least a

perutah, the total amount claimed must be at least two ma'ahs and a perutah.

(11) B.M. 55a: There are five cases where the minimum is a perutah; admission of a perutah is mentioned, but not denial. Hence this Mishnah and our Mishnah agree with Rab.

(12) Ex. XXII, 6.

(13) Two being the minimum of the plural 'vessels'.

(14) So that the claim must be for at least two silver pieces, i.e., ma'ahs.

(15) [Var. lec., 'vessels', reading כליים for כלי; v. Rashi and Tosaf.; cf. infra p. 247, n. 6.]

(16) Ex. XXII, 8: for any claim about which the debtor says, 'I do not owe you the whole amount, but this is it', i.e., 'I admit owing you this portion only,' he takes an oath. Hence, the admission may be part of the two ma'ahs (leaving less than two ma'ahs for denial). Scripture thus appears to support Samuel.

(17) Scripture is against him!

(18) Scripture writes 'this is it' to teach us that an oath is imposed only when a portion of the claim is admitted; but it does not necessarily refer to the claim of two ma'ahs mentioned in verse 6; there must always be a denial of two ma'ahs apart from the portion admitted.

(19) I.e., 'it (a portion) I deny; this (a portion) I admit'. Hence, if the denial is only a perutah, he is liable.

(20) I.e., 'it (a portion of the claim) I admit; this (of this very kind) I admit'.

(21) Assuming even, as you say, that the verse refers to admission only (that it must be a portion, and of the same kind), it is still obvious that the denial is less than two ma'ahs, for the only claim mentioned by Scripture (verse 6) is two ma'ahs, and of this, Scripture says (verse 8), he admits a portion — hence, he denies a portion (clearly less than two ma'ahs). Thus Scripture appears to be opposed to Rab's view.

(22) The word 'silver' (Ex. XXII, 6), which we say implies two ma'ahs, does not refer to the total claim, but to the denial.

(23) 'Silver' included; hence I would have known that two ma'ahs are the minimum for the claim.

(24) That the denial must be at least two ma'ahs.

(25) It is not necessary that the two things claimed shall be valuable (for silver is not mentioned), and even two perutahs suffice for a claim.

(26) One claimed goods to the value of two ma'ahs, and the other admitted goods (the same kind) to the value of a perutah? If this were the case, he would be liable, though the claim is now less than two ma'ahs.

(27) One claimed two ma'ahs (silver), and the other admitted a perutah (copper); he is exempt, because the admission is not of the same kind as the claim.

(28) For he admits a portion of the claim: the same kind of goods.

(29) Samuel counts this as being admission of the same kind as the claim; similarly, if he claimed two ma'ahs (silver) and a perutah (copper), and the other admitted a perutah (copper), he is liable.

(30) Because he claims gold, and the other admits silver.

(31) Goods to the value of a litra of gold, or silver.

(32) Sufficient for the minimum required for admission and denial.

(33) For the first clause states that if he claims two ma'ahs, and the other admits a perutah, he is exempt, because, presumably (taking the Mishnah literally) he claims silver, and the other admits copper; but if he claimed goods to the value of two ma'ahs, and the other admitted goods to the value of a perutah, he would be liable, though the claim was only originally two ma'ahs, and was, after the admission of a perutah, diminished from two ma'ahs.

(34) In the first clause he is therefore exempt, because, after the admission, the claim becomes less than two ma'ahs; and in the second clause, when the claim is two ma'ahs and a perutah, he is liable, because after the admission of a perutah, there is still denial of two ma'ahs.

(35) The Mishnah obviously intends this literally, for one claims a certain weight (not coins) of gold, and the other admits the same weight of silver; therefore he is exempt, because the admission is not of the same kind as the claim. If the Mishnah had said that one claimed a sum of money in gold, and the other admitted a sum of money in silver, we might have said, legitimately, that goods to the value of those sums were intended, and the man would have been liable; but since the Mishnah states the weight of the gold and silver, it means actually gold and silver; and therefore he is exempt.

Know [that this is so],¹ for it states in a later clause: 'A GOLDEN DENAR OF MINE HAVE YOU IN YOUR POSSESSION.' — 'I HAVE OF YOURS IN MY POSSESSION ONLY A SILVER DENAR, OR A TRESIS, OR A PUNDION, OR A PERUTAH,' HE IS LIABLE, FOR THEY ARE ALL ONE COINAGE.² Granted, if you say [the Mishnah deals with] values, therefore he is liable;³ but if you say it means them literally, why is he liable?⁴ — R. Eleazar said: [It means] he claimed from him a denar in coins; and he teaches us that a perutah is in the category of coin.⁵ This also is evidence [that the Mishnah means this], for it states: FOR THEY ARE ALL ONE COINAGE. And Rab?⁶ — All coins are subject to the same law.⁷ Now, as to R. Eleazar: shall we say, that, since he expounds the latter clause in accordance with the view of Samuel,⁸ he agrees in the first clause also with Samuel?⁹ — No! The latter clause is definitely intended literally, for it states: FOR THEY ARE ALL ONE COINAGE; but the first clause may be either in accordance with the view of Rab¹⁰ or Samuel.

Come and hear: 'A golden denar coin of mine you have in your possession.' — 'I have of yours in my possession only a silver denar,' he is liable. Now the reason [he is liable] is because he said to him 'a golden coin,'¹¹ but if he had said simply ['a golden denar'], he would have implied its value!¹² — R. Ashi said: Thus it means: If he says, a golden denar, it is as if he said, a golden denar coin.¹³ R. Hiyya taught in support of Rab: 'A sela' of mine you have in your possession.' — 'I have of yours in my possession only a sela',¹⁴ less two ma'ahs,' he is liable; 'less one ma'ah', he is exempt.¹⁵

R. Nahman b. Isaac¹⁶ said that Samuel said: They did not teach this¹⁷ except in the case of a claim of a creditor and admission [of a portion] on the part of the debtor; but in the case of a claim of a creditor and the testimony of one witness, even if he claimed only a perutah, he is liable.¹⁸ What is the reason? Because it is written, One witness shall not rise up against a man for any iniquity, or for any sin;¹⁹ for any iniquity, or for any sin, he does not rise up, but he rises up for an oath; and it was taught: Wherever two [witnesses] make him liable for money, one witness makes him liable for an oath.

And R. Nahman said that Samuel said: If he claimed from him wheat and barley, and the other admitted one of them, he is liable.²⁰ Said R. Isaac to him: 'Correct! And so said R. Johanan.' Do we infer that Resh Lakish disagrees with him?²¹ — Some say, he was waiting and was silent;²² and some say, he was drinking and was silent.

Shall we say this supports him: IF HE CLAIMED FROM HIM WHEAT, AND THE OTHER ADMITTED BARLEY, HE IS EXEMPT; BUT R. GAMALIEL MAKES HIM LIABLE.²³ — The reason [he is exempt] is because he claimed from him wheat, and he admitted barley; but [if he claimed from him] wheat and barley, and he admitted one of them, he is liable!²⁴ — No! The same rule applies: even [if he claimed] wheat and barley, [and the other admitted one,] he is also exempt; and why they disagree in the case of wheat is to show you the power of R. Gamaliel.²⁵

Come and hear: IF HE CLAIMED FROM HIM VESSELS AND LANDS, AND HE ADMITTED THE VESSELS, AND DENIED THE LANDS; OR [ADMITTED] THE LANDS, AND DENIED THE VESSELS, HE IS EXEMPT;

(1) That the rest of the Mishnah deals with values.

(2) [MS.M. rightly omits: FOR THEY ARE ALL ONE COINAGE.]

(3) For he claims goods to the value of a golden denar, and the other admits goods to the value of a silver denar, or less.

(4) He claims gold, and the other admits silver, or copper.

(5) We need not necessarily infer that the Mishnah deals with goods to the value of a golden denar or silver denar; it means actual coins; and it teaches us that though the claim is for a gold coin and the admission is a silver or copper coin, he is liable, because they are all coins (and the admission is therefore of the same kind as the claim), and that even a

perutah (the value of which is very small) is still counted a coin.

(6) Who says the Mishnah means values, how will he explain the phrase, FOR THEY ARE ALL ONE COINAGE?

(7) The Mishnah means, all the coins (being the values of the goods claimed or admitted) are in the same category. Even the smallest (a perutah) is of sufficient value to be the amount of admission in a claim.

(8) That the Mishnah means actual coins.

(9) That if he claimed two ma'ahs (weight in silver), and the other admitted a perutah (weight in copper), he is exempt, because the admission is not of the same kind as the claim; but if he claimed goods to the value of two ma'ahs, and the other admitted goods to the value of a perutah, he would be liable, though the claim was only two ma'ahs (and not two ma'ahs and a perutah), and, after admission, was less than two ma'ahs.

(10) That the Mishnah means values, and he is exempt because the denial is less than two ma'ahs.

(11) Specifically mentioning 'coin'; he is liable because the admission (a silver denar) is of the same kind (a coin) as the claim.

(12) Hence our Mishnah which states golden denar (not mentioning coin) means value, and since this clause in the Mishnah means value, the first clause also means value. Now, the first clause states that if one claims two ma'ahs (goods to that value), and the other admits a perutah (goods to that value), he is exempt — obviously, because the denial is less than two ma'ahs. This, therefore, supports Rab.

(13) The Baraita does not mean that he actually said a golden denar coin, but simply golden denar; but this is equivalent to mentioning coin. The claim is a coin, and the admission a coin, therefore he is liable. Hence, we cannot deduce that if he said golden denar (without coin) he meant value, and obtain from this (via the Mishnah) support for Rab.

(14) Twenty-four ma'ahs.

(15) Because the denial must be at least two ma'ahs; which is the view of Rab.

(16) [MS.M. rightly omits 'b. Isaac'; cf. the next dictum.]

(17) That the claim must be at least two ma'ahs to make the debtor liable for an oath, if he admits a portion and denies the rest.

(18) If the debtor denies the whole claim, and one witness testifies that he owes the money, he must take an oath, even if the whole claim was only for a perutah; for if there had been two witnesses, the debtor would have had to pay; and wherever two witnesses impose payment, one witness imposes an oath.

(19) Deut. XIX, 15.

(20) It is counted as admission of the same kind as the claim.

(21) R. Johanan.

(22) Resh Lakish always waited till R. Johanan completed his discourse, and then he would give his own view. In the present case, R. Isaac left the Academy before R. Johanan ended the lecture, and did not know whether later Resh Lakish disagreed with him or not.

(23) He does not require that the admission shall be of the same kind as the claim.

(24) Hence this supports R. Nahman.

(25) That even when the admission is not of the same kind as the claim he holds that he is liable.

Talmud - Mas. Shevu'oth 40b

IF HE ADMITTED A PORTION OF THE LANDS, HE IS EXEMPT; A PORTION OF THE VESSELS, HE IS LIABLE. Now, the reason [he is exempt] in the case of vessels and lands is because for land no oath is imposed; but for vessels and vessels similar to vessels and lands he is liable!¹ — [No!] The same rule applies: even in the case of vessels and vessels he is also exempt; and the reason it states vessels and lands is because it wishes to teach us that if he admits a portion of the vessels, he is liable also for the lands. What does he [intend to] teach us [thereby]? That they bind?² We have already learnt it! They³ bind the properties for which there is security, to take an oath for them.⁴ — Here is the chief place [for the enunciation of this law];⁵ there⁶ he mentions it merely incidentally.

And R. Hiyya b. Abba said that R. Johanan said: If he claimed from him wheat and barley, and the other admitted to him one of them, he is exempt. — But did not R. Isaac say: 'Correct! and so said R. Johanan.'⁷ — They⁸ are amoriam who disagree as to R. Johanan's view.

Come and hear: IF HE CLAIMED FROM HIM WHEAT, AND THE OTHER ADMITTED TO HIM BARLEY, HE IS EXEMPT; AND R. GAMALIEL MAKES HIM LIABLE. — The reason [he is exempt] is because he claimed from him wheat, and he admitted barley; but [if he claimed from him] wheat and barley, and he admitted one of them, he is liable!⁹ — [No!] The same rule applies: even [if he claimed] wheat and barley, [and the other admitted one,] he is also exempt; and the reason it states it thus is to show you the power of R. Gamaliel.

Come and hear: IF HE CLAIMED FROM HIM VESSELS AND LANDS, AND HE ADMITTED THE VESSELS, AND DENIED THE LANDS; OR [ADMITTED] THE LANDS, AND DENIED THE VESSELS, HE IS EXEMPT; IF HE ADMITTED A PORTION OF THE LANDS, HE IS EXEMPT; A PORTION OF THE VESSELS, HE IS LIABLE. — The reason [he is exempt] in the case of vessels and lands is because for land no oath is imposed; but for vessels, and vessels similar to vessels, and lands he is liable! — [No!] The same rule applies: even in the case of vessels and vessels he is also exempt; but this he teaches us that if he admits a portion of the vessels, he is liable also for the lands. — What does he teach us? That they bind? We have already learnt it! They bind the properties for which there is security, to take an oath for them. — Here is its chief place; there he mentions it merely incidentally.¹⁰

R. Abba b. Mammal raised an objection against R. Hiyya b. Abba: If he claimed from him an ox, and he admitted to him a lamb; or [he claimed] a lamb, and he admitted an ox, he is exempt; If he claimed from him an ox and a lamb, and he admitted one of them, he is liable! — He said to him: This [Baraita] is the view of R. Gamaliel. If it is R. Gamaliel's view, even in the first clause [he should be liable]! — But it is the view of Admon;¹¹ and I am not putting you off [with an incorrect answer], for it is an accepted teaching in the mouth of R. Johanan: it is the view of Admon.

R. 'Anan said that Samuel said: If he claimed from him wheat [and was about to claim barley also]; and the other quickly came forward, and admitted to him barley,¹² then, if he appears to act with subtlety,¹³ he is liable,¹⁴ but if he merely intends [to reply to the claim], he is exempt.¹⁵

And R. 'Anan said that Samuel said: If he claimed from him two needles,¹⁶ and he admitted one of them, he is liable; for therefore were 'vessels' expressly mentioned — whatever their value.¹⁷

R. Papa said: If he claimed from him vessels and a perutah, and he admitted the vessels, and denied the perutah, he is exempt; if he admitted the perutah, and denied the vessels, he is liable. In one law he agrees with Rab, and in the other with Samuel. In one law he agrees with Rab, who holds that the denial in the claim must be two ma'ahs;¹⁸ and in the other he agrees with Samuel, who holds that if he claimed from him wheat and barley and he admitted one of them, he is liable.¹⁹

'A HUNDRED DENARII OF MINE YOU HAVE IN YOUR POSSESSION.' — 'I HAVE NOT OF YOURS IN MY POSSESSION;' HE IS EXEMPT.

Said R. Nahman: But they impose upon him the consuetudinary oath.²⁰ What is the reason? Because it is a presumption that a man will not claim [from another] unless he has a claim upon him. — On the contrary, it is a presumption that a man will not have the effrontery [to deny] before his creditor!²¹ — He is merely trying to slip away from him [for the moment], thinking, 'when I will have money, I will pay him.'²² Know [that this is so], for R. Idi b. Abin said that R. Hisda said: He who denies a loan, is fit for testimony;²³ a deposit, is unfit for testimony.²⁴

R. Habiba taught [R. Nahman's law] as applicable to the later clause: 'A HUNDRED DENARII OF MINE YOU HAVE IN YOUR POSSESSION;' HE SAID TO HIM, 'YES'. ON THE MORROW HE SAID TO HIM: 'GIVE THEM TO ME'; [AND THE OTHER REPLIED,] 'I HAVE

GIVEN THEM TO YOU;’ HE IS EXEMPT. — And R. Nahman said: But they impose upon him the consuetudinary oath. — He who applies [R. Nahman's law] to the first clause²⁵ will certainly apply it to the second clause;²⁶

- (1) If he claimed two different vessels, and the other admitted one (which is similar to claiming vessels and lands, the other admitting one of them), he is liable. Hence, it supports R. Nahman.
- (2) That the vessels ‘bind’ the lands, i.e., that because he has to take an oath for the vessels in any case, the lands are joined and included in the oath.
- (3) Properties for which there is no security, i.e., movables.
- (4) Kid. 26a.
- (5) Because this treatise deals with the laws of oaths.
- (6) In Kiddushin; v. B.M. 4b.
- (7) That if he claimed wheat and barley, and the other admitted one, he is liable.
- (8) R. Isaac and R. Hiyya b. Abba.
- (9) This is an argument against R. Hiyya b. Abba.
- (10) V. supra p. 245.
- (11) Supra 38b. [Who though he requires the admission to be of the same kind as the claim, considers the claim of two objects of different species and the admission of one of them to be an admission in like kind to the claim, v. Keth. 108 (Rashi).]
- (12) Before the claimant had mentioned barley.
- (13) Admitting barley quickly before the claimant mentions it, so that it appears that the claimant demanded wheat, and he admitted barley, and therefore he would be exempt from an oath.
- (14) For the claimant in fact demands both, and he admits one.
- (15) The claimant having, as yet, only demanded wheat; and he replies, denying wheat, but admitting barley.
- (16) Though they are worth less than two ma'ahs.
- (17) The verse (Ex. XXII, 6) states: If a man give unto his neighbour silver or vessels to keep; and we deduce that ‘silver’ implies a thing of value, and ‘vessels’ implies two. But Scripture could have said ‘silvers’ (כספֿים), instead of כסף and we could have deduced both laws (that the claim must be for two things of value). Hence, since Scripture specifically mentions ‘vessels’ separately, we infer that vessels need not be of value. [Whether the minimum of a perutah is required with vessels, depends on the reading ‘everything’ or ‘vessels’; v. supra p. 240, n. 4 and Tosaf. 39b s.v. מֵה]
- (18) Therefore for the denial of a perutah he is exempt.
- (19) Therefore if he claimed a perutah and vessels, and he admitted the perutah but denied the vessels, he is liable (and the vessels need not be of the value of two ma'ahs, as has been explained).
- (20) Lit., ‘of inducement’, v. B.M. (Sonc. ed.) p. 20, n. 4. Though, being a כופר הכל, he is legally exempt from an oath, the Beth din, as a matter of equity, impose an oath.
- (21) And since he does deny the whole claim, he must be speaking the truth; then why an oath?
- (22) The denial is therefore not effrontery, but an excuse to gain time; hence, he may not be speaking the truth, and he must take an oath.
- (23) For, since it is a loan, he may have spent the money, and, in order to gain time, he denies it; but he is not really dishonest; and though witnesses testify that he owes he money (and he had denied it, but not on oath), we still assume that he merely wishes to gain time, and will pay later, and he is therefore still qualified to be accepted as a witness in a case.
- (24) For a deposit is not intended to be spent; and where witnesses testified that at the time of denial it was in his possession, he must be considered dishonest (v. B.M. 5b).
- (25) That even if he never admitted the claim at all he must take the consuetudinary oath.
- (26) For he has already admitted the claim, and therefore it is obvious at least that the claim is a valid one.

Talmud - Mas. Shevu'oth 41a

but he who applies it to the second clause [may say] here it is applicable because there is money at stake;¹ but there where there is no money at stake,² it is not applicable.

What is the difference between an oath imposed by the Torah³ and an oath imposed by the Rabbis?⁴ — There is this difference; transference of the oath: in the case of an oath imposed by the Torah we do not transfer the oath; but in the case of an oath imposed by the Rabbis we transfer the oath.⁵ And according to Mar son of R. Ashi who holds that in the case of a Torah oath we also transfer the oath, what is the difference between a Torah oath and a Rabbinic oath? — There is this difference: going down to his property; in the case of a Torah oath we go down to his property;⁶ in the case of a Rabbinic oath we do not go down to his property. And according to R. Jose who holds that in the case of a Rabbinic [law] we also go down to his property? For we learnt: The finding of a deaf-mute, imbecile, or minor, is subject to the law of theft, in the interests of peace.⁷ R. Jose says: Real theft.⁸ And R. Hisda said: [He means] real theft according to their enactment.⁹ What is the difference?¹⁰ Its extraction by the Court.¹¹ [Now, according to R. Jose] what is the difference between a Torah oath and a Rabbinic oath?¹² — There is a difference in the case where the opponent is suspected of swearing falsely: in the case of a Torah oath, where the opponent is suspected of swearing falsely, we transfer the oath to the other one;¹³ but in the case of a Rabbinic oath, it is an enactment, and we do not institute one enactment on top of another enactment.¹⁴

And according to the Rabbis who disagree with R. Jose, holding that in the case of a Rabbinic [law] We do not go down to his property,¹⁵ what do we do to him? We excommunicate him. — Said Rabina to R. Ashi: This is holding him by his testicles till he gives up his cloak!¹⁶ — Well then what do we do to him?¹⁷ — He [Rabina]¹⁸ said to him: We excommunicate him until the time comes for his punishment with lashes, and we lash him, and leave him.¹⁹

R. Papa said: If one produces a document of indebtedness against his neighbour, and the other says to him, 'It is a paid document, we say to him, 'It is not at all in your power [to question the validity of the document]; go and pay him.' And if he says, 'Let him swear to me,'²⁰ we say to him, 'Swear to him.' Said R. Aha b. Raba to R. Ashi: [If so]²¹ what is the difference between this and one who impairs the validity of his document?²² — He said to him: There,²³ even if the debtor does not demand [an oath], we demand it for him; but here, we say to him, 'Go and pay him'; but if he demands and says, 'Swear to me,' we say to the creditor, 'Go and swear to him.'²⁴ But if he is a Rabbinic scholar, we do not make him swear. Said R. Yemar to R. Ashi: A Rabbinic scholar may strip men of their cloaks?²⁵ But²⁶ we do not attend to his case.²⁷

'YOU HAVE OF MINE IN YOUR POSSESSION ONE HUNDRED DENARII,' etc.

R. Judah said: R. Assi said; If one lends to his neighbour before witnesses, he must repay him before witnesses. When I said this before Samuel, he said to me: He may say to him: 'I paid you before So-and-so and So-and-so, and they went to a country beyond the seas.'²⁸ We learnt: 'YOU HAVE OF MINE IN YOUR POSSESSION A HUNDRED DENARII'; HE SAID TO HIM [BEFORE WITNESSES]: 'YES'. ON THE MORROW HE SAID TO HIM: 'GIVE THEM TO ME'; [AND THE OTHER REPLIED:] 'I HAVE GIVEN THEM TO YOU,' HE IS EXEMPT. Now here, since he claimed from him before witnesses,²⁹ it is as if he lent him before witnesses, and yet it states he is exempt:

(1) The money has already been admitted in front of witnesses; and therefore when he says he has returned it, he must at least take an oath.

(2) For it is not absolutely certain that the claim is valid, since he denied it completely.

(3) In the case of a partial admission of the claim.

(4) In the case of a complete denial: R. Nahman's consuetudinary oath.

(5) The rule is that the debtor takes the oath, and is free. If he says to the claimant, 'You take the oath' (being satisfied to pay, if he really takes the oath), the Court do not permit this transference of the oath from debtor to creditor in the case of a Torah oath (מוֹדָה בַּמִּקְצֵת), but permit it in the case of a Rabbinic oath (כּוֹפֵר הַכֶּלִּי), where a consuetudinary oath is imposed).

- (6) If he refuses to take the oath or to pay, the Court instruct their officers to distrain on his goods to the value of the debt.
- (7) If they find anything, it belongs to them, though, because of their disabilities, they have no legal right of possession. Yet, in the interests of peace, no one is permitted to deprive them of what they find; and he who does is guilty of theft.
- (8) Not only in the interests of social stability do we empower the deaf-mute, imbecile, and minor to retain what they find; it is really lawfully theirs; and he who extracts it from them is guilty of real theft.
- (9) Not real theft according to the Biblical law, but only according to the Rabbinic law.
- (10) Between R. Jose and the other Rabbis, since he also agrees that it is only theft by enactment of the Rabbis in the interests of social peace.
- (11) R. Jose makes the proprietary rights of the deaf-mute stronger (though only Rabbinically, and not Biblically), and if anyone steals from him that which he has found, the Court extracts it from the thief; though the thief has not transgressed the Biblical law (Thou shalt not steal), nor is he disqualified from being a witness (v. Git. 61a, Rashi). According to the other Rabbis, if the thief stole from the deaf-mute the thing that he found, the Court does not interfere,
- (12) Since he holds even in the case of a Rabbinic law the court has power to distrain.
- (13) If the debtor is suspected of swearing falsely (in the case of a claim of which he admits a portion) the creditor is given the oath, and obtains his money.
- (14) To impose an oath on a **כופר הכר** is itself a Rabbinic ordinance; and to transfer the oath from debtor to creditor is also a Rabbinic ordinance; we do not impose both; if the debtor is suspect and cannot take the oath, the creditor is not permitted to take the oath, but loses his money.
- (15) The Court has no power to extract from the thief who stole from the deaf-mute the object he found.
- (16) This is actually force, the same as distraint, if you say that we excommunicate him till he restores the theft or, in the case of a debtor, pays the debt; then what is the difference between the Rabbis and R. Jose?
- (17) [Omitted in MS.M., v. next note.]
- (18) [According to MS.M. (previous note) this reply would be made by R. Ashi.]
- (19) If he allows 30 days to elapse with the ban of excommunication upon him for contempt of court, he is punished with lashes (v. Kid. 12b).
- (20) That I have not paid him.
- (21) [Adopting reading of Florentine MS. v. D.S. a.l.]
- (22) If a creditor, producing a document for his claim, admits having already received some payment on account, he impairs the trustworthiness of his document, for the amount stated on the document is now not true (on his own admission), and he may have received more than he admits; he therefore cannot obtain the rest of his claim without taking an oath. But in R. Papa's example he does not admit partial repayment, and therefore has not impaired the validity of the document he produces; why then should he be asked to take an oath?
- (23) Where the document is impaired.
- (24) For though the document is valid, it is possible the debtor paid him, and the creditor omitted to restore the document to the debtor for destruction; therefore he must swear, if the debtor demands it; v. Tosaf.
- (25) Because he is a scholar is he favoured, and allowed to enforce his claim without an oath?
- (26) [It is not clear whether what follows are the words of R. Ashi or of R. Yemar. MS.M. reads, He (R. Ashi) said to him.]
- (27) We do not make him swear, because it would appear that we suspect him of attempting to claim money on a paid document; but he cannot receive his money, for the debtor demands an oath. But what is the difference between a scholar and an ordinary person? An ordinary person, too, need not swear, and loses his money. A scholar, if he has obtained his money by force from the debtor, is allowed to retain it; but an ordinary person is compelled by the court to return it; v. Asheri and **פלפולא הרפתא** a.l.
- (28) And are therefore not available; and the borrower is exempt.
- (29) And he admitted the debt before them; v. B.B. 30a Tosaf. s.v. **לא**.

Talmud - Mas. Shevu'oth 41b

which is a refutation of R. Assi!¹ — R. Assi may say to you: I said [that he must repay him before witnesses] only if originally he lent him before witnesses, [which shows that] he did not trust him; but here, he trusted him!²

R. Joseph taught it thus:³ R. Judah said, R. Assi said: If one lends to his neighbour before witnesses, he need not repay him before witnesses; but if he said to him: 'Do not repay me except before witnesses,' he must repay him before witnesses. When I said this before Samuel, he said to me: He may say to him: 'I paid you before So-and-so and So-and-so, and they went to a country beyond the seas.'⁴ We learnt: 'YOU HAVE OF MINE IN YOUR POSSESSION A HUNDRED DENARII'; HE SAID TO HIM [BEFORE WITNESSES]: 'YES'. HE SAID TO HIM: 'DO NOT GIVE THEM TO ME EXCEPT BEFORE WITNESSES'; ON THE MORROW HE SAID TO HIM: 'GIVE THEM TO ME'; [AND THE OTHER REPLIED:] 'I HAVE GIVEN THEM TO YOU,' HE IS LIABLE, BECAUSE HE MUST GIVE THEM TO HIM BEFORE WITNESSES. This is a refutation of Samuel!⁵ — Samuel may say to you: This is a question upon which Tannaim disagree;⁶ for it was taught: [If a man said to his fellow] 'I lent you before witnesses; pay me before witnesses'; he must either pay, or bring proof that he has paid.⁷ R. Judah b. Bathyra said: He may say to him: 'I paid you before So-and-so and So-and-so, and they went to a country beyond the seas.'⁸

R. Aha⁹ asked: How do we know that this¹⁰ refers to the time of the loan, perhaps it refers to the time of the claim? And thus he says to him: 'Did I not lend you before witnesses? You should have repaid me before witnesses!' But at the time of the loan, all hold that he is liable.¹¹ R. Papi said in the name of Raba: The law is: If one lends his neighbour before witnesses, he must repay him before witnesses. But R. Papa said in the name of Raba: If one lends his neighbour before witnesses he need not repay him before witnesses; but if he said to him: 'Do not repay me except before witnesses,' he must repay him before witnesses; and if he says to him: 'I repaid you before So-and-so and So-and-so, and they went to a country beyond the seas,' he is believed.¹²

(Mnemonic:¹³ Reuben and Simeon, who studied the law, they lent and paid (before) So-and-so and So-and-so, gallnuts, different claims, being believed as two.)

There was a certain [man] who said to his neighbour: 'When you repay me, repay me before Reuben and Simeon'; but he went and repaid him before two others.¹⁴ Abaye said: He told him to repay him before two witnesses, and [he said] he repaid him before two witnesses.¹⁵ Said Raba to him: For this reason he said to him: Before Reuben and Simeon, so that he should not be able to put him off.¹⁶

There was a certain [man] who said to his neighbour: 'When you repay me, repay me before two who have studied laws.'¹⁷ He went and repaid him privately.¹⁸ The money was lost.¹⁹ The lender came to R. Nahman and said, 'Yes, I received it from him, but only as a deposit,²⁰ and I said, Let it remain with me as a deposit until we obtain two witnesses who have studied laws, so that the condition may be fulfilled.' Said [R. Nahman] to him: 'Since you admit that you definitely received the money from him, it is a proper repayment; if you desire the condition to be fulfilled, go and bring the money [here], for here am I and R. Shesheth who have studied the laws, Sifra, Sifre, Tosefta,²¹ and the whole Gemara.'²²

There was a certain [man] who said to his neighbour: 'Give me the hundred zuz that I lent you.' The other said to him: 'The thing never happened.'²³ He went and brought witnesses that he lent him, but [they also said] he repaid him. Abaye said: What shall we do? They say he lent him, and they themselves say he repaid him.²⁴ Raba said: If he says, 'I did not borrow,' it is as if he said, 'I did not repay.'²⁵

There was a certain [man] who said to his neighbour: 'Give me the hundred zuz that I claim from you.' He replied to him: 'Did I not repay you before So-and-so and So-and-so?' [Thereupon] So-and-so and So-and-so came and said: 'The thing never happened.'²⁶ R. Shesheth thought of saying that he was therefore proven a liar.²⁷ Said Raba to him: Anything which does not rest upon a

man he will do unconsciously.²⁸

There was a certain [man] who said to his neighbour: 'Give me the six hundred zuz that I claim from you.' The other replied to him: 'Did I not repay you a hundred kabs

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- (1) For he says he must repay the loan before witnesses, and if he cannot produce the witnesses he is liable.
 - (2) For he lent him without witnesses, and only when he claimed the loan later were there witnesses present.
 - (3) He had a different tradition as to what R. Judah reported to Samuel in the name of R. Assi.
 - (4) Even if the creditor says to him he must repay him before witnesses, the borrower may always exempt himself by saying he did repay him before witnesses, but they are not now available.
 - (5) For Samuel says the borrower may always contend that he did repay him before witnesses, but they have since gone abroad.
 - (6) And I have a Tanna who agrees with me.
 - (7) The debtor cannot free himself by saying he has paid, but that the witnesses have gone abroad.
 - (8) And Samuel agrees with R. Judah b. Bathyra.
 - (9) [MS.M.: 'Ahai' i.e. the Saborean; v. Brull, Jahrb. II, p. 28.]
 - (10) The lender's statement: 'I lent you before witnesses; pay me before witnesses.'
 - (11) If the lender definitely stipulated at the time of the loan that he must repay him before witnesses, even R. Judah b. Bathyra will agree that he cannot free himself by saying the witnesses have gone abroad. Hence Samuel has no Tanna to support him, whilst our Mishnah is clearly in refutation of him.
 - (12) The reading in text alternates between 'he is believed' and 'he is not believed,' v. Maim. Yad, Malweh XV, 2.
 - (13) Made up of catchwords as aids to memorise discussions that follow.
 - (14) I.e., he said he repaid him before two other witnesses, but they went abroad (v. Tosaf.).
 - (15) Therefore he is believed.
 - (16) The lender specifically named the two witnesses so that the borrower might not put him off by saying he had repaid him before two other witnesses who went abroad and are not available. It is therefore no excuse, and he must pay.
 - (17) I.e., learned men.
 - (18) Without witnesses.
 - (19) After being received by the lender.
 - (20) Not as repayment, because I particularly wanted my condition to be fulfilled, that it should be repaid before two learned witnesses; and now that the money is lost, he must still repay the loan, because I was only a gratuitous bailee not responsible for loss.
 - (21) On these terms, v. Sanh. (Sonc. ed.) p. 567, n. 1.
 - (22) I.e., it is no excuse to say, because the money is now lost, that you accepted it as a deposit and not as repayment of the loan. [MS.M. reads 'Talmud' for 'Gemara' in curr. ed. On these terms, v. B.M. (Sonc. ed.) p. 206, n. 6.]
 - (23) I did not borrow from you.
 - (24) Therefore he is exempt.
 - (25) For if he did not borrow he certainly did not repay. Witnesses testify that he did borrow, and they are believed; but they are not believed when they say he repaid, for he himself admits that he did not repay; therefore he must pay.
 - (26) He did not repay before us.
 - (27) And is not believed even on oath to say that he repaid the loan though not before those two witnesses; for he has already been proved guilty of a lie.
 - (28) It was not incumbent upon him to remember whether he paid before witnesses or not, for the lender had not stipulated that he must repay him before witnesses; when, therefore, he said he had repaid before witnesses, his memory was at fault, but he is not thereby accounted a liar, and may take an oath that he has repaid the loan.

Talmud - Mas. Shevu'oth 42a

of gallnuts, which were worth six [zuz per kab]?' He said to him: 'No! They were worth four [zuz per kab].' Two witnesses came and said: 'Yes, they were worth four [zuz per kab].' Said Raba: He is proven a liar.¹ Said Rami b. Hama. But you said: Anything which does not rest upon a man he will do unconsciously!² — Said Raba to him: The fixed market price people remember.

There was a certain [man] who said to his neighbour: 'Give me the hundred zuz that I claim from you, and here is the document.'³ He said to him: 'I have paid you.' The other said to him: 'Those [monies] were for a different claim.'⁴ R. Nahman said: The document is impaired.⁵ R. Papa said: The document is not impaired. And, according to R. Papa, in what way does this differ from the case of the man who said to his neighbour: 'Give me the hundred zuz that I claim from you; and here is the document;' and the other said to him: 'Did you not give it to me to buy oxen,⁶ and did you not come and sit by the butcher's stall⁷ and receive your money?' And he replied to him: 'Those [monies] were on a different occasion;' and R. Papa said: The document is impaired.⁸ — There, since he said: 'You gave [the money] to me for oxen, and you received repayment from the [sale of the] oxen,' the document is impaired; but here, perhaps they were for a different claim.⁹ What then [is the ruling] with reference to this? — R. Papi said: The document is not impaired. R. Shesheth the son of R. Idi said: The document is impaired. And the law is: The document is impaired; but this is so only if he paid him before witnesses, and did not remember [to take back] the document;¹⁰ but if he paid him privately, since he could have said: 'The thing never happened,' he can also say: 'The monies were for a different account';¹¹ as in the case of Abimi the son of R. Abbahu.¹²

There was a certain [man]¹³ who said to his neighbour:¹⁴ 'You are believed by me whenever you say to me that I have not paid you.' He went and paid him before witnesses.¹⁵ Abaye and Raba both said: Behold, he believes him!¹⁶ R. Papa argued: Granted, he believes him more than himself, but does he believe him more than witnesses?¹⁷

There was a certain [man] who said to his neighbour: 'You are believed by me like two [witnesses] whenever you say that I have not paid you.' He went and paid him before three [witnesses].¹⁸ — R. Papa said: Like two he believed him, but like three he did not believe him.¹⁹ Said R. Huna the son of R. Joshua to R. Papa: When do the Rabbis say that we go according to the majority of opinions — only in the case of estimates,²⁰ where the more there are, the more experts there are; but in the case of testimony, a hundred are like two, and two are like a hundred!²¹

Another version: There was a certain [man] who said to his neighbour: 'You are believed by me like two whenever you say that I have not paid you.' He went and paid him before three. Said R. Papa: Like two he believed him, but like three he did not believe him.²² To this R. Huna the son of R. Joshua demurred: Two are like a hundred and a hundred are like two! But if he said to him: 'like three',²³ and he went and paid him before four [witnesses, the lender is not believed], for since he troubles to mention the number of opinions,²⁴ he definitely means that number of opinions.

AN OATH IS NOT IMPOSED FOR THE CLAIM OF A DEAF-MUTE, IMBECILE, OR MINOR; AND A MINOR IS NOT ADJURED.

What is the reason? Scripture says: If a man give into his neighbour silver or vessels to keep:²⁵ but the giving of a minor is nothing.²⁶

BUT AN OATH IS IMPOSED IN A CLAIM AGAINST A MINOR OR THE TEMPLE.²⁷

But you said in the first clause: **AN OATH IS NOT IMPOSED FOR THE CLAIM OF A DEAF-MUTE, IMBECILE, OR MINOR!** — Rab said: If he comes on behalf of his father's claim,²⁸ and it is in accordance with the view of R. Eliezer b. Jacob; for it was taught: R. Eliezer b. Jacob says: Sometimes a man must take an oath on his own claim.²⁹ How? He said to him: 'I have a hundred denarii of your father's in my possession, of which I have returned to him the half'; he takes an oath;³⁰ and this is the one who swears on his own claim. But the Sages Say: He is only like one who restores a lost object, and is exempt.³¹ And does not R. Eliezer b. Jacob hold that he who restores a lost object is free!³² — Said Rab: [He means], when a minor claims from him.³³ 'A

minor'! But you said: AN OATH IS NOT IMPOSED FOR THE CLAIM OF A DEAF-MUTE, IMBECILE, OR MINOR! — Indeed an adult [is meant]; and he is called a minor, because with reference to the affairs of his father he is a minor.³⁴ If so, [why does R. Eliezer call it] his own claim? It is the claim of others! — [Yes!] it is the claim of others, but his own admission.³⁵

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- (1) And must pay the difference — two hundred zuz.
 - (2) Perhaps he did not remember the actual market price at the time, but he still maintains that he repaid the money, if not with gallnuts, then with money.
 - (3) Proving the claim.
 - (4) I admit you paid me 100 zuz, but that was in settlement of another claim.
 - (5) We assume the claim to be paid, since the claimant admits having received the money; and we do not believe his submission that the payment was for another claim (for which he has no document), and that the present claim is still unpaid.
 - (6) To kill, and sell the meat, the profits to be divided equally between us.
 - (7) As the meat was being sold, and receive the money which you advanced.
 - (8) Since he admits having received the money. Why does not R. Papa hold the same view in the previous case?
 - (9) Since the claimant admits all the circumstances mentioned by the debtor, and admits having received his money from the sale of the oxen, it is reasonable to assume that this was the very transaction for which he produces the document, and he cannot say that the claim on this document is still unsettled, and that the transaction with the oxen (for which no document is produced) is the one that is settled. But where he claims on a document, the debtor saying he has paid, without giving any concrete details, the claimant may say the payment was for another debt, but this document still holds good.
 - (10) The claimant cannot say the payment was for another account.
 - (11) If the debtor paid the claimant privately (no witnesses being present), and the claimant admits receiving the payment, he is believed when he says that it was for another account, and the debt on the document is still outstanding, for, had he desired to tell an untruth, he might have said that he had not received any payment at all; and having the document, he could have enforced his claim without difficulty.
 - (12) Where a similar incident occurred; v. Keth. 85a.
 - (13) Borrower.
 - (14) Before witnesses, when borrowing the money.
 - (15) And the creditor denies having received payment.
 - (16) The debtor himself said, when borrowing the money, that he would always believe him if he denied receiving payment; therefore he must pay again.
 - (17) And since there are witnesses that he paid him, he does not pay again.
 - (18) But the lender denies having received it.
 - (19) Therefore we believe the three that he has paid.
 - (20) E.g., estimating the value of land; v. A.Z. 72a.
 - (21) Therefore if he said he believes him like two, he believed him also like three; and he must pay again.
 - (22) MS.M. deletes the whole of this passage, apparently as a needless repetition, and begins the variant version at this point.
 - (23) Are you believed by me.
 - (24) I.e., people; that he counts him like three people; he means three, and not four; for if he had intended to imply that he counted him like any number of witnesses, he would have said two (for two are equivalent to any number of witnesses), but since he said three, he meant three only. Therefore if four witnesses say he paid, the claimant is not believed.
 - (25) Ex. XXII, 6; and for this an oath is imposed.
 - (26) And a deaf-mute and imbecile are counted as minors, for their minds are undeveloped.
 - (27) Lit., 'they (the defendants) must swear to a minor, or to the Temple (authorities);' i.e. if the minor or the Temple has a claim against them, and they deny the claim, they must take an oath. In the text, however, the Mishnah has been translated in accordance with the sequel (infra 42b).
 - (28) The original giving (of the deposit or loan) was by a man (who is now dead); therefore the claim is valid, though it is proceeded with by a minor: 'my father lent you 100 denarii.'

- (29) I.e., on his own admission that the other has a claim against him though the other does not know it.
- (30) That he owes no more, having returned the half which he admits still owing.
- (31) For the son knew nothing of this debt; therefore he merely returns what he admits, and does not take an oath for the rest. Now, according to R. Eliezer b. Jacob, if the defendant must take an oath though the minor had not instituted the claim, he must certainly take an oath if the minor does claim; hence the Mishnah is in accordance with his view.
- (32) From an oath, though the person to whom it is restored claims, for example, that there was more money in the purse that is restored to him now. All admit that the restorer of a lost object is free. Surely R. Eliezer does not disagree!
- (33) R. Eliezer b. Jacob imposes an oath only when the minor claims; but if no one claims, and he himself mentions the claim, he does not take an oath, for he is 'a restorer of a lost object'.
- (34) For he may not be fully acquainted with the affairs of his father who is now dead.
- (35) He admits owing half.

Talmud - Mas. Shevu'oth 42b

But all [cases] are the claims of others and his own admission!¹ But [say] they² disagree in Rabbah's dictum; for Rabbah said: Why did Scripture say that he who admits a portion of a claim must take an oath? Because it is a presumption that a man has not the effrontery to deny a claim in front of his creditor,³ for this one may have wished to deny it all, but did not deny it, because he had not the effrontery [to do so] in front of his creditor;⁴ and he really wished to admit it all, but he did not admit it all, because he tried to evade him [for the moment], thinking, 'When I will have money, I will pay him'; so Divine Law said: Impose an oath on him, so that he may admit it all. Now R. Eliezer b. Jacob holds: No matter whether against him or against his son, he has not the effrontery;⁵ and therefore he is not a restorer of a lost object.' But the Rabbis hold: Against him himself he has not the effrontery, but against his son he has the effrontery,⁶ and since he is not evincing any effrontery, he is 'a restorer of a lost object' [and exempt]. But how can you affirm the Mishnah to be in accordance with the view of R. Eliezer b. Jacob? Surely it states in the first clause: 'YOU HAVE A HUNDRED DENARII OF MY FATHER'S IN YOUR POSSESSION.' — 'I HAVE OF HIS IN MY POSSESSION ONLY FIFTY DENARII'; HE IS EXEMPT, FOR HE IS 'A RESTORER OF A LOST OBJECT'! — There,⁷ he did not say, 'I am certain'; here,⁸ he said, 'I am certain.'

Samuel said:⁹ 'AGAINST A MINOR' [means] to collect payment from the estate of a minor; 'AGAINST THE TEMPLE' — to collect payment from the estate of the Temple.¹⁰ — 'Against a minor' — to collect payment from the estate of a minor! But we have already learnt it, [viz.:] From the estate of orphans one cannot collect payment except with an oath.¹¹ Why do we require [this ruling] twice? — This he teaches us, as Abaye the Elder said, for Abaye the Elder stated: Orphans which are mentioned¹² are adults,¹³ and there is no need to say [they include] minors, whether for oath, or for [exacting payment from] the lowest class of land.¹⁴ — 'AGAINST THE TEMPLE' — to collect payment from the estate of the Temple! But we have already learnt it, [viz.:] From assigned property they cannot collect except with an oath!¹⁵ [For] what is the difference whether they are assigned to a layman or assigned to the Most High? — It is necessary,¹⁶ for I might have thought [in the case of property assigned to] a layman [an oath is necessary],¹⁷ because a man may make a conspiracy to defraud a layman;¹⁸ but in the case of the Temple [an oath is not necessary], for a man will not make a conspiracy to defraud the Temple, therefore he teaches us [that it is necessary].¹⁹ But did not R. Huna say: A dying man who dedicated all his property to the Temple, and said: 'I have a hundred denarii of So-and-so in my possession,' he is believed,²⁰ because it is a presumption that a man does not make a conspiracy to defraud the Temple. — I will tell you: that is only in the case of a dying man, for a man will not sin without benefit to himself;²¹ but in the case of a healthy man we certainly fear [for conspiracy].

MISHNAH. AND THESE ARE THE THINGS FOR WHICH NO OATH IS IMPOSED: SLAVES, BONDS, LANDS, AND DEDICATED OBJECTS.²² [THE LAW OF] PAYING DOUBLE,²³ OR FOUR OR FIVE TIMES THE VALUE, DOES NOT APPLY TO THEM. AN

UNPAID GUARDIAN DOES NOT TAKE AN OATH,²⁴ AND A PAID GUARDIAN DOES NOT PAY,²⁵ R. SIMEON SAID: FOR DEDICATED OBJECTS FOR WHICH HE IS RESPONSIBLE AN OATH IS IMPOSED;²⁶ AND FOR WHICH HE IS NOT RESPONSIBLE AN OATH IS NOT IMPOSED. R. MEIR SAID: THERE ARE THINGS WHICH ARE [ATTACHED] TO LAND, BUT ARE NOT LIKE LAND. BUT THE SAGES DO NOT AGREE WITH HIM. HOW? [IF A MAN SAYS,] ‘TEN VINES LADEN WITH FRUIT I DELIVERED TO YOU.’ — AND THE OTHER SAYS: ‘THERE WERE ONLY FIVE’; R. MEIR MAKES HIM TAKE AN OATH;²⁷ BUT THE SAGES SAY: ALL THAT IS ATTACHED TO LAND IS LIKE LAND. AN OATH IS IMPOSED ONLY FOR A THING [DEFINED] BY SIZE, WEIGHT, OR NUMBER. HOW? [IF A MAN SAYS,] ‘A HOUSEFUL [OF PRODUCE] I DELIVERED TO YOU,’ OR ‘A PURSEFUL [OF MONEY] I DELIVERED TO YOU’; AND THE OTHER SAYS: ‘I DO NOT KNOW; BUT WHAT YOU LEFT YOU MAY TAKE,’ HE IS EXEMPT.²⁸ IF ONE SAYS: ‘[I GAVE YOU PRODUCE REACHING] UP TO THE MOULDING [ABOVE THE WINDOW],’ AND THE OTHER SAYS: ‘ONLY UP TO THE WINDOW,’ HE IS LIABLE.²⁹

GEMARA. That [THE LAW OF] PAYING DOUBLE [DOES NOT APPLY] how do we know? — Our Rabbis taught: For every matter of trespass³⁰ — is a generalisation; for ox, for ass, for sheep, for raiment — are specifications; for any lost thing — is another generalisation: where there is generalisation, specification, and generalisation, you may include only those things which are similar to the specification: just as the specification is clearly a thing which is movable, and intrinsically worth money, so everything which is movable and intrinsically worth money [may be included], but exclude lands, which are not movable, exclude slaves, which are likened to land, and exclude bonds which, though they are movable, are not intrinsically worth money. As for dedicated things, it is written: his neighbour.³¹

AND NOT FOUR OR FIVE TIMES THE VALUE. What is the reason? — The payment of four or five times the value, said Scripture, and not the payment of three or four times the value.³²

AN UNPAID GUARDIAN DOES NOT TAKE AN OATH. Whence do we know this? — Our Rabbis taught:

(1) Then why does R. Eliezer say: Sometimes a man must take an oath etc.? And if an adult is claiming, why do the other Sages hold that the defendant need not take an oath, for he is ‘a restorer of a lost object’? If an adult claims, the defendant is not accounted ‘a restorer etc.’

(2) R. Eliezer b. Jacob and the Sages disagree in a case where a minor claims (his father being dead). R. Eliezer calls it ‘his own (the defendant’s) claim,’ because a minor’s claim is really of no consequence, and no oath is imposed elsewhere; but here, since it is on behalf of an adult (his father), an oath is imposed, for the original ‘giving’ (of the deposit) was by a ‘man’.

(3) Who has done him a favour by lending him the money.

(4) But since he does deny a portion, let us believe him, for since a man has not the effrontery to deny a valid claim, and this one does deny, he must be speaking the truth; then why should he take an oath? Because, continues the Talmud, to deny a portion does not necessitate effrontery (and he may really owe the money); for he is merely trying to evade his obligation temporarily in order to gain time, fully intending to pay later when he has money; v. B.M. 3b Tosaf. For an alternative interpretation of this passage, v. B.M. (Sonc. ed.) pp. 8ff. and notes.

(5) Therefore when the minor claims, it is as if the father is claiming, and the defendant, since he admits a half, takes an oath like any other person who admits part of a claim.

(6) And could have denied it all, if he had wished; therefore whatever he admits is like the restoration of a lost object, and he does not take an oath.

(7) In the first clause, the minor did not say ‘I am certain you owe my father 100 denarii,’ but ‘I think you do;’ therefore the defendant in admitting a half is exempt, for he is a ‘restorer of a lost object’.

(8) In the later clause ‘an oath is imposed for the claim of a minor’ when the minor puts forward a definite claim.

(9) There is no inconsistency in the Mishnah. An oath is not imposed for the claim of a minor; but when the Mishnah

states later that an oath is imposed for a minor and the Temple, it means that when a claim is made against the estate of a minor or the Temple (and even when documentary evidence is produced), the claimant must take an oath that it has not already been paid by the minor's father.

(10) If a man dedicated some property to the Temple treasury, and a claimant (with a document) desires to exact payment for his debt from that dedicated property, he must take an oath that it has not yet been paid.

(11) *Infra* 45a.

(12) That when payment is claimed from them on their father's debt the claimant must take an oath.

(13) Even if the orphans are adults, the claimant must still take an oath.

(14) When the oath is taken and payment demanded, it may be exacted only from the third grade of land (if the orphans possess best, medium, and third grade; v. B.K. 7a). The law is therefore stated twice; in our Mishnah: an oath is imposed when a claim is made against the estate of an orphan who is a minor; and in the other Mishnah (*infra* 45a) that even when they are adults an oath must be taken in any claim against them.

(15) *Infra* 45a. If the property has already been assigned (or mortgaged) to another, the creditor cannot collect his debt from that property without an oath.

(16) That we be told the law holds good also in the case of property assigned to the Temple.

(17) Before the creditor can collect from the property.

(18) The borrower may already have paid his debt; and now, having sold his land, he conspires with the creditor to defraud the purchaser, by saying he still owes the money, so that the creditor takes the land, and they divide it. Therefore the creditor must take an oath that the debt is still unpaid.

(19) For even in the case of the Temple a man may conspire.

(20) And the man obtains the money without an oath.

(21) And since he himself will derive no benefit from the 100 denarii we believe him.

(22) In any claim concerning these the defendant does not take an oath.

(23) For stealing.

(24) Normally, an unpaid guardian takes an oath that he did not wilfully cause the loss of the deposit, and he is free from payment (v. *infra* 49a), but in the case of slaves etc. no oath is imposed.

(25) For loss or theft, which, normally, he would have to pay (*infra* 49a).

(26) If a man vowed to bring a burnt offering, and assigned a certain animal for that purpose, and gave it into the keeping of a neighbour for a time, and on claiming it, the bailee denies having it; he must take an oath, for this will cause a loss to the depositor (who will have to offer another animal), and not to the Temple.

(27) Though the vines are fixed to the ground they are not accounted as land to exempt him from an oath, because the grapes were ripe and ready for picking, and it is for the grapes that he is claiming; v. *infra* 43a.

(28) Because the claim was not defined as to size, weight, or number.

(29) For the claim is defined.

(30) Ex. XXII, 8; the verse ends, he whom the judges shall condemn shall pay double unto his neighbour.

(31) *Ibid.*, but he does not pay double in a claim by the Temple.

(32) Since the payment of double does not apply for theft, there would only be three or four times the value for killing or selling (three for a lamb and four for an ox), which Scripture does not enjoin; Ex. XXI, 37.

Talmud - Mas. Shevu'oth 43a

If a man give unto his neighbour¹ — is a generalisation; silver or vessels — are specifications; to keep — is another generalisation: where there is generalisation, specification, and generalisation, you may include only those things which are similar to the specification: just as the specification is clearly a thing which is movable and intrinsically worth money, so everything which is movable, and intrinsically worth money [may be included], but exclude lands, which are not movable, exclude slaves, which are likened to land, and exclude bonds which, though they are movable, are not intrinsically worth money. As for dedicated things, it is written, his neighbour.²

A PAID GUARDIAN DOES NOT PAY. Whence do we know this? — Our Rabbis taught: If a man give unto his neighbour³ — is a generalisation; an ass, or an ox, or a sheep — are specifications; or any beast, to keep — is another generalisation: where there is generalisation,

specification, and generalisation, etc. till: as for dedicated things, it is written, his neighbour.⁴

R. MEIR SAID: THERE ARE THINGS WHICH ARE [ATTACHED] TO LAND, BUT ARE NOT LIKE LAND, ETC. Hence, R. Meir holds that which is attached to land is not counted like land?⁵ — Then why do they disagree about laden [vines], let them disagree about fruitless [trees]!⁶ — R. Jose son of R. Hanina said: Here they disagree about grapes which are ready to be cut, R. Meir holding they are as if they are already cut; whereas the Rabbis hold they are not as if they are already cut.⁷

AN OATH IS IMPOSED ONLY FOR A THING [DEFINED] BY SIZE, WEIGHT, etc. Abaye said: They did not teach [that an oath is not imposed] except when he said to him: 'A HOUSE' merely;⁸ but if he said to him: 'This house full etc.' his claim is known.⁹ — Said Raba to him: If so, why does he teach in the later clause: THIS ONE SAID: '[I GAVE YOU PRODUCE REACHING] UP TO THE MOULDING [ABOVE THE WINDOW], AND THE OTHER SAID: 'ONLY UP TO THE WINDOW,' HE IS LIABLE. Let him make a distinction in teaching this [first] clause itself — [thus:] When is it stated [that an oath is not imposed] — only if he says: 'A full house,' but if he says: 'This full house,' he is liable!¹⁰ — But said Raba: He is never liable unless he claims from him a thing [that is defined] by size, weight, or number; and he admits to him a thing [that is defined] by size, weight, or number.¹¹

It was taught in support of Raba: [If a man says,] 'A kor of grain of mine you have in your possession'; and the other says: 'I have not of yours in my possession,'¹² he is exempt.¹³ 'A large candlestick of mine you have in your possession.' — 'I have of yours in my possession only a small candlestick,' he is exempt.¹⁴ 'A large girdle of mine you have in your possession.' — I have of yours in my possession only a small girdle,' he is exempt. But if he said to him: 'A kor of grain of mine you have in your possession,' and the other said: 'I have of yours in my possession only a lethek [of grain],' he is liable.¹⁵ 'A candlestick of [the weight of] ten litras you have of mine in your possession.' — 'I have of yours in my possession [a candlestick of the weight of] only five litras,' he is liable.¹⁶ The principle of the matter is: He is never liable unless he claims from him a thing [that is defined] by size, weight, or number; and he admits to him a thing [that is defined] by size, weight, or number. Now, 'The principle of the matter': what does this include?¹⁷ Does it not include [the case where he says]: 'This house full etc.'?¹⁸

Now, what is the difference? [In the case of] 'large candlestick and small candlestick,' [he is exempt because] what he claimed from him, he did not admit to him; and what he admitted to him, he did not claim from him; if so, [in the case of] 'ten litras and five litras [weight]' he should also be exempt, because what he claimed from him, he did not admit to him; and what he admitted to him, he did not claim from him! — R. Samuel son of R. Isaac said: Here we are discussing a candlestick of sections, of which he admits a portion.¹⁹ — If so, [in the case of] girdle also let him teach [a similar law], and explain it as referring to pieces sewn together!²⁰ But [you must conclude that] he [the Tanna] does not state [the case of a girdle made up of] pieces sewn together. Here also [then], he would not state [the case of a candlestick made up of] separate sections!²¹ — But said R. Abba b. Mammal: A candlestick is different, because he can scrape it and reduce it to five litras.²² MISHNAH. IF A MAN LENDS [MONEY] TO HIS NEIGHBOUR ON A PLEDGE, AND THE PLEDGE WAS LOST, AND HE SAID TO HIM: 'I LENT YOU A SELA' ON IT, AND IT WAS WORTH A SHEKEL,'²³ AND THE OTHER SAYS: 'NO! YOU LENT ME A SELA' ON IT, AND IT WAS WORTH A SELA,' HE IS EXEMPT.²⁴ 'I LENT YOU A SELA' ON IT, AND IT WAS WORTH A SHEKEL,' AND THE OTHER SAYS: 'NO! YOU LENT ME A SELA' ON IT, AND IT WAS WORTH THREE DENARII,' HE IS LIABLE.²⁵ 'YOU LENT ME A SELA' ON IT, AND IT WAS WORTH TWO,'²⁶ AND THE OTHER SAYS: 'NO! I LENT YOU A SELA' ON IT, AND IT WAS WORTH A SELA,' HE IS EXEMPT. 'YOU LENT ME A SELA' ON IT, AND IT WAS WORTH TWO,' AND THE OTHER SAYS: 'NO! I LENT YOU A SELA' ON IT, AND IT WAS

WORTH FIVE DENARII,' HE IS LIABLE. AND WHO TAKES THE OATH?²⁷ HE WHO HAD THE DEPOSIT,²⁸ LEST, IF THE OTHER TAKE THE OATH, THIS ONE MAY BRING OUT THE DEPOSIT.²⁹

(1) Ex. XXII, 6; this verse deals with an unpaid guardian (v. B.M. 94b), who takes an oath that he has not been wilfully neglectful, and is exempt from making restitution.

(2) Ibid.

(3) Ex. XXII, 9; this verse deals with a paid guardian (v. B.M. 94b) who normally pays for loss or theft.

(4) Ibid.; the whole argument as above.

(5) Since he says that in a claim for 10 vines (the other admitting 5) an oath is imposed.

(6) Why mention in the illustration that the trees are laden with grapes? That is surely immaterial!

(7) R. Meir holds that which is joined to the land is counted like land, but here, in the case of vines, he holds that an oath is imposed, because the grapes were ready for cutting, and therefore he accounts them as equivalent to having been cut, and therefore imposes an oath.

(8) 'A house full of produce I delivered to you.'

(9) For if he says: 'This house full of produce,' he is defining his claim exactly, for the amount of produce it will contain may be ascertained; and if the other returns the house to him half empty, he is liable to take an oath.

(10) Why then should the Mishnah insert an extra clause (that one claims 'to the moulding' and the other admits 'to the window')? Obviously, therefore, there is no difference between 'a house full' and 'this house full'.

(11) But if he says: 'This house full etc.' though the amount it holds may be ascertained, the defendant is not liable; for he too must mention specifically the exact amount (size, weight, or number) he is admitting; v. Tosaf.

(12) [MS.M. preserves a preferable reading, adding: 'but pulse'. V. next note].

(13) Because he denies it all (כופר הכל). [According to MS.M. (n. 5): Because the admission is not in like kind of the claim, cf. next note.]

(14) Because the admission is not of the same kind as the claim; he does not admit a portion of what the other claims, but something else.

(15) Because he admits a portion: 1 kor = 2 lethek.

(16) The reason is explained below.

(17) The principle may be inferred from the examples mentioned. Why is the principle stated? Obviously, to include something that may not be deduced from the examples.

(18) That the defendant is here also exempt, because neither the claim nor the admission is defined exactly as to size, weight, or number. Hence this Baraita supports Raba.

(19) The candlestick of ten litras is built up of separate sections which can be taken apart, and the defendant admits that certain sections, amounting to five litras, belong to the claimant, but not the rest. He is therefore liable, because he admits a portion of this very candlestick.

(20) If one claims a girdle of the length of ten cubits, and the other admits owing him a girdle five cubits long, he is liable, if the girdle consists of separate pieces (each, for example, one cubit long) sewn together, and he admits that five of the pieces of the girdle belong to the claimant.

(21) Since he does not mention the case of a girdle of separate pieces, we cannot say, in the case of a candlestick, that the reason he is liable is because it is composed of sections (some of which he admits). What, then, is the reason for liability in the case of a candlestick of ten litras (the defendant admitting owing a candlestick of five litras)?

(22) If one claims a candlestick of ten litras, and the other admits one of five litras, he is liable for an oath, because he may have scraped the metal, or planed the wood, (if it is made of wood) of this very candlestick, so that its weight is now only five litras. He therefore admits a portion of the actual claim, and is liable. If, however, one claims a large candlestick (i.e., tall) and the other admits a small candlestick (i.e., short), he is not liable, because he is admitting something which was not claimed, for we cannot say that he shortened the very same candlestick that was claimed, by cutting off top or bottom, because that would spoil it. In the case of a large girdle (i.e., long) and small girdle (i.e., short), the defendant is exempt, because we cannot say he is admitting a portion of the same girdle (which he has cut down and shortened) for the cut ends would be noticeable. Hence, both in the case of candlestick (tall and short) and girdle (long and short), the defendant is exempt, because he is admitting something else (not a portion of that which was claimed).

(23) Two denarii, so you still owe me two denarii.

(24) Because he denies the whole; therefore he does not take an oath.

(25) Because he admits owing one denar; and he takes an oath.

(26) Therefore you, the lender, have to pay me a sela'.

(27) How much the pledge was worth.

(28) The lender with whom the pledge was deposited.

(29) If the borrower takes the oath, the lender (who may not have lost the deposit at all) may bring out the deposit, and show that the borrower has sworn falsely as to its value.

Talmud - Mas. Shevu'oth 43b

GEMARA. To what does it refer?¹ Shall we say, to the last clause?² You may infer this [in any case], for the oath devolves upon the lender!³ — Said Samuel: It refers to the first clause: and so said R. Hiyya b. Rab: It refers to the first clause; and so said R. Johanan: It refers to the first clause. — Which first clause? The latter part of the first clause: 'I LENT YOU A SELA' ON IT, AND IT WAS WORTH A SHEKEL,' AND THE OTHER SAYS: 'NO! YOU LENT ME A SELA' ON IT, AND IT WAS WORTH THREE DENARII,' HE IS LIABLE. For here the oath devolves upon the borrower, but the Rabbis removed it from the borrower, and imposed it upon the lender.⁴ But now that R. Ashi has said that we have established that this one⁵ swears that it is not in his possession,⁶ and the other one⁷ swears how much it was worth, he means thus: WHO TAKES THE OATH first?⁸ HE WHO HAD THE DEPOSIT,⁹ LEST, IF THE OTHER TAKE THE OATH [FIRST],¹⁰ THIS ONE MAY BRING OUT THE DEPOSIT.¹¹

Samuel said: If one lent a thousand zuz to his neighbour, who deposited with him as a pledge the handle of a saw;¹² if the handle of the saw was lost, the thousand zuz are lost;¹³ but in the case of two handles we do not say this.¹⁴ But R. Nahman Says, even in the case of two handles, if he lost one, he loses five hundred [zuz], if he lost [also] the other, he loses the whole [loan]; but in the case of a handle and a bar [of silver] we do not say this.¹⁵ The Nehardeans say, even in the case of a handle and silver bar, if he lost the silver bar, he loses half [the loan], if he lost [also] the handle, he loses the whole [loan].

We learnt: 'I LENT YOU A SELA' ON IT, AND IT WAS WORTH A SHEKEL,' AND THE OTHER SAYS: 'NO! YOU LENT ME A SELA' ON IT, AND IT WAS WORTH THREE DENARII,' HE IS LIABLE. — [Now why?] Let him say to him: 'But you accepted it [as security]!'¹⁶ — Our Mishnah [refers to a case] where he stated explicitly;¹⁷ and Samuel [refers to a case] where he did not state this explicitly.¹⁸

Shall we say that Tannaim [disagree on this point]? [For it was taught:] If a man lends his neighbour [money] on a pledge, and the pledge was lost, he swears,¹⁹ and takes his money: this is the opinion of R. Eliezer. R. Akiba says: He may say to him: 'Did you not lend me because of the pledge? Since the pledge is lost, your money is lost.' But if one lends a thousand zuz on a bond, and he deposited a pledge with him, all agree that if the pledge is lost, the money is lost.²⁰ — Now, how is this? If the pledge is equal to the amount of the loan,

(1) The statement of the Mishnah that the lender takes the oath.

(2) Where the borrower claims a sela' from the lender, and the lender admits owing him a denar.

(3) For he is the one who admits a portion of the claim.

(4) For the reason given in the Mishnah.

(5) The lender.

(6) For he may not have lost the pledge, but may have become enamoured of it and desired to retain it; he therefore says that he lost it, and wishes to pay its value. Consequently, he must take an oath that it is really not in his possession.

(7) The borrower.

(8) In the latter part of the first clause (where the oath devolves upon the borrower) to which this question of the Mishnah refers.

- (9) Takes the oath that it is not in his possession; he cannot now produce the deposit.
- (10) About the value of the deposit.
- (11) And show that the other had sworn falsely as to its value.
- (12) Which is worth much less than the loan.
- (13) Because the lender accepted it as sufficient security.
- (14) That he accepted each handle as security for 500 zuz, and if he loses one handle, he loses 500 zuz. For he did not specifically say that he accepted each handle as security for half the loan. We therefore say that both handles together are the pledge for the loan, and if he loses one handle, as long as the other is left, he may restore it to the borrower; and he deducts from the loan merely the value of the lost handle, and not 500 zuz.
- (15) That he accepted the silver bar as security for half the loan, for since a silver bar is sufficiently valuable to be accepted as part payment, the lender accepted it as a pledge only up to its value,
- (16) Why should the borrower have to take an oath? Let him say to the lender: 'You accepted the pledge as security for your loan, and since you have lost the pledge, you have lost your money!' Since the Mishnah does not say this, it conflicts with the view of Samuel!
- (17) That he accepts the pledge as security only up to its value.
- (18) But simply accepted the pledge; we assume therefore that he accepted it as full security for the whole amount of the loan; and if he loses the pledge, he loses the loan.
- (19) That he has lost it.
- (20) For since the lender has a document that the other owes him the money, what need is there for a pledge? Obviously, therefore, he took the pledge to secure himself, that if the borrower would not pay (or would have no means to pay) he would keep the pledge. The pledge was therefore not merely a reminder of the loan but a possible source of repayment (for, as a reminder of the loan, he had the bond). If he loses the pledge, therefore, he loses the loan.

Talmud - Mas. Shevu'oth 44a

what is the reason of R. Eliezer?¹ But [you must therefore say,] it is not equal to the amount of the loan, and they disagree about Samuel's ruling.² — No! if it is not equal to the amount of the loan, neither of them would agree with Samuel;³ but here, it is equal to the amount of the loan; and they disagree about R. Isaac's ruling; for R. Isaac said: Whence do we know that the creditor 'possesses'⁴ the pledge? Because it is said: And it shall be righteousness unto thee.⁵ [Now,] if he does not 'possess' the pledge, wherein is his righteousness [in returning it]? Hence, the creditor 'possesses' the pledge.⁶

Shall we say [then] that [these] Tannaim disagree about R. Isaac's ruling?⁷ — How can you think so? You may say that R. Isaac stated [his law] if he took the pledge not at the time of his loan;⁸ but if he took the pledge at the time of the loan, did he say [this]?⁹ — But [answer thus]: If he took the pledge not at the time of the loan, all agree with R. Isaac; but here¹⁰ [we deal with a case where] he took the pledge at the time of his loan, and they disagree on [the same principle which governs] the guardian of a lost object;¹¹ for it has been stated: The guardian of a lost object: Rabbah says he is like an unpaid bailee,¹²

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- (1) That the lender merely takes an oath that he has lost it, and still claims his loan? If the pledge equals the amount of the loan, it was obviously intended as full security; and if he loses it, he should lose his loan.
- (2) R. Eliezer does not agree with Samuel, for since the pledge is not worth as much as the loan, the lender accepts it simply as a reminder of the loan and not as full security; and he is regarded as an unpaid guardian of the pledge; therefore he takes the required oaths. And R. Akiba agrees with Samuel that, since the lender made no stipulation, he accepted the pledge as full security, and therefore if he loses it, he loses his money. Hence, Tannaim disagree on this point; then why does Samuel state his ruling as if he originated it? Let him say he agrees with R. Akiba
- (3) Both R. Eliezer and R. Akiba holding that, in such a case, the lender did not accept it as security, but merely as a reminder, and therefore if he loses it, he does not lose his money.
- (4) I.e., becomes legally responsible for it, and if anything happens to it (even though it is not due to his negligence) he must pay for it; v. B.M. 82a, Rashi.

- (5) Deut. XXIV, 13; when the lender returns the pledge to the borrower it is accounted an act of righteousness.
- (6) R. Eliezer does not agree with R. Isaac, but holds that the lender is accounted an unpaid guardian of the pledge, and therefore is not responsible for its loss; and R. Akiba agrees with R. Isaac, holding that he is responsible, and since it is equal to the amount of the loan, he loses the whole loan, if he loses the pledge.
- (7) Then why does R. Isaac state his ruling as if he originated it? Let him say he agrees with R. Akiba!
- (8) But later; and an officer of the Court was sent to obtain the pledge from the borrower; v. B.M. 113a. Since he took the pledge later, he obviously wanted it as a source for the repayment, and is therefore fully responsible for it: he 'possesses' it.
- (9) He may thus agree with R. Eliezer that he is only an unpaid guardian, and is not responsible for its loss.
- (10) The case in which R. Eliezer and R. Akiba disagree.
- (11) One who finds a lost object and guards it till its rightful owner is found.
- (12) For he does not receive payment for guarding it, and is not responsible for its loss or theft.

Talmud - Mas. Shevu'oth 44b

and R. Joseph says he is like a paid bailee.¹

Shall we say [then] that [these] Tannaim disagree about R. Joseph's ruling?² — No! In the case of a guardian of a lost object all agree with R. Joseph,³ but here they disagree in a case where the lender requires the pledge [for his use]:⁴ one⁵ holds he is doing a mizwah, and the other⁶ holds he is not doing a mizwah.

Shall we say that [the following] Tannaim [disagree about Samuel's ruling]? [For it was taught:] If one lends his neighbour [money] on a pledge, and the Sabbatical year arrives, even if it is only worth a half, it does not cancel [the debt]:⁷ this is the opinion of Rabban Simeon b. Gamaliel. R. Judah the Prince says: If his pledge was equal in value to the debt, it does not cancel it; but if not, it cancels it.⁸ Now, what is meant by 'it does not cancel it' which the first Tanna states? Shall we say, only up to its value?⁹ [But] this would imply that R. Judah the Prince holds it cancels also that portion up to its value! Then for what purpose is he holding the pledge? But it therefore means [does it not?] all of it;¹⁰ and they disagree about Samuel's ruling!¹¹ — No! Really only up to its value,¹² and in this they disagree: the first Tanna holds [it does not cancel] up to its value; and R. Judah the Prince holds it cancels also up to its value;¹³ and as to your question: Why is he holding the pledge? That is merely as a reminder.¹⁴

CHAPTER VII

MISHNAH. ALL WHO TAKE AN OATH [ENFORCED] IN SCRIPTURE, TAKE AN OATH, AND DO NOT PAY.¹⁵ BUT THESE TAKE AN OATH, AND RECEIVE [PAYMENT]: THE HIRED LABOURER,¹⁶ HE WHO HAS BEEN ROBBED, HE WHO HAS BEEN WOUNDED, HE WHOSE OPPONENT IS SUSPECTED OF TAKING A FALSE OATH,¹⁷ AND THE SHOPKEEPER WITH HIS ACCOUNT BOOK.¹⁸ 'THE HIRED LABOURER' — HOW? [IF] HE SAYS TO HIM [HIS EMPLOYER]. 'GIVE ME MY WAGES WHICH YOU OWE ME,' AND HE REPLIES, 'I HAVE GIVEN IT,' AND THE OTHER SAYS, 'I HAVE NOT RECEIVED IT,' HE [THE LABOURER] TAKES AN OATH AND OBTAINS [HIS DUE]. R. JUDAH SAYS, [THERE IS NO OATH] UNLESS THERE IS PARTIAL ADMISSION:¹⁹ HOW? IF HE SAYS TO HIM, 'GIVE ME MY WAGES, FIFTY DENARII, WHICH YOU OWE ME,' AND THE OTHER SAYS, 'YOU HAVE RECEIVED A GOLD DENAR.'²⁰ 'HE WHO HAS BEEN ROBBED, — HOW? IF THEY TESTIFIED OF A MAN²¹ THAT HE ENTERED INTO ANOTHER'S HOUSE TO TAKE A PLEDGE WITHOUT AUTHORITY, AND THE OTHER SAYS, 'YOU HAVE TAKEN MY VESSELS, AND HE SAYS, 'I HAVE NOT TAKEN THEM,' HE²² TAKES AN OATH, AND RECOVERS THEM. R. JUDAH SAYS, [THERE IS NO OATH] UNLESS THERE IS PARTIAL ADMISSION: HOW? HE SAID TO HIM, 'YOU HAVE TAKEN TWO VESSELS,' AND THE

OTHER SAYS, 'I HAVE TAKEN ONLY ONE.' 'HE WHO HAS BEEN WOUNDED,' — HOW? IF THEY TESTIFIED OF A MAN THAT ANOTHER WENT INTO HIM WHOLE, AND CAME OUT WOUNDED, AND HE SAID TO HIM, 'YOU HAVE WOUNDED ME,' AND THE OTHER SAID, 'I HAVE NOT WOUNDED YOU,' HE TAKES AN OATH, AND RECEIVES [DAMAGES]. R. JUDAH SAYS, [THERE IS NO OATH] UNLESS THERE IS PARTIAL ADMISSION: HOW? HE SAID TO HIM, YOU HAVE INFLICTED ON ME TWO WOUNDS,' AND THE OTHER SAID, 'I INFLICTED ON YOU ONLY ONE WOUND.' 'HE WHOSE OPPONENT IS SUSPECTED OF TAKING A FALSE OATH,' — HOW?

(1) For he receives divine reward for the mizwah of guarding the lost object, and is therefore responsible for its loss or theft. A lender also has a mizwah for helping the borrower with a loan, therefore he is like a paid bailee for the pledge which is in his keeping, according to R. Joseph. Accordingly, R. Eliezer, who holds the lender is not responsible for the pledge, will agree with Rabbah; and R. Akiba, with R. Joseph.

(2) They certainly disagree about Rabbah's view, for R. Akiba definitely does not agree with him. But can R. Joseph (who agrees with R. Akiba) also say that R. Eliezer agrees with him, too?

(3) Even R. Eliezer agrees, for, since he is doing a mizwah, he is accounted a paid guardian (for he will receive divine payment).

(4) And he deducts from the loan the amount he would have to pay for its hire.

(5) R. Akiba holds that though he is making use of the pledge he is still doing a mizwah by lending the money, for he is deducting from the debt the amount he would have to pay for hiring the pledge; and since he is doing a mizwah, he is a paid guardian for the pledge, and is responsible for its loss.

(6) R. Eliezer holds that since he is using the pledge, he is not doing a mizwah, for he wants it for his own benefit, and is therefore an unpaid guardian, and is not responsible for its loss.

(7) The Sabbatical year cancels debts (Deut. XV, 1, 2), but if a pledge was taken for the debt, the Sabbatical year does not cancel the debt; v. Git. 37a; but Rabban Simeon b. Gamaliel holds that this applies even where the pledge was worth only half of the value of the debt.

(8) V. B.M. 48b.

(9) The Sabbatical year does not cancel that portion of the debt which is equal to the value of the pledge (and therefore secured by it).

(10) R. Simeon b. Gamaliel holds that even if the pledge is worth only half the amount of the debt, the Sabbatical year does not cancel any part of the debt at all; and R. Judah holds it does not cancel that portion which the pledge secures (i.e., up to its value).

(11) R. Simeon agrees with Samuel that, even if the pledge is not worth as much as the debt, it is counted as security for the whole debt. If so, let Samuel say he agrees with R. Simeon b. Gamaliel.

(12) Does R. Simeon b. Gamaliel hold that the Sabbatical year does not cancel it, for the pledge secures that portion; and he does not agree with Samuel.

(13) I.e., if the pledge is not actually worth as much as the loan, it is of no effect, and the Sabbatical year cancels the whole debt.

(14) That he lent him money, but is no security at all, since it is not equal in value to the debt.

(15) i.e., according to the Torah, it is the defendant in the action who takes the oath that he does not owe, and is exempt from paying.

(16) Takes an oath that his wages have not been paid.

(17) The debtor, who normally takes the oath, is known to have sworn falsely in the past; so the Court impose the oath on the creditor, and he exacts his money.

(18) Who has written down in his book the amount he has allowed the other on credit.

(19) When the defendant, the employer, would normally have had to take the oath (being a **מוֹדֵה בְּמִקְצֵת**); in that case, the Sages say that the oath is removed from him, and imposed upon the employee; but where there is no admission on the part of the employer, there would have been no oath (according to the Torah, except the Rabbinic consuetudinary oath, v. supra p. 247); and in this case the Rabbis do not impose it on the labourer.

(20) 25 silver denarii.

(21) The robber.

(22) The householder.

Talmud - Mas. Shevu'oth 45a

WHETHER IT BE THE OATH OF TESTIMONY,¹ OR THE OATH OF DEPOSIT, OR EVEN A VAIN OATH;² IF ONE [OF THE LITIGANTS] WAS A DICE-PLAYER,³ OR USURER, OR PIGEON-FLYER,⁴ OR DEALER IN THE PRODUCE OF THE SEVENTH YEAR,⁵ HIS OPPONENT TAKES THE OATH AND RECEIVES [HIS CLAIM].⁶ IF BOTH ARE SUSPECT, THE OATH RETURNS TO ITS PLACE.⁷ THIS IS THE OPINION OF R. JOSE. R. MEIR SAYS: THEY DIVIDE.⁸ 'AND THE SHOPKEEPER WITH HIS ACCOUNT BOOK,' — HOW? NOT THAT HE [E.G.] SAYS TO HIM, 'IT IS WRITTEN IN MY ACCOUNT BOOK THAT YOU OWE ME TWO HUNDRED ZUZ';⁹ BUT HE¹⁰ SAYS TO HIM, 'GIVE MY SON TWO SEAHs OF WHEAT,'¹¹ OR, 'GIVE MY LABOURER SMALL CHANGE TO THE VALUE OF A SELA';¹² I HE SAYS, 'I HAVE GIVEN,' AND THEY¹³ SAY, 'WE HAVE NOT RECEIVED'; HE¹⁴ TAKES AN OATH, AND RECEIVES [HIS DUE].¹⁵ AND THEY TAKE AN OATH, AND RECEIVE [THEIR DUE].¹⁶ BEN NANNUS SAID: HOW CAN BOTH BE PERMITTED TO COME TO A VAIN OATH?¹⁷ BUT HE¹⁴ TAKES WITHOUT AN OATH, AND THEY¹³ TAKE WITHOUT AN OATH. — IF HE SAID TO A SHOPKEEPER, 'GIVE ME FRUIT FOR A DENAR,' AND HE GAVE HIM, THEN THE SHOPKEEPER SAID TO HIM, 'GIVE ME THE DENAR'; AND HE REPLIED TO HIM, 'I GAVE IT TO YOU, AND YOU PLACED IT IN THE TILL,' THE HOUSEHOLDER TAKES AN OATH.¹⁸ IF HE GAVE HIM THE DENAR, AND SAID TO HIM, 'GIVE ME THE FRUIT,' AND THE SHOPKEEPER SAYS TO HIM, 'I HAVE GIVEN IT TO YOU, AND YOU TOOK IT TO YOUR HOUSE,' THE SHOPKEEPER TAKES AN OATH.¹⁹ R. JUDAH SAYS: HE WHO HAS THE FRUIT IN HIS POSSESSION. HIS HAND IS UPPERMOST.²⁰ IF HE SAID TO A MONEY-CHANGER, 'GIVE ME CHANGE FOR A DENAR,' AND HE GAVE HIM; AND SAID TO HIM, 'GIVE ME THE DENAR,' AND THE OTHER SAID, 'I HAVE GIVEN IT TO YOU, AND YOU PLACED IT IN THE TILL,' THE HOUSEHOLDER TAKES AN OATH. IF HE GAVE HIM THE DENAR, AND SAID TO HIM, 'GIVE ME THE SMALL CHANGE,' AND THE OTHER SAID TO HIM, 'I HAVE GIVEN IT YOU, AND YOU THREW IT IN YOUR PURSE,' THE MONEY-CHANGER TAKES AN OATH. R. JUDAH SAYS: IT IS NOT USUAL FOR A MONEY-CHANGER TO GIVE [EVEN] AN ISSAR UNTIL HE RECEIVES THE DENAR.²¹ — JUST AS THEY HAVE SAID THAT SHE WHO IMPAIRS HER KETHUBAH CANNOT RECEIVE PAYMENT EXCEPT ON OATH;²² AND THAT IF ONE WITNESS TESTIFIES AGAINST HER THAT IT HAS BEEN PAID [IN FULL], SHE CANNOT RECEIVE PAYMENT EXCEPT ON OATH; AND THAT FROM ASSIGNED PROPERTY²³ OR ORPHANS' PROPERTY SHE CANNOT EXACT PAYMENT EXCEPT ON OATH; AND THAT IF SHE CLAIMS NOT IN HIS PRESENCE,²⁴ SHE CANNOT RECEIVE PAYMENT EXCEPT ON OATH; SO, TOO, ORPHANS CANNOT RECEIVE PAYMENT²⁵ EXCEPT ON OATH [NAMELY]: 'WE SWEAR THAT OUR FATHER DID NOT ENJOIN IN HIS TESTAMENT UPON US, NEITHER DID OUR FATHER SAY UNTO US, NOR DID WE FIND [WRITTEN] AMONG THE DOCUMENTS OF OUR FATHER THAT THIS DOCUMENT IS PAID.'²⁶ R. JOHANAN B. BEROKA SAYS: EVEN IF THE SON WAS BORN AFTER HIS FATHER'S DEATH HE MAY TAKE AN OATH,²⁷ AND RECEIVE HIS CLAIM. R. SIMEON B. GAMALIEL SAYS: IF THERE ARE WITNESSES THAT THE FATHER SAID AT THE TIME OF HIS DEATH THAT THIS DOCUMENT WAS NOT PAID, HE RECEIVES [HIS CLAIM] WITHOUT AN OATH, — AND THESE TAKE AN OATH THOUGH THERE IS NO [DEFINITE] CLAIM:²⁸ PARTNERS,²⁹ TENANTS,³⁰ ADMINISTRATORS,³¹ THE WIFE WHO TRANSACTS THE AFFAIRS IN THE HOUSE,³² AND THE SON OF THE HOUSE.³³ [IF] HE³⁴ SAID TO HIM,³⁵ 'WHAT DO YOU CLAIM OF ME?' [AND THE OTHER REPLIED.] 'I DESIRE THAT YOU SWEAR TO ME';³⁶ HE MUST TAKE AN OATH. IF THE PARTNERS OR TENANTS HAD DIVIDED,³⁷ HE CANNOT IMPOSE AN OATH UPON THEM.³⁸ IF AN OATH WAS IMPOSED UPON HIM IN ANOTHER CASE, THEY IMPOSE UPON HIM THE WHOLE.³⁹ AND THE SEVENTH YEAR CANCELS THE OATH.⁴⁰

GEMARA. ALL WHO TAKE AN OATH [ENFORCED] IN SCRIPTURE, TAKE AN OATH, AND DO NOT PAY. Whence do we know this? — Because Scripture said: And the owner thereof shall accept it, and he shall not pay⁴¹ — he whose duty it is to pay: upon him devolves the oath.

BUT THESE TAKE AN OATH, AND RECEIVE [PAYMENT], etc. In what way is the hired labourer different that the Rabbis have instituted for him [the privilege] that he should take the oath and receive [his wages]? — Rab Judah said that Samuel said: Great halachoth did they teach here. ‘Halachoth!’ Are these then halachoth?⁴² But say: Great enactments did they teach here. — ‘Great!’ Hence there are also small [enactments]?⁴³ — But, said R. Nahman that Samuel said: Fixed enactments did they teach here: our Rabbis removed the oath from the householder⁴⁴ and imposed it upon the hired labourer for the sake of his livelihood. [But] for the sake of the labourer's livelihood do we fine the householder? — The householder himself is satisfied that the labourer should take the oath and receive [his wages], so that labourers may hire themselves out to him.⁴⁵ On the contrary, the hired labourer is satisfied that the householder should take the oath, and be released [from payment], so that the householder should hire him?⁴⁶ — The householder must of necessity employ [labourers].⁴⁷ The labourer also must of necessity be employed!⁴⁸ — Well, then, the householder is busy with his labourers.⁴⁹ — Then, let him give him without an oath!⁵⁰ — In order to appease the mind of the householder [an oath is imposed].⁵¹ — Well, let him pay him in the presence of witnesses?⁵² — That would be too troublesome for him.⁵³ Then let him pay him at the beginning?⁵⁴ — Both desire credit.⁵⁵

- (1) If he is known to have sworn falsely any of these, he can no longer be trusted to take an oath.
- (2) Though he did not thereby injure anybody.
- (3) Gambler.
- (4) Racing his pigeon against a neighbour's pigeon, and betting on the result; or, a fowler, laying snares for pigeons; sometimes a pigeon belonging to somebody may be ensnared, and he is thus guilty of theft; v. Sanh. 25a.
- (5) The Sabbatical year's produce was free to all to eat, and the owner of the field was not allowed to count himself the sole possessor of the produce, and was not allowed to trade with it; v. Lev. XXV, 6, and Rashi a.l.
- (6) Because those enumerated are not trusted with an oath.
- (7) It devolves upon the person who normally would take the oath, i.e., the defendant, who, if he admits a portion of the claim, must take an oath; here, since he is suspect, he cannot take the oath, so he pays the full claim; v. infra 47a.
- (8) The defendant pays half the claim only.
- (9) This is not sufficient to allow the shopkeeper to take an oath, and exact the money.
- (10) The purchaser
- (11) ‘And I will pay.’
- (12) ‘And I will give you a sela.’
- (13) The son or labourer.
- (14) The shopkeeper.
- (15) From the householder.
- (16) Also from the householder.
- (17) One of them, either the shopkeeper or the labourer, is bound to be swearing falsely.
- (18) That he paid him; this oath is a consuetudinary oath, for he is a **כופר הכל** denying the whole of the claim (Rashi); but v. Tosaf. infra 48a s.v. **נשבע**. [Though the oath serves here to exempt the purchaser from paying, it is nevertheless included among those taken in order to receive payment, as the oath enables the purchaser to retain the produce he bought (Hoffmann). For other interpretations, v. Alfasi on the passage and attendant commentaries.]
- (19) That he gave him the fruit.
- (20) He disagrees with the first clause which states that the householder takes an oath that he has paid the denar. R. Judah says he does not need to swear, for it is not usual for a shopkeeper who sells for cash to give the fruit before he receives the money, and since the householder already has the fruit, his hand is uppermost, and we assume that he has paid.
- (21) Therefore, in the first clause, the householder does not need to take an oath.

- (22) If a wife, producing her kethubah (v. Glos.) admits that she has been paid a part of the money due to her, she 'impairs her kethubah' (i.e., weakens its validity, for the amount shown in the document is no longer correct, on her own admission), and if the husband, who is divorcing her, says he has paid her the whole amount, she cannot obtain payment of her claim unless she takes an oath that she has not been paid.
- (23) Mortgaged to another.
- (24) If her husband sent her a divorce from abroad, and is not present now when she claims her kethubah.
- (25) In their claim of a debt due to their father.
- (26) I.e., 'our father did not tell us before his death that the claim in this document which we now produce has been satisfied; nor did we find that he had already written out a receipt ready to be dispatched to the debtor.'
- (27) That he has found no documentary evidence among his father's papers that this claim has been paid.
- (28) Though the claimant does not make a definite charge of fraudulence against them, but only suspects them, they must take an oath to refute the charge; v. infra 48b.
- (29) If one suspects the other, the suspected one takes an oath.
- (30) One who tills the owner's land, and receives for his work a certain share of the produce.
- (31) One who is appointed to administer the business affairs of another.
- (32) The husband handed over his business for her to manage.
- (33) One of the sons who, after the father's death, administers the affairs.
- (34) The partner, tenant, etc.
- (35) To his respective claimant.
- (36) 'That you did not fraudulently convert to your own use what is mine.'
- (37) Had dissolved their partnership or business arrangement, each taking his due.
- (38) On the grounds of a possible fraudulent dealing.
- (39) If this partner or tenant was concerned in another law-suit with the same claimant, and had to take an oath in that case, then the Court insert in the oath a statement having reference to the present claim, so that he takes the oath for both claims together; v. infra p. 301, n. 9.
- (40) If the Sabbatical year intervenes, he does not take the oath.
- (41) Ex. XXII, 10; the verse begins: The oath of the Lord shall be between them both, to see whether he hath not put his hand unto his neighbour's goods. The owner shall accept this oath, and the guardian (in whose care the animal had died) does not need to pay; hence the person whose duty it is to pay has the oath imposed upon him, and exempts himself from payment.
- (42) The word halachah used here implies a traditional law handed down from the time of Moses.
- (43) Surely all enactments instituted by the Sages are equally important and great!
- (44) Who, according to the Biblical law, would take the oath and be exempt.
- (45) For if the employer would take the oath, and not pay the labourer, no one would ever want to work for him.
- (46) On this occasion when there is a dispute as to whether he has paid him his wages or not, the labourer prefers to allow the employer to take the oath (and not pay), so that he may employ him again.
- (47) So the labourer need not fear; and should take the oath.
- (48) Hence employer and labourer are equally dependent upon each other; so that we cannot say the reason why the oath is imposed upon the labourer is because the employer prefers it thus, so that labourers may not be afraid of him, and may hire themselves out to him; they would in any case seek employment from him.
- (49) He has many labourers to whom he pays wages, and he may genuinely have made a mistake and thought he had paid this one too; but the labourer has only one employer to deal with, and he remembers whether he has received his wages; therefore the oath is imposed upon the labourer.
- (50) Why should the labourer have to take an oath?
- (51) To satisfy him that he was mistaken, and that he had not really paid the labourer yet.
- (52) Let the Rabbis establish a rule that wages must be paid in the presence of witnesses, to avoid the necessity for an oath.
- (53) For witnesses are not always available.
- (54) In the morning before he begins work. If then, at the end of the day, the labourer claims his daily wage, there will be no need for an oath, for we would assume definitely that the wages had been paid in the morning, since the Rabbis had established that rule, and the labourer would not have commenced his work unless he had been paid first.
- (55) The employer desires credit till the evening, for he frequently has not the money for the wages in the morning; and

the labourer desires to grant this credit, and does not want his money in the morning, in case he spends it.

Talmud - Mas. Shevu'oth 45b

If so,¹ even in the case where he fixed [the wages], also [let the labourer take the oath];² wherefore has it been taught: [If] the artisan says: 'Two [zuz] did you stipulate to pay me,' and the other says: 'I stipulated to pay you only one;' he who wishes to exact from his neighbour must bring proof!³ — The amount fixed [as wages] he certainly remembers.⁴ If so, even in the case where his time had expired also [let the labourer take the oath];⁵ wherefore has it been taught: If his time had expired and he had not given him,⁶ he does not take an oath to receive [his wages];⁷ [for] it is a presumption that the householder would not transgress [the precept]: the wages of a hired servant shall not abide with thee all night until the morning.⁸ Now did you not say that the householder is busy with his labourers?⁹ — That is only before the time of liability arrives, but when the time of liability arrives it thrusts itself upon him, and he remembers. Would then the labourer transgress [the precept]: thou shalt not rob?¹⁰ — With the householder there are two presumptions: one, that the householder would not transgress [the precept]: 'the wages of a hired servant shall not abide with thee' etc., and another, that the hired servant would not allow his wages to be delayed.¹¹

R. Nahman said that Samuel said: They did not teach this,¹² except when he hired him in the presence of witnesses, but if he hired him without witnesses, since he may say to him, 'I never hired you,' he may say to him, 'I hired you and paid you your hire.'¹³ R. Isaac said to him: 'Correct; and so said R. Johanan.' Are we hence to infer that Resh Lakish disagrees with him? — Some say, that he was drinking and was silent; and some say, that he waited for him, and was silent.¹⁴

It was stated also: R. Menashya b. Zebid said that Rab said: They did not teach this, except when he hired him in the presence of witnesses, but if he hired him without witnesses, since he may say to him, 'I never hired you,' he may say to him, 'I hired you, and paid you your hire.' Rami b. Hama said: How excellent is this ruling! Said Raba to him: Wherein is its excellence? If such is the case, the oath of guardians, which the Divine Law imposes¹⁵ — how is it possible of fulfillment? Since he may say to him, 'The thing never happened,' he may say to him, 'It was an unpreventable accident.'¹⁶ — In the case where he deposited it with him before witnesses.¹⁷ But since he may say to him, 'I returned it to you,' he may say to him, 'An accident happened.'¹⁸ In the case where he deposited it with him by a document.¹⁹ Hence we can infer that both²⁰ hold that he who deposits [an article] with his neighbour before witnesses need not return it to him before witnesses;²¹ but if by document, he must return it to him before witnesses.²²

Rami b. Hama applied to R. Shesheth the verse: And David laid up these words in his heart.²³ For R. Shesheth met Rabbah b. Samuel, and said to him: Have you studied anything about a hired labourer? — He replied to him: Yes, we are taught: A hired labourer [if he claims] within his time limit,²⁴ takes an oath, and receives [his wages]. How? If he said to him: 'You hired me, and did not pay me my wages,' and the other said: 'I hired you and did pay you your wages.'²⁵ But if he said to him: 'Two did you stipulate to pay me,' and the other said: 'I stipulated to pay you only one,' he who desires to exact from his neighbour must bring proof.²⁶ Now, since the second clause is concerned with proof, the first clause is not concerned with proof!²⁷ — R. Nahman b. Isaac said:

(1) If you say that the labourer takes the oath and receives his wages, because the employer is too busy with his workmen to remember whether he had paid or not.

(2) Where the dispute is as to the amount that had been agreed upon, let us also say that the labourer should swear and receive what he claims.

(3) The artisan who claims an extra one (zuz, denar, or any coin) must bring witnesses to testify that his claim is correct. Why should he not take an oath and receive his money, without witnesses?

(4) The employer may possibly not remember whether he paid the labourer, but he remembers the amount he stipulated

to pay; therefore the labourer is not in this case more reliable than the employer, and must bring witnesses.

(5) A day labourer has time to claim his wages during the whole of the succeeding night; and a night labourer, during the whole of the succeeding day (B.M. 110b).

(6) I.e., the labourer claims that the employer has not yet paid him.

(7) Why should not the labourer take an oath and receive his wages? Since we say the employer is busy with his labourers, he may have forgotten that he has not yet paid him.

(8) Lev. XIX, 23; since he does not wish to transgress this prohibition, he is careful to remember to pay in time.

(9) So that in spite of himself he may really have forgotten. Let the labourer then take the oath!

(10) Lev. XIX, 13; he would not rob his employer by claiming his wages twice; therefore let him take the oath.

(11) There are two presumptions in favour of the householder; i.e., which incline us to the belief that he paid the wages in the proper time.

(12) That the labourer takes an oath that he has not received his wages and obtains his due.

(13) If there were no witnesses that the employer hired this labourer, the employer, if he wished to evade payment, could have said that he did not hire him at all; therefore, if he admits he hired him, but says he has paid him, he is believed.

(14) V. supra 40a.

(15) Ex. XXII, 10; deals with a paid guardian who claims that the loss was unpreventably accidental; he must take an oath to this effect (i.e., that it was hurt, or forcibly removed by robbers, or died), and is exempt.

(16) Since the guardian may say that he never had the other's animal to guard, and he would have been exempt, he should be believed when he says that an accident happened to it. Why, then, does Scripture impose an oath on him?

(17) Then the oath is imposed; for the guardian could not have evaded payment by saying he never took the animal, for there are witnesses that it was deposited with him.

(18) He should still be believed without an oath, for he could have said that he had already returned the animal to its owner.

(19) The guardian signed a document that he received the animal from him. He cannot say that he returned the animal to the owner, because he would have claimed the return of the document. He is therefore not believed (without an oath) if he says an unpreventable accident happened to it.

(20) Raba and Rami b. Hama.

(21) For Rami b. Hama replies at first that he deposited it with the guardian in the presence of witnesses; and Raba asks, since the guardian may say to him, 'I returned it to you,' etc. Hence, Raba holds that he does not require to have witnesses that he returned it. And Rami b. Hama agrees, for he does not dispute this statement, but gives another answer — that he deposited it by document.

(22) For both agree that the guardian cannot say, 'I have already returned the article to you'; hence, he must return it in the presence of witnesses.

(23) I Sam. XXI, 13; he applied this verse to him, because he also 'laid up these words in his heart,' i.e., he took pains to ascertain if the ruling of Rab and Samuel (that the labourer takes an oath and receives his wages only if he was hired in the presence of witnesses) had any support.

(24) V. B.M. 110b, where the different time limits for claiming are enumerated, in the case of labourers hired for the day, night, week, month, etc.

(25) In this case, where the dispute is whether he paid him or not, the labourer takes an oath that he has not been paid, and receives his wages.

(26) The labourer must bring witnesses, and if he has no witnesses, he cannot take an oath and receive what he claims.

(27) For the first clause does not mention it; hence, in the first clause, the labourer takes an oath, and receives his wages, even if he does not bring witnesses that he was hired by the employer. Thus, this is opposed to the ruling of Rab and Samuel that only if there were witnesses that he was hired is he believed with an oath.

Talmud - Mas. Shevu'oth 46a

Both the first and second clauses are concerned with proof:¹ the proof which necessitates payment he mentions;² the proof which necessitates [merely] an oath he does not mention.³

R. Jeremiah b. Abba said: The School of Rab sent to Samuel [the request]: Let our Master teach us: If an artisan says [to his employer]: 'Two [zuz] have you stipulated to pay me,' and the other

says: 'I stipulated to pay you only one,' who takes the oath? — He replied to them: In this case the householder takes the oath, and the artisan loses, for the amount stipulated people certainly remember.⁴ But this is not so? For did not Rabbah b. Samuel learn: '[In the case of dispute about the amount] stipulated, he who desires to exact from his neighbour must bring proof'⁵ — [thus implying that] if he does not bring proof, it is cancelled!⁶ But why? Let the householder take an oath, and the artisan lose!⁷ — R. Nahman said: Both alternatives are meant: Either [the artisan] brings proof, and receives [his claim], or the householder takes an oath, and the artisan loses.⁸

An objection was raised: If one gave his cloak to an artisan [to mend], and the artisan says. 'You did stipulate to pay me two [zuz],' and the other says, 'I stipulated to pay you only one,' as long as the cloak is in the hands of the artisan, the householder must bring proof;⁹ but if he had already given it him, then [if he claims] within his time limit,¹⁰ he takes an oath, and receives [his claim]; but if his time has passed, he who desires to exact from his neighbour must bring proof.¹¹ [Now it states] after all: '[If he claims] within his time limit, he takes an oath and receives [his claim]'! Why? Let the householder take an oath, and the artisan lose!¹² — R. Nahman b. Isaac said: This is in accordance with the view of R. Judah¹³ who says whenever the oath inclines towards the householder, the hired person takes the oath and receives [his claim].¹⁴ Which R. Judah? Shall we say. R. Judah of our Mishnah? [Surely] he is more stringent, for we learnt: R. JUDAH SAYS: [THERE IS NO OATH] UNLESS THERE IS PARTIAL ADMISSION.¹⁵ — But it is R. Judah of the Baraitha; for it was taught: A hired labourer, as long as his time limit has not expired,¹⁶ takes an oath, and receives [his claim]; but if not,¹⁷ he does not take an oath, and receive [his claim]. And R. Judah said: When [does he take an oath]? Only if he says to him, 'Give me my wages fifty denarii which you owe me, and the other says. 'You have already received of it a gold denar',¹⁸ or, if he says to him. 'Two did you stipulate to pay me,' and the other says. 'I stipulated to pay you only one.'¹⁹ But if he says to him, 'I never hired you at all,' or, if he says to him, 'I hired you, and paid you your wages,' then he who desires to exact from his neighbour must bring proof.²⁰

To this R. Shisha the son of R. Idi demurred: Well then, [in the case where the dispute is about the amount] stipulated [is this ruling]²¹ the view of R. Judah, and not that of the Rabbis. Now since where R. Judah is more stringent,²² the Rabbis are more lenient;²³ where R. Judah is more lenient,²⁴ will the Rabbis be more stringent!²⁵ — But then, [will] the Rabbis [also agree]?²⁶ Then, that which Rabbah b. Samuel learnt that [where the amount] stipulated [is in dispute] he who desires to exact from his neighbour must bring proof²⁷ — whose view would it be? It cannot be the view of R. Judah, nor that of the Rabbis! — But, said Rabbah, in this they disagree: R. Judah holds in [an oath imposed by] the Torah²⁸ an enactment was instituted in favour of the hired labourer,²⁹ but in [an oath imposed by] the Rabbis,³⁰ which is itself an enactment — we do not impose one enactment upon another enactment.³¹ And the Rabbis hold even in [an oath imposed by] the Rabbis we also institute an enactment in favour of the hired labourer; but [in the case of a dispute about] the amount stipulated, this the employer remembers.³²

'HE WHO WAS ROBBED,' — HOW? IF THEY TESTIFIED AGAINST HIM THAT HE ENTERED HIS HOUSE TO SEIZE HIS PLEDGE, etc. But perhaps he did not seize his pledge.³³ Did not R. Nahman say: If one held an axe in his hand, and said, 'I am going to cut down the palm-tree of So-and-so,' and it was found cut and cast [on the ground], we do not say that he cut it down?³⁴ Hence, a man often boasts, but does not fulfil; here also [perhaps] he boasted, and did not fulfil! — Read:³⁵ 'And seized his pledge.' — Then let us see what pledge he seized!³⁶ — Rabbah b. Bar Hanah said that R. Johanan said: He claimed from him vessels which may be taken under his garments.³⁷

Rab Judah said: If they saw him hiding articles under his garments,³⁸ and he came out,

(1) I.e., there must be witnesses that he was hired.

- (2) In the second clause he requires witnesses as to the amount that was stipulated; this proof (without which payment cannot be exacted) the tanna mentions.
- (3) In the first clause witnesses are necessary to testify that he was hired; this the tanna does not mention (though the witnesses are necessary), for these witnesses merely give the labourer power to take an oath.
- (4) And we do not say that because the employer is busy with his labourers he does not remember the amount stipulated, and that therefore the oath should devolve on the labourer; but the employer takes the oath like every one who admits part of the claim.
- (5) Supra 45b.
- (6) The extra amount which he claims; and the employer does not need to take an oath, but is automatically exempt.
- (7) Only if the employer takes an oath, but not otherwise.
- (8) Do not deduce from the teaching of Rabbah b. Samuel that if the artisan does not bring proof, the employer is automatically exempt; if he does not bring proof, the employer must take an oath that he stipulated only one.
- (9) I.e., witnesses, that he stipulated to pay only one zuz, for he is the one who desires to exact from his neighbour (the cloak for only one zuz).
- (10) On the day that he gave it him.
- (11) The artisan must bring witnesses that the householder had agreed to pay him two zuz, and if he does not bring witnesses, he loses his claim.
- (12) This question is directed against Samuel who holds that where the dispute is about the amount stipulated, the householder takes an oath, and is exempt.
- (13) And Samuel does not agree with him, but with the other Sages.
- (14) Whenever the householder should, according to Scripture, take the oath, i.e., when he admits part of the claim, as here, the oath is transferred from him to the employee, because the employer cannot remember so well (even in a dispute about the amount stipulated), for he is busy with his labourers.
- (15) Supra 44b. Hence R. Judah restricts the labourer, and does not allow him to take an oath, even where the Sages do allow him. Therefore in the case where the amount stipulated is in dispute, how can you say that it is R. Judah who allows the labourer to take an oath and receive his claim, since others hold that in such a case the labourer is not allowed to take an oath, but the householder takes the oath, and is exempt?
- (16) In which to claim.
- (17) If it is after the time limit.
- (18) 25 silver denarii.
- (19) Hence, even in a case where the amount stipulated is in dispute. R. Judah states clearly that the labourer takes an oath.
- (20) The labourer must bring witnesses, and if not, the employer is exempt, for he denies the whole claim.
- (21) That the labourer takes the oath.
- (22) In the case of the Mishnah where there is no partial admission on the part of the employer, R. Judah is more stringent, and does not allow the labourer to take an oath.
- (23) They do allow him to take the oath, and receive his claim.
- (24) Where the amount stipulated is in dispute.
- (25) And not allow the labourer to take the oath!
- (26) That in the case where the amount stipulated is in dispute the labourer takes the oath.
- (27) The labourer must bring witnesses; but he cannot receive the amount he claims merely by taking an oath.
- (28) Where the employer admits a portion of the claim.
- (29) That the oath be removed from the employer and given to the labourer, who takes the oath, and receives his claim.
- (30) Where the employer denies the whole; and there is only the Rabbinic oath of equity.
- (31) By removing this oath from the employer and giving it to the labourer.
- (32) And we do not say, because he is busy with his labourers, he forgets; therefore in this case the oath is not transferred to the labourer. Hence, it is in fact true that R. Judah is sometimes more stringent (even when the Sages are more lenient, as in the case where there is no partial admission), and sometimes the Sages are more stringent (even where R. Judah is more lenient, as in the case where the dispute is about the amount stipulated): the reason is because these cases depend upon different principles. Thus the ruling that the labourer takes the oath in the case of dispute about the amount is R. Judah's view, and not that of the Sages; and Rabbah b. Samuel agrees with the Sages.
- (33) The witnesses merely say that he entered the house to seize the pledge, but they did not see him take it. Why, then,

should the householder be permitted to take an oath, and claim the vessels?

(34) Though the evidence against him is strong; but we must have definite evidence before we can make him pay for the damage.

(35) In the Mishnah.

(36) If the witnesses testify that they actually saw him seize the pledge, they can give evidence and state what the pledge was. What need, then, is there for the householder to take an oath?

(37) The householder claims that he took from him small articles which could easily be hidden under his coat; and though the witnesses saw that he took something, they could not see exactly what it was; therefore the householder takes an oath.

(38) If witnesses saw a man entering another man's house, and hide some articles under his coat, and come out.

Talmud - Mas. Shevu'oth 46b

and said, 'I bought them,'¹ he is not believed.² And we do not say this, except in the case of a householder who does not usually sell his [household] articles; but in the case of a householder who sometimes sells his articles, he is believed.³ And [in the case of a householder] who does not usually sell his household articles we also do not say [that the intruder is not believed] except [with regard to] articles it is not usual to hide,⁴ but [with regard to] articles which it is usual to hide, he is believed.⁵ And [with regard to articles] which it is not usual to hide we also do not say [that he is not believed] except if he is a man who is not decorous, but [in the case of] a decorous man, that is his way.⁶ And we do not say [that he is not believed] except when the householder says he lent them, and the other says he bought them, but [if the householder says the other] stole them, it is not at all in the householder's power [to say so], for we do not assuredly presume a man to be a robber.⁷ And we do not say [that the intruder is not believed] except in the case of articles which it is customary to lend or hire out, but in the case of articles which it is not customary to lend or hire out, he is believed;⁸ for R. Huna b. Abin sent⁹ [his decision that] in the case of articles which it is customary to lend or hire out, and [the intruder] said, 'I bought them,' he is not believed; as in the case where Raba removed a pair of scissors for [cutting] cloth and a book of Aggada¹⁰ from orphans — things which it is customary to lend and hire out.¹¹

Raba said: Even the caretaker may take the oath,¹² and even the caretaker's wife may take the oath. R. Papa inquired: In the case of his hired labourer or retainer,¹³ what is the ruling?¹⁴ — Let it stand.¹⁵

R. Yemar said to R. Ashi: if he claimed from him a silver goblet, what is the ruling?¹⁶ — [He replied:] We see, if he is a man reputed to be wealthy,¹⁷ or a man who is trustworthy so that people deposit [articles] with him,¹⁸ he takes an oath and recovers [the goblet], but if not, he does not.

'HE WHO WAS WOUNDED,' — HOW? Rab Judah said that Samuel said: They did not teach it,¹⁹ except [if the wound were] in a spot where he could have inflicted it himself,²⁰ but if it is in a spot where he could not have inflicted it himself, he receives [compensation] without an oath.²¹ But let us take into consideration that perhaps he rubbed himself against a wall!²² — R. Hiyya taught [that the Mishnah deals with a case] where a bite appeared on his back or between his arm-pits.²³ But perhaps someone else did it to him?²⁴ — There was no other.

'AND HE WHOSE OPPONENT IS SUSPECTED OF SWEARING FALSELY. . . AND EVEN A VAIN OATH.' What is meant by EVEN A VAIN OATH?²⁵ — He²⁶ states a case of 'not only': not only [if he is guilty] in these²⁷ where there is a denial of money, but even in this²⁸ also which is merely a denial of words,²⁹ he is no longer believed [on oath]. Let him²⁶ mention also the oath of utterance. — He mentions only such an oath that at the time of swearing he swears falsely; but the oath of utterance, where it is possible to say that he is swearing the truth,³⁰ he does not mention. Granted, in the case of 'I shall eat,' or, 'I shall not eat';³¹ but in the case of 'I have eaten,' or, 'I have

not eaten,³² what shall we say?³³ — He²⁶ mentions vain oath

- (1) And the householder said he lent them to him.
- (2) The intruder is not believed, even if he desires to take an oath; but the householder takes a consuetudinary oath that he did not sell them or give them to him, and recovers the articles; v. Maim., Yad, To'en we-Nite'am, IX, 4.
- (3) The intruder is believed (with a consuetudinary oath) that he bought them.
- (4) Articles which one is not ashamed to carry openly in the street. This person hid them, apparently because he was ashamed to have to borrow them; if he had really bought them, as he states, he would not have been ashamed to carry them openly.
- (5) That he bought them; and though this householder does not usually sell his household goods, he may have been in need of money on this occasion.
- (6) And he is believed that he bought them, though he carries them hidden under his cloak (and they are articles which other men would carry openly).
- (7) And the intruder is believed that he bought them, even if he is not a decorous man who always carries articles hidden under his cloak.
- (8) When he says he bought them.
- (9) From Palestine, v. B.B. 52b.
- (10) Containing legendary matter and homiletic literature.
- (11) The claimant brought witnesses who testified that the articles were his; and he maintained that he had lent them to the orphans' father. Raba decided in favour of the claimant (who, naturally, must take an oath that he did not give them or sell them to their father). Since Raba decided thus, it is obvious that he holds that if the father had been alive and said he had bought them, he would not have been believed (for these are articles which it is customary to lend), for had the father been believed, it would have been the duty of the Court, in his absence, to put forward the same plea on behalf of the orphans. The book, which the claimant said he had lent the father, happened to be Aggada, but the same rule applies to all books (v. Tosaf. ad loc.; but Rashi differs).
- (12) This refers to the Mishnah that if witnesses testify that an intruder entered another man's house and seized a pledge which he hid under his cloak (so that they could not distinguish what it was) the householder takes an oath that the article is his, and recovers it. Raba says that if the householder was absent when the intruder entered, but the caretaker was there, he takes the oath.
- (13) Upon whom the duty of minding the house does not devolve.
- (14) Do they take the oath in the householder's absence?
- (15) It remains unsolved.
- (16) If the householder claimed from the intruder a valuable object, is he also believed on oath?
- (17) Who is known to have in his home similar objects of value.
- (18) And he states that the silver goblet had been deposited with him by another person.
- (19) In the Mishnah that the injured person takes an oath that the other had inflicted upon him the wound which he exhibits.
- (20) Therefore an oath is necessary that the other did it.
- (21) For witnesses testified that he entered the other's premises whole, and came out injured.
- (22) And injured himself; why should he receive compensation from the other without an oath?
- (23) Or in the elbow joint, which could not have been caused by rubbing against a wall.
- (24) Why should he obtain compensation, without an oath, from the householder? Perhaps another person in the house injured him.
- (25) Why 'EVEN'?
- (26) The Tanna of our Mishnah.
- (27) Having sworn falsely in a case involving an oath of testimony or of deposit.
- (28) Taking a vain oath, e.g., swearing that a pillar of stone is gold.
- (29) Denial (i.e., false statement) involving words only.
- (30) E.g., he swears 'I shall not eat this loaf'; at the moment of swearing he may intend to fulfil it; even if later he is overcome by temptation, and eats it, he should not thereby be accounted untrustworthy and debarred from taking an oath in a money claim.
- (31) It is possible that at the moment of swearing he intends to fulfil them.

(32) Where, at the moment of swearing, he knew he was swearing falsely.

(33) Why should not the Mishnah mention that in such a case, too, he is no longer believed on oath, and his opponent is given the oath.

Talmud - Mas. Shevu'oth 47a

and all that are similar to it.¹

IF ONE OF THEM WAS A DICE-PLAYER. Wherefore is this necessary?² — He [the tanna] mentions a Biblical disqualification, and he mentions a Rabbinic disqualification.³

IF BOTH WERE SUSPECT, etc. Raba said to R. Nahman: 'How did we learn in the Mishnah?'⁴ — He said to him: 'I do not know.' 'What is the law?' — He said to him: 'I do not know.' It was stated: R. Joseph b. Minyomi said that R. Nahman said: R. Jose says, They divide.⁵ And so did R. Zebid b. Oshaia learn: R. Jose says, They divide. Some say.⁶ R. Zebid learned: R. Oshaia said: R. Jose says, They divide. R. Joseph b. Minyomi said: R. Nahman decided a case thus: they divide.

THE OATH RETURNS TO ITS PLACE. Whither does it return? — R. Ammi said: Our Masters of Babylon said, the oath returns to Sinai;⁷ our Masters of the Land of Israel said, the oath returns to him upon whom it devolves.⁸ R. Papa said: Our Masters of Babylon⁹ are Rab and Samuel; our Masters of the Land of Israel are R. Abba.¹⁰ 'Our Masters of Babylon are Rab and Samuel,' for we learnt: AND SO ALSO ORPHANS CANNOT EXACT PAYMENT EXCEPT WITH AN OATH. And we discussed this: From whom? Shall we say, from the borrower?¹¹ Their father would have received payment without an oath, and they require an oath!¹² But it means: 'And so also orphans from orphans cannot exact payment except with an oath.'¹³ And Rab and Samuel both said: They did not teach this,¹⁴ except if the lender died during the lifetime of the borrower;¹⁵ but if the borrower died during the lifetime of the lender, the lender was already obliged to take an oath to the sons of the borrower;¹⁶ and a man cannot bequeath an oath to his sons.¹⁷

'Our Masters of the Land of Israel are R. Abba'; for there was a man who snatched a bar of silver from his neighbour; they came before R. Ammi, and R. Abba was sitting in his presence. He¹⁸ brought one witness that he had snatched it from him. The other said, 'Yes, I snatched it; but it is mine that I snatched.' Said R. Ammi: How shall judges settle this dispute? Shall we say to him, 'Go and pay'?¹⁹ There are not two witnesses.²⁰ Shall we exempt him?²¹ There is one witness [that he snatched].²² Shall we say to him, 'Go and swear'?²³ Since he says, 'I snatched it,' he is like a robber!²⁴ — R. Abba said to him: He is liable to take an oath, and he cannot take the oath; and everyone who is liable to take an oath, and cannot take the oath, must pay.²⁵

Raba said: It is reasonable to agree with R. Abba, for R. Ammi learned: The oath of the Lord shall be between them both²⁶ — but not between the heirs. How is this [to be understood]? Shall we say, that he said to him: 'Your father owed my father a hundred zuz,' and the other replied to him: 'Fifty he owed him, but not the other fifty'; what is the difference between him and his father?²⁷ But then, [it must mean] he said to him: 'Your father owed my father a hundred zuz,' and the other replied to him: 'Fifty I know, but the other fifty I do not know.'²⁸

(1) All oaths in the past which are false the moment they are uttered, just as a vain oath is, are included (as far as disqualifying the offender is concerned) in the category of VAIN OATH.

(2) A dice-player is accounted a robber, and we have already been told that, in the case of a robber, the opponent takes the oath.

(3) A real robber is disqualified by Scripture from taking an oath; but a gambler, since he does not take his winnings by force but with the other's consent, is disqualified merely by the Rabbis.

(4) Was it R. Jose or R. Meir who said that the amount in dispute should be divided? He did not remember what the tradition was.

(5) Later R. Nahman remembered the tradition.

(6) Not that R. Zebid, the son of Oshaia, had that tradition, but that R. Zebid said that R. Oshaia had the tradition that it was R. Jose who holds the view that the plaintiff and defendant divide.

- (7) Since both claimant and defendant are suspected of swearing falsely, neither can be asked to take the oath; it returns to Sinai (its place of origin), for it cannot be applied. The result is, the case cannot be tried by the court, and the matter is left alone until evidence is produced by either of the two.
- (8) The defendant who admits a portion of the claim; and since he cannot take the oath (for he is suspect) he must pay the whole claim.
- (9) Who hold that the oath returns to Sinai.
- (10) v. Sanh. 17b.
- (11) If orphans produce a document showing that the borrower is indebted to their father, can they not exact payment unless they take an oath (mentioned in the Mishnah, supra 45a) that their father did not tell them before he died that the document had been settled?
- (12) Surely not! We do not impose restrictions on orphans.
- (13) The lender and borrower both died, and the lender's sons are claiming from the borrower's sons. Here the lender's sons must take an oath, for the lender himself could not have exacted payment from the borrower's sons without an oath; for payment cannot be exacted from orphans except on oath.
- (14) That the lender's sons receive payment from the borrower's sons, if they take an oath.
- (15) When the lender's sons would have obtained payment from the borrower without an oath; and when the borrower dies, the lender's sons can exact payment from the borrower's sons only with an oath.
- (16) For no payment can be exacted from orphans except with an oath.
- (17) I.e., a man cannot bequeath to his sons money which he himself cannot obtain without an oath. Now, the lender would have to take an oath to the sons of the borrower that he had not yet been paid by their father. When he dies, he cannot transmit this oath to his sons, for their oath (if they were to take one) would have to be, 'We swear that our father did not inform us that the debt had been paid.' (v. Mishnah). Since the father had already become liable to take an oath, and the same oath cannot be transmitted to his sons, they cannot take an oath at all. The sons of the borrower also cannot take an oath that their father had already paid. Hence, Rab and Samuel hold that since neither can take an oath, there is neither oath nor payment; i.e., the oath returns to Sinai.
- (18) The owner of the silver bar; v. supra 32b.
- (19) For he admits that he snatched it; and we cannot believe him when he says it is his own, for every robber could put forward that excuse.
- (20) Who saw him snatch it; he could therefore have denied snatching it; he should therefore be believed when he admits he snatched it, but maintains that it is his.
- (21) For this reason.
- (22) He could not therefore have denied snatching it, for he would have had to take an oath to refute the statement of the witness.
- (23) To refute the statement of the witness.
- (24) And is not believed on oath, v. B.B. (Sonc. ed.) p. 336 and notes.
- (25) Hence R. Abba holds that 'the oath returns to him upon whom it devolves'; and since he cannot take the oath, he pays.
- (26) Ex. XXII, 10.
- (27) Since he definitely admits a portion, and definitely denies a portion, why should he not take the oath, as his father would have taken it?
- (28) He is exempt both from oath (for he cannot take an oath that his father does not owe it, since he is not sure about it) and from payment.

Talmud - Mas. Shevu'oth 47b

Now granted, if you say, that his father in such circumstances, would have been liable [to take an oath],¹ it is therefore necessary for Scripture to exempt the heirs;² but if you say, that his father in such circumstances would also have been exempt,³ wherefore do we need Scripture [to exempt] the heirs!⁴ And Rab and Samuel, how do they expound this [verse]: 'the oath of the Lord etc.'? — They require it for what was taught: Simeon b. Tarfon says: 'The oath of the Lord shall be between them both': this teaches that the oath falls upon both.⁵ Simeon b. Tarfon says: Whence do we know that there is a prohibition to the souter?⁶ Because It is said: Thou shalt not commit adultery:⁷ thou

shalt not cause adultery to be committed.⁸

And ye murmured in your tents.⁹ Simeon b. Tarfon says: You spied out and put to shame the tent of the Omnipresent.¹⁰

As far as the great river, the river Euphrates.¹¹ Simeon b. Tarfon says: Go near a fat man, and be fat.¹² In the School of R. Ishmael it was taught: The servant of a King is like a King.¹³

AND THE SHOPKEEPER WITH HIS ACCOUNT BOOK, etc. It was taught: Rabbi said: What is the object of troubling with this oath?¹⁴ — R. Hiyya said to him:¹⁵ We have already learnt it: Both take an oath and receive [payment] from the householder. — Did he accept it from him, or did he not accept it from him?¹⁶ — Come and hear: It was taught: Rabbi says, ‘The workmen take an oath to the shopkeeper.’¹⁷ Now if it were so,¹⁸ it should be to the householder [that they take the oath].¹⁹ — Raba said: The workmen swear to the householder in the presence of the shopkeeper, so that they may be ashamed because of him.²⁰

It was stated: If two sets of witnesses contradict each other, R. Huna said, this set may come by itself and bear testimony, and that set may come by itself and bear testimony;²¹ but R. Hisda said: What do we want with false witnesses!²² [Where there are] two lenders and two borrowers and two documents — is the point at issue between them.²³ [In the case of] one lender and one borrower and two documents — the holder of the document is at a disadvantage.²⁴ [Where there are] two lenders and one borrower and two documents — that is our Mishnah.²⁵ [But in the case of] two borrowers and one lender and two documents — what [is R. Huna's ruling]?²⁶ Let it stand.²⁷

R. Huna b. Judah raised an objection.

(1) And since he could not take an oath, for he is not sure, he would have had to pay.

(2) That in such circumstances they are entirely exempt.

(3) As Rab and Samuel say, that when an oath cannot be imposed, it ‘returns to Sinai’, i.e., the matter lapses, and there is neither oath nor payment.

(4) Hence, the fact that we do need the verse to exempt the heirs implies that the father would have to pay. Thus, this supports the view of R. Abba.

(5) Even the claimant, though his claim be legitimate, is guilty to some extent for causing an oath to be taken; for he could have had witnesses or a document, when transacting his affair with the defendant, and so have avoided the necessity of imposing an oath on his fellow-suitor; v. supra 39b.

(6) Lit., ‘he who is at the heels of the adulterer,’ i.e., procures prostitutes for him.

(7) Ex. XX, 13.

(8) The Heb. may be pointed as the Hiph'il.

(9) Deut. I, 27.

(10) The Heb. תרגנו (from רגן, to murmur rebelliously) is here divided into תרגנו: you have spied out (from תור), and put to shame (from גנה, pi'el) your tent, i.e., the tent (land) which the Omnipresent had destined for you; you have rejected His offer of the Holy Land.

(11) Deut. I, 7.

(12) Or, touch a person smeared with oil, and you will also become smeared with oil. The river Euphrates is not really greater, but smaller, than the others, for it is mentioned last (of the four rivers, Gen. II, 14), but it is called here ‘the great river’, because it is mentioned in connection with the Holy Land (as its eastern boundary), and anything connected with the Holy Land is great (Rashi). [Maharsha: Though in reality the Euphrates is the longest of the four it is described as great only when mentioned in connection with the Holy Land.]

(13) The Euphrates, servant of the Holy Land, is great like the Holy Land itself.

(14) For there is bound to be one false oath: the shopkeeper swears he gave the workman small change to the value of a sela as instructed, and the workman swears he has not received it; and both claim from the employer, and are paid. Rabbi does not hold that both shall swear; but he does not explain whether he agrees with Ben Nannus that both are paid

without an oath, or that the workman alone takes an oath that he has not been paid by the shopkeeper, and he is paid by the shopkeeper, so that the shopkeeper loses (if he has really paid him once); and it is right that he should lose, for he ought to have paid the workman in the presence of witnesses.

(15) You yourself, the Editor of the Mishnah, stated definitely in our Mishnah (supra 45a) that both take the oath (Rashi).

(16) Did Rabbi accept this statement from R. Hiyya, i.e., did Rabbi, though at first holding the view that there should not be two oaths imposed (because one would be false), later change his mind, and agree that both should take the oath?

(17) That they have not been paid, and he must pay them.

(18) That Rabbi changed his mind.

(19) For that is his view in the Mishnah that both shopkeeper and workman take the oath, and obtain their due from the householder.

(20) Rabbi did change his mind, and both the shopkeeper as well as the workmen, take the oath to the householder; when he states that they swear to the shopkeeper, he means, in the presence of the shopkeeper: that may deter them from swearing falsely, for they might be ashamed to swear in front of him that they had not received their money, if in reality they had.

(21) In the present case, of course, since the evidence is contradictory, the accused is exempt; but in any future case, each set is qualified to testify, for, since we do not know which of the two sets had testified falsely in the first case, we cannot disqualify either; but one witness of the first set together with one witness of the second set cannot combine to testify in any case, for one of them is certainly a false witness.

(22) Neither set is qualified to testify, because one set is false.

(23) Two separate cases of lender, borrower and bond; one set of these witnesses had signed the bond in one case, and the other had signed the bond in the other case. According to R. Huna, both bonds are correct and legally enforceable, and according to R. Hisda, both bonds are invalid.

(24) One lender lent one borrower two loans, for which he produces two documents, on one of which one set of witnesses had signed, and on the other of which the other set of witnesses had signed. Both R. Huna and R. Hisda agree that since this lender desires to exact money from the borrower on both documents, on one of which (though we do not know which one) false witnesses had signed, he may obtain payment on one loan only, the lesser one; and he loses the bigger loan, for the borrower may maintain that the witnesses who had signed on the larger amount are the false witnesses; since the lender cannot prove the contrary, he cannot obtain that loan.

(25) Two lenders, each producing a document against the same person, one document having been signed by one set of witnesses and the other document by the other set: R. Huna holds both documents can be enforced, for the case is similar to that of our Mishnah where both shopkeeper and workman take the oath and enforce their claims against the householder, though we know definitely that one of them is swearing falsely; but we cannot deprive either of them of his money; so here, both lenders can enforce their claims. Though, according to R. Hisda, neither, of course, can enforce his claim; cf. next note.

(26) The lender produces two documents against two borrowers: does R. Huna hold, since it is one man who produces both documents (one of which is definitely signed by false witnesses), the court cannot uphold his claim at all, for each borrower may maintain that the document against him is the false one; or since his claim is against two separate people, he produces one document at a time and enforces his claim, for R. Huna holds that both sets of witnesses are believed separately. According to R. Hisda, of course, the claims cannot be enforced, for he holds that both sets of witnesses, even separately, are disqualified (even when two different lenders are the claimants).

(27) We do not know R. Huna's view in such a case.

Talmud - Mas. Shevu'oth 48a

If one said it was two ox-goads high, and the other said three, their testimony is valid;¹ but if one said three, and the other said five, their testimony is invalid; but they may join for other testimony.² Now does this not mean for testimony in a money matter?³ — Raba said: [No! it means] he and another may join for other testimony for [this] new moon; for they are now two against one, and the words of one are of no value where there are two.⁴

HE SAID TO THE SHOPKEEPER: 'GIVE ME FOR A DENAR FRUIT,' etc. It was taught: R.

Judah said: When [do we say that the householder takes the oath]? If the fruits are heaped up and lying there, and both are contesting about them; but if he threw them into his basket over his back, he who wishes to exact from his neighbour must bring proof.⁵

HE SAID TO THE MONEY CHANGER: 'GIVE ME etc.' It is necessary [for both clauses to be stated],⁶ for if he had taught us only the first one, [we might have thought] in that case the Rabbis⁷ say [that the householder takes an oath]⁸ because fruit may decay, and because it decays they do not keep it,⁹ but in the case of money, which does not decay, we might think they agree with R. Judah.¹⁰ And if this [second clause] had been stated, [we might have thought] in this case R. Judah says [that the householder does not take an oath],¹¹ but in that [first clause] I might have thought he agrees with the Rabbis,¹² therefore [both clauses are] necessary.¹³

JUST AS THEY SAID THAT SHE WHO IMPAIRS HER KETHUBAH. . .SO ALSO ORPHANS CANNOT EXACT PAYMENT EXCEPT WITH AN OATH. From whom?¹⁴ Shall we say, from the borrower? Their father would have obtained payment without an oath; and they require an oath! — Thus he [the Tanna] means: So also orphans from orphans cannot exact payment except with an oath. Rab and Samuel both said: They did not teach this except if the lender died during the lifetime of the borrower; but if the borrower died during the lifetime of the lender, the lender had already become liable to take an oath to the children of the borrower; and a man cannot bequeath an oath to his children.

They sent this [question] to R. Eleazar: What is the nature of this oath?¹⁵ — He sent them [the reply]: The heirs swear the oath of heirs, and receive [their due].¹⁶

They sent this [question also] in the days¹⁷ of R. Ammi. He exclaimed: So often do they continue sending this [question]! If I would have found some argument in connection with it, would I not have sent it to them? But, said R. Ammi, since it has come to us, we will say something concerning it: If he stood in the court¹⁸ and died, the lender had already become liable to take an oath to the children of the borrower, and a man cannot bequeath an oath to his children; but if he died before he came to the court,¹⁹ the heirs swear the oath of heirs, and receive [their due]. To this R. Nahman demurred: Is it the Court that makes him liable to take the oath? From the time that the borrower died, the lender had already become liable to take an oath to the children of the borrower!²⁰ But, said R. Nahman, if the ruling of Rab and Samuel is accepted, it is accepted; and if not, not.²¹ Hence, he is in doubt,²² But did not R. Joseph b. Minyomi say that R. Nahman decided a case that they should divide?²³ — According to the view of R. Meir, he means; but he himself does not agree.²⁴

R. Oshaia raised an objection: If she died, her heirs mention her kethubah until twenty five years [have elapsed]!²⁵ Here we are discussing a case where she took the oath, and then died.²⁶

Come and hear: If he married a first [wife], and she died; and he married a second, and he died, the second and her heirs come before the heirs of the first.²⁷ — Here also, she took the oath and then died.

Come and hear: But his heirs make her take an oath, and her heirs, and those who come with her authority.²⁸ — R. Shemaiah said: Alternatives are stated: 'her', if she is a widow; and 'her heirs', if she is divorced.²⁹ R. Nathan b. Hoshaiia raised an objection: The son's power is more extensive than the father's power.

(1) Two witnesses who saw the New Moon came to inform the Beth din in Jerusalem; one of them said it appeared to him to be above the horizon about the height of two ox-goads; the other said three ox-goads; since their estimates differ only slightly, we believe them that they really did see the new moon, and the New Moon and festivals dependent on it can be fixed in accordance with their testimony.

(2) R.H. 24a.

(3) Each one of these witnesses may join another in a case concerning a money claim, and is accepted as a qualified witness, though we know that one of them is a false witness. This is an argument against R. Hisda.

(4) One of these two witnesses may be joined to another who agrees with him, so that there are now two against the one who had testified differently.

(5) The householder said to the shopkeeper: 'Give me fruit for a denar,' and the shopkeeper gave him; then asked him for the denar; and the householder said he had paid him; the householder takes an oath to that effect, and is free. R. Judah says this is the case only if the fruit is lying between them, but if the householder had already taken possession, he does not take an oath, but the shopkeeper (who now desires to exact from him either the money or the fruit) must bring proof that he has not yet paid him, and if he has no proof, he loses.

(6) Why does the Mishnah state the clause of the money changer? It is exactly the same as the case of the shopkeeper selling fruit.

(7) The representative of the anonymous opinion in the Mishnah.

(8) Even if the fruit is already in his basket.

(9) The shopkeeper therefore hurriedly threw it into the purchaser's basket, even before he received the money, so that the purchaser should not change his mind; therefore, even if the fruit is already in the purchaser's basket, it is possible he has not yet paid the shopkeeper, and he must take an oath.

(10) That the householder does not need to take an oath that he had already given the money-changer the denar, for the money-changer would not have given him the small change before he had received the denar.

(11) And we believe him that he has paid the money-changer, for the money-changer would not have given him the small change before receiving the denar.

(12) That the householder takes an oath, for in the case of fruit, the shopkeeper may have put it into the purchaser's basket before receiving the money.

(13) To teach us that R. Judah and the Rabbis disagree in both.

(14) V. supra 47a, where the whole passage is explained.

(15) Which the orphans swear to the orphans? Can they always exact money with this oath, even if the borrower had died during the lifetime of the lender (when, according to Rab and Samuel, the orphans cannot take an oath, and cannot obtain the money)?

(16) If the borrower died during the lifetime of the lender, and then the lender died, his heirs take the oath that is imposed in such a case on heirs, that their father had not told them (or left any document) that the debt due to him had been paid, and they exact the money from the borrower's heirs. R. Eleazar thus differs from Rab and Samuel and holds that a man may bequeath an oath to his children, though it cannot naturally be the same oath: the oath he would have had to take is: 'I have not yet been paid this debt by your father.' The oath the orphans take is: 'Our father has not left us instructions that your father's debt has been paid.' [The interpretation adopted here follows text in cur. edd. MS.M., however, furnishes a better reading which is also that of Asheri: 'They sent (i.e., the above question) to R. Eleazar, (to which) he replied: What is the import of this oath (i.e. why should the oath which the father would have had to take be considered more effective than any other oath)? Hence the heirs swear the oath of heirs etc.]

(17) [MS.M.: 'before R. Ammi'.]

(18) If the lender had already appeared at court with his claim against the borrower's heirs, and been bidden to take an oath, and then, before the oath, had died, he cannot bequeath this oath, to which he had already become liable, to his heirs; and the claim lapses.

(19) He had not as yet become liable to take the oath.

(20) Even if he died before bringing his claim to the court, he had already become liable for the oath; i.e., he could not have obtained payment from the borrower's heirs except with the oath. Hence, if the lender cannot bequeath an oath to his children, they cannot, even in such a case, take the oath of heirs.

(21) Either the lender can, or cannot, bequeath his oath; we cannot accept R. Ammi's distinction.

(22) As to whether the ruling of Rab and Samuel holds good or not.

(23) Supra 47a, where it is explained that according to Rab and Samuel 'the oath returns to Sinai', and the case lapses. Hence, R. Nahman, in deciding that the claimant and borrower divide, does not agree with Rab and Samuel.

(24) The ruling of Rab and Samuel is applicable to R. Meir's view that the oath returns to Sinai; and on this R. Nahman says that R. Ammi's differentiation is irrational; but R. Nahman himself does not agree with R. Meir, but with R. Jose, that they divide. [MS.M. substitutes 'R. Ammi' for R. Meir, which simplifies the argument.]

(25) Keth. 104a. A widow who had not yet been paid her kethubah from her husband's estate, and died, bequeaths this claim to her heirs; but they must 'mention' it, i.e., claim it, within 25 years of her husband's death. Now the widow herself could not have obtained her kethubah from the husband's heirs except with an oath (supra 45a); yet when she dies, her heirs can claim the kethubah with the oath that heirs take ('Our mother did not leave instructions that she had received the kethubah'). Hence, though the borrower died during the lifetime of the lender (the husband who owes the kethubah died during the lifetime of the wife), and the lender (wife) had already become liable to take an oath to the heirs, she may bequeath the oath to her heirs. This is an argument against Rab and Samuel.

(26) Since she had already taken the oath, the kethubah is virtually in her possession, and her heirs do not need to take an oath, but merely exact payment.

(27) Keth. 90a; when he died, the second wife who is still alive, has a claim (the kethubah) against his estate, if she dies before receiving the money, her heirs exact payment; but the heirs of the first wife have no claim for kethubah (for she died before her husband). When the kethubah has been paid to the heirs of the second wife, the heirs of the first wife also, of course, participate in their father's inheritance together with their stepbrothers. The Mishnah states, however, that the heirs of the second wife can exact payment of the kethubah; the second wife herself can obtain the kethubah only with an oath from the husband's heirs; her heirs must also take an oath; hence she can bequeath an oath to her heirs. This is an argument against Rab and Samuel.

(28) Keth. 86b. If he gave his wife a written agreement that he would not demand an oath of her (in a case where she would otherwise have to take an oath, e.g., if she impairs a kethubah, supra 45a), nor would he demand an oath of her heirs, nor of those who come with her authority (i.e., those to whom she sold her kethubah, and who would be entitled to the kethubah on her divorce or death), he cannot impose an oath upon her, her heirs, etc. But if he dies, his heirs may impose the oath upon her, her heirs, etc., i.e., if she claims her kethubah from the husband's heirs, she must take an oath; if she dies, her heirs take an oath and obtain the kethubah. Hence she bequeaths the oath to her heirs. This is an argument against Rab and Samuel. Here it cannot be said that she had already taken the oath, and then died; for in that case her heirs would not require to take an oath, whereas the Mishnah states definitely that the husband's heirs make the wife's heirs take an oath.

(29) The husband's heirs make 'her' take an oath, if she is a widow; she can obtain her kethubah from her husband's estate only by taking an oath to his heirs (that she has not yet been paid); but if she dies before she obtains her kethubah, 'her heirs' cannot obtain it from the husband's heirs, because she cannot bequeath the oath (as Rab and Samuel say). The Mishnah which states that the husband's heirs make her heirs take an oath refers to a case where she was divorced (the husband now being liable to pay her the kethubah without imposing an oath on her, for he had given her a written agreement that he himself would not demand an oath of her), then she died before obtaining the kethubah, then the husband died; now, when she died, the kethubah was already due to her without an oath: this money claim she may bequeath to her heirs; but when her heirs wish to exact payment from the husband's heirs, they must take an oath (for orphans from orphans can only exact payment with an oath).

Talmud - Mas. Shevu'oth 48b

for the son exacts payment either with an oath or without an oath,¹ whereas the father exacts payment only with an oath.² Now, in what circumstances? [Obviously] if the borrower died during the lifetime of the lender;³ and yet it states that the son exacts payment either with an oath or without an oath: 'with an oath' — the oath of heirs; without an oath' — as R. Simeon b. Gamaliel says!⁴ — R. Joseph said: This is in accordance with the view of Beth Shammai who hold that a bond which is ready to be collected is counted as if it is already collected.⁵ R. Nahman happened to come to Sura. R. Hisda and Rabbah son of R. Huna went in to him, and said to him: Come, sir, abrogate this ruling of Rab and Samuel.⁶ He replied to them: Have I taken the trouble to come all these parasangs⁷ in order to abrogate the ruling of Rab and Samuel? But grant, at least, that we do not add to it.⁸ As, for example? That which R. Papa said: He who impairs his bond, and died, his heirs swear the oath of heirs, and obtain payment.⁹

There was a man who died, and left a guarantor.¹⁰ R. Papa thought of saying in this case also [the principle] that 'we should not add to it' applies.¹¹ Said R. Huna the son of R. Joshua to R. Papa: Will not the guarantor go after the orphans?¹² There was a certain man who died, and left a brother,¹³

Rami b. Hama thought of saying this is also a case where [the principle] ‘we should not add to it’ applies.¹⁴ Said Raba to him: What is the difference between ‘my father did not instruct me etc.’ and ‘my brother did not instruct me etc.’?¹⁵

R. Hama said: Now, since the law has not been stated either in accordance with the view of Rab and Samuel or in accordance with the view of R. Eleazar,¹⁶ if a judge decides as Rab and Samuel, it is legal; if he decides as R. Eleazar, it is also legal.

R. Papa said: This document of orphans¹⁷ we do not tear up, and we do not exact payment on it. ‘We do not exact payment on it,’ — in case we agree with Rab and Samuel;¹⁸ and ‘we do not tear up,’ — for if a judge decides as R. Eleazar, it is legal.¹⁹

There was a judge who decided as R. Eleazar. There was a Rabbinic scholar in his town who said to him: I can bring a letter from the West²⁰ that the law is not in accordance with R. Eleazar. He replied to him: When you bring it.²¹ He came before R. Hama. He²² said to him: If a judge decides as R. Eleazar, it is legal.

AND THESE TAKE AN OATH [THOUGH NO CLAIM IS PREFERRED AGAINST THEM]. Are we discussing the case of idiots?²³ — Thus he means: ‘And these take an oath not in a definite claim, but in a doubtful claim: partners, tenants, [etc.]’²⁴ A Tanna taught: THE SON OF THE HOUSE who was mentioned [in the Mishnah as liable to take an oath] does not mean that he walks in and walks out,²⁵ but he brings in labourers and takes out labourers, brings in produce and takes out produce.²⁶ And wherein are these different?²⁷ — Because they allow themselves permission in it.²⁸ R. Joseph b. Minyomi said that R. Nahman said: But only when the claim between them is [at least] two silver [ma'ahs].²⁹ In accordance with whose view? — Samuel's?³⁰ But R. Hiyya taught in support of Rab!³¹ — Say, the denial of the claim,³² as Rab holds.

IF THE PARTNERS OR TENANTS HAD DIVIDED,³³ [AN OATH CANNOT BE IMPOSED]. They enquired: Can this oath be superimposed on a Rabbinic oath?³⁴ — Come and hear: If he borrowed from him on the eve of the Sabbatical year, and on the termination of the Sabbatical year he became a partner with him, or a tenant, we do not impose on him [any previous oath together with the present oath].³⁵ The reason is because he borrowed from him on the eve of the Sabbatical year, so that when the Sabbatical year came, it cancelled it; but in any other of the seven years, we do impose on him [a previous oath]!³⁶ — Do not infer that in any of the other seven years we do impose on him [a previous oath].³⁷ but infer thus: If he became a partner with him, or a tenant, on the eve of the Sabbatical year, and on the termination of the Sabbatical year, he borrowed from him, we impose on him [a previous oath].³⁸ But this is already stated clearly: If he became a partner with him, or a tenant, on the eve of the Sabbatical year, and on the termination of the Sabbatical year, he borrowed from him, we impose on him [a previous oath]!³⁹ — Therefore, we deduce that we superimpose the oath on a Rabbinic oath.⁴⁰ It is proven.

R. Huna said:

(1) The lender's heir exacts payment from the borrower's heir with an oath (that his father had told him that the debt was not yet paid), or without an oath, if there were witnesses that the father had said before he died that the debt was unpaid (supra 45a).

(2) From the borrower's heirs.

(3) The statement that the father exacts payment only with an oath can only refer to a case where the borrower is already dead, and the father (i.e., the lender) is claiming from the heirs, for if the borrower is alive the lender does not need to take an oath (for he produces a document).

(4) Supra 45a; if there are witnesses that the father said at the time of his death that the document was not settled, the heir obtains payment of the debt without an oath. However, the Baraita states that the son exacts payment with an oath

from the heirs, where the borrower died during the lifetime of the lender. This is opposed to the view of Rab and Samuel. (5) Sot. 25a; if the husband of a woman suspected of infidelity (sotah, v. Glos.) died before she drank of the 'bitter waters' (Num. V, 11-31), she does not need to undergo the ordeal, and obtains payment of her kethubah; and though it is possible that she did, in fact, commit adultery, yet, since she has the document (ketubah) setting forth her husband's indebtedness to her, it is as if her husband's property were assigned to her and in her possession; and it is the husband's heirs who would require to bring proof that she was unfaithful, if they desired to deprive her of the kethubah; and if no proof is forthcoming, she obtains payment of the kethubah. This is the view of Beth Shammai, who hold that the money in the document is reckoned as if it is already collected and in the possession of the holder of the document. Here also, if the borrower died during the lifetime of the lender, the money is counted as if it is already in the possession of the lender (since he produces a document), though the Sages made a regulation that the lender must take an oath to the borrower's heirs. Hence, the lender is not bequeathing an oath to his sons, but a definite money asset (though the sons, when claiming from the borrower's heirs, must also take an oath, according to Rabbinic regulation). Rab and Samuel, however, agree with Beth Hillel that the money in the document is not counted as if it is already collected; Sot. 25b.

(6) That a man cannot bequeath an oath to his son, with the implication of this ruling.

(7) [From Mahuza, the home of R. Nahman, to Sura, was a distance of about 60 miles.]

(8) But agree with Rab and Samuel only in such a case as they stated; and do not extend their ruling to apply to other cases.

(9) If the holder of a bond admitted having received part payment, he cannot obtain the rest without an oath. If he dies, his heirs swear the oath of heirs, and obtain payment; and we do not, in this case, apply the ruling of Rab and Samuel that a man cannot bequeath an oath to his heirs.

(10) One man lent money to another on a document, and a third person became a surety for the loan. The borrower died (so that the lender became liable for an oath), then the lender died; and his heirs claimed from the surety.

(11) That we should not apply the restrictive ruling of Rab and Samuel, but permit the heirs to take an oath to the surety, and obtain their money.

(12) He will claim from the heirs of the borrower; hence, the heirs of the lender, if permitted to take an oath and claim from the guarantor, will ultimately be depriving the borrower's heirs because of this oath; and to such a case the ruling of Rab and Samuel applies.

(13) The lender died childless, and left a brother as his heir; the borrower had previously died, leaving children. The lender's brother now claims from the borrower's children.

(14) But that the brother should be allowed to take an oath and exact payment from the borrower's heirs, for Rab and Samuel said only the children of the lender could not take the oath in such circumstances. Let us not add the reservation also in regard to the brother of the lender,

(15) The children of the lender take the oath: 'Our father did not instruct us that the bond is paid.' The brother would have to say, 'My brother did not instruct me, etc.' There is no difference; and since Rab and Samuel ruled that the lender could not bequeath the oath to his sons, they hold similarly that he cannot bequeath it to his brother.

(16) Supra 48a, that the oath can be bequeathed to the heirs.

(17) Where the borrower died during the lifetime of the lender, then the lender died.

(18) I.e., in case they are right.

(19) The lender's heirs may find such a judge, and exact payment.

(20) The Palestinian scholars.

(21) I will believe you.

(22) R. Mama.

(23) If nobody is claiming from them, why should they take an oath?

(24) If one partner suspects the other (though he admits he is not certain) of fraudulently converting a part of their joint holdings to his own use, the accused must take an oath to refute the accusation.

(25) That he is merely a member of the household.

(26) He attends to the business.

(27) Why should these have to take an oath for a doubtful accusation?

(28) Because they are engaged in the management of the property, they permit themselves certain liberties, and appropriate some of the funds for themselves.

(29) One partner says: 'I believe you may have appropriated two ma'ahs for yourself,' and the other admits a portion; he must take an oath to refute the rest of the claim. If the accusation is for an amount less than two ma'ahs there is no oath.

(30) Supra 39b.

(31) That the denial in the claim must be at least two ma'ahs; supra 40a.

(32) R. Nahman meant the denial must be two ma'ahs.

(33) Their property, i.e., dissolved partnership; one of the partners cannot afterwards make the other swear to refute a doubtful accusation. If, however, he has to take an oath in connection with another dispute, this oath too is at the same time included; supra 45a.

(34) If the partner was liable only for a Rabbinic oath (e.g., consuetudinary oath) in the other dispute, can an oath be imposed upon him in this case too where, after their separation, the other partner accuses him of misappropriation of their joint funds? Or is this oath included only if the other oath (which is definitely imposed upon him) is a Biblical oath (e.g., **מודה במקצת**)?

(35) If, for example, he denied completely the loan which he borrowed on the eve of the Sabbatical year, and now, having become a partner on the termination of the Sabbatical year, an oath is imposed upon him because of his partner's accusation against him of misappropriation, the court does not include in the present oath any reference to his denial of the loan, for the Sabbatical year has cancelled the loan.

(36) The inference is that if he had borrowed in any other year (the Sabbatical year not intervening), and later became a partner, the oath which he is liable for denying the whole loan would have been included in the present oath imposed on him by his partner. Hence, though the present oath is only a Rabbinic regulation, it has the power to include in it another oath. The oath for denying the whole loan, it is here assumed, can only be included in some other oath, for as yet, in the mishnaic period, the consuetudinary oath had not been instituted; it was instituted much later by R. Nahman (supra 40b).

(37) For it may be that since the oath imposed by the partner is only Rabbinic, it has not the power to include another oath with it.

(38) If they dissolved partnership, and then on the termination of the Sabbatical year one partner borrowed from the other, and later admitted a portion of the loan, but denied the rest (for which he is liable a Biblical oath), we impose on him also the previous oath which his partner makes him take by accusing him, after the dissolution, of a previous fraudulence. Hence, it is because he is liable to take a Biblical oath (being a **מודה במקצת**) that we include also the previous Rabbinic oath. This Baraita wishes to teach us also that the Sabbatical year does not cancel the partner's oath; it cancels only oaths attached to loans as well as the loans themselves.

(39) Since this is already expressly stated, why should we assume that this is what the first clause desires us to deduce by inference?

(40) As we inferred from the first clause at the beginning.

Talmud - Mas. Shevu'oth 49a

On all [oaths] we impose others, except on [the oath of] the hired labourer on which we do not impose others.¹ R. Hisda said: To all we are not lenient,² except a hired labourer to whom we are lenient. What is the difference between them?³ — There is this difference: [whether the court] find an opening for him [to impose another oath].⁴

BUT THE SABBATICAL YEAR CANCELS THE OATH. Whence do we know this? — R. Giddal said that Rab said: Because Scripture says. And this is the word of the release:⁵ even a 'word'⁶ it releases.

CHAPTER VIII

MISHNAH. THERE ARE FOUR GUARDIANS: AN UNPAID GUARDIAN, A BORROWER, A PAID GUARDIAN, AND A HIRER.⁷ AN UNPAID GUARDIAN TAKES AN OATH IN ALL CASES;⁸ A BORROWER PAYS IN ALL CASES;⁹ A PAID GUARDIAN AND A HIRER TAKE AN OATH IN THE CASE OF INJURY, CAPTURE,¹⁰ OR DEATH, BUT PAY FOR LOSS OR THEFT.

IF HE [THE OWNER] SAID TO THE UNPAID GUARDIAN, 'WHERE IS MY OX?' AND HE REPLIED TO HIM, 'IT DIED,' WHEREAS IT WAS INJURED OR CAPTURED OR STOLEN OR

LOST; [OR HE REPLIED], 'IT WAS INJURED,' WHEREAS IT DIED OR WAS CAPTURED OR STOLEN OR LOST; [OR HE REPLIED,] 'IT WAS CAPTURED,' WHEREAS IT DIED OR WAS INJURED OR STOLEN OR LOST; [OR HE REPLIED,] 'IT WAS STOLEN,' WHEREAS IT DIED OR WAS INJURED OR CAPTURED OR LOST; [OR HE REPLIED,] 'IT WAS LOST,' WHEREAS IT DIED OR WAS INJURED OR CAPTURED OR STOLEN; [AND THE OWNER SAID,] 'I ADJURE YOU,' AND HE SAID, 'AMEN', HE IS EXEMPT.¹¹

[IF THE OWNER SAID,] 'WHERE IS MY OX?' AND HE REPLIED TO HIM, 'I DO NOT KNOW WHAT YOU SAY,' WHEREAS IT DIED OR WAS INJURED OR CAPTURED OR STOLEN OR LOST; [AND THE OWNER SAID,] 'I ADJURE YOU,' AND HE SAID, AMEN, HE IS EXEMPT.¹²

[IF THE OWNER SAID,] 'WHERE IS MY OX?' AND HE REPLIED TO HIM, 'IT WAS LOST'; [AND THE OWNER SAID,] 'I ADJURE YOU', AND HE SAID, 'AMEN'; AND WITNESSES TESTIFIED AGAINST HIM THAT HE HAD CONSUMED IT, HE PAYS THE PRINCIPAL; IF HE CONFESSED HIMSELF, HE PAYS THE PRINCIPAL, FIFTH, AND GUILT-OFFERING.¹³

[IF THE OWNER SAID,] 'WHERE IS MY OX?' AND HE REPLIED TO HIM, 'IT WAS STOLEN;' [AND THE OWNER SAID,] 'I ADJURE YOU, AND HE SAID, 'AMEN;' AND WITNESSES TESTIFIED AGAINST HIM THAT HE HIMSELF STOLE IT, HE PAYS DOUBLE;¹⁴ IF HE CONFESSED HIMSELF, HE PAYS THE PRINCIPAL,¹⁵ FIFTH, AND GUILT-OFFERING.

IF A MAN SAID TO ONE IN THE STREET, 'WHERE IS MY OX WHICH YOU HAVE STOLEN?' AND HE REPLIED, 'I DID NOT STEAL IT,' AND WITNESSES TESTIFIED AGAINST HIM THAT HE DID STEAL IT, HE PAYS DOUBLE;¹⁶ IF HE KILLED IT OR SOLD IT, HE PAYS FOUR OR FIVE TIMES ITS VALUE.¹⁷ IF HE SAW WITNESSES COMING NEARER AND NEARER, AND HE SAID, I DID STEAL IT, BUT I DID NOT KILL OR SELL IT,' HE PAYS ONLY THE PRINCIPAL.¹⁸ IF HE [THE OWNER] SAID TO THE BORROWER, 'WHERE IS MY OX?' AND HE REPLIED TO HIM,

(1) If a man is liable to take even a Rabbinic oath, other Rabbinic oaths may be included at the same time at the instance of the claimant; but when the labourer has to take an oath that he has not received his wages, the court do not permit the employer to include any other oath; for in reality the labourer should be believed without an oath; and it is only to appease the employer that an oath is imposed on him (supra 45a), therefore the court do not allow other oaths to be added.

(2) But impose other oaths.

(3) R. Huna and R. Hisda appear to say the same thing.

(4) According to R. Huna, even if the claimant does not urge the imposing of other oaths, the court investigate and ask the claimant whether he has any further claims against the defendant in which an oath might be imposed; but according to R. Hisda the court are not lenient with the defendant if the claimant wishes to impose other oaths (and they permit the imposition), but they do not themselves, if the claimant does not urge it, endeavour to find an opening for the imposition of other oaths (Rashi).

(5) Literal rendering of Deut. XV, 2; E.V. 'the manner of the release.'

(6) I.e., oath.

(7) They must all guard the object given in to their care, but their liability varies.

(8) That he has not deliberately been neglectful, and is free from liability.

(9) Of injury, capture, death, loss, and theft; but if the animal died in the course of its work, he is free, for he borrowed it for that purpose.

(10) Forcible capture by robbers, which is counted an accident for which he is not responsible.

(11) From a guilt-offering for denying a deposit on oath; for he is liable for an offering only in a case where, if he had

admitted the truth, he would have had to make restitution; by his denial on oath, therefore, he wishes to free himself from payment, and if it is found that he has sworn falsely, he brings a guilt-offering and makes restitution, adding also a fifth of its value (Lev. V, 21-26). In this case of an unpaid guardian, however, he did not, by his denial, wish to exempt himself from payment; for even if he had admitted the truth, he would have been exempt; therefore he does not bring a guilt-offering.

(12) For even if he had admitted the truth, he would have been free from payment.

(13) According to the law governing oath of deposit; if he confesses, and repents and desires atonement, he pays back the principal, adds a fifth of its value, and brings a guilt-offering: they shall confess their sin . . . and he shall make restitution for his guilt in full, and add unto it the fifth part thereof. . . besides the ram of the atonement. . . (Num. V, 7, 8).

(14) An unpaid guardian who tries to free himself by maintaining that the animal was stolen, whereas he himself had stolen it, pays double (like a thief); but if he tries to free himself by maintaining that it was lost (as in the previous clause), whereas he had himself stolen it, he does not pay double; v. B.K. 63b.

(15) But not double, for that is a fine, which is not imposed on his own confession.

(16) Ex. XXII, 3.

(17) Ibid. XXI, 37.

(18) For since he confessed that he stole it (though he confessed only out of fear of the witnesses), it is a proper confession, and he is exempt from paying double for the theft; and since there is no double, there is no fourfold or fivefold payment (though he denied the selling or killing, and witnesses testified against him that he did steal and kill or sell); v. B.K. 75b.

Talmud - Mas. Shevu'oth 49b

'IT DIED,' WHEREAS IT WAS INJURED OR CAPTURED OR STOLEN OR LOST; [OR HE REPLIED,] 'IT WAS INJURED,' WHEREAS IT DIED OR WAS CAPTURED OR STOLEN OR LOST; [OR HE REPLIED,] 'IT WAS CAPTURED, WHEREAS IT DIED OR WAS INJURED OR STOLEN OR LOST; [OR HE REPLIED,] 'IT WAS STOLEN, WHEREAS IT DIED OR WAS INJURED OR CAPTURED OR LOST; [OR HE REPLIED,] 'IT WAS LOST, WHEREAS IT DIED OR WAS INJURED OR CAPTURED OR STOLEN; [AND THE OWNER SAID,] 'I ADJURE YOU,' AND HE SAID, 'AMEN,' HE IS EXEMPT.¹

[IF THE OWNER SAID,] 'WHERE IS MY OX?' AND HE REPLIED TO HIM, 'I DO NOT KNOW WHAT YOU SAY,' WHEREAS IT DIED OR WAS INJURED OR CAPTURED OR STOLEN OR LOST; [AND THE OWNER SAID,] 'I ADJURE YOU,' AND HE SAID, 'AMEN,' HE IS LIABLE.²

IF HE SAID TO A PAID GUARDIAN, OR HIRER. 'WHERE IS MY OX?' AND HE REPLIED TO HIM, 'IT DIED,' WHEREAS IT WAS INJURED OR CAPTURED; [OR HE REPLIED,] 'IT WAS INJURED,' WHEREAS IT DIED OR WAS CAPTURED; [OR HE REPLIED,] 'IT WAS CAPTURED,' WHEREAS IT DIED OR WAS INJURED;³ [OR HE REPLIED,] 'IT WAS STOLEN, WHEREAS IT WAS LOST; [OR HE REPLIED,] 'IT WAS LOST,' WHEREAS IT WAS STOLEN;⁴ [AND THE OWNER SAID,] 'I ADJURE YOU,' AND HE SAID, 'AMEN,' HE IS EXEMPT. [IF HE REPLIED,] 'IT DIED,' OR, 'IT WAS INJURED,' OR, 'IT WAS CAPTURED,' WHEREAS IT WAS STOLEN OR LOST; [AND THE OWNER SAID,] 'I ADJURE YOU.' AND HE SAID, 'AMEN,' HE IS LIABLE.⁵ [IF HE REPLIED,] 'IT WAS LOST,' OR, 'IT WAS STOLEN,' WHEREAS IT DIED OR WAS INJURED OR CAPTURED; [AND THE OWNER SAID,] 'I ADJURE YOU,' AND HE SAID, 'AMEN,' HE IS EXEMPT.⁶ THIS IS THE PRINCIPLE: HE WHO [BY LYING] CHANGES FROM LIABILITY TO LIABILITY. OR FROM EXEMPTION TO EXEMPTION, OR FROM EXEMPTION TO LIABILITY, IS EXEMPT;⁷ FROM LIABILITY TO EXEMPTION, IS LIABLE. THIS IS THE PRINCIPLE: HE WHO TAKES AN OATH TO MAKE IT MORE LENIENT FOR HIMSELF, IS LIABLE; TO MAKE IT MORE STRINGENT FOR HIMSELF, IS EXEMPT.⁸

GEMARA. Who is the Tanna who holds that there are four guardians? — R. Nahman said that Rabbah b. Abbuha said: It is R. Meir. Said Raba to R. Nahman: Is there then a tanna who does not hold that there are four guardians!⁹ — He said to him: Thus I meant to say to you: Who is the tanna who holds that a hirer is like a paid guardian? Rabbah b. Abbuha said: It is R. Meir. But surely, we have heard that R. Meir holds the reverse [view], for we learnt: A hirer: how does he pay? R. Meir said: Like an unpaid guardian; R. Judah said: Like a paid guardian! — Rabbah b. Abbuha learned it reversed.¹⁰

Are they four? They are three!¹¹ — R. Nahman b. Isaac said: There are four guardians, but their regulations are three. IF HE SAID TO AN UNPAID GUARDIAN, etc. ‘WHERE IS MY OX?’ etc. IF HE SAID TO ONE IN THE STREET, etc. IF HE SAID TO A GUARDIAN,¹² etc. WHERE IS MY OX?’ HE REPLIED TO HIM, ‘I DO NOT KNOW WHAT YOU SAY,’ etc. Rab said: They are all exempt from the oath of guardians,¹³ but are liable in respect of the oath of utterance;¹⁴ and Samuel said: They are exempt also in respect of the oath of utterance. In what do they disagree? — Samuel holds it is not [possible of application] in the future;¹⁵ and Rab holds it is [possible of application] both negatively and positively.¹⁶ But they have already expressed their disagreement on this point once, for it was stated: ‘I swear that So-and-so threw a pebble into the sea,’ ‘I swear that he did not throw [a pebble into the sea]’; Rab says, he is liable, and Samuel says, he is exempt. Rab says, he is liable, because it is [applicable] negatively and positively; and Samuel says, he is exempt, because it is not [applicable] in the future!¹⁷ — It is necessary [for them to express their disagreement in the present instance too], for if they had told us [their disagreement] in that case, [we might have thought that] in that case Rab says [he is liable], because he swears of his own accord, but in this case, where the Court administer the oath to him,¹⁸ we might have thought that he agrees with Samuel;¹⁹ as R. Ammi said, for R. Ammi said: In any oath which the Judges administer there is no liability in respect of the oath of utterance. And if [their disagreement] had been stated in this case, [we might have thought that] in this case Samuel says [he is exempt].²⁰ but in that case we might have thought that he agrees with Rab,²¹ therefore it is necessary [for their disagreement to be stated in both cases]. [To turn to the main] text: R. Ammi said: In any oath which the Judges administer there is no liability in respect of the oath of utterance, for it is said: Or if any one swear, uttering with the lips²² — of his own accord; as Resh Lakish said, for Resh Lakish said: ki is translatable by four expressions: ‘if’, ‘perhaps’, ‘but’, ‘because’.²³

R. Eleazar says: They are all exempt from the oath of guardians, but are liable in respect of the oath of utterance,²⁴ except [in the case of the statement], ‘I DO NOT KNOW WHAT YOU SAY, [made] by the borrower, and that of theft and loss, by the paid guardian and hirer, where they are liable,²⁵ for they denied money.

(1) From the guilt-offering, for he did not, by his false oath, desire to evade payment, since even if the facts were in accordance with his oath, he would still have had to pay.

(2) For a guilt-offering (in addition to paying for the animal) for by his denial he desired to evade payment.

(3) A paid guardian and hirer are exempt from payment in any of these cases, therefore they do not bring a guilt-offering, for even if they had admitted the truth they would not have had to pay.

(4) In these two cases the paid guardian and hirer must pay; they did not therefore, by their oath, wish to avoid payment, and are therefore exempt from a guilt-offering.

(5) For he desired to evade payment by his oath, whereas if he admitted the truth he would have had to pay; therefore he brings a guilt-offering.

(6) For by his oath he is making himself liable to pay, whereas in reality (since it died, etc.) he would have been exempt; he is therefore exempt from a guilt-offering.

(7) If by his oath he is not trying to evade payment, he is exempt from a guilt-offering.

(8) [The last passage is omitted in MS.M. and other texts as superfluous repetition, and moreover as implying some contradiction to the preceding passage, which extends the exemption to one who effects no change by his lying, whereas

here the exemption is limited to one who makes it more stringent for himself.]

(9) Surely all admit that there are four!

(10) That R. Meir holds a hirer pays like a paid guardian.

(11) For a hirer is either like a paid or an unpaid guardian.

(12) Read: 'To A BORROWER'.

(13) Those mentioned in the Mishnah as being exempt are exempt only from liability in respect of the oath of guardians, i.e., are exempt from a guilt-offering for their false oath of deposit.

(14) For though they did not desire to evade a money payment (and are therefore exempt from a guilt-offering), they nevertheless uttered a false oath, and must bring a sliding scale sacrifice. This sacrifice is brought, however, only if the transgressor trespassed unwittingly in that he was unaware that a sacrifice was necessary for a false oath, though he knew a false oath was prohibited, and that he was swearing falsely; for if he swore falsely unwittingly (i.e., if he really thought he was swearing the truth), he would in any case be exempt from a guilt-offering for his false oath of deposit; v. supra 36b.

(15) He holds that a sliding-scale sacrifice for a false oath of utterance is brought only if that oath is applicable to the future; e.g., if the guardian swore falsely, 'The animal died,' he does not bring a sliding scale sacrifice, for he could not swear, 'The animal will die'; v. supra 25a.

(16) Applicability in the future is not necessary, as long as it is applicable in the negative and positive; e.g., the animal died, or did not die; was stolen, or was not stolen.

(17) 'So-and-so will throw a pebble;' for he does not know what So-and-so will do; supra 25a.

(18) He must perforce take an oath, if he wishes to free himself from payment. If he is an unpaid guardian, he takes an oath that he was not wilfully neglectful; if a paid guardian, he takes an oath that the animal died, or was forcibly taken from him by robbers, or injured.

(19) That if he swore falsely, he is not liable to bring a sliding scale sacrifice, because he did not utter the oath of his own free will.

(20) Because the court administered it.

(21) That he is liable, because he swore of his own accord.

(22) Lev. V, 4; he brings a sliding scale sacrifice.

(23) R. Ammi takes the conjunction כִּי in this verse (Lev. V, 4) to mean 'if': if any one swear, i.e., of his own accord; he need not swear, but if he does swear, he must bring a sliding scale sacrifice. Rab, however, takes ki here as meaning 'because': because he swears (whether of his own accord, or compelled by the court), he must bring a sacrifice.

(24) He agrees with Rab.

(25) For a guilt-offering, and do not bring a sliding scale sacrifice. R. Eleazar does not need to mention in his exceptions the case of an unpaid guardian who, after swearing that the animal was lost or stolen, confessed that he stole it himself, in which case he is exempted from a sliding scale sacrifice, for the Mishnah states clearly that he brings a guilt-offering; and it is obvious that he is therefore exempt from the sacrifice for the oath of utterance.

Talmud - Mas. Makkoth 2a

CHAPTER I

MISHNAH. HOW DO WITNESSES BECOME LIABLE [TO PUNISHMENT] AS ZOMEMIM?¹ [IF THEY SAY:] ‘WE TESTIFY THAT N. N. [A PRIEST] IS A SON OF A WOMAN WHO HAD [FORMERLY] BEEN DIVORCED² OR A HALUZAH,³ IT IS NOT SAID [IN THIS CASE] THAT EACH [MENDACIOUS] WITNESS BE HIMSELF STIGMATIZED AS BORN OF A DIVORCEE OR HALUZAH; HE ONLY RECEIVES FORTY⁴ [LASHES].

[IF THEY SAY]: ‘WE TESTIFY THAT N.N. IS GUILTY OF [A CHARGE ENTAILING] BANISHMENT,⁵ IT IS NOT SAID [IN THIS CASE] THAT EACH [MENDACIOUS] WITNESS SHOULD HIMSELF SUFFER BANISHMENT; HE ONLY RECEIVES FORTY [LASHES].

GEMARA. Should not the opening words of the Mishnah have been rather, ‘How do witnesses not become liable [to punishment] as zomemim?’ Moreover, since we read in a subsequent Mishnah: But if they [i.e. counter-witnesses] said to them, ‘How can you testify at all, since on that very day you were with us at such and such a place?’ these are condemned as zomemim,⁶ does not ‘these’ imply that those in the foregoing instances are not treated as zomemim? — The Tanna had just been dealing with the last Mishnah in the preceding tractate [of Sanhedrin]⁷ to which this Mishnah is but a sequel, namely: ‘All zomemim are led forth to meet a talionic death save zomemim in an accusation of adultery⁸ against the [married] daughter of a priest, and her paramour, who are led forth to meet not the same death [as she], but another [manner of] death.’ Accordingly in our Mishnah we are provided with other instances of zomemim where the main law of retaliation is not enforced, but ‘a flogging of forty’ [lashes] is inflicted instead: [IF THEY SAY:] ‘WE TESTIFY THAT N. N. [A PRIEST] IS A SON OF A WOMAN WHO HAD [FORMERLY] BEEN DIVORCED OR A HALUZAH,’ IT IS NOT SAID THAT EACH [MENDACIOUS] WITNESS BE HIMSELF STIGMATIZED AS BORN OF A DIVORCEE OR HALUZAH; HE ONLY RECEIVES FORTY [LASHES].

What is the sanction for this [substitutive] penalty? — Said R. Joshua b. Levi: R. Simeon b. Lakish⁹ said that it is based on the text: then shall ye do unto him as he purposed to do;¹⁰ that is to say, punish him [the culprit] and not his [innocent] offspring.¹¹ But why should not he alone be stigmatised, and not his offspring? — We must needs fulfil ‘as he had purposed to do’ and in such a case we should have failed to do so.¹²

Bar Pada¹³ says that the sanction [here, for the substitutive penalty of a flogging] may be obtained by an argument a fortiori.¹⁴ What do we find in the case of the ‘desecrator’?¹⁵ The ‘desecrator’ himself does not become ‘desecrated’ [by his forbidden association]. Is it not then logical [to argue from this] that a zomem who only came to [try and] ‘desecrate’ a person,¹⁶ but did not [in fact] desecrate him, should not become ‘desecrated’ himself?

Rabina demurred to this argument, saying that if you admit this [kind of] deduction, you nullify [in effect] the law of retaliation for zomemim.

(1) Zomem-im, the plural of zomem, lit., ‘intriguer’ or ‘schemer’ is the technical term for a type of false witnesses (v. pp. 19 ff.) and their punishment is by the law of retaliation (Deut. XIX, 16ff.).

(2) The child of a union of a priest and a divorcee is considered a Halal, i.e., vulgarized, desecrated, and disqualified from priestly office. (Lev. XXI, 6-8, 14-15; Ezek. XLIV, 22.)

(3) The widow of a man (absolutely) childless, who had been discharged by performing the halizah (lit., ‘the drawing off’, sc., the shoe. Deut. XXV, 5-10) is designated Haluzah-widow, and is (Rabbinically) considered tantamount to a divorcee and consequently may not be married to a priest. Haluzah may be taken to mean either ‘discharged’,

'withdrawn' (cf. Hosea, V. 6); or, 'drawer of the shoe', v. M. Segal, Mishnaic Hebrew Grammar, 235.

(4) According to Rabbinic interpretation of Deut. XXV, 2-3, the maximum number of lashes was 'forty save one', v. p. 155.

(5) v. Num. XXXV, 10ff. and Deut. XIX, 4-5.

(6) V. infra 5a.

(7) Mishnah Sanh., XI, 6, the final clause in that tractate, both in our editions of the Mishnah and the Palestinian recensions. The order is, however, different in our editions of the Babylonian Talmud, where it is not the last chapter, but the last but one (Chap. X, fol. 89a).

(8) The specific penalty for a priest's daughter caught in adultery was Burning (Lev. XXI, 9.; Gen. XXXVIII, 24; cf. Sanh. 50a seq.). The seducer of any married woman was to be strangled, v. 84b. On the traditional methods of execution, v. Sanh. VII.

(9) The words 'R. Simeon b. Lakish said' are omitted in some texts and questioned on the ground that R. Joshua b. Levi was the older of the two and could not have been the former's disciple; but this form of reporting does not invariably imply discipleship, v. Yad Malaki, sect. 74.

(10) Deut. XIX, 29.

(11) I.e., if the zomemim are priests, their innocent children would, on the application of the law of retaliation thenceforth, also become stigmatized as 'desecrated', cf. p. 1, n. 2.

(12) Hence 'lashes' are inflicted instead.

(13) I.e., R. Judah b. Pedayah, one of R. Joshua b. Levi's teachers.

(14) Hebrew, Kal wahomer, lit., 'the light and the grave' set in contrast; an argument by analogy, either from the lesser to the more important or from the more important to the lesser, V. Glos. Note that we have here an instance of two tendencies in attempting to trace accepted principles back to their origins. Some seek their origin in the Bible, others again delight also in giving them a logical basis by deduction.

(15) A priest who enters into a forbidden union 'desecrates' the woman and all her future offspring. V. p. 1, notes 2 and 3.

(16) Impugning by false evidence the past status of a priest's mother. For a historical illustration v. Kid. 66a, and Josephus, Ant., XIII, 10, 5 — 6.

Talmud - Mas. Makkoth 2b

For, [you might argue,] what do we find in the case of one who [as witness]¹ had stoned a person? He himself is not stoned. Is it not then logical [to argue from this] that one who had only purposed to stone another [by his evidence] but did not succeed in stoning him, should not be stoned himself? Hence the derivation as taught from the text in the first instance, is the best.

[IF THEY SAY:] 'WE TESTIFY THAT N.N. IS GUILTY OF A CHARGE [ENTAILING THE PENALTY OF] BANISHMENT..... What is the sanction for this (substitutive) penalty? — Said Resh Lakish,² It is based on the text which reads: He, he-shall-flee³ unto one of the cities of refuge, which emphatically asserts that he alone shall flee, but not the zomemim.

R. Johanan said that the sanction for this (substitutive penalty of a flogging) may be obtained by argument a fortiori, thus: Now, what do we find in the case of one who had effected his intended act [of murder]? He is not banished.⁴ Is it not then logical [to argue from this] that zomemim who had not [actually] effected their intended act should not be banished?

But does not this [very] argument point to a reverse conclusion? For is it not logical [to argue] that he who had effected the intended act [of murder] is not to go into banishment, so as not to obtain the possibility of atonement; whereas the zomemim who have not effected their intended act, should be allowed to go into banishment, so as to obtain the possibility of atonement? Hence the derivation as from the text, given by Resh Lakish, is the best.

'Ulla said: Where is there found an allusion in the Torah to the treatment of zomemim-witnesses?

Where is there found an allusion in the Torah to zomemim-witnesses! Is it not prescribed, then shall ye do unto him as he had purposed to do unto his brother?⁵ What is meant is some allusion in the Torah for inflicting on Zomemim-witnesses a flogging [in lieu of retaliation]! — It is written: And they shall justify the righteous and condemn the wicked: and it shall be if the wicked man deserve to be beaten [flogged], that the judge shall cause him to lie down and be beaten . . . forty [lashes].⁶ Now, is it because the judges justify the righteous and condemn the wicked', that 'the wicked man deserve to be beaten'?⁷ But, if you refer the text to a case where witnesses had incriminated a righteous man; then came other witnesses who justified the righteous', [that is, indicated his innocence as heretofore], and 'condemned the wicked', [that is, proved the former witnesses wicked men] then [you can say that] 'if the wicked man' [the zomem] 'deserve to be beaten,⁸ the judge shall cause him to lie down and be beaten.' Cannot the sanction for the flogging be derived from the eighth Commandment: Thou shalt not bear false witness against thy neighbour?⁹ No, it cannot be, as that is a prohibition applying to no [tangible] action, and 'wherever a prohibition is contravened without [involving tangible] action, no flogging is inflicted'.¹⁰

Our Rabbis taught: Four observations were made in reference to zomemim-witnesses, they [a] are not stigmatized as born of [a priest and] a woman who had been a divorcee or a haluzah;¹¹ [b] do not go into banishment to the cities of refuge; [c] are not made to pay ransom;¹² and [d] are not sold as slaves.¹³ In the name of R. Akiba it was stated that they are also not made to pay [compensation] on their own admission.¹⁴

'They are not stigmatized as born of [a priest and] a divorcee or a haluzah' — as we have already explained [above]. 'They do not go into banishment to the cities of refuge' — as we have already explained [above]. 'They are not made to pay ransom' — because ransom is held to be [a form of] atonement and these fellows stand in no need of that.¹⁵ Who could be the Tanna who considers ransom as [a form of] atonement? — Said R. Hisda: It is R. Ishmael, son of R. Johanan b. Berokah, as it has been taught: It is written, then he shall give for the redemption of his life [whatever is laid upon him],¹⁶ that is, compensation for the [life of] the person injured [dead]. R. Ishmael, son of R. Johanan b. Berokah, says: It is compensation for [his own life], the one responsible for the injury.

Is it not right to assume that [ultimately] they differ in the interpretation of the import of kofer [ransom]; one Master considering the ransom merely as pecuniary satisfaction, whilst the other Master interprets it as [a form of] expiation [of guilt]? Said R. Papa: Not [necessarily] so! Both¹⁷ may be taken to consider ransom as a form of expiation [of guilt], only here they differ on this, that one Master considers the assessment should be based on the value of the injured [dead] person, while the other Master considers that it should be based on the value of the person responsible for the injury.

What is the reason underlying the view held by our Rabbis?¹⁸ — They argue that as the same expression for assessment is used in two proximate instances in the same chapter,¹⁹ therefore just as in the former instance the assessment is based on the injured [dead child], the assessment in the second instance²⁰ is likewise to be based on the [dead] person [injured by the ox]. And what is R. Ishmael's [reason]? — He argues that the text states [explicitly the compensation to be] for the redemption of his life [soul].

And [what is the reply of] the Rabbis [to this interpretation]? — Yes indeed, the text has it for the redemption of his life [soul]; nevertheless, in regard to the amount to be paid assessed according to the value of the injured.²¹

'And they are not sold as slaves' — R. Hamnuna²² was inclined to argue that this exemption would be granted only where the [innocently] accused had the means to pay his threatened fine; for, inasmuch as he would then not have been sold, they [the zomemim] should likewise not be sold; but

where he himself had no means, the zomemim, even though they have the means, should be sold. [Said Raba to him:] Let the zomemim say to him, 'If you had the means, would you have been sold? Therefore, we likewise should not be sold.' But what R. Hamnuna did propose to argue was that this exemption should be granted only where either he or they have the means; but where neither he nor they have means they should be sold.²³ Said Raba to him: The Divine Law²⁴ prescribes, If he has nothing, then he shall be sold for his theft,²⁵ which directs that he be sold for theft, but not for insidious scheming.

'In the name of R. Akiba it was stated that they do not pay on their own admission.' What is R. Akiba's reason [for this exemption]? — He considers this compensation as *kenas*²⁶ and *kenas* is not payable on one's own admission. Rabbah [commenting on this] said: You may recognise it as such, because, you see, these [schemers] have actually done nothing [tangible], yet they are put to death or made to pay damages. R. Nahman [commenting] said: You may recognise it as *kenas*, as the money remains [undisturbed] in the possession of the owner, yet those fellows are made to pay.

(1) 'The hand of the witness shall be upon him first to put him to death' (Deut. XVII, 7). If the intrigue was not discovered till after the execution had taken place, the zomemim were not punished by retaliation, v. p. 25.

(2) Resh Lakish's view is given by Bar Pedayah in J. Mak, i. 1.

(3) **הוּא יָנוּם** Deut. XIX, 5. The verb **יָנוּם** alone, means he shall flee; the addition of the pronoun **הוּא** = he, adds emphasis to the subject of the verb.

(4) Deliberate murder is not punished by banishment, but by death. Yet, if on technical grounds the criminal escapes the extreme penalty, he is not relegated into banishment (either for atonement, or protection from the 'avenger').

(5) Deut. XIX, 19.

(6) Deut. XXV, 1ff. Notice, there is no mention of zomemim or any indication in the text or context. What 'Ulla reads into it is therefore only claimed as a suggestion, a mere allusion and no more,

(7) V. next note.

(8) I.e., where retaliation is inapplicable or cannot be justly imposed. This is not altogether so strained an interpretation as it may seem at first. The main difficulty here is the word **רִיב**, 'a contention', 'controversy', between two parties; the penalty of flogging is not determined by the relative righteousness of the one and the wickedness of the other, but is inflicted for religious, ritual, or moral transgressions. Hence, the reference is to the attempts of contentious fellows to degrade an enemy by a false imputation; v. the comments of Nahmanides, Malbim and J.Z. Meklenburg, Ha-kebab we-ha-Kabbalah, a.I.

(9) Ex. XX, 13.

(10) V, infra, 16a. Mere speaking is generally (with the exception of some specific instances), not considered 'action'.

(11) V. Glos.

(12) Pecuniary compensation chargeable on a fatal accident caused by a vicious animal, due to the owner's negligence; v. Ex. XXI, 28ff. If the charge was made on fictitious evidence, and the witnesses were found zomemim, they do not pay the amount that the court might have imposed on the one accused innocently.

(13) If they had accused one of having stolen, and the accused had not the means to pay, v. Ex. XXI, 37; XXII, 1-3.

(14) When witnesses are proved zomemim and they make a timely confession of their guilt, they are not made to pay the statutory fines.

(15) As their beast has not actually killed a human being.

(16) Ex. XXI, 30. If there be laid on him (**כִּפָּר**, atonement) a sum of money, then he shall give for the (**פְּדִיּוֹן**, redemption) ransom of his life (Heb., soul) whatsoever is laid upon him. In view of the last part of verse 29, the ox shall be stoned and his owner also shall be put to death, it is difficult to say which of the two is demanded, atonement for the negligence which resulted in the death of a human being, or the pecuniary compensation, redemption, for the loss to the capacity of the family. V. Nahmanides and Ibn Ezra on Exodus.

(17) Lit., 'all the world.'

(18) I.e. the representatives of the anonymous opinion.

(19) I.e., Ex. XXI, 22, (where one hurt a woman with child, so that her fruit depart from her); and verse 30, (where one's ox killed a man).

(20) Ibid. 30.

(21) I.e., by the method indicated in verse 22 (in the case of the child).

(22) There were several Babylonian scholars of that name; this contemporary of Raba is the fourth on the list in Hyman's *Toledoth I*, p. 378.

(23) The words, 'said Raba to him' are to be omitted, according to a marginal note; but on closer examination the whole passage down to the next 'said Raba to him,' will be found to be a later insertion, out of harmony. It is not in the Munich text, v. D.S., p. 2.

(24) V. Glos.

(25) Ex. XXII, 2.

(26) A monetary imposition (more than is due), by way of penalty. The rule is obtained from Ex. XXII, 8, 'whom the judges shall condemn, he shall pay double . . . , but not on his own admission. (Rashi); v. Glos.

Talmud - Mas. Makkoth 3a

How has this money remained undisturbed? [Obviously] because they had done nothing [tangible]! [But] that is just what Rabbah said! — Then it should be reported thus: And so had also said R. Nahman.

Said Rab Judah: Rab said that a zomem-witness pays his quota. What is meant by 'pays his quota'? If it means that this one pays half and that one half, we learn this already expressly: Monetary impositions are divided proportionately, but [the number of] lashes is not divided proportionately!¹ This dictum is applicable where only one of the witnesses was found a zomem, in which case he would be made to pay his half [of the fine]. But does he in such a case pay at all? Is it not taught: 'No zomem-witness pays money [damages] until the two of them have been found zomemim'? — Said Raba: It has a possible application where one of the zomemim admits, 'I gave false evidence'. But would we accept such statement coming from him?² What about [the rule]: A witness, once he has made his depositions [before the Court], cannot retract and testify again? — Hence this dictum can only be applied where one says: 'We gave evidence and were found zomemim by such and such a Court'.³

Now, with whose view will this explanation accord? — Not with R. Akiba's; for how could this accord with what he said: 'They also do not pay on their own admission'! Hence Rab's dictum is applicable only when one of the witnesses says, 'We gave evidence, were found zomemim by such and such a Court and were condemned to pay a sum of money'.⁴ Now [in such a case] you might presumably expect me to argue that since this fellow cannot [by his sole statement] commit his confederate, he could not commit himself either; therefore Rab teaches us that in this instance a zomem pays his quota.

MISHNAH. [IF THEY SAY:] 'WE TESTIFY THAT N.N. DIVORCED HIS WIFE AND HAS NOT PAID HER KETHUBAH'⁵ SEEING THAT HER KETHUBAH WILL ULTIMATELY HAVE TO BE PAID, SOONER OR LATER⁶ THE ASSESSMENT SHOULD BE MADE ON THE BASIS OF HOW MUCH ONE MIGHT BE WILLING TO OFFER THE WOMAN FOR HER KETHUBAH IN THE EVENT OF HER BEING WIDOWED OR DIVORCED OR, ALTERNATIVELY, HER HUSBAND INHERITING HER AFTER HER DEATH.

GEMARA. How is it appraised? — Said R. Hisda: The appraisal is made on the basis of the husband's claims.⁷ R. Nathan b. Oshaia says: On the basis of the woman's claims;⁸ R. Papa says: On the basis of the woman's claims and strictly on her kethubah.⁹

MISHNAH. [IF THEY SAY]: 'WE TESTIFY THAT N.N. OWES HIS FRIEND ONE THOUSAND ZUZ'¹⁰ WITH AN UNDERTAKING THAT HE WILL RETURN THE SAME TO HIM THIRTY DAYS HENCE', WHILE THE DEBTOR SAYS 'TEN YEARS HENCE', THE ASSESSMENT [OF THE FINE] IS MADE ON THE BASIS OF HOW MUCH ONE MIGHT BE

WILLING TO OFFER FOR [THE DIFFERENCE BETWEEN] HOLDING THE SUM OF ONE THOUSAND ZUZ TO BE REPAID IN THIRTY DAYS OR IN TEN YEARS HENCE.

GEMARA. Said Rab Judah: Samuel said that if one lent his friend a sum of money for ten years, the [end of the] Sabbatical year will cancel that debt;¹¹

(1) Infra 5a.

(2) And reverse the judgment claim?

(3) Whereas the other witness does not admit.

(4) As a judgment debt which can be proved, it is no longer a voluntary admission to be waived on technical grounds.

(5) The 'document, containing among other undertakings a settlement on the wife payable at her husband's death, or on her being divorced by him. V. Glos. The husband presumably contests this statement, and ultimately the witnesses are proved intriguers and have to pay damages as zomemim.

(6) Lit., 'to-day or to-morrow'. The husband having lost practically nothing by the evidence of these witnesses cannot expect an award equal to the full amount of the kethubah.

(7) E.g., the value of a speculative loan obtainable by the husband on the kethubah, in the event of his wife's death, and some compensation for their attempt to deprive him forthwith of his enjoyment of the usufruct of his wife's property, on which he might likewise have a favourable offer by way of a loan.

(8) E.g., the advance she might have obtained on her kethubah. As the woman's rights, however, had not been assailed by these witnesses, the estimated 'advance' is to be deducted from the actual amount due to her on the kethubah-settlement and the balance is the husband's award, apart from the threatened immediate loss of the usufruct.

(9) R. Papa does not allow the claim of the threatened loss of usufruct, of which these witnesses may plead they had no cognizance, and therefore, not having assailed this item, they are not liable on that account (Rashi).

(10) The zuz is a small silver coin corresponding to the Attic drachm and Roman denarius, worth about 9d.

(11) V.Deut. XV, 1ff.

Talmud - Mas. Makkoth 3b

even though [it might be argued that] at the time of its incidence the injunction: he shall not exact it of his neighbour¹ is inapplicable,² it does nevertheless become applicable, ultimately.³ R. Kahana⁴ referred him back [to the Mishnah]: THE ASSESSMENT IS MADE ON THE BASIS OF HOW MUCH ONE MIGHT BE WILLING TO GIVE FOR [THE DIFFERENCE BETWEEN] HOLDING THE SUM OF ONE THOUSAND ZUZ TO BE REPAID IN THIRTY DAYS OR IN TEN YEARS HENCE. Now, if it were as you say that the Sabbatical year cancels the debt, then the zomemim ought to be made to pay even the whole capital? — Said Raba: The Mishnah might be dealing with the case of a loan against a pledge, or where the creditor deposited his bills at the Court, as we learnt: 'A loan against a pledge or one where the creditor had delivered the bill thereof to the court, is not cancelled⁵ [by the Sabbatical year].'

Some report this discussion thus: Rab Judah said that Samuel said that if one lends to his friend a sum of money for ten years, the Sabbatical year does not cancel the debt, and even though ultimately it becomes subject to the injunction, he shall not exact it of his neighbour, yet that injunction is inapplicable at the time of the incidence of the Sabbatical year. Said R. Kahana: We have learnt likewise: THE ASSESSMENT IS MADE ON THE BASIS OF HOW MUCH ONE MIGHT BE WILLING TO GIVE FOR HOLDING THE SUM OF ONE THOUSAND ZUZ TO BE REPAID IN THIRTY DAYS OR IN TEN YEARS HENCE. Now, if you would say that the Sabbatical year cancels the debt, then the zomemim should be made to pay even the whole capital? — Said Raba: [This argument is not conclusive, as] the Mishnah might deal with the case of a loan against a pledge, or, where the creditor deposited his bills at the Court.

This also Rab Judah said: Samuel said that if one says to his friend '[I lend you this money] on condition that the Sabbatical year shall not cancel the debt for me,' the Sabbatical year does cancel

it.

Is it to say that Samuel considers this a stipulation that is in conflict with what is prescribed in the Torah, and [the rule is]: 'If one makes a stipulation which is in conflict with what is prescribed in the Torah,⁶ his stipulation is void'? But has it not been stated: If one said to his friend, '[I sell you this thing] on condition that you have no plaint of an unfair deal⁷ against me,' Rab says he has a plaint; and Samuel says he has no plaint of an unfair deal against him? — Yes, but behold on this very point R. 'Anan is stated to have said: I had it explained to me by [Mar]⁸ Samuel himself, that [if a person stipulate] 'on condition that you have no plaint of an unfair deal against me,' he has no plaint; but if he stipulate that no plaint of an unfair deal shall obtain in the deal, it does obtain. Exactly the same [distinction holds good in regard to the Sabbatical year; if he stipulate] 'on condition that you do not cancel the debt for me in the Sabbatical year', the Sabbatical year does not cancel it, but, 'on condition that the Sabbatical year does not cancel it,' the Sabbatical year does cancel it.

A Tanna taught: If a person lends his friend some money without specifying a date [for repayment] he may not demand it of him for thirty days at least.⁹ Rabbah b. Bar Hanah put forward a reasoned argument before Rab that this restraint could only be intended for a loan against a Shetar,¹⁰ because nobody would take trouble to execute a written instrument for less than thirty days; but in the case of a loan parol, the restriction did not apply. Said Rab to him: '[No!] thus said my Beloved [Uncle]:¹¹ It is the same whether one lends against a Shetar or parol'. It has likewise been taught: If one lends money to his friend without specifying a time [for repaying], he may not demand repayment for at least thirty days, no difference being made whether it be a loan against a Shetar or parol.

Samuel [once] said to R. Mattena: Don't squat down¹² before you give me an explanation of the origin of the oft-repeated dictum of our Teachers: If one lends money to his friend without specification [of date], he may not demand repayment for thirty days, at least, no difference being made whether it be parol or against a Shetar. He replied: It is written, [Beware that there be not a base thought in thy heart saying,] the seventh year, the year of release is at hand, [and thy eye be evil against thy poor brother].¹³ Now, from the import of the words 'the seventh year . . . is at hand', is it not obvious that it is the same as 'the year of release'? What instruction is then the year of release intended to convey? It is to tell you that there is yet another, a kindred form of release; which is it? — It is when one lends his friend some money without specifying a date [for repayment], in which case he may not demand repayment of him for thirty days, at least. [Why thirty days?] Because the Master has enunciated [in other matters] that thirty days prior to the incidence of the Sabbatical year, count as a year.¹⁴

Rab Judah also said the following: Rab said that if one forcibly enlarges the opening for the neck in a new garment on the Sabbath day, he is liable in a sin-offering. R. Kahana demurred to this view, asking what is the difference between this process [of enlarging the neck] and broaching a cask [which is admittedly permitted]? — [Rab Judah] said in reply that there is a rending of integral parts of the woven material in the case of the garment; whereas the stopper is not an integral part of the cask [but merely inserted]. Rab Judah also said: Rab said that if a kortob¹⁵ of wine fell into three logs¹⁵ of water, imparting a wine colour, and this [mixture] again fell into a mikweh,¹⁶ the mikweh is not thereby rendered ineffectual. R. Kahana demurred to this, asking: What is the difference between a mixture of wine and water and the dye-water about which we learnt: R. Jose says that dye-water renders the mikweh ineffectual?¹⁷ Said Raba to him: [There is a difference], as there, people call it 'dye-water', whereas here, they call it 'diluted wine'.

But yet, did not R. Hiyya teach: These spoil the efficacy of the mikweh?¹⁸ — Said Raba to him: There is no difficulty, as one [Rab] presents R. Johanan b. Nuri's view, while the other [R. Hiyya] presents the view of the Rabbis; as we learnt:¹⁹ If a kortob of wine fell into three logs of water

(1) Ibid. 2.

(2) Because the agreed period of the loan (ten years) extends beyond the 'year of release' and the creditor could not ask for its repayment then, but only at the end of the ten years, when the cancelling power of the Sabbatical year will be past.

(3) I.e., retrospectively.

(4) Probably a disciple of Raba.

(5) Sheb. X, 2. This formal exemption was a social and economic measure called Prosbul instituted by Hillel. If a creditor deposited formally his claim to the Court, he was no longer an individual creditor against his brother (v. Deut. XV, 3). Similarly a pledge (against a debt) acted as a sort of anchorage keeping the debt fast, as a pledge cannot be wiped out like negotiable money that had actually been used. V. Git. 37a.

(6) V. Deut. XV, 2. This rule is enunciated by Rabban Simeon b. Gamaliel in Keth. IX, 1.

(7) Ona'ah overreaching, a stipulation in conflict with Lev. XXV, 14, oppress being taken to mean to overreach, to deal unfairly. Cf. B.M. IV, 3 ff. and Talm, fol. 51a seq.

(8) An honorific title, Master, a reading well attested D.S, p. 3.

(9) Tosef. B.M. X, 1.

(10) A written document. 'Starr' is an adopted word in mediaeval Anglo-Jewish history. Tovey, Anglia Judaica, p. 32.

(11) R. Hiyya the Great. Rab and Rabbah b. Bar Hanah were cousins and fellow-students under their paternal uncle Hiyya in Palestine.

(12) A familiar phrase for 'before settling down;' students usually sat low, on the floor. V. Ab. I, 4.

(13) Deut. XV, 9.

(14) V.R.H. 9bff, where it is suggested as a sort of minor year of release.

(15) Kortob: the smallest liquid measure, 1/64 of a log, which was a small domestic measure, about 2/3 of a pint; 24 logs went to one se'ah.

(16) Mikweh: a well, pool or reservoir used for ritual purification. Lev. XXII, 3-7. The water must not be contained in a vessel or filled by means of a vessel, but be naturally-gathered and in contact with the ground, Lev. XI, 36. The minimum requisite quantity for a mikweh is 40 se'ahs (or 960 logs), the amount considered necessary to allow the complete immersion of a person of average size. Once the mikweh has naturally attained the standard quantity of 40 se'ahs nothing, save reduction or discolouration, can then affect its efficacy. When under the required standard, the mikweh is ineffectual and the addition of three logs of 'vessel-drawn' water vitiates the whole entirely. The addition, however, of milk, wine, or other pure undiluted fruit-juice neither disqualifies the mikweh nor helps to bring it up to standard.

(17) Mik. VII, 3.

(18) That is, this quantity of wine and water fallen into a defective mikweh rendered the same totally useless; how could Rab, Hiyya's disciple, contradict his master?

(19) Mik. VII, 5, where, however, it should be noted, the reading in the first clause is 'three logs full', not as quoted in our Talmud texts, here, and Hul. 26a.

Talmud - Mas. Makkoth 4a

short of a kortob, imparting a wine colour, and then the whole fell into a [deficient] mikweh, the mikweh is not thereby rendered ineffectual. Likewise, if a kortob of milk fell into three logs of water short of a kortob, and then the whole fell into a [deficient] mikweh, the colour remaining that of water, the mikweh is not thereby rendered ineffectual. R. Johanan b. Nuri says that it all depends on the colour.¹ But, that is just the point on which R. Papa sought a solution.² For R. Papa asked whether Rab read in the first clause of the Mishnah 'three logs short of a kortob', and if so, then [a] the Tanna³ of that first clause [presumably] holds that [a kortob of wine which has fallen into full] 'three logs' of water would render the mikweh ineffectual, and consequently, [b] R. Johanan b. Nuri expressed his dissent, [namely] that it all depends on the colour⁴ [rather than on the measure of the liquid]. In that case, Rab [as reported above] adopted the view of R. Johanan b. Nuri. Or, alternatively, Rab did not read in the first clause of the Mishnah 'three logs short of a kortob', [but whole three logs]⁵ and consequently [a] R. Johanan b. Nuri's dissenting comment referred only to the last [milk] clause⁶ and therefore, [b] Rab [as reported] expressed a unanimous view?⁷ — This was

doubtful only to R. Papa, whereas Raba was certain about it.⁸

R. Joseph remarked: [Though a disciple of Rab Judah,] I never heard from him that ‘reported topic’.⁹ Said Abaye to him: You told us about this very theme yourself and this is how you told it to us, that Rab did not read in the first clause of the Mishnah ‘short of a kortob’; that R. Johanan dissented only from the latter clause, and that Rab's statement expresses a unanimous view.

Rab Judah also said: Rab said that if a cask-full of water had fallen into the Great Sea [the Mediterranean] and someone immersed himself [ritually] on that spot, his immersion is of no avail to him, as we have some misgiving lest three logs are left in one spot [undistributed]. Now this applies particularly to the Great Sea where the water remains stationary, which is not the case generally in stream water. The same has been also taught: If a cask-full of wine had fallen into the Great Sea and someone immersed himself on that spot, his immersion is of no avail to him, as we have some misgiving lest [three logs of] the wine¹⁰ was left in one spot [undistributed]. And likewise if a *terumah*¹¹ — loaf fell there, it is defiled.

What is the purport of the clause ‘And likewise . . . ’? — You might argue that, as in the former instance, [when in doubt] you consider the person in status quo [i.e. defiled], you would do the same in the second instance and consider the *terumah* also in status quo [as holy]; the second clause, therefore, is essential, to inform you that the loaf is defiled.

MISHNAH. [IF WITNESSES DECLARE]: ‘WE TESTIFY THAT N. N. OWES HIS FRIEND TWO HUNDRED ZUZ’, AND THEY ARE FOUND ZOMEMIM, THEY ARE FLOGGED AND ORDERED TO PAY [CORRESPONDING DAMAGES], BECAUSE THE TITLE¹² WHICH SANCTIONS THE FLOGGING¹³ IS OTHER THAN THE TITLE THAT SANCTIONS THE COMPENSATION.¹⁴ THESE ARE THE WORDS OF R. MEIR; BUT THE SAGES SAY THAT ONE WHO IS ORDERED TO PAY DAMAGES IS NOT FLOGGED.

[IF WITNESSES DECLARE:] ‘WE TESTIFY THAT N. N. IS LIABLE TO A FLOGGING¹⁵ OF FORTY LASHES, AND THEY ARE FOUND ZOMEMIM, THEY RECEIVE EIGHTY, FORTY ON THE COUNT OF ‘THOU SHALT NOT BEAR FALSE WITNESS AGAINST THY NEIGHBOUR,’¹⁶ AND FORTY ON THE COUNT OF THEN SHALL YE DO UNTO HIM AS HE PURPOSED TO DO UNTO HIS BROTHER’.¹⁷ THESE ARE THE WORDS OF R. MEIR; BUT THE SAGES SAY THAT THEY RECEIVE ONLY FORTY LASHES.

GEMARA..

(1) That means, if the colour of the mixture (that has fallen in) was that of wine or milk, it is to be taken as wine or milk, without adverse effect on the mikweh even if it fell in to whole three logs of water; and Rab thus follows the principle of R. Johanan b. Nuri (v. supra note 2, end). Whether R. Johanan's observation refers to the last clause alone, or also to the first, is discussed immediately.

(2) As Rab, in his dictum, states that if a kortob of wine fell into three logs of water, imparting a wine colour, there is no adverse effect on a defective mikweh, the discussion arises as to what reading he followed, in his interpretative dictum.

(3) I.e., the authority, though unnamed, yet representing the consensus of the Sages, v. Glos.

(4) I.e., if wine-coloured, it is as if wine had been added, without adverse effects.

(5) As in the Mishnah texts.

(6) I.e., where the colour remained that of water.

(7) For all agree that if the colour of the mixture is that of wine or milk, it is without effect on the efficacy of the mikweh, good or ill, even where the milk or wine was added to three logs.

(8) I.e., that Rab adopted the view of R. Johanan b. Nuri.

(9) שמעתא Shema'ta is something ‘heard’ from the lips of an eminent person, v. Glos. R. Joseph lost his memory after a severe illness, and Abaye often recalled to his beloved Master his own teachings.

- (10) The reason is that wine is not suitable for ritual immersion, v. Rashi on Shab., 144b. The reading ‘three logs of vessel-drawn’ is certainly incorrect in reference to wine. Cf. Hananel, Nahmanides and Strashun, a.l.
- (11) I.e., the priestly due given in kind, corn, wine and oil (also fruits), which could be consumed only by one in a state of ritual purity, cf. Num, XVIII, 11-13. V. Glos.
- (12) Literally, ‘name’ ‘denomination’ or ‘category’, meaning the Biblical text; v. next clause of the Mishnah.
- (13) The breach of the ninth Commandment, Ex. XX, 13.
- (14) The specific law of retaliation for ‘intriguers’, v. Deut. XIX, 19.
- (15) Either in connection with an offence that he had committed in their presence, or they testify that he had been sentenced to a flogging by another tribunal, but ran away.
- (16) V. p. 15, n. 4.
- (17) V. p. 15, n. 5.

Talmud - Mas. Makkoth 4b

The Rabbis’ view here is perfectly in order since, as it is written there, according to his misdeed,¹ can penalize him [once only], for a [single] ‘misdeed,’ but not [twice as] for two misdeeds. But as to R. Meir, what is his reason [for imposing two penalties for a single offence]? — ‘Ulla said that R. Meir inferred the principle [by analogy] from the case of the ‘Defaming husband’.² What do we find in the law of the ‘Defaming husband’? He is flogged and also made to pay compensation; the same should obtain in every case where the offender made himself liable to a flogging and compensation. [No!] This is no analogy, because what is that law of the ‘Defaming husband’? It is [essentially] a case of *kenas*!³ — [Admitted;] but R. Meir is of the same opinion as R. Akiba, that is that the punishment of *zomemim* is [likewise] one of *kenas*.⁴

Some introduce this Mishnah-comment of ‘Ulla in connection with that which has been taught: And ye shall let nothing of it remain until the morning; and that which remaineth of it until the morning ye shall burn with fire.⁵ Now Scripture came and provided here a [remedial] act to follow a [disregarded] prohibition;⁶ this [provision] is to convey that no flogging is inflicted for the transgression. These are the words of R. Judah. R. Jacob⁷ says: [No!] this interpretation is not relevant,⁸ as it is rather an instance of a prohibition contravened without action, and any prohibition contravened without action entails no flogging.⁹ Now, the general import of the above statement seems to imply that R. Judah is of [the] opinion that a prohibition contravened without Action does entail a flogging: whence does he obtain this principle? — ‘Ulla submitted that R. Judah derived it from the [law of the] Defaming husband. What do we find in [the case of] the Defaming husband? It is a prohibition¹⁰ contravened without action,¹¹ and yet the offender receives a flogging! [No, your conclusion falls short, as] what do we find in the law of the Defaming husband? He is flogged and also pays [one hundred shekels of silver], But, said Resh Lakish, R. Judah derived it from the [case of] *zomemim*. Now what do we find [in the case of] *zomemim*? — It is a prohibition contravened without action, and yet the offenders are flogged; the same obtains wherever there is a prohibition contravened without action. [But, can you argue that from the *zomemim*, as] what do we find in [the case of] *zomemim*? They need not be cautioned!¹² Then [I say] let the case of the Defaming husband¹³ enforce my argument. And thus the argument turns to and fro, the characteristics of one case not being quite those of the other; but they are alike in this, that they are cases of a Prohibition contravened without action, and [in each case] the offender is flogged; the same [I submit] obtains in all cases of a Prohibition contravened [even] without action — that the offender is flogged. [But yet, note] what is their common characteristic? They are both [cases of] *kenas*!¹⁴ — This presents no difficulty, as R. Judah does not take the same view as R. Akiba.¹⁵ But yet [the argument might be carried on], what they both have in common is that they have each some singular trait of severity.¹⁶ — R. Judah does not raise this point.¹⁷

[BUT THE SAGES SAY THAT THEY RECEIVE ONLY FORTY LASHES.] And what lesson do the Rabbis derive from the text, ‘Thou shalt not bear false witness against thy neighbour’? —

They must needs utilize it as the [statutory] admonition¹⁸ to zomemim. And where does R. Meir find that [requisite Scriptural] admonition? — Said R. Jeremiah that R. Meir found the same in the context, And those that remain shall hear and fear and shall henceforth commit no more such evil in the midst of thee.¹⁹ And why do not the Rabbis also adopt the same? — They apply it to another principle,

- (1) Deut. XXV, 2, as applied to zomemim. V, supra p. 4, text and notes.
- (2) V, Deut. XXII, 13-19, where it is directed to chastise him and ‘amerce him 100 shekels of silver’.
- (3) I.e., a punitive treatment which cannot be taken as a standard, and from which no deductions can be drawn.
- (4) I.e. they are both of a punitive type, and the argument from them by analogy is therefore in order; v. supra p. 7, n. 4.
- (5) I.e., of the roasted flesh of the paschal lamb, Ex. XII, 10.
- (6) Lit., a prohibition translated into a positive action’, לאו הניתק לעשה
- (7) Akiba is a corrupt reading.
- (8) Lit., ‘is not of the proper denomination or category,’ i.e. not correctly assigned, or conceived,
- (9) I.e. the offence was passive, without any bodily exertion, and therefore not punishable.
- (10) Derived from thou shalt not go up and down as a tale-bearer among thy people (Lev. XIX, 16); according to another suggestion, from keep thee free from every wicked thing (Deut. XXIII, 10), v, Keth. 46a.
- (11) I.e., slander is not the same as actual assault. Speech was deemed intangible, as mere breath without direct bodily contact. Some, however, consider that the movement of the lips in speech constitutes action, cf. infra 16a.
- (12) Whereas in all cases entailing a flogging previous caution is absolutely essential, in this case it is not even possible; for, zomemim caught in fictitious evidence could not possibly have been so warned, and yet they are flogged, which shows that their treatment is exceptional and cannot, therefore, be used for fixing a standard rule.
- (13) Who is entitled to be cautioned and yet receives a flogging for an offence of intangible action.
- (14) V, supra, p. 16 note 6.
- (15) All agree that (the secondary instance) the Defaming husband, is a case of kenas (penal), as the fixed heavy fine of 200 shekels shows. But in regard to the primary instance of zomemim, the Sages, including R. Judah, differ from R. Akiba in considering the compensation pecuniary (mamon), not penal (kenas), as the amount is not a fixed sum, but assessed according to the damage threatened by their perfidy. V. B.K. 5a (Rashi, top), kenas = poena and mamon = multa.
- (16) I.e., zomemim are to be flogged, even though they had not been previously cautioned; the Defaming husband is not only flogged, but also has to pay a fine (100 shekels) and may not send away his wife (Deut. XXII, 19).
- (17) On logical grounds, as you cannot argue from dissimilarities. Cf. Tosaf. Keth. 32b s.v. שכן.
- (18) I.e., as an explicit primary statement that such an action is a sin, as ‘no punishment (עניש) can be inflicted without admonition (אזהרה)’. Cf. Mek. on Ex. XX, 13.
- (19) Deut. XIX, 20.

Talmud - Mas. Makkoth 5a

namely that of proclamation.¹

And whence does R. Meir derive that principle? — He obtains the principle of proclamation from the phrase [in the same passage], And those that remain shall hear and fear. MISHNAH. MONETARY IMPOSITIONS ARE SHARED AMONG THE OFFENDERS, BUT THE LASHES OF A FLOGGING ARE NOT SHARED AMONG THE OFFENDERS. HOW FOR INSTANCE? IF THEY GAVE EVIDENCE AGAINST A PERSON THAT HE OWED HIS FRIEND ONE HUNDRED ZUZ, AND THEY WERE FOUND ZOMEMIM, THEY DIVIDE THE CORRESPONDING DAMAGES PROPORTIONATELY BETWEEN THEM; BUT IF THEY GAVE EVIDENCE AGAINST HIM THAT HE WAS LIABLE TO A FLOGGING OF FORTY LASHES AND WERE FOUND ZOMEMIM, EACH ONE RECEIVES HIS FORTY LASHES.

GEMARA. [EACH ONE RECEIVES HIS FORTY LASHES.] What is the [Scriptural] warrant for this? — Said Abaye: The term rasha² occurs in the text prescribing a flogging,³ and also in the text

prescribing the death penalty by order of the Court:⁴ just as the death-penalty cannot be effected in half-measure, so a flogging likewise, may not be effected in half-measure.⁵

Raba said: We require to fulfil the words, Then shall ye do unto him as he purposed to do unto his brother,⁶ and this would not be done [unless each zomem-witness receives his full due]. Then, if that be so, why should not the same obtain in regard to monetary imposition? Money can be unified into one total, whereas lashes cannot be so unified.

MISHNAH. WITNESSES ARE NOT CONDEMNED AS ZOMEMIM UNTIL THEY THEMSELVES ARE [DIRECTLY] INCRIMINATED⁷; HOW, FOR INSTANCE? IF THEY HAD DECLARED: 'WE TESTIFY THAT N.N. KILLED THAT PERSON'; AND OTHER WITNESSES SAID TO THEM: HOW COULD YOU TESTIFY TO THAT, AS THAT MURDERED PERSON OR THAT [ALLEGED] MURDERER WAS WITH US ON THAT VERY DAY, AT SUCH AND SUCH A PLACE?' [THEN] THE WITNESSES ARE NOT THEREON CONDEMNED AS ZOMEMIM. BUT, IF THESE [OTHER] WITNESSES SAID: HOW COULD YOU TESTIFY TO THAT, AS ON THAT VERY DAY, YOU WERE WITH US AT SUCH AND SUCH A [DISTANT] PLACE?' [THEN] THE FORMER ARE CONDEMNED AS ZOMEMIM. IF OTHER WITNESSES CAME, AND THEY CHARGED THEM [WITH PERFDY]: THEN [AGAIN] OTHERS CAME, AND THEY [AGAIN] CHARGED THEM⁸ [WITH PERFDY], EVEN TO A HUNDRED, THEY ARE ALL TO BE EXECUTED. R. JUDAH SAYS THAT THIS IS [SEEMINGLY] A CONSPIRACY⁹ AND THE FIRST SET ALONE IS [TO BE] EXECUTED.

GEMARA. What is the [Scriptural] warrant for this? — Said R. Adda.¹⁰ The text says, and behold, if the witness be a witness-of-falsehood etc.¹¹ [which conveys that he is not a zomem] until the lie is given to the body of the evidence.¹² In the School of R. Ishmael it was taught: to testify against him¹³ a wanton perversion [sarah],¹⁴ conveys [that he is] not [a zomem] until the body of the evidence is controverted. Raba¹⁵ stated that if two came and declared that N.N. had killed that person on the eastward side of the citadel, and two others came and said [to the former witnesses]: 'But were you not [then] with us at the westward side of the citadel?' we have to consider. If while standing on the westward side of the citadel, it is possible to see that [indicated] spot on the eastward side of the citadel, they are not condemned¹⁶ as zomemim; otherwise, they are [condemned] as zomemim. But that is quite obvious! — No; you might say that we [should not convict but] consider the possibility of [the first witnesses having] a stronger eye-sight. Therefore Raba informs us that we do not give such special consideration [to zomemim].

Raba also stated that if two came and declared that N.N. had killed so-and-so early on Sunday morning at Sura, and two other witnesses came and said, 'You were with us at sunset on Sunday evening at Nehardea', we have to consider. If one can get from Sura to Nehardea between the early morning and sunset,¹⁷ the first witnesses are not condemned as zomemim; otherwise, they are zomemim. But that is quite obvious! — No; you might say that we should consider the possibility of the 'Flying Camel'.¹⁸ Therefore Raba informs us that we do not give such special consideration [to zomemim].

Raba further stated that if two witnesses came and declared that N.N. had killed so-and-so on Sunday and two others came and said, 'But were you not with us on Sunday [elsewhere]? It was [in fact] on Monday that N.N. killed him;' or, furthermore, even if the latter witnesses declared that N.N. had [actually] killed the person on the [previous] Friday, the former witnesses are still executed as zomemim, inasmuch as Sunday, the time stated in their evidence [was disproved, and] the murderer had then not yet been [found guilty and sentenced to the death-penalty].¹⁹ What new information does he proffer here? — [That the murderer as well as the perfidious witnesses are ultimately executed!]²⁰ We have learnt [that] already: Consequently, if one of these [two sets of witnesses]²¹ has been found zomemim, both the criminal and the zomemim are executed, while the

other set is let go?²² — Yes, but one must needs wait to hear the latter part of Raba's statement, in reference to evidence bearing on the time of the verdict, namely, if two came and declared that N. N. had been convicted [of murder] on Sunday, and two others then came and said to the first; 'You were with us [elsewhere] on Sunday, but N. N. was [in fact] convicted on Friday,' or furthermore, even if the latter said N. N. was [not] convicted [till] Monday, the former are not executed as zomemim, because by the time when the first witnesses gave their [fictitious] evidence,²³ the man charged had already been sentenced to death.

The same principle obtains in cases of kenas [fine].²⁴ If two came and said that N.N. had stolen and killed or sold [an animal] on Sunday, and two others came and said to the first, 'You were with us [elsewhere] on Sunday but, it was [in fact] on Monday that N.N. had stolen and killed or sold the animal,' [the first witnesses have to pay the fine];²⁵ nay, furthermore, even if the second witnesses said that N.N. had stolen and killed or sold [the animal] on the [previous] Friday, still the first witnesses have to pay, because at the time when they gave their evidence, N.N. had not yet been made liable²⁶ to pay [the fine that these perfidious fellows tried to fix on him].

If two came and declared that N.N. had stolen and killed or sold [an animal] and been convicted on Sunday, and then, two others came and said [to the witness], 'You were with us [elsewhere] on Sunday, but [in fact], N.N. had stolen and killed or sold [the animal] on Friday, when he was convicted;' nay, even if the second witnesses said that N.N. had [actually] stolen and killed or sold [the animal] on Sunday [or even on Monday],²⁷ but that he was not convicted [and fined] till Monday, the former witnesses have not to pay [the exactions], because, at the time when they were giving [their perfidious] evidence,²⁸ N.N. had already been made liable [to pay the fine] by a tribunal.

R. JUDAH SAYS THAT THIS IS [SEEMINGLY] A CONSPIRACY AND THE FIRST SET ALONE IS [TO BE] EXECUTED.

(1) On textual grounds, four criminal convictions had to be published abroad as a deterrent measure, among them that of zomemim, Sanh. 89a.

(2) רשע i.e. wicked, guilty.

(3) If the (guilty) wicked man be worthy to be beaten, that the judge shall cause him to lie down and to be beaten . . . forty stripes. Deut. XXV, 2-3.

(4) 'Ye shall take no satisfaction for the life of a murderer, which is guilty of death; but he shall surely be put to death.' Num. XXXV, 31.

(5) This exegetical method is called Gezerah Shawah, v. Glos.

(6) Deut. XIX, 19.

(7) Read יזומו את עצמן or יזומו (v. D.S, a.l) that is, not their evidence, but their personal presence at the alleged offence, is being challenged (Rashi).

(8) I.e., successive witnesses came to charge the accused, and the witnesses who came to his defence challenged them in turn as conspirators: so Rashi, Alfasi, and Maim.; on the other hand, Nahmanides defends another interpretation, that successive sets of witnesses came and contradicted each other, these for and the next against the accused, in which he is supported by the wording in the Tosefta. The alternative translation would then be: — If other witnesses came and charged them, then (again) other witnesses came and charged them (the last) even to a hundred . . .

(9) Estattis. The traditional derivation is incorrect; it is a popular contracted (or corrupt) form of the Greek stasiastes or stasiodes meaning a member of a faction or factious party.

(10) V.l. Raba (D.S); Rabbah (Han.).

(11) Deut. XIX, 18.

(12) I.e., the villany of the witness, as bearer of the evidence, is established rather than flaws in the evidence. (In Roman law, *testibus non testimoniis*.)

(13) I.e. the perfidious witness as against himself (Ritba; v. J. Z. Meklenburg's long commentary on Deut. XIX, 16.

(14) סרה — usually derived from סור — a turning or falling away (from the law of God), cf. Deut. XIII, 6; but it is

more probably from the secondary Po'el form, סורר to be pervert and rebellious, cf. Deut. XXI, 18, 29 and especially. Isa. I, 23.

(15) Var. lec. Rabbah (Han.).

(16) As both impressions may be truly received.

(17) Nehardea lay over 20 parasangs (about 70 miles) north of Sura; both were on the Euphrates: the journey would ordinarily take two days of steady travelling. V. J. Obermeyer. *Die Landschaft Babylonien*, p. 293.

(18) Probably the popular name for a special fast camel service. 'The fleeter camels will carry their rider and a bag of water for fifty miles a day without a drink'. Enc. Brit. s.v. Camel. 'The speed of the imperial post averaged five miles an hour: the distance between Antioch and Byzantium (747 miles) was accomplished in little under six days: hired vehicles would take longer.' Caroline A. J. Skeel, *Travel in the First Century*, p. 70.

(19) It was at the time a plot against a still innocent man by insidious witnesses, v. Tosaf, a.l., Han. and Maim. Yad, Eduth, XVIII, 2.

(20) The culprit for his crime, and they for their proved perfidy.

(21) I.e., who do not see each other, and are therefore unaware of their common perfidy.

(22) V. Mishnah 6b.

(23) Probably Tuesday, cf. Sifrei on Num. XXXV, 31.

(24) V. Glos.

(25) If caught with the object, the thief had to pay twofold (Ex. XXII, 3); if he killed or sold a beast, he had to pay five oxen for an ox and four sheep for a sheep (ibid. XXI, 37).

(26) I.e., by a tribunal, after a due trial. If the thief voluntarily admitted his offence, he returned either the object (if available), or its value. It is the witnesses, therefore, who force the fines upon the thief.

(27) So Maharsha, but see Maim. Yad, Eduth, XIX, 2 and comment. Kesef Mishneh.

(28) I.e., after Monday (as may be gathered from the evidence of the second witnesses).

Talmud - Mas. Makkoth 5b

If it seems a conspiracy, even the first witnesses should not be executed? — Said R. Abbahu: [The plot was discovered only] after execution had already taken place. 'After execution had already taken place'! Then the thing is done [and there is nothing more to be said]?¹ But, said Raba, he [R. Judah] means this: if there was only one set, the witnesses are executed;² but if there be more than one set, they are not executed.³ But does not R. Judah say, THE FIRST SET ALONE IS EXECUTED, [implying that there are more]? This is rather a difficult point. There was a certain woman who brought [her] witnesses and they were discredited; she brought others, and they [too] were discredited;⁴ she went and brought further witnesses [who were not discredited]. Said Resh Lakish: This woman is suspect.⁵ Said R. Eleazar to him: 'Assuming she is suspect, are all Israel to be held as suspects?' Once as they were both present at the sessions of R. Johanan, there came such a suit before them and Resh Lakish observed: 'This woman is suspect.' Thereupon R. Johanan replied to him: 'If she is suspect, are all Israel to be held as suspects?' Resh Lakish then turned round and looked askance at R. Eleazar, saying: 'So you had heard this from [Johanan] bar-Nappaha and did not tell it to me in his name!'⁶

Is it to be suggested that Resh Lakish sides here with R. Judah [in the Mishnah], while R. Johanan sides with the Rabbis — [Not necessarily, as] Resh Lakish might say: I do hold the view of the Sages,⁷ but they allow such latitude only because there we have no one running about for his witnesses, whereas here we have this one woman running about and fetching them along.⁸ And R. Johanan, likewise, might say: My view [in this instance] is in accord even with that of R. Judah, and the reason of his reservation there is only because people ask [in surprise], 'Was the whole world standing there with them?'⁹ Whereas in this case [of the woman, obviously], those who came last happened to have knowledge of the [facts in] question, and the former had not. MISHNAH. WITNESSES ARE NOT TO BE PUT TO DEATH AS ATTESTED ZOMEMIM UNTIL [AFTER] THE TERMINATION OF THE TRIAL;¹⁰ BECAUSE THE SADDUCEES CONTENDED THAT ZOMEMIM WERE PUT TO DEATH ONLY AFTER THE ACCUSED HAD [ACTUALLY] BEEN

EXECUTED, PURSUANT TO THE SCRIPTURAL TEXT, 'LIFE FOR LIFE'.¹¹ SAID THE [PHARISEE] SAGES TO THEM: BUT DOES NOT THE CONTEXT READ: THEN SHALL YE DO UNTO HIM AS HE PURPOSED TO DO UNTO HIS BROTHER,¹² WHICH CLEARLY IMPLIES WHEN HIS BROTHER IS STILL ALIVE? IF SO, WHAT IS THE PURPORT OF LIFE FOR LIFE'? YOU MIGHT ARGUE THAT ZOMEMIM ARE LIABLE TO BE PUT TO DEATH FROM THE MOMENT THEIR [PERFIDIOUS] EVIDENCE HAD BEEN TAKEN, THEREFORE THE WORDS 'LIFE FOR LIFE' ARE A POINTED INSTRUCTION THAT ZOMEMIM ARE NOT TO BE PUT TO DEATH UNTIL [AFTER] THE TERMINATION OF THE TRIAL.

GEMARA. It is taught: An eminent discipl¹³ put the principle of [the Mishnah] in this [paradoxical] form: If they have not slain, they are slain; and if they have slain, they are not slain.¹⁴ My son, said the father [or Principal],¹⁵ is there not an argument a fortiori¹⁶ against your rule? Our Master [replied the disciple], have you not taught us: No Penalty is inflicted on the strength of a logical inference?¹⁷ For it has been taught: And if a man shall take his sister, his father's daughter or his mother's daughter . . . it is a shameful thing, and they shall be cut off¹⁸ . . . Here we have it specified, his father's daughter [who is] not his mother's, and, his mother's daughter [who is] not his father's. On what [Scriptural] authority is the same penalty extended to one who is both, his father's as well as his mother's daughter? It is indicated explicitly in the additional instructive words, He hath uncovered his sister's nakedness,' he shall bear his iniquity.¹⁸ Now, even without [having recourse to] this textual addition I could have inferred it, since, if punishment is decreed in the case of [a half-sister] 'his father's daughter' not his mother's, or 'his mother's daughter' not his father's, is it not all the more evident in the case of [a full sister] the daughter of both his father and his mother? Here, therefore, you learn the rule: No penalty is inflicted on the strength of a logical inference.¹⁹

We have established the principle relative to a penalty; where do we find it in reference to admonition?²⁰ — In the instructive text, The nakedness of thy sister, the daughter of thy father, or the daughter of thy mother thou shalt not uncover.²¹ Here we have specified, 'his father's daughter', not his mother's, and 'his mother's daughter', not his father's. On what [Scriptural] authority is the same prohibition extended to one who is both, his father's as well as his mother's daughter? It is indicated explicitly in the additional instructive words, the nakedness of thy father's wife's daughter begotten of thy father, she is thy sister.²² Now even without this textual addition I could have inferred it, since, if a man is admonished about [his half-sister] 'his mother's daughter', not his father's, and 'his father's daughter', not his mother's, is it not all the more applicable to [his full sister] the daughter of both of his father and mother? Here, therefore, we learn the rule: An admonition inferred by argument is not warranted.²³

And what is the [corresponding] Scriptural reference relating to a [retaliatory] flogging of zomemim?²⁴ — It is obtained [by the linking of the law of flogging²⁵ with the law of murder]²⁶ by the term rasha' [guilty] which they both have in common.²⁷ And what is the reference for such as are liable to banishment? — It is [likewise] obtained [by the linking of the law of banishment²⁸ with the law of murder,]²⁶ by the term rozeah [murderer] which they both have in common.²⁷

It has been taught: R. Judah b. Tabbai said: 'May I [never] see consolation [of Israel] if I did not have one zomemim-witness done to death to disabuse the mind of the Sadducees, who used to say that zomemim [found guilty] were put to death only after the [falsely] accused person had [actually] been executed.' Said Simeon b. Shetah to him: 'May I [never] see consolation [of Israel] if you have not shed innocent blood because the Sages declared that witnesses found to be zomemim are not put to death until both have been proved as such, and are not [juridically] flogged until both have been proved as such.' Forthwith did Judah b. Tabbai take upon himself a resolve never to deliver a decision save in the presence of Simeon b. Shetah.²⁹ And all through his [remaining] days, Judah b. Tabbai used to go and prostrate himself on the grave of that [slain] witness, and his voice would be heard and people thought that it was the voice of the slain man; but he would tell them, 'It is my

voice! You will be convinced when on the morrow of this man's [his own] death his voice will be heard no more'.

Said R. Aha, the son of Raba, to R. Ashi: He might perhaps have answered the summons of the deceased, or else he might have obtained his forgiveness.³⁰

MISHNAH. [IT IS PRESCRIBED:] AT THE MOUTH OF TWO WITNESSES OR THREE WITNESSES SHALL HE THAT IS TO DIE BE PUT TO DEATH.³¹ IF THE FACT IS SUFFICIENTLY ESTABLISHED BY TWO WITNESSES, WHEREFORE DOES HOLY WRIT [FURTHER] SPECIFY THREE? — THIS IS ONLY TO SHOW THEIR COMPARATIVE COMPETENCY, THAT JUST AS THREE ARE COMPETENT TO INCRIMINATE TWO AS ZOMEMIM, SO ARE TWO COMPETENT TO INCRIMINATE THREE. HOW DO WE KNOW THAT [TWO OR THREE] CAN EVEN INCRIMINATE A HUNDRED? FROM THE INSTRUCTIVE CONTEXT WHICH HAS [TWICE] 'WITNESSES'.³² R. SIMEON SAYS THAT JUST AS TWO WITNESSES ARE NOT PUT TO DEATH AS ZOMEMIM UNTIL BOTH HAVE BEEN INCRIMINATED, SO THREE ARE NOT PUT TO DEATH UNTIL ALL THREE HAVE BEEN INCRIMINATED AS ZOMEMIM. HOW DO WE KNOW THAT THIS ALSO APPLIES EVEN IN THE CASE OF A HUNDRED? — FROM THE INSTRUCTIVE CONTEXT WHICH HAS [THRICE] 'WITNESSES'³³. R. AKIBA OBSERVES THAT THE THIRD WITNESS WAS SUPERADDED HERE [NOT TO MAKE HIS RESPONSIBILITY THE LIGHTER],³⁴ BUT TO RENDER IT AS SERIOUS FOR HIM AND MAKE HIS LEGAL LIABILITY EQUAL TO THAT OF THE OTHERS.³⁵ NOW, IF HOLY WRIT THUS PENALISES ONE WHO CONSORTS WITH MALEFACTORS, AS ONE OF THE MALEFACTORS, HOW MUCH MORE SHALL HE WHO CONSORTS WITH BENEFACTORS RECEIVE A REWARD AS ONE OF THE BENEFACTORS! [AGAIN,] AS IN THE CASE OF TWO WITNESSES, IF ONE OF THEM WAS FOUND TO BE A NEAR KINSMAN³⁶ OR [OTHERWISE] DISQUALIFIED,³⁷ THE WHOLE EVIDENCE IS RENDERED VOID, SO IS IT WITH THREE: IF ONE OF THEM WAS FOUND TO BE A NEAR KINSMAN OR [OTHERWISE] DISQUALIFIED, THE WHOLE EVIDENCE IS VOID. HOW DO WE KNOW THAT THIS IS THE CASE EVEN WITH A HUNDRED? FROM THE INSTRUCTIVE CONTEXT WHICH HAS [THRICE] 'WITNESSES'.

(1) I.e., what point is there in R. Judah's statement?

(2) An exemplary punishment for zomemim.

(3) Because they are regarded as victims of a plot.

(4) The bracketed words are missing in many good texts, v. D.S.

(5) I.e. to bring false witnesses.

(6) This was laid to Eleazar's charge on several occasions. V. Yeb. 96b; Keth, 26b. Cf. J. Ber, ii, 1, where an explanation is offered that it was not customary in Babylon always to mention the master's name, v. Hyman Toledo, I, p. 195.

(7) To take evidence were there 'even a hundred' sets of discrediting or discredited witnesses.

(8) And thereby creating suspicion.

(9) Explanation: — According to Rashi, Alfasi and Maimonides (v, p. 20, note 1) A and A1 charge M (Murderer) — B and B1 charge A and A1 with alibi. C ,, C1 ,, ,, ,, ,, ,, C ,, C1 ,, ,, D ,, D1 ,, ,, ,, ,, ,, D ,, D1 ,, ,, Was the whole world on the day of the murder with B and B1? According to Nahmanides and others A and A1 charge M — B and B1 charge A and A1 with alibi. C ,, C1 ,, ,, D ,, D1 ,, C ,, C1 ,, ,, E ,, E1 ,, ,, F ,, F1 ,, E ,, E1 ,, ,, etc. How was everybody conveniently present to be able to assist his own side? We have obviously a factious feud here. Cf. Han.

(10) I.e., only after a sentence had been obtained by the plotters against the innocent victim. If their perfidy is detected before sentence is given or after their victim had been executed, they escape retaliative punishment, according to the traditional (Pharisaic) interpretation; v. Maim. Yad, Eduth, XX, 2.

(11) And thine eye shall not pity; life for life . . . Deut. XIX, 21.

(12) Ibid. 19. It appears that the words stressed here are 'to do (or, to be done) unto his brother', i.e. as when yet to be done. Rashi (in Deut, a, l. and Mak, 2b, top) stresses 'as he purposed to do,' but has not yet done it. Cf. Chajes notes on 5b and Meklenburg (longer commentary) on Deut, a, l. The fact that the judges were themselves involved with the

zomemim in the unfortunate miscarriage of justice may be the reason for letting them off post eventum, since the zomemim, as the witnesses, were compelled by the judges' decision to lay hands on their victim, Cf. also Friedmann's instructive note Sifre, Num, XXXV. ** 160 n. 6 (p. 61a), and Hoffmann's **מלמד להועיל**, III, 142.

(13) b'Rabbi or b'Ribbi denotes either 'a prominent scholar of an eminent College' or, 'a rabbi-graduate, acting as tutor to senior students under his own Principal, while still at College,' v. Rashi Hul. 11b s.v. **והתניא** and Dictionaries, v. however Ginzberg, L., J.E.II, p. 52.

(14) I.e., the zomemim, who as witnesses had to strike the first fatal blow, Deut. XVII, 6.

(15) By way of test,

(16) If zomemim are put to death when their plot failed, it is surely all the more necessary that they should be where their plot had succeeded!

(17) That is, the 'principle' that 'a reprehensible action is not a punishable offence, unless it has been plainly forbidden and the form of punishment stated'.

(18) Lev. XX, 17.

(19) Sifra, Kedoshim, a.l.

(20) V. p. 18, n. 5.

(21) Lev. XVIII, 9,

(22) Ibid, 11.

(23) V. Sifra, Kedoshim on Lev. XX, 17. Mishnah 12; cf. infra 14a, 17a.

(24) The zomem-penalties as prescribed in Deut. XIX, 21, and thine eye shall not pity (the zomem); life (shall go) for life, eye for eye, tooth for tooth, hand for hand, foot for foot, apply only in cases of the death penalty and (penal compensation) for imputed bodily injuries. Scriptural authority is now sought for the remaining forms of retaliatory punishments, namely, flogging and banishment, (cf. the first Mishnah, 2a), which, like the death penalty, are incurred only after a court sentence (on fictitious evidence) had been enforced.

(25) Deut. XXV, 2-3. If the guilty **רשע** (wicked) man be worthy to be beaten . . .

(26) Num, XXXV, 31, take no satisfaction for the life of a murderer, guilty **רשע** of death. On the principle of Gezerah Shawah, v. Glos.

(27) Cf, supra, p. 19.

(28) Num. XXXV, 11, that the murderer **רצח** may flee thither, which killed a person unawares.

(29) The names are reversed in Mek. Ex. XXIII, 7. This aggadic report fixes the time of the controversy referred to in the Mishnah: Simeon B. Shetah was the brother of Queen Salome (= Shelom-Zion, Alexandra), wife of Alexander Jannaeus; v. Aboth, i. 8-9. Note the phrase, 'May I (never) see consolation' (Luke II, 25) which points to troublous times. Political reprisals were rife then. On the cause of the controversy and the treatment of Zomemim, v. Graetz, Hist, (Eng, ed.) ii, chap. 2, and J. Klausner, **היסטוריה ישראלית**, ii, 145.

(30) R. Aha argues that the fact that no voice would be heard after Judah's death would be no proof that it was not the slain man calling, as it is likely that Judah would, on death, have appeared before the Heavenly Tribunal with the deceased or obtained pardon from the wronged man, and this silenced his voice calling from the grave.

(31) Deut. XVII, 6.

(32) V, next note.

(33) 'Two witnesses or three witnesses', indicating that these are mentioned as the first in a series even to a hundred.

(34) Omitted in many texts. D.S. Cf. San. 9a.

(35) I.e. he cannot plead that, as two witnesses were enough to establish the evidence, his was superfluous and negligible and therefore he might be let off; but the context demands that all witnesses form one inseparable group and must suffer alike, if found zomemim.

(36) The exclusion is based on a traditional interpretation of Deut. XXIV, 16, thus: The fathers shall not be put to death on account of (the evidence of) the children, and vice versa. Sanh. 27b and Maim.

(37) By reason of status or crime and infamous bearing, v. Sanh. 24b.

Talmud - Mas. Makkoth 6a

SAID R. JOSE: THESE AFOREMENTIONED LIMITATIONS APPLY ONLY TO WITNESSES IN CAPITAL CHARGES;¹ BUT IN MONETARY SUITS, THE EVIDENCE MAY BE ESTABLISHED BY THE REST.² RABBI³ SAYS: IT IS ONE AND THE SAME RULE, BE IT IN

MONETARY SUITS OR CAPITAL CHARGES; THAT IS, PROVIDED THE DISQUALIFIED WITNESSES TOOK PART IN THE PRE-ADMONITION.⁴ BUT WHERE THEY WERE NOT OF THOSE WHO GAVE THE PRE-ADMONITION [TO THE OFFENDERS], WHAT COULD TWO BROTHERS DO THAT SAW⁵ SOMEONE SLAYING A PERSON?

GEMARA. [EVEN TWO OR THREE CAN INCRIMINATE A HUNDRED.] Said Raba: And such[an incrimination by two against a hundred witnesses] could be sustained only where they all had given their evidence in 'un-intermittent utterance'. R. Aha of Difti remarked to Rabina: Seeing that 'un-intermittent utterance' is generally defined as the brief interval which a disciple would take in uttering the salutation, Peace Upon Thee, my Master and Guide! — the evidence of a hundred witnesses will take a great deal more time than that! Said Rabina: [What is meant is that] each one follows the other un-intermittently [which renders the whole as one undivided group].

R. AKIBA OBSERVES THAT THE THIRD WITNESS WAS SUPERADDED... SO IT IS WITH THREE; IF ONE OF THEM WAS FOUND TO BE A KINSMAN . . . THEIR EVIDENCE IS DISQUALIFIED. R. Papa observed to Abaye: But, then, [admitting such extreme pretexts against capital punishment] let the very presence of the murdered man himself⁶ [at the murder] save [the delinquent from the 'death penalty']?⁷ — [Said Abaye: The penalty can be inflicted in case] he was attacked from behind.⁸ Let the presence of the victim in a case of sodomy save the delinquent from the death penalty? — [The penalty can be inflicted where] the assault was from behind. Then why not let the presence of the criminal⁹ [in each of these cases] be made a pretext for disqualifying the evidence? Abaye remained silent. When R. Papa came [with these questions] before Raba, the latter replied: The Holy Writ prescribes, at the mouth of two witnesses, or at the mouth of three witnesses shall the matter be established;¹⁰ the text¹¹ thus refers only to those who have to establish the matter.¹²

SAID R. JOSE: THESE LIMITATIONS APPLY ONLY. .. IN CAPITAL CHARGES ... RABBI SAYS. .. BE IT IN MONETARY SUITS OR CAPITAL CHARGES, PROVIDED THE WITNESSES DISQUALIFIED WITNESSES TOOK PART IN THE PRE-ADMONITION How do we [the Judges] put it to the witnesses? — Said Raba: [We ask them] whether they had come¹³ as mere onlookers, or to give evidence. If they say to give evidence, and one is found to be a near kinsman, or disqualified person, the entire evidence is disqualified, but if they say they had come as mere onlookers [the evidence is allowed to stand].

WHAT COULD TWO BROTHERS DO THAT SAW SOMEONE SLAYING A PERSON? It is stated: Rab Judah reported [his Master] Samuel to have said that the halachah¹⁴ was to follow the view of R. Jose¹⁵ while R. Nahman said that the halachah was to follow the view of Rabbi.¹⁶

(1) Where every effort should be made to avoid execution, pursuant to the words, And the congregation (of judges) shall deliver the slayer . . . and the congregation shall restore him . . . Num. XXXV, 25.

(2) For even in the case of two witnesses, if the evidence of one proves inadmissible, that of the other is not entirely invalidated as it serves to enforce an oath (Tosaf.). Cf. Shebu. 40a.

(3) I.e. the Patriarch, R. Judah the Prince.

(4) It was the duty of eye-witnesses to admonish and warn any person about to commit an offence of its wrong and its consequences.

(5) I.e. casually witnessed the crime together with another stranger. Cf. variant Sanh. 9b (and Rashi).

(6) Since he is an interested party in the case, and a witness of the crime, while being his own nearest kinsman! All this is sheer casuistry; yet these conundrums lead to the examination of the legal principles involved.

(7) This, however, would make the death penalty impossible of practical application.

(8) I.e. where he could not identify his assailant if the attempt failed, and could not be an 'eye-witness'.

(9) Who is deeply concerned in the issue and mixed up with the witnesses.

(10) Deut. XIX, 15.

- (11) Invalidating the whole evidence through the presence of a disqualified person.
- (12) I.e., to substantiate the matter; not the litigants or the principals in a criminal charge, but solely the witnesses.
- (13) On the scene of the assault; on the scene of a money-transaction; or, whether they came now to Court. V. Tosaf. and Han.
- (14) I.e., the rule in practice.
- (15) That the association of disqualified witnesses does not vitiate the whole evidence in monetary suits.
- (16) I.e., that even in monetary suits if they came to give evidence, ab initio, they disqualify the whole evidence, i.e. in verbal evidence; it is not so strictly enforced in some documentary evidence. Cf. Han. and Alfasi.

Talmud - Mas. Makkoth 6b

MISHNAH. IF TWO PERSONS SEE THE MALEFACTOR FROM ONE WINDOW AND TWO OTHER PERSONS SEE HIM FROM ANOTHER WINDOW AND ONE STANDING MIDWAY UTTERS THE PRE-ADMONITION TO HIM, THEN, IF SOME ON ONE SIDE AND SOME ON THE OTHER SIDE CAN SEE ONE ANOTHER,¹ THEY CONSTITUTE TOGETHER ONE BODY OF EVIDENCE, BUT IF THEY CANNOT [PARTLY SEE ONE ANOTHER], THEY ARE TWO BODIES OF EVIDENCE. CONSEQUENTLY, IF ONE OF THESE [BODIES] IS FOUND ZOMEMIM, BOTH HE AND THEY² ARE PUT TO DEATH, WHILE THE PARTY THAT CAME SECOND IS DISCHARGED. R. JOSE OBSERVES THAT A MALEFACTOR IS NEVER PUT TO DEATH UNLESS TWO WITNESSES HAD DULY PRE-ADMONISHED HIM, AS HOLY WRIT PRESCRIBES, AT THE MOUTH OF TWO WITNESSES OR THREE WITNESSES SHALL HE THAT IS WORTHY OF DEATH BE PUT TO DEATH; BUT AT THE MOUTH OF ONE WITNESS HE SHALL NOT BE PUT TO DEATH.³ ANOTHER INTERPRETATION OF THE WORDS, AT THE MOUTH OF TWO WITNESSES . . . IS THAT THE SANHEDRIN SHALL NOT HEAR THE EVIDENCE FROM THE MOUTH OF AN INTERPRETER.

GEMARA. R. Zutra b. Tobiah reported that Rab said: How can it be shown that ‘disjoined’ testimony⁴ is disqualified? Because, Holy Writ prescribes that at the mouth of one witness he shall not be put to death.³ Now, what is [the import of this special admonition here against] one witness? If it be taken literally as one sole witness, is not this already implied in the earlier context, at the mouth of two witnesses or three witnesses shall he that is worthy of death be put to death? What, then, is the meaning of one witness? One by one.⁵ The same is also taught, thus: Holy Writ prescribes [especially], at the mouth of one witness he shall not be put to death to cover instances where two persons see the malefactor, one from a window here and the other from a window there, without, however, seeing each other, [in which case] such evidence cannot be conjoined. Nay, furthermore, even if they both witnessed the offence from the same window, first one and then the other, their testimony cannot be conjoined.

R. Papa remarked to Abaye: Now, if, [in the first instance above,] where one saw the offence from one window and another from another window [simultaneously], one having witnessed the whole act and the other having witnessed the whole act, you say that such testimony cannot be conjoined; is there any occasion at all to give [the second instance], where two witnesses saw the act [albeit from the same window], only consecutively, and where consequently this one only saw but half the act, and the other but half the act? — Abaye replied: The second might seem unnecessary, but for such an instance as incest.⁶

Raba said: If they both saw the admonitor, or he saw them both, they can be conjoined in the testimony as a whole, Raba further said in reference to the requisite admonition, that if it was uttered even by the victim himself, or even if it came from some [invisible] demon⁷ [it was sufficient].

R. Nahman⁸ stated that in monetary suits ‘disjoined’ testimony is admissible, since Holy Writ prescribes, ‘by the mouth of one witness he shall not be put to death’. It is only in a capital charge

that ‘disjoined’ testimony is inadmissible; but in monetary suits it is admissible. R. Zutra⁹ demurred to this [and argued,] if so, why not put this forward as a plea for ‘deliverance’¹⁰ [in a capital charge]? Why, then, does the Mishnah state that BOTH HE [THE ACCUSED] AND THEY [THE ZOMEMIM] ARE PUT TO DEATH?¹¹ — This is a difficult point.

R. JOSE¹² OBSERVES THAT A MALEFACTOR IS NEVER PUT TO DEATH UNLESS TWO WITNESSES HAD DULY PRE-ADMONISHED HIM . . . Said R. Papa to Abaye: Is this really R. Jose's view? Do we not learn: R. Jose says, An [avowed] enemy is executed, because he is, as it were, attested and already pre-admonished?¹³ — To this Abaye replied that the authority of that cited Mishnah was R. Jose b. Judah, as it is taught [explicitly elsewhere]: R. Jose b. Judah says, a scholar¹⁴ needs no pre-admonition, because pre-admonition was introduced only as a means for discriminating between the inadvertent and deliberate offender.

ANOTHER INTERPRETATION OF THE WORDS, AT THE MOUTH OF TWO WITNESSES.....IS THAT THE SANHEDRIN SHALL NOT HEAR THE EVIDENCE FROM THE MOUTH OF AN INTERPRETER. Certain foreigners came [with a suit] before Raba and he appointed an interpreter. How could he do that? Do we not learn that THE SANHEDRIN SHALL NOT HEAR THE EVIDENCE FROM THE MOUTH OF AN INTERPRETER? — Raba understood well enough what they said, only he did not know how to reply.

(1) V. Tosaf, s.v. וְיָדָע.

(2) I.e., the malefactor, against whom the charge has been proved and who consequently has to pay the penalty; and the intriguers who, out of enmity to him, supported the charge against him, although by an attested alibi, they could not possibly have been eye-witnesses. ‘This is a unique instance in the jurisdiction of Sanhedrin.’ J. Makk. I, 14.

(3) Deut. XVII, 6.

(4) I.e. where each of the witnesses was unaware of the other's presence at the time of the alleged offence.

(5) And the purport of the admonition is to bar ‘disjoined’ testimony.

(6) Where the merest superficial penetration technically constitutes the carnal offence. Yet even here, ‘disjoined’ testimony is not admissible.

(7) V. K. Kohler, Demonology, J.E. IV, 514ff.

(8) Var. lec. Judah, D.S.

(9) Var. lec. Hisda, D.S.

(10) Seeing that it is the duty of ‘the Congregation’ (the Judges of the High Court) to deliver, that is, to avoid capital punishment on any and every pretext, then why not advance this argument: just as you stressed the verse, by . . . one witness he shall not be put to death, to mean, not a fit witness to effect a capital sentence, yet fit enough among others in a monetary suit; you might just as well stress it to mean, not fit to effect a capital sentence, yet fit enough to effect a deliverance (discharge) on the ground that, as a witness of ‘disjoined’ evidence (disqualified in a capital charge), he disqualifies by his presence all the other witnesses.

(11) V. supra p. 32, n. 2.

(12) Usually = R. Jose b. Halafta, but J. Mak. has here R. Jose b. Judah (see discussion).

(13) V. infra 9b.

(14) Haber חֶבֶר lit., ‘associate’, ‘fellow-student’, sometimes a colleague of prominent scholars, Talmid-haber, v. Glos.

Talmud - Mas. Makkoth 7a

Elai and Tobiah were near kinsmen to a surety, and R. Papa maintained that [their evidence was admissible, as] they were strangers to the debtor and the creditor; but R. Huna, the son of R. Joshua, pointed out to R. Papa that if the debtor were unavailable,¹ would not the creditor come down on the surety?² MISHNAH. IF ONE FLED AFTER HAVING BEEN CONVICTED AT A COURT AND AGAIN COMES UP BEFORE THE SAME COURT, THE [FIRST] JUDGMENT IS NOT SET ASIDE.³ WHEREVER TWO WITNESSES STAND UP AND DECLARE, ‘WE TESTIFY THAT N. N. WAS TRIED AND CONVICTED AT THE COURT OF X⁴ AND THAT Y AND Z WERE

THE WITNESSES IN THE CASE,' THE ACCUSED IS EXECUTED. A SANHEDRIN⁵ HAS JURISDICTION WITHIN THE LAND [OF PALESTINE] AND OUTSIDE IT. A SANHEDRIN THAT EFFECTS AN EXECUTION ONCE IN SEVEN YEARS, IS BRANDED A DESTRUCTIVE TRIBUNAL; R. ELIEZER B. AZARIAH SAYS: ONCE IN SEVENTY YEARS. R. TARFON AND R. AKIBA SAY: WERE WE MEMBERS OF A SANHEDRIN, NO PERSON WOULD EVER BE PUT TO DEATH. [THEREUPON] RABBAN SIMEON B. GAMALIEL REMARKED, [YEA] AND THEY WOULD ALSO MULTIPLY SHEDDERS OF BLOOD IN ISRAEL!

GEMARA. [IF ONE FLED . . . AND AGAIN COMES UP BEFORE THE SAME COURT . . .] This wording implies [that the first judgment] is not to be set aside in the same Court, but may be set aside In another Court, whereas in the next clause we read: WHEREVER TWO WITNESSES STAND UP AND DECLARE, 'WE TESTIFY THAT THIS MAN WAS TRIED AND CONVICTED AT THE COURT OF X AND THAT Y AND Z WERE THE WITNESSES IN THE CASE' THE ACCUSED IS EXECUTED [which conveys a contrary impression]! — Said Abaye: That presents no difficulty; [there are two domains in regard to Court decisions], one has reference to a Palestinian Court, the other to an extra-Palestinian Court, as it is taught: R. Judah b. Dosithai says [in the name of R. Simeon b. Shetah] that if a fugitive from Palestine went abroad, his sentence is not set aside; from abroad to Palestine, his sentence is set aside, on account of Palestine's prerogative.⁶

A SANHEDRIN HAS JURISDICTION WITHIN THE LAND . . . AND OUTSIDE IT.

What [Scriptural] authority is there for this? — Our Rabbis taught: [From the text,] And these things shall be for a statute of judgment unto you throughout your generations in all your dwellings,⁷ we learn that a Sanhedrin has jurisdiction both in and outside Palestine. If that be so, what is the import of [the limitation in] the text, Judges and officers shalt thou make thee in all thy gates which the Lord thy God giveth thee tribe by tribe?⁸ — [It means that] in your [own] gates you set up tribunals in every district as well as in every city, whereas outside the Land [of Palestine], you set up tribunals only in every district but not in every city.⁹

A SANHEDRIN THAT EFFECTS AN EXECUTION ONCE IN SEVEN YEARS IS BRANDED A DESTRUCTIVE TRIBUNAL; R. ELIEZER B. AZARIAH SAYS, ONCE IN SEVENTY YEARS. The question was raised whether the comment [of R. Eliezer b. Azariah was a censure, namely] that even one death-sentence in seventy years branded the Sanhedrin as a destructive tribunal, or [a mere observation] that it ordinarily happened but once in seventy years? — It stands [undecided].

R. TARFON AND R. AKIBA SAY, WERE WE MEMBERS OF A SANHEDRIN, NO PERSON WOULD EVER BE PUT TO DEATH. How could they [being judges] give effect to that [policy]? Both R. Johanan and R. Eleazar suggested that the witnesses might be plied with [intimate] questions such as, 'Did you take note whether the victim was [perchance] suffering from some fatal affection or was he perfectly healthy?' R. Ashi [enlarging on this] said: And should the reply be, 'Perfectly healthy', they might further be embarrassed by asking, 'Maybe the sword only severed an internal lesion?'¹⁰

And what would be asked, say, in a charge of incest? — Both Abaye and Raba suggested asking the witnesses whether they had seen the offenders as intimate as 'kohl-flask and probe'?¹¹

Now [with regard to] the Rabbis,¹² what kind of evidence [in such a charge] would they deem sufficient to convict? — According to Samuel's maxim; for Samuel said that being caught in the attitude of the unchaste is sufficient evidence.

CHAPTER II

MISHNAH. THE FOLLOWING GO INTO BANISHMENT: HE WHO SLAYS IN ERROR,¹³ IF [FOR INSTANCE] WHILE HE WAS PUSHING A ROLLER¹⁴ [ON THE ROOF] IT [SLIPPED OVER]. FELL DOWN AND KILLED SOMEBODY, OR WHILE HE WAS LOWERING A CASK IT FELL DOWN AND KILLED SOMEBODY, OR, WHILE COMING DOWN A LADDER HE FELL ON SOMEBODY AND KILLED HIM, HE GOES INTO BANISHMENT. BUT, IF WHILE HE WAS PULLING UP THE ROLLER IT FELL BACK ON SOMEONE KILLING HIM, OR WHILE HE WAS RAISING A BUCKET THE ROPE SNAPPED AND THE BUCKET KILLED SOMEBODY IN ITS FALL,

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- (1) The readings vary here, v. D.S, but the translation meets either.
 - (2) I.e., if the debt has been repaid, the surety is quit of his liability; if not, he has to meet it. This will have to be determined on the evidence of his near kinsmen, who are inadmissible.
 - (3) In order to have a new hearing, in the prisoner's favour.
 - (4) I.e., either at such-and-such a place, or under the presiding judge X.
 - (5) Provided the members were ordained in Palestine, v. Maim. Yad. Sanh. IV. 6.
 - (6) Cf. Tosef. Sanh III, 11, 'R. Dosithai b. Judah (J. Mak. I has 'R.D.b. Jannai) says that fugitives who had been convicted to death, having fled from Palestine abroad, are put to death forthwith; and those who fled to Palestine from abroad are not put to death (forthwith), but are sent to trial as in the first instance.' 'Dos, b. Judah' seems the better reading; also the bracketed part is missing in many good MSS.
 - (7) Num. XXXV, 29 (in reference to manslaughter). The wording makes the provision operative everywhere and always.
 - (8) Deut. XVI, 18, i.e. in Palestine only, after the distribution and occupation of the land by all the tribes.
 - (9) No city was entitled to a Sanhedrin of twenty-three judges unless it had at least 120 residents (another view 230), cf. Sanh. 17b.
 - (10) The juridical point involved in asking such intimate questions is this: that if the witnesses could not be absolutely certain on any material point in the evidence, they could not be expected to take a lead in the actual execution of the offender, as required by law. (Deut. XVII, 6-7.) Thus capital punishment fails.
 - (11) A euphemism for carnal intimacy.
 - (12) I.e., those others who do not share the views of R. Tarfon and R. Akiba in regard to capital punishment.
 - (13) I.e., accidentally, without premeditation.
 - (14) Eastern roofs are flat; they are plastered to make them water-tight and give them the necessary slope. The levelling is done by a log (or smooth flat stone) to which a long handle attached, by which it is pushed backwards and forwards. Cf. M. K. 11a and Vergil, Georgics, I, 178, *area cum primis ingenti aequanda cylindro*.

Talmud - Mas. Makkoth 7b

OR WHILE GOING UP A LADDER HE FELL DOWN AND KILLED SOMEBODY, HE DOES NOT GO INTO BANISHMENT. THIS IS THE GENERAL PRINCIPLE: WHENEVER THE DEATH WAS CAUSED IN THE COURSE OF A DOWNWARD MOVEMENT, HE GOES INTO BANISHMENT, BUT IF IT IS CAUSED NOT IN THE COURSE OF A DOWNWARD MOVEMENT, HE DOES NOT GO INTO BANISHMENT.

GEMARA. What is the [Scriptural] authority for these [distinctions]? — Said Samuel: It is prescribed, or . . . he let it fall upon him so that he died,¹ [meaning that one has not to go into banishment] until something fell in a downward movement.

Our Rabbis taught: [That killeth any person] by error,² precludes anyone that killed with full knowledge; [whoso killeth . . .] unawares,³ precludes anyone that killed with intent. 'By error...precludes anyone that killed with full knowledge'. — Is that not obvious [without 'stressing the text]? Such a one is 'the son of Death'! — Said Rabbah: I would suggest that it is to preclude a case where one pleads that he thought he was permitted to kill [that person]. Said Abaye to Rabbah: If [as you suggest], he thought that he had a right to kill, then [surely], he is a victim of mischance!

— [No], replied Rabbah, because I consider anyone pleading that he thought it permissible [to kill] closely akin to a wilful [murderer]. ‘Whoso killeth . . . unawares . . . precludes anyone that killed with intent’ — Is not that obvious? Such a one is ‘the son of Death’! — Said Rabbah: I would suggest that it is to meet such cases as when he intended to kill an animal, but killed a man;⁴ to kill a heathen,⁵ but killed an Israelite; to kill a premature-born,⁶ but killed a fully-developed infant.

Our Rabbis taught: if . . . suddenly,⁷ precludes [from refuge] anyone [killing through rushing precipitately] round a corner;⁸ without enmity, precludes an adversary; he thrusts him, means with his body;⁹ or have cast upon him, includes [an accident resulting from] a downward motion as a prerequisite of an upward swing; without laying of wait,¹⁰ precludes an intended throw in one direction which swerved to another. And if a man lie not in wait,¹¹ precludes anyone who intended to throw an object a distance of two ells, but made it go four ells. And as a man goeth into the wood with his neighbour,¹² [provides here a standard. For] what is the nature of this forest? It is a domain affording [free] access to the injured as well as to the injurer.¹³ In like manner every place [of injury] must be a domain of free access to the injured as to the injurer [to involve liability for injury].

R. Abbahu asked R. Johanan: If while a person is going up a ladder, a rung giving way under him comes down and kills somebody, how would this be taken? Was the death to be considered [a result] of an upward or a downward movement?¹⁴ — He replied: You have indeed laid your finger on [an accident resulting from] a downward motion as a prerequisite of an upward movement. To this R. Abbahu objected [from the Mishnah]: **THIS IS THE GENERAL PRINCIPLE: WHENEVER THE DEATH WAS CAUSED IN THE COURSE OF A DOWNWARD MOVEMENT, HE GOES INTO BANISHMENT, BUT IF [CAUSED] NOT IN THE COURSE OF A DOWNWARD MOVEMENT, HE DOES NOT GO INTO BANISHMENT.** Now, [what kind of case would be included in the general] terms of the latter principle — **BUT IF [CAUSED] NOT IN THE COURSE OF A DOWNWARD MOVEMENT . . . if not an instance of this kind?** — [R. Johanan replied:] Following your opinion, what instance would you include in the general terms of the first principle — **WHENEVER. . . IN THE COURSE OF A DOWNWARD MOVEMENT . . . ?** [You could give] but one, namely, that of a butcher; and that instance is also within the terms of the latter principle, as it is taught: If a butcher whilst chopping meat killed somebody [there are four different versions of the case]. Version A¹⁵ has it: If he killed a person in front of him, he is liable to go into banishment; if behind, he is exempt. Version B: If behind him, he is to go into banishment; if in front, he is exempt. Version C: Whether in front of him or behind, he is to go into banishment. Version D: Whether in front of him or behind, he is exempt. And [continued R. Johanan], it is really not difficult [to explain these diversities], thus: In Version A: If he killed in front by a downward stroke [he goes into banishment]; if behind him by an upward swing [of the chopper], he is exempt.¹⁶ In Version B: If he killed in front of him by the upward swing [he is exempt]; if behind him, by the downward [back] movement [he goes into banishment].¹⁷ In Version C: If he killed either in front or behind him by the downward movement [he goes into banishment]; and in Version D.’ If he killed either in front or behind him by the upward swing [he is exempt].¹⁸

May we say that this question has already been disputed by Tannaim: If while a person is going up a ladder and a rung gave way under him . . . Version A has it that he is liable, and Version B that he is exempt? Is not the point at issue between them this, that one Master considers it a downward movement, and the other an upward movement? — Not necessarily; it may be that all agree in considering it an upward movement, and yet it is not difficult [to explain the discrepancy]: Version A refers to his liability in damages,¹⁹ Version B, to his liability of banishment. And, if you prefer, I might even suggest that both versions refer to banishment,²⁰ and it is not difficult [to find an explanation]: Version A refers to a case where the rung was worm-eaten,²¹ while Version B to where it was not worm-eaten. Nay, if you prefer, I might even suggest that it was not worm-eaten, and still it is not difficult [to explain]: Version B refers to a case where the rung was fixed tightly, while Version A refers to where it was not fixed tightly.²¹ **MISHNAH. IF THE IRON SLIPPED FROM**

ITS HELVE²² AND KILLED [SOMEBODY], RABBI SAYS HE DOES NOT GO INTO BANISHMENT AND THE SAGES SAY HE GOES INTO BANISHMENT; IF FROM THE SPLIT LOG,²³ RABBI SAYS HE GOES INTO BANISHMENT, AND THE SAGES SAY HE DOES NOT GO INTO BANISHMENT.

GEMARA. It is taught: Rabbi said to the Sages: Does the text read, and the iron slippeth from its tree [wood]?²⁴ It reads only, from the tree. Moreover,²⁵ the tree occurs twice in the same text, and just as in the first instance²⁶ the reference is to the tree that is being hewn, so is the reference in the second instance²⁷ to the tree that is being hewn.

R. Hiyya b. Ashi²⁸ observed that Rab had said that both sides based their views on a different interpretation of the same text, namely, and the iron slippeth from the tree;²⁴ Rabbi maintains that the Masorah [the traditional text unvocalized],²⁹ is determinant [in Biblical exposition] and we may as well read the word as ve-nishshal [and . . . was hurled away],³⁰ and the Rabbis, on the other hand, maintain that Mikra [the text as habitually read] is determinant³¹ [in exposition] and here we have but ve-nashal³² [and . . . slipped].

But does Rabbi actually maintain that the Masorah is determinant [in exposition]?

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- (1) But if he thrust him suddenly without enmity, or have cast upon him anything . . . or with any stone . . . seeing him not and let it fall upon him, that he die . . . Num. XXXV, 22ff.
 - (2) To be cities of refuge for you; that the slayer may flee thither, that killeth any person by error. Num. XXXV, 11 and 15.
 - (3) The slayer, which shall flee thither that he may live, whoso killeth his neighbour ignorantly. AV. Deut. XIX, 4.
 - (4) I.e., he misdirected his blow.
 - (5) [The death of a heathen is as little condoned as that of a premature-born child, but is not subject to the relevant Scriptural law of refuge, v. B.K. (Sonc. ed.) p. 253, n. 6.]
 - (6) [Within 30 days of his birth. In each of these cases, the offence is treated as culpable, for which banishment is inadequate as affording neither atonement nor protection against the avenger.]
 - (7) An interpretation of, But if he thrust him suddenly without enmity, or have cast upon him any thing without laying of wait, Num. XXXV, 22.
 - (8) While carrying a dangerous object.
 - (9) I.e., unintentionally.
 - (10) The root **תצ** is taken as cognate with **צדד**, side-tracking.
 - (11) Ex. XXI, 13. Cf. I Sam. XXIV, 11.
 - (12) Deut. XIX, 5.
 - (13) Both have an equal right to go into the wood to cut down trees.
 - (14) The man moves upward, the rung moves downward; which is the determining factor here as regards the law of banishment, the man's movement or that of the rung?
 - (15) Lit., 'One Tanna teaches ' . . . and another Tanna teaches . . . '
 - (16) Although the upward swing behind is the beginning of the downward stroke in front.
 - (17) Although the downward back movement is but a continuation of the upward swing in front.
 - (18) See Rashi. Cf, however, R. Han and Kesef Mishneh on Maim. Yad, Rozeah, VI, 13, for other readings.
 - (19) Man is 'constantly forewarned' and liable to pay damages in all circumstances, whether the injury or damage was caused by him through inadvertence or culpable negligence; man is held 'constantly forewarned' — v. B.K. 26a.
 - (20) Maim. seems to have read here 'damages'. Cf. Maggid Mishneh on Yad, Hobel, VI, 4.
 - (21) Easily giving way under the tread until it breaks and falls, which is a downward motion all the time, and therefore entailing banishment.
 - (22) According to Rabbi, it slipped before it struck the log; having neglected to examine his tool before using it, he does not go into banishment, i.e., he is not to be given the benefit of asylum (but must evade the avenger as best he can; V. Maim. Yad Rozeah, VI, 4).
 - (23) I.e., if the axe rebounded from the log and killed, or if a chip from the log flew out and killed, he needs, according

to the Rabbis, no atonement in exile (v. Maim, *ibid.* VI, 3), as it is a secondary force (v. Gemara) with no element of neglect in this strange unforeseen accident (Han. Cf. Rashi and Jer. Targum Deut., a.l.).

(24) Deut. XIX, 5. (As when a man goeth into the wood with his neighbour to hew trees and his hand fetcheth a stroke with the axe to cut down the tree and the iron slippeth from the tree . . . he shall flee . . . From its tree (lit., 'wood') might mean from its helve, but from the tree is open to another interpretation, namely, a rebound from the tree.

(25) He seeks support in the text for his contention that the term 'the tree' cannot refer to two different objects, when mentioned in the same context.

(26) . To hew trees,' lit., 'the tree.'

(27) 'Slippeth from the tree.'

(28) Ashi the elder, Rab's disciple.

(29) The vocalization of the Hebrew text is of very late date. The Pentateuch is still strictly retained unvocalized in the Synagogue; thus the same consonants might be read in several ways, often giving rise to different meanings, e.g. **הלב** and **הלב** and similarly **ונשל** and **ונשל** as suggested here in the discussion.

(30) **ונשל** probably meant as the Nifal form, cf. **נגש** Gen. XXXIII, 7; Ex. XX, 21, and **נתן** Lev. XIX, 20; Num. XXVI, 62. The root is found to have both a transitive meaning (Deut. VII, 22, cast away the nations; also, cast off thy shoe, Ex. III, 5), and an intransitive meaning (Deut. XXVIII, 40, thine olive shall cast its fruit). Cf. J. Mak. II, 2 (31c) and Nahmanides' Notes on Mak. Rashi suggests the Pi'el form, 'and the iron hurled away part of the tree;' on his second explanation by vocalizing it like **ונאשל** or **ונהשל** v. Rashi, Keth. 69b, top, s.v. **ינחם**

(31) [Lit., 'Mikra has a mother,' or 'there is preference to Mikra' (Halper, B., ZAW. XXX, p. 100), i.e., the reading of the sacred text according to Kere (**קר**) the established vocalization has an authentic origin, hence well-founded, as distinct from the Masorah, the Kethib (**כת**) the traditional text of consonants without vowels.]

(32) **ונשל**, the Kal.

Talmud - Mas. Makkoth 8a

Did not R. Isaac b. Joseph report R. Johanan to have said that Rabbi, R. Judah b. Ro'ez, the School of Shammai, R. Simeon and R. Akiba all maintained that the Mikra is determinant [in exposition]?¹ — [Just so;] but that is why he also enforces his contention with his [additional argument], 'Moreover...'

R. Papa observed that if one flung a clod at a palm, thereby knocking off some palm-fruit, which in falling killed somebody,² then we have an instance which will aptly illustrate the controversy between Rabbi and the Rabbis.³

[What is the point of this observation?] Is it not obvious? — [Not quite so obvious, as] you might argue that the falling fruit that killed was [according to Rabbi] but a secondary force⁴ [entailing no banishment]; therefore R. Papa's statement makes it clear that it is not so [according to Rabbi].

But, what would be a secondary force according to Rabbi's interpretation? — For instance, if he flung a clod and struck a stem which precipitated a cluster of fruit, and the fruit then dropped and killed somebody.

MISHNAH. IF A MAN THREW A STONE INTO THE PUBLIC DOMAIN AND KILLED A PERSON, HE GOES INTO BANISHMENT; R. ELIEZER B. JACOB SAYS THAT IF AFTER THE STONE HAD LEFT HIS HAND ANOTHER PERSON PUT OUT HIS HEAD AND CAUGHT IT,⁵ THE THROWER IS EXEMPT [FROM BANISHMENT]. IF A MAN THREW A STONE INTO HIS [OWN] COURT AND KILLED A PERSON, THEN, IF THE VICTIM HAD A RIGHT OF ENTRY THERE, THE THROWER GOES INTO BANISHMENT,⁶ AND IF NOT, HE DOES NOT GO INTO BANISHMENT, BECAUSE IT IS WRITTEN: AS WHEN A MAN GOETH INTO THE WOOD WITH HIS NEIGHBOUR TO HEW WOOD . . .⁷ WHAT IS [THE NATURE OF] THE WOOD [REFERRED TO]? IT IS A DOMAIN ACCESSIBLE TO THE VICTIM AS TO THE SLAYER;⁸ EVEN THE SAME [LAW] OBTAINS IN EVERY DOMAIN WHICH IS

[EQUALLY] ACCESSIBLE TO THE VICTIM AND TO THE SLAYER; OUTSIDE [THIS LAW] IS THE COURT OF THE HOUSEHOLDER WHERE THE VICTIM HAS NO RIGHT OF ENTRY. ABBA SAUL SAYS: WHAT IS [THE NATURE OF] THIS HEWING OF WOOD [REFERRED TO]? IT IS AN OPTIONAL ACT; [EVEN THE SAME OBTAINS IN ALL VOLUNTARY ACTS];⁹ OUTSIDE [THIS LAW] IS THE FATHER BEATING HIS SON, OR THE MASTER STRIKING HIS PUPIL, OR THE COMMISSIONER OF THE COURT¹⁰ [ADMINISTERING THE LASH]. GEMARA . . . A STONE INTO THE PUBLIC DOMAIN — he is a deliberate offender?¹¹ — Said R. Samuel b. Isaac: It happened while he was demolishing a [defective] wall.¹² Even then, he should be circumspect? — He was demolishing it at night. At night, too, ought he not to be circumspect? — He was clearing the debris on to a rubbish-heap. On to a rubbish-heap! Under what circumstances? If the public pass there often, he is guilty of negligence; and if the public do not pass there often, he is the victim of mischance!¹³ — Said R. Papa: No! We must explain the Mishnah by an instance where the debris is thrown on to a rubbish-heap to which people resort for convenience at night-time, but not during the day; yet occasionally, someone comes and squats there. In such a case, the thrower is not guilty of negligence, because the place is not resorted to for convenience during daytime; nor is he [merely] a victim of mischance, because, occasionally, someone comes and squats there.¹⁴

R. ELIEZER B. JACOB SAYS THAT IF AFTER THE STONE HAD LEFT HIS HAND etc. Our Rabbis taught: The text, and if he [or it] found¹⁵ [his neighbour. . . he shall flee], precludes a case where the victim put himself in the way. On this text it was that R. Eliezer b. Jacob based his statement: IF AFTER THE STONE HAD LEFT HIS HAND ANOTHER PERSON PUT OUT HIS HEAD AND CAUGHT IT, THE THROWER IS EXEMPT [FROM BANISHMENT].

Is that to say that u-maza means, finding something there already ab initio?¹⁶ If so, contrast therewith that other exposition of the same form of the word in the text. [It is taught:] and he found [sufficiency to redeem it],¹⁷ which excludes other means [that were] available heretofore, that is, that he is not allowed to sell a remote property to redeem therewith one more proximate, or to sell an inferior property to redeem a fair property? — Said Raba: The expressions must each be taken in its context. There, the expression, ‘and he found sufficiency [to redeem it]’ must be taken with its context, ‘and his own hand attained [and found sufficiency to redeem it]’. Now, what is the meaning of [the phrase] ‘and his own hand attained’? [It means], what he has attained but now,’ so must [its concomitant], ‘and found [sufficiency]’ be taken in the same sense- ‘but now.’ Here, too, the expression must be taken in its proper context: ‘and if he [or it] found’ must be understood in the same sense as its concomitant, ‘the wood’; what is the case of ‘the wood’? — it was there ab initio,’ so must we take ‘and if he [or it] found’ to imply that he found his victim who was there ab initio [and not suddenly coming forward later].

ABBA SAUL SAYS, WHAT IS THE NATURE OF THIS HEWING OF WOOD etc.?¹⁸ One of the [senior] scholars said to Raba: What ground is there for Abba Saul's assumption that the hewing of wood referred to was [essentially] an optional task; it might as well be a hewing of wood [as a religious act] for building a Sukkah,¹⁹ or cutting faggots for the altar,²⁰ and accordingly, one might infer that the Divine Law ordained that the slayer shall nevertheless go into banishment? — Said Raba to him: Supposing he found some hewn wood [he would not have to hew any] and hewing would not then be any part of the prescribed command; nor can it, for the same reason, even in the first instance, be taken as part of the prescribed command.²¹ Rabina, thereupon, referred him back [to the Mishnah], OUTSIDE [THIS LAW] IS THE FATHER BEATING HIS SON, OR THE MASTER STRIKING HIS PUPIL OR THE COMMISSIONER OF THE COURT ADMINISTERING THE LASH. Here, also [he argued], where the son [or pupil] is already learned, it is no longer obligatory [on the father or master] to [teach and] strike? It should therefore not be considered even in the first instance part of a prescribed command?²² — Although the son is already taught [replied Raba], it is still obligatory on the father to chasten, because it is written, Correct thy

son and he will give thee rest, yea he will give delight to thy soul.²³ Reconsidering it, however, Raba said: What I told you was not a correct reply; because, re-examining the text, when²⁴ ‘a man goeth into the wood with his neighbour,’ I say its import is [clearly] that of an optional act; that is, if he wishes to go there he goes, and if he does not wish, he does not go there. Now, therefore, if [as you suggested] the context ‘to hew wood’ is to be applicable [also] to an obligatory act of hewing, could he sufficiently meet his obligation without going into the forest?

R. Adda b. Ahaba then asked of Raba: Does then the [conditional] particle *asher*-when-always imply an optional action? If so, considering the text, but when²⁵ a man be unclean and shall not purify himself²⁶ [that soul shall be cut off from among Israel]²⁷ — will you likewise explain it as referring only to [a case] where if he wishes he defiles himself [by touching a corpse], and if he does not care to defile himself, he need not; but in the case of an obligatory corpse²⁸ where the finder could not but defile himself [but must needs give it burial], would he indeed [on entering the Temple during defilement] be exempt [from the penalty?]? That is quite different [replied Raba], because there, the text distinctly emphasises

(1) V. Sanh. 4a and 4b where the several statements of the above-mentioned authorities are cited, all turning on the legitimate deduction, or otherwise, from the possibility of an alternative vocalization of a word, e.g. **שבועים** fortnight, as **שבועים** seventy (days); **קרנת** horns of, as **קרנת** horn of; **יראה** shall be seen (appear) as **יראה** shall see, etc.

(2) The palm is sometimes 60 to 80 feet high. There are many varieties of fruit varying in form, size, and character, e.g. dates, areca, sago and cocoa-nut. The fruits usually cluster closely together, and when precipitated from a great height can easily kill a person.

(3) In the Mishnah, the falling fruit being compared to the flying chip.

(4) As the clod, the first force, had left his hand before it struck off the palm-fruit. This is not a correct assumption; he takes the clod as the axe, and the falling fruit as the flying chip which kills, entailing banishment.

(5) And was killed, the thrower is not blamable in the least for such an unforeseen event, and needs no atonement or protection by exile.

(6) He should have been more circumspect: the guiding rule is derived from the example of the wood afforded by Scripture.

(7) Deut. XIX, 5.

(8) Lit., ‘the injured as to the injurer.’

(9) This bracketed clause is absent in most texts.

(10) These are instances of accidents arising in the course of performing an act of duty, v. discussion.

(11) And is not entitled to protective banishment, as directed in the Mishnah.

(12) Removing such possible danger to the public is commendable. Cf. M. K. 7a.

(13) And as he could not have foreseen the victim's arrival on the scene of the accident, he should be exempt from banishment, and the ruling of the Mishnah as it stands is surprising.

(14) There was therefore an element of neglect, and the thrower goes into banishment.

(15) Deut. XIX, 5, that is, either the iron (axe) slipping from the helve, found, met or caught; or, he, the hewer (on the iron slipping) caught his neighbour.

(16) **מצא** is grammatically in the past tense (Perfect); the addition of **י** imports the possibility of a future sense, ‘and he (it) shall have found’.

(17) Lev. XXV, 26. If a man sold a field out of necessity, he or his kinsman had the right to buy it back at any time before the next Jubilee, by paying a price proportionate to the number of years the stranger might have enjoyed it up to the Jubilee, when the property would automatically revert to the owner. This anticipatory redemption could not be enforced by using moneys that were available at the time of sale, or borrowed money, or by part-redemption, or the proceeds of the sale of inferior or remote-lying property. Such means would show that the vendor did not sell out of poverty, and the purchaser's rights must not be disturbed. V. Commentaries on Mish. ‘Ar. IX, 2; Talm. ‘Ar. 30b.

(18) This is the correct heading; the one in the texts is misplaced and belongs to the beginning of the Gemara.

(19) Lev. XXIII, 42, v. Glos.

(20) Ibid. VI, 5; Nehem. X, 35, and Ta'an. 28a.

(21) I.e., the obligation lies mainly in making and using the tabernacle, or donating the faggots for the altar, not in hewing, as the wood might be purchased ready cut. Acting in the discharge of a religious obligation (mizwah) is considered, in case of a resulting accident, an extenuating circumstance: the desire to do a religious act counterbalances the element of slight negligence. Cf. B.K. 30a; 32a.

(22) And according to above argument, father or teacher should go into banishment.

(23) Prov. XXIX, 17, v, ibid. XIII. 24.

(24) As when (asher, אֲשֶׁר) a man goeth into the wood = as if a man . . .

(25) Lit., rendering of וְאִישׁ אֲשֶׁר יִטְמָא

(26) Before entering the Temple.

(27) Num. XIX, 13.

(28) Of an unknown stranger found dead on the road, it was the duty of the finder, even if he were the High Priest himself, to attend to the burial, unless another was there to act for him.

Talmud - Mas. Makkoth 8b

‘he shall be unclean’ — meaning under any circumstances.¹ But has not that phrase been claimed for another deduction, namely, as it is taught: ‘He shall be unclean’ means, to include [defiled] persons who had taken their rite of ablution during daytime;² ‘uncleanness is yet upon him’ means, to include [purified] persons still short of the atonement rite?³ — [Yes,] replied Raba, but I mean to derive my point by stressing the [redundant particle] ‘yet’.⁴

Some introduce the discussion in connection with the following: [Six days thou shalt work, but on the seventh day thou shalt rest;]⁵ in ploughing time and in harvest thou shalt rest.⁶ Says R. Akiba: This [second part of the] text is not needed as a provision against ploughing or harvesting in the Sabbatical year itself, for that is explicitly dealt with elsewhere: Neither shalt thou sow thy field nor prune thy vineyard etc.;⁷ but it is a provision to restrict ploughing even in the pre-Sabbatical year, where its effect extends into the Sabbatical period;⁸ and [similarly] to restrict the harvesting of the [produce partly grown in the] Sabbatical period, which is reaped in the post-Sabbatical year.⁹ Says R. Ishmael: What is the characteristic of ploughing? It is an optional act;¹⁰ so too is the harvesting debarred¹¹ only when it is an optional act. Outside [this restriction], therefore, is the harvesting [of the first barley] for the ‘omer which is prescribed.¹²

One of the [senior] scholars then asked Raba: What ground has R. Ishmael for assuming that the ploughing [referred to in the text] is an optional act; might it not as well be the ploughing for the omer — barley which is prescribed? And accordingly one might infer that the Divine Law even in such a case enjoins the Sabbath rest! — Said Raba to him: [No,] because if he found the plot already ploughed he would not be required to plough again. The [act of] ploughing cannot therefore be considered obligatory. Rabina thereupon referred him to the Mishnah: OUTSIDE [THIS LAW] IS THE FATHER BEATING HIS SON, OR THE MASTER STRIKING HIS PUPIL, OR THE COMMISSIONER OF THE COURT [ADMINISTERING THE LASH]. Now, might we not argue [similarly] that, since where the son [or pupil] is an accomplished scholar it is no longer obligatory [on the father or master] to punish him, it should therefore not be considered even in the first instance as obligatory?¹³ — There [he replied], even though the son is accomplished, it is still a duty, because it is written, Correct thy son and he will give thee rest.¹⁴ Reconsidering it, however, Raba said: That first argument [I used] was not correct, because [continuing the analogy] I argue: What is the characteristic of ploughing? If he found the plot ploughed he need not plough [again]; so too is the characteristic of reaping; [if he found the corn cut, he need not cut again]. But if you assume that the reaping [mentioned in the text] constitutes an obligatory act, then, employing the analogy, you will conclude that if he found the sheaves cut, he need not cut again. How can this be maintained? Is not the bringing as well as the reaping prescribed?¹⁵ MISHNAH. THE FATHER GOES INTO BANISHMENT FOR [THE DEATH OF] HIS SON, AND THE SON GOES INTO BANISHMENT FOR [THAT OF] HIS FATHER. ALL GO INTO BANISHMENT FOR [THE DEATH OF] AN

ISRAELITE, AND ISRAELITES GO INTO BANISHMENT ON THEIR ACCOUNT, SAVE FOR A SOJOURNING-STRANGER,¹⁶ AND A SOJOURNING-STRANGER GOES INTO BANISHMENT¹⁷ FOR [ANOTHER] SOJOURNING-STRANGER.

GEMARA. THE FATHER GOES INTO BANISHMENT FOR HIS SON. Did you not say [before], OUTSIDE [THIS LAW] IS THE FATHER BEATING HIS SON?¹⁸ — [Here it is a case of] a son who has already learnt enough.¹⁹ But did you not [also] say that even if the son has learnt enough, the father is still obliged to teach [his son]? — He was teaching him [only] as a carpenter's apprentice. [Even so] he was teaching him [the means of] a livelihood!²⁰ — He was already accomplished in another craft.

AND THE SON GOES INTO BANISHMENT FOR THE DEATH OF HIS FATHER. This statement was contrasted with that which is taught elsewhere: That killeth a person,²¹ means, to exclude [from banishment] one that killeth his father [or mother]!²² — Said R. Kahana: It is not difficult [to explain the discrepancy]: the passage cited reflects the view of R. Simeon, while the Mishnah reflects that of the Rabbis. According to R. Simeon, execution by strangulation is a severer penalty than by the sword.²³ Therefore, in [the ordinary] case of death by error, the [incurred] penalty, of [execution by] the sword, has its appropriate form of remission [when commuted into banishment]; whereas in the case of parricide in error, the [severer] penalty by strangulation has not its appropriate form of remission [when commuted into banishment]. On the other hand, according to the Rabbis, execution by the sword is a severer penalty than by strangulation. Therefore, in the case of a parent-slayer [who committed the deed] in error, the penalty due is [the severer], that of the sword; and the penalty of the sword has its appropriate form of remission [when commuted into banishment].

Raba explained [the Baraita] thus: 'That killeth a person [through error may flee there]', means, to exclude [from banishment] one that woundeth²⁴ his father [or mother] in error. For you might possibly think that, since by deliberately wounding his parent he would incur the death penalty,²⁵ therefore, in the case of error, he also should go into banishment. The deduction, however, drawn from the text points 'to exclude one that woundeth his father [or mother] in error'.

ALL GO INTO BANISHMENT FOR [THE DEATH OF] AN ISRAELITE, AND AN ISRAELITE GOES INTO BANISHMENT ON THEIR ACCOUNT. — ALL GO INTO BANISHMENT' — What is this 'all' intended to include? — It is to include slaves²⁶ or Cutheans.²⁷ We [thus] learn [here] what our Rabbis taught [in the following]: A slave or Cuthean goes into banishment or receives a flogging on account of an Israelite, and an Israelite goes into banishment or receives a flogging on account of a Cuthean or slave. Now, [the statement] 'a slave or Cuthean goes into banishment or receives a flogging on account of an Israelite' is perfectly clear, meaning that if he [inadvertently] kills an Israelite, he goes into banishment, or that if he utters [the Divine Name in] an imprecation against an Israelite, he receives a flogging.²⁸ [But as regards the second statement] 'and an Israelite goes into banishment or receives a flogging, on account of a Cuthean or slave,' while there is a clear case for the Israelite going into banishment, namely if he kills a slave or Cuthean [inadvertently], how explain his receiving a flogging? [You will perhaps explain,] in case he cursed him. This cannot be, since the text 'nor curse a ruler of thy people' limits the offence to a curse uttered against one who acts according to the usages 'of thy people'? — Said R. Aha b. Jacob: But it might be a case where he [the Cuthean] had given evidence against him [the Israelite as liable to a flogging] and on being found a zomem — witness [is flogged himself].²⁹ And similarly does the slave's liability [to a flogging] likewise arise where he had given evidence against [an Israelite] and was then found to be a zomem — witness? Is a slave [legally] competent to give such evidence? — But no, said R. Aha son of R. Ika, [the flogging] could be explained in a case where an Israelite had struck a [wounding] blow

- (1) Even in a defilement by an obligatory corpse.
- (2) Even after ablution, defilement ceased only with sunset. Lev. XXII, 6-7.
- (3) Four persons, on emerging from their state of impurity, had to complete their purification on the day after ablution, with offerings, Lev. XII, 6ff; XIV, 9ff; XV, 13ff and 28ff. q.v.
- (4) His uncleanness is yet (וַיִּשָּׂא) upon him.
- (5) Lit. 'keep Sabbath' or 'desist (from work)'.
(6) Ex. XXXIV, 21; meaning that, however urgently the season may demand it, ploughing or reaping may not be done on the Sabbath day. The special mention here of ploughing and reaping suggests the association of the weekly Sabbath-day with the septennial Sabbath-year (cf. *ibid.* XXIII, 10-12). In the exposition that follows, R. Akiba stresses the latter; R. Ishmael the former; v, commentaries of Rashi and Maim, on Sheb. I, 1.
- (7) That which groweth of itself. . . thou shalt not reap and the grapes . . . thou shalt not gather. Lev. XXV, 4-5.
- (8) Lit. 'enters into the Sabbatical year,' i.e, produces the fruit in the seventh year.
- (9) I.e, produce grown of itself that has reached a third of its maturity in the seventh year is subject to the restrictions of the seventh year when it matures in the eighth year.
- (10) There being nowhere in the Law a command prescribing ploughing.
- (11) On the Sabbath day.
- (12) And therefore may be cut even on the Sabbath day; Lev. XXIII, 10ff, ordains: When ye come into the land . . . and reap the harvest thereof, then ye shall bring the sheaf ('omer) of the first-fruits of your harvest unto the priest. 'Omer means 'sheaf'; it is also the name of a measure, one-tenth part of an epha (Ex. XVI, 36).
- (13) And the father (or master) should go into banishment.
- (14) Prov. XXIX, 17.
- (15) Ye shall reap the harvest thereof, then shall ye bring the first-fruits of your harvest unto the priest. Lev. XXIII, 10.
- (16) A gentile resident in the midst of the Jewish community who abstains from idolatry (immorality and rapacity), v. A.Z. 64b; also Nahmanides, on Ex. XX, 10.
- (17) This reading of the J.T. is authenticated by our Gemara 9a. In our Mishnah texts the word 'only' occurs.
- (18) I.e, does not go into banishment, and here it is ruled that he does.
- (19) And the chastisement was not strictly an act of duty.
- (20) One of the duties of the father to his son, next to teaching him Torah and seeing him suitably married, v. Rashi a.l, and Kid. 30b; more fully Mekil. on Ex. XIII, 13.
- (21) . . . appoint you cities . . . of refuge . . . that the manslayer that killeth a person through error may flee there. Num. XXXV, 11.
- (22) So in Sifre text. A parent-killer is excluded and denied protection in refuge because, by wounding alone, even without fatal consequences, the smiter has already incurred the death penalty by strangulation; v. Sanh. 84b. The general manslayer is punished by the sword; if he slays in error, the punishment is commuted into banishment to one of the Cities of Refuge.
- (23) Sanh. 49b. Whenever two penalties have been incurred, the severer of the two is inflicted. V. Sanh. 81a.
- (24) The Hebrew for killeth a person is מוֹכָה נֶפֶשׁ which means literally, 'smiling a soul', that is, do to death. The word מוֹכָה by itself means 'beating', 'wounding' or 'killing', hence the interpretation of Raba. Cf. Ex. XXI, 15 (the penalty for wounding parents); *ibid.* 18 (wounding without killing), and Deut. XXV, 1-3 (beating or lashing).
- (25) By strangulation, v. Sanh. 84b.
- (26) I.e., a non — Israelite, or 'Canaanite' slave (cf. Gen. IX, 25, 26; Lev. XXV, 44ff.) who had to be circumcised (Gen. XVII, 12ff), to discard idolatry and abstain from work (for his master) on Sabbath (Ex. XX, 10; XXIII, 12) and who was a member of the household (cf. Lev. XXII, 11; Deut. XVI, 11).
- (27) Samaritans (cf. II Kings XVII, 24 ff), sometimes called 'Lion ('terrorized) Proselytes' (cf, *ibid.* 25-26). They professed adherence to the Mosaic Law, but remained outside by their laws and practices, and do so to this day,
- (28) Ex. XXII, 27, Thou shalt not revile God (or judges) nor curse a ruler of thy people. By combining the import of this text with that of Lev. XIX, 14, Thou shalt not curse the deaf the prohibition is taken to have a general application, involving a flogging if the imprecation is accompanied by the mention of God's name. The words 'of thy people' however limit the offence, as punishable only when committed against law-abiding Jews, v. Sanh. 66a.
- (29) R. Aha's explanation refers to the first clause which, however, at the same time is also explanatory of the second.

Talmud - Mas. Makkoth 9a

which is estimated [in damages] at less than a perutah, as R. Ammi, reporting R. Johanan, said that if one struck a [wounding] blow worth [in damages] less than a perutah, the assailant receives a flogging¹ [and that no analogy between battery and imprecation is admitted].²

SAVE NOT FOR A SOJOURNING — STRANGER, etc. This implies that the sojourning-stranger is treated as a heathen [in regard to the law of refuge];³ but then read the latter clause: A SOJOURNING-STRANGER GOES INTO BANISHMENT FOR [ANOTHER] SOJOURNING-STRANGER [in accordance with the law of refuge]?⁴ — Said R. Kahana: It is not difficult [to explain the seeming discrepancy]; the last clause provides for a sojourning-stranger who had slain [inadvertently] another sojourning — stranger, whereas the previous clause provides for a sojourning-stranger who had slain an Israelite. Some throw into contrast one [Scriptural] text against another. It is written: For the children of Israel and for the stranger and for the sojourner among them, shall these six cities be for refuge . . .⁵ And again it is written: [Speak unto the children of Israel . . .] and the cities shall be unto you [for refuge from the avenger]⁶ — which implies for ‘you’ [exclusively] but not for strangers? — Said R. Kahana: It is not difficult [to explain], as one text [verse twelve] provides for a sojourning — stranger who killed an Israelite,⁷ while the other text [verse fifteen] provides for a sojourning-stranger who killed another sojourning-stranger.⁸ [As against this interpretation,] some cited [in contrast] the following: ‘Therefore, stranger and heathen who killed [a person]⁹ are killed.’ In this quotation ‘stranger’ and ‘heathen’ are taken together as of the same category,¹⁰ that is to say, that just as in the case of a ‘heathen’ [killing someone] it made no difference whether he killed a person of his own status or not of his own status, he was slain: so in the case of a ‘stranger’, it likewise made no difference whether he killed a person of his own status or not of his own status, he would be slain? — Said R. Hisda: It is not difficult to explain [the seeming discrepancy in the texts],¹¹ as one¹² provides for a case where death results from a downward movement, whereas the other¹³ [provides for a case] where it results from an upward movement.¹⁴ In the case of a downward motion, where an Israelite would go into banishment, it is enough if the ‘stranger’ too is allowed to go into banishment, whereas in the case of an upward motion, where an Israelite is acquitted, the [sojourning] ‘stranger’ dies for it.¹⁵

Said Raba: But does not an argument a fortiori demand a contrary conclusion? Why, if in a death by a downward motion, where an Israelite would go into banishment, it is considered enough for a ‘stranger’ also to go into banishment, would you, in the case of death by an upward motion, where an Israelite is acquitted, insist on a ‘stranger’ being killed? — But, said Raba, [the severity is explicable] where the ‘stranger’ thought he had a right to kill. Said Abaye to him: If he thought that he had a right to kill, he is himself a victim of misadventure. Answered Raba: [Indeed, he is] for I consider anyone doing wrong thinking that it is permissible as next to a deliberate offender. And they both maintain that view [consistently] as both follow their own respective principles as expressed elsewhere. For it has been stated: Supposing one thought it was a beast and it happened to be a human being; a heathen and it happened to be a sojourning-stranger, Raba says he is liable [and R. Hisda says he is acquitted. Raba says he is liable]¹⁶ for one who thought he had a right to kill is next to a deliberate offender¹⁷ and R. Hisda says he is acquitted because one who thought he had a right to kill was [himself] a victim of a misadventure. Thereupon Raba referred R. Hisda to the [Scriptural] text, Behold, thou shalt die, because of the woman whom thou hast taken; for she is a man's wife.¹⁸ What else does it imply but liability to human execution [for his error]? — No, liability to Heaven's displeasure, and note carefully the context, And I also withheld thee from sinning against Me.¹⁹

Accepting your interpretation, how then would you explain this text, How then can I do this great wickedness and sin against God?²⁰ Does it mean only [a sin] against God and not [an offence] against man?²¹ It can only mean that his trial is left to human authority, and the same is implied in the former text, viz., that the trial is left to human authority. Abaye then referred Raba to

[Abimelech's plea], Lord, wilt Thou slay even a righteous nation?²² — But you have there the answer to that plea [of innocence], Now therefore restore the man's wife, for he is a prophet.²³

(1) Injury must be compensated. Cf. Lev. XXIV, 19ff., where 'breach for breach, eye for eye' is taken to mean monetary compensation for injuries. If the injury is too paltry for monetary compensation, the assailant is flogged. Cf. Keth. 32b.

(2) This is merely the concluding part of R. Johanan's dictum. The question of analogy between battery and imprecation is raised (in Sanh. 85a) in this way. If a son curses his condemned father who is on his way to execution, he is technically exempt although cursing a parent is a capital offence, (v. Ex. XXI, 17), as only cursing a man who did not act according to the usages 'of thy people'. Is he also exempt (by analogy with imprecation) if he struck his condemned father a wounding blow? V. Ex. XXI, 15. The analogy between the two might be suggested by the close juxtaposition of verses 15 and 17 (yet divided by verse 16). R. Johanan is reported to have decided against the analogy, and similarly, though the imprecation of a Cuthean is not punishable, battery is.

(3) The Jewish slayer does not go into banishment as he would for inadvertently slaying a Jew and the heathen likewise is afforded no refuge.

(4) That is, the sojourning — stranger slayer and slain are subject to the law of banishment. See, however, the discussion which follows.

(5) Num. XXXV, 15, granting equal enjoyment of the right of refuge.

(6) Num. XXXV, verse 12.

(7) And the slayer is not to go into banishment (for his protection), but is slain.

(8) As provided in the text.

(9) Jew or non-Jew.

(10) Whereas, in Num. XXXV, 15, (as above), equal enjoyment of the right of refuge is granted to the stranger and sojourner. The problem arises from the ambiguous use of the terms גֵר 'stranger' and תוֹשֵׁב 'sojourner'. 'Stranger' means (a) an idolatrous newcomer, or (b) one who, after a while, discontinues idolatry, and leads a moral and honourable life; he is sometimes called 'a son of Noah'. After prolonged residence he may become (c) a quasi, unavowed convert: he is then a 'sojourning-stranger, and finally, (d) the avowed and formally accepted convert, the 'righteous stranger' גֵר צַדִּיק who is an Israelite in the eyes of the law. An Israelite offender is naturally treated according to his native (Biblical) code; but if an Israelite is the victim, how is the non — Israelite offender to be legally treated, according to Biblical law or his own? There are fundamental differences, e.g., in a criminal case of incest or murder, the Israelite law demands two Jewish witnesses, at least; their forewarning to the offender; twenty-three judges, etc., which are not requisite in the non-Jewish code where one witness or even (it is surmised) the judges' personal knowledge (without other witnesses) is enough to condemn, etc.; v. Sanh. 57 ff. Maim. Yad Melakim VIII, 10 ff. IX, 14 ff.

(11) Num. XXXV, 12, and 15, as pointed out above.

(12) Verse 15.

(13) Verse 12,

(14) Cf. beginning of this chapter.

(15) I.e., by the avenger if he so choose (without consequences to himself). V. Maim. ibid. X, 1,.

(16) So in Yalkut. Gen. 88 and D.S, a, l., cf. p. 39.

(17) Because the attack was intentional, with intent to hurt ab initio, and he should have been more careful.

(18) Gen. XX, 3, Abimelech took Sarah under the belief that she was Abraham's unmarried sister, yet he was threatened with death.

(19) Ibid. 6, i.e., only against God but not an offence punishable by human law.

(20) Gen. XXXIX, 9. Joseph repulsing Potiphar's wife.

(21) Joseph knew she was his master's wife, and that he would have to pay the penalty as seducer. Tosaf. cites another explanation (and reading) that trial is left to God because there were no witnesses to prove his guilt, otherwise it would be dealt with by human authority.

(22) Gen. XX, 4, which proves that the belief that an offence was permissible exonerates the offender.

(23) Ibid. 7.

Talmud - Mas. Makkoth 9b

'Restore the prophet's wife', and were she not a prophet's wife, need she not have been restored? —

But this can only be taken as R. Samuel b. Nahmani had explained it; for R. Samuel b. Nahmani, citing R. Jonathan, said that the Divine reply was as follows: Now therefore restore the man's wife in any case, and, as regards your plea, Wilt Thou slay even a righteous nation? Said he not himself to me: She is my sister, and she, even she herself said, He is my brother? . . .¹ [Abimelech was told,] 'for he [Abraham] is a prophet' and he conjectured, from the questions put to him, the reply he was to give. A stranger coming to a city is [generally] asked about his food and drink . . .; do they ask: Is this your wife? Is this your sister? From the above data it has been deduced that 'a son of Noah'² suffers death [even for a crime committed under misapprehension], as he should have taken pains to ascertain the facts and did not.

MISHNAH. A BLIND MANSLAYER DOES NOT GO INTO BANISHMENT; THESE ARE THE WORDS OF R. JUDAH. R. MEIR SAYS HE GOES INTO BANISHMENT. AN ENEMY DOES NOT GO INTO BANISHMENT; R. JOSE³ SAYS, AN ENEMY IS SLAIN, AS HE IS QUASI-ATTESTED.⁴ R. SIMEON SAYS THERE IS AN ENEMY THAT GOES INTO BANISHMENT AND THERE IS AN ENEMY THAT GOES NOT INTO BANISHMENT, [THE CRITERION BEING THAT]⁵ WHEREVER IT CAN BE SUGGESTED THAT HE HAD SLAIN [HIS VICTIM] WITTINGLY, HE GOES NOT INTO BANISHMENT,⁶ AND WHERE HE HAD SLAIN UNWITTINGLY, HE GOES INTO BANISHMENT.

GEMARA. [A BLIND MANSLAYER DOES NOT GO . . . R. MEIR SAYS HE GOES etc.]

Our Rabbis taught: [The words] seeing him not⁷ imply the exemption of a blind manslayer⁸ [from banishment]. These are the words of R. Judah; but R. Meir says that these words seeing him not do imply the inclusion of a blind manslayer.⁹ On what [textual] ground does R. Judah adopt his interpretation? — The wording, as when (a man) goeth into the wood with his neighbour . . .¹⁰ [he argues] implies [anybody], even a blind person; but then comes [elsewhere] the qualification seeing him not¹¹ and thereby reduces the wider application.¹² And R. Meir? — Since seeing him not [he argues] is a limiting expression, and [whoso killeth his neighbour] unawares¹¹ is another, the effect of limitation after limitation [logically] only amounts to amplification.¹² And R. Judah?¹³ — He takes unawares to exclude intentional injury.¹⁴

R. JOSE SAYS, AN ENEMY IS SLAIN, AS HE IS QUASI-ATTESTED. But how? They have not duly forewarned him! — This Mishnah expresses the opinion of R. Jose b. Judah, as it is taught: R. Jose b. Judah says a Haber¹⁵ needs no forewarning, as forewarning was only introduced as a means for differentiating between one acting in error or with presumption.¹⁶

R. SIMEON SAYS, THERE IS AN ENEMY THAT GOES INTO BANISHMENT AND AN ENEMY THAT GOES NOT INTO BANISHMENT. It is taught: 'How [illustrate] R. Simeon's statement that THERE IS AN ENEMY THAT GOES INTO BANISHMENT AND AN ENEMY THAT GOES NOT INTO BANISHMENT? [In this way:] if something snapped¹⁷ [and the severed object dropped and killed], he goes into banishment;¹⁸ if it slipped,¹⁹ he goes not into banishment.

But is it not also taught, 'R. Simeon says, One never goes into banishment until the rammer-block had [all]²⁰ slipped from his hand.' — which conflicts with the above statements both in regard to something snapping and slipping?²¹ [The seeming conflict] in regard to slipping is not difficult to explain, as version A deals with a person who was ill-disposed [towards the dead man], while version B deals with one who was well-disposed;²² nor is it difficult to explain the seeming conflict in the case of snapping, as version A is in accordance with Rabbi's view, while version B agrees with the view of the Rabbis.²³ **MISHNAH. WHITHER ARE THEY BANISHED? TO THE THREE CITIES SITUATE ON THE YONDER SIDE OF THE JORDAN AND THREE CITIES SITUATE IN THE LAND OF CANAAN, AS ORDAINED, YE SHALL GIVE THREE CITIES BEYOND THE JORDAN AND THREE CITIES IN THE LAND OF CANAAN; THEY SHALL BE CITIES**

OF REFUGE.²⁴ NOT UNTIL THREE CITIES WERE SELECTED IN THE LAND OF ISRAEL DID THE [FIRST] THREE CITIES BEYOND THE JORDAN RECEIVE FUGITIVES, AS ORDAINED, [AND OF THESE CITIES WHICH YE SHALL GIVE] SIX CITIES FOR REFUGE SHALL THEY BE UNTO YOU²⁵ WHICH MEANS THAT [THEY DID] NOT [FUNCTION] UNTIL ALL SIX COULD SIMULTANEOUSLY AFFORD ASYLUM. AND DIRECT ROADS WERE MADE LEADING FROM ONE TO THE OTHER, AS ORDAINED, THOU SHALT PREPARE THEE A WAY AND DIVIDE THE BORDERS OF THY LAND INTO THREE PARTS.²⁶ AND TWO [ORDAINED] SCHOLAR — DISCIPLES WERE DELEGATED TO ESCORT THE MANSLAYER IN CASE ANYONE ATTEMPTED TO SLAY HIM ON THE WAY, AND THAT THEY MIGHT SPEAK TO HIM.²⁷ R. MEIR SAYS: HE MAY [EVEN]²⁸ PLEAD HIS CAUSE HIMSELF, AS IT IS ORDAINED, AND THIS IS THE WORD OF THE SLAYER.²⁹ R. JOSE B. JUDAH SAYS: TO BEGIN WITH, A SLAYER WAS SENT IN ADVANCE TO [ONE OF] THE CITIES OF REFUGE, WHETHER HE HAD SLAIN IN ERROR OR WITH INTENT. THEN THE COURT SENT AND BROUGHT HIM THENCE. WHOEVER WAS FOUND GUILTY OF A CAPITAL CRIME THE COURT HAD EXECUTED, AND WHOEVER WAS FOUND NOT GUILTY OF A CAPITAL CRIME THEY ACQUITTED. WHOEVER WAS FOUND LIABLE TO BANISHMENT THEY RESTORED TO HIS PLACE [OF REFUGE] AS IT IS ORDAINED, AND THE CONGREGATION SHALL RESTORE HIM TO THE CITY OF REFUGE WHITHER HE WAS FLED.³⁰

GEMARA. Our Rabbis taught: Moses had set apart three cities on the other side of the Jordan, and corresponding to them Joshua set apart [others] in the land of Canaan. And they were made to correspond on opposite sides like a double row [of trees] in a vineyard; Hebron in Judah,³¹ corresponding to Bezer in the wilderness;³² Shechem in mount Ephraim,³¹ corresponding to Ramoth in Gilead;³² Kedesh in mount Naphtali,³¹ corresponding to Golan in Bashan.³² And thou shalt divide the border of thy land into three parts³³ means that they shall form triads,³⁴ [namely], that the distance from the Darom [southern] boundary to Hebron be similar to that from Hebron to Shechem; and that from Hebron to Shechem similar to that from Shechem to Kedesh; and that from Shechem to Kedesh similar to that from Kedesh to the North [boundary].

Were³⁵ three cities [necessary] in Trans-Jordania [the same as] three cities for the [whole] land of Israel? — Said Abaye: By reason that manslaying was rife in Gilead,

(1) Ibid. 5.

(2) V, p. 54, n. 3. Thinking he had a right to kill is culpable negligence, as the attack was deliberate and there being no way of testing the slayer's intention, he has to pay the penalty of a homicide: in other words, he is judged by the non-Jewish criminal code that does not admit the plea of ignorance. In Israelite law the forewarning by the two witnesses and relegation to the 'cities of refuge' were mitigations of the death penalty.

(3) Mishnah and other texts read 'R. Jose b. Judah'; see discussion below.

(4) As hostile, virtually standing before the world as already forewarned against injuring the man he hates, and in case of wilful murder requires no formal forewarning (התראה). See Z. Tosef., p. 440. Cf. Sanh. 29a.

(5) The bracketed part is omitted in some texts, D.S.

(6) I.e., he is afforded no protection and has to evade the avenger as best he can.

(7) But if he thrust him suddenly without enmity . . . seeing him not . . . and the Congregation (of Judges) shall judge . . . and restore him to the city of refuge . . . Num. XXXV, 22-25.

(8) Unable to see at all, he need not go into banishment but is protected at home.

(9) Within the terms of the law of banishment.

(10) Deut. XIX, 5.

(11) Deut. XIX, 4

(12) In this instance, seeing him not suggests a person capable of seeing, but who on this unfortunate occasion did not see his victim; whereas unawares is applicable to the blind as to the seeing. Cf. Ned. 87-88. On this exegetical rule, see Malbim's introduction to Leviticus, * 237.

- (13) How does he interpret the term unawares?
- (14) Cf. supra, p. 39, and B.K. 86b.
- (15) A scholar, v. Glos.
- (16) V, p. 34, n. 4.
- (17) E.g. a rope in lowering a bucket or barrel, see Mishnah 7a, and cf. Z. Tosef., Mak. II, 10, p. 440.
- (18) As that could hardly have been contrived deliberately.
- (19) E.g. the rope slipped from his hand, or the hatchet fell out of his hand. In these instances, as foul play is possible, he does not go into (protective) banishment, but has to evade the avenger as best he may. He cannot be treated as guilty, for lack of due warning and proof.
- (20) So in Z. Tosef., II,3, p. 439, and Nahmanides.
- (21) According to the first version, A, if it snapped — he goes into banishment; if it slipped — he does not. According to the second version, B, by implication, if it snapped — he goes not into banishment; if it slipped — he goes into banishment.
- (22) This is the order of the text as proposed by Rashi, following an ancient reading (supported by Zerahiah Halevi and Nahmanides): If the whole thing slipped, an enemy goes not into banishment (A) as there is a suspicion of foul play; while a friend, in whose case no such suspicion can arise, goes into banishment (B).
- (23) ‘If the iron slipped from the helve and killed, Rabbi says that he goes not into banishment and the Sages say he goes into banishment’. (V, p. 42): If snapped, where foul play is unlikely, according to the Rabbis (the Sages) even an enemy goes into banishment (A); whereas according to Rabbi, even a friend (by implication in B), goes not into banishment; that is, if we take the case of the iron head slipping from the helve as similar to the snapping of a rope, or as part-snapping of the rammer-block.
- (24) Num. XXXV, 14.
- (25) Ibid. 13; Cf. Josh. XX, 1 ff.
- (26) Deut. XIX, 3.
- (27) To the Avenger, appealing for the refugee.
- (28) Omitted in some MSS.. v. D.S.
- (29) Deut. XIX, 4.
- (30) Num. XXXV, 25.
- (31) Josh. XX, 7-8.
- (32) Deut. IV, 43.
- (33) Deut. XIX, 3.
- (34) I.e., two parallel groups of three cities on either side of the Jordan, between the northern and eastern boundaries, thus: Hebron Shechem Kedesh S N Bezer Ramoth Golan
- (35) This discussion here interrupts the quotation.

Talmud - Mas. Makkoth 10a

as it is written: Gilead is a city of them that work iniquity and is covered with footprints of blood.¹ What is meant by [covered with footprints] ‘akubbah² ? — Said R. Eleazar: It suggests that they tracked down³ victims to slay them.

Why are some further apart at one end and closer together at the other?⁴ — Said Abaye: Because manslaying was equally rife at Shechem, as it is written, and as troops of robbers wait for a man, so doth the company of priests; they murder in the way toward Shechem.⁵ What is meant by ‘the company of priests?’ — Said R. Eleazar: They formed themselves into gangs to commit murder as when priests go in groups to the barns at the distribution of priestly [prime] dues.

But were there no more [than six cities of refuge]? Is it not written, and to them ye shall add forty and two cities . . . so all the cities shall be forty and eight cities?⁶ — Said Abaye: The main six cities afforded asylum with or without cognizance,⁷ while the additional cities only afforded asylum knowingly, but not without cognizance. And was Hebron a city of refuge? Is it not recorded, and they gave Hebron to Caleb as Moses had said?⁸ — Said Abaye: It was the environs he was given, as

it is written, but the fields of the city and the villages thereof gave they to Caleb the son of Jephunneh for his possession.⁹ And was Kedesh a city of refuge? Is it not recorded, and the fortified cities were Ziddim, Zer, Hammath, Rakkath and Chinnereth . . . and Kedesh,¹⁰ and is it not taught: Now these cities [of refuge] are to be made neither into small forts nor large walled cities, but medium — sized boroughs? — Said R. Joseph: There were two places called Kedesh. R. Ashi observed: Such as Seleucia [Ctesifon] and the Fort of Seleucia.¹¹

[To turn to] the main text: ‘These cities [of refuge] are to be made neither into small forts nor large walled cities,¹² but medium-sized boroughs; they are to be established only in the vicinity of a water supply and where there is no water at hand it is to be brought thither; they are to be established only in marketing districts; they are to be established only in populous districts,¹³ and if the population has fallen off others are to be brought into the neighbourhood, and if the residents [of any one place] have fallen off, others are brought thither, priests, Levites and Israelites.¹⁴ There should be traffic neither in arms nor in trap- gear there:¹⁵ these are the words of R. Nehemiah; but the Sages permit. They, however, agree that no traps may be set there nor may ropes be left dangling about in the place so that the blood avenger may have no occasion to come visiting there.’

R. Isaac asked: What is the Scriptural authority [for all these provisions]? — The verse, and that fleeing unto one of these cities he might live¹⁶ which means — provide him with whatever he needs so that he may live.

A Tanna taught: A disciple who goes into banishment is joined in exile by his master, in accordance with the text, and that fleeing unto one of these cities he might live,¹⁶ which means — provide him with whatever he needs to live.¹⁷ R. Ze'ira remarked that this is the basis of the dictum, ‘Let no one teach Mishnah to a disciple that is unworthy.’¹⁸ R. Johanan said: A master who goes into banishment is joined in exile by his College. But that cannot be correct, seeing that R. Johanan said: Whence can it be shown [Scripturally] that the study of the Torah affords asylum?¹⁹ From the verse, [Then Moses separated three cities . . .] Bezer in the wilderness . . . Ramoth... and Golan . . ., which is followed by, and this-the law which Moses set before the children of Israel?²⁰ — This [discrepancy] is not difficult [to explain]. One [of his sayings] is applicable to the scholar who maintains his learning in practice, while the other saying is applicable to him who does not maintain it in practice. Or, if you will, I might say that ‘asylum’ means refuge from the Angel of Death, as told of R. Hisda who was sitting and rehearsing his studies in the school-house and the Angel of Death could not approach him, as his mouth would not cease rehearsing. He [thereupon] perched upon a cedar of the school-house and, as the cedar cracked under him, R. Hisda paused and the Angel overpowered him.²¹

R. Tanhum b. Hanilai observed: Why was Reuben given precedence to be named first in the appointment of [the cities of] deliverance?²² Because it was he who spoke first in delivering [Joseph from death], as it is said, And Reuben heard it and he delivered him out of their hand [and said, Let us not take his life].²³

R. Simlai gave the following exposition: What is the meaning of the text, Then Moses separated three cities beyond the Jordan, toward the sun — rising?²⁴ It means that the Holy One, blessed be He, said to Moses: ‘Make the sun rise²⁵ for [innocent] manslayers!’ Some say [he explained it so]: The Holy One, blessed be He, said to Moses [approvingly], ‘You did make the sun rise for [innocent]²⁶ manslayers!’

R. Simlai [also] gave the following exposition: What is the meaning of the verse, He that loveth silver shall not be satisfied with silver, and who delighteth in multitude, not with increase; [this also is vanity].²⁷ ‘He that loveth silver shall not be satisfied with silver’, might be applied to our Master Moses, who, while knowing that the three cities beyond the Jordan would not harbour refugees so

long as the [other] three in the land of Canaan had not been selected, nevertheless said: The charge having come within my reach, I shall give [partial] effect to it, now!²⁸ [The second part,] ‘And who delighteth in multitude, not with increase’ [means]: Who is fit to teach ‘a multitude’? — He who has all increase²⁹ of his own.³⁰ This is similar to the interpretation given by R. Eleazar [b. Pedath] of, ‘Who can utter the mighty acts of the Lord: [who can] show forth all His praise’?³¹ as, Who is fit to utter the mighty acts of the Lord? He [only] who is able to show forth all His praise! But the Rabbis, or some say Rabbah b. Mari, interpreted the same, ‘who delighteth in multitude has increase’, as, Whoever delighteth in the multitude [of scholars] has increase [of scholars], and the eyes of the schoolmen turned on Rabbah the son of Raba.³² R. Ashi said it meant that whoever loves studying amidst a multitudes of [fellow] students has increase, which is to the same effect as what R. Jose b. Hanina said: What is the import, [he asked], of the words, a sword upon [the boasters] ha-baddim and they shall become fools?³³ May a sword fall upon the neck of the foes³⁴ of scholar-disciples, that sit and engage in the study of the Torah, solitary [bad] and apart [b'bad]!³⁵ Nay, furthermore, such wax foolish! Holy Writ has here, and they shall become fools³³ — and elsewhere it says, wherein we have done foolishly;³⁶ nay, furthermore, they also become sinners, as it is added there, and wherein we have sinned’ If you prefer, [it is derived] from this verse, The princes of Zoan have become fools.³⁷ Rabina explained [that former passage] thus, Whoever delighteth in teaching a multitude [of scholars] has increase, which is to the same effect as what Rabbi said: Much Torah have I learnt from my Masters, more from my fellow — students and from my disciples most of all!

R. Joshua b. Levi said: What is the meaning of the [Psalmist's] words, Our feet stood within thy gates, O Jerusalem?³⁸ [It is this.] What helped us to maintain our firm foothold in war? The gates of Jerusalem³⁹ — the place where students engaged in the study of Torah! R. Joshua b. Levi said also the following: What is the meaning of the [Psalmist's] words, A song of Ascents unto David. I was rejoiced when they said unto me: ‘Let us go unto the house of the Lord’?⁴⁰ David, addressing himself to the Holy One, blessed be He, said: Lord of the Universe! I heard men saying, ‘When will this old man die and let his son Solomon come and build us the Chosen Shrine and we shall go up there [as pilgrims]?’ and I rejoiced at that. Said the Holy One, blessed be He, to him, A day in thy courts is better than a thousand!⁴¹ Better to Me one day spent by you in study of Torah than a thousand sacrifices that your son Solomon will [some day] offer before Me, on the altar!⁴²

AND DIRECT ROADS WERE MADE LEADING FROM ONE TO THE OTHER. It is taught: R. Eliezer b. Jacob says

(1) Hos. VI, 8.

(2) עקבה

(3) עקב means ‘to follow on the heel of a person,’ cf. Gen. XXV, 26 and XXVII, 36.

(4) The text is in disorder. The reading adopted is that of the Yalkut. See D.S. On the western side Hebron and Shechem lie nearer each other than the other cities on the line, and on the eastern side of the Jordan, Ramoth and Golan are closer together.

(5) Hos. VI, 9.

(6) Num. XXXV, 6-7. Cf. 1 Chron. VI, 39-66.

(7) I.e., without the refugee being aware of his safety there (v. Rashi), or, without the knowledge and assent of the city authorities (L. Ginzberg, J.E, ii, 258a, s.v. Asylum).

(8) Judg. I, 20.

(9) Josh. XXI, 12.

(10) Josh. XIX, 35-37.

(11) I.e., an open place with a fortress near by, both bearing the same name (Rashi). Kirkuk di'Sluq. Cf. Obermeyer, Die Landschaft Babylonien p. 141.

(12) The former, because they are liable to run short of necessities; the latter, because the avenger may escape notice in large crowds of strangers.

(13) To prevent a coup to carry off the slayer.

- (14) Although they were Levitical cities.
- (15) Tosef. III, 9, and J. Mak. II, 6, read here instead 'set up no olive-press nor wine-press there: these are the words of R. Nehemiah, but the Sages permit.'
- (16) Deut. IV, 42.
- (17) I.e., also the spiritual life.
- (18) As he may ultimately dishonour his master. This is cited as a dictum of Rab's in Hul. 133a and of R. Simeon b. Eleazar, Tosef. A.Z. VII, end.
- (19) Refuge from evil and wrong-doing. Cf. Sot. 21a.
- (20) Deut. IV, 41-45.
- (21) Cf. Shab. 30b, a similar incident about King David, and B.M. 86a, about Rabbah b. Nahmani.
- (22) Deut. IV, 43 and Josh. XX, 8.
- (23) Gen. XXXVII, 21 ff.
- (24) Deut. IV, 41. Cf. Num. XXXV, 14, where beyond the Jordan is not further described by toward the sunrising as here.
- (25) Taking **יבדיל** as 'let him separate,' in an exhortative sense, make now, immediate provision for the innocent manslaughterers' protection. Cf. Gen. XIX, 22-23; Ex. XXII, 2; Ps. CVII, 14; and Deut. Rab. II, 30.
- (26) By way of testimony, then began he already, while still on the east of the Jordan, to separate three of them. On this use of the imperfect with **וַיִּסְּ** see Driver's Hebrew Tenses, III * 27 (inceptive).
- (27) Eccles. V, 9.
- (28) I.e., although the selection then was (as yet) to no purpose, it was not vanity, but pious devotion to the cause that prompted him: half a duty early begun, was better than none. It would seem that R. Simlai read it interrogatively, He that loveth silver, shall he not be satisfied with (ready) silver (to be spent in a good cause)? (the same as the second half of the verse). The implication seems to be as follows: A miser gets no joy from his hoard, as a pompous fellow will soon deplete his income on his retinue: both are victims of their vanity; but not so one who has nobler desires, e.g., Moses, who was satisfied with attaining even half an achievement in giving early effect to the law of asylum, or, say, the erudite scholar who delights in distributing his great learning to large gatherings of hearers. These suffer neither pain nor loss, as their pursuit is not after vanity.
- (29) I.e., stores of knowledge Scripture, Mishnah and traditional lore.
- (30) I.e., interpreting it as if **לֹא לֹו תבוֹאֵה** cf. Gen. XXXVIII, 9, and Sot. 27b and 31a. The transition from the negative **לֹא** to the positive **לֹו** is by logical process and not due to variant MSS, reading (for which there is no evidence). The reasoning process is as follows: (a) Some spenders are not happy; (b) Some spenders (you say) are not happy? (c) Some spenders (I say) are happy; (a) and (c)-in formal logic — are technically in Sub-contrary Opposition (O and I), and are compatible. See B. Bosanquet, Essentials of Logic, Lect. VIII, and Adamson's Teacher's Logic, Ch. XX.
- (31) Ps. CVI, 2. The interpretation is that one should not be profuse in praising God as this might savour of adulation, bordering on blasphemy. Cf. Ber. 33b and Meg. 18a; and thus it is only he who is possessed of the best store of knowledge who may presume to expound and teach the Law of God.
- (32) Whose family was distinguished by many scholars. (5) R. Ashi and Rabina (see below) were the leading heads at Matha Mehasia, the former as the Principal of the Academy and the latter as his most valuable co-adjutor, at the half — yearly so-called kallah gatherings, held for the critical discussion and redaction of the Talmud.
- (33) Jer. L, 36.
- (34) An intended euphemism, so as to avoid the appearance of cursing scholars.
- (35) A play on the word **הַבַּדִּים** ha-baddim, translated above by boasters (deluded dupes). The root **בַּד**, **בַּבַּד** also means to be alone, separate, solitary, e.g., Gen. XLIII, 32; Ex. XVIII, 14, 18, and Lam, I, 1.
- (36) Num. XII, 11, wherein we have done foolishly and wherein we have sinned.
- (37) Isa. XIX, 13. Cf. supra 2 and 11 ff, which show that there will be no consultation or co-operation between the wise men of Egypt, with disastrous consequences. Discussion sharpens the wits of scholars and leads to the elucidation of the true bearings of the subject under consideration. V. Ta'an. 74.
- (38) Ps. CXXII, 2.
- (39) I.e., he renders **בְּשַׁעְרֶיךָ** 'by (virtue of) thy gates', not 'within thy gates', and by 'gates' again, he means the seat of the elders, the courts of law and learning. Cf. Deut. XVI, 18-20; XVII, 8-11; and Ber. 8a. King David is often represented rather as ardent scholar than as warrior. Wars were waged only to secure conditions of peace for study and

devotion. (Cf. Ps. XIX, LXIII and CXIX.) In Ab. VI, 3, David is said (probably by the same R. Joshua b. Levi) to have shown great deference to a scholar in return for the least information.

(40) Ps. CXXII, 1.

(41) Ibid. LXXXIV, 11.

(42) Cf. Micah VI, 6-8.

Talmud - Mas. Makkoth 10b

that the word miklat [asylum] was inscribed at the parting of the ways so that the [fugitive] manslayer might notice and turn in that direction.

Said R. Kahana:¹ What is the Scriptural authority for that? Thou shalt prepare thee the way,² meaning, make you preparation for the road.

R. Hama b. Hanina opened his discourse on the theme with this text: Good and upright is the Lord, therefore doth He instruct sinners in the way.³ Now, if He instructs sinners⁴ how much more so the righteous!

R. Simeon b. Lakish opened his discourse [on this theme] with these [two] texts: And if a man lie not in wait, but God cause it to come to hand; then I will appoint thee a place whither he may flee,⁵ and As saith the proverb of the ancients: Out of the wicked cometh forth wickedness; but my hand shall not be upon thee.⁶ Of whom does the [former] text speak? Of two persons who had slain, one in error and another with intent, there being witnesses in neither case. The Holy One, blessed be He, appoints them both [to meet] at the same inn; he who had slain with intent sits under the step-ladder and he who had slain in error comes down the step-ladder, falls and kills him. Thus, he who had slain with intent is [duly] slain, while he who had slain in error [duly] goes into banishment.⁷

Rabbah son of R. Huna reporting Rab Huna⁸ [some say,

R. Huna reporting R. Eleazar⁹ said: From the Pentateuch, the Prophets and the Hagiographa it may be shown that one is allowed to follow the road he wishes to pursue.¹⁰ From the Pentateuch, as it is written, And God said to Balaam, Thou shalt not go with them¹¹ and then it is written, [If the men came to call thee] rise up and go with them.¹² From the Prophets, as it is written, I am the Lord thy God who teacheth thee for thy profit, who leadeth thee by the way that thou shouldest go.¹³ From the Hagiographa, as it is written, If he is of the scorers, he will [be allowed to] speak scorn and [if] of the meek, he will show forth grace.¹⁴

R. Huna said that if a manslayer, on his way into banishment, was met and killed by the avenger, he is acquitted, because, he holds, the clause, and he — not deserving of death,¹⁵ refers to the blood-avenger. Thereupon an objection was raised: [It is taught]: The verse, ‘and he — not deserving of death’, is said of the manslayer.¹⁶ You say of the manslayer; maybe it refers to the blood-avenger?¹⁷ When, however, the text adds also, ‘inasmuch as he hated him not in time past’, you have to take it as referring to the manslayer!¹⁸ R. Huna follows another Tanna, as it is taught [in the following]: The clause ‘and he — not deserving of death’ is said of the blood-avenger. You say of the blood-avenger; maybe it refers to the manslayer? When, however, the text adds ‘inasmuch as he hated him not in time past’, the manslayer is already disposed of;¹⁹ what then can I make of the clause ‘and he — not deserving of death’ save that it refers to the blood avenger? [Now,] we learn, AND TWO [ORDAINED] SCHOLAR-DISCIPLES WERE DELEGATED TO ESCORT THE MANSLAYER IN CASE ANYONE ATTEMPTED TO SLAY HIM ON THE WAY THAT THEY MIGHT SPEAK TO HIM. What did they say to him? Did they not warn the avenger that if he killed the manslayer he would himself be deserving of death? — No, [not that!] as it is taught, That they might speak unto him appropriate words: they would say: ‘Do not treat him after the manner of

shedders of blood; it was but in error that he had a hand in it.' R. Meir says: He may even himself plead his cause, as it is said, And this is the word [plea] of the slayer.²⁰ They say to the avenger, Much is effected [for Providence] by agents!²¹ The Master said: 'It was but in error that he had a hand in it'. Is that not too obvious a plea, because, if he had committed it wilfully, would he be a refugee? — Yes, he would be, as it is taught: R. Jose b. Judah says, that to begin with, every slayer, be it in error or with intent, was first sent forward to [one of] the cities of refuge. The Court then sent and had him brought thence. Whoever was found guilty of a capital crime, they had put to death, as it is written, Then the elders of his city shall send and fetch him thence and deliver him into the hand of the avenger of blood, that he may die.²² Whoever was found not guilty [of murder] they acquitted, as it is said, And the congregation [of judges] shall deliver the slayer out of the hands of the avenger of blood.²³ Whoever had incurred banishment, they sent him back to his place [of refuge], as it is said, And the congregation [of judges] shall restore him to the city of his refuge, whither he was fled.²³ Rabbi says [they were not sent in the first instance], they went [there] into banishment of their own accord, thinking that every slayer, whether in error or with intent, was afforded shelter, and they knew not that those cities [only] afforded shelter to those who had slain in error, but to those who had slain with intent, they afforded no shelter.

R. Eleazar said²⁴ that a city, the majority of whose denizens were [quondam] slayers, could not [by right] admit fugitives, because [in the ordinance] it is said, And he shall declare his words [cause] in the ears of the elders of that city,²⁵ that is, [declare] his cause, but not a cause like their own.

R. Eleazar also said that a city which has no [body of] elders could not [by right] admit fugitives, as the elders of that city²⁵ are required [by the ordinance] and these were not there.

It has been stated: The [legal status of the] city which has no elders was discussed by R. Ammi and R. Assi, the one holding It could admit fugitives, the other that it could not. The one who denied it the right of admitting fugitives argued that 'the elders of the city' were [an essential] requisite [in the ordinance]²⁵ and these were not there; the other, who accorded it the right of admitting fugitives, argued that it was merely [a statement of] what was requisite generally. The city which has no elders was again discussed by R. Ammi and R. Assi, one holding that a person could [legally] be charged there as 'a stubborn and rebellious son', while the other held he could not be. He who denied it the [legal] capacity of receiving the charge of 'a stubborn and rebellious son' argued that the elders of his city²⁶ were [an essential] requisite [in the ordinance] and these were not there; while the other, who accorded it the right of receiving the charge of 'a stubborn and rebellious son', argued that it was merely [a statement of] what was requisite generally. Further, the city which has no elders was likewise, discussed by R. Ammi and R. Assi, one holding that it had to bring a murder-atonement heifer,²⁷ and the other holding that it had not to bring a murder-atonement heifer. He who said that it had not to bring the murder-atonement heifer, argued that the elders of that city²⁸ were [an essential] requisite [in the ordinance] and these were not there; while the other who maintained that it had to bring a murder-atonement heifer argued that it was merely [a statement of] what was requisite generally.

R. Hama b. Hanina remarked: Why was the section of the law of murder

(1) Var. lec. R. Huna.

(2) Deut. XIX, 3.

(3) Ps. XXV, 8 ff.

(4) In providing for signposts to direct them in their flight to the Cities of Refuge.

(5) Ex. XXI, 13.

(6) I Sam. XXIV, 13-14.

(7) Cf. Mekilta, Ex. XXI, 13.

- (8) Not his father. D.S. reads here Rabbah b. Bar Hana reporting R. Huna.
- (9) Yalkut (in all three places) has simply, 'R. Eleazar said'.
- (10) In accordance with the doctrine of Free Will.
- (11) Num. XXII, 12.
- (12) Ibid. 20.
- (13) Isa. XLVIII, 17.
- (14) Prov. III, 34.
- (15) Deut. XIX, 6. (He shall flee unto one of these cities and live) lest the avenger of blood pursue the manslayer while his heart is hot and overtake him, because the way is long, and smite him mortally, and he (the manslayer, was (the avenger, is) not deserving of death; inasmuch as he hated him not in time past. The Hebrew and he — not deserving of death may refer to either the manslayer in the first instance, or to the avenger, in the second; hence arise the two opposite interpretations in the following discussion.
- (16) I.e., taking it as he was not deserving of death, and the avenger, killing him, committed real murder.
- (17) I.e., taking it as he is not deserving of death.
- (18) Which is a refutation of R. Huna.
- (19) By being allowed to go into banishment.
- (20) Deut. XIX, 4.
- (21) Cf. Ta'an. 18b, 'Providence has many bears and lions in the world to attack and slay us.'
- (22) Deut. XIX, 12.
- (23) Num. XXXV, 25.
- (24) These discussions are merely theoretical, as the law on these points had been long in abeyance.
- (25) Josh. XX, 4.
- (26) Deut. XXI, 19, 20.
- (27) Lit., 'the heifer, whose neck was broken' in case of an untraced murderer. Deut. XXI, 1 ff.
- (28) Ibid. 3, 4, 6.

Talmud - Mas. Makkoth 11a

introduced by a strong [emphatic] term,¹ as it is written, And the Lord spake [directed] unto Joshua saying, Speak [direct] unto the children of Israel saying, Appoint for you cities of refuge, whereof I spake to you by the hand of Moses?² Because it was a direction to give effect to what had been ordained in the Torah. Does it mean to say that the use of the term dabber always denotes strong [emphatic] utterance? — Yes indeed, as it is written [explicitly], and he [Joseph] spake hard words to them.³ But, is it not taught [elsewhere] that in the passage, Then they that feared the Lord spake together one with another⁴ means none other than gentle discourse, and thus the verse says, He shall subdue [yadber] the peoples under us?⁵ — Yes; but Dabber⁶ is a form different from Yadber⁷ [with consequent different shades of meaning].⁸

R. Judah and our [other] Rabbis differ [as to the reason for the introduction of the strong term]: one thinking it is because Joshua must have somewhat delayed the appointment of those [cities of refuge]; whereas the other thinks it was simply because of its importance as being an ordinance in the Torah.

And Joshua wrote these words in the book of the Law of God.⁹ R. Judah and R. Nehemiah are divided on the interpretation thereof, one taking them as referring to the final eight verses of the Pentateuch,¹⁰ while the other takes them to be the section on the cities of refuge.¹¹ Now, according to the one who holds that they were the final eight verses of the Pentateuch, it is quite correct to say, [and Joshua wrote these words] in the book of the Law of God.¹² But, if they are taken to refer to the section on the cities of refuge,¹³ how do you explain the wording, wrote these words in the book of the Law of God? — We take them in this way: 'And Joshua wrote', in his own book, 'these words'¹⁴ [that are prescribed] 'in the book of the Law of God'.

[The fitness of] a Sefer[-Torah] whose parchment skins are sewn together with flaxen thread was a point of issue between R. Judah and R. Meir,¹⁵ one declaring that it is fit [for public use] while the other holds it to be unfit. The one who declares it unfit appeals to the verse, And it shall be for a sign unto thee upon thine hand and for a memorial between thine eyes that the Lord's law may be in thy mouth.¹⁶ The whole Torah is set thus side by side with Tefillin.¹⁷ [Accordingly we draw an analogy:] As in the case of Tefillin there is a statute [a rule in practice] received by Moses at Sinai in regard to the use of gut-string for sewing them, the same is to obtain in the sewing of Torah scrolls. And the other?¹⁸ — He applies the analogy only to the requirement that the parchment [for Torah scrolls] has to be made of skins of animals permitted as food [for Jews];¹⁹ but the argument from analogy is not carried so far as to extend to [subsidiary] 'rules in practice'.²⁰ Rab remarked: We saw the phylacteries in the household of my Beloved [uncle R. Hiyya], and they were sewn with flaxen thread. But, the halachah²¹ is not in accordance with his practice.

MISHNAH. IT IS ALL ONE WHETHER A HIGH PRIEST [WHO DIED] HAD BEEN ANOINTED WITH THE [HOLY] ANOINTING OIL;²² OR HAD BEEN CONSECRATED BY THE MANY VESTMENTS,²³ OR HAD RETIRED FROM HIS OFFICE²⁴ — ALL MAKE POSSIBLE THE RETURN OF THE MANSLAYER; R. JUDAH SAYS ALSO THE [DEATH OF THE] PRIEST WHO HAD BEEN ANOINTED FOR WAR²⁵ PERMITS THE RETURN OF THE MANSLAYER. THEREFORE, MOTHERS OF HIGH PRIESTS WERE WONT TO PROVIDE FOOD AND RAIMENT FOR THEM THAT THEY MIGHT NOT PRAY FOR THEIR SON'S DEATH.

GEMARA. What are the data [for the above statement]? — Said R. Kahana: They are [severally] indicated in the texts [the high priest being mentioned three times], And he shall abide in it unto the death of the high priest which was anointed with the holy oil;²⁶ again it is written, Because he should have remained in the city of refuge until the death of the high priest;²⁷ and once more, But after the death of the high priest the slayer shall return into the land of his possession.²⁷ And whence R. Judah's view? — It is written once again, [And ye shall take no satisfaction for him that is fled to the city of his refuge] that he should come again to dwell in the land, until the death of the priest.²⁸ And the other?²⁹ — Since the description 'high' is omitted therein, the last quoted passage is taken [by him] as [but a secondary reference to] one of the aforementioned.

THEREFORE MOTHERS OF HIGH PRIESTS [WERE WONT TO PROVIDE FOOD AND RAIMENT FOR THEM THAT THEY MIGHT NOT PRAY FOR THEIR SON'S DEATH]. The reason [given] is that the banished might not pray [for the high priest's death]; but what if they should pray, [think you] he would die? [Surely the saying is,] As the flitting bird as the flying swallow, so the curse that is causeless shall [not] follow!³⁰ Said a venerable old scholar: I heard an explanation at one of the sessional lectures of Raba, that [the high priests were not without blame, as] they should have implored Divine grace for [averting the sorrows of] their generation, which they failed to do. Others read in the Mishnah thus: THAT THEY MIGHT PRAY FOR THEIR SONS THAT THEY DIE NOT. The reason [given then] is that the banished should pray [for the high priest]; but, what if they did not pray [for him; think you] he would die? What should he have done [to avert it]? — As they say here [in Babylon]: 'Toby did the [bad] jobbing and Ziggad³¹ got the [hard] slogging,' or as they say there [in Palestine]: 'Shechem got him a wife³² and Mabgai³³ caught the knife.' Said a venerable old scholar: I heard an explanation at one of the sessional lectures of Raba that [the high priests were not without blame, as] they should have implored Divine grace for [averting the sorrows of] their generation, which they failed to do. Just as in the case of that poor fellow who was devoured by a lion some three parasangs from the town where R. Joshua b. Levi lived, when [the prophet] Elijah would not commune with the Rabbi,³⁴ on that account, for three days! Rab Judah reported Rab to have said that the curse of a Sage, though uttered without cause, takes effect. Whence is this obtained? From [the fate of] Ahithophel; because, when David was digging out the [Temple's] foundations, the Deep came surging up threatening to flood the world.³⁵

He [David] asked, ‘What [is the law]³⁶ about writing the Divine Name on a shard and throwing it into the Deep to [make it] keep to its own region?’ As no one made reply, he said, ‘Whoever knoweth aught on this topic and would not tell, may he be suffocated!’³⁷ Thereupon, Ahithophel reasoned thus in his own mind: If in the cause of restoring harmony between husband and wife³⁸ the Torah said: ‘Let My Name,³⁹ solemnly inscribed [in a scroll, rather] be blotted out in water’,⁴⁰ may that not the more readily be done for the [safety of] the whole world? ‘Yes, It is allowed!’ [exclaimed Ahithophel]. The Divine Name was thereupon inscribed on a shard and thrown in the Deep; It subsided and abode in its own region. Nevertheless it is recorded, And when Ahithophel saw that his counsel was not followed, he saddled his ass and arose and gat him home to his house, to his city and put his household in order, and hanged himself and died.⁴¹

R. Abbahu said that the curse of a Sage, though uttered without cause, takes effect — Whence is this derived? From the fate of Eli; because, Eli said to Samuel, God do so to thee, and more also, if thou hide anything from me of all the things He said to thee.⁴² Now, although it is recorded, And Samuel told him every whit and hid nothing from him,⁴³ nevertheless it is recorded, And his [Samuel’s] sons walked not in his ways.⁴⁴

(1) Dabber, דבר direct, drive forward (cf. ‘drive home’), see Dictionaries.

(2) Josh. XX, 1-2. Cf, however, XVII, 15, 17, and XVIII, 3.

(3) Gen. XLII, 7. Cf. Sifra on Lev. X, 19, where Num. XXI, 5 is quoted in support.

(4) nidberu נדברו — Mal. III, 16.

(5) Ps. XLVII, 4. Yadber ידבר — in the Hif’il (causative) form, is taken in its Aramaic sense to mean, Let Him lead, that is, induce peoples to come and submit.

(6) דבר — is in the Pi’el, emphatic, assertive form.

(7) In the Hif’il.

(8) And similarly from the Nif’al, נדברו, the passive or reflexive form, ‘spake together one with another.’

(9) Josh. XXIV, 26.

(10) Deut. XXXIV. 5-12.

(11) Josh. XX, 1-9.

(12) Josh. XXIV, 26.

(13) Ibid. XX, 1-9.

(14) Concerning the cities of refuge.

(15) R. Meir was reputed to be a remarkably skillful scribe.

(16) Ex. XIII, 9.

(17) Phylacteries, v. Glos.

(18) Who declares a scroll of the Law whose parchment skins are sewn with flaxen thread to be fit — how will he employ the analogy?

(19) I.e., that the word of God may be written only on parchment skins of animals that may be eaten, i.e, animals that have cloven hoofs and chew the cud. The words ‘in thy mouth’ occurring in the ordinance Tefillin are interpreted: What can be put in thy mouth, thus excluding skins of animals forbidden as food, and this restriction in the preparation of parchments is carried over by analogy from Tefillin to Torah scrolls.

(20) Such as sewing. Biblical texts alone are admitted for analogical comparisons, but not Rabbinical or traditional practices. Each case is considered on its own merits.

(21) V.Glos.

(22) With which Aaron and every high-priest were anointed (cf. Ex. XXX, 23ff) down to the time of Josiah. (Rashi quoting Hor. 11b.)

(23) After the cessation of the anointing oil which, according to tradition, was hidden by King Josiah (v. Yoma 52b), what distinguished the high priest from the ordinary priest was the number of vestments, the high priest having eight, the ordinary priests having only four.

(24) Lit., ‘from his anointment’ — his office of anointed priest.

(25) Cf. Num. XXXI, 6; Deut. XX, 2 ff; I Sam. IV, 4 ff.

(26) Num. XXXV, 25.

(27) Ibid. 28.

(28) Ibid. 32.

(29) Why does the former Tanna not use the latter verse likewise?

(30) Prov. XXVI, 2, where both readings, the positive **וְשׁוֹרֵף** and the negative **וְשׁוֹרֵף** are admitted as alternatives, meaning that (a) a causeless curse will not follow (the innocent), or (b) that it will follow (the person who curses without cause).

(31) Toby and Ziggad or Zingad (i.e. a Numidian slave of Zinga, Numidia, N. Africa), are popular names of slaves. (Cf. our Tommy Atkins and Jack Tar for 'soldier' and 'sailor'.). There is also probably a play here on the name Zingad in the Aramaic, Zingad (— who is hoisted) minnegad (— gets a flogging).

(32) Referring to Dinah's abduction by Shechem and subsequent circumcision of all the Shechemites. Gen. XXXIV.

(33) Another popular name for Shechemite, cf. 'Er. 64b, Josephus, Wars, IV, 8,1, mentions that Neapolis (or Sichem) was called by the people of that country Mabartha, maybe a corruption of Mabg(a)itha.

(34) Because he failed to shield a fellow man from sin, the cause of sorrow and misfortune. There are many anecdotes of Elijah's appearance as friend, guide, monitor or rescuer. See J. E. V, 122 ff. and M. Friedmann's exhaustive study in his introduction to the Seder Elijahu Rabbah (Wien, 1904). Chap. IV, p. 27 ff.

(35) Cf. Gen. VII, 11; VIII, 2; Ps. XXIV, 1-2, and CIV, 6-9, and Suk. 53a.

(36) V, 1, Is there someone who knows whether it is permitted to write . . . On the incident cf. J. Sanh. X, 29a, and Friedm. op. cit., p. 157.

(37) By way of retribution, for not speaking out when flooding waters threatened the world.

(38) I.e. in the case of a wife suspected of faithlessness; cf. Num. V, 12-36.

(39) The Torah is here identified with the Lord, whose word it reveals.

(40) Num. V, 23. which is otherwise forbidden, v. Deut. XII, 3-4.

(41) This was in connection with Absalom's rebellion. II Sam. XVII, 23.

(42) I Sam. III, 17.

(43) Ibid. 18. .

(44) I Sam. VIII, 3. Thus was fulfilled the threatened curse of Eli when he uttered the words, God do so to thee, i.e., to Samuel if he would not reveal God's word in regard to Eli's wicked sons.

Talmud - Mas. Makkoth 11b

Rab Judah reported Rab to have said that a conditional exclusion [even if self-imposed]¹ requires [formal] absolution. Whence is this derived? — From [the fate of] Judah, for it is written, And Judah said to Israel his father. 'Send the lad [Benjamin] with me . . . if I bring him not unto thee . . . then let me bear the blame² for ever.'³ And [on this theme]. R. Samuel b. Nahmani repeated how [his Master] R. Jonathan said: What are [the allusions in] the text, Let Reuben live and not die; and let not his men be few. And this [is] unto Judah, and he [Moses] said, Lord, hear the voice of Judah and bring him unto his people; let his hands be sufficient for him and be Thou an help to him from his enemies?⁴ All through the forty years that Israel remained in the wilderness, Judah's bones were jolted about in their coffin until [in the end] Moses stood up and supplicated for mercy on his behalf: Lord of the Universe! [said he.] Who influenced Reuben to make free confession [of his guilt]?⁵ Was it not Judah?⁶ 'and this [was due] to Judah! And he [Moses] said, Lord, hear the voice [appeal] of Judah.' Thereupon, joint slipped into socket. Judah, not having yet been ushered in to the Celestial College.⁷ [Moses again prayed] — 'and bring him unto his people'! Judah, being unable to parry in debate [through prolonged absence, Moses prayed] — 'let his hands [capacity] be sufficient for him'; being unable to disentangle [analyse or explain] intricate points raised in discussion, Moses prayed — 'and be Thou an help unto him from his adversaries'.

[ALL PERMIT OF THE RETURN OF THE MANSLAYER.] The question was raised: Does the text mean that a manslayer returns home at the death of all the [contemporary] high priests. or at the death of any one of them?⁸ — Come and hear: If his trial was concluded while there was no high priest [in office] . . . the manslayer can never come home thence.⁹ Now if it were as you suggest [alternatively], he would get home at the death of any one of the high priests!¹⁰ — [No! The next Mishnah means when] there is none [in office at the time].

MISHNAH. IF THE HIGH PRIEST DIED AT THE CONCLUSION OF THE TRIAL, THE SLAYER GOES NOT INTO BANISHMENT. IF HE DIED BEFORE THE TRIAL WAS CONCLUDED AND ANOTHER HIGH PRIEST WAS APPOINTED IN HIS STEAD AND THE TRIAL WAS THEN CONCLUDED, THE SLAYER RETURNS [HOME] AFTER THE LATTER'S DEATH. IF THE TRIAL WAS CONCLUDED WHEN THERE WAS NO HIGH PRIEST [IN OFFICE], OR WHERE THE HIGH PRIEST WAS THE VICTIM, OR WHERE THE HIGH PRIEST WAS THE MANSLAYER, THE SLAYER CAN NEVER COME AWAY FROM THAT PLACE [OF REFUGE].

HE [THE SLAYER] MAY NOT GO OUT THENCE TO BEAR WITNESS IN RESPECT OF SOME RELIGIOUS OBSERVANCE;¹¹ NOR AS WITNESS IN A MONETARY SUIT; NOR AS WITNESS IN A CAPITAL CHARGE; NOR EVEN SHOULD [ALL] ISRAEL HAVE NEED OF HIM, NOT EVEN IF HE BE 'CAPTAIN OF THE HOST LIKE JOAB B. ZERUIAH.¹² HE MAY NEVER GO OUT THENCE, AS IT IS SAID, 'HE FLED THERE'¹³ [TO INDICATE THAT] 'THERE' MUST BE HIS ABODE, 'THERE' HIS DEATH, 'THERE' HIS BURIAL. JUST AS THE CITY AFFORDS ASYLUM SO DOES ITS BOUNDARY AFFORD ASYLUM. IF A SLAYER WENT BEYOND THE BOUNDS AND THE BLOOD — AVENGER FELL IN WITH HIM, R. JOSE THE GALILEAN SAYS THAT FOR THE AVENGER IT IS A MATTER OF OBLIGATION [TO STRIKE]; FOR EVERYONE ELSE, A MATTER OF OPTION. R. AKIBA SAYS THAT FOR THE AVENGER IT IS A MATTER OF OPTION AND ANYONE [ELSE] IS [NOT]¹⁴ RESPONSIBLE FOR HIM.

GEMARA. [IF THE HIGH PRIEST DIED AT THE CONCLUSION OF THE TRIAL, THE SLAYER GOES NOT INTO BANISHMENT.] What is the reason for this [remission]? — Said Abaye: We infer it a fortiori. For what happens to a slayer who had already gone into banishment? He comes out [free] now [on the death of the high priest]. Is it not a [logical] argument to say that he who had not gone into banishment should not have to go at all¹⁵ on the intervention of the death of the high priest? But perhaps [there is this to be said, that] while he who had gone into banishment had [suffered for] his atonement, this one who has not [yet] gone into banishment has not [yet] been granted it? [No,] do you think it is banishment that procures atonement [remission of exile]? It is the death of the [high] priest that procures the atonement.¹⁶ IF HE DIED BEFORE THE TRIAL WAS CONCLUDED . . . THE SLAYER RETURNS [HOME] AFTER THE LATTER'S DEATH. Whence is this derived? — R. Kahana said: The text¹⁷ says, and he shall abide in it [the city of refuge] unto the death of the high priest whom he¹⁸ hath anointed with the holy oil. Was it he [the slayer] that anointed the high priest? But the implication is, that high priest who was anointed in his [the slayer's] days.¹⁹ What should the high — priest [the latter] have done [to avert the unhappy event]?²⁰ He should have implored Divine mercy for the slayer's acquittal, which he [seemingly] failed to do.

Abaye observed: We have it [on good authority]²¹ that if the slayer died on the conclusion of the trial, his bones [body] would be conveyed thither, as it is written, that he should come back to dwell in the land²² [until the death of the priest].²³ Now, what dwelling is it that is in the land [in the soil]? You are bound to say, the burial place. A Tanna taught: If the slayer died [in banishment] before the high priest, they convey [on the death of the latter] the bones [body] of the slayer to the sepulchre of his forebears, as it is written, [And after the death of the high priest] the slayer shall return to the land of his possession;²⁴ now, what return²⁵ is it that is to the 'land of his possession'? — You are bound to say, it is burial [in the ancestral soil].

exile could not depend on the amount of suffering involved (in exile), as one may have to spend a day, and another a whole lifetime in exile. Cf, also Tosaf. s.v. מִיָּדֵי Where the trial had been concluded and the [high] priest was then found [to be] the son of a divorcee or haluzah,²⁶ this case was discussed by R. Ammi and R. Isaac Nappaha; one said that [in effect] the priestly Office dies,²⁷

and the other said that the priestly Office has become void.²⁸

Could it be suggested that they were differing on the same point as that on which R. Eliezer and R. Joshua differed? For we learnt: If while engaged in offering on the altar, a priest is discovered to be the son of a divorcee or haluzah, R. Eliezer says that all offerings [hitherto] laid by him on the altar are become vitiated; R. Joshua declares them appropriate.²⁹ [Accordingly,] he who [in the former instance] held that the discovery meant [in effect] the death [of the priestly Office]³⁰ takes the view of R. Joshua; and the other who said that it has become void,³¹ takes the view of R. Eliezer!

(1) So in many texts, see marginal notes and D.S, a.I. Exclusion = Nidduy נִדְדוּי a form of excommunication usually extended for thirty days.

(2) I.e., to be a sinner, under a ban.

(3) Gen. XLIII, 8-9.

(4) Deut. XXXIII, 6-7.

(5) Gen. XXXV, 22; XLIX, 4.

(6) Ibid. XXXVIII, 26.

(7) Cf. Ber. 18b, where it is told how R. Levi had been excluded from the Celestial College for as many years as he had absented himself from the College Sessions of R. Efes (of Sepphoris).

(8) I.e., 'anointed', or 'many-robed' (i.e., unanointed acting high priest), or retired, or the one consecrated for war.

(9) V, next Mishnah.

(10) Therefore it seems he can return only at the death of all the (contemporary) high priests.

(11) Such as to report to the Sanhedrin at Jerusalem the first appearance of the new moon, cf. R.H. II, 5-6; Tosef., Mak, a.I. (a Nazirite cannot go to the Temple, cf. Num. VI).

(12) Cf. I Kings II, 5 and 28ff.

(13) Num. XXXV, 25. In the Sifre, Midr. Tannaim (Hoffmann), Lek. Tob, and Yalkut, this lesson is appended to Deut. XIX, 4 — Flee there and live, 'what is the lesson from the recurring there, there, there, three times? — (To indicate that there must be his abode,' etc. (cf. Tosef.). The phrase flee there occurs only twice in Deut. XIX, in verses 3 and 4, while in Num. XXXV, it occurs four times, namely, in verses 11, 15, 25, 26. On closer examination it will be found that only three of those passages, where the phrase flee there occurs, enlarge on the safety, rights or comforts of the refugee, namely, Num. XXXV, 15 (safety for all classes), verse 25 (to be escorted after trial and his right of residence there, unmolested, till the death of the High Priest, when he may return home), and Deut. XIX, 4 (that he flee there and live) which has been explained above as directing that he be provided with all amenities of life.

(14) See D.S. The negative is the authentic reading. Both forms, the negative and positive, mean practically the same thing, namely, that besides the avenger, it is nobody's affair to avenge the death of the slain; or (taken positively), everybody else, besides the avenger, will be held responsible for killing the slayer, i.e., it will be considered as murder, if deliberate, and as a case for banishment for the slayer, if by accident. See discussion on this text later. On R. Akiba's opposition to capital punishment, cf. supra 7a.

(15) V. Tosaf s.v. אָמַר אַבִּי

(16) I.e., on Scriptural grounds, Num. XXXV, 25, 28. 'R. Meir says: A manslayer shortens a man's life while the high priest prolongs a man's life; is it not logical (to say) that he who shortens a man's life should remain in the presence of him (the priest) who prolongs a man's life? Rabbi says: A slayer defiles the earth (cf. Num. XXXV, 33-34) and causes the Divine Presence to withdraw, while the high priest causes the Divine Presence to abide with man on earth; is it not logical (to say) that he who defiles the earth should remain in the presence of him who causes the Divine Presence to abide with man on earth?' (Sifre and Yalkut on Num. XXXV, 28). Atonement, by

(17) Num. XXXV, 25.

(18) The impersonal use of the verb, מִשַּׁח one has anointed, a use often preferred to the passive (who has been anointed).

(19) I.e., that he, in the status of manslayer, and the high priest, were contemporaneously together. If, therefore, the high priest died before the conclusion of the trial, that is, before the sentence of banishment was passed on the manslayer, his death has no connection with the subsequent decision of the Court.

(20) V. pp. 72-73.

(21) V. Rashi, 'Er. 5a (bottom). Abaye uses this expression נִקְטִינָן (we hold) frequently, usually quoting some text in

support of his words. (R. Ez. Michelson in the notes of R. Herschel of Berlin on Makkoth, 11b.)

(22) That the slayer should not be permitted, on the payment of a ransom, to return home before the death of the high priest, to live or be buried at home. The word ba-arez בארץ in the land, is taken to mean to be buried in the soil.

(23) Num. XXXV, 32.

(24) Ibid. 28.

(25) Reading here שִׁבְהָ (not as before יְשִׁבְהָ — dwelling). Here, too, the word land is stressed. Cf. Lev. XXV, 41 and infra, the discussion, 13a.

(26) V. Glos.

(27) Now, at the discovery of the disqualification, and with the termination of his office refugees are liberated from their banishment.

(28) Retrospectively, ab initio; and the case is treated as if THE TRIAL WAS CONCLUDED WITH NO HIGH PRIEST IN OFFICE, and there is no release.

(29) Ter. VIII, 1.

(30) Now, and with its termination refugees are liberated from their banishment.

(31) The whole past is undone with disastrous effect on the worshippers and here likewise on the refugees.

Talmud - Mas. Makkoth 12a

— [No;] accepting R. Eliezer's point of view, there can be no divergence;¹ whereas from R. Joshua's point of view, it may be argued that he who says that the priestly Office died, follows R. Joshua's view; and the other, who says that the priestly Office has become void might explain that R. Joshua considered all the [past] offerings as appropriate [for some special reason] because it is written, Bless, Lord, helo [his substance]² and accept the work of his hands,³ which [if read as hillo]⁴ means to include [the work of] even the profane [vulgarized] in his midst; whereas here [in regard to the liberation of refugees] even R. Joshua might admit [that the priestly office is rendered void]. IF HIS TRIAL WAS CONCLUDED . . . [HE MAY NOT GO OUT THENCE... NOT EVEN IF HE BE CAPTAIN OF THE HOST LIKE JOAB B. ZERUIAH . . .] Rab Judah reporting Rab said: At that hour Joab fell into two errors, as it is written, And Joab fled unto the Tent of the Lord and caught hold of the horns of the altar.⁵ He erred [once], as only the roof of the altar⁶ affords asylum and he caught hold on its horns; he erred [again], as only the altar of the permanent Temple⁷ afforded asylum and he caught hold on the altar at Shiloh.⁸ Abaye observed that he also erred in this respect, that the altar affords asylum only to a priest while engaged in actual service,⁶ whereas Joab was a lay person.

Resh Lakish said that the Prince [Guardian Angel] of Edom [Rome] is destined to fall into three errors, as it is written, Who is this that cometh from Edom with dyed garments from Bozrah?⁹ He will err [first], as only Bezer affords asylum, but he will betake himself to Bozrah [Bostra];¹⁰ he will err [again], as asylum is afforded only to slayers in error, but he slays with intent; and he will err [yet again], as asylum is afforded only to man, but he is an angel!

R. Abbahu said that the 'cities of refuge'¹¹ were not assigned for burial, as it is written, [And the cities shall they have to dwell in] and the suburbs of them shall be for their cattle and for their goods and for all their living,¹² meaning, assigned [only] for 'living' but not for burial.¹³ An objection was raised: THERE MUST BE HIS ABODE, THERE HIS DEATH, THERE HIS BURIAL. — The case of the slayer is different, because the Divine Law has [distinctly] indicated his [special] treatment.

JUST AS THE CITY AFFORDS ASYLUM SO DOES ITS BOUNDARY AFFORD ASYLUM. Against this some cited the following: [It is written,] And he shall abide in it,¹⁴ that means, In the city [of refuge] but not in its [outer] bounds?¹⁵ — Said Abaye: This is no difficulty; here [in our Mishnah], the point under consideration is [its domain] as an asylum, whereas there, [in the cited passage] it is [its limitation] as a domicile. But is not that [last] point to be derived from the fact that a 'Field is not turned into suburb, nor suburb into field; nor suburb into city, nor city into suburb'?¹⁶

— Said R. Shesheth: [Yes,] but we still need that other statement if only to debar subterranean retreats.¹⁷

IF A SLAYER WENT BEYOND THE BOUNDS AND THE BLOOD-AVENGER FELL IN WITH HIM etc. Our Rabbis taught: And the avenger of blood shall slay the manslayer, [there shall be no blood guiltiness for him];¹⁸ this means that it is an obligation for the blood-avenger [to slay the vagrant murderer]; if there be no blood-avenger, it is permissible for anyone¹⁹ [to do so]: these are the words of R. Jose the Galilean. R. Akiba says [it means] that it is permissible for the blood-avenger, and everyone [else] is [not] responsible for him.²⁰ What is the reason [for the view] of R. Jose the Galilean? — Is it written, if he shall slay him?²¹ And what is R. Akiba's reason? — Does it say, he shall slay him [yirzah]?²²

Mar Zutra b. Tobiah citing Rab said: If a slayer [who] had gone beyond the bounds [of the city of refuge] was met and slain by the avenger of the blood, the latter is slain on that account.²³ Whose view does Rab follow? It is in accord with neither R. Jose the Galilean nor with R. Akiba!²⁴ — It is in accord with the view of the following Tanna, as is taught: R. Eliezer says: [that the manslayer die not] until he stand before the Congregation [of judges] for judgment.²⁵ What does this teach? Since it is said, and the avenger of blood shall slay the manslayer,²⁶ one might presume that he [the avenger] may do so forthwith, therefore does the earlier text provide that the manslayer die not until he stand before the Congregation [of judges]²⁷ for judgment.²⁵ And what deductions do R. Jose and R. Akiba obtain from, until he stand before the Congregation? — They require that text for [another ruling], as it is taught: R. Akiba says: Whence may it be shown that, if a Sanhedrin had been eye-witnesses to an act of murder, they cannot themselves have him put to death until he stand for trial before another tribunal? From the instructive text, the manslayer die not until he stand before, the Congregation [of judges] for judgment, [which means, not] until he stood [for trial] before another tribunal.²⁸

Our Rabbis taught: But if the slayer do [verily] come out²⁹ beyond the border of his city of refuge . . . there shall be no blood guiltiness,³⁰ from this I learn, only a case of deliberate egress; whence do I derive that the same law applies for an unintentional strayer? From the instructive double-verb, which implies a coming-out anyway.³¹ But then, is it not taught [elsewhere], If [the slayer comes out beyond the bounds] deliberately, he³² is slain; if in error, he³³ goes into banishment? — This is no difficulty. One [Baraita]³⁴ is in accordance with the view that the Torah uses [occasionally] popular idiom;³⁵ while the other [Baraita]³⁶ follows the view that the Torah does not use popular idiom.³⁷ Abaye remarked: It seems logical to take the view that the Torah does [occasionally] use popular idiom, as you could not treat his later act [of accidental straying] more severely than his first act [of accidental killing], arguing: What is the law in his first act? If [the killing was] deliberate, he is slain; if in error [accidental], he goes into banishment. Similarly in his later act [of vagrancy], if the vagrancy was deliberate, he is slain [by the avenger with impunity]; if in error [accidentally], his slayer goes into banishment.

It is taught in one [Baraita]: 'If a father killed [a son], his [other] son becomes the avenger of blood.' Again it is taught in another [Baraita], 'One's [own] son cannot become the avenger of blood.' Now, could it be suggested that the first reflects the view of R. Jose the Galilean,³⁸ while the second reflects that of R. Akiba?³⁹ Can this be maintained? For whichever view you take of the avenger's role, whether that of the one who regards it as obligatory, or of him who says it is optional, is it admissible? Did not Rabbah son of R. Huna say, and the same is taught by one of the School of R. Ishmael: Never is a son [to be] commissioned [by the Court] to punish his father, whether it be to inflict a flogging or pronounce a [formal] execration on him, save only in the case of one who entices [another] to idol worship, because there the Torah says neither shall thine eye pity him, neither shalt thou spare, neither shalt thou conceal him . . . [but thou shalt surely kill him,] thine hand shall be first upon him!⁴⁰ But this [seeming] incongruity is not difficult [to explain]. One [Baraita]⁴¹ treats of a son [against a father], the other⁴² of a grandson against his grandfather.

MISHNAH. IF A TREE STANDING WITHIN THE BOUNDARY HAS ITS BOUGHS EXTENDING BEYOND [THE BOUNDARY]⁴³ OR STANDING WITHOUT THE BOUNDARY HAS ITS BOUGHS EXTENDING WITHIN, IT WHOLLY FOLLOWS⁴⁴ [THE POSITION OF] THE BOUGHS.⁴⁵

GEMARA. A point [of difficulty] was raised [from the following]:⁴⁶ If a tree standing within [the wall of Jerusalem] overhangs outside or standing without overhangs inside — the part which bends over the wall from the wall inwards is considered as within [the wall], and that part which bends over the wall from the wall outwards is considered as without [the wall]?⁴⁷

You cannot raise a point from [the law of second] tithes as against the [law of the] cities of refuge! [There is no comparison]. Tithes are associated by the Divine Law with the wall [of the Holy City]⁴⁸ whereas the cities of refuge are governed [in the Divine law] by [the principle of] domicile.⁴⁹ Now, it is the boughs that afford shelter of domicile, not the root of a tree.

Then the [same] point might be raised from another Baraitha⁵⁰ regarding [the law of] tithes, where it is taught: In regard to Jerusalem,⁵¹ follow the bough: In regard to the cities of refuge, follow the bough!⁵² — Said R. Kahana: There is no difficulty; one [this latter] citation presents the view of R. Judah, while the other [the former], adopts the view of the Rabbis, as is taught:

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- (1) I.e., his clear, emphatic disqualification leaves no room for any other suggestion.
 - (2) **הִיָּו** the traditional reading, meaning his substance or power.
 - (3) Deut. XXXIII, 11, Moses, blessing the Levite tribe for their loyalty at the time of the sin of the golden calf invokes the blessing of God upon the work of their hands, i.e., his service at the altar, v. Ex. XXXII, 26ff.
 - (4) **הִיָּו** (as the traditional text is unpointed) = **הָיו** from the root **הָיו** meaning profane, ordinary, vulgar, common, v. p. 1, nn. 2-3. In Kid. 66b, the explanation given here is ascribed to Abba, Samuel's father.
 - (5) I Kings II, 28.
 - (6) Thou shalt take him (the wilful murderer) from mine altar to die (Ex. XXI, 14) Is explained as, 'take him away from next to (**מֵעַם**) mine altar, but not from upon (**מֵעַל**) mine altar (where priests stood while placing the offerings).' V. Yoma 85a.
 - (7) This too is derived from the same text 'from next to mine altar to die,' i.e., from such an altar as has a constituted Sanhedrin sitting with the power to impose capital punishment by due trial, that is to say, a National Altar, not a local one, as prescribed in Deut. XVII, 8-11. Cf. Nahmanides on Num. XXXV, 29. Shiloh was rejected and abandoned at the death of Eli and his sons (cf. I Sam. II, 30-35; Ps. LXXVIII, 60-61); Nob was destroyed by Saul, and the altar at Gibeon was only temporary and local. I Chron. XV, 1, and XVI, 1. V. Zeb, 118b.
 - (8) D.S. has 'at a bamah (High place),' v. Rashi and marginal note. Shiloh, however, is the reading supported by the observations of R. Johanan, J. Mak. II, 6, and stands for all temporary sanctuaries.
 - (9) Isa. LXIII, 1, taken as referring to the time when Edom's (Rome's) cruelty and the murder of many innocent people will be punished.
 - (10) Suggested to Resh-Lakish by his own mistake on this point in which R. Johanan put him right. V.A.Z. 58b.
 - (11) Assigned to the Levites, Num. XXXV, 3.
 - (12) Ibid. **הַיָּוִם** translated 'living beasts', may also mean 'living persons'.
 - (13) That is, the dead had to be buried outside the bounds of the city.
 - (14) Num. XXV, 25.
 - (15) V. Z. Tosef, Mak. III, 6, p. 441.
 - (16) Cf. 'Ar. 33b. The migrash (suburb) was an open common of 1000 cubits on each side of the city and another 1000 cubits beyond that, available for cultivation, and constituted the bounds of the cities of refuge. V. Num. XXXV, 4-5.
 - (17) Which do not encroach upon the actual bounds of the cities.
 - (18) Num. XXXV, 27. R. Jose — it should be noted — takes the last part of the verse as the consequence (apodosis) of the condition set out in verses 26-27, i.e., If the manslayer ventures abroad beyond the bounds of his place of refuge and is caught outside by the avenger, the avenger is to do his duty and kill him. R. Akiba carries the conditional part a little

- further, namely, If the manslayer ventures abroad . . . and is found outside, and if the avenger (perchance) killed, then no guilt shall attach to the avenger, as the manslayer had run the risk to his own cost.
- (19) This is seemingly derived from the wording in vv. 19-21, where it is first ruled, the avenger of blood shall slay the murderer; when he meeteth him, he shall slay him (19), and then again, the avenger of blood shall slay the murderer when he meeteth him (21), that is, anyone. Cf. Sifre on those texts.
- (20) V. note on the Mishnah above.
- (21) I.e., the word if-**אם**- should have been repeated before the latter clause of verse 27, to make clear that it is part of the condition stated in vv. 26-27.
- (22) He shall slay, or let him slay, **וְרָצַח** instead of **וְרָצַח**= and '(shall) have slain', This argument (on the syntactical forms of the conditional sentence, if one do so-and-so, then such-and-such is to happen) finds ample illustration in this section, verses 16, 17, 18, 20-21, (yumath) — he shall die. R. Jose's way of reading finds illustration in vv. 22, 23, followed by another form (Perfect) in the apodosis 24, 25. Cf. Lev. XXV, 51 and 52, where the two forms appear side by side, and I Kings I, 52, where both forms are given side by side in the same verse.
- (23) Cf. Deut. XIX, 6, Lest the avenger of the blood pursue the slayer while his heart is hot.
- (24) Note that this indirectly supports the negative reading in the last part of the Mishnah, taken however to mean that it is not permissible for a stranger to kill the murderer, and yet he is not guilty of murder if he did.
- (25) Num. XXXV, 12.
- (26) Ibid. 27.
- (27) Consequently should the blood avenger kill him before he appeared before the court, he himself is slain, and similarly if he slays him on coming out beyond the border of the city of refuge.
- (28) The reason being that it is as much the duty of judges to save as to condemn (Num. XXXV, 24-25), and, judges having witnessed the act themselves, their minds are already made up before the trial commences; therefore, there is really no trial. V. R.H. 26a (top).
- (29) Lit. 'if he cometh out a-coming'.
- (30) Num. XXXV, 26-27.
- (31) Intentionally (defiantly), or unintentionally.
- (32) With impunity.
- (33) The avenger or anyone else. V. Maim. Yad, Rozeah, v. 11.
- (34) The latter.
- (35) That is, the ordinary style without stressing the use of the double verb (v, n. 7 and 9 above): here it means simply, he came out and deliberately exposed himself to danger.
- (36) The former.
- (37) I.e., each word or particle has its precise significance, and the use of a double verb here is deliberate and indicates two kinds of coming out, intentionally and unintentionally. Cf. B.M. 31a ff; and Malbim, Introduction to Leviticus, No. 38.
- (38) That it is the stern duty of the avenger to avenge the blood.
- (39) That it is merely optional.
- (40) Deut. XIII, 9-10.
- (41) The second.
- (42) The first Baraita.
- (43) I.e., beyond the 2000 cubits about the cities of refuge on each side. Cf. Num. XXXV, 4-5.
- (44) As a sheltering zone.
- (45) That is, the root follows the branch, thus: If the refugee sat at the root within the bounds and the bough extends beyond the bounds, he is considered as outside the bounds. Again, if he sits at the root outside the bounds and the bough extends within, he is considered as within the bounds and is protected.
- (46) Ma'as. Sh, III, 7. The subject here is not the law of asylum, but that of the 'second tithe'. After the first dues to the priest and the Levite (cf. Num. XVIII, 24ff.) had been given (of 'corn, wine and oil' and other fruits), a further second — tithe was set apart by the owner for himself to be taken to Jerusalem and enjoyed there, or it might be 'redeemed', that is, commuted into money which was to be spent there on victuals. (Deut. XIV, 22-26.) Fruits of the second tithe may not be eaten outside Jerusalem without first being redeemed; and when once in Jerusalem they could not be redeemed and taken out again but had to be eaten there as holy food. Cf. infra 19b.
- (47) But not the root itself; whereas in our Mishnah it is ruled that the root follows the branch. Cf. p. 84, n. 8.

(48) Deut. XII, 17 and XIV, 26, and thou shalt eat there before (in the presence of) the Lord thy God, i.e, within the walls of the Holy City.

(49) And he shall dwell therein . . . Num. XXXV, 25, 28.

(50) תניא is more authentic than תנן as can be seen from the several references in Rashi, Tosaf., Nahmanides (and others) and probably alludes to Tosef. 'Ar. V, 7, rather than to Ma'as., III, 10.

(51) The order is reversed in the Mishnah; but the Tosefta has all three mentioned together; Jerusalem, the cities of refuge and the second-tithe as following the same rule. In all cases the tree and its branches follow the root from which they spring and draw their nourishment. In the three specific instances mentioned here also the branch is a deciding factor.

(52) In reference to eating under it or redeeming fruits of the second-tithe, or partaking of certain sacrificial meats, that are likewise permitted only within the sacred area of the Holy City. Cf. Deut. XII, 7, 12-15; 20ff.

Talmud - Mas. Makkoth 12b

R. Judah says: In the case of a cavern, follow its opening;¹ in the case of a tree, follow the bough.²

Let us grant [that we may legitimately suppose] R. Judah to apply this principle³ to the [second] tithes, where it would lead to a more strict observance, thus: If the root is outside [the wall] and the bough overhangs inward, [he maintains that] just as the owner may not redeem the fruits [of the second tithe] under the bough⁴ so he may not redeem those at the root. And again, if the root is inside the wall and the bough overhangs outside, [he maintains that] just as he may not eat the fruits [of the second tithe] under the bough without first redeeming them, so he may not eat even those at the root without first redeeming them. But, take now the case of a city of refuge; the application [of the same principle] goes perfectly well where the root lies beyond the boundary and the bough overhangs inside: just as the avenger may not slay the manslayer at the bough, so he may not slay him at the root. But where the root is within and the bough extends beyond, are we to say that just as the avenger may slay him at the bough he may also slay him at the root?⁵ Surely he [the manslayer] stands within? — Said Raba: [It might be;] nobody would dispute, where he [the manslayer] stands at the root [within the boundary], that the avenger dare not slay him; nor [would anybody dispute], where he stands at the bough [outside] and the avenger can attack him by means of arrows or stones, that he may kill him.⁶ But difference of opinion may arise as to whether the root may be regarded as [some sort of] ladder for [getting on to the]⁷ bough. In this case, one master⁸ considers that [part of the] root as a [mere] ladder for the bough,⁹ while the other master¹⁰ holds that the root cannot be considered a ladder for the bough.¹¹ R. Ashi says: What is the meaning of [the expression] 'it entirely follows the bough'?¹² It means, [follow] also the bough.¹³

MISHNAH. IF [WHILE A REFUGEE] HE SLEW [SOMEONE] IN THAT CITY [OF REFUGE] HE IS BANISHED FROM ONE QUARTER [THEREOF] TO ANOTHER;¹⁴ AND A LEVITE IS BANISHED FROM ONE CITY TO ANOTHER.

GEMARA. Our Rabbis taught: [It is written:] Then I will appoint unto thee a place whither he may flee;¹⁵ [the words,] 'then I will appoint unto thee' imply, during thy life-time;¹⁶ 'unto thee a place' means, in your place;¹⁷ 'whither he shall flee' indicates that the Israelites sent slayers into banishment while yet in the wilderness. Whither did they send them into banishment? To the Levitical camp. From this text, they ruled that if a Levite slew someone he was banished from one province to another; and that if he went into banishment to his own [native] province¹⁸ it does afford him asylum. Said R. Aha the son of R. Ika: What is the Scriptural warrant [for this rule]? Because he shall abide in the city of his refuge.¹⁹ [which implies,] the city which has already afforded him shelter before.

MISHNAH. SIMILARLY²⁰ A MANSLAYER, IF ON HIS ARRIVAL AT THE CITY OF HIS REFUGE THE MEN OF THAT CITY WISH TO DO HIM HONOUR, SHOULD SAY TO THEM,

‘I AM A MANSLAYER!’ AND IF THEY²¹ SAY TO HIM, ‘NEVERTHELESS [WE WISH IT],’ HE SHOULD ACCEPT FROM THEM [THE PROFFERED HONOUR], AS IT IS SAID: ‘AND THIS IS THE WORD²² OF THE MANSLAYER.’²³

(1) I.e., if the opening is within the city, it is intra-mural, even though the whole subterranean cavity lies outside; and vice versa, if it opens outside the city walls It is considered extra-mural, even though the whole subterranean cavity lies under the city within.

(2) So that both our Mishnah and the second Baraita (‘In regard to Jerusalem . . .’) are expressing R. Judah's view, that the root follows the branches. (Cf, nn. 3 and 8.) The Mishnah of Ma'as. Sh., on the other hand, gives the view of the Rabbis.

(3) Viz., that the whole tree including the root follows the branches.

(4) Because it overhangs within, and second tithes may not be redeemed in Jerusalem, but must be eaten there as such. Cf, p. 85, n.1.

(5) This cannot be maintained and the analogy (between Jerusalem and the city of refuge) breaks down, and consequently R. Kahana's suggestion that the Baraita (second citation, like the main Mishnah) is R. Judah's view (in contrast to that of the Rabbis in the first citation) does not remove the difficulty felt at first, as it leaves us with a new difficulty.

(6) Since the branch does not follow the root.

(7) By which the avenger might climb up (from within bounds) to grapple with the manslayer perched on the bough (beyond bounds).

(8) R. Judah.

(9) And he may climb up the root, though it is within, in order to get at him at the bough, just as he may slay him at the bough. The analogy consequently can be maintained.

(10) I.e., the Rabbis.

(11) And must not be used by the nearest of kin to get to the bough without.

(12) In our Mishnah, q.v.: and in the other Mishnah and Baraita cited.

(13) In the case of the second tithe and city of refuge, we follow in addition as a stringent measure also the bough, so that where the root is without and the branch within, the manslayer finds protection even at the root. And the same applies to the second tithe. In other words we always adopt the stricter measure.

(14) As he may not leave it without risking his life. Num. XXXV, 25-28.

(15) Ex. XXI, 13.

(16) Cf. supra 10a, R. Simlai's exposition of Deut. IV, 41ff.

(17) So some texts (v. D.S.), i.e, the Levite camp in the centre. Cf. Num. I, 50ff; II,17; X, 17.

(18) I.e., on slaying someone abroad he ran home for refuge. Maim. Yad, Rozeah, VII, 5. Or, if he slew someone in one quarter and he took refuge in another quarter of the same province.

(19) Num. XXXV, 18, stressing his, that is, his own home town becoming his retreat for safety.

(20) Some consider this word out of place here (and it is indeed absent in good texts), as being an unconscious repetition of an earlier Mishnah, Sheb. X, 8, where it effects a comparison. Others take it as connecting this Mishnah with the preceding, where it was indicated that a manslayer needs atonement by suffering, for instance, to be sent away from his town or district to another, and similarly he should abase himself when people wish to show him deference: he should tell them (sorrowfully), ‘I am a manslayer’. V. D.S.

(21) For this reading, v. D.S.

(22) Or (single) statement.

(23) Deut. XIX, 4.

Talmud - Mas. Makkoth 13a

THEY USED TO PAY¹ RENT TO THE LEVITES: THESE ARE THE WORDS OF R. JUDAH; R. MEIR SAYS THAT THEY DID NOT PAY THEM ANY RENT. AND [ON HIS RETURN HOME] HE RETURNS TO THE OFFICE HE FORMERLY HELD, THESE ARE THE WORDS OF R. MEIR; R. JUDAH SAYS THAT HE DOES NOT RETURN TO THE OFFICE HE FORMERLY HELD.

GEMARA. Said R. Kahana: The difference of opinion [on the question of rent] is only in regard to the [main] six cities [of refuge], as one Master takes the words, and the cities shall be unto you for refuge² [to mean,] for the purpose of refuge [and no more], while the other Master takes 'unto you' [to mean,] yours for all your needs; but, as regards the other forty-two [additional] cities³ they are agreed that they did pay them rent. Said Raba to him: The expression 'unto you' certainly implies here 'for all your requirements'! But, said Raba, the difference of opinion is rather about [the claim of] the other forty-two [additional] cities, one Master taking the words, and to them ye shall add forty and two cities⁴ to mean that these [additional] cities shall be for refuge [mainly, like the six], while the other master takes the words, and to them ye shall add forty and two cities to mean that just as the other six are for all your requirements, so are these [additional] cities [to be] for all your requirements; but as regards the [main] six they are fully in agreement that no rent was paid to them.

AND HE RETURNS TO THE OFFICE HE FORMERLY HELD etc. Our Rabbis taught: [It is written], And he shall return to his family, and unto the possession of his fathers shall he return;⁵ this means that he returns [strictly] to his 'family' [possessions] but he does not return to the station occupied by his fathers;⁶ these are the words of R. Judah;⁷ R. Meir says that he even returns to the station occupied by his fathers,[since it says] 'to the possession of his fathers', [that is, exactly] like his fathers. Similarly in the case of the exile, as the text says, he shall return, it is meant to apply the same rule to the manslayer [by way of allusion]. What is meant [exactly] by saying, 'Similarly in the case of the exile'? — It refers to what is taught [on the following text]: [And after the death of the high priest] the slayer shall return to the land of his possession,⁸ which means that he returns only to 'the land of his possession' but not to the station occupied by his fathers;⁶ these are the words of R. Judah;⁹ but R. Meir says that he returns also to the station occupied by his fathers, [and] he derives [this interpretation] from the use of the same expression yashub ['he shall return'], both here¹⁰ and there.¹¹

CHAPTER III

MISHNAH¹² AND THESE INCUR A [JUDICIAL] FLOGGING:¹³ ONE WHO CAME [CARNALLY] TO HIS SISTER.¹⁴ TO HIS FATHER'S SISTER, TO HIS MOTHER'S SISTER,¹⁵ TO HIS WIFE'S SISTER,¹⁶ TO HIS BROTHER'S WIFE,¹⁷ TO HIS FATHER'S BROTHER'S WIFE¹⁸ OR TO A NIDDAH;¹⁹ A HIGH PRIEST ON TAKING TO WIFE A WIDOW,²⁰ OR AN ORDINARY PRIEST ON TAKING A DIVORCEE²¹ OR HALUZAH;²² ANY ISRAELITE ON TAKING TO WIFE A MAMZERETH²³ OR NATHINITE²⁴ WOMAN, OR ANY ISRAELITESS BECOMING THE WIFE OF A MAMZER²⁵ OR NATHINITE.²⁶ IN THE CASE OF A DIVORCEE-WIDOW [A HIGH PRIEST] IS LIABLE ON TWO COUNTS,²⁷ BUT [AN ORDINARY PRIEST,] IN THE CASE OF A DIVORCEE-HALUZAH, IS LIABLE ONLY ON ONE COUNT.²⁸ ONE WHO WHILE UNCLEAN,²⁹ ATE HOLY MEAT³⁰ OR ENTERED THE SANCTUARY; ONE WHO ATE HELEB,³¹ BLOOD,³² OR 'LEAVINGS' [OF SACRIFICIAL MEATS],³³ OR PIGGUL;³⁴ OR [AN OFFERING] THAT HAS BECOME UNCLEAN;³⁵ , ONE WHO SLAUGHTERS,³⁶ OR OFFERS UP³⁷ A SACRIFICE, OUT-OF-PRECINCTS;³⁸ ONE WHO ATE 'LEAVENED [BREAD] DURING THE PASSOVER,³⁹ ONE WHO PARTAKES OF FOOD [OR DRINK]⁴⁰ OR DOES WORK ON THE DAY OF ATONEMENT;⁴¹ ONE WHO COMPOUNDS INGREDIENTS [AS] FOR THE [ANOINTING] OIL,⁴² OR THE INGREDIENTS [AS] FOR THE INCENSE,⁴³ OR ANOINTS⁴⁴ WITH THE [HOLY] OIL FOR ANOINTING:

ONE WHO EATS OF NEBELAH⁴⁵ OR TREFA,⁴⁶ OR ANY OF THE [CREATURES DEEMED] 'ABOMINABLE' AND 'TEEMING'.⁴⁷ WHO EATS OF TEBEL⁴⁸ OR 'FIRST-TITHE STILL COMPRISING⁴⁹ ITS 'PRIME-DUE', OR 'SECOND-TITHE UNREDEEMED,⁵⁰ OR OF 'SANCTUARY- GIFTS' UNREDEEMED.⁵¹ HOW MUCH OF TEBEL⁵² IS ONE TO EAT TO BECOME LIABLE?⁵³ R. SIMEON SAYS THE MEREST MORSEL; THE SAGES SAY AN

OLIVE'S SIZE.⁵⁴ SAID R. SIMEON: DO YOU NOT ADMIT THAT IF ONE ATE THE MINUTEST ANT HE WOULD BE LIABLE?⁵³ — SAID THEY TO HIM: [ONLY] BECAUSE IT IS A SEPARATE CREATURE,⁵⁵ SAID HE TO THEM: EVEN SO A [GRAIN OF] WHEAT IS A SEPARATE ENTITY: GEMARA. [AND THESE INCUR A FLOGGING etc.] This Mishnah [it should be noted] mentions instances of [a flogging for] such as incurred the penalty of kareth but not any of such as have incurred the penalty of death by sentence of the Court.⁵⁶ Whose is the view presented in this Mishnah? — It is R. Akiba's, as may be gathered from what is taught [in the following]: Both offenders who are liable to kareth, and offenders who are liable to death by sentence of the Court

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- (1) The refugees, or according to some texts, the cities.
 - (2) Num. XXXV, 12.
 - (3) Num. XXXV, 6.
 - (4) V, p. 88, n. 9.
 - (5) Lev. XXV, 41, referring to the Hebrew slave.
 - (6) Here, the honours of some high office, conferred by others.
 - (7) It seems that R. Judah limits this text by the terms of an earlier assertion, verse 10, where the fathers are not mentioned, but only the possessions and the family. V. Malbim, Sifra on Lev. XXV, 10.
 - (8) Num. XXXV, 28.
 - (9) He seems to stress here the word land, he returns 'to the land of his possession.'
 - (10) Num. XXXV, 28.
 - (11) Lev. XXV, 41: a Gezerah Shawah, v. Glos.
 - (12) In this chapter the Biblical basis for a judicial flogging is considered somewhat at length. The main principle to be remembered is that, (a) every prohibited act must be clearly specified in Holy Writ and (b) the threatened punishment plainly stated. This Mishnah enumerates various types of offences that entail a judicial flogging at least.
 - (13) The list is incomplete (cf. Ker. I, 1), and mostly those that require comment are enumerated here. V. Rashi and Tosaf. As the Biblical references of each prohibition and its threatened punishment (if any) are to be indicated, it will be necessary to make use of the following notation: — B denotes — 'let him (her, them) bear his (her, their) iniquity,' i.e. bear the punishment for their sin, kareth, usually. q.v.; C denotes — threatened with the death of childlessness; D denotes — threatened with death by Divine dispensation; K denotes — kareth — כרת — 'cut off'; extirpation of the soul, v. Glos. It will be noticed that B, C, D and K amount more or less to the same thing, namely, Divine retribution; N denotes — No punishment prescribed in Holy Writ for the particular offence, though distinctly prohibited.
 - (14) Lev. VIII, 9, 29 K; XX, 17 BK.
 - (15) Ibid. VIII, 12-13, 29 K; XX, 19 B.
 - (16) Only during his wife's lifetime, Ibid. VIII, 18, 29 K.
 - (17) Ibid. VIII, 16, 29 K; XX, 21 C. Not even his brother's divorcee or widow, except in levirate marriage. i.e., if this brother died absolutely childless. Cf. Deut. XXV, 5ff.
 - (18) Lev. XVIII, 14, 29 K; XX, 20 BC.
 - (19) I.e., not even to his own during her menses, ibid. XVIII, 19, 29 K; XX, 18 K.
 - (20) Ibid. XXI, 13-14 N.
 - (21) Lev. XXI, 7, 14 N.
 - (22) V. Glos. A haluzah is treated as a divorcee and is forbidden to a priest.
 - (23) Mamzer, fem. mamzereth, is a child born in incest or adultery (with the wife of another man); such a child is debarred from regular marriage within the community: the stigma is perpetual. V. Deut. XXIII, 3 N.
 - (24) The Nathinites were descendants of the old Gibeonites, Hivites in origin, who became allies of the invading Israelites by a ruse, and were reduced to communal serfs in the time of Joshua. V. Josh. IX, 3, 15, 18, 23. A Hivite intermarriage with Israelites was forbidden, Deut. VII, 1ff. Their vindictiveness in the time of David (II Sam. XXI, 1ff.) and their continued identity as Hivites in their status as serfs (v. Ezra, II, 13, 58; VIII, 20, and Nehem. X, 29) contributed to their unenviable distinction as pariahs. Cf. Yeb. 78b.
 - (25) V. p. 90, n. 12.
 - (26) V. p. 90, n. 13.
 - (27) One on each status distinctly forbidden in Lev. XXI, 14 N.

- (28) As haluzah is not explicitly mentioned in Lev. XXI, 7, but is derived from the wording by implication 'a woman divorced by her man' being taken to mean, 'any woman rejected by her man' (i.e. on whom she had some claim to be his lawful wife).
- (29) I.e., being in a state of impurity, unfit to participate in religious ceremonial. For instances v. Lev. XI, 24-25, 31. 39-40; XII, 2ff; Num. XIX, 11-13.
- (30) E.g., sacrificial meat, Lev. VII, 20-21 K.
- (31) Mainly fat which was burnt on the altar, Lev. VII, 23-25 K.
- (32) Lev. VII, 26-27 K; XVII, 10ff, K.
- (33) Sacrificial meats were restricted (for their consumption), some to one day and the following night, others to two days and the night; after that, the leavings had to be burnt, Lev. VII, 15-18 B. Cf. Ex. XXIX, 34 and XII, 10; P.B. pp. 12-13, sections 5-8.
- (34) Lit., 'loathsome'. The intention to disregard the time-limit ab initio vitiates and renders the sacrifice (like) putrid flesh, and is not to be eaten, Lev. VII, 18 B; XIX, 7-8 K.
- (35) Lev. VII, 19.
- (36) Lev. XVII, 3-4 K; Deut. XII, 13 ff.
- (37) Lev. XVII, 8-9 K; Deut. XII, 13ff. Killing and offering sacrifice are two separate acts. V. Zeb. 106a-b.
- (38) I.e., away from the Temple.
- (39) Ex. XII, 15, 19 K; XIII, 3.
- (40) Lev. XXIII, 27. 29 K. Cf. Yoma, 81a.
- (41) Lev. XXIII, 28, 39 K ('cause to perish', 'destroy').
- (42) Ex. XXX, 32-33 K.
- (43) Ibid. 37-38 K.
- (44) V. p. 91, n. 18.
- (45) Any animal that died of itself from disease or exhaustion, carrion (Lev. XI, 39; XVII, 15; XXII, 8) Deut. XIV, 21 N. Traditionally, any beast or fowl not killed in accordance with the Jewish laws of shechitah, is nebelah.
- (46) Lit., 'torn', mortally lacerated; it also signifies afflicted with an organic disease. Ex. XXII, 30 N; Lev. XVII, 15. Cf. also Ezek. IV, 14.
- (47) All animals, fowl or fish Scripturally forbidden as food are termed 'abominate' as contaminating the very soul of the eater. V. Lev. XI, 4-8 (animals); 10-13 (fishes); 13-20 (fowl); 29ff(reptiles) and generally 41ff. Deut. XIV, 7-21, N.
- (48) **טְרֵמָה** Produce or fruits from which any of the 'dues' has not yet been taken, such as terumah or the 'Prime-due' (to the priest) of corn, wine and oil (Num. XVIII, 11-12) and hallah of dough or bread (ibid. XV, 19-21); 'first-tithe' (to Levite or priest); 'second-tithe' (to be eaten at Jerusalem) and poor-tithe'.
- (49) 'First-tithe' was to be given to the Levite, who again had to give 'Prime-due' of it to the priest, which was also called 'tithe-of-the-tithe', and was strictly forbidden to the Levite, Num. XVIII, 26-32, BD.
- (50) 'Second-tithe' had to be separated and designated as such and being holy due had to be consumed by the owner at Jerusalem. It could not be sold or bartered, but could be redeemed by the owner (outside Jerusalem) at the market price enhanced by a fifth of its value with good silver coin. Deut. XIV, 22-29; Lev. XXVII, 16, 19. Cf. M. Sh. I, 1; IV, 2, 7.
- (51) Anything donated to the Sanctuary fell under a lien and its enjoyment or use by the owner was a 'trespass' which required atonement. It was, however, redeemable at its value enhanced by a fifth. Lev. V, 15-16; XXVII, 9ff. (16, 19, 30-31).
- (52) V. supra n. 6.
- (53) To a (judicial) lashing.
- (54) The traditional requisite quantity for constituting eating (technically).
- (55) As a complete organism or 'creature'.
- (56) If the offenders had been warned by witnesses before the offence; also in respect of the penalty of flogging.

Talmud - Mas. Makkoth 13b

are alike subject to the sanction of 'forty lashes'; these are the words of R. Ishmael.¹ R. Akiba says that only those who are liable to kareth are subject to the sanction of 'forty lashes', because, if the offenders should betake themselves to repentance [before God], the Heavenly Tribunal would grant them remission;² whereas those who have become liable to death by sentence of the [human] Court

are not subject to the punishment of 'forty lashes' because, [even] if they should do penance, the Earthly Tribunal would not grant them remission.³ R. Isaac says: Seeing that Holy Writ had [already] comprehensively declared all the offenders [in unlawful relations to be] liable to kareth,⁴ what object was there in reiterating that penalty [solely] in the case of [the brother with] his sister?⁵ To show that kareth is their penalty, not a flogging.⁶

What is R. Ishmael's reason? — It is written: If thou wilt not observe to do all the words of this law . . . and it is further written, then the Lord will make thy strokes pronounced.⁷ I should not have known what is [really] meant by this 'pronouncement' but when it states elsewhere: [If the wicked man deserve to be beaten] the judge shall cause him to lie down and to be beaten [before his face according to the measure of his misdeed by number . . . forty stripes]⁸ then I say that the expression, this 'pronouncement' has some bearing on the [judicial] flogging; and that passage is introduced by, if thou wilt not observe to do all the words of this law.⁹ But if so, why not impose a [judicial] flogging also for [the neglect of] a positive precept?¹⁰ — It says, if thou wilt not observe to do, and this is the sense given by R. Abin as reporting R. Elai; for R. Abin reported R. Elai to have said that wherever the expression 'observe',¹¹ 'lest',¹² or 'do not'¹³ occur [in Holy Writ], it is an indication of a prohibited action.¹⁴

Then why not [give a flogging] for the contravention of a prohibition attended by no action?¹⁵ — It is written, 'If thou wilt not observe to do.' [Then again, why not give a flogging] also for [offending against] a prohibition which can be remedied by a [subsequent] action?¹⁶ — [An act entailing a flogging] must conform with the prohibition of 'Muzzling'.¹⁷

And what is R. Akiba's reason?¹⁸ — [It says,] 'according to the measure of his misdeed'¹⁹ [which means that] you make him liable to punishment for one misdeed, but you cannot hold him liable [in two ways as] for two misdeeds.²⁰ And R. Ishmael?²¹ — This objection applies only to such [diverse punishments] as a death-sentence and pecuniary compensation, or a flogging and pecuniary compensation; but death and a flogging [are cognate] as [flogging] is but a protracted death.²² But why should not R. Akiba, if [he] so [interprets the wording], exclude [from a flogging] also even those liable in kareth?²³ And if you argue: Suppose the offenders should betake themselves to repentance [before God], then [I retort], Now, after all, they have not yet done so?²⁴ — Said R. Abbahu: The Torah distinctly includes those who have incurred kareth among those who may receive a flogging; for we derive 'before the eyes'²⁵ from 'before thine eyes'.²⁶ To this R. Abba b. Memel demurred strongly: If so, why not include as well those liable to death by sentence of the Court among those who may receive a flogging, by deriving 'from the eyes'²⁷ from 'before thine eyes'?²⁶ — It is admissible to interpret 'before the eyes'²⁵ in the light of 'before thine eyes',²⁶ but hardly to interpret 'from the eyes' in the light of 'before thine eyes'. But what matters [such a slight variation in form]? Was it not taught in the school of R. Ishmael that the [variant expressions] and the priest shall come again,²⁸ and, and he shall go in [and see],²⁹ have the same import there [for the purpose of deduction]?³⁰ Nay, furthermore, one ought to be able to interpret, 'from the eyes of'²⁷ in the light of, 'before the eyes of their people,'²⁵ after having already been allowed to interpret, 'before the eyes,'²⁵ in the light of, 'before thine eyes'?²⁶ The explanation that R. Samuel son of R. Isaac [later] personally received from him³¹ on [the difficulty arising from R. Akiba's interpretation of] the text 'according to the measure of his misdeed' as meaning 'that you make him liable to punishment for one misdeed, but you cannot hold him liable [in two ways as] for two misdeeds', was that the verse refers only to penalties that are entrusted to Beth din.³²

Raba said:³³ Where the forewarning [to the would-be offender] was in respect of a death penalty, opinion would be unanimous that the offender should not be both flogged, and put to death.³⁴ The difference, however, arises where the forewarning was only in respect of a flogging. [In that case] R. Ishmael³⁵ holds that 'a prohibition which [has been stated to] serve as a forewarning to a capital sentence'³⁶ is [sufficient] warrant for the infliction of a flogging; while R. Akiba³⁷ holds that 'a

prohibition which [has been stated to] serve as a forewarning to a capital sentence' is no warrant for a flogging.³⁸ But if so then even those liable to kareth should also be excluded [by him from the liability to flogging], since the prohibition [in regard to such transgressions has in each case been stated to] serve as a forewarning to kareth? — Said R. Mordecai to R. Ashi: Thus said Abimi of Agrunia³⁹ in the name of Raba, that [would-be] offenders in a case of kareth do not require forewarning; the proof is that kareth is imposed for neglecting the rite of the Paschal lamb⁴⁰ and the rite of circumcision,⁴¹ although there is no [other] warning [in Holy Writ].⁴²

Maybe the forewarning is [inscribed in the Torah in case of kareth] for the purpose of a sacrifice,⁴³ as [might be proved from the fact that] the neglect of the Paschal lamb or circumcision, for which no forewarning is inscribed in the Torah, does not entail an atoning sacrifice? — [No,] this is not a correct reason [for the absence of sacrificial-atonement] in those two instances, but [there is another reason altogether]. It is because we find the sin of idolatry set in the balance against the entire [body of commandments in the] Torah,⁴⁴ and [from this we argue]: Just as the precept relating to idolatry is of the type 'Sit still and don't do it,' so any precept which is of the type 'Sit still and don't do it' [entails a sin-offering for its unintentional transgression], and we exclude these which are of the type 'Get up and do it'.⁴⁵

Rabina said: After all [the various explanations offered] we must come back

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- (1) [It is assumed at present that the warning was both in respect of lashes as well as of a death penalty or kareth.]
 - (2) As the earthly Tribunal could not allow a serious offence to go unnoticed, the flogging is the least they can impose, leaving the rest between Heaven and the offender's conscience.
 - (3) And there would thus be inflicted two penalties — flogging and execution — for one offence. V. discussion later.
 - (4) Lev. XVIII, 29. For whosoever shall do any of these abominations (mentioned in detail in verses 6-23), even the souls that do them shall be cut off from among their people.
 - (5) Lev. XX, 17, imposing only BK and not death penalty as in the other instances.
 - (6) The end of the quotation. R. Isaac disagrees with both preceding views. The case of 'brother and sister' — he contends — shows clearly that each offence has its appropriate punishment (B C D K or Execution by Court) as indicated in detail in the parallel passage. Lev. XX. Flogging, in his view, is not warranted by the written law where another penalty is definitely prescribed.
 - (7) Deut. XXVIII, 58-59. 'Will make pronounced' has here a double import, (a) to make striking, extraordinary, surprising, and (b) pronounce, speak out clearly. Cf. Lev. XXVII, 2 and Num. VI, 2.
 - (8) Deut. XXV, 2-3. The strokes (lashes) had to be clearly counted out aloud 'pronounced' before each stroke fell, by one of the judges present at the flogging. Cf. infra 22b.
 - (9) I.e., a flogging is made incidental to any and every breach of the Written Law.
 - (10) E.g., for neglecting the rite of circumcision (Gen. XVII, 10ff. 14 K), or for neglecting to offer the Paschal lamb (Num. IX, 13 KB).
 - (11) השמר, be mindful, beware. Cf. Ex. XIX, 12 and Nahmanides on Ex. XX, 8.
 - (12) פן Cf. Ex. XIX, 21.
 - (13) לא a parallel word to לא; cf. Ex. XII, 9.
 - (14) 'Don't do it!' — לא תעשה in contrast to 'Do it!' - עשה, a positive command.
 - (15) V. supra p. 17, n. 3.
 - (16) V. supra p. 16, n. 9.
 - (17) Deut. XXV, 4, which is immediately subjoined to the ordinance of the flogging and is taken as the illustration, as a type of offence, namely as one involving action, and which cannot be remedied by a subsequent action.
 - (18) For excluding those liable to a death-penalty by human tribunal from a judicial flogging.
 - (19) With reference to flogging. Deut. XXV, 2.
 - (20) I.e., death and lashes. V. supra p. 16.
 - (21) What is his answer to this?
 - (22) Lit., 'a prolonged death.'
 - (23) [Seeing that there too two penalties are involved — kareth and lashes.]

- (24) Who can judge another's conscience, whether the repentance was sincere and acceptable to Heaven or not? [By flogging them they may thus have inflicted a twofold penalty!]
- (25) With reference to kareth. Lev. XX, 17, KB for incest.
- (26) Deut. XXV, 3, with reference to flogging. Thus equating the two passages by a Gezerah Shawah.
- (27) Num. XV, 24.
- (28) Lev. XIV, 39, when a house affected with signs of leprosy was under observation by the priest at intervals of seven days.
- (29) Ibid. 44.
- (30) That the treatment prescribed in the former instance (v. 39) be fully repeated in the second instance (v. 44).
- (31) From R. Abbahu or R. Abba b. Memel.
- (32) [As we have no cognizance as to the punishment or remission by the Celestial Tribunal. So that those liable to kareth, if warned in respect of lashes, are flogged.]
- (33) [Raba rejects the assumption on which the discussion was hitherto based, v. p. 93, n. 2.]
- (34) As the major (capital) penalty already covers the minor.
- (35) Who on textual grounds considers all offenders, even those liable to a death penalty, subject to flogging.
- (36) [It is a recognised principle that no transgression carries with it a penalty unless the relevant prohibition, 'thou shalt not', is explicitly stated in the Bible., v. p. 18, n. 5.]
- (37) Who excludes from a flogging all those liable to a capital penalty.
- (38) [Where the warning of the witnesses was only in respect of lashes.]
- (39) Or Hagronia, near Nehardea. Cf. Sot. 46b.
- (40) Num. IX. 13.
- (41) Gen. XVII, 13-14.
- (42) [Hence any explicit prohibition stated in the Law in cases of kareth is designed to serve as a forewarning to the penalty of flogging.]
- (43) [I.e., that the offender is to bring a sacrifice as atonement, but not in order to make him liable to flogging.]
- (44) Num. XV, 22-23: And when ye shall err and not observe all these commandments that the Lord hath commanded you by the hand of Moses, from the day that the Lord gave commandment, and onward throughout your generations . . . [This verse is explained in Hor. 8a, as referring to idolatry.]
- (45) The rites of the Paschal lamb and circumcision are Positive Commands, of the type, Get up and do it! [This then is the reason why no sin-offering is entailed by neglect of these precepts, and not because there is no explicit prohibition stated in regard to them, as the obligation of bringing an offering for a transgression is not determined by a forewarning being stated in the Bible.]

Talmud - Mas. Makkoth 14a

to the original statement [of R. Akiba], namely, 'that if those [liable to kareth] should resort to repentance the Heavenly Tribunal would grant them remission.' And in regard to the objection, 'Now, after all, they have not yet done so [i.e. repented]?'¹ [I retort.] The penalty of kareth is not [yet] decided² [either].

R. Isaac says:³ Seeing that Holy Writ had [already] comprehensively declared all the offenders in unlawful relations to be liable to kareth, what object was there in reiterating that penalty in the instance of [the brother with] his sister? To show that kareth is their penalty, not a flogging. And the Rabbis,⁴ how do they explain [the reiteration of the penalty of] kareth in the case of [the brother with] his sister? — It is to indicate the principle of Distributive Incidence, as instanced in R. Johanan's statement; for R. Johanan said: The Mishnah⁵ means to teach us that should one happen to commit all these offences in one spell of unawareness he would [on discovering his error] become liable [to a sin-offering]⁶ on each act, separately. And R. Isaac, whence does he obtain that distributive principle? — He derives it from [the text]: And thou shalt not approach unto a woman⁷ [one being] in the separation of her uncleanness,⁸ [which he takes] to indicate liability for any and every woman approached [while being in that state]. And why do not the Rabbis derive the principle from this [text]? — They do, indeed so. But [if so], what would be the purpose of the reiteration of

kareth in the instance of [the brother with] his sister? — To indicate separate liability for the several offences⁹ — with his sister,¹⁰ his father's sister¹¹ and his mother's sister.¹²

[But] is not that obvious? Are they not diverse persons and of different denominations? — No; [I mean] a separate liability for [an unlawful association with] his sister, who is also his father's sister and his mother's sister.¹³ And [if you say], how is this possible? — It is possible in the case of a sinner the son of a sinner.¹⁴ And this last point, whence does R. Isaac derive it? — He obtains it by an [argument] a fortiori,¹⁵ as taught in the following: R. Akiba said: I [once] asked Rabban Gamaliel and R. Joshua at the fair held at Emmaus¹⁶ whether they had gone to buy an animal for the [forthcoming marriage] feast of Rabban Gamaliel's son: If one came [carnally] to his sister who is his father's sister and his mother's sister, what is the extent of his offence? Would he be liable once only for the several categories of the offence, or on each count severally? — Said they to me, This problem we have not heard, but we have heard the following: If one had come [carnally] to five [different] women during their term of niddah,¹⁷ in one spell of unawareness, [on discovering his error] he is liable [a sin-offering] for each one severally. And the point [you raise,] it seems, may be solved by an [argument] a fortiori [thus]: What say we in the problem of the niddah? That although each error is [a sin] of the same denomination, he is nevertheless liable [a sin-offering] on each act, severally; should he not all the more be held liable on each count where the sinful act falls under three different denominations? And the Rabbis [what say they]? — The [argument] a fortiori is not sound, for how can you argue from the niddah where several distinct persons are involved [to this where there is only one person]?¹⁸ And the other [R. Isaac] likewise accepts the refutation of that a fortiori; but he derives the principle of Distributive Incidence from the [redundant] expression of 'his sister' in the latter part of the same verse.¹⁹ And the other [Rabbis], what [say they] is the purport of repeating the expression — 'his sister' in the latter part of that verse? — They say, It lays down specifically the penalty of [a brother with any sister], his sister who is both his father's and mother's daughter, to indicate the [legal principle] that penalties inferred by argument are not sanctioned.²⁰

And the other [R. Isaac, whence does he derive this²¹ legal principle]? — If I may, I would say that he derives the penalty from the prohibition.²² Or, if I may, I should say that he derives it

(1) V. supra, p. 95, n. 5.

(2) It may never be inflicted, as the sinner may repent in his last hour (cf. Ezek. XXXIII, 11ff and the last Mishnah, infra 23a); the flogging therefore is the sole penalty to be imposed by the human authority.

(3) This is the third view cited in the Baraitha (at the beginning of the discussion on the Mishnah).

(4) R. Akiba and R. Ishmael.

(5) [In Ker. 2a in enumerating and giving the number of the offences liable to kareth.]

(6) The statutory offering for a sin punishable by kareth.

(7) A euphemism for intimacy.

(8) Lev. XVIII, 19 K. The text should have 'And thou shalt not approach a niddah (menstruate). The superfluous word 'woman' thus denotes every individual woman.

(9) [Committed in one spell of unawareness.]

(10) Ibid. XVIII, 9, 11, 29 K; XX, 17 KB.

(11) Ibid. XVIII, 12, 29 K; XX, 19 B.

(12) Ibid. XVIII, 13, 29 K; XX, 19B.

(13) [There being a separate prohibition stated in respect of each one.]

(14) Rake I came (carnally) to his Mother who bore him two daughters, A and B. Rake I then came to A, who bore him a son Rake II, and Rake II then came to B. B was thus to Rake II his own sister, his father's sister, and his mother's sister.

(15) I.e., not directly from a Scriptural source.

(16) A military colony not far from Jerusalem, which Vespasian had given to 800 of his war veterans (Josephus, Wars, VII, 6, 6). It is identified with Mozah, mentioned in Josh. XVIII, 26, and Suk. 45a; the Jewish colony Mozah (founded 1894) preserves the name anew, and the Arabic name of Kulonieh retains the old name. V. J. Klausner, **אִיטְלִיז** **הַמְטוּרִיָּה** **יִשְׂרָאֵלִית** IV, 236. The puzzling term **אִיטְלִיז** may be here the Greek word *telos*, 'a military station',

or company. [For a full discussion of the term v. Cohn, J., *Festschrift d. jud. theolog. Seminars*, Breslau, 1929, II, pp. 11 ff.]

(17) Even his own wives, during menses, v. Glos.

(18) Whereas in the complex sister-problem there is involved in one act but one sole (physical) person, albeit of treble designation.

(19) He hath uncovered the nakedness of his sister, (meaning a sister of any and every category). Lev. XX, 17.

(20) Cf. supra 5b.

(21) Having used that text (Lev. XX, 17) for another deduction, namely, as showing that the prescribed penalty in kareth-offences is kareth and not flogging, he cannot use the same again to teach that he is liable for his sister who is both his father's and mother's daughter.

(22) Ibid. XVII, 9 and 11. It is from verse 11 that he derives the principle, from the repetition of the words, she is his sister — i.e. be she half-sister or even sister-german. Just as in the verse laying down the prohibition all kinds of sisters are included, so likewise in regard to the penalty no distinction is made.

Talmud - Mas. Makkoth 14b

from the [redundant] expression of 'his sister' in the former part of the text.¹ And the other [Rabbis]?² — They require it to teach the principle of distributive incidence in the case of one who both compounds [the prescribed ingredients for the holy anointing-oil] and anoints therewith.³ And the other [R. Isaac]?⁴ — He shares the view of R. Eleazar quoting R. Hoshai; for R. Eleazar in the name of R. Hoshai said that wherever you find two prohibitions with the sanction of kareth mentioned only once, each lapse occasions a sin-offering on its own account.⁵ Or, if you wish, I should say that R. Isaac does not adopt the view of R. Eleazar⁶ as citing R. Hoshai, but he derives [the principle of distributive incidence]⁶ from the following text: And if a man shall lie with a woman [one] having her sickness.⁷ And the other [Rabbis]?⁸ — That text is required for another point, as reported by R. Johanan; for R. Johanan said in the name of R. Simeon b. Yohai: How can it be shown that a woman is not [ritually] 'unclean' [as parturient]⁹ until the flux emerges through the normal passage? From the wording of the text: And if a man . . . uncovered the fountain of her flux⁷ which teaches that a woman is not 'unclean' [as parturient] until it emerges through its normal passage.

ONE WHO WHILE UNCLEAN ATE HOLY MEAT OR ENTERED THE SANCTUARY [incurs kareth and consequently a flogging]. This is quite in order where one while [ritually] unclean entered the sanctuary, because both the penalty and the [requisite] forewarning are written [explicitly]. 'The penalty,' — as it is written: he hath defiled the tabernacle of the Lord [that soul shall be cut off from Israel];¹⁰ 'the forewarning,' — as it is written: That they [the unclean] defile not their [holy part of the] camp.¹¹ But as regards the unclean who ate holy meat, the penalty, I grant, is written: But the soul that eateth of the flesh of the sacrifice of peace offerings that pertain unto the Lord, having his uncleanness on him, that soul shall be cut off from his people.¹² But where is found the [requisite] forewarning for this? — Resh Lakish said [that it is found in the text:] She shall touch no hallowed thing.¹³ R. Johanan said that Bardela taught it [as derived] from the recurring expression of 'his uncleanness' [in two relevant passages].¹⁴ Here it is written: 'having his uncleanness on him shall be cut off,¹⁵ and in the other [context] it is written: He shall be unclean:¹⁶ his uncleanness is yet upon him. Just as in this latter passage [there is given] the warning and the penalty [if he does], so in the former [passage]¹⁷ we associate with it a warning and penalty. Now, we understand why Resh Lakish does not give the same explanation as R. Johanan, namely, that he had not received it on tradition from his master.¹⁸ But why should R. Johanan not accept the explanation of Resh Lakish? — He will tell you that the text, [She shall touch no hallowed thing]¹³ serves as admonition in respect of terumah.¹⁹ And whence does Resh Lakish derive the [requisite] admonition in regard to terumah? — He derives it from the wording: What man [person] soever of the seed of Aaron²⁰ is a leper or hath an issue [he shall not eat of the holy things until he be clean].²¹ Now, what [holy] things are permitted [as food] to the seed of Aaron alike? You are bound to say, terumah. And the

other [R. Johanan]? — That passage²¹ refers to ‘eating’ of [terumah in uncleanness] while this text²² forbids touching terumah. But, how can Resh Lakish take the text, She shall touch no hallowed thing for that [stated] purpose.²³ Does he not require it to serve as forewarning against [the unclean person] ‘touching’ holy things as was stated: If a [ritually] unclean person touches hallowed [meat], Resh Lakish says: he incurs a flogging; whereas R. Johanan says: he does not incur a flogging. ‘Resh Lakish says he incurs a flogging.’ — as it is written: She shall touch no hallowed thing; ‘R. Johanan says he incurs no flogging,’ as that text is the forewarning against terumah!²⁴ — Resh Lakish can answer that the unclean who touches hallowed meat [is liable to a flogging], because the All-Merciful has expressed the prohibition of eating [hallowed meat] in terms of touching; while the warning against the eating thereof is deduced from the fact that ‘hallowed thing’ and the ‘sanctuary’ are placed in juxtaposition.²⁵ But yet [again, I ask,] did Resh Lakish base that view on this text? Does he not require it in reference to the question of one who eats holy flesh prior to the sprinkling of the blood [of the sacrifice] on the altar? For it has been stated: If an unclean person ate holy flesh prior to the sprinkling of the blood on the altar, Resh Lakish says he incurs a flogging; R. Johanan says he incurs not a flogging. ‘Resh Lakish says he incurs a flogging.’ — because of the warning, she shall touch²⁶ no holy thing, it being immaterial whether he ate of it before the sprinkling or after the sprinkling. ‘R. Johanan says he incurs no flogging,’ — he [R. Johanan] adheres to his own [line of] interpretation [after Bardela, namely linking as analogous] the two passages having [the expression of] ‘his uncleanness’ in common, and, [argues R. Johanan, the expression] ‘uncleanness’²⁷ is written in respect of the passage [sacrificial flesh] after the sprinkling!²⁸ — That [Resh Lakish] derives from [the comprehensive negative], [She shall touch] no hallowed thing.²⁹

It is taught in accordance with [the view of] Resh Lakish: ‘She shall touch no hallowed thing’ is the admonition to one [while ritually unclean] not to eat [of hallowed flesh]. You say it is an admonition against eating? Or may it perhaps but be an admonition against touching only? The text reads: She shall touch no hallowed thing nor come into the sanctuary, thus equating [by juxtaposition] ‘hallowed thing’ with [entering] the sanctuary. Now that which is [incurred by entering] the sanctuary [while unclean] namely — the loss of a soul [kareth],³⁰ so likewise all [the prohibitions in regard to ‘hallowed things’] involve as penalty the loss of a soul. But [if you take it literally, as an admonition against] touching, is there any instance where [mere] touching [holy meat] entails the loss of a soul?³¹ It cannot therefore mean but [contact by] eating.³²

[OR WHILE UNCLEAN ENTERED THE SANCTUARY.] Rabbah b. Bar Hanah reporting R. Johanan said: The contravention of any negative command which is preceded by a positive command, entails a flogging.³³

(1) Lev. XX, 17. The verse could merely have read: And if a man shall take his father's daughter or his mother's daughter, omitting his sister. R. Isaac thus derives three points from this one verse: (a) that kareth without a flogging is the prescribed penalty; (b) Distributive incidence of guilt, which he derives from the added description his sister, i.e., sister of any category (v. p. 99 n. 4); and also (c) liability for a sister who is both the father's and mother's daughter, this being derived from the redundant ‘his sister’ in the first part of the verse.

(2) How do they expound this redundant expression of his sister, in the first part of the verse?

(3) Ex. XXX, 32-33. Verse 32 forbids distinctly, either anointing (with holy oil), or compounding (the prescribed ingredients for it); verse 33 states the penalty of kareth for both jointly. Does it mean kareth (or a sin offering, if done in error) for doing both, or severally, for either act? As there is nothing here to show whether compounding and anointing (in one occasion) are (or are not) to be taken as two offences, the principle of distributive guilt deduced above from the redundant expression of his sister (in Lev. XX, 17) is made to apply here. [This is deduced on the principle of **אם אינו ענין**, if an expression has no significance for the context in which it occurs it is employed for the exposition of another suitable passage.]

(4) Whence does he derive the principle of distributive incidence in the case first mentioned?

(5) And so likewise here, since there is a distinct prohibition both for compounding and anointing with the holy oil the penalty of kareth is attached to each separately.

- (6) In cases outside those that come under the category of forbidden relationships.
- (7) Lev. XX, 18, where נִדָּח = niddah is used. Cf. p. 98, n. 5. And since it is superfluous here, the principle as applying to a menstruous woman having been already derived from Lev. XVIII, 19, as supra, it is employed for general purposes.
- (8) How do they expound this latter verse seeing that they derived this general principle from 'his sister'.
- (9) Ibid. XII, 2-7. She would not be ritually 'unclean' if parturition was effected by a Caesarean operation.
- (10) With reference to the unclean who enters the sanctuary. Num. XIX, 13 and 20, where 'sanctuary' is used instead of 'tabernacle', on the significance of which see Shebu. 16b.
- (11) Num. V, 3.
- (12) Lev. VII, 20.
- (13) Ibid. XII, 4, referring to a woman after childbirth who after a certain period has to purify herself and bring certain offerings.
- (14) By the method of Gezerah shawah, v. Glos.
- (15) V. p. 101, n. 8.
- (16) For seven days, if he had touched the dead, and may not enter the sanctuary so long as he has not been ritually purified with the sprinkling water and ashes as prescribed in Num. XIX, 11-13. If he enters unpurified he shall be cut off from Israel. Ibid. 13.
- (17) Lev. VII, 20 (cited above), where only the penalty of being cut off for eating the flesh of the sacrifice of peace offering during uncleanness is stated but not the warning.
- (18) The rule being that the method of Gezerah shawah cannot be employed on one's own suggestion. Pes. 66a.
- (19) Cf. note on the Mishnah. Terumah was eaten by the priest and the members of his household, his wife, sons, single daughters or even childless daughter, the widow of a non-priest and his slaves; but not while ritually unclean, Num. XVIII, 11-13. and cf. Lev. XXII, 11-13. Sacrificial flesh, however, (with some very few exceptions) was restricted only to the male priests, within the Temple area. Cf. Num. VIII, 9.
- (20) 'Seed of Aaron' means both sons and daughters.
- (21) Lev. XXII, 4-6 in reference to eating terumah. Verses 3-6 refer to officiant priests at making sacrifice.
- (22) Lev. XII, 4.
- (23) To act as forewarning in respect of eating holy things in an unclean state.
- (24) Thus we see that Resh Lakish requires the verse, 'she shall touch no holy thing, with reference to touching and not as warning against eating.
- (25) The Talmud text here is in slight disorder (v. D.S.); but the meaning is clear. The twofold injunction, She shall touch no hallowed thing nor come into the sanctuary, shows clearly how both are considered as equally grave offences. This point is more fully developed later.
- (26) Taking 'touch' eat, as shown lower down in the discussion.
- (27) With reference to the eating of sacrificial flesh in an unclean state, v. Lev. VII, 20.
- (28) Lev. VII, 20-21. Cf. Deut. XII, 27, where from the wording it is clear that the flesh may be eaten only after the sprinkling on the altar, v. Men. 25a. [Thus we see that Resh Lakish requires the verse, she shall touch no hallowed thing, to extend the penalty of flogging to the eating in an unclean state prior to the sprinkling.]
- (29) בְּכֹל קֹדֶשׁ לֹא תִגַּע, i.e., not any kind whatsoever. [This extends the prohibition and penalty to the eating of sacrificial flesh prior to the sprinkling, while the text itself is employed by Resh Lakish to serve as a warning in respect of eating whether before or after the sprinkling.]
- (30) V. Glos.
- (31) Lev. VII, 21 shows clearly that only eating after touching is punishable by kareth, ibid. XXII, 6, 16, and Hag. II, 11-13. 'Said R. Eleazar, is there any case where by mere touching one incurs kareth?' Sifra on Lev. VII, 20, and Zeb. 45b.
- (32) Which supports Resh Lakish.
- (33) [Even on the view that a negative command that is attended by a positive command with remedial effect does not carry a flogging (v. supra 4b), that is, provided the positive command can be fulfilled only after the contravention of the negative command, as in the case of nothar discussed loc. cit. But where the positive command could have been fulfilled before the contravention of the negative command, as in the illustrations that follow, there is no exemption from the penalty of flogging.]

Talmud - Mas. Makkoth 15a

When he¹ was [subsequently] asked whether he had said that, he denied it.² Said Rabbah:³ God! he did say it; and furthermore, this is found in Scripture and we learn it [in the Mishnah, too]. ‘This is written : [Command the children of Israel] that they put out of the camp⁴ . . . and that they defile not their camp⁵ [in the midst whereof I dwell].⁶ Again, [bearing on this] we learnt: WHO WHILE UNCLEAN ENTERED THE SANCTUARY INCURS A FLOGGING.⁷ Why then did he⁸ retract [his statement]? — Because he found it difficult [to explain the case of] the Ravisher,⁹ as taught [in the following]: A Ravisher who put away his wife [by divorce], if he be a [lay] Israelite, he can take her back without receiving a flogging,¹⁰ but if he be a priest¹¹ he receives a flogging but does not take her back. Now, ‘if he be a [lay] Israelite he takes her back without receiving a flogging’, why,¹² seeing that this is an instance where a negative command is preceded by a positive command — why should he receive no flogging?¹³ — ‘Ulla said’¹⁴ [that the words], She shall be his wife¹⁵ could have been left out in the case of the Ravisher and have been inferred from the [somewhat analogous] case of the Defaming husband,¹⁶ thus: Since in the case of the Defaming husband, although he did no [tangible] act,¹⁷ the All-Merciful ordained that ‘she shall be his wife,’¹⁸ is not this injunction even more appropriate in the case of the Ravisher?¹⁹ What then, is the purport of those words²⁰ [in the case of the Ravisher]? [Consequently] if they are not [strictly] needed at the first stage,²¹ make use of them for the latter stage, to indicate that if the Ravisher did put her away [unlawfully], he must take her back.²²

But yet, no inference can be drawn from the case of the Defaming husband to that of the Ravisher because there is a refutation, namely, What is the [penalty of the] Defaming husband? He is flogged as well as amerced [one hundred shekels], [which is not the case with the Ravisher]! — Rather therefore argue thus: The injunction ‘she shall be his wife’ might have been omitted in the case of the Defaming husband, and inferred from the case of the Ravisher, thus: What is the [penalty of the] Ravisher? That although he is not flogged in addition to the amercement [of fifty shekels] the All-Merciful [nevertheless] ordained that, ‘she shall be his wife’;²³ how much more then should this be so in the case of the Defaming husband.²⁴ Why then were these words inserted? If they are unnecessary in the case of the Defaming husband,²⁵ utilise them in connection with the Ravisher; [and again], if they are not necessary for the first stage,²⁶ utilise them in connection with the latter stage [after the Ravisher had put her away].²⁷

[Yet again, I say] the case of the Defaming husband could not be inferred from that of the Ravisher, because there is a counter argument, namely, that the Ravisher has done a [tangible] act,²⁸ [which cannot be said of the Defaming husband]!²⁹ — Let us then rather [argue thus]: [The words] ‘she shall be his wife’ might have been omitted in the case of the Defaming husband, as she is his wife [already]. Why then, was it inserted there? If it is not essential in the case of the Defaming husband, transfer its application to that of the Ravisher;(*) and if it be not applicable there at first,³⁰ then it is to be applied to the latter stage [after he unlawfully put her away].³¹

But why not argue thus: As this order is not essential at the first stage of the Defaming husband,³² let it be referred to himself in the latter stage, so that he [the Defaming husband] receives [therefore] no flogging?³³ — Indeed, you might argue thus, and then apply the same conclusion to the Ravisher³¹ [You say, ‘Indeed’? Let us see,] by what [process of argument] is this derived? Whether by an a fortiori³⁴ or by analogy;³⁵ there is the counter argument already mentioned; [viz.:] What is the case of the Defaming husband? He has done no [tangible] action, which is not the case with³⁶ the Ravisher!

But [no], said Raba;³⁷ [the explanation must be sought in] the expression ‘all his days,’³⁸ , [which means that] ‘all his days’ he has the Scriptural demand upon him to ‘Get up and take her back.’³⁹ Likewise, when Rabin came [from Palestine], he reported R. Johanan to have said that during ‘all his days’ there is the demand upon him to get up and take her back. Said R. Papa to Raba: But [in fact]

the prohibition [contained in this combination of a negative command preceded by a positive] does not conform to the [standard] negative [command] against Muzzling [the ox]!⁴⁰ — Replied Raba: Why should the additional [charge of a] Do!⁴¹ by the All-Merciful, minimize [the force of the prohibition]?⁴² [Said R. Papa:] If that is your view, then why not say likewise, in the case of a prohibition translated into [remedial] action,⁴³ why should the additional charge of a Do! by the All-Merciful minimize [the force of] the prohibition? — Replied Raba: There, the positive command comes to remove⁴⁴ [the effects of the contravention of] the prohibition.⁴⁵

That [explanation]⁴⁶ harmonizes with the view of those who say that [the flogging depends on] whether the transgressor has nullified,⁴⁷ or not nullified [his chance of making redress]; but according to those who say that [the flogging depends on] whether he had carried out, or not carried out⁴⁸ [the act of redress], what explanation does it afford?⁴⁹

(1) Rabbah b. Bar Hanah.

(2) As he retracted from the ruling he reported in the name of his teacher R. Johanan.

(3) Var. lec.: Raba.

(4) The positive (part of the) command, here.

(5) The negative (part of the) command, here, enforcing the positive ordinance above. The ‘camp’ is here defined by ‘in the midst whereof I dwell’ and means the Tabernacle (cf. Ex. XXV, 8, and XXIX, 42-46). which was situated in the centre, there having been three camps: the priests’ in the centre, then the Levites’ and around these the Israelitish camp. V. Num. I, 50 ff; II, 17.

(6) Num. V, 2-3.

(7) [Although this is a case where a positive command (v. n. 1) attends a negative command (v. n. 2) there is nevertheless a flogging, because the former command, to put out of the camp, could be carried out even before the contravention of the negative prohibition, that they defile not the camp, by the unclean man who entered the sanctuary, i.e., by preventing his entry therein — which supports the principle formulated by R. Johanan as reported by Rabbah b. Bar Hanah.]

(8) Rabbah b. Bar Hanah.

(9) Deut. XXII, 29. A similar case of a negative preceding a positive command.

(10) Having made amends.

(11) As he is forbidden to marry a divorcee. Lev. XXI, 7, 14.

(12) Assuming that the principle enunciated by R. Johanan stands.

(13) For having unlawfully put her away. Holy Writ ordains: And she shall be his wife because he humbled her; he may not put her away all his days. Deut. XXII, 29. And it was this difficulty that constrained Rabbah b. Bar Hanah to retract.

(14) ‘Ulla attempts to explain this Baraitha on the view of R. Johanan.

(15) Deut. XXII, 29.

(16) Deut. XXII, 13-19, a similar case.

(17) Defamation is not considered a bodily injury. v. p. 17, n. 5.

(18) Deut. XXII, 19.

(19) Who committed a bodily assault.

(20) The words, ‘she shall be his wife’.

(21) As he is expected to marry her, and generally, the ravisher does.

(22) Therefore, this is really a case of the type of a prohibition translated into (remedial) action, for which there is no flogging.

(23) Deut. XXII, 18-19. An exceptionally severe penalty, whereas the Ravisher is not flogged at all and only pays half the amount! The case can hardly be taken as analogous. [Consequently, the words ‘she shall be his wife’ may still refer to the first stage, affording thus no indication that by remarrying her after the divorce he remedies the offence he committed by putting her away.]

(24) Who is much more severely punished, being flogged and amerced a hundred shekels of silver.

(25) As it can be deduced from Ravisher.

(26) As he is expected to marry her.

(27) Therefore, this is really a case of the type of a prohibition translated into (remedial) action, for which there is no

flogging. V. supra p. 105. n. 11.

(28) A bodily injury, unlike the Defamer.

(29) Cf. p. 106, n. 106 (end).

(30) V. p. 106, n. 9.

(31) V. p. 106, n. 10.

(32) As she is his wife already.

(33) [But there is still no scriptural warrant exempting a Ravisher from a flogging, unless R. Johanan's principle is rejected.]

(34) If the Defamer who was flogged (in the first instance) as well as amerced a hundred shekels can take back his wife and is not flogged for divorcing his wife if he remarries her, should not the Ravisher, who receives no flogging (in the first instance) and is amerced only half, fifty shekels be exempted from a flogging for divorcing his wife if he remarries her.

(35) **מה מצינו**

(36) V. supra p. 106 (end).

(37) As the attempted explanations so far have not been satisfactory, and the ruling of the cited Baraita, namely, that a (lay) Israelite Ravisher is not flogged if he takes back his wife (for having flouted the prohibition to put her away) is still unexplained according to R. Johanan's principle, Raba offers one.

(38) He may not put her away all his days, Deut. XXII, 29 (cf. verse 19), on the reading adopted. v. D.S.

(39) I.e., he can at all times by remarrying her remedy the offence he committed in divorcing her and for this reason he is not flogged.

(40) Deut. XXV, 4, which is taken as the typical instance of an action that involves the penalty of a flogging (ordained in verses 2-3, there): (cf. the exposition on this above, 13b) and which is not preceded by a positive command.

(41) I.e., the addition of the positive command.

(42) No longer to entail a flogging, like any ordinary prohibition, i.e., like a pure negative.

(43) E.g., Ex. XII, 'And ye shall let nothing of it (the roast meat of the Paschal lamb) remain until the morning; but that which remaineth of it until the morning ye shall burn with fire.' Cf. supra 4b.

(44) **לנתוקי** (Rashi). Nahmanides and others read **לתקוני** 'to amend'.

(45) As some sort of amends allowed by the Law for some omissions. Cf. supra 13b.

(46) Of Raba (supported by Rabin) namely, that the expression 'all his days' indicates that he can at all times remedy the offence by remarriage.

(47) Supposing he made remarriage absolutely impossible, e.g. by killing her, or getting her married (by ruse) to another man. (These instances create serious difficulties in other directions, raised later.) But, so long as he has not nullified the chance of remedying the offence, he might defer (the act of) redress to some later time.

(48) Forthwith, without delay.

(49) Because he should be flogged immediately when bidden by the court to remarry the wife and does not do so.

Talmud - Mas. Makkoth 15b

— Has not this [explanation been given] as reason for R. Johanan's view?¹ But surely it was R. Johanan [himself] who told a tanna:² If he has nullified [his chance of making redress], he is liable; and if he has not nullified it, he is exempt! Because [once] a tanna recited³ in the presence of R. Johanan: Whenever a negative precept involves the fulfilment of a positive action,⁴ then, if the offender has carried out the positive action he is exempt; if he has nullified [his chance of carrying out] the positive action he is liable. [Thereupon] R. Johanan [corrected him] saying: What did you say? 'That if he carried out the positive act he is exempt', [which implies that] if he did not carry it out he is liable [and that] 'if he has nullified [his chance of carrying out] the positive act he is liable', which implies that if he has not nullified [his chance of carrying out] the positive act he is exempt?⁵ [Not so]. Teach thus: 'If he has nullified it [he is liable], and if he has not nullified it [he is exempt].'⁶ And Resh Lakish, [on the other hand,] says that [the flogging depends on] whether he [the transgressor] has carried out, or has not carried out [the requisite act of redress]. What is the point at issue between them? — The question of a dubious warning,⁷ one Master taking the view that a dubious warning may be called [in law] a warning,⁸ while the other Master takes the view that a

dubious [warning] is not called [in law] a warning.⁹ And they follow each his point of view [in several discussions], for it has been stated: [If one said, 'I take] an oath that I shall eat this loaf to-day,' and the day passed and he ate it not, both R. Johanan and Resh Lakish concur that he is not [to be] flogged. R. Johanan says he is not flogged

(1) [It was R. Johanan's view imposing a flogging for the contravention of a negative command preceded by a positive command that gave rise to the question from a Ravisher and it was in reply to this question that Raba gave the explanation. Var. lec. reverse the reading: 'That is in order according to the view (that flogging is determined by whether) he has or has not carried out (the act of redress) but what is there to say on the view (that it depends on whether) he has or has not nullified (his chance of making redress)?' The question will accordingly refer to the last statement of Raba that the positive command comes to remove (the effects of the contravention of) the prohibition. Now this answer of Raba to R. Papa's question will be in accord with the former view, but on the latter view that although he has actually carried out the act of redress, but provided he has not cut off all chance of doing so, there is no flogging, the reason being that the prohibition does not conform to that of muzzling, the question of R. Papa remains unanswered. According to this variant preserved by R. Han., among others the statement of R. Johanan to the tanna which follows on should run: 'Teach, If he has carried it out he is liable, if he has not carried it out he is exempt.']

(2) V. Glos.

(3) A Baraitha, cf. Tosef, Mak. IV, 6.

(4) Lit., 'Rise and do', v. infra, p. 113. A combination of a negative and positive precept, v. pp. 112f.

(5) That is, showing him that such a wording involves directly contradictory conclusions. The first part yields an inference that if he carried it out immediately, he is exempt, while delay means a flogging; while the second yields the opposite conclusion, that as long as the prescribed course of redress is possible, he is exempt from a flogging.

(6) On variant, v. supra n. 1.

(7) A warning, to entail a judicial flogging, must be definite and direct to prevent an immediate breach of law; a merely pious remonstrance against some breach which may happen sometime, sooner or later, is dubious, indefinite and ineffective legally.

(8) [I.e., R. Johanan, who holds that it all depends whether or not he has nullified his chance, considers a dubious warning to be a warning, and consequently although at the time of the transgression it is not known whether he will cut off his chance of remedying the offence, he is nevertheless flogged when the circumstance arises.]

(9) [Resh Lakish holds that a dubious warning is not considered a warning and so he becomes liable to a flogging only when he is confronted by the order of the court to carry out the act of redress and refuses to do so. According to variant given p. 109. n. 1, interpret thus: R. Johanan holds that a dubious warning is considered a warning, and the transgressor can accordingly be warned at the time of the transgression, making him liable to the penalty on his failure to carry out the act of redress; whereas Resh Lakish holds that a dubious warning is considered no warning, consequently it is only when he is warned as he is about to nullify his chance of making redress that the warning is effective in making him liable to flogging.]

Talmud - Mas. Makkoth 16a

because this was [transgressing] a prohibition without [tangible] action [on his part],¹ and a prohibition [contravened] without [tangible] action does not involve a flogging. Resh Lakish [on the other hand] says he is not flogged, because the warning in this case is dubious [in character]² and a dubious warning is not [legally] regarded as a warning. And both base their views on statements of R. Judah's,³ as it is taught: And ye shall let nothing of it remain until the morning; but that which remaineth of it till the morning ye shall burn with fire.⁴ Scripture comes here providing a [positive] act to follow [in the wake of] a prohibition,⁵ thereby indicating that here no flogging is to be inflicted: these are the words of R. Judah; [etc.].⁶ Now R. Johanan argues thus: The reason [why no flogging is given here] is [only] because Scripture comes [with the direction of a positive act after the contravened prohibition]; but if Scripture had not come [and made here] this special provision, he [the offender] would have been given a flogging;⁷ this implies that a dubious warning is [legally] a warning.⁸ Resh Lakish [on the other hand] argues thus: The reason [that no flogging is given here] is because Scripture comes [with the direction of a positive act as following the contravened

prohibition]; but if Scripture had not come [and made such provision here], he would receive a flogging; this implies that a prohibition [contravened] without [tangible] action entails a flogging.⁹ But according to R. Simeon b. Lakish, surely this too also is a [good] instance of dubious warning?¹⁰ — He bases his view [on this point] on another statement of R. Judah's, as it is taught: If one [maliciously] wounded first one husband [of his mother's] and then the other husband [of hers],¹¹ or invoked a Divine imprecation,¹² first on the one and then on the other, or wounded them both simultaneously, or cursed them both simultaneously, he is liable.¹³ R. Judah says, of [he did so] to both simultaneously,¹⁴ he is liable; if to one after the other, he is not liable.¹⁵

And according to R. Johanan surely this too is a [good] instance of a prohibition [contravened] without [tangible] action?¹⁶ — On this [particular] point, his [R. Johanan's] view is in accordance with what R. Idi b. Abin stated, in the name of R. Amram who reported R. Isaac as reporting R. Johanan to have said that R. Judah, citing the name of R. Jose the Galilean, said: 'In all prohibitions of the Torah, a prohibition involving [tangible] action entails a flogging; a prohibition not involving [tangible] action, does not entail a flogging, save in the case of one who takes an oath [and does not fulfil it];¹⁷ one who commutes [one gift promised to the Sanctuary with another]¹⁸ or invokes a Divine imprecation on his fellow.'¹⁹ Then, is not one statement of R. Judah contradicting another!²⁰ — [The divergence in the statements] of R. Judah's according to R. Simeon b. Lakish [on the question of a dubious warning] may be taken as two [different] versions²¹ of R. Judah's [original] statement; again, [the divergence in R. Judah's statements] according to R. Johanan is not difficult to explain, as one may be taken as his own [R. Judah's] view and the other as that of his Master [R. Jose the Galilean].

We learnt elsewhere:²² 'If one takes the dam with the young, R. Judah says he is flogged,²³ and he does not send the dam free; but the Sages say that he lets the dam go,²⁴ and receives no flogging. This is the general principle, Whenever a negative command involves the fulfilment of a positive action²⁵ there is no flogging for contravention.' R. Johanan observed: We have only this instance and one other.²⁶ R. Eleazar asked him: Where? — When you find it [you will know], was the reply. He left him, made careful search and found [the following], as it is taught: A Ravisher who put away his wife [by divorce], if he be a [lay] Israelite, takes her back without receiving a flogging; if he be a priest, he receives flogging²⁷ but does not take her back. Now this accords well on the view that teaches [the flogging depends on] whether the transgressor had carried out,²⁸ or not carried out [the act of redress];²⁹ but what about the view that teaches that [it depends on] whether he has nullified, or not nullified [his chance of making redress]?³⁰ [True,] this [principle] applies well enough to the case of sending away the dam;³¹ but in the case of the Ravisher, how is the principle 'whether he had nullified, or had not nullified [his chance of making redress]' applicable? If [for instance], he killed his wife, he is liable to the severer penalty [of death]³² — R. Shimi of Mahuza suggested that, for instance, he accepted on her behalf a betrothal token³³ from another man. Said Rab: [Let us see:] If she had made him³⁴ her attorney, it is the woman who nullified [the chance of] redress; and if she had not made him her attorney — can he do anything of the kind? It would be futile [on his part]! — But said R. Shimi of Nehardea: [Let us say,] for instance, that he took a solemn vow publicly [that he would never again live with her]. That [suggestion] is compatible with the opinion held that a vow made publicly is not subject to [formal] rescission; but, according to the opinion that a vow made publicly is subject to [formal] rescission,³⁵ what can you then say? — That he made it dependent on the consensus of the public, as Amemar stated: The law is that a vow made in public is subject to [formal] rescission, but if made dependent on the consensus of the public, it is not subject to [formal] rescission.³⁶

And are there not other instances? (Mnemonic: Larceny, Pledge, Corner.) There is the case of Larceny, where the All-Merciful ordained, Thou shalt not oppress [withhold from] thy neighbour nor rob him,³⁷ and then [elsewhere] directs, That he shall restore that which he took by robbery!³⁸ Then again, there is the case of the Pledge, where the All-Merciful ordained, Thou shalt not go into his

house to fetch his pledge, and then [follows], Thou shalt stand without . . . thou shalt surely restore to him the pledge when the sun goeth down!³⁹ And do not these instances fit equally well [if we say that the flogging depends on] whether the transgressor has carried out, or not carried out [the act of redress], or whether he had nullified or not nullified [his chance of making redress]?⁴⁰ — [True,] but⁴¹ as [amends can be made] here by a monetary compensation [if he destroyed the pledge], he is not liable to both a flogging and compensation.⁴² To this R. Zera demurred: What if the pledge⁴³ belonged to a proselyte,⁴⁴ who has since died?

(1) Sheer dilatoriness, by omitting to do what he intended.

(2) Merely a friendly reminder not to forget, which the vower might in all sincerity have intended to fulfil, had he not inadvertently forgotten or been prevented till the time had gone by.

(3) Lit., 'according to the heart (intention) of R. Judah.'

(4) Ex. XII, 10. The meat left over is termed 'nothar'.

(5) To burn the remaining meat.

(6) V. supra p. 17.

(7) That is R. Judah's interpretation.

(8) I.e., by saying that were it not for the special dispensatory action provided, he would receive a flogging, and notwithstanding the fact that from the nature of the case the warning must be dubious and indefinite as to the exact time of its application, it is yet sufficient (judicially) for a flogging.

(9) But it affords no proof that a dubious warning should be considered a warning.

(10) Thus proving that it is a warning.

(11) The woman, divorced from her first husband, was married to another man rather soon and gave birth to this son prematurely. It was doubtful whether this child was a premature child of the second husband, or a mature child of the first, either man thus being a possible father. The warning that wounding a parent was a capital offence (Lev. XXI, 15), was here a dubious warning, in regard to whom it actually applied, maybe this one or the other.

(12) Thus cursing a parent with the Divine Name pronounced, was also a capital offence, cf. *ibid.* verse 17. Shebu. 36a, and supra p. 52, n. 1.

(13) To the death penalty.

(14) If the warning given to the son was concerning both men, and he with one deliberate aim and stroke wounded both men simultaneously, one of them was certainly his father whom he injured.

(15) Which implies that a dubious warning is regarded as no adequate (legal) warning, according to R. Judah.

(16) [The reference is to the 'leavings' nothar, (v. p. 111), from which R. Johanan infers that R. Judah holds that a dubious warning is considered a warning, why does he not also deduce that a prohibition involving no tangible action entails a flogging seeing that nothar too involves no action?]

(17) For fuller discussion on this point. v. Shebu. 21a; Tem. 3a.

(18) V. Lev. XXVII, 9-10. and Tem. 3a ff.

(19) V. p. 52. n. 1.

(20) On both issues, as regards a flogging in the case of an offence without action and the dubious warning, according to the respective implications in the statements of R. Judah which R. Johanan and Resh Lakish interpret each in his own way.

(21) Lit., 'two Tannaim'.

(22) Hul. 141a. cf. also supra 17a, where in the course of the discussion it is shown that R. Judah took that ordinance as a positive preceding a negative. viz., If you chance on a bird's nest, first, 'send away the mother bird and take the young' (positive); next, 'Thou shalt not take the dam with the young' (negative).

(23) For having contravened the above prohibition; and as the dam had been taken and the offender was punished for the offence, the matter is at an end.

(24) As an act of redress, v. next note.

(25) I.e., wherever the positive provides the (way of making) amends, and escaping the flogging.

(26) Although it is stated in the Mishnah as a 'general principle' where the exemption from flogging depends on the fulfilment of the positive command.

(27) Because as a priest, by divorcing her, he nullified his chance of making redress.

(28) V. p. 109, n. 1.

- (29) E.g., the lay-Israelite, who remarries her and escapes the flogging.
- (30) R. Johanan's view as reported above, that he is flogged only when he has made amends impossible.
- (31) If he killed her or broke her wings, he is flogged.
- (32) And there is no question of flogging.
- (33) Kiddushin — a ring or coin accepted at the hand of the groom (or his attorney) by the woman as a marriage token renders her legally bound as his wife-designate: she can be released only by formal bill of divorce, but even then he could not remarry her (after having become the wife of another man). V. Deut. XXIV, 1-4.
- (34) Her late husband, the Ravisher, authorised by her to accept the marriage-token on her behalf.
- (35) By a recognized authority who may, under certain genuine, unforeseen, extenuating circumstances, rescind a vow by declaring him absolved. Cf. Rashi on Num. XXX, 2 (end) and Ned. 77b.
- (36) And by making such a vow, the Ravisher nullifies all chance of making redress.
- (37) Lev. XIX, 13, the negative command.
- (38) Lev. V, 23, the positive command, providing the amends for the negative.
- (39) Deut. XXIV, 10-13 and 19-21.
- (40) [As on either view there is a possibility of a flogging being inflicted in the case where the article stolen or given on deposit was lost or destroyed intentionally by the thief or bailee so that he can no longer fulfil either the positive commands involved.] Why did R. Johanan say there were only two?
- (41) These cases are of a different category, he can pay the penalty in money and will not be flogged.
- (42) 'The Sages say, Whoever is ordered to pay damages is not flogged.' Cf. supra 4a [Tosaf. however shows that everywhere in such cases the offender is flogged and does not pay, the money penalty being merged in the graver penalty; they accordingly omit 'he is not . . . compensation.']
- (43) Seized unlawfully by the creditor and destroyed by him, thereby having already made himself liable to a flogging.
- (44) A proselyte, who died without a Jewish issue to whom the Hebrew law could be applicable. As on the proselyte's death the creditor is left without a claimant for damages, the offender should be flogged, as he cannot make amends by compensation. In that case, it would be a third instance.

Talmud - Mas. Makkoth 16b

— Here too the man is [in fact] liable to [pay] compensation; only the title of the proselyte has lapsed [with his death].

And is there not the instance of the 'Corner of the Field', where the All-Merciful ordained, Thou shalt not wholly reap the corner of thy field, neither shalt thou gather the gleaning of thy harvest, [and then continues,] Thou shalt leave them for the poor and for the stranger?¹ And, this too, fits equally well [if we say that the flogging depends on] whether the transgressor has carried out, or has not carried out [the act of redress], or on whether he had nullified, or not nullified [his chance of making redress],² as [is to be gathered from what] we learnt: The ordinance of the 'Corner [of the field]' is [in the first instance] to leave apart some of the standing corn [for the poor]; if he neglected to leave some of the corn standing, he sets apart some of the sheaves; if he failed to set apart some of the sheaves, he leaves apart some of the grain in the heap before winnowing; having winnowed, he should tithe the grain [first]³ and then give to the poor [his due]!⁴ — [No. R. Johanan holds] according to R. Ishmael, who said: He can also give it in part of the dough.⁵ But even according to R. Ishmael, there is still the case where the transgressor has already consumed the bread!⁶ — Hence this [indeed] is the only other instance that R. Johanan had in mind when he said, 'We have only this instance [of the Bird's Nest] and one other' — But it is not that of the Ravisher [who pledged himself publicly not to live with her], because it is only in an optional matter that we say that a vow made dependent on the consensus of the public is not subject to [formal] rescission; but where the matter involved is one in the nature of religious obligation⁷ it is subject to [formal] rescission, as for instance in the case of a certain elementary teacher treating the children harshly so that R. Aha made him pledge himself [on the consensus of the public⁸ not to teach]; but Rabina reinstated him, because no other teacher could be found who was equally reliable.⁹

ONE WHO EATS OF NEBELAH, OR TREFA, OR ANY CREATURE ABOMINABLE AND TEEMING [INCURS A FLOGGING]. Said Rab Judah: If one eats [knowingly] a worm in a cabbage¹⁰ he incurs a flogging. A certain fellow [once deliberately] ate a worm in a cabbage and Rab Judah had him chastised.¹¹ Abaye observed that if one eats an eel¹² he [technically] incurs a flogging on four¹³ counts; if an ant, on five counts, [the extra count being] for Any swarming [crawling] thing that swarmeth upon the earth [ye shall not eat them];¹⁴ if a hornet, on six counts [the extra count being] for [And all] winged swarming things [are unclean] to you; [they shall not be eaten].¹⁵ Raba¹⁶ observed that anyone confining his faeces sins against And ye shall not make your souls detestable.¹⁷ R. Bibi son of Abaye observed that anyone drinking out of a cupping-horn sins against Ye shall not make your souls detestable [by . . . what I have set apart for you to hold unclean].¹⁷ Rabbah the son of R. Huna said that if one crushed nine ants [into a mash] adding thereto another live one, thus bringing up the quantity to [the requisite] an olive's size [and ate them], he renders himself liable on six counts; five for the [live ant as a] separate creature,¹⁸ and one for [the mass as amounting to] an olive's size of nebelah.¹⁹ Rabbah reporting R. Johanan said [it would be the same], even with only two [mashes] and one other whole.

R. Joseph [reporting R. Johanan]²⁰ said even only one [mashed] and one alive. And there is no disagreement between them [in principle], for one is thinking of larger and the other of smaller sized [insects].

ONE WHO EATS OF TEBEL, OR A FIRST TITHE FROM WHICH ITS TERUMAH HAS NOT BEEN TAKEN, OR OF SECOND TITHE WHICH HAS NOT BEEN REDEEMED. Rab said that one who eats of tebel-produce from which its poor tithe²¹ has not been taken is flogged.²² Whose view is followed [in this statement of Rab's]? — That of the Tanna [in the following passage,] where it is taught: R. Jose says:²³ It might be supposed that one is liable [to a flogging] only on eating tebel-produce from which no due whatsoever has yet been set apart; but where [for instance] terumah gedolah²⁴ has been separated, but not yet the first tithe, or the first tithe, but not yet the second tithe, or [say] even the poor tithe [has not yet been separated] — whence [is derived the prohibition of] eating such produce? From the following instructive texts: Thou mayest not eat within thy gates²⁵ the tithe of thy corn, or of thy wine, or of thine oil;²⁶ and later it says, that they may eat within thy gates and be satisfied.²⁷ What is the reference in the latter [text]? To the poor tithe. So likewise in the former [text] reference is to the poor tithe, and the All-Merciful enjoins 'Thou mayest not eat of ...'²⁸

Joseph said: [Rab's point has been debated already] by Tannaim: R. Eliezer says that in the case of demai²⁹ there is no need even to designate [and assign]³⁰ the poor tithe; but the Sages say

(1) Lev. XXIII, 22, cf. ibid. XIX, 9-10.

(2) Cf. p. 109, n. 1.

(3) So as not to deprive the poor of part of his gift, namely the proportion of the tithe, as the 'Corner' is not subject at all to tithes, provided it was assigned to the poor before the winnowing when tithes become due.

(4) [So that there is a possibility for the owner to nullify the precept in the case where he ground the grain into flour after which he can no longer fulfil the command of the corner, and is consequently flogged.]

(5) [So that he can still fulfil the command even after having ground the grain.]

(6) Cf. p. 114, n. 7.

(7) As here, where it is Scripturally demanded that she shall remain his wife (unless she herself does not wish it).

(8) [According to reading in Git. 36a].

(9) in any case, the original instance which gave rise to the whole discussion (of the theory of the positive preceding negative ordinance, namely, not to defile the holy Camp — the Sanctuary), is different in nature from the others, as the positive command can be fulfilled before the actual violation of the negative command; his coming away is thus not considered (an act of) redress, and the flogging is incurred.

(10) Forbidden in Lev. XI, 43, as a 'swarming thing' (although not actually found crawling abroad) bred in the cabbage.

R. Tam (Tosaf.) suggested (instead of a cabbage-grub) a small fish found alive on the field (such as a tadpole or young eel; v. next note). Being found on dry land (not in the water, its usual habitat,) it comes under the category of a 'swarming thing' — **שרץ השרץ** — forbidden in Lev. XI, 43.

(11) Probably only a disciplinary castigation, not the judicial (39) stripes, being outside Palestine. V. **אוצר ישראל** (Eisenstein) s.v. **מלקות**. Vol. VI, p. 229b.

(12) **פוטיתא**, according to Gaonic interpretation, the young eel (Arabic garri. v. Kohut, Aruch, s.v. **פוטיתא** and B.M. Lewin, Otzar ha-Gaonim III (Pes.) No. 42). Young eels — glass eels — are often found in thousands (2 to 2 1/2 inches in size) travelling at night overland to get to the sea.

(13) Lev. XI, 10-11 (forbidden on several grounds: (a) as water-insect; (b) as finless; (c) as scaleless) and twice again, ibid. 43. Cf. Rashi 'Er. 28a.

(14) Lev. XI, 41-44: Forbidden as insect crawling on the ground (41); as many-footed (42); twice forbidden as food (43); once more forbidden as an insect crawling on the ground (44).

(15) Deut. XIV, 10, in addition to those in the preceding note.

(16) D.S. **האי מאן** of which the reading in the printed texts is a distortion; v. Friedmann, M. Tractate Makkoth a.l.

(17) Lev. XX, 25.

(18) As supra note 2 and cf. n. 13 on Mishnah.

(19) V. p. 93, n. 12.

(20) Cf. D.S.

(21) The tithe levied in the third and sixth years of the Septennial or Sabbatical cycle.

(22) A novel point, as there is no direct explicit prohibition against eating of fruits from which the poor tithe had not been set apart. It is implied in Deut. XXVI, 13 (cf. Sifre a.l.); but not openly prohibited. No judicial flogging (of 'forty' lashes) is inflicted except the offence is explicitly prohibited in Holy Writ. No punishment is warranted on logical inference, hence the search for the basis of Rab's assertion.

(23) **יוסי אומר** is the correct reading, cf. Yeb. 86a and Sifre, on Deut. XII, 17.

(24) V. Glos.

(25) **בשעריך** This phrase serves as a Gezerah shawah.

(26) Deut. XII, 17. In verse 18 it is ordered that the various offerings and hallowed dues were to be shared 'with the Levites in thy gates'.

(27) With reference to the poor tithe; Deut. XXVI, 12 (also v, 13).

(28) Not to eat of the various offerings and dues without giving the Levite and other poor their share.

(29) **דמאי** 'Suspect Produce' — produce regarding which it is not known whether the prescribed tithes have been duly set apart by the vendor before selling. An ancient tradition has it that Johanan the High Priest (the Maccabean John Hyrcanus I), discovered (after investigation) that while the priests' *terumah* (v. Glos.) was being given regularly, the *'amme ha-arez* (v. Glos.) throughout the land were none too observant about the several other tithes. To meet the scruples of the pious (and to preserve the laws regulating the tithes from extinction), he promulgated that the several tithes should be set apart by the purchaser from an *'am ha-arez*. But, as this practice would evidently fall heavily on the purchasers, it was agreed that after setting the prescribed dues apart, the buyer might retain them for his own consumption, as, firstly these tithes were not forbidden to a lay-Israelite, and secondly the claim of any particular priest (or Levite) to the first tithe, or of any particular poor man to the poor tithe was uncertain.

(30) If one had need to partake of his produce before he had set apart any of the several dues, he could provisionally 'designate' and 'assign' them by saying: 'Let the *terumah* of this bin be located in the east; the first tithe in the west; the second tithe in the north, or (in the 3rd and 6th year) the poor tithe in this or that particular spot,' and then take his temporary supply from any other part. Later he would attend to these dues.

Talmud - Mas. Makkoth 17a

that one should 'designate' it, but need not set it apart.¹ Is not here the point at issue this — that one authority [the Sages] holds that the known presence [of unseparated poor tithe in produce] makes it tebel,² while the other authority [R. Eliezer] holds that it does not make it tebel! — Said Abaye: If that were the issue, why raise it in connection with demai? It should have been raised in connection with produce which is known to be untithed! Hence, [it must be said,] all are agreed that the known presence [of unseparated poor tithe] does render the produce tebel,² and the issue involved here is rather this, that one authority [R. Eliezer] takes the view that the 'amme ha-arez'³ are not suspected of withholding the poor tithe of demai, as, being merely a money matter, they do [not fail to] set it apart;⁴ while the Rabbis⁵ take the view that 'amme ha-arez' are mistrusted about it, because it involves trouble,⁶ and as the separation of the due means some trouble to them,⁷ they will not set it apart.

HOW MUCH OF TEBEL IS ONE TO EAT TO BECOME LIABLE? R. SIMEON SAYS THE MEREST MORSEL AND THE SAGES SAY AN OLIVE'S SIZE. R. Bibi reporting R. Simeon b. Lakish said that this difference of opinion referred only to the [grain of] wheat, but as to the [requisite amount of] flour all were agreed that it is an olive's size. But R. Jeremiah reporting R. Simeon b. Lakish said that there was a difference of opinion on both the [amount of] flour as well as the [grain of] wheat.

We learn [in the Mishnah]: SAID R. SIMEON, DO YOU NOT ADMIT THAT IF ONE ATE THE MINUTEST ANT HE WOULD BE LIABLE? SAID THEY TO HIM: [ONLY] BECAUSE IT IS A SEPARATE CREATURE. SAID HE TO THEM: EVEN SO A [GRAIN OF] WHEAT IS A SEPARATE ENTITY. [Does not this text show that] there was a dispute only about the [grain of] wheat, but nothing about flour! — [Not so.] R. Simeon only argues [with the Rabbis] on their own contention: My own opinion [he argues] is that even the same quantity of [tebel] flour is enough [for entailing a flogging]; but even according to your contention, you should admit to me that one [grain of] wheat is a separate entity. And the Rabbis' [reply]? — An animate thing is of sufficient importance [as to be considered a separate entity], but a [grain of] wheat is not of such importance. [In a Baraita] it is taught as R. Jeremiah had reported: R. Simeon says that any minute quantity⁸ is sufficient to entail a flogging; the 'olive's size' mentioned [by the Rabbis] is required only to entail a [sin-offering].'

MISHNAH. ONE WHO EATS⁹ OF FIRST FRUITS PREVIOUS TO THE RECITAL OVER THEM;¹⁰ [WHO EATS] OF MOST HOLY [MEATS]¹¹ OUTSIDE THE HANGINGS; OF LESSER HOLY [MEATS]¹² OR OF SECOND TITHE, OUTSIDE THE CITY WALL.¹³ ONE WHO BREAKS A BONE OF A PASCHAL LAMB¹⁴ THAT IS CLEAN¹⁵ RECEIVES FORTY [LASHES]; BUT ONE WHO LEAVES OF THE FLESH OF A CLEAN PASCHAL LAMB,¹⁶ OR BREAKS A BONE OF AN UNCLEAN [PASCHAL LAMB],¹⁷ IS NOT GIVEN FORTY [LASHES]. IF ONE TAKES THE DAM WITH THE YOUNG,¹⁸ R. JUDAH SAYS HE IS FLOGGED AND NEED NOT [THEN] SEND THE DAM FREE; BUT THE SAGES SAY THAT HE LETS THE DAM GO AND RECEIVES NO FLOGGING. THIS IS THE GENERAL PRINCIPLE; WHENEVER A NEGATIVE PRECEPT INVOLVES THE FULFILMENT OF SOME POSITIVE ACT,¹⁹ THERE IS NO FLOGGING FOR ITS CONTRAVENTION.

GEMARA. Rabbah b. Bar Hanah citing R. Johanan said that this²⁰ is only the view of R. Akiba who is reported anonymously,²¹ but the Sages say regarding [the ceremonies of] the first fruits that only placing them [before the altar]²² is a bar [to their consumption],²³ but the [omission of the] recital is no bar [to their consumption]. Then why not say that the above is the view of R. Simeon who is reported anonymously?²⁴ — This is what he meant to tell us that R. Akiba [also] held that same view as expressed by [his disciple] R. Simeon. Which statement of R. Simeon [have you in

mind]? — As it is taught:²⁵ ‘And the raising of thy hand’ — that is the first fruits.²⁶ Said R. Simeon: What is the lesson intended by this text?²⁷ If it is merely [to forbid] eating them [first fruits] outside the wall [of Jerusalem, there is no need]; it follows a fortiori from the less restricted second tithing [in this way]: Seeing that he who eats of the less restricted²⁸ second tithing outside the wall, is flogged,²⁹ is not that [flogging] more deserved for eating first fruits [outside the wall]? The text therefore can only mean to convey that he who eats them when the [prescribed] recital has not yet taken place, is flogged.³⁰ ‘Nor of thy freewill offerings’³¹ — that means [not eating outside Jerusalem] of thank-offerings or peace-offerings. Said R. Simeon: What is the lesson intended by this verse? If [only to forbid] eating of these [meats] outside the wall, this follows, a fortiori, from the second tithing [as before].³² The text therefore can only mean to convey that he who eats of the meat of thank-offerings and peace-offerings before the blood had been sprinkled [on the altar]³³ is flogged.³⁴ ‘And the firstlings.’ — that means the firstborn [male animals].³⁵ Said R. Simeon: What lesson is intended here? If [only to forbid] eating of these [holy meats] outside the wall, this [too] is [inferred already] a fortiori, from the second tithing [as before].³⁶ If [to forbid eating of the flesh] before the blood had been sprinkled, this follows, a fortiori, from the thank-offering and peace-offering.³⁷ The text therefore can only mean to convey that [a layman] who eats of the firstling even after the ritual blood-sprinkling, receives a flogging.³⁸ ‘of thy herd or thy flock’ — that alludes to sin-offerings and guilt-offerings.³⁹ Said R. Simeon: What is the implied injunction here? If only against eating of these outside the wall, this follows a fortiori, from the second tithing [as before];³⁶ if against partaking of these before the blood-sprinkling [on the altar], this already follows a fortiori, from the thank-offering and peace-offering [as before];³⁷ if against [any layman] eating of sin-offerings or guilt-offering [even] after the ritual blood-sprinkling [on the altar], this already follows, a fortiori, from the [law of the] firstling.⁴⁰ The text therefore can only mean to convey that if a priest eats of sin and guilt-offerings even after the ritual blood-sprinkling outside the ‘hangings’, he [transgresses and] receives a flogging.³⁸ ‘Nor any of thy vows’ — that refers to burnt-offerings.⁴¹ Said R. Simeon: What is the implied injunction here? If only against eating of these outside the wall, this already follows, a fortiori, from the second tithing [as before]; if against eating of these before the blood-sprinkling, it already follows, a fortiori, from the thank-offering and peace-offering [as before]; if against [any layman] eating of these same after the ritual blood-sprinkling, it already follows, a fortiori, from the [law] of the firstling [as before]; if against [priests] eating of these outside the ‘hangings’, it follows, a fortiori, from the sin and guilt-offerings.⁴² The text therefore means to convey

(1) For the sake of preserving the principle, the particular due, poor tithing, should be mentioned (as possibly present), but need not be actually located nor separated; v. Dem. IV, 3.

(2) Debarred as *tebel*, until the due portion is taken away.

(3) V. Glos.

(4) [There is no prohibition for a lay Israelite to eat of the poor tithing and by setting it aside the owner need not necessarily give it to the poor, but can still retain it for himself. This is however not the case with the first and second tithing, since the former will remain prohibited on account of the *terumah* (v. Glos.) which it contains and the latter until it is taken up to Jerusalem.]

(5) The Sages.

(6) So D.S.

(7) Would not be bothered with the formal niceties of the ordinance.

(8) Forbidden to be eaten. Cf. e.g. Lev. VII. 26-27.

(9) This is in continuation of the list of offences that entail a flogging.

(10) Cf. Deut. XXVI, 1-10. First fruits were to be eaten only by priests, and their families, in religious purity. Num. XVIII, 13.

(11) Such as meat of sin-offerings, guilt-offerings and their accompanying meal-oblations: these were to be eaten by male priests only, in the inner precincts of the Temple (corresponding to the Court of the Tabernacle, ‘within the hangings.’ Cf. Num. XVIII, 9-10; Lev. VI, 7-11 (meal-oblation); 17-19, 22 (sin-offering); VII, 5-10 (guilt-offering); Ex. XXIX, 26 ff; Lev. VI, 9, 19 (inner holy precincts). Cf. also P.B. p. 12, sections 4-5.

- (12) Such as Peace-offerings (private), thanksgiving, Nazirite's ram, firstlings, tithe lambkins and calves and the Paschal lamb. Cf. P.B. pp. 12 and 13, section 6-8. Of these the altar, the priests and the worshippers had each their share. Cf. Lev. VII, 11 ff. 18; 28-34; Num. VI, 19-20. and XVIII, 11-19.
- (13) Of Jerusalem, the chosen place, as before the Lord. Cf. Deut. XII, 6-7; 11, 17-18.
- (14) Forbidden in Ex. XII, 46; Num. IX, 12.
- (15) Undefined; cf. Lev. VII, 19.
- (16) An offence by inaction, for which a remedial act is prescribed (Ex. XII, 10). v. supra p. 111.
- (17) No longer in the category of a proper Paschal offering.
- (18) Forbidden in Deut. XXII, 6-7. There too, a remedial action is prescribed, v. supra p. 111.
- (19) Lit., '(the command to) rise and do.'
- (20) The ruling in the Mishnah referring to the First fruits.
- (21) [Cf. Sanh. (Sonc. ed.) pp. 565 f. and notes and Rashi Meg. 2a.]
- (22) Cf. Deut. XXVI, 4: 'And set it down before the altar.'
- (23) I.e., the ceremony is indispensable for their release to be eaten by the priests.
- (24) [In the Baraita cited anon and quoted from the Sifre (v. n. 13) which generally represents the opinion of R. Simeon, cf. n. 9.]
- (25) Treated more fully in Sifre, on Deut. XII, 17. Here is the prohibiting text (Deut. XII, 17) employed: Thou mayest not eat within thy gates the tithe of thy corn, or of thy wine, or of thine oil (i.e. the second tithe of these); or of thy firstlings of thy herd or of thy flock; nor of any vows that thou vowest; nor of thy freewill offerings; nor of the raising (fruits) of thy hand. (Verse 18 continues positively: But thou shalt eat them before the Lord thy God in the place the Lord thy God shall choose (i.e. Jerusalem). Cf. *ibid.* 6-7: 11-14; 26-27.) To appreciate the subtlety of R. Simeon's ingenious arguments on this text, it is necessary carefully to note (a), that no flogging is due for not doing something recommended or even commanded, but for doing an action that is distinctly forbidden; and (b), that R. Simeon tries to prove (among many other things) from Deut. XII, 17, that the prescribed 'recital' over the First fruits is an indispensable ceremony, and if omitted, eating of the First fruits is forbidden on the pain of a flogging (of forty); (c), that to prove his theses he does not expound the verse in the order it is written, but in such a manner as will best fit in with his views, as will be seen as the argument proceeds.
- (26) And the priest shall take the basket (of first fruits) out of thy hand and set it down before the altar of the Lord thy God. Deut. XXVI, 4 ff. Cf. p. 120, n. 3.
- (27) What is the particular point forbidden, as regards first fruits?
- (28) As explained *infra*,
- (29) Deut. XII, 17: Thou mayest not eat within thy gates the (second) tithe of thy corn . . . wine . . . oil! There were no such restrictions on the first tithe that was given to the priest-Levites; it could be eaten anywhere 'even at the graveside'. Cf. Num. XVIII, 31.
- (30) [On the principle that where a superfluous phrase cannot be applied to one subject it is applied to another, v. supra p. 100, n. 6.]
- (31) On these peace-offerings cf. p. 120, n. 5.
- (32) Second tithe is less restricted in that, unlike thank and peace-offerings, its enjoyment is not restricted by any time-limit; nor debarred (technically) as 'stale remains' or 'piggul'; (v. Glos.) nor debarred to the (ritually) impure (as in the case of thank and peace-offerings), v. Lev. VII, 15-21 and XXII, 29-30. (Sifre).
- (33) Commanded (positively), Deut. XII, 26-27 (first the rites of the altar, then eat!), and here argued as negatively forbidden (in verse 27) on pain of a flogging.
- (34) V. p. 122, n. 5.
- (35) Deut. XV, 19-20 (the positive command). Num. XVIII, 15-19, grants firstlings to the priests (and their families) after the altar rites. Cf. Zeb. V, 8. and P.B. p. 13.
- (36) Cf. p. 122, n. 7.
- (37) As explained *infra*.
- (38) V. supra p. 122, n. 5.
- (39) These (and their meal-oblations) are Most Holy, permitted to male priests only, eaten only in the inner precincts of the temple — 'within the hanging'. (Cf. p. 120, n. 4.) Num. XVIII, 9-10, give the positive command about these, and R. Simeon now seeks to argue on the prohibition as entailing a flogging.
- (40) As explained anon.

(41) Cf. Lev. I, 2 ff. V. P. B. p. 12.

(42) As explained anon.

Talmud - Mas. Makkoth 17b

that he who eats of the burnt-offering after the blood-sprinkling [on the altar], even within [the 'hangings'], is flogged.¹

Said Raba: [This is ingenious;] may every bearing mother bear a child like R. Simeon! And if not [quite like him], should she not bear any at all² — though his a fortiori arguments may be refuted! For instance, in what respect [is it assumed] that first fruits are of graver importance³ [than second tithe]? In that first fruits are forbidden to lay people [non-priests]! But is not the second tithe rather of graver importance, because second tithe is forbidden to the onen⁴ [and the argument is thus unsound]? Again, in what respect [is it assumed] that thank and peace-offerings are of graver importance than second tithe? In that these have [also] the offering of blood and the certain 'prescribed' portions⁵ [of fat etc.] on the altar! But is not the second tithe rather of graver importance, because second tithe may be redeemed only with coined silver⁶ money [and no other]? Again, in what respect [do you assume] is the firstling of graver importance than thank and peace-offerings? In that it is sanctified from the womb⁷ [unlike those sacrificial animals]! But are not rather the thank and peace-offerings, of graver importance because thank and peace-offerings require the 'laying [of the hand]';⁸ 'drink-offerings' [of wine]⁹ and the waving of breast and thigh?¹⁰ Again, in what respect are the sin and guilt-offerings of graver importance than the firstling? In that they are in the category of most-holy!¹¹ But is not the firstling rather of graver importance, because the firstling is sanctified from the womb?¹² Again, in what respect is the burnt-offering of graver importance than the sin and guilt-offering? In that the burnt-offering is wholly burnt!¹³ But are not the sin and guilt-offerings rather of graver importance, because they afford atonement;¹⁴ nay, all [other] sacrifices are of graver importance than the burnt-offering, because those others are consumed in two ways?¹⁵ But if so, what [made Raba exclaim]: 'May every bearing mother give birth to such as R. Simeon'? — It is because of his method of recasting¹⁶ and expounding the text to suit his own theory. But is a prohibition based on logical deduction¹⁷ warranted? For, even those who accept¹⁸ [in principle] a penalty derived by logical deduction as warranted do not recognise a prohibition based on logical deduction? — [No, R. Simeon desired] to demonstrate mere prohibition¹⁹ [in each case]. But did not Raba say that, according to R. Simeon, any lay person eating of the flesh of burnt-offering before the sprinkling of the blood and outside the wall [of Jerusalem] is flogged on five counts?²⁰ — [He only meant to say] five mere prohibitions were involved [in this one act of eating]. But then, have we not learnt: These incur [judicial] flogging, etc?²¹

(1) The positive command to burn it wholly is given in Lev. I, 9, 13, 17; and this furnishes the negative command, cf. supra p. 122, n. 5.

(2) ['And if not . . . at all' is best omitted with MS.M.]

(3) The criterion of importance being the number of restrictions, which shows the amount of concern and interest devoted by the Torah to the matter.

(4) אֲוֹנָן, a person in deep sorrow on the day of bereavement, when the dead is still unburied. Part of a prescribed declaration to be made in the Temple (after the 3rd and 6th years in the Septennial Cycle) was: 'I have not eaten thereof (i.e. of second tithe) in my mourning . . . nor given thereof for the dead.' Deut. XXVI, 14. (The same condition attaches to first fruits, but R. Simeon does not share that view in the case of the latter. v. Yeb. 73b.)

(5) Emurin — אִמּוּרִין — 'bidden', or 'prescribed' rites. Cf. Lev. I, 5, 8, 9; II, 2, 13, 15-16; III, 3-5, 9, etc. Also Num. XV, 4 ff. Cf. the term אִמּוּר, as 'prescribed' (not, 'as it is said') in the Prayer Book, when citing the sacrifices ordained for the occasion. E.g., P.B. p. 162. [Jastrow connects it with root denoting 'to devote', 'to consecrate', cf. Deut. XXVI, 17.]

(6) V. B.M. 47b. Cf. supra p. 92, n. 8.

(7) Cf. Ex. XIII, 12-13; Num. XVIII, 15-18; Deut. XV, 19-20. A firstling is sacred and dedicated from birth. Other

sacrificial animals have to be selected and dedicated as offerings.

(8) Lev. III, 2, 8, 13. The worshipper laid his hand on the head of the animal.

(9) Num. XV, 5 ff.

(10) Lev. VII, 28-32. These were not required in the case of a firstling. Num. XVIII, 17-18.

(11) Lev. VI, 18; VII, 1.

(12) V. supra note 8.

(13) Lev. I, 9, 13, 17.

(14) Cf. Lev. IV, 20, 26, 31, 35 (Sin-offering); V, 6, 10, 16, 18, 26.

(15) Parts are burnt on the altar, other parts are eaten by the priests, and in sacrifices of minor sanctity parts are enjoyed by the owners or worshippers. It should be remembered that eating of sacrificial meat was part of the ritual, hence the importance attached to it.

(16) Lit., 'castrating'. [V. supra p. 121, n. 13. Had he, for instance, made the firstling the starting point of his arguments, he could not, in the absence of the a fortiori reasoning from thank and peace-offerings with reference to the eating of them before the blood sprinkling (as this would still remain to be proved), substantiate his thesis in regard to the eating of them after the sprinkling of the blood. The same applies to all the other arguments advanced by R. Simeon.]

(17) To sanction the penalty of flogging such as R. Simeon attempted here by his arguments. Cf. supra 5b and 14a (end).

(18) R. Isaac, v. 14a, (end).

(19) Without the infliction of a flogging.

(20) On the basis of his deductions: (i) No holy meat may be eaten outside the wall (not even second tithe, the simplest).

(ii) Sacrificial meat may not be eaten before the ritual sprinkling (on the altar). (iii) A layman (non-priest) may not eat of sacrifice-most-sacred (to which class burnt-offering belongs). (iv) Not even a priest may eat of such outside the 'hangings' (the inner precincts). (v) Burnt-offering is to burn entirely, no part thereof may be eaten. This proves that R. Simeon would also inflict the penalty of flogging.

(21) The opening words of the Mishnah, Chapter III. fol 13a, which apply also to the prohibition enumerated in the Mishnah 17a, including the EATING OF THE MOST HOLY MEATS OUTSIDE THE HANGINGS.

Talmud - Mas. Makkoth 18a

— But [yet] the text¹ is tautological! Consider: it having been written already, And thither ye shall bring . . . and there ye shall eat before the Lord thy God² — could not the All-Merciful have proceeded briefly thus: 'Thou mayest not eat them within thy gates'? What else then could be the purpose of the All-Merciful in having them all restated in detail, save to stress separately the prohibition³ attaching to every instance.

The [above] text [stated]: 'Raba said that, according to R. Simeon, any lay person eating of the flesh of burnt-offering before the sprinkling of the blood and outside the wall [of Jerusalem], is flogged on five counts.' Should he not be flogged on a sixth count arising out of the text: [And they⁴ shall eat those things wherewith atonement was made to consecrate and to sanctify them]; but a stranger shall not eat thereof because they are holy?⁵ — [No, as] that [prohibition bears on such meat] as was permitted for priests [to eat],⁶ while that [referred to in Raba's statement] is not proper even for priests.

And should he not be flogged on the strength of [the text]: [And ye shall be holy men unto me: therefore] ye shall not eat any flesh in the field [like] torn [of beasts];⁷ [which is taken] to imply that any [holy] flesh that has got beyond its partition⁸ is forbidden? — [No, as] that applies to [meat] available when within the partition; whereas here [in Raba's case] it is not available even while within the partition.⁹ And should he not also be flogged on the strength of R. Eliezer's interpretation. For R. Eliezer said: [The words], it shall not be eaten because it is holy¹⁰ convey

(1) Deut. XII, 17, on which the whole discussion turns.

(2) Ibid. 6-7.

(3) And the penalty attached thereto.

- (4) Aaron and his sons on being inducted into their priestly office.
- (5) Ex. XXIX, 33.
- (6) Note carefully vv. 18-19 and 31-33.
- (7) Ex. XXII, 31, taken metaphorically.
- (8) That is, taken outside, beyond its proper sphere or bound, such as the precincts of the Temple, or the walls of Jerusalem. There are several other applications of this text. Cf. Hul. 68a. (Cf. Lev. XVII, 5.)
- (9) As it is to be wholly burnt. Lev. I, 9, 13, 17. Cf. Ex. XXIX, 18.
- (10) Ex. XXIX, 34: And if aught of the flesh of the consecration or of the bread remain unto the morning, then thou shalt burn it with fire; it shall not be eaten, because] it is holy.

Talmud - Mas. Makkoth 18b

that the text means to declare as forbidden any [sort of] holy meat which has become disqualified? — [No, as] here too it can only refer to [meat that was] available before becoming disqualified, whereas here [in Raba's statement the meat] was not available even before it became disqualified. And should he not also be flogged on the strength of that other interpretation of R. Eliezer, as it is taught: R. Eliezer says [that the words,] It shall be wholly made to smoke; [it shall not be eaten,]¹ impose a negative command against the eating of anything [that is ordered to be wholly burnt]? — Just so, and it is on this interpretation of the text that he based his statement.²

R. Giddal citing Rab said (Kuza)³ that a priest who ate of a sin-offering or guilt-offering before the sprinkling of the blood is flogged. The reason [for this]? The writ says: And they [Aaron and his sons] shall eat of those things⁴ wherewith atonement was made⁵; which implies [that they are to be eaten only] after [ritual] atonement has been made, but not before atonement has been made; this being [an instance of] a negative command implied in a 'positive command which is [tantamount to] a negative.'⁶

Raba raised objection from the following: And every beast that parteth the hoof and hath the hoof wholly cloven into two and cheweth the cud among the beasts, that ye may eat⁷ — [implies,] 'that ye may eat,' but 'you may not eat another beast.' Now, if [the principle be] as you stated, what further need to continue, But these ye shall not eat, of them that only chew the cud and of them that only have the hoof cloven?⁸ — We must therefore say that if the reported dictum be a fact, it must have been worded thus: R. Giddal citing Rab said that a stranger⁹ [layman] who ate of a sin-offering or guilt-offering before the sprinkling [of the blood] is exempt.¹⁰ The reason [for this]? The text says: 'And they shall eat of those things wherewith atonement was made' [that is] anyone to whom the former part of the text [the positive command] — and they shall eat of those things wherewith atonement has been made — applies, to him the latter part of the text [the negative command] — but a stranger shall not eat thereof, because they are holy — applies also; and [vice versa,] anyone to whom the former part of that text — and they shall eat of those things wherewith atonement has been made — does not apply, to him the latter part of that text — but a stranger shall not eat thereof, because they are holy — does not apply.¹¹

R. Eleazar reporting R. Hoshaia, said regarding the [ceremonies of] first fruits that [the omission] to place them [before the altar] is a bar [to their release], but the [omission of the] recital is not a bar. But did R. Eleazar [actually] say that? Did not R. Eleazar reporting R. Hoshaia say that if a man had set apart [his] first fruits before the Feast [of Tabernacles] and the Feast passed [without these fruits having been presented before the altar] they are left to rot?¹² Now what [is the implication here]? Is it not that [they are to be left to rot] because it is no longer the period for the recital over them?¹³ If then you suppose that the [omission of the] recital is not a bar, why are they to be left to rot? — In accordance with [the principle enunciated by] R. Zera, for R. Zera said: Wherever the conditions for mingling [oil with the flour for a meal-offering¹⁴] are present, the [omission of the] mingling is not a bar; but where the conditions are not present the [omission of] mingling is a bar.¹⁵

R. Aha b. Jacob taught the same [lesson] as a statement of R. Assi reporting R. Johanan,¹⁶ and thus made one statement of R. Johanan clash with another: Did R. Johanan¹⁷ say regarding the [ceremonies of] first fruits that [the omission] to place them [before the altar] is a bar to their release, but the [omission of the] recital is not a bar? Why, when R. Assi asked of R. Johanan how soon were the first fruits permitted to be partaken of by the priests, did he not reply that those [that had come] at the proper time for the recital¹⁸ [were released] immediately after the recital,¹⁹ and those that were not [brought] at the proper time for the recital [were released] immediately they had come face to face with the Temple²⁰ — a statement which clashes on both points, in regard to recital as well as to placing them [before the altar]? — As regards the recital, it is not difficult [to explain the seeming discrepancy]: One statement²¹ represents the view of R. Simeon,²² while the other²³ is according to the Rabbis. Again, as regards placing them [before the altar], it is not difficult [to explain the seeming discrepancy]: One statement²¹ is according to R. Judah,²⁴ while the other²⁵ is that held by the Rabbis.²³

What statement of R. Judah [have you in mind]? — [It is the following,] as it is taught: R. Judah says, [And the priest shall take the basket out of thy hand] and set it down [before the altar].²⁶ This refers to the [ritual of] ‘waving’.²⁷ You say that it refers to the [ritual of] ‘waving’, or maybe it only means ‘setting them down’ ordinarily? As, however, [later it is said,] And thou shalt set it down [before the Lord thy God and worship before the Lord thy God,²⁸ the ordinary ‘setting down’ [of the fruit] is already indicated. What then is the meaning of the former injunction, [and the priest shall take the basket out of thy hand] and set it down [before the altar]?²⁶ It can only refer to the [ritual] ‘waving’.²⁹ And who is the Tanna that does not concur with R. Judah? — It is R. Eliezer b. Jacob,³⁰ as it is taught: And the priest shall take the basket out of thy hand³¹ — [‘out of thy hand’] indicates that the ‘waving’ is an essential part [of the ceremony]: these are the words of R. Eliezer b. Jacob. What is the reason of R. Eliezer b. Jacob? — It is derived from the occurrence of the word ‘hand’ [both here and] in connection with the peace-offerings [in this way]: Here it is written, ‘And the priest shall take the basket out of thy hand’³¹ and there it is written, His³² own hands shall bring the offering unto the Lord.³³ Just as here the priest [is the recipient],³⁴ so there the priest [is the recipient],³⁵ just as there the owner tenders, so here the owner tenders. How is it [done]? [In each case] the priest puts his hand under those of the worshipper and waves them.³⁶

Rabin b. Adda reported R. Isaac to have said: In the case of first fruits,

(1) Lev. VI, 15-16.

(2) [That he is flogged, this verse supplying the requisite explicit prohibition for the infliction of a flogging.]

(3) A Mnemonic of the two statements of Rab that follow: K = Kohen, ‘priest’, Z = Zar, ‘a layman’.

(4) of the special consecration offerings.

(5) Ex. XXIX, 33.

(6) And, as such, sanctions the flogging (which the breach of a positive command does not). This rule is soon challenged by Raba on textual grounds and, in consequence, he emends the reported dictum by an interpretation of the text. This rule was debated in Palestine, Resh Lakish taking the view expressed above, while R. Johanan contested it by asserting that a ‘positive’ command implying a ‘negation’ is tantamount to a ‘positive’. Raba elsewhere explains the difference by a very apt illustration. If the Master bids his disciple, ‘Go fetch me some wheat,’ and the disciple brings wheat and barley, it can hardly be said that he disobeyed his master, although he went beyond instructions. If, however, the Master said, ‘Don’t bring me anything else but wheat,’ he certainly disobeys instructions if he bring wheat and barley. V. Zeb. 34a. There is involved in this, the important logical difference between affirmation and negation. ‘Go fetch me wheat’ does not necessarily imply that I would not have barley — I might have it or not. But, ‘Don’t bring me barley’ is clearly prohibitory on that point. V. B. Bosanquet's *Essentials of Logic* (1897), Lect. VIII, On Negation and Opposition of Judgments.

(7) Deut. XIV, 6.

(8) *Ibid.* verse 7.

- (9) Not a priest, as first reported.
- (10) Not flogged, as first stated.
- (11) Cf. Kid. 21b.
- (12) I.e., they may not be eaten even by priest.
- (13) First fruits were tokens of gratitude and were brought in their respective harvesting periods, from the Feast of Weeks (Pentecost) to Tabernacles (for Spring and Summer produce respectively), from early Sivan to the end of Tishri; and from Tabernacles to Chanukah (end of Kislev, for late autumn fruits). The recital could only be performed at the actual time of harvesting (Ex. XXIII, 16), when the heart rejoiced at the abundance (Deut. XXVI, 11), that is, between the Feast of Weeks (Pentecost) and Tabernacles; after that, the fruits were brought without recital, till Chanukah. Cf. Bik. I, 3, 6.
- (14) V. Lev. I, 1, 6, 15 (and he shall pour oil upon the fine flour) and verses 4, 5-6; VII, 10 (mingled with oil); Num. XV, 4, 6, 9.
- (15) V. B.B. (Sonc. ed.). p. 331. nn. 4-5. V. Men. 103b.
- (16) Which Rabbah b. Bar Hanah already cited supra 17a.
- (17) As his personal opinion.
- (18) I.e., between the Feast of Weeks and Tabernacles. Cf. supra note 2.
- (19) That means that recital is indispensable and its omission is a bar to the release.
- (20) That means, immediately on entering the portals of the 'Court of Israelites', 'Azarah, without recital or placing them before the altar to be released!
- (21) That of R. Johanan to R. Assi while discussing the subject generally, it seems.
- (22) As embodied in the Mishnah (17a), namely, that eating of first fruits without recital entails a flogging.
- (23) Reported of R. Johanan by Rabba b. Bar Hanah in the opening discussion on the Mishnah (17a) and by R. Eleazar in the name of R. Hoshiaia above, the view generally held by the Rabbis.
- (24) That placing the first fruits before the altar was not indispensable or a bar to their release, as is soon to be explained.
- (25) That placing the first fruits before the altar is essential.
- (26) Deut. XXVI, 4. The direction to set them down occurs twice in the passage, here first by the priest, and in verse 10 (quoted soon), by the worshipper. In our Talmud texts the second is quoted first, which makes R. Judah's interpretation difficult to understand. The order of the Biblical texts adopted here is that given by the Wilna Gaon in his notes **שנות אליהו** on Bik. III, 6. Cf. Tosaf. here, s.v. **ומאן** and again, on Suk. 47b. s.v. **הבכורים** and **כהן**.
- (27) On the ceremony, cf. Ex. XXIX, 24, 26; Lev. VII, 30; XXIII, 11-12, 17, 20; Num. VI, 20. The priest placed his hand under those of the worshipper who tendered the gift-portions and waved them to and fro, a dedicating motion.
- (28) Deut. XXVI, 10.
- (29) Explaining these texts thus, R. Judah finds no specific direction for placing the first fruits before the altar, to make it indispensable or barring their release by its omission. [It is a well-established principle that no prescription relating to offering is deemed indispensable, unless Scripture emphasises it by reiteration.]
- (30) Whose view is followed. His Mishnah, it is said, is but a modicum (in quantity), but the finest, purest flour (in quality).
- (31) V. p. 130. n. 7.
- (32) The worshipper's hands.
- (33) Lev. VII, 30, the rule. Cf. p 130, n. 8.
- (34) Of the first fruits.
- (35) Of the portions.
- (36) [Thus we see that R. Eliezer b. Jacob does not derive 'waving' from either of the phrases 'setting down' so that he will expound both cases as denoting 'setting down' ordinarily, the reiteration thus making the ceremony of placing before the altar an indispensable rite.]

Talmud - Mas. Makkoth 19a

when does the penalty¹ begin? From the time that these come face to face with the Temple. Whose is the view [expressed here]? — That of the Tanna [mentioned in the following], as it is taught: R. Eliezer says: As regards first fruits, if some are left outside [the wall of Jerusalem] and some are taken within, those that are [still] outside are like ordinary fruits² in every respect, while those within

are [to be treated] like ‘things of the Sanctuary’³ in every respect.

R. Shesheth said:⁴ in regard to first fruits, [the omission] to place them, [before the altar] is a bar [to their release], but the [omission of the] recital is not a bar. Whose is the view expressed here? — That of the following Tanna, as it is taught: R. Jose reports three things in the name of three Elders⁵ [this statement being one of them]:⁶ R. Ishmael says that one might presume that [even] nowadays [although there is no Temple], a person must bring his second tithe to Jerusalem and eat it there [as such, instead of redeeming it]. But, there is this argument [against it]: Firstlings⁷ must be brought to [Jerusalem], the [appointed] place,⁸ even as second tithe⁹ must be brought to [Jerusalem], the [appointed] place. Now what is [requisite] in the case of firstlings? They may not [be eaten there] save when there is a Temple; and the same obtains in regard to second tithe, that it should not [be eaten there] save when there is a Temple! [This is not conclusive, because] in the case of firstlings there are requisite [specific] altar-rites, the sprinkling of blood and the burning of certain ‘prescribed’ portions [of fat].¹⁰ [But] then [I ask] let first fruits support [my contention]!¹¹ [To this, we may reply] what is [requisite] in the case of the first fruits? They too must be placed [before the altar].¹² Here then comes the instructive text, And thou shalt eat before the Lord thy God, [in the place which He shall choose to cause His name to dwell there, the tithe of thy corn, of thy wine, and of thine oil, and the firstlings of thy herd and of thy flock,]⁹ wherein [second] tithe and firstlings are set side by side, showing that what obtains in firstlings, namely, that they may not be eaten there save when there is a Temple, equally obtains in second tithe, not to be eaten there save when there is a Temple. Now if it were that the non-recital is a bar, the wording of the last objection [before finally citing the Scripture text]¹³ should have been: [To this we may reply.] What is requisite in the case of first fruits? They need both, the recital as well as laying them [before the altar].¹⁴ R. Ashi said: [This is not decisive] because even granted that [the recital] is not a bar [to the release of first fruits], yet is it not to be considered even a precept,¹⁵ and as such it¹⁶ could be made the basis of an objection!¹⁷ But no, said R. Ashi: [the reason of its omission is that] since first fruits were also brought to the Temple by proselytes¹⁸ and they ought to have recited the [prescribed] wording. I profess this day unto the Lord . . . that I am come into the land which the Lord swore to our fathers to give us¹⁹ and could not [as being inapplicable]; he [R. Jose] could not state it absolutely.²⁰

But could not the argument run on and the deduction be based on common aspects?²¹ — [No,] as this can be refuted [thus]: What is their²² common aspect? They all have some ritual association with the altar.²³

And [tell me], what is his [R. Ishmael's] view?²⁴ If he deems the first dedication [by Solomon] to have been effected ‘for the nonce, and for all time to come,’²⁵ then even [unblemished] firstlings²⁶ might be eaten nowadays [at Jerusalem even without Temple or altar]; and [on the other hand], if he deems the first dedication to have been efficient only ‘for the nonce, and not for all time to come, then the same question arises in regard to the firstlings [as to the second tithe]?²⁷ — Said Rabina: indeed he [R. Ishmael] deemed the first dedication efficient ‘for the nonce, and not for all time to come, and here [in deriving the rule of the tithe from that of a firstling] he is thinking [of some particular incident] of a firstling, where the [ritual] blood-sprinkling [on the altar] had been performed just before the destruction of the Temple, and when the Temple was destroyed the flesh was still left [unconsumed by the priests]. And we compare the flesh to the blood thereof:²⁸ just as for [sprinkling of] the blood, there is need of the presence of the altar, so for [the eating of] the flesh, there is need of the existence of the altar [not otherwise];²⁹ and then again, we compare second tithes to firstlings.³⁰ But can a ruling inferred by analogy³¹ be employed [in matters appertaining to hallowed things]³² as basis of inference for a further analogy?³³ — The tithe of corn, [wine and oil] is [considered] non-hallowed.³⁴

(1) For eating them, unlawfully, be it priest or layman. V. Tosaf. 18b, s.v. **בכורים**.

(2) Subject to no restrictions, apart from the ordinary dues.

- (3) To be enjoyed by priests only. Cf. Lev. V, 15-16; XXVII, 30-31.
- (4) In agreement with the statement of Hoshaia (cited by R. Eleazar and R. Johanan).
- (5) R. Ishmael (b. Elisha). R. Akiba (b. Joseph), the two great Masters and founders of schools and (Simeon) Ben Zoma (according to one reading, Ben 'Azzai).
- (6) Cf. the parallels, Zeb. 60b; Tem., 21a; Tosef. Sanh. III; Sifre on Deut, XIV, 23.
- (7) Firstborn of sheep and kine.
- (8) Deut. XII, 6, 17; XV, 20-21.
- (9) Ibid. XIV, 22-23, and cf. Lev. XXVII, 30, 32.
- (10) Which is not the case in second tithes. On the rites, cf. Num. XVIII, 17; v. also supra p. 125. n. 8.
- (11) First fruits have no ritual sprinkling (of blood or burning of fat) on the altar, yet they have to be brought to and be eaten at Jerusalem. Cf. Deut. XII, 6, 17; Num. XVIII, 13.
- (12) Deut. XXVI, 4, 10, but second tithe is not placed before the altar, and may be eaten in Jerusalem anywhere.
- (13) V. p. 132, n. 5.
- (14) This shows that, already according to R. Ishmael, the omission of recital is not a bar, but that of not placing the fruits before the altar is a bar to their release.
- (15) Surely it is!
- (16) [Cf. MS.M.. cur, edd.: 'let him say a precept'.]
- (17) [Thus: What is requisite in the case of first fruits? They need both the placing (before the altar) as an indispensable rite, and the recital as an enjoined (though not indispensable) precept which is not the case with the second tithe.] But in fact is not; which shows that nothing is to be inferred from its omission. (Against the other Rabbis who regard the omission of the recital as not a bar to the release.)
- (18) V. Bik. I, IV.
- (19) Deut. XXVI, 3.
- (20) That recital is indispensable.
- (21) [Common to firstlings and first fruits: Though they are unlike one another, the former not requiring to be placed before the altar, and the latter, lacking the specific altar rites of blood and fat etc., they nevertheless possess one aspect in common in that they both have to be brought to Jerusalem and consequently are in force only when there is the Temple in existence; and the same argument can similarly be applied to second tithe which also has to be brought to Jerusalem and hence not in force save when the Temple stood.]
- (22) I.e., first fruits and firstlings.
- (23) Which is not the case of the second tithe, which consequently cannot be derived from firstlings and first fruits.
- (24) On another implied issue.
- (25) A very moot question, involving many issues on which opinion is considerably divided. It has three aspects, (a) in regard to Palestine as the Holy Land of Israel, for various religious observances, dues and privileges; (b) in regard to Jerusalem, as the Holy City within the mural precincts, for eating there certain holy foods of a minor degree of sanctity, and (c) in regard to the Temple and altar, for certain sacrificial rites. Here, the question touches only the last two.
- (26) V. Deut. XV, 19-20. Blemished firstlings were unfit for the altar and could be eaten anywhere as ordinary flesh, by the pure or defiled alike (verse 21).
- (27) [This is difficult. Rashi explains the reference to the case where the Temple was destroyed between the sprinkling of the blood of the firstling and the eating of the flesh thereof; and the question would arise since it need no more be brought to the Temple, it is comparable to second tithe, and it should therefore be permitted for eating. It is however better to adopt reading of other texts and MSS. (v. D.S.) 'then even second tithe should present no problem.']
- (28) Since both are associated together in the Holy Writ. Num. XVIII, 17-18. Cf. also Deut. XII, 27.
- (29) In the parallel passage, Temurah 21a, it is put thus, that if the blood were available at the moment (since the fall of the Temple) it could not be used for the ritual without an altar, nor could, therefore, the meat be eaten then.
- (30) Both likewise being associated in the same text (v. supra p. 132, n. 5), that second tithe is not to be eaten outside Jerusalem only during the existence of the altar. [According to the preferable text of versions referred to in note 3, Read: 'Said Rabina, indeed he holds that the first dedication was for the nonce and for all time to come and the reason why R. Ishmael assumes that a firstborn may not be eaten nowadays is because he is thinking etc.']
- (31) Hekesh (v. Glos.) that the flesh of the firstling, by analogy with the blood (and fat), on Num. XVIII, 17-18, demands the presence of the altar.
- (32) 'R. Johanan said: Everywhere in the (exposition of the) Torah deduction may be drawn from deduction, save in

matters appertaining to hallowed things (i.e. Temple and sacrificial rites).’ Tem. 21b, and Zeb. 49b.

(33) By the further analogy between second tithe with the (flesh of the) firstling (on Deut. XV, 23) to require the presence of the altar likewise for eating second tithe.

(34) Second tithe may be redeemed (with silver current coin) before it passes through the gates of Jerusalem, and if it has become defiled even in Jerusalem, it may then be used just as ordinary corn, wine or oil, unlike first fruits or other sacrificial kinds (of offerings) mentioned together, which may not be eaten on becoming defiled. In using here one deduction for a further deduction on an ordinary nonsacred element, the aforementioned exegetical rule is not infringed.

Talmud - Mas. Makkoth 19b

This reply [to the objection raised] is satisfactory according to the view that we follow the derived-point;¹ but what of the view that we follow the instructive-point as well?² — [Again no difficulty here, as] blood and flesh [in this case] are one and the same thing³ [being of the same animal].

WHO EATS OF MOST HOLY [MEATS] OUTSIDE THE HANGINGS; OF LESSER HOLY [MEATS] OR OF SECOND TITHE, OUTSIDE THE CITY WALL. Have we not already learnt this [in the former Mishnah], ‘And [who eats of] second tithe or of "sanctuary-gifts" unredeemed’?⁴ — Said R. Jose b. Hanina: The latter [Mishnah] refers to a second tithe that is clean and to a person in a clean state, who [unlawfully] eats [thereof, unredeemed,] outside the city wall; whereas the former [Mishnah] to a second tithe that is unclean and to a person in an impure state, who ate [unlawfully] of it [unredeemed,] within Jerusalem. Now, where do we find [in Holy Writ] that eating of second tithe in impurity⁵ renders one liable? — As it is taught: R. Simeon says: [The text,] Neither have I put away thereof, being unclean⁶ [implies]: Neither [have I eaten of it] while I was unclean and the tithe clean, nor while I was clean and the tithe defiled. And where is the admonition not to eat it? I know not . . .⁷ [You know not?] Is not [eating of holy meats during] personal impurity explicitly prescribed: The soul that toucheth any such unclean things shall be unclean until the even and shall not eat of the hallowed things until . . .?⁸ — But [I meant] its own defilement.⁹ It is written, Thou mayest not eat within thy gates.¹⁰ And later it is said, the unclean and the clean may eat together, as the gazelle and the hart.¹¹ And the school of R. Ishmael taught that [this means that] even a ‘clean’ person and one who is ‘unclean’ may eat [meat of a blemished firstling] out of the same platter, without scruple.¹² Thus does the All-Merciful direct; that what is allowed you elsewhere,¹³ for the ‘clean’ beside the ‘unclean’ [‘to eat thereof together’]. does not apply here,¹⁴ where — ‘thou mayest not eat’. And [again], whence is it derived that second tithe which has become defiled is redeemable [even within¹⁵ Jerusalem]? — Even as R. Eleazar said: How can it be shown that second tithe which has become defiled may be redeemed even at Jerusalem? From the instructive text: [And thou shalt eat before the Lord thy God, in the place that He shall choose . . . the tithe of thy corn . . . And if the way be [too] long for thee; if thou art not able to bring it up . . . then shalt thou turn it into money,¹⁶ and the expression se'etho¹⁷ [‘to bring it up’] means [in this connection] only ‘eating’, as in the passage. And portions [mas'oth] were brought forward unto them [Joseph's brothers] from before him [Joseph].¹⁸ R. Bibi, citing R. Assi said: Whence could it be shown that clean second tithe may be redeemed even within one pace of the wall outside Jerusalem? From what is said, When thou art not able to bring it up, [then shalt thou turn it into money]¹⁹ But is that text not claimed for the point already made by R. Eleazar? — Were that the [only] lesson intended, the text should have said, ‘when thou art not able to eat it’; why was that [unusual] expression, se'etho¹⁷ [‘not able’] to bring it up’ used. Am I to take it then, entirely in the sense suggested [by you]? — [No, as then another term,] li[n]telo,²⁰ [‘(unable) to take the load’] might have been used; what then, does [this special term] se'etho¹⁷ convey? It suggests both meanings.

R. Hanina and R. Hoshai sat and raised the [following] question: What would be the case [where a pilgrim had just reached] the very entrance to Jerusalem.²¹ Obviously when he is outside and his charge inside [he cannot redeem], as the partitions [walls] have already taken in the charge; but when

he is within and his charge [still] outside, what is the law? — Thereupon a certain aged scholar imparted to them a teaching of the school of R. Simeon b. Yohai [to this effect]: If the place is far from thee . . . [turn it into money],²² the word *mi-meka*²³ [‘from thee’] [implies] ‘thy amplitude’.²⁴ R. Papa raised the question: What if he [being within the entrance] carries his load on a stick [behind him]?²⁵ — The question is left over.²⁶

[WHO EATS . . . OF SECOND TITHE, OUTSIDE THE CITY-WALL.] R. Assi citing R. Johanan said: When does the liability begin [for eating of] second tithe [outside the city-wall]? As soon as it has [once] come within sight of the [interior] wall. The reason? Because [one] text reads: And thou shalt eat before the Lord thy God,²⁷ [... the tithe of thy corn];²⁸ and again it is written, Thou mayest not eat within thy gates²⁹ [the tithe of thy corn].³⁰ [We say that] wherever [the former command,] ‘eat before the Lord thy God’ — becomes applicable, [the other,] ‘thou mayest not eat within thy gates’ becomes applicable;³¹ and [vice versa], wherever the [former command], ‘eat before the Lord thy God’, has not become applicable, there too, [the other] ‘thou mayest not eat within thy gates’ is not applicable.³² An objection [against this exposition] was raised from the following: R. Jose said: If a priest picks a fig out of *tebel*³³ produce, [and before eating] says, Let the *terumah* thereof be [situate³⁴ somewhere] near the peduncle [stalk]; the first tithe thereof in its northern [left] part; the second tithe thereof in its southern [right] part, this being in a year when second tithe is due and he being then in Jerusalem; or, [let] the poor tithe thereof [be] in its southern side, he being then in the ‘country-adjointing,’³⁵ if he then eats that fig,

(1) Here, the second tithe.

(2) Here, the inference from the ritual sprinkling-blood, the due of altar, to the flesh given to the priest or worshipper.

(3) Cf. Men. 13a. And therefore in deriving flesh from blood there is no argument from analogy.

(4) V. Mishnah, supra 13a.

(5) This has two meanings, referring to (a) the impurity of the person, or (b) the impurity of the tithe.

(6) Deut. XXVI. 13-14. A declaration to be made in the Temple on the afternoon of the 7th day of Passover, in the 4th and 7th years of the Septennial Cycle. Cf. Sifre a.l. and on Deut. XII, 17. and M.Sh. V, 10.

(7) The quotation is here interrupted by the questioner and the Scriptural passage adduced by him is not to the point, as that refers to the impurity of the person, not to the impurity of the tithe that the previous speaker wished to elucidate.

(8) Lev. XXII, 6. ‘Hallowed things’ here, and in Deut. XXVI, 13. ‘the hallowed thing’ are taken to mean ‘second tithe’.

(9) That of the tithe, not of the person.

(10) With reference to second tithe, Deut. XII, 17. Cf. also verses 6 and 11; XIV, 23.

(11) With reference to a blemished firstling. Ibid. XV, 21-22.

(12) Of bringing the meat of a firstling (that is usually considered as ‘hallowed’, v. P.B. p. 13) into contact with the (ritually) ‘unclean’ eater. It should be noted that some of the restrictions attach even to the blemished firstling, before it is killed for food, e.g., it may not be shorn of its wool or milked. V. Rashi.

(13) In the case of a blemished firstling.

(14) in the case of second tithe, which must not be eaten when it is brought into contact with what is unclean.

(15) Already implied in the wording of the Mishnah, 13a, HE WHO EATS OF SECOND TITHE UNREDEEMED (is flogged); which plainly suggests that in some cases it may be redeemed. [This however cannot apply to undefiled second tithe, which may not be exchanged into money except outside Jerusalem, and that for the purpose of taking it up there.]

(16) Deut. XIV, 23-24.

(17) **שאתו**, the verbal noun of the root **נשא** which means ‘to raise’, ‘lift’, ‘carry’, ‘bring up’. The word **משאת** has the extended meaning of a ‘portion of food’ brought to the guest, as in the passage in Genesis cited here. Cf. II Sam. XI, 8.

(18) Gen. XLIII, 34.

(19) Note the double provision made in Deut. XV, 24, ‘If the way be (too) long, and if the place (Jerusalem) be (too) far,’ which is taken to provide (a) against distance and (b) against other difficulties that may arise even close to the Holy ‘City as explained here.

(20) **נטלו** from the root **נטל** to take a load’, ‘to carry’. Cf. Isa. XL, 15, and Prov. XXVII, 3.

(21) [MS.M. ‘Sat at the entrance of Jerusalem and asked the (following) question’, v. Rashi.]

(22) Deut. XIV, 23-24.

(23) מומך seemingly taken as — מעמד — i.e., far 'from what thou hast with thee,' namely, the tithe of corn, wine or oil. For such use of מעם v. Gen. XXXI, 31-32; Ex. XXII, 11, 13; cf. עם Job VI, 4; X, 13 and XXIII, 14. This solves the difficulty felt by Tosaf s.v. הוא.

(24) Here, the bulging bundle of tithe-fruit. The strange word מילואך used here for the bulging load may be taken as suggested by מלאאתך ('thy corn'). Ex. XXII, 28, and Num. XVIII, 27; Deut. XXII, 9. [The meaning of the verse is accordingly, 'If the place is far from what thou hast with thee,' i.e., the load which thou hast with thee on thy shoulders. Consequently where he is already within, though his charge is still outside, since he is not with it, it is not considered far.]

(25) Is the load associated with the bearer as within, or not, in spite of the connecting staff?

(26) See on this point the remark of Rabina, at the very end of this section, 20a.

(27) I.e., in Jerusalem.

(28) Deut. XIV, 23.

(29) I.e., anywhere, outside Jerusalem.

(30) Deut. XII, 17.

(31) I.e., as soon as second tithe enters within the precincts of the Holy City it is 'seized' to be eaten there, and not redeemable or to be taken out again, unless it has become defiled.

(32) I.e., either it has not yet been taken into the Holy City or has become defiled; it is then redeemable.

(33) V.Glos.

(34) Terumah being called 'the Prime', First, has to be definitely marked off, 'designated' and 'allocated', before the rest may be eaten (temporarily). V. Ter. III, 5.

(35) בגבולין, i.e., anywhere outside the Holy City. Poor tithe may be eaten anywhere.

Talmud - Mas. Makkoth 20a

he incurs a flogging on one¹ count; and if he be a layman [non-priest], he is flogged on two² counts, whereas, had he eaten it straightway [without specifying the several dues] he [the layman] would have been liable only on one³ count. [Now] the reason [that a layman is said to be liable on two counts] is because he ate in Jerusalem; but supposing he had done it in the 'country-adjointing', he would have incurred a flogging on three⁴ counts, [that is to say] he would be liable even though the fig [with its comprised quota of second tithe] had not come within sight of the [interior] wall [of Jerusalem]!⁵ — [No; we assume] that he had brought it in [to Jerusalem] and taken it out again. If so, [I ask] what is the object of R. Jose's statement?⁶ — [I would suggest] that the case he has in mind is where one had taken his fruits in tebel-condition to Jerusalem, R. Jose being of opinion that gifts not yet segregated are regarded as virtually segregated.⁷ But does R. Jose hold gifts not yet segregated are regarded as virtually segregated? Why, it is taught: R. Simeon b. Judah says in the name of R. Jose that Beth Shammai and Beth Hillel were not in disagreement about fruits that were not yet completely ready [for tithing],⁸ if they were taken in transit through Jerusalem, that the [comprised quota of] second tithe in them may be redeemed and the fruits may then be eaten anywhere.⁹ Where they did differ was about fruits that were completely ready [for tithing] and were taken in transit through Jerusalem, Beth Shammai saying that the [comprised quota of] second tithe in them should be 'brought back to Jerusalem'¹⁰ and be eaten there, while Beth Hillel say that the comprised quota should be redeemed and may be eaten anywhere.¹¹ Now, if you suppose that [R. Jose considers comprised] gifts¹² not yet segregated are as virtually segregated [how could such redeemed dues be eaten anywhere] seeing that they have been received within the [city] walls? — Said Raba:¹³ [The power of the city] walls [to place an embargo] on the eating [of second tithe within] is recognised by the Scriptures, whereas [its power] of 'seizing'¹⁴ is only Rabbinical;¹⁵ and the Rabbis declared an embargo only to second tithe overt;¹⁶ but if it is [still merged] in tebel, they made no embargo. Rabina suggested that [the first objection raised]¹⁷ might be [met by supposing the reference to be to] a man carrying his bundle of second tithe on a stick [behind him].¹⁸ And this [by the way] might offer a solution to the problem raised by R. Papa.¹⁹

MISHNAH. IF A MAN MAKES A BALDNESS ON HIS HEAD, OR ROUNDS THE CORNER OF HIS HEAD, OR MARS THE CORNER OF HIS BEARD, OR MAKES ONE CUTTING [IN HIS FLESH] FOR THE DEAD, HE IS LIABLE [TO A FLOGGING]. IF HE MAKES ONE CUTTING FOR FIVE DEAD, OR FIVE CUTTINGS FOR ONE, HE IS LIABLE [SEVERALLY] FOR EACH ONE.

ON [ROUNDING] THE HEAD [HE IS LIABLE] FOR TWO CORNERS,²⁰ ONE FOR ONE SIDE AND ONE FOR THE OTHER; ON [MARRING] THE BEARD [HE IS LIABLE] FOR TWO [CORNERS] ON ONE SIDE, FOR TWO ON THE OTHER SIDE, AND FOR ONE LOWER DOWN;²¹ R. ELIEZER²² SAYS: IF THEY WERE ALL TAKEN OFF AS ONE²³ HE IS LIABLE ONLY ON ONE COUNT. AND HE IS ONLY LIABLE ON TAKING OFF WITH A RAZOR; R. ELIEZER²² SAYS: EVEN IF HE PICKS OFF THE HAIRS WITH TWEEZERS,²⁴ OR [REMOVES THEM] WITH PINCERS,²⁵ HE IS LIABLE.

GEMARA. Our Rabbis taught: ‘[It is written]. They [the priests] shall not make bald . . . [on their head].²⁶ One might presume that if he made four or five bald patches he would be liable only on one count; we are therefore told, a baldness²⁷ — to teach that he is liable on each and every bald patch. What is the [special] import of ‘on their head’ [in this passage]?²⁸ As it is written [elsewhere], Ye shall not cut yourselves nor make a baldness between your eyes for the dead,²⁹ one might presume that [it means] he should only be liable for making a baldness between the eyes alone; how is it shown that the prohibition extends to [anywhere on] the entire head?³⁰ By the expression, ‘on their head,’ [that is, the prohibition] extends to [anywhere] on] the entire head. I have here an injunction only for priests, for whom Holy Writ has laid down many [other] additional precepts; whence is it shown that these are injunctions for Israel [at large]? Because it is said here [to priests] — [they shall not make] a baldness [on their head]³¹ — and it is said there [to all Israel] — [nor make] a baldness [between your eyes for the dead,]³² and [we say]: Just as [in the case of the priests] the offender is liable for each bald patch and on [any part of] the head as for [a baldness made] between the eyes, so likewise here [in the case of all Israel] the offender is liable for each bald patch and on [any part of] the head as for [a baldness made] between the eyes; just as there it is forbidden [only] in mourning for the dead,³³ so likewise here it is forbidden [only] in mourning for the dead.’³⁴

How, for instance, were those four or five baldnesses made?³⁵ If I say one after another, he having duly been admonished [four or] five times, it is obvious [that he is liable for each].

(1) For eating *tebel*, i.e., the first tithe from which the priestly due had not been set aside. Being a priest, he may eat *terumah* and there is no offence as regards eating the comprised quota of second tithe, because he is eating it now in Jerusalem, as stated in the data, nor as regards eating the first tithe which is permissible even to laymen.

(2) For eating (i) *tebel*, and (ii) *terumah* (twice).

(3) For *tebel* only. The version of this quotation in the *Tosef. Mak. III*, is different, but to the same effect.

(4) For eating *tebel*, *terumah* (twice) and second tithe outside Jerusalem.

(5) Which is in conflict with the (reported) statement of R. Johanan above, that the liability (technically) begins as soon as the second tithe comes within sight of the interior of the wall of Jerusalem.

(6) Why all those particulars, when and where it was done?

(7) Hence three counts for a layman: For *tebel*, for *terumah* (twice) and for second tithe, albeit as yet unsegregated.

(8) I.e., for storing and tithing. Tithes are not actually due until the final stage of harvesting. *V. Ma'as. I, 5*.

(9) As the second tithe was as yet not actually due.

(10) Having once been taken into the Holy City, they were ‘seized’ and appropriated, not to be taken out again.

(11) *M.Sh. III, 6*.

(12) Dues.

(13) *Var. lec.*: ‘*Rabbah*’.

(14) Preventing the redemption thereof.

(15) By interpretation of the implications of the text.

- (16) I.e., actually segregated and visibly distinct.
- (17) That if he ate the fig (instanced above) outside Jerusalem he would be liable on three counts, although it had not yet been brought within sight of the interior of the wall.
- (18) And this circumstance might be taken as if by the man's penetration his bundle too has reached within sight of the interior with him, and thereby he incurs a flogging, if he eats the fruit outside.
- (19) Supra p. 138.
- (20) The side growth descending over the junction of jaw-bone to the skull.
- (21) There are several explanations: (i) The corners mean the 'regions', directions of the beard: two side-whiskers; two running parallel with the jaw to the sides of the mouth; and one on and under the chin (R. Han.). (ii) Two upper junctions of the jaw to the skull, in the region of the eyes; two corners of lower-jaw below the lobes of the ear; and one on the chin. (iii) Two corners of the lower jaw-bone under the ear; two ends of the jaw-bone nearing the chin; and the chin. (Rashi — RIBN, on the text.) V. R. Shimshon (of Sens) and Raabad (of Posquieres, Beaucaire) on Sifra, Lev. XIX, 27; Asheri Mak. III, 2, and R. Jacob's Summaries (there) No. 5 and Tur, Y.D. 181.
- (22) Var. lec.: 'R. Eleazar'.
- (23) In a single movement.
- (24) Tweezers, the Roman volsellae, hairpluckers.
- (25) Or possibly the Roman radula, a kind of shaving spoke.
- (26) Literal rendering of Lev. XXI, 5.
- (27) [The deduction is based on the cognate accusative which is deemed superfluous.]
- (28) They shall not make a baldness on their head.
- (29) Deut. XIV,1. Cf. Jer. XVI, 6 and XLVII, 5.
- (30) Var. lec. add 'No less than between the eyes.' v. D.S.
- (31) V. p. 141, n. 7.
- (32) V. p. 141, n. 10.
- (33) As is clear from the context, Lev. XXI. 1ff.
- (34) Cf. Kid. 36a, and Sifra on Lev. XXI, 5.
- (35) For each of which he is rendered liable.

Talmud - Mas. Makkoth 20b

If [on the other hand] there had been uttered but one admonition, is he liable [on four or five counts]? Do we not learn [in the Mishnah]:¹ A nazirite² who has been drinking wine all day is liable only on one count;³ if they said to him, 'Drink not [wine]!' 'Drink not [wine]!' — and he drinks [each time], he is liable on each and every [instance]? — The ruling has application where [say] he dipped his five fingers in a [depilatory] salve and applied them simultaneously [on five places], in which case the one admonition refers to each [finger separately].

And how much constitutes a baldness? — R. Huna says: Enough to show the [bare] scalp; R. Johanan says, in the name of R. Eleazar son of R. Simeon:⁴ It is about the size of a bean. [These statements correspond] to different Tanna-statements: 'How much constitutes a baldness? About the size of a bean; others⁵ say, enough to show the [bare] scalp.' Rab Judah b. Habiba observed that three Tannaim differed on that point: one saying the size of a bean, another saying, large enough to show the [bare] scalp, and yet another saying, the removal of two hairs [at least]; some delete 'two hairs' and substitute 'about the size of a lentil'. As a mnemonic use the following [Mishnaic] phrase: 'If a [leprous] bright-spot⁶ is of the size of a halved [Cilician]⁷ bean and quick-flesh⁸ of the size of a lentil [encircles it etc.]'.⁹

A Tanna taught: 'One who removes [on the Sabbath] a scissors-nip [of hair] is liable for [a sin-offering]';¹⁰ and how much is a scissors-nip? — Said Rab Judah: Two hairs. But was it not taught¹¹ that two hairs are [the minimum] for a baldness? — Then take it as meaning, 'And the same [minimum] obtains in the case of a baldness.' It is likewise taught in [another] Baraita: One who removes [on the Sabbath] a scissors-nip [of hair] is liable [to a sin-offering]. And how much is a

scissors-nip? Two hairs; R. Eliezer says [even] one hair. Yet the Sages concede to R. Eliezer where one picks out white hair from the black that he is liable even for one, and this thing is forbidden even on week-days,¹² because it [comes under what] is said, And a man shall not put on a woman's garment.¹³

OR ROUNDS THE CORNER OF HIS HEAD. Our Rabbis taught: 'The corner of his head', is the extreme end on one's head: and what is [rounding] the extreme end on his head? If he levels his temple-growth from the back of his ears to the forehead.

A tanna recited in the presence of R. Hisda: The one who rounds [the corners], and the one who has them rounded are equally liable [to a flogging]. Said R. Hisda to him: 'Does a fellow who eats dates from a sieve get a flogging?'¹⁴ Should anyone ask whose view that is, [tell him] it is R. Judah's view who says: [The contravention of] a prohibition [involving] no [tangible] action entails a flogging.¹⁵ Raba suggested [that the dictum may refer] to one who crops himself [rounding off the corners of his head],¹⁶ and that would harmonize with either view.¹⁷ R. Ashi suggested [it might refer] to one who assists¹⁸ the hairdresser, and this [too] harmonizes with either view.

OR MARS THE CORNER OF HIS BEARD. Our Rabbis taught: 'The corner of his beard' means the 'end' of his beard; and what is the 'end' of his beard? The 'tuft'¹⁹ of his beard.

OR MAKES ONE CUTTING [IN THE FLESH] FOR THE DEAD. Our Rabbis taught: [It is written,] Ye shall not make a cutting in your flesh.²⁰ One might presume that [he is liable] even for cutting himself on the collapse of his house, or on the foundering of his ship at sea; we are therefore told 'for a soul'²⁰ — [that is to say,] he is liable only on [cutting himself] for the dead alone. And whence is it shown that one who makes five cuttings [in his flesh] for one dead is liable on each and every cutting? We learn it from the words, 'a cutting',²⁰ that is, to make one liable for every cutting. R. Jose²¹ Says: Whence can it be shown that one who makes one cutting for five dead is liable on each [of the five] dead? From the instructive text 'for a soul',²⁰ which indicates that one is liable for every soul — But, have you not already made use of this text for excluding [from this category] one 'who cut himself on the collapse of his house, or on the foundering of his ship at sea'?

(1) P. 148.

(2) V. Num. VI, 1ff.

(3) For drinking wine.

(4) Var. lec.: R. Eleazar b. Shammu'a.

(5) 'Others' a designation of R. Meir, after he came into conflict with Rabban Simeon b. Gamaliel. V. Hor. 13b.

(6) Lev. XIII, 2.

(7) The Cilician bean was a large quadrangular bean, and was taken as the standard measure for deciding on a state of impurity in skin-eruptions described in Lev. XIII, 1ff. Cf. Kel., XVII, 12; Neg. VI, 1, where it is defined as nine lentils, 3 X 3 = 36 hairbreadths, a lentil being 4 hairbreadths.

(8) Ibid. 14-15.

(9) Neg. VI, 5; cf. Kel. XVII, 8.

(10) If done in error, Shab. 94b.

(11) [This, being the continuation of the Baraita cited, implies that a scissors-nip is not the equivalent of two hairs (v. Rashi. Shab. 94b.)]

(12) As effeminacy and vanity.

(13) Deut. XXII, 5 as 'a abomination unto the Lord'.

(14) Seemingly a proverb, meaning that if one ate some dates gathered in sieve (or basket) would he be treated like a thief who was caught picking them from the tree? Ritba explains it thus: If someone had gathered some fruit on the Festival day and another came and took some out of the basket and ate them, would the second be as guilty as the first who desecrated the Festival?

(15) Cf. supra 4b.

- (16) He would be liable on two counts, for cropping or shaving and being cropped or shaved, as the expression **לֹא תְקַיְפוּ** is in the plural, i.e., more than one acting, and the meaning of the verb in this form — Hif'il — 'do not make the corner rounded' (yourself) or 'do not have someone rounding it' (for you). V. Malbim on Lev. XIX, 27.
- (17) R. Judah's, and also that of the Rabbis who require action.
- (18) By holding the hair for the barber to cut more effectively.
- (19) Lit., the 'barb' or 'tress'. V. note 2, p. 141, on the Mishnah.
- (20) Lev. XIX, 28.
- (21) Cf. Kid. 35b, where the name is R. Issi (of Huzal).

Talmud - Mas. Makkoth 21a

— [Yes, but] R. Jose¹ takes [the two terms used] — *seritah*² and *gedidah*³ as having the same import, and in the case of the latter it is said 'for the dead'.⁴ Samuel said: One who cuts himself with an instrument is liable.⁵ An objection [against this] was raised from the following: *seritah* and *gedidah* are one [and the same] thing, save that *seritah* is done with the hand, while *gedidah* is done with an instrument! — He [Samuel] shares the view of R. Jose.⁶

A tanna recited in the presence of R. Johanan: [One who cuts himself] for the dead, whether with the hand or with instrument, is liable [to a flogging]; [if he does so] as an idolatrous practice, if with hand he is liable, if with instrument, he is exempt. But, is it not written [of the priests of Baal] the other way about, and they cut themselves after their manner with swords and lances?⁷ — But rather say, 'If with the hand, he is exempt,⁸ if with an instrument, he is liable.'

ON [ROUNDING] THE HEAD [HE IS LIABLE] FOR TWO CORNERS, ONE FOR ONE SIDE AND ONE FOR THE OTHER. R. Shesheth pointed them out between the two [lateral] joints⁹ of the head. ON [MARRING] THE BEARD [HE IS LIABLE] FOR TWO [CORNERS] ON THIS SIDE, FOR TWO ON THE OTHER SIDE AND FOR ONE LOWER DOWN. R. Shesheth pointed them out between the [several] junctions of the beard.¹⁰

R. ELIEZER SAYS: IF THEY WERE ALL TAKEN OFF AS ONE, HE IS LIABLE ONLY ON ONE COUNT. [That is,] he considers the whole [process as comprised under the] one prohibition.

AND HE IS ONLY LIABLE ON TAKING OFF¹¹ WITH A RAZOR. Our Rabbis taught: [It is written], Neither shall they [the priests] shave off the corner of their beard.¹² One might suppose that [he is liable] even if he removed it with scissors; we are therefore told, neither shalt thou mar [destroy]¹³ Reading, 'neither shalt thou mar'; one might suppose that he is liable¹⁴ even if he picked off the hairs with tweezers or with pincers; we are therefore told, 'they shall not shave,' to show that it must be shaving that involves destruction,¹⁵ which is the kind of shaving that involves destruction? You must say, it is [that done] by the [use of the] razor.¹⁶

R. ELIEZER SAYS: EVEN IF HE PICKS OFF THE HAIRS WITH TWEEZERS OR PINCERS HE IS LIABLE. However you wish [to take this statement, it is difficult]. If he received on tradition¹⁷ the Gezerah shawah,¹⁸ he should insist only on the razor [as the forbidden instrument]; if [on the other hand], he does not receive on tradition the Gezerah shawah, he should not permit even scissors!¹⁹ — Indeed, he did receive on tradition the Gezerah shawah, but he considers [the process of] those instruments²⁰ practically as shaving.

MISHNAH. HE WHO WRITES AN 'INCISED'-IMPRINT [IN HIS FLESH, IS FLOGGED]. IF HE WRITES [ON HIS FLESH] WITHOUT INCISING, OR INCISES [HIS FLESH] WITHOUT IMPRINTING, HE IS NOT LIABLE: [HE IS] NOT LIABLE UNTIL HE WRITES AND IMPRINTS THE INCISION WITH INK, EYE-PAINT²¹ OR ANYTHING THAT MARKS. R. SIMEON B. JUDAH SAYS IN THE NAME OF R. SIMEON [B. YOHAI] THAT HE IS NOT

LIABLE UNTIL HE HAS WRITTEN THERE THE NAME, AS IT IS SAID: NOR PUT ON YOU ANY WRITTEN-IMPRINT, I AM THE LORD.²²

GEMARA. Said R. Aha the son of Raba to R. Ashi: [Does it mean, not] until he has actually inscribed the words, I am the Lord? — No, replied he, it means, as Bar Kappara taught,²³ [viz.:] He is not liable [to a flogging] until he inscribed the name of some profane deity, as it is said: Nor put on you any written-imprint, I am the Lord,²² [that is,] ‘I am the Lord’ and no other.²⁴

R. Malkiah, as citing R. Adda b. Ahabah, said: It is prohibited to powder one's wound with burnt wood ash, because it gives the appearance of an incised imprint. R. Nahman²⁵ the son of R. Ika said: ‘Spit’,²⁶ ‘Maids’,²⁷ and ‘Follicles’,²⁸ were subjects of comment by R. Malkio,²⁹ while the ‘Belorith-tresses’,³⁰ ‘Wood-ash’,³¹ and ‘Cheeses’,³² were subjects of comment by R. Malkiah. R. Papa said: Malkiah comments on ‘Our Mishnah’ and [other] Mishnahs,³³ while R. Malkio comments on ‘Reported-pronouncements’:³⁴ your mnemonic [for this] is, The Mishnahs³⁵ are Malkatha³⁶ [‘Queens’]. What is the difference between the two? The point of ‘Maids’.³⁷

R. Bibi b. Abaye was particular even about [powdering] the scorings of the cupping instruments. R. Ashi observed [that this was going too far, as] wherever there is a wound the wound attests the [man's] purpose.

MISHNAH. IF A NAZIRITE HAS BEEN DRINKING WINE³⁸ ALL DAY, HE IS LIABLE ONCE ONLY; IF THEY SAID TO HIM, ‘DRINK NOT [WINE]!’ ‘DRINK NOT [WINE]!’ AND HE DRANK [EACH TIME], HE IS LIABLE ON EACH [INSTANCE]. IF HE HAS BEEN DEFILING HIMSELF FOR THE DEAD³⁹ ALL DAY, HE IS LIABLE ONCE ONLY; IF THEY SAID TO HIM, ‘DEFILE NOT YOURSELF!’ ‘DEFILE NOT YOURSELF!’ AND HE DID DEFILE HIMSELF [EACH TIME], HE IS LIABLE ON EACH [INSTANCE]. IF HE WAS SHAVING⁴⁰ ALL DAY HE IS LIABLE ONCE ONLY; IF THEY SAID TO HIM, SHAVE NOT!’ ‘SHAVE NOT!’ AND HE DID SHAVE [EACH TIME], HE IS LIABLE ON EACH [INSTANCE]. IF ONE WEARS A GARB OF ‘LINSEY-WOOLSEY’⁴¹ ALL DAY, HE IS LIABLE ONCE ONLY; IF THEY SAID TO HIM, ‘DO NOT PUT IT ON!’ ‘DO NOT PUT IT ON!’ AND HE TAKES IT OFF AND PUTS IT ON, HE IS LIABLE ON EACH [INSTANCE].

(1) V. p. 144, n. 8.

(2) שריטה literally scratching or tearing. Ibid. XXI, 5.

(3) גדידה — Deut. XIV, 1.

(4) [‘For a soul’ being thus superfluous is employed to teach liability for every soul.]

(5) On two counts, as it is prohibited twice, in Lev. XIX, 28, and in Deut. XIV, 1.

(6) Who holds that seritah and gedidah have one and the same signification.

(7) I Kings XVIII, 28.

(8) I.e., from the death penalty for idolatrous practice, as this is not the regular manner of doing it.

(9) Cf. p. 141, n. 1.

(10) Cf. p. 141, n. 2.

(11) I.e., the corners of the beard.

(12) Lev. XXI, 5, where the instrument is not indicated and the term ‘shaving’ denotes also cropping.

(13) Ibid. XIX, 27.

(14) To a flogging.

(15) The complete levelling of the projecting hairs.

(16) That is, the two verbs ‘shave’ and ‘destroy’ (mar) are taken together to explain each other as to the kind of action explicitly forbidden.

(17) V. supra 15b.

(18) That is, linking our two texts (where ‘corner’ of beard and head are mentioned) with Lev. XIV, 9, on the ritual-cleansing of the leper, when head, beard, etc. must be shaven. How? By a razor, as inferred from the

ritual-purification of the Levites, Num. VIII, 7, where the razor is specified as the shaving instrument. The razor alone, therefore, is to be the forbidden or recommended instrument, authentically, v. Nazir 40b-41 but cf. Kid. 35b-36.

(19) That is, permit no removal of any kind, as Scripture simply demands no rounding, no shaving and no marring.

(20) Which he forbids.

(21) Kohl.

(22) Lev. XIX, 28.

(23) Var. lec. add (v. D.S.): 'For Bar Kappara taught.' Bar-Kappara was an eminent exponent of Baraitha-teachings.

(24) 'THE NAME' in the Mishnah will accordingly denote the name of an idol.

(25) In the parallel passages it is R. Hanina son of R. Ika.

(26) A reported pronouncement of Samuel that after the meat has been roasted the (greasy) spit should not be handled again on the Festival day; but R. Malkio, citing R. Adda b. Ahabah, said it may be put aside at the time. v. Bezah, 28b.

(27) R. Eliezer says (in a Mishnah), Even if a wife brought with her a hundred maids of her own, the husband can still insist on her doing work with wool, on the ground that idleness is demoralising. On this R. Malkio's comment (as citing R. Adda b. Ahabah) is that the halachah follows R. Eliezer; Keth. 61b.

(28) R. Huna observed that the two hairs proving pubes should be set in follicles (pitlets). On this R. Malkio commented (citing R. A. b. Ah.) that the follicles alone even without the hairs are sufficient indication of pubes; Nid. 52a.

(29) All these have Malkio, while the next group has Malkiah as commentator, also as citing the same Master, R. Adda b. Ahabah.

(30) A Baraitha teaches that in trimming the hair of a pagan, a Jew should cautiously 'keep off' his (other) hand from touching the top-tresses for these were usually consecrated to some deity. On this R. Malkiah commented (in the name of his Master) that he should begin to withdraw his hand at a distance of three fingers' breadth, on each side. A.Z. 29a. On belorith v. Sanh. (Sonc. ed.) p. 114, n. 5.

(31) Mentioned above, as comment on our Mishnah.

(32) On a discussion why cheeses of heathens are forbidden (in the Mishnah) R. Malkiah (in his Master's name) comments that they are forbidden because they are smeared over with lard. A.Z. 35b.

(33) I.e., Baraitha — externa, outside the Main Collection designated here Our Mishnah.

(34) Opinions, dicta, interpretations heard from eminent teachers and reported by their disciples or visiting scholars.

(35) That is 'Our Mishnah' par excellence.

(36) I.e., they are commented upon by R. Malkiah (which name closely resembles Malkah 'queen'); not Malkio.

(37) A point in the Mishnah, on which Malkiah comments (in the first group), which clashes with R. Papa's mnemonic. V. A.Z. (Sonc. ed.) p. 145.

(38) Num. VI, 3-4.

(39) Ibid. 6 ff.

(40) Ibid. 5.

(41) Sha'atnez, mixed material of linen and wool interwoven, knitted or sewn together, forbidden to wear, in Deut. XXII, 11, or to put on oneself, in Lev. XIX, 19.

Talmud - Mas. Makkoth 21b

IT IS POSSIBLE [FOR ONE] TO PLOUGH BUT ONE FURROW AND BECOME LIABLE [THEREBY] FOR EIGHT PROHIBITED ACTS: IF HE PLOUGHS WITH AN OX AND ASS [YOKED TOGETHER]¹ AND THESE WERE [ANIMALS] OF THE SANCTUARY;² [THE PLOUGH BEING DRAWN OVER] DIVERSE MIXED-SEED³ [SOWN] IN A VINEYARD,⁴ DURING THE SABBATICAL YEAR,⁵ ON A FESTIVAL-DAY,⁶ [THE PLOUGHER BEING] A PRIEST⁷ AND A NAZIRITE⁸ AND THE PLOT BEING SITUATE ON A DEFILED AREA.⁹ HANANIA B. HAKINAI SUGGESTS ALSO THAT HE MAY HAVE BEEN WEARING THEN 'LINSEY-WOOLSEY'¹⁰ SAID THEY TO HIM: THIS [LAST] IS NOT OF THE SAME CATEGORY. SAID HE TO THEM: NOR IS THE NAZIRITE¹¹ IN THE SAME CATEGORY.¹²

GEMARA. [AND HE TAKES IT OFF AND PUTS IT ON.] Said R. Bibi as citing R. Assi: Not [necessarily] actually taking it off and putting it on, but even if he only put his hand in and out of the arm-hole.¹³ R. Aha the son of R. Ika illustrated it [as requiring] to get into the coat and to get out of

it. R. Ashi says: Even if he only wore it long enough to put it on and to take it off he becomes liable.¹⁴

IT IS POSSIBLE TO PLOUGH BUT ONE FURROW AND BECOME LIABLE. Said R. Jannai: A decision by vote was taken at a certain [Rabbinical] Convention¹⁵ that he who [only] covers over diverse seeds [with earth] makes himself liable to a flogging.¹⁶ Said R. Johanan to him: Is that not [learnt in] our Mishnah: — IT IS POSSIBLE TO PLOUGH BUT ONE FURROW AND BECOME LIABLE [THEREBY] FOR EIGHT PROHIBITED ACTS; IF HE PLOUGHS [WITH AN OX AND ASS YOKED TOGETHER AND THESE ARE THE CHATTELS OF THE SANCTUARY . . .] OVER DIVERSE SEEDS [SOWN IN A VINEYARD etc.]? Now, how does he make himself liable by ploughing for [sowing] diverse seeds unless it is by covering them over [with the clods] as he proceeds [with the plough]?¹⁷ — He [R. Jannai] replied: Had I not picked up the shard for you, you would not have found the pearl beneath it.¹⁸ Said Resh Lakish to R. Johanan: Had not that great man¹⁹ praised you, I should have said, Whose is the view expressed in the Mishnah? It is R. Akiba's, who said that one who preserves diverse seeds incurs a flogging.²⁰ Which statement of R. Akiba [have you in mind]? — [The following, as] it is taught: One who weeds or covers over diverse-seeds is flogged; R. Akiba says: Also one who preserves [them].²¹ What is R. Akiba's reason? — It is as taught [in the following]: Thou shalt not sow thy field with two-kinds-of-seeds;²² I [know that it is forbidden] to sow, whence [say I, that] preserving [is debarred]? From the instructive [order of the] wording. Two kinds of seed in thy field [there shall] not [be].²³

Said 'Ulla to R. Nahman: And why not [mention²⁴ also] that he would be flogged for sowing²⁵ on the festival-day? — Said R. Nahman to him: [The Tanna] 'teaches and leaves out [some].'²⁶ Said 'Ulla to him: The Tanna teaches eight prohibited acts and you tell me 'He teaches and leaves out [some]'? — But said Rabbah:²⁷ The [principle of] 'distributive liability²⁸ for different kinds of work' is applicable to Sabbath, but no [principle of] 'distributive liability for work' is applicable to Festivals. Said he to him [Rabbah]: Let it remain at that! Abaye, however, raised an objection against him [saying]: But is not the principle of 'distributive liability for different kinds of work' held applicable also to Festivals? Is it not taught: One who on a festival-day boils the sciatic-sinew in milk and eats it incurs a flogging on five counts, [i] for eating the sinew,²⁹ [ii] for [unnecessary] cooking³⁰ on a festival-day. [iii] for boiling the sinew in milk,³¹ [iv] for eating meat with milk,³¹

(1) Deut. XXII, 10.

(2) Votive-gifts to the Sanctuary, animals for sacrifice or service, v. Lev. XXVII, 9-12; 26-27. If these animals are firstlings they may not be worked at all, even separately. (V. Ex. XIII, 12-13; Deut. XV, 19.)

(3) Forbidden in Lev. XIX, 19. In Palestine the seeds were scattered on the ground immediately after the first rain-fall and the plough was drawn over to cover them, v. Shab. 73a.

(4) Forbidden in Deut. XXII, 9. Even if he himself had not scattered the mixed diverse-seeds on the ground, his drawing the plough to cover them over amounts to sowing; if he did scatter them too, he would also have that to his guilt, but not to be included here in the example of accumulated-offences in one single act.

(5) Forbidden Ex. XXIII, 11; Lev. XXV, 4. The ploughing here is a form of sowing.

(6) On which work is forbidden, Lev. XXIII, 7-8; 21, 25, 30-31, 35-36. Sabbath is not mentioned, as a breach of the Sabbath by ploughing involves the supreme penalty (which would cover all counts) and no flogging is given in such cases. Cf. supra 13b and Rashi Pes. 47b (top).

(7) Who may not defile himself to the dead, Lev. XXI, 1-3. Cf. Num. XIX, 11, 16 ('grave').

(8) Likewise forbidden, Num. VI, 6 ff.

(9) I.e., a graveside, or burial ground. Cf. Num. XIX, 16.

(10) V. p. 148, note 9.

(11) Nor likewise the priest.

(12) As that of the prohibited act of ploughing on account of which he is flogged and with which we are concerned.

(13) 'Neither shall there come upon thee a garment of two kinds of stuff mingled together (sha'atnez);' Lev. XIX, 19. (Cf. p. 148, n. 9.) [The reading adopted here is that of the Yalkut; cur. edd. read: Does it mean he actually takes it off . . .

or even if he only puts his hand in etc.']

(14) [I.e., he becomes liable for every space of time during which he could put it on and take it off.]

(15) On the nature and function of these, v. S.I. Zuri, *The Reign of the Patriarchate and Sanhedrin*, (in Hebrew, London, 1933) Vol. III, p. 85; v. B.K. (Sonc. ed.) p. 407, n. 11.

(16) As for sowing diverse seeds.

(17) V. p. 149, n. 3.

(18) [As you might have explained the Mishnah as representing the view of R. Akiba to be cited anon.]

(19) [I.e., had not R. Jannai accepted your inference from the Mishnah, v. Rashi.]

(20) [But on the view of the Rabbis who oppose R. Akiba (v. n. 8) there would be no flogging for covering over diverse seeds, as against the decision of the convention.]

(21) Even though he has not scattered or sown them himself, but merely preserved them from going to waste by fencing them in or manuring them. It will be noticed that this would be action, and make him liable to a flogging. Preserving, however, might be taken to mean merely leaving alone, allowing the forbidden growth without uprooting it (as was expected). From the wording of the citation here, it is doubtful whether R. Akiba imposes a flogging even for a mere passive preservation. The Tosef. Mak. IV, 5, and Kil. I, 8, distinctly says that preserving as such makes him 'a transgressor of a forbidden act' — עובר בלא תעשה — but not liable to a flogging for inaction. V. Aruch s.v. אק, and particularly the commentary of R. Shimshon (of Sens), on Sifra, Lev. XIX, 29. also J. Kil. VIII, 1. V. Friedmann, M. op. cit. a.l. [The opening clause of this Baraita is explained in M.K. 2a as introducing the view of R. Akiba. Thus: 'one who weeds or covers ... is flogged, because R. Akiba says that also one who preserves them is liable.' The Rabbis, however, who disagree with R. Akiba in the case of preserving, will also differ from him in the case of covering.]

(22) Lev. XIX, 29.

(23) שדך בלאים. This text might also be explained, that as there are several kinds of kil'ayim (diverse-mixed things) that are forbidden here, its purpose must be 'Of kil'ayim have none'!

(24) In the detailed enumeration in the Mishnah.

(25) V. p. 149. n. 6, Since covering over diverse seed is treated as sowing.

(26) I.e., it is not an exhaustive list. There are other such instances.

(27) [For this reading v. D.S. a.l.; cur. edd. Raba said.]

(28) I.e., to be liable for every category of work separately, e.g., for ploughing and sowing, or for kindling the fire and cooking. This principle is inferred in the case of Sabbath, from Ex. XXXV, 2-3, where verse 2 forbids work on the Sabbath on the pain of death (kareth, or sin-offering, as the case may be), while verse 3 singles out the kindling of fire as if in a category by itself. One of the explanations given is that verse 3 indicates the 'distributive principle' for Sabbath, namely, that if one did many kinds of work (forgetful that it was a Sabbath day) he is liable on as many counts as the different categories of work he had done during that spell of forgetfulness. (V. Shab. 70a and parallel and Sanh. (Sonc. ed.) p. 420, n. 3.) R. Jose derives the same point from another text. No such authentic indication is available in the law of the Festivals.

(29) Forbidden in Gen. XXXII, 33.

(30) Ex. XII, 16, permits the preparation of food on festival days, but the sinew is not (proper) food.

(31) The prohibition is derived from the thrice forbidden seething of the kid in its mother's milk — in Ex. XXIII, 19; XXXIV, 26; Deut. XIV, 21 — as forbidding cooking, eating, or even all manner of use thereof.

Talmud - Mas. Makkoth 22a

and [v] for kindling¹ fire. Now, if it is [as you suggested], he should not be flogged for kindling the fire, as he is already held liable for cooking it [the sinew]? — Then [perhaps] remove kindling [from this text] and substitute [eating] sinew of a nebelah instead.² But then, is it not taught by R. Hiyya [on this same point]: 'He is flogged for eating it, on two counts, and on three counts for boiling it'? Now, if it be [emended as you suggest], he would be liable on three counts for eating it! — But take out kindling [on festival-day] and put instead [kindling] fire-wood from an asherah, and as to the requisite forewarning [to justify a flogging],³ it is contained in the verse, And there shall cleave nought of the accursed thing to thy hand.⁴

Said R. Aha the son of Raba to R. Ashi: Should he then not also incur a flogging on account of, And thou shalt not bring an abomination into thy house?⁵ — But here we deal with a case where he cooked it with fire-wood belonging to the Sanctuary, and as to requisite forewarning it is contained in the following [two texts]: And burn their asherim with fire, and [on the other hand], Ye shall not do so unto the Lord your God.⁶

To this R. Oshaia⁷ demurred: Why not include [in the list] also one who sows in ‘a rough valley’, the requisite forewarning being contained in the words, Which shall neither be ploughed nor sown?⁸ R. Hanania demurred: Why not include also if he erased [with plough] the Divine Name [inscribed on something] whilst proceeding with it, the requisite forewarning being found in the words, And ye shall destroy their name out of that place. Ye shall not do so unto the Lord your God?⁹ R. Abbahu demurred: Why not include also one who cuts away a [leprous] ‘bright-spot’¹⁰ the requisite forewarning being contained in the words, Take heed in the plague of leprosy that thou observe diligently, and do according to all that the priest the Levites shall teach you?¹¹ Abaye demurred: Why not include also one who loosened the ‘breastplate’ [of the High priest] from the ephod,¹² and also one who removed the staves from [their rings] on the ark,¹³ the requisite forewarnings being, they shall not be taken from it,¹⁴ And that the breastplate be not loosed?¹⁵ R. Ashi demurred: Why not include also one who ploughed with sticks taken from an asherah tree, the forewarning being, And there shall cleave nought of the accursed thing to thy hand?¹⁶ Rabina demurred: Why not include also one who cuts down good [fruit] trees, whilst proceeding¹⁷ [with the plough], the forewarning being, for thou mayest eat of them, but thou shalt not cut them down?¹⁸ Said R. Ze'ira to R. Mani: Why not include also the case of one who solemnly swore, ‘I shall not plough on the Festival-day’? — In that case the oath has no application, because he stands already adjured¹⁹ by the law of Sinai. Then, said he [R. Ze'ira] to him: Supposing he had sworn: ‘I shall not plough [at all], be it week-day or Festival-day,’ in which case, as the oath is valid for a week-day, it attaches [incidentally] also to the Festival-day?²⁰ — The Tanna does not mention anything for which absolution may be obtained.²¹ But [does he] not? Behold there is [the mention of ANIMALS] OF THE SANCTUARY?²² — [I explain that] to refer to a firstling.²³ And what about [the mention] of A Nazirite?²⁴ — That refers to a Samson-Nazirite.²⁵ ‘A Samson-Nazirite’! Is he debarred from defiling himself to the dead?²⁶ — But [say]²⁷ that the Tanna [of this Mishnah] does not admit the principle of *issur-kolel*.²⁸

R. Hoshia²⁹ said: If a votive-ox that had become disqualified [for sacrifice]³⁰ were to be used for covering a female [for breeding], the person using it so is liable to a flogging on two [counts].³¹ R. Isaac²⁹ [similarly] observed that if one drives [works] a votive-ox that had become disqualified [for sacrifice],³² he becomes liable to a flogging [for working it]: for, although the animal is [physically] one body, Holy Writ has [by its restrictions legally] placed it in the category of two [‘diverse’] bodies.³³

MISHNAH. [AND]³⁴ HOW MANY LASHES ARE GIVEN HIM? FORTY SAVE ONE, AS IT IS SAID: BY NUMBER FORTY,³⁵ WHICH MEANS, A NUMBER COMING UP TO³⁶ FORTY. R. JUDAH SAYS: HE IS GIVEN FORTY [LASHES] IN FULL, AND WHERE IS THE ADDITIONAL LASH³⁷ APPLIED? BETWEEN³⁸ HIS SHOULDERS.

WHEN THEY ESTIMATE THE NUMBER OF LASHES HE CAN STAND IT MUST BE A NUMBER DIVISIBLE BY THREE. IF THEY ESTIMATED HIM CAPABLE OF RECEIVING FORTY, AND AFTER RECEIVING SOME³⁹

(1) V. Ex. XII, 16 and v. note 2.

(2) As the fifth count, for the flesh of *nebelah* is forbidden as food in Deut. XIV, 21.

(3) V. supra, p. 18, n. 5.

(4) Deut. XIII, 18.

- (5) Ibid. VII, 26.
- (6) Ibid. XII, 3-4. On the above discussion cf. pes. 47b-48.
- (7) Also Hoshai, the Younger (not the Great, the Elder, disciple of both Bar-Kappara and R. Hiyya). Hoshai and Hanania were brothers (also of Rabbah b. Nahmani), Babylonians, contemporaries of R. Abbahu. R. Johanan wanted to ordain them, but the special occasion was missed V. Sanh. 14a and Makk. 19b. A. Hyman. Toledoth, 116-117.
- (8) Deut. XXI, 4. If in the Mishnah, 'rough valley' be substituted for 'a vineyard', there would result nine offences, as there are two prohibitions involved there, 'neither to be ploughed nor sown.' Cf. J. Sot., IX, 5.
- (9) V. p. 152, n. 9.
- (10) Cf. Lev. XIII, 4. [I.e., the affection happened to be in his leg and he cut it away with the plough whilst proceeding with it.]
- (11) Deut. XXIV, 8.
- (12) [I.e., where he who ploughed was a high priest and he loosened during the ploughing the 'breastplate'.]
- (13) [For ploughing with them, committing the transgression as long as they are with him.]
- (14) Ex. XXV, 15. with reference to 'the staves'.
- (15) Ibid. XXVIII, 28, with reference to 'the breastplate'.
- (16) Deut. XIII, 28.
- (17) [So MS.M.]
- (18) Deut. XX, 19.
- (19) Oath or no oath, there is no option in regard to a Divine ordinance; he may not plough on the Festival-day, v. Shebu. 27a.
- (20) The assumption is this, that here, in the self-imposed oath not to plough on any day we have a more 'Comprehensive Restriction' — **אִיסוּר כּוֹלָל**, extending over or inclusive of the occasional Festival-day or days, so that the particular incidental restriction not to plough on Festival-day, is embraced in the (more) comprehensive, or general restriction. For a fuller discussion of the various types of restrictions v. Shebu. (Sonc. ed.) 17b and 24b. Cf. note 10.
- (21) He may obtain absolution from his oath, and thus secure exemption from the flogging.
- (22) I.e., being of the same category, since vows, like oaths are equally subject to absolution.
- (23) Hallowed from birth, Ex. XIII, 12-13; he must remain so and is not subject to absolution.
- (24) His vow is also like the oath subject to absolution.
- (25) I.e., a permanent nazirite like Samson. As Samson had not himself taken the vow, for it was imposed on him before he was born (Judg. XIII, 5), his nazirite state was not subject to absolution. Nazir, 4a-b.
- (26) Samson did defile himself (Judg. XIV, 19; XV, 15 and Nazir, 4b), whereas here (in the Mishnah) it is counted as part of the offence.
- (27) Having exhausted all possibilities.
- (28) Comprehensive Restriction (v. supra note 1,) a principle which had been assumed by R. Ze'ira in putting the question to R. Mani.
- (29) R. Hoshai, the Elder (not the one mentioned earlier with his brother, R. Hanania, v. p. 153, n. 1). He and R. Isaac (b. Abdimi) mentioned next were contemporaries. Cf. Sanh. 24a.
- (30) By blemish.
- (31) (a) Lev. XIX, 19, Thou shalt not let thy cattle gender with a diverse kind, and (b) Deut. XV, 19. Like the firstling, even though unfit for the altar, it may be eaten but not put to work. Cf. M.K. 12a (Tosef. II) and Bek. 15b. [This interpretation assumes that assisting in the mating of a votive-ox or of a firstling is considered work involving the penalty of flogging. This, however, is a moot point: v. Maim. Yad, Me'ilah, I, 9, and Mishneh le-Melek, a.l. MS.M. Rashi and Tosaf. and Maim. Yad, Kil'ayim IX, 11, omit 'on two counts', and the liability is in respect of the reason given infra. n. 2 (a)].
- (32) V. p. 154, n. 12.
- (33) (a) Partly as an ordinary animal, whose flesh is non-hallowed in every way, and (b) and partly as sanctified not to be put to work. Cf. Tosaf. s.v. **שֶׁדֶרִי**
- (34) Some texts read **כְּמִנְהַרְבָּה** connecting it with the preceding Mishnah.
- (35) Deut. XXV, 2-3. That is, as the Hebrew text is unpointed and the verses are undivided, it seems that the two verses were run together so as to read 'By the number of forty'.
- (36) **סְמוּךְ**, contiguous, or close to forty (not inclusive). Cf. Asheri, Pes. X, 40, about 49 days of Omer. Others read —

סכום 'coming to a total at forty'.

(37) The 40th. [MS. M. omits 'THE ADDITIONAL'.]

(38) Var. lec., 'over against his shoulders': v. D.S.

(39) And stopped on physical or other considerations.

Talmud - Mas. Makkoth 22b

THEY AGAIN ESTIMATED HIM AS NOT CAPABLE OF ENDURING FORTY, HE IS EXEMPTED [FROM THE REST].¹ IF THEY ESTIMATED HIM FIT TO RECEIVE EIGHTEEN, AND AFTER HE RECEIVED THE SAME THEY AGAIN ESTIMATED HIM AS FIT FOR RECEIVING FORTY [SAVE ONE], HE IS EXEMPTED [FROM THE REST].¹ GEMARA. [AND HOW MANY LASHES ARE GIVEN? FORTY SAVE ONE.] What is the reason for this [particular number]? — If it were written, 'forty in number,' I should have said it means [actually] forty in number; but as [the order of] the wording is 'by number forty'² [it means] a number coming up to the forty.³ Raba observed: How dull-witted are those other people⁴ who stand up [in deference] to the Scroll of the Torah but do not stand up [in deference] to a great personage, because, while in the Torah Scroll forty lashes are prescribed, the Rabbis come and [by interpretation] reduce them by one.

R. JUDAH SAYS: FORTY [LASHES] IN FULL. AND WHERE IS THE ADDITIONAL LASH APPLIED? BETWEEN THE SHOULDERS. Said R. Isaac: What is R. Judah's reason?⁵ — It is written, And one shall say, what are these⁶ wounds between thine hands?⁷ Then he shall answer, I was beaten in the house of my friends.⁸ And the Rabbis [what say they to this]? — That [say they] is written in reference to the [punishment of] school children.

WHEN THEY ESTIMATE THE NUMBER OF LASHES [HE CAN STAND] IT MUST BE A NUMBER DIVISIBLE BY THREE [IF . . . AFTER RECEIVING SOME THEY AGAIN ESTIMATED HIM . . . HE IS EXEMPT]. That is, exempt only after he had received some, but if he has not yet received any [of the first sentence] he is not [granted that consideration]. But this is contradicted by the following: If they estimated him fit for forty, and then again estimated him⁹ unfit for receiving forty, he is exempt; if they estimated him fit for receiving eighteen, and then again estimated him¹⁰ fit for receiving forty, he is exempt [from the rest]! — Said R. Shesheth: This is not difficult [to explain]. Here [in the Mishnah], they estimated his fitness for the same day,¹¹ while there [in the Baraita cited], they estimated his fitness for the next, or some other day.¹²

MISHNAH. IF HE COMMITTED A TRANSGRESSION WHICH OFFENDED AGAINST TWO PROHIBITIONS¹³ AND THEY MADE ONE ESTIMATE [FOR BOTH],¹⁴ HE TAKES HIS SCOURGING AND IS QUIT; IF NOT,¹⁴ HE IS FLOGGED [FOR ONE TRANSGRESSION], IS ALLOWED TO RECOVER AND THEN IS FLOGGED AGAIN.

GEMARA. But is it not taught: One infliction [of lashes] is not adjudged for two prohibitions? — Said R. Shesheth: This is not difficult [to explain]; in one case it is where they assigned him forty-one lashes,¹⁵ while [this Mishnah bears on a case] where they assigned him forty-two¹⁶ lashes. MISHNAH. HOW DO THEY SCOURGE HIM? HIS TWO HANDS ARE TIED TO A POST¹⁷ ON EITHER SIDE OF IT. THE SUPERINTENDENT OF THE SYNAGOGUE¹⁸ LAYS HOLD OF HIS GARMENTS, IF THEY ARE TORN THEY ARE TORN: IF THEY ARE RIPPED OPEN, THEY ARE RIPPED OPEN¹⁹ UNTIL HE EXPOSES THE OFFENDER'S CHEST. A STONE IS PLACED BEHIND THE OFFENDER ON WHICH THE SUPERINTENDENT OF THE SYNAGOGUE STANDS OVER HIM, [HOLDING] IN HIS HAND A STRAP OF CALF-HIDE, MADE OF ONE THONG, ONE FOLDED INTO TWO, AND [THE] TWO INTO FOUR,²⁰ AND [OTHER]²¹ TWO THONGS RUNNING [AS IT WERE] UP AND DOWN;²² THE HAFT IS A HANDBREADTH [IN LENGTH]²³ AND THE [THONG'S] WIDTH A HANDBREADTH: ITS TIP REACHING TO THE

EDGE OF THE ABDOMEN.²⁴ HE ADMINISTERS ONE-THIRD [OF THE LASHES] IN FRONT²⁵ AND TWO-THIRDS BEHIND.²⁶ HE LASHES HIM NOT IN A STANDING OR SITTING POSTURE BUT STOOPING, AS IT IS SAID, AND THE JUDGE SHALL CAUSE HIM TO FALL [STOOP] DOWN AND HAVE HIM BEATEN.²⁷ HE WHO ADMINISTERS THE LASHES SMITES WITH HIS ONE HAND AND WITH HIS WHOLE FORCE, WHILE THE ONE WHO RECITES, SAYS: IF THOU WILT NOT OBSERVE TO DO . . . THEN THE LORD THY GOD SHALL MAKE THY STROKES PRONOUNCED,²⁸ AND THE STROKES OF THY SEED [etc.]²⁹ AND HE GOES BACK AGAIN TO THE BEGINNING OF THE TEXT [IF NECESSARY]³⁰ AND CONCLUDES WITH: BUT HE, BEING FULL OF COMPASSION, FORGIVETH INIQUITY AND DESTROYETH NOT; YEA, MANY A TIME DOTH HE TURN HIS ANGER AWAY AND DOTH NOT STIR UP ALL HIS WRATH,³¹ AND AGAIN RETURNS TO THE TEXT:³² OBSERVE THEREFORE, THE WORDS OF THIS COVENANT AND DO THEM, THAT YE MAY MAKE ALL THAT YE DO TO PROSPER.³³ IF THE OFFENDER DIES UNDER HIS HAND [STROKE] HE IS EXEMPT [FROM PENALTY].³⁴ IF HE GAVE HIM ONE MORE LASH AND THE OFFENDER DIED, HE GOES INTO BANISHMENT. IF THE OFFENDER BEFOULED HIMSELF EITHER WITH FAECES OR URINE, HE IS DISCHARGED.³⁵ R. JUDAH SAYS: FAECES IN THE CASE OF A MAN AND URINE IN THE CASE OF A WOMAN.

(1) As, having had part of his degradation by order of Court, he can no longer be said to have got away unpunished for his misdeed. But if he has not yet received any strokes, and he cannot for some reason take them that day, the lashing can be deferred and even reimposed for another day.

(2) V. p. 155, n. 4.

(3) V. p. 155, n. 5.

(4) I.e., other than cultured people who generally show respect to scholars.

(5) For his view that forty lashes are given. [Or better, that the additional lash is applied between the shoulders.]

(6) Or these 'strokes', i.e. the forty lashes. The number forty is obtained from the word **לִשְׁׁוֹת** (these), in this way: the numerical value of the letters being *t* = 1; *k* = 30; *v* = 5 + 4 letters — *vktv* = total 40; v. A. Chaikin **צִיּוּנֵי רֶשֶׁי** on Mak. 22b. [V. however next note.]

(7) [I.e., 'BETWEEN THE SHOULDERS', which affords a basis for R. Judah's view as regards the place where the additional lash is inflicted, v. Ritba.]

(8) Zech. XIII, 6: 'who seek to reconcile me with God are my friends.' Cf. Midr. Tan. on Deut. XXV, 3, p. 164.

(9) Omitting any mention about him having received part of his punishment, as if that condition was of no importance and what the Court had once determined cannot be changed on further consideration. This seems an entire contradiction of the ruling in the Mishnah.

(10) V. p. 156, n. 8.

(11) That is, to be inflicted on the day of the decision. If the Court changes its mind before he received any of the lashes, there is practically no decision, the second abrogating the first: and, the second, too, may be wrong, as the man's condition could hardly have changed so quickly. His punishment must be deferred for a clearer estimation. If, however, he has already suffered part of his punishment, he has had his humiliation already, and is quit.

(12) And when on the appointed day it is found that his condition has improved or deteriorated, the Court may adjust the punishment accordingly, without any reflection on their former adjudication as to his fitness.

(13) E.g., for ploughing with ox and ass yoked together to cover over diverse-seeds scattered in (his field or) vineyard, forbidden in Deut. XXII, 9-10, and Lev. XIX, 19.

(14) For both offences.

(15) I.e., thirty-nine for one offence and two lashes only for the other. Thirty-nine is the statutory limit for any one offence at any one time: as the remaining (two lashes) are not divisible by three, they cannot be administered but he is allowed to recover and is subjected to a new series of lashes.

(16) I.e., thirty-nine for one offence and three for the other: he can take the whole number at one time and is quit.

(17) Reaching up to the middle of the body, over which the offender is bent, with his hands tied down to the post.

(18) Hazzan denotes various kinds of officials, here an executive officer of the Court. V. Kohut, Aruch s.v. **חָזָן**. It occurs in the Tel-el-Amarna Letters, Ziri-Basana, or the Field of Bashan, was then under the government of one Khazan,

or 'prefect'. Sayce, Patriarchal Palestine (1895), p. 95. Epiphanius reports that in Cilicia there were in the Jewish Community three Azanites. S. Krauss, JQR (1905) XVII (O.S.). p. 373 and p. 380, note 2. [Krauss, Sanh-Mak. p. 372, translates: 'Guardian of the Synagogue': pointing out that scourging was generally inflicted in the Synagogue.]

(19) At the seams.

(20) I.e., the thong is first doubled then redoubled.

(21) Of ass-hide.

(22) I.e., running through the fourfold thong. The words, של המור 'of ass-hide' are not authentic, but are an intrusion from the Baraita cited in the Gemara. V. marginal note on Talmud text. Cf. דרכי משה on Tur. O. H. 607, note 4.

(23) The usual standard measure of a 'grip'.

(24) I.e., long enough to swing round the sides and flip the edge of the abdomen — the navel.

(25) Of the man, the front of his (exposed) body.

(26) On his shoulders, one third on each. The reason is given later.

(27) Deut. XXV, 2. On this, v. Midr. Tan. p. 163.

(28) I.e., counted aloud, pronounced clearly, as in the case of a vow. Cf. Lev. XXVII, 2; Num. VI, 2, and supra 13b, in explanation of R. Ishmael's point of view, from this text.

(29) Deut. XXVIII, 58-59, consisting of 13 words, which, repeated three times (if necessary) counted 39.

(30) The text here is in disorder, as can be seen from various parallel sources, Mishnah, Yalkut and Midrash and Maimonides. The order adopted here is conjectural, and aims at retaining the additions, rationally arranged. [MS.M. and other texts omit the verses that follow, thus showing that they are intrusions into our text. Cur. edd. read on: And ye shall observe the words of this covenant etc. (Deut. XXIX, 9), and he concludes with, But he being full of compassion forgave their iniquity etc. (Ps. LXXVIII, 38) and he returns again to the beginning of the passage.]

(31) Ps. LXXVIII, 38, also consisting of 13 words, and used like the preceding (which is too fierce and menacing) on voluntarily submitting oneself to penitential chastisement. V. Tur. O.H. 607 (end) and Sh. 'Ar. ibid. 6.

(32) As an exhortation (not to conclude with a rebuke).

(33) Deut. XXIX, 8.

(34) Having acted under direction of the judges. Cf. supra 8a (Mishnah).

(35) Having suffered humiliation for his misdeed.

Talmud - Mas. Makkoth 23a

GEMARA. [HOW DO THEY SCOURGE HIM? HIS TWO HANDS ARE TIED TO A POST...HIS GARMENTS IF THEY ARE TORN THEY ARE TORN . . . UNTIL HE EXPOSES THE OFFENDER'S CHEST.] What is the reason for this? — The implication of [the words, And thy brother] become debased.¹

[A STRAP OF CALF-HIDE.] Said R. Shesheth in the name of R. Eleazar b. 'Azariah:² Whence may it be deduced that the strap is to be of calf-hide? It is written, Forty [lashes] shall he strike him,¹ and in proximity to it, Thou shalt not muzzle the ox when he treadeth the corn.³ R. Shesheth said also, in the name of R. Eleazar b. 'Azariah: Whence may it be shown that a yebamah⁴ who has become liable to marry a yabam⁵ smitten with boils should not be 'muzzled' [to voice her dissent from the marriage]? It is written, Thou shalt not muzzle the ox . . .³ and in proximity to it, If brethren dwell together etc.⁶ And this also said R. Shesheth in the name of R. Eleazar b. 'Azariah: To disregard the Appointed Seasons⁷ is like practising idolatry, because it is written, Thou shalt make thee no molten gods⁸ and next to it [is the ordinance of the Festivals] — The feast of unleavened bread shalt thou keep, etc.⁹ And R. Shesheth further said in the name of R. Eleazar b. 'Azariah: Whosoever bears evil tales and whosoever receives evil tales, or whosoever bears false witness deserves to be cast to the dogs; for it is written, Ye shall cast it to the dogs,¹⁰ and next to it [is the warning], Thou shalt not raise a false report: [put not thine hand with the wicked to be an unrighteous witness],¹¹ read [not only tissa,¹² but] also tasshi¹³ ['beguile not another'].

TWO [OTHER] THINGS RUNNING [AS IT WERE] UP AND DOWN. A Tanna taught [that

one thong was]¹⁴ of ass's hide, as a certain Galilean once expounded, in the presence of R. Hisda,¹⁵ [the following text]: The ox knoweth his owner and the ass his master's crib; but Israel doth not know, my people doth not consider.¹⁶ The Holy One, blessed be He, said, Let there come one that recognises its master's crib and exact punishment from him that recognises not his master's crib.

THE HAFT IS A HANDBREADTH [. . . THE ABDOMEN]. Said Abaye: That seems to imply that each person should have a lash corresponding to his back. Said Raba to him: That would mean that they would have [to keep a good] many different thongs! But no, said Raba, the lash was provided with a clasp by means of which it could be tightened [shortened] or loosened [lengthened] as required.

HE ADMINISTERS [ONE-THIRD (OF THE LASHES) IN FRONT AND TWO-THIRDS BEHIND]. What [Scriptural] ground is there for this? — Said R. Kahana: The words of the text, And the judge shall cause him to fall and have him beaten before him according to the measure of his wickedness by number,¹⁷ [that is], one [-third of 'his' wickedness] on the front¹⁸ and two [-thirds] on his back.

THEY LASH HIM NOT [STANDING OR SITTING BUT STOOPING]. Said R. Hisda as reporting R. Johanan: Whence may it be shown that the strap is to be folded?¹⁹ From the wording in the text, And the judge shall cause it²⁰ to fall [and cause it²⁰ to strike him].²¹ But is that passage not needed to tell us about [the posture of] the man himself? — If [only] that, [the more appropriate expression] yattehu ['and he shall cause him to bend'] might have been written there; what then is the import of [the peculiar expression] hippilo ['he shall cause it to fall']? To indicate both [instructions].

HE WHO ADMINISTERS THE LASHES DOES IT WITH ONE HAND, etc. Our Rabbis taught: Only men lacking in physical vigour and abounding in knowledge are appointed as 'superintendents'; R. Judah says: Even men lacking in knowledge and abounding in physical vigour. Said Raba: R. Judah's view seems the more logical, because it is written there, Forty he shall have him beaten, he shall not exceed; lest he exceed. Now, if you say that [the superintendents are men] lacking in knowledge, then [I understand that] such a warning is necessary; but if you say that only men abounding in knowledge [may be appointed as superintendents], is such a warning necessary? And [what say] the Rabbis [to this]? — [They say:] We caution only those who are cautious of themselves.

A Tanna taught: When he raises [the lash] he raises it with both hands [so as to raise it all the higher],²² and when he smites he smites with one hand so that it comes [down] of itself [vehemently].²³

AND HE WHO RECITES THE SCRIPTURAL VERSES SAYS, etc. Our Rabbis taught: The most prominent of the judges recites [the Scriptural verses]; the second counts [the strokes], and the third says, Strike him! When the 'beating' is of many strokes, he lengthens the recital; and when the beating is less, he shortens the recital. But do we not learn, HE GOES BACK TO THE BEGINNING OF THE VERSE? — [The rule is that] he should [time the recital] to correspond precisely [with the lashing]; but if he has not been so precise, he goes back again to the beginning of the verse.

Our Rabbis taught: It is written, (He shall not exceed . . .) an ample beating.²⁴ From this I gather that only 'an ample beating' [is forbidden]; whence do I learn that [not even] a slight beating [in excess of the determined number of strokes] is permissible? From the instructive words, 'He shall not exceed'. If so, what is the import of the phrase 'an ample beating'? — This phrase implies that the former [imposed number of] strokes were [in themselves] 'an ample beating'.²⁵

IF HE BEFOULED HIMSELF etc. Our Rabbis taught: The offender, whether man or woman, is discharged on losing faeces, but not urine; these are the words of R. Meir. R. Judah says: A man is discharged on losing faeces and a woman on losing urine; but the Sages say man and woman alike are discharged on losing faeces or urine. But then, is it not [also] taught: R. Judah says: The offender, whether man or woman, is discharged on losing faeces? — Said R. Nahman b. Isaac: [There is no contradiction, as the latter citation merely states that] in regard to faeces, it is the same in the case of man or woman.

Samuel said: If they had tied him [down to the post] and he [broke away and] escaped from the Court, he is exempt.²⁶ (What is the reason? — Because of [the text], lest he be dishonored,²⁷ and he has been dishonoured.)²⁸ An objection was raised: If he befouled himself either at the first or at the second stroke, they let him go. If the thong snapped at the second stroke,²⁹ they let him go, but at the first stroke³⁰ they do not let him go. Now why [not at the first stroke]?³¹ Why [not let him go] as if he had escaped?³² — [Because] there he [actually] ran away,³³ whereas here he has not run away.³⁴

Our Rabbis taught: If they estimate him that he would befoul himself as soon as they applied the lash; they let him go; if that he would befoul himself on coming away from the Court, they give the flogging.³⁵ Not only this, but even if he broke down at the very first,³⁶ they flog him, because the text reads, And he shall cause him to be beaten [. . . he shall not exceed . . .] lest thy brother be dishonoured [before thine eyes],³⁷ [implying,] but not if he had already been dishonoured while at Court.³⁸

MISHNAH. ALL WHO HAVE INCURRED [THE PENALTY OF] KARETH, ON BEING FLOGGED OBTAIN REMISSION FROM THEIR PUNISHMENT OF KARETH; FOR IT IS SAID, FORTY HE SHALL HAVE HIM BEATEN HE SHALL NOT EXCEED . . . LEST THY BROTHER SHALL BE DISHONoured BEFORE THINE EYES,³⁹ WHICH SHOWS THAT ON HAVING RECEIVED THE FLOGGING HE IS [CONSIDERED] ‘THY BROTHER’:⁴⁰ THESE ARE THE WORDS OF R. HANANIAH B. GAMALIEL.⁴¹ AND, SAID R. HANANIAH B. GAMALIEL, IF IN ONE TRANSGRESSION A TRANSGRESSOR FORFEITS HIS SOUL, HOW MUCH MORE SHOULD ONE WHO PERFORMS ONE PRECEPT HAVE HIS SOUL GRANTED HIM? R. SIMEON⁴² SAYS THAT YOU CAN LEARN THIS FROM ITS OWN PASSAGE;⁴³ FOR IT IS SAID [THERE]: [FOR WHOSOEVER SHALL DO ANY OF THESE ABOMINATIONS,] EVEN THE SOULS THAT DO THEM SHALL BE CUT OFF FROM AMONG THEIR PEOPLE;⁴⁴ AND THERE [IN THE PREAMBLE] IT SAYS:

(1) Deut. XXV, 3. **וְנִקְלָהוּ** The implication of the passage is, do not strike the offender capriciously but a carefully determined number of lashes lest he become too degraded: yet the humiliation of an offender for his offence is the main purpose of the lashing by order of the Court. [MS.M. omits this passage. Cf. also Tosaf. Sot. 8a s.v. **וְהִכָּהוּ** where this reason is given as their own.]

(2) Who lived about 200 C.E., two hundred years before R. Shesheth, who obviously was in possession of a collection of the former's teachings.

(3) Deut. XXV, 4.

(4) The widow of a childless brother.

(5) The brother of the deceased husband.

(6) Deut. XXV, 5. The consideration demanded here for the dumb animal in not cruelly thwarting a natural desire suggests no less consideration for the woman who for her protection is required to marry her late husband's brother. Although he has a legal claim to her, she is not to be coerced when he is likely to be loathsome. Her objection to the union is (on textual grounds) not to be considered as offending against the law.

(7) That is, the Festivals, cf. Lev. XXIII, 2, 4. Commentators (v. Rashi) take it to refer to the intermediate-days of Passover and Tabernacles, when work is restricted though not forbidden. V. Hag. 18a: M. Kat. 12a-b. This Eleazar, however, may refer to the Festivals themselves, like the other R. Eleazar of Modin (Aboth III, 11), who seemingly refers to those who are misled by the allegorical misinterpretations and the abrogation of the Jewish observances by Paul and

other later Christian teachers such as are found in the Epistle of Barnabas, a contemporary of Eleazar of Modin.

(8) Ex. XXXIV, 17.

(9) Ex. XXXIV, 18-23.

(10) With reference to flesh torn by beasts. Ex. XXII, 31.

(11) Ibid. XXIII, 1.

(12) תשא, 'raise (not a false report)' from the root נשא, 'to raise', 'pick up'.

(13) תשיא, from 'deceive', 'mislead' (not another by misrepresentation). Cf. Jer. XXXVII, 9, and Gen. III, 13.

(14) So Yalkut Isa. 387: Maim. Sanh. XVI, 8, has 'two straps', probably meaning one folded in half, v. page 158, n. 6.

(15) At one of his gatherings.

(16) Isa. I, 3.

(17) Deut. XXV, 2.

(18) 'Before him' is here taken to refer to the offender, instead of the judge.

(19) That is, folded in half with the two ends left hanging free.

(20) Both expressions are taken to refer to the strap, instead of to the 'man' who is scourged. MS.M. reads here:

קרי ביה והכפילו

(21) Deut. XXV, 2.

(22) So MS. M. (v. D.S.)

(23) So MS.M. Cf. Sanh. 45b (about a stone).

(24) Deut. XXV, 3.

(25) Heavy, forcible strokes.

(26) Cf. Shebu. 28a, and Rashi there.

(27) Deut. XXV, 3.

(28) The bracketed passage is supplied from MS.M. The warning not to exceed the statutory number of strokes 'lest he be dishonoured', shows that the purpose of the 'beating' is rather corrective than punitive, and therefore, as soon as the offender has lost morale and self-control, or acts in a scared manner, the moral object has been attained.

(29) As it fell.

(30) After the first, as the second was about to fall.

(31) He has been humiliated.

(32) He has already received humiliation: the accidental snapping of the strap is in his favour.

(33) Terror-stricken and in discomfort.

(34) Showed no signs of discomfort or remorse.

(35) The text is in disorder and the interpretation adopted here is that of Rashi, for other interpretation based on a variant reading v.commentary of Riban.

(36) During preliminaries.

(37) Deut. XXV, 2-3.

(38) I.e., before the flogging. v. D.S.

(39) Deut. XXV, 3.

(40) No longer to be 'degraded' or 'cut off' from his people.

(41) Often R. Hanina b. Gamaliel and in some MS. of Sifre, b. Gamala (Friedmann op. cit.).

(42) MS. M. has R. Ishmael.

(43) On the subject of kareth, not indirectly as from the quoted text dealing with flogging.

(44) Lev. XVIII, 29.

Talmud - Mas. Makkoth 23b

YE SHALL THEREFORE KEEP MY STATUTES AND MINE ORDINANCES WHICH IF A MAN DO, HE SHALL LIVE BY THEM,¹ WHICH MEANS THAT ONE WHO DESISTS FROM TRANSGRESSING IS GRANTED REWARD LIKE ONE WHO PERFORMS A PRECEPT. R. SIMEON B. RABBI SAYS: BEHOLD HOLY WRIT SAYS, ONLY BE STEADFAST IN NOT EATING THE BLOOD . . . AND THOU SHALT NOT EAT THE LIFE WITH THE FLESH . . . [THAT IT MAY GO WELL WITH THEE AND WITH THY CHILDREN AFTER THEE WHEN THOU SHALT DO WHAT IS RIGHT IN THE EYES OF THE LORD].² NOW, IF IN THE CASE

OF BLOOD FOR WHICH MAN'S SOUL HAS A LOATHING, ANYONE WHO REFRAINS THEREFROM RECEIVES REWARD, HOW MUCH MORE SO IN REGARD TO ROBBERY AND INCEST FOR WHICH MAN'S SOUL HAS A CRAVING AND LONGING SHALL ONE WHO REFRAINS THEREFROM ACQUIRE MERIT FOR HIMSELF AND FOR GENERATIONS AND GENERATIONS TO COME, TO THE END OF ALL GENERATIONS! R. HANANIAH B AKASHIA SAYS: THE HOLY-ONE, BLESSED BE HE, DESIRED TO MAKE ISRAEL WORTHY, THEREFORE GAVE HE THEM THE LAW [TO STUDY] AND MANY COMMANDMENTS [TO DO]: FOR IT IS SAID: THE LORD WAS PLEASED, FOR HIS RIGHTEOUSNESS³ SAKE. TO MAKE THE LAW GREAT AND GLORIOUS.⁴

GEMARA. Said R. Johanan: R. Hananiah b. Gamaliel's colleagues disagree with him.⁵ Said R. Adda b. Ahaba: At Rab's college they used to say: We learn [in a Mishnah].⁶ 'There is no difference [in sanctity] between Sabbath and the Day of Atonement, save that in the case of the former, a deliberate desecration is punishable by human agency,⁷ while in that of the latter, a deliberate desecration is punished by kareth.'⁸ Now, were this [doctrine of R. Hananiah b. Gamaliel] generally accepted, [the Mishnah would have said that] the punishment of deliberate desecration in either case [of Sabbath or Day of Atonement] is [practically] left to human agency?⁹ — Said R. Nahman b. Isaac:¹⁰ Whose view may that [Mishnah] express? It is R. Isaac's,¹¹ for he says that there is no penalty of flogging for those liable to kareth, as it was taught: Seeing that Holy Writ has [already] comprehended in a single verse all the offenders in unlawful relations as being liable to kareth,¹² what object was there in singling out that penalty in the case of [the brother with] his sister?¹³ Only to show that kareth is their penalty, not flogging.¹⁴ R. Ashi said: You might even say that [the cited Mishnah expresses the opinion of] the Rabbis [by explaining that it states] that in one case [the Sabbath]¹⁵ its main punishment is delegated to human authority, whereas in the other [the Day of Atonement] it is left to the Celestial Authority.

R. Adda, as citing Rab, said that halachah rests with R. Hananiah b. Gamaliel.

Said R. Joseph: Who has gone up [to Heaven] and come [back with this information]?¹⁶ — Said Abaye to him: But then, in regard to what R. Joshua b. Levi said: 'Three things were enacted by the [mundane] Tribunal below, and the Celestial Tribunal on high have given assent to their action'; [we might also exclaim,] who has gone up [to Heaven] and come [back with this information]? Only, we [obtain these points by] interpreting certain texts; and, in this instance too, we so interpret the texts.

[To turn to] the main text: 'R. Joshua b. Levi said that three things were enacted by the [mundane] Tribunal below and the [Celestial] Tribunal on high gave assent to their action.' These were: The [annual] recital of the Scroll [of Esther];¹⁷ saluting with the Divine Name;¹⁸ and the [Levite's] tithe to be brought [to the Temple-chamber].¹⁹ 'The [annual] recital of the Scroll [of Esther],' as it is written, They confirmed,²⁰ and the Jews took upon them and their seed, etc.:²¹ they 'confirmed' above what they had 'taken upon themselves' below. 'Saluting with the Divine Name,' — as it is written, And behold, Boaz came from Bethlehem and said to the reapers, 'The Lord be with you';²² and [furthermore] it says, The Lord bless thee, thou mighty man of valour.²³ What is the purport of, 'And [furthermore] it says'? — Lest you should say that Boaz did this of his own idea and that this action of his was not approved by Heaven, come and hear what it says, The Lord be with thee, thou mighty man of valour.²⁴ 'The [Levite's] tithe to be brought [to the Temple-chamber].' — as it is written, Bring ye the whole tithe unto the store house that there may be food in My house, and try Me herewith, saith the Lord of Hosts, if I will not open you the windows of heaven and pour you out a blessing, until there be no enough.²⁵ What means, 'until there be no enough'? — Said Rami b. Rab: [It means], until your lips weary of saying 'Enough, enough'!

R. Eleazar said: The Holy Spirit manifested itself in three places; at the Tribunal of Shem,²⁶ at the Tribunal of Samuel of Ramah, and at the Tribunal of Solomon. At the Tribunal of Shem,²⁷ as it is

written, And Judah acknowledged them,²⁸ and he said, She is right, it is from me.²⁹ How did he know [for certain]? Maybe, just as he had come to [consort with] her, some other man had come to [consort with] her? [But] it was a Bath Kol³⁰ that came forth and said, 'She is right, constrained by Me these things came about.'³¹

'At the Tribunal of Samuel,'³² — as it is written, Here I am; witness against me before the Lord and before His anointed, whose ox have I taken? or whose ass . . . and they said, Thou hast not defrauded us nor oppressed us, neither hast thou taken aught of any man's hand. And he said unto them, The Lord is witness against you and His anointed is witness this day that ye have not found aught in my hand,' and He³³ said, [He is] witness.³⁴ 'And He said'; should it not be 'And they said'? [But] it was a Bath Kol that came forth and said, 'I am witness in this matter.'

'At the Tribunal of Solomon,' — as it is said, And the king answered and said, Give her the living child, and in no wise slay it; she is his mother:³⁵ 'She is his mother'; whence knew he [for certain]? Maybe, she had been acting craftily? [But] it was a Bath Kol that came forth and said, 'She is his mother'.

Said Raba: How [can we be sure of this?] Maybe Judah had reckoned the days and months and found them to coincide,³⁶ — for what we see we may presume; but we presume not what we see not.³⁷ Again, Samuel may have taken all Israel collectively, using the singular³⁸ expression [verb], as it is written [elsewhere]: O Israel, thou art saved by the Lord with an everlasting salvation, Ye shall not be ashamed?³⁹ And Solomon likewise, because he saw one woman was compassionate and the other was not compassionate! Only [of course], these [interpretations] are points of traditional lore.

[THEREFORE GAVE HE THEM TORAH (TEACHINGS) AND MANY COMMANDMENTS . . .] R. Simlai when preaching said: Six hundred and thirteen precepts were communicated to Moses, three hundred and sixty-five negative precepts, corresponding to the number of solar days [in the year], and two hundred and forty-eight positive precepts, corresponding to the number of the members⁴⁰ of man's body. Said R. Hamnuna: What is the [authentic] text for this? It is, Moses commanded us torah, an inheritance of the congregation of Jacob,⁴¹ 'torah' being in letter-value, equal to

(1) Lev. XVIII, 5.

(2) Deut. XII, 23-28.

(3) [Probably Israel's righteousness. i.e., to make Israel righteous, v. Bacher AT II, 376.]

(4) Isa. XLII, 21. [One may see in the words of R. Hananiah b. 'Akashia a polemic against the Pauline conception that puts the Law in opposition to innocence and spiritual law and considers it a source of sin and wrath. Here it is asserted that the Law was given, not as a mark of divine wrath in order to increase sin so as to make all the greater the need of divine mercy, but as a mark of divine love designed to train Israel in moral holiness in order to make them all the more worthy in the eyes of the Holy One, blessed be He.]

(5) I.e., R. Ishmael and R. Akiba, supra, both of whom hold that the remission of kareth depends on repentance rather than in punishment.

(6) Meg. 7b.

(7) Ex. XXXI, 14-15. and v. Num. XV, 32-36.

(8) That is, by Divine agency, Lev. XXIII, 29-30.

(9) Stoned for desecrating the Sabbath, and flogged for the Day of Atonement, whereby kareth is finally remitted. In making, however, this distinction, there seems to be an implied rejection of R. Hananiah's doctrine of complete remission?

(10) Meg. 7b omits 'b. Isaac'. There was another R. Nahman, b. Jacob.

(11) A personal view, in opposition to those of R. Akiba and R. Ishmael. He dissociates kareth from flogging. If so, that Mishnah does not really show the attitude of Hananiah's colleagues to his doctrine of remission.

(12) Lev. XVIII, 29.

- (13) Ibid. XX, 17.
- (14) V. supra 13b and notes on the passage.
- (15) Laid down in the Holy Writ. Cf. notes 1 and 2. By thus stating what the written law is, says R. Ashi, there is no necessary implication that Hananiah's colleagues thereby disagree with his view of remission.
- (16) R. Joseph felt that the expression halachah, 'the law in practice', was here inappropriate, as, although the offender was considered immune from further legal prosecution, it could hardly be confidently asserted that he was no longer answerable to Heaven.
- (17) On Purim, the 14th and 15th of Adar. V. reference below.
- (18) A practice not approved of by the Rabbis, as its common use tends to a loss of reverence; the Sacred Name is then 'taken in vain' and in many languages the Divine Names have become vulgar asseverations.
- (19) V. Ezra, VIII, 15 ff: Neh. X. 39-40. Some say it was Ezra that deprived the Levites of their (the first) tithe due to them according to Num. XVIII, 21 ff, and gave it entirely to the priests (instead of 1/10th only). because the Levites had not responded to his call for the return to Palestine. V. Yeb. 86a-b and Keth. 26a and Tosaf. there. Others say R. Joshua b. Levi refers rather to the view that Scripturally, tithes were due to be given only of corn, wine and oil (Num. XVIII, 27,30), but that tithes on all other produce of the soil, of fruits, legumina and vegetables, were a voluntary contribution imposed by the mundane Authorities (cf. Sifre on Deut. XIV, 22) which the statement of Malachi confirmed as approved of by the Tribunal above. V. J. Ber. IX, end. An attempt was made to restore the tithe to the Levites (instead of to priests) and R. Joshua b. Levi was invited to give his support to that movement, but he did not concur on textual grounds. V. J. M. Sh. V, 3, 56b.
- (20) I.e., the Celestial Tribunal, by inspiring the wording of the writer of Esther that the Purim institution was accepted as an ordinance for all time to come and 'never to pass away' (Esth. IX, 27). Cf. Meg. 7a on the canonicity of Esther.
- (21) Esth. IX, 27.
- (22) Ruth II, 4.
- (23) Judg. VI, 12, where the angel, or prophet-messenger used those words, indicating approval of the practice.
- (24) V. p. 167, n. 7.
- (25) Mal. III, 10, speaking in the name of God.
- (26) 'The tents of Shem' (Gen. 26-27) are taken to denote schools for the study of law and traditional lore. Cf. Rashi and Pseudo-Jonathan (Targum) a.l., and Gen. XIV, 18.
- (27) After Tamar had been condemned to death, presumably by a regular tribunal.
- (28) His pledges.
- (29) I.e., admitting that her condition was due to him. Gen. XXXVIII, 26.
- (30) A Heavenly voice, v. Glos.
- (31) [Or, From me issued these secret things]
- (32) Cf. 'Er. 45a; Tosef., Sot. XI, 12.
- (33) Kethib. The spelling is **ואמר** in the singular, instead of **ואמרו** plural.
- (34) I Sam. XII, 3-5.
- (35) I Kings, III, 27.
- (36) With the time since he had consorted with Tamar.
- (37) [He might have calculated the period, and finding that the days and months corresponded, he had no reason to presume that she had consorted with another man about the same time.]
- (38) V. David Kimhi's commentary on I Sam. XII, 5.
- (39) Isa. XLV, 17.
- (40) Joints, or bones, covered with flesh and sinews (excluding the teeth). V. M. Oha. I, 8; Bek. 45a; J. E. I. Art. Anatomy, p. 565a, and J. Preuss, Biblisch-Talmudischemedizin (2nd ed.) Berlin, 1921. p. 66 ff.
- (41) Deut. XXXIII, 4.

Talmud - Mas. Makkoth 24a

six hundred and eleven,¹ 'I am' and 'Thou shalt have no [other Gods]' [not being reckoned, because] we heard from the mouth of the Might [Divine].² David came and reduced them to eleven [principles],³ as it is written, A Psalm of David.⁴ Lord, who shall sojourn in Thy tabernacle? Who shall dwell in Thy holy mountain? — [i] He that walketh uprightly, and [ii] worketh righteousness,

and [iii] speaketh truth in his heart; that [iv] hath no slander upon his tongue, [v] nor doeth evil to his fellow, [vi] nor taketh up a reproach against his neighbour, [vii] in whose eyes a vile person is despised, but [viii] he honoureth them that fear the Lord, [ix] He sweareth to his own hurt and changeth not, [x] He putteth not out his money on interest, [xi] nor taketh a bribe against the innocent. He that doeth these things shall never be moved. 'He that walketh uprightly': that was Abraham, as it is written, Walk before Me and be thou whole-hearted.⁵ 'And worketh righteousness,' such as Abba Hilkiahu.⁶ 'Speaketh truth in his heart,' such as R. Safra.⁷ 'Hath no slander upon his tongue,' that was our Father Jacob, as it is written, My father peradventure will feel me and I shall seem to him as a deceiver.⁸ 'Nor doeth evil to his fellow,' that is he who does not set up in opposition to his fellow craftsman.⁹ 'Nor taketh up a reproach against his neighbour;' that is he who befriends his near ones [relatives].¹⁰ 'In whose eyes a vile person is despised;' that was Hezekiah the king [of Judah] who dragged his father's bones on a rope truckle-bed.¹¹ 'He honoureth them that fear the Lord;' that was Jehoshaphat¹² king of Judah, who every time he beheld a scholar-disciple rose from his throne, and embraced and kissed him, calling him Father, Father;¹³ Rabbi, Rabbi; Mari, Mari! 'He sweareth to his own hurt and changeth not,' like R. Johanan; for R. Johanan [once] said:¹⁴ I shall remain fasting until I reach home. 'He putteth not out money on interest,' not even interest from a heathen.¹⁵ 'Nor taketh a bribe against the innocent,' such as R. Ishmael son of R. Jose.¹⁶ It is written [in conclusion], He that doeth these things shall never be moved. Whenever R. Gamaliel came to this passage he used to weep, saying: [Only] one who practised all these shall not be moved; but anyone falling short in any of these [virtues] would be moved! Said his colleagues to him: Is it written, 'He that doeth all these things [shall not fall]'? It reads, 'He that doeth these things', meaning even if only he practises one of these things [he shall not be moved]. For if you say otherwise,¹⁷ what of that other [similar] passage, Defile not ye yourselves in all these things?¹⁸ Are we to say that one who seeks contact with all these vices, he is become contaminated; but if only with one of those vices, he is not contaminated? [Surely,] it can only mean there, that if he seeks contact with any one of these vices he is become contaminated, and likewise here, if he practises even one of these virtues [he will not be moved].

Isaiah came and reduced them to six [principles],¹⁹ as it is written, [i] He that walketh righteously, and [ii] speaketh uprightly, [iii] He that despiseth the gain of oppressions, [iv] that shaketh his hand from holding of bribes, [v] that stoppeth his ear from hearing of blood, [vi] and shutteth his eyes from looking upon evil; he shall dwell on high. 'He that walketh righteously,' that was our Father Abraham, as it is written, For I have known him, to the end that he may command his children and his household after him, etc.;²⁰ 'and speaketh uprightly,' that is one who does not put an affront on his fellow in public. 'He that despiseth the gain of oppressions,' as, for instance, R. Ishmael b. Elisha;²¹ 'that shaketh his hand from holding of bribes,' as, for instance, R. Ishmael son of Jose;²² 'that stoppeth his ear from hearing of blood', one who hears not aspersions made against a rabbinic student²³ and remains silent,²⁴ as once did R. Eleazar son of R. Simeon;²⁵ 'and shutteth his eyes from looking upon evil,' as R. Hiyya b. Abba [taught]; for R. Hiyya b. Abba said: This refers to one who does not peer at women as they stand washing clothes [in the court-yard]²⁶ and [concerning such a man] it is written, He shall dwell on high.²⁷

Micah came and reduced them to three [principles], as it is written, It hath been told thee, O man, what is good, and what the Lord doth require of thee: [i] only to do justly, and [ii] to love mercy and [iii] to walk humbly before thy God.²⁸ 'To do justly,' that is, maintaining justice; and to love mercy,' that is, rendering every kind office; 'and walking humbly before thy God,' that is, walking in funeral and bridal processions.²⁹ And do not these facts warrant an a fortiori conclusion that if in matters that are not generally performed in private the Torah enjoins 'walking humbly,' is it not ever so much more requisite in matters that usually call for modesty?

Again came Isaiah and reduced them to two [principles], as it is said, Thus saith the Lord, [i] Keep ye justice and [ii] do righteousness [etc.].³⁰ Amos came and reduced them to one [principle], as it is

said, For thus saith the Lord unto the house of Israel, Seek ye Me and live.³¹ To this R. Nahman b. Isaac demurred, saying: [Might it not be taken as,] Seek Me by observing the whole Torah and live? — But it is Habakuk who came and based them all on one [principle], as it is said, But the righteous shall live by his faith.³²

Said R. Jose b. Hanina: Our Master Moses pronounced four [adverse] sentences on Israel, but four prophets came and revoked them. Moses said, And Israel dwelleth in safety, alone,³³ at the fountain of Jacob;³⁴ Amos came and revoked that, as it is said, Then said I, O Lord God, cease, I beseech Thee; how shall Jacob stand [alone]? for he is small, and it goes on saying, The Lord repented concerning this; 'This also shall not be,' saith the Lord God.³⁵ Moses had said, And among those nations thou shalt have no repose;³⁶ Jeremiah came and said, Thus saith the Lord, The people that were left of the sword have found grace in the wilderness, even Israel, when I go to afford him rest.³⁷ Moses had said, The Lord is . . . visiting the iniquity of the fathers upon the children and upon the children's children, unto the third and unto the fourth generation;³⁸ Ezekiel came and declared, the soul that sinneth, it shall die.³⁹ Moses had said, And ye shall perish among the nations;⁴⁰ Isaiah came and said, And it shall come to pass in that day, that a great horn shall be blown; [and they shall come that were lost in the land of Assyria, etc.]⁴¹ Rab observed: I have misgivings about that verse, And ye shall perish among the nations.⁴⁰ R. Papa demurred at this [apprehension of Rab] saying: Could it not perhaps rather be taken in the sense of something lost and searched for, as it is written, I have gone astray like a lost sheep; seek Thy servant, etc.⁴² — But it was the latter part of that verse [that perturbed Rab]: And the land of your enemies shall eat you up.⁴³ Mar Zutra then demurred, saying: Might it not be [understood] in the way that cucumbers and pumpkins are eaten?⁴⁴

Long ago, as Rabban Gamaliel, R. Eleazar b. 'Azariah, R. Joshua and R. Akiba were walking on the road, they heard the noise of the crowds at Rome [on travelling] from Puteoli,⁴⁵ a hundred and twenty miles away. They all fell a-weeping, but R. Akiba seemed merry. Said they to him: Wherefore are you merry? Said he to them: Wherefore are you weeping? Said they: These heathens who bow down to images and burn incense to idols live in safety and ease, whereas our Temple, the 'Footstool' of our God⁴⁶

(1) *,* = 400. *u* = 6; *r* = 200; *v* = 5, total = 611.

(2) V. Hor. (Sonc. ed.) p.55, n. 14.

(3) I.e., reduced them to eleven leading virtues.

(4) Ps. XV.

(5) Gen. XVII, 1.

(6) A saint to whom the Rabbis went that he might pray for rain (as others had come, during Temple times, to his paternal grandfather, 'Onias that drew a circle' around him, in which he prayed). He was most scrupulous in his 'work', bearing and words, and would not take the least credit to himself or allow any false impression. All these are illustrated in Ta'an. 23a-b.

(7) A Babylonian scholar of eminence who settled in Palestine at Caesarea and carried on extensive trade and scholarly communication between the two countries. An offer was made once to him by a buyer for an article whilst he was reciting the Shema' when he could not indicate his acceptance and the anxious purchaser increased his offer; but R. Safra refused to receive an increased offer which had been made under misapprehension, he being satisfied with the first offer. V. Rashb. B.B. 88a. On another occasion he and Raba were walking on the road when they met Mar Zutra son of R. Nahman who expressed his appreciation on meeting these two great men, saying that it was more than he could have expected of them, to come and meet him, whereupon R. Safra felt in duty bound to explain that they had only met him casually, but added that he would have come even a longer distance to show Mar Zutra respect. V. Hul. 94b.

(8) Gen. XXVII, 12. He acted only under pressure and protest, on his mother's advice.

(9) Cf. Sanh. 81a.

(10) Cf. Sanh. 76b.

(11) V. Sanh. (Sonc. ed.) p. 310, n. 3.

(12) Cf. Keth. 103b, also II Chron. XIX, 3 ff.

- (13) Cf. II Kings II, 12. Mari is the Aramaic equivalent of Rabbi, my Master or lord. Cf. Ab., VI, 3.
- (14) I.e., acting on a self-imposed restriction. According to Ta'an., 12a, R. Johanan pleaded a fast to avoid an invitation to the table of the Nasi (R. Judah II). J. Ned. VIII, 1, however, is a more appropriate illustration, where R. Johanan said: I shall remain fasting until I have finished my (allotted) study of Mishnah or Scripture.
- (15) As a demoralizing practice, although not forbidden Scripturally, in the case of a heathen (Deut. XXIII, 21). V. B. M. 70b-71a, and Tosef. Ibid. end of Chapter V).
- (16) J. b. Halafta. He refused to take the rent-fruit that his own gardener-tenant brought him once on a Thursday instead of (as usual) on Friday, because, said the gardener, he had cited someone to appear with him before R. Ishmael. He refused the fruit and appointed two other scholars to hear the case. While listening to the proceedings he found himself unconsciously thinking of the possible pleadings in the gardener's favour, and remarked to himself how perverting an influence bribery was. Keth. 105b.
- (17) Than we interpreted it, 'some'.
- (18) Lev. XVIII, 24.
- (19) Isa. XXXIII, 15-16.
- (20) Gen. XVIII, 19.
- (21) The founder of a school, like R. Akiba, represented in the Mekilta on Exodus. Being a priest, someone brought him a gift of the first-fleece (Deut. XVIII, 4). In reply to a question whether there was not a priest in his own place to be the recipient, the visitor told him that he had a suit with someone. R. Ishmael thereupon refused the gift and appointed others to hear the case. He (as told above of his junior), found himself unconsciously biassed in the visitor's favour. Keth. 105b.
- (22) V. p. 171, n. 6.
- (23) **צורבא מדרבנן**, lit., 'one who is scorched through (his association with) rabbis.'
- (24) Without defending him.
- (25) B.M. 84b, where it is told how his widow discovered a worm emerging from her dead husband's ear, but her husband appeared and told her in a dream that it was because he had once heard aspersions being made against a scholar without defending him as he should have done.
- (26) V. B.B. 57b.
- (27) Isa. XXXIII, 15-16.
- (28) Micah VI, 8.
- (29) V. Suk. 49b, P.B. p. 5.
- (30) Isa. LVI, 1.
- (31) Amos V, 4.
- (32) Hab. II, 4.
- (33) I.e., safe in isolation, but not among the nations.
- (34) Deut. XXXIII, 28.
- (35) Amos VII, 5-6.
- (36) Deut. XXVIII, 65.
- (37) Jer. XXXI, 1 (2).
- (38) Ex. XXXIV, 7.
- (39) Ezek. XVIII, 3-4.
- (40) Lev. XXVI, 38.
- (41) Isa. XXVII, 13.
- (42) Ps. CXIX, 176.
- (43) V. p. 173, n. 12.
- (44) At varying times in different parts of the country. Some are eaten here and others left ripening there. Their great apprehension was, lest the Jew should lose identity.
- (45) A great sea-port in Italy. (This was on the occasion of their journey to Rome in the year 95 C.E.)
- (46) Ps. XCIX, 5; CXXXII, 7; Lam. II, 1.

Talmud - Mas. Makkoth 24b

is burnt down by fire, and should we then not weep? He replied: Therefore, am I merry. If they that offend Him fare thus, how much better shall fare they that do obey Him! Once again they were

coming up to Jerusalem together, and just as they came to Mount Scopus they saw a fox emerging from the Holy of Holies. They fell a-weeping and R. Akiba seemed merry. Wherefore, said they to him, are you merry? Said he: Wherefore are you weeping? Said they to him: A place of which it was once said, And the common man that draweth nigh shall be put to death,¹ is now become the haunt of foxes, and should we not weep? Said he to them: Therefore am I merry; for it is written, And I will take to Me faithful witnesses to record, Uriah the priest and Zechariah the Son of Jeberechiah.² Now what connection has this Uriah the priest with Zechariah? Uriah lived during the times of the first Temple, while [the other,] Zechariah lived [and prophesied] during the second Temple; but Holy-Writ linked the [later] prophecy of Zechariah with the [earlier] prophecy of Uriah, In the [earlier] prophecy [in the days] of Uriah it is written, Therefore shall Zion for your sake be ploughed as a field etc.³ In Zechariah it is written, Thus saith the Lord of Hosts, There shall yet old men and old women sit in the broad places of Jerusalem,⁴ so long as Uriah's [threatening] prophecy had not had its fulfilment, I had misgivings lest Zechariah's prophecy might not be fulfilled; now that Uriah's prophecy has been [literally] fulfilled, it is quite certain that Zechariah's prophecy also is to find its literal fulfilment. Said they to him: Akiba, you have comforted us! Akiba, you have comforted us!

(1) Num. I, 51.

(2) Isa. VIII, 2. Cf. Zech. I, 1.

(3) Micah III, 12; Jer. XXVI, 18-20.

(4) Zech. VIII, 4.

Mishna - Mas. Eduyyot Chapter 1

MISHNAH1. SHAMMAI¹ SAYS: FOR ALL WOMEN [WHO BECOME MENSTRUOUS] IT SUFFICES [TO RECKON THEIR UNCLEANNESS FROM] THE TIME [OF THEIR DISCOVERING IT].² AND HILLEL SAYS: [THEIR UNCLEANNESS IS RECKONED BACKWARDS] FROM THE [LAST] EXAMINATION TO THE [PREVIOUS] EXAMINATION, EVEN IF THIS COVERS MANY DAYS.³ BUT THE SAGES SAY: NEITHER ACCORDING TO THE OPINION OF THE ONE NOR ACCORDING TO THE OPINION OF THE OTHER, BUT [THEY ARE CONSIDERED UNCLEAN FOR] THE PAST TWENTY FOUR HOURS⁴ WHEN THIS LESSENS THE PERIOD FROM THE [LAST] EXAMINATION TO THE [PREVIOUS] EXAMINATION,⁵ AND FOR THE PERIOD FROM THE [LAST] EXAMINATION TO THE [PREVIOUS] EXAMINATION WHEN THIS LESSENS THE PAST TWENTY-FOUR HOURS.⁶ ANY WOMAN WHO HAS A SETTLED PERIOD, IT SUFFICES [TO RECKON HER UNCLEANNESS FROM] HER SET TIME.⁷ SHE WHO USES TESTING-CLOTHS WHEN SHE HAS MARITAL CONNEXION,⁸ LO, THIS IS LIKE AN EXAMINATION: IT LESSENS EITHER THE PERIOD OF THE [PAST] TWENTY FOUR HOURS OR THE PERIOD FROM THE [LAST] EXAMINATION TO THE [PREVIOUS] EXAMINATION.

MISHNAH2. SHAMMAI SAYS: [DOUGH] OF A KAB⁹ OR MORE IS SUBJECT TO THE LAW OF HALLAH.¹⁰ AND HILLEL SAYS: OF TWO KABs OR MORE. BUT THE SAGES SAY: NEITHER ACCORDING TO THE OPINION OF THE ONE NOR ACCORDING TO THE OPINION OF THE OTHER, BUT [DOUGH OF] A KAB AND A HALF¹¹ IS SUBJECT TO THE LAW OF HALLAH. AND AFTER THEY INCREASED THE MEASURES¹² THEY SAID: [DOUGH 'OF] FIVE QUARTERS IS SUBJECT. R. JOSE SAID: FIVE ARE EXEMPT, FIVE AND MORE¹³ ARE LIABLE.

MISHNAH3. HILLEL SAYS: A HIN¹⁴ -FULL OF DRAWN WATER RENDERS THE MIKWEH¹⁵ UNFIT.¹⁶ (HOWBEIT¹⁷ A MAN MUST SPEAK IN THE LANGUAGE OF HIS TEACHER.)¹⁸ AND SHAMMAI SAYS: NINE KABs. BUT THE SAGES SAY: NEITHER ACCORDING TO THE OPINION OF THE ONE NOR ACCORDING TO THE OPINION OF THE OTHER: BUT WHEN TWO WEAVERS FROM THE DUNG-GATE WHICH IS IN JERUSALEM¹⁹ CAME AND TESTIFIED IN THE NAME OF SHEMAIAH AND ABTALION,²⁰ 'THREE LOGS OF DRAWN WATER RENDER THE MIKWEH UNFIT,' THE SAGES²¹ CONFIRMED THEIR STATEMENT.

MISHNAH4. AND WHY DO THEY RECORD THE OPINIONS OF SHAMMAI AND HILLEL TO SET THEM ASIDE? — TO TEACH THE FOLLOWING GENERATIONS THAT A MAN SHOULD NOT [ALWAYS] PERSIST IN HIS OPINION, FOR BEHOLD, THE FATHERS OF THE WORLD²² DID NOT PERSIST IN THEIR OPINION.

MISHNAH5. AND WHY DO THEY RECORD THE OPINION OF A SINGLE PERSON AMONG THE MANY, WHEN THE HALACHAH²³ MUST BE ACCORDING TO THE OPINION OF THE MANY? SO THAT IF A COURT PREFERS THE OPINION OF THE SINGLE PERSON IT MAY DEPEND ON HIM. FOR NO COURT MAY SET ASIDE THE DECISION OF ANOTHER COURT²⁴ UNLESS IT IS GREATER THAN IT IN WISDOM²⁵ AND IN NUMBER.²⁶ IF IT WAS GREATER THAN IT IN WISDOM BUT NOT IN NUMBER, IN NUMBER BUT NOT IN WISDOM, IT MAY NOT SET ASIDE ITS DECISION, UNLESS IT IS GREATER THAN IT IN WISDOM AND IN NUMBER.²⁷

MISHNAH6. R. JUDAH SAID: IF SO, WHY DO THEY RECORD THE OPINION OF A SINGLE PERSON AMONG THE MANY TO SET IT ASIDE?²⁸ SO THAT IF A MAN SHALL SAY, 'THUS HAVE I LEARNT THE TRADITION,' IT MAY BE SAID TO HIM, 'ACCORDING

TO THE [REFUTED] OPINION OF THAT INDIVIDUAL DID YOU HEAR IT.

MISHNAH7. BETH SHAMMAI SAY: A QUARTER-KAB OF ANY BONES, EVEN FROM TWO CORPSES OR FROM THREE.²⁹ AND BETH HILLEL SAY: A QUARTER-KAB OF BONES FROM A CORPSE,³⁰ EITHER FROM [THE BONES WHICH FORM] THE GREATER PORTION OF THE [BODY'S] BUILD,³¹ OR FROM THE GREATER PORTION OF THE NUMBER³² [OF THE BODY'S BONES]. SHAMMAI SAYS: EVEN FROM A SINGLE BONE.³³

MISHNAH8. VETCHES³⁴ OF TERUMAH,³⁵ BETH SHAMMAI SAY, MUST BE SOAKED AND RUBBED³⁶ IN PURITY,³⁷ BUT CAN BE GIVEN FOR FOOD³⁸ IN IMPURITY.³⁹ AND BETH HILLEL SAY: THEY MUST BE SOAKED IN PURITY,⁴⁰ BUT CAN BE RUBBED AND GIVEN FOR FOOD IN IMPURITY. SHAMMAI SAYS: THEY MUST BE EATEN DRY.⁴⁰ R. AKIBA SAYS: ALL DEEDS IN CONNECTION WITH THEM [CAN BE CARRIED OUT] IN IMPURITY.⁴¹

MISHNAH9. WHOSC⁴² CHANGES FOR A SELA'⁴³ COPPER COIN FROM SECOND TITHE,⁴⁴ BETH SHAMMAI SAY: COPPER COIN FOR THE WHOLE SELA'. AND BETH HILLEL SAY: SILVER FOR ONE SHEKEL AND COPPER COIN FOR ONE SHEKEL.⁴⁵ R. MEIR SAYS: SILVER AND FRUITS MAY NOT BE SUBSTITUTED FOR SILVER.⁴⁶ BUT THE SAGES ALLOW IT.

MISHNAH10. WHOSO CHANGES A SELA' FROM SECOND TITHE IN JERUSALEM,⁴⁷ BETH SHAMMAI SAY: COPPER COIN FOR THE WHOLE SELA'. AND BETH HILLEL SAY: SILVER FOR ONE SHEKEL AND COPPER COIN FOR ONE SHEKEL. THE DISPUTANTS BEFORE THE SAGES⁴⁸ SAY: SILVER FOR THREE DENARS AND COPPER COIN FOR ONE DENAR. R. AKIBA SAYS: SILVER FOR THREE DENARII AND FOR THE FOURTH SILVER AND FOR THE FOURTH [THEREOF] COPPER COIN.⁴⁹ R. TARFON SAYS: FOUR AS PERS⁵⁰ IN SILVER. SHAMMAI SAYS: HE MUST LEAVE⁴⁵ T⁵¹ IN A SHOP AND EAT ON THE CREDIT THEREOF.

MISHNAH11. A⁵² BRIDE'S STOOL FROM WHICH THE COVERING-BOARDS HAVE BEEN TAKEN,⁵³ BETH SHAMMAI PRONOUNCE [LIABLE TO BECOME] UNCLEAN, AND BETH HILLEL PRONOUNCE IT NOT [LIABLE TO BECOME] UNCLEAN.⁵⁴ SHAMMAI SAYS: EVEN THE FRAMEWORK OF A STOOL [BY ITSELF IS [LIABLE TO BECOME] UNCLEAN. A STOOL WHICH HAS BEEN SET IN A BAKER'S TROUGH, BETH SHAMMAI PRONOUNCE [LIABLE TO BECOME] UNCLEAN, AND BETH HILLEL PRONOUNCE IT NOT [LIABLE TO BECOME] UNCLEAN.⁵⁵ SHAMMAI SAYS: EVEN ONE MADE THEREIN [IS LIABLE TO BECOME UNCLEAN].

MISHNAH12. THESE ARE SUBJECTS CONCERNING WHICH BETH HILLEL TURNED AND TAUGHT ACCORDING TO THE OPINION OF BETH SHAMMAI: A⁵⁶ WOMAN WHO CAME FROM THE REGION OF THE SEA AND SAID: MY HUSBAND DIED — MAY BE MARRIED AGAIN; MY HUSBAND DIED [WITHOUT ISSUE] — SHE MUST BE MARRIED BY HER HUSBAND'S BROTHER.⁵⁷ THIS IS THE OPINION OF BETH SHAMMAI. BUT BETH HILLEL SAY: WE HAVE HEARD SO⁵⁸ ONLY IN THE CASE OF ONE WHO CAME FROM THE HARVESTING. BETH SHAMMAI SAID TO THEM: IT IS THE SAME THING IN THE CASE OF ONE WHO CAME FROM THE HARVESTING OR WHO CAME FROM THE OLIVE-PICKING OR WHO CAME FROM THE REGION OF THE SEA: THEY MENTIONED HARVESTING ONLY AS AN ACTUAL OCCURRENCE.⁵⁹ THEN BETH' HILLEL TURNED AND TAUGHT ACCORDING TO BETH SHAMMAI. BETH SHAMMAI SAY: SHE MAY BE MARRIED AGAIN AND TAKE HER MARRIAGE PORTION. BUT BETH HILLEL SAY: SHE MAY BE MARRIED AGAIN BUT MAY NOT TAKE HER MARRIAGE-PORION. BETH

SHAMMAI SAID TO THEM: YOU HAVE PRONOUNCED LAWFUL THE GRAVER MATTER OF A FORBIDDEN MARRIAGE,⁶⁰ SHOULD YOU NOT PRONOUNCE LAWFUL THE LIGHTER MATTER OF PROPERTY? BETH HILLEL SAID TO THEM: WE HAVE FOUND THAT BROTHERS DO NOT INHERIT ON HER STATEMENT.⁶¹ BETH SHAMMAI SAID TO THEM: DO WE NOT INFER IT FROM HER MARRIAGE DOCUMENT IN WHICH HE WRITES FOR HER 'THAT IF YOU BE MARRIED TO ANOTHER YOU SHALL TAKE WHAT IS WRITTEN FOR YOU'? THEN BETH HILLEL TURNED AND TAUGHT ACCORDING TO THE OPINION OF BETH SHAMMAI.

MISHNAH13. WHOEVER⁶² IS HALF A SLAVE AND HALF A FREE MAN⁶³ SHOULD TOIL ONE DAY FOR HIS MASTER AND ONE DAY FOR HIMSELF. THIS IS THE OPINION OF BETH HILLEL. BETH SHAMMAI SAID TO THEM: YOU HAVE SET MATTERS IN ORDER AS REGARDS HIS MASTER, BUT YOU HAVE NOT SET MATTERS IN ORDER AS REGARDS HIMSELF. HE IS NOT ABLE TO MARRY A BONDMAID,⁶⁴ NOR IS HE ABLE [TO MARRY] A WOMAN WHO IS FREE.⁶⁵ IS HE TO REFRAIN [FROM MARRYING]? AND IS IT NOT THE CASE THAT THE WORLD WAS CREATED FOR THE PROPAGATION OF THE RACE? FOR IT IS SAID, HE CREATED IT NOT TO BE A WASTE; HE FORMED IT TO BE INHABITED.⁶⁶ BUT FOR THE RIGHTFUL ORDERING OF THE WORLD HIS MASTER IS COMPELLED TO MAKE HIM FREE, AND HE⁶⁷ WRITES OUT A BOND FOR HALF HIS VALUE. THEN BETH HILLEL TURNED AND TAUGHT ACCORDING TO THE OPINION OF BETH SHAMMAI.

MISHNAH14. A VESSEL OF EARTHENWARE⁶⁸ CAN, ACCORDING TO THE OPINION OF BETH HILLEL, PROTECT EVERYTHING⁶⁹ [IN IT FROM IMPURITY]. BUT BETH SHAMMAI SAY: IT PROTECTS ONLY EATABLES AND LIQUIDS AND [OTHER] VESSELS OF EARTHENWARE. BETH HILLEL SAID TO THEM: WHY? BETH SHAMMAI SAID TO THEM: BECAUSE IT IS [ITSELF] IMPURE WITH RESPECT TO AN 'AM HA-AREZ,⁷⁰ AND NO IMPURE VESSEL CAN SCREEN [AGAINST IMPURITY]. BETH HILLEL SAID TO THEM: AND DID YOU NOT PRONOUNCE PURE THE EATABLES AND LIQUIDS INSIDE IT? BETH SHAMMAI SAID TO THEM: WHEN WE PRONOUNCED PURE THE EATABLES AND LIQUIDS INSIDE IT, WE PRONOUNCED THEM PURE FOR HIM⁷¹ ONLY, BUT WHEN YOU PRONOUNCED THE VESSEL⁷² PURE YOU PRONOUNCED IT PURE FOR YOURSELF⁷³ AND FOR HIM. THEN BETH HILLEL TURNED AND TAUGHT ACCORDING TO THE OPINION OF BETH SHAMMAI.

(1) Cf. Nid. I, 1.

(2) Therefore only things which they touch from that time become unclean, but not what they have touched before.

(3) All foodstuffs which they touched since the previous examination are unclean, because menstruation may have occurred immediately after the previous examination without their having been aware of it.

(4) Lit., 'from time to time,' i.e., from any given hour to the corresponding one on the preceding or following day.

(5) I.e., when the period between the last two examinations is more than twenty-four hours.

(6) When the period between the last two examinations is less than twenty-four hours.

(7) There is no need to suspect that menstruation may have occurred before the set time.

(8) Before and after connexion to make sure she is free from menstruation.

(9) Cf. II Kings VI, 25. It equals four logs, or 24 eggs, or roughly two litres.

(10) The portion of the dough, the minimum quantity being the size of one egg, which has to be given to the priest: Num. XV, 20.

(11) Equal to the 'Omer. [The 'omer = 1/10 ephah (v. Ex. XVI, 16), = 1.8 kab = 7.2 logs = 43.2 eggs. The Wilderness measure was, however, subsequently increased in Jerusalem by 1/6th, so that 43.2 wilderness eggs became equal to 36 Jerusalem eggs, i.e. a kab and a half.]

(12) At Sepphoris, when six Jerusalem logs became equal to five logs of the new measure.

(13) Which would leave just five quarters after taking off the Hallah.

- (14) Cf. Ex. XXX, 24, etc. It contains twelve logs, or three kabs.
- (15) The ritual bath of purification; cf. Lev. XI, 36. It has to contain at least forty se'ahs (= 12.148 litres) of originally flowing water.
- (16) If it fell into the Mikweh before the Mikweh had forty se'ahs of originally flowing water.
- (17) Some texts omit 'Howbeit'.
- (18) A parenthetic observation of the redactor of the Mishnah to explain why Hillel used the Biblical term Hin, and not the Mishnaic expression twelve logs, or three kabs, as below; viz. because Hillel's teachers had used the term Hin. [The reference is to Hillel's Babylonian teachers, not to Shemaiah and Abtalion, v. Halevy, Doroth. I, 96.]
- (19) [At the south-east corner of the city. V. G. A. Smith, Jerusalem, I, p. 177]. Cf. Nehem. II, 13. The trade and abode of the two men are specified in order to indicate that in spite of their lowly station in life their testimony prevailed against the opinions of Hillel and Shammai.
- (20) The teachers of Hillel and Shammai; cf. Ab. I, 12.
- (21) Including Shammai and Hillel themselves.
- (22) Viz., Hillel and Shammai.
- (23) The accepted ruling.
- (24) A former court if it decided according to the opinion of a majority. But if that court decided according to the opinion of an individual, its decision may be set aside even when the condition named here is not fulfilled.
- (25) The wisdom of its president as compared with the wisdom of the president of the former court.
- (26) Of the members of the court. V. Ab. (Sonc. ed.) p. 64, n. 7.
- (27) [According to another explanation: Where there is the opinion of an individual to appeal for support, a subsequent court can set aside the decision of a former court even if it is not greater than it in wisdom and number, and this justifies the recording of the opinion of a single person among the many, v. Tosaf. Yom Tob a.l. and Halevy, Doroth. I, 200 f.]
- (28) In cases where the individual opinion is untenable, and no court would ever agree to it.
- (29) Confers defilement upon everything which happens to be under the same roof-space ('tent'; cf. Num. XIX, 14). But if less than a quarter-kab, it can cause defilement only by actual contact.
- (30) Only from one corpse.
- (31) The two legs and one thigh; cf. Bek. 45a.
- (32) 125 out of the 248 bones of the human body; cf. Ohol. I, 8.
- (33) Causes 'tent' defilement if it fills a quarter-kab.
- (34) Cf. M. Sh. II, 4. Vetches are usually food for cattle, but in time of scarcity they are also eaten by human beings.
- (35) Heave offering which belongs to the priest.
- (36) On the body as a detergent.
- (37) With the hands washed.
- (38) To cattle only.
- (39) With the hands unwashed.
- (40) Since moisture renders them liable to defilement in accordance with Lev. XI, 38.
- (41) Because animal food is not subject to the laws of Terumah.
- (42) With this and the following halachah cf. M. Sh. II, 8-9.
- (43) Equals two silver shekels, or four silver denarii.
- (44) Second Tithe produce is changed for money in accordance with Deut. XIV, 25. To lighten further the burden of the pilgrim to Jerusalem, copper coin is changed into silver money.
- (45) If pilgrims will bring to Jerusalem only silver money, copper coin will become scarce in the Holy City, and its value will rise, thus causing a loss to the Second Tithe.
- (46) Half a silver denar and its value in fruit may not together be changed for a silver denar.
- (47) For smaller coins, in order to buy Second Tithe provisions.
- (48) Young Sages who were not yet members of the Sanhedrin. For their identity cf. Sanh. 17b.
- (49) I.e., a fourth of a denar, or one sixteenth of a sela', in copper coin. So the commentaries. The text is uncertain.
- (50) According to Bertinoro it equals one fifth of a denar, or one twentieth of a sela'.
- (51) The whole sela' without changing it at all, lest when there is any surplus he unwittingly uses it as profane money.
- (52) Cf. Kel. XXli, 4.
- (53) The ordinary stool was made of four legs held together by four boards (= מַלְבָּן, framework), on which were placed boards (covering-boards) for sitting. A bride's stool had, in addition, three upright boards (also called

'covering-boards'), against which the occupant leant.

(54) The controversy turns on the question whether on the removal of an essential part the stool still retains its usefulness for its original purpose as a seat, and so still comes within the category of כלי, utensil, and is therefore still liable to defilement from the pressure on it of the body of an unclean person (= מדרם), in accordance with Lev. XV, 4.

(55) Here the controversy turns on whether the stool retains the character of a stool when fixed within the trough.

(56) Cf. Yeb. XV, 1-3.

(57) Cf. Deut. XXV, 5.

(58) That the statement of the woman is to be accepted.

(59) It so happened that a woman came from the harvest field and stated that her husband had died from the bite of a snake, and on investigation this was found to be true.

(60) If by chance the first husband should prove to be alive.

(61) The sons of the first husband cannot claim his property on the strength of the woman's evidence alone, as the transfer of property requires two witnesses for its validity.

(62) Cf. Git. IV, 5.

(63) He had belonged to two partners, one of whom had set him free. Or, if he belonged to one master, only half of his redemption money had been paid to the master.

(64) Since he is half free.

(65) Since he is half a slave.

(66) Isa. XLV, 18.

(67) The half slave.

(68) Under the roof-space ('tent') where there is a dead body.

(69) Even other vessels that are not of earthenware. But only if this earthenware vessel is covered by a tightly-fitting lid (צמיד פתיל); cf. Num. XIX, 15; Kel. IX, 2.

(70) Literally 'the people of the land', an untutored person who is indifferent to the observances of clean and unclean, distinguished from the scrupulous, Haber, 'associate'. V. Glos.

(71) The 'Am ha-arez, who in any case does not abstain from the unclean. As for the Haber, he does not use the food and drink of the 'Am ha-arez, nor his earthenware vessels, because these cannot be rendered clean by immersion.

(72) And all its contents, including vessels not of earthenware.

(73) I.e., for the Haber also. 'There is, therefore, the risk that the Haber may borrow these vessels that are not of earthenware, purify them by simple immersion and use them, whereas they require for their purification to be also sprinkled with the 'Water of Purification', in accordance with the rules applying to the removal of an uncleanness caused by a corpse, Num. XIX, 18-19.

Mishna - Mas. Eduyyot Chapter 2

MISHNAH1. R.¹ HANINA, CHIEF² OF THE PRIESTS, TESTIFIED CONCERNING FOUR MATTERS: THROUGH ALL THEIR DAYS THE PRIESTS NEVER SHRANK FROM BURNING FLESH WHICH HAD BEEN DEFILED BY AN 'OFFSPRING'³ OF DEFILEMENT WITH FLESH WHICH HAD BEEN DEFILED BY A 'FATHER'⁴ OF DEFILEMENT, ALTHOUGH THEY WERE [THEREBY] INCREASING ITS DEFILEMENT BY A [HIGHER] DEFILEMENT.⁵ R. AKIBA ADDED: THROUGH ALL THEIR DAYS THE PRIESTS NEVER SHRANK FROM LIGHTING OIL⁶ WHICH HAD BEEN RENDERED UNFIT BY A TEBUL YOM⁷ IN A LAMP⁸ DEFILED BY ONE WHO WAS DEFILED BY A CORPSE,⁹ ALTHOUGH THEY WERE [THEREBY] INCREASING ITS DEFILEMENT¹⁰ BY A [HIGHER] DEFILEMENT.

MISHNAH2. R.¹¹ HANINA, CHIEF OF THE PRIESTS, SAID: ALL MY DAYS I NEVER SAW A HIDE¹² TAKEN OUT TO THE PLACE OF BURNING.¹³ R. AKIBA SAID: FROM HIS WORDS WE INFER THAT WHOSO FLAYS THE HIDE OF THE FIRSTBORN BEAST¹⁴ AND IT IS FOUND¹⁵ TO BE TREFA,¹⁶ THE PRIESTS MAY ENJOY THE USE OF THE HIDE. BUT THE SAGES SAY: WE SAW NOT¹⁷ IS NO PROOF,¹⁷ BUT [SUCH A HIDE] MUST BE TAKEN OUT TO THE PLACE OF BURNING.¹⁸

MISHNAH3. ALSO HE TESTIFIED CONCERNING A SMALL VILLAGE IN THE VICINITY OF JERUSALEM IN WHICH THERE WAS AN OLD MAN WHO USED TO LEND TO ALL THE PEOPLE OF THE VILLAGE AND WRITE OUT [THE BOND] IN HIS OWN HANDWRITING AND OTHERS SIGNED IT,¹⁹ THAT WHEN THE FACT WAS BROUGHT BEFORE THE SAGES THEY PRONOUNCED IT LEGAL.²⁰ HENCE, INCIDENTALLY, YOU MAY INFER THAT THE WIFE MAY WRITE HER OWN BILL OF DIVORCEMENT, AND THE HUSBAND MAY WRITE HIS OWN QUITTANCE;²¹ FOR THE LEGALITY OF A DOCUMENT DEPENDS ONLY ON THOSE WHO SIGN IT. AND [HE TESTIFIED] CONCERNING A NEEDLE²² WHICH WAS FOUND IN FLESH,²³ THAT THE KNIFE AND THE HANDS [WHICH HAD BEEN EMPLOYED ON THE FLESH] ARE CLEAN,²⁴ BUT THE FLESH ITSELF IS DEFILED;²⁵ AND IF IT WAS FOUND IN THE EXCREMENT, ALL ARE CLEAN.²⁶

MISHNAH4. R. ISHMAEL DECLARED THREE THINGS BEFORE THE SAGES IN THE VINEYARD²⁷ AT YABNEH. CONCERNING AN EGG²⁸ WHICH WAS BEATEN TOGETHER, AND PLACED ON VEGETABLES OF TERUMAH — THAT IT ACTS AS A CONNECTION;²⁹ BUT IF IT WAS IN THE FORM OF A HELMET³⁰ IT DOES NOT ACT AS A CONNECTION. AND CONCERNING AN EAR OF CORN³¹ IN THE HARVESTING³² THE TOP OF WHICH REACHED THE STANDING CORN — THAT IF IT CAN BE REAPED TOGETHER WITH THE STANDING CORN, LO, IT BELONGS TO THE OWNER; AND IF NOT, IT BELONGS TO THE POOR.³³ AND CONCERNING A SMALL GARDEN³⁴ WHICH WAS SURROUNDED BY ESPALIER VINES — THAT IF IT HAS SPACE FOR THE GRAPE-GATHERER AND HIS BASKET ON ONE SIDE,³⁵ AND SPACE FOR THE GRAPE-GATHERER AND HIS BASKET ON THE OTHER SIDE,³⁵ IT MAY BE SOWN WITH SEED; BUT IF NOT, IT MAY NOT BE SOWN WITH SEED.³⁶

MISHNAH 5. THEY STATED THREE THINGS BEFORE R. ISHMAEL, AND HE PRONOUNCED NONE OF THEM EITHER UNLAWFUL OR LAWFUL; BUT R. JOSHUA THE SON OF MATTHIA ELUCIDATED THEM.³⁷ WHOSO CUTS AN ABSCESS ON THE SABBATH, HE IS GUILTY IF IT WAS TO MAKE AN OPENING³⁸ TO IT, BUT INNOCENT IF IT WAS TO BRING OUT THE PUS;³⁹ AND CONCERNING ONE WHO HUNTS A SNAKE ON THE SABBATH — THAT IF HE WAS THUS OCCUPIED IN ORDER THAT IT SHOULD NOT BITE HIM, HE IS INNOCENT;⁴⁰ BUT IF THAT HE MIGHT USE IT AS A REMEDY,⁴¹ HE IS GUILTY. AND CONCERNING IRONIAN⁴² STEWPOTS — THAT THEY DO NOT CONTRACT DEFILEMENT WHEN UNDER THE SAME ROOF-SPACE AS A CORPSE, BUT BECOME DEFILED IF THEY ARE CARRIED BY ONE WHO HAS AN ISSUE.⁴³ R. ELIEZER B. ZADOK SAYS: ALSO IF THEY ARE CARRIED BY ONE WHO HAS AN ISSUE THEY REMAIN UNDEFILED, BECAUSE THEY ARE UNFINISHED IN THE MAKING.⁴⁴

MISHNAH 6. R. ISHMAEL DECLARED THREE THINGS, AND R. AKIBA DISAGREED WITH HIM. IF GARLIC OR UNRIPE GRAPES OR GREEN EARS OF CORN WERE BEING CRUSHED [ON⁴⁵ THE EVE OF THE SABBATH] WHILE IT IS YET DAY, R. ISHMAEL SAYS: HE MAY ALLOW [THE CRUSHING] TO BE COMPLETED AFTER IT GROWS DARK.⁴⁶ BUT R. AKIBA SAYS: HE MAY NOT ALLOW IT TO BE COMPLETED.⁴⁷

MISHNAH 7. THEY DECLARED THREE THINGS BEFORE R. AKIBA, TWO IN THE NAME OF R. ELIEZER AND ONE IN THE NAME OF R. JOSHUA. TWO IN THE NAME OF R. ELIEZER: — A WOMAN MAY GO FORTH [ON THE SABBATH ADORNED] WITH A 'GOLDEN-CITY';⁴⁸ AND: THEY THAT FLY PIGEONS ARE UNFIT TO BEAR EVIDENCE.⁴⁹ AND ONE IN THE NAME OF R. JOSHUA: — IF⁵⁰ THERE WAS A CREEPING THING⁵¹ IN THE MOUTH OF A WEASEL WHEN IT WALKED OVER LOAVES OF TERUMAH, AND IT IS DOUBTFUL WHETHER IT⁵² TOUCHED THEM OR WHETHER IT DID NOT TOUCH THEM, THAT ABOUT WHICH THERE IS DOUBT REMAINS CLEAN.⁵³

MISHNAH8. R. AKIBA DECLARED THREE THINGS; ABOUT TWO THEY AGREED WITH HIM, AND ABOUT ONE THEY DISAGREED WITH HIM. ABOUT A LIME-BURNER'S SANDAL,⁵⁴ THAT IT IS LIABLE TO CONTRACT DEFILEMENT⁵⁵ FROM PRESSURE UNCLEANNESS;⁵⁶ AND ABOUT THE REMAINS OF A [BROKEN] OVEN,⁵⁷ THAT THEY MUST BE FOUR HANDBREADTHS HIGH IN ORDER TO RETAIN THE DEFILEMENT].⁵⁸ WHEREAS THEY USED TO SAY: THREE.⁵⁹ AND THEY AGREED WITH HIM. AND ABOUT ONE THEY DISAGREED WITH HIM. ABOUT A STOOL,⁶⁰ FROM WHICH TWO OF ITS COVERING-BOARDS⁶¹ HAD BEEN REMOVED, THE ONE BESIDE THE OTHER, WHICH R. AKIBA PRONOUNCES LIABLE TO UNCLEANNESS,⁶² BUT THE SAGES DECLARE NOT LIABLE TO UNCLEANNESS.

MISHNAH9. HE USED TO SAY: THE FATHER TRANSMITS TO THE SON COMELINESS AND STRENGTH AND WEALTH AND WISDOM AND YEARS⁶³ AND THE NUMBER OF GENERATIONS BEFORE HIM,⁶⁴ THAT HE SHALL BECOME THEIR APPOINTED END.⁶⁵ FOR IT IS SAID, CALLING THE GENERATIONS FROM THE BEGINNING.⁶⁶ ALTHOUGH IT IS SAID, AND SHALL SERVE THEM, AND THEY SHALL AFFLICT THEM FOUR HUNDRED YEARS,⁶⁷ IT IS SAID ALSO, AND IN THE FOURTH GENERATION THEY SHALL COME HITHER AGAIN.⁶⁷

MISHNAH10. ALSO HE USED TO SAY: THERE ARE FIVE THINGS OF [THE DURATION OF] TWELVE MONTHS: THE JUDGMENT OF THE GENERATION OF THE FLOOD [CONTINUED] TWELVE MONTHS;⁶⁸ THE JUDGMENT OF JOB [CONTINUED] TWELVE MONTHS;⁶⁹ THE JUDGMENT OF THE EGYPTIANS [CONTINUED] TWELVE MONTHS;⁷⁰ THE JUDGMENT OF GOG AND MAGOG⁷¹ IN THE TIME TO COME [WILL CONTINUE] TWELVE MONTHS;⁷² THE JUDGMENT OF THE UNGODLY IN GEHENNA [CONTINUES] TWELVE MONTHS, FOR IT IS SAID, AND IT WILL BE FROM ONE MONTH UNTIL ITS [SAME] MONTH.⁷³ R. JOHANAN B. NURI SAYS: [AS LONG AS] FROM PASSOVER TO PENTECOST,⁷⁴ FOR IT IS SAID, AND FROM ONE SABBATH⁷⁵ UNTIL ITS [NEXT] SABBATH.

(1) Cf. Pes. I, 6.

(2) Segan; next in rank to the High Priest, occasionally acting as deputy; v. Sanh. (Sonc. ed.) p. 97, n. 1.

(3) **ולד הטומאה**, a generated, or secondary, defilement.

(4) **אב הטומאה**, a generating, or principal, defilement. This principal defilement has the power of conferring secondary defilement (**ולד הטומאה**) of the first degree (**ראשון לטומאה**). The **ראשון**, again, confers on food and drink secondary defilement (**ולד הטומאה**) of a second degree (**לטומאה**). If the **שני** belongs to the category of unhallowed things (**חולין**), it merely becomes itself 'unfit' (**פסול**), but the process of generating further defilement ceases with it. But if this **שני** belongs to hallowed things, like heave-offering or altar-offering, it can confer secondary defilement of a third degree (**שלישי לטומאה**). If this **שלישי** belongs to heave-offering, it becomes itself unfit, but it cannot confer further defilement. If, however, the **שלישי** belongs to altar-offerings, it can confer secondary defilement of a fourth degree (**רביעי לטומאה**). The **רביעי**, becomes unfit, but without the power of transmitting any further defilement.

(5) The first flesh contracted secondary defilement of a third degree. By being burnt together with flesh that had contracted defilement of a first degree from a 'father' of defilement, this first flesh contracted defilement of a second degree. But the priests did not mind raising the defilement of this first flesh, since in any case it was going to be destroyed by burning.

(6) Of terumah, heave-offering.

(7) Lit., 'immersed by day', a person, or utensil, that has undergone purification by immersion in the ritual bath (**מקוה**); cf. I, 3, n. 7), but has still to wait till sunset to complete the purification, in accordance with Lev. XXII, 7. The tebul yom confers on terumah secondary defilement of the third degree, rendering the terumah 'unfit'; cf. n. 4.

(8) Of metal.

(9) A corpse possesses the highest degree of defilement, being the 'father of the fathers' of defilement, **אבי אבות הטומאה**. It confers a generating, or principal, defilement, **אב הטומאה**. But metal articles, like this lamp, contract defilement equal in degree to the defilement of the source, viz. they become **אבי אבות הטומאה** when defiled by a corpse, and **אב הטומאה** when defiled by a principal defilement. (This principle is deduced from the expression **בהלל הרב**, 'slain by the sword', Num. XIX, 16, which is interpreted: **הרב הרי הוא כהלל** 'the sword is equal in its defilement to the slain' (Naz. 53b). And what applies to a sword applies also to any other metal article.) Hence a metal lamp defiled by one who was defiled by a corpse becomes itself **אב הטומאה**, and confers on the oil put in it a secondary defilement of the first degree, **ראשון לטומאה**.

(10) By raising the defilement of the oil from the third degree (cf. n. 2) to the first degree (cf. n. 1). This is more remarkable than R. Hanina's testimony, which only involved the raising of a third degree defilement to a second degree.

(11) Cf. Zeb. Xli, 4.

(12) Of a sacrifice which was found after flaying to be unfit for the altar.

(13) Where all unfit sacrifices were destroyed.

(14) Even if it was slaughtered outside the Temple, because of a blemish (cf. Lev. XXII, 20 ff.), it is treated as though it were prepared for the altar.

(15) After flaying.

(16) Unfit for food owing to disease, cf. Hul. III, 1. Lit., 'torn by a wild beast'; cf. Ex. XXII, 30.

(17) Such a case may not have occurred in R. Hanina's time; or it may have occurred and he failed to notice it.

(18) Since it was unfit for consumption from the very first.

(19) As witnesses.

(20) Though the deed was drafted by the creditor who was an interested party.

(21) For the payment of the marriage settlement; cf. I, 12.

(22) Which had been defiled by a corpse.

(23) Flesh of a sacrifice, in the Temple court which is considered public ground (**רשות הרבים**).

(24) Because it is doubtful whether they touched the needle, and a doubtful defilement arising in public ground is considered clean; cf. Toh. IV, 7, 11.

(25) Because the flesh certainly touched the needle.

(26) Because it is to be presumed that the flesh, too, did not touch the needle.

(27) The meeting place of the Sages after the destruction of Jerusalem by Titus. V. B.B. (Sonc. ed.) p. 549, n. 4.

(28) Cf. T.Y. III, 2.

(29) So that if a tebul yom (II, 1, n. 7) touches the egg, the vegetables become unfit, though an egg cannot be set aside as *terumah*.

(30) Blown up and hollow within, so that air intervenes between it and the vegetables.

(31) Cf. Pe'ah V, 2.

(32) Which has been left behind through forgetfulness.

(33) In accordance with the command of Deut. XXIV, 19; cf. Pe'ah VI, 4.

(34) Having a fence round it.

(35) Equalling a space of two cubits, or a minimum total space for the whole garden of four cubits square.

(36) It comes under the prohibition of Deut. XXII, 9.

(37) In what case they are forbidden, and in what case they are lawful.

(38) A permanent opening. This comes under the prohibition of making on the Sabbath an opening for a door in a building.

(39) The making of the opening is then a work which is not done for its own sake (**מלאכה שאינה צריכה לגופה**), but for another object, and therefore permissible; cf. Shab. 105b.

(40) As in the last case, the catching of the snake is not the real object of the work.

(41) The snake was believed to heal a certain skin disease (**חפפית**); cf. Shab. 77b.

(42) **אירוניות**. The correct reading, as well as the exact meaning of the term, is uncertain. The commentators take it as **עירוניות**, and explain it in the sense of provincial, coarse and unfinished.

(43) Cf. Lev. XV, 12.

(44) And therefore they are not considered utensils; cf. I, 11, n. 10.

(45) By placing on them heavy stones.

- (46) He need not remove the stones from them, and may use the juice which flows from them on the Sabbath, since the crushing began before the coming in of the Sabbath.
- (47) Cf. Shab. XVII, 1.
- (48) A gold ornament bearing a representation of the city of Jerusalem. R. Akiba is reported to have given one to his wife; cf. Shab. VI, 1, and the Gemara ibid. 59a, b; Ned. 50a.
- (49) Cf. Sanh. III, 3. They do it for betting purposes, and thus make unlawful gain. Another explanation is that the pigeons serve to decoy strange pigeons for their master.
- (50) Cf. Toh. IV, 2.
- (51) A dead one, cf. Lev. XI, 29 ff.
- (52) The creeping thing.
- (53) Any doubt arising about a moving defilement is deemed clean.
- (54) A coarse foot-covering made of wood or straw, and only used for protecting the feet from the lime, but not for walking.
- (55) If worn by one who has an issue.
- (56) **מדרם**, lit., 'treading'; cf. I, 11, n. 10. The reason is that the lime-burner may sometimes wear it when walking home from his work, thereby making it an article of apparel.
- (57) Of earthenware, standing upright on the ground like a cooking-pot, which contracted a defilement when still whole.
- (58) But if they are less, they become clean, like the fragments of a broken utensil; cf. Kel. II, 2.
- (59) Cf. Kel. VI, 1.
- (60) Cf. Kel. XXII, 7.
- (61) Viz., the boards forming the seat; cf. I. 11, n. 9.
- (62) By body pressure, **מדרם**, because it can still be used in case of necessity for sitting; cf. I, 11, n. 1.
- (63) I.e., long life.
- (64) The reading is uncertain. According to most commentators the passage means that the son becomes the recipient of the good promised after the lapse of a number of generations, such as the redemption from Egypt which was promised after four generations, Gen. XV, 16.
- (65) **והוא הקיץ**. This may also be rendered: 'which is the appointed end'.
- (66) Isa. XLI, 4.
- (67) Gen. XV, 13, 16.
- (68) Cf. Gen. VII, 11, with VIII, 14.
- (69) 'Months of vanity', Job VII, 3, is interpreted to imply a full twelve months; cf. Seder Olam Rabbah, ch. XXX.
- (70) Ex. IV, 12, is said to have occurred in the month of Iyyar, while the Exodus took place twelve months later in Nisan.
- (71) Cf. Esek. XXXVIII, 2 ff.
- (72) Ezek. XXXIX, 4, 17, is combined with Isa. XVIII, 6, implying that the birds and beasts of prey will feast on the bodies of Gog and Magog a whole summer and a whole winter, or together twelve months.
- (73) Isa. LXVI, 23, combined with the following verse, 24. The 'same' month, viz. of the following year.
- (74) Forty nine days, the briefest interval between two festivals.
- (75) The Festival is also called Sabbath, as Lev. XXIII, 11, 15, where 'Sabbath' is traditionally interpreted: the first day of Passover.

Mishna - Mas. Eduyyot Chapter 3

MISHNAH 1. [IN THE CASE OF] ALL¹ THINGS² WHICH CAUSE DEFILEMENT IN A 'TENT',³ IF THEY WERE DIVIDED⁴ AND BROUGHT INTO THE HOUSE,⁵ R. DOSA B. HARKINAS PRONOUNCES [EVERYTHING UNDER THE SAME ROOF-SPACE] CLEAN, BUT THE SAGES PRONOUNCE IT UNCLEAN. HOW IS THIS? HE WHO TOUCHES AS MUCH AS TWO HALVES OF AN OLIVE [IN QUANTITY] OF A CARCASS⁶ OR CARRIES THEM; OR IN THE CASE OF A CORPSE, HE WHO TOUCHES AS MUCH AS HALF AN OLIVE AND STANDS⁷ OVER AS MUCH AS HALF AN OLIVE; OR TOUCHES AS MUCH AS HALF AN OLIVE AND AS MUCH AS HALF AN OLIVE IS ABOVE HIM; OR IF HE STANDS OVER AS MUCH AS TWO HALVES OF AN OLIVE; OR IF HE STANDS OVER AS MUCH AS

HALF AN OLIVE AND AS MUCH AS HALF AN OLIVE IS ABOVE HIM — R. DOSA B. HARKINAS PRONOUNCES HIM CLEAN, AND THE SAGES PRONOUNCE HIM UNCLEAN.⁸ BUT IF HE TOUCHES AS MUCH AS HALF AN OLIVE [IN QUANTITY] AND ANOTHER THING⁹ WAS OVER HIM AND OVER AS MUCH AS HALF AN OLIVE; OR IF HE STOOD OVER AS MUCH AS HALF AN OLIVE AND ANOTHER THING WAS OVER HIM AND OVER AS MUCH AS HALF AN OLIVE, HE IS CLEAN.¹⁰ R. MEIR SAID: ALSO IN THIS CASE R. DOSA PRONOUNCES HIM CLEAN AND THE SAGES PRONOUNCE HIM UNCLEAN. IN¹¹ ALL SUCH CASES A MAN IS UNCLEAN UNLESS THERE IS AN ACT OF TOUCHING AND ALSO AN ACT OF CARRYING,¹² OR AN ACT OF CARRYING AND ALSO [THE FACT OF] BEING UNDER THE SAME ROOF-SPACE.¹² THIS IS THE GENERAL RULE: IN WHATEVER CASE THE MEANS OF CAUSING DEFILEMENT ARE OF ONE CATEGORY,¹³ HE IS UNCLEAN;¹⁴ IF THEY ARE OF TWO CATEGORIES,¹⁵ HE IS CLEAN.¹⁶

MISHNAH 2. FOOD IN SEPARATED PIECES¹⁷ IS NOT COMBINED TOGETHER.¹⁸ THIS IS THE OPINION OF R. DOSA B. HARKINAS. BUT THE SAGES SAY: IT IS COMBINED TOGETHER. ONE¹⁹ MAY EXCHANGE [PRODUCE OF] SECOND TITHE FOR UNCOINED METAL.²⁰ THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: ONE MAY NOT SO EXCHANGE IT. THE HANDS²¹ [ALONE] NEED BE IMMERSSED²² FOR THE WATERS OF PURIFICATION.²³ THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: IF HIS HANDS HAVE BECOME UNCLEAN HIS WHOLE BODY BECOMES UNCLEAN.²⁴

MISHNAH 3. THE INSIDES OF A MELON AND THE OFFAL LEAVES OF A VEGETABLE, WHEN THEY ARE TERUMAH, R. DOSA PERMITS [THEIR] USE TO NON-PRIESTS, AND THE SAGES FORBID IT.²⁵ FIVE²⁶ EWES, THEIR FLEECES WEIGHING EACH A MINA²⁷ AND A HALF, ARE SUBJECT TO [THE LAW OF] THE FIRST OF THE FLEECE.²⁸ THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: FIVE EWES [ARE SUBJECT] WHATEVER [THEIR FLEECES WEIGH].²⁹

MISHNAH 4. ALL MAT³⁰ ARE [LIABLE TO BECOME] DEFILED BY ‘CORPSE’ DEFILEMENT. THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: [ALSO BY] ‘PRESSURE’ DEFILEMENT.³¹ NO NETWORK³² [ARTICLES] ARE LIABLE TO UNCLEANNESS³³ EXCEPT A [NETWORK] GIRDLE.³⁴ THIS IS THE OPINION OF R. DOSA. BUT THE SAGES SAY: THEY ARE ALL LIABLE TO UNCLEANNESS, EXCEPT THOSE USED BY WOOLDEALERS.³⁵

MISHNAH 5. A SLING WHOSE POCKET IS WOVEN IS LIABLE TO UNCLEANNESS;³⁶ IF IT IS OF SKIN, R. DOSA B. HARKINAS PRONOUNCES IT NOT LIABLE TO UNCLEANNESS,³⁷ AND THE SAGES PRONOUNCE IT LIABLE TO UNCLEANNESS.³⁸ IF ITS FINGER-HOLD IS BROKEN OFF, IT IS NOT LIABLE;³⁹ BUT IF THE STRING-HANDLE [ONLY] IS BROKEN OFF IT IS LIABLE TO UNCLEANNESS.⁴⁰

MISHNAH 6. A FEMALE CAPTIVE⁴¹ MAY EAT OF TERUMAH.⁴² THIS IS THE OPINION OF R. DOSA B. HARKINAS. BUT THE SAGES SAY: THERE IS A FEMALE CAPTIVE WHO MAY EAT, AND THERE IS A FEMALE CAPTIVE WHO MAY NOT EAT. HOW IS THIS? THE WOMAN⁴³ WHO SAID: I WAS MADE A CAPTIVE BUT [NONE THE LESS] I AM PURE, SHE MAY EAT; BECAUSE THE EVIDENCE⁴⁴ WHICH MADE IT UNLAWFUL IS THE SAME EVIDENCE⁴⁴ WHICH MADE IT LAWFUL. BUT IF THERE ARE WITNESSES [WHO DECLARE] THAT SHE WAS MADE A CAPTIVE, AND SHE SAYS: [NONE THE LESS] I AM PURE, SHE MAY NOT EAT.⁴⁵

MISHNAH 7. FOUR⁴⁶ CASES OF DOUBT R. JOSHUA PRONOUNCES UNCLEAN, AND THE SAGES PRONOUNCE THEM CLEAN. HOW IS THIS? IF THE UNCLEAN PERSON⁴⁷

STANDS⁴⁸ AND THE CLEAN PERSON PASSES BY HIM, OR IF THE CLEAN PERSON STANDS⁴⁸ AND THE UNCLEAN PERSON⁴⁷ PASSES BY HIM; OR IF IMPURITY IS IN PRIVATE PREMISES⁴⁹ AND SOMETHING CLEAN IS IN PUBLIC PREMISES,⁵⁰ OR IF SOMETHING CLEAN IS IN PRIVATE PREMISES⁴⁹ AND IMPURITY IS IN PUBLIC PREMISES;⁵⁰ IF IT IS DOUBTFUL WHETHER ONE TOUCHED OR DID NOT TOUCH THE OTHER, OR IF IT IS DOUBTFUL WHETHER ONE STOOD OVER⁵¹ OR DID NOT STAND OVER THE OTHER, OR IF IT IS DOUBTFUL WHETHER ONE MOVED OR DID NOT MOVE THE OTHER, R. JOSHUA PRONOUNCES SUCH A CASE UNCLEAN,⁵² AND THE SAGES PRONOUNCE IT CLEAN.⁵³

MISHNAH 8. THREE⁵⁴ THINGS R. ZADOK PRONOUNCES UNCLEAN AND THE SAGES PRONOUNCE THEM CLEAN. THE NAIL OF THE MONEY-CHANGER,⁵⁵ AND THE CHEST OF GRIST MAKERS, AND THE NAIL OF A STONE DIAL,⁵⁶ R. ZADOK PRONOUNCES UNCLEAN, AND THE SAGES PRONOUNCE THEM CLEAN.⁵⁷

MISHNAH 9. FOUR⁵⁸ THINGS RABBAN GAMALIEL PRONOUNCES UNCLEAN, AND THE SAGES PRONOUNCE THEM CLEAN.⁵⁷ THE COVERING OF A METAL BASKET, IF IT BELONGS TO HOUSEHOLDERS,⁵⁹ AND THE HANGER OF CURRY-COMBS, AND THE VESSELS OF METAL STILL UNSHAPED,⁶⁰ AND A PLATE⁶¹ THAT IS DIVIDED INTO TWO [EQUAL] PARTS. AND THE SAGES AGREE WITH RABBAN GAMALIEL IN THE CASE OF A PLATE THAT WAS DIVIDED INTO TWO PARTS, ONE LARGE AND ONE SMALL, THAT THE LARGE ONE IS LIABLE TO UNCLEANNESS AND THE SMALL ONE IS NOT LIABLE TO UNCLEANNESS.⁵⁷

MISHNAH 10. IN⁶² THREE CASES RABBAN GAMALIEL PRONOUNCES A RIGOROUS RULING ACCORDING TO THE OPINION OF BETH SHAMMAI. ONE MAY NOT WRAP UP⁶³ HOT FOOD ON A FESTIVAL FOR THE SABBATH; AND ONE MAY NOT JOIN TOGETHER A LAMP⁶⁴ ON A FESTIVAL, AND ONE MAY NOT BAKE [ON FESTIVALS] THICK LOAVES BUT ONLY WAFER-CAKES.⁶⁵ RABBAN GAMALIEL SAID: IN ALL THEIR DAYS MY FATHER'S HOUSE NEVER BAKED LARGE LOAVES BUT ONLY WAFERCAKES. THEY SAID TO HIM: WHAT CAN WE DO AS REGARDS YOUR FATHER'S HOUSE, FOR THEY WERE RIGOROUS IN RE SPECT TO THEMSELVES BUT WERE LENIENT TOWARDS ISRAEL TO LET THEM BAKE BOTH LARGE LOAVES AND WHITE BREAD.

MISHNAH 11. ALSO⁶⁶ HE DECLARED THREE DECISIONS OF A LENIENT CHARACTER: ONE MAY SWEEP UP [ON A FESTIVAL] BETWEEN THE COUCHES,⁶⁷ AND PUT SPICES⁶⁸ [ON THE COALS] ON A FESTIVAL, AND ROAST A KID WHOLE ON THE NIGHT OF PASSOVER.⁶⁹ BUT THE SAGES FORBID THEM.⁷⁰

MISHNAH 12. R.⁷¹ ELEAZAR B. AZARIAH ALLOWS THREE THINGS AND THE SAGES FORBID THEM: HIS⁷² COW USED TO GO OUT WITH THE STRAP WHICH SHE HAD BETWEEN HER HORNS;⁷³ ONE MAY CURRY⁷⁴ CATTLE ON A FESTIVAL; AND ONE MAY GRIND PEPPER IN ITS OWN MILL. R. JUDAH SAYS: ONE MAY NOT CURRY CATTLE ON A FESTIVAL, BECAUSE IT MAY CAUSE A WOUND, BUT ONE MAY COMB⁷⁵ THEM. BUT THE SAGES SAY: ONE MAY NOT CURRY THEM, NEITHER MAY ONE COMB⁷⁶ THEM.

(1) Cf. Oh. III, 1.

(2) These are enumerated, Oh. II, 1 f.

(3) Cf. I, 7, note 1.

(4) The minimum quantity required for conferring defilement (viz. the size of an olive, Oh. II, 1.) was divided into two halves.

(5) I.e., under the same roofspace.

- (6) Cf. Lev. XI, 35, 40. Touching or carrying a dead animal does not really belong to 'tent' defilement dealt with here. We must assume that this controversy of R. Dosa and the Sages covers also carcass defilement. Some authorities would delete the words 'He who touches corpse'.
- (7) Lit., 'forms a tent over'.
- (8) They hold that the parts combine to form the minimum quantity.
- (9) A board, or beam, or the like.
- (10) Even according to the Sages who agree that in this case the half quantities cannot be combined. The reason for this ruling is discussed, Hul. 125b.
- (11) This continues R. Meir's exposition of the opinion of the Sages.
- (12) Touching one part and carrying the other part of the divided quantity. These acts belong to two different categories, but touching and 'tent' defilement are considered as belonging to the same category.
- (13) Viz., two acts of touching, or carrying, or standing over, each applied to one of the two parts of the divided quantity; or touching the one and standing over the other; cf. the last note.
- (14) The identical act combines the two parts into the required minimum quantity.
- (15) E.g., touching one half and carrying the other half.
- (16) The two parts do not combine.
- (17) Food consisting of small particles, like peas, or small nuts; or food broken up in fragments.
- (18) To form the minimum quantity required to become subject to all the laws governing the defilement of food; cf. Me'i. IV, 5.
- (19) Cf. M.Sh. I, 2.
- (20) Gr. **.
- (21) If they have touched defiled food or drink; cf. Yad. lii, 1.
- (22) In a ritual bath; cf. I, 3, note 7.
- (23) To enable one to sprinkle it upon the defiled; cf. Num. XIX, 17-19.
- (24) And the whole body requires Immersion.
- (25) Cf. Lev. XXII, 10.
- (26) Cf. Hul. XI, 2.
- (27) Cf. Ezek. XLV, 12.
- (28) Deut. XVIII, 4.
- (29) For the minimum quantity, v. Hul. 137b.
- (30) Made of rushes with a raised seam round them, so that they can be used as a receptacle.
- (31) They can also serve as a spread to lie on; cf. Lev. XV, 4, and supra, I, 11, n. 10.
- (32) As distinguished from woven material.
- (33) As they do not form a garment; cf. Lev. XI, 32. etc.
- (34) Through being stretched round the body, it becomes like a woven article.
- (35) Which have very large meshes.
- (36) [Though the pocket is not considered a 'utensil with receptacle', as the stones are placed therein only to be slung forth, it is susceptible to defilement in that it is woven work (Raabad).]
- (37) The pocket not being considered a 'utensil with receptacle' it cannot become unclean because it lacks the minimum quantity of five handbreadths square which a skin needs for contracting defilement; cf. Kel. XXVII, 2.
- (38) It is considered a 'utensil with receptacle', and therefore does not require that minimum.
- (39) The sling has become unfit for use, and ceases to be a 'utensil'.
- (40) The sling can be used also without the string.
- (41) The wife of a priest.
- (42) We do not suspect that she was violated by her captors, and thus became a 'harlot' who is unfit to be a priest's wife.
- (43) Cf. Ket. II, 5.
- (44) Lit., 'the mouth'. If you believe her statement that she was made a captive, you must also believe her when she asserts her purity.
- (45) Unless she can bring witnesses to prove that she remained pure.
- (46) Cf. Toh. VI, 2.
- (47) A leper.
- (48) Under a tent, or a tree.

- (49) E.g., in an open house or shop.
- (50) E.g., in a street near by.
- (51) Cf. supra 1, n. 7.
- (52) Because the defilement concerns also private ground where a doubtful defilement is unclean.
- (53) Because it concerns also a public ground where a doubtful defilement is clean; cf. II, 3, n. 6.
- (54) Cf. Kel. Xli, 5.
- (55) On which he suspends his scales; or, according to others, which he uses for keeping up the board which serves him as a table.
- (56) Fixed to the ground, and serving as a sun clock.
- (57) The controversy turns on the question whether these three articles are to be deemed 'utensils', or not.
- (58) Cf. Kel. XII, 6.
- (59) As opposed to the covering of a metal basket belonging to physicians; cf. Kel. XII, 3.
- (60) The making of which is not quite finished; cf. II, 5, n. 11.
- (61) Of earthenware, provided with a rim.
- (62) Cf. Bez. II, 6.
- (63) To keep it hot; cf. Shab. IV, 1.
- (64) The parts of which have become severed.
- (65) In order to avoid extra labour.
- (66) Cf. Bez. II, 7.
- (67) On which people recline at meals.
- (68) For perfume, offered to guests after dinner; cf. Ber. VI, 6.
- (69) After the manner of the Passover lamb; cf. Pes. VII, 1.
- (70) Because sweeping may cause holes in the ground; the burning of spices for perfume is only practiced by the rich, and cannot therefore be regarded as a regular part of the meal to be permitted on the Festival; finally, roasting the kid whole may give the impression of a Passover sacrifice which was forbidden after the destruction of the Temple.
- (71) Cf. Bez. II, 8.
- (72) According to Bez. 23a, the cow really belonged to a female neighbour of R. Eleazar.
- (73) As an adornment, but the Sages consider it a 'burden'.
- (74) Even with fine metal combs.
- (75) With large wooden combs.
- (76) The latter is forbidden to prevent any one doing also the former.

Mishna - Mas. Eduyyot Chapter 4

MISHNAH 1. THE FOLLOWING CASES ARE [EXAMPLES] OF THE LENIENT RULINGS OF BETH SHAMMAI AND OF THE RIGOROUS RULINGS OF BETH HILLEL.¹ AN EGG² WHICH IS LAID ON A FESTIVAL — BETH SHAMMAI SAY: IT MAY BE EATEN,³ AND BETH HILLEL SAY: IT MAY NOT BE EATEN.³ BETH SHAMMAI SAY: LEAVEN AS MUCH AS AN OLIVE [IN QUANTITY], AND LEAVENED FOOD AS MUCH AS A DATE.⁴ AND BETH HILLEL SAY: AS MUCH AS AN OLIVE [IN QUANTITY] IN BOTH CASES.

MISHNAH 2. A BEAST⁵ WHICH WAS BORN ON A FESTIVAL — ALL AGREE THAT IT IS PERMITTED; AND A CHICKEN WHICH WAS HATCHED FROM THE EGG — ALL AGREE THAT IT IS FORBIDDEN.⁶ HE WHO SLAUGHTERS A WILD ANIMAL⁷ OR A BIRD ON A FESTIVAL — BETH SHAMMAI SAY: HE MAY DIG WITH A PRONGED TOOL⁸ AND COVER UP [THE BLOOD].⁹ BUT BETH HILLEL SAY: HE MAY NOT SLAUGHTER UNLESS HE HAS HAD EARTH MADE READY.¹⁰ BUT THEY AGREE THAT IF HE DID SLAUGHTER HE SHOULD DIG WITH A PRONGED TOOL¹¹ AND COVER UP [THE BLOOD, AND] THAT THE ASHES OF A STOVE¹² COUNT AS 'MADE READY'.¹³

MISHNAH 3. BETH SHAMMAI SAY: [PRODUCE MADE] OWNERLESS¹⁴ WITH RESPECT TO THE POOR [ONLY] IS COUNTED AS OWNERLESS. BUT BETH HILLEL SAY: IT IS NOT

COUNTED AS OWNERLESS UNLESS IT IS MADE OWNERLESS ALSO WITH RESPECT TO THE RICH, AS IN THE YEAR OF RELEASE.¹⁵ IF ALL THE SHEAVES OF THE FIELD WERE OF ONE KAB¹⁶ EACH AND ONE WAS OF FOUR KABS, AND IT WAS FORGOTTEN,¹⁷ BETH SHAMMAI SAY: IT DOES NOT COUNT AS FORGOTTEN,¹⁸ AND BETH HILLEL SAY: IT COUNTS AS FORGOTTEN.¹⁹

MISHNAH 4. A SHEAF²⁰ WHICH WAS CLOSE TO A WALL OR TO A STACK OR TO THE HERD OR TO [FIELD] UTENSILS, AND WAS FORGOTTEN, BETH SHAMMAI SAY: IT DOES NOT COUNT AS FORGOTTEN,²¹ AND BETH HILLEL SAY: IT COUNTS AS FORGOTTEN.

MISHNAH 5. A VINEYARD²² OF THE FOURTH YEAR²³ — BETH SHAMMAI SAY: IT IS NOT SUBJECT TO THE LAW OF THE FIFTH NOR TO THE LAW OF REMOVAL, AND BETH HILLEL SAY: IT IS SUBJECT TO THE LAW OF THE FIFTH²⁴ AND TO THE LAW OF REMOVAL.²⁵ BETH SHAMMAI SAY: IT IS SUBJECT TO THE LAW OF FALLEN GRAPES AND TO THE LAW OF GLEANINGS,²⁶ AND THE POOR REDEEM THEM FOR THEMSELVES.²⁷ BUT BETH HILLEL SAY: ALL OF IT GOES TO THE WINEPRESS.²⁸

MISHNAH 6. BETH SHAMMAI SAY: ONE NEED NOT PERFORATE A BARREL OF PICKLED OLIVES,²⁹ AND BETH HILLEL SAY: ONE MUST PERFORATE IT.³⁰ BUT THEY AGREE THAT IF IT WAS PERFORATED AND THE DREGS STOPPED IT UP, IT IS NOT LIABLE TO UNCLEANNESS.³¹ WHOSO HAD ANOINTED HIMSELF WITH CLEAN OIL AND [THEN] BECAME UNCLEAR, AND HE WENT DOWN AND IMMERSSED³² HIMSELF, BETH SHAMMAI SAY: ALTHOUGH HE STILL DRIPS IT³³ IS CLEAN. AND BETH HILLEL SAY: [ONLY WHILE THERE REMAINS] ENOUGH FOR ANOINTING A SMALL LIMB.³⁴ AND IF FROM THE BEGINNING³⁵ IT WAS UNCLEAR OIL, BETH SHAMMAI SAY: [IT IS UNCLEAR AS LONG AS THERE REMAINS ONLY] ENOUGH FOR ANOINTING A SMALL LIMB, AND BETH HILLEL SAY: [EVEN IF THERE REMAINS AS MUCH AS A MOIST LIQUID. R. JUDAH SAYS IN THE NAME OF BETH HILLEL: [PROVIDED IT REMAINS] MOIST [ITSELF] AND [CAN ALSO] MOISTEN [OTHER THINGS].

MISHNAH 7. A WOMAN³⁶ IS BETROTHED BY A DENAR³⁷ OR THE VALUE OF A DENAR, ACCORDING TO THE OPINION OF BETH SHAMMAI. BUT BETH HILLEL SAY: BY A PERUTAH³⁸ OR THE VALUE OF A PERUTAH. AND HOW MUCH IS A PERUTAH? ONE-EIGHTH OF AN ITALIAN ISSAR. BETH SHAMMAI SAY: ONE³⁹ MAY DISMISS HIS WIFE WITH AN OLD BILL OF DIVORCEMENT, AND BETH HILLEL FORBID IT. WHAT IS AN OLD BILL OF DIVORCEMENT? WHENSOEVER HE HAS HAD PRIVACY WITH HER AFTER HE HAS WRITTEN IT FOR HER.⁴⁰ WHOSO⁴¹ DIVORCES HIS WIFE AND SHE [AFTERWARDS] SPENDS A NIGHT WITH HIM AT THE [SAME] INN⁴² — BETH SHAMMAI SAY: SHE DOES NOT REQUIRE A SECOND BILL OF DIVORCEMENT FROM HIM. BUT BETH HILLEL SAY: SHE REQUIRES A SECOND BILL OF DIVORCEMENT FROM HIM.⁴³ WHEN [DOES SHE REQUIRE A SECOND BILL OF DIVORCEMENT]? WHEN SHE WAS DIVORCED AFTER MARRIAGE. BUT IF SHE WAS DIVORCED AFTER BETROTHAL SHE DOES NOT REQUIRE FROM HIM A SECOND BILL OF DIVORCEMENT, SINCE HE IS NOT [YET] FAMILIAR WITH HER.⁴⁴

MISHNAH 8. BETH SHAMMAI PERMIT⁴⁵ THE RIVAL WIVES [OF A DECEASED BROTHER TO BE MARRIED]⁴⁶ TO THE [SURVIVING] BROTHERS; BUT BETH HILLEL FORBID THEM. IF THEY⁴⁷ HAVE PERFORMED HALIZAH,⁴⁸ BETH SHAMMAI PRONOUNCE THEM UNFIT TO [MARRY INTO] THE PRIESTHOOD,⁴⁹ BUT BETH HILLEL PRONOUNCED THEM FIT.⁵⁰ IF THEY⁴⁷ HAVE MARRIED THEIR BROTHER-IN-LAW,⁵¹ BETH SHAMMAI PRONOUNCE THEM FIT,⁵² AND BETH HILLEL PRONOUNCED THEM

UNFIT⁵³ [TO MARRY INTO THE PRIESTHOOD]. AND ALTHOUGH THESE PRONOUNCED UNFIT THOSE WHOM THE OTHERS PRONOUNCED FIT, BETH SHAMMAI DID NOT SHRINK FROM MARRYING WOMEN FROM [THE DAUGHTERS OF] THE SCHOOL OF HILLEL. NOR THE SCHOOL OF HILLEL FROM MARRYING WOMEN FROM [THE DAUGHTERS OF] THE SCHOOL OF SHAMMAI.⁵⁴ AND IN THE CASE OF ALL MATTERS OF PURITY AND IMPURITY IN RESPECT TO WHICH THESE USED TO PRONOUNCE CLEAN WHAT THE OTHERS PRONOUNCED UNCLEAR, THEY DID NOT SHRINK FROM PREPARING FOODS REQUIRING A CONDITION OF PURITY EACH BY MEANS OF [THE VESSELS OF] THE OTHER.⁵⁴

MISHNAH9. [IN THE CASE OF] THREE⁵⁵ BROTHERS, OF WHOM TWO WERE MARRIED TO TWO SISTERS AND ONE WAS UNMARRIED, IF ONE OF THE HUSBANDS OF THE SISTERS DIED⁵⁶ AND THE UNMARRIED ONE BETROTHED HER,⁵⁷ AND AFTERWARDS HIS OTHER BROTHER⁵⁸ DIED,⁵⁹ BETH SHAMMAI SAY: HIS WIFE⁶⁰ REMAINS WITH HIM, AND THE OTHER [WIDOW] IS RELEASED⁶¹ ON THE GROUNDS OF [THE LAW OF] THE WIFE'S SISTER. BUT BETH HILLEL SAY: HE SHOULD PUT AWAY HIS WIFE⁶² WITH A BILL OF DIVORCEMENT AND HALIZAH, AND THE WIFE OF HIS BROTHER [HE SHOULD PUT AWAY] WITH HALIZAH. THIS IT IS OF WHICH THEY HAVE SAID: WOE TO HIM BECAUSE OF HIS WIFE, AND WOE TO HIM BECAUSE OF HIS BROTHER'S WIFE!⁶³

MISHNAH10. WHOSC⁶⁴ FORBIDS HIS WIFE BY VOW TO HAVE INTERCOURSE — BETH SHAMMAI SAY: [SHE MUST SUFFER IT FOR] TWO WEEKS,⁶⁵ AND BETH HILLEL SAY: FOR ONE WEEK.⁶⁶ WHOSO⁶⁷ HAS A MISCARRIAGE ON THE NIGHT OF THE EIGHTY FIRST⁶⁸ [DAY] — BETH SHAMMAI RELEASE HER FROM THE OFFERING, BUT BETH HILLEL DO NOT RELEASE HER. A LINEN WRAPPER⁶⁹ — BETH SHAMMAI RELEASE IT FROM THE LAW OF THE FRINGE,⁷⁰ BUT BETH HILLEL DO NOT RELEASE IT. A BASKET⁷¹ OF [FRUIT SET APART FOR] THE SABBATH-BETH SHAMMAI RELEASE IT [FROM TITHES].⁷² BUT BETH HILLEL DO NOT RELEASE IT.⁷³

MISHNAH 11. WHOSC⁷⁴ VOWED [TO KEEP] A LONGER NAZIRITESHIP⁷⁵ [THAN ORDINARY].⁷⁶ AND HE COMPLETED HIS NAZIRITESHIP AND AFTERWARDS CAME TO THE [HOLY] LAND⁷⁷ — BETH SHAMMAI SAY: [HE MUST BE] A NAZIRITE [ONLY] THIRTY DAYS,⁷⁸ BUT BETH HILLEL SAY: [HE MUST BE] A NAZIRITE [THE FULL TIME VOWED AS] IN THE BEGINNING. WHOSO⁷⁹ HAS TWO GROUPS OF WITNESSES WHO TESTIFY ABOUT HIM, THESE TESTIFYING THAT HE VOWED TWO NAZIRITESHIPS AND THESE TESTIFYING THAT HE VOWED FIVE⁸⁰ — BETH SHAMMAI SAY: THEIR TESTIMONY IS DIVIDED,⁸¹ AND THERE IS HERE NO [OBLIGATION TO PERFORM] NAZIRITESHIP. BUT BETH HILLEL SAY: WITHIN THE FIVE THE TWO ARE INCLUDED, SO THAT HE MUST BE A NAZIRITE TWICE OVER.

MISHNAH 12. A MAN⁸² WHO WAS SET BENEATH THE GAP⁸³ — BETH SHAMMAI SAY: HE DOES NOT CAUSE THE IMPURITY TO PASS OVER.⁸⁴ BUT BETH HILLEL SAY: A MAN IS HOLLOW, AND THE UPPER SIDE CAUSES THE IMPURITY TO PASS OVER.

(1) Whereas in most of their controversies it is the School of Shammai who adopt a severer view and the School of Hillel a lenient one.

(2) Cf. Bez. I, 2.

(3) On the same day. The grounds of the controversy are discussed in the Gemara, Bez. 2b ff.

(4) Must be destroyed on the eve of the Passover. But as regards eating, Beth Shammai agree that even an olive's quantity is prohibited.

(5) Some texts omit 'A beast . . . forbidden'.

(6) As טָבַח, 'newly-born', i.e. a food, the use of which became available only on the Festival day. But a beast born on

- the Festival is considered available from before the Festival, since if its dam was slaughtered it could have been used as food before its birth together with its dam.
- (7) E.g., a deer, etc.; cf. Deut. XIV, 5.
- (8) Which had been stuck in the ground for the purpose before the advent of the Festival. [V. Bez. 8a; Tosaf. s. v. **מוֹכְנֵי**.]
- (9) Cf. Lev. XVII, 13.
- (10) **מוֹכֵן**, viz., from before the Festival for use on the Festival; opposed to **מוֹקְצֵה**, 'set apart', as not intended for use on the Festival.
- (11) V. supra, p. 22, n. 8.
- (12) And may therefore be used for covering up the blood; cf. Hul. 88b.
- (13) V. p. 22, n. 10.
- (14) Cf. Pe'ah VI, 4. Ownerless produce is exempt from Tithes.
- (15) When produce is free for the use of all alike; cf. Ex. XXIII, 11; Lev. XXV, 6.
- (16) Cf. I, 2, n. 1.
- (17) Cf. Deut. XXIV, 19, and supra II, 4, n. 25.
- (18) It is counted as four single sheaves, which, according to the opinion of Beth Shammai, do not come under the law of the Forgotten Sheaf; cf. Pe'ah, VI, 5.
- (19) It counts as a single sheaf only.'
- (20) Cf. Pe'ah VI, 2.
- (21) Having been left by the side of marked objects.
- (22) Cf. Pe'ah VII, 6; M.Sh. V, 3.
- (23) The same applies also to a single fruit tree; cf. Lev. XIX, 23-24.
- (24) If it is not taken up to Jerusalem but is 'redeemed' for money (cf. I, 9, n. 16), a fifth of the value of the fruit must be added, as in the case of Second Tithe; cf. Lev. XXVII, 31; B.M. IV, 8.
- (25) Like Tithes, it has to be removed from the house on the eve of the Passover of the fourth and seventh year of the septennial cycle; cf. Deut. XXVI, 13; M.Sh. V, 6.
- (26) Like common produce. Cf. Lev. XIX, 10; Pe'ah VII, 3-4.
- (27) If they will not take them up to Jerusalem.
- (28) I.e., it all — the fallen grapes and gleanings alike — belongs to the owner, who must take it up to Jerusalem or redeem it. [The stringency of Beth Hillel affects the interests of the poor (Raabad).]
- (29) Where the olives are preserved for eating, and not for the extraction of their oil.
- (30) In order to show by allowing the juice to escape through the holes that one does not desire the oil as a liquid. Therefore when the olives are moistened by the exuding oil they will not thereby become susceptible to uncleanness in accordance with Lev. XI, 38; cf. I, 8, n. 12; Maksh. I, 1.
- (31) The perforation has shown that the owner does not desire the liquid.
- (32) In the ritual bath, thereby regaining his cleanness; cf. I, 3, n. 7.
- (33) The oil, as it belongs to his body which is now clean.
- (34) A little finger. But if more, it is counted as distinct from the man's body, and since oil cannot become clean by immersion, it still retains the uncleanness it contracted from the body, and now conveys it back to the body.
- (35) Before the man used it for anointing.
- (36) Cf. Kid. I, 1.
- (37) Equal to the weight of ninety-six barleycorns of silver.
- (38) The weight of half a barleycorn of silver.
- (39) Cf. Git. VIII, 4.
- (40) And before delivering it to her. Beth Hillel prohibit it, because she may have a child by him, and as the conception of the child will have occurred at a date later than that of the bill of divorcement, the child may be wrongfully stigmatized as having been conceived out of wedlock.
- (41) Cf. Git. VIII, 9.
- (42) There are witnesses who testify to this effect.
- (43) He may have betrothed her again by marital intercourse; cf. Kid. I, 1.
- (44) So we need not suspect intercourse.
- (45) Cf. Yeb. I, 4.

(46) Under the law of Levirate Marriage. Deut. XXV, 5. The controversy arises in a case where the deceased, who died without issue, had married more than one wife. One of the wives was a blood relation (such as a daughter) to the surviving brother, marriage with whom would be an act of incest (ערוה). As the surviving brother may not perform the levirate marriage with his blood relation, so, according to Beth Hillel, he may not perform the levirate marriage with the rival wives of the blood relation. But Beth Shammai permit levirate marriage with the rival wives.

(47) The rival wives.

(48) Lit., 'drawing off', viz. the shoe, being the ceremony prescribed. Deut. XXV, 9.

(49) A woman who performed halizah is by Rabbinical injunction considered like a woman divorced, and is therefore forbidden to marry a priest; cf. Lev. XXI, 7. Since according to Beth Shammai levirate marriage with the rival wives is lawful, their halizah also is lawful, and it therefore renders them unfit for marrying a priest.

(50) The whole ceremony of halizah was unnecessary and void.

(51) And they became, widows again.

(52) The levirate marriage was lawful, and they are now counted as ordinary widows who may marry an ordinary priest.

(53) The levirate marriage was unlawful, and it has therefore made them 'harlots' who are forbidden to a priest; cf. Lev. XXI, 7.

(54) Because they were careful to communicate to each other any case which either of them considered unlawful, so as to prevent an infringement of their ruling.

(55) Cf. Yeb. III, 5.

(56) Without leaving any issue.

(57) Lit., 'performed to her a saying' (באמר). Instead of consummating the levirate marriage by an act (במעשה, as prescribed Deut. XXV, 5), he merely betrothed her by a gift (cf. supra, p. 25) and the utterance of the betrothal formula.

(58) The husband of the second sister.

(59) V. p. 26, n. 10.

(60) Viz., the one he had betrothed. Beth Shammai consider the betrothal (באמר) fully binding.

(61) From both levirate marriage and halizah, since the brother-in-law is now married to her sister; cf. Lev. XVIII, 18.

(62) The one he has betrothed. Beth Hillel consider the betrothal (באמר) only partly binding. But he cannot consummate the levirate marriage with the betrothed one, since her sister also is now tied to him in a marriage relationship. Therefore he must give her a bill of divorcement to undo the betrothal. On the other hand, since the betrothal is not fully binding, both sisters must perform halizah.

(63) He is unlucky in losing both the one and the other; cf. Yeb. XIII, 7.

(64) Cf. Keth. V, 6.

(65) Abstinence for such a period is also prescribed in the case of Lev. XII, 5.

(66) As Lev. XII, 2; XV, 19.

(67) Cf. Ker. I, 6.

(68) After having given birth to a female child. She has now fulfilled the fourteen days of her uncleanness and the sixty-six days of her cleanness, and should bring her prescribed offering in accordance with Lev. XII, 5-6; but it being night, she is prevented from bringing the offering till the following day. Beth Shammai hold that since she could not have brought her offering for the first birth, the new birth may be included in the first birth, and one offering suffice for the two. But Beth Hillel hold that since the new birth took place after the completion of the period for the first birth, she must bring separate offerings for each of them.

(69) Used chiefly by night, but also worn by day.

(70) ציצית, made of a woollen cord of blue, Num. XV, 38. The use of wool and linen (flax) in the same garment, though ordinarily forbidden (שעטנז, Deut. XXII, 11) is permitted in the case of ציצית. But as the law of the Fringe applies only to day garments, therefore Beth Shammai exempt the linen wrapper from the law of the Fringe even by day, for fear of the transgression of the prohibition of שעטנז when the wrapper is used by night. But Beth Hillel do not apprehend such a transgression.

(71) Cf. Ma'as. IV, 2.

(72) I.e., one may take of it an incidental mouthful on the eve of the Sabbath before tithing it, but not on the Sabbath itself, as the sanctity of the day imparts importance to any incidental mouthful, making it liable to tithing.

(73) It must be tithed immediately.

(74) Cf. Naz. III, 6.

(75) Cf. Num. VI, 2 ff.

(76) Longer than thirty days; cf. Naz. I, 3.

(77) The observance of the Naziriteship outside the Holy Land is not counted, as one cannot observe there the purity demanded by the law; cf. Num. VI, 6 ff.

(78) He must resume the observance, but only for the ordinary period of thirty days.

(79) Cf. Naz. III, 7.

(80) While he himself denies having made any vow at all.

(81) The evidence is contradictory, and therefore void.

(82) Cf. Oh. XI, 3; Oh. XI, 2, lays down that if a ceiling has a gap right across, and there is a corpse defilement on the floor below on the one side of the gap, the defilement cannot be conveyed by the roof-space across the gap to articles that may be found on the floor on the other side of the gap, unless there is on the floor right below the gap a hollow article of a cubic handbreadth in extent, which serves to bridge the gap.

(83) On the floor right vertically beneath the gap.

(84) He cannot be considered as bridging the gap, and connecting the sides of the ceiling into one undivided roof-space; cf. I, 7, n. 1.

Mishna - Mas. Eduyyot Chapter 5

MISHNAH 1. R. JUDAH CITES SIX INSTANCES¹ OF LENIENT RULINGS BY BETH SHAMMAI AND RIGOROUS RULINGS BY BETH HILLEL. THE BLOOD OF A CARCASS² BETH SHAMMAI PRONOUNCE CLEAN,³ AND BETH HILLEL PRONOUNCE IT UNCLEAN. AN EGG FOUND IN A [BIRD'S] CARCASS, IF THE LIKE OF IT WERE SOLD IN THE MARKET,⁴ IS PERMITTED, AND IF NOT, IT IS FORBIDDEN, ACCORDING TO THE OPINION OF BETH SHAMMAI. AND BETH HILLEL FORBID IT. BUT THEY AGREE IN THE CASE OF AN EGG FOUND IN A TREFA⁵ [BIRD] THAT IT IS FORBIDDEN. SINCE IT HAD ITS GROWTH IN A FORBIDDEN CONDITION.⁶ THE⁷ BLOOD⁸ OF A GENTILE⁹ WOMAN AND THE BLOOD OF PURITY¹⁰ OF A LEPROUS¹¹ WOMAN, BETH SHAMMAI PRONOUNCE CLEAN; AND BETH HILLEL SAY: [IT IS] LIKE HER¹² SPITTLE AND HER¹² URINE.¹³ ONE¹⁴ MAY EAT FRUITS OF THE SEVENTH YEAR¹⁵ WITH AN EXPRESSION OF THANKS¹⁶ AND WITHOUT AN EXPRESSION OF THANKS; THUS ACCORDING TO THE OPINION OF BETH SHAMMAI. BUT BETH HILLEL SAY: ONE MAY NOT EAT [EXCEPT] WITH AN EXPRESSION OF THANKS.¹⁷ BETH SHAMMAI SAY: A WATERSKIN¹⁸ [IS LIABLE TO BECOME UNCLEAN¹⁹ IF IT IS] TIED UP AND REMAINS UNIMPAIRED.²⁰ AND THE SCHOOL OF HILLEL SAY: EVEN IF IT IS NOT TIED UP.²¹

MISHNAH 2. R. JOSE CITES SIX INSTANCES OF LENIENT RULINGS BY BETH SHAMMAI AND RIGOROUS RULINGS BY BETH HILLEL. ACCORDING TO THE OPINION OF BETH SHAMMAI, A FOWL²² MAY BE BROUGHT UP ON THE TABLE [TOGETHER] WITH CHEESE BUT MAY NOT BE EATEN [WITH IT].²³ BUT BETH HILLEL SAY: IT MAY NEITHER BE BROUGHT UP [TOGETHER WITH IT] NOR EATEN [WITH IT].²⁴ ACCORDING TO THE OPINION OF BETH SHAMMAI,²⁵ OLIVES MAY BE GIVEN AS TERUMAH FOR OIL AND GRAPES FOR WINE. BUT BETH HILLEL SAY: THEY MAY NOT BE GIVEN.²⁶ BETH SHAMMAI SAY: WHOSO²⁷ SOWS [WITHIN] FOUR CUBITS OF A VINEYARD HAS CAUSED ONE ROW [OF VINES] TO BE PROHIBITED.²⁸ BUT BETH HILLEL SAY: HE HAS CAUSED TWO ROWS²⁹ TO BE PROHIBITED. FLOUR³⁰ PASTE³¹ BETH SHAMMAI EXEMPT³² [FROM THE LAW OF HALLAH];³³ BUT BETH HILLEL PRONOUNCE IT LIABLE. ONE³⁴ MAY IMMERSE ONESELF³⁵ IN A RAIN-TORRENT,³⁶ ACCORDING TO THE OPINION OF BETH SHAMMAI; BUT BETH HILLEL SAY: ONE MAY NOT IMMERSE ONESELF [THEREIN].³⁷ IF³⁸ ONE BECAME A PROSELYTE ON THE EVE OF PASSOVER, BETH SHAMMAI SAY: HE MAY IMMERSE HIMSELF³⁹ AND EAT HIS PASSOVER SACRIFICE IN THE EVENING.⁴⁰ BUT BETH HILLEL SAY: WHOSO SEPARATES HIMSELF FROM UNCIRCUMCISION IS AS ONE WHO SEPARATES HIMSELF FROM THE GRAVE.⁴¹

MISHNAH 3. R. ISHMAEL⁴² CITES THREE INSTANCES OF LENIENT RULINGS BY BETH SHAMMAI AND RIGOROUS RULINGS BY BETH HILLEL. THE BOOK⁴³ OF ECCLESIASTES DOES NOT DEFILE THE HANDS⁴⁴ ACCORDING TO THE OPINION OF BETH SHAMMAI; BUT BETH HILLEL SAY: IT DEFILES THE HANDS. WATER OF PURIFICATION WHICH HAS DONE ITS DUTY,⁴⁵ BETH SHAMMAI PRONOUNCE CLEAN,⁴⁶ BUT BETH HILLEL PRONOUNCE IT UNCLEAN,⁴⁷ BLACK CUMMIN⁴⁸ BETH SHAMMAI PRONOUNCE NOT LIABLE TO BECOME UNCLEAN,⁴⁹ BUT BETH HILLEL PRONOUNCE IT LIABLE TO BECOME UNCLEAN. SO, TOO, WITH REGARD TO TITHES.⁵⁰

MISHNAH 4. R. ELIEZER CITES TWO INSTANCES OF LENIENT RULINGS BY BETH SHAMMAI AND RIGOROUS RULINGS BY BETH HILLEL. THE BLOOD⁵¹ OF A WOMAN AFTER CHILDBIRTH WHO HAS NOT IMMERSSED HERSELF,⁵² BETH SHAMMAI SAY: [IT IS] LIKE HER SPITTLE AND HER URINE.⁵³ BUT BETH HILLEL SAY: IT CAUSES DEFILEMENT WHETHER WET OR DRY.⁵⁴ HOWEVER, THEY AGREE IN THE CASE OF THE BLOOD OF A WOMAN WHO BROUGHT FORTH WHEN SHE HAD AN ISSUE, THAT IT CAUSES DEFILEMENT WHETHER WET OR DRY.⁵⁵

MISHNAH 5. [IN THE CASE OF] FOUR⁵⁶ BROTHERS OF WHOM TWO WERE MARRIED TO TWO SISTERS, IF THOSE MARRIED TO THE SISTERS DIED, LO, THESE SHOULD PERFORM HALIZAH AND NOT MARRY THE BROTHERS-IN-LAW.⁵⁷ IF THE LATTER BESTIRRED THEMSELVES AND MARRIED THEM,⁵⁸ THEY MUST PUT THEM AWAY. R. ELIEZER SAYS IN THE NAME OF BETH SHAMMAI: THEY MAY KEEP THEM. BUT BETH HILLEL SAY: THEY MUST PUT THEM AWAY.⁵⁹

MISHNAH 6. AKABIA B. MAHALALEEL TESTIFIED CONCERNING FOUR THINGS. THEY SAID TO HIM: AKABIA, WITHDRAW THESE FOUR THINGS WHICH YOU SAY, AND WE WILL MAKE YOU FATHER OF THE COURT⁶⁰ IN ISRAEL. HE SAID TO THEM: IT IS BETTER FOR ME TO BE CALLED A FOOL⁶¹ ALL MY DAYS THAN THAT I SHOULD BECOME [EVEN] FOR ONE HOUR A WICKED MAN⁶² IN THE SIGHT OF GOD; AND⁶³ LET NOT MEN SAY: HE WITHDREW HIS OPINIONS FOR THE SAKE OF GETTING POWER. HE USED⁶⁴ TO PRONOUNCE UNCLEAN THE HAIR WHICH HAS BEEN LEFT OVER [IN LEPROSY],⁶⁵ AND YELLOW BLOOD;⁶⁶ BUT THE SAGES DECLARED THEM CLEAN. HE USED⁶⁷ TO PERMIT THE HAIR OF A FIRSTLING WHICH WAS BLEMISHED⁶⁸ AND WHICH HAD FALLEN OUT⁶⁹ AND HAD BEEN PUT IN A WINDOW,⁷⁰ THE FIRSTLING BEING SLAUGHTERED AFTERWARDS; BUT THE SAGES FORBID IT.⁷¹ HE USED TO SAY: A WOMAN PROSELYTE AND A MANUMITTED BONDWOMAN ARE NOT MADE TO DRINK OF THE WATER OF BITTERNESS.⁷² BUT THE SAGES SAY: THEY ARE MADE TO DRINK. THEY SAID TO HIM: IT HAPPENED IN THE CASE OF KARKEMITH, A MANUMITTED BONDWOMAN WHO WAS IN JERUSALEM, THAT SHEMAIAH AND ABTALION MADE HER TO DRINK. HE SAID TO THEM: IN SIMULATION⁷³ [ONLY] THEY MADE HER TO DRINK. WHEREUPON THEY EXCOMMUNICATED HIM;⁷⁴ AND HE DIED WHILE HE WAS UNDER EXCOMMUNICATION, AND THE COURT STONED⁷⁵ HIS COFFIN. R. JUDAH SAID: GOD FORBID [TO SAY] THAT AKABIA WAS EXCOMMUNICATED, FOR THE TEMPLE COURT WAS NEVER CLOSED⁷⁶ IN THE FACE OF ANY MAN IN ISRAEL WHO WAS EQUAL TO AKABIA B. MAHALALEEL IN WISDOM AND THE FEAR OF SIN. BUT WHOM DID THEY EXCOMMUNICATE? ELIEZER THE SON OF ENOCH WHO DEMURRED AGAINST THE LAWS CONCERNING THE PURIFYING OF THE HANDS.⁷⁷ AND WHEN HE DIED THE COURT SENT AND LAID A STONE ON HIS COFFIN. THIS TEACHES THAT WHOEVER IS EXCOMMUNICATED AND DIES WHILE UNDER EXCOMMUNICATION, HIS COFFIN IS STONED.

MISHNAH 7. IN THE HOUR OF HIS⁷⁸ DEATH HE SAID TO HIS SON⁷⁹ : WITHDRAW THE

FOUR OPINIONS WHICH I USED TO DECLARE. AND HE SAID TO HIM: WHY DID NOT YOU WITHDRAW THEM? HE SAID TO HIM: I HEARD THEM FROM THE MOUTH OF THE MANY, AND THEY HEARD [THE CONTRARY] FROM THE MOUTH OF THE MANY.⁸⁰ I STOOD FAST BY THE TRADITION WHICH I HEARD, AND THEY STOOD FAST BY THE TRADITION WHICH THEY HEARD. BUT YOU HAVE HEARD [MY TRADITION] FROM THE MOUTH OF A SINGLE INDIVIDUAL⁸¹ AND [THEIR TRADITION] FROM THE MOUTH OF THE MANY. IT IS BETTER TO LEAVE THE OPINION OF THE SINGLE INDIVIDUAL AND TO HOLD BY THE OPINION OF THE MANY, HE SAID TO HIM: FATHER COMMEND ME TO YOUR COLLEAGUES. HE SAID TO HIM: I WILL NOT COMMEND YOU. HE SAID TO HIM: HAVE YOU FOUND IN ME ANY WRONG? HE SAID: NO; YOUR OWN DEEDS WILL CAUSE YOU TO BE NEAR,⁸² AND YOUR OWN DEEDS WILL CAUSE YOU TO BE FAR.⁸²

(1) Cf. IV, 1, n. 1.

(2) Of an animal which died of itself or which was slaughtered in a manner that rendered it unfit for food; cf. Lev. XI, 24ff.

(3) The blood is not considered part of the carcass; cf. infra VIII, 1.

(4) If the egg has a fully formed hard shell. It is then considered distinct from the bird.

(5) Cf. supra II, 2, n. 8.

(6) The bird was already forbidden when the egg was still an inseparable part of its body.

(7) Cf. Nid. IV, 3.

(8) Of menstruation, or of a flux; cf. Lev. XV, 19, 25.

(9) From the expression, the children of Israel, Lev. XV, 2, it is deduced that all the laws concerning impurity contained in that chapter apply only to Israelites.

(10) Cf. Lev. XII, 4, 5.

(11) Cf. Lev. XIII, 2ff. Her blood is not affected by her leprosy.

(12) Viz., of the Gentile woman, or of the leprosy woman after childbirth in the period of her purification.

(13) Their spittle and urine are deemed unclean by a Rabbinical ruling (as distinguished from the Biblical law), even according to Beth Shammai. But unlike blood of menstruation or of a flux, which confer defilement also when dried up, spittle and urine confer defilement only when wet. And Beth Hillel hold that the menstruous blood of a Gentile woman and the 'blood of purity' of a leprosy woman are also unclean only when wet, but not when dried up; cf. infra 4, n. 5.

(14) Cf. Sheb. IV, 2.

(15) The Year of Release; cf. supra IV, 3, n. 5.

(16) To the owner, though the owner is forbidden to look upon his fruit as his own.

(17) That one may not get into the habit of entering also at other times another man's field and eating its fruit without the owner's knowledge. Some texts omit 'except'. The reason of the prohibition will then be the one given in the last note.

(18) Which was damaged by a hole and then repaired by tying it up; cf. Kel. XXVI, 4.

(19) By body-pressure uncleanness (**מדרם**) if used as pillow or seat; cf. Kel. XX, 1; and above I, 11, n. 10.

(20) I.e., it does not deflate even when the knot is removed.

(21) If the hole is stopped up by some other means, so as to retain the liquid; cf. Kel. XVII, 2.

(22) Cf. Hul. VIII, 1.

(23) The prohibition against eating fowl's flesh boiled in milk is not Biblical but only Rabbinic; cf. Hul. VIII, 4. Hence Beth Shammai hold that while the Rabbis have forbidden the eating of cattle's flesh with cheese as a precaution lest it may lead to the eating of cattle's flesh boiled in milk, they have not forbidden also the eating of fowl's flesh with cheese, since it can only lead to eating fowl's flesh boiled in milk, which itself is merely a Rabbinic injunction.

(24) They hold that eating fowl's flesh with cheese may lead to eating cattle's flesh boiled in milk.

(25) Cf. Ter. I, 4.

(26) From Num. XVIII, 27, it is inferred that terumah and the produce for which it is given must both be in the same stage of preparation as a food.

(27) Cf. Kil. IV, 5.

(28) **קידש**, 'he has sanctified', an expression derived from Deut. XXII, 9.

(29) The controversy turns on whether the minimum quantity of fruit of the vineyard (Deut. *ibid.*) consists of one row of

vines, or of two rows.

(30) Cf. Hal. I, 6.

(31) Made of flour mixed with boiling water.

(32) It is not counted as 'bread' (לֶחֶם . Num. XV, 19).

(33) Cf. I, 2, n. 2.

(34) Cf. Mik. V, 6.

(35) For the purpose of purification; cf. I, 3, n. 7.

(36) A running pool formed by rain water coming down from a hill.

(37) They hold that rain water must be stationary in a cavity to be fit for ritual immersion.

(38) Cf. Pes. VIII, 8.

(39) After the circumcision, in order to complete his proselytism; cf. Yeb. 46a.

(40) Cf. Ex. XII, 48.

(41) He is like one who has corpse defilement, and requires to be sprinkled with the waters of purification, in accordance with Num. XIX, 19.

(42) Some texts read 'Simeon'.

(43) Cf. Yad. III, 5.

(44) It is not considered inspired Scripture; cf. Yad. IV, 6.

(45) After it has been sprinkled upon the unclean; cf. Num. XIX, 9, 18 f.

(46) Cf. Par. XII, 4.

(47) In accordance with Num. XIX, 21; cf. Yoma 14a.

(48) Cf. 'Uk. III, 6.

(49) It is not eaten by itself, and therefore it is not counted a 'food' (אֵכָל , Lev. XI, 34).

(50) Beth Shammai exempt it from tithes, as not being a 'food'; and Beth Hillel do not exempt it.

(51) Cf. Nid. IV, 3.

(52) After an interval of seven days from the birth of a male child, and of fourteen days from the birth of a female child; Lev. XII, 2, 5.

(53) It defiles only when wet; cf. supra 1, n. 13.

(54) Without immersion it is counted as blood of menstruation.

(55) Since in accordance with Lev. XV, 28, she has to count seven clean days in addition to the period of impurity due to the childbirth.

(56) Cf. Yeb. III, 2.

(57) Because both sisters are tied in a marriage relationship to each of the surviving brothers, therefore the levirate marriage of either sister to either surviving brother comes within the prohibition of marrying a wife's sister; cf. supra IV, 9, n. 5.

(58) Each surviving brother married one of the sisters.

(59) Cf. Yeb. 28a.

(60) Ah Beth din, Second President of the Great Sanhedrin; v. Ab. IV (Sonc. ed.) p. 3, n. 8.

(61) For refusing the offer.

(62) By denying the truth of my tradition.

(63) An additional reason for refusing the offer (v. Tosaf Yom Tob).

(64) Cf. Neg. V, 3.

(65) A hair was turned white in a leprous white spot, rendering it unclean, in accordance with Lev. XIII, 3. Then the leprosy was healed, and the man became clean. But the white hair remained until finally another white spot appeared in the same place of the body. The Sages declare it clean, since the whiteness of the hair existed before this new white spot appeared, while Akabia declares it unclean.

(66) Cf. Nid. II, 6. The Sages hold that to be unclean blood must be red in colour.

(67) Cf. Bek. III, 4.

(68) And had therefore been declared permitted to be slaughtered outside the Temple; cf. II, 2, n. 6.

(69) Cutting its hair, or wool, deliberately is forbidden, although it is blemished.

(70) Or in a niche in the wall, in order to preserve it until the animal should be slaughtered.

(71) Lest it should lead to delaying the slaughtering of the firstling for the sake of profiting from its hair or wool.

(72) Cf. Num. V, 18ff. He inferred from the expression, in the midst of thy people (Num. ibid. 21) that the law applied

only to Israelitish women.

(73) **דינמה**, Gr. **. They really gave her other water, but similar in colour to the water of bitter ness. Others explain: 'Men who were like unto her made her to drink,' i.e. Shemaiah and Abtalion were themselves also of Gentile extraction, therefore they treated Karkemith as if she was an Israelite.

(74) Because he defamed the honour of Shemaiah and Abtalion.

(75) By placing a big stone upon it; cf. infra.

(76) On the eve of the Passover, when the Passover lamb was sacrificed in relays, in order to prevent overcrowding; cf. Pes. V, 5.

(77) Cf. Yad. III, 2.

(78) Akabia's.

(79) [Derenbourg, Essai, p. 483, identifies him with Jose b. Akabia (Pes. 113b; Yoma 52b).]

(80) Cf. supra I, 5. The controversy between Akabia and the Sages was as to what had been the opinion of the majority of the Sages before them. [Halevy, op. cit. I, 362 and Ie 292, accounts this controversy to the breaking up of all Central Authority during the civil war that characterised the days of the last Hasmonean rulers. Lauterbach, (J.Q.R., N.S. VI, 66, n. 59) ignoring Halevy, involves himself in unnecessary difficulties.]

(81) Akabia himself, as opposed to the Sages.

(82) Near to my colleagues; far from my colleagues; i.e., your own conduct will win you friends or alienate them.

Mishna - Mas. Eduyyot Chapter 6

MISHNAH 1. R. JUDAH B. BABA TESTIFIED CONCERNING FIVE THINGS: THAT WOMEN WHO ARE MINORS ARE MADE¹ TO DECLARE AN ANNULMENT OF THEIR MARRIAGE;² THAT A WOMAN IS ALLOWED TO RE-MARRY ON THE EVIDENCE OF ONE WITNESS;³ THAT A COCK WAS STONED⁴ IN JERUSALEM BECAUSE IT HAD KILLED A HUMAN BEING;⁵ AND ABOUT WINE FORTY DAYS OLD,⁶ THAT IT WAS USED AS A LIBATION ON THE ALTAR; AND ABOUT THE CONTINUAL OFFERING OF THE MORNING, THAT IT IS OFFERED AT THE FOURTH HOUR.⁷

MISHNAH 2. R. JOSHUA AND R. NEHUNIA B. ELINATHAN, A MAN OF KEFAR HABABLI,⁸ TESTIFIED CONCERNING A LIMB⁹ FROM A CORPSE THAT IT IS UNCLEAN;¹⁰ WHEREAS R. ELIEZER SAYS: THEY DECLARED [THIS] ONLY OF A LIMB FROM A LIVING [MAN]. THEY SAID TO HIM: IS NOT THERE AN INFERENCE FROM THE MINOR TO THE MAJOR:¹¹ IF IN THE CASE OF A LIVING MAN [WHO IS HIMSELF CLEAN] A LIMB SEVERED FROM HIM IS UNCLEAN, HOW MUCH MORE IN THE CASE OF A CORPSE [WHICH IS ITSELF UNCLEAN] SHOULD A LIMB SEVERED FROM IT BE UNCLEAN! HE SAID TO THEM: THEY HAVE [NEVERTHELESS] DECLARED IT ONLY OF A LIMB FROM A LIVING MAN. ANOTHER ANSWER¹² IS: THE DEFILEMENT OF LIVING MEN IS GREATER THAN THE DEFILEMENT OF CORPSES, BECAUSE A LIVING MAN¹³ CAUSES WHAT IS UNDER HIM¹⁴ TO BECOME A 'COUCH' AND A 'SEAT'¹⁵ FOR THE PURPOSE OF DEFILING [ANOTHER] MAN AND HIS GARMENTS, AND [HE CAUSES ALSO] WHAT IS OVER HIM¹⁶ [TO BECOME] A NON- CONTIGUOUS MEDIUM¹⁷ FOR THE PURPOSE OF DEFILING FOODS AND LIQUIDS- WHICH IS DEFILEMENT THAT A CORPSE DOES NOT CAUSE.¹⁸

MISHNAH 3. AN OLIVE'S QUANTITY OF FLESH SEVERED FROM A LIMB OF A LIVING MAN, R. ELIEZER PRONOUNCES UNCLEAN¹⁹ AND R. JOSHUA AND R. NEHUNIA PRONOUNCE CLEAN. A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM A LIMB OF A LIVING MAN, R. NEHUNIA PRONOUNCES UNCLEAN²⁰ AND R. ELIEZER AND R. JOSHUA PRONOUNCE CLEAN. THEY SAID TO R. ELIEZER: WHAT REASON HAVE YOU FOUND FOR PRONOUNCING UNCLEAN AN OLIVE'S QUANTITY OF FLESH SEVERED FROM A LIMB OF A LIVING MAN? HE SAID TO THEM: WE FIND²¹ THAT A LIMB FROM A LIVING MAN IS LIKE AN ENTIRE CORPSE. AS IN THE CASE OF A

CORPSE, AN OLIVE'S QUANTITY OF FLESH SEVERED FROM IT IS UNCLEAN, SO ALSO IN THE CASE OF A LIMB FROM A LIVING MAN AN OLIVE'S QUANTITY OF FLESH SEVERED FROM IT MUST BE UNCLEAN. THEY SAID TO HIM: NO!²² WHEN YOU PRONOUNCE UNCLEAN AN OLIVE'S QUANTITY OF FLESH SEVERED FROM A CORPSE, IT IS BECAUSE YOU HAVE PRONOUNCED UNCLEAN A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM IT. BUT HOW CAN YOU ALSO PRONOUNCE UNCLEAN AN OLIVE'S QUANTITY OF FLESH SEVERED FROM A LIMB OF A LIVING MAN, SEEING THAT YOU HAVE PRONOUNCED CLEAN²³ A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM IT? THEY SAID TO R. NEHUNIA: WHAT REASON HAVE YOU FOUND FOR PRONOUNCING UNCLEAN A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM A LIMB OF A LIVING MAN? HE SAID TO THEM: WE FIND²¹ THAT A LIMB FROM A LIVING MAN IS LIKE AN ENTIRE CORPSE. AS IN THE CASE OF A CORPSE, A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM IT IS UNCLEAN,²⁰ SO ALSO IN THE CASE OF A LIMB FROM A LIVING MAN, A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM IT MUST BE UNCLEAN. THEY SAID TO HIM: NO!²² WHEN YOU PRONOUNCE UNCLEAN A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM A CORPSE, IT IS BECAUSE YOU HAVE PRONOUNCED UNCLEAN AN OLIVE'S QUANTITY OF FLESH SEVERED FROM IT. BUT HOW CAN YOU ALSO PRONOUNCE UNCLEAN A BARLEY-GRAIN'S QUANTITY OF BONE SEVERED FROM A LIMB OF A LIVING MAN, SEEING THAT YOU HAVE PRONOUNCED CLEAN²⁴ AN OLIVE'S QUANTITY OF FLESH SEVERED FROM IT? THEY SAID TO R. ELIEZER: WHAT REASON HAVE YOU FOUND FOR DIVIDING YOUR STANDARDS? EITHER PRONOUNCE THEM BOTH²⁵ UNCLEAN, OR PRONOUNCE THEM BOTH²⁵ CLEAN! HE SAID TO THEM: GREATER IS THE DEFILEMENT OF FLESH THAN THE DEFILEMENT OF BONES, FOR THE DEFILEMENT OF FLESH APPLIES BOTH TO CARCASSES AND TO CREEPING THINGS,²⁶ BUT IT IS NOT SO IN THE CASE OF BONES. ANOTHER ANSWER IS: A LIMB²⁷ WHICH HAS ON IT THE PROPER QUANTITY²⁸ OF FLESH CAUSES DEFILEMENT BY TOUCHING AND BY CARRYING AND BY BEING UNDER THE SAME ROOF-SPACE; IF THE FLESH IS DIMINISHED IT IS STILL UNCLEAN,²⁹ WHILE IF THE BONE IS DIMINISHED IT IS CLEAN.³⁰ THEY SAID TO R. NEHUNIA: WHAT REASON HAVE YOU FOUND FOR DIVIDING YOUR STANDARDS? EITHER PRONOUNCE THEM BOTH²⁵ UNCLEAN, OR PRONOUNCE THEM BOTH²⁵ CLEAN! HE SAID TO THEM: GREATER IS THE DEFILEMENT OF BONES THAN THE DEFILEMENT OF FLESH, FOR FLESH SEVERED FROM A LIVING MAN IS CLEAN, WHEREAS A LIMB SEVERED FROM HIM, WHILE IN ITS NATURAL CONDITION,³¹ IS UNCLEAN. ANOTHER ANSWER IS: AN OLIVE'S QUANTITY OF FLESH³² CAUSES DEFILEMENT BY TOUCHING AND BY CARRYING AND BY BEING UNDER THE SAME ROOF-SPACE; AND A MAJORITY³³ OF A DEAD MAN'S BONES CAUSES DEFILEMENT BY TOUCHING AND BY CARRYING AND BY BEING UNDER THE SAME ROOF-SPACE; IF FLESH IS DIMINISHED IT IS CLEAN, BUT IF A MAJORITY OF THE BONES IS DIMINISHED, ALTHOUGH IT DOES NOT CAUSE DEFILEMENT BY BEING UNDER THE SAME ROOF-SPACE, IT YET CAUSES DEFILEMENT BY TOUCHING AND BY CARRYING.³⁴ ANOTHER ANSWER IS: ANY FLESH OF A CORPSE LESS THAN AN OLIVE'S QUANTITY³⁵ IS CLEAN, BUT BONES FORMING THE GREATER PORTION OF THE BODY'S BUILD³⁶ OR THE GREATER PORTION OF THE NUMBER OF THE CORPSE'S BONES, EVEN THOUGH THEY DO NOT FILL A QUARTER-KAB ARE YET UNCLEAN.³⁷ THEY SAID TO R. JOSHUA: WHAT REASON HAVE YOU FOUND FOR PRONOUNCING THEM BOTH CLEAN? HE SAID TO THEM: NO! WHEN YOU PRONOUNCE UNCLEAN IN THE CASE OF A CORPSE, IT IS BECAUSE THE RULES OF 'MAJORITY',³⁸ 'QUARTER-KAB', AND 'DECAYED MATTER'³⁹ APPLY TO IT. BUT HOW CAN YOU SAY THE SAME OF A LIVING MAN, SEEING THAT THE RULES OF 'MAJORITY', 'QUARTER-KAB', AND 'DECAYED MATTER' DO NOT APPLY TO HIM?⁴⁰

- (1) In circumstances such as those described in n. 2.
- (2) Girl minors when fatherless may be given in marriage by their mother or brothers. But unlike the marriage of a minor arranged by her father (cf. Deut. XXII, 16), the marriage of a minor arranged by her mother or brothers has validity only in Rabbinic law, but not in Biblical law. Therefore the minor has the right of declaring **מִיֵּאָוֵן** or a 'Refusal' to live with the husband given her, and thereby annulling her marriage without the formalities of a regular divorce; cf. Yeb. XIII, 1ff. Now, if two brothers were married to two sisters, one of age and the other a minor given in marriage by her mother or brothers, and the husband of the older sister died without issue, then the husband of the minor is bound by Biblical law to marry the minor's sister. Therefore the continuation of the minor as his wife under merely Rabbinical law now comes within the Biblical prohibition of marrying two sisters (cf. IV, 9, n. 5; V, 5, n. 9). In such a case the child-wife is persuaded to declare **מִיֵּאָוֵן** thus enabling her husband to perform by her sister the duty of levirate marriage. This testimony accords with the opinion of R. Eliezer, Yeb. XIII, 7. Another such case may arise in the circumstances described in Yeb. XIII, 11.
- (3) Who testifies to the death of her husband; cf. VIII. 5; Yeb. XVI, 7.
- (4) Under the law of Ex. XXI, 28, although that law specifies only an ox causing death by goring.
- (5) It put out the brain of a child by pecking it with its beak.
- (6) But under forty days it is not permitted; cf. B.B. 97a.
- (7) As late as the fourth hour of the day. This happened during a siege of Jerusalem by the Syrian Greeks, when one day no lamb could be obtained for the morning sacrifice till the fourth hour.
- (8) Bablia, 8 miles S. of Zidon.
- (9) A whole limb, even when less than the size of an olive; cf. III, 1, n. 4.
- (10) It confers 'tent' uncleanness, i.e., by being under the same roof-space; cf. I, 7, n. 1.
- (11) **קַל וְחוֹמֵר**.
- (12) Of R. Eliezer. He refutes the proposition that the dead is more unclean than the living.
- (13) When he has an issue.
- (14) However many articles there may be under him, one below the other, they all receive an equal degree of defilement through the pressure of the man's body (**מִדְרָם**); cf. I, 11, n. 10.
- (15) Cf. Lev. XV, 4' 6.
- (16) Whatever the number of articles, one above the other.
- (17) **מִדְּפֵי** . Unlike defilement by body-pressure (**מִדְרָם**), defilement through a non-contiguous medium can be transmitted only to food and drink, but not to man and utensils.
- (18) For corpse defilement diminishes in strength as it passes from one article to another; cf. II, 1, nn. 3, 4.
- (19) Just like a whole limb severed from a living man (cf. supra 2; Oh. I, 7), it defiles one who touches or carries it, or is under the same roof-space; cf. infra.
- (20) Only by touching or carrying; cf. Oh. II, 3.
- (21) Cf. Oh. II, 1.
- (22) The argument is fallacious, since according to your opinion the defilement of a corpse is greater than that of a living man.
- (23) Supra, together with R. Joshua against R. Nehunia.
- (24) Supra, together with R. Joshua against R. Eliezer.
- (25) Both an olive's quantity of flesh severed from a living man, and a barley-grain's quantity of bone severed from a living man.
- (26) An olive's quantity of flesh from a carcass and a lentil's quantity of flesh from creeping things cause defilement, but their bones do not cause defilement in any quantity.
- (27) From a living man; or, according to R. Joshua and R. Nehunia, also from a corpse.
- (28) Cf. Kel. II, 5.
- (29) It defiles by touching and carrying, though not by being under the same roof. space; cf. Kel. loc. cit.
- (30) It is no longer counted a limb.
- (31) With flesh, sinew, and bone.
- (32) From a corpse.
- (33) Cf. I, 7, n. 4.
- (34) For defilement by touching and carrying, a quantity of a barley-grain is sufficient.
- (35) E.g., in the case of an abortion; cf. Hul. 89b.

(36) Cf. I, 7, n. 3.

(37) They defile by being under the same roof-space; cf. I, 7, n. 5.

(38) A majority of the body's bones.

(39) A large spoonful (or two handfuls) of decayed matter of a corpse, which was buried naked in a closed marble coffin, causes defilement by carrying and by being under the same roof-space, but not by touching; cf. Oh. II, 1.

(40) Therefore a living man has less power of defilement than a corpse.

Mishna - Mas. Eduyyot Chapter 7

MISHNAH 1. R.¹ JOSHUA AND R. SADOK TESTIFIED CONCERNING THE REDEMPTION-LAMB OF THE FIRSTLING OF AN ASS,² THAT IF IT DIED³ THE PRIEST HAS NO CLAIM THEREIN,⁴ WHEREAS R. ELIEZER SAYS: THE OWNER MUST BEAR THE RESPONSIBILITY AS WITH THE FIVE SELA'S⁵ [IN THE CASE] OF A [FIRSTBORN] SON. BUT THE SAGES SAY: HE BEARS NO RESPONSIBILITY ANY MORE THAN IN THE CASE OF THE REDEMPTION OF SECOND TITHES.⁶

MISHNAH 2. R.⁷ ZADOK TESTIFIED CONCERNING BRINE OF UNCLEAN⁸ LOCUSTS THAT IT IS CLEAN,⁹ WHEREAS THE FIRST MISHNAH [SAID]:¹⁰ UNCLEAN LOCUSTS THAT HAVE BEEN PRESERVED TOGETHER WITH CLEAN LOCUSTS DO NOT MAKE THEIR¹¹ BRINE UNFIT.

MISHNAH 3. R.¹² ZADOK TESTIFIED CONCERNING FLOWING¹³ WATER WHICH EXCEEDED IN QUANTITY DRIPPING¹⁴ WATER; THAT IT WAS VALID. THERE WAS SUCH A CASE AT BIRATH HAPALIYYA,¹⁵ AND WHEN THE CASE CAME BEFORE THE SAGES THEY DECLARED IT VALID.

MISHNAH 4. R. ZADOK TESTIFIED CONCERNING FLOWING WATER WHICH WAS MADE TO RUN IN A STREAM THROUGH NUT-LEAVES,¹⁶ THAT IT WAS VALID.¹⁷ THERE WAS SUCH A CASE AT AHALIYYA,¹⁸ AND WHEN THE CASE CAME BEFORE [THE SAGES IN] THE CHAMBER OF HEWN STONE¹⁹ THEY DECLARED IT VALID.

MISHNAH 5. R.²⁰ JOSHUA AND R. YAKIM, A MAN OF HADAR,²¹ TESTIFIED CONCERNING A JAR,²² WITH ASHES OF PURIFICATION²³ WHICH WAS PUT OVER A CREEPING THING, THAT THEY²⁴ WERE UNCLEAN, WHEREAS R. ELIEZER HAD PRONOUNCED THEM CLEAN. R.²⁵ PAPIAS TESTIFIED CONCERNING ONE WHO HAD VOWED TWO NAZIRITESHIPS,²⁶ THAT IF HE CUT HIS HAIR²⁷ AFTER THE FIRST ONE ON THE THIRTIETH DAY, HE COULD CUT HIS HAIR AFTER THE SECOND ONE ON THE SIXTIETH²⁸ DAY, THOUGH IF HE CUT HIS HAIR ON THE FIFTY-NINTH DAY HE HAS ALSO DISCHARGED HIS DUTY, FOR THE THIRTIETH DAY IS CREDITED TO HIM TOWARDS THE REQUIRED NUMBER.²⁹

MISHNAH 6. R.³⁰ JOSHUA AND R. PAPIAS TESTIFIED CONCERNING THE YOUNG OF A PEACE-OFFERING, THAT IT COULD BE BROUGHT AS A PEACE-OFFERING,³¹ WHEREAS R. ELIEZER SAYS THAT THE YOUNG OF A PEACE-OFFERING COULD NOT BE BROUGHT AS A PEACE-OFFERING.³² BUT THE SAGES SAY: IT MAY BE BROUGHT. R. PAPIAS SAID: I TESTIFY THAT WE HAD A COW, A PEACE-OFFERING, AND WE ATE IT AS PASSOVER, AND ITS YOUNG WE ATE AS A PEACE-OFFERING AT THE [NEXT] FESTIVAL.³³

MISHNAH 7. THE SAME³⁴ TESTIFIED CONCERNING THE BOARDS³⁵ OF BAKERS, THAT THEY ARE [LIABLE TO BECOME] UNCLEAN, WHEREAS R. ELIEZER DECLARES THEM NOT³⁶ [LIABLE TO BECOME] UNCLEAN. THE SAME³⁷ TESTIFIED CONCERNING

AN OVEN³⁸ WHICH WAS CUT INTO RINGS AND SAND WAS PUT BETWEEN ONE RING AND THE OTHER RING,³⁹ THAT IT IS [LIABLE TO BECOME] UNCLEAN,⁴⁰ WHEREAS R. ELIEZER DECLARES IT NOT [LIABLE TO BECOME] UNCLEAN.⁴¹ THE SAME TESTIFIED THAT THE YEAR MAY BE INTERCALATED⁴² THROUGHOUT THE WHOLE OF ADAR,⁴³ WHEREAS THEY USED TO SAY: ONLY TILL PURIM.⁴⁴ THE SAME TESTIFIED THAT THE YEAR MAY BE INTERCALATED⁴⁵ CONDITIONALLY. THERE WAS SUCH A CASE WITH RABBAN GAMALIEL WHO WENT TO TAKE AUTHORISATION FROM THE GOVERNOR IN SYRIA AND HE DELAYED IN COMING BACK; AND THEY INTERCALATED THE YEAR ON CONDITION THAT RABBAN GAMALIEL SHOULD APPROVE; AND WHEN HE CAME BACK HE SAID: I APPROVE, AND THE YEAR WAS THEREBY DULY INTERCALATED.

MISHNAH 8. MENAHEM B. SIGNA⁴⁶ TESTIFIED CONCERNING THE LEDGE⁴⁷ ATTACHED TO AN OLIVE-BOILER'S CAULDRON, THAT IT IS [LIABLE TO BECOME] UNCLEAN; AND CONCERNING THAT OF DYERS,⁴⁸ THAT IT IS NOT [LIABLE TO BECOME] UNCLEAN, WHEREAS THEY USED TO SAY: THE RULE IS THE REVERSE.⁴⁹

MISHNAH 9. R. NEHUNIA⁵⁰ THE SON OF GUDGADA TESTIFIED CONCERNING A DEAF-MUTE WHOSE FATHER HAD GIVEN HER IN MARRIAGE,⁵¹ THAT SHE COULD BE PUT AWAY WITH A BILL OF DIVORCEMENT;⁵² AND CONCERNING A MINOR, DAUGHTER OF AN ISRAELITE⁵³ AND MARRIED⁵⁴ TO A PRIEST, THAT SHE MIGHT EAT TERUMAH,⁵⁵ AND IF SHE DIED HER HUSBAND INHERITED FROM HER; AND CONCERNING A STOLEN BEAM THAT HAD BEEN BUILT INTO A PALACE,⁵⁶ THAT IT MIGHT BE RESTORED BY THE PAYMENT OF ITS VALUE;⁵⁷ AND CONCERNING A SIN-OFFERING THAT HAD BEEN STOLEN, AND THIS WAS NOT KNOWN TO MANY,⁵⁸ THAT IT MADE DUE ATONEMENT⁵⁹ BECAUSE OF THE WELFARE OF THE ALTAR.⁶⁰

(1) Cf. Bek. I, 6.

(2) Cf. Ex. Xlii, 13.

(3) After it was designated for the redemption, and before it was presented to the priest.

(4) The owner may hand over to the priest the dead lamb, but is not bound to give him another lamb.

(5) The redemption money of the first born son; cf. Ex. loc. cit.; and Num. III, 47. If the father set aside this redemption money and it was lost, he has to find other money; cf. Bek. VIII, 8.

(6) If the tithes were exchanged for money and the money lost, the owner is not bound to make it good.

(7) Cf. Ter. X, 9.

(8) I.e., prohibited as food; cf. Lev. XI, 20.

(9) And may be eaten.

(10) V. Sanh. (Sonc. ed.) p. 263, n. 7.

(11) Of the clean locusts. R. zadok adds that one may even eat the brine of the prohibited locusts themselves.

(12) Cf. Mik. V., 4.

(13) I.e., from a running river or stream.

(14) Rainwater, or, according to Maimonides, water dropping intermittently from a high spring. Mik. loc. cit. lays down that flowing water is counted like 'living water' of a spring, and can be used in the preparation of the Waters of Purification (Num. XIX, 17), the cleansing of a man who had an issue (Lev. XV, 13), and for a ritual bath in any quantity; while dripping water may not be used as Water of Purification, or for the cleansing of a man who had an issue, and if used as a ritual bath it must have no less than forty se'ahs in quantity (cf. I, 3, n. 7). If, then, in a mixture of these two kinds of water, the flowing water is more in quantity than the dripping water, the whole mixture is deemed 'living water'.

(15) [Birfilia, about six miles E. of Ramala (Horowitz, Palestine, p. 118).]

(16) Its flow was directed to a particular spot by means of a channel made of the wide leaves of a walnut tree.

(17) It retains the character of flowing water for the purposes mentioned p. 42, n. 14, and is not deemed to have passed through a receptacle (מַיִם שְׂאוּבֵיךְ ; cf. I, 3) by running through the channel of leaves.

(18) [Horowitz, op. cit., p. 22, identifies it with Bait Ilu, near Jerusalem.]

- (19) V. Sanh. (Sonc. ed.) p. 205, n. 5.
- (20) Cf. Par. X, 3.
- (21) [Cannot be identified.]
- (22) Of earthenware.
- (23) Cf. Num. XIX, 9, 17.
- (24) The ashes, since they can no longer be said to have been kept in a 'clean Place', Num. loc. cit. The jar itself remains clean, because an earthenware vessel does not contract uncleanness by outward contact; cf. Kel. II, 1.
- (25) Cf. Naz. III, 2.
- (26) Each of which is normally of a duration of thirty days; cf. IV, 12, n. 7,
- (27) In accordance with Num. VI, 18. He should really have waited till the full completion of the thirty days, viz. till the thirty-first day.
- (28) Which forms an interval of full thirty days since the last cutting of his hair.
- (29) Of both periods of thirty days.
- (30) Cf. Tem. III, 1.
- (31) It is itself also holy like its dam, and cannot be put to common use.
- (32) But it should be allowed to starve to death. R. Eliezer holds that permission to offer the young may lead people to delay the sacrificing of an animal as peace offering until it gives birth to its young, and this would involve a transgression of the command of Deut. XXIII, 22.
- (33) **בִּהַג** viz., on the Feast of Weeks. Raba (R.H. 6a) renders **בִּהַג** according to its usual meaning of the Feast of Tabernacles, and assumes that owing to illness the young animal could not be offered on the intervening Feast of Weeks.
- (34) Cf. Kel. XV, 2.
- (35) On which the unbaked loaves are placed to allow them to rise; or, according to others, on which the dough is rolled.
- (36) They are not considered 'utensils', because they are flat. But all the Sages agree that baking boards for ordinary household use are not liable to uncleanness. [Because unlike those of the bakers they are put to all kinds of use (Raabad).]
- (37) Cf. Kel. V, 10.
- (38) Of earthenware, and without a bottom; cf. II, 8, n. 1.
- (39) To prevent the rings adhering to one another. The whole was plastered over on the outside to keep the cut parts together.
- (40) The plasterings makes it whole again.
- (41) It is deemed a broken 'utensil'
- (42) By the addition of a second month, viz. a second Adar; v. Sanh. 12b'
- (43) Until the twenty-ninth of Adar.
- (44) The fourteenth of Adar, when it is customary to begin the public exposition of the laws of the Passover.
- (45) By the Sanhedrin, subject to the approval of the President, with whom the final decision rests; v. Sanh. 11a (Sonc. ed.) p. 47.
- (46) [Or. 'of Signai'. a village in Judea (Buchler, De, gal. 'Am-h. 79. n. 1.)].
- (47) Of earthenware, to prevent the boiling liquid in the metal cauldron from running over. The ledge is therefore a necessary part of the cauldron; cf. Kel. V, 5.
- (48) Dyers are careful not to allow the boiling dye to rise to the earthenware ledge, for fear the dye may become soiled. Therefore the ledge is not really needed for their cauldron.
- (49) It was thought that dyers had greater need of the ledge to prevent the boiling dye from running over, since the dye was more valuable than the liquid of olive-boilers.
- (50) Cf. Git. V, 5; Yeb. XIV, 2.
- (51) While still a minor; cf. VI, 1, n. 2.
- (52) Although she is legally an imbecile, she can be divorced according to Biblical law without her consent.
- (53) A non-priest who is dead.
- (54) By her mother or brothers, although the marriage is valid according to Rabbinical law only; cf. VI, 1, n. 2.
- (55) But only such as is terumah in Rabbinic law alone, but she may not eat what is terumah in Biblical law, which does not recognize her as the priest's wife.
- (56) Or any building.
- (57) The owner of the beam cannot insist on the restoration of the beam itself. This rule was ordained 'for the benefit of

the penitent' (Git. loc. cit.) to make the sinner's path of repentance easy.

(58) Three persons.

(59) The thief need not bring another sin-offering, and the priests who ate of its flesh did not commit a sin unwittingly.

(60) The priests might refuse to sacrifice the offering of a man who was unknown to them, from fear that the animal was stolen, and the altar would thus suffer loss.

Mishna - Mas. Eduyyot Chapter 8

MISHNAH 1. R. JOSHUA B. BATHYRA TESTIFIED CONCERNING THE BLOOD OF CARCASSES THAT IT WAS CLEAN.¹ R. SIMEON B. BATHYRA TESTIFIED CONCERNING THE ASHES OF PURIFICATION,² THAT IF A DEFILED PERSON HAD TOUCHED PART THEREOF HE HAD DEFILED THE WHOLE OF THEM.³ R. AKIBA ADDED IN REGARD TO THE FINE FLOUR,⁴ THE INCENSE, THE FRANKINCENSE, AND THE COALS,⁵ THAT IF A TEBUL. YOM⁶ HAD TOUCHED PART THEREOF HE HAD MADE THE WHOLE OF THEM UNFIT.⁷

MISHNAH 2. R. JUDAH B. BABA AND R. JUDAH THE PRIEST TESTIFIED CONCERNING A MINOR,⁸ THE DAUGHTER OF AN ISRAELITE AND MARRIED TO A PRIEST, THAT SHE COULD EAT TERUMAH AS SOON AS SHE ENTERED THE BRIDAL CHAMBER EVEN THOUGH SHE HAD NO MARITAL INTERCOURSE. R. JOSE THE PRIEST AND R. ZECHARIAH B. HA-KAZZAB TESTIFIED CONCERNING A YOUNG GIRL WHO HAD BEEN GIVEN AS A SECURITY⁹ IN ASHKELON, AND WHOM THE MEMBERS OF HER FAMILY¹⁰ HAD PUT AWAY,¹¹ THOUGH HER WITNESSES¹² TESTIFIED FOR HER THAT SHE HAD NOT SECLUDED HERSELF¹³ [WITH ANY MAN] AND THAT SHE HAD NOT BEEN DEFILED; THAT THE SAGES SAID TO THEM: IF YOU BELIEVE THAT SHE WAS GIVEN AS A SECURITY, BELIEVE ALSO THAT SHE DID NOT SECLUDE HERSELF [WITH ANY MAN] AND THAT SHE WAS NOT DEFILED; AND IF YOU DO NOT BELIEVE THAT SHE DID NOT SECLUDE HERSELF AND THAT SHE WAS NOT DEFILED, NEITHER BELIEVE THAT SHE WAS GIVEN AS A SECURITY.

MISHNAH 3. R. JOSHUA AND R. JUDAH THE SON OF BATHYRA TESTIFIED CONCERNING THE WIDOW OF [A MAN

BELONGING TO] A FAMILY OF DOUBTFUL PURITY,¹⁴ THAT SHE WAS FIT TO MARRY INTO THE PRIESTHOOD, SINCE A FAMILY OF DOUBTFUL PURITY WAS FIT TO DECLARE WHO¹⁵ WAS UNCLEAN¹⁶ AND WHO¹⁵ CLEAN,¹⁶ WHO WAS TO BE PUT AWAY¹⁷ AND WHO¹⁵ WAS TO BE BROUGHT NEAR.¹⁷ RABBAN GAMALIEL SAID: WE ACCEPT YOUR TESTIMONY, BUT WHAT CAN WE DO SINCE RABBAN JOHANAN B. ZAKKAI ORDAINED THAT COURTS SHOULD NOT BE COMMISSIONED FOR THIS PURPOSE?¹⁸ THE PRIESTS WOULD LISTEN TO YOU CONCERNING THOSE WHO MIGHT BE PUT AWAY, BUT NOT CONCERNING THOSE WHO MIGHT BE BROUGHT NEAR!¹⁹

MISHNAH 4. R.²⁰ JOSE B. JO'EZER, A MAN OF ZEREDA,²¹ TESTIFIED CONCERNING THE AYIL²² -LOCUST, THAT IT IS CLEAN; AND CONCERNING LIQUID²³ IN THE SLAUGHTER-HOUSE,²⁴ THAT IT IS CLEAN, AND THAT ONE WHO TOUCHES A CORPSE IS UNCLEAN.²⁵ AND THEY CALLED HIM 'JOSE THE PERMITTER'.

MISHNAH 5. R. AKIBA TESTIFIED IN THE NAME OF NEHEMIAH, A MAN OF BETH DELI,²⁶ THAT A WOMAN IS ALLOWED TO RE-MARRY ON THE EVIDENCE OF ONE WITNESS.²⁷ R. JOSHUA TESTIFIED CONCERNING BONES²⁸ FOUND IN THE WOOD-SHED²⁹ [THAT THEY WERE UNCLEAN].³⁰ THAT THE SAGES SAID: ONE MAY GATHER THEM UP, BONE BY BONE,³¹ AND ALL IS CLEAN.³²

MISHNAH 6. R. ELIEZER SAID:³³ I HAVE HEARD THAT WHEN THEY BUILT THE TEMPLE³⁴ THEY MADE HANGINGS FOR THE TEMPLE AND HANGINGS FOR THE TEMPLE-COURTS; BUT IN THE CASE OF THE TEMPLE THEY BUILT³⁵ FROM THE OUTSIDE,³⁶ AND IN THE CASE OF THE TEMPLE-COURT THEY BUILT FROM THE INSIDE. R. JOSHUA SAID: I HAVE HEARD THAT SACRIFICES MAY BE OFFERED EVEN THOUGH THERE IS NO TEMPLE, AND THAT THE MOST HOLY SACRIFICES³⁷ MAY BE EATEN EVEN THOUGH THERE ARE NO HANGINGS, AND THE LESSER HOLY SACRIFICES³⁸ AND SECOND TITHES EVEN THOUGH THERE IS NO WALL,³⁹ BECAUSE THE FIRST SANCTIFICATION⁴⁰ WAS VALID BOTH FOR ITS OWN TIME AND FOR THE TIME HEREAFTER.

MISHNAH 7. R. JOSHUA SAID: I HAVE RECEIVED A TRADITION FROM RABBAN JOHANAN B. ZAKKAI, WHO HEARD IT FROM HIS TEACHER, AND HIS TEACHER [HEARD IT] FROM HIS TEACHER, AS A HALACHAH [GIVEN] TO MOSES FROM SINAI,⁴¹ THAT ELIJAH⁴² WILL NOT COME TO PRONOUNCE UNCLEAN OR TO PRONOUNCE CLEAN, TO PUT AWAY OR TO BRING NEAR,⁴³ BUT TO PUT AWAY THOSE BROUGHT NEAR BY FORCE AND TO BRING NEAR THOSE PUT AWAY BY FORCE. THE FAMILY OF BETH ZEREPAH⁴⁴ WAS ON THE OTHER SIDE OF THE JORDAN. AND BEN ZION⁴⁵ PUT IT AWAY BY FORCE; AND YET ANOTHER FAMILY⁴⁶ WAS THERE, AND BEN ZION BROUGHT IT NEAR BY FORCE. SUCH LIKE ELIJAH WILL COME TO PRONOUNCE UNCLEAN OR TO PRONOUNCE CLEAN, TO PUT AWAY OR TO BRING NEAR. R. JUDAH SAYS: TO BRING NEAR, BUT NOT TO PUT AWAY.⁴⁷ R. SIMEON SAYS: TO CONCILIATE DISPUTATIONS.⁴⁸ AND THE SAGES SAY NEITHER TO PUT AWAY NOR TO BRING NEAR, BUT TO MAKE PEACE IN THE WORLD,⁴⁹ FOR IT IS SAID,⁵⁰ BEHOLD I SEND TO YOU ELIJAH THE PROPHET, ETC., AND HE SHALL TURN THE HEART OF THE FATHERS TO THE CHILDREN AND THE HEART OF THE CHILDREN TO THEIR FATHERS.

(1) Agreeing with the opinion of Beth Shammai according to the version of H. Judah; cf. V, 1, n. 3.

(2) Cf. VII, 5, n. 9.

(3) The jar which contains the ashes makes all their particles one unit.

(4) Intended for an offering; cf. Lev. II, 2ff.

(5) Which the High Priest carried into the Holy of Holies on the Day of Atonement; cf. Lev. XVI, 12.

(6) Cf. II, 1, n. 7.

(7) פסל ; cf. II, 1, n. 4. [Their various particles constitute a unit though the vessels which contain them are not fashioned like receptacles, but Hat (Maim.).]

(8) An orphan given in marriage by her mother or brothers; cf. VII, 9, nn. 3-4.

(9) For a debt to Gentiles.

(10) Who were priests.

(11) They disqualified her from marrying a priest, for fear she might have been violated; cf. III, 6, n. 2.

(12) Who testified that she had been left at Ashkelon, also testified that she had remained pure.

(13) נסתרה cf. Num. V, 13.

(14) עיסה. 'mixed dough'. a priestly family, a member of which was suspected of being the offspring of an illegitimate union, חלל cf. Lev. XXI, 7; Kid. IV, 6. In the case of this widow, it is doubtful whether her dead husband was that suspected offspring, and if so, whether he really was illegitimate, חלל . [For a full discussion of the subject, v. Buchler, Schwarz-Festschrift, 133ff.]

(15) Who of its members.

(16) I.e., illegitimate; legitimate.

(17) Who was to be declared unfit to marry a priest, and who fit. Therefore the evidence of this family is to be accepted with regard to the widow's dead husband. The text and interpretation of this passage are not quite certain.

(18) Of declaring the legitimacy of such a doubtful case.

(19) [And would refuse to accept the decision of a Court to the contrary. v. Buchler, Priester und Cultus, p. 20, n. 3.]

- (20) Most texts omit 'Rabbi'. Jose's statement is given in Aramaic.
- (21) I Kings XI. 26.
- (22) אֵיל , of unknown meaning.
- (23) Blood and water.
- (24) In the Temple court.
- (25) For the meaning and discussion of this statement as well as of the whole passage, cf. A.Z. (Sonc. ed.) 182f.
- (26) [Identified by Horowitz, op. cit., p. 231, with Dili, a village in Galilee.]
- (27) Cf. VI, I, n. 3.
- (28) Of a corpse.
- (29) At the north-eastern corner of the Women's Court in the Temple; cf. Mid. II, 5.
- (30) A variant reading. not quite in agreement with what follows.
- (31) There is no reason to suspect the presence of graves.
- (32) Because It was doubtful whether the bones had caused any defilement; therefore it was declared clean, as being in the Temple court which is considered public ground; cf. II, 3, nn. 5, 6.
- (33) V. Shebu. (Sonc. ed.) 16a, notes.
- (34) The Second Temple.
- (35) The walls of the Temple.
- (36) To keep the builders outside the Temple.
- (37) Which have to be eaten 'within the hangings'. i.e. in the Temple court; cf. Zeb. V, 5.
- (38) Which have to be eaten within the City of Jerusalem; cf. Zeb. V, 6; Deut. XIV, 23.
- (39) Round Jerusalem.
- (40) By King Solomon.
- (41) I.e., an ancient ordinance.
- (42) Who will come to usher in the Messianic Age; cf. Mal. III, 1.
- (43) Cf. 3, nn. 4-5. He will not abrogate justly established laws, but only set aside arbitrary and lawless decisions.
- (44) [A priestly family (Buchler. op. cit., p. 137); or, a lay family (Epstein. J.N., MGWJ LXV. 89). The context favours the former view. As to Beth Zerephah. Klein, S. מאמרים שונים p. 6, n. 9, identifies it with Zarafaud, N.W. of Lydda.]
- (45) [Klein. S. מדעי היהדות I, p. 77. adopts on the basis of var. lec. the reading. Bene Zion 'the Sons of Zion', the reference being to the descendants of the Hasmonean high priests. the Watch of Jehoharib. For other suggestions v. ibid. n. 22.]
- (46) The family is left unnamed, so as not to cause shame to its members.
- (47) Even those brought near by force.
- (48) Among the Sages in matters of law.
- (49) Among all men.
- (50) Mal. III, 23-24.

Mishna - Mas. Avoth Chapter 1

MISHNAH 1. MOSES RECEIVED THE TORAH¹ AT² SINAI AND TRANSMITTED IT TO JOSHUA,³ JOSHUA TO THE ELDERS,⁴ AND THE ELDERS TO THE PROPHETS, AND THE PROPHETS TO THE MEN OF THE GREAT SYNAGOGUE.⁵

THE LATTER USED TO SAY THREE THINGS:⁶ BE PATIENT IN [THE ADMINISTRATION OF] JUSTICE, REAR MANY DISCIPLES AND MAKE A FENCE ROUND THE TORAH.⁷

MISHNAH 2. SIMEON THE RIGHTEOUS⁸ WAS ONE OF THE LAST OF THE MEN OF THE GREAT SYNAGOGUE. HE USED TO SAY: THE WORLD IS BASED UPON THREE THINGS: THE TORAH, DIVINE SERVICE, AND THE PRACTICE OF KINDLINESS.⁹

MISHNAH 3. ANTIGONUS¹⁰ (A MAN) OF SOCHO¹¹ RECEIVED [THE ORAL TRADITION] FROM SIMEON THE RIGHTEOUS. HE USED TO SAY: BE NOT LIKE UNTO SERVANTS WHO SERVE THE MASTER IN THE EXPECTATION OF RECEIVING A GRATUITY,¹² BUT BE LIKE UNTO SERVANTS WHO SERVE THE MASTER WITHOUT THE EXPECTATION OF RECEIVING A GRATUITY, AND LET THE FEAR OF HEAVEN¹³ BE UPON YOU.¹⁴

MISHNAH 4. JOSE¹⁵ B. JO'EZER (A MAN) OF ZEREDAH,¹⁶ AND JOSE B. JOHANAN [A MAN] OF JERUSALEM RECEIVED [THE ORAL TRADITION] FROM THEM [I.E. SIMEON THE RIGHTEOUS AND ANTIGONUS].

JOSE. B. JO'EZER¹⁷ USED TO SAY: LET THY HOUSE BE A HOUSE OF MEETING FOR THE SAGES AND SUFFER THYSELF TO BE COVERED BY THE DUST OF THEIR FEET,¹⁸ AND DRINK IN THEIR WORDS WITH THIRST.

MISHNAH 5. JOSE B. JOHANAN (A MAN) OF JERUSALEM USED TO SAY: LET THY HOUSE BE WIDE OPEN, AND LET THE POOR BE MEMBERS OF THY HOUSEHOLD,¹⁹ ENGAGE NOT IN TOO MUCH CONVERSATION WITH WOMEN. THEY²⁰ SAID THIS WITH REGARD TO ONE'S OWN WIFE, HOW MUCH MORE [DOES THE RULE APPLY] WITH REGARD TO ANOTHER MAN'S WIFE. HENCE HAVE THE SAGES SAID:²¹ AS LONG AS A MAN²² ENGAGES IN TOO MUCH CONVERSATION WITH WOMEN, HE CAUSES EVIL TO HIMSELF, [FOR] HE GOES IDLE FROM [THE STUDY OF] THE WORDS OF THE TORAH, SO THAT HIS END WILL BE THAT HE WILL INHERIT GEHINNOM.²³

MISHNAH 6. JOSHUA B. PERAHIAH²⁴ AND NITTAI²⁵ THE ARBELITE²⁶ RECEIVED [THE ORAL TRADITION] FROM THEM [I.E. THE FOREGOING].

JOSHUA B. PERAHIAH USED TO SAY: APPOINT FOR THYSELF A TEACHER²⁷ AND ACQUIRE FOR THYSELF A COMPANION²⁸ AND JUDGE ALL MEN IN THE SCALE OF MERIT.²⁹

MISHNAH 7. NITTAI THE ARBELITE USED TO SAY: KEEP AT A DISTANCE³⁰ FROM AN EVIL NEIGHBOUR, DO NOT MAKE THYSELF AN ASSOCIATE OF A WICKED MAN,³¹ NEITHER DO THOU ABANDON FAITH IN [DIVINE] RETRIBUTION.³²

MISHNAH 8. JUDAH B. TABBAI AND SIMEON B. SHETAH³³ RECEIVED [THE ORAL TRADITION] FROM THEM [I.E. THE FOREGOING].

JUDAH B. TABBAI SAID: DO THOU NOT [AS-A JUDGE] PLAY THE PART OF AN ADVOCATE;³⁴ WHILST THEY [I. E. THE PARTIES IN A LAWSUIT] ARE STANDING

BEFORE THEE, LET THEM BE REGARDED BY THEE AS IF THEY WERE [BOTH OF THEM] GUILTY, AND WHEN THEY LEAVE THY PRESENCE, [AFTER] HAVING SUBMITTED TO THE JUDGMENT³⁵ LET THEM BE REGARDED BY THEE AS IF THEY WERE [BOTH OF THEM] GUILTLESS.

MISHNAH 9. SIMEON B. SHETAI³⁶ USED TO SAY: BE THOROUGH IN THE INTERROGATION OF WITNESSES, AND BE CAREFUL IN THY WORDS, LEST FROM THEM [I. E. FROM YOUR WORDS] THEY LEARN TO UTTER FALSEHOOD.³⁷

MISHNAH 10. SHEMAIAH AND ABTALION³⁸ RECEIVED [THE ORAL TRADITION] FROM THEM [I.E. THE FOREGOING]. SHEMAIAH USED TO SAY: LOVE WORK, HATE ACTING THE SUPERIOR, AND DO NOT BRING THYSELF TO THE KNOWLEDGE OF THE RULING AUTHORITY.

MISHNAH 11. ABTALION USED TO SAY: YE SAGES BE CAREFUL WITH YOUR WORDS,³⁹ LEST YE BE CONDEMNED TO EXILE,⁴⁰ AND YE BE EXILED TO A PLACE OF EVIL WATERS,⁴¹ AND THE DISCIPLES WHO FOLLOW YOU⁴² DRINK AND DIE,⁴³ WITH THE RESULT THAT THE NAME OF HEAVEN BECOMES PROFANED.⁴⁴

MISHNAH 12. HILLEL AND SHAMMAI⁴⁵ RECEIVED [THE ORAL TRADITION] FROM THEM [I.E. THE FOREGOING].

HILLEL USED TO SAY: BE THOU OF THE DISCIPLES OF AARON, LOVING PEACE AND PURSUING PEACE,⁴⁶ [BE THOU⁴⁷] ONE WHO LOVETH [ONE'S FELLOW.] CREATURES AND BRINGETH THEM NIGH TO THE TORAH.

MISHNAH 13. HE [ALSO] USED TO SAY: A NAME THAT IS WIDESPREAD LOSES ITS FAME; ONE WHO DOES NOT ADD [TO HIS KNOWLEDGE] CAUSES [IT] TO CEASE;⁴⁸ WHOEVER DOES NOT STUDY⁴⁹ [THE TORAH] DESERVES DEATH; WHOEVER MAKES [UNWORTHY] USE OF THE CROWN⁵⁰ [OF LEARNING] PASSETH AWAY.

MISHNAH 14. HE [ALSO] USED TO SAY: IF I AM NOT FOR MYSELF, WHO IS FOR ME, BUT IF I AM FOR MY OWN SELF [ONLY],⁵¹ WHAT AM I, AND IF NOT NOW, WHEN?⁵²

MISHNAH 15. SHAMMAI USED TO SAY: MAKE THY [STUDY OF THE] TORAH [A MATTER OF] ESTABLISHED [REGULARITY];⁵³ SPEAK LITTLE, BUT DO MUCH; AND RECEIVE ALL MEN WITH A PLEASANT COUNTENANCE.⁵⁴

MISHNAH 16. RABBAN GAMALIEL⁵⁵ USED TO SAY: APPOINT A TEACHER FOR THYSELF AND AVOID DOUBT,⁵⁶ AND MAKE NOT A HABIT OF TITHING BY GUESSWORK.⁵⁷

MISHNAH 17. SIMEON, HIS SON,⁵⁸ USED TO SAY: ALL MY DAYS I GREW UP AMONG THE SAGES, AND I HAVE FOUND NOTHING BETTER FOR A PERSON⁵⁹ THAN SILENCE. STUDY IS NOT THE MOST IMPORTANT THING, BUT DEED; WHOEVER INDULGES IN TOO MANY WORDS BRINGS ABOUT SIN.⁶⁰

MISHNAH 18. RABBAN SIMEON, SON OF GAMALIEL⁶¹ USED TO SAY: ON THREE THINGS DOES THE WORLD STAND.⁶² ON JUSTICE, ON TRUTH AND ON PEACE, AS IT IS SAID: JUDGE YE TRUTHFULLY AND A JUDGMENT OF PEACE IN YOUR GATES.⁶³

(1) Scripture and its complementary Oral Instruction, with special reference to the latter.

(2) Lit., 'from'.

(3) IARN, Ch. I, 'Joshua received from Moses'. The transmission and reception were done orally. All evidence goes to show that there was a continuous succession of 'schools' headed by the Elders, prophets and scribes of their respective generations, which maintained and developed the theoretical study and practical application of the Torah. For a full examination of the terms **מוֹסֵר** (transmitted) and **קִבֵּל** (received) v. Bacher, Tradition und Tradenten, p. 1.

(4) The Elders that outlived Joshua, Judges II, 7. 'Elders' in this Mishnah includes the Judges.

(5) Keneseth hagedolah: A body of 120 men founded by the leaders of the Jews who returned from the Babylonian captivity.

(6) Whereby reverence for, the knowledge of, and the inviolability of the Torah might be secured (cf. Rashi).

(7) The Torah is conceived as a garden and its precepts as precious plants. Such a garden is fenced round for the purpose of obviating wilful or even unintended damage. Likewise, the precepts of the Torah were to be 'fenced' round with additional inhibitions that should have the effect of preserving the original commandments from trespass.

(8) Son of Onias. According to the older authorities, also Frankel, Graetz and Halevy, it was Simeon b. Onias I (ca. 300 B.C.E.) referred to in Sirach, Ch. L, and Josephus Ant. XII, 2, 5; 4, 1. Others (e.g. Krochmal, Brull) say it was Simeon b. Onias II (219-199 B.C.E.). Halevy says it could not have been the latter, as he could not have been designated ha-Zaddik (the Righteous), and that, in fact, the elder Simeon b. Onias (I) was not so designated until later times, when it became necessary to distinguish the worthy grandfather from the unworthy grandson.

(9) Some commentators cite Ps. LXXXIX, 3 **עוֹלָם חֶסֶד יִבְנֶה** (the usual translation of which is forever is Mercy built) taking **עוֹלָם** as meaning world, and rendering the world is built on kindness. **גְּמִילוּת חֶסֶדִים** is enumerated in another old Mishnah (Pe'ah I, 1) among 'the things the fruits of which a man enjoys in this world, while the stock remains intact for him for the world to come'.

(10) The first noted Jew known to have had a Greek name. First half of the third century B.C.E.

(11) Josh. XV, 35. I Sam. XVII, 1.

(12) 'Gratuity' rather than 'reward' (for which **שֶׂכֶר** would have been used and not **פְּרָם**) since a servant may rightly and without reproach expect and accept his wage (v. M.).

(13) The term was used before the Persian and Greek periods (Marmorstein, A., The Old Rabbinic Doctrine of God, p. 14 and pp. 105-6), as against the view that 'Heaven' for God, in Jewish literature is an expression derived from the Greek, as Bousset, Die Religion des Judentums, p. 359, n. 3).

(14) 'Antigonus' trilogy was directed against Epicurean teachings; the first and second sayings against the eudaemonist doctrine that all action, even specifically moral action, should be undertaken for the purpose of creating happiness for oneself; the third, against the Epicurean doctrine that whereas there are gods, these gods do not concern themselves with the doings of men,' (Frankel, op. cit. pp. 8-9).

(15) Short form of Joseph.

(16) I Kings XI, 26.

(17) Called Hasid shebikheunnah, 'the most saintly man in the Priesthood'. Hag. II, 7.

(18) Either: let the dust of the feet of the Sages, as they walk, cover you (i.e., follow them closely), or, sit in the dust (on the ground) at their feet whilst they teach. The two Jose's were the first of the Zugoth, GR.** 'pairs' of scholars (one a Nasi, Prince, President, Patriarch; the other Ab-Beth-din, Father of the Court) referred to in Pe'ah II, 6 (as Zugoth) and Hag. II, 2 (by their names as here). How did the Zugoth arise? Weiss, op. cit. p. 103: it is a reversion to an earlier practice, the first sign of which (v. ob. p. 35) is the dual appointment in II Chron. XIX, 5-11. Bacher, op. cit. p. 48 ff. points out that there were Zugoth from Moses onwards. Frankel, op. cit., p. 32: When Hellenistic High Priests rose to power and became a menace to Judaism, it was felt that two leaders would be able to cope with the situation better than one. Halevy, op. cit., p. 199: Simeon the Righteous was succeeded by his brother Eleazar, as High Priest, but not as Head of Sanhedrin. This dignity devolved on Antigonus who was followed by Jose b. Johanan. Eleazar was followed (in the High Priesthood) by Onias II (another son of Simeon the Righteous) who handed over the civil power to the Tobiads. The latter disregarded the Sanhedrin and, exercising a powerful influence over the court of the King of Egypt, carried on in a high-handed way. The Sanhedrin then found it necessary to appoint, in addition to the Ab-Beth-din, a Nasi who should represent the Sanhedrin vis-a-vis the people, and as first Nasi they appointed Jose ben Jo'ezer, a younger disciple of Antigonus, who was both a scholar and of eminent priestly descent.

(19) Either: treat the poor as members of your own family or, employ poor men (rather than slaves) as servants (so Rashi and Maim.). The commentary Ez Joseph renders: 'let the members of thy family be poor', i.e. content themselves with poorer fare, so that you may be able to keep an open door and hospitable table for strangers.

- (20) What follows is the addition of the Redactor of the Mishnah. Herford, p. 24 reads **אָמַר** 'He (Jose) said it.'
- (21) The term **מִכַּאֲן אָמְרוּ חֲכָמִים** points to an ancient Mishnah. (Frankel, op. cit., p. 305.) For a full examination of the term see Bacher, op. cit. p. 160 and p. 171 ff.
- (22) The P. B. version has 'whoever'.
- (23) V. infra V, 20, notes.
- (24) According to Sotah 470 (ed. Amsterdam), also MS. Brit. Mus. Or. 1389 (a collection of Haggadic writings) fol. 158a, line 28 ff, he fled to Alexandria owing to Sadducee hostility but was recalled later by Simeon b. Shetah (v. Mish. 8) when 'peace' was restored. But J. Hag. 77d reports this of Judah b. Tabbai.
- (25) **נְתַאי** or **נְתִי**, J. Hag. 76d has **מַתִּי** Mattai.
- (26) Arbel. Hosea XI, 14. In Galilee, v. I Mace. IX, 2.
- (27) Cf. Mish. 16. II ARN, Ch. XVIII. **רַב לְחַכְמָה**, explained as a master to supply one with knowledge already existing.
- (28) II ARN, *ibid.* **חֵבֵר לְמִשְׁנָה**, explained as a companion for studying together, so that one may be able to note what the other misses, or to supply information not known to the other.
- (29) Frankel, op. cit. p. 35, says Joshua b. Perahiah said this when John Hyrcanus was still with the Pharisees, with whom he later broke after Eleazar b. Po'irah made mischief over the demand made by the Pharisees, that John Hyrcanus should content himself with the crown, and relinquish the High Priesthood, for which, they said, he was unfit on account of his mother having been (as they alleged) once taken captive at Modin. The allegation was disproved and the king turned against the Pharisees. (Sotah 47a. Frankel and Weiss take **יְנָאִי** there to be John Hyrcanus rather than Alexander Jannaeus.) II ARN attributes the sayings given here as Joshua b. Perahiah's to Nittai.
- (30) II ARN, 'Run away'.
- (31) As one might be tempted to do should one see the wicked prosper.
- (32) Wickedness will not succeed in the end. Frankel *ibid.*: Nittai said this after John Hyrcanus joined the Sadducees. In ARN this is attributed to Joshua b. Perahiah.
- (33) J. Hag 77d states that in later times there was disagreement as to whether Judah b. Tabbai was Nasi, and Simeon b. Shetah Ab-Beth-din, or vice-versa. Frankel, op. cit. p. 37, says: 'at first Judah was Nasi, but after his mistaken decision in the case of a false witness ('Ed Zomen v. Mak. 5b) he resigned in favour of Simeon and thus they changed posts.' These scholars lived in the reigns of John Hyrcanus, Alexander Jannaeus and Queen Salome. II ARN attributes Judah's sayings to Simeon and vice-versa.
- (34) I.e., do not suggest to either party a line of argument. For a case involving the question of the applicability of this principle see J. B.B. IX, 6; J. Keth. IV, 10. A woman came before R. Johanan with a claim on her husband (or her late husband's heirs) for the cost of medical attention during her illness, and R. Johanan said to her: 'If the sum has been previously agreed upon with the physician you cannot recover it from your husband (or from his estate), but it must come out of your marriage-settlement.' Otherwise it is included in the husband's alimentary obligation to the wife, v. Epstein, M., Marriage Contract, 163. Objection was taken to R. Johanan for having said this, as being at variance with the dictum here in Aboth, which had been interpreted by R. Haggai in the name of R. Joshua b. Levi as: 'It is prohibited (for a judge) to reveal to any one litigant the law as it applies to his case.' This objection is answered thus: R. Johanan knew that this applicant was a woman of high principles who would not take unfair advantage of that knowledge, but tell the truth as to whether the sum of the physician's fee had been a pre-arranged one or not. I and II ARN take this in a quite different sense, viz. advice against allowing oneself to be prejudiced by any considerations, and against treating one party differently to the other. ARN seems to understand **עוֹרְכֵי הַדֵּינִים** to mean judges who estimate' and make up their minds by conjecture before they have heard the whole case.
- (35) This is the best translation of **בְּשֶׁקֶבֶלּוֹ**, and gives the best sense; it is only when a litigant has submitted to the decision that he can be considered guiltless, but not if he is recalcitrant. (V. Buchler, op. cit. p. 53, n. 4.)
- (36) Brother of Queen Salome. He reinstated the Pharisees in the Sanhedrin which had, for some time, been dominated by the Sadducees.
- (37) It is suggested that the tragic episode that led to the execution of his own son, which had been due to reliance on evidence which (when it was too late) proved to have been false (v. J. Sanh. 23b), prompted this dictum.
- (38) Said to have been descendants of proselytes, themselves descendants of Sennacherib.
- (39) II ARN, ch. XXIII, amplifies 'lest you teach anything not in accordance with the teachings of the Torah'. M.: Inexact language would give heretics an opportunity for misrepresenting your teaching. Halevy: Abtalion supplemented Shemaiah's advice: be careful even in your words, so as not to embroil yourselves with the rival sides.

- (40) By the Sadducees and Hellenists (who had regained power at the Court), as had already happened in the cases of Joshua b. Perahiah and Judah b. Tabbai.
- (41) A place of heretical teachings (e.g. Alexandria).
- (42) Into exile.
- (43) Spiritual death.
- (44) By reason of the spiritual disaster that will have overtaken students of the Torah, faith in, and reverence for, God would wane.
- (45) Identified by Halevy, op. cit. p. 40 ff. (and others) with Sameas and Pollion of Jos. Ant. XIV, 9, 4; XV, 1, 1; XV, 10, 4. V. Bacher, Tradition, pp. 51-2, who identifies similarly but, owing to chronological difficulties created by the Josephus passages, he suggests that on account of the similarity, especially in Greek pronunciation, of Shemaiah and Shammai, Josephus did not keep the two pairs (Shemaiah-Abtalion and Hillel-Shammai) sufficiently distinct.
- (46) For the qualities of the ideal priest, v. Mal. II, 6.
- (47) So MV, p. 473. i.e. this is not a continuation of the description of Aaron, or of Aaron's disciples, but a further admonition by Hillel.
- (48) Or, (himself) ceases (to be).
- (49) Another reading 'teach', i.e., one who refuses to impart the knowledge he has.
- (50) 1. The Shem ha-meforash, the Name of God in its full form (I ARN, Ch. XII). 2. 'The Crown of God', i.e., a man who claims divine honours and prerogatives (II ARN, Ch. XXVII).
- (51) One must be self-reliant and not accustom oneself to depend on others; but, being exclusively for oneself is an unworthy attitude for a human being. M.: If I do not rouse my soul to higher things who will rouse it? Rashi: If I do not acquire merit for myself who should do it for me, and when I have already achieved that, have I even then done the whole of my duty? L.: If my ego is not mine (i.e. under my control) over whom can I exercise influence, and when I have myself to myself (and I examine myself) I am led to ask myself, what am I?
- (52) If I do not act in accordance with these reflections now that I realize them (or now whilst I am young, or alive), then, when? Later it may be too late.
- (53) L.: Ideal conditions for study are fixity of purpose, regularity of habits and stability of temperament on the part of the student, as well as an habitual locale and students' accessories of suitable and standard types. B. cites another rendering, viz., 'Make thy (decisions in) Law consistent'.
- (54) This advice on the part of Shammai is the more noteworthy in view of his own impatient nature (as compared with Hillel's at any rate).
- (55) Son of Simeon (who was Nasi after his father Hillel, according to Graetz for 20 years, but according to Halevy only a very short time), known as Rabban Gamaliel Ha-zaken (the Elder). Although here he follows Hillel and Shammai, he is not said to have received' (the oral teaching) from them (that is said of Rabban Johanan b. Zakkai, supra II, 5) and this leads some to say that he was not a Nasi. Hoffmann (Erste Mishnah, p. 26) says the dictum here is by R. Gamaliel II (of Jabneh). Geiger adheres to Gamaliel I. It is probably the same Gamaliel ('a doctor of the Law') as in Acts V, 34; XXII, 3.
- (56) According to M. and others this is advice to one who is himself a Rabbi, that he should choose another scholar whom he is to respect as a greater authority, and whom he should consult in cases of difficulty and doubt before giving a decision.
- (57) L.: To be too strict is one's decision (a course a Rabbi would be likely to take when he is in doubt) is a fault, even as it is wrong to give more than is due in tithes by tithing by conjecture instead of by measure.
- (58) I.e., the son of R. Gamaliel I. He was slain at the time of the fall of Jerusalem. He is not called Rabban here, because he said this before he was Nasi.
- (59) Heb. גוּי body, person, cf. IV, 6.
- (60) Cf. Prov. X, 19.
- (61) Son of Gamaliel II of Jabneh and grandson of the Simeon in the foregoing Mishnah. Others say it is that same Simeon but one dictum was uttered before, and the other (here) after, he became Nasi (hence the title Rabban here).
- (62) Is its stability founded; cf. Mishnah 2.
- (63) Zech. VIII, 16. Rashi says that in the Mishnah of Tiberias (MV, 'in careful texts') the Scriptural quotation is not given.

Mishna - Mas. Avoth Chapter 2

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MISHNAH 1. RABBI¹ SAID: WHICH IS THE RIGHT WAY THAT A MAN SHOULD CHOOSE UNTO HIMSELF? ONE WHICH IS [ITSELF] AN HONOUR TO THE PERSON ADOPTING IT,² AND [ON ACCOUNT OF WHICH] HONOUR [ACCRUES] TO HIM FROM MEN.³ AND BE THOU CAREFUL WITH A LIGHT PRECEPT⁴ AS WITH A GRAVE ONE, FOR THOU KNOWEST NOT THE GRANT OF REWARD [FOR THE FULFILMENT] OF PRECEPTS.⁵ ALSO, RECKON THE LOSS [THAT MAY BE SUSTAINED THROUGH THE FULFILMENT] OF A PRECEPT AGAINST THE REWARD [ACCRUING] THEREFROM, AND THE GAIN [THAT MAY BE OBTAINED THROUGH THE COMMITTING] OF A TRANSGRESSION AGAINST THE LOSS [ENTAILED] THEREBY.⁶ APPLY THY MIND⁷ TO THREE THINGS AND THOU WILT NOT COME INTO THE POWER OF SIN:⁸ KNOW WHAT⁹ THERE IS ABOVE THEE:¹⁰ AN EYE THAT SEES,¹¹ AN EAR THAT HEARS,¹² AND ALL THY DEEDS WRITTEN IN A BOOK.¹³

MISHNAH 2. RABBAN GAMALIEL THE SON OF R. JUDAH THE PATRIARCH¹⁴ SAID: EXCELLENT IS THE STUDY OF THE TORAH TOGETHER WITH A WORLDLY OCCUPATION,¹⁵ FOR THE ENERGY [TAKEN UP] BY BOTH OF THEM KEEPS SIN OUT OF ONE'S MIND; AND [AS FOR] ALL [STUDY OF THE] TORAH WHERE THERE IS NO WORLDLY OCCUPATION, THE END THEREOF [IS THAT] IT COMES TO NOUGHT¹⁶ AND BRINGS SIN IN ITS TRAIN;¹⁷ AND ALL WHO LABOUR WITH THE COMMUNITY, LET THEM LABOUR WITH THEM FOR THE [SAKE OF THE] NAME OF HEAVEN,¹⁸ FOR THE MERIT OF THEIR¹⁹ FATHERS SUSTAINS THEM²⁰ , AND THEIR RIGHTEOUSNESS ENDURES FOR EVER;²¹ AND AS FOR YOU, [GOD²² IN SUCH CASE SAYS] I ACCOUNT YOU WORTHY OF MUCH REWARD, AS IF YOU [YOURSELVES] HAD [ACTUALLY] ACCOMPLISHED [IT ALL].²³

MISHNAH 3. BE YE CIRCUMSPECT [IN YOUR DEALINGS] WITH THE RULING AUTHORITIES²⁴ FOR THEY SUFFER NOT A MAN TO BE NEAR THEM EXCEPT IT BE FOR THEIR OWN REQUIREMENT; THEY SHOW THEMSELVES AS FRIENDS WHEN IT IS TO THEIR OWN INTEREST, BUT THEY DO NOT STAND BY A MAN IN THE HOUR OF HIS DISTRESS.²⁵

MISHNAH 4. HE USED TO SAY: DO HIS WILL AS [THOU WOULDST DO]²⁶ THINE OWN WILL,²⁷ SO THAT HE MAY DO THY WILL AS [HE DOES] HIS [OWN] WILL.²⁸ SET ASIDE THY WILL IN THE FACE OF HIS WILL,²⁹ SO THAT HE MAY SET ASIDE THE WILL OF OTHERS³⁰ BEFORE THY WILL.

HILLEL SAID: SEPARATE NOT THYSELF FROM THE COMMUNITY,³¹ NEITHER TRUST THOU IN THYSELF UNTIL THE DAY OF THY DEATH,³² MOREOVER JUDGE NOT THY FELLOW-MAN UNTIL THOU HAST REACHED HIS PLACE.³³ SAY NOT A THING THAT CANNOT BE UNDERSTOOD³⁴ [AT ONCE], [TRUSTING] THAT IN THE END IT WILL BE UNDERSTOOD. SAY NOT: WHEN I SHALL HAVE LEISURE I SHALL STUDY;’ PERHAPS THOU WILT NOT HAVE LEISURE.³⁵

MISHNAH 5. HE USED TO SAY: AN UNCULTURED³⁶ PERSON IS NOT SIN-FEARING,³⁷ NEITHER IS AN IGNORANT³⁸ PERSON PIOUS; [IT IS] NOT A SHAMEFACED PERSON [WHO IS APT TO] LEARN, NOR [IS IT] AN IMPATIENT PERSON [WHO IS FITTED TO] TEACH, NOR [IS IT] EVERYONE³⁹ WHO ENGAGES MUCH⁴⁰ IN BUSINESS [THAT] BECOMES WISE.⁴¹ IN A PLACE WHERE THERE ARE NO MEN, STRIVE THOU TO BE A MAN.⁴²

MISHNAH 6. HE ALSO SAW A SKULL FLOATING ON THE FACE OF THE WATER. HE

SAID TO IT: BECAUSE THOU DIDST DROWN [OTHERS] THEY⁴³ DROWNED THEE, AND THE END OF THOSE THAT DROWNED THEE [WILL BE THAT] THEY WILL BE DROWNED.⁴⁴

MISHNAH 7. HE USED TO SAY: THE MORE FLESH,⁴⁵ THE MORE WORMS;⁴⁶ THE MORE PROPERTY, THE MORE ANXIETY;⁴⁷ THE MORE WIVES, THE MORE WITCHCRAFT;⁴⁸ THE MORE BONDWOMEN THE MORE LEWDNESS;⁴⁹ THE MORE SLAVES, THE MORE ROBBERY;⁵⁰ [BUT] THE MORE [STUDY OF THE] TORAH, THE MORE LIFE;⁵¹ THE MORE SITTING DOWN⁵² [TO STUDY AND CONTEMPLATE], THE MORE WISDOM;⁵³ THE MORE COUNSEL, THE MORE UNDERSTANDING;⁵⁴ THE MORE RIGHTEOUSNESS,⁵⁵ THE MORE PEACE. ONE WHO HAS ACQUIRED UNTO HIMSELF A GOOD NAME,⁵⁶ HAS ACQUIRED [IT] FOR HIMSELF;⁵⁷ ONE WHO HAS ACQUIRED UNTO HIMSELF WORDS OF TORAH, HAS ACQUIRED FOR HIMSELF THE LIFE OF THE WORLD TO COME.⁵⁸

MISHNAH 8. RABBAH JOHANAN B. ZAKKAI RECEIVED [THE ORAL TRADITION] FROM HILLEL AND SHAMMAI.⁵⁹ HE USED TO SAY: IF THOU HAST LEARNT⁶⁰ MUCH TORAH, DO NOT CLAIM CREDIT UNTO THYSELF, BECAUSE FOR SUCH [PURPOSE] WAST THOU CREATED.⁶¹

RABBAN JOHANAN B. ZAKKAI HAD FIVE [PRE-EMINENT] DISCIPLES AND THEY WERE THESE: R. ELIEZER B. HYRCANUS, R. JOSHUA B. HANANIAH, R. JOSE, THE PRIEST, R. SIMEON B. NETHANEEL AND R. ELEAZAR B. 'ARACH. HE [I. E. R. JOHANAN] USED TO RECOUNT THEIR [FOREMOST] QUALITIES:⁶² R. ELIEZER B. HYRCANUS IS A PLASTERED CISTERN WHICH LOSES NOT A DROP;⁶³ R. JOSHUA B. HANANIAH — HAPPY IS SHE THAT BARE HIM,⁶⁴ R. JOSE, THE PRIEST, IS A PIOUS MAN,⁶⁵ R. SIMEON B. NETHANEEL IS ONE THAT FEARS SIN,⁶⁶ AND R. ELEAZAR B. 'ARACH IS LIKE UNTO A SPRING THAT [EVER] GATHERS FORCE.⁶⁷

HE [I.E. R. JOHANAN] USED TO SAY: IF ALL THE SAGES OF ISRAEL WERE IN ONE SCALE OF THE BALANCE AND ELIEZER B. HYRCANUS IN THE OTHER SCALE, HE WOULD OUTWEIGH THEM ALL. ABBA⁶⁸ SAUL SAID IN HIS⁶⁹ NAME: IF ALL THE SAGES OF ISRAEL WERE IN ONE SCALE OF THE BALANCE, AND R. ELIEZER B. HYRCANUS ALSO WITH THEM, AND R. ELEAZAR B. ARACH IN THE OTHER SCALE, HE WOULD OUTWEIGH THEM ALL.⁷⁰

MISHNAH 9. HE [R. JOHANAN] SAID UNTO THEM: GO FORTH⁷¹ AND OBSERVE WHICH IS THE GOOD WAY UNTO WHICH A MAN SHOULD CLEAVE? R. ELIEZER SAID, A GOOD EYE;⁷² R. JOSHUA SAID, A GOOD ASSOCIATE;⁷³ R. JOSE SAID, A GOOD NEIGHBOUR;⁷⁴ R. SIMEON SAID, ONE WHO LOOKS [AHEAD TO SEE] WHAT [CONSEQUENCES] SHALL BE BROUGHT FORTH [BY HIS OWN ACTIons].⁷⁵ R. ELEAZAR SAID, A GOOD HEART.⁷⁶ SAID HE [R. JOHANAN] UNTO THEM: I PREFER THE WORDS OF ELEAZAR B. 'ARACH TO YOUR WORDS, FOR WITHIN THE COMPREHENSIVE CHARACTER OF HIS WORDS, ARE YOUR WORDS [INCLUDED].

HE [FURTHER] SAID UNTO THEM: GO FORTH AND OBSERVE WHICH IS THE EVIL WAY FROM WHICH A MAN SHOULD REMOVE HIMSELF FAR?⁷⁷ R. ELIEZER SAID, AN EVIL EYE;⁷⁸ R. JOSHUA SAID, AN EVIL ASSOCIATE; R. JOSE SAID, AN EVIL NEIGHBOUR; R. SIMEON SAID, ONE WHO BORROWS AND REPAYS NOT⁷⁹ — [IT IS ALL] ONE [WHETHER] ONE BORROWS FROM MAN OR ONE BORROWS FROM THE ALL-PRESENT⁸⁰ — AS IT IS SAID: THE WICKED BORROWS AND PAYETH NOT; BUT THE RIGHTEOUS DEALETH GRACIOUSLY AND GIVETH⁸¹. R. ELEAZAR SAID, AN EVIL HEART. SAID HE [R. JOHANAN] UNTO THEM: I PREFER THE WORDS OF ELEAZAR B.

ARACH TO YOUR WORDS, FOR WITHIN THE COMPREHENSIVE CHARACTER OF HIS WORDS ARE YOUR WORDS [INCLUDED].

MISHNAH 10. THEY [EACH] SAID THREE THINGS. R. ELIEZER SAID: LET THE HONOUR OF THY FRIEND BE AS DEAR TO THEE AS THINE OWN;⁸² AND BE NOT EASILY PROVOKED TO ANGER;⁸³ AND REPENT ONE DAY BEFORE THY DEATH,⁸⁴ AND [HE ALSO SAID:] WARM THYSELF BEFORE THE FIRE OF THE WISE,⁸⁵ AND BEWARE OF THEIR GLOWING COALS,⁸⁶ THAT THOU MAYEST NOT BE SINGED,⁸⁷ FOR THEIR BITE IS THE BITE OF A FOX,⁸⁸ AND THEIR STING IS THE STING OF A SCORPION,⁸⁹ AND THEIR HISS IS THE HISS OF A SERPENT,⁹⁰ AND ALL THEIR WORDS ARE LIKE COALS OF FIRE.⁹¹

MISHNAH 11. R. JOSHUA SAID: AN EVIL EYE, THE EVIL INCLINATION,⁹² AND HATRED FOR [ONE'S FELLOW.] CREATURES PUT A MAN OUT OF THE WORLD.⁹³

MISHNAH 12. R. JOSE SAID: LET THE PROPERTY OF THY FELLOW BE AS PRECIOUS UNTO THEE AS THINE OWN;⁹⁴ FIT THYSELF TO STUDY TORAH⁹⁵ FOR IT IS NOT [A THING THAT COMES] UNTO THEE [AS] AN INHERITANCE;⁹⁶ AND LET ALL THINE ACTIONS⁹⁷ BE FOR [THE SAKE OF] THE NAME OF HEAVEN⁹⁸.

MISHNAH 13. R. SIMEON SAID: BE CAREFUL WITH THE READING OF SHEMA'⁹⁹ AND WITH PRAYER,¹⁰⁰ AND WHEN THOU PRAYEST, MAKE NOT THY PRAYER A SET TASK,¹⁰¹ BUT [AN APPEAL FOR] MERCY¹⁰² AND AN ENTREATY BEFORE THE ALL-PRESENT,¹⁰³ FOR IT IS SAID: FOR HE IS GRACIOUS AND COMPASSIONATE, LONG-SUFFERING AND ABUNDANT IN MERCY, AND REPENTETH HIM OF THE EVIL;¹⁰⁴ AND BE NOT WICKED IN THINE OWN ESTEEM.¹⁰⁵

MISHNAH 14. R. ELEAZAR SAID:¹⁰⁶ BE EAGER¹⁰⁷ TO STUDY THE TORAH;¹⁰⁸ AND KNOW¹⁰⁹ WHAT ANSWER THOU SHOULDST GIVE TO THE EPICUREAN,¹¹⁰ AND KNOW BEFORE WHOM THOU TOILEST,¹¹¹ AND WHO¹¹² IS THINE EMPLOYER¹¹³ WHO WILL PAY THEE THE REWARD OF THY LABOUR.

MISHNAH 15. R. TARFON¹¹⁴ SAID: THE DAY¹¹⁵ IS SHORT, AND THE WORK¹¹⁶ [TO BE PERFORMED] IS MUCH;¹¹⁷ AND THE WORKMEN¹¹⁸ ARE INDOLENT,¹¹⁹ BUT THE REWARD IS MUCH;¹²⁰ AND THE MASTER OF THE HOUSE¹²¹ IS INSISTENT.¹²²

MISHNAH 16. HE [I.E., R. TARFON] USED TO SAY: IT IS NOT [INCUMBENT] UPON THEE TO FINISH THE WORK, BUT NEITHER ART THOU A FREE MAN SO AS TO [BE ENTITLED TO] REFRAIN THEREFROM;¹²³ IF THOU HAST STUDIED MUCH TORAH, THEY¹²⁴ GIVE THEE MUCH REWARD, AND FAITHFUL IS THINE EMPLOYER TO PAY THEE THE REWARD OF THY LABOUR;¹²⁵ AND KNOW THAT THE GRANT OF REWARD UNTO THE RIGHTEOUS IS IN THE TIME TO COME.¹²⁶

(1) Rabbi Judah ha-Nasi (the Prince, the Patriarch) also called **רבינו הקדוש** 'Our holy Master'. All the best qualities characteristic of the righteous were combined in him (J. Sanh. 30a). Son of Rabban Simeon b. Gamaliel (supra I, 28) ca. 200 C.E. He is famous as the one who, either orally (so Rashi), or in writing (so M.) compiled, or reduced to order, previously collected material (so Tosaf.), consisting of the authoritative opinions of the Tannaim on legal, ritual, ethical and related matters, and forming our Mishnah (v. L.). Among the modern historians, Weiss (II, p. 183) says that R. Judah collected, arranged and reduced to writing. Halevy (II, pp. 829, 858, 866) says the original Mishnah was the work of the Great Synagogue. That 'Ur,' Mishnah was sifted and clarified progressively by Hillel and Shammai and their successors. The Mishnah was all but complete before the end of the days of R. Simeon b. Gamaliel. As the latter held office for a very short time only, it fell to his son R. Judah to add the final touches. Actual additions made in R. Judah's

own time were very few.

(2) **לעשה** or **לעשיה**. R. Jonah, Elijah Wilna, and others understand 'to Him who made it (the way)', i.e. God. They seem to have taken **דרך ישרה** to have been suggested by **ישרים דרכי ה'** the ways of the Lord are right (Hos. XIV, 10), cf. Prov. XVI, 9. A man's heart deviseth his way; but the Lord directeth his steps. Taylor, Sayings of the Jewish Fathers, a.l. cites an interpretation of R. Isaac bar Shelomo which, rejecting the possibility of applying the verb **עשה** to **דרך** (Taylor says 'but see Judg. XVII, 8.' However, there the expression is used in quite a different sense), assumes a reading **לעשהו** 'to his (man's) Maker'. The passage would in that case express the idea in for them that honour Me [will honour (I Sam. II, 30), cf. infra IV, 1.

(3) Elijah Wilna quotes Prov. III, 4, So shalt thou find grace and good favour in the sight of God and Man.

(4) A precept, compliance with which does not entail any, or much, exertion or cost, or the reward (where known), or punishment for which is slight (L.).

(5) I.e., positive precepts; the penalties for non-compliance with negative precepts are known. II ARN, Ch. XXXII, adds, 'and flee from a light transgression as from a grave one for thou knowest not what are the penalties for transgressions' (sc. of positive precepts).

(6) Does this metaphor, taken evidently from commercial life, not indicate the principle of the 'double-entry' system of book-keeping, which is usually stated to have been devised in the 16th century?

(7) **הסתכל** denom. vb. from **שכל** sense, mind.

(8) Lit., 'into the hands,' into the grip of sin, out of which there may be no escape.

(9) Lowe's MS. (used by Taylor) omits **מה**.

(10) MV understands 'in Heaven'. L.: 'beyond thy comprehension'.

(11) Cf. Job XXXIV, 21, 22. For His eyes are upon the ways of a man, and He seeth all his doings.

(12) For God's ear, cf. II Kings XIX, 16, Incline Thine ear, O Lord, and hear; Ps. CXVI, 2, He hath inclined his ear unto me.

(13) V. Job XXXVII, 7, He sealet up the hand of every man, that all men whom He hath made may know it. This is rendered 'By the hand of every man is a seal (or signature) affixed so that He may know the deeds of all men (or, so that every man may know his own deeds). For the idea of a Heavenly Book of Records, cf. Mal. III, 16, also Ex. XXXII, 32. Dan. VII, 10. For the amplification of this idea and its implications, v. R.H., 16b ff.

(14) 'Rabbi' of the foregoing Mishnah.

(15) Cf. Ps. CXXVIII, 2, then thou eatest the labour of thy hands, happy shalt thou be, and it shall be well with thee. L. takes **דרך ארץ** in its sense of correct and unassuming conduct. However, the words immediately following. 'the energy (lit. labour) of both of them,' precludes such a rendering.

(16) L.: Since, on account of not having an occupation by which to earn a steady livelihood, he has to seek the latter at random, he thus uses up time which he could otherwise have devoted to the study of the Torah.

(17) Unable to procure a livelihood by honest means, he would be tempted, or driven to, dishonest means of obtaining it.

(18) I.e., disinterestedly and devotedly, not for the sake of self-aggrandisement or of exercising authority over others. Or, even if your actions are unpopular with the community.

(19) The community's.

(20) The community. L.: the communal workers.

(21) Even if the community do not readily support, or even if they oppose the labours of those who are doing the communal work for the sake of Heaven, the merit of the community's fathers, i.e., the traditional righteousness and charitableness of the Israelite character, being everenduring, will sustain the workers (or the community as a whole) and help them to acquit themselves of their duty, in the end, creditably. even if for the time being the community may be doing it unwillingly (after an alternative in B.). Another interpretation: One should take up the communal burden disinterestedly and not take credit for what one does; rather put it down to the merit of the community as a whole, as it is their inherited qualities which are mainly responsible for the consummation of the good work.

(22) Baer suggests it may mean the Tanna himself (Rabban Gamaliel) addressing these words to the communal leaders of his own generation.

(23) Rashi: Even if you have not completed the task (cf. Mishnah 16). Some explain: If in the course of public duty you have unavoidably neglected a precept. I account it to you as if you had fulfilled it.

(24) R. Gamaliel had much experience of intercourse with the (Roman) powers-that-be as his father, R. Judah ha-Nasi, was on intimate and friendly terms with one of the Antonines. B. and others: This caution was particularly intended for the communal leaders addressed in the preceding Mishnah.

(25) This is generally taken as a reflection upon corrupt and grasping officialdom. It also reflects the conception prevailing among the ruling classes of antiquity as to their own *raison d'être*; they took it for granted that they might make whatever use they could of their subjects, but they did not consider it an integral part of their duty to be of service to their subjects.

(26) As willingly and as joyfully.

(27) So B., L. and R. Jonah who further develop the idea, 'make thy will identical with God's will'. Rashi: 'even when thou doest thine own business do it for the sake of Heaven' but this would presuppose reading **עשה רצונך כרצונו**

(28) Cf. Ps. CXLV, 19, He will fulfill the desire of them that fear Him.

(29) When they conflict.

(30) Who will things against your interests. MV and B. also give an alternative explanation, viz., that 'the will of others' is an euphemism for His (God's) will, i.e., that he may annul any punishment decreed by Him against you. (V. Jast. s.v. **בטל**.)

(31) Identify yourself with the community in everything except wrong-doing. (i) Participate in its sorrows as well as its joys, cf. Isa. LXVI, 10. (ii) Do not lead a selfish life or that of a recluse. (iii) Do not act independently of, or contrary to, what is the norm accepted by the community as a whole. L.: The Mishnah having given R. Gamaliel's dictum on duty towards the community quotes also Hillel on the subject.

(32) Do not rely upon the material or spiritual position you have attained. Unless one is constantly on one's guard these may only too easily be lost. Or construe the Mishnah thus: 'Separate not thyself from the Community, neither trust thou in thyself, until the day of thy death,' i.e., do not, ever in your life, rely on your own powers to the extent of deliberately remaining detached from the community. Cf. I, 24.

(33) Rashi, B. 'When you see a man succumbing to temptation do not condemn him, until, faced by a similar temptation, you have overcome it.' R. Jonah says this follows on 'do not trust in thyself', do not, through thinking yourself infallible, presume to judge and condemn another, in particular a man who has reached a high position and appears to you not to be acting correctly; if and when you reach his position and you experience the psychological effects of high office upon its holder, it will be time enough for you to come to conclusions on the conduct of others in such a position.

(34) Lit., 'heard'. 'that cannot . . . ;' according to the reading of M., whose explanation is adopted in this translation. Others (adopting the same reading) 'do not reveal secrets (or secret, esoteric, doctrines) that should not be revealed to all and sundry, because in the end, they will become public.' Another reading: 'that can be heard' is explained by MV, Rashi, B.: 'When you have the opportunity of hearing Torah do not say there is yet time to hear it later.' Cf. the next sentence.

(35) Cf. prov. XXVII, 1, Boast not thyself of tomorrow; for thou knowest not what a day may bring forth.

(36) **בור** Originally: a piece of ground altogether uncultivated. Of a person: one devoid of knowledge as well as of ethical principles (M. and others).

(37) He may avoid sin by unreasonably following the accepted standards of conduct, or out of a fear of the consequences, but not out of a conscious and deliberate abhorrence of sin itself (after L.).

(38) **עם הארץ** A man devoid of mental attainments but possessing some moral qualities (M.). He may act with propriety but, lacking a knowledge of the Torah and the advantage of association with scholarly and saintly men, he is not equipped for rising to the plane of Hasiduth, which is conduct of a standard higher than that strictly required, and a striving for progressive self-perfection. (MV, L.)

(39) **כל**. So Tosaf. Yom Tob.

(40) And leaves little or no time for study (R. Jonah).

(41) Even though business is, admittedly, a valuable factor in the development of the mind, it is not, except perhaps in rare cases, in itself sufficient. Cf. infra VI, 5, where among the qualifications for the acquisition of the Torah, some texts have **מיעוט סחורה** moderation in business. **מהכים** L., relying on the causative (Hif'il) conjugation of the word: 'makes himself and others wise'.

(42) In Ber. 63a there is an Aramaic version **גבר תמן הוי גבר באתר דלית** Hillel used both Hebrew and Aramaic, cf. supra I, 12, 13, 14.

(43) The impersonal use of 'they'. Though this usage is not uncommon in English, a passive construction might be preferable.

(44) The underlying idea is that divine retribution operates by way of 'measure for measure', cf. Ob. 15, As thou hast done, it shall be done unto thee. Ps. VII, 16, 17, He hath digged a pit and hollowed it, and is fallen into the ditch which

he made. His mischief shall return upon his own head, and his violence shall come down upon his own pate. Ez Joseph lays stress on סוף 'even if these people die a natural death, a time will come when their skulls will float about on water.' However, the version in the Talmud (Suk. 53a) has not got סוף.

(45) One puts on by over-indulgence in food.

(46) In the grave.

(47) Cf. Eccl. II, 22, 23. For what hath a man of all his labour . . . for all his days are pains . . . yea, even in the night his heart taketh no rest.

(48) Wives in their jealous rivalry for their husband's attentions will resort to seeking charms from witches whose occupation will prosper and spread (V.).

(49) A well-known feature of female slavery.

(50) They will combine to rob their master, or to rob others without their master's knowledge, but implicating him nevertheless. B. notes the sequence, (i) Flesh: the more one feels well-fed and 'pleased' with himself, the more one strives to amass (ii) wealth. The wealthier he is the more (iii) wives he will take, each of whom requires a large number of (iv) serving maids. The household grows to such proportions that he requires a large retinue of (v) slaves.

(51) prov. III, 1, 2. My son, forget not my teaching (Torah) but let thy heart keep my commandments; for length of days, and years of life, will they add to thee. Cf. *ibid.* IX, II, and Deut. XXX, 20.

(52) **ישיבה** some render 'academy', 'school(ing)' i.e., the more opportunities given to disciples for corporate study, the greater the ingenuity developed.

(53) Some versions **מרבח חכמה מרבה ישיבה** 'the greater the wisdom of the teacher, the better attended will be his school' (v. R. Jonah and B.).

(54) Cf. Prov. XII, 15, rendered, he that hearkeneth to counsel is wise.

(55) Cf. Isa. XXXII, 17, and the work of righteousness shall be peace. Some render **צדקה** 'charity' which makes for sympathy and understanding, and counteracts the bitterness often felt by the poor towards the rich, and which, by thus ensuring goodwill all round, preserves peace.

(56) Cf. Prov. XXII, I, A 'good name is rather to be chosen than great riches; Eccl. VII, 1, A good name is better than precious oil.

(57) It is peculiarly his own in the sense that, unlike any other possession, one man's good name can never become another's.

(58) Cf. Prov. VIII, 35. Wisdom (Torah) says: Whoso findeth me, findeth life, and obtaineth favour from the Lord; cf. Deut. XXX, 20.

(59) The chain of 'tradents' and 'recipients' interrupted at the end of I, 15, is continued here. It is suggested that when it came to Hillel, a 'progenitor' of a 'dynasty', the Mishnah continued with the descendants of Hillel till R. Judah ha-Nasi and his son R. Gamaliel (then adduced Hillel, by the way, on a topic dealt with by R. Gamaliel son of R. Judah, see Mishnah 4, n. 7), and then resumed here the chain of discipleship (see L.).

(60) **למדת** Lowe's MS., I ARN, Ch. XIV, R. Jonah. MV read **עשית** 'thou hast accomplished'. V. Taylor, a.l.

(61) The idea that man, and especially an Israelite, is created for the purpose of giving himself to the study of the Word of God and obedience thereto, is deeply rooted in Biblical and Rabbinic literature, cf. Micah VI, 8: It hath been told thee, O man, what is good, and what the Lord doth require of thee: only to do justly and to love mercy and to walk humbly with thy God. Cf. Deut. X, 12. L.: If you have acquired more than the average knowledge of the Torah, do not attribute it to your own superior abilities, for it is God who has endowed you with special talents in that direction.

(62) Lit. 'their praise'.

(63) ARN I, Ch. XXIX, adds, 'a vessel lined with pitch that retains the wine,' i.e., he had a very retentive memory. In Suk. 28a, he is reported to have claimed that he had never said anything that he had not heard from his own teachers. Frankel, *op. cit.* p. 78, argues that this statement cannot be upheld.

(64) I.e., to his mother was due most of the credit for his scholarship and she therefore had real cause to be proud of him. She is said to have taken him, in his cot, to the Beth-ha-Midrash so that from his infancy his ears might become attuned to the sound of the study of the Torah. ARN XIV has, instead, 'a threefold cord (that) is not quickly broken.' (Eccl. IV, 12.)

(65) I ARN (Ch. XIV) and II (Ch. XXIX): 'the most pious man in his generation.' V. Mishnah 5, n. 5, for the meaning of Hasid.

(66) V. Mishnah 5, n. 4. I ARN *ibid.* gives **ערוגה שבמדבר שמהזקת מימיה** 'a garden-bed in the wilderness which retains its water,' (II ARN, XVI, to the same effect) as R. Johanan's description of R. Simeon b.

Nethaneel.

(67) I.e., noted for an independent, keen and vigorous critical faculty, and thus differentiated from R. Eliezer b. Hyrcanus whose greatness consisted in assiduously gathering in and faithfully preserving all that he heard. I ARN adds 'whose waters swell and flow abroad as it is said (Prov. V, 16), lit thy springs be dispersed abroad, and courses of water in the streets.'

(68) Title for a scholar less than that of 'Rabbi' (v. Jast.).

(69) R. Johanan's. II ARM ibid. 'on the authority of R. Akiba who used to say it in his (R. Johanan's) name.' Rashi, 'in the name of R. Gamaliel in the name of R. Johanan b. Zakkai.'

(70) There was a difference of opinion as to whether the scholastic quality known as **סיני** ('Sinai', an erudite scholar) which was that of R. Eliezer, or the one termed **עוקר הרים** ('an uprooter of mountains', a dialectician), which distinguished R. Eleazar, is to be preferred. V. Ber. 64a, where the conclusion is that the former is the better, as even the scholar who is ingenious in arguing the merits of various opinions, is himself dependent on the material made available by the scholar who accumulates the teaching of his predecessors and contemporaries. The 'First Tanna' (**תנא קמא**) of this Mishnah understood Rabban Johanan to have preferred the 'Sinai', whilst Abba Saul ascribed to Rabban Johanan a predilection for the 'uprooter of mountains'. Some versions omit 'Rabbi' given here with the names of Eliezer, etc. as at that time they were still disciples and not yet independent scholars.

(71) Leave your immediate environment, and go among men of all classes (v. L.).

(72) Generosity. Cf. Prov. XXII, 9, He that hath a bountiful (lit. 'good') eye shall be blessed, for he giveth of his bread to the poor. Maim. Contentment with what one has.

(73) One should seek and cultivate a good friend. R. Jonah: One should oneself be a good friend.

(74) One should seek and cultivate a good neighbour. As a good friend is not necessarily with you very often, it is even more important to have someone who is constantly near at hand. R. Jonah: One should oneself be a good neighbour.

(75) Or, by time, v. Prov. XXVII, 1, What the day may bring forth.

(76) The heart being the generator of all physical, mental and emotional processes (after Maim.). R. Jonah: A good heart means patience and goodwill. Perhaps, however, **לב טוב** is to be taken in the only sense in which it is used in the Bible, viz. 'a joyous heart', which puts one in a good humour with, and ensures the right kind of disposition towards everybody and all things. ARN ibid. appears to have understood it so. 'A good heart towards Heaven, (a good heart towards the commandments,) a good heart: towards all creatures' (cf. Elijah Wilna and L.).

(77) He had to ask this question instead of inferring the answer to it from the answers to the previous question, because the negative of a good quality is not always an evil quality which should be shunned.

(78) A grudging nature; cf. Prov. XXIII, 6, Eat thou not the bread of him that hath an evil eye.

(79) Apart from the dishonesty of such conduct, he does not think that he is not likely to be trusted again with a loan; in this he is the antithesis of the man who looks ahead to see the consequences of his conduct.

(80) For **מקום** (lit., 'Place') as an appellation for God see Marmorstein, Old Rabbinic Doctrine of God, pp. 14, 92, 142. It was used in the earliest Rabbinic sources.

(81) Ps. XXXVII, 21. M. and others understand 'the righteous', in this connection, in the Midrashic sense, viz. 'the Righteous One', i.e., God (v. Marmorstein, op. cit., p. 95). If a borrower fails to repay, God will repay the kindly lender. Thus the borrower (even if he is released, say by bankruptcy, from the obligation of repaying to man [so R. Jonah]) remains a debtor to God, and continued neglect to repay renders him a **רשע**. For the idea that help given to the needy is a loan to God, v. Prov. XIX, 17. He that is gracious unto the poor, lendeth unto the Lord; his good deed will He repay unto him. If R. Simeon himself really understood **צדיק** in this case as referring to God, we have an earlier authority for the idea than the one referred to by Marmorstein ibid. (viz., Bar-Kappara).

(82) On the principle of Love thy neighbour as thyself (Lev. XIX, 18).

(83) Cf. Eccl. VII, 9, Be not hasty in thy spirit to be angry.

(84) I ARN, Ch. XV; II Ch. XXIX, Koh. Rab. Ch. IX, Shab. 153a report that when R. Eliezer's disciples asked him: Does any man know what day he is to die? he replied: All the more reason for him to repent every day of his life in case he should die on the morrow. ARN, Maim., R. Jonah take the foregoing to constitute the 'three things' referred to in the heading of this Mishnah, and what follows ('Warm thyself,' etc.) as an addition. This scheme is adopted in this translation. However, Rashi, MV, B., L. take 'let the honour . . .' and 'be not easily provoked . . .' as one dictum, 'repent etc. as the second, and 'warm thyself . . .' as the third.

(85) The Torah which is called **אור** (i.e. light or flame) v. Prov. VI, 23, The teaching (Torah) is light. Elijah Wilna cites Isa. II, 5, O house of Jacob, come ye and let us walk in the light (**אור** which also flame) of the Lord.

- (86) The commentators regard this as a warning against behaving towards the Sages in a manner incompatible with the dignity which should be theirs as exponents of the Torah.
- (87) Their fire, the fire of the Torah, being a divine fire (cf. Deut. XXXIII, 2, At his right hand was a fiery law), is an ever potent one, even when the Sages are, as it were, not aflame but only resembling glowing coals.
- (88) The bite, even a slight one, of a fox was thought particularly hurtful because its teeth were said to be crooked.
- (89) The sting alone of a scorpion is poisonous.
- (90) The very hiss of a serpent was believed to be deadly. Some render 'the murmuring (of incantations) over them (i.e. the scholars or their 'bites' and 'stings') is (as ineffective) as the murmuring (of incantations) over a fiery serpent.' cf. Ps. LVIII, 6 (of an asp) which hearkeneth not to the voice of charmers (מלחשים).
- (91) Their mere words, even if they seem unimportant, should be heeded as they, too, are aglow with the Divine fire of the Torah. Or, the mere words of the Sages even when not intended to be 'burning' are like coals of fire, which, if approached or dealt with, without due care, will burn one. For the action of the fire of God upon those who take up the wrong attitude towards Him, i.e. upon the wicked, v. Mal. III, 19, 20. For, behold, the day cometh, it burneth as a furnace; and all the proud, and all that work wickedness, shall be stubble; and the day that cometh shall set them ablaze, saith the Lord of hosts, that it shall leave them neither root nor branch. But unto you that fear my name shall the sun of righteousness arise with healing in its wings. Herford sees in these words of R. Eliezer a piece of self-revelation expressive of the deep suffering he endured as a result of the severe ban of excommunication which the Rabbis pronounced against him, v. B.M. 59b.
- (92) For a full treatment of the subject, v. Schechter, Some aspects of Rabbinic Theology, p. 24.
- (93) II ARN. Ch. XXX, 'out of this world and out of the world to come'. A man who hates everybody will draw upon himself the hatred of all others and this is likely to bring him to a premature and unnatural end (v. B.). Maim.: Greed for wealth (= the evil eye), a surfeit of lustfulness (= the evil inclination) and a bad disposition (= hatred of one's fellows), which is melancholia, have the effect of making one loathe the world and of inducing him to take up the life of a recluse not out of ascetic piety, but because he is insatiably envious of, and grudging towards, his fellow-men. This would no doubt also have deleterious physical effects, and cause his premature death.
- (94) Cf. Mishnah 10, n. 6. R. Jonah understands, 'when the other person's property is in your charge, deal with it in accordance with the owner's wish.'
- (95) Put yourself in a proper frame of mind so that you approach the Torah with due reverence and Zest (v. MV and Ez Joseph). ARN, B., in view of the following clause, lay stress on 'thysself'.
- (96) ARN cites the case of the sons of Moses who did not follow in their father's footsteps. MV says this clause is not an authentic part of R. Jose's dictum and should be omitted.
- (97) Even the most elementary bodily functions. II ARN, Ch. XXX, relates the anecdote of Hillel who looked upon the taking of a bath as a Mizwah (religious duty), inasmuch as by that one cleansed the body which God made in his own image.
- (98) On 'Heaven', cf. supra I, 3, n. 6.
- (99) The liturgical unit comprising the passages Deut. VI, 4 — 9, XI, 13 — 21, Num. XV, 37 — 41, considered by the Rabbis to contain the principles of the Decalogue, and ordained for recital twice daily, 'when thou liest down, and when thou risest up' (Deut. VI, 7). The admonition here is that it should be 'read' or 'recited' (the verb קרא may mean either) at the proper hours (Rashi, V., B.).
- (100) Prayer תפלה par excellence is the 'Amidah, (P.B. p. 44 etc.) to be recited thrice daily at defined times.
- (101) L.: Since these prayers are regularly repeated, there is the danger of their recital deteriorating into one by rote, hence 'be careful'.
- (102) רחמים omitted in Lowe's MS., R. Jonah, and MV.
- (103) V. Mishnah 9, n. 6.
- (104) Joel II, 13. Possibly the Scriptural quotation was introduced later. R. Jonah quotes Jonah IV, 2, which is very similar to Joel II, 13.
- (105) So R. Tam (quoted in MV.), R. Jonah and M. The latter adds 'and thus set yourself a low standard of conduct.' MV: Do not do anything which you understand to be wrong, even if others do not realize it. Or (preferred by MV), do not be wicked by imagining and behaving as if you were the only person in the world, and therefore refusing to associate in friendship with your fellow-men.
- (106) Much depends on the division of this Mishnah into the three dicta. MV and R. Jonah: 1) Be eager . . . that thou mayest know what . . . 2) Know before whom . . . 3) Who is thine Employer . . . Rashi's division is not quite clear.

Though we would expect him to agree with V., it nevertheless seems that he divided 1) Be eager . . . 2) Know what answer . . . 3) Know before whom . . . and who is thine Employer . . . B.'s arrangement was: 1) Be eager . . . 2) Know what answer . . . and before whom thou toilest, 3) Who is thine Employer. M.'s division (though not interpretation) seems to have been the same as B.'s, but may, on the other hand, have agreed with the one given here as the probable one of Rashi.

(107) שָׂקוּד the passive instead of the active mood of the verb used in the Bible suggests 'be actuated by an eagerness' (v. L.).

(108) It may be that R. Eleazar's advocacy of eagerness and enthusiasm in the study of Torah, was due to the lesson he had learnt from his own experience, when after the death of his master (R. Johanan b. Zakkai) he refused to join his fellow-disciples and went to reside in Emmaus (?) because it was a pleasant resort, and in the course of a short time he forgot his learning. V. infra IV, 14, where R. Nehorai is thought to be another name for R. Eleazar b. 'Arak.

(109) MV., R. Jonah: in order that thou mayest know. Maim.: Get to know, study, other religious systems.

(110) A term applied to heretics in general, v. Sanh. (Sonc. ed.) p. 244, n. 10.

(111) M.: 'but know . . .' Whilst you are studying the creeds of others, know, keep in mind, that He whom you are serving knows your innermost thoughts and so take care to prevent false doctrines from influencing you.

(112) וְיָמִי הוּא so MV, Rashi, R. Jonah, Lowe's MS. The other reading וְיָמֵינוּ ('and faithful'), which is specifically ruled out by MV, is evidently due to that phrase in the next Mishnah.

(113) I.e., God, v. Marmorstein, op. cit., p. 79. Lowe's MS. stops here. The clause which follows in our Version may also be due to the next Mishnah. v. Bacher, Agada der Tannaiten, I, p. 77.

(114) A younger (?) contemporary of the above-mentioned disciples of Rabban Johanan b. Zakkai.

(115) I.e., man's earthly life, cf. Job VIII, 9, For we are but of yesterday . . . because our days upon earth are a shadow.

(116) MV, R. Jonah, B.: 'Study of the Torah'. L.: 'man's duties towards God and man.'

(117) Therefore do not waste any time away from your task. cf. Job XI, 8, 9 (of the study of the ways and purposes of God). It is as high as heaven . . . deeper than the nether-world . . ., the measure thereof is longer than the earth, and broader than the sea.

(118) Human beings (v. M. and R. Jonah and others). The faculties which man has at his service (L.).

(119) Naturally so; some more and some less, but all are so inclined; therefore you should deliberately overcome that sluggishness.

(120) Prov. VIII, 10, 11, Receive my instruction and not silver, and knowledge rather than choice gold; for wisdom is better than rubies, and all things desirable are not to be compared with her ('Instruction', 'Knowledge', 'Wisdom' are taken to mean the Torah). 'Reward' here would, accordingly, mean that the very knowledge of the Torah is the reward acquired by the diligent work put into the study thereof.

(121) The Master of the World, i.e., God; v. Marmorstein, op. cit., p. 77.

(122) In that Scripture repeatedly urges the study of the Word of God and the fulfilment of His precepts, and, even if you should renounce the desire for the reward, you must carry out your task because your Master insists that you should.

(123) MV has an interesting alternative interpretation, viz., 'You were not made a free man (i.e. delivered from Egyptian bondage) so that you might remain exempt from Torah and Precepts.' The divine purpose of the Redemption was that Israel might accept God's Law. Ex. XIX, 4, 5, Ye have seen what I did unto the Egyptians . . . Now therefore, if ye will hearken unto My voice indeed, and keep my covenant. Deut. IV, 37 — 40, . . . and brought thee . . . out of Egypt . . . and thou shalt keep His statutes and his commandments. ibid. VI, 23, 24, And He brought us forth from thence . . . and he commanded us to do all these statutes.

(124) V. Mishnah 6, n. 1.

(125) L. says the פְּעֻלָּה means labour accomplished, work perfected. The passage would thus mean: You can trust God to reward you if you have carried out His commandments to the highest perfection of which you are capable.

(126) Lit., 'for the future (that is) to come,' or 'for (the time) that is due to come,' i.e., the Hereafter or the Messianic future.

Mishna - Mas. Avoth Chapter 3

MISHNAH 1. AKABIAH B. MAHALALEEL¹ SAID: APPLY THY MIND² TO THREE³ THINGS AND THOU WILT NOT COME INTO THE POWER OF SIN: KNOW WHENCE THOU CAMEST, AND WHITHER THOU ART GOING, AND BEFORE WHOM THOU ART

DESTINED TO GIVE AN ACCOUNT AND RECKONING. WHENCE CAMEST THOU? — FROM A FETID DROP. WHITHER ART THOU GOING? — TO A PLACE OF DUST,⁴ OF WORM AND OF MAGGOT.⁵ BEFORE WHOM ART THOU DESTINED TO GIVE AN ACCOUNT AND RECKONING?⁶ — BEFORE THE KING OF THE KINGS OF KINGS,⁷ THE HOLY ONE,⁸ BLESSED BE HE.⁹

MISHNAH 2. R. HANINA, THE VICE-HIGH PRIEST,¹⁰ SAID: PRAY FOR THE WELFARE OF THE GOVERNMENT, FOR WERE IT NOT FOR THE FEAR THEREOF, ONE MAN WOULD SWALLOW UP ALIVE HIS FELLOW-MAN.¹¹ R. HANANIAH B. TERADION¹² SAID: [WHEN] TWO SIT TOGETHER AND THERE ARE NO WORDS OF TORAH [SPOKEN] BETWEEN THEM, LO, THIS [CONSTITUTES] A SESSION OF SCORNERS, AS IT IS SAID: NOR SAT HE IN THE SEAT OF THE SCORNFUL;¹³ BUT [WHEN] TWO SIT TOGETHER AND THERE ARE WORDS OF TORAH [SPOKEN] BETWEEN THEM, THE SHECHINAH¹⁴ ABIDES AMONG THEM, AS IT IS SAID: THEN THEY THAT FEARED THE LORD SPOKE ONE WITH ANOTHER;¹⁵ AND THE LORD HEARKENED AND HEARD, AND A BOOK OF REMEMBRANCE WAS WRITTEN BEFORE HIM, FOR THEM THAT FEARED THE LORD AND THAT THOUGHT UPON HIS NAME¹⁶. — I HAVE NO [SCRIPTURAL PROOF FOR THE PRESENCE OF THE SHECHINAH] EXCEPT [AMONG] TWO, WHENCE [IS THERE PROOF THAT] EVEN [WHEN THERE IS ONLY] ONE [PERSON]. THE HOLY ONE, BLESSED BE HE, APPOINTS UNTO HIM A REWARD? — SINCE IT IS SAID: THOUGH HE SIT ALONE AND [MEDITATE] IN STILLNESS, YET HE TAKETH [A REWARD] UNTO HIMSELF.¹⁷

MISHNAH 3. R. SIMEON¹⁸ SAID: IF THREE HAVE EATEN AT ONE TABLE¹⁹ AND HAVE NOT SPOKEN THEREAT WORDS OF TORAH, [IT IS] AS IF THEY HAD EATEN SACRIFICES [OFFERED] TO THE DEAD,²⁰ FOR [OF SUCH PERSONS] IT IS SAID, FOR ALL TABLES ARE FULL OF FILTHY VOMIT, [THEY ARE] WITHOUT THE ALL-PRESENT.²¹ BUT, IF THREE HAVE EATEN AT ONE TABLE, AND HAVE SPOKEN THEREAT WORDS OF TORAH, [IT IS] AS IF THEY HAD EATEN AT THE TABLE OF THE ALL-PRESENT, BLESSED BE HE, AS IT IS SAID, THIS IS THE TABLE BEFORE THE LORD.²²

MISHNAH 4. R. HANINA B. HAKINAI²³ SAID: HE WHO KEEPS AWAKE AT NIGHT, AND HE WHO WALKS ON THE WAY ALONE²⁴ AND MAKES ROOM²⁵ IN HIS HEART FOR THAT WHICH IS FUTILE,²⁶ LO, THIS [MAN] INCURS GUILT [EXPIABLE] BY HIS LIFE.²⁷

MISHNAH 5. R. NEHUNIA²⁸ B. HAKKANAH²⁹ SAID: WHOEVER TAKES UPON HIMSELF THE YOKE OF THE TORAH,³⁰ THEY REMOVE FROM HIM THE YOKE OF GOVERNMENT³¹ AND THE YOKE OF WORLDLY CONCERNS,³² AND WHOEVER BREAKS OFF FROM HIMSELF³³ THE YOKE OF THE TORAH, THEY PLACE UPON HIM THE YOKE OF GOVERNMENT AND THE YOKE OF WORLDLY CONCERNS.

MISHNAH 6. R. HALAFTA³⁴ [A MAN] OF KEFAR HANANIA³⁵ SAID: [WHEN THERE ARE] TEN SITTING TOGETHER AND OCCUPYING THEMSELVES WITH TORAH, THE SHECHINAH ABIDES AMONG THEM, AS IT IS SAID: GOD STANDETH IN THE CONGREGATION OF GOD.³⁶ AND WHENCE [DO WE INFER THAT THE SAME APPLIES] EVEN [WHEN THERE ARE] FIVE? [FROM] THAT WHICH IS SAID: AND HE HATH FOUNDED HIS BAND UPON THE EARTH.³⁷ AND WHENCE [DO WE INFER THAT THE SAME APPLIES] EVEN [WHEN THERE ARE THREE?] [FROM] THAT WHICH IS SAID: IN THE MIDST OF THE JUDGES HE JUDGETH.³⁸ AND WHENCE [DO WE INFER THAT THE SAME APPLIES] EVEN [WHERE THERE ARE] TWO? [FROM] THAT WHICH IS SAID: THEN THEY THAT FEAR THE LORD SPOKE ONE WITH ANOTHER, AND THE LORD HEARKENED, AND HEARD ETC.³⁹ AND WHENCE [DO WE INFER THAT THE SAME SAME APPLIES] EVEN [WHEN THERE IS] ONE? [FROM] THAT WHICH IS SAID: IN EVERY

PLACE WHERE I CAUSE MY NAME TO BE MENTIONED I WILL COME UNTO THEE AND BLESS THEE.⁴⁰

MISHNAH 7. R. ELEAZAR⁴¹ (A MAN) OF BERTOTHA⁴² SAID: GIVE UNTO HIM OF THAT WHICH IS HIS, FOR THOU AND WHAT THOU HAST ARE HIS; EVEN SO [WE FIND IT EXPRESSED] IN [THE CASE OF] DAVID, [WHEN] HE SAID: FOR ALL THINGS COME OF THEE, AND OF THINE OWN HAVE WE GIVEN THEE.⁴³

R. SIMEON⁴⁴ SAID: WHEN ONE, WALKING ON THE ROAD, REHEARSES⁴⁵ [WHAT HE HAS LEARNT], AND BREAKS OFF⁴⁶ FROM HIS REHEARSING, AND SAYS, 'HOW FINE IS THIS TREE!' [OR] 'HOW FINE IS THIS NEWLY PLOUGHED FIELD!' SCRIPTURE⁴⁷ ACCOUNTS IT TO HIM AS IF⁴⁸ HE HAD INCURRED GUILT [EXPIABLE] BY HIS LIFE.⁴⁹

MISHNAH 8. R. DOSTAI⁵⁰ B. R. JANNAI⁵¹ SAID IN THE NAME OF⁵² R. MEIR: WHOEVER FORGETS ONE [SINGLE] WORD⁵³ OF HIS STUDY, SCRIPTURE ACCOUNTS IT UNTO HIM AS IF HE HAD INCURRED GUILT [EXPIABLE] BY HIS LIFE, AS IT IS SAID, ONLY TAKE HEED TO THY SELF AND KEEP THY SOUL DILIGENTLY, LEST THOU FORGET THE THINGS WHICH THINE EYES SAW⁵⁴. ONE COULD [HAVE INFERRED THAT THIS IS THE CASE] EVEN WHEN HIS STUDY PROVED [TOO] HARD FOR HIM; [THERE IS, THEREFORE] SOMETHING [FURTHER] TAUGHT [IN SCRIPTURE], SAYING: AND LEST THEY DEPART FROM THY HEART ALL THE DAYS OF THY LIFE.⁵⁵ THUS, HE DOES NOT INCUR GUILT EXPIABLE BY HIS LIFE UNLESS HE DELIBERATELY⁵⁶ SUFFERS THEM TO DEPART⁵⁷ FROM HIS HEART.

MISHNAH 9. R. HANINA B. DOSA⁵⁸ SAID: ANYONE WHOSE FEAR OF SIN⁵⁹ PRECEDES⁶⁰ HIS WISDOM, HIS WISDOM IS ENDURING,⁶¹ BUT ANYONE WHOSE WISDOM PRECEDES HIS FEAR OF SIN, HIS WISDOM IS NOT ENDURING.⁶² HE [ALSO] USED TO SAY: ANYONE WHOSE DEEDS EXCEED HIS WISDOM, HIS WISDOM IS ENDURING, BUT ANYONE WHOSE WISDOM EXCEEDS HIS DEEDS, HIS WISDOM IS NOT ENDURING.⁶³

MISHNAH 10. HE [ALSO] USED TO SAY: ANYONE FROM WHOM THE SPIRIT OF [HIS FELLOW-] CREATURES DERIVES SATISFACTION, FROM HIM THE SPIRIT OF THE ALL-PRESENT [TOO] DERIVES SATISFACTION.⁶⁴ BUT ANYONE FROM WHOM THE SPIRIT OF [HIS FELLOW-] CREATURES DERIVES NO SATISFACTION, FROM HIM THE SPIRIT OF THE ALL-PRESENT [TOO] DERIVES NO SATISFACTION.

R. DOSA B. HARKINAS⁶⁵ SAID: MORNING SLEEP,⁶⁶ MIDDAY WINE,⁶⁷ CHILDREN'S TALK⁶⁸ AND SITTING IN THE ASSEMBLIES OF THE IGNORANT⁶⁹ PUT A MAN OUT OF THE WORLD.⁷⁰

MISHNAH 11. R. ELEAZAR OF MODI⁷¹ SAID: ONE WHO PROFANES THINGS SACRED,⁷² AND ONE WHO SLIGHTS THE FESTIVALS, AND ONE WHO CAUSES HIS FELLOW-MAN'S FACE TO BLANCH⁷³ IN PUBLIC, AND ONE WHO NULLIFIES THE COVENANT OF OUR FATHER ABRAHAM,⁷⁴ PEACE BE UPON HIM,⁷⁵ AND HE WHO EXHIBITS IMPUDENCE TOWARDS THE TORAH,⁷⁶ EVEN THOUGH HE HAS TO HIS CREDIT⁷⁷ [KNOWLEDGE OF THE] TORAH⁷⁸ AND GOOD DEEDS, HE HAS NOT A SHARE IN THE LIFE OF THE WORLD TO COME.⁷⁹

MISHNAH 12. R. ISHMAEL SAID: BE QUICK⁸⁰ [TO RENDER SERVICE] TO A SUPERIOR⁸¹ AND EASY [OF APPROACH] TO A SUPPLIANT [FOR THY SERVICES],⁸² AND RECEIVE ALL MEN WITH CHEERFULNESS.⁸³

MISHNAH 13. R. AKIBA SAID: JESTING AND LIGHT-HEADEDNESS⁸⁴ LEAD A MAN ON⁸⁵ TO LEWDNESS;⁸⁶ TRADITION⁸⁷ IS A FENCE TO THE TORAH;⁸⁸ TITHES [FORM] A FENCE TO WEALTH,⁸⁹ VOWS A FENCE TO SELF-RESTRAINT;⁹⁰ A FENCE TO WISDOM IS SILENCE.⁹¹

MISHNAH 14. HE [ALSO] USED TO SAY: BELOVED IS MAN⁹² IN THAT HE WAS CREATED IN THE IMAGE [OF GOD]. [IT IS A MARK OF] SUPERABUNDANT LOVE [THAT] IT WAS MADE KNOWN TO HIM THAT HE HAD BEEN CREATED IN THE IMAGE [OF GOD], AS IT IS SAID: FOR IN THE IMAGE OF GOD MADE HE MAN.⁹³

BELOVED ARE ISRAEL IN THAT THEY WERE CALLED CHILDREN OF THE ALL-PRESENT. [IT WAS A MARK OF] SUPERABUNDANT LOVE [THAT] IT WAS MADE KNOWN TO THEM THAT THEY WERE CALLED CHILDREN OF THE ALL-PRESENT, AS IT IS SAID: YE ARE CHILDREN OF THE LORD YOUR GOD.⁹⁴ BELOVED ARE ISRAEL IN THAT A DESIRABLE INSTRUMENT⁹⁵ WAS GIVEN TO THEM. [IT WAS A MARK OF] SUPERABUNDANT LOVE [THAT] IT WAS MADE KNOWN TO THEM THAT THE DESIRABLE INSTRUMENT, WHEREWITH THE WORLD HAD BEEN CREATED,⁹⁶ WAS GIVEN TO THEM, AS IT IS SAID: FOR I GIVE YOU GOOD DOCTRINE FORSAKE NOT MY TEACHING.⁹⁷

MISHNAH 15.⁹⁸ EVERYTHING IS FORESEEN⁹⁹ BUT THE RIGHT [OF CHOICE]¹⁰⁰ IS GRANTED, AND THE WORLD IS JUDGED WITH GOODNESS,¹⁰¹ AND EVERYTHING IS IN ACCORDANCE WITH THE PREPONDERANCE OF [MAN'S] DEED[S].¹⁰²

MISHNAH 16. HE¹⁰³ [ALSO] USED TO SAY: EVERYTHING¹⁰⁴ IS GIVEN AGAINST A PLEDGE,¹⁰⁵ AND A NET IS SPREAD OUT OVER ALL THE LIVING;¹⁰⁶ THE STORE¹⁰⁷ IS OPEN AND THE STOREKEEPER¹⁰⁸ ALLOWS CREDIT, BUT THE LEDGER¹⁰⁹ IS OPEN AND THE HAND WRITES,¹¹⁰ AND WHOEVER WISHES TO BORROW MAY COME AND BORROW; BUT THE COLLECTORS¹¹¹ GO ROUND REGULARLY EVERY DAY AND EXACT DUES FROM MAN, EITHER WITH HIS CONSENT OR WITHOUT HIS CONSENT,¹¹¹ AND THEY HAVE THAT ON WHICH THEY [CAN] RELY [IN THEIR CLAIMS], SEEING THAT THE JUDGMENT IS A RIGHTEOUS JUDGMENT,¹¹² AND EVERYTHING IS PREPARED FOR THE BANQUET.¹¹³

MISHNAH 17. R. ELEAZAR B. AZARIAH¹¹⁴ SAID: WHERE THERE IS NO TORAH¹¹⁵ THERE IS NO GOOD BREEDING;¹¹⁶ WHERE THERE IS NO GOOD BREEDING THERE IS NO TORAH.¹¹⁷ WHERE THERE IS NO WISDOM THERE IS NO FEAR [OF GOD]; WHERE THERE IS NO FEAR [OF GOD] THERE IS NO WISDOM.¹¹⁸ WHERE THERE IS NO UNDERSTANDING¹¹⁹ THERE IS NO KNOWLEDGE;¹²⁰ WHERE THERE IS NO KNOWLEDGE THERE IS NO UNDERSTANDING. WHERE THERE IS NO MEAL¹²¹ THERE IS NO TORAH;¹²² WHERE THERE IS NO TORAH THERE IS NO MEAL.¹²³ HE USED TO SAY: ONE WHOSE WISDOM EXCEEDS HIS DEEDS¹²⁴ UNTO WHAT IS HE [TO BE] COMPARED? UNTO A TREE THE BRANCHES WHEREOF ARE MANY AND THE ROOTS FEW, SO THAT WHEN THE WIND COMES, IT UPROOTS IT AND OVERTURNS IT UPON ITS FACE, AS IT IS SAID, FOR HE SHALL BE LIKE A TAMARISK IN THE DESERT, AND SHALL NOT SEE WHEN GOOD COMETH; BUT SHALL INHABIT THE PARCHED PLACES IN THE WILDERNESS, A SALT LAND AND NOT INHABITED.¹²⁵ BUT ONE WHOSE DEEDS EXCEED HIS WISDOM, UNTO WHAT IS HE [TO BE] COMPARED? UNTO A TREE THE BRANCHES WHEREOF ARE FEW AND THE ROOTS MANY, SO THAT EVEN IF ALL THE WINDS IN THE WORLD COME AND BLOW UPON IT, THEY MOVE IT NOT OUT OF ITS PLACE, AS IT IS SAID, FOR HE SHALL BE AS A TREE PLANTED BY THE WATERS AND

THAT SPREADETH OUT ITS ROOTS BY THE RIVER, AND SHALL NOT SEE WHEN HEAT COMETH, BUT ITS FOLIAGE SHALL BE LUXURIANT, AND SHALL NOT BE ANXIOUS IN THE YEAR OF DROUGHT, NEITHER SHALL CEASE FROM YIELDING FRUIT.¹²⁵

MISHNAH 18. R. ELIEZER HISMA¹²⁶ SAID: KINNIM [I. E. 'NESTS']¹²⁷ AND PITHEHE NIDDAH [I.E. 'THE STARTING TIMES OF A MENSTRUOUS WOMAN']¹²⁸ ARE ESSENTIAL ORDINANCES;¹²⁹ [THE STUDY OF THE] 'REVOLUTIONS' [OF THE HEAVENLY BODIES]¹³⁰ AND ARITHMETIC¹³¹ ARE AFTER COURSES¹³² OF WISDOM.

(1) Frankel, op. cit. pp. 57-8: he lived in Temple times and was a contemporary of Hillel. On Shammai's death he was invited to become Ab-Beth-din on condition that he should first withdraw opinions adhered to by him against his colleagues, but he refused. ('Eduy. V, 6.)

(2) V. supra II. 1.

(3) I and II ARN p. 69: four things, viz. (i) and (ii) as here, (iii) what is to become of thee? (iv) who is thy judge? This form of the admonition is ascribed in D.E.R. Ch. III to Simeon b. 'Azzai. V. Schechter's notes to ARN.

(4) Cf. Gen. III, 19, for dust thou art, and to dust shalt thou return.

(5) Cf. Job XXV, 6, . . . man that is a worm and the son of man, that is a maggot!

(6) V. Eccl. XI, 9, But know thou, that for all these things, God will bring thee unto judgment.

(7) An early appellation of God which has parallels in the Apocrypha and Pseudepigrapha. V. Marmorstein, op. cit. p. 90.

(8) A synonym for God introduced in the third century. Marmorstein, op. cit., p. 97 and pp. 216-17: at that period saint-worship spread in Christianity, and Judaism reacted by calling God **הַקְדוֹשׁ** (and variations), implying that He is the only Holy Being. Here, therefore, in an early Tannaitic dictum, **הַקְדוֹשׁ** must be by a later hand. It is not in Lowe's MS. From Tanhuma Gen. (ed. Buber, p. 120) Marmorstein concludes that the original reading was **הוּא בְרוּךְ הַמְקוֹם בְּרוּךְ הוּא**, v. op. cit., p. 109, n. 13.

(9) Marmorstein, op. cit., p. 90, points out that **בְרוּךְ הוּא** is an early adjunct to various names of God, and refers to Jub. XXII, 27, and the Book of Enoch. Consideration of the first point will induce humility; of the second, will prevent too strong a craving for worldly pleasures; of the third, will result in a fuller appreciation of the majesty and power of God. (After M., R. Jonah and B.)

(10) **סִגְנֵי הַכַּהֲנִים** cf. II Kings XXIII, 4, **כַּהֲנֵי הַמְשָׁנָה** the priests of the second rank, which Targum renders **סִגְנֵי כַּהֲנֵי**. The 'Segan' was appointed to take the place of the High Priest on the Day of Atonement in the event of some occurrence preventing the latter from performing the offices of the Day, since those offices were strictly obligatory and might be performed by none except a properly constituted High Priest, v. Sanh. (Sonc. ed.) p. 97 n. 1.

(11) V. Jer. XXIX, 7, And seek ye the welfare of the city whither I have carried you away captive, and pray unto the Lord for it; for in the peace thereof shall ye have peace. For the expression 'swallow alive', cf. Prov. I, 12 (the wicked say.) Let us swallow them (i.e. the innocent) up alive.

(12) Father of Beruriah, the wife of R. Meir.

(13) Ps. I, 1. **לְצִיִּים** the plural, according to a Rabbinic exegetical rule, denotes a minimum of two. The following verse, but his delight is in the Law of the Lord shows, by contrast, that a session of the scornful means one at which there is no conversation on Torah.

(14) **שְׁכִינָה** the Divine Immanence, from the root **שָׁכַן** 'to dwell'. It has been thought that GR.** (sc. GR.***) in N.T. is a transliteration of **שְׁכִינָה**. This identification is however by no means established; v. Abelson, The Immanence of God in Rabbinic Literature, p. 80. He rejects the identification except in one case (John I, 14), where he admits only a 'seeming probability'. Marmorstein, op. cit., pp. 103-4, says, 'It is by no means impossible that **שְׁכִינָה** stands in the Aramaic versions for **מְקוֹם**, both of which point to the dwelling-place of God.' He also refers to the statement of Landau, Synonyma fur Gott, to the effect that **שְׁכִינָה** is the latest of God's names to be used before the period of the redaction of the Mishnah.

(15) Obviously two persons conversing.

(16) Mal. III, 16.

(17) Lam. III, 28. The rendering given here is one that was probably in the mind of the Sage who used the quotation here. Lowe's MS. has a different version of this section of the Mishnah, viz., 'as for one who sits and studies, Scripture accounts it unto him as if he fulfilled the whole Torah, as it is said, then one sitteth alone (and meditateth) in stillness, it

- is as he hath taken (the yoke of the Torah) upon himself.' R. Jonah cites a similar version. 'I have no etc.' is omitted according to MV, p. 506, in the text of Ephraim of Regensburg and other 'careful texts', but M. and R. Jonah had it.
- (18) R. Simeon b. Yohai, a disciple of R. Akiba. In II ARN, Ch. XXXIV, the first part of the Mishnah is attributed to R. Eleazar son of Zadok.
- (19) Three males over the age of thirteen constitute a quorum for a corporate form of the Opening of Grace after Meals. This rule possibly has its origin in the custom reflected here, as the recital of Grace after meals was in certain circumstances considered as covering also the desirable custom of speaking words of Torah at the table.
- (20) I.e., idols, v. Ps. CVI, 28, They joined themselves also to Ba'al-Pe'or, and ate the sacrifices of the dead. Cf. Isa. VIII, 19.
- (21) Isa. XXVIII, 8. The second half is translated here in accordance with the Aggadic rendering of **בלי מקום** (in the Versions, and no place [is clean]), viz., to the effect that God is not present at such a table; and inasmuch as God comes wherever His name is mentioned or Torah studied (v. Mishnah 6), God's absence can only be due to the absence of words of Torah. Elijah Wilna draws attention to the verse following, Whom shall one teach knowledge etc. as indicating that what was lacking at those tables was Torah.
- (22) Ezek. XLI, 22, where it refers to the Altar. By designating the Altar as 'table', the text is taken to convey that there are times when the table of man can become as hallowed even as the altar — when it is consecrated by words of Torah spoken thereat.
- (23) A disciple of R. Akiba.
- (24) MV., B., L.: 'alone' is also to be understood with 'he who keeps awake at night'.
- (25) For this meaning of the Pi'el of **פנה** cf. Gen. XXIV, 31.
- (26) Most commentators take this to qualify the two preceding clauses, as there is nothing wrong with keeping awake at night (according to some, even alone) as long as one is occupied with worthy thoughts, e.g., with prayer (cf. Ps. CXIX, 62, at midnight I will rise to give thanks unto Thee . . .), or with Torah (cf. Josh. I, 8, This book of the Law shall not depart out of thy mouth, but thou shalt meditate therein day and night. Ps. LXIII, 7, When I remember Thee on my couch, and meditate on Thee in the night-watches). Nor is there moral danger in walking alone when similarly occupied, cf. Deut. VI, 7, and thou shalt talk of them (i.e., the words commanded by God) . . . when thou walkest by the way. Some versions 'and he who makes room in his heart . . .' thus making three categories of men who endanger their own lives.
- (27) Or 'incurs guilty responsibility for his life'.
- (28) Probably a form of **הוניא** (Onias), or of **יוהנן** (Johanan). He was a contemporary of R. Johanan b. Zakkai and a teacher of R. Ishmael.
- (29) Some read ha-Kanah. The meaning and derivation of the name is obscure. **קנה** Kanah occurs in Josh. XVI, 8, XVII, 8, as the name of a brook or wadi, and *ibid.* XIX, 28, as the name of a place. Geiger, relying on a reading **הקנא**, conjectures 'the zealot', v. Bacher *Agada d. Tannaiten I*, p. 58. n. 1.
- (30) V. Schechter, *Some Aspects*, Chapters V-VII and XIV. Buchler, *Sin and Atonement*, pp. 88ff., says the 'yoke of the Torah' is not exactly synonymous with the 'yoke of the Kingdom of Heaven,' and refers particularly to the duty of the study of Torah.
- (31) *Jast. s.v.* **מלכות** 'the yoke of secular government, i.e. the burden of office.' Buchler, *op. cit.*, 89-91; the yoke of the Imperial Government.
- (32) The strain imposed by the struggle for existence and striving for wealth and by various forms of temptation; cf. Buchler, *op. cit.*, pp. 89 and 91, n. 3, 'worldly occupation'. In the 13th century this and similar passages were assumed to mean that poor scholars were supported by the communities.
- (33) V. Schechter, *op. cit.*, pp. 220-221.
- (34) A contemporary of R. Akiba. P.B. versions add 'b. Dosa'.
- (35) The present Kefr Anan, a village in Galilee.
- (36) Ps. LXXXII, I. A 'congregation' consists of a minimum of ten, as the term 'Edah is used in Num. XIV, 27, for ten men, v. Sanh. 2a. A 'congregation of God' is obviously one that is constituted in honour of God.
- (37) Amos IX, 6. For **אגדתו** A.J.V. (following BDB) gives vault. R. Halafta however understood it as band (A.V. troop). M. says **אגדתו** means a number of things held together by the five fingers of the hand, as well as the hand itself, consisting as it does of five separate fingers knit together.
- (38) Ps. LXXXII, 1. The smallest Jewish Court consisted of three judges. In some versions (e.g. MV, R., B., Lowe's MS.) this Scriptural text is quoted for five (counting the two litigants in addition to the three judges), and Amos IX, 6, is cited

for three as **שְׁנַיִם** means a bundle of three, cf. M.; B. M. I, 8, [Of] how many [does] an 'Aguddah' of Shetaroth (= documents) [consist]? — [Of] three tied one to another. The term is also used for the binding of the ceremonial palm branch, myrtle, and willow twigs (Lev. XXIII, 40) (M. Sukkah III, 8). An 'Aguddah' of hyssop (Ex. XII, 22) consists of three stalks (M. Parah XI, 9). Tosaf. to Sukkah, 13a, referring to our Mishnah, upholds the allocation of Biblical texts adopted in the versions used for this translation, since (a) in Ber. 6a, where the subject is the Divine Presence among ten (at prayer), three (sitting as judges), and two (studying Torah), the verse quoted for three is as here, viz., Ps. LXXXII, 1, In the midst of judges etc. (there is no reference there to five); and (b) a comparison with Isa. XLVIII, 13, suggests that **שְׁנַיִם** in Amos IX, 6, may be understood to mean a hand and would thus be appropriate as an allusion to five.

(39) Mal. III, 16. 'One with another' indicates the presence of two.

(40) Ex. XX, 21. 'Thee' indicates one person only who is responsible for mentioning God's Name.

(41) Some versions: b. Judah; a contemporary of R. Akiba.

(42) In Upper Galilee. Baer thinks it is identical with Berotha (Ezek. XLVII, 16), and Berothai (II Sam. VIII, 8), the precise location of which is uncertain (v. BDB).

(43) I Chron. XXIX, 14.

(44) Some versions: R. Jacob (b. Korshai); one of the teachers of Rabbi.

(45) This rendering is preferred because (a) the root bears that meaning, and (b) it is only recapitulation of that which has already been learnt that is recommended for wayfarers (v. Ta'an. 10b).

(46) **וּמַפְסִיק** seems to imply a deliberate act.

(47) Rashi omits this, as no scriptural text is quoted here. Lowe's MS. has the impersonal form **מַעֲלִין עָלָיו** 'They account it to him'. It may be that the verse intended here is omitted because it is quoted in the next paragraph.

(48) MV and R. emphasize 'as if' because actually he does not thereby forfeit his life, as, after all, exclaiming 'how fine, etc.' is a form of adoration of God. It is only because learning is so much more important that the breaking off therefrom deserves severe condemnation.

(49) V. supra 4, n. 5.

(50) A Greek name, GR. **

(51) Probably a graecized form of Johanan.

(52) To say a thing in the name of him who said it, was a point of honour among the Rabbis (v. infra VI, 6), even as it was of the essence of a tradition of learning.

(53) Point, detail or subject.

(54) Viz., the 'righteous statutes and judgments, etc.' of the previous verse. Deut. IV, 9.

(55) Ibid.

(56) Lit. 'he sits down and . . .'

(57) Or 'turns them away' or 'removes them'.

(58) A disciple of R. Johanan b. Zakkai.

(59) I.e., his moral convictions and conduct.

(60) Takes precedence in his estimation (B.); or, precedes in order of acquisition. If one already possesses firmly acquired moral habits, wisdom will strengthen his attachment to them and this practical result, gained through wisdom, will encourage him to seek more wisdom (M.).

(61) I ARN, Ch. XXII, cites Ps. CXI, 10, The fear of the Lord is the beginning of wisdom. Cf. Prov. I, 7, The fear of the Lord is the beginning of knowledge, and ibid. III, 7, Be not wise in thine own eyes; Fear the Lord, and depart from evil.

(62) Wisdom will have taught him the principles of higher conduct but, not being habituated to the latter, he will find it irksome and will give up wisdom, so that it might not trouble his conscience, or restrain his unprincipled conduct. Thus 'his wisdom will not endure' (M.). I ARN, Ch. XXII, reports R. Johanan b. Zakkai: 'A wise man who is not sin-fearing is like a skilled artisan who has no tools.'

(63) I ARN, ibid. cites Ex. XXIV, 7, All that the Lord hath spoken we shall observe and hearken (rendered in accordance with the Rabbinic interpretation which regards this as a declaration promising observance of the commandments, made by Israel before they had even heard the commandments). The general sense seems to be that one's observance of commandments should not depend on one's having achieved, by one's own wisdom, a full understanding of them. The more precepts one practises, the more will one seek to extend one's knowledge as to their meaning, purpose, and manner of observance. If, however, one acquires wisdom which he does not apply to his daily conduct, he will see no use in his wisdom and drop it.

(64) V. Prov. III, 4, So shalt thou find grace and good favour in the sight of God and man.

(65) The names are said to be Greek, GR.** and GR.** Maim. Introduction to 'Zera'im', Ch. 4, says he was a contemporary of Simeon the Righteous and lived on till the days of R. Akiba. Hyman, A., Toledoth, suggests that Maim. relies on J. Yeb. I and Yeb. 16a. If these passages be taken literally, R. Dosa actually knew also Ezra and Haggai, but, the reference to the seat once occupied by Haggai may easily have been to a seat so designated by a tradition known to R. Dosa (so already Hyman). He was a contemporary of R. Johanan b. Zakkai and a rich man. His dictum here reflects conduct prevailing in his social stratum. V. Bacher, Tradition, p. 29. AT I, p. 157.

(66) Late sleeping is decried in Prov. XXVI, 14, The door is turning upon its hinges, and the sluggard is still upon his bed. Early rising is, by implication, recommended, e.g. Ps. CXIX, 62, At midnight I will rise to give thanks unto thee; ibid. 147-8, I rose early at dawn and cried, I hoped in Thy word. Mine eyes forestalled the night-watches, that I might meditate in Thy word. Some take it to mean morning sleep that makes one late for the proper time for reciting the Shema', v. supra p. 22, n. 8.

(67) Because it makes one unfit for meditation or study.

(68) R. Jonah points out that just because of its pleasantness, which is due to love for children, one is likely to be tempted to listen to it for too long, and thus lose time that should be given to the study of Torah.

(69) Not necessary or casual intercourse with them is condemned here, but habitual and prolonged stay in the society of the characteristically ignorant and boorish, involving participation in their inane pursuits.

(70) For the phrase cf. supra II, 11.

(71) A contemporary of R. Johanan b. Zakkai whose disciple he may have been. His aggadic interpretations were much sought after (v. Shab. 55b). He met his death through the treacherous cunning of a Samaritan informer who denounced him to Bar-Cochba during the siege of Bethar, ca. 135.

(72) קדשים. Objects belonging or due to the sanctuary, either absolutely, in accordance with scriptural enactments, or by virtue of having been voluntarily dedicated thereto.

(73) I.e., puts him to shame. MV. reads המאדים 'he who causes etc . . . to redden.' המלבין is explained in B.M. 58b: 'the blush subsides and whiteness takes its place.' .

(74) 'Of our father Abraham' not found in the parallels where the original reference is apparently to setting at nought God's covenant (with Israel) in general, e.g., Sifre to Num. XV, 22, ed. Friedman, ם III, p. 31b, where the covenant is identified with the Torah. In J. Sanh. XI, p. 27c, however, the phrase is explained: 'one stretching the foreskin' (to disguise circumcision). It seems that originally מפר ברית meant nullifying the covenant in general and that R. Eleazar of Modin applied it specifically to the covenant of circumcision. V. Buchler, op. cit., pp. 97ff.

(75) Not found in most editions.

(76) Omitting (as do parallels cited supra n. 5) שלא כהלכה not according to the Halachah'. R. Hillel (a commentator on Aboth) quoted by Friedmann, Sifre, ibid. explains מועיו פניו מוחצוף פניו R. Jonah מועיו פניו, which explanations presuppose the absence of שלא כהלכה, in their versions. Geiger, retaining שלא כהלכה, understands by the phrase the allegorical interpretation of the Torah not in accordance with Halachah, (i.e., the authoritative rulings of the Law), with special reference to the Christians who taught that it is only the ideas symbolized by the precepts that mattered, but not their actual observance. Bacher (ערכי המדרש (תנאים) פנים s.v. p. 101, says שלא כהלכה was added by one who took פנים in the sense of 'interpretations' or 'meanings' (v. MV. p. 512), thus making the phrase mean 'publishing interpretations of the Torah'; as this could not, in itself, be considered a sin at all, much less such a grave one as contemplated here, he felt bound to add שלא כהלכה i.e., interpretations opposed to Halachah. But פנים in the sense of 'meanings' is not found in Tannaitic sources, its earliest use being by the Amora R. Jannai. V. Buchler, op. cit., p. 103. Guttman בחינת קיום המצוות (in Bericht jud.-Theol. Seminar, Breslau 1930), pp. 62-4, understands the allegorizers of the Alexandrian school who rejected the literal sense of the commandments and accepted only the symbolic.

(77) Lit., 'in his hand'.

(78) MV. says 'we do not read תורה', which word is also omitted in Lowe's MS. (rightly so according to Guttman, op. cit., p. 64, n. 4.)

(79) Sifre to Num. XV, 31: 'he deserves to be pushed out of the world.' R. Eleazar's stricture certainly refers to the antinomian teachings of Jewish Gnostics. V. Buchler, op. cit., p. 100. Guttman, op. cit., p. 64, points out that the first results of the allegorizing methods of Hellenistic Jews were the rejection of 1) circumcision (and obliteration of its effects), (v. I Macc. XVII); 2) sacrifices קדשים (v. particularly the Sibylline Oracles); 3) the holy days מועדות (cf. Philo, who denounces those who honour the Sabbath idea on account of the allegorical significance of the number seven, yet do not observe the Sabbath).

(80) So B. קל often occurs in the Bible in the sense of 'swift', cf. infra V, 20.

(81) ראש often so in Bible. The reading, in Lowe's MS., קל ראש which, if correct, would have the meaning (unparalleled elsewhere) of 'pliant' (as opposite to 'strong-headed') is to some extent borne out by MV. a.l.:
הקל את ראשך

(82) תשחורת a difficult word. Its meaning here can only be surmised. There are various renderings of the word and these affect the meaning of the dictum. Some deriving it from שחור, translate 'a black-haired, i.e. young, man' (as in Ekah Rab. to I, 2) which would make the whole mean 'be deferential to your seniors and condescending to your juniors.' Others connect it with שחורר 'officer' (v. Sifre Deut. פ 6, p. 66b); the sense would thus be 'be submissive to a ruler and pleasant even to a lesser official.' Another translation is 'press-gang' (as in Seder Elijah R. Ch. 1), making the saying a piece of advice to accommodate oneself to supreme authority and its executive representatives however oppressive. The rendering adopted here derives תשחורת from שחר 'to seek', 'and appears to give, in conjunction with the context, the best sense.

(83) Cf. supra I, 15.

(84) Levity, irresponsibility. Some (e.g. R. Jonah) 'jesting when combined with light-headedness.'

(85) Lit. 'cause (someone's) feet to move', cf. Hos. XI, 3.

(86) According to Buchler. Some Types of Jewish Palestinian Piety, pp. 62-7, 'Jesting' שחוק denotes trifling with sexual modesty. The verb (in the form צחק) has already in Biblical Hebrew (Gen. XXXIX, 14, 17) the meaning of immoral advances. שחוק is often clearly so used in Rabbinic Hebrew. In ARN I and II this part of the dictum is brought into line with the parts following, viz. 'a fence (safeguard) for honour is not to jest (or, act immodestly).'

(87) מסורת (so vocalized by Bacher). The traditionally fixed text of the Bible, particularly the Pentateuch, on the correctness of every detail of which depends not only the interpretation of the Scriptures in general, but the determination of laws meant for practical observance (Halachah). The term מסורת as used by R. Akiba (who is said to have based interpretations even on the apparently ornamental 'titles' תנין = crowns) attached to certain letters; v. Men. 29b) already contained the idea of the specialized branch of learning which set itself the task of noting and recording every detail — down to the minutest — of the text of the Scriptures, and bears the name Masorah מסורה par excellence, v. Bacher op. cit. s.v. מסורת P. 74 and Buchler, op. cit., p. 62.

(88) Cf. supra I, 1.

(89) Omitted in Lowe's MS. and in ARN. The commentators explain the saying by quoting, from Shab. 119a, the play on the words עשר תעשר (Deut. XIV, 22), viz. עשר בשביל שתתעשר, 'Give tithes in order that thou mayest be made rich' (by R. Johanan, 3rd cent.). Our dictum would thus mean that the giving of tithes is a fence which protects, and even makes for an increase in, wealth. L., however, interprets 'tithes are A fence against (v. end of next note) the dangers attending the possession of wealth; wealth is liable to make its possessor too proud, and lead him to attribute his success to himself alone and to discount or disregard the factor of God's help, but the giving of tithes is a safeguard against such a notion, as it is bound to bring to his mind the truth that the earth is the Lord's, and the fulness thereof (Ps. XXIV, 1). Cf. Deut. VIII, 13-18, lest when thy silver and gold is multiplied . . . then thy heart be lifted up, and thou forget the Lord thy God . . . and thou say in thy heart: 'My power and the might of my hand hath gotten me this wealth.' But thou shalt remember the Lord thy God, for it is He that giveth thee power to get wealth.

(90) פרישות Perishuth. The manner of life of the פרושים (Pharisees); v. M. a. l. and more fully Nahmanides to Lev. XIX, 2, who says, 'separating oneself, withdrawing and keeping away, restraining oneself, from going to the full length of permitted conduct, when taking such advantage is likely to conduce to something unseemly, e.g. gluttony, insobriety, unbecoming language, sexual over-indulgence. Such self-restraint is the standard of the conduct of the פרושים (Pharisees).' Vows can be helpful to Perishuth, inasmuch as when one has made vows with regard to particular things, he has thereby acquired the capacity for a general self-discipline and a more complete aloofness from everything improper. I ARN, Ch. XXVI and II ARN, Ch. XXXIII, invert the saying סייג לנדרים פרישות 'A fence to vows is self-restraint'. As we know that R. Akiba discouraged vows (I ARN, Ch. XXVI, v. Buchler, op. cit., p. 64, n. 1), this reading may be the correct one and the dictum would mean, Perishuth is a fence (guard, defence) against vows, i.e., a life of Perishuth makes it unnecessary to indulge in vows, which in themselves are not wholly commendable. v. Schechter, Some Aspects, pp. 199-218, Buchler, op. cit., pp. 62-5.

(91) Cf. supra I, 17. Buchler, op. cit., p. 72, contends that as safeguards for Torah and Hokma are given, the admonitions in this Mishnah were intended, in the first place, for scholars. The reference to Perishuth bears out this contention.

(92) L. utilizes this passage to controvert the notion prevailing in some quarters, that the Rabbinic conception of God's fatherly love was narrow and chauvinistic. It is inconceivable, he says, that one should deny the merits of eminent

Gentiles who have rendered great humanitarian services, such as Jenner, the pioneer in vaccination, Guttenberg, the inventor of printing, Drake, who introduced into Europe the potato which has often averted the worst consequences of famine, Reuchlin, the great humanist who at the beginning of the 16th century defended the Talmud against the machinations of the apostate Pfefferkorn, who instigated Emperor Maximilian I to order the confiscation and destruction of the Talmud.

(93) Gen. IX, 6 is quoted and not I, 26, 27, because whilst in the latter passage the fact is just recorded, in the one quoted we are told that God informed man (to wit Noah) of the fact.

(94) Deut. XIV, 1 is quoted and not Israel is my first-born son, Ex. IV, 22, because the latter was addressed to Pharaoh; the first occasion the Israelites were told that they were God's children was in the passage quoted, v. Buchler, Sin and Atonement, p. 80; Kohler, Theologie des Judentums, p. 195.

(95) I.e., the Torah, cf. Ps. XIX, 11, More desired are they (the Ordinances of the Lord) than gold, yea than much fine gold.

(96) The idea that the Torah (or Wisdom) pre-existed creation, and 'assisted' thereat, or formed the 'architect's plan' thereof, is said to go back to such passages as Prov. III, 19, The Lord by wisdom founded the earth; *ibid.* VIII, 22-32. (Wisdom says), The Lord made me as the beginning of his way, the first of His works of old . . . When there were no depths . . . no fountains . . . before the mountains, before the hills was I brought forth . . . While as yet He had not made the earth . . . when He established the heavens, I was there . . . then was I by him a nursling . . . The Hebrew for nursling **אִמּוֹן** was understood as **אֲמֵן** a craftsman' or 'architect'.

(97) Prov. IV, 2.

(98) Cf. I ARN, Ch. XXXIX; II Ch. XLIV. In the latter this Mishnah and the following are in the name of R. Eliezer son of R. Jose the Galilean.

(99) MV., 'seen'. i.e., God sees all. The verb **צָפָה** often means looking ahead in time or distance. When this is said of God, 'foreseen' is, strictly speaking, not applicable or admissible, as God is independent of time and space, i.e., there is with Him neither past nor future nor distance, and he 'sees' everything at once. Marmorstein, The Old Rabbinic Doctrine of God, p. 159, points out that the idea of God's prescience in Rabbinic literature goes back to Simeon b. Shetah (or Judah b. Tabbari) who called God **בַּעַל מַחְשָׁבוֹת** (Master of Thoughts); Sanh. 37b, Schechter, Some Aspects, p. 285, refers to ARN (Addenda), pp. 75a and 81b, from which it would seem that **צָפוּי** was taken by some to refer to man. In one case (p. 75a) 'everything is seen by man: by means of the keys of wisdom' granted to him, man can learn what the heavenly likeness is, and choose the right way.' The other reference (p. 81b) takes **צָפוּי** to mean 'covered', 'hidden' (from the root **צָפָה** which in the Pi'el form means 'cover', 'hide') and explains: since man sinned, the light of wisdom was hidden from him and he knows not what will happen in the future.' MV., p. 514, and Aruch s.v. **סַעַד** quote a reading **צָפוּן** 'hidden'.

(100) Or 'Authority (over self)' i.e., free-will. v. Oesterley, The Sayings of the Jewish Fathers a.l. Commentators quote Deut. XXX, 19, I have set before thee life and death, the blessing and the curse; therefore choose life . . . as the basis for the doctrine of free-will in Judaism. Kohler, *op. cit.* p. 175, cites Gen. IV, 7, and the Midrash thereto. Schechter, *op. cit.*, p. 284 ff. says the parallels in ARN make it doubtful whether R. Akiba here really meant the antithesis of predestination and free-will. Kohler, *op. cit.*, Ch. XXXVII, points out that Judaism teaches free-will in matters of ethical conduct.

(101) Cf. Ps. CXLV, 9, The Lord is good to all; and his tender mercies are over all his works. This, according to the Rabbis, includes even the wicked.

(102) Readings differ here. Some omit **רוֹב** e.g., Lowe's MS., v. Taylor a.l. The version in Aruch *ibid.* and M. instead of **וְהַכֹּל** read **אֲבָל לֹא** 'but not according to. . .' M. explains: Divine goodness is exercised towards man not by reason of the greatness of a deed, but according to the number of deeds, i.e., repeated and ever new good deeds. But see L. The Version in Aruch explains: Men are judged by God's goodness and not in accordance with their doings. Bacher AT. I, p. 275, n. 2, refers to R. Akiba's saying in Koh. R. to X, 1, 'Man is adjudged in accordance with the preponderance of his deeds; he should always consider himself half guilty and half innocent; one more good deed and it is well with him, one more evil deed, woe to him.' Some seem to understand by **הָעוֹלָם** mankind as a whole; and by **הַכֹּל** all men in their individual capacities. Others: 'In this world (**הָעוֹלָם**) all are judged with kindness (else sinners would be condemned outright); but in the hereafter, everybody (**וְהַכֹּל**) is judged according to (the Preponderance of) his (good or bad) deeds.'

(103) V. *supra*, p. 38, n. 4.

(104) Life and all its benefits.

(105) A guarantee of good conduct. MV.: the soul.

- (106) All are liable to be caught if they attempt to evade the pledge. For the expression, cf. Ezek. XXXII, 3.
- (107) The divine store of gifts intended for man.
- (108) God.
- (109) פנקס == GR.** writing-tablet, list, register, account-book.
- (110) Cf. supra II, 1.
- (111) The agents for the execution of divine justice, e.g. suffering, calamity, sickness. (12) Or (lit.) 'knowledge', i.e., whether or not he realizes, or acknowledges, that the visitations coming upon him are in punishment for his sins. Our translation means: whether he willingly undergoes penance for his sins, or he unrepentantly resents the punishment.
- (112) There is no vindictiveness in it.
- (113) The reward of those who discharge their obligations is assured in the hereafter. B.: 'everybody is fitted for the banquet,' i.e., all men are ab initio intended to have a share in the spiritual feast of the world to come. R. Meshullam b. Kalonymos quoted in Aruch s.v. סעד and in MV., says 'banquet', here is an expression for death, and explains thus (after Shab. 152a): Just as all enter for a banquet by one entrance, but are allotted seats at the banquet according to their status, so at death, it is true, all go through the same door, but once they have entered the hereafter they are treated severally in accordance with their merits. R. Jonah: 'The purpose of all this is to make ready for the banquet of the future life.' Incidentally this Mishnah reflects the traders' methods of those days.
- (114) A younger contemporary of R. Gamaliel II, R. Joshua b. Hananiah etc. He was chosen Nasi at a very young age when R. Gamaliel, who had become unpopular, was forced to vacate the Patriarchate. When the latter was restored, R. Eleazar b. Azariah retired to the second office of Ab-Beth-din. He used his great wealth to facilitate the approaches made by the Rabbis to the Roman authorities on behalf of the Jews.
- (115) Used here for religion in general, any religion that postulates divine authority for moral conduct (L.).
- (116) Or 'cultured behaviour', Derech Eretz. Unless rooted in religion (in the above sense), moral and cultured conduct lacks the source which feeds and sustains it perennially.
- (117) Conversely, religious belief is sterile when it does not express itself in ethical conduct and becoming behaviour.
- (118) V. supra 9 and notes.
- (119) בינה Binah, The ability to make logical deductions (v. B.).
- (120) דעת Da'ath, The ability to arrive at the reasons for things (v. B.). Perhaps better rendered '(capacity for) thinking.'
- (121) קמח flour v. infra V. 15 p. 69 n. 10.
- (122) Lack of food impairs one's mental powers. Or, if Torah is understood here as earlier in the paragraph, starvation is liable to have an adverse effect on one's moral faculties.
- (123) Cf. Deut. VIII, 3, Man doth not live by bread only, but by everything that proceedeth out of the mouth of the Lord doth man live.
- (124) Cf. supra Mishnah 9.
- (125) Jer. XVII, 6 and 8. Both quotations are omitted in Lowe's MS. In the context, the first refers to 'the man that trusteth in man,' the second to 'the man that trusteth in the Lord.' Placing wisdom before deeds means relying on unaided human abilities. The practice of deeds commanded by God, whether or not one's mind comprehends them fully, means placing implicit trust in Him.
- (126) A disciple of R. Akiba: In ARN I and II only the second half of this Mishnah is attributed to him; the first half is in the name of R. Johanan b. Nuri.
- (127) The name for a section of laws dealing with bird. sacrifices (v. Lev. XII, 8; XIV, 4, 22, 49; XV, 14, 29).
- (128) A term for the regulations whereby the times of commencement, and the duration, of 'uncleanness of women, by reason of menstruation, are calculated and determined.
- (129) גופי הלכות . Lowe's MS. גופי תורה .
- (130) Astronomy.
- (131) So MV, also Jastrow, who derives it from GR.** From this the term גמטריא could have acquired its better known meaning, viz. the use, for exegetical purposes, of the letters of alphabet in their numerical value, or as initials of words. Another derivation is from GR.**; the word then meaning 'mensuration' in its various forms. V. Sanh. (Sonc. ed.) p. 121, n. 4.
- (132) Desirable but not essential. Some: 'appetizers' that create a desire for further knowledge. Others derive from GR.** 'the outer circle' (of wisdom) as opposed to גופי הלכות, the core and essence of learning. The reason for this differentiation is that the former consist of positive commandments, i.e. 'deeds', 'works', whilst the latter are typical

of 'wisdom'. The particular instances of the former appear to have been chosen for the following reasons: In one case, (kinnim), the precepts concerned are operative only when the Temple in Jerusalem exists and functions, and in the other, (Pithehe Niddah, they deal with unpleasant details; and yet, the inference is, even these precepts, apparently of lesser moment and of lesser attractiveness, form part of the essence of knowledge for the Israelite. The instances in the latter category are singled out, because in one case (astronomy), it is the most comprehensive branch of wisdom and is, in addition, calculated to increase our adoration of God by giving man a fuller conception of His wonderful Universe, and in the other case (arithmetic or mensuration) it is a science of great mind-exercising, as well as of highly utilitarian, value. Even so, the inference is, these sciences are of secondary importance to the study of the practical precepts of the Torah.

Mishna - Mas. Avoth Chapter 4

MISHNAH 1. BEN ZOMA¹ SAID: WHO IS HE THAT IS WISE? HE WHO LEARNS FROM EVERY MAN, AS IT IS SAID: FROM ALL WHO TAUGHT ME HAVE I GAINED UNDERSTANDING, WHEN THY TESTIMONIES WERE MY MEDITATION.² WHO IS HE THAT IS MIGHTY?³ HE WHO SUBDUES HIS [EVIL] INCLINATION,⁴ AS IT IS SAID: HE THAT IS SLOW TO ANGER IS BETTER THAN THE MIGHTY; AND HE THAT RULETH HIS SPIRIT THAN HE THAT TAKETH A CITY.⁵ WHO IS HE THAT IS RICH?⁶ HE WHO REJOICES IN HIS LOT, AS IT IS SAID: WHEN THOU EATEST OF THE LABOUR OF THY HANDS, HAPPY SHALT THOU BE, AND IT SHALL BE WELL WITH THEE.⁷ HAPPY SHALT THOU BE — IN THIS WORLD, AND IT SHALL BE WELL WITH THEE — IN THE WORLD TO COME. WHO IS HE THAT IS HONOURED? HE WHO HONOURS HIS FELLOW-MEN, AS IT IS SAID: FOR THEM THAT HONOUR ME I WILL HONOUR, AND THEY THAT DESPISE ME SHALL BE LIGHTLY ESTEEMED.⁸

MISHNAH 2. BEN 'AZZAI⁹ SAID: RUN¹⁰ TO [PERFORM] AN EASY PRECEPT,¹¹ AS [YOU WOULD] IN [THE CASE OF] A DIFFICULT ONE,¹² AND FLEE¹³ FROM TRANSGRESSION; FOR [ONE] PRECEPT DRAWS [IN ITS TRAIN¹⁴ ANOTHER] PRECEPT, AND [ONE] TRANSGRESSION DRAWS [IN ITS TRAIN ANOTHER] TRANSGRESSION;¹⁵ FOR THE RECOMPENSE FOR [PERFORMING] A PRECEPT IS A PRECEPT, AND THE RECOMPENSE FOR [COMMITTING] A TRANSGRESSION IS A TRANSGRESSION.

MISHNAH 3. HE USED TO SAY:¹⁶ DESPISE NOT ANY MAN, AND DISCRIMINATE NOT¹⁷ AGAINST ANY THING,¹⁸ FOR THERE IS NO MAN THAT HAS NOT HIS HOUR, AND THERE IS NO THING THAT HAS NOT ITS PLACE.¹⁹

MISHNAH 4. R. LEVITAS (A MAN) OF JABNEH²⁰ SAID: BE EXCEEDING²¹ LOWLY OF SPIRIT,²² FOR THE EXPECTATION OF MORTAL MAN IS [THAT HE WILL TURN TO] WORMS.²³

R. JOHANAN B. BEROKAH²⁴ SAID: WHOEVER PROFANES THE NAME OF HEAVEN²⁵ IN SECRET,²⁶ THEY²⁷ EXACT THE PENALTY FROM HIM IN THE OPEN.²⁸ [IN THIS RESPECT, IT IS ALL] ONE [WHETHER ONE HAS ACTED] IN ERROR, AND [IT IS ALL] ONE²⁹ [WHETHER ONE HAS ACTED] WITH PRESUMPTION, IN [A CASE WHERE THE RESULT IS] THE PROFANATION OF THE NAME.³⁰

MISHNAH 5. R. ISHMAEL³¹ SAID: HE WHO LEARNS IN ORDER TO TEACH,³² THEY AFFORD HIM³³ ADEQUATE MEANS TO LEARN AND TO TEACH; AND HE WHO LEARNS IN ORDER TO PRACTISE,³⁴ THEY AFFORD HIM ADEQUATE MEANS TO LEARN AND TO TEACH³⁵ AND TO PRACTISE.

R. ZADOK³⁶ SAID: MAKE THEM³⁷ NOT A CROWN WHEREWITH TO MAGNIFY

THYSELF, NOR A SPADE³⁸, WHEREWITH TO DIG;³⁹ EVEN SO WAS HILLEL WONT TO SAY, 'AND HE WHO MAKES [UNWORTHY] USE OF THE CROWN [OF LEARNING] PASSETH AWAY.'⁴⁰ LO, [HENCE] THOU HAST LEARNT: ANYONE WHO DERIVES WORLDLY BENEFIT⁴¹ FROM THE WORDS OF THE TORAH, REMOVES HIS LIFE FROM THE WORLD.⁴²

MISHNAH 6. R. JOSE⁴³ SAID: WHOEVER HONOURS THE TORAH⁴⁴ IS HIMSELF⁴⁵ HONoured BY MEN, AND WHOEVER DISHONOURS THE TORAH IS HIMSELF DISHONoured BY MEN.

MISHNAH 7. R. ISHMAEL⁴⁶ SAID: HE WHO REFRAINS HIMSELF FROM JUDGMENT,⁴⁷ RIDS HIMSELF OF ENMITY⁴⁸ AND ROBBERY⁴⁹ AND VAIN SWEARING;⁵⁰ BUT HE WHOSE HEART IS OVER-CONFIDENT IN GIVING A JUDICIAL DECISION,⁵¹ IS FOOLISH,⁵² WICKED⁵³ AND OF UNCOUTH SPIRIT.⁵⁴

MISHNAH 8. HE USED TO SAY: JUDGE NOT ALONE,⁵⁵ FOR NONE MAY JUDGE ALONE SAVE ONE;⁵⁶ AND SAY NOT ACCEPT MY VIEW', FOR THEY ARE FREE BUT NOT THOU.⁵⁷

MISHNAH 9. R. JONATHAN⁵⁸ SAID: WHOEVER FULFILS THE TORAH OUT OF [A STATE OF] POVERTY,⁵⁹ HIS END [WILL BE] TO FULFIL IT OUT OF [A STATE OF] WEALTH;⁶⁰ AND WHOEVER DISCARDS THE TORAH OUT OF [A STATE OF] WEALTH,⁶¹ HIS END [WILL BE] TO DISCARD IT OUT OF [A STATE OF] POVERTY.⁶²

MISHNAH 10. R. MEIR⁶³ SAID: DO [RATHER] LESS BUSINESS, AND BUSY THYSELF [MAINLY] WITH THE TORAH,⁶⁴ AND BE LOWLY OF SPIRIT BEFORE ALL MEN.⁶⁵ IF THOU HAST [ONCE] BEEN IDLE IN [REGARD] TO] THE TORAH, THOU WILT HAVE MANY [MORE] OCCASIONS FOR IDLENESS BEFORE THEE,⁶⁶ BUT IF THOU HAST LABOURED AT THE TORAH, THERE IS⁶⁷ MUCH REWARD TO GIVE UNTO THEE.⁶⁸

MISHNAH 11. R. ELIEZER B. JACOB⁶⁹ SAID: HE WHO PERFORMS ONE PRECEPT ACQUIRES FOR HIMSELF ONE ADVOCATE,⁷⁰ AND HE WHO COMMITS ONE TRANSGRESSION ACQUIRES FOR HIMSELF ONE ACCUSER.⁷¹ REPENTANCE⁷² AND GOOD DEEDS ARE AS A SHIELD⁷³ AGAINST PUNISHMENT.⁷⁴

R. JOHANAN⁷⁵ HA-SANDELAR SAID: EVERY ASSEMBLY WHICH IS FOR THE NAME OF HEAVEN,⁷⁶ [WILL IN] THE END THEREOF BECOME [OF] PERMANENT [VALUE]; AND EVERY ASSEMBLY WHICH IS NOT FOR THE NAME OF HEAVEN, [WILL IN] THE END THEREOF NOT BECOME [OF] PERMANENT [VALUE].⁷⁷

MISHNAH 12. R. ELEAZAR⁷⁸ B. SHAMMUA⁷⁹ SAID: LET THE HONOUR OF THY DISCIPLE BE AS DEAR TO THEE AS THINE OWN,⁸⁰ AND THE HONOUR OF THY COLLEAGUE AS THE REVERENCE⁸¹ FOR THY TEACHER,⁸² AND THE REVERENCE FOR THY TEACHER AS THE FEAR OF HEAVEN.⁸³

MISHNAH 13. R. JUDAH⁸⁴ SAID: BE CAREFUL IN STUDY,⁸⁵ FOR AN ERROR IN STUDY AMOUNTS TO PRESUMPTION.⁸⁶ R. SIMEON⁸⁷ SAID: THERE ARE THREE CROWN⁸⁴.⁸⁸ THE CROWN OF TORAH,⁸⁹ THE CROWN OF PRIESTHOOD,⁹⁰ AND THE CROWN OF ROYALTY; BUT THE CROWN OF A GOOD NAME EXCELS⁹¹ THEM ALL.⁹²

MISHNAH 14. R. NEHORAI⁹³ SAID: GO AS A [VOLUNTARY] EXILE TO A PLACE OF TORAH⁹⁴ — AND SAY NOT THAT IT WILL COME AFTER THEE⁹⁵ — FOR [IT IS] THY

FELLOW[-STUDENT]S WHO WILL MAKE IT PERMANENT IN THY KEEPING⁹⁶ AND LEAN NOT UP ON THINE OWN UNDERSTANDING.⁹⁷

MISHNAH 15. R. JANNA⁹⁸ SAID: IT IS NOT IN OUR POWER [TO EXPLAIN THE REASON] EITHER OF THE SECURITY OF THE WICKED,⁹⁹ OR EVEN OF THE AFFLICTIONS OF THE RIGHTEOUS.¹⁰⁰

R. MATHIA B. HERESH¹⁰¹ SAID: BE FIRST IN [ENQUIRING AFTER] THE PEACE¹⁰² OF ALL MEN; AND BE THOU A TAIL UNTO LIONS, AND NOT A HEAD UNTO FOXES.¹⁰³

MISHNAH 16. R. JACOE¹⁰⁴ SAID: THIS WORLD IS LIKE UNTO A VESTIBULE¹⁰⁵ BEFORE THE WORLD TO COME; PREPARE THYSELF¹⁰⁶ IN THE VESTIBULE, SO THAT THOU MAYEST ENTER THE BANQUETING-HALL.¹⁰⁷

MISHNAH 17. HE USED TO SAY: MORE BEAUTIFUL IS ONE HOUR [SPENT] IN REPENTANCE AND GOOD DEEDS¹⁰⁸ IN THIS WORLD, THAN ALL THE LIFE OF THE WORLD TO COME;¹⁰⁹ AND MORE BEAUTIFUL IS ONE HOUR OF THE EVEN-TEMPERED SPIRIT OF THE WORLD TO COME¹¹⁰, THAN ALL THE LIFE OF THIS WORLD.¹¹¹

MISHNAH 18. R. SIMEON B. ELEAZAR¹¹² SAID: PACIFY¹¹³ NOT THY FELLOW IN THE HOUR OF HIS ANGER;¹¹⁴ NOR COMFORT HIM IN THE HOUR WHEN HIS DEAD LIES BEFORE HIM,¹¹⁵ NOR QUESTION HIM AT THE TIME OF HIS VOW;¹¹⁶ NOR STRIVE TO SEE HIM IN THE HOUR OF HIS DISGRACE.¹¹⁷

MISHNAH 19. SAMUEL HA-KATAN¹¹⁸ SAID [QUOTING FROM SCRIPTURE]: REJOICE NOT WHEN THINE ENEMY FALLETH AND LET NOT THY HEART BE GLAD WHEN HE STUMBLETH.¹¹⁹ LEST THE LORD SEE IT, AND IT DISPLEASETH HIM, AND HE TURN AWAY HIS WRATH FROM HIM.¹²⁰

MISHNAH 20. ELISHA B. ABUYAH¹²¹ SAID: HE WHO LEARNS [WHEN] A CHILD, UNTO WHAT IS HE [TO BE] COMPARED?¹²² — UNTO INK WRITTEN UPON A NEW WRITING SHEET;¹²³ AND HE WHO LEARNS [WHEN] AN OLD MAN,¹²⁴ UNTO WHAT IS HE LIKE? — UNTO INK WRITTEN ON A RUBBED WRITING SHEET.¹²⁵

R. JOSE B. JUDAH (A MAN) OF KEFAR HA-BABLI¹²⁶ SAID: HE WHO LEARNS FROM THE YOUNG, UNTO WHAT IS HE [TO BE] COMPARED? UNTO ONE WHO EATS UNRIPE GRAPES, AND DRINKS WINE FROM HIS VAT;¹²⁷ AND HE WHO LEARNS FROM THE OLD, UNTO WHAT IS HE [TO BE] COMPARED? UNTO ONE WHO EATS RIPE GRAPES, AND DRINKS OLD WINE.¹²⁸

RABBI¹²⁹ SAID: REGARD NOT THE CONTAINER¹³⁰ BUT THAT WHICH IS THEREIN: THERE IS A NEW CONTAINER FULL OF OLD [WINE], AND AN OLD [CONTAINER] IN WHICH THERE IS NOT EVEN NEW [WINE].¹³¹

MISHNAH 21. R. ELEAZAR HA-KAPPAR¹³² SAID: JEALOUSY,¹³³ CUPIDITY¹³⁴ AND [THE DESIRE FOR] HONOUR PUT A MAN OUT OF THE WORLD.¹³⁵

MISHNAH 22. HE USED TO SAY: THE BORN [ARE DESTINED] TO DIE, THE DEAD TO BE BROUGHT TO LIFE,¹³⁶ AND THE LIVING¹³⁷ TO BE JUDGED; [IT IS, THEREFORE, FOR THEM¹³⁸] TO KNOW AND TO MAKE KNOWN, SO THAT IT BECOME KNOWN,¹³⁹ THAT HE IS GOD, HE THE FASHIONER,¹⁴⁰ HE THE CREATOR, HE THE DISCERNER,¹⁴¹ HE THE JUDGE, HE THE WITNESS,¹⁴² HE THE COMPLAINANT,¹⁴³ AND THAT HE IS OF A

CERTAINTY¹⁴⁴ TO JUDGE, BLESSED BE HE,¹⁴⁵ BEFORE WHOM THERE IS NO UNRIGHTEOUSNESS, NOR FORGETTING, NOR RESPECT OF PERSONS, NOR TAKING OF BRIBES,¹⁴⁶ FOR ALL IS HIS.¹⁴⁷ AND KNOW THAT ALL IS ACCORDING TO THE RECKONING.¹⁴⁸ AND LET NOT THY [EVIL] INCLINATION¹⁴⁹ ASSURE THEE THAT THE GRAVE IS A PLACE OF REFUGE FOR THEE;¹⁵⁰ FOR WITHOUT THY WILL¹⁵¹ WAST THOU FASHIONED, WITHOUT THY WILL WAST THOU BORN, WITHOUT THY WILL LIVEST THOU, WITHOUT THY WILL WILT THOU DIE,¹⁵² AND WITHOUT THY WILL ART THOU OF A CERTAINTY¹⁵³ TO GIVE AN ACCOUNT AND RECKONING¹⁵⁴ BEFORE THE KING OF THE KINGS OF KINGS, BLESSED BE HE.

(1) Simeon b. Zoma, a disciple of R. Joshua b. Hananiah. His own name is omitted as also that of his colleague, Simeon b. Azzai (v. infra, Mishnah 2). because they both died at an early age, before ordination (R.); their scholarship was nevertheless highly esteemed. After his death he was praised as the last of the (great) homileticians (Sotah IX. 15). though not many examples of his Aggadic exegesis are preserved. He was a devotee of mystical studies which, according to some, affected his mind. (V. Bacher AT I, p. 422ff.)

(2) Ps. CXIX, 99. This translation is in accordance with the interpretation presupposed here. The second part of the quotation is not given in all editions.

(3) I ARN 'the mightiest among the mighty'.

(4) יֵצֵר Yezzer. V. A.Z. (Sonc. ed.) p. 22, n. 7.

(5) Prov. XVI, 32.

(6) I ARN 'the richest among the rich'. In addition to the questions as to the mightiest and richest, I ARN has, 'Who is the most unpretentious (עָלוּב) among persons of unpretentious disposition? He who is as unpretentious as Moses', but no question as to who is honoured.

(7) Ps. CXXVIII, 2.

(8) 1 Sam. II, 30. Real honour comes from God, and the measure in which we honour man, created in the image of God, is the measure of the honour we give to God: if we honour God by honouring man, God will honour us. R.: God says: Them that honour Me, by honouring men (who are entitled to honour, e.g. parents. the aged. the learned), I shall honour. R. Jonah: If God honours those who honour Him, notwithstanding that all His creatures, by their mere existence and without deliberate or conscious effort, bring Him honour (cf. Isa. XLIII, 7), it follows, with greater force, that human beings (who are not entitled to honour automatically or to the same degree as God is), should reciprocate by honouring those who honour them.

(9) Cf. supra, p. 43. n. 1. Ben 'Azzai was first a disciple of R. Joshua b. Hananiah, and later stood towards R. Akiba in the alternating relationships of disciple and younger colleague. His death is attributed to his having 'peered into the Garden' of theosophic speculation (which some identify with Gnosticism), though in some sources he is named among the first victims of the Hadrianic persecutions. (V. Bacher, AT., I, pp. 408-9.)

(10) Show eagerness, seize the opportunity. cf. infra V, 20.

(11) Cf. P5. CXIX, 60. One is more liable to be slack and procrastinating with regard to an easy task, and thus forget it entirely; to obviate this one should hasten to perform it as soon as it presents itself.

(12) This clause is not in all versions.

(13) Not merely avoid, but as quickly as you can, put as long a distance as possible between transgression and yourself (L.). In both cases (i.e. of fulfilment of a precept and of avoidance of transgression) Ben 'Azzai advocates quickness of resolve and action (Buchler, Sin and Atonement, p. 309).

(14) Automatically (Buchler, *ibid.*).

(15) This saying has been explained variously: (i) Virtue is its own reward, and sin its own penalty. (ii) The spiritual joy one derives from the performance of a divine precept, (Mizwah) is in itself a Mizwah, i.e., a valuable religious experience. (iii) The practical gain from the carrying out of a precept, is the new precept which it automatically brings in its train. See Buchler, *ibid.*, for a fine analysis of the dictum.

(16) I ARN, Ch. XXIII, appears to attribute this dictum to R. Nehorai.

(17) מַפְלִיג a difficult word variously interpreted: 'place at a distance,' 'consider far off and unimportant, or impossible,' 'treat slightingly'. 'despise', 'cavil, or carp at'. The translation given here combines the literal meaning of the verb with the general sense of the dictum, as indicated by the context and adopted by commentators.

(18) Or 'word' or 'matter'. ARN adds: 'For it is said: Whoso despiseth the word shall suffer thereby, but he that feareth

the commandment shall be rewarded (Prov. XIII, 13).’ evidently taking **דבר** in the Mishnah to mean ‘word (of God)’. This citation suggests that ARN took the whole dictum as a parallel to Mishnah 1 and 2 thus: Who is wise? He who learns from every man — there is no man that has not his hour. Run to perform an easy (seemingly unimportant) commandment-Discriminate not against any word (of divine command). . . for there is no word (precept), however abstruse or unimportant it may seem, that has not its place.

(19) The sense in which this Mishnah is generally understood is: No person or object or matter is so unimportant that you can be sure that you will not have to reckon with it, either for good or for evil, at some time or in some place or in some circumstances.

(20) A contemporary of R. Akiba, of whom we know only this saying in our Mishnah, and some passages attributed to him in Pirke di R. Eliezer.

(21) **מאד מאד** M. (followed by B. and R. Jonah) explains: Why this accentuated deviation from the advocacy of a middle course? Because, man being naturally over-inclined to pride, it is necessary to over-emphasize the quality of self-depreciation.

(22) Some editions add, ‘before all men’. The whole dictum is missing from Lowe’s MS. where the following saying is in the name of R. Levitas instead of that of R. Johanan b. Broka.

(23) V. supra III, 1.

(24) A disciple of R. Joshua.

(25) V. supra p. 3, n. 2, also p. 7, n. 10.

(26) How can any secret misdeed be a profanation of the Name, which necessarily implies a knowledge of the sin by at least one other than the guilty person? Tosaf. Yom Tob says: When the sin can be committed only together with another person, e.g. prohibited sexual intercourse. L.: There are two kinds of ‘profaners of the Name’: (a) one who commits a sin, making it clear to others that he contemptuously disregards the divine commandments; (b) one who transgresses secretly. not because he is concerned for the Glory of the Name of God, but for his own reputation among his fellow men, by whom he wishes to be regarded as a pious man. The latter is profaning the Name in secret, and it is this duplicity that is to be exposed by punishment in public. V.: A sin committed in secret which, should it become known, would cause a profanation of the Name.

(27) Used impersonally.

(28) **חלול השם** (Profanation of the Name) was considered so grave that R. Akiba taught that a person guilty thereof is not entitled to divine forgiveness.

(29) Lit., one . . . one’, cf. supra II, 9.

(30) M. insists that only in respect of being punished openly is there no difference between one who commits profanation of the Name in error and one who does so wilfully. In respect of the actual nature of the punishment (as is the case with reference to all sins), the Torah clearly distinguishes between the unwitting and presumptuous sinner (Lev. IV and V).

(31) Some texts add ‘his son’, i.e. of R. Johanan b. Berokah.

(32) Cf. supra p. 22, n. 5.

(33) II ARN, Ch. XXXII, ‘they do not afford him’, so also R. who explains: If his only object in learning is that he might become a teacher, i.e., be addressed as ‘Rabbi’, his efforts at learning do not enjoy the favour of Heaven. I ARN, Ch. XXVII, has our version.

(34) Cf. supra I, 17, ‘Study is not the most important thing, but deed.’

(35) Some texts insert here ‘to observe’.

(36) Probably the one who was contemporary of R. Johanan b. Zakkai. First century.

(37) I.e., the words of the Torah. Some texts ‘it’.

(38) In I Sam. XIII, 20, and Ps. LXXIV, 5, **קרדם** == axe. It may have been two tools in one, one side being a broad blade for a hatchet, and the other a pointed one for breaking up ‘ground. V. fast. s.v. and Oesterley, ‘Sayings’, ad loc.

(39) Lowe’s MS. and R. **לאכל מהן** lit., ‘to eat of them’ which Taylor translates, ‘an axe, to live by them’, evidently taking **אכל** in the sense of ‘enjoy’, ‘have the use of’, ‘have benefit from’, as e.g. in Pe’ah I, 1. R. Jonah has **לחתוך** ‘to cut’.

(40) V. supra I, 13.

(41) Cf. the reading preserved in R.

(42) Our translation is In accordance with the maxim of Hillel which gave rise to this thought. R. however understood ‘takes his reward in this world’. Seemingly he translated ‘takes his life (i.e. all the benefits to which he may be entitled)

out of this world.' Tosaf. Yom Tob 'removes himself from the life of the world to come. M. bases on R. Zadok's dictum a vigorous defence of his view that it is strictly forbidden to make a living out of the Torah and that none of the early Rabbis ever made such use of it. A scholar who happens to be poor, or afflicted and physically helpless, should of course be helped. It is, indeed, a duty of congregations to pay the levies and taxes on behalf of scholars (v. supra III, 5, and note). but that is because they are, in this respect, looked upon as Kohanim' (Aaronides) who were by Biblical law exempt from tithes, etc.

(43) b. Halafta. 2nd century.

(44) Honouring the Torah consists in zeal and alacrity in carrying out its precepts, in the proper and reverent care for books of, or appertaining to, the Torah, and in respectful bearing towards scholars (M.).

(45) גופו lit., 'his body'. 'his person'. V. supra I, 17.

(46) Some texts add 'his son'. II ARN, Ch. XXXIV, has R. Eliezer son of R. Eleazar ha'Kappar. R. had a reading. R. Eliezer, son of R. Jose.

(47) Either, (a) a judge who refrains from imposing a judgment, and strives to induce parties to come to an agreement; or (b) any person who avoids entering into litigation, and seeks a friendly settlement of differences.

(48) Which disappointed litigants might feel towards the judge, or towards the other side.

(49) The virtual robbery which a judge might commit if, however honestly, he gave a decision in favour of the wrong party; or which might result when a party in the heat of dispute puts in an exaggerated claim or denial and succeeds therein.

(50) The oath which a judge imposes, in accordance with the Torah, but which he may quite conceivably impose in error, though in good faith, on the wrong party (see L.); or, untrue statements which a litigant may, in the stress of the judicial proceedings, make under oath. The expression here used שבועת שוא (an oath taken in vain) differs, in its technical use, from שבועת שקר (a false oath), v. Shebu. 25b. Some (e.g., B.) think שוא ש is used here not in the technical sense, but as synonymous with שקר ש L. insists that שקר ש is inapplicable here, and that שוא ש is to be taken in its precise meaning.

(51) I.e., he looks upon the judicial position as one that confers on him the opportunity for exercising authority, rather than one that demands self-effacing objectivity, involving infinite pains in the sifting of evidence (v. supra I, 9), deliberate impartiality towards parties (v. I, 5), a deep and lifelong study of the Law, and patience in coming to a decision (v. I, 1), cf. infra VI, 6.

(52) He is too sure of his own wisdom and Seest thou a man wise in his own eyes? There is more hope of a fool than of him. (Prov. XXVI, 12.)

(53) Because he is indifferent to the possible injustice that may result from his actions.

(54) גם גם רוח = bulky, oversized, uncouth, gross. The same word with לב (heart) is translated 'over confident' earlier in the sentence.

(55) The Jewish judiciary system provided for the Great Sanhedrin of seventy-one members, a Lesser Sanhedrin of twenty-three, and the smallest court of three laymen or of one accredited expert (מומחה Mumhe) in the Law. But even this expert, although permitted to 'sit' alone, is advised here not to take unnecessary advantage of the permission but, if at all possible, to obtain the assistance of (two) others (so M.).

(56) I.e., God.

(57) Either, 'they are free to concur, but not thou to force them to concur,' or, 'they are entitled to say to thee, accept our opinion' (as they are in the majority), but not thou (as you are only one against two).' Some point out that an 'expert' who has called in lay assistance might be tempted to force his opinion by over-emphasizing his own superior learning, or even by pointedly reminding his cojudges that he could, had he chosen, have 'sat' and decided alone, and that he had called them in only as a matter of grace. The proper procedure is that whilst the expert's voice prevails on a point of law, that of a majority of the court is decisive in matters dependent on 'the weighing of opinions' (שקול הדעת).

(58) b. Jose(ph) as in II ARN, Ch. XXXV (where the wording of the dictum differs). I ARN, Ch. XXX has, R. Nathan b. Joseph. A disciple of R. Akiba and R. Ishmael. Frankel, Parke ha-Mishnah, p. 155, says his name, like that of his colleague R. Joshiah, does not occur in Mishnah or Tosef. or Torath Kohanim. The inclusion of the name here is due to the fact that in Aboth are mentioned many Tannaim of the sixth generation whose names occur otherwise only in Baraitas, v. Oesterley, a.l.

(59) I.e., whilst he is in etc. For a similar use of מ v. Deut. XXVIII, 47, מרב כל Lam. I, 3, מעני. Others: 'by means of poverty', i.e., by sacrificing time he could use for improving his material lot, in order to study and practise the Torah. Others: 'despite poverty'.

(60) With which he will be rewarded.

(61) Though it enables him to devote more time to the study of the Torah, and Increases his opportunities for observing its precepts. Or, because the thought and anxiety he expends on his possessions and concerns, occupy his mind to the exclusion of Torah.

(62) Which will be his punishment, and which might indeed make it impossible for him to devote himself to the Torah even if by that time he is desirous of making good his former omissions. For the latter half of the dictum cf. Deut. XXVIII, 47-8: Because thou didst not serve the Lord thy God with joyfulness and with gladness of heart, by reason of the abundance of all things; therefore shalt thou serve thine enemy whom the Lord shall send against thee, in hunger and in thirst, and in nakedness, and in want of all things.

(63) The greatest of R. Akiba's disciples; deserved the name **מאיר** because 'he threw light' on the meaning of Scripture.

(64) Cf. supra II, 5, and infra VI, 5.

(65) Cf. Mishnah 4.

(66) Conditions conducive to idleness which will militate against your becoming learned in the Torah. Cf. the quotation from Megillath Hasidim in J. Ber., end, 'If thou forsakest it (the Torah) one day, it will forsake thee two days. 'a saying otherwise known from Sirach. V; also Sifre, Ekeb. ed. Friedmann, p. 84a. I ARN, Ch. XXIX: 'idlers (**בטלנין**) (such as robbers, thieves, lions, bears, etc.) against thee.' Others: 'idlers like thee'.

(67) Some texts 'He (God) has.'

(68) Cf. supra II, 14 and 16.

(69) Disciple and colleague of R. Akiba. There was an earlier scholar of the same name who lived towards the end of Temple times. V. Frankel, op. 'it., p. 76ff. Hyman Toledoth s.v.

(70) **פרקליט** Gr. **.

(71) **קטיגור**, Gr. **.

(72) Lit., 'Return'.

(73) **תרים** some identify with the Greek ** = Gr. ** 'door', or its derivative Gr. ** 'an oblong shield'; others with Gr. ** breastplate. In both cases it would denote something that serves as a protection. V. fast. for an attempted Hebrew derivation.

(74) If transgressions have outnumbered fulfilments of precepts, then divine punishment can be averted by Repentance (in the case of a person about to die), and by (that together with) good deeds (in the case of one who lives on).

(75) One of the youngest of R. Akiba's disciples. His cognomen is said to be due either to his occupation as a sandal-maker, or to his having been a native of Alexandria. Another opinion is that he was a piercer of gems, called in Aramaic **סנדלכון** (which may be identical with the Greek **).

(76) Or, for the 'sake of Heaven'. Lowe's MS. also some edd. of ARN (v. Schechter's ed. I ARN, Ch. XL, p. 129 note 23), 'In the name of duty (**מצודה**).'.

(77) Frankel, op. cit., p. 187, suggests that R. Johanan had in mind the distinction between the Palestinian schools and the Alexandrian schools (known to him who had come from Alexandria). In the latter they followed the allegorical method of exegesis, which led to negative and even antinomian results. Hyman, Toledoth s.v. suggests that R. Johanan said this with reference to the assembly of Rabbis, in which he himself took part, in the Valley of Beth-Rimmon after the fall of Bethar, for the purpose of encouraging his colleagues who had met for a worthy purpose under conditions that were precarious and with prospects that were extremely unpromising.

(78) Some: Eliezer.

(79) In II ARN, Ch. XXXIV, p. 76, this dictum is in the name of R. Nathan. R. El. b. Shammua' was a disciple of R. Akiba.

(80) I ARN (Ch. XXVII, p. 84) and II ARN (Ch. XXXIV, p. 76) cite Ex. XVII, 9: Moses 'bracketed' himself with his disciple Joshua by saying, 'choose unto us men'. Lowe's MS. and an alternative in R. MV. Aruch (v. Baer, Siddur Abodath Israel, a. I.) have 'as the honour of thy colleague' which produces an apparently smoother sequence. R. Jonah has a composite reading **כשאלך כנבוד חברך** which he tries to explain (v. Schechter, I ARN p. 85, n. 17).

(81) **מורא** the same word is translated 'fear', in 'fear of Heaven'.

(82) I ARN cites Num. XII, 11. Aaron said to Moses: 'I pray thee, my master.' Although Aaron was the elder brother, he acknowledged Moses as his master. II ARN cites Ex. VII, 2.

(83) I ARN cites Num. XI, 28, where Joshua addresses Moses, 'My Lord Moses.' II ARN cites Ex. IV, 16, 'And thou (Moses, the Master) shalt be unto him (Aaron) in God's stead.'

- (84) b. Il'a'i, a contemporary of R. Eleazar b. Shammua'. L.: This dictum is a complement to the foregoing and the advice is meant for the teacher.
- (85) In view of the foregoing note perhaps best render תלמוד as 'teaching'. Some texts have למוד but that too could have the meaning of 'teaching'.
- (86) If the error is due to carelessness; because one error leads to further errors, and is liable to result in breaches of the law not only on one's own part but on that of one's hearers or disciples.
- (87) b. Yohai, v. supra III, 4, and infra VI, 8, p. 87, n. 8.
- (88) Which one should try to attain; or, to which one should show deference.
- (89) Cf. Prov. I, 9: For they (instruction and teaching, תורה) shall be a chap let unto thy head.
- (90) Cf. Ex. XXIX, 6: And thou shalt set the mitre upon his (Aaron's) head, and put the holy crown upon the mitre.
- (91) For the verb עלה in this sense, cf. Prov. XXXI, 29.
- (92) Because without it the other crowns do not command deference. Cf. Eccl. VII, I; Prov. XXII, I.
- (93) Identified in this case with R. Eleazar b. 'Arach. V. supra II, 14 note.
- (94) B.: If there are no scholars in your own place. L.: Even if there are scholars in your own locality; the very experience of 'exile' — the strange surroundings, the privations it entails (cf. infra VI, 4) and the self-reliance it calls forth — is conducive to the better study of the Torah. The understanding of this passage in this sense has been the motive power of the deep-rooted custom among Jews, rife even in recent, and by no mean extinct in modern, times, of sending one's sons away from home to 'learn Torah'.
- (95) R. Eleazar b. 'Arach (v. p. 51, n. 14) had probably learnt this from personal experience, v. supra II, 14, n. 8.
- (96) The advantages of corporate study are frequently stressed. A companion in one's studies is not less important than a teacher (cf. supra I, 6).
- (97) Prov. III, 5. Some think that the stress intended is on the necessity for a teacher to give authoritative guidance to the student, and render 'and say not that it will come after thee or that thy equals (in learning) will help you to acquire a complete and sound knowledge; nor do thou lean on thine own understanding".'
- (98) Probably Jannai the father of R. Dosthai mentioned in III, 8; a contemporary of R. Meir.
- (99) Perhaps rather 'the secure feeling of . . .' cf. Jer. XII, 1, Wherefore doth the way of the wicked prosper? Wherefore are they all secure that deal very treacherously?
- (100) 'Even (אף) . . .' The afflictions of the righteous might appear easier to account for, e.g., by alleging the man's righteousness may be a sham, and that he is being punished for hidden sins; even so we cannot know the real reason.
- (101) After the vocalization in I Chron. IX, 15. Others vocalize Harash v. Bacher AT. I, p. 380. R. Mathia (or Mattithiah) lived in Rome in the middle of the second century.
- (102) After II ARN, Ch. XXXIV לשאול בשלום cf. I ARN. Ch. XXIX end, or, 'Be first with the (greeting of) Shalom ('Peace') to all men.' It is reported of R. Johanan b. Zakkai that never did anyone anticipate him in the salutation of Peace, not even a heathen in the market-place (Ber. 17a).
- (103) Frankel, op. cit., p. 238, suggests that this dictum was intended against the proverb, attributed to Julius Caesar, to the effect that it is better to be the first in a small village, than second in a large city. There is much in this suggestion, as the latter proverb is all very well for a mentality that idealizes temporal power, but not for those who recognise the supremacy of the spirit (cf. Zech. IV, 6). V. Bacher op. cit., p. 384. For a Rabbinic reversal of R. Mathia's advice: 'Be a head to foxes rather than a tail to lions,' v. J. San. IV, 10, p. 22b.
- (104) Probably R. J. b. Kurshai (or Kudshai), a tradent of R. Meir and of R. Simeon b. Yohai.
- (105) פרוזדור Gr. ** 'the space before the door', 'porch'.
- (106) With repentance and good deeds.
- (107) טרקלין Gr. ** A room with three couches for reclining at meals; among Romans, the triclinium was the dining room.
- (108) By means of which one wins one's way to the world to come.
- (109) When one's goal is attained. The energy and enthusiasm of the striving are more spiritually exhilarating than the final achievement.
- (110) The state of perfect and enduring balance, evenness and temperateness of spirit characteristic of the existence after death (cf. Eccl. IX, 10).
- (111) In which satisfaction is never complete, and joy never unalloyed. This world, whilst in the end not comparable to the world to come, has its compensations — the very striving in this world for the perfection that is possible only in the world to come, is something greater than the perfection itself, since the repentance and good deeds of this world can only

be achieved by dint of conscious avoidance of evil, and of positive well-doing, the former superfluous and the latter not requiring deliberate effort, in the world to come.

(112) b. Shammua' (v. Mish. 12). R. Simeon was a disciple of R. Meir.

(113) תרצה The Pi'el of רצה is once used in the Bible, Job XX, 10, as 'seek the favour of . . . 'appease'.

(114) Your efforts are likely to be worse than useless.

(115) The Jewish custom is, therefore, not to offer condolence to mourners until after the interment of their dead.

(116) If one is closely questioned at the time he makes a vow, as to its precise scope etc., he is liable-either through overzeal or foolhardiness-to extend its scope and over-particularize its applicability, and thus undertake more than he intended, or impose upon himself uncalled for commitments or inhibitions; he is also likely to be led into expressing the vow in such terms as would make it extremely difficult, if not impossible, for him ever to obtain release therefrom (as one can, in many cases, be released from a vow by a competent 'court'). V. I ARN, Ch. XXVI, R. Akiba said, . . . be not free with vows.'

(117) Whether due to his own fault, or caused by others. He is liable to think that you are gloating over him (v. supra III, 11). The advice here is not that one should deliberately avoid seeing him, but that one should not seek opportunities for seeing him. Noticeable avoidance would be almost as undesirable.

(118) First century, called ha-Katan, the Small, on account of his humility, or (according to others) because he was less only than Samuel the Prophet. On his chronology, v. Herford, a.I.

(119) It may be that this dictum was placed here because it happens to illustrate and emphasize the advice immediately preceding. Even over an enemy one should not gloat, how much less over others. Bacher AT, I, p. 370, n. 8, cites a conjecture that דשמואל הקטן אמר is a mistaken amplification of the letters ש'ה'א which actually were the initial letters (ראשי תיבות) of the words שהרי הכתוב אומר 'even as Scripture says' introducing a Biblical authority for the last section of the foregoing sentence.

(120) Prov. XXIV, 17-18. Samuel ha-Katan did not adopt or advocate too pacific an attitude towards Israel's enemies; on the contrary, he played a leading part in the insertion into the daily 'Amidah Prayer of a special Blessing directed against Israel's external and (chiefly) internal enemies, the Minim. However, he quite conceivably felt that Israel by rejoicing at the fallings and stumblings of their enemies, and thus exhibiting an unworthy feeling, would incline God, who is ever on the side of the wronged, to favour their adversaries, not for the latter's merits but because of Israel's failings, and that thus would Israel, by their own fault, hold up their final and complete salvation from their enemies, for which he prayed. In the light of this consideration, the inclusion of verse 18, which is omitted in some Aboth texts, is necessary as supplying the main point to Samuel's favourite quotation.

(121) Second century. A disciple of R. Meir. He became a great scholar, but having entered too deeply into esoteric speculation, he eventually apostasized from Judaism, probably to Gnosticism. Thereafter he was referred to as אחר 'another'. Abuyah אבויה is the usual reading. Lowe's MS. has אביה Abiyah, a name occurring in I Kings XIV, 1.

(122) תורה תלומד לילד So all old texts except R. Jonah who has תורה תלומד לילד a reading adopted later by some. The reading followed here is borne out by I ARN, Ch. XXIV p. 77 and II ARN, Ch. XXXV, p. 88.

(123) Which is smooth and clean. נייר is derived by Jast. from נור 'to (be) clear,' i.e., a blank surface. Krauss derives from ניר 'warp', i.e., (originally) the fibre from which the writing material was prepared. In modern Hebrew, נייר is used for paper.

(124) I and II ARN. בזקנותו

(125) The rough surface causes spluttering and 'running' of the ink, rendering legibility difficult, if not impossible.

(126) A contemporary of Rabbi Judah ha-Nasi, as evident from the end of this Mishnah.

(127) New and unmaturing. One learning from the young can expect to obtain only immature knowledge.

(128) One who learns from the old gets the benefit of ripe knowledge and mature judgment.

(129) V. supra II, 1. The P.B. text has מאיר ר which is incorrect (v. Baer, Siddur, 'Abodath Israel a.I.).

(130) קנקן, fast. 'a cylindrical vessel let into the ground of the cellar, in general a wine- or oil-vessel'. 'Aruch Kohut suggests an Arabic derivation.

(131) Rabbi disputes R. Jose b. Judah's opinion. In Rabbi's experience, a man's age was by no means a reliable index to his learning.

(132) A contemporary of Rabbi and the teacher of the celebrated Aggadist R. Joshua b. Levi.

(133) קנאה Taylor rightly points out that the word is also used in a good sense, viz. 'emulation'.

(134) תאוה '(keen) desire', 'lust'.

(135) Any one of the undesirable characteristics mentioned have this effect, since they necessarily negate the religious

teachings of the Torah, and render one unreceptive of the mental and moral excellences. (M.) For the phrase cf. supra II, 11.

(136) **להחיות** vocalize **להחיות** as a Nif'al. A polemic against those who denied resurrection (e.g. the Gnostics).

(137) M. and others, 'those living again (after their death)'.

(138) I.e., the living.

(139) I.e., to the end that, eventually, men might naturally and spontaneously, become aware that God is the creator etc. Cf. Jer. XXXI, 34, prophesying of the 'days that come', and they shall teach no more every man his neighbour, and every man his brother, saying: 'Know the Lord'; for they shall all know Me, from the least of them unto the greatest of them, saith the Lord. (cf. R; Jonah).

(140) V. next note.

(141) **היוצר** and **המבין**. Cf. Ps. XXXIII, 15: He that fashioneth (**היוצר**) the hearts of them all, that considereth or discerneth (**המבין**) all their doings.

(142) Cf. Mal. III, 5: And I will come near to you in judgment, and I will be a swift witness

(143) **בעל דין** the opposite party in a lawsuit. Cf. Job XXXI, 35.

(144) **עתיד** Oesterley. 'in the hereafter'. The sentence is, of course, so understood; but, grammatically. **עתיד** with the Infinitive (used in Mishnaic Hebrew to express the future tense) generally, as here, expresses the certainty and inevitability of that which, it is said, is to happen. When used with regard to human beings one can render 'destined' as in supra III, 1.

(145) Omitted in some versions. For the expression. v. supra III, 1, note. perhaps it is inserted here in view of the reference to God as Judge. Cf. **ברוך דין האמת**. Blessed be the righteous Judge' prescribed in Ber. IX, 1, to be said on hearing evil tidings, but capable, of course, of general application. Note 'in whom there is no unrighteousness' which immediately follows here.'

(146) Taken from II Chron. XIX, 7: For there is no iniquity (or, unrighteousness) with the Lord our God, nor respect of persons, nor taking of bribes. Cf. Deut. XXXII, 4: Ps. XCII, 16; 'nor forgetting' appears to have been added so as to declare every conceivable departure from justice as impossible with God; not only is He certain not to do an injustice deliberately, but even an unwitting miscarriage of justice through forgetting (either a man's good or evil deeds) cannot occur with Him. 'Nor taking of bribes'; M. says this must not be taken in the usual sense of the expression, because such a thing is positively unthinkable of God. What it means is that even if a man has a thousand good deeds to his credit to one evil one, the thousand do not 'influence' God to overlook the one. The latter must be expiated, while for the former there is reward.

(147) Apparently added by someone who took 'taking of bribes' in the ordinary sense. In view of M.'s interpretation (v. previous note) these words ('for all is His') are meaningless and superfluous.

(148) The account which a man must give of his life.

(149) V. supra II, 11.

(150) A polemic against the heretics who denied reward and punishment in the hereafter. V. p. 56, n. 4. Perhaps it is also intended as against the idea of suicide, which the Roman Stoics (e.g. Seneca) extolled as 'a way out'.

(151) The phrase is used mostly in the sense of 'against one's will'.

(152) This supports the suggestion in note 5 as to a possible polemic against suicide.

(153) V. p. 56, n. 12.

(154) V. supra III, 2.

Mishna - Mas. Avoth Chapter 5

MISHNAH 1. WITH TEN [DIVINE] UTTERANCES¹ WAS THE WORLD CREATED.² AND WHAT IS THIS [SCRIPTURAL] INFORMATION [MEANT] TO TELL, FOR SURELY IT COULD HAVE BEEN CREATED WITH³ ONE UTTERANCE? BUT IT IS THAT PENALTY MIGHT BE EXACTED FROM THE WICKED WHO DESTROY THE WORLD THAT WAS CREATED WITH TEN UTTERANCES,⁴ AND TO GIVE A GOODLY REWARD TO THE RIGHTEOUS WHO MAINTAIN THE WORLD THAT WAS CREATED WITH TEN UTTERANCES.⁵

MISHNAH 2. [THERE WERE] TEN GENERATIONS FROM ADAM TO NOAH,⁶ IN ORDER

TO MAKE KNOWN HOW LONG-EXTENDED IS LONG-SUFFERING WITH HIM; FOR ALL THOSE GENERATIONS WERE REPEATEDLY ACTING PROVOKINGLY,⁷ UNTIL HE BROUGHT UPON THEM THE WATERS OF THE FLOOD.

[THERE WERE] TEN GENERATIONS FROM NOAH TO ABRAHAM,⁸ IN ORDER TO MAKE KNOWN HOW LONG-EXTENDED IS LONG-SUFFERING WITH HIM; FOR ALL THOSE GENERATIONS WERE REPEATEDLY ACTING PROVOKINGLY, UNTIL ABRAHAM, OUR FATHER, CAME AND RECEIVED THE REWARD OF ALL OF THEM.⁹

MISHNAH 3. WITH TEN TRIALS WAS ABRAHAM, OUR FATHER, PROVED,¹⁰ AND HE STOOD [FIRM]¹¹ IN THEM ALL; TO MAKE KNOWN HOW GREAT WAS THE LOVE OF ABRAHAM,¹² OUR FATHER (PEACE BE UPON HIM).

MISHNAH 4. TEN WONDERS WERE WROUGHT FOR OUR FATHERS IN EGYPT,¹³ AND TEN AT THE [RED] SEA.¹⁴ TEN PLAGUES DID THE HOLY ONE, BLESSED BE HE, BRING UPON THE EGYPTIANS IN EGYPT AND TEN AT THE [RED] SEA.¹⁵

[WITH] TEN TEMPTATIONS DID OUR FATHERS PUT TO PROOF THE HOLY ONE, BLESSED BE HE,¹⁶ AS IT IS SAID, YET HAVE THEY PUT ME TO PROOF THESE TEN TIMES, AND HAVE NOT HEARKENED TO MY VOICE.¹⁷

MISHNAH 5. TEN WONDERS WERE WROUGHT FOR OUR FATHERS IN THE SANCTUARY: [i] NO WOMAN MISCARRIED FROM THE ODOUR OF THE HOLY [I.E.. SACRIFICIAL] FLESH;¹⁸ [ii] THE HOLY FLESH NEVER BECAME PUTRID;¹⁹ [iii] NO FLY WAS SEEN IN THE SLAUGHTERHOUSE;²⁰ [iv] NO PERSONAL UNCLEANNESS OCCURRED TO THE HIGH PRIEST ON THE DAY OF ATONEMENT;²¹ [v] THE RAINS DID NOT EXTINGUISH THE FIRE OF THE WOOD OF THE PILE;²² [vi] THE WIND DID NOT PREVAIL AGAINST THE COLUMN OF SMOKE;²³ [vii] NO DISQUALIFICATION WAS FOUND IN THE OMER,²⁴ OR IN THE TWO LOAVES,²⁵ OR IN THE SHEWBREAD;²⁶ [viii] THEY STOOD SERRIED,²⁷ YET PROSTRATED THEMSELVES [WITH] WIDE SPACES [BETWEEN THEM]; [ix] NEVER DID A SERPENT OR A SCORPION DO INJURY IN JERUSALEM; [x] AND NO MAN SAID TO HIS FELLOW: THE PLACE IS TOO STRAIT FOR ME TO LODGE OVERNIGHT²⁸ IN JERUSALEM.

MISHNAH 6. TEN THINGS WERE CREATED ON THE EVE OF THE SABBATH²⁹ AT TWILIGHT, AND THESE ARE THEY: [i] THE MOUTH OF THE EARTH,³⁰ [ii] THE MOUTH OF THE WELL,³¹ [iii] THE MOUTH OF THE SHE-ASS,³² [iv] THE RAINBOW,³³ [v] THE MANNA, [vi] THE ROD [OF MOSES],³⁴ [vii] THE SHAMIR,³⁵ [viii] THE TEXT,³⁶ [ix] THE WRITING,³⁷ AND [x] THE TABLES.³⁸ AND SOME SAY: ALSO THE SEPULCHRE OF MOSES, OUR TEACHER,³⁹ AND THE RAM OF ABRAHAM, OUR FATHER,⁴⁰ AND SOME SAY: ALSO THE DESTROYING [SPIRITS],⁴¹ AND TONGS TOO, MADE WITH TONGS.⁴²

MISHNAH 7. [THERE ARE] SEVEN THINGS [CHARACTERISTIC] IN A MAN OF IMPERFECTLY DEVELOPED MIND,⁴³ AND SEVEN IN A WISE MAN: A WISE MAN SPEAKS NOT BEFORE ONE WHO IS GREATER THAN HE IN WISDOM,⁴⁴ AND ENTERS NOT INTO⁴⁵ THE MIDST OF THE WORDS OF HIS FELLOW; AND IS NOT HASTY TO ANSWER;⁴⁶ HE ASKS IN ACCORDANCE WITH THE SUBJECT-MATTER,⁴⁷ AND HE ANSWERS⁴⁸ IN ACCORDANCE WITH THE ACCEPTED DECISION;⁴⁹ AND HE SPEAKS OF THE FIRST [POINT] FIRST, AND OF THE LAST [POINT] LAST; AND CONCERNING THAT WHICH HE HAS NOT HEARD, HE SAYS:⁴⁵ HAVE NOT HEARD;⁵⁰ AND HE ACKNOWLEDGES THE TRUTH.⁵¹ AND THE REVERSE OF THESE [ARE CHARACTERISTIC] IN A MAN OF IMPERFECTLY DEVELOPED MIND.

MISHNAH 8. SEVEN KINDS OF PUNISHMENT COME TO THE WORLD⁵² FOR SEVEN CATEGORIES OF TRANSGRESSION:⁵³ WHEN SOME OF THEM [I. E., THE PEOPLE] GIVE TITHES, AND OTHERS DO NOT GIVE TITHES, A FAMINE FROM DROUGHT⁵⁴ COMES, AND SOME GO HUNGRY, AND OTHERS HAVE PLENTY; WHEN THEY HAVE ALL DECIDED NOT TO GIVE TITHES, A FAMINE FROM TUMULT⁵⁵ COMES; [WHEN THEY HAVE, IN ADDITION, DECIDED] NOT TO SET APART THE DOUGH[-CAKE],⁵⁶ A FAMINE OF EXTERMINATION COMES. PESTILENCE COMES TO THE WORLD⁵⁷ FOR [SINS] THE DEATH-PENALTIES [FOR] WHICH ARE PRONOUNCED IN THE TORAH, BUT WHICH HAVE NOT BEEN REFERRED TO A [HUMAN] TRIBUNAL;⁵⁸ AND ON ACCOUNT OF [THE TRANSGRESSION OF THE LAWS REGARDING] THE PRODUCE OF THE SEVENTH YEAR.⁵⁹

THE SWORD COMES TO THE WORLD⁶⁰ FOR THE RETARDATION OF JUDGMENT,⁶¹ AND FOR THE PERVERSION OF JUDGMENT, AND ON ACCOUNT OF THOSE WHO INTERPRET THE TORAH NOT IN ACCORDANCE WITH THE ACCEPTED LAW.⁶²

MISHNAH 9. WILD BEASTS COME TO THE WORLD⁶³ FOR VAIN SWEARING,⁶⁴ AND FOR THE PROFANATION OF THE NAME.⁶⁵ EXILE COMES TO THE WORLD⁶⁶ FOR IDOLATRY, FOR INCEST AND FOR BLOODSHED,⁶⁷ AND FOR [TRANSGRESSING THE COMMANDMENT OF] THE [YEAR OF THE] RELEASE OF THE LAND.⁶⁸ AT FOUR PERIODS PESTILENCE INCREASES: IN THE FOURTH [YEAR], IN THE SEVENTH [YEAR] AND AT THE CONCLUSION OF⁶⁹ THE SEVENTH [YEAR], AND AT THE CONCLUSION OF THE FEAST [OF TABERNACLES]⁷⁰ IN EVERY YEAR. IN THE FOURTH [YEAR], ON ACCOUNT OF [DEFAULTING WITH] THE TITHE OF THE POOR WHICH IS [DUE] IN THE THIRD [YEAR];⁷¹ IN THE SEVENTH [YEAR], ON ACCOUNT OF [DEFAULTING] WITH THE TITHE OF THE POOR WHICH IS [DUE] IN THE SIXTH [YEAR]; AT THE CONCLUSION OF THE SEVENTH [YEAR], ON ACCOUNT OF [TRANSGRESSING THE LAWS REGARDING] THE PRODUCE OF THE SEVENTH [YEAR];⁷² AND AT THE CONCLUSION OF THE FEAST [OF TABERNACLES] IN EVERY YEAR, FOR ROBBING THE GIFTS [ASSIGNED BY THE TORAH] TO THE POOR.⁷³

MISHNAH 10. [THERE ARE] FOUR TYPES OF CHARACTER⁷⁴ IN MEN: HE THAT SAYS: 'MINE IS MINE, AND THINE IS THINE': THIS IS A NEUTRAL TYPE SOME SAY THIS IS A SODOM-TYPE⁷⁵ OF CHARACTER: [HE THAT SAYS:] 'MINE IS THINE AND THINE IS MINE' IS AN UNLEARNED PERSON;⁷⁶ [HE THAT SAYS:] MINE IS THINE AND THINE IS THINE,' IS A PIOUS MAN;⁷⁷ [HE THAT SAYS:] 'MINE IS MINE, AND THINE IS MINE,' IS A WICKED MAN.⁷⁸

MISHNAH 11. [THERE ARE] FOUR TYPES OF CHARACTER IN [RESPECT OF] TEMPERAMENTS: EASY TO BECOME ANGRY, AND EASY TO BE PACIFIED: HIS GAIN DISAPPEARS IN HIS LOSS;⁷⁹ HARD TO BECOME ANGRY, AND HARD TO BE PACIFIED: HIS LOSS DISAPPEARS IN HIS GAIN; HARD TO BECOME ANGRY AND EASY TO BE PACIFIED: [HE IS] A PIOUS MAN;⁸⁰ EASY TO BECOME ANGRY AND HARD TO BE PACIFIED: [HE IS] A WICKED MAN.

MISHNAH 12. [THERE ARE] FOUR TYPES OF CHARACTER AMONG DISCIPLES: QUICK TO COMPREHEND,⁸¹ AND QUICK TO FORGET:⁸² HIS GAIN DISAPPEARS IN HIS LOSS; SLOW TO COMPREHEND, AND SLOW TO FORGET: HIS LOSS DISAPPEARS IN HIS GAIN: QUICK TO COMPREHEND, AND SLOW TO FORGET: [HE IS] A WISE MAN;⁸³ SLOW TO COMPREHEND, AND QUICK TO FORGET, THIS IS AN EVIL PORTION.⁸⁴

MISHNAH 13. [THERE ARE] FOUR TYPES OF CHARACTER IN [RESPECT OF] ALMSGIVING.⁸⁵ HE WHO DESIRES THAT HE [HIMSELF] SHOULD GIVE, BUT THAT OTHERS SHOULD NOT GIVE: HIS EYE IS EVIL⁸⁶ TOWARDS THAT WHICH APPERTAINS TO OTHERS;⁸⁷ [HE WHO DESIRES] THAT OTHERS SHOULD GIVE, BUT THAT HE [HIMSELF] SHOULD NOT GIVE: HIS EYE IS EVIL TOWARDS THAT WHICH IS HIS [OWN]; [HE WHO DESIRES] THAT HE [HIMSELF] SHOULD GIVE, AND THAT OTHERS SHOULD GIVE: [HE IS] A PIOUS MAN; [HE WHO DESIRES] THAT HE HIMSELF SHOULD NOT GIVE AND THAT OTHERS [TOO] SHOULD NOT GIVE: [HE IS] A WICKED MAN.⁸⁸

MISHNAH 14. [THERE ARE] FOUR TYPES OF CHARACTER IN [REGARD TO REGULAR] ATTENDANCE⁸⁹ AT THE HOUSE-OF-STUDY: HE WHO ATTENDS BUT PRACTISES⁹⁰ NOT, THE REWARD FOR ATTENDING IS IN HIS HAND;⁹¹ HE WHO PRACTISES BUT ATTENDS NOT,⁹² THE REWARD FOR PRACTISING IS IN HIS HAND; HE WHO ATTENDS AND PRACTISES, HE IS A PIOUS MAN;⁹³ HE WHO ATTENDS NOT AND PRACTISES NOT: HE IS A WICKED MAN.⁹⁴

MISHNAH 15. [THERE ARE] FOUR TYPES OF CHARACTER AMONG THOSE WHO SIT BEFORE THE SAGES:⁹⁵ [THEY ARE, SEVERALLY, TYPIFIED BY] A SPONGE, A FUNNEL, A STRAINER AND A SIEVE:⁹⁶ A SPONGE, WHICH ABSORBS ALL; A FUNNEL, WHICH LETS IN AT ONE END AND LETS OUT AT THE OTHER; A STRAINER, WHICH LETS OUT THE WINE AND RETAINS THE LEES; A SIEVE, WHICH LETS OUT THE COARSE MEAL AND RETAINS THE CHOICE FLOUR.⁹⁷

MISHNAH 16. ALL LOVE THAT DEPENDS ON A [TRANSIENT] THING,⁹⁸ [WHEN THE] THING CEASES, [THE] LOVE CEASES; AND [ALL LOVE] THAT DEPENDS NOT ON A [TRANSIENT] THING, CEASES NOT FOR EVER. WHICH IS THE [KIND OF] LOVE THAT DEPENDS ON A [TRANSIENT] THING? SUCH AS WAS THE LOVE OF AMNON FOR TAMAR;⁹⁹ AND [WHICH IS THE KIND OF LOVE] THAT DEPENDS NOT ON A [TRANSIENT] THING? SUCH AS WAS THE LOVE OF DAVID AND JONATHAN.¹⁰⁰

MISHNAH 17. EVERY CONTROVERSY THAT IS IN THE NAME OF HEAVEN,¹⁰¹ THE END THEREOF IS [DESTINED] TO RESULT IN SOMETHING PERMANENT;¹⁰² BUT ONE THAT IS NOT IN THE NAME OF HEAVEN, THE END THEREOF IS NOT [DESTINED] TO RESULT IN SOMETHING PERMANENT.

WHICH IS THE [KIND OF] CONTROVERSY THAT IS IN THE NAME OF HEAVEN? SUCH AS WAS THE CONTROVERSY BETWEEN HILLEL AND SHAMMAI;¹⁰³ AND WHICH IS THE [KIND OF] CONTROVERSY THAT IS NOT IN THE NAME OF HEAVEN? SUCH AS WAS THE CONTROVERSY OF KORAH AND ALL HIS CONGREGATION.¹⁰⁴

MISHNAH 18. WHOEVER CAUSES THE MANY¹⁰⁵ TO BE RIGHTEOUS,¹⁰⁶ SIN OCCURS NOT THROUGH HIM;¹⁰⁷ AND WHOEVER CAUSES THE MANY TO SIN, THEY DO NOT AFFORD HIM THE FACULTY¹⁰⁸ TO REPENT.¹⁰⁹ MOSES WAS RIGHTEOUS AND CAUSED THE MANY TO BE RIGHTEOUS, [THEREFORE] THE RIGHTEOUSNESS OF THE MANY WAS [CONSIDERED] DEPENDENT ON HIM,¹¹⁰ AS IT IS SAID, HE EXECUTED THE RIGHTEOUSNESS OF THE LORD AND HIS ORDINANCES WITH ISRAEL.¹¹¹ JEROBOAM, THE SON OF NEBAT, SINNED AND CAUSED OTHERS TO SIN, [THEREFORE] THE SIN OF THE MANY WAS [CONSIDERED] DEPENDENT ON HIM, AS IT IS SAID, FOR THE SINS OF JEROBOAM WHICH HE SINNED, AND WHEREWITH HE MADE ISRAEL TO SIN.¹¹²

MISHNAH 19. WHOEVER POSSESSES THESE THREE THINGS, HE IS OF THE DISCIPLES OF ABRAHAM, OUR FATHER; AND [WHOEVER POSSESSES] THREE OTHER THINGS, HE

IS OF THE DISCIPLES OF BALAAM, THE WICKED.¹¹³ THE DISCIPLES OF ABRAHAM, OUR FATHER, [POSSESS] A GOOD EYE,¹¹⁴ AN HUMBLE SPIRIT¹¹⁵ AND A LOWLY SOUL.¹¹⁶ THE DISCIPLES OF BALAAM, THE WICKED, [POSSESS] AN EVIL EYE,¹¹⁷ A HAUGHTY SPIRIT¹¹⁸ AND AN OVER-AMBITIOUS SOUL.¹¹⁹ WHAT IS [THE DIFFERENCE] BETWEEN THE DISCIPLES OF ABRAHAM, OUR FATHER, AND THE DISCIPLES OF BALAAM, THE WICKED. THE DISCIPLES OF ABRAHAM, OUR FATHER, ENJOY¹²⁰ [THEIR SHARE] IN THIS WORLD, AND INHERIT THE WORLD TO COME, AS IT IS SAID: THAT I MAY CAUSE THOSE THAT LOVE ME¹²¹ TO INHERIT SUBSTANCE AND THAT I MAY FILL THEIR TREASURIES,¹²² BUT THE DISCIPLES OF BALAAM, THE WICKED, INHERIT GEHINNOM,¹²³ AND DESCEND INTO THE NETHERMOST PIT, AS IT IS SAID: BUT THOU, O GOD, WILT BRING THEM DOWN TO THE NETHERMOST PIT; MEN OF BLOOD AND DECEIT¹²⁴ SHALL NOT LIVE OUT HALF THEIR DAYS; BUT AS FOR ME, I WILL TRUST IN THEE.

MISHNAH 20. JUDAH B. TEMA¹²⁵ SAID: BE BOLD AS A LEOPARD,¹²⁶ AND SWIFT AS AN EAGLE,¹²⁷ AND FLEET AS A HART,¹²⁸ AND STRONG AS A LION,¹²⁹ TO DO THE WILL OF THY FATHER WHO IS IN HEAVEN.¹³⁰

HE USED TO SAY: THE BOLD-FACED¹³¹ IS [DESTINED] FOR GEHINNOM¹³² AND THE SHAME-FACED¹³³ FOR THE GARDEN OF EDEN.¹³⁴

MAY IT BE THE WILL [EMANATING] FROM THY PRESENCE, O LORD OUR GOD,¹³⁵ THAT THY CITY¹³⁶ BE [RE]BUILT SPEEDILY IN OUR DAYS AND GRANT THOU [THAT] OUR PORTION [BE]¹³⁷ IN THY LAW.¹³⁸

MISHNAH 21. HE USED TO SAY:¹³⁹ FIVE YEARS [IS THE AGE] FOR [THE STUDY OF] SCRIPTURE,¹⁴⁰ TEN-FOR [THE STUDY OF] MISHNAH,¹⁴¹ THIRTEEN-FOR [BECOMING SUBJECT TO] COMMANDMENTS,¹⁴² FIFTEEN-FOR [THE STUDY OF] TALMUD,¹⁴³ EIGHTEEN- FOR THE [BRIDAL] CANOPY,¹⁴⁴ TWENTY — FOR PURSUING,¹⁴⁵ THIRTY-FOR [FULL] STRENGTH,¹⁴⁶ FORTY — FOR UNDERSTANDING, FIFTY- FOR [ABILITY TO GIVE] COUNSEL,¹⁴⁷ SIXTY-FOR MATURE AGE, SEVENTY-FOR A HOARY HEAD,¹⁴⁸ EIGHTY [IS A SIGN OF SUPERADDED] STRENGTH,¹⁴⁹ NINETY [IS THE AGE] FOR [A] BENDING [FIGURE],¹⁵⁰ AT A HUNDRED, ONE IS AS ONE THAT IS DEAD, HAVING PASSED AND CEASED FROM THE WORLD.¹⁵¹

MISHNAH 22,¹⁵² BEN BAG BAG¹⁵³ SAID: TURN IT¹⁵⁴ OVER, AND [AGAIN] TURN IT OVER, FOR ALL IS THEREIN.¹⁵⁵ AND LOOK¹⁵⁶ INTO IT; AND BECOME GREY AND OLD THEREIN;¹⁵⁷ NEITHER MOVE THOU AWAY THEREFROM,¹⁵⁸ FOR THAN IT THOU HAST NO BETTER STANDARD OF CONDUCT.¹⁵⁹

MISHNAH 23. BEN HEHE¹⁶⁰ SAID: ACCORDING TO THE LABOUR IS THE REWARD.¹⁶¹

(1) **מאמרות** with reference to the phrase **ויאמר אלה** and God said, which, in Gen. I, introduces the several phases of creation, and to the original utterance which brought the universe as a comprehensive whole into being, as implied in Ps. XXXIII, 9, for he spoke, and it was.

(2) In Gen. 1,3-29. 'and God said' occurs nine times (**ויאמר**) in v. 28b is looked upon as introducing a command or a blessing and not some new act of creation. V. Elijah Wilna's commentary to Aboth). As to which is the tenth 'utterance', opinions differ. Some think in view of Ps. XXXIII, 6, By the word of the Lord were the heavens wade, that an 'utterance' is implied in Gen. I, 1. P.R.E ch. III designates 'and he said' in Gen. II,18 (introducing the creation of woman) as the tenth. (The Epstein MS. of P.R.E. speaks of the ten utterances but does not enumerate them. V. G. Friedlander's Edition, a.i.) V. also II ARN ch. XXXVI, where one authority is reported as substituting Gen. I, 22, (the creation of the sea-monsters) where there is no 'and he said' but 'and he created' which term is held to imply a separate

act of creation and therefore to have involved a separate 'utterance'. Gen. R. ch. XXVII enumerates eight times **ויאמר** up to Gen. I, 26, and in addition Gen. I, 1. (**בראשית**) and I, 2 'and the breath of God hovered over the face of the waters,' cf. the use of **רוח** breath in Ps. XXXIII, 6, as a parallel to word.

(3) **מה תלמוד לומר** v. supra III, 8, note.

(4) If the world had been created by one single fiat, men, judging by the little they can themselves achieve by one act only, would think lightly of the world, and have little compunction about 'spoiling' a 'cheap' thing that can be so easily made. The fact that God took, as it were, extraordinary and, in view of his omnipotence, apparently unnecessary pains in its creation, should serve to warn would-be wicked men — potential destroyers of the world — that God will by no means allow anyone to go scot free who by his conduct tends to destroy the world in the creation of which He has taken so much trouble, as it were.

(5) 'The implied relationship between ethical and cosmic processes' (Oesterley) is an important factor in Jewish theology.

(6) Viz., (i) Adam; (ii) Seth; (iii) Enosh; (iv) Kenan; (v) Mahalaleel; (vi) Jered; (vii) Enoch; (viii) Methuselah; (ix) Lamech; (x) Noah; (Gen. V. 3-29).

(7) **מכעיסין ובאין לפניו** so also I ARN ch. XXXII, but in the parallel to the latter half of this Mishnah (ibid Ch. XXXIII) **מכעיסין לפניו** 'acting provokingly before Him' which Lowe's MS., MV., R. Jonah and others have in both instances.

(8) Viz., (i) Shem; (ii) Arpachshad; (iii) Shelah; (iv) Eber; (v) Peleg; (vi) Reu; (vii) Serug; (viii) Nahor; (ix) Terah; (x) Abraham; (Gen. XI, 10-26).

(9) I.e., the reward which had been in store for the people of those ten generations and would have been given them had they not by their wickedness angered God and forfeited their share.

(10) I ARN Ch. XXXIII amplifies: Two trials at the time he was bidden to leave Haran, two with his two sons, two with his two wives, one in the wars of the Kings, one at the covenant 'between the pieces' (Gen. XV). one in Ur of the Chaldees (where, according to a tradition, he had been thrown into a furnace whence he came out unharmed). II ARN Ch. XXXVI speaks of ten trials, but names only nine: (i) at Ur; (ii) Get thee out of thy land. ' (Gen. XII, 2); (iii) The famine when he left Haran (Ibid. v. 10); (iv) Sarah at Pharaoh's palace; (v) Sarah at Abimelech's; (vi) Circumcision; (vii) The covenant 'between the pieces'; (viii) With Isaac; (ix) With Ishmael. p.R.E. contains numbers II,III (the latter as two separate trials), IV, VI-IX of the above list and adds his hiding underground from Nimrod for thirteen years, and the wars of the Kings (including the plight of Lot).

(11) I ARN, 'he was found perfect'.

(12) Cf. Isa. XLI, 8, Abraham that loved Me; II Chron. XX, 7, Abraham that loved Thee.

(13) That the ten plagues did not harm the Israelites is looked upon as constituting ten miracles.

(14) These ten are enumerated in I ARN ch. XXXIII (ed. Schechter, p. 96). Mekilta, Bshallah (ed. Weiss, p. 36). Tanhuma ib. (but not in ed. Buber), M. to Aboth summarizes: (i) the Sea cleft (Ex. XIV, 21); (ii) An arched tunnel ('tube') was formed through the water (Hab. III, 15); (iii) The sea-bed became hard (Ex. XIV, 29); (iv) it turned back to its muddy and clogging condition when the Egyptians attempted to use it (Hab. III, 14); (v) Separate paths were formed for each of the twelve tribes (Ps. CXXXVI, 13); (vi) The water congealed and hardened (Ps. LXXIV, 13); (vii) However not as one whole mass, but in separate blocks (ibid. Thou didst break the sea in pieces); (viii) The water-partitions between the parallel paths of the tribes were translucent (Ps. XVIII 12, 13); (ix) From the congealed (and salty) sea water, 'sweet' water flowed for the Israelites to drink, but (x) that which they did not drink, congealed again in its flow before it reached the ground (Ex. XV, 8).

(15) This paragraph not in all versions. The ten at the Red Sea are implied in the following expressions in Ex. XV: (i) v. I. . . hath he thrown; (ii) v. 4. . . hath he cast; (iii) ib. are sunk; (iv) v. 5, The deeps cover them; (v) ib. They went down into the depths; (vi) v. 6. . . dasheth in pieces the enemy; (vii) v. 7. Thou overthrowest those that rise up against Thee; (viii) ib. . . it consumeth them as stubble; (ix) v. 10, The sea covereth them; (x) ib. They sank as lead. M., basing himself on Mekilta, has one variation.

(16) In some edd. of ARN (ch. XXXIV) 'with ten trials did the Holy One, blessed be He, put Israel to proof and in all of them they were found not perfect'. A list of the ten is given in 'Ar. 15a, b. (i) Because there are no graves in Egypt hast thou taken us away to die in the wilderness? (Ex. XIV, 11); (ii) Not till they had seen the Egyptians washed up dead, did the Israelites believe (ib. 30-31); (iii) At Marah (Ex. XV, 24); (iv) At Rephidim (ib. XVII, 2 ff); (v) Gathering manna on the Sabbath (ib. XVI, 27); (vi) Leaving it till the morning (ib. 20); (vii) The first lust for flesh which was satisfied by the quails that came with the Manna (ib. 3, 12-13); (viii) The second lust for flesh followed by a surfeit of quails at Kibroth

ha-Ta'avah (Num. XI, 4. 18-20,34); (ix) The Golden calf (which was not only a transgression of the prohibition against idols, but a sign of lack of faith); (x) The evil report of the ten spies 'accepted' by the people. M. varies some items of the above list: for (v) he gives the murmuring which preceded the Manna (Ex. XVI, 2, 3), and for (vii) the murmuring at Taberah (Num. XI, 1.3). For the latter as well as for (iv) and (viii) cf. Deut. IX, 22, And at Taberah, and at Massah and at Kibroth ha-Ta'avah ye wade the Lord wrath.

(17) Num. XIV, 22. This also exemplifies God's long-suffering: hitherto the punishments for each act due to lack of faith had been ad hoc; it was only after the tenth 'trial', that God finally doomed that generation to perish in the wilderness.

(18) Through a longing that could not have been satisfied to partake of it, (but v. L.).

(19) Though it could be, and often was, kept at the altar-head for two or three days. R. Jonah and MV had התליע, a denominative of תולעה 'worm'.

(20) It was fitted with marble tables.

(21) Which would not only disqualify him from carrying through the service of the Day, but would make him feel exceedingly self-conscious, as everybody would be bound to get to know of it. I ARM Ch. XXXV adds, 'except R. Ishmael b. Kimhith' who was accidentally rendered unclean through the uncleanness of another person (v. Yoma 47a). In the case of another High priest who is reported to have become unclean on the Day of Atonement (ib. 12b), it is held by some authorities that that, too, was caused by an external impurity. Others say this miracle operated only in the First Temple, whereas the cases mentioned occurred in the Second.

(22) Laid on the altar, which was under the open sky. The Hebrew word translated 'pile' (מערכה) is from the root ערך 'to set (or lay) in order' which is used for laying a fire on an altar (e.g.. Gen. XXII, 9; Lev. I, 7,12).

(23) Some: A column of smoke from the altar-fire broken up or deflected by wind denoted an unacceptable sacrifice. L. explains quite prosaically: so that the smoke was not blown downward, thus causing discomfort to the priests in the performance of the service. L. is probably right as the first interpretation does not tally with the fact known from the Prophets. etc. that there had been sacrifices offered up in the Temple that were unacceptable to God.

(24) Lev. XXIII, 9ff. A sheaf of new barley freshly cut during the night following the First Day of passover, brought to the Temple courtyard, threshed, parched, spread on the courtyard floor to be dried by the wind, milled, sifted through thirteen sieves, a tenth part of an epha taken off and given to the priests who offered it up in the manner prescribed for meal-offerings (Men. X, 3-5). This 'released' the new grain for reaping (ib. 7). Should some disqualifying defect have rendered the omer unfit for the altar, it would have been impossible to prepare another sheaf in time for the offering (v. B.).

(25) Baked of the 'First Fruits' of the wheat-harvest and offered up on the Feast of Weeks (Pentecost) (Lev. ibid. 15ff.). The baking had to be done before the commencement of the festival, and was not among those Temple ritual occupations which overrode the prohibition of work on Sabbath and Festival. If, therefore, by reason of any defect, the Two Loaves would have had to be disqualified, others could not have been 'brought'.

(26) Ex. XXV, 30; Lev. XXIV, 5-7. It was changed weekly, on the Sabbath, but had to be baked before the Sabbath. If there had been some disqualifying cause, they could not have changed the shewbread for another week. The last three miracles are treated in our Mishnah as one, but they are enumerated as separate in Yoma 21a, where the rain and wind miracles are not given among the ten.

(27) Or 'pressed together'.

(28) אין Another reading is אדור 'dwell' and, according to some, it means that everybody who lived in Jerusalem was able to obtain a livelihood. Our reading refers to the large number of pilgrims who came to Jerusalem for the Three Festivals (Passover, Pentecost, Tabernacles). all of whom found accommodation in Jerusalem.

(29) בין השמשות; Nahmanides to Ex. XII, 6, on בין הערבים (which Onkelos translates בין שמיא and Targum Jonathan' ביני שמשותא) renders it 'between the suns', between the sun in the East and the sun in the West: till midday the sun is in the East, after that in the West. At midday it shines in both directions (which explains the dual form of צהרים noon). After noon the sun's light gradually diminishes as from both directions (hence the dual ערבים) until it sinks. The Rabbinic phrase בין השמשות would thus mean the period between the sun leaving the East and the sun leaving also the West. According to Ibn Ezra (v. Ex. ib. and Gen. I, 18) בין השמשות (or בין הערבים) would mean the period between the disappearance of the sun's disc beneath the horizon and the disappearance of its light which is still reflected in the clouds. Jastrow s.v. 'between the services' sc. of day and night, relying on Nahmanides' interpretation of לממשלת היום not as 'to rule by day' but as 'to rule over the day etc.' According to this interpretation, the day and the night are the servants of the sun and the moon, and the durations of day and night may be termed their respective periods of service. Ibn Ezra says of בין הערבים that it is מלה קשה 'a

difficult term', which applies similarly, of course, to **בין השמשות**).

(30) Num. XVI, 30, And if the Lord shall (be found to) have created a (special) creation and the ground open her mouth, and swallow them (i.e. Korah and his confederates) up, with all that appertain unto them . . . ' .

(31) **פִּי הַבְּאֵר** Either the mouth of the well in the rock which Moses opened by striking the rock (Num. XX, 7-11), or the mouth of the Well of Miriam which followed the Israelites in the wilderness and which halted when they encamped, and which is taken by some to be the well referred to in Num. XXI, 16-18.

(32) V. Num. XXII, 28, And the Lord opened the mouth of the ass, and she said unto Balaam . . .

(33) V. Gen. IX, 13ff.

(34) V. Ex. IV, 17.

(35) **שְׂמוֹר** In Bibl. Heb. thorn, also flint used for engraving. In Rabbinic literature it also denotes a legendary worm or insect which by passing over stones could make an incision for an engraving or split them through completely. Such an assumption was deemed necessary in view of the command that no iron tool be lifted at the building of an altar to God (Ex. XX, 22) and, of the report in I Kings VI, 7, that in fact no such tool was heard during the building of Solomon's Temple.

(36) So M. and R. Jonah. And the Lord said unto Moses: Come up to Me into the mount, and be there; and I will give thee the tables of stone, and the law and the commandment which I have written. . — (Ex. XXIV, 12.) i.e., God had already once written the Law before he called Moses into the mount. B. and others, 'the shape of the written characters' on the Tables which were held to have been of a unique nature in that the letters having been cut right through the stone, were not only equally readable on both sides, but a letter such as the ancient 'Ayin which was O-shaped-could, in such circumstances, have been possible only by miracle (v. Shab. 104a). This belief was based on Ex. XXXII, 15: tables that were written on both their sides; on the one side and on the other were they written.

(37) **מִכְתָּב** Ex. XXXII, 16, and the writing (**מִכְתָּב**) was the writing of God. Others (e.g. Rashi) vocalize, here in the Mishnah, **מִכְתָּב** or **מִכְתָּב** the writing or engraving instrument.

(38) Ibid. And the tables were the work of God.

(39) Deut. XXXIV, 6.

(40) I.e., It was ordained on the eve of the First Sabbath at twilight that a certain ram in Abraham's time should be 'ownerless' (hefker), so that when Abraham should require one as a surprise-substitute for Isaac, he might find one ready at hand which he could rightfully (i.e. without robbing anyone) appropriate for a sacrifice (L.).

(41) **מוֹזִיקִין** from root **נָזַק** suffer injury, Est. VII, 4 (also Dan, VI, 3; Ezra IV, 13, 15, 22, Aramaic) i.e., those who cause injury, do harm, destroy. Demons. Souls unfinished before the First Sabbath set in.

(42) The idea is: There must have been tongs to hold the iron from which the first man-made tongs were forged. V. Pes. 54a, where it is suggested that the first tongs could have been cast in a mould. The parallels mention some other Sabbath-eve creations such as the rod of Aaron (Num. XVII, 16 ff), the garment of Adam (Gen. III, 21), the cave in which Moses and Elijah stood when God revealed himself to them. (Ex. XXXIII, 22; I Kings XIX, 9 ff.) With reference to the things enumerated in the Mishnah, Singer (P.B. p. 200) remarks: 'All phenomena that seemed to partake at once of the natural and the supernatural were conceived as having had their origin in the interval between the close of the work of creation and the commencement of the Sabbath.' It is generally held that what is meant is that these things were created on the Sabbath eve at twilight, in posse, to become available in esse when the right time for their use would arrive.

(43) **גֵּלִים** in Ps. CXXXIX, 16, means the yet undeveloped embryo. Its use here as an antithesis to **חַכְמָם** proves that it has reference to a man's mental powers.

(44) Some versions add **וּבְמִנְיָן** 'and in number' which means either in number of years, i.e., age, or in the number of scholars who agree with the opinion of the other man, if they be in the majority.

(45) I.e., does not break in or interrupt.

(46) Cf. the advice in I,1. patience is required of a Rabbi, teacher or judge in giving a considered reply.

(47) Cf. Shab. 3b: R. Hiyya said to Rab: 'When Rabbi is definitely occupied with one tractate, do not ask him a question relating to another . . . were it not that Rabbi is a great man (scholar) you would have confounded him and he would have given you an inappropriate reply.'

(48) B . . . and (consequently) the teacher answers, etc.

(49) Others: 'to the point'.

(50) I.e., learnt it. He admits not knowing. Cf. Ber. 4a. DEZ ch. III, 'teach thy tongue to say I know not . . . Others: When he gives an answer, either an interpretation or a decision, which has not been handed down to him by his own

- teachers, he deliberately makes a clear statement to that effect, so that his hearers might not be misled into taking for granted that this teaching of his too is from tradition. Some render 'understood' instead of 'heard'.
- (51) R. Jonah: When in discussion he recognizes as true the solution propounded by another man, he acknowledges it as correct, though he may think of clever counter-arguments, and he does not consider it inconsistent with his dignity to admit defeat.
- (52) I.e., upon mankind, more particularly upon Israel.
- (53) Cf. MV. Others (e.g. Singer, P.B.), 'important transgressions'.
- (54) Cf. Lev. XXVI, 19; Deut. XXVIII, 23.
- (55) Tumult, turmoil as opposite to peace. V. II Chron. XV, 5. Cf. Deut. *ibid.* 20.
- (56) V. Num. XV, 19ff.
- (57) Cf. Lev. *ibid.* 25; Deut. *ibid.* 21.
- (58) Either, because the Torah expressly, or impliedly, excludes those matters from the competency of a human court, or, because the sins, though committed, have not come to the knowledge of the judicial authorities, or, at a time when a Jewish tribunal is not able to promulgate or enforce capital punishment.
- (59) The Sabbatical year (Shemittah); v. Lev. XXV, 6-7.
- (60) Cf. Lev. XXVI, 25.
- (61) Lit., 'oppression (better, suppression) of judgment', a term used of deliberate methods of unduly prolonging proceedings and of general interference with the course of justice calculated to delay the ultimate decision. It is also used of unnecessarily postponing an execution (Sanh. XI, 4).
- (62) V. *supra* III, 11.
- (63) Cf. Lev. *ibid.* 22.
- (64) Including 'false' swearing. V. *supra* IV, 7, notes.
- (65) V. *ibid.*
- (66) Cf. Lev. *ibid.*, 33; Deut. *ibid.*, 36, 64.
- (67) These three are among the 'Seven Precepts of the Sons of Noah'.
- (68) V. Ex. XXIII, 10, 11; Lev. XXV, 3-5.
- (69) Lit., 'the goings out of'.
- (70) Succoth, The 'Feast' par excellence. Three times does Scripture enjoin to rejoice thereon, viz. Lev. XXIII, 40, Deut. XVI, 14 and 15.
- (71) V. Deut. XIV, 28 f.
- (72) Lev. XXV, 6-7; Ex. XXIII, 11.
- (73) Viz., Leket (gleaning), Pe'ah (the corner sc. of the field), v. Lev. XIX, 9. and Shikehah ('forgotten' sc. sheaves) v. Deut. XXIV, 19, which were to be left to the poor. With the end of Succoth, the Festival of Ingathering, i.e., the completion of the agricultural year, the failure to carry out those observances in the past year, brings in its wake Divine punishment. V. Buchler, Sin and Atonement, p. 383.
- (74) מִדָּה מוֹדוֹת := a measure (quantitative or qualitative), a standard by which one judges or is judged, characteristic, quality, type.
- (75) The attitude of a 'self-contained', smug, selfishness is unethical and immoral, wicked from the highest point of view (the Hasid's), though one cannot call it an illegitimate one (v. Buchler, Some Types, p. 38). Anyone might say, 'if I am not for myself, who will be for me?' but a Hillel (who is often called a Hasid) adds, 'but if I am for myself only, what am I?' Commentators quote Ezek. XVI, 49 Behold thy sister Sodom: . . . she strengthened not the hand of the poor and needy.
- (76) 'Am ha-arez:, v. note to II, 6. L. understands 'mine is thine', as 'on condition that thine is mine.'
- (77) Hasid, v. *supra* II, 6.
- (78) According to Hoffmann, Erste Mischna, p. 28, this was the last paragraph in the Tractate Aboth underlying ARM. (V. Buchler *op. cit.*, p. 41.)
- (79) Cf. *supra* II, 1.
- (80) חָסִיד He is not free from the tendency, common to all men, to become angry, but by his self-control he reduces that inclination to the least proportions. (Cf. *supra* IV, 1), v. M. The designation of such a man as a Hasid would account for the epithet of חָסִיד given to Hillel after his death, Sotah 48b, cf. Buchler *op. cit.*, p. 39.
- (81) Lit., 'to hear'.
- (82) Lit. 'lose'.

- (83) MV and others (including p.B. versions), 'a goodly portion', clearly in contrast to the next category.
- (84) Commentators remark that the terms **חסיד** and **רשע** (i.e., 'pious' and 'wicked') are not used here, because these refer to moral qualities, whereas this dictum deals with intellectual ability.
- (85) Lit., 'the givers of alms'. **צדקה** = righteousness, applied in Rabbinic phraseology to helping those in need, which is viewed as an act of social justice.
- (86) I.e., grudging; v. supra II, 9.
- (87) He thinks the poor have enough with what he has given, and grudges them the additional help they might get from others. B and others: He grudges other would-be donors the credit that would accrue to them for their charitableness.
- (88) Seeking to cut off all possible sources of help from the poor man is tantamount to a deliberate attempt to starve him.
- (89) Lit., 'those who go to.'
- (90) Lit., 'does.' Buchler, op. cit. p. 40f. has shown that it must refer to practising (the moral and ethical teachings of the school).
- (91) Even though his attendance has not yet had the desired result. 'Great is Midrash (learning) in that it brings one to Ma'aseh (deed).'
- (92) He practises the precepts and leads a good-life by following the example of others, but does not take the trouble to acquire for himself a first hand knowledge of the Torah.
- (93) As Hasid refers to a man's conduct towards his fellowman, its use here can only be explained by supposing that the Beth ha-Midrash for the ordinary man was not a place for academic instruction but for the imparting of ethical and religious guidance for every-day life. (V. Buchler, ibid.)
- (94) Not only does he fail to perform the precepts, for which there may be the excuse of lack of knowledge, but by keeping away from the school he wilfully precludes his ever acquiring the knowledge, or coming under the influence, which could in time enable him to lead a worthier life.
- (95) Mishnah 12 dealt with qualities of memory among 'disciples', our Mishnah with the capacity of advanced students ('those who sit before the wise') for examining knowledge acquired from one's teachers and arriving at one's own conclusions, (cf. B. and L.).
- (96) Taylor, 'bolt-sieve' v. note below.
- (97) If **קמה** means coarse flour and no fine flour, as they are usually translated, then what should one understand by **נפה**? What we know as a sieve would, contrary to the description of the Mishnah, let through the **סלת** (fine flour) and retain the **קמה** (coarse flour). According to M., R., and B, **נפה** is an ordinary sieve but **קמה** is the very fine part of the ground corn which forms a kind of superfine dust or powder of almost useless quality. It is the part which is thicker than this, and remains in the sieve, that is **סלת**. Taylor renders 'bolt-sieve' which he describes: 'It sifts the ground corn at once into three sorts. The corn in the bolter descends an incline, passing first over a fine cloth, and then over a coarse cloth: the former lets through the fine flour, which is caught in a receptacle attached to the machine: the process is repeated at the second cloth: the third quality, coarse bran, passes out at the end of the bolter.' This description tallies with the function of **נפה** as described in II ARM Ch. XLV, q.v. What types of students are intended by these similes? M. says: The Sponge: He absorbs, and mostly retains, all he is taught without any discrimination whatsoever. The Funnel: He takes all the knowledge poured into him, but he lets it escape him almost as quickly as he gets it. The Strainer: He retains the least useful and lets out the best. The Sieve: Retains the best and discards the inferior. L. explains differently: The Sponge: Absorbs all, the good and the inferior, indiscriminately, and is unable to give out his mixed knowledge unless he is pressed by many insistent questions. The Funnel: Also allows everything in indiscriminately. but can and does easily pass on what he has learnt to others, though, again, indiscriminately. The Strainer: Takes all but separates the pure from the dregs, passes the former on to others, and retains, but eventually discards, the latter. (This is the best type of scholar.) The Sieve: Solely being (according to L.) the very finest flour-dust or powder which the sieve retains (because it adheres to the sieve), this (would-be) scholar 'feeds' others with the inferior and leaves the best altogether. (This is the scholar of a perverted mind, the worst type.)
- (98) So 13. followed by Oesterley; M. (followed by Singer. P.B.): 'material cause'.
- (99) Reading according to a suggestion by Baer **בתמר**. The usual reading **ותמר** 'and Tamar' cannot be right because Tamar did not love Amnon, v. II Samuel XIII. (Even verse 13 suggests no more than a mere possibility that she was not actually averse to him.)
- (100) V. I Sam. XVIII, 1; Ibid. XX, 17; II Sam. I, 26.
- (101) V. supra I, 11, notes.
- (102) Cf. supra IV, 11.

- (103) According to 'Er. 13b, a Bath Kol (Heavenly Voice) declared, 'Both these (the words of Hillel) and these (the words of Shammai) are the words of the Living God.'
- (104) V. Num. XVI. For the phrase Korah and all his congregation v. ibid 6 and passim.
- (105) The public, the people in general.
- (106) Or 'to have merit.'
- (107) So that he be not punished whilst his disciples or followers are rewarded (ARM).
- (108) For the phrase cf. supra IV, 5.
- (109) Lit., 'to do repentance.' Perhaps לעשות should be translated to attain, achieve'. Cf. the use of the verb in Deut. VIII, 17. The door of repentance is closed to him 'since the sins of others are beyond the remedial action of his repentance' (Singer, P.B.). Also, if his repentance were accepted, he would escape punishment, whilst those whom he had misled would be undergoing it (ARM).
- (110) I.e., attributed to him; he is given credit therefor.
- (111) Deut. XXXIII, 21.
- (112) 1 Kings XV, 30.
- (113) So designated in Jewish literature, as' his wickedness is proved by his own willingness, even eagerness, to go with Balak's messengers, and his 'apologies' for not being able to curse Israel; it is he, too, who is said to have counselled the seduction of the Israelites by the Moabite women.
- (114) V. supra II, 9. Abraham demonstrated his generous and ungrudging nature in his dealings with the King of Sodom (Gen. XIV, 22f.) and with Ephron the Hittite (Gen. XXIII).
- (115) Abraham's humility is evident from his words: . . . I . . . ' who am but dust and ashes (Gen. XVIII, 27).
- (116) נפש (soul) is used here of 'desire', 'appetite', a meaning which it has already in Biblical Hebrew. שפלה would thus mean 'kept low', 'subdued'. Cf. Abraham's dealing with Lot, Gen. XIII. The three above qualities are among those sought for when appointing judges. v. J. Sanh. I, 4.
- (117) Balaam's avarice is clear from his own words; v. Num. XXII, 18; XXIV, 13.
- (118) A reference to Balaam's claim that he was one that . knoweth the knowledge of the Most High (Num. XXIV, 16).
- (119) Balaam's 'handling' of Balak, and his attempts at 'outwitting' God, reveal an insatiable desire for power.
- (120) Lit., 'eat', cf. Pe'ah 1,2.
- (121) This is taken as a reference to Abraham of whom God said, Abraham who loved me (Isa. XLI, 8).
- (122) Prov. VIII, 21. It seems that 'to inherit substance' is intended as a reference to that which the disciples of Abraham receive in this world and 'that I may fill their treasuries' to their reward in the world to come. Cf. the treatment of Ps. CXXVIII, 2, supra IV. 1. Some take the whole quotation to refer to the reward in the hereafter, the word for 'substance' ש"י ' being aggadically explained (in 'Uk. III, 12) as a Gematria (v. supra 111,18) equalling three hundred and ten, sc. worlds, which God allots to the righteous.
- (123) Cf. supra 1,5; v. note on next Mishnah.
- (124) Ps. LV, 24. This twofold designation fits Balaam who by his evil counsel (v. p. 72, n. 1) brought about the death of 24,000 Israelites, v. Num. XXV, 9.
- (125) Mentioned in the Mishnah only here (though it is held by some that this paragraph, too, is a later addition, v. note to Mishnah 10), but a few times in Tosef. In Hag. 14a he is referred as one of the בעלי משנה 'Masters of the Mishnah'. As we do not find him mentioned together with any particular Tanna we cannot determine in which generation he lived (Frankel Darke ha-Mishnah, p. 213).
- (126) I.e., (negatively) fearless, and (positively) challenging. For this quality in the service of God v. Isa. L, 6-7; Ps. XL, 10-11; CXIX, 46.
- (127) Cf. II Sam. I, 23.
- (128) Cf. Ps. CXIX, 60. I made haste, and delayed not, to observe Thy commandments. Cf. supra IV, 2.
- (129) Cf. II Sam. ibid. They were stronger than lions.
- (130) 'Father' is a characteristic appellation of God in the Hebrew Bible, e.g., Deut. XXXII, 6,15 not He thy father . . .? Jer. III, 4, Didst thou not just now cry unto Me: 'My father' . . . ' Mal. II, 10, Have we not all one Father? Hath not one God created us. V. also Jer. ibid, 29; Mal. I, 6. The God in, or of, Heaven, too, is frequent, e.g., Gen. XXIV, 3, 7, etc. The Biblical passage which is most probably the source of (if not itself to be traced to) the combined expression 'Our Father in Heaven' is Isa. LXIII, 15,16, Look down from heaven . . . even from Thy holy habitation . . . for Thou art our Father . . . Thou, O Lord, art our Father. V. Marmorstein, The old 'tabb. Doctrine of God, p. 56ff. MV notes here 'Tractate Aboth is Ended' and then gives the dictum about man's successive ages.

(131) **עו פנים** Deut. XXVIII, 50, 'fierce of countenance' synonymous with insolence ('that shall not regard the person of the old') and callousness ('nor show favour to the young') cf. Dan. VIII, 23. In Eccl. VIII, 1, **עו פניו** 'the boldness of his face' means (according to 13DB.) 'impudence'. In Rabbinic Hebrew the expression stands for supineness and impudence in general; as a characteristic it is looked upon among the most undesirable. Rabbi Judah ha-Nasi was wont to offer up a private prayer that he be spared from meeting 'Azzuth Panim in other people, and from being himself tainted there with (Ber. 16b). This private prayer has since been incorporated among the statutory daily prayers (P.B. p. 7).

(132) **גיהנם** interchangeably with **גי בן הנם** in Josh. XV, 8, and elsewhere is the Valley of (the son of) Hinnom S.S.W. of Jerusalem. According to II Kings XXIII, 20; Jer. VII, 31f; XIX, 6, 9, etc., etc., it was the place where children were sacrificed, by burning, to Moloch. It was also known as **תפת** (Topheth) or the Valley of Slaughter. The revolting associations of the place evidently led to the transference of its name to the most horrifying place in human imagination, the place of punishment of the wicked in the hereafter. Some Rabbinic traditions place Gehinnom of the hereafter below the valley of that name, but there are also other supposed locations. The Moloch worship in the actual valley of Hinnom together with Isa. LXVI, 24, (. . . the carcasses of the men that have rebelled against me; for their worm shall not die, neither shall their fire be quenched . . .) which suggests that the punishment of the wicked is to be by fire, has invested the Gehinnom of the hereafter with the characteristics of 'hell'. The methods and duration of punishment in Gehinnom are also matters on which opinions differ. V. f.E.

(133) Cf. Yeb. 79a: A sense of shame (i.e., the opp. to insolence and self-assertiveness) compassion, and the practice of disinterested kindness are the characteristics of Israel.

(134) **גן עדן** The :celestial Garden of Eden, 'paradise' — the abode of the righteous — of which the terrestrial one, spoken of in Gen. II and III, is the model (v. also Ezek. XXXI which speaks of the trees in Eden in the garden of God) or (according to some) vice-versa. In the popular conception the two are not kept separate. Views as to its location, dimension, appearance, etc. differ in the Midrashic and Talmudic references, It is often used as synonymous with 'Olam habba, 'the world-to-come.' Some distinguish between Eden and the Garden of Eden. The Garden, they say, is but a part of Eden; Adam and Eve were only in the Garden, but no mortal eye has yet perceived the real, unspeakably more wonderful, Eden. V. J.E. Articles 'Eden, Garden of' and 'Paradise'. Taylor: This part of the Mishnah is probably a later addition borrowed from Tractate Kallah.

(135) Many edd. add 'and God of our Fathers.'

(136) P.B. versions 'the Sanctuary.'

(137) Taylor (followed by Oesterley) 'grant us our portion.'

(138) Elijah Wilna says this paragraph should be at the end of the chapter. In MV it is at the end of Chapter VI.

(139) MV, also other texts, attribute this dictum to Samuel the Little. In some versions it is preceded by the dictum which is also found in the latter's name in IV, 19. By some, our Mishnah is credited to Ben He-He, whose name occurs in the next Mishnah.

(140) **מקרא** (v. Meh. VIII, 8), lit., that which was (to be) read sc. from a written text (synonymous with 'The Law in Writing'), as distinguished from **משנה** 'that which was (to be) recited sc. from hearing and memory' (synonymous with 'The Law which was (transmitted) by (word of) mouth'). The five years here are said to be based on the analogy of the newly planted tree, the fruit of which becomes available for general consumption in the fifth year (Lev. XIX, 25).

(141) **משנה** v. previous note. The age of ten in this connection is explained thus: In Num. IV, 3' etc. the period of a Levite's service is commanded to begin 'from thirty years old', but *ibid.* VIII, 24, 'from twenty-five years old.' The discrepancy is explained by allotting five years for the Levite's training before he becomes proficient for his sacred duties (v. Hui. 24a). Five years is, thus, an accepted period for the first phase of education. Commencing Scripture at five, one is ready for Mishnah at ten.

(142) In connection with many precepts, references to the committing of sins and penalties, the term **איש** — 'man' — is used; hence the age at which one becomes subject to Mizwoth and penalties is thirteen, when the boy is said to have matured into a 'man' (v. Elijah Wilna to this Mishnah). This, of course, underlies the Bar-Mizwah institution, which, however, in the present usage of the term, appears to be of much later origin. V. Schechter, Studies in Judaism (First Series), p. 378ff.

(143) **תלמוד** Used here, apparently, in the special sense of study based on the Mishnah or Oral Learning (though not, of course, in the specific sense that we use it), rather than study in general. At the age of fifteen, he will have completed the second five years' stage of his studies.

(144) Eighteen was the age recommended at which a man should marry so that he may fulfil the precept, When a man

taketh a new wife, he shall not go out in the host . . . ' one year, and shall cheer his wife whom he hath taken (Deut. XXIV, 5) and yet be ready to undertake military service at the age of twenty (Num. I, 3 passim).

(145) Some: For military service which began 'from twenty years old' (Num. *ibid.*). Most commentators: for pursuing, seeking, a livelihood. This will have given him a further five-year period (from fifteen to twenty) for devoting himself to Talmud before setting out in earnest on a worldly career. Others explain 'for pursuing' to mean for quickness, zest, impetuosity, in the pursuit of one's desires or ideals (so Abrabanel, v. Taylor).

(146) Thirty was the age at which a Levite entered upon his full duties which comprised the work of service and the work of bearing burdens (Num. IV, 47); these duties being so comprehensive and arduous required the possession of full physical faculties *ע* **כח** Scripture thus considers thirty the age for strength. V. also *ibid.* VII, 9.

(147) According to Num. VIII, 25f.: from the age of fifty years they (the Levites) shall return from the service of the work, and shall serve no more; but shall minister with their brethren in the tent of meeting, to keep the charge, but they shall do no manner of service. As their ministrations were not in the nature of actual work, they must then have served in the capacity of responsible counsellors. Hence fifty must be the age when a man becomes fitted for giving counsel.

(148) V. II Sam. V, 4: David was thirty years old when he began to reign, and he reigned forty years. i.e., he lived seventy years; and I Chron. XXIX, 28, And he (David) died in a good old age (**שיבה** = hoary head). Thus **שיבה** is reached at the age of seventy.

(149) Cf. Ps. XC, 10.

(150) **לשונה** The Bibl. root **שנה** means 'sink down' and its cognates **שחה** and **שחה** 'bend', 'bow down'. Others take **שנה** here as a noun which in the Bible occurs in a feminine form **שוחה** 'pit', 'grave'.

(151) Elijah Wilna cites Isa. LXV, 20, There shall be no more thence an infant of days, nor an old man that hath not filled his days; for the youth shall die one hundred years old, and points out that the context there shows that this is intended as a blessing. Thus the extreme limit up to which life is a blessing is a hundred years; and one who exceeds that limit is as one who no more belongs to the world. Exceptions to this are very rare; and in the case of Moses, Scripture found it necessary to say: his eye was not dim nor his natural force abated (Deut. XXXIV, 7).

(152) MV has this passage at the end of Chapter VI, together with the prayer in Mishnah 20.

(153) His full name, Johanan b. Bag Bag, occurs in J. Keth. V: 4. Tos. V, as a contemporary of R. Judah b. Bathyra. Tosaf. Yom Tob a.l. says the name is omitted here, as also in Ben He-He's case, because they did not live long (cf. Ben Zoma and Ben 'Azzai supra IV beginning), and quotes Rashbam to the effect that Ben Bag Bag and Ben He-He were proselytes, and **בין הא הא** means a son of Abraham and Sarah, to whose respective names God had, as a sign of favour, added the letter **ה** and whose spiritual 'parenthood' is assumed for all proselytes; **בג** (in Ben Bag Bag) is the numerical equivalent of **ה** (five). He was so called to distinguish him from b. He He (v. Tosaf. to Hag. 9b). Bacher AT, I, p. 10f. suggests the following explanation of the two names: In Shab. 31a, etc. we have the story of the would-be proselyte who desired to learn Torah, but only the written and not the oral (traditional). Hillel cured him of his contempt for the oral tradition by letting him see that the knowledge of the very names of the letters of the Alphabet depended on oral tradition, e.g., he pointed out to him that we know **ב** is Beth and **ג** is Gimmel and not vice-versa only by means of oral instruction. Such a disciple might well have earned for himself the name **בן ב'ג ב'ג** or **בן הי הי** (the one who learnt that **ה** is He). They, or (if they are identical) he, may have derived the sayings given here in the two names from Hillel himself as in I ARM XII, both sayings are in the name of Hillel (in II ARM XXVII the first in Hillel's name, the second in that of **בן הא הא** as in our text). There is also a suggestion that **בג** is formed from the initial letters of **בן ברים** 'son of proselytes,' (v. MV).

(154) The Torah.

(155) Lowe's MS. adds **וכולך בה** 'and thy all is therein,' for which Taylor adduces Eccl. XII, 13, and this (i.e., fearing God and observing his commandments) is the whole of wan.

(156) Look deeply, contemplate. MV: **ובה תהוי** 'and therein (thou shouldst) have thy being.'

(157) Cf. Ps. XCII, 15.

(158) Cf. the frequent admonitions not to turn aside from the Law to the right or to the left.

(159) **מדה** v. p. 67, n. 3.

(160) V. p. 76, n. 7.

(161) A proverb of general application, but here it has special reference to the labour and energy devoted to the study of the Torah.

Mishna - Mas. Avoth Chapter 6

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THE SAGES TAUGHT IN THE STYLE¹ OF THE MISHNAH;² BLESSED BE HE WHO HAS APPROVED³ THEM AND THEIR TEACHING.⁴

BARAITHA 1. R. MEIR SAID: WHOEVER OCCUPIES HIMSELF WITH THE TORAH FOR ITS OWN SAKE, ACQUIRES BY MERIT MANY THINGS, NAY MORE, THE WHOLE OF THE WORLD IS WORTH WHILE FOR HIS SAKE. HE IS CALLED A FRIEND,⁵ A BELOVED,⁶ ONE THAT LOVES THE ALL-PRESENT, ONE THAT LOVES [HIS FELLOW-] CREATURES.⁷ ONE THAT GLADDENS GOD,⁸ ONE THAT GLADDENS MAN;⁸ AND IT [I. E. THE TORAH] CLOTHES HIM⁹ WITH MEEKNESS AND FEAR,¹⁰ AND FITS¹¹ HIM TO BE RIGHTEOUS, PIOUS, UPRIGHT AND FAITHFUL; IT ALSO KEEPS HIM FAR FROM SIN, AND BRINGS HIM NEAR TO MERIT [ORIOUS CONDUCT]; AND MEN BENEFIT FROM HIM BY [WAY OF] COUNSEL, SOUND KNOWLEDGE, UNDERSTANDING AND STRENGTH, AS IT IS SAID, COUNSEL IS MINE AND SOUND WISDOM; I AM UNDERSTANDING, POWER IS MINE;¹² AND IT GIVES HIM SOVEREIGNTY¹³ AND DOMINION,¹⁴ AND [THE FACULTY TO BE] SEARCHING IN JUDGMENT;¹⁵ AND THEY REVEAL TO HIM¹⁶ THE SECRET MEANINGS¹⁷ OF THE TORAH, AND HE IS MADE AS A WELL THAT EVER GATHERS FORCE,¹⁸ AND LIKE A STREAM THAT NEVER CEASES;¹⁹ AND HE BECOMES MODEST, LONG-SUFFERING AND FORGIVING OF INSULT TOWARDS HIMSELF; AND IT MAKES HIM GREAT, AND EXALTS HIM ABOVE ALL THE WORKS [OF GOD].

BARAITHA 2. R. JOSHUA B. LEVI²⁰ SAID: EVERY DAY A BATH KOL²¹ GOES FORTH FROM MOUNT HOREB, AND MAKES PROCLAMATION AND SAYS: WOE UNTO MEN ON ACCOUNT OF [THEIR] CONTEMPT TOWARDS THE TORAH,²² FOR WHOEVER OCCUPIES HIMSELF NOT WITH THE [STUDY OF] TORAH IS CALLED: '[THE] REBUKED [ONE]'²³ AS IT IS SAID, AS A RING OF GOLD IN A SWINE'S SNOUT, SO IS A FAIR WOMAN THAT TURNETH AWAY FROM DISCRETION,²⁴ AND IT SAYS, AND THE TABLES WERE THE WORK OF GOD, AND THE WRITING WAS THE WRITING OF GOD, GRAVEN UPON THE TABLES.²⁵ READ NOT HARUTH [WHICH MEANS 'GRAVEN'] BUT HERUTH [WHICH MEANS 'FREEDOM'].²⁶ FOR THERE IS NO FREE MAN FOR THEE BUT HE THAT OCCUPIES HIMSELF WITH THE STUDY OF THE TORAH; AND WHOEVER REGULARLY OCCUPIES HIMSELF WITH THE STUDY OF THE TORAH, LO, HE IS EXALTED, AS IT IS SAID, AND FROM MATTANAH TO NAHALIEL; AND NAHALIEL TO BAMOTH.²⁷

BARAITHA 3. HE WHO LEARNS FROM HIS FELLOW ONE SINGLE SECTION,²⁸ OR ONE SINGLE RULE,²⁹ OR ONE SINGLE VERSE,³⁰ OR ONE SINGLE EXPRESSION,³¹ OR EVEN ONE SINGLE LETTER,³² IS UNDER OBLIGATION TO TREAT HIM WITH HONOUR; FOR SO WE FIND WITH DAVID, KING OF ISRAEL, WHO LEARNT FROM AHITOPHEL TWO THINGS ONLY,³³ [YET] CALLED HIM HIS MASTER, HIS COMPANION AND HIS FAMILIAR FRIEND, AS IT IS SAID, BUT IT WAS THOU, A MAN MINE EQUAL, MY COMPANION³⁴ AND MY FAMILIAR FRIEND.³⁵ IS THIS NOT [AN INSTANCE OF THE ARGUMENT] 'FROM THE LESS TO THE GREATER'?³⁶ WHAT [WAS IT IN THE CASE OF] DAVID, KING OF ISRAEL? [IT WAS] THAT HE HAD LEARNT FROM AHITOPHEL TWO THINGS ONLY, [YET] HE CALLED HIM HIS MASTER, HIS COMPANION AND HIS FAMILIAR FRIEND; [THEN IN THE CASE OF] ONE WHO LEARNS FROM HIS FELLOW A SECTION, A RULE, A VERSE OR AN EXPRESSION OR EVEN ONE LETTER, THERE ARE FOR [EVERY] ONE [REASON IN THE FORMER CASE] EVER SO MANY [REASONS IN THE LATTER CASE, FOR CONCLUDING] THAT HE IS UNDER OBLIGATION TO TREAT HIM [I.E. HIS FELLOW] WITH HONOUR. AND 'HONOUR' MEANS NOTHING BUT TORAH, AS IT IS SAID, THE WISE SHALL INHERIT HONOUR,³⁷ AND THE PERFECT SHALL INHERIT GOOD,³⁸ AND IT IS [ALSO] SAID, FOR I GIVE YOU GOOD DOCTRINE; FORSAKE YE NOT MY TEACHING [TORAH].³⁹

BARAITHA 4. SUCH IS THE WAY [OF LIFE CONDUCTIVE TO THE STUDY] OF THE TORAH: A MORSEL OF BREAD WITH SALT⁴⁰ THOU SHALT EAT, AND WATER BY MEASURE THOU SHALT DRINK,⁴¹ AND UPON THE GROUND THOU SHALT SLEEP, AND A LIFE OF PRIVATION THOU SHALT LIVE, AND IN THE TORAH SHALT THOU LABOUR.⁴² IF THOU DOEST THUS, HAPPY SHALT THOU BE, AND IT SHALL BE WELL WITH THEE.⁴³ HAPPY SHALT THOU BE IN THIS WORLD, AND IT SHALL BE WELL WITH THEE IN THE WORLD TO COME.

SEEK NOT GREATNESS FOR THYSELF, AND COVET NOT HONOUR MORE THAN THY LEARNING;⁴⁴ NEITHER CRAVE THOU FOR THE TABLE OF KINGS,⁴⁵ FOR THY TABLE IS GREATER THAN THEIR TABLE, AND THY CROWN IS GREATER THAN THEIR CROWN,⁴⁶ AND FAITHFUL IS THINE EMPLOYER TO PAY THEE THE REWARD OF THY LABOUR.⁴⁷

BARAITHA 5. GREATER IS THE TORAH THAN THE PRIESTHOOD AND THAN THE KINGSHIP, SEEING THAT THE KINGSHIP IS ACQUIRED IN [THE FORM OF]⁴⁸ THIRTY⁴⁹ DISTINCTIONS,⁵⁰ AND THE PRIESTHOOD IN [THE FORM OF] TWENTY-FOUR,⁵¹ BUT THE TORAH IN [THE FORM OF] FORTY-EIGHT THINGS,⁵² AND THESE THEY ARE IN: [THE FORM OF] STUDY, ATTENTIVE LISTENING,⁵³ ORDERED PRESENTATION [OF ONE'S STUDY-MATTER] WITH [ONE'S] LIPS,⁵⁴ REASONING OF THE HEART,⁵⁵ INTELLIGENCE OF THE HEART,⁵⁶ AWE,⁵⁷ FEAR,⁵⁸ HUMILITY,⁵⁹ JOYOUSNESS,⁶⁰ MINISTERING UNTO THE SAGES,⁶¹ PAINSTAKING EXAMINATION [OF A SUBJECT,] TOGETHER WITH [ONE'S] COLLEAGUES,⁶² FINE ARGUMENTATION OF DISCIPLES,⁶³ SE DATENESS,⁶⁴ [KNOWLEDGE OF] SCRIPTURE, [KNOWLEDGE OF] THE ORAL LEARNING, MODERATION IN SLEEP,⁶⁵ MODERATION IN GOSSIP,⁶⁶ MODERATION IN [WORLDLY] PLEASURE,⁶⁷ MODERATION IN HILARITY,⁶⁸ MODERATION IN WORLDLY INTERCOURSE,⁶⁹ LONG-SUFFERING, A GOOD HEART,⁷⁰ THE CONSCIENTIOUSNESS OF THE SAGES,⁷¹ [UNCOMPLAINING] ACCEPTANCE OF [DIVINE] CHASTISEMENTS.⁷²

BARAITHA 6. [THE POSSESSOR OF TORAH IS ONE] WHO RECOGNIZES HIS PLACE,⁷³ WHO REJOICES IN HIS PORTION,⁷⁴ WHO MAKES A FENCE⁷⁵ TO HIS WORDS,⁷⁶ WHO CLAIMS NO CREDIT FOR HIMSELF,⁷⁷ IS LOVED, LOVES THE ALL-PRESENT, LOVES [HIS FELLOW] CREATURES,⁷⁸ LOVES RIGHTEOUS WAYS,⁷⁹ WELCOMES⁸⁰ REPROOFS [OF HIMSELF],⁸¹ LOVES UPRIGHTNESS,⁸² KEEPS HIMSELF FAR FROM HONOUR[S],⁸³ LETS NOT HIS HEART BECOME SWELLED ON ACCOUNT OF HIS LEARNING, DELIGHTS NOT IN GIVING LEGAL DECISIONS,⁸⁴ SHARES IN THE BEARING OF A BURDEN⁸⁵ WITH HIS COLLEAGUE,⁸⁶ USES HIS WEIGHT WITH HIM ON THE SCALE OF MERIT,⁸⁷ PLACES HIM UPON [A GROUNDWORK OF] TRUTH,⁸⁸ PLACES HIM UPON [A GROUNDWORK OF] PEACE,⁸⁹ COMPOSES HIMSELF⁹⁰ AT HIS STUDY,⁹¹ ASKS AND ANSWERS,⁹² LISTENS [TO OTHERS], AND [HIMSELF] ADDS [TO HIS KNOWLEDGE],⁹³ LEARNS IN ORDER TO TEACH,⁹⁴ LEARNS IN ORDER TO PRACTISE,⁹⁴ MAKES HIS TEACHER WISER,⁹⁵ NOTES WITH PRECISION THAT WHICH HE HAS HEARD,⁹⁶ AND SAYS A THING IN THE NAME OF HIM WHO SAID IT. LO, THOU HAST LEARNT: EVERYONE THAT SAYS A THING IN THE NAME OF HIM WHO SAID IT, BRINGS DELIVERANCE INTO THE WORLD, AS IT IS SAID: AND ESTHER TOLD THE KING THEREOF IN MORDECAI'S NAME.⁹⁷

BARAITHA 7. GREAT IS TORAH FOR IT GIVES LIFE, UNTO THOSE 'THAT PRACTISE IT, IN THIS WORLD, AND IN THE WORLD TO COME, AS IT IS SAID: FOR THEY⁹⁸ ARE LIFE UNTO THOSE THAT FIND THEM, AND HEALTH TO ALL THEIR FLESH,⁹⁹ AND IT SAYS [ALSO]: IT⁹⁸ SHALL BE HEALTH TO THY NAVEL, AND MARROW TO THY BONES,¹⁰⁰ AND IT SAYS [ALSO] SHE¹⁰¹ IS A TREE OF LIFE TO THEM THAT LAY HOLD UPON HER, AND HAPPY IS EVERYONE THAT HOLDETH HER FAST,¹⁰² AND IT SAYS [ALSO]:

FOR THEY¹⁰¹ SHALL BE A CHAPLET OF GRACE UNTO THY HEAD, AND CHAINS ABOUT THY NECK,¹⁰³ AND IT SAYS [ALSO]: SHE¹⁰¹ WILL GIVE TO THY HEAD A CHAPLET OF GRACE; A CROWN OF GLORY WILL SHE BESTOW ON THEE,¹⁰⁴ AND IT SAYS [ALSO]: LENGTH OF DAYS IS IN HER¹⁰¹ RIGHT HAND; IN HER LEFT HAND ARE RICHES AND HONOUR,¹⁰⁵ AND IT SAYS [ALSO]: FOR LENGTH OF DAYS, AND YEARS OF LIFE, AND PEACE, WILL THEY¹⁰¹ ADD TO THEE.¹⁰⁶

BARAITHA 8. R. SIMEON B. JUDAH¹⁰⁷ SAID IN THE NAME OF R. SIMEON B. YOHAI:¹⁰⁸ COMELINESS, STRENGTH, RICHES, HONOUR, WISDOM, OLD AGE, HOARY AGE, AND CHILDREN¹⁰⁹ ARE BECOMING TO THE RIGHTEOUS, AND BECOMING TO THE WORLD, AS IT IS SAID: THE HOARY HEAD IS A CROWN OF GLORY, IT IS FOUND IN THE WAY OF RIGHTEOUSNESS,¹¹⁰ AND IT SAYS [ALSO]: THE CROWN OF THE WISE IS THEIR RICHES,¹¹¹ AND IT SAYS [ALSO]: CHILDREN'S CHILDREN ARE THE CROWN OF OLD MEN; AND THE GLORY OF CHILDREN ARE THEIR FATHERS,¹¹² AND IT SAYS [ALSO]: THE GLORY OF YOUNG MEN IS THEIR STRENGTH; AND THE BEAUTY OF OLD MEN IS THE HOARY HEAD,¹¹³ AND IT SAYS [ALSO]: THE MOON SHALL BE CONFOUNDED, AND THE SUN ASHAMED; FOR THE LORD OF HOSTS WILL REIGN IN MOUNT ZION, AND IN JERUSALEM, AND BEFORE HIS ELDERS SHALL BE GLORY.¹¹⁴

BARAITHA 9. R. SIMEON B. MENASYA¹¹⁵ SAID: THESE SEVEN QUALITIES,¹¹⁶ WHICH THE SAGES HAVE ENUMERATED [AS BECOMING] TO THE RIGHTEOUS, WERE ALL OF THEM REALIZED IN RABBI AND HIS SONS.¹¹⁷

R. JOSE B. KISMA¹¹⁸ SAID: ONCE I WAS WALKING BY THE WAY WHEN A MAN MET ME, AND GAVE ME [THE SALUTATION OF] 'PEACE',¹¹⁹ AND I RETURNED HIM [THE SALUTATION OF] PEACE'. SAID HE TO ME, RABBI, FROM WHAT PLACE ART THOU?' SAID I TO HIM, 'FROM A GREAT CITY OF SAGES AND SCRIBES AM I.' SAID HE TO ME, 'RABBI, [SHOULD IT BE] THY PLEASURE THAT THOU DWELL WITH US IN OUR PLACE, I WILL GIVE THEE A THOUSAND THOUSAND DENARII OF GOLD,¹²⁰ AND PRECIOUS STONES AND PEARLS.' SAID I TO HIM: 'IF THOU SHOULDST GIVE ME ALL THE SILVER AND GOLD, PRECIOUS STONES AND PEARLS THAT ARE IN THE WORLD, I WOULD NOT DWELL [ANYWHERE] EXCEPTING IN A PLACE OF TORAH; FOR IN THE HOUR OF THE DEPARTURE OF A MAN [FROM THE WORLD], THERE ACCOMPANY HIM NEITHER GOLD NOR SILVER, NOR PRECIOUS STONES NOR PEARLS, BUT TORAH AND GOOD DEEDS ALONE, AS IT IS SAID, WHEN THOU WALLEST, IT SHALL LEAD THEE, WHEN THOU LIEST DOWN, IT SHALL WATCH OVER THEE; AND WHEN THOU WAKEST, IT SHALL TALK WITH THEE.¹²¹ WHEN THOU WALLEST, IT SHALL LEAD THEE — IN THIS WORLD, WHEN THOU LIEST DOWN, IT SHALL WATCH OVER THEE — IN THE GRAVE,¹²² AND WHEN THOU WAKEST, IT SHALL TALK WITH THEE¹²³ — IN THE WORLD TO COME; AND THUS IT IS WRITTEN IN THE BOOK OF PSALMS BY DAVID, KING OF ISRAEL, THE LAW OF THY MOUTH IS BETTER UNTO ME THAN THOUSANDS OF GOLD AND SILVER,¹²⁴ AND IT SAYS [ALSO]: MINE IS THE SILVER, AND MINE THE GOLD, SAITH THE LORD OF HOSTS.¹²⁵

BARAITHA 10. FIVE¹²⁶ POSSESSIONS HAS THE HOLY ONE, BLESSED BE HE, [SPECIFICALLY] DECLARED HIS OWN IN HIS WORLD, AND THESE THEY ARE: THE TORAH, ONE POSSESSION, THE SANCTUARY, ONE [OTHER] POSSESSION,¹²⁷ HEAVEN AND EARTH, ONE [MORE] POSSESSION, ABRAHAM, ONE [OTHER] POSSESSION,¹²⁸ ISRAEL, ONE [MORE] POSSESSION.

THE TORAH IS ONE¹²⁹ POSSESSION. WHENCE [DO WE INFER THIS]? SINCE IT IS WRITTEN, THE LORD POSSESSED ME¹³⁰ AT THE BEGINNING OF HIS WAY, BEFORE HIS

WORKS OF OLD.¹³¹ HEAVEN AND EARTH ARE ONE POSSESSION. WHENCE [DO WE INFER THIS]? SINCE IT IS SAID:¹³² THUS SAITH THE LORD: THE HEAVEN IS MY THRONE, AND THE EARTH IS MY FOOTSTOOL; WHERE IS THE HOUSE THAT YE MAY BUILD UNTO ME? AND WHERE IS THE PLACE THAT MAY BE MY RESTING PLACE ?¹³³ AND IT SAYS [ALSO]: HOW MANIFOLD ARE THY WORKS, O LORD! IN WISDOM HAST THOU MADE THEM ALL, FULL IS THE EARTH, THY POSSESSION.¹³⁴ ABRAHAM IS ONE POSSESSION. WHENCE [DO WE INFER THIS]? SINCE IT IS WRITTEN: AND HE BLESSED HIM AND SAID: BLESSED BE ABRAM OF GOD THE MOST HIGH, MAKER OF HEAVEN AND EARTH'.¹³⁵ ISRAEL IS ONE POSSESSION. WHENCE [DO WE INFER THIS]? SINCE IT IS WRITTEN: TILL THY PEOPLE PASS OVER, O LORD, TILL THE PEOPLE PASS OVER THAT THOU HAST MADE THINE OWN,¹³⁶ AND IT SAYS [ALSO]: AS FOR THE HOLY THAT ARE IN THE EARTH, THEY ARE THE EXCELLENT IN WHOM IS ALL MY DELIGHT.¹³⁷ THE SANCTUARY IS ONE POSSESSION. WHENCE [DO WE INFER THIS]? SINCE IT IS SAID: THE SANCTUARY, O LORD, WHICH THY HANDS HAVE ESTABLISHED,¹³⁸ AND IT IS SAID [ALSO]: AND HE BROUGHT THEM TO HIS HOLY BORDER, TO THE MOUNTAIN, WHICH HIS RIGHT HAND HAD POSSESSED.¹³⁹

BARAITHA 11. WHATEVER THE HOLY ONE, BLESSED BE HE, CREATED IN HIS WORLD, CREATED HE NOT BUT FOR HIS GLORY, AS IT IS SAID: AND [AS FOR] EVERYTHING THAT IS CALLED BY MY NAME, INDEED [IT IS] FOR MY GLORY [THAT] I HAVE CREATED IT, I HAVE FORMED IT, YEA I HAVE MADE IT,¹³⁹ AND IT SAYS [ALSO]: THE LORD SHALL REIGN FOR EVER AND EVER.¹⁴⁰

(1) Lit., 'tongue', 'language', v. n. 2.

(2) The whole of this paragraph is introductory. The chapter that follows is not actually a part of the Mishnah, but consists almost exclusively of Baraithas i.e., dicta of Tannaitic authorship not included in the Mishnah of R. Judah ha-Nasi (v. supra p. II, n. 1), the exception being a saying by R. Joshua b. Levi an early Palestinian Amora. The chapter is otherwise known as **פרק קנין תורה** 'The Chapter on the Possession of Torah,' its subject being the praise of the Torah, or as **פרק ר מאיר** 'The Chapter of A. Meir,' from its opening words, and forms the eighth chapter of Tractate Kallah. It was attached to Aboth (which consists of five chapters) as a sixth chapter, apparently after it had become customary to read the chapters of Aboth in their order on the successive Sabbaths between Passover and Pentecost, of which there are six (v. Introduction). The choice of this chapter to fill the gap is to be explained by its being in style and subject matter close to Aboth, and by its being appropriate, by reason of its praise of the Torah, for the Sabbath preceding the festival celebrating, inter alia, the Giving of the Torah on Sinai.

(3) Lit., 'chosen'.

(4) Some translate 'their Mishnah'.

(5) **רע** companion, friend, sc. of God, so explained by MV and others who quote Ps. CXXXIX, 17 which they understand as, How precious are (**רעים**) Thy friends (A.V. thoughts) to me, O God (Rashi a.l.). For the righteous as God's friends (**אֹהֲבֵי**) cf. Isa. XLI, 8; Prov. VIII, 17; Ps. XCVII, 10; Ex. XX, 6; Deut. V, 10.

(6) One that loves God is himself beloved of God. v. Prov. VIII, 17, I love them that love me, cf. I Sam. II, 30.

(7) Cf. supra I,12.

(8) The expression was probably suggested by Judges IX, 13.

(9) Cf. Job XXIX, 14; Isa. LXI, 10.

(10) Sc. of God.

(11) **מכשרתו** Hif'il of **כשר** to be proper, fit, suitable, cf. Est. VIII, 5. In Rabbinic Hebrew it is mostly used in the technical sense of being legally valid or ritually fit.

(12) Prov. VIII, 14.

(13) L. 'kingly appearance'.

(14) L. 'personality that commands obedience'.

(15) Cf. Prov. ibid. 15, (Wisdom-Torah speaking). By me princes rule and nobles, even all the judges of the earth.

(16) MV adds 'from Heaven'.

(17) Cf. Ps. XXV, 14, The secret of the Lord is with them that fear Him; Amos III, 7. He hath revealed his secret to his

servants the prophets.

(18) V. supra II, 8. R. Johanan b. Zakkai's characterisation of R. Eleazar b. 'Arach.

(19) The quality attributed in some texts to the well.

(20) One of the first generation of Palestinian Amoraim (middle third century). A prolific and popular Aggadist.

(21) **בת קול** lit., 'the daughter of a voice, or of a sound,' a secondary sound caused by the reverberation of an original sound, used of (i) an echo, (ii) a sound caused by a sound that was originally divinely uttered, and intended for human hearing. Man cannot endure hearing the direct voice of God, v. Deut, V, 22, if we hear the voice of God any more, then we shall die.

(22) Through neglecting its study and practice.

(23) Tanhuma ibid, 'rebuked of the Holy One, blessed be He.' The verb **נזף** means to rebuke, censure, reprimand, and is also used of a form of excommunication. MV. adduces Deut. XXVII, 26, Cursed be he that confirmeth not the words of this Law . . . and quotes Shebu. 36a to the effect that 'cursed' there has, inter alia, the meaning of excommunication.

(24) Prov. XI, 22. The Hebrew rendered 'a ring of gold in the snout', viz. **ננעם זחב בע'אף** is taken as pointing to the opprobrious appellation 'Nazuf' i.e., the rebuked one. This form of play on words is called **נוטריון** notaricon (from Latin, notarius, a shorthand writer) a mode of cypher-writing; **טעם** 'discretion' as used in the Wisdom literature is taken as one of the synonyms for Torah. The meaning intended here is in the nature of the following: One who has capacity for Torah ('a fair woman') and turns his back on it ('turning away from discretion') is like a swine that has a gold ring in its snout (Nes'em Zahab be'af) and burrows with it in the mud and dirt, and therefore incurs divine censure.

(25) Ex. XXXII, 16.

(26) 'Read not . . . but (read) . . . 'is an exegetical device used when the expounder felt that a minor alteration of a word would provide a 'short cut' to the interpretation he wished to convey. It was a deliberate and manifest play on words, and was not intended to indicate a variant in the Scriptural text, (v. Taylor a.l. and Bacher **ערכי המדרש** I, s.v. **קרא**).

(27) Treating the Hebrew place-names as if they were common nouns, the passage may be taken to mean 'Through (God's) gift (to Israel) (i.e. the Torah) (one attains) a heritage of God; from the heritage of God (one is raised) to high places.' MV adds: 'But if he cultivates overweening pride, God brings him low, as it is said, And from Bamoth (i.e. high places) to the valley (Num. XXI, 20, the continuation of the quotation in our text). V. 'Er. 54a.

(28) **פרק** an old term for a Psalm, also used for a section of the oral law (Mishnah), v. Bacher, op. cit. s.v.

(29) **הלכה** an accepted or decided law. V. Bacher op. cit. s.v.

(30) **פסוק** a rather shorter division of Scripture, synonymous with **הכתוב** v. Bacher op. cit. s.v. The division of the Bible into chapters and verses (called **פסוקים** in neo-Hebrew) is a much later device.

(31) **דבור** (a) divine speech, (b) Biblical expression. (c) saying. V. Bacher op. cit. s.v.

(32) **אות** . lit., 'sign'. letter (of the Alphabet), word, a name of God, etc. v. Bacher op. cit. s.v. The 'Gemara' to Kallah VIII says 'one single letter' refers to the correct spelling of words in which one is in doubt about one letter only, e.g. whether-to use **א** or **ע** .

(33) The 'Gemara' to Kallah VIII in the name of Raba defines the two things as: (i) The principle that study in the company of a fellow-student is preferable to solitary study; and it is to this that David referred when he said (Ps. LV, 15) together we sweetened counsel (which- [study of the] Torah) with the emphasis on 'together'. (ii) The lesson that it is proper to proceed to the House of Prayer not alone and leisurely. but in company and eagerly; and it is this that David meant when he said (ibid). In the house of God we walked with the throng (**ברגש** , which may also mean with eagerness, enthusiasm). Yalkut, Samuel, 142, reproduces two different lessons which Ahitophel is supposed to have imparted to David. (i) When the fatality of 'Uzza's death occurred in connection with the conveying of the Ark on a cart (II Sam. VI). Ahitophel drew David's attention to Num. VII, 9. according to which the Ark was to be borne on the shoulder. (Sifre, Num. 46, p. 14a; J. Sanh. X. 2.) (ii) When David was digging the foundations for the Temple, he dislodged a stone that had stopped up the depths, the floods of which then threatened to overwhelm the earth. David enquired whether it be permissible to write the Divine name on a potsherd and throw it into the water, knowing that the water would obliterate the writing. Ahitophel drew a comparison with the instance of the Sotah (the wife suspected of unfaithfulness). There it is ordained, the priest shall write these curses in a scroll and he shall blot them with the waters of bitterness (Num. V, 23) and the passage containing those curses contains also the Divine name which, too, the priest has in such a case to blot out. If, argued Ahitophel, in the hope of re-establishing peace in one household, the Divine name may be obliterated, surely the same may be done for the sake of the well-being of the whole world (Mak. 11a, cf. I. Sanh. ibid). Hertz in JQR. N.S. Vol. X (1919). pp. 109ff. argues strongly in favour of an anonymous suggestion that instead of **שני דברים בלבד** (two things only) we should read **שנדברים בלבד** , which = they merely

spoke to one another, conversed.

(34) So the Versions, but the author of the Baraitha evidently thought of the word **אֲלֹנִי** as derived from the root **אָלַן** meaning 'to learn' and understood it as 'teacher', or, in accordance with the use of the word in Gen. XXXVI as 'chief', 'superior'.

(35) **מִיִּדְעִי** Ps. LV, 14. It appears not impossible that the word was understood as 'my man of knowledge'.

(36) Hal wa-Homer (v. Glos.). The Hal wa-Homer here is certainly not a very evident one. If our text is correct (v. however p. 81, n. 6) we must assume that the argument intended is: If David who was a King referred in such respectful terms to Ahitophel who was only an ordinary person (and not an exemplary one at that), because he had learnt from him only two things, how much more should a person who has learnt something from his equal or from his superior, accord the latter respect.

(37) Prov. III, 35.

(38) Ibid. XXVIII, 20.

(39) Ibid. IV, 2. The process of reasoning here resembles an equation. Prov. III,35 {the wise == the perfect shall inherit shall inherit Honour == Good } Prov. XXVIII, 10. and, since Good=Torah (Prov. IV, 2) Honour=(Good=) Torah.

(40) The proverbial meal of a poor man. V. Ber. 2b.

(41) Cf. Ezek. IV, 11.

(42) This saying is to be found in Tanh. **נָה** beginning (but not in ed. Buber) where it is clear that it means that one who wishes to study Torah in earnest should deliberately adopt these measures of self-discipline. Rashi, however, says it does not mean that a wealthy person should reduce himself to a life of penury, but that even if a man be so poor as to be able to afford no more than bread with salt, etc., study of the law is nevertheless expected of him; if one is rich, his duty to engage in the study of the Torah is all the greater (MV).

(43) Ps. CXXVIII, 2. Cf. ibid. CXIX, 71. Cf. supra IV, 1.

(44) Consider learning the greatest of all honours (v. infra Bar. 5) or 'covet not more honour than that to which your learning entitles you.' Some texts: 'Covet not honour. More than thy learning (shouldst thou) practise' which is reminiscent of supra I, 16, and III, 9. The reading adopted is more in keeping with the Baraitha as a whole.

(45) With its luxuries and dainties.

(46) V. supra IV, 13.

(47) V. supra II, 14 and 16.

(48) For this use of **ב** v. BDB. s,v. **ב** I, 7 d. The better-known usage of **ב קְנָה ב** (Beth pretii) e.g. Gen. XXXIII, 19, has evidently misled translators and commentators of this Baraitha, where that construction is impossible, since the fact is not that either the kingship or the priesthood are acquired at the price of, or in return for, or by means of, the respective ma'aloth, but rather that the ma'aloth are acquired in virtue of the kingly or priestly office.

(49) One enumeration can be traced in I Sam. VIII, 11-17 (v. Elijah Wilna to our Barai tha), and another is detailed in Sanh. II, Rashi says that on investigation both lists prove identical.

(50) **מַעֲלֹת**, raised positions (steps), excellences, preferments, prerogatives, distinctions.

(51) V. Num. XVIII, 8, to the end (v. Elijah Wilna ibid.) and the list in Tanhuma Bamidbar, 29.

(52) I.e., (more or less) specific qualities which when present in a man show him to be a possessor of the Torah in a comprehensive and complete sense.

(53) Lit., 'the hearing of the ear'.

(54) 'Thinking out aloud' one's learning, likewise articulate rehearsing of the expositions of others, are now, as ever, characteristic of, even if not exclusively peculiar to, the Jewish Torah-student, Rabbinic pedagogics insist upon audible study, probably because for a learning that was exclusively oral, audible study was almost a sine-qua-non. Cf. 'Er. 53b-54a.

(55) 'Heart' means the seat of the reasoning faculties, now termed 'mind'.

(56) **הִלָּב (שְׂכֹל) שְׂכֹלֹת**, Rashi says, 'I cannot see any difference between this and the former quality.' L. however says, the former means understanding in the sense of deriving conclusions by means of logical processes, the latter-deep (intuitive) insight into the hidden meanings of the Torah.

(57) In his bearing towards his master (L.).

(58) Sc. of God.

(59) V. Baraitha 1.

(60) Cf. the phrase **שְׂמַחָה שֶׁל מִצְוָה**, The joy expended on, and experienced in, the performing of a divine precept.

- (61) Personal attendance on scholars, constituting 'apprenticeship' to them, is considered superior even to study itself (v. Ber, 7b), cf. Prov. XIII, 20. Every serious student of Rabbinics, especially if he aspires to the Rabbinical Degree, submits to a course of **שמוש**
- (62) **דקדוק הברים** Meticulous and objective examination of the subject of one's study in collaboration with fellow-students, i.e. one's equals. MV reads **דקדוק הברים** 'attachment to colleagues.'
- (63) **פלפול התלמידים** from **פלפל**, 'a pepper-grain' with reference to its extreme fineness, and to the sharpness of its taste and aroma. In the case of disciples, credit is given for sheer ingenuity in theoretical reasoning without strict regard to its immediate objectivity. As an exercise developing the mental faculties, 'Pilpul' is intended to serve in good stead when with a fuller store of knowledge and a maturer appreciation of the realities, the erstwhile Talmid, now a Haber or Hakam, is called upon to apply his knowledge in practical fashion.
- (64) Calculated and purposeful approach to problems confronting one.
- (65) Cf. supra III, 10.
- (66) Cf. supra I, 5.
- (67) Cf. supra Baraitha 4 and III, 10.
- (68) 'Laughter', cf. ibid. 13, though it cannot be understood here in so extreme a sense as it is suggested to have there.
- (69) Cf. supra II, 2 et al.
- (70) Cf. supra ibid. 9.
- (71) Their moral steadfastness and intellectual honesty. Most commentators render 'Trust or faith in the wise.'
- (72) So that suffering does not deflect him from the study and practice of the Torah. The man of Torah is able to 'take things philosophically' and to derive salutary moral gain from evil and painful experiences.
- (73) Realises the comparative lowliness of man's estate, cf. supra III, 1, IV, 4, or, knows his own place vis-a vis other, and greater, scholars. Cf. supra IV, 12; V, 7. MV: He knows his place in the house-of-study, even though he always arrives there so early in the morning, that it is too dark to distinguish with one's eyes one seat from another.
- (74) Torah makes him so contented that worry does not interfere with his further study (v. MV).
- (75) Cf. supra I, 1.
- (76) Cf. ibid. 11.
- (77) Cf. supra II, 8.
- (78) Cf. Baraitha 1.
- (79) For the phrase cf. Ps. XI, 7.
- (80) Lit., 'loves'.
- (81) Cf. Prov. IX, 8, Reprove a wise man and he will love thee.
- (82) For a similar phrase cf. I Chron. XXIX, 17.
- (83) MV adds, 'and he runs not after honour.' Cf. 'Whoever goes around seeking greatness, greatness flees from him, and, Whoever runs away from greatness, greatness follows him.' ('Er. 13b).
- (84) Cf. supra IV, 7.
- (85) He considers judicial office as a burden and a weighty responsibility, and not as an opportunity of exhibiting authority.
- (86) Disliking the 'ipse dixit' he shares the burden of giving a decision with his co-judge who may be a layman, or with some greater scholar whom he consults. Cf. supra IV, 7, 8.
- (87) Or, 'causes him to incline towards . . .' Induces his colleague to take a lenient view.
- (88) He guides and directs his legal assessors so that they reach a true understanding of the case, and a correct knowledge of the relevant law.
- (89) Peace must be allied to Truth, in judgment, v. supra I, 18. Most commentators and translators take 'Shares in the bearing . . . peace' as denoting qualities that should characterize the relationship of the possessor of Torah towards all men. This may well be so, but here, it appears, his attitude towards his (lay) court assessors is, in the first place, meant.
- (90) Some versions, 'his heart'.
- (91) Or 'his teaching', which is perhaps better as 'sedateness' (**ישוב**) (presumably, mainly, in learning) has already been given in this list.
- (92) Some read as in supra V, 7, q.v.
- (93) Cf. supra I, 13.
- (94) Cf. supra IV, 5.
- (95) Cf. ibid. I. Or render 'Acknowledges his teacher to be superior to himself in wisdom' (L.).

- (96) Sc. from his teachers.
- (97) Est. II, 22. This dictum is attributed in Meg. 15a to R. Hanina.
- (98) The subject in all cases is (Words of) Wisdom, which is identified with Torah,
- (99) Prov. IV, 22.
- (100) Ibid. III, 8.
- (101) V. p.86, n. 12.
- (102) Prov. III, 18,
- (103) Ibid. 1, 9.
- (104) Ibid. IV, 9. Some versions insert here ibid. IX, 11.
- (105) Ibid, III, 16.
- (106) Ibid. III, 2.
- (107) So in Tosef. Sanh. XI, 4, but J. Sanh. XI, 3, R. Simeon b. Menasya, who was a contemporary of R. Simeon b. Judah. The latter, however, is not only one of the 'tradents' par excellence, but the main tradent of R. Simeon b. Yohai (v. Bacher, Tradition, pp. 80 and 82).
- (108) One of the foremost disciples of R. Akiba. Whilst his father appears to have been persona grata with the Roman authorities, R. Simeon himself was their bitter enemy, on account of the selfish mercenary and immoral motives that prompted even their apparently good actions. Eventually he had to flee them and, together with his son R. Eleazar, hide in a cave for thirteen years. (Shab. 33b.) During that time his knowledge of both legal and mystical lore increased phenomenally. In the Mishnah the name R. Simeon (without further description) denotes R. Simeon b. Yohai.
- (109) This list contains, apparently, eight items, whereas the next Baraitha refers to 'the above seven qualities.' Heidenheim (quoted in Baer's Siddur Abodath Israel and in MV, p. 561), pointing out there is no Biblical citation in support of comeliness, which shows that it is not intended to rank as a separate and distinct accomplishment, renders 'Comeliness, consisting in strength etc.' — only seven qualities. Heidenheim was, however, apparently unaware of Elijah Wilna's comment in which the latter points out that there is no Scriptural quotation for 'wisdom' which he, accordingly, deletes. This, too, leaves only seven. As for 'comeliness', he points out that Prov. I, 9 and IV, 9, cited in the previous Baraitha, offer apposite Scriptural authority. In J. Sanh. loc. cit. 'old age' is omitted and only 'hoary age' is given. L. says there is obviously no need for proof that strength, riches, honour and wisdom are 'good things, and is of opinion that all the Scriptural texts here, are given, as they are required, in support of the claims made on behalf of old age and hoary age (treating them as one) and children, as these are liable to be disputed on the grounds that hoary age, entailing physical weakening, and the possession of children, owing to the uncertainty as to how they will grow up, appear to be not unmixed blessings.
- (110) Prov. XVI, 31.
- (111) Ibid. XIV, 24.
- (112) Ibid. XVII, 6.
- (113) Ibid, XX, 29.
- (114) Isa, XXIV, 23.
- (115) A disciple of R. Meir and a contemporary of R. Judah ha-Nasi whom he survived, and, thus, one of the last generation of Tannaim.
- (116) מְדוּת v. supra V, 10. cf, p. 67 n. 3.
- (117) R. Simeon b. Menasya must have lived to a considerable age (v. n. 7) to have had the opportunity of testifying so unequivocally to the qualities of Rabbi's sons,
- (118) A contemporary of R. Hanania b. Teradion; taught in Caesarea, He held that the Roman domination was heaven-ordained and was respected by leading Romans, many of whom attended his funeral (A.Z. 18a). His name does not occur in the Mishnah.
- (119) Cf. supra IV, 15.
- (120) A denarius of gold = 24 denarii of silver,
- (121) Prov. VI, 22.
- (122) Midrash Tehillim to Ps. I, 3, adds, 'from the worms,' and Gen. Rab. XXXV read, 'in the hour of death',
- (123) MV: 'it shall speak for thee,' i.e., intercede on thy behalf.
- (124) Ps. CXIX, 72.
- (125) Hag. II, 8.
- (126) Elijah Wilna emends to 'Four'. Sifre Deut. 309 (p. 134a) enumerates only three (Torah, Israel, Sanctuary), Mekilta

Beshallah (Shirah) Pes. 87b, adding Heaven and earth, gives four. In all these parallels the reference to Abraham is omitted. MV, though retaining it in its text, comments on its clumsiness.

(127) V. preceding note.

(128) Elijah Wilna deletes this item. V, *ibid*,

(129) Perhaps transl. 'an unique'.

(130) Wisdom (= Torah) speaking.

(131) Prov. VIII, 22.

(132) Elijah Wilna deletes from here onwards and continues from 'And he blessed him etc.', thus eliminating the incongruous introduction of the reference to Abraham, and providing a suitable scriptural authority for 'heaven and earth' as a 'possession', viz. Gen. XIV, 19 (which is also the relevant citation in Pesah. 87b).

(133) Isa. LXVI, 2.

(134) Ps. CIV, 24. This is the only rendering applicable here. קנייך (spelt חסר 'defective' as in some texts) is taken as a singular.

(135) Gen. XIV, 29. If this should, after all, be intended as a proof for Abraham as a possession', the verse would have to be understood thus: 'Blessed be Abraham of the Most High God who possesses him even as he possesses heaven and earth' (MV), or 'Blessed . . . God because He is possessor of heaven and earth which owe their existence to the merit of Abraham,' (Rashi).

(136) Ex. XV, 16.

(137) Ps. XVI, 3. 'The holy . . .' was taken by the author of the Baraita to refer to Israel; 'my delight', הַפִּי, he understood as 'that which [desire to possess]'; cf, the use of הַפִּי in Mal. III, 2; Prov. III, 15.

(138) Ex. XV, 17.

(139) Ps, LXXVIII, 54. As the first quotation Ex. XV, 17 did not employ the term 'possess', the latter is provided by adducing, as a complement the verse from Psalms. Rashi criticizes the reference to the Sanctuary as a 'possession' on the ground that the proof is indirect.

(140) Ex. XV, 18.

CHAPTER I

MISHNAH ALL SACRIFICES SLAUGHTERED NOT IN THEIR OWN NAME¹ ARE VALID,² SAVE THAT THEY DO NOT FREE THEIR OWNERS OF THEIR OBLIGATION,³ WITH THE EXCEPTION OF THE PASSOVER-OFFERING AND THE SIN-OFFERING.⁴ [THIS HOLDS GOOD OF] A PASSOVER-OFFERING IN ITS PROPER TIME;⁵ AND A SIN-OFFERING AT ALL TIMES. R. ELIEZER SAID: ALSO THE GUILT-OFFERING [IS INVALID]. [AND THE LAW HOLDS GOOD OF] A PASSOVER-OFFERING IN ITS PROPER TIME, AND A SIN-OFFERING AND A GUILT-OFFERING AT ALL TIMES. R. ELIEZER ARGUED: THE SIN-OFFERING COMES ON ACCOUNT OF SIN, AND THE GUILT-OFFERING COMES ON ACCOUNT OF SIN: AS A SIN-OFFERING [SLAUGHTERED] NOT IN ITS OWN NAME IS INVALID, SO IS THE GUILT-OFFERING INVALID [SLAUGHTERED] NOT IN ITS OWN NAME. JOSE B. HONI SAID: [SACRIFICES] SLAUGHTERED IN THE NAME OF A PASSOVER-OFFERING OR A SIN-OFFERING ARE INVALID. SIMEON THE BROTHER OF 'AZARIAH⁶ SAID: IF ONE SLAUGHTERED THEM UNDER A HIGHER DESIGNATION THAN THEIR OWN THEY ARE VALID; UNDER A LOWER DESIGNATION THAN THEIR OWN, THEY ARE INVALID. HOW SO? IF ONE SLAUGHTERED MOST SACRED SACRIFICES UNDER THE DESIGNATION OF LESSER SACRIFICES,⁷ THEY ARE INVALID; IF ONE SLAUGHTERED LESSER SACRIFICES UNDER THE DESIGNATION OF MOST SACRED SACRIFICES, THEY ARE VALID. IF ONE SLAUGHTERED A FIRSTLING OR TITHE IN THE NAME OF A PEACE-OFFERING,⁸ IT IS VALID; IF ONE SLAUGHTERED A PEACE-OFFERING IN THE NAME OF A FIRSTLING OR TITHE, IT IS INVALID.

GEMARA. Why must [the Tanna] teach, SAVE THAT THEY DO NOT FREE [THEIR OWNERS OF THEIR OBLIGATION]; let him teach, 'and they do not free their owners of their obligation?'⁹ — He informs us this: they merely do not free their owners of their obligation. yet they retain their [original] sanctity, and no alteration therein is permitted, in accordance with Raba's dictum. For Raba said: If a burnt-offering was slaughtered under a different designation, its blood must not be sprinkled under a different designation .¹⁰

If you wish, I can say [this follows] from reason, and if you wish I can say, from Scripture. If you wish, I can say [this follows] from reason: because he made an alteration therein [once], is he to go on making alterations therein?¹¹ And if you wish, I can say [it follows] from Scripture: That which is gone out of thy lips thou shalt observe and do; according as thou hast vowed a freewill-offering unto the Lord thy God etc.:¹² is this a freewill-offering —

(1) I.e. under a different designation. E.g., a burnt-offering slaughtered as a peace-offering.

(2) They count as a sacrifice, and all their rites, such as sprinkling the blood, burning the emurim (v. Glos). and eating the flesh, must be performed.

(3) If the owner vowed e.g.. a burnt-offering, this sacrifice does not free him of his obligation and he must bring another.

(4) These are altogether invalid; hence they must be burnt (not on the altar), and the usual rites may not be performed.

(5) Sc. from midday on the eve of Passover until nightfall.

(6) Sotah 21a.

(7) Sacrifices were divided into two categories: (i) Most sacred; these included the sin-offering, meal-offering, burnt-offering and guilt-offering; and (ii) Lesser sacrifices e.g.,the peace-offering. Passover-offering and the thanksoffering.

(8) The sanctity of the former is lower, v. infra 89a.

(9) Which is more in keeping with the terse style of the Mishnah.

(10) But as the blood of a burnt-offering.

(11) Obviously not-one wrong does not authorise another!

(12) Deut. XXIII,24.

Talmud - Mas. Zevachim 2b

surely it is a vow?¹ The meaning however is this: if you have acted in accordance with your vow,² let it be the fulfilment of your vow; but if not, let it count as a freewill-offering.³ Now as a freewill-offering is it permitted to make a change in it?⁴

Rabina said to R. Papa: You were not with us in the evening within the Sabbath limit of Be Harmack,⁵ when Raba pointed out a contradiction in two important laws, and then reconciled them. What are these important laws? — We learnt: ALL SACRIFICES SLAUGHTERED NOT IN THEIR OWN NAME etc. Thus it is only when they are slaughtered for another purpose; but if no purpose is defined, they even acquit their owners of their obligation, which proves that an undefined purpose is the same as its own purpose [defined]. But the following contradicts it: 'Every Get⁶ which was written not in the name of the woman [for whom it is intended]⁷ is invalid;⁸ and [in point of fact if it is written with] an undefined purpose it is also invalid?⁹ And he answered it: Sacrifices, where no purpose is defined, stand [to be slaughtered] for their own purpose.¹⁰ whereas a woman, if nothing is defined, does not stand to be divorced.

Now, how do we know that sacrifices slaughtered with undefined purpose are valid? Shall we say, because we learned: ALL SACRIFICES SLAUGHTERED NOT IN THEIR OWN NAME etc., while he [the Tanna] does not teach, 'which were not slaughtered under their own designation'. But surely in the case of the Get too, he also teaches: Every Get which was written not in the name of the woman, is invalid, and does not teach, 'which was not written in the name of the woman is invalid'! — Rather, it follows from what we learned: How is 'in its own name and not in its own name' meant? In the name of the Passover-offering and in the name of a peace-offering.¹¹ Thus it is [invalid] only because he stated¹² 'in the name of the Passover-offering and in the name of a peace-offering' but, [if he slaughtered it] in the name of the Passover-offering and [sprinkled its blood] with undefined purpose, it is fit; which proves that with purpose undefined it is as in its own name!¹³ — Perhaps it is different there, because one may argue: Whoever does anything, does it with the original [expressed] intention! — Rather, it follows from the second clause: [How is] 'not in its own name and in its own name' [meant]? In the name of a peace-offering [first] and [then] in the name of the Passover-offering. Thus it is [invalid] only because he stated,¹² 'In the name of a peace-offering and in the name of the Passover-offering'; but [if he slaughtered it] without a defined purpose [and sprinkled the blood] in the name of the Passover-offering, it is valid!¹³ — Perhaps it is different there, because we say: the end illumines the beginning.¹⁴ Alternatively, [perhaps] because he teaches 'in its own name and not in its own name' [in the first clause], he also teaches 'not in its own name and in its own name' [in the second clause]!¹⁵ Rather, it follows from this: A sacrifice is slaughtered for the sake of six things: For the sake of the sacrifice, for the sake of the sacrificer, for the sake of the Divine Name, for the sake of fire-offerings, for the sake of a savour, for the sake of pleasing, and a sin-offering and a guilt-offering for the sake of sin.¹⁶ R. Jose said: Even if one did not have any of these purposes in his heart, it is valid, because it is a regulation¹⁷ of the Beth din.¹⁸ Thus the Beth din made a regulation that one should not state its purpose, lest he come to state a different purpose. Now if you think that an undefined purpose [renders] it invalid, would the Beth din arise and make a regulation which would invalidate it?¹⁹

Now how do we know in the case of a Get that an undefined purpose [renders] it invalid? Shall we say from what we learned: If one was passing through the street and heard the voice of scribes dictating: 'So-and-so divorced So-and-so of such a place,'²⁰ whereupon he exclaimed, 'That is my name and my wife's name,' it [the Get so written] is invalid for divorcing therewith!²¹ — Yet perhaps that is [to be explained] as [did] R. Papa. For R. Papa said: We are discussing scribes

engaged in practising, So that it was not written for the purpose of divorcement at all!²² — Rather [it follows] from this:

(1) As thou hast vowed implies that we are treating of a vow; while a freewill-offering applies to a nedabah (a freewill-offering). When one vows, ‘Behold, I undertake to bring a sacrifice,’ it is technically called a vow; if one declares, ‘Behold, this animal be for a sacrifice,’ it is a freewill-offering. In the first case, if he subsequently dedicates an animal in pursuance of his vow, and it is lost before it is sacrificed, he must bring another. In the latter case, should the animal be lost or become unfit, his obligation is at an end.

(2) I.e., you have slaughtered it in the name of the sacrifice which you actually vowed.

(3) Additional to the vow originally made.

(4) Of course not. Hence, though it was slaughtered for a different purpose, its other rites must still be performed for the right purpose.

(5) To be able to visit us at the schoolhouse. — He was referring to the Sabbath. Be Harmack is in the vicinity of Pumbeditha; Obermeyer, *Die Landschaft Babylonian* p. 124.

(6) Deed of Divorce.

(7) Of course a name must be written in the Get; but even if this particular woman's name is written, yet without having her in mind, so that the fact of the name being identical is a pure coincidence, the Get is unfit.

(8) *Git.* 24a.

(9) Hence an undefined purpose is the same as a wrongful purpose.

(10) This may be assumed.

(11) I.e. he slaughtered the paschal sacrifice in the name of a Passover-offering as required but sprinkled the blood in the name of a peace-offering. *V. infra* 13a.

(12) Not necessarily, as mere wrongful intention is effective.

(13) Which proves that where the purpose is undefined the sacrifice is valid.

(14) Hence since the end (sprinkling) was in the name of the Passover-offering, we assume the beginning (the slaughtering) to have been likewise.

(15) For the sake of parallelism. Yet actually if he slaughters it without a defined purpose, it may be invalid.

(16) He who offers the sacrifice must have these in mind (or express them): (i) the particular sacrifice it is intended to be; (ii) the person for whom it is sacrificed; (iii) that it is sacrificed in honour of the Divine Name; (iv) with the intention of burning the emurim on the altar, not merely roasting it; (v) and (vi) with the intention that it shall provide a pleasing savour to God (v.e.g., *Lev.* III, 5 — *nihoah*, translated there ‘sweet’, is rendered ‘pleasing’).

(17) *Lit.*, ‘stipulation’.

(18) That one should not define its purpose—the name of the sacrifice for which it is offered, *infra* 46b.

(19) Surely not. This then proves Raba's first point.

(20) They were teaching pupils to write a Get, and had selected the names at random.

(21) *Git.* 24a.

(22) But if a scribe writes a Get for the purpose of divorce, selecting names at random, perhaps it is valid.

Talmud - Mas. Zevachim 3a

Even more; If he wrote [a Get] to divorce his wife and then changed his mind; then a fellow-citizen met him and said to him ‘My name is the same as yours, and my wife's name is the same as your's, it [the Get] is invalid for divorcing therewith! — Yet perhaps it is different there, because it had been designated for that particular person's divorce!¹ — Rather, from the following: Even more: If he had two wives of the same name, and he wrote [a Get] to divorce the elder therewith, he cannot divorce the younger with it.² — Perhaps it is different there, as it had been designated for that particular wife's divorce! — Rather, from the following: Even more: If he said to the writer, ‘Write it and I will then divorce whichever I desire,’ it is invalid for divorcing therewith!² — Perhaps it is different there, because selection is not retrospective!³ — Rather, from this: He who writes formulas of *Gittin*⁴ must leave blanks for the name of the husband, and the name of the wife, the names of the witnesses, and the date.⁵ Rab Judah said in Samuel's name: He must also leave a blank for [the passage], ‘Behold, thou art permitted unto all men’.

He [Raba] pointed out a further contradiction. Did then Rab Judah say in Rab's name: if one slaughtered a sin-offering under the designation of a burnt-offering, it is invalid; [if one slaughtered it] under the designation of hullin,⁶ it is valid? This proves that its own kind destroys it, while a different kind does not destroy it.⁷ But the following contradicts it: 'Every Get written not in the name of the woman [for whom, it is intended] is invalid',⁸ and [in point of fact] even [if written] in the name of a Gentile woman it is still invalid.⁹ And he answered: In the case of a Get, disregard the Gentile woman altogether,¹⁰ [and] it is then [written] without defined purpose, which is invalid.¹¹ But as for sacrifices, disregard the hullin,¹² [and] it is [a sacrifice slaughtered] without defined purpose, which is valid.¹³

He pointed out another contradiction. Did then Rab Judah say in Rab's name: If one slaughtered a sin-offering under the designation of a burnt-offering, it is invalid; [if he slaughtered it] under the designation of hullin, it is valid? This proves that its own kind destroys it, while a different kind does not destroy it. But it was taught : [And every earthen vessel into] whose inside [any of them falleth, whatsoever is in it shall be unclean, and it ye shall break]¹⁴ but not the inside of the inside, and even a non-earthen vessel¹⁵ saves it.¹⁶ And he answered it: They [the Rabbis] treated hullin in respect to consecrated animals as a partition in respect to an oven. Just as a partition in respect to an oven has no effect at all, so hullin in respect to consecrated animals has no effect at all. For we learned: If an oven is partitioned with boards or curtains, and a reptile is found in one compartment, the whole is unclean. If a defective receptacle,¹⁷ which is stuffed with straw, is lowered into the air-space of an oven, and a reptile is in it, the oven becomes unclean; if a reptile is in the oven the foodstuffs in it [the receptacle] become unclean;¹⁸ while R. Eliezer declares it clean. Said R. Eliezer: It follows a fortiori: If it protects in the case of a corpse, which is stringent,¹⁹ shall it not protect it in the case of an earthen vessel²⁰ which is less stringent? Not so, they replied:

(1) And for no other.

(2) Git. 24b.

(3) His subsequent intention has no retrospective validity in the sense that it is regarded as though he had intended it thus in the first place, and so it is still possible that he had first intended it for the other, and therefore it is invalid.

(4) Plural of Get. He writes them to have them ready whenever the occasion arises.

(5) Then he can fill them in as required. But he cannot fill them in in the first place, though writing them for the express purpose of divorce, and then find persons with the same name (Git. 26a). This proves that they must be written expressly for persons who are to use them.

(6) V. Glos — i.e., not as a sacrifice at all.

(7) A sin-offering and a burnt-offering are of the same kind — both are sacred, and by substituting the name of the latter for that of the former, he destroys its validity. But hullin, being non-sacred, is of a different kind, as it were, and does not harm it.

(8) Git. 24a.

(9) Now a Gentile woman belongs to a different category, in that the law of Get does not apply to her at all, and yet she destroys the validity of the Get.

(10) Regard the Get as though it had not been written for her.

(11) Since it must be written expressly for a particular woman.

(12) Viz., that it was slaughtered as hullin.

(13) V. supra 2b.

(14) Lev. XI, 33.

(15) Lit., 'a vessel of rinsing.' This is the technical designation of all non-earthen vessels, because they can be purified from ritual uncleanness in a ritual bath (mikweh).

(16) If a reptile (sherez) falls inside an earthen utensil containing eatables, even without touching them, they become unclean. On this the comment is made: only if it falls, inside, but not into the inside of the inside. Thus: if a utensil containing eatables is lying in an earthen oven (ancient ovens were open on top), with its mouth protruding above the top of the oven, and a reptile falls into the oven, the foodstuffs remain clean, as the inside of the utensil is regarded as the

'inside of the inside,' of an oven. This holds good not only when the inner utensil too is an earthen one, but even if it is non-earthen. The difference between the two is this: an earthen vessel is defiled only if the reptile falls inside, whereas a non-earthen vessel is defiled even if the reptile touches it on the outside. Now a non-earthen vessel is really of a different kind, since it differs in law, and yet it protects the foodstuffs in it from defilement, acting as interposition between the foodstuffs and the vessel in the oven. Thus a different kind too can 'destroy' the status of the food as being 'inside' the oven and gives it the status of being 'inside the inside'.

(17) Lit. 'a beehive (shaped receptacle)'.

(18) Thus the receptacle, not being of the same kind as the oven, does not destroy the status of the food as being in the air-space of the oven. If the receptacle were whole it would protect the eatables, as above. Since it is not whole, however, it lacks the status of a utensil, and this is so even if it is stuffed with straw as a repair.

(19) If this partition were in a room containing a corpse, it would suffice to protect the foodstuffs from defilement, though the contaminating powers of a corpse are far greater than those of a reptile in an oven.

(20) As in the case of the oven.

Talmud - Mas. Zevachim 3b

if it protects in the case of a corpse, which is stringent, that is because it is divided into tents;¹ shall it therefore protect in the case of earthen vessels which are less stringent but which are not divided into tents?² Now this is well according to the Rabbis.³ But what can be said on R. Eliezer's view?⁴ — R. Eliezer argues a fortiori.⁵ If so, here too we can argue a fortiori: if sacred animals profane sacred animals, how much more does hullin!⁶ — Rather, Rab's reason is in accordance with R. Eleazar.⁷ For R. Eleazar said: What is Rab's reason? And they shall not profane the holy things of the children of Israel, which they set apart unto the Lord:⁸ holy things profane holy things, but hullin does not profane holy things.⁹ This proves that a Scriptural text comes and nullifies the argument a fortiori; then here too, let the text 'its inside' come and nullify the argument a fortiori!¹⁰ — This text, 'its inside', is required in respect of foodstuffs pasted round with clay and placed within the air-space of an oven. You might think, since they cannot be defiled by contact,¹¹ they cannot be defiled through its air-space either. Hence [the deduction] informs us that It is not so.¹² And the Rabbis? — [They argue,] No text is necessary in respect of these [foodstuffs].¹³

R. Joseph b. Ammi pointed out a contradiction between change [of intention] in respect of sanctity and change [of intention] in respect of owners,¹⁴ and answered it. Did then Rab say: If one slaughters a sin-offering [for one offence] as a sin-offering [for another offence],¹⁵ it is fit; as a burnt-offering, it is unfit? This then proves that another kind destroys it, whereas its own kind does not destroy it. Yet surely Rab said: If a sin-offering is slaughtered on behalf of one who is liable to a sin-offering,¹⁶ it is unfit; on behalf of one who is liable to a burnt-offering, it is fit. This proves that a person of the same category as the offender destroys it, whereas one of a different category does not destroy it? And he answered: In the former case, the Divine Law states, And he shall kill it for a sin-offering,¹⁷ and lo, a sin-offering has been slaughtered as a sin-offering. But in the latter case it is written, and the priest shall make atonement for him,¹⁸ [which intimates,] 'for him', but not for his fellow, and 'his fellow' implies one like himself, who stands in need of atonement just as he does.¹⁹

R. Habibi shewed a contradiction between the law of change [of intention] in respect of owners and that of the inside of the inside, and then answered it. Did then Rab say: If a sin-offering is slaughtered on behalf of one who is liable to a sin-offering, it is unfit; on behalf of one who is liable to a burnt-offering, it is fit? This then proves that its own kind destroys it, whereas a different kind does not destroy it. Yet surely it was taught: 'Its inside', but not the inside of it inside, and even a non-earthen vessel protects it?²⁰ And he answered: 'Its inside' is written four times, 'the inside [tok]', 'its inside [toko]; 'the inside' [tok], 'its inside [toko]';²¹ one is required for its essential law;²² another for a gezerah shawah;²³ a third [intimates] the inside of this, but not the inside of another;²⁴ and finally [to teach]: Its inside, but not the inside of its inside, and even a non-earthen vessel protects.²⁵

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- (1) A single partition across a room is sufficient to divide it into two rooms, and if a corpse is in one, eatables or utensils in the other are not contaminated. Hence it is right that even a defective receptacle should have the same effect.
- (2) I.e., a partition placed in an earthen vessel (sc. an oven) does not divide it into separate compartments (here designated 'tents'), as stated supra 3a: therefore a defective receptacle cannot do so either; so Tosaf. Rashi explains more simply: if it protects . . . into tents — i.e., it is quite usual to partition off a room into two, therefore a partition converts it into two separate tents. But it is not usual to partition an oven: hence the partition cannot affect its status. On this interpretation it appears that R. Eliezer holds that a partition does affect it, protecting the foodstuffs from contamination. In that case they differ not only in respect to a defective receptacle, but also in respect to the partitioning of an oven by a board or curtain.
- (3) The view that the defective receptacle (or, a partition) does not protect agrees with Rab's statement that what is not of its own kind does not 'destroy' it.
- (4) According to him a different kind too apparently 'destroys' it: is then Rab's ruling a matter of dispute between the Rabbis and R. Eliezer?
- (5) Generally he agrees with Rab, but in this particular case he rules differently, because of his argument.
- (6) When one kills a sin-offering as a burnt-offering, he is still killing it as something sacred, and yet you say it is unfit. How much more should it be unfit when he kills it as hullin, which is not sacred at all!
- (7) Not because a different kind does not 'destroy' it, but because a Scriptural text teaches this law. Sh. M. emends: R. Elai.
- (8) Lev. XXII, 15.
- (9) Tosaf. suggests that 'the holy things' is superfluous, being understood from the context, and is therefore employed for this deduction.
- (10) From this text, 'its inside,' it is deduced supra a, but not 'the inside of the inside', which is explained as meaning the inside of a second vessel within the first. Now from this it is deduced afortiori that a partition does not destroy the unity of an oven (v. supra a), for if it did, a text would surely not be necessary for teaching that another vessel within the first protects its contents.
- (11) For a 'creeping thing' cannot touch them.
- (12) The food is defiled. This is learnt from the deduction, its 'inside', but not 'the inside of its 'inside'', whence it follows that a partition does not protect; and it is in respect of a partition of this nature, viz., clay pasted round food, that this conclusion is drawn.
- (13) For they are obviously 'inside' of the oven.
- (14) I.e. between wrongful intention in respect of the sacrifice and that in respect of the owner thereof; e.g., he offered the sacrifice under the name of one who was not its owner.
- (15) Its owner had incurred the liability on account of a particular offence, whereas in slaughtering it he (or the priest) intended it as a sin-offering for some other offence.
- (16) But who is not the owner of this particular sacrifice.
- (17) Lev. IV, 33.
- (18) Ibid. 26, 31, 35.
- (19) For otherwise he cannot be called 'his fellow' in this respect. Hence the exclusion of his fellow applies only to such a case.
- (20) Cf. supra a p. 7. n. 1.
- (21) V. Lev. XI, 33, where toko (lit, 'its inside') is repeated twice, though in each case tok ('inside') would suffice. Each tok (which could have been written) is interpreted; further, each addition, 'toko', is likewise interpreted, which gives four in all.
- (22) Viz., that any food or drink within it is defiled through the reptile (sherez) entering its air-space.
- (23) V. Glos. Teaching that the dead reptile defiles the utensil too, through entering its air-space, even without touching it; v. Hul. 24b.
- (24) Only an earthen vessel thus becomes unclean through its air-space without actual contact, but not a non-earthen vessel.
- (25) Hence this is a specially decreed law and stands by itself; therefore its principle cannot be applied to sacrifices.

Talmud - Mas. Zevachim 4a

How do we know that the slaughtering must be in its own name? Because Scripture says, And if his offering be a zebah slaughtering of peace-offerings:¹ [this teaches] that its slaughtering must be in the name of a peace-offering. But perhaps that is their name?² — Since it is written, He that offereth the blood of the peace-offerings³ and [he] that dasheth the blood of the peace-offerings [against the altar],⁴ and zebah' is not written,⁵ whereas here 'zebah' is written, you may infer from it that the slaughtering must be in the name of a peace-offering.

We have thus learned [it of] slaughtering, how do we know [it of] the other [sacrificial] services?⁶ And if you say, let us learn then, from slaughtering [by analogy], then it may be objected, as for slaughtering, the reason is because it disqualifies in the case of a Passover-sacrifice [if done] on behalf of those who cannot eat it.⁷ — Rather Scripture says, He that offereth the blood of the peace-offerings⁸ which teaches that the reception [of its blood] must be in the name of peace-offerings. Then let the Divine Law state it of the reception [of the blood], whence the slaughtering [too] could be derived? — [That is not done] because [the analogy] can be refuted. As for the reception [of the blood], the reason is because it is unfit [if done] by a lay-Israelite or a woman.⁹ We have thus learned [it of] slaughtering and receiving; how do we know [it of] sprinkling? And if you answer, let us learn it from the former [by analogy, then it may be argued]: As for the former, the reason is because they require the north,¹⁰ and are practised in the case of the inner sin-offerings! — Rather, Scripture says, 'He that dasheth the blood of the peace-offerings!' [which teaches] that the sprinkling [dashing] must be in the name of peace-offerings. Then let the Divine Law write it in respect to sprinkling, whence the others could be derived? [That is impossible] because [the analogy] can be refuted: as for sprinkling, that is because a lay-Israelite is liable to death on its account.¹¹

We have thus found it of all [rites]; whence do we know [it] of carrying? And if you say, let us learn it from all the others, [then it may be argued]: As for all the others, that is because they are rites which cannot be dispensed with; will you say the same of carrying, which can be dispensed with?¹² — Rather, Scripture says, And the priest shall bring near¹³ the whole . . . to the altar,¹⁴ and a Master said: This refers to the carrying of the limbs to the [altar] ascent; while it was also taught, [And Aaron's sons . . .] shall present [the blood]:¹⁵ this refers to the receiving of the blood. Now, Scripture expresses this by a term denoting carrying¹⁶ in order to teach that carrying cannot be excluded from the scope of receiving,¹⁷

Now we have thus found [it] of change [of intention] in respect of sanctity;¹⁸ whence do we know it of change [of intention] in respect of owner? — Said R. Phinehas the son of R. Ammi: Scripture says, And the flesh of the slaughtering of his peace-offerings for thanksgiving etc.,¹⁹ [which teaches] that the slaughtering must be in the name of a thanksoffering; now since this is superfluous for change in respect of sanctity, for that is deduced from the other text, transfer its teaching to change in respect of owners.²⁰ But is that the purpose of this verse? Surely it is required for what was taught. [Viz.,] 'And the flesh of the zebah [slaughtering] of his peace-offerings for thanksgiving': Abba Hanin said on R. Eliezer's authority: This comes to teach that if a thanksoffering is slaughtered in the name of a peace-offering, it is valid; if a peace-offering is slaughtered in the name of a thanksoffering, it is invalid.²¹ What is the difference between these two cases? — A thanksoffering is designated a peace-offering, but a peace-offering is not designated a thanksoffering!²² — We state [our deduction] from the word 'slaughtering'.²³ Yet it is still needed [thus]: How do we know [it of] a sin-offering and a guilt-offering?²⁴ From the word 'slaughtering'.²⁵ — If so,²⁶ let Scripture write, And the flesh of his peace-offerings for thanksgiving slaughtering [shall be eaten etc.]²⁷ why state, the slaughtering [of his peace-offerings for thanksgiving]?²⁸ So that both laws may be inferred from it.

We have thus found [it of] slaughtering; whence do we know [it of] other services?²⁹ And if you

say, Let us learn [them] from slaughtering, [then it may be objected]: as for slaughtering, the reason is because it disqualifies in the case of a Passover-offering, [when it is done] for the sake of those who cannot eat it! — ‘Slaughtering’ is stated in reference to change [of intention] in respect of sanctity, and ‘slaughtering’ is stated in reference to change [of intention] in respect of owner; as in the case of the slaughtering stated in reference to change in respect of sanctity, you do not differentiate between slaughtering and other services, so also in the case of the slaughtering which is stated in reference to change of owners, you must not differentiate between slaughtering and other rites. This can be refuted: as for change in respect of sanctity, [that is] because its disqualification is intrinsic,³⁰ and it is [operative] in respect of the four services,³¹ and it is [operative] after death,³² and it is [operative] in the case of the community as in the case of an individual.³³

(1) Lev. III, 1. So literally. E.V. ‘sacrifice of peace-offerings’.

(2) Perhaps the Heb. zebah simply means ‘sacrifice’, as E.V. the name of the offering being the sacrifice of peace-offerings, and thus it has no bearing on the question of slaughtering.

(3) Lev. VII, 33.

(4) Ibid. 14.

(5) It does not say, ‘He that offereth the blood of the ‘zebah’ of the peace-offerings.’

(6) Receiving the blood, carrying it to the part of the altar where it is to be sprinkled, and the actual sprinkling, count as separate services.

(7) E.g. on behalf of aged and infirm, who cannot eat. But if the blood is sprinkled on their behalf, the offering is not unfit; and similarly in the case of any other of the services performed on their behalf.

(8) The Rabbis refer this to the receiving of the blood,

(9) It must be done by a priest. The slaughtering however may be done by a lay-Israelite too, and therefore, but for the text which teaches otherwise, I might think that it need not be done specifically in the name of that particular sacrifice.

(10) They must both be done at the north side of the altar.

(11) If he performs it. But the slaughtering may be done by a non priest; while the receiving and carrying, though forbidden to a non priest, do not involve death. By ‘death’ is meant death at the hands of heaven, not capital punishment.

(12) If the animal is killed at the very spot where the blood is to be sprinkled.

(13) We-hikrib; E.V. ‘offer’.

(14) Lev. 1,13.

(15) Ibid. 5.

(16) The same Heb. word, hikrib here explained to mean the receiving of the blood, is interpreted as carrying (the limbs) in the other verse.

(17) I.e., receiving includes carrying, and the law of one applies to the other.

(18) I.e., that a particular sacrifice must not be offered in the name of a different sacrifice.

(19) Ibid. VII, 15.

(20) This is a principle of Talmudic exegesis: where a verse is superfluous in respect of the subject upon which it directly bears, its teaching is to be transferred to another, analogous subject.

(21) ‘Valid’ and ‘invalid’ mean that the bringer has discharged or not discharged his obligations respectively.

(22) ‘Peace-offering’ is a wider term, which includes but is not included in the term ‘thanksgiving’. — Thus the verse is required for a different purpose.

(23) Whereas the other teaching is deduced from the phrase ‘his peace-offerings for thanksgiving’.

(24) That their flesh too may be eaten only on the day when they are sacrificed and the following night, as that text is interpreted in respect of thanksgiving.

(25) Which term includes other sacrifices.

(26) If that is the only teaching of that verse.

(27) Thus ‘zebah’ would be written immediately in connection with eating.

(28) Bringing ‘slaughtering’ into connection with the sacrifice rather than with the eating.

(29) Sc. that they must not be performed in the name of any but their true owner.

(30) I.e., on illegitimate intention is expressed in respect to the sacrifice itself.

(31) An Illegitimate intention in respect of any service disqualifies it (according to the terms of the Mishnah). But change in respect of owner is a disqualification only for sprinkling, which constitutes the principal rite of atonement,

either at that rite itself, or by expressing an intention at the slaughtering or any other service that the sprinkling shall be for a different owner.

(32) If the owner dies, his son must bring it, and if he slaughters it for a different purpose it is invalid.

(33) A public sacrifice, just like a private sacrifice, is disqualified if offered for another purpose.

Talmud - Mas. Zevachim 4b

Now although two [of these refutations] are not exact,¹ two at all events are! (For how is change in respect of owner different, that it is not an intrinsic disqualification? [Surely] because it is a mere intention!² Then change in respect of sanctity too is a mere intention! But what you must say is that since he intended it [for a wrongful purpose], he disqualified it; then here too,³ since he intended it [for a different owner], he disqualified it.⁴ Furthermore, according to R. Phinehas the son of R. Mari who maintained: Change in respect of owner does operate after death,⁵ on two points at least you can refute it.) — Rather, said R. Ashi, Scripture says, And it shall be accepted for him to make atonement for him,⁶ [implying,] but not for his fellow.⁷ But does it come for this purpose? Surely it is required for what was taught: And it shall be accepted for him to make atonement for him: R. Simeon said: Where [the sacrifice] is [a liability] upon him, he is responsible for its loss; where it is not [a liability] upon, him, he is not responsible for its loss,⁸ And R. Isaac b. Abdimi said: What is the reason? Since he declared, ‘[I take] upon myself to bring an offering,’ it is as though he carried it on his shoulder!⁹ — R. Ashi makes his deduction from ‘and it shall be accepted for him to make atonement,’¹⁰

We have now learned [it of] slaughtering and sprinkling: how do we know [it of] the receiving [of the blood]? And if you say, let us learn it from slaughtering and sprinkling, [it can be objected]: as for slaughtering and sprinkling, the reason is because [each is] a service which involves culpability [if performed] without [the Temple court]!¹¹ — Rather said R. Ashi: It is deduced from the nazirite's ram. For it is written, And he shall offer the ram for a slaughtering of peace-offerings,¹² [which teaches] that it must be offered specifically as a peace-offering. Now since this teaching is superfluous regarding change in respect of sanctity, as that is deduced from the other text, apply its teaching to change in respect of owner. R. Aha b. Abba said to Raba: Let us say, ‘he shall offer’ is a general proposition:¹³ ‘slaughtering’ is a particularization: now [where we have] a general proposition followed by a particularization, [the rule is] the general proposition includes only what is contained in the particularization; hence slaughtering is so,¹⁴ but every other service is not so? — If [Scripture] wrote, ‘He shall offer a peace-offering as a slaughtering,’ it would be as you say. Since however it writes, ‘he shall offer for a slaughtering of peace offerings,’ It is an incomplete general proposition,¹⁵ and an incomplete general proposition is not treated as a case of a general proposition followed by a particularization. Rabina said: In truth we do treat it as such, but ‘unto the Lord’¹⁶ is another general proposition.¹⁷ R. Aha of Difti said to Rabina: But the first generalization is dissimilar from the last generalization, for the first includes [sacrificial] acts but nothing more, whereas the last one implies everything that is ‘unto the Lord’, even the pouring out of the residue [of the blood] and the burning of the emurim?¹⁸ Behold the Tanna of the School of R. Ishmael¹⁹ [even] in the case of a general proposition and particularization of this nature applies the rule that in a general proposition followed by a particularization and followed again by a general proposition you must be guided by the particularization: just as that is explicitly a [sacrificial] service,²⁰ and we require rightful intention, so in the case of every [sacrificial] service we require rightful intention. If so, [you may argue:] just as the particularization is explicitly a service which involves culpability [if it is performed] without [its legitimate boundaries], so is every service [included] which involves culpability [if performed] without; hence slaughtering and sprinkling are indeed included, but not receiving and carrying? or [you may argue]: as the particularization is explicitly something that must be done at the north [side of the altar] and is operative in the case of the inner sin-offerings, so all [services] which must be done at the north and are operative in the case of the inner sin-offerings [are included]; hence slaughtering and receiving are indeed included, but not sprinkling? — You can

argue in this way or in that way; they are equally balanced, and so both [arguments] are admissible.²¹ (Another version: Each argument stands.) Alternatively, I can say, sprinkling follows from R. Ashi's deduction.²²

We have thus found [it true of] the nazirite's ram; how do we know [it of] the other peace-offerings? And if you say, Let us learn them from the nazirite's ram, [it can be argued:] As for the nazirite's ram, the reason is because other sacrifices²³ accompany it.²⁴ — If so,²⁵ Scripture should write, [And he shall offer the ram for. . .] his peace-offerings;²⁶ why state, [for] peace-offerings? — In order to include all peace-offerings.

We have thus found [it true of] peace-offerings; how do we know [it of] other sacrifices? And if you say, Let us learn them from peace-offerings, [it can be argued:] As for peace-offerings, the reason is because they require laying [of hands], libations, and the waving of the breast and shoulder!²⁷ Rather, Scripture says, This is the law of the burnt-offering, of the meal-offering, and of the sin-offering, and of the guilt-offering, and of the consecration-offering, and of the sacrifice of peace-offerings;²⁸ thus Scripture assimilates them to peace-offerings. Just as we require peace-offerings [to be offered] for their own sake, [thus forbidding] both change in respect of sanctity and change in respect of owner, so do we require all [sacrifices to be offered] for their own sake, [thus forbidding] both change in respect of sanctity and change in respect of owner.

Let us say that if one slaughtered them in a different name they are invalid? — Scripture says, That which is gone out of thy lips thou shalt observe and do,' as thou has vowed a nedabah [freewill-offering] etc.:²⁹ is this a freewill-offering — surely it is a vow? The meaning however is this: if you acted in accordance with your vow, let it be [the fulfilment of your] vow; but if not, let it count as a freewill-offering.³⁰ Now [both texts viz. . .] 'that which is gone out of thy lips' and 'this is the law' etc. , are required.³¹ For if the Divine Law wrote, 'that which is gone out of thy lips' [only], I would say,

(1) As it proceeds to explain.

(2) Nothing wrong is actually done to the sacrifice.

(3) Viz., in respect of wrongful ownership.

(4) Thus both can be regarded as intrinsic or non-intrinsic disqualifications.

(5) As a disqualification. The bracketed passage explains the two points in which they are not really different.

(6) Lev. I, 4.

(7) This proves that the 'sprinkling' which effects the atonement must be performed in the name of its owner.

(8) If a man declares, 'I vow an animal for a sacrifice,' he thereby undertakes a liability. If he subsequently sets aside an animal and it dies or is lost before it is sacrificed, he must replace it. But if he declared, 'I vow this animal for a sacrifice,' he accepted no liability beyond that animal, and if it dies his obligations ceases. R. Simeon deduces it from the verse quoted, which he renders and interprets thus: And it shall be accepted for him. When is it accepted for him? When its effect is to make atonement in which case he does not bring another. Hence if it did not make atonement, he must bring another. And when must he bring another in order to make atonement (i.e. to be quit of his obligation)? When he declared it a liability upon him' (E.V. for him). Sh. M.

(9) As though he had it in his care all the time, and until it is actually sacrificed his vow is not fulfilled. Thus the verse is required for a different purpose.

(10) Which implies: it must be 'for him to make atonement 'but not for another to make atonement. Whereas R. Simeon's deduction is from 'upon him' as stated in end of n. 9, p. 14.

(11) But there is no culpability if the other two services (receiving and carrying of the blood) are done outside their legitimate boundaries.

(12) Num. VI, 17.

(13) 'He shall offer (lit. 'do')' is a term embracing all services, while 'slaughtering' is a particular one.

(14) I.e. , the deduction made regarding change in respect of owner applies to slaughtering.

(15) 'He shall offer' obviously requires the completion of 'peace-offerings' before we know to what it refers at all;

'slaughtering' however interposes, and therefore it is only an incomplete generalization.

(16) The continuation of this verse.

(17) For it implies any service performed 'unto the Lord.' Thus we have a general proposition followed by a particularization and followed again by a general proposition. The exegetical rule then is that the general proposition includes all things similar to the particularization, and thus the other services are included.

(18) Whereas only the four services under discussion are sacrificial acts.

(19) Who formulated thirteen rules of exegesis, including this one.

(20) Sc. slaughtering.

(21) Since one approach includes slaughtering and sprinkling, and the other includes slaughtering and receiving, you must admit both, since neither is stronger than the other. Carrying too is then included, for it is really 'a part of the act of receiving.'

(22) Supra, from the verse 'and it shall be accepted for him etc.; hence the present deduction must be in respect of receiving.

(23) Lit., 'blood',

(24) And it is natural that one cannot be sacrificed in the name of one person and a second in the name of another, when all are for the same person. The other sacrifices are the sin-offering and the burnt-offering.

(25) If the deduction of the verse were intended to be confined to this particular sacrifice.

(26) V. marginal gloss.

(27) But no other sacrifices require all these, and consequently they may be offered under another designation either in respect of sanctity or of ownership.

(28) Lev. VII, 37.

(29) Deut. XXIII, 24.

(30) V. supra. Since it counts as a freewill-offering, it is obviously valid.

(31) One might argue that the text, 'that which . . . lips' etc., itself proves that a sacrifice must in the first place at least be offered for its own sake. Hence the Talmud proceeds to shew that that is not so.

Talmud - Mas. Zevachim 5a

I do not know to what this refers,¹ therefore the Divine Law wrote 'this is the law' etc. While if the Divine Law wrote 'this is the law' [only], I would say that they become invalid;² therefore the Divine Law wrote, 'that which is gone out of thy lips' etc.

Resh Lakish lay face downward³ in the Beth Hamidrash, and raised a difficulty: If they are valid, let them be accepted;⁴ while if they are not accepted,⁵ for what purpose do they come?⁶ — Said R. Eleazar to him: We find that those [sacrifices] which come after the death [of their owners] are valid, yet they are not accepted.⁷ For we learnt: If a woman brought her sin-offering [after childbirth] and then died, her heirs must bring her burnt-offering; [if she brought] her burnt-offering, her heirs do not bring her sin-offering.⁸ I agree in the case of a burnt-offering,⁹ he replied, since it comes after death;¹⁰ but in the case of a guilt-offering which does not come after death,¹¹ whence do we know [that it is valid]?¹² — He replied, Lo, [support to] your contention is [available] close at hand: R. ELIEZER SAYS, ALSO THE GUILT-OFFERING [IS INVALID].¹³ Thereupon he exclaimed: Is this he who is spoken of as a great man? I speak to you of an explicit Mishnah, and you answer me with R. Eliezer's view!¹⁴ Rather, said Resh Lakish: I will find a solution myself: 'That which is gone out of thy lips etc.' is this a freewill-offering — surely it is a vow,¹⁵ etc. as above.¹⁶

R. Zera and R. Isaac b. Abba were sitting, and Abaye sat with them. They sat and debated: Resh Lakish had a difficulty about the guilt-offering, which does not come after death, and he adduced an exegesis on 'that which goeth out of thy lips'. Yet say, That which may come as a vow or as a freewill-offering must be brought¹⁷ but do not propitiate,¹⁸ but a guilt-offering is not to be brought at all?¹⁹ Said Abaye to them: Resh Lakish solved [the difficulty] from the following text: And he shall kill it for a sin-offering:²⁰ only it [when slaughtered] in its own name is valid and [when slaughtered] not in its own name is invalid;²¹ but other sacrifices [slaughtered] not in their own name are valid.

You might think then that they are ‘accepted’. Therefore it states, ‘that which goeth out of thy lips’.²² Then say, That which comes as a vow or a freewill-offering must be brought but is not ‘accepted’, whereas a guilt-offering is even ‘accepted’ too?²³ — Said Abaye: You cannot maintain that a guilt-offering is [in such circumstances] accepted, [as the reverse follows] from a burnt-offering, a fortiori: if a burnt-offering, whose purpose is not to make atonement, is not ‘accepted’,²⁴ then how much more is a guilt-offering, whose purpose is to make atonement, not ‘accepted’. As for a burnt-offering [you might argue] ‘the reason [that it is not ‘accepted’] is because it is altogether burnt! Then let peace-offerings prove it.’²⁵ As for peace-offerings, [you might argue] [they are not ‘accepted’] because they require libations and the waving of the breast and shoulder, Then let a burnt-offering prove it.²⁶ And thus the argument revolves: the characteristic of the former is not that of the latter and the characteristic of the latter is not that of the former. The factor common to both is that they are holy [sacrifices] ‘and if slaughtered not in their own names they are valid, yet not ‘accepted’, so also do I adduce the guilt-offering which is holy, hence if one slaughters it not in its name it is valid and not accepted. [No:] The factor common to both [it may be argued] is that they are [also] brought as public offerings!²⁷ — Then let the thanksgiving-offering prove it,²⁸

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- (1) I would not know that Scripture refers at all to the offering of a sacrifice for a purpose other than its own.
 - (2) If not offered for their own sake.
 - (3) Lit. ‘on his stomach.’ He was very stout, v. Git. 47a.
 - (4) I.e., let their owners be regarded as having fulfilled their obligations.
 - (5) If they do not acquit their owners.
 - (6) Why are they valid? At this stage he did not know that their validity is deduced from Scripture.
 - (7) I.e., they do not propitiate.
 - (8) Because in the latter case, it is a sin-offering whose owner died (the passage treats of the case where she dedicated both animals before her death) before it was offered, and it is a traditional law that such is not sacrificed but left to die. — Yet the burnt-offering is offered, though no propitiation is required on behalf of a dead woman. The present case is similar.
 - (9) That even if it is killed for a different purpose, it must still be offered (i.e., the remaining rites must be carried out).
 - (10) The same therefore applies to peace-offerings and other sacrifices which come after death.
 - (11) A guilt-offering is not brought after the death of the owner, but is left to pasture.
 - (12) Since the Tanna of the Mishnah mentions as exceptions only the paschal-offering and sin-offering.
 - (13) Sc. it is invalid presumably because it does not come after death.
 - (14) My difficulty concerns the law stated anonymously in the Mishnah, which presumably is authoritative, and it is not enough to answer me that according to R. Eliezer there is no difficulty.
 - (15) Resh Lakish had not known of this when he raised the difficulty, and arrived at this exegesis independently.
 - (16) Supra p. 2.
 - (17) I.e. if slaughtered not in its own name, the other sacrificial rites in connection with it must be performed.
 - (18) I.e., the vow is not thereby fulfilled, since it was not brought in its proper name.
 - (19) The sacrifice in such circumstances being considered invalid.
 - (20) Lev. IV, 33.
 - (21) Altogether, and therefore we cannot proceed with the remaining rites.
 - (22) Teaching that it does not propitiate as the offering for which it was originally intended.
 - (23) So that another sacrifice is not required.
 - (24) If slaughtered not under its own name.
 - (25) Which are not altogether burnt, yet are not ‘accepted’.
 - (26) Which does not require these,
 - (27) The daily burnt-offering and the lambs of peace-offerings offered on Pentecost were public offerings. But no guilt-offering was ever a public offering.
 - (28) Which was likewise never a public offering, yet conformed to the same law as the others,

Talmud - Mas. Zevachim 5b

As for the thanksgiving-offering [it is not 'accepted'] because it requires loaves [as an accompaniment]!¹ Then let the burnt-offering and peace-offerings prove it. And thus the argument revolves: the characteristic of the one is not that of the other, and that of the other is not that of the first. The factor common to all is that they are holy [sacrifices], and if one slaughters them not in their own name, they are valid and are not accepted; so also do I adduce the guilt-offering which is holy, and hence if one slaughters it not in its name it is valid and is not accepted. [No] the factor common to them all [it may be asked] is that they come as a vow or as a freewill-offering! — Rather said Raba: [Scripture saith,] 'This is the law etc.,' thus Scripture assimilated it [the guilt-offering] to peace-offerings. As the peace-offerings are holy [sacrifices], and if slaughtered not in their own name are valid and are not accepted, so do I adduce the guilt-offering too which is holy etc. What reason do you see to assimilate it to peace-offerings: assimilate it to the sin-offering?² — Surely the Divine Law expressed a limitation [in the word] 'it'.³

[Mnemonic: Hagesh Basar]⁴ R. Huna and R. Nahman were sitting, and R. Shesheth sat with them. They sat and said: Now Resh Lakish had experienced a difficulty, what about the guilt-offering which does not come after death?⁵ But R. Eleazar could have answered him that the guilt-offering too comes after death?⁶ — Said R. Shesheth to them: In what way is a guilt-offering brought? As a remainder!⁷ Then the remainder of a sin-offering too is indeed offered.⁸ [This, however, is no argument;] in the case of a sin-offering though the remainder thereof is offered, yet the Divine Law expressed a limitation in the word 'it' [hu]!⁹ — But in connection with the guilt-offering too hu [it] is written?¹⁰ — That is written after the burning of the emurim, as it was taught: But in the case of a guilt-offering, 'it is' [hu] is stated only after the burning of the emurim, and in fact if the emurim are not burnt at all it [the offering] is valid.¹¹ Then what is the purpose of 'it'? — For R. Huna's teaching in Rab's name. For R. Huna said in the name of Rab: If a guilt-offering was transferred to pasture and one then slaughtered it without a defined purpose, it is valid.¹² Thus, if it was transferred, it is so, but if it was not transferred, it is not so. What is the reason? Scripture says, 'it is', intimating, it must be in its essential form.¹³

R. Nahman and R. Shesheth sat, and R. Adda b. Mattenah sat with them. Now they sat and debated: Now as to what R. Eleazar said: 'We find in the case of sacrifices that come after the death [of their owners] that they are valid, yet are not accepted', let Resh Lakish say to him, Let these too come and be accepted?¹⁴ — Said R. Adda b. Mattenah to them: As for [the offering of] a woman after confinement, if she gave birth, did her children give birth?¹⁵ To this R. Assi demurred: Yet who is to say if she had been guilty of [the neglect of] many affirmative precepts she would not be atoned for?¹⁶ And since she would be forgiven if she had been guilty of neglecting affirmative precepts, then her heirs too may thus be atoned for!¹⁷ — Are we then to say that they [the heirs] acquire it?¹⁸ But surely R. Johanan said: If one leaves a meal-offering to his two sons and dies, it is offered, and the law of partnership does not apply to it.¹⁹ If however you think that they acquire a title to it, surely the Divine Law saith, And when a soul [bringeth a meal-offering]!²⁰ Will you then say that they do not acquire it? Surely R. Johanan said: If one leaves an animal [dedicated for a sacrifice] to his two sons, and dies, it is offered, but they cannot effect substitution with it.²¹ Now it is well if you say that they acquire it; for that reason they cannot effect substitution with it, because they become partners,

(1) V. Lev, VII, 12.

(2) Which is mentioned in the same verse.

(3) As supra a.

(4) The object of this mnemonic, which means 'bring near flesh' is not clear. D.S. emends into Hanesh Nashad, consisting of key letters of the names of the Amoraim in the two paragraphs that follow.

(5) Supra 5a.

(6) For when its owner dies, it is left to graze until it contracts a blemish, whereupon it is sold and the money spent on a sacrifice, viz., a burnt-offering.

(7) As explained in preceding note.

(8) E.g., if a man sets aside two animals for his sin-offering, in case one is lost the other should be available. When the first is subsequently offered, the second is treated as a guilt-offering whose owner died. Thus a sin-offering too may be brought after death, and yet if it is sacrificed for a different purpose it is invalid; then a guilt-offering too should be invalid, and this justifies Resh Lakish's difficulty.

(9) Lev. IV, 24 (referring to the sin-offering, brought 'when a ruler sinneth'): And he shall . . . kill it . . . before The Lord; it is a sin-offering. This emphatic hu ('it is') implies that it must be brought as such, and if offered as a different sacrifice, it is invalid.

(10) Lev. VII, 5: And the priest shall make them smoke on the altar for an offering made by fire unto the Lord: it is (hu) a guilt-offering.

(11) I.e. , we cannot say that it teaches that if the emurim are burnt in the name of a different sacrifice this offering is invalid, since the sacrifice is fit even if the emurim are not burnt at all.

(12) If it was slaughtered (in the Temple court) before it became blemished ' it is valid as a burnt-offering, since that would eventually have been brought from its proceeds (v. note 2). The flesh is then burnt on the altar, while the hide belongs to the priest.

(13) Hence unless it was formally transferred to grazing on the instructions of the Beth din, it is not valid as a burnt-offering if it was slaughtered without a defined purpose.

(14) For the heirs.

(15) They do not need the sacrifice.

(16) Through the burnt-offering necessitated by childbirth. Burnt-offerings make atonement for the violation of positive precepts and negative precepts which are technically regarded as having been transformed into positive precepts. I.e. where the violation of a negative precept necessitates the performance of a positive one: e.g., the violation of 'Thou shalt not rob' (Lev. XIX, 13) necessitates the performance of the positive precept, 'he shall restore that which he took by robbery' (ib. V, 23) — Thus this burnt-offering would serve another purpose too.

(17) If they were guilty of the same.

(18) And it becomes their own, so that it can make atonement for them.

(19) All sacrifices may be brought in partnership, except a meal-offering. Here this does not apply.

(20) Lev. II, 1. — So literally; E.V. and when any one. From this word 'a soul' the Talmud deduces that it can be brought by one person only. But if heirs acquire a title to their father's sacrifices, this meal-offering has now two owners.

(21) When a person dedicates an animal for a sacrifice, he must not propose another as a substitute; if he does, both are sacred (Lev. XXVII, 33). This is called effecting substitution. Here this does not apply, so that if they declare a substitute for it, it does not become sacred.

Talmud - Mas. Zevachim 6a

and partners cannot effect substitution. But if you say that they do not acquire it, let them indeed even effect substitution? — There it is different, because Scripture saith, 'And if he change it at all,' which is to include the heir;¹ and [the same verse teaches,] one can change, but not two.² To this R. Jacob of Nehar Pekod demurred: If so, when it is written, And if a man will redeem ought³ in connection with tithe, which is also to include the heir, will you say there too, One can redeem, but not two? — Tithe is different, because as far as their father too is concerned it [redemption] can be done in partnership.⁴ R. Assi said to R. Ashi: Now from this itself [you may argue]: It is well if you agree that they acquire it, for that reason one [heir] at least can effect substitution.⁵ But if you say that they do not acquire it, how can he effect substitution? Surely R. Abbahu said in R. Johanan's name: He who sanctifies [the animal] must add the fifth, whilst only he for whom atonement is made can effect substitution,⁶ and he who gives terumah of his own for another man's produce, the goodwill is his!⁷ — It does not effect a fixed [absolute] atonement, but it does make a floating atonement.⁸

The question was asked: Do they make atonement in respect of the purpose for which they came, or do they not make atonement?⁹ Said R. Shisha the son of R. Idi: Reason asserts that it does not make atonement; for if you think that it does, what is the purpose of a second [sacrifice]? What then:

[do you maintain]; it does not make atonement? Why then is it offered?¹⁰ — Said R. Ashi: This is the difficulty felt by R. Shisha the son of R. Idi: It is well if you say that it does not make atonement; [for though slaughtered] for a different purpose, yet it comes in virtue of [having been dedicated for] its true purpose,¹¹ while the second [sacrifice] comes to make atonement. But if you say that it has made atonement, what is the purpose of the second?

The question was asked: Does it [a burnt-offering] make atonement¹² for [the violation of] a positive precept [committed] after the separation [of the animal], or not? Do we say, it is analogous to a sin-offering: just as a sin-offering [makes atonement] only for [the sins committed] before separation, but not for [those committed] after separation, so here too [it makes atonement] only for [the sins committed] before separation, but not for [those committed] after separation. Or, perhaps, it is unlike a sin-offering, for a separate sin-offering is incurred for each sin, whereas here, since it makes atonement if he had been guilty of [violating] many positive precepts,¹³ it may also make atonement for positive precepts [neglected] after separation? — Come and hear: And he shall lay [his hand upon the head of the burnt-offering]; and it shall be accepted [for him to make atonement for him];¹⁴ does then the laying [of hands] make atonement? Surely atonement can be made only with the blood, as it says, For it is the blood that maketh atonement by reason of the life!¹⁵ What then is taught by the verse, And he shall lay. . . and it shall be accepted. . . to make atonement? — [To teach] that if he treated [the laying of hands] as the residue of the precept,¹⁶ Scripture regards him as though he did not make atonement, and yet he did make atonement. Now what is meant by 'he did not make atonement' and 'he did make atonement'? Surely, 'he did make atonement' [means] in respect of positive precepts [neglected] before the separation [of the animal], while 'he did not make atonement' in respect of the positive precept of laying [of hands], because it is a positive precept [neglected] after separation?¹⁷ — Said Raba: You speak of the precept of laying [the hand]? There it is different, because as long as he has not yet slaughtered, he is subject to the injunction 'Arise and lay [hands]';¹⁸ when then is it a [neglected] positive precept? After the slaughtering; and in respect of [a precept neglected] after the slaughtering no question arises.¹⁹ R. Huna b. Judah said to Raba: Perhaps it means, 'It did make atonement' — for the person,

(1) The emphatic 'at all' is expressed in Hebrew by the doubling of the verb, and this doubling is interpreted as an extension including the heir.

(2) Since it is couched in the singular.

(3) Lev. XXVII, 31.

(4) If the produce belonged to partners in the first place, they could tithe and redeem the tithe in partnership. Hence the same applies to a man's heirs.

(5) If he is the only heir.

(6) If A dedicates an animal for B's sacrifice, and it subsequently receives a blemish and must be redeemed, then if A, who sanctified it, redeems it himself, he must add a fifth to its value, but not if B redeems it (this is deduced from Lev. XXVII, 15). Again, only B effects substitution, but not A. Since then the heir does effect substitution, he is obviously regarded as in the place of B, hence its owner.

(7) I.e., he (so. the man who gives it) can give it to any priest he desires. If money is offered for the terumah to be given to a particular priest, that money belongs to him.

(8) I.e., it does not make an absolute atonement for the heir as though he were its absolute owner; therefore in the case of a meal-offering, though there are two heirs, they still offer it. But the heir has, as it were, a light floating right of atonement in it (i.e., he has some slight rights of ownership in it), and therefore he can effect substitution.

(9) When a sacrifice is killed for a purpose other than its own, its owner has not fulfilled his obligation. Nevertheless the question arises where this was brought in order to make atonement for a certain sin, whether the owner can regard it as having made that atonement, or not. It makes no practical difference, save that the owner may feel himself forgiven even before he offers the second sacrifice.

(10) Why do we proceed with the sacrificial rites e.g. sprinkling, if it does not make atonement in any case?

(11) Originally it was dedicated for its rightful purpose. This hallows it, and so even when it is killed for a different purpose it retains its sanctity, and therefore the other sacrificial rites must be proceeded with,

- (12) On the atoning effect of a burnt-offering V. supra p. 22, n. 3.
 (13) One burnt-offering makes atonement for all.
 (14) Lev. I, 4.
 (15) Lev. XVII, 11.
 (16) I.e., as something unimportant, and so neglected it altogether.
 (17) Which solves the question propounded.
 (18) Hence before he slaughtered he cannot be said to have violated it.
 (19) It certainly does not make atonement for such (though further on R. Jeremiah asks even in respect of such too), and the question is only in respect of precepts neglected after the separation of the animal, but before it is slaughtered.

Talmud - Mas. Zevachim 6b

‘and it did not make atonement’ before Heaven?¹ Did we not learn: And the rest of the oil that is in the priest's hand he shall put upon the head of him that is to be cleansed; and the priest shall make atonement for him before the Lord;² if he put [it], he made atonement; while if he did not put [it], he did not make atonement — this is the view of R. Akiba. R. Johanan b. Nuri said: It is but the residue of a precept,³ therefore whether he did put [it on his head] or he did not, he made atonement, yet we regard him as though he did not make atonement. What is meant by ‘as though he did not make atonement’? Shall we say, that he must bring another sacrifice? But you say, ‘Whether he did put or he did not put, he made atonement’! Hence it must mean, ‘It made atonement’ — for the person, ‘yet it did not make atonement’ — before Heaven. Then here too [it may mean that] ‘it did make atonement etc’! — [No:] there too It means that ‘he made atonement’ — in respect of putting it on the thumbs,⁴ but ‘he did not make atonement’ — in respect of the putting it on the head.⁵ Come and hear: R. Simeon said: For what purpose are the [sacrificial] lambs of Pentecost brought?⁶ [Surely] the lambs of Pentecost are peace-offerings!⁷ Rather the question is: For what purpose are the two he-goats of Pentecost brought?⁸ — [To make atonement] for the defilement of the Temple and its holy things.⁹ Now once the blood of the first has been sprinkled, for what purpose is the second offered?¹⁰ [To make atonement] for uncleanness which [may have] occurred in the interval between the two. From this it follows that Israel should have been perpetually¹¹ engaged in offering their sacrifices,¹² but that Scripture spared them.¹³ Now in this case it is a positive command [violated] after the separation [of the animals],¹⁴ yet it makes atonement! — [No:] If they were separated at the same time, that indeed would be so;¹⁵ but the circumstances are that they were separated one after the other.¹⁶ Are we then to arise and assert that the written law of Scripture [that two are brought] holds good only [when they are separated] one after the other?¹⁷ — Said R. Papa: Do you speak of public sacrifices? Public sacrifices are different, because the Beth din tacitly stipulates concerning them,¹⁸ in accordance with Rab Judah's diction in Samuel's name. For Rab Judah said in Samuel's name: The knife draws them to their legitimate purpose.¹⁹ Said R. Joseph the son of R. Samuel to R. Papa: Does then R. Simeon accept the thesis that the Beth din makes a tacit stipulation? Surely R. Idi b. Abin said in the name of R. ‘Amram in the name of R. Isaac in the name of R. Johanan: Daily burnt-offerings which are not required for the community²⁰

(1) I.e., it has technically made atonement, the laying of the hands not being absolutely indispensable, yet not satisfactorily, in the proper way. On this interpretation it has nothing to do with the question when these precepts were violated.

(2) Lev. XIV, 18.

(3) Since Scripture refers to this oil as ‘the rest’; hence it is not indispensable.

(4) V. Lev. XIV, 14.

(5) Therefore more oil must be brought for that purpose. But whereas R. Johanan b. Nuri holds that it is sufficient now for the oil to be put on his head, R. Akiba rules that it must also be put again on his thumbs.

(6) Lev. XXIII, 18; Num. XXVIII, 27.

(7) Whose purpose is to permit the use of the new wheat for meal-offerings and first-fruits.

(8) V. Lev. XXIII, 19 and Num. XXVIII, 30.

- (9) I.e., for the sin of entering the Temple or eating the flesh of sacrifices whilst unclean.
- (10) Seeing that atonement has already been made with the first. The essence of atonement was the sprinkling of the blood.
- (11) Lit., 'at every time and every moment'.
- (12) For this possibility is always before us; thus, immediately the blood of the second has been sprinkled, a third ought to be brought, and so on.
- (13) For the strain and obligation would be too great.
- (14) They were separated the previous day. The injunction against entering the Sanctuary lies in the passage: Command the children of Israel, that they put out of the camp . . . whosoever is unclean by the dead (Num. V, 2). Since this is expressed affirmatively, it ranks as a positive command.
- (15) The second would not make atonement for anything not atoned for by the first, and so it would have no purpose.
- (16) And the second makes atonement for the defilement which occurred in the interval on the eve of the Festival between the separations.
- (17) That is hardly feasible!
- (18) That no matter when they are actually separated, the last is to be regarded as though separated immediately prior to its being offered, and therefore it makes atonement up to that very moment.
- (19) If an animal is slaughtered as a public sacrifice, yet for a purpose other than for which they had been originally intended the knife, as it were, automatically dedicates it to a legitimate purpose, and the sacrifice is valid. The reason is that Beth din is regarded as tacitly stipulating their purpose (v. Shebu. 12b), and so the same holds good here too.
- (20) 'Not required' means here not fit as such. There was an annual levy of one shekel for the public sacrifices, which was to be paid not later than the first of Nisan. From that date the statutory public sacrifices had to be purchased from the new funds, and not from the old. If animals however were purchased with the old funds, they were offered as extra public sacrifices (if it happened at any time that there was a paucity of private sacrifices), but not as the statutory public sacrifices, such as the daily burnt-offering.

Talmud - Mas. Zevachim 7a

cannot be redeemed, according to R. Simeon's view, as long as they are unblemished, while on the view of the Sages they can be redeemed while unblemished.¹ Moreover,² surely R. Jeremiah asked R. Zera: If the blood of the Pentecostal he-goats was received in two basins,³ and the blood of one was sprinkled, what is the purpose of the second?⁴ [To which he replied:] On account of defilement that occurred between the sprinkling [of the blood] of the one and that of the other. Thus he is in doubt only in respect of [the violation of] a positive command after the slaughtering, but he does not ask in respect of [the violation of] a positive command after the separating [of the animal]!⁵ — [No:] Perhaps his question is hypothetical.⁶

It was taught: If one slaughtered a thankoffering in the name of his fellow's thankoffering,⁷ — Rabbah ruled: It is valid;⁸ while R. Hisda said: It is invalid. Rabbah ruled, 'It is valid', [because] a thankoffering has been slaughtered as a thankoffering. R. Hisda said, 'It is invalid', because it must be slaughtered in the name of his peace-offering.⁹ Rabbah said: Whence do I know it? Because it was taught: And the flesh of his peace-offerings for thanksgiving shall be eaten on the day of his offering:¹⁰ Abba Hanin said on R. Eliezer's authority: This comes to teach that if a thankoffering is slaughtered in the name of a peace-offering, it is valid; if a peace-offering is slaughtered in the name of a thankoffering, it is invalid. What is the difference between these two cases? A thankoffering is designated a peace-offering, but a peace-offering is not designated a thankoffering.¹¹ Thus a peace-offering [slaughtered] as a thankoffering is invalid, whence it follows that a thankoffering [slaughtered] as a [different] thankoffering is valid. Surely that means, [even in the name] of his fellow's [thankoffering].¹² No: only [when brought in the name of] his own.¹³ But what if it is [in the name of] his fellow's: it is invalid? Then instead of teaching, 'if a peace-offering is slaughtered in the name of a thankoffering, it is invalid', let him teach, 'if a thankoffering [is slaughtered in the name of] a thankoffering [of a different class, it is invalid], and how much more so a peace-offering in the name of a thankoffering? — He wishes to teach of a peace-offering [slaughtered] in the name

of his own thanksoffering.¹⁴ You might argue, Since a thanksoffering is designated a peace-offering, a peace-offering too is designated a thanksoffering, and when he kills it [the former] in the name of the thanksoffering, it should be valid. Therefore he informs us [that it is not so].

Raba said: If one slaughters a sin-offering [for one offence] as a sin-offering [for another offence], it is valid; as a burnt-offering, it is invalid,¹⁵ What is the reason? The Divine Law saith, And he shall kill it for a sin-offering,¹⁶ and lo, a sin-offering has been slaughtered for a sin-offering; [while from the same verse we learn that if it is slaughtered] for a burnt-offering, it is invalid.¹⁷

Raba also said: If one slaughters a sin-offering on behalf of [another] person who is liable to a sin-offering, it is invalid; on behalf of one who is liable to a burnt-offering, it is valid. What is the reason? — [And the priest] shall make atonement for him,¹⁸ but not for his fellow, and 'his fellow' implies one like himself, being in need of atonement as he is.¹⁹

Raba also said: If one slaughters a sin-offering on behalf of a person who is not liable in respect of anything at all,²⁰ it is invalid, because there is not a single Israelite who is not liable in respect of an affirmative precept; and Raba said: A sin-offering makes atonement for those who are liable in respect of an affirmative precept, a fortiori: seeing that it makes atonement for those who are liable to kareth, how much the more for those who are liable in respect of an affirmative precept!²¹ Shall we then say that it belongs to the same category?²² But surely Raba said: If one slaughters a sin-offering on behalf of [another] person who is liable to a sin-offering, it is invalid; on behalf of a person who is liable to a burnt-offering, it is valid?²³

(1) For we assume a tacit stipulation of the Beth din that it be permitted to redeem them even while unblemished (normally this is forbidden) and thus, becoming hullin, they can be purchased with the new shekels and then be offered as daily burnt-offerings. R. Simeon however rejects this assumption, and therefore holds that they cannot be redeemed but must be offered as extra public sacrifices.

(2) Even assuming that the Biblical text itself might be explained as referring to the case where the two goats were separated one after the other.

(3) They were both killed at the same time.

(4) According to R. Simeon, since no defilement could occur in the interval, as they were killed simultaneously.

(5) Presumably R. Jeremiah was certain that according to R. Simeon it does make atonement in that case.

(6) He may be in doubt about the latter too, but his question is this: on the hypothesis that R. Simeon holds that it does make atonement in the latter case, how is it in the former one?

(7) A and B each brought one, and A's offering was killed for the purpose for which B's was brought.

(8) He has done his duty, and does not bring another.

(9) Cf. Lev. VII, 15: And the flesh of his peace-offerings for thanksgiving.

(10) Ibid.

(11) Supra 4a

(12) Belonging to a different class.

(13) Even if he killed it for a different reason. E.g., he brought a thanksoffering for being freed from prison, but declared it to be on account of having made a sea-journey in safety. Here, though the reason is different, yet both belong to the same category, and therefore it is valid,

(14) Where he was to bring both,

(15) V. Supra 3b.

(16) Lev, IV, 33.

(17) V. infra 7b.

(18) Ibid 26,31,35.

(19) V. Supra 3b.

(20) Actually specifying thus.

(21) Hence it is the same as though he had slaughtered it on behalf of another person who is liable to a sin-offering.

(22) I.e., that sins of omission fall into the same category as offences entailing a sin-offering.

(23) Now a burnt-offering atones for sins of omission. But if these fall into the same category as offences entailing a sin-offering, then just as the latter is invalid when slaughtered on behalf of another who is liable to a sin-offering, so should it be invalid when slaughtered on behalf of another who is liable to a burnt-offering, for 'his fellow' is then like himself (V. supra).

Talmud - Mas. Zevachim 7b

— It [a sin-offering] does not make a fixed atonement but it does make a floating atonement.¹

Raba also said: If a burnt-offering was killed for a different purpose, its blood must not be sprinkled for a different purpose. This follows either from Scripture or by reason. If you will, it is [deduced from] a text: That which is gone out of thy lips thou shalt observe, etc.² Alternatively, it is logical: because he has made an alteration therein, etc. as stated at the beginning of this chapter.³

Raba also said: If a burnt-offering is brought after [the] death [of its owner], and is slaughtered under a changed sanctity,⁴ it is invalid;⁵ but [if it is slaughtered] with a change in respect of ownership,⁶ it is valid, for there is no ownership after death. But R. Phinehas the son of R. Ammi maintained: There is ownership after death.⁷ R. Ashi asked R. Phinehas the son of R. Ammi: Do you particularly maintain that there is ownership after death, and so he [the heir] must bring another burnt-offering;⁸ or perhaps, if he [the heir] has violated many affirmative precepts, it makes atonement for him?⁹ I maintain it particularly, he answered him.

Raba said further: A burnt-offering is a votive gift.¹⁰ For how is it possible?¹¹ If there is no repentance, then the sacrifice of the wicked is an abomination!¹² While if there is repentance, surely it was taught: If one violated an affirmative precept and repented, he does not stir thence until he is forgiven.¹³ Hence it follows that it is a votive gift.

(Mnemonic: For whom does a sin-offering atone? A burnt-offering after a votive gift.)¹⁴ It was taught likewise. R. Simeon said: For what purpose does a sin-offering come? — [You ask,] 'for what purpose does a sin-offering come?' Surely in order to make atonement! — Rather, [the question is:] Why does it come before the burnt-offering?¹⁵ [Because it is] like an intercessor who enters [to appease the King]: When the intercessor has appeased [him], the gift follows.¹⁶

WITH THE EXCEPTION OF THE PASSOVER-OFFERING AND THE SIN-OFFERING. How do we know it of the Passover-offering? — Because it is written, Observe the month of Abib, and prepare the Passover-offering;¹⁷ [this intimates] that all its preparations must be in the name of the Passover-offering. We have thus found [that] change in respect of sanctity [disqualifies it]; how do we know [the same of] change in respect of owner? — Because it says, Then ye shall say: It is the slaughtering of the Lord's Passover,¹⁸ [which teaches] that the 'slaughtering' must be done in the name of the Passover-offering. Now since this teaching is redundant in respect of change in respect of sanctity,¹⁹ apply the teaching to change in respect of owner. We have thus found it as a regulation;²⁰ how do we know that it is indispensable?²¹ — Scripture saith, And thou shalt sacrifice the Passover-offering unto the Lord thy God.²² To this R. Safra demurred: Does this [passage], 'And thou shalt sacrifice etc.' come for this purpose: Surely it is required for R. Nahman's dictum? For R. Nahman said in Rabbah b. Abbuha's name: How do we know that the leftover of a Passover-offering is brought as a peace-offering?²³ Because it is said, 'And thou shalt sacrifice the Passover-offering unto the Lord thy God, of the flock and of the herd.' Now surely the Passover-offering comes only from lambs or from goats?²⁴ Hence we learn that the left-over of the Passover-offering is to be [utilised] for something which comes from the flock and from the herd; and what is it? A peace-offering. — Rather, said R. Safra: 'And thou shalt sacrifice the Passover-offering' [is required] for R. Nahman's dictum; 'Observe the month of Abib' [is required] for the regulation in respect of changed sanctity; 'Then ye shall say: [It is] the slaughtering of the Lord's Passover' [is

required] for the regulation relating to change in respect of owner; 'it is'²⁵ teaches that it is indispensable, both in the former and in the latter cases.²⁶

Now we have thus found [it in the case of] slaughtering: how do we know [it of] the other services? — Since it was revealed [in the one], it was [also] revealed [in the others].²⁷ R. Ashi said: We do not argue, 'Since it was revealed, it was revealed'. How then do we know it of [the other] services? — Because it is written, This is the law of the burnt-offering, of the meal-offering, [and of the sin-offering, and of the guilt-offering, and of the consecration-offering, and of the sacrifice of peace-offerings].²⁸ Now it was taught: In the day that He commanded the children of Israel to present their offerings²⁹ refers to the firstling, tithe, and Passover-offering. Thus Scripture assimilates it [the Passover-offering] to the peace-offering: as [in the case of the] peace-offering we require as a regulation [that there shall not be] either change in respect of sanctity or change in respect of owner, so in the case of all [these] do we require as a regulation [that there shall not be] either change in respect of sanctity or change in respect of owner. Again, it is like the peace-offering [in this respect]: As you do not differentiate in the peace-offering between slaughtering and the other services in respect of the regulation, so must you not differentiate in the case of the Passover-sacrifice between slaughtering and the other services in respect of indispensability.³⁰ Then in that case, what is the purpose of 'it is'? — For what was taught: As for the Passover-offering, 'it is' is stated there to teach indispensability as far as slaughtering is concerned; whereas in the case of a guilt-offering 'it is' is stated only after the burning of the emurim, and in fact if the emurim are not burnt at all, it [the offering] is valid.³¹

How do we know it of the sin-offering?³² — Because it is written, And he shall kill it for a sin-offering,³³ which intimates that it must be killed for the sake of a sin-offering. We have thus found [it of] slaughtering; how do we know [it of] receiving [the blood]? — Because it is written,

(1) Cf. supra 6a. A sin-offering does not make atonement for the omission of positive precepts when it is directly dedicated for that purpose only, but only when it is dedicated for sins which entail a sin-offering, but whose owner has also been guilty of sins of omission. Since it does not atone for sins of omission standing by themselves, one who is in need of a burnt-offering (on account of sins of omission) is not 'his fellow' similar to 'himself', and therefore if a sin-offering is slaughtered on behalf of such, it is valid, provided that one had already vowed a burnt-offering, which covers all his sins of omission, so that a sin-offering is quite superfluous as far as he is concerned. But if he had not vowed a burnt-offering, a sin-offering has a certain relation to him in so far that if he was liable to a sin-offering too, this would make atonement for the sins of omission also. Hence he is sufficiently similar to his fellow to invalidate his fellow's sin-offering slaughtered on his behalf.

(2) Deut. XXIII, 24.

(3) Supra 2a.

(4) I.e. as a different sacrifice, e.g. a peace-offering.

(5) And another must be brought before the deceased is deemed to have fulfilled his vow.

(6) For a different person.

(7) V. Supra 4b.

(8) As in n. 6.

(9) For the heir is the owner,

(10) It does not actually atone for sins of omission, but after one has repented this comes as a gift of appeasement, as it were.

(11) For it to make atonement in actuality.

(12) Prov. XXI, 27.

(13) I.e., he is undoubtedly forgiven even without a sacrifice.

(14) A string of words so arranged as to facilitate the remembering of the subjects discussed hereunder.

(15) When one has to bring both, the sin-offering takes precedence; infra 89b.

(16) Thus the sin-offering is the intercessor and the burnt-offering follows as a gift.

(17) Deut. XVI, 1.

(18) Ex. XII, 27.

(19) As that has been derived from Deut. XVI, 1.

(20) I.e., these verses teach that the Passover-offering must be sacrificed specifically as such and for its registered owner.

(21) In the sense that it is otherwise disqualified.

(22) Deut. XVI, 2. This too has the same teaching as XVI, 1. Since however it is superfluous in that case, it must intimate that this regulation is indispensable.

(23) E.g., if an animal dedicated for a Passover-sacrifice was lost, whereupon its owners registered for another animal, and then the first was found after the second was sacrificed. Or again, if a sum of money was dedicated to buy a paschal lamb, but it was not all expended; then too the surplus must be used for a peace-offering.

(24) But not from the herd, which means the larger cattle.

(25) Heb. 'hu', This is regarded as superfluous and hence interpreted as emphasizing the regulation to the extent of making it indispensable.

(26) A change either in respect of sanctity or owner invalidates the paschal sacrifice.

(27) I.e., they follow automatically.

(28) Lev, VII. 37.

(29) Ibid. 38.

(30) What is indispensable for slaughtering is also indispensable for the other services. — Here follows a short passage in the original which the commentaries delete.

(31) V. Supra 5b.

(32) That if not slaughtered for its own sake it is invalid.

(33) Lev. IV, 33.

Talmud - Mas. Zevachim 8a

And the priest shall take of the blood of the sin-offering,¹ which intimates that receiving must be for the sake of a sin-offering. We have thus found [it of] slaughtering and receiving: How do we know it of sprinkling? — Because Scripture saith, And the priest shall make atonement for him through his sin-offering,² [which teaches] that atonement must be [made] for the sake of the sin-offering.³ We have thus found [the law relating to] change in respect of Sanctity; how do we know it of change in respect of owner?—Scripture saith: [And the priest shall make atonement]for him, implying for him, but not for his fellow. We have thus found it as a regulation: how do we know that it is indispensable? — As R. Huna the son of R. Joshua said [elsewhere; Scripture saith,] 'his sin-offering', [where] 'sin-offering' [alone would suffice]: so here too' [Scripture saith,] his sin-offering [where] sin-offering [alone would suffice].⁴ We have thus found the regulation relating to change in respect of sanctity, and [a prohibition of] change in respect of owner at the sprinkling, this being both a regulation and indispensable. How do we know that it is indispensable [in the case of all services]⁵ as far as change in respect of sanctity is concerned; and that [the prohibition of] change in respect of ownership at the other services is both a regulation and indispensable? — Said R. Jonah: It is inferred from a nazirite's sin-offering, for it is written, And the priest shall bring them before the Lord, and shall prepare his sin-offering, and his burnt-offering:⁶ [this intimates] that all its preparations [sc. the services] must be for the sake of a sin-offering. We have thus found it regarding change in respect of sanctity; how do we know change In respect of owner?⁷ — Said R. Huna son of R. Joshua: [Scripture saith,] 'his sin-offering', [where] 'sin-offering' [alone would suffice]. To this Rabina demurred: If so, how do you interpret [the superfluous] 'his burnt-offering' [where] 'burnt-offering' [alone would suffice]? (But according to Rabina, how does he interpret [the apparently superfluous] 'his meal-offering', 'his drink-offering', where 'meal-offering', 'drink-offering' [alone would suffice]?⁸ — He requires those [for the following deduction]: Their meal-offering and their drink-offering [intimates] at night; their meal-offering and their drink-offering, even on the next day.)⁹ But how do you interpret [the superfluous] his burnt-offering [where] burnt-offering [alone would suffice]? Furthermore, can they¹⁰ be learnt from each other? The sin-offering of forbidden fat¹¹ cannot be learnt from a nazirite's sin-offering, since the latter is accompanied by another sacrifice.¹² [On the other hand] a nazirite's sin-offering cannot be learnt

from the sin-offering of forbidden fat, since the latter is a case of kareth!¹³ — Rather, said Raba: We infer it from a leper's sin-offering, for it is written, And the priest shall prepare¹⁴ the sin-offering,¹⁵ which teaches that all its preparations [services] must be for the sake of a sin-offering. Thus we have found [the law relating to] change in respect of sanctity; how does he know it of change in respect of owner? — Scripture saith, And [he shall] make atonement for him that is to be cleansed:¹⁵ [this intimates,] for this [man] who is to be cleansed, but not for his fellow who is to be cleansed.

Yet [the question] still [remains]: Can they be learnt from each other? The sin-offering of forbidden fat cannot be learnt from the leper's sin-offering, since the latter is accompanied by another sacrifice. [On the other hand] a leper's sin-offering cannot be learnt from the sin-offering of forbidden fat, since the latter is a case of kareth! — One cannot be learnt from one, but one can be learnt from two.¹⁶ But in the case of which should it not be written? [Shall we say,] Let the Divine law not write it in the case of the sin-offering of forbidden fat, and let it be deduced from these others? [Then I can argue that] the reason in the case of these others is that another sacrifice accompanies them! [If we say,] Let the Divine law not write it in the case of the nazirite's sin-offering and let it be deduced from these others: [I can argue that] the reason in the case of these others is that no absolution [revocation] is possible!¹⁷ [If I say,] Let the Divine law not write it in the case of the leper's sin-offering, and let it be deduced from these others: [then I can argue that] the reason in the case of these others is that they do not come in poverty!¹⁸ — Rather, Scripture saith, This is the law of the burnt-offering, of the meal-offering, and of the sin-offering [and of the sacrifice of peace-offerings]:¹⁹ thus the Writ assimilated it [the sin-offering] to the peace-offering. As in the case of peace-offerings both change in respect of sanctity and change in respect of name [are prohibited, for] we require [that the services be performed] for their own [sc. that of the peace-offerings'] sake, this being a regulation;²⁰ so in the case of the sin-offering both change in respect of sanctity and change in respect of name [are prohibited, for] we require [that the services be performed] for their own sake, this being a regulation. Therefore the regulation is deduced from a peace-offering, while these other verses²¹ teach that it is indispensable. Again, we have found [this of] the sin-offering of forbidden fat, where 'for a sin-offering' is written;²²

(1) Ibid, 34.

(2) Ibid. 35. This is apparently the Talmudic rendering of the verse.

(3) Atonement consists in essence of the sprinkling. — Carrying the blood to the side of the Altar where it is sprinkled is included in receiving (Rashi).

(4) The emphasis implicit in 'his' intimates indispensability.

(5) Sh. M. deletes bracketed words.

(6) Num. VI, 16.

(7) A passage follows here in the original which the commentaries delete.

(8) 'His meal-offering' and 'his drink-offering' (or rather 'their') occur quite frequently; why does Rabina ask only about 'his burnt-offering' and not about these?

(9) V. infra 84a.

(10) Sc. different kinds of sin-offerings.

(11) This is the technical designation of all sin-offerings brought on account of actual sin, in contrast e.g., to a nazirite's sin-offering, which is not really brought through sin at all.

(12) Lit., 'other blood'.

(13) A sin-offering is brought for the unwitting transgression of an injunction which, if deliberately violated, entails kareth (v. Glos).

(14) E.V. 'offer'.

(15) Lev. XIV, 19.

(16) For Scripture need not have intimated the teaching in the case of all those. — This answer implies that one intimation at least is superfluous.

(17) A nazirite can be absolved of his vow altogether, and then his sacrificial obligations automatically expire. But in no circumstances can the other two be freed of their obligations.

(18) If a leper is too poor he can bring a bird instead of an animal for a sin-offering (V. Lev. XIV, 21-22). But this leniency is not permitted in the case of the other two.

(19) Lev. VII, 37.

(20) But not, however, indispensable to the extent that a peace-offering is invalid if offered as a different sacrifice,

(21) Quoted above, teaching that change of name and of sanctity are forbidden, which are now superfluous.

(22) In Lev. IV, 33. The passage deals with an offering brought for sins other than those which the Talmud proceeds to enumerate.

Talmud - Mas. Zevachim 8b

how do we know [it of] the sin-offerings of idolatry, hearing a voice, swearing clearly with the lips and the defilement of the Sanctuary and its sacred objects, where [‘for a sin-offering’] is not written?¹ — The sin-offering of idolatry is inferred from the sin-offering of forbidden fat, since it entails kareth, just as the latter does. While all the others are inferred [by analogy] through a common characteristic.² Our Rabbis taught: The Passover-offering, in its season,³ [if slaughtered] in its own name, is valid; if not [slaughtered] in its own name, it is invalid. During the rest of the year, [if slaughtered] in its own name, it is invalid; if not [slaughtered] in its own name, it is valid.⁴ (Mnemonic: Shalew Kab'AYZan, Memaher, Beza, BA.) Whence do we know it? — Said Samuel's father: Scripture saith, And if his offering for a sacrifice of peace-offerings unto the Lord be of the flock:⁵ [this teaches that] whatever comes of the flock is to be for a sacrifice of peace-offerings.⁶ Then say, [if sacrificed as] a peace-offering, it is [valid]; but [if sacrificed as] anything else, it is not valid?⁷ Said R. Ela in R. Johanan's name: ‘For a sacrifice’ includes every sacrifice.⁸ Then say, For whatever purpose it is slaughtered, let it be such?⁹ — If it were written, ‘for peace-offering and a sacrifice’, [it would be] as you say; since however it is written, ‘for a sacrifice of peace-offerings’, [its implication is,] for whatever purpose it is slaughtered, let it be a peace-offering. Yet say, ‘for a sacrifice’ is a generalization, while ‘of peace-offerings’ is a particularization; how [in the case of] a generalization and a particularization, the generalization includes only what is contained in the particularization; [hence if it is sacrificed as] a peace-offering, it is [valid], but [if it is offered as] anything else, it is not [valid]? ‘Unto the Lord’ is again a generalization.¹⁰ To this R. Jacob of Nehar Pekod demurred: But the last generalization is dissimilar from the first, [for] the first generalization includes sacrifices but nothing else, whereas the last generalization, ‘unto the Lord’, implies whatever is the Lord's, even [if he slaughtered it] for fowl — [offerings],¹¹ and even for meal-offerings? — This is in accordance with the Tanna of the School of R. Ishmael who applies the rule to a generalization and a particularization of this nature, [and maintains that even in such a case, where you have] a generalization, a particularization and a generalization [in this sequence,] you must be guided by the particularization: as the particularization is explicitly something that is not in its own name, and it is valid,¹² so whatever that is not in its own name is valid. Then [say:] as the particularization is explicitly something which can come as a vow or a freewill-offering,¹³ so everything which can come as a vow or as a freewill-offering [is included]; [hence, if he slaughters the Passover-offering out of its season as] a burnt-offering or as a peace-offering it is [valid], [but if he slaughters it then as] a sin-offering or a guilt-offering, it is not [valid]! — Rather, ‘For a sacrifice’ is an extension.¹⁴ Then say, for whatever it is slaughtered, let it be such!¹⁵ — Said Rabin:

(1) The sin-offering of idolatry: And when ye shall err, and not observe all these commandments etc.; and if one person sin through error etc. (Num. XV, 22, 27). The Talmud relates this to idolatry in ignorance. The text: And if any one sin, in that he heareth the voice of adjuration etc. . . .’ or if any one touch an unclean thing (and then, according to the Rabbinic interpretation, enters the Sanctuary or eats sacred food). . . or if any one swears clearly with his lips etc. (Lev. V, 1-4).

(2) They are inferred by analogy through the feature common to the sin-offering of forbidden fat, that of a nazirite, and that of a leper. The only feature they have in common is that they are sin-offerings, and both change in respect of sanctity and change in respect of owner disqualify them. Therefore the others here enumerated, which have the same feature, viz., that they are sin-offerings, are likewise disqualified by change of sanctity or change of owner.

- (3) The time for killing it is from midday on the fourteenth of Nisan until nightfall.
- (4) This refers to an animal dedicated for a Passover-offering which was lost when it was required and found later. It is then to be sacrificed as a peace-offering.
- (5) Lev. III, 6.
- (6) Since a Passover-offering comes of the flock it is included in this deduction. Further, that can only mean after its season, for it has already been deduced supra that if it is offered for anything but itself in its season it is invalid.
- (7) Whereas it is simply stated, 'if not slaughtered in its own name, it is valid', which implies that it is valid if sacrificed as any offering.
- (8) For these words (one word in the original) are superfluous, hence they are interpreted as an extension.
- (9) E.g., if it is slaughtered as a burnt-offering, it is a burnt-offering. — Actually it is a peace-offering under all circumstances.
- (10) In such cases the generalization includes everything that is similar to the particularization; hence, anything that comes of the flock.
- (11) I.e., if he slaughtered it as the sin-offering of a bird.
- (12) As explained above,
- (13) Both are votive offerings. A vow is technically where one vows to bring a sacrifice, without specifying the animal at the time; a freewill-offering is a vow to bring a particular animal for an offering.
- (14) Rashi: it is not interpreted under the rule of generalization etc., but as an extension, in which case even cases not similar to itself are included. The rule of generalization etc., is applied only where the natural sense of the passage yields a generalization and a particularization, without anything in the text being superfluous. Here, however, 'for a sacrifice of peace-offerings' is regarded as altogether superfluous, and therefore it is held to be an extension.
- (15) As above,

Talmud - Mas. Zevachim 9a

We transfer sacrifices which are eaten to sacrifices which are eaten, but do not transfer sacrifices which are eaten to sacrifices which are not eaten.¹ Are then a sin-offering and a guilt-offering not eaten? — [Say] rather, we transfer sacrifices which are eaten by all to sacrifices which are eaten by all, but do not transfer sacrifices which are eaten by all to sacrifices which are not eaten by all.² R. Jose son of R. Abin said: We transfer sacrifices of lesser sanctity to sacrifices of lesser sanctity, but do not transfer sacrifices of lesser sanctity to sacrifices of higher sanctity.³ To this R. Isaac son of R. Sabarin demurred: Then say that if one slaughtered it as tithe, let it be tithe;⁴ and in respect of what law would that be? That it should not require a drink-offering; and that the penalty of flagellation should be incurred by one who violates the injunction, It shall not be redeemed?⁵ — Scripture saith, The tenth shall be holy,⁶ [which implies,] this one [the tenth] can be tithe, but no other can be tithe. [Again,] say that if one slaughtered it as a firstling, let it be as a firstling: in respect of which law? That it should not require a drink-offering; or that it should be given to the priests? — As for a firstling too, similarity of law with tithe is deduced from the fact that 'passing' is written in both cases.⁷ Say that if one slaughtered it as a substitute,⁸ let it be a substitute: in respect of which law? To be flagellated on its account;⁹ or alternatively, that in respect thereof we should be guilty of, 'it shall not be redeemed'?¹⁰ — Said Mar Zutra the son of R. Nahman: Scripture saith, Then both it and that for which it is changed shall be [holy], [which implies,] This is a substitute but no other is a substitute.¹¹ And say that if one slaughters it as a thankoffering, let it be a thankoffering: in respect of what law? That it may require [the addition of] loaves.¹² — Can there be a case where the Passover-offering itself does not require loaves, yet its remainder does require loaves! If so, then now too [you may argue:] Can there be a case where the Passover-offering itself does not require a drink-offering [to accompany it], yet its remainder requires a drink-offering? — This is our argument: Can there be a case where the remainder of the thankoffering itself requires no loaves, yet the remainder of that which was converted into a thankoffering¹³ shall require loaves!

To this¹⁴ R. Yemar the son of R. Hillel demurred: And whence [does it follow] that it is written in reference to the remainder of a Passover-offering: perhaps it is written of the remainder of a

guilt-offering?¹⁵ — Said Raba, Scripture saith: ‘And if his offering for a sacrifice of peace-offerings be of the flock’,¹⁶ [which implies that it refers to] that for which the whole flock is equally fit.¹⁷ To this R. Abin b. Hiyya-others say, R. Abin b. Kahana-demurred: Everywhere else you say that ‘of’ is a limitation, yet here ‘of’ is an extension?¹⁸ — Said R. Mani: Here too ‘of’ is a limitation, [teaching] that it cannot be two years old nor a female.¹⁹ R. Hana of Baghdad demurred: Can you say that this text is written in reference to the Passover-remainder; surely since it states, If [he bring] a lamb [for his offering] . . . And if [his offering be] a goat,²⁰ it follows that it does not refer to a Passover remainder?²¹ — That is required for what was taught: ‘[If he bring] a lamb’: this is to include the Passover-offering, in respect of its fat tail.²² When it is stated, ‘If [he bring] a lamb’, it is to include a Passover-offering more than a year old,²³ and a peace-offering which comes in virtue of a Passover-offering²⁴ in respect of all the regulations of peace-offerings, [viz.,] that they require laying on [of the hands],²⁵ drink-offerings, and the waving of the breast and shoulder. [Again,] when it states, ‘and if [his offering be] a goat’,²⁶ it breaks across the subject [and] teaches that a goat does not require [the burning of the] fat tail [on the altar].²⁷ But is that²⁸ deduced from this? Surely it is deduced from [the verse quoted by] Samuel's father? For Samuel's father said: And if his offering for a sacrifice of peace-offerings unto the Lord be of the flock²⁹ [teaches that] whatever comes of the flock must be for a sacrifice of peace-offerings.³⁰ — But still, this is deduced from [the verse quoted by] R. Nahman in the name of Rabbah b. Abuhah. For R. Nahman said in Rabbah b. Abuha's name: How do we know that a Passover remainder is brought as a peace-offering? Because it says, And thou shalt sacrifice the Passover-offering unto the Lord thy God, of the flock and of the herd.³¹ Yet surely the Passover-offering comes only from lambs or from goats? From this [we learn] that the Passover-remainder must be [utilised] for something which comes from the flock and from the herd; and what is it? A peace-offering.³²

In fact, however, three texts are written:

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- (1) The animal dedicated for a Passover-offering was in the first place consecrated as a sacrifice which is eaten. Now that it cannot be offered for what it was originally intended, it is transferred to a peace-offering, which is eaten, and not to a burnt-offering, which cannot be eaten.
 - (2) The Passover-offering and peace-offering are eaten by all, whereas the sin-offering and the guilt-offering are eaten by male priests only.
 - (3) These are fully discussed in Ch. V.
 - (4) For that too is a sacrifice of lesser sanctity.
 - (5) Lev. XXVII, 33 . The Talmud (Bek. 32b) interprets this to mean that it may not be sold; hence if one does sell it, he is liable to flagellation, which is the penalty for the violation of a negative command.
 - (6) Ibid. 32.
 - (7) Tithe: Whatsoever passeth under the rod (ibid); Firstling: All that openeth the womb thou shalt cause to pass (E.V. Set apart-the same root is used in both texts) to the Lord (Ex. XIII, 12). The employment of the same word in both cases teaches that they are similar in law. Therefore since this Passover-offering cannot be transferred to tithe, it cannot be transferred to a firstling either.
 - (8) Lev. XXVII, 33: Neither shall he change it; and if he change it at all, then both it and that for which it is changed shall be holy; it shall not be redeemed. From this it is learnt that if one consecrates an animal to substitute another consecrated animal, both are holy, the second having the same sanctity as the first,
 - (9) For having violated the injunction, Neither shall he change it.
 - (10) Sh. M. deletes.
 - (11) I.e., only if one consecrates a non-sacred animal (hullin, v. Glos) as a substitute does the law apply, but not when one consecrates as a substitute an animal which had already been consecrated earlier, as is the case of this lost Passover-offering.
 - (12) V. Lev. VII, 12 seq.
 - (13) Lit., ‘the remainder of that which comes thereto (sc. the thanksoffering) from the world.’ — Thus here we are treating of the remainder of a Passover-offering which it is proposed shall rank as a thanksoffering if slaughtered as such.

- (14) Sc. the interpretation of the verse Lev. III, 6 quoted supra 8b, q.v.
- (15) Since a guilt-offering too was a ram without blemish from the flock, and might not come from the herd.
- (16) Lev. III, 6.
- (17) I.e., sheep and goats too, whereas the guilt-offering must be a ram.
- (18) If you interpret of the flock as intimating that all animals included in the term 'flock' are meant,
- (19) By relating the verse to a Passover-offering remainder you exclude a two years old animal and a female. (V. Ex. XII, 5).
- (20) Lev. III, 7, 12.
- (21) This verse must simply refer to an ordinary peace-offering; for if it referred to a Passover remainder, it is obviously a lamb or a goat (V. Ex. XII, 5), and it need not be stated.
- (22) The fat tail of all other sacrifices is explicitly counted in the emurim (q.v. Glos) which are burnt on the altar (V. Lev. III, 9, VII, 3). The burning of the emurim is not mentioned at all in connection with the Passover, however, but deduced from elsewhere; consequently a verse is required to teach that the fat tail too is included.
- (23) I.e., dedicated as a Passover-offering, and consequently unfit for its purpose (V. Ex. XII, 5).
- (24) E.g., the substitute of a Passover-offering; or where the owner of a Passover-offering registered for a different animal, so that the first is a Passover remainder: both are sacrificed as peace-offerings.
- (25) V. Lev. III, 2.
- (26) Ibid, 12.
- (27) 'And if' is regarded as a disjunctive, teaching that the provisions that apply to a lamb do not apply to a goat, unless expressly stated. The fat tail is mentioned in connection with the former (V. 9) but not the latter,
- (28) Sc. that a Passover-offering more than a year old, which is therefore a Passover remainder, is sacrificed as a peace-offering.
- (29) Lev. III, 6.
- (30) Supra 8b, q.v.
- (31) Deut. XVI, 2.
- (32) Supra 7b. Hence if you object that the law under discussion is deduced in accordance with the teaching of Samuel's father, it can be counter-objected that it follows from the verse last quoted.

Talmud - Mas. Zevachim 9b

One refers to [an animal] whose time [for slaughtering] is overpassed and whose year has passed;¹ another [is required] for [an animal] whose time [for slaughtering] is overpassed but whose year is not passed; and the third is required for an animal neither whose time [for slaughtering] nor whose year is passed.² Now [all three texts] are necessary. For if the Divine Law wrote one text [only], I would say that it applies only [to an animal] whose year is passed and also its time [for slaughtering], since it is completely disqualified from a Passover-offering. But if its time [for slaughtering] is passed but not its year, I would say that it is not [valid, if slaughtered as a peace-offering], since it is eligible for the second Passover.³ While if the Divine Law stated these two, [I would argue that they are valid if slaughtered as a peace-offering] because they have been disqualified from their own purpose.⁴ But if neither its time [for slaughtering] nor its year has passed, so that it is eligible for the [first] Passover, I would say that it is not so. Hence [all three texts] are necessary. Rab said in Mabog's name: If one slaughtered a sin-offering as the sin-offering of Nahshon⁵ it is valid, for Scripture saith, This is the law of the sin-offering,⁶ [which teaches that] there is one law for all sin-offerings,⁷ Raba sat and reported this discussion, whereupon R. Mesharshia raised an objection to Raba: R. Simeon said: All meal-offerings whose fistfuls were taken under a different designation⁸ are valid and acquit their owners of their obligation, because meal-offerings are dissimilar from [blood] sacrifices. For when one takes a fistful of a griddle [meal-offering] in the name of a stewing-pan [meal-offering], its preparation proves that it is a griddle [meal-offering].⁹ [If one takes a fistful of] a dry meal-offering¹⁰ in the name of [a meal-offering] mingled [with oil],¹¹ its preparation proves that it is a dry [meal-offering]. But in the case of [animal] sacrifices it is not so, for there is the same slaughtering for all, the same receiving for all, [and] the same sprinkling for all.¹² Thus it is only because its preparation proves its nature; hence if its preparation did not prove

its nature, this would not be so. Yet why? let us say [that] This is the law of the meal-offering¹³ [intimates that] there is one law for all meal-offerings? — Rather if stated, it was thus stated: Rab said in Mabog's name: If one slaughtered a sin-offering in order that Nahshon might be forgiven through it, it is valid, [for] no atonement [is required] for the dead.¹⁴ Then, let him speak of any dead person? — He informs us this: The reason [that it is valid] is that he [Nahshon] is dead. Hence [if one slaughtered it] for a living person similar to Nahshon, it is invalid. And who are meant? [Those who are liable to] a nazirite's sin-offering or a leper's sin-offering.¹⁵ But these are [as] burnt-offerings?¹⁶ — Rather if stated, it was thus stated: Rab said in Mabog's name: If one slaughters a sin-offering for a [wrong] person who is liable to a sin-offering such as Nahshon's, it is valid, [for] Nahshon's sin-offering was [as] a burnt-offering.

Others state that Rab said in Mabog's name: If one slaughters a sin-offering in the name of Nahshon's sin-offering, it is invalid, for Nahshon's sin-offering is [as] a burnt-offering. Now let him state a nazirite's sin-offering or a leper's sin-offering?¹⁷ — He mentions the original sin-offering [of that nature].¹⁸

Raba¹⁹ said: If one slaughters a sin-offering of forbidden fat in the name of a sin-offering of blood [or] in the name of a sin-offering for idolatry, it is valid. [If one slaughters it] in the name of a nazirite's sin-offering or a leper's sin-offering, it is invalid, [for] these are [in fact] burnt-offerings.²⁰ Raba asked: If one slaughters a sin-offering of forbidden fat in the name of a sin-offering on account of the defilement of the Sanctuary and its sacred flesh, what is the law? Do we say, [the latter entails] kareth,²¹ just as the former;²² or perhaps the latter is not fixed like itself?²³ R. Aha son of Raba recited all these cases as invalid. What is the reason? — And he shall kill it for a sin-offering²⁴ [intimates that it must be killed] for the sake of that sin-offering.²⁵ Said R. Ashi to R. Aha the son of Raba: How then do you recite Raba's question?²⁶ — We recite it in reference to change in respect of owner, he answered him, and we recite it thus: Raba said: If one slaughters a sin-offering of forbidden fat on behalf of a [wrong] person who is liable to a sin-offering for blood or a sin-offering for idolatry, it is invalid; [but if he slaughters it] on behalf of a person who is liable to a nazirite's sin-offering or a leper's sin-offering, it is valid. And as for the question, this is what Raba asked: If one slaughters a sin-offering of forbidden fat on behalf of a person who is liable to a sin-offering on account of the defilement of the sanctuary and its sacred flesh, what is the law? Do we say, [the latter entails] kareth like itself;²⁷ or perhaps the latter is not fixed like itself?²⁸ The question stands over. It was stated: If one slaughtered it for its own sake with the intention of sprinkling its blood for the sake of something else,²⁹ R. Johanan said: It is invalid; while Resh Lakish said: It is valid. R. Johanan said [that] it is invalid [because] an [effective] intention can be expressed at one service in respect to another service,³⁰ and we learn [by analogy] from the intention of piggul.³¹ While Resh Lakish said [that] it is valid, [because] an [effective] intention cannot be expressed at one service in respect to another, and we do not learn from the intention of piggul. Now they are consistent with their views. For it was stated:

(1) I.e., it was lost until it was too late for slaughtering as a Passover-offering, and is also more than a year old.

(2) I.e., if it is slaughtered before Passover as a peace-offering it is valid, though it was eligible for a Passover-offering.

(3) V. Num. IX, 9 seq.

(4) Which was to be slaughtered at the first Passover.

(5) Which Nahshon, the prince of the tribe of Judah, brought at the dedication of the altar; V. Num. VII, 12 seq.

(6) Lev. VI, 18.

(7) They all stand in the same category. Hence although Nahshon's sin-offering was not on account of sin at all, yet by slaughtering an ordinary sin-offering as such one is not deemed to have changed its purpose, and therefore it is valid.

(8) V. Lev. II, 2. The priest, in taking the fistful, declared that he took it for the sake of a different type of meal-offering.

(9) His declaration is manifestly untrue and of no account, since one can see what meal-offering it is. — For the various types of meal-offerings mentioned here V. Lev. II, 4 seq.

(10) Which is brought on account of sin, v. Lev. V, 11f.

- (11) Which was not brought on account of sin, v. Lev. II, 1 seq.
- (12) In these acts there is nothing to indicate the nature of the sacrifice. Consequently a false declaration is effective to invalidate them.
- (13) Lev. VI, 7.
- (14) A sin-offering slaughtered for a wrong person is invalid, provided that he is likewise liable to a sin-offering. This condition is obviously unfulfilled here: hence the sacrifice is valid.
- (15) Which are not brought on account of sin at all, just as Nahshon's sin-offering was not on account of sin.
- (16) Rashi: A nazirite's sin-offering is the same as a burnt-offering, since it is not brought on account of sin, and it is stated supra 7a that if one slaughters a sin-offering in the name of a different person who is liable to a burnt-offering, it is valid. Sh. M. cites a reverse interpretation: These are as burnt-offerings; hence his action is tantamount to slaughtering a sin-offering as a burnt-offering, which is obviously invalid. What then does Rab inform us?
- (17) Since that is in fact what he means to imply by 'Nahshon's sin-offering'.
- (18) Nahshon was the first to bring a sin-offering which was not for sin. Hence his is mentioned as an example of all sin-offerings of that nature (Sh. M.).
- (19) So amended in margin and Sh. M.; cur, edd. Rab.
- (20) As above. But in the first clause the others too are on account of sin.
- (21) V. Glos.
- (22) Hence it is valid.
- (23) For if the transgressor is too poor he can bring two birds instead of an animal, which is not permitted in the case of the former.
- (24) Lev. IV, 33.
- (25) Not in the name of any other.
- (26) When is Raba in doubt?
- (27) Hence it is invalid.
- (28) Hence it is valid,
- (29) Declaring this intention at the time of slaughtering.
- (30) It is effective to render the animal unfit.
- (31) V. Glos. There this is certainly the case; v. infra 27b.

Talmud - Mas. Zevachim 10a

If one slaughters an animal with the express intention of sprinkling its blood or burning its fat to an idol, — R. Johanan said: It is forbidden [for any use],¹ [for] an [effective] intention can be expressed at one service in respect to another service, and we learn 'without' from 'within'.² Resh Lakish rules that it is permitted,³ for an [effective] intention cannot be expressed at one service in respect of another service, and we do not learn 'without' from 'within'. [Now these are both necessary.] For if we were informed [of their views] in the latter case, I might argue that Resh Lakish rules [thus only] in this instance, yet he agrees with R. Johanan [that] 'within' [is learnt] from 'within'.⁴ While if we were informed [of their views] in the former instance, I might argue that R. Johanan rules [thus only] there, yet he agrees with Resh Lakish in the present case.⁵ Thus both are required. When R. Dimi came,⁶ he said: R. Jeremiah raised an objection in support of R. Johanan, while R. Ela [did so] in support of Resh Lakish. R. Jeremiah in support of R. Johanan: If it is valid where one says, 'Behold, I slaughter after its time [for slaughtering],'⁷ yet it is invalid if one slaughters it with the intention of sprinkling the blood after time; then seeing that it is invalid if he declares, 'Behold, I slaughter for the sake of something else,' is it not logical that it is invalid if one slaughters it with the intention of sprinkling the blood for the sake of something else? To this Raba b. Ahilai demurred: As for [intending to sprinkle its blood] after time, the reason [that this invalidates it even at the slaughtering] is that it entails kareth!⁸ Rather said Raba b. Ahilai, This is his argument: If it is valid where one says, 'Behold, I slaughter [this sacrifice] without its precincts,'⁹ yet it is invalid when one slaughters it with the intention of sprinkling its blood without its precincts; then seeing that it is invalid when he declares, 'Behold, I slaughter for the sake of something else,' is it not logical that it is invalid if one slaughters it with the intention of sprinkling the blood for the

sake of something else? To this R. Ashi demurred: As for [its unfitness when one intends sprinkling the blood] without its precincts, the reason is because it operates [as a disqualification] in the case of all sacrifices. Will you say that the same applies in the case of an intention for the sake of a different sacrifice, which does not operate [thus] save in the case of a Passover-offering and a sin-offering? Rather said R. Ashi, This is how he argues: If it is valid where one says, 'Behold, I slaughter [this sacrifice] in the name of so-and-so,'¹⁰ yet it is invalid [if one declares his intention] to sprinkle its blood for the sake of so-and-so; then seeing that when he declares, 'Behold, I slaughter [it] for the sake of something else,' it is invalid,¹¹ is it not logical that it is invalid if he slaughters it with the intention of sprinkling the blood for the sake of something else?

R. Ela [raised an objection] in support of Resh Lakish: Let it not be stated in the case of sprinkling¹² and it could be inferred a *miniori* from slaughtering and receiving;¹³ then for what purpose did the Divine Law state [it]? To teach that you cannot [effectively] express an intention in respect of one service at a [previous] service.¹⁴ To this R. Papa demurred: Yet perhaps [its purpose is on the contrary to intimate] that you can express an intention in respect of one service at a [previous] service? — If so, let Scripture be silent about it, and infer it by R. Ashi's a *miniori* argument. And the other?¹⁵ — Refute [the argument] thus: as for those [slaughtering and receiving], the reason may be that they require the north¹⁶ and are present at the inner sin-offerings. And the other?¹⁷ — Now, at all events, we are discussing peace-offerings.¹⁸

It was stated: If one slaughters it in its own name with the intention of sprinkling its blood for the sake of something else, — R. Nahman says: It is invalid; Rabbah says: It is valid. But Rabbah retracted on account of R. Ashi's a *miniori* argument.

R, ELIEZER SAID: THE GUILT-OFFERING TOO. It was taught: R. Eliezer said: A sin-offering comes on account of sin, and a guilt-offering comes on account of sin: just as a sin-offering [slaughtered] under a different designation is invalid, so is a guilt-offering invalid [if slaughtered] under a different designation. Said R. Joshua to him: That is not so. If you say [thus] of the sin-offering, [the reason is] because its blood is [sprinkled] above [the scarlet line].¹⁹ Said R. Eliezer to him: Let the Passover-offering prove it: though its blood is [sprinkled] below, yet if one slaughters it for the sake of something else it is invalid. As for the Passover-offering, replied R. Joshua, the reason is that it has a fixed time. Said R. Eliezer to him: Then let the sin-offering prove it. R. Joshua replied:

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- (1) Even if he did not eventually sprinkle it thus,
 - (2) Idolatrous sprinkling of the blood etc. is naturally done without the Temple, while the illegitimate action of *piggul* is done within the Temple.
 - (3) If he did not eventually sprinkle it idolatrously.
 - (4) Sc. if one slaughters a sacrifice with the intention of sprinkling its blood in the name of a different sacrifice, his illegitimate intention is in respect of something that is done within, and therefore we learn by analogy from *piggul* that his intention is effective.
 - (5) By reversing the argument.
 - (6) From Palestine to Babylon. R. Dimi and Rabin were two Palestinian amoraim who travelled between the Palestinian and the Babylonian academics to transmit the teachings of one to the other.
 - (7) Since whenever he slaughters it, that is the time,
 - (8) This illegitimate intention renders the flesh *piggul* immediately, so that if one eats it even within the permitted time he is liable to *kareth*. Since it is so strict, it is natural that an illegitimate intention in respect of one service expressed at an earlier service is effective.
 - (9) For his declaration cannot negative the fact that he is slaughtering it within its precincts.
 - (10) For change of name is a disqualification at the sprinkling, but not at the slaughtering.
 - (11) Viz., in the case of a Passover-offering and a sin-offering.
 - (12) That an intention for a different sacrifice disqualifies it.

(13) It slaughtering for the sake of a different sacrifice disqualifies, though it is valid when done by a zar (lay-Israelite), how much the more sprinkling, which may not be performed by a zar. And if you answer that slaughtering may be more stringent because a Passover-offering slaughtered for others than those enrolled for it is invalid; then let receiving prove it, where this disqualification does not operate.

(14) I.e., the illegitimate intention in respect of sprinkling must be expressed at the sprinkling.

(15) R. Johanan: How does he rebut this argument?

(16) They are performed at the north side of the altar.

(17) Resh Lakish: how does he rebut this argument?

(18) Which are not slaughtered at the north nor on the inner altar. Hence the argument does not apply.

(19) The blood of some sacrifices was sprinkled on the upper half of the altar, and the blood of other sacrifices was sprinkled on the lower half; a scarlet line on the altar demarcated them. — The fact that the blood of the sin-offering was sprinkled above that line may be the reason for greater stringency.

Talmud - Mas. Zevachim 10b

I am moving in a circle.¹ R. Eliezer then drew another analogy. In the case of a sin-offering it says, It is [a sin-offering],² [which intimates that if it is slaughtered] for its own sake it is valid, and if it [is] not [slaughtered] for its own sake it is invalid;³ [Again] in the case of a Passover-offering it says, It is [the sacrifice of the Lord's Passover],⁴ [which likewise intimates,] for its own sake it is valid, and if not for its own sake, it is invalid; [then] in the case of a guilt-offering too it says, It is [a guilt-offering],⁵ [hence this too intimates,] for its own sake it is valid, while if not for its own sake, it is invalid. Said R. Joshua to him: 'It is' is stated of the sin-offering in connection with the slaughtering, [and so] 'it is' [intimates], for its own sake it is valid, and if not for its own sake, it is invalid. [Again] 'it is' is stated of the Passover-offering in connection with the sacrificing,⁶ [and here too] 'it is' [intimates,] for its own sake it is valid, while if it is not for its own sake, it is invalid. But as for the guilt-offering, 'it is' is stated of it only after the burning of the emurim [is prescribed], and yet if the emurim were not burnt at all it is valid.⁷ Said R. Eliezer to him: Lo, it says. As is the sin-offering, so is the guilt-offering.⁸ [hence] as the sin-offering is invalid if not [slaughtered] for its own sake, so is the guilt-offering invalid if not [slaughtered] for its own sake.

The Master said: 'R. Joshua said to him: I am moving in a circle.' Yet let the argument revolve and the inference be made from the feature common to both.⁹ — [That argument is not employed] because it can be refuted: the feature common to both is that there is an aspect of kareth in them.¹⁰

The Master said:¹¹ 'R. Joshua said to him: That is not so. If you say [thus] of the sin-offering, [the reason is] because its blood [is sprinkled] above [the scarlet line].' Yet let him [rather] say to him: That is not so. If you say [thus] of the sin-offering, [the reason is] because its blood enters the innermost shrine?¹² — We are discussing the outer sin-offerings.¹³ [Yet let him say: The reason is] because if its blood enters the innermost shrine it is invalid? — R. Eliezer holds that the guilt-offering too [is invalid in that case]. [Let him say to him: The reason is] because it makes atonement for those who are liable to kareth? — [R. Eliezer draws his analogy] from the sin-offering incurred through hearing a voice.¹⁴ [Let him say to him: The reason is] because it [the blood] requires four applications? — [R. Eliezer holds] as R. Ishmael, who maintains: All blood¹⁵ requires four applications. [Yet let him say: The reason is because the blood requires four applications] on the four horns [of the altar]?¹⁶ — Now according to your reasoning, surely there are [the distinctions of] the finger, the horn, and the point?¹⁷ Rather [the fact is that] he [R. Joshua] mentions [but] one of two or three reasons [distinctions].

The Master said: 'Said R. Joshua to him: That is not so. If you say' etc. Let R. Eliezer answer him: The blood of a guilt-offering too is [sprinkled] above [the scarlet line]?¹⁸ — Said Abaye: You cannot say that the blood of a guilt-offering is [sprinkled] above, [as the reverse may be inferred] from a burnt-offering, a fortiori: if the blood of a burnt-offering, which is completely burnt, is [sprinkled]

below, how much the more [is this true of] a guilt-offering, which is not completely burnt. As for a burnt-offering, the reason is because it does not make atonement! Let the bird sin-offering prove it.¹⁹ As for a bird sin-offering, the reason is because it is not a species that is slaughtered!²⁰ Then let a burnt-offering prove it. Thus the peculiarity of the one is not the peculiarity of the other, and that of the other is not the same as the peculiarity of the first: the feature common to both is that they are sacrifices of the higher sanctity,²¹ and their blood is [sprinkled] below: so will I adduce a guilt-offering too, that [since] it is of the higher sanctity, its blood is [sprinkled] below. Raba of Parzakia²² said to R. Ashi: But let him refute [it thus]: The feature common to both is that [their value] is unfixed; will you then say [the same of] a guilt-offering, which has a fixed [value]?²³ Rather this is R. Eliezer's reason,²⁴ viz., because Scripture saith, The priest that offereth it for a sin-offering:²⁵ ['it' requires] its blood [to be sprinkled] above, but the blood of no other [sacrifice] is [sprinkled] above. If so, let us say with respect to [the slaughtering of] the sin-offering too, [only] it is valid [when slaughtered] in its own name but invalid when not [slaughtered] in its own name, whereas other sacrifices are valid whether in their own name or not in their own name?²⁶ — That 'it' is not meant particularly, since it disregards the Passover-offering.²⁷ Then here too it is not meant particularly, since it disregards the bird burnt-offering?²⁸ — At all events nothing which is slaughtered is omitted.²⁹ Alternatively, this agrees with R. Eleazar son of R. Simeon, who maintained: [The blood of] the one is [sprinkled] in a separate place, and [that of] the other is [sprinkled] in a separate place.³⁰ For it was taught: The lower blood is applied below the scarlet line, while the upper [blood is applied] above the scarlet line,³¹ Said R. Simeon b. Eleazar: This holds good only of the bird burnt-offering; but in the case of the animal sin-offering its [blood] is applied essentially on the very horn [of the altar].³² We learnt elsewhere:³³ For R. Akiba maintained: All blood which entered the Hekal³⁴ to make atonement is unfit; but the Sages rule: The sin-offering alone [is unfit].³⁵ R. Eliezer said: The guilt-offering too [is thus], for it says, As is the sin-offering, so is the guilt-offering.³⁶ As for R. Eliezer, it is well, his reason being as stated. But what is the reason of the Rabbis? — Said Raba: [They argue that] you cannot say that if the blood of the guilt-offering enters within it is unfit, [for the reverse follows] from the burnt-offering, afortiori. If

(1) This way of arguing leads nowhere.

(2) Lev. IV, 24.

(3) It implies emphasis: it must be slaughtered as a sin-offering and nothing else.

(4) Ex. XII, 27.

(5) Lev. VII, 5.

(6) Likewise the slaughtering.

(7) Obviously then 'it is' cannot have the same implication here. V. supra 5b.

(8) Lev. VII, 7.

(9) Lit. from 'what is the side' (which they have in common)? V. Supra a bottom; the feature common to both the sin-offering and the Passover-offering is that they may be eaten one night only. The guilt-offering shares this feature, and therefore it also, like the other two, should be invalid if slaughtered for a different purpose.

(10) The sin-offering is brought on account of an unwitting offence which if wilful is punishable by kareth, The neglect to bring the Passover-offering by one who is not unclean or on a distant journey is likewise punishable by kareth (Num. IX, 13).

(11) Emended text (Sh. M.).

(12) In the case of the sin-offering of the Day of Atonement,

(13) Those which do not enter the innermost shrine — i.e., all save that of the Day of Atonement,

(14) V. Lev, V, 1ff. This does not involve kareth,

(15) The blood of all sacrifices,

(16) Whereas even R. Ishmael admits that the blood of the guilt-offering is not sprinkled on the four horns, but only on two.

(17) The blood of the sin-offering must be applied with the finger on the point (i.e. the top) of the horn, whereas the blood of other sacrifices is not applied actually on the top. — The point is: If one is seeking distinctions, there are many other than that drawn by R. Joshua.

- (18) For R. Eliezer likens the guilt-offering to the sin-offering.
- (19) Its blood is sprinkled below, though it does make atonement.
- (20) The bird-offering was not slaughtered, its neck being wrung (Lev. I, 15).
- (21) V. Supra 2a p. 1, n. 7.
- (22) Farasag, in the vicinity of Be Dura, one of the four districts in the middle of which Baghdad was built; v. Obermeyer, *Landschaft*, pp. 268-9.
- (23) V. Lev. V, 15 seq.
- (24) For holding that the blood of a guilt-offering is sprinkled below.
- (25) Lev. VI, 19. The Heb. **הַמִּזְבֵּחַ** is understood to mean he who sprinkles its blood in accordance with its law as a sin-offering, viz., above the scarlet line.
- (26) Since the unfitness of a sin-offering when not killed for its own sake is deduced from, And he shall kill it for a sin-offering (Lev. IV, 33). Then R. Eliezer should regard the 'it' here too as a limitation and not apply the same law to the guilt-offering.
- (27) To which the same law applies, as was shewn supra 7b.
- (28) Whose blood too is sprinkled above; infra 65a.
- (29) The limitation of 'it' applies to all slaughtered sacrifices,
- (30) Though the blood of both the sin-offering and the bird burnt-offering is sprinkled above the scarlet line, yet each has a different place. Therefore the limitation of 'it' in respect to the sprinkling of the blood has no exception at all.
- (31) At any point above it. — 'Lower' and 'upper' mean that which is applied below and that which is applied above respectively.
- (32) And not merely anywhere above the line.
- (33) Infra 81b.
- (34) The hall containing the golden altar etc., contrad. to the Holy of Holies (Jast.).
- (35) When Moses rebuked Aaron for not eating the flesh of the sin-offering on the day of his consecration, he said to him: Behold, the blood of it was not brought into the sanctuary within; ye should certainly have eaten it (Lev. X, 18; v. also ib. VI, 23). This proves that if it had been brought 'within' Aaron would have been right, for the sacrifice would have thereby become unfit. Now the passage actually refers to a sin-offering: R. Akiba holds that its implication extends to all other sacrifices too, while the Rabbis confine it to the sin-offering.
- (36) Lev. VII, 7.

Talmud - Mas. Zevachim 11a

the burnt-offering is fit when its blood enters within, though it is entirely burnt, how much the more is the guilt-offering [fit], seeing that it is not entirely burnt. [But it may be asked:] As for the burnt-offering, [the reason is] because it does not make atonement? — Let a sinner's meal-offering prove it.¹ (Yet he should rather say: Let the sin-offering of a bird prove it?² The sin-offering of a bird is the subject of a question by R. Abin.)³ As for a sinner's meal-offering '4 [the reason is] because it is not of the species that is slaughtered?⁵ Let the burnt-offering prove it. And thus the argument revolves, the peculiarity of the one not being that of the other, while the peculiarity of the latter is not that of the former: the feature common to both is that they are sacrifices of the higher sanctity, and when their blood enters within they are fit; so too will I adduce the guilt-offering which is a sacrifice of the higher sanctity, and if its blood enters within it is fit. Raba of Barnesh⁶ said to R. Ashi: Yet let him refute [it thus]: The feature common to both is that they have no fixed [value]; will you say [the same of] the guilt-offering, which has a fixed [value]? Rather this is the Rabbis' reason, viz., because Scripture saith, [And no sin-offering whereof any of] its blood [is brought into the tent of meeting . . . shall be eaten; it shall be burnt with fire]:⁷ [this intimates] the blood of this [sacrifice], but not the blood of another [sacrifice]. And the other?⁸ — 'Its blood' [implies,] but not its flesh.⁹ And the other?¹⁰ — [Scripture writes,] 'its blood' [where] 'blood' [would suffice].¹¹ And the other? — He does not interpret 'blood', 'its blood' [as having a particular significance].

It is well according to the Rabbis who maintain that if one slaughters a guilt-offering under a different designation it is valid: for that reason a meal-offering is likened to a sin-offering and to a

guilt-offering. For it was taught, R. Simeon said: [It is written,] It is most holy, as the sin-offering, and as the guilt-offering:¹² a sinner's meal-offering is like a sin-offering, therefore if its fistful [of flour] is taken under a different designation, it is invalid;¹³ a votive meal-offering is like a guilt-offering, therefore if he [the priest] takes its fistful under a different designation, it is valid. But according to R. Eliezer, in respect of which law is a meal-offering likened to a sin-offering and a guilt-offering? — In respect of the other [ruling] of R. Simeon. For it was taught: [If the fistful was carried to the altar] not in a service-vessel,¹⁴ it is invalid; but R. Simeon declares it valid.¹⁵ Now Rab Judah son of R. Hiyya said, What is R. Simeon's reason? — Scripture saith, 'It is most holy, as the sin-offering, and as the guilt-offering': [this teaches:] If he [the priest] comes to perform its service with his hand, he does so with his right hand, as in the case of the sin-offering; [if he comes] to perform the service with a vessel, he may do so with his left hand, as in the case of the guilt-offering.¹⁶ Now R. Simeon utilises this verse for both purposes?¹⁷ — The essential purpose of the text is to teach the dictum of Rab Judah the son of R. Hiyya, while that a sinner's meal-offering is invalid when [the priest does] not [take its fistful] for its own sake is [based] on a different reason. [Thus:] what is the reason of a sin-offering?¹⁸ Because 'it is' is written in connection therewith; then in connection with a sinner's meal-offering too 'it is' is written. Now according to the Rabbis, in respect of which law is a guilt-offering likened to a sin-offering? — To teach you: as a sin-offering requires laying on [of hands], so does a guilt-offering require laying on [of hands].

JOSEPH b. HONI SAID: SACRIFICES SLAUGHTERED [IN THE NAME OF A PASSOVER-OFFERING OR A SIN-OFFERING ARE INVALID]. R. Johanan said: Joseph b. Honi and R. Eliezer said the same thing.¹⁹ Rabbah said: They disagree in respect of others slaughtered in the name of a sin-offering. For it was taught: A paschal lamb which has passed its year,²⁰ and he [its owner] slaughtered it in its season,²¹ for its own purpose,²² and similarly, when a man slaughters other [sacrifices] as a Passover-offering in its season, — R. Eliezer disqualifies them,²³ while R. Joshua declares them valid. Said R. Joshua: If during the rest of the year, when it is not valid [if slaughtered] in its own name, yet others [slaughtered] in its name are valid;²⁴ then is it not logical that in its season, when it is valid [if slaughtered] in its own name, others [slaughtered] in its name are valid? Said R. Eliezer to him: Yet perhaps the argument is to be reversed? If it is valid [when slaughtered] during the rest of the year in the name of another sacrifice,²⁵ though it is not valid [if slaughtered then] in its own name; is it not logical that it should be valid [when slaughtered] in its season in the name of another sacrifice, seeing that it is valid [if slaughtered, then] in its own name; and thus a Passover-offering [slaughtered] on the fourteenth [of Nisan] under a different designation should be valid.²⁶ Now, would you say thus? [But in point of fact your a minori argument can be refuted thus:] As for others being valid during the rest of the year [when slaughtered] in its [sc. the Passover-offering's] name, that is because it is valid [when slaughtered then] in the name of other [sacrifices]; should then others [slaughtered] in its season²⁷ in its name be valid, seeing that it [the Passover-offering] is invalid [if slaughtered then] in the name of others?²⁸ Said R. Joshua to him: If so, you lessen the strength of the Passover-offering and increase the strength of the peace-offering?²⁹ Subsequently R. Eliezer proposed a different argument: We find that a Passover remainder³⁰ comes as a peace-offering, whereas a peace-offering remainder does not come as a Passover-offering. Now if the Passover-offering, whose remainder comes as a peace-offering, is [nevertheless] unfit if one slaughters it in its season as a peace-offering; is it not logical that the peace-offering is unfit if slaughtered in the name of a Passover-offering in its season, seeing that its remainder does not come as a Passover-offering?

(1) This makes atonement, yet if it enters within it remains fit, for the disqualification is stated in reference to the entering of blood only.

(2) This would provide a better analogy, as it is a blood-sacrifice just as the other sacrifices under consideration.

(3) Whether it is unfit when its blood enters within (infra 92b). The objection and answer are parenthetical, and now the Talmud returns to its discussion.

(4) Emended text (Bah); omitting, 'and let him refute', of cur. edd.

- (5) It is not a blood-sacrifice.
- (6) A town in the vicinity of Matha Mehasia, a suburb of Sura (Obermeyer, op. cit. pp. 296-7).
- (7) Lev. VI, 23.
- (8) R. Eliezer: how does he explain 'its blood'?
- (9) If its flesh is taken 'into the tent of meeting', into the inner sanctuary, it is not disqualified.
- (10) The Rabbis: how do they know this?
- (11) Hence 'its' excludes that of other sacrifices, while 'blood' excludes the flesh of the same sacrifice.
- (12) Lev, VI, 10. This refers to the meal-offering, and since it is likened to two other sacrifices, R. Simeon deduces that one kind of meal-offering is like a sin-offering, while another is like a guilt-offering, as explained in the text,
- (13) The taking of the fistful of the meal-offering and its burning on the altar are the equivalent of the sprinkling of the blood of an animal sacrifice.
- (14) A service-vessel is one that has been sanctified for use in the Temple in connection with the sacrificial service.
- (15) If the priest carried it in his hand to the altar,
- (16) This being R. Simeon's view, others hold that the service of all sacrifices must be done with the right hand (infra 24b).
- (17) He had made two distinct deductions from the same verse,
- (18) That it is invalid when not slaughtered for its own sake.
- (19) R. Eliezer too holds that other sacrifices slaughtered as a Passover-offering in its time or as a sin-offering at any time are invalid. R. Johanan deduces this anon.
- (20) It became a year old on the first of Nisan, and was then set aside for the Passover sacrifice. Since a year is the extreme limit for such (V. Ex. XII, 5: a male of the first year), it automatically stands to be a peace-offering, being unfit for its original purpose.
- (21) I.e. , on the eve of Passover.
- (22) Sc. as a Passover-offering. Thus he slaughtered a peace-offering as a Passover sacrifice.
- (23) He infers this a minori: If an animal set aside for the Passover-offering is disqualified when slaughtered in its season (on the eve of Passover) as a peace-offering, though if left until after Passover it must be offered as such; then how much the more is a peace-offering disqualified if slaughtered on the eve of Passover as a Passover-offering, seeing that if left over and not brought as a peace-offering at the time appointed for same it cannot be brought as a Passover-offering on Passover eve.
- (24) For all sacrifices except the Passover-offering and the sin-offering are valid when slaughtered for a different purpose (supra 2a).
- (25) Sc. a peace-offering.
- (26) Which however is obviously wrong. Hence by a reductio ad absurdum the deduction a minori is shewn to be inadmissible.
- (27) On the eve of Passover,
- (28) Surely not. From this R. Johanan deduces that just as R. Eliezer declares others unfit when slaughtered in the name of the Passover-offering, so are they unfit when slaughtered in the name of a sin-offering. For R. Eliezer's reason, as seen here, is because it (the Passover-offering) is unfit when slaughtered in the name of a different sacrifice, and this same holds good of the sin-offering too.
- (29) For at the proper season for peace-offerings (i.e., during the rest of the year) the Passover-offering if slaughtered as a peace-offering is fit; whereas at the season of the Passover-offering (on Passover eve) a peace-offering slaughtered in the name of a Passover-offering is unfit! Yet in fact while Scripture insists that the Passover-offering must be killed in its own name (V. supra 7b), there is no such insistence with respect to the peace-offering. — 'Weaken' and 'strengthen' mean to weaken and strengthen the necessity for (or, the insistence on) slaughtering these sacrifices for nought but their own sake.
- (30) If an animal was dedicated for a Passover-offering, lost and refound after Passover.

Talmud - Mas. Zevachim 11b

Said R. Joshua to him: We find that a sin-offering remainder comes as a burnt-offering,¹ but a burnt-offering remainder does not come as a sin-offering. Now if the sin-offering is unfit when slaughtered as a burnt-offering, though its remainder comes as a burnt-offering; is it not logical that a

burnt-offering slaughtered as a sin-offering is unfit, seeing that its remainder does not come as a sin-offering?² Not so, replied R. Eliezer to him. If you speak of a sin-offering, the reason [that a burnt-offering slaughtered in its name is fit] is because it [the sin-offering] is fit [when slaughtered] in its own name throughout the year. Will you say the same of a Passover-offering which is fit [when slaughtered] in its own name only in its season? Since then that itself is unfit [when slaughtered] in its own name [during the rest of the year], it is logical that others slaughtered in its name [during the rest of the year] are unfit.

SIMEON THE BROTHER OF AZARIAH SAID etc. R. Ashi recited the following in R. Johanan's name, and R. Aha son of Raba recited it in R. Jannai's name: What is the reason of Simeon the brother of Azariah? Because Scripture saith, And they shall not profane the holy things of the children of Israel, which they shall exalt unto the Lord:³ [this teaches that] they are not profaned [rendered unfit] through what is superior [higher] than themselves, but they are profaned through what is inferior to themselves.⁴ But does this text come for this purpose? Surely it is required for Samuel's dictum! For Samuel said: Whence do we know that he who eats tebel⁵ is liable to death? From the verse, And they shall not profane the holy things of the children of Israel, which they shall exalt unto the Lord: the Writ refers to that which is yet to be exalted.⁶ — If so,⁷ Scripture should write, 'which were exalted [offered]': why state, 'which they shall exalt'? Hence infer both from this.⁸

R. Zera asked: Are they valid yet do not propitiate, and so he disagrees in one only; or are they valid and propitiate, and he disagrees in both?⁹ — Said Abaye — others maintain, R. Zerika, -Come and hear: IF ONE SLAUGHTERED A FIRSTLING OR TITHE IN THE NAME OF A PEACE-OFFERING, IT IS VALID; IF ONE SLAUGHTERED A PEACE-OFFERING AS A FIRSTLING OR TITHE, IT IS INVALID. Now if you think that [he means that] they are valid and propitiate, is propitiation applicable to a firstling?¹⁰ Hence they are valid and do not propitiate, and since the second clause [means that] they are valid and do not propitiate, [in] the first clause too they are valid and do not propitiate. But what argument is this? The one is according to its nature, and the other is according to its nature.¹¹ Then what does he inform us?¹² [The principle governing] a higher and lower sanctity!¹³ Surely we learnt it: HOW SO? IF ONE SLAUGHTERED MOST SACRED SACRIFICES UNDER THE DESIGNATION OF LESSER SACRIFICES etc. — You might say, Only in the most sacred sacrifices and the lesser sacrifices is there higher and lower, but not where both are lesser sacrifices. [Hence we are informed that it is not so.] But we learnt this too: The peace-offering takes precedence over the firstling, because the former requires four [blood-] sprinklings, laying on [of hands], drink-offerings, and the waving of the breast and the shoulder?¹⁴ — The present passage¹⁵ is the main source, while in the other it is taught incidentally.¹⁶

MISHNAH. IF ONE SLAUGHTERS THE PASSOVER-OFFERING ON THE MORNING OF THE FOURTEENTH [OF NISAN] UNDER A DIFFERENT DESIGNATION, R. JOSHUA DECLARES IT VALID, JUST AS IF IT HAD BEEN SLAUGHTERED ON THE THIRTEENTH; BEN BATHYRA DECLARES IT INVALID, AS IF IT HAD BEEN SLAUGHTERED IN THE AFTERNOON.¹⁷ SAID SIMEON B. AZZAI: I HAVE A TRADITION FROM THE MOUTH OF SEVENTY-TWO ELDER[S]¹⁸ ON THE DAY THAT R. ELEAZAR [SON OF AZARIAH]¹⁹ WAS APPOINTED TO THE ACADEMY,²⁰ THAT ALL SACRIFICES WHICH ARE EATEN,²¹ THOUGH SLAUGHTERED UNDER A DIFFERENT DESIGNATION ARE VALID, SAVE THAT THEIR OWNERS HAVE NOT DISCHARGED THEIR OBLIGATION, EXCEPT THE PASSOVER-OFFERING AND THE SIN-OFFERING. THUS THE SON OF 'AZZAI ADDED²² ONLY THE BURNT-OFFERING, BUT THE SAGES DID NOT AGREE WITH HIM.

GEMARA. R. Eleazar said in R. Oshaia's name: Ben Bathyra declared fit a Passover-offering which one slaughtered in its own name on the morning of the fourteenth, because [he holds that] the whole day is its season.²³ Then what does AS IF [etc.] mean?²⁴ Because R. Joshua states AS IF,²⁵ he

too says, AS IF. If so, instead of disputing where it is [slaughtered] under a different designation, let them dispute where it is [slaughtered] in its own name?²⁶ — If they differed where it is [slaughtered] in its own name, I would say that R. Joshua agrees with Ben Bathyra [that it is invalid] when [slaughtered] under a different designation, since part of it [the day] is fit [eligible]. Hence he informs us [that it is not so]. But surely it is written, At dusk?²⁷ — Said ‘Ulla the son of R. Ila’i: [That means,] Between two evenings.²⁸ Then [will you say] that the whole day is fit for the daily offering too, seeing that at dusk²⁹ is written in connection therewith? — There, since it is written, ‘The one lamb thou shalt offer in the morning’, it follows that ‘at dusk’ is meant literally. Yet say, One [must be offered] in the morning, while the other [may be offered] the whole day? — [Scripture prescribes] one for the morning and not two for the morning. Again, will you say that the whole day is fit for [the lighting of] the lamps, since ‘at dusk’ is written in connection therewith?³⁰ — There it is different, because it is written, [to burn] from evening to morning,³¹ and it was taught: ‘From evening to morning’: Furnish it with its [requisite] measure, so that it may burn from evening to morning. Another interpretation: You have no other [service] valid from evening to morning save this alone.

Now [will you say] in the case of incense too, where ‘at dusk’ is written,³² that the whole day is fit [for the burning thereof]?-incense is different,

(1) Tem. 23b.

(2) Yet in fact it is not unfit, which shews that an ad majus argument from the law of a remainder is inadmissible. As R. Eliezer does not answer that in his view it is indeed unfit, Rabbah deduces that he admits that other sacrifices slaughtered as sin-offerings are fit.

(3) Lev. XXII, 15.

(4) Rendering: they shall not profane the holy things (sc. the sacrifices) when they exalt them, i.e. when they offer them as a sacrifice whose sanctity is higher than their own.

(5) V. Glos,

(6) I.e., offered. The verb ‘ירימן’ is imperfect (which they shall exalt) and hence refers to ‘holy things’, which includes terumah (q.v. Glos.), which are yet to be separated from the produce, so that it is all tebel. — For the liability to death (at the hands of Heaven) v. Sanh. 83a.

(7) That the text teaches the former dictum of Simeon the brother of Azariah only.

(8) The root word ‘exalt’ teaches the former, and the future tense teaches the latter.

(9) Does Simeon the brother of Azariah mean that when slaughtered in the name of a higher sacrifice they are fit, yet do not propitiate, i.e., they do not acquit their owner of their obligation; but if slaughtered in the name of a lower sacrifice they are completely unfit? In that case he agrees with the first Tanna as far as the former instance is concerned, and disagrees only in respect of the latter. Or does he mean in the former instance that they also propitiate? If so, he disagrees with the first Tanna in respect of the former too, the first Tanna holding that they do not propitiate.

(10) Surely not!

(11) Where there is no question of propitiation it means that they are valid but do not propitiate. But where propitiation does apply (sc. in the first clause) they may propitiate too.

(12) By the second clause,

(13) Is that the only purpose of this second clause dealing with the firstling etc.?

(14) V. Infra 89a. It takes precedence because its sanctity is higher.

(15) Sc. our Mishnah.

(16) As part of the order of precedence observed in all sacrifices. Yet the main source of the ruling that the peace-offering enjoys a higher sanctity than the firstling is our own Mishnah.

(17) V. Mishnah 2a.

(18) The Gemara discusses infra why the text uses the singular.

(19) Emended text.

(20) As its head. V. Ber. 27b.

(21) This excludes the burnt-offering.

(22) As being unfit.

- (23) And not the afternoon only. For that very reason he declares it invalid when not slaughtered for its own sake.
- (24) Seeing that if the whole day is the season, there is no point in saying AS IF IT HAD BEEN SLAUGHTERED IN THE AFTERNOON.
- (25) On his view it is pertinent, since he holds that only the afternoon is its season.
- (26) According to Ben Bathyra it is valid, while in R. Joshua's view it is invalid.
- (27) Ex. XII, 6. How then can R. Oshaia maintain that the whole day is the proper time?
- (28) This being the literal meaning of the Hebrew **בֵּין הָעֶרְבִים**. I.e., between the evening of the fourteenth (which he counts as until dawn) and the evening of the fifteenth, hence the whole day of the fourteenth.
- (29) Ibid. XXIX, 39.
- (30) Ibid, XXX, 8.
- (31) Ibid, XXVII, 21.
- (32) Ibid. XXX, 8, — the same text as that quoted for the lamps.

Talmud - Mas. Zevachim 12a

because it is likened to lamps.¹ But there too it is written, There thou shalt sacrifice the Passover-offering at even [ba-'ereb]?² — That comes to teach deferment. For it was taught: Let that in connection with which ba-'ereb [at even] and ben ha-'arbayim [between the evenings]³ are said be deferred after that in connection with which ben ha-'arbayim alone is said.⁴ Now can there be a case where if he slaughtered it in the morning you say that it is its proper time, yet when afternoon arrives you say that it should be deferred?⁵ — Yes, for surely R. Johanan said: The halachah is that one must recite the minhah [afternoon] service and then recite the additional service.⁶

Now, what is the purpose of 'ben ha-'arbayim' [at dusk] written in connection with incense and lamps?⁷ Furthermore, [it was taught:]⁸ Rabbi rebutted the words of R. Joshua on Ben Bathyra's view: That is not so,⁹ If you speak of the thirteenth, where no part of it is fit, will you speak [thus] of the fourteenth, where part of it is fit? Now if this is correct,¹⁰ then the whole of it is fit!¹¹ — Rather said R. Johanan: Ben Bathyra declared unfit a Passover-offering which one slaughtered in the morning of the fourteenth, whether in its own or in a different name, since part of it is fit [for the slaughtering].¹² R. Abbahu sneered at this view: If so, how is it possible on Ben Bathyra's ruling for a Passover-offering to be fit?¹³ If one separates it now, it is rejected ab initio; while if one separated it yesterday, it was eligible and rejected!¹⁴ — Rather said R. Abbahu: It must be [that he separated it] after midday.¹⁵ Abaye said: You may even say [that one separates it] in the morning, [because the disqualification of] prematureness does not apply to the same day.¹⁶ R. Papa said: You may even say [that one separates it] the [previous] evening:¹⁷ prematureness does not apply to the night. For R. Ishmael taught: On the night of the eighth day it enters the fold to be tithed.¹⁸ And [this is] in accordance with R. Afortiki. For R. Afortiki pointed out a contradiction, It is written, Then it shall be seven days under its dam;¹⁹ hence on the [following] night it is eligible. Yet it is written, But from the eighth day and thenceforth it may be accepted [for an offering],¹⁹ whence it follows that it was not eligible the [previous] evening. How is this [to be reconciled]? The night for sanctification and the day for acceptance.²⁰

R. Zera asked R. Abbahu: Must we say that R. Johanan holds that live animals can be [permanently] rejected?²¹ — Even so, replied he. For R. Johanan said: [With regard to] an animal belonging to two partners; if one [of them] dedicates half, and then purchases [the other] half and dedicates it, it is holy, yet cannot be offered up;²² and it establishes [the sanctity of] a substitute,²³ and the substitute is as itself.²⁴ This proves three things: that live animals may be rendered [permanently] rejected;²⁵ that which is rejected ab initio is rejected;²⁶ and

(1) Since 'at dusk' refers to both, as stated in the preceding note.

(2) Deut. XVI, 6.

(3) E.V. at dusk,

- (4) In connection with the Passover-offering both expressions are used (Ex. XII, 6; Deut. XVI, 6), while in connection with the daily-offering one only is stated (Num. XXVIII, 4). Hence the former is sacrificed after the latter.
- (5) Until after the afternoon daily offering.
- (6) On the Sabbath, festivals and New Moon there are three services, the morning service, the additional service and the afternoon service in that order (beside the evening service, which is recited the previous evening). The additional service must commence before the time of the afternoon service, which is from half an hour after noon until dusk. If one had not recited it by then, he must give precedence to the afternoon service. This is exactly analogous to our own case.
- (7) Since its meaning must be elucidated through another text (supra 11b).
- (8) In objection to R. Oshaia.
- (9) Sc. that it is as though it was slaughtered on the thirteenth.
- (10) That Ben Bathyra holds that the whole of the fourteenth is the proper time.
- (11) And not only part!
- (12) If slaughtered in its own name, it is invalid because the proper time is the afternoon. If not in its own name, it is invalid because part of that day is the proper time for it, and hence the law on 2a applies.
- (13) Even if it is slaughtered at the proper time (in the afternoon of the fourteenth) and in its own name,
- (14) If one separates the animal for a Passover-offering on the morning of the fourteenth, it is fit for nothing at all then, neither for a Passover-offering nor for a peace-offering. Thus from the very beginning it is ineligible (technically 'rejected'), and R. Johanan holds infra that in such circumstances it can never be eligible again, even if conditions subsequently alter. Again, if one separated it the previous day, it was then eligible for a peace-offering, but on the following morning it was 'rejected' (became ineligible), and in the view of all Rabbis it then remains permanently rejected.
- (15) When it is actually eligible. — The answer is obvious, and R. Abbahu's objection is probably only rhetorical, as a means of expressing the opinion that according to Ben Bathyra as interpreted by R. Johanan the animal cannot be separated for the Passover-offering until the afternoon,
- (16) Where an animal becomes eligible for a particular purpose during the day, the earlier part of the same day is not regarded as premature, in the sense discussed here.
- (17) Which is also the fourteenth of Nisan.
- (18) An animal cannot be sacrificed before it is eight days old, and for the same reason when animals are to be tithed it does not enter the fold for the purpose. Yet if the tithing is taking place on the night of the eight day (it will be eight days old the next day) it does enter. This proves that prematureness does not apply to the night.
- (19) Lev. XXII, 27.
- (20) It can be sanctified on the night of the eighth but not 'accepted'. i.e., sacrificed, until the following day.
- (21) V. following notes. For otherwise you need not answer that one separates it after midday.
- (22) Since it was not fit for offering originally, as the half belonging to the other partner was as yet secular. Hence it must now be sold, and an animal purchased with the money and sacrificed,
- (23) The reference is to Lev. XXVII, 33: neither shall he change it (a consecrated animal): and if he change it, then both it and the change thereof shall be holy. Thus here, if one substitutes another animal for this one, the substitute too is holy.
- (24) It may not be sacrificed, but must be sold.
- (25) As here: the animal having been tendered ineligible when dedicated, since half remained secular, it remains so even when the other half too is dedicated. There is an opposing view that only a dead animal can become permanently ineligible, V. Yoma 64a.
- (26) This animal was not eligible for dedication by a single partner from the very outset.

Talmud - Mas. Zevachim 12b

that rejection applies to monetary sanctity.¹

'Ulla said in R. Johanan's name: If one ate heleb² and set aside a sacrifice,³ then apostatized, yet subsequently retracted, since it was [once] rejected,⁴ it remains rejected. It was stated likewise: R. Jeremiah said in R. Abbahu's name in R. Johanan's name: If a man ate heleb, set aside an offering, became insane and then regained his sanity, since it [the offering] was [once] rejected, it remains so.⁵

Now both rulings are necessary. For had he informed us of the first only, [you might have said that] the reason is that he made himself ineligible [to offer a sacrifice] with his own hands; but in the latter case where he was involuntarily disqualified, he is [merely] as one who fell asleep.⁶ Again, had he informed us the latter case only, you might argue that the reason is because his recovery is not dependent on himself; but in the former case [apostasy] it is not so, since it lies with him to retract — Thus both are required.

R. Jeremiah asked: If one ate heleb, set aside a sacrifice, then the Beth din⁷ ruled that heleb is permitted, yet subsequently they retracted, what is the law? Does this constitute [permanent] rejection⁸ or does it not constitute [permanent] rejection? Said a certain old man to him: When R. Johanan commenced [his rulings] on rejected [sacrifices], he commenced with this very case.⁹ What is the reason? There¹⁰ the person was disqualified, but the sacrifice was not rejected¹¹; whereas here the sacrifice too became rejected.¹² SAID SIMEON THE SON OF AZZAI: I HAVE A TRADITION FROM THE MOUTH OF SEVENTY-TWO ELDER[S], etc. Why does he state, SEVENTY-TWO ELDER[S]?¹³ — Because they all held this view unanimously.¹⁴

BEN AZZAI ADDED ONLY THE BURNT-OFFERING. R. Huna said: What is Ben 'Azzai's reason? — It is a burnt-offering, an offering made by fire, of a sweet savour unto the Lord:¹⁵ 'it is' implies that [when it is slaughtered] in its own name it is valid; when not in its own name, it is invalid. But 'it is' is written in the case of the guilt-offering too? — That is written after the burning of the emurim.¹⁶ But in this case too it is written after the burning of the emurim? — 'It is' is written twice [in connection with the burnt-offering].¹⁷ Yet 'it is' is written twice in the case of the guilt-offering too?¹⁸ — Rather, Ben 'Azzai infers it a fortiori: If a sin-offering is invalid when one slaughters it under a different designation, though it is not entirely burnt, how much the more is a burnt-offering [invalid in such circumstances], seeing that it is entirely burnt — As for the sin-offering, [it may be argued] the reason is that it makes atonement! Then let the Passover-offering prove it. As for the Passover-offering, the reason is because its time [for slaughtering] is fixed! Then let the sin-offering prove it. And thus the argument revolves: the feature peculiar to the one is not that peculiar to the other, and the feature peculiar to the other is not that peculiar to the first. Their common characteristic is that they are sacred sacrifices, and if one slaughters them under a different designation they are invalid; so will I adduce the burnt-offering too, which is a sacred sacrifice, and if one slaughters it for a different purpose, it is invalid. [No:] their common feature is that an aspect of kareth is involved in them!¹⁹ — Ben 'Azzai

(1) This animal was sanctified from the very outset only for its value. i.e., that the money for which it would be sold should be expended for a sacrifice; nevertheless it becomes permanently ineligible for the altar. This excludes the possible view that only an animal that was fit in the first place to be dedicated to the altar can be rendered permanently ineligible.

(2) Forbidden fat. V. Glos.

(3) For atonement, v. Lev. IV, 27-28.

(4) For sacrifices are not accepted from apostates, cf. Hul. 5b.

(5) An insane person cannot offer.

(6) When he had to sacrifice. This gap in his intelligent consciousness does not of course permanently disqualify him.

(7) V. Glos.

(8) For when they ruled that heleb is permitted, the sacrifice became rejected, since a sin-offering can be brought only when one is liable.

(9) Teaching that it is permanently rejected.

(10) In the cases of apostasy and insanity.

(11) The animal separated still belonged to the category of sin-offerings, save that its owner was not fit to bring it.

(12) Hence it follows a minori that it remains rejected.

(13) In the singular.

(14) Sh. M. emends: they were all present at the same sitting (when they stated this). This apparently is Rashi's reading

too.

(15) Lev. I, 17.

(16) V. supra, 5b for notes.

(17) The one already quoted, and the other in Ex. XXIX, 18. Though there too it is after the burning of the emurim, yet since its teaching is unnecessary in that respect, as one text is sufficient for that, you must apply its teaching as intimating that when not slaughtered in its own name it is unfit,

(18) Lev. V, 19 and VII, 5.

(19) V. supra 10b p 49. n. 2.

Talmud - Mas. Zevachim 13a

does not admit the refutation of kareth.¹ Then let him adduce the guilt-offering too?² — The feature common to both is that they apply to the whole community as to an individual,³ Alternatively he does admit the refutation of kareth, but Ben 'Azzai had a tradition.⁴ And when R. Huna said [that he inferred it] afortiori, he said this only in order to sharpen his disciples.⁵

MISHNAH. IF ONE SLAUGHTERED THE PASSOVER-OFFERING OR THE SIN-OFFERING NOT IN THEIR OWN NAME, [AND] HE RECEIVED [THE BLOOD], WENT [WITH IT], AND SPRINKLED [IT] NOT IN THEIR OWN NAME, OR IN THEIR OWN NAME AND NOT IN THEIR OWN NAME, OR NOT IN THEIR OWN NAME AND IN THEIR OWN NAME,⁶ THEY ARE DISQUALIFIED. HOW IS 'IN THEIR OWN NAME AND NOT IN THEIR OWN NAME' MEANT? — IN THE NAME OF THE PASSOVER-SACRIFICE [FIRST] AND [THEN] IN THE NAME OF A PEACE-OFFERING. 'NOT IN THEIR OWN NAME AND IN THEIR OWN NAME' [MEANS] IN THE NAME OF A PEACE-OFFERING [FIRST] AND [THEN] IN THE NAME OF THE PASSOVER-OFFERING. FOR A SACRIFICE CAN BE DISQUALIFIED AT [ANY ONE OF] THE FOUR SERVICES: SLAUGHTERING, RECEIVING, CARRYING AND SPRINKLING. R. SIMEON DECLARES IT VALID IN THE CARRYING, BECAUSE HE ARGUED: [THE SACRIFICE] IS IMPOSSIBLE WITHOUT SLAUGHTERING, WITHOUT RECEIVING AND WITHOUT SPRINKLING, BUT IT IS POSSIBLE WITHOUT CARRYING. [HOW SO]? ONE SLAUGHTERS IT AT THE SIDE OF THE ALTAR AND SPRINKLES [FORTHWITH].⁷ R. ELIEZER SAID: IF ONE GOES WHERE HE NEEDS TO GO, AN [ILLEGITIMATE] INTENTION DISQUALIFIES [IT]; WHERE HE NEED NOT GO, AN [ILLEGITIMATE] INTENTION DOES NOT DISQUALIFY [IT].⁸

GEMARA. Does then receiving disqualify? Surely it was taught: And they shall present:⁹ this refers to the receiving of the blood. You say, This refers to the receiving of the blood: yet perhaps it is not so, but rather it means the sprinkling? When it says, And they shall dash [the blood],¹⁰ lo, sprinkling is stated, hence to what can I apply, 'And they shall present'? It must refer to the receiving of the blood. Aaron's sons, the priests¹⁰ [teaches] that [these services] must be performed by a legitimate priest¹¹ [robed] in priestly vestments.¹² Said R. Akiba: How do we know that receiving must be performed by none but a legitimate priest [robed] in priestly vestments? 'Aaron's sons' is stated here, while elsewhere it says, These are the names of the sons of Aaron, the priests that were anointed:¹³ as there it refers to legitimate priest[s] [robed] in priestly vestments,¹⁴ so here too it means by a legitimate priest [robed] in priestly vestments. R. Tarfon observed: May I lose my sons if I have not heard a distinction made between receiving and sprinkling, yet I cannot explain [what it is]! Said R. Akiba: I will explain it. In the case of receiving intention was not made tantamount to action, whereas in the case of sprinkling intention was made tantamount to action.¹⁵ [Again] if one received [the blood] without [its proper precincts], he is not liable to kareth, whereas if one sprinkles [it] without, he is punished with kareth. If unfit men received it,¹⁶ they are not liable on its account, if unfit men sprinkled it, they are liable on its account. Said R. Tarfon to him, By the [Temple] service! You have[not] deviated to the right or the left!¹⁷ I heard [it] yet could not explain it, whereas you investigate it and agree with [my] tradition. In these words he addressed him:

‘Akiba! whoever departs from thee is as though he departed from life!’ — Said Raba: There is no difficulty: the one refers to an intention of piggul,¹⁸ while the other [our Mishnah] refers to an intention for the sake of something else. This too may be proved, because it teaches, FOR A SACRIFICE CAN BE DISQUALIFIED, but it does not teach, ‘For a sacrifice becomes piggul’. This proves it.

Now, does not an intention of piggul disqualify it [the sacrifice] at the receiving? Surely it was taught: You might think that an intention [of piggul] is effective only at the sprinkling; whence do we know to include slaughtering and receiving? From the text, And if any of the flesh of the sacrifice of his peace-offerings be at all eaten on the third day, it shall not be accepted. . . it shall be an abhorred thing [piggul];¹⁹ Scripture treats of the services which lead to eating.²⁰ You might think that I also include the pouring out of the residue [of the blood] and the burning of the emurim; therefore it states, . . . on the third day, it shall not be accepted, neither shall it be imputed unto him that offereth it.²¹ Now sprinkling was included in the general statement,²² and why was it singled out? That an analogy therewith might be drawn, intimating: as sprinkling is a service and is indispensable for atonement, so every [act which is a] service and is indispensable for atonement [is included]; thus the pouring out of the residue and the burning of the emurim are excluded, since these are not indispensable for atonement!²³

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- (1) Because it does not feature in the same way in both of them. For the sin-offering is brought for a sin of commission which involves kareth, whereas it is the omission to bring the Passover-offering that entails kareth.
 - (2) That it is invalid when slaughtered under a different designation, by the same analogy. V. supra 10b, where the analogy is proposed but rejected because kareth is not involved in the guilt-offering. Since, however, Ben Azzai does not admit that this is a refutation, the analogy stands.
 - (3) A sin-offering may be incurred by the whole community, just as by an individual, v. Lev. IV. The Passover-offering too, though brought by individuals, is a communal (public) sacrifice, since the whole community must bring one (Yoma 51a). But a guilt-offering is never brought by the whole community.
 - (4) In respect of the burnt-offering, as stated in the Mishnah. Hence he does not infer it a fortiori at all.
 - (5) Challenging them, as it were, to find the fallacy in his statement.
 - (6) I.e., one of the services was for its own sake and another was for a different purpose, in the order stated.
 - (7) Where it is straightway sprinkled. Since then the blood may not be carried at all, the sacrifice cannot be disqualified if it is carried for a different purpose.
 - (8) The Gemara discusses this.
 - (9) Lev. I, 5.
 - (10) Ibid.
 - (11) Which excludes one of profaned birth, e.g., the issue of a divorced woman, and one suffering from a physical blemish or defect; v. Lev. XXI, 7, 17.
 - (12) Lit., ‘service vessels’ (here, robes). ‘The priests’ implies that they must be vested as priests.
 - (13) Num. 111,3.
 - (14) Legitimate, since Nadab and Abihu, Eleazar and Ithamar, Aaron's sons, are enumerated (v. 2). ‘Robed in priestly vestments’ is deduced from the end of the verse: whom he consecrated to minister in the priest's office; cf. Lev. XXI, 10: and that is consecrated to put on the garments.
 - (15) The reference is to illegitimate intention and action. An illegitimate intention is now assumed to mean an intention to receive the blood in the name of a different sacrifice or to eat of its flesh after the permitted time, which would render it piggul (q.v. Glos.). Thus an illegitimate intention at the receiving of the blood does not disqualify, which contradicts the view in the Mishnah. — The difficulty is answered at the end of the discussion.
 - (16) E.g., lay Israelites or intoxicated priests.
 - (17) You have stated exactly what I heard, but had forgotten.
 - (18) Such an intention does not disqualify at the receiving.
 - (19) Lev. VII, 18.
 - (20) I.e. which permit the consumption of the flesh; these include receiving.
 - (21) ‘Accepted’ is understood to refer to the sprinkling, which makes the sacrifice acceptable.

(22) I.e., as one of the services which 'lead to eating'.

(23) Hence the intention of piggul at the reception of the blood does disqualify it,

Talmud - Mas. Zevachim 13b

— There is no difficulty:¹ In the one case it means that he declared, 'Lo, I slaughter [this sacrifice] with the intention of receiving its blood to-morrow while in the other case it means that he declared, 'Lo, I receive the blood with the intention of pouring out its residue to-morrow'.²

One of the Rabbis said to Raba: Now does not intention disqualify at the pouring out of the residue and the burning of the emurim? Yet surely it was taught: You might think that intention is effective only in connection with the eating of the flesh. Whence do we know to include the pouring out of the residue and the burning of the emurim? From the text, And if [any of the flesh. . .] be at all eaten [on the third day . . . it shall be an abhorred thing]:³ Scripture refers to two eatings, viz., eating by man and eating by the altar.⁴ There is no difficulty: 'In the one case he declares, 'Lo, I sprinkle [the blood] with the intention of pouring out the residue to-morrow';⁵ in the other he declares, 'Lo, I pour out the residue with the intention of burning the emurim to-morrow'.⁶

R. Judah the son of R. Hiyya said: I have heard that the dipping of the finger [in the blood]⁷ renders [a sacrifice] piggul in the case of an inner sin-offering.⁸ Ilfa heard this and reported it before Bar Padda. Said he: Do we learn piggul from ought else but from a peace-offering?⁹ Then as the dipping of the finger does not render a peace-offering piggul,¹⁰ so in the case of a sin-offering too, the dipping of the finger does not render piggul. But do we really learn everything from a peace-offering? If so, [then reason thus:] as [a service] in the name of a different sacrifice does not free a peace-offering from piggul, so [a service] in the name of a different sacrifice does not free a sin-offering from piggul.¹¹ What then can you say? That it is deduced from the extension implied in Scriptural texts;¹² and so here too it is deduced from the extension implied in the Scriptural texts.¹³

R. Joshua b. Levi said: In this upper chamber I heard that the dipping of the finger renders piggul. Thereat R. Simeon b. Lakish wondered: Do we learn piggul from ought else but from the peace-offering? Then as the dipping of the finger does not render the peace-offering piggul, so in the case of the sin-offering too, the dipping of the finger does not render it piggul. But do we then really learn everything from the peace-offering? If so, [then reason thus:] as [a service] in the name of a different sacrifice does not free a peace-offering from piggul, so [a service] in the name of a different sacrifice does not free a sin-offering from piggul? — Said R. Jose b. Hanina: Yes, indeed, we really learn everything from the peace-offering: since [the intention to consume it] without its precincts disqualifies a peace-offering, while [performing a service] for the sake of something else disqualifies a sin-offering, then as [the intention to consume it] without its precincts, which disqualifies the peace-offering, frees it from piggul, so [performing a service] for the sake of something else, which disqualifies the sin-offering, frees it from piggul. R. Jeremiah observed: The refutation [of this analogy] is at its side.¹⁴ As for [the intention of consuming it] without its precincts, which disqualifies a peace-offering, [it frees it from piggul] because it operates [as a disqualification] in all sacrifices; will you say [the same of performing a service] for the sake of something else, which operates in the case of the Passover-offering and the sin-offering only? Rather, what must you say?¹⁵ That that which disqualifies it [a peace-offering] frees it from piggul, while that which is indispensable for it renders it piggul;¹⁶ so here too that which disqualifies it [the sin-offering] frees it from piggul, while that which is indispensable to it¹⁷ renders it piggul.¹⁸

R. Mari said, We too have learned likewise: This is the general principle: Whoever takes the fistful [of the meal-offering], places it in the utensil, carries it [to the altar] or burns it [thereon] [renders it piggul].¹⁹ Now as for taking the fistful, it is well [that this effects piggul, as] it corresponds to slaughtering; carrying [the fistful] corresponds to carrying [the blood]; burning [it]

corresponds to sprinkling. But to what does putting [the fistful] into a utensil correspond? Shall we say that it is similar to receiving: is it then similar? There it is automatic,²⁰ whereas here he takes it himself and places it [in the utensil]. But since you cannot dispense with placing it [in the utensil],²¹ you must say that it is an important service;²² so here too, since one cannot dispense with it²³ you must say that it is [part of] carrying [the blood to the altar]! — No: in truth it is similar to receiving, and as to your objection: There it is automatic whereas here he takes it himself and places it [in the utensil, the answer is:] since both are [instances of] placing in a utensil, what does it matter whether it is automatic or whether he personally takes and places it [there]?

Shall we say that it is a controversy of Tannaim?²⁴ For one [Baraita] taught: The dipping of the finger renders a sin-offering piggul; while another taught: It does not effect piggul, nor does it become piggul.²⁵ Surely then it is a controversy of Tannaim! — No: one agrees with our Rabbis and the other agrees with R. Simeon.²⁶ If R. Simeon, why particularly the dipping of the finger? Surely he said,

(1) So Rashi. Cur. edd.: ‘Rather (answer thus)’.

(2) Both may be styled intentions of piggul at the receiving of the blood, yet they are obviously different intentions; the former does not disqualify the sacrifice, whereas the latter does,

(3) The emphatic ‘be at all eaten’ is expressed in the original by doubling the verb, which in Talmudic exegesis denotes extension.

(4) Sprinkling the blood and pouring out its residue at the foot of the altar are regarded as the eating of the altar. Thus in connection with these too, an illegitimate intention renders the sacrifice piggul, which contradicts the previous statement.

(5) Then the sacrifice becomes piggul, since it was his intention to give the altar its food on the morrow, which is after its appointed time.

(6) This does not render it piggul, since the wrongful intention was not at one of the four services.

(7) V. Lev, IV, 6: And the priest shall dip his finger in the blood, and sprinkle of the blood etc.

(8) One sacrificed at the inner altar. If he dipped his finger in the blood with the intention of burning the emurim the next day, the sacrifice becomes piggul.

(9) The law of piggul is expressly written only in connection with the peace-offering, whence we extend the law to other sacrifices.

(10) Since there is no dipping of the finger in the case of a peace-offering, the blood being dashed on the altar direct from the utensil. Since it is not a statutory service, it cannot render the sacrifice piggul even if it is done.

(11) It is stated infra 28b that if a sacrifice is slaughtered with the intention of consuming it after its prescribed period, which renders it piggul, it remains piggul only if the subsequent services (receiving, carrying and sprinkling), which are technically designated the *mattirin* (q.v. Glos) are performed without any other intention which would disqualify it in any case. Now if one slaughtered a peace-offering with the intention of consuming it after its prescribed period, thus rendering it piggul, and then performed the subsequent services in the name of a different sacrifice, it remains piggul, since this change of name does not disqualify a peace-offering. A sin-offering in like circumstances ceases to be piggul, since change of name does disqualify it, (Though the flesh of course remains forbidden, it is not forbidden as piggul, so that eating it does not render one liable to *kareth*.) But if piggul of other sacrifices were completely analogous to piggul of a peaceoffering, as Bar Padda's objection implies, then the sin-offering too should not be free from piggul.

(12) The extension of piggul to other sacrifices is effected not by analogy with the peace-offering, but from extending particles in the text; hence the conditions of freeing it from piggul need not be the same. By the same reasoning the conditions for making it piggul need not be the same.

(13) Hence though there is no piggul at the dipping of the finger in the case of the peace-offering, there is in the case of the sin-offering.

(14) Obvious and inherent.

(15) If you insist on retaining a complete analogy with the sin-offering.

(16) If performed with a piggul intention.

(17) Which excludes the dipping of the finger.

(18) Thus the analogy is complete in its principles, though the detailed application of these principles varies according to the individual laws of the various sacrifices.

- (19) If he performs one of these services with the intention of consuming the rest or burning the fistful on the morrow. — The burning of the fistful corresponds to the sprinkling of the blood of an animal sacrifice.
- (20) It naturally drops into the basin.
- (21) I.e., it is a necessary part of the service.
- (22) It is a definite service in that an illegitimate intention thereat effects piggul.
- (23) Sc. the dipping of the finger.
- (24) Whether it is analogous to receiving the blood or to carrying the blood.
- (25) It does not effect piggul, if the priest dipped his finger with the intention of burning the emurim the next day; and it does not become piggul, if he slaughtered or received the blood with the intention of dipping the finger on the morrow.
- (26) All agree that it is part of carrying, but the ruling that it does not render it piggul is in accordance with R. Simeon in our Mishnah that there can be no piggul at the carrying.

Talmud - Mas. Zevachim 14a

Whatever is not [offered] on the outer altar, like the peace-offering, is not subject to piggul?¹ — Rather, both agree with the Rabbis,² yet there is no difficulty: the one refers to outer sin-offerings, while the other refers to the inner sin-offerings.³ As for the outer sin-offerings, it is obvious, since ‘and he shall dip’ is not written in connection therewith? — It is necessary [to teach it]: One might argue, since ‘and he shall take’ is written,⁴ and if an ape came and placed [the blood] thereon [his finger], he [the priest] must take it again, it is as though ‘and he shall dip’ were written.⁵ Therefore he informs us that for that very reason ‘and he shall dip’ is not written, so that it may imply the one and imply the other.⁶

R. SIMEON DECLARES IT FIT IN THE CARRYING. R. Simeon b. Lakish said: R. Simeon agrees that an [illegitimate] intention disqualifies at the carrying [of the blood of] the inner sin-offerings, because it is a service which cannot be omitted,⁷ But R. Simeon said: Whatever is not [offered] on the outer altar, like the peace-offering, does not entail liability on account of piggul?⁸ — Said R. Joseph son of R. Hanina: He agrees that it disqualifies it,⁹ a minori: If [offering] for the sake of something else disqualifies a sin-offering, though it is valid in the case of a peace-offering; is it not logical that [the intention of consuming it] after time disqualifies a sin-offering, Seeing that it disqualifies in the case of a peace-offering?¹⁰

We have thus found [that the intention of consuming it] after time [disqualifies it]. How do we know that [the intention to eat it] without its precincts [disqualifies]?¹¹ If [you would learn it] from after time [by analogy], [you may refute it:] as for after time, that is because [it involves] kareth.¹² If from [sacrificing] for the sake of something else, that is because it operates at the bamah?¹³ — Where does [sacrificing] for the sake of something else operate [as a disqualification]? [You must say] in the case of the Passover-offering and the sin-offering; and the Passover-offering and the sin-offering were not sacrificed at the bamah!¹⁴ Alternatively, It is a Scriptural analogy, [for And if any of the flesh of the sacrifice of his peace-offerings be at all eaten] on the third [day]¹⁵ refers to [the disqualification of] after time, while it shall be an abhorred thing [piggul]¹⁶ [refers to the intention of eating it] without its precincts.¹⁷

Raba said: If you will say that R. Simeon agrees with his son, who maintained, Between the ulam¹⁸ and the altar is north, [R. Simeon will then hold that] an [illegitimate] intention is effective in the case of the carrying [of the blood] of inner sin-offerings only from within the entrance of the ulam.¹⁹ And if you will say that [R. Simeon] agrees with R. Judah who maintained: The [whole of the] inner part of the Temple court is sanctified; [he will then hold that] an [illegitimate] intention is effective during the passage of the removal of the incense dishes only from the entrance of the hekal and without.²⁰ Again, if you will say that he holds that the sanctity of the hekal and that of the ulam is one, [then] an [illegitimate] intention is effective only from the entrance of the ulam and without.²¹ And if you will say that within the entrance is as within [the hekal]; then an [illegitimate] intention is

not effective even for one step save within the stretching out of his [one's] hand.²² But if you will say that he holds that carrying without [using] the foot is not called carrying, then an [illegitimate] intention is not effective at all.

Abaye said to R. Hisda's amora:²³ Ask R. Hisda, what of carrying by a lay-Israelite [zar]? — It is valid, he replied, and a Scriptural text supports me: And they killed the Passover lamb, and the priests dashed [the blood, which they received] of their hand, and the Levites flayed them.²⁴ R. Shesheth objected: A zar, an onen,²⁵

(1) While we are now discussing the inner sin-offerings.

(2) Who maintain that there is piggul at the carrying of the blood.

(3) In the former case the dipping of the finger does not effect piggul, because Scripture does not say that the priest must dip his finger in the blood, but merely that he must take of the blood with his finger, which taking means the receiving of the blood (cf. infra 48a).

(4) Lev. IV, 30.

(5) Since we interpret 'he shall take' in the sense that he must personally take the blood from the utensil, which is impossible without dipping his finger into it,

(6) By not saying 'and he shall dip' Scripture intimates that the dipping is not a service on a par with the other services, and so it is not subject to piggul. At the same time 'and he shall take' definitely implies that the priest personally must do this, which is in fact dipping.

(7) Because it is unusual to slaughter it in the hekal (the inner sanctuary). Hence it is slaughtered in the Temple court and the blood carried to the horns of the inner altar in the hekal. Consequently R. Simeon's argument in the Mishnah does not apply here.

(8) For eating its flesh,

(9) Though one does not incur kareth, which is the penalty for eating piggul.

(10) It will disqualify both the outer and the inner sin-offerings.

(11) In the case of the inner sin-offerings.

(12) V. p. 71, n. 9.

(13) V. Glos. Slaughtering for a different purpose is a disqualification of a sacrifice offered on a private bamah, when such was permitted. But slaughtering it without its precincts did not disqualify.

(14) For only votive sacrifices were offered at the bamah, which excludes these two. Hence the refutation falls to the ground.

(15) Lev. VII, 18.

(16) Ibid.

(17) Scripture, by including them both in the same verse, assimilates them to each other and makes the same law apply to both. In such a case the analogy cannot be rebutted even when there is a point of dissimilarity.

(18) Lit., 'porch', 'entrance', 'hall'. The hall leading to the interior of the Temple.

(19) A sin-offering must be slaughtered in the north (infra Ch. V.). Now it is possible for R. Simeon to agree with his son (infra 20a) that the northern part of the Temple court ('azarah) between the ulam and the altar, though actually to the west of the altar, and therefore one cannot apply to it the Scriptural injunction, And he shall kill it on the side of the altar northward before the Lord (Lev. 1, 11), is nevertheless 'north' in respect of sacrifices of the higher sanctity. The reason for his view in the Mishnah on 13a is that he holds an illegitimate intention expressed during the passage of the blood from the place of slaughtering to the ulam is disregarded, since this passage could altogether have been avoided by slaughtering at the entrance of the ulam. But if he agreed with R. Jose that the sacrifice must be slaughtered actually between the northern side of the altar and the northern wall of the Temple court, the passage of the blood would be an indispensable service, and therefore an illegitimate intention during that passage would disqualify it.

(20) The hekal is the 'Holy', the hall containing the golden altar etc., contrad. to the Holy of Holies (Jast.). The reference is to the burning of the shew-bread incense, in virtue of which the shewbread was permitted to be eaten, in the same way as the sprinkling of the blood permits the flesh of the sacrifice; consequently it is on a par therewith and the same law applies to both, Now, if R. Simeon holds that the whole of the inner part of the Temple court is sanctified, so that the incense can be burnt there and not necessarily at the altar only, it follows that its carriage to the altar is not an essential act, and therefore an illegitimate intention does not render the shewbread piggul.

(21) I.e., only at the five cubits of the thickness of the wall of the ulam. For the intention is not effective within the ulam itself, since that is as the inner part, nor is it effective without the entrance, since the shewbread incense can be burnt there.

(22) He stands at the entrance of the ulam and stretches out his hand to the pavement; an illegitimate intention during that action is effective,

(23) V. Glos.

(24) II Chron. XXXV, 11. Thus the priests were only required for the sprinkling, but the blood was brought to them (which is the carrying) by those who slaughtered the sacrifice, these being zarim.

(25) V. Glos.

Talmud - Mas. Zevachim 14b

one who is intoxicated and one who is [physically] blemished are unfit to receive [the blood], carry [it] and sprinkle [it], and the same applies to one who is sitting and to [the performance of these by] 'the left hand. This is indeed a refutation! But R. Hisda quotes a text? — It means that he [the zar] served as a [mere] post.¹

Rabbah and R. Joseph both maintained: Carriage by a zar is a [subject of] controversy between R. Simeon and the Rabbis. [According to] R. Simeon who says that a [Temple] service which can be dispensed with is not a service, [carriage] by a zar is valid. But according to the Rabbis it is invalid. Said Abaye to them: But slaughtering is a service which cannot be dispensed with, and yet it is valid [when done] by a zar? — Slaughtering is not a service, he replied.² Is it not? Surely R. Zera said in Rab's name: The slaughtering of the [red] heifer by a zar is invalid; and R. Papa³ observed thereon: [The reason is because] 'Eleazar' and 'Statute' are written in connection with it.⁴ — The [red] heifer is different, because it is of the holy things of the Temple repair.⁵ But does it not follow a fortiori: it is a service in the case of the holy objects of the Temple repair, yet it is not a service in the case of holy objects dedicated to the altar!⁶ — Said R. Shisha the son of R. Idi: Let it be analogous to the inspection of [leprous] plagues, which is not a service, and yet requires the priesthood.⁷

Yet the carrying of the limbs to the ascent⁸ is a service which can be dispensed with,⁹ and yet it is invalid [when done] by a zar, for it is written, And the priest shall offer [bring near] the whole, and make it smoke [burn it] upon the altar,¹⁰ and a Master said: This refers to the carrying of the limbs to the ascent? — Where [Scripture] has revealed [that a priest is required], it has revealed [it], but where [Scripture] has not revealed [it], it has not.¹¹ But does not [the reverse] follow a fortiori: if the carrying of the limbs to the ascent requires the priesthood, though it is not indispensable to atonement,¹² how much the more [does] the carrying of the blood [require a priest], seeing that it is indispensable to atonement!¹³

It was stated likewise: 'Ulla said in R. Eleazar's name: Carriage by a zar is invalid even according to R. Simeon.

It was asked: Is carriage without [moving] the foot¹⁴ called carriage¹⁵ or not? — Come and hear: And the same applies to one who is sitting and to [the performance of these by] the left hand, [which renders it] invalid. Hence standing similar to sitting¹⁶ is valid! — [No:] perhaps sitting means that he drags himself along, [and then] standing similar to sitting means that he moves slightly.

Come and hear: A [lay-] Israelite slaughtered [the Passover-offering] and a priest received [the blood]; he handed it to his colleague, and his colleague to his colleague!¹⁷ — There too it means that they [the priests] moved slightly. Then what does he [the Tanna] inform us?¹⁸ — That in the multitude of people is the king's glory.¹⁹

Come and hear: If a fit person received [the blood] and handed it to an unfit one, the latter must

return it to the fit one!²⁰ — Say, the fit person must go round and take it.²¹

It was stated: ‘Ulla said in R. Johanan's name: Carriage without [moving] the foot is not called carriage.

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- (1) On which the blood was placed. A priest received the blood and gave it to the zar, who held it until another priest took it from him and carried it to the altar. Thus the zar did not carry it himself but was completely passive.
 - (2) Rashi: Since it may be done by all who are otherwise unfit to perform the sacrificial service.
 - (3) Emended text (Bah).
 - (4) Num. XIX, 2 seq.: This is the statute of the law which the Lord hath commanded, saying: Speak unto the children of Israel, that they bring thee a red heifer . . . and ye shall give her unto Eleazar the priest . . . and he shall slaughter her (this is the literal translation, not as E.V.) before his face. Thus the text specifies that Eleazar, viz., a priest, must slaughter, and by referring to it as a ‘statute’ intimates that this is indispensable. This proves that slaughtering is a service.
 - (5) This is the technical term for all objects dedicated to the Temple which cannot be sacrificed.
 - (6) Surely if it is a service in the former case it is all the more so in the latter.
 - (7) And likewise with the red heifer, being of the holy things of the Temple repair, the slaughtering thereof is not deemed in the category of Temple services, and the requirement of a priest is a special feature of the ritual connected therewith,
 - (8) The inclined ascent leading to the altar. — These limbs were carried there for burning.
 - (9) By slaughtering the sacrifice near the altar, and burning the limbs on the spot.
 - (10) Lev. I, 13.
 - (11) Hence according to R. Simeon the carrying of the blood to the altar may not require a priest, notwithstanding that the carrying of the limbs does,
 - (12) Even if the limbs are not burnt at all the purpose of the sacrifice is achieved.
 - (13) Var. lec. add: this is indeed a difficulty.
 - (14) When the blood is merely transferred by hand.
 - (15) So that an illegitimate intention will disqualify the sacrifice, on the view of the Rabbis; and likewise if it is performed by a zar.
 - (16) Viz., standing without moving.
 - (17) This is a description of the sacrifice of the Passover. The priests stood in rows, passing the blood from one to another, until it reached the altar for sprinkling. Thus the blood was carried without the priests moving their feet.
 - (18) In stating that the priests were drawn up in rows.
 - (19) Prov. XIV, 28.
 - (20) Hence carrying without using the feet does not count at all. For otherwise the unfit might simply be regarded as a post on which the fit person had placed the blood, and it would not be necessary for the former to return it to the latter, but simply for another fit person to come and take it.
 - (21) He must go to the other side of the unfit and take it from him. In that case his first carriage definitely counts.

Talmud - Mas. Zevachim 15a

[Now the question arises:] Can this be repaired or can it not be repaired?¹ — Come and hear: If a fit person received [the blood] and handed it to an unfit one, the latter must return it to the fit one. Now, granted that the fit person receives it back, yet if you think that it cannot be repaired, it has [already] been made invalid. [This does not prove anything:] do you think that the lay-Israelite² stood within? No: it means that the lay-Israelite stood without.³ It was stated: ‘Ulla said in R. Johanan's name: Carriage without [moving] the foot is invalid. This proves that it cannot be repaired.

R. Nahman raised an objection to ‘Ulla: If [the blood] was spilled from the vessel on to the pavement, and one [a priest] collected it, it is valid?⁴ — The circumstances here are that [the blood] had run outward.⁵ Would it run without [only] and not enter within?⁶ — [It fell] on sloping ground.⁷ Alternatively, [it fell] into a depression.⁸ Another alternative is that it [the blood] was thick.⁹ But does the Tanna trouble to teach us all these!¹⁰ Moreover, instead of teaching in another chapter, ‘If it

was spilt on to the ground¹¹ and [the priest] collected it, it is unfit¹² ; let him [the Tanna] draw a distinction in that very case,¹³ thus: When does this hold good? [Only] if [the blood] ran without; but if it entered within, it is unfit? This is indeed a refutation.

It was stated: Carriage without moving the foot is [the subject of] a controversy between R. Simeon and the Rabbis.¹⁴ In the case of a long carriage all agree that it is unfit; they disagree only in respect of a short carriage.¹⁵ This was ridiculed in the West [Eretz Israel]¹⁶ : if so, as for [the law that] an [illegitimate] intention¹⁷ disqualifies a sin-offering of a bird, how is this possible according to R. Simeon? if [the priest] expressed this intention before the blood issued, it is nothing;¹⁸ if after the blood has issued, then surely the precept has already been performed?¹⁹ — What difficulty is this? perhaps [the priest expressed his intention] between the issuing [of the blood] and its reaching the altar? For surely R. Jeremiah asked R. Zera: What if one was sprinkling, and the sprinkler's hand was cut off before the blood reached the altar air-space? And he answered him, It is invalid. What is the reason? Because it is essential that 'he shall sprinkle' and 'he shall put' [of the blood upon the horns of the altar].²⁰

When R. Papa and R. Huna the son of R. Joshua came from [the academy] they stated: This was the [point of their] derision: Do they not differ about a long passage? Surely they differ precisely in respect of a long passage?²¹ Rather, all agree that it is not invalid in the case of a short passage;²² they differ in the case of a long passage.

If a zar carried [the blood],²³ whereupon a priest returned it and then carried it [himself], — the sons of R. Hiyya and R. Jannai disagree. One maintains that it is valid, while the other holds that it is invalid; the former holding that it can be repaired,²⁴ while the latter holds that it cannot be repaired. If a priest carried [the blood] but returned it and then a zar carried it [to the altar] again, said R. Simi b. Ashi: He who declares it valid [in the previous case], holds [here] that it is invalid; while he who declares it invalid [there], holds [here] that it is valid.²⁵ Raba said: Even he who declares it invalid [in the previous case], holds that it is invalid [here too]. What is the reason?—Because he is bound

(1) Do we regard the carriage as simply having been omitted, in which case the blood can be taken back and the carriage performed; or do we regard the carriage as having been performed improperly, thus disqualifying the blood permanently, so that it cannot be repaired, and the sacrifice is consequently invalid?

(2) The unfit person.

(3) Further away from the altar, not nearer to it. Hence the blood had been handed backward, and that certainly does not constitute carriage at all, and it can be repaired. The question under discussion, however, is whether a wrongly performed service can be repaired.

(4) Since it had been originally received in a vessel. Now, he assumed that the blood had run down toward the altar, so that we have a form of carriage without the foot, yet this can be repaired by collecting it.

(5) Away from the altar.

(6) Nearer the altar. Surely the blood would run in all directions!

(7) Sloping away from the altar,

(8) Where it could not run at all in any direction.

(9) Semi-solid, and so could not run.

(10) Would he state a law that holds good in such exceptional circumstances only?

(11) Directly from the animal's throat.

(12) *Infra* 25a.

(13) I.e., where it was spilt from the vessel,

(14) R. Simeon does not regard carriage as a service at all (*v. Mishnah* 13a); hence however it is done it cannot disqualify the sacrifice. The Rabbis, however, do regard it as a service, and therefore if done improperly the sacrifice is disqualified.

(15) I.e., when the animal is slaughtered so near the altar that the priest merely stretches out his' hand and sprinkles the blood without walking at all.

(16) V. Sanh. 17b.

(17) At the sprinkling.

(18) For the bird is killed near the altar and its blood made to spurt against the altar direct from the bird. This act of making it spurt constitutes a short carriage, during which, on the present hypothesis, there can be no disqualification, according to R. Simeon,

(19) This assumes that immediately the blood spurts from the neck, even before it reaches the altar, the precept has been performed.

(20) Cf. Lev. IV, 6-7. The priest must both 'sprinkle' the blood and 'put' it on the altar, i.e., see that it actually reaches the altar; consequently, until it actually reaches the altar the service is still being performed, and therefore if the priest's hand is cut off just then, we have a service performed by a priest with a physical blemish, which is invalid (v. Lev. XXI, 17 seq.). By the same reasoning, an illegitimate intention during the passage of the blood to the altar may disqualify it. — This argument is unrefuted, and therefore the view that the controversy refers to a short passage may be correct.

(21) Since R. Simeon states that it is possible without walking (12a), he obviously refers to a case where walking is, in fact, done.

(22) Var. lec., that it is invalid (Bah).

(23) Actually walking in doing so.

(24) Sc. the invalidity of the star's action.

(25) For the former makes the status of the last person who carries it the determining factor, while the latter reverses it.

Talmud - Mas. Zevachim 15b

to bring it up.¹

R. Jeremiah² said to R. Ashi, This is what R. Jeremiah of Difti³ said: [The validity of the argument,] 'Surely he is bound to bring it up', is disputed by R. Eliezer and the Rabbis. For we learned: R. ELIEZER SAID: IF ONE GOES WHERE HE NEEDS TO GO, AN [ILLEGITIMATE] INTENTION DISQUALIFIES IT; [IF HE GOES] WHERE HE NEED NOT GO, AN [ILLEGITIMATE] INTENTION DOES NOT DISQUALIFY IT. Whereon Raba commented: All agree that if [the priest] received [the blood] without and carried it within,⁴ that is a necessary walk. If he received [it] within and carried it without, it is an unnecessary walk.⁵ They disagree only where he brought it within and then carried it without again: One Master holds, But he must surely bring it up [to the altar;]⁶ while the other Master holds: This is not the same as a carriage required for the service.⁷ Abaye refuted him: R. Eliezer said: If one goes where he must go, an [illegitimate] intention disqualifies it. How so? If he received it without and brought it within, it is a necessary walk. If he received it within and carried it without ' it is an unnecessary walk. Whence,⁸ if he carried it within again, it is a necessary walk? — Said he [Raba] to him: If it was taught, it was taught.⁹

C H A P T E R II

MISHNAH. ALL SACRIFICES WHOSE BLOOD WAS CAUGHT BY A ZAR, AN ONEN, A TEBUL YOM,¹⁰ ONE LACKING SACRIFICIAL ATONEMENT,¹¹ ONE LACKING [PRIESTLY] VESTMENTS, ONE WHO HAD NOT WASHED HIS HANDS AND FEET,¹² AN UNCIRCUMCISED [PRIEST]. AN UNCLEAN [PRIEST]. ONE WHO WAS SITTING, ONE STANDING ON UTENSILS¹³ OR ON AN ANIMAL OR ON HIS FELLOW'S FEET, ARE DISQUALIFIED. IF [THE PRIEST] CAUGHT [THE BLOOD] WITH HIS LEFT HAND, IT IS DISQUALIFIED. R. SIMEON DECLARES IT VALID.¹⁴

GEMARA. How do we know [that] a zar [disqualifies the sacrifice if he receives the blood]? — Because Levi taught: [Scripture says,] Speak unto Aaron and to his sons, that they separate themselves from the holy things of the children of Israel etc.¹⁵ What does 'the children [sons] of Israel' exclude? Shall we say that it excludes [the sacrifice of] women? Can women's sacrifice be

offered in uncleanness?¹⁶ Again, is it to exclude [the sacrifices of] heathens? seeing that [even] the headplate does not propitiate, for a Master said: But in the case of [the sacrifices of] heathens, whether [done]¹⁷ in ignorance or deliberately, propitiation is not effected,¹⁸ can these [actually] be offered in uncleanness! Hence this is what [Scripture] means: that they separate themselves from the holy things of the children of Israel, and that they [the children of Israel] profane not [My holy name].¹⁹

The School of R. Ishmael taught: [That a zar disqualifies the sacrifice] is inferred a minori from [a priest] with a blemish: if [a priest] with a blemish, who may eat [of the sacrifice], profanes [it] when he officiates,²⁰

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- (1) Since in fact the blood was taken away from the altar, it must be brought back. This becomes a service, and is therefore disqualified by a zar.
 - (2) Sh. M. reads: Rabina.
 - (3) Obermeyer, op. cit. p. 197 conjectures that this is identical with Dibtha, in the neighbourhood of Wasit, north of Harpania.
 - (4) I.e., he received it at some distance from the altar and brought it up to the altar.
 - (5) During the course of which an illegitimate intention does not disqualify the sacrifice, on all views.
 - (6) Hence an illegitimate intention even during this second passage to the altar disqualifies it.
 - (7) Since there was no need in the first place to take it away from the altar. Hence an illegitimate intention during that passage does not disqualify it.
 - (8) Sh. M. deletes.
 - (9) I must accept it.
 - (10) V. Glos. for these terms.
 - (11) A priest who became unclean through the dead was sprinkled with the ashes of the red heifer mixed with water; then he took a ritual bath; and on the eighth day of his uncleanness he offered a sacrifice, which made atonement for him. Similarly, a leper and a zab (q.v. Glos.) took a ritual bath on becoming clean, and offered a sacrifice the following day. in all these cases they are regarded as 'lacking atonement' after their ritual bath and before they offer their sacrifice.
 - (12) At the laver; v. Ex. XXX, 18 seq.
 - (13) I.e., not directly on the pavement.
 - (14) In the law concerning the last case.
 - (15) Lev. XXII, 2. This prohibits the priest from officiating whilst unclean (see following verses). Hence the phrase 'the children' (or, 'sons', which may be the meaning of the Heb. בניו) apparently implies a limitation: only from the sacrifices of 'the children of Israel' must they hold aloof when they are unclean, but not from other sacrifices.
 - (16) Surely not.
 - (17) I.e., offered in an unclean state.
 - (18) V. infra 45b.
 - (19) Since 'the children of Israel' cannot be a limitation, it is interpreted as an additional subject of 'separate': the children of Israel (i.e., zarim) too must separate themselves from the sacrifices, as otherwise they profane God's name, by disqualifying the sacrifice.
 - (20) V. Lev. XXI, 22f.

Talmud - Mas. Zevachim 16a

is it not logical that a zar, who may not eat,¹ profanes [the sacrifice] by officiating? [No:] as for [a priest] with a blemish, the reason may be because in his case the man who offers [officiates] is treated on a par with what is offered!² Then let an unclean [priest] prove it.³ As for an unclean [priest], the reason is that he defiles [the flesh of the sacrifice]! Then let one with a blemish prove it. And thus the argument revolves, the distinguishing feature of one not being that of the other, and the distinguishing feature of the other not being that of the first. The feature common to both is that they are admonished [not to officiate], and if they do officiate, they profane [the sacrifice]; so will I also adduce a zar, who is [likewise] admonished, that if he officiates, he profanes.

How do we know that he is admonished? If from, ‘that they separate themselves’;⁴ surely profanation is written in its very context!⁵ — Rather, from [the text] But a common man [zar] shall not draw nigh unto you.⁶ But the [argument] can be refuted: the feature common to both is that they were not permitted at the high places!⁷ Do not say. ‘Let an unclean [priest] prove it’, but say. ‘Let an onen prove it’⁸ As for an onen, [the reason is] because he is forbidden [to partake of] the Second tithe!⁹ Then let a [priest] with a blemish prove it.¹⁰ And thus the argument revolves, the distinguishing feature of one is not that of the other [and vice versa]; the feature common to both is that they are forbidden etc. But here too let us refute [the argument]: the feature common to both is that they were not permitted at the high places? To this R. Sama the son of Raba demurred: And who is to tell us that an onen was forbidden at the high places; perhaps he was permitted at the high places?¹¹

R. Mesharshia said: It is inferred a minori from [a priest who] sits. If one who is sitting profanes [the sacrifice] if he officiates, though he may eat [thereof when sitting]; is it not logical that a zar, who may not eat, profanes [it] if he officiates? As for one who is sitting, the reason may be because he is unfit to testify!¹² — [The inference is] from a scholar who is sitting.¹³ [Then refute it thus:] As for the general interdict¹⁴ of one who sits the reason may be because such is unfit to testify!¹⁵ — One does not refute by a general interdict.¹⁶ And should you say that you can refute [thus], [then say that] it is inferred from one who sits and one of these others.¹⁷ And how do we know that one who is sitting is fit at the high place?¹⁸ — Scripture saith, To stand before the Lord, to minister to Him:¹⁹ before the Lord [one must stand], but not at the high place.²⁰

ONEN. How do we know it? — Because it is written, Neither shall he go out of the Sanctuary, and he shall not profane [the Sanctuary of his God]:²¹ hence if another [priest, when an onen,] does not go out, he does profane [it]. R. Eleazar said, [it is inferred] from this verse: Behold, have they offered [their sin-offering and burnt-offering this day before the Lord]?²² It was I who offered. Hence it follows that had ‘they’ offered, it would rightly have been burnt.²³ Now, why does not R. Eleazar draw [the inference] from [the text] ‘Neither shall he go out of the Sanctuary’? — He can answer you: Is it then written, but if another goes out, he does profane it?²⁴ And the other; why does he not draw [the inference] from [the text] ‘Behold, have they offered’? — He holds that it was burnt on account of uncleanness.²⁵

The school of R. Ishmael taught: It is inferred a minori from a [priest] with a blemish. If

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- (1) The flesh of the most sacred sacrifices, such as a sin-offering.
 - (2) A blemish disqualifies a priest from offering the sacrifice, just as it disqualifies an animal from being sacrificed.
 - (3) He may not officiate; but an animal cannot become unclean while alive, to render it unfit for a sacrifice. He too disqualifies a sacrifice by officiating.
 - (4) As on 15b.
 - (5) Why infer it a minori?
 - (6) Num. XVIII, 4.
 - (7) Before the Temple was built sacrifices were offered at the bamoth or high places (v. infra 112a). A priest with a blemish and an unclean priest might not officiate, as in the Temple. but a zar could do so.
 - (8) He could officiate at the high places, yet if he officiated in the Temple he disqualified the sacrifice.
 - (9) V. Deut. XXVI, 14.
 - (10) Who is not so forbidden.
 - (11) This objection is left unanswered. Hence the argument by inference from a priest with a blemish cannot be sustained.
 - (12) A witness may not sit when giving his testimony. Of course, this has nothing to do with sacrifices, but in order to refute an argument based on an inference a minori it is sufficient to shew that the premise is subject to a particular restriction from which the other is free.

(13) He was permitted to testify sitting.

(14) Lit. 'name'.

(15) I.e., we find that sitting disqualifies one (though not all) from testifying, but we never find a zar disqualified from testifying.

(16) In the abstract, but rather from the actual person. Since then the argument is based on a scholar who sits, it remains unrefuted.

(17) An onen, an unclean priest, or a priest with a blemish.

(18) For otherwise this inference too can be refuted as above.

(19) Deut. X, 8.

(20) 'Before the Lord' is understood to mean in the Temple.

(21) Lev. XXI, 12. This refers to a High Priest when an onen: he must remain in the sanctuary (for sacrificing). and is assured that he will not profane, i.e., disqualify the sacrifices at which he officiates.

(22) Ibid. X, 19.

(23) A he-goat was sacrificed as a sin-offering on the eighth day of Aaron's consecration (v. Lev. VIII, 33-IX, 3) On that same day Aaron's sons, Nadab and Abihu, died (Ibid. X, 1-2). and the he-goat, instead of being eaten, was burnt. Moses was angry, and enquired whether the reason was that Aaron's other sons, Eleazar and Ithamar, had officiated in their bereavement, to which Aaron replied as in the text. R. Eleazar's interpretation of the text as a rhetorical question does not agree with E.V., which makes it a positive statement. His reason is because if it were a positive statement it is superfluous, as Aaron should simply have answered, 'Behold, there have befallen one such things as these this day,' as he goes on to say, and which was the real cause of the burning of the sacrifice.

(24) Surely not. Possibly an ordinary priest too does not disqualify the sacrifice, yet Scripture specifically states that a High Priest does not disqualify it, lest it be thought that precisely because his sanctity is greater he does disqualify it.

(25) V. infra 101a. Hence the passage has nothing to do with bereavement.

Talmud - Mas. Zevachim 16b

a [priest] with a blemish, who does eat [thereof], profanes [it] if he officiates, it is surely logical that an onen, who may not eat thereof, profanes it by his officiating. In the case of a [priest] with a blemish, the reason may be because they who sacrifice are regarded the same as those which are sacrificed!¹ Then let a zar prove it. As for a zar, the reason may be because there is no remedy for him!² Then let a [priest] with a blemish prove it.³ And thus the argument revolves: the feature peculiar to one is not that of the other, and the feature which characterises the other is not that of the first. The feature common to both is that they are admonished [not to officiate], and if they do officiate, they profane it. So do I adduce an onen too who is admonished, and if he officiates, he profanes it. Now, where is he admonished? Shall we say, in the text, 'Neither shall he go out of the Sanctuary'? Surely profanation is written in that very context!⁴ — Rather, [it is inferred] from [the text]. 'Behold, have they offered', and he [the school of R. Ishmael] holds that it was burnt on account of bereavement.⁵ This argument may be refuted: As for the feature common to both, it is that there is no exception to the general interdict!⁶ Then let an unclean [priest] prove it.⁷ As for an unclean [priest], the reason is that he defiles [the flesh]! Then let the others prove it. And thus the argument revolves etc. The feature common to both is that they are admonished etc. Yet let us refute it [thus]: As for their common feature, it is that there is no exception to the general [interdict] in favour of a High Priest in the case of a private sacrifice?⁸ — The interdict⁹ of uncleanness is nevertheless raised.¹⁰ R. Mesharshia said: It is inferred a minori from [a priest] who sits: if a priest, who eats sitting, profanes [the sacrifice] if he officiates whilst sitting, it is surely logical that an onen, who may not eat [thereof], profanes [the sacrifice] by his officiating. As for one who sits, the reason may be because he is unfit to testify? — [The argument is] from a scholar who sits. [Then refute it thus:] As for the interdict of sitting, that may be because such is unfit to testify? — One does not refute from the [general] interdict of sitting. And should you say that you can refute thus, [say that] it is inferred from one who sits and one of these others.¹¹ [All SACRIFICES WHOSE BLOOD WAS CAUGHT BY...] AN ONEN... ARE DISQUALIFIED. Rabbah¹² said: They learned this only of a private sacrifice, but in the case of a public sacrifice¹³ it is accepted.¹⁴ [this being inferred] from

uncleanness, a minori: if the general interdict of uncleanness was not raised in favour of a High Priest in the case of a private sacrifice, yet it was permitted to an ordinary priest in the case of a public sacrifice; then bereavement, whose general interdict was raised in favour of a High Priest in the case of a private sacrifice, is surely permitted to an ordinary priest in the case of a public sacrifice. To this Raba b. Ahilai demurred: Let [the interdict of] bereavement not be raised in favour of a High Priest in the case of a private sacrifice, a minori: if [the interdict of] uncleanness was not raised in favour of a High Priest in the case of a private sacrifice, though it was raised for an ordinary priest in the case of a public sacrifice; is it not logical that [the interdict of] bereavement, which was not raised for an ordinary priest in the case of a public sacrifice, shall not be raised for a High Priest in the case of a private sacrifice? [Or. argue thus:] Let uncleanness be permitted to a High Priest in the case of a private sacrifice, a minori: if bereavement, which is not permitted to an ordinary priest in the case of a public sacrifice, is permitted to a High Priest in the case of a private sacrifice; is it not logical that uncleanness, which is permitted to an ordinary priest in the case of a public sacrifice, is permitted to a High Priest in the case of a private sacrifice? Again. [argue thus:] let uncleanness not be permitted to an ordinary priest in the case of a public sacrifice, a minori: If bereavement is not permitted to an ordinary priest in the case of a public sacrifice, though it is permitted to a High Priest in the case of a private sacrifice; then uncleanness which is not permitted to a High Priest in the case of a private sacrifice, is surely not permitted to an ordinary priest in the case of a public sacrifice? [Mnemonic:¹⁵ Let it not be permitted; let it not be permitted; bereavement and uncleanness, private sacrifice; private sacrifice; public sacrifice.]¹⁶

(1) V. supra a, p. 81 ‘ n.6.

(2) Under no circumstances can he become fit to officiate. An onen however, will be fit on the next day.

(3) He may become whole again.

(4) If it is so interpreted as to make it bear upon an ordinary priest. there is no need for the inference a minori.

(5) Nevertheless the text itself does not prove that if an onen officiates the sacrifice is disqualified. as Moses may have meant: Perhaps you transgressed the law by sacrificing it in bereavement, and having done so, you mistakenly thought that it is now disqualified (Rashi, as elaborated by Tosaf.).

(6) Lit., ‘it was not permitted out of its general rule’. There is no exception to the general law that a zar and a blemished priest may not officiate; but a High Priest is excepted from the law interdicting an onen to officiate.

(7) There is an exception in his case, for if the majority of the people are unclean on the eve of Passover, they offer the Paschal lamb in their unclean state.

(8) As opposed to a communal sacrifice. The Passover-offering is accounted as the latter, since the whole nation had to offer one.

(9) Lit., ‘name’.

(10) There is an exception to the general interdict of uncleanness, viz. ‘ in the case of the Paschal offering.

(11) Cf. supra a for notes.

(12) Text as emended by Sh. M. Cur. edd. Raba.

(13) One offered on behalf of the whole community.

(14) This is the technical term to denote that it is made valid (generally, in virtue of the headplate worn by the High Priest).

(15) For the various arguments just adduced.

(16) The point of all these objections is this: if the Scriptural law can be qualified by logical arguments, these can easily be reversed and precisely the opposite conclusions drawn.

Talmud - Mas. Zevachim 17a

But you can refute it thus, and you can refute it thus;¹ [therefore] let each one remain in its place.² TEBUL YOM. Whence do we know it? — For it was taught, R. Simai said: Where is the allusion that if a tebul yom officiates he profanes [the sacrifice]? In the text, They [the priests] shall be holy . . . and not profane:³ since this cannot refer to an unclean [priest], for [his prohibition] is deduced from, That they separate themselves,⁴ apply it to a tebul yom.⁵ Say, apply it to the making of a baldness and the shaving off of the corners of the beard?⁶ — Since a tebul yom is liable to death for officiating (and how do we know that? because we deduce [similarity of law] from the use of ‘profanation’ here and in the case of terumah.)⁷ [it follows that] he who is unfit [to partake of] terumah profanes the service [of sacrifice], whereas he who is not unfit [to partake of] terumah does not profane the service. Rabbah said: Why must the Divine Law enumerate an unclean priest, a tebul yom, and one who lacks atonement?⁸ — They are all necessary. For had the Divine Law written [the law for] an unclean priest [only, I would say that he disqualifies the sacrifice] because he defiles.⁹ [If the law were written] with reference to a tebul yom, one who lacks atonement could not be derived from it, seeing that [the former] is disqualified [to partake] of terumah.¹⁰ [If it were written] with reference to one who lacks atonement, a tebul yom could not be learnt from it, seeing that [the former] lacks a [positive] act.¹¹ Now [one] cannot be derived from one [other], [but] let one be derived from two?¹² — In which should the Divine Law not write [this ruling]? Should it not write [it] with respect to one who lacks atonement, so that it might be inferred from the others, [it might be argued]: as for the others, [their peculiar feature is] that they are disqualified [to partake of] terumah. Rather, let not the Divine Law write it of a tebul yom, which could be inferred from the others. For how will you refute [the analogy]: as for these others, [the reason is that] they are wanting in a [positive] act?¹³ [This would be no refutation] for after all, its¹⁴ uncleanness is but slight!¹⁵

(1) You can argue either way.

(2) Assume each law to be without exceptions. Thus, when Scripture permits bereavement to a High Priest, it applies to both private and public sacrifices, while it is forbidden to an ordinary priest likewise in the case of both. Again, when uncleanness is forbidden in the case of a private sacrifice, the interdict applies to the High Priest also; on the other hand, when it is permitted in the case of public sacrifices, that applies to an ordinary priest too.

(3) Lev. XXI, 6. The passage treats of defilement, among other things.

(4) Ibid. XXII, 2; that verse forbids an unclean priest to officiate.

(5) As intimating that he too must not officiate, and if he does, he ‘profanes’, i.e., disqualifies the sacrifice.

(6) Which is mentioned in the preceding verse, ibid. XXI, 5. Perhaps Scripture teaches that a priest who transgresses these interdicts ‘profanes’ (disqualifies) a sacrifice if he officiates.

(7) V. Glos. The allusion is to Lev. XXII,9: They shall therefore keep My charge. (this refers to terumah, as the whole passage shews) lest they bear sin for it, and die therein, if they profane it. Since ‘profanation’ (i.e., defilement) is punishable by death there, the same holds good here. It also follows conversely that the present passage can apply only to such as ‘profane’ terumah. — By ‘death’ is meant death at the hands of heaven, not actually capital punishment by man.

(8) These are similar to one another, and therefore only one need be mentioned, and the others would follow by analogy.

(9) Either the flesh of the sacrifice, or another person by contact.

(10) Which the latter is not.

(11) Viz., the offering of a sacrifice. But a tebul yom merely has to wait for sunset.

(12) Let Scripture write the law with reference to two of these, and the third could be derived by analogy.

(13) The unclean priest must take a ritual bath.

(14) Reading as Rashi, which is preferable to cur. edd. ‘their’.

(15) The uncleanness of one who lacks atonement is slighter than that of a tebul yom, since the latter must still wait for sunset, but not the former. Hence the question remains, why must Scripture indicate the law for all three?

Talmud - Mas. Zevachim 17b

— He holds that a zab lacking atonement is as a zab.¹ Now, whether a zab lacking atonement is as a zab, is dependent on Tannaim. For it was taught: If an onen or one lacking atonement burns it,² it is fit.³ Joseph the Babylonian said: If an onen [burns it], it is fit, [but] if one who lacks atonement burns it, it is unfit. Now surely they disagree in this: one Master holds that a zab lacking atonement is as a zab,⁴ while the other Master holds that he is not as a zab!⁵ — No. All agree that he is as a zab, but here they disagree in the following: For it is written, And the clean person shall sprinkle upon the unclean,⁶ whence it follows that he is unclean, thus teaching that a tebul yom is fit [to officiate] at the [red] heifer.⁷ Now, one Master holds: This applies to every form of uncleanness mentioned in the Torah,⁸ while the other Master holds that it applies to the uncleanness dealt with in this chapter only.⁹ Therefore an onen and a tebul yom rendered [originally] unclean through a [dead] reptile,¹⁰ who are less stringent, are derived a minori from a tebul yom rendered [originally] unclean through a dead body. But a zab who lacks atonement is not [thus derived], since he is more stringent, as his uncleanness proceeds from his own body.

ONE LACKING THE [PRIESTLY] VESTMENTS. Whence do we know it? — Said R. Abbahu in R. Johanan's name, and some derive ultimately [the teaching] from R. Eleazar the son of R. Simeon: Because Scripture saith, And thou shalt gird them with girdles, Aaron and his sons, and bind head-tires on them; and they shall have the priesthood by a perpetual statute:¹¹ When wearing their [appointed] garments, they are invested with their priesthood; when not wearing their garments, they are not invested with their priesthood. Now, is this derived from the verse quoted? Surely it is derived from elsewhere? For it was taught: How do we know that if one who had drunk wine officiates, he profanes [the sacrifices]? Because it is written, Drink no wine nor strong wine....that ye may put difference between the holy and the profane.¹² How do we know [the same of] one who lacks [priestly] vestments and [of] one who had not washed his hands and feet?

(1) Until he brings his sacrifice, not only must he not partake of the flesh of sacrifices, but he even incurs kareth for doing so just as a zab who has not had his ritual bath at all. Similarly, he defiles the flesh just as a zab does. (Rashi. Tosaf explains it differently.) Hence his uncleanness is not less at all. — Though a zab is mentioned, the same applies to a leper too.

(2) Sc. the red heifer, v. Num. XIX.

(3) Because the red heifer does not possess the sanctity of a sacrifice, but only of anything which is dedicated for general Temple use, technically called 'the sacred objects of the Temple repair'. An onen and one lacking atonement are disqualified to officiate at real sacrifices only.

(4) Hence his service is unfit, because Scripture specifies 'a man that is clean' (v. 9).

(5) Hence he is clean.

(6) Ibid. 19.

(7) 'The clean person' is superfluous, as the preceding verse states 'and a clean person shall take hyssop' etc. The repetition is understood to indicate that even if his cleanness is not absolute, but relative only, he is fit, and we do find in Lev. XIV, 8 that a tebul yom is designated 'clean': And he shall bath himself in water and be clean.

(8) Including a tebul yom who had been a zab. He still lacks atonement, and thus Scripture teaches that although such is unfit elsewhere, an exception is made in the case of the red heifer.

(9) Viz., that caused by contact with a dead body.

(10) Bah. emends omitting onen: therefore a tebul yom rendered (originally) unclean through a sherez or through carrion.

(11) Ex. XXIX, 9.

(12) Lev. X, 9f. This is interpreted as meaning that the officiating of such profanes, i.e., invalidates the sacrifice.

Talmud - Mas. Zevachim 18a

Because 'statute' is written in connection with each, to serve as a gezerah shawah!¹ — If [it were derived] from that verse, I would argue that it applies [only] to a service for which a zar is liable to death; but as for a service for which a zar is not liable to death, I would say that it is not so,² hence

we are informed [that it is not so].

We have thus found [it in the case of] one who lacks [priestly] vestments; how do we know it of one who has drunk wine?³ -We deduce it from the word 'statute' [written here and] in the case of one who lacks vestments. But the Tanna deduces it from the text, That ye may put a difference etc.? — That is before he has established the gezerah shawah. But the Tanna learns [the law for] one who lacks vestments from that of one who drank wine?'⁴ — This is what he means: How do we know that no distinction is drawn between one who lacks vestments and one who drank wine or who did not wash his hands and feet? Because 'statute' is written in respect of each, to serve as a gezerah shawah.⁵ Then what is the need of 'that ye may put difference' etc.?⁶ — To teach the practice of Rab. For Rab would not appoint an interpreter from one Festival day to the next, on account of drinking.⁷

But still, is it deduced from this text? Surely it is deduced from elsewhere. viz., And the sons of Aaron the priest shall put [fire upon the altar].⁸ [which implies,] in his priestly state;⁹ this teaches that if a High Priest donned the vestments of an ordinary priest and officiated, his service is unfit? — If [we made the deduction] from the earlier text, I would argue that it applies only to a service which is essential for atonement, but not to a service which is not essential for atonement.¹⁰ But still, is it deduced from this text? Surely it is deduced from elsewhere, viz., And Aaron's sons, the priests, shall lay the pieces etc.¹¹ [which intimates,] 'the priests' in their priestly state, whence we learn that if an ordinary priest donned the vestments of a High Priest and officiated, his service is unfit? — If [we made the deduction] from the earlier text, I would argue that it applies only to an insufficiency [of vestments],¹² but not to an excess. Therefore it [the present text] informs us [that it is not so].

Our Rabbis taught: If [the priestly vestments] trailed [on the floor], or did not reach [the floor] or were threadbare, and [the priest] officiated [in them], his service is valid. But if he put on two pairs of breeches, two girdles, or if one [garment] was wanting, or if there was one too many, or if he had a plaster on a wound in his flesh, or if [his garments] were

(1) V. Glos. — In the present context: it shall be a statute for ever; the verse for one lacking atonement has been quoted in the text; the washing of the hands and feet: And it shall be a statute for ever to them (Ex. XXX, 21). — The use of the same word in connection with all three teaches that the same law applies to all.

(2) Scripture says, Drink no wine . . . when ye go into the tent of meetings, that ye die not. The Talmud interprets this as referring to a service which if performed by those unfit to do so involves death, viz., sprinkling the blood, burning the fats, and making the libations of water or wine. Now, the conditions of the various disqualifications, such as officiating without priestly vestments or without having washed the hands and feet, are deduced from those of a zar: where a zar incurs a penalty, officiating without vestments, etc. incurs a penalty. Hence as far as the present verse is concerned, since death is mentioned, I would think that the sacrifice is disqualified only where the death penalty is incurred.

(3) That he disqualifies the sacrifice even by officiating in a service for which he does not incur the death penalty.

(4) Not vice versa, as here.

(5) But in fact the law of one who has drunk wine is learned from that of one who lacks vestments.

(6) Since we learn by a gezerah shawah that one who drank wine 'profanes' (disqualifies) the sacrifice, this text adds nothing.

(7) The Rabbis gave their public addresses, in the course of which they taught the law, through the medium of an interpreter. Now, once Rab had ushered in the festival and had partaken of the meal, eating and drinking, he would not appoint an interpreter, i.e., he would not give such an address, until the following day, when the effect of the wine would have worn off. He learnt this from the present verse, 'that ye may put a difference between the holy and the profane', which he interpreted to mean that one must not drink before he comes to teach the law, whereby the difference between the holy and the profane is taught.

(8) Lev. I,7

(9) Wearing the priestly vestments.

(10) Such as putting the fire upon the altar. Hence 'the priest' teaches that even for this service he must be in his priestly

state. — Though the difficulty was apparently why the former verse was required, the answer shows that the real difficulty was why Scripture added ‘the priest’ in the verse now quoted.

(11) Lev. I, 8.

(12) E.g. if a High Priest wears the vestments of an ordinary priest.

Talmud - Mas. Zevachim 18b

besmeared or torn, and he officiated, his service is invalid. Rab Judah said in Samuel's name: Trailing [garments] are fit; [garments which] do not reach [the pavement] are unfit. But it was taught, If they do not reach [the ground] they are fit? — Said Rami b. Hama, There is no difficulty: The latter means where he hitches them up by the girdle;¹ the former, where from the very outset they are not long enough.² Rab said: Either [garments] are invalid.

R. Huna visited Argiza.³ His host's son put a difficulty to him: Did then Samuel say, Trailing [garments] are fit, while those which do not reach [the ground] are unfit? but it was taught, If they do not reach [the ground] they are fit? — Said he to him, Disregard that, for Rami b. Hama has answered it. But the difficulty is according to Rab. And should you answer, What is meant by ‘trailing’? Those which are hitched up by the girdle, for the girdle cuts off [the length].⁴ but then there is a difficulty about garments which do not reach? — Said R. Zera, Rab learns [both clauses as one]: Trailing [garments] which are hitched up by a girdle are fit.

R. Jeremiah of Difti said: As to trailing [garments] which he did not lift up, there is a controversy of Tannaim. For it was taught: [Thou shalt make thee twisted cords] upon the four corners of thy covering:⁵ ‘four’ [intimates,] but not three.⁶ Yet perhaps that is not so, but rather, ‘four’ [intimates,] but not five?⁷ When it says, Wherewith thou coverest thyself⁸ a five-cornered [garment] is alluded to.⁹ Hence, how can I interpret ‘four’? as intimating four but not three. Now, why do you include a five-cornered garment and exclude a three cornered one? I include a five-cornered one, because five includes four, and I exclude a three-cornered one, because three does not include four. Now, another [Baraita] taught: ‘Upon the four corners of thy covering’: four but not three, four but not five. Surely, they disagree in this: one Master holds: The additional [corner] is counted as existent;¹⁰ while the other Master holds: It is as non-existent?¹¹ — No: all agree that it is as existent, but here it is different, because Scripture includes [a five-cornered garment in the phrase,] ‘Wherewith thou coverest thyself’.

And the other? how does he utilise this phrase. ‘Wherewith thou coverest thyself’? — He requires it for what was taught: ‘That ye may look upon it’:¹² this excludes night attire.¹³ Yet perhaps that is not so, but rather it excludes a blind man's garment? When it says, ‘wherewith thou coverest thyself’, lo, a blind man's garment is alluded to. Hence, how can I interpret, ‘that ye may look upon it’? As excluding night attire. Now, why do you include a blind man's garment and exclude a night garment? I include a blind man's garment because it can be seen by others, while I exclude night attire, because it is not seen by others. And the other?¹⁴ — He deduces it from ‘wherewith’.¹⁵ And the other?-He does not interpret ‘wherewith’ [as having a separate significance].

Our Rabbis taught: [And the priest shall put on his garment of] bad:¹⁶ this teaches that they [his garments] must be of linen; ‘bad’ implies that they must be new; ‘bad’ implies that they must be of twisted thread; ‘bad’ implies that the thread must be sixfold; ‘bad’ implies that secular garments must not be worn with them. Abaye said to R. Joseph: As for saying, “bad” implies that they must be of linen,’ it is well, for he informs us this: only of linen, but not of anything else. But when he says, “bad” implies that they must be new,’ [does it mean] only new but not threadbare? Surely it was taught : Threadbare [garments] are fit! — Said he to him: And according to your reasoning, [when he says] “bad” implies that the thread must be sixfold,’ [yet surely] ‘bad’ implies each [thread] separately?¹⁷ Rather, this is what he means: the garments which it is stated are to be ‘bad’, must be

of linen, new, of twisted thread, and of six-fold thread: Some of these [provisions] are recommendations [only], while others are indispensable.

How do you know that 'bad' means flax [linen]? — Said R. Joseph son of R. Hanina: [It connotes] that which comes up from the ground in separate stalks.¹⁸ Say that it means wool?¹⁹ — Wool splits.²⁰ But flax too splits?²¹ — It splits through beating.²² Rabina said, [It is deduced] from the following: They shall have linen tires upon their heads, and shall have linen breeches upon their loins; they shall not gird themselves with [anything that causes] sweat [bayaza'].²³ Said R. Ashi to Rabina: Then how did we know this before Ezekiel came? — Then according to your reasoning, when R. Hisda said: We did not learn this²⁴ from the Torah of Moses our Teacher, but we learnt it from Ezekiel the son of Buzi: No alien, uncircumcised in heart and uncircumcised in flesh [shall enter into My sanctuary]:²⁵ whence did we know it until Ezekiel came? But indeed it was a tradition, and Ezekiel came and gave it a support in Scripture; so this too was a tradition etc.

What does 'they shall not gird themselves with [anything that causes] sweat' mean?²⁶ — Said Abaye: They shall not gird themselves in the place where they sweat.²⁷ As it was taught: When they gird themselves, they must do so neither below their loins nor above their elbows,²⁸ but

(1) But they are long enough to reach the ground.

(2) Lit., 'they are not present at all'.

(3) Obermeyer op. cit. p. 144 conjectures that this was a place in the district of Be Ketil by the 'Jewish Canal' which branched out of the left bank of the Tigris and ran parallel to it. He suggests however in note 1 a.l. that ארגיזא is an error here for ארתא דארגיזא, Hira in the south of Babylon, which fell within R. Huna's jurisdiction, whereas Argiza was in the distant north, and he had no connection with same.

(4) Only then does the Tanna of the Baraita rule that they are fit, but not if they are actually trailing on the ground.

(5) Deut. XXII, 12.

(6) A garment of three corners only, the fourth being rounded, so that it is not a corner, is exempt.

(7) E.g., if one corner is cut away, leaving two in its stead.

(8) Ibid.

(9) For this is really superfluous and therefore interpreted as an extension, to include garments with more than four corners.

(10) Hence it is not four-cornered, and therefore exempt.

(11) And the same principle would apply to priestly garments that trail: one holds that the superfluous length is as non-existent, and so they are fit; while the other maintains that they are as existent, and therefore unfit.

(12) Num. XV, 39. This refers to a fringed garment.

(13) Which is not looked upon.

(14) Who utilises 'wherewith thou coverest thyself' to include a five-cornered garment: whence does he learn the present law?

(15) Which he regards as an extension.

(16) E.V. 'linen. Lev. VI,3 et passim.

(17) Bad is derived from badad, to be alone, separate.

(18) Where two stalks do not come out of one root.

(19) For each thread grows separately on the sheep's back.

(20) On the animal the threads split up.

(21) Before it is woven into linen.

(22) But not naturally of its own accord.

(23) Ezek. XLIV. 18.

(24) That an uncircumcised priest disqualifies the service, infra 22b.

(25) Ibid.9

(26) The Heb. bayaza is connected with ze'ah, (sweat), but its exact meaning in this verse is not clear.

(27) Where flesh folds over flesh and causes perspiration.

(28) As these hung naturally down.

Talmud - Mas. Zevachim 19a

[in the place] corresponding to their elbows.¹

R. Ashi said: Hanna b. Nathana told me, I was once standing before King Izgedar;² my girdle lay high up, whereupon he pulled it down, observing to me, It is written of you. [And ye shall be unto Me] a kingdom of priests and a holy nation.³ When I came before Amemar he said to me: The text, 'And kings shall be thy fosterfathers'⁴ has been fulfilled in you.

We learnt elsewhere: If a priest has a wound on his finger, he may wind a reed about it in the Temple, but not in the Country.⁵ But if his purpose is to squeeze out blood, it is forbidden in both places.⁶ R. Judah the son of R. Hiyya said: They learnt this only of a reed, but a small belt⁷ constitutes an excess garment.⁸ But R. Johanan said: They ruled [that] excess garments [disqualify] only [when they are worn] where garments are worn; but if not where garments are worn, they are not an excess. Yet deduce [that it disqualifies] on account of an interposition?⁹ — It is on his left hand,¹⁰ or even on the right, but not in the place of service.¹¹ Now this disagrees with Raba, for Raba said in R. Hisda's name: In the place of garments even a single thread interposes; but [what is] not in the place of garments, if three [fingerbreadths] square, it interposes; if less than this, it does not interpose. Now he certainly disagrees with R. Johanan;¹² but are we to say that he disagrees with R. Judah the son of R. Hiyya?¹³ — [No:] a small belt is different, because it is of [some] account.¹⁴

Another version states it thus: R. Judah the son of R. Hiyya said: They learnt this only of a reed, but a small belt interposes. While R. Johanan maintained: They said [that] interposition [disqualifies even] when less than three square only in the place of garments; but if not where garments are worn, then if it is three square it interposes; if less, it does not interpose: and that is identical with Raba[‘s ruling] in R. Hisda's name. Shall we say that he [Raba] disagrees with R. Judah the son of R. Hiyya? — [No, for] a small belt is different, since it is of [some] account. Now according to R. Johanan, why particularly [specify] a reed? let him mention a small belt? — He informs us en passant that a reed heals.

Raba asked: What if a wind entered through his garment?¹⁵ Do we require [the garment to be] on his flesh, which [condition] is now absent; or perhaps, this is the normal mode of wearing? Further, is vermin an interposition? There is no question where it is dead, for it certainly interposes. But what if it is alive? Do we say. Since it moves to and fro, it is natural, and does not interpose; or perhaps it does interpose, since he objects to it? Does earth interpose? — Earth certainly interposes!¹⁶ — Rather [the question is] what about dust of earth? Does [the space between the sleeves and] the armpit interpose?¹⁷ do we require [it to be] on his flesh, which [condition] is absent; or perhaps this is the normal mode of wearing? What if he thrust his hand into his bosom? does his body¹⁸ interpose or not? Does a thread interpose? — A thread certainly interposes — Rather [the question is] what about a hanging thread.¹⁹ Mar the son of R. Ashi asked: What if one's hair entered beneath his garment?²⁰ is his hair as [part of] his body, or is it not as his body? R. Zera asked: Do the tefillin²¹ interpose? There is no question on the view that night is not the time for tefillin,²² for since they interpose at night,²³ they interpose by day too. The question is raised only on the view that night is the time for tefillin. What then? Does a precept which is incumbent upon the body interpose or not? Now this question travelled about until it reached R. Ammi. Said he to him [the questioner]: We have an explicit teaching that tefillin interpose. An objection is raised: Priests engaged in their [sacrificial] service, Levites on their dais²⁴ and Israelites during their ma'amad²⁵ are exempt from prayer²⁶ and tefillin. Surely that means that if they do put them on, they do not interpose? — No: [it means that] if they do put them on, they do interpose. If so, [can you say,] they are exempt? Surely he should state, they are forbidden [to don them]? — Since there are the Levites and the Israelites, of whom he cannot teach, 'they are forbidden,'²⁷ he therefore teaches, They are exempt. But it was

taught: If he put them on, they do not interpose? — There is no difficulty; one refers to [the tefillin of] the hand,²⁸ the other to that of the head. Wherein does that of the hand differ? because it is written, [And the priest shall put on his linen garment, and his linen breeches] shall he put upon his flesh,²⁹ which implies that nothing may interpose between it and his flesh; then with respect to that of the head too it is written, And thou shalt set the mitre upon his head?³⁰ — It was taught: His hair was visible between the headplate and the mitre.

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- (1) Where these naturally touch the body.
 - (2) Or, Yezdyird, a Persian king.
 - (3) Ex. XIX, 6. Hence you must wear your girdle like priests, and not so high.
 - (4) Isa. XLIX, 23.
 - (5) This is a technical designation for all places outside the Temple. — The reference is to the Sabbath, when the Rabbis forbade healing. Nevertheless they permitted this in the Temple when the priest is officiating at the sacrifice, as it is indecorous for his wound to be exposed then.
 - (6) The act constitutes making a wound, which is forbidden.
 - (7) Used as a bandage.
 - (8) Which is forbidden, supra 18a.
 - (9) Nothing may interpose between the priest's hand and the sacrifice, when he has to handle it.
 - (10) Which he does not use for the purpose.
 - (11) Not on the part of the hand which he needs for service.
 - (12) For R. Johanan holds that it never interposes save in the place of garments.
 - (13) For he rules that a small belt is an interposition, and this is less than three fingerbreadths square.
 - (14) A rag less than that size is of no account, whereas a belt, being made up into an article, is of some account.
 - (15) And blew it away from immediate contact with his body.
 - (16) Surely there cannot be a question about this.
 - (17) If the garment is loosely cut with broad sleeves.
 - (18) I.e., the hand, which now comes between the body and the garment.
 - (19) Hanging from the garment itself.
 - (20) If the hair of the head grew so long that it fell within the garment.
 - (21) V. Glos.
 - (22) I.e., that there is no obligation to wear these at night. The reference is to Deut. VI, 8 and it is disputed in 'Erub. 96a whether this applies to night as well as to daytime.
 - (23) As there is no need to wear them then, they are definitely superfluous. and so constitute an interposition.
 - (24) Engaged in singing the Temple hymns.
 - (25) A body of Israelites, representing the people. stood (ma'amad — 'amad standing) in the Temple court during the sacrificing of the daily burnt-offering (v. Ta'an. 26a).
 - (26) The 'Eighteen Benedictions' which were recited daily, and which constituted the Prayer par excellence.
 - (27) For they are certainly permitted to put them on, since they do not officiate at the actual sacrificing.
 - (28) That interposes.
 - (29) Lev. VI, 3.
 - (30) Ex. XXIX, 6.

Talmud - Mas. Zevachim 19b

and there he laid the tefillin.¹

ONE LACKING IN SACRIFICIAL ATONEMENT. Whence do we know it? — Said R. Huna, Scripture saith, And the priest shall make atonement for her, and she shall be clean:² 'She shall be clean' proves that she is unclean [before atonement is made for her].³

AND ONE WHO HAD NOT WASHED HIS HANDS OR HIS FEET. [The implication of] 'statute' is derived from 'statute' written in connection with one who lacked his priestly vestments.⁴

Our Rabbis taught: If a High Priest did not perform immersion or did not sanctify [himself]⁵ between the changing of robes and between the services,⁶ and he officiated, his service is valid. But the service of both a High Priest or an ordinary priest who officiated without the matutinal sanctification of their hands and feet is invalid. Said R. Assi to R. Johanan: Consider: The five immersions and the ten sanctifications⁷ are scriptural, and ‘statute’ is written in connection with them; then let them be indispensable?⁸ — Said he to him: Scripture saith, And put them on:⁹ the putting on [of the priestly vestments] is indispensable, but nothing else is indispensable.¹⁰ [At that] his face lit up.¹¹ Said he to him: I have written you a waw on a tree-trunk:¹² [for] if that is so, [the sanctifications] of the morning¹³ too [should not be indispensable]! — Said Hezekiah, Scripture saith, And it shall be a statute for ever to them, even to him and to his seed throughout their generations:¹⁴ that which is indispensable for ‘his seed’ is indispensable for himself, and that which is not indispensable for ‘his seed’ is not indispensable for himself.¹⁵ R. Jonathan said, He deduced it from this: That Moses and Aaron and his sons might wash their hands and their feet thereat:¹⁶ that which is indispensable in the case of his sons is indispensable in his own case; while that which is not indispensable in the case of his sons is not indispensable in his own case. Why does R. Jonathan not deduce it from the text quoted by Hezekiah? — He can answer you: That is written [to shew that the law holds good] for all generations.¹⁷ And the other? why did he not deduce it from this text? — He requires it for R. Jose son of R. Hanina's [ruling]. For R. Jose son of R. Hanina said: You may not wash in a laver which does not contain sufficient [water] for the sanctifications of four priests, for it says. That Moses and Aaron and his sons might wash their hands and their feet thereat.¹⁸

Our Rabbis taught: How is the precept of ‘sanctification’ [fulfilled]? [The priest] places his right hand on his right foot and his left hand on his left foot, and sanctifies them.¹⁹ R. Jose son of Judah said: He places his both hands on each other and on his two feet lying on each other, and sanctifies them. Said they to him: You have made it too hard, for it is impossible to do it thus. Surely they speak rightly to him? — Said R. Joseph: His colleague assists him.²⁰ Wherein do they differ? — Said Abaye: They disagree in respect of standing by being supported.²¹ Said R. Sima the son of R. Ashi to Rabina: And let him indeed sit and perform his sanctifications? — Scripture saith, [And thou shalt anoint Aaron and his sons, and sanctify them,] that they my minister,²² and the ministration must be done standing.²³

Our Rabbis taught: if [the priest] sanctified his hands and feet by day, he need not sanctify [them] at night; [if he sanctified them] at night, he must sanctify [them] by day. This is Rabbi's view, for Rabbi maintained: The passing of the night is effective in respect of the sanctification of hands and feet.²⁴ R. Eleazar son of R. Simeon said: The passing of the night is not effective in respect of the sanctification of hands and feet. Another [Baraitha] taught: If [a priest] was standing and offering [the fats] on the altar throughout the night, at dawn he needs sanctification of hands and feet: this is Rabbi's view. R. Eleazar son of R. Simeon said: Since he sanctified his hands and feet at the beginning of the service, he need not sanctify [them again] even for ten days.²⁵ Now, both are necessary. For if we were informed of the first [Baraitha], [I would argue that] Rabbi ruled thus only there, [the circumstances being] that there had been an interval between one service and another;²⁶ but here that there was no interval, I would say that Rabbi agrees with R. Eleazar son of R. Simeon. While if we were informed of the latter [Baraitha]. I would argue that here only does R. Eleazar son of R. Simeon rule thus, but in the former he agrees with Rabbi. Hence they are both necessary.

What is Rabbi's reason? — Because it is written, When they approach [the altar to minister].²⁷ What is R. Eleazar son of R. Simeon's reason? — Because it is written, When they enter [into the tent of meeting, they shall wash with water].²⁸ And the other too? surely it is written, When they enter! — If ‘when they approach’ were written and not ‘when they enter’ I would say that for every single approach [sanctification is necessary];²⁹ therefore the Divine Law wrote, ‘when they enter.’ And the other too? surely it is written, ‘when they approach’! — If ‘when they enter’ were written

and not 'when they approach'. I would say that [they must wash] even for a mere entrance.³⁰ 'For a mere entrance'! surely it is written, 'to minister'? — Rather, 'when they approach' is required for R. Aha son of Jacob's [ruling]. For R. Aha son of Jacob said: All agree with respect to the second 'sanctification,' that [the priest] performs this sanctification when he is clothed,³¹ for Scripture saith, 'or when they approach': he who lacks nothing but the approach [washes his hands and feet]; hence he who has yet to clothe himself and then approach is excluded. What is the purpose of, to cause an offering made by fire to smoke?³²

(1) Thus the tefillin did not actually interpose.

(2) Lev. XII, 8.

(3) Although she had already performed her ritual ablutions. Thus Scripture designates even such as unclean, and he is disqualified in the same way as an unclean priest is disqualified.

(4) V. supra 17b, 18a.

(5) This is the technical designation for washing the hands and feet at the laver.

(6) On the Day of Atonement the High Priest performed five services, in the course of which he changed his robes several times. Each change was to be preceded by tebillah (immersion) and sanctification; v. Yoma 32a.

(7) Five for the hand and five for the feet.

(8) So that the service should be invalid.

(9) Lev. XVI, 4.

(10) The verse reads: He shall pull on the holy linen tunic, and he shall have the linen breeches . . . and shall be girded with the linen girdle, and with the linen mitre shall he be attired . . . and he shall bathe his flesh in water, and put them on. Thus 'put them on' is emphasized by being repeated in the verse, to teach that that only is indispensable, but the other thing mentioned, viz bathing, is not indispensable.

(11) R. Assi was very pleased with the answer.

(12) On which, owing to its rough lined surface the letter is not visible. This is an idiom for idle talk.

(13) On the Day of Atonement.

(14) Ex. XXX, 21.

(15) 'His seed' denotes an ordinary priest, while 'statute' implies indispensability, as stated above. Hence the sanctification of the morning which is normally indispensable for an ordinary priest is indispensable for a High Priest on the Day of Atonement.

(16) Ex. XL, 31.

(17) But not to provide an analogy.

(18) 'His sons' implies at least two; hence it must be big enough for four.

(19) So that he washes his hands and feet simultaneously, by pouring water on each pair with his fore hand.

(20) So that he does not fall.

(21) Lit., 'a standing from the side'. The priest must stand when performing these ablutions, and if R. Jose b. R. Judah's method is adopted, he can stand only by being supported. He holds that that is sufficient, while the first Tanna holds that that is not called standing.

(22) Ex. XXX, 30.

(23) 'Sanctify them' is interpreted as in the present discussion. Thus the ablutions are made analogous to ministrations, and as the latter must be done standing, the former too must be done standing.

(24) As soon as one night passes, the previous sanctification ceases to count.

(25) As long as he is continuously engaged thus.

(26) For in the first Baraitha it is not stated that the priest was actually engaged in officiating all night.

(27) Ex. XXX, 20. Each time the priest 'approaches' the altar he must wash his hands. At daybreak there is a new approach since the altar has to be freshly arranged with new wood; therefore he must wash his hands again.

(28) Ibid. As long as he is engaged on the sacrifices there is no new entry.

(29) Even in the same day.

(30) Without officiating.

(31) The changing of the garments by the High Priest on the Day of Atonement was preceded by immersion, and the immersion was preceded and followed by 'sanctification'. All agree that the second 'sanctification' is done after the priest has donned the robes into which he was to change. v. Yoma 32b.

(32) Ibid. That too is enumerated as one of the purposes for which the priest must wash. But it is surely obvious, as it is included in the clause, 'when they approach the altar to minister'.

Talmud - Mas. Zevachim 20a

— You might say: This [sanctification] is required only for a service which is indispensable to atonement, but not for a service which is not indispensable to atonement; hence [this clause] informs us otherwise.¹

When R. Dimi came,² he said in R. Johanan's name: Ilfa asked: On the view that the passing of the night is of no effect in respect of the sanctification of hands and feet, does the water of the laver become unfit?³ Do we say: For what purpose is this [water]? for the sanctification of hands and feet; but the sanctification of hands and feet itself is not nullified by the passing of the night. Or perhaps, since [the water] is sanctified in a service vessel, it becomes unfit? When Rabin came, he said in R. Jeremiah's name, who reported R. Ammi's statement in R. Johanan's name: Ilfa subsequently resolved [this problem]: there is the same controversy about the one as about the other. Said R. Isaac b. Bisna to him:⁴ Rabbi, do you say thus? Thus did R. Ammi⁵ say, reporting R. Johanan in Ilfa's name: If the laver was not lowered [into the well] in the evening,⁶ [the priest] performs his sanctifications in it for the service of the night.⁷ but on the morrow he does not perform his ablutions. Now we questioned this: 'on the morrow he does not perform his ablutions' because he does not need [further] sanctification; or perhaps [the water] has become unfit through the passing of the night?⁸ Now, we could not resolve this, and yet to the Master it is clear? — Come and hear: Ben Kattin made twelve spouts for the laver; he also made wheels [pulleys] for the laver, so that its water should not become unfit through the passing of the night.⁹ Surely this is [even] according to R. Eleazar son of R. Simeon?¹⁰ — No: it represents Rabbi's view. Yet surely, since the first clause is according to R. Eleazar son of R. Simeon, the second clause too is according to R. Eleazar son of R. Simeon. For the first clause teaches: [The High Priest then] came to his bullock,¹¹ which bullock stood between the ulam [porch]¹² and the altar, its head toward the south and its face toward the west,¹³ while the priest stood in the east and faced west. Now, whom do you know to maintain that between the ulam and the altar was north?¹⁴ R. Eleazar son of R. Simeon. For it was taught: What is the north? From the northern wall of the altar to the northern wall of the Temple court and the whole of the space opposite the altar is north: that is R. Jose son of R. Judah's view. R. Eleazar son of R. Simeon added the space between the ulam and the altar.¹⁵ Rabbi adds the place where the priests and lay-Israelites tread. But all agree that the place on the inside of the knives chamber¹⁶ is unfit!¹⁷ — Now, is it reasonable that [the first Baraita] represents R. Eleazar son of R. Simeon's view and not Rabbi's? Seeing that Rabbi goes further than R. Jose son of R. Judah, does he not go further than R. Eleazar son of R. Simeon's [definition]?¹⁸ — This is what we mean: If you think that it agrees with Rabbi, let him station it in the place where the feet of the priests and the lay-Israelites tread! — What then? it is according to R. Eleazar son of R. Simeon? Then let him station it [in the space] from the northern wall of the altar to the northern wall of the Temple court? What then must you answer? [that it was placed in the position indicated] on account of the High Priest's fatigue;¹⁹ so on this view too,²⁰ it was on account of the High Priest's weakness. R. Johanan said: If [the priest] sanctified his hands and feet for the removal of the ashes,²¹ he need not sanctify [them again] on the morrow,²² because he has already done so at the beginning of the service. According to whom? if according to Rabbi, surely he said that the passing of the night renders it null! if according to R. Eleazar son of R. Simeon, surely he said, He need not sanctify himself [again] even for ten days! — Said Abaye: In truth it is according to Rabbi, and [the nullifying effect of] the passing of the night is [merely] Rabbinical, and he admits that the passing of the night does not nullify from cock-crow until morning. Raba said: in truth it agrees with R. Eleazar son of R. Simeon, but R. Johanan accepted his view [only] in respect of the beginning of the service, but not in respect of the end of the service.²³

An objection is raised: When his brother priests saw him descend,²⁴ they quickly ran and

sanctified their hands and feet at the laver.²⁵

(1) For 'to cause an offering made by fire to smoke' refers to the burning of the limbs on the altar, and that is not really essential to the efficacy or validity of the sacrifice.

(2) V. p. 46, n. 1.

(3) After the passing of the night.

(4) To R. Jeremiah.

(5) Var. lec. R. Assi.

(6) Thereby leaving its water unchanged.

(7) Such as the burning of the fats and the other parts of animals sacrificed during the day.

(8) So that he may not perform his ablutions thereat.

(9) He attached it to pulleys whereby it was lowered into the well in the evening and drawn up in the morning, which made the water fresh, being now accounted as part of the well water.

(10) Which shews that the water is unfit even though the priest would not require further 'sanctification'.

(11) To make confession of sins over it. — This was on the Day of Atonement.

(12) The hall leading to the interior of the Temple.

(13) It stood between north and south, and the face was made to turn toward the west.

(14) Of the Temple. For immediately after making confession he sacrificed the animal on the spot, and that had to be done in the north.

(15) This agrees with the first clause of the Baraitha now being discussed, whence it is deduced that the Baraitha is according to R. Eleazar b. R. Simeon.

(16) Where the knives were kept.

(17) V. Yoma (Sonc. ed.) 35b, and notes.

(18) Surely he does; hence the first Baraitha describing the bullock's position may well be according to him.

(19) Owing to his heavy duties on this day we spare him as much labour as possible. Therefore the bullock was stationed near the Hekal (the inner court), to save him carrying the blood a long way.

(20) That it agrees with Rabbi.

(21) The day's service commenced at cockcrow (before dawn) with the removal of a shovelful of ashes from the altar, which was placed at the east side of the slope leading to the altar.

(22) I.e., at daybreak. the earlier period still belonging to night.

(23) Here the sanctification was performed at the beginning of the day's service, in such a case R. Johanan rules as R. Eleazar b. R. Simeon. But if it is performed in the evening for the burning of the fats, which is the end of the previous day's service, he needs fresh 'sanctification' on the morrow.

(24) With the shovelful of ash.

(25) In order to remove the ash and make room for the fresh pile of wood (the first priest removed only one shovelful).

Talmud - Mas. Zevachim 20b

Now it is well according to Abaye who interprets it [R. Johanan's ruling] as agreeing with Rabbi, for Rabbi admits that the passing of the night does not nullify [in the interval between] cockcrow and morning; for this will then be according to Rabbi. But according to Raba, who interprets it as agreeing with R. Eleazar son of R. Simeon [only], but in Rabbi's opinion the passing of the night nullifies [even] from cockcrow until morning, with whom does this agree? If with Rabbi, then the passing of the night nullifies it; if with R. Eleazar son of R. Simeon, surely he said that he does not need sanctification even for ten days? — In truth, it agrees with R. Eleazar son of R. Simeon, the reference being to fresh priests.¹

It was asked: Is going out [of the Temple court] effective [to invalidate] sanctification of hands and feet?² If you say that the passing of the night does not invalidate [it], that is because [the priest] did not cease [officiating], but since he ceases when he goes out, he turns his mind away from it;³ or perhaps since it rests with him to go back, he does not turn his mind away from it? — Come and hear: If he sanctified his hands and feet and they were defiled,⁴ he immerses them,⁵ but he need not

sanctify [them],⁶ If they [his hands and feet] went out [from the Temple court],⁷ they retain their sanctity! — If [only] his hands went out we are not in doubt; our doubt is where his whole body went out; what [is the law then]? — Come and hear: He whose hands or feet are unwashed must sanctify them at a service vessel within.⁸ If he sanctified [them] in a service vessel without, or in an unconsecrated vessel within; or if he immersed in the water of a pit,⁹ and officiated, his service is invalid.¹⁰ Thus it is only because he sanctified [his hands] from a service vessel without; but if he sanctified [them] within and then went out, his [subsequent] service is valid!¹¹ — [No:] Perhaps what is meant by ‘he sanctified [them] in a service vessel without’? That e.g. he stretched his hands without and sanctified them;¹² but if his whole body went out, you may [certainly] be in doubt. Said R. Zebid to R. Papa. Come and hear: If [the priest] went without the barrier of the wall of the Temple court, if [it was his intention] to tarry there, he needs immersion; if for a short while, he needs sanctification of hands and feet! — Said he to him: That means where he went out to ease himself at nature's call. But that is explicitly taught: He who eases himself needs immersion, and he who answers nature's call requires sanctification of hands and feet? — He [first] teaches [the general law] and then defines it.¹³

Come and hear: [For the services in connection with the red] heifer, R. Hiyya b. Joseph said: [The priest] must sanctify [himself] from a service vessel within and then go out;¹⁴ whereas R. Johanan maintained: [He can sanctify himself] even without [the Temple], even in a profane vessel, even in a fire pot! — Said R. Papa. The [red] heifer is different; since all its services are without, going out does not disqualify it. If so, why must he sanctify [himself at all]? — We want it to be done like the services within.

It was asked: Is uncleanness effective in respect of sanctification of hands and feet?¹⁵ If you say that going out does not invalidate [sanctification], that may be because the person remains fit; but here that the person is no longer fit [for service] he turns his mind from it.¹⁶ Or perhaps, since he will be fit again, he is careful and does not turn his mind away from it? — Come and hear: If [the priest] sanctified his hands and his feet and they became unclean, he must immerse them, but need not [re-]sanctify them! — Where his hands [only] became unclean, we do not ask; our question is where his whole body was defiled. ‘His whole body’! surely I may deduce that he will turn his mind away from it, since he must wait for the setting of the sun?¹⁷ — [The question arises where] e.g. he became unclean just before sunset! Come and hear: [For the service in connection with the red] heifer, R. Hiyya b. Joseph said: [The Priest] must sanctify [himself] from a service vessel within and then go out; whereas R. Johanan maintained: [He can sanctify himself] even without the Temple, even in a profane vessel, even in a firepot.

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- (1) Who had not been ministering earlier in the night.
 - (2) To make it necessary to repeat it.
 - (3) Therefore he must repeat his lustrations when he returns.
 - (4) With an uncleanness which defiles them only, but not the whole body.
 - (5) Immersion in a ritual bath (מִקְוָה).
 - (6) In the laver.
 - (7) The priest stood at the entrance and thrust his hands and feet without.
 - (8) Sanctification might be done either at the laver or from any service vessel v. infra; ‘within’ means within the Temple court.
 - (9) Though normally this cleanses.
 - (10) Immersion, even of the whole body, does not count as sanctification.
 - (11) For if that too were invalid, this law is superfluous, since he is standing without at the very moment of lustrations.
 - (12) Whilst standing within. Only then is it necessary to state this law.
 - (13) The Tanna first states the law about going out, and then defines the cases to which this law applies.
 - (14) The burning of the red heifer and the gathering of its ashes and mixing it with water, which are the services here referred to, were done outside Jerusalem.

(15) It is now assumed that the question is: if the priest's hands became unclean, without the rest of his body, must he resanctify them?

(16) Which nullifies sanctification.

(17) He does not become clean even after immersion until sunset.

Talmud - Mas. Zevachim 21a

Now in the case of the [red] heifer we defile him, for we learnt: They used to defile the priest who was to burn the heifer and then make him immerse, in order to combat the opinion of the Sadducees,¹ who maintained: It[s service] was performed [only] by [priests] who had experienced sunset!² This proves that uncleanness does not invalidate it.³ — The [red] heifer is different, since a tebul yom is not unfit for it. If so, why must he sanctify himself [at all]? — Because we want it similar to the [usual sacrificial] service.

It was asked: Can [the priest] sanctify his hands and feet in the laver?⁴ [Do we argue,] the Divine Law states, [And Aaron and his sons shall wash . . .] thereat,⁵ but not in it; or perhaps it means even in it? — Said R. Nahman son of Isaac, Come and hear: Or if he immersed in the water of a pit and officiates, his service is invalid. Hence [if he used] the water of the laver in a similar way to the water of a pit⁶ and officiated, his service is valid? — No: it is particularly necessary for him [the Tanna] to teach about the water of a pit. lest you say: If he can bathe his whole body therein,⁷ how much the more his hands and feet.⁸

R. Hiyya son of Joseph said: The water of the laver becomes unfit for the mattirin, as the mattirin [themselves], and for the [burning of the] limbs, as the limbs [themselves]. R. Hisda maintained: Even for the mattirin they become unfit only at dawn, as the limbs.⁹ While R. Johanan maintained: Once the laver is sunk,¹⁰ it may not be drawn up again.¹¹ Does this mean that it is not even fit for a night service?¹² Surely R. Assi said, reporting R. Johanan in Ilfa's name: If the laver was not sunk [into the pit] before evening, [the priest] may sanctify [himself] thereat for a night service, but he may not sanctify [himself] thereat on the morrow? — What is meant by 'it may not be drawn up'? for a day service; but it is indeed fit for a night service. If so, this is identical with R. Hiyya b. Joseph [‘s view]?

(1) V. Sanh. (Sonc.ed.) p. 353. n. 2.

(2) I.e., by priests upon whom the sun had set after their immersion, as in the case of the sacrificial service in general. The Rabbis however held that immediately after immersion (when he is called a tebul yom v. Glos) a priest was fit for the burning of the red heifer. V. Parah III, 7.

(3) Sc. the sanctification.

(4) By actually putting his hands and feet into it.

(5) Ex. XXX, 19. The Heb. means literally, from it.

(6) I.e., putting his hands and feet in the laver.

(7) If unclean, and such bathing constitutes valid immersion and makes him clean.

(8) But it is still possible that if he used the water of the laver in the same way. putting his hands and feet into it, his sanctification is invalid.

(9) The mattirin (q.v. Glos) are the sprinkling of the blood of animal sacrifices, and the burning of the fistful of meal of the meal-offerings; they are so called because they enable the sacrifices to be eaten or make them fit for the altar, and they must be done before sunset of the day on which the sacrifices are brought. Now the laver was sunk every day in a pit (v. supra 20a); if this laver was not sunk into it before sunset, its water is unfit on the morrow for 'sanctification' where the priest wishes to perform a mattir, just as the blood and the fistful of meal themselves become unfit for their purpose at sunset. Again, the limbs of the sacrifice must be burned before dawn of the day following its offering; if the laver is not sunk into the pit before dawn, its water is unfit for 'sanctification' on the following day for the service of burning the limbs. That is R. Hiyya b. Joseph's view. R. Hisda maintains that for the sprinkling of the blood too the water is unfit only if the laver was not sunk in the pit by dawn.

(10) Into the pit at sunset.

(11) Until dawn. It is now assumed that he means that even if a priest wishes to burn limbs during the night the laver cannot be drawn up, as this would render its water unfit.

(12) Viz., burning the limbs.

Talmud - Mas. Zevachim 21b

— They disagree as to a preventive measure in respect of sinking [the laver].¹ But surely R. Johanan said: If [the priest] sanctified his hands for the removal of the ashes, he need not sanctify [them again] on the morrow, because he has already sanctified [them] at the beginning of the service.² According to Raba who explains that this agrees with R. Eleazar son of R. Simeon, it is well: this [the present ruling] agrees with Rabbi.³ But according to Abaye who explains that it agrees with Rabbi, Rabbi is self-contradictory, [for] why must he lower it there,⁴ whereas here he must not lower it? — It means that he raises it⁵ and then lowers it again.⁶ If so, 'on the morrow he does not sanctify' — why so?⁷ [The meaning is] that he need not sanctify,⁸ which is to say that [the previous sanctification] is indeed fit for the mattirin. Then it is the same as R. Hisda[’s ruling]:⁹ — They disagree in respect of the regulation of lowering.¹⁰

An objection is raised: They neither saw him nor heard him until they heard the sound of the wood of the machine which Ben Kattin made for the laver, and then they exclaimed. 'It is time to sanctify hands and feet at the laver'.¹¹ Surely it means that he raised it,¹² and which proves that it was sunk [earlier]? — No: it means that he lowered it [now].¹³ If he lowered it, would the sound be heard?¹⁴ — He lowered it by the wheel.¹⁵ Another version: He lowered it by means of its stone,¹⁶ in order that the sound of it should be heard, so that they [the priests] might hear it and come. But there was Gebini the crier?¹⁷ — They made two alarms; some heard the one and came, whilst others heard the other and came.

The [above] text [stated]: 'R. Jose son of R. Hanina said: You may not wash in a laver which does not contain sufficient [water] for the sanctification of four priests. for it says. That Moses and Aaron and his sons wash their hands and their feet thereat'.¹⁸ An objection is raised: All vessels sanctify.¹⁹ whether they contain a rebi'ith²⁰

(1) When R. Johanan rules that the laver must not be brought up for a service the following day, it is not because its water is unfit if it is not in the pit during any part of the night, but as a preventive measure, lest it is not lowered again before dawn, which would disqualify it. Hence R. Johanan does not say that the water is unfit, but merely that the laver must not be brought up.

(2) V. supra 20a. Thus the laver is drawn up before dawn, and R. Johanan does not add that it must be lowered again immediately before dawn.

(3) Who maintains that the passing of the night nullifies the previous sanctification, and all the more will it disqualify the water of the laver itself.

(4) I.e., why does he fear there that if he brings it up he will not lower it again.

(5) In the morning for the removal of the ashes.

(6) Although R. Johanan does not mention it, that is merely because he is discussing the sanctification of hands and not the regulations of the laver.

(7) Now that you explain that according to R. Johanan the night does not disqualify, why cannot he sanctify his hands on the morrow?

(8) Because he has already sanctified his hands for the night service. Thus he informs us that the passing of the night does not nullify the sanctification, this being in agreement with R. Eleazar.

(9) Now that you say that he does not bring it up because dawn is a disqualification, but that the night itself does not disqualify. R. Johanan's view is identical with R. Hisda's.

(10) In R. Johanan's opinion it must be done in the evening, so that when the priest comes to clean the ashes in the morning he will find it so, and thus remember to lower it again immediately before dawn. But R. Hisda holds that this is

unnecessary, and it is sufficient to lower it just before dawn.

(11) When the priest who was to remove the ashes entered the Temple court to sanctify his hands and feet, he did not carry a light with him, but walked by the light of the altar fire. His fellow-priests in the adjoining chamber therefore neither saw nor heard him, until they heard the sound of the machine drawing up the laver from the pit, and then they knew that they themselves must prepare for the next service.

(12) From the pit. Hence until then it was in the pit, which contradicts R. Hisda's view that it was not lowered until dawn.

(13) They heard the sound of it being lowered.

(14) The wheel was unnecessary for this, as one could simply unfasten the rope by which it was held up, whereupon it would fall automatically.

(15) Though it was unnecessary, precisely in order that he might be heard.

(16) A stone used as a wheel or pulley.

(17) Who apprised the priests and others every morning when it was time for them to get up; v. Yoma 19b.

(18) V. supra 19b.

(19) The water placed in them, so that this water can be used by the priests for sanctifying their hands and feet.

(20) V. Glos.

Talmud - Mas. Zevachim 22a

or they do not contain a rebi'ith,¹ provided they are service vessels? — Said R. Adda b. Aha:² This means where one bales out from it.³ But the Divine Law saith, 'Thereat'⁴ — They should wash⁵ is to include any service vessel.⁶ If so, then a profane vessel too [should be fit]? — Said Abaye: You cannot say [that] a profane vessel [is fit], this being deduced from its base, a fortiori: If its base, which was anointed together with it [the laver], does not sanctify [the water poured into it].⁷ is it not logical that a profane vessel, which was not anointed with it, does not sanctify?

And how do we know [that] its base [does not sanctify]? Because it was taught: R. Judah said: You might think that the base sanctifies, just as the laver sanctifies; therefore it says. Thou shalt also make a laver of brass, and the base thereof of brass.⁸ I have made it alike in respect of brass, but not in respect of anything else. Mar Zutra the son of R. Mari said to Rabina: As for its base, [it does not sanctify] because it is not made for its inside [to be used]; will you say [the same of] a profane vessel, which is made for its inside?⁹ Rather, 'thereat' excludes a profane vessel. If so, [it excludes] a service vessel too? — Surely the Divine Law included [it by writing] 'they should wash'. And what [reason] do you see [for this choice]?¹⁰ — The one [a service vessel] needs anointing like itself [the laver], while the other does not need anointing like itself.

Resh Lakish said: Whatever can make up [the prescribed quantity of] the water of a mikweh,¹¹ makes up the water of the laver;¹² but it does not make up to a rebi'ith.¹³ What does this exclude? Shall we say, it excludes miry [liquid] clay?¹⁴ then how is it meant? If a cow would bend and drink thereof,¹⁵ it is [fit] even for a rebi'ith too;¹⁶ while if a cow would not bend and drink thereof, it cannot make up even [the quantity of] a mikweh too! Again, if it is to exclude red insects,¹⁷ [these are permitted] even in the mass,¹⁸ for surely it was taught: R. Simeon b. Gamaliel said: You may perform immersion in whatever originates in the water; while R. Isaac b. Abdimi said: You may perform immersion in the eye of a fish!¹⁹ — Said R. Papa: It excludes the case where one added a se'ah and took out a se'ah. For we learnt: If a mikweh had exactly forty se'ah and one added a se'ah and took out a se'ah, it is fit. And Rab Judah b. Shila said in R. Assi's name in R. Johanan's name: Up to the greater part thereof.²⁰ R. Papa said: If one cut out a rebi'ith therein, one may bathe needles and hooks,²¹ since it is derived from a valid mikweh.²²

R. Jeremiah said in the name of Resh Lakish: The water of a mikweh is fit for the water of the laver.²³ Are we to say that it [the water of the laver] need not be 'living' water? Surely it was taught: [But its inwards and its legs shall he wash] with water,²⁴ but not with wine; 'with water,' but not

with a mixture;²⁵ 'with water' includes any water,²⁶ and all the more [does it include] the water of the laver. Now what does 'and all the more the water of the laver' imply? Surely that it is 'living' water?²⁷ — No: it means, which is holy.²⁸ Is then its holiness an advantage? Surely the school of Samuel taught: [Only] water which has no special name [is fit],²⁹

- (1) In that case it is certainly insufficient for four priests.
- (2) Sh. M. emends: Ahabah.
- (3) Tosaf. : the priest takes up water from the laver with a small vessel. This need not contain a rebi'ith, but the laver must contain the larger quantity. Rashi translates and explains differently.
- (4) Rashi: which implies that one must wash from the laver only. Tosaf. : which implies that any other vessel used must be of the same size as the laver.
- (5) Ex. XL, 32.
- (6) 'They should wash' is superfluous, and is therefore regarded as an extension.
- (7) To be used for this purpose. — This implies that the base itself could hold water.
- (8) Ibid. XXX, 18.
- (9) Surely not.
- (10) For excluding the one and including the other; why not reverse it?
- (11) V. Glos. A mikweh must contain not less than forty se'ahs water. Yet if it is short of this quantity, it can be made up with other liquids, as enumerated in Mik. VII, 1 q.v.
- (12) If it contains insufficient for the lustrations of four priests.
- (13) Which is required for the ordinary washing of the hands before eating food.
- (14) Reading narok, as in Suk. 19b et passim. Edd. have here nadok, which Rashi translates, thin clay, such that can be poured from one vessel into another.
- (15) If it is so loose that its presence in water would not deter a cow from drinking it.
- (16) If the rebi'ith is partly made up of such miry clay, it is sufficient and valid for the ritual washing of the hands.
- (17) Which originate in the water.
- (18) Even if the whole mikweh consists of these, it is fit, whereas Resh Lakish permits them only to make up the prescribed quantity.
- (19) A huge fish whose eye had dissolved in its socket.
- (20) Any liquid other than water can sometimes make up the quantity and sometimes not. Thus: if the mikweh contains thirty nine se'ahs and another is added of a different liquid, it is not valid. But if it contains forty, and then a different liquid is added and a se'ah of water is removed, it remains fit. For it was fit without the added se'ah, and this se'ah becomes null (loses its identity) in the rest, and so the mikweh remains fit. Rab Judah says that it remains fit even if in this way one removes up to (but not including) the greater part of the water. But if one has a rebi'ith of water, adds a little of another liquid, and then removes the same quantity, it is not fit, because a rebi'ith is too little for the other liquid to lose its identity in it.
- (21) If one cuts out a little hollow in the side of a full-sized mikweh and the water flows into it, you may purify these small objects in it, even though it is not freely joined to the larger mikweh.
- (22) Lit., 'Since it comes from the fitness of a mikweh'.
- (23) Though the former is not 'living' (i.e. running) water, it may be drawn into the laver.
- (24) Lev. I, 9.
- (25) Two parts water and one part wine.
- (26) Even non-running.
- (27) For that is apparently its only superiority, and so the passage does not refer to the actual water of the laver, but means any living water.
- (28) I.e. all the more is the water of the laver (actual) fit, seeing that it is holy.
- (29) For the washing of the sacrificial parts.

Talmud - Mas. Zevachim 22b

which excludes the water of the laver, which has a special name.¹ Hence it surely means such as is fit for the water of the laver,² which proves that it must be 'living' water? — It is a controversy of

Tannaim. For R. Johanan said: As for the laver, — R. Ishmael said: It is the water of a spring;³ While the Sages maintain: It may be ordinary water.

AN UNCIRCUMCISED [PRIEST]. Whence do we know it? — Said R. Hisda: We did not learn this from the Torah of Moses our Teacher, but from the words of Ezekiel the son of Buzi: No alien, uncircumcised in heart and uncircumcised in flesh, shall enter into My sanctuary.⁴ And how do we know that they profane the service?⁵ — Because it is written, In that ye have brought in aliens, uncircumcised in heart and uncircumcised in flesh, to be in My sanctuary, to profane it, even My house, [when ye offer My bread, the fat and the blood].⁶

Our Rabbis taught: [It says.] Alien: you might think that this means literally an alien; therefore Scripture teaches, uncircumcised in heart. If so, why does Scripture call him 'alien'? Because his actions are alien to his Father in Heaven.⁷ Now, I know only [that] the 'uncircumcised in heart'⁸ [invalidates the sacrifice]; how do I know that the uncircumcised in flesh [does likewise]? Because the text states, 'and uncircumcised in flesh.' And they are both necessary. For if the Divine Law wrote [that] one uncircumcised in flesh [is disqualified]. I would say that the reason is because he is repulsive; but an uncircumcised in heart' is not repulsive, and so he is not disqualified. And if we were informed about an 'uncircumcised in heart', I would say that the reason is that his heart is not toward Heaven, but [as for] an 'uncircumcised in flesh', whose heart is toward Heaven,⁹ he is not [disqualified]. Thus both are necessary.

AN UNCLEAN [PRIEST] . . . IS DISQUALIFIED. The Elders of the South said: They learnt this only of [a priest] unclean through a reptile, but [as for] one unclean through a corpse, since [the headplate] propitiates in the case of a public sacrifice, it propitiates in the case of a private sacrifice.¹⁰ If so, let it be deduced from one unclean through a corpse, a fortiori. [that] one unclean through a reptile too [does not invalidate the sacrifice]: if [the headplate] propitiates [in the case of] one unclean through a corpse, who must be besprinkled on the third and on the seventh [days of his defilement],¹¹ surely [it] propitiates [in the case of] one unclean through a reptile, who need not be besprinkled on the third and on the seventh [days]? — The Elders of the South hold that those who make atonement [the priests] are like those for whom atonement is made [the people]: as in the case of those for whom atonement is made, if they are unclean through a corpse [the headplate] does [propitiate], but if they are unclean through a reptile [it does] not,¹² so are those who make atonement: one unclean through a corpse is [included in the propitiatory effect of the headplate]. whereas one unclean through a reptile is not [included]. What do they [these Elders] hold? If they hold, you may not slaughter [the Passover] and sprinkle [its blood] on behalf of one who is unclean through a reptile,¹³ why may the community not sacrifice in uncleanness: surely [it is a principle that] wherever an individual is relegated [to the second Passover], the community celebrates it in uncleanness? Rather, they hold that you do slaughter and sprinkle on behalf of him who is unclean through a reptile.

'Ulla said: Resh Lakish¹⁴ criticised the southern scholars: Now, whose power is greater, the power of those who make atonement, or the power of those for whom atonement is made? Surely the power of those for whom atonement is made.¹⁵ Then if a priest who was unclean through a reptile cannot propitiate [officiate], though where the owners were defiled by a reptile they can send their sacrifices [to the Temple]; is it not logical that a priest who was defiled by a corpse should not be able to propitiate, seeing that if the owners were defiled by a corpse they cannot send their sacrifices?¹⁶ — The Elders of the south hold: One who is unclean through a corpse can also send his sacrifices.¹⁷ But it is written, If any man of you . . . shall be unclean [by reason of a dead body] . . . yet he shall keep the Passover [unto the Lord] in the second month [on the fourteenth day at dusk they shall keep it]?¹⁸ — That is a recommendation.¹⁹ But it is written, According to every man's

(1) It is not called simply water, but the water of the laver.

- (2) But not the actual water of the laver.
- (3) I.e., running water.
- (4) Ezek. XLIV, 9.
- (5) I.e., make the sacrifice unfit.
- (6) Ibid. 6.
- (7) They estrange him from God.
- (8) An apostate.
- (9) For this is understood to refer to one whose brothers died through circumcision, so that he fears the operation, but would otherwise have it performed.
- (10) V. Ex. XXVIII, 36-38: And thou shalt make a plate of pure gold . . . and it shall be upon Aaron's forehead, and Aaron shall bear the iniquity committed in the holy things . . . and it shall always be upon his forehead, that they may be accepted before the Lord. According to the Rabbis, this means that in virtue of the headplate a public sacrifice is 'accepted', i.e., valid, even if the whole congregation or all the officiating priests are unclean, and indeed must be offered at the very outset in such conditions, as the public sacrifice may not be postponed. This is technically called propitiating (making acceptable). The matter is further explained in the text.
- (11) V. Num. XIX, 19.
- (12) I.e., only when the whole or the majority of the nation is unclean through a corpse must the public sacrifice be brought.
- (13) If an individual is unclean through a reptile and has not performed tebillah (q.v. Glos.), though he can do so and be clean in the evening, nevertheless the Passover may not be slaughtered on his behalf, and he must postpone his sacrifice for the second Passover. There is an opposing view in Pes. 90b.
- (14) The original is ש"ך and it is not clear what it stands for. Bah. suggests. Resh Galutha, the Head of the Exile.
- (15) As the text proceeds to shew: the owner of a sacrifice can send it to the Temple even when he is unclean through a reptile, whereas a priest cannot officiate in like circumstances.
- (16) Because they will be unfit to partake of it in the evening. — Though sacrifices in general are mentioned, much of the present discussion refers more particularly to the Passover.
- (17) E.g., he was registered for a particular Passover-offering (this could be sacrificed only on behalf of people specially registered for it) and became unclean through a corpse: if he sent the sacrifice and had it slaughtered, he does not celebrate the second Passover a month later, though he cannot partake of the first.
- (18) Num. IX, 10f. Thus he is relegated to the second month.
- (19) Scripture orders him to be relegated. Yet if he does have it slaughtered at the first, he has fulfilled his obligation.

Talmud - Mas. Zevachim 23a

eating?¹ — That [too] is [only] a recommendation. Yet is it not indispensable?² Surely it was taught: [Then shall he and his neighbor next unto him take one] according to the number of [be-miksath] the souls:³ this teaches that the Paschal lamb is not slaughtered save for those who are registered [numbered] for it. You might think that if he slaughtered it for those who were not registered for it, he should be as one who violates the precept, yet it is fit. Therefore it is stated, Ye shall make your count [takosu]:³ it is reiterated 'to teach that it is indispensable; and eaters are assimilated to registered [persons]!⁴ — The Elders of the south do not assimilate [them].⁵ Yet even if they do not assimilate [them], there is still the same refutation: If a priest who was defiled by a reptile cannot propitiate, though if the owners were defiled by a reptile they can send their sacrifices at the very outset; is it not logical that a priest who was defiled through a corpse should not be able to propitiate, seeing that if the owners were defiled through a corpse they cannot send their sacrifices at the very outset?⁶

An objection is raised: [If the blood of a Passover-offering is sprinkled, and then it became known that it was unclean, the headplate propitiates; if the person became unclean, the headplate does not propitiate;] because they [the Sages] ruled: [In the case of] a nazirite one who sacrifices the Passover-offering, the headplate propitiates for the uncleanness of the blood, but the headplate does not propitiate for the uncleanness of the person. With what [was the person defiled]? Shall we say,

With the uncleanness of a reptile? surely you maintain [that] you may slaughter [the Passover-offering] and sprinkle [its blood] on behalf of one who is unclean through a reptile! Hence it must refer to defilement by a corpse, yet it teaches, 'The headplate does not propitiate', which proves that if the owners were defiled, they cannot send their sacrifices!⁷ — No: if the owners were defiled through a corpse, that would indeed be so.⁸ But the meaning here is that the priest was defiled by a reptile. If so, consider the last clause: If he was defiled with the 'uncleanness of the deep',⁹ the headplate propitiates.¹⁰ But surely R. Hiyya taught: They [the Sages] spoke of the 'uncleanness of the deep' in respect of a corpse alone. What does this exclude? Surely it excludes the 'uncleanness of the deep' caused by a reptile? — No: it excludes the 'uncleanness of the deep' of gonorrhoea.¹¹

Again, as to what Rami b. Hama asked: As to the priest who propitiates with their sacrifices, is the 'uncleanness of the deep' permitted to him, or is the 'uncleanness of the deep' not permitted to him?¹² You may solve that the 'uncleanness of the deep' is permitted to him, for here we are treating of the priest?¹³ — Rami b. Hama certainly disagrees [with the Elders of the south].¹⁴

Come and hear:¹⁵ And Aaron shall bear the iniquity of the holy things:¹⁶ now, what iniquity does he bear?

(1) Ex. XII, 4. This implies that he must be fit to partake thereof.

(2) In the sense that the sacrifice offered in contravention of this law does not count at all, and the man must bring the second Passover.

(3) Ibid. 4.

(4) Just as the sacrifice is unfit if slaughtered for those who are not registered for it, so is it unfit if slaughtered on behalf of men who cannot partake of it, for the eaters are coupled with the registered persons in the same verse.

(5) Since only 'number' is repeated, but not 'eating'.

(6) For the Elders of the south merely maintain that if they sent their sacrifices and had them slaughtered, they do not bring a second Passover. But they must of course admit that they must not send them in the first place. — The objection remains unanswered.

(7) In the sense that even if they do, they must still bring the second Passover.

(8) The headplate would propitiate.

(9) This is a technical term denoting the hidden uncleanness of a corpse which is now discovered for the first time. E.g., if he was in a house and it is subsequently learned that a corpse had been there; v. Pesahim 80b.

(10) And he is not liable to a second offering. This is a traditional law.

(11) A zab (gonorrhoeist) is unclean seven days, and the Passover-offering may not be offered on his behalf. Now, if the eve of Passover marks the seventh day of his uncleanness, he is in a state of doubt: if he does not discharge on that day, he will be clean in the evening; if he does discharge, he becomes unclean for a further seven days. Thus he too is unclean with the 'uncleanness of the deep', and R. Hiyya teaches that the headplate does not propitiate in his case.

(12) If the priest who offers the Passover sacrifice or the sacrifices of a nazirite on behalf of their owners was defiled with the 'uncleanness of the deep', does the headplate propitiate, so that the sacrifices are valid, or not?

(13) On the interpretation of the Elders of the south.

(14) He must interpret the Mishnah as referring to the uncleanness of the owners.

(15) This is a refutation of Rami b. Hama.

(16) Ex. XXVIII, 38. 'Shall bear' means shall make atonement for, i.e., shall make a sacrifice valid in spite of certain irregularities.

Talmud - Mas. Zevachim 23b

If the iniquity of piggul,¹ surely it is already said, it shall not be accepted?² If the iniquity of nothar,³ surely it is already said, neither shall it be imputed [unto him that offereth it]?⁴ Hence he bears nought but the iniquity of defilement, which is inoperative,⁵ in opposition to its general rule, in the case of a community.⁶ Now which uncleanness [is meant]? if we say, the uncleanness of a reptile,

where has that been waived?⁷ Hence it must mean uncleanness through a corpse, which proves that if the owners become unclean through a corpse they send their sacrifices. And of whom [is this said]? If of a nazirite, the Divine Law saith, And if any man die very suddenly beside him, etc!⁸ Hence it can only refer to one who is offering the Paschal lamb! — In truth it refers to [the uncleanness of] a reptile, yet uncleanness elsewhere [was waived].⁹ Others make this deduction:¹⁰ [The headplate makes atonement] only for the iniquity of the holy things, but not for the iniquity of those who hallow them.¹¹ Which uncleanness [is meant]? If we say, the uncleanness of a reptile? is then that inoperative in the case of a community? Hence it must surely be the uncleanness of a corpse, and yet only the iniquity of the holy things [is atoned for], but not the iniquity of those who hallow them? — No: in truth it means uncleanness through a reptile, yet uncleanness elsewhere [is waived].

[A PRIEST] SITTING. Whence do we know it? — Said Raba in R. Nahman's name: Scripture saith, [For the Lord thy God hath chosen him — the priest — out of all thy tribes,] to stand to minister [in the name of the Lord]:¹² I have chosen him to stand, but not to sit. Our Rabbis taught: 'To stand to minister' is a recommendation;¹³ when it says [further], who stand [there before the Lord].¹⁴ the Writ has repeated it, to make [standing] indispensable. Raba said to R. Nahman: Consider: one sitting is as a zar,¹⁵ and profanes the service; then let us say: just as a zar is liable to death,¹⁶ so is one who sits liable to death. Why then was it taught: But an uncircumcised [priest], an onen, and one sitting are not liable to death but are merely under an injunction [not to officiate]? — Because [a priest] lacking the [priestly] vestments and one whose hands and feet are not washed are two laws which come as one,¹⁷

(1) V. Glos.

(2) Lev. XIX, 7.

(3) V. Glos.

(4) Ib. VII, 18. Text as emended by Rashi on the basis of Torath Kohanim. The edd. reverse the proof-texts, and Tosaf. defends their reading.

(5) Lit., 'permitted'.

(6) If the whole community or the majority thereof is unclean, they sacrifice the Passover-offering in the first month, as usual, and are not relegated to the second month as an individual would be.

(7) In favour of a community — Scripture speaks only of uncleanness through a corpse.

(8) Num. VI, 9. Scripture proceeds to say that he must then bring certain sacrifices and re-commence his period of naziriteship, at the conclusion of which he brings the prescribed sacrifices on the shaving of his head. Thus whilst unclean he cannot bring the latter.

(9) Though the Scriptural permission to a community applies only to uncleanness through a corpse, yet since we find that same form of uncleanness is inoperative, it is logical to say that the propitiating powers of the headplate hold good in the case of uncleanness through a reptile.

(10) Which supports Rami b. Hama and refutes the Elders of the south.

(11) I.e., only when the sacrifice itself is defiled, but not when its owners or the priests — 'those who hallow them' — are unclean. This is deduced direct from Scripture, which speaks only of the 'holy things'.

(12) Deut. XVIII, 5.

(13) I.e., this text alone would merely indicate that it is preferable that the priest shall stand.

(14) Ibid. XVIII, 7.

(15) For since he has not been chosen 'to sit', he is then like a zar (a lay-Israelite) who has not been chosen.

(16) For officiating.

(17) I.e., to teach the same thing. They too profane the service, and it is stated in Sanh. 83a that they are liable to death, and the same analogy might be drawn from each, viz., that those who profane the service are liable to death.

Talmud - Mas. Zevachim 24a

and two laws that come as one do not illumine [other cases].¹ And on the view that they do illumine

[other cases], one who has drunk wine is a third case, and [when] three [laws come as one] all agree that they do not illumine [other cases].

ONE STANDING ON UTENSILS OR ON AN ANIMAL OR ON HIS FELLOW'S FEET, [THE SACRIFICES] ARE INVALID. Whence do we know it? — For the school of R. Ishmael taught: Since the pavement sanctifies² and the service vessels sanctify;³ just as with the service vessels nothing may interpose between him [the priest] and the service vessels;⁴ so with the pavement nothing must interpose between him and the pavement.

Now they are all necessary.⁵ For if we were informed about vessels, I would argue that [standing on them disqualifies] because they are not flesh, but in the case of an animal, which is flesh, [standing on it does] not [disqualify]. And if we were informed about an animal, [the reason is] because it is not human, but as for his fellow, who is human, I would say [that standing on his feet does] not [disqualify]. Hence [they are all] necessary.

It was taught: R. Eliezer said: If one foot is on the utensil and the other on the pavement, one foot on the stone and the other on the pavement, we consider: wherever if the stone or the utensil be removed, he can stand on the other foot, his service is valid; if not, his service is invalid. R. Ammi asked: What if a [paving] stone become loosened and he stood on it?⁶ If it is not his intention to fit it [in the pavement] there is no question, for it certainly interposes;⁷ the question arises where it is his intention to fit it in: what then? Since it is his intention to fit it in, it is as though [already] fitted; or perhaps [we say], Now at all events it is separate? Rabbah Zuti⁸ stated the question thus: R. Ammi asked: What if the stone became uprooted,⁹ and he stood in its place? What is the question? [This:] When David sanctified [it], did he sanctify the upper pavement [only], or perhaps he sanctified [it] right to the nethermost soil?¹⁰ Then let him ask about the whole of the Temple court?¹¹ — In truth, he is certain that he sanctified it to the nethermost soil, but this is his question: Is this a natural way of service,¹² or is it not a natural way of service? The question stands.

IF [THE PRIEST] RECEIVED [THE BLOOD] IN HIS LEFT HAND, IT IS DISQUALIFIED; R. SIMEON DECLARES IT FIT. Our Rabbis taught: [And the priest shall take of the blood of the sin-offering with his finger, and put it upon the horns of the altar]:¹³ ‘with his finger he shall take’: this teaches that receiving must be done with the right hand; ‘with his finger he shall put’: this teaches that applying [the blood on the altar] must be done with the right hand.¹⁴ Said R. Simeon: is then ‘hand’ stated in connection with receiving? Rather, [interpret it thus:] ‘with his finger he shall put’ teaches that the application must be with the right; [and] since ‘hand’ is not stated in connection with receiving, if he received [it] with his left [hand], it is fit.¹⁵ Now as for R. Simeon, what will you? if he admits the gezerah shawah,¹⁶ what does it matter if ‘hand’ is not written in connection with receiving?¹⁷ While if he does not admit the gezerah shawah, what if ‘hand’ were written in connection with receiving? — Said Rab Judah: in truth, he does not admit the gezerah shawah, and this is what he means: Is then ‘right hand’ stated in connection with receiving? Since then ‘right hand’ is not stated in connection with receiving, if he received [it] with the left hand, [the service] is fit. Said Rabbah to him: If so, [the same applies] even to the application [of the blood on the altar] too?¹⁸ Moreover, does not R. Simeon accept the gezerah shawah? Surely it was taught. R. Simeon said: Wherever ‘hand’ is stated, it refers to the right only; [wherever] ‘finger’ [is stated], it refers to the right only? — Rather said Raba: In truth he admits the gezerah shawah, and this is what he says: is then ‘hand’ stated in connection with receiving? Since not ‘hand’ but ‘finger’ is written, and [the blood] cannot be received with the finger,¹⁹ therefore if he received it with the left [hand], it is fit. Said R. Sama the son of R. Ashi to Rabina: But it is possible to make a handle at the edge of the bowl²⁰ and receive [the blood]?²¹ — Rather said Abaye:

(1) For otherwise only one should be mentioned, and by analogy the other as well as all analogous cases, would be included.

- (2) The priest, in that he may sacrifice there only, and not elsewhere. But v. next note.
- (3) The blood that is caught in them. This is the reading of cur. edd. Sh. M. offers an alternative reading, which is preferable: since the pavement is sanctified, and the service vessels are sanctified.
- (4) When he takes one for receiving the blood, nothing must be on his hands, e.g., gloves.
- (5) The enumeration of vessels, an animal, and his fellow's feet.
- (6) So that it moves about.
- (7) It is not accounted part of the pavement.
- (8) Lit., 'the small.'
- (9) Entirely leaving the earth beneath it exposed.
- (10) Lit., 'the soil of the deep'.
- (11) What if the pavement is removed and the priests stand on the earth beneath?
- (12) To stand on the earth beneath the paving stone.
- (13) Lev. IV, 25.
- (14) 'Finger' stands between 'take' and 'put' in the text, and so the Rabbis apply it to both; and it is stated below that 'finger' always means that of the right hand.
- (15) It is now assumed that R. Simeon agrees that 'hand' means the right, but not 'finger'.
- (16) Whereby it is deduced that 'hand' in connection with sacrifices means the right. The *gezerah shawah* is from a leper, where both 'hand' and 'finger' are written.
- (17) 'Finger' is however written both here and in connection with a leper; and there it is definitely the right.
- (18) Since right hand is not stated there either.
- (19) The receiving vessel cannot be held by a finger only. Hence 'finger', which denotes the right one, must refer to the applying of the blood, but not to the receiving.
- (20) In which the blood is caught.
- (21) Holding it with the finger only.

Talmud - Mas. Zevachim 24b

They disagree [on the question] whether a text is to be interpreted with what precedes and with what follows it.¹

Abaye said: The following [teaching] of R. Eleazar son of R. Simeon disagrees with his father's and with the Rabbis'. For it was taught, R. Eleazar son of R. Simeon said: Wherever 'finger' is stated in connection with receiving,² if [the priest] varied the reception [of the blood],³ it is unfit; if the application, it is fit. And wherever 'finger' is stated in connection with the application, if he varied the application, it is unfit; if the reception, it is fit. And where is 'finger' stated in connection with the application? — For it is written, And thou shalt take of the blood of the bullock, and put it upon the horns of the altar with thy finger;⁴ and he holds: A text is interpreted with its precedent, but not with its ante-precedent, nor with what follows it. Rabbah b. Bar Hanah said in R. Johanan's name:⁵ Wherever 'finger' and 'priesthood' are stated. they refer to the right only. It was assumed that we require both, as it is written. And the priest shall take of the blood of the sin-offering with his finger;⁶ and it is learnt from a leper, where it is written, And the priest shall dip his right finger.⁷ But surely 'priesthood' alone is written in connection with the taking of the fistful [of flour] yet we learnt: If [the priest] took the handful with his left [hand], is it unfit? — Said Raba: [He meant] either 'finger' or 'priesthood'. Said Abaye to him: Yet 'priesthood' is written in connection with the carrying of the limbs to the [altar] ascent, as it is written, And the priest shall offer the whole, and make it smoke on the altar,⁸ and a master said: This refers to the carrying of the limbs to the ascent; yet we learnt: [The priest carries] the right foot [of the sacrifice] in his left hand with the inside of the skin outward? — When do we say [that] either 'finger' or 'priesthood' [implies the right], only in respect of [a service] which is indispensable to atonement, as in the case of a leper.⁹ But 'priesthood' is written in connection with receiving, which is indispensable to atonement, yet we learnt: IF HE RECEIVED [THE BLOOD] WITH HIS LEFT HAND, IT IS UNFIT; BUT R. SIMEON DECLARES IT FIT? — R. Simeon requires both.¹⁰ Does then R. Simeon require both? Surely it was

taught. R. Simeon said: Wherever 'hand' is stated, it refers to the right only; [wherever] 'finger' [is stated], it refers to the right only? — [Where] 'finger' [is stated] he does not require 'priesthood', [but] where 'priesthood' [is stated], he does require 'finger'. Then what is the purpose of 'priesthood'?¹¹ [To teach that they must be] in their priestly state.¹²

But 'priesthood' alone is written in connection with sprinkling, yet we learnt: IF HE SPRINKLED WITH HIS LEFT HAND, IT IS UNFIT, and R. Simeon does not disagree? — Said Abaye: He does disagree in a Baraita, for it was taught: If [the priest] received with his left hand, it is unfit; but R. Simeon declares it fit. If he sprinkled with his left hand, it is unfit; but R. Simeon declares it fit.

Then as to what Raba said.[We draw an analogy of] hand' 'hand' in respect of taking the fistful; 'foot', 'foot', in respect of halizah; ear' 'ear' in respect of boring [the ear].¹³ — Why is this necessary [in respect of the fistful], seeing that it can be deduced from Rabbah b. Bar Hanah's [exegesis]? — One [is required] for the taking of the fistful, and the other for the sanctification of the fistful.¹⁴

(1) Simultaneously. R. Simeon holds that a text can be interpreted only with what follows; hence 'finger' refers to 'and he shall put', but not to 'and he shall take', which precedes. While the Rabbis hold that it goes with both.

(2) As in the present case. He holds that 'finger' here refers to the preceding 'and he shall take', as its literal meaning does imply.

(3) Receiving it with the left hand.

(4) Ex. XXIX, 12.

(5) Sh. M. reads: in the name of Resh Lakish.

(6) Lev. IV, 25.

(7) Ibid. XIV, 16.

(8) Ibid. I, 13.

(9) Whereas even if the limbs are not burnt at all, the efficacy of the sacrifice is unaffected.

(10) 'Finger' and 'priesthood'.

(11) In connection with receiving, seeing that it is already written that this must be done by the sons of Aaron.

(12) In their priestly vestments.

(13) V. Men. 9b and 10a. Raba refers to Lev. XIV, 14, which deals with a leper's purification: And the priest shall take of the blood of the guilt-offering, and the priest shall put it upon the tip of the right ear of him that is to be cleansed, and upon the thumb of his right hand, and upon the great toe of his right foot. Raba teaches that the 'right' is mentioned in these cases in order to teach that when 'hand', 'foot' and 'ear' are written in connection with the taking of the fistful, the ceremony of halizah (q.v. Glos; v. also Deut. XXV, 9) and the boring of the ear of a slave who refuses to accept his freedom (v. Ex XXI, 5f) respectively, the right is meant in each case.

(14) The fistful was sanctified by being placed in a service vessel. We now learn that while this is done the vessel must be held in the right hand.

Talmud - Mas. Zevachim 25a

But according to R. Simeon, who does not require the sanctification of the fistful [at all], or on the view that R. Simeon does indeed require the sanctification of the fistful, yet he certainly holds that it is fit if done with the left,¹ what is the purpose of Raba's [analogy of] 'hand', 'hand'? If in respect of the actual taking of the fistful, that is deduced from Rab Judah the son of R. Hiyya's [teaching]. For Rab Judah the son of R. Hiyya said, What is R. Simeon's reason? Scripture saith. It is most holy, as the sin-offering, and as the guilt-offering:² [this teaches:] If [the priest] comes to perform its service with his hand, he does so with the right hand, as in the case of a sin-offering; [if he comes] to perform the service with a vessel, he may do so with the left hand, as in the case of the guilt-offering?³ — It is necessary only in respect of [a priest] who takes the fistful of a sinner's meal-offering: You might think, since R. Simeon said, [The reason is] that his sacrifice should not be adorned,⁴ let it be fit too even if [the priest] takes the fistful with his left hand. Therefore [the text]

informs us [that it is not so].

MISHNAH. IF THE BLOOD WAS POURED OUT ON TO THE PAVEMENT⁵ AND [THE PRIEST] COLLECTED IT, IT IS FIT.

GEMARA. Our Rabbis taught: And the anointed priest shall take of the blood of the bullock.⁶ [this means,] of the life blood, but not of the blood of the skin or of the draining blood;⁷ ‘of the blood of the bullock’ [implies,] he is to receive the blood [direct] from the bullock.⁸ For if you think that ‘of the blood of the bullock’ [is meant literally] as it is written, [viz.,] of the blood [indicating] even a portion of the blood [only], Surely Rab said: He who slaughters [the sacrifice] must receive all the blood of the bullock, for it says, And all the remaining blood of the bullock shall he pour out.⁹ Hence ‘from the blood of the bullock’ means, he is to receive the blood [direct] from the bullock; for [the author of this exegesis] holds: You subtract, add, and interpret.¹⁰

The [above] text [stated]: Rab said: He who slaughters [the sacrifice] must receive all the blood of the bullock, for it says, ‘And all the remaining blood of the bullock shall he pour out’. But surely this is written of the remainder [of the blood]?¹¹ — Since it is inapplicable to the remainder, for all the blood is not available [at the time],¹² apply it to receiving.

Rab Judah said in Samuel's name: He who slaughters must raise the knife upwards.¹³ for it is said, ‘And he shall take of the blood of the bullock,’ but not of the blood of the bullock plus something else. And with what does he wipe the knife? — Said Abaye: With the edge of the bowl,¹⁴ as it is written, Wipers [cleaners] of gold.¹⁵

R. Hisda said in the name of R. Jeremiah b. Abba: He who slaughters must let

(1) For it is no worse than sprinkling, and in fact corresponds to it.

(2) Lev. VI, 10.

(3) V. supra 11a.

(4) A sinner's meal-offering has no oil or incense, and R. Simeon states the reason because it is unfitting that a sinner's offering should be given the same adornment as another sacrifice.

(5) Straight from the animal's neck.

(6) Lev. IV, 5.

(7) The life blood is the first blood that gushes out; the draining blood is that which follows.

(8) And not permit it to pour on to the pavement first; if he does, it is unfit.

(9) Ibid. 7.

(10) You may subtract a letter from one word and add it to another, where the context warrants it, and then interpret the text in accordance with this alteration. Thus here the partitive ׀ (‘of’ or ‘from’) is removed from מִדָּם blood, and added to הַפָּר the bullock, so that it reads: and he shall take the (not, of the) blood from the bullock.

(11) It refers to the pouring out of the remainder, and not to receiving at all.

(12) As some of it has already been sprinkled on the horns of the altar.

(13) So that none of the blood on the knife runs into the bowl.

(14) Taking care that the blood does not flow into it.

(15) Ezra 1, 10; E.V. bowls of gold. Abaye connects the Heb. kefore with kapper, to wipe away (whence its general meaning of to atone or forgive).

Talmud - Mas. Zevachim 25b

[the blood of] the jugular veins¹ run [straight] into the vessel. It was stated likewise: R. Assi said in R. Johanan's name: The jugular veins must see the air-space of the vessel.² R. Assi asked R. Johanan: What if one was receiving, and the bottom of the bowl split before the blood reached the air-space? is [an object in] the air, where it will not eventually come to rest, regarded as at rest, or

not?³ — Said he to him, We have learnt it: If a barrel lies beneath a spout, the water inside it and outside it is unfit; if one joined its mouth to the spout, the water inside it is fit, and the water outside it is unfit.⁴ How now! He asked him about [an object in] the air, where it will not eventually come to rest, and he answered him about [an object in] the air where it will eventually come to rest?⁵ — He asked him two [questions]: should you say that [an object in] the air where it will not eventually come to rest is not regarded as at rest, how about [an object in] the air where it will eventually come to rest?⁶ That is how R. Joseph recited it. R. Kahana recited it that he asked him about a barrel,⁷ and he answered him about a barrel. Rabbah recited it that he asked him about a barrel, and he solved [it] for him [from the case of] a bowl; [arguing thus,] do you not agree that in the case of the bowl, sprinkling [of blood] is unavoidable?⁸

We learnt elsewhere: If one places [there] one's hand or foot or vegetables leaves, in order that the water should flow into the barrel, it [the water] is unfit.⁹ [If one placed there] leaves of canes or leaves of nuts, it is fit. This is the general rule: [If the water is conducted into the barrel by means of] anything which can become unclean, it is unfit; [by means of] anything which cannot become unclean, it is fit.¹⁰ How do we know it? — Because R. Johanan said on the authority of R. Jose b. Abba: Scripture saith, Nevertheless a fountain or a cistern wherein is a gathering of water shall be clean:¹¹ its existence must be [effected] through purity.¹² R. Hiyya said in R. Johanan's name: This proves that the air-space of a vessel is as the vessel [itself].¹³ Said R. Zera to R. Hiyya b. Abba: But perhaps It refers to a direct run [into the barrel]? — Fool! replied he: we learnt, 'So that the water shall flow into the barrel.'¹⁴ R. Hiyya b. Abba also said in R. Johanan's name: This Mishnah was taught on the testimony of R. Zadok. For we learnt: R. Zadok testified¹⁵ that running water which is assembled by means of nut leaves is fit. There was such a case in Ahaliyya,¹⁶ which was referred to the Sages in the Chamber of Hewn Stone,¹⁷ and they declared it fit.

R. Zera said in the name of Rab.¹⁸ If [the priest] slits the [sacrificial] bullock's ear and then receives its blood,¹⁹ it is unfit, for it is said: And [the anointed priest] shall take of the blood of the bullock:²⁰ [this implies:] the bullock as it was before.²¹ We have thus found [this law true of] sacrifices of higher sanctity;²² how do we know [it of] sacrifices of lower sanctity? — Said Raba, it was taught: Your lamb shall be without blemish, a male of the first year:²³ [this teaches] that it must be without a blemish and a year old when it is slaughtered. How do we know [that it must be likewise] at the receiving [of the blood], the carrying, and the sprinkling? Because it says, 'it shall be', [teaching that] at all its stages [as a sacrifice] it must be without blemish and a year old.

Abaye raised an objection to him: R. Joshua said: [In the case of] all sacrifices prescribed in the Torah whereof as much as an olive of flesh or fat remained,²⁴ [the priest] sprinkles the blood? — Relate this to [the provision that it must be] a year old.²⁵ Yet is it possible for it to be a year old at the slaughtering, yet two years old²⁶ at the carrying and sprinkling? — Said Raba: This proves that [even] hours disqualify in the case of sacrifices.²⁷

R. Ammi said in R. Eleazar's name: [In the case of the animal] being within [the Temple court] while its legs were without, if he cut off its legs and then slaughtered it, it is fit;²⁸

(1) Lit. 'must place the jugular veins'.

(2) I.e., they must be directly over the receiving vessel, so that the blood pours straight into it.

(3) Here the blood is over the air-space of the receiving vessel. Yet it will not remain in the vessel when it falls into it. Do we nevertheless regard that blood as though it had actually been caught in the vessel and then spilled, in which case it can be collected and is fit, or as though it had poured from the animal's throat on to the ground, so that it is unfit?

(4) This treats of the water which was mixed with the ashes of the red heifer for lustration: this had to be 'living' (i.e., running) water, v. Num. XIX, 17: And for the unclean they shall take of the ashes of the burning of the purification from sin, and running (lit., 'living') water shall be put thereto in a vessel. In the present case water is running down a spout or channel, and below that spout, and at some distance from it, lies a barrel, which was not placed there in order to receive

the water. If one now takes a vessel and holds it within the air-space of the barrel, or above the mouth of the barrel ('outside') and catches that water, it is unfit. Because had it been permitted to come to rest in the barrel it would have ceased to be running water; and so now too it lacks that status. Again, if the mouth of the barrel is flush with the spout, and one holds the vessel inside its air-space, the water thus gathered is unfit. If however one holds the vessel immediately beneath the spout, the water thus collected is fit, because it never entered the air-space within the barrel. (In general, in order for the water to be fit it must be collected directly as it runs in a service vessel specially placed there for that purpose.) — From this passage we see that once an object enters the air-space it is regarded as at rest.

(5) The water would normally enter the barrel and remain there.

(6) And he solved for him the latter question.

(7) Viz., this very law that has just been stated, of which he was ignorant.

(8) Some of the blood must spout through the air into the bowl. Now if an object in the air is not regarded as already at rest, then the blood has entered the bowl and not directly from the animal's throat but from the air, and should be unfit.

(9) Water was running down from a hillside, and one placed his hand etc. in order to direct it into a barrel, which had been placed there for the purpose of collecting the water. The water so collected is unfit for lustration; v. Parah VI, 4.

(10) A person's hand can become unclean; similarly vegetable leaves, if they are edible.

(11) Lev. XI, 36.

(12) Water must be collected for ritual cleansing purposes through an object which is itself clean, i.e., which cannot become unclean.

(13) When the water flows over the hand, it does not fall directly into the barrel but first spreads out over the air-space above it. If that airspace were not as the barrel itself, the water would be regarded as falling from the air into the barrel, not from the hand, and so would be fit.

(14) The Hebrew ' does not imply to fall directly into it.

(15) V. 'Ed. Sonc. ed. pp. IX and XI.

(16) Horowitz, Palestine, p. 22, identifies it with Bait Ilu, near Jerusalem.

(17) In the inner court of the Temple, where the great Sanhedrim sat. V. also J.E. XII, 576.

(18) So Bek. 39b. Cur. edd. Rabbi.

(19) From the throat, in the usual way. He slit the ear immediately after slaughtering it, so that between the slaughtering and the reception of the blood it was a blemished animal.

(20) Lev. IV, 5.

(21) It must be in the same state when the priest receives the blood as it was before, viz unblemished.

(22) Such as the sin-offering, to which this text refers.

(23) Ex. XII, 5. This refers to the Passover-offering, which was a sacrifice of lower sanctity.

(24) By the time of sprinkling, the rest having been lost or defiled. There can be no greater blemish than this.

(25) At all its stages as a sacrifice it must be a year old, but it need not be without a blemish at all its stages.

(26) I.e., more than a year old.

(27) The age of a sacrifice is calculated exactly from the moment of birth, and even the least excess ('hours' means any short period, even minutes) disqualifies the animal. Thus it may reach the age limit at the moment of slaughtering and exceed it a moment afterwards.

(28) If the blood of a sacrifice passes without the Temple court before it is sprinkled, it is unfit. In this case, if one cut off the legs first, the blood that passed out (sc. that contained in the legs) did not mingle with that which remained within.

Talmud - Mas. Zevachim 26a

if he slaughtered and then cut off [the legs], it is unfit.¹ 'If he cut off [the legs] and then slaughtered [it], it is fit'? Surely he offers a blemished animal! — Say rather: if he cut off [the legs] and then received [the blood], it is fit; if he received [the blood] and then cut off [the legs] it is unfit. 'If he cut off [the legs] and then received [the blood] it is fit'? Surely R. Zera said: if one slits the ear of a firstling² and then receives its blood, it is unfit, because it says. 'And he shall take of the blood of the bullock', [implying,] the bullock as it was originally! — Said R. Hisda in Abimi's name: He cuts the limb as far as the bone.³ 'If he received [the blood] and then cut, it is unfit': from this you may infer that the blood which is absorbed in the limbs is blood?⁴ — [No:] perhaps [the unfitness is] on account of the fattiness.⁵ Then you may infer from this that if the flesh of sacrifices of lower sanctity

passes out [from the Temple court] before the sprinkling of the blood, it is unfit?⁶ — [No:] perhaps [R. Ammi in R. Eleazar's name] referred to sacrifices of higher sanctity.

Our Rabbis taught: Sacrifices of higher sanctity are slaughtered on the north [side of the Temple court], and their blood is received on the north in service vessels. If he stood in the south, stretched out his hand to the north and slaughtered, his slaughtering is valid; if he [thus] received [the blood], his reception is invalid. If he projected his head and the greater part of his body [into the north side].⁷ it is as though he had entered [the north] entirely. If [the animal] struggled and passed over into the south⁸ and then returned, it is fit.⁹ Sacrifices of lower sanctity are slaughtered [anywhere] within [the Temple court], and their blood is received in a service vessel within. If he stood without and stretched his hand within and slaughtered, his slaughtering is valid; if he received [the blood thus], his reception is invalid. If he projected his head and the greater part of his body within, he is not regarded as having entered. If it struggled⁸ and went without and returned, it is unfit. This proves that sacrifices of lower sanctity whose flesh went without before the sprinkling of the blood are unfit! — [No:] perhaps this refers to the fat-tail, the lobe above the liver, and the two kidneys.¹⁰

Samuel's father asked Samuel: What if it [the animal] is within, while its feet are without?¹¹ — It is written, Even that they may bring them unto the Lord,¹² he replied, [which intimates] that the whole of it must be within. What if one suspended¹³ [the animal] and slaughtered it? It is valid, he replied. You have erred, he observed, for the slaughtering must be 'on the side' [of the altar],¹⁴ which provision is unfulfilled.¹⁵ What if [the slaughterer] was suspended and slaughtered [thus]?¹⁶ — It is invalid, he replied.¹⁷ You have erred, said he; the slaughtering must be 'on the side' but the slaughterer need not be 'on the side'. What if he suspended himself and received [the blood]? It is valid, he replied.¹⁸ You have erred, observed he, for such is not the way of service.¹⁹ What if he suspended [the sacrifice]²⁰ and received [the blood]? — It is invalid, he answered. You have erred, he retorted: slaughtering must be 'on the side', but receiving need not be 'on the side'.

Abaye said: In the case of sacrifices of higher sanctity²¹ they are all invalid, except where he suspended himself and slaughtered.²² In the case of sacrifices of lower sanctity, they are all valid, except where he suspended himself and received [the blood].²³ Said Raba: Why do you say that if he suspended [the animal] and received the blood it is valid in the case of sacrifices of lower sanctity? [Presumably] because the air-space of within is as within! Then in the case of sacrifices of higher sanctity too, the air-space of the north is as the north? — Rather said Raba: In the case of sacrifices of both higher and lower sanctity they are [all] valid, except in the case of sacrifices of higher sanctity, where he suspended [the animal] and slaughtered it,²⁴ and in the cases of sacrifices of both higher and lower sanctity, where he suspended himself and received [the blood].

R. Jeremiah asked R. Zera: What if he [the priest] is within and his locks [of hair] are without? — Said he to him, Have you not said that 'even that they may bring them unto the Lord' intimates that the whole of it [the animal] must come within? So here too, when they go in unto the tent of meeting²⁵ intimates, that the whole of him must enter the tent of meeting.

MISHNAH. IF [THE PRIEST] APPLIED IT [THE BLOOD] ON THE ASCENT,²⁶ [OR ON THE ALTAR, BUT] NOT OVER AGAINST ITS BASE;²⁷ IF HE APPLIED [THE BLOOD] WHICH SHOULD BE APPLIED BELOW [THE SCARLET LINE] ABOVE [IT]. OR THAT WHICH SHOULD BE APPLIED ABOVE, BELOW;²⁸ OR THAT WHICH SHOULD BE APPLIED WITHIN [HE APPLIED] WITHOUT, OR WHAT SHOULD BE APPLIED WITHOUT [HE APPLIED] WITHIN,²⁹ IT IS UNFIT, BUT DOES NOT INVOLVE KARETH.³⁰

(1) Because immediately it is slaughtered the blood of the legs is unfit (v. preceding note). and this is naturally mingled with the rest of the blood.

(2) Which was offered as a sacrifice. On 25b the text has 'bullock' instead of 'firstling'.

- (3) This does not constitute a blemish, and at the same time the cut prevents the blood below it, which is without the Temple court, from ascending and mingling with the blood above, which is within.
- (4) So that kareth (q.v. Glos.) is incurred for its consumption. For if it did not rank as blood whilst absorbed in the limb (cf. Hul. 113a), it could not disqualify the other blood which is received and sprinkled.
- (5) Which is absorbed in the blood. This fattiness counts as flesh, and it ascends and mingles with the blood which pours out from the neck and thus disqualifies it.
- (6) Though it would certainly be carried out after the sprinkling, since it may be eaten anywhere in Jerusalem.
- (7) He was standing almost in the middle of the court, on its south side, but so near to the line dividing north and south that he could easily stretch over to the other side.
- (8) After being slaughtered.
- (9) Because the disqualification of going out applies only to going out of the Temple.
- (10) These were burnt on the altar, and therefore although part of sacrifices of lower sanctity they ranked as sacrifices of higher sanctity.
- (11) May it be slaughtered thus at the outset?
- (12) Lev. XVII, 5.
- (13) In the air-space of the Temple court.
- (14) Ibid. I, 11.
- (15) 'On the side' implies on the ground.
- (16) The animal being on the ground.
- (17) Thinking that the two were analogous.
- (18) Again thinking it analogous to the former.
- (19) But slaughtering is not really part of the (priestly) service, since it may be performed by a zar.
- (20) After having slaughtered it.
- (21) In connection with which 'on the side' is stated.
- (22) Because 'on the side' is written of the animal, but not of the slaughterer. Again, the blood must be received in the north, and he holds that the air-space of the north is not the north itself. Hence if he suspended himself and received the blood it is invalid.
- (23) Here neither 'north' nor 'on the side' is mentioned. Therefore only the exception is invalid, because that is not the way of service.
- (24) For the reason stated above.
- (25) Ex. XXVIII, 43.
- (26) Leading to the altar, instead of on the altar.
- (27) The blood was to be sprinkled over against the base of the altar, which means on a side provided with a foundation. This excludes the south-east corner, which had no base (infra 53a).
- (28) A scarlet line ran round the sides of the altar: some blood was to be applied above, and some below.
- (29) 'Within' means on the inner altar; 'without', on the outer altar.
- (30) For the eating of its flesh.

Talmud - Mas. Zevachim 26b

GEMARA. Samuel said: It is the flesh that is unfit, but its owners are forgiven.¹ What is the reason? — Because Scripture saith, And I have given it to you upon the altar to make atonement:² once the blood has reached the altar, the owners are forgiven. If so, the flesh too [should be fit]? — Scripture saith, 'to make atonement': I have given it for atonement, but not for any other purpose.³

Now this proves that he holds that [when blood is] not [applied] In its [proper] place, it is as [though applied] in its [proper] place.⁴ Now we learned in another chapter: If [the priest] applied it [the blood] on the ascent, [or on the altar, but] not over against its base; if he applied [the blood] which should be applied below [the scarlet line] above [it], or that which should be applied above, below; or that which should be applied within [he applied] without, or what should be applied without [he applied] within: then if lifeblood⁵ is still available, a fit [priest] must receive [it] a second time.⁶ Now if you maintain that [when blood is] not [applied] in its [proper place], it is as though

[applied] in its [proper] place, why must a fit [priest] receive [it] again? And should you answer, In order to permit the flesh for consumption; is there a sprinkling which makes no atonement yet permits the consumption of the flesh?⁷ — Had a fit [priest] applied it [in the first place], that would indeed be so;⁸ the circumstances here are that an unfit [priest] applied it [in the first place].⁹ But let it constitute [complete] rejection.¹⁰ For we learnt: But if any of these¹¹ received [the blood, intending to consume the flesh] after time or without bounds, and the life blood is [still] available, a fit [priest] must receive [it] a second time.¹² Thus, only if they received [the blood with that intention], but not if they sprinkled [it thus];¹³ what is the reason? is it not because this effects [complete] rejection? — No: the reason is because it became unfit through an [illegitimate] intention. If so [the same should apply to] receiving? Moreover, does an [illegitimate] intention¹⁴ disqualify it? Surely Raba said: An [illegitimate] intention is without effect save [when purposed] by one who is fit for the service and in connection with that which is fit for the service,¹⁵ and in a place fit for the service!¹⁶ — Do not say, but not if they sprinkled it [thus]; ‘say rather, but not if they slaughtered it [thus]?’¹⁷ What does he inform us? that an [illegitimate] intention disqualifies? But we have learnt it: Therefore they¹⁸ invalidate [the sacrifice] by an [illegitimate] intention [purposed at slaughtering]?¹⁹ — This is what we are informed,²⁰ viz., that from receiving and onwards intention [on the part of an unfit priest] does not invalidate. What is the reason? As [that stated] by Raba.

An objection is raised: If [the priest] intends applying [the blood] which should be applied above [the line] below [it], [or what should be applied] below, above, immediately.²¹ it is valid.²² If he subsequently intended

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- (1) They have fulfilled their obligation, and do not bring another offering.
 - (2) Lev. XVII, 11.
 - (3) Only in respect of atonement does Scripture intimate that the application of the blood on any part of the altar (since ‘altar’ is not further localised) is efficacious. But the fitness of the flesh is governed by its own peculiar laws.
 - (4) As far as the fitness of the flesh for consumption is concerned.
 - (5) The first blood which gushes out as the animal is slaughtered.
 - (6) For re-sprinkling. v. infra 32a.
 - (7) For this second sprinkling does not make atonement, since that was already effected by the first.
 - (8) No further application would be necessary.
 - (9) Hence the second application is needed even for making atonement.
 - (10) Since blood not applied in its proper place is as though applied in its proper place, then if an unfit priest does this it is as though he applied it in the proper place, which it is now assumed definitely invalidates the sacrifice, and it cannot be repaired.
 - (11) Sc. all who are unfit for any reason.
 - (12) Infra 32a.
 - (13) In which case there would be no remedy.
 - (14) On the part of an unfit priest.
 - (15) E.g., a meal-offering of wheat. This excludes the meal-offering of barley brought in connection with the ‘omer (q.v. Glos.), since barley was unfit for other meal-offerings.
 - (16) This excludes the case where the altar itself was mutilated.
 - (17) Because since even unfit priests are fit to slaughter (as are lay-Israelites too), their illegitimate intention disqualifies.
 - (18) Persons unfit to slaughter.
 - (19) Infra 31b.
 - (20) By stating ‘if any of these received the blood etc.’
 - (21) He intended applying it thus in the wrong place on the day of slaughtering, which is the proper time.
 - (22) If he eventually sprinkled the blood in the right place, for this illegitimate intention does not disqualify, v. Mishnah infra 36a.

[to consume it] without bounds, it is invalid, but does not involve kareth;¹ [if he intended consuming it] after time, it is invalid, and entails kareth. [If he intended sprinkling the blood in the wrong place] on the morrow, it is invalid; if he subsequently intended [to consume it] without bounds or after time, it is invalid, and does not involve kareth.² Now if you say that [blood] not [applied] in its [proper] place [on the altar] is as [though applied] in its [proper] place, is this [merely] invalid? Surely it is piggul!³ — Said Mar Zutra: Sprinkling which permits the consumption of the flesh can render [it] piggul; sprinkling which does not permit the consumption of the flesh⁴ does not render [it] piggul.⁵ R. Ashi said to Mar Zutra: Whence do you know this? [Assuredly] because it is written, And if any of the flesh of his peace-offerings be at all eaten on the third day . . . it shall be piggul [an abhorred thing, and the soul that eateth of it shall bear his iniquity:]⁶ [thus kareth is incurred] only where piggul causes [the prohibition of the flesh], which excludes this case,⁷ where not piggul causes it but a different interdict is the cause. If so,⁸ it should not be disqualified either? — Said R. Nahman b. Isaac: It is analogous to the intention of leaving [the blood] until the morrow, this being in accordance with R. Judah.⁹

Resh Lakish said: In truth, [the Mishnah means] UNFIT literally.¹⁰ and [blood] not [applied] in its [proper] place is as [though applied in] its [proper] place,¹¹ yet there is no difficulty:¹² in one case he applied it in silence; in the other he applied it with an expressed intention.¹³ We learnt: If he intended applying above [the line] what should be applied below [it], or below what should be applied above [etc.] as far as 'It is analogous to the intention of leaving [the blood] until the morrow, this being in accordance with R. Judah.'¹⁴

R. Johanan said: Both cases¹⁵ are where he sprinkles it in silence, and the wrong place is not as the right place; but the one is where life-blood is [still] available, while the other is where life-blood is not available.

We learnt: IT IS UNFIT, BUT DOES NOT INVOLVE KARETH. As for Resh Lakish, it is well: he rightly teaches. IT IS UNFIT, BUT DOES NOT INVOLVE KARETH.¹⁶ But according to R. Johanan, why teach that it DOES NOT INVOLVE KARETH?¹⁷ This is a difficulty. And according to Samuel, what is meant by IT DOES NOT INVOLVE KARETH?¹⁸ — This is what [the Tanna] means: If he sprinkled [it thus] with an [illegitimate] intention, IT IS UNFIT, BUT DOES NOT INVOLVE KARETH.

Now as for R. Johanan, if the wrong place [on the altar] is not as the right place,¹⁹ let it be as though [the blood] had been spilt from the [service] vessel on to the pavement, and so let him collect it?²⁰ — He agrees with the view that it must not be gathered. For R. Isaac b. Joseph said in R. Johanan's name: All agree, if [the priest] sprinkled the blood above which should be sprinkled above, or below which should be sprinkled below, but not in accordance with the regulations.²¹ that he must not re-gather it.²² They disagree only where he sprinkled below what should be sprinkled above, or above what should be sprinkled below: there R. Jose holds, He must not re-gather it; while R. Simeon maintains, He must re-gather it;

(1) For eating it.

(2) Since it was already invalid through the first, a second illegitimate intention does not render it piggul.

(3) How can you say that if he intended applying it in the wrong place on the morrow it is only invalid? On the present hypothesis it is the same as though he had intended applying it in the right place on the morrow, and that should render it piggul. For the sprinkling of the blood on the altar constitutes, as it were, the altar's consumption, and just as an intention to consume the flesh after time makes it piggul, so should a similar intention to sprinkle the blood make it piggul!

(4) Where the blood is not sprinkled in its proper place.

(5) And, as Samuel stated, if the blood is not sprinkled on the proper place on the altar the flesh may not be eaten, though the sacrifice has made atonement.

(6) Lev. VII, 18; 'shall bear his iniquity' implies kareth.

- (7) Sc. where the blood is not sprinkled in the proper place.
- (8) That it does not constitute sprinkling in respect of an illegitimate intention.
- (9) Who holds that the sacrifice then becomes invalid (infra 36a). In intending to sprinkle the blood in the wrong place on the morrow, he has also tacitly expressed his intention of leaving the blood until the morrow.
- (10) Not only is the flesh unfit, but the whole sacrifice is invalid. He thus disagrees with Samuel.
- (11) In this he agrees with Samuel.
- (12) Caused by the text quoted by Samuel.
- (13) The text adduced by Samuel, which intimates that the owners are forgiven, holds good where the priest sprinkled the blood in the wrong place, with no unlawful intention attending the sprinkling. While the Mishnah which states UNFIT, implying that the owners are not forgiven either, holds good where in addition to sprinkling it in the wrong place he intended consuming the flesh after time; and the Mishnah thus teaches that in such a case the sacrifice is unfit, but not piggul, since the sprinkling which was not in its proper place did not permit the consumption of the flesh.
- (14) All the objections raised against Samuel are raised against Resh Lakish, since he too holds that the wrong place is as the right place.
- (15) Our Mishnah which simply states that it is unfit, and the Mishnah in the next chapter, quoted supra 26b, which teaches that the blood must be re-sprinkled.
- (16) He explains the Mishnah as referring to one who expressed an illegitimate intention. Therefore the Tanna must teach that kareth is not incurred in spite of this illegitimate intention.
- (17) It is obvious that he does not incur kareth simply for sprinkling the blood in a wrong place.
- (18) For he too explains the Mishnah as referring to where the priest is silent.
- (19) So that it does not count as sprinkling at all.
- (20) And re-sprinkle.
- (21) E.g., with his left hand or with an illegitimate intention.
- (22) For re-sprinkling. For since it was sprinkled in the proper place, there can be no further sprinkling

Talmud - Mas. Zevachim 27b

and our Mishnah agrees with the view that he must not re-gather it: But R. Hisda said in Abimi's name: All agree, if he sprinkled below what should be sprinkled above, that he does not re-gather it, and all the more if he sprinkled above what should be sprinkled below, since the blood above runs down below.¹ They disagree only where he sprinkled without what should be sprinkled within, or within what should be sprinkled without.² R. Jose holds, He must not re-gather it, and R. Simeon rules: He must re-gather it.

R. Nahman b. Isaac said: We have also learnt to the same effect. R. Judah said: [This is the law of the burnt-offering:] it is that which goeth up [on its firewood upon the altar all night unto the morning]:³ here you have three limitations: It excludes [an animal] slaughtered at night; it excludes [an animal] whose blood was spilt; and it excludes [an animal] whose blood was carried out beyond the hangings: if any one [of these] ascended [the altar], it descends.⁴ R. Simeon said: 'Burnt-offering': I only know [this] of a fit burnt-offering;⁵ whence do I know to include one which was slaughtered at night, or whose blood was spilt, or whose blood passed without the hangings, or who[se flesh] spent the night [away from the altar], or who[se flesh] went out, or the unclean, or which was slaughtered [with the intention of burning its flesh] after time or without bounds, or whose blood was received and sprinkled by unfit [priests]; or whose blood was applied below [the scarlet line] when it should have been applied above, or above when it should have been applied below, or without when it should have been applied within, or within when it should have been applied without; or a Passover-offering or a sin-offering which one slaughtered for a different purpose,⁶ — whence do we know [to include all these]? From the phrase, 'the law of the burnt-offering,' which intimates one law for all burnt-offerings, [viz.,:] that if they ascended, they do not descend. You might think that I include also a roba' and a nirba',⁷ one set aside [for an idolatrous sacrifice] or worshipped; a [harlot's] hire or the price [of a dog].⁸ or a hybrid, or a trefah, or an animal calved through the cesarean section? The text however states 'it is that'.⁹ And why do

you include the former and exclude the latter? I include the former, because their disqualification arose in the sanctuary, while I exclude the latter whose disqualification did not arise in the sanctuary. At all events, he teaches [the cases where] one sprinkled below what should be sprinkled above, or above what should be sprinkled below, and R. Judah does not disagree. What is the reason? Is it not because the altar has received it?¹⁰ which proves that one cannot re-gather it.

R. Eleazar said: The inner altar sanctifies the unfit.¹¹ What does he inform us: We have learnt it: 'that which should be applied within' etc.? — If [I drew my information] from there [only], I would say that it applies only to blood, which is eligible for it;¹² but [if one threw] the fistful [of flour on the inner altar], which is not eligible for it at all,¹³ I would say that it is not so. Hence he informs us [otherwise].¹⁴

An objection is raised: If strange incense¹⁵ ascended the altar, it must descend, because only the outer altar sanctifies the unfit, in the case of such as are [otherwise] eligible for it.¹⁶ Thus, only the outer one, but not the inner one? — Answer it thus: If strange incense ascended the altar, it must descend, for the outer altar does not sanctify the unfit save in the case of what is [otherwise] eligible for it; but the inner [altar sanctifies] both what is eligible and what is not eligible for it. What is the reason? One [the outer altar] is [but as the] pavement,¹⁷ while the other [the inner altar] is a service vessel.¹⁸ MISHNAH. IF ONE SLAUGHTERS THE SACRIFICE [INTENDING] TO SPRINKLE ITS BLOOD WITHOUT. OR PART OF ITS BLOOD WITHOUT; TO BURN ITS EMURIM¹⁹ OR PART OF ITS EMURIM WITHOUT; TO EAT ITS FLESH OR AS MUCH AS AN OLIVE OF ITS FLESH WITHOUT, OR TO EAT AS MUCH AS AN OLIVE OF THE SKIN OF THE FAT-TAIL²⁰ WITHOUT. IT IS UNFIT, AND DOES NOT INVOLVE KARETH.²¹ [IF HE SLAUGHTERS IT, INTENDING] TO SPRINKLE ITS BLOOD OR PART OF ITS BLOOD ON THE MORROW, TO BURN ITS EMURIM OR PART OF ITS EMURIM ON THE MORROW, TO EAT ITS FLESH OR AS MUCH AS AN OLIVE OF ITS FLESH ON THE MORROW, OR TO EAT AS MUCH AS AN OLIVE OF THE SKIN OF ITS FAT-TAIL ON THE MORROW, IT IS PIGGUL, AND INVOLVES KARETH.²²

GEMARA. Now it was thought that the skin of the fat-tail

(1) In any case; hence it is almost as though he sprinkled it below.

(2) 'Within' and 'without' means on the inner and the outer altars respectively.

(3) Lev. VI, 2.

(4) From the passage, 'which goeth up on its firewood upon the altar all night' the Rabbis deduce that once it ascends the altar it must not be taken down all night. But the three words in Hebrew which are rendered 'it is that which goeth up' are really superfluous, and therefore are interpreted as excluding three cases, as enumerated in the text, from the operation of this law.

(5) That if it goes up, it does not descend.

(6) Sc. as burnt-offerings.

(7) A male animal and a female animal respectively used for bestiality.

(8) Referring to Deut. XXIII, 19: Thou shalt not bring the hire of a harlot, or the price of a dog, into the house of the Lord thy God for any vow.

(9) Heb. zoth, a limitation excluding these.

(10) And thus sanctified it, in the sense that it cannot be collected for re-sprinkling.

(11) That if they ascend, they do not descend, though the Scriptural text refers only to the outer altar.

(12) For some blood, though that particular blood should not have been applied there.

(13) Flour is never burnt on the inner altar.

(14) That flour is not removed.

(15) The incense of a private and votive meal-offering. Scripture permits incense only at public sacrifices.

(16) V. infra 83b.

(17) It is an immovable unanointed erection of stone.

(18) It was moveable, and consecrated by anointing, like all other service vessels. Therefore its sanctity and sanctifying powers are greater.

(19) V. Glos.

(20) V. Gemara.

(21) Even if one actually eats it without.

(22) Even if one eats it in the proper time.

Talmud - Mas. Zevachim 28a

is as the fat-tail:¹ [then the difficulty arises:] surely he intends for man what is for the altar's consumption?² — Said Samuel, The author of this is R. Eliezer, who maintains that you can intend [with effect] for human consumption what is meant for the altar's consumption, and for the altar's consumption what is meant for human consumption.³ For we learnt: If one slaughters a sacrifice [intending] to eat what is not normally eaten,⁴ or to burn [on the altar] what is not normally burnt, it is fit;⁵ but R. Eliezer invalidates [the sacrifice].⁶ How have you explained it? as agreeing with R. Eliezer? Then consider the sequel:⁷ This is the general rule: Whoever slaughters, receives, carries, and sprinkles [intending] to eat what is normally eaten or to burn [on the altar] what is normally burnt [after time etc.] . . . thus, only what is normally eaten, but not what is not normally eaten, which agrees with the Rabbis. Thus the first clause agrees with R. Eliezer and the final clause with the Rabbis? — Even so, he answered him.

R. Huna said: The skin of the fat-tail is not as the fat-tail.⁸ Rabbah observed. What is R. Huna's reason? — The fat thereof [is] the fat-tail [entire],⁹ but not the skin of the fat-tail.

R. Hisda said: In truth, the skin of the fat-tail is as the fat-tail, but we treat here [in the Mishnah] of the fat-tail of a goat.¹⁰

Now, all these [scholars] did not say as Samuel, [because] they would not make the first clause agree with R. Eliezer and the second clause with the Rabbis. They did not say as R. Huna, because they hold that the skin of the fat-tail is as the fat-tail. [But] why do they not say as R. Hisda? — Because what does [the Tanna of the Mishnah] inform us [on this view]? [Presumably] that the skin of the fat-tail is as the fat-tail!¹¹ Surely we have learnt it: The skin of the following is as their flesh: the skin under the fat-tail?¹² And R. Hisda?¹³ — It is necessary: You might think that only in respect of uncleanness does it combine, because it is soft;¹⁴ but as for here, I would say [Scripture writes] [Even all the hallowed things of the children of Israel unto thee have I given them] for a consecrated portion,¹⁵ which means, as a symbol of greatness, [so that they must be eaten] just as kings eat; and kings do not eat thus.¹⁶ [Hence] I would say [that it is] not [as the flesh]; therefore he informs us [that it is].

An objection is raised: if one slaughters a burnt-offering [intending] to burn¹⁷ as much as an olive of the skin under the fat-tail out of bounds, it is invalid, but does not involve kareth; after time, it is piggul, and involves kareth. Eleazar b. Judah of Avlas said on the authority of R. Jacob, and thus also did R. Simeon b. Judah of Kefar 'Iccum say on the authority of R. Simeon: The skin of the legs of small cattle, the skin of the head of a young calf, and the skin under the fat-tail, and all cases which the Sages enumerated of the skin being the same as the flesh, which includes the skin of the Pudenda: [if he intended eating or burning these] out of bounds [the sacrifice] is invalid, and does not involve kareth; after time, it is piggul, and involves kareth.¹⁸ Thus [this is taught] only [of] the burnt-offering.¹⁹ but not [of] a sacrifice.²⁰ As for R. Huna, it is well; it is right that he specifies a burnt-offering.²¹ But according to R. Hisda,²² why does he particularly teach 'burnt-offering': let him teach 'sacrifice'? — R. Hisda can answer you: I can explain this as referring to the fat-tail of a goat;²³ alternatively I can answer: Read 'sacrifice'.²⁴

IT IS UNFIT, AND DOES NOT INVOLVE KARETH etc. Whence do we know it? — Said Samuel: Two texts are written. What are they? — Said Rabbah: [And if any of the flesh of the sacrifice of his peace-offerings be at all eaten] on the third day: this refers to [an intention of eating the flesh] after time; it shall be piggul [an abhorred thing] refers to [an intention of eating the flesh] out of bounds; and the soul that eateth of it [shall bear his iniquity:]²⁵ [only] one [involves kareth], but not two,²⁶ viz., after time, and excluding out of bounds. Yet say that ‘and the soul that eateth of it’ refers to out of bounds, and excludes after time? — It is logical that after time is graver, since [Scripture] commences with it. On the contrary, out of bounds is more likely [to be meant] since it is near it?²⁷ — Rather said Abaye: When R. Isaac b. Abdimi came,²⁸ he said: Rabbah²⁹ relies on what a Tanna taught. [Viz.:] When Scripture mentions the ‘third [day]’ in the pericope ‘Ye shall be holy’,³⁰ which need not be stated, since it has already been said, And if any of the flesh of his sacrifices be at all eaten on the third day etc.;

(1) Even in respect of burning on the altar, so that in the case of lamb peace-offerings, the skin of the fat-tail, just as the fat-tail itself, is burnt on the altar ‘entire’ (v. Lev. III, 9).

(2) Which intention should not count at all.

(3) I.e., the intention counts.

(4) E.g., the emurim, which are burnt on the altar. He intended eating these after time or out of bounds.

(5) Because such an illegitimate intention concerning time or place does not count, seeing that the things could not be eaten or burnt at all.

(6) Infra 35a.

(7) The end of the present Mishnah, infra 29b.

(8) It is eaten, and not burnt on the altar. The difficulty therefore does not arise.

(9) Lev. III, 9.

(10) Which was not burnt on the altar; v. supra 9a.

(11) If the Mishnah treats of the fat-tail of a lamb, then on Samuel's interpretation we are informed that you can intend for human consumption what is meant for the altar's consumption; while on R. Huna's interpretation the Tanna informs us that the skin of the fat-tail is not as the fat-tail. But if it treats of the fat-tail of a goat, then the only thing that the Tanna can inform us is that its skin is regarded as itself in the sense that it is edible, because it is soft, and therefore counts as ordinary flesh.

(12) There must be at least as much as an olive of flesh before it can be defiled, and at least as much as the size of an egg before it can defile as nebelah (carrion. v. Lev. XI, 39f). If there is less than these standards, it can be made up by the skin under the fat-tail (Hul. 122a). Thus this teaches that this skin is as the fat-tail itself, and so the present teaching on R. Hisda's interpretation is superfluous.

(13) How does he answer this?

(14) And edible.

(15) Num. XVIII, 8.

(16) Though the skin is edible, yet kings would not eat it.

(17) Heb. לֶהֱקַטִּיר which generally refers to the burning of these parts (the emurim) which are always burnt on the altar, even in the case of peace-offerings.

(18) V. Hul. (Sonc. ed.) 132a, q.v. notes.

(19) Only there does an illegitimate intention in respect of the skin of the fat-tail disqualify the sacrifice, since the whole sacrifice is burnt.

(20) Unspecified, which would include peace-offerings.

(21) According to R. Huna, Scripture definitely teaches that the skin of the fat-tail is not counted as emurim. But there is no such teaching in respect of a burnt-offering: hence the present ruling can apply to a burnt-offering but not to other sacrifices.

(22) Who maintains that the skin of the fat-tail of all sacrifices is burnt along with it as emurim.

(23) In which case the reference is to an intention of eating it out of bounds or after time, not to burning it on the altar.

(24) Instead of burnt-offering.

(25) Lev. VII, 18; ‘shall bear his iniquity’ means that he incurs kareth.

(26) This follows from the sing. ‘it’.

(27) The word *mimennu*, ('of it'), is in immediate proximity to the word *piggul*, which on the present exegesis extends the law to eating out of bounds.

(28) From Palestine to Babylon.

(29) Emended text. Printed edd: Rab.

(30) This is the name of the pericope or weekly reading commencing with Lev. XIX, 1. The verse alluded to is: And if it (the flesh of a sacrifice) be eaten at all on the third day, it is *piggul* (a vile thing); it shall not be accepted.

Talmud - Mas. Zevachim 28b

— if it is superfluous in respect of after time, apply it to out of bounds.¹ and the Divine Law expresses a limitation in connection with *nothar*:² But every one that eateth it shall bear his iniquity, which excludes [eating or intending to eat] out of bounds. Yet say that 'but every one that eateth it shall bear his iniquity' refers to out of bounds, and thus excludes *nothar* from *kareth*? — It is logical that *nothar* must be made to involve *kareth*, so that the meaning of 'iniquity', where it refers to [the intention of] eating after time, may be learned by analogy, since it is similar thereto in respect of *Zab*.³ On the contrary, [eating] without bounds should be made to involve *kareth*, so that the meaning of 'iniquity', where it refers to [the intention of] eating after time, may be learned by analogy, since it is similar thereto in respect of *Mikdash*?⁴ Rather said R. Johanan, *Zabdi b. Levi* taught: *Kodesh* is learned from *kodesh*. Here is written, Because he hath profaned the *kodesh* [holy thing] of the Lord; and that soul shall be cut off from the people;⁵ and it is written elsewhere, [And if ought of the flesh of the consecration, or of the bread, remain unto the morning,] then thou shalt burn the *nothar* [remainder] with fire,' it shall not be eaten, because it is *kodesh* [holy]:⁶ just as there, [*kodesh* is connected with] *nothar*, so here too [it is connected with] *nothar*, and the Divine Law expresses a limitation in connection with *nothar*: But every one that eateth it shall bear his iniquity, which excludes without bounds from *kareth*. And why do you interpret the long text⁷ as referring to after time, and 'third' in the pericope 'Ye shall be holy' as referring to without bounds; perhaps I may reverse it?⁸ — It is logical that the long text refers to after time, since the meaning of 'iniquity' is learned by analogy from *nothar*, and [after time] is similar thereto in respect of *Zab*. On the contrary, [say that] the long text refers to without bounds, and 'third' in 'Ye shall be holy' refers to after time: because it is similar thereto [Scripture] places it close by and excludes it?⁹ — Rather said *Raba*: The whole is deduced from the long text. For it is written, '[But if any of the flesh be] at all eaten':¹⁰ Scripture refers to two eatings, viz., eating by man and eating by the altar.¹¹ 'Of the sacrifice of his peace-offerings': as [parts of] the peace-offerings render *piggul*, and parts are rendered *piggul*, so [in sacrifices where there are parts which] render *piggul* and [parts which] are made *piggul* [the law of *piggul* applies].¹² 'Third' means after time. 'It shall not be accepted': as the acceptance of the valid [sacrifice], so is the acceptance of the invalid. And as the acceptance of the valid necessitates that all its *mattirin* be offered, so does the acceptance of the invalid necessitate that all its *mattirin* be offered.¹³ 'Him that offereth': it becomes unfit in offering, but does not become unfit through [being eaten on] the third [day].¹⁴ 'It': Scripture speaks of the sacrifice, and not of the priest.¹⁵ 'It shall not be imputed':

(1) While *piggul* mentioned in Lev. VII, 18 will definitely refer to the intention of eating after time, to which the whole verse is now understood to refer.

(2) V. *Glos*.

(3) *Zab* is a mnemonic, standing for *zeman*, (time) and *bamah*, (high place). — In both texts, viz., Lev. VII, 18 and Lev. XIX, 8 Scripture states that he who eats it 'shall bear his iniquity'; the meaning of 'iniquity' is further clarified in the latter text by the addition, 'and that soul shall be cut off from his people', i.e., *kareth*. Now, on the present exegesis this latter verse may refer either to *nothar* or to eating without bounds, while the former text (Lev. VII, 18) definitely refers to the eating of the flesh before it is actually *nothar* and within bounds, after the illegitimate intention of eating it after time. Now, if the punishment of *kareth* in Lev. XIX, 8 is made to refer to *nothar* (owing to the word 'it' it can only refer to one), then we can argue that 'iniquity' in VII, 18 too means *kareth*, by analogy with 'iniquity' in Lev. XIX, 8. And the reason for drawing this analogy is that the two are alike in two respects: (i) Both are defects arising through time, *nothar*

being the case where he actually eats the flesh after time, and Lev. VII, 18 refers to the illegitimate intention of eating after time. (ii) Both were forbidden not only in the Temple, but also in the High Places used before the Temple was built. For but for this similarity, the meaning of 'iniquity' in VII, 18 might be deduced from Ex. XXVIII, 38: And Aaron shall bear the iniquity committed in the holy things. There 'iniquity' refers to sacrificing in a state of uncleanness, which is forbidden by a negative injunction, but does not involve kareth, and so if an analogy were drawn with this verse, one would say that in Lev. VII, 18 too there is no kareth. But if Lev. XIX, 8 is made to refer to eating without bounds, this second analogy might indeed be drawn, since it lacks the two points of similarity, (a private sacrifice offered at a high place might be eaten anywhere) and accordingly nothing will indicate that 'iniquity' means kareth. So Rashi. Tosaf. explains that there was already a tradition that the meaning of 'iniquity' must be deduced by drawing an analogy between Lev. VII, 18 and XIX, 8. and not with Ex. XXVIII, 38. But for that very reason it is logical to make Lev. XIX, 8 refer to nothar, so as to justify the analogy through the two points of similarity.

(4) M = Mahshabah (intention); K = Kezath (a part or portion); D = Dam (blood). and SH = SHelishi (third). (i) Both after time and without bounds invalidate the sacrifice by mere intention. (ii) In both cases the illegitimate intention even in respect of a portion of the flesh only disqualifies. (iii) Both disqualify only if expressed during the service in connection with the blood (sprinkling) but not after. And finally (iv) the 'third' day is mentioned in connection with both. Uncleanness is dissimilar in respect of all these: (i) The flesh does not become unclean merely through the intention of defiling it. (ii) If a portion of the flesh is defiled, the rest remains clean. (iii) The flesh can be defiled after the sprinkling of the blood. And finally (iv) 'third' is not stated in connection with it as a superfluous word. But it is mentioned redundantly in connection with the others, as shewn above, so that an analogy (gezerah shawah) might be drawn.

(5) Lev. XIX, 8.

(6) Ex. XXIX, 34.

(7) Sc. Lev. VII, 18.

(8) And 'third' in Lev. XIX, 7 refers to after time, and it is that which is excluded from kareth.

(9) Because the intention to eat after time is similar to eating nothar, Scripture couples them, and expresses a limitation to shew that no kareth is involved, as otherwise we would think that kareth is involved in the former because it is similar to nothar.

(10) Lev. VII, 18.

(11) V. supra 13b. — The exegesis of the whole verse is irrelevant here, but as Raba quotes it he interprets the whole (Sh. M.).

(12) The blood of the peace-offerings is the vehicle through which piggul is effected, viz., if an illegitimate intention is expressed during one of the services connected with the blood, the flesh and the emurim are thereby rendered piggul. Just as this is so in the case of the peace-offerings, so does the law of piggul operate in the case of all sacrifices of which the same can be said. This excludes the meal-offerings of priests and of the anointed priest and of the drink-offerings. He treats the word 'sacrifice' in the text as alluding to other sacrifices too, which are thus assimilated to peace-offerings, since they are coupled with them.

(13) He understands 'it shall not be accepted', to refer to the sprinkling of the blood, which is the last of the mattirin, i.e., the services which make the sacrifice 'accepted', — valid. Thus he renders: this sprinkling shall not be accepted (valid), which implies that the sacrifice does not become piggul until the sprinkling, and if e.g., the blood is spilt and not sprinkled, the sacrifice is not piggul. The acceptance of the invalid means the stamping of the sacrifice as piggul, and this does not take place unless the mattirin are offered, as explained.

(14) Here he deduces that the sacrifice becomes piggul through an illegitimate intention, thus: the sacrifice becomes unfit only when he is actually offering it, viz., by then intending to eat thereof on the third day. But if he had no illegitimate intention at the actual offering, yet ate thereof on the third day, it does not become piggul retrospectively.

(15) Var. lec. the sacrificer. — Scripture does not mean that the priest is henceforth unfit to officiate, but that the sacrifice is unfit. Without this 'it' the text might mean: he that offereth (viz., the priest) shall not be accepted, i.e., shall henceforth be disqualified to officiate.

Talmud - Mas. Zevachim 29a

other intentions must not be mingled therein.¹ 'An abhorred thing [piggul]': this refers to [the intention of eating it] without bounds.² 'It shall be': this teaches that they combine with each other.³

‘And the soul that eateth of it’: one, but not two; and which is it? [the intention of eating it] after time, for the meaning of ‘iniquity’ is learnt from nothar, since it is similar to it in Zab.⁴

R. Papa said to Raba: According to you. how do you interpret ‘third’ in the pericope. ‘Ye shall be holy’?⁵ — That is needed to teach [that the illegitimate intention must concern] a place which has a threefold function, viz., in respect of the blood, the flesh, and the emurim.⁶ But I may deduce that from the earlier text, viz., ‘And if [it] be at all eaten’, since the Divine Law expresses it by the word ‘third’?⁷ — Said R. Ashi: I reported this discussion before R. Mattenah, whereupon he answered me: If [I deduced it] from there, I would say: ‘Third’ is a particularization, and ‘piggul’ is a generalisation,⁸ and so the generalisation becomes an addition to the particularization, and therefore other places are included too. Hence [the text in ‘Ye shall be holy’] informs us [that it is not so].

Our Rabbis taught: ‘And if any of the flesh of the sacrifice of his peace-offerings be at all eaten [on the third day]’: R. Eliezer said: Incline your ear to hear: Scripture speaks of one who intends eating of his sacrifice on the third day. Yet perhaps that is not so, but rather [Scripture speaks] of one who eats of his sacrifice on the third day? You can answer: After it has become fit, shall it then become unfit?⁹ Said R. Akiba to him: Behold, we find that a zab and a zabah and a woman ‘who watches from day to day’ are presumed to be clean, yet since they have a discharge they undo [their cleanness];¹⁰ hence you too need not wonder at this, that after [the sacrifice] has become fit it then becomes unfit. Said he to him: Lo, it says, ‘[unto him] that offereth’, [intimating that] it becomes unfit at the offering, but it does not become unfit on the third [day]. Yet perhaps that is not so, but it says, ‘him that offereth’, meaning the priest who offers it?¹¹ When it says ‘it’, [Scripture] speaks of the sacrifice, and does not speak of the priest. Ben ‘Azzai said: Why is ‘it’ stated? Because it is said, [When thou shalt vow a vow unto the Lord thy God,] thou shalt not delay to pay it:¹² You might think that also he who delays [the fulfilment of] his vow incurs [the sentence] ‘it shall not be accepted’: therefore it says, ‘it’: ‘it’ [piggul] is subject to ‘it shall not be accepted’, but he who delays his vow is not subject to ‘it shall not be accepted’. Others¹³ say: ‘it shall not be imputed’ [teaches that] it becomes unfit through imputation [illegal intention], but does not become unfit through [being eaten on] the third [day]. Now, how does Ben ‘Azzai know that Scripture speaks of the sacrifice and not of the priest?¹⁴ — I can say that he deduces it from [the exegesis of] the ‘Others’.¹⁵ Alternatively, I can say [that he knows this] because it is written, [it] shall not be accepted, and ‘[it] shall not be accepted’ can only apply to the sacrifice.¹⁶

Now Ben ‘Azzai [deduces]: ‘it’ is subject to ‘it shall not be accepted’. but he who delays [the payment of] his vow is not subject to ‘it shall not be accepted’: [but] is this deduced from the present text? Surely it is deduced from [the text cited by] ‘Others’? For it was taught: Others say: You might think that a firstling which passed its [first] year¹⁷ is

(1) The animal is piggul only if this, sc. to eat it after time, was his only intention. But if he also expressed another which would disqualify the sacrifice without rendering it piggul, this intention negatives the other; cf. Mishnah on 27b and infra b.

(2) Since the intention of eating it after time has already been dealt with.

(3) He understands ‘it shall be’ to intimate that both these illegitimate intentions rank as one and combine. Thus, if he intended eating half as much as an olive after time and half as much as an olive without bounds (the standard of disqualification is an olive) the intentions combine to invalidate the sacrifice.

(4) V. notes supra 28b.

(5) For it is unnecessary in respect of after time, as stated supra 28a and b, while on Raba's present exegesis it is also irrelevant in respect of without bounds.

(6) It is disqualified only if he intends to eat it in a place where the blood is sprinkled, the flesh is eaten, and the emurim (q.v. Glos.) are burnt, e.g., without the Temple court. This excludes an intention to partake thereof in the hekal, since the flesh is not eaten, nor are the emurim burnt there. So Rashi. Tosaf. gives several other explanations.

(7) ‘Third’ intimates after time, and in the same verse without bounds is hinted at too, as already explained. Hence

'third' here can have that same significance as is now attributed to it in the pericope 'Ye shall be holy'.

(8) I.e., 'third' indicates a place with that threefold function, while piggul is a general term denoting all places.

(9) Surely not. If it was sacrificed with the proper intention, and so was fit, surely it cannot become retrospectively unfit because he eats it on the third day.

(10) When a zab or a zabah (q.v. Glos.) cease to discharge, they must count seven consecutive clean days without any discharge. During this period they are presumed to be clean, yet a discharge within the seven days undoes the days which have already passed and they become retrospectively unclean for that time too, and they must count seven days anew. Similarly, according to Biblical law a niddah (q.v. Glos.) can cleanse herself seven days after her menstrual flow commenced. During the following eleven days, which are called the eleven days between the menses, she cannot become a niddah again, it being axiomatic that a discharge of blood in that period is not a sign of niddah, but may be symptomatic of gonorrhoea. A discharge on one or two days within the eleven renders her unclean for that period only, and if she has a ritual bath (tebillah) the following morning she is clean. Yet if she has another discharge on the same day after the ritual bath, she is retrospectively unclean for the whole day, and retrospectively defiles any human beings or utensils with which she came into contact. Should she experience three discharges on three consecutive days within that period she becomes unclean as a zabah; hence on the first and the second days she is called 'one who watches from day to day', to see whether she will be unclean for those days only, or as a zabah.

(11) He is henceforth unfit to officiate.

(12) Deut. XXIII, 22.

(13) 'Others' often refers to R. Meir, Hor. 13b.

(14) Seeing that he utilises 'it' for a different purpose.

(15) Since according to them 'it shall not be imputed' is necessary to teach that there is no unfitness through the sacrifice being eaten on the third day. Scripture obviously does not refer to the unfitness of the priest, for if it did, how could I think that he is unfit? Not he has done wrong but the eater.

(16) The Hebrew is not applicable to a priest.

(17) The firstling must be sacrificed within its first year. If it is not, its owner transgresses the injunction, Thou shalt not delay.

Talmud - Mas. Zevachim 29b

as dedicated animals rendered unfit,¹ and so unfit; therefore it says. And thou shalt eat before the Lord thy God . . . the tithe of thy corn . . . and the firstlings of thy herd and of thy flock;² the firstling is assimilated to tithe: as tithe does not become unfit through [being kept] from one year until the following, so the firstling does not become unfit through [being kept] from one year until the next? — It is necessary: You might think that this holds good only of a firstling, which is not subject to acceptance.³ but [other] sacrifices which are subject to acceptance, I would say that they are not 'accepted'.⁴ Hence ['it'] informs us [that it is not so].

Yet still it is deduced from elsewhere [viz.,] [Thou shalt not delay to pay it . . .] and it will be sin in thee, [which teaches,] but it will not be sin in thy offering?⁵ — But we have interpreted this according to Ben 'Azzai⁶ [as teaching 'and it will be sin in thee', but it will not be sin in thy wife. For you might think that I can argue. Since R. Eleazar — others state, R. Johanan — said: A man's wife does not die save when money is demanded from him and he lacks it,⁷ for it says. If thou hast not wherewith to pay, why should he take away thy bed from under thee?⁸ she also dies on account of this sin of [violating the injunction] 'Thou shalt not delay'; [hence Scripture] informs us [that it is not so].

'Others say, "It shall not be imputed" [teaches that] it becomes invalid through imputation [intention], but it does not become invalid through [being eaten on] the third day.' Now, how does R. Eliezer utilise this [text], 'it shall not be imputed'? — He needs it for the teaching of R. Jannai. For R. Jannai said: How do we know that [illegal] intentions negative each other? Because it says, 'it shall not be imputed', [which means,] other [illegal] intentions shall not be mingled therewith.⁹ R. Mari recited it [thus]: R. Jannai said: How do we know that he who purposes an [illegitimate]

intention in respect of sacrifices is flagellated?¹⁰ Because it says. Lo yehasheb.¹¹ Said R. Ashi to R. Mari: But it is a negative injunction not involving an action,¹² and one is not flagellated on account of a negative injunction which does not involve action? — This is according to R. Judah, he replied, who maintained: One is flagellated on account of a negative injunction which does not involve action.

MISHNAH. THIS IS THE GENERAL RULE: HE WHO SLAUGHTERS OR RECEIVES [THE BLOOD], OR CARRIES [IT] OR SPRINKLES [IT]. [INTENDING] TO EAT AS MUCH AS AN OLIVE OF THAT WHICH IS NORMALLY EATEN OR TO BURN [ON THE ALTAR] AS MUCH AS AN OLIVE OF THAT WHICH IS NORMALLY BURNT WITHOUT BOUNDS, [THE SACRIFICE] IS INVALID, BUT IT DOES NOT INVOLVE KARETH; [INTENDING TO EAT OR BURN] AFTER TIME, IT IS PIGGUL AND INVOLVES KARETH, PROVIDED THAT THE MATTIR¹³ IS OFFERED IN ACCORDANCE WITH THE LAW.¹⁴ HOW IS THE MATTIR OFFERED IN ACCORDANCE WITH THE LAW [APART FROM THAT]? IF ONE SLAUGHTERED IN SILENCE, AND RECEIVED, OR SPRINKLED, [INTENDING TO EAT THE FLESH] AFTER TIME; OR IF ONE SLAUGHTERED [INTENDING TO EAT] AFTER TIME, AND RECEIVED, WENT AND SPRINKLED IN SILENCE; OR IF ONE SLAUGHTERED, AND RECEIVED, WENT, AND SPRINKLED [INTENDING TO EAT] AFTER TIME; THAT IS OFFERING THE MATTIR IN ACCORDANCE WITH THE LAW. HOW IS THE MATTIR NOT OFFERED IN ACCORDANCE WITH THE LAW? IF ONE SLAUGHTERED [INTENDING TO EAT] WITHOUT BOUNDS, [AND] RECEIVED, WENT, AND SPRINKLED [WITH THE INTENTION OF EATING] AFTER TIME; OR IF ONE SLAUGHTERED [INTENDING TO EAT] AFTER TIME, [AND] RECEIVED, WENT, AND SPRINKLED [INTENDING TO EAT] WITHOUT BOUNDS; OR IF ONE SLAUGHTERED, RECEIVED, WENT, AND SPRINKLED [INTENDING TO EAT] WITHOUT BOUNDS; IF ONE SLAUGHTERED THE PASSOVER-OFFERING OR THE SIN-OFFERING FOR THE SAKE OF SOMETHING ELSE,¹⁵ AND RECEIVED, WENT, AND SPRINKLED [INTENDING TO EAT THEM] AFTER TIME; OR IF ONE SLAUGHTERED [THEM, INTENDING TO EAT THEM] AFTER TIME, [AND] RECEIVED, WENT, AND SPRINKLED FOR THE SAKE OF SOMETHING ELSE; OR IF ONE SLAUGHTERED, RECEIVED, WENT, AND SPRINKLED FOR THE SAKE OF SOMETHING ELSE; IN THESE CASES THE MATTIR WAS NOT OFFERED IN ACCORDANCE WITH THE LAW.¹⁶ [IF ONE INTENDED] TO EAT AS MUCH AS AN OLIVE WITHOUT BOUNDS [AND] AS MUCH AS AN OLIVE ON THE MORROW, [OR] AS MUCH AS AN OLIVE ON THE MORROW [AND] AS MUCH AS AN OLIVE WITHOUT BOUNDS;¹⁷ HALF AS MUCH AS AN OLIVE WITHOUT BOUNDS [AND] HALF AS MUCH AS AN OLIVE ON THE MORROW; HALF AS MUCH AS AN OLIVE ON THE MORROW [AND] HALF AS MUCH AS AN OLIVE WITHOUT BOUNDS, [THE SACRIFICE] IS UNFIT, AND DOES NOT INVOLVE KARETH.¹⁸ SAID R. JUDAH, THIS IS THE GENERAL RULE: WHERE THE INTENTION OF TIME PRECEDES THE INTENTION OF PLACE, [THE SACRIFICE] IS PIGGUL, AND INVOLVES KARETH; BUT IF THE INTENTION OF PLACE PRECEDES THE INTENTION OF TIME, IT IS UNFIT AND DOES NOT INVOLVE KARETH.¹⁹ BUT THE SAGES MAINTAIN: IN BOTH CASES²⁰ [THE SACRIFICE] IS UNFIT AND DOES NOT INVOLVE KARETH. [IF ONE INTENDS] TO EAT HALF AS MUCH AS AN OLIVE [WITHOUT BOUNDS OR AFTER TIME] [AND] TO BURN HALF AS MUCH AS AN OLIVE [SIMILARLY]. IT IS FIT, FOR EATING AND BURNING DO NOT COMBINE.²¹

GEMARA. Ilfa said: The controversy is in respect of two services, but in the case of one service all agree that it constitutes a mingling of intentions.²² But R. Johanan maintained: The controversy is in respect of a single service too. As for Ilfa, it is well: since the first clause treats of two services,²³ the second clause too²⁴ treats of two services. But according to R. Johanan, the first clause treats of two services and the second clause of one service?

- (1) Through a blemish.
- (2) Deut. XIV, 23.
- (3) The firstling does not come to make atonement, and therefore is not subject to 'acceptance'.
- (4) If delayed. i.e., that the vower has not duly fulfilled his vow and must bring another sacrifice.
- (5) I.e., the offering does not become invalid.
- (6) Emended text.
- (7) The money which he robbed.
- (8) Prov. XXII, 27; 'thy bed' is understood to mean 'thy wife'.
- (9) V. supra a top.
- (10) As are all who violate a negative injunction.
- (11) It shall not be imputed. But with a different vowelling this reads lo yahshob, he (the priest) shall not intend (to eat it after time), and thus this becomes a negative injunction.
- (12) Talking is not considered an action.
- (13) The enabler, i.e., the blood, through the sprinkling of which the sacrifice may be eaten.
- (14) I.e., that no other illegitimate intention is expressed.
- (15) As different sacrifices, whereby they are invalid, supra 2a.
- (16) In all these cases there was an illegitimate intention which invalidated the sacrifice in addition to that which would render it piggul. Hence it is not piggul but only invalid, as already stated.
- (17) The intentions being in that order.
- (18) For the same reason as before.
- (19) R. Judah holds that an invalidating intention does not negate a piggul intention if the latter is expressed first.
- (20) Whatever the order.
- (21) In intention.
- (22) Even R. Judah agrees that where both intentions are expressed at the same service, the sacrifice is not piggul but merely unfit, even if the piggul intention preceded.
- (23) As it is explicitly taught: IF ONE SLAUGHTERED [INTENDING TO EAT] AFTER TIME AND RECEIVED THE BLOOD ETC. WITHOUT BOUNDS.
- (24) Sc. IF ONE SLAUGHTERED INTENDING TO EAT AS MUCH AS AN OLIVE ON THE MORROW AND AS MUCH AS AN OLIVE WITHOUT BOUNDS.

Talmud - Mas. Zevachim 30a

— Even so: the first clause treats of two services, while the second clause can refer to either one service or two services.

We learnt: SAID R. JUDAH: THIS IS THE GENERAL RULE: IF THE INTENTION OF TIME PRECEDED THE INTENTION OF PLACE, IT IS PIGGUL, AND INVOLVES KARETH. As for R. Johanan. it is well: hence he teaches, THIS IS THE GENERAL RULE.¹ But according to Ilfa, what is the implication of THIS IS THE GENERAL RULE? — That is indeed a difficulty.

We learnt elsewhere: [If one declares.] 'This [animal] be a substitute for a burnt-offering, a substitute for a peace-offerings,' it is a substitute for a burnt-offering [only]: this is R. Meir's view. Said R. Jose: If such was his original intention,² since it is impossible to pronounce both designations simultaneously, his declarations are valid.³ But if, having declared, 'This [animal] be a substitute for a burnt-offering,' he declared as an afterthought, 'This be a substitute for a peace-offerings,' it is a burnt-offering. It was asked: What if [one declares,] 'This [animal] be a substitute for a burnt-offering and a peace-offerings,' [or] '[This animal be a substitute for] half [a burnt-offering] and half [a peace-offering]'? Said Abaye: Here R. Meir certainly agrees [with R. Jose]. Raba said: There is still the controversy. Raba said to Abaye: According to you who maintain that here R. Meir certainly agrees, Yet lo! slaughtering is analogous to half and half, yet they disagree?⁴ — Said he to him: Do you think that shechitah counts only at the end? [No:] Shechitah counts from the beginning until the end, and our Mishnah means that he declared [that he cut] one

organ [intending to eat the flesh] after time and the second organ [intending to eat it] without bounds.⁵

Yet surely kemizah⁶ is analogous to halves, yet they disagree?⁷ — There too it means that he burnt a fistful of the meal-offering [with the intention of eating] after time and a fistful of the frankincense [intending to eat] without bounds. Yet they disagree in respect of the fistful of a sinner's meal-offering, where there is no frankincense? — They do not disagree there. R. Ashi said: If you should say that they do disagree, they disagree in the steps.⁸

R. Shimi b. Ashi recited [the passage] as Abaye; R. Huna b. Nathan recited [it] as Raba. When R. Dimi came,⁹ he said: R. Meir stated [his ruling] in accordance with the thesis of R. Judah, who maintained: Regard the first expression. For we learnt: R. JUDAH SAID, THIS IS THE GENERAL RULE: IF THE INTENTION OF TIME PRECEDED THE INTENTION OF PLACE, IT IS PIGGUL, AND INVOLVES KARETH.

(1) This phrase is always regarded as including something not explicitly stated; according to R. Johanan then it includes the case of both intentions being expressed at one service.

(2) To declare it a substitute for both.

(3) V. Lev. XXVII, 33: He shall not inquire whether it be good or bad, neither shall he change it; and if he change it at all, then both it and that for which it is changed shall be holy. This is interpreted as meaning that if an animal is dedicated for a particular sacrifice, e.g., a peace-offerings, and then a second is substituted for it, both are holy, the second having exactly the same holiness as the first. Now R. Meir rules that if he declares it a substitute for two consecrated animals in succession, only the first declaration is valid, and the second is disregarded. But R. Jose maintains that if the second statement was not added as an afterthought but was part of the original intention, the whole is valid. Consequently, the animal is put out to graze until it receives a blemish, when it must be sold, and the money expended half for a burnt-offering and half for a peace-offering.

(4) When one slaughters the sacrifice with the intention of eating as much as an olive without bounds and as much as an olive after time, the second intention is not an afterthought cancelling the first, since both are possible; yet R. Judah regards the first statement only. This is analogous to making an animal a substitute for half a burnt-offering and half a peace-offerings, for here too both are possible. Now R. Meir who regards the first statement only in substitution agrees with R. Judah in our Mishnah, and therefore in the declaration in question too he should regard the first statement only.

(5) Shechitah consists of cutting across the two organs of the throat, viz., the windpipe and the gullet. Here R. Judah disagrees, because he regards them as two separate statements; but in a statement of 'halves' R. Judah (and R. Meir) would agree that the whole counts as one statement and that both parts are regarded. V. also Pes. (Sonc. ed.) p. 315, n. 3.

(6) V. Glos.

(7) If the priest takes the fistful of the meal-offering for burning on the altar while expressing the intention of eating as much as an olive after time and as much as an olive without bounds. There is the same controversy in Men. 12a between R. Judah and the Sages as here.

(8) As the priest took one step while carrying the fistful to the altar he declared his intention of partaking of the offering without bounds, and as he took another step, his intention of partaking thereof after time. Hence here also we have two separate statements.

(9) From Palestine to Babylon.

Talmud - Mas. Zevachim 30b

Said Abaye to him: Yet surely Rabbah b. Bar Hanah said in R. Johanan's name: When you bring R. Meir and R. Jose together, [you find that] they do not disagree.¹ But do they not disagree? Surely they do disagree? — They disagree in what they disagree, he answered him, and they do not disagree in what they do not disagree.² For R. Isaac b. Joseph said in R. Johanan's name: All agree that if he declared 'Let this [sanctity] fall upon the animal and after that let that [sanctity] fall upon it,' [the latter] does not fall upon it.³ 'Let this [sanctity] not fall upon it unless the other falls upon it [too],' all agree that [the latter] does not fall upon it.⁴ They disagree only where he declares, '[Let this

animal be] a substitute for a burnt-offering, a substitute for a peace-offering.’ R. Meir holds: Since he should have said, ‘A substitute for a burnt-offering and a peace-offering.’⁵ but said [instead], ‘A substitute for a burnt-offering, a substitute for a peace-offering,’ you may infer that he has indeed retracted.⁶ And R. Jose?⁷ — Had he declared, ‘A substitute for a burnt-offering and a peace-offering,’ I might have interpreted it, Half as a substitute for a burnt-offering and half as a substitute for a peace-offering;⁸ therefore he declared, ‘A substitute for a burnt-offering, a substitute for a peace-offerings,’ to intimate that the whole should be a burnt-offering and the whole should be a peace-offerings!⁹ — Said he [R. Dimi] to him [Abaye]: He [Rabbah b. Bar Hanah] said that they do not disagree, but I maintain that they do disagree.¹⁰

‘Ulla-others state, R. Oshaia — said: Perhaps our Babylonian colleagues know whether we learnt, ‘As much as an olive . . . as much as an olive’; or did we learn, ‘As much as an olive . . . and as much as an olive’?¹¹ [The point of the question is this:] Did we learn, ‘As much as an olive . . . as much as an olive,’¹² but [if he declared,] ‘. . . As much as an olive . . . and as much as an olive,’ all agree that it constitutes a mingling of intentions.¹³ Or perhaps we learnt’. . . as much as an olive . . . and as much as an olive,’ and this, in R. Judah's opinion, constitutes a detailed enumeration,¹⁴ and all the more [if he declared]’. . . as much as an olive . . . as much as an olive?’ — Come and hear, for Levi asked Rabbi: What if he intended eating as much as an olive on the morrow [after time] without bounds? Said he to him: That is indeed a question: it constitutes a mingling of intentions.¹⁵ Thereupon R. Simeon b. Rabbi observed, is this not [taught in] our Mishnah: [IF HE INTENDED] TO EAT AS MUCH AS AN OLIVE WITHOUT, AS MUCH AS AN OLIVE ON THE MORROW; [OR] AS MUCH AS AN OLIVE ON THE MORROW, AS MUCH AS AN OLIVE WITHOUT; [OR] HALF AS MUCH AS AN OLIVE WITHOUT, HALF AS MUCH AS AN OLIVE ON THE MORROW; [OR] HALF AS MUCH AS AN OLIVE ON THE MORROW. HALF AS MUCH AS AN OLIVE WITHOUT: IT IS INVALID, AND DOES NOT INVOLVE KARETH. Hence it follows that the other case¹⁶ constitutes a mingling of intentions.¹⁷ Nevertheless he asked me a profound question, he replied, though you say that it is [implied in] our Mishnah. Since I taught you both [cases], you find no difficulty.¹⁸ But him I taught only one,¹⁹ while he heard that the Rabbis read both versions [in the Mishnah]. Hence his doubt: was my teaching exact,²⁰ whereas their [additional case] constitutes a mingling of intentions;²¹ or perhaps their [version] is exact,²² whilst I had simply omitted [one case when I taught him], and just as I had omitted this instance, so had they omitted the other instance.²³ Now, which [case] did he teach him? If we say [that] he taught him: ‘. . . as much as an olive . . . and as much as an olive,’ [surely] that is not an omission!²⁴ Hence he taught him, ‘As much as an olive . . . as much as an olive.’²⁵ Then let him ask about ‘as much as an olive . . . and as much as an olive’?²⁶ — He reasoned: I will ask him one case from which I may infer both. For if I ask about ‘as much as an olive . . . and as much as an olive,’ it is well if he answers me that it is a comprehensive statement,²⁷ then all the more is it so [in the case of] ‘as much as an olive on the morrow without’; but if he answers me that it is a detailed enumeration, then I will still have the question about ‘as much as an olive on the morrow without’. If so,[the same objection can be urged] now too: it is well if he answered him that ‘as much as an olive on the morrow without’ constitutes a detailed enumeration, then all the more is it so in the case of ‘as much as an olive and as much as an olive’. But if he answered him that it is a comprehensive statement, he would still have the question: [what about] ‘as much as an olive and as much as an olive’ ? — If so, he [Rabbi] would have shewn asperity:

(1) For, as shewn anon, both reject the view that only the first statement is regarded. That being so R. Meir's ruling on substitution does not agree with R. Judah in our Mishnah.

(2) They disagree only in the case cited, where their controversy is explicitly stated. But they do not disagree on the general question whether a man's first statement only is to be regarded, for they both hold that a man's complete intention must be taken into account, the point at issue being what is his intention.

(3) If he declared, ‘Let the sanctity of this animal, dedicated for a burnt-offering, fall upon this one as its substitute, and then let the sanctity of the other dedicated for a peace-offerings fall upon it’, it is not seized with the sanctity of the

second, for sanctity cannot fall upon an animal which already possesses it.

(4) Since he obviously intended the animal to assume both sanctities simultaneously.

(5) If he intended both.

(6) Having declared it a substitute for the one, he retracted and made it a substitute for the other. But retraction is not permitted, and therefore it retains the first sanctity only.

(7) Does he not allow this argument?

(8) In which case it could not be sacrificed at all.

(9) Erroneously thinking that then the animal itself could be offered (presumably, as whichever sacrifice he desired, when he actually came to sacrifice it). — Thus on the present interpretation R. Meir too does not disagree with R. Jose that you cannot regard only a man's first statement, which contradicts R. Dimi.

(10) Precisely on the point whether a man's first statement only is to be regarded.

(11) In the Mishnah, did the man state, 'I declare my intention to eat as much as an olive without bounds, as much as an olive after time', or, . . . and as much as an olive after time'?

(12) R. Judah regards this as two distinct (and to some extent self-contradictory) intentions, since they are not joined by 'and'.

(13) Hence it is not piggul.

(14) Each is a separate statement, and there is no mingling of intentions. Hence R. Judah regards the first only.

(15) Even in R. Judah's opinion.

(16) Viz., where he declares both intentions in respect of the same piece.

(17) Why praise it then as a question worthy of asking?

(18) I taught you both versions, viz., that he declares, 'as much as an olive . . . as much as an olive'; or 'as much . . . and as much', etc., and the controversy of R. Judah and the Rabbis applies to both. Hence, since the Mishnah teaches these, and not a twofold declaration in respect of the same piece, you rightly deduce that there obviously even R. Judah admits that we have a mingling of intentions.

(19) Which one is explained anon.

(20) Viz., that the controversy applies to one case only.

(21) In my opinion, so that they read this into the Mishnah incorrectly. If so, a twofold declaration in respect of the same piece certainly constitutes a mingling of intentions.

(22) The controversy applies to both.

(23) Viz., two declarations in respect of the same piece. Hence he was right to raise the question.

(24) For the case of 'as much as an olive . . . as much as an olive' follows a fortiori. If R. Judah holds that we have a detailed enumeration and no mingling of intentions even when the priest uses the copulative, how much more so when his statements are disjoined. Hence he would have understood that this too is included, but only this and no other, so that a twofold declaration in respect of the same piece would certainly be a mingling of intentions, and there would be no room for his question.

(25) Only on this assumption is there room for his question. This proves that the reading in the Mishnah is 'as much as an olive . . . as much' etc.

(26) According to the explanation above he was in doubt about that too.

(27) Sc. it is a mingling of intentions.

Talmud - Mas. Zevachim 31a

seeing that 'as much as an olive and as much as an olive' is a comprehensive statement, is there a question about 'as much as an olive on the morrow without'?¹

It was stated: [If one declares, 'I will eat] half [as much as] in olive after time, half an olive without bounds and half as much as an olive after time,' — Said Raba: 'Then the piggul awaked as one asleep'.² But R. Hamnuna maintained: This constitutes a mingling of intentions.³ Raba said: Whence do I say it? Because we learnt: if one combines as much as an egg of an edible of first degree with as much as an egg of an edible of second degree, [the combination] ranks as first degree. If one separates them, each ranks as second degree.⁴ But if one re-combined them, [the mixture] ranks as first degree. Whence [does this follow]? — Because the second clause teaches: If each falls

separately on a loaf of terumah, they render it unfit; if they both fall [on it] simultaneously, they render it second degree.⁵ But R. Hamnuna argues: There you had the requisite standard;⁶ but here the standard is absent.⁷

R. Hamnuna said: Whence do I say it? — Because we learnt: An edible which was defiled by a principal degree of uncleanness, and [one] which was defiled by a derivative of uncleanness⁸ combine with each other to defile according to the lesser of the two.⁹ Surely that means even if [the standard quantity] is subsequently made up?¹⁰ — [No:] perhaps [this holds good only] when one does not make up [the standard].

When R. Dimi came, he said: [When one declares his intention of eating] half an olive without bounds and half an olive after time and [another] half an olive after time, — Bar Kappara taught: It is piggul, [because the declaration in respect of] half an olive is of no effect as against [that in respect of] an olive.¹¹ When Rabin came, he said: [If one declares his intention of eating] half as much as an olive after time and [another] half an olive after time and half an olive without bounds, — Bar Kappara taught: It is piggul, [because the declaration in respect of] half an olive is of no effect as against [that of] an olive.¹² R. Ashi recited it thus: [If one declares his intention to eat] half an olive after time, and an olive, half without bounds and half after time,¹³ — Bar Kappara taught: It is piggul, [because the declaration in respect of] half an olive is of no effect as against [that of] an olive.¹⁴

R. Jannai said: If one intended dogs to eat it on the morrow, it is piggul, because it is written, And the dogs shall eat Jezebel in the portion of Jezreel.¹⁵ To this R. Ammi demurred: If so, if he intended fire to eat it on the morrow, is that too piggul, since it is written, A fire not blown by man shall eat [consume] him?¹⁶ And should you say, That indeed is so, — surely we learnt, [IF HE INTENDED] TO EAT HALF AS MUCH AS AN OLIVE [ILLEGITIMATELY] AND TO BURN HALF AS MUCH AS AN OLIVE [ILLEGITIMATELY], IT IS FIT, BECAUSE EATING AND BURNING DO NOT COMBINE? — If he expressed [his intention] in terms of eating, that indeed would be so;¹⁷ here [in the Mishnah] however he expressed it in terms of burning: [hence they do not combine,] because the term eating is one thing and the term burning is another.

R. Assi¹⁸ asked: What if he intended as much as an olive to be eaten [illegitimately] by two men? Do we go by his intention, and there is the standard [of disqualification]; or do we go by the eaters, and there is not the standard? — Said Abaye, Come and hear: [IF HE INTENDED] TO EAT HALF AS MUCH AS AN OLIVE AND TO BURN HALF AS MUCH AS AN OLIVE [ILLEGITIMATELY]. IT IS FIT, BECAUSE EATING AND BURNING DO NOT COMBINE.

(1) I.e., Rabbi would have replied with asperity, ‘Why, even the former case is a mingling of intentions; how much more so that which you ask’.

(2) Cf. Ps. LXXVIII, 65. — The first half, on finding as it were the last half, awakes from its slumber and combines with it. Thus he intends to eat as much as an olive after time; this renders it piggul and cannot be undone by the intention of eating half as much as an olive without bounds.

(3) Hence it is not piggul.

(4) A man who becomes unclean through contact with a corpse, and a sherez (‘creeping thing’) rank as principal (ab, lit., ‘father’) degree of uncleanness, and if a foodstuff comes into contact with them, it becomes unclean in the first degree; if that in turn comes into contact with another foodstuff, the latter is unclean in the second degree. The minimum standard of foodstuffs to defile is as much as an egg. Now, the first combination contains the standard quantity for defilement, and that in the first degree; hence the whole ranks as such. But if one divides the whole, each part contains less than the standard in the first degree; hence each part is second degree.

(5) In hullin (non-sacred food) there is nothing below second degree, so that if second degree food touches hullin, the latter remains clean. In terumah (q.v. Glos.) there is a third degree, but it goes no further, and the terumah is then called unfit, but not unclean, since it cannot defile other terumah. Now, if each of these separated masses falls on terumah

consecutively, the terumah is disqualified only, since neither mass contains as much of first degree to render it second. But if they both fall on it together, as much as an egg of first degree has touched it at the same moment, and therefore the terumah becomes unclean in the second degree, so that it can render other terumah unfit. This proves that the firsts in each combine, and the same is true here.

(6) In the first place there was one mass of the requisite standard; therefore the two masses recombine.

(7) There was never the complete standard by itself to render it piggul.

(8) 'Derivative' is another name for first degree.

(9) If each contains only half the standard. Thus the combination disqualifies terumah (rendering it third), but does not defile it (i.e., it does not render it second).

(10) Even if one adds a first degree edible to make up to the size of an egg, yet since the combination is only a second, that portion thereof which is first does not re-awake to combine with the addition.

(11) Since the two piggul intentions (viz., to eat after time) were consecutive.

(12) But only in this case. In the former case, however, when he declares his intention to eat half an olive without bounds and half an olive after time, these two intentions immediately combine, and his subsequent declaration that he will eat half an olive after time cannot upset the previous combination; hence it is not piggul. Thus we have a controversy between R. Dimi and Rabin as to Bar Kappara's teaching.

(13) Thus combining the latter two in his declaration.

(14) This goes further than R. Dimi's view. For here he actually combined the latter two intentions, and yet they are separated and the two intentions concerning after time recombined.

(15) II Kings IX, 10. This proves that eating by dogs is designated eating.

(16) Job XX, 26.

(17) They would combine.

(18) Emended text. Cur. edd: Ashi.

Talmud - Mas. Zevachim 31b

Hence if he intended to eat [half as much as an olive] and to eat [half as much as an olive] in a way similar to [the intention of] eating and burning, — and how is that possible? [that the two half olives] should be eaten by two men, — they would combine. This proves it.

Raba asked: What if he intended to eat as much as an olive within more than the time required for eating half [a loaf]?¹ Do we compare this to the eating of the All-High,² or do we liken it to human eating? — Said Abaye, Come and hear: [IF HE INTENDED] EATING HALF AS MUCH AS AN OLIVE AND BURNING HALF AS MUCH AS AN OLIVE, IT IS FIT, BECAUSE EATING AND BURNING DO NOT COMBINE. Thus only eating and burning; but eating and eating in a way similar to eating and burning combine, though burning requires more than the time for eating half [a loaf]³ — [No:] perhaps it means in a big fire.⁴

[IF HE INTENDED] TO EAT HALF AS MUCH AS AN OLIVE AND TO BURN HALF AS MUCH AS AN OLIVE IT IS FIT. Thus only to eat and to burn; but [if he intended] to eat [what is fit for eating] and to eat what is not fit for eating⁵ they combine. Yet surely the first clause teaches: [IF HE INTENDS] TO EAT WHAT IS NORMALLY EATEN [IT IS UNFIT]. Hence, only what is normally eaten, but not what is not normally eaten? — Said R. Jeremiah. This⁶ is in accordance with R. Eliezer, who maintained [that] you can intend [with effect] for the altar's consumption what is meant for human consumption and for human consumption what is meant for the altar's consumption. For we learnt: If one slaughters the sacrifice [intending] to eat what is not normally eaten or to burn [on the altar] what is not normally burnt, it is fit; but R. Eliezer invalidates [it].⁷ Abaye said: You may even say that it is according to the Rabbis; but do not deduce: But [if he intends] to eat [what is fit for eating] and to eat what is not normally eaten [it is fit]; deduce rather: But [if he intends] to eat [what is normally eaten] and to eat what is normally eaten⁸ [it is invalid]. [Then] what does [the Tanna] inform us? if he informs us [the law concerning] what is normally eaten,⁹ you can infer this from the first clause: [IF HE INTENDS TO EAT] HALF AS MUCH AS

AN Olive WITHOUT, HALF AS MUCH AS AN OLIVE ON THE MORROW, [HIS INTENTIONS] COMBINE. If [he informs us about intending] to eat and to burn,¹⁰ you can infer this by deduction from the first clause, [viz.,] only [if he intends] to eat what is normally eaten, but not [if he intends to eat] what is not normally eaten. Then seeing that [intentions] to eat [what is normally eaten] and to eat what is not normally eaten do not combine, is it necessary [to teach about intentions] to eat and to burn [that they do not combine]?¹¹ — He needs [to teach about intending] to eat and to burn. For you might argue, Only there¹² [do they not combine], because his intention is not normal; but here, where [his intentions in respect of] each are normal,¹³ I would say that they combine. Hence he informs us [otherwise].

CHAPTER III

MISHNAH. ALL UNFIT PERSONS¹⁴ WHO SLAUGHTERED, THEIR SLAUGHTERING IS VALID, FOR SLAUGHTERING IS VALID [EVEN WHEN PERFORMED] BY LAY-ISRAELITES [ZARIM], AND BY WOMEN, AND BY SLAVES, AND BY UNCLEAN, EVEN IN THE CASE OF SACRIFICES OF HIGHER SANCTITY, PROVIDED THAT UNCLEAN [PERSONS] DO NOT TOUCH THE FLESH; THEREFORE THEY¹⁵ INVALIDATE [THE SACRIFICE] BY AN [ILLEGITIMATE] INTENTION.

(1) A loaf is the size of eight (according to Maim. six) eggs, and half a loaf constitutes the average meal. The eating of forbidden food in general is punishable only if as much as an olive thereof, which is the standard for punishment, is eaten in the time of an average meal.

(2) Sc. the consumption of the emurim on the altar. Naturally, this sometimes requires more time than the human standard, and therefore if this comparison is made his intention counts.

(3) Emended text (Rashi). 'Eating and eating' means an intention to eat half as much as an olive and another intention to eat half as much as an olive.

(4) Where it will be quickly consumed.

(5) For what he would burn (the emurim) is not fit for eating.

(6) The final clause.

(7) V. supra 28a for notes. In view of R. Eliezer's opinion it is necessary to state here that intentions in respect of eating and burning (human consumption and the altar's consumption) do not combine.

(8) I.e., two intentions in respect of two half standards.

(9) Viz., that they combine.

(10) That they do not combine. I.e., if the law is taught for its own sake, and not for the sake of a deduction.

(11) Surely not.

(12) When he intends to eat what is normally eaten and to eat what is not normally eaten.

(13) He intends to eat what is eaten, and to burn what is burnt, though not in the right time or place.

(14) As enumerated in the Mishnah supra 15b.

(15) These unfit persons.

Talmud - Mas. Zevachim 32a

BUT IF ANY OF THESE RECEIVED THE BLOOD [INTENDING TO EAT THE FLESH OR BURN THE EMURIM] AFTER TIME OR WITHOUT BOUNDS AND LIFE-BLOOD IS [STILL] AVAILABLE, A FIT [PRIEST] MUST RECEIVE [IT] A SECOND TIME. IF A FIT PERSON RECEIVED [THE BLOOD] AND GAVE [IT] TO AN UNFIT ONE, HE MUST RETURN IT TO THE FIT ONE. IF HE RECEIVED [THE BLOOD] IN HIS RIGHT HAND AND TRANSFERRED [IT] TO HIS LEFT, HE MUST RE-TRANSFER IT TO HIS RIGHT. IF HE RECEIVED [IT] IN A SACRED VESSEL AND Poured IT [THENCE] INTO A SECULAR [NON-SACRED] VESSEL, HE MUST RETURN IT TO THE SACRED VESSEL. IF IT SPILT FROM THE VESSEL ON TO THE PAVEMENT AND ONE COLLECTED IT, IT IS FIT. IF [THE PRIEST] APPLIED IT ON THE ASCENT [OR ON THE ALTAR], [BUT] NOT OVER AGAINST ITS BASE; [OR] IF HE APPLIED WHAT SHOULD BE APPLIED BELOW [THE SCARLET LINE] ABOVE [IT], OR WHAT SHOULD BE APPLIED ABOVE, BELOW; OR WHAT SHOULD BE APPLIED WITHIN [HE APPLIED] WITHOUT, OR WHAT SHOULD BE APPLIED WITHOUT, WITHIN¹ AND LIFE-BLOOD IS [STILL] AVAILABLE, A FIT [PRIEST] MUST RECEIVE [BLOOD] ANEW. GEMARA. 'WHO SLAUGHTERED' [implies] only if done, but not at the very outset.² But the following contradicts it: And he shall slaughter:³ [this teaches that] slaughtering by a zar is valid,⁴ for slaughtering by zarim, women, slaves, and unclean persons is valid, even in the case of most sacred sacrifices. Yet perhaps that is not so, but rather [it must be done] by priests? You can answer: Whence do you come [to propose this]? From the fact that it is said, And thou and thy sons with thee shall keep the priesthood in everything that pertaineth to the altar,⁵ you might think that this applies to shechitah too. Therefore Scripture states, And he shall kill the bullock before the Lord; and Aaron's sons, the priests, shall present the blood:⁶ from receiving onwards priesthood is prescribed, which teaches that shechitah by any person is valid!⁷ — The truth is that it [may be performed] even at the very outset too, but because [the Tanna] wishes to include unclean, who may not [slaughter] in the first place lest they touch the flesh,⁸ he states, WHO SLAUGHTERED.

Is then [the slaughtering by] an unclean person well if it was done? The following, however, contradicts it: And he shall lay [his hands upon the head of the burnt-offering . . .] and he shall kill the bullock [before the Lord]:⁹ as 'laying' must be [done] by clean [persons only], so must shechitah [be done] by clean [persons only]? — That is [only] a Rabbinical law.¹⁰ Why does 'laying' differ? because it is written, before the Lord?¹¹ Yet surely 'before the Lord' is written of shechitah too? — It is possible to make a long knife and slaughter.¹² But in the case of 'laying' too, he can project his hands [into the Temple court] and lay?¹³ — He holds that partial entry is designated entry.¹⁴

R. Hisda recited it reversely: And he shall lay . . . and he shall kill: as shechitah requires clean persons, so 'laying' requires clean persons. Why does shechitah differ? because it is written, 'before the Lord'?

(1) V. supra 26a for notes.

(2) I.e., if they slaughtered, it is valid; but we do not permit them to slaughter in the first place.

(3) Lev. I, 5.

(4) Since Scripture does not specify a priest.

(5) Num. XVIII, 7.

(6) Lev. I, 5.

(7) This implies at the very outset.

(8) And defile it.

(9) Ibid. I, 4f.

(10) By Scriptural law, however, shechitah may be done in the first place by unclean persons; hence their shechitah is valid, if performed, even by Rabbinical law. The exegesis is therefore to be understood as a mere support to the law, and not as its source.

(11) In the text just quoted. Since shechitah must be 'before the Lord' i.e., in the Temple court, 'laying' too must be done there, as shechitah immediately follows it. Hence unclean are excluded, since they may not enter the Temple court.

(12) The sacrifice, which is within, while he stands without.

(13) While his body is without.

(14) Even if his hands only enter the Temple court, it is as though he entered it entirely.

Talmud - Mas. Zevachim 32b

but 'before the Lord' is written in connection with 'laying' too? — He can project his hands within and lay [them on the bullock]. Then in the case of shechitah too, he can make a long knife and slaughter? — This agrees with Simeon the Temanite. For it was taught: And he shall kill the bullock before the Lord: the bullock [must be] before the Lord, but the slaughterer need not be before the Lord. Simeon the Temanite said: Whence do we know that the slaughterer's hands must be on the inner side of the slaughtered? From the text, And he shall slaughter the bullock before the Lord: he that slaughters the bullock [must be] before the Lord.¹

'Ulla said in the name of Resh Lakish: If an unclean person projects his hands within, he is flagellated, because it says, She shall touch no hallowed things, nor come into the sanctuary:² entry is assimilated to contact. As partial contact ranks as contact,³ so partial entry is designated entry. R. Hoshai raised an objection to 'Ulla: If a leper whose eighth day fell on the eve of Passover⁴ and who had a nocturnal discharge on that day,⁵ and performed immersion,⁶ — the Sages said: Though any other tebul yom⁷ may not enter [the Levitical camp], this one does enter:⁸ it is preferable that an affirmative precept which involves kareth⁹ should come and override an affirmative precept which does not involve kareth.¹⁰ Now R. Johanan said: By the law of the Torah¹¹ there is not even an affirmative precept in connection therewith, for it is said, And Jehoshaphat stood in the congregation of Judah and Jerusalem, in the house of the Lord, before the new court.¹² What does 'the new court' mean? That they introduced a new law there and ruled: A tebul yom must not enter the Levitical camp.¹³ Now if you say that partial entry is called entry, how can he insert his hands for [the sprinkling of his] thumbs; in both cases there is an affirmative precept involving kareth?¹⁴ — from your very refutation¹⁵ [I can answer you], he replied: A leper is different. Since he was permitted in respect of his leprosy,¹⁶ he was permitted in respect of his nocturnal discharge. R. Joseph observed: 'Ulla holds [that] if the majority were zabin and they became unclean through the dead, since they are permitted in respect of their defilement, they are permitted in respect of their zibah.¹⁷ Said Abaye to him, How can you compare? Uncleanness was permitted, but zibah was not permitted!¹⁸ Perhaps this is what you meant: If the majority are unclean through the dead and they become zabin, since they are permitted in respect of their uncleanness they are permitted in respect of their zibah? — Yes, he replied. Said he to him: Yet they are still not alike. [In the case of] a leper it is permitted,¹⁹ [and] since it is permitted [in respect of leprosy], it is permitted [in respect of his nocturnal discharge]. But defilement is [merely] superseded: in respect of one²⁰ it was superseded, [while] in respect of the other [zibah] it was not superseded? — Said Raba to him: On the contrary, the logic is the reverse: [In the case of] a leper it is permitted: then it is permitted in respect of the one and not permitted in respect of the other. But uncleanness is superseded: What does it matter then whether it is superseded in one instance or whether it is superseded in two instances?

(1) Reading we-shohet, and the slaughterer, for we-shahat, and he shall slaughter. Thus he holds that the slaughterer must be inside too.

(2) Lev. XII, 4.

(3) Since normally a man does not touch a thing with his whole body.

(4) When a leper was healed from his leprosy he waited seven days, performing immersion on the seventh, and brought his sacrifices on the eighth (v. Lev. XIV, 9f). When he brought these he was still not permitted to enter the Temple court ('the camp of the Shechinah' — divine Presence) but stood at the east gate ('the gate of Nicanor'), whose sanctity was lower (it was regarded as 'the Levitical camp'), while the priest, standing inside the Temple court, applied the blood and

the oil to the thumb and the great toe of the leper (ibid. 14f).

(5) Before he had offered his sacrifices. One who suffered such a discharge might not enter even the Levitical camp.

(6) Again. Though he had performed immersion the previous day, that was on account of his leprosy, whereas now he performs it on account of his discharge.

(7) V. Glos.

(8) For his purification rites.

(9) Sc. the Passover-offering. He went through his purification rites so that he might eat of the Passover-offering in the evening, the eating of which is enjoined by an affirmative precept.

(10) Sc. that a tebul yom must not enter the Levitical camp. That is derived in Naz. 45a from, he shall be unclean; his uncleanness is yet upon him (Num. XIX, 13); since this is an affirmative statement, the injunction likewise counts as an affirmative precept. Its violation does not involve kareth.

(11) The Pentateuch.

(12) II Chron. XX, 5.

(13) Since this was an innovation, it is only Rabbinical, and as seen supra it was waived for the sake of the Passover-offering.

(14) An unclean person may not enter the Temple court on pain of kareth.

(15) Lit., 'burden'.

(16) This is obvious, as Scripture ordains it, and it cannot be done in any other way but by inserting his hands (or thumbs) into the Temple court.

(17) For zab (pl. zabim, zabin), zibah v. Glos. If the majority of the community are unclean on the eve of Passover through the dead, they are permitted to offer the Passover-offering, as this uncleanness is inoperative (or superseded) in such circumstances. But if they are unclean as zabin, they may not offer. Now, if they were thus unclean, and then became unclean through the dead too, since they are permitted in respect of the latter, they are also permitted in respect of the former. This follows from 'Ulla's answer.

(18) Though the uncleanness through the dead is permitted, yet since it came after zibah it cannot render that permitted too, for if it did it would create the absurd position that whereas zibah alone is not permitted, yet when defilement through the dead is added to it, it is permitted.

(19) To project his hands into the Temple court.

(20) Sc. defilement through the dead.

Talmud - Mas. Zevachim 33a

This proves that both¹ hold that uncleanness is [merely] superseded in the case of a community.²

Shall we say that the following supports him:³ In all cases of laying [hands] I apply [the norm], shechitah must immediately follow laying, except this one,⁴ which took place at the Nicanor Gate, because the leper might not enter therein⁵ until the blood of his sin-offering and his guilt-offering was sprinkled on his account.⁶ Now, if you say that partial entry is not designated entry, let him project his hands [into the Temple court] and lay [them on the sacrifice]?⁷ — Said R. Joseph: This is in accordance with R. Jose son of R. Judah, who maintained: The north is at a distance [from the entrance].⁸ Then let a small gate be made?⁹ — Abaye and Raba both quoted [in reply]: All this [do I give thee] in writing, as the Lord hath made me wise by His hand upon me, even all the works of this pattern.¹⁰ Others state [that] R. Joseph said: When one lays [hands], he must project his head and the greater part [of his body into the Temple court].¹¹ What is the reason? — We require [him to lay hands with] all his strength; therefore it cannot be done [otherwise].

What does [the Tanna] hold?¹² If he holds that the laying [hands on] the guilt-offering of a leper is a Scriptural requirement, and that [the law that] shechitah must immediately follow laying is Scriptural, then let him [the leper] enter [the Temple court] and lay [hands], since the Divine Law ordained it? — Said R. Adda b. Mattenah: It is a preventive measure, lest he prolong his route.¹³ Others state [that] R. Adda b. Mattenah said: Laying of [hands on] the guilt-offering of a leper is Scriptural, but [that] shechitah must immediately follow laying is not Scriptural.¹⁴

An objection is raised: And he shall lay [his hands . . .] and he shall kill:¹⁵ As ‘laying’ must be [done] by clean [persons only], so must shechitah be [done] by clean [persons only]. If, however, you say that it is not Scriptural, then it can be [done] by unclean persons too?¹⁶ — Rather, reverse it: Laying of [hands on] the guilt-offering of a leper is not Scriptural, while [the law that] shechitah must immediately follow laying is Scriptural. [

(1) Abaye and Raba.

(2) V. supra p. 163, n. 11, and Yoma 6b.

(3) ‘Ulla, that partial entry is designated entry.

(4) Laying of hands on the leper's guilt-offering.

(5) Into the Temple court.

(6) Hence the animal was brought to the Nicanor Gate, which had intentionally been left unsanctified to enable the leper to stand there, and he laid hands upon it; then it was led to the Temple court and slaughtered, and so these two actions had to be separated by a short interval.

(7) So here too shechitah could immediately follow laying.

(8) Sc. of the Temple court. V. supra 20a. The sacrifices of the leper had to be slaughtered at the north side of the altar, which was more than 22 cubits from the main entrance of the Temple court. Hence he could not possibly reach it from outside.

(9) On the north wall of the Temple court facing the altar, whereby the animal could be slaughtered immediately after his laying on of hands.

(10) I Chron. XXVIII, 19. Thus the Temple was designed by divine guidance, and nothing might be added to it.

(11) So that it would not be partial entry but complete entry, which is forbidden to the leper.

(12) When he rules that shechitah must always immediately follow laying save in the case of a leper.

(13) Lit., ‘take many steps’ — into the Temple court — more than is necessary for laying hands. This would not be covered by the Scriptural dispensation.

(14) Hence we cannot permit him to enter the Temple court.

(15) Lev. I, 4.

(16) Viz., by laying hands outside the Temple court, and then the sacrifice is led in and slaughtered.

Talmud - Mas. Zevachim 33b

Rabina said: It was stated¹ [only] in respect of flagellation.² When Rabin came, he said in the name of R. Abbahu: It was stated in respect of an unclean person who touched sacred flesh.³ For it was stated: If an unclean person touches sacred flesh, Resh Lakish maintains: He is flagellated; R. Johanan said: He is not flagellated. Resh Lakish maintained [that] he is flagellated, [because it is written] She shall touch no hallowed thing.⁴ But R. Johanan maintains that he is not flagellated, [for] that [text] is written in reference to terumah.⁵ Now [does] Resh Lakish [maintain that] this text comes for this purpose? [surely] it is required as a forewarning against eating sacred flesh?⁶ For it was stated: Whence do we derive a forewarning against eating sacred flesh? Resh Lakish says: [From the text,] ‘She shall touch no hallowed thing’. R. Johanan said, Bardela taught: It is derived from the expression ‘his uncleanness’ occurring here and in reference to [an unclean person's] entry into the sanctuary:⁷ as there [Scripture] prescribes the penalty and gives a forewarning,⁸ so here too [Scripture] prescribes the penalty and implies a forewarning!⁹ — [That] an unclean person who touched sacred flesh [is flagellated follows] from the fact that the Divine Law expressed this in terms of touching;¹⁰ while a forewarning to one who eats [sacred flesh while unclean follows] from the assimilation of sacred flesh to the sanctuary.¹¹

It was taught in accordance with Resh Lakish: ‘She shall touch no hallowed thing’: [this is] a forewarning in respect of eating. You say [that it is] a forewarning in respect of eating; yet perhaps it is not so, but rather in respect of touching? Therefore the text states, ‘She shall touch no hallowed thing, nor come into the sanctuary’: the ‘hallowed thing’ [sacred flesh] is assimilated to the

sanctuary. As [the offence in connection with] the sanctuary is one which involves

- (1) That partial entry is designated entry.
- (2) As 'Ulla explicitly states. But it was not stated in respect of kareth, and therefore you cannot raise an objection from the law of a leper, who had a nocturnal issue where the penalty involved is kareth.
- (3) And not in respect of partial entry at all — contra 'Ulla.
- (4) Lev. XII, 4. 'She' is a woman in childbirth, who is unclean, and she is forbidden to touch it by a negative command, which is punishable by flagellation.
- (5) But not to sacrifices. And although sacrifices are more sacred than terumah, for contact with which flagellation is incurred, we do not deduce a fortiori that the same punishment is incurred for touching sacred flesh, as flagellation is not imposed as a result of an a fortiori deduction.
- (6) In a state of bodily uncleanness.
- (7) Eating sacred flesh whilst unclean (Lev. VII, 20): But the soul that eateth of the flesh of the sacrifice of peace-offerings, that pertain unto the Lord, having his uncleanness upon him, that soul shall be cut off from his people (i.e., kareth). Entering the sanctuary whilst unclean (Num. XIX, 13): Whosoever toucheth the dead, even the body of any man that is dead, and purifieth not himself — he hath defiled the tabernacle of the Lord — that soul shall be cut off from Israel; because the water of sprinkling was not dashed against him, he shall be unclean; his uncleanness is yet upon him.
- (8) The forewarning is in Num. V, 3: That they (the unclean) defile not their camp.
- (9) Thus Resh Lakish utilises the text for a different purpose.
- (10) Since Scripture actually writes, She shall touch no hallowed thing.
- (11) Scripture writes, She shall touch no hallowed thing, nor come into the sanctuary. Thus the two, being brought together in this way, are assimilated to each other. Hence this deduction is made: as the forewarning in respect of the sanctuary involves kareth, so the forewarning in respect of the 'hallowed thing' i.e., sacred flesh, is in respect of an action which involves kareth, viz., eating sacred flesh whilst unclean, for we do not find that an unclean person who touches sacred flesh incurs kareth. Nevertheless, since Scripture does use the expression 'touch', a forewarning in respect of touching too must be understood from this text.

Talmud - Mas. Zevachim 34a

the death penalty,¹ so the offence in connection with the hallowed thing is one which involves the death penalty. Now, if this treats of touching, is then the death penalty involved?² Hence it must treat of eating.

Yet it is still required in respect of an unclean person who ate the sacred flesh before the sprinkling [of the blood]? For it was stated: If an unclean person ate the sacred flesh before the sprinkling of the blood, Resh Lakish maintained that he is flagellated; while R. Johanan ruled that he is not flagellated. Resh Lakish maintained [that] he is flagellated, [for it is written,] 'She shall touch no hallowed thing', no distinction being drawn whether it is before sprinkling or after sprinkling. While R. Johanan ruled [that] he is not flagellated, as Bardela taught: 'It is derived from the recurring expression, 'his uncleanness', and that is written after the sprinkling'³ — If so,⁴ let Scripture say, '[She shall not touch] a hallowed thing'; why state no hallowed thing?⁵ Hence two things may be inferred from it.

The [above] text [stated]: 'If an unclean person ate sacred flesh before sprinkling, Resh Lakish maintained: He is flagellated: while R. Johanan ruled: He is not flagellated.' Abaye said: This controversy applies only to bodily uncleanness; but where the flesh is unclean, all rule that he is flagellated, because a Master said:⁶ And the flesh [that toucheth any unclean thing shall not be eaten]⁷ is to include wood and frankincense; though these are not edible, yet Scripture includes them.⁸ Raba said: The controversy is in respect of bodily uncleanness, but where the flesh is unclean⁹ all agree that he is not flagellated. What is the reason? — Since we cannot apply to him the text, Having his uncleanness upon him, that soul shall be cut off,¹⁰ you cannot apply to him the text, And the flesh that toucheth any unclean thing shall not be eaten. But a Master said, And the flesh

includes the wood and the frankincense? — That is where they were sanctified in a vessel,¹¹ so that they become as though all their mattirin¹² had been performed. For we learnt: All which have mattirin [involve a penalty through defilement] once their mattirin have been offered;¹³ whatever has no mattirin [involves a penalty through defilement] when it has been sanctified in a [service] vessel.¹⁴

It was stated: If one brings up the limbs of an unclean animal¹⁵ on the altar, Resh Lakish maintained: He is flagellated; R. Johanan said: He is not flagellated. 'Resh Lakish maintained [that] he is flagellated', [for Scripture implies,] Only a clean animal [may be offered], but not an unclean one,¹⁶ and one is flagellated on account of a negative injunction which is inferred from an affirmative precept. 'R. Johanan said, He is not flagellated', because one is not flagellated on account of a negative injunction which is inferred from an affirmative precept.

R. Jeremiah raised an objection: That may ye eat,¹⁷ but not an unclean animal; and a negative injunction which is inferred from an affirmative precept ranks as an affirmative precept?¹⁸ — Said R. Jacob to R. Jeremiah b. Tahlifa: I will explain it to you: There is no disagreement at all about the limbs of an unclean [domesticated] animal; they disagree about a beast [of chase],¹⁹ and it was thus stated: 'R. Johanan said: He transgresses an affirmative precept. While Resh Lakish said: He does not transgress anything.' 'R. Johanan said, He transgresses an affirmative precept', [for Scripture says,] [Ye shall bring your offering] of the cattle [behemah]: [this implies] only of the cattle, but not of the beast [of chase]; while Resh Lakish said, He does not transgress anything, [for] that [text] intimates that it is meritorious.²⁰

Raba raised an objection: If it were said, '[When any man of you bringeth] an offering to the Lord,' cattle [behemah], I would agree that hayyah [beast of chase] is included in behemah, as in the verse, These are the animals [behemah] which ye may eat: the ox, the sheep, and the goat, the hart and the gazelle and the roebuck etc.²¹ Therefore the text states, 'even of the herd or of the flock': of the herd or of the flock have I prescribed unto thee, but not a beast of chase [hayyah]. You might think [that] one must not bring [a hayyah], yet if one did bring [it] it is valid: for to what is this like? To a disciple whom his master bade, 'Bring me wheat' and he brought him wheat and barley, where he is not regarded as having flouted his orders, but as having added thereto²² — and it is valid; therefore the text states, 'even of the herd or of the flock': of the herd and of the flock have I prescribed unto thee, but not a beast. To what is this like? To a disciple whom his master bade, 'Bring me naught but wheat' and he brought him wheat and barley. He is not regarded as having added to his words, but as having flouted them,

(1) I.e., kareth.

(2) Surely not!

(3) For the forewarning is learned from the penalty, and the penalty of kareth is only incurred after the sprinkling, v. Men. 25b. — Returning to our subject, we see that Resh Lakish utilises the text for a different purpose.

(4) That the text is required for this purpose only.

(5) Expressed in Heb. by the addition of be-kol, ('all' or 'every'); the emphasis implies an additional teaching.

(6) Emended text (Bah).

(7) Lev. VII, 19.

(8) The exegesis is to shew that these can become unclean like an edible (though usually only an edible or a utensil can be defiled), and then the same law applies to them as to food. Now, flesh before sprinkling cannot be worse than these; if these involve flagellation, surely flesh before sprinkling does likewise.

(9) Var. lec.: The controversy is in respect of the uncleanness of the flesh, but in the case of bodily uncleanness etc. (Sh. M.).

(10) Ibid. 20. The text refers to bodily uncleanness, which supports the var. lec. — Kareth is not incurred before the sprinkling of the blood (p. 167, n. 5).

(11) The wood was removed from the altar in a service vessel, and the frankincense was sanctified in a censer. These, as

the Talmud explains, are then in the same position as though all their ritual had been performed, and therefore are analogous to flesh after sprinkling.

(12) V. Glos.

(13) E.g., flesh, whose *mattirin* is the blood which by being sprinkled on the altar permits the flesh to be eaten.

(14) V. Me'il. 10a.

(15) E.g., of horses or camels.

(16) In the verse, Ye shall bring your offering of the cattle, even of the herd or of the flock (Lev. I, 2.). Thus Scripture specifies clean animals.

(17) Lev. XI, 3.

(18) And but for the special negative injunction which follows in the Scriptural text it would involve no flagellation.

(19) Animals are technically divided into *behemah* (domesticated animal) and *hayyah* (wild beast, lit., 'living thing'). The former includes dogs, horses and camels; the latter includes the hart, deer and roebuck.

(20) To offer sacrifices of the cattle, whereas offering a beast of chase is voluntary and permissive. Nevertheless, though we have no affirmative precept forbidding it, anything unclean of either species may certainly not be offered, v. Men. 6a.

(21) Deut. XIV, 4f. The last three belong to the class of *hayyah*.

(22) And here too, since one need not offer a sacrifice at all, when one offers a *hayyah* he is as though adding to God's words.

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— and it [the sacrifice] is invalid. This refutation of Resh Lakish is indeed a refutation.

AND IF ANY OF THESE RECEIVED etc. Resh Lakish asked R. Johanan: Does an unfit person render [the blood in the throat] a residue?¹ — Said he to him: There is no case of sprinkling rendering [the remaining blood] a residue,² save [where it is done with the illegal intention of] after time or without bounds, since it counts³ in respect of *piggul*.⁴ R. Zebid recited it thus: Resh Lakish asked R. Johanan: Does an unfit goblet [of blood] render [the remainder] a residue?⁵ — Said he to him: What is your opinion about an unfit person himself? If an unfit person renders [the blood] a residue, then an unfit goblet too renders [the blood] a residue; if an unfit person does not render a residue, an unfit goblet too does not render a residue. R. Jeremiah of Difti recited it thus: Abaye asked Rabbah: Does one goblet render another rejected or a residue?⁶ — Said he to him: It is the subject of a controversy between R. Eleazar son of R. Simeon and the Rabbis. For it was taught: Above it is stated, And the [remaining] blood thereof shall he pour out [at the base of the altar]; while below it is stated, And all the [remaining] blood thereof shall he pour out [at the base of the altar]:⁷ How do we know that, if [the priest] received the blood of the sin-offering in four goblets and made one application [of blood] from each,⁸ all [the rest] are poured out at the base [of the altar]? From the text, And all the [remaining] blood thereof shall he pour out [at the base of the altar]. You might think that, if he made the four applications from one goblet, all [the rest] are to be poured out at the base: therefore the text states, And the [remaining] blood thereof [etc].⁹ How is this to be understood? [The remaining blood of] that [goblet] is poured out at the base,¹⁰ but they [the other goblets] are poured out into the duct.¹¹ R. Eleazar son of R. Simeon said: Whence do we know that, if [the priest] received the blood of the sin-offering in four goblets and made the four applications from one goblet, all are poured out at the base? From the text, And all the [remaining] blood thereof shall he pour out [at the base of the altar]. Yet surely it is written, 'And the remaining blood thereof shall he pour out etc.'? — Said R. Ashi: That is to exclude the residue [of the blood left] in the throat of the animal.

IF THE FIT PERSON RECEIVED [THE BLOOD] AND GAVE [IT] TO AN UNFIT ONE etc. Now, all these are necessary:¹² For if we were informed about an unfit person, I would say, what is an unfit person? An unclean [priest] who is eligible for public service;¹³ but the left [hand] is not so.¹⁴ And if we were informed about the left hand, that is because it is fit on the Day of Atonement,¹⁵ but a secular [non-sacred] vessel is not so. While if we were informed about secular vessels, that is

because they are eligible for sanctification; but as for the others, I would say that it is not so. Thus they are all necessary.

Now, let it be regarded as rejection?¹⁶ — Said Rabina to R. Ashi: Thus said R. Jeremiah of Difti in Raba's name: This is in accordance with Hanan the Egyptian, who does not accept the law of rejection.¹⁷ For it was taught: Hanan the Egyptian said: Even if the blood is in the cup he brings its companion and pairs it.¹⁸ R. Ashi answered: When it lies in one's power [to rectify] the matter, it does not constitute rejection.¹⁹ R. Shaya observed: Reason supports R. Ashi. [For] whom do you know to accept the law of rejection? R. Judah, as we learnt: Even more did R. Judah say: If the blood [of the he-goat to be sacrificed] was spilt, the [he-goat] which was to be sent away must perish;²⁰ if the [he-goat] which was to be sent away perished, the blood [of the other] must be poured out.²¹ Yet we know him to rule that where it lies in one's power [to rectify the matter] there is no rejection. For it was taught, R. Judah said: He [the priest] used to fill a goblet with the mingled blood²² and sprinkled it once against the base [of the altar].²³ This proves that where it lies in one's own hands, there is no rejection. This proves it.

[To turn to] the main text: 'It was taught, R. Judah said: He [the priest] used to fill a goblet with the mingled blood, so that should the blood of one of them be spilt, the result is that this renders it valid. Said they to R. Judah: But surely it [the mingled blood] had not been received in a vessel?' How do they know?²⁴ — Rather [they said to him]: perhaps it was not caught in a vessel?²⁵ I too, he answered them,

(1) If he sprinkles the blood, can a fit person make the sacrifice valid by catching more blood from the animal's throat and sprinkling it? Or do we say, Once the unfit person has sprinkled the blood, what still remains in the throat is regarded as the residue of the blood, which cannot be used for sprinkling, and therefore the sacrifice is invalid? (The Mishnah speaks only of receiving the blood, not of sprinkling.)

(2) Emended text (Bah).

(3) Lit., 'propitiates'.

(4) Since such sprinkling counts as sprinkling to render the sacrifice *piggul*, it also counts to render the rest of the blood a residue. But no other illegal sprinkling renders the remainder of the blood a residue.

(5) If the goblet containing the blood to be sprinkled was taken outside the Temple court, whereby it becomes unfit, and it was then sprinkled, does it render the remainder in the throat a residue?

(6) E.g., if the blood of a sin-offering was received in two goblets, and all the sprinklings were performed out of one, is the blood in the other regarded as the residue, which must be poured out at the foot of the altar (cf. Lev. IV, 7: and all the remaining blood of the bullock shall he pour out at the base of the altar)? Or do we say that by not using it he intentionally, as it were, rejected it, and therefore it is simply poured out into the duct or sewer in the Temple court which discharged its contents into the stream of Kidron?

(7) Lev. IV, 25. 30.

(8) Four applications of blood were made on the horns of the altar.

(9) But not all, which apparently contradicts the other text.

(10) Since it is the residue of what was actually sprinkled.

(11) Because one goblet renders another rejected.

(12) V. Mishnah.

(13) When the whole community is unclean, including the priests, they sacrifice the Passover-offering in that state.

(14) Therefore, if the priest transferred the blood into his left hand, it should be permanently invalid.

(15) The High Priest took the censer in his right hand and the spoon in his left.

(16) The blood was fit in the first place, but by taking it in the wrong hand or in a secular vessel it was rejected, and therefore should no more be fit.

(17) Viz., that once rejected it remains permanently so.

(18) Two he-goats were taken on the day of Atonement, one of which was sacrificed as a sin-offering, and the other was sent away-into the wilderness (the 'scapegoat'), the function of each being decided by lot. The blood of the former was received in a cup or basin and sprinkled on the altar. Now, if the scapegoat died before the blood of the other was

sprinkled, Hanan rules that we do not say that the blood is thereby rejected, and two other goats must be brought, but only one more is brought and paired up with the one already slaughtered. For other views that the blood is thereby rejected permanently (the two goats being interdependent) v. Mishnah Yoma 62a.

(19) Here it lies in his power to rectify the matter by transferring the blood.

(20) But not sent to Azazel, because the two are interdependent, and since a new animal must be brought for the first, as its blood was spilt before sprinkling, a new pair must be brought.

(21) And likewise two fresh animals brought. Thus in each case one is rejected because of the other, and remains so permanently.

(22) Of many Passover-offerings. Lit., 'the blood of those which were mixed'.

(23) In case the blood of one of them would be spilt, this would make it valid.

(24) This is an interjection: how do the Rabbis, who raise this objection, know that it was not caught in a vessel?

(25) But poured straight from the animal's throat on to the ground. Rashi (in Pes. 65a): in that case sprinkling is of no avail. Tosaf.: sprinkling, if already performed, is efficacious, but such blood must not be taken up to the altar in the first place.

Talmud - Mas. Zevachim 35a

spoke only of that which was received in a vessel. And how does he himself know that? — The priests are careful; but as they work quickly [the blood] may be spilt.

But the draining-blood¹ is mixed with it?² — R. Judah is consistent with his view, for he maintained: The draining-blood is called blood.³ For it was taught: The draining-blood is subject to a 'warning';⁴ R. Judah said: It is subject to kareth.⁵ But surely R. Eleazar said: R. Judah agrees in respect to atonement, that it does not make atonement, because it is said, For it is the blood that maketh atonement by reason of the life:⁶ blood wherewith life departs is called blood;⁷ blood wherewith life does not depart is not called blood? — Rather [reply]:⁸ R. Judah is consistent with his view, for he maintained: Blood cannot nullify [other] blood.⁹

R. Judah said to them [the Sages]: On your view,¹⁰ why did they stop up [the holes in] the Temple court?¹¹ — Said they to him: It is praiseworthy for the sons of Aaron [the priests] to walk in blood up to their ankles. But blood constitutes an interposition?¹² — It was moist, and did not constitute an interposition. For it was taught: Blood, ink, honey, and milk, if dry, interpose; if moist, they do not interpose.¹³ But their garments become [blood-] stained, whereas it was taught: If his garments were soiled and he performed the service, his service is unfit? And should you answer that they raised their garments,¹⁴ surely it was taught: [And the priest shall put on] his linen measure:¹⁵ [that means] that it must not be [too] short nor too long?¹⁶ — [They raised them] at the carrying of the limbs to the [altar] ascent, which was not a service.¹⁷ Was it not? Surely it was taught: And the priest shall offer the whole, and burn it on the altar:¹⁸ this refers to the carrying of the limbs to the ascent? — Rather, [they raised them] at the carrying of the wood to the [altar] pile, which was not a service. Nevertheless, how could they walk at the service?¹⁹ — They walked on balconies.²⁰

MISHNAH. IF ONE SLAUGHTERS THE SACRIFICE [INTENDING] TO EAT WHAT IS NOT NORMALLY EATEN, OR TO BURN [ON THE ALTAR] WHAT IS NOT NORMALLY BURNT, IT IS VALID; BUT R. ELIEZER INVALIDATES [THE SACRIFICE].²¹ [IF HE SLAUGHTERS IT INTENDING] TO EAT WHAT IS NORMALLY EATEN AND TO BURN WHAT IS NORMALLY BURNT, [BUT] LESS THAN THE SIZE OF AN OLIVE, IT IS VALID. TO EAT HALF AS MUCH AS AN OLIVE AND TO BURN HALF AS MUCH AS AN OLIVE, IT IS VALID, BECAUSE [INTENTIONS CONCERNING] EATING AND BURNING DO NOT COMBINE.²² IF ONE SLAUGHTERS THE SACRIFICE [INTENDING] TO EAT AS MUCH AS AN OLIVE OF THE SKIN, OR OF THE JUICE, OR OF THE JELLY,²³ OR OF THE OFFAL, OR OF THE BONES, OR OF THE TENDONS, OR OF THE HORNS, OR OF THE HOOFS, EITHER AFTER TIME OR OUT OF BOUNDS, IT IS VALID, AND ONE IS NOT CULPABLE ON THEIR

ACCOUNT IN RESPECT OF PIGGUL, NOTHAR, OR UNCLEANNESS.²⁴ IF ONE SLAUGHTERS SACRED ANIMALS²⁵ [INTENDING] TO EAT THE FETUS OR THE AFTERBIRTH WITHOUT, HE DOES NOT RENDER PIGGUL. IF ONE WRINGS [THE NECKS OF] DOVES, [INTENDING] TO EAT THEIR EGGS WITHOUT, HE DOES NOT RENDER [THEM] PIGGUL. ONE IS NOT CULPABLE ON ACCOUNT OF THE MILK OF SACRED ANIMALS OR THE EGGS OF DOVES IN RESPECT OF PIGGUL, NOTHAR, OR UNCLEANNESS.

GEMARA. R. Eleazar said: If [the priest] expressed a piggul intention in respect of the sacrifice, the fetus [too] becomes piggul;²⁶ [if he expresses a piggul intention] in connection with the fetus, the sacrifice does not become piggul.²⁷ If he expresses a piggul intention in respect of the offal, the crop becomes piggul; in respect of the crop, the offal does not become piggul.²⁸ If he expresses a piggul intention in respect of emurim,²⁹ the bullocks become piggul; in respect of the bullocks,³⁰ the emurim do not become piggul.³¹ Shall we say that the following supports him:³² And both agree that if he expressed an intention [of piggul] in connection with the eating of the bullocks and their burning, he has done nothing?³³ Surely then, if however he expressed an intention concerning the emurim, the bullocks become piggul? — No:

(1) Tamzith denotes the last blood which slowly drains off the animal, contrad. to the life-blood, which gushes forth in a stream.

(2) Whereas 'lifeblood' is required for sprinkling.

(3) For the purposes of sprinkling.

(4) This is a technical designation for a negative injunction whose violation is punished by lashes. But it involves no kareth, as does the consuming of the life-blood (v. Lev. XVII, 10f).

(5) Just like life-blood. Hence it is also the same in respect to sprinkling.

(6) Lev. XVII, 11.

(7) And makes atonement.

(8) To the objection, 'But the draining-blood is mixed with it'.

(9) And there is certainly at least a little of the life-blood in this goblet of mixed blood, and that is sufficient for atonement.

(10) That they did not fill a goblet of mixed blood.

(11) On the eve of Passover they stopped up the holes through which the blood of the sacrifices passed out to the stream of Kidron.

(12) Between the pavement and their feet, whereas they had to stand actually on the pavement itself, supra 15b.

(13) When a person takes a ritual bath (tebillah), nothing must interpose between the water and his skin; if something does interpose, it invalidates the bath.

(14) I.e., they were short and did not reach down to the blood.

(15) E.V. garment, Lev. VI, 3.

(16) But reach exactly to the ground.

(17) And only then was it praiseworthy for the priests to walk up to their ankles in blood.

(18) Lev. I, 13.

(19) Sc. of the sprinkling of the blood.

(20) Projecting boards alongside the walls.

(21) V. supra 28a.

(22) The whole Mishnah refers to intentions of eating and/or burning after time or out of bounds.

(23) The sediments of boiled meat coagulated.

(24) If the sacrifice became piggul, nothar, or unclean, and a priest ate of the skin etc., he is not liable, since we do not designate his action eating, as these are not eaten.

(25) I.e., sacrifices. The Heb. (mukdashin) always refers to females.

(26) And he who eats the fetus incurs kareth, as for eating piggul.

(27) He holds that the fetus is an integral part of the sacrifice, being regarded, as it were, as a limb of its mother. Nevertheless, this intention does not render the sacrifice piggul, because it is not usually eaten. The fetus itself too does

not become piggul, in accordance with the Mishnah.

(28) The offal is edible, but not the crop. Therefore an intention in respect of the latter is not efficacious; but an intention in respect of the former makes the whole piggul, including the crop.

(29) If he slaughtered the bullocks which are burnt intending to burn the emurim on the altar after time.

(30) Intending to eat of their flesh after time.

(31) Because it is the intention to eat what is not usually eaten. The bullocks themselves do certainly not become piggul.

(32) In his view that a thing can become piggul through something else, e.g., the fetus, the crop, and the flesh of the bullocks, though it cannot be the vehicle of rendering the sacrifice piggul.

(33) 'Both' refers to R. Simeon and the Rabbis, v. infra 43a. The present reference is to the bullocks which were to be burnt without, and they agree that if the priest expressed an intention during one of the blood services to eat of the bullocks on the morrow or to burn them as required in the ash-house on the morrow, his intention is of no effect, because his intention to eat does not count, since this is not normally eaten and his intention with regard to the burning does not count either, for only an intention that the altar should consume (expressing it so, but not 'burn') counts.

Talmud - Mas. Zevachim 35b

[deduce thus:] but if he expressed an intention concerning the emurim, the emurim themselves become piggul.¹

Come and hear: The bullocks which are to be burnt and the he-goats which are to be burnt are subject to [the law of] sacrilege from the time they are consecrated.² Having been slaughtered, they are ready to become unfit through [the touch of] a tebul yom and one who lacks atonement,³ and through being kept overnight [linah]. Surely that means, through the flesh being kept overnight; and you may infer from this [that] since being kept overnight renders it unfit, an [illegitimate] intention renders it unfit!⁴ — No: it refers to keeping the emurim overnight.⁵ But since the second clause teaches: You trespass in the case of all when they are in the ash-house⁶ until the flesh is dissolved, it follows that the first clause treats of keeping the flesh overnight? — What reason have you for supposing this: each refers to its particular case; the first clause treats of emurim, and the second of the flesh.

Rabbah objected: The following neither render nor are rendered piggul:⁷ the wool on the head of lambs, and the hair of he-goats' beards, and the skin, the juice, the jelly, the offal, the crop, the bones, the tendons, the horns, the hoofs, the fetus, the after-birth, the milk of consecrated animals, and the eggs of doves; all of these neither render nor are rendered piggul, and one is not liable on their account in respect of piggul, nothar and uncleanness, and one who carries them up without is not liable. Does this not mean: They do not render the sacrifice piggul, and they are not rendered piggul through the sacrifice? — No: They do not render the sacrifice piggul, and they are not rendered piggul through themselves.⁸ If so, when the sequel teaches, They neither render nor are rendered piggul, why this repetition?⁹ — Yet [even] on your view, [when he teaches,] One is not liable on their account for piggul, why this repetition?¹⁰ But [you must answer that] because he wishes to teach [about] nothar and defilement, he also teaches about piggul. So now too¹¹ [you can answer], Because he wishes to teach [about] one who carries them without, he also teaches: And all these neither render nor are rendered piggul.

Raba said: We too learnt thus:¹² IF ONE SLAUGHTERS SACRED ANIMALS [INTENDING] TO EAT THE FETUS OR THE AFTERBIRTH WITHOUT, HE DOES NOT RENDER PIGGUL. IF ONE WRINGS THE NECKS OF DOVES, [INTENDING] TO EAT THEIR EGGS WITHOUT, HE DOES NOT RENDER PIGGUL. Yet then he learns: ONE IS NOT CULPABLE ON ACCOUNT OF THE MILK OF SACRED ANIMALS OR THE EGGS OF DOVES IN RESPECT OF PIGGUL, NOTHAR, OR UNCLEANNESS. Hence [it follows that] one is culpable on account of the fetus and the after-birth?¹³ Hence you must surely infer from this that in the one case it means through the sacrifice;¹⁴ in the other, through themselves. This proves it.

We learnt elsewhere: And blemished animals;¹⁵ R. Akiba declares blemished animals fit.¹⁶ R. Hiyya b. Abba declared in R. Johanan's name: R. Akiba declares [them] fit only in the case of cataracts in the eye, since such are fit in the case of birds,¹⁷ and provided that their consecration [for a sacrifice] preceded their blemish; and R. Akiba admits that a female burnt-offering must be [taken down], because that is tantamount to the blemish preceding its consecration.¹⁸

R. Zera objected: 'One who offers them up without is not liable;'¹⁹ but [if one offers up the flesh] of the mother, one is liable; and how is that possible? In the case of a female burnt-offering.²⁰ Now, it is well if you say that R. Akiba holds that if a female burnt-offering goes up, it does not come down: then this is in accordance with R. Akiba.²¹ But if you say that [even] if it went up, it goes down, in accordance with whom is this? — Say: He who offers up [the flesh] of them without is exempt, hence [he who offers up] of the emurim of the mother, is liable. But he teaches, 'of them', and the mother is analogous to them?²² — Rather say: He who offers up of their emurim without is exempt; hence [he who offers up] of their mother's emurim is liable.

MISHNAH. IF HE SLAUGHTERED IT WITH THE INTENTION²³ OF LEAVING ITS BLOOD OR ITS EMURIM FOR THE MORROW, OR OF CARRYING THEM WITHOUT, R. JUDAH DISQUALIFIES [IT], BUT THE SAGES DECLARE IT FIT. [IF HE SLAUGHTERED IT] WITH THE INTENTION OF SPRINKLING [THE BLOOD] ON THE ASCENT, [OR ON THE ALTAR] BUT NOT OVER AGAINST ITS BASE; OR OF APPLYING BELOW [THE LINE²⁴] WHAT SHOULD BE APPLIED ABOVE, OR ABOVE WHAT SHOULD BE APPLIED BELOW, OR WITHOUT WHAT SHOULD BE APPLIED WITHIN,

(1) But not the flesh.

(2) One must not misappropriate a consecrated animal (or anything set apart for sacred purposes, e.g., money consecrated to Temple use) for secular use, and if one does, he becomes liable to a trespass-offering (me'ilah).

(3) These defile its flesh, but do not make it unclean to enable it to communicate uncleanness to others, but only unfit. On lacking atonement v. p. 80, n. 2; on unfitness and uncleanness v. p. 155, nn. 3 and 4.

(4) Now, that cannot mean an illegitimate intention to eat the flesh on the morrow (which is tantamount to an intention to keep it overnight), for it has already been stated that this is of no account. Hence it must mean that an illegitimate intention to burn the emurim on the morrow renders the flesh piggul, which supports R. Eleazar.

(5) And you may infer that an intention to keep the emurim overnight renders the emurim piggul, but not the flesh.

(6) Where the flesh is burnt.

(7) An illegitimate intention in respect of them does not render the sacrifice piggul, nor do they become piggul themselves, as the Talmud proceeds to explain.

(8) A piggul intention in respect of themselves does not make them piggul.

(9) The same is taught at the beginning.

(10) Obviously, if they cannot become piggul, there can be no liability for same. Thus this is certainly a repetition, on any interpretation.

(11) On my interpretation.

(12) That the fetus and the placenta are rendered but do not render piggul.

(13) Which apparently contradicts the first clause.

(14) They can be rendered piggul through the rest of the sacrifice.

(15) If a blemished animal is taken up on to the altar, it must be taken down again; v. infra 84a.

(16) If taken up on to the altar, they are not taken down again.

(17) This blemish does not disqualify a bird at all, which is unfit only when it lacks a limb.

(18) An animal burnt-offering must be a male (Lev. I, 3). If a female is offered, it must be taken down, although a bird burnt-offering may be of any gender, because there can be no greater blemish than the forbidden sex.

(19) V. Baraitha supra; 'them' includes the fetus.

(20) For one who offers up the flesh of a peace-offering without is not liable (v. infra 112b). — A female must be meant since the fetus is discussed.

(21) Since it does not come down within, it involves liability without, the two being interdependent (v. infra 112a).

(22) 'Of them' means of course of their flesh, and so the deduction in respect of the mother must also refer to the mother's flesh.

(23) Lit., 'on condition'.

(24) Running along the middle of the altar.

Talmud - Mas. Zevachim 36a

OR WITHIN WHAT SHOULD BE APPLIED WITHOUT; [OR WITH THE INTENTION] THAT UNCLEAN [PERSONS] SHOULD CONSUME IT, [OR] THAT UNCLEAN [PRIESTS] SHOULD OFFER IT;¹ [OR] THAT UNCIRCUMCISED [PERSONS] SHOULD EAT IT, [OR] THAT UNCIRCUMCISED PERSONS SHOULD OFFER IT; [OR WITH THE INTENTION] OF BREAKING THE BONES OF THE PASSOVER-OFFERING, OR EATING THEREOF HALF-ROAST;² OR OF MINGLING THE BLOOD WITH THE BLOOD OF INVALID [SACRIFICES] IT IS VALID, BECAUSE AN [ILLEGITIMATE] INTENTION DOES NOT DISQUALIFY [A SACRIFICE] SAVE WHERE IT REFERS TO AFTER TIME OR WITHOUT BOUNDS, AND [IN THE CASE OF] A PASSOVER-OFFERING AND A SIN-OFFERING, [THE INTENTION TO SLAUGHTER THEM] FOR A DIFFERENT PURPOSE.

GEMARA. What is R. Judah's reason? — Said R. Eleazar, Two texts are written in reference to nothar. One text says, And ye shall let nothing of it remain until the morning,³ and another text says, He shall not leave any of it until the morning.⁴ Since one is superfluous in respect of [actual] leaving, apply it to the intention of leaving it.⁵

Now [does] R. Judah [hold] that this text comes for this purpose? Surely it is required for what was taught: 'And the flesh of the sacrifice of his peace-offerings for thanksgiving [shall be eaten on the day of his offering: he shall not leave any of it until the morning]': we have thus learnt that the thanks-offering is eaten a day and a night. How do we know [the same of] an exchange, an offspring, or a substitute?⁶ — From the text, 'And the flesh'.⁷ How do we know [the same of] a sin-offering and a guilt-offering? — Because it says, '[And the flesh of] the sacrifice [etc]'.⁸ And whence do we know to include a nazirite's peace-offering⁹ and the peace-offerings of the Passover-offering?¹⁰ From the text, 'his peace-offerings'. Whence do we know [the same of] the loaves of the thanks-offering and a nazirite's loaves and the wafers?¹¹ Because 'his offering' is written; [and] to all of these I apply [the injunction], 'he shall not leave any of it until the morning'!¹² — If so,¹³ let Scripture write, 'lo tothiru';¹⁴ why [write] 'lo yaniah'? [To teach that] since it is superfluous in respect of actual leaving, apply it to the intention of leaving.

Granted that this [reason] is satisfactory in respect of [the intention] to leave [the blood or the emurim], what can you say about [the intention] to carry [them] out? Moreover R. Judah's reason is based on logic.¹⁵ For it was taught: R. Judah said to them [the Sages]: Do you not admit that if he left it [the blood or the emurim] for the morrow, [the sacrifice] is invalid? So also if he intended to leave it for the morrow, it is invalid! (And do you not admit that if he carried them without, it is invalid? So also if he intended to carry them without, it is invalid.)¹⁶ — Rather, R. Judah's reason is based on logic.

Now, let R. Judah disagree in the other cases too?¹⁷ — In which case should he disagree? In the case of [intending] to break the bones of a Passover-offering and eating thereof half-roast! does then the sacrifice itself become invalid?¹⁸ [In the case of] the intention that unclean [persons] should eat it or that unclean [persons] should offer it! does then the sacrifice itself become invalid? [In the case of] the intention that uncircumcised persons should eat it or uncircumcised persons should offer it! is then the sacrifice itself invalidated?

Another version:¹⁹ Does it entirely depend on him?²⁰ [As for the intention] to mingle its blood with the blood of invalid [sacrifices], R. Judah is consistent with his view, for he maintains that blood does not nullify [other] blood.²¹ [As for the intention] to apply below what should be applied above, and above [what should be applied] below, — R. Judah is consistent with his view, for he maintains: Even what is not its place is also called its place.²² Then let him disagree where he applied without what should be applied within, or within, what should be applied without? — R. Judah holds: We require a place which has a threefold function, [Viz.,] in respect of the blood, the flesh, and the emurim.²³

Does then R. Judah accept that view? Surely it was taught: R. Judah said: [Scripture states, Thou shalt not sacrifice unto the Lord thy God an ox, or a sheep, wherein is a blemish, even any] evil thing:²⁴ here [Scripture] extends the law to a sin-offering which one slaughtered on the south [side of the Temple court], or a sin-offering whose blood entered within [the inner sanctum], [teaching that] it is invalid?²⁵ — But does then R. Judah not accept [this interpretation of] ‘third’?²³ Surely we learnt: R. Judah said: If one carried [the blood] within in ignorance, it is valid;²⁶ hence if [one did this] deliberately, it is invalid, and we have explained this as meaning where he made atonement.²⁷ Now if in that case, where he has actually carried it within, if he made atonement [therewith] it does [invalidate the sacrifice], but if he did not make atonement, it does not: how much the more so here, where he has merely intended?²⁸ — There is a controversy of two Tannaim as to R. Judah's view.

Now, does R. Judah hold that when one slaughters a sin-offering in the south

(1) I.e., the blood or the emurim.

(2) Both of which are forbidden, Ex. XII, 9, 46.

(3) Ex. XII, 10.

(4) Lev. VII, 15. The first refers to the Passover-offering, the second to the thanks-offering. Both were peace-offerings, and therefore it need be stated for one only, and the other would follow.

(5) Thus Scripture forbids the intention, and therefore the intention disqualifies.

(6) The text has the plural. — If the animal originally set aside for the offering is lost, and another consecrated in its stead, and then the first is found, the second is called the exchange. ‘Offspring’: if the consecrated animal lambed or calved before it was sacrificed. For ‘substitute’ v. p. 22, n. 8. All three are sacrificed as thanks-offerings.

(7) ‘And’ is an extension.

(8) ‘The sacrifice’ is superfluous, for Scripture could say, And the flesh of his peace-offerings. Hence it is understood to include these other sacrifices.

(9) V. Num. VI, 14f. This, like an ordinary thanks-offering, was accompanied by loaves of bread.

(10) Rashi: the festival sacrifices (hagigah) which accompanied the Passover-offering on the eve of Passover. Tosaf. (supra 9a): a Passover remainder, i.e., an animal consecrated as a Passover-offering but not sacrificed as such.

(11) The Heb. denotes two different kinds of loaves.

(12) Thus R. Judah utilises the verse for a different purpose!

(13) If this is the only purpose of the text.

(14) ‘Ye shall not let any remain’. Tothiru (fr. hothir) is the verb used in Ex. XII, 10, and we would expect the same here.

(15) Not a Scriptural exegesis.

(16) Bracketed addition a var. lec.

(17) Enumerated in the Mishnah.

(18) Even if he actually breaks the bones or eats of it half-roast. Surely not, and so the intention does not invalidate it either.

(19) Other reasons why R. Judah does not dispute the other cases of the Mishnah.

(20) When he intends that unclean or uncircumcised should partake thereof or offer it up, he may not find such to carry out his intention. Hence his intention does not count.

(21) Supra 35a. Hence even if he did it, it would not invalidate the sacrifice.

(22) V. supra 27a.

(23) V. supra 29a.

(24) Deut. XVII, 1.

(25) Though this carrying without bounds is not in respect of a place that has that threefold function.

(26) V. infra 82a.

(27) The mere carrying of the blood into the inner sanctum, even deliberately, does not invalidate the sacrifice, but only its actual sprinkling (called 'making atonement') on the inner altar.

(28) The intention alone certainly does not disqualify it, and the reason must be because R. Judah accepts the interpretation of 'third' given supra 29a.

Talmud - Mas. Zevachim 36b

he is liable?¹ Surely it was taught, R. Judah said: You might think that if one slaughters a sin-offering in the south he is liable; therefore Scripture states, 'Thou shalt not sacrifice unto the Lord thy God an ox, or a sheep wherein is a blemish, even any evil thing': You can declare him liable for any evil thing,² but you cannot make him liable for slaughtering a sin-offering in the south? — There is a controversy of two Tannaim as to R. Judah's view.

R. Abba³ said: Yet R. Judah admits that he [the priest] can subsequently render it piggul.⁴ Said Raba: This is the proof, viz.: [a] piggul [intention made] before the sprinkling is nothing, yet the sprinkling comes and brands it as piggul.⁵ Yet that is not so: there there was only one intention:⁶ here there are two intentions.⁷

R. Huna raised an objection to R. Abba: [If the priest intended] applying [the blood] which should be applied above [the line] below [it], [or what should be applied] below, above, immediately, it is valid. If he subsequently intended [to consume it] without bounds, it is invalid, but does not involve kareth: [if he intended consuming it] after time, it is unfit, and one is liable to kareth on its account. [If he intended sprinkling the blood in the wrong place] on the morrow, it is unfit; if he subsequently intended [to consume it] without bounds or after time, it is unfit, and does not involve kareth.⁸ This refutation of R. Abba is indeed a refutation.

R. Hisda said in the name of Rabina b. Sila: If he intended that unclean [persons] should eat it on the morrow,⁹ he is liable.¹⁰ Said Raba: This is the proof, viz., before sprinkling the flesh is not fit [for eating], and yet when he declares a [piggul] intention it becomes unfit.¹¹ Yet it is not so: there he will sprinkle [the blood] and [the flesh] will be fit; here [the unclean] are not fit at all.

R. Hisda said: R. Dimi b. Hinena was wont to say: One is liable for uncleanness in respect of unroast flesh of a Passover-offering and loaves of a thanks-offering of which no separation [for the priest] was made.¹² Raba said, This is the proof, viz.: It was taught, [But the soul that eateth of the flesh of the sacrifice of peace — offerings,] that pertain unto the Lord [having his uncleanness upon him, that soul shall be cut off from his people]:¹³ this includes the emurim of lesser sacrifices in respect of uncleanness.¹⁴ This proves that though they are not fit for eating at all, one is liable for uncleanness on their account. So here too, though they are not fit for eating, one is liable for uncleanness on their account. Yet it is not so: there the emurim of lesser sacrifices are fit for the Most-High;¹⁵ which excludes unroasted flesh of the Passover-offering and the loaves of the thanks-offering of which no separation was made, which are fit neither for the Most-High nor for man. (Another version: Now the emurim are not fit! — Yet it is not so: these emurim are fit for their purpose, whereas these are not fit at all.)¹⁶

CHAPTER IV

MISHNAH. BETH SHAMMAI MAINTAIN: WITH REGARD TO ANY [BLOOD] WHICH IS TO BE SPRINKLED ON THE OUTER ALTAR, IF [THE PRIEST] APPLIED [IT] WITH ONE

SPRINKLING, HE HAS MADE ATONEMENT.¹⁷ BUT IN THE CASE OF A SIN-OFFERING TWO APPLICATIONS [ARE INDISPENSABLE]; BUT BETH HILLEL RULE: IN THE CASE OF THE SIN-OFFERING TOO, IF [THE PRIEST] APPLIED IT WITH A SINGLE APPLICATION, HE HAS MADE ATONEMENT. THEREFORE IF HE MADE THE FIRST APPLICATION IN THE PROPER MANNER AND THE SECOND [WITH THE INTENTION TO EAT THE FLESH] AFTER TIME, HE HAS ATONED.¹⁸ AND IF HE MADE THE FIRST APPLICATION [WITH THE INTENTION TO EAT THE FLESH] AFTER TIME AND THE SECOND WITHOUT BOUNDS, IT IS PIGGUL AND INVOLVES KARETH.¹⁹ WITH REGARD TO ANY [BLOOD] WHICH IS SPRINKLED ON THE INNER ALTAR, IF [THE PRIEST] OMITTED ONE OF THE APPLICATIONS, HE HAS NOT ATONED; THEREFORE IF HE APPLIED ALL IN THE PROPER MANNER BUT ONE IN AN IMPROPER MANNER,²⁰ IT [THE SACRIFICE] IS INVALID, BUT DOES NOT INVOLVE KARETH.²¹

GEMARA. Our Rabbis taught: How do we know that if [the priest] made one application in the case of those [bloods] which are to be sprinkled on the outer altar, he has made atonement? From the text, And the blood of thy sacrifices shall be poured out.²² Now, is this text required for that purpose? Surely it is needed for what was taught:

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- (1) To flagellation, the usual punishment for violating a negative command. This follows since R. Judah includes slaughtering a sin-offering in the south in the Scriptural injunction quoted above.
 - (2) In Bek. 37a this is held to mean a patent blemish.
 - (3) Sh. M. emends: Raba.
 - (4) Where he intended leaving the blood for the morrow or carrying it without. Although R. Judah holds that he thereby disqualifies the sacrifice, yet if he intended at a subsequent service to eat the flesh after time, he renders it piggul. This is so in spite of the fact that generally speaking a piggul intention is operative only when there is no other disqualification, such as intending to eat it without bounds.
 - (5) Raba proves that the intention to leave the blood until the morrow is not the same as the intention to eat the flesh without bounds, which makes piggul impossible. For if, before sprinkling, the priest declares his intention of sprinkling the blood on the morrow, it does not render the sacrifice piggul, it being axiomatic that a sacrifice is not rendered piggul unless the mattirin (q.v.Glos.) have been properly offered. Nevertheless, if he subsequently sprinkles the blood properly, his previously declared intention is retrospectively valid and renders the sacrifice valid. Now, this intention was in effect an intention to leave the blood until the morrow, which in R. Judah's view disqualifies the sacrifice (though not rendering it piggul). This proves that we do not say, Since it did not become piggul at the outset it is disqualified through the intention of leaving the blood, and it cannot subsequently become piggul.
 - (6) Viz., to sprinkle the blood on the morrow, which is a piggul intention.
 - (7) Viz., first to leave the blood until the morrow, which disqualifies but does not render piggul, and then to eat the flesh after time.
 - (8) V. supra 26b for notes. The last clause definitely contradicts R. Abba.
 - (9) Which is after time.
 - (10) On account of piggul. We do not say that this is not an efficacious intention in respect of piggul since the unclean may not eat of it at any time.
 - (11) As piggul. This case is analogous.
 - (12) A thanks-offering was accompanied by forty loaves, four of which were taken off for the priest. Before that was done, the loaves might not be eaten; similarly, a Passover-offering might be eaten roast only. Nevertheless, an unclean person who partakes of them is liable on account of his defilement, though they could not be eaten even by a clean person.
 - (13) Lev. VII, 20.
 - (14) Though the lesser sacrifices were eaten by their owners, the emurim were burnt on the altar and thus 'pertained unto the Lord', and Scripture teaches that an unclean priest who eats these emurim incurs kareth.
 - (15) Viz., to be burnt on the altar.
 - (16) The bracketed addition is omitted in some MSS.
 - (17) The sacrifice is valid, though in the first place two applications are required.

(18) Since the first alone sufficed. — According to Beth Shammai this holds good of all sacrifices except a sin-offering, and according to Beth Hillel that too is not excepted.

(19) The second intention does not neutralise the first.

(20) I.e., with wrongful intention.

(21) Since one application is insufficient to make the sacrifice fit; — he holds that a sacrifice cannot be made *piggul* through a service which is incomplete in itself to make the sacrifice fit.

(22) Deut. XII, 27. — This implies a single pouring out.

Talmud - Mas. Zevachim 37a

Whence do we know that all blood must be poured out at the base [of the altar]?¹ From the text, And the blood of thy sacrifices shall be poured out against the altar! — He² deduces that from Rabbi's [inference]. For it was taught: Rabbi said: [Scripture writes,] And the rest of the blood shall be drained out [at the base of the altar].³ Now, 'of the blood' need not be stated;⁴ why then is it stated? Because we have learnt only that that blood which requires four applications must be poured out at the base;⁵ whence do we know it of other blood? From the text, 'And the rest of the blood shall be drained out [at the base of the altar]'.⁶

Yet still, does it come for this purpose? It is required for what was taught: How do we know that if [the priest] poured out [the blood] which should be sprinkled,⁷ he has fulfilled [his obligation]?⁸ From the text, And the blood of thy sacrifices shall be poured out.⁹ He holds as R. Akiba who maintained: pouring is not included in sprinkling, nor is sprinkling included in pouring.¹⁰ For we learnt: If he recited the blessing for the Passover-offering, he thereby exempts the [festival] sacrifice; but if he recited the blessing for the sacrifice, he does not exempt the Passover-offering. This is the view of R. Ishmael. R. Akiba said: The former does not exempt the latter, nor does the latter exempt the former.¹¹

Yet still, is it required for this purpose? [Surely] it is needed for what was taught, [viz.]: R. Ishmael said: From the text, But the firstling of an ox, or the firstling of a sheep, or the firstling of a goat [thou shalt not redeem; they are holy: thou shalt dash their blood against the altar, and shalt make their fat smoke for an offering made by fire],¹² we learn that a firstling must have its blood and its emurim presented at the altar. Whence do we know [it of] the tithe and the Passover-offering? Because it says, 'And the blood of thy sacrifices shall be poured out'? — He agrees with R. Jose the Galilean. For it was taught: R. Jose the Galilean said: [Thou shalt dash their blood against the altar, and shalt make their fat smoke]:¹³ not 'its blood' is said, but 'their blood'; not 'its fat' is said, but 'their fat'.¹⁴ This teaches concerning the firstling, the tithe [of animals], and the Passover-offering, that their blood and emurim must be presented at the altar.¹⁵

Now, does R. Ishmael utilise this text for both purposes?¹⁶ — There is a controversy of two Tannaim as to R. Ishmael's view.¹⁷

As for R. Ishmael, who makes the whole verse refer to a firstling, it is well: hence it is written, And the flesh of them shall be thine.¹⁸ But according to R. Jose the Galilean, who makes it refer to the tithe and the Passover-offering too, [surely] the tithe and the Passover-offering are eaten by their owners; what then is the meaning of 'And the flesh of them shall be thine'? — [The plural intimates,] whether it be whole or blemished,

(1) If any blood is left over after the regulation sprinkling. — This is stated explicitly of the sin-offering only (Lev. IV, 18), and the Talmud now wishes to extend it to other sacrifices too.

(2) The author of the first deduction.

(3) Lev. V, 9.

(4) It is understood from the general context.

- (5) Viz., the sin-offering.
- (6) The two lines that follow in the original are a mere repetition, and are deleted by Sh. M.
- (7) Some blood requires sprinkling (zerikah), i.e., from the distance: other requires pouring out (shefikah), i.e., the priest must stand at the side of the altar and pour the blood out.
- (8) The sacrifice is valid.
- (9) The plural indicates all sacrifices, even those for which zerikah is prescribed.
- (10) Therefore where Scripture prescribes sprinkling, the sacrifice is not valid if the blood is merely poured out at the base. Hence he rejects the above interpretation, and so utilises the text for the purpose originally stated.
- (11) In Pes. 121a it is explained that in R. Ishmael's opinion sprinkling (zerikah) is included in pouring (shefikah), but pouring is not included in sprinkling; whereas R. Akiba holds that neither is included in the other. Thus (as explained by Rashbam a.l.): Both R. Ishmael and R. Akiba hold that the blood of the Passover-offering must be poured out, i.e., the priest must stand quite close to the altar and gently pour the blood on to its base. But the blood of the festival-offering (hagigah) requires sprinkling, i.e., from a distance and with some force. Now R. Ishmael holds that if the latter is poured out instead of sprinkled, the obligation of sprinkling has nevertheless been discharged. Consequently, the blessing for the Passover-offering includes that of the festival-offering, since in both the blood may be poured on to the base of the altar. But if the blood of the Passover-offering is sprinkled, the obligation has not been discharged: consequently the blessing for the festival-offering, whose blood is normally sprinkled, does not exempt the Passover-offering. By the same reasoning we infer that in R. Akiba's view neither includes the other.
- (12) Num. XVIII, 17.
- (13) Ibid.
- (14) Though the passage treats of the firstling only. The plural possessive suffix indicates that other sacrifices too are included in this law.
- (15) These are the only sacrifices in connection with which it is not mentioned elsewhere, hence the plural is applied to them.
- (16) Lit., 'for this purpose and for that purpose'. Surely not! The reference is to 'and the blood of thy sacrifices thou shalt pour out', from which he learns that if the priest pours out blood which really should be sprinkled, he discharges his obligation. The author of that cannot be R. Akiba, for if it is, why does the blessing for the Passover-offering not exempt that of the festival sacrifice, since, as shewn supra, one is dependent on the other? Hence the author must be R. Ishmael; but he also interprets the same verse as intimating that the blood of the Passover-offering is to be poured, not sprinkled.
- (17) Rashi: He who learns from this text that the blood of the Passover-offering is poured out, rejects the ruling that the benediction for the Passover-offering exempts that for the festival-offering, and holds that R. Ishmael does not disagree with R. Akiba on this matter, for now we cannot learn from the text that what should be sprinkled is also valid if poured out. He however who maintains that they do disagree, holds that the blood of the Passover must be sprinkled, not poured out, like a peace-offering. Nevertheless, the Passover-offering is the principal one, while the festival-offering is only subsidiary to it; therefore the benediction for the former exempts that of the latter, but not vice versa. Tosaf. strongly criticises this explanation, and offers others, none of which, however, are quite free from objections.
- (18) Num. XVIII, 18. — 'Thine' means the priest's, to whom the firstling belongs. The Plural 'them' is then understood to mean the ox, sheep, and goat, enumerated in the preceding verse.

Talmud - Mas. Zevachim 37b

thus intimating that a blemished firstling is given to a priest, for which [teaching] we do not find [any other text] in the whole Torah.¹ And R. Ishmael?² — He deduces it from 'it shall be thine', [written] at the end [of the verse].³

It is well according to R. Jose the Galilean, who makes it refer to the tithe and the Passover-offering too: hence it is written, Thou shalt not redeem; they are holy,⁴ [which intimates] 'they' are offered, but their substitutes are not offered.⁵ And we learnt [even so]. The substitutes of a firstling or tithe — they themselves, their young, and the young of their young ad infinitum are as the firstling or tithe [respectively], and are eaten, when blemished, by their owners.⁶ And we [also] learnt: R. Joshua said: I have heard [from my teachers] that the substitute of a Passover-offering is

offered,⁷ and that the substitute of a Passover-offering is not offered,⁸ and I cannot explain it.⁹ But according to R. Ishmael who makes the whole of it refer to a firstling, whence does he know that the substitute of tithe and the Passover-offering are not offered? — As for tithe, he learns similarity of law with a firstling from the fact that ‘passing’ is written in both cases.¹⁰ As for the Passover-offering, [consider:] ‘lamb’ is explicitly written in connection with it; why then does Scripture write, If he bring a lamb for his offering?¹¹ To include the substitute of a Passover-offering after Passover, [intimating] that it is sacrificed as a peace-offering. You might think that it is likewise so before Passover, therefore Scripture writes, It [is the sacrifice of the Lord's Passover].¹²

Now, all these Tannaim who utilise this [text], ‘the blood of thy sacrifices shall be poured out’, for a different exegesis, how do they know this [law of the Mishnah that] WITH REGARD TO ANY [BLOOD] WHICH IS SPRINKLED ON THE OUTER ALTAR, IF [THE PRIEST] APPLIED [IT] WITH ONE SPRINKLING, HE HAS MADE ATONEMENT? — They hold as Beth Hillel who maintained: WITH REGARD TO THE SIN-OFFERING TOO, IF [THE PRIEST] APPLIED IT WITH A SINGLE APPLICATION, HE HAS MADE ATONEMENT; and we learn all the others from the sin-offering.¹³

BUT IN THE CASE OF A SIN-OFFERING TWO APPLICATIONS [ARE INDISPENSABLE]. R. Huna said, What is Beth Shammai's reason? — The plural form karnoth [horns] is written three times, denoting six [applications], [thus intimating that] four are prescribed while two [at least] are essential. But Beth Hillel [argue]: [The written forms are] karnath [singular] twice, and karnoth [plural] once,¹⁴ which denotes four, implying that three [applications] are prescribed, while [only] one is essential. Yet say, that all are [only] prescribed?¹⁵ We find no atonement without rite. Alternatively, this is Beth Hillel's reason: Both mikra [the version as read] and masoreth [the version as traditionally written] are effective: the mikra is effective in adding one [application], while the masoreth is effective in subtracting one.¹⁶

If so, [when Scripture writes] letotafath, letotafath, letotafot!¹⁷ which denotes four [compartments], [you can likewise argue that] both the mikra and the masoreth are effective: then five compartments should be necessary? — He¹⁸ holds as R. Akiba, who said: Tot means two in Katpi,¹⁹ and foth means two in Afriki.²⁰

[Again] if so [when Scripture writes], ba-sukkath, ba-sukkath, ba-sukkoth,²¹ [you may argue that] both the mikra and the masoreth are effective: then one should have five walls [for the tabernacle booth]?

(1) The point of the question and answer is this: ‘Them’ obviously cannot mean the tithe and the Passover-offering, as R. Jose explains the plural in v. 17, since these belong to the owner. Nor can the plural here refer, in his view, to the ox, sheep, and goat, for in that case he could explain ‘their blood’ and ‘their fat’ similarly. Hence the difficulty, why is the plural used? The answer is, to intimate two categories of firstlings, whole and blemished.

(2) Whence does he know this?

(3) This repetition is to include the blemished firstling.

(4) Ibid.

(5) If one declares another animal a substitute for them, they are not offered, contrary to the general rule that the substitute is offered (together with the original) in exactly the same way as the original.

(6) But not sacrificed while they are whole.

(7) As a peace-offering, after Passover. — This is where the original is available for Passover.

(8) As a peace-offering, but must graze until it is blemished, when it is redeemed.

(9) For the explanation v. Pes. 96b.

(10) V. supra 9a.

(11) Lev. III, 7. — Scripture prescribes a lamb for a Passover-offering (Ex. XII, 5) which was in the nature of a peace-offering. Why then must Scripture also inform us that a lamb might be brought for a peace-offering? (The Talmud

does not quote the exact wording, as keseb is not written in connection with the Passover-offering, but a lamb is prescribed, though a slightly different word (kebes) is used.)

(12) Ex. XII, 27. — 'It' (Heb. hu) is emphatic, and teaches that only the original animal dedicated for a Passover-offering is to be sacrificed, but not its substitute which is kept until after Passover. An animal would be proposed as a substitute if the first one was lost, and is subject to the laws stated here if the first one is refound in time to be sacrificed for its original purpose. If the first is not found until after the second has been offered, it becomes a Passover remainder', and is sacrificed as a peace-offering after the festival.

(13) The case of the sin-offering itself is learnt infra.

(14) The reference is to Lev. IV, 25, 30, 34 q. v. The traditional reading in all cases is karnoth horns, but it is actually written karnath (קרנות singular) twice. Beth Shammai make the reading decisive, while Beth Hillel follow the written forms.

(15) In the first place, but are not essential, since Scripture does not repeat any of them to intimate that they are indispensable.

(16) Since the mikra implies six while the masoreth implies four, the implication of both is five; but as there are only four horns on the altar, the fifth must be regarded as a reiteration of one application, and hence it (i.e., one application) becomes indispensable; v. Sanh. (Sonc. ed.) p. 4b. q.v. notes.

(17) Frontlets. V. Ex. XIII, 16; Deut. VI, 8, XI, 18: — and it shall be . . . for frontlets between thine eyes. This is the law of tefillin (v. Glos.); the word is written twice defectively and once plene (in our version it is written only once defectively), but read plene in every case. From the two defective and one plene forms the Rabbis learnt that the tefillin of the head must consist of four compartments.

(18) The author of this interpretation of karnoth.

(19) Perhaps the Coptic language.

(20) The language of N. Africa or Phrygia in Asia Minor. Hence the word totafoth itself implies four, without recourse to its repetition.

(21) 'In booths': Ye shall dwell in booths seven days etc. (Lev. XXIII, 42-43). Here too it is written twice defectively and once plene, and the Rabbis learn that the number of walls required by a booth is four, in the same way that they learn that the tefillin must have four compartments.

Talmud - Mas. Zevachim 38a

— There, subtract one text¹ for the command itself,² and one for the covering,³ so three are left. Then the [Mosaic] halachah⁴ comes and diminishes the third [wall], fixing it at a hand-breadth.⁵

If so, [when Scripture states] Then she shall be unclean two weeks [shebu'ayim]⁶ shib'im [seventy] [is actually written],⁷ then [argue,] the mikra and the masoreth are both effective, and so she should have to spend forty-two days [in uncleanness]?⁸ — There it is different, because it is written, as in her menstrual state.⁹

Now the Tanna [of the following Baraitha] adduces it [Beth Hillel's ruling] as follows: We-kipper [and he shall make atonement] is stated three times,¹⁰ on account of the analogy [which might otherwise be drawn].¹¹ But surely we have an analogy to this effect:¹² blood is prescribed below [the red line],¹³ and blood is prescribed above: as with the blood which is prescribed below, if one made a single application, he effects atonement;¹⁴ so with the blood which is prescribed above, if one makes a single application, he makes atonement. Or you may reason in this direction: Blood is prescribed within,¹⁵ and blood is prescribed without: as in the case of blood prescribed within, if [the priest] omits a single application his action is ineffective;¹⁶ so in the case of the blood prescribed without, if he omits a single application his action is null. Then let us see to which it is comparable: You can draw an analogy between sacrifices offered on the outer altar,¹⁷ but you cannot draw an analogy between [sacrifices offered on] the outer altar and [those offered on] the inner altar. Or, you might argue to the contrary: You may draw an analogy between sin-offerings whose blood is sprinkled on four horns [of the altar],¹⁸ and let not the outer altar prove it,¹⁹ which is not a sin-offering nor [is its blood sprinkled on the] four horns.²⁰ Therefore Scripture states 'we-kipper'

three times, on account of the analogy [which might otherwise be drawn], [teaching]: ‘and he shall make atonement’ even though he sprinkled [the blood] only three times; ‘and he shall make atonement’ even though he sprinkled [it] only twice; ‘and he shall make atonement’ even though he sprinkled it but once.

But this is required for its own purpose?²¹ Said Raba b. Adda: Mari explained it to me: Scripture says, and he shall make atonement . . . and he shall be forgiven: atonement and forgiveness are identical.²²

Yet say [that] ‘and he shall make atonement’ [intimates] even if he made only three applications above [the red line] and one below; and he shall make atonement’ even if he made only two applications above and two below; ‘and he shall make atonement even if he did not apply [the blood] above but only below?²³ — Said R. Adda b. Isaac: If so, you annul the law of horns.²⁴ But if the Divine Law has ordained [it so], let them be annulled? — Said Raba: What thing is it that requires three? Surely the horns.²⁵ Yet say, ‘and he shall make atonement’ [teaches] even if he made only one application above and three below? — We do not find blood [applied] half above and half below. Do we not? Surely we learnt: He sprinkled thereof²⁶ once above and seven below? — That was done as mazlif [one swinging a whip].²⁷ What is a mazlif? — Rab Judah showed it by imitating the movements of a whipper. [Again, we learnt:] He²⁸ besprinkled the surface²⁹ of the altar seven times.

(1) I.e., one of the five implied by the text.

(2) There must be at least one to state the law of sitting in booths.

(3) The booth must have a covering, which is governed by laws of its own.

(4) A law traditionally imputed to Moses at Sinai, but not stated in the Pentateuch.

(5) There was a Mosaic tradition that however many walls the sukkah required, one of these need be no more than a handbreadth in width.

(6) Lev. XII, 5.

(7) Though vocalized shebu'ayim.

(8) This figure is arrived at by taking a point midway between fourteen (days) and seventy.

(9) Ibid. E.V. as in her impurity. The menstrual state lasts seven days, hence the word must be understood as read, two weeks, which is fairly close to the menstrual state. But forty-two days of uncleanness bear no similarity at all to the menstrual state.

(10) In connection with the sprinkling of the blood of sin-offerings. Lev. IV, 26, 31, 35.

(11) That the omission of a single application invalidates the offering.

(12) I.e. to prove that the omission of any application does not invalidate the offering. Wherefore then is there any need of a verse to intimate this law?

(13) Which encompassed the altar at the middle of its height. — The blood of burnt-, peace- and trespass-offerings was sprinkled below it, infra 53a.

(14) As deduced supra 36b, 37a.

(15) I.e., to be sprinkled on the inner altar. Viz.: the blood of sacrifices offered on the Day of Atonement, and the sacrifices brought by the High Priest and the community for having sinned through ignorance.

(16) He does not make atonement.

(17) Lit., ‘you judge without from without.’

(18) Lit., ‘you judge a sin-offering and four horns from a sin-offering and four horns.’

(19) I.e., the burnt-offering, whose blood was sprinkled on the outer altar.

(20) Consequently, by this analogy one might deduce that the omission of an application invalidates the sin-offering.

(21) Surely in each of the three cases referred to (supra p. 192, n. 14). Scripture must state ‘and he shall make atonement’ to teach that each sin is atoned for by its respective sin-offering.

(22) Hence ‘and he shall make atonement’ is superfluous.

(23) Whence then is it known that atonement is effected even if no application at all was made?

(24) Whereas Scripture states that the blood must be applied on the horns of the altar, which of course were above the red line.

(25) Each 'we-kipper' makes one horn less necessary. Hence the threefold repetition diminishes them by three, leaving sprinkling on one essential; for in order to render effective the application of all the four below the line four texts would be required.

(26) Of the blood of the bullock sacrificed on the Day of Atonement.

(27) He did not aim above or below, but made the movement of swinging a whip.

(28) The High Priest, during the Atonement Day Service.

(29) Lit., 'the pure' (golden front).

Talmud - Mas. Zevachim 38b

Surely that means on the [upper] half of the altar, as people say, The noon-light shines, and so it is midday?¹ Said Raba b. Shila, No: [it means] on the [altar's] top surface [cleared] from ashes, for it is written, and the like of the very heaven for clearness.² But there is the remainder [of the blood]?³ — The [pouring out of] the remainder [at the altar's base] is not essential.⁴ But there is the remainder of inner sin-offerings,⁵ which, according to one view is essential?⁶ We mean in one and the same place.⁷

It was taught: R. Eliezer b. Jacob said: Beth Shammai maintain [that] two applications in the case of the sin-offering and one in the case of all [other] sacrifices permit [them for consumption] and may render them piggul;⁸ Beth Hillel rule: One application [only] in the case of a sin-offering and one in the case of all [other] sacrifices permit [them for consumption] and may render them piggul. To this R. Oshaia demurred: If so, this [controversy] should be recited among the lenient rulings of Beth Shammai and the stricter rulings of Beth Hillel?⁹ — Said Raba to him: When the question was [first] asked, it was whether [the sacrifice] was permitted,¹⁰ so that Beth Shammai were stricter.

R. Johanan said: The three [final] applications of sin-offerings may not be made at night, and are made after [the owners'] death, while he who presents them without the Temple court is culpable.¹¹

R. Papa said: In some respects [they are] as the first blood, while in others they are as the last:¹² [In respect of sprinkling them] without [the Temple court], at night, zaruth,¹³ [the requirement of] a service-vessel, [sprinkling on] the horn, [with] the finger, washing,¹⁴ and residue,¹⁵ they are as the first blood. [In respect of] death, not permitting [the flesh], not rendering [it] piggul, and not entering within, they are as the last blood.¹⁶

R. Papa said: How do I know it?¹⁷ — Because we learnt: If [the blood] spurted [direct] from the [animal's] throat on to the [priest's] garment, it does not need washing; from the horn or from the base [of the altar], it does not need washing. Hence, [if some] of [the blood] which was fit for the horn [spurted on the garment], it does need washing.¹⁸ Then on your reasoning [you may argue, 'If it spurted] from the base, it does not need washing; hence if some [of the blood] which was fit for the base¹⁹ [spurted on the garment], it does need washing? [Yet surely] it is written, And if aught of the blood which is to be sprinkled [spurt] upon any garment, thou shalt wash that whereon it was sprinkled in a holy place,²⁰ which excludes this [residue], as the [blood] has already been sprinkled? [Hence you must say that] this is in accordance with R. Nehemiah, for we learnt: R. Nehemiah said: If one presented the residue of the blood without [the Temple court], he is liable.²¹ But granted that you know R. Nehemiah [to rule thus] in respect of presenting [the blood without the Temple court], by analogy with the limbs and the fat pieces,²² do you [however] know him [to rule thus] in respect of washing? — Yes,

(1) This is to shew that the root tahir (pure) denotes half, as it is used for midday (actually, because then the sun shines in all its clarity and purity). And in this case it was hardly possible to avoid some of the blood falling below the line.

(2) Ex. XXIV, 10 — Heb. lo-tohar. This gives the word its usual meaning, and here it is interpreted, the cleared surface (on top).

- (3) Which is poured out at the base of the altar. Thus part of the blood is applied above, and part is applied below.
- (4) But we find no case of the essential sprinkling being partly above and partly below.
- (5) I.e., the remainder which is poured out on the base of the outer altar, v. infra 47a.
- (6) V. infra 52a. Thus the blood itself is applied on the upper part of the inner altar, while another portion of it, the remainder, is poured out at the base of the outer altar.
- (7) There is no instance of the blood being poured partly above and partly below on the same altar.
- (8) Only if a piggul intention is expressed during both applications does the sin-offering become piggul. For since both are essential, each sprinkling is only half a mattir (q.v. Glos.), through which one cannot render a sacrifice piggul.
- (9) In the numerous controversies between these two schools Beth Shammai generally holds the stricter, Beth Hillel the more lenient view; the exceptions are enumerated in the Tractate 'Eduyyoth, and the present controversy is not included. But in fact here too Beth Hillel are more severe, in that they rule that a piggul intention expressed during one application only renders the sin-offering piggul.
- (10) If one application only was made.
- (11) Though the first application is sufficient, the other three are not essential, and so might not be regarded as real sprinklings at all; nevertheless, they must not be done at night, in accordance with the general law that the blood must not be kept until the night. Again, if the owner of the sacrifice dies before its blood is sprinkled, the blood cannot be sprinkled and the sacrifice is burnt. But if the owner dies after the first application, which in itself rendered the sacrifice valid, the other three applications are made. And similarly since the sprinkling of these is deemed a valid sacrificial service, to sprinkle them without is to incur guilt.
- (12) Lit., 'some of them are as the beginning, and some of them are as the end.' — The three final applications are governed in some respects by the laws appertaining to the first application; while in others they are regarded simply as the pouring out of the remainder of the blood.
- (13) The ineligibility of a lay-Israelite (a non-priest, Heb. zar) to perform the sprinkling.
- (14) If blood spurts on the priest's vestment after the first application, it must be washed in a holy place, just as if it had spurted before the first application. But if it spurts on to it after the four applications before the pouring out of the residue, it need not be so washed, as is shewn infra.
- (15) If the blood of the sin-offering was received in four cups, and one application is made from each, the remaining blood in each counts as the residue, which is to be poured out at the base.
- (16) (i) The three applications are made even after the owner's death, just as the residue would be poured out after all the applications. (ii) They do not permit the flesh, since this was permitted by the first application. (iii) If the first application was made in silence, and these with a piggul intention, they do not render the sacrifice piggul. Finally, (iv) if the first application was properly made, on the outer altar, and the blood for these applications was taken within, into the hekal (q.v. Glos.), the sacrifice does not become invalid, as it would be if the blood for the first application were so treated. For Scripture says, And no sin-offering, whereof any of the blood is brought into the tent of meeting (i.e. the inner sanctum, corresponding to the hekal) to make atonement in the holy place, shall be eaten; it shall be burnt with fire (Lev. VI, 23). With the first application, however, atonement is made, and so this blood is not brought 'to make atonement'. — In all these respects the blood for the three applications is regarded as the residue, just as that which remains after all the applications.
- (17) Referring to the requirement of washing in n. 3.
- (18) The blood which is fit for the horn is that which is to be sprinkled upon it, even in the last three applications.
- (19) I.e., the residue.
- (20) Lev., VI, 20. E.V. and when there is sprinkled of the blood thereof upon any garment etc.
- (21) Even in the case of the sin-offerings of the outer altar. Thus R. Nehemiah regards this as blood, and therefore it bears that status in respect to washing too. Hence this does not support R. Papa, as it is an individual view. The others, however, who rule that there is no liability, will also hold that no washing is required.
- (22) Liability is incurred for presenting these outside the Temple court; though they are not blood. Hence the same may hold good of the residue, even if it should not bear the status of blood.

Talmud - Mas. Zevachim 39a

and [so] it was taught: The bloods which require the base¹ necessitate washing, and an [illegitimate] intention in connection with same is effective, and one who presents thereof without [the Temple

court] is liable. The blood, however, which is poured out into the duct² does not necessitate washing, and an [illegitimate] intention in connection with same is not effective, and one who presents thereof without is exempt [from punishment]. Now, whom do you know to rule that one who presents thereof without is liable? R. Nehemiah: and he [also] rules [that] it necessitates washing and [that] an [illegitimate] intention in connection with the same is effective. But it was taught: [The pouring out of] the residue and the burning of the limbs [on the altar], which are not indispensable for atonement, are excepted, in that an [illegitimate] intention in connection with same is of no effect?³ — That⁴ was taught in reference to the [last] three applications of a sin-offering. If so, [why does it say] ‘which requires the base?’ [Surely] it is sprinkled on the horn [of the altar]? — Say, which is required for the base.⁵ But then, what of ‘And an [illegitimate] intention in connection with same is effective’? Surely you said, ‘It does not permit [the flesh], it does not render [it] piggul, and does not enter within, as the last blood’? — Rather that [Baraita] was taught in respect of the blood of the inner [sacrifices].⁶ But in the case of the blood of outer [sacrifices] what [will you say]? he is exempt?⁷ Then instead of teaching [about] the blood which is poured out into the duct, let [the Tanna] teach a distinction in that very case. [Thus:] This is said only of the blood of inner [sacrifices], but in the case of the outer sacrifices, he is exempt? — This is in accordance with R. Nehemiah, who maintained [that] one who presents the residue of the blood⁸ without is liable, and so he [the Tanna] could not enumerate three instances of exemption corresponding to three instances of liability.⁹

Rabina said, ‘From the horn’ is meant literally, but ‘from the base’ means, from that which is fit for the base.¹⁰ Said R. Tahlifa b. Gaza to Rabina: perhaps both mean [the blood] that is fit [etc.]?¹¹ — How is that possible: Seeing that you say that [even the blood] fit for the horn [does] not [necessitate washing], need one speak about the blood fit for the base? Hence ‘from the horn’ is meant literally, while ‘from the base’ means from that which is fit for the base.

ALL [BLOOD] WHICH IS SPRINKLED ON THE INNER ALTAR etc. Our Rabbis taught: Thus shall he do [with the bullock]; as he did [with the bullock of the sin-offering, so shall he do with this]:¹² Why is this stated? As a repetition of the [law of sprinkling], to teach that if [the priest] omitted one of the applications, he has done nothing.¹³ I know this only of the seven applications,¹⁴ which are indispensable in all cases; whence do we know [it] of the four applications? From the text, ‘So shall he do with this’.¹⁵ ‘With the bullock’ means the bullock of the Day of Atonement¹⁶

(1) I.e., the residue which must be poured out at the base.

(2) Blood which had become unfit was poured into a duct in the Temple court, whence it flowed out into the stream of Kidron.

(3) Cf. supra 13a bottom.

(4) Sc. the ruling that an illegitimate intention is effective.

(5) The ultimate residue is poured out at the base.

(6) It refers indeed, as hitherto assumed, to the residue, not to the three applications, but to the residue of sin-offerings presented at the inner altar, and in accordance with the view that that is indispensable (infra 52a); consequently it can render the sacrifice piggul.

(7) For presenting it without the Temple court.

(8) Even of the outer sin-offerings.

(9) The Baraita enumerates three instances of liability and three of exemption (i.e., three instances where the residue bears the full status of blood, and three where it does not). But if the Tanna drew a distinction between the residue of inner sacrifices and that of outer sacrifices respectively, he could not maintain that parallelism.

(10) He refers to the Mishnah quoted supra 38b. For if it is meant literally, it is superfluous: seeing that the blood which spurts from the horn does not necessitate washing, it is surely obvious that that which spurts from the base does not necessitate washing. — Thus he answers the objection ‘then on your reasoning’ etc., which was raised against R. Papa’s proof.

(11) Which interpretation, implying that there is blood fit for the horn, i.e., the three last applications, and yet it does not

necessitate washing, would refute R. Papa!

(12) Lev. IV, 20. This treats of the sin-offering brought when the whole congregation sins, which was offered on the inner altar. The verse itself is apparently superfluous, since all its rites are described in detail.

(13) The sacrifice is invalid.

(14) Before the veil of the ark.

(15) This is yet another repetition. Since its implication of indispensability is not required in respect of the seven applications, it is transferred to the four applications on the altar.

(16) Teaching that its laws are the same as those which govern that bullock brought for the whole congregation's sin.

Talmud - Mas. Zevachim 39b

‘As he did with the bullock’ refers to the bullock of the anointed priest;¹ ‘the sin-offering’ refers to the goats of idolatry.² You might think that I include the festival goats and new-moon goats.³ Therefore Scripture states, ‘[So shall he do] with this’.⁴ And what [reason] do you see for including the former and excluding the latter? Since the Writ intimates extension and intimates limitation, I include the former, which make atonement for the known transgression of a precept: while I exclude the latter, which do not make atonement for the known transgression of a precept.⁵ And [the priest] shall make atonement⁶ — even though he had not laid hands [on the bullock]: and it shall be forgiven to them⁷ — even though he had not poured out the residue.⁸ And what [reason] do you see for invalidating [the sacrifice] in the case of sprinklings and validating [it] in the case of laying on [of hands] and the residue?⁹ You can answer: I invalidate in the case of sprinklings, as they are indispensable elsewhere:¹⁰ while I validate in the case of laying on [of hands] and the residue, which are not indispensable in all [other] cases.

(1) Which is treated of in the previous section (Lev. IV, 3 seq.). This thus becomes a repetition, with the same implication that there too all the blood applications are essential.

(2) I.e., which were brought to atone for idolatry; v. Num. XV, 27 seq. which is applied to this case. The details of their rites are not explained there; by making the present text refer to them, we learn that their rites are the same as those prescribed here.

(3) To teach that their rites too are the same.

(4) But not with other sacrifices.

(5) The festival and new-moon sin-offerings made atonement for the inadvertent defiling of the Temple, of which the offender would not know at all (v. Shebu. 2a).

(6) Num. XV, 28.

(7) Ibid.

(8) Of the blood, on the outer altar.

(9) Why interpret the verse so that an omission of one of the sprinklings invalidates the sacrifice, while the omission of laying hands or pouring out the residue at the base of the outer altar, leaves it valid? Perhaps you should reverse it.

(10) Lit., ‘in all places.’ — The allusion is explained anon.

Talmud - Mas. Zevachim 40a

The Master said: ‘I know [it] only of the seven applications which are indispensable elsewhere.’ Where? — Said R. Papa: In the case of the [red] heifer and leprosy.¹

‘How do we know [it] of the four applications? Because it is written, so shall he do’. Why do the seven applications differ? [presumably] because they are prescribed and reiterated? Then the four applications too are prescribed and reiterated?² — Said R. Jeremiah: This is necessary only according to R. Simeon. For it was taught: In the upper section ‘horns’ is written, [where] horn [would suffice] [which implies] two, and in the lower section ‘horns’ is written [instead of] horn, which implies four: this is R. Simeon's view.³ R. Judah said: It is unnecessary, [for] surely it says, [which] is in the tent of meeting,⁴ [intimating,] upon all which is mentioned in the tent of meeting.⁵

Now, how does R. Judah employ [the text], so shall he do?⁶ He requires it for what was taught: As we have not learnt about laying on [of hands] and the residue of the blood in the case of the bullock of the Day of Atonement,⁷ whence [then] do we know it? From the text, So shall he do.⁸ But have we not learnt [it] of the bullock of the Day of Atonement? Surely you said, "with the bullock" refers to the bullock of Atonement Day.⁹ — It is necessary: You might think that it applies only to a service which is indispensable for atonement;¹⁰ but as for a service which is not indispensable for atonement, I would agree that it is not so.¹¹ Hence he informs us [otherwise].

Now, how does R. Simeon employ this [phrase] 'in the tent of meeting'? — He utilises it [as teaching] that if the ceiling of the hekal was broken, [the priest] did not sprinkle.¹² And the other?¹³ — [He deduces it] from 'which is'.¹⁴ And the other?¹⁵ — He does not interpret 'which is' [as having a particular significance].

Abaye said: According to R. Judah too [the text] is required. You might think that it is analogous to laying [hands] and [pouring out] the residue of the blood, which are not indispensable in spite of being prescribed and reiterated; so you might argue that the four applications too are indispensable. Hence [the text] informs us [that it is not so].

[The Master said:] "'With the bullock" refers to the bullock of the Day of Atonement.' In respect of which law? if [to intimate] that [the four applications] are essential, it is obvious, [since] 'statute' is written in connection with it?¹⁶ — Said R. Nahman b. Isaac: This is necessary only on R. Judah's view, for he maintained: 'Statute' is written only in reference to the rites performed in the white vestments, within [the inner Sanctuary], [and it teaches] that if one rite was [wrongly] performed before another, [the High Priest] has done nothing;¹⁷ but as for the rites performed in the white vestments without, if not performed in correct order,¹⁸ what he has done is done.¹⁹ Then I might argue, since their [prescribed] order is not indispensable, the sprinklings too are not indispensable. Hence [the text] informs us [otherwise].

To this R. Papa demurred: Can you say so?²⁰ Surely it was taught: And he shall make an end of atoning for the holy place, [and the tent of meeting, and the altar]:²¹ if he atoned,²² he made an end;²³ while if he did not atone, he did not make an end: this is R. Akiba's view. Said R. Judah to him: Why should we not interpret: If he made an end, he atoned, while if he did not make an end, he did not atone?²⁴ Rather said R. Papa: It²⁵ is required only in respect of [deductions from] the eth and [those relating to] the blood and the dipping.²⁶ 'Eth': R. Aha b. Jacob said: That is required only to teach that

(1) The red heifer: This is the statute (hukkath) of the law . . . And Eleazar . . . shall . . . sprinkle of her blood toward the front of the tent of meeting seven times (Num. XIX, 2-4). Leprosy: This shall be the law of the leper in the day of his cleansing . . . And the priest . . . shall sprinkle of the oil with his finger seven times before the Lord (Lev. XIV. 2, 16). It is a general principle that where a law is designated 'statute' or introduced by 'shall be', denoting emphasis, it is indispensable.

(2) Why is an additional text required to shew that all the four applications are essential? The reiteration of the seven applications (according to the present exegesis) is *pari passu* a reiteration of the four.

(3) The upper and the lower sections are Lev. IV, 1-12, and Lev. IV, 13-21, dealing with the bullock of the anointed priest and the bullock of the whole congregation respectively. In the upper section: And the priest shall put of the blood upon the horns of the altar (v. 7). In the lower section: And he shall put of the blood upon the horns of the altar which is before the Lord (v. 18). The plural implies two in each case, and then by analogy the provisions of each are transferred to the other too, which gives the four horns for each. But this transference is made only because we have the repetition, which is thus necessary in R. Simeon's view.

(4) Lev. IV, 7, 18.

(5) I.e., upon all the horns which Scripture prescribed for the altar in the tent of meeting.

- (6) Why this repetition?
- (7) I.e., that laying hands and pouring out the residue at the altar's base are necessary. These are not prescribed in Lev. XVI, which treats of the Day of Atonement ritual.
- (8) An extension which intimates that the bullock of the Day of Atonement requires these, since 'with the bullock' has been interpreted as referring to it.
- (9) Which exegesis automatically teaches that the provisions of the passage, including the two under discussion, apply to it; what need then of the further words, 'so shall he do'?
- (10) Only those services are included, since Scripture adds, And the priest shall make atonement for them.
- (11) Such are not included in the extension implied in the text. Laying hands and pouring out the residue at the altar's base are not essential for atonement.
- (12) Because it is no longer the 'tent' (of meeting).
- (13) R. Judah; whence does he know this?
- (14) Which he regards as superfluous.
- (15) R. Simeon: how does he interpret 'which is'?
- (16) Lev. XVI, 29: And it shall be a statute for ever unto you — which implies that all the prescribed rites are essential!
- (17) His service is invalid.
- (18) Lit., 'one before the other.'
- (19) It is valid; v. Yoma 60a.
- (20) That R. Judah learns the indispensable character of the four sprinklings from the present text.
- (21) Lev. XVI, 20.
- (22) I.e., if he performed the rites which are essential for atonement in other cases, e.g., the four sprinklings on the altar and the seven sprinklings before the veil.
- (23) He could end his service there, even if he did not pour out the residue of the blood at the base of the outer altar.
- (24) I.e., the service is valid and atonement is made only if he made an end, having performed all the prescribed rites (v. Yoma 60b). Thus it is from this text that R. Judah deduces the indispensability of the prescribed rites, including the four applications.
- (25) The text 'with the bullock'.
- (26) In connection with the anointed priest's bullock it is written: And the priest shall dip (eth) his finger in the blood, and sprinkle of the blood seven times before the Lord (Lev. IV, 6). 'Eth', which is the sign of the accusative, which is treated as an extension, as well as the phrases 'he shall dip' and 'in the blood' teach the number of additional laws about the sprinkling and dipping as anon. Through the present exegesis, that 'with the bullock' applies to the Atonement Day bullock, Scripture assimilates it to the bullock of the anointed priest, and so teaches that what is deduced from the 'eth' applies to this too.

Talmud - Mas. Zevachim 40b

if there is a wart on the finger it is fit.¹ 'In the blood' [teaches] that there must be sufficient blood for dipping at the outset.² 'And he shall dip' [teaches] but not sponge up.³ Now it is necessary to write both 'and he shall dip' and 'in the blood'.⁴ For if the Divine Law wrote, 'and he shall dip' [only], I would say, even where there is insufficient for dipping in the first place; therefore the Divine Law wrote, 'in the blood'. And if the Divine Law wrote 'in the blood' [only], I would say [that] he may even sponge it up; therefore the Divine Law wrote, 'and he shall dip'.

What is the purpose of the altar of sweet incense?⁵ — [To teach] that if the altar had not been consecrated by sweet incense, [the priest] did not sprinkle.⁶

It was taught in accordance with R. Papa: 'Thus shall he do...as he did': why does Scripture say, 'with the bullock'? — To include the bullock of the Day of Atonement in respect of all that is prescribed in this passage: that is Rabbi's view.⁷ Said R. Ishmael: It follows a fortiori:⁸ if rites [of diverse sacrifices] were assimilated to each other even where the sacrifices are not the same,⁹ Surely rites are assimilated to each other where the sacrifices are the same.¹⁰ What then does Scripture intimate by [the phrase] 'with the bullock'? This refers to the bullock brought for the community's

unwitting transgression; while [the other] ‘with the bullock’¹¹ refers to the bullock of the anointed priest.¹²

The Master said: ‘If where the sacrifices are not assimilated to each other’. To what does ‘the sacrifices are not assimilated to each other’ allude? Shall we say, to the bullock of the Day of Atonement and the goat of the Day of Atonement?¹³ Then [the argument] can be refuted: as for these, [their rites are similar] because their blood enters the innermost sanctum!¹⁴ Rather, it alludes to the community's bullock for unwitting transgression and the goats [sacrificed] on account of idolatry.¹⁵ But [here too the argument] can be refuted: As for these, [their rites are the same] because they make atonement for the violation of a known precept?¹⁶ Rather, it alludes to the community's bullock for unwitting transgression and the he-goat of the Day of Atonement, and this is what he means: If where the sacrifices are not the same, since one is a bullock and the other is a goat, yet the rites are alike as far as what is prescribed in their case is concerned,¹⁷ then where the sacrifices are the same, this one being a bullock and the other being a bullock, it is surely logical

(1) That is learnt from the eth: though the blood is taken up by the wart, yet it is fit.

(2) Sufficient must be caught in one vessel at the outset; but the blood must not be received in two vessels and poured together to make enough for that purpose.

(3) By wiping round the sides of the utensil.

(4) Emended text (Sh. M.)

(5) Ibid. 7. Seeing that ‘in the tent of meeting’ has been interpreted as intimating everything which was in the tent of meeting, why specify ‘the altar of sweet incense’?

(6) If this bullock was offered at a new altar, upon which incense had never yet been burnt, the priest did not sprinkle.

(7) Yalkut reads: that is R. Akiba's view.

(8) No text is necessary for this.

(9) Even where the sacrifices differed in certain respects.

(10) E.g., the Day of Atonement bullock and that brought for the sin of the whole community. These are similar, since they both belong to the same category.

(11) The phrase is repeated in the verse, q.v.

(12) Teaching that the same law applies to this as to the former, viz., that if one of the sprinklings is omitted, the sacrifice is invalid.

(13) These are not the same, being different animals, yet their rites of sprinkling etc. are the same.

(14) But the blood of the community's bullock did not enter the innermost sanctum.

(15) Whose rites are the same, as stated supra.

(16) V. Shebu. 2a.

(17) In the matter of sprinkling, which Scripture prescribes for both, they are alike. Both are sprinkled with the finger, on the horns of the altar, and before the veil. Thus they are alike in essence, notwithstanding that the blood of one entered the inner sanctum while that of the other did not, and one requires eight sprinklings as against the other's seven.

Talmud - Mas. Zevachim 41a

that their rites shall be alike.¹ Then the [rites of the] Day of Atonement bullock are learnt from [those of] the bullock of the anointed priest, [insofar as the latter are deduced] from ‘eth’, ‘in the blood’ and the mention of dipping.² And [the rites of] the goat of the Day of Atonement are also learnt from [those of] the goats brought on account of idolatry, a fortiori.³ But can that which is learnt through a hekkesh then in turn teach a fortiori?⁴ — Said R. Papa: The Tanna of the School of R. Ishmael holds [that] that which is learnt through a hekkesh can in turn teach a fortiori.

“‘With the bullock’ refers to the community's bullock for unwitting transgression.’ But that is written in the very text?⁵ — Said R. Papa: Because he wishes that the community's bullock for unwitting transgression shall teach that the goats for idolatry require [the burning of] the lobe [above the liver] and the two kidneys [on the altar]; yet that is not prescribed in the actual passage on the

community's bullock for unwitting transgress, but is learnt through a hekkesh; therefore 'with the bullock' is needed, to make it as though it were prescribed in the actual text, and thus it should not be a case of what is learnt through a hekkesh in turn teaching through a hekkesh.⁶

It was taught in accordance with R. Papa: 'Thus shall he do [with the bullock] as he did': why does Scripture [further] state, with the bullock? Because it is said, And they have brought their offering, an offering made by fire unto the Lord, [and their sin-offering before the Lord, for their error].⁷ Now, 'their sin-offering' refers to the he-goats for idolatry, while 'their error' alludes to the community's bullock for unwitting transgression. [Hence when the text says] 'their sin-offering . . . for their error', the Torah intimates: Behold, you must treat their sin-offering as their [offering for] error.⁸ But whence have you learned [the law in the case of] their [offering for] error? Was it not through a hekkesh?⁹ Can then that which is learnt through a hekkesh in turn teach through a hekkesh? Therefore the text states, '[As he did] with the bullock', which refers to the community's bullock for transgression; while [the other] 'with the bullock' alludes to the anointed priest's bullock.

The Master said: "'Their sin-offering" refers to the he-goats for idolatry.' Deduce this¹⁰ from the earlier verse,¹¹ for a master said, "'The sin-offering" is to include the he-goats of idolatry'?'¹² — Said R. Papa, It is necessary. I might argue that [the force of this extension] applies only to the sprinklings,¹³ which are prescribed in that very passage;

(1) Such as the sprinklings before the veil and on the golden altar.

(2) V. supra 40a.

(3) If where the sacrifices are not the same, viz., the community's bullock for unwitting transgression and the goat of the Day of Atonement, the rites prescribed for both are alike, since Scripture does not explicitly say that those which they have in common, e.g., the sprinklings in the hekal, are different; then where the sacrifices are the same, e.g. the goat of the Day of Atonement and the goats of idolatry, their rites are surely alike.

(4) As here. For the rites of the anointed priest's bullock, insofar as these are deduced from 'eth', 'in the blood' and the mention of dipping, are transferred to the goats for idolatry only by a hekkesh (q.v. Glos.); then we make them in turn teach a fortiori that the same applies to the goats of the Day of Atonement.

(5) The whole passage deals with this.

(6) It is stated infra that the lobe above the liver and the two kidneys of the goats of idolatry are burnt on the altar, and that this is learnt through a hekkesh from the community's bullock of unwitting transgression. But there too Scripture does not explicitly state the law, which is learnt through a hekkesh from the anointed priest's bullock, where it is explicitly prescribed, and in the case of sacrifices it is stated infra 49b that what is learnt through a hekkesh cannot in turn teach through a hekkesh. Now, here we have in any case a hekkesh between the community's bullock and the anointed priest's bullock, since 'as he did with the bullock' has been interpreted as referring to the anointed priest's bullock, while the whole passage in which it occurs treats of the community's bullock. Hence when Scripture further reiterates this hekkesh by saying, 'thus shall he do with the bullock', which being superfluous is made to refer to the community's bullock, the effect of this repeated hekkesh is to make it as though the burning of the lobe and the kidneys were not derived through a hekkesh but explicitly prescribed. Hence one can no longer object that what is learnt through a hekkesh cannot teach through a hekkesh.

(7) Num. XV, 25.

(8) Viz., that the lobe and the kidneys of the former, as of the latter, must be burnt on the altar. This is a hekkesh deduction.

(9) V. p. 205, n. 5.

(10) That the lobe and kidneys of these must be burnt on the altar.

(11) Sc. Lev. VII, 19 which is now being discussed.

(12) Supra 39b. By this inclusion its rites are brought into line with those of the other sacrifices alluded to in that verse, and hence include the burning of the lobe and the kidneys on the altar.

(13) Teaching that the blood of the he-goats must be sprinkled in the same way as that of the community's bullock.

Talmud - Mas. Zevachim 41b

but [as for the burning of] the lobe and the two kidneys, which are not prescribed in that passage, I would say [that it is] not [intimated]. Therefore the text informs us [that it is not so].

R. Huna the son of R. Nathan said to R. Papa: But surely the Tanna states, "with the bullock" includes the bullock of the Day of Atonement in respect of everything which is prescribed in the text?¹ — It is a controversy of Tannaim. The Tanna of the Academy² includes it in this way, while the Tanna of the School of R. Ishmael includes it in that way.

The School of R. Ishmael taught: Why are the lobe and the two kidneys mentioned in connection with the anointed priest's bullock, but not in connection with the community's bullock for unwitting transgression? It may be compared to a king of flesh and blood who was angry with his friend, but spoke little of his offence, out of his love for him.³

The School of R. Ishmael also taught: Why is the 'veil of the sanctuary' mentioned in connection with the anointed priest's bullock, but not in connection with the community's bullock of unwitting transgression?⁴ It may be compared to a king of flesh and blood against whom a province sinned — If a minority offended, his retainers remain [with them], but if the majority offend, his retainers do not remain [with them].⁵

THEREFORE, IF HE APPLIED ALL CORRECTLY, AND ONE INCORRECTLY, IT [THE SACRIFICE] IS INVALID, BUT DOES NOT INVOLVE KARETH. We learnt elsewhere: If [the priest] made a piggul intention at the [burning of the] fistful [of flour] but not at [the burning of the] incense,⁶ [or] at the frankincense but not at the fistful, R. Meir says that it is piggul, and one is liable to kareth on its account;⁷ but the Sages maintain: It does not involve kareth unless [the priest] makes a piggul intention for the whole mattir. R. Simeon b. Lakish commented: Do not say that R. Meir's reason is because he holds that you can make a [sacrifice] piggul in half a mattir. Rather the circumstances here are that [the priest] presented the fistful [on the altar] with a [piggul] intention, and the frankincense in silence. He [R. Meir] holds [that] when one does [a thing], he does it with his first intention.⁸ How do you know it? — Because [the Tanna] teaches: THEREFORE IF HE APPLIED ALL CORRECTLY, AND ONE INCORRECTLY, IT [THE SACRIFICE] IS INVALID, BUT DOES NOT INVOLVE KARETH. Hence [if he applies] one correctly and all [the others] incorrectly, it is piggul. With whom does this agree? If with the Rabbis? Surely the Rabbis say [that] you cannot make piggul at half a mattir? Hence it must be R. Meir; now if R. Meir's reason is that you can make piggul at half a mattir, then even in the conditions which he teaches it is still piggul.⁹ Hence it must surely be because he holds that when one does [a thing], he does it with his first intention. Said R. Samuel b. Isaac: In truth it agrees with the Rabbis, and what is meant by CORRECTLY? In the proper manner for piggul.¹⁰ But since [the Tanna] teaches: THEREFORE, IF HE APPLIED ALL CORRECTLY, AND ONE INCORRECTLY, IT [THE SACRIFICE] IS UNFIT, BUT DOES NOT INVOLVE KARETH, it follows that INCORRECTLY means [in a manner] to make it fit?¹¹ — Said Raba: What does INCORRECTLY mean? — [With an intention of eating it] without bounds. R. Ashi said: [It means] under a different designation. Hence it¹² follows that if [the priest] did not do it [with an intention of consuming it] without bounds or under a different designation, one is liable?¹³ — Because the first clause teaches, IT IS PIGGUL, AND ONE IS LIABLE TO KARETH ON ITS ACCOUNT, the second clause too teaches, IT IS UNFIT, AND DOES NOT INVOLVE KARETH.¹⁴

An objection is raised: When is this said?¹⁵ In the case of blood that is presented on the outer altar.

(1) Which implies that even the sprinklings are indispensable, whereas you say (supra 40a bottom) that only those laws which are deduced from 'eth' etc. are learnt in this way.

(2) This is the meaning of Be Rab as used here, and it refers to the anonymous statement introduced by 'Our Rabbis

taught’.

(3) In the same way God treats the community's offence more shortly, and leaves a number of details to be deduced rather than state them explicitly.

(4) Lev. IV, 6, speaking of the former, states, And the priest . . . shall sprinkle of the blood . . . in front of the veil of the sanctuary. But in IV, 17, which treats of the latter, Scripture merely mentions ‘the veil’ not the veil of the sanctuary.

(5) To shew his resentment he withdraws them. Thus where the whole community sins God, as it were, withdraws His holiness, and there is no sanctuary left.

(6) The burning of these two permits the meal-offering to be eaten. The two rites together therefore constitute the mattir (q.v. Glos.), and each is only half a mattir.

(7) If one eats of the offering.

(8) Hence his silence here is the equivalent of a piggul intention.

(9) Even if the first application is made in silence and the others with a piggul intention, it should be piggul.

(10) In a manner which will render it piggul. Thus: the first application with a piggul intention, and the others in silence.

(11) For silence could not be called ‘INCORRECTLY’.

(12) And since it is a sin-offering, it becomes invalidated (v. supra 2a) and consequently is not rendered piggul.

(13) I.e., if the second application was made in silence, it is piggul, which shews that we regard the second action as done with the same intention as the first. But that is R. Meir's view, not the Rabbis.

(14) CORRECTLY does mean in a proper manner for piggul whilst INCORRECTLY means with the intention of consuming it without bounds. Actually then even if he made the second sprinkling in silence it would not be piggul, but INCORRECTLY is taught for the sake of parallelism. For in the first clause, dealing with the outer sacrifices, he teaches IF HE APPLIED THE FIRST WITH THE INTENTION OF CONSUMING IT AFTER TIME, AND THE SECOND WITH THE INTENTION OF CONSUMING IT WITHOUT BOUNDS, IT IS PIGGUL AND INVOLVES KARETH. There, this second intention is particularly stated in order to teach that it does not nullify the first and free it from piggul, because since a single application permits it, a single application makes it piggul. For that reason he teaches in the second clause, dealing with the inner sacrifices, that here the second intention does nullify the first and free it from piggul, though this in truth need not be taught, since in any case, even if he remained silent at the second application, it would not be piggul, as the Rabbis do not hold that he makes the second application with the same intention as the first.

(15) That the sacrifice becomes piggul through one application.

Talmud - Mas. Zevachim 42a

But in the case of blood presented on the inner altar, e.g., the forty three [applications] of the Day of Atonement,¹ the eleven of the anointed priest's bullock, and the eleven of the community's bullock of unwitting transgression,² if he [the priest] declared a piggul intention whether at the first, the second, or the third,³ R. Meir maintains [that] it is piggul and involves kareth; while the Sages say: It does not involve kareth unless [the priest] declares a piggul intention at the whole mattir. Incidentally he teaches, ‘if [the priest] declared a piggul intention whether at the first, at the second, or the third,’ and yet [R. Meir] disagrees?⁴ — Said R. Isaac b. Abin: The circumstances here are e.g. that he declared a piggul intention at the shechitah, this being one mattir.⁵ If so, what is the reason of the Rabbis? — Said Raba: Who are the Sages [in this passage]? R. Eleazar.⁶ For we learnt: [With regard to] the fistful [of flour], the frankincense, the incense, the priest's meal-offering, the anointed priest's meal-offering, and the meal-offering of the libations, if [the priest] presented as much as an olive of one of these without [the Temple court], he is liable. But R. Eleazar⁶ exempts [him] unless he offers the whole [without].⁷ But surely Raba said: Yet R. Eleazar admits in the case of blood, for we learnt: R. Eleazar and R. Simeon maintain: From where he left off there he recommences!⁸ — Rather said Raba: It [the Baraitha] means e.g. where he declared a piggul intention at the first [applications], was silent at the second, and again declared a piggul intention at the third.⁹ Now we might argue, If you claim that he acts with his original intention, why should he repeat his piggul intention at the third [applications]? Therefore he informs us [that we do not argue so].

To this R. Ashi demurred: Does he then teach [that] he was silent? Rather said R. Ashi: The circumstances here are e.g., that he declared a piggul intention at the first, second, and third. You

might argue, If you think that whatever one does, one does with the first intention, why must he repeat his piggul declaration at each one? Therefore he informs us [that we do not argue so].

(1) One application of the blood of the bullock above the red line and seven below (v. supra 38a bottom), and similarly with the blood of the he-goat, which gives sixteen. There were similar applications on the veil of the sanctuary, making thirty two. Further, four applications of the blood of both mixed together, on the four horns of the altar, and seven applications on the top of the altar, giving a total of forty-three.

(2) Seven on the veil and four on the altar.

(3) The first, second and third are the applications in the innermost sanctuary, on the veil, and on the golden altar respectively.

(4) Thus, if he declared this intention at the second application only, though not at the first, it is still piggul, though here he was certainly not continuing his first intention. Hence he must hold that one can render a sacrifice piggul at a portion of the mattir, which contradicts R. Simeon b. Lakish.

(5) Rashi: After the first blood applications the blood was accidentally spilt. A second animal is slaughtered, and the sprinkling is continued, starting with the second applications on the veil. Only here does R. Meir rule that it is piggul, since shechitah is a service complete in itself. Rashbam: At the shechitah the priest declared his intention to make the second blood applications after time. This explanation saves the introduction of a second animal.

(6) Emended text (Sh. M.); cur. edd. R. Eliezer.

(7) Thus even when he actually presents it without the Temple court, R. Eleazar holds that he is not liable, since it was done with a portion of the mattir only, which proves that it does not count as a service unless he completes the whole service. So here too, although shechitah is a service complete in itself, yet since this particular shechitah was merely to make up another shechitah (rendered necessary through the spilling of the blood), it is incomplete, and cannot render the sacrifice piggul.

(8) V. infra 110a and b. — Since he recommences from where he left off (where the blood was spilt; v. n. 2), this shews that what he did do is a complete service; hence it can become piggul thereby. This refutes Raba's explanation that the Sages in the Baraitha quoted supra are R. Eleazar.

(9) Only then does R. Meir rule it to be piggul, as he holds that the second applications in silence were made with the same intention as the first. So that 'whether at the . . . second or third' means whether he was silent at the third and declared a piggul intention at the second, or vice versa. But in both cases he had declared a piggul intention at the first.

Talmud - Mas. Zevachim 42b

But he teaches, 'whether . . . or'?¹ That is indeed a difficulty.

The Master said: 'R. Meir said, It is piggul, and involves kareth'.² But consider: one is not liable to kareth³ until all the mattirin are offered, for a master said: As the acceptance of the valid, so is the acceptance of the invalid. As the acceptance of the valid necessitates that all its mattirin be presented, so does the acceptance of the invalid necessitate that all its mattirin be presented.⁴ Now here he has [already] invalidated it [the sacrifice] by declaring an [illegitimate] intention within, so that it is as though he had not sprinkled [the blood] at all;⁵ when therefore he sprinkles again in the hekal, he is merely sprinkling water?⁶ — Said Rabbah: It is possible in the case of four bullocks and four he-goats.⁷ Raba said: You may even say [that R. Meir rules thus] in the case of one bullock and one he-goat: it [the sprinkling] is efficacious in respect of its piggul status.⁸

[Do you say that there are] forty-three [sprinklings]?⁹ Surely it was taught [that there are] forty-seven? The former agrees with the view that you mingle [the blood of the bullock and of the he-goat] for [sprinkling on] the horns; while the latter agrees with the view that you do not mingle [them] for [sprinkling on] the horns.¹⁰ But it was taught [that] forty-eight [are required]? — One agrees with the view that [the pouring out of] the residue [at the base of the altar] is indispensable;¹¹ while the other agrees with the view that the residue is not indispensable.¹²

An objection is raised: When is this said?¹³ In [the case of] the taking of the fistful, the placing in

the vessel, and the carriage.¹⁴ But when he comes to the burning [of the fistful and the frankincense], if he presents the fistful with a [piggul] intention and the frankincense in silence; or if he presents the fistful in silence and the frankincense with a [piggul] intention, — R. Meir declares it piggul, and it involves kareth; while the Sages rule: It does not involve kareth unless he declares a piggul intention in respect of the whole mattir. Now he teaches incidentally, [If he presents] ‘the fistful in silence and the frankincense with a [piggul] intention’, and yet they disagree!¹⁵ — Say ‘having already presented the frankincense with a [piggul] intention’. One [objection] is that that is the first clause. Moreover, it was indeed taught,¹⁶ ‘and after that.’¹⁷ That is indeed a difficulty.

MISHNAH. THESE ARE THE THINGS FOR WHICH ONE IS NOT LIABLE ON ACCOUNT OF PIGGUL: THE FISTFUL, THE INCENSE, THE FRANKINCENSE,

(1) Implying alternatives: either at one or at the other.

(2) V. supra 42a.

(3) For eating thereof.

(4) V. supra 28b.

(5) Var. lec. omits ‘then . . . at all’.

(6) This is a difficulty on the view that R. Meir's reason is that one can make a sacrifice piggul at half a mattir. Granted that this is possible in the case of the fistful and the frankincense of a meal-offering, it is surely impossible in the case of sprinkling, for the reason stated. — ‘He is merely sprinkling water’ means that his sprinkling of the blood is just as though he were sprinkling water, since the sacrifice is already invalid.

(7) He declared a piggul intention during all the applications of the blood between the staves; then the blood was spilt, so that another animal was slaughtered. He sprinkled its blood on the veil (he would start there, and not repeat the first sprinklings between the staves; V. supra a) and the blood was again spilt. The same happened with the applications on the horns of the altar, and the same with the sprinklings on the top. Here then all the mattirin have been presented, and each counts as a real sprinkling because it is the blood of a different animal; consequently the first is piggul, while the same would hold good if he declared his piggul intention in connection with any of the other animals.

(8) If the Priest declares a piggul intention at the slaughtering, though he thereby invalidates the sacrifice, yet the following sprinklings are counted as the presenting of its mattirin. Thus they are obviously efficacious to stamp the animal as piggul, for otherwise an animal could not become piggul at slaughtering, whereas it is deduced supra 13a that it does. In the same way then R. Meir holds that when some of the sprinklings are done with a piggul intention, the subsequent sprinklings count as the presenting of the mattirin, so as to make the sacrifice piggul.

(9) Supra a top.

(10) But each is sprinkled separately, which gives an additional four, bringing up the number to forty-seven.

(11) Hence it is regarded as another sprinkling.

(12) V. supra 40b.

(13) That a meal-offering becomes piggul at one service.

(14) Where each service consists of a single act.

(15) R. Meir maintains that it is piggul. Here his second act was not done with the same intention as the first, since he was silent at the first. Hence R. Meir's reason must be because he holds that one can make the sacrifice piggul during half a mattir.

(16) In another Baraitha.

(17) He presented the frankincense with a piggul intention.

Talmud - Mas. Zevachim 43a

THE PRIESTS' MEAL-OFFERING, THE ANOINTED PRIEST'S MEAL-OFFERING, THE BLOOD, AND THE DRINK-OFFERINGS THAT ARE BROUGHT SEPARATELY: THAT IS THE VIEW OF R. MEIR. THE SAGES MAINTAIN: ALSO THOSE THAT ARE BROUGHT WITH AN ANIMAL [SACRIFICE].¹ A LEPER'S LOG² OF OIL,³ R. SIMEON MAINTAINED, DOES NOT INVOLVE LIABILITY ON ACCOUNT OF PIGGUL;⁴ WHILE R. MEIR RULES: IT INVOLVES LIABILITY ON ACCOUNT OF PIGGUL, BECAUSE THE BLOOD OF THE

GUILT-OFFERING MAKES IT PERMITTED.⁵ AND WHATEVER HAS AUGHT THAT MAKES IT PERMITTED,⁶ WHETHER FOR MAN OR FOR THE ALTAR, INVOLVES LIABILITY ON ACCOUNT OF PIGGUL. [THE SPRINKLING OF] THE BLOOD OF THE BURNT-OFFERING PERMITS ITS FLESH FOR [BURNING ON] THE ALTAR, AND ITS SKIN TO THE PRIESTS. THE BLOOD OF THE BURNT-OFFERING OF A BIRD PERMITS ITS FLESH TO THE ALTAR. THE BLOOD OF THE SIN-OFFERING OF A BIRD PERMITS ITS FLESH TO THE PRIESTS. THE BLOOD OF THE BULLOCKS THAT ARE BURNT AND THE GOATS THAT ARE BURNT PERMITS THEIR EMURIM TO BE OFFERED [ON THE ALTAR]. R. SIMEON SAID: WHATEVER IS NOT [SPRINKLED] ON THE OUTER ALTAR, AS THE PEACE-OFFERING,⁷ DOES NOT INVOLVE LIABILITY ON ACCOUNT OF PIGGUL.

GEMARA. ‘Ulla said: If the fistful [of the meal-offering], which is piggul, is presented on the altar, its piggul status leaves it:⁸ seeing that it reduces others to [the state of] piggul, how much the more so itself. What does he mean?⁹ — This is what he means: if it is unacceptable,¹⁰ how can it reduce others to [the state of] piggul?¹¹

What does he inform us?¹² If that it does not involve liability for piggul, Surely we have learnt it: THESE ARE THE THINGS FOR WHICH ONE IS NOT LIABLE ON ACCOUNT OF PIGGUL: THE FISTFUL, THE INCENSE, THE FRANKINCENSE, THE PRIESTS MEAL-OFFERING, THE ANOINTED PRIEST'S MEAL-OFFERING, AND THE BLOOD? — Rather, [he informs us] that if it ascended [the altar], it does not descend.¹³ But we have learnt it: [Flesh] that is kept overnight, or that goes out [of its permitted boundaries], or which is unclean, or which was slaughtered [with the intention of being consumed] after time or without bounds, if it ascended [the altar], does not descend?¹⁴ — Rather, [he informs us] that if it was taken down [from the altar],¹⁵ it must be taken up [again]. But surely we have learnt:¹⁶ Just as it does not descend once it had ascended, so it does not ascend after having descended!¹⁷ — That [Ulla's teaching] is only when the fire [of the altar] has taken hold of it.¹⁸ But this too ‘Ulla has already stated once? For ‘Ulla said: They learnt this only where the fire had not taken hold of it; but if the fire had taken hold of it, it must go up [again]! — You might think that this holds good only of

(1) If the sacrifice is made piggul and one eats these things enumerated here, he is not liable to piggul. E.g., if the priest took off the fistful with the intention of eating the remainder on the morrow, he thereby renders the whole sacrifice piggul; nevertheless he incurs no liability for eating the fistful itself. For piggul applies only to that which is permitted through something else (e.g., the rest of the meal-offering is ordinarily permitted for consumption through the taking of the fistful), whereas the fistful is not permitted through anything else. The same applies to the incense, the frankincense, and the others enumerated in the Mishnah. — Votive meal-offerings brought by ordinary priests and the statutory bi-daily offerings of the anointed priest (v. Lev. VI, 13 seq.) were wholly burnt on the altar without the rite of taking the fistful; thus they were not permitted by anything else. Drink-offerings could be brought separately or as an accompaniment to animal sacrifices. R. Meir rules that whether they are brought entirely by themselves, nothing else having been vowed, or they are brought actually as an addition to an animal sacrifice, but on the following day, they do not involve liability for piggul, because in that case they are not permitted through something else (the sacrificing of the animal), but through themselves. If however they are brought at the same time as the animal, they are permitted through the sacrificing of same, and therefore involve kareth. The Sages however maintain that even then we do not regard them as permitted through the animal sacrifice, since they could have been presented separately on the morrow.

(2) A liquid measure = 549.391338 cu. centimeters (J.E. art. ‘Weight — Measures’, Vol. XII. pp. 483 2 and 490, Table).

(3) Lev. XIV, 10, 15-18. The residue of this was consumed.

(4) If the priest rendered the guilt-offering which it accompanied piggul, one is not liable to kareth for consuming the oil. Though the efficacy of the oil rite is dependent on the prior application of the blood of the guilt-offering on the leper, nor may it be consumed unless the blood of the offering was duly sprinkled; nevertheless since the oil can be brought ten days after the offering, it is not regarded as permitted for consumption through it, and therefore does not involve kareth on account of piggul even when the oil is brought on the same day.

(5) Where it is brought on the same day, to which case R. Meir refers.

- (6) As explained in n. 4, p. 213.
- (7) Where the law of piggul is stated.
- (8) The Talmud explains this anon.
- (9) This reason is apparently why it should retain its status as piggul.
- (10) If it is not fit for burning on the altar because it is piggul.
- (11) And so, if one burns the fistful with the intention of consuming the remainder on the morrow, how can the meal-offering become piggul if we do not regard the burning of the fistful as a valid act, seeing that a sacrifice cannot become piggul unless its mattirin are offered (supra 42b)? Hence we must say that the fistful loses its piggul status, so that by its burning on the altar the mattirin are duly offered, and for that reason the remainder becomes piggul. This is then what he means: seeing that it is acceptable (a valid service) in point of making the rest fit to be piggul, it is surely acceptable in respect of itself!
- (12) In respect of what law does it lose its piggul status?
- (13) It loses its piggul status insofar that once it is taken up on to the altar it remains there, and we do not remove it as piggul.
- (14) And this includes an instance of piggul.
- (15) After having been placed on it.
- (16) Emended text (Sh. M).
- (17) Though it should not have been taken down in the first place:
- (18) Then, even if it is taken down, it must be taken up again. Whereas the Baraitha refers to a case where the fire had not yet taken hold of it.

Talmud - Mas. Zevachim 43b

a limb, which is all one; but as for the fistful, which is divisible, I would say [that it is] not [so].¹ Therefore he informs us [otherwise]. R. Ahai said: Therefore, when half of the fistful, which is piggul, is lying on the ground, and half has been taken up on the wood-pile [on the altar], and the fire has taken hold of it, we must take up the whole of it, even at the very outset.

R. Isaac said in R. Johanan's name: If piggul, nothar, or unclean [flesh] is taken up to the altar, their forbidden status leaves them. Said R. Hisda: O author of this [statement]! Is then the altar a ritual bath of purification! — Said R. Zera: [This law applies] where the fire has taken hold of it.²

R. Isaac b. Bisna objected: Others³ say: [When Scripture writes, But the soul that eateth of the flesh of the sacrifice of peace-offerings . . .] having his uncleanness upon him [that soul shall be cut off from his people],⁴ [it implies] one whose uncleanness can leave him, thus excluding flesh, whose uncleanness cannot leave it.⁵ But if this is correct,⁶ surely the uncleanness does leave it, through the fire? — Said Raba: We mean, through a mikweh.⁷ Is then a mikweh written [in the text]? — Rather said R. Papa: We are dealing with the flesh of peace-offerings, which is not eligible for presenting [on the altar].⁸ Rabina said: 'Having his uncleanness upon him' implies, one whose uncleanness leaves him while he is yet whole; thus flesh is excluded, because uncleanness does not leave it while it is whole, but only when it is defective.⁹

[To turn to] the main text: 'Having his uncleanness upon him': Scripture speaks of uncleanness of the person. You say, Scripture speaks of uncleanness of the person: yet perhaps it is not so, but rather of uncleanness of the flesh? Here 'having his uncleanness [upon him]' is said; while elsewhere it says, his uncleanness is yet upon him:¹⁰ as there Scripture speaks of uncleanness of the person, so here too Scripture speaks of uncleanness of the person. R. Jose said: Since the 'holy things' are mentioned, in the plural, whilst 'uncleanness' is stated in the singular, Scripture must refer to uncleanness of the person.¹¹ Rabbi said: 'And eat' [shews that] Scripture speaks of uncleanness of the person.¹² Others say: 'Having his uncleanness upon him' [implies] one whose uncleanness leaves him, thus excluding flesh, whose uncleanness cannot leave it.

A Master said: 'Rabbi said: "And eat" [shews that] Scripture speaks of uncleanness of the person.' How does this imply it?¹³ — Said Raba, Every text which R. Isaac b. Abudimi, and every Mathnitha [Baraita] which Ze'iri did not explain, are not explained. Thus did R. Isaac b. Abudimi say: Since the Writ commences in the feminine form and ends in the feminine, while [it employs] the masculine form in the middle, the Writ must speak of uncleanness of the person.¹⁴

'A Mathnitha'?¹⁵ — For it was taught: If the lighter ones were stated, why were the more stringent ones stated; and if the more stringent ones were stated, why were the lighter ones stated?¹⁶ If the lighter ones were stated and not the more stringent ones, I would say: The lighter ones involve a negative injunction,¹⁷ and the more stringent ones involve death;¹⁸ therefore the more stringent ones are stated.¹⁹ While if the more stringent were stated and not the lighter, I would say: The stringent ones involve culpability, but the lighter ones do not involve culpability at all; therefore the lighter ones are stated.

Now, what are the lighter ones and the more stringent ones? Shall we say [that] the lighter ones are the tithe, and the more stringent ones are terumah?²⁰ [Can you then say,] 'I would say: The more stringent ones involve death'? Surely now it too involves death!²¹ Moreover, if it were not stated, would I say that it involves death? Surely it is sufficient for the conclusion to be as its premise?²² Again if 'the lighter ones' mean uncleanness of a reptile, and 'the more stringent ones' uncleanness of a corpse,²³ to what then [does it refer]?²⁴ If to terumah? both involve death!²⁵ Moreover, [can you say,] 'Therefore the more stringent ones are stated, [to teach] that they involve a negative injunction [only]?' but surely it involves death? Whilst if it refers to the eating of tithe,

(1) Only the flour which has actually been burnt through must be taken up again, but not the rest.

(2) Then it belongs, as it were, to the altar.

(3) This usually refers to R. Meir; Hor. 13b.

(4) Lev. VII, 20.

(5) The Heb. *we-tumatho* 'alaw might mean, having its uncleanness upon it, and thus imply that a clean person who partakes of the unclean flesh of a sacrifice incurs *kareth*. It is explained, however, that the phrase implies that the uncleanness is in force only now and that it can be raised; hence it must refer to the person, not to the flesh, which once unclean can never become clean again.

(6) That when unclean flesh is carried up to the altar and the fire takes hold of it, it loses its forbidden status.

(7) V. Glos.

(8) But is eaten; hence it can never become clean.

(9) I.e., when the fire has already partially destroyed it.

(10) Num. XIX, 13. Emended text.

(11) Sh. M.: Scripture writes, Whosoever . . . approacheth unto the holy things . . . having his uncleanness upon him, that soul shall be cut off from before Me (Lev. XXII, 3). Now there it cannot refer to the sacrifices, for in that case the plural, having their uncleanness upon them would be required. Hence it must refer to the person, and therefore the same is assumed here.

(12) Ibid. VII, 21. The verse reads: And when any one shall touch any unclean thing... and eat of the flesh of the sacrifice of peace-offerings. That verse obviously refers to uncleanness of the person, and thus it illumines the previous verse (v. 20), shewing that that too refers to the same.

(13) That the previous verse too refers to the same. Perhaps the previous verse treats of uncleanness of the flesh.

(14) The second verse (v. 21) writes: And when any one (Heb. *nefesh*, lit. 'soul', fem.) shall touch (Heb. *tiga*', fem.) any unclean thing . . . and eat (*we-akal*, masc. instead of *we-aklah*, fem.) of the flesh of the sacrifice of peace-offerings, that soul shall be cut off (*we-nikrethah*, fem.). The preceding verse (v. 20) runs: But the soul (fem.) that eateth (fem.) of the flesh (masc.) . . . having his (or its) uncleanness upon him (or it) masc.), that soul shall be cut off (fem.) Since the suffixes of 'uncleanness' and 'upon' are masc., it might be assumed that they refer to 'flesh' which is masc. But when we see the same change of gender in the following verse, though that obviously refers to the uncleanness of the person, it is reasonable to say the same here. For Scripture has already treated of uncleanness of the flesh earlier in the section: And the flesh that toucheth any unclean thing, shall not be eaten; it shall be burnt with fire (v. 19). It continues with, And

as for the flesh, any one that is clean may eat thereof, which indicates that unclean flesh is no longer being dealt with. Hence when it proceeds, But the soul that eateth . . . having his uncleanness upon him, it is logical to assume that uncleanness of the person is referred to, in suite of the change of gender.

(15) Which mathnitha required Ze'iri's explanation?

(16) This treats of the interdict of eating sacred food while personally unclean. By 'lighter' and 'more stringent' are meant food of lighter and of more stringent sanctities respectively. The Talmud explains anon which these are.

(17) Which is punishable by flagellation.

(18) At the hands of heaven.

(19) To shew that these too involve a negative injunction only.

(20) V. Lev. XXII, 6f: The soul that toucheth any such (unclean reptiles etc.) shall be unclean until the even, and shall not eat of the holy things, unless he bathe his flesh in water. And when the sun is down, he shall be clean; and afterwards he may eat of the holy things. These two verses are apparently contradictory, for the first implies that he may eat of the 'holy things' immediately after a ritual bath, even before sunset, while the second teaches that even after the ritual bath he must wait until sunset. Therefore the Rabbis (in Yeb. 74b) made the first refer to tithe, whose sanctity is lighter, and the second to terumah, whose sanctity is more stringent. Its greater stringency lies in the fact that a zar (a lay Israelite) may not partake of terumah, whereas he may partake of tithe. Scripture then goes on to say in v. 9: They (i.e. the priests) shall therefore keep My charge, lest they bear sin for it, and die therein, if they profane it. This is understood to mean that an unclean priest eating terumah is liable to death (v. n. 4.).

(21) Scripture does in fact teach that for partaking of terumah whilst unclean one is liable to death.

(22) This is a general principle: when one thing is learnt from another, a fortiori or a minori, it cannot go further than its premise. Now, if terumah were not stated, it could be learnt from tithe, a minori. But it could not involve a greater punishment than tithe, which is subject to a negative injunction only.

(23) I.e., 'lighter' and 'more stringent' apply not to the 'holy things' (the sacred food) but to the source of the priest's defilement. Both are enumerated in that passage, viz.: And whoso toucheth any one that is unclean by the dead . . . or whosoever toucheth any swarming thing (i.e. a reptile) Lev. XXII, 4-5.

(24) To the eating of which sacred food?

(25) Whether a priest is unclean in the one way or the other, he is liable to death for eating terumah.

Talmud - Mas. Zevachim 44a

[can you say,] 'If the more stringent ones were not stated, I would say that the more stringent ones involve death'?¹ but Surely it would be derived from the uncleanness of a reptile, and it is sufficient for the conclusion to be as the premise!² — Said Ze'iri: The 'lighter ones are uncleanness of a reptile, while 'the more stringent ones are uncleanness through a corpse, and this is what [the Tanna] means: If uncleanness of a reptile were stated, and tithe and terumah were enumerated, but uncleanness of a corpse were not stated, I would say: The lighter [defilement] involves a negative injunction in respect of the lighter ['holy things'], and death in respect of the more stringent.³ And since the lighter [defilement] involves death in respect of the more stringent ['holy things'], the more stringent [defilement] too involves death in respect of the lighter ['holy things']. Therefore the more stringent [defilement] is stated.

WHATEVER HAS AUGHT THAT MAKES IT PERMITTED, WHETHER FOR MAN OR FOR THE ALTAR, INVOLVES LIABILITY ON ACCOUNT OF PIGGUL. Our Rabbis taught: . . . Or perhaps it includes only that which is similar to a peace-offering: as a peace-offering is distinguished in that it is eaten two days and one night, so all that may be eaten two days and one night [are included] .⁴ How do we know that that which is eaten a day and a night [only, is also included]? Because Scripture saith, [And if any] of the flesh [of the sacrifice of his peace-offerings etc.],⁵ [which includes] all whose remainder is eaten.⁶ How do we know [that] a burnt-offering, whose remainder is not eaten, [is included]? Because Scripture says 'the sacrifice'.⁷ Whence do we know to include the bird-offerings and meal-offerings, until I can include a leper's log of oil? From the text, 'which they hallow unto Me': nothar is then learned from uncleanness, because 'profanation' is written in connection with both; and piggul is learned from nothar, because iniquity is written in

connection with both.⁸ Now, since it [Scripture] ultimately includes all things, why then are peace-offerings specified? To teach you: as a peace-offering is distinguished in that it has something which permits it both for man and for the altar, so everything which has something which permits it both for man and for the altar involves liability on account of piggul. [The sprinkling of] the blood of a burnt-offering permits its flesh for [burning on] the altar, and its skin to the priests. The blood of a bird burnt-offering permits its flesh for the altar. The blood of a bird sin-offering permits its flesh to the priests. The blood of the bullocks that are burnt and the goats that are burnt permits their emurim to be offered [on the altar]. And I exclude the fistful, the frankincense, the incense, the priests' meal-offering, the anointed priest's meal-offering, and the blood. R. Simeon said: As a peace-offering is distinguished in that it comes on the outer altar [for sprinkling], and it involves liability; so all that come on the outer altar involve liability on account of piggul; thus the bullocks which are burnt and the goats which are burnt are excluded; since they do not come on the outer altar, like the peace-offering, they do not involve liability.

The Master said: 'That which is similar to a peace-offering'. What [sacrifice] is it? The firstling, which is eaten two days and one night! But how is this learnt? If by analogy? it can be refuted: as for a peace-offering, [it is subject to the law of piggul] because it requires laying [of hands], [the accompaniment of] drink-offerings [libations], and the waving of the breast and the shoulder?⁹ Again if [it is learnt] from [the text], And if there be at all eaten [any of the flesh of the sacrifice of his peace-offerings on the third day . . . it shall be an abhorred thing] [piggul],¹⁰ these are two generalisations which immediately follow each other?¹¹ — Said Raba: It is as they say in the West:¹² Wherever you find two generalisations close to each other, insert the specific proposition between them, and interpret them as a case of a generalisation followed by a specific proposition [and followed again by a generalisation].¹³

'Until I include a leper's log of oil'. With whom does that agree? With R. Meir. For it was taught: A leper's log of oil involves liability on account of piggul: that is the opinion of R. Meir. Then consider the next clause: And I exclude the meal-offering of libations and the blood. This agrees with the Rabbis. For it was taught: The drink-offering which accompanies an animal [sacrifice] involves liability on account of piggul, because the blood of the sacrifice permits it to be offered [on the altar]: that is R. Meir's view. Said they to him: But a man can bring his sacrifice to-day and the drink-offering even ten days later! I too, he answered them, ruled [thus] only when they come together with the sacrifice! — Said R. Joseph: The author of this is Rabbi, who maintained [that] the applications of the leper's log of oil permit it,¹⁴ and since its sprinklings permit it, its sprinklings render it piggul. For it was taught: You commit trespass in respect of a leper's log of oil until the blood is sprinkled; once the blood is sprinkled, you may not use it, and you do not commit trespass. Rabbi said: You commit trespass until its sprinklings are made. And both agree that it may not be eaten until its seven sprinklings and the applications on the thumbs are made.¹⁵

This was reported before R. Jeremiah, [whereupon] he exclaimed, That a great man like R. Joseph should say such a thing!

(1) I.e., for eating tithes while unclean through a corpse one is liable to death.

(2) Hence as a negative injunction only is involved in eating tithes whilst unclean through a reptile, so it is likewise in eating tithes while unclean through the dead.

(3) As Scripture states.

(4) The law of piggul is stated in Scripture in reference to a peace-offering only. The present quotation, which is fragmentary, commences thus: You might think that only a peace-offering involves liability for piggul; how do we know that other sacrifices too are included in this law? Because Scripture says in reference to uncleanness: Speak unto Aaron and to his sons, that they separate themselves from the holy things of the children of Israel, which they hallow unto Me, and that they profane not My holy name (Lev. XXII, 2). This applies to all sacrifices, since the peace-offering is not specified, and an analogy is drawn anon between defilement and piggul, and thus other sacrifices too are included in the

law of piggul. The passage then proceeds as in the text: perhaps only these sacrifices which are similar to a peace-offering are included etc., but not such sacrifices e.g., a sin-offering, or a thanks-offering, which are eaten only on the day they are sacrificed and the night following.

(5) Lev. VII, 18. This treats of piggul. 'Of the flesh' is superfluous, since Scripture could say, And if any of his peace-offerings, etc.; hence it is treated as an extension.

(6) The remainder after the fats etc. are burnt on the altar.

(7) In the text just quoted. That too is superfluous, and therefore extends the law to every sacrifice.

(8) Uncleaness, as quoted p. 219, n. 7; nothar: But every one that eateth it shall bear his iniquity, because he hath profaned the holy thing (same root as 'hallow') of the Lord (Lev. XIX, 8). As the interdict of defilement applies to all sacrifices, so does that of nothar. Then the scope of piggul is learnt from nothar, because 'iniquity' is written in connection with both: nothar, in the text just quoted; piggul: it shall be an abhorred thing (piggul), and the soul that eateth of it shall bear his iniquity (Lev. VII, 18): as the interdict of nothar applies to all sacrifices, so does that of piggul.

(9) Whereas a firstling does not require these.

(10) Lev. VII, 18. The E.V. has been slightly departed from so as to follow the exact order of the Hebrew, which comes under discussion. The Heb. for 'be at all eaten' is hekel yeakel, i.e., the infinitive of the verb followed by the finite form, which is the usual mode of expression. The Talmud now interprets the two forms as two generalisations (anything which is eaten), while 'peace-offerings' is a specific proposition. In that case it is a rule of exegesis that the generalisation includes everything which is similar in its general features (even if not in every detail) to the specific proposition. Hence the firstling is included, as generally speaking it is similar to the peace-offering, in spite of differing from it in several details.

(11) Whereas the exegetical rule applies to two generalisations which are separated by the specific proposition.

(12) Sc. Palestine, which lay to the west of Babylon.

(13) Hence the firstling would be included, but not sacrifices which are eaten one day only, since these differ even in the general features (the difference in length of time allowed for eating is an important one). Therefore recourse must be had to the other texts.

(14) V. Lev. XIV, 16 seq. Now, Rabbi agrees with the Rabbis that since the drink-offering can be brought after the animal sacrifice which it accompanies, the blood of the sacrifice cannot render it piggul. And when the Baraita teaches that the log of oil can be piggul, it does not mean that the blood of the guilt-offering which the leper brings renders it piggul, but the sprinklings of the oil itself do effect this: i.e., if he sprinkles the oil with the intention of consuming the remainder after time.

(15) On trespass v. p. 176, n. 10. Now, the log of oil may not be consumed until the blood is sprinkled; therefore until then it is sacred, and if one does consume it, he commits trespass. When the blood has been sprinkled, the oil is Scripturally permitted to the priests, and this Tanna holds that whatever is permitted to the priests does not involve trespass even for a zar (lay Israelite). Nevertheless, by Rabbinical law its consumption is forbidden until the seven sprinklings of the oil. Rabbi holds that it is even Scripturally forbidden until then, and therefore it still involves trespass. But they both agree that it is forbidden by Rabbinical law until all its sprinklings have been made. — From this passage we see that Rabbi holds that the oil is permitted for consumption not by the blood of the sacrifice, but by its own sprinklings.

Talmud - Mas. Zevachim 44b

Lo, all agree that when the log comes separately,¹ its sprinklings permit it, and yet they do not render it piggul. For it was taught, A leper's log of oil involves liability on account of piggul, because the blood permits it for [sprinkling on] the thumbs: that is R. Meir's view. Said they to R. Meir: But a man can bring his guilt-offering now, and his log even ten days later! I too, he answered them, ruled [thus] only when it comes with the guilt-offering! — Rather said R. Jeremiah: In truth it agrees with R. Meir, but delete 'drink-offerings' from this passage. Abaye said: After all, you need not delete [it]. But he [first] teaches about the log which comes with the guilt-offering,² and the same applies to the drink-offering which comes with the sacrifice. And then he teaches about the drink-offering which comes separately,³ and the same applies to the log which comes separately.

THE BLOOD OF THE BIRD SIN-OFFERING PERMITS ITS FLESH TO THE PRIESTS.

Whence do we know it?⁴ — For Levi taught: [This shall be thine — the priest's . . .] every offering of theirs:⁵ that is to include a leper's log of oil. I might think that the Divine Law wrote, reserved from the fire,⁶ whereas this is not reserved from the fire;⁷ therefore it informs us [that it is not so]. Even every meal-offering of theirs⁸ includes the meal-offering of the 'omer⁹ and the meal-offering of jealousy.¹⁰ I might think [that it is written,] And they shall eat these things wherewith atonement was made,¹¹ [whereas] the meal-offering of the 'omer comes to permit [the new corn], while the meal-offering of jealousy comes to establish guilt; therefore [the text] informs us [that it is not so]. And every sin-offering of theirs¹² includes the sin-offering of a bird. I might think that it is nebelah;¹³ therefore [the text] informs us [that it is not so]. And every guilt-offering of theirs¹² includes a nazirite's guilt-offering and a leper's guilt-offering. I might think that these come to qualify [them];¹⁴ therefore [the text] informs us [that it is not so]. But it is explicitly written that a leper's guilt-offering [is eaten]?¹⁵ Rather it is to include a nazirite's guilt-offering [teaching that it is like] a leper's guilt-offering. Which they may render¹⁶ includes what is taken by robbery from a proselyte.¹⁷ Shall be for thee:¹⁶ it shall be thine even for betrothing a woman.¹⁸

It was taught, R. Eleazar said on the authority of R. Jose the Galilean:¹⁹ If [the priest] declared a piggul intention in respect of a rite which is performed without,²⁰ he renders it piggul; in respect of a rite which is performed within,²¹ he does not render it piggul. How so? If he stood without and declared, 'Lo, I slaughter [this sacrifice intending] to sprinkle its blood to-morrow,' he does not render it piggul because it is an intention [expressed] without concerning a rite which is performed within.²² If he stood within and declared, 'Lo, I sprinkle [the blood], intending to burn the emurim and pour out the residue²³ to-morrow,' he does not render it piggul, because it is an intention [expressed] within concerning a rite which is performed without. If he stood without and declared, 'Lo, I slaughter [this sacrifice intending] to pour out the residue to-morrow, or 'to burn the emurim to-morrow,' he renders it piggul, because it is an intention [expressed] without concerning a rite which is performed without. R. Joshua b. Levi said: Which text [teaches this]? As is taken from the ox of the sacrifice of peace-offerings.²⁴ What then do we learn from the ox of the sacrifice of peace-offerings?²⁵ [Scripture] however likens the anointed priest's bullock to the ox of the sacrifice of peace-offerings: as the ox of the sacrifice of peace-offerings [does not become piggul] unless its rites and its intentions are [done] on the outer altar,²⁶ so the anointed priest's bullock [does not become piggul] unless its intentions and its rites are [done] in connection with the outer altar. R. Nahman said in Rabbah b. Abbuha's name in Rab's name: The halachah is as R. Eleazar's ruling in the name of R. Jose. Said Raba:

(1) I.e., when the leper brings it some days after his guilt-offering.

(2) That the blood of the guilt-offering can render it piggul, though he could have brought the log later.

(3) That this cannot become piggul.

(4) That its flesh may be eaten.

(5) Num. XVIII, 9.

(6) Ibid.

(7) No portion of it was burnt at all.

(8) Ibid.

(9) V. Glos., and Lev. XXIII, 10-14.

(10) V. Num. V, 12-15.

(11) Ex. XXIX, 33.

(12) Num. XVIII, 9.

(13) V. Glos. The bird-offering was killed by wringing its neck (Lev. I, 14-15), whereas ordinary shechitah (ritual killing) consists of cutting the windpipe and the gullet. — Nebelah of course may not be eaten.

(14) A nazirite's guilt-offering qualifies him to recommence his naziriteship after becoming unclean, while a leper's guilt-offering qualifies him to partake of holy food (v. Num. VI, 9-12, Lev. XIV, where the whole ceremony of purification is described). Thus they do not come to make atonement.

(15) Lev. XIV, 13: for as the sin-offering is the priest's, so is the guilt-offering.

(16) Num. XVIII, 9.

(17) If a man robs a proselyte, commits perjury in denying it, and then confesses, he must return what he robbed to the proselyte, plus a fifth, and also bring a guilt-offering. But if the proselyte died in the meantime and left no heirs, the principal and the fifth belong to the Priest (v. B.K. 110a), and this is taught by the present exegesis.

(18) Which was done with money or its value. — This last refers only to the robbery of a proselyte.

(19) Sh. M. deletes 'the Galilean'.

(20) I.e., in the Temple court.

(21) In the hekal.

(22) This passage deals with the bullocks and he-goats which were burnt, about which there is a controversy in the Mishnah. Their blood was sprinkled on the inner altar in the hekal.

(23) Both were done at the outer altar.

(24) Lev. IV, 10. This refers to the anointed priest's bullock, which was burnt. After describing its rites, including the removal of the fat, Scripture proceeds, (This shall be) as (the fat which) is taken etc.

(25) The rites of removing the fat etc. are exactly described: what then does Scripture teach?

(26) I.e., unless the intention to perform its rites or to eat the flesh after time is expressed in connection with and during the performance of a rite on the outer altar—since all its rites were on the outer altar.

Talmud - Mas. Zevachim 45a

[Do we need] a halachah [for the days of] the Messiah?¹ — Abaye answered: If so, we should not study the whole of 'The slaughtering of sacrifices'?² Yet we say, study and receive reward,³ so in this case too, study and receive reward. [He replied] This is what I mean: Why [state] a halachah?⁴ Another version: He replied, I mean, [Why state the] halachah?⁵ MISHNAH. THE SACRIFICES OF HEATHENS⁶ DO NOT INVOLVE LIABILITY ON ACCOUNT OF PIGGUL, NOTHAR, OR DEFILEMENT, AND IF [A PRIEST] SLAUGHTERS THEM WITHOUT [THE TEMPLE], HE IS NOT LIABLE: THAT IS R. SIMEON'S VIEW. BUT R. JOSE DECLARES HIM LIABLE.

GEMARA. Our Rabbis taught: You may neither benefit from the sacrifices of heathens,⁷ nor do you commit trespass,⁸ and they do not involve liability on account of piggul, nothar or defilement. And they [the heathens] cannot effect substitution;⁹ and they cannot bring drink-offerings,¹⁰ but their [animal] sacrifices require drink-offerings [to accompany them]: that is the view of R. Simeon.¹¹ Said R. Jose: I hold that a stringent view should be taken on all these matters,¹² because it is said of them, [Any man . . . that bringeth his offering . . .] unto the Lord.¹³ This applies only to sacrifices of the altar;¹⁴ but in the case of objects sacred to the Temple repair,¹⁵ one does commit trespass. 'You may neither benefit nor do you commit trespass.' You may not benefit by Rabbinical law. 'Nor do you commit trespass,' because in respect of the trespass-offering identity of law is derived from the fact that 'sin' is written here and in the case of terumah.¹⁶ while in respect to terumah 'the children of Israel' is written,¹⁷ [which intimates,] but not [those of] heathens.

'And they do not involve liability on account of piggul, nothar or defilement.' What is the reason? — Because the scope of piggul is derived from nothar, since 'iniquity' is written in connection with both, and the scope of nothar is derived from defilement, because 'profanation' is written in connection with both; while in respect to defilement 'the children of Israel' is written,¹⁸ [which intimates,] but not [those of] heathens.

'And they cannot effect substitution.' What is the reason? — Because substitution is assimilated to the tithe of cattle,¹⁹ and cattle tithe is assimilated to corn tithe,²⁰ while 'the children of Israel' is written in connection with corn tithe,²¹ [which intimates,] but not that of heathens. Can then that which is learnt through a hekkesh in turn teach through a hekkesh?²² — Corn tithe is hullin.²³ That is well on the view that the teacher is the determining factor; but on the view that the taught is the determining factor, what can be said?²⁴ — Rather, cattle tithe is an obligation for which there is no fixed time, and as it is an obligation for which there is no fixed time, it is brought by Israelites, but

not by heathens.²⁵

‘And they cannot bring drink-offerings.’ Our Rabbis taught: [Scripture saith,] [All that are] home-born [shall do these things after this manner:]²⁶ the home-born can bring drink-offerings but a heathen cannot bring drink-offerings. You might think then that his burnt-offering does not require a drink-offering;²⁷ therefore Scripture teaches, Thus [shall be done for each bullock etc.].²⁸

‘Said R. Jose: I hold that a stringent view should be taken on all these matters. This applies only to sacrifices of the altar etc.’ What is the reason? — He holds that when [the scope of] trespass is derived from terumah, because ‘sin’ is written in connection with both, [it applies only to that which is] like terumah, whose holiness is intrinsic;²⁹ but not to the sanctity of the Temple repair, which is [but] monetary sanctity.³⁰

Our Rabbis taught: If blood was defiled, and [the priest] sprinkled it unwittingly, it [the sacrifice] is accepted;

(1) Since the Temple no longer stands there is no practical utility in this ruling, which can become effective only in the days of the Messiah, when the Temple is rebuilt.

(2) I.e., the present Tractate.

(3) Learning for its own sake is meritorious.

(4) While it is right to study the subject, the fixing of a halachah is unnecessary.

(5) Why state the accepted practice when sacrifices are obsolete? Apart from the slight verbal variants in the two versions as indicated by the square brackets, in the first version the Aramaic hilketha is used, in the second the Hebrew halachah is used.

(6) Their votive offerings to the Temple.

(7) Before the blood is sprinkled, just as is the case of all sacrifices.

(8) V. p. 176, n. 10.

(9) V. p. 22, n. 8. If the owner is a heathen, he cannot effect substitution in the sense of making the second animal holy.

(10) Unless they accompany an animal sacrifice. Whereas Israelites can do so (Men. 104b).

(11) Possibly ‘that . . . R. Simeon’ should be deleted.

(12) The sacrifices of heathens should be treated as stringently as those of Israelites.

(13) Lev. XXII, 18. In Hul. 13b this verse is made to include the sacrifices of heathens; thus these too are ‘unto the Lord’ just as those of Israelites, and therefore they must be treated with equal severity.

(14) I.e., unblemished animals, which will be sacrificed on the altar.

(15) This is the technical designation of anything which is dedicated to the Temple, whether it be a blemished animal which cannot be sacrificed or any other object; it is then used for some Temple purpose.

(16) Trespass: If a soul commit a trespass, and sin through ignorance in the holy things of the Lord (Lev. V, 15); terumah: Lest they bear sin for it (Ibid. XXII, 9).

(17) Ibid. 15: And they shall not profane the holy things of the children of Israel.

(18) Lev. XXII, 2: Speak unto Aaron and to his sons, that they separate themselves (when unclean) from the holy things of the children of Israel.

(19) Ibid. XXVII, 32f: And all the tithes of the herd or the flock . . . the tenth shall be holy unto the Lord. He shall not . . . change it etc. Thus substitution of sacrifices in general, to which the second verse refers, is made part of the law of substitution of tithes.

(20) Deut. XIV, 22: Thou shalt surely tithe all the increase of thy seed. The emphatic ‘thou shalt surely tithe’ is expressed in Heb. as usual by the repetition of the verb; this repetition is Talmudically interpreted as referring to two tithes, cattle-tithe and corn-tithe. Thus they are assimilated to each other by being included in the same text.

(21) Num. XVIII, 26: When ye take of the children of Israel the tithes which I have given you.

(22) It is only by analogy with corn-tithe that we learn that the law of cattle does not operate in respect of the cattle of heathens. Can that in turn teach that the law of substitution does not operate in respect of heathens’ sacrifices?

(23) And only in the case of holy things is this exegesis not permitted.

(24) The ‘teacher’ is corn-tithe, which throws light on ‘cattle-tithe’, which is the ‘taught’. Here the ‘teacher’ is hullin,

whereas the 'taught' is holy: if the 'teacher' is the determining factor, then the 'teacher' is indeed hullin and the exegesis is permitted; but if the 'taught' is the determining factor, then the 'taught' is holy, and so that exegesis is not allowable.

(25) As they can bring only votive offerings. — They do not bring obligatory offerings for which there is a fixed time either e.g., the festival peace-offerings. Nevertheless this is not mentioned, since they can bring peaceofferings in general; but the law of cattle-tithe does not apply to them at all.

(26) Num. XV, 13. 'These things' refers to the rites enumerated in the preceding passage, which includes the bringing of drink-offerings.

(27) To accompany it, as does the burnt-offering of an Israelite.

(28) Ibid. 11. Thus Scripture makes the sacrifice, not the donor, the determining factor.

(29) Terumah itself is holy and must be treated as such, similarly the sacrifices of the altar.

(30) When an object is dedicated to the Temple repair fund, that object itself is sacred only in so far that it must be redeemed and the redemption money expended on sacred purposes. But when it is redeemed it loses its sanctity.

Talmud - Mas. Zevachim 45b

if deliberately, it is not accepted.¹ This was said only of a private sacrifice, but a public sacrifice, whether done unwittingly or deliberately, is accepted. But a heathen ['s sacrifice], whether it is done unwittingly or deliberately, is not accepted. Now, the Rabbis stated the following in R. Papa's presence: With whom does this agree? Not with R. Jose, for if [it agrees with] R. Jose, surely he said: I hold that a stringent view should be taken on all these matters?² Said R. Papa to them: You may even say [that it agrees with] R. Jose: there it is different, because Scripture says, [that it may be accepted] for them [before the Lord]:³ for them, but not for heathens. Said R. Huna the son of R. Nathan to R. Papa: If so, [when Scripture says,] [Speak unto Aaron and to his sons, that they separate themselves from the holy things of the children of Israel] which they hallow unto Me,⁴ does that also mean: They, but not heathens?⁵ — Rather said R. Ashi: Scripture says, 'that it may be accepted for them', whilst heathens are not subject to 'acceptance'.

MISHNAH. THE THINGS WHICH DO NOT INVOLVE LIABILITY ON ACCOUNT OF PIGGUL,⁶ INVOLVE LIABILITY ON ACCOUNT OF NOTHAR AND DEFILEMENT EXCEPT BLOOD. R. SIMEON DECLARES ONE LIABLE IN RESPECT OF ANYTHING WHICH IS NORMALLY EATEN, BUT THE WOOD, THE FRANKINCENSE AND THE INCENSE DO NOT INVOLVE LIABILITY ON ACCOUNT OF DEFILEMENT.

GEMARA. Our Rabbis taught: You might think that liability on account of defilement is incurred only in respect of that which has mattirin both for man and for the altar;⁷ and that is logical: If liability on account of piggul is incurred only in respect of that which has mattirin both for man and for the altar, though it is fixed [invariable], and [is incurred] in one state of awareness, and was never permitted contrary to its general prohibition;⁸ then surely it is logical that defilement involves liability only in respect of that which has mattirin both for man and for the altar, seeing that it requires a variable burnt-offering,⁹ two states of awareness,¹⁰ and is [sometimes] permitted in opposition to its general prohibition. Therefore Scripture wrote, [Speak unto Aaron and to his sons, that they separate themselves from the holy things of the children of Israel,] which they hallow unto Me.¹¹ You might think [that liability is involved] immediately;¹² therefore Scripture teaches, [Whoever he be . . .] that approacheth [unto the holy things . . . having his uncleanness upon him, that soul shall be cut off from before Me].¹³ Now R. Eleazar said: Is then one who [merely] touches [the holy things] liable?¹⁴ Why does it say 'that approacheth'?¹⁵ [To teach that] the Writ speaks of flesh which was made fit to be offered.¹⁶ How so? If it has mattirin, [culpability is incurred] only when the mattirin have been offered; if it has no mattirin, [culpability is incurred] as soon as it is sanctified in a [sacred] vessel.

We have thus found [it of] defilement. How do we know [it of] nothar?¹⁷ Identity of law with defilement is learnt from the fact that 'profanation' is written in both. Yet let us learn identity of law

from piggul, because 'iniquity' is written in connection with both? — Reason asserts that we should learn it from uncleanness, because [they are alike in respect of] Gezel, [this being a] mnemonic.¹⁸ On the contrary, one should learn it from piggul, because [it resembles it in the following points:] permissibility, the headplate, cleanness, time, that which is offered; and these are more numerous?¹⁹ — Rather, it [is derived] from Levi's teaching. For Levi taught: How do we know that the Writ speaks of time disqualification too?²⁰ Because it says, That they profane not [My holy name]:²¹

(1) Lit., 'made acceptable'. The language is Biblical, cf. Lev. I, 4: and it shall be accepted for him to make atonement for him — i.e., the sacrifice effects its purpose. By Biblical law it is accepted in both cases, but the Rabbis penalized the priests by not permitting the flesh to be eaten when it was done deliberately.

(2) Thus he regards the heathen's sacrifice the same as an Israelite's sacrifice; then here too the same law should apply to both.

(3) Ex. XXVIII, 38. The passage refers to the wearing of the headplate by the High Priest, and teaches (according to the Talmudic interpretation) that in virtue of this wearing sacrifices are accepted, i.e., valid, even when the blood is defiled.

(4) Lev. XXII, 2.

(5) I.e., that unclean priests need not separate themselves from the sacrifices of heathens. — Surely R. Jose said that he takes a stringent view in all these matters?

(6) As enumerated in the Mishnah 42b seq.

(7) V. notes on Mishnah 42b.

(8) The sin-offering for eating piggul is fixed, and is the same for rich and poor alike — a lamb or a she-goat. It is incurred in one state of awareness, i.e., to be liable it is not necessary that one should know at first that it is piggul, then forget and eat it, and then become aware of it again, as it is in the case of defilement (v. note 2, p. 230). If only one ate it unwittingly, not having known at all that it was unclean, and then become aware of it, there is culpability. Again, the prohibition of piggul is never raised, even if all the sacrifices of the whole community had been rendered piggul, whereas in the case of uncleanness, if the whole community was in a state of uncleanness, the Passover-offering is brought and is eaten in that same state too.

(9) A wealthy man offers an animal-sacrifice; a poor man two doves; and a very poor man offers the tenth of an ephah of meal.

(10) For one to be culpable he must have known at first that it was unclean, then forgotten and eaten it, and then learn of its uncleanness again (Shebu. 4a).

(11) Lev. XXII, 2. The passage refers to uncleanness, and 'which they hallow unto Me' is an extension (being superfluous in itself), and therefore includes all hallowed things.

(12) As soon as it is dedicated liability is incurred for eating it in an unclean state.

(13) Ibid. 3.

(14) Surely not, for culpability is incurred only for eating (as in v. 4.)!

(15) Which implies mere touch.

(16) 'Offered' is the same root as 'approacheth';

(17) That there is liability even where there are no mattirin.

(18) G = Guf (body); Z = Zerikah (sprinkling); and L = hillul. Nothar and defilement are both intrinsic (i.e., bodily) disqualifications in the flesh, whereas piggul is disqualification through intention. Nothar and defilement do not disqualify through the sprinkling of the blood, whereas piggul does. And finally, hillul (profanation) is written in connection with nothar and defilement, but not in connection with piggul.

(19) (i) Nothar and piggul are never permitted in opposition to the general interdict, whereas defilement is. (ii) The headplate does not propitiate for these, though it does in the case of defilement (v. supra a bottom and note a.1.). (Though we are now discussing the uncleanness of the person, whereas the headplate propitiates only if the blood of the sacrifice is unclean, nevertheless it is true to say that the headplate does propitiate in a case of uncleanness.) (iii) Nothar and piggul are both clean. (iv) Both are disqualified through the time element, nothar because it was left until after the proper time, piggul because of an illegitimate intention in respect of after time. Finally, (v) they are both disqualifications in respect of the sacrifice, which is offered; whereas defilement is a disqualification of the priest, who offers it.

(20) Such as nothar.

(21) Lev. XXII, 2.

Talmud - Mas. Zevachim 46a

the Writ speaks of two modes of profanation, viz., the disqualification of nothar and the disqualification of defilement.¹

EXCEPT BLOOD etc. Whence do we know it? — Said ‘Ulla, Scripture saith, [For the life of the flesh is in the blood,] and I have given it to you [upon the altar to make atonement for your souls]:² [this teaches,] it is yours.³ The school of R. Ishmael taught: ‘To make atonement’ [implies] but not for trespass. R. Johanan said: Scripture saith, it is [which intimates,] it is before atonement as after atonement: as there is no trespass after atonement,⁴ so there is no trespass before atonement. Say, it is after atonement as before atonement: as it involves trespass before atonement,⁵ so it involves trespass after atonement? — Nothing involves trespass once its function is performed. Does it not? But lo, there are the separated ashes?⁶ — That is because the separated ashes and the priestly vestments⁷ are [taught in] two texts which come for the same purpose,⁸ and wherever two texts come for the same purpose, they do not illumine [other cases].⁹ That is well according to the Rabbis who maintain that, [And Aaron . . . shall put off the linen garments . . .] and shall leave them there¹⁰ teaches that they must be stored away.¹¹ But what can be said on the view of R. Dosa, who maintained [that] they are permitted to an ordinary priest, only that he [the High Priest] does not use them on another Day of Atonement? — Because the separated ashes and the beheaded heifer¹² are [taught in] two texts which come for the same purpose, and wherever two texts come for the same purpose, they do not illumine [other cases]. That is well on the view that they do not illumine; but what can be said on the view that they do illumine? — Two limitations are written:¹³ here is written, [over the heifer] whose neck was broken;¹⁴ while there it says, [And he shall take up the ashes . . .] and he shall put them [beside the altar].¹⁵ Now, why do I need three texts in connection with blood?¹⁶ One excludes it from trespass, another from nothar, and a third from defilement.¹⁷ But no text is required for piggul for we learnt: Whatever has mattirin, whether for man or for the altar, involves liability on account of piggul: whereas blood is itself a mattir.

R. Johanan said: For what purpose is kareth stated three times in connection with peace-offerings?¹⁸

(1) The two profanations are deduced from the fact that Scripture employs a longer form, yehallelu (profane) instead of yehallu.

(2) For it is — hu — the blood that maketh atonement by reason of the life. (Lev. XVII, 11).

(3) ‘Ulla said this in reference to trespass: ‘it is yours’ means that in respect of trespass it is treated as secular, and so involves no offering for misappropriation. The deductions by the school of R. Ishmael and R. Johanan which follow, point to the same conclusion. Thus we have three texts shewing that blood does not involve trespass; since three are unnecessary for this purpose, they are ultimately employed to teach that blood does not involve liability in respect of nothar, trespass, and defilement.

(4) After the blood has been sprinkled and atonement thereby made, there is no trespass in putting it to secular use, since it is no longer required for a sacred purpose.

(5) This would have to be assumed in default of a text to the contrary. R. Johanan of course does not deduce the contrary from the other texts.

(6) A shovelful of ashes was removed every day from the altar and placed at the east side of the altar, where they might not be used, though their function had already been performed, but left to become absorbed in their place.

(7) The four additional vestments worn by the High Priest when he entered the Holy of Holies on the Day of Atonement. On leaving it he removed them, and they might not be put to secular use. Both these cases are deduced from Scriptural texts.

(8) In both trespass is involved after their function has been fulfilled.

(9) For if they were to serve as an illustration for others, one only need be stated, and the other, together with other cases, would follow.

(10) Lev. XVI, 23.

(11) And not used. Thus there are two such instances.

(12) V. Deut. XXI, 9. The Rabbis deduce from the superfluous 'there' in the passage, and shall break the heifer's neck there in the valley (v. 4), that the heifer must be buried there and not put to any use.

(13) Sh. M. deletes 'two'.

(14) Deut. XXI v. 6; lit. 'the broken-necked'. The deduction is from the article 'the': only this animal whose function has been performed may still not be used, but no other similar sacred animal, i.e., one whose function has been performed, may not be used.

(15) Lev. VI, 3. Here too 'them' implies, only these ashes may not be used in such a case, but other sacred things may be used after their function has been performed.

(16) To shew that blood does not involve trespass. This is the completion of the answer to the question, 'How do we know that blood does not create liability for nothar' etc., as explained p. 231. n. 7.

(17) I.e., that blood does not involve culpability on account of these.

(18) V. Lev. VII, 20, 21; XXII, 3.

Talmud - Mas. Zevachim 46b

One to serve as a generalizations the second as a particularization,¹ and the third [is required] in respect of things which are not eaten.² And according to R. Simeon who maintained that the things which cannot be eaten do not involve liability on account of uncleanness, what does it include? — It includes the inner sin-offerings. You might think that since R. Simeon said, Whatever does not come on the outer altar, like peace-offerings, does not involve liability on account of piggul then it does not involve liability on account of uncleanness either. Hence [Scripture] informs us [that it is not so].

Said R. Simeon: That which is normally eaten etc.³ It was stated, R. Johanan and Resh Lakish, R. Eleazar and R. Jose son of R. Hanina [are the pairs concerned in the following discussion], one of the former pair and one of the latter pair: One maintained: The controversy [in the Mishnah] refers to uncleanness of the flesh;⁴ but in the case of personal uncleanness all agree that [the offender] is not flagellated. But the other maintained: As there is a controversy in the one case, so is there in the other. [Raba said, Logic supports the view that as there is a controversy in the one case, so is there in the other.]⁵ What is the reason? — Since the text, And the flesh that toucheth any unclean thing⁶ is applicable to it, then the text having his uncleanness upon him⁷ is applicable to it too.⁸ That is how R. Tabyomi recited [this discussion]. R. Kahana recited [the views of] one of the former pair and one of the latter pair as referring to the final clause:⁹ One maintained: The controversy refers to personal uncleanness, but in the case of uncleanness of flesh all agree that he is flagellated. While the other maintained: As there is a controversy in the one case, so is there in the other. Raba said, Logic supports the view that as there is a controversy in the one case, so is there in the other. What is the reason? — Since the text, 'Having his uncleanness upon him', is not applicable to it,¹⁰ the text, 'And the flesh that toucheth any unclean thing' is not applicable to it. But surely a master said: 'And the flesh' is to include the wood and the frankincense?¹¹ — That is a mere disqualification.¹²

MISHNAH. THE SACRIFICE IS SLAUGHTERED FOR THE SAKE OF SIX THINGS: FOR THE SAKE OF THE SACRIFICE, FOR THE SAKE OF THE SACRIFICER, FOR THE SAKE OF THE [DIVINE] NAME, FOR THE SAKE OF FIRE-OFFERINGS, FOR THE SAKE OF A SAVOUR, FOR THE SAKE OF PLEASING, AND A SIN-OFFERING AND A GUILT-OFFERING FOR THE SAKE OF SIN. R. JOSE SAID: EVEN IF ONE DID NOT HAVE ANY OF THESE PURPOSES IN HIS HEART, IT IS VALID, BECAUSE IT IS A REGULATION OF THE BETH DIN, SINCE THE INTENTION IS DETERMINED ONLY BY THE CELEBRANT.¹³

GEMARA. Rab Judah said in Rab's name: [Scripture says, It is a burnt-offering, an offering made by fire, of pleasing savour unto the Lord].¹⁴ 'A burnt-offering' [intimates that it must be slaughtered] for the sake of a burnt-offering, excluding [where it is slaughtered] for the sake of a peace-offering,

in which case it does not [acquit the owner of his obligation]. 'An offering made by fire' [intimates that] it must be for the sake of an offering made by fire, excluding the charring of the meat,¹⁵ which is not [valid]. 'Savour' [intimates that] it must be for the sake of a savour: this excludes the roasting of limbs [elsewhere] and bringing them up [on the altar], which is not [valid].¹⁶ For Rab Judah said in Rab's name: If one roasted limbs and took them up on to the altar, they do not fulfil the requirements of 'savour'. 'Pleasing' [intimates that] it must be for the sake of pleasing the Lord, for the sake of Him who spoke and called the world into existence.

Rab Judah said in Rab's name: If one slaughtered a sin-offering under the designation of a burnt-offering, it is invalid; [if one slaughtered it] under the designation of hullin, it is valid. R. Eleazar¹⁷ said: What is Rab's reason? — And they shall not profane the holy things of the children of Israel:¹⁸ 'holy things' profane 'holy things', but hullin does not profane holy things.¹⁹

Rabbah raised an objection: R. JOSE SAID: EVEN IF ONE DID NOT HAVE ANY OF THESE PURPOSES IN HIS HEART, IT IS VALID, BECAUSE IT IS A REGULATION OF THE BETH DIN. Thus it is only because he had no [purpose] in his heart at all; hence, if he intended it²⁰ for the sake of hullin, it is invalid? — Said Abaye to him: Perhaps [this deduction is to be made]: if he had no intention at all, it is valid and propitiates while if he intended it for the sake of hullin it is valid but does not propitiate.²¹

R. Eleazar said: If one slaughters a sin-offering for the sake of hullin,²² it is valid; [if one slaughtered it] as hullin,²³ it is invalid.²⁴ This is as the question which Samuel asked R. Huna:

(1) When anything is included in a generalization, and is then made the subject of a particularization, it throws light not only upon itself but upon everything included in the generalisation. Now Lev. XXII,3 (q.v.) is a generalization, including all 'holy things' and thus the peace-offering too. The latter is therefore singled out in Lev. VII, 20 to teach that as peace-offerings are of the 'holy things' of the altar, so does the 'holy things' in XXII,3 also mean those belonging to the altar, sc. sacrifices.

(2) E.g., the wood used on the altar and the frankincense. If one nevertheless ate these whilst unclean, he incurs kareth.

(3) As in the Mishnah, 45b, with slight variation. V. Rashi on the Mishnah.

(4) Hence of the wood and incense.

(5) Bracketed passage added by Sh. M.

(6) Lev. VII, 19.

(7) Ibid. 20.

(8) I.e., if the first text applies to wood and frankincense, then the second does too.

(9) I.e., to R. Simeon's exemption from liability.

(10) In the Rabbis' view. — Before he said, 'is applicable to it', as he referred to R. Simeon's view.

(11) Supra 34a.

(12) The law disqualifying unclean wood and frankincense is only Rabbinical, this Biblical interpretation being a mere support.

(13) The priest who performs the service, and not the owner of the sacrifice. If the former intended it for a different purpose, it counts as a sacrifice so offered, notwithstanding that the owner intended it for its rightful purpose. — V. supra 2b for notes.

(14) Lev. I, 13.

(15) I.e., the intention to make roast pieces of flesh.

(16) Since the 'savour' is then not made on the altar.

(17) Sh. M.: Elai.

(18) Lev. XXII, 15.

(19) Cf. supra 3a, 5a.

(20) Lit. 'if he had in his heart.'

(21) The owner is not acquitted of his obligation; cf. supra 2a.

(22) I.e., he knew that it was a sin-offering, and yet slaughtered it for the sake of hullin.

(23) Thinking that it was hulin.

(24) Since in his mind he was not engaged with sacrifices at all.

Talmud - Mas. Zevachim 47a

How do we know that when one is unaware engaged in sacrifices,¹ it [the sacrifice] is invalid? Because it says, And he shall kill the bullock before the Lord,² [which intimates] that the killing must be for the sake of the bullock.³ We know this,⁴ said he to him, [but] how do we know that [awareness] is indispensable?⁵ Ye shall slaughter it with your will,⁶ said he, [which teaches,] slaughter it with your knowledge.⁷

SINCE THE INTENTION IS DETERMINED ONLY BY THE CELEBRANT. Our Mishnah does not agree with the following Tanna. For it was taught, R. Eleazar son of R. Jose said: I have heard that the owner [of the sacrifice] renders [it] piggul!⁸ Raba said: What is R. Eleazar son of R. Jose's reason? Because Scripture says, Then shall he that offereth [his offering] present [unto the Lord etc.]⁹

Abaye said: R. Eleazar son of R. Jose, R. Eliezer and R. Simeon b. Eleazar all hold that when one expresses an intention while another performs the act,¹⁰ it is an [effective] intention. R. Eleazar son of R. Jose: this [view] that we have stated.¹¹ R. Eliezer: as we learnt: If one slaughters for a heathen, his shechitah is fit; but R. Eliezer declares it unfit.¹² R. Simeon b. Eleazar: as it was taught: R. Simeon b. Eleazar stated a general rule: That which is not fit to put away, and such is not [generally] put away, yet it did become fit to a certain person¹³ and he did put it away, and then another came and carried it out, the latter is rendered liable through the former's intention.¹⁴

Now, both of them¹⁵ agree with R. Eleazar son of R. Jose: if we say [thus] without, is there a question about within?¹⁶ R. Eleazar son of R. Jose does not agree with the other two: perhaps he ruled thus only [in reference to] within, but not [in reference to] without.¹⁷ R. Simeon b. Eleazar agrees with R. Eliezer: if we say [thus] in connection with the Sabbath, is there a question about idolatry?¹⁸ R. Eleazar does not agree with R. Simeon b. Eleazar: perhaps you rule thus only in connection with idolatry, because it is similar to 'within';¹⁹ but in the case of the Sabbath, the Torah interdicted only a considered labour.²⁰

CHAPTER V

MISHNAH. WHICH IS THE PLACE [FOR THE RITES] OF SACRIFICES? THE SLAUGHTERING OF SACRIFICES OF THE HIGHER SANCTITY IS AT THE NORTH [SIDE OF THE ALTAR]. THE SLAUGHTERING OF THE BULLOCK AND THE HE-GOAT OF THE DAY OF ATONEMENT IS [DONE] AT THE NORTH, AND THE RECEPTION OF THEIR BLOOD IS [PERFORMED] WITH SERVICE VESSELS AT THE NORTH, AND THEIR BLOOD REQUIRES SPRINKLING BETWEEN THE STAVES [OF THE ARK], ON THE VEIL, AND ON THE GOLDEN ALTAR; [THE OMISSION OF] A SINGLE APPLICATION OF THESE INVALIDATES [THE CEREMONY]. THE RESIDUE OF THE BLOOD HE [THE PRIEST] Poured out on the western base of the outer altar, BUT IF HE DID NOT POUR IT OUT, HE DID NOT INVALIDATE [THE SACRIFICE].

AS FOR THE BULLOCKS WHICH WERE BURNT²¹ AND THE HE-GOATS WHICH WERE BURNT,²² THEIR SLAUGHTERING IS [DONE] AT THE NORTH, AND THE RECEPTION OF THEIR BLOOD IS [DONE] AT THE NORTH, AND THEIR BLOOD REQUIRES SPRINKLING BETWEEN THE STAVES [OF THE ARK], ON THE VEIL, AND ON THE GOLDEN ALTAR;

(1) He slaughters a sacrifice, but without such intention.

(2) Lev. I, 5.

(3) I.e., he must intend to kill a sacred animal as a sacrifice.

(4) Lit. 'this is in our hands'.

- (5) In the sense that the sacrifice is otherwise invalid. The text quoted may merely teach that intention is required, but not that the sacrifice is invalid in default thereof.
- (6) Lev. XIX, 5. This is the literal translation. E.V.: Ye shall offer it that ye may be accepted.
- (7) With the knowledge that it is a sacrifice. Thus this refutes the teaching of Lev. I, 5, and it shews that such awareness is indispensable.
- (8) While the priest was performing its rites.
- (9) Num. XV, 4. Lit. translation. Thus the owner is called 'he that offereth', and so is included in the text, neither shall it be imputed unto him that offereth it: it shall be an abhorred thing (piggul) — Lev. VII, 18: hence he can render the sacrifice piggul.
- (10) Concerning which the intention is expressed.
- (11) His ruling supra.
- (12) The animal belonged to a heathen, and it is assumed that a heathen tacitly intends his animal to be slaughtered in honour of his deity, which makes it unfit for food. R. Eleazar maintains that it is unfit even though the act of shechitah is performed by a Jew, while the intention is performed by the heathen.
- (13) He found a use for it.
- (14) The passage refers to the Sabbath. V. Shab. 75b, 76a.
- (15) R. Eliezer and R. Simeon b. Eleazar.
- (16) Surely not. 'Within' means in the Temple; 'without', outside the Temple. Now, R. Eliezer and R. Simeon b. Eleazar stated their views in reference to a heathen and the Sabbath respectively (cases 'without' the Temple), and though the law of intention is not written in connection with these at all, they hold that where one man performs an act, another man's intention in reference thereto is effective. Then they will certainly hold the same in reference to sacrifices, where the disqualification of an illegal intention is actually written.
- (17) By the same argument as in the preceding note.
- (18) Surely not. Idolatrous acts of sacrifice involve culpability only when they are of the same nature as the acts performed in true sacrifice (Sanh. 60b). Hence it is natural that in respect to intention too they are similar.
- (19) As in preceding note.
- (20) I.e., culpability is involved only when one performs a real labour, and which he (or people in general) consider as such. Here, however, his action would not normally be considered carrying, and another man's intention cannot make it so.
- (21) Sc. the bullocks brought as sin-offerings when either the whole community or the anointed priest sinned. These were not eaten by the priests but burnt without Jerusalem (Lev. IV, 12, 21; Yoma 68a).
- (22) Sc. the he-goats brought for the sin of idolatry.

Talmud - Mas. Zevachim 47b

[THE OMISSION OF] A SINGLE ONE OF THESE APPLICATIONS INVALIDATES [THE SACRIFICE]. THE RESIDUE OF THE BLOOD HE [THE PRIEST] POURED OUT ON THE WESTERN BASE OF THE ALTAR; BUT IF HE DID NOT POUR IT OUT, HE DID NOT INVALIDATE [THE SACRIFICE]. BOTH OF THESE¹ WERE BURNT AT THE ASHPIT.² GEMARA. Yet let him [the Tanna] also teach [in the very first clause]. And the reception of their blood is [done] in a service vessel at the north? — Since there is the leper's guilt-offering,³ whose blood is received in the hand, he omits it. Is it then not [received in a vessel]? Surely he teaches later on: As for a nazirite's guilt-offering and a leper's guilt-offering, their slaughtering is at the north, and the reception of their blood is [done] with a service vessel at the north?⁴ — At first he thought that the blood was received in the hand, [and so] he omitted it.⁵ But when he saw that it cannot be done adequately without a vessel [also being used], he re-included it. For it was taught: And the priest shall take [of the blood of the guilt-offering]:⁶ You might think, with a vessel; but Scripture adds, and the priest shall put it [etc.]:⁷ as the putting must be by the very priest himself, so the taking must be by the very priest himself. You might think that it is likewise for the altar.⁸ Therefore Scripture states, For as the sin-offering so is the guilt-offering:⁹ as the sin-offering requires a vessel [for the reception of the blood], so does the guilt-offering require a vessel. Thus you must conclude that two priests received the blood of a leper's guilt-offering, one in his hand and the other in a vessel. He

who received it in a vessel went to the altar, and he who received it in his hand went to the leper.

- (1) The sin-offerings of the Day of Atonement and the other sin-offerings which were burnt.
- (2) The place where the ashes of the outer altar were deposited.
- (3) A sacrifice of higher sanctity.
- (4) *Infra* 54b.
- (5) The mention of the reception of the blood in the introductory clause.
- (6) *Lev.* XIV, 14.
- (7) *Ibid.*
- (8) That the blood which is sprinkled on the altar too is not received in a vessel.
- (9) *Ibid.* 13. This rendering follows the exact order of the Hebrew.

Talmud - Mas. Zevachim 48a

AS FOR THE BULLOCK AND THE HE-GOAT OF THE DAY OF ATONEMENT etc. Consider: the north [side of the altar] is written in connection with the burnt-offering, then let him teach [about] the burnt-offering first?¹ — Because this is deduced about the sin-offering by exegesis, he cherishes it more.² Then let him teach the outer sin-offerings [first]?³ — Because the blood of these [which he does enumerate] enters the inner sanctuary, he cherishes it more.⁴

Now, where is the north written in connection with the burnt-offering? — And he shall kill it on the side of the altar northward.⁵ We have thus found [it of] the flocks;⁶ how do we know [it of] the herd? — Scripture saith, And [we] if his offering be of the flock:⁷ the waw [and] continues⁸ the preceding section, so that the [subject] above may be deduced from [that] below.⁹ That is well on the view that you can learn¹⁰ [the subject above from that below]; but on the view that you cannot learn [it thus], what can be said? For it was taught: And if any one sin etc.;¹¹ this teaches that one is liable to a guilt-offering of suspense on account of doubtful trespass:¹² that is R. Akiba's ruling. But the Sages exempt [him]. Surely then they disagree in this: one master holds that we learn [the subject above from that below],¹³ while the other master holds that we do not learn it? — Said R. Papa: All agree that we do learn [thus], but this is the Rabbis' reason:¹⁴ mizwoth¹⁵ is employed here, and mizwoth is employed in connection with the sin-offering of forbidden fat:¹⁶ as there it means a law whose deliberate infringement entails kareth and its unwitting infringement entails a sin-offering, so here too¹⁷ [it is entailed only by] that whose deliberate infringement entails kareth, while its unwitting infringement involves a sin-offering.¹⁸ And R. Akiba?¹⁹ — As there it is fixed, so here it is fixed, thus excluding the sin-offering for the defilement of the sanctuary and its sacred objects [sacrifices], which is variable.²⁰ And the Rabbis?²¹ — There is no semi gezerah shawah.²² But R. Akiba too [surely admits that] there is no semi gezerah shawah? — That indeed is so; here, however, they differ in this: R. Akiba holds: 'And if a soul' is written, and the waw indicates conjunction with the preceding subject.²³ But [according to] the Rabbis too, surely it is written, And if a soul?²⁴ Shall we say that they differ in this: one master holds that a hekkesh is stronger; while the other master holds that a gezerah shawah is stronger?²⁵ — No: all agree that the gezerah shawah is stronger, but the Rabbis can answer you: the subject below is learnt from that above, that the guilt-offering must be [two] silver shekels in value,²⁶ so that you should not say: Surely the doubt cannot be more stringent than the certainty: as the certainty [of sin] requires a sin-offering [even] a sixth [of a zuz in value], so [for] the doubt a guilt-offering of a sixth [of a zuz] is sufficient.²⁷ Now, how does R. Akiba know this? — He deduces it from [the text,] And this is the law of the guilt-offering,²⁸ [which intimates that] there is one law for all guilt-offerings. That is well on the view that 'law' can be [so] interpreted; but on the view that 'law' cannot be so interpreted, whence does he derive [it]? — He derives [it] from the repetition of 'according to thy valuation.'²⁹ [But] what can be said of the guilt-offering of a maidservant promised in marriage,³⁰ where according to thy valuation' is not written? — He derives [it from] the repetition of 'with the ram.'³¹

How do we know that a sin-offering requires the north? — Because it is written, And he shall kill the sin-offering in the place of the burnt-offering.³² We have found [it of] slaughtering: how do we know [it of] receiving? Because it is written, And the priest shall take of the blood of the sin-offering.³³ How do we know that the receiver himself [must stand in the north]?³⁴ The text says, ‘And he shall take’, [which intimates,] he shall [be]take himself [to the place where the blood is received].³⁵ We have thus found [it as] a regulation; how do we know that it is indispensable?³⁶ — Another text is written, And he shall kill it for a sin-offering in the place where they kill the burnt-offering;³⁷ and it was taught: Where is the burnt-offering slaughtered? in the north: so this too³⁸ is [slaughtered] in the north.

(1) V. infra 53b.

(2) I.e., the Tanna is more desirous of teaching the results of exegesis than what Scripture states explicitly, and therefore he gives them preference.

(3) V. infra 52b.

(4) It is more important in his eyes, and hence he teaches it first.

(5) Lev. I, 11.

(6) To which the text refers.

(7) Ibid. 10; and is expressed by the letter waw in Heb., punctuated we.

(8) Lit., ‘adds to’.

(9) When a passage commences with ‘and’, this conjunction links it with the previous portion, and a law stated in one applies to the other too. Here the subject above is the burnt-offering of the herd, and the subject below is that of the flock.

(10) By means of a conjunction waw.

(11) Lev. V, 17.

(12) V. Mishnah infra 54b. Now, the subject immediately preceding deals with the guilt-offering for putting sacred things to secular use (vv. 14-16), when the offender learns that he has definitely sinned. If one is in doubt whether he has offended, this text teaches that he must bring a guilt-offering of suspense (i.e., doubt). The doubt arises thus: Two things lie before a man, one of which he puts to secular use. Subsequently he learns that one of these was sacred, and he does not know which.

(13) And if any one sin introduces the law of the guilt-offering of suspense for doubtful sin. By learning the subject above from it, it follows that this is entailed by doubtful trespass too.

(14) For not doing so here.

(15) Lit. ‘commandments’: and if any one sin, and do any of the mizwoth (E.V. things) which the Lord hath commanded not to be done etc.

(16) Lev. IV, 27. Forbidden fat is not mentioned there, but ‘a sin-offering of forbidden fat’ is the usual designation in the Talmud for an ordinary sin-offering. The reason is because Ye shall eat neither fat nor blood (Lev. III, 17) is followed by Ch. IV, which deals with sin-offerings (Rashi in Sot. 15a). Asheri (in Ned. 4a) explains the reason because the most usual form of sinning thus is eating forbidden fat through having it in the house.

(17) Sc. the guilt-offering of suspense.

(18) I.e., a guilt-offering of suspense is brought only when one is in doubt whether he has committed an offence, which, if certainly committed, entails kareth or a sin-offering. But the secular misuse of sacred property does not involve a sin-offering, consequently one is not liable to a guilt-offering for doubtful trespass.

(19) How does he interpret this gezerah shawah?

(20) Lit., ‘ascends (in value) and descends’. — The ordinary sin-offering is fixed and the same for rich and poor alike. This gezerah shawah then teaches that a guilt-offering of suspense is incurred only for the doubtful violation of a law which, if definitely violated, involves a fixed sin-offering. But if one is doubtful whether he entered the Temple whilst unclean, he does not bring a guilt-offering of suspense, because if he were certain he would only be liable to a variable sacrifice (v. Lev. V, 1-10).

(21) What is their view on this?

(22) A gezerah shawah shews similarity in all respects, not in some only.

(23) As above.

(24) And it was stated above that all agree that the subject above is learnt from that below.

(25) The hekkesh or analogy arises from the waw, which couples both subjects. Thus apparently the Rabbis give preference to the gezerah shawah, while R. Akiba gives preference to the hekkesh (only one can be employed here, since they yield apparently contradictory results).

(26) The earlier passage reads: then he shall bring . . . according to thy valuations in silver by shekels . . . a guilt-offering (v. 15), which the Rabbis interpret as meaning not less than two shekels. The analogy therefore teaches that the guilt-offering of suspense in v. 18 must also have that value.

(27) Hence the hekkesh teaches otherwise.

(28) Lev. VII, 1.

(29) Heb. בערוך. It is repeated in Lev. V, 15 and Lev. V, 18, and this furnishes a gezerah shawah, which teaches that they must be of equal value in both cases.

(30) Ibid. XIX, 20-22.

(31) Ibid. V, 16 and XIX, 22.

(32) Ibid. IV, 24.

(33) Ibid 25. This is connected with the immediately preceding words, 'in the place where they kill the burnt-offering.' — 'Take' means to receive the blood.

(34) And not in the south and stretch out his hand to the north. (A line — imaginary — demarcated the north and the south, and so it would be possible to stand on one side of the line — south — and receive the blood on the other — the north.)

(35) I.e., the north.

(36) That the sacrifice is invalid otherwise.

(37) Ibid. 33. This treats of a lamb brought by a prince (ruler) as a sin-offering.

(38) Sc. the sin-offering.

Talmud - Mas. Zevachim 48b

Do you then learn it from this verse? Is it not already stated, In the place where the burnt-offering is killed shall the sin-offering be killed?¹ why then has this² been singled out? To fix the place for it, so that if one did not slaughter it in the north, it is invalid.³ You say it has been singled out for this purpose, yet perhaps it is not so, but rather [to teach] that this one [alone] requires the north,⁴ but no other requires the north? Therefore it states, 'And he shall kill the sin-offering in the place of the burnt-offering,' thus constituting a general law in respect of all sin-offerings that they require the north. We have thus found [it true of] a prince's sin-offering, that it is both a recommendation and indispensable; we have also found it as a recommendation in the case of other sin-offerings; how do we know that it is indispensable [for other sin-offerings]? Because it is written in reference to both the lamb⁵ and the she-goat.⁶

Then what is the purpose of 'it'?⁷ — That is required for what was taught: 'It' [is slaughtered] on the north, but Nahshon's goat was not [slaughtered] in the north.⁸ And it was taught: And he shall lay his hand upon the head of the goat⁹ includes Nahshon's goat, in respect of laying [hands]: that is R. Judah's view. R. Simeon said: It includes the goats brought on account of idolatry, in respect of laying [hands]. You might argue, Since they are included in respect of laying [hands], they are included in respect of the north. Hence we are informed [otherwise].

To this Rabina demurred: That is well on R. Judah's view; but what can be said on R. Simeon's?¹⁰ — Said Mar Zutra son of R. Mari to Rabina: And is it well on R. Judah's view? [surely], where it is included, it is included, and where it is not included, it is not included?¹¹ And should you say, Had Scripture not excluded it, [its inclusion] would be inferred by analogy: if so, let laying [hands] itself be inferred by analogy? But [you must answer that] a temporary [sacrifice] can not be inferred from a permanent one,¹² so here too,¹³ a temporary [sacrifice] cannot be inferred from a permanent one?¹⁴ — Rather [it teaches this]: 'It' [is slaughtered in the north], but the slaughterer need not be in the north.¹⁵ But [the law concerning] the slaughterer is deduced by R. Ahia's [exegesis]? For it was taught, R. Ahia said: And he shall kill it on the side of the altar northward': why is this stated?

Because we find that the receiving priest must stand in the north and receive [the blood] in the north, while if he stood in the south and received [the blood] in the north it is invalid. You might think that this [slaughtering] is likewise. Therefore Scripture states, '[And he shall kill] it', [intimating that] 'it' must be in the north, but the slaughterer need not be in the north! — Rather [it teaches this]: 'It' [must be killed] in the north, but a bird does not need the north.¹⁶ For it was taught: You might think that a bird-offering needs the north, and this is indeed logical: If [Scripture] prescribed north for a lamb, though it did not prescribe a priest for it,¹⁷ is it not logical that it should prescribe north for a bird, seeing that it did prescribe a priest for it? Therefore 'it' is stated.¹⁸ [No:] as for a lamb, the reason is because [Scripture] prescribed a utensil for it!¹⁹ — Rather, [it teaches this]: 'It' [must be killed] in the north, but the Passover-offering [need] not [be slaughtered] in the north. For it was taught, R. Eliezer b. Jacob said: You might think that a Passover-offering needs the north, and this is indeed logical: if [Scripture] prescribed the north for a burnt-offering, though it did not prescribe a fixed season for its slaughtering; is it not logical that it should prescribe the north for a Passover-offering, seeing that it did prescribe a fixed season for its slaughtering? Therefore 'it' is stated. [No:] as for a burnt-offering, the reason is because it is altogether burnt. [Then learn it] from a sin-offering.²⁰ As for a sin-offering, the reason is because it makes atonement for those who are liable to kareth! [Then learn it] from a guilt-offering. [No:] as for a guilt-offering, the reason is because it is a most sacred sacrifice! [And you] cannot [learn it] from all these²¹ likewise, because they are most sacred sacrifices! — After all, it is as we said originally: 'It' [must be] in the north, but the slaughterer need not be in the north, and as to your difficulty, 'That is deduced from R. Ahia's exegesis', [the answer is that] it does not [really] exclude the slaughterer from the north,²² but [is meant thus]: The slaughterer need not be in the north, [whence it follows that] the receiver must be in the north, 'The receiver'? Surely that is deduced from 'and he shall take,' [which we interpret] let him [be]take himself [to the north]? — He does not interpret 'and he shall take' as meaning 'let him [be]take himself,'²³

We have thus found a recommendation that slaughtering a burnt-offering must be in the north, and a [similar] recommendation about receiving; how do we know that [the north] is indispensable in the case of slaughtering and receiving?²⁴ — Said R. Adda b. Ahabah, — others state, Rabbah b. Shila: [It is deduced] afortiori: If it is indispensable in the case of a sin-offering, which is [only] learnt from a burnt-offering,²⁵ surely it is logical that it is indispensable in the case of a burnt-offering, from which a sin-offering is learnt. [No:] As for a sin-offering, the reason is because it makes atonement for those who are liable to kareth! Said Rabina: This is R. Adda's difficulty:²⁶ Do we ever find the secondary more stringent than the primary?²⁷ Said Mar Zutra son of R. Mari to Rabina: Do we not?

(1) Lev. VI, 18. This applies to all sin-offerings.

(2) The sin-offering brought by a prince.

(3) The repetition teaches this.

(4) Sc. that mentioned in Lev. IV, 33.

(5) Ibid.

(6) Ibid. 29.

(7) In verse 33 quoted supra: 'it' implies limitation, whereas all sin-offerings have been included.

(8) I.e., the sin-offerings brought at the consecration of the altar, which were not on account of sin at all; v. Num. VII, 12 seq.

(9) Lev. IV, 24. This refers to the prince's goat: instead of 'head of the goat', Scripture could say, 'its head'; the longer form is regarded as an extension.

(10) He does not include it in respect of laying hands: then a text is not required to shew that north does not apply to it.

(11) No text is necessary for this.

(12) Lit, (text as emended by Sh. M.) 'you do not learn the hour from generations' — You could not learn that Nahshon's goat required laying hands, by analogy with an ordinary sin-offering, because the former was a special ad hoc offering, whereas the ordinary sin-offering was for all time.

(13) In respect of north.

- (14) So that in any case there is no reason for thinking that Nahshon's sin-offering required the north; why then is a text needed to exclude it?
- (15) He can stand in the south near the boundary line, stretch out his hand, and slaughter it in the north.
- (16) When its neck is wrung.
- (17) It may be slaughtered by a zar.
- (18) As a limitation.
- (19) It must be slaughtered with a knife, whereas a bird merely has its neck wrung. Hence again there is no reason for thinking that a bird requires north, and therefore no need for a limitation.
- (20) Which is not altogether burnt, yet requires the north.
- (21) Sc. the burnt-offering, guilt-offering and sin-offering.
- (22) For that is arrived at by R. Ahia's exegesis.
- (23) Text as emended by Sh. M.
- (24) In the sense that the sacrifice is otherwise invalid.
- (25) Lit., 'which comes from the strength of a burnt-offering'.
- (26) In spite of the refutation, he employs this afortiori argument on account of the following difficulty.
- (27) Although a sin-offering makes atonement for those liable to kareth, here it is only secondary to a burnt-offering, since 'north' is written primarily in connection with the latter.

Talmud - Mas. Zevachim 49a

Yet there is the [second] tithe, which itself can be redeemed, and yet what is purchased with the [redemption] money of tithe cannot be redeemed. For we learnt: If that which was purchased with the [redemption] money of the [second] tithe became defiled, it must be redeemed. R. Judah said: It must be buried!¹ — There the sanctity is not strong enough to take hold of its redemption.²

Yet there is the case of a substitute: whereas [sacrificial] sanctity does not fall upon an animal with a permanent blemish, it [substitution] does fall upon an animal with a permanent blemish?³ — [The sanctity of] a substitute is derived from a consecrated animal, while [that of] a consecrated animal comes from hullin.⁴

Yet there is a Passover-offering, which itself does not require laying [of hands], drink-offerings, and the waving of the breast and the shoulder; whereas its remainder⁵ does require laying [of hands], drink-offerings, and the waving of the breast and the shoulder? — A Passover remainder⁶ during the rest of the year is a peace-offering.⁷

Alternatively,⁸ Scripture says, the burnt-offering, [which intimates,] it must be in its [appointed] place.⁹

How do we know that a guilt-offering requires the north? — Because it is written, in the place where they kill the burnt-offering shall they kill the guilt-offering.¹⁰ We have thus found [it of] slaughtering; how do we know [it of] receiving? — [Because it is written,] And the blood thereof shall be dashed etc.¹¹ [which teaches that] the receiving of its blood too must be in the north.¹² How do we know [that] the receiver himself [must stand in the north]? — 'And its blood' [is written where] 'its blood' [alone] would suffice.¹³ We have thus found it as a recommendation: how do we know that it is indispensable? — Another text is written, And he shall kill the he-lamb [in the place where they kill the sin-offering and the burnt-offering].¹⁴

Now, does that come for the present purpose? Surely it is required for what was taught: If anything was included in a general proposition, and was then singled out for a new law, you cannot restore it to [the terms of] its general proposition, unless the Writ explicitly restores it to [the terms of] its general proposition. How so? [Scripture saith,] And he shall kill the he-lamb in the place where they kill the sin-offering and the guilt-offering, in the place of the sanctuary; for as the

sin-offering so is the guilt-offering: it is the priest's; it is most holy. Now, 'as the sin-offering so is the guilt-offering' need not be said.¹⁵ Why then is 'as the sin-offering so is the guilt-offering' said? Because a leper's guilt-offering was singled out and made subject to a new law, viz., that in respect of the thumb of the hand, the big toe of the foot, and the right ear,¹⁶ you might think that it does not require the presentation of [its] blood and emurim at the altar; therefore Scripture says, 'as the sin-offering so is the guilt-offering': as the sin-offering requires the presentation of [its] blood and emurim at the altar, so does a leper's guilt-offering require the presentation of blood and emurim at the 'altar'.¹⁷ — If so,¹⁸ let it be written in the latter [passage]¹⁹ and not in the former. Now, that is well if we hold that when anything is made the subject of a new law, it cannot be learnt from its general law,

(1) Second tithe was a tithe of the produce which was to be taken to Jerusalem and eaten there by its owner. If it was too burdensome, he could redeem it, take the redemption money to Jerusalem, and expend it there (Deut. XIV, 22-27). — Thus according to R. Judah what was brought with the redemption money is stricter than the original tithe, for the original could be redeemed, whereas this cannot.

(2) An object must possess a certain degree of sanctity before it can be transferred to something else, whereas the sanctity of this is too light to permit such transfer. Hence R. Judah's ruling, though strict, arises out of the lesser, not the greater, sanctity of what is brought.

(3) If a man dedicates a blemished animal for a sacrifice, it merely receives monetary sanctity, and can be redeemed, whereupon it becomes hullin (q.v. Glos.) entirely, and may be put to any use, including shearing and labour. But if a man declares a blemished animal a substitute for a consecrated animal, it becomes holy, and must be redeemed, but when redeemed it may not be kept for shearing or service, but must be eaten (this is also the law where an animal without a blemish is dedicated for a sacrifice and then receives a blemish). Thus the sanctity of the substitute is greater than that of the original.

(4) A substitute receives sanctity because another animal has already been sanctified, whereas the originally consecrated animal receives it direct from hullin.

(5) V. supra 37b, p. 190, n. 7.

(6) Emended text (Sh. M.)

(7) And not a Passover-offering at all. Hence it is a different sacrifice and naturally governed by different laws.

(8) In reply to the question whence do we know that the north is indispensable in the case of a burnt-offering.

(9) The north is not only prescribed, but is also essential.

(10) Lev. VII, 1.

(11) Ibid. 2.

(12) Sh. M.: The waw ('and') joins the sentence to the preceding verse, and so the regulation concerning the place of killing applies to the receiving of the blood too. This second verse must be applied to receiving and not to sprinkling, since the blood was not sprinkled at the north.

(13) Rashi: the deduction is made from the eth (sign of the accusative) before 'its blood', which could be omitted. This is therefore regarded as extending the law to the receiver.

(14) Lev. XIV, 13. This treats of a leper's guilt-offering. The repetition of place shews that it is indispensable.

(15) For if it is to teach that it is slaughtered in the north, that follows from the first half of the verse. While if it teaches that the sprinkling of its blood and its consumption are the same as those of the sin-offering, that too is superfluous, since it is already covered by the general regulations prescribed for all guilt-offerings in Lev. VII, 1-10.

(16) V. Ibid. XIV, 14 seq. These rites are absent in the case of other guilt-offerings.

(17) This is the example: since a leper's guilt-offering was singled out for special treatment, the general laws of guilt-offerings could not apply to it without a text specifically intimating that they do. — Thus the text is utilised for this purpose, and not to teach that the north is indispensable.

(18) That that is its only purpose.

(19) In the passage on leprosy.

Talmud - Mas. Zevachim 49b

but its general law can be learnt from it: then it is correct.¹ But if we hold that neither can it be learnt

from the general proposition, nor can the general proposition be learnt from it, then this [law]² is required for its own purpose?³ — Since [Scripture] restored it, it restored it.⁴

Mar Zutra son of R. Mari said to Rabina: Yet say, When Scripture restored it [to the general proposition] [it was only] in respect of the presentation of the blood and emmurim, since this requires priesthood;⁵ but slaughtering, which does not require priesthood, does not require the north [either]?⁶ — If so, let Scripture say, ‘for it is as the sin-offering’: why [state], ‘for as the sin-offering so is the guilt-offering’?⁷ [To teach:] Let it be like the other guilt-offerings.⁸

Why must it be likened to both a sin-offering and a guilt-offering? — Said Rabina, It is necessary: if it were likened to a sin-offering and were not likened to a guilt-offering I would say, Whence did we learn [that] a sin-offering [is slaughtered in the north]? from a burnt-offering: thus that which is learnt through a hekkesh in turn teaches through a hekkesh.⁹ Mar Zutra the son of R. Mari said to Rabina: Then let it be likened to a burnt-offering and not likened to a sin-offering? — Then I would say, [that elsewhere] that which is learnt through a hekkesh in turn teaches through a hekkesh;¹⁰ and if you object, Then let it be likened to a sin-offering,¹¹ [I could reply:] It [Scripture] prefers to liken it to the principal rather than to the secondary.¹² Therefore it likened it to a sin-offering and it likened it to a burnt-offering, thus intimating that that which is learnt through a hekkesh does not in turn teach through a hekkesh.

Raba said: [It¹³ is learnt] from the following, for it is written, As is taken off from the ox of the sacrifice of peace-offerings.¹⁴ For what purpose [is this written]? if for the lobe of the liver and the two kidneys,¹⁵ [surely] that is written in the body of the text!¹⁶ But because [Scripture] wishes to intimate that [the burning of] the lobe of the liver and the two kidneys of the he-goats [brought as sin-offerings] for idolatry shall be learnt by analogy from the community's bullock [for a sin-offering on account] of [sinning in] unawareness,¹⁷ whereas this law is not explicitly stated in the passage on the bullock of unawareness, but is learnt from the anointed priest's bullock:¹⁸ therefore ‘as is taken off’ is required, so that it might count as written in that very passage¹⁹ and not as something which is learnt through a hekkesh and then in turn teaches through a hekkesh.²⁰ Said R. Papa to Raba: Then let [Scripture] write it in its own context,²¹ and not assimilate [it to the anointed priest's bullock]?²² — If [Scripture] wrote it in its own context, and did not teach it by assimilation, I would say, That which is learnt through a hekkesh can in turn teach through a hekkesh;²³ and if you object, Then let Scripture assimilate it?²⁴ [I could answer that Scripture] prefers to write it [explicitly] in its own context rather than to teach it through a hekkesh. Therefore [Scripture] wrote it²⁵ and assimilated it, in order to teach that that which is learnt through a hekkesh does not in turn teach through a hekkesh.

(Mnemonic: Hekkesh and gezerah shawah; kal wa-homer.)²⁶ [It is agreed that] that which is learnt through a hekkesh does not in turn teach through a hekkesh, [this being learnt] either by Raba's or by Rabina's [exegesis]. Can that which is learnt through a hekkesh teach through a gezerah shawah?²⁷ — Come and hear: R. Nathan b. Abtolemos said: Whence do we know that a spreading outbreak [of leprosy] in garments [covering the whole] is clean? Karahath [baldness of the back of the head] and gabbahath [baldness of the front] are mentioned in connection with garments, and also in connection with man:²⁸ just as in the latter, if [the plague] spread over the whole skin, he is clean;²⁹ so in the former too, if it spread over the whole [garment], it is clean. And how do we know it there?³⁰ Because it is written, [And if the leprosy . . . cover all the skin . . .] from his head even to his feet,³¹ and [thereby] his head³² is assimilated [through a hekkesh] to his feet:³³ as there, when it is all turned white, having broken out all over him, he is clean; so here too, when it breaks out all over him,³⁴ he is clean.³⁵ Said R. Johanan:³⁶ In the whole Torah we rule that whatever is learnt can teach, save in the case of sacrifices, where we do not rule that whatever is learnt can teach. For if it were so [that we did rule thus], let ‘northward’ not be said in connection with a guilt-offering, and it could be inferred from sin-offerings by the gezerah shawah of ‘it is most holy’.³⁷ Surely then its purpose is to teach that that which is learnt by a hekkesh does not in turn teach through a gezerah shawah.³⁸ But

perhaps [we do not learn it there] because one can refute it: as for a sin-offering, [it requires north] because it makes atonement for those who are liable to kareth? — A superfluous ‘most holy’ is written.³⁹

That which is learnt through a hekkesh teaches in turn by a kal wa-homer.⁴⁰

(1) The general law is that stated in VII, 1-10, while a leper's guilt-offering is singled out for a new law not in harmony with the general law, for whereas the blood of an ordinary guilt-offering is sprinkled on the altar, the blood of this is applied to the right thumb, right ear, and the great toe of the right foot. Now, if it were not stated in the general regulations on the guilt-offerings that it must be slaughtered in the north, but were stated here, this would come not under the preceding but under the following rule: if anything is included in a general proposition and is then singled out to teach a special regulation, this applies not only to the case where it is stated, but to the whole. Thus a leper's guilt-offering is included in the general guilt-offerings dealt with in VII, 1-10; when it is singled out here for slaughtering in the north, that applies to all guilt-offerings, and not only to itself. (The other rule with which we are now dealing holds good only when the new law is not in harmony with the general one, as explained at the beginning of the note.) Hence on this view it need not be stated in VII, 1-10 that it is killed in the north, as this would follow from XIV, 14 seq.; its repetition teaches that the north is indispensable.

(2) In VII, 1-10, that it is killed in the north.

(3) That it is killed in the north, for on the present view we could not learn all guilt-offerings from a leper's guilt-offering, even in respect of a law which is not in disharmony (sc. slaughtering in the north), since the latter is made the subject of one law which is in disharmony (sc. sprinkling on the right thumb etc.).

(4) Scripture restored a leper's guilt-offering to the general rule by saying, for as the sin-offering so is the guilt-offering, whence we know that it must be slaughtered in the north. ‘And he shall kill the he-lamb in the place where they kill the sin-offering and the burnt-offering’ (sc. in the north), written in the same verse, is thus mere repetition, and so teaches that the north is indispensable.

(5) It must be done by a priest. Hence the restoration to the general proposition shews that its emurim and some of the blood must be presented at the altar, in addition to its being applied to the right thumb etc.

(6) But for ‘and he shall kill’ etc. In that case it is not a repetition, and does not teach that it is indispensable.

(7) Why mention the guilt-offering, seeing that the whole passage deals with it?

(8) Sc. that it must be slaughtered in the north. Hence ‘and he shall kill’ etc. is a repetition.

(9) Therefore Scripture adds the burnt-offering, to shew that that is not so.

(10) I.e., there would be nothing in this text to shew the contrary.

(11) Which would positively prove it.

(12) The burnt-offering is the principal source of the law, since it is there that the north is specified, whereas the sin-offering is only a secondary source, since it is derived from the former.

(13) That a thing derived through a hekkesh cannot in turn teach through a hekkesh.

(14) Lev. IV, 10. This refers to the burning of the emurim of the anointed priest's bullock for a sin-offering.

(15) To intimate that these are burnt on the altar, as in the case of a peace-offering.

(16) It is explicitly stated in v. 9.

(17) As stated supra 41a.

(18) As stated supra 39b.

(19) Sc. dealing with the bullock of unawareness. It is so regarded because it is superfluous where it stands.

(20) Which therefore shews that such is inadmissible.

(21) Sc. in the section on the bullock of unawareness.

(22) Since an extra text is required in any case, let it be written explicitly in its own context.

(23) I.e., it would be possible to say so.

(24) Let Scripture teach it through a hekkesh, without writing it explicitly.

(25) In the passage dealing with the anointed priest.

(26) V. p. 31, n. 6.

(27) Thus: The law, which is stated in A, is applied to B by a hekkesh; can that then be applied to C, because there is a *gezerah shawah* between B and C? Similarly in the other cases that follow.

(28) Leprosy in man: Lev. XIII, 42f; in garments: *ibid.* 55. In connection with garments, *karahath* denotes leprosy on the

inside (right) of the cloth; gabbahath on the front or outside thereof.

(29) Ibid. 12-13.

(30) That a karahath or gabbahath which spreads and covers the whole head is clean? For Lev. XIII, 12-13 refers to leprosy of the skin, not of the head; moreover, they differ in their symptoms. For the symptom of leprosy of the skin is that the hair turns white (ibid. v, 3, 12), whereas that of a karahath or gabbahath is that the hair turns yellow or reddish-white (ibid. 30, 42).

(31) Ibid 12.

(32) I.e., the leprosy of his head, such as a scale, or karahath or gabbahath.

(33) I.e., to the rest of the body.

(34) I.e., over his whole head or beard. — Emended text (Sh. M).

(35) Thus we first learn by a hekkesh that a karahath or gabbahath in human beings covering the whole head is clean, and then that same law is applied to garments by a gezerah shawah.

(36) In rebutting this proof.

(37) Which is stated of both the sin-offering (Lev. VI, 18) and the guilt-offering (VII, 1).

(38) For in fact the rule that what is learnt by a hekkesh cannot in turn teach by a hekkesh applies to sacrifices only, and it is now shewn that it cannot teach in turn through a gezerah shawah either. Whereas the passage quoted referred to a different subject, viz., leprosy, and there what is learnt through a hekkesh can teach in turn even through a hekkesh.

(39) In Num. XVIII, 9. Since this is superfluous, a gezerah shawah could be learnt even through the guilt-offering is dissimilar from the sin-offering. The fact that we do not do so proves that what is learnt by a hekkesh does not, in the case of sacrifices, teach in turn by a gezerah shawah.

(40) V. Glos.

Talmud - Mas. Zevachim 50a

[This follows] from what the school of R. Ishmael taught.¹

That which is learnt through a hekkesh, can it teach through a binyan ab?² — Said R. Jeremiah: Let 'northward' not be written in connection with a guilt-offering, and it could be inferred from a sin-offering by a binyan ab.³ For what purpose then is it written? Surely to intimate that that which is learnt through a hekkesh cannot in turn teach through a binyan ab. Yet according to your reasoning, let it be inferred from a burnt-offering by a binyan ab?⁴ Why then is it not so inferred? Because you can refute it: as for a burnt-offering, [it requires the north] because it is altogether burnt. So in the case of a sin-offering too, you can refute it: as for a sin-offering, [it requires the north] because it makes atonement for those who are liable to kareth!

One cannot be learnt from one; [but] let one be learnt from [the other] two?⁵ — From which could it be derived? [Will you say,] Let the Divine Law not write it in the case of a burnt-offering, and it could be derived from a sin-offering and a guilt-offering; [then you can argue,] as for these, [they require the north] because they make atonement. Let not the Divine Law write it in respect of a sin-offering, and let it be derived from the others; [then you can argue,] as for those, the reason is because they are males.⁶ Let not the Divine Law write it in connection with a guilt-offering and let it be derived from the others; [then you can argue,] the reason is because they operate in the case of a community as in the case of an individual.⁷

That which is learnt by a gezerah shawah, can it in turn teach through a hekkesh? — Said R. Papa, It was taught: And this is the law of the sacrifice of peace-offerings . . . if he offers it for a thanksgiving:⁸ [from this] we learn that a thanksgiving can be brought from tithe,⁹ since we find that a peace-offering can be brought from tithe.¹⁰ And how do we know [this of] a peace-offering itself? — Because 'there' is written in each case.¹¹ Said Mar Zutra the son of R. Mari to Rabina: But corn tithe is merely hullin?¹² — Said he to him: Who says¹³ that which is learnt must be holy, and that which teaches must be holy?¹⁴

Can that which is learnt by a *gezerah shawah* teach by a *gezerah shawah*? — Said Rami b. Hama, It was taught: Of fine flour soaked [*murbeketh*]:¹⁵ this teaches that the *rebukah* [soaked cake]¹⁶ must be of fine flour [*soleth*].¹⁷ How do we know [the same of] *halloth*?¹⁸ Because *halloth* is stated in both places.¹⁹ How do we know it of *rekikin* [thin wafers]? Because *mazzoth* [unleavened bread] is written in connection with each.²⁰ Said Rabina to him: How do you know that he learns [the *gezerah shawah* of] *mazzoth*, *mazzoth*, from *halloth*; perhaps he learns it from oven-baked [cakes]?²¹ Rather said Raba: It was taught: And its inwards, and its dung, [even the whole bullock] shall he carry forth [without the camp]:²² this teaches that he carries it forth whole.²³ You might think that he burns it whole; [but] ‘its head and its legs’ is stated here, and ‘its head and its legs’ is stated elsewhere:²⁴ as there it means after cutting up,²⁵ so here too it means after cutting up. If so, as there it is after the flaying [of the skin],²⁶ so here too it means after the flaying? Therefore it says, ‘and its inwards and its dung’. How does this teach [the reverse]? — Said R. Papa: Just as its dung is within it,²⁷ so must its flesh be within its skin. And it was [further] taught, Rabbi said: Skin and flesh and dung are mentioned here,

(1) V. supra 41a.

(2) Analogy. This differs from a *hekkesh*, in that in a *hekkesh* Scripture intimates that there is a certain similarity between two subjects, whereas in a *binyan ab* (q.v. *Glos.*) the analogy is drawn from an inherent similarity between two subjects.

(3) For these are analogous, since both are brought on account of sin.

(4) For there it is explicitly stated, and the intermediate *hekkesh* is not required at all.

(5) Let Scripture intimate that the north is required for two of these, and the third could then be deduced from it.

(6) Whereas a sin-offering is a female.

(7) Burnt-offerings and sin-offerings might be brought on behalf of the whole community, as public sacrifices, just as by an individual. But a guilt-offering could only be brought by an individual. — This whole passage is a digression.

(8) Lev. VII, 11f.

(9) A man can vow a thanksgiving and stipulate that he will purchase it with the redemption money of second tithe (v. p. 246, n. 3).

(10) And the thanksgiving is included therein by a *hekkesh*.

(11) In connection with both a peace-offering and second tithe. Peace-offering: And thou shalt sacrifice peace-offerings, and shalt eat there (Deut. XXVII, 7); Tithe: And thou shalt eat before the Lord thy God, in the place which He shall choose to cause His name to dwell there, the tithe of thy corn — etc. Deut. XIV, 23. Thus the peace-offering is learnt by a *gezerah shawah*, and that is transferred to the thanksgiving by a *hekkesh*.

(12) V. *Glos.* Whereas the question is about cattle tithe, which is holy.

(13) The translation here is a paraphrase, and conveys the general sense.

(14) I.e., it is unnecessary for both to be holy, but only one. We wish to learn about a peace-offering, and that indeed is holy.

(15) Lev. VII, 12.

(16) I.e., a cake made of flour that is first boiled. This is the Talmudic interpretation of *murbeketh*.

(17) As opposed to *kemah*, a coarse meal.

(18) These are ordinary unleavened cakes.

(19) *Rebukah*: and *halloth* (E.V. cakes) mingled with oil, of fine flour soaked; *halloth* (one of the three kinds of unleavened bread brought with a thanksgiving): then he shall offer unleavened (*mazzoth*) cakes (*halloth*) mingled with oil (Ibid.) The word *halloth* in both places shews that both must be of fine meal.

(20) For *halloth* v. preceding note; *rekikin*: and unleavened wafers (*rekike* — construct form of *rekikin-mazzoth*). Thus we first learn by a *gezerah shawah* that *halloth* must be of fine flour, and then by a further *gezerah shawah* we learn from *halloth* that *rekikin* too must be of fine flour.

(21) Lev. II, 4: And when thou bringest a meal-offering baked in an oven, it shall be unleavened cakes (*halloth mazzoth*) of fine flour. Thus it can be learnt direct, without any intermediate *gezerah shawah*.

(22) Ibid. IV, 11f.

(23) For if it were cut up, how could he carry them out at once, which the text implies?

(24) Ibid. I, 8-9, 12-13.

(25) Since 'the pieces' are mentioned.

(26) This being explicitly ordered (I, 6).

(27) For it would be repulsive to take it out and burn it separately.

Talmud - Mas. Zevachim 50b

and skin and flesh and dung are mentioned elsewhere:¹ as there [it was burnt after] being cut up, but without flaying, so here too [it is burnt after being] cut up, but without flaying.²

Can that which is learnt by a gezerah shawah teach in turn by a kal wa-homer? — [It can, and we learn this by a] kal wa-homer: If [that which is learnt by] a hekkesh, which cannot teach by a hekkesh, as follows from either Raba's or Rabina's [proof], can teach by a kal wa-homer, which follows from what the school of R. Ishmael taught; then [what is learnt through] a gezerah shawah, which can [in turn] teach by a hekkesh, as follows from R. Papa, can surely teach [in turn] by a kal wa-homer! That is well according to him who accepts R. Papa's teaching; but what can be said on the view that rejects R. Papa's teaching? — Rather [this is the] kal wa-homer: if [what is learnt by] a hekkesh, which cannot [in turn] teach by a hekkesh, as follows either from Raba or from Rabina, can teach [in turn] by a kal wa-homer, which follows from what the school of R. Ishmael taught; then a gezerah shawah, which does teach by a gezerah shawah like itself, which follows from Rami b. Hama, can surely teach through a kal wa-homer.

Can that which is learnt by a gezerah shawah subsequently teach by a binyan ab? — The question stands.

Can that which is learnt by a kal wa-homer teach in turn by a hekkesh? — [Yes, and we learn this by a] kal wa-homer: if a gezerah shawah, which cannot be learnt from a hekkesh, as follows from R. Johanan's [dictum], can nevertheless teach by a hekkesh, in accordance with R. Papa; then a kal wa-homer, which can be learnt from a hekkesh, in accordance with the school of R. Ishmael, can surely teach by a hekkesh! That is well on the view that accepts R. Papa's [dictum], but what can be said on the view that rejects R. Papa's [dictum]? Then the question stands.

Can that which is learnt by a kal wa-homer teach in turn by a gezerah shawah? — [Yes, for this follows by a] kal wa-homer: if a gezerah shawah, which cannot be learnt from a hekkesh, in accordance with R. Johanan, can teach by a gezerah shawah, in accordance with Rami b. Hama; then is it not logical that a kal wa-homer, which can be learnt by a hekkesh, in accordance with the school of R. Ishmael, can teach by a gezerah shawah?

Can that which is learnt by a kal wa-homer teach in turn by a kal wa-homer? [Yes, for this follows from a] kal wa-homer: if a gezerah shawah, which cannot be learnt by a hekkesh, in accordance with R. Johanan, can teach by a kal wa-homer, as we have [just] said; then a kal wa-homer which can be learnt from a hekkesh, in accordance with the school of R. Ishmael, is it not logical that it can teach by a kal wa-homer? And this is a kal wa-homer derived from a kal wa-homer.³ Surely this is a secondary derivation from a kal wa-homer?⁴ — Rather, [argue thus: Yes, and this follows from a] kal wa-homer: if a hekkesh which cannot be learnt through a hekkesh, in accordance with either Raba or Rabina, can teach by a kal wa-homer, in accordance with the school of R. Ishmael;⁵ then a kal wa-homer, which is learnt through a hekkesh, in accordance with the school of R. Ishmael, can surely teach through a kal wa-homer! And this is a kal wa-homer derived from a kal wa-homer.

Can that which is learnt by a kal wa-homer teach in turn through a binyan ab? — Said R. Jeremiah, Come and hear: If one wrung the neck [of a bird sacrifice] and it was found to be a terefah, R. Meir said: It does not defile in the gullet; R. Judah said: It does defile in the gullet.⁶ Said R. Meir: It is a kal wa-homer: if the shechitah of an animal cleanses it, even when terefah, from its

uncleanness,⁷ yet when it is nebelah it defiles through contact or carriage; is it not logical that shechitah cleanses a bird, when terefah, from its uncleanness, seeing that when it is nebelah it does not defile through touch or carriage? Now, as we have found that shechitah which makes it [a bird of hullin] fit for eating,

(1) In reference to the anointed priest's bullock. By 'here' he means in connection with the bullock and the he-goat of the Day of Atonement.

(2) Thus the result of one gezerah shawah is transferred by another gezerah shawah.

(3) Lit., 'a kal wa-homer the son of a kal wa-homer'. Thus a kal wa-homer is based on the fact that a gezerah shawah teaches through a kal wa-homer, and that itself is learnt only through a kal wa-homer.

(4) Lit., 'the grandson of a kal wa-homer'. Thus: A, which is learnt through a kal wa-homer, teaches B by means of a kal wa-homer; that it does so is learnt from the fact C. Now, even if C were directly stated, B would still be the derivative (lit., 'son') of the first kal wa-homer. Since however C itself is known only through a kal wa-homer, B becomes the secondary derivative (lit., 'grandson'). That is so in the present case. Possibly, however, this is straining the powers of a kal wa-homer too far, and is inadmissible, in which case the problem remains unanswered.

(5) This itself is not the result of a kal wa-homer, but a tradition.

(6) A bird sin-offering was not slaughtered by the usual ritual method (shechitah), but had its neck wrung. If an ordinary bird of hullin, or any animal, is killed by any method other than shechitah, it becomes nebelah (carrion). The term terefah is applied to a bird or an animal which was ritually slaughtered, but which was found to be suffering from a disease or other physical defect which renders it forbidden as food. Now when a clean animal, i.e., one permitted for food, becomes nebelah, it defiles any person who touches it or even carries it without actually touching it. A clean bird which becomes nebelah does not defile thus, but only the person who eats it, i.e., when it enters his gullet. In the present instance the bird's neck was wrung; had it been hullin, it would have become nebelah, and defiled accordingly. When it is found to be terefah the sacrifice cannot be proceeded with, as the bird is unfit. R. Judah holds that it is the same, therefore, as hullin, and defiles as such. R. Meir, however, holds that since it was intended for a sacrifice when its neck was wrung, this was its correct method of slaughter, and so it does not defile,

(7) As is shewn in Hul. 128b — Through the shechitah it is freed from the uncleanness of nebelah.

Talmud - Mas. Zevachim 51a

cleanses it, when terefah, from its uncleanness; so wringing [the neck], which makes it [a bird sacrifice] fit for eating, cleanses it, when terefah, from its uncleanness.¹ R. Jose said: It is sufficient that it be like the nebelah of a clean [i.e., edible] animal, which is cleansed by shechitah, but not by wringing its neck.² Yet that is not so: even granted there that it is so, yet it is deduced from the shechitah of hullin.³

Can that which is learnt by a binyan ab teach by a hekkesh or by a gezerah shawah or by a kal wa-homer or by a binyan ab? — Solve one [of the questions] from the following: Why did they say that if the blood is kept overnight [on the altar] it is fit?⁴ Because if the emurim are kept overnight they are fit.⁵ Why are the emurim fit if kept overnight? Because the flesh is fit if kept overnight.⁶ [Flesh that] goes out?⁷ Because [flesh that] goes out is fit at the high place [bamah].⁸ Unclean [flesh]? Because it was permitted in public service.⁹ [The emurim of a burnt-offering intended to be burnt] after time? Because it propitiates in respect of its piggul status.¹⁰ [The emurim of a burnt-offering intended to be burnt] out of bounds? Because it was likened to [the intention to burn it] after time. Where unfit [persons] received [the blood] and sprinkled it — in the case of those unfit persons who are eligible for public service.¹¹ Can you then argue from what is its proper way to that where the same is not the proper way?¹² — The Tanna relies on the extension indicated by This is the law of the burnt-offering.¹³

THE RESIDUE OF THE BLOOD etc. What is the reason? — Scripture saith, [And all the remaining blood of the bullock shall he pour out] at the base of the altar of burnt-offering [which is at the door of the tent of meeting];¹⁴ [this intimates]: the one which you first meet.¹⁵

Our Rabbis taught: ‘At the base of the altar of burnt-offering’, but not at the base of the inner altar; ‘at the base of the altar of burnt-offering’: the inner altar itself has no base; ‘at the base of the altar of burnt-offering’: apply [the laws of] the base to the altar of burnt-offering.¹⁶ Yet perhaps that is not so; rather [it intimates]: let there be a base to the altar of burnt-offering?¹⁷ Said R. Ishmael [This would follow] a fortiori: if the residue [of the blood of the sin-offering], which does not make atonement, requires the base; then surely the sprinkling itself of the [blood of the] burnt-offering,¹⁸ which makes atonement, requires the base!¹⁹ Said R. Akiba [too: This would follow] a fortiori: if the residue, which does not make atonement and does not come for atonement, requires the base; is it not logical that the sprinkling itself of the [blood of the] burnt-offering, which makes atonement and comes for atonement, requires the base? If so, why does Scripture state, ‘at the base of the altar of burnt-offering’? To teach: apply [the laws of] the base to the altar of burnt-offering.

The Master said: ‘At the base of the altar of burnt-offering, but not at the base of the inner altar.’ Surely that is required for its own purpose?²⁰ — That is learnt from, which is at the door of the tent of meeting.²¹

‘At the base of the altar of burnt-offering:

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- (1) This argument is a binyan ab. Thus what was learnt by a kal wa-homer then teaches through a binyan ab.
 - (2) Since the argument is alternately based on an animal, the bird sacrifice cannot be clean where the animal would not be.
 - (3) The Talmud rejects R. Jeremiah's proof. Firstly, because R. Meir does not really learn it by a binyan ab, as might appear here, but from hekkesh, as stated infra 69b q.v. Yet even granted that he does learn it by a binyan ab, the premise (i.e., the teacher) is hullin, and if R. Papa's view is rejected even when what is to be learnt is sacred, nothing can be proved from the present instance (Rashi. Other commentaries explain differently).
 - (4) I.e., if it was taken up on the altar it is not taken down.
 - (5) Likewise in the same sense. Similarly the other cases mentioned.
 - (6) As two days were allowed for the eating of peace-offerings. Thus emurim are learnt by a binyan ab from the flesh, and these in turn teach by a binyan ab in respect of the blood.
 - (7) Why does such flesh not descend if this is taken up on the altar?
 - (8) Where sacrifices were offered before the building of the Temple (v. p. 82, n. 1.).
 - (9) V. p. 84, n. 7.
 - (10) The sprinkling of the blood is effective (technically ‘propitiates’) in making it piggul and involving kareth, just as though all its mattirin had been offered (v. supra 28b, p. 143, n. 1.). The emurim of piggul do not descend, once they ascended.
 - (11) E.g., an unclean priest, who is fit when the sacrifice is brought in uncleanness. — Only then does the blood not descend, once it ascended. This is apparently the meaning of the text, but in that case the question is left unanswered. Possibly, however, the second half is the answer; thus: Why does the blood not descend when unfit persons received or sprinkled it? Because it does not descend in the case of those unfit persons who are eligible for public service, i.e., unclean priests when the community is unclean.
 - (12) E.g., you argue that the emurim if kept overnight do not descend because the flesh if kept overnight is fit. But the flesh may be kept overnight, whereas the emurim may not. Similarly, when the Temple stood the flesh might not be taken out; whereas there were no boundaries at all in the case of the bamah.
 - (13) Lev. VI, 2. The verse teaches that all the burnt-offerings (i.e., even when they have the defects mentioned in the text) have one law, and do not descend once they have ascended. The arguments given are mere supports, though strictly speaking they cannot be sustained.
 - (14) Lev. IV, 7.
 - (15) As you enter from the door. This was the western base.
 - (16) The Bible contains five sections dealing with the sin-offering (Lev. IV), viz.: (i) The sin-offering of the anointed priest (vv. 1-12); (ii) that of the whole congregation (13-22); (iii) that of a ruler (22-26); (iv) the female goat of a common layman (27-32); and (v) the lamb of a common layman (32-35). The first two were offered on the inner altar;

the other three on the outer. Again, in reference to the first three Scripture states that the residue of the blood shall be poured out 'at the base of the altar of burnt-offering' (vv. 7, 18 and 25), whereas in connection with the remaining two the 'base of the altar' alone is mentioned. Here the Rabbis explain why Scripture specifies the altar of the burnt-offering in the first three. The first teaches that the residue is poured out at the base of the outer altar (i.e., the altar of burnt-offering), but not at the base of the inner altar, notwithstanding that the blood was sprinkled on the horns of the inner altar. The second is superfluous, since it is assimilated to the first (v. 20). Hence it teaches that only the outer altar was provided with a special base, but not the inner altar. The third too is superfluous, because firstly, if the residue of the blood of the inner sin-offerings is poured out at the base of the outer altar, obviously the blood of the outer sin-offerings will not be poured out at the base of the inner altar; and secondly, we have already learnt that the inner altar was not provided with a special base. Hence it intimates that the residue of the blood of all sacrifices whose blood is sprinkled on the altar of burnt-offering must be poured out at its base.

(17) Perhaps it does not teach anything concerning the residue of the blood, but that the two sprinklings of the blood of the burnt-offering must be made over against that part of the altar which had a special base; this would exclude the south-east horn, which had no base (v. infra 53b).

(18) Lit., 'the beginning of the burnt-offering'.

(19) I.e., it must be sprinkled on the horns provided with a base, as in the preceding note. The rendering is not quite literal. Thus a special text would not be required, if its teaching were only as suggested.

(20) Viz., that the residue is to be poured out at the base of the outer altar; nevertheless, if he wishes to pour it out at the base of the inner altar, he should certainly be permitted, since this is more sacred. Though it has been deduced that the inner altar had no special base at all, that is only on the assumption that all three are superfluous; but if the first is required for the purpose of stating the law, then the second is required for the present limitation, and the third as in the text, leaving nothing to shew that the inner altar was not provided with a base.

(21) Which shews that the outer altar is meant; hence 'of burnt-offering' is superfluous.

Talmud - Mas. Zevachim 51b

apply [the laws of] the base to the altar of burnt-offering.' For if you think that it is [meant literally] as written, why do I need a text in respect of the residue, seeing that [the pouring out of] the residue was performed without?¹ And should you say [that but for the text, I would argue] that it is indeed reversed:

(1) On the outer altar as is expressly prescribed in connection with the two inner sacrifices 'at the entrance of the tent of meeting', verses 7 and 8. Obviously then the residue of the blood too would be poured out at the base of the same.

Talmud - Mas. Zevachim 52a

[the residue of] the inner [offerings] on the outer [altar], and [that of] the outer [offerings] on the inner [altar];¹ surely the inner altar had no base!²

'Yet perhaps that is not so; rather [it intimates]: let there be a base to the altar of burnt-offering! But is it written, 'at the base of the burnt-offering'? surely it is written, 'at the base of the altar of burnt-offering!'³ — If 'at the base of the burnt-offering' were written, I would say [that it means] on the vertical [wall] of the base;⁴ now that it is written, at the base of the altar of burnt-offering, it denotes on the roof [top] of the base.⁵ [Thereupon] R. Ishmael said: For the roof of the base, why do I need a text? [this would follow] a fortiori: if the residue [of the blood of the sin-offering], which does not make atonement, requires the roof; then the sprinkling itself of [the blood of] the burnt-offering, which makes atonement, is it not logical that it requires the roof [of the base]? Said R. Akiba: If the residue [of the blood of the sin-offering], which does not make atonement and does not come for atonement, requires the roof of the base, is it not logical that the sprinkling itself of [the blood of] the burnt-offering, which makes atonement and comes for atonement, requires the roof of the altar? If so, why does Scripture state, 'at the base of the altar of burnt-offering'? To teach: apply [the laws of] the base to the altar of burnt-offering.

Wherein do they differ?⁶ — Said R. Adda b. Ahabah: They disagree as to whether [the pouring out of] the residue is indispensable. One master holds: It is indispensable, while the other master holds: It is not indispensable.⁷ R. Papa said: All agree that the residue is not indispensable, but here they disagree as to whether the draining out of [the blood of] the bird sin-offering is indispensable or not:⁸ one master holds that it is indispensable, while the other master holds that it is not indispensable.

It was taught in accordance with R. Papa: And all the remaining blood of the bullock shall he pour out at the base of the altar:⁹ Why is 'the bullock' stated?¹⁰ It teaches that the Day of Atonement bullock must have its blood poured out at the base:¹¹ that is the view of R. Akiba.¹² Said R. Ishmael: [This is inferred] a fortiori: if that whose blood does not enter within as a statutory obligation¹³ needs the base, that whose blood enters within as a statutory obligation,¹⁴ is it not logical that it needs the base? Said R. Akiba: If that whose blood does not enter the innermost sanctuary¹⁵ either as a statutory obligation or as a regulation needs the base, that whose blood enters the innermost sanctuary as a statutory obligation, is it not logical that it needs the base? You might think that it is indispensable for it:¹⁶ therefore it states, And he shall make an end of atoning,¹⁷ which teaches, All the atoning services are [now] complete:¹⁸ these are the words of R. Ishmael. Now an a fortiori argument can be made in respect of the anointed priest's bullock: If that whose blood does not enter within either as a statutory obligation or, as a regulation,¹⁹ needs the base; that whose blood enters within both as a statutory obligation and as a regulation,²⁰ is it not logical that it needs the base?²¹ You might think that it is indispensable for it; therefore Scripture says, 'And all the remaining blood of the bullock shall he pour out': the Writ transmutes it into the remainder of a precept²² to teach you that [the pouring out of] the residue is not indispensable.²³

Now, does R. Ishmael hold that the draining of [the blood of] the bird sin-offering is indispensable? Surely the school of R. Ishmael taught: 'And the rest of the blood shall be drained out': that which is left must be drained out,

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- (1) I.e., the residue of the blood of the inner sin-offerings is to be poured out at the base of the outer altar, and vice versa.
 - (2) Hence it must be interpreted as stated.
 - (3) If it intimated that the sprinkling itself must be performed on that part of the altar which has a base (v. p. 259, n. 4). it could not refer to sin-offerings, whose blood was sprinkled on all the horns of the altar, including the south-east. Hence it would have to refer to the burnt-offering alone; but in that case Scripture should write, at the base of the burnt-offering, which would intimate that the blood of the burnt-offering must be sprinkled over against the base. The word 'altar' then becomes redundant.
 - (4) The base was a cubit high, the altar then being recessed one cubit; thus the base had a vertical wall of a cubit, and a top surface (roof) of a cubit.
 - (5) Which is hard by the altar itself.
 - (6) R. Ishmael and R. Akiba.
 - (7) R. Akiba holds the latter view; hence he emphasises that it does not come for atonement.
 - (8) V. Lev. V, 9: and the rest of the blood shall be drained out at the base of the altar.
 - (9) Lev. IV, 7. The text refers to the anointed priest's sin-offering.
 - (10) It is apparently superfluous, since the whole passage deals with it.
 - (11) 'The bullock', being superfluous, extends this law to another bullock.
 - (12) Emended text. Cur. edd. Rabbi.
 - (13) Sc. the anointed priest's bullock of sin-offering. Its blood is sprinkled on the inner altar, where it is sacrificed, but there is no statutory obligation for the offering at all, as he need not have sinned.
 - (14) The Day of Atonement bullock is a statutory offering, whether the High Priest had sinned or not.
 - (15) The Holy of Holies.
 - (16) Sc. the pouring out of the blood of the Day of Atonement bullock at the base.
 - (17) Lev. XVI, 20.

(18) I.e., all the services indispensable to atonement have by now been enumerated, and the pouring out of the blood at the base is not one of them.

(19) E.g., the blood of the ruler's he-goat or of a common layman's sin-offering: both were slaughtered at the outer altar, and their blood was poured out there.

(20) Viz., the blood of the anointed priest's bullock. Rashi proposes the deletion of 'a statutory obligation', since it has just been stated that it is not one. If it is retained, we must explain that it is called a statutory obligation only by comparison with the blood of other sin-offerings, which does not enter within at all.

(21) Since it can be inferred thus, the explicit Scriptural law to that effect is apparently superfluous and so might be interpreted as teaching that it is indispensable. Therefore he proceeds to shew that it is not indispensable.

(22) Scripture changed the form of expression here: for the other services (sc. the carrying and sprinkling) are ordered thus: and he shall take . . . and he shall sprinkle etc. The different grammatical form in this case shews that this pouring out is, as it were, not an integral part of the rite, but the remaining portion of it, which should be done, yet is not indispensable.

(23) And since this is given as R. Ishmael's view, it supports R. Papa's thesis supra.

Talmud - Mas. Zevachim 52b

but what is not left is not drained out?¹ — There is a controversy of two Tannaim as to R. Ishmael's opinion.

Rami b. Hama said: The following Tanna holds that [the pouring out of] the residue is indispensable. For it was taught: [This is the law of the sin-offering . . .] the priest that offereth it for sin [shall eat it]:² [this teaches,] only that [sin-offering] whose blood was sprinkled above [the red line],³ but not that whose blood was applied below.⁴ Say: whence did you come [to this]?⁵ From the implication of what is said, And the blood of thy sacrifices shall be poured out [. . . and thou shalt eat the flesh],⁶ we learn that if [the blood of] those [sacrifices] which need four applications was presented with one application [only], it has made atonement;⁷ you might therefore think that also if the blood which should be sprinkled above [the red line] was sprinkled below, it makes atonement. And it is [indeed] logical: Blood is prescribed above,⁸ and blood is prescribed below:⁹ as the blood which is prescribed below does not atone if it is sprinkled above,¹⁰ so also the blood which is prescribed above does not atone if it is sprinkled below. No: if you say [thus] in the case of the blood which should be sprinkled below, that is because it will not eventually [be applied] above;¹¹ will you say the same of the blood which should be sprinkled above, seeing that it will eventually [find its way] below?¹² Let the inner blood¹³ prove it, which will eventually come without,¹⁴ and yet if he applied it in the first place without, he did not make atonement. No: if you speak of the inner blood, that is because the inner altar does not complete it.¹⁵ Will you say thus of the upper [blood], where the horns complete it?¹⁶ [and] since the horns complete it, if he sprinkled it below, it is fit.¹⁷ Therefore it says, '[The priest that offereth] it [for a sin-offering]': that whose blood was sprinkled above, but not that whose blood was sprinkled below. Now, what is the meaning of 'because the inner altar does not complete it'? Surely it must refer to the residue [of the blood]!¹⁸ Said Raba to him: If so, you could infer it a minori: if the blood of the inner sacrifices,¹⁹ of which eventually the residue is obligatory without,²⁰ yet if presented without in the first place, he does not make atonement; then the blood which is to be sprinkled above, and is not eventually obligatory below,²¹ is it not logical that if he applied it at the outset below he does not make atonement?²² — Rather [the meaning is this]: Not the altar alone completes it, but also the veil²³.

Our Rabbis taught: 'And he shall make an end of atoning': if he atoned, he made an end, while if he did not atone, he did not make an end: this is R. Akiba's view. Said R. Judah to him: why should we not interpret: If he made an end, he atoned, while if he did not make an end, he did not atone, which thus intimates that if he omitted one of the sprinklings his service is ineffective?²⁴ Wherein do they differ? — R. Johanan and R. Joshua b. Levi [disagree]. One maintains: They differ on the mode of interpretation.²⁵ The other maintains: They differ as to whether the [pouring out of the] residue is

indispensable.²⁶ It may be proved that it was R. Joshua b. Levi who maintained that [the pouring out of] the residue is indispensable. For R. Joshua b. Levi said: On the view that the residue is indispensable he brings another bullock and commences within.²⁷ But does R. Johanan not hold this view?²⁸ Surely R. Johanan said: R. Nehemiah taught in accordance with the view that the residue is indispensable?²⁹ But you must say 'In accordance with the view', but not that of these Tannaim.³⁰ Then here too,³¹ 'on the view' does not refer to that of these Tannaim.

MISHNAH. PUBLIC AND PRIVATE SIN-OFFERINGS (THESE ARE THE PUBLIC SIN-OFFERINGS:³² THE HE-GOATS OF NEW MOONS AND FESTIVALS) ARE SLAUGHTERED IN THE NORTH, AND THEIR BLOOD IS RECEIVED IN A SERVICE VESSEL IN THE NORTH, AND THEIR BLOOD REQUIRES FOUR APPLICATIONS ON THE FOUR HORNS. HOW WAS IT DONE?

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- (1) I.e., all the blood may be used in sprinkling so that nothing is left for draining. Hence draining cannot be essential and indispensable.
 - (2) Lev. VI, 18, 19. 'Offereth it for sin,' Heb. ha-mehatte, is understood to mean, who correctly performs all the rites (sprinkling) appertaining to a sin-offering; only then may he eat it.
 - (3) As is necessary for a sin-offering, V. p. 48, n. 1.
 - (4) The flesh may not be eaten.
 - (5) Why would you think that the flesh may be eaten even if the blood was not properly sprinkled, that you need a text to shew that it may not?
 - (6) Deut. XII, 27.
 - (7) Because 'shall be poured out' implies a single act.
 - (8) Viz., that of an animal sin-offering.
 - (9) That of a bird sin-offering; v. infra 64b.
 - (10) V. infra 66a.
 - (11) Hence when he sprinkles it above he is definitely performing it incorrectly.
 - (12) I.e. the residue. Hence when he sprinkles it below the line, he is only applying it where it would eventually come, and so he may make atonement. — Emended text (Sh. M).
 - (13) I.e., the blood of the inner sacrifices.
 - (14) The residue is poured out at the base of the outer altar. — Emended text.
 - (15) After the blood has been sprinkled on the inner altar there still remains an indispensable service to be performed.
 - (16) No indispensable rite remains to be performed after the blood was sprinkled on the horns of the altar.
 - (17) So we might argue.
 - (18) Viz., that its pouring out at the base of the altar is indispensable. This proves Rami b. Hama's assertion.
 - (19) I.e., the residue of the blood which is sprinkled on the inner altar.
 - (20) On the present hypothesis, and indispensable. The text is emended on the basis of Rashi.
 - (21) Though the blood will be poured out below, this is not essential for the efficacy of the sacrifice.
 - (22) The sacrifice is invalid, and the flesh may not be eaten. Why then is a Scriptural text necessary? Hence the premise of this argument, that the pouring out of the residue is essential, must be false!
 - (23) The blood must be sprinkled on the veil too.
 - (24) Lit., 'he has done nothing'. — For notes v. supra 40a.
 - (25) But not in law. Both hold that all the four applications are indispensable, and that the pouring out of the residue is not indispensable. R. Akiba holds that the conclusion (atoning) illumines the beginning (make an end), whence we learn that the completion depends on atonement, i.e., on the four applications. R. Judah however maintains that 'atoning' might merely mean a single application, therefore (to avoid this conclusion) the interpretation must be reversed, and the beginning made to illumine the end: only when he quite makes an end, having completed the four applications, does he atone.
 - (26) R. Akiba holds that it is not indispensable, and he interprets it thus: if he made atonement, i.e., performed all the rites for atonement as prescribed in that passage, he made an end. Thus the pouring out of the residue, which is not mentioned there, is not essential. R. Judah however interprets: Only when he made an end of all the rites, including those prescribed elsewhere (viz., the pouring out of the residue), did he make atonement.

(27) If the residue of the blood was spilt after the four applications, another bullock must be slaughtered, and its blood first sprinkled within, and then the residue poured out at the base of the outer altar. But he cannot simply pour out all the blood at the base, for then it is not a residue, whereas a residue is indispensable. — Thus R. Joshua b. Levi holds that there is a view that the pouring out of the residue is indispensable.

(28) That there is a teacher who maintains that it is indispensable.

(29) V. supra 42b.

(30) Viz., R. Akiba and R. Judah.

(31) In the case of R. Joshua b. Levi.

(32) Which need special mention here, for several have already been taught in the preceding Mishnah (supra 47a).

Talmud - Mas. Zevachim 53a

HE WENT UP THE ASCENT, TURNED TO THE SURROUNDING BALCONY,¹ AND PASSED ON [SUCCESSIVELY] TO THE SOUTH-EAST, THE NORTH-EAST, THE NORTH-WEST, AND THE SOUTH-WEST CORNERS. THE RESIDUE OF THE BLOOD HE Poured OUT AT THE SOUTHERN BASE. THEY WERE EATEN WITHIN THE HANGINGS,² BY MALE PRIESTS, PREPARED IN ANY FASHION,³ THE SAME DAY AND NIGHT, UNTIL MIDNIGHT.

GEMARA. How did he do it?⁴ — R. Johanan and R. Eleazar [disagree]. One maintained: He applied it within a cubit in either direction.⁵ The other maintained: He applied it⁶ with a downward movement on the edge of the horn. On the view of R. Eleazar son of R. Simeon who said that its [blood] is applied essentially on the very horn [of the altar],⁷ there is no dispute at all.⁸ They differ on Rabbi's view:⁹ One master holds that a cubit in either direction is also against the horn; while the other master holds: Only at the edge, and no further.

An objection is raised: How was the blood of the public and the private sin-offerings applied? He went up the ascent, turned to the surrounding balcony, and passed on to the south-east horn, where he dipped his right finger — i.e., the index finger of his right hand — into the blood in the bowl, and supported it with his thumb on this side and his little finger on the other,¹⁰ and applied it with a downward movement against the edge of the horn until all the blood on his finger was gone, and thus [he did] at every horn? — This is what he means: Its regulation is [that it be applied] at the edge; yet if he applies it within a cubit in either direction, we have no objection.¹¹

What was [this allusion to] Rabbi and R. Eleazar son of R. Simeon? — As it was taught: The upper blood is applied above the scarlet line, and the lower blood is applied below the scarlet line: that is Rabbi's view. R. Eleazar son of R. Simeon said: This holds good only of a burnt-offering of a bird; but in the case of an animal sin-offering, its [blood] is applied essentially on the very horn.¹² R. Abbahu said: What is Rabbi's reason? Because it is written, And the altar shall be four cubits; and from the altar and upward there shall be four horns.¹³ Now, was the altar [only] four cubits?¹⁴ — Said R. Adda b. Ahaba: [It means,] And the place of the horns was four [cubits].¹⁵ Did the horns occupy four cubits?¹⁶ — Say rather: The limits of the horns were four [cubits].¹⁷

We learnt elsewhere: A scarlet line encompassed it about the middle, to distinguish between the upper and the lower bloods. Whence do we know it? — Said R. Aha b. R. Kattina, Because it said: That the net may reach halfway up the altar:¹⁸ thus the Torah prescribed a barrier to distinguish between the upper and the lower bloods.

THE RESIDUE OF THE BLOOD etc. Our Rabbis taught: At the base of the altar¹⁹ means the southern base. You say, the southern base; yet perhaps it is not so, but rather the western base, and the undefined is learnt from the defined?²⁰ You can answer: We infer his coming down the ascent from his exit from the hekal: as his exit from the hekal was to the nearest side, so his coming down

the ascent was to the nearest side.²¹

It was taught, R. Ishmael said: In both cases²² the western base [is meant]. R. Simeon b. Yohai said: In both cases the southern base [is meant]. As for him who maintains that both [were poured out] at the western base, it is well: he holds that the undefined is learnt from the defined.²³ But what is his reason who holds that the southern base [is meant] in both cases? — Said R. Assi: This Tanna maintains that the whole altar stood in the north.²⁴ Another version: The whole entrance stood to the south.²⁵

(1) Sobeb, a terrace or balcony which ran round the altar. He had to stand on the balcony because he applied the blood with his finger on the horns of the altar. For other sacrifices he stood on the pavement and dashed the blood from the vessel on to the altar.

(2) In the Tabernacle. These hangings corresponded to the walls of the Temple court.

(3) Roast or boiled.

(4) The application on the horn.

(5) He stood e.g. at the south-east corner and applied the blood either in the direction of south or east, but within a cubit from the actual corner; similarly with the other corners.

(6) Lit., performed the rites of the sin-offering; cf. supra 52b p. 263, n. 4. for this expression.

(7) Infra.

(8) The edge is certainly unnecessary, since anywhere within a cubit from the angle is the horn.

(9) Who holds that the blood may be applied above the line even not against the horn, v. infra.

(10) Like a balanced load. The reading adopted is that of Sh. M. Cur. edd. read: 'with his thumb above and his little finger below' — a rather difficult procedure.

(11) As this counts as an extension of the edge.

(12) V. supra 10a.

(13) Ezek. XLIII, 15.

(14) It was much larger.

(15) I.e., the horns occupied four cubits of the altar, since each was a cubit in length and breadth.

(16) Since each was a cubit in length, actually only two cubits of the length or the breadth of the altar were occupied by the horns.

(17) A distance of four cubits below the horns, i.e., as far down as the scarlet line, still ranked as the horns. Therefore Rabbi says that the upper blood, i.e., the blood which is sprinkled on the horn, can be sprinkled anywhere above the scarlet line.

(18) Ex. XXVII, 5.

(19) Lev. IV, 30.

(20) Of the blood of the inner sin-offering it is said, at the base of the altar of burnt-offering, which is at the door of the tent of meeting (ibid., 7). Now, as one entered from the door he came first to the western base: this is therefore regarded as defined, and the question is: Why not learn v. 30, where it is undefined, from v. 7, where it is defined?

(21) When he left the hekal with the residue of the inner blood, he poured it out at the western base, this being nearest to him. So also when he came down the ascent with the residue of the outer blood, after having applied the blood on the south-west corner he poured it out at the southern base, this being nearest to him.

(22) Sc. the inner and the outer sin-offerings.

(23) As in n. 3.

(24) I.e., to the north of the door of the hekal, and no part of the altar actually stood in front of the door; then the immediate side would be the southern. It may also mean that it stood in the north of the Temple court, five cubits of it facing the door, and one of these five cubits was the southern base, which one would face as he came out of the door.

(25) Of the altar. This is the same as the preceding.

Talmud - Mas. Zevachim 53b

The school of R. Ishmael taught in R. Simeon b. Yohai's ruling: In both cases the western base is meant;¹ and your token is:² Men pulled a man.³

MISHNAH. THE BURNT-OFFERING IS A SACRIFICE OF HIGHER SANCTITY. IT IS SLAUGHTERED IN THE NORTH, AND ITS BLOOD IS RECEIVED IN A SERVICE VESSEL IN THE NORTH; AND ITS BLOOD REQUIRES TWO APPLICATIONS, WHICH ARE FOUR.⁴ IT HAD TO BE FLAYED, DISMEMBERED, AND COMPLETELY CONSUMED BY THE FIRE.

GEMARA. Why does he teach that the burnt-offering is a sacrifice of higher sanctity?⁵ — Because 'it is most holy' is not written in its case.⁶

AND ITS BLOOD REQUIRES TWO APPLICATIONS [WHICH ARE FOUR]. How did he do it? — Rab said: He applied [the blood] and applied [it] again.⁷ Samuel said: He made a single application in the shape of a Greek Gamma.⁸

This is a controversy of Tannaim: [And the priests . . . shall dash the blood round about the altar]:⁹ You might think that he sprinkles it with a single sprinkling; therefore Scripture states, 'round about'. If 'round about', you might think that he must encompass it [with blood] like a thread; therefore Scripture states, 'And they shall dash'.¹⁰ How then [is it done]? Its blood requires two applications in the shape of a Greek Gamma, which constitute four. R. Ishmael said: 'Round about' is said here, and 'round about' is said elsewhere:¹¹ as there it means four separate applications,¹² so here too it means four separate applications. If so, just as there [it means] four applications on the four horns, so here too it means four applications on the four horns? — You can answer: The burnt-offering needs the base,¹³ whereas the south-east horn had no base. What was the reason? — Said R. Eleazar: Because it was not in the portion of the 'ravener'.¹⁴ For R. Samuel son of R. Isaac said: The altar occupied a cubit in Judah's portion.¹⁵ R. Levi b. Hama said in R. Hama son of R. Hanina's name: A strip issued from Judah's portion and entered Benjamin's portion,¹⁶ whereat the righteous Benjamin grieved every day, wishing to possess it,¹⁷ as it is said

(1) Not southern, as above.

(2) To remember this.

(3) The school of R. Ishmael, representing many men, pulled the one man, R. Simeon b. Yohai, to the view of their master, R. Ishmael.

(4) The blood is sprinkled on the north-west and the southwest horns. The blood was not applied exactly on the edge, but spread further, so that all the four sides of the altar received some of it.

(5) Which he does not teach of sin-offerings and guilt-offerings, though they too are likewise.

(6) As it is of the others (v. Lev. VI, 18; VII, 1). Nevertheless the Tanna informs us that it is most holy, since it is altogether burnt. For those parts even of sacrifices of lesser sanctity which were burnt on the altar ranked as most holy.

(7) He applied it twice on each horn, one on each side of it.

(8) He dashed the blood against the edge and it spread on either side, forming an angle.

(9) Lev. I, 5.

(10) Which implies, from a distance, whereas to encompass it he would have to apply the blood directly with his finger round the sides of the altar.

(11) In reference to Aaron's sin-offering of consecration, Lev. VIII, 15.

(12) Lit., 'a separation and four applications'. — The applications had to be separate, since they were made on the four horns.

(13) Its blood must be sprinkled on the horns over against the base.

(14) Sc. Benjamin; cf. Gen. XLIX, 27: Benjamin is a wolf that raveneth.

(15) I.e., the width of one cubit along the eastern and the southern sides of the altar, but not reaching right to the ends thereof. Hence the south-east horn was in Judah's portion and this was not provided with a base.

(16) And on this strip was situated part of the Temple, including a portion of the altar.

(17) To have the honour that the whole Temple and everything in it might be in his portion.

Talmud - Mas. Zevachim 54a

Yearning for Him all day.¹ Therefore was Benjamin privileged to become a host to the Holy One, blessed be He, as it is said: And He dwelleth between his shoulders.²

An objection is raised: How was the burnt-offering of a bird sacrificed? He [the priest] pinched off its head close by its neck and divided it,³ and drained out its blood on the wall of the altar.⁴ Now if you say that it had no base, did he simply apply it in the air?⁵ — Said R. Nahman b. Isaac: Perhaps they thus stipulated that the air-space should count as Benjamin's and the soil as Judah's.⁶

What does 'it had no base' mean? — Rab said: In the construction.⁷ R. Levi said: In respect of blood.⁸ Now Rab interpreted [the text just quoted]:⁹ In his [Benjamin's] heritage shall the altar be built.¹⁰ While Levi interpreted it: In his heritage shall the sanctuary be built, which means, a place sanctified for [the reception of] blood.¹¹

Come and hear: The base ran along the whole of the north and the west sides, and extended one cubit into the south and one cubit into the east? — By 'extended' is meant in respect of blood.¹²

Come and hear: The altar was thirty-two [cubits] by thirty-two?¹³ — This was the side length.¹⁴

Come and hear: Thus it was found that it overhung a cubit over the base and a cubit over the balcony?¹⁵ — Say: a cubit corresponding to the base area and a cubit of the balcony.¹⁶

Come and hear: For Levi taught: How did they build the altar? They brought a frame thirty-two [cubits] square and one cubit deep; and they brought round smooth stones¹⁷ of all sizes;¹⁸ then they brought plaster, molten lead and pitch, melted them down and poured them in; and this was the place of the base. Then they brought a frame thirty cubits square and five cubits deep, and they brought smooth stones etc, [and this was the place of the balcony]. Then they brought a frame twenty-eight cubits square, and three cubits deep; and they brought smooth stones etc., and this was the place of the [wood] pile.¹⁹ Then they brought a frame one cubit square, and they brought smooth round stones, of all sizes, and pitch and molten lead, melted them down, and poured them in, and this formed the horn; and similarly for each horn.²⁰ And should you answer

(1) Deut. XXXIII, 12. E.V.: He (sc. God) covereth him (Benjamin) all day.

(2) Ibid. The significance of this is explained anon.

(3) By pinching through both organs, the windpipe and the gullet. In the case of a sin offering of a bird only one organ was pinched.

(4) And this was done on the south-east horn; v. infra 64a.

(5) I.e., the blood would simply fall to the earth. Surely that was not permitted!

(6) Possibly there was a little ledge on that side, more than three hand-breadths from the ground, where it would not count as belonging to Judah, and on this ledge the blood fell and was thus sacred. Nevertheless, this ledge could not count as a base, where blood actually had to be poured out on the base.

(7) The base, which was a separate structure, did not reach under the south-eastern horn.

(8) The base did run along the whole length of the eastern side of the altar, but blood was not poured out nor applied in Judah's portion.

(9) 'And he dwelleth between his shoulders.'

(10) Hence the base, which was the understructure and foundation of the altar, was omitted from that side which belonged to Judah.

(11) There was a base under the south-east horn, but it was not sanctified for the purpose, since it was not in Benjamin's portion.

(12) The blood could be poured out there, yet there was no actual construction.

(13) This implies that it was of equal length on all sides, whereas according to Rab it was a cubit short on the east and the south.

- (14) Only the north and west sides were of this length; the other two sides were each a cubit less.
- (15) V. infra 62b. This refers to the ascent, which joined the altar from the south, and thus implies that there was the base on the south.
- (16) I.e., the cubit which would have been occupied by the base, had there been one on the south side.
- (17) The original implies fresh from the ground.
- (18) Lit., 'both large and small'.
- (19) I.e., the top of the altar, where the wood for the fire was placed.
- (20) Thus the base consisted of a complete square, which implies the inclusion of the south and the east sides too!

Talmud - Mas. Zevachim 54b

that he [subsequently] cut it away,¹ [surely] 'unhewn [whole] stones' are prescribed!² — They placed a plank there, and then removed it.³ For if you will not say thus, when R. Kahana said: The horns⁴ were hollow, for it is written, And they shall be filled like the basins, like the horns of the altar,⁵ here too [you may object that] the Divine Law prescribed 'whole stones'?⁶ But [you must answer] that something was [first] placed there⁷ and then removed; so here too, planks were [first] placed there and then removed.

Raba lectured: What is meant by the verse, [And he asked and said: 'Where are Samuel and David?'] And one said: 'Behold, they are at Naioth in Ramah':⁸ What connection then has Naioth with Ramah? It means, however, that they sat at Ramah and were engaged with the glory [beauty] of the world.⁹ Said they, It is written, Then shalt thou arise, and ascend unto the place [which the Lord thy God shall choose]:¹⁰ this teaches that the Temple was higher than the whole of Eretz Israel,¹¹ while Eretz Israel is higher than all other countries. They did not know where that place was. Thereupon they brought the Book of Joshua.¹² In the case of all [tribal territories] it is written, 'And the border went down' 'and the border went up' 'and the border passed along',¹³ whereas in reference to the tribe of Benjamin 'and it went up' is written, but not 'and it went down'.¹⁴ Said they: This proves that this is its site. They intended building it at the well of Etam, which is raised, but [then] they said: Let us build it slightly lower,¹⁵ as it is written, And He dwelleth between his shoulders.¹⁶ Alternatively,¹⁷ there was a tradition that the Sanhedrin¹⁸ should have its locale in Judah's portion, while the Divine Presence¹⁹ was to be in Benjamin's portion. If then we build it in the highest spot,²⁰ [said they,] there will be a considerable distance between them. Better then that we build it slightly lower, as it is written: 'And He dwelleth between his shoulders'. And for this Doeg the Edomite envied David,²¹ as it is written, Because envy on account of Thy house hath eaten me up.²² And it is written, Lord, remember unto David all his affliction; how he swore unto the Lord, and vowed unto the Mighty One of Jacob: 'Surely I will not come into the tent of my house, nor go up into the bed that is spread for me; I will not give sleep to mine eyes, nor slumber to mine eyelids; until I find out a place for the Lord, a dwelling-place for the Mighty One of Jacob. Lo, we heard of it as being in Ephrath; we found it in the field of the forest.'²³ 'In Ephrath' means in the Book of Joshua,²⁴ who [Joshua] was descended from Ephraim. 'In the field of the forest' alludes to [the territory of] Benjamin, as it is written, Benjamin is a wolf that raveneth.²⁵

MISHNAH. THE PEACE-OFFERINGS OF THE CONGREGATIO²⁶ AND THE GUILT-OFFERINGS (THESE ARE THE GUILT-OFFERINGS: THE GUILT-OFFERING FOR ROBBERY;²⁷ FOR TRESPASS;²⁸ FOR A BETROTHED BONDMAID;²⁹ A NAZIRITE'S GUILT-OFFERING;³⁰ A LEPER'S GUILT-OFFERING;³¹ AND THE GUILT-OFFERING OF SUSPENSE)³² ARE SLAUGHTERED IN THE NORTH, AND THEIR BLOOD IS RECEIVED IN A SERVICE VESSEL IN THE NORTH, AND THEIR BLOOD REQUIRES TWO SPRINKLINGS, WHICH CONSTITUTE FOUR. AND THEY ARE EATEN WITHIN THE HANGINGS,³³ BY MALE PRIESTS, PREPARED IN ANY MANNER, A DAY AND A NIGHT, UNTIL MIDNIGHT.

(1) After the base was built, a cubit was cut away on the south side.

- (2) Deut. XXVII, 6. Cutting away from the base would inevitably cut into the stones, so that they would not be whole.
- (3) In the first mould planks were placed on the south and the east sides, a cubit from the edge, so that when the stones etc. were poured in, these strips would be left empty; subsequently they were removed.
- (4) So emended by Sh. M.
- (5) Zech. IX, 15. — That implies that the horns were hollowed out to form a receptacle.
- (6) Whereas if the horns were hollowed or perforated after they were made, the stones would have to be cut into.
- (7) Thin laths formed the hollow or channels before the stones etc. were poured into it, and these were not filled in.
- (8) I Sam. XIX, 22.
- (9) Connecting Naioth with na'eh, beautiful, glorious. The reference is to the Temple—they sought to determine its exact site.
- (10) Deut. XVII, 8.
- (11) Since one had to 'ascend' to it from wherever he might be.
- (12) To study the topography of Eretz Israel.
- (13) Cf. Josh. XV-XVIII.
- (14) The border of other tribes ran in a southerly direction from the well of Etam, and the north as far as the well of Etam constituted Benjamin's boundary. Now, the boundaries of other tribes as they proceeded south from the well of Etam are described as going down, whereas the boundary of Benjamin as it proceeded to the well of Etam is described as going up. Hence the well of Etam must have been the highest spot of all. Rashi identifies the well of Etam with 'the waters of Nephtoah' (ibid. XVIII, 15.) V. also J.E. art. 'Etam'.
- (15) Sc. in Jerusalem.
- (16) Deut. XXXIII, 12. 'Shoulders' but not 'head' implies that it should not be at the very highest point.
- (17) An alternative reason why they did not build it at the well of Etam.
- (18) The Supreme Court of seventy-one; v. Sanh. 2a. Its seat was in a special chamber ('Chamber of Hewn Stone') in the Temple court.
- (19) The Temple.
- (20) Lit., 'if we raise it'.
- (21) I.e., because David had thus decided the site of the Temple.
- (22) Ps. LXIX, 10. E.V., 'zeal for Thy house etc.'
- (23) Ps. CXXXII, 2-6.
- (24) Emended text (Aruk).
- (25) Gen. XLIX, 27. Being a 'wolf', he would naturally be found in the forest
- (26) The lambs offered on Pentecost, Lev. XXIII, 19.
- (27) V. Lev. V, 20-25.
- (28) V. p. 176, n. 10.; ibid 15f.
- (29) V. ibid. XIX, 20 seq.
- (30) A nazirite who became defiled through a corpse, v. Num. VI, 9 seq.
- (31) At his purification, v. Lev. XIV, 12.
- (32) V. p. 240, n. 8.
- (33) V. supra 53a p. 266, n. 6.

Talmud - Mas. Zevachim 55a

GEMARA. How do we know that it requires the north? — As Raba son of R. Hanan¹ recited before Raba: And ye shall offer one he-goat for a sin-offering, [and two he-lambs of the first year for a sacrifice of peace-offerings]:² as a sin-offering requires the north, so [must] the peace-offerings of the congregation [be slaughtered] in the north. Said Raba to him: Now, whence do we learn this about a sin-offering? From a burnt-offering. Can then that which is learnt through a hekkesh teach in turn through a hekkesh?³ — Rather, [said Raba], It follows from what R. Mari the son of R. Kahana recited: [Ye shall blow with the trumpets] over your burnt-offerings, and over the sacrifices of your peace-offerings:⁴ as a burnt-offering was a sacrifice of higher sanctity, so were the public peace-offerings sacrifices of higher sanctity; as a burnt-offering [was slaughtered] in the north, so were the public peace-offerings [slaughtered] in the north.

Now, what is the purpose of the first hekkesh?⁵ — [To teach that it is] like a sin-offering: as a sin-offering is eaten by male priests only, so are public peace-offerings [eaten] by male priests [only]. Said Abaye to him [Raba]: If so, when it is written in connection with a nazirite's ram: And he shall present his offering unto the Lord, one he-lamb of the first year without blemish for a burnt-offering, and one ewe-lamb of the first year without blemish for a sin-offering, and one ram without blemish for a peace-offering:⁶ will you say that here too the Divine Law assimilated it to a sin-offering: as a sin-offering may be eaten by male priests only, so the nazirite's ram may be eaten by male priests only? — How compare: There, since it is written, And the priest shall take the shoulder of the ram when it is sodden, [. . . this is holy, for the priest]⁷ it follows that the whole of it is eaten by its owner. But at least the shoulder that is sodden should be eaten by male priests only? — That is a difficulty. Alternatively [you can answer]: It⁸ is called 'holy', but not 'most holy'.⁹ Then in respect of which law is it assimilated?¹⁰ — Said Raba: [To teach] that if he shaves himself after one [sacrifice] of the three, he fulfils his duty.¹¹ MISHNAH. THE THANKS-OFFERING AND THE NAZIRITE'S RAM ARE SACRIFICES OF LESSER SANCTITY. THEY ARE SLAUGHTERED ANYWHERE IN THE TEMPLE COURT, AND THEIR BLOOD REQUIRES TWO SPRINKLINGS, WHICH CONSTITUTE FOUR; AND THEY ARE EATEN IN ANY PART OF THE CITY, BY ANY PERSON,¹² PREPARED IN ANY MANNER, THE SAME DAY AND THE NIGHT FOLLOWING, UNTIL MIDNIGHT. THE PARTS THEREOF WHICH ARE SEPARATED¹³ ARE GOVERNED BY THE SAME LAW, SAVE THAT THESE ARE EATEN [ONLY] BY THE PRIESTS, THEIR WIVES, THEIR CHILDREN AND THEIR SLAVES.

GEMARA. Our Rabbis taught: And the breast of waving and the thigh of heaving shall ye eat in a clean place:¹⁴ Said R. Nehemiah: Did they then eat the earlier [sacrifices]¹⁵ in uncleanness? Rather, 'clean' implies that it is [partially] unclean:¹⁶ [thus it means,] clean from the defilement of a leper, but unclean with the uncleanness of a zab, and which place is that? The camp of the Israelites.¹⁷ Yet say [that it means] clean from the defilement of a zab, yet unclean with the defilement of the dead, and which [place] is that? The Levitical camp?¹⁸ — Said Abaye, Scripture saith, And ye shall eat it [the mealoffering] in a holy place:¹⁹ 'it' [must be eaten] in a holy place, but another [need] not [be eaten] in a holy place, thus withdrawing it from the Camp of the Divine Presence into the Levitical Camp.²⁰ Then 'in a clean place' is written, which withdraws it into the camp of the Israelites. Raba said: 'It' [must be eaten] in a holy place but another [need] not [be eaten] in a holy place, withdraws it altogether;²¹ then the Divine Law wrote 'in a clean place', [thereby] bringing it into the Israelites' camp.²² Yet say that it brought it into the Levitical camp?²³ — We bring it back into one [camp], not into two. If so, [you can] also [argue in respect of] withdrawing: we withdraw it from one, but not from two?²⁴ Moreover, it is written, Thou mayest not eat within they gates etc?²⁵ Rather, it clearly must be explained as Abaye.

MISHNAH. THE PEACE-OFFERING IS A SACRIFICE OF LESSER SANCTITY. IT MAY BE SLAIN IN ANY PART OF THE TEMPLE COURT, AND ITS BLOOD REQUIRES TWO SPRINKLINGS, WHICH CONSTITUTE FOUR; AND IT MAY BE EATEN IN ANY PART OF THE CITY, BY ANY PERSON, PREPARED IN ANY WAY, DURING TWO DAYS AND ONE NIGHT. THE PARTS THEREOF WHICH ARE SEPARATED ARE SIMILAR, SAVE THAT THESE ARE EATEN BY PRIESTS, THEIR WIVES, THEIR SONS, AND THEIR SLAVES.

GEMARA. Our Rabbis taught: And he shall kill it at the door of the tent of meeting . . . and he shall kill it before the tent of meeting . . . and he shall kill it before the tent of meeting:²⁶ this teaches that all sides [of the Temple court] are fit in the case of sacrifices of lesser sanctity,²⁷ and the north [side] a fortiori: if sacrifices of higher sanctity, which were not made fit [for slaughtering] on all sides, are fit on the north; is it not logical that sacrifices of lesser sanctity, which are fit on all sides, are fit in the north?²⁸ R. Eliezer said: The Writ comes specifically to declare the north fit.²⁹ For you might say, is not [the reverse] logical: If sacrifices of lesser sanctity, which are fit on all sides, yet

their place is not fit for sacrifices of higher sanctity,³⁰ then sacrifices of higher sanctity, which are permitted in the north only, is it not logical that their [particular] place is not permitted for sacrifices of lesser sanctity? Therefore 'the tent of meeting' is stated.³¹

(1) Emended text (Sh. M.)

(2) Lev. XXIII, 19.

(3) Surely not. V. supra 48a, 49b.

(4) Num. X, 10. It must mean the peace-offerings of the congregation, since private peace-offerings did not require the blowing of trumpets.

(5) Where it is assimilated to a sin-offering.

(6) Num. VI, 14.

(7) Ibid. 19, 20.

(8) The shoulder that is sodden.

(9) Therefore it cannot be like the sin-offering, which is 'most holy'.

(10) Sc. the nazirite's ram to a sin-offering.

(11) At the termination of his vow a nazirite must bring three sacrifices, viz., a burnt-offering, a sin-offering, and a peace-offering. Yet if he brings only one and shaves, the prohibitions of a nazirite, such as drinking wine, are lifted, because it is written, And after that the nazirite may drink wine (v. 20), 'after that' meaning, according to the Rabbis, after he brings his peace-offering. Then the sin-offering is assimilated to the peace-offering to shew that the same applies to the former too.

(12) I.e., even by a zar.

(13) In the case of the thanks-offering, the thigh and breast, and four loaves out of the forty by which it is accompanied. In the case of the nazirite's ram, likewise the thigh and the breast, the boiled shoulder, one unleavened loaf and one unleavened wafer.

(14) Lev. X, 14.

(15) Those enumerated earlier in this passage, which treats of Aaron's consecration.

(16) Since Scripture writes 'in a clean place instead of in a holy place,' as in the preceding verse.

(17) Three 'camps' of lessening degrees of sanctity were recognised in the wilderness: (i) The camp of the Divine Presence, — the Tabernacle; (ii) the camp of the Levites — literally the Levitical camp which immediately surrounded the Tabernacle; and (iii) the camp of the Israelites, likewise literally, each tribe within the camp of his standard, v. Num. II. To these three corresponded the Temple, the Temple Mount, and the city of Jerusalem respectively. A leper was expelled from all three, a zab was not permitted in the first two, and permitted in the third. Hence this text teaches that it might be eaten anywhere in Jerusalem.

(18) Where a corpse might be taken. So that the flesh of this sacrifice may be eaten in the Temple Mount only, but not anywhere in Jerusalem.

(19) Lev. X, 13.

(20) Emended text (Sh. M.).

(21) This would imply that it need not even be eaten in the third camp, hence even outside Jerusalem.

(22) Hence it must be eaten within the walls of Jerusalem.

(23) Teaching that it must be eaten in the Temple Mount.

(24) When Scripture implies that it is not bound to be eaten in a particular place, say that one camp (that of the Divine Presence) is excluded, but not two.

(25) Deut. XII, 17. 'Within thy gates' means in the cities outside Jerusalem.

(26) Lev. III, 2, 8, 13. The three texts refer to the different animals brought as peace-offerings.

(27) As 'before' implies on any side.

(28) Thus in the view of this Tanna no text is necessary to shew that it can be slain in the north.

(29) Otherwise we would not know it.

(30) The latter cannot be slaughtered in any part of the Temple.

(31) Implying any part of same.

Talmud - Mas. Zevachim 55b

Wherein do they differ? — The first Tanna holds, Three texts are written:¹ one is for its own purpose, to intimate that the door of the tent of meeting is required;² the second is to permit the sides;³ and the third is to invalidate the sides of the sides;⁴ while no text is necessary for the north. Whereas R. Eliezer holds: One is for its own purpose, to intimate that the door of the tent of meeting is required; the second is to permit the north; and the third is to permit the sides; but no text is required in respect of the sides of the sides.

Why is 'the door of the tent of meeting' written in one case, whereas 'before the tent of meeting' is written in the others? — We are thereby informed of Rab Judah's teaching in Samuel's name. For Rab Judah said in Samuel's name: If a peace-offering is slaughtered before the doors of the hekal are opened, it is invalid, for it is said, 'And he shall kill it at the entrance [opening] of the tent of meeting': when it is open, but not when it is shut. It was stated likewise: Mar 'Ukba b. Hama said in R. Jose son of R. Hanina's name: If one slaughtered a peace-offering before the doors of the hekal were opened, it is invalid, because it is said, 'And he shall kill it at the entrance [opening] of the tent of meeting': when it is open, and not when it is shut. In the West [Palestine] they recited it thus: R. Aha b. Jacob said in R. Ashi's name: If a peace-offering is slaughtered before the doors of the hekal are opened, it is invalid; in the Tabernacle,⁵ [if it is slaughtered] before the Levites set up the Tabernacle or after the Levites take down the Tabernacle, it is invalid.

It is obvious that if it is shut, it is as though it were locked.⁶ What if a curtain [shuts it off]? — Said R. Zera: That itself is made only for an open door.⁷

What of an elevation?⁸ — Come and hear: For it was taught, R. Jose b. R. Judah said: There were two wickets in the knives' recess and their elevation was eight cubits, in order that the whole of the Temple court might be made fit for the consumption of sacrifices of higher sanctity and the slaughtering of sacrifices of lower sanctity.⁹ Does this not mean that [an elevation] eight [cubits high] stood before them [these wickets]?¹⁰ — No: it means that they [themselves]¹¹ were eight cubits high.

An objection is raised: All the gates there were twenty cubits high and ten cubits wide?¹² — The wickets were different.¹³ But there were the sides?¹⁴ — They were built at the corners.¹⁵

What about the space behind the place of the Mercy Seat [kapporeth]?¹⁶ — Come and hear, for Rami son of Rab Judah said in Rab's name: There was a small passage way behind the place of the Mercy Seat, in order to make the whole Temple court fit for the consumption of most holy sacrifices and the slaughtering of minor sacrifices, and there were two such,¹⁷ and thus it is written, And two le-par bar.¹⁸ What does le-par bar mean? — Said Rabbah son of R. Shila: As one says, facing without [ke-lappe le-bar].

Rab Judah said in Samuel's name: Liability for uncleanness¹⁹ is incurred

(1) The 'tent of meeting' is repeated three times.

(2) I.e., as stated infra, the animal may be slain only when this door is open.

(3) One is not limited to the space directly in front of the door.

(4) I.e., chambers opening into the Temple court. These, even if sanctified, are unfit.

(5) When there was no door, but only an opening.

(6) The sacrifice then is certainly invalid.

(7) The curtain is hung there only because the door of the hekal is open and it is indecorous for the priests to look into the hekal while they are engaged on the sacrifice. Hence it counts as open, and the sacrifice is valid (Sh. Mek.).

(8) I.e., a raised construction, e.g., a beam or a board which shuts off the door while it is actually open.

(9) The ulam (v. Glos.) overlapped the hekal by 11 cubits on each side. Now, the sacrifices had to be slain in front of the hekal, corresponding to 'before the tent of meeting', and this would apparently not include the area directly in front of

the overlap, in which there was a special recess for the knives. By means of wickets set in the ulam on either side the whole of the area facing the ulam, including the overlap, was thus made fit.

(10) Which proves that such leaves it technically open.

(11) The entrances to the wickets.

(12) Consequently the reference must be to the construction before the wickets.

(13) Since their purpose was only symbolic.

(14) Of the ulam, on the north and the south beyond the wickets. The area in front of these would not be made fit by the wickets.

(15) Diagonally, so that the space opposite them, viz., up to the north and the south walls of the Temple court, would still be technically 'before the door'.

(16) A space of eleven cubits between it and the western wall of the court (v. Mid. V, I); was that fit too?

(17) Emended text.

(18) E.V. 'at the precinct'. I. Chron. XXVI, 18. The M.T. reads this as one word: parbar.

(19) I.e., for entering the precincts of the Temple court in an unclean state.

Talmud - Mas. Zevachim 56a

only in respect of [an area] a hundred and eighty-seven cubits in length by a hundred and thirty-five in breadth. A Tanna recited before R. Nahman: The whole Temple court was a hundred and eighty-seven cubits in length by a hundred and thirty-five in breadth. Said he to him, Thus did my father say: Within such an area the priests entered, consumed the most holy and slaughtered the minor sacrifices there, and were liable for uncleanness. What does this exclude? Shall we say that it excludes the windows, doors and the thickness of the wall? Surely we learnt: The windows and the thickness of the wall are as within?¹ — Rather, it is to exclude the chambers.² But if they are built on nonsacred ground and open into sacred ground, surely we learnt: Their inside is holy? — That is by Rabbinical law [only] — And not by Scriptural law? Surely it was taught: How do we know that the priests may enter the chambers which are built on non-sacred ground and open into sacred ground, eat there the most holy sacrifices and the residue of the meal-offering?³ Because it says, In the court of the tent of meeting they shall eat it:⁴ Scripture permitted many courts for eating!⁵ — Said Raba: Eating is different.⁶ But are they not [holy] in respect of uncleanness? Surely it was taught: The chambers built on non-sacred ground: priests may enter therein and eat there the most holy sacrifices; you may not slaughter minor sacrifices there,⁷ and they involve culpability on account of uncleanness? — Did you not say, you may not slaughter?⁸ then learn too, and they do not involve culpability.⁹ [No:] as for [saying] you may not slaughter, it is well, [the reason being that] it [slaughtering] must be opposite the door, which it is not [in these chambers]. But why [should you learn] 'and they do not involve culpability'? — Yet on your view, [consider: when you say,] you may not slaughter, are we not discussing a case where the shechitah is opposite the entrance,¹⁰ for if it is not, why is it necessary [to teach it]? Hence [you must admit that] although he would slaughter opposite the entrance, yet he teaches, 'You may not slaughter', because they are not sanctified. Then learn also, They do not involve culpability.

Now, do we not require the consumption to be facing the entrance? Surely R. Jose son of R. Hanina taught: There were two wickets in the knives' recess, and their elevation was eight cubits, in order to make the Temple court fit for the eating of most sacred sacrifices and the slaughtering of minor sacrifices? — Said Rabina: Delete 'eating' from this passage. But it is written, Boil the flesh at the door of the tent of meeting, and there eat it?¹¹ Temporary sacrifices are different.¹²

R. Isaac b. Abudimi said: How do we know that the blood is invalidated by sunset?¹³ Because it says, It shall be eaten on the day that he offereth his slaughtering:¹⁴ on the day that you slaughter, you can offer; on the day that you do not slaughter, you cannot offer.¹⁵ But this text is needed

(1) Sacred; hence these cannot be excluded.

- (2) Flanking the Temple court.
- (3) What is left after the fistful is separated and burnt on the altar.
- (4) Lev. VI, 9.
- (5) These correspond to the chambers under discussion. Since the most holy sacrifices may be eaten there, they must be sacred by Biblical law too.
- (6) Eating is permitted because Scripture intimated it so.
- (7) As these are the 'sides of the sides' (v. supra 53b), and not 'before the tent of meeting'.
- (8) Which proves that they are not holy.
- (9) The text must be so amended.
- (10) I.e., that the door of this chamber faces that of the knives' recess, so that when both are open it is technically 'at the door of the tent of meeting', and yet you may not slaughter there.
- (11) Lev. VIII, 31.
- (12) These sacrifices were not statutory ones, but specially commanded for the consecration of Aaron. They are not subject to the ordinary laws.
- (13) It is unfit for sprinkling on the morrow.
- (14) Ibid. VII, 16. Lit., translation. E.V.: his sacrifice.
- (15) Sc. on the morrow. 'Offering' is essentially sprinkling.

Talmud - Mas. Zevachim 56b

for its own purpose?¹ — If so, let Scripture say, 'It shall be eaten on the day of its slaughtering': what is the purpose of 'that he offereth'? Infer from it: on the day that you slaughter, you can offer; on the day that you do not slaughter, you cannot offer. Yet perhaps this is what the Divine Law means: If he [the priest] presents the blood on the same day, you may eat the flesh on the same day and on the next; while if he presents the blood on the morrow, you may eat the flesh on the morrow and on the day after? — If so, let Scripture write, 'It shall be eaten on the day that he offereth'; what is the purpose of 'his slaughtering'? Infer from it: On the day that you slaughter, you can offer: on the day that you do not slaughter, you cannot offer.

It was stated: If one intends [eating the flesh] on the evening of the third day,² Hezekiah said: It [the sacrifice] is fit; R. Johanan said: It is unfit. Hezekiah said: It is fit, seeing that it was not yet relegated to the fire.³ R. Johanan said: It is unfit, seeing that it is rejected from eating.⁴

If one eats [the flesh] on the evening of the third day, Hezekiah maintained: He is exempt,⁵ seeing that it was not yet relegated to the fire; R. Johanan maintained, He is culpable, seeing that it was rejected from eating. It was taught in accordance with R. Johanan: With regard to sacrifices which are eaten on the same day [only], an intention is effective in respect of their blood from sunset, and in respect of their flesh and their emurim, from dawn.⁶ But as to sacrifices which are eaten two days and one night, an intention is effective in respect of their blood from sunset; in respect of their emurim, from dawn; and in respect of their flesh, from sunset on the second day.⁷

Our Rabbis taught: You might think that they [peace-offerings] may be eaten on the evening of the third day, and this is indeed logical. Some sacrifices are eaten on the same day, and others are eaten during two days; as those sacrifices which are eaten on the same day [only], the night follows them;⁸ so also the sacrifices which are eaten during two days, the night follows them. Therefore it says, And if aught remain until the third day:⁹ while it is yet day it may be eaten, but it may not be eaten on the evening of the third day. You might think that it is burnt immediately,¹⁰ and this is logical: some sacrifices are eaten on the same day, and others are eaten during two days: as the sacrifices which are eaten on the same day, burning immediately follows eating;¹¹ so the sacrifices which are eaten during two days, burning immediately follows eating. Therefore it says, 'On the third day it shall be burnt with fire': you must burn it by day, but you must not burn it at night.

MISHNAH. THE FIRSTLING, TITHE¹² AND PASSOVER-OFFERING ARE SACRIFICES OF LESSER SANCTITY. THEY ARE SLAUGHTERED IN ANY PART OF THE TEMPLE COURT, AND THEIR BLOOD REQUIRES ONE SPRINKLING, PROVIDED THAT IT IS APPLIED OVER AGAINST THE BASE.¹³ THEY DIFFERED IN THEIR CONSUMPTION [AS FOLLOWS]: THE FIRSTLING WAS EATEN BY PRIESTS [ONLY], WHILE THE TITHE MIGHT BE EATEN BY ANY MAN. AND THEY WERE EATEN IN ANY PART OF THE CITY, PREPARED IN ANY MANNER, DURING TWO DAYS AND ONE NIGHT. THE PASSOVER-OFFERING MIGHT BE EATEN ONLY AT NIGHT, ONLY UNTIL MIDNIGHT, AND IT MIGHT BE EATEN ONLY BY THOSE REGISTERED FOR IT,¹⁴ AND IT MIGHT BE EATEN ONLY ROASTED. GEMARA. Which Tanna [rules thus]?¹⁵ — Said R. Hisda, It is R. Jose the Galilean. For it was taught, R. Jose the Galilean said: Not ‘its blood’ is said, but ‘their blood’; not ‘its fat’ is said, but ‘their fat’: this teaches concerning the firstling, tithe, and the Passover-offering, that their blood and emurim must be presented at the altar.¹⁶

How do we know [that it must be sprinkled] over against the base? — Said R. Eleazar: The meaning of ‘sprinkling’¹⁷ is learned from a burnt-offering.

- (1) To teach that a peace-offering is eaten on the day it is slaughtered and on the next day.
- (2) The evening preceding the third day, i.e., after the two days permitted for its eating.
- (3) If it remains until the evening of the third day it does not become nothar, to require burning, but only if it remains until the morning (v.v. 17). Hence the intention to eat it then, expressed at the sacrificing, does not invalidate it.
- (4) It may not be eaten after the two days.
- (5) From the penalty for eating nothar.
- (6) If he intended sprinkling their blood after sunset, or eating their flesh or burning their emurim after the dawn of the morrow, his intention makes the sacrifice unfit.
- (7) I.e., the evening of the third day.
- (8) I.e., they are eaten on the night following.
- (9) Lev. XIX, 6.
- (10) At the end of the second day, after sunset.
- (11) From the moment that it may no longer be eaten, it is to be burnt.
- (12) Sc. of cattle; v. Lev. XXVII, 32.
- (13) On a part of the altar which has a base under it. This excludes the east and south (v. supra 53b).
- (14) By people who had previously registered themselves for that particular animal.
- (15) The Mishnah enumerates the differences in their mode of consumption only. Whence it follows that they are alike in respect of sprinkling and presentation of emurim. Whose view is this?
- (16) V. supra 37a for notes.
- (17) Written in connection with the firstling and tithe.

Talmud - Mas. Zevachim 57a

And how do we know it of a burnt-offering itself? — Because it is written, At the base of the altar of the burnt-offering:¹ this proves that the statutory burnt-offering requires [sprinkling at] the base.² If so, just as there two applications which constitute four [are required], so here too, two applications which constitute four [are required]?³ — Said Abaye: Why must ‘round about’ be written in connection with both a burnt-offering and a sin-offering?⁴ That there might be two verses with the same teaching, and two verses with the same teaching do not illumine [other cases].⁵ That is well on the view that they do not illumine; but on the view that they do illumine, what can be said? — The guilt-offering is a third,⁶ and three certainly do not illumine.

THE FIRSTLING IS EATEN BY PRIESTS. Our Rabbis taught, How do we know that a firstling is eaten during two days and one night? Because it is said, And the flesh of them shall be thine, as the wave-breast and as the right thigh:⁷ the Writ assimilated it to the breast and the thigh of a

peace-offering:⁸ as a peace-offering might be eaten during two days and one night, so may the firstling be eaten during two days and one night. And this question was asked of the Sages in the vineyard of Yabneh:⁹ For how long may a firstling be eaten? Whereupon R. Tarfon replied: During two days and one night. Now a certain disciple was present, who had come to the Beth Hamidrash for the first time, by the name of R. Jose the Galilean. Master, said he to him, whence do you know this? My son, replied he, a peace-offering is a sacrifice of lesser sanctity, and a firstling is a sacrifice of lesser sanctity: as a peace-offering is eaten during two days and one night, so a firstling is eaten during two days and one night. Master, he objected, a firstling is the priest's due, and a sin-offering and a guilt-offering are the priest's dues;¹⁰ [then let us argue,] as a sin-offering and a guilt-offering [may be eaten] during one day and one night, so a firstling [may be eaten] one day and one night? Said he to him: Let us compare the two objects, and then deduce one from the other:¹¹ as a peace-offering does not come on account of sin, so a firstling does not come on account of sin; [hence,] as a peace-offering is eaten two days and one night, so is a firstling eaten two days and one night. Master, he objected, Let us compare the two objects, and then deduce one from the other: a¹² sin-offering and a guilt-offering are priestly dues, and a firstling is a priestly due; as¹² a sin-offering and a guilt-offering cannot be brought as a vow or a freewill-offering,¹³ so a firstling cannot be a vow or a freewill-offering:¹⁴ [hence,] as a sin-offering and a guilt-offering are eaten one day and one night, so may a firstling be eaten one day and one night? R. Akiba then leaped [into the debate], and R. Tarfon withdrew. Said he [R. Akiba] to him, Behold, it says, 'And the flesh of them shall be thine [etc.]': the Writ assimilated them to the breast and thigh of a peace-offering: as a peace-offering is eaten two days and one night, so a firstling is eaten two days and one night. Said he to him: You have likened it to the breast and thigh of a peace-offering, but I might liken it to the breast and thigh of a thanks-offering: as a thanks-offering is eaten one day and one night, so a firstling is eaten one day and one night. Lo, he replied, it says, it shall be thine.¹⁵ Now, 'it shall be thine' need not be stated; why then is it said? The Writ thereby prolonged the existence of a firstling.¹⁶ When this discussion was reported to R. Ishmael, he said to them [those who reported it]: Go forth and say to Akiba, You have erred.¹⁷ Whence do we learn this of the thanksoffering?¹⁸ From a peace-offering.¹⁹ Can then that which is learnt through a hekkesh teach in turn by a hekkesh?²⁰ Hence you must determine it not by the second version but by the first version.²¹ Now, how does R. Ishmael employ this phrase, 'it shall be thine'?²² — It teaches that a blemished firstling is given to the priest, for which teaching we do not find [any other text] in the whole Torah. And R. Akiba?²³ — He learns it from 'their flesh', [which intimates,] whether it whole or blemished. And R. Ishmael?²⁴ — It means, the flesh of these firstlings.

Wherein do they differ?²⁵ — One master holds: [That which is inferred] from the subject itself and another does constitute a hekkesh; while the other master holds: It does not constitute a hekkesh.²⁶ On the view that it does not constitute a hekkesh, it is well: hence it is written, And so shall he do for the tent of meeting,²⁷ which [intimates]: As he sprinkles the blood of the bullock in the Holy of Holies once upward and seven times downward, so must he sprinkle in the hekal; and as he sprinkles the blood of the he-goat in the Holy of Holies once upward and seven times downward, so must he sprinkle in the Hekal. But on the view that it does constitute a hekkesh, what can be said?²⁸ — The localities only are deduced from one another.²⁹

(1) Lev. IV, 7.

(2) For in fact the altar was not used for the burnt-offering exclusively, the very sentence quoted treating of a sin-offering. Hence the verse must mean, at the base of the altar, as is done with a burnt-offering.

(3) Whereas the Mishnah says otherwise.

(4) Burnt-offering, Lev. I, 5: And he shall dash the blood round about against the altar; sin-offering, VIII, 15: And when it was slain, Moses took the blood, and put it upon the horns of the altar round about with his finger. 'Round about' implies on all four sides. Now, this could be said with reference to a burnt-offering only, and the other would be deduced from it.

(5) Hence the number of applications required by a firstling etc. cannot be deduced from a burnt-offering.

- (6) Where 'round about' is said, Lev. VII, 2.
- (7) Num. XVIII, 18. The text refers to firstlings.
- (8) Since it was the breast and the thigh of a peace-offering which belonged to the priest.
- (9) The famous town to the north-west of Jerusalem, seat of R. Johanan b. Zakkai's academy and Sanhedrin after the destruction of the Temple.
- (10) Whereas a peace-offering belongs to its owner.
- (11) I.e., let us first see to which the firstling is similar, and then learn from it.
- (12) The words: 'a sin-offering . . . as' are best omitted with Ms. M.
- (13) V. supra 2a, p. 2, n. 6. These sacrifices can be brought only when one has incurred them.
- (14) It must actually be a firstling.
- (15) Num. XVIII, 18. This reiterates the first half of the verse.
- (16) It is correct to liken it to a thanksoffering rather than to a peace-offering, since we cannot permit a longer time for its consumption than the minimum of which we are certain. But the reiteration, 'it is thine', implies that it is thine for a longer time than you might otherwise think, and so it is permitted for two days, like a peace-offering.
- (17) By likening it to the thanks-offering in the first place.
- (18) That its breast and thigh belong to the priest. This is not stated explicitly.
- (19) By means of a hekkesh.
- (20) Surely not (v. supra 49b). Hence the thanksoffering in this case cannot throw light on the firstling.
- (21) You must compare it in the first instance to a peace-offering, not to a thanksoffering.
- (22) Why is it repeated?
- (23) Whence does he know this?
- (24) How does he explain the plural 'their'? V. supra 37a, b for notes.
- (25) It is a definite rule that what is learnt through a hekkesh does not teach through a hekkesh. Why then does R. Akiba adopt this exegesis here?
- (26) Now, that a thanksoffering is eaten one day and one night is not inferred by a hekkesh but stated explicitly, Lev. VII, 15, while that its breast and thigh belong to the priest is inferred by a hekkesh. R. Ishmael holds that the fact that the priest may eat the breast and the thigh during one day and one night only must be regarded as an inference by a hekkesh, and therefore it cannot become the basis for another hekkesh (viz., as to the time permitted for the consumption of a firstling). R. Akiba however maintains that since the time permitted for the thanksoffering is explicitly stated, we do not regard the time allowed for the breast and thigh as the result of a hekkesh; hence it can become the basis for another hekkesh.
- (27) Lev. XVI, 16.
- (28) The passage treats of the ritual of the Day of Atonement. Scripture writes, And he shall take of the blood of the bullock, and sprinkle with his finger upon the ark-cover on the east; and before the ark-cover shall he sprinkle of the blood with his finger seven times (ibid. 14). 'Upon' and 'before' are understood to mean upward and downward respectively: thus, while it is explicitly stated that it is sprinkled seven times downwards, the number of upward sprinklings is not stated, and this is learnt by analogy (hekkesh) from the he-goat, where it says, And sprinkle it (otho) upon the ark-cover, and before the ark-cover (v. 15). There 'it' (otho) is held to indicate one sprinkling, while the number of downward sprinklings is not stated. The present text, and do with his (sc. the he-goat's) blood as he did with the blood of the bullock, teaches that both are sprinkled once upward and seven times downward, since an analogy is drawn between them. Now, each is written partly explicitly and partly inferred by a hekkesh, and then the same is applied to the hekal by means of a hekkesh. Now, if what is inferred partly from the subject itself and partly from another subject does not constitute a hekkesh, then the sprinklings in the hekal can rightly be inferred by a hekkesh from those in the Holy of Holies. But if it does, such inference is disallowed, since what is learnt by a hekkesh cannot teach by a hekkesh.
- (29) This is not a case of what is learnt by a hekkesh teaching through a hekkesh, since the first refers to the animals, whereas the second refers to the localities.

Talmud - Mas. Zevachim 57b

Alternatively, [the sprinklings] without [in the Hekal] are directly inferred from [those] within [the Holy of Holies].¹

On the view that it does not² constitute a hekkesh, it is well: hence it is written, Ye shall bring out of your dwellings [two] wave-loaves [of two tenth parts of an ephah etc]:³ Now, ‘ye shall bring’ need not be said;⁴ what then does ‘ye shall bring’ teach? Whatever you bring on another occasion⁵ must be like this: as here a tenth [of an ephah] is used for hallah, so there⁶ too a tenth is required for hallah. If so, as here two tenths are required, so there too two tenths are required? Therefore Scripture states, they shall be [of fine flour].⁷ We have thus learnt ten [tenths] for leavened [loaves]. Whence do we know ten [tenths] for unleavened loaves? Because it says, With cakes of leavened bread [he shall present his offering with the sacrifice of his peace-offering for thanksgiving]⁸ [which intimates,] Bring an equal quantity of unleavened as of leavened.⁹ But on the view that it constitutes a hekkesh, what can be said?¹⁰ — ‘Ye shall bring’ is superfluous.¹¹

THE PASSOVER-OFFERING IS EATEN ONLY [etc]. Which Tanna [rules thus]? — Said R. Joseph, It is R. Eleazar b. ‘Azariah. For it was taught, R. Eleazar b. ‘Azariah said, [And they shall eat the flesh] in the night¹² is stated here, whilst elsewhere it is stated, For I will go through the land of Egypt in that night:¹³ just as there it means by midnight, so here too it means by midnight. Said R. Akiba to him: Yet surely it is already stated, [and ye shall eat it] in haste,¹⁴ [implying] until the time of haste?¹⁵ If so, what is taught by ‘in that night’? You might think that it is like all [other] sacrifices, which are eaten by day: therefore it is stated ‘in [that] night’: it is eaten by night, but it may not be eaten by day. Said Abaye to him [R. Joseph]: How do you know that [the author of our Mishnah is] R. Eleazar b. ‘Azariah, while [the law is] Biblical. Perhaps the law is Rabbinical only, [the reason being] to prevent transgression?¹⁶ — If so, why state, ONLY UNTIL MIDNIGHT?¹⁷ But it means, It is as the other laws;¹⁸ as those are Biblical, so is this Biblical.¹⁹ [

(1) And not via the animals at all.

(2) Emended text (Bah, Sh. M.).

(3) Lev. XXIII, 17.

(4) The text could read: And ye shall present a new offering unto the Lord (v. 16) out of your dwellings etc.

(5) Lit., ‘from another place’.

(6) Lit., ‘as there . . . so here.’ The hallah (unleavened loaf) brought on another occasion (v. n. 4) is referred to as ‘here’, as that is the actual subject being discussed.

(7) Ibid. For the interpretation of this v. Men. 78a top.

(8) Lev. VII, 13.

(9) The preceding verses read: Then he shall offer . . . unleavened cakes mingled with oil, and unleavened wafers spread with oil, and cakes mingled with oil. When this is followed by ‘With cakes of leavened bread’ etc., it yields a hekkesh, whence we learn that the weight of the former must be the same as that of the latter.

(10) The wave-loaves brought on Pentecost were made of a tenth of an ephah of flour, and they were leavened. Now, the thankoffering was accompanied by four kinds of loaves; v. Lev. VII, 12-14. These included a set of leavened loaves (the other three kinds were unleavened), but neither the actual number of each kind nor their weight is stated. By means of a gezerah shawah the Talmud deduces that there were the loaves of each kind, and from the superfluous ‘ye shall bring’ it infers that the leavened loaves were each to be made of a tenth of an ephah (these are those brought ‘on another occasion’), just like the two wave-loaves, so that ten tenths were required for all. Thus the number is not deduced by a hekkesh but by a gezerah shawah, which is regarded as being explicitly stated in the subject itself, while the weight is learned by a hekkesh (the superfluous ‘ye shall bring’). Then the Talmud infers by another hekkesh that the weight of the unleavened loaves is the same (v. preceding note). The difficulty then is the same as the preceding on the number of sprinklings (v. p. 287, n. 3).

(11) Hence the fact that the loaves of the thanks-offering require a tenth of an ephah each is not regarded as an inference by a hekkesh, but as though it were explicitly stated.

(12) Ex. XII, 8.

(13) Ibid. 12.

(14) Ibid, 11.

(15) I.e., when they had to make haste to leave Egypt, which was in the morning.

(16) Possibly this Tanna holds that by Scriptural law it may be eaten until morning, yet he gives the limit of midnight so as to make sure that one will not transgress by eating it in the morning.

(17) He should state, And it is eaten until midnight.

(18) Lit., 'as there'. Sc. that it may only be eaten roast and by registered persons.

(19) Hence its author must be R. Eleazar b. 'Azariah.

Talmud - Mas. Zevachim 58a

CHAPTER VI

MISHNAH. IF SACRIFICES OF HIGHER SANCTITY ARE SLAUGHTERED ON THE TOP OF THE ALTAR, R. JOSE SAID: [THEY ARE] AS THOUGH THEY WERE SLAUGHTERED IN THE NORTH;¹ R. JOSE SON OF R. JUDAH SAID: FROM THE MIDDLE OF THE ALTAR SOUTHWARD IS AS SOUTH, FROM THE MIDDLE OF THE ALTAR NORTHWARD IS AS THE NORTH.

GEMARA. R. Assi said in R. Johanan's name: R. Jose maintained that the whole of the altar stood in the north.² What then does AS THOUGH [etc.] mean? You might think that we require [them to be slaughtered] on the side [of the altar].³ which they were not. Hence he informs us [that it is not so]. Said R. Zera to R. Assi: If so, will you indeed say that R. Jose son of R. Judah holds that [the altar] is half in the north and half in the south?⁴ And should you answer, That indeed is so; surely it was you who said in R. Johanan's name: R. Jose son of R. Judah admits that if he slaughtered them in a corresponding position on the ground,⁵ they are unfit? — Said he to him, This is what R. Johanan said: Both of them inferred [their views] from the same text:⁶ And thou shalt sacrifice thereon thy burnt-offerings, and thy peace-offerings:⁷ R. Jose holds: The whole of it [the altar] is fit for [the slaughtering of] the burnt-offering,⁸ and the whole of it is fit for peace-offerings. While R. Jose son of R. Judah holds: Divide it: half of it is for a burnt-offering, and half for a peace-offering. For if you think that the whole of it is fit for a burnt-offering, then seeing that the whole of it is fit for a burnt-offering, need it be said that the whole of it is fit for a peace-offering. And the other?⁹ — It is necessary:¹⁰ You might think that only a burnt-offering [is fit if slaughtered on the top of the altar]. since its room is cramped.¹¹ But as for peace-offerings, whose room is not cramped,¹² I would say that it is not so. Hence [the text] informs us [otherwise].

The [above] text [stated]: 'R. Assi said in R. Johanan's name: R. Jose son of R. Judah admits that if he slaughtered them in a corresponding position on the ground, they are unfit.' R. Aha of Difti asked Rabina: What does 'in a corresponding position on the ground' mean?¹³ Shall we say, on the cubit of the base or the cubit of the terrace:¹⁴ surely that is the altar itself? Moreover, what does 'on the ground' mean?¹⁵ And if you say that he made a cavity in the ground¹⁶ and slaughtered therein: would that be a [proper altar]? Surely it was taught: An altar of earth thou shalt make unto Me:¹⁷ [this teaches] that it must be joined to the earth, that it must not be built over cavities or on rocks? — It means that he shortened it¹⁸

R. Zera said: Is it possible that this statement of R. Johanan¹⁹ is correct, and yet we have not learnt it in the Mishnah?²⁰ So he went out, searched, and found it. For we learnt: They selected from there²¹ sound fig-tree wood²² to arrange the second pile for incense²³ by the south-west horn at a distance of four cubits from it northward; [sufficient wood was taken to make] about five se'ahs of coals,²⁴ and on the Sabbath, about eight se'ahs, because they placed there the two censers of frankincense for the shew-bread.²⁵ And what is the token?²⁶ — This agrees with R. Jose. For it was taught:

(1) Hence valid.

(2) Supra 53a.

(3) Lev. I, 11.

(4) R. Zera assumed that R. Assi's statement was inferred from the Mishnah: since R. Jose rules that if it is slaughtered anywhere on the top of the altar, it is as though it is slaughtered in the north, it follows that the whole of the altar is in the north. But if this inference is correct, a similar deduction can be made with respect to R. Jose b. R. Judah.

(5) This will be explained anon.

(6) I.e., R. Johanan did not base his statement on the Mishnah, but on the Scriptural interpretation of these Rabbis.

(7) Ex. XX, 21.

(8) Hence the whole of the altar is in the north, since a burnt-offering must be slaughtered in the north (Lev. I, 11).

(9) How does he rebut this argument?

(10) To state that the whole of it is fit for a peace-offering.

(11) As it must be slaughtered in the north, there may not be enough room when there are many sacrifices; hence Scripture permitted the top of the altar too.

(12) They can be slaughtered anywhere in the Temple court.

(13) It cannot mean on the pavement at the side of the altar, for then there would be no difficulty on R. Assi's view. For even if the whole altar stood in the north, yet if one slaughtered on the west or east of it at some distance from the actual side, it would still be unfit, because it must be killed between the north side of the altar and the opposite wall of the Temple court; therefore this could not prove that R. Jose did not hold that half the altar was in the north and half in the south. Hence it must apparently mean, on the ground of the altar itself. Now, how is this possible?

(14) The altar' was recessed a cubit for the base and a cubit for the terrace (v. supra 54a).

(15) The top of the base or the terrace is not 'on the ground'.

(16) Under the altar.

(17) Ex. XX, 21.

(18) It was decided to shorten the altar, and the northern half of it was thus left clear. Although it is still the side, the offerings slaughtered there are unfit, which proves that he holds that the altar is in the south, as there is no other reason for its unfitness.

(19) That R. Jose holds that the whole altar stood in the north.

(20) There must be some hint of it in the Mishnah.

(21) The wood-shed, in which the wood for the altar was kept.

(22) Not worm-eaten.

(23) At the side of the large wood-pile, on which the offerings were burnt, a smaller pile was made, whence three kabs of burning coals were taken every morning and evening for the inner altar, on which the incense was burnt.

(24) So that it should be easy to take the necessary quantity of live coals from it for the inner altar.

(25) This frankincense was burnt on the Sabbath, and on the outer altar, on this special pile. Therefore more coals were required (as the other incense still had to be burnt on the inner altar). V. Tam. II, 5.

(26) By which sign did the Sages rule that this second pile was in that particular spot?

Talmud - Mas. Zevachim 58b

R. Jose said: This is the token: whatever is taken [from] within to be placed without,¹ is placed as near as possible [to the inner altar]; and whatever is taken from without to be placed within, is taken from as near as possible [to the inner altar]. 'Whatever is taken [from] within to be placed without': What is it? If we say, the residue [of the blood], surely it is distinctly written thereof, [And all the remaining blood of the bullock shall he pour out] at the base of the altar of burnt-offering, which is at the door of the tent of meeting?² Further, as to whatever is taken without to be placed within', what is it? If we say, the coals of the Day of Atonement, surely it is explicitly written thereof, And he shall take a censer full of coals of fire from off the altar before the Lord?³ Rather, 'whatever is taken within to be placed without' means the two censers of the frankincense for the shewbread,⁴ which we infer from the residue [of the blood];⁵ and 'Whatever is taken without to be placed within' is the coals of every day.⁶ which are inferred from the coals of the Day of Atonement. Now, what does he hold?⁷ If he holds [that] the whole altar is in the south, he would have to carry it twenty-seven [cubits from the horn]?⁸ And even if he holds that the sanctity of the hekal and that of the ulam are one,⁹ yet he would have to carry it down twenty-two cubits?¹⁰ And if he holds that it

was half in the north and half in the south, he would have to bring it down eleven cubits?¹¹ And even if he holds that the sanctity of the hekal and that of the ulam are one, he would have to bring it down six cubits?¹² Hence it must surely be that he holds that the whole altar was in the north, and these four cubits are as follows: one cubit for the base, one for the terrace, one for the horns, and one for the feet of the priests; for should one go further than this, there would no more be the door.¹³ Said R. Adda b. Ahabah:¹⁴ This is in accordance with R. Judah. For it was taught. R. Judah said: The altar stood in the middle of the Temple court.¹⁵ Now, it was thirty-two cubits [square], [of which] ten cubits faced the door of the hekal, and [it extended] eleven cubits on either side [thereof]. Thus the altar was exactly opposite the hekal. Yet even so, according to R. Judah he would have to bring it down eleven cubits? And even if he held that the sanctity of the hekal and that of the ulam are one, he would still have to bring it down six cubits? — Do you think that these four cubits include the cubit of the base and the cubit of the terrace? [No:] they are exclusive of the cubit of the base and the cubit of the terrace. Now, let us make this agree with R. Jose, and [assume] that [he too holds that] it stood in the centre?¹⁶ — Because we know definitely that R. Judah holds that it stood in the middle.¹⁷

R. Sherabia said: This is in accordance with R. Jose the Galilean. For it was taught: R. Jose the Galilean said: Since it says. And thou shalt set the laver between the tent of meeting and the altar,¹⁸ while another verse states, [And thou shalt set]

(1) From the inner altar on to the outer altar.

(2) Lev. IV, 7. That is the nearest point to the inner altar. Why then must R. Jose give a general rule for this, when it is explicitly stated?

(3) Ibid. XVI, 12. 'Before the Lord' implies near the inner sanctum.

(4) They were taken on the Sabbath from the Table, which was within.

(5) They must be placed (presented) on the side facing the door, which is the nearest point.

(6) Which are taken from the second pile and placed on the inner altar. R. Jose thus teaches that they are taken from the side facing the door.

(7) When he states that this second pile is arranged four cubits from the horn northwards.

(8) The width of the door was ten cubits, five of which were in the north and five in the south, while the altar was thirty-two square. Now, deducting the five cubits which the door passed into the north, the nearest point to the door would thus be twenty-seven cubits from the opposite horn.

(9) Supra 14a.

(10) For then, as soon as he reaches a point opposite the door of the ulam he is 'before the Lord'. As the door of the ulam was five cubits wider than that of the hekal on both sides (i.e., ten wider in all), five cubits can be deducted from the preceding calculation.

(11) For then there will be sixteen cubits in the south. The figure eleven is arrived at by deducting the five of the door from these sixteen.

(12) Deducting a further five cubits (cf. n. 5.) from the eleven.

(13) I.e., it would carry it beyond the line of the door. Thus we have a Mishnah in support of R. Johanan's statement regarding R. Jose.

(14) To refute this proof.

(15) I.e., half in the north and half in the south.

(16) Why insist that the author is R. Judah?

(17) Whilst we do not know R. Jose's opinion.

(18) Ex. XL, 7.

Talmud - Mas. Zevachim 59a

the altar of burnt-offering [before the door of the tabernacle of the tent of meeting].¹ [it follows that] the altar was at the door of the tent of meeting, while the laver was not at the door of the tent of meeting. Where then was it [the laver] placed? Between the ulam and the altar, slightly toward the

south. Now what does he hold? If he holds that the whole altar stood in the south, let it be placed southward from the wall of the hekal, [for that would be] between the ulam and the altar? And even if he holds that the sanctity of the ulam and that of the hekal are one, let it be placed southward from the wall of the ulam, [for that would still be as] between the ulam and the altar? Or if he holds that half was in the north and half in the south, let it be placed southward from the wall of the hekal, between the ulam and the altar? And even if he holds that the sanctity of the ulam and that of the hekal are one, let it be placed southward from the wall of the ulam, this being between the ulam and the altar? Hence it must surely be that he² holds that the whole altar stood in the north. Then let it be placed between the altar and the hekal northward? — He holds that the sanctity of the hekal and ulam is identical.³ Then let it be placed northward from the wall of the ulam, when it would be between the ulam and the altar? — Scripture saith, northward, which means that the north must be free from vessels.⁴

Which Tanna disagrees with R. Jose the Galilean?⁵ — R. Eleazar b. Jacob. For it was taught: R. Eleazar b. Jacob said: ‘Northward’ [intimates] that the north must be free from everything, even from the altar:

Rab said, If the altar was damaged, all sacrifices slaughtered there are unfit. We have a text to this effect, but have forgotten it. When R. Kahana went up,⁶ he found R. Simeon b. Rabbi teaching in R. Ishmael b. R. Jose's name: How do we know that all the sacrifices slaughtered at a damaged altar are unfit? Because it is said, And thou shalt sacrifice thereon thy burnt-offerings and thy peace-offerings:⁷ now, do you then sacrifice on it?⁸ Rather, [it means:] when it is whole, and not when it is defective. Said he: That is the text which eluded Rab. But R. Johanan maintained: In both cases they are unfit.⁹ Wherein do they disagree? — Rab holds: Live animals cannot be [permanently] rejected; while R. Johanan holds: Live animals can be [permanently] rejected.¹⁰

An objection is raised. All the sacred animals which were before the altar was built,¹¹ and then the altar was built, are unfit.¹² [Now before] it was built, they were rejected ab initio?¹³ — [Say] rather: before it was razed.¹⁴ ‘[Before] it was razed?’ But they [the animals] would be too old!¹⁵ Rather [it means] [the animals which were consecrated] before the altar was damaged, and then the altar was damaged, are unfit!¹⁶ — Now, did you not emend it? Then read, which were slaughtered.¹⁷ But surely R. Giddal said in Rab's name: If the altar was removed [from its place], the incense was burnt on its [the altar's] site?¹⁸ — Even as Raba said, R. Judah agrees in respect of the blood,¹⁹ so here too. Rab agrees in respect of the blood.²⁰

What [statement of] R. Judah [is referred to]? — It was taught: The same day did the king hallow the middle of the court that was before the house of the Lord . . . because the brazen altar that was before the Lord was too little to receive the burnt-offering, and the meal-offering and the fat of the peace-offerings:²¹ this is meant literally:²² these are the words of R. Judah. Said R. Jose to him:

(1) Ibid. 6.

(2) R. Jose the Galilean.

(3) So Rashi. The reading varies in different texts, v. Sh. M.

(4) And the laver is a vessel.

(5) Maintaining that the whole of it was in the south.

(6) To Eretz Israel.

(7) Ex. XX, 21.

(8) Surely not. The sacrifice was slaughtered at the side of the altar.

(9) All animals in a state of consecration while the altar was damaged are unfit, whether slaughtered while it was actually damaged, or after it was repaired.

(10) V. supra 12a. When the altar became damaged these animals were rejected, since they could not be sacrificed then. The controversy is whether this rejection is permanent or not.

- (11) The altar in the second Temple.
- (12) I.e., if they were consecrated before the altar was actually built.
- (13) At the very moment that they were consecrated they were unfit, since there was as yet no altar, and in this case there is a view that the animals do not become permanently rejected, v. Kid. 7a.
- (14) I.e., the animals consecrated before the altar in the first Temple was destroyed might not be offered when that in the second was built.
- (15) By the time that that in the second was built.
- (16) Even if slaughtered after it is repaired. This contradicts Rab who declares fit sacrifices offered after the altar had been repaired.
- (17) Since you must emend the text in any case, emend it to: all the animals which were slaughtered while the altar was damaged.
- (18) This refers to the inner altar, and it is assumed that the same applies to the outer altar. When it is removed it is as damaged, and so Rab is self-contradictory.
- (19) The sprinkling of the blood requires an altar.
- (20) His ruling applies only to incense, but he agrees that the blood must be sprinkled on a whole altar.
- (21) I Kings VIII, 64.
- (22) Lit., 'the words are as written'. — I.e., Solomon sanctified the whole of the pavement to serve as an altar, to permit the burning of the limbs, etc., upon it.

Talmud - Mas. Zevachim 59b

But surely it is said, A thousand burnt-offerings did Solomon offer upon that altar,¹ while of the Eternal House² it is said, And Solomon offered for the sacrifice of peace-offerings, which he offered unto the Lord, two and twenty thousand oxen,³ and when you calculate the number of burnt-offerings and the number of cubits, the latter was larger than the former?⁴ Rather, what does 'was too little to receive' mean? As one says to his neighbours. 'So-and-so is a dwarf', when he is unfit for [sacrificial] service.⁵ But R. Jose says well to R. Judah?⁶ — R. Judah is consistent with his view, for he maintained that the altar made by Moses was large. For it was taught: [And thou shalt make the altar of acacia wood.] five cubits long, and five cubits broad; [the altar shall be square]:⁷ this is meant literally: these are the words of R. Jose. R. Judah said: 'Square' is stated here, and 'square' is stated elsewhere:⁸ as there it was measured from the centre, so here it was measured from the centre. And how do we know [that it was so] there? — Because it is written, And the hearth⁹ shall be twelve cubits long by twelve cubits broad, square. You might think that it was only twelve cubits square; when, however, it says, to¹⁰ the four sides thereof, it teaches that the measurement was taken from the middle.¹¹ And R. Jose?¹² — The gezerah shawah refers to the height [of the altar]. For it was taught: And the height thereof shall be three cubits:¹³ this is meant literally: these are the words of R. Judah. R. Jose said: 'Square' is stated here, and 'square' is stated elsewhere:¹⁴ as there its height was twice its length, so here too [its height was] twice its length.¹⁵ Said R. Judah to him: Is it possible that the priest stood on the altar, performing the service, whilst all the people saw him from without?¹⁶ Said R. Jose to him: But surely it is stated, And the hangings of the court, and the screen for the door of the gate of the court, which is by the tabernacle and by the altar roundabout,¹⁷ [which teaches that] as the tabernacle was ten cubits [high], so was the altar ten cubits [high]; and it says. The hangings for the one side were fifteen cubits.¹⁸

(1) Ibid. III, 4. The altar referred to is the brazen one made in the days of Moses (cf. II Chron. I, 6).

(2) The Temple.

(3) Ibid. VIII, 63.

(4) Moses' altar was five cubits square. From these a cubit must be deducted on all sides for the horns, and a further cubit on all sides for the terrace where the priests walked. This left only one cubit square for the actual burning. Whereas in Solomon's altar the actual place for burning was twenty cubits square, according to R. Jose, which means four hundred times as large. If then the smaller altar could cope with a thousand animals, this larger one was surely more than enough for the number offered that day. Hence 'was too little to receive' etc. cannot be meant literally.

- (5) I.e., instead of saying directly that for some reason he is unfit, he uses a euphemism and calls him a dwarf. Similarly here, the altar had become unfit for service, and that is delicately stated by saying that it was too small.
- (6) His argument is sound. How then does R. Judah rebut it?
- (7) Ex. XXVII. 1.
- (8) Ezek. XLIII, 16, q.v. It is quoted in the text.
- (9) I.e., the actual portion of the altar for burning.
- (10) Lit. translation, not in as E.V.
- (11) Interpreting 'to' as intimating that from one particular point there were twelve cubits in all directions, hence from the centre. Accordingly, Moses' altar was ten cubits square, not five, and when the two cubits on all sides are deducted (v. n. 11, p. 296) it was still six as against Solomon's twenty cubits square. The latter therefore would not be large enough for the extra work it had to do.
- (12) How does he rebut this reasoning?
- (13) Ex. *ibid.*
- (14) In reference to the golden altar, Ex. XXX, 2: a cubit shall be the length thereof, and a cubit the breadth thereof; square shall it be; and two cubits shall be the height thereof.
- (15) Hence, ten cubits.
- (16) As would be the case if the altar were ten cubits high; this would not be seemly. — The text is emended in accordance with the Yalkut.
- (17) Num. IV, 26.
- (18) Ex. XXXVIII, 14. Rashi: it is now understood that they were fifteen cubits in height. Tosaf. objects that the whole context refers to the width, and accordingly emends: 'and the hangings were fifteen cubits,' omitting 'and it says' and 'for one side', this being a statement by R. Jose on their height, not a Biblical quotation.

Talmud - Mas. Zevachim 60a

What then is the meaning of 'And the height five cubits'?¹ From the [upper] edge of the altar to the top [of the hangings]. And what does 'and the height thereof shall be three cubits' mean? From the edge of the terrace to the top [of the altar]. And R. Judah?² — He relates the *gezerah shawah* to the breadth. Now according to R. Judah, surely the priest could be seen? — Granted that the priest could be seen, the service [sacrifice] in his hand could not be seen.

As for R. Judah. it is well: hence it is written, [did the king] hallow.³ But according to R. Jose, what is the meaning of 'did hallow [the middle of the court]?'⁴ — [He hallowed it] to set up the altar therein.⁵

As for R. Jose, it is well: hence it is written, '[was] little'.⁶ But according to R. Judah, what is meant by 'little'?⁷ — This is what it means: The altar of stones which Solomon made instead of the brazen altar was too small.

Wherein do they differ?⁸ — One master holds: You learn without from without,⁹ but you do not learn without from within.¹⁰ While the other master holds: You learn a utensil from a utensil, but you do not learn a vessel from an edifice.¹¹

Raba said: R. Judah admits in respect of the blood.¹² For it was taught. R. Judah said: He used to fill a goblet with the mingled blood, so that should the blood of one of them be spilt, it is found that this renders it fit.¹³ But if you think that R. Judah holds that the whole of the Temple court was sanctified,¹⁴ the precept has been already performed.¹⁵ — [No:] perhaps that is because he holds that we require pouring out with man's force?¹⁶ — If so, let us take it and pour it out in its place.¹⁷ [No:] perhaps [that cannot be done] because he holds that the precept must be performed in the most fitting way.¹⁸

R. Eleazar said: If the altar was damaged, you cannot eat the remainder of the meal-offering on

account of it, because it is said, And eat it without leaven beside the altar.¹⁹ Now did they eat it then beside the altar?²⁰ Rather [it means]: when it is whole, and not when it is damaged.

We have found [it true of] the residue of the meal-offering. How do we know [it of] sacrifices of higher sanctity? — The implication of ‘holy’ [kodesh] is learnt by a gezerah shawah.²¹ Whence do we know [it of] sacrifices of lesser sanctity? — Said Abaye: It is derived by R. Jose's exegesis. For it was taught: R. Jose stated three laws on the authority of

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- (1) Ibid. XXVII, 18.
 - (2) How does he rebut this?
 - (3) He hallowed the pavement to serve as an altar.
 - (4) In which respect did he hallow it?
 - (5) For this purpose itself the pavement had to be hallowed.
 - (6) Not, ‘was too little’, as E.V. R. Jose understands the verse (I Kings VIII, 64) to mean that Solomon set up an altar of stones, because the brazen altar was unfit, and euphemistically called ‘small’.
 - (7) Since according to him even the stone altar was not large enough, why state that ‘the brazen altar . . . was too little’?
 - (8) Sc. R. Jose who learns the gezerah shawah of ‘square’ from the golden altar, and R. Judah who learns it from Ezekiel.
 - (9) The brazen altar and the Temple court were both ‘without’, i.e., not in the inner sanctum.
 - (10) Viz., from the golden altar, which was in the inner sanctum.
 - (11) Both the brazen altar and the golden altar were technically utensils, whereas Ezekiel's stone altar was a constructed edifice.
 - (12) That the blood could not be sprinkled on the pavement. He sanctified the pavement only in respect of the burning of the fats and the limbs.
 - (13) V. supra 34b.
 - (14) Even for the sprinkling of the blood.
 - (15) The very act of spilling constitutes sprinkling.
 - (16) I.e., intentionally done, and not accidentally spilt.
 - (17) As soon as the blood is received in a vessel, let it be poured out there and then.
 - (18) Which is to sprinkle the blood actually on the altar. Yet possibly, if he did intentionally pour it out on the ground, the rite would be valid.
 - (19) Lev. X, 12.
 - (20) It might be eaten anywhere in the Temple court.
 - (21) Lit., we learn ‘holy’, ‘holy’ (Emended text-Sh. M.). — The present text states, for it is most holy, and so the same law is applied to sacrifices of higher sanctity, which are likewise so designated. e.g.. Lev. VI. 18.

Talmud - Mas. Zevachim 60b

three elders, and the following is one of them: R. Ishmael said: You might think that a man can take up second tithe¹ to Jerusalem and consume it² there now-a-days.³ and that would be logical: a firstling must be brought to the ‘Place’,⁴ and tithe must be brought to the ‘Place’: as [the law of] firstling operates only whilst the Temple stands, so [the law of] tithe is valid only whilst the Temple stands. [No:] as for a firstling, the reason is because its blood and emurim must be presented at the altar!⁵ Let first-fruits prove it.⁶ As for first-fruits, the reason is because they must be placed [before the altar]!⁷ Therefore it states, And thither shall ye bring your burnt-offerings. and your tithes . . . and the firstlings of your herd and of your flock:⁸ this assimilates tithe to firstling: as [the law of] firstling is valid only whilst the Temple stands, so is tithe valid only whilst the Temple stands. Yet let us revert to the argument and learn it from the common characteristic?⁹ — Because that can be refuted: the feature common to both is that each is connected with the altar.¹⁰

What does he hold?¹¹ If he holds that the first sanctity hallowed it for the nonce and for the future.¹² then even a firstling too [is thus]?¹³ While if he holds that it did not hallow it for the future,

there should be a question even about a firstling too? — Said Rabina: In truth he holds that it did not hallow it [for all time], but here we discuss a firstling whose blood was sprinkled before the Temple was destroyed, then the Temple was destroyed, and we still have its flesh.¹⁴ Now its flesh is likened to its blood:¹⁵ as its blood requires the altar, so does its flesh require the altar.¹⁶ Then tithe comes and is learnt from a firstling.¹⁷ But can then that which is derived by a hekkesh teach in turn by a hekkesh? — The tithe of corn is merely hullin. That is well on the view that the taught is the determining factor; but on the view that the teacher is the determining factor, what can be said?¹⁸ — Blood and flesh are the same thing.¹⁹

When Rabin went up,²⁰ he reported this teaching²¹ in R. Jeremiah's presence, whereupon he observed: The Babylonians are fools. Because they dwell in a land of darkness²² they engage in dark discussions.²³ Have they not heard what was taught: During the dismantling [of the Tabernacle] on their travels,²⁴ sacrifices became unfit,²⁵ and zabin and lepers were sent out of their precincts.²⁶ Whereas another [Baraita] taught: Sacrifices might be eaten in two places.²⁷ Surely then, the former refers to sacrifices of higher sanctity, and the latter to sacrifices of lesser sanctity?²⁸ — Said Rabina: Both refer to sacrifices of lesser sanctity, yet there is no difficulty:

(1) V. p. 246, n. 3.

(2) Instead of redeeming it.

(3) I.e., after the destruction of the Temple. — He holds that the sanctity of Eretz Israel was not annulled thereby, and so one must still set aside tithes.

(4) The 'Place' par excellence — Jerusalem.

(5) Hence the law does not operate without a Temple and altar. But that would not apply to tithe.

(6) Which were brought only whilst the Temple stood, as it says, And he shall set it down before the altar of the Lord thy God (Deut. XXVI, 4) which implies that there must be an altar, though there was no blood or emurim to be presented thereat

(7) Hence at this stage there are no grounds for supposing that the law of tithe is valid only when the Temple is standing.

(8) Deut. XII, 6.

(9) Why is the foregoing hekkesh necessary? Though it cannot be learnt from either firstling or first-fruits, it could be learnt from their common feature, which is that both must be brought to Jerusalem and both are in force only as long as the Temple stands. Hence the same applies to second tithe, which shows this feature.

(10) The blood and emurim of a firstling must be presented at the altar, and first-fruits must be placed before the altar. But tithe is not connected with the altar in any way.

(11) When he assumes that the law is certain and obvious in respect of firstling, but not in respect of tithe.

(12) I.e., that the sanctity of the Temple was for all time, even after its destruction.

(13) Rashi: even a firstling should be brought to Jerusalem and eaten there, for on the view that its sanctity was for all time it was to be offered even after the Temple's destruction.

(14) Which no longer needs the altar; nevertheless it may not be eaten.

(15) Num. XVIII, 17f: Thou shalt dash their blood against the altar, and shalt make their fat smoke for an offering made by fire...and the flesh of them shall be thine. These, being written together, are assimilated to one another.

(16) In the sense that it may not be eaten when there is no longer an altar.

(17) That the same applies to it.

(18) For notes v. supra 45a.

(19) They are both parts of the same offering. Hence, when we say that the flesh requires the altar, just as the blood, this is not regarded as the result of a hekkesh, but as though the Biblical teaching concerning the blood naturally refers to the flesh too.

(20) To Palestine. Rabin and R. Dimi were two Rabbis who travelled backwards and forwards between Palestine and Babylon, acting as intellectual links between the academies of both.

(21) Viz., Abaye's statement that sacrifices become unfit through the altar being damaged, and its inference by R. Jose's exegesis.

(22) Babylonia is possibly so called on account of the Parsees (fireworshippers), who forbade the Jews to have any light in their dwellings on their (the Parsees') festivals.

(23) They discuss laws without knowing their true meaning or derive them incorrectly.

(24) When the Tabernacle was dismantled and taken apart, which was when the Israelites were actually travelling.

(25) The flesh of sacrifices of higher sanctity might not be eaten, even if their blood had been sprinkled before the dismantling.

(26) The precincts which were permitted to them whilst the Israelites were encamped. Thus zabin were sent out of the Levitical camp, and lepers out of the camp of the Israelites (v. p. 276. n. 6).

(27) (i) Within their normally permitted boundaries, when the Tabernacle was up; and (ii) in any place, when they were actually travelling. This contradicts the former teaching.

(28) The latter may be eaten even when the Tabernacle is dismantled. At that time there would be no altar either, and that is certainly no better than when the altar stands but is damaged. This proves that sacrifices of lesser sanctity may be eaten when the altar is damaged, and thus contradicts Abaye Therefore R. Jeremiah called Abaye's teaching 'dark', i.e., incorrect.

Talmud - Mas. Zevachim 61a

The former agrees with R. Ishmael,¹ the latter with the Rabbis.² Alternatively, both treat of sacrifices of higher sanctity; but what does 'in two places' mean? Before the Levites set up the Tabernacle

(1) Who assimilates the flesh to the blood; hence it may not be eaten.

(2) Who do not assimilate the flesh to the blood.

Talmud - Mas. Zevachim 61b

and after the Levites dismantled the Tabernacle.¹ You might argue that [in the latter case the flesh] became unfit through having gone out [of bounds].² Therefore he informs us [otherwise]. Yet say that that is indeed so? — Scripture saith, Then the tent of meeting shall set forward:³ even when it has set forward⁴ it is 'the tent of meeting.'⁵

R. Hisda⁶ said in Rab's name: The altar at Shiloh was of stones. For it was taught. R. Eleazar b. Jacob said: Why is 'stones' stated three times?⁷ One refers to that of Shiloh, another to that of Nob and Gibeon, and the third to that of the Eternal House.⁸ R. Aha b. Ammi raised an objection: The fire which descended from heaven in the days of Moses⁹ did not depart from the brazen altar until the days of Solomon.¹⁰ And the fire which descended in the days of Solomon¹¹ did not depart until Manasseh came and removed it. Now if this is correct,¹² it should have departed earlier?¹³ — He [R. Hisda in Rab's name] made his statement in accordance with R. Nathan. For it was taught, R. Nathan said: The altar at Shiloh was of brass; it was hollow, and filled with stones.¹⁴ R. Nahman b. Isaac said: What does 'it did not depart' mean? It did not depart [disappear] into nothingness.¹⁵ How was it? — The Rabbis said: It sent forth sparks.¹⁶ R. Papa said: It took up its abode now here, now there.

We learnt elsewhere: And when the Children of the Exile went up [to Eretz Israel],¹⁷ they added thereto¹⁸ four cubits on the south and four cubits on the west, like a [Greek] gamma.¹⁹ What is the reason? — Said R. Joseph: Because it [the first] was not sufficient. Said Abaye to him: If it was sufficient for the first Temple, when it is written, Judah and Israel were many, as the sand which is by the sea [shore] in multitude;²⁰ would it be insufficient for the second Temple. whereof it is written, The whole congregation together was forty and two thousand [etc.]?²¹ — There [in the first Temple] the heavenly fire assisted them;²² here [in the second Temple] it did not assist them.

When Rabin came [from Palestine], he said in the name of R. Simeon b. Pazzi: They added the pits [to its structure].²³ At first they had thought that an 'altar of earth' meant that it was to be closed in with earth.²⁴ But subsequently they held that drinking must be like eating.²⁵ and what does 'an altar of earth' mean? that it should be attached to the earth, not built on rocks

- (1) 'Before the Levites set up the Tabernacle' cannot be understood literally, but means whilst the Tabernacle was standing, this phrase merely being used in contrast to the second half. Thus the two places are: (i) within the normal precincts of the Tabernacle (within the 'hangings' — v. p. 266, n. 6) whilst it stood; and (ii) likewise within the normal precincts, but after the Tabernacle had been dismantled. The altar, however, was still standing.
- (2) I.e. when the Tabernacle is dismantled, and the hangings are no longer there, the flesh should be regarded as having gone out of bounds, and so disqualified.
- (3) Num. II, 17.
- (4) Hence dismantled.
- (5) It still retains its sanctity, in the sense that the flesh is not regarded as having gone out of bounds.
- (6) Emended text (Sh. M). Cur. edd. Huna.
- (7) Ex. XX, 22: And if thou make Me an altar of stone, thou shalt not build it of hewn stones; Deut XXVII, 5-6: And there shalt thou build . . . an altar of stones . . . Thou shalt build the altar of the Lord thy God of unhewn stones.
- (8) The Temple at Jerusalem.
- (9) V. Lev. IX, 24.
- (10) Rashi: A pot was placed over it when they travelled, and the fire remained in its place. When Solomon built the Temple, this fire left the brazen altar and moved to the stone altar in the Temple.
- (11) This same fire.
- (12) That the altar at Shiloh was of stone.
- (13) As soon as the stone altar was built at Shiloh, the fire should have departed from Moses' brazen altar.
- (14) The answer is not clear. Presumably it means that it was Moses' brazen altar except that the hollow was filled with stones instead of earth.
- (15) Lit., 'in vain,' 'for no purpose.' Until Solomon built the Temple the fire did not completely depart from Moses' altar which was still in existence, for though it did move to the altar at Shiloh, some of it nevertheless remained on that of Moses.
- (16) When the fat, etc., was burnt on the stone altar, sparks and flames shot out from the heavenly fire on the brazen altar, which was there too, on to the stone altar.
- (17) I.e., when the Jews returned from Babylon.
- (18) To the altar.
- (19) The altar in the first Temple was twenty-eight cubits square overall, whilst that of the second Temple was thirty-two cubits. The addition would thus be a strip four cubits broad in triangular shape, like a Greek gamma thus:
- (20) I Kings IV, 20. The bracketed word 'shore', not in the M.T., is found in some old Hebrew MSS.
- (21) Ezra II, 64.
- (22) To burn the sacrifices quickly.
- (23) In Solomon's Temple there was a pit near the south-west of the altar, into which the altar libations were directly poured. But in the second Temple the altar was extended on the south and the west, so that the place of the pit was incorporated in it, and over against this extension on top of the altar they made holes for the libations to flow' into the pit below.
- (24) Not hollow or perforated in any way.
- (25) As 'eating' (the consumption of the flesh) was on top of the altar itself, so must 'drinking' (the libations) be on top of the altar itself.

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or over cellars.¹

R. Joseph said: Is that not which was taught: And they set the altar upon its bases,² [which means] that they attained to its final measurements?³ But surely it is written, And all this [do I give thee] in writing, as the Lord hath made me wise by His hand upon me, even all works of this pattern?⁴ Rather said R. Joseph: They found a text and interpreted it:⁵ Then David said: This is the house of the Lord God, and this is the altar of burnt-offering for Israel:⁶ [this intimated that the altar was] like the house: as the house was sixty cubits [in length], so were there sixty cubits for the altar.⁷

As for the Temple, it is well, for its outline was distinguishable;⁸ but how did they know [the site of] the altar? — Said R. Eleazar: They saw [in a vision] the altar built, and Michael the great prince standing and offering upon it. While R. Isaac Nappaha⁹ said: They saw Isaac's ashes lying in that place.¹⁰ R. Samuel b. Nahman said: From [the site of] the whole House they smelt the odour of incense, while from there [the site of the altar] they smelt the odour of limbs.

Rabbah b. Hanah said in R. Johanan's name: Three prophets¹¹ went up with them from the Exile: one testified to them about [the dimensions of] the altar; another testified to them about the site of the altar; and the third testified to them that they could sacrifice even though there was no Temple.¹² In a Baraita it was taught, R. Eleazar b. Jacob said: Three prophets went up with them from the Exile: one who testified to them about [the dimensions of] the altar and the site of the altar; another who testified to them that they could sacrifice even though there was no Temple; and a third who testified to them that the Torah should be written in Assyrian characters.¹³

Our Rabbis taught: The horn, the ascent, the base and squareness are indispensable; the measurements of its length, breadth and height are not indispensable. How do we know it? — Said R. Huna, Scripture saith, 'The altar', and wherever 'the altar' is said it is indispensable.¹⁴ If so, are the laver, according to Rabbi, and the terrace, according to R. Jose son of R. Judah, also indispensable, because it is written, And thou shalt put it under the karkob [ledge] round the altar beneath,¹⁵ and it was taught: What was the karkob? Rabbi said: It was the laver; R. Jose son of R. Judah said: It was the terrace!¹⁶ — Yes [it is indeed so], for it was taught: On that day¹⁷ the horn of the altar was damaged, and they brought a lump of salt and stopped it up. Not because it was [now] fit for service, but that it should not appear damaged, for every altar which lacks¹⁸ a horn, ascent, base and squareness is invalid. R. Jose son of R. Judah said: The same applies to the terrace.

Our Rabbis taught: What was the karkob? [A strip] between one horn and another horn a cubit [in breadth], where the priests walked. Did then the priests walk between one horn and another? — Rather say: and there was [a strip of] a cubit where the priests walked.¹⁹ But it is written, Under the karkob round it beneath, reaching halfway up!²⁰ — Said R. Nahman b. Isaac: There were two, one for ornamental purposes, and the other for the priests, that they should not slip.²¹

'The measurements of its length, breadth, and height are not indispensable.' Said R. Mani: provided that it is not smaller than the altar made by Moses. And how much is that? — Said R. Joseph: One cubit [square]. They ridiculed him: [quoting the text, And thou shalt make the altar . . .] five cubits long, and five cubits broad!²² Said Abaye to him: perhaps the master meant the place of the pile?²³ — The master [sc. yourself], who is a great man, knows what I meant, he replied. Then he dubbed them²⁴

(1) But that did not exclude the possibility of its being hollow.

(2) Ezra III, 3.

(3) R. Joseph had once fallen sick, and on his recovery it was found that he had forgotten many of his earlier teachings

and traditions. Here he states that his assertion that because the heavenly fire helped them a larger altar was unnecessary was incorrect, the real reason being as he proceeds to explain. — ‘They attained its final measurements’ means that it was revealed to the builders of the second altar (the ‘Men of the Great Assembly’) exactly which site was sacred for the altar, this knowledge having been withheld from Solomon when he built the first altar.

(4) I Chron. XXVIII, 19. ‘All this’ refers to the plans of the first Temple with all its appurtenances. Thus it had all been divinely revealed to Solomon too, which contradicts the former statement.

(5) The Men of the Great Assembly were guided by a text in their decision to enlarge the altar.

(6) Ibid. XXII, 1.

(7) An area of sixty cubits square was sacred for the altar, and they might build it anywhere within that. Nevertheless, they did not need it so large, and therefore they enlarged it merely according to their requirements.

(8) They could easily ascertain, from a study of the ruins, what had been sanctified for each part of the Temple.

(9) Or, the smith.

(10) According to legend Isaac was bound, and the substitute ram sacrificed, on the very site of the altar, and the ashes were still there.

(11) Haggai, Zechariah, and Malachi.

(12) Because the sanctity of the Temple had hallowed the spot for all time.

(13) I.e., the square form of Hebrew now in use. V. Sanh. (Sonc. ed.) p. 119. notes.

(14) The def. art. implies that only when it is exactly as specified (in the place where the def. art. is used) is it an altar. The horns: the horns of the altar (Lev. IV, 18); the base: the base of the altar (ibid. 30); squareness: the altar shall be four square (Ex. XXVII, 1); the ascent: in front of the altar (Lev. VI, 7) ‘in front’ being the ascent to the altar.

(15) Ex. XXVII, 5.

(16) Thus ‘the altar’ is written in connection with these.

(17) When ‘a certain man’ poured out the water of libation over his feet; v. Suk. 48b.

(18) This includes the case where they are damaged.

(19) There was a kind of trench between the ma'arakah, i.e., the place on the altar where the sacrifices etc. were burnt, and the edge of the altar. This trench was two cubits wide, including one cubit between the horns and one cubit where the priests walked (Rashi, as emended by Sh. M.).

(20) Ibid. XXXVIII, 4. Scripture states that the network grating around the sides of the altar was under the karkob. This implies that the karkob was on the wall of the altar; for if it was on the top surface, a grating on the sides could not be described as under it.

(21) There was an ornamental ledge on the side of the altar, and a trench on the top, to provide a firm foothold for the priests.

(22) Ex. XXVII, 1.

(23) Where the sacrifice was burnt. For of the five cubits two cubits had to be deducted on all sides for the strip between the horns and the pathway for the priests, leaving an area of one cubit square for the place of the pile.

(24) Who had ridiculed him.

Talmud - Mas. Zevachim 62b

‘the children of Keturah’.¹

The sons of R. Tarfon's sister were sitting before R. Tarfon.² Thereupon he quoted: And Abraham took another wife, and her name was Johani.³ Said they to him: ‘Keturah’ is written. Then he dubbed them ‘the children of Keturah’.⁴

R. Abin⁵ b. Huna said in R. Hama b. Guria's name: The logs which Moses made⁶ were a cubit long and a cubit broad, and their thickness was that of the instrument for levelling off the top of a se'ah.⁷ R. Jeremiah observed: [It was measured] with a stumped cubit.⁸ Said R. Joseph: Is not that which was taught: Upon the wood that is on the fire which is upon the altar:⁹ [this intimates] that the wood must not project at all beyond the altar?¹⁰

We learnt elsewhere: There was an ascent at the south [side] of the altar, thirty-two [cubits] in

length by sixteen cubits in breadth. Whence do we know it?¹¹ — Said R. Huna: Scripture saith, And he shall kill it on the side of the altar northward;¹² [this intimates] that the side must be in the north and the front in the south.¹³ Yet say: the side in the north and the face in the north?¹⁴ — Said Raba: Throw a man on his face.¹⁵ Said Abaye to him: On the contrary, let the man sit upright? — It is written, [The altar shall be] rabua'.¹⁶ But surely that is required [to teach] that it must be square? — Is then meruba' written?¹⁷ And on your reasoning, is then rabuz written?¹⁸ Rather, rabua' is written, which implies both,¹⁹

Now, a Tanna infers it from the following. For it was taught. R. Judah said: And the steps thereof shall look toward the east:²⁰ every turning which you take must be rightward to the east.²¹ Yet say: must be leftward to the east?²² — You cannot think so. For Rami b. Ezekiel recited: The sea which Solomon made 'stood upon twelve oxen, three looking toward the north, and three looking toward the west, and three looking toward the south, and three looking toward the east.'²³ [this teaches that] every turning which you take must be to the right, eastward.²⁴ But that is required for its own purpose²⁵ — If so, why must 'looking toward' be repeated?²⁶

R. Simeon b. Jose b. Lakunia asked R. Jose: Did R. Simeon b. Yohai maintain that there was a space between the ascent and the altar?²⁷ — And do you not maintain so? he replied. Surely it is said, And thou shalt offer thy burnt-offerings, the flesh and the blood:²⁸ [this intimates that] just as the blood requires throwing,²⁹ so does the flesh require throwing?³⁰ I assert that he stood at the side of the place of the pile and threw it, he answered.³¹ Said he to him: When he threw, did he throw on to a burning pile or on to a pile that was not burning? Surely on to a burning pile, and there it would be impossible [to do otherwise].³² R. Papa said: [It must be] like the blood. Just as [in the case of the] blood, the air-space above the pavement interposed, so [in the case of the] flesh, the air-space above the pavement interposed.³³

Rab Judah said: Two small stairways branched off from the [major] ascent, by which one turned to the base and to the terrace. and these were separated from the altar by a hairsbreadth, because 'round about' is said.³⁴ Whilst R. Abbahu quoted rabua' [foursquare].³⁵ Now, both 'round about' and 'rabua'' must be written. For if the Divine Law wrote 'round about' [only], I would say that it can be circular; therefore the Divine Law wrote rabua'. Whilst if the Divine Law wrote rabua' [only], I would say that it could be long and narrow;³⁶ hence the Divine Law wrote 'round about'.³⁷

We learnt elsewhere: The ascent and the altar were sixty-two [cubits]. But they were sixty four?³⁸ — Hence it is found that it overhung a cubit of the base and a cubit of the balcony.³⁹

(1) Gen. XXV, 4. You are indeed Abraham's descendants, but not his true Jewish descendants through Isaac and Jacob.

(2) In silence. So he misquoted a verse in order to evoke a comment.

(3) Ibid. I. The last word of course is wrong.

(4) Rashi: ignoramuses, who could not discuss halachah.

(5) Emended text (Sh. M.). Cur, edd. Abaye.

(6) Two logs were placed on the altar fire pile for the morning tamid (q.v. Glos.) and the evening tamid; v. Yoma 26b.

(7) A se'ah was a measure. In buying and selling corn this measure was filled, and the top or pile was levelled down by a stick, called a 'strike'. — Sh. M. observes that as the place of the pile itself on Moses' altar was only one cubit square, these logs must have been stood endways upon it, with wood chips between to assist the fire to catch on.

(8) I.e., rather shorter than a cubit. 'Aruch reads gerumah instead of gedumah, which reverses the meaning: with a generous cubit, i.e., slightly more than a cubit. This makes the difficulty that follows more plausible.

(9) Lev. I, 8.

(10) I.e. beyond the place of the pile. Rashi: why then must it be a stumped cubit; it could be exactly a cubit? Tosaf. and Sh. M.: how then can it be a 'generous' cubit? — The objection remains unanswered.

(11) That it had to be on the south side.

(12) Ibid. 11.

- (13) Yerek, translated 'side' literally means 'thigh', hence the legs. Thus the altar must be like a man lying with his legs stretched northward and his face in the south. The side of the altar having this ascent would naturally be the front.
- (14) Like a man sitting upright.
- (15) It must be like a man lying face downward-hence the face in the opposite direction to the legs.
- (16) E.V. 'foursquare'. Ex. XXVII, 1. He connects rabua' with raba', to lie down, and interprets: the altar shall be like a man lying down.
- (17) Which definitely means square and nothing else.
- (18) Which equally means lying down and nothing else.
- (19) Square and lying down.
- (20) Ezek. XLIII, 17.
- (21) The text refers to the altar, and is interpreted to mean that the altar must be so constructed that when the priest, standing by the altar, has to turn round the side, he will turn right, and go eastward. That is possible only if the ascent is at the south.
- (22) Which would necessitate the ascent on the north.
- (23) II. Chron. IV, 4.
- (24) Since the order here is first north and then west, and when a man is facing the north, he must turn right in order to go to the west.
- (25) To describe the position of the oxen.
- (26) In each case. The word literally means 'turning toward', and the repetition is interpreted as in the text.
- (27) The ascent did not come right up to the altar, but left a gap between.
- (28) Deut. XII, 27.
- (29) I.e., dashing against the altar.
- (30) On to the altar. Consequently, a priest standing at the top of the ascent could not place the flesh on the altar, but had to throw it, which implies that there was a gap.
- (31) This would not necessitate a gap.
- (32) Since the wood was burning, the priest obviously could not go right up to it, but had to stand at a distance and throw it. But in that case, since it was impossible to do otherwise, no text would be required. Hence the text must teach that there was a gap between the ascent and the altar, not that there was one between the priest and the pile.
- (33) Which would not be the case if he stood at the side of the pile.
- (34) Which implies that it must be possible to encompass the altar itself, even if only by drawing a thread about it. But if the ascent actually joined the altar, this could not be done.
- (35) Which likewise implies that the altar stood, unattached, as a square edifice.
- (36) I.e., I could translate rabua' = rectangular, but not necessarily square.
- (37) Implying that all its sides must be equal.
- (38) Since each was thirty-two.
- (39) Cf. supra 54a.

Talmud - Mas. Zevachim 63a

Rami b. Hama said: All the ascents had a gradient of one cubit in three,¹ except the ascent of the altar, which [rose one cubit] in three and a half cubits and a finger and a third, counting the little fingers.² MISHNAH. THE FISTFULS OF MEAL-OFFERINGS WERE TAKEN IN ANY PART OF THE TEMPLE COURT, AND THEY [THE MEAL-OFFERINGS] WERE EATEN WITHIN THE HANGINGS, BY MALE PRIESTS, PREPARED IN ANY MANNER, ON THE SAME DAY AND NIGHT, UNTIL MIDNIGHT.

GEMARA. R. Eleazar said: If the fistful of a meal-offering was taken in the hekal, it [the ceremony] is valid, for thus we find it in the removal of the censers.³ R. Jeremiah raised an objection: And he shall take thence⁴ [his fistful]:⁵ [that means] from the place where the feet of the zar stand.⁶ Ben Bathyra said: How do we know that if [the priest] took the fistful with his left [hand], he must return [the fistful] and take it with his right [hand]? Because it says, 'thence', [which means,] from the place whence he had already taken a fistful?⁷ Some state that he [R. Jeremiah]

raised the objection, and answered it himself; others state. R. Jacob⁸ answered R. Jeremiah: Bar Tahlifa has explained it: Its purpose is only to declare the whole of the Temple court fit.⁹ I might argue: Since a burnt-offering is a most holy sacrifice, and a meal-offering is most holy: as a burnt-offering requires the north, so does a meal-offering require the north. [Therefore the text informs us otherwise.] As for a burnt-offering, the reason is because it is altogether burnt?¹⁰ — [Then learn it] from a sin-offering.¹¹ As for a sin-offering, the reason is because it atones for those who are liable to kareth? — [Then learn it] from a guilt-offering. As for a guilt-offering, the reason is because it is a blood sacrifice. And as for all these too, the reason is because they are blood sacrifices?¹² — Rather, [the text] is necessary. I might think, since it is written, And he shall bring it unto the altar . . .¹³ and he shall take up therefrom his fistful:¹⁴ as it must be brought near to the south-west horn,¹⁵ so must the fistful be taken by the south-west horn. Hence [the text] informs us [that it is not so].

R. Johanan said: If a peace-offering is slaughtered in the hekal, it is fit, because it is said, And he shall kill it at the door of the tent of meeting.¹⁶ and the adjunct cannot be stricter than the principal.¹⁷ An objection is raised: R. Johanan b. Bathyra said: How do we know that if heathens surrounded the whole of the Temple court,¹⁸ the priests enter the hekal and eat there the most holy sacrifices and the remainder of the meal-offering?¹⁹ Because it says, In a most holy place²⁰ shalt thou eat thereof.²¹ Yet why [is this text necessary]? Let us quote, In the court of the tent of meeting shall they eat it,²² and the adjunct cannot be stricter than the principal?²³ — How compare: there [that we are dealing with] service, we say, Let the adjunct not be stricter than the principal, since a man can perform a service in the presence of his master. [But as for] eating, since a man cannot eat in the presence of his master.²⁴ we do not say, Let the adjunct not be stricter than the principal.

MISHNAH. THE SIN-OFFERING OF A BIRD WAS SACRIFICED²⁵ BY THE SOUTH-WEST HORN. NOW, IT WAS FIT [IF DONE] IN ANY PLACE, BUT THIS WAS ITS [PARTICULAR] PLACE.²⁶ THAT HORN SERVED FOR THREE THINGS BELOW, AND THREE THINGS ABOVE.²⁷ BELOW: FOR THE SIN-OFFERING OF THE BIRD, FOR THE PRESENTING [OF MEAL-OFFERINGS].²⁸ AND FOR THE RESIDUE OF THE BLOOD.²⁹ ABOVE: FOR THE POURING OUT OF WINE AND WATER, AND FOR THE BURNT-OFFERING OF A BIRD WHEN THE EAST WAS TOO MUCH OCCUPIED.³⁰ ALL WHO ASCENDED THE ALTAR ASCENDED BY THE RIGHT,

(1) They rose one cubit in every three.

(2) Of which six go to a tefah (handbreadth). — As heavy limbs of animals had to be carried up on it, it had an easier gradient, nine cubits in thirty-two, which works out as in the text. (The translation adopts the marginal reading.)

(3) Twelve loaves, called Shewbread, were placed on the Table in the hekal, accompanied by censers of frankincense (v. Lev. XXIV, 5 seq.). When the censers were removed (a week after they were placed there), the Shewbread might be eaten by the priests. Thus the removing of the censers corresponded to the taking of the fistful, which likewise rendered the rest permitted; hence, as the former was done in the hekal, so was the latter valid if done in the hekal.

(4) E.V. thereout, but the Talmud understands the word to bear a local meaning.

(5) Lev. II, 2.

(6) The verse commences: And he (sc. the zar) shall bring it to Aaron's sons the priests; and continues, And he (sc. the priest) shall take thence etc. Hence 'thence' is interpreted, from the place where the zar is standing. This is now assumed to exclude the ulam and the hekal, where a zar might not enter.

(7) Thus it intimates that it is sometimes necessary to take the fistful twice, which is only possible in this case.

(8) Marginal emendation.

(9) 'From the place where the feet of the zar stand' teaches that the whole of the Temple court is fit for the ceremony, and all the more the hekal and the court of the priests, seeing that this was a priestly ceremony.

(10) But a meal-offering is not, and so there is no reason for supposing that it requires the north. What then is the need for a text to teach that it does not?

(11) Which is not altogether burnt, and yet requires the north.

- (12) I.e., this reason would suffice apart from the others already stated.
- (13) Lev. II, 8.
- (14) Ibid. VI, 8.
- (15) As is deduced infra.
- (16) Ibid. III, 2.
- (17) Since it must be killed at the door of the tent of meeting, the tent of meeting (corresponding to the hekal) is obviously the principal place for it, while the Temple court is but an adjunct thereto.
- (18) Shooting arrows and hurling missiles into it.
- (19) Emended text (Sh. M.).
- (20) Implying the hekal.
- (21) Num. XVIII, 10.
- (22) Lev. VI, 9.
- (23) By the same argument as above: the 'court' is an adjunct to the 'tent of meeting' (the hekal); if it can be eaten in the former place, it can surely be eaten in the latter.
- (24) Eating is for one's own benefit, and it may therefore be disrespectful to do it in the master's (here, God's) presence. — The hekal, being more sacred than the Temple court, is referred to as 'in the Master's presence'.
- (25) Lit., 'made', The Mishnah does not say 'slaughtered', as it was not slaughtered but had its neck wrung.
- (26) The Gemara discusses what this means,
- (27) 'Below' and 'above' refer to the scarlet line which encompassed the altar.
- (28) Before their fistfuls were taken they were presented ('brought near') at this horn.
- (29) Of the outer sin-offerings. These were sprinkled there.
- (30) Its proper place was at the south-east horn, but if many animal burnt-offerings were being sacrificed there, this was offered at the south-west horn, above the line.

Talmud - Mas. Zevachim 63b

THEN THEY WENT ROUND [THE ALTAR]¹ AND DESCENDED BY THE LEFT, EXCEPT FOR THESE THREE, WHO ASCENDED AND DESCENDED BY RETRACING THEIR STEPS.²

GEMARA. Whence do we know it? — Said R. Joshua, Scripture saith: He shall put no oil upon it, neither shall he put any frankincense thereon, for it is a sin-offering:³ a sin-offering is designated a meal-offering.⁴ and a meal-offering is designated a sin-offering: as a sin-offering requires the north, so does a meal-offering require the north;⁵ and as a meal-offering [is presented] at the south-west horn, so is a [bird] sin-offering [offered] at the south-west horn.⁶

And how do we know this of the meal-offering itself? — Because it was taught: [The sons of Aaron shall offer it] before the Lord:⁷ You might think, at the west [of the altar];⁸ therefore it states, in front of the altar.⁹ If [it is to be] 'in front of the altar', you might think, in the south; but Scripture says, 'before the Lord'. How then was it done? He presented it at the south-west horn, opposite the edge of the horn, and that is sufficient. R. Eleazar said: You might think that he presents it on the west of the horn or the south of the horn; but you can rebut [this], [for] wherever you find two texts, one confirming itself and the other, whereas the second confirms itself but annuls the other, you abandon the one which confirms itself and annuls the other, and accept that which confirms itself and the other too. Thus, if you say 'before the Lord' [means] in the west, how can you confirm 'in front of the altar'? But when you say, 'in front of the altar', means in the south, you confirm before the Lord as meaning the south¹⁰ But how can you confirm this? — Said R. Ashi: This Tanna holds that the whole altar stood in the north.¹¹

NOW. IT WAS FIT [IF DONE] IN ANY PLACE etc. What does this mean?¹² — Said R. Ashi, This is what it means: Any place is fit for its melikah, but this was the place for its sprinkling. We have thus learnt here what our Rabbis taught: If he nipped it by any part of the altar, it is valid; if he sprinkled its blood on any part [of the altar], it is valid. (If he sprinkled [the blood] but did not drain

it out, it is valid)¹³ provided that he applies some of the life blood¹⁴ below the scarlet line. What does this mean?¹⁵ — This is what he means: If he nipped it by any part of the altar, it is valid; if he drained the blood at any part of the altar, it is valid,

- (1) For whatever they had to do, e.g., sprinkle the blood or arrange the wood pile.
- (2) By the left. V. Suk. 48b.
- (3) I.e., they returned the same way as they came. (10) Lev. V, 11. This refers to a sinner's meal-offering brought in extreme poverty instead of a bird sin-offering.
- (4) Since the latter can be a substitute for it.
- (5) Rashi maintains that the text is faulty, because a bird sin-offering did not require the north, nor did a sinner's meal-offering. He conjectures as an emendation: as a (bird) sin-offering is invalid if offered under a different designation, so is a (sinner's) meal-offering invalid in similar circumstances. R. Hayyim in Tosaf. emends: as the blood of a bird sin-offering must be poured out at the base, so must a sinner's meal-offering be presented at the base.
- (6) I.e., its blood is sprinkled there.
- (7) Lev. VI, 7. This refers to a meal-offering, and 'before the Lord' means at the altar.
- (8) Which faced the hekal, and so might appropriately be described as 'before the Lord'.
- (9) Ibid. 'Front' is the south, where the ascent ran.
- (10) For variant reading v. Men. 19b.
- (11) Hence the south of the altar ended opposite the door leading to the hekal, and so that too would be called 'before the Lord'.
- (12) It cannot be meant as it stands, for if it was fit in any place, why insist on a particular spot?
- (13) Sh. M. deletes the bracketed passage.
- (14) The first blood which gushes forth.
- (15) This is apparently self-contradictory, as the first states that it is valid if sprinkled anywhere, and then states that it must be sprinkled below the scarlet line.

Talmud - Mas. Zevachim 64a

for if he sprinkled but did not drain out, it is valid,¹ provided that he applies some of the life blood below the scarlet line.

[THAT HORN SERVED FOR] THREE THINGS etc. FOR THE SIN-OFFERING OF THE BIRD, as we have stated.² FOR THE PRESENTING: for it is written, And he shall bring it near [i.e., present it] unto the altar.³ FOR THE RESIDUE OF THE BLOOD: for it is written, And all the remaining blood thereof shall he pour out at the base of the altar.⁴

ABOVE: FOR THE POURING OF THE WINE AND THE WATER, AND FOR THE BURNT-OFFERING OF A BIRD WHEN THE EAST WAS TOO MUCH OCCUPIED. What is the reason?⁵ — R. Johanan said: Because it is nearest to the ash deposit.⁶ R. Johanan said: Come and see how great was the strength of the priests, for no part of birds is lighter than the crop and the feathers, yet sometimes the priest threw them more than thirty cubits.⁷ For we learnt: He⁸ took a silver pan [brazier] and ascended to the top of the altar, where he parted the coals to either side, [and] shovelled out some of the inner burnt coals; then he descended and reached the pavement. He turned his face toward the north, proceeded to the east of the ascent, a distance of ten cubits. There he heaped up the coals on the pavement three handbreadths away from the slope, at the site where they placed the crop and the feathers and the ashes of the inner altar and the candlestick.⁹ But this would be more than thirty-one [cubits]?¹⁰ — He does not count the place of the person.¹¹

ALL WHO ASCENDED THE ALTAR etc. What is the reason?¹² — Said R. Johanan: In the case of libations, lest they become smoke-laden; and as to the burnt-offering of a bird, lest it perish through the smoke.¹³ An objection is raised: When he came to make a circuit of the altar,¹⁴ whence did he commence? From the south-east horn, [whence he successively passed to] the north-east,

north-west, and south-west, and he was handed the wine to pour it out!¹⁵ — Said R. Johanan:

(1) Thus it is valid even if he omits the draining altogether. Therefore it is certainly valid when he drains it anywhere by the altar.

(2) Supra 63b.

(3) Lev. II, 8. It was stated supra 63b that this means at the south-west of the altar.

(4) Ibid. IV, 30. It is stated supra 53a and 54a that this applies to the southern base.

(5) This implies that the proper place for the burnt-offering of a bird was the east; what then was the reason for this?

(6) The ashes which were placed every morning by the side of the altar, to the east of the ascent.

(7) When the bird was sacrificed by the south-west horn, he had to throw the crop and the feathers to the ash deposit, more than thirty cubits away. It requires great strength to throw anything that is very light a great distance,

(8) The priest who removed the ashes.

(9) V. Tam. I, 4.

(10) Rashi gives the exact calculation.

(11) That itself is responsible for one cubit.

(12) Why were these different?

(13) Of the burning wood and limbs. Hence the shortest route was taken.

(14) This refers to the High Priest, v. Tam. VII, 3.

(15) On to the altar. It is now assumed that he is given the wine when he commences the circuit, which shews that we are not afraid of the smoke.

Talmud - Mas. Zevachim 64b

He made the circuit on foot.¹ Raba observed: That indeed may be inferred, for it teaches, 'and he was handed the wine to pour it out', but it does not teach, 'He was told to pour it out'.² This proves it.

Our Rabbis taught: All who went up the altar ascended by the right and descended by the left ; they ascended by the east and descended by the west,³ except those who went up for these three things:⁴ they ascended by the west and descended by the west, ascended by the right and descended by the right. [You say] 'by the right'; it is by the left?⁵ — Said Rabina: Read 'left'. Raba said: 'Right'⁶ means the right of the altar, while 'left'⁷ means the left of the person.⁸ Then let him teach either both with reference to the altar or both with reference to the person? That is indeed a difficulty.

MISHNAH. HOW WAS THE SIN-OFFERING OF A BIRD SACRIFICED?⁹ HE PINCHED OFF ITS HEAD CLOSE BY ITS NECK, BUT DID NOT SEVER IT, AND HE SPRINKLED ITS BLOOD ON THE WALL OF THE ALTAR; THE RESIDUE OF THE BLOOD WAS DRAINED OUT ON THE BASE. ONLY THE BLOOD BELONGED TO THE ALTAR, WHILE THE WHOLE OF IT BELONGED TO THE PRIESTS.

GEMARA. Our Rabbis taught: And he shall sprinkle of the blood of the sin-offering:¹⁰ [that means] with the body of the sin-offering.¹¹ How is it done? He [the priest] grasps the head and the body [of the bird] and sprinkles [its blood] on the wall of the altar, but not on the wall of the ascent, nor on the wall of the hekal, nor on the wall of the ulam; and which [wall] is meant? The lower wall.¹² Yet perhaps it is not so, but rather on the upper wall, and that is indeed logical: if [the blood of] an animal sin-offering is [sprinkled] above, though [that of] an animal burnt-offering is [sprinkled] below: surely [the blood of] a bird sin-offering is [sprinkled] above, seeing that [that of] a bird burnt-offering is [sprinkled] above? Therefore it states, And the rest of the blood shall be drained out at the base of the altar,¹³ [which intimates that it must be sprinkled on] a wall where the residue will drain down to the base, and which is that? The lower wall.¹⁴ Yet let us [first] perform it above, and then below?¹⁵ — Said Raba: Is then yamzeh [he shall drain] written? Surely yimmazeh [shall be drained] is written, which implies of its own accord.¹⁶

R. Zutra b. Tobiah said in Rab's name: How is the bird sin-offering pinched off? He grasps its two wings in two fingers, and its two legs in two fingers, stretches its neck over the width of his thumb and pinches it off. In a Baraitha it was taught: The bird is without:¹⁷ he holds its wings in two fingers and its two legs with two fingers, stretches its neck over the width of two fingers, and pinches it off; and this was a difficult rite in the Temple. This and no other? Surely there were kemizah and hafinah?¹⁸ — Say rather, this was one of the difficult rites in the Temple.

MISHNAH. HOW WAS THE BURNT-OFFERING OF A BIRD SACRIFICED? — HE [THE PRIEST] ASCENDED THE ASCENT AND TURNED TO THE SURROUNDING BALCONY,¹⁹ WHENCE HE MADE HIS WAY TO THE SOUTH-EAST HORN. HE NIPPED ITS HEAD CLOSE BY THE NECK, AND SEVERED IT,²⁰ SAND DRAINED OUT ITS BLOOD ON TO THE WALL OF THE ALTAR. HE TOOK THE HEAD, TURNED THE PART WHERE IT WAS NIPPED TO THE ALTAR,²¹ DRIED IT WITH SALT,²² AND THREW IT ON TO THE [ALTAR-]FIRE.²³ THEN HE CAME TO THE BODY. REMOVED THE CROP, THE FEATHERS,²⁴ AND THE ENTRAILS THAT CAME FORTH WITH IT,²⁵ AND THREW THEM ON TO THE ASH DEPOSITORY. HE RENT [THE BODY], BUT DID NOT SEVER IT, YET IF HE DID SEVER IT, IT IS FIT. THEN HE DRIED IT [THE BODY] WITH SALT, AND THREW IT ON TO THE [ALTAR-] FIRE. IF HE DID NOT REMOVE THE CROP OR THE FEATHERS OR THE ENTRAILS WHICH CAME FORTH WITH IT, AND DID NOT DRY IT WITH SALT, OR MADE ANY OTHER DEVIATION THEREIN AFTER HE HAD DRAINED THE BLOOD OUT, IT IS FIT. IF HE SEVERED THE SIN-OFFERING²⁶ OR DID NOT SEVER THE BURNT-OFFERING, IT IS UNFIT. IF HE DRAINED OUT THE BLOOD OF THE HEAD, BUT NOT THE BLOOD OF THE BODY, IT IS UNFIT; THE BLOOD OF THE BODY, BUT NOT THE BLOOD OF THE HEAD, IT IS FIT. IF HE NIPPED A SIN-OFFERING OF A BIRD FOR THE SAKE OF SOMETHING ELSE;²⁷ IF HE DRAINED OUT ITS BLOOD FOR THE SAKE OF SOMETHING ELSE, OR FOR ITS OWN SAKE AND FOR THE SAKE OF SOMETHING ELSE,²⁸ OR FOR THE SAKE OF SOMETHING ELSE AND FOR ITS OWN SAKE, IT IS UNFIT. A BURNT-OFFERING OF A BIRD IS FIT [IN SUCH CIRCUMSTANCES]. SAVE THAT IT DOES NOT FREE ITS OWNER OF HIS OBLIGATION.²⁹

IF A SIN-OFFERING OF A BIRD OR A BURNT-OFFERING OF A BIRD WAS NIPPED OR IF ITS BLOOD WAS DRAINED OUT [WITH THE INTENTION] TO EAT WHAT WAS NORMALLY EATEN OR TO BURN WHAT WAS NORMALLY BURNT WITHOUT BOUNDS, IT IS INVALID, BUT DOES NOT INVOLVE KARETH; AFTER TIME, IT IS PIGGUL AND INVOLVES KARETH, PROVIDED THAT THE MATTIR WAS OFFERED IN ACCORDANCE WITH THE REGULATIONS. HOW DOES HE OFFER THE MATTIR ACCORDING TO REGULATIONS? IF HE NIPPED IT IN SILENCE AND DRAINED THE BLOOD [WITH AN INTENTION OF] AFTER TIME; OR IF HE NIPPED IT [WITH AN INTENTION OF] AFTER TIME AND DRAINED THE BLOOD IN SILENCE; OR IF HE NIPPED IT AND DRAINED THE BLOOD [WITH AN INTENTION OF] AFTER TIME: IN THESE CASES HE OFFERED THE MATTIR ACCORDING TO REGULATION. HOW DOES HE NOT OFFER THE MATTIR ACCORDING TO REGULATION? IF HE NIPPED IT [WITH AN INTENTION OF] WITHOUT BOUNDS AND DRAINED THE BLOOD [WITH AN INTENTION OF] WITHOUT BOUNDS, OR IF HE NIPPED IT [WITH AN INTENTION OF] AFTER TIME AND DRAINED THE BLOOD [WITH AN INTENTION OF] WITHOUT BOUNDS; OR IF HE NIPPED IT AND DRAINED THE BLOOD [WITH AN INTENTION OF] WITHOUT BOUNDS;

(1) He was not given the wine until he completed the circuit, the circuit being made merely to add dignity to the ceremony and to shew that he enjoyed privileges which the other priests lacked (Rashi and Sh. M.).

(2) Which would be the case if he already had the wine when he started.

(3) They ascended the stairway at its east side, since they would have to turn right, and had they ascended it by the west,

they would have to cross the width of the ascent before they could do this. Similarly they descended by the west side of the stairway.

- (4) Enumerated in the Mishnah.
- (5) The west of the ascent was on the left side of a man facing the altar.
- (6) In the second clause.
- (7) In the first clause.
- (8) Standing in front of the altar.
- (9) Lit., 'made'. V. p. 312, n. 2.
- (10) Lev. V, 9. — It refers to a bird sin-offering.
- (11) Not from a vessel.
- (12) Below the red line.
- (13) Ibid.
- (14) For if he sprinkled it on the upper wall, it might drain on to the terrace, not on to the base.
- (15) I.e., sprinkle the blood on the upper wall, and then drain out the rest on the lower.
- (16) The blood must be so sprinkled that it will then naturally drain down on to the base.
- (17) It is grasped face-downward to the palm of the hand, so that its nape is uppermost.
- (18) The taking of the fistful of meal-offerings and the taking of the two hands full of incense on the Day of Atonement. These rites were done in a particular fashion, and both are described as difficult in Yoma 47b and 49b.
- (19) V. supra 53a notes.
- (20) By nipping both the windpipe and the gullet (Hul. 21b).
- (21) He pressed it against the wall, to drain out the blood.
- (22) By rubbing salt on the dripping head until it became dry.
- (23) Of the burnt-offerings, which were being burnt on the altar.
- (24) I.e., the skin opposite the crop, together with the feathers on it.
- (25) Sc. with the crop, as he removed this.
- (26) By nipping both organs of the throat.
- (27) E.g., as a burnt-offering.
- (28) He nipped it for its own sake and drained it for the sake of something else.
- (29) V. supra 2a.

Talmud - Mas. Zevachim 65a

IF HE NIPPED A SIN-OFFERING OF A BIRD UNDER A DIFFERENT DESIGNATION AND DRAINED THE BLOOD [WITH AN INTENTION OF] AFTER TIME; OR IF HE NIPPED IT [WITH AN INTENTION OF] AFTER TIME AND DRAINED THE BLOOD UNDER A DIFFERENT DESIGNATION; OR IF HE NIPPED IT AND DRAINED THE BLOOD UNDER A DIFFERENT DESIGNATION: IN THESE CASES HE DID NOT OFFER THE MATTIR ACCORDING TO REGULATION. [IF HE INTENDED] TO EAT AS MUCH AS AN OLIVE WITHOUT BOUNDS [AND] AS MUCH AS AN OLIVE ON THE MORROW, [OR] AS MUCH AS AN OLIVE ON THE MORROW [AND] AS MUCH AS AN OLIVE WITHOUT BOUNDS; HALF AS MUCH AS AN OLIVE WITHOUT BOUNDS [AND] HALF AS MUCH AS AN OLIVE ON THE MORROW; HALF AS MUCH AS AN OLIVE ON THE MORROW [AND] HALF AS MUCH AS AN OLIVE WITHOUT BOUNDS, [THE SACRIFICE] IS UNFIT, AND DOES NOT INVOLVE KARETH. SAID R. JUDAH: THIS IS THE GENERAL RULE: WHERE THE [WRONGFUL] INTENTION OF TIME PRECEDES THAT OF PLACE, [THE SACRIFICE] IS PIGGUL, AND INVOLVES KARETH; BUT IF THE [WRONGFUL] INTENTION OF PLACE PRECEDES THAT OF TIME, IT IS UNFIT AND DOES NOT INVOLVE KARETH. BUT THE SAGES MAINTAIN: IN BOTH CASES [THE SACRIFICE IS] UNFIT AND DOES NOT INVOLVE KARETH. [IF ONE INTENDS] TO EAT HALF AS MUCH AS AN OLIVE [WITHOUT BOUNDS OR AFTER TIME] [AND] TO BURN HALF AS MUCH AS AN OLIVE [SIMILARLY]. IT IS FIT, FOR EATING AND BURNING DO NOT COMBINE.¹

GEMARA. Our Rabbis taught: And [the priest] shall bring it [unto the altar]:² Why is this stated? Because it is said, Then he shall bring his offering of turtle-doves, or of young pigeons,³ you might think that when he vows a bird [as a burnt-offering], he must give not less than two birds; therefore it states, ‘And [the priest] shall bring it:’ he can bring even one bird to the altar, Why is ‘the priest’ stated? To prescribe a priest for it.⁴ For you might argue, is not [the reverse] logical? If a priest was not prescribed for a sheep,⁵ though north was prescribed for it;⁶ is it not logical that a priest is not prescribed for a bird, seeing that [Scripture] did not prescribe north for it? Therefore ‘the priest’ is stated, in order to prescribe a priest for it. You might think that he must nip it with a knife, and that is indeed logical: If [Scripture] prescribed a utensil⁷ for shechitah, though it did not prescribe a priest for it; is it not logical that it prescribed a utensil for nipping, seeing that it prescribed a priest for it? Therefore it states, [And] the priest . . . shall pinch off [its head].⁸ Said R. Akiba: Would you then think that a zar might approach the altar?⁹ Why then is ‘the priest’ stated? To teach that the pinching must be done by the very priest himself.¹⁰ You might think that he can pinch it off either above [the red line] or below [it]; therefore it states, ‘and pinch off [its head], and make it smoke [on the altar]:’ as haktarah [making it smoke] is [done] on the top of the altar, so is pinching [done] on the top of the altar.¹¹ ‘And shall pinch off’: Close by the nape [of the neck]. You say, close by the nape; yet perhaps it is not so, but rather by the throat?¹² It follows by logic: ‘and shall pinch off’ is stated here, and ‘and shall pinch off’ is stated elsewhere:¹³ as there it is close by its neck, so here it is close by its neck. If so, just as there he pinches but does not sever it, so here too he pinches but does not sever it? Therefore it states, ‘and shall pinch off [its head], and make it smoke’: as [in] haktarah, the head is by itself and the body is by itself, so [after] pinching, the head is by itself and the body is by itself. And how do we know that the haktarah of the head is separate and that of the body is separate? Because it is said, ‘And make it smoke’: thus the burning of the body is ordered. How then do I interpret, [and the priest] shall make it smoke upon the altar?¹⁴ Scripture [here] treats of the burning of the head.¹⁵

And the blood thereof shall be drained out on the side of the altar,¹⁶ but not on the wall of the ascent, nor on the wall of the hekal. And which is it? The upper wall. Yet perhaps it is not so, but rather the lower wall; and that is indeed logical: if [the blood of] an animal burnt-offering is [sprinkled] below, though [that of] an animal sin-offering is [sprinkled] above; surely [the blood of] a burnt-offering of a bird is [sprinkled] below, seeing that [that of] a sin-offering of a bird is [sprinkled] below? Therefore it states, ‘and shall pinch off... and shall burn . . . and the blood thereof shall be drained out’: now, can you really think that after he has burnt it he returns and drains it?¹⁷ Rather it is to tell you: as haktarah is [done] on the top of the altar, so is the draining out on the top of the altar. How did he do this? He ascended the ascent and turned to the terrace, whence he proceeded to the south-east horn. Then he pinched off its head close by the neck, severed it, and drained [some] of its blood on the wall of the altar. If he did it below his feet¹⁸ even a cubit, it is fit.¹⁹ R. Nehemiah and R. Eliezer b. Jacob maintained: It must essentially be done nought elsewhere but on the top of the altar. Wherein do they differ? — Abaye and Raba both said: They differ in respect of building a pyre on the terrace.²⁰

THEN HE TOOK THE BODY etc. Our Rabbis taught: And he shall take away its crop with the feathers thereof:²¹ that is the crop.²² You might think that he cuts through with a knife and takes it;²³ therefore it states, ‘with the feathers thereof’: [hence] he takes the plumage together with it. R. Abba Jose b. Hanan said: He takes it [the crop] together with the craw.²⁴ The school of R. Ishmael taught: ‘With the feathers thereof’ [means] with its [very] own feathers,²⁵ [hence] he cuts it [round] with a knife like a skylight.²⁶

(1) V. supra 29b for the whole passage.

(2) Lev. I, 15. This refers to a bird burnt-offering, and is apparently superfluous, since the preceding verse states, Then he shall bring his offering etc. Hence Scripture should continue: ‘And the priest shall pinch off its head by the altar.’

(3) Ibid. 14.

- (4) Only a priest, and not a zar, must nip off its head.
- (5) A sheep can be slaughtered by a zar, and the slaughtering of a sheep corresponds to the nipping of a bird.
- (6) It must be slaughtered at the north side of the altar.
- (7) Viz., a knife.
- (8) The Priest himself, without the assistance of a utensil, as R. Akiba explains.
- (9) For the bird-offering one had actually to ascend the slope of the altar and walk round the terrace (supra 64b); that would obviously not be permitted to a zar. An animal-offering, however, which could be slaughtered by a zar, was killed on the ground, and even at some distance from the altar.
- (10) Not with a knife.
- (11) The 'top' here means the upper half, above the red line.
- (12) The front part of the neck.
- (13) Lev, V, 8: and shall pinch off its head close by its neck, but shall not divide it asunder.
- (14) Lev, I, 17. This apparently a repetition of v. 15.
- (15) Hence each was separate.
- (16) Ibid. 15.
- (17) That is obviously impossible!
- (18) Stooping down,
- (19) Because the red line, which demarcated the upper part of the altar from the lower, was a cubit below the terrace.
- (20) The first Tanna holds that this can be done, therefore the blood can be drained out even below the terrace. But R. Nehemiah and R. Eliezer b. Jacob hold that the haktarah must be done on the top of the altar itself; therefore the draining too must be done near there.
- (21) Lev. I, 16.
- (22) The Talmud translates the less familiar mur'ah by the more familiar zefek.
- (23) Sc. the crop alone, without the skin and the feathers.
- (24) The thick muscular stomach of birds.
- (25) Not more than the feathers opposite the crop.
- (26) He cuts the skin exactly opposite the crop, and then removes the crop, skin and feathers.

Talmud - Mas. Zevachim 65b

HE RENT IT. BUT DID NOT SEVER IT. Our Rabbis taught: And he shall rend it:¹ rending is by hand only, and thus it says, and he rent him as one would have rent a kid.²

IF HE DID NOT REMOVE THE CROP etc. Our Mishnah does not agree with R. Eleazar b. R. Simeon. For it was taught. R. Eleazar son of R. Simeon said: I have heard that one severs the sin-offering of a bird.³ Wherein do they differ? — Said R. Hisda: They disagree as to whether the draining [of the blood] of the bird sin-offering is indispensable. The first Tanna⁴ holds that it is indispensable, and since then he must drain out the blood, when he [also] severs [it] he performs the rites of a burnt-offering with the bird sin-offering.⁵ Whereas R. Eleazar son of R. Simeon holds that the draining out of the bird sin-offering is not indispensable,⁶ therefore he is merely cutting flesh.⁷ Raba said: They differ about a delay at [the nipping of] the second organ in the case of a bird burnt-offering. The first Tanna holds that it does not invalidate [it], and though he does delay, he performs the rites of a burnt-offering with a sin-offering; whereas R. Eleazar son of R. Simeon holds that it does invalidate [it], and since he delays, he is merely cutting flesh.⁸ Abaye said: They differ as to whether [the cutting through of] the greater part of the flesh is indispensable. And they [Raba and Abaye] disagree in the same controversy as that of R. Zera and R. Samuel son of R. Isaac: One maintains that they [the first Tanna and R. Eleazar son of R. Simeon] disagree on whether delay at the second organ invalidates; and the other maintains that they disagree as to whether the [cutting of] the greater part of the flesh is indispensable.⁹

Now, this proves that in the first place we require [the cutting of] the greater part of the flesh?¹⁰ — Yes, and it was taught likewise: How is the melikah of a bird sin-offering performed? He cuts

through the spinal column and the nape, without the greater part of the flesh, until he reaches the gullet or the windpipe. When he reaches the gullet or the windpipe he cuts one organ, or the greater part thereof, together with the greater part of the flesh; and in the case of a burnt-offering, two [organs] or the greater part thereof.¹¹

This was stated before R. Jeremiah.¹² Said he: Have they not heard what R. Simeon b. Eliakim said on the authority of R. Eleazar b. Pedath on the authority of R. Eleazar b. Shammu'a: R. Eleazar son of R. Simeon affirmed: I have heard that a bird sin-offering is severed, and what does he shall not divide it asunder¹³ mean?

(1) Ibid., 17.

(2) Jud. XIV, 6. There, of course, it was done by hand.

(3) In the sense that if both organs of the throat are nipped, it is not unfit. Our Mishnah states that it is.

(4) The Tanna of our Mishnah.

(5) For now the rites do not differ in any way, and it is stated infra 66a that such is unfit. Though the blood of the sin-offering is sprinkled below and that of the burnt-offering is sprinkled above the red line, that is not regarded as a sufficient distinction (Tosaf.).

(6) Whereas it is in the case of a burnt-offering.

(7) When he nips the second organ. By refraining from draining out the blood after this he makes it clear that he is not performing the rites of a burnt-offering.

(8) The shechitah of an animal consists of cutting through both organs of the throat, viz., the windpipe and the gullet; should a delay occur between these two organs, it is invalid, and the animal is nebelah (q.v. Glos.). The shechitah of a bird (of hullin) consists of cutting through one organ only (the second is optional), since that is sufficient to kill it. Now, a bird burnt-offering must have both organs pinched (which is the equivalent of cut) through, and this can be done without delay between the organs; but when one nips both organs of a bird sin-offering, delay is inevitable, owing to the particular manner in which the rite must be performed, as stated infra. The first Tanna holds that delay between the two organs in the case of a burnt-offering does not invalidate the sacrifice, because the nipping of the second organ is not really part of the shechitah at all. Hence when he nips both organs of a sin-offering, he performs the same rite as would be valid in the case of a burnt-offering, and therefore it (the sin-offering) is unfit. R. Eleazar b. R. Simeon holds that delay in the case of a burnt-offering does invalidate the sacrifice, and since delay is inevitable in the case of a sin-offering, it is obvious that he is not treating it like a burnt-offering.

(9) After the priest nips the first organ, he must also cut through the greater part of the flesh that surrounds it (v. infra), and this naturally makes a delay before the second organ inevitable. Abaye explains that all hold that a delay at the second organ of a burnt-offering invalidates the sacrifice, but they disagree as to whether the cutting through of the flesh in the case of a sin-offering is indispensable. The first Tanna holds that it is not indispensable, hence it is possible to nip both organs without a delay, and so it becomes like the rites of a burnt-offering and is therefore invalid. But R. Eleazar b. R. Simeon holds that this cutting through is indispensable; hence there must be a delay between the organs, and thereby it differs from a burnt-offering.

(10) Since they disagree on whether it is indispensable, it follows that it is certainly necessary.

(11) V. Hul. 21a. — By 'cut' is meant with his nail, not with a knife.

(12) Sc. the controversies of the amoraim on the points of difference between the first Tanna and R. Eleazar b. R. Simeon.

(13) Lev. I, 17.

Talmud - Mas. Zevachim 66a

He need not sever it.¹ Said R. Aha the son of Raba to R. Ashi: If so, when it is written in connection with a pit, [And if a man shall open a pit . . .] and not cover it,² does that too mean that he need not cover it? — How compare! There, since it is written, the owner of the pit shall make it good.³ he is [obviously] bound to cover it. But here, consider: it is written, And [the priest] shall bring [offer] it [unto the altar],⁴ [whereby] the Writ drew a distinction between a bird sin-offering and a bird burnt-offering. What then is the purpose of 'he shall not divide it asunder'?⁵ Infer from this that he

need not sever it.⁶

IF HE DRAINED THE BLOOD OF THE BODY. Our Rabbis taught: A burnt-offering⁷ [teaches that] even if he drained the blood of the body but did not drain the blood of the head [it is still a valid burnt-offering].⁸ You might think that even if he drained the blood of the head, but not the blood of the body [it is valid]; therefore it states, 'it is'.⁹ How does this imply it?¹⁰ — Said Rabina: It is logical, for most of the blood is found in the body.¹¹

CHAPTER VII

MISHNAH. IF A SIN-OFFERING OF A BIRD IS OFFERED¹² BELOW [THE RED LINE] WITH THE RITES OF A SIN-OFFERING¹³ [AND] FOR THE SAKE OF A SIN-OFFERING, IT IS FIT. [IF IT IS OFFERED] WITH THE RITES OF A SIN-OFFERING, [BUT] IN THE NAME OF A BURNT-OFFERING; [OR] WITH THE RITES OF A BURNT-OFFERING [AND] IN THE NAME OF A SIN-OFFERING; OR WITH THE RITES OF A BURNT-OFFERING [AND] IN THE NAME OF A BURNT-OFFERING, IT IS UNFIT. IF HE OFFERS IT ABOVE [THE RED LINE]. [EVEN] WITH THE RITES OF ANY OF THESE,¹⁴ IT IS UNFIT. IF A BURNT-OFFERING OF A BIRD IS OFFERED ABOVE, WITH THE RITES OF A BURNT-OFFERING [AND] IN THE NAME OF A BURNT-OFFERING, IT IS FIT; WITH THE RITES OF A BURNT-OFFERING [BUT] IN THE NAME OF A SIN-OFFERING, IT IS FIT¹⁵ BUT DOES NOT FREE ITS OWNER OF HIS OBLIGATION.¹⁵ [IF HE OFFERS IT] WITH THE RITES OF A SIN-OFFERING [AND] IN THE NAME OF A BURNT-OFFERING; [OR] WITH THE RITES OF A SIN-OFFERING [AND] IN THE NAME OF A SIN-OFFERING, IT IS UNFIT. IF HE OFFERS IT BELOW, [EVEN] WITH THE RITES OF ANY OF THESE,¹⁶ IT IS UNFIT.

(1) The foregoing controversies of the amoraim assumed that R. Eleazar merely meant that the sacrifice is not unfit if he does sever it, but that nevertheless he may not sever it in the first place. But on the present interpretation he differs from the first Tanna on the very law itself.

(2) Ex. XXI, 33.

(3) Ibid. 34.

(4) Lev. I, 15. This refers to the burnt-offering.

(5) In Lev. V, 8, referring to the sin-offering.

(6) In Hul. 21a R. Eleazar b. R. Simeon deduces from this 'shall bring it' that the priest must sever the neck of a burnt-offering by nipping both organs; and further, that in this respect Scripture draws a distinction between a burnt-offering and a sin-offering. Now, if 'he shall not divide it asunder' means that he may not sever it, then the distinction would merely justify us in saying that in the case of a burnt-offering he may sever it, but not that he must. Hence it must mean, he need not sever it, and then the distinction shows that he must sever a burnt-offering.

(7) Lev. I, 17.

(8) 'A burnt-offering' here is superfluous, since the context makes it perfectly clear. Hence it is interpreted to mean that it still counts as such even if something of its rites is omitted.

(9) This is emphatic, intimating that it must be done with the proper rites.

(10) Perhaps it is the reverse?

(11) Hence that it at least must be drained out.

(12) Lit., 'made' — I.e., its blood is sprinkled.

(13) Viz., nipping one organ only, and sprinkling and draining the blood.

(14) Enumerated above, i.e., even with the rites and in the name of a sin-offering.

(15) V. supra 2a.

(16) Cf. n. 3.

Talmud - Mas. Zevachim 66b

GEMARA. Wherein does he deviate?¹ If we say that he deviates in melikah?² Shall we then say that

it does not agree with R. Eleazar son of R. Simeon, who said: I have heard that one severs a bird sin-offering? — But have we not explained that it does not agree with R. Eleazar son of R. Simeon?³ — No:⁴ [it means] that he deviates in the sprinkling.⁵ That too is logical, since the sequel teaches, IF HE OFFERS IT ABOVE, EVEN WITH THE RITES OF ANY OF THESE, IT IS UNFIT, [which means] even with the rites of a sin-offering [and] in the name of a sin-offering. Now, wherein does he deviate?⁶ If you say that he deviates in melikah, surely a master said: If he performed its melikah on any part of the altar, it is fit? Hence it must surely mean that he deviates in sprinkling, and since the second clause means in sprinkling, the first clause too means in sprinkling! — Why interpret it thus? Each is governed by its own circumstances.⁷

IF A BURNT-OFFERING OF A BIRD etc. Wherein does he deviate?⁸ If we say, that he deviates in melikah,⁹ then when he [the Tanna] teaches in the sequel:¹⁰ ‘All of these do not defile in the gullet,¹¹ and involve trespass’;¹² shall we say that this does not agree with R. Joshua; for if it agreed with R. Joshua, surely he ruled [that] they do not involve trespass?¹³ — Rather, [he deviated] in draining [the blood].¹⁴ Then consider the subsequent clause: If one offered a burnt-offering of a bird below [the red line] with the rites of a sin-offering [and] in the name of a sin-offering. R. Eliezer maintains: It involves trespass; R. Joshua said: It does not involve trespass. Now, wherein did he deviate? If we say, in draining; granted that R. Joshua ruled [thus] where he deviated in melikah, did he rule [thus] in reference to draining?¹⁵ , Hence it must mean, in melikah: then the first and the last clauses refer to melikah, while the middle clause refers to draining? — Yes: the first and the last clauses refer to melikah, while the middle clause refers to draining. MISHNAH. AND ALL OF THESE¹⁵ DO NOT DEFILE IN THE GULLET¹⁶ AND INVOLVE TRESPASS,¹⁷ EXCEPT THE SIN-OFFERING OF A BIRD WHICH WAS OFFERED BELOW [THE RED LINE] WITH THE RITES OF A SIN-OFFERING [AND] IN THE NAME OF A SIN-OFFERING.¹⁸ IF ONE OFFERED THE BURNT-OFFERING OF A BIRD BELOW WITH THE RITES OF A SIN-OFFERING [AND] IN THE NAME OF A SIN-OFFERING, R. ELIEZER MAINTAINED: IT INVOLVES TRESPASS;¹⁹ R. JOSHUA RULED: IT DOES NOT INVOLVE TRESPASS.²⁰ SAID R. ELIEZER: IF A SIN-OFFERING INVOLVES TRESPASS WHEN [THE PRIEST], DEVIATED IN ITS NAME,²¹ THOUGH IT DOES NOT INVOLVE TRESPASS WHEN [IT IS OFFERED] IN ITS OWN NAME, IS IT NOT LOGICAL THAT A BURNT-OFFERING INVOLVES TRESPASS IF HE DEVIATED IN ITS NAME, SEEING THAT IT INVOLVES TRESPASS [WHEN HE OFFERED IT] IN ITS OWN NAME?²² NO, ANSWERED R. JOSHUA: WHEN YOU SPEAK OF A SIN-OFFERING WHOSE NAME HE ALTERED TO THAT OF A BURNT-OFFERING, [IT INVOLVES TRESPASS] BECAUSE HE CHANGED ITS NAME TO SOMETHING THAT INVOLVES TRESPASS; WILL YOU SAY [THE SAME] OF A BURNT-OFFERING WHOSE NAME HE CHANGED TO THAT OF A SIN-OFFERING, SEEING THAT HE CHANGED ITS NAME TO SOMETHING WHICH DOES NOT INVOLVE TRESPASS?²³

(1) When he offers a sin-offering with the rites of a burnt-offering.

(2) Nipping both organs, and thus severing it.

(3) Supra 65b. The same obviously applies here: What then is your difficulty?

(4) This Mishnah can be explained as agreeing even with him.

(5) Instead of first sprinkling some of the blood (v. Lev. V, 9), he drains out the whole of it, thus treating it like a burnt-offering (I, 15).

(6) Which rite does he perform above?

(7) The sequel, it is true, can only refer to a deviation in sprinkling, yet the first clause can still refer to a deviation in melikah.

(8) When he performs the rites of a sin-offering.

(9) He does not sever it.

(10) The next Mishnah, which is the sequel to this.

(11) V. p. 176. n. 10.

(12) V. p. 257. n. 1 and note on next Mishnah.

(13) If the melikah is not done properly.

(14) There R. Joshua agrees. For R. Joshua's reason, as stated infra, will not apply. (11) He did not, as already stated.

(15) Enumerated in the preceding Mishnah.

(16) V. p. 257. no. 1. Though they are unfit, the melikah frees them from the uncleanness of nebelah.

(17) v. p. 176, n. 10. If their rites were properly performed, they would no longer involve trespass, since they would be permitted to the priests, which is secular benefit. Since, however, they became unfit, and so were not permitted at any time, they retain the trespass, involving status which they possessed before they were offered. This applies even to a sin-offering, save for the exception which follows.

(18) Since that is fit, and there is a time when it is permitted to the priests; hence even a zar is not liable to trespass.

(19) For it is a burnt-offering, and at no time was it permitted to the priests.

(20) For it has become a sin-offering through all these deviations, and is permitted.

(21) For it is then unfit and not permitted to the priests.

(22) Since a burnt-offering must be altogether burnt, and is not permitted at any time.

(23) Surely not.

Talmud - Mas. Zevachim 67a

SAID R. ELIEZER TO HIM: LET SACRED SACRIFICES WHICH ARE SLAUGHTERED IN THE SOUTH AND IN THE NAME OF LESSER SACRIFICES¹ PROVE IT: FOR HE CHANGED THEIR NAME TO SOMETHING WHICH DOES NOT INVOLVE TRESPASS, AND YET THEY INVOLVE TRESPASS.² SO ALSO, DO NOT WONDER THAT IN THE CASE OF THE BURNT-OFFERING, ALTHOUGH HE CHANGED ITS NAME TO SOMETHING THAT DOES NOT INVOLVE TRESPASS, IT INVOLVES TRESPASS. NOT SO, REPLIED R. JOSHUA: IF YOU SAY THUS OF MOST SACRED SACRIFICES WHICH ARE SLAUGHTERED IN THE SOUTH AND IN THE NAME OF LESSER SACRIFICES, [THEY INVOLVE TRESPASS] BECAUSE HE CHANGED THEIR NAME TO SOMETHING WHICH IS PARTLY FORBIDDEN AND PARTLY PERMITTED;³ WILL YOU SAY THE SAME OF A BURNT-OFFERING, WHERE HE CHANGED ITS NAME TO SOMETHING THAT IS ALTOGETHER PERMITTED?⁴

GEMARA. It was taught: R. Eliezer said to R. Joshua: Let a guilt-offering slaughtered in the north as a peace-offering prove it; though he changed its name, it involves trespass.⁵ So need you not wonder that a burnt-offering involves trespass even though he changed its name. Said R. Joshua to him: No. If you say thus of a guilt-offering, where he changed its name but not its place,⁶ will you say [the same] of a burnt-offering, where he changed its name and its place? Said R. Eliezer to him: Let a guilt-offering slaughtered in the south as a peace-offering prove it, where he changed its name and its place, yet it involves trespass. So need you not wonder that a burnt-offering involves trespass even though he changed its name and changed its place. No, replied R. Joshua. If you say [thus] of a guilt-offering, where [though] he changed its name and its place, he did not deviate in its rites; will you say [the same] of a burnt-offering, where he changed its name and its place and its rites? Thereupon he was silent. Said Raba: Why was he silent?⁷ He could answer him: Let a guilt-offering which one slaughtered in the south, in the name of a peace-offering and with change of owner,⁸ prove it, where he changed its name and its place and its rites,⁹ and yet it involves trespass. Now, since he did not answer him thus, you may infer that R. Eliezer discerned R. Joshua's reason.¹⁰ For R. Adda b. Ahabah said: R. Joshua maintained: If a bird burnt-offering was offered below with the rites of a sin-offering and in the name of a sin-offering, immediately he nipped one organ thereof it is transmuted into a bird sin-offering.¹¹ If so, a bird sin-offering which was offered above [the red line] with the rites of a burnt-offering [and] in the name of a burnt-offering, as soon as he nips one organ of it, let it be transmuted through the other organ into a bird burnt-offering? And should you say, That indeed is so,¹² surely R. Johanan said in R. Banna'ah's name: That is the tenor of the Mishnah.¹³ Does that not mean, That is the tenor of the Mishnah, but no more?¹⁴ — No: [it means,] that is the tenor of the whole Mishnah.¹⁵ R. Ashi said: As for a bird burnt-offering offered below with the rites of a sin-offering [and] in the name of a sin-offering, it is well:¹⁶ since the fitness of the latter requires

one organ, whereas that of the former requires both organs, while a bird burnt-offering cannot be offered below, immediately he nips one organ, it is transmuted into a bird sin-offering. But when one offers a bird sin-offering above with the rites of a burnt-offering [and] in the name of a burnt-offering, since a master said, Melikah is valid wherever it is done, immediately he nips one organ, it becomes unfit;¹⁷ when therefore he nips the second organ, how can it be transmuted into a bird burnt-offering?¹⁸

The [above] text [stated]: ‘R. Adda b. Ahabah said: R. Joshua maintained: If a bird burnt-offering was offered below with the rites of a sin-offering [and] in the name of a sin-offering, immediately he nipped one organ thereof, it is transmuted into a bird sin-offering.’

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- (1) Thus they were treated altogether like lesser sacrifices, both in name and in the place of slaughtering.
 - (2) For since they became unfit through being slaughtered in the south, the subsequent sprinkling does not permit them that they should no longer involve trespass.
 - (3) The flesh is permitted, but the emurim are forbidden and involve trespass.
 - (4) No part of a bird sin-offering is forbidden.
 - (5) Rashi: before the sprinkling of the blood, but not after, for then it is eaten by priests. Tosaf.: even after the sprinkling, as R. Eliezer holds that a guilt-offering slaughtered under a different designation is unfit and may not be eaten (supra 2a).
 - (6) He slaughtered it in the right place.
 - (7) Emended text (Sh. M.).
 - (8) I.e., in the name of a different person.
 - (9) Change of owner is equivalent to change of rites.
 - (10) Which applies only to a bird burnt-offering.
 - (11) For the latter requires one organ only. Hence immediately one organ is nipped, there is absolutely nothing to distinguish it from a sin-offering, and so it does turn into one before it can become unfit through having its rites incorrectly performed. This reason can only apply to a bird burnt-offering, for animal sacrifices require the cutting of both organs.
 - (12) And it is fit. On this hypothesis the Mishnah which states that it is unfit will not agree with R. Joshua.
 - (13) The Mishnah is to be understood as it is read.
 - (14) I.e., exactly as it reads, viz., that R. Joshua disagrees only where stated.
 - (15) That he disagrees in respect of both a burnt-offering and a sin-offering.
 - (16) That R. Joshua disagrees and holds that it is fit.
 - (17) For it was properly nipped (the wrong place not affecting it) as a sin-offering, but under a different designation, which renders it unfit (supra 2a).
 - (18) Hence here R. Joshua agrees with the Mishnah.

Talmud - Mas. Zevachim 67b

Come and hear. In the case of a sin-offering for one and a burnt-offering for the other,¹ if he [the priest] offered both above [the red line].² half is fit and half is unfit;³ [if he offered] both below, half is fit and half is unfit;³ [if he offered] one above and one below, both are unfit, for I assume that he offered the sin-offering above and the burnt-offering below.⁴ Yet even granted that he did offer the burnt-offering below, let it be transmuted into a bird sin-offering?⁵ Granted that R. Joshua ruled thus in the case of one man, did he rule so in the case of two men?⁶

Come and hear: In the case of a sin-offering and a burnt-offering and an unspecified [sacrifice] and a specified [sacrifice].⁷ if he [the priest] offered all of them above,⁸ half are fit and half are unfit;⁹ [if he offered] all of them below, half are fit and half are unfit.⁹ [If he offered] half of them above and half of them below, only the undefined [pair] are fit,¹⁰ and they share them.¹¹ Thus, the defined ones are not [fit]. Yet why so? even granted that he offered the burnt-offering below, let it be transmuted into a sin-offering?¹² And should you answer, This does not agree with R. Joshua — can

you say so? Surely we learnt:¹³ If a woman declared, I vow a pair of birds if I give birth to a male child,¹⁴ and she bore a male child, she must bring two pairs, one for her vow, and one for her statutory obligation. When she gives them to the priest, the priest must offer three above and one below.¹⁵ If he did not do thus, but offered two above and two below, not having consulted her,¹⁶ she must bring another bird and offer it above, [if both were] of the same species.¹⁷ But if they were of two species,¹⁸ she must bring two [birds].¹⁹ If she defined her vow, she must bring another three birds [and offer them] above [the line], [if both were] of the same species; [if they were] of two species, she must bring four.²⁰ If she fixed [the time of] her vow,

(1) After birth confinement a woman, if poor, brings two birds for a burnt-offering and a sin-offering (Lev. XII, 8). Now, two women had each brought one bird for a burnt-offering and a sin-offering respectively. Then they bought a brace together, appointed one bird for a sin-offering and one for a burnt-offering, as each required, and gave them to the priest.

(2) I.e., as burnt-offerings.

(3) What is offered in the right place is fit; the other is unfit.

(4) I.e., he may have done so.

(5) So that there should be no further liability to a sin-offering.

(6) Obviously not. For one woman's burnt-offering cannot acquit the other woman of her liability to a sin-offering.

(7) Rashi: Two women, A and B, each owed a bird burnt-offering and a bird sin-offering (e.g., on account of confinement). In addition A owed another bird burnt-offering and B another bird sin-offering (either on account of another confinement or on account of sin. Lev. V, 7-, each having brought so far one sacrifice only). Now, A and B accordingly bought three pairs of birds in conjunction. They took one of the pairs and appointed one bird a burnt-offering for A and one a sin-offering for B. The second pair they left unspecified, not stating which was a burnt-offering and which a sin-offering. The third they did specify, i.e., they appointed one for a burnt-offering and the other for a sin-offering, but did not state the owner of each. V. Kin. III, 3.

(8) As burnt-offerings.

(9) Cf. p. 331. n. 5. The women still owe the sacrifices which are now unfit.

(10) Since the owners did not define them, it depends on the priest.

(11) One sacrifice counting to each. V. *ibid.* 4.

(12) For since the owners were not specified, the answer given above obviously no longer applies.

(13) Emended text (Sh. M.); cur. edd. 'Come and hear'.

(14) In addition to her statutory obligation.

(15) A sin-offering cannot be vowed. Hence the additional pair are both burnt-offerings, which makes three in all. These naturally must be offered above the red line.

(16) Why she brought two pairs. Thus he thought that both pairs were statutory obligations.

(17) If both pairs were turtle-doves or young pigeons.

(18) One pair were turtle-doves, and the other pair were young pigeons.

(19) One bird of one pair has become unfit, and the pair must be completed with a bird of the same species. Since we do not know which bird actually became unfit, she must bring another two, viz., a turtle-dove and a pigeon.

(20) When she vowed, she declared which birds she would bring, but subsequently forgot which she had vowed. Hence when she came to fulfil her vow, she needed two pairs for the vow alone, viz., a pair of turtle-doves and a pair of pigeons, to cover both contingencies, and in addition one pair of either on account of her statutory obligation, i.e., three pairs in all. She, however, had brought only two pairs of which the first was offered for her statutory obligation, while the second was left for her vow, and of that one bird became unfit. Therefore she now owes one bird of the same species to replace the unfit one, and a pair of the other species, in case it was the other species that she had vowed. But if the two pairs which she had brought were of different species, she must now bring four birds, all for burnt-offerings, because we do not know which species was offered second for the vow, and it is that species which must be completed. She cannot simply bring a pair of one species, for she does not know whether she owes one turtle-dove and two pigeons, or vice versa. Therefore she must bring two turtle-doves and two pigeons and declare: 'Let one of these, of the species which I vowed, replace the one that became unfit, and let the second of that pair be another votive offering. And let the second pair cover the doubt of my definite declaration.'

Talmud - Mas. Zevachim 68a

she must bring another five birds [to be sacrificed] above, [if she had vowed] of one species; if of two, she must bring six.¹ If she gave them to the priest, but does not know what she gave; and the priest went and offered them, but he does not know how he offered them, she now requires four birds on account of her vow and two on account of her statutory obligation, and one sin-offering. Ben 'Azzai said: Two sin-offerings. R. Joshua observed: This is the case where they [the Sages] said: When it is alive it has one voice, and when it is dead, it has seven voices!² — Granted that R. Joshua ruled thus in respect of liberating it from trespass, did he rule thus in respect of converting it into an obligatory offering?³ MISHNAH. [IN REGARD TO] ALL UNFIT PERSONS WHO PERFORMED MELIKAH, THE MELIKAH IS INVALID, AND THEY [THE SACRIFICES] DO NOT DEFILE IN THE GULLET.⁴ IF HE [THE PRIEST] NIPPED [THEM] WITH HIS LEFT [HAND] OR AT NIGHT; IF HE SLAUGHTERED HULLIN WITHIN⁵ OR A SACRIFICE WITHOUT [THE TEMPLE COURT]. THEY DO NOT DEFILE IN THE GULLET.⁶ IF HE NIPPED WITH A KNIFE; OR IF HE NIPPED HULLIN WITHIN [OR] SACRIFICES WITHOUT;

(1) If she vowed to bring the additional offerings at the same time as her statutory obligation, and then brought two pairs of birds to the priest, who offered them as above, she owes another five or six, as stated. For her vow made her liable to three burnt-offerings together, had she remembered what she had vowed. As she did not remember, she required five burnt-offerings in the first place, one for her statutory obligation, and four consisting of a pair of pigeons and a pair of turtle-doves, since she did not know which she owed. Now, what she has already brought does not count, for she does not know these were the birds which she had vowed. Nor can she simply bring another four on account of the vow, since these must be sacrificed at the same time as the statutory offering. Hence she must now bring five, one for the statutory offering and four on account of the vow, whilst the first which was sacrificed as her statutory obligation will count as a votive offering. If, however, she had vowed them of two species, she does not know which species she owes. Therefore she must bring six: viz., two turtle-doves and two pigeons on account of the doubt of what she had specified, and one turtle-dove and one pigeon. because the former had to be offered at the same time as her statutory obligation.

(2) If she gave the birds to the priest but does not know whether they were turtle-doves or pigeons, or a pair of each, and she does not know how the priest sacrificed them, whether all above or all below or half above and half below, perhaps she did not even fulfil her statutory obligation. For he may have sacrificed all above, so that she lacks a sin-offering; or all below, and she lacks a burnt-offering. She must then bring four birds for her vow, since she does not remember which of the two species she specified, and two for her statutory burnt-offering, viz., a turtle-dove and a pigeon, as possibly the first were all offered below, as sin-offerings, and now she requires a burnt-offering of the same species. Or perhaps the first were offered half above and half below, and she has fulfilled her obligation with the first pair offered. But as she had vowed to bring a burnt-offering at the same time and of the same species as the statutory burnt-offering, she must now bring a turtle-dove and a pigeon to cover this doubt. In addition, she must bring one sin-offering of whichever species she wishes, for perhaps the first were all offered below, and this will combine with the bird she brought as her burnt-offering. Though she has already brought the latter, yet the sin-offering need not be of the same species as the first, according to the Rabbis who disagree with Ben 'Azzai, for they hold that it all depends on the sin-offering. Therefore, since she must bring two burnt-offerings, as explained, that of the same species as the sin-offering combines with it. But Ben 'Azzai holds that it all depends on the first, i.e., a sin-offering must be brought of the same species as the first burnt-offering which was correctly offered for her statutory obligation. Now, perhaps all the first were offered above, in which case she has fulfilled this obligation, and so she must bring a sin-offering of the same species. As, however, she does not know which species this was, she must bring two sin-offerings, one of each. R. Joshua observes that this is similar to what the Rabbis said about a ram, that when it is alive it has one voice only, but when it is dead it has seven: i.e., the two horns are used for two trumpets (bugle-horns); out of the two legs two reed-pipes (flutes) are made; the skin is used for tabrets; the entrails for a lyre, and the guts for harps. In a similar way here too, when she vowed and did not know what she had specified, she merely required four birds and two for her statutory obligation. Whereas now that she has already brought four, she still needs another eight, four on account of her vow and four on account of her obligation; v. Kin. III, 6. — Since R. Joshua makes this comment, you may infer that he accepts these laws; hence the difficulty of 67b.

(3) Surely not! This is the answer to the difficulty: The burnt-offering is transmuted only in so far that it no longer involves trespass, but the deviation in its rites cannot turn it into a sin-offering to acquit its owner of his obligation for

same.

(4) v. p. 257. n. 1. Although the melikah is invalid, it frees the birds from uncleanness. The reason is because they became unfit in the sanctuary, and the melikah is effective in that if they are taken up on to the altar, they are not removed. Therefore the birds are not regarded as nebelah.

(5) A bird of hullin, with ritual shechitah.

(6) Although there must be no shechitah (of birds of hullin) within, or of consecrated birds anywhere at all, yet these do not defile.

Talmud - Mas. Zevachim 68b

OR [IF HE SACRIFICED] TURTLE-DOVES BEFORE THEIR TIME OR PIGEONS AFTER THEIR TIME;¹ [OR A BIRD] WHOSE WING WAS WITHERED, [OR] BLIND IN THE EYE. [OR] WHOSE FOOT WAS CUT OFF, — [ALL THESE] DEFILE IN THE GULLET. THIS IS THE GENERAL RULE: ALL WHOSE UNFITNESS [AROSE] IN THE SANCTUARY² DO NOT DEFILE IN THE GULLET; IF THEIR UNFITNESS DID NOT ARISE IN THE SANCTUARY, THEY DEFILE IN THE GULLET.

GEMARA. Rab said: [If they were nipped with] the left [hand] or at night, they do not defile in the gullet; [by] a zar or [with] a knife, they do defile in the gullet. Why is the left [hand] different; [presumably] because it is fit on the Day of Atonement; and likewise night is fit in respect of [the burning of] the limbs and the fats;³ then surely a zar too is fit for shechitah?⁴ — Shechitah is not a [sacrificial] rite.⁵ Is it not? Surely R. Zera said: Shechitah of the [red] heifer by a zar is invalid, and Rab observed thereon: [The reason is because] ‘Eleazar’ and ‘statute’ [are written in connection with it]?⁶ — The [red] heifer is different, because it is of the holy things of the Temple repair. Does it not then follow a fortiori; if the holy things of the Temple repair require priesthood, surely the holy objects dedicated to the altar require priesthood? — Said R. Shisha the son of R. Idi: Let it be analogous to the inspection of [leprous] plagues, which is not a rite, and yet requires priesthood.⁷ But let us learn it from the high places?⁸ — One cannot learn from the high places.⁹ Can one not? Surely it was taught: How do we know that if [flesh] which went out ascended [the altar], it does not descend? Because [flesh that] goes out is fit at the high places! — The Tanna relies on the text, This is the law of the burnt-offering.¹⁰

But R. Johanan maintained: [If a] zar [performed melikah] it does not defile in the gullet; [if melikah was done with] a knife, it does defile in the gullet. We learnt: [IN REGARD TO] ALL UNFIT PERSONS WHO PERFORMED MELIKAH, THE MELIKAH IS INVALID. As for R. Johanan, it is well: ALL includes a zar;¹¹ but according to Rab, what does ALL include? — It is surely to include [melikah with] the left [hand] and [at] night. [But] the left [hand] and night are explicitly taught? — He [the Tanna] teaches and then explains.¹² Come and hear: THIS IS THE GENERAL RULE: ALL WHOSE UNFITNESS [AROSE] IN THE SANCTUARY DO NOT DEFILE GARMENTS [WHEN THE FLESH OF THE BIRD IS] IN THE GULLET.¹³ As for R. Johanan, it is well: ALL includes a zar. But according to Rab, what does it include?

(1) Only fully grown turtle-doves or young pigeons might be sacrificed. Otherwise they are not eligible, and therefore it is as though he nipped hullin.

(2) Birds which were brought to the Temple court fit, and there became unfit.

(3) On the Day of Atonement the spoon containing incense was taken with the left hand. The limbs and fats of sacrifices were burnt at night. Thus in two instances the left hand and night are fit for service, and presumably for that reason he rules that even in the present case, though they are not fit, they free them from uncleanness.

(4) An animal sacrifice might be slaughtered by a zar.

(5) Whereas the taking of the spoon and the burning of the limbs are sacrificial rites.

(6) Cf. Num. XIX, 2.

(7) For notes v. supra 14b.

- (8) Where a zar might perform melikah (v. infra 113a). By the same reasoning melikah by a zar even in the Temple should free the bird from defilement.
- (9) Because by comparison with the Temple they were non-sacred.
- (10) Lev. VI, 2. For notes v. supra 51a. He does not really learn it from the high places at all.
- (11) It is a general principle that 'all' is an extension.
- (12) First he states the law in general, and then he explains who are meant in the word ALL.
- (13) 'Garments' is absent in the Mishnah.

Talmud - Mas. Zevachim 69a

— Yet even on your view, what does [the clause] IF THEIR UNFITNESS DID NOT ARISE IN THE SANCTUARY include?¹ Rather, the first clause includes shechitah of [bird] sacrifices within,² while the second clause includes melikah of hullin without.³

It was taught in accordance with R. Johanan: If a zar nipped it; or if an unfit person nipped it; or [if it was] piggul, nothar or [an] unclean [sacrifice].⁴ it does not defile in the gullet.⁵

R. Isaac said: I have heard two [laws], one relating to kemizah⁶ by a zar and the other to melikah by a zar: one descends and the other does not descend, but I do not know which is which.⁷ Said Hezekiah: It is logical that [in the case of] kemizah it goes down, while [in the case of] melikah it does not go down. Why is melikah different? [presumably] because it was done at the high places?⁸ [but] kemizah too was done at the high places? And should you say, There were no meal-offerings at the high places; then there were no bird[-offerings] at the high places [either].⁹ For R. Shesheth said: On the view that there were meal-offerings at the high places, there were bird[-offerings] at the high places; on the view that there were no meal-offerings, there were no bird [-offerings]. What is the reason? [And sacrificed peace-offerings of oxen unto the Lord]:¹⁰ offerings [implies,] but not birds; offerings [implies,] but not meal-offerings!¹¹ — Say rather: There was no sanctification of a meal-offering in service vessels at the high places.¹²

IF HE NIPPED [THEM] WITH HIS LEFT [HAND] OR AT NIGHT etc. Our Rabbis taught: You might think that melikah, which is [done] within, defiles garments [when the flesh is] in the gullet;¹³ therefore it states, [And every soul that eateth] nebelah [that which dieth of itself] [. . . he shall wash his clothes etc].¹⁴ [But] this too is nebelah?¹⁵ — Rather, it states 'terefah' [that which is torn of beasts]:¹⁶ as terefah does not permit the forbidden, so everything which does not permit the forbidden [is included]: thus melikah, which is [performed] within, is excluded: since it permits the forbidden. it does not defile garments [when the flesh is] in the gullet.¹⁷ Hence it includes melikah (Mnemonic: Kez Hefez)¹⁸ of sacrifices without, and melikah of hullin both within and without: since they do not permit the forbidden, they defile garments [when the flesh is] in the gullet.

Another [Baraita] taught: You might think that the shechitah of hullin within and [that of] sacrifices both within and without defile in the gullet: therefore nebelah is stated. But this too is 'nebelah'?¹⁹ — Rather, therefore it states 'terefah': as terefah is the same within and without,²⁰ so all which are the same within and without [are included in this law]: thus the shechitah of hullin within and [that of] sacrifices within and without is excluded: since these are not the same within as without, they do not defile garments [when the flesh is] in the gullet. As for hullin, it is well: that is not the same within as without;²¹ but sacrifices are unfit in both cases? — Said Raba: If shechitah without is effective in that it involves kareth,²² shall it not be effective in cleansing it from [the defilement of] nebelah?²³ We have thus found [it of shechitah] without; how do we know [it of shechitah] within? — Because it is not the same within as without.²⁴ If so, when one performs melikah on sacrifices without, they too [should] not [defile], since within is not the same as without?²⁵ — Said R. Shimi b. Ashi: You infer that which does not make it fit from that which does not make it fit.²⁶ but you do not infer that which does not make it fit from that which does make it

fit.²⁷ Do you not? Surely it was taught: How do we know that [if flesh] which went out ascended [the altar] it does not descend? Because [flesh] that goes out is fit at the high places? — The Tanna relies on the extension intimated in, ‘This is the law of the burnt-offering’²⁸

MISHNAH. IF ONE PERFORMED MELIKAH, AND IT [THE BIRD] WAS FOUND TO BE TEREFAH. R. MEIR SAID: IT DOES NOT DEFILE IN THE GULLET;

(1) For the ALL of the first clause applies to that too.

(2) That such do not defile.

(3) That such do defile.

(4) I.e., if the flesh of a bird sacrifice became defiled after it was properly offered up.

(5) For only nebelah does this. — The ruling thus agrees with R. Johanan.

(6) V. Glos.

(7) Either a bird-offering nipped by a zar or a meal-offering whose kemizah was performed by a zar does not descend from the altar if it was taken up there.

(8) By a zar.

(9) Hence no melikah.

(10) Ex. XXIV. 5. This was before the erection of the Tabernacle, and so the equivalent of the high places.

(11) The Heb. is applicable to animals only.

(12) He holds that there were both bird- and meal-offerings at the high places. But whereas melikah by a zar in the Temple can be learnt from that of the high places (in so far, at least, that it does not descend), kemizah can not. For at the high places meal-offerings were not sanctified in service vessels, whereas in the Temple they were. That being so, when kemizah is performed by a zar it is unfit to that extent that even if taken up on to the altar, it must be taken down.

(13) I.e., after melikah done improperly the flesh defiles.

(14) Lev. XVII, 15.

(15) Since the melikah was not properly done and does not permit the eating of the sacrifice, the bird is like any other not killed by shechitah, hence nebelah.

(16) Ibid.

(17) The verse quoted is applied to the nebelah of a clean bird. Terefah is not interpreted literally, for reasons stated anon, but as a definition of nebelah, thus: only nebelah similar to terefah defiles. Now when a bird becomes terefah, that fact cannot possibly remove any prohibition to which it was subject. Similarly, only a nebelah which cannot remove a prohibition defiles. Now, melikah should render a bird of hullin nebelah, but a consecrated bird is thereby relieved of a prohibition, for whilst alive it could not be offered, whereas after melikah in the sanctuary it can be (i.e., its blood can be sprinkled on the altar, which is the essence of offering). Hence it does not cause the bird to defile garments even when it is improperly done, e.g., at night or with the left hand.

(18) A Mnemonic is a phrase consisting of a string of letters or words, as an aid to the memory. Here K = Kodashim (sacrifices); Z=behuz (without); H=Hullin; F=bifenim (within); Z = behuz.

(19) Since melikah is required for sacrifices, whilst hullin may not be slaughtered within at all, the birds so killed are nebelah!

(20) It is forbidden in both places.

(21) For hullin slaughtered without does not defile even when the shechitah does not permit it. e.g., if the bird is terefah.

(22) He who slaughters a sacrificial bird without the Temple incurs kareth. This proves that his act does count as shechitah.

(23) It certainly is. Hence the deduction from the word ‘terefah’ is necessary only in respect of hullin, but not in respect of sacrifices,

(24) Sh. M.: Since shechitah without involves kareth, whilst shechitah within does not, although it actually requires melikah.

(25) For melikah is proper within, but not without.

(26) I.e., you infer shechitah of sacrifices within from shechitah of sacrifices without; similarly, shechitah of hullin within from shechitah of hullin, when same is terefah, without. In all these cases shechitah does not make the bird permitted.

(27) Viz., from melikah of sacrifices within, which is the proper way.

Talmud - Mas. Zevachim 69b

R. JUDAH SAID: IT DOES DEFILE IN THE GULLET. SAID R. MEIR: IT IS A KAL WA-HOMER: IF THE SHECHITAH OF AN ANIMAL CLEANSSES IT, EVEN WHEN TEREFAH, FROM ITS UNCLEANNESS, YET WHEN IT IS NEBELAH IT DEFILES THROUGH CONTACT OR CARRIAGE; IS IT NOT LOGICAL THAT SHECHITAH CLEANSSES A BIRD, WHEN TEREFAH FROM ITS UNCLEANNESS, SEEING THAT WHEN IT IS NEBELAH IT DOES NOT DEFILE THROUGH CONTACT OR CARRIAGE? NOW, AS WE HAVE FOUND THAT SHECHITAH, WHICH MAKES IT [A BIRD OF HULLIN] FIT FOR EATING, CLEANSSES IT WHEN TEREFAH FROM ITS UNCLEANNESS; SO MELIKAH, WHICH MAKES IT [A BIRD SACRIFICE] FIT FOR EATING, CLEANSSES IT WHEN TEREFAH FROM ITS UNCLEANNESS. R. JOSE SAID: IT IS SUFFICIENT FOR IT TO BE LIKE THE NEBELAH OF A CLEAN [PERMITTED] ANIMAL, WHICH IS CLEANSSED BY SHECHITAH, BUT NOT BY MELIKAH.¹

GEMARA. Now, does not R. Meir accept the principle of dayyo [it is sufficient]; Surely the principle of dayyo is biblical? For it was taught: How is a kal wa-homer applied? And the Lord said unto Moses: If her father had but spit in her face, should she not hide in shame seven days?² How much more should a divine reproof necessitate [shame for] fourteen days; but it is sufficient for that which is inferred by an argument to be like the premise!³ — Said R. Jose son of R. Abin: R. Meir found a text and interpreted it:⁴ This is the law of the beast and of the bird.⁵ Now, in which law is a beast similar to a bird and a bird to a beast? A beast defiles through contact and carriage, whereas a bird does not defile through contact or carriage; a bird defiles garments [when its flesh] is in the gullet, whereas a beast does not defile garments [when its flesh] is in the gullet. But it is to tell you: as in the case of a beast, that which makes it fit for eating makes it clean when terefah from its defilement; so in the case of a bird, that which makes it fit for eating⁶ makes it clean when terefah from its defilement.

Then what is R. Judah's reason? — Said Rabbah, R. Judah found a text, and interpreted it:⁷ [And every soul which eateth] nebelah or terefah⁸ [. . . , he shall wash his clothes etc.].⁹ Said R. Judah: Why is 'terefah' stated? If 'terefah' can live, then surely 'nebelah' is already stated;¹⁰ while if 'terefah' cannot live, it is included in nebelah?¹¹ Hence it is to include a terefah which one slaughtered, [and teaches] that it defiles.

If so, said R. Shisbi to him, when it is written, And the fat [heleb] of nebelah, and the fat of terefah [may be used for any other service, but ye shall in no wise eat it]:¹² there too let us argue: Why is terefah stated? If terefah can live, then surely nebelah is already stated; and if terefah cannot live, it is included in nebelah? Hence it is to include a terefah which one slaughtered, [and teaches] that its heleb is clean? Hence it follows that it defiles?¹³ But surely Rab Judah said in Rab's name, whilst others say that it was taught in a Baraitha: And if there die of a beast:¹⁴ some beasts defile, and some beasts do not. And which is it [that is excluded]? A terefah which was slaughtered! — Rather, [this is R. Shisbi's difficulty]: This terefah¹⁵ is necessary in order to exclude an unclean animal,¹⁶ [for it intimates:] only that in whose species there is terefah: hence this [an unclean animal] is excluded, since there is no terefah in its species.¹⁷ Then here too¹⁸ [say that] [the inclusion of terefah] excludes an unclean [forbidden] bird, since there is no terefah in its species?¹⁹ [The exclusion of] an unclean bird is, in R. Judah's opinion, derived from nebelah. For it was taught. R. Judah said: You might think that the nebelah of an unclean bird defiles garments [when its flesh] is in the gullet. Therefore it states, Nebelah or terefah he shall not eat [to defile himself therewith]:²⁰ only that [defiles] whose interdict is on account of 'do not eat nebelah'; hence this [an unclean bird] is excluded, since its interdict is not on account of 'do not eat nebelah', but on account of 'do not eat unclean'.²¹

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- (1) For notes v. supra 50b, 51a.
- (2) Num. XII, 14.
- (3) Since you argue from her father's reproof, even a Divine reproof does not necessitate a longer period of shame. As Scripture proceeds. 'Let her be shut up without the camp seven days', it is evident that this principle is Scriptural.
- (4) He accepts the principle of dayyo, but his ruling is based on a text, which makes him disregard the principle in this instance.
- (5) Lev. XI, 46.
- (6) Sc. melikah, in the case of a bird sacrifice.
- (7) Emended text (Sh. M.).
- (8) E.V. that which dieth of itself or that which is torn of beasts. According to the Talmudic interpretation an animal which dies by any method other than the correct ritual one (shechitah) is called nebelah, even if it is ritually slaughtered, but there is a defect in the shechitah. Terefah denotes an animal which was properly slaughtered with shechitah, but was then found to have been suffering from certain diseases or organic disturbances. These are listed in Hul. 42a, where there is a controversy whether a terefah could have lived (for more than twelve months) or not. On the view that it could, it is regarded as having been alive until the shechitah; on the view that it could not, it is regarded as already dead (technically) even before the shechitah, in which case it is obviously the same as nebelah.
- (9) Lev. XVII, 15.
- (10) So that if the terefah dies of its disease before it is slaughtered, it is obviously included in nebelah.
- (11) Even whilst alive. So Rashi. Tosaf. and Sh. M. explain differently.
- (12) Ibid. VII, 24. The Talmud (Pes. 23a) interprets this to mean that the heleb of a nebelah is clean and does not defile.
- (13) The Talmud interposes: since R. Shizbi objects thus, it follows that in truth such heleb is unclean and defiles.
- (14) Ibid. XI, 39. Lit. translation. 'Of' is partitive, and is understood as a limitation. The verse continues: he that touches the carcass thereof shall be unclean until the evening.
- (15) In the verse which he quotes.
- (16) The heleb of an unclean (i.e., forbidden) animal does not defile.
- (17) Only the heleb of an animal which can become terefah defiles. But an unclean animal, which cannot be eaten in any case, can never become terefah in a technical sense, and therefore its heleb does not defile.
- (18) In the verse quoted by R. Judah (the Tanna), not Rab Judah, the amora.
- (19) That is the conclusion of R. Shizbi's objection: Interpret the text thus, and the question returns. What is R. Judah's reason, after R. Meir proves the contrary?
- (20) Lev. XXII, 8.
- (21) Hence the former verse is left free for the interpretation stated above.

Talmud - Mas. Zevachim 70a

Let this too be derived from, 'And the fat of nebelah', [which intimates:] that whose interdict is on account of 'do not eat the heleb of nebelah';¹ hence this [the heleb of a forbidden animal] is excluded, since its interdict is not on account of 'do not eat the heleb of nebelah', but on account of uncleanness?² — Rather, this terefah³ is required in order to include hayyah.⁴ I might argue: Only that whose heleb is forbidden whilst its flesh is permitted [is included in this law]; hence a hayyah is excluded, since its heleb and its flesh are permitted.⁵ Therefore [the word terefah] informs us [that it is not so].⁶ Wherein⁷ does an unclean [forbidden] animal differ?⁸ [presumably] because its heleb is not distinct from its flesh?⁹ but then the heleb of a hayyah is not distinct from its flesh?¹⁰ Moreover, surely it is written, but ye shall in no wise eat it?¹¹ — Rather, said Abaye. Terefah¹² is needed for its own purpose.¹³ lest you argue: Since an unclean [animal] is forbidden whilst yet alive, and a terefah is forbidden whilst yet alive:¹⁴ as the heleb of an unclean [animal] is unclean [defiles], so is the heleb of a terefah unclean.¹⁵ If so, this too¹⁶ is required, lest you say: Since an unclean bird may not be eaten, and a terefah may not be eaten; as an unclean bird does not defile [garments, when the flesh is in the gullet], so a terefah too does not defile? Moreover, can terefah really be derived from an unclean animal:¹⁷ an unclean animal enjoyed no period of fitness,¹⁸ whereas a terefah enjoyed a period of fitness?¹⁹ And should you answer, what can be said of a terefah from birth; yet of its kind

this can be said.²⁰ — Rather said Raba: The Torah ordained, Let the interdict of nebelah come and fall upon the interdict of heleb; let the interdict of terefah come and fall upon the interdict of heleb.²¹ And both are necessary. For if we were informed [this about] nebelah, [I would argue that the reason is] because it defiles;²² but as for terefah, I would say that it does not [fall upon the interdict of heleb]. And if we were informed [this about] terefah. [I would say that the reason is] because its interdict dates from when it was alive; but as for nebelah, I would say that it is not so. Hence [they are both] necessary.

Now how does R. Meir employ this [word] terefah?²³ — He needs it to exclude shechitah which is within.²⁴ And R. Judah?²⁵ — Another ‘terefah’ is written.²⁶ And R. Meir?²⁷ — One excludes shechitah which is within, and the other excludes an unclean forbidden bird. And R. Judah?²⁸ — That is derived from nebelah.²⁹ And R. Meir: how does he employ this ‘nebelah’? — [To show that] the standard of eating [is required], viz., as much as an olive.³⁰ Yet let this be derived from the first text,³¹ since the Divine Law expressed it in terms of eating? — One [text] is employed to shew that the standard of eating [is required for defilement], viz., as much as an olive; while the other intimates that this standard of eating must be within the time of eating half [a loaf].³² I might argue, since this is anomalous,³³ let it defile even when it takes more than the time required for eating half [a loaf],³⁴ Hence [the text] informs us [otherwise].

Our Rabbis taught: And the heleb of nebelah, and the heleb of terefah. [may be used for any other service; but ye shall in no wise eat of it]: Scripture speaks of the heleb of a clean [permitted] animal.³⁵ You say, Scripture speaks of the heleb of a clean animal; yet perhaps it is not so, but rather of the heleb of an unclean animal? You can answer: [Scripture] declared [an animal] clean on account of its being slaughtered, and declared it clean on account of heleb:³⁶ as when it declared it clean on account of being slaughtered, it referred to a clean [permitted], but not an unclean [forbidden] animal;³⁷ so when it declared it clean on account of heleb, it referred to a clean, but not an unclean animal. Or argue in this wise: [Scripture] cleansed from nebelah,³⁸ and it cleansed from heleb:³⁹ as when it cleansed from nebelah, it was in the case of unclean, and not in the case of clean;⁴⁰ so when it cleansed from heleb, [it did so] in the case of unclean, not in the case of clean? Thus you must say,

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- (1) Only that heleb does not defile.
 - (2) I.e., the whole animal is forbidden.
 - (3) In the verse quoted by R. Shizbi.
 - (4) A non-domestic animal, e.g., a deer, which may be eaten. The heleb of a hayyah is permitted; that of a behemah (a domestic animal, e.g., a sheep) is forbidden. The discussion hitherto has been about the heleb of a behemah.
 - (5) Therefore if a hayyah becomes nebelah, I would think that its heleb defiles, just as its flesh.
 - (6) For it teaches that the heleb of whatever is liable to become terefah, which includes hayyah, does not defile when nebelah.
 - (7) ‘Said he to him’ is deleted (Sh. M.).
 - (8) That you do not learn from this text that its heleb is clean and does not defile.
 - (9) Both are forbidden, and therefore you do not apply this text to it, since that implies that there is a distinction between them.
 - (10) Both being permitted. Hence you should not apply it to hayyah either.
 - (11) Lev. VII, 24. From this we infer anon that the heleb of a hayyah which is nebelah does defile. Hence the text cannot apply to it.
 - (12) In the verse quoted by R. Shizbi.
 - (13) To shew that the heleb of a terefah which died is clean.
 - (14) In the sense that shechitah cannot permit it.
 - (15) Hence the text teaches otherwise.
 - (16) Terefah in the text quoted by R. Judah.
 - (17) That you need a text to shew that it does not defile.

- (18) Never at any time might it be eaten.
- (19) Before it became terefah.
- (20) Though that particular terefah was never fit, terefah in general was fit at one time.
- (21) The text teaches that when one eats heleb of nebelah or terefah, he is liable not only on account of heleb but also on account of nebelah or terefah. For otherwise one might argue: since the interdict of heleb comes first, the other interdicts cannot apply to it at all.
- (22) Which heleb does not. Hence it is logical that the interdict of nebelah, being greater in that respect, falls upon that of heleb.
- (23) In the verse quoted by R. Judah.
- (24) As stated supra 69a.
- (25) How does he know that?
- (26) Terefah is written in Lev. XVII, 15 and XXII, 8. Hence one is used for each.
- (27) How does he utilise this second 'terefah'?
- (28) Whence does he derive the latter?
- (29) As supra 69b bottom.
- (30) One is not liable for eating nebelah unless he eats at least as much as an olive (this is the general standard for all forbidden food). The text intimates that this too is the smallest quantity which defiles.
- (31) Lev. XVII, 15.
- (32) One is not liable for eating unless he eats as much as an olive within the normal time for eating half a loaf, which is half a meal (Rashi: half a loaf is the size of four average eggs; Maim.: three average eggs). The text teaches that when a man eats the flesh of nebelah (of a bird), he does not defile his garments unless he eats as much as an olive within that time.
- (33) There is no other case in Scripture where an article does not defile through contact, but only when it enters the gullet.
- (34) Being unique in one respect, it might be unique in another.
- (35) Teaching that its heleb does not defile as nebelah.
- (36) Scripture decreed that when an animal is slaughtered (with shechitah) it does not defile; and that the heleb of nebelah does not defile.
- (37) Even if an unclean animal is ritually slaughtered, it defiles.
- (38) There is a case where nebelah does not defile.
- (39) Heleb does not defile, as stated.
- (40) An unclean (forbidden) bird does not defile (as nebelah) when it is in the gullet, whereas a clean bird does.

Talmud - Mas. Zevachim 70b

when you argue in the one way [the text] applies to clean, whilst when you argue in the other way it applies to unclean. Therefore it says, 'terefah'. [which intimates,] the kind where there is terefah: then I might exclude the unclean, since there is no terefah in its kind,¹ but I will not exclude hayyah, since there is terefah in its kind. Scripture, however, teaches: 'But ye shall in no wise eat of it', [intimating that it refers to] that whose heleb is forbidden whereas its flesh is permitted; thus hayyah is excluded, since its heleb and its flesh are permitted.

R. Jacob b. Abba said to Raba: If so,² is it only the nebelah of a clean animal that defiles, whereas the nebelah of an unclean animal does not defile? — Said he to him: How many elders [scholars] of you have erred therein!³ the second clause⁴ applies to the nebelah of an unclean bird.

R. Johanan said: Only unblemished [birds] did R. Meir declare clean,⁵ but not blemished ones. While R. Eleazar maintained: [He ruled thus] even in the case of blemished ones. It was stated likewise: R. Bibi said in R. Eleazar's name: R. Meir declared blemished [birds] clean, even ducks and fowls.⁶

R. Jeremiah asked: What if one beheaded a goat?⁷ What is the reason in the case of ducks and

fowls? [Is it] because they are species of birds; but a goat is not of the same species as a heifer.⁸ Or perhaps, it is of the species of cattle?⁹ R. Dimi sat and recited this discussion. Said Abaye to him: Hence it follows that the beheaded heifer¹⁰ is clean? — Yes, he replied: the School of R. Jannai said: ‘Forgiveness’¹¹ is written in connection therewith, as in the case of sacrifices.¹²

R. Nathan the father of R. Huna objected: ‘But ye shall in no wise eat of it’: I know [this law only of] heleb which may not be eaten but may be [otherwise] used.¹³ How do we know [it of] the heleb of the ox that is stoned¹⁴ and the beheaded heifer? — Because it says, All heleb [. . . ye shall not eat].¹⁵ But if you think that the beheaded heifer is clean, could it be clean while its heleb is unclean?¹⁶ Where one did indeed behead it, no text is required; it is required only where one slaughtered it.¹⁷ Then let shechitah be efficacious in cleansing it from nebelah?¹⁸ — The text is necessary only where it died.¹⁹ Hence it follows that it was forbidden whilst yet alive?²⁰ — Yes.

R. Jannai observed: I have heard a time limit for it,²¹ but have forgotten it; while our colleagues maintain: Its descent to the rugged valley, that renders it forbidden.

CHAPTER VIII

MISHNAH. ALL SACRIFICES WHICH BECAME MIXED UP WITH SIN-OFFERINGS THAT MUST BE LEFT TO DIE,²² OR WITH AN OX THAT IS TO BE STONED,²³ EVEN ONE IN TEN THOUSAND, ALL MUST BE LEFT TO DIE. IF THEY WERE MIXED UP WITH AN OX WITH WHICH TRANSGRESSION HAD BEEN COMMITTED, E.G.²⁴,

- (1) There is no particular interdict of terefah since it is forbidden in any case.
- (2) If you argue, ‘as when it cleansed from nebelah it was in the case of unclean and not in the case of clean’, which implies that the nebelah of a forbidden animal is clean.
- (3) I am astonished that you (and presumably, your colleagues in the Academy — perhaps R. Jacob spoke on their behalf) — should so err.
- (4) That to which he referred.
- (5) After melikah, if they are terefah. The reason is because melikah is applicable to them.
- (6) Which are not eligible sacrifices at all. For terefah too is not fit and yet R. Meir declares it clean.
- (7) V. Deut. XXI, 1-9. Beheading’ instead of shechitah normally renders an animal nebelah, so that it defiles, but since it was prescribed for the heifer, it presumably does not defile. What, however, if he beheaded a goat instead of a heifer, and for the same purpose: is the goat nebelah or not?
- (8) Hence it will defile. — A heifer is counted amongst the large cattle, while a goat belongs to the small; therefore they are regarded as different species.
- (9) Behemah; v. p. 342, n. 9.
- (10) V. Deut. XXI, I ff.
- (11) Ibid. 8.
- (12) Hence it is treated as such, and does not defile.
- (13) As Scripture states, may be used for any other service. Only such heleb does not defile.
- (14) V. Ex. XXI, 28f. All benefit of the ox was forbidden.
- (15) Lev. VII, 23. This ref. adopts Sh. M.’s emendation of Rashi, and is the preceding verse. The marginal ref. is Lev. III, 17, which seems out of place. — ‘All’ is an extension and includes the heleb of these.
- (16) Obviously not, and no verse would be necessary to teach it.
- (17) After becoming forbidden whilst alive through being set aside for this purpose, it was slaughtered (with shechitah) instead of beheaded. Then a text is required to shew that its heleb does not defile.
- (18) Though shechitah will not permit it, at least it should free it from defilement, since we find no instance of a slaughtered and clean (permitted) animal defiling.
- (19) This retracts the preceding answer. It had died of itself before it was beheaded. Here its flesh does defile as nebelah, and the text teaches that its heleb does not defile.
- (20) Since the question is asked in respect of a heifer which died, it follows that even before it was beheaded, whilst yet

alive, all benefit thereof was forbidden, and that is why the question is asked concerning the heleb.

(21) When it becomes forbidden.

(22) I.e., which for some reason can neither be offered up nor revert to hullin, so that they must not be put to work, but must be kept until they die. They are as follows: (i) The young of a sin-offering which calved before it was slaughtered. (ii) One whose owner died. (iii) The substitute of a sin-offering (v. p. 22, n. 8). (iv) A sin-offering whose owner had already made atonement. E.g., it was lost, whereupon he dedicated another and sacrificed it, and then the original one was found. And (v) an animal consecrated before it was a year old, but which passed its first year before being sacrificed (Rashi, as marginally emended). In cur. edd. Rashi enumerates an animal found to be blemished after consecration as the fifth.

(23) V. Ex. XXI, 28.

(24) Lit., 'or'.

Talmud - Mas. Zevachim 71a

THAT HAD KILLED A MAN ON THE TESTIMONY OF ONE WITNESS OR OF ITS OWNER;¹ A ROBA OR A NIRBA';² OR AN ANIMAL SET ASIDE [FOR AN IDOLATROUS SACRIFICE] OR THAT HAD BEEN WORSHIPPED [AS AN IDOL]; OR THAT WAS [A HARLOT'S] HIRE, OR [A DOG'S] EXCHANGE;

(1) So that it cannot be stoned.

(2) Animals used bestially: roba', a male with a woman, nirba', a female with a man.

Talmud - Mas. Zevachim 71b

OR THAT WAS KILAYIM;¹ OR TEREFAH; OR AN ANIMAL CALVED THROUGH THE CAESAREAN SECTION,² THEY MUST GRAZE UNTIL THEY BECOME UNFIT;³ THEN THEY ARE SOLD, AND ONE BRINGS [A SACRIFICE] OF THE SAME KIND⁴ AT THE PRICE OF THE BETTER OF THEM.⁵ IF THEY WERE MIXED UP WITH UNBLEMISHED [ANIMALS] OF HULLIN,⁶ THE HULLIN MUST BE SOLD FOR THE PURPOSE OF THAT KIND.⁷ [IF] A SACRIFICE [WAS MIXED UP] WITH A SACRIFICE, BOTH BEING OF THE SAME KIND:⁸ THIS ONE MUST BE OFFERED IN THE NAME OF WHOEVER IS ITS OWNER, AND THE OTHER MUST BE OFFERED IN THE NAME OF WHOEVER IS ITS OWNER.⁹ [IF] A SACRIFICE [WAS MIXED UP] WITH A SACRIFICE, BOTH BEING OF DIFFERENT KINDS,¹⁰ THEY MUST GRAZE UNTIL THEY BECOME UNFIT,¹¹ AND THEN ONE PURCHASES AT THE PRICE OF THE BETTER OF THEM [AN ANIMAL] OF EACH KIND,¹² AND BEARS THE LOSS OF THE EXCESS OUT OF HIS OWN POCKET.¹³ IF THEY WERE MIXED UP WITH A FIRSTLING OR TITHE, THEY MUST GRAZE UNTIL THEY BECOME UNFIT, AND THEN ARE EATEN AS FIRSTLING OR TITHE.¹⁴ ALL [SACRIFICES] CAN BE MIXED UP, EXCEPT THE SIN-OFFERING AND THE GUILT-OFFERING.¹⁵

GEMARA. What does EVEN mean?¹⁶ — This is what he means: ALL SACRIFICES with which SIN-OFFERINGS THAT MUST BE LEFT TO DIE, E.G., AN OX THAT MUST BE STONED, BECAME MIXED UP, EVEN ONE IN TEN THOUSAND, MUST BE LEFT TO DIE.¹⁷

[But] we have already learnt it once: All which are forbidden to the altar, e.g., a roba' and a nirba', render [others] forbidden whatever their number?¹⁸ — Said R. Kahana: I reported this discussion to R. Shimi b. Ashi, and he said to me: They are both necessary.¹⁹ For if [we learnt] from there, I would say. That is only [where they are forbidden] to the altar;²⁰ but [where they are forbidden] to a layman, it is not [so].²¹ While if [we learnt] from here, I would say that [this ruling applies] only to these, which are forbidden for any use; but as for the others, which are not forbidden for general use, it is not [so].²² Thus they are both necessary.

But surely those which are not interdicted for all use are taught [in this Mishnah]?²³ — Does he teach by what number [they render all forbidden]?²⁴ Then let him teach the other, and we would not require this one? — He needs the remedy.²⁵

But [those which are forbidden] to layman he also teaches; [there:] The following are themselves forbidden, and render [others] forbidden, whatever their number: Wine of neseq²⁶ and [animals of] idolatry?²⁷

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- (1) A hybrid, offspring of two heterogeneous animals, e.g., a goat and a sheep.
 - (2) These last two are included, though not implicated in sin, because the same law applies to them.
 - (3) I.e., blemished.
 - (4) As that which had thus been mixed up.
 - (5) None of these are eligible for sacrifices, yet a layman may make use of (though not eat) them; therefore they are not left to perish. At present, however, these animals cannot be used, since one of them is sacred, nor can they be redeemed (i.e., sold, and the money devoted to a sacrifice), for an unblemished consecrated animal cannot be redeemed. Hence they must be allowed to graze until they receive a blemish, when they are sold etc.
 - (6) One consecrated animal with either one or many of hullin.
 - (7) E.g., an animal consecrated for a peace-offering was mixed up with five of hullin, five of the six must be sold to people who owe a peace-offering. Thus all the six are now sacred and stand for the same purpose.
 - (8) E.g., both are peace-offerings or burnt-offerings, but belong to different owners.
 - (9) Rashi: the priest who offers it must declare, 'Lo, this is for the sake of its owner', without specifying a name. Tosaf, and Sh. M.: the priest says nothing at all about its owner, and then it is tacitly understood to be for its owner, whoever he is.
 - (10) E.g., a burnt-offering with a peace-offering.
 - (11) They cannot be offered themselves, because their rites of sprinkling and presenting the emurim are dissimilar.
 - (12) One for each sacrifice.
 - (13) The two animals, each of the value of the better of the first two, naturally involve a loss.
 - (14) The animals are redeemed, and other sacrifices bought with the redemption money. All those which were mixed up are eaten as firstling or tithe, i.e., they are subject to the same laws as these when blemished, which is that they must not be slaughtered in the public abattoirs (market) nor sold by weight.
 - (15) Because they are distinct, as explained in the Gemara.
 - (16) EVEN ONE IN TEN THOUSAND implies that the unfit are in the majority. But in that case it is all the more obvious that they cannot be sacrificed.
 - (17) This reverses the numbers.
 - (18) I.e., the smallest number of forbidden animals disqualify even the largest number with which they are mixed up. v. Tem. 28a. That is the same as our Mishnah.
 - (19) Emended text (Sh. M.).
 - (20) Lit., 'to the All-high'.
 - (21) All those enumerated there are forbidden to the altar but not for general use, and so they can (and must) be redeemed. Here, however, they are completely forbidden, and cannot be redeemed. I would say therefore that we cannot be so strict as to rule that all must die, but that on the contrary the one (or few) is annulled by the many, and all are permitted. Hence the Mishnah informs us otherwise.
 - (22) This reverses the preceding argument. I would argue that we are stricter here, precisely because the interdict is greater.
 - (23) Sc. in the clause, IF THEY BECAME MIXED UP WITH AN OX etc. These are only forbidden as sacrifices, but not for general use.
 - (24) EVEN ONE IN TEN THOUSAND may apply only to what precedes, but not to what follows. Hence the other Mishnah is necessary.
 - (25) The other Mishnah only states that they cannot be sacrificed. Here he teaches what is to be done with them.
 - (26) V. Glos.
 - (27) If wine of neseq is mixed with other permitted wine, or animals which had been worshiped are mixed up with others, they are all forbidden for any use whatever.

Talmud - Mas. Zevachim 72a

— They are both necessary: for if [I learnt] from there, I would say. That applies only to hullin; but as for sacrifices, Let us not cause the loss of all of them.¹ While if [I learnt] from here, I would say. This applies only to sacred animals, because it is repulsive;² but as for hullin, where it is not repulsive, I would say that though they are forbidden for any use, let them be annulled by the majority. Thus [both] are necessary.

Now, let them indeed be annulled by the majority? And should you answer, They are important and cannot be annulled; that is well on the view that we learnt ‘whatever one is wont to count’; but on the view that we learnt ‘that which one is wont to count what can be said?’³ For we learnt: If a man has bundles of fenugreek of kil'ayim⁴ of a vineyard,⁵

(1) Since they are of greater (religious) value, let the forbidden animals be annulled by the larger number of consecrated ones.

(2) The slightest possibility of sacrificing a forbidden animal, though it be one in a thousand, is repulsive. Therefore they are all forbidden.

(3) This is explained anon.

(4) V. Glos.

(5) Cf. Lev. XIX, 19 and Deut. XXII, 9.

Talmud - Mas. Zevachim 72b

they must be burnt.¹ If they were mixed up with others,² and those again with others,³ they must all be burnt: that is the view of R. Meir. But the Sages maintain: They are neutralized in a mixture of two hundred to one. For R. Meir used to say: Whatever one is wont to count renders [others] forbidden;⁴ while the Sages maintain: Only six things forbid [the whole] — R. Akiba says: Seven — and they are as follows: The nuts of Perek, the pomegranates of Badan,⁵ sealed casks [of wine], beetroot tops, cabbage stalks,⁶ and Grecian gourds. R. Akiba adds the loaves of a householder.⁷ Those which are subject to the law of ‘orlah⁸ [render the mixture] ‘orlah;⁹ and those which are subject to the law of kil'ayim of the vineyard, [render the mixture] kil'ayim of the vineyard. Now it was stated thereon: R. Johanan said: We learnt,¹⁰ That which one is wont to count;¹¹ while Resh Lakish said: We learnt, Whatever one is wont to count.¹² Now, it is well according to Resh Lakish;¹³ but according to R. Johanan, what can be said?¹⁴ — Said R. Papa: This Tanna¹⁵ is the Tanna who taught [the Baraitha] concerning the litra of dried figs, who maintained:

(1) For they must not be used in any way. Burning is deduced from the word tikdash (E.V. forfeited) in the latter text, which is read tukad esh, ‘shall be burnt in fire’.

(2) Permitted bundles of the same.

(3) This clause is omitted in ‘Orlah III, 6 and Yeb. 81b.

(4) Lit., consecrated.’

(5) Perek and Badan are towns in Samaria N.E. of Shechem. In Yeb. 81b s.v. פֶּרֶךְ Tosaf. renders the former by cracknuts.

(6) Beverages were made from these two.

(7) In connection with the neutralizing of leavened mixed up with unleavened bread before Passover, when the latter is required for the festival. All these were considered of particular importance, and could not be neutralized. In the last-mentioned a distinction is drawn between home-made loaves and the loaves of a baker, the latter being less important.

(8) V. Glos. They are the nuts, pomegranates and sealed casks of wine (made of grapes of ‘orlah).

(9) The whole comes under the law of ‘orlah.

(10) In R. Meir's ruling.

- (11) Only such objects which are always counted cannot be neutralized, but not objects which are sometimes counted and sometimes sold in bulk.
- (12) Even only occasionally. For further notes v. Yeb. (Sonc. ed.) 81b.
- (13) For animals are sometimes sold singly and sometimes in lots (uncounted save by a general estimate).
- (14) Let them indeed be neutralized.
- (15) Of our Mishnah, and the Mishnah cited in the text.

Talmud - Mas. Zevachim 73a

Whatsoever is numbered [in selling], even [if its prohibition is] Rabbinical, cannot be neutralized, and how much the more when it is Biblical!¹ For it was taught: If a litra of dried figs² was pressed on the top of a round jar, and he does not know in which jar it was pressed; or on the top of a cask, and he does not know in which cask; or on top of a 'beehive',³ and he does not know in which, R. Meir maintains that R. Eliezer said: We regard the upper [layers] as if they are separated, and the lower ones neutralize the upper ones;⁴ while R. Joshua ruled: If there were a hundred tops, they neutralize; if not, [all] the tops are forbidden, and the bottom layers⁵ are permitted.⁶ R. Judah maintained: R. Eliezer said: If there were a hundred tops, they neutralize; if not, [all] the tops are forbidden etc.; while R. Joshua ruled: Even if you have three hundred tops, they do not neutralize.⁷ If he pressed it⁸ in a round jar, and he does not know in which part of the jar he pressed it, whether in the north or in the south, all agree that it is neutralized.⁹ R. Ashi said: You may even say [that it agrees with] the Rabbis: Living creatures are important, and cannot be neutralized.

Now, let us detach [them] one by one and say, whatever is detached,¹⁰ is detached from the majority?¹¹ [You say,] 'detach [them]!' but that is kabua'

(1) As in the instances which we are discussing.

(2) Of terumah (q.v. Glos.), which may not be eaten by a zar. Normally it is neutralized by one hundred times its quantity. By Biblical law terumah must be given only of corn, wine, and oil (v. Num. XVIII, 8; Deut. XVIII, 4); the Rabbis added fruit.

(3) A receptacle of that shape.

(4) Though only the top layer of each cask etc. is in doubt, for the bottom ones are certainly not terumah, we regard the top layers as if they were taken away from their place and dispersed among all the layers of all the casks. Hence, if there are a hundred layers in all against the one in doubt, it is neutralized and all are permitted.

(5) I.e., all but the top one.

(6) But you cannot count all the layers for neutralizing purposes, since they are not in doubt.

(7) For layers of figs are sold by number.

(8) The litra of figs.

(9) Because it may not be a complete layer, and is therefore not sold by number. — Hence our Mishnah agrees with R. Joshua. For further notes v. Bez. (Sonc. ed.) 3bff.

(10) Lit., 'separates'.

(11) This is a general rule: when one thing is detached from many, we assume that it was detached from what constituted the majority. Here the majority of the animals are fit for sacrifice; as we detach each one, we may assume that it was of the majority, and therefore it can be sacrificed. Only the last two will then remain forbidden.

Talmud - Mas. Zevachim 73b

and every [case of] kabua' is like half and half?¹ — Rather, [the difficulty is this]: Let us force them to scatter and then say, whatever is detached, is detached from the majority? — Said Raba: We fear lest [e.g.] ten priests come at the same time and offer them.² One of the Rabbis observed to Raba: If so, is the tray forbidden?³ — [Rather the reason is] because [we fear] lest [e.g.] ten priests come and take them simultaneously.⁴ Is that possible?⁵ — Rather said Raba: The reason is because of kabua'.⁶

Raba said: Since the Rabbis ruled that we must not offer them, if one does offer, it [each animal] does not propitiate.⁷ R. Huna b. Judah raised an objection to Raba: If a sin-offering was mixed up with a burnt-offering, or a burnt-offering with a sin-offering,⁸ even one in ten thousand, all must die.⁹ When is this? If the priest consulted [the authorities].¹⁰ But if the priest did not consult [the authorities], and he sacrificed them [all] above,¹¹ half are fit and half are unfit;¹² below, half are fit and half are unfit. [If he sacrificed] one above and one below, both are unfit, for I assume [that] the sin-offering was offered above, and the burnt-offering below!¹³ — Said he to him:¹⁴ This [my ruling] is in accordance with the view that live animals can be [permanently] rejected; the other is in accordance with the view that live animals cannot be [permanently] rejected.¹⁵ But what about slaughtered animals regarding which all agree that they are [permanently] rejected,

(1) This is a general rule in the Talmud: although the majority is always followed, that is only when the minority is not *kabua'*, fixed, settled in a certain place; otherwise it is equal to the majority; v. Sanh. (Sonc. ed.) p. 531, n. 4. Here, the forbidden animal being *kabua'*, is therefore equal to the majority.

(2) This is now assumed to mean that after they are detached and slaughtered one after the other, ten priests will sprinkle the blood of ten animals or present their *emurim* (these are the essential acts of offering) simultaneously. Now, where e.g. the ten constitute the majority, they may therefore be assumed to include the forbidden one.

(3) After each animal has been slaughtered in the presumption that it is permitted, can they now become forbidden when their *emurim* are on the tray, waiting to be presented at the altar? That is absurd.

(4) From the confused herd.

(5) Surely not. Since they are scattered, it is impossible for the priests to take them at the identical moment.

(6) If we permit this when they are scattered, the priests may come and take them one by one even when they are not scattered, which, as stated above, is forbidden.

(7) This is a technical expression to denote that the sacrifice is invalid, and the owner still remains liable to his obligation.

(8) This refers to birds. These cannot be left until they are blemished, as bird-offerings cannot be redeemed.

(9) Since we do not know now how each is to be sacrificed.

(10) He asked what he was to do.

(11) As burnt-offerings.

(12) And if there was one bird of each, he must bring another for a sin-offering; similarly when it is reversed.

(13) I.e., this is possible; v. Kin. I, 2 and III, 1. — Thus although the priest is forbidden to offer them in the first place, yet if he does, those offered properly are fit. The same then should apply here.

(14) Marginal emendation.

(15) v. p. 295, n. 7, 10.

Talmud - Mas. Zevachim 74a

yet we learnt, R. Eliezer said: If he offered the head of one of them, all the heads must be offered?¹ — He ruled in accordance with Hanan the Egyptian. For it was taught: Hanan the Egyptian said: Even if the blood is in the cup, he brings its companion and pairs it.²

R. Nahman said in the name of Rabbah b. Abbuha [in Rab's name]:³ If a ring of idolatry⁴ was mixed up with a hundred rings, and one of them fell into the Great Sea,⁵ all are permitted, because we say: The one which fell was the one which was forbidden.⁶ Raba raised an objection to R. Nahman: EVEN ONE IN TEN THOUSAND, ALL MUST BE LEFT TO DIE. Yet why so; let us say that the first which dies is the forbidden one? Said he to him: Rab ruled in accordance with R. Eliezer, for we learnt: R. Eliezer said: if he offered the head of one of them, all the heads may be offered.⁷ But surely R. Eleazar⁸ said: R. Eliezer permitted [them to be offered] only in twos,⁹ but not singly? — I also meant in twos,¹⁰ he replied.

Rab said:¹¹ If a ring of idolatry was mixed up with a hundred rings, and forty of them [were] detached to one place, and sixty to another: if one [was] detached from the forty, it does not forbid

[others];¹² if one [was detached] from the sixty, it renders [others] forbidden. Why is one from forty different? [presumably] because we say, The forbidden [article] is among the majority? Then [in the case of] one from sixty too we must say, The forbidden [article] is in the majority?¹³ Rather [this is what he said]: If the forty were all separated to one place, they do not render [others] forbidden;¹⁴ [if] sixty [were detached] to one place, they render [others] forbidden.¹⁵ When I stated this before Samuel, he said to me: Leave idolatry alone, for a doubt therein and a double doubt are forbidden for all time.¹⁶

An objection is raised: The doubt of idolatry is forbidden, but a double doubt is permitted. How so? If a goblet of idolatry fell into a storeroom filled with goblets, all are forbidden. If one of these was detached and mixed up with ten thousand, and from the ten thousand [one was detached into] ten thousand, they are permitted?¹⁷ — It is a controversy of Tannaim. For it was taught, R. Judah said: pomegranates of Badan, however small their proportion, render [others] forbidden. How so? If one of them fell into ten thousand, and [one] of the ten thousand into [another] ten thousand, all are forbidden. R. Simeon b. Judah said on R. Simeon's authority: [If it fell] into ten thousand, they are forbidden; but [if one] of the ten thousand [fell] into three, and [one] of the three [fell] among others,¹⁸ they are permitted .¹⁹

In accordance with whom did Samuel rule? If in accordance with R. Judah, it is forbidden even in the case of other interdicts?²⁰ If in accordance with R. Simeon, then even in the case of idolatry too [a double doubt] is permitted? And should you say, R. Simeon allows a distinction between idolatry and other interdicts; then when it was taught, ‘A doubt of idolatry is forbidden, but a double doubt is permitted,’ who is its author? it is neither R. Judah nor R. Simeon? — In truth [the author of this is] R. Simeon, and he permits in the case of idolatry too,²¹ while Samuel agrees with R. Judah in one matter, but disagrees in another.²²

The master said: ‘[If one] of the ten thousand [fell] into three, and [one]’ of the three [fell] among others, they are permitted.’

(1) V. infra 77b. Though had the priest asked, we would have instructed him not to offer any.

(2) V. supra 34b.

(3) Sh. M. deletes ‘in Rab's name’.

(4) One which adorned an idol; all benefit thereof is forbidden, and it is not neutralized when it is mixed up with any number of others, all of which become forbidden (supra 71b).

(5) Probably the Mediterranean. Of course, the same applies, to any place where it is lost.

(6) We make this lenient assumption.

(7) Thus the first is assumed to have been the forbidden one.

(8) The amora.

(9) Where one is definitely not forbidden, and so we assume the same about the other.

(10) The remaining rings must be sold in twos.

(11) Marginal emendation: Rab Judah said in Rab's name.

(12) If it became mixed up with others. ‘Separated’ in the whole passage means accidentally.

(13) I.e., the remaining fifty nine.

(14) If these forty were mixed up with others, because we assume that the forbidden one is in the sixty. If they were not mixed up with others, they would remain forbidden, for the forbidden ring cannot be nullified in the majority, and even R. Eliezer permits a lenient assumption only where an article is lost or destroyed, as where the head of one of them is offered. Nevertheless, when the forty are mixed up with others, all are permitted, because now there is a double doubt concerning each ring: Firstly, the forty may not have contained the forbidden one at all; and secondly, even if they did, each one of the present mixed group may not be of the forty. Hence they are all permitted.

(15) Because we assume that the forbidden one is in the majority, and so now there is only a single doubt concerning each ring: whether it is the forbidden one or not. Therefore we must adopt a rigorous ruling.

(16) No matter how slight the doubt, it is always forbidden. Thus even in the case of forty they render others forbidden.

(17) This contradicts Samuel. — It is not clear why this second clause, ‘and from the ten thousand into ten thousand’ is necessary, for since a double doubt is permitted, when one of the storeroom is mixed up with the first ten thousand, the latter should be permitted. Sh. M. suggests that the first ten thousand are permitted, but they may not be all used simultaneously, for then we have only a single doubt, whether the one from the storeroom was the goblet of idolatry or not. (He rejects the explanation, given by Tosaf. in the next passage, that the second ten thousand is mentioned to shew that he who forbids, forbids even then, as inapplicable here since no view forbidding these is expressed in this Baraitha at all. Nevertheless, it is possible that the Baraitha is a fragment, the other half being lost even in Talmudic times, and so the Talmud cites it as a refutation of Samuel.)

(18) Lit., ‘into another place’.

(19) Rashi: both the first three and the others, because there is a double doubt in connection with both. Tosaf.: the first three may not all be enjoyed simultaneously (v. n. 2.). The number three is discussed anon.

(20) Since R. Judah's ruling does not refer particularly to idolatry.

(21) Emended text (Sh. M.).

(22) He agrees that a double doubt of idolatry is forbidden, but does not apply it to other interdicts, as does R. Judah.

Talmud - Mas. Zevachim 74b

Why are three different? [presumably] because there is a majority? Then [if it fell] among two, there is also a majority? — What does he mean by ‘three’? two together with itself. Alternatively, he agrees with R. Eliezer.¹

Resh Lakish said: If a cask of terumah was mixed up with a hundred casks [of hullin], and one of them fell into the Salt Sea,² all of them become permitted, for we assume: The one which fell was the forbidden one.³ Now, the rulings of both R. Nahman⁴ and Resh Lakish are necessary. For if [we learnt] from R. Nahman's [ruling], I would say: It applies to idolatry only, because it has no remedy to permit it;⁵ but in the case of terumah, which has a remedy,⁶ I would say that it is not so.⁷ While if [we learnt] from Resh Lakish, I would say: It applies only to a cask, whose fall is noticeable; but as for a ring, whose fall [loss] is not noticeable, I would say that it is not so.⁸ Thus they are both necessary.

Rabbah said: Resh Lakish permitted only a cask, whose fall is noticeable, but not a fig.⁹ But R. Joseph said: Even a fig: as its fall, so its removal [rise].¹⁰

R. Eleazar said: If a [closed] cask of terumah fell among a hundred casks, he opens one of them, removes therefrom the proportion of the mixture,¹¹ and drinks [the rest]. R. Dimi sat and reported this ruling. Said R. Nahman to him: We see here quaffing and drinking!¹² Say rather: If one of them was opened,¹³ he removes thereof the proportion of the mixture, and drinks.

R. Oshaia said: If a [sealed] cask of terumah was mixed up with a hundred and fifty casks, and a hundred of them were opened [accidentally], he removes from them the proportion of the mixture and drinks, but the rest are forbidden until they are opened [accidentally], [for] we do not say, The forbidden article is in the majority.¹⁴

A ROBA' OR A NIRBA' etc. As for all the others, it is well; [for their disqualification] is not perceptible;¹⁵ but how is this [case of] terefah possible? if it is perceptible, let [the priest] come and remove it?¹⁶ whilst if he cannot distinguish it, how does he know that [a terefah] was mixed up?¹⁷ The school of R. Jannai said: The circumstances here are e.g., that [an animal] perforated by a thorn was mixed up with one attacked by a wolf.¹⁸ Resh Lakish said: It was mixed up e.g. with a fallen animal. [You say,] ‘A fallen animal’? that too can be examined?¹⁹ He holds [that] if it, stood up, it needs [observation for] twenty-four hours; if it walked, it needs examination.²⁰ R. Jeremiah said: E.g., it was mixed up with the young of a terefah, this being in accordance with R. Eliezer, who maintained: The young of a terefah cannot be offered at the altar.

All these [Rabbis] did not explain it as the school of R. Jannai, [because they hold that] you can distinguish [an animal] perforated by a thorn from one attacked by a wolf, [as the perforation of] the former is elongated, whereas [that of] the latter is round. They did not explain it as Resh Lakish, [for] they hold: If it arose, it does not need twenty-four hours; if it walked, it does not need examination. They did not explain it as R. Jeremiah, because they would not make it agree with R. Eliezer.²¹

[IF] A SACRIFICE [WAS MIXED UP] WITH A SACRIFICE, BOTH BEING OF THE SAME KIND etc. But [the sacrifice] requires laying on [of hands]?²² — Said R. Joseph: It refers to sacrifices of women.²³ But not to men's sacrifices?

(1) V. supra a, where it is stated that R. Eliezer permits the heads to be offered only in twos. Similarly here, the pomegranates can be used only in twos, and for that reason it must have fallen into at least three, so that there are four in all; otherwise, two could be used, while the third would be forbidden. (Rashi gives two explanations: this is the second, which is adopted by Tosaf. too, though Rashi favours the first.)

(2) The Dead Sea.

(3) Sc. that of terumah.

(4) V. supra a: he gives a similar ruling on a ring of idolatry.

(5) In itself; hence it would be too rigorous to say that they remain forbidden.

(6) The lot can be sold to a priest, to whom it is permitted.

(7) There is no need for this lenient assumption.

(8) A cask is a large object, and its loss is noticeable. Hence when the rest are permitted, one can see that it is because one fell out. But a ring is small and its loss out of a large number is not noticeable. Therefore it might be thought that if the rest are permitted, one will not know the reason and believe that they are all permitted, even if none fell out.

(9) Which is small. — Sh. M.: This is only if the fig was mixed up with less than a hundred, as otherwise it is neutralized in any case. But a closed cask is not neutralized by any number (supra 72b.).

(10) Just as you consider it sufficiently important to render all forbidden when it falls among other figs, so must its removal be considered sufficiently noticeable to render them all permitted.

(11) One cask is forbidden, while a hundred are permitted; hence the proportion of the forbidden is 1/101st part; this he must remove, and the rest is permitted, for an open cask can be neutralized (Sh. M. reads in Rashi: he must remove 1/100th part, not 1/101st part).

(12) If he is permitted to open the cask, how is this law, that a sealed cask can never be neutralized, possible?

(13) Accidentally.

(14) As Rab supra a. If we did say thus, we would assume the cask of terumah to be in the hundred, so that the other fifty are immediately permitted.

(15) Lit., 'known'. Hence they can be mixed up with others.

(16) From the other animals. — It is perceptible when it is an outward form of terefah, e.g., if the skull was perforated. But then it is distinguishable from the other animals.

(17) If it is an internal form of terefah, so that it is not distinguishable from the others, how indeed does he know that it is terefah until it is slaughtered and examined?

(18) Both show marks of perforation, and so are indistinguishable; but the former is not terefah (unless the thorn penetrated right through the flesh into the interior of the animal, which it did not here), whereas the latter is (any animal attacked by a beast of prey is terefah).

(19) If it can get up and walk, it is entirely fit, as there is an opinion that in such a case one need not wait but can slaughter it immediately, and it need not even be examined after slaughter to see if there is a lesion of the vital organs, which would render it terefah. Hence it is merely necessary in the present instance to see which animals can walk.

(20) If the animal merely succeeded in rising, but could not walk, it must be kept to see if it can live twenty-four hours; if it is slaughtered before, it is terefah even if no internal lesion is discovered. But if it succeeded in walking, it can be slaughtered at any time, save that after slaughtering all the vital organs, e.g., the spinal cord, lungs, heart, etc., must be examined for injury (this is not required in the case of an ordinary animal); thus it is considered as a doubtful terefah and may not be offered. In this instance all the animals can walk, yet as there remains the doubt, none can be offered.

(21) His ruling is generally rejected, v. Shab. 130b, (Sonc. ed.) p. 653, n. 9.

(22) By its owner, whereas he is unknown.

(23) Which did not require it.

Talmud - Mas. Zevachim 75a

Abaye raised an objection to him: If an individual's sacrifice was mixed up with an individual's sacrifice, or a congregational sacrifice with a congregational sacrifice, or if an individual's sacrifice and a congregational sacrifice were mixed up, [the priest] must make four applications [of the blood] of each [sacrifice];¹ Yet if he made an application of each, he has fulfilled his obligation;² and if he made four applications from all,³ it suffices. When is this said?⁴ If they were mixed up alive; but if they were mixed up after being slaughtered,⁵ he makes four applications for all of them; yet if he made one application, he fulfilled his duty. Rabbi said: We examine the application: if it contains sufficient for each,⁶ it is fit; if not, it is unfit. Now, he teaches about an individual who is similar to the congregation: as the congregation [consists of] men, so the individual [means] a man!⁷ — Said Raba: And is it reasonable that this is correct [as it stands]? [Surely not,] for he teaches: When is this said? if they were mixed up alive; but not if they were mixed up when slaughtered. But what does it matter whether they are alive or slaughtered?⁸ Rather, this is what he means: when is this said? If they were mixed up, when slaughtered, as if they were alive, [viz.,] the goblets [were mixed up]; but where one mingled [the blood in one goblet], [the priest] makes four applications for all of them; yet if he made one application on behalf of all, he has fulfilled his duty.⁹

‘Rabbi said: We examine the application: if it contains sufficient for each, it is fit; if not, it is unfit.’ Now does Rabbi hold this view? Surely it was taught: Rabbi said: According to R. Eliezer,

(1) Cf. supra 52b.

(2) Cf. supra 36a: whatever is sprinkled on the outer altar, if the priest made one application thereof, he has atoned.

(3) Rashi: two for each sacrifice, i.e., four from one sacrifice, so that it can be regarded as two for each; similarly according to the explanations of Tosaf. and Sh. M.: this means where four sacrifices were mixed up, an individual's with an individual's and a congregational one with a congregational one, so that he makes one for each sacrifice. Sh. M. regards this as forced, and proposes an emendation: ‘and if he made two applications etc’.

(4) That in the first place four applications of each are necessary.

(5) So that their blood was mixed in one goblet.

(6) If he applied enough blood in this one application for two.

(7) Not only a woman.

(8) Even if they are slaughtered they may still require four applications from each, e.g., if the goblets were mixed up, but all the blood was not in one goblet.

(9) Hence the passage refers to slaughtered animals, laying of hands having already taken place before they were mixed up.

Talmud - Mas. Zevachim 75b

sprinkling, no matter how little, cleanses; sprinkling does not require a definite standard; sprinkling [is valid even if the mixture is] half fit and half unfit?¹ — He states [the law] according to R. Eliezer.² Alternatively, sprinkling [upon a person] is one thing, while a [blood] application is another.³

IF THEY WERE MIXED UP WITH A FIRSTLING OR TITHE etc. Rami b. Hama said: According to Beth Shammai, a firstling may not be given as food to menstruant women;⁴ what about its substitute?⁵ A firstling cannot be redeemed;⁶ what about its substitute? A firstling cannot be weighed by the pound;⁷ what about its substitute? — Said Raba: It was taught: A firstling and tithe, [even] when they became blemished, effect substitution.⁸ and their substitute is like themselves.⁹

Rami b. Hama asked: If one dedicated a [blemished] firstling for the Temple repair,¹⁰ can it be weighed by the pound?¹¹ Is the profit of hekdes¹² of greater consideration, or is the degradation of the firstling¹³ of greater consideration? — Said R. Jose b. Zebida, Come and hear: IF THEY WERE MIXED UP WITH A FIRSTLING OR TITHE, THEY MUST GRAZE UNTIL THEY BECOME UNFIT, AND THEN THEY ARE EATEN AS FIRSTLING OR TITHE. Surely that means that they are not weighed by the pound?¹⁴ — R. Huna and R. Hezekiah, disciples of R. Jeremiah, said: How compare? There you have two sanctities and two bodies,¹⁵ but here you have two sanctities¹⁶ and one body.¹⁷ To this R. Jose b. Abin demurred:¹⁸ What if he said, ‘Redeem me a firstling’¹⁹ which he had devoted to Temple repair: Would we heed him?²⁰ — [If he says,] ‘Redeem’ — [surely] the Divine Law said that it must not be redeemed!²¹ — Rather said R. Ammi: Did he transmit ought save what he possessed?²²

ALL [SACRIFICES] CAN BE MIXED UP etc. Why are a sin-offering and a guilt-offering different; [presumably] because one is a male and the other is a female? Then the same applies to a sin-offering and a burnt-offering? — There is the ruler's he-goat.²³ In the case of a guilt-offering too, there is the ruler's he-goat? — One has hair and the other has wool.²⁴ A Passover-offering and a guilt-offering too cannot be mixed up, for the former is a year old, while the latter is two years old? — There are the nazirite's guilt-offering and the leper's guilt-offering.²⁵ Alternatively, sometimes a year old looks like a two-year old, and sometimes a two-year old looks like a year old.

MISHNAH. IF A GUILT-OFFERING WAS MIXED UP WITH A PEACE-OFFERING, R. SIMEON SAID: THEY MUST BE SLAUGHTERED AT THE NORTH [SIDE OF THE ALTAR]²⁶ AND EATEN IN ACCORDANCE WITH [THE LAWS OF] THE MORE STRINGENT OF THEM.²⁷ SAID THEY TO HIM: ONE MUST NOT BRING SACRIFICES TO THE PLACE OF UNFITNESS.²⁸ IF PIECES [OF FLESH] WERE MIXED UP WITH PIECES [OF FLESH], MOST SACRED SACRIFICES WITH LESSER SACRIFICES, [PIECES] THAT ARE EATEN ONE DAY WITH [THOSE] THAT ARE EATEN TWO DAYS AND ONE NIGHT, THEY MUST BE EATEN IN ACCORDANCE WITH [THE LAWS OF] THE MORE STRINGENT OF THEM.²⁹

GEMARA. A Tanna recited before Rab: You must not purchase terumah with the money of seventh-year produce, because you diminish the time allowed for its consumption.³⁰ The Rabbis stated in Rabbah's³¹ presence: This does not agree with R. Simeon, for if it agreed with R. Simeon, surely he maintained: One may bring sacrifices³² to the place of unfitness. Said he to them: You may say that it agrees even with R. Simeon: That³³ is only when it was done,³⁴ but not at the very outset.³⁵ ‘But not at the outset’? Abaye raised an objection to him:

(1) V. infra 80a. This refers to the besprinkling of a man defiled through contact with the dead. It is assumed that the same applies to the sprinkling of the blood of a sacrifice, which proves that such does not require a definite quantity at all, and so contradicts Rabbi's present statement.

(2) But does not accept it himself.

(3) The same law does not apply to both.

(4) Bek. 33a.

(5) If another animal was proposed as its substitute, whereupon both receive the sanctity of a firstling: does the same law about menstruant women apply?

(6) So as to become hullin, while the redemption-money becomes sacred.

(7) When the priest sells it.

(8) In the sense that the substitute too is holy.

(9) Subject to the same laws.

(10) Lit., ‘if one caused a firstling to be seized (with sanctity).’ On ‘Temple repair’ v. p. 74. n. 7.

(11) Can it be sold by weight, or only by general computation? In the former case a higher price will be obtained, so that the Temple repair will benefit more.

(12) V. Glos.

(13) It is considered a degradation for a firstling to be treated exactly like hullin and sold by weight, for which reason it is normally forbidden. When other sacrifices become unfit and are redeemed, they are sold by weight in the public market, thereby fetching a higher price, because the money obtained, which is the redemption money, is used for hekdesch; this is not permitted in the case of a firstling, because the money goes to the priest. Here, however, that he dedicated it to hekdesch, it may be the same as other sacrifices. On the other hand, in the former instance the money is used for buying other animals for sacrifices, whereas here it is used for Temple repair only.

(14) When they are redeemed. Thus even the other sacrifices, which normally would be sold by the pound, are restricted on account of the firstling. This proves that the degradation of tithe is of greater consideration.

(15) The sacrifice and the firstling are two separate animals (bodies) and possess different sanctities; therefore you may not degrade the latter in order to obtain a higher price for the former.

(16) Viz., that of a firstling and that of Temple repair.

(17) Since the profit arises in the same body, it is possibly permitted, though the profit is utilised for a different purpose.

(18) What question is there at all: how can you think that we permit its degradation because it was dedicated?

(19) That it might become altogether hullin, to permit its shearing or being put to the plough etc.

(20) Surely not, though the Temple repair would profit thereby.

(21) That is forbidden by Biblical law, which obviously cannot be transgressed. But the prohibition of selling by weight is only Rabbinical and therefore it may possibly be waived (Rashi).

(22) A man can only give over what he possesses himself. Since the priest could not sell it by weight for his own use, he cannot empower the Temple repair fund to do so.

(23) V. Lev. IV, 22f.

(24) The guilt-offering is a male ram, which has wool. Hence it cannot be mixed up with a he-goat.

(25) Which are likewise a year old.

(26) The side prescribed for the slaughtering of a guilt-offering. Peace-offerings could be slaughtered on any side of the Temple court, supra 54b, 55a.

(27) I.e., as guilt-offerings, viz., during one day and one night only, within the Temple precincts, and by male priests. For a peace-offering v. supra 55a.

(28) For one of the sacrifices is a peace-offering, and is fit on the second day; we cannot therefore consign it to the place of unfitness, as is necessary in R. Simeon's ruling. Hence they must be left to graze until blemished.

(29) Here the Rabbis agree, as there is no alternative.

(30) In the seventh year, when nothing is left for the beasts in the field, this terumah will have to be destroyed, whereas if it had not been purchased with the money of seventh-year produce it could always be eaten. (The terumah itself was not of seventh-year produce, the latter being exempt from terumah or tithe.)

(31) Marginal emendation. Cur. edd. Raba's.

(32) Or, holy food in general which includes terumah.

(33) Sc. R. Simeon's ruling.

(34) As in the Mishnah: Since the animals were mixed up, there is no alternative.

(35) There is no need to purchase terumah at the outset, when it will have that effect.

Talmud - Mas. Zevachim 76a

And in all these the priests may deviate in their mode of eating, and eat them roast, stewed, or boiled; and they may season them with condiments of hullin or terumah: that is R. Simeon's ruling!¹ — Leave the terumah of condiments, he replied, as it is [only] Rabbinical.²

He raised an objection: You may not purchase terumah with second-tithe money,³ because you reduce its consumption;⁴ but R. Simeon permits it? Thereupon he was silent.

When he [Abaye] came before R. Joseph, he said to him, Why did you not refute him from the following: You may not boil seventh-year vegetables in oil of terumah, in order not to bring sacred food⁵ to the place of unfitness;⁶ but R. Simeon permits it? — Said Abaye to him: Did I not refute him from this law of condiments, and he answered me, 'Leave the terumah of condiments, as it is

[only] Rabbinical'? So here too [he would answer me]: The terumah of vegetables is [only] Rabbinical. If so,⁷ he [the Tanna] should teach the reverse, [viz.,] vegetables of terumah with seventh-year oil? — And did I not raise the objection to him, and he answered me, It means where they were mixed together?⁸ so here too [he could answer me] that they were mixed together.⁹ If they were mixed together, what is the reason of the Rabbis?¹⁰ — It is analogous to a guilt-offering and a peace-offering.¹¹ How compare? there it has a remedy, viz., in grazing;¹² whereas here it has no remedy in grazing.¹³ This can only be compared to a piece [mixed up] with other pieces, where, since there is no remedy, they are eaten in accordance with [the laws of] the more stringent of them.¹⁴ To this Rabina demurred: How compare? [when] a piece [is mixed up] with [other] pieces, it has no remedy at all; whereas this has a remedy in squeezing out!¹⁵ And R. Joseph?¹⁶ — How shall we squeeze it out? If we squeeze it out well,¹⁶ — seventh year produce is spoiled;¹⁷ if we squeeze it a little, then after all it remains mixed up.¹⁸

He raised an objection to him: R. Simeon said: On the morrow he brings his guilt-offering together with the log [of oil] and declares: If this is a leper's [offering] this is his guilt-offerings and this is its log [of oil];

(1) V. infra 90b. When he seasons it with terumah, he reduces the time for its consumption, as it is now limited to the time in which the sacrifice may be eaten; and yet R. Simeon permits it even at the outset.

(2) By Biblical law no terumah need be separated at all on condiments. Since it is only Rabbinical, we are not so strict.

(3) V. Deut. XIV, 22-26.

(4) Before it could be eaten anywhere, whereas now in Jerusalem only.

(5) Sc. terumah.

(6) Cf. n. 4, p. 363.

(7) If that is why R. Simeon is lenient.

(8) The oil and the vegetables were accidentally mixed together.

(9) Apparently Abaye answered that he had cited this in refutation of some other ruling (not stated here), and that this had been his reply. Consequently he did not cite it now, as he could give the same reply.

(10) In forbidding it.

(11) Which must be left to graze until they receive a blemish. So here too, the mixture of oil and vegetables must be left, rather than that we should reduce the time during which the terumah may be eaten.

(12) The animals will still be eaten, save that we must wait until they are blemished.

(13) If they may not be boiled together, the terumah is simply wasted altogether.

(14) Hence here too let the Rabbis permit them to be boiled together.

(15) The oil can be squeezed out of the vegetables.

(16) How does he answer this?

(17) The action of strong squeezing damages it.

(18) You cannot extract all the oil.

Talmud - Mas. Zevachim 76b

and if not, let this guilt-offering be a votive peace-offering.¹ That guilt-offering must be slaughtered in the north, and requires sprinkling on the thumbs,² laying [of hands], [the accompaniment of] drink-offerings, and the waving of the breast and the thigh; and it is eaten one day and one night.³ — A man's repair is different.⁴

That is well of the guilt-offering; what can be said about the log [of oil]?⁵ — He declares: [If I was not a leper,] let this log be a votive gift.⁶ But perhaps he was not a leper, and he must take off a fistful?⁷ — He does take off a fistful. But perhaps he was a leper, and he requires seven sprinklings?⁸ — He makes them. But it is defective?⁹ — He brings a little more and replenishes it. For we learnt: If the log became defective before he poured it,¹⁰ he replenishes it. But it [the fistful] must be burnt? — He does burn it [on the altar].¹¹ When? if after the seven sprinklings, it becomes a residue which

was reduced between the taking of the fistful and the burning, and you may then not burn the fistful on its account;¹² while if before the seven sprinklings, [we have the exegetical rule:] Every offering whereof a portion has been consigned to the fire [of the altar] is subject to ‘Ye shall not make smoke [burn]’?¹³ — Said R. Judah the son of R. Simeon b. Pazzi: He brings it up [on the altar] as mere fuel ‘¹⁴ For it was taught, R. Eliezer said: ‘For a sweet savour’¹⁵ you may not take it up [on the altar], but you may take it up

(1) This refers to a case of doubtful leprosy. ‘On the morrow’ means on the eighth day, the morrow after the final seven days of purification; v. Lev. XIII-XIV. If the man had not actually been a leper he is not liable now to a guilt-offering and therefore he stipulates that in that event it shall be a votive peace-offering.

(2) V. Lev. XIV, 14.

(3) Like a guilt-offering. Thus he may reduce the time of its consumption (for it may be a peace-offering, which can be eaten two days) even at the outset!

(4) There is no other way by which he can become clean.

(5) This is not a refutation of Raba, but a difficulty in R. Simeon's statement. The guilt-offering can be a votive peace-offering, if the man was not a leper; but what about the log of oil, to which he is not liable in that case?

(6) For oil could be brought by itself, without an animal sacrifice.

(7) If oil is votively brought, a fistful must be taken off and burnt on the altar; v. infra 91b.

(8) V. Lev. XIV, 16.

(9) As a fistful was removed, there is now less than a log, and that invalidates the rites.

(10) On to his left hand, v. ibid. 15.

(11) Then the residue may be consumed in any event. For if he was a leper, it may be consumed, as stated supra 44b. While if this is a votive offering, it is the same as the residue of any meal-offering, which of course is eaten (v. Lev. II,3).

(12) It may be a votive offering, in which case the sprinklings are not a purification rite but simply a lessening of the oil. Now, the fistful had already been taken, and thus between that act and the burning the residue was reduced, in which case the fistful may not be burnt, v. Men. 9b.

(13) V. Lev. II, 11. Here too, perhaps it was a votive offering, and so the burning of the fistful is a valid rite, in accordance with Lev. II, 2 q.v. When this burning has once been done, none of the residue may be burnt again on the altar. Now in this instance the sprinklings of the oil are equivalent to the burning on the altar of part of a meal-offering; hence just as that would be forbidden, so are the sprinklings forbidden.

(14) Not as a fistful whose burning is a necessary rite. Thus when he sprinkles the oil the priest declares: ‘If he was a leper’ (so that the burning of the fistful was not a rite and does not count, since it was not a votive offering, for only such requires it), ‘this is not a residue, and I sprinkle of the whole, not of the residue. While if he was not a leper’ (so that the burning of the fistful was a necessary rite), ‘let this not be accounted as ritual sprinkling but as merely pouring water on the altar’ (the equivalent of burning the fistful not as a rite, but as though one added fuel to the altar). So Rashi. According to this explanation, the Talmud speaks figuratively: in the difficulty it raises, ‘Ye shall not make smoke’ means that you must not sprinkle, while ‘he brings it up as mere fuel’ in the answer means that he simply pours it out as water. This is perhaps forced, while it is questionable whether this sprinkling is the exact equivalent of the ritual burning of the fistful. Tosaf. therefore explains that the passage is meant literally, this agreeing with R. Akiba who maintained that it is forbidden to burn ritually a fistful of the leper's log of oil; hence the difficulty, How can he burn this fistful, in case he was a leper? The answer is that he does not burn it ritually, but merely as fuel.

(15) Lev. II, 12.

Talmud - Mas. Zevachim 77a

for fuel.¹

But there is the residue which is to be eaten, whereas we have this little more on whose account no fistful was taken?² — He redeems it.³ Where does he redeem it? If within [the Temple court], then he brings hullin into the Temple court?⁴ If without, it becomes unfit through having gone out?⁵ — In truth, [he redeems it] within, but it is hullin automatically.⁶

Yet surely R. Simeon said: You cannot bring oil as a votive offering? — The repair of a man is different.⁷

R. Rehumai sat before Rabina, and stated in the name of R. Huna b. Tahlifa: Yet let him declare:⁸ Let this guilt-offering be a suspensive guilt-offering?⁹ You may infer from this¹⁰ that the Tanna who disagrees with R. Eliezer and maintains that you cannot bring a suspensive guilt-offering votively is R. Simeon. Said he [Rabina] to him [R. Rehumai] Torah! Torah!¹¹ You have confused lambs with rams!¹²

MISHNAH. IF THE LIMBS OF A SIN-OFFERING WERE MIXED UP WITH THOSE OF A BURNT-OFFERING, R. ELIEZER SAID: HE MUST PLACE [THEM ALL] ON THE TOP [OF THE ALTAR], AND¹¹ REGARD THE FLESH OF THE SIN-OFFERING ON TOP AS THOUGH IT WERE WOOD.¹³ BUT THE SAGES MAINTAIN: THEY MUST BECOME DISFIGURED, AND THEN GO OUT TO THE PLACE OF BURNING.¹⁴

GEMARA. What is R. Eliezer's reason? — Scripture saith, But they shall not come up for a sweet savour on the altar:¹⁵ 'for a sweet savour' you may not take it up [on the altar], but you may take it up as wood. And the Rabbis?¹⁶ — The Divine Law expressed a limitation [in the word] 'them': 'them' you may not bring up [for a sweet savour] but only as wood; but not anything else.¹⁷ And R. Eliezer? — Only [in respect of] 'them' have I included the ascent, making it like the altar, but not [in respect of] anything else.¹⁸ And the Rabbis?¹⁹ — You may infer both things from it.²⁰

Our Mishnah does not agree with the following Tanna. For it was taught: R. Judah said: R. Eliezer and the Sages had no controversy about the limbs of a sin-offering which were mixed up with the limbs of a burnt-offering, [both agreeing] that they must be offered up; [if mixed up] with the limbs of a roba' or a nirba',²¹ [both agree] that they must not be offered. Wherein do they differ? About the limbs of an unblemished burnt-offering which were mixed up with the limbs of a blemished [one]: there R. Eliezer maintains [that] they must be offered up [on the altar], and I regard the flesh of the blemished animal on top as mere wood; while the Sages say: They must not be offered up.

Now [according to] R. Eliezer, why are roba' and nirba' different: [presumably] because they are not eligible? A blemished animal too is not eligible?

(1) These things which may not be taken up on the altar for ritual burning may be taken up as fuel.

(2) It may be a votive offering, of which a fistful must be taken for the altar, and only in virtue thereof is the rest permitted. Here he added a little after the fistful was taken, and so it was not permitted thereby. As it is mixed up with the rest, all is forbidden.

(3) He declares: 'If he was not a leper, and this log is a votive offering, let the additional oil' (which was not necessary for a votive offering) 'be redeemed by this money.'

(4) As soon as he redeems it, it is hullin, and in the Temple court, whereas hullin may not be brought into the Temple court.

(5) The whole log, for it ranks as most holy, which becomes unfit when taken without.

(6) He does not actually bring hullin into the Temple court.

- (7) It is permitted here, as there is no other way out.
- (8) If he was not a leper.
- (9) To atone for a sin doubtfully committed. For R. Eliezer holds that such can be offered voluntarily, since every man stands in doubt whether he has sinned or not. This is preferable to declaring it a peace-offering, as the former too may only be eaten one day, and so we would not reduce the time permitted for consumption,
- (10) Since R. Simeon does not adopt this expedient.
- (11) Where is your learning?
- (12) A leper's guilt-offering must be a year old lamb, whereas a suspensive guilt-offering must be a two year old ram.
- (13) It cannot be ritually burnt, but it can be regarded merely as fuel.
- (14) They must be kept until they no longer look like flesh and then be taken out and burnt where all unfit flesh is burnt. But they cannot be regarded and treated simply as fuel.
- (15) Lev. II, 22. As stated supra 76b, this means that no sacrifice may be ritually burnt (haktarah) on the altar after a portion thereof has already been so burnt.
- (16) How do they rebut this?
- (17) The two verses (ibid. 11, 12) read: No meal-offering, which ye shall bring unto the Lord, shall be made with leaven; for all leaven and all honey, ye shall not make smoke of it as an offering made by fire unto the Lord (lit. translation). As an offering of first-fruits ye may bring them unto the Lord; but they shall not come up for a sweet savour on the altar. Now, as stated supra 76b, the first verse is interpreted to mean that the ritual burning on the altar of anything whose haktarah was already done is forbidden, This is learnt from the apparently superfluous 'of it', and is made to include sacrifices in general, and not particularly honey or leavened bread. The second verse nevertheless teaches that they can be burnt simply as fuel. The Rabbis hold that 'them' in the second verse is a limitation: only those things enumerated in the preceding verse, viz., honey and leavened bread may not come up 'for a sweet savour' yet may come up as fuel; other things, however, which may not come up (as deduced from 'of it'), may not come up at all.
- (18) From the words, but they may not come up . . . to (lit. translation, not on as E.V.) the altar it is inferred that they may not even be placed on the ascent. R. Eliezer holds that 'them' teaches that only leavened bread and honey are so forbidden, but nothing else.
- (19) Whence do they know this?
- (20) The limitation of 'them' applies to everything that is implied in that verse; hence, as it teaches that things other than honey or leavened bread may not be brought up even as fuel, so it also teaches that they are not included in the interdict of the ascent.
- (21) V. supra 71a.

Talmud - Mas. Zevachim 77b

— Said R. Huna: It refers to cataracts in the eye, and is in accordance with R. Akiba who maintained that if they ascended [the altar], they do not descend.¹ Granted that R. Akiba ruled thus if it was done; did he rule thus at the very outset?² — Said R. Papa: The circumstances here are, e.g., that they went up the ascent. If so, even when they are by themselves [they must be offered]?³ — Rather, [this is] R. Eliezer's reason: The Divine Law expressed a limitation in, 'There is a blemish in them; [they shall not be accepted:]'⁴ only when there is a blemish in them shall they not be accepted, but when they are mixed up they are accepted. And the Rabbis?⁵ — Only when the blemish is in them shall they not be accepted, but if their blemish has gone they are accepted. And R. Eliezer?⁶ — [He derives it] from bam, bahem.⁷ And the Rabbis? — They attribute no significance to⁸ bam, bahem. If so, [how can R. Eliezer say,] 'I regard'. Surely the Divine Law declared it fit?⁹ — He says this to them on their ruling: In my opinion, the Divine Law declared it fit; but [even] on your view, you should at least admit that the flesh of a blemished animal is like wood, by analogy with the flesh of a sin-offering. And the Rabbis? — Here¹⁰ it is repulsive;¹¹ there¹² it is not repulsive.

MISHNAH. [IF THE] LIMBS OF BURNT-OFFERINGS [WERE MIXED UP] WITH THE LIMBS OF A BLEMISHED [BURNT-OFFERING], R. ELIEZER SAID: IF [THE PRIEST] OFFERED THE HEAD OF ONE OF THEM, ALL THE HEADS ARE TO BE OFFERED; THE LEGS OF ONE OF THEM, ALL THE LEGS ARE TO BE OFFERED.¹³ BUT THE SAGES

MAINTAIN: EVEN IF THEY HAD OFFERED ALL EXCEPT ONE OF THEM, IT GOES FORTH TO THE PLACE OF BURNING.

GEMARA. R. Eleazar said: R. Eliezer declared them fit only in twos, but not singly.¹⁴ R. Jacob raised an objection to R. Jeremiah:¹⁵ BUT THE SAGES MAINTAIN: EVEN IF THEY HAD OFFERED ALL EXCEPT ONE OF THEM, IT GOES FORTH TO THE PLACE OF BURNING?¹⁶ — Said R. Jeremia b. Tahlifa, I will explain it for you: What does ONE mean? One pair.

MISHNAH. IF THE BLOOD WAS MIXED WITH WATER, IF IT RETAINS THE APPEARANCE OF BLOOD, IT IS FIT,¹⁷ IF IT WAS MIXED WITH WINE, WE REGARD IT AS THOUGH IT WERE WATER.¹⁸ IF IT WAS MIXED WITH THE BLOOD OF A DOMESTIC ANIMAL OR BEAST OF CHASE, WE REGARD IT AS THOUGH IT WERE WATER;

(1) V. Bekh. 16a.

(2) That they may be taken up-surely not!

(3) According to R. Akiba, not only when they are mixed up with unblemished animals.

(4) Lev. XXII, 25. 'Shall not be accepted' intimates that they must not be presented on the altar.

(5) How do they interpret this?

(6) How does he know this?

(7) Scripture writes bam (in them) instead of bahem, as it does in the preceding phrase: 'because their corruption is bahem (in them)'. The change in word suggests a double limitation, and so both are learnt from it. Var. lec.: Scripture writes bam, bahem, i.e., two limiting words.

(8) Lit., 'they do not interpret'.

(9) If the text teaches that the limbs are fit to be burnt on the altar, how can you regard them as mere wood?

(10) In the case of a blemished animal.

(11) To burn it on the altar.

(12) The flesh of a sin-offering.

(13) Burnt on the altar. For I assume that the head or the legs already offered belonged to the blemished animal, and so all the rest are of the unblemished ones; v. supra 74a.

(14) V. supra 74a.

(15) Emended text (Sh. M.).

(16) Hence R. Eliezer must hold that this last one would be offered, which shews that they can be offered singly.

(17) For sprinkling.

(18) And if the blood would lose its appearance in that quantity of water, it is unfit. Similarly the following clauses.

Talmud - Mas. Zevachim 78a

R. JUDAH SAID: BLOOD CANNOT NULLIFY BLOOD.¹ IF IT WAS MIXED WITH THE BLOOD OF UNFIT [ANIMALS],² IT MUST BE Poured OUT INTO THE DUCT.³ [IF IT WAS MIXED] WITH THE DRAINING BLOOD,⁴ IT MUST BE Poured OUT INTO THE DUCT; R. ELIEZER DECLARED IT FIT. IF HE [THE PRIEST] DID NOT ASK BUT SPRINKLED IT, IT IS VALID.⁵

GEMARA. R. Hiyya b. Abba said in R. Johanan's name: We learnt this⁶ only if the water fell into the blood; but if the blood fell into the water, each drop is nullified as it falls.⁷ R. Papa observed: [But] it is not so in respect to covering, because there is no rejection in precepts.⁸

Resh Lakish said: If piggul, nothar and unclean [flesh] were mixed up together, and one ate them, he is not culpable, [for] it is impossible that one kind should not exceed the other and nullify it.⁹ You may infer three things from this. You may infer [i]: Interdicts nullify each other. And you may infer [ii]: [The interdict of] taste in a greater quantity is not Scriptural.¹⁰ And you may infer [iii]: A doubtful warning is not called a warning.

Raba raised an objection: If one made a dough of wheat and rice, if it tastes of corn, it is subject to hallah.¹¹ Now that is so even if the greater part is rice?¹² — [That is] by Rabbinical law [only]. If so, consider the sequel: A man can fulfil his duty thereby on Passover?¹³

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- (1) Even if the added blood would cause the original blood to lose its appearance if the former were water, the mixture is still fit for sprinkling.
- (2) E.g., with the blood of a roba' or a nirba' (v. supra 71a), or the blood of a sacrifice offered with the intention of eating the flesh after time or out of bounds.
- (3) The duct or sewer in the Temple court which carried off the blood.
- (4) V. p. 173, n. 6.
- (5) Even according to the first Tanna.
- (6) That if it retains the appearance of blood it is fit, which implies even where there is more water than blood.
- (7) Lit., 'the first is nullified'. As each drop of blood falls into the water it is instantaneously nullified, so that even if eventually the mixture looks like blood, it is unfit for sprinkling.
- (8) When one slaughters a bird or a beast of chase, he must cover its blood (Lev. XVII, 13). Now, even if this blood fell into water, if the whole looks like blood he must cover it, and we do not say that each consecutive drop was nullified. For though the first drop was indeed nullified, yet when so much has fallen in as to make the whole look like blood it regains its identity and combines with the rest, because where precepts are concerned a thing cannot be permanently rejected and made to lose its identity.
- (9) Rashi: if one mixed as much as an olive of two of these (both from Rashi and Tosaf., it appears that 'and unclean flesh' should be deleted), as one chews them together there must be in each piece that he chews rather more of the one kind and less of the other. This lesser part is nullified in the greater and is technically added thereto, whilst the kind which it is, is naturally diminished thereby. This will happen with each piece that he chews, and as it is impossible to equalise them, one of the kinds has less than the standard (as much as an olive is the minimum to involve liability). Now, liability in general is not incurred unless a formal warning, called hathra'ah, is first given to the offender; this warning must be couched in precise terms, e.g., 'We warn you that for eating so-and-so you will incur such and such penalty.' In this instance such a precise warning is impossible, for if it is given on account of piggul, perhaps liability may be incurred on account of nothar, piggul being short of the standard. Hence only a doubtful warning can be given, and such is not accounted a warning. Tosaf. explains differently.
- (10) If forbidden food is mixed even with a greater quantity of permitted food and communicates its taste to it, the whole is forbidden, (even if the former is subsequently removed). From Resh Lakish we learn that this interdict is not Scriptural and therefore does not involve flagellation. For if it were Scriptural, then even when one kind exceeds the other, yet since each imparts its taste to the other, there is the forbidden taste in the full standard, and the offender would be culpable.
- (11) V. Glos. and Num. XV, 20. Only a dough of corn (which includes wheat but not rice) is subject to hallah.
- (12) Hence the status conferred by taste is Scriptural, since hallah is a Scriptural law.
- (13) As much as an olive of unleavened bread must be eaten on the first evening of Passover. This must be made of one of the five species of grain (wheat, barley, rye, oats and spelt), but not of rice, But if this dough counts as a wheat dough only by Rabbinical law, how can one fulfil his Scriptural obligation with it?

Talmud - Mas. Zevachim 78b

— Rather, [when] one kind [is mixed] with a different kind, [its status is determined] by taste; [when] one kind [is mixed] with the same kind, [its status is determined] by the greater part.¹

Yet, [where] one kind [is mixed] with its own kind, let us determine [its status] as though it were one kind with a different kind.² For we learnt: IF IT WAS MIXED WITH WINE, WE REGARD IT AS THOUGH IT WERE WATER. Does that not mean [that] we regard the wine as though it were water?³ — No: [it means that] we regard the blood as though it were water.⁴ If so, he should state, [The blood] is nullified? Moreover, it was taught, R. Judah said: We regard it as though it were red wine if its appearance goes faint, it is valid; if not, it is invalid!⁵ — It is a controversy of Tannaim.⁶

For it was taught: If one immerses a pail containing white wine or milk, we decide by the excess. R. Judah said: We regard it as though it were red wine: if its appearance goes faint, it is valid; if not, it is invalid.⁷

But the following contradicts this: If one immersed a pail full of saliva, it is as though he had not immersed it.⁸ [If it was full of]⁹ urine, we regard it as though it were water.¹⁰ If it was filled with water of lustration,¹¹ the water [of the mikweh] must exceed the water of lustration.¹² Now, whom do you know to hold [that] we regard'? R. Judah;¹³ yet he teaches that an excess is sufficient?¹⁴ — Said Abaye: There is no difficulty:

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- (1) Resh Lakish referred to the latter case. Hence inference [ii] is incorrect.
 - (2) Since an article cannot be nullified where its taste is distinguishable, even though it is the smaller part of the mixture, let us rule likewise even where its taste is not distinguishable because it is of the same kind.
 - (3) And if it would then still look like blood, it is fit. Now, in respect to appearance wine and blood may be regarded as of the same kind: this shews that the lesser is not nullified by the greater, but we regard the mixture as of two different kinds,
 - (4) And it is unfit, because it is nullified by the greater quantity of water.
 - (5) The passage is quoted in full anon. — This proves definitely that we consider it as a mixture of two different kinds.
 - (6) The Sages disagree with R. Judah, and Resh Lakish accepts their view,
 - (7) An unclean pail containing white wine or milk was immersed in a mikweh (ritual bath) for purification, and the water of the mikweh naturally filled it, The Sages maintain that if this exceeded the wine or milk (which is not readily distinguishable from the water), the latter is nullified, the whole is regarded as water, and the pail becomes clean. This is similar to the ruling of Resh Lakish. But R. Judah maintains that we regard it as though it were red wine: if there is so little of it that the water of the mikweh would make it go faint and lose the appearance of wine, the immersion is valid, and the pail becomes clean; otherwise it is invalid, and the pail remains unclean,
 - (8) The saliva is thick and interposes between the water of the mikweh and the pail. Hence the immersion is invalid, for there must not be any interposition.
 - (9) The bracketed words are absent from cur. edd., but were apparently contained in Rashi's edition.
 - (10) For it is in fact a kind of water, and immediately it makes contact with the water of the mikweh, it becomes part of the mikweh itself. For that reason it is not necessary for the water of the mikweh to exceed it.
 - (11) Running water mixed with the ashes of the red heifer, used for lustration (v. Num, XIX). Although it cleansed the unclean person upon whom it was sprinkled, it defiled a clean person with its touch.
 - (12) He must first pour out some of the water of lustration, so that when the pail is filled with the water of the mikweh, the latter exceeds what is left of the former. For although the latter too is water, owing to its sanctity and to its high degree of uncleanness it does not simply become part of the mikweh, but must be nullified by an excess.
 - (13) Only he rules that you regard a thing as though it were something else.
 - (14) If the mikweh water exceeds the water of lustration, the immersion is valid, and we do not regard the latter as though it were wine, as above.

Talmud - Mas. Zevachim 79a

The latter is his own view; the former is his teacher's.¹ For it was taught, R. Judah said on R. Gamaliel's authority: Blood cannot nullify [other] blood;² saliva cannot nullify saliva; and urine cannot nullify urine.³

Raba said: We are discussing a pail which is clean on the inside and unclean on the outside:⁴ by law even a small quantity is sufficient,⁵ and it was only the Rabbis who enacted a preventive measure,⁶ lest one begrudge [the water] and not immerse it.⁷ Since then we have an excess [of mikweh water], nothing else is required.⁸

Raba said: The Rabbis have said that taste [is the determining factor]; and the Rabbis have said [that we decide] by the majority; and the Rabbis have said that [we go] by appearance. [When] one

kind [is mixed] with a different kind, taste [is the determining factor]. [When] one kind [is mixed] with the same kind, the greater part [determines its status]; and where there is appearance,⁹ [we go] by looks.

Now, [Resh Lakish] disagrees with R. Eleazar. For R. Eleazar said: Just as precepts cannot nullify one another, so can interdicts not nullify one another.¹⁰ Whom do you know to maintain that precepts cannot nullify one another? — It is Hillel. For it was taught: It was related of Hillel the Elder that he used to wrap them¹¹ together, for it is said, they shall eat it with unleavened bread and bitter herbs.¹²

(1) His own view is the lenient one. — The interpretation of this whole passage follows Rashi, Tosaf. urges many objections to this, and gives a different interpretation based on an emended text.

(2) In respect to sprinkling; v. supra 35a.

(3) The saliva and the urine of a zab (q.v. Glos.), which are unclean, cannot be nullified by those of a clean person, which are clean, even though the latter exceed the former. This is a stringent view, and the similar stringent view above is likewise his teacher's ruling, not his own.

(4) E.g., the outside was defiled through unclean water. Such defilement is Rabbinical only, and leaves the inside clean.

(5) Even if a little water enters the pail, it becomes clean, since the inside is clean in any case. — A little must enter, so that we can be sure that it has run over the edge, which is unclean.

(6) I.e., they ruled that it must be properly immersed, with a considerable quantity of water inside.

(7) If he is permitted to immerse the outside only, he may wish to save the water of lustration for further use and not allow even a trickle of mikweh water to enter the pail.

(8) Raba explains that R. Judah generally agrees with his teacher's stricter ruling, but that here there is a particular reason for his more lenient ruling.

(9) Where taste is irrelevant, as e.g., in the case of a mikweh, as above.

(10) One forbidden thing cannot nullify another. Resh Lakish ruled supra 78a that forbidden things do annul one another.

(11) Sc. unleavened bread and bitter herbs and the paschal meat, the eating of which is obligatory on the first evening of Passover.

(12) Num. IX, 11, Thus he does not hold that the taste of one nullifies the other,

Talmud - Mas. Zevachim 79b

Our Rabbis taught: As to the shard of a zab and a zabah, the first and second time it is unclean, the third time it is clean. When is that? if one poured water into it; but if one did not pour water into it, it is unclean even the tenth time. R. Eliezer b. Jacob said: At the third time it is clean even if one did not pour water into it.¹ Now, whom do you know to maintain that one kind is not nullified by its own kind? R. Judah.² But the following contradicts it: If flax was spun by a niddah,³ he who moves it is clean; but if it is damp, he who moves it is unclean, on account of the fluid of her mouth.⁴ R. Judah said: One also who moistens it in water is unclean, on account of the fluid of her mouth,⁵ even [if he washes it] many times!⁶ — Said R. Papa: Saliva is different, because it is incrustrated.⁷

IF IT WAS MIXED WITH THE BLOOD OF UNFIT [ANIMALS], IT MUST BE Poured OUT INTO THE DUCT [etc.] Wherein do they differ? — Said R. Zebid: They differ as to whether a preventive measure is enacted in the Temple: one master holds that we enact a preventive measure, while the other master holds that we do not enact a preventive measure.⁸ R. Papa said: All agree that we do enact a preventive measure, but here they disagree as to whether it is usual for the draining blood to exceed the life blood: one master holds that it is common, while the other master holds that it is not common.⁹ As for R. Papa, it is well: for that reason he teaches, IF IT WAS MIXED WITH THE BLOOD OF UNFIT [ANIMALS]. IT MUST BE Poured OUT INTO THE DUCT; WITH THE DRAINING BLOOD, IT MUST BE Poured OUT INTO THE DUCT.¹⁰ But according to R. Zebid, let him [the Tanna] combine them and teach them together?¹¹ — That indeed is a difficulty.

MISHNAH. [IF] BLOOD OF WHOLE [UNBLEMISHED] ANIMALS [WAS MIXED] WITH BLOOD OF BLEMISHED ANIMALS, IT MUST BE Poured OUT INTO THE DUCT. [IF] A GOBLET [WAS MIXED UP] WITH OTHER GOBLETS,¹² R. ELIEZER SAID: IF HE [THE PRIEST] OFFERED [SPRINKLED] ONE GOBLET, ALL THE GOBLETS ARE OFFERED;¹³ BUT THE SAGES MAINTAIN: EVEN IF THEY OFFERED ALL OF THEM SAVE ONE, IT MUST BE Poured OUT INTO THE DUCT. IF [BLOOD] THAT IS SPRINKLED BELOW WAS MIXED WITH BLOOD THAT IS SPRINKLED ABOVE, R. ELIEZER SAID: HE MUST SPRINKLE [IT] ABOVE, AND I REGARD THE LOWER [BLOOD] ABOVE¹⁴ AS THOUGH IT WERE WATER, AND THEN HE SPRINKLES AGAIN BELOW. BUT THE SAGES MAINTAIN: IT MUST BE Poured OUT INTO THE DUCT.¹⁵ YET IF [THE PRIEST] DID NOT ASK BUT SPRINKLED [IT]. IT IS FIT.

(1) The reference is to an earthen bed-chamber used by a zab or zabah, which was broken. The shard thereof, having absorbed their urine, contaminates through carriage, i.e., it defiles anyone who carries it even without actually touching it. Now, if one washed it (the pot) once or twice, it still remains unclean, because that does not suffice to expel the urine; but when one washes it a third time, the urine is held to have been washed out, and so it is clean. That however is only when the pot was washed by pouring water into it each time; if, however, not water but the urine of a clean person (which is ritually clean) was poured into it, this does not render it clean, because they are both of the same kind, viz., urine, and one kind cannot nullify the same kind. R. Eliezer b. Jacob holds that it does nullify, and therefore if it was washed three times, even by pouring the urine of a clean person into it, it is clean.

(2) Hence he must be the author of the first ruling in opposition to R. Eliezer b. Jacob.

(3) V. Glos.

(4) When flax is spun it is moistened with the moisture or saliva of one's mouth. Now, the saliva of a niddah defiles any person who moves it, e.g., when it is on an article, even if he does not touch it; but only as long as it is moist. This explains the passage.

(5) As this re-moistens the saliva.

(6) For the water does not wash it out. This contradicts his statement supra that three washings suffice.

(7) It becomes hardened in the flax and is difficult to remove.

(8) The first Tanna holds that a preventive measure is enacted in the loss of sacred flesh. Therefore, when the blood of a fit sacrifice is mixed with that of an unfit sacrifice or with the draining blood, although the latter may be insufficient to nullify the former, it must be poured out (and hence the sacrifice to which it belonged is declared unfit), as a preventive measure, lest one declare it fit even where the latter is sufficient to nullify the former. (Nevertheless, a preventive measure is not enacted where it is mixed with the blood of an animal or beast that is hullin, because hullin in the Temple court is rare.) R. Eliezer holds that we do not enact a preventive measure, for such would cause the unnecessary loss of sacred flesh. Therefore the mixture is fit for sprinkling unless the unfit blood is so much that if it were water, the fit blood would lose its appearance of blood.

(9) When it is mixed with the blood of an unfit animal (which may happen quite frequently), all, even R. Eliezer, agree that we enact a preventive measure, and the rule of the first part of the Mishnah applies. They disagree only where it is mixed with the draining blood: here R. Eliezer holds that a preventive measure is not enacted, since it is rare for the draining blood to exceed the life blood.

(10) These are taught as separate clauses because R. Eliezer agrees with one and disagrees with the other.

(11) As one clause: if it was mixed up with the blood of unfit animals or with the draining blood, it must etc. Only one clause is necessary, since R. Eliezer disagrees with both.

(12) The former containing blood of blemished animals, the latter blood of whole animals.

(13) We assume that the first offered was that of the blemished animal, so that the rest are fit.

(14) I.e., the blood which should be sprinkled below but was sprinkled above.

(15) They reject the view that we can regard the lower blood as water, and hold that you cannot deviate in the rites of same (by sprinkling it above) in order to sprinkle the upper blood.

[IF BLOOD] WHICH REQUIRES ONE APPLICATION [WAS MIXED] WITH BLOOD [ALSO] REQUIRING ONE APPLICATION,¹ IT [THE MIXTURE] SHOULD BE PRESENTED WITH ONE APPLICATION. [IF BLOOD] WHICH REQUIRES FOUR APPLICATIONS [WAS MIXED] WITH BLOOD REQUIRING FOUR APPLICATIONS,² THEY MUST BE PRESENTED WITH FOUR APPLICATIONS. [BLOOD] WHICH REQUIRES FOUR APPLICATIONS WITH THAT WHICH REQUIRES ONE APPLICATION, R. ELIEZER SAID: IT [THE MIXTURE] MUST BE PRESENTED WITH FOUR APPLICATIONS.³ R. JOSHUA MAINTAINED: IT MUST BE PRESENTED WITH ONE APPLICATION.⁴ SAID R. ELIEZER TO HIM: BUT LO, HE TRANSGRESSES THE [INJUNCTION] NOT TO DIMINISH [FROM GOD'S COMMANDMENT]! LO, HE TRANSGRESSES THE INJUNCTION NOT TO ADD [THERETO], R. JOSHUA COUNTERED.⁵ THE INJUNCTION NOT TO ADD APPLIES ONLY WHERE IT IS BY ITSELF, REPLIED R. ELIEZER. THE INJUNCTION NOT TO DIMINISH APPLIES ONLY WHERE IT IS BY ITSELF, R. JOSHUA ANSWERED. MOREOVER, SAID R. JOSHUA, WHEN YOU MAKE [FOUR] APPLICATIONS YOU TRANSGRESS THE INJUNCTION NOT TO ADD, AND COMMIT A POSITIVE ACTION WITH YOUR OWN HANDS; WHEREAS WHEN YOU DO NOT MAKE [FOUR] APPLICATIONS YOU TRANSGRESS THE INJUNCTION NOT TO DIMINISH, BUT DO NOT COMMIT A POSITIVE ACTION WITH YOUR OWN HANDS.

GEMARA. R. Eleazar said: R. Eliezer declared them fit only in twos, but not singly.⁶ R. Dimi raised an objection: BUT THE SAGES MAINTAIN: EVEN IF THEY OFFERED ALL OF THEM SAVE ONE, IT MUST BE Poured OUT INTO THE DUCT.⁷ SAID R. Jacob to R. Jeremiah b. Tahlifa: I will explain it to you: What does ONE mean? One pair.

Now, both are necessary.⁸ For if it were stated in the former case, I would argue that only there does R. Eliezer rule thus, because his atonement was already made therewith,⁹ but in the present instance he agrees with the Rabbis. While if it were stated in the present case, I would argue that only here do the Rabbis rule thus, but in the former instance they agree with R. Eliezer. Hence both are necessary.

We learnt elsewhere: In the case of a flask¹⁰ into which a little water fell,¹¹ R. Eliezer said: He [the priest] makes two sprinklings;¹² but the Sages disqualify [it]. As for the Rabbis, it is well: They hold that we assume even distribution,¹³ and sprinkling requires a [minimum] standard, and sprinklings do not combine.¹⁴ But what does R. Eliezer hold? If he holds that there is no even distribution, what if he does sprinkle twice; perhaps he sprinkles [ordinary] water both times? — Rather, he holds that there is even distribution. Now, if he holds that sprinkling does not require a [minimum] standard, why must he sprinkle twice? — Rather, he holds that sprinkling does require a [minimum] standard. And if he holds that sprinklings do not combine, what if he does sprinkle twice? And even if sprinklings do combine, who can say that the standard is made up? — Said Resh Lakish: In truth he holds that there is even distribution, and sprinkling does require a [minimum] standard; but the case we discuss here is where one [standard quantity] was mixed up with another.¹⁵ Raba said: In truth there is even distribution, and sprinkling does not require a standard; but the Rabbis penalised [him] so that he should not benefit thereby.¹⁶ R. Ashi said: There is no even distribution, [therefore] he must sprinkle twice.¹⁷

An objection is raised: Rabbi said: According to R. Eliezer,¹⁸ the sprinkling of any quantity purifies, sprinkling does not require a standard, sprinkling [is permissible if] half [the water] is fit and half is unfit.¹⁹

(1) E.g., the blood of a firstling with that of tithes.

(2) E.g., the blood of a burnt-offering with that of a peace, or a guilt-offering.

(3) And I regard the superfluous three applications in respect of e.g. the firstling as though they were water.

(4) Because one must not make more applications than are necessary. On the other hand, even where four are required

one suffices (supra 36b).

(5) V. Deut. IV, 2.

(6) V. supra 74a. Here too, the blood of two goblets must be presented each time together.

(7) V. p. 371, n. 1.

(8) The controversy of R. Eliezer and the Rabbis is taught here and supra 77b, q.v. in reference to limbs.

(9) The limbs were mixed up after the blood was sprinkled. Thus atonement (sc. sprinkling) was already made, and therefore R. Eliezer is lenient.

(10) Containing water sanctified for lustration; v. Num. XIX, 17 seq.

(11) Ordinary, unsanctified water.

(12) On an unclean person, whereby he becomes clean.

(13) Lit., 'there is thorough mixture' — we assume that a mixture is evenly distributed.

(14) The unsanctified water is regarded as evenly distributed in the sanctified. Therefore when he sprinkles, it lacks the minimum standard, since part of it is unfit. He cannot remedy this by sprinkling again, for sprinklings do not combine. (It is assumed that one sprinkling could not contain more than the minimum quantity required.)

(15) Both the unfit and the fit water each contained the minimum standard. Hence when he sprinkles the whole in two applications, he must sprinkle the required amount; v. Parah IX, 1.

(16) The Rabbis ordered two sprinklings instead of one so that we should not benefit by the addition of unfit water to be able to use this for more unclean persons than would otherwise have been possible.

(17) Sprinkling does not require a minimum standard. Now, in one sprinkling only all the water may be the unfit, since there is no even distribution. But in two this is impossible, for only a small quantity fell into it in the first place.

(18) That two sprinklings purify.

(19) This contradicts Resh Lakish.

Talmud - Mas. Zevachim 80b

Moreover, it was explicitly taught: If [blood] which is applied above was mixed with [blood] that is applied below, R. Eliezer said: He must sprinkle [it] above, and the lower [blood] acquits him.¹ But if you say that there is no even distribution, why does it acquit him? perhaps he sprinkled the upper [blood] below and the lower [blood] above? — The case we discuss here is where we have an excess of upper [blood], and he sprinkles above the quantity of the lower [blood] plus a little more.² But he teaches that the lower [blood] acquits him?³ — [It counts] as the residue.⁴

Come and hear: If he [the priest] sprinkled [it]⁵ without asking.⁶ R. Eliezer said: He must re-sprinkle above, and the lower [blood] acquits him?⁷ — Here too the excess was upper [blood], and he sprinkles above the quantity of the lower blood plus a little more. But he teaches that the lower [blood] acquits him? — [It counts] as the residue.

Come and hear: If he sprinkled it above without asking,⁸ both⁹ agree that he must re-sprinkle below, and both [sprinklings] are credited to him!¹⁰ — Here too the excess was upper [blood], and he sprinkles above the quantity of the lower blood plus a little more. Yet surely he teaches: Both [sprinklings] are credited to him? — Does he then teach, 'Both agree [in this]'? Surely he teaches, 'Both are credited to him', this final clause thus agreeing with the Rabbis [only], who maintain that there is even distribution.

Come and hear: IF [BLOOD] WHICH REQUIRES ONE APPLICATION [WAS MIXED] WITH BLOOD [ALSO] REQUIRING ONE APPLICATION, IT [THE MIXTURE] SHOULD BE PRESENTED WITH ONE APPLICATION. Now, if you say that there is no even distribution, why should it be presented with one application? perhaps he sprinkles [the blood] of one [sacrifice] but not that of the other?¹¹ — It means, e.g., where one [minimum quantity] was mixed with another [minimum quantity].¹² [BLOOD] WHICH REQUIRES FOUR APPLICATIONS WITH [BLOOD] THAT REQUIRES FOUR APPLICATIONS?¹³ There too it means that [the quantity for] four [applications] was mixed with [the quantity for] four [applications].¹⁴ [BLOOD] WHICH

REQUIRES FOUR APPLICATIONS WITH [BLOOD] REQUIRING ONE APPLICATION?¹³

- (1) When he pours out the residue at the base of the altar, it counts as sprinkling for the burnt-offering.
- (2) So that some of the upper blood must be properly sprinkled above.
- (3) Whereas all the lower blood was perhaps sprinkled above: how then can the burnt-offering be made fit thereby?
- (4) Of the sin-offering, which must be poured out at the base. The burnt-offering, however, does not become fit.
- (5) Sc. the mixed blood.
- (6) For had he asked, R. Eliezer holds that he would be bidden to sprinkle above first; v. infra 89a.
- (7) Here too it is assumed that both sacrifices are thereby made fit.
- (8) For had he asked, the Rabbis hold that he would be bidden to pour it out into the duct.
- (9) The Rabbis and R. Eliezer.
- (10) Thus both sacrifices are fit.
- (11) And this does agree with R. Eliezer, since the next clause contains a controversy of R. Eliezer and the Rabbis.
- (12) Sc. the minimum quantity for sprinkling (one application). When the Mishnah teaches that he must make one application it means one application on account of each separately.
- (13) The same difficulty arises there too.
- (14) Here too he must make four applications on behalf of each sacrifice.

Talmud - Mas. Zevachim 81a

And should you answer: Here too it means that [the quantity for] four [applications] was mixed with [the quantity for] one [application],¹ — if so: LO HE TRANSGRESSES THE INJUNCTION NOT TO ADD THERETO, R. JOSHUA COUNTERED: Whence have you here the injunction not to add thereto?² — Rather said Raba:³ Where [the blood is] mixed together, they do not disagree; they disagree in respect of the goblets. R. Eliezer holds [the view that] ‘we regard’ [etc.], while the Rabbis reject [the view that] ‘we regard’ [etc.].⁴

Now, do they not disagree where [the blood itself] is mingled? Surely it was taught: R. Judah said: R. Eliezer and the Sages did not dispute about the blood of a sin-offering which was mixed with the blood of a burnt-offering, [both agreeing] that it must be offered [sprinkled];⁵ [if it was mixed] with the blood of a roba’ or a nirba’,⁶ [they agree that] it must not be offered. About what do they disagree? About the blood of an unblemished [animal] which was mixed with the blood of a blemished [animal]; there R. Eliezer maintains that it must be offered, whether [the blood itself is] mingled or whether the goblets [are mixed]; while the Sages say that it must not be offered!⁷ — R. Judah when teaching R. Eliezer's view relates it to both mixing [of the blood itself] and [to that of] the goblets; but the Rabbis⁸ hold that they disagree about goblets [only].

Abaye said: They learnt this only of the beginning of the sin-offering and the burnt-offering;⁹ but as to the end of the sin-offering and the beginning of the burnt-offering,¹⁰ all agree that the place of the burnt-offering is the place of the residue.¹¹ Said R. Joseph to him: Thus did R. Judah say: The residue requires the projection.¹² And thus said Resh Lakish:¹³ They learnt this only of the beginning of the sin-offering and the burnt-offering; but as to the end of the sin-offering and the beginning of the burnt-offering, all agree that the place of the burnt-offering is the place of the residue. Whereas R. Johanan-others say, R. Eleazar-said: There is still the controversy.¹⁴

R. Huna b. Judah raised an objection: They are holy!¹⁵ [this teaches] that if it [the blood of a firstling] was mixed with the blood of other sacrifices, it must be offered [sprinkled]. Surely it speaks of the end of a burnt-offering and [the beginning of] a firstling;¹⁶ and this proves that the place of the burnt-offering is the place of the residue? — No: it speaks of the beginning of the burnt-offering and that of the firstling. What then does it inform us?¹⁷ that sacrifices do not nullify one another!¹⁸ [Surely] that is deduced from [the text]. And he shall take of the blood of the bullock and of the blood of the goat?¹⁹ — It is a controversy of Tannaim: one deduces it from this text, and another

deduces it from the other text.

Raba raised an objection: And Aaron's sons, the priests, shall present the blood, and dash the blood [round about against the altar]:²⁰

(1) Emended text (Sh. M.). Thus R. Eliezer means that four applications must be made in addition to the one, i.e., five in all.

(2) Since there is only sufficient for one application of the blood of the firstling, he certainly sprinkles the blood of the burnt-offering in the other applications, as is actually necessary; thus he does not add thereto.

(3) Sh. M. reads: Rabbah.

(4) The answers given above are now rejected. When it is taught that the lower blood acquits him, it means both as the residue of the upper blood and as the sprinklings of the lower, and the burnt-offering does become fit thereby. Again, when the Mishnah speaks of the mixture, it means even where a large quantity is mixed, and not the minimum quantity required. Nevertheless, this does not prove that R. Eliezer holds that there is even distribution, for all these cases refer not to the mixing of the blood (in one goblet) but to the mixing of the goblets. Here R. Eliezer rules that of each goblet sprinklings must be made above and below, the superfluous sprinklings being regarded as mere water; similarly, if a goblet containing the blood of a firstling is mixed up with another containing the blood of a burnt-offering, four applications must be made from each goblet. The Sages, however, refuse to regard such sprinklings, where they are superfluous, as mere water, and therefore all the blood must be poured out into the duct.

(5) For the Sages too accept the view that 'we regard' etc. (In this R. Judah disagrees with the Tanna of our Mishnah.)

(6) Cf. supra 71a.

(7) The interdict against sprinkling the blood of a blemished animal is contained in Lev. XXII, 25: there is a blemish in them; they shall not be accepted for you. R. Eliezer holds that this applies only where the blood is by itself, but not where it is mixed with that of a sound animal. Now, though R. Judah disagrees with the Tanna of the Mishnah in respect of the scope of the controversy, yet it may be assumed that they both agree that the controversy applies to the mingling of the blood as well as that of the goblets.

(8) Not the Sages who disagree with R. Eliezer, but the scholars who disagree with R. Judah's interpretation of the controversy; hence the anonymous Tanna of our Mishnah. (An anonymous teacher is often referred to as the Rabbis, because he generally represents the Rabbis in general where an opposing view is recorded in the name of an individual.)

(9) The controversy in the Mishnah holds good only at the beginning, i.e., if their blood was mingled before the sprinkling. Only then do the Sages disqualify it, as they reject the view that 'we regard' etc., and maintain that we may not sprinkle the blood of the burnt-offering above in order to make the sin-offering fit.

(10) Emended text Sh. M. — I.e., if the residue of the blood of the sin-offering, after it was sprinkled, was mixed with the blood of the burnt-offering before it was sprinkled.

(11) He sprinkles the blood on the wall of the altar below the scarlet line, and thence it drains down on to the base, whither the residue of the blood of the sin-offering should be poured. Thus this counts for both the initial sprinkling of the burnt-offering and the final pouring out of the residue of the sin-offering.

(12) Sc. the base, which projected from the altar. — It must not be poured on to the wall of the altar but directly on to the base. — Hence the Sages disagree even if the blood of the sin-offering had already been sprinkled.

(13) Emended text.

(14) Even in the latter instance.

(15) Num. XVIII, 17. The whole verse reads: But the firstling of an ox . . . thou shalt not redeem; they are holy. These last words are emphatic and imply that they retain their sanctity, and if their blood is mingled with other blood, it must still be offered. According to the Sages this must mean where it is mingled with lower blood, like itself, e.g., with that of a burnt-offering, but not that of a sin-offering.

(16) I.e., the blood of a burnt-offering after sprinkling was mixed with that of a firstling before sprinkling. (The residue of a firstling is not poured out on the base, and sprinkling completes its blood rites.)

(17) For in that case the text is apparently superfluous; since both bloods need sprinkling on the lower wall of the altar, it is obvious that they must be sprinkled even when they are mingled.

(18) If their blood mingles, even if the blood of one exceeds that of the other, the latter is not nullified.

(19) Lev. XVI, 18. Though the former exceeds the latter, it does not nullify it; v. Men. 22a, b.

(20) Lev. I, 5.

Talmud - Mas. Zevachim 81b

why is 'blood' repeated?¹ For one might think: I only know about a burnt-offering which was mixed up with its substitute,² for even [if they were mixed up] whilst alive, they must be offered. Whence do I know to include the thanksgiving and the peace-offering?³ I include the thanksgiving and the peace-offering, because they can be brought as a votive or a freewill-offering,⁴ like itself. Whence do I know to include the guilt-offering? I include the guilt-offering which requires four applications, like itself, Whence do I know [to include] a firstling, tithe, and the Passover-offering? Because it says, blood, blood.⁵ Now surely that speaks of the end of the burnt-offering and [the beginning of] the firstling; whence you may infer that the place of the burnt-offering is the place of the residue? — No: it speaks of the beginning of the burnt-offering and [that of] the firstling. What then does he inform us? that sacrifices do not nullify one another! [Surely] that is deduced from [the text]. And he shall take of the blood of the bullock and of the blood of the goat? — It is a controversy of Tannaim: one deduces it from this text, and another deduces it from the other text.

Now, these Tannaim do not learn it from 'and he shall take of the blood of the bullock and of the blood of the goat', because they hold, You do not mingle [the blood] for [sprinkling] on the horns.⁶ They do not learn it from the repetition of 'blood', because they do not attribute any significance to this repetition. But why do they not deduce it from 'they are holy'?⁷ — They hold [that] 'they are holy' [teaches:] 'they' are offered, but their substitute is not offered.⁸ And the other?⁹ — He deduces it from, Whether it be ox or sheep, it is the Lord's:¹⁰ 'it' is offered, but its substitute is not offered.

Come and hear: If [the priest] sprinkled [it]¹¹ above without asking, both agree that he must re-sprinkle [it] below, and both are accounted to him. Now does that not mean that [the blood of] a sin-offering and [that of] a burnt-offering were mixed, in which case as soon as he sprinkles above, it becomes a residue, yet he teaches, 'both agree that he must re-sprinkle [it] below', which proves that the place of the burnt-offering is the place of the residue? — When R. Isaac b. Joseph came,¹² he said: In the West¹³ they said: The case we are discussing here is where e.g. [the blood of] an outer sin-offering was mixed with the residue of an inner sin-offering.¹⁴ Said Abaye to him: Yet let the master say, 'e.g., where it was mixed with a residue'?¹⁵ perhaps this is what you would inform us: Even on the view that the residue¹⁶ is indispensable,¹⁷ yet if some of it is lacking it does not matter?¹⁸ Said Raba Tosfa'ah¹⁹ to Rabina: But we have explained that as meaning that the greater part was upper [blood], and he sprinkles above as much as there was of the lower [blood] plus a little more?²⁰ — That was only, he replied, on the hypothesis first stated that [the Mishnah treats of where the blood itself] was mingled, and in accordance with the thesis that there is no even distribution. But in our final conclusion [we hold that] they disagree where the goblets were mixed up.²¹

MISHNAH. IF [BLOOD] WHICH IS TO BE SPRINKLED WITHIN WAS MIXED WITH [BLOOD] THAT IS TO BE SPRINKLED WITHOUT, IT MUST BE Poured OUT INTO THE DUCT. IF [THE PRIEST] SPRINKLED WITHOUT AND THEN SPRINKLED WITHIN, IT IS VALID. [IF HE SPRINKLED] WITHIN AND THEN RESPRINKLED WITHOUT, R. AKIBA DECLARES IT UNFIT, WHILE THE SAGES DECLARE IT FIT. FOR R. AKIBA MAINTAINED: ALL BLOOD WHICH ENTERED THE HEKAL TO MAKE ATONEMENT IS UNFIT; BUT THE SAGES RULE: THE SIN-OFFERING ALONE [IS UNFIT]. R. ELIEZER SAID: THE GUILT-OFFERING TOO, FOR IT SAYS, AS IS THE SIN-OFFERING, SO IS THE GUILT-OFFERING.²²

GEMARA. Now, let R. Eliezer disagree here too? — What should be done? Shall we [first] sprinkle without and then sprinkle within? [that cannot be done], [because] just as the upper [blood] must precede the lower, so must the inner precede the outer.

- (1) Rashi reads: How do we know that if the blood of a burnt-offering was mixed with the blood of another burnt-offering, or with the blood of a substitute (v. p. 22, n. 8), or with the blood of hullin, it must be offered (i.e., sprinkled)? Because it says, blood, blood (i.e., this repetition is an extension). I know it only of these, for even if these were mixed up whilst alive they must be offered. How do I know it even when it is mixed with the blood of a guilt-offering? etc.
- (2) Sc. their blood was mixed. — From the verse I know that their blood must still be sprinkled.
- (3) That the blood of a burnt-offering must be sprinkled even if it is mixed with these; similarly the other cases posited.
- (4) V. supra 2b, p. 2, n. 6.
- (5) The repetition teaches the inclusion of all these.
- (6) Of the altar; supra 42b. Hence the blood of each must be stated, because they were taken separately, not mixed together, and so no inference can be made from the text about nullification.
- (7) As the first Tanna does.
- (8) A substitute of a firstling must be redeemed, but cannot be offered.
- (9) The first Tanna: how does he know this?
- (10) Lev. XXVII, 26. This refers to a firstling.
- (11) The mingled blood.
- (12) From Eretz Israel.
- (13) Sc. Palestine, which lies to the west of Babylon.
- (14) Emended text. After he sprinkles thereof above the red line, all the rest is the residue, which must be poured out at the base.
- (15) Not particularly ‘the residue of an inner sin-offering’.
- (16) Sc. of the inner sin-offering.
- (17) It must be poured out at the base; otherwise the sacrifice is invalid.
- (18) It is unnecessary for the whole of the residue to be poured out on the base. For here some of the residue will have been sprinkled above the line, and yet the sacrifice is valid when the rest is poured out at the base.
- (19) Perhaps of Thospia. Neub. Geogr. p. 332: capital of the Armenian district Thospitis.
- (20) And he applies it below as the residue of the sin-offering, not as the blood of the burnt-offering, which does not become valid. Hence even if it were explained as the mingling of the sin-offering and the burnt-offering, it would not prove that the place of the burnt-offering is the place of the residue, since the burnt-offering does not become fit. Why then must you explain it as meaning that the blood of a sin-offering and the residue were mingled?
- (21) And unless it refers to a sin-offering and residue, this contradicts the opinion that the place of the burnt-offering is not the place of the residue.
- (22) Lev. VII, 7. V. supra 10b for notes.

Talmud - Mas. Zevachim 82a

Then let us [first] sprinkle within and then sprinkle without? — Since the sin-offering and the guilt-offering become unfit if their blood enters within, he could not give a general ruling.¹

FOR R. AKIBA MAINTAINED etc. Rab Judah said in Samuel's name: For example, to what may R. Akiba's ruling be compared? To a disciple who was mixing [wine] for his master with hot water,² when he [the master] said to him, Mix me [a drink]. With what?³ he enquired. Are we not occupied with hot water? he replied; now then [I mean] with either hot or cold.⁴ So here too: consider: we are discussing the sin-offering:⁵ for what purpose then does the Divine Law write ‘sin-offering’?⁶ [To teach:] I do not mean a sin-offering [alone], but all sacrifices.⁷ To this R. Huna the son of R. Joshua demurred: Consider: all sacrifices are included in respect of scouring and rinsing; why then does the Divine Law write ‘sin-offering’?⁸ Hence you may infer from this: only the sin-offering, but nothing else. This then can only be compared to a disciple who was mixing [a drink] for his master with either hot or cold water, when he said to him, Mix it for me with hot water only! — Rather, R. Akiba's reason is that ‘and every sin-offering’ is written where ‘[and] a sin-offering’ [would suffice].⁹ For it was taught: ‘A sin-offering’: I know [this] only [of] a sin-offering; how do we know [it of] most sacred sacrifices [in general]? Because it says, ‘Every sin-offering’. How do we know [it

of] lesser sacrifices? Because it says, 'And every sin-offering': this is the view of R. Akiba. Said R. Jose the Galilean to him: Even if you go on including all day, I will pay no heed to you.¹⁰ Rather: 'a sin-offering': I only know [this of] a private sin-offering:¹¹ whence do we know [it of] a public sin-offering? Because it says, 'Every sin-offering'. Again, I know it only of a male sin-offering: whence do I know [it of] a female sin-offering? Because it says. 'And every'. It is just the reverse!¹² — Rather, this is what he means: I only know [it of] a female sin-offering: whence do I know [it of] a male sin-offering? From the text, 'And every sin-offering'.

Now, does R. Jose the Galilean hold that this text comes for this purpose? Surely it was taught, R. Jose the Galilean said: The whole passage speaks only of the bullocks which were to be burnt and the he-goats which were to be burnt, and its purpose is [i] to teach that when they are disqualified they must be burnt before the Temple; and [ii] to impose a negative injunction against eating them.¹³ Said they to him: As to an [outer] sin-offering whose blood entered the innermost [sanctuary], whence do we know [that it is disqualified]? Said he to them: [From the verse,] Behold, the blood of it was not brought into the sanctuary within?¹⁴ — He argues on R. Akiba's contention.¹⁵

MISHNAH. IF THE BLOOD OF A SIN-OFFERING WAS RECEIVED IN TWO GOBLET'S AND ONE OF THEM WENT WITHOUT,¹⁶ THE INSIDE ONE IS FIT.¹⁷ IF ONE OF THEM ENTERED WITHIN,¹⁸ R. JOSE THE GALILEAN DECLARES THE OUTER ONE¹⁹ FIT;²⁰ BUT THE SAGES DISQUALIFY IT. SAID R. JOSE THE GALILEAN: IF THE PLACE WHERE AN INTENTION [DIRECTED TO IT] DISQUALIFIES, [VIZ.,] WITHOUT,²¹ YOU DO NOT TREAT WHAT IS LEFT AS WHAT WENT OUT;²¹ THEN THE PLACE WHERE AN INTENTION [DIRECTED TO IT] DOES NOT DISQUALIFY, [VIZ.,] WITHIN,²² IS IT NOT LOGICAL THAT WE DO NOT TREAT WHAT IS LEFT²³ AS WHAT ENTERED WITHIN? IF IT ENTERED WITHIN TO MAKE ATONEMENT,²⁴ EVEN IF HE [THE PRIEST] DID NOT MAKE ATONEMENT,²⁵ IT IS UNFIT: THESE ARE THE WORDS OF R. ELIEZER. R. SIMEON SAID: [IT IS NOT UNFIT] UNLESS HE MAKES ATONEMENT. R. JUDAH SAID: IF HE TOOK IT IN UNWITTINGLY,²⁶ IT IS FIT. FOR ALL UNFIT BLOOD WHICH WAS PRESENTED AT THE ALTAR [I.E., SPRINKLED] THE HEADPLATE DOES NOT PROPITIATE,²⁷ SAVE FOR UNCLEAN [BLOOD]. FOR THE HEADPLATE PROPITIATES FOR THAT WHICH IS UNCLEAN, BUT DOES NOT PROPITIATE FOR WHAT GOES OUT.²⁸

GEMARA. It was taught, R. Jose the Galilean said: It is a kal wa-homer: If the place where an intention [directed to it] disqualifies. [viz.,] without, the blood without does not disqualify that which is within;²⁹ then the place where an intention [directed to it] does not disqualify. [viz.,] within, is it not logical that the blood within does not disqualify that which is without? Said they to him, Lo, it says, [And every sin-offering] whereof any of the blood is brought [into the tent of meeting . . . shall be burnt with fire]:³⁰ [this implies,] even part of its blood. Said he to them: Then you now have a kal wa-homer in respect of [blood] that goes out; if the place where an intention [directed to it] does not disqualify [viz.,] within, yet the blood within disqualifies [the blood] without; where intention does disqualify, [viz.,] without, it is not logical that the blood without disqualifies [the blood] within? Said they to him: Lo, it says, whereof [any of the blood] is brought [into etc.]: that which enters within disqualifies, but that which goes out does not disqualify. Now, let intention [to sprinkle] within³¹ disqualify, a fortiori: if though³² blood without does not disqualify [the blood] within, yet intention without³³ disqualifies; then seeing that the blood within does disqualify the blood without, is it not logical that intention within disqualifies? Lo, it says: On the third day:³⁴

(1) That the blood should be sprinkled first within and then without, since this would not apply to these two. Therefore his view is not stated at all.

(2) Their wine was too strong to be drunk without dilution.

(3) Hot or cold water.

(4) As you were actually mixing wine with hot water, I had no need to say anything at all. Therefore when I told you to

mix me a drink, I meant that it could be with either hot or cold water (Tosaf.).

(5) The whole section in Lev. VI, 19-23 q.v. treats of the sin-offering.

(6) Ibid. 23: And every sin-offering whereof any of the blood is brought into the tent of meeting to make atonement in the holy place (i.e., an outer sin-offering whose blood is sprinkled on the inner altar) shall not be eaten; it shall be burnt with fire.

(7) Interpreting: And even every sin-offering, although some sin-offerings must be brought within, and how much the more other sacrifices!

(8) Lev. VI, 21 states: But the earthen vessel wherein it (sc. the sin-offering) is sodden shall be broken; and if it be sodden in a brazen vessel, it shall be scoured and rinsed in water. The following verse states 'it is most holy' from which it is inferred infra 96b that the law of scouring and rinsing applies to all sacrifices. Hence at this stage (v. 22) we are already treating of all sacrifices; if then v. 23 is to apply likewise to all, Scripture should simply write: And that whereof any of the blood etc.

(9) Lit., 'R. Akiba's reason is from sin-offering, and every sin-offering.'

(10) I reject your view that 'and' and 'every' are extensions which include other kinds of sacrifices, seeing that the passage speaks of sin-offerings only.

(11) For this section is followed by sections on the guilt-offering and the peace- and thanksofferings, which were private sacrifices.

(12) The usual sin-offering is a female, and no extension is needed to include it.

(13) This refers to the verse under discussion, which the Rabbis relate to an outer sin-offering whose blood was carried into the inner court, thereby disqualifying it. But R. Jose the Galilean relates it to an inner sin-offering, e.g., the bullock brought when the entire congregation sins in ignorance (v. Lev. IV, 13 f). Hence he interprets: And every sin-offering whereof any of the blood is (rightly) brought into the tent of meeting etc. shall not be eaten. Now this is superfluous in respect of a valid sacrifice, since it is explicitly stated in IV, 21: and he shall carry forth the bullock without the camp, and burn it. Consequently, the verse must mean that if it became unfit through going outside its legitimate boundary or through defilement, it must be burnt in front of the Birah (the Temple), and not carried 'without the camp'. i.e., beyond the Temple Mount. Further, this prohibits the eating of its flesh by a negative injunction, violation of which involves flagellation (Lev. IV, 21 merely contains an affirmative precept, the disregard of which is not punished by flagellation). Thus R. Jose the Galilean does not relate this text to outer sin-offerings at all.

(14) Lev. X, 18; v. supra 10b.

(15) He personally holds that it refers to inner sin-offerings. But he argues that even on R. Akiba's view that it refers to outer sin-offerings, the extension of 'and' and 'every' must apply to sin-offerings likewise, not to other sacrifices.

(16) Sc. the Temple court.

(17) One can sprinkle the blood in it, and the sacrifice is valid.

(18) Into the hekal, the inner sanctum.

(19) I.e., the one that remained in the Temple court.

(20) For sprinkling.

(21) An intention at the shechitah to sprinkle the blood without the Temple court disqualifies the sacrifice. Yet if one actually carried one goblet without, we do not regard the other goblet as though it too had been carried without, for the first clause states, THE INSIDE ONE IS FIT.

(22) The intention to sprinkle the blood within, in the hekal, does not disqualify the sacrifice.

(23) V. p. 389, n. 7.

(24) If it was carried into the hekal for sprinkling.

(25) He did not actually sprinkle it.

(26) Not knowing that it was forbidden.

(27) Make it fit.

(28) v. supra 23b.

(29) As in the Mishnah.

(30) Lev. VI, 23.

(31) I.e., the intention to take the blood into the hekal.

(32) Lit., 'where'.

(33) Sc. the intention to sprinkle the blood without.

(34) Lev. VII, 17.

Talmud - Mas. Zevachim 82b

[this teaches that the illegitimate intention must refer to] a place with a threefold function, [viz.,] in respect of blood, flesh, and emurim.¹

Now, let an intention concerning without not disqualify [the sacrifice], a fortiori: if although the blood within disqualifies [the blood] without, an intention concerning within does not disqualify; then seeing that the blood without does not disqualify [the blood] within, is it not logical that an intention concerning without shall not disqualify? Therefore Scripture writes 'third', which means after time; while piggul means without bounds.²

Flesh which goes without becomes unfit; that which enters within, is fit. Now, logically it might be unfit. For if though the blood without does not disqualify [the blood] within, flesh which goes without becomes unfit; then since blood within does disqualify [blood] without, is it not logical that flesh which enters within shall be disqualified? Lo, it says, any of the blood: its blood [disqualifies],³ but not its flesh. Then in that case you can argue a fortiori: if though the blood within disqualifies [the blood] without, flesh that enters within is fit; then since blood without does not disqualify [blood] within, is it not logical that flesh that goes without is fit? Lo, it says. Therefore ye shall not eat any flesh that is torn of beasts in the field:⁴ once flesh passes without bounds, it is forbidden.⁵

Our Rabbis taught: [Behold the blood of it was not brought into the sanctuary] within.⁶ I only know [it of] within;⁷ how do we know [it of] the hekal? Because it says, into the sanctuary within.⁸ Then let the 'sanctuary' be stated, but not 'within'? — Said Raba: One comes and illumines the other,⁹ this being analogous to the case of toshab and sakir. For it was taught: Toshab means one [a Hebrew slave] acquired in perpetuity; sakir, one purchased for a period of [six] years.¹⁰ Now, let toshab be stated, but not sakir, and I would reason: if one acquired in perpetuity may not eat, how much more so one acquired only for a period of [six] years?¹¹ Were it so, I would say: Toshab is one purchased for a limited period, but one acquired in perpetuity may eat. Therefore sakir comes and teaches the meaning of toshab, that the latter is one purchased in perpetuity, while the former is one purchased for a period of [six] years, and [neither] may eat. Said Abaye to him, As for there, it is well: They are two persons, and though Scripture could write, A [slave] whose ear was bored may not eat,¹² and the other would be inferred a minori, yet Scripture [often] takes the trouble to write a thing which is derived a minori. But here, since it becomes unfit in the hekal, what business has the inner sanctuary?¹³ — Rather said Abaye: It is required only [where the priest takes] a circuitous route.¹⁴ Said Raba to him: But 'entering' is written in connection therewith?¹⁵ — Rather said Raba: Whatever [the priest] intends [to carry into] the innermost sanctuary does not become unfit in the hekal.¹⁶

Raba asked: What if [the priest] carried the blood of the congregational bullock for forgetfulness or the he-goat for idolatry into the innermost sanctuary?¹⁷ Do we say, [Scripture writes] 'into the sanctuary within'; wherever we read 'into the sanctuary' we read 'within', and wherever we do not read 'into the sanctuary', we do not read 'within'?¹⁸ Or perhaps, it is not in its place.¹⁹ Now, should you answer that it is not in its place, what if [the priest] sprinkled the blood of the bullock and that of the he-goat of the Day of Atonement on the slaves, then carried it out into the hekal,²⁰ and then took it in again?²¹ Do we say, It is their place; or perhaps, once it has gone out, it has gone out?²² Should you answer, Once it has gone out, it has gone out: What if he sprinkled their blood on the veil,

(1) V. supra 29a.

(2) V. supra 28a and whole discussion there.

(3) When it is brought into the hekal.

(4) Ex. XXII, 30.

- (5) 'In the field', is apparently superfluous. Hence it is interpreted as intimating that when flesh is found beyond its bounds (as a field, which has no barriers), it is a terefah (lit., torn of the beasts'), and forbidden.
- (6) Lev. X, 28.
- (7) I.e., only if the blood is taken into the innermost sanctuary is the sacrifice disqualified.
- (8) The sanctuary corresponds to the hekal, which contained the Table and the Candlestick (v. Ex. XXV, 23. 31), and led into the Holy of Holies; cf. infra 83a.
- (9) Only because 'within' is written do we know that 'sanctuary' means the hekal (for otherwise it is superfluous). But if 'sanctuary' alone were written, it might mean the innermost sanctuary.
- (10) The reference is to Lev. XXII, 10: A toshab of a priest, or a sakir, shall not eat of the holy thing (i.e., terumah).
- (11) For the former is more of the priest's chattel (v. ibid. 10) than the latter.
- (12) V. Ex. XXI, 5 f.
- (13) For, in order to get into the inner sanctuary it must pass through the hekal.
- (14) E.g. he enters the innermost sanctuary by way of the roof or through upper chambers, avoiding the hekal altogether.
- (15) Which implies that it becomes unfit only if he enters the innermost sanctuary in the usual way.
- (16) This is intimated when Scripture states both 'sanctuary' and 'within'. Hence if he changes his mind after carrying it into the hekal and takes it back, it remains fit.
- (17) If the whole congregation sins through having forgotten a law a bullock must be sacrificed; for unwitting idolatry a he-goat is brought. The blood of these must be taken into the hekal, but not into the innermost sanctuary.
- (18) Only where the sacrifice is disqualified when the blood is taken 'into the sanctuary' (i.e., the hekal), it is likewise disqualified when it is taken 'within' (the innermost shrine), but not otherwise.
- (19) The text implies that when the blood is taken without bounds the sacrifice is disqualified, and that applies here too.
- (20) To sprinkle the blood on the veil, as is necessary.
- (21) Into the innermost shrine: this was no longer necessary.
- (22) And must not be taken in again.

Talmud - Mas. Zevachim 83a

carried it out to the altar, and then carried it within? Here it is certainly the same place; or perhaps, we designate this carrying [going] out?¹ The questions stand over.

IF IT ENTERED WITHIN TO MAKE ATONEMENT. It was taught, R. Eliezer said: It is stated here, to make atonement in the holy place;² and it is stated elsewhere, And there shall be no man in the tent of appointment when he goeth in to make atonement in the holy place:³ as there it means when he has not yet made atonement,⁴ so here too it means when he has not yet made atonement.⁵ R. Simeon said: It is stated here, 'to make atonement'; and it is stated elsewhere, 'And the bullock of the sin-offering, and the goat of the sin-offering, whose blood was brought in to make atonement':⁶ as there it means when he had [already] made atonement,⁷ so here it means where he made atonement.⁸ Wherein do they differ? — One master holds, You learn without from without,⁹ but you do not learn without from within;¹⁰ while the other master holds: You learn an animal from an animal, but you do not learn an animal from man.

R. JUDAH SAID etc. But if [the priest took it in] deliberately, it is disqualified; [when?] if he made atonement, or [even] if he did not make atonement? — Said R. Jeremiah, It was taught:¹¹ Since it is said, 'And the bullock of the sin-offering, and the goat of the sin-offering, whose blood was brought in to make atonement in the holy place'; why is it [further] said, And he that burneth them [shall wash his clothes]?¹² (You ask, why is it further said, 'And he that burneth them'? that is required for itself!)¹³ — Rather [the question is] why is 'sin-offering, repeated? Because we have only learnt that when the bullock and the he-goat of the Day of Atonement are burnt they defile garments; how do we know [the same of] other [sacrifices] which are burnt? — Because 'sin-offering' is repeated:¹⁴ these are the words of R. Judah. R. Meir said: That [exegesis] is unnecessary.¹⁵ Lo, it says, 'And the bullock of the sin-offering and the he-goat of the sin-offering': now, 'to make atonement' need not be stated;¹⁶ why then is 'to make atonement stated? It teaches

that with all atoning sacrifices,¹⁷ he that burns them [the sacrifices] defiles his garments. Whereas R. Judah does not understand 'to make atonement' in that way. What is the reason? Surely because he utilises it for a gezerah shawah.¹⁸ C H A P T E R I X

MISHNAH. THE ALTAR SANCTIFIES WHATEVER IS ELIGIBLE FOR IT.¹⁹ R. JOSHUA SAID: WHATEVER IS ELIGIBLE FOR THE ALTAR FIRE DOES NOT DESCEND [THENCE] ONCE IT ASCENDED, BECAUSE IT IS SAID, THAT IS THE BURNT-OFFERING UPON ITS FIREWOOD:²⁰ AS THE BURNT-OFFERING, WHICH IS ELIGIBLE FOR THE ALTAR FIRE, DOES NOT DESCEND ONCE IT ASCENDED, SO WHATEVER IS ELIGIBLE FOR THE ALTAR FIRE DOES NOT DESCEND ONCE IT ASCENDED. R. GAMALIEL SAID: WHATEVER IS ELIGIBLE FOR THE ALTAR DOES NOT DESCEND ONCE IT ASCENDED, BECAUSE IT IS SAID: THAT IS THE BURNT-OFFERING UPON ITS FIREWOOD UPON THE ALTAR: AS THE BURNT-OFFERING, WHICH IS ELIGIBLE FOR THE ALTAR, DOES NOT DESCEND ONCE IT ASCENDED, SO WHATEVER IS ELIGIBLE FOR THE ALTAR DOES NOT DESCEND ONCE IT ASCENDED. R. GAMALIEL AND R. JOSHUA DIFFER ONLY IN RESPECT OF THE BLOOD AND LIBATIONS, R. GAMALIEL MAINTAINING THAT THEY MUST NOT DESCEND, WHILE R. JOSHUA MAINTAINS THAT THEY MUST DESCEND.²¹ R. SIMEON SAID: IF THE SACRIFICE IS FIT WHILE THE LIBATIONS [WHICH ACCOMPANIED IT] ARE UNFIT; OR IF THE LIBATIONS ARE FIT WHILE THE SACRIFICE IS UNFIT; OR EVEN IF BOTH ARE UNFIT, — THE SACRIFICE MUST NOT DESCEND, WHILE THE LIBATIONS DO DESCEND.²² [

(1) V. Lev. XVI, 18 f: And he shall go out unto the altar that is before the Lord, and make atonement for it; and shall take of the blood of the bullock, and of the blood of the goat, and put it upon the horns of the altar round about. And he shall sprinkle of the blood upon it with his finger seven times. According to the Talmud this refers to the golden altar which was in the same portion as the veil. Hence 'and he shall go out' can only mean that he passes beyond the whole altar, i.e., he must not stand on the inner side of the altar, between it and the veil, but on the outer side, between it and the door. In the present instance he carried the blood back on the inner side of the altar; and the question is: as it is in the same portion as the veil, perhaps it does not disqualify it; or do we say that since Scripture designates going to the outer side of the altar 'going out' the inner side is ipso facto a separate place and disqualifies it?

(2) Lev. VI, 23.

(3) Ibid. XVI, 17.

(4) No man must be there when he is about to make atonement.

(5) The flesh is disqualified if the blood is taken into the hekal to make atonement, even if atonement was not made, i.e., the blood was not sprinkled there.

(6) Lev. XVI, 27.

(7) That is evident from the whole passage.

(8) Only then is the sacrifice disqualified.

(9) Viz., the law about the bullock whose blood must be sprinkled without from the man who is bidden to stay without.

(10) From the Day of Atonement sacrifice whose blood is rightly brought within.

(11) Emended text (Sh. M.).

(12) Ibid. 28.

(13) To teach that his garments are defiled.

(14) The second one being superfluous, it extends the law to all sin-offerings which are burnt.

(15) It is implied in the Biblical text itself.

(16) We already know from the context that that was its purpose.

(17) I.e., all those for whom atonement is made.

(18) Sc. as R. Simeon supra. Accordingly, the sacrifice is disqualified only if he did make atonement.

(19) I.e., anything which was appointed for the altar, even if it subsequently became unfit, is nevertheless sanctified by the altar in the sense that if laid upon it, it must not be removed.

(20) Lev. VI, 2.

(21) R. Joshua and R. Gamaliel disagree as to the meaning of 'WHATEVER IS ELIGIBLE FOR IT'. R. Joshua holds

that it means whatever is eligible for the altar fire, i.e., to be burnt on the altar, such as the limbs of a burnt-offering. Blood and libations, however, which are not meant for burning on the altar at all, must be taken down even laid on it. R. Gamaliel maintains that ELIGIBLE means in any capacity, and so if these ascended, they do not descend.

(22) R. Simeon agrees with R. Joshua where the libations accompany a sacrifice, and with R. Gamaliel where they come by themselves. His view is discussed below.

Talmud - Mas. Zevachim 83b

GEMARA. Only what is ELIGIBLE FOR IT, but not what is not eligible for it; what does this exclude?¹ — Said R. Papa: It excludes ‘fistfuls’² which were not sanctified in a [service] vessel.³ To this Rabina demurred: How does this differ from ‘Ulla’s [ruling]? For ‘Ulla said: If the emurim of lesser sacrifices were laid [on the altar] before the sprinkling of their blood, they are not removed, [because] they have become the food of the altar!⁴ — The latter do not themselves lack a rite, while the former themselves lack a rite.⁵

R. JOSHUA SAID: WHATEVER IS ELIGIBLE FOR THE ALTAR FIRE etc. And R. Gamaliel too? Surely it is written, the burnt-offering upon its firewood? — That comes to teach that [limbs] which spring off [from the altar] must be replaced.⁶ And the other;⁷ how does he know that the [limbs] which spring off must be replaced? — He deduces it from whereto the fire hath consumed.⁸ And the other?⁹ — That is required [for teaching]: What was consumed as a burnt-offering you must replace, but you do not replace what was consumed as incense [ketoreth]. For R. Hanina b. Minyomi the son of R. Eliezer b. Jacob recited: [And he shall take up the ashes] whereto the fire hath consumed the burnt-offering on the altar: what was consumed as a burnt-offering you replace, but you do not replace what was consumed as incense. And the other?¹⁰ — Do you then not learn automatically that we replace what was consumed as a burnt-offering?¹¹

R. GAMALIEL SAID: WHAT IS ELIGIBLE etc. And R. Joshua too: surely upon the altar is written? — He requires that [as follows]: What does the Divine Law say? Whatever is eligible for its firewood, the altar sanctifies.¹² And the other?¹³ — Another ‘altar’ is written.¹⁴ And the other?¹⁵ — One [is required] where it had a period of fitness,¹⁶ while the other [text] is required where it had no period of fitness.¹⁷ And the other?¹⁸ — Since they are [now] unfit and the Divine Law included them,¹⁹ there is no difference whether they had a period of fitness or did not have a period of fitness.

R. SIMEON SAID: IF THE SACRIFICE IS FIT etc. It was taught, R. Simeon said: [Scripture speaks of] a burnt-offering: as a burnt-offering comes on its own account, so all which come on their own account [are included]:²⁰ [hence] libations which come on account of a sacrifice are excluded. R. Jose the Galilean said: From the text, ‘Whatsoever toucheth the altar shall be holy’, I understand whether it is eligible [for the altar] or not eligible. Therefore Scripture states: [Now this is what thou shalt offer upon the altar: two] lambs:²¹ as lambs are eligible [for the altar], so whatever is eligible [is included]. R. Akiba said: [Scripture states,] burnt-offering:²² as a burnt-offering is eligible [for the altar], so whatever is eligible [is included]. Wherein do they differ? — Said R. Adda b. Ahabah: They differ about a disqualified burnt-offering of a bird: one master deduces [the law] from ‘burnt-offering’,²³ while the other master deduces it from ‘lambs’.²⁴ Now, as to the one who deduces it from ‘lambs’, surely ‘burnt-offering’ [too] is written? — If ‘lambs’ were written while ‘burnt-offering’ were not written, I would think [that the law applies] even [if they became disqualified] while yet alive:²⁵ therefore the Divine Law wrote ‘burnt-offering’.²⁶ And as to the one who deduces it from ‘burnt-offering’, surely ‘lambs’ is written? — If ‘burnt-offering’ were written while ‘lambs’ were not written, I would think [that the law applies] even [to] a meal-offering.²⁷ Therefore the Divine Law wrote ‘lambs’.

Wherein do these Tannaim and the Tannaim of our Mishnah differ? — Said R. Papa: They differ in respect of fistfuls which were sanctified in a [service] vessel.²⁸ According to our Tannaim, they do

not descend;²⁹ while according to the other Tannaim they descend.³⁰

Resh Lakish said: With regard to a meal-offering which comes by itself,³¹ all³² of them hold that it does not descend; but according to R. Jose the Galilean and R. Akiba

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- (1) On which both R. Joshua and R. Gamaliel will agree.
 - (2) Taken from meal-offerings; v. Lev. II, 2.
 - (3) These are not considered eligible at all, and even if laid on the altar they must be removed.
 - (4) Now, the fistfuls of a meal-offering correspond to the emurim of animal sacrifices; and the former are sanctified for the altar by being placed in a service vessel, while the latter are likewise sanctified by the sprinkling of the blood. Hence the same law should apply to both.
 - (5) Nothing more was to be done to the emurim themselves, and only the blood still required sprinkling. Whereas the fistfuls themselves should first have been placed in a service vessel.
 - (6) Because 'upon its firewood' implies that whatever has already become as firewood and is feeding the flames of the altar must remain as a burnt-offering; so that if anything springs off it must be put back.
 - (7) R. Joshua.
 - (8) Lev. VI, 3. That is superfluous, as it is obvious that the ashes are the result of the fire. Hence it is interpreted as intimating that whatever once fed the fire belongs to the altar, even if it jumped off.
 - (9) R. Gamaliel; how does he utilise that text?
 - (10) R. Joshua; how does he know this?
 - (11) If the text teaches that you must replace whatever sprang off, that obviously includes what was consumed as a burnt-offering. And at the same time, since the whole passage treats of the burnt-offering only, you cannot make it refer to incense.
 - (12) I.e., 'upon the altar' does not extend the law, as R. Gamaliel maintains, but intimates why whatever is eligible for the altar-fire must be replaced, viz., because the altar sanctified it.
 - (13) Where does he find the reason?
 - (14) Ex. XXIX, 37: Whatsoever toucheth the altar shall be holy.
 - (15) R. Joshua: what need is there of two texts?
 - (16) Before it became unfit, e.g., if it was kept overnight, taken out of bounds, or defiled.
 - (17) E.g., if it was slaughtered with an illegitimate intention.
 - (18) R. Gamaliel: whence does he know this?
 - (19) In the law that they must remain on the altar if laid thereon.
 - (20) In the law that if laid on the altar they must remain there.
 - (21) Ex. XXIX, 38. This immediately follows the text quoted.
 - (22) Ibid. 42. Rashi says that it is written in the present verse (38). In fact, it is absent in the M.T. in this verse, but found in the Samaritan Text; v. Sanh. (Sonc. ed.) p. 34a
 - (23) Hence it includes a burnt-offering of a bird too.
 - (24) Hence only animal sacrifices are included, but not a burnt-offering of a bird.
 - (25) E.g., if it had a cataract on the eye.
 - (26) Intimating that this law applies only from the time that it was fit to ascend as a burnt-offering (in Heb. 'ascend' — the altar — and 'burnt-offering' are the same word viz., 'olah). Yet the law still applies to animal sacrifices only.
 - (27) By interpreting 'olah that which ascends (v. preceding note), and so including everything that ascends the altar.
 - (28) But were subsequently disqualified.
 - (29) For they infer the law from 'its firewood' and 'on the altar' and these fulfil the conditions implied in these words, as they feed the fire and are brought on the altar.
 - (30) As they cannot be included in 'lambs' or 'burnt-offering'.
 - (31) It does not accompany an animal sacrifice.
 - (32) I.e., all except those whom he specifies. Similarly the other cases.

Talmud - Mas. Zevachim 84a

it does descend.¹ With regard to a meal-offering which accompanies a sacrifice, in the view of R.

Gamaliel and R. Joshua it does not descend,² while in the view of all [the others] it does descend. Libations which come by themselves,³ in the view of all of them, descend, but in the view of R. Gamaliel and R. Simeon they do not descend. Libations which come together with a sacrifice, in the view of all of them, descend, and only in the view of R. Gamaliel do they not descend. That is obvious?⁴ — He needs [to state this on account of] a meal-offering which comes by itself,⁵ and in accordance with Raba. For Raba said: A man can vow a meal-offering of libations every day.⁶ Then let [Resh Lakish] inform us [this law], as Raba?⁷ — He needs [to state the law about] libations which come with a sacrifice, where he offers them [the libations] on the morrow or on some other day.⁸ I might argue, Since a master said: And the meal-offerings thereof and their drink-offerings⁹ [can be brought] at night; ‘the meal-offerings thereof and their drink-offerings’ [can be brought] on the morrow,¹⁰ they are as drink-offerings [libations] which are brought by themselves, and R. Simeon admits that they do not descend. Hence he [Resh Lakish] informs us [that it is not so].

MISHNAH. THE FOLLOWING DO NOT DESCEND ONCE THEY ASCENDED: [FLESH] THAT IS KEPT OVERNIGHT, OR THAT GOES OUT [OF ITS PERMITTED BOUNDARIES], OR WHICH IS UNCLEAN, OR WHICH WAS SLAUGHTERED [WITH THE INTENTION OF CONSUMING SAME] AFTER TIME OR WITHOUT BOUNDS; OR IF UNFIT [PERSONS] RECEIVED AND SPRINKLED ITS BLOOD. R. JUDAH SAID: THAT WHICH WAS SLAUGHTERED AT NIGHT OR WHOSE BLOOD WAS SPILT OR WHOSE BLOOD PASSED WITHOUT THE HANGINGS,¹¹ IF IT ASCENDED, MUST DESCEND. R. SIMEON SAID: IT DOES NOT DESCEND; BECAUSE R. SIMEON MAINTAINED: IF ITS DISQUALIFICATION AROSE IN THE SANCTUARY, THE SANCTUARY¹² RECEIVES IT; IF ITS DISQUALIFICATION DID NOT ARISE IN THE SANCTUARY, THE SANCTUARY DOES NOT RECEIVE IT. THE DISQUALIFICATION OF THE FOLLOWING DID NOT ARISE IN THE SANCTUARY: A ROBA’ AND NIRBA’, ONE SET ASIDE [FOR AN IDOLATROUS SACRIFICE]; AN ANIMAL WORSHIPPED [IDOLATROUSLY]; [A HARLOT’S] HIRE; [A DOG’S] EXCHANGE; KIL’AYIM; TEREFAH; AN ANIMAL CALVED THROUGH THE CAESAREAN SECTION; AND BLEMISHED ANIMALS.¹³ R. AKIBA DECLARED BLEMISHED ANIMALS FIT.¹⁴ R. HANINA THE SEGAN¹⁵ OF THE PRIESTS SAID: MY FATHER USED TO REPULSE BLEMISHED ANIMALS FROM OFF THE ALTAR. JUST AS THEY DO NOT DESCEND ONCE THEY ASCENDED, SO THEY DO NOT ASCEND IF THEY HAD DESCENDED. AND ALL OF THESE, IF THEY ASCENDED TO THE TOP OF THE ALTAR WHILST ALIVE, MUST DESCEND. IF A BURNT OFFERING WENT UP ALIVE TO THE TOP OF THE ALTAR, IT MUST DESCEND. IF ONE SLAUGHTERED IT ON THE TOP OF THE ALTAR, HE MUST FLAY IT AND DISMEMBER IT WHERE IT LIES.¹⁶

GEMARA. It was taught, R. Judah said: [This is the law of the burnt-offering:] it is that which goeth up [on its firewood upon the altar all night unto the morning]:¹⁷ here you have three limitations. It excludes [an animal] slaughtered at night; [an animal] whose blood was spilt; and [an animal] whose blood passed out beyond the hangings: if any one of these ascended [the altar], it must descend. R. Simeon said: ‘Burnt-offering’: I only know this of a fit burnt-offering; whence do I know to include one which was slaughtered at night, or whose blood was spilt, or whose blood passed without the hangings, or [the flesh of] which spent the night [away from the altar], or went out, or the unclean, or which was slaughtered [with the intention of burning its flesh] after time or without bounds; or whose blood was received and sprinkled by unfit [persons]; or whose blood was applied below [the scarlet line] when it should be applied above, or above when it should be applied below; or without when it should be applied within, or within when it should be applied without; or a Passover-offering or a sin-offering which one slaughtered for a different purpose: whence do we know [to include all these]? From the phrase, ‘the law of the burnt-offering’, which intimates one law for all burnt-offerings [viz.,] that if they ascended, they do not descend. You might think that I also include a roba’ and a nirba’, one set aside [for an idolatrous sacrifice], or worshipped; a [harlot’s] hire or the price [of a dog], or a hybrid, or a terefah or an animal calved through the

caesarean section. Scripture, however, states: 'it is that.' And why do you include the former and exclude the latter? Since Scripture includes

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- (1) As stated above.
 - (2) Since 'upon its firewood' and 'on the altar' are applicable to it.
 - (3) E.g., if one vows wine without a sacrifice.
 - (4) All this directly follows from their views stated above.
 - (5) I.e., to teach that a meal-offering can be brought alone.
 - (6) I.e., even without a sacrifice, which naturally would not be vowed so frequently.
 - (7) Explicitly, and not overlay it with all the other rulings.
 - (8) Not at the same time as the animal sacrifice.
 - (9) Num. XXIX, 6 et passim. 'Their' refers to the animal sacrifices.
 - (10) V. supra 8a.
 - (11) I.e., outside the Temple court.
 - (12) Here the altar.
 - (13) Cf. supra 71a and b.
 - (14) If they ascend, they do not descend.
 - (15) Chief of the priests and deputy High Priest; v. Sanh. (Sonc. ed.) p. 97, n. 1.
 - (16) Lit., 'in its place'.
 - (17) Lev. VI, 2.

Talmud - Mas. Zevachim 84b

and excludes, I include the former, because their disqualification arose in the sanctuary, while I exclude the latter whose disqualification did not arise in the sanctuary.¹

But R. Judah infers [the law] from the following: Why did they say that if blood is kept overnight it is fit? Because if the emurim are kept overnight they are fit. Why are the emurim fit if they are kept overnight? Because flesh is fit if kept overnight. [Flesh that] goes out? Because [flesh that] goes out is fit at the high place [bamah]. Unclean [flesh]? Because it was permitted in public service. [The emurim of a sacrifice intended to be burnt] after time? Because it propitiates in respect of its piggul status. [The emurim of a sacrifice intended to be burnt] out of bounds? Because it was likened to [the intention to burn it] after time. Where unfit [persons] received [the blood] and sprinkled it — in the case of those unfit persons who are eligible for public service. Can you then argue from what is its proper way to that where the same is not the proper way? — The Tanna relies on the extension indicated by, This is the law of the burnt-offering.²

R. Johanan said: If one slaughters an animal at night withi³ and offers it⁴ without,⁵ he is culpable:⁶

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- (1) For notes v. supra 27b.
 - (2) Lev. VI, 2. For notes v. supra 51a.
 - (3) The Temple court.
 - (4) Lit., 'carries up' (its limbs).
 - (5) The Temple court; he offers it up by laying it on a stone or on an altar-like pile (v. Sifra on Lev. XVII, 6).
 - (6) On account of laying limbs sacrificially without, even according to R. Judah who maintained that if it ascended the altar it must still descend. Those which if laid on the altar do not descend certainly render the priest culpable if he lays them without, since these can be received by the altar(v. infra 111b).

Talmud - Mas. Zevachim 85a

let this not be less than slaughtering without and offering up [the limbs without¹]. R. Hiyya b. Abin

raised an objection: One who slaughters a bird within and offers it up without is not culpable; if he slaughtered [it] without and offered it up without, he is culpable. Yet let us say: Let it not be less than slaughtering and offering up without? — That is a refutation. Alternatively, The slaughtering of a bird within is mere killing.²

‘Ulla said: If the emurim of lesser sacrifices are laid [on the altar] before their blood is sprinkled, they do not descend, [because] they have become the food of the altar. R. Zera observed, We too learnt [likewise]: THAT . . . WHOSE BLOOD WAS SPILT OR WHOSE BLOOD PASSED WITHOUT THE HANGINGS: If you say there that if [the limbs or emurim] ascended they do not descend, though if he [the priest] should come to sprinkle, he has nothing to sprinkle;³ how much more so here, seeing that if he comes to sprinkle, he has what to sprinkle! — [No:] relate this to a most sacred sacrifice.⁴ But there is the Passover-offering, which is a lesser sacrifice?⁵ — Relate this to [where it is slaughtered] under a different designation.⁶

We learnt: AND ALL OF THESE, IF THEY ASCENDED THE ALTAR WHILST ALIVE, MUST DESCEND. Hence [if they ascended] when slaughtered, they do not descend: surely that is so whether they are most sacred sacrifices or lesser sacrifices? — No: [deduce thus:] but if they are slaughtered, some of these must descend,⁷ and some do not descend. But he teaches, AND ALL OF THESE. — That refers to whilst alive. That is obvious?⁸ — In truth it refers to living animals which have a cataract in the eye, this being in accordance with R. Akiba who maintained that if these ascend they do not descend.⁹

How have you explained it? As referring to unfit [animals]! Then consider the final clause: IF A BURNT-OFFERING WENT UP ALIVE TO THE TOP OF THE ALTAR, IT MUST DESCEND. IF ONE SLAUGHTERED IT ON THE TOP OF THE ALTAR, HE MUST FLAY IT AND DISMEMBER IT WHERE IT LIES. But if it is unfit, can it be flayed and dismembered? Surely the Divine Law said: And he shall cut it into pieces,¹⁰ ‘it’ [implies] a fit; but not an unfit [animal]? — The final clause refers to a fit [sacrifice]; and what does he [the Tanna] inform us?¹¹ that flaying and dismembering can be done on top of the altar. Then on the view that flaying and dismembering cannot be done on top of the altar, what can be said? — The case we discuss here is, e.g., where it had a period of fitness and then became disqualified,¹² this agreeing with R. Eleazar son of R. Simeon who maintained: Since the blood was sprinkled and the flesh had become acceptable¹³ even for a single hour, he must flay it, and its skin belongs to the priests.¹⁴ If so, when it was taught: ‘What does he do?¹⁵ He takes down the inwards and washes them’, why should he do so?¹⁶ — What then should we do? Offer [i.e. burn] them with their dung? ‘Present it now unto thy governor; will he be pleased with thee? or will he accept thy person?’¹⁷ This is our difficulty: why must he wash them?¹⁸ — So that if another priest chances upon them and does not know,¹⁹ he will take them up.

(1) Where one is culpable for each act separately.

(2) Not ritual slaughtering (shechitah), since it requires melikah (v. Glos.). For that reason he is not culpable. But when he slaughters an animal sacrifice at night, it does count as shechitah (since hullin may be slaughtered at night).

(3) Since the blood is spilt.

(4) The Mishnah may refer to most sacred sacrifices only, whose emurim are intrinsically holy even before the blood is sprinkled. Possibly, however, the same does not apply to lesser sacrifices, whose emurim are sacred only in virtue of the sprinkling of the blood.

(5) The Mishnah enumerates this too, and it is now assumed that this law applies even where its blood is spilt.

(6) As the Mishnah actually states. It does not apply, however, to the present instance.

(7) Sc. lesser sacrifices.

(8) Obviously they cannot remain there but must be brought down and slaughtered, and then they will be taken up again. If then this is not taught for the sake of the inference (viz., that all of these, if slaughtered, do not descend), it is altogether superfluous.

(9) V. supra 77b. The Mishnah thus informs us that they must descend, and even if subsequently slaughtered they may

not re-ascend.

(10) Lev. I, 6.

(11) If it is fit, it obviously descends, since it will be taken up again.

(12) It refers indeed to a fit animal which ascended alive, but after it was slaughtered on top of the altar and its blood was sprinkled, it became disqualified; therefore it must be flayed and dismembered on top of the altar, for if it is taken down it may not be taken up again, since it was disqualified. And as to the objection that an unfit animal cannot be flayed, the answer is that it had a period when it was fit for flaying before it became disqualified.

(13) This is a technical term denoting that the flesh was now fit for its purpose.

(14) Even if it became unfit after the sprinkling of the blood. Though the flesh cannot be burnt on the altar but in the place of burning unfit sacrifices, the skin is not burnt with it but belongs to the priests. So here too, when it is on top of the altar it must likewise be flayed and dismembered.

(15) In this case where an animal ascended the altar whilst alive and it was slaughtered there.

(16) Seeing that they are unfit. For though these unfit animals must not be taken down, yet if they are, they may not be taken up again.

(17) Mal. I, 8. This is a protest against offering anything unseemly, and it is most unseemly to offer the inwards uncleaned.

(18) Since they must be taken down, after which they cannot go up again, let them be left as they are.

(19) That they are unfit.

Talmud - Mas. Zevachim 85b

And shall we arise and do a thing to priests whereby they may come to a stumbling block?¹ — Even so it is better, that Divine sacrifices should not lie like carrion.²

R. Hiyya b. Abba said: R. Johanan asked: If the emurim of lesser sacrifices were taken up before their blood was sprinkled, must they go down or not? Said R. Ammi to him: Then inquire about a trespass-offering?³ — I do not ask about a trespass-offering, he replied, because sprinkling alone makes it subject to a trespass-offering; I only ask about [their] going down. And he [eventually] ruled that they do not go down and do not involve trespass.

R. Nahman b. Isaac recited it thus. R. Hiyya b. Abba said, R. Johanan asked: If the emurim of lesser sacrifices were taken up before their blood was sprinkled, do they involve a trespass-offering or not? Said R. Ammi to him: Then ask about [their] going down? I do not ask about going down, he replied, because they have become the food of the altar;⁴ I ask only about a trespass-offering. And [eventually] he ruled: They do not go down and do not involve trespass.

THE DISQUALIFICATION OF THE FOLLOWING DID NOT ARISE IN THE SANCTUARY etc. R. Johanan said: Only in the case of cataracts in the eye did R. Akiba declare them fit, since such are fit in the case of birds, and provided that their consecration [for a sacrifice] preceded their blemish. And R. Akiba admits in the case of a female burnt-offering [that it must be taken down], because that is tantamount to the blemish preceding its consecration.⁵

R. Jeremiah asked: Is nirba' [a disqualification] in birds or is nirba' no [disqualification] in birds?⁶ Do we say: [Ye shall bring your offering] of the cattle⁷ excludes roba' and nirba': [hence] whatever is subject to [the disqualification of] roba' is subject to [the disqualification of] nirba'; and whatever is not subject to roba' is not subject to nirba'.⁸ Or perhaps, sin has been committed with it?⁹ — Said Raba, Come and hear: R. AKIBA DECLARED BLEMISHED ANIMALS FIT. Now, if this is correct,¹⁰ let him also declare a nirba' fit,¹¹ since it is fit in the case of birds.¹² Hence infer from this [that it is not fit]. R. Nahman b. Isaac said: We too have learnt thus: With regard to a nirba', a bird set apart [for an idolatrous sacrifice], a bird worshipped, a [harlot's] hire, the price [of a dog], a tumtum¹³ and a hermaphrodite, all of these defile garments when they are in the gullet.¹⁴ This proves it.

R. HANINA THE SEGAN OF THE PRIESTS. What does he inform us? — I can say that he informs us of the actual fact.¹⁵ Alternatively, what does HE REPULSED mean? Indirectly.¹⁶

JUST AS THEY DO NOT DESCEND IF THEY ONCE ASCENDED etc. ‘Ulla said: They learnt this only where the fire had not taken hold of it; but if the fire had taken hold of it, it must re-ascend. R. Mari recited this in connection with the first clause.¹⁷ R. Hanina of Sura recited it in connection with the final clause:¹⁸ With regard to the bones, tendons, horns and hoofs, if they are attached [to the animal], they ascend [the altar]; if they are severed [from the animal] they do not ascend.¹⁹ Said ‘Ulla: They learnt this only where the fire had not taken hold of them; but if the fire had taken hold of them, they ascend.²⁰ He who recites it in connection with the final clause [holds that it applies] all the more to the first clause.²¹ He however who recites it in connection with the first clause [maintains]: but as for the final clause, those things are not normally burnt [on the altar].²²

MISHNAH. THE FOLLOWING IF THEY ASCENDED GO DOWN:²³ THE FLESH OF MOST SACRED SACRIFICES AND THE FLESH OF LESSER SACRIFICES; THE RESIDUE OF THE ‘OMER;²⁴ THE TWO LOAVES;²⁵ THE SHEWBREAD;²⁶ THE RESIDUE OF MEAL-OFFERINGS;²⁷ AND INCENSE.²⁸ THE WOOL ON THE HEADS OF LAMBS, THE HAIR OF HE-GOATS BEARDS; THE BONES, TENDONS, HORNS AND HOOFS, IF THEY ARE ATTACHED, GO UP, BECAUSE IT IS SAID, AND THE PRIEST SHALL MAKE THE WHOLE SMOKE ON THE ALTAR;²⁹ IF THEY ARE SEVERED [FROM THE ANIMAL], THEY DO NOT GO UP, FOR IT IS SAID, AND THOU SHALT OFFER THY BURNT-OFFERINGS, THE FLESH AND THE BLOOD, [UPON THE ALTAR OF THE LORD THY GOD]].³⁰

GEMARA. Our Rabbis taught : And the priest shall make the whole smoke on the altar: this includes the bones, tendons, horns and hoofs. You might think, even if they were severed; therefore it states, ‘And thou shalt offer thy burnt-offerings, the flesh and the blood’. If [we had only the text] flesh and blood [to go by],

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- (1) Surely we may not cause another priest to think that they are fit.
 - (2) Hence they must be washed.
 - (3) If one misappropriates sacred property to secular use he is liable to a trespass-offering. Normally when emurim are laid on the altar (after the sprinkling of the blood) they become the property of the altar, and anyone thus misappropriating them incurs a trespass-offering. Then let the question be asked: does the law of trespass apply if they were taken up before the sprinkling of the blood?
 - (4) V. supra a.
 - (5) For notes v. supra 35b.
 - (6) There is no question about roba’, as a male bird does not copulate with a woman.
 - (7) Lev. I, 2. ‘Of’ (Heb. ם) is partitive, and regarded as a limitation.
 - (8) So that it does not disqualify a bird.
 - (9) Hence it is disqualified.
 - (10) That nirba’ does not disqualify a bird.
 - (11) Sc. an animal, in the sense that it does not descend.
 - (12) Even to sacrifice such in the first place.
 - (13) An animal or bird whose genitals are covered up, so that its sex cannot be determined. — This passage refers to birds.
 - (14) V. p. 257, n. 1. This proves that nirba’ is a disqualification.
 - (15) What happened in such cases.
 - (16) Not openly, as this would seem to degrade sacrifices, but covertly. Lit., ‘as with the back of the hand’.
 - (17) The present Mishnah, referring to unfit animals.
 - (18) The next Mishnah.
 - (19) And if they did, they must be removed.

- (20) Even if taken down.
 (21) Because the first clause deals with things that are normally burnt on the altar.
 (22) Therefore even if the fire had taken hold of them, they are taken down, since they have no connection with the altar at all.
 (23) Because they do not belong to the altar at all.
 (24) The 'omer (q.v. Glos.) after it was waved; v. Lev. XXIII, 20 seq.
 (25) V. Lev. XXIII, 15 seq.
 (26) V. Ex. XXV, 30.
 (27) V. Lev. II, 2 seq.
 (28) Which must be burnt on the inner altar.
 (29) Lev. I, 9.
 (30) Deut. XII, 27.

Talmud - Mas. Zevachim 86a

you might have thought that one must remove the tendons and bones and lay [only] flesh on the altar; therefore it says, 'And the priest shall make the whole smoke'. How are these text reconciled? If they are attached, they ascend; if they are severed, even if they are on the top of the altar, they must go down.

Which Tanna do you know to maintain that if they were severed, they must go down? It is Rabbi. For it was taught: 'And the priest shall make the whole smoke on the altar': this includes the bones, tendons, horns and hoofs, even if they were severed. How do then I interpret, 'And thou shalt offer thy burnt-offerings, the flesh and the blood'? It is to teach you: Burnt pieces [flesh] of the burnt-offering you must replace [on the altar],¹ but you do not replace burnt tendons and bones. Rabbi said: One text states, 'And the priest shall make the whole smoke on the altar', thus extending [the law], while another text states, 'And thou shalt offer thy burnt-offerings, the flesh and the blood', thus limiting [it]. How do you reconcile them? If they are attached, they ascend; if they are severed, even if they are on the top of the altar, they descend.

IF THEY ARE SEVERED [FROM THE ANIMAL], THEY DO NOT GO UP etc. R. Zera said: They learnt this only if they were severed downwards;² but [if they were severed] upwards,³ they come nearer to being burnt.⁴ Even if they were severed?⁵ — Said Rabbah: This is what he means: They learnt this only if they were severed after sprinkling;⁶ but if they were severed before sprinkling, the sprinkling comes and makes them permitted [for general use], even to make from them a knife handle.⁷ He holds as R. Johanan said on R. Ishmael's authority: 'It shall be his' [the priest's] is said of the burnt-offering, and 'it shall be his' is said of the guilt-offering:⁸ as the bones of a guilt-offering are permitted, for even its flesh is permitted to the priests, so are the bones of a burnt-offering permitted. This must be redundant,⁹ for if it is not redundant, you can refute [the deduction]: as for a guilt-offering, the reason is because its flesh is permitted.¹⁰ [It is redundant, for] a superfluous 'it shall be his' is written.¹¹

R. Adda b. Ahaba raised an objection: The bones of sacrifices involve trespass¹² before sprinkling, but do not involve trespass after sprinkling; whereas the bones of a burnt-offering always involve trespass?¹³ — Say: Whereas those of a burnt-offering, if they were severed before sprinkling, involve trespass until the sprinkling; [if they were severed] after sprinkling, they always involve trespass.¹⁴

Now he [Rabbah] disagrees with R. Eleazar. For R. Eleazar said: If they were severed before sprinkling, they involve trespass; after sprinkling, one must not use them,¹⁵ but they do not involve trespass.¹⁶ MISHNAH. AND IF ANY OF THESE¹⁷ SPRANG OFF FROM THE ALTAR¹⁸ THEY ARE NOT REPLACED. SIMILARLY, IF A COAL SPRANG OFF FROM THE ALTAR, IT IS

NOT REPLACED. LIMBS THAT SPRANG OFF FROM THE ALTAR: IF BEFORE MIDNIGHT, MUST BE REPLACED, AND INVOLVE TRESPASS; AFTER MIDNIGHT, THEY ARE NOT REPLACED AND DO NOT INVOLVE TRESPASS. JUST AS THE ALTAR SANCTIFIES WHATEVER IS ELIGIBLE FOR IT, SO DOES THE ASCENT SANCTIFY WHATEVER IS ELIGIBLE FOR IT;¹⁹ AND JUST AS THE ALTAR AND THE ASCENT SANCTIFY WHATEVER IS ELIGIBLE FOR THEM, SO DO VESSELS SANCTIFY.²⁰

GEMARA. How is it meant? If they have substance,²¹ then even after midnight too [let them be returned]; while if they have no substance, even before midnight too [they need] not [be returned]? — This holds good only

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- (1) If they sprang off.
 - (2) Away from the burning pile. Then they do not go up, and if they did, they are removed. — They were placed on the altar, of course, whilst attached to the flesh.
 - (3) Springing nearer to the centre of the pile.
 - (4) They are not removed. — This passage is thus apparently based on the Mishnah . Tosaf. however points out that the Mishnah discusses whether they are to be placed on the altar at all, whereas this assumes that it was already there. Accordingly Tosaf. explains that it refers to the Baraita just quoted, where the first Tanna maintains that the bones etc. are included even if they are severed.
 - (5) The meaning of this is doubtful, and Rashi assumes that there is a lacuna in the text. If the text is correct, the meaning would be: do you say that even if they were severed (upwards) they remain on the altar; surely the Mishnah teaches that only when attached do they ascend? Sh. M. quotes a variant reading: It was stated above: this includes the bones etc. even if they were severed. Said Rabbah: They learnt this only etc.
 - (6) Then they must descend, nevertheless they are still regarded as sacred, and must be so treated.
 - (7) I.e., they have no sanctity at all.
 - (8) Lev. VII, 7f.
 - (9) Lit., 'free', 'disengaged.' The form of exegesis just used, based on the fact that the same words are used of both, is called a *gezerah shawah*, and in such the word used as a basis of deduction must be entirely free for that purpose, being otherwise redundant.
 - (10) Hence its bones are too. Whereas the flesh of a burnt-offering must be burnt on the altar, and so its bones too may be forbidden.
 - (11) Scripture could write, the skin of the burnt-offering . . . shall be the priest's.
 - (12) V. p. 405, n. 8.
 - (13) This proves that they are always forbidden.
 - (14) Emended text (Sh.M.).
 - (15) By Rabbinical law.
 - (16) This agrees with R. Ishmael supra. When he quotes 'it shall be his' it must mean after sprinkling, for it is the sprinkling that permits the flesh (and so the bones too, on his view) to the priests.
 - (17) The unfit and bones etc. which if laid on the altar must not be removed.
 - (18) Through the heat.
 - (19) If laid on the ascent, it must not be removed.
 - (20) Sc. service-vessels — they sanctify what is placed in them.
 - (21) If these limbs are not burnt right through and the flesh is recognisable.

Talmud - Mas. Zevachim 86b

of hardened [limbs].¹

Whence do we know it?² — Said Raba: One text states, [This is the law of the burnt-offering: it is that which goeth up on its firewood upon the altar] all night . . . and he shall burn thereon etc.³ Whereas another text states, all night . . . and he shall take up the ashes.⁴ How are these texts reconciled?⁵ Divide it [the night]: half is for burning, and half for taking up [the ashes].⁶ R. Kahana

raised an objection: Every day he [the priest] takes up [the ashes]⁷ at cockcrow, or slightly before or slightly after. On the Day of Atonement, [he does this] at midnight; on festivals, at the first watch.⁸ If then you maintain that [the altar must be cleared] from midnight [onwards], how may we advance it? — Said R. Johanan: From the implication of ‘all night’, do I not know that it is until the morning? Why then is ‘unto the morning’ stated? Add another morning to the morning of the night.⁹ Therefore every day it is sufficient from cockcrow. On the Day of Atonement [it is done] at midnight, on account of the fatigue¹⁰ of the High Priest.¹¹ On festivals when there were many sacrifices and so the Israelites came very early, [it was done] at the first watch, as the sequel teaches: and before cockcrow the Temple court was full of Israelites.

It was stated: If they sprang off¹² before midnight and he replaced them after midnight: Rabbah said:

(1) The fire had hardened them and completely dried up all their natural moisture, yet had not turned them into charred coals.

(2) That the matter depends on midnight.

(3) Lev. VI, 2-5. The combination of these texts implies that ‘all night’ is meant in respect of burning.

(4) Ibid. 3. He assumes that ‘and he shall take up the ashes’ also means during the night, (i.e., ‘all night’), since the whole verse reads: And the priest shall put on his linen garment . . . and he shall take up the ashes: as it does not say that he must don his linen garment in the morning, it is assumed that he did it at night and straightway took up the ashes. Thus this contradicts the implication of the first verse.

(5) Emended text (Sh.M.).

(6) The first half is for burning, and during this time the flesh is not considered completely consumed unless it has actually been turned into ashes. The second half is for clearing, in the sense that even before the flesh has actually become ashes but has merely reached the stage of hardness it is regarded as ashes. If, however, it still retains the softness of flesh, it is obviously not ashes, and must not be removed.

(7) A shovelful of ashes which were placed at the east side of the ascent.

(8) Yoma 20a. The night (roughly from 6 P.M. to 6 A.M.) was divided into three or four watches (the matter is debated in Ber. 3a). The end of the first watch would be about 9 or 10 P.M., two or three hours before midnight.

(9) The morning of the night is dawn, while the additional morning is any earlier hour when the priests might rise to commence the service, according to the exigencies of the day. Since this is not fixed, it can be put forward or deferred as may be necessary.

(10) Lit., ‘weakness’.

(11) To enable him to rest after it until the morning burnt-offering. This assumes that the High Priest removed the ashes himself. Tosaf. however suggests that it may mean that the ashes were removed (by another priest) earlier to enable the wood pile to be arranged and likewise the other rites to be performed as early as possible, so that the High Priest could sacrifice the daily burnt-offering at dawn, before he was hungry and fatigued.

(12) Lit., ‘separated’.

Talmud - Mas. Zevachim 87a

The second midnight consumes them.¹ R. Hisda said: The dawn consumes them. The scholars of the Academy said: What is R. Hisda's reason? If midnight, which does not establish linah,² establishes ‘ikul;³ then dawn, which establishes linah, surely establishes ‘ikul. If they sprang off before midnight and he replaced them after dawn, — Rabbah said: The second midnight consumes them; R. Hisda said: They never reach ‘ikul.⁴ To this R. Joseph demurred: And who is to tell us that midnight establishes ‘ikul [only when they are] on the top of the altar; perhaps it establishes ‘ikul wherever they are? They sent from thence:⁵ The law agrees with R. Joseph.⁶ It was stated likewise: R. Hiyya b. Abba said: If they sprang off before midnight and were replaced after midnight, you may not use them, nor do you commit trespass on their account.⁷ Bar Kappara taught likewise: If they sprang off before midnight and were replaced after midnight, they are not subject to trespass. R. Papa asked Abaye: Now, since they sent from there [that] the law agrees with R. Joseph, and R. Hiyya b. Abba

said [the same], and Bar Kappara taught likewise, wherein do Rabbah and R. Hisda disagree? — In the case of fat [limbs], he answered him.⁸

Raba asked Rabbah: Is linah effective [when the limbs are] on the top of the altar, or is it not effective on top of the altar? — What are the circumstances: if we say that they [the limbs] did not descend,⁹ surely since you say that even if they were kept overnight in the Temple court they do not descend,¹⁰ can there be a question [when they are kept on] the top of the altar?¹¹ Rather [the question is] where they descended. Do we liken it to the Table, for we learnt: Even if they¹² are on the Table many days, it does not matter? Or perhaps we liken it to the pavement of the Temple court?¹³ — Said he to him: Linah is not [effective when the flesh is] on the top of the altar. Did he accept [this ruling] from him or did he not accept it from him? — Come and hear. For it was stated: Limbs which spent the night in the Temple court, [the priest] can go on burning them all night;¹⁴ if they were kept overnight on the top of the altar, he can always go on burning them.¹⁵ If they descended: Rabbah said: They re-ascend; Raba said: They do not re-ascend.¹⁶ This proves that he did not accept [the ruling] from him. This proves it.

JUST AS THE ALTAR SANCTIFIES etc. Our Rabbis taught: Whatsoever touches the altar [shall be holy]:¹⁷ I know it only of the altar; how do I know [it of] the ascent? Because it says, the [eth] altar.¹⁸ How do we know [it of] service vessels? Because it says: Whatsoever toucheth them shall be holy.¹⁹

Resh Lakish asked R. Johanan: Do the service vessels sanctify the disqualified? — We have learnt it, he replied: **JUST AS THE ALTAR AND THE ASCENT SANCTIFY WHATEVER IS ELIGIBLE FOR THEM, SO DO VESSELS SANCTIFY!**²⁰ Said he, My question is whether they can be offered in the first place. But that too we have learnt:

(1) They will not be assumed to reach the stage of hardness (v. supra 86b) until the following midnight; unless, of course, they are reduced to ashes before then.

(2) The status of flesh that is kept overnight. Midnight does not confer that status, and flesh that falls off after midnight is replaced on the altar.

(3) Lit. 'burning,' 'consumption'. If the flesh is hard by midnight (v. supra 86b top) it is regarded as consumed, and if it springs off after that it is not replaced.

(4) Whenever they spring off, until they are actually ashes, they must be replaced, and involve trespass.

(5) Sc. from Palestine — The reference is to R. Eleazar (v. Sanh. 17b).

(6) His argument is correct. — Actually they did not give a ruling (Tosaf).

(7) They need not have been replaced, as they no longer belong to the altar. Hence they do not involve trespass; nevertheless, benefit from them is interdicted by Rabbinical law.

(8) Even when they harden they are not regarded as consumed ('ikul), because their fat keeps them from becoming ashes. Only then do Rabbah and R. Hisda disagree as to their status. But in the case of ordinary flesh they agree that midnight establishes 'ikul.

(9) But remained on the altar, away from the fresh wood pile for the new sacrifices.

(10) If placed on the altar after the night passed.

(11) Surely they do not descend.

(12) The loaves of the Shewbread.

(13) Hence it becomes unfit.

(14) But not after, for linah disqualifies them.

(15) They are never disqualified as long as they are there.

(16) Because linah disqualifies them, and so like all disqualified limbs they do not re-ascend once they descended.

(17) Ex. XXIX, 37.

(18) The reference is probably either to XXIX, 44: And I will sanctify the tent of meeting, and the altar; or to XXX, 26-28: And thou shalt anoint therewith . . . the altar of burnt-offering. In either case the preceding eth (which denotes the acc.) is regarded as an extension, thus including the ascent.

(19) Ibid. XXX, 29. 'Them' refers (among other things) to service vessels, which are spoken of in the preceding verses.

(20) The reference being to disqualified sacrificial parts. V. Mishnah notes.

Talmud - Mas. Zevachim 87b

[Or] where unfit [persons] received and sprinkled the blood.¹ Surely that means, where unfit [persons] received and sprinkled the blood.² — No: [it may mean] that unfit [persons] received it or unfit persons sprinkled the blood.³

The scholars asked:⁴ Is the air-space above the altar as the altar, or not?⁵ — Come and hear: JUST AS THE ALTAR SANCTIFIES SO DOES THE ASCENT SANCTIFY. Now, if you say that the airspace above the altar is not as the altar, then the air-space above the ascent too is not as the ascent; how then can one carry it up from the ascent to the altar, seeing that it is as having descended?⁶ — He drags it.⁷ But there was a gap between the ascent and the altar?⁸ — When the greater part of it [the limb] is nearer the ascent, it is as though it were [on] the ascent, and when the greater part of it is nearer the altar, it is as though it were on the altar. Then from this you can solve Rami b. Hama's question, [viz.]: Is there a connective in [limbs which] ascend the altar or not?⁹ Solve that there is a connective?¹⁰ — That is no difficulty: Then solve it!

Raba son of R. Hanan demurred: If you say that the air-space above the altar is as the altar, how is it possible for a burnt-offering of a bird to be disqualified through an [illegitimate] intention; surely the altar has received it?¹¹ R. Shimi b. Ashi demurred: Why not? It is possible e.g., where he declared: Behold, I pinch it intending to take it off to-morrow [from the altar], then carry it up again and burn it.¹² (That is well according to Raba who maintained [that] linah is effective [when the sacrifice is] on top of the altar; but according to Rabbah who held that linah is not effective on top of the altar, his intention [certainly] does not count!¹³ — According to Rabbah too it is possible e.g. if he declared: Behold, I pinch it with the intention of taking it down before dawn and taking it up again after dawn.)¹⁴ At all events, you can solve [the question] in the other direction, viz., that the air-space of the altar is as the altar,¹⁵ for should you think that the air-space of an altar is not as the altar,

(1) V. supra 84a.

(2) The 'and' (Heb. 7) being conjunctive. This implies that only then do they not descend once they ascended, which further implies that they may not ascend in the first place. Hence, if unfit persons received the blood (naturally, in a service vessel) whilst fit persons sprinkled it, they may ascend (be offered) in the first place, and that must be because the vessels sanctified the blood to permit its sprinkling at the outset.

(3) And we are informed that even then the limbs do not descend once they ascended, notwithstanding that they were disqualified by the sprinkling.

(4) Emended text (Sh.M.).

(5) If one suspends disqualified limbs above the altar, is it as though they are on the altar itself and must not be removed, or not?

(6) For if it is not as the ascent, when he lifts it up to carry to the altar it is as though he had taken it down, and we learnt that if it descended it must not re-ascend.

(7) Up to the altar without lifting it up from the ascent.

(8) V. supra 62b. And when the limbs reach the gap, they are as though taken down.

(9) If the smaller part of a limb springs off, is it considered as still attached to the whole, and so must be replaced, or not?

(10) For otherwise each portion of the limb becomes disqualified as it enters the gap between the altar and the ascent.

(11) The neck of a burnt-offering of a bird was pinched (v. Lev. I, 15) on top of the altar, i.e., in the air-space above the altar. Now if the priest actually kept it suspended in the air-space above the altar until the next day it would be fit then for ritual burning, for disqualified sacrifices do not descend once they ascended (i.e., even if linah does disqualify when the sacrifice is on the altar). Since then it is fit for burning on the morrow, why should the intention to burn it on the

morrow disqualify it, seeing that at the very moment that it is killed it is as though laid on the altar?

(12) This would be forbidden, as if it descended it does not re-ascend. Hence the intention too can disqualify it.

(13) For even if he kept it until the morrow on the top of the altar it would not be disqualified, so that if he took it down then he would still have to replace it. The intention to do this would certainly not disqualify it.

(14) If the sacrifice were actually on the ground at dawn it would be disqualified, and so the intention too disqualifies it.

(15) This is the conclusion of R. Shimi b. Ashi's argument: though R. Hanan's reasoning is faulty, yet one can argue in the reverse direction.

Talmud - Mas. Zevachim 88a

how may one sprinkle the blood of a disqualified sin-offering of a bird, as it has the status of having descended,¹ [and] how could one sprinkle the blood of other disqualified [sacrifices]?² — He contacts [the blood] [with the wall of the altar].³ Is that haza'ah? it is draining; is that zerikah? it is pouring out;⁴ moreover, is that the way of haza'ah and zerikah?⁵ — Said R. Ashi: If he held it on top of the altar, that would indeed be so; the question arises where he [the priest] stands on the ground and suspends it [the blood] on a cane?⁶ what then? The question stands over. MISHNAH. THE VESSELS FOR LIQUIDS SANCTIFY LIQUIDS,⁷ AND THE MEASURES FOR DRY MATTER SANCTIFY DRY MATTER.⁸ A LIQUID VESSEL DOES NOT SANCTIFY DRY MATTER, NOR DOES A DRY [MEASURE] SANCTIFY A LIQUID. IF HOLY VESSELS WERE PERFORATED AND THEY CAN BE USED FOR THE SAME PURPOSE AS WHEN WHOLE, THEY SANCTIFY [WHAT IS PLACED IN THEM]; IF NOT, THEY DO NOT SANCTIFY. AND ALL THESE SANCTIFY ONLY IN THE SANCTUARY.⁹

GEMARA. Samuel said: They learnt [this] only of the measures,¹⁰ but the basins sanctified,¹¹ for it is said: Both of them filled with fine flour.¹² Said R. Aha of Difti to Rabina: But that was a moist meal-offering?¹³ — He replied, The proof is from the dry parts thereof.¹⁴ Alternatively, a meal-offering is dry in comparison with blood.¹⁵

Samuel said. The service vessels sanctified only when whole, full,¹⁶ and through the inside.¹⁷ Others state it: They sanctify only when whole, full, and within.¹⁸ Wherein do they differ? — They differ in respect of the overflow of measures.¹⁹ In a Baraitha it was taught: They sanctify only when full, whole, through the inside and within. R. Assi said in R. Johanan's name: They learnt this²⁰ only where he [the priest] does not intend to add thereto; but if he intends adding thereto, each portion becomes holy in turn.²¹ It was taught likewise: [Both of them] filled [with fine flour]: 'filled' means complete.²² Said R. Jose: When is that? When he does not intend to add [thereto]; but if he intends to add [thereto], each portion becomes holy in turn.

A LIQUID VESSEL DOES NOT SANCTIFY etc. Rab-others state R. Assi-said: They do not sanctify to be offered, but they sanctify [it] to be disqualified.²³ Others recite it in connection with the following: You may not bring meal-offerings, drink-offerings, and the meal-offering of an animal [sacrifice], or the first-fruits,²⁴ from a mixture;²⁵ and it goes without saying from 'orlah and kil'ayim of the vineyard.²⁶ If one did bring [such], it is not sanctified. Said Rab — others state, R. Assi — : It is not sanctified to be offered, but it is sanctified to be disqualified.²⁷

Our Rabbis taught: When holy vessels are perforated, you may not melt them²⁸ nor melt lead into them.²⁹ If they were damaged,³⁰ you may not repair them. If a knife was damaged, you may not smooth out the damage;³¹ if it slipped out [of its haft], you may not replace it. Abba Saul said: There was a knife which caused terefoth³² in the Temple, whereupon the priests decided by vote to hide it.

Our Rabbis taught: The priestly garments were not sewn but woven,³³ as it is said, of woven work.³⁴ If soiled, they might not be washed with natron³⁵ or with ahal.³⁶ But you may wash them in water?³⁷ — Said Abaye, This is what he means: If they [merely] needed water,³⁸ you may wash

them [even] with natron or ahal.

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- (1) If one pinched the bird on the altar with an illegitimate intention, it is disqualified; as soon as he lifts it in order to sprinkle the blood, it is as though he had taken it down from the altar, and such may not be taken up again. Hence the blood could not be sprinkled.
 - (2) According to R. Gamaliel who maintains that if the blood of disqualified sacrifices ascended the altar, it must not descend. But sprinkling is done from a distance, so that the blood passes through the air-space of the altar.
 - (3) Not from the distance.
 - (4) Haza'ah and zerikah are two words for sprinkling, the latter denoting a sprinkling with greater force than the former. — If he does not sprinkle the blood from the distance, it is not sprinkling at all.
 - (5) Even if this could be called sprinkling, it is certainly not the manner in which sprinkling is done.
 - (6) The above argument proves nothing. For when the man stands on the altar and holds the blood or the bird in his hand, the air-space is certainly as the altar itself, for the fact that he is standing on it gives the blood etc. the same status as though it were on the altar.
 - (7) E.g. the plates and basins for blood, wine and oil.
 - (8) There were two dry measures, an 'issaron (tenth part of an ephah) and half an 'issaron: the first was used for measuring all meal-offerings, while the second was used for the High Priest's daily morning and evening meal-offerings (v. Lev. VI, 12 seq.).-Rashi and Tosaf. give different reasons why the Mishnah speaks of liquid vessels and dry measures.
 - (9) The Temple court.
 - (10) Only the liquid measures, of which there were seven, do not sanctify dry matter. The reason is because these were only fit for measuring, and had been anointed (whereby they were sanctified) for this purpose only.
 - (11) Though meant primarily for liquids, they could also be used for meal.
 - (12) Num. VII, 13. 'Both' included a basin, which was normally used for liquids.
 - (13) V. *ibid.*: with fine flour mingled with oil for a meal-offering.
 - (14) Lit., 'it is necessary only for the dry parts'. — Mingling could not be so thorough as to leave no dry parts at all, yet these too were sanctified by the basins.
 - (15) For which the basins were normally used.
 - (16) They must contain as much as is required, e.g., if flour for a meal-offering is placed in them, there must be at least an 'issaron.
 - (17) But if flour is heaped up on the outside of a service vessel, it is not sanctified.
 - (18) Rashi: in the Temple court.
 - (19) When a measure is overfilled, so that there is a brim, the Rabbis disagree as to whether the overflow is sanctified (Men. 90a). He who maintains that only the inside sanctifies, holds that the overflow is not sanctified.
 - (20) That it sanctifies only when full.
 - (21) Lit., 'the first, the first is holy'. Every little quantity is sanctified as it is poured into the vessel, and it remains sanctified even if it was not full eventually.
 - (22) Containing the necessary measure (v. n. 10, p. 416); only then is it sanctified.
 - (23) If meal is placed in a liquid vessel, it is sanctified in so far that if it is then carried out of the Temple court or touched by a tebul yom (q.v. Glos.), it is disqualified from being used henceforth for a meal-offering.
 - (24) I.e., which accompanied an animal sacrifice or the first-fruits.
 - (25) A mixture of terumah and hullin.
 - (26) V. Glos. and Deut. XXII, 9. A meal-offering or drink-offering can certainly not be brought from these, which are forbidden to all, including priests. But it may not be brought even from a mixture of terumah and hullin, which is permitted to priests, though priests consume the meal-offering, because what is brought must be permitted to all.
 - (27) It does not count simply as hullin but as sanctified meal which had become unfit, having been sanctified by the service-vessel in which it was placed, and therefore it must be burnt.
 - (28) I.e., melt the metal around the hole to close it up.
 - (29) For the same purpose.
 - (30) More extensively.
 - (31) I.e., if the edge is heavily notched it may not be re-ground.
 - (32) It frequently became slightly notched and was inadvertently used, thus making the sacrifices terefah. — Terefoth is

used loosely for nebeloth.

(33) They were woven directly into garments, not first into cloth and then sewn together.

(34) Ex. XXVIII, 32.

(35) V. Sanh. (Sonc. ed.) p. 330, n. 5.

(36) A substance used as soap. — The reason for all these is that it savours of poverty to repair or cleanse them for Temple use.

(37) Surely not; that too savours of poverty and is moreover inefficient.

(38) Lit , 'if they were brought to water.' — i.e., they were only slightly soiled.

Talmud - Mas. Zevachim 88b

If they needed natron or ahal, you may not wash them even in water. Others maintain: You may not wash them at all,¹ because there is no poverty in the place of wealth.

Our Rabbis taught: The robe [me'il] was entirely of blue,² as it is said, And he made the robe of the ephod of woven work, all of blue.³ How were its skirts [made]? Blue [wool], purple wool and crimson thread, twisted together, were brought, and manufactured into the shape of pomegranates whose mouths were not yet opened⁴ and in the shape of the cones of the helmets on children's heads. Seventy two bells containing seventy two clappers were brought and hung thereon, thirty six on each side.⁵ R. Dosa⁶ said on the authority of Rabbi Judah: There were thirty six, eighteen on each side.

R. 'Inyani b. Sason said: As there is a controversy here, so is there a controversy in respect to leprous plagues.⁷ For we learnt: The appearances of plagues, R. Dosa b. Harkinas said: They are thirty six; Akabia b. Mahalallel said: They are eighteen.⁸

R. 'Inyani b. Sason also said: Why are the sections on sacrifices and the priestly vestments close together?⁹ To teach you: as sacrifices make atonement, so do the priestly vestments make atonement. The coat atones for bloodshed, for it is said, And they killed a he-goat, and dipped the coat in the blood.¹⁰ The breeches atoned for lewdness, as it is said, And thou shalt make them linen breeches to cover the flesh of their nakedness.¹¹ The mitre made atonement for arrogance. How do we know it? — Said R. Hanina: Let an article placed high up¹² come and atone for an offence of hauteur. The girdle atoned for [impure] meditations of the heart, i.e., where it was placed.¹³ The breastplate atoned for [neglect of] civil laws, as it is said, And thou shalt make a breastplate of judgment.¹⁴ The ephod atoned for idolatry, as it is said, Without ephod there are teraphim.¹⁵ The robe atoned for slander. How do we know it? — Said R. Hanina: Let an article of sound¹⁶ come and atone for an offence of sound. The headplate atoned for brazenness: of the headplate it is written, And it shall be upon Aaron's forehead,¹⁷ whilst of brazenness it is written, Yet thou hadst a harlot's forehead.¹⁸

But that is not so, for surely R. Joshua b. Levi said: For two things we find no atonement through sacrifices, but find atonement for them through something else,¹⁹ and they are bloodshed and slander. Bloodshed [is atoned for] by the beheaded heifer,²⁰ while slander [is atoned for] by incense. For R. Hanania recited: How do we know that incense atones? Because it is said, And he put on the incense, and made atonement for the people.²¹ And the school of R. Ishmael taught [likewise]: For what does incense atone? For slander: let that which is done in secret²² come and atone for an offence committed in secret.²³ Thus slander contradicts slander, and bloodshed contradicts bloodshed? — There is no difficulty: bloodshed does not contradict bloodshed: In the one case the murderer is known,²⁴ in the other the murderer is unknown.²⁵ If the murderer is known, he is liable to death?²⁶ -It means [where he committed murder] deliberately, but was not warned.²⁷ Slander too does not contradict slander: Here it was done in secret;²⁸ there it was done in public.²⁹ [

(1) Even if slightly soiled.

(2) Tekeleth, wool dyed with a peculiar blue, now no longer obtainable.

- (3) Ibid. XXXIX. 22.
- (4) Overripe pomegranates open up slightly.
- (5) I.e., in front and behind.
- (6) Sh.M. reads: Rabbi.
- (7) Lit., 'the appearances of plagues'.
- (8) They disagree as to how many colours render these plagues leprous and unclean.
- (9) Immediately after discussing the burnt-offering, meal-offering, sin-offering, and peace-offerings (Lev. VII), Scripture speaks of the priestly garments (VIII, 1 seq.)
- (10) Gen. XXXVII, 31. This was a sign that later the coat would make atonement, even as dipping (Heb. tebillah, in later Hebrew denoting ritual immersion for purification) symbolised atonement.
- (11) Ex. XXVIII, 42.
- (12) On top of the head.
- (13) It was placed at the level of the heart.
- (14) Ibid., 15.
- (15) Hos. III, 4. Where there is no ephod, there is the unatoned-for sin of teraphim (idols). — E.V.: without ephod or teraphim.
- (16) Sc. the robe, which was fringed with bells.
- (17) Ex. XXVIII, 38.
- (18) Jer. III, 3.
- (19) Lit., 'from another place.'
- (20) V. Deut. XXI, 1-9.
- (21) Num. XVII, 12.
- (22) None was present when the incense was offered.
- (23) Slander is first related in private and then it spreads.
- (24) Then the coat makes atonement, so that the whole community should not be divinely punished.
- (25) Then the beheaded heifer makes atonement.
- (26) And until he is executed the community is not forgiven.
- (27) On 'warning, (hathra'ah) v. p. 372, n. 1. He could not be executed in that case.
- (28) Then the incense atones.
- (29) Then the robe atones.

Talmud - Mas. Zevachim 89a

CHAPTER X

MISHNAH. WHATEVER IS MORE CONSTANT THAN ANOTHER TAKES PRECEDENCE OVER THE OTHER. THE DAILY OFFERINGS¹ PRECEDE THE ADDITIONAL OFFERINGS;² THE ADDITIONAL OFFERINGS OF THE SABBATH PRECEDE THE ADDITIONAL OFFERINGS OF NEW MOON;³ THE ADDITIONAL OFFERINGS OF NEW MOON PRECEDE THE ADDITIONAL OFFERINGS OF NEW YEAR; FOR IT IS SAID, [YE SHALL OFFER THESE] BESIDE THE BURNT-OFFERING OF THE MORNING, WHICH IS FOR A CONTINUAL BURNT-OFFERING.⁴

GEMARA. Whence do we know it? [You ask] Whence do we know it: surely he [the Tanna] states the reason, viz., 'BESIDE THE BURNT-OFFERING OF THE MORNING'? — Perhaps only the daily-offerings precede the additional offerings, because they are constant; how do we know that additional-offerings [precede] [less frequent] additional-offerings?⁵ — Said R. Elai, Because Scripture states, Like these ye shall offer daily, for seven days:⁶ [instead of] 'these', 'like these' [is written].⁷ But this is required for its own purpose?⁸ — If so,⁹ let [Scripture] write, 'These ye shall offer daily'.¹⁰ If it wrote, 'These ye shall offer daily for seven days', I would think [that] these [are offered] in the seven days?¹¹ — 'Daily' is written.¹² Yet I might still interpret. These [ye shall offer] for the day,¹³ but on the remaining days I could not know how many?¹⁴ — Scripture says, Ye shall

offer, [which implies] that all your offerings must be alike.¹⁵ Abaye said: [We learn it] from that very text.¹⁶ For if so,¹⁷ let Scripture say 'beside the burnt-offering of the morning', and then be silent; why state, which is for a continual burnt-offering? To teach that that which is more constant takes precedence.¹⁸

MISHNAH. WHATEVER IS MORE SACRED THAN ANOTHER PRECEDES THAT OTHER. THE BLOOD OF A SIN-OFFERING PRECEDES THE BLOOD OF A BURNT-OFFERING,¹⁹ BECAUSE IT PROPITIATES.²⁰ THE LIMBS OF A BURNT-OFFERING PRECEDE THE EMURIM OF A SIN-OFFERING,²¹ BECAUSE IT [THE FORMER] IS ENTIRELY FOR [ALTAR] FIRES. A SIN-OFFERING PRECEDES A GUILT-OFFERING, BECAUSE ITS BLOOD IS SPRINKLED ON THE FOUR HORNS AND ON THE BASE.²² A GUILT-OFFERING PRECEDES A THANKSOFFERING AND A NAZIRITE'S RAM, BECAUSE IT IS A SACRIFICE OF HIGHER SANCTITY. A THANKSOFFERING AND A NAZIRITE'S RAM PRECEDE A PEACE-OFFERING, BECAUSE THEY ARE EATEN ONE DAY [ONLY] AND REQUIRE [THE ACCOMPANIMENT OF] LOAVES. A PEACE-OFFERING PRECEDES A FIRSTLING, BECAUSE IT REQUIRES FOUR [BLOOD] APPLICATIONS, LAYING [OF HANDS]. DRINK-OFFERINGS, AND THE WAVING OF THE BREAST AND THE THIGH. A FIRSTLING PRECEDES TITHE, BECAUSE ITS SANCTITY IS FROM THE WOMB,²³ AND IT IS EATEN BY PRIESTS. TITHE PRECEDES BIRD[-OFFERINGS]. BECAUSE IT IS A SLAUGHTERED SACRIFICE,²⁴ AND PART OF IT IS MOST SACRED, [VIZ.,] ITS BLOOD AND EMURIM.²⁵ BIRDS PRECEDE MEAL-OFFERINGS, BECAUSE THEY ARE BLOOD SACRIFICES. A SINNER'S MEAL-OFFERING PRECEDES A VOTIVE MEAL-OFFERING, BECAUSE IT COMES ON ACCOUNT OF SIN. A SIN-OFFERING OF A BIRD PRECEDES A BURNT-OFFERING OF A BIRD; AND IT IS LIKEWISE WHEN HE DEDICATES THEM.²⁶

(1) Lit., 'continual' offerings — the daily burnt-offerings.

(2) Which were sacrificed on Sabbaths, Festivals, and New Moons.

(3) When the Sabbath and New Moon concurred, similarly the other cases.

(4) Num. XXVIII, 23. 'These' are the additional festival offerings, whilst 'beside the burnt-offering of the morning' implies that that had already been offered, having preceded the additional offerings.

(5) Since even the more frequent additional offerings are not really constant, perhaps we disregard their greater frequency.

(6) Ibid. 24.

(7) He interprets: like those which are mentioned in the preceding verse: as in those the more frequent take precedence, so in these (the festival additional-offerings) the more frequent take precedence.

(8) To teach that an additional offering must be brought every day of the festival.

(9) If that is its only purpose.

(10) Not 'like these.'

(11) I.e., the seven he-lambs specified in Num. XXVIII, 19 are not offered each day but spread over the seven days.

(12) Which precludes that interpretation.

(13) Sc. the first day.

(14) If Scripture did not write, like these.

(15) The offerings on each day (including the first) must be the same. Hence 'like' is unnecessary for that purpose, and so intimates precedence.

(16) Cited in the Mishnah.

(17) If its teaching applies only to the daily offerings.

(18) In all cases. For that reason 'continual' is emphasized.

(19) If both are ready for sprinkling at the same time.

(20) It makes atonement where kareth is involved.

(21) For burning.

(22) Whereas of the guilt-offering only two applications are made, and not on the horns; nor is the blood poured out on the base (Rashi).

(23) It is born sacred.

(24) Whereas a bird requires melikah; slaughtering is considered higher.

(25) Even in lesser sacrifices these possess the same sanctity as the most sacred sacrifices, since they belong to the altar. In the case of a bird only the blood possesses that sanctity, but there are no emurim.

(26) When a man dedicates the two birds (v Lev. V, 7) he first dedicates the one for sin-offering and then the one for burnt-offering.

Talmud - Mas. Zevachim 89b

GEMARA. How do we know these things? — Because our Rabbis taught: And a second young bullock thou shalt take for a sin-offering:¹ Now, if this comes to teach that there are two [sacrifices], surely it has already been said, And offer thou the one for a sin-offering, and the other for a burnt-offering.² What then is taught by, And a second young bullock thou shalt take for a sin-offering? For one might think that a sin-offering takes precedence over all the rites of a burnt-offering,³ therefore it says, And a second young bullock thou shalt take for a sin-offering.⁴ If [we had only the text] And a second young bullock [to go by], you might think that a burnt-offering precedes a sin-offering in all its rites: therefore it says, And offer thou the one for a sin-offering, and the other for a burnt-offering. How are these [to be reconciled]? The blood of a sin-offering takes precedence over the blood of a burnt-offering [in sprinkling], because it propitiates.⁵

THE LIMBS OF A BURNT-OFFERING etc. Yet why so? say that [only] the first application [of the blood of the sin-offering], which makes atonement, takes precedence, but not the rest?⁶ — Said Rabina: Here we are treating of the Levites' sin-offering, and though it was like a burnt-offering,⁷ the Divine Law ordered it to take precedence.⁸ In the West [Palestine] they said: Since he commenced the applications [of the sin-offering], he completes [them].

It was asked: Regarding the blood of a sin-offering and the limbs of a burnt-offering, which of them takes precedence? Does the blood of a sin-offering take precedence, because it propitiates; or perhaps the limbs of a burnt-offering take precedence, because they are entirely [destined] for [altar] fires? — Come and hear: THE BLOOD OF A SIN-OFFERING PRECEDES THE BLOOD OF A BURNT-OFFERING; thus only the blood of a burnt-offering does it precede, but it does not precede the limbs of a burnt-offering. On the contrary, [infer] from the subsequent clause: THE LIMBS OF A BURNT-OFFERING PRECEDE THE EMURIM OF A SIN-OFFERING: thus only the emurim of a sin-offering do they precede, but they do not precede the blood of a sin-offering. Rather, no inference can be made from this.

It was asked: [As to] the blood of a burnt-offering and the emurim of a sin-offering, which of these takes precedence? Does the blood of a burnt-offering take precedence, because it comes in virtue of a sacrifice that is altogether burnt; or perhaps the emurim of a sin-offering take precedence, because they come in virtue of an atoning [sacrifice]? — Come and hear: THE BLOOD OF A SIN-OFFERING PRECEDES THE BLOOD OF A BURNT-OFFERING; thus, only the blood of a sin-offering precedes the blood of a burnt-offering, but the emurim of a sin-offering do not. On the contrary, [infer] from the subsequent clause: THE LIMBS OF A BURNT-OFFERING PRECEDE THE EMURIM OF A SIN-OFFERING: thus, only the limbs of a burnt-offering precede the emurim of a sin-offering, but the blood of a burnt-offering does not. Rather, no inference can be made from this.

It was asked: [As to] the blood of a burnt-offering and the blood of a guilt-offering, which takes precedence? Does the blood of a burnt-offering precede, because it comes in virtue of a sacrifice that is altogether burnt; or perhaps the blood of a guilt-offering precedes, because it makes atonement? — Come and hear: THE BLOOD OF A SIN-OFFERING PRECEDES THE BLOOD OF A BURNT-OFFERING; hence the blood of a guilt-offering does not. [No:] by right he [the Tanna]

should have taught the blood of a guilt-offering [too], but because he wishes to teach in a later clause: THE LIMBS OF A BURNT-OFFERING PRECEDE THE EMURIM OF A SIN-OFFERING; for if he taught [that they precede] the emurim of a guilt-offering, I would argue: only the emurim of a guilt-offering do they precede, but they do not precede the emurim of a sin-offering;⁹ for that reason he teaches about a sin-offering [only].

Come and hear: A SIN-OFFERING PRECEDES A GUILT-OFFERING; thus, only a sin-offering precedes a guilt-offering, but a burnt-offering does not. Surely that refers to the blood? — No: it refers to the emurim. This may be proved too, for he teaches. BECAUSE ITS BLOOD IS APPLIED, [and does not teach, Because it is applied].¹⁰ This proves it.

A SIN-OFFERING PRECEDES etc. On the contrary, a guilt-offering should precede, because it has a fixed value?¹¹ — Even so, the greater number of altar [rites] is more important.

A GUILT-OFFERING PRECEDES A THANKSOFFERING etc. On the contrary, a thanksgiving and a nazirite's ram should take precedence, since they require loaves? — Even so, sacrifices of higher sanctity are more important.

A THANKSOFFERING AND A NAZIRITE'S RAM etc. On the contrary, a peace-offering should take precedence, since it is congregational as well as private?¹² — Even so [the fact that] they are eaten for one day only is more weighty.

It was asked: [As to] a thanksgiving and a nazirite's ram, which of these takes precedence? Does a thanksgiving take precedence, because it requires [the accompaniment of] four kinds of loaves;¹³ or perhaps a nazirite's ram takes precedence, because other sacrifices¹⁴ accompany it?¹⁵ — Come and hear: This one precedes the other,¹⁶ because the former requires four kinds of loaves, whereas the latter requires only two kinds of loaves.¹⁷

A PEACE-OFFERING PRECEDES A FIRSTLING etc. On the contrary, a firstling should take precedence, since its sanctity is from the womb and it is eaten by priests [only]? — Even so, the greater number of rites [connected with a peace-offering] are more important.

A FIRSTLING PRECEDES etc. On the contrary, tithe should take precedence, since it sanctifies what precedes it and what follows it?¹⁸ Even so, sanctity from the womb is weightier.

TITHE PRECEDES BIRD-OFFERINGS etc. On the contrary, bird-offerings should take precedence, since they are most sacred? — Even so, the species of slaughtering is more important.

Rabina b. Shila said: If the emurim of lesser sacrifices are taken out¹⁹ before the sprinkling of the blood, they are disqualified. Now, our Tanna supports this: BECAUSE IT IS A SLAUGHTERED SACRIFICE, AND PART OF IT IS MOST SACRED, [VIZ.,] ITS BLOOD AND EMURIM. As for emurim, it is well, [as] these are absent in birds; but blood at all events is present?²⁰ Surely then he informs us this: emurim are like blood: just as blood [is most holy] before sprinkling, so are emurim [most holy only] before sprinkling, and [only then] are they designated most sacred; and as blood is disqualified through being taken out, so are emurim disqualified through going out. Shall we say that the following supports him: If the flesh of lesser sacrifices was taken out before the sprinkling of the blood, R. Johanan says: It is fit; Resh Lakish maintains: It is disqualified. R. Johanan says [that] it is fit, since it must eventually be carried out [in any case].²¹ Resh Lakish maintains [that] it is disqualified: it was not yet time for it to be carried out. Thus, they disagree only in respect of flesh, but not in respect of emurim!²² — [No:] in fact they disagree in respect of emurim too, but the reason that they disagree [explicitly] about flesh is to inform you how far Resh Lakish maintains his view,²³ that even flesh, which will eventually be carried out, he maintains that it was not yet time for

it to be carried out.

Shall we say that it is dependent on Tannaim: [With regard to] emurim of lesser sacrifices which were taken out before sprinkling: R. Eliezer maintains: They do not involve trespass,²⁴

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- (1) Num. VIII, 8. This treats of the consecration of the Levites.
 - (2) Ibid. 12. He speaks of it as 'already said' although it comes later.
 - (3) As is implied in v. 13, where sin-offering is mentioned first.
 - (4) Which intimates that it is second to the burnt-offering in the performance of its rites.
 - (5) Whilst the limbs of the burnt-offering are burnt before the emurim of a sin-offering.
 - (6) For atonement is made with a single application, supra 38a.
 - (7) Since it was not on account of sin at all.
 - (8) Hence its precedence does not cease when atonement has been made, since here there was no atonement.
 - (9) Since a sin-offering is more sacred than a guilt-offering.
 - (10) If by SIN-OFFERING he meant the blood, he should say, because it is applied. Emended text.
 - (11) Not less than two shekels; v. Lev. V, 15: a ram . . . according to thy valuation in silver by shekels . . . for a guilt-offering. Shekels implies at least two, whereas a sin-offering may be of any value.
 - (12) Congregational (public) peace-offerings were offered on the Feast of Weeks, v. Lev. XXIII, 19, whereas these others were private sacrifices only.
 - (13) V. Lev. VII, 12f.
 - (14) Lit., 'blood'.
 - (15) Sc. a sin-offering and a burnt-offering.
 - (16) Sc. the thanksoffering precedes the nazirite's ram.
 - (17) V. Num. VI, 15.
 - (18) If a man counts his cattle in order to tithe them, and declares the ninth and eleventh each as the tenth, in addition to the real tenth, they are all sanctified.
 - (19) Of the Temple court.
 - (20) Hence blood should not be mentioned, since in this respect birds are the same.
 - (21) As it is eaten anywhere in Jerusalem.
 - (22) Presumably R. Johanan too agrees that these are disqualified.
 - (23) Lit., 'to inform you the strength of Resh Lakish'.
 - (24) V. p. 405, n. 8. — This is even after sprinkling, because sprinkling is now of no avail to make them subject to trespass.

Talmud - Mas. Zevachim 90a

and one is not culpable on their account in respect of piggul,¹ nothar,² or uncleanness.³ R. Akiba maintains: They involve trespass, and one is culpable on their account for piggul, nothar, and defilement. Surely they disagree where they were taken in again,⁴ and they disagree in this: one master [R. Eliezer] holds that they were disqualified by having been taken out, while another master holds that they were not disqualified by being taken out? — Said R. Papa: If they were taken in again, none disagree;⁵ but here they disagree where they are still without,⁶ and they disagree in this: one master holds [that] sprinkling is not effective for what is without,⁷ while the other master holds [that] sprinkling is effective for what went out. But surely it was R. Papa who said:⁸ If they are still without, none disagree;⁹ they disagree only where they were taken in again? — That is only in connection with the Two Loaves, which are not part of the sacrifice itself; but since emurim are part of the sacrifice itself, they disagree where they are still without.

BIRD-OFFERINGS PRECEDE etc. On the contrary, meal-offerings should take precedence, since they are both congregational and private?¹⁰ — Even so, the fact that they are blood sacrifices outweighs this.

A SINNER'S MEAL-OFFERING etc. On the contrary, a votive meal-offering should take precedence, since it requires oil and frankincense? — Even so, a sinner's meal-offering, which is brought on account of sin, is more important, since it makes atonement.

It was asked: [As to] the meal-offering of a sotah¹¹ and a votive meal-offering, which of these takes precedence? Does a votive meal-offering take precedence, because it requires oil and frankincense; or perhaps a sotah's meal-offering takes precedence, because it is brought to investigate sin? — Come and hear: A SINNER'S MEAL-OFFERING PRECEDES A VOTIVE MEAL-OFFERING: thus, only a sinner's meal-offering precedes a votive meal-offering, but a sotah's meal-offering does not! — [No:] does he then teach, because it makes atonement; [surely] he teaches, BECAUSE IT COMES ON ACCOUNT OF SIN, and this one [a sotah's meal-offering] too comes on account of sin.

Come and hear: This one precedes that one, because the former is of¹² wheat, while the latter is of barley.¹³ Surely that means, a votive meal-offering [precedes] a sotah's meal-offering? — No: [it means that] a sinner's meal-offering [precedes] a sotah's meal-offering. Then infer it from the fact that the former makes atonement while the latter does not make atonement?¹⁴ — What then: [it refers to] a votive meal-offering? Then infer it from the fact that the one [a votive meal-offering] requires oil and frankincense, while the other does not require oil and frankincense? Rather, he states one of two reasons.¹⁵

A SIN-OFFERING OF A BIRD PRECEDES etc. Whence do we know it? — For our Rabbis taught: And he shall offer that which is for the sin-offering first.¹⁶ for what purpose is this stated? If to teach that it comes before the burnt-offering, surely it is already said, And he shall prepare the second for a burnt-offering?¹⁷ This, however, furnishes a general rule for all sin-offerings, that they take precedence over all burnt-offerings which accompany them, [sc.] the bird sin-offering [precedes] the bird burnt-offering, the animal sin-offering [precedes] the animal burnt-offering, and even a bird sin-offering [precedes] an animal burnt-offering.¹⁸ Therefore, [that] a bird sin-offering [precedes] a bird burnt-offering [is inferred from], And he shall prepare the second for a burnt-offering. An animal sin-offering [precedes] an animal burnt-offering, because the Divine Law intimated an extension;¹⁹ a bird sin-offering [precedes] an animal burnt-offering, because this is a general rule.²⁰

Come and hear: R. Eliezer said: Wherever a sin-offering is exchanged, the sin-offering [of a bird] takes precedence,²¹ but here²² the burnt-offering [of a bird] takes precedence.²³ Wherever it comes on account of sin, the sin-offering takes precedence; but here the burnt-offering takes precedence.²⁴ Wherever both [birds] come instead of one sin-offering, the sin-offering takes precedence; but here that they do not both come on account of one sin-offering,²⁵ the burnt-offering takes precedence?²⁶ — Said Raba: Scripture accorded it precedence in respect of designating it.²⁷

Come and hear: Bulls take precedence over rams, rams take precedence over lambs, lambs over he-goats.

(1) Because they are as though blood had not been sprinkled for them, and so all their mattirin (q.v. Glos. and supra 29b, 43a) had not been presented.

(2) Because nothar applies only to what may be eaten within the prescribed period; this, however, may not.

(3) I.e., if an unclean person eats them, he is not liable. For only what is permitted to clean persons involves liability on account of personal defilement, but what is not so permitted does not involve liability. Now emurim (which are burnt on the altar, and so not permitted even to clean persons) are nevertheless included, as is deduced by Scriptural exegesis, but only on a similar basis to flesh: as flesh involves culpability only after sprinkling, so the emurim. Sprinkling, however, is ineffective in respect of these emurim, and therefore they do not involve culpability.

(4) Before sprinkling, yet even then R. Eliezer maintains that sprinkling is of no avail, because taking them out had

disqualified them.

(5) Sprinkling is certainly effective.

(6) At the time of sprinkling.

(7) Lit., 'for what went out' — and is still outside.

(8) In connection with the two loaves which were brought on Pentecost, if they were taken out of the Temple court between the slaughtering of the accompanying sacrifice and the sprinkling of its blood.

(9) Sprinkling is certainly of no avail.

(10) Sc. the meal-offerings which accompanied the 'omer (sheaf of corn) and the Two Loaves; these were congregational (v. Lev. XXIII, 10-21). There were no public offerings of birds.

(11) A wife suspected of adultery, v. Num. V, 12-15.

(12) Lit., 'comes from'.

(13) Wheat is superior to barley.

(14) Instead of because one is of wheat while the other is of barley.

(15) This answer must be given whatever you relate it to, and therefore it may well refer to a votive meal-offering and a sinner's meal-offering.

(16) Lev. V, 8.

(17) Ibid. 10.

(18) E.g. a woman after childbirth, who brings a year-old lamb for a burnt-offering, and a pigeon or a turtle-dove for a sin-offering.

(19) By the additional text.

(20) I.e., the law thus established applies to all sin-offerings and burnt-offerings.

(21) Where an animal sin-offering is prescribed in the first place, but Scripture permits it, when one is poor, to be exchanged for two birds of which one is for a sin-offering and one for a burnt-offering (e.g. when an unclean person enters the sanctuary, v. Lev. V, 1 seq.) the bird sin-offering takes precedence over the bird burnt-offering.

(22) In the case of a woman after childbirth to whom 'here' refers in the whole passage.

(23) Because she is liable to an animal burnt-offering, and in poverty she may bring two birds, one for a burnt-offering and another for a sin-offering, v. Lev. XII, 1 seq.

(24) As even the sin-offering is not on account of sin.

(25) In poverty she substitutes a bird burnt-offering for an animal burnt-offering, as a bird sin-offering was brought in any case, v. *ibid.* 6-8.

(26) This contradicts the Mishnah which teaches that a bird sin-offering takes precedence over an animal burnt-offering, whereas here she brings the animal burnt-offering before the bird sin-offering.

(27) One must first designate (i.e. dedicate) the animal (or bird) for the burnt-offering and then the bird for the sin-offering. But the latter is sacrificed first.

Talmud - Mas. Zevachim 90b

Does that not refer to those of the Festival?¹ — No: [it means those] of a votive offering:² bullocks precede rams, because their drink-offerings are larger;³ and for the same reason rams [precede] lambs; [while] lambs [precede] he-goats because more [is offered] of them, [viz.,] the fat-tail.⁴

Come and hear: The bullock of the anointed priest precedes the congregation's bullock for inadvertent sin; the congregation's bullock for inadvertent sin precedes the bullock for idolatry; the bullock of idolatry precedes the he-goats of idolatry. [And this is so] notwithstanding that the bullock of idolatry is a burnt-offering, whereas the he-goats of idolatry are sin-offerings? But why not deduce from the first clause: the congregation's bullock for inadvertent sin precedes the bullock of idolatry?⁵ — We do not speak [of where both sacrifices are] of one kind: there a sin-offering [certainly] takes precedence. We speak of two kinds,⁶ and yet here we find a burnt-offering preceding a sin-offering? — In the West [Palestine] they said in Raba b. Mari's name: The sin-offering of idolatry lacks an alef, as *le-hattath* is written.⁷ Rabina said: In their case⁸ 'according to the ordinance' is written.⁹ Now that you have come to this, you may even say that [the preceding passage refers to] the bullocks of the Festival, [for] 'after their ordinance' is written in connection

with them too.¹⁰

It was asked: [With regard to] a bird sin-offering, an animal burnt-offering, and tithe, which of these precede?¹¹ Shall the bird sin-offering come first? there is tithe, which must precede it! Shall tithe come first? there is the animal burnt-offering, which must precede it! Shall the animal burnt-offering come first? there is the bird sin-offering, which must precede it! — Here¹² they held that a slaughtered sacrifice is more important.¹³ In the West they said: The superiority of an animal burnt-offering [over tithe] serves the bird sin-offering and advances it over that of tithe.¹⁴ MISHNAH. ALL SIN-OFFERINGS IN THE TORAH PRECEDE GUILT-OFFERINGS,¹⁵ EXCEPT A LEPPER'S GUILT-OFFERING, BECAUSE IT COMES TO MAKE [A PERSON] FIT.¹⁶ ALL GUILT-OFFERINGS OF THE TORAH MUST BE¹⁷ TWO-YEAR OLDS AND [TWO] SILVER SHEKELS IN VALUE,¹⁸ EXCEPT A NAZIRITES GUILT-OFFERING AND A LEPPER'S GUILT-OFFERING: THESE MUST BE A YEAR OLD, AND NEED NOT BE [TWO] SILVER SHEKELS IN VALUE.¹⁹ AS THEY TAKE PRECEDENCE IN BEING OFFERED, SO THEY TAKE PRECEDENCE IN BEING EATEN.²⁰ IN THE CASE OF A PEACE-OFFERING OF YESTERDAY AND A PEACE-OFFERING OF TO-DAY,²¹ THAT OF YESTERDAY TAKES PRECEDENCE. IN THE CASE OF A PEACE-OFFERING OF YESTERDAY AND A SIN-OFFERING AND A GUILT-OFFERING OF TO-DAY, YESTERDAY'S PEACE-OFFERING TAKES PRECEDENCE: THAT IS R. MEIR' S RULING. BUT THE SAGES MAINTAIN: THE SIN-OFFERING TAKES PRECEDENCE, BECAUSE IT IS A MOST SACRED SACRIFICE. AND IN ALL OF THESE, THE PRIESTS MAY DEVIATE IN THEIR MODE OF EATING, AND EAT THEM ROAST, STEWED OR BOILED, AND SEASON THEM WITH CONDIMENTS OF HULLIN OR OF TERUMAH: SO SAID R. SIMEON. R. MEIR SAID: ONE MAY NOT SEASON THEM WITH CONDIMENTS OF TERUMAH, SO AS NOT TO BRING TERUMAH TO UNFITNESS.²² GEMARA. It was asked: That which is more constant and that which is more sacred,²³ which takes precedence? Does that which is more constant take precedence, because it is more constant; or does that which is more sacred take precedence, because it is more sacred? — Come and hear: The continual [burnt-]offerings precede the additional offerings.

- (1) Sc. Tabernacles; the he-goats were sin-offerings and the lambs were burnt-offerings, yet the lambs take precedence.
- (2) And both are burnt-offerings.
- (3) A bullock requires a drink-offering of three 'esronim (pl. of 'issaron, a tenth part of an ephah), a ram one of two, and a lamb one 'issaron.
- (4) Which in the case of a lamb is burnt on the altar as emurim, but not in the case of a he-goat; cf. Lev. III, 6-10 with 12-15. Though this passage refers to burnt-offerings, which are entirely burnt on the altar, yet the reason is valid, because it holds good of sacrifices in general.
- (5) Instead of raising a difficulty from the final clause, cite the first clause to corroborate the Mishnah.
- (6) Which is what the above-stated principle sets out to establish, that a bird sin-offering takes precedence over an animal burnt-offering.
- (7) Heb. להטת instead of להטאת Num. XV, 24. This teaches that it is an exception and does not precede the burnt-offering.
- (8) Sc. the offerings for idolatry.
- (9) Ibid. This implies that they must be offered in the same order as they are prescribed, and the burnt-offering is mentioned there first.
- (10) Ibid. XXIX, 33. There too the burnt-offerings are mentioned first. But in all other cases the sin-offering, even if it is only a bird, precedes.
- (11) When we have the three together.
- (12) In Babylon.
- (13) Therefore tithe comes first, then the bird sin-offering and then the animal burnt-offering. The animal burnt-offering cannot come first, since Scripture expressly stated that it follows the sin-offering.
- (14) Since the burnt-offering accompanies the sin-offering, the higher importance of the former over tithe, viz., that it is a most sacred sacrifice and is altogether burnt, invests the sin-offering with the same superiority over tithe. Hence the

sin-offering must be sacrificed first, then the burnt-offering, and last of all tithes.

(15) Where a person was liable to both and brought them at the same time.

(16) To enter the Temple and partake of sacrifices. This invests it with greater importance.

(17) Lit., 'come'.

(18) According to thy valuation in silver by shekels (Lev. V, 15), denoting at least two, is written in connection with the guilt-offering for trespass; other guilt-offerings are inferred from it, v. supra 48a.

(19) For both a year-old animal is prescribed (Num. VI, 12; v. Lev. XIV, 10-12). Again, since Scripture decreed that the two-year old ram for the guilt-offerings must be worth two silver shekels, a year-old lamb would be worth less.

(20) This refers to all sacrifices, those enumerated in the preceding Mishnah too.

(21) I.e., the former animal was brought yesterday, but has not yet been offered. Or, one sacrificed yesterday and one to-day, but neither has yet been eaten.

(22) For should they become nothar, the condiments too might not be eaten, even if they could be separated from the flesh, because they absorbed the taste of that flesh, which is now forbidden.

(23) E.g. if we have the blood of the daily burnt-offering and that of a sin-offering for sprinkling: the daily burnt-offering is more constant, while the sin-offering is more sacred.

Talmud - Mas. Zevachim 91a

[Now this is so] notwithstanding that the additional offerings are more sacred!¹ — [No:] does then the Sabbath affect the additional offerings and not affect the continual-offerings?²

Come and hear: The additional-offerings of the Sabbath precede the additional-offerings of New Moon! — Does then New Moon affect its own additional offerings and not affect the additional offerings of the Sabbath?

Come and hear: The additional offerings of New Moon precede the additional offerings of New Year, although New Year is holier! — Does then New Year affect its own additional offerings and not affect the additional offerings of New Moon?

Come and hear: Another reason: the blessing for wine is constant, while the blessing for the day is not constant, and of that which is constant and that which is not constant, that which is constant comes first.³ [Now this is so] notwithstanding that the blessing for the day is holier!⁴ — Does then the Sabbath affect the blessing for the day and not affect the blessing for the wine?⁵

Come and hear, for R. Johanan said: The halachah is that one must recite the minhah [afternoon] service and then recite the additional service.⁶ [Although the additional service is more sacred!]⁷ — Does then the Sabbath affect the additional service and not affect the minhah service?

Come and hear: IN THE CASE OF A PEACE-OFFERING OF YESTERDAY, AND A SIN-OFFERING AND A GUILT-OFFERING OF TO-DAY, YESTERDAY'S PEACE-OFFERING TAKES PRECEDENCE. Hence, if both are of to-day, the sin-offering and the guilt-offering take precedence, although a peace-offering is more constant!⁸ — Said Raba: You speak of what is common: we ask about what is constant, not about what is more common.⁹ Said R. Huna b. Judah to Raba: Is then what is common not [the same as what is] constant?¹⁰ Surely it was taught: I would exclude the Passover-offering, which is not constant, but I would not exclude circumcision, which is constant!¹¹ — What does 'constant' mean? It is more constant in precepts.¹² Alternatively, circumcision is constant in comparison with the Passover-offering.¹³

It was asked: [If one thing is] constant and [another] non-constant, and [the priest] slaughtered the non-constant first, what is the law?¹⁴ Do we say, since he slaughtered it, he must offer [i.e., sprinkle] it [first]; or perhaps he must give it to another to stir the blood until he offers the constant, and then offer the non-constant?¹⁵ — Said R. Huna¹⁶ of Sura,¹⁷ Come and hear: IN THE CASE OF A

PEACE-OFFERING OF YESTERDAY, AND A SIN-OFFERING AND A GUILT-OFFERING OF TO-DAY, YESTERDAY'S PEACE-OFFERING TAKES PRECEDENCE. Hence if it were [a peace-offering] of to-day analogous to that of yesterday — and how could that be? if he slaughtered the peace-offering first — [the sprinkling of] the sin-offering and the guilt-offering would take precedence!¹⁸ — [No:] perhaps how [is the case of] a peace-offering of yesterday and a sin-offering and a guilt-offering of to-day meant? Where he slaughtered both.¹⁹ Where, however, he did not slaughter both, there you have the question.

Come and hear: Another reason: the blessing for the wine is constant, whereas the blessing for the day is not constant, and of that which is constant and that which is not constant, that which is constant comes first!²⁰ — Here too, since it [the wine] has arrived,²¹ it is analogous to both having been slaughtered.

Come and hear, for R. Johanan said: The halachah is that one must recite the minhah [afternoon] service and then recite the additional service!²² — Here too, since the time for the minhah service has come, it is as though they were both slaughtered.

R. Aha the son of R. Ashi said to Rabina: Come and hear:²³ If he killed it²⁴ before midday, it is disqualified, because 'at dusk' is said in connection with it.²⁵ [If he killed it] before the [evening] tamid, it is fit, and one must stir its blood until he sprinkles the blood of the tamid!²⁶ — The case we discuss here is where e.g. he first slaughtered the tamid.²⁷ Said R. Aha the elder to R. Ashi: The Mishnah too proves that, because it teaches, 'until he sprinkles the blood of the tamid,' but it does not teach, until he slaughters [the tamid] and sprinkles its blood. This proves it.

AND IN ALL OF THESE, THE PRIESTS MAY DEVIATE etc. What is the reason? — Scripture says, [Even all the hallowed things . . . unto thee have I given them] for a consecrated portion,²⁸ which means, as [a symbol of] greatness [so that they can be eaten] just as kings eat.²⁹

MISHNAH. R. SIMEON SAID: IF YOU SEE OIL BEING SHARED OUT IN THE TEMPLE COURT,³⁰ YOU NEED NOT ASK WHAT IT IS, FOR IT IS THE RESIDUE OF THE WAFERS [REKIKIM] OF THE ISRAELITE'S MEAL-OFFERINGS³¹, OR OF THE LEPER'S LOG OF OIL.³² IF YOU SEE OIL BEING Poured ON TO THE FIRES,³³ YOU NEED NOT ASK WHAT IT IS, FOR IT IS THE RESIDUE OF THE OIL OF THE WAFERS OF PRIESTS' MEAL-OFFERINGS, OR OF THE ANOINTED PRIEST'S MEAL-OFFERING; FOR MEN CANNOT OFFER OIL [ALONE].³⁴ R. TARFON SAID: OIL CAN BE DONATED [BY ITSELF].

(1) For they are brought on Sabbath and Festivals, whereas continual offerings are brought on week-days too.

(2) Just as it invests the former with greater sanctity, so it invests the latter too, seeing that we are now treating of the continual offering brought on the Sabbath.

(3) This explains why in Kiddush (Sanctification Benediction, recited at the beginning of every festival) the blessing over wine precedes that over the festival! — Whenever wine is drunk a blessing over it is required, whereas the blessing of sanctification is confined to festivals.

(4) Since the other is recited on week-days too.

(5) The sanctity of the latter too is enhanced when it is recited on the Sabbath or festival.

(6) V. supra 12a.

(7) Bracketed passage added by Sh.M.

(8) They are more common, since they can be brought at any time, whereas a sin-offering and a guilt-offering can be brought only when one is liable to them.

(9) A peace-offering is not legally more constant than a sin-offering, since one is not obliged to vow a peace-offering.

(10) Is not a thing regarded as more constant when it is more common?

(11) It is a general rule that one incurs a sin-offering for an inadvertent transgression which if committed deliberately would involve kareth. This however refers to negative injunctions (hence, sins of commission), not to positive

commands; therefore, though deliberate neglect of the Passover-offering or circumcision involves kareth, unintentional neglect does not involve a sin-offering. In the present passage, however, it is sought to draw a distinction between the Passover-offering and circumcision, on the grounds that the latter is constant. Now actually it is no more constant than the former, since both are obligatory, and it is only more common (since circumcision takes place at any time, while the Passover-offering is sacrificed only for Passover), and yet it is called constant, which shews that the two are identical.

(12) It is more emphasized in Scripture, the word 'covenant' occurring thirteen times in connection with it.

(13) For the reason stated in n. 6. But a peace-offering is not so much more common than a sin- or a guilt-offering to rank as constant in comparison with it.

(14) Whose blood must be sprinkled first?

(15) The blood would have to be stirred to keep it from congealing.

(16) Sh.M. reads: R. Hanina.

(17) The great academy town on the river Sura, a branch of the Euphrates; v. Obermeyer Landschaft, pp. 283-287.

(18) R. Huna understands the Mishnah thus: If a peace-offering was brought yesterday but only killed to-day, while a sin-offering or a guilt-offering brought to-day is still waiting to be slaughtered, the blood of the peace-offering must be sprinkled before the other is slaughtered. For he holds that if the peace-offering too has yet to be slaughtered, the Mishnah would not rule that it takes precedence. Hence by inference, if both were brought to-day and the peace-offering was wrongly slaughtered first, the slaughtering of the sin-offering etc. must precede the sprinkling of the peace-offering. This proves that where one sacrifice is more sacred than another, and the latter was slaughtered first, the former must nevertheless be slaughtered, and its blood sprinkled, before that of the less sacred is sprinkled, and presumably the same applies where one sacrifice is more constant than the other.

(19) Though he wrongly slaughtered the peace-offering first, yet since it is yesterday's, he must sprinkle its blood first too. From this you could infer that if both were of to-day, he must sprinkle the blood of the sin-offering first.

(20) Although the non-constant actually preceded the other, since the sanctity of the day automatically commenced at nightfall. This is analogous to slaughtering the non-constant first; and as here the blessing for the wine must be recited first, by analogy the blood of the constant must be sprinkled first.

(21) We have the wine actually before us.

(22) Although the time for the additional service came first; v. p. 435, n. 6: the argument here is similar.

(23) Emended text (Sh.M.).

(24) The Passover-offering.

(25) Ex. XII, 6: And the whole assembly . . . shall kill it at dusk; lit., 'between the evenings'.

(26) This proves that when one sacrifice is sacrificed earlier than it should be, the sprinkling must nevertheless wait.

(27) Before sprinkling the blood of the Passover-offering.

(28) Num. XVIII, 8.

(29) Hence they can eat it as they like. Cf. supra 28a.

(30) To the priests, for food.

(31) V. Lev. II, 4. The oil was used in smearing the wafers.

(32) V. Ibid., XIV, 12 seq.

(33) I.e., being burnt on the altar. The 'fires' (Heb. ishim, pl. of isheh, generally rendered, 'an offering made by fire') are those of sacrifices or portions thereof (sc. the emurim) as they are burnt on the altar.

(34) Hence this oil must be the residue of oil used in a meal-offering.

Talmud - Mas. Zevachim 91b

GEMARA. Samuel said: According to R. Tarfon, when a man donates oil [by itself], he removes a fistful, burns it [on the altar], and its residue is eaten. What is the reason? — Scripture saith, [And when any one bringeth] a meal-offering:¹ this teaches that one can donate oil [by itself],² and that it [an offering of oil] is like a meal-offering: as a fistful is taken of a meal-offering and the rest is eaten,³ so the oil: one takes a fistful off and the rest of it is eaten. R. Zera observed, We too have learnt thus: R. SIMEON SAID: IF YOU SEE OIL BEING SHARED OUT IN THE TEMPLE COURT, YOU NEED NOT ASK WHAT IT IS, FOR IT IS THE RESIDUE OF THE WAFERS [REKIKIM] OF THE ISRAELITES' MEAL-OFFERINGS OR OF THE LEPER'S LOG OF OIL . . . FOR MEN CANNOT OFFER OIL [ALONE]: hence it follows that on the view that it can be

offered, it can be shared out!⁴ — Said Abaye to him: Then consider the next clause: IF YOU SEE OIL POURED ON THE FIRES, YOU NEED NOT ASK WHAT IT IS, FOR IT IS THE RESIDUE OF THE WAFERS OF PRIESTS' MEAL-OFFERINGS OR OF THE ANOINTED PRIEST'S MEAL-OFFERING, FOR MEN CANNOT OFFER OIL [ALONE]: hence it follows that on the view that it can be offered, the whole of it is a fire offering. Thus the first clause presents a difficulty on Abaye's view, while the last clause presents a difficulty on R. Zera's view. As for R. Zera, it is well: the first clause⁵ refers to the residue, while the last clause refers to the fistful. But on Abaye's view there is a difficulty? — The first clause is taught on account of the last clause.⁶ As for saying that a second clause is taught on account of a first clause, that is well; but does one teach a first clause on account of a second clause?⁷ — Yes: they said in the West [Palestine]: The first clause is taught on account of the second clause.

Come and hear: Wine, in R. Akiba's view, is for the basins; oil, in R. Tarfon's view, is for the fires.⁸ Now surely, since the whole of the wine is for basins, the whole of the oil is for burning?⁹ — Why choose to say thus: each is conditioned by its own law.¹⁰

R. Papa said:¹¹ This is dependent on Tannaim: [When one donates] oil, he must bring not less than a log; Rabbi said: Three logs. Wherein do they differ? — The scholars stated before R. Papa: They differ as to whether [we say]: Judge from it and [all] from it; or, judge from it and place the deduction on its own basis.¹² The Rabbis hold: 'Judge from it and [all] from it': as a meal-offering can be donated, so can oil be donated; 'and [all] from it': as a meal-offering [requires] a log of oil,¹³ so here too¹⁴ a log of oil [is required]; and as a meal-offering, a fistful thereof is removed, and the rest is eaten, so the oil [alone], a fistful thereof is removed and the rest is eaten. And the other [learns] from a meal-offering: as a meal-offering is donated, so is oil donated; 'but place it on its own basis', viz., it is like a drink-offering [of wine]:¹⁵ as a drink-offering consists of three logs,¹⁶ so oil consists of three logs; and as the whole of a drink-offering is for basins, so the oil is altogether for the fires. R. Papa observed to Abaye: If Rabbi inferred it from a meal-offering, then all would agree that you judge from it and [all] from it. Rabbi, however, deduces it from 'home-born'.¹⁷ Said R. Huna the son of R. Nathan to R. Papa: Can you say thus? Surely it was taught: 'A meal-offering': this teaches that oil [alone] can be donated? And how much? Three logs. Now, whom do you know to maintain [that it must be] three logs? Rabbi; yet he deduces it from a meal-offering! — If it was taught, it was taught, he replied.¹⁸

Samuel said: When one donates wine, he brings it and sprinkles it on the fires. What is the reason? Scripture saith, And thou shalt present for the drink-offering half a hin of wine, for an offering made by fire, of a sweet savour unto the Lord.¹⁹ But he extinguishes [the fires]?²⁰ — Partial extinguishing²¹ is not called extinguishing. But that is not so, for surely R. Nahman said in Rabbah b. Abbuha's name: If one removes a coal from the altar and extinguishes it, he is culpable? — That is when there is none but that [coal]. Alternatively, extinguishing as [part of] a religious rite is different.²²

Come and hear, for R. Eliezer b. Jacob taught: Since Scripture authorized the taking up [of the ashes], you might think that one can extinguish [the embers] and take [them] up; but you must say that one may not extinguish!²³ — There it is different, for one can sit and wait.²⁴

Come and hear: Wine, in R. Akiba's view, is for the bowls; oil, in R. Tarfon's view, is for the fires.²⁵ Moreover, it was taught: The wine of a drink-offering is for the bowls. Yet perhaps it is not so, but rather for the fires? Say, he must not extinguish!²⁶ — There is no difficulty: One agrees with R. Judah; the other with R. Simeon.²⁷ Are we to say that Samuel agrees with R. Simeon? Surely Samuel said: One may extinguish a lump of fiery metal in the street, that it should not harm the public,²⁸

(1) Lev. II, 1.

(2) The Heb. is **קרבן מנחה** of which **קרבן** (an offering) is superfluous, since **מנחה** itself denotes the offering, and moreover **תקריב**, bringeth, is of the same root as **קרבן** and implies it. Hence it is understood to include even an offering of oil alone, without flour. (**מנחה**, generally rendered meal-offering, simply means a gift, of anything, although it is usually applied to offerings of flour.)

(3) Ibid. 2f.

(4) R. Simeon maintains that one need not ask what it is, i.e., whether it is a meal-offering in itself, because such cannot be donated. Hence he who holds that it can be donated maintains that it might happen that such itself is shared out; whence it follows that it is not altogether burnt on the altar.

(5) Which implies that oil, when donated by itself, is shared out among the priests.

(6) For the sake of symmetry and parallelism. The first clause, IF YOU SEE OIL BEING SHARED OUT IN THE TEMPLE COURT, is irrelevant to the controversy as to whether oil can be donated or not, for even if it could be donated, it would still not be shared out to the priests and so this oil, which was being shared out to the priests could only be the residue, as the Mishnah explains, on all views. But it is taught merely as a parallel to the second clause referring to a fire-offering, where it is only on the view that oil cannot be donated that one need not doubt, for on the view that oil can be donated, one might doubt what this oil is, since a votive offering of oil too is burnt on the altar.

(7) It is logical that when one clause has already been taught, a second is added for the sake of parallelism. But is it logical that an earlier clause should be added, before there is anything which it can parallel?

(8) R. Akiba holds (Men. 104b) that wine can be offered by itself, but not oil. When such wine is offered, it is to be put in basins or beakers, as a drink-offering, but it is not sprinkled on the fires. R. Tarfon agrees in this; R. Akiba's name, however, is mentioned in contrast to the next clause, which is only according to R. Tarfon, since R. Akiba holds that oil alone cannot be donated.

(9) When such is offered by itself. This contradicts Samuel.

(10) Though the whole of the wine is for basins, the whole of the oil need not be for burning.

(11) Sh.M. deletes this.

(12) I.e., whether an analogy must be carried through on all points, so that the case deduced agrees throughout with the case from which the deduction has started; or whether the deduction won by analogy be regulated by the rules of the original case (Jast.).

(13) V. Lev. XIV, 10.

(14) When oil alone is donated.

(15) Which is donated by itself. It is more logical to liken it to a drink-offering than to the ordinary meal-offering of which oil is only a part.

(16) As deduced in Men. 73b.

(17) Num. XV, 13; V. Men. 73b.

(18) I must accept it.

(19) Ibid. 10. 'For an offering made by fire' implies that it is sprinkled on same.

(20) Whereas Scripture says, Fire shall be kept burning on the altar continually; thou shalt not extinguish it (Lev. VI, 6).

(21) This could only extinguish a little.

(22) When he sprinkles the wine, he performs a religious rite.

(23) The var. lec. is preferable: say, however, (it is written), thou shalt not extinguish it. — Thus one may not extinguish even in the performance of a religious rite.

(24) Until they go out.

(25) Thus wine is not for the fires.

(26) Cf n. 1.

(27) These scholars dispute in Shab. 41b about an unintentional act on the Sabbath: R. Judah forbids, while R. Simeon permits it. Here too, the extinguishing is unintentional: the Baraitas which rule that the wine may not be sprinkled on the fires agree with R. Judah; whereas Samuel agrees with R. Simeon.

(28) Metal does not really burn, but throws off fiery sparks when hot. The prohibition of extinguishing (on the Sabbath, to which this refers) does not apply in this case by Biblical law at all, save by Rabbinical law; hence where general damage may ensue the Rabbis waived their prohibition.

Talmud - Mas. Zevachim 92a

but not a burning piece of wood.¹ Now if you think that he agrees with R. Simeon, even that of wood too [should be permitted]?² — In respect to what is unintentional he holds with R. Simeon; but in the matter of work which is not needed per se,³ he agrees with R. Judah.⁴

R. Huna said: If a drink-offering [of wine] was defiled, one must make a separate fire for it⁵ and burn it, for it is said, And every [sin-offering] . . . in the holy place . . . it shall be burnt with fire.⁶ It was taught likewise: If blood, oil, meal-offerings or drink-offerings were defiled, a separate fire is made for them, and they are burnt. Samuel said to R. Hana of Baghdad: Bring me ten people and I will teach you in their presence:⁷ if drink-offerings were defiled, one makes a separate fire for them and burns them.

CHAPTER XI

MISHNAH. IF THE BLOOD OF A SIN-OFFERING SPURTED ON TO A GARMENT, IT MUST BE WASHED.⁸ THOUGH SCRIPTURE SPEAKS ONLY OF [SIN-OFFERINGS] WHICH ARE EATEN, FOR IT IS SAID, IN A HOLY PLACE SHALL IT BE EATEN,⁹ YET BOTH THOSE WHICH MAY BE EATEN AND THE INNER [SACRIFICES]¹⁰ NECESSITATE WASHING, FOR IT IS SAID, [THIS IS] THE LAW OF THE SIN-OFFERING:¹¹ THERE IS ONE LAW FOR ALL SIN-OFFERINGS. THE BLOOD OF A DISQUALIFIED SIN-OFFERING DOES NOT NECESSITATE WASHING, WHETHER IT HAD A PERIOD OF FITNESS OR DID NOT HAVE A PERIOD OF FITNESS. WHICH HAD A PERIOD OF FITNESS? ONE [WHOSE BLOOD] WAS KEPT OVERNIGHT, OR WAS DEFILED, OR WAS TAKEN OUT [OF THE TEMPLE COURT]. WHICH DID NOT HAVE A PERIOD OF FITNESS? ONE WHICH WAS SLAUGHTERED [WITH THE INTENTION OF EATING IT]¹² AFTER TIME OR WITHOUT BOUNDS; OR WHOSE BLOOD WAS RECEIVED BY UNFIT PERSONS.

GEMARA. IF THE BLOOD OF A SIN-OFFERING SPURTED etc. If there is one law for all sin-offerings, even a bird sin-offering too [should be included]. Why then was it taught: You might think that the blood of a bird sin-offering requires washing; therefore it states, This is [the law of the sin-offering]?¹³ — Said Resh Lakish on Bar Kappara's authority. Scripture saith, shall [the sin-offering] be slaughtered:¹⁴ thus the Writ speaks [only] of those which are slaughtered.¹⁵ Yet say rather that the Writ speaks [only] of those which are eaten, as it is written, 'in a holy place shall it be eaten', but not inner [sin-offerings]? — The Divine Law included [them by writing] 'the law of'.¹⁶ If so, even a bird sin-offering too [is included]? — The Divine Law expressed a limitation in 'this is'. And why do you prefer it thus?¹⁷ — It is logical to include animal inner sin-offerings, because: it is an animal; it is slaughtered in the north;¹⁸ [its blood is] received in a vessel;

(1) For that is Biblically forbidden.

(2) For though he intentionally extinguishes it, yet his work is not needed per se (v. n. 6.), and R. Simeon permits such.

(3) E.g., when one carries out a corpse on Sabbath into the street. He does not really want the corpse in the street, but merely wants it out of the house. Every case of extinguishing except that of a wick to make it easier for subsequent relighting, falls within this category, since with this exception extinguishing is always negative. R. Judah forbids such, and R. Simeon permits it.

(4) Hence he permits the unintentional extinguishing on the altar, but forbids the unintentional extinguishing of a burning piece of wood.

(5) On the pavement of the Temple court; but it must not be taken out.

(6) Lev. VI, 23. The accents are disregarded in this rendering. In Pes. 24b the verse is interpreted to mean that all sacrifices which must be eaten in the Temple court when fit, must be burnt in the same place if unfit; and the same applies to this wine.

(7) Probably a proverbial expression, denoting emphasis and certainty.

- (8) Lev. VI, 20: And when there is sprinkled of the blood thereof upon any garment, thou shalt wash that whereon it was sprinkled in a holy place.
- (9) Ibid. 19.
- (10) The sin-offerings slaughtered in the inner sanctuary (hekal); these may not be eaten; v. Lev. IV, 1-12; 13-21.
- (11) Ibid. VI, 18; this is the superscription of the present passage containing this law of washing.
- (12) Or sprinkling its blood.
- (13) 'This is' is a limitation, implying, only what is enumerated in the section.
- (14) Ibid.
- (15) I.e., with shechitah, whereas a bird requires melikah.
- (16) One law for all.
- (17) Why apply the extension to inner sin-offerings and the limitation to birds, and not the reverse?
- (18) Rashi reads, and Bah emends accordingly: it is slaughtered; it requires the north.

Talmud - Mas. Zevachim 92b

[its blood is sprinkled on] the horn; with the finger; on the edge [of the horn]; and it is an offering made by fire.¹ On the contrary, include rather the bird sin-offering, because it is an outer [offering], like itself, and is eaten, like itself? — Those [points of similarity] are more.

R. Joseph said, Scripture saith, [The priest] . . . shall eat it:² this one shall he eat, but not another; thus the Writ excluded of those which are eaten.³ Then what is the purpose of 'this is'?⁴ — If not for 'this is' I would say that 'shall eat it' is the style of Scripture;⁵ hence this informs us [otherwise]⁶

Rabbah said, Scripture saith, and when there is sprinkled [yazze]h]: hence the Writ speaks of those which are sprinkled.⁷ But surely we learnt: THOUGH SCRIPTURE SPEAKS OF [THE SIN-OFFERINGS] WHICH ARE EATEN?⁸ — This is what [the Tanna] means: Although Scripture speaks of [the sin-offerings] which are eaten, that is only in respect of scouring and rinsing.⁹ but in respect to washing, 'and when there is sprinkled [yazze]h' is written.¹⁰ If so, [instead of saying BOTH THOSE WHICH MAY BE EATEN AND THE INNER [SIN-OFFERINGS]]. he should say. Both the inner [sin-offerings] and those which may be eaten?¹¹ — Learn, both the inner [sin-offerings] and those which may be eaten.

If so, the bird sin-offering too [is included]?¹² — The Divine Law expressed a limitation in 'this is'. If so, an outer [sin-offering] too is not [included]? — The Divine Law expressed an extension in 'the law of'. And why do you prefer it thus? — It is logical to include an animal sin-offering, because: it is an animal; it is slaughtered in the north; [its blood is] received in a vessel; [its blood is sprinkled on] the horn; with the finger; on the edge [of the horn]; and it is an offering made by fire. On the contrary, include the bird sin-offering, since it requires haza'ah, like itself?¹³ — Those [points of similarity] are more.

R. Abin asked: What if one took the blood of a bird sin-offering within¹⁴ by its neck?¹⁵ Is its neck like a service vessel,¹⁶ and so it [the sacrifice] is disqualified; or perhaps it is like an animal's neck, while the Divine Law said, [And every sin-offering], whereof any of the blood [is brought into the tent of meeting . . . shall be burnt with fire],¹⁷ [implying] of its blood, but not of its flesh!¹⁸ — Come and hear: If it [the bird] struggled, entered within¹⁹ and then returned,²⁰ it is fit. Hence, if, however, [the priest] took it in, it is disqualified.²¹ Then according to your reasoning, when it is taugt in connection with most sacred sacrifices, If it struggled and entered the south²² and then returned, it is fit; [will you infer], but if he [the priest] carried it out [of the north into the south] it is disqualified?²³ Rather, this is required where it went without; so there too, it is required where it went without.²⁴

R. Abin asked: What if the blood [of the bird-offering] poured out on to the pavement,²⁵ and one collected it? [Do we say that] the Divine Law merely did not demand²⁶ a service vessel,²⁷ and

therefore one collects it and it is fit;²⁸ or perhaps, in its case the Divine Law actually disqualified a service vessel, and therefore one collects it, but it is disqualified?²⁹ — Said Raba, Come and hear: You might think that the blood of a bird sin-offering necessitates washing; therefore ‘this is’ is stated. Now, if you think that in its case the Divine Law actually disqualified a service vessel, I can infer this since it was disqualified in the air-space of a vessel!³⁰ — Said R. Huna son of Joshua: [The text is necessary] where one presses the garment³¹ to its neck.³²

Levi asked Rabbi:³³ What if it spurted from one garment on to another garment?³⁴ [Do we say,] It was rejected from the first garment in respect of washing,³⁵ or not? — That is indeed a question, he replied. It does need washing, on either alternative: if one can collect [the blood] and it is fit [for sprinkling], then this is fit.³⁶ While if it is collected and disqualified,³⁷ I agree with R. Akiba who maintained [that] if it had a period of fitness and was then disqualified, its blood necessitates washing.

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- (1) I.e., the emurim are burnt on the altar. The inner sin-offering has all these in common with the outer, whereas the bird sin-offering is unlike the outer in all these respects.
 - (2) Lev. VI, 19.
 - (3) ‘It’ sing., implies that the passage speaks only of one of the sin-offerings which may be eaten; hence the bird sin-offering is excluded.
 - (4) Since you already have a limitation in ‘it’.
 - (5) Not a limitation at all.
 - (6) Now that we know from ‘this is’ that a limitation is intended, ‘shall eat it’ teaches that the limitation concerns those which are eaten.
 - (7) Haza'ah, from which yazzeh is derived, is written only in connection with the inner sin-offerings, but not in connection with the outer sin-offerings, where zarak is written (both haza'ah and zerikah denote sprinkling, but the latter implies with more force than the former). Hence the Writ refers primarily to inner sin-offerings, and it is the outer sin-offerings which are included by ‘the law of’, implying one law for all.
 - (8) Which shews that it refers primarily to outer sin-offerings.
 - (9) V. Lev. VI, 21.
 - (10) Emended text (Sh.M.).
 - (11) The more obvious should be mentioned first, and according to Rabbah that is the inner sin-offering.
 - (12) If yazzeh shews that inner sin-offerings are primarily meant, the same should apply to a bird sin-offering, as this word is written in connection with it too.
 - (13) Sc. like the inner sin-offering.
 - (14) Into the hekal.
 - (15) Not in a service-vessel; but its neck was taken within and ipso facto the blood too. Is the sacrifice disqualified under the law forbidding the blood of an outer sin-offering to be taken within (v. Lev. VI, 23), or not?
 - (16) Since no service vessel is required in its case, the blood being sprinkled straight from the throat, the throat itself may take the place of a service vessel.
 - (17) Ibid., 23.
 - (18) Only when the blood alone is taken in, sc. in a service vessel, is the sacrifice disqualified, but not when it is taken in by means of the flesh.
 - (19) Into the hekal.
 - (20) I.e., its head was nipped near the hekal, and in its death struggles it entered therein.
 - (21) This assumes that only when it entered itself is it fit.
 - (22) The south side of the Temple court; it was killed in the north.
 - (23) Surely not, for no barrier divided the north from the south, to disqualify a sacrifice if its blood was carried from one into the other.
 - (24) Do not infer that if one carried it out it is unfit (that is obviously incorrect), but that if it struggled and went out of the Temple court, even if it returned, it is disqualified. Similarly, the bird remains fit only if it struggled and entered within; but if it struggled out of the Temple court, it is disqualified. No deduction, however, is to be made where one carried the bird within.

- (25) Of the Temple court.
- (26) Lit, 'make it need.'
- (27) The bird's throat counting as such.
- (28) Just as when the blood of an animal-offering is spilt from the service vessel in which it was received.
- (29) For sprinkling, for Scripture insisted that it must be sprinkled direct from the throat.
- (30) As soon as the blood enters the airspace above the garment it is technically received in a vessel (a garment ranks as a utensil or vessel) and is disqualified for sprinkling. Consequently the garment need not be washed, for only blood fit for sprinkling necessitates washing. What need then is there of a text?
- (31) Lit., 'vessel.'
- (32) So that the blood did not enter the air-space above the garment at all. Even then it need not be washed.
- (33) Emended text (Sh.M.).
- (34) This refers to the blood of an animal sin-offering.
- (35) When it fell on the first garment it became unfit for sprinkling, since it must be washed out, and therefore the second garment does not need washing.
- (36) Although it should be washed out of the first garment, yet as long as this was not done, it is fit for sprinkling, just as though it had fallen on to the pavement; and so fit blood spurted on to the second garment.
- (37) For further sprinkling.

Talmud - Mas. Zevachim 93a

Rami b. Hama asked R. Hisda: What if it spurted on to an unclean garment?¹ R. Huna the son of R. Joshua observed: Since he asks thus, you may infer that he holds that if it had a period of fitness and was disqualified, its blood does not necessitate washing. [Nevertheless his question is:] is that only when they come consecutively, but not when they come simultaneously; or perhaps there is not difference?² — He [R. Hisda] replied: This is a controversy of R. Eleazar and the Rabbis, in accordance with Rabbah's view, and as explained by Abaye. For it was taught: R. Eleazar said: If the water of lustration³ was defiled, it cleanses [an unclean person],⁴ for lo, we sprinkle [the water of lustration] upon a niddah.⁵ Now Rabbah observed: R. Eleazar said this in accordance with the thesis of R. Akiba, his teacher, who maintained that when the vessel [containing the water of lustration] is carried over an unclean place, it is as though it rested there.⁶ For we learnt: If a man stood on the outer side of an oven, and a reptile was in the oven, and he put forth his hand to the window, took a flask, and carried it across the oven,⁷ R. Akiba declares it unclean, while the Rabbis declare it clean. Now, they disagree in this: R. Akiba holds that it is as lying,⁸ while the Rabbis hold that it is not as lying [thereon]. But Abaye raised an objection: [It was taught:] R. Akiba admits that in the case of sprinkling, if one carried it over an unclean earthen vessel or over an unclean couch or seat, it is clean,⁹ for nothing defiles above as below¹⁰ save as much as an olive of a corpse and other things which defile through overshadowing,¹¹ which includes a leprous stone!¹² Rather said Abaye: All agree that it is not as though it lay thereon, but here they differ in this: R. Akiba holds that we enact a preventive measure, lest it lay thereon;¹³ while the Rabbis hold that we do not enact a preventive measure. But R. Akiba admits in the case of sprinkling,¹⁴ for since it has gone out, it has gone out.¹⁵ Now, wherein do R. Eleazar and the Rabbis disagree?¹⁶ — Said Abaye: They disagree as to whether we draw an analogy between previous defilement and contemporary defilement: one master holds that we draw an analogy,¹⁷ and the other master holds that we do not draw an analogy.¹⁸ Raba said: All hold that we do not draw an analogy; but here they disagree in this: R. Eleazar holds that sprinkling requires a [minimum] standard, and sprinklings combine; while the Rabbis hold that sprinkling does not require a [minimum] standard.¹⁹

THE BLOOD OF A DISQUALIFIED SIN-OFFERING etc. Our Rabbis taught: [And when there is sprinkled] of the blood thereof²⁰ [that means,] of the blood of a fit [sacrifice], but not of the blood of a disqualified [one].²¹ R. Akiba²² said: If it had a period of fitness and was [subsequently] disqualified, its blood necessitates washing; if it did not have a period of fitness and was disqualified ab initio, its blood does not necessitate washing. Whereas R. Simeon maintained: In both cases its

blood does not necessitate washing. What is R. Simeon's reason? — ‘Thereof’ is written,²³ and ‘of the blood thereof’ is written:²⁴ one [excludes] where it had a period of fitness, and the other excludes where it did not have a period of fitness.²⁵ And R. Akiba?²⁶ — ‘Thereof’ excludes terumah.²⁷ R. Simeon, however, is consistent with his view, for he maintained: Lesser sacrifices do not necessitate scouring and rinsing, and how much the more terumah!²⁸

MISHNAH. IF [BLOOD] SPURTED [DIRECT] FROM THE [ANIMAL'S] THROAT ON TO A GARMENT, IT DOES NOT NECESSITATE WASHING; FROM THE HORN OR FROM THE BASE [OF THE ALTAR], IT DOES NOT NECESSITATE WASHING. IF IT POURED OUT ON TO THE PAVEMENT AND [THE PRIEST] COLLECTED IT, IT²⁹ DOES NOT NEED WASHING. ONLY BLOOD WHICH WAS RECEIVED IN A VESSEL AND IS FIT FOR SPRINKLING NECESSITATES WASHING.

GEMARA. Our Rabbis taught: You might think that, if [the blood] spurted from the throat on to the garment, it necessitates washing; therefore it states, ‘and when there is sprinkled [etc.]’: I ordered thee [to wash the garment] only when [the blood] is fit for sprinkling.³⁰ Another [Baraita] taught: You might think that, if it spurted from the horn or from the base, it requires washing, therefore it states, ‘and when there shall be sprinkled’: that excludes this [blood], which was already sprinkled.

IF IT POURED OUT ON TO THE PAVEMENT etc.

(1) Whereby the blood was defiled, and so disqualified for sprinkling. Do we regard it as though it were defiled before it touched the garment, and hence does not necessitate washing; or perhaps the defilement of the blood and the obligation to wash the garment came simultaneously?

(2) He asks only if it fell on an unclean garment; hence he holds that if the blood was defiled before it fell, thus having been fit and then become disqualified, it certainly does not necessitate washing. But his question is whether that is only where these came consecutively, i.e., first the blood was disqualified and then it spurted on to the garment; or does it hold good even when both are simultaneous?

(3) Running water mixed with the ashes of the red heifer; this was sprinkled on a person defiled through the dead as a purificatory rite; v. Num. XIX.

(4) Just as though it had not been defiled.

(5) If a niddah was defiled through the dead, thereby becoming doubly unclean, both as a niddah and as one defiled by the dead, we besprinkle her with the water of lustration, while she is still a niddah, and the subsequent immersion counts for both forms of uncleanness, since we do not find Scripture ordering her first to perform immersion as a niddah and then to be besprinkled and repeat her immersion on account of her defilement through the dead. Now, as the water of lustration touches her, it is defiled itself through contact with a niddah, and yet it cleanses her. Now the analogy is apparently faulty, for here the defilement of the water and its sprinkling upon the woman are simultaneous, whereas R. Eleazar speaks of a case where the water was defiled first. Rabbah proceeds to explain why R. Eleazar regards it nevertheless as a true analogy.

(6) And unclean.

(7) An oven stood near a wall, in which was a window with a flask containing water of lustration; inside the oven lay a reptile, which made it unclean. A man, standing on the outer side of the oven, took the flask from the window, and in taking it to himself naturally carried it above the oven, through the air-space.

(8) On the oven, and is therefore defiled by it.

(9) I.e., if the water of lustration was sprinkled upon an unclean person, and in its passage passed over unclean vessels etc., it remains clean.

(10) Nothing defiles anything above, passing through its air-space, as when it is below, actually touching it.

(11) Lit. ‘tent’. This is a technical expression denoting defilement caused by the defiler being under the same covering (technically called a tent) as the defiled. E.g., everything in a room containing a corpse, or as much as an olive of a corpse, is unclean through being under the same covering as the corpse.

(12) All things, both animate and inanimate, smitten with leprosy, defile through overshadowing. — Now, an oven unclean through a reptile does not defile through overshadowing. Hence this contradicts Rabbah's statement that R.

Akiba holds there too that the air-space above an article defiles the water of lustration just as though it touched it.

(13) We declare this vessel unclean, lest one think that even if it actually lay on the oven it is still clean. Sh.M. emends: lest one lay it (thereon). — Thus the vessel (and, of course, its contents) are only Rabbinically unclean, but clean by Scriptural law.

(14) Where not the vessel but the water itself passed through the air-space of something unclean, as it was sprinkled.

(15) Since the water leaves the priest's hand as he sprinkles it, we need not fear that he will place the water on the oven.

(16) Above, when R. Eleazar draws an analogy with a niddah, which the Rabbis reject.

(17) Sc. R. Eleazar: he draws an analogy with niddah, where the defilement is contemporary, i.e., simultaneous (v. n. 10. p. 446).

(18) Therefore if water of lustration was defiled before, it does not cleanse. — Similarly, when blood of an animal sin-offering spurts on to an unclean garment, R. Eleazar will rule that it must be regarded as unclean (hence disqualified for sprinkling) even before it spurted, and therefore the garment need not be washed. The Rabbis, however, who reject this view, will rule that it must be washed. This then is the answer to Rami b. Hama's question, sc. that it is dependent on Tannaim.

(19) V. supra 80a. Now, the first sprinkling does not contain the minimum standard, and so does not count as sprinkling; nevertheless it is defiled when it falls on the niddah. Hence at the next sprinkling, which is to combine with the first, the first is already unclean. Therefore it is a case of previous defilement, and is completely analogous to sprinkling with defiled water of lustration. The Rabbis, however, maintain that sprinkling does not require a minimum standard, and so the first counts as sprinkling; hence defilement and sprinkling are simultaneous, and no inference can be drawn in respect of previous defilement. — The R. Eleazar here is R. Eleazar b. Shammu'a, a disciple of R. Akiba; the R. Eliezer supra 80a, who maintains that sprinkling does not require a minimum standard, is R. Eliezer b. Hyrcanus.

(20) Lev. VI, 20.

(21) 'Thereof' is a limitation.

(22) Marginal emendation, R. Jacob.

(23) In v. 22, after the law of scouring and rinsing in v. 21: Every male among the priests may eat thereof.

(24) These are two limitations.

(25) Marginal emendation.

(26) How does he explain the second limitation?

(27) If terumah is boiled in a pot, it does not need scouring and rinsing.

(28) Hence no limitation is required in respect of terumah.

(29) The garment on which it fell.

(30) I.e., received in a vessel.

Talmud - Mas. Zevachim 93b

Why do I need this too?¹ — He states the reason: What is the reason that IF IT Poured out on to the pavement and [the priest] collected it, it does not need washing? — Because ONLY BLOOD WHICH WAS RECEIVED IN A VESSEL AND IS FIT FOR SPRINKLING NECESSITATES WASHING.

FIT FOR SPRINKLING. What does this exclude? — It excludes the case where one received less than is required for sprinkling in one vessel and less than is required for sprinkling in another vessel.² For it was taught: R. Halafta b. Saul said: If he sanctified less than is required for sprinkling in one vessel, and less than is required for sprinkling in another vessel,³ he has not sanctified it.⁴ Now it was asked: How is it with blood? Is it a traditional law,⁵ and we cannot learn from a traditional law,⁶ or perhaps, what is the reason there? Because it is written, And a clean person shall take [hyssop,] and dip it in the water;⁷ so here too it is written, And [the priest] shall dip [his finger] in the blood?⁸ — Come and hear, for R. Zerika said in R. Eleazar's name: In the case of blood too he does not sanctify it.

Raba said, It was taught: And [the priest] shall dip:⁹ but not sponge up; in the blood:⁹ there must be sufficient blood for dipping from the beginning; [and sprinkle] of the blood:⁹ of the blood

specified in this passage.¹⁰ Now, it is necessary to write both 'and he shall dip' and 'in the blood'.¹¹ For if the Divine Law wrote 'and he shall dip' [only], I would say, even where there is insufficient for dipping in the first place; therefore the Divine Law wrote 'in the blood'. And if the Divine Law wrote 'in the blood' [only], I would say that he may even sponge it up; therefore the Divine Law wrote, 'and he shall dip'.¹² What does 'of the blood specified in this passage' exclude? — Said Raba: It excludes the [blood] remaining on his finger.¹³ This supports R. Eleazar. For R. Eleazar said: The [blood] remaining on his finger is unfit.

Rabin son of R. Adda said to Raba: Your disciple said in R. Amram's name: It was taught: If [the priest] was sprinkling, and [the blood of] the sprinkling spurted out of his hand,¹⁴ [and this happened] before he had sprinkled, it needs washing; after he had sprinkled, it does not need washing. Surely this is what he means: [If it happened] before he finished sprinkling, it needs washing; after he finished sprinkling, it does not need washing.¹⁵ — No: this is what he means: before the sprinkling had left his hand, it necessitates washing; after it had gone forth from his hand, it does not need washing.¹⁶

Abaye raised an objection to him: When he finished sprinkling,¹⁷ he wipes his hand on the body of the heifer.¹⁸ Thus, only if he finished, but not if he had not finished!¹⁹ — Said he to him: When he finished, he wiped his hand on the body of the heifer; before he finished, he simply wiped his finger. Now, when he finishes, it is well: he wipes his hand on the body of the heifer, as it is said, And the flesh shall he burn in his sight, [her skin, and her flesh, and her blood . . . shall be burnt].²⁰ But on what does he wipe his finger?²¹ — Said Abaye: On the edge of the bowl, as it is written, Wipers [cleansers] of gold.²²

MISHNAH. IF [THE BLOOD] SPURTED ON TO THE SKIN, BEFORE IT WAS FLAYED, IT NEED NOT BE WASHED; [IF IT SPURTED] AFTER IT WAS FLAYED, IT MUST BE WASHED: THESE ARE THE WORDS OF R. JUDAH. R. ELEAZAR SAID: [IT NEED NOT BE WASHED] EVEN [IF IT SPURTED] AFTER IT WAS FLAYED. ONLY THE PLACE OF THE BLOOD NEEDS WASHING.²³ AND WHATEVER IS ELIGIBLE TO CONTRACT UNCLEANNESS,²⁴ AND IS FIT FOR WASHING, WHETHER A GARMENT, A SACK, OR A HIDE, MUST BE WASHED. THE WASHING MUST BE IN A HOLY PLACE;²⁵ THE BREAKING OF AN EARTHEN VESSEL MUST BE IN A HOLY PLACE; AND THE SCOURING AND RINSING OF A BRAZEN VESSEL MUST BE IN A HOLY PLACE.²⁶ IN THIS THE SIN-OFFERING IS MORE STRINGENT THAN [OTHER] SACRIFICES OF HIGHER SANCTITY.

GEMARA. How do we know it? — Because our Rabbis taught: [And when there is sprinkled of the blood thereof upon] a garment:²⁷ I know it only of a garment: whence do I know to include the skin, after it is flayed? Because it says, thou shalt wash that whereon it was sprinkled.²⁸ You might think that I include the skin [even] before it was flayed: therefore it states, 'a garment': as a garment is an article eligible to contract uncleanness, so everything that is eligible to contract uncleanness [is included]:²⁹ these are the words of R. Judah. R. Eleazar said: 'A garment': I know it only of a garment; whence do I know to include a sack

(1) It is included in the first ruling.

(2) Then they were combined in one vessel, and some blood spurted on a garment; that garment does not need washing. Thus the Mishnah means. Only blood which was fit for sprinkling when it was received in a vessel; here, however, it was not fit then.

(3) This refers to the water of lustration, which was sanctified for its purpose by being mixed with the ashes of the red heifer.

(4) For he must sanctify as much as is required in one vessel.

(5) In the case of the water of lustration. — A traditional law is one handed down by tradition, and not Learnt directly or

by inference from Scripture.

(6) In respect of other cases.

(7) Num. XIX, 18. The def. art. implies, in the water mentioned above, sc. the water sanctified for lustration; conversely it implies that the water when sanctified was sufficient for dipping, i.e., sprinkling.

(8) Lev. IV, 6.

(9) Ibid.

(10) This is explained anon.

(11) Emended text (Sh.M.).

(12) For notes v. supra 40b.

(13) He must not sprinkle with the blood left on his finger, but must dip his finger into the blood for each of the seven sprinklings.

(14) On to a garment. — This refers to inner sin-offerings.

(15) That implies that if blood which remained on his finger after one of the sprinklings spurted on to a garment, it must be washed. As a corollary, that remaining blood must be fit for sprinkling, for only such necessitates washing. Hence this contradicts R. Eleazar.

(16) I.e., he had dipped his finger into the blood: now, if this blood spurted off his finger before he had sprinkled it, it necessitates washing; if after, it does not, precisely because it is then the residue of the blood.

(17) The blood of the red heifer; v. Num. XIX, 4.

(18) For the blood must be burnt together with the body.

(19) Yet if he does not wipe it, he is using this blood for the next sprinkling—there were seven in all.

(20) Num. XIX, 5.

(21) Between the sprinklings. He cannot wipe it on the body, as he would soil his finger through hairs sticking to it.

(22) Ezra. 1, 10; cf. supra. 25a.

(23) But not the whole skin.

(24) V. discussion infra.

(25) In the Temple court.

(26) V. Lev. VI, 21: But the earthen vessel wherein it (sc. the flesh of a sin-offering) is sodden shall be broken; and If it be sodden in a brazen vessel, it shall be scoured, and rinsed in water.

(27) Lev. VI, 20.

(28) This is a repetition, and intimates extension.

(29) After a skin is flayed it can be put to use as it is, without further dressing; therefore if its owner expressly intended to use it thus, it is technically a utensil, and subject to defilement. Before it is flayed, however, it cannot be put to use, and cannot become unclean.

Talmud - Mas. Zevachim 94a

and all kinds of garments?¹ Because it says, 'thou shalt wash that whereon it was sprinkled'. You might think that I can include a skin after it was flayed? Therefore it says, 'a garment': as a garment is an article which contracts uncleanness, so everything which contracts uncleanness [is included].² Wherein do they differ?³ — Said Abaye: They differ about a cloth less than three [fingerbreadths square].⁴ He who says [that it must be] eligible, this too is eligible, for if [its owner] desires, he can intend it [for use]. But he who maintains, anything which contracts uncleanness, this at all events cannot contract uncleanness.⁵ Raba said, They disagree over a garment which [its owner] intended to embroider.⁶ He who maintains [that it must be] eligible, this too is eligible, for if [its owner] desires, he can abandon his intention. He however who maintains, anything which can contract uncleanness: now at all events it cannot contract uncleanness. Others state,⁷ Raba said: They disagree about an [untrimmed] hide which he intended to trim.⁸ He who maintains [that it must be] eligible, this too is eligible; he however who maintains, anything which can contract uncleanness, this however cannot contract uncleanness until he trims it. And it was taught even so: R. Simeon b. Menassia said: A hide which [its owner] intended trimming is clean⁹ until he trims it.

ONLY THE PLACE OF THE BLOOD NEEDS WASHING. How do we know it? — For our

Rabbis taught: You might think that if [the blood] spurted on part of the garment, the whole garment must be washed. Therefore it states, '[thou shalt wash] that whereon it was sprinkled': I ordered thee [to wash] only the place of the blood.

WHATEVER IS ELIGIBLE TO CONTRACT UNCLEANNES. This anonymous teaching agrees with R. Judah.¹⁰ AND FIT FOR WASHING excludes a vessel which requires scraping.¹¹

WHETHER A GARMENT, SACKCLOTH, OR HIDE. Are we to say that a skin can be washed? But the following contradicts this: If dirt is upon it, one wipes it off with a rag; if it is of leather [skin], water is poured over it until it disappears.¹² — Said Abaye, There is no difficulty: one agrees with the Rabbis; the other agrees with 'others'.¹³ For it was taught: A garment and sackcloth are washed;¹⁴ a vessel and a skin are scraped; others maintain: A garment, sackcloth, and skin are washed; while a vessel is scraped.

With whom does the following statement of R. Hiyya b. Ashi agree, [viz.:] I stood many times before Rab, and dabbed his shoes with water?¹⁵ With whom? With the Rabbis.¹⁶

Raba observed: Does anyone maintain that skin is not washable? Surely it is written, And the garment, or the warp, or the woof, or whatsoever thing of skin it be, which thou shalt wash!¹⁷ Rather said Raba: The Scriptural text and our Mishnah refer to soft [skins], whereas they disagree about hard [skins].¹⁸ But surely R. Hiyya b. Ashi said: I stood many times before Rab, and dabbed his shoes with water?¹⁹ — They were of hard [leather], and [he acted] in accordance with the Rabbis.

Subsequently Raba said: My statement was incorrect. Are we to say that the text refers [only] to soft [skins]? Does it not refer [even] to foresters' apparel which comes from overseas,²⁰ yet the Divine Law states that it must be washed?²¹ Rather said Raba: Leprosy,²² since it breaks out in the article itself, moistens it and softens it.²³

Raba observed: If I have a difficulty, it is this:

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- (1) Garments made of any materials. A garment usually was of wool.
 - (2) A garment contracts uncleanness whether its owner intends to use it or not; hence the hide, even after it is flayed, is not included, because it does not contract uncleanness, but can only be made to contract uncleanness, by the owner's intention to use it.
 - (3) What garment is merely eligible to become unclean, though at present it cannot become unclean?
 - (4) This is the smallest piece which counts technically as a 'garment'. A smaller piece ranks as a garment only if the owner intends to use it.
 - (5) Without its owner's intention. Hence if the blood spurted on such a cloth, in R. Judah's opinion it must be washed, but not in R. Eleazar's.
 - (6) I.e., even a larger piece of cloth, but which has not yet been used, because its owner had expressed his intention to embroider it first. This counts as unfinished, and hence not a 'garment'; nevertheless, if the owner expressly abandons his intention, it becomes a 'garment'. Thus it is eligible, but cannot contract uncleanness at present.
 - (7) Marginal addition.
 - (8) 'Uzba is anything used as a rug or mat or tablecloth; it is generally of hide, but sometimes of cloth. Now, if one intended to use it for such purpose, it immediately ranks as a utensil, even before it is trimmed, and hence can be defiled. But if he intended trimming it, it cannot become unclean until he either trims it or abandons his intention.
 - (9) I.e., it cannot become unclean.
 - (10) Though its author is not named, we know from the Baraitha that it is R. Judah's view. — When an individual's view is stated anonymously in the Mishnah, it is generally the halachah.
 - (11) E.g., a wooden vessel, whence it may be impossible to wash out the blood. This does not need washing at all but scraping.
 - (12) This treats of the Sabbath, when washing garments is forbidden as a prohibited labour. Dirt on a cushion may be

wiped off with a cloth, but not with water, as this constitutes washing. Water, however, may be poured over skin, for that is not regarded as washing. Thus skin is not technically subject to washing.

(13) 'Others' generally refers to it. Meir; Hor: 13b.

(14) If the blood of a sin-offering spurts upon them.

(15) On the Sabbath.

(16) Who hold pouring water over skin (or leather) is not washing.

(17) Lev. XIII, 58.

(18) E.g., leather.

(19) It is now assumed that they were of soft leather.

(20) It was manufactured of hard leather.

(21) Scripture does not limit itself but writes, or whatsoever thing of skin it be.

(22) To which the passage refers.

(23) Any leather garment. — Hence the text refers even to hard leather; our Mishnah refers to soft; while the controversy is in respect of hard.

Talmud - Mas. Zevachim 94b

pillows and bolsters are soft, yet we learnt: 'If it is of leather, water is poured over it until it disappears'?¹ — Rather said Raba: All washing without rubbing is not called washing. And as to R. Hiyya b. Ashi's statement, I stood many times before Rab and dabbled his shoes with water; dabbling is [permitted], but not rubbing. [Now, our Mishnah treats] either of soft [skins], and it agrees with all; or of hard ones, and it agrees with 'others'. If so, [let water be poured] even [over] a garment too?² — In the case of a garment, soaking it [in water] constitutes its washing. Now, Raba is consistent with his view. For Raba said: If one threw a scarf into water, he is culpable;³ if one threw linseed into water, he is culpable. As for a scarf, it is well, [as] he thereby washes it. But what is the reason in the case of linseed? And should you say, because he causes it to grow;⁴ if so, the same applies to wheat and barley too?—This [linseed] emits mucus.⁵ If so, the same applies to [undressed] hides?⁶ — There he kneads.⁷

Raba lectured: It is permitted to wash a shoe on the Sabbath. Said R. Papa to Raba. But surely R. Hiyya b. Ashi said: I stood many times before Rab, and dabbled his shoes with water for him. Thus, only dabbling [is permitted], but not washing? Subsequently Raba appointed an interpreter before him and lectured:⁸ What I told you was an error; but in truth, dabbling is permitted but washing is forbidden.

THE WASHING MUST BE IN A HOLY PLACE, etc. How do we know it?—Because our Rabbis taught: Thou shalt wash in a holy place:⁹ from this we learn that the washing must be in a holy place.¹⁰ How do we know that earthen vessels must be broken? Because it says, But the earthen vessel wherein it is sodden shall be broken.¹¹ How do we know that brazen vessels must be scoured and rinsed? Because it says, And if it be sodden in a brazen vessel, it shall be scoured and rinsed in water.¹²

IN THIS THE SIN-OFFERING IS MORE STRINGENT, etc. And is there nothing else:¹³ surely there is the fact that its blood enters within?¹⁴ — This refers to outer sin-offerings.¹⁵ But outer sin-offerings too [have a peculiar stringency, viz.] if their blood entered within, they are disqualified? — This is in accordance with R. Akiba, who maintained: All bloods which enter the hekal to make atonement are disqualified.¹⁶ Yet there is the fact that they make atonement for those who are liable to kareth? — This refers to the sin-offering for the 'hearing of the voice' or 'oath of utterance'.¹⁷ Yet there is the fact that they require four sprinklings? — This agrees with R. Ishmael who maintained: All blood requires four sprinklings. But there is the fact that [the sprinklings must be] on the four horns? — Yet on your reasoning, surely there are the horn, the finger, and the edge?¹⁸ Rather, [the Tanna] mention one out of two or three stringencies.

MISHNAH. IF A GARMENT¹⁹ WAS CARRIED OUTSIDE THE HANGINGS,²⁰ IT MUST RE-ENTER, AND IT IS WASHED IN A HOLY PLACE. IF IT WAS DEFILED WITHOUT THE HANGINGS²¹ ONE MUST TEAR IT,²² THEN IT RE-ENTERS, AND IS WASHED IN A HOLY PLACE. IF AN EARTHEN VESSEL WAS CARRIED OUTSIDE THE HANGINGS, IT RE-ENTERS AND IS BROKEN IN A HOLY PLACE. IF IT WAS DEFILED WITHOUT THE HANGINGS, A HOLE IS MADE IN IT, THEN IT RE-ENTERS AND IS BROKEN IN A HOLY PLACE. IF A BRAZEN VESSEL WAS CARRIED OUTSIDE THE HANGINGS, IT RE-ENTERS AND IS SCOURED AND RINSED IN A HOLY PLACE. IF IT WAS DEFILED OUTSIDE THE HANGINGS, IT MUST BE BROKEN THROUGH,²³ THEN IT RE-ENTERS AND IS SCOURED AND RINSED IN A HOLY PLACE.

GEMARA. To this Rabina demurred. [You say,] ONE MUST TEAR IT: Surely the Divine Law speaks of a 'garment', and this is not a garment?²⁴ — He leaves enough of it [untorn] to be used as an apron.²⁵ But that is not so, for surely R. Huna said: They learnt this²⁶ only if one did not leave enough to be used as an apron [untorn], but if one left enough to be used as an apron, it is [technically] joined?²⁷

(1) Supra in connection with the Sabbath.

(2) Why must the dirt be wiped off only with a rag?

(3) For washing on the Sabbath, to which this refers.

(4) In the water. Thus it is a form of sowing, and for this he is culpable.

(5) Thin threads of mucus ooze from these seeds when they are put into water, which fastens them together.

(6) From these too a mucus issues in water.

(7) When the mucus causes the linseed to stick together, it is a kind of kneading, for which he is culpable. But kneading is inapplicable to hides.

(8) The Rabbis gave their public lectures through interpreters (amora).

(9) Lev. VI, 20.

(10) Emended text (Sh.M.).

(11) Ibid. 21.

(12) Ibid.-In each case the question is: how do we know that these things must be done in a holy place? The answer is, by reading 'in a holy place' with what follows, as well as with what precedes, thus: and in a holy place shall the earthen vessel... be broken (and) a brazen vessel... be scour'd and rinsed; v. Sifra a.l.

(13) In which the sin-offering is more stringent.

(14) In the inner sanctuary (hekal), which feature is absent from other most sacred sacrifices.

(15) Whose blood was not taken into the hekal.

(16) V. supra 81b.

(17) V. Lev. V, 1. 4 seq. — Kareth is not incurred for these even if they are committed deliberately.

(18) The blood of the sin-offering must be applied with the finger, on the horn, and on the edge of the horn. In all these too it is more stringent than other most sacred sacrifices.

(19) Which needed washing through the blood.

(20) I.e., outside the Temple court.

(21) In which condition it cannot re-enter, because nothing unclean may be taken into the Temple court.

(22) It ceases to be a garment, and thereby ceases to be unclean.

(23) I.e., a very large hole made in it. Metal vessels do not lose their uncleanness through a small hole.

(24) Scripture orders the garment to be washed, which implies that it must be a garment when it is washed.

(25) He does not tear it right across, but leaves the width of an apron (or duster) untorn. Since the greater part of it is torn it ceases to be unclean; nevertheless, since so much is left untorn, it is still technically a garment.

(26) That a garment loses its uncleanness when it is torn.

(27) And remains unclean.

Talmud - Mas. Zevachim 95a

That is by Rabbinical law [only].¹

IF AN EARTHEN VESSEL WAS CARRIED OUTSIDE etc. But the Divine Law spoke of a 'vessel', and this is not a vessel? — The hole is only large enough for a little root.²

IF A BRAZEN VESSEL... IT MUST BE BROKEN THROUGH etc. But then it is not a vessel? — He hammers [the hole] together.³

Resh Lakish said: If the [priest's] robe became unclean,⁴ one must take it in less than three [fingerbreadths] square at a time, and wash it, because it is said, That it [the robe] be not rent.⁵ R. Adda b. Ahabah objected: Thick [garments] and soft [unwoven garments] are not subject to the law of three [fingerbreadths] square?⁶ -They count, because of the parent [piece].⁷

But surely it requires seven substances, for R. Nahman said in Rabbah b. Abbuha's name: The blood of the sin-offering and the appearance of leprosy require seven substances; whereas it was taught: But that urine may not be taken into the Temple?⁸

(1) As a preventive measure, lest one does not tear the greater part of it. but Scripturally it is clean, and here the Rabbis waived this measure in order that the precept of washing may be fulfilled.

(2) Of a plant to push through. That suffices to make it clean, but not deprive it of the status of a vessel.

(3) Having broken it through, whereby it became clean, he then hammers the hole together, which makes it a vessel again.

(4) Outside the Temple court.

(5) Ex. XXVIII, 32. Hence it cannot be torn, as the Mishnah states. Therefore less than three finger-breadths square of it must be insinuated into the Temple court at a time, as then it does not count as an unclean garment.

(6) They cannot be unclean unless they are three handbreadths square. Now, the robe was of thick cloth; why then cannot one take in three handbreadths square at a time?

(7) As they are not separate pieces, but part of the whole robe, even three finger-breadths square counts technically as a garment.

(8) This is a difficulty according to the Mishnah: A garment on which the blood of a sin-offering spurted, as well as a garment which showed symptoms of leprosy, which must also be washed, needs the application of seven substances to cleanse it, viz., tasteless saliva, the liquid exuded by crushed beans, urine, natron, lye, Cimolean earth, and ashleg (v. Sanh. Sonc. ed. p. 330). How then can it be washed in the Temple Court, seeing that urine must not be brought there?

Talmud - Mas. Zevachim 95b

And should you say that one mixes it in with the seven substances¹ and applies them all at once; surely we learnt: If they were not applied in their order,² or if they were all applied simultaneously, it is of no avail? And should you say that he mixes it up in one of the substances; but surely we learnt [that] he must rub the stain three times with each [substance]? — Rather, he mixes it up in tasteless saliva, for Resh Lakish said: There must be tasteless saliva with each one.

MISHNAH. WHETHER ONE BOILED THEREIN OR Poured BOILING [FLESH ETC.] INTO IT, WHETHER MOST SACRED SACRIFICES OR LESSER SACRIFICES, [THE POT] REQUIRES SCOURING AND RINSING. R. SIMEON SAID: LESSER SACRIFICES DO NOT NECESSITATE SCOURING AND RINSING.

GEMARA. Our Rabbis taught: [But the earthen vessel] which it is boiled in it.³ I know it only when one boiled [the flesh] therein; how do I know it when one poured boiling [flesh] therein? Because it says, which [it is boiled] in it. [shall be broken].⁴

Rami b. Hama asked: What if one suspended [the flesh] in the air-space of an [earthen] oven?⁵ Is the Divine Law particular about boiling and absorbing; or perhaps, [it is particular] about boiling [even] without absorbing?⁶ — Said Raba, Come and hear: WHETHER ONE BOILED THEREIN OR Poured BOILING [FLESH] INTO IT!⁷ — We do not ask about absorbing without boiling;⁸ we ask about boiling without absorbing: what is the law?—Come and hear, for R. Nahman said in Rabbah b. Abbuha's name: The Temple oven was of metal.⁹ Now, if you think that [only] boiling and absorbing [necessitates] breaking, let it be an earthen one?¹⁰ — Since there were the remainders of meal-offerings, which were baked in the oven, so that there is boiling and absorbing,¹¹ we must make it of metal.

A certain oven was greased with fat. [Thereupon] Raba b. Ahilai forbade for all time¹² the bread [baked therein] to be eaten even with salt, lest one come to eat it with kutah.¹³ An objection is raised: One must not knead dough with milk, and if he does knead it, the whole loaf is forbidden, because it leads to sin.¹⁴ Similarly, one must not grease an oven with fat, and if he does grease it, all the bread [baked therein] is forbidden until the oven is refired. This is a refutation of Raba b. Ahilai. [It is indeed] a refutation.

Rabina said to R. Ashi: Now since Raba b. Ahilai was refuted, why did Rab say: pots must be broken on Passover?¹⁵ Rab maintained that there¹⁶ a metal one is meant. Alternatively, it may be an earthen oven: this [the oven] is fired from the inside;¹⁷ while the other [the pot] is fired on the outside. Then let us burn it [the pot] from within? — He would spare it, lest it break [burst].¹⁸ Therefore a tiled pan,¹⁹ since it is burnt from without,²⁰ is forbidden.²¹

(1) The urine is not brought in separately, but mixed (lit. 'swallowed') with the other substances. Then it is not noticeable, and can be taken into the Temple.

(2) As enumerated in n. 11, p.458,

(3) Lev. VI, 21.

(4) Rashi: 'shall be broken' coming immediately after 'in it' indicated that every vessel shall be broken if anything of the sin-offering is absorbed in it, even if it had not actually been boiled in it. If boiling flesh is placed in the vessel, the vessel must absorb some of it.

(5) Thus boiling or cooking it.

(6) The flesh is thus cooked, but the oven absorbs nothing of it. Does Scripture mean that only a vessel in which it is boiled and which thereby absorbs some of it must be broken; or perhaps it must be broken even when it does not absorb?

(7) Thus even if one thing only happened to the vessel (i.e., it absorbed but was not used for actual boiling), it must be broken or scoured and rinsed. Presumably boiling without absorbing is the same.

(8) That obviously necessitates breaking, since absorption is the principal reason for the whole law. For after the time allowed for the consumption of this flesh, the absorbed matter becomes nothar (v. Glos.), which is forbidden, and it will impart its flavour to any other flesh that is subsequently boiled in it, unless it is scoured and rinsed. (Scouring and rinsing are not efficacious for earthen vessels, for which reason they must be broken.)

(9) It is assumed that the reason is that it should not have to be broken.

(10) For the flesh was not actually placed in the area, but cooked (or roasted) in it on a spit. — Their ovens were open on top.

(11) Baking is technically the same as boiling.

(12) Even if the oven should be fired and burnt through again.

(13) A preserve consisting of sour milk, bread-crusts and salt (Jast.). The bread of course receives the flavour of the fat, and must not be eaten with anything containing milk or a milk product.

(14) One might eat it with meat.

(15) For we see that greased ovens (these were generally of earth) can be refired and used, the heat expelling the traces of fat. Then let the pots too be subjected to fire, which would likewise expel the absorbed leaven (it was on account of the absorbed leaven that Rab forbade their use on Passover).

(16) The oven that could be refired.

(17) Which is efficacious to expel absorbed matter.

- (18) Hence if he is told to burn it from within; he will burn it from without and think that enough.
 (19) A kind of plaque made of tiles and upon which bread was baked.
 (20) The coals being under it and the bread on top.
 (21) For use on Passover.

Talmud - Mas. Zevachim 96a

Then why should the pots in the Temple be broken: let them be returned to the kiln?¹ — Said R. Zera: Because kilns are not permitted in Jerusalem.² Abaye retorted: And are then refuse heaps permitted in the Temple court?³ [Abaye, however,] had overlooked what Shemaiah of Kalnebo⁴ recited: The fragments of earthen vessels were swallowed up in their place.⁵ Now, when R. Nahman said in Rabbah b. Abbuha's name, 'The Temple oven was of metal', let it be an earthen one, since It was heated within?⁶ — Since the Two Loaves and the Shewbread⁷ were baked in the oven and were sanctified in the oven, it became a service vessel, and we do not make earthen service vessels.⁸

- (1) Which would expel what they had absorbed.
 (2) On account of the smoke.
 (3) Sc. of broken potsherds.
 (4) Kar-nebo, 'the city of Nebo', conjectured to be Borsippa, Funk, Monumenta, I, p. 299.
 (5) Yoma 21a.
 (6) And thus what it absorbed of the sacrifices would be expelled.
 (7) V. Lev. XXIII, 15-17; Ex. XXV, 30.
 (8) Offerings such as meal-offerings, loaves etc. were sanctified by being placed in service vessels. The Two Loaves and the Shewbread, however, were not placed in a service vessel, but were kneaded and shaped outside the Temple court, then brought in and baked in the oven. Thus the oven itself sanctified them, and ipso facto ranked as a service vessel.

Talmud - Mas. Zevachim 96b

And even R. Jose son of R. Judah said only that wooden ones [were permitted], but not earthen ones.¹

R. Isaac the son of R. Judah used to attend Rami b. Hama['s lectures]. He left him and attended R. Shesheth['s lectures]. One day he [Rami b. Hama] met him, and observed: The noble² has taken us by the hand, and his scent has come into the hand!³ Because you have gone to R. Shesheth, you are like R. Shesheth!⁴ That was not the reason, he replied. Whenever I asked a question of you, you answered me from reason, [and] if I found a teaching⁵ [to the contrary], it refuted your answer. [But] when I ask a question of R. Shesheth, he answers it from a teaching, so that even if I find a teaching which refutes him, it is one teaching against another.⁶ Said he to him: Ask me a question, and I will answer you in accordance with a teaching.⁷ [Thereupon] he asked him: If one boiled [the sacrifice] in part of a vessel,⁸ does it require scouring and rinsing, or does it not require [them]?⁹ — It does not require them, he replied, by analogy with [the] spurting [of blood].¹⁰ But it was not taught so, he protested?¹¹ — It is logical that it is like a garment, he replied; just as a garment needs washing only in the place of the blood,¹² so a vessel requires scouring and rinsing only in the place of boiling. How can you compare them, he objected: blood does not spread,¹³ whereas boiling spreads.¹⁴ Moreover It was taught: [The] spurting [of blood] is more stringent than scouring and rinsing, and scouring and rinsing are more stringent than spurting. Spurting is more stringent, since [the law of] spurting operates in respect to outer sin-offerings and inner sin-offerings, and it operated before sprinkling,¹⁵ which is not so in the case of scouring and rinsing.¹⁶ Scouring and rinsing are more stringent, in that scouring and rinsing are required for most sacred sacrifices and for lesser sacrifices; [again] if one boiled [the flesh] in part of a vessel, the whole vessel requires scouring and rinsing, which is not so in the case of spurting! — If it was taught, it was taught,¹⁷ he replied. And what is the reason? Scripture says, And if it be boiled in a brazen vessel', which means, even in part of a

vessel.

WHETHER MOST SACRED SACRIFICES etc. Our Rabbis taught: [Scripture saith] A sin-offering:¹⁸ I know it only of a sin-offering; how do I know it of all sacrifices? Because it says, it is most holy.¹⁹ You might think that I include terumah; therefore it says, [Every male among the priests may eat] thereof, which excludes terumah²⁰ these are the words of R. Judah. R. Simeon said: Most holy sacrifices necessitate scouring and rinsing, [but] lesser sacrifices do not necessitate scouring and rinsing, because it is written, 'It is most holy': most holy sacrifices do [necessitate it], but lesser sacrifices do not. What is R. Judah's reason? — Since 'thereof' is necessary to exclude terumah, it follows that lesser sacrifices necessitate scouring and rinsing.²¹ And R. Simeon?²² — He can answer you: 'Thereof' intimates what we said elsewhere.²³

Now, does not terumah necessitate scouring and rinsing? Surely it was taught: You may not boil milk in a pot in which meat was boiled, and if one did, [the milk is forbidden] if it [the meat] could communicate its flavour [to it]²⁴ If one boiled terumah in it, one must not boil hullin in it; and if one did, [the hullin is forbidden] if it [the terumah] could communicate flavour [to it]!²⁵ — Said Abaye: This holds good²⁶ only in respect of what a master said, [viz.]: If one boiled [flesh] in part of a vessel, the whole vessel must be scoured and rinsed; but [in the case of] terumah only the part where it was boiled needs [scouring and rinsing]. Raba said: It holds good only in respect of what a master said: '[It shall be scoured and rinsed] in water', but not in wine; 'in water', but not in a mixture:²⁷ this, however,²⁸ may be [scoured and rinsed] even in wine, even in a mixture. Rabbah b. 'Ulla said: It holds good only in respect of what a master said: The scouring and rinsing must be in cold water;²⁹ this however is done in hot water.³⁰ That is well on the view that scouring and rinsing must be done in cold [water]; but on the view that the scouring is in hot water and the rinsing in cold,³¹ what can be said?³² , — There is the additional rinsing.³³

MISHNAH. R. TARFON SAID: IF ONE BOILED [FLESH IN A POT] AT THE BEGINNING OF A FESTIVAL, HE CAN BOIL THEREIN DURING THE WHOLE FESTIVAL;³⁴ BUT THE SAGES MAINTAIN: UNTIL THE TIME OF EATING, SCOURING AND RINSING.³⁵ SCOURING [MERIKAH] IS AS THE SCOURING OF A GOBLET;³⁶ AND RINSING IS AS THE RINSING OF A GOBLET. SCOURING AND RINSING ARE DONE IN COLD [WATER].³⁷

(1) V. Suk. 50b.

(2) The alkafta or arkafta was a high Persian dignitary, v. Shebu. (Sonc. ed.) 6b.

(3) A proverbial taunt against those who cultivate high acquaintances, thinking that they are thereby ennobled themselves.

(4) You think that that will give you his reputation!

(5) A Mishnah or Baraitha.

(6) A controversy, and I may still adhere to the first.

(7) I will base my answer on logic, yet you will find a mathnitha to corroborate it.

(8) It was boiled with water, and so it could be boiled as it lay only in part of a vessel. Sh.M. explains that the other part of the vessel was not over the fire.

(9) Sc. the part in which the flesh was not boiled.

(10) When the blood spurts on part of a garment, only that part must be washed.

(11) We do not find a teaching to corroborate this, whereas you said that your answer could be corroborated.

(12) And that is explicitly taught in the Mishnah, supra 93b.

(13) There is no blood at all save where it can actually be seen on the garment.

(14) Even the part where the flesh does not lie absorbs some of it.

(15) Whether the blood be of an outer or an inner sin-offering, it necessitates the washing of the garment; also it applies to blood that spurts before it is sprinkled.

(16) Scouring and rinsing are required for outer sin-offerings only, which are eaten, since Scripture continues: Every male among the priests may eat thereof (Lev. VI, 22). For the same reason they are necessary only when the flesh is

boiled after the sprinkling, for if boiled before the blood is sprinkled, it may not be eaten.

(17) I must accept it.

(18) Lev. VI, 18 q.v.; this introduces the law of scouring and rinsing, and therefore whatever this verse includes is included in the law of scouring and rinsing.

(19) Ibid. 22. It is explained anon that this includes not only most holy, but also lesser sacrifices.

(20) This limitation applies to all the laws of this section, including that of scouring and rinsing.

(21) For if they did not, then terumah, whose holiness is certainly less than theirs, would obviously not necessitate scouring and rinsing, and the Scriptural limitation would be superfluous.

(22) How does he rebut this?

(23) That only a fit sacrifice necessitates scouring and rinsing, but not an unfit one; v. supra 93a.

(24) If the pot had absorbed so much of the meat that it now would noticeably impart its flavour to the milk.

(25) As in the preceding note. Hence it must be made fit by scalding with boiling water, which expels the absorbed matter (this is called hag'alah), as otherwise whatever is subsequently boiled therein is forbidden to lay Israelites. It is assumed that hag'alah is the same as scouring and rinsing.

(26) This statement that terumah does not necessitate scouring and rinsing.

(27) Of wine and water.

(28) Sc. a vessel in which terumah was boiled.

(29) After hag'alah (v. n. 9, p. 463) is performed, which must be in boiling water, the vessels must be scoured and rinsed in cold water.

(30) I.e., hag'alah alone suffices.

(31) And that nothing else is required.

(32) For scouring in hot water is ordinary hag'alah, and terumah too necessitates that.

(33) Which ordinary hag'alah does not require.

(34) It need not be scoured and rinsed until the end of the festival.

(35) The Gemara explains the meaning of this.

(36) I.e., within and without. Grace after meals was recited over a goblet of wine, and this was first washed and rinsed within and without; v. Ber. 51a.

(37) Var. lec. scouring is in hot water and rinsing is in cold.

Talmud - Mas. Zevachim 97a

THE SPIT AND THE GRILLE¹ ARE SCALDED IN HOT WATER.² GEMARA. What is R. Tarfon's reason? — Because Scripture saith, And thou shalt turn in the morning, and go unto thy tents.³ the Writ treats the whole [of the festival] as one morning.⁴ To this R. Ahadboi b. Ammi demurred: Is there no piggul during a festival, and is there no nothar during a festival?⁵ And should you say, that indeed is so; surely it was taught, R. Nathan said: R. Tarfon gave this ruling only.⁶ Rather, [the reason is] as R. Nahman said in Rabbah b. Abbuha's name, viz.: Each day effects scalding for the previous one.⁷

BUT THE SAGES MAINTAIN: UNTIL THE TIME OF EATING etc. What does this mean? — Said R. Nahman in Rabbah b. Abbuha's name: He must wait as long as [the sacrifice] may be eaten, and then scour and rinse it. Whence do we know this? — Said R. Johanan on the authority of Abba Jose b. Abba: It is written, 'It shall be scoured and rinsed';⁸ and it is written, 'Every male among the priests may eat':⁹ what does this proximity intimate?¹⁰ He must wait as long as [the sacrifice] may be eaten, and then scour and rinse it.

SCOURING IS AS THE SCOURING OF A GOBLET; RINSING IS AS THE RINSING OF A GOBLET. Our Rabbis taught: Scouring and rinsing are [done] with cold [water]: these are the words of Rabbi; but the Sages maintain: Scouring is with hot [water], and rinsing is with cold. What is the reason of the Rabbis? — It is comparable to the cleansing [gi'ul] of heathen [vessels].¹¹ And Rabbi?¹² — He can tell you: I do not speak of hag'alah [scalding];¹³ I speak of the scouring and rinsing after hag'alah. And the Rabbis? — If so,¹⁴ let Scripture write either, 'it shall be well

scoured', or, 'well rinsed';¹⁵ why say 'it shall be scoured and rinsed'? — To inform you [that] scouring is [done] with hot water¹⁶ and rinsing is [done] with cold. And Rabbi? — If Scripture wrote, 'it shall be well scoured', I would say [that it requires] two scourings or two rinsings; therefore 'it shall be scoured and rinsed' is written to inform you that scouring must be as the scouring of a goblet, rinsing must be as the rinsing of a goblet.¹⁷

MISHNAH. IF ONE BOILED SACRIFICES AND HULLIN IN IT, OR MOST HOLY SACRIFICES AND LESSER SACRIFICES; IF THEY WERE SUFFICIENT TO IMPART THEIR FLAVOUR,¹⁸ THE LESS STRINGENT MUST BE EATEN AS THE MORE STRINGENT OF THEM;¹⁹ BUT THEY DO NOT NECESSITATE SCOURING AND RINSING;²⁰ AND THEY DO NOT DISQUALIFY BY TOUCH.²¹ IF [AN UNFIT] WAFER TOUCHED A [FIT] WAFER,²² OR AN [UNFIT] PIECE OF FLESH TOUCHED A [FIT] PIECE OF FLESH,²³ NOT THE WHOLE WAFER OR THE WHOLE PIECE OF FLESH IS FORBIDDEN; ONLY THE PART THAT ABSORBED [OF THE UNFIT] IS FORBIDDEN.

GEMARA. What does this mean?²⁴ — This is what it means: If they were sufficient to impart their flavour, the less stringent must be eaten as the more stringent of them, and they require scouring and rinsing,²⁵ and they disqualify by their touch.²⁶ If they were insufficient to impart their flavour, the less stringent need not be eaten as the more stringent, and they do not necessitate scouring and rinsing, and do not disqualify by their touch. Granted that they do not require [scouring and rinsing] as for most sacred sacrifices, yet they should require [them] as for lesser sacrifices? — Said Abaye: What does he mean by THEY DO NOT NECESSITATE? [As for] most sacred sacrifices; but they do necessitate [them] as for lesser sacrifices. Raba said: This is in accordance with R. Simeon, who maintained: Lesser sacrifices do not necessitate scouring and rinsing.

As for Raba, it is well: for that reason he [the Tanna] teaches, SACRIFICES AND HULLIN, OR MOST SACRED SACRIFICES AND LESSER SACRIFICES.²⁷ But on Abaye's explanation, why do I need two clauses?²⁸ — They are necessary. For if he taught SACRIFICES AND HULLIN [only] I would say, Only hullin can nullify sacrifices,²⁹ as they are not of the same kind; but in the case of MOST SACRED SACRIFICES AND LESSER SACRIFICES, it is not so.³⁰ And if he taught about MOST SACRED SACRIFICES AND LESSER SACRIFICES only, I would think that only sacrifices are strong enough to nullify other sacrifices; but hullin I would say is not [strong enough].³¹ Thus both are necessary.

IF AN [UNFIT] WAFER TOUCHED A [FIT] WAFER etc. Our Rabbis taught: Whatever shall touch [. . . shall be holy];³² you might think, even if it did not absorb; therefore it says, in the flesh thereof.³³

(1) On which flesh was roasted.

(2) V. n. 5. This makes them fit for further use.

(3) Deut. XVI,7. This means that the Israelite could return home on the morning after the festival.

(4) I.e., as one day. Since the reason for scouring and rinsing is that what is absorbed of the meat in the pot becomes nothar, it follows that it cannot become nothar from the beginning until the end of a festival, as it is all counted as one day.

(5) If one intends eating the sacrifice after its permitted period of two days, or if flesh is left over after two days, does it not become piggul or nothar, although it is still the festival?

(6) Sc. in respect of scouring and rinsing; but he admits that there can be piggul and nothar during a festival.

(7) Many peace-offerings were sacrificed during the festival, and the boiling of each day's sacrifice expels from the pot what it absorbed the previous day, and thus it does not become nothar.

(8) Lev. VI, 21.

(9) Ibid. 22.

(10) Lit., 'how is this?' — The second text immediately follows the first.

- (11) In order to expel what they had absorbed. This requires heat, as Scripture says in this connection: Every thing that may abide the fire, ye shall make go through the fire, and it shall be clean (Num. XXXI, 23).
- (12) Why does he not accept this argument?
- (13) That certainly requires hot water.
- (14) If Scripture meant that scouring and rinsing must follow hag'alah, for scouring is not hag'alah itself.
- (15) Lit., shall be scoured, scoured, or, shall be rinsed, rinsed. For if scouring is not hag'alah, it is identical with rinsing (both being in cold water), and Scripture merely means that it must be rinsed twice. Then the same word should be used for each operation.
- (16) I.e., it is hag'alah.
- (17) I.e., once on the outside and once on the inside.
- (18) If the pot had absorbed enough of the former to impart its flavour to the latter; or, if both were boiled together, if the former was sufficient to impart its flavour noticeably to the latter. — If they are both of the same kind, we regard them as though they were two different kinds.
- (19) If lesser sacrifices and hullin were boiled, the hullin must be eaten within the precincts of Jerusalem, and for two days only. If lesser sacrifices and most holy sacrifices were boiled in it, the lesser sacrifices must be eaten in the Temple court, on the same day, and by male priests only.
- (20) At the end of the shorter period allowed for the consumption of the more stringent, but only at the end of the longer allowed for the less stringent.
- (21) If the less stringent became disqualified, they do not in turn disqualify any flesh that touches them.
- (22) Of a meal-offering, v. Lev. II, 4.
- (23) The latter in each case absorbing from the former.
- (24) Why is it not scoured and rinsed at the end of the period allowed for the more stringent?
- (25) Accordingly, i.e. at the end of the shorter time.
- (26) If the more stringent were unfit while the less stringent were fit, the less stringent become disqualified too and in turn disqualify others just as the more stringent disqualified.
- (27) To give an anonymous ruling in accordance with R. Simeon, viz., that lesser sacrifices do necessitate scouring and rinsing.
- (28) Seeing that the same principle operates in both.
- (29) When the latter do not communicate their flavour to the former.
- (30) Even if the former do not impart their flavour to the latter, the whole must be treated with the stringency of the former.
- (31) Even if the sacrifice does not impart its flavour to the hullin, the whole must be treated with the stringency of the former.
- (32) Lev. VI, 20. 'Holy' means that it is subject to the same restrictions as the flesh of the sacrifice.
- (33) Lit. translation.

Talmud - Mas. Zevachim 97b

[this intimates] that it must absorb [thereof] in its flesh. You might think that if it touched a part of a piece of flesh, the whole of it is unfit. Therefore it says, '[Whatever] shall touch': only that which touches is unfit. How so? The part which absorbed is cut away. '[In] the flesh thereof': but not the tendons, bones, horns or hoofs.¹ 'Shall be holy', to be as itself, so that if it [the sin-offering] is unfit, that [which touches it] becomes unfit; while if it is fit, it may be eaten [only] in accordance with its stringencies. Yet why so?² let the positive command³ come and override the negative injunction!⁴ — Said Raba, A positive injunction does not override a negative injunction in the Temple. For it was taught: Neither shall ye break a bone thereof.⁵ R. Simeon b. Menassia said: [This refers to] both a bone which contains marrow and a bone which does not contain marrow. Yet why so? let the positive injunction⁶ come and override the negative injunction? Hence you can infer that a positive injunction does not override a negative injunction in the Temple. R. Ashi said: 'Shall be holy' is a positive injunction: thus there are a positive and a negative injunction,⁷ and a positive injunction cannot override a positive and a negative injunction [combined].

We have thus found that a sin-offering sanctifies⁸ [whatever touches it] through absorption; whence do we know it of other sacrifices? — Said Samuel on R. Eleazar's authority: [Scripture saith,] This is the law of the burnt-offering, of the meal-offering, and of the sin-offering, and of the guilt-offering, and of the consecration-offering, and of the sacrifice of peace-offerings.⁹ 'Of a burnt-offering': as a burnt-offering requires a utensil,¹⁰ so all require a utensil. What utensil is meant? If we say, a basin?¹¹ in respect of public peace-offerings too it is written, And Moses took half of the blood, and put it in basins!¹² Rather, it means a knife.¹³ And how do we know it of a burnt-offering itself? — Because it is written, And Abraham stretched forth his hand, and took the knife [to slay his son],¹⁴ and there it was a burnt-offering, as it is written, And offered him up for a burnt-offering in the stead of his son.¹⁵

'Of a meal-offering': as a meal-offering may be eaten by male priests [only], so all may be eaten by male priests only. Which [are thus inferred]? If the sin-offering and the guilt-offering? [surely] it is explicitly written in connection with them, Every male among the priests may eat thereof!¹⁶ If public peace-offerings? that is deduced from a Scriptural extension, [viz.] In a most holy place shalt thou¹⁷ eat thereof; every male may eat thereof:¹⁸ this teaches that public peace-offerings may be eaten by male priests only! — It is a controversy of Tannaim:

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- (1) These do not render the flesh that touches them 'holy'.
 - (2) Why does the flesh of the fit sacrifice become unfit through absorbing of the unfit?
 - (3) Ex. XXIX, 33: and they shall eat those things wherewith atonement was made (sc. the flesh of the sacrifices).
 - (4) Forbidding the unfit to be eaten, e.g. in Lev. VI, 23 q.v. It is a general principle that a positive injunction overrides a negative injunction when the two are in conflict.
 - (5) Ex. Xli, 46. This refers to the Passover-offering.
 - (6) To eat the flesh (which includes marrow), sc. and they shall eat the flesh in that night (Ex. Xli, 8).
 - (7) Forbidding the flesh which absorbed the taste of the disqualified sacrifice.
 - (8) In the sense stated above.
 - (9) Lev. VII, 37. The enumeration of all these together with the single superscription 'this is the law' teaches that they are all assimilated to one another, and the Talmud proceeds to explain in which respect they are so assimilated.
 - (10) The Heb. keli denotes a vessel or a utensil.
 - (11) For receiving the blood; and this teaches that a peace-offering too needs a basin. That a burnt-offering requires a basin is inferred from Ex. XXIV, 5f, q.v.
 - (12) Ibid. 6. The blood was that of burnt-offerings and peace-offerings. Hence peace-offerings need not be inferred from burnt-offerings.
 - (13) A burnt-offering must be killed with a knife (a utensil) and not e.g. with a sharp piece of stone (unfashioned into a utensil), and the text intimates that the same applies to the others.
 - (14) Gen. XXII, 10.
 - (15) Ibid. 13.
 - (16) Lev. VII, 6.
 - (17) Sc. Aaron.
 - (18) Num. XVIII, 10.

Talmud - Mas. Zevachim 98a

one infers it from this verse, and another infers it from the other.

'Of a sin-offering': as a sin-offering sanctifies through absorption, so all [sacrifices] sanctify through absorption.¹

'Of a guilt-offering': as a guilt-offering, the foetus and after-birth inside it are not holy, so all [sacrifices], the foetus and after-birth inside them are not holy.² He holds that the young of sacrifices become holy when they come into existence,³ and that we infer what is possible from what is not

possible.⁴

‘Of the consecration-offering’: as the consecration-offering, the remainder thereof was burnt,⁵ and there were no living animals among its remainder;⁶ so all [sacrifices], their remainder is burnt, but living animals are not counted as remainder.⁷

‘Of the . . . peace-offering’: as [parts of] a peace-offering render piggul, and [parts] are rendered piggul, so [in] all [sacrifices] [where there are parts which] render piggul and [parts which] are made piggul [the law of piggul applies].⁸

It was taught in a Baraitha in R. Akiba's name: ‘Of the meal-offering’: as a meal-offering sanctifies through absorption,⁹ so all [sacrifices] sanctify through absorption. Now, it is necessary for both ‘meal-offering’ and ‘sin-offering’ to be written.¹⁰ For if we were informed [this about] a meal-offering, [I might say that was] because it is soft it absorbs; but [as for] a sin-offering, I would say [that it is] not [so]. And if we were informed about a sin-offering, [I might say] that is because it is solid;¹¹ but a meal-offering I would say is not so. Thus both are necessary.

‘Of the sin-offering’: as a sin-offering comes of hullin only, and by day, and [its rites must be performed] with his [the priest's] right hand; so every [sacrifice] comes of hullin only, by day, and [its rites must be performed] with his right hand. And how do we know it of a sin-offering [itself]? — Said R. Hisda, Scripture saith: And Aaron shall present the bullock of the sin-offering, which is his;¹² [that intimates that] it must be his,¹³ and not the congregation's,¹⁴ nor of tithe.¹⁵ [That its rites must be performed] by day is inferred from: in the day that he commanded [etc.]?¹⁶ That is stated unnecessarily. [That its rites must be performed] with his right hand is inferred from Rabbah b. Bar Hanah's [exegesis]? For Rabbah b. Bar Hanah said in the name of Resh Lakish: Wherever ‘finger’ and ‘priesthood’ are stated, the right hand only [must be used]?¹⁷ That [too] is stated unnecessarily. Alternatively, he agrees with R. Simeon, who maintained: [Where] ‘finger’ [is stated], priesthood is not required;¹⁸ [but where] ‘priesthood’ [is stated], ‘finger’ is required.¹⁹

‘Of the guilt-offering’: as the bones of a guilt-offering are permitted, so the bones of every [sacrifice] are permitted.²⁰

Raba said: It is clear to me

(1) This is the answer to the question, how do we know that all sacrifices sanctify through absorption? The rest of the discussion is really irrelevant here.

(2) A guilt-offering was a male, and so there could be no foetus or afterbirth inside it to be holy. From this we learn that the foetus and afterbirth in female sacrifices, e.g. peace-offerings and sin-offerings, are not holy. If then a foetus was found in a sacrifice after it was slaughtered, its heleb (fat) and kidneys are not burnt on the altar as emurim, as in the case of the sacrifice itself.

(3) I.e., when they are born, but not before.

(4) I.e., females from males, though in the latter case the foetus and after-birth are not holy because they do not exist.

(5) V. Lev. VIII, 32, which refers to the consecration-offering.

(6) The consecration-offering was a public sacrifice, and we do not find that two animals were dedicated for the purpose (v. next note), so that one should be a ‘remainder’. Thus only flesh and bread were a remainder, and these alone were burnt.

(7) Whatever remains of a sacrifice after the time allowed for its consumption is burnt (as nothar). This, however, does not apply to a living remainder. E.g. if a man dedicated an animal for a sacrifice, lost it, dedicated a second, found the first and sacrificed one of them; similarly, if he dedicated two animals in the first instance, so that if one were lost the second would be sacrificed. The other is technically called a remainder, but this remainder is not burnt.

(8) V. supra 28b.

(9) For it is written, whatsoever toucheth them (sc. the meal-offerings) shall be holy (Lev. VI, 11).

- (10) The same is written of the sin-offering.
 (11) Since the flesh is thick, the grease penetrates deeply into it.
 (12) Lev. XVI, 6. E.V. which is for himself.
 (13) Purchased at his own expense.
 (14) Not bought with public funds.
 (15) It must not be an animal of tithe, which is sacred in its own right. Hence it must be hullin.
 (16) Lev. VII, 38. This refers to all the sacrifices enumerated in the preceding verse; why then derive it from a sin-offering?
 (17) And 'priesthood' is stated in connection with each of these sacrifices.
 (18) To shew that the right hand is meant.
 (19) Both are stated in connection with a sin-offering, but only priesthood is stated in connection with the others. Hence they must be inferred from a sin-offering.
 (20) Supra 86a.

Talmud - Mas. Zevachim 98b

that if blood of a sin-offering is below and blood of a burnt-offering is above,¹ it requires washing.² Raba asked: What if blood of a burnt-offering is below and blood of a sin-offering is above? [Does a garment need washing] because of contact,³ and here there is contact;⁴ or perhaps the reason is on account of absorption, and here it did not absorb?⁵ Subsequently he solved it, that it does not require washing.

Raba said: It is clear to me that blood on his garment interposes, but if [its owner] is a slaughterer, it does not interpose.⁶ Grease on a garment interposes, but if [the owner] is a grease merchant, it does not interpose. Raba asked: What if there are blood and grease on a garment? [Why do you ask?] If he is a slaughterer, you can infer [that the immersion is ineffectual] because of the grease; and if he is a grease merchant, you can infer [that it is ineffectual] because of the blood. The question arises only where he is both; [do we say that] he does not object to one, but objects to two; or perhaps he does not object to two either? The question stands over.

CHAPTER XII

MISHNAH. A TEBUL YOM⁷ AND ONE WHO LACKS ATONEMENT⁸ DO NOT SHARE IN SACRIFICES FOR CONSUMPTION IN THE EVENING.⁹ AN ONEN⁷ MAY HANDLE [SACRED FLESH], BUT MAY NOT OFFER,¹⁰ AND DOES NOT RECEIVE A SHARE FOR CONSUMPTION IN THE EVENING. MEN WITH BLEMISHES, WHETHER PERMANENT OR TRANSIENT, RECEIVE A SHARE AND MAY EAT [OF THE SACRIFICES]. BUT MAY NOT OFFER. WHOEVER IS NOT ELIGIBLE FOR SERVICE¹¹ DOES NOT SHARE IN THE FLESH;¹² AND HE WHO DOES NOT SHARE IN THE FLESH DOES NOT SHARE IN THE HIDES. EVEN IF ONE WAS UNCLEAN WHEN THE BLOOD WAS SPRINKLED BUT CLEAN WHEN THE FATS WERE BURNED [ON THE ALTAR], HE DOES NOT SHARE IN THE FLESH, FOR IT IS SAID: HE AMONG THE SONS OF AARON, THAT OFFERETH THE BLOOD OF THE PEACE-OFFERINGS, AND THE FAT, SHALL HAVE THE RIGHT THIGH FOR A PORTION.¹³

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- (1) First blood of a sin-offering fell on a garment and then blood of a burnt-offering fell upon it. — Only the former necessitates the washing of the garment.
 (2) Since the blood of a sin-offering fell actually on the garment and soaked into it.
 (3) With the blood of a sin-offering.
 (4) The blood of the burnt-offering soaks into the material, and so the second blood does actually touch the garment.
 (5) The blood of the sin-offering, for the material is already saturated with the other blood.
 (6) An unclean garment must be immersed in a ritual bath (mikweh) for purification; the ceremony is called immersion.

Now, when immersion is performed, no foreign matter may interpose between the article to be purified and the water. Normally, blood is foreign matter, for a person objects to blood on his garment, and it interposes (rendering immersion ineffectual). A slaughterer, however, does not object to blood on his garment, and so it is not regarded as foreign matter and does not interpose.

(7) V. Glos.

(8) V. p. 80, n. 2.

(9) By which time they will be clean.

(10) I.e., perform the sacrificial rites, e.g., sprinkling.

(11) I.e., to perform the sacrificial rites.

(12) The Talmud discusses the obvious contradiction between this and the preceding statements.

(13) Lev. VII, 33. Thus he receives a portion only when he can offer both the blood (i.e., perform the sprinkling) and the fat, but not otherwise. Nevertheless, this text seems irrelevant, as it refers to the thigh only. Sh.M. substitutes, it shall belong to the priest that sprinkleth the blood of the peace-offerings (ibid. 14).

Talmud - Mas. Zevachim 99a

GEMARA. How do we know it? — Said Resh Lakish, Because Scripture saith, The priest that offereth it for sin shall eat it:¹ the priest who offers for sin² may eat; he who does not offer for sin, may not eat. Yet is this a general rule? surely there is the whole ward, which do not offer for sin, yet they eat?³ — We mean he who is eligible to offer for sin. But lo, a minor is not eligible to offer for sin, yet he eats [thereof]? — Rather, what does 'shall eat it' mean? He shall receive a share therein: he who is eligible to offer for sin, receives a share; he who is not eligible to offer for sin, does not receive a share.⁴

But surely one who is blemished is not eligible to offer for sin, yet he receives a share? — The Divine Law included a blemished [person] [in the privilege of sharing], viz., Every male among the priests. [may eat thereof].⁵ which includes a [priest] with a blemish.⁶ Yet say that 'every male' includes a tebul yom? — It is logical to include a blemished [priest], since he may eat. On the contrary, one should include a tebul yom, since he will be eligible in the evening?⁷ — Nevertheless, he is not eligible at present. R. Joseph said:⁸ Consider: what does 'shall eat it' mean? [Surely] shall share therein. Then let the Divine Law write 'shall share therein'? why 'shall eat therein'? That you may infer: he who is fit to eat, shares [therein]; he who is not fit to eat⁹ does not share [in it].¹⁰

Resh Lakish asked: Is a share to be given to a blemished [priest] who is unclean? [Do we say,] Since he is not eligible [to perform the service] and yet the Divine Law included him, it makes no difference, for what does it matter whether he is unclean or blemished? Or perhaps, he who is fit to eat [when the sacrifice is offered] receives a share, [while] he who is not fit to eat does not receive a share? — Said Rabbah, Come and hear: A High Priest can offer [a sacrifice] as an onen, but he may not eat nor receive a share to eat in the evening.¹¹ This proves that one must be fit to eat [when the sacrifice is offered]. This proves it.¹²

R. Oshaia asked: Is a share of public sacrifices given to an unclean [priest]?¹³ Do we say, the Divine Law saith, 'The priest that offereth it for sin [shall eat it]', and this one too can offer for sin;¹⁴ or perhaps, he who is fit to eat receives a share, he who is not fit to eat does not receive a share?¹⁵ — Said Rabina, Come and hear: A High Priest may offer [sacrifices] as an onen, but he may not eat, nor receive a share to eat in the evening. This proves that he must be fit to eat. This proves it.

AN ONEN MAY HANDLE [SACRED FLESH], BUT MAY NOT OFFER etc. An onen may handle [sacred flesh]? Surely the following contradicts it: An onen and one who lacks atonement need immersion for sacred flesh?¹⁶ — Said R. Ammi in R. Johanan's name: There is no difficulty: here [in the Mishnah] he had performed immersion; there, he had not performed immersion. But what even if he did perform immersion: aninuth¹⁷ returns to him?¹⁸ for Rabbah son of R. Huna said:

If an onen performed immersion, his aninuth returns to him! — Rather, there is no difficulty: here he dismissed [it] from his mind;¹⁹ in the other case he did not dismiss [it] from his mind. But inattention requires [sprinkling on] the third and the seventh [days]: for R. Justai son of R. Mathun said in R. Johanan's name: Inattention²⁰ requires sprinkling on the third and the seventh [days]!²¹ — There is no difficulty: In the one case he was careless about defilement of the dead;²² in the other he was careless about defilement by a reptile.²³ Defilement of the dead is genuine defilement and requires sunset?²⁴ moreover, even terumah too [should require immersion]?²⁵ — Said R. Jeremiah: [This law holds good] when he declares, I was on my guard against anything that would defile me, but not against anything that would disqualify me.²⁶

And is there half watchfulness? — Yes, and it was taught even so: If the basket was still on his head²⁷

(1) Ibid. VI, 19.

(2) I.e., sprinkles the blood and performs the priestly rites.

(3) The priests were divided into wards, which officiated in rotation, (v. Glos. s.v. Mishmar). Only one of the priests sprinkled the blood of a particular sacrifice, yet the whole of the ward to which he belonged would share it.

(4) A minor accordingly does not receive a share in his own right, but merely eats of another priest's share. — From this we learn that a tebul yom and one who lacks atonement do not receive shares.

(5) Lev. VI, 22.

(6) It is shewn infra 102a that he is included in respect of sharing, for it is explicitly stated elsewhere that he may eat, viz., He (sc. a blemished priest) may eat the bread of his God, both of the most holy, and of the holy (ibid. XXI, 22). No extension therefore would be required to shew that he may eat.

(7) Even to perform the sacrificial rites.

(8) In reply to your question that one should include a tebul yom.

(9) When it is actually offered.

(10) Hence it includes a blemished priest, who is fit to eat when it is sacrificed, but not a tebul yom, who will not be fit until the evening.

(11) When he ceases to be an onen.

(12) Hence an unclean blemished priest does not receive a share.

(13) The sacrifices having been offered by clean priests.

(14) For public sacrifices can be offered in uncleanness, if the whole congregation is unclean. Hence, though this priest could not sacrifice just then, yet in general he was eligible for public sacrifices.

(15) He is definitely not fit to eat, for a public sacrifice brought in uncleanness may not be eaten.

(16) Which they may not handle otherwise.

(17) The status of onen.

(18) Since aninuth lasts to the end of the first day.

(19) Sc. the care not to become unclean. He paid no attention to this, knowing that he could not officiate in any case.

(20) To ritual cleanness.

(21) From the day that he ceased to be watchful, for he may have been defiled through the dead on that day. Thus mere immersion is insufficient.

(22) He did not even take care to avoid that. Then he needs sprinkling on the third and the seventh days.

(23) But took care not to be defiled by the dead.

(24) Even after immersion the priest may not eat flesh of sacrifices until sunset, whereas only immersion is required above.

(25) He who is defiled by a reptile may not eat terumah without immersion, whereas immersion is required above only for eating sacred flesh (i.e., of sacrifices, whose sanctity is higher than that of terumah).

(26) 'Defile' means by Scriptural, 'disqualify' by Rabbinical law. The former requires sunset, but the latter requires immersion only. Also, the former disqualifies one in respect of terumah too, but not the latter.

(27) It is not clear to what 'still' refers. It is absent in Tosef. Toh. VIII, whence it is cited in the present passage.

Talmud - Mas. Zevachim 99b

and a shovel was in it, and he declared, 'My mind was on the basket¹ but not on the shovel', the basket is clean, but the shovel is unclean. But let the shovel defile the basket? — One utensil cannot defile another. Then let it defile its contents?² Said Raba: It means that he declared: 'I guarded it from anything which might defile, but not from anything which might disqualify it.'³ The matter was eventually reported⁴ to R. Abba b. Memmel. Said he to them: Have they not heard what R. Johanan⁵ said: He who eats terumah of the third degree may not eat [terumah again], but he may touch [terumah]?⁶ This proves that the Rabbis raised eating to a high degree⁷ but did not raise touch to a high degree.⁸

AND DOES NOT RECEIVE A SHARE FOR CONSUMPTION etc. He merely does not receive a share,⁹ but may eat if he is invited? Surely the following contradicts it: An onen performs immersion and eats his Passover-offering in the evening, but [may] not [partake] of [other] sacrifices?¹⁰ — Said R. Jeremiah of Difti: There is no difficulty: the former means on Passover [itself]; the latter, during the rest of the year. On Passover, since he may eat the Passover-offering, he may also eat other sacrifices; during the rest of the year, when he is not fit [for the former],¹¹ he is not fit [for the latter]. And what does 'but [may] not [partake] of [other] sacrifices' mean? But [may] not [partake] of [other] sacrifices of the whole year.

R. Assi said, There is no difficulty: In the one case the man died on the fourteenth [of Nisan] and was buried on the fourteenth; in the other [sc. our Mishnah], the man died on the thirteenth and was buried on the fourteenth,[for] the day of burial does not embrace the night [that follows] [even] by Rabbinical law.¹²

Which Tanna holds that [the law of] aninuth at night is Rabbinical [only]? — R. Simeon. For it was taught: [The law of] aninuth at night is Scriptural: these are the words of R. Judah. R. Simeon said: [The law of] aninuth at night is not Scriptural but of the rulings of the Scribes.¹³ The proof is that they [the Rabbis] said: An onen performs immersion and eats his Passover-offering in the evening, but [may] not [partake] of [other] sacrifices.¹⁴ Now, does R. Simeon hold [that the law of] aninuth at night is [only] Rabbinical? Surely it was taught, R. Simeon said: An onen may not send his sacrifices.¹⁵ Now does that mean, even on Passover? — No, except the Passover-offering. But it was taught, R. Simeon said: [The designation] 'Peace-offerings' [shelamim] [indicates that] a man may bring [it] when he is whole [shalem]¹⁶ but not when he is an onen. How do I know to include the thanksoffering?¹⁷ I include the thanksoffering, because it is eaten with rejoicing, like a peace-offering.¹⁸ How do I know to include a burnt-offering? I include a burnt-offering, because it is brought as a vow or as a freewill-offering, like the peace-offering. How do I know to include a firstling, tithe, and the Passover-offering? I include firstling, tithe, and the Passover-offering because they are not brought on account of sin, like a peace-offering. How do I know to include the sin-offering and the guilt-offering? Because it says, 'sacrifice'.¹⁹ How do we know to include bird-[offerings], meal-offerings, wine, wood²⁰ and frankincense? Because it says, 'his offering be shelamim': all offerings which he brings, he brings when he is whole [shalem], but does not bring [them] when he is an onen. Thus at all events he includes the Passover-offering? — Said R. Hisda: The Passover-offering is mentioned en courant.²¹ R. Shesheth said: What does the 'Passover-offering' mean? The Passover peace-offerings.²² If so, it is identical with peace-offerings? — He teaches about peace-offerings which are brought on account of Passover, and he teaches about peace-offerings which are brought independently. For if he did not teach about the peace-offering which is brought on account of Passover, I would argue: Since it comes on account of the Passover-offering,²³ it is like the Passover-offering itself. Hence he informs us [that it is not so].

R. Mari said:

(1) To guard it from defilement.

- (2) Sc. the food or eatables in the basket.
- (3) 'Defile' means to render an object unclean in the sense that it can render another object unclean (or disqualified) in turn; 'disqualify' means to render an object unfit for use on account of uncleanness, but that object cannot disqualify another object in turn; v. Pes. (Sonc. ed.) p. 62 n. 2 for this and the rest of the passage
- (4) Lit., 'the matter was rolled about and reached'.
- (5) Var. lec. Jonathan.
- (6) His body becomes, as it were, unclean (or disqualified) in the third degree; he may not eat terumah again without immersion, nevertheless his touch does not render terumah unfit.
- (7) They demanded a high standard of purity for eating.
- (8) And so here too, when we learnt that an onen needs immersion, it means for eating, but not for touching.
- (9) As a right.
- (10) An onen may not eat the flesh of sacrifices (v. Lev. X, 19f). By Scriptural law a man is an onen on the day of death only, but not at night; the Rabbis, however, extended these restrictions to the night too. As, however, the Passover-offering is a Scriptural obligation, they waived their prohibition in respect of the night, and he may eat thereof. He is not unclean, but requires immersion to emphasize that until evening sacred flesh was forbidden to him, whereas now it is permitted.
- (11) Obviously, since the Passover-offering can be eaten only on Passover.
- (12) V. n. 2. That, however, applies only when the person died on the same day too; but if he was merely buried on that day, but died the previous day, there is no aninuth at all by night. Accordingly, the passage quoted (from Pes. 91b) treats of Passover itself, and not of the rest of the year.
- (13) I.e., Rabbinical only. On Soferim (scribes) v. Kid. (Sonc. ed.) p. 79, n. 7.
- (14) Whereas if the interdict were Scriptural, he could. not partake of the Passover-offering either.
- (15) To be offered on his account.
- (16) The very word for peace-offering, shelamim, indicates that a man must be whole (shalem, sing. of shelamim) — The verse discussed is Lev. III, 6: And if his offering for a sacrifice of peace-offerings etc.
- (17) In the same limitation.
- (18) V. Deut. XXVII, 7: And thou shalt sacrifice peace-offerings, and shalt eat there; and thou shalt rejoice before the Lord thy God. This precept to rejoice is fulfilled by the eating of either peace-offerings or thanks-offerings, which are called peace-offerings, v. Lev. VII, 11-12.
- (19) Lit., 'a slaughtering'. hence including every slaughtered sacrifice. (A bird was not slaughtered but nipped (melikah), which explains the question that follows.)
- (20) One who donated wood brought a sacrifice along with it.
- (21) Firstling tithe and the Passover-offering are generally mentioned together, and so it is mentioned here too. But actually it does not apply to the Passover-offering.
- (22) When a large company shared in the Paschal lamb, an additional peace-offering (called hagigah) was brought and eaten before the Passover-offering.
- (23) To remedy its inadequateness.

Talmud - Mas. Zevachim 100a

There is no difficulty:¹ in the one case the man died on the fourteenth and was buried on the fourteenth; in the other the man died on the thirteenth and was buried on the fourteenth. If the man died on the fourteenth and was buried on the fourteenth, the day of death embraces the night [that follows] by Scriptural law;² if the man died on the thirteenth and was buried on the fourteenth, [aninuth even on] the day of burial is [only] Rabbinical,³ and it embraces the night [that follows only] by Rabbinical law.⁴ Said R. Ashi to R. Mari: If so, when it is taught, R. Simeon said to him, The proof is that they [the Rabbis] said: An onen performs immersion and eats his Passover-offering in the evening, but [may] not [partake] of [other] sacrifices; let him [R. Judah] answer him: I speak to you of the day of death, [when one is an onen] by Scriptural law, whereas you tell me about the day of burial, [when aninuth is only] Rabbinical? That is a difficulty.

Abaye said, There is no difficulty: In the one case he died before midday [of the fourteenth]; in the

other he died after midday. [If he died] before midday, when he had [as yet] no obligation of the Passover-offering, aninuth falls upon him; [if he died] after midday, when he is subject to the Passover-offering, aninuth does not fall upon him.⁵ And how do you know that we differentiate between [death] before midday and [death] after midday? — Because it was taught: For her shall he defile himself:⁶ this is obligatory; if he does not wish to, we defile him by force. Now, the wife of Joseph the priest happened to die on the eve of Passover, and he did not wish to defile himself, whereupon his brother priests took a vote and defiled him by force. But the following contradicts it: [He shall not make himself unclean for his father . . .] and for his sister [when they die]:⁷ why is this stated?⁸ [For this reason:] Behold if he⁹ was on his way to slaughter the Passover-offering or to circumcise his son,¹⁰ and he learnt that a near relation of his had died,¹¹ you might think that he may defile himself; hence you read,¹² ‘he shall not make himself unclean’. You might think that just as he may not defile himself for his sister, so may he not defile himself for an unattended corpse:¹³ therefore it states, ‘and for his sister’: he may not defile himself for his sister, but he must defile himself for an unattended corpse.¹⁴ Hence you must surely infer that one holds good [where the person died] before midday, and the other where he died after midday.¹⁵ Whence [does this follow]? Perhaps I can argue that in truth both refer to after midday, but one agrees with R. Ishmael and the other with R. Akiba. For it was taught: ‘For her shall he defile himself’: this is permissive; these are the words of R. Ishmael.¹⁶ R. Akiba said: It is an obligation!¹⁷ — You cannot think so, for the first clause of that [Baraita]¹⁸ was taught by R. Akiba. For it was taught, R. Akiba said: [He shall not come near to a body, [to] the dead.¹⁹ ‘Body’ refers to strangers;²⁰ ‘dead’ refers to relations. ‘For his father’ he may not defile himself, but he must defile himself for an unattended corpse.²¹ ‘For his mother’: [even] if he was [both] a priest and nazirite, only for his mother he may not defile himself, but he must defile himself for an unattended corpse. For his brother’: [even] if he was [both] a High Priest and a nazirite, only for his brother he may not defile himself, but he must defile himself for an unattended corpse. ‘And for his sister’: why is this stated? If he was on his way to slaughter his Passover-offering or to circumcise his son, and he learnt that a near relation of his had died, you might think that he may defile himself; hence you read, ‘he shall not make himself unclean’. You might think that just as he may not defile himself for his sister, so he may not defile himself for an unattended corpse; therefore it states, ‘and for his sister’: he may not defile himself for his sister, but he must defile himself for an unattended corpse.

(1) R. Simeon is not self-contradictory.

(2) Hence he may not eat of the Passover-offering in the evening.

(3) He holds that by Scriptural law aninuth applies only to the day of death.

(4) And this Rabbinical law is waived in favour of the Passover-offering.

(5) In both cases the man died on the fourteenth, and R. Simeon holds that the aninuth of the following night is Rabbinical. Now, the obligation to sacrifice the Passover-offering commences at midday on the fourteenth. Consequently, if death took place before midday, aninuth preceded the obligation, and this prevents the obligation from becoming operative; therefore he does not eat the Passover-offering in the evening. But if the man died after midday, this person was already under the obligation, therefore he does eat the Passover-offering in the evening.

(6) Lev. XXI, 3. This refers to a priest, who may not defile himself for the dead, except for certain near relations, e.g., father and mother etc. ‘Her’ means an unmarried sister, and, according to the Rabbis, his wife (‘his kin that is near to him,’ v. 2).

(7) Num. VI, 7. This refers to a nazirite.

(8) If he may not defile himself even for his parents, it is obvious that he may not defile himself for his sister.

(9) Sc. one who was both a nazirite and a High Priest.

(10) So that he could partake of the Passover-offering, which may not be eaten by a man whose son is uncircumcised.

(11) Lit., ‘that a dead had died unto him.’

(12) Lit., ‘say’.

(13) Heb., meth mizwah, a corpse which it is a duty to bury. If any person, even a High Priest, comes across an unattended corpse, he must defile himself and attend to his burial.

(14) Thus it is taught here that he must not defile himself but sacrifice the Passover-offering, whereas the first Baraita

teaches that he must defile himself. An obvious difficulty arises here: the first Baraita refers to a priest, who must defile himself for his near relations, whereas the second treats of a nazirite who is also a High Priest, who may not defile himself even for his relations. Sh.M. quotes a var. lec., according to which this second Baraita, though interpreting a passage dealing with a nazirite, transfers its teaching to an ordinary priest; in which case there is a definite contradiction between the two.

(15) Cf. p. 479. n. 6.

(16) Hence the obligation to sacrifice the Passover-offering overrides this permission, and he may not defile himself.

(17) Yet there may be no difference between death before midday and death after midday.

(18) Which forbids him to defile himself.

(19) Num. VI, 6. E.V. to a dead body. R. Akiba however understands the Hebrew as two substantives.

(20) Lit., 'distant ones'.

(21) Since 'dead' refers to relations, v. 7 which enumerates these relations is superfluous; R. Akiba explains that each relation enumerated has a particular teaching.

Talmud - Mas. Zevachim 100b

Raba said: Both are meant after midday, yet there is no difficulty: in the one case it was before they had slaughtered [the Passover-offering] and sprinkled [its blood] on his account;¹ in the other it was after they had slaughtered and sprinkled on his account.² R. Adda b. Mattenah said to Raba: after they slaughtered and sprinkled on his account, what is done is done!³ — Said Rabina to him: The eating of the Passover-offering is indispensable, [which follows] from Rabbah son of R. Huna's [teaching]. Said [Raba] to him: Pay heed to what your master [Rabina] has told you [R. Adda b. Mattenah].⁴

What was Rabbah son of R. Huna's [teaching]? — It was taught: The day when one learns [of a near relation's death] is as the day of burial in respect of the laws of seven and thirty [days' mourning];⁵ In respect of eating the Passover-offering it is as the day on which the bones [of one's parents] are collected.⁶ In both cases⁷ he performs immersion and eats [of] sacrifices in the evening. Now this is self-contradictory: You say, the day when one learns is as the day of burial in respect of seven and thirty [days' mourning], but in respect of eating the Passover-offering it is as the day when the bones [of one's parents] are collected; whence it follows that as for the day of burial, one may not eat even in the evening; and then you teach, in both cases he performs immersion and eats of sacrifices in the evening? Said R. Hisda: It is a controversy of Tannaim.⁸ Rabbah son of R. Huna said: There is no difficulty. In the one case he learnt about his bereavement just before sunset, and similarly the bones of his dead were gathered just before sunset, and similarly his relation died and was buried just before sunset. In the other case [these things happened] after sunset.⁹ 'After sunset'! but what has been has been!¹⁰ Hence you must surely infer from this that the eating of the Passover-offering is indispensable.¹¹

R. Ashi said: What does 'both the one and the other' [mean]? It means that both on the day of hearing and on the day of gathering the bones, he performs immersion and eats of the sacrifices in the evening.¹² But this statement of R. Ashi is fiction. Consider: he [the Tanna] is discussing these;¹³ then he should say, 'the one and the other.' Hence it surely follows that it is fiction.

Now, what is this controversy of Tannaim?¹⁴ — For it was taught: For how long is he an onen on his account?¹⁵ The whole day.¹⁶ Rabbi said: As long as he is not buried.¹⁷ What are we discussing? Shall we say, the day of death? does anyone reject the view that the day of death embraces the night following by Rabbinical law?¹⁸ Moreover, 'Rabbi said: As long as he is not buried'; but if he was buried, he is permitted?¹⁹ Does anyone reject [the implication of] And the end thereof as a bitter day?²⁰ — Said R. Shesheth: [We are discussing] the day of burial. To this R. Joseph demurred: Then when it is taught, He who learns about his bereavement, and he who gathers bones, performs immersion and eats in the evening; whence it follows that as for the day of burial, he may not even

eat in the evening; with whom will it agree?²¹ Rather, explain it thus: For how long is he an onen on his account? The whole of that day²² and the [following] night. Rabbi said: That is only as long as he was not buried; but if he was buried, [it is the day] without the [following] night. Now, this was reported before R. Jeremiah, whereupon he observed: That a great man like R. Joseph should say thus! Are we to assume then that Rabbi is more lenient? Surely it was taught: How long is he an onen on his account? As long as he is not buried, even for ten days: these are the words of Rabbi; but the Sages maintain: He observes aninuth on his account only on that day itself! Rather, explain it thus: How long does he observe aninuth on his account? The whole of that day without the [following] night. Rabbi maintained: As long as he is not buried, it embraces the [following] night.²³

Now, it was stated before Raba: Since Rabbi maintained that the day of burial embraces the [following] night by Rabbinical law,²⁴ it follows that the day of death embraces the [following] night by Scriptural law.²⁵ Does then Rabbi hold that aninuth at night is Scriptural? Surely it was taught: 'Behold, this day [etc].²⁶ I am forbidden by day yet am permitted at night;²⁷ but [future] generations will be forbidden both by day and by night':²⁸ these are the words of R. Judah. Rabbi maintained: Aninuth at night is not Scriptural but a law of the Scribes! — In truth, it is Rabbinical.²⁹

- (1) Then they must not do so, for he has become an onen and Scripture disqualified him.
- (2) The main thing that the Baraita teaches then is that he partakes thereof in the evening.
- (3) Why is he permitted to eat thereof in the evening, any more than of other sacrifices, seeing that his aninuth exempts him? On Abaye's explanation this difficulty does not arise. For he explains that the person died after midday, but before the offering was slaughtered on his behalf. Now, since the obligation to sacrifice preceded his aninuth and is therefore still in force, if he is forbidden to eat of it in the evening, he will refrain from sacrificing at all; therefore the Rabbis waived their prohibition. But there is nothing to fear if his relation died after the sacrifice was offered, and so he should still be forbidden.
- (4) His answer is correct.
- (5) One must observe deep mourning for seven days after the burial of a near relation, during which time he must not work, bathe, or wear his shoes. A lighter mourning is observed for thirty days after burial, such as not putting on new garments or attending festivities. If a person learns of such a relation's death within thirty days, he must observe the seven and the thirty days' mourning from the day that he learnt it.
- (6) A man may eat of the Passover-offering on the evening following the day when his parents' bones were collected; v. Pes. 92a.
- (7) This can only mean, on the day of burial or on the day that the bones are collected. It cannot mean on the day of hearing and on the day of collecting, for the reason explained anon.
- (8) The two clauses represent the views of different Tannaim.
- (9) He may eat of sacrifices, and all the more so of the Passover-offering, if his relation died etc. before sunset; hence the evening is the night following his aninuth, and he holds that in this respect the day does not embrace the night following even by Biblical law. He may not eat on the evening of burial where he died after sunset, so that it is not the evening following the day of burial, but the evening of burial itself (the corpse will be buried either that same evening or on the next day).
- (10) How can you then differentiate between the Passover-offering and other sacrifices, seeing that sacrifices may not be eaten on the day of burial? That certainly should apply to the Passover-offering too.
- (11) For that reason they permitted it in the evening, because neglect to eat of it entails kareth (v. Glos.).
- (12) But not on the evening after burial.
- (13) Sc. the two mentioned by R. Ashi.
- (14) To which R. Hisda alluded above.
- (15) To be forbidden to partake of sacrifices.
- (16) This is now assumed to mean without the night following.
- (17) V. Sem. IV, 14.
- (18) Surely not!
- (19) On the same day.
- (20) Amos VIII, 10. From this the Rabbis deduce (M. K. 21a) that the interdict of aninuth lasts the whole day of death,

even after burial.

(21) Both Rabbi and the Rabbis hold that the evening is permitted.

(22) Of burial.

(23) This then is the controversy alluded to by R. Hisda.

(24) Obviously by Rabbinical law only, for aninuth even on the day of burial itself is Rabbinical only.

(25) Just as aninuth on the day of death is Scriptural.

(26) Lev. X, 19. Aaron was explaining why he had not eaten of the sin-offering offered on the day of his consecration, viz., because he had lost two sons on that day.

(27) Since there were no other priests to eat thereof.

(28) Thus aninuth on the night following is Scriptural.

(29) Sc. the law of aninuth on the night after the day of death.

Talmud - Mas. Zevachim 101a

but the Sages made their law even stricter than Scripture.¹

Our Rabbis taught: 'For so I am commanded'; 'as I commanded'; 'as the Lord hath commanded':² 'For so I am commanded' that they should eat it during their bereavement [aninuth]; 'As I commanded', when it happened;³ 'As the Lord commanded', I did not bid you [to do this] on my own authority. But the following contradicts it: [The sin-offering] was burnt on account of aninuth, for which reason it is said, [And there have befallen me] such things as these?⁴ — Said Samuel, There is no difficulty: one agrees with R. Nehemiah, the other with R. Judah and R. Simeon. For it was taught: They burnt it because of aninuth; therefore it is stated, 'such things as these': these are the words of R. Nehemiah. R. Judah and R. Simeon maintained: It was burnt because of defilement, for if because of bereavement, they should have burnt the three.⁵ Another argument: they would have been fit to eat them in the evening.⁶ Another argument: surely Phinehas was with them!⁷ Raba said: Both agree with R. Nehemiah, yet there is no difficulty: one refers to special ad hoc sacrifices, and the other to regular sacrifices.⁸

Now, how does R. Nehemiah explain these texts, and how do the Rabbis⁹ explain these texts? — R. Nehemiah explains it thus: 'Wherefore have ye not eaten etc?'¹⁰ 'Perhaps', said Moses to Aaron, 'its blood entered the innermost sanctuary?'¹¹ 'Behold, the blood of it was not brought [into the sanctuary within]', he answered. 'Perhaps it passed without its barrier?'¹² he suggested. 'It was in the sanctuary', he replied. 'And perhaps ye offered it in bereavement, and thus disqualified it?' 'Moses', replied he, 'did they, [my sons] offer it: I offered it?'¹³ Thereupon he exclaimed, 'Behold, the blood of it was not brought within, and it was in the sanctuary,¹⁴ then ye should certainly have eaten it, as I commanded, [viz.,] that they should eat it in their bereavement.' Said he to him: 'And there have befallen me such things as these, and if I had eaten the sin-offering to-day, would it have been pleasing in the sight of the Lord? perhaps you heard thus¹⁵ only about the special sacrifices? For if [you would apply it] to the regular sacrifices, [you may argue] a minori from tithe, which is of lesser holiness,¹⁶ [that it is not so]. For if the Torah said of tithe, which is of lesser holiness, I have not eaten thereof in my mourning,¹⁷ how much the more does it apply to sacrifices, which are more holy?'¹⁸ Forthwith, and when Moses heard that, it was pleasing in his sight.¹⁹ He admitted [his error], and Moses was not ashamed [to excuse himself] by saying, 'I had not heard it', but said, 'I heard it and forgot.

How do R. Judah and R. Simeon explain these verses? — They explain it thus: 'Wherefore have ye not eaten the sin-offering': perhaps the blood entered the innermost sanctuary? 'Behold, the blood of it was not brought into the sanctuary within', he replied. Perhaps it passed without its barrier? It was in the sanctuary, was his answer. And perhaps ye offered it in bereavement, and thus disqualified it? Moses, replied he, did they offer it, that bereavement should disqualify? I offered it. And perhaps ye were negligent through your grief, and it was defiled? Moses, he exclaimed, am I

thus in your eyes, that I would despise Divine sacrifices? ‘And there have befallen me such things as these’, and even many more, yet would I not despise Divine sacrifices. If then, said he, ‘behold, the blood of it was not brought within, and it was in the sanctuary, then ye should certainly have eaten it, as I commanded’, [viz.] that they should eat it in their bereavement! Perhaps you heard thus only of the night,²⁰ he suggested; for if [you would apply it to] the day, [you may argue] a minori from tithe, which is of lesser holiness, [that it is not so]. For if the Torah said of tithe, which is of lesser holiness, ‘I have not eaten thereof in my mourning’, how much the more does it apply to sacrifices, which are more holy! Forthwith, ‘and when Moses heard that,

(1) Lit., ‘strengthened their words more than did Scripture.’ Thus, while Scripture prescribes aninuth only on the day of death, the Rabbis decreed aninuth on the day of burial and on the night following.

(2) Lev. X, 13. 18. 15. The first refers to the meal-offering, the second to the sin-offering, and the third to the peace-offering. These three were brought at the consecration of Aaron and his sons into the priesthood, and Moses ordered them to eat them, adding, For so I am commanded etc.

(3) Sc. the death of Nadab and Abihu. He then told them that they were still to eat the sacrifice.

(4) Sc. the death of my children. Now, Moses admitted that they had acted rightly (v. 19); evidently then he had not been instructed that they were to eat it in bereavement.

(5) Three he-goats were sacrificed, yet only one was burnt.

(6) R. Simeon holds that aninuth does not extend to the following evening by Scriptural law at all. And even R. Judah, who maintains that it does, admits that on that occasion it did not (supra 100b).

(7) He was not an onen, and could have eaten it. Hence the sin-offering must have become defiled, and on that account only was it burnt.

(8) Lit., ‘of the hour . . . of generations’. R. Nehemiah holds that the meal-offering was to be eaten in bereavement, as it is written, ‘for so I am commanded’. Now, that meal-offering was a special sacrifice, and was permitted by a special dispensation. The sin-offering, however, was the ordinary New Moon sin-offering (this happened on New Moon). Moses erroneously thought that what he had been told about the meal-offering also applied to the sin-offering, and was therefore angry that it was burnt. Aaron, however, pointed out that he might have been told only about the special meal-offering, and Moses then admitted that he was right.

(9) Sc. R. Judah and R. Simeon.

(10) Lev. X, 17.

(11) I.e., into the Hekal, in which case you rightly burnt it.

(12) I.e., outside the Temple court.

(13) He renders v. 19: And Aaron spoke unto Moses: Behold, have they this day offered their sin-offering etc.? Surely I offered it, and I, being the High priest, was permitted to do so.

(14) He thus renders v. 18.

(15) Sc. that I should eat in spite of my bereavement.

(16) Lit., ‘tithe, which is light’.

(17) Deut. XXVI, 14.

(18) Lit., ‘which is heavier’. Emended text (Sh.M.).

(19) Lev. *ibid.* 20.

(20) That the sacrifice is to be eaten on the night following the day of death.

Talmud - Mas. Zevachim 101b

it was pleasing in his sight’. He admitted his error, and Moses was not ashamed [to excuse himself] by saying, ‘I had not heard it’, but, ‘I heard it and forgot.’ But they should have kept it and eaten it in the evening? — It was accidentally defiled.¹

As for the Rabbis, it is well: for that reason it is written, ‘[and if I had eaten the sin-offering] this day.’² But on R. Nehemiah’s explanation, why [did he say] ‘this day’? — [He meant that it was] a statutory obligation of the day.³

As for R. Nehemiah, it is well: for that reason it is written, ‘Behold, this day [have they offered etc.]’⁴ But according to the Rabbis, what is [the ‘significance of] ‘Behold, this day’?⁵ — This is what he meant: Behold, have they offered?’ It was I who offered.⁶

The Master said: ‘Then the three should have been burnt.’ What were the three? — For it was taught: ‘And Moses diligently inquired for the goat of the sin-offering’:⁷ ‘Goat’ alludes to Nahshon’s goat;⁸ ‘sin-offering’ refers to the sin-offering of the eighth day;⁹ ‘[Moses] inquired’ refers to the goat of New Moon.¹⁰ You might think that the three of them were burnt; therefore it says, ‘and, behold, it was burnt’: one was burnt, but three were not burnt — ‘Diligently inquired’: why these two enquiries?¹¹ He said to them: ‘Why is this sin-offering burnt, and these others lying?’¹² Now, I do not know which one [was burnt]. But when it says, ‘And He hath given it to you to bear the iniquity of the congregation’,¹³ it follows that it was the goat of New Moon.¹⁴

They said well to him?¹⁵ — R. Nehemiah is consistent with his view, for he maintained [that] bereavement did not disqualify ad hoc sacrifices.¹⁶

The Master said: ‘Then they should have eaten it in the evening.’ They said well to him? — He holds that [the law of] aninuth at night is Scriptural.¹⁷

‘Another argument: surely Phinehas was with them.’ They said well to him? — He agrees with R. Eleazar. For R. Eleazar said in R. Hanina’s name: Phinehas was not elevated to the priesthood until he slew Zimri, for it is written, And it shall be unto him, and unto his seed after him, the covenant of an everlasting priesthood.¹⁸ R. Ashi said: Until he made peace between the tribes, for it is said, And when Phinehas the priest, and the princes of the congregation, even the heads of the thousands of Israel that were with him, heard etc.¹⁹ And as to the others too, surely it is written, ‘And it shall be unto him, and unto his seed after him’ [etc.]? — That is written as a blessing,²⁰ as to the other too, surely it is written, ‘And when Phinehas the priest heard’? — That was to invest his descendants with his rank.²¹

Rab said: Our teacher Moses was a High Priest, and received a share of the holy sacrifices, as it is said, It was Moses’ portion of the ram of consecration.²² An objection is raised: ‘But was not Phinehas with them?’ Now if this is correct, let them argue, But was not our teacher Moses with them? Perhaps Moses was different, because he was engaged by the Shechinah,²³ for a master said: Moses ascended early in the morning and descended early in the morning.²⁴

An objection is raised: He may eat the bread of his God both of the most holy, and of the holy:²⁵ if sacrifices of higher sanctity are stated, why are lesser sacrifices stated; and if lesser sacrifices are stated, why are sacrifices of higher sanctity stated? If lesser sacrifices were not stated, I would say, He may eat only of higher sacrifices, because they were permitted to a zar²⁶ and to them,²⁷ but he may not eat of lesser sacrifices. And if higher sacrifices were not stated I would say: He may eat only of lesser sacrifices, since they are lesser,²⁸ but not of higher sacrifices. For that reason both higher sacrifices and lesser sacrifices are stated. At all events he [the Tanna] teaches, Because they were permitted to a zar and to them: surely that means [to] Moses?²⁹ — Said R. Shesheth: No; it refers to the High Places [bamah], this agreeing with the view that a meal-offering could be offered at the High Places.³⁰

An objection is raised: Who shut Miriam up?³¹ If you say, Moses shut her up, surely Moses was a zar,

(1) But not through negligence.

(2) He stressed that it was only during the day that he could not eat it, but he had intended to eat it that night.

(3) Could I eat the sin-offering, which is a statutory obligation for this day, and not a special sacrifice? (as supra a.)

- (4) Meaning that it was a statutory and regular offering for that day. and therefore might not be eaten in mourning.
- (5) It is apparently quite irrelevant.
- (6) As supra a.
- (7) Lev. X, 16.
- (8) It was the first of Nisan, and the first day of the consecration ceremonies of the Tabernacle, when Nahshon sacrificed a goat on behalf of the tribe of Judah (Num. VII, 12-17; Seder 'Olam).
- (9) Of Aaron's consecration rites.
- (10) Thus this verse is made to refer to three sacrifices, not to one.
- (11) The emphatic 'diligently' is expressed in Hebrew, as usual, by the repetition of the verb, and hence understood to mean two enquiries.
- (12) Waiting for the evening to be eaten: why did you not eat it during the day?
- (13) Lev. X, 17.
- (14) Which 'bears the iniquity of the congregation' by atoning for the defilement of the sanctuary and the sacrifices, Shebu. 2a.
- (15) This reverts to the earlier part of the discussion. Surely the argument that all three should have been burnt, if it was on account of their bereavement, is sound!
- (16) Such as the other two were.
- (17) Hence they could not eat it in the evening either.
- (18) Num. XXV, 13. This was spoken after he had slain Zimri: thus only then was the priesthood conferred upon him.
- (19) Josh. XXII, 30; v. whole chapter for the controversy between the two and a half tribes in Transjordan and the rest of Israel, and how it was settled. This is the first time that Phinehas is spoken of as 'the priest'; previously he is always referred to as 'Phinehas the son of Eleazar the son of Aaron the Priest'. Thus Priesthood is ascribed to his forbears, but not to himself.
- (20) He was informed that he would be invested with the priesthood, but it was not conferred upon him until later.
- (21) Tosaf: a promise that all High Priests would be descended from him.
- (22) Lev. VIII, 29.
- (23) V. Glos.
- (24) During the days preceding Revelation, when he ascended the mountain of Sinai and descended thence to the people.
- (25) Lev. XXI, 22. This refers to a blemished priest, who may not officiate, yet may partake of the sacrifices.
- (26) V. Glos. Though normally higher sacrifices might be eaten by male priests only, yet we do find an instance where they were permitted to a zar; the instance(s) is discussed anon. But a zar was never permitted to eat the priestly portions (viz., the breast and thigh) of lesser sacrifices. — Since then a zar may sometimes partake of higher sacrifices, it is logical that a blemished priest may always do so.
- (27) Sc. the priests.
- (28) Their sanctity is not so great.
- (29) The only instance found of a zar eating of higher sacrifices was when Moses received the breast and thigh of the ram of consecration, which was a higher sacrifice. Thus Moses is counted as a zar, not as a priest
- (30) Infra 113a. The meal-offering was a higher sacrifice, and when offered at the High Places (where a zar could officiate), after the handful had been burnt on the altar the remainder might be eaten by a zar, whereas in the Temple this belonged to the priests only.
- (31) As a leper; v. Num. XII, 14 seq. Before she could be shut away, the symptoms had to be duly diagnosed as leprous.

Talmud - Mas. Zevachim 102a

and a zar cannot inspect plagues [of leprosy].¹ If you say that Aaron shut her away, Aaron was a relation, and a relation cannot inspect [leprous] plagues. Rather, the Holy One, blessed be He, bestowed great honour upon Miriam in that moment, and declared, I am a priest: I will shut her away, I will declare her a definite [leper], and I will free her. He teaches at all events, 'Moses was a zar and a zar cannot inspect plagues'? — Said R. Nahman b. Isaac: The inspection of leprosy² is different, because Aaron and his sons are specified in that section.

An objection is raised: Elisheba³ had five joys more than the other daughters of Israel:⁴ her

brother-in-law [Moses] was a king, her husband was a High Priest, her son [Eleazar] was Segan [deputy High Priest], her grandson [Phinehas] was anointed for battle,⁵ and her brother [Nahshon] was the prince of his tribe; yet she was bereaved of her two sons. At all events he teaches, Her brother-in-law was a king: thus he was a king, but not a High Priest? — Emend, was also a king.

This is dependent on Tannaim: And the anger of the Lord was kindled against Moses.⁶ R. Joshua b. Karhah said: A [lasting] effect is recorded of every fierce anger in the Torah,⁷ but no [lasting] effect is recorded in this instance. R. Simeon b. Yohai said: A [lasting] effect is recorded in this instance too, for it is said, Is there not Aaron thy brother the Levite?⁸ Now surely he was a priest? Rather, this is what He meant: I had said that thou wouldst be a priest and he a Levite; now, however, he will be a priest and thou a Levite. The Sages maintain: Moses was invested with priesthood only for the seven days of consecration. Some maintain: Only Moses' descendants were deprived of priesthood,⁹ for it is said, But as for Moses the man of God, his sons are named among the tribe of Levi;¹⁰ and it says, Moses and Aaron among His priests, and Samuel among them that call upon His name.¹¹ Why [add] 'and it says'?¹² — You might argue that [the first proof-text] is written for [future] generations,¹³ hence it says, however, 'Moses and Aaron among His priests'.

Now, is then a [lasting] effect recorded of every fierce anger in the Torah? Surely it is written, And he went out from Pharaoh in hot anger,¹⁴ and yet he said nothing to him? — Said Resh Lakish: He slapped him and went out. But did Resh Lakish say thus? Surely it is written, And thou shalt stand by the river's brink to meet him,¹⁵ whereon Resh Lakish commented: [The Holy One, blessed be He, said to Moses,] He is a king, and thou must show him reverence;¹⁶ while R. Johanan maintained: [God said to him:] He is a wicked man, therefore be thou insolent toward him? — Reverse it.¹⁷

R. Jannai said: Let the awe of kingship always be upon thee, for it is written, And all these thy servants shall come down unto me,¹⁸ but he did not say it of [Pharaoh] himself.¹⁹ R. Johanan said: It may be inferred from the following: And the hand of the Lord was on Elijah; and he girded up his loins, and ran before Ahab.²⁰

'Ulla said: Moses desired kingship, but He did not grant it to him, for it is written, Draw not nigh halom [hither];²¹ 'halom' can only mean kingship, as it is said, [Then David . . . said:] 'Who am I, O Lord God . . . that Thou hast brought me halom [thus far]?²² Raba raised an objection: R. Ishmael said: Her [Elisheba's] brother-in-law [Moses] was a king? — Said Rabbah b. 'Ulla:²³ He ['Ulla] meant, for himself and for his descendants.²⁴

Does then 'halom' refer to [future] generations wherever it is written?²⁵ Surely it is written in connection with Saul, Is there yet a man come halom [hither],²⁶ yet only he [enjoyed kingship], but not his seed? — If you wish I can answer that there was Ish-bosheth.²⁷ Alternatively, Saul was different, for it [kingship] did not remain even with him.²⁸ This agrees with R. Eleazar's dictum in R. Hanina's name: When greatness is decreed for a man, it is decreed for him and for his seed unto all generations, for it is said: He withdraweth not His eyes from the righteous; but with kings upon the throne He setteth them for ever.²⁹ But if he becomes arrogant, the Holy One, blessed be He, abases him, for it is said [And they are exalted . . .] And if they be bound in fetters, and be holden in cords of affliction.³⁰

MEN WITH A BLEMISH, WHETHER TRANSIENT. How do we know this?— Because our Rabbis taught: Every male [may eat of it]:³¹ this includes men with a blemish. In which respect? If in respect of eating, surely it is said elsewhere, He may eat the bread of his God, both of the most holy, and of the holy?³² Hence it means in respect of sharing.³³ Another [Baraita] taught: 'Every male': this includes men with a blemish. In which respect? If in respect of eating, surely that is already stated [elsewhere]; if in respect of sharing, surely that [too] is already stated?³⁴ Hence [it is required]

in respect of a man blemished from birth.³⁵ For I might think: I know it only of an unblemished [priest] who became blemished; how do I know it of a man blemished from birth? Therefore it says, 'Every male'. Another [Baraita] taught: 'Every male' includes a man with a blemish. In which respect? If in respect of eating, surely it is already stated; if in respect of sharing, surely it is already stated; if in respect of a man blemished from birth, surely it is already stated? For I might think: I know it only of a man with a permanent blemish; how do I know it of a man with a transient blemish? Therefore it says, 'Every male'. Surely this should be reversed!³⁶ — Said R. Shesheth: Reverse it. R. Ashi said: After all, do not reverse it, yet it is necessary. For I might argue,

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- (1) V. Lev. XIII, 2.
 - (2) Lit., 'the appearance of plagues'.
 - (3) Aaron's wife.
 - (4) On the day that the Tabernacle was erected.
 - (5) He was anointed as the deputy High Priest to lead in battle.
 - (6) Ex. IV, 14. The reason for God's anger was Moses' extreme reluctance to go to Pharaoh.
 - (7) Wherever it is stated that God's anger was kindled, it left its mark in some way.
 - (8) Ex. IV, 14.
 - (9) But he remained a priest all his life.
 - (10) I Chron. XXIII, 24.
 - (11) Ps. XCIX, 6.
 - (12) Which implies that the first proof-text is insufficient.
 - (13) The first text deals with the status of the people then living, and for that reason Moses himself is not included. Thus it may not prove that he was a priest.
 - (14) Ex. XI, 8.
 - (15) Ibid. VII, 15.
 - (16) Surely then he would not have slapped him.
 - (17) Resh Lakish maintained that he was to be insolent toward him, and R. Johanan the reverse.
 - (18) Ibid. XI, 8.
 - (19) Out of respect for royalty, though he knew that Pharaoh himself would eventually appeal to him (ibid. XII, 30 seq.)
 - (20) I Kings XVIII, 46. Thus he shewed him respect as a king, in spite of the strong opposition he had always displayed.
 - (21) Ex. III, 5.
 - (22) 11. Sam. VII, 18. 'Halom' (thus far) there means the kingship.
 - (23) Emended text (Sh.M.).
 - (24) Moses desired royalty for himself and his descendants, but it was granted only for himself.
 - (25) For according to the answer just given, when God said to Moses, 'Draw not nigh halom', He meant that he could not enjoy kingship for future generations.
 - (26) 1. Sam. X, 22.
 - (27) His son, who did succeed him for a time.
 - (28) Even in his own lifetime it was torn from him. But originally it was decreed both for him and for his descendants, and he lost it only through his own instability.
 - (29) Job XXXVI, 7.
 - (30) Ibid. 8. This is their punishment if 'they are exalted', i.e., arrogant.
 - (31) Lev. VI, 11, 22; VII, 6. These refer to the meal-offering, the sin-offering, and the guilt-offering respectively. The Talmud now interprets each one.
 - (32) Ibid. XXI, 22.
 - (33) Blemished priests receive a share in their own rights.
 - (34) That is deduced from the first 'every male'.
 - (35) Lit., 'from the beginning'. — Emended text.
 - (36) One would include a non-permanent blemish sooner than a permanent one.

[he is] like an unclean [person]: as an unclean person may not eat—so long as he is not clean, so may this man not eat so long as he is not made whole;¹ hence it informs us [otherwise].

WHOEVER IS NOT ELIGIBLE etc. Is he not? surely a [priest] with a blemish is not eligible, yet he receives a share? Moreover [it implies that every] one who is eligible for service receives a share; lo, an unclean [priest] is eligible for the service in public sacrifices, and yet does not receive a share? — He means: who is fit to eat. Lo, a minor is fit to eat, yet does not receive a share? — He does not teach this.² Now that you have arrived at this, [you can say,] After all, it is as we first said:³ if [your difficulty is] on account of an unclean [priest], he does not teach this;⁴ and if [your difficulty is] on account of a [priest] with a blemish: a [priest] with a blemish was included by the Divine Law.⁵

EVEN IF ONE WAS UNCLEAN WHEN THE BLOOD WAS SPRINKLED BUT CLEAN WHEN THE FATS WERE BURNED, HE DOES NOT RECEIVE A SHARE. Hence, if he was clean when the blood was sprinkled but unclean when the fats were burned, he does receive a share. Our Mishnah does not agree with Abba Saul. For it was taught, Abba Saul said: He never receives a share unless he was clean from the time of the sprinkling of the blood until the time of the burning of the fats [inclusive], because it is said, He [among the sons of Aaron,] that offereth the blood of the peace-offerings, and the fat, [shall have the right thigh for a portion]⁶ this intimates that even [at] the burning of the fat too [cleanness] is required.

R. Ashi asked: What if he was defiled in between?⁷ Do we require him [to be clean] at the sprinkling and at the burning, and [this condition] is fulfilled; or perhaps he must be clean from the time of the sprinkling until the time of the burning of the fats? The question stands over.

Raba⁸ said: I have the following discussion as a tradition from R. Eleazar son of R. Simeon, which he stated in a privy. You can argue: If a priest, a tebul yom, came and demanded: Give me of an Israelite's meal-offering, that I may eat thereof,⁹ one [the clean priest] can answer him: If I can repulse you from an Israelite's sin-offering, though you have a valid right¹⁰ to your own sin-offering, surely I can repulse you from an Israelite's meal-offering, seeing that you have no valid right¹⁰ in your own meal-offering.¹¹ [He can reply:] If you repulse me from an Israelite's sin-offering, that is because just as I have a great privilege, so have you a great privilege;¹² will you repulse me from an Israelite's meal-offering, where just as my own rights are weak, so are your rights weak? [He can answer:] Lo, it says, [And every meal-offering . . .] shall be the priest's that offereth it:¹³ come, offer, and eat.¹⁴

[If the tebul yom demands:] Give me [a share] of an Israelite's sin-offering, that I may eat, he can reply: If I can repulse you from an Israelite's meal-offering, though I have no privileges in my own meal-offering, surely I can repulse you from an Israelite's sin-offering, seeing that I have great privileges in my own sin-offering. He can retort: If you can repulse me from an Israelite's meal-offering, where just as you have no privileges so have I no privileges: will you repulse me from an Israelite's sin-offering, where just as you have great privileges, so have I great privileges? He can answer: Lo, it says, The priest that offereth it for sin shall eat it:¹⁵ come, offer it for sin, and eat!

If [the tebul yom] demands Give me [a share] of the breast and the thigh, that I may eat, he can reply: If I can repulse you from an Israelite's sin-offering, though you have great privileges in your own sin-offering, surely I can repulse you from a peace-offering, where your privileges are weak, since you have rights only to the breast and thigh thereof. He can retort: If you can repulse me from a sin-offering, where my rights are weak in respect of my wives and servants,¹⁶ will you repulse me from the breast and thigh, where my rights are strong in respect of my wives and my slaves?¹⁷ He can answer: Lo, it says, It shall be the priest's that sprinkleth the blood of the peace-offerings against the altar:¹⁸ Come, sprinkle and eat. Thus the tebul yom departs, bearing his arguments on his head,¹⁹ with an onen on his right and one who lacks atonement on his left.²⁰

R. Ahai raised a difficulty: Let him [the tebul yom] demand:²¹ Give me [a share] of a firstling, that I may eat. Because he [the clean priest] can answer: If I can repulse you from an Israelite's sin-offering, though my own privileges in a sin-offering are weak in respect to my wives and slaves, surely I can repulse you from a firstling, where I enjoy great privileges, as it is altogether mine. [He can answer:] If you have repulsed me from a sin-offering, where just as your privileges are weak so are my privileges weak, will you repulse me from a firstling, where just as your privileges are great, so are mine great? [He can retort:] Lo, it says, Thou shalt sprinkle their blood against the altar, and shalt make their fat smoke for an offering made by fire . . . and the flesh of them shall be thine:²² come, sprinkle, and eat.²³ And the other?²⁴ — Refute it [thus]: Is it then written, And the flesh of them shall be the priest's who sprinkleth? Surely it is written, And the flesh of them shall be thine, which means even another priest's.²⁵

Now, how might he [R. Eleazar son of R. Simeon] do this?²⁶ Surely Rabbah b. Bar Hanah said in R. Johanan's name: One may meditate [on learning] in all places, except in a bath-house and a privy? — It is different [when it is done] involuntarily.

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- (1) I would say that Scripture includes only a man with a permanent blemish, because he can never be made whole. But one with a transitory blemish must wait.
 - (2) The Tanna does not in fact teach the converse that all who are fit to eat do share therein.
 - (3) Viz., whoever is not eligible for the service (not, not fit to eat).
 - (4) The Tanna merely teaches that whoever is not eligible for the service does not receive a share, but not the converse.
 - (5) Therefore he is an obvious exception.
 - (6) Lev. VII, 33.
 - (7) And was clean again by the time the fats were burned. — This question is asked on Abba Saul's view.
 - (8) Sh. M. emends: Rab.
 - (9) In the evening.
 - (10) Lit., 'your strength is good... your strength is feeble'.
 - (11) A priest liable to a sin-offering, can offer it himself even when his ward (v. p. 473, n. 10) is not officiating, and the flesh and hide then belong to him. Nevertheless, when a tebul yom he has no share in an Israelite's sin-offering (i.e., of course, even when his own ward is officiating). On the other hand, a priest has no share even in his own meal-offering, since a priest's meal-offering is completely burnt (Lev. VI, 16); surely then he has no claim, when a tebul yom, to an Israelite's meal-offering.
 - (12) Just as I can offer my own sin-offering, so can you offer your own; obviously then I cannot claim any greater privileges in an Israelite's sin-offering.
 - (13) Lev. VII, 9.
 - (14) But as you cannot offer, being a tebul yom, you cannot eat either.
 - (15) Ibid. VI, 19.
 - (16) Even when I am clean and receive a share, my wives and slaves may not eat thereof.
 - (17) They may eat of my share.
 - (18) Ibid. VII, 14.
 - (19) Lit., 'with his leniencies and stringencies on his head' — his arguments have availed him nought, and he retires crestfallen.
 - (20) They too can be similarly repulsed.
 - (21) I.e., why did R. Eleazar b. R. Simeon not discuss the case where a tebul yom demands a share in a firstling?
 - (22) Num. XVIII, 17, 18. This refers to firstlings.
 - (23) Why then did R. Eleazar b. R. Simeon omit this? Actually a firstling was not given to the ward but to any individual priest, to whom the whole of it belonged. R. Ahai nevertheless suggests that the above argument shews that it cannot be given to a priest (e.g. a tebul yom) who at the time of giving is not fit to officiate. Since R. Eleazar b. R. Simeon omits this, it follows that he does not accept this view.
 - (24) R. Eleazar b. R. Simeon: why does he reject this argument?
 - (25) 'Thine' meaning the priesthood's in general.

(26) Sc. think of all this in a privy.

Talmud - Mas. Zevachim 103a

MISHNAH. WHENEVER THE ALTAR DOES NOT ACQUIRE ITS FLESH,¹ THE PRIESTS DO NOT ACQUIRE THE SKIN, FOR IT IS SAID, [AND THE PRIEST THAT OFFERETH] ANY MAN'S BURNT-OFFERING [EVEN THE PRIEST SHALL HAVE . . . THE SKIN]:² [THIS MEANS,] A BURNT-OFFERING WHICH COUNTS FOR A MAN.³ IF A BURNT-OFFERING WAS SLAUGHTERED UNDER A DIFFERENT DESIGNATION, ALTHOUGH IT DOES NOT COUNT FOR ITS OWNER, ITS SKIN BELONGS TO THE PRIESTS. WHETHER [IT BE] A MAN'S BURNT-OFFERING OR A WOMAN'S BURNT-OFFERING, THE SKINS BELONG TO THE PRIESTS. THE SKINS OF LESSER SACRIFICES BELONG TO THEIR OWNERS. THE SKINS OF MOST SACRED SACRIFICES BELONG TO THE PRIEST, [AS CAN BE INFERRED] A MINORI: IF THEY ACQUIRE THE SKIN OF A BURNT-OFFERING, THOUGH THEY DO NOT ACQUIRE ITS FLESH; IS IT NOT LOGICAL THAT THEY ACQUIRE THE SKINS OF MOST SACRED SACRIFICES, WHEN THEY ACQUIRE THEIR FLESH? THE ALTAR DOES NOT REFUTE [THIS ARGUMENT], FOR IT DOES NOT ACQUIRE THE SKIN IN ANY INSTANCE.⁴

GEMARA. Our Rabbis taught: 'Any man's burnt-offering'; this excludes a burnt-offering of hekdesh:⁵ these are the words of R. Judah. R. Jose son of R. Judah said: It excludes a proselyte's burnt-offering.⁶

What is meant by, 'This excludes a burnt-offering of hekdesh? — Said R. Hiyya b. Joseph: It excludes a burnt-offering derived from 'left-overs'.⁷ That is well on the view that 'left-overs were devoted to public sacrifices; but what can be said on the view that 'leftovers' were devoted to private sacrifices?⁸ — As Raba said [elsewhere], 'The burnt-offering' intimates, the first burnt-offering;⁹ so here too' 'the burnt-offering' intimates, the first burnt-offering.¹⁰

R. Aibu¹¹ said in R. Jannai's name: It excludes the case where one dedicates a burnt-offering to the Temple Repair:¹² Now, on the view that the sanctity of Temple Repair seizes [it] by Scriptural law, there can be no question; but even on the view that it does not seize [it] [by Scriptural law], that applies only to the flesh, but it does seize the skin.¹³ R. Nahman in Rabbah b. Abbuha's name also said: It excludes a burnt-offering derived from 'left-overs'. Said R. Hamnuna to R. Nahman: With whom does that agree? with R. Judah?¹⁴ Surely he retracted [from his view]? For it was taught: Six were for votive [offerings], [viz.,] for burnt-offerings brought from [the proceeds of] left-overs, the skins of which [burnt-offerings] did not belong to the priests:¹⁵ these are the words of R. Judah. Said R. Nehemiah — others say, R. Simeon — to him: If so, you have nullified the teaching of Jehoiada the Priest. For it was taught:¹⁶ This teaching did Jehoiada the priest expound: It is a guilt-offering — he oweth a guilt-offering unto the Lord:¹⁷ whatever comes in virtue of a sin-offering and a guilt-offering,¹⁸ burnt-offerings are purchased therewith: the flesh belongs to the Lord,¹⁹ while the skin belongs to the priests!²⁰ — Said he to him:²¹ Then how does the Master explain it? — I explain it as referring to one who dedicates his property [to Temple Repair], he replied, and it is in accordance with R. Joshua. For we learnt: If one dedicates his property, amongst which were animals eligible for the altar, both males and females, — R. Eliezer said: The males must be sold for the purpose of burnt-offerings, and the females must be sold for the purpose of peace-offerings,²² whilst the money [obtained] for them, together with the rest of the estate, falls to the Temple Repair. R. Joshua said: The males themselves must be offered as burnt-offerings, and the females must be sold for the purpose of peace-offerings, and burnt-offerings be brought with the money [obtained] for them.²³ Now, even R. Joshua who maintains that a man divides his consecration,²⁴ that is only in respect of the flesh,²⁵ but the skin is seized [with the sanctity of Temple Repair].²⁶

‘R. Jose son of R. Judah said: It excludes a proselyte's burnt-offering’. Said R. Simai b. Hilkaï to Rabina: Is then a proselyte not a man?²⁷ — It excludes, replied he, a proselyte who died without heirs.²⁸

Our Rabbis taught: ‘Any man's burnt-offering’: I know it only of a man's burnt-offering;²⁹ how do I know it of the burnt-offering of proselytes,³⁰ women, and slaves? Because it says, The skin of the burnt-offering,³¹ [which is] an extension. If so, why does it say, any man's burnt-offering? [It intimates,] a burnt-offering which has freed a man [of his obligation], and [thus] excludes one which was slaughtered [with the intention of sprinkling its blood] after time or without bounds, [teaching] that the priests have no rights in its skin. You might think that I include³² one which was slaughtered under a different designation, [for] since it does not free its owner,

(1) E.g., if the sacrifice is disqualified before the blood is sprinkled, so that it was never fit for the altar.

(2) Lev. VII, 8.

(3) I.e., its owner has fulfilled his obligation thereby. Only of such does the skin belong to the priest. But if it is disqualified (v. n. 8, p. 496), its owner must bring another.

(4) You might say, Let the altar refute this argument, for the altar acquires the flesh of the burnt-offering but not its skin; similarly, then, the priests may acquire the flesh of most sacred sacrifices, but not their skins. This analogy, however, is faulty, for the altar has no right to the skin of any sacrifice, whereas the skins of burnt-offerings belong to priests.

(5) V. Glos; the meaning is explained anon.

(6) The skins of these do not belong to the priests.

(7) When a guilt-offering cannot be sacrificed, e.g., its owner died, it is left to graze until it is blemished. Then it is redeemed, and a burnt-offering is purchased with the redemption-money. This burnt-offering is sacrificed when there is a scarcity of other sacrifices (hence it was known as the sacrifice for ‘the altar's summer fruit’), and ranks as a public sacrifice; hence it was not ‘any man's burnt-offering’, and its skin did not belong to the priests.

(8) E.g., the heir of the dead man would bring it as a private sacrifice: why then should the skin not belong to the priest?

(9) V. Pes. 58b, Sonc. ed. p. 292.

(10) The def. art. in ‘the priest shall have the skin of the burnt-offering’ intimates that a particular one is meant, viz., an animal consecrated as such in the first place. A ‘left-over’, however, was originally consecrated for something else.

(11) Sh.M. emends: Ila.

(12) Lit., ‘one causes a burnt-offering to be seized (with sanctity) for the Temple Repair.’ — ‘Temple Repair’ is a technical term, denoting a thing dedicated for any Temple use except a sacrifice. This animal itself must be sacrificed.

(13) There are two views on the dedication of a sacrifice to Temple Repair (inferred from a discussion in Tem. 32a bottom, b): (i) This animal is seized with the sanctity of Temple Repair by Scriptural law. Consequently it must be redeemed (the redemption money going to the Temple Repair), and then sacrificed. On this view the skin is certainly not the priest's, for it is not ‘the burnt-offering of any man’, but one which belongs to Temple Repair. (ii) By Scriptural law this animal cannot be ‘seized’ with any other sanctity, since it already belongs to God. Yet even this view applies only to the flesh of the offering, which belongs to the altar; but as the skin does not belong to the altar in any case, it is ‘seized’ with the sanctity of Temple Repair, and does not belong to the priest.

(14) Who maintains anon that the skin of left-overs is the priest's.

(15) There were thirteen horn-shaped receptacles in the Temple for various funds. Six of these were for the purpose stated in the text.

(16) Marginal emendation: we learnt.

(17) Lev. V, 19. E.V. he is certainly guilty before the Lord. The present rendering, which gives the sense as it is understood here, viz., that the guilt-offering belongs to the Lord, contradicts Lev. VII, 7 q.v., and the text proceeds to reconcile the two verses.

(18) I.e., if the animals so dedicated cannot be offered as such for any reason; thus they are left-overs. They are left to graze until they are blemished, when they are redeemed, and other animals purchased for sacrifices, as explained.

(19) It is burnt on the altar.

(20) But not to the Lord. Now, R. Judah did not answer this, which shews that he accepted it and retracted from his view.

(21) Sc. R. Nahman to R. Hammuna.

(22) If one consecrates an animal fit for the altar to Temple Repair, the animal must be sacrificed. Hence these animals

must be sold to those who need them for sacrifices. This selling constitutes redemption, for R. Eliezer holds that everything consecrated for Temple Repair must be redeemed, if it cannot be used itself for that purpose, and the money goes to that fund.

(23) R. Joshua holds that when a man consecrates property without defining it, whatever is fit for the altar is meant to be sacrificed itself, and not redeemed. But at the same time, the whole of it must be for the altar, just as the whole of anything consecrated to Temple Repair belongs to the Temple Repair Fund. Consequently, males are sacrificed as burnt-offerings on behalf of the person who consecrated them, and not sold to another. Females, however, cannot be similarly sacrificed as peace-offerings, since only a portion of peace-offerings belong to the altar. Therefore they are sold for peace-offerings, and with the money males for burnt-offerings are bought, and the rest of the estate falls to Temple Repair.

(24) I.e., though he does not specify, he intends each thing for whatever it is fit, whether for the Temple Repair Fund or for the altar.

(25) I.e., the flesh of the animal belongs to the altar.

(26) Since skin could be consecrated to the Temple Repair Fund, it belongs to it now too, and not to the priests. This then is what we exclude above.

(27) Surely he is included in, 'any man's burnt-offering'?

(28) An ordinary Jew cannot be without an heir, since he must have some relation, however distant. A proselyte, however, loses all relationship with his pre-conversion relations, and so may die without a legal heir. Hence the animal does not belong to 'any man' when it is sacrificed.

(29) That the skin belongs to the priests.

(30) Sh.M. (and apparently Rashi) delete 'proselyte.' Var. lec. heathens. — Sacrifices were accepted from non-Jews.

(31) 'Burnt-offering' is a repetition in the same verse.

(32) Among those whose skin does not belong to the priests. Var. lec. exclude — sc. from those whose skins belong to the priest — this is preferable.

Talmud - Mas. Zevachim 103b

the skin does not belong to the priests. Therefore it says, 'the skin of the burnt-offering', [which implies,] at all events. 'The skin of the burnt-offering': I know it only of the skin of a burnt-offering; how do I know it of the skin of most holy sacrifices? Because it says, ['the skin of the burnt-offering']¹ which he hath offered.² You might think that I include lesser sacrifices too: therefore it states, 'burnt-offering': as a burnt-offering is a most sacred sacrifice, so all most sacred sacrifices [are included].³ R. Ishmael said: 'The skin of the burnt-offering': I know it only of the skin of a burnt-offering. How do I know it of the skin of most sacred sacrifices? It is inferred by logic. If the priests have a right to the skin of a burnt-offering, though they have no right to its flesh, is it not logical that they have a right to the skin of [other] most sacred sacrifices, seeing that they have a right to their flesh? Let the altar refute it, for it has a right to the flesh and has no right to the skin? As for the altar, that is because it has no right to part thereof;⁴ but in the case of priests who have a right to part thereof, you must say: since they have a right to part, they have a right to the whole.⁵ Rabbi said: The text bears essentially only upon the skin of a burnt-offering.⁶ For in every instance the skin follows the flesh. [Thus:] the bullocks that are to be burnt and the goats that are to be burnt are burnt and their skin with them. The sin-offering, guilt-offering, and public peace-offerings are the priestly dues: if they wish, they can flay them; if they do not so desire, they can consume them together with their skin.⁷ Lesser sacrifices belong to their owners: if they desire, they can flay them; if they do not desire, they can eat them together with the skin. But of the burnt-offering it is said, And he shall flay the burnt-offering, and cut it into its pieces.⁸ You might thus think that the priests do not acquire its skin; therefore it states, 'even the priest shall have to himself the skin of the burnt-offering which he hath offered'; and this excludes a tebul yom, [one who lacks atonement],⁹ and an onen. For you might think that these have no right to the flesh, which is eaten, but they have a right to the skin, which is not eaten:¹⁰ therefore it states, it shall be his:¹¹ which excludes one who lacks atonement, a tebul yom, and an onen.

Now, let the first Tanna too deduce it by logic? — That which may be inferred a fortiori. Scripture takes the trouble of writing it [explicitly]. Now, how does R. Ishmael utilise this text, ‘which he hath offered’? — It excludes a tebul yom, one who lacks atonement, and an onen. But let him deduce that from ‘it shall be his’? — R. Ishmael is consistent with his view. For R. Johanan said on R. Ishmael’s authority: ‘It shall be his’ is said in connection with a burnt-offering, and ‘it shall be his’ is said in connection with a guilt-offering: as there its bones are permitted, so here too its bones are permitted. This must be redundant, for if it is not redundant, it can be refuted: as for a guilt-offering, that is because its flesh is permitted! ‘It shall be his’ is a superfluous text.¹²

MISHNAH. ALL SACRIFICES WHICH BECAME DISQUALIFIED: [IF THIS HAPPENED] BEFORE THEY WERE FLAYED, THEIR SKINS DO NOT BELONG TO THE PRIESTS.¹³ [IF IT OCCURRED] AFTER THEY WERE FLAYED, THEIR SKINS BELONG TO THE PRIESTS. SAID R. HANINA THE SEGAN OF THE PRIESTS:¹⁴ NEVER IN MY LIFE HAVE I SEEN SKIN GO OUT TO THE PLACE OF BURNING.¹⁵ R. AKIBA OBSERVED: WE LEARN FROM HIS WORDS THAT IF ONE FLAYS A FIRSTLING AND IT IS FOUND TO BE TEREFAH,¹⁶ THE PRIESTS HAVE A RIGHT TO ITS SKIN. BUT THE SAGES MAINTAIN: ‘I HAVE NEVER SEEN’ IS NOT PROOF: RATHER, IT [THE SKIN] MUST GO FORTH TO THE PLACE OF BURNING.¹⁷ GEMARA. [The preceding Mishnah teaches,] Whenever the altar does not acquire the flesh, the priests do not acquire the skin, [which implies,] even though the skin was stripped before the sprinkling [of the blood]. Who is the author of this? R. Eleazar b. R. Simeon, who maintained: The blood does not propitiate on behalf of the skin when it is by itself.¹⁸ Then consider the second clause:¹⁹ ALL SACRIFICES WHICH BECAME DISQUALIFIED: [IF THIS HAPPENED] BEFORE THEY WERE FLAYED, THEIR SKINS DO NOT BELONG TO THE PRIESTS; [IF IT OCCURRED] AFTER THEY WERE FLAYED, THEIR SKINS BELONG TO THE PRIESTS: this agrees with Rabbi, who maintained: The blood propitiates on behalf of the skin when it is by itself. Thus the first clause agrees with R. Eleazar b. R. Simeon, while the second clause agrees with Rabbi? — Said Abaye: Since the second clause agrees with Rabbi, the first clause too agrees with Rabbi; Rabbi however admits that flaying is not done before sprinkling.²⁰ Raba said: Since the first clause agrees with R. Eleazar b. R. Simeon, the second clause too agrees with R. Eleazar b. R. Simeon. What however is meant by ‘before flaying’

(1) Sh.M. deletes this.

(2) This is superfluous, and therefore intimates: all sacrifices which a priest offers.

(3) But not others.

(4) As in the Mishnah: in no instance does the skin belong to the altar.

(5) To the skin of all most sacred sacrifices.

(6) And does not apply to or is not needed for any other sacrifices.

(7) I.e., the priests are not bound to flay the animals first. Obviously then the skin is theirs together with the flesh, and no text is required in respect of these.

(8) Lev. I, 6. Scripture does not state at this stage what is done with the skin.

(9) Rashak omits bracketed words.

(10) I.e., while they have no share in the flesh of other sacrifices, since they are not eligible to eat it when they are sacrificed, there seems no reason why they should not share in the skin of the burnt-offering.

(11) The literal translation of the text quoted is, the skin of the burnt-offering which he hath offered is the priest's; it shall be his. ‘It shall be his’ is emphatic; implying his only, and not any other priest's.

(12) Supra 86a q.v. notes. Thus he utilises ‘it shall be his’ for this purpose.

(13) But are burnt together with the flesh.

(14) V. p. 401, n. 4.

(15) Sc. after it was flayed.

(16) Though this disqualification occurred before it was even slaughtered.

(17) Since it was disqualified before it was flayed.

(18) If the flesh becomes disqualified after the animal is flayed, so that the sprinkling does not ‘propitiate’ on behalf of

the flesh, i.e., it does not render the flesh permitted, it does not propitiate on behalf of the skin either, i.e., it does not permit the skin to the priests.

(19) Sc. the present Mishnah.

(20) Though the blood does propitiate on behalf of the skin by itself, he admits that it is very rare for the skin to be by itself when the blood is sprinkled, since the flaying is generally done afterwards, in order not to keep the blood so long. Hence the preceding Mishnah assumes that the skin was not stripped before the sprinkling. If, however, it was, the skin would belong to the priests, notwithstanding that the altar did not acquire its flesh.

Talmud - Mas. Zevachim 104a

and 'after flaying'? — Before it is eligible for flaying and after it is eligible for flaying [respectively].¹

What is this allusion to Rabbi and R. Eleazar b. R. Simeon? — It was taught: Rabbi said: The blood propitiates on behalf of the skin by itself. But when it is together with the flesh and a disqualification arises in it, whether before or after the sprinkling, it is the same as itself.² R. Eleazar b. R. Simeon maintained: The blood does not propitiate on behalf of the skin by itself. And when it is together with the flesh and a disqualification arises in it before sprinkling, it is the same as itself; [if it arises] after the sprinkling, the flesh has been permitted for a short space of time, [and so] it is flayed, and the skin belongs to the priests.³

Shall we say that they differ on the same lines as R. Eliezer and R. Joshua? For it was taught: And thou shalt offer thy burnt-offerings, the flesh and the blood:⁴ R. Joshua said: If there is no blood there is no flesh, and if there is no flesh there is no blood.⁵ R. Eliezer said: The blood is [fit] even if there is no flesh, because it is said, And the blood of thy sacrifices shall be poured out [against the altar of the Lord thy God].⁶ If so, why is it stated, And thou shalt offer thy burnt-offerings, the flesh and the blood? To teach you: just as the blood requires throwing,⁷ so does the flesh require throwing.⁸ Thus you learn that there was a space between the ascent and the altar.⁹ Shall we say that he who maintains that it propitiates¹⁰ agrees with R. Eliezer,¹¹ while he who maintains that it does not propitiate agrees with R. Joshua? — About the view of R. Eliezer there is no controversy at all.¹² They disagree in reference to R. Joshua. He who maintains that it does not propitiate holds as R. Joshua. While he who maintains that it does propitiate can tell you: R. Joshua rules thus only there, where there is no loss to the priests.¹³ But as for the skin, which would entail a loss to the priests, even R. Joshua admits,¹⁴ by analogy with a fait accompli.¹⁵ For it was taught: If the flesh was defiled or disqualified,¹⁶ or it passed without the curtains, — R. Eliezer said: He must sprinkle [the blood]; R. Joshua maintained: He must not sprinkle [the blood]. Yet R. Joshua admits that if he does sprinkle [it], it is accepted.¹⁷

SAID R. HANINA THE SEGAN OF THE PRIESTS etc. Did he not? Surely there are the bullocks which are burnt and the goats which are burnt?¹⁸ — We do not speak of [what is burnt] in pursuance of their prescribed rites.¹⁹ But what when [the sacrifice is disqualified] before it is flayed and before sprinkling?²⁰ — We refer to a stripped [skin].²¹ But there is [a disqualification] after flaying and before sprinkling, according to R. Eleazar b. R. Simeon who maintained [that] the blood does not propitiate on behalf of the skin by itself?²² — R. Hanina agrees with Rabbi.²³ Alternatively, you may even say that he holds as R. Eliezer b. R. Simeon: Rabbi admits that there was no flaying before sprinkling.²⁴ But there is [the case] where it is discovered terefah in its inwards?²⁵ — He holds that where it is found terefah in its inwards, it [the blood] propitiates. This may be proved too, for it teaches, R. AKIBA OBSERVED: WE LEARN FROM HIS WORDS THAT IF ONE FLAYS A FIRSTLING AND IT IS FOUND TO BE TEREFAH, THE PRIESTS HAVE A RIGHT TO ITS SKIN. This proves it. What then does R. Akiba inform us?²⁶ — He informs us this, [viz.,] that it is so even in the country.²⁷ R. Hiyya b. Abba said in R. Johanan's name: The halachah is as R. Akiba. But even R. Akiba ruled thus only where an expert had permitted it,²⁸ but not if an expert had not

permitted it. [The Talmud however states:] The law agrees with the view of the Sages: [the flesh is buried and the skin is burnt].²⁹

MISHNAH. BULLOCKS WHICH ARE BURNT AND GOATS WHICH ARE BURNT: WHEN THEY ARE BURNT IN PURSUANCE OF THEIR PRESCRIBED RITES, THEY ARE BURNT IN THE ASH DEPOSITORY, AND DEFILE GARMENTS;³⁰ BUT WHEN THEY ARE NOT BURNT IN PURSUANCE OF THEIR PRESCRIBED RITES,³¹ THEY ARE BURNT IN THE PLACE OF THE BIRAH³² AND DO NOT DEFILE GARMENTS.

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- (1) I.e., before and after sprinkling. If it is disqualified before sprinkling, even after flaying, the skin does not belong to the priests. If it is disqualified after sprinkling, even though it was not yet flayed, the skin belongs to the priests.
- (2) Sc. the flesh.
- (3) Cf. supra 85a.
- (4) Deut. XII, 27.
- (5) If either is defiled, the other is unfit for its purpose.
- (6) Ibid.
- (7) I.e., dashing against the altar.
- (8) On the altar.
- (9) V. supra 62b.
- (10) The blood propitiates on behalf of the skin after the flesh is disqualified. — Lit., 'it (the skin) is propitiated'.
- (11) That the blood is fit (and efficacious) even when there is no flesh.
- (12) He certainly disagrees with R. Eleazar b. R. Simeon, since he holds that the blood can be sprinkled even if there is no flesh, and therefore it must be efficacious in permitting the skin.
- (13) R. Joshua rules that if there is no flesh there is no blood only in the sense that the owner is not yet freed from his obligation and must bring another sacrifice. Thus this does not involve the priests in loss.
- (14) That the sprinkling of the blood makes it available for the priests. since Scripture ordains that the skin belongs to the priest who offers it, and here the priests have offered it.
- (15) As the text proceeds to explain. Sh.M. emends: with (flesh) that went out.
- (16) By the touch of a tebul yom.
- (17) Hence here in the same way the sprinkling permits the skin to the priests.
- (18) Their skin was burnt too.
- (19) There the burning of the skin (as of the whole animal) is part of the prescribed rites of that particular sacrifice. R. Hanina, however, spoke of sacrifices which were burnt through being disqualified.
- (20) There all agree that the skin is burnt.
- (21) Whereas in the case just quoted the animal was burnt without being flayed.
- (22) So that it must be burnt.
- (23) That the blood does propitiate in that case.
- (24) V. supra 103b, p. 503, n. 3. R. Eleazar b. R. Simeon would certainly hold the same. Thus though theoretically the skin might be burnt by itself, in practice this never happened.
- (25) This was disqualified before sprinkling and flaying, and it is now assumed that both Rabbi and R. Eleazar b. R. Simeon agree that the skin is burnt. (As this terefah would not be discovered until the skin was stripped, the skin would be burnt by itself.)
- (26) Since R. Hanina rules thus of all sacrifices, why does R. Akiba tell us this particularly about a firstling?
- (27) Lit., 'borders' — a technical term for all places outside Jerusalem. When a firstling becomes blemished, it is slaughtered and eaten outside Jerusalem just like hullin. But Scripture permits nothing else but eating, so that if it dies, the carcass must not be put to any use, but must be buried. If, however, it was found to be terefah (and so cannot be eaten), R. Akiba informs us that since this was discovered after it was flayed, the skin is permitted, just as the skin is permitted in similar circumstances in the Temple.
- (28) Before a blemished firstling might be slaughtered for food it had to be examined by an expert, to make sure that the blemish was a permanent one and had not been deliberately inflicted.
- (29) Presumably this means that the Talmud rejects the ruling of R. Hiyya b. Abba and rules in accordance with the Sages. Consequently, R. Akiba's inference, being based on R. Hanina's ruling, is likewise rejected. Hence if a firstling is

found terefah after it is stripped, the whole of it is forbidden. The flesh is buried, not burnt, for only the flesh of sacrifices which had been brought to the Temple court and there disqualified is burnt. Rashi knows no reason why the skin is burnt, and suggests that 'the flesh . . . burnt' should altogether be deleted, and that we simply read: The law agrees with the Sages.

(30) The garments of those who burn it, v. Lev. XVI, 28.

(31) But because they had been disqualified.

(32) Lit., 'the Edifice.' V. Gemara.

Talmud - Mas. Zevachim 104b

IF THEY WERE CARRYING THEM¹ ON STAVES,² [AND] THOSE IN FRONT HAD PASSED WITHOUT THE WALL OF THE TEMPLE COURT WHILE THOSE IN THE REAR HAD NOT [YET] GONE OUT, THOSE IN FRONT DEFILE THEIR GARMENTS, WHILE THOSE IN THE REAR DO NOT DEFILE THEIR GARMENTS, UNTIL THEY GO OUT. WHEN BOTH GO OUT, BOTH DEFILE THEIR GARMENTS. R. SIMEON SAID: THEY DO NOT DEFILE [THEIR GARMENTS] UNTIL THE FIRE IS BURNING IN THE GREATER PART OF THEM.³ WHEN THE FLESH IS DISSOLVED, HE WHO BURNS [IT] DOES NOT DEFILE HIS GARMENTS.⁴

GEMARA. WHAT IS THE BIRAH? — Said Rabbah b. Bar Hanah in R. Johanan's name: There is a place on the Temple Mount called 'Birah'. While Resh Lakish maintained: The whole Temple [House] is called Birah, for it is said, And to build the Birah [Temple], for which I have made provision.⁵

R. Nahman said in Rabbah b. Abbuha's name: There were three ash-pits. There was the large ash-pit in the Temple court: there they burnt most holy sacrifices and emurim of lesser sacrifices which had become disqualified. and the bullocks which were burnt and the goats which were burnt, which had become disqualified before sprinkling. There was a second ash-pit on the Temple Mount: there they burnt the bullocks which were burnt and the goats which were burnt, which had become disqualified after sprinkling. While [those which were burnt] in pursuance of their rites, [were burnt] without the three camps.⁶ Levi recited: There were three ash-pits. There was the large ash-pit in the Temple court: there they burnt most holy sacrifices and emurim of lesser sacrifices which had become disqualified, and the bullocks which were burnt and the goats which were burnt, which had become disqualified either before or after the sprinkling. There was a second ash-pit on the Temple Mount: there they burnt the bullocks which were burnt and the goats which were burnt, which had become disqualified after they had gone out.⁷ While [those burnt] in pursuance of their prescribed rites, [were burnt] without the three camps.

R. Jeremiah⁸ asked: Is linah⁹ effective in the case of the bullocks which are burnt and the goats which are burnt?¹⁰ Do we say, linah is effective only in respect of flesh which can be eaten, but not in respect of these which cannot be eaten; or perhaps there is no difference? — Said Raba: This question was raised by Abaye, and I solved it for him from the following: And both agree that if he expressed an intention [of piggul] in connection with the eating of the bullocks and their burning, he has done nothing.¹¹ Surely then, since intention does not disqualify it, linah too does not disqualify it. — [No]: perhaps only intention does not disqualify it, but linah does disqualify it.

Come and hear: You trespass in respect of the bullocks which are burnt and the goats which are burnt from the time they are consecrated. Having been slaughtered, they are ready to become unfit through a tebul yom and one who lacks atonement, and through linah.¹² Surely that means, linah of the flesh? No, it means linah of the emurim.¹³ But since the second clause teaches, You trespass in the case of all when they are in the ash-pit until the flesh is dissolved, it follows that the first clause treats of linah of the flesh? — What reason have you for supposing this? the second clause treats of the flesh, while the first clause treats of emurim.

Come and hear, for Levi recited: . . . which had become disqualified after they had gone out.' Does that not mean disqualification through linah? — No: it means disqualification through defilement or through going out.¹⁴

R. Eleazar asked: Is going out effective in respect of the bullocks that are burnt and the goats that are burnt?¹⁵ Why does he ask?¹⁶ — Said R. Jeremiah b. Abba: His question is asked on the view that 'it is not time yet for them to be carried out' [is a disqualification].¹⁷ Do we say, that applies only to flesh which one is not eventually bound to carry out; but not to these, which must eventually be carried out; or perhaps here too [we argue that] it was not yet time for them to go out? — Come and hear, for Levi recited: 'which had become disqualified after they had gone out'. Does that not mean disqualification through going out? — No: it means disqualification through defilement or linah.¹⁸

R. Eleazar asked: What of the bullocks which were burnt and the goats which were burnt, if the greater part of them went out through the inclusion of the smaller part of a limb?¹⁹ Do we cast this lesser part of the limb after its greater part, and that indeed has not gone out;²⁰ or perhaps we cast it after the greater part of the animal? — It is obvious that we do not disregard the greater part of the animal and regard the greater part of the limb! Rather [the question arises] where half of it went out, through the inclusion of the greater part of the limb. Do we cast this lesser part of the limb?²¹

(1) Sc. the bullocks or goats.

(2) In order to burn them in pursuance of their rites.

(3) Sc. of the sacrifices. Hence those who leave the animal before the greater part of the carcass is burning. do not defile their garments.

(4) If a person comes to engage in its burning when the flesh is already disintegrated through the fire, he does not defile his garments.

(5) 1. Chron. XXIX, 19.

(6) V. p. 276. n. 6. That was the third ash-pit.

(7) Of the Temple court.

(8) Sh.M. reads: Eleazar.

(9) V. Glos.

(10) Does linah disqualify them, as it does other sacrifices?

(11) V. supra 35a.

(12) V. supra 35b.

(13) Since these require burning on the altar (haktarah), linah certainly disqualifies them.

(14) It was carried out before the blood was sprinkled; this disqualifies it.

(15) V. preceding note: R. Eleazar asks whether this does disqualify them.

(16) Since they must eventually be carried out, why should he think that they are disqualified if this is done before the sprinkling of the blood?

(17) V. supra 89b.

(18) The Talmud means that when we ask about going out, we can argue that this may refer to linah, and vice versa.

(19) The greater part of the carcass was carried out, but it was the greater part only because it included the lesser part of a limb, the greater part of which was still within. Rashi: the question is whether that counts as going out, so that the men in front, who had carried that portion out (for the purpose of burning) defile their garments. Tosaf.: the question is whether (assuming that going out disqualifies). this must now be burnt within (v. supra).

(20) Hence the lesser part itself is regarded as still within, and consequently the greater part of the carcass has not gone out.

(21) Which remained within.

Talmud - Mas. Zevachim 105a

after its greater part and that indeed has gone out;¹ or perhaps we cast it after the animal? The

question stands over.

Rabbah b. R. Huna recited [this passage] in reference to men. Thus: five men were engaged on it,² three had gone out and two were left [within]. What [is the law]? Do we follow the majority of those engaged on it;³ or perhaps we go by the animal? The question stands over.

R. Eleazar asked: What if the bullocks which were burnt and the goats which were burnt were carried out and then brought back:⁴ do we say, since they [the carcasses] went out, they are unclean; or perhaps, since they returned, they returned?⁵ — Said R. Abba b. Memmel, Come and hear: IF THEY WERE CARRYING THEM ON STAVES, AND THOSE IN FRONT HAD PASSED WITHOUT THE WALL OF THE TEMPLE COURT WHILE THOSE IN THE REAR HAD NOT [YET] GONE OUT, THOSE IN FRONT DEFILE THEIR GARMENTS. WHILE THOSE IN THE REAR DO NOT DEFILE THEIR GARMENTS. UNTIL THY GO OUT. Now, if you should think that as soon as they go out, they [the garments] are defiled, then let those who are within also be defiled?⁶ Said Rabina:⁷ Now, is that logical?⁸ Surely we require, and after that he may come into the camp,⁹ which is absent. Then in which circumstances does R. Eleazar's question arise?¹⁰ — Where they seized it with crooks.¹¹

Our Rabbis taught: The bullocks [which are burnt], the [red] heifer, and the goat that is sent away:¹² he that leads [the last] away, he who burns them, and he who carries [the first-named] out [of the Temple court], defile their garments. They themselves, however, do not defile garments;¹³ but they defile foodstuffs and liquids: these are the words of R. Meir. But the Sages maintain: The [red] heifer and the bullocks defile foodstuffs and liquids, [whereas] the goat which is sent away does not defile, because it is alive, and a live thing does not defile foodstuffs and liquids. As for R. Meir, it is well, [as his view] agrees with the teaching of the School of R. Ishmael. For the School of R. Ishmael taught: Upon any sowing seed which is to be sown:¹⁴ as seeds, which will not ultimately defile with stringent uncleanness, require a qualification [heksher], so all which will not ultimately defile with stringent uncleanness require a qualification. Thus the carcass of a clean bird is excluded: since It will eventually defile with stringent uncleanness, it does not require a qualification.¹⁵ But as for the Rabbis, if they accept the teaching of the school of R. Ishmael, even the goat that is sent away too [should defile]; while if they reject it, how do they know [that] the [red] heifer and the bullocks [defile foodstuffs]?¹⁶ When R. Dimi came,¹⁷ he said: In the West [Palestine] they said: They need a qualification for defilement from a foreign source.¹⁸

R. Eleazar asked: Can the bullocks which are burnt and the goats which are burnt defile foodstuffs and liquids within [the Temple court] as without?¹⁹ When it lacks going out, is it as though it lacks an action,²⁰ or not? After he asked, he answered it: That which lacks going out is as though it lacked an action.²¹

R. Abba b. Samuel²² asked R. Hiyya b. Abba: According to R. Meir, can as much as an olive of the nebelah of a clean bird defile?²³ When it is lying on the ground, there is no question.²⁴ When one has it in his mouth, there is no question.²⁵ The question arises when one is holding it in his hand.²⁶ [Do we say:] Since it was not yet taken [to his mouth], it is as though it lacked an action,²⁷ or not? [After he asked, he solved it]:²⁸

(1) And by adding this lesser part, the greater part of the animal has now gone out.

(2) In carrying out its carcass.

(3) Hence even those within are regarded as without.

(4) It is assumed that he asked whether the garments of the men who carried it out are defiled.

(5) And are regarded as not having gone out at all.

(6) For the defilement of garments depends on the going out of the carcass, not on that of the men (infra b). Hence those within do not defile their garments only because if the carcass is carried back within, even the garments of the men

without remain clean.

(7) Rashi and BAH read: Raba.

(8) Do you really think that this proof is valid?

(9) Lev. XIV, 8. 'After that' means after he washes his garments, which were unclean. This shews that Scripture speaks of one who is without (he cannot come in otherwise), and only then does he defile his garments.

(10) According to this, it obviously depends on whether the men have gone out.

(11) While standing outside, the carcass having been carried out once and taken in again. Are the garments of these men (if they are not the same as those who carried it out the first time) unclean, or not?

(12) V. Lev. XVI, 21 seq.

(13) The carcasses do not defile any garments which they touch.

(14) Lev. XI, 37.

(15) The whole Scriptural passage reads: And if aught of their carcass (sc. of unclean 'swarming things' — sherazim) fall upon any sowing seed which is to be sown, it is clean. But if water be put upon the seed, and aught of their carcass fall thereon, it is unclean unto you. Thus 'seed' is a foodstuff which requires a 'qualification' to become unclean, viz., water must first fall upon it, and it must be touched by a sherez (q.v. Glos.). When it is unclean, it can in turn defile only eatables and liquids, but not human beings or utensils or garments; thus its defilement is said to be light, not stringent. The School of R. Ishmael deduces that only such require a 'qualification' before they defile; but those which will defile human beings etc. do not require any qualification. The carcass (nebelah, q.v. Glos.) of a clean bird (i.e., one permitted for food) defiles the garments of the person who eats it; therefore it does not require a 'qualification'. Now, the red heifer, the goat that is sent away, and the bullocks which are burnt, will eventually defile garments; hence they do not need any qualification. and so defile even while they are alive.

(16) Seeing that Scripture speaks only of garments.

(17) V. p. 301. n. 7.

(18) The School of R. Ishmael meant that whatever will not eventually defile with stringent defilement needs a qualification from a foreign source, i.e., it must first touch a sherez or nebelah, whereas that which will eventually defile in this manner e.g. the red heifer, need not first touch a sherez or nebelah, but defiles foodstuffs and liquids automatically. Nevertheless, it must be such as is capable of defiling in general, and we find no instance of a living creature defiling.

(19) According to the foregoing, they defile foodstuffs because they defile with stringent defilement (sc. garments). But that is only

(20) Which is necessary before it can defile.

(21) Hence they do not defile foodstuffs within.

(22) Sh. M. emends: R. Abba b. Memmel.

(23) Foodstuffs and liquids. — There is no question on the view of the Rabbis, as they maintain that before anything can defile it must conform to the general laws which govern it, and as much as an olive of this nebelah can defile only when it is in a man's throat. R. Meir, however, holds that whatever can eventually defile with a stringent defilement need not be fit for defilement. Hence on his view the question arises,

(24) It certainly does not defile, for it may never reach the stage of stringent defilement, as perhaps none will take it in his mouth.

(25) It certainly does defile, for it has already reached that stage.

(26) And about to eat it.

(27) To render it capable of defilement.

(28) Sh.M. deletes bracketed words. Rashi reads: said he to him.

Talmud - Mas. Zevachim 105b

The fact that it was not yet taken [to his mouth] is not as though it lacked an action. He refuted him: Thirteen laws were stated on the nebelah of a clean bird, and this is one of them: It needs intention¹ and it does not need a qualification² and as much as an egg thereof defiles foodstuffs.³ Surely this is in accordance with R. Meir? — No: it agrees with the Rabbis. But the first clause teaches, 'it needs intention and it does not need a qualification² and whom do you know to hold thus? R. Meir. And since the first clause agrees with R. Meir, the second clause agrees with R. Meir? — Why say thus?

each is governed by its own conditions.⁴ But the final clause teaches, Shechitah

when they go out: hence the question whether they defile foodstuffs whilst they are still within, just as when they are without. or melikah relieves it, when terefah, from its uncleanness:⁵ now, whom do you know to hold this view? R. Meir, Then the first and the last clauses agree with R. Meir, while the middle clause agrees with the Rabbis? — Yes: the first and the last clauses agree with R. Meir, while the middle clause agrees with the Rabbis.

R. Hammuna said to R. Zera: Do not sit down on your haunches until you have told me this law:⁶ on R. Meir's view do we distinguish first and second [degrees of uncleanness]⁷ in the nebelah of a clean bird, or do we not distinguish first and second [degrees]? — Said he to him: Where a thing defiles a human being by touch, we distinguish first and second [degrees] in it; where it does not defile a human being by touch, we do not distinguish first and second [degrees] in it.⁸

R. Zera asked R. Ammi⁹ b. Hiyya — others say, R. Abin b. Kahana: As to what was taught, When foodstuffs are joined by means of a liquid, they are united in respect of a light uncleanness, but are not united in respect of stringent defilement:¹⁰ do we distinguish first and second [degrees] in their case, or do we not distinguish first and second [degrees] in their case? — Said he to him: Where a thing defiles a human being, we distinguish first and second [degrees] in it; where it does not defile a human being, we do not distinguish first and second [degrees] in it.

WHEN BOTH GO OUT. How do we know it? — Because our Rabbis taught: Elsewhere without three camps is said, whereas here without one camp [is prescribed]?¹¹ It is to teach you: immediately it has gone forth from the first camp, it defiles garments.¹²

And how do we know it in the case of that itself?¹³ — Because our Rabbis taught . . . Even the whole bullock shall he carry forth without the camp:¹⁴ [that means,] without the three camps. You say, without the three camps; yet perhaps it is not so, but rather, without one camp? — When it says in connection with the congregational bullock, without the camp,¹⁵ which is superfluous, since it states, as he burned the first bullock,¹⁶ that prescribes a second camp. When further 'without the camp' is stated in connection with the ashes,¹⁷ which is superfluous. since it is already stated, where the ashes are poured out it shall be burnt,¹⁸ it prescribes a third camp.¹⁹

Now, how does R. Simeon employ this 'without the camp'?²⁰ — He requires it for what was taught: R. Eliezer said: 'Without the camp' is stated here, and 'without the camp' is stated elsewhere:²¹ as here it means without the three camps, so there it means without the three camps; and as there it means on the east of Jerusalem,²²

(1) Before it can defile foodstuffs, one must intend to eat it, (though such eating is not permissible).

(2) For defiling; v. supra a.

(3) Now, if it is on the ground, it certainly does need qualification, since one may never eat it. On the other hand, if it is in one's mouth, it does not need intention. Hence it must mean that he is holding it in his hand, and yet only as much as an egg defiles, but not as much as an olive.

(4) One may agree with the Rabbis, and the other with R. Meir.

(5) I.e., if it is ritually killed with shechitah or melikah, but found to be terefah, it does not defile.

(6) I.e., do not sit down at all.

(7) V. Pes. Sonc. ed. p. 62, n. 2.

(8) Hence we do not count it here.

(9) Sh.M. reads: Abin.

(10) Rashi: 'If two pieces of nebelah, each half an olive in size, are lying apart, but are joined by a liquid, this liquid unites them to enable them to defile any foodstuff which touches one of them, but does not unite them to defile a human being in the same way. I do not know the reason for this differentiation.' — As much as an olive of the nebelah of a

clean animal (but not of a bird) defiles a man by contact.

(11) 'Elsewhere' means in the case of the bullock brought by the anointed priest or that brought when the whole congregation sins in ignorance; these were burnt without the camp (v. Lev. IV, 12, 21), and it is deduced anon that Scripture means without the three camps. Whereas 'here' in reference to the Day of Atonement it is said: And the bullock of the sin-offering, and the goat of the sin-offering . . . shall be carried forth without the camp, and they shall burn in the fire their skins etc. (Lev. XVI, 27). This implies that they are burnt immediately they leave the first camp. In fact, however, they are all alike, for Lev. XII, 21 is applied to the bullock of the Day of Atonement (v. supra 39a); hence the text is assumed to convey a different teaching, as the Gemara explains. — On the 'three camps', v. p. 276. n. 6.

(12) Sc. of those who are to burn it. But it is not burnt until it has left the three camps.

(13) Sc. that 'elsewhere' three camps are meant.

(14) Lev. IV, 12.

(15) Ibid. 21.

(16) Ibid. That itself implies without the camp.

(17) Ibid. VI, 4: and he shall carry forth the ashes without the camp.

(18) Ibid. IV, 12. This refers to the anointed priest's bullock, which as we already know was burnt without; hence it follows that the place of the ashes was without.

(19) Each superfluous 'without the camp' intimates an additional camp whence it must be carried out.

(20) Since he maintains that the garments are not defiled until the fire has caught hold of the greater part of the carcass.

(21) In connection with the red heifer, Num. XIX, 3.

(22) Ibid. 4: And Eleazar . . . shall sprinkle of her blood toward the front of the tent of meeting. The tent of meeting faced east, hence Eleazar would stand still further east and face west. Similarly in the days of the Temple the heifer would be burnt without Jerusalem on the east.

Talmud - Mas. Zevachim 106a

so here too it means on the east of Jerusalem.

And according to the Rabbis,¹ where did one burn them? — Even as it was taught: Where were they burnt? On the north of Jerusalem, without the three camps. R. Jose the Galilean said: They are burnt in the place of the ashes.² Raba observed: Who is the Tanna that disagrees with R. Jose the Galilean? — R. Eliezer b. Jacob. For it was taught: Where the ashes are poured out it shall be burnt: [this intimates] that ashes must be there [first]. R. Eliezer b. Jacob said: It intimates that the ground must slope down.³ Said Abaye to him: Perhaps they disagree whether the ground must slope⁴ ?

Our Rabbis taught: He who burns [the bullocks] defiles [his] garments, but he who kindles the fire does not defile [his] garments, nor does he who arranges the pile defile [his] garments. And what is the definition of 'he who burns'? — He who assists at the time of the burning. You might think that also he [who assists] when they have already been reduced to ashes defiles [his] garments: therefore it states, [And he that burneth] them [shall wash his clothes]:⁵ [when he burns] them they defile garments, but when they have become ashes they do not defile garments. R. Simeon said: [When he burns] them they defile [his] garments. but when the flesh is disintegrated they do not defile garments. Wherein do they disagree? — Said Raba: They disagree where it [the flesh] is completely charred.⁶

CHAPTER XIII

MISHNAH. HE WHO SLAUGHTERS AND OFFERS UP WITHOUT [THE TEMPLE COURT]. IS CULPABLE IN RESPECT OF SLAUGHTERING AND IN RESPECT OF OFFERING⁷ R. JOSE THE GALILEAN MAINTAINED: IF HE SLAUGHTERED WITHIN AND OFFERED UP WITHOUT, [HE IS CULPABLE];⁸ IF HE SLAUGHTERED WITHOUT AND OFFERED UP WITHOUT, HE IS NOT LIABLE, BECAUSE HE OFFERED UP ONLY THAT WHICH WAS UNFIT.⁹ SAID THEY TO HIM: WHEN ONE SLAUGHTERS WITHIN AND OFFERS UP

WITHOUT, IMMEDIATELY HE CARRIES IT OUT, HE RENDERS IT UNFIT.¹⁰

AN UNCLEAN [PERSON] WHO EATS [OF SACRIFICES], WHETHER UNCLEAN SACRIFICES OR CLEAN SACRIFICES, IS CULPABLE. R. JOSE THE GALILEAN SAID: AN UNCLEAN PERSON WHO EATS CLEAN [SACRIFICES] IS CULPABLE, BUT AN UNCLEAN PERSON WHO EATS UNCLEAN [FLESH OF SACRIFICES] IS NOT CULPABLE. BECAUSE HE ATE ONLY THAT WHICH IS UNCLEAN. SAID THEY TO HIM: WHEN AN UNCLEAN PERSON EATS CLEAN [FLESH], IMMEDIATELY HE TOUCHES IT, HE DEFILES IT.¹¹ A CLEAN PERSON WHO EATS UNCLEAN [FLESH] IS NOT CULPABLE, BECAUSE ONE IS CULPABLE ONLY ON ACCOUNT OF PERSONAL UNCLEANNESS.¹² GEMARA. As for offering up. it is well: the penalty is written and the interdict¹³ is written. The penalty, for it is written, And bringeth it not unto the door of the tent of meeting [. . . even that man shall be cut off from his people].¹⁴ The interdict, for it is written, Take heed to thyself that thou offer not thy burnt-offerings [in every place that thou seest],¹⁵ and in accordance with R. Abin's dictum in R. Eleazar's¹⁶ name, vis.: Wherever 'take heed', 'lest', or 'not' is stated, it is nought but a negative command. But as for slaughtering, the penalty, it is true, is stated, for it is written, [What man soever . . . that killeth an ox . . .] and hath not brought it unto the door of the tent of meeting [. . . shall be cut off from among his people];¹⁷ but whence [do we derive] the interdict? — Scripture saith, And they shall no more sacrifice their sacrifices [unto the satyrs etc].¹⁸ That is required for R. Eleazar's dictum, viz.: How do we know that if one sacrifices an animal to Mercurius¹⁹ he is liable to punishment? Because it is written, 'And they shall no more sacrifice their sacrifices unto the satyrs'. Since this is redundant in respect of normal worship, being derived from, How did these nations serve their gods?²⁰ apply it to abnormal worship [as being punishable!]²¹ — Said Rabbah: Read in this text, and they shall not sacrifice, and read in it, and they shall no more.²²

But it is still required for what was taught: Thus far²³ it speaks of sacrifices which one consecrated when bamoth were forbidden and offered up when bamoth were forbidden,²⁴

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- (1) Who employ this verse for a different purpose, as above.
 - (2) Ashes from the altar must first be placed there, so that they are burnt 'where the ashes are poured out.' — It follows that the first Tanna does not require this.
 - (3) Lit., 'poured out', it must be a place where the ashes naturally pour down.
 - (4) Possibly R. Eliezer b. Jacob too admits that ashes must first be placed there, but he adds that the place must slope too. — Abaye's suggestion is unrefuted.
 - (5) Lev. XVI, 28.
 - (6) It is then disintegrated, yet not ashes. According to R. Simeon, a person who comes to assist in the burning at this stage does not defile his garments, whereas in the opinion of the Rabbis he does.
 - (7) A man who wantonly slaughters or offers up a sacrifice without the Temple (by 'offering up' is meant e.g. that he burns it on a block of stone — but v. Mishnah infra 108a — as one would burn it on the altar) incurs kareth. If he does these in ignorance, being unaware that they are forbidden, he is liable to a separate sin-offering on account of each action, as each counts as a distinct transgression.
 - (8) Bracketed words are added from the separate edition of the Mishnayoth.
 - (9) One is culpable for offering up without only when it was fit to be offered up within. But this was not, on account of having been slaughtered without.
 - (10) Even before he offers it up. Nevertheless he is liable; the same therefore applies when he slaughters without and offers up without.
 - (11) Even before he eats it, yet he is culpable.
 - (12) Cf. supra 43a.
 - (13) Lit., 'the warning'.
 - (14) Lev. XVII, 9. This refers to sacrifices.
 - (15) Deut. XII, 13: 'Every place that thou seest' means outside the Temple. Thus one text intimates the penalty and another the interdict.

(16) Var. lec. Ilai's.

(17) Lev. XVII, 3f.

(18) Ibid. 7.

(19) Mercurius, a Roman divinity, identified with the Greek Hermes; also a statue or a way-mark dedicated to Hermes, the patron deity of the wayfarer.

(20) Deut. XII, 30.

(21) Hence sacrificing to Mercurius, though not its normal worship (its normal worship consisted of throwing stones at it; v. Sanh. 60b). involves guilt. — Thus the text is required for this!

(22) I.e., this is really a double injunction, and the first, 'they shall not sacrifice', interdicts sacrificing without, this being the subject of the whole passage.

(23) The passage until this verse, and they shall no more sacrifice, i.e., Lev. XVII, 3-6.

(24) I.e., after the Tabernacle was erected. If, however, one consecrated an animal before the Tabernacle was erected, when bamoth were permitted, there is nothing as yet to shew that he is culpable if he slaughters it at a bamah after it is erected.

Talmud - Mas. Zevachim 106b

since their penalty is stated, [vis..] 'and hath not brought it unto the door of the tent of meeting' [etc.]. whilst whence do we know the interdict? 'Take heed to thyself that thou offer not thy burnt-offerings [etc.].' From here onward¹ it speaks of sacrifices which one consecrated when bamoth were permitted but offered when they were forbidden, for it is said, To the end that the children of Israel may bring their sacrifices which they sacrifice² [viz.,] sacrifices which I formerly permitted — in the open field:² this teaches you [that] he who sacrifices [slaughters] [at bamoth] when bamoth are forbidden, the Writ regards him as though he offered in the open field. 'Even that they may bring them unto the Lord':² this is a positive injunction.³ Whence have we a negative injunction? From the text, 'And they shall no more sacrifice [etc.]'⁴ You might think that one is punished for it by kareth; therefore it states, This shall be a statute for ever unto them throughout their generations:¹ 'this' is their [statute]. but nought else is theirs!⁵ — Rather said R. Abin:⁶ [We learn it] a minori: if [Scripture] interdicted where it did not punish [with kareth];⁷ is it not logical that it interdicted where it punished [with kareth]?⁸ Rabina observed to R. Ashi: If so, let a negative injunction not be stated in connection with heleb,⁹ and it could be inferred a minori from nebelah:⁹ if [Scripture] interdicted nebelah, where it did not punish [with kareth]; is it not logical that it interdicted heleb, seeing that it did punish [with kareth]. Then he came before Raba.¹⁰ Said he to him: It could not be inferred from nebelah, because [the argument] can be refuted: As for nebelah, the reason is because it defiles.¹¹ [Nor can it be deduced] from unclean sherazim [reptiles], [because,] As for unclean sherazim, the reason is because a small portion defiles.¹² [Nor] from clean sherazim,¹³ [because,] As for clean sherazim, the reason is because [the standard of] their interdict is very small.¹⁴ [Nor] from 'orlah and kilayim of the vineyard, [because,] As for 'orlah and kilayim of the vineyard, that is because all benefit from them is forbidden.¹⁵ [Nor] from shebi'ith,¹⁶ [because,] As for shebi'ith, that is because it imposes its own status upon the money received for it.¹⁷ [Nor] from terumah, [because,] As for terumah, that is because it is never exceptionally permitted.¹⁸ [Nor can you deduce it] from all these because they are never permitted exceptionally.

Raba said: If I have a difficulty, it is this: When we learnt, The Passover-offering and circumcision are positive commands,¹⁹ let us infer [a negative injunction in their case] from one who leaves [anything] over [of the Passover-offering]:²⁰ If Scripture interdicted in the case of one who leaves over, though it did not prescribe a penalty, is it not logical that it interdicted in the case of the Passover-offering and circumcision, where it did prescribe a penalty?²¹ R. Ashi said: I reported this discussion in R. Kahana's presence. and he told me: [A negative injunction] cannot be inferred from leaving over, because [the argument] can be refuted: as for leaving over, that is because it cannot be repaired;²² will you say [that there is a negative injunction] in the case of a Passover-offer, which can be repaired [if neglected]?²³

But can you assume an interdict by inferring a *minori*? [For] even on the view that you can punish through inferring a *minori*, you cannot assume a formal prohibition by inferring a *minori*! — Rather, it is as R. Johanan said [elsewhere]. For R. Johanan said: ‘Bringing’ is inferred from ‘bringing’:²⁴ as in the latter case [Scripture] did not prescribe a penalty without formally interdicting, so in the former case [Scripture] did not prescribe a penalty without formally interdicting.

(1) From Lev. XVII, 7.

(2) *Ibid.*, 5.

(3) Though the inference is obviously that they may not bring them to the bamoth but only ‘unto the Lord’ (i.e. at the Tabernacle), yet since it is expressed affirmatively, the implied interdict counts as a positive injunction.

(4) ‘No more’ implies that hitherto it was permitted, but from now onwards it is forbidden.

(5) It is subject only to an affirmative and a negative precept, but not to *kareth*. — Thus the negative injunction applies to sacrifices which were consecrated when bamoth were permitted, but we have no explicit negative injunction in respect of those consecrated when bamoth were forbidden.

(6) Sh.M. and Bah emend: Abaye.

(7) Sc. where the sacrifice was consecrated when bamoth were permitted. As just stated, we have a negative injunction covering that case, but *kareth* is not involved.

(8) Sc. where the sacrifice was consecrated when bamoth were already forbidden.

(9) v. Glos.

(10) Rabina and R. Ashi were later than Raba. For that reason the text is amended to Abaye (v. n. 6.). Raba's contemporary.

(11) Whereas *heleb* does not defile.

(12) As much as a lentil defiles.

(13) Those which do not defile, e.g., a frog or an ant, but which are forbidden as food by a negative interdict,

(14) He who eats as much as a lentil is culpable; whereas no penalty is incurred for eating less than an olive size of *heleb*.

(15) Whereas *heleb* is only forbidden as food.

(16) For all these words v. Glos.

(17) Lit., ‘it seizes its money.’ — If *shebi'ith* is sold, the money is forbidden in the same way as itself. That does not apply to *heleb*, however.

(18) Lit., ‘it is not permitted out of its general (interdict).’ *Terumah* is always forbidden to unclean priests, whereas some *heleb* is permitted, viz., the *heleb* of a *hayyah* (non-domesticated animal, e.g., deer).

(19) It is stated in Ker. 2a that one is liable to a sin-offering for the unintentional violation of all negative injunctions which if deliberately violated involve *kareth*. These two however, though entailing *kareth*, are positive precepts, and so their neglect does not necessitate a sin-offering.

(20) This is forbidden by a negative injunction: And ye shall let nothing of it remain until the morning (Ex. XII, 10).

(21) Hence, if such an argument is permissible, they should rank as subject to a negative injunction too. viz., not to neglect them.

(22) Once the flesh is left over, nothing can be done.

(23) By bringing an offering on the Second Passover (v. Num. IX, 9 seq.). Circumcision should be done on the eighth day; yet if not done then, it can be performed at any time subsequently. — Thus so far all the arguments against the assumption of an interdict a *minori* have been rebutted.

(24) A *gezerah shawah* between slaughtering and offering up is deduced, based on the fact that ‘bringing’ is written in connection with both: Slaughtering: What man soever . . . that killeth an ox . . . and hath not brought it unto the door of the tent of meeting; offering up: Whatsoever man . . . that offereth up a burnt-offering or sacrifice, and bringeth it not unto the door of the tent of meeting. — R. Johanan stated this exegesis with respect to another question (v. infra 107a), but the same applies here.

Talmud - Mas. Zevachim 107a

Raba said, It is as R. Jonah[’s exegesis]. For R. Jonah said: ‘There’ is inferred from ‘there’:¹ as in the one case, [Scripture] did not prescribe a penalty without formally prohibiting, so in the other case [Scripture] did not punish without formally prohibiting.²

We have [now] found the case of those which should be burnt within, which were offered up without;³ how do we know the case of those which should be burnt without,⁴ which were offered up without?⁵ — Said R. Kahana: Scripture saith, And thou shalt say unto them⁶ [which means,] thou shalt say concerning those just mentioned.⁷ To this Raba⁸ demurred: Is it then written, ‘concerning them’: Surely ‘unto them’ is written?⁹ Rather, it is as the School of R. Ishmael taught: ‘And thou shalt say unto them’ combines the sections.¹⁰ R. Johanan said: ‘Bringing’ is inferred from ‘bringing’:¹¹ as there it refers to those [sacrifices] which must be burnt without, so here too it refers to those which must be burnt without. To this R. Bibi demurred: When we learnt, There are thirty-six offences in the Torah which entail kareth: surely there are thirty seven, for there are offering up [a sacrifice which should be burnt within] and offering up [a sacrifice which should be burnt without]?¹² That is indeed a difficulty.

Now, when we learnt: He who sprinkles some of the blood without, is culpable:¹³ how do we know it?¹⁴ — It is inferred from what was taught: Blood shall be imputed [unto that man]:¹⁵ that is to include one who sprinkles [without]: these are the words of R. Ishmael. R. Akiba said: Or sacrifice¹⁶ includes sprinkling. And how does R. Ishmael employ this [phrase] ‘or sacrifice’? — To divide.¹⁷ And whence does R. Akiba know to divide? — He infers it from, and bringeth it not [unto the door of the tent of meeting].¹⁸ And R. Ishmael?¹⁹ — He requires that [‘it’] [for teaching:] One is culpable for [offering up] the whole [animal], but not for [offering up] an incomplete one.²⁰ And R. Akiba?²¹ — He infers it from [the phrase] ‘to sacrifice it’. And R. Ishmael? — One [‘it’] is in respect of those [sacrifices] which which should be burnt within, which were made incomplete and offered up without; the other is in respect of those which should be burnt without, which one made incomplete and offered up without.²² And it was taught even so: R. Ishmael said: You might think that if one made incomplete and offered up without what should be burnt within, he is culpable; therefore it says, ‘to sacrifice it’: one is culpable for [offering up] a whole [animal], but not for [offering up] an incomplete one. And R. Akiba?²³ — He holds that if one made incomplete and offered up without what should be burnt within, he is culpable.

And R. Akiba: How does he employ this [phrase], ‘blood shall be imputed’? — It includes the shechitah of a bird.²⁴ And R. Ishmael? — He deduces it from, or that killeth.²⁵ And R. Akiba? — He can answer you: He requires that [to teach]: One is culpable for slaughtering [shechitah], but not for nipping [melikah].²⁶ And R. Ishmael? — He infers it from, This is the thing [which the Lord hath commanded].²⁷ For it was taught: [What man soever . . .] that killeth [an ox etc.]: I know it only of slaughtering an animal; how do I know [that] if one slaughters a bird [he is culpable]? Because it says, or that killeth.²⁸ You might think that I also include one who performs melikah, and that is indeed logical: if one is culpable for shechitah [of a bird], though this is not its correct rite within; is it not logical that one is culpable for melikah [without], seeing that that is its correct rite within? Therefore it states. ‘This is the thing [etc.]’. And R. Akiba? — He can answer you: that is required for a gezerah shawah.²⁹

Now, as to what we learnt: He who takes the fistful,³⁰ and he who receives the blood [of a sacrifice slaughtered without] is not liable: how do we know it? But whence would you infer that he is culpable?³¹ — From shechitah.³² As for shechitah, the reason may be because it invalidates a Passover-offering [when it is done] on behalf of such who cannot eat it!³³ — Then infer it from sprinkling: as for sprinkling, the reason may be because a lay-Israelite is liable to death on its account!³⁴

- (1) Deut. XII, 14: There shalt thou offer up thy burnt-offerings, and there thou shalt do all that I command thee. 'Do' refers to all rites (including slaughtering) in connection with sacrifices.
- (2) The 'one case' and 'the other case' are 'offering up' and 'doing' respectively (v. preceding note).
- (3) Sc. those which were slaughtered within, so that they should have been burnt (i.e., haktarah) within.
- (4) Sc. which were slaughtered without so that they could not be burnt within but without. 'Burnt' in this connection does not mean haktarah, but the burning of unfit sacrifices.
- (5) That this too makes one liable. For it might be argued that there is no culpability here, since the animal could not be burnt within in any case.
- (6) Lev. XVII, 8.
- (7) Lit., 'the near ones'. (Sh.M. reads: the preceding.) Lev. XVII, 3-7 deals with slaughtering without: vv. 8f. treats of offering up without, and they commence with, 'And thou shalt say unto them' which implies, thou shalt say about them just mentioned, sc. those who slaughter without, that they are also culpable for offering up without.
- (8) Sh.M. reads: Rabbah.
- (9) I.e., אֲלֵהֶם ('alehem), not עֲלֵהֶם ('alehem).
- (10) Sc. vv. 3-7 and vv. 8f. Hence the provisions of the latter section (sc. liability for offering up without) apply to those mentioned in the former (viz., those who slaughter without). — Though this exegesis too infers the law from the same phrase, the method of interpretation is different and retains the correct rendering of 'alehem, unto them.
- (11) V. supra 106b and p. 520, n. 3. Similarly here: as 'bringing' in the former section refers to one who slaughters without, so it does in the latter too.
- (12) The thirty-six as enumerated include offering up without. Now in answer to the question, since they are all enumerated, why is the number stated? The Talmud says that it teaches that if one committed all of them in a single state of ignorance (not knowing that they are forbidden), he is liable to thirty-six sin-offerings. If, however, culpability for offering up without sacrifices which should be burnt without, is inferred by a gezerah shawah from those which should be burnt within, they constitute two separate offences and involve separate sin-offerings. But in that case they should be enumerated separately there too, and the number given is thirty-seven.
- (13) I.e., even if he made one sprinkling only instead of four.
- (14) For Scripture speaks only of slaughtering and offering up without, but not of sprinkling.
- (15) Lev. XVII, 4.
- (16) Ibid. 8; it refers to offering up without, and 'or' is regarded as an extension.
- (17) To shew that one is liable for offering up without either a burnt-offering or any other sacrifice. Without 'or' you would assume that liability is incurred only for offering up both.
- (18) 'It' is singular and so implies one.
- (19) Does he not admit this exegesis?
- (20) From which part is missing. The exact meaning of 'whole' and 'incomplete' is discussed anon.
- (21) How does he know this?
- (22) If 'it' were written once only, I would say that its implication applies only to those which should be burnt without. But as for those which should be burnt within, he is culpable even if he offers up only part, for when a single limb springs off the altar during the burning (haktarah), it must be replaced, which shews that haktarah applies even to part. (The general principle is that the performance of a rite without involves liability when it would count as a proper rite within.)
- (23) Whence does he learn this?
- (24) Though a bird sacrifice requires melikah, not shechitah, yet if it is slaughtered without (i.e., with shechitah), it involves liability.
- (25) Ibid., 3.
- (26) Thus both are necessary. For from the first I would conclude that even shechitah of a bird involves liability, and all the more melikah, since that is the correct way of sacrificing a bird. Hence the second teaches that only shechitah involves liability.
- (27) Lev. XVII, 2. This is the superscription to the whole passage, and is emphatic, implying that the law is exactly as stated.
- (28) This is superfluous, as Scripture could say, that killeth an ox . . . in the camp or without the camp.
- (29) V. Ned. 78a; B. B. 120b.

(30) Of a meal-offering, without, and does not burn it.

(31) That you seek a text to shew that he is not.

(32) By analogy: as shechitah is a sacrificial rite and involves culpability if performed without, so it is the same with every sacrificial rite.

(33) V. supra 4a. But that obviously cannot apply to taking the fistful, or to receiving.

(34) For performing it. But he is not liable for the other rites.

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— Infer it from both combined.¹ But if so,² let it not be stated in connection with sprinkling, which may be inferred from both [shechitah and offering up] combined. [Thus: when you say,] let it be inferred from shechitah, [you can argue], as for shechitah, the reason is because it is invalid in the case of the Passover-offering [when done] on behalf of such who cannot eat. Let it be inferred from offering up: As for offering up, the reason is because it applies to a meal-offering [too].³ Then infer it from both combined? Rather, for that reason a text is written [to include sprinkling] to intimate that you may not infer from both combined.⁴

R. Abbahu said: If one slaughtered [a sacrifice] and sprinkled [its blood without]: according to R. Ishmael he is liable to one [sin-offering], [whereas] according to R. Akiba he is liable to two.⁵ Abaye said: Even on R. Akiba's view, he is liable to one only, because Scripture saith, There thou shalt offer up thy burnt-offerings, and there thou shalt do all that I command thee:⁶ Scripture thus ranked them as one 'doing' [rite].⁷

If one sprinkled and offered up [without], according to R. Ishmael he is liable to two [sin-offerings], [whereas] according to R. Akiba he is liable to one only.⁸ Abaye said: Even on R. Akiba's view he is liable to two, that being the reason that Scripture divided them, [vis.] 'There thou shalt offer-up . . . and there thou shalt do'. If one slaughtered, sprinkled, and offered up all agree that he is liable to two.

Our Rabbis taught: [Or that killeth it] without the camp.⁹ You might think [that that means] without the three camps;¹⁰ therefore it states, . . . or goat, in the camp.⁹ If [you thus stress] 'in the camp', you might think that [even] one who slaughters a burnt-offering in the south is culpable;¹¹ therefore it is stated, or that killeth it without the camp: as 'without the camp' is distinguished in that it is not eligible for the slaughtering of most sacred sacrifices or for the slaughtering of any sacrifice, so 'in the camp' means in a place which is not eligible for the slaughtering of any sacrifice: hence the south [side of the Temple court] is excluded, for though it is not fit for the slaughtering of most sacred sacrifices, it is eligible for the slaughtering of lesser sacrifices.

'Ulla said: One who slaughters on the roof of the Hekal is culpable, since it is not eligible for the slaughtering of any sacrifice. To this Raba demurred: If so, let Scripture write, 'in the camp or . . . without the camp', and 'unto the door of the tent of meeting' will not be necessary; what is the purpose of '[and hath not brought it] unto the door of the tent of meeting': surely it is to exclude the roof?¹² Now according to Raba, if that is so,¹³ let [Scripture] write, 'unto the door of the tent of meeting' [only]: what is the purpose of 'in the camp' and 'without the camp'?¹⁴ Surely that is to include the roof?¹⁵ — Said R. Mari: No: it includes [the case where] the whole of [the animal] is within, but its throat is without.¹⁶ If its throat is without, it is obvious [that one is culpable]; [for] to what does the Divine Law object? to slaughtering without; and this is slaughtering without! — Rather, it includes [the case where] the whole of the animal is without, while its throat is within.¹⁷

It was stated: One who offers up nowadays.¹⁸ R. Johanan maintained: He is culpable;¹⁹ Resh Lakish said: He is not liable. R. Johanan maintained, He is culpable: The first sanctity hallowed it for the nonce and for the future. Resh Lakish said, He is not liable: the first sanctity hallowed it for the

nonce, but did not hallow it for the future.²⁰

Shall we say that they differ in the same controversy as that of R. Eliezer and R. Joshua? For we learnt: R. Eliezer said: [I have heard that] when they were building the Temple.²¹ they made curtains for the Temple and curtains for the courts;²² but that they built the Temple [walls] on the outside [of these curtains]. whereas they built the courts on the inside [of these curtains]. R. Joshua said: I have heard that they offered [sacrifices] though there was no Temple; and they ate most sacred sacrifices though there were no curtains, and lesser sacrifices and second tithe though there was no wall,²³ because the first sanctity hallowed it for the nonce and hallowed it for the future.²⁴ Hence it follows that R. Eliezer holds that it did not hallow it [for the future].²⁵ Said Rabina to R. Ashi: Whence [does this follow]? Perhaps all agree that the first sanctity hallowed it for the nonce and hallowed it for the future, and one master reported what he had heard, while the other master reported what he had heard. And should you say. What was the purpose of curtains, according to R. Eliezer? Simply for privacy.

It was stated: If one offers up [a limb] less than an olive [in size],²⁶ but the bone makes it up to an olive,²⁷ R. Johanan maintained: He is culpable; Resh Lakish said: He is not culpable. R. Johanan maintained, He is culpable: that which is attached to what ascends [the altar] is as what is ascends [in its own right]. Resh Lakish said, He is not liable: that which is attached to what ascends is not as what ascends.²⁸

Raba asked: What if one offers up

(1) Lit., 'from between them' — sc. shechitah and sprinkling, for the refutation that applies to one does not apply to the other. Their only common feature is that they are both sacrificial rites; hence the same law should apply to all other sacrificial rites.

(2) That such reasoning is permissible.

(3) But there is no sprinkling in a meal-offering.

(4) Scripture thus intimates that this reasoning is not permissible in the present instance, Hence it is also not permissible in respect of taking the fistful or receiving, and so no text is required to show that these do not involve liability.

(5) R. Ishmael infers liability for sprinkling from the phrase, 'blood shall be imputed'. Now, this is actually written in connection with slaughtering: thus we have a single interdict covering both, and the same kareth is written in connection with both. Hence when he commits both in one state of ignorance, they rank as one offence, and render him liable to one sin-offering only. R. Akiba, however, infers it from 'or a sacrifice', which is written in reference to offering-up. Hence slaughtering and sprinkling are separate interdicts and involve separate sin-offerings.

(6) Deut. XII, 14,

(7) By enumerating 'offer-up' and 'do' separately, it follows that Scripture counts offering up as one act, and all other rites which are 'done' as another single act. Hence they involve one offering only. 'Offer up' means to burn on the altar. The other sacrificial rites (do) comprise slaughtering, receiving the blood and carrying it to the altar, and sprinkling.

(8) The reasoning is similar to that in n. 3, but reversed.

(9) Lev. XVII, 3.

(10) V. p. 276, n. 6. Only then is he culpable.

(11) Since it should be slaughtered on the north side of the Temple court; supra 53b.

(12) For the text implies, only he who does not bring it to the 'tent of meeting' (the Temple court) at all is liable, whereas he who slaughters on the roof has brought it.

(13) That 'unto the door of the tent of meeting' implies any part thereof.

(14) Scripture should simply say: What man soever . . . killeth an ox . . . and hath not brought it unto the door of the tent of meeting. This would shew that killing anywhere outside the Temple court makes one liable, while killing anywhere inside (e.g. on the roof, or a burnt-offering in the south) does not.

(15) As being a place of culpability.

(16) Even then one is culpable.

(17) Even then one is culpable.

- (18) After the destruction of the Temple, when all offering up is without.
- (19) If he does it deliberately he incurs kareth.
- (20) V supra 60b. On the first view, Jerusalem is still 'the chosen place'; hence the present is technically a time when bamoth are forbidden, and so there is culpability.
- (21) Sc. the second Temple, in the days of Ezra.
- (22) Temporarily, until proper walls should be built.
- (23) Around Jerusalem.
- (24) Hence the sites were holy for their various purposes, though walls and curtains were lacking.
- (25) For which reason temporary curtains were necessary to make the site which they enclosed holy.
- (26) Sc. the flesh.
- (27) If a bone springs off the altar while it is being offered within, it is not replaced; supra 85b; v. also p. 522, n. 8.
- (28) Actually, only the flesh ascends, while the bone ascends too merely because it is attached to the flesh, R. Johanan, holds that the bone nevertheless counts as something which is itself offered up, and therefore in the present case one is culpable. Resh Lakish takes the reverse view.

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the head of a pigeon. which is not as much as an olive, but the salt makes it up to an olive? Said Raba of Parzakia¹ to R. Ashi: Is not that the controversy of R. Johanan and Resh Lakish? — [No:] You may ask on R. Johanan's view, and you may ask on the view of Resh Lakish. You may ask on R. Johanan's view: R. Johanan gives his ruling only there, in respect of the bone, which is related to the flesh,² but not in the case of salt, which is not related to the flesh; [or perhaps, there is no difference]? You may ask on the view of Resh Lakish: Resh Lakish gives his ruling only there in respect of the bone, because if it parts from it [the flesh], there is no obligation to take it up [on the altar]; but not here, where if it parts, there is an obligation to take it up,³ or perhaps, there is no difference? The question stands over.

R. JOSE THE GALILEAN SAID etc. Rabbi answered on behalf of R. Jose the Galilean: As for one who slaughters within and offers up without, the reason is because it had a time of fitness; will you say [the same] when one slaughters without and offers up without, where it never had a period of fitness? R. Eleazar son of R. Simeon answered on behalf of R. Jose the Galilean: As for slaughtering within and offering up without, that is because the sanctuary [the altar] receives it;⁴ will you say [the same] when one slaughters without and offers up without, where the Sanctuary does not receive it?⁵ Wherein do they differ?⁶ — Said Ze'iri: They differ in respect to slaughtering at night.⁷ Rabbah said: They disagree where one received it [the blood] in a non-sacred vessel.⁸

AN UNCLEAN [PERSON] WHO EATS [OF SACRIFICES], WHETHER UNCLEAN SACRIFICES etc. The Rabbis say well to R. Jose the Galilean? — Said Raba: Where the [priest's] body [first] became unclean, and then the flesh became unclean, none disagree that he is liable, because personal defilement involves kareth. They disagree where the flesh [first] became unclean and then the [priest's] body became unclean : the Rabbis hold, We say miggo ['since']; whereas R. Jose the Galilean holds: We do not say miggo.⁹ Now according to R. Jose, granted that we do not say miggo, yet let his personal uncleanness, which is graver, come and fall upon the uncleanness of the flesh?¹⁰ — Said R. Ashi: How do you know that personal uncleanness is more stringent? Perhaps uncleanness of the flesh is more stringent, since it cannot be purified in a mikveh.¹¹

MISHNAH. SLAUGHTERING [WITHOUT] IS MORE STRINGENT THAN OFFERING UP [WITHOUT], AND OFFERING UP [IS MORE STRINGENT] THAN SLAUGHTERING. SLAUGHTERING IS MORE STRINGENT, FOR HE WHO SLAUGHTERS [A SACRIFICE] ON BEHALF OF MAN¹² IS CULPABLE, WHEREAS HE WHO OFFERS UP TO A MAN IS NOT CULPABLE.¹³ OFFERING UP IS MORE STRINGENT: TWO WHO HOLD A KNIFE AND SLAUGHTER [WITHOUT] ARE NOT CULPABLE, [WHEREAS] IF THEY TAKE HOLD OF A

LIMB AND OFFER IT UP, THEY ARE CULPABLE. IF ONE OFFERED UP, THEN OFFERED UP AGAIN, THEN OFFERED UP AGAIN,¹⁴ HE IS CULPABLE IN RESPECT OF EACH [ACT OF] OFFERING UP: THESE ARE THE WORDS OF R. SIMEON. R. JOSE SAID: HE IS LIABLE ONLY TO ONE [SIN-OFFERING]. HE IS LIABLE ONLY WHEN HE OFFERS UP ON THE TOP OF AN ALTAR;¹⁵ R. SIMEON SAID: HE IS LIABLE EVEN IF HE OFFERS UP ON THE TOP OF A ROCK OR A STONE.

GEMARA. Why is offering up to a man [without] different, that it is not culpable? [presumably] because unto the Lord is written!¹⁶ Then in the case of slaughtering too, surely 'unto the Lord' is written?¹⁷ — There it is different, because Scripture saith, 'What man soever'.¹⁸ 'What man soever' is written in connection with offering up too? — That is required for teaching that when two men offer up a limb, they are liable. If so, [say that] here too it is required for teaching that if two men hold the knife and slaughter, they are liable? — There it is different, because Scripture saith, that [man]:¹⁹ [this implies,] one, but not two. If so, 'that [man]' is written in connection with offering up too? — That is required

(1) V. supra 10b, p. 50, n. 5.

(2) Lit., 'which is of the kind of the flesh'.

(3) If the salt springs off the altar, the piece must be resalted, because it is written, neither shalt thou suffer the salt of the covenant of thy God to be lacking (Lev. II, 13).

(4) If after being taken out, it is taken in again and offered up on the altar, the altar receives it, and it is not taken down (v. supra 84a).

(5) If it is offered up on the altar after it was slaughtered without, it must be removed.

(6) Rabbi and R. Eleazer b. R. Simon.

(7) According to Rabbi, if one slaughtered a sacrifice within at night and then offered it up, he is not liable, since it never had a period of fitness, for a sacrifice slaughtered at night is unfit. According to R. Eliezer, he is culpable, for if it is laid on the altar, it does not descend.

(8) The sacrifice is immediately invalid, so it never had a period of fitness; nevertheless, the altar receives it.

(9) A clean person who eats unclean flesh is not liable to a sin-offering; an unclean person who eats clean flesh is liable. Now, in the latter case posited by Raba the flesh was already forbidden on account of its own uncleanness. Nevertheless the Rabbis hold that the interdict of personal uncleanness can fall upon the first and be added to it, because it is more comprehensive, as now not only is that piece forbidden to him, but all other pieces, and so we argue: since (miggo) he is interdicted in respect of other pieces, he is also interdicted through his personal uncleanness in respect of this piece too, though that is forbidden in any case. Consequently he is liable to a sin-offering. R. Jose does not accept this argument of miggo, and holds that since the flesh is already forbidden, his own uncleanness does not count at all, and he is not liable. If, however, he became unclean first, he was already forbidden to eat any flesh on pain of a sin-offering, simply because the flesh became unclean.

(10) As an additional interdict. For even if a more comprehensive interdict does not fall upon a less comprehensive one, that is only where both are of equal gravity. Here, however, personal uncleanness is more stringent, since it involves a sin-offering, whereas the uncleanness of the flesh does not.

(11) Whereas an unclean priest is cleansed in a mikweh.

(12) I.e., for lay consumption, not as a sacrifice.

(13) On account of offering up without, though this constitutes idolatry and he is culpable on that account.

(14) Each time part of the same animal. He offered them up in ignorance, but between each offering he became aware that it was forbidden, and then forgot.

(15) I.e., he must first build an altar without and then offer up upon it.

(16) Lev. XVII, 8f: Whatsoever man . . . offereth up a burnt-offering . . . and bringeth it not unto the door of the tent of meeting to sacrifice it unto the Lord, even that man shall be cut off from his people. 'Unto the Lord' shews that Scripture speaks of one who is offering to God, not to man, and only then does he incur kareth (or, a sin-offering if he acts in ignorance).

(17) Ibid. 3f: What man soever . . . killeth all ox . . . and hath not brought it unto the door of the tent of meeting, to present it as an offering unto the Lord.

(18) Heb. ish ish, lit., a man, a man', The repetition extends the law even to one who slaughters to a human being.

(19) Ibid. and that man shall be cut off from among his people.

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in order to exclude one who acts in ignorance, under constraint, or in error.¹ If so, there too it is required in order to exclude one who acts in ignorance, under constraint, or in error? — 'That' is written twice.² Then what is the purpose of 'unto the Lord'?³ — It is to exclude the goat that is sent away.⁴

OFFERING UP IS MORE STRINGENT etc. Our Rabbis taught: A man, a man⁵ why this [repetition]? To include two who take hold of a limb and offer it up, [and it teaches] that they are liable. For I might argue, is not [the reverse] logical: if two who hold a knife and slaughter are not liable, though when one slaughters to a man he is liable; is it not logical that when two take hold [of a limb and offer it up] they are not liable, seeing that one who offers up to a man is not liable? Therefore 'a man, a man' is stated: these are the words of R. Simeon. R. Jose said: 'That [man]' implies one but not two. If so, why is 'a man, a man' stated? — [Because] Scripture employs human idiom.⁶ And R. Simeon?⁷ — He requires that for excluding one who acts in ignorance, under constraint, or in error. And R. Jose?⁸ — [He infers that] from ha-hu [being written instead of] hu.⁹ And R. Simeon? — He does not attribute any particular significance to¹⁰ ha-hu [as opposed to] hu.

Now, according to R. Jose, since [in] this 'ish ish' the Torah employs human idiom, in the other ish ish too¹¹ [we must say that] the Torah employs human idiom; whence then does he know that one who slaughters to a man is liable? — He infers it from, blood shall be imputed unto that man, he hath shed blood: [this implies,] even one who slaughters to a man.¹²

IF ONE OFFERED UP, THEN OFFERED UP AGAIN etc. Resh Lakish said: The controversy is about four or five limbs, one master holds that the text, to sacrifice it, [which teaches that] a person is liable on account of a whole, but not on account of an incomplete one, is written in connection with the whole animal¹³ the other master holds that it is written in connection with each limb.¹⁴ But in the case of one limb,¹⁵ all agree that he is liable to one [offering] only. But R. Johanan maintained: The controversy is about one limb; one master holds that if one offers up without [limbs] which were [first] burnt within and [thus] became incomplete, he is liable;¹⁶ while the other master holds that he is not liable,¹⁷ But in the case of four or five limbs, all agree that he is liable on account of each limb [separately]. Now, this disagrees with 'Ulla. For 'Ulla said: All agree that one is liable if he offers up without [limbs] which were burnt within and [thus] became incomplete. They disagree only where one offers up without [limbs] which were burnt without and [thus] became incomplete: there one master holds that he is not liable, while the other master holds that he is liable.¹⁸ Others say, 'Ulla said: All agree that one is not liable if he offers up without [limbs] which were burnt without and [thus] became incomplete. They disagree only where one offers up without [limbs] which were burnt within and [thus] became incomplete: one master holds that he is not liable, while the other master holds that he is liable. Now, Samuel's father disagrees with 'Ulla's [view] in its first version. For Samuel's father said: In accordance with whom do we replace on the altar [limbs] that spring off? It is not in accordance with R. Jose.¹⁹

HE IS LIABLE ONLY WHEN HE OFFERS UP [ON TOP OF AN ALTAR] etc. R. Huna said, What is R. Jose's reason? — Because it is written, And Noah builded an altar unto the Lord.²⁰ R. Johanan said: What is R. Simeon's reason? — Because it is written, So Manoah took the kid with the meal-offering, and offered it upon the rock unto the Lord.²¹ Now as to the other too, surely it is written, And Noah builded an altar unto the Lord? — That was merely for its elevation.²² And as to the other too, surely it is written, So Manoah took [etc.]? — That was a temporary dispensation.

Alternatively, this is R. Simeon's reason, [viz.,] as it was taught: R. Simeon said: [There is] the altar [of the Lord] at the door of the tent of meeting,²³ but there is no altar at the bamah;²⁴ therefore if one offered up [without] on a rock or on a stone, he is liable. ['He is liable!'] Surely he should say, [he] is excluded?²⁵ — This is what he means: Therefore if one offers up on a rock or on a stone when bamoth are forbidden, he is liable.

R. Jose son of R. Hanina asked: As to the horn, the ascent, the base and squareness, are these indispensable at the bamoth?²⁶ — Said R. Jeremiah to him. It was taught: The horn, the ascent, the base and squareness were indispensable at the great bamoth,²⁷ but were not indispensable at minor bamoth.²⁸

MISHNAH

- (1) 'In error' means when he is led into error by another.
- (2) Blood shall be imputed unto that man . . . and that man shall be cut off. Thus we have two limitations.
- (3) Written in connection with slaughtering.
- (4) On the Day of Atonement, Lev. XVI, 21. A man is not liable for slaughtering that without, because 'unto the Lord' implies that liability is incurred only when it could be sacrificed, and its rites performed, within.
- (5) V. n. 2.
- (6) Where this repetition is quite common.
- (7) Does he not admit the implication of 'that'?
- (8) Whence does he know this?
- (9) Both mean 'that', The longer form implies a further limitation.
- (10) Lit., 'he does not interpret'.
- (11) Sc. in connection with slaughtering.
- (12) That is implied in the emphatic 'he hath shed blood' — no matter to whom.
- (13) One is liable only when he offers up the whole animal; therefore even if he offered up several limbs, he is liable to one offering only, viz., on account of the first, because the animal was still whole then.
- (14) One is liable only when he offers up a whole limb, but not when he offers up part of a limb. Hence each limb imposes a separate liability.
- (15) I.e., if a man offered up one limb in several portions consecutively.
- (16) Because if such a limb springs off the altar, it must be replaced. This shews that it still requires haktarah after it has become incomplete, therefore when one offers it up without, performing haktarah there, he is liable. Consequently, each successive offering up of a portion of the same limb entails a separate sacrifice.
- (17) Save for a whole limb. Therefore when he offers up the limb in several parts, he incurs one offering only.
- (18) The latter holds that 'it' excludes less than the size of an olive, but not an incomplete limb.
- (19) For if R. Jose held thus, then since they still require haktarah within, though when they spring off they are already incomplete, he should also hold that one is liable for offering up without limbs which were incomplete through having been burnt within. This proves that in the opinion of Samuel's father, R. Jose disagrees, and holds that one is not liable, even if he offers up without limbs which were incomplete through having been first burnt within.
- (20) Gen. VIII, 20. This proves that only an altar makes the act one of offering up.
- (21) Judg. XIII, 19.
- (22) To facilitate the act of offering up, but not because an actual altar was necessary.
- (23) Lev. XVII, 6.
- (24) Only at the door of the tent of meeting was a proper altar required. But when bamoth were permitted, no proper altar was necessary, and one could sacrifice and offer up on a simple stone.
- (25) 'But there is no altar at a bamah', obviously means when this is permitted. But one is not liable then for offering up without, and so he should have said, this excludes (from liability) one who offers up on a rock or on a stone.
- (26) These were indispensable to the altar in the Tabernacle: v. supra 62a.
- (27) Sc. at Nob and Gibeon; these were public bamoth.
- (28) Sc. private bamoth, which individuals built for themselves.

Talmud - Mas. Zevachim 109a

. IF EITHER VALID SACRIFICES OR INVALID SACRIFICES HAD BECOME UNFIT WITHIN, AND ONE OFFERS THEM WITHOUT, HE IS LIABLE.¹ IF ONE OFFERS UP WITHOUT AS MUCH AS AN OLIVE OF A BURNT-OFFERING AND ITS EMURIM [COMBINED].² HE IS LIABLE.

GEMARA. Our Rabbis taught: [Whatsoever man . . .] that offereth up a burnt-offering:³ I know it only of a burnt-offering; whence do I know to include the emurim of a guilt-offering, the emurim of a sin-offering, the emurim of most sacred sacrifices and the emurim of lesser sacrifices?⁴ Because it says, '[or] sacrifice'.⁵ Whence do we know to include the fistful, frankincense, incense, the meal-offering of priests, the meal-offering of the anointed priest, and one who makes a libation of three logs of wine or of water?⁶ Because it says, 'And bringeth it not unto the door of the tent of meeting':⁷ whatever comes to the door of the tent of meeting, you are liable on its account [if it is done] without. Again, I know it only of valid sacrifices; whence do I know to include invalid [ones], e.g., [a sacrifice] that is kept overnight, or that goes out, or is unclean, or which was slaughtered [with the intention of being eaten] after time or without bounds, or whose blood was received and sprinkled by unfit persons; or [whose blood] was sprinkled above when it should have been sprinkled below, or below when it should have been sprinkled above, or within instead of without, or without instead of within;⁸ or a Passover-offering or a sin-offering which one slaughtered under a different designation? Because it says, 'And bringeth it not to sacrifice', [this teaches,] whatever is received at the door of the tent of meeting,⁹ you are liable on its account without.

IF ONE OFFERS UP WITHOUT AS MUCH AS AN OLIVE OF A BURNT-OFFERING [AND ITS EMURIM] etc. Only [of] a burnt-offering and its emurim, but not [of] a peace-offering and its emurim.¹⁰ We have thus learnt here what our Rabbis taught: A burnt-offering and its emurim combine to [make up the standard of] an olive, in respect of offering them up without, and in respect of being liable through them on account of piggul, nothar, and defilement.¹¹ As for offering-up. it is well: only a burnt-offering, because it is altogether burnt [kalil],¹² but not a peace-offering. What however is the reason for piggul, nothar, and uncleanness? Surely we learnt: All instances of piggul combine, and all instances of nothar combine:¹³ thus the rulings on piggul are contradictory, and those on nothar are contradictory? — The rulings on piggul are not contradictory: one refers to piggul, the other refers to the intention of piggul.¹⁴ Nor are the rulings on nothar contradictory: one refers to [actual] nothar, the other refers to such which were left over before the blood was sprinkled.¹⁵ And who is the author of this? — R. Joshua. For it was taught: R. Joshua said: [In the case of] all the sacrifices of the Torah of which as much as an olive of flesh or an olive of heleb remains,

(1) Because if such unfit sacrifices are placed on the altar within they are not removed.

(2) E.g. half as much as an olive of each.

(3) Lev. XVII, 8.

(4) That if one offers up these without, he is liable.

(5) Ibid. This is an extension.

(6) This is the smallest measure which constitutes a libation.

(7) Ibid. 9.

(8) 'Within' and 'without' here mean on the inner altar and on the outer altar respectively.

(9) I.e., whatever is not removed from the altar if placed thereon.

(10) The flesh and the emurim of a peace-offering do not combine to make up the standard of an olive.

(11) This is now assumed to mean that one is liable for eating as much as an olive of the flesh and the emurim combined when it is piggul or nothar, or if he is unclean.

(12) Hence no distinction is drawn between the flesh and the emurim, and they combine.

(13) Now, piggul and nothar apply both to the flesh and to the emurim of a peace-offering (v. supra 43a): hence the two

should combine.

(14) If one eats half as much as an olive of the flesh of a peace-offering which is already piggul and the same quantity of its emurim, he is liable to a sin-offering. If, however, one slaughters a peace-offering with the intention of eating or burning half as much as an olive of the flesh and half as much as an olive of the emurim after time, it does not become piggul, because the flesh should be eaten and the emurim should be burnt, whereas an illegitimate intention of eating or burning renders a sacrifice piggul only when it is made in respect of what is eaten or burnt respectively. Such intentions do combine, however, in the case of a burnt-offering, since the whole of it is burnt.

(15) In the case of ordinary nothar the flesh and the emurim, even of a peace-offering, combine. It is different, however, in the following instance: The whole of the animal, except half as much as an olive of the flesh and the same of the emurim, was lost or destroyed before the sprinkling of the blood. Now, if this happened with a burnt-offering, we would have as much as an olive for the altar's consumption, and therefore the sprinkling is valid to render it nothar, in the sense that if it is left until after time and then eaten, it entails liability. In the case of a peace-offering, however, there is only half as much as an olive for the altar's consumption and the same for man's consumption: these do not combine to permit the sprinkling. If one did sprinkle, therefore, the sprinkling is not valid to render it nothar in the above sense. The same applies to defilement.

Talmud - Mas. Zevachim 109b

he sprinkles the blood. [If there remains] half as much as an olive of flesh and half an olive of heleb, he must not sprinkle the blood. But in the case of a burnt-offering, even [if there remains] half as much as an olive of flesh and half an olive of heleb, he sprinkles the blood, because the whole of it is entirely burnt. While as for a meal-offering, even if the whole of it is in existence, he must not sprinkle [the blood]. What business has a meal-offering [here]?¹ — Said R. Papa: [This refers to] the meal-offering of libations which accompanies the [animal] sacrifice.²

MISHNAH. AS FOR THE FISTFUL [OF FLOUR]. THE FRANKINCENSE, THE INCENSE, THE PRIESTS' MEAL-OFFERING, THE ANOINTED PRIEST'S MEAL-OFFERING, AND THE MEAL-OFFERING OF LIBATIONS, IF [ONE] PRESENTED AS MUCH AS AN OLIVE OF ONE OF THESE WITHOUT, HE IS LIABLE. BUT R. ELEAZAR³ RULES THAT ONE IS NOT LIABLE UNLESS HE PRESENTS THE WHOLE OF THEM [WITHOUT].⁴ IN THE CASE OF ALL OF THESE, IF THEY WERE OFFERED WITHIN, BUT AS MUCH AS AN OLIVE WAS LEFT OVER AND ONE OFFERED IT WITHOUT, HE IS LIABLE.⁵ IN THE CASE OF ALL OF THESE, IF THEY BECAME SLIGHTLY INCOMPLETE. AND ONE OFFERED THEM WITHOUT, HE IS NOT LIABLE.⁶ ONE WHO OFFERS SACRIFICES TOGETHER WITH THE EMURIM WITHOUT,⁷ IS LIABLE.⁸

GEMARA. Our Rabbis taught: If one burns as much as an olive of incense⁹ without, he is liable; [if one burns] half a peras¹⁰ within he is not liable. Now it was assumed that what does 'not liable' mean? A zar is not liable;¹¹ [then the difficulty arises] why so? Surely it is haktarah?¹² — Said R. Zera in R. Hisda's name in R. Jeremiah b. Abba's name in Rab's name: What does 'not liable' mean? The community is not liable.¹³

R. Zera said: If I have a difficulty, it is this, viz., Rab's statement thereon [that] here even R. Eleazar agrees; but surely R. Eleazar maintains that this does not constitute haktarah?¹⁴ — Said Rabbah: In respect of haktarah in the Hekal none disagree.¹⁵ They disagree only in respect of the haktarah within.¹⁶ one master holds, 'his hands full' is particularly meant;¹⁷ while the other master holds [that] 'his hands full' is not meant particularly. But surely, said Abaye to him, 'statute' is written in reference to haktarah within?¹⁸ — Rather said Abaye: In respect of haktarah within, none disagree. They disagree only in respect of haktarah without: one master holds [that] we learn within from without; while the other master holds that we do not learn [within from without].¹⁹

Raba observed: Seeing that the Rabbis do not learn without from without, can there be a question

of [learning] within from without?²⁰ To what is this allusion?²¹ — To what was taught: You might think that if one offers up [without] less than an olive of the fistful [of flour] or less than an olive of emurim, or if one makes libations of less than three logs of wine or less than three logs of water, he is liable: therefore it states, ‘to sacrifice [do]’: one is liable for a complete [standard], but one is not liable for an incomplete one. Now, less than three logs nevertheless contains many olives, and yet the Rabbis do not learn without from without!²² — Rather said Raba: [The Mishnah applies to] where e.g., one appointed it

(1) There is no blood to sprinkle in a meal-offering.

(2) If the flesh is lost while the meal-offering is in existence, the blood must not be sprinkled.

(3) So Sh.M.

(4) Because it is not valid within unless the whole of it is offered. The Rabbis, however, hold that even if as much as an olive is offered within it is valid, provided that the whole of it was available for offering.

(5) R. Eleazar agrees here, because this would have completed the offering within and made it valid.

(6) Since offering them within would not have been valid.

(7) I.e., he offers up the flesh, to which is attached the emurim.

(8) On account of the emurim.

(9) Emended text (Sh.M.).

(10) A peras (half a maneh) of incense was offered twice daily, morning and evening. ‘Half a peras’ means any quantity less than a peras.

(11) If a zar burns less than a peras within he is not liable, though only a priest is permitted to burn it.

(12) V. Glos. Even with that quantity; and, a zar who performs haktarah is liable.

(13) They have fulfilled their obligation, though it was less than the standard quantity prescribed.

(14) Why then is the community quit of its obligation?

(15) All agree that the daily haktarah in the Hekal is fulfilled with as much as an olive, because Scripture does not prescribe a quantity for this, the standard of a peras being Rabbinical only. Consequently R. Eleazar admits that if one burns as much as an olive of this without, he is liable; and for the same reason the community is quit of its obligation when as much as an olive is burnt within. Hence the Baraitha, which refers to the daily haktarah, agrees with all.

(16) On the Day of Atonement, which was done in the innermost sanctuary. There a definite quantity is prescribed, viz., ‘his hands full’ (Lev. XVI, 12).

(17) Not less, and the whole must be taken simultaneously. Hence less does not constitute haktarah on that occasion, and if one burns this without, he is not liable.

(18) Ibid. 34: And this shall be an everlasting statute unto you, to make atonement . . . once in the year. ‘Statute’ intimates that everything which is so designated must be carried out exactly as prescribed; further, it applies to all the rites enumerated in the chapter which are performed only ‘once in the year’, and hence includes haktarah within. How then can anyone maintain that ‘his hands full’ is not meant particularly?

(19) Abaye too explains that the Baraitha treats of haktarah of the Hekal, while the Mishnah treats of haktarah within. But his premises and reasoning are different. Thus: all agree that a complete haktarah, viz., ‘his hands full’ is indispensable within. They disagree where one burnt without the Temple as much as an olive of this incense that should have been burnt within, in the innermost sanctuary. One master holds that we learn within from without, i.e. the incense of the innermost sanctuary from the incense of the Hekal: just as one is liable for burning as much as an olive of the latter without, so is one liable for burning as much as an olive of the former without, although that same quantity burnt in its rightful place, sc. the innermost sanctuary, does not constitute haktarah. R. Eleazar, however, holds that we cannot make this inference, precisely because of the difference just noted, Hence when he burns it without he is not liable.

(20) Surely they would not make such an inference.

(21) Where do we find that they do not learn without from without?

(22) They do not say that since as much as an olive of incense burnt without entails liability. the same measure of wine or water offered as a libation without entails liability, though both of these are ‘without’, i.e., they are rightly offered on the outer altar. The author of this must be the Rabbis, since R. Eleazar holds that one is not liable even when he burns as much as an olive without. (It should be noted that ‘without’ in the present passage is used with two different meanings: (i) outside the Temple court altogether. where all offering is forbidden; and (ii) the outer altar in the Temple court, where the daily incense is burnt and the drink-offerings are made.)

Talmud - Mas. Zevachim 110a

in a vessel: one master holds that appointing in a vessel is an act that counts, while the other master holds that it is not an act that counts.¹

Raba said: Now that we have said that there is a view that appointment through a vessel does not count, if one appointed six [logs] for a bullock² and removed four of them and offered them up without, he is liable, since they are fit for a ram.³ If one appointed four [logs] for a ram and removed three of them and offered them up without, he is liable, since they are fit for a lamb. If they [the three logs] were slightly incomplete, he is not liable.⁴

R. Ashi said: The Rabbis do not learn nisuk,⁵ from haktarah, though it is without from without; they do learn haktarah from haktarah, though it is within from without.⁶

IN THE CASE OF ALL OF THESE, IF THEY BECAME SLIGHTLY INCOMPLETE etc. It was asked: Does incompleteness without count as incompleteness, or does it not count as incompleteness?⁷ Do we say, since it went out, it was disqualified; what is the difference then whether there is less or more?⁸ Or perhaps, only when it goes out and is wholly existent [does it involve liability], but not when it is not wholly existent? — Said Abaye, Come and hear: R. ELEAZAR RULES THAT ONE IS NOT LIABLE UNLESS HE PRESENTS THE WHOLE OF THEM,⁹ Rabbah son of R. Hanan objected to Abaye: Does the master solve it from R. Eleazar?¹⁰ — I explicitly heard it from a master, he replied: the Rabbis disagree with R. Eleazar only when the whole of it is available; but if it is incomplete, they agree with him. Surely that means, [even] if it became incomplete without? — No: [only] when it became incomplete within.

Come and hear: IN THE CASE OF ALL OF THESE, IF THEY BECAME SLIGHTLY INCOMPLETE AND ONE OFFERED THEM WITHOUT, HE IS NOT LIABLE: does that not mean [even] where it became incomplete without? — No: [only] when it became incomplete within.

ONE WHO OFFERS SACRIFICES [etc.]. Why so? surely it interposes?¹¹ — Said Samuel: It means where he turns them over.¹² R. Johanan said: You may even say that he does not turn them over, but the author of this is R. Simeon who maintained: Even if one offers them up on a rock or on a stone, he is liable.¹³ Rab said: One kind is not an interposition for the same kind.¹⁴

MISHNAH. IF THE FISTFUL OF A MEAL-OFFERING WAS NOT [YET] TAKEN, AND ONE OFFERED IT WITHOUT, HE IS NOT LIABLE.¹⁵ IF ONE TOOK OFF THE FISTFUL, THEN REPLACED THE FISTFUL WITHIN IT, AND OFFERED IT WITHOUT, HE IS LIABLE.¹⁶

GEMARA, But why so? let the remainder nullify the fistful?¹⁷ — Said R. Zera: Haktarah is stated in connection with the fistful, and haktarah is stated in connection with the remainder:¹⁸ as in the case of the haktarah stated in connection with the fistful, one fistful does not nullify another;¹⁹ so in the case of haktarah stated in connection with the remainder, the remainder does not nullify the fistful.

MISHNAH. AS FOR THE FISTFUL AND THE FRANKINCENSE, IF ONE OFFERED ONE OF THEM WITHOUT, HE IS LIABLE; R. ELIEZER RULES THAT HE IS NOT LIABLE UNLESS HE OFFERS THE SECOND [TOO].²⁰ [IF ONE OFFERED] ONE WITHIN AND THE OTHER WITHOUT,²¹ HE IS LIABLE,²² AS FOR THE TWO DISHES OF FRANKINCENSE,²³ IF ONE OFFERED ONE OF THEM WITHOUT, HE IS LIABLE; R. ELIEZER RULES THAT HE IS NOT LIABLE UNLESS HE OFFERS THE SECOND [TOO]. [IF ONE OFFERED] ONE WITHIN AND THE OTHER WITHOUT, HE IS LIABLE.

GEMARA. R. Isaac Nappah²⁴ asked: Can the fistful permit a proportionate quantity of the remainder?²⁵ does it [the fistful] indeed permit, or does it merely weaken [the prohibition]?²⁶ — On whose view [is this question asked]? If on the view of R. Meir, who maintained, You can render a sacrifice piggul through half of the mattir,²⁷ it indeed permits it;²⁸ and if on the view of the Rabbis who maintained that you cannot render a sacrifice piggul through half of the mattir, it may neither permit nor weaken it?²⁹ — Rather, [the question is asked] on the view of R. Eliezer.³⁰ But R. Eliezer agrees with the Rabbis?³¹ — Rather, [the question is asked] on the view of the Rabbis here:³² does it permit, or does it weaken?³³ The question stands over.

MISHNAH. IF ONE SPRINKLES PART OF THE BLOOD WITHOUT,³⁴

- (1) Both the Mishnah and the Baraitha treat of haktarah of the Hekal, where Scripture does not prescribe a fixed quantity. Therefore the Baraitha teaches that he is liable, and R. Eleazar agrees, as Rab stated. The controversy in the Mishnah arises where one appointed the whole peras that was to be burnt (by Rabbinical law) for its purpose by placing it in a vessel. R. Eleazar holds that this appointment is a substantial act, in the sense that if the priest does not burn it all in the Hekal it is not haktarah and the community is not quit of its obligation. Therefore one is not liable for burning it without unless he burns the whole of it. The Rabbis, however, hold that this appointing does not count at all, and so it is the same as any other incense.
- (2) I.e., he put six logs of wine in a vessel, to be used for the drink-offering which accompanied the sacrifice of a bullock.
- (3) This measure would suffice for a ram, and so he is culpable. If, however, appointment in a vessel counted as a substantial act, he would not be liable unless he offered up the whole six logs without.
- (4) Because less than three logs are not fit for anything within.
- (5) The act of offering libations.
- (6) R. Ashi defends Abaye's explanation, and rebuts Raba's objection. — The text is emended.
- (7) If the full standard was taken without (whereby it was immediately disqualified for use within), and then some of it was lost before he offered it up: does it count as incomplete or not?
- (8) Since it is disqualified in any case, and yet one is liable for offering it without, he may also be liable when it becomes short without.
- (9) Thus even if it is taken out whole, there is no liability unless it is offered whole.
- (10) Surely not. For R. Eleazar holds that even if the whole is existent he is not liable unless he offers the whole, whereas the Rabbis hold that if the whole is existent one is liable when he offers as much as an olive. The question is asked on the view of the Rabbis.
- (11) The flesh interposes between the fire and the emurim, and such would not constitute proper offering up within, for the emurim must lie directly on the fire.
- (12) Sc. that the emurim lie on the fire.
- (13) If even a proper altar is not necessary, it is certainly not necessary for the emurim to lie directly on the fire.
- (14) Flesh is the same kind of matter as emurim, and therefore it does not count as an interposition.
- (15) Because in that state it is not fit for offering within either.
- (16) Because in that case, if it is offered within, it is valid; Men. 23a.
- (17) Hence he should not be liable.
- (18) Lev. II: 2: And he shall take thereout his handful . . . and ... shall make (it) smoke (we-hiktir). Ibid. 11: No meal-offering ... shall be made with leaven, for ye shall make no leaven, nor any honey, smoke (lo taktiru) as an offering made by fire unto the Lord. This is interpreted to mean that one must not burn (haktarah) any portion of the meal-offering whereof part is to be 'an offering made by fire;' hence it applies to the remainder, as part thereof (viz., the fistful) has been taken as 'an offering made by fire'.
- (19) Even if it exceeds it.
- (20) Both must normally be offered before the remainder may be eaten (in the case of a votive meal-offering, to which this refers). Hence the two together are the mattir (v. Glos.), and R. Eliezer holds that one is liable only when he offers without the whole mattir.
- (21) In this order.

- (22) Because the second completes it, and had it been offered within, it would have permitted the consumption of the remainder.
- (23) The burning of which permitted the eating of the Shewbread.
- (24) Or, the smith.
- (25) V. n. 6, p. 540. If one burned the fistful alone, stating that this was to permit part of the remainder (which he determined beforehand), while the other part was to be permitted by the frankincense, is the first part thus permitted?
- (26) Does the fistful completely permit part, in which case this part is now permitted; or does it merely weaken the prohibition of the whole, while the frankincense finally removes it? in that case it will still be forbidden.
- (27) If the priest declares a piggul intention at the burning of either the fistful or the frankincense, the offering is piggul.
- (28) For a sacrifice can be rendered piggul only through a rite which completely permits it (or at least, a portion thereof), just as sprinkling completely permits an animal sacrifice. R. Meir then must certainly hold that the burning of the fistful permits part of the remainder,
- (29) There is no proof that on their view the burning of the fistful either permits part or even weakens the prohibition of the whole.
- (30) In our Mishnah: since he rules that one is not liable for burning that alone without, it may be that he holds that it permits part only.
- (31) Sc. those who disagree with R. Meir, — I.e., the same difficulty that arises on the view of the Rabbis, sc. that they may hold that it neither permits nor weakens, arises on the view of R. Eliezer.
- (32) In our Mishnah.
- (33) Since they maintain that one is liable for burning the fistful alone without, they must regard the same within as a proper haktarah, even without the frankincense. Hence the question, in respect of what is it haktarah: is it in respect of permitting part, or in respect of weakening the whole?
- (34) E.g., he made one application only; this holds good even in the case of the inner sin-offerings, where all the four applications are indispensable.

Talmud - Mas. Zevachim 110b

HE IS LIABLE. R. ELEAZAR SAID: ALSO HE WHO MAKES A LIBATION OF THE WATER OF THE FESTIVAL, ON THE FESTIVAL, WITHOUT, IS LIABLE.¹ R. NEHEMIAH SAID: IF ONE PRESENTED THE RESIDUE OF THE BLOOD² WITHOUT, HE IS LIABLE.

GEMARA. Raba said: R. Eleazar too agrees in the case of blood.³ For we learnt: R. Eleazar and R. Simeon maintained: From where he left off, there he recommences.⁴

R. ELEAZAR SAID: ALSO HE WHO MAKES A LIBATION OF THE WATER OF THE FESTIVAL, ON THE FESTIVAL, WITHOUT, IS LIABLE. R. Johanan said on the authority of R. Menahem of Jotapata:⁵ R. Eleazar ruled thus in accordance with the thesis of R. Akiba, his teacher, who maintained [that] the pouring of water [on the Feast of Tabernacles] is [required] by Scriptural law, For it was taught: R. Akiba said: And the drink-offerings thereof:⁶ Scripture speaks of two drink-offerings, viz., the libation of water and the libation of wine.⁷ Said Resh Lakish to R. Johanan: If so, just as there three logs [are required], so here too three logs [are required], whereas R. Eleazar speaks of THE WATER OF THE FESTIVAL?⁸ [Again,] if so, just as there [there is liability] during the rest of the year, so here too [one should be liable] during the rest of the year, whereas R. Eleazar says [that one is only liable] ON THE FESTIVAL? He, however, had overlooked R. Assi's statement in R. Johanan's name. For R. Assi said in the name of R. Johanan on the authority of R. Nehunia of the valley of Beth Hauran:⁹ Ten Saplings,¹⁰ the Willow,¹¹ and the Water Libation are Mosaic laws from Sinai.¹²

Our Rabbis taught: One who makes a libation of three logs of water on the Feast [of Tabernacles], without, is liable. R. Eleazar said: If he drew it for the sake of the Feast, he is liable. Wherein do they disagree? — Said R. Nahman b. Isaac: They disagree as to whether a standard quantity of water is required.¹³ R. Papa said: [

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- (1) Special water libations on the altar were made during the Feast of Tabernacles. If one makes a libation without of the water specially drawn for this purpose, he is liable.
- (2) Of these sin-offerings whose blood must be poured out at the base of the altar.
- (3) He accepts the view in the Mishnah, though he disagrees in the case of frankincense.
- (4) V. supra 42a. If the blood is accidentally spilt after the first application, a second animal is slaughtered, and the sprinkling is continued, starting with the second application. Thus the first application was effective, and therefore if it is made without, it entails liability.
- (5) A fortress in Galilee.
- (6) Num. XXIX, 31. This refers to the drinkofferings which accompanied the animal sacrifices on Tabernacles, R. Akiba stresses the plural 'offerings'.
- (7) Hence it is Scriptural, and since it is a Scriptural rite, one is liable for doing it without.
- (8) If R. Eleazar based his view on R. Akiba's interpretation, then one should argue: since the rite is learnt from the plural form, 'drink-offerings', the two are alike, and there is no liability for less than three logs without. R. Eleazar, however, merely speaks of THE WATER OF THE FESTIVAL, which may, on one view, be one log (Suk. 48a).
- (9) Or, Beth Haurathan. A town in a valley S.E. of Damascus, and a station for announcing the New Moon; cf. Ezek, XLVII, 18; R.H. 22b.
- (10) The whole of a plantation fifty cubits square, containing at least ten saplings (the definition of 'saplings' is given in Shebi.I.) may be ploughed until the very end of the sixth year (the seventh is the Sabbatical year). In a plantation of older trees tilling must cease at least one month before.
- (11) The circuits around the altar with a willow during the Feast of Tabernacles.
- (12) Thus not only R. Akiba, but all the Rabbis agree that the Water Libation is Scriptural. As, however, this is a Mosaic tradition, and not directly indicated in Scripture, one is not bound by the analogy of the Wine Libation; hence three logs are not needed. — 'He overlooked' presumably means Menahem of Jotapata, and though R. Johanan cites both statements, the present one may be of later date, when he had rejected Menahem's view (Tosaf.).
- (13) The first Tanna holds that it is, and so liability is incurred only for three logs, neither more nor less. R. Eleazar maintains that there is no standard: consequently, this condition of three logs holds good only if the water was specially drawn for libations in the vessel used for the purpose, which held three logs, whereby the vessel appointed the whole of the three logs (cf. supra a top). But if the vessel did not thus appoint it, one is liable even for less. (Tosaf. Rashi explains it otherwise.)

Talmud - Mas. Zevachim 111a

They disagree as to whether libations were offered in the wilderness.¹ Rabina said: They disagree as to whether we learn water libation from wine libation.²

Our Rabbis taught: One who makes a libation of three logs of wine without, is liable. R. Eleazar son of R. Simeon said: Provided that he [first] sanctified them in a [service] vessel. Wherein do they disagree? — Said R. Adda the son of R. Isaac: They differ about the overflow of measures.³ Rabbah the son of Raba⁴ said: They disagree as to whether libations were offered at the bamoth, and in the controversy of the following Tannaim. For it was taught: A private bamah does not require libations: these are the words of Rabbi. But the Sages maintain: It does require libations.⁵ Now, these Tannaim [disagree on the same lines] as the following Tannaim. For it was taught: 'When ye are come [etc.]':⁶ Scripture prescribes [the bringing of] libations at the great bamah. You say, at the great bamah: yet perhaps it is not so, but rather at a minor bamah?⁷ When it says, into the land of your habitations, which I give unto you.⁶ surely Scripture speaks of a bamah in use by all of you: these are the words of R. Ishmael. R. Akiba said: 'When ye are come' prescribes libations at a minor bamah. You say, at a minor bamah: yet perhaps it is not so, but rather at the great bamah? When it says, 'into the land of your habitations,' Scripture speaks of a bamah in use in all your habitations.⁸ Now when you analyse the matter, [you find that] on R. Ishmael's view they did not offer libations in the wilderness, while on R. Akiba's they did offer libations in the wilderness.

R. NEHEMIAH SAID: IF ONE PRESENTED THE RESIDUE OF THE BLOOD WITHOUT, HE IS LIABLE. R. Johanan said: R. Nehemiah taught in agreement with the view that [the pouring out of] the residue is indispensable.⁹ An objection is raised: R. Nehemiah said: If one offered the residue of the blood without, he is liable. Said R. Akiba to him: Surely [the pouring out of] the residue of the blood is [but] the remainder of a rite?¹⁰ Let [the burning of] the limbs and the fat-pieces prove it, he replied, which is the remainder of a rite,¹¹ yet if one offers them up without, he is liable. Not so, said he, If you speak of [the burning of] the limbs and the fat-pieces, that is because it is the beginning of the service; will you say the same of the residue of the blood, which is the end of the service?¹² Now if this is correct,¹³ let him answer him: This too is indispensable? That is indeed a refutation! But now that R. Adda b. Ahabah said: The controversy¹⁴ is about the residue of the inner [sin-offering];¹⁵ but all agree that [the pouring out of] the residue of the outer [sin-offering] is not indispensable, [you can answer thus]: R. Nehemiah spoke [in the Mishnah] of the residue of the inner [sin-offering]; whereas that [Baraita] was taught in connection with the residue of the outer [sin-offerings].¹⁶ If so, let him [R. Nehemiah] answer him: I spoke [only] of the residue of the inner [sin-offerings]? — Rather, he argued on R. Akiba's hypothesis.¹⁷

MISHNAH. IF ONE NIPS A BIRD[-OFFERING] WITHIN AND OFFERS IT UP WITHOUT, HE IS LIABLE; IF ONE NIPS IT WITHOUT AND OFFERS IT UP WITHOUT, HE IS NOT LIABLE.¹⁸ IF ONE SLAUGHTERS A BIRD WITHIN AND OFFERS IT UP WITHOUT, HE IS NOT LIABLE.¹⁹

(1) Both agree that no standard is required, and when the Tanna says three logs he is not exact, for the same applies even to less. (Tosaf. Rashi reverses it; both agree that there is a definite standard, and liability is incurred only for three, not for more or less.) The first Tanna holds that libations were offered in the wilderness. Now, Scripture states, When ye are come into the land of your habitations (sc. Eretz Israel) . . . and will make an offering by fire unto the Lord . . . then shall he that bringeth his offering present unto the Lord . . . wine for the drink-offering (Num. XV, 2 seq.). This implies that libations became obligatory only after they entered Eretz Israel. This cannot mean at the public bamoth, since these were the same as the Tabernacle in the wilderness, where libations were already offered. Hence it must mean at private bamoth, and in this respect it was a new obligation, since there were no private bamoth in the wilderness. At these private bamoth, however, there were no service vessels to sanctify the wine before use; hence the wine could not require special sanctification. For that reason the first Tanna maintains that even when private bamoth were subsequently forbidden, and wine and water for libations would first be sanctified in service vessels, yet if one made a libation without even of water not specially drawn and sanctified, he was liable, since there had been a time when unsanctified wine was used for libations. R. Eleazar, however, holds that libations were not offered in the wilderness. Hence 'when ye are come' etc. refers to the Tabernacle at Shiloh, where the wine was first sanctified. Therefore liability is incurred only for wine (or water) specially drawn and sanctified, since we find no instance of unsanctified wine being used.

(2) They agree that libations were offered in the wilderness; therefore the text must refer to private bamoth, where unsanctified wine was used. But this was only in the case of wine; water libations, however, were offered only at the public bamoth, and the water was first sanctified. The first Tanna holds that we learn water libation from wine libation: as liability is incurred for offering a libation without even of unsanctified wine, so is it incurred for water not specially drawn. R. Eleazar rejects this analogy and maintains that since only sanctified water was used in libations, liability is incurred only for same.

(3) The brim that floats above the actual vessel. Both hold that sanctification by a service-vessel is required; the Rabbis maintain that the overflow is sanctified, and therefore even if the three logs consisted of such overflow, one is liable, R. Eleazar holds that the overflow is not sanctified, and liability is incurred only for wine that was sanctified in the vessel itself.

(4) Emended text (Sh.M.). Cur. edd, Raba the son of Rabbah.

(5) R. Eleazar b. R. Simeon agrees with Rabbi that there were no libations at a private bamah, and so we never find them without prior sanctification; the 'first Tanna agrees with the Sages that libations were offered at a private bamah, and these, of course, were not first sanctified.

(6) Numb. XV, 2.

(7) 'Great' and 'minor' mean public and private respectively.

- (8) Hence, a private bamah.
- (9) V. supra 42b. Therefore it is a service and entails liability if done without.
- (10) And is not indispensable (v. supra 52a); hence it does not entail liability when done without.
- (11) It is not indispensable, for the sprinkling of the blood alone is indispensable.
- (12) Surely not.
- (13) That R. Nehemiah holds that the pouring out of the residue of the blood is indispensable.
- (14) Whether the pouring out of the residue is indispensable or not.
- (15) The residue of the blood of sin-offerings which is sprinkled within, in the Hekal.
- (16) R. Nehemiah admits that that is not indispensable; hence one who offers it without is not liable.
- (17) I maintain that the pouring out of the residue is indispensable. But even if, as you say, it is not, let the burning of the limbs prove that one who offers it without is liable.
- (18) Once he nips it without it is nebelah and not fit for offering up within. He is not liable for nipping it without, as stated supra 107a.
- (19) Because by slaughtering it within, instead of nipping it, he disqualified it, and therefore it could not be offered up within.

Talmud - Mas. Zevachim 111b

IF ONE SLAUGHTERS [IT] WITHOUT AND OFFERS [IT] UP WITHOUT, HE IS LIABLE.¹ THUS ITS PRESCRIBED RITE WITHIN FREES HIM FROM LIABILITY [IF HE DOES IT] WITHOUT, WHILE ITS PRESCRIBED RITE WITHOUT FREES HIM FROM LIABILITY [IF HE DOES IT] WITHIN. R. SIMEON SAID: WHATEVER ENTAILS LIABILITY WITHOUT, ENTAILS IN SIMILAR CIRCUMSTANCES WITHIN WHEN ONE [SUBSEQUENTLY] OFFERS IT UP WITHOUT; EXCEPT WHEN ONE SLAUGHTERS [A BIRD] WITHIN AND OFFERS [IT] UP WITHOUT.²

GEMARA. Is this ITS PRESCRIBED RITE? Surely it is its inculcating rite³ — Learn, its inculcating rite.

R. SIMEON SAID etc. To what does he refer? If we say, to the first clause, [viz.] IF ONE NIPS A BIRD [SACRIFICE] WITHIN AND OFFERS [IT] UP WITHOUT, HE IS LIABLE; IF ONE NIPS [IT] WITHOUT AND OFFERS [IT] UP WITHOUT, HE IS NOT LIABLE; whereon R. Simeon observed [that] just as he is liable [when he nips it] within, so is he liable⁴ [when he nips it] without, — then instead of [saying] WHATEVER ENTAILS LIABILITY WITHOUT, he should say, ‘whatever entails liability within’? And if [he means:] just as one is not liable [when he nips it] without, so is he not liable [when he nips it] within, — then he should say. Whatever does not entail liability without does not entail liability within?⁵ Again if he refers to the second clause: IF ONE SLAUGHTERS A BIRD WITHIN AND OFFERS [IT] UP WITHOUT, HE IS NOT LIABLE; IF ONE SLAUGHTERS [IT] WITHOUT AND OFFERS [IT] UP WITHOUT, HE IS LIABLE; whereon R. Simeon observed: Just as one is not liable [when he slaughters it] within, so is he not liable [when he slaughters it] without, — then he should say, Whatever does not entail liability within does not entail liability without? Or again if [he means], just as he is liable [when he slaughters] without, so is he liable [when he slaughters it] within, — surely he teaches, EXCEPT WHEN ONE SLAUGHTERS [A BIRD] WITHIN AND OFFERS [IT] UP WITHOUT?⁶ — Said Ze'iri: They disagree about the slaughtering of an animal at night, and this is what [the Mishnah] says: Likewise if one slaughters an animal at night, within, and offers it up without, he is not liable;⁷ if one slaughtered [it] at night without and offered [it] up without, he is liable.⁸ R. SIMEON SAID: WHATEVER ENTAILS LIABILITY WITHOUT, ENTAILS LIABILITY IN SIMILAR CIRCUMSTANCES WITHIN WHEN ONE [SUBSEQUENTLY] OFFERS [IT] UP WITHOUT,⁹ EXCEPT WHEN ONE SLAUGHTERS [A BIRD] WITHIN AND OFFERS [IT] UP WITHOUT. Raba said: They disagree about receiving [the blood] in a non-sacred vessel, and this is what it says: Likewise, if one receives [the blood] in a non-sacred vessel within, and offers it up without, he is not

liable;¹⁰ if one receives [the blood] in a non-sacred vessel without and offers [it] up without, he is liable. R. SIMEON SAID: WHATEVER ENTAILS LIABILITY WITHOUT, ENTAILS LIABILITY IN SIMILAR CIRCUMSTANCES WITHIN WHEN ONE [SUBSEQUENTLY] OFFERS [IT] UP WITHOUT, EXCEPT WHEN ONE SLAUGHTERS [A BIRD] WITHIN AND OFFERS [IT] UP WITHOUT. And now that the father of Samuel son of R. Isaac recited: If one nips a bird within and offers [it] up without, he is liable; if he nips [it] without and offers [it] up without, he is not liable; but R. Simeon rules that he is liable: [you can say that] R. Simeon refers to that case, but read: Whatever entails liability [when it is sacrificed] within and offered up without, entails liability [when it is sacrificed] without.¹¹

MISHNAH. AS FOR A SIN-OFFERING WHOSE BLOOD WAS RECEIVED IN ONE GOBLET, IF ONE [FIRST] SPRINKLED [THE BLOOD] WITHOUT AND THEN SPRINKLED [IT] WITHIN; [OR] WITHIN AND THEN WITHOUT, HE IS LIABLE, BECAUSE THE WHOLE OF IT WAS ELIGIBLE WITHIN. IF THE BLOOD WAS RECEIVED IN TWO GOBLETS AND ONE SPRINKLED BOTH WITHIN, HE IS NOT LIABLE; BOTH WITHOUT, HE IS LIABLE. [IF HE SPRINKLED] ONE WITHIN AND ONE WITHOUT,¹² HE IS NOT LIABLE; ONE WITHOUT AND ONE WITHIN, HE IS LIABLE ON ACCOUNT OF THE ONE WITHOUT, WHILE THE ONE WITHIN MAKES ATONEMENT.¹³ TO WHAT MAY THIS BE COMPARED? TO A MAN WHO SET ASIDE [AN ANIMAL FOR] HIS SIN-OFFERING, THEN IT WAS LOST, AND HE SET ASIDE ANOTHER IN ITS PLACE; THEN THE FIRST WAS FOUND, AND [SO] BOTH ARE PRESENT. IF HE SLAUGHTERED BOTH OF THEM WITHIN, HE IS NOT LIABLE; BOTH OF THEM WITHOUT, HE IS LIABLE. [IF HE SLAUGHTERED] ONE WITHIN AND ONE WITHOUT, HE IS NOT LIABLE;¹⁴ ONE WITHOUT AND ONE WITHIN, HE IS LIABLE ON ACCOUNT OF THE ONE WITHOUT,¹⁵ WHILE THE ONE WITHIN MAKES ATONEMENT. JUST AS THE BLOOD RELIEVES ITS OWN FLESH, SO DOES IT RELIEVE THE FLESH OF ITS COMPANION [THE OTHER ANIMAL].¹⁶

(1) Both for slaughtering (supra 107a) and for offering up (infra 119b).

(2) The Gemara discusses the meaning of this.

(3) There cannot be a prescribed rite of slaughtering a sacrifice without; rather, this slaughter is the act which inculcates one and makes him liable.

(4) For offering it up without.

(5) Emended text (Sh.M.).

(6) Which makes it obvious that he means something else, since this is stated as an exception.

(7) This would agree with R. Judah supra 84a, q.v., that an animal sacrifice slaughtered at night must be removed from the altar even if placed thereon. Hence it was not fit for offering up within, and so does not entail liability when it is offered up without. — Ze'iri assumes a lacuna in the Mishnah.

(8) Because in respect of slaughtering without night does not differ from day, since it was eligible to be brought the following day to the 'door of the tent of meeting'.

(9) For he holds that when it is slaughtered within at night it is not removed from the altar (ibid.).

(10) Cf. n. 2. The same applies here.

(11) The exception will then refer to an inference that follows from R. Simeon's statement. For one might infer that whatever does not entail liability when it is sacrificed within and offered up without, e.g., if one sacrifices an unfit animal which was disqualified before it came to the Temple — e.g. one with which an unnatural crime had been committed — does not entail liability when sacrificed without and offered up without. An exception to this is the case of a bird; though it does not entail liability when slaughtered within and offered up without, it does entail liability when slaughtered without and offered up without.

(12) In that order.

(13) I.e., makes the sacrifice valid.

(14) For atonement was made with the first, and so the second was not eligible for slaughtering within. For a sin-offering can be brought only when one is liable; after the first was offered, the second was in the position of a sin-offering whose owner dies before it is sacrificed, and is henceforth unfit for sacrificing.

(15) Since it was eligible then.

(16) This refers to where he slaughtered both within. The sprinkling of the blood of the first relieves its flesh from liability to trespass (v. p. 405, n. 8.); it also relieves the flesh of the second from the same liability, though the second was unfit.

Talmud - Mas. Zevachim 112a

GEMARA. As for [sprinkling the blood] without and then sprinkling [it] within, it is well, because the whole of it was eligible within.¹ But [if he first sprinkled] within and then offered [it] up without, it is [but] the residue?² — This agrees with R. Nehemiah, who ruled: If one offers the residue of the blood without, he is liable. If it agrees with R. Nehemiah, consider the sequel: IF THE BLOOD WAS RECEIVED IN TWO GOBLET: IF ONE SPRINKLED BOTH WITHIN, HE IS NOT LIABLE; BOTH WITHOUT, HE IS LIABLE. [IF HE SPRINKLED] ONE WITHIN AND ONE WITHOUT, HE IS NOT LIABLE. Surely R. Nehemiah maintained [that] if one offers the residue of the blood without, he is liable? — I will answer you: Which Tanna disagrees with R. Eleazar son of R. Simeon [and maintains that] one goblet renders the other rejected? It is R. Nehemiah.³

TO WHAT MAY THIS BE COMPARED? TO ONE WHO SETS ASIDE [AN ANIMAL FOR] HIS SIN-OFFERING, THEN IT WAS LOST, AND HE SET ASIDE ANOTHER IN ITS PLACE; THEN THE FIRST WAS FOUND [etc.] What is the purpose of [adding]. TO WHAT MAY THIS BE COMPARED?⁴ — The author of this is Rabbi, who maintained: If [the first animal] was lost when [the second] was set aside, it must perish.⁵ And this is what it means: This is only if [the first] was lost. If, however, one set aside two [animals for] sin-offerings as surety,⁶ one of these was a burnt-offering from the very outset, in accordance with R. Huna's dictum in Rab's name, viz.: If a guilt-offering was transferred to pasture. and one then slaughtered it without a specified purpose, it is valid as a burnt-offering.⁷ How compare: there, a guilt-offering is a male and a burnt-offering is a male; but a sin-offering was a female?⁸ — Said R. Hiyya of Vastania:⁹ It refers to a ruler's goat.¹⁰

CHAPTER XIV

MISHNAH. IF ONE SLAUGHTERED THE COW OF LUSTRATION¹¹ OUTSIDE ITS APPOINTED PLACE,¹² AND LIKEWISE IF ONE OFFERED WITHOUT THE SCAPEGOAT,¹³ HE IS NOT LIABLE, BECAUSE IT SAYS, AND HATH NOT BROUGHT IT UNTO THE DOOR OF THE TENT OF MEETING,¹⁴ [WHICH INTIMATES THAT FOR] WHATEVER IS NOT ELIGIBLE TO COME TO THE DOOR OF THE TENT OF MEETING, ONE IS NOT LIABLE ON ITS ACCOUNT. [AS FOR] A ROBA', A NIRBA', AN ANIMAL SET ASIDE [FOR AN IDOLATROUS SACRIFICE], AN ANIMAL WORSHIPPED [AS AN IDOL]. A [DOG'S] EXCHANGE, [A HARLOT'S] HIRE, KIL'AYIM, A TEREFAH, AN ANIMAL CALVED THROUGH THE CAESAREAN SECTION,¹⁵ IF ONE OFFERED THESE WITHOUT, HE IS NOT LIABLE, BECAUSE IT SAYS, 'BEFORE THE TABERNACLE OF THE LORD: FOR WHATEVER IS NOT ELIGIBLE TO COME BEFORE THE TABERNACLE OF THE LORD, ONE IS NOT LIABLE ON ITS ACCOUNT. [AS FOR] BLEMISHED ANIMALS, WHETHER WITH PERMANENT BLEMISHES OR

(1) When he sprinkled it without, Hence he is liable.

(2) Which should not entail liability.

(3) Emended text (Sh.M.). For the allusion v. supra 34b. Hence the blood in the second goblet, according to R. Nehemiah, is not even a residue, and therefore he is not liable.

(4) What does this analogy teach, for apparently the point is quite clear without it?

(5) Even if it had been found by the time that the second was sacrificed. (The Rabbis hold that in the latter case it does not perish, but must be left to graze until it receives a blemish, when it is redeemed, and a burnt-offering is brought for the redemption money. If they did not wait for it to become blemished, but sacrificed it as a burnt-offering, it is valid.

Therefore if one sacrificed it without he is liable, in the view of the Rabbis.)

(6) I.e., in case one is lost, the other should be available,

(7) V. supra 5b. The same applies here, and so if one offers it without, he is liable (cf. the view of the Rabbis in n. 6, p. 550).

(8) Hence it was not fit for a burnt-offering.

(9) Or, Astunia (in cur. edd, Justinia), near Pumbeditha, v. Obermeyer, Landschaft, p. 229.

(10) Brought as a sin-offering (v. Lev. IV, 22 seq.). This was a male. If he set aside two, and the second is offered without, it entails liability.

(11) I.e., the red heifer, v. Num. XIX.

(12) Lit. 'vat', 'pit'.

(13) V. Lev. XVI, 21.

(14) Lev. XVII, 4.

(15) V. supra 71a for all these.

Talmud - Mas. Zevachim 112b

WITH TRANSIENT BLEMISHES, IF ONE OFFERS THEM WITHOUT, HE IS NOT LIABLE. R. SIMEON SAID: [IF ONE OFFERS] ANIMALS WITH PERMANENT BLEMISHES, HE IS NOT LIABLE; [IF ONE OFFERS] ANIMALS WITH TRANSIENT BLEMISHES, HE VIOLATES A NEGATIVE INJUNCTION. [WITH REGARD TO] TURTLEDOVES BEFORE THEIR TIME AND YOUNG PIGEONS AFTER THEIR TIME.¹ IF ONE OFFERED THEM WITHOUT, HE IS NOT LIABLE. R. SIMEON SAID: [IF ONE OFFERS] YOUNG PIGEONS AFTER THEIR TIME, HE IS NOT LIABLE; [IF HE OFFERS] TURTLEDOVES BEFORE THEIR TIME, HE VIOLATES A NEGATIVE INJUNCTION. [ONE WHO OFFERS] AN ANIMAL TOGETHER WITH ITS YOUNG [ON THE SAME DAY], AND [ONE WHO OFFERS] BEFORE TIME, IS NOT LIABLE.² R. SIMEON SAID: HE TRANSGRESSES A NEGATIVE INJUNCTION. FOR R. SIMEON MAINTAINED: WHATEVER IS ELIGIBLE TO COME LATER INVOLVES A NEGATIVE INJUNCTION, BUT DOES NOT INVOLVE KARETH.³ BUT THE SAGES MAINTAIN: WHATEVER DOES NOT INVOLVE KARETH DOES NOT INVOLVE A NEGATIVE INJUNCTION. 'BEFORE TIME APPLIES BOTH TO ITSELF AND TO ITS OWNER.⁴ WHAT IS BEFORE TIME AS APPLIED TO ITS OWNER? IF A ZAB OR A ZABAH, A WOMAN AFTER CHILDBIRTH,⁵ OR A LEPER,⁶ OFFERED THEIR SIN-OFFERING OR THEIR GUILT-OFFERING WITHOUT, THEY ARE NOT LIABLE; [IF THEY OFFERED] THEIR BURNT-OFFERINGS OR THEIR PEACE-OFFERINGS WITHOUT, THEY ARE LIABLE.⁷ IF ONE OFFERS UP FLESH OF A SIN-OFFERING, OR FLESH OF A GUILT-OFFERING, OR FLESH OF MOST SACRED SACRIFICES, OR FLESH OF LESSER SACRIFICES, OR THE RESIDUE OF THE 'OMER,⁸ OR THE TWO LOAVES, OR THE SHEWBREAD, OR THE REMAINDER OF MEAL-OFFERINGS; OR IF HE POURS [THE OIL ON TO THE MEAL-OFFERING], OR MINGLES [IT WITH FLOUR], OR BREAKS UP [THE MEAL-OFFERING CAKES], OR SALTS [THE MEAL-OFFERING], OR WAVES IT, OR PRESENTS [IT OPPOSITE THE SOUTH-WEST CORNER OF THE ALTAR], OR SETS THE TABLE [WITH THE SHEWBREAD], OR TRIMS THE LAMPS, OR TAKES OFF THE FISTFUL, OR RECEIVES THE BLOOD. — [IF HE DOES ANY OF THESE] WITHOUT, HE IS NOT LIABLE. NOR IS ONE LIABLE ON ACCOUNT OF ANY OF THESE ACTS ON ACCOUNT OF ZARUTH,⁹ OR UNCLEANNESS, OR LACK OF [PRIESTLY] VESTMENTS,¹⁰ OR THE NON-WASHING OF HANDS AND FEET.¹¹

BEFORE THE TABERNACLE WAS SET UP BAMOTH WERE PERMITTED AND THE SERVICE WAS PERFORMED BY THE FIRSTBORN; AFTER THE TABERNACLE WAS SET UP BAMOTH WERE FORBIDDEN AND THE SERVICE WAS PERFORMED BY PRIESTS. MOST SACRED SACRIFICES WERE [THEN] EATEN WITHIN THE CURTAINS, AND LESSER SACRIFICES [WERE EATEN] ANYWHERE IN THE CAMP OF THE ISRAELITES.¹²

WHEN THEY CAME TO GILGAL,¹³ BAMOTH WERE [AGAIN] PERMITTED: MOST SACRED SACRIFICES WERE EATEN WITHIN THE CURTAINS, AND LESSER SACRIFICES [WERE EATEN] ANYWHERE. WHEN THEY CAME TO SHILOH,¹⁴ BAMOTH WERE [AGAIN] FORBIDDEN. [THE TABERNACLE] THERE HAD NO ROOF, BUT [CONSISTED OF] A STONE EDIFICE CEILED WITH CURTAINS, AND THAT WAS THE 'REST' [ALLUDED TO IN SCRIPTURE]:¹⁵ MOST HOLY SACRIFICES WERE EATEN [THERE] WITHIN THE CURTAINS, AND LESSER SACRIFICES AND SECOND TITHE¹⁶ [WERE EATEN] WHEREVER [SHILOH] COULD BE SEEN. WHEN THEY CAME TO NOB AND TO GIBEON,¹⁷ BAMOTH WERE [AGAIN] PERMITTED: MOST HOLY SACRIFICES WERE EATEN WITHIN THE CURTAINS, AND LESSER SACRIFICES [AND SECOND TITHE]¹⁸ IN ALL THE CITIES OF ISRAEL. WHEN THEY CAME TO JERUSALEM, BAMOTH WERE FORBIDDEN AND WERE NEVER AGAIN PERMITTED,¹⁹ AND THAT WAS THE 'INHERITANCE'. MOST HOLY SACRIFICES WERE EATEN WITHIN THE CURTAINS,²⁰ AND LESSER SACRIFICES AND SECOND TITHE WITHIN THE WALL [OF JERUSALEM].

ALL SACRIFICES CONSECRATED WHILE BAMOTH WERE FORBIDDEN AND OFFERED WITHOUT WHILE BAMOTH WERE FORBIDDEN, INVOLVE A POSITIVE AND A NEGATIVE INJUNCTION,²¹ AND ONE IS LIABLE TO KARETH ON THEIR ACCOUNT.²² IF ONE CONSECRATED THEM WHILE BAMOTH WERE PERMITTED, BUT OFFERED THEM WITHOUT WHEN BAMOTH WERE FORBIDDEN, THEY INVOLVE A POSITIVE AND A NEGATIVE INJUNCTION, BUT ONE IS NOT LIABLE TO KARETH ON THEIR ACCOUNT.²³ IF ONE CONSECRATED THEM WHEN BAMOTH WERE FORBIDDEN, AND OFFERED THEM WHEN BAMOTH WERE PERMITTED, THEY INVOLVE A POSITIVE INJUNCTION,²⁴ BUT THEY DO NOT INVOLVE A NEGATIVE INJUNCTION. THE FOLLOWING SACRIFICES WERE OFFERED IN THE TABERNACLE:²⁵ SACRIFICES CONSECRATED FOR THE TABERNACLE: PUBLIC SACRIFICES WERE OFFERED IN THE TABERNACLE, AND PRIVATE SACRIFICES WERE OFFERED AT A BAMAH.²⁶ IF PRIVATE SACRIFICES WERE CONSECRATED FOR THE TABERNACLE, THEY MUST BE OFFERED IN THE TABERNACLE; YET IF ONE OFFERED THEM AT A BAMAH, HE IS NOT LIABLE.

WHEREIN DID THE MINOR BAMAH AND THE GREAT BAMAH DIFFER? [IN RESPECT OF] LAYING [OF HANDS]. SLAUGHTERING IN THE NORTH,

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- (1) Turtledoves may be sacrificed only after they reach a certain stage; pigeons, only before. V. Hul. 22a.
 - (2) 'Before time' is explained anon. An animal may not be slaughtered together with its young on the same day (cf. Lev. XXII, 28). — In the whole passage the reference is to liability or otherwise for slaughtering without. R. Simeon too means that he has transgressed the negative injunction forbidding the slaughtering of sacrifices without, but is not liable.
 - (3) And therefore if one does it in ignorance, he is not liable to a sin-offering.
 - (4) Whether the animal (or bird) was not yet eligible, or whether its owner was not yet eligible or liable.
 - (5) Before the expiration of forty or eighty days; v. Lev. XII, 1-8.
 - (6) All these, within the period of their counting; v. Lev. XIV, 1-10; XV, 1-15; 25-30.
 - (7) Since these could have been offered as a votive offering within in their name. A sin-offering and a guilt-offering, however, cannot be offered votively.
 - (8) After the fistful is taken.
 - (9) I.e., the prohibition of a zar (a non-priest) to officiate in the Temple.
 - (10) The priest had to officiate in the special garments prescribed in Ex. XXVIII; if he did not wear them all whilst engaged in any of these, he incurs no liability.
 - (11) V. Ex. XXX, 17-21.
 - (12) V. p. 276, n. 6.
 - (13) After crossing the Jordan and entering the promised land; the Tent of Meeting was then set up at Gilgal, and it remained there during the fourteen years of conquering and allotting the country.
 - (14) After the fourteen years.

- (15) Deut. XII, 9: For ye are not as yet come to the rest and to the inheritance, which the Lord your God giveth thee. When they arrived at Shiloh, they had come to that 'rest'. The significance of this is discussed in the Gemara.
- (16) Which was to be eaten 'in the place which the Lord thy God shall choose' (ibid. 18).
- (17) After Shiloh, the Tabernacle was erected at Nob, and subsequently it was set up at Gibeon.
- (18) 'And second tithe' is a var. lec.
- (19) Even after the destruction of the Temple.
- (20) In the place corresponding to within the curtains of the Tabernacle, viz., in the Temple court.
- (21) Lev. XVII, 5: even that they may bring them unto the Lord; this is a positive injunction. Deut. XII, 13: Take heed to thyself that thou offer not thy burnt-offerings in every place that thou seest; this is the negative injunction, and is understood to apply to all sacrifices.
- (22) Lev. XVII, 4: And hath not brought it unto the door of the tent of meeting . . . that man shall be cut off among his people.
- (23) V. supra 106b.
- (24) Having consecrated them when bamoth were forbidden, he was subject to the positive injunction, 'even that they may bring them unto the Lord', which means to the Tabernacle. By waiting until the Tabernacle was destroyed, which rendered this impossible, he transgressed that injunction.
- (25) When it was at Gilgal, when bamoth too were permitted.
- (26) If animals were consecrated for public or private sacrifices, and the place was unspecified, it is tacitly assumed that the former were meant for sacrifice in the Tabernacle (public sacrifices could be sacrificed only there), and the latter were meant for bamoth.

Talmud - Mas. Zevachim 113a

SPRINKLING ROUND ABOUT,¹ WAVING AND PRESENTING,² (R. JUDAH MAINTAINED: THERE WERE NO MEAL-OFFERINGS AT THE BAMA). PRIESTHOOD, SACRIFICIAL VESTMENTS, SERVICE VESSELS, A SWEET ODOUR,³ A LINE OF DEMARCATION FOR [THE SPRINKLING OF] THE BLOOD,⁴ AND THE WASHING OF HANDS AND FEET.⁵ BUT TIME, NOTHAR AND DEFILEMENT WERE ALIKE IN BOTH.⁶

GEMARA. What does OUTSIDE ITS APPOINTED PLACE mean? — Resh Lakish said: Outside the place which had been examined for it.⁷ Said R. Johanan to him: But surely the whole of Eretz Israel had been thus examined?⁸ Rather said R. Johanan: It means, e.g., that one slaughtered it within the wall of Jerusalem.⁹ But let him explain it [as meaning] that he slaughtered it without the wall, but not opposite the door [of the Hekal], for R. Adda b. Ahabah said: If one did not slaughter it opposite the door [of the Hekal], it is disqualified for it is said, And he shall slay it . . . and sprinkle [of her blood toward the front of the tent of meeting]:¹⁰ As the sprinkling must be opposite the door, so must its slaughtering be opposite the door? And should you answer that he [R. Johanan] does not assimilate [slaughtering to sprinkling], surely it was stated: (If one did not slaughter it opposite the door, R. Johanan maintained that it was disqualified, [because it says], And he shall slay. . . and sprinkle. Resh Lakish said: It is fit, [because it says, and she shall be brought forth'] without the camp and he shall slay.¹¹ And it was stated likewise:)¹² If one did not burn it opposite the door, — R. Johanan said: It is disqualified; R. Oshaia said: It is fit. R. Johanan said, 'It is disqualified', [because it says,] and he shall burn . . . and he shall sprinkle.¹³ R. Oshaia said, 'It is fit', because Scripture saith, with her dung [pirshah] it shall be burnt: [that means, in] the place that she departs [poresheth] to death, there must she be burnt!¹⁴ — I will answer you: He [R. Johanan] proceeds to a climax:¹⁵ it goes without saying that [if he slaughters it] without the wall [and not opposite the door] [it is disqualified], because he removed it further [from the Sanctuary]. But even [if he slaughtered it] within the wall, so that he brought it nearer, and I might argue that it is fit, he informs us [that it is not].

The master said: 'Said R. Johanan to him, But surely the whole of Eretz Israel had been thus examined'. Wherein do they differ? — One master holds that the Flood descended in Eretz Israel;¹⁶

while the other master holds that it did not descend [there]. R. Nahman b. Isaac observed: Both interpret the same text, [Viz.:] Son of man, say unto her: Thou art a land that is not cleansed, nor rained upon in the day of indignation.¹⁷ R. Johanan holds: Scripture speaks rhetorically.¹⁸ O Eretz Israel, how art thou not clean; did then the rain [flood] descend upon thee in the day of indignation? While Resh Lakish holds that it bears its plain sense: Eretz Israel, thou art not clean, [for] did not the rain descend upon thee in the day of indignation?

Resh Lakish refuted R. Johanan: There were courtyards in Jerusalem built on a rock; beneath them was a hollow, on account of graves down in the depths.¹⁹ There they brought pregnant women, and women who had given birth, and there they reared their children for [the service of] the [Red] Heifer.²⁰ And they brought oxen with doors on their backs;²¹ the children sat on them and carried stone goblets,²² which they filled [with water] and then returned to their place!²³ — Said R. Huna, the son of R. Joshua: They were especially strict in the case of the [Red] Heifer.

R. Johanan refuted Resh Lakish: On one occasion they found [human] bones in the Wood Chamber,²⁴ and they desired to declare Jerusalem unclean. Whereupon R. Joshua rose to his feet and exclaimed: Is it not a shame and disgrace to us that we declare the city of our fathers unclean! Where are the dead of the Flood, and where are the dead of Nebuchadnezzar?²⁵ Since he said, 'Where are the dead of the Flood?' he surely meant that they had not been there [in Jerusalem]? — Then on your reasoning, had there been none of the slain of Nebuchadnezzar [there]?²⁶ Rather, they had been, but were removed; so here too²⁷ they had been [in Eretz Israel], but were cleared away. But if they were removed,

(1) So that the blood touched the four sides of the altar.

(2) Sc. the meal-offerings, opposite the south-west corner of the altar.

(3) V. supra 46b.

(4) Whether it was to be sprinkled above or below.

(5) All these were required at the public bamah but not at a private one.

(6) The prohibition of eating the flesh after time and when unclean, or when it had been rendered piggul (v. Glos.) through the intention of eating it after time, operated at both.

(7) Examined to see that there was no hidden grave under it. Only in such a place might it be slaughtered.

(8) V. infra.

(9) Whereas it was to be slaughtered without, Num. XIX, 3.

(10) Ibid. 3f. This would correspond to opposite the door of the Hekal.

(11) Which implies anywhere outside the camp.

(12) Sh.M. deletes the bracketed passage.

(13) Actually the order is reversed: And Eleazar...shall sprinkle of her blood toward the front of the tent of meeting seven times, and he shall burn the heifer. This proximity denotes assimilation: the blood must be sprinkled and the flesh burnt in the same place. — Thus R. Johanan does assimilate two actions stated in proximity, and the same must apply to slaughtering and sprinkling. (Or, he states this explicitly, if the bracketed passage is retained in the text.)

(14) I.e., where her last death-struggles take place. In her struggles she may move away from the spot opposite the door of the Hekal.

(15) Lit., 'he states, "it is not necessary".'

(16) So the bones of many dead sunk in the earth; hence it is not purified.

(17) Ezek. XXII, 24.

(18) Lit., 'indeed wonders.'

(19) In case there were unknown graves below, the hollow prevented the defilement from striking upward and rendering unclean what was in the courtyard.

(20) These children, who would thus be rigidly guarded from defilement, besprinkled the priest who burnt the Red Heifer.

(21) These doors likewise interposed between the defilement of a possible lost grave and the children who sat on them. This was done when they left the courtyards and went to the Pool of Siloam to draw water for mixing with the ashes of

the Red Heifer.

(22) A vessel of stone cannot become unclean.

(23) This proves that Eretz Israel was not regarded as clear of lost graves.

(24) Where the wood was kept for the altar.

(25) They are found elsewhere, but not here.

(26) Of course there were, as many were slain when he captured Jerusalem.

(27) In respect of the dead of the Flood.

Talmud - Mas. Zevachim 113b

then they were removed!¹ — Granted that they had been cleared away from Jerusalem, they had not been cleared away from the whole of Eretz Israel.

Others state, Resh Lakish refuted R. Johanan: 'Where are the dead of the Flood; where are the dead of Nebuchadnezzar?' Surely then, since the latter were [in Eretz Israel], the former too were there? — Why say thus? each had its own state.²

Resh Lakish refuted R. Johanan: Whatsoever was in the dry land, died:³ according to my opinion that the Flood descended to Eretz Israel, it is well: for that reason they died. But on your view, why did they die? — Because of the heat, in accordance with R. Hisda. For R. Hisda said: With hot passion they sinned, and by hot water they were punished. [For] here it is written, And the water cooled;⁴ whilst elsewhere it is said, Then the king's wrath cooled down.⁵

Others state, R. Johanan refuted Resh Lakish: Whatsoever was in the dry land, died. On my opinion that the Flood did not descend to Eretz Israel, it is well: for that reason it is called dry land. But on your view, what is the meaning of 'dry land'? — The place which was originally dry land. And why does he specify 'dry land'?⁶ — In accordance with R. Hisda. For R. Hisda said: In the generation of the Flood the decree [of destruction] was not decreed against the fish in the sea, because it says, 'Whatsoever was in the dry land died', but not the fish in the sea.

On the view that the Flood did not descend there, it is well: thus the re'em⁷ stayed there. But on the view that it did descend, where did it stay?⁸ — Said R. Jannai: They took the young [of the re'em] into the Ark. But surely Rabbah b. Bar Hanah said: I saw a sea re'em, one day old, which was as big as Mount Tabor. And how big is Mount Tabor? Forty parasangs.⁹ Its neck, stretched out, was three parasangs; the place where its head rested was a parasang and a half. It cast a ball of excrements and blocked the Jordan! — Said R. Johanan: They took its head [only] into the Ark. But a master said: The place where its head rested was three parasangs? — Rather, they took the tip of its nose into the Ark. But surely R. Johanan said: The Flood did not descend in Eretz Israel?¹⁰ — He explains [it thus] on the view of Resh Lakish. But the Ark plunged up and down?¹¹ — Said Resh Lakish: They tied its horns to the Ark.¹² But surely R. Hisda said: The people in the generation of the Flood sinned with hot passion, and with hot water they were punished?¹³ — And on your view, how could the Ark travel [at all]?¹⁴ Moreover, how did Og king of Bashan stand?¹⁵ Rather, a miracle was performed for it [the water], and it was cooled at the side of the Ark.

Now according to Resh Lakish, even granted that the Flood fell upon Eretz Israel, surely, however, none [of the dead] were left there. For Resh Lakish said: Why was it [Babylon] called Mezulah? Because all the dead of the Flood were dumped [niztallelu] there? And R. Johanan said: Why was it called Shinar? Because all the dead of the Flood were shaken out thither [nin'aru lesham]? — Yet it was impossible that some should not have cleaved [remained]. R. Abbahu said: Why was it called Shinar? — Because it shakes out its wealthy men [mena'ereh 'ashirim].¹⁶ But we see that there are [wealthy people there]? — They do not last three generations. R. Ammi said: He who eats earth of Babylon is as though he ate the flesh of his ancestors.¹⁷ It has also been learnt

likewise: He who eats earth in Babylon is as though he ate the flesh of his ancestors. Some say, It is as though he ate of abominations and creeping things.¹⁸

THE SCAPEGOAT. [Is it not eligible to come to the door of the tent of meeting?] Surely the following contradicts it: Or sacrifice [korban]:¹⁹ I might understand even sacred things of the Temple Repair,²⁰ which are designated korban, as it says, And we have brought the Lord's korban [offering].²¹ Therefore it states, and bringeth it not unto the door of the tent of meeting: [the law applies only to] what is eligible to come to the door of the tent of meeting; hence sacred things of Temple Repair, which are not thus eligible,²² are excluded.²³ I might think that I exclude these, which are not eligible, but I do not exclude the scapegoat that is sent away, which is eligible to come to the door of the tent of meeting:²⁴ therefore it states, [to sacrifice it] unto the Lord, which excludes the scapegoat, as that is not dedicated to the Lord? — There is no difficulty: the one means before the casting of lots;²⁵ the other means after the casting of lots. After the casting of lots too there is still the confession?²⁶ — Rather, said R. Mani, there is no difficulty: The one means before confession; the other means after confession.

A ROBA' AND A NIRBA'. But this too I may infer from 'unto the door of the tent of meeting'?²⁷

- (1) In any case then Eretz Israel is free from lost graves.
- (2) The latter had been in Eretz Israel, and cleared out, but the former were never there.
- (3) Gen. VII, 22.
- (4) Ibid. VIII, 1. E.V. abated.
- (5) Est. VII, 10. In both cases the root שִׁכַּךְ is used, giving them the same meaning, and proving that the water was hot when it descended. — This heat spread to Eretz Israel.
- (6) Obviously all land where people lived was dry before the Flood.
- (7) A huge animal, too large to enter the Ark.
- (8) That it was able to survive the flood.
- (9) A Persian mile, nearly four English miles. — This passage occurs in a series of 'tall' stories by Rabbah b. Bar Hanah related in B. B. 73a seq., which were probably veiled allegories on the political and social conditions of the time.
- (10) Hence he needs no explanation at all.
- (11) And this would cause the re'em to slip out and drown.
- (12) To secure it.
- (13) It would have been scalded.
- (14) Since its seams were caulked with pitch, why did not the pitch dissolve in the hot water and leave the Ark unseaworthy?
- (15) According to legend he was such a giant that he escaped from the Flood (Nid. 61b). Why wasn't he scalded by the hot water?
- (16) People cannot be wealthy there.
- (17) Who died there.
- (18) V. Shab. 113b.
- (19) Lev. XVII, 8.
- (20) V. p. 74 n. 7.
- (21) Num. XXXI, 50. The verse continues: of jewels of gold, armlets etc.; hence it obviously refers to sacred things of Temple Repair.
- (22) Because only blemished animals can be consecrated for Temple Repair, and such are not eligible for a sacrifice.
- (23) If one slaughtered these without as a sacrifice, he is not culpable.
- (24) As we do not know which will be sacrificed and which will be sent away, until the lots are cast.
- (25) To determine which shall be sacrificed and which sent away; V. Lev. XVI, 8. At that stage it is eligible to come to the tent of meeting.
- (26) Which is made over that goat, v. ibid. 21. That was made within.
- (27) Why does the Mishnah quote a different proof-text here?

Talmud - Mas. Zevachim 114a

As for a roba' and a nirba', it is well: It is conceivable [that the other proof-text is required] where one first consecrated them and then bestiality was committed with them.¹ But as for an animal set apart [for idolatrous worship] and an animal worshipped [as an idol], no man can forbid that which does not belong to him?² — This refers to lesser sacrifices, and in accordance with R. Jose the Galilean, who maintained that lesser sacrifices are their owner's property.³ For it was taught: [If any one sin] and commit a trespass against the Lord [. . . then he shall bring his guilt-offering]:⁴ this is to include lesser sacrifices, because they are his [the individual's] property.⁵ this is the view of R. Jose the Galilean. Therefore [the second proof-text is required for] roba' and nirba', because immorality is involved.⁶ [It is required for] a [harlot's] hire, the price [of a dog], kil'ayim, and an animal calved through the caesarean section, in the case of the young of consecrated animals [sacrifices]; [because] he holds: The offerings of sacred animals are sacred from birth.⁷

BLEMISHED ANIMALS . . . AN ANIMAL TOGETHER WITH ITS YOUNG etc. Now, they are all necessary.⁸ For if he taught about blemished animals [only], I would say that the reason is that they are repulsive,⁹ but as for turtledoves, which are not repulsive, I would say that they agree with R. Simeon. While if he taught about turtledoves, I would say that the reason is because they were not rejected after having been eligible; but as for blemished animals which were eligible but became rejected, I would say that R. Simeon agrees with the Rabbis.¹⁰ And if he taught about these two, I would say that the reason is because their disqualification is intrinsic; but as for an animal and its young, where the disqualification comes from without,¹¹ I would say that the Rabbis agree with R. Simeon. Thus [all three] are necessary.

FOR R. SIMEON MAINTAINED etc. What is R. Simeon's reason? — Said R. Ela in the name of Resh Lakish: Because Scripture saith, Ye shall not do after all that we do here this day, [every man whatsoever is right in his own eyes]:¹² Moses spoke thus to Israel: When ye enter the [Promised] Land, ye shall offer votive [sacrifices],¹³ but ye shall not offer obligatory offerings. Thus Gilgal in comparison with Shiloh was premature, and Moses said to them, Ye shall not do.¹⁴ Said R. Jeremiah to R. Zera: If so,¹⁵

(1) Now, when it was consecrated, it was fit to come to the door of the tent of meeting and therefore the text, 'and hath not brought it' etc. may not exclude this case; for the first text might mean that if an animal was eligible when it was consecrated and then one slaughtered it without, he is liable, even if it was not eligible when it was slaughtered; hence the Mishnah quotes the other proof-text, 'to present it as an offering unto the Lord before the Tabernacle of the Lord'. This definitely excludes whatever is not actually fit to be offered.

(2) The Mishnah must mean that the animal had been set apart before it was consecrated, for once it is consecrated it belongs to God, and it cannot be forbidden by any man's act, viz., dedicating it for an idolatrous sacrifice or worshipping it. But in that case the first proof-text is sufficient.

(3) Hence they can be forbidden even after they are consecrated, and the Mishnah treats of such a case.

(4) Lev. V. 21. The trespass referred to is false repudiation of liability on oath.

(5) If one swears falsely that he did not vow a peace-offering, which is of lesser sanctity, he brings a guilt-offering. Though this law does not apply to sacred property (deduced from, 'and deal falsely with his neighbour' *ibid.*), the phrase 'against the Lord' shews that it does apply nevertheless even where there is an element of sanctity, viz., in the case of lesser sacrifices, and thus teaches that these count as the individual's property.

(6) For which reason they are disqualified even if bestiality is committed after they were consecrated.

(7) As stated above, the second proof-text is necessary only if the animals were eligible when consecrated, and in these that is possible only in the case of the young of consecrated animals, which were disqualified before birth by being promised as a harlot's hire or the exchange of a dog: when one came to sacrifice their mother, they would come to the door' too. It cannot arise in the case of the animals themselves, for if they were consecrated and then given as a harlot's hire, this second act is invalid (*Tem.* 30b) and they remain fit. Whilst if they were first a harlot's hire and then consecrated, the law is deduced from the first proof-text. The same applies to the other cases, viz., kil'ayim etc. Again, if

these young become sacred even before birth, the act of subsequently giving them as a harlot's hire etc. would not disqualify them, just as it does not disqualify the mother. Therefore he must hold that they are sacred only from birth. — Several words are omitted from the text, in accordance with Rashi and Sh.M.

(8) The controversy between R. Simeon and the Sages must be taught in all three instances.

(9) Therefore the Rabbis hold that he is not liable for slaughtering them without.

(10) That he is not liable.

(11) It is not intrinsic and only due to an accident of time, viz., that they are both slaughtered on the same day.

(12) Deut. XII, 8.

(13) Lit., 'which are right (or pleasing) in your eyes'.

(14) The Sifre applies the text to their first fourteen years in Eretz Israel, when the Tabernacle was at Gilgal. These years were spent in conquering and sharing the land, and so one could apply to them the words, for ye are not as yet come to the rest . . . which the Lord your God giveth thee (ibid. v. 9). This is what Moses said to them: At present, when we are travelling about with the Tabernacle and bamoth are forbidden, all sacrifices can be offered. But in the years of conquest and division, before ye are come to the 'rest', 'Ye shall not do after all that we do here this day,' viz., offer obligatory offerings, but only 'every man whatsoever is right in his eyes,' i.e., votive sacrifices. Thus the statutory offerings were premature at Gilgal, (and would have to wait until they came to Shiloh), and Moses forbids their sacrifice at the bamoth by a negative injunction, 'Ye shall not do.' From this E. Simeon infers that the premature sacrifice of all animals at the bamoth, i.e., before they become eligible, is forbidden by a negative injunction.

(15) That those at Gilgal are premature.

Talmud - Mas. Zevachim 114b

one should even be flagellated too?¹ Why did R. Zera say: Scripture transmuted it into a positive command?² — Perhaps that is only according to the Rabbis,³ but in the view of R. Simeon, that indeed is so.⁴ R. Nahman b. Isaac said: Within, at Gilgal, was like without in comparison with Shiloh.⁵

Rabbah said: R. Simeon's reason is as it was taught: R. Simeon said: How do we know that one who sacrifices his Passover-offering at a private bamah when bamoth were prohibited, violates a negative command? Because it is said, 'Thou mayest not sacrifice the Passover-offering [within one of thy gates]'.⁶ You might think that it is also thus when bamoth were permitted;⁷ therefore it is stated, 'within one of thy gates': I have told you [that he violates a negative injunction] only when all Israel enter through one gate.⁸ Now when is this thus? If we say, after midday,⁹ let him even incur kareth too!¹⁰ Hence It must surely mean before midday!¹¹ — No: in truth it means after midday, but it means when bamoth were permitted. But surely he says, 'When bamoth were prohibited'? — He means when the bamah was forbidden for that [sacrifice], but permitted for another.¹²

BEFORE TIME etc. Are these then subject to guilt-offerings? — Said Ze'iri: Include a leper amongst them.¹³

THEIR BURNT-OFFERINGS AND THEIR PEACE-OFFERINGS. And are these subject to peace-offerings? — Said R. Shesheth: Learn a nazirite [in the Mishnah]. According to Ze'iri, the Tannaim [explicitly] included it:¹⁴ according to R. Shesheth, the Tannaim did not include it.¹⁵

R. Hilkiyah b. Tobi said: They learnt it¹⁶ only [when he sacrifices it] for its own sake. But [if he sacrifices it] under a different designation¹⁷ he is culpable, since it is eligible, under a different designation, within.¹⁸ If so, let him also be culpable [when he slaughters it] for its own sake, since it was eligible, under a different designation, within? — It lacks abrogation.¹⁹

To this R. Huna demurred: Is there anything which [when slaughtered] for its own sake is not fit, yet [when slaughtered] under a different designation is fit?²⁰ — Is there not? Surely

- (1) Sc. one who slaughters an animal prematurely within. For the public bamah at the Tabernacle of Gilgal, which was the Tent of Meeting of the wilderness, naturally ranked as within, yet Scripture said 'Ye shall not do'. — The transgression of a negative injunction is punished by flagellation.
- (2) V. Hul. 80b. If, however, 'Ye shall not do' applies to such, we have a negative command.
- (3) As they do not relate 'Ye shall not do' to premature slaughtering.
- (4) One would be flagellated.
- (5) It counts as without since obligatory sacrifices might not be offered there. Thus even R. Simeon admits that he is not flagellated, for now we find the negative injunction only in connection with slaughtering without, but not in connection with slaughtering within.
- (6) Deut. XVI, 5.
- (7) For even then private bamoth were permitted only for votive sacrifices, but not for obligatory sacrifices like the Passover-offering, which were sacrificed at the public bamoth.
- (8) I.e., when there is a central sanctuary; but when bamoth were permitted there was no central sanctuary. The verse is understood thus: 'Thou mayest not sacrifice the Passover-offering' at a private bamah when all Israel enter through 'one of the gates'.
- (9) On the fourteenth of Nisan.
- (10) And not merely flagellation, (v. n. 1.), since it can then be received within.
- (11) When it is premature. Thus a sacrifice slaughtered prematurely without, under its correct designation, entails the violation of a negative prohibition.
- (12) It was forbidden for the Passover-offering, but permitted for a burnt-offering and peace-offering (i.e., votive offerings). This then is what he means: You might think that this is so even when it (the Passover-offering) may be sacrificed at a bamah, viz., before midday, when it can be offered as a peace-offering; therefore it says, 'in one of thy gates'. I have told . . . 'at one gate, viz., at the public bamah, to slaughter their Passover-offerings, which is after midday.
- (13) I.e., 'guilt-offering' is mentioned only in connection with the leper, who is also enumerated. Rashi, in the Mishnah, deletes 'leper'.
- (14) Sc. leper, in the Mishnah.
- (15) 'Leper' is absent in the version of the Mishnah, nevertheless it must be added, on the assumption that the text of the Mishnah is defective.
- (16) That when a leper prematurely sacrifices his guilt-offering without he is not culpable.
- (17) E.g., as a burnt-offering.
- (18) For all sacrifices slaughtered under a different designation are fit, except the Passover-offering and the sin-offering.
- (19) Before it can be eligible, its name as a guilt-offering must be abrogated, and as long as this was not done it is not eligible.
- (20) For although all sacrifices slaughtered under a different designation are fit, that is surely only when they are fit if slaughtered for their own sake.

Talmud - Mas. Zevachim 115a

a Passover-offering, though not fit [if slaughtered] during the rest of the year under its own designation, is nevertheless fit [if slaughtered] under a different designation! — A Passover-offering during the rest of the year is a peace-offering.¹

Shall we say that the following supports him [R. Hilkiyah]? [It was taught:] You might think that I also exclude² a burnt-offering which is premature in relation to its owner,³ or a nazirite's guilt-offering and a leper's guilt-offering;⁴ therefore it says, an ox', [implying] in all cases; 'or lamb', [implying, in all cases; or goat', [implying] in all cases. Thus he omits a sin-offering. Now what are we discussing? If we say, [when it is sacrificed] in its time,⁵ why particularly a guilt-offering; even a sin-offering too [entails liability]? Hence it must mean [when it is] not [sacrificed] in its proper time; and in which [case]? If we say, [when he sacrifices it] for its own sake, why is he liable for a guilt-offering?⁶ Hence it must surely mean [when he sacrifices it] under a different designation!⁷ — In truth it means in the proper time and under a different designation, and this is in accordance with R. Eliezer, who maintained: We assimilate the guilt-offering to the sin-offering; and he teaches the

derived case, and the same law applies to the principal case.⁸

Come and hear: You might think that I include a burnt-offering which is intrinsically premature⁹ and a sin-offering [which is premature] either intrinsically or through its owners;¹⁰ therefore it says, 'And hath not brought it unto the door of the tent of meeting': Whatever is not eligible to come to the door of the tent of meeting, you are not liable on its account. But [the Tanna] omits a guilt-offering. Now what are we discussing? If we say, [when it is sacrificed] for its own sake, let him not be liable in the case of a guilt-offering too?¹¹ Hence it must surely mean [when one does] not [sacrifice it] for its own sake!¹² — This agrees with R. Eliezer, who assimilates the guilt-offering to the sin-offering; and he teaches the principal case [the sin-offering], and all the more [does it apply to] the derived case.

Come and hear, for when R. Dimi came,¹³ he said: The school of Bar Liwai taught: You might think that I also exclude a burnt-offering which is premature through its owner, and a nazirite's guilt-offering and a leper's guilt-offering [etc.]. Now, he [the Tanna] thus infers that one is liable, but I do not know how he infers it. Said Rabina: [The reference is:] 'an ox', in all cases; 'a sheep', in all cases; 'a goat', in all cases. But he omits a sin-offering. And what are we discussing [etc.]?¹⁴ What difficulty is this?¹⁵ Perhaps [it is to be explained] as you stated [in the previous discussion]? — Said R. Nahman [b. Isaac]: Because this teaching of the school of Bar Liwai contradicts what Levi taught, viz.: As to a nazirite's guilt-offering and a leper's guilt-offering, if one slaughtered them under a different designation they are valid, but do not free their owners of their obligations. If one slaughtered them before they were due from their owners, or if they were two years old when they were slaughtered, they are unfit.¹⁶ [And R. Dimi answered:]¹⁷ There is no difficulty: In the one case [he slaughtered it] for its own sake; in the other it was not [slaughtered] for its own sake.¹⁸

R. Ashi pointed out a contradiction between our Mishnah and the Baraita,¹⁹ and he reconciled them; one means [where he slaughters it] for its own sake;²⁰ the other [where he does] not [slaughter it] for its own sake. Shall we say that this refutes R. Huna? — R. Huna can answer you: The case we discuss here is that of one who set aside two [animals for] guilt-offerings, as security,²¹ so that one of them was a burnt-offering from the outset,

(1) Hence when one slaughters it as such, he is slaughtering it for its own sake.

(2) From the implication of the text, 'and hath not brought it unto the door' etc.

(3) E.g. one brought by a leper or a woman after childbirth before they were fit.

(4) Disqualified for some other reason. — I might think that these do not entail liability when sacrificed without, since they were not eligible within.

(5) And for its own sake.

(6) Since it is not eligible within.

(7) Thus what is not fit within under its own designation is fit under a different designation.

(8) R. Eliezer maintains that a guilt-offering too is disqualified if slaughtered under a different designation, which he infers from the sin-offering (supra 10b), which is thus the principal instance of such disqualification. The Baraita teaches that nevertheless when one slaughters it under a different designation without, he is liable. The reason is because even after he abrogated its name as a guilt-offering, he could still slaughter it within without any specific purpose, when it would count as a valid guilt-offering and free its owner of his obligation. Hence at the time that he slaughtered it without, under a different designation, it was fit for slaughtering within. The same law applies to the sin-offering too, this being the leading case of unfitness, as explained. This must be in accordance with R. Eliezer, because the Rabbis maintain that a guilt-offering is valid when slaughtered under a different designation. Hence it is fit to be received within, and no special text is necessary for shewing that he is culpable.

(9) E.g., if one sacrifices it before it is eight days old.

(10) E.g. a leper's and a nazirite's sin-offering, sacrificed before it is due. — I might think that if one sacrifices these without, he is liable.

(11) Since it is not eligible.

(12) Thus this supports R. Hilkiyah and refutes R. Huna.

(13) V. p. 46, n. 1.

(14) The reasoning then follows as above. — The text is in some disorder, and the emendations of Sh.M. and Margin have been adopted.

(15) Why do you cite this to refute R. Huna?

(16) Hence, if slaughtered without under such conditions, they do not entail liability, in accordance with the general rule that what is unfit within does not entail liability without. Thus it contradicts the earlier teaching.

(17) Sh.M. deletes bracketed words.

(18) The school of Bar Liwai means that he is culpable if he slaughtered it under a different designation; while Levi teaches that they are unfit (and hence entail no liability without) when slaughtered for their own sake. (Accordingly, the two clauses of Levi's teaching do not deal with the same circumstances.) Now, since R. Dimi opposed these two Baraithas, he must have known that the former too applies where the guilt-offering is slaughtered prematurely, and thus it refutes R. Huna. (R. Huna presumably rejects this reasoning.)

(19) Our Mishnah states that one is not liable in the case of a leper's guilt-offering, whereas the Baraitha states that one is.

(20) Then he is not liable.

(21) In case one is lost, the other should be sacrificed.

Talmud - Mas. Zevachim 115b

this agreeing with R. Huna's dictum in Rab's name, viz.: If a guilt-offering was transferred to pasture and one then slaughtered it without a specified purpose, it is valid as a burnt-offering.¹

ONE WHO OFFERS UP THE FLESH OF A SIN-OFFERING [. . . WITHOUT, IS NOT LIABLE]. Our Rabbis taught: How do we know that he who offers up the flesh of a sin-offering, or the flesh of a guilt-offering, or the flesh of most sacred sacrifices, or the flesh of lesser sacrifices, or the remainder of the 'omer, or the two loaves, or the Shewbread, or the residue of meal-offerings, [without], is not liable? Because it says, '[Whatsoever man . . . that offereth] a burnt-offering': as a burnt-offering is eligible for offering up,² so everything which is eligible for offering up [on the altar entails liability].³ How do we know that also he who pours [the oil on the meal-offering], or mingles [it with flour], or breaks up [the meal-offering cakes], or salts [the meal-offering], or waves [it], or presents [it opposite the south-west corner of the altar], or sets the table [with the Shewbread], or trims the lamps, or takes off the fistful, or receives the blood, without, is not liable? Because it says, 'that offereth a burnt-offering or sacrifice': as offering up completes the service, so everything that completes the service [entails liability].⁴

BEFORE THE TABERNACLE WAS SET UP [etc.] R. Huna⁵ son of R. Kattina sat before R. Hisda, and recited [the text], And he sent the young men of the children of Israel, [who offered burnt-offerings, and sacrificed peace-offerings of oxen unto the Lord].⁶ Said he to him: Thus said R. Assi: And then they ceased.⁷ Now, he thought to refute him from our Mishnah, when he heard him teach in R. Adda b. Ahaba's name: The burnt-offering[s] which Israel sacrificed in the wilderness did not require flaying and dismembering; whereupon he refuted him from a Baraitha, which had a bearing upon the whole [of his teaching]. For it was taught: Before the Tabernacle was set up bamoth were permitted and the service was performed by the firstborn, and all were eligible to be offered, viz., animals, beasts, birds, male and female, unblemished or blemished; clean, but not unclean;⁸ and all offered burnt-offerings, and the burnt-offering[s] which Israel offered in the wilderness required flaying and dismembering; and gentiles are permitted to do thus in these days?⁹ It is a controversy of Tannaim. For it was taught: And let the priests also, that come near to the Lord, sanctify themselves:¹⁰ R. Joshua b. Karhah said: This intimated the separation of the first born.¹¹ Rabbi said: This intimated the separation of Nadab and Abihu.¹² On the view that this meant the separation of Nadab and Abihu, it is well: hence it is written, This is that the Lord spoke, saying, 'Through them that are near unto Me I will be sanctified'.¹³ But on the view that it meant the retirement of the

firstborn, where was [this warning] indicated?¹⁴ In the text, And there I will meet with the children of Israel; and [the Tent] shall be sanctified by My glory [bi-kebodi]:¹⁵ read not bi-kebodi, but bi-keboday [My honoured ones]:¹⁶ this the Holy One, blessed be He, said to Moses, but they did not know [its meaning] until the sons of Aaron died.¹⁷ When the sons of Aaron died, he [Moses] said to him: ‘Oh my brother! Thy sons died only that the glory of the Holy One, blessed be He, might be sanctified through them’.¹⁸ When Aaron thus perceived that his sons were the honoured ones¹⁹ of the Omnipresent, he was silent, and was rewarded for his silence, as it is said, And Aaron held his peace.²⁰ And thus it says of David, Be silent before the Lord, and wait patiently [hith-hollel] for Him:²¹ though He casts down many slain [halalim] of thee, be silent before Him. And thus it was said by Solomon, [There is . . .] a time to keep silence, and a time to speak:²² sometimes a man is silent and is rewarded for his silence; at others a man speaks and is rewarded for his speaking. And this is what R. Hiyya b. Abba said in R. Johanan's name: What is meant by the text, Awful is God out of thy holy places [mi-mikdasheka]?²³ Read not mi-mikdasheka but mimekuddasheka [through thy consecrated ones]: when the Holy One, blessed be He, executes judgment on His consecrated ones, He makes Himself feared, exalted, and praised.

[To return to the original discussion:] Yet the burnt-offering is a difficulty?²⁴ — It is a controversy of two Tannaim. For it was taught, R. Ishmael said: The general laws were stated at Sinai,²⁵ while the details were stated at the Tent of Meeting.²⁶ R. Akiba said: The general laws and the details were stated at Sinai, repeated in the Tent of Meeting, and a third time in the plains of Moab.²⁷

The master said: ‘All were eligible to be offered’. How do we know this? — Said R. Huna, Because Scripture saith: And Noah builded an altar unto the Lord, and took of every clean animal [behemah] and of every clean fowl, [and offered burnt-offerings on the altar].²⁸ Animal [behemah] and fowl [bear] their plain meaning; beast [hayyah] is included in animal [behemah].

(1) Supra 5b, 112a. Hence if he slaughtered one of these without as a burnt-offering (presumably, even before the other had been sacrificed as a guilt-offering), it counts as having been slaughtered for its own sake, and therefore he is liable.

(2) The whole of it is offered up on the altar.

(3) These, however, were eaten and not offered up on the altar.

(4) None of these do so, as they are followed by another rite. On the other hand, by the same reasoning he who offers libations or burns incense or the fistful removed from a meal-offering, without, is liable.

(5) Bah and Sh.M. emend: Hana.

(6) Ex. XXIV, 5. The ‘young men’ were the firstborn, not priests, and the occasion was when Moses built an altar at the foot of Mount Sinai (ibid. v. 4).

(7) This was the last time that the firstborn performed the sacrificial service, though it was nearly a year before the Tabernacle was set up.

(8) Only clean animals etc., i.e., those which may be eaten, could be offered.

(9) Non-Jews might still offer at bamoth ‘in these days’, after the building of the Temple.

(10) Ex. XIX, 22. This was immediately before Revelation, while the incident cited above took place immediately after Revelation.

(11) By ‘priests’ the firstborn are meant here, as it was they who ‘came near the Lord’ to perform sacrifices, and the verse now separated them and forbade them to approach the mountain.

(12) Not the firstborn but actual priests are meant, viz., Nadab and Abihu, who became priests at Sinai. — Thus Rabbi holds that henceforth only the children of Aaron might act as priests, while R. Joshua b. Karhah maintains that the service was still performed by the firstborn.

(13) Lev. X, 3. I.e., God had warned them previously, in the verse under discussion.

(14) The priests had never been warned.

(15) Ex. XXIX, 43.

(16) This requires only a change of punctuation.

(17) God intimated that when He would ‘meet with the children of Israel’, i.e., at the consecration of the Tabernacle, He would be sanctified through His honoured ones (the priests), but they did not understand the allusion.

- (18) This is what God had meant. — Emended text (Sh.M.).
- (19) Or, the favoured ones. Lit., ‘the known ones’.
- (20) Lev. X, 3. The reward was that God subsequently spoke specially to him, v. 8.
- (21) Ps. XXXVII, 7.
- (22) Ecc. III, 7.
- (23) Ps. LXVIII, 36.
- (24) For it states that it did require flaying and dismembering.
- (25) E.g., an altar of earth thou shalt make unto Me, and shalt sacrifice thereon thy burnt-offerings, and thy peace-offerings (Ex. XX, 21).
- (26) E.g., that the burnt-offering was to be flayed and cut up. Hence until the Tent of Meeting was set up, burnt-offerings were not flayed and dismembered.
- (27) I.e., in Deuteronomy (v. Deut. I, 5).
- (28) Gen. VIII, 20.

Talmud - Mas. Zevachim 116a

‘Males and females, unblemished and blemished animals’: this excludes an animal lacking a limb, which might not [be sacrificed]. For R. Eleazar said: How do we know that [an animal or bird] lacking a limb was forbidden to the children of Noah?¹ Because it says, ‘And of every living thing of all flesh’:² the Holy One, blessed be He, said to Noah: Bring [into the Ark] animal[s] whose chief limbs are alive.³ But perhaps that was to exclude a terefah? — That is inferred from to keep seed alive.⁴ That is correct on the view that a terefah cannot give birth; but on the view that a terefah can give birth, what can be said? — Surely Scripture said, ‘[to keep them alive] with thee’: [this means] those that are like thee.⁵ But perhaps Noah himself was terefah?⁶ — ‘Whole’ [tamim] is written of him.⁷ Perhaps that means, whole in his ways?⁸ — ‘Righteous’ is written of him.⁹ But perhaps [it means that he was] whole in his ways and righteous in his actions? — If you should think that Noah himself was terefah, could the Merciful One say to Noah, Take in [only] such as are like thee, [but] do not take in whole [animals]?¹⁰ Now, since we infer it from ‘with thee’, what is the purpose of ‘to keep seed alive’? — You might think that ‘with thee’ meant merely for companionship, [so they might be] even aged or castrated. Therefore [‘to keep seed alive’] informs us [that it is not so].

[The master said:] ‘Clean, but not unclean’. Were there then clean and unclean [animals] at that time?¹¹ — Said R. Samuel b. Nahmani in R. Jonathan's name: [It means] of those with which no sin had been committed.¹² How did he [Noah] know?¹³ — As R. Hisda said. For R. Hisda said: He led them past the Ark; those which the Ark accepted were certainly clean; those which the Ark rejected were certainly unclean. R. Abbahu said: Scripture saith, ‘And they that went in, went in male and female’:¹⁴ [that means,] that they went in of their own accord.¹⁵

The master said: ‘And all offered burnt-offerings’. Only burnt-offerings, but not peace-offerings? Surely it is written, and sacrificed peace-offerings of oxen?¹⁶ — Say rather, all offered burnt-offerings and peace-offerings. But it was taught: But not peace-offerings, save only burnt-offerings? — That is in accordance with the view that the Children of Noah did not offer peace-offerings.¹⁷ For it was stated, R. Eleazar and R. Jose b. Hanina [disagree]. One maintained: The Children of Noah offered peace-offerings; while the other maintained: They did not. What is the reason for the view that the Children of Noah did offer peace-offerings? — Because it is written, And Abel, he also brought of the firstlings of his flock and of the fat [heleb] thereof.¹⁸ What thing is it whose ‘fat’ [heleb] [only] is offered on the altar, but the whole of it is not offered on the altar? Say, that is a peace-offering. What is the reason of the view that the Children of Noah did not offer peace-offerings? — Because it is written, Awake, O north, and come, thou south:¹⁹ [this means,] Awake, O people whose rites [were performed] in the north, and come, O people, whose rites [will henceforth be performed] in the north and the south.²⁰ But as to this master, surely it is written, ‘of the fat thereof’? — That means, of their fat ones.²¹ And as to the other master, surely it is written,

‘Awake, O north [etc.]’? — That refers to the ingathering of the exiles.²²

But surely it is written, And Moses said: ‘Thou must also give into our hands sacrifices [zebahim] and burnt-offerings, that we may sacrifice unto the Lord our God?’²³ — [He demanded] zebahim for food and burnt-offerings for sacrifice.²⁴ But surely it is written, And Jethro, Moses’ father-in-law, took a burnt-offering and sacrifices unto the Lord?²⁵ — That was written after the giving of the Torah [Revelation].²⁶ That is well on the view that Jethro came after Revelation; but on the view that Jethro came before Revelation, what can be said? For it was stated: The sons of R. Hiyya and R. Joshua b. Levi [disagree]: one [side] maintains: Jethro came before Revelation; while the other maintains: Jethro came after Revelation! — He who maintains that Jethro came before Revelation holds that the Children of Noah sacrificed peace-offerings.

This is a controversy of Tannaim: Now Jethro, the priest of Midian, heard:²⁷ what news did he hear that he came and turned a proselyte? R. Joshua said: He heard of the battle with the Amalekites, since this is immediately preceded by,²⁸ And Joshua discomfited Amalek and his people with the edge of the sword.²⁹ R. Eleazar of Modim³⁰ said: He heard of the giving of the Torah and came. For when the Torah was given to Israel the sound thereof travelled from one end of the earth to the other, and all the heathen kings were seized with trembling in their palaces, and they uttered song,³¹ as it is said, And in his place all say: ‘Glory’.³² They all assembled by the wicked Balaam and asked him: What is this tumultuous noise that we have heard: perhaps a flood is coming upon the world, for it says, The Lord sat enthroned at the flood? — The Lord sitteth as King for ever, he replied: the Holy One, blessed be He, has already sworn that He will not bring [another] flood upon the world.³³ Perhaps, they ventured, He will not bring a flood of water, yet He will bring a flood of fire, as it is said, For by fire will the Lord contend?³⁴ He has already sworn that He will not destroy all flesh, he assured them. Then what is the sound of this tumult that we have heard? He has a precious treasure in His storehouse, which was hidden by Him nine hundred and seventy-four generations before the world was created,³⁵ and He has desired to give it to His children, as it is said, The Lord will give strength unto His people.³⁶ Forthwith they all exclaimed, The Lord will bless His people with peace.³⁶

R. Eleazar said: He heard about the dividing of the Red Sea, and came, for it is said, And it came to pass, when all the kings of the Amorites heard [. . . how that the Lord had dried up the waters of the Jordan before the children of Israel] ;³⁷ and Rahab the harlot too said to Joshua’s messengers [spies]: For we have heard how the Lord dried up the water of the Red Sea.³⁸ Why is, ‘neither was there spirit in them any more written in the first text, whereas in the second it says, ‘neither did there remain [stand] any more spirit in any man’?

(1) As sacrifices. ‘Children of Noah’ is a technical term denoting all people before the Revelation at Sinai, and all non-Israelites who did not accept the Torah after Revelation. In the present discussion even Israelites technically ranked as Children of Noah, until the laws of sacrifices as stated in Leviticus became operative.

(2) Gen. VI, 19.

(3) I.e., not missing. — Of these animals Noah subsequently sacrificed.

(4) Ibid. VII, 3. A trefah, however, cannot give birth, and so cannot keep seed alive.

(5) Not trefah.

(6) Perhaps he suffered from a disease or organic disturbance which in the case of an animal would render it trefah.

(7) Gen. VI, 9. E.V. whole-hearted.

(8) Modest and patient.

(9) Which includes that.

(10) That is obviously absurd.

(11) Before the Torah was given.

(12) Those which had mated only with their kind.

(13) Which were clean and which unclean.

- (14) Ibid. VII, 16.
- (15) In their respective pairs, seven of the clean and two of the unclean.
- (16) Ex. XXIV, 5.
- (17) V. n. 7, p. 571, on 'the children of Noah'. But Ex. XXIV, 5 was after Revelation.
- (18) Gen. IV, 4.
- (19) S. S. IV, 16.
- (20) The burnt-offering was slaughtered on the north side of the altar; the peace-offering, on any side. He renders: Awake, O nation who hitherto, as Children of Noah, could only sacrifice on the north side of the altar (hence, burnt-offerings) and now, by accepting the Torah, come as a people who can sacrifice in the north and the south. — Cf. Gen. Rab. XXII, 5 (Sonc. ed. p. 183.)
- (21) Sc. the best.
- (22) It is a summons to the north and the south to bring in their exiles.
- (23) Ex. X, 25. This was said before Revelation, and since 'burnt-offerings' are specifically mentioned, 'sacrifices' must mean peace-offerings.
- (24) The answer renders zebachim animals for slaughtering, not sacrifices.
- (25) Ibid. XVIII, 12.
- (26) Although it is written before. — It is a principle of exegesis that the Torah is not necessarily in chronological order (Pes. 6b).
- (27) Ex. XVIII, 1.
- (28) Lit., 'since it is written at the side thereof'.
- (29) Ibid. XVII, 13.
- (30) The native place of the Hasmoneans, fifteen miles N. W. of Jerusalem.
- (31) Of reverence to God.
- (32) Ps. XXIX, 9. E.V. 'and in His temple etc.
- (33) For He could only be a King (over His creatures) for ever as long as mankind existed. Hence He could not destroy them.
- (34) Isa. LXVI, 16.
- (35) Cf. Gen. Rab. I, 10 (Sonc. ed. p. 10); Cant. Rab. V, 11 (Sonc. ed. p. 243 and n. 3. a.l.).
- (36) Ps. ibid. 11. — The Torah is the strength of Israel.
- (37) Josh. V, 1. As 'heard' here refers to the drying up of waters, it has a similar connotation in connection with Jethro.
- (38) Ibid. II, 10.

Talmud - Mas. Zevachim 116b

— [She meant that] they even lost their virility. And how did she know this? — Because, as a master said, There was no prince or ruler who had not possessed Rahab the harlot. It was said: She was ten years old when the Israelites departed from Egypt, and she played the harlot the whole of the forty years spent by the Israelites in the wilderness. At the age of fifty she became a proselyte. Said she: May I be forgiven as a reward for the cord, window, and flax.¹

The master said: 'And gentiles are permitted to do thus in these days'. How do we know it? — Because our Rabbis taught: Speak unto the children of Israel:² the children of Israel are enjoined against [sacrifices] slaughtered without, but gentiles are not enjoined against [sacrifices] slaughtered without. Therefore each one may build himself a bamah and offer thereon whatever he desires. R. Jacob b. Aha said in R. Assi's name: It is forbidden to assist them or act as their agents.³ Raba observed: Yet we may instruct them.⁴ [This happened with] Ifra Hormiz, mother of King Shabur,⁵ who sent an offering to Raba, with the request, Offer it up in honour of Heaven. Said Raba to R. Safra and R. Aha b. Huna: Go, fetch two young men [non-Jews] of like age, seek a spot where the sea has thrown up alluvial mud,⁶ take new [unused] twigs,⁷ produce a fire with a new flint, and offer it up in honour of Heaven. Said Abaye to him: In accordance with whom [do you give these instructions]? In accordance with R. Eleazar b. Shammua'? For it was taught, R. Eleazar b. Shammua' said: As the altar must not have been used by a layman [for secular purposes], so the

wood must not have been used by a layman. But surely R. Eleazar b. Shammua' admits in the case of a bamah?⁸ For it was taught: One text says, So David gave to Ornan for the place six hundred shekels of gold by weight;⁹ whereas it is written, So David bought the threshing-floor and the oxen for fifty shekels of silver;¹⁰ how can these be reconciled? He collected fifty [shekels] from each tribe, which amounted to six hundred [in all]. Rabbi said on the authority of Abba Jose b. Dosehai: [He bought] the oxen, wood, and site of the altar for fifty, and [the site of] the whole Temple for six hundred. R. Eleazar b. Shammua' said: [He bought] the oxen, wood, and site of the altar for fifty, and [the site of] the whole Temple for six hundred,¹¹ for it is written, And Araunah said unto David: 'Let my lord the king take and offer up what seemeth good unto him; behold the oxen for the burnt-offering, and the threshing instruments [morigim] and the furniture of the oxen for the wood'.¹² And Raba? — He can answer you: There too they were new.¹³

What are morigim? — Said 'Ulla: A bed of turbel. What is a bed of turbel? — Said Abaye: 'A goat with hooks', with which the threshers thresh.¹⁴ Abaye said: Which text [proves this meaning]? — Behold, I make thee a new threshing-sledge [morag] having sharp teeth; [thou shalt thresh the mountains etc.].¹⁵

Raba¹⁶ read out [Scripture] to his son, and opposed texts to each other: It is written: 'So David gave to Ornan etc.'; whereas it is also written, 'So David bought etc.' How can these be reconciled? He collected fifty from each tribe, which totalled six hundred. Yet the texts are still contradictory, for there it was silver and here it was gold? — Say rather: He collected silver to the value [weight] of six hundred [shekels of] gold.

LESSER SACRIFICES WERE EATEN ANYWHERE IN THE CAMP OF THE ISRAELITES. R. Huna said: [This means,] wherever the Israelites were, but there was no camp.¹⁷ R. Nahman refuted R. Huna: Were there no camps in the wilderness? Surely it was taught: Just as there were camps in the wilderness, so there was a camp in Jerusalem. From [the walls of] Jerusalem to the Temple Mount was the camp of the Israelites; from the Temple Mount to the Gate of Nicanor¹⁸ was the Levitical camp; beyond that was the camp of the Shechinah, and that corresponded to [the place within] the curtains in the wilderness! — Say rather, wherever the camp of the Israelites was.¹⁹ That is obvious? — You might say, it is disqualified through having gone out. Therefore he informs us [otherwise]. Yet say that it is indeed so? — Scripture saith, Then the tent of meeting shall set forward:²⁰ even when it sets forward, it is still the 'tent of meeting'.²¹

It was taught, R. Simeon b. Yohai said: Yet another place was there, [viz.] the Women's Court,²² and no penalty was imposed on its account.²³ But at Shiloh there were only two camps. Which was absent? — Said Abaye:²⁴ It is logical that there was certainly the Levitical camp; for if you should think that there was no Levitical camp,

(1) For hiding them in flax, and then letting them down by a cord through a window (ibid. 6, 15).

(2) Lev. XVII, 2.

(3) In sacrificing without.

(4) How to sacrifice.

(5) Of Persia.

(6) Which has dried and can be used as an altar.

(7) Or, chips. (10) He held that an altar must never have been used for a secular purpose; similarly the wood must not be fragments of utensils, and the flint etc. must likewise never have been used for secular purposes. Hence he told them to seek virgin soil caused by the drying of alluvial mud. — They would then instruct the young men how to offer the sacrifice.

(8) That the wood may have been used previously for something else.

(9) I Chron. XXI, 25.

(10) II Sam. XXIV, 24.

(11) On the present version the views of R. Eleazar b. Shammua' and Rabbi are identical. Sh.M. emends: 'How can these be reconciled? (He bought) the site of the altar (only) for fifty, and (the site of) the whole Temple for six hundred. Rabbi said on the authority of Abba Jose b. Dostai: He collected fifty shekels . . . (in all). R. Eleazar b. Shammua' said (continuing as in the text)'.

(12) Ibid. 22. Thus he took utensils that had already been used for a secular purpose, and used them as fuel for the altar. — As the Temple was not built until the reign of Solomon, the altar erected here by David was simply a bamah.

(13) They had never yet been used.

(14) 'Goat with hooks' was the name of a threshing sledge. It was a wooden platform (hence 'bed') studded underneath with sharp pieces of flint or with iron teeth (Jast.).

(15) Isa. XLI, 15.

(16) Sh.M. emends: Rahabah.

(17) This is now assumed to mean that one could eat lesser sacrifices even if he went out of the camp of the Israelites.

(18) The east gate of the Temple court.

(19) If they broke camp and pitched their camp elsewhere, a sacrifice which had been offered at the former site could be eaten in the new site.

(20) Num. II, 17.

(21) V. supra 61b. Hence the camps even in travelling are regarded as camps.

(22) This did not have the status either of the Temple Mount or of the Temple court.

(23) One was not punished for entering it whilst unclean.

(24) Emended text (Sh.M.). Cur. edd. Rabbah.

Talmud - Mas. Zevachim 117a

this would result in zabin and the unclean through the dead being sent out from one camp [only],¹ whereas the Torah said, That they defile not their camps:² [this intimates,] assign a camp for this one and a camp for that one.³ Said Raba to him: What then? there was no camp of the Israelites!⁴ If so, zabin and lepers would be sent to the same place, whereas the Torah said, He [the leper] shall dwell alone,⁵ [intimating] that no other unclean person may dwell with him? — Rather, there were all three camps after all; and what is meant by 'there were only two camps'? In respect of reception.⁶ Hence it follows that in the wilderness the Levitical camp received [an involuntary homicide]? — Yes: and it was taught even so: Then I will appoint thee a place [whither he may flee]:⁷ 'thee' [implies] in thy lifetime;⁸ 'thee a place' [implies] in thy place;⁹ 'whither he may flee': this teaches that they banished [a homicide] in the wilderness; whither did they banish him? To the Levitical camp. From this they deduced that if a Levite committed homicide, he was banished from one district to another;¹⁰ and if he fled to his own [juridical] district,¹¹ his district receives him. Which text [teaches this]? — Said R. Aha the son of R. Ika: Because he must remain in his city of refuge:¹² [this implies,] in the city which has already provided him with refuge.¹³

WHEN THEY CAME TO GILGAL [etc.]. Our Rabbis taught: Whatever could be vowed or offered as a freewill-offering¹⁴ could be offered at a bamah;¹⁵ what could not be vowed or offered as a freewill-offering¹⁶ could not be offered at a bamah. A meal-offering and [a sacrifice of] naziriteship¹⁷ were offered at a bamah: these are the words of R. Meir. But the Sages maintain: Only peace-offerings and burnt-offerings were sacrificed on behalf of a private individual. R. Judah said: whatever the community and an individual offered in the Tent of Meeting in the wilderness¹⁸ were offered in the Tent of Meeting at Gilgal.¹⁹ What was the difference between the Tent of Meeting in the wilderness and the Tent of Meeting at Gilgal? [When] the Tent of Meeting in the wilderness [existed], bamoth were not permitted; [when] the Tent of Meeting at Gilgal [existed], bamoth were permitted, and one could offer on his bamah on the top of his roof²⁰ only burnt-offering[s] and peace-offerings. But the Sages maintain: whatever the community offered in the Tent of Meeting in the wilderness they offered in the Tent of Meeting at Gilgal. In both places²¹ only burnt-offering[s] and peace-offerings were offered on behalf of a private individual. R. Simeon said: Even the community offered only Passover-offerings

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- (1) Viz., the camp of the Shechinah, since both are permitted in the camp of the Israelites (Pes. 67a).
- (2) Num. V, 3 q.v.; camps, plural.
- (3) Each is sent into a different camp: he who is unclean through the dead is expelled from the camp of the Shechinah but permitted in the Levitical camp, whereas zabin are expelled from the Levitical camp too.
- (4) So that every place outside the Levitical camp had no status at all, and was simply like a field, whither a leper too might repair.
- (5) Lev. XIII, 46.
- (6) An involuntary homicide took refuge in a city specially designated for that purpose (Ex. XXI, 13; Num. XXXV, 9 seq.). In the wilderness this function was served by the Levitical camp; when they came to Shiloh, the Levitical camp lost that function.
- (7) Ex. XXI, 13.
- (8) Sc. in Moses' lifetime; hence, in the wilderness.
- (9) 'Thy' sc. Moses' — hence, the Levitical camp.
- (10) All the forty-eight Levitical cities were cities of refuge. Hence, a Levite who committed involuntary homicide fled from his own city to another Levitical city.
- (11) Having committed homicide elsewhere. Rashi however reads (and Sh. M. emends): and if he fled within his own district; and explains: if he fled from one quarter to another in his own city.
- (12) Num. XXXV, 28.
- (13) E.g., in the case of a homicide who fled to a city of refuge, and then again committed homicide in that city, he must remain in this same city. The same therefore applies to a Levite living in that city.
- (14) V. supra 2b, p. 2, n. 6.
- (15) I.e., at a private bamah, for statutory offerings were offered at the public bamah.
- (16) Statutory offerings.
- (17) These were both votive, since naziriteship itself was the result of a vow.
- (18) I.e., all sacrifices.
- (19) Which was a public bamah.
- (20) I.e., at a private bamah.
- (21) Sc. both at public and at private bamoth.

Talmud - Mas. Zevachim 117b

and statutory offerings for which there is a fixed time.

What is R. Meir's reason? — Because Scripture saith, Ye shall not do after all that we do here this day, [every man whatsoever is right in his eyes]:¹ Moses spoke thus to Israel: When ye enter the [Promised] Land, ye shall offer votive sacrifices, but ye shall not offer obligatory offerings;² [and] meal-offerings and [sacrifices of] naziriteship were votive sacrifices. And the Rabbis?³ — There were no meal-offering[s] at the bamah [at all];⁴ [and the sacrifices of] naziriteship were obligatory.⁵

Samuel said: They disagree about the sin-offering and the guilt-offering;⁶ but all agree that the burnt-offerings and peace-offerings [of a nazirite] are votive sacrifices. Rabbah raised an objection: [The law of] the breast and thigh and the separation of the loaves of the thank-offering⁷ operated at the great [public] bamah, but did not operate at a minor [private] bamah; but he [the Tanna] omits the sodden shoulder.⁸ If you say that they disagree about the burnt-offering and the peace-offering, it is well: this agrees with the Rabbis. But if you maintain that they disagree [only] about the sin-offering and the guilt-offering, who is the author of this? Rather, if stated, it was thus stated: Samuel said: They disagree about the burnt-offering and the peace-offering; but all agree that the sin-offering and the guilt-offering are obligatory, and [so] they were not offered.

The master said: 'But the Sages maintain: Whatever the community offered in the Tent etc.' What is the reason of the Rabbis? — Scripture saith, Every man whatsoever is right in his eyes:⁹ only a

man may offer voluntary sacrifices and not obligatory ones; but a community can offer obligatory [sacrifices] too.

(1) Deut. XII, 8.

(2) V. supra 114a.

(3) How do they refute this argument?

(4) For only animal sacrifices were permitted there.

(5) Since the vow of naziriteship merely meant abstention from wine, grapes, defilement, and cutting the hair. The sacrifices were then imposed upon the vower.

(6) Which a nazirite brought on the completion of his naziriteship.

(7) The breast and thigh of peace-offerings, and four loaves out of the forty which accompanied a thanksgiving, belonged to the priest.

(8) Of the nazirite's peace-offering ram, which likewise was a priestly due, Num. VI, 14, 19. This implies that this was not offered at a private bamah at all.

(9) Deut. XII, 8. This is the marginal emendation. The text quotes Judg. XVII, 6.

Talmud - Mas. Zevachim 118a

And R. Judah?¹ — He can answer you: 'Whatsoever is right' is written in reference to 'in his eyes',² but at the great bamah one could offer even statutory offerings. But surely 'man' is written, and does that not intimate that [only] a man may offer voluntary but not obligatory sacrifices?³ — 'Man' is written to intimate that a zar is fit.⁴ [The fitness of] a zar is deduced from, And the priest shall sprinkle the blood on the altar of the Lord [at the door of the tent of meeting]?⁵ — You might say, it requires the sanctification of the firstborn, as originally.⁶ hence it ['man'] informs us [that it is not so].

The Sages are identical with the first Tanna?⁷ — Said R. Papa: They differ as to whether libations were offered in the wilderness.⁸

The master said: 'R. Simeon said etc'. What is R. Simeon's reason? — Because it is written, And the children of Israel encamped in Gilgal, and they offered the Passover-offering.⁹ Now that is obvious?¹⁰ Surely then this is what [the text] informs us: they offered only obligatory [sacrifices] similar to the Passover-offering,¹¹ but they did not offer [obligatory sacrifices] which were not like the Passover-offering.¹² And the other?¹³ — It is required for R. Johanan's dictum. For R. Johanan said on R. Bana'ah's authority: An uncircumcised person received sprinkling.¹⁴

A Tanna recited before R. Adda b. Ahabah: The only difference between the great [public] bamah and the minor [private] bamah was [in respect of] Passover-offerings and obligatory-offerings which have a fixed time. Said he to him: in accordance with whom was this told to you? In accordance with R. Simeon, who maintained: The only difference between the great bamah and the minor bamah was [in respect of] Passover-offerings and obligatory offerings which have a fixed time; and you must make your teaching refer to a statutory burnt-offering,¹⁵ as there is also a votive burnt-offering.¹⁶ For if you would refer to sin-offerings, is there then a votive sin-offering?¹⁷ Yet let him make it refer to an obligatory meal-offering, since there were habitin?¹⁸ — He holds that there were no meal-offering[s] at the bamah.

WHEN THEY CAME TO SHILOH etc. Whence do we know it? — Said R. Hiyya b. Abba in R. Johanan's name: one text says, And she brought him unto the house of the Lord in Shiloh;¹⁹ whereas another text says, And He forsook the Tabernacle of Shiloh, the tent which He had made to dwell among men, and it also says, Moreover He abhorred the tent of Joseph, and chose not the tribe of Ephraim.²⁰ How are these reconciled? It had no roof, but stones below and curtains above.²¹

MOST SACRED SACRIFICES [etc.] Whence do we know it? — Said [R. Eleazar in] R. Oshaia[‘s name]: Because Scripture saith, Take heed to thyself that thou offer not thy burnt-offerings in every place that thou seest.²² You may not offer ‘in every place that thou seest’, but you may eat [the sacrifice] ‘in every place that thou seest’. Yet say: in every place that thou seest’ you may not offer,²³ but you may slaughter ‘in every place that thou seest’? — Said R. Jannai: Scripture saith, There shalt thou offer . . . and there thou shalt sacrifice.²⁴ R. Abdimi b. Hasa²⁵ said, Scripture saith,

(1) How does he justify his view that an individual too could offer obligatory sacrifices at the public bamah?

(2) I.e., in reference to the private bamah, which one could erect wherever one chose.

(3) And if this does not apply to the public bamah too, why is ‘man’ written? Scripture should simply write, Whatsoever is right in his eyes, and since ‘in his eyes’ implies a private bamah, it is obvious that the limitation applies to an individual only, for the community did not sacrifice at a private bamah. Hence ‘man’ must teach that this limitation applies to the public bamah too.

(4) To officiate at a bamah.

(5) Lev. XVII, 6. The inference is: only ‘at the door of the tent of meeting’ must a priest sprinkle the blood; but at a bamah a zar (lay-Israelite) too could officiate.

(6) Though priests are not necessary, yet we require the firstborn, who officiated originally.

(7) The first Sages (referred to as the first Tanna) say that only peace-offerings and burnt-offerings were offered on behalf of an individual, which implies that the community could offer obligatory sacrifices; while the second Sages (referred to as ‘the Sages’) likewise maintain that whatever the community could offer at the Tent of Meeting in the wilderness, they could offer at the Tent of Meeting at Gilgal (which was a public bamah), but that a private individual could offer only peace-offerings and burnt-offerings both at a public and at a private bamah. Thus their views are identical.

(8) Supra 111a, q.v. The first Sages hold that libations were not offered in the wilderness, and therefore they merely teach that peace-offerings and burnt-offerings were permitted at the bamah. The second Sages hold that libations were offered in the wilderness, and so they teach: whatever the community had to offer in the wilderness, sc. libations, they also had to offer at Gilgal.

(9) Josh. V, 10. Cur. edd. read: And the children of Israel offered the Passover-offering in Gilgal.

(10) That they had to sacrifice the Passover-offering: why then does Scripture state it?

(11) I.e., those which must be offered at a fixed time.

(12) E.g., sin-offerings.

(13) The Rabbis: how do they explain the verse?

(14) If an uncircumcised person becomes unclean through the dead, he is besprinkled and becomes clean (v. Num. XIX, 17 seq.), and may then handle sacrifices. He learns this from the present text, ‘and they offered the Passover-offering’. Now, the majority of them had been uncircumcised in the wilderness (Josh. V, 5): according to the Talmud (Yeb, 71b) they were circumcised on the eleventh of Nisan (the first month); many of them were unclean through the dead, their parents having died in the wilderness right up to the time of their crossing the Jordan into Eretz Israel. If they had not been besprinkled whilst yet uncircumcised, they would not be clean, for two sprinklings were necessary, and if the first were on the eleventh, the second would be on the fifteenth (v. Num. a.l.), whereas they had to sacrifice on the fourteenth.

(15) Viz., the daily and additional burnt-offerings (v. Num. XXVIII-XXIX); these are the ‘obligatory offerings which have a fixed time’ which you mean, but the statutory sin-offerings of festivals could not be offered there.

(16) Which could be offered at a private bamah only.

(17) Surely not. For the passage must mean that apart from Passover-offerings R. Simeon includes only those obligatory offerings of which there were also votive offerings. For if he meant all obligatory offerings which have a fixed time, he should simply mention them, and not the Passover-offering at all, since that too is an obligatory offering with a fixed time. Hence this is what he means: The only difference between the public and the private bamah was in respect of the Passover-offerings, which were offered at the former but not at all at the latter, while as for other sacrifices which were offered at both, the difference is that at the private bamah only votive offerings were offered, whereas at the public bamah statutory offerings which have a fixed time were also offered. — The text is emended; v. Marginal Gloss.

(18) A sort of cake (v. Lev. VI, 13 seq.; the actual word occurs in I Chron. IX, 31 where it is rendered, things that were baked on griddles). These were statutory daily offerings, and as there were also votive meal-offerings, these too fulfilled the conditions required by R. Adda b. Ahabah.

(19) I Sam. I, 24.

(20) Ps. LXXVIII, 60, 67. Thus it is called a 'house' in Samuel, but 'tent' in Psalms.

(21) Thus it partook partly of the nature of a house, and partly of the nature of a tent. — Cur. edd. add: 'And that was the rest': this is deleted by Sh. M.

(22) Deut. XII, 13. This means when they will have come to the rest' (v. 9)' sc. Shiloh, and 'in every place that thou seest' is understood to mean: in every place whence the Tabernacle at Shiloh can be seen.

(23) 'Offer' in its limited sense means to burn the emurim on the altar.

(24) Deut. XII, 14. Lit., 'do' (so E.V.). — Thus it must be 'sacrificed' (slaughtered) and 'offered' in the same place.

(25) Sh. M. emends: Hama.

Talmud - Mas. Zevachim 118b

'And there was Taanath [the lamenting of] Shiloh', which means the place which made whoever saw it mourn for the sacrifices which he ate there.¹ R. Abbahu said: Scripture saith, Joseph is a fruitful vine, a fruitful vine through the eye:² [this means,] let the eye which would not feed upon and enjoy that which did not belong to it,³ be privileged to eat [of sacrifices] as far as it can see. R. Jose son of R. Hanina quoted: 'And the desire of him that dwelt in hatred':⁴ [this means,] let the eye that did not desire to enjoy that which did not belong to it, be privileged to eat [sacrifices] among those that hated it.⁵

It was taught: When they said, [As far as the eye could] see, they meant: [from] wherever one could see [the Tabernacle] without anything interposing. R. Simeon b. Eliakim observed to R. Eleazar: Give me an example. Said he to him: E.g., the synagogue of Maon.⁶

R. Papa said: When they said, 'see', they did not mean that one must see the whole of it, but that one must see part of it. R. Papa asked: What of [a place whence] one could see [the Tabernacle] whilst standing, but not when sitting? R. Jeremiah asked: What [of a place where] if one stood on the edge of the valley one could see [it], but when he sat in the valley he could not see [it]? The questions stand over.

When R. Dimi came [from Palestine], he said: The Shechinah rested on Israel in three⁷ places: in Shiloh, in Nob and Gibeon,⁸ and in the Eternal House;⁹ and in all of these it rested [on Israel] only in the portion of Benjamin, for it is said, He covereth him all day:¹⁰ all 'coverings' will be nought elsewhere but in Benjamin's portion. Abaye went and told this to R. Joseph. Said he to him: Kaylil¹¹ had but one son, and he is not 'finished'.¹² Surely it is written, And He forsook the tabernacle of Shiloh; and it is written, Moreover He abhorred the tent of Joseph, and chose not the tribe of Ephraim?¹³ — Said R. Adda [b. Mattenah]: What is his difficulty? perhaps the Shechinah was in Benjamin's portion, while the Sanhedrin¹⁴ was in Joseph's portion,¹⁵ as we find in the Eternal House that the Shechinah was in Benjamin's portion, whereas the Sanhedrin was in Judah's portion? How compare? replied he. There the territories [of Judah and Benjamin] were contiguous; but were they contiguous here?¹⁶ — They were indeed contiguous, even as R. Hama son of R. Hanina said:¹⁷ A strip issued from Judah's portion and entered Benjamin's portion, and on this the altar was built. The righteous Benjamin grieved thereat every day, [wishing] to absorb it;¹⁸ so here too a strip issued from Joseph's portion into Benjamin's portion, and that is the meaning of Taanath-Shiloh.¹⁹

This is a controversy of Tannaim: 'He covereth him'; this alludes to the first Temple; 'all the day', to the second Temple; 'and He dwelleth between his shoulders', to the days of the Messiah.²⁰ Rabbi said: 'He covereth him', alludes to this world;²¹ 'all the day', to the days of the Messiah; 'and He dwelleth between his shoulders', to the World to Come.

Our Rabbis taught: The duration of the Tent of Meeting in the wilderness was forty years less one; the duration of the Tent of Meeting at Gilgal was fourteen years, [viz.,] the seven [years] of conquest

and the seven of division.²² The duration of the Tent of Meeting at Nob and Gibeon [combined] was fifty-seven years. Thus for Shiloh was left three hundred and seventy less one.

‘The duration of the Tent of Meeting in the wilderness was forty less one.’ How do we know it? — Because a master said: In the first year²³ Moses made the Tabernacle; in the second the Tabernacle was set up, and Moses sent out the spies.

‘That of Gilgal was fourteen years, [viz.,] the seven [years] of conquest and the seven of division.’ How do we know it? — Because Caleb said: Forty years old was I when Moses the servant of the Lord sent me from Kadesh-barnea to spy out the land; and I brought him back word as it was in my heart; and it is written, and now, lo, I am this day fourscore and five years old.²⁴ How old was he when he crossed the Jordan? Seventy eight years;²⁵ and he said, ‘[I am this day] fourscore and five years old’: thus [you have] seven years for the conquest. And how do we know the seven years of division? — I can say, since the conquest took seven [years], the dividing too took seven years. Alternatively, because [otherwise] we cannot explain [the verse] In the fourteenth year after that the city was smitten.²⁶

‘The Tent of Meeting at Nob and Gibeon lasted fifty-seven years. How do we know it? — Because it is written, And it came to pass, when he made mention of the ark of God, [that he fell from off his seat . . . and died].²⁷ Now it was taught: When Eli the priest died, Shiloh was destroyed and they repaired to Nob; when Samuel the Ramathite died, Nob was destroyed and they went to Gibeon. And it is written, And it came to pass, front the day that the ark abode in Kiriath-jearim, that the time was long, for it was twenty years; and all the house of Israel yearned after the Lord.²⁸ These twenty years [were made up as follows]: Ten years during which Samuel ruled alone,²⁹ one year that Samuel and Saul ruled [together],³⁰ two years that Saul reigned,³¹ and the seven which David reigned [in Hebron],

(1) Before the Tabernacle was destroyed. There is no such text in the Bible. Rashi suggests, and Sh.M. cites as a var. lec., Josh. XVI, 6: And the border turned about eastward unto Taanath-Shiloh. — He treats Taanath as an adjectival substantive, the lamenting of, from anah to lament (cf. ta'aniah in Isa. XXIX, 2: and there shall be mourning (ta'aniah), and explains it as in the text, and thus infers that sacrifices could be eaten wherever the Tabernacle at Shiloh could be seen.

(2) Gen. XLIX, 22. E.V. by a fountain. — Shiloh was in Ephraim's (i.e., Joseph's) territory.

(3) Potiphar's wife.

(4) Deut. XXXIII, 16. By a play on words **סנה** is connected with **שנאה** hatred. E.V.: And the good will of Him that dwelt in the bush. The verse refers to Joseph.

(5) Sc. in the territories surrounding Shiloh, which belonged to the other tribes whose ancestors had hated Joseph. — Presumably ‘as far as the eye could see’ would embrace the borders of these territories. — This interpretation, of course, is merely aggadic and is not the actual source of the law.

(6) In Judea. From there one would have an uninterrupted view of the Tabernacle at Shiloh — The text is emended.

(7) Marginal emendation; four.

(8) These were two separate places, but they are generally coupled, which probably explains why cur. edd. read ‘three’, treating these as one.

(9) The Temple in Jerusalem.

(10) Deut. XXXIII, 12. — This refers to Benjamin.

(11) Rashi suggests that this was the name of Abaye's father.

(12) That one son — Abaye — is but half-baked — he has not mastered his studies.

(13) Ps. LXXVIII, 60, 67. The comparison of these two verses shews that the Tabernacle was in Ephraim's portion, not Benjamin's.

(14) The religious and civil court; v. Sanh. 2a.

(15) He assumes that the Sanhedrin had its seat in or by the Tabernacle, and that the verses in Psalms refer to the forsaking by the Divine Presence (Shechinah) of this Sanhedrin.

- (16) Did Joseph (Ephraim) and Benjamin have a common boundary at Shiloh?
- (17) In reference to the Temple at Jerusalem.
- (18) V. supra 53b.
- (19) Josh. XVI, 6; v. supra. He now suggests that it means: (Benjamin's) mourning for Shiloh, that it was in Joseph's territory.
- (20) On this view only the two Temples were in Benjamin's territory. but not the Tabernacles at Shiloh and elsewhere.
- (21) Wherever the Shechinah rested in this world, i.e., in both Temples and in all Tabernacles, it was in Benjamin's territory.
- (22) Dividing the land among the tribes.
- (23) Of the Exodus.
- (24) Josh. XIV, 7, 10. — 'This day' means when they started dividing the country.
- (25) Since the spies were not sent out at the beginning of the second year, but some months later.
- (26) Ezek. XL, 1. According to the Talmud ('Ar. 12a), this was a jubilee year, while the Release years (shemittah) and Jubilee years did not commence until the land had been divided. The calculation is then as follows: The Temple was built four hundred and eighty years after the Exodus, which was four hundred and forty years after their entry into Eretz Israel. The Temple stood four hundred and ten years, making a total of eight hundred and fifty years from their entry until its destruction, which is thirty-seven Jubilees. Deducting fourteen years for conquest and division, as these did not count for Jubilee, we find that it was destroyed fourteen years before a Jubilee year, and therefore the fourteenth year after its destruction was a Jubilee year. (The Talmud deduces that this was a Jubilee year independently of this calculation.)
- (27) I Sam. IV, 18. This refers to Eli the priest.
- (28) Ibid. VII, 2. The Ark was placed in Kiriath-jearim when it returned from the land of the Philistines, where it had been four months.
- (29) As judge.
- (30) I.e., Saul ruled with the advice of Samuel. Sh.M. reads: the eleven years that Samuel ruled, and deletes one . . . together'.
- (31) V. Ibid. XIII, 1. Rashi maintains that the first year, when he ruled with Samuel, is not counted.

Talmud - Mas. Zevachim 119a

for it is written, And the days that David reigned over Israel were forty years: seven years reigned he in Hebron, [and thirty and three years reigned he in Jerusalem].¹ Now of Solomon it is written, And he began to build . . . in the fourth year of his reign.² Thus three hundred and seventy less one was left for Shiloh.³

WHEN THEY CAME TO NOB AND GIBEON etc. How do we know it? — Because our Rabbis taught: For ye are not as yet come to the rest and to the inheritance, [which the Lord your God giveth thee]:⁴ 'to the rest' alludes to Shiloh, 'inheritance' alludes to Jerusalem. Why does Scripture separate them?⁵ In order to grant permission between one and the other.⁶ Resh Lakish said to R. Johanan: If so,⁷ let [the Mishnah] teach second tithe too?⁸ — As for tithe, he replied, the implication of 'there' is derived from 'there' [written] in connection with the Ark:⁹ since there was no Ark [at Nob and Gibeon],¹⁰ there was no tithe either. If so, the Passover-offering and [other] sacrifices are the same, for we learn the meaning of 'there' [in their case]¹¹ from 'there' [written] in connection with the Ark: since there was no Ark, these too were not [offered]? — Who has told you [this]? he replied: R. Simeon,¹² who maintained that even the community could only offer Passover-offerings and obligatory offerings which have a fixed time,¹³ but obligatory offerings for which there was no fixed time might not be offered at either place. Now, animal tithe is an obligatory offering without a fixed time, and corn tithe is assimilated to animal tithe.

Hence it follows that in R. Judah's view [second tithe] is offered?¹⁴ — Yes. For surely R. Adda b. Mattenah said: Second tithe and animal tithe were eaten in Nob and Gibeon [only], in R. Judah's opinion. Yet surely a birah [Divine residence] was required?¹⁵ — Did not R. Joseph recite: There

were three Divine residences, [viz.,] at Shiloh, [at] Nob and Gibeon,¹⁶ and [at] the Eternal House? He [R. Joseph] recited it, and he explained it: [These were] in respect of second tithe, and in accordance with R. Judah.

WHEN THEY CAME TO JERUSALEM etc. Our Rabbis taught: For ye are not as yet come to the rest and to the inheritance: 'rest' alludes to Shiloh; 'inheritance', to Jerusalem. And thus it says, My inheritance is become unto Me as a lion in the forest; and it says, Is My inheritance unto Me as a speckled bird of prey?¹⁷ this is R. Judah's opinion. R. Simeon said: 'Rest' alludes to Jerusalem; 'inheritance', to Shiloh, as it is said, This is My resting-place for ever; here will I dwell, for I have desired it; and it says, For the Lord hath chosen Zion; He hath desired it for His habitation.¹⁸

On the view that 'rest' alludes to Shiloh, it is well: hence it is written, 'to the rest and to the inheritance'.¹⁹ But on the view that 'rest' alludes to Jerusalem while 'inheritance' alludes to Shiloh, [Moses] should say, 'to the inheritance and to the rest'? — This is what he said: Not only have ye not reached the 'rest' [Jerusalem]; you have not even reached the 'inheritance' [Shiloh].

The school of R. Ishmael taught: Both [words] allude to Shiloh;²⁰ R. Simeon b. Yohai said: Both allude to Jerusalem.²¹ It is well on the view that 'rest' alludes to

(1) I Kings II, 11.

(2) II Chron. III, 2. The period of Nob and Gibeon is calculated from the time that the Ark was taken to Kiriath-jearim until Solomon began building the Temple. Thus we have 20 and 33 (which he reigned in Jerusalem) and 4 = 57.

(3) The Temple was consecrated four hundred and eighty years after the Exodus. The figure three hundred and sixty-nine is arrived at by deducting the forty years in the wilderness, the fourteen at Gilgal, and the fifty-seven of Nob and Gibeon.

(4) Deut. XII, 9.

(5) Why is each enumerated separately?

(6) For the text refers to the permissibility of bamoth at Gilgal, and teaches: until when may each man sacrifice what is 'right in his own eyes' (v. 8 — sc. at the bamoth)? until you come to the rest, i.e., to Shiloh, and then bamoth will be forbidden. Now, if they were to remain permanently forbidden, Scripture need say nothing more. By adding 'and to the inheritance' it intimates that when they come to Jerusalem bamoth will again be forbidden, and thus implies that they were permitted between the destruction of the Tabernacle at Shiloh and the consecration of the Temple in Jerusalem.

(7) That the time between — sc. when the Tabernacle was at Nob and Gibeon — was completely permitted.

(8) That it must be eaten at Nob and Gibeon only, seeing that the sanctity of Shiloh was completely departed.

(9) Tithe, Deut. XIV, 23: And thou shalt eat before the Lord thy God, in the place which He shall choose to cause His name to dwell there, the tithe of thy corn etc.; Ark, Ex. XL, 3: And thou shalt put there the ark of the testimony. The use of 'there' in both cases implies that they are connected.

(10) But first at Kiriath-jearim and then in the city of David.

(11) Deut. XII, 7: and there ye shall eat-this refers to the sacrifices enumerated in v. 6.

(12) The Mishnah which implies that second tithe might be eaten anywhere is in accordance with R. Simeon.

(13) For that reason he maintains that firstlings and animal tithes, which did not have a fixed time, were not brought there; and therefore it was unnecessary to bring corn tithe there either, since the two are assimilated. (Though the two are not really alike: whereas the law of firstling and animal tithe was not operative, and these could not be brought at Nob and Gibeon or anywhere else, second tithe need not be brought at Nob and Gibeon, but might be eaten anywhere.)

(14) I.e., it must be eaten only at Nob and Gibeon.

(15) They were to be eaten 'before the Lord your God', which implies a structure in the nature of a Temple or Tabernacle.

(16) Which are counted as one.

(17) Jer. XII, 8-9. In both verses 'inheritance' means Jerusalem.

(18) Ps. CXXXII, 14, 23.

(19) In correct chronological order.

(20) Yet even so, bamoth were permitted after the destruction of the Sanctuary at Shiloh, for he holds that they were

permitted even after the destruction of the Temple at Jerusalem (cf. Meg. 10a).

(21) Hence bamoth were not forbidden until the Temple was built.

Talmud - Mas. Zevachim 119b

Shiloh [and] ‘inheritance’ to Jerusalem; or the reverse; hence it is written, ‘to the rest and to the inheritance’. But on the view that both allude to Shiloh or both allude to Jerusalem, he should say, ‘unto the rest and inheritance’?¹ That is a difficulty.

On the view that both allude to Shiloh it is well: ‘rest’ means when they rested from conquest, while [it is called] ‘inheritance’ because there they divided their inheritance, as it is said, And Joshua cast lots for them in Shiloh before the Lord; and there Joshua divided the land unto the children of Israel according to their divisions.² But on the view that both allude to Jerusalem, ‘inheritance’ is well, as it means the eternal inheritance; but why is it called ‘rest’? — It was the place where the Ark rested, as it is written, Arise, O Lord, unto Thy resting-place, Thou, and the ark of Thy strength.³

On the view that both allude to Jerusalem, but that [during the period of] Shiloh bamoth were permitted, it is well; hence it is written, So Manoah took the kid with the meal-offering, and offered it upon the rock unto the Lord⁴. But on the view that both allude to Shiloh, and bamoth were [then] forbidden, how [say], ‘and offered it upon the rock unto the Lord’?⁵ — It was a special dispensation.⁶

The school of R. Ishmael taught as R. Simeon b. Yohai, who maintained: Both allude to Jerusalem. And your token is, One man attracted [many] men.⁷

ALL THE SACRIFICES etc. R. Kahana said: They learnt this⁸ only of shechitah. But for offering up⁹ one incurs kareth too. What is the reason? Because Scripture saith, And thou shalt say unto them¹⁰ [which means,] thou shalt say concerning those just mentioned.¹¹ To this Rabbah demurred: Is it then written, ‘and thou shalt say concerning them’;¹² surely, ‘and thou shalt say unto them’ is written?¹³ Moreover It was taught: R. Simeon stated four general rules about sacrifices: If he consecrated them when bamoth were forbidden and slaughtered and offered [them] up when bamoth were forbidden, without, they are subject to a positive and a negative injunction, and entail kareth. If he consecrated them when bamoth were permitted and slaughtered and offered [them] up when bamoth were forbidden, without, they are subject to an affirmative and a negative injunction, and do not entail kareth.¹⁴ If he consecrated them when bamoth were forbidden, and slaughtered and offered them up without when bamoth were permitted, they are subject to an affirmative precept,¹⁵ but not to a negative precept. If he consecrated them when bamoth were permitted and slaughtered and offered [them] up when bamoth were permitted, he is not liable to anything at all.¹⁶

AND THE FOLLOWING SACRIFICES . . . LAYING [OF HANDS] etc. Laying [of hands] [is not practised at a private bamah] because it is written . . . before the Lord, and he shall lay his hand.¹⁷ Slaughtering in the north, because it is written, [And he shall kill it on the side of the altar] northward before the Lord.¹⁸ [Blood] applications round about [the altar], because it is written, And he shall sprinkle the blood round about the altar [that is at the door of the tent of meeting].¹⁹ Waving, because it is written, To wave it for a wave-offering before the Lord.²⁰ Presenting, because it is written, The sons of Aaron shall present it before the Lord, in front of the altar.²¹

R. JUDAH MAINTAINED: THERE WERE NO MEAL-OFFERINGS AT THE BAMAH. R. Shesheth said: On the view that there were no meal-offerings at the bamah, there were no bird [-offerings] [either]; on the view that there were meal-offerings at the bamah there were bird [-offerings] [also]. What is the reason? — [And sacrifice them for] sacrifices [zebahim]:²² ‘zebahim’, but not meal-offerings; ‘zebahim’, but not bird [-offerings].

PRIESTHOOD, because it is written, And the priest shall sprinkle the blood [on the altar of the Lord at the door of the tent of meeting].²³

PRIESTLY VESTMENTS, because it is written, [And they — the priestly vestments—shall be upon Aaron, and upon his sons . . .] to minister in the holy place.²⁴

SERVICE VESSELS, because it is written, [The vessels of ministry], wherewith they minister in the sanctuary.²⁵

A SWEET ODOUR, because it is written, A sweet savour unto the Lord.²⁶

A LINE OF DEMARCATION FOR [THE SPRINKLING OF] THE BLOOD, because it is written, That the net may reach halfway up the altar.²⁷

THE WASHING OF HANDS AND FEET, because it is written, And when they came near unto the altar, they should wash.²⁸

Rami b. Hama said: They learnt it²⁹ only about sacrifices of the great bamah which were offered at the great bamah; but no demarcation was required for sacrifices of a minor bamah which were offered at the great bamah.³⁰ Rabbah raised an objection: [The laws of] the breast and the thigh, and the separation of the loaves of the thanksgiving, operated at the great bamah, but did not operate at a minor bamah!³¹ — Say, they are operative in connection with the sacrifices of the great bamah and are not operative in connection with the sacrifices of a minor bamah.³²

Others say, Rami b. Hama said: They learnt it only when the great bamah [was essential],³³ but when minor bamoth [were permitted], even if one sacrificed at the great bamah, there was no demarcation. Rabbah raised an objection: [The laws of] the breast and the thigh and the separation of the loaves of the thanksgiving operated at the great bamah, but did not operate at a minor bamah? — Say, they operate when the great bamah [was essential], but did not operate when minor bamoth [were permitted].

Now, he disagrees with R. Eleazar, for R. Eleazar said: If one took a burnt-offering of a minor bamah within, its barriers receive it in respect of all things.³⁴

R. Zera asked: If one took the burnt-offering of a private bamah

(1) Not repeat 'to'.

(2) Josh. XVIII, 10. Cur. edd. quote the text rather differently.

(3) Ps. CXXXII, 8. Cur. edd. quote: And it came to pass when the Ark rested, but there is no such text in the Bible.

(4) Judg. XIII, 19.

(5) This was simply a bamah, which was forbidden.

(6) That permitted him on that occasion.

(7) R. Simeon b. Yohai, an individual, won over the school of R. Ishmael to his view. Cf. supra 53b.

(8) That if one consecrated an animal when bamoth were permitted and offered it when they were forbidden, he does not incur kareth.

(9) On the altar, i.e., burning the emurim.

(10) Lev. XVII, 8.

(11) V. supra 107a. 'Those just mentioned' are those who consecrated the animal when bamoth were permitted and sacrificed them without when bamoth were forbidden (v. 7 is thus explained).

(12) Which would justify this command.

(13) In Hebrew the difference is in one letter only.

- (14) This explicitly contradicts R. Kahana.
- (15) I.e., he has violated an affirmative precept; similarly in the other cases.
- (16) This last clause is obvious, and probably included merely for the sake of completeness. Tosaf. explains it thus: if one consecrated an animal for a burnt-offering, to be offered at the public bamah; even if he took it to the precincts of this bamah, and then took it out and sacrificed it at a private bamah, he is not liable.
- (17) Lev. I, 3f. 'Before the Lord' implies at a public place of sacrifice; similarly the others.
- (18) Ibid., 11.
- (19) Ibid. 5. Hence 'round about' is required only at 'tent of meeting', I.e., at a public altar.
- (20) Ibid. X, 15.
- (21) Ibid. VI, 7. This is the reading according to Rashi.
- (22) Ibid. XVII, 5. (10) Zebahim denotes sacrifices that are slaughtered (with shechitah). If, then, the word excludes meal-offerings, ipso facto it excludes bird-offerings, since these were killed with melikah, not shechitah.
- (23) Lev. XVII, 6, excluding then a private bamah.
- (24) Ex. XXVIII, 43. 'In the holy place' implies a public sanctuary, but not a private one.
- (25) Num. IV, 12.
- (26) Lev. I, 9.
- (27) Ex. XXVII, 5. From this verse we learn that a line of demarcation is necessary (supra 53a); 'the altar' is a limitation, implying only the altar in the Tabernacle, which was a public sanctuary.
- (28) Ex. XL, 32.
- (29) That a line of demarcation was necessary at the public bamah.
- (30) Emended text (Sh.M. and margin). 'Sacrifices of the great bamah . . . of a minor bamah' means those which were consecrated for sacrifice at a public or at a private bamah respectively. 'No demarcation was required' — their blood could be sprinkled above or below the line.
- (31) Supra 117b. This implies that these laws operated whenever a sacrifice was offered at a great bamah, even if it had been consecrated for the small bamah. The same therefore should apply to the other laws which governed the great bamah.
- (32) As explained in n. 8.
- (33) I.e., when private bamoth were forbidden.
- (34) If a burnt-offering which was consecrated for a private bamah was carried within the precincts of the public bamah, the barriers of the public bamah receive it, and all the laws of the public bamah apply to it. This proves that even sacrifices consecrated for a private bamah are governed by the laws of a public bamah in such circumstances. A further corollary is that the laws of the public bamah hold good at all times, whether private bamoth were permitted or forbidden. — Rashi explains here that R. Eleazar means that he took the burnt-offering within the precincts of the public bamah after it was slaughtered. His interpretation in Me'ilah 3a, however, assumes that it applies before its slaughter too.

Talmud - Mas. Zevachim 120a

within, and then took it out again, what is the law?¹ do we say, Since it has entered, the barriers [of the public bamah] have received it; or perhaps, since it has returned, it has returned?² — Is this not the controversy of Rabbah and R. Joseph? For we learnt: If sacrifices of higher sanctity were slaughtered in the south,³ they are subject to trespass.⁴ Now the [scholars] asked: If they ascended [the altar], must they be taken down? Rabbah maintained: They must be taken down; R. Joseph maintained: They must not be taken down!⁵ — The question arises on both Rabbah's and R. Joseph's views. The question arises on Rabbah's view, [for you can argue:] Rabbah rules thus only in respect of the altar, [for] what is eligible for it, it sanctifies,⁶ and what is not eligible for it, it does not sanctify;⁷ but the barrier may receive it even when it is not eligible for it. Or perhaps, there is no difference? The question arises on R. Joseph's view, [for you may argue:] R. Joseph rules thus only there, since it is one place;⁸ but here, that they are two places,⁹ it is not so. Or perhaps, there is no difference? The question stands over.

That which is certain to Rabbah in one direction and to R. Joseph in the opposite direction, was a question to R. Jannai. For R. Jannai asked: If the limbs of the burnt-offering of a private bamah

ascended the altar¹⁰ and were taken down, what is the law? If the fire has not taken hold of them, there is no question;¹¹ the question arises where the fire had taken hold of them: what then? The question stands over.

It was stated: As for night slaughtering at a private bamah, Rab and Samuel [disagree]. One maintains: It is valid; the other maintains: It is invalid.¹² Now, they disagree on R. Eleazar's [difficulty]. For R. Eleazar pointed out a contradiction between texts. It is written, And he said.' 'Ye have dealt treacherously; roll a great stone unto me this day',¹³ But it is written: And Saul said.' 'Disperse yourselves among the people, and say unto them: Bring me hither every man his ox, and every man his sheep, and slay them here, and eat; and sin not against the Lord in eating with the blood'. And all the people brought every man his ox with him that night, and slew them there.¹⁴ One master answered: one [text] applies to hullin, the other to sacrifices.¹⁵ The other master answered: One refers to the sacrifices of a great bamah,¹⁶ the other refers to the sacrifices of a minor bamah.

It was stated: As for the burnt-offering of a private bamah, Rab maintained: It does not require flaying and dismembering; while R. Johanan said: It does require flaying and dismembering. Now, they disagree on R. Jose the Galilean['s dictum]. For it was taught, R. Jose the Galilean said: The burnt-offering[s] which the Israelites sacrificed in the wilderness¹⁷ did not require flaying and dismembering, because flaying and dismembering were required only from [the erection of] the Tent of Meeting and onward. One master holds: From [the erection of] the Tent of Meeting and onward, there was no difference [in this respect] between the great bamah and the minor bamah; while the other master holds: At the great bamah, yes; at the lesser bamah, no.

It was taught in accordance with R. Johanan: In the [following] matters the great bamah differed from the minor bamah: Horn, ascent, base, and squareness [were required at] the great bamah; but there were no horn, ascent, base and squareness at a minor bamah.¹⁸ There were a laver and its base at the great bamah, but there were no laver and base at a minor bamah. The breast and the thigh were [waved] at the great bamah, but there were no breast and thigh at a minor bamah. In the [following] matters the great bamah and a minor bamah were alike: shechitah was required at the great bamah and at a minor bamah; flaying and dismembering were required at the great and at the minor [bamoth]. Blood permitted, and rendered piggul¹⁹ at the great and at a minor [bamoth]. [The laws of] blemishes and time²⁰ [operated] at the great and at a minor [bamah].

BUT TIME, NOTHAR AND DEFILEMENT WERE ALIKE IN BOTH. Our Rabbis taught: How do we know that time operates at a minor bamah as at a great bamah? For [you might argue:] the Torah ordered [flesh] that was kept overnight²¹ to be burnt, and [flesh] that went out [of its permitted boundaries] to be burnt:²² just as flesh which went out is fit at a [minor] bamah,²³ so [flesh] which was kept overnight is fit at a [minor] bamah. But does not [the reverse] follow from birds, a minori:

(1) Does the law of a public bamah apply to it, so that it must be taken back and have its breast and thigh waved before the altar, or not? Here too Rashi explains that it was taken within after it was slaughtered.

(2) And is subject to the laws of a private bamah only.

(3) Instead of the north.

(4) V. p. 176, n. 10. We do not say that since they were slaughtered in the wrong place, it is as though they were simply killed unritually, when they cease to be subject to trespass.

(5) Emended text (Rashi and Sh.M.). Now, Rabbah who says that they must be taken down holds that these are not the same as other sacrifices which were disqualified in the Sanctuary, but as though they were killed unritually. Thus he holds that the barriers have not received them. Whereas R. Joseph, who rules that they must be taken down, holds that the barriers have received them.

(6) So that it must not be removed thence, once it is placed thereon.

(7) And since it is as though it were not ritually slaughtered (in his view), it is not eligible for it.

(8) It was slaughtered in the Temple court, after all.

- (9) The public and the private bamoth.
- (10) Of the public bamah. Rashi apparently explains that the question refers to a burnt-offering consecrated for sacrifices at a public bamah, which was slaughtered at a private bamah.
- (11) They certainly must descend.
- (12) Rashi reads: Rab says it is valid; Samuel says: It is invalid.
- (13) I Sam. XIV, 33, q.v. As they were engaged in pursuit of the enemy, this could only have been in the nature of a private bamah, and his emphasis on 'this day' proves that the night was not valid for slaughtering.
- (14) I Sam. XIV, 34. R. Eleazar leaves the difficulty unanswered.
- (15) The text specifying 'day' applies to sacrifices, which must be slaughtered by day even at a private bamah.
- (16) These must be sacrificed by day. — He would explain then that when Saul specified day, he referred to those who would wait until they could sacrifice at the public bamah.
- (17) Before the Tabernacle was erected.
- (18) V. supra 62a.
- (19) The sprinkling of the blood permitted the flesh, while a piggul intention at the sprinkling rendered the sacrifice piggul.
- (20) That a blemish disqualified an animal, and that there was a time limit for the eating of the flesh.
- (21) I.e., nothar, flesh kept after its prescribed period.
- (22) This is deduced in Pes. 82a q.v.
- (23) Since it had no walls to define its boundaries.

Talmud - Mas. Zevachim 120b

if time disqualifies birds, though a blemish does not disqualify them;¹ is it not logical that time should disqualify the sacrifices of a minor bamah, seeing that a blemish does disqualify them? As for birds, the reason is because a zar is not fit in their case; but in the case of a minor bamah, where a zar is fit [to officiate], let time not disqualify. Therefore it states, And this is the law of the sacrifice of peace-offerings,² which makes time at a minor bamah the same as time at the great bamah.³

(1) V. supra 116a.

(2) Lev. VII, 11.

(3) Sc. a disqualification. 'This is the law' etc. implies that all peace-offerings, wherever offered, are governed by the same law in respect of the contents of that passage. That passage (q.v.) deals with time, piggul, and defilement.

Talmud - Mas. Menachoth 2a

CHAPTER I

MISHNAH. ALL MEAL-OFFERINGS¹ FROM WHICH THE HANDFUL WAS TAKEN UNDER ANY OTHER NAME THAN THEIR OWN,² ARE VALID, SAVE THAT THEY DO NOT DISCHARGE THE OBLIGATION OF THE OWNER,³ WITH THE EXCEPTION OF THE SINNER'S MEAL-OFFERING⁴ AND THE MEAL-OFFERING OF JEALOUSY.⁵ AS TO THE SINNER'S MEAL-OFFERING AND THE MEAL-OFFERING OF JEALOUSY, IF THE HANDFUL WAS TAKEN THEREFROM UNDER ANY OTHER NAME THAN THEIR OWN, OR IF THEY WERE PUT INTO THE VESSEL, OR BROUGHT NIGH, OR BURNT UNDER ANY OTHER NAME THAN THEIR OWN, OR UNDER THEIR OWN AND ANOTHER NAME, OR UNDER ANOTHER NAME AND THEIR OWN, THEY ARE INVALID. HOW CAN THEY BE 'UNDER THEIR OWN AND ANOTHER NAME'? IF OFFERED AS A SINNER'S MEAL-OFFERING AND AS A FREEWILL MEAL-OFFERING. AND HOW CAN THEY BE UNDER ANOTHER NAME AND THEIR OWN? IF OFFERED AS A FREEWILL MEAL-OFFERING AND AS A SINNER'S MEAL-OFFERING.

GEMARA. Why does the Mishnah state SAVE THAT? It could have simply stated, 'But they do not discharge the obligation of the owner'? — It teaches this: The owner's obligation is not thereby discharged, but the meal-offering itself is in each case valid, and it is therefore forbidden to make any further changes with regard to it.⁶ This is in accordance with Raba, for Raba said, If a burnt-offering was slaughtered under any name other than its own, it is nevertheless forbidden to sprinkle its blood under any other name than its own. You may, if you wish, explain this by logical reasoning, or if you wish, by reference to a verse. 'You may, if you wish, explain this by logical reasoning' — is it to be permitted, because a change has been made with regard to it, to go on making more and more changes? 'Or if you wish, by reference to a verse' — for it is written, That which is done out of thy lips thou shalt observe and do; according as thou hast vowed unto the Lord thy God, a freewill-offering.⁷ 'A freewill-offering'? It is a vow, is it not? Hence the verse is to be explained thus: if thou hast done according as thou hast vowed, then it is a votive offering; and if not it shall be a freewill-offering.

(1) Cf. Lev. II, 2ff. The usual procedure in making a meal-offering consisted of the following four services: taking the handful out of the meal-offering, putting it into a vessel, bringing it nigh to the altar, and burning it. These services correspond respectively to the four main services in connection with animal sacrifices, viz., slaughtering, receiving the blood, bringing it nigh to the altar, and sprinkling it.

(2) Either declaring it to be a different offering, **שינוי קדש** e.g., while dealing with a meal-offering prepared on a griddle the officiating priest expressly declares that he is dealing with one prepared in a pan; or declaring it to be on behalf of a different person, **שינוי בעלים** e.g., while dealing with A's meal-offering the priest declares that he is dealing with it on behalf of B.

(3) And he must bring again the offering which he had undertaken to bring either by vow or of his free will.

(4) The meal-offering brought as a sin-offering by a person of poor means on the commission of any of the transgressions mentioned in Lev. V, 1-4.

(5) Brought by a woman suspected of adultery by her husband; cf. Num. V, 15. In these two cases the meal-offering, if brought under another name, is invalid.

(6) The expression 'SAVE THAT' in the Mishnah implies that in every other respect the meal-offering is a valid meal-offering.

(7) Deut. XXIII, 24.

Talmud - Mas. Menachoth 2b

And is it permitted to make any changes in respect of a freewill-offering?¹

Must we say that our Mishnah is not in agreement with the view of R. Simeon? For it was taught: R. Simeon says, All meal-offerings, from which the handful was taken under any other name than their own, are valid, and they also discharge the obligation of the owner, since meal-offerings are unlike [animal] offerings. For if [the priest] takes the handful from a meal-offering prepared on a griddle² and expressly refers to it as one prepared in a pan.² [his intention is of no consequence]. for the preparation thereof clearly indicates that he is dealing with one prepared on a griddle. Or if he is dealing with a dry³ [meal-offering] and expressly refers to it as mingled [with oil, his intention is of no consequence], for the preparation thereof clearly indicates that he is dealing with a dry [meal-offering]. But with [animal] offerings, it is not so; the same slaughtering is for all offerings, the same manner of receiving the blood for all, and the same manner of sprinkling for all.⁴ This indeed presents no difficulty according to R. Ashi who said,⁵ 'Here he took the handful from that which was prepared on a griddle and referred to it as prepared in a pan, there he took the handful from a meal-offering prepared on a griddle and referred to it as a meal-offering prepared in a pan',⁶ for our Mishnah is a case where one meal-offering was referred to as another meal-offering. But what can be said according to the answers suggested by Rabbah and Raba? For should you accept the answer suggested by Rabbah namely, 'Here the change was as regards the offering, there as regards the owner',⁷ [the difficulty of reconciling R. Simeon's view with that of our Mishnah remains, for] our Mishnah speaks of the change as regards the offering, since it reads, HOW CAN THEY BE UNDER THEIR OWN AND ANOTHER NAME'? IF OFFERED AS A SINNER'S MEAL-OFFERING AND AS A FREEWILL MEAL-OFFERING! And should you accept the answer suggested by Raba namely, 'Here he took the handful out of a meal-offering and referred to it as [another] meal-offering, there he took the handful out of a meal-offering and referred to it as an animal-offering',⁸ [the difficulty also remains, for] our Mishnah speaks of a meal-offering being referred to as [another] meal-offering, since it reads, AND HOW CAN THEY BE 'UNDER ANOTHER NAME AND THEIR OWN'? IF OFFERED AS A FREEWILL MEAL-OFFERING AND AS A SINNER'S MEAL-OFFERING! — It is clear then that according to Rabbah and Raba our Mishnah is not in agreement with R. Simeon.

Now I can point out a contradiction between the words of R. Simeon here and the words of R. Simeon elsewhere. For it has been taught: R. Simeon says, It is written, It is most holy, as the sin-offering, and as the guilt-offering,⁹ that is, some [meal-offerings] are like the sin-offering, and some like the guilt-offering. The sinner's meal-offering is like the sin-offering, so that if [the priest] took the handful therefrom under any other name than its own, it would be invalid, as is the sin-offering [in such circumstances]; the freewill meal-offering is like the guilt-offering, so that if he took the handful therefrom under any other name than its own, it would remain valid. 'And as the guilt-offering', that is, as the guilt-offering is valid [even when offered under any other name than its own], but does not satisfy [the obligation of the owner], so the freewill meal-offering is valid but does not satisfy [the obligation of the owner]!¹⁰ — Rabbah answered, It is no contradiction: here the change was as regards the offering, there as regards the owner.¹¹ Thereupon Abaye said to him, But consider, since it is established by analogy that, according to Divine Law, a wrongful intention renders the offering invalid,¹² what difference does it make whether the change was as regards the offering or as regards the owner? — He replied, The rule of R. Simeon that the preparation thereof clearly indicates [the true nature of the offering] is founded on reason (for R. Simeon generally expounds the reasons of Scriptural law); therefore a wrongful intention which is not manifestly [absurd] the Divine Law declares capable of rendering an offering invalid, but a wrongful intention which is manifestly [absurd]¹³ the Divine Law declares incapable of rendering invalid.

(Mnemonic: a burnt-offering; he nipped off a burnt-offering; he drained; a sin-offering of a bird; Most Holy sacrifices; Lesser Holy sacrifices.)

In that case it should follow that if [the priest] nipped off the head of a burnt-offering of a bird

above [the red line which went around the altar]¹⁴ under the name of a sin-offering of a bird, it discharges¹⁵ [the owner], since the treatment thereof indicates plainly that it is a burnt-offering of a bird, for if it were a sin-offering of a bird he would have performed [the nipping] below [the red line]!¹⁶ — Do you think the sin-offering of a bird may not be performed above [the red line]? Surely a Master has stated that the nipping [of the sin-offering of a bird] may be performed at any place on the altar!¹⁷ Again, if he drained the blood of a burnt-offering of a bird above [the red line] under the name of a sin-offering of a bird, it should discharge [the owner], since the treatment thereof indicates plainly that it is a burnt-offering, for if it were a sin-offering he would have drained it below [the red line], and [would also have first] sprinkled [the blood upon the side of the altar]!¹⁸ —

(1) Certainly not! v. Sifra on Lev. I, 9. Hence even though the original sacrifice has been varied (as here from a votive to a freewill-offering) it is forbidden to make any further changes with regard to it, just as it is forbidden to vary the freewill-offering.

(2) V. Ibid. II, 5, 7; and infra 59a and 63a.

(3) I.e., one not mixed with oil, e.g., a sinner's meal-offering, or the meal-offering of jealousy.

(4) R. Simeon apparently disagrees with our Mishnah on two points: (a) He makes no exception for the sinner's meal-offering and the meal-offering of jealousy, and (b) he declares that even though the meal-offering was treated under another name the owner has discharged his obligation.

(5) In answer to the contradiction pointed out between the two statements of R. Simeon, infra.

(6) Where the officiating priest does not mention 'meal-offering' but merely the vessel in which it has been prepared, referring to one kind as another, it is clear that his words are meaningless and are to be ignored, since the very preparation of the meal-offering contradicts him; hence the offering is in no wise affected thereby and it discharges the owner's obligation. On the other hand, where he refers to one meal-offering as another, as is clearly the case in our Mishnah, the offering is affected thereby, since he has expressed a wrongful intention in connection with a meal-offering, and it therefore does not discharge the owner's obligation.

(7) Where the change was expressed in respect of the kind of offering, e.g., a meal-offering prepared on a griddle being referred to as one prepared in a pan, the offering is not thereby invalidated, for it is clear to all that it is the former and not that which he declares it to be, and therefore counts in fulfilment of the owner's obligation. Where, however, the change was expressed in respect of the owner of the offering, the offering cannot discharge the true owner's obligation.

(8) In the former case the owner's obligation is discharged in spite of the variation in the kind of meal-offering, in the latter case it is not discharged.

(9) Lev. VI, 10.

(10) This latter statement of R. Simeon wholly agrees with our Mishnah, so that it is in conflict with the former statement of R. Simeon on two points; v. supra p. 3 n. 2.

(11) V. Supra p. 3 n. 5.

(12) In Lev. VI, 10, the meal-offering is equated with the animal sacrifices of the sin-offering and guilt-offering, and as a wrongful intention with regard to these sacrifices, whether in respect of the kind of sacrifice or of the owner, renders them invalid, so it should be with regard to the meal-offering too.

(13) I.e., where the actions of the officiating priest belie his expressed intention. In such a case his words cannot be taken seriously.

(14) Cf. Mid. III, 1.

(15) Lit., 'render acceptable'.

(16) The rule is that the burnt-offering of a bird must be prepared above the red line (v. Zeb. 65a); the sin-offering of a bird, on the other hand, was usually prepared below the red line. Hence in spite of the priest's express intention to the contrary, the fact that he is nipping the bird above the red line clearly indicates that he is dealing with a burnt-offering, and the offering should count in fulfilment of the owner's obligation; nevertheless the established law is not so.

(17) Zeb. 63a. So that the treatment does not clearly mark the offering as a burnt-offering.

(18) The fixed routine in bird-offerings was (a) in the case of a burnt-offering: the head was nipped off but not severed from the body, the blood was drained at the side of the altar above the red line, then the whole bird was burnt on the altar; (b) in the case of a sin-offering: the head was nipped off and also not severed from the body, the blood was sprinkled upon the side of the altar, the rest of the blood was drained at the base of the altar, then the flesh was consumed by the priests.

Talmud - Mas. Menachoth 3a

It might be said that it is now being drained, the sprinkling having already taken place; and [as for its being drained above the red line], has not the Master stated that wherever upon the altar the blood was drained it is valid?

Again, if he sprinkled the blood of the sin-offering of a bird below [the red line] under the name of a burnt-offering of a bird, it should discharge [the owner], since the treatment thereof indicates plainly that it is a sin-offering of a bird, for if it were a burnt-offering of a bird he would have performed [the sprinkling] above [the red line], and would also have drained out the blood? — This is so.¹ But did he not say, 'Since meal-offerings are unlike [animal] offerings'? — Yes, unlike [animal] offerings, but not unlike bird-offerings.²

Again, if one slaughtered Most Holy sacrifices on the north side [of the altar] under the name of Lesser Holy sacrifices, they should discharge [the owners], since the treatment thereof indicates plainly that they are Most Holy sacrifices, for if they were Lesser Holy sacrifices, [the slaughtering] surely would have been performed on the south side! — No, the rule of the Divine Law is [that Lesser Holy sacrifices may be slaughtered] even on the south side, but not on the south side to the exclusion of the north.³ For we have learnt: [The Lesser Holy sacrifices] may be slaughtered in any part of the Temple court.⁴

Again, if one slaughtered Lesser Holy sacrifices on the south side under the name of Most Holy sacrifices, they should discharge [the owners], since the treatment thereof indicates plainly that they are Lesser Holy sacrifices, for if they were Most Holy sacrifices, [the slaughtering] would surely have been performed on the north side! — It might be said that they really were Most Holy sacrifices but that [the slaughterer] had transgressed the law and slaughtered them on the south side. If so, in the case where a meal-offering prepared on a griddle was referred to as one prepared in a pan, it might also be said that the owner had vowed a meal-offering prepared in a pan and the priest when taking the handful therefrom [rightly] referred to it as prepared in a pan, for it was to be a meal-offering prepared in a pan, but he [the owner] had transgressed and brought one prepared on a griddle!⁵ — There, even though he had vowed a meal-offering prepared in a pan, if he brought it prepared on a griddle it must be treated as prepared on a griddle.⁶ As we have learnt: If a man said, 'I take it upon myself to bring a meal-offering prepared on a griddle', and he brought one prepared in a pan; or if he said, 'a meal-offering prepared in a pan', and he brought one prepared on a griddle, what he has brought he has brought, but he has not discharged the obligation of his vow.⁷ But perhaps he used the expression 'This';⁸ as we have learnt: If he said, 'Let this [meal] be brought [as a meal-offering prepared] on a griddle', and he brought it [prepared] in a pan, or if he said, 'Let this [meal be brought as a meal-offering] prepared in a pan', and he brought it [prepared] on a griddle, it is invalid! —⁹ According to the view of the Rabbis this would indeed be [a difficulty]; but we are arguing according to the view of R. Simeon, and R. Simeon holds that [in the first case] he has even discharged the obligation of his vow. Hence the description [of the meal-offering] by the particular vessel is of no consequence,¹⁰ and it is immaterial whether he said 'Let this be' or 'I take it upon myself'.

Again, if one slaughtered a burnt-offering under the name of a sin-offering it should discharge [the owner], for the one¹¹ is a male animal and the other¹² a female!¹³ — Since there is the goat of the sin-offering of a ruler, which must be a male,¹⁴ it is not so evident.¹⁵ Then what can be said if he referred to it as a sin-offering of an individual?¹⁶ Moreover, if one slaughtered the sin-offering of an individual under the name of a burnt-offering, it should discharge [the owner], since a sin-offering must be a female animal, and a burnt-offering a male! — It is covered by the tail.¹⁷ This holds good in the case where one brought a ewe, but what can be said where one brought a she-goat?¹⁸ — In

truth people don't usually think of distinguishing between male and female animals.

Again, if one slaughtered the passover-offering under the name of a guilt-offering it should discharge [the owner], since the former must be in its first year whereas the latter must be in its second year! — Since there is the guilt-offering of the Nazirite and of the leper,¹⁹ it is then not so certain. Then what can be said if he expressly referred to it as the guilt-offering for robbery or for sacrilege?²⁰ Moreover, if one slaughtered the guilt-offering for robbery or for sacrilege under the name of the passover-offering it should discharge [the owner], since the passover-lamb must be in its first year whereas the others must be in their second year! — In truth people don't usually distinguish between an animal in its first year and one in its second year, for an animal in its first year may sometimes look like one in its second year, and one in its second year may look like one in its first year.

Again, if one slaughtered a he-goat²¹ under the name of a guilt-offering it should discharge [the owner], since the one²² has wool and the other hair! — people might think that it²³ is a black ram.

Again, if one slaughtered a calf or a bullock under the name of the passover-offering or a guilt-offering it should discharge [the owner], since a calf or a bullock cannot serve as the passover-offering or as a guilt-offering!²⁴ — This is indeed so;

(1) That according to R. Simeon in such a case the owner counts the offering as the fulfilment of his obligation.

(2) I.e., a bird-offering like a meal-offering, although offered under a different name, discharges the obligation of the owner, for the treatment thereof clearly indicates the true nature of the sacrifice.

(3) Lit., 'did it say, On the south side and not on the north?' In contradistinction from the Most Holy sacrifices — the burnt-offering, the sin-offering, and the guilt-offering, which must be slaughtered on the north side of the altar only (v. Lev. I, 11; VI, 18; VII, 2). — Scripture does not specify any particular place for the slaughtering of the Lesser Holy sacrifices, and the implication clearly is that it may be slaughtered in any part of the Temple court.

(4) Zeb. 55a.

(5) And why does R. Simeon hold that in such a case the express intention is to be ignored? The text in cur. edd. is somewhat involved, and the reading of Sh. Mek. is followed.

(6) And therefore to refer to it as a meal-offering prepared in a pan is mere empty words.

(7) Infra 102b.

(8) So Sh. Mek, omitting the words, 'to be brought prepared on a griddle and he brought it prepared in a pan'.

(9) Infra 102b. Consequently where the expression 'this' was used it cannot be offered as anything else. Now in the present case it might be thought that the priest when taking the handful therefrom and referring to it as a meal-offering prepared in a pan, refers actually to its true character, so that his expressed intention cannot be said to be idle talk.

(10) But it is the vessel in which the meal is actually put that decides the kind of meal-offering it is to be; so that what is put on a griddle cannot be anything else, and the priest's reference to it as something else is idle talk.

(11) Sc. the burnt-offering.

(12) Sc. the sin-offering.

(13) And it is evident to all that to refer to this animal as a sin-offering is idle talk, for it is a male animal.

(14) V. Lev. IV, 22f.

(15) For the burnt-offering that he is slaughtering might reasonably be taken to be the goat of the sin-offering of a ruler, particularly since he refers to it as a sin-offering.

(16) Which every one knows must be a female animal. The fact therefore that he is dealing with a male animal indicates clearly that his words are meaningless.

(17) So that the sex of the animal is not noticeable.

(18) Which has no tail, i.e., its tail does not cover fully its hind quarters. like a sheep, and its sex is easily noticeable.

(19) Which must also be in the first year, for **כבש** is prescribed, and the term **כבש**, sheep, signifies a lamb not more than one year old, whereas the term **איל**, ram, signifies a sheep in its second year and not more than two years old (v. Parah I, 3). V. Num. VI, 12; and Lev. XIV, 12.

(20) Which must be a sheep in its second year; v. Lev. V, 25 and 15.

- (21) The he-goat of the sin-offering of a ruler.
 (22) Sc. the sheep for the guilt-offering.
 (23) Sc. the he-goat; since goats are usually dark in colour (cf. Rashi and Tosaf.).
 (24) For these must be of the flock.

Talmud - Mas. Menachoth 3b

and by the term 'animal offerings'¹ he meant the majority of animal-offerings. Raba answered:² It is no contradiction: here he took the handful out of a meal-offering and referred to it as [another] meal-offering, there he took the handful out of a meal-offering and referred to it as an animal-offering. Where one meal-offering was referred to as [another] meal-offering [it discharges the owner's obligation, for it is written,] And this is the law of the meal-offering:³ there is but one law for all meal-offerings;⁴ where a meal-offering was referred to as an animal-offering, [it does not discharge the owner's obligation, for it is written.] 'And this is the law of the meal-offering'; but it is not written 'of the animal-offering'. But did not the Tanna [R. Simeon] say, 'For the preparation thereof clearly indicates [the true nature of the offering]?'⁵ — He meant thus: Although the expressed statement⁶ clearly does not [correspond with the actual offering] and consequently it should be invalid,⁷ [yet it is not so, for it is written,] 'And this is the law of the meal-offering': there is but one law for all meal-offerings.⁴ Then what is the meaning of the statement, 'But with animal-offerings it is not so'?⁸ — It means, in spite of the fact that the same manner of slaughtering is for all offerings, it is written, 'And this is the law of the meal-offering', and not 'of the animal-offering'.

In that case, if one slaughtered a sin-offering brought on account of [eating] forbidden fat under the name of a sin-offering brought on account of [eating] blood, or under the name of a sin-offering brought on account of idolatry, or under the name of the sin-offering of the Nazirite or of the leper, it should be valid and also discharge [the owner], for the Divine Law says, This is the law of the sin-offering:⁹ there is but one law for all sin-offerings!¹⁰ According to R. Simeon it is indeed so; and¹¹ as for the view of the Rabbis,¹² Raba said, If one slaughtered a sin-offering brought on account of [eating] forbidden fat under the name of a sin-offering brought on account of [eating] blood, or under the name of a sin-offering brought on account of idolatry, it is valid;¹³ if [he slaughtered it] under the name of the sin-offering of the Nazirite or of the leper it is invalid, because with each of these there is a burnt-offering too.¹⁴ R. Aha the son of Raba reports that it is invalid in every case, for it is written, And he shall slaughter it for a sin-offering.¹⁵ that is, for that [particular] sin.¹⁶

R. Ashi answered, It is no contradiction: Here he took the handful out of that which was prepared on a griddle and referred to it as prepared in a pan, there he took the handful out of a meal-offering prepared on a griddle and referred to it as a meal-offering prepared in a pan.¹⁷ Where what is prepared on a griddle is referred to as prepared in a pan, [it discharges the owner's obligation, for] the wrongful intention is in respect of the vessel used, and a wrongful intention in respect of the vessel used does not invalidate the offering. Where a meal-offering prepared on a griddle is referred to as a meal-offering prepared in a pan, [it does not discharge the owner's obligation, for] the wrongful intention is in respect of a meal-offering, and it is thereby rendered invalid. But did not the Tanna [R. Simeon] say, 'For the preparation thereof clearly indicates [the true nature of the offering]?'¹⁸ — He meant thus: Although the expressed statement clearly does not [correspond with the actual offering], and consequently it should be invalid,¹⁹ [yet it is not so, for] the intention is in respect of the vessel and any wrongful intention in respect of the vessel does not invalidate the offering.²⁰ Then what is the meaning of the statement, 'But with animal-offerings it is not so'?²¹ — It means, in spite of the fact that the same manner of slaughtering is for all offerings, and the same manner of receiving the blood and sprinkling it for all offerings, the wrongful intention is in respect of the slaughtering and it is thereby rendered invalid.

R. Aha the son of Raba asked R. Ashi, Then why does R. Simeon say [that it discharges the owner's obligation] where a dry [meal-offering] was referred to as one mingled [with oil]?²² He replied, [The intention was] for anything that is mingled.²³ If so, when referring [to a burnt-offering] as a peace-offering it might also be taken to mean anything that brings about peace!²⁴ — There is no comparison at all! There the actual sacrifice is termed shelamim [peace-offering],²⁵ as it is written, He that offereth the blood of the shelamim,²⁶ which means, he that sprinkles the blood of the peace-offering;²⁷ but here, is the meal-offering ever referred to simply as belulah [mingled]?²⁸ It is written, And every meal-offering, mingled with oil [belulah ba-shemen] or dry;²⁹ it is indeed referred to as 'mingled with oil', but never as 'mingled' by itself.³⁰

Now they all³¹ do not adopt Rabbah's answer, for [they say], on the contrary, an intention which is manifestly [absurd] the Divine Law declares capable of rendering an offering invalid.³² They also do not adopt Raba's answer, for they do not accept his interpretation of the verse, 'And this is the law of the meal-offering'.³³ And they do not all adopt R. Ashi's answer because of the difficulty raised by R. Aha the son of Raba.³⁴

That which is clear to Rabbah in one way³⁵ and is clear to Raba in the opposite way,³⁶ is a matter of doubt to R. Hoshai. For R. Hoshai put the question (others say, R. Hoshai put the question to R. Assi): Where one referred to a meal-offering as an animal-offering

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- (1) V. supra 2b: 'Since meal-offerings are not like animal offerings'. In some cases, however, as in the last case stated, the express variation of the sacrifice is so absurd as to be absolutely ignored; and therefore the sacrifice serves to discharge the obligation of the owner.
- (2) To reconcile the contradiction cited between the statements of R. Simeon, v. supra p. 4.
- (3) Lev. VI, 7.
- (4) I.e., all meal-offerings are regarded as one form of offering, and therefore when dealing with one kind of meal-offering to refer to it as another is of no consequence.
- (5) Accordingly a meal-offering referred to as an animal-offering should be valid since the reference is apparently absurd.
- (6) In the case where the priest expressly refers to a meal-offering prepared on a griddle as one prepared in a pan.
- (7) For the view now held is that where the expressed intention is absurd on the face of it it most certainly renders the offering invalid, for otherwise it may be said that it is permitted to vary offerings.
- (8) This statement originally was taken to mean that any variation in an animal-offering affects the owner in that his obligation is not discharged. Now, however, according to the interpretation suggested, the contrast with meal-offerings must give the result that any variation in animal-offerings discharges the owner's obligation since, after all, there is but one manner of slaughtering and one manner of sprinkling for all offerings.
- (9) Lev. VI, 18.
- (10) Consequently any variation regarding the kind of sin-offering should be of no consequence; wherefore then have we learnt that the sin-offering is thereby rendered invalid (Zeb. opening Mishnah)?
- (11) The text is extremely doubtful and the suggested emendations are various each with different interpretations. The translation follows the text as suggested by Sh. Mek. in the margin, which is supported by MS.M. V. also commentaries of Birkath Hazebah (B.H.) and Z. Kodoshim (Z.K.)
- (12) Who do not adopt the interpretation of And this is the law of the sin-offering.
- (13) Although it does not count for the fulfilment of the owner's obligation (Rashi). It is valid, however, because each offering mentioned bears the name and true characteristic of the sin-offering.
- (14) And it might be said that a sin-offering offered under the name of a burnt-offering is also valid, which is certainly not the law. According to another reading, the word **בהדייהו** is omitted, and the translation would be: 'these are (sc. have the characteristics of) burnt-offerings'; i.e., the sin-offering of the Nazirite and of the leper do not, like all other sin-offerings, bring about atonement, but only serve to render the person fit to partake of that which he was forbidden heretofore, namely, to permit the Nazirite to drink wine, and the leper to enter the Temple and to partake of sacred food.
- (15) Ibid. IV, 33.
- (16) Heb. **אותה** translated 'it' is often interpreted by the Rabbis as the demonstrative pronoun 'that'; i.e., he shall

slaughter the offering for that particular sin.

(17) V. supra p. 3, n. 4.

(18) Accordingly a meal-offering prepared on a griddle and referred to as a meal-offering prepared in a pan should also be valid since the expressed intention is apparently absurd.

(19) V. supra p. 10, n. 5.

(20) So in MS. M. and Sh. Mek.

(21) V. supra p. 10, n. 6.

(22) The variation here is clearly not in respect of the vessel in which the meal-offering is put, but rather in respect of the meal-offering itself, and therefore the wrongful intention should invalidate the offering.

(23) But not necessarily a meal-offering; such an intention therefore could in no wise affect the offering.

(24) And not necessarily a peace-offering; such an intention therefore should not invalidate the sacrifice, nevertheless it is admitted by R. Simeon that with regard to animal offerings a wrongful intention does invalidate the sacrifice.

(25) שלמים. And nowhere in the Bible has this word any other connotation.

(26) Lev. VII, 33.

(27) V. Zeb. 98b.

(28) בלולה.

(29) Lev. VII, 10. בלולה בשמן.

(30) So that to refer to a dry meal-offering as mingled does not necessarily mean that it is intended to be a meal-offering mingled with oil, for this would have been expressly stated; it is regarded as empty words and the offering is not affected thereby.

(31) The Gemara, having argued fully upon the suggested answers of Rabbah, Raba and R. Ashi in reconciling the conflicting views of R. Simeon, now proceeds to explain why these three Rabbis cannot agree upon one answer.

(32) For otherwise it may be said that one may vary the services of the sacrifices.

(33) Ibid. VI, 7. For if they accepted this interpretation, they would also have to accept the similar interpretation of the verse in connection with the sin-offering, and there is no evidence to show that R. Simeon ever held such a view with regard to the sin-offering, namely, that if one slaughtered a sin-offering brought on account of eating forbidden fat under the name of the sin-offering of the Nazarite, it discharges the owner's obligation.

(34) For the answer given is not quite satisfactory, since the term 'belulah' by itself generally refers to a meal-offering mingled with oil.

(35) That a statement which is manifestly absurd with regard to the offering, as when the actions of the officiating priest belie his expressed intention, does not render the offering invalid; v. supra p. 5.

(36) That a statement which is manifestly absurd does render the offering invalid; v. supra p. 9, n.7.

Talmud - Mas. Menachoth 4a

, what would be R. Simeon's view? Is this the reason for R. Simeon's opinion, namely, that a wrongful intention which is manifestly [absurd] does not invalidate the offering, and here also the intention is manifestly [absurd]; or is it this, namely, it is written. And this is the law of the meal-offering,¹ but it is not written 'of the animal-offering'? — He replied, We cannot fathom R. Simeon's mind, He² would not give Rabbah's answer because of Abaye's objection to it;³ nor Raba's answer because of the objection from the verse, And this is the law of the sin-offering;⁴ nor R. Ashi's answer because of the objection raised by R. Aha the son of Raba.

WITH THE EXCEPTION OF THE SINNER'S MEAL-OFFERING AND THE MEAL-OFFERING OF JEALOUSY. It is indeed clear with regard to the sinner's meal-offering, for the Divine Law terms it a sin-offering, as it is written, He shall put no oil upon it, neither shall he put any frankincense thereon; for it is a sin-offering.⁵ But whence do we know it with regard to the meal-offering of jealousy? From the following which a Tanna recited before R. Nahman: The surplus of the meal-offering of jealousy was used for [public] freewill-offerings.⁶ Whereupon he [R. Nahman] said to him, Well spoken, indeed! For the expression 'iniquity' is used with regard to it as well as with regard to the sin-offering;⁷ and as the surplus of the sin-offering goes for [public] freewill-offerings,⁸ so the surplus of the meal-offering of jealousy goes for [public]

freewill-offerings. And again like the sin-offering; as the sin-offering is invalid if offered under any other name than its own, so the meal-offering of jealousy is also invalid if offered under any other name than its own. In that case the guilt-offering should also be invalid if offered under any name other than its own, since one can infer it from the sin-offering by means of the common expression 'iniquity'⁹ — We may infer 'iniquity' from 'iniquity', but we may not infer 'iniquity' from 'his iniquity'. But what does this [slight variation] matter? Was it not taught in the School of R. Ishmael that in the verses, And the priest shall come again,¹⁰ and And the priest shall come in,¹⁰ 'coming again' and 'coming in' have the same import [for purposes of deduction]? Moreover, one can infer 'his iniquity' [stated in connection with the guilt-offering] from 'his iniquity' stated in connection with 'the hearing of the voice of adjuration', where it is written, if he do not utter it, then he shall bear his iniquity.¹¹ — Indeed the inference [from the sin-offering] relates only to the surplus [that it shall go] for freewill-offerings. Should you, however, retort, Surely an inference cannot be restricted to one point!¹² [I answer that] the Divine Law has expressly stated 'it' with regard to the sin-offering, as it is written, And he shall slaughter it for a sin-offering;¹³ 'it' [namely, the sin-offering, if slaughtered] under its own name is valid but under any name other than its own is invalid, whereas all other offerings are valid whether offered under their own or under any other name. Then whence do we know that the sinner's meal-offering and the meal-offering of jealousy are invalid [if offered] under any name other than their own? — Why is it [that this is so]¹⁴ regarding the sin-offering? Because there is written, It is [a sin-offering].¹⁵ With these, too, there is written, 'It is'.¹⁶ Then, with the guilt-offering we also find 'It is'?'¹⁷ — That is stated after the burning of the sacrificial parts; as it was taught: But with regard to the guilt-offering the expression 'It is' is stated after the burning of the sacrificial parts. And if the sacrificial parts thereof were not burnt at all, it is valid¹⁸. Then what is the purpose of the expression 'It is' [in the case of the guilt-offering]? — It is required for the teaching of R. Huna in the name of Rab, viz., If a guilt-offering that was assigned to pasture¹⁹ was slaughtered without any specified purpose, it is valid as a burnt-offering. That is so only if it was assigned to pasture, but if it was not so assigned it is not [valid], for the verse reads. It is [a guilt-offering],¹⁷ that is it retains its status.²⁰ Rab said, If [the priest] took the handful from the meal-offering of the 'Omer²¹ under any name other than its own it is invalid,²² for it is brought in order to render permitted [the new harvest] and it has not done so.²³ In like manner you may say with regard to the guilt-offering of the Nazirite

(1) Lev. VI, 7.

(2) R. Hoshaiia who put this question.

(3) V. supra p. 4.

(4) Ibid. VI, 18; v. supra p. 11.

(5) Ibid. V, 11. And as the sin-offering if offered under any other name than its own is invalid (v. Zeb. 2a). So it is also with the sinner's meal-offering.

(6) I.e., if a sum of money was set aside for the purpose of acquiring barley for the meal-offering of jealousy, and if in the meantime barley fell in price, the surplus money was to be put into the special collecting boxes in the Temple (v. Shek. VI, 1, 5). The accumulated money was expended in the purchase of animals for sacrifices which were offered as public freewill-offerings whenever the altar was 'vacant'.

(7) So according to the text of MS.M. and Sh. Mek. In connection with the sin-offering it is written (Ibid. X, 17). And he hath given it to you to bear the iniquity of the congregation; and in connection with the meal-offering of jealousy it is written (Num. V, 15). Bringing iniquity to remembrance.

(8) V. Tem. 23b.

(9) For in connection with the guilt-offering there is also used the expression 'iniquity': Yet is he guilty and shall bear his iniquity (Lev. V, 17). Nevertheless it is established law that a guilt-offering offered under any other name than its own is valid.

(10) Ibid. XIV, 39 and 44. The reference is to the treatment of a leprous spot in the walls of a house. (v. Sifra a.l.).

(11) Ibid. V, 1, where a sin-offering is prescribed for the atonement.

(12) Lit., 'there is no inference by halves; i.e., an inference cannot be drawn in respect of one law and not in respect of another law.

(13) Ibid IV, 33.

(14) Sc. that if offered under any other name than its own it is invalid.

(15) Ibid. 24.

(16) For the sinner's meal-offering v. Lev. V, 11 and for the meal-offering of jealousy v. Num. V, 15.

(17) Lev. VII, 5: And the priest shall burn them upon the altar . . . it is a guilt-offering. Accordingly if the guilt-offering was offered under another name it should be invalid.

(18) V. Pes. 59b, and Zeb. 5b. As the expression 'it is' refers only to the burning of the sacrificial parts it follows that the other services are valid even though performed under another name. Moreover to suggest that the burning of the sacrificial parts is invalid if performed under another name is out of the question, for the offering is valid without it.

(19) This was the usual course whenever an animal having once been set aside for a guilt-offering was no longer required for that purpose. e.g., where the owner who was to bring this guilt-offering died, or where the animal was lost and another was used in its stead and was later found. This animal was assigned to the care of a shepherd and put out in the field to pasture until it became blemished, when it might be redeemed and the money used for freewill burnt-offerings (Rashi).

(20) Sc. that of a guilt-offering until it is expressly assigned to pasture when it is destined for a burnt-offering.

(21) V. Ibid. II, 14 and XXIII, 10ff. Only after the offering of the 'Omer on the sixteenth day of Nisan was it permitted to eat of the new harvest.

(22) I.e., the handful may not be burnt upon the altar, nor may the rest be eaten by the priests.

(23) Since it was offered under another name.

Talmud - Mas. Menachoth 4b

and the guilt-offering of the leper, viz., if one slaughtered them under any name other than their own they are invalid, for they are brought in order to render [the person] fit¹ and they have not done so. [An objection was raised:] We have learnt: ALL MEAL-OFFERINGS FROM WHICH THE HANDFUL WAS TAKEN UNDER ANY OTHER NAME THAN THEIR OWN ARE VALID, SAVE THAT THEY DO NOT DISCHARGE THE OBLIGATION OF THE OWNER, WITH THE EXCEPTION OF THE SINNER'S MEAL-OFFERING AND THE MEAL-OFFERING OF JEALOUSY. Now if the [above ruling of Rab] were correct, then it should have also stated 'with the exception of the meal-offering of the 'Omer'! — It only states those [meal-offerings] which are brought by an individual and not that which is brought by the whole community;² furthermore, it only states those which are brought by themselves and not that which accompanies an animal-offering;² furthermore, it only states those which are brought at no fixed time and not that which is brought at a fixed time.²

'In like manner you may say with regard to the guilt-offering of the Nazirite and the guilt-offering of the leper, viz., if one slaughtered them under any name other than their own they are invalid, for they are brought in order to render [the person] fit and they have not done so'. [An objection was raised:] We have learnt: All animal-offerings that were slaughtered under any name other than their own are valid, save that they do not discharge the obligation of the owner, with the exception of the passover-offering and the sin-offering.³ Now if [the above ruling of Rab] were correct, then it should have also stated with the exception of the guilt-offering of the Nazirite and the guilt-offering of the leper', for they are brought in order to render [the person] fit and they have not done so! — Since there is also the guilt-offering for robbery and the guilt-offering for sacrilege which are brought for atonement,⁴ [the Tanna] therefore could not have stated it absolutely.⁵ Why is it that the guilt-offering of the Nazirite and the guilt-offering of the leper [if slaughtered under another name are invalid]? It is, is it not, because they are brought in order to render [the person] fit and they have not done so? Then with the other [guilt-offerings] too, it might be said, they are brought to make atonement and they have not done so! — R. Jeremiah answered, It is because we find that Scripture distinguishes between sacrifices that bring about atonement and those that render [the person] fit; those that bring about atonement are sometimes brought after death;⁶ whereas those that render [the person] fit are never brought after death. As we have learnt:⁷ If a woman had brought her

sin-offering and then died, her heirs must bring her burnt-offering; but if she had first brought her burnt-offering and then died, her heirs need not bring her sin-offering.⁸ R. Judah the son of R. Simeon b. Pazzi demurred: But are not sacrifices that render the person fit also brought after death? Surely we have learnt: If a man set apart money for his Nazirite offerings,⁹ it is forbidden to make any other use of it, yet there would be no infringement of the law of sacrilege, since it may all be used for the purchase of peace-offerings.¹⁰ If he died and the money was not yet apportioned [for the respective offerings], it all goes for freewill-offerings;¹¹ if it was apportioned, the price of the sin-offering must be cast into the Dead Sea¹² — no use may be made of it; yet [if one did] there would be no infringement of the law of sacrilege;¹³ with the price of the burnt-offering a burnt-offering must be brought and the law of sacrilege applies to it; with the price of the peace-offering a peace-offering must be brought which must be eaten the same day¹⁴, but it does not require the Bread-offering.¹⁵ Now are not the burnt-offering and the peace-offering of the Nazirite brought in order to render him fit and yet are brought after death? — Said R. Papa. This is what R. Jeremiah meant: We do not find an absolute offering,¹⁶ serving to render the person fit, that can be brought after death, for as regards the Nazirite, the offering which serves to render him fit is not absolute,

(1) The guilt-offering of a Nazirite, which was brought if during the period of his vow the Nazirite contracted uncleanness, rendered him fit to resume his Nazirite mode of life; cf. Num. VI, 12. The guilt-offering of the leper rendered him fit to partake of consecrated food.

(2) As is the case with the meal-offering of the 'Omer; v. Lev. XXIII, 12.

(3) Which are invalid if slaughtered under any other name; Zeb. 2a.

(4) And from the above rule of Rab it is to be inferred that whatsoever is brought for atonement, even if offered under another name, is valid; v. infra.

(5) I.e., the Tanna could not have stated absolutely in the Mishnah 'with the exception of the passover-offering, the sin-offering and the guilt-offering', for the rule in the latter case is not general but varies according to the kind of guilt-offering.

(6) Sc. of the person for whom the atonement was to be made.

(7) Kin. II, 5; Kid. 13b.

(8) A woman after childbirth was enjoined to bring these two offerings: the burnt-offering for atonement, and the sin-offering in order to render her fit to partake of consecrated food; cf. Lev. XII, 6. It is clear from this Mishnah that only the sacrifice which brings atonement is brought after death.

(9) Viz., the burnt-offering, the sin-offering and the peace-offering; cf. Num. VI, 14.

(10) And peace-offerings are not subject to the law of sacrilege (except the sacrificial portions thereof after the sprinkling of the blood) since they are not regarded as consecrated property.

(11) This is a traditional ruling, referred to as a halachah given to Moses from Sinai, v. Nazir 25a.

(12) I.e., it must be disposed of so that no benefit whatsoever be derived from it by anybody, this being in accordance with the established law that a sin-offering whose owner had died must be left to die.

(13) Since the money is to be destroyed it cannot be said to be consecrated property and therefore cannot be subject to the law of sacrilege; cf. Me'il, 3a.

(14) I.e., not as the ordinary peace-offering which may be eaten during two days and one night, but as the Nazirite peace-offering which is limited to one day.

(15) Cf. Num. VI, 19. Since the Nazirite is dead the requirement regarding the Bread-offering, And he shall put them (sc. the loaves) upon the hands of the Nazirite, cannot be fulfilled; Me'il, 11a. Nazir 24b.

(16) I.e., an offering which is indispensable in every one of its parts and rites.

Talmud - Mas. Menachoth 5a

for a Master has said, If [the Nazirite] shaved [his head] after [the sacrifice of] any one of the three offerings, he has fulfilled his obligation.¹

An objection was raised: If the guilt-offering of a leper was slaughtered under any name other

than its own, or if the blood thereof was not put upon the thumb and great toe² [of the one to be cleansed], it may nevertheless be offered upon the altar, and it requires the drink-offerings;³ but another guilt-offering is necessary in order to render him fit. This is indeed a refutation of Rab's view.⁴

R. Simeon b. Lakish said, If [the priest] took the handful from the meal-offering of the 'Omer under any name other than its own, it is valid,⁵ but the rest of it may not be eaten until another 'Omer meal-offering has been brought and rendered it permitted. But surely, if the rest of it may not be eaten, how may it [the handful] be offered? It is written, From the liquor of Israel,⁶ that is, from that which is permitted to Israel! — R. Adda b. Ahabah said, Resh Lakish is of the opinion that the prohibition of 'out of time' does not apply to the same day.⁷

R. Adda the son of R. Isaac raised an objection: Some conditions apply to bird-offerings which do not apply to meal-offerings, and some conditions apply to meal-offerings which do not apply to bird-offerings. Some conditions apply to bird-offerings: a bird-offering may be brought as a voluntary offering by two people jointly,⁸ it is brought by those that lack atonement,⁹ and an exception to the general prohibition is made for consecrated birds;¹⁰ these, however, do not apply to meal-offerings. And some conditions apply to meal-offerings: a meal-offering requires a vessel,¹¹ it requires waving and bringing nigh,¹² it may be the offering of the community or of the individual;¹³ these, however, do not apply to bird-offerings. Now if [the aforesaid view] were correct,¹⁴ then with regard to meal-offerings it can also be said that an exception to the general prohibition was made for that which is consecrated, namely, in the case of the meal-offering of the 'Omer!¹⁵ — Since the prohibition of 'out of time' does not apply to the same day, it is not regarded as a prohibition at all.¹⁶

R. Shesheth raised an objection: If the application of the oi¹⁷ was performed before the application of the blood, he [the priest] must fill up the log of oil and must again apply the oil after applying the blood. If [the oil] was applied on the thumb and great toe before it was sprinkled seven times before the Lord, he must fill up the log of oil and must again apply it on the thumb and great toe after the oil has been sprinkled seven times. Now if you are right in saying that the prohibition of 'out of time' does not apply to the same day, why must [the priest] do it again? After all, what is done is done!¹⁸ — R. Papa answered, It is different with the rites of the leper since the expression 'shall be' is written with regard to them, as it is written, This shall be the law of the leper;¹⁹ 'shall be' implies that it shall always be so.²⁰ R. Papa raised an objection: If his²¹ sin-offering was [slaughtered] before his guilt-offering, one should not be appointed to keep stirring the blood²² [until the guilt-offering had been brought], but the appearance [of the flesh] must be allowed to pass away and it must be taken away to the place of burning!²³ But why does R. Papa raise this objection? Did not R. Papa say that the law is different with regard to the rites of a leper, since the expression 'shall be' is used with regard to them? — R. Papa had felt this difficulty: perhaps this law only affected what was a 'service', but slaughtering is no 'service';²⁴ now if [it is correct to say that] the prohibition of 'out of time' does not apply to the same day, then some one might keep stirring the blood [of the sin-offering] whilst the guilt-offering is being offered and then the sin-offering can be offered! — Rather said R. Papa, This is the reason for Resh Lakish's view: he is of the opinion that the daybreak²⁵ [of the sixteenth day of Nisan] renders [the new harvest] permitted. For both R. Johanan and Resh Lakish said, Even when the Temple was in existence

(1) Nazir 45a.

(2) Cf. Lev. XIV, 17.

(3) V. infra 90b.

(4) For according to Rab whatsoever is brought to render the person fit, if offered under any other name than its own, is invalid, i.e., one may not proceed to burn it upon the altar.

(5) I. e., it may be offered upon the altar.

(6) Ezek. XLV, 15; referring especially to drink-offerings, but the Rabbis have inferred from this expression that

whatsoever is forbidden to Israel may not be offered upon the altar.

(7) The prohibition of 'out of time', i.e., that the time has not yet arrived when the matter may be offered upon the altar, does not apply where this same matter will later on this very day be permitted to all Israel. Here, after the offering of another 'Omer, the new harvest will be permitted to all.

(8) But a meal-offering cannot be brought by two persons jointly, for the expression 'a soul' (Lev. II, 1) i.e., an individual, is used in connection with it; v. infra 104b. In cur. edd. this reason is, expressly stated in the text.

(9) I.e., those who had suffered uncleanness, viz., a man or woman that had an issue, a woman after childbirth, and a leper, and who had done all that was necessary for their purification except to present their offering. The offering in each case was a bird-offering.

(10) Generally to nip off the head of a bird would render the whole bird nebelah, I.e. carrion, and forbidden to be eaten. Nevertheless this was the prescribed method for 'killing bird-offerings, and the flesh was eaten by the priests.

(11) I.e., the handful taken out by the priest had to be put into a sacred vessel, whereas the nipping of the head of a bird had to be done with the priest's finger-nail.

(12) V. infra 60a.

(13) The meal-offering of the 'Omer was brought on behalf of the whole community; bird-offerings, however, were brought only by individuals and never by the community.

(14) That if the meal-offering of the 'Omer was offered under another name, the offering may be proceeded with, although the new harvest was still under the prohibition.

(15) For it is offered upon the altar although the new harvest is still forbidden. Consequently meal-offerings are similar to bird-offerings in that in each case there is an exception to a general prohibition.

(16) Hence one cannot speak of the offering of the 'Omer, even though it was offered under another name, as an exception to a general prohibition, as there is really no prohibition at all.

(17) In the purification rites of a leper the following duties, inter alia, had to be strictly observed: first, the officiating priest must apply the blood of the guilt-offering on the tip of the right ear, the thumb of the right hand and the great toe of the right foot of the one to be cleansed; secondly, from the log (v. Glos.) of oil the priest must sprinkle seven times before the Lord; thirdly, he must apply oil on those parts on which the blood was previously applied. V. Lev. XIV, 14-19.

(18) For the priority of services is not vital and the fact that one service was performed out of its time should not matter in the least.

(19) Ibid. XIV, 2.

(20) Without any variation in the routine.

(21) Sc. the leper's.

(22) That it should not become congealed.

(23) I.e., the flesh of the sin-offering must be allowed to remain overnight, when the freshness would be gone, and then burnt. The fact that it must be burnt proves that whatever is offered 'out of time' is invalid, thus in conflict with Resh Lakish's view.

(24) Since it does not require the services of a priest but a layman may slaughter the sacrifice. V. Tosaf. s.v. **שחיטה** 1.

(25) Lit., 'when the eastern sky has lit up'.

Talmud - Mas. Menachoth 5b

it was the daybreak that rendered [the new harvest] permitted.¹

This view of Resh Lakish² was not expressly stated but was inferred from the following: We have learnt:³ One may not offer⁴ meal-offerings, first-fruits, or meal-offerings that accompany animal-offerings, before the 'Omer;⁵ and if one did so it is invalid. Neither may one offer these before the Two Loaves;⁶ but if one did so it is valid. And R. Isaac said in the name of Resh Lakish. This rule⁷ applies only [if the offering was brought] on the fourteenth or fifteenth day [of Nisan], but if brought on the sixteenth day⁸ it would be valid. It is thus clear that he is of the opinion that the daybreak [of the sixteenth day of Nisan] renders [the new harvest] permitted.

Raba said, If [the priest] took the handful from the meal-offering of the 'Omer under any name other than its own, it is valid, and the rest of it may be eaten; moreover there is no need of another 'Omer meal-offering [to be brought in order] to render [the new harvest] permitted. For [Raba is of the opinion that] a wrongful intention does not affect the offering unless expressed by one fit for service, in respect of what is fit for service, and in the place that is fit for service. 'By one fit for service' — this excludes a priest with a physical-blemish; 'in respect of what is fit for service' — this excludes the 'Omer meal-offering which is not fit for any other offering, for it is exceptional;⁹ 'and in the place that is fit for service — this excludes an altar which has become chipped.¹⁰

Our Rabbis taught: When it says in the next verse Of the herd¹¹ — which is unnecessary — it does so only to exclude a trefah¹² animal. But surely this can be arrived at by an a fortiori argument:¹³ if a blemished animal which is permitted to man is forbidden to the Most High,¹⁴ how much more is a trefah animal which is forbidden to man forbidden to the Most High! The fat and the blood [of the animal], however, can prove otherwise; for these are forbidden to man yet are permitted to the Most High. [And if you retort,] This is so of the fat and the blood since they emanate from that which is permitted,¹⁵ but will you say the same of a trefah animal which is wholly forbidden? [I reply,] The rite of nipping off [the head of a bird-offering] which [would render the bird] wholly forbidden [to man] could prove otherwise: for it is forbidden to man yet is permitted to the Most High. [But you might retort,] This is so of the nipping since it is only rendered forbidden [to man] by this act which renders it consecrated;¹⁶ the same, however, cannot be said of a trefah animal for it is not rendered forbidden by any act which renders it consecrated.¹⁷ And if you reply to this, then [I say that] when it reads in the next verse 'Of the herd' — which is unnecessary-it does so only to exclude the trefah animal.

What was meant by 'If you reply to this'?¹⁸ — Rab said, Because one could reply that the 'Omer meal-offering can prove otherwise: for it is forbidden to man yet permitted to the Most High. But this is so of the 'Omer meal-offering as it renders the new produce permitted!¹⁹ — The ['Omer meal-offering of the] Sabbatical year was meant.²⁰ But that surely renders the aftergrowth permitted? — [It is indeed the 'Omer meal-offering of] the Sabbatical year [that is meant], but the view is in accordance with that of R. Akiba who said that the aftergrowth is forbidden in the Sabbatical year.²¹ R. Aha b. Abba said to R. Ashi, Even according to R. Akiba's view one could refute the argument thus: This is so of the 'Omer meal-offering since it renders permitted the new produce [of the Sabbatical year grown] outside the Land [of Israel]²² And even according to him who maintains that outside the Land [of Israel] the new produce is not forbidden by the law of the Torah, [one can refute the argument thus: This is so of the 'Omer meal-offering,] since it serves to raise the prohibition that lies upon it.²³ R. Aha of Difti thereupon said to Rabina, If so, should not a trefah animal also be permitted to be offered as a sacrifice and so it would raise the prohibition [of trefah] that lies upon it?²⁴ -One could, however, refute the argument thus: This is so of the 'Omer meal-offering since there is an express command that it shall be so.²⁵

Resh Lakish said, One could reply that the case of the compounder of the incense can prove otherwise: for he is forbidden to man yet permitted to the Most High.²⁶ But the compounder is a person!²⁷ — Say, rather, The compound forming the incense can prove otherwise: for it is forbidden to man²⁸ yet permitted to the Most High²⁸ But this is so of the compound forming the incense since there is an express command that it shall be so!²⁹ Mar the son of Rabina said, One could reply that the Sabbath can prove otherwise: for it is forbidden to man yet permitted to the Most High.³⁰ But this is so of the Sabbath since an exception to the general prohibition is allowed to the layman in the case of circumcision!³¹ — Surely circumcision is not for the sake of the layman. It is a precept [of the Law]! — One could therefore say, This is so of the Sabbath since there is an express command that it shall be so!³²

R. Adda b. Abba said, One could reply that a garment of diverse kinds [of stuff]³³ can prove

otherwise: for it is forbidden to the layman yet permitted to the Most High.³⁴ But this is so of diverse kinds since an exception to the general prohibition is allowed to the layman in the case of the zizith!³⁵ — Surely the zizith is not for the sake of the layman, it is a precept [of the Law]! — One could therefore say,

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- (1) V. infra 68a. The restriction against partaking of the new harvest is lifted at the dawn of the sixteenth day of Nisan, before the offering of the 'Omer. Consequently the handful, even though taken under another name, may be burnt upon the altar, for the new harvest is already permitted to all.
 - (2) That the daybreak of the sixteenth day of Nisan renders the new harvest permitted, even before the offering of the 'Omer.
 - (3) Infra 68b.
 - (4) Of the new harvest.
 - (5) For only that which is permitted to Israel may be offered upon the altar; cf. Ezek. XLV, 15, and supra p. 20.
 - (6) Which were offered on Shabuoth, the Feast of Weeks. These are referred to as 'a new meal-offering'. I.e., the first (wheaten) meal-offering of the new harvest; v. Lev. XXIII, 16, 17.
 - (7) That whatsoever is offered before the 'Omer is invalid.
 - (8) Although the 'Omer meal-offering had not yet been brought.
 - (9) In that it was brought of barley (and of bruised grain in contradistinction from the meal-offering of jealousy which was of barley meal) whereas all other meal-offerings consisted of wheat.
 - (10) Cf. Ex. XX, 21: And thou shalt slaughter upon it, implying that the altar shall be whole at the time of the service and not chipped. V. Zeb. 59a, and Hul. 18a.
 - (11) Lev. I, 3. In the preceding verse 2, the particle 'of' that precedes each of the classes of animals mentioned is utilized to exclude from sacrifices such animals as were used for irreligious or immoral purposes.
 - (12) V. Glos.
 - (13) And no verse therefore is required to teach that a trefah animal is unfit for a sacrifice.
 - (14) Sc. to be offered upon the altar.
 - (15) I.e., the whole of the animal is permitted to be eaten except for these parts.
 - (16) Sc. the nipping. It is with the rite of nipping that the bird becomes consecrated and so forbidden to a layman; before that it was permitted.
 - (17) For without consecration a trefah animal is forbidden to man. And so no verse is really necessary to exclude a trefah animal from being offered as a sacrifice.
 - (18) What reasoning could be adduced to refute the foregoing argument derived from the rite of nipping that it was found necessary to resort to the verse to exclude a trefah animal?
 - (19) Whereas a trefah animal does not render anything permitted.
 - (20) When there is no new produce to be rendered permitted, for in this year the fields were to rest and lie fallow (cf. Ex. XXIII, 10, 11). Hence the 'Omer meal-offering of this year is on the same footing as any trefah animal in that neither can render anything else permitted; consequently by analogy with the 'Omer meal-offering a trefah animal should be permitted as a sacrifice, and therefore the verse is necessary to exclude the trefah animal.
 - (21) V. Pes. 51b. The 'Omer of this year therefore does not render anything permitted and is on all fours with a trefah animal.
 - (22) And so it is not on a par with a trefah animal which renders naught permitted.
 - (23) Sc. the prohibition of the new produce. If in the Sabbatical year a man were to eat of the remnants of the 'Omer meal-offering, he would not be liable for eating of the new produce, for this prohibition has been raised by the offering of the 'Omer, but would only incur guilt for eating of the produce of the Sabbatical year. V., however, Tosaf. s.v. שֶׁכֶן.
 - (24) And whosoever ate thereof would not be liable for eating what was trefah.
 - (25) The 'Omer meal-offering must be brought from the new produce of the year, for that is the very essence of the precept; on the other hand, it is not essential that only a trefah animal shall be offered, any other animal would serve just as well.
 - (26) Cf. Ex. XXX, 34ff. Likewise it would be said that a trefah animal, though forbidden to man, is permitted to the Most High. Hence a verse is necessary to exclude a trefah animal.
 - (27) And how can it be said that he is permitted to the Most High?
 - (28) Cf. ibid. 37.

(29) But there is no express command to offer a trefah animal!

(30) I.e., work on the Sabbath is forbidden to the layman, yet it is permitted to offer thereon the prescribed sacrifices.

(31) Which may be performed on the Sabbath. On the other hand there are no exceptions to the general prohibition of trefah!

(32) For the Sabbath sacrifices can only be offered on the Sabbath.

(33) I.e., a texture blended of wool and linen; v. Lev. XIX, 19; Deut. XXII, 11.

(34) The High Priest whilst officiating in the Temple wore a girdle that was blended of wool and linen.

(35) Sc. the fringes; cf. Num. XV, 38ff; Deut. XXII, 12. It is permitted to attach fringes of wool to a linen garment, for the prohibition of diverse kinds of stuff does not apply to the precept of zizith.

Talmud - Mas. Menachoth 6a

This is so of the law of diverse kinds since there is an express command that it shall be so.¹ R. Shisha the son of R. Idi said, One could reply, Let the argument revolve and the inference be made from what is common to both. Thus, the argument, 'This is so of the nipping since it is only rendered forbidden to man by this act which renders it consecrated',² can be refuted by the argument, 'The fat and the blood can prove otherwise'. And the argument, 'This is so of the fat and the blood since they emanate from what is permitted',² can be refuted by the argument, 'The rite of nipping can prove otherwise'. And so the argument goes round; the characteristic feature of this case is not that of the other, and the characteristic feature of the other is not that of this case; but what they have in common is that each is forbidden to man yet permitted to the Most High. So I might have inferred that trefah, too, although it is forbidden to man, is permitted to the Most High.³ But they have this also in common, have they not, that in each case there is an express command that it shall be so?⁴ — R. Ashi therefore said, One could reply that the first proposition of the argument is unsound. Whence did you infer it⁵ at the outset? From the case of a blemished animal. But the case of a blemish is different, since in that case [the priest] who offers [the sacrifice] is on the same footing as the [animal] offered.⁶ Whereupon R. Aha the Elder said to R. Ashi, That which was extracted from the side of the mother's womb can prove otherwise: for in that case [the priest] who offers [the sacrifice] is not on the same footing as the [animal] offered,⁷ nevertheless such an animal is permitted to man and forbidden to the Most High.⁸ [And if the objection is raised:] But this is so only of that which was extracted from the side of the mother's womb since it is not holy as a firstling;⁹ [I reply,] The case of an animal with a physical blemish can prove otherwise.¹⁰ [And if this objection is raised:] But this is so only in the case of a blemish since in that respect [the priest] who offers [the sacrifice] is on the same footing as the [animal] offered, [I reply,] That which was extracted from the side of the mother's womb can prove otherwise. And so the argument goes round; the characteristic feature of this case is not that of the other, and the characteristic feature of the other is not that of this case; but what they have in common is that each is permitted to man yet forbidden to the Most High, then surely trefah, which is forbidden to man, is all the more forbidden to the Most High. But the others have this also in common, that in each case there is no exception to the general [prohibition]; will you say the same of the case of trefah seeing that it admits of an exception to the general [prohibition]?¹¹ Thereupon R. Aha the son of Raba said to R. Ashi, What is meant by saying that trefah admits of an exception to the general [prohibition]? Should you say that it refers to the rite of nipping off the head of the burnt-offering of a bird, [in which case the bird, although rendered trefah thereby,] is nevertheless permitted [to be offered] to the Most High; but this is also the case with physical blemishes, for a bird with a physical blemish is certainly permitted to be offered to the Most High, [for it has been said,]¹² The unblemished state and the male sex are prerequisites only to sacrifices of cattle but not of birds! You would say then that it refers to the rite of nipping off the head of a sin-offering of a bird, [in which case the bird is] permitted to [be eaten by] priests; but surely the priests receive it from the table of the Most High!¹³ — Indeed the argument could be refuted thus, The others¹⁴ have this further in common, for in each case the defect thereof is perceptible;¹⁵ will you then say the same of the case of trefah seeing that its defect is not perceptible? The verse is therefore necessary [to exclude trefah].

And is the case of trefah¹⁶ derived from here?¹⁷ Surely it is derived from the verse, From the liquor of Israel,¹⁸ that is, from that which is permitted to Israel; or from the verse, Whatsoever passeth under the rod,¹⁹ which excludes a trefah animal since it cannot pass under!²⁰ — All [three verses] are necessary; for from the verse, ‘From the liquor of Israel’, I should have excluded only those that were at no time fit²¹ [for a sacrifice], just as ‘orlah²² or diverse kinds in the vineyard;²³ but where it was at one time fit I would say that it is permitted [to be offered]. Scripture therefore states, ‘Whatsoever passeth under the rod’. And had Scripture only stated the verse, ‘Whatsoever passeth under the rod’, I should have excluded only those animals that were first rendered trefah and subsequently consecrated, as in the case of the Cattle Tithe;²⁴ but where it was consecrated first and subsequently it became trefah, since at the time when it was consecrated it was fit [for a sacrifice], I would say that it is permitted [to be offered], therefore all [three verses] are necessary. MISHNAH. WHETHER IT IS A SINNER'S MEAL-OFFERING OR ANY OTHER MEAL-OFFERING, IF A NON-PRIEST, OR [A PRIEST] THAT WAS IN MOURNING.²⁵ OR HAD IMMERSED HIMSELF DURING THE DAY.²⁶ OR WAS NOT WEARING THE [OFFICIAL PRIESTLY] ROBES,²⁷ OR WHOSE ATONEMENT WAS NOT YET COMPLETE.²⁸ OR THAT HAD NOT WASHED HIS HANDS AND FEET,²⁹ OR THAT WAS UNCIRCUMCISED³⁰ OR UNCLEAN, OR THAT MINISTERED SITTING,³¹ OR STANDING UPON VESSELS OR UPON A BEAST OR UPON ANOTHER'S FEET,³² HAD TAKEN THE HANDFUL THEREFROM IT IS INVALID. IF [A PRIEST] REMOVED THE HANDFUL WITH HIS LEFT HAND IT IS INVALID. BEN BATHYRA SAYS, HE MUST PUT [THE HANDFUL] BACK AND TAKE IT OUT AGAIN WITH THE RIGHT HAND. IF ON TAKING THE HANDFUL THERE CAME INTO HIS HAND A SMALL STONE OR A GRAIN OF SALT OR A DROP OF FRANKINCENSE IT IS INVALID;³³ FOR THEY HAVE RULED: IF THE HANDFUL WAS TOO MUCH OR TOO LITTLE IT IS INVALID. WHAT IS MEANT BY TOO MUCH? IF HE TOOK AN OVERFLOWING HANDFUL. AND ‘TOO LITTLE’? IF HE TOOK THE HANDFUL WITH THE TIPS OF HIS FINGERS ONLY.³⁴

GEMARA. Why does the Mishnah state: ‘WHETHER IT IS A SINNER'S MEAL-OFFERING OR ANY OTHER MEAL-OFFERING’? Surely it should state, ‘Every meal-offering from which the handful was taken by a non-priest or a priest that was in mourning [etc.]’. — It was necessary [to state it so] according to R. Simeon's view. For it was taught: R. Simeon said, By right the sinner's meal-offering should require oil and frankincense, so that the sinner should have no advantage;³⁵ why then does it not require them? In order that his offering be not sumptuous. Also, by right an ordinary sin-offering³⁶ should require drink-offerings.³⁷

(1) That the High Priest's girdle shall be of wool and linen; cf. Ex. XXVIII.

(2) V. supra p. 24, nn. 1 and 2.

(3) Consequently the verse of Lev. I, 3 is necessary in order to exclude the trefah animal from sacrifice.

(4) But this is not the case with trefah; so that it would not have been possible to infer the trefah animal from the common features of the other two (sc. the fat and the blood and the rite of nipping), and therefore the verse is rendered superfluous.

(5) That a trefah animal might not be offered upon the altar.

(6) But this is not so with trefah, for a priest with a physical blemish is disqualified from offering sacrifices (cf Lev. XXI, 17ff). whereas a priest who is trefah, i.e., who suffers from a serious organic disease, is still qualified to officiate in the Temple; cf. Bek. 45b.

(7) A priest who at birth was extracted by a Caesarean operation from his mother's womb is considered fit to serve in the Temple, whereas an animal so extracted from the dam's womb is not fit for a sacrifice. V. Lev. XXII, 27 and Sifra thereon.

(8) And a trefah animal would a fortiori be forbidden to the Most High, since it is even forbidden to man; hence the verse excluding trefah is superfluous.

(9) Whereas an animal that was born a trefah is nevertheless holy as a firstling.

- (10) For an animal that was born with a physical blemish, although holy as a firstling, is nevertheless not permitted to the Most High. The same therefore would be said of trefah, that although it is holy as a firstling it is forbidden to be offered.
- (11) Accordingly it could be held that a trefah animal may be offered as a sacrifice.
- (12) V. Kid. 24b.
- (13) And with regard to the Most High it has been shown that there is also an exception to the general prohibition of physical blemishes in the case of birds.
- (14) Sc. the animal that is blemished and that which has been extracted from the womb.
- (15) For only an animal with a blemish exposed to the full view is declared to be unfit for sacrifice. Likewise an animal extracted from the side of its dam would be regarded as an object of curiosity, and so its peculiarity would soon be known to all. Trefah, on the other hand, is not always a perceptible taint, for it may be that only an internal organ has become affected.
- (16) That it is not fit to be offered as a sacrifice.
- (17) I.e., from Lev. I, 3; v. supra p. 23.
- (18) Ezek. XLV, 15; v. supra p. 20.
- (19) Lev. XXVII, 32, with reference to the Cattle Tithe, but the rule that is here derived is applied to all sacrifices; cf. Bek. 57a.
- (20) A trefah animal, inasmuch as it cannot continue to live for more than twelve months (cf. Hul. 42a), is not deemed to possess vitality, and therefore cannot be said to pass of its own volition under the rod. Cf. however Rashi on Hul 136b where the suggestion is made that a trefah animal, e.g., one whose hind-legs were cut off above the knee-joint (v. l.c. 76a). on account of its defect cannot physically pass under the rod.
- (21) E.g., an animal that was born trefah. According to Rabbinic interpretation the verse in Ezek. contains an allusion to 'orlah and to diverse kinds in the vineyard, and these were at no time ever allowed for any purpose.
- (22) Lit., 'uncircumcised'. The fruit of newly-planted trees is during the first three years forbidden for all purposes. Cf. Lev. XIX, 23.
- (23) V. Deut. XXII, 9.
- (24) For the verse merely implies that a trefah animal, since it cannot pass under the rod, is not subject to the law of Cattle Tithe; but an animal consecrated as the tithe always remains consecrated even though it subsequently becomes trefah.
- (25) Heb. **אונן**, a mourner while his dead relative is awaiting burial. Such a priest is forbidden to minister in the Temple, cf. Zeb. 16a.
- (26) Heb. **טבול יום**; one who having suffered uncleanness has taken the ritual bath during the day but must now await sunset before he is deemed fully clean. He may not enter the Temple or minister therein.
- (27) V. Zeb. 17b.
- (28) One who, having suffered the uncleanness of leprosy or of an issue, has performed all the rites of purification but is not deemed fully clean until he has brought an offering as an atonement. V. Zeb. 19b.
- (29) Every priest was obliged to wash his hands and feet from the Temple laver daily before taking part in the service. Cf. Ex. XXX, 19, 20.
- (30) Whose brothers had died by reason of their circumcision.
- (31) For it is written, To stand to minister (Deut. XVIII, 5.).
- (32) The priest must stand on the floor and nothing should interpose between his feet and the floor of the Temple. V. Zeb. 24a.
- (33) For the handful is not quite full since there is lacking flour to the extent of the volume of the stone or other substance that came up with it.
- (34) Instead of extending his fingers over the palm of his hand, v. infra 11a.
- (35) By being spared the cost of these ingredients.
- (36) Lit., 'a sin-offering (to be brought on account) of (eating forbidden) fat'. This is the usual example of a transgression involving a sin-offering.
- (37) V. Num. XV, where are prescribed the quantities of flour and oil for the meal-offering and wine for the drink-offering which must accompany the burnt-offering and the peace-offering.

Talmud - Mas. Menachoth 6b

so that the sinner should have no advantage; why then are they not required? In order that his offering be not sumptuous. Now I might have thought that, since R. Simeon laid down the principle 'So that his offering be not sumptuous', it should be valid even where an unfit person took out the handful, we are therefore informed [that even according to R. Simeon it is invalid]. If so, there¹ too the Mishnah should have stated: 'Whether it is an ordinary sin-offering or any other offering, if a non-priest or a priest that was in mourning received the blood . . . [it is invalid]', and we would have explained that it was necessary [to be so stated] according to R. Simeon's view. But it is clear that the expression 'all' stated in that [Mishnah], since it is not followed by the term 'except', includes every offering;² then in our [Mishnah] too, had it stated 'all', inasmuch as it is not followed by the term 'except', it would have included every offering!³ — It was indeed necessary [to be so stated]; for I might have thought that since we had established that the first Mishnah was not in accordance with the view of R. Simeon,⁴ the second Mishnah also was not in accordance with the view of R. Simeon, we are therefore informed [that even according to R. Simeon it is invalid].

Rab said, If a non-priest took the handful [from the meal-offering], he should put it back again [and it is valid]. But have we not learnt, IT IS INVALID? — 'IT IS INVALID' means, it is invalid so long as he had not put it back again. If so, is not this identical with Ben Bathyra's view? — In the case where the handful is still here the Rabbis do not differ with Ben Bathyra at all;⁵ they differ only where the handful is no longer here, the Rabbis maintaining that one may not bring other flour from one's house to make up [the tenth],⁶ while Ben Bathyra maintains that one may bring other flour from one's house to make up [the tenth].⁷ But then, how can Ben Bathyra say, HE MUST PUT THE HANDFUL BACK AND TAKE IT OUT AGAIN WITH THE RIGHT HAND?⁸ He surely should have said, He should bring other flour from his house to make up [the tenth] and then take out the handful with the right hand! — Rather we must say that Rab said so according to Ben Bathyra.⁹ But is not this obvious? — [No, for] one might have thought that Ben Bathyra declared it valid only [in the case where the handful was taken out] with the left hand, but not where it was taken out by any of the persons that are unfit;¹⁰ he [Rab] therefore teaches us [that according to Ben Bathyra it is valid in all the cases]. But why [would the offering be valid where the handful was taken out] with the left hand? It is, is it not, because we find it¹¹ allowed in the service of the Day of Atonement? Then in the case of a non-priest too, we find that he was allowed to perform a service, namely, the slaughtering! — The slaughtering is not regarded as a service.¹² But is it not? Has not R. Zera said in the name of Rab: If a non-priest slaughtered the Red Cow it is invalid; and Rab had explained the reason for it, namely, because the expressions 'Eleazar' and 'statute' are used in connection with it?¹³ — The case of the Red Cow is different, for it is in the category of things consecrated to the Temple treasury.¹⁴ But is it not all the more so here? For if in regard to things consecrated to the Temple treasury the priest is essential, how much more so in regard to things consecrated to the altar!¹⁵ — R. Shisha the son of R. Idi said, It might be compared with the inspection of leprosy plagues, which is certainly not a Temple service, and yet requires a priest.¹⁶ Why do we not prove [that a non-priest may perform a service] from the case of the high place?¹⁷ Should you say, however, that we cannot prove it from the case of the high place;¹⁸ but surely it has been taught: Whence do we know that [sacrificial portions] which had been taken out [of the Sanctuary], if brought up upon the altar must not come down again?¹⁹ From the fact that at the high place what had been taken out was still valid to be offered!²⁰ — The Tanna [there] really relies upon the verse, This is the law of the burnt-offering.²¹

Now we know this²² only because Rab informed us of it, but otherwise we should have said that [where the handful was taken out] by one of those that are unfit, Ben Bathyra declares it to be invalid; but surely it has been taught: R. Jose son of R. Judah and R. Eleazar b. R. Simeon said, Ben Bathyra declares it valid even [where the handful was taken out] by one of those that are unfit! Moreover it has been taught: It is written, And he shall take his handful from there,²³ that is, from the place where the feet of the non-priest may stand.²⁴ Ben Bathyra says, Whence do we know that if he took the handful with the left hand, he should put it back again and then take it out with the right

hand? Because the verse says, 'And he shall take his handful from there', that is, from the place from which he has already taken a handful.²⁵ Now since the verse does not specify [the causes why the handful should have been returned], then it is all the same whether [it was originally taken] with the left hand or [taken] by any one of those that were unfit? — Rather it is this that Rab teaches us, that if he had taken out the handful and had even hallowed it [by putting it into the vessel of ministry, it may nevertheless be put back again].²⁶ Rab thus rejects the view of the following Tannaim; for it was taught: R. Jose b. Yasian²⁷ and R. Judah the baker said, This²⁸ is so only where he had taken out the handful and had not yet hallowed it, but where he had also hallowed it it is invalid.

Others report [that this is what Rab teaches us], that only if he had taken out the handful it is [valid], but if he had also hallowed it, it is not [valid] — Rab thus agrees with the view of those Tannaim and rejects the view of the first Tanna.²⁹

R. Nahman demurred: What is the view of those Tannaim? If they hold that the taking of the handful by persons unfit is regarded as a service, [then it should be invalid] even though it had not been put into a vessel?³⁰ And if they hold that the taking of the handful by persons unfit is not regarded as a service, then what does it matter even if it had been put into a vessel?³¹ — Later, however, R. Nahman said, It is indeed regarded as a service, but the service is not complete until [the handful] has been put into a vessel.³²

(1) In Zeb., at the opening of Chap. II, 15b, the Mishnah states: 'All offerings are invalid if a non-priest . . . received the blood'. That Mishnah, following the example of our Mishnah, should surely have specified the case of the sin-offering, thereby indicating that it was also in accordance with R. Simeon's view.

(2) Even the sin-offering and with this R. Simeon does in no wise disagree.

(3) Even the sinner's meal-offering. And so the original question stands: Why does not our Mishnah state 'All meal-offerings . . . '?

(4) V. supra p. 4.

(5) All hold that the handful should be put back and taken out again by the proper person.

(6) The vessel, which held a tenth part of an ephah, in which, according to the view of the Rabbis, the meal-offering was consecrated. If after the consecration in this vessel the flour of the meal-offering had been diminished it at once becomes invalid.

(7) For he is of the opinion that it is the taking of the handful that renders the meal-offering consecrated and not merely the putting of the flour into the vessel.

(8) Since it is assumed that the handful is no longer here, how can Ben Bathyra say, 'He must put it back'?

(9) I.e., Rab interpreted Ben Bathyra's ruling to apply not only to the case where the handful was taken out with the left hand but also to all the preceding cases enumerated in the Mishnah where the handful was taken out by a person unfit.

(10) Lit., 'the other (cases of) unfit persons'.

(11) Sc. the left hand. On the Day of Atonement the High Priest used both hands in the course of the day's service; cf. M. Yoma 47a.

(12) For in no instance do we find that it was essential that the priest shall perform the slaughtering; v. Tosaf. supra 5a, s.v. **שחיטה**, 1.

(13) Cf. Num. XIX, 2, 3. Thus showing that the slaughtering must be performed by Eleazar i.e., by a priest and by none else, for the expression 'statute' indicates that that requirement is indispensable. Hence it is obvious that the slaughtering is considered a service of importance.

(14) The reason why the slaughtering of the Red Cow must not be performed by a non-priest is not that the slaughtering is a service, for there are no 'services' in regard to things consecrated to the Temple treasury; but it is an express decree of the Torah that it shall be performed by a priest.

(15) Nevertheless it is established that animals consecrated to the altar may be slaughtered by a non-priest. Hence we find that a service performed by a non-priest is allowed just in the same way as a service performed with the left hand; and the same equality should be upheld in the case of the handful taken from the meal-offering.

(16) Cf. Lev. XIII. And so it is with the slaughtering of the Red Cow: it is not a Temple service, nevertheless it requires a priest.

(17) For whenever the high places (i.e., private altars) were allowed—which was before the Tabernacle had been set up in the wilderness—non-priests were allowed to perform the services there (v. Zeb. 118a), so that Rab's statement is superfluous.

(18) Since at that time Aaron and his sons had not yet been consecrated for service; so that one cannot infer from the conditions prevailing at the high places that a non-priest may perform a service.

(19) V. Zeb. 84a.

(20) For there were no restrictions as to place in connection with a sacrifice offered at a high place. It is seen however, that a rule of law is actually inferred from the case of the high place.

(21) Lev. VI, 2. **זאת תורת העולה** i.e., there is one law for all offerings that are brought up upon the altar, for even though they have been rendered unfit, once they have been brought up upon the altar they must not come down again. The Heb, **עולה**, rendered 'burnt-offering', is from the root **עלה**, meaning 'to come up'. The Tanna of the Baraitha certainly did not intend to draw the authority for the law stated from the case of the high place; he merely used it as a support for that law.

(22) That, according to Ben Bathyra, where an unfit person took the handful from the meal-offering, he should put it back again and the offering remains valid.

(23) Ibid. II, 2.

(24) I.e., the rite of taking the handful from the meal-offering may be performed anywhere in the Temple court, even in the space of eleven cubits, on the east side of the court, where laymen were allowed to stand (cf. Yoma 16b).

(25) But which was put back again, as it was not in accordance with the law.

(26) And it is valid according to Ben Bathyra.

(27) In cur. edd. 'R. Jose b. Jose b. Yasian'. The repetition 'Jose b.' is no doubt due to a scribal error; it is not found in MS.M. nor in Rashi.

(28) That according to Ben Bathyra the handful may be put back again and another taken out.

(29) Who disagrees with R. Jose and R. Judah and who presumably holds that Ben Bathyra declares it valid even though it had already been put into a vessel of ministry.

(30) For it has already been rendered invalid by the service performed by the unfit person, and this can in no wise be remedied.

(31) Since what was performed by persons unfit is not regarded as a service, then even if it was put into a vessel of ministry by such persons it would still be of no consequence; it should therefore be put back again, and once again taken out by the proper person.

(32) So that the act of an unfit person will render invalid only if he performed a complete service; in this case by putting the handful which he had taken out into a vessel of ministry.

Talmud - Mas. Menachoth 7a

But¹ surely when he puts the handful back again into its place it thus becomes holy, consequently it should be invalid!² — R. Johanan said, This proves that vessels of ministry hallow only [what has been put into them] intentionally.³ It follows, however, that they do hallow [what has been put into them] intentionally.⁴ But did not Resh Lakish enquire of R. Johanan, 'Can unfit persons hallow what they [intentionally] put into vessels of ministry so that it should be permitted to offer it [upon the altar] in the first instance?' and he replied. 'They cannot hallow it'? — [He meant,] They cannot hallow it so that it should be permitted to be offered up, but they can hallow it so that [through their act] it is rendered invalid.⁵

R. Amram said,⁶ We must suppose here that he put it back into a heaped up bowl.⁷ Then how could he have taken out the handful originally [from this vessel]?⁸ — Rather [say] he put it back into a brimful bowl. But surely when he took out the handful he left a hollow, so that when he puts it back again he puts it into the vessel, does he not? — He put it back on to the sides of the vessel and he then shook it so that it fell back of its own into the vessel; and it is the same as though it were put back by a monkey.⁹

R. Jeremiah said to R. Zera, Why not suggest that he put it back into a vessel which was upon the

ground?¹⁰ We can then infer from this¹¹ that one may take out the handful from a vessel which is upon the ground!¹² — He replied, You are now touching upon a question that was raised by our [colleagues]. For Abimi was studying the Tractate Menahoth under R. Hisda. (But did Abimi even study under R. Hisda? Did not R. Hisda say, ‘Many were the blows that I received from Abimi upon the following subject: If [the Court] intend to announce [the sale of the property] daily, it must be done during thirty days; if only on Mondays and Thursdays, it must be done during sixty days’?¹³ Abimi had forgotten this Tractate and so he went to R. Hisda that he might be reminded of it. Why did he not send for him, that he [R. Hisda] should come to him?¹⁴ — He thought that in this way¹⁵ he would make better progress.) R. Nahman once met him [Abimi] and asked him, ‘How does one take out the handful?’ He replied. ‘Out of this vessel’.¹⁶ Said the other, ‘And may one take the handful out of a vessel that is upon the ground?’ He replied, ‘A priest has to lift it up’. ‘And how does one hallow the handful taken from the meal-offering?’ [asked R. Nahman]. He replied, ‘One should put it into this vessel’. ‘But may one hallow it by putting it into a vessel that is upon the ground?’ He replied. ‘A priest has to lift it up’. Said R. Nahman, ‘Then you require three priests’¹⁷ He replied, ‘[I don't mind] if thirteen are required as with the Daily Sacrifice’.¹⁸ He raised the following objection: [We have learnt:] This is the general rule: if one took out the handful or put it into the vessel or brought it nigh or burnt it, [intending] to eat a thing that it is usual to eat [outside its proper place] etc.¹⁹ Now there is no mention here of lifting up [the vessel]! — The Tanna merely teaches the order of the various services.²⁰

The question was put to R. Shesheth: May one take the handful from a vessel that is upon the ground? He answered, Go and see what is done within [the Temple]:²¹ Four priests entered in, two having in their hands the two rows [of Shewbread] and two the two dishes [of frankincense]; and four priests went in before them, two to take away the two rows and two to take away the two dishes.

(1) The words ‘if so even though he had not hallowed it’, inserted here in cur. edd., are obviously superfluous and are omitted by MS.M., and Sh. Mek.

(2) For when the non-priest puts back the handful he thereby completes the service, for it surely does not matter into which particular vessel of ministry he returns the handful, whether into another vessel or into the same vessel from which it was taken.

(3) In order to become hallowed. In this case, however, the unfit person puts the handful back again into the vessel out of which it was taken without intending it to become holy thereby.

(4) Even though it had been put in by a non-priest or by any other person that was unfit.

(5) Since it was intentionally put into a vessel of ministry by an unfit person for the purpose of hallowing it, the service has been completed by an unfit person, and so it is invalid and there can be no remedy. But is it quite different in-the case where the handful was put back into the vessel but not for the purpose of hallowing it thereby.

(6) This is the reason why the handful is not hallowed when put back into the vessel from which it was taken.

(7) For only that which is in the vessel of ministry is hallowed by the vessel and not that which is above it.

(8) Since he must take the handful from that which is in the vessel.

(9) I.e., it was put back into the vessel not directly by the act of man; it is therefore not hallowed. Cf. infra 100b.

(10) And that is the reason why it does not become hallowed.

(11) Since this suggestion is not made.

(12) And that likewise one may put the handful into a vessel of ministry that is upon the ground. (Z. Kod.).

(13) When the Court have valued the property of orphans and are proposing to sell it in order to meet the father's debts, they must announce the sale either daily for a period of thirty days, or on Mondays and Thursdays (these being the days when the Courts sat) for a period of sixty days. V. ‘Ar. 22a.

(14) Since R. Hisda was the pupil.

(15) By Abimi putting himself out so as to go to R. Hisda to study. Cf. Meg. 6b.

(16) At that moment there happened to be a vessel lying before them on the ground.

(17) One to hold the vessel containing the meal-offering, a second to hold the vessel into which the handful is to be put, and a third to take the handful out of the one and put it into the other. This number of priests was necessary as, it must be remembered, only the right hand was to be used in any service, and therefore one priest could not hold the two vessels,

one in each hand. It was, however, possible for the one priest to hold both vessels, one after the other, so that only two priests would be necessary. V. Sh. Mek.

(18) V. Yoma 25a.

(19) Infra 12a.

(20) Which can all be performed by the same priest; the Tanna, however, did not intend to give the number of priests employed in each service. The words 'but not the order of the priests', found in cur. edd., are obviously a gloss, and are omitted in MS.M. and also in Sh. Mek.

(21) V. Infra 99b.

Talmud - Mas. Menachoth 7b

Now there is no mention here of lifting up [the table].¹ But was not the answer given in the former case that the Tanna merely stated the order of the services? Then in this case too [we can say that] he only states the order of the services!² — Surely there is no comparison; there the Tanna does not state the number of priests, but here he does state the number of the priests. Now if [your contention were] right,³ he certainly should have mentioned [the priest] who lifts up [the table]! This proves that one may take the handful from a vessel that is upon the ground. This indeed proves it.

Raba said, I am certain that one may take the handful from a vessel that is upon the ground, for we find that this was so at the taking away of the dishes [of frankincense].⁴ Also that one may hallow the meal-offering by putting [the meal] into a vessel that is upon the ground, for we find that this was so at the setting down the dishes.⁴ Raba however was in doubt, What is the law with regard to the hallowing of the handful? Are we to derive it from the meal-offering itself,⁵ or from the [receiving of the] blood?⁶ Later Raba decided that we must derive it from the [receiving of the] blood. But could Raba have said so? Surely it has been stated: If the handful was divided [and put] into two vessels, R. Nahman says, It is not hallowed; and Raba says, It is hallowed. Now if [the above decision] were right, then this too he should derive from the blood,⁷ should he not? — Raba retracted from that opinion.⁸

Whence do we know that if the blood was divided [in separate vessels] it is not hallowed? — From the following which R. Tahlifa b. Saul learnt: If one mixed⁹ less than the quantity required for sprinkling in one vessel and again less than the quantity required for sprinkling in another vessel, the mixing is not valid.¹⁰ And the question was raised, How is it with regard to the blood?¹¹ Is that¹² a traditional law, and from a traditional law one may not draw any inferences; or is it so there¹² because it is written, And he shall dip it in the water,¹³ then here also it is written, And he shall dip [his finger] in the blood?¹⁴ And it was stated: R. Zerika said in the name of R. Eleazar, Even in the case of the blood it is not hallowed.¹⁵

Raba said, There has been taught [a Baraita] also to this effect: It is written, And he shall dip,¹⁶ but not wipe up;¹⁷ in the blood,¹⁶ that is, there must be at the very beginning sufficient blood [in the one vessel] for dipping; [and shall sprinkle] of the blood,¹⁶ that is, of the blood spoken of in the context. And the expressions 'and he shall dip' and 'in the blood' are both necessary. For had the Divine Law only stated, 'And he shall dip'. I might have said that [it was valid] even though [the priest] had not received at the very beginning sufficient blood [in the one vessel] for dipping; it therefore stated, 'In the blood'. And had the Divine Law only stated, 'In the blood', I might have said that he may even wipe up [the blood]; it therefore stated, 'And he shall dip'. '[Of the blood], that is, of the blood spoken of in the context'. What does this exclude? — Raba said, It excludes the blood that is still clinging to the finger.¹⁸ This supports R. Eleazar who said, The blood that is still clinging¹⁹ to the finger is not valid [for sprinkling].

Rabin son of R. Adda said to Raba, Your pupils report that R. 'Amram raised [an objection from the following]: It was taught: If, while sprinkling, some blood dripped from his hand [on to a

garment], if this happened²⁰ before he had made the sprinkling it must be washed,²¹ but if after he had made the sprinkling it need not be washed. Presumably the meaning is: before he had finished the sprinkling, and after he had finished the sprinkling.²² — No, the meaning is: if it happened before the blood had left his hand in an act of sprinkling it must be washed, but if after the blood had left his hand²³ it need not be washed.

Abaye raised an objection: [We have learnt:] When he had finished sprinkling²⁴ he wiped his hand on the cow's body. [Now] only when he had finished then did he [wipe his hand], but before he had finished he did not!²⁵ — He replied. When he had finished he wiped his hand, before he had finished he wiped his finger only.²⁶ It is well [to say] 'When he had finished he wiped his hand on the cow's body', for it is written, And the cow shall be burnt in his sight;²⁷ but [to say] 'Before he had finished he wiped his finger' [is difficult], for on what would he wipe it?²⁸ — Abaye answered, On the edge of the basin, as it is written, Bowls of gold.²⁹

But could R. Eleazar have said that?³⁰ Behold it has been stated: The meal-offering of the High Priest³¹ R. Johanan says, is not hallowed [if brought] a half at a time. R. Eleazar says. Since it is offered a half at a time it is hallowed [if brought] a half at a time.

(1) So as to avoid taking away the frankincense from a table that is standing upon the ground. Obviously then this does not matter at all. And it is to be observed that the services touching the frankincense and the Shewbread correspond with the services relating to the handful and the meal-offering in the following respects: the frankincense was taken away each week from the table, the handful was taken from of the meal-offering; frankincense was put upon the table each week, the meal for the meal-offering was put into a vessel of ministry. And just as the burning of the frankincense rendered the Shewbread permitted to be eaten, so the burning of the handful rendered the rest of the meal-offering permitted to be eaten, for each is described in the Torah as 'a memorial', cf. Lev. II, 2, and XXIV, 7.

(2) I.e., the main services; whereas lifting up is a service of little significance.

(3) That whatsoever is put into a vessel of ministry that is upon the ground is not thereby hallowed.

(4) v. p. 38, n. 5.

(5) And just as the other services in connection with the meal-offering may be performed in a vessel that is upon the ground, so the handful would be hallowed if put into a vessel that is on the ground.

(6) It has already been stated that the four main services in the procedure of a meal-offering, viz., taking out the handful, hallowing it by putting it into a vessel, bringing it nigh to the altar and burning it, correspond respectively to the four main services of animal sacrifices, viz., slaughtering, receiving the blood, bringing it nigh to the altar and sprinkling it. Now just as the blood of an animal-offering may not be received in a vessel that is on the ground (v. Lev. I, 5: And Aaron's sons, the priests, shall present the blood, and Sifra thereon), so the handful of the meal-offering may not be hallowed by putting it into a vessel that is upon the ground.

(7) And the blood of an animal-offering may not be received in two separate vessels (v. infra).

(8) And he subsequently accepted R. Nahman's view, namely that if the handful was divided and put into two vessels it is not hallowed.

(9) Lit., 'sanctified'. The reference is to the mixing of the ashes of the Red Cow with water; cf. Num. XIX, 17.

(10) Even though subsequently the two quantities when combined in one vessel amounted to the required quantity. For the required quantity v. Parah XII, 5: 'Sufficient for the tips of the hyssop stalks to be dipped therein and water sufficient to be sprinkled.'

(11) Sc. the blood of offerings which had to be sprinkled seven times within, i.e., upon the golden altar and towards the veil. The question is: May the priest receive the blood, say sufficient for four sprinklings in one vessel and sufficient for three in another vessel?

(12) Sc. the ruling in connection with the mixing of the ashes of the Red Cow.

(13) Num. XIX, 18. The use of the definite article, 'in the water', indicates that all the water must be in one vessel.

(14) Lev. IV, 6. Here too the definite article is used, 'in the blood'.

(15) If the blood was received half in one vessel and half in another.

(16) Lev. *ibid.*

(17) The priest must dip his finger in the blood and not scrape up the blood from the sides of the bowl with his finger.

(18) The priest must dip his finger in the bowl of blood for each sprinkling and not sprinkle twice with one dipping. He must sprinkle each time of the blood that is mentioned in the context, that is of the blood in the bowl and not of the blood that is on his finger.

(19) Lit., 'the remnant'.

(20) Sc., the splashing of the blood on to the garment.

(21) Cf. Lev. VI, 20.

(22) I.e., if some blood had splashed on the garment at any time during the course of the seven sprinklings. e.g., after the second sprinkling but before the priest had dipped his finger into the bowl a third time, it must be washed, for the blood that fell upon the garment might well have been used for a further sprinkling; hence it is evident that blood still clinging to the finger is valid for sprinkling, contra R. Eleazar and Raba. On the other hand, if the blood fell on to the garment after the seven sprinklings had been performed, it does not require to be washed, for the blood could not have been used for sprinkling.

(23) I.e., after an act of sprinkling some blood that was still clinging to his finger fell upon the garment.

(24) Sc. the blood of the Red Cow seven times towards the Holy of Holies. V. Parah III, 9.

(25) For presumably the blood still clinging to his finger is valid for sprinkling, and therefore he need not wipe it away; contra R. Eleazar and Raba.

(26) I.e., between each sprinkling.

(27) Num. XIX, 5. After sprinkling the blood towards the Holy of Holies the priest would come down from the Temple mount, wipe his hand on the cow's body, and then the cow would be burnt in his presence.

(28) It surely cannot be suggested that after each of the seven sprinklings the priest must come down from the Temple mount and wipe his finger on the cow's body. Indeed if he did so the sprinkling that followed might be invalid, for some hairs of the cow's body might adhere to his finger. In cur. edd. there is an obvious gloss added in the text, but it has been struck out by all commentators. It is not found in MS.M.

(29) Ezra I, 10. The sprinkling bowls are here designated כפורי, which word is derived from the root כפר 'to wipe'; i.e., bowls on whose rim the priests used to wipe away the blood from their fingers.

(30) That if the blood was received half in one vessel and half in another, it is not hallowed thereby.

(31) V. Lev. VI, 13, 14. This meal-offering prepared on a griddle (hence חביתים from מחבת). consisting of a tenth part of an ephah of fine flour, was offered by the High Priest daily; half of it in the morning and half in the evening.

Talmud - Mas. Menachoth 8a

Now if he held that view, he would surely derive [the ruling in the case of the High Priest's meal-offering] from the blood!¹ And should you say that R. Eleazar does not derive one case from another, but R. Eleazar has actually ruled: If the taking of the handful from the meal-offering was performed in the Temple,² it is valid, since we find that the taking away of the dishes [of frankincense was regularly performed there].³ — He derives [the rules of] one meal-offering from another meal-offering,⁴ but he does not derive [the rules of] a meal-offering from the blood.

But does he derive one meal-offering from another meal-offering? Surely it has been taught: If a loaf was broken before it⁵ had been removed, the Shewbread is invalid, and [the priest] may not burn on account of it the dishes of frankincense; if a loaf was broken after it⁵ had been removed, the Shewbread is invalid, but he may burn on account of it the dishes of frankincense. Whereupon R. Eleazar had said, [The expression 'after it had been removed'] does not mean that it⁵ had actually been removed, but rather that the time for removing it had come about,⁶ and although it had not yet been removed it is regarded as already removed. But why is this so?⁷ Surely it ought to be regarded as a meal-offering which was found to be lacking before the handful had been taken therefrom!⁸ — That is really no difficulty, for in a meal-offering the handful is not separate,⁹ whereas here [in the Shewbread] the handful¹⁰ is separate. But this is a difficulty: surely this case ought to be on a par with the remainder of a meal-offering which was found to be lacking after the handful had been taken therefrom but before it had been burnt, in which case the handful may not be burnt! — There is, is there not, a difference of opinion about this?¹¹ R. Eleazar is of the same opinion as him who

says that where the remainder of the meal-offering was found to be lacking after the handful had been taken therefrom but before it had been burnt, the handful may indeed be burnt.

The text [above] stated: 'The meal-offering of the High Priest, R. Johanan says, is not hallowed [if brought] a half at a time. R. Eleazar says, Since it is offered a half at a time it is hallowed [if brought] a half at a time'. R. Aha said, What is R. Johanan's reason? Because the verse reads, For a meal-offering . . . half of it in the morning;¹² that is to say, he must bring a meal-offering¹³ and then he shall divide it in halves.

An objection was raised: [We have learnt:] The meal-offering of the High Priest may not be brought in [two separate] halves, but he must bring a whole tenth and then divide it. And it has been taught: Had Scripture stated, 'For a meal-offering a half', I should then have said that he must bring a half tenth from his house in the morning and offer it, and a half tenth from his house in the evening and offer it; but Scripture states, 'Half of it in the morning', that is, he must offer half of the whole tenth!¹⁴ — This is only a recommendation.¹⁵ Thereupon R. Gebiha of Bekathil said to R. Ashi, But is not the term 'statute'¹⁶ used in connection with it? — He replied: That merely indicates that he must bring the whole [tenth] from his house.¹⁷

But did R. Johanan actually say that?¹⁸ Behold it has been stated: If a man set aside [in a vessel of ministry] a half tenth [of flour for his meal-offering]¹⁹ intending to add to it [to make up the tenth], Rab says, It is not hallowed; R. Johanan says, It is hallowed. Now if he held that view,¹⁸ he would surely derive [the ruling in this case] from that of the High Priest's meal-offering.²⁰ Should you say, however, that R. Johanan does not derive one case from another, but R. Johanan has actually ruled: If a peace-offering was slaughtered in the Temple it is valid, for it is written, And he shall slaughter it at the door of the tent of meeting,²¹ and surely the accessory cannot be more important than the principal!²² — It is different where he intended to add to it.²³ For it has been taught: It is written Full;²⁴ and full means nothing else but the whole amount. And R. Jose said, When is this so?²⁵ Only when there is no intention to make up [the full amount], but when there is an intention to make up [the full amount], then each part²⁶ [as it is put into the vessel of ministry] is hallowed.

Whose view does Rab²⁷ accept with regard to the High Priest's meal-offering? If you say R. Eleazar's, then he should surely derive [the ruling in the case of an ordinary meal-offering] from the High Priest's meal-offering.²⁸ And should you say that Rab does not derive one case from another, but Rab has actually said, A meal-offering is hallowed [even though it was put into the vessel of ministry] without oil, since we find it so in the case of the Shewbread;²⁹ without frankincense, since we find it so in the case of the drink-offerings;³⁰ without oil and without frankincense, since we find this in the case of the sinner's meal-offering?³¹ — We must therefore say that Rab accepts R. Johanan's view.³²

The text [above] stated: 'Rab said, A meal-offering is hallowed [even though it was put into the vessel of ministry] without oil, since we find it so in the case of the Shewbread; without frankincense, since we find it so in the case of the drink-offerings; without oil and without frankincense, since we find it so in the case of the sinner's meal-offering'. Moreover the oil and the frankincense are hallowed [in the vessel of ministry] alone, one without the other: the oil [without the flour and the frankincense], since we find it so in the case of the log of oil of the leper;³³ and the frankincense [without the flour and oil], since we find it so in the case of the dishes of frankincense. But R. Hanina said,

(1) And he would declare the meal-offering of the High Priest invalid if it was brought a half tenth at a time, just as it is invalid, according to R. Eleazar, if the blood of an animal offering was received in two vessels.

(2) The taking of the handful from the meal-offering was usually performed in the Temple court and not in the Temple proper.

- (3) And the taking away of the dishes of frankincense was considered equal to the taking of the handful from the meal-offering (v. supra p. 38, n. 5).
- (4) I.e., from the Shewbread which is regarded as a meal-offering.
- (5) Sc. the two rows of loaves and the dishes of frankincense.
- (6) I.e., at the seventh hour of the day (that is an hour after mid-day) on the Sabbath; v. Pes. 58a.
- (7) That the frankincense may be burnt when a loaf was broken after the time for the removal of the Shewbread from the table had arrived.
- (8) In which case the handful may not be burnt upon the altar; and here the Shewbread has not in fact been removed from the table. Since, however, the ruling is that the frankincense may be offered, it is evident that R. Eleazar does not derive one meal-offering from the other.
- (9) I.e., the handful is not separate from the rest of the meal-offering, and until it has actually been taken out one cannot consider it as a handful.
- (10) Sc. the dishes of frankincense. These stand apart from the bread, so that when the time for their removal has arrived one can well consider them as already having been removed.
- (11) V. infra 9a.
- (12) Lev. VI, 13.
- (13) I.e., a whole meal-offering which must consist of a tenth part of an ephah of flour.
- (14) Hence an objection against R. Eleazar.
- (15) Lit., 'for a precept'. I.e., it should be performed in this manner; nevertheless it is hallowed even though brought a half tenth at a time.
- (16) Ibid. VI, 15. The term 'statute' implies that there must be no infringement or variation of the prescribed rites.
- (17) But as for hallowing in a vessel of ministry this may be done a half tenth at a time.
- (18) That the High Priest's meal-offering is not hallowed if brought half at a time.
- (19) The minimum quantity of flour for a meal-offering is one tenth part of an ephah.
- (20) And as the High Priest's meal-offering is not hallowed, according to R. Johanan, if brought a half at a time, so it should be also with every meal-offering.
- (21) Lev. III, 2.
- (22) If the slaughtering may take place in the Temple court, how much more so in the Temple itself! Thus R. Johanan derives the slaughtering in the Temple from the slaughtering in the Temple court.
- (23) In that case each part as it is put into the vessel of ministry is hallowed.
- (24) Num. VII, 13: Both of them full of fine flour.
- (25) That anything less than the whole amount is not hallowed.
- (26) Lit., 'the first, the first'.
- (27) Who in the case of an ordinary meal-offering ruled that if only part of it was put into a vessel of ministry it was not hallowed.
- (28) And just as the High Priest's meal-offering is hallowed in part (so according to R. Eleazar) so it should be with an ordinary meal-offering too. Nevertheless in the latter case Rab expressly said that it was not hallowed in part.
- (29) Which is deemed to be a meal-offering and yet no oil went with it.
- (30) Which accompanied most sacrifices, consisting of quantities of flour and oil for a meal-offering and wine for a libation, but no frankincense went with it. V. Ibid. XV, 1ff.
- (31) V. Lev. V, 11, We thus see that Rab derives one case from the other by analogy.
- (32) That the High Priest's meal-offering may not be hallowed a half at a time, just as Rab himself expressly ruled in connection with an ordinary meal-offering.
- (33) Which was not accompanied by flour and frankincense; V. Lev. XIV, 10ff.

Talmud - Mas. Menachoth 8b

The one is not hallowed without the other.¹ Then according to R. Hanina why was the tenth measure anointed?² — To measure the sinner's meal-offering.³ And why was the log measure anointed? — To measure the log of oil of the leper.

Samuel, too, is of the same opinion as Rab.⁴ For we have learnt:⁵ The vessels for liquids hallow

liquids, and the measuring vessels for dry stuffs hallow dry stuffs; the vessels for liquids cannot hallow dry stuffs neither can the measuring vessels for dry stuffs hallow liquids. And Samuel had said, This applies only to the measuring vessels [for liquids], but the sprinkling bowls hallow also dry stuffs, for it is written, Both of them full of fine flour mingled with oil for a meal-offering.⁶ R. Aha of Difti said to Rabina, But this meal-offering is moist!⁷ — He replied. It refers particularly to the dry parts of the flour.⁸ Alternatively,⁹ I may say, In comparison with blood a meal-offering [though mingled with oil] is regarded as dry stuff.

The text [above] stated: ‘R. Eleazar said, If the taking of the handful from the meal-offering was performed in the Temple it is valid, since we find that the taking away of the dishes [of frankincense was regularly performed there]’.¹⁰ R. Jeremiah raised an objection: It is written, And he shall take his handful from there,¹¹ that is, from the place where the feet of the non-priest may stand.¹² Ben Bathyra says, Whence do we know that if he took the handful with the left hand he should put it back again and then take it with his right hand? Because the verse says, ‘And he shall take his handful from there’, that is, from the place from which he has already taken a handful! — Some say that he [R. Jeremiah] raised the objection and he himself answered it [as stated below]. Others report that R. Jacob said to R. Jeremiah b. Tahlifa, I will explain it to you: That [verse] merely serves to teach us that [the rite of taking the handful] may be performed in any part of the Temple court; and you should not argue that since the burnt-offering is most holy and the meal-offering is most holy, therefore as the burnt-offering must be [slaughtered] on the north side [of the Temple court]¹³ so the meal-offering must be [attended to] on the north side. But surely the case of the burnt-offering is different, since it is wholly burnt!¹⁴ — Then [one could argue in the same way] from the sin-offering.¹⁵ But surely the case of the sin-offering is different, since it atones for those [who committed an act inadvertently which, had they committed it wilfully, would have made them] liable to kareth!¹⁶ — Then [one could argue in the same way] from the guilt-offering.¹⁵ Again the case of the guilt-offering is different, since it effects atonement by blood!¹⁷ Nor [could one argue in the same way] from all these [sacrifices taken together].¹⁸ since all these [are different from the meal-offering since they] effect atonement by blood! — That [verse] is indeed necessary, for I might have thought that since it is written, And it shall be presented unto the priest, and he shall bring it unto the altar,¹⁹ and [then it says] ‘and he shall take out the handful’,²⁰ therefore just as the meal-offering was brought unto the south-west corner of the altar²¹ so the handful was to be taken out at the south-west corner of the altar; we are therefore taught²² [that it may be performed in any part of the Temple court].

The text [above] stated: ‘R. Johanan said, If a peace-offering was slaughtered in the Temple it is valid, for it is written, And he shall slaughter it at the door of the tent of meeting,²³ and surely the accessory cannot be more important than the principal!’ An objection was raised: R. Judah b. Bathyra said, Whence do we know that, if the Temple court was surrounded by gentiles,²⁴ the priests may enter the Temple and eat there the most holy meat and the remainder of the meal-offerings? Because the verse says,

(1) I.e., all the ingredients of the meal-offering must be put in together into the vessel of ministry.

(2) To render it consecrated as a vessel of ministry. The tenth measure was a vessel of ministry holding the tenth part of an ephah which was used for measuring the flour of a meal-offering. But as the flour by itself, without oil and without frankincense, is not hallowed when put into this measuring vessel, then it was obviously unnecessary to have anointed this vessel as a sacred vessel. The same argument applies to the log, a vessel of ministry used for measuring oil only.

(3) Which consisted of flour only, without oil and frankincense; v. Lev. V, 11.

(4) That the vessel of ministry hallows the flour alone without the other ingredients.

(5) Zeb. 88a.

(6) Num. VII, 13. It is evident that the sprinkling bowl (mentioned previously in this verse) hallowed the flour that was put into it.

(7) For it is mingled with oil. Hence there is no proof from this verse that the sprinkling bowl can hallow dry goods.

- (8) Although the flour was mingled with oil, it is inconceivable that every particle of the flour was moistened; nevertheless all the flour was hallowed in this bowl, obviously because the sprinkling bowl can hallow dry goods.
- (9) In cur. edd. there is found here a passage of several lines enclosed within brackets. It is not found in any MS., and has been struck out by all commentators as a gloss.
- (10) V. p. 42, nn. 7 and 8.
- (11) Lev. II, 2.
- (12) V. supra p. 34, n. 7. It is, however, evident from this that the rite of taking the handful must be performed in the Temple court only, and not in the Temple, contra R. Eleazar. The teaching of Ben Bathyra which follows is merely the continuation of the Baraitha quoted but it does not affect the argument at all.
- (13) Ibid I, 11.
- (14) How then could one apply the same to the meal-offering?
- (15) Which is also a most holy offering and must be slaughtered in the north.
- (16) V. Glos.
- (17) Cf. Lev. XVII, 11. The meal-offering, however, does not effect atonement by blood.
- (18) By arriving at the points they all have in common, viz., they are all most holy, and all must be slaughtered on the north side of the Temple court. Similarly it would be said of the meal-offering, that the rite of taking the handful must be performed at the north side of the Temple court only!
- (19) Ibid II, 8.
- (20) This is the purport of verse (9) which follows: And the priest shall take off from the meal-offering the memorial thereof.
- (21) V. infra 19b.
- (22) By the verse And he shall take the handful from there (ibid 2).
- (23) Lev. III, 2. V. supra 45, n. 2.
- (24) And so it became dangerous to remain in the Temple court or to eat there consecrated meat.

Talmud - Mas. Menachoth 9a

In the most holy place shalt thou eat thereof.¹ Now why is the verse necessary to teach this? One could say, it is sufficient that it is written, In the court of the tent of meeting they shall eat it,² and the accessory surely cannot be more important than the principal!³ — With regard to acts of service, since a man would perform services in the presence of his master, we apply the principle 'Surely the accessory cannot be more important than the principal'. But with regard to eating, since a man would not eat in the presence of his master, [it is permitted]⁴ only because the verse expressly says so, but had not the verse said so we would not have applied the principle 'Surely the accessory cannot be more important than the principal'.

It was stated: If the meal-offering was mingled⁵ outside the walls of the Temple court, R. Johanan says, It is invalid; Resh Lakish says, It is valid. 'Resh Lakish says, it is valid', for it is written, And he shall pour oil upon it, and put frankincense thereon, and then, And he shall bring it to Aaron's sons the priests; and he shall take thereout his handful;⁶ hence from the taking of the handful begins the duty of the priesthood. This therefore teaches us that the pouring [of the oil upon the meal-offering] and the mingling [of the oil with the flour] are valid [even if done] by non-priests. Now since [the mingling] does not require the services of the priesthood, it likewise need not be performed within [the Temple court]. 'R. Johanan says, it is invalid', for since it must be prepared in a vessel [of ministry],⁷ even though it does not require the services of the priesthood, it must nevertheless be performed within [the Temple court]. There is a Baraitha in support of R. Johanan's view; for it has been taught: If a non-priest mingled it it is valid; if it was mingled outside the walls of the Temple court it is invalid.

It was stated: If the meal-offering had diminished before the handful was taken from it, R. Johanan says, He may bring [flour] from his house to fill up the measure; Resh Lakish says, He may not bring [flour] from his house to fill up the measure. R. Johanan says, He may bring [flour] from his house to

fill up the measure, for it is the taking of the handful that determines it [for a meal-offering].⁸ ‘Resh Lakish says, He may not bring [flour] from his house to fill up the measure’, for it is the hallowing of the vessel that determines it [for a meal-offering].⁹ R. Johanan then raised this objection against Resh Lakish: We have learnt: If the [oil in the] log was found to be lacking before it was poured out,¹⁰ he may fill up the measure.¹¹ This is indeed a refutation.

It was stated: If the remainder of the meal-offering was found to be lacking between the taking of the handful and the burning thereof, R. Johanan says, He may burn the handful on account of it; Resh Lakish says, He may not burn the handful on account of it. According to R. Eliezer's view there can be no difference of opinion;¹² they differ only according to R. Joshua's view. For we have learnt:¹³ If the remainder of the meal-offering became unclean or was burnt or lost, according to the rule of R. Eliezer¹⁴ it is lawful [to burn the handful], but according to the rule of R. Joshua¹⁵ It is unlawful. Now he who says it is unlawful [to burn the handful], clearly agrees with R. Joshua; but he who says it is lawful, [distinguishes the cases thus]: only in that case did R. Joshua say [that it was unlawful], since nothing [of the meat] remained available, but here where some [of the meal-offering] remained available, even R. Joshua admits [that it is lawful to burn the handful]. For it has been so taught: R. Joshua says, If of any animal-offering mentioned in the Torah there remained an olive's bulk of flesh or an olive's bulk of fat, one may sprinkle the blood; if there remained a half-olive's bulk of flesh and a half-olive's bulk of fat, one may not sprinkle the blood.¹⁶ In the case of a burnt-offering, however, even if there remained a half-olive's bulk of flesh and a half-olive's bulk of fat, one may sprinkle the blood, since it is wholly burnt.¹⁷ And in the case of a meal-offering, even though all of it remains, one may not sprinkle the blood.

(1) Num. XVIII, 10.

(2) Lev. VI, 9.

(3) And if the most holy meat may be eaten in the Temple court, how much more so on the argument of R. Johanan in the Temple proper! Surely then no verse is necessary to permit this.

(4) To eat in the Temple proper.

(5) With the oil.

(6) Ibid. II, 1, 2.

(7) Or, according to the reading of MS.M and Sh. Mek., ‘since it is hallowed (by being put) in a vessel of ministry’.

(8) And so long as the handful has not been taken one may add to the flour of the meal-offering.

(9) And once it has been determined for a meal-offering, if it had diminished there is no remedy for it, and it is invalid.

(10) I.e., before the priest had poured the oil into the palm of his own left hand for the purification of the leper. cf. Lev. XIV, 15.

(11) V. Neg. XIV, 10. We thus see that the defective measure may be filled up even though it had already been hallowed in a vessel of ministry, contra Resh Lakish.

(12) For if where the remainder was lost entirely the handful may still be burnt, how much more so where only a part of the remainder was lacking!

(13) V. infra 26a, Pes. 77b.

(14) Who held (Pes. 77a) that the blood of the sacrifice may be sprinkled even though the meat is not available (either because it was rendered unclean or was burnt or lost); likewise with the meal-offering, he would hold that the handful may be burnt upon the altar even though the remainder is no longer available, and needless to say where only a portion of the remainder was wanting.

(15) Who held that where the meat of the sacrifice was not available it is not lawful to sprinkle the blood.

(16) For in order to sprinkle the blood there must remain a whole olive's bulk either of what may be eaten by man (i.e., the flesh) or of what may be consumed by the altar; (i.e., the fat).

(17) And both the flesh and the fat are burnt upon the altar; hence a half-olive's bulk of the one may be joined with a half-olive's bulk of the other.

How does the meal-offering come in here?¹ Said R. Papa, It refers to the meal-offering offered with drink-offerings.² For I might have said that, since it accompanies the animal-offering, it is deemed to be part of the animal-offering;³ we are therefore taught [that it is not so]. And he who says it is unlawful [to burn the handful, what can he say to this]?⁴ — Here [in the case of the meal-offering] it is different, for the verse says, And the priest shall offer up from the meal-offering the memorial thereof, and shall burn it upon the altar;⁵ and the expression ‘the meal-offering’ implies that the meal-offering must be there in its entirety.⁶ And [what does] the other⁷ [say to this]? — He would say that the expression ‘from the meal-offering’ implies only that the meal-offering was once whole.⁸ R. Johanan raised this objection against Resh Lakish. It was taught:⁹ If a loaf was broken before it¹⁰ had been removed, the Shewbread is invalid, and [the priest] may not burn on account of it¹¹ the dishes of frankincense; if a loaf was broken after it¹⁰ had been removed, the Shewbread is invalid, but he may nevertheless burn on account of it the dishes of frankincense.¹² Whereupon R. Eleazar had said, [The expression ‘after it had been removed’] does not mean that it had actually been removed, but rather that the time for its removal had arrived, even though it had not yet been removed!¹³ — He replied, The author of that Baraitha is R. Eliezer.¹⁴ He [R. Johanan] then said to him, I quote you an undisputed¹⁵ Mishnah,¹⁶ and you merely say that the author is R. Eliezer! If it is R. Eliezer, why does [the Baraitha] speak of only part [of the Shewbread] being broken, even if it were entirely burnt or lost he would also permit [the burning of the frankincense], would he not? — The other remained silent. And why did he remain silent? Surely he could have replied that it is different with the offering of the community,¹⁷ for just as uncleanness is permitted for the community¹⁸ so the diminution [of an offering] is also permitted for it! R. Adda b. Abaha said, This¹⁹ proves that diminution is on a par with a physical blemish, and no [animal with a] physical blemish is permitted [even] for the community.

R. Papa was sitting reciting the above teaching²⁰ when R. Joseph b. Shemaiah said to him, Is it not the case that the dispute between R. Johanan and Resh Lakish refers also to the ‘Omer meal-offering which is a communal offering’?²¹

R. Malkio said, One [Baraitha] teaches: The expression ‘of the fine flour thereof’²² implies that if it had diminished, however little, it is invalid; and ‘of the oil thereof’.²² implies that if it had diminished, however little, it is invalid. And another [Baraitha] teaches: The expression ‘of the meal-offering’²³ excludes the case where the meal-offering or the handful had diminished, or where nothing at all of the frankincense was burnt.²⁴ Now why are two verses necessary to exclude any diminution? Surely it must be that one refers to the case where the meal-offering had diminished before the handful was taken,²⁵ and the other to the case where the remainder had diminished between the taking of the handful and the burning thereof.²⁶ This then is a refutation of both views of R. Johanan, is it not? — No, one verse refers to the case where the meal-offering had diminished before the taking of the handful, in which case if he brings more [flour] from his house and makes up the measure it is [valid], otherwise it is not [valid]. The other refers to the case where the remainder had diminished between the taking of the handful and the burning thereof, in which case the remainder is forbidden to be eaten although he may burn the handful on account of it. For the question was raised: According to him who says that where the remainder had diminished between the taking of the handful and the burning thereof he may burn the handful on account of it, what is the position with regard to the eating of the remainder? — Ze’iri said, It is written, And that which is left [of the meal-offering],’ but not that which is left of the remainder. R. Jannai said, It is written, of the meal-offering,²⁷ that is, the meal-offering which was once whole.²⁸

IF [THE PRIEST] TOOK THE HANDFUL WITH HIS LEFT HAND [IT IS INVALID]. Whence do we know this? — R. Zera said, The verse states, And he presented the meal-offering, and filled his hand therefrom.²⁹ Now I do not know which hand was meant, but when another verse states, And the priest shall take of the log of oil, and pour it into the palm of his own left hand,³⁰ [I know that] only here [‘hand’ means] the left hand, but elsewhere wherever ‘hand’ is stated it means the right.

But is not this expression required for its own purpose?³¹ — ‘The left hand’ is mentioned once again.³² But should I not apply here the principle: ‘a limitation followed by a limitation extends the scope of the law’?³³ — ‘The left hand’ is mentioned yet once again;³⁴ so that we may say that only here [‘hand’ means] the left hand, whereas elsewhere [‘hand’] cannot mean the left hand. perhaps I should say quite the contrary: just as here [‘hand’ means] the left hand so elsewhere [‘hand’ means] the left hand! — ‘The left hand’ is in fact stated four times: twice in the case of the poor man and twice in the case of the rich man.³⁵

R. Jeremiah said to R. Zera. For what purpose is it written, Upon the thumb of his right hand and upon the great toe of his right foot?³⁶ —

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- (1) How can one speak of the sprinkling of blood in connection with a meal-offering?
 - (2) Which accompanied most animal-offerings; cf. Num. XV, 4-10.
 - (3) And the blood of the offering may be sprinkled, even though all the flesh and the fat had gone, since the whole of the meal-offering that belongs to the animal-offering remains.
 - (4) Surely Resh Lakish admits this distinction in R. Joshua made by R. Johanan, for R. Joshua himself expressly differentiates so in the Baraitha quoted.
 - (5) Lev. II, 9.
 - (6) At the time of the burning of the handful; otherwise it may not be burnt.
 - (7) R. Johanan.
 - (8) I.e., at the time of the taking of the handful.
 - (9) V. supra p. 43.
 - (10) Sc. the dishes of frankincense.
 - (11) I.e., on behalf of the Shewbread that remained.
 - (12) Hence it is evident that if the remainder of the meal-offering had diminished between the taking and the burning of the handful — which corresponds to the diminution of the Shewbread between the taking away and the burning of the frankincense — one may nevertheless burn the handful; contra Resh Lakish.
 - (13) This is mentioned only incidentally as the continuation of the cited passage.
 - (14) According to whom the diminution, and even the entire destruction, of the remainder of the meal-offering does not prevent the burning of the handful upon the altar; v. supra.
 - (15) Lit. ‘whole’.
 - (16) [This is really a Baraitha but is nevertheless, as is frequently the case, designated Mishnah, v. Higger **אוצר הברייתות** I, p. 37ff].
 - (17) The Shewbread and the burning of the frankincense was a regular weekly service on behalf of the community. Cf. Lev. XXIV, 4-9.
 - (18) If the whole community of Israel or the greater part thereof became unclean it is then permitted to offer the communal sacrifices, e.g., the Daily sacrifice, in uncleanness. V. Pes. 77a.
 - (19) The fact that Resh Lakish remained silent and did not put forward the suggested answer.
 - (20) That Resh Lakish remained silent and did not distinguish between communal and private offerings.
 - (21) MS.M., Rashi and Sh. Mek. omit the word "Omer", and the sense of R. Joseph's remark is that the dispute between R. Johanan and Resh Lakish related also to the Shewbread which is a communal meal-offering.
 - (22) Lev. II, 2. The amount of the flour of a meal-offering is fixed at a minimum of one tenth part of an ephah, and of oil at one log.
 - (23) Ibid. 3.
 - (24) But where some of the frankincense had been burnt upon the altar and then it was found to be wanting, the meal-offering is valid.
 - (25) In which case the meal-offering is invalid, for the deficiency cannot be made up by bringing more flour, contra R. Johanan.
 - (26) In which case the handful may not be burnt, again contra R. Johanan.
 - (27) Lev. II. 3.
 - (28) I.e., if at the time of the taking of the handful the remainder was intact, it is immaterial if later it was found to have diminished, and it may be eaten; R. Jannai accordingly is in conflict with Ze'iri. Rashi, however, gives another

interpretation according to which R. Jannai is in agreement with Ze'iri: the meal-offering was once whole, i.e., at the time of the burning of the handful.

(29) Ibid. IX, 17.

(30) Ibid. XIV, 15, in reference to the purificatory rites of a leper.

(31) That only the left hand shall be employed and not the right, and one therefore cannot draw any conclusion or inference from this expression.

(32) Ibid. 16.

(33) Since 'the left hand' is stated twice, and inasmuch as each by itself serves as a limitation to exclude the right hand, the result is that the successive limitations actually amplify the law and include the right hand, that it, too, may be used in the purificatory rites of the leper.

(34) Ibid. 26. This third expression precludes the suggestion stated that the first two are to be regarded as limitation following limitation resulting in amplification, for if that were so this third expression would be superfluous.

(35) Lev. XIV, 14, 16, 26 and 27; the first two referring to the rites of a rich man that is being cleansed of his leprosy, and the latter two to those of a poor man. The result is therefore thus: the first expression 'the left hand' is required for its own purpose, the second to indicate that only here 'hand' means the left hand but not elsewhere, the third to preclude the suggestion that the first two are to be regarded as limitation following limitation, and the fourth to preclude the inference, suggested last, that wherever 'hand' is stated the left hand is meant.

(36) Ibid 17 and 28, with reference to the application of oil upon these parts, the former verse dealing with the case of the rich man and the latter with the poor man. In both cases, however, the passage is superfluous for in each verse appears the direction that the oil shall be applied on the place where the blood of the guilt-offering had been applied, and the latter, as expressly stated both in the case of the rich man and of the poor man (v. ibid. 14 and 25 respectively), was applied upon the thumb of the right hand and the great toe of the right leg. It must be observed that the thumb and the great toe are expressed in the Heb. by the same word **בהן**; thus the expression **תעל בהן** stated twice in this verse, is redundant.

Talmud - Mas. Menachoth 10a

One serves to permit [the application of the oil] upon the sides;¹ and the other to forbid it on the sides of the side.² And for what purpose are stated, Upon the blood of the guilt-offering, and, Upon the place of the blood of the guilt-offering?³ — They are both necessary; for had the Divine Law only stated, upon the blood of the guilt-offering, I should have said that only if [the blood] was still there it is [valid], but if it had been wiped off it is not [valid]; the Divine Law therefore stated, 'Upon the place of the blood of the guilt-offering'. And had the Divine Law only stated, 'Upon the place etc.', I should have said that it [the blood] must first be wiped off, but if it was still there it would be regarded as an interposition;⁴ the Divine Law therefore stated, 'Upon the blood of the guilt-offering'.

Raba said, Since there have been stated [with regard to the application of the oil] the expressions 'Upon the blood of the guilt-offering' and 'Upon the place of the blood of the guilt-offering', and moreover since with regard to the application of the blood the term 'right' is used, for what purpose then does the verse state, concerning the application of the oil upon the leper. 'Upon the thumb of his right hand and upon the great toe of his right leg', both in the case of the rich man and of the poor man?⁵ — Raba therefore said,⁶ The term 'hand' [is required for purposes of analogy] with 'hand' in respect of the taking out of the handful,⁷ the term 'leg' with 'leg' in respect of halizah,⁸ the term 'ear' with 'ear' in respect of 'boring of the ear'.⁹ Wherefore is 'the left' stated?¹⁰ — R. Shisha the son of R. Idi answered, In order to rule out the use of the priest's right hand in the case of the leper; lest you argue as follows: if in the case where the left hand is not allowed the right hand nevertheless is, in the case where the left hand is allowed surely the right hand is allowed too.¹¹ And wherefore is 'the left' stated again?¹² — For the reason taught at the school of R. Ishmael: Any Biblical passage that was stated once, and then repeated, was repeated only for the sake of some new point contained therein.¹³

Rabbah b. Bar Hannah said in the name of R. Simeon b. Lakish, Wherever the words 'priest' and

'finger' are stated [in connection with a service of the Temple] they signify the right [hand] only. Now it was assumed that both these terms 'priest' and 'finger' were necessary [to signify this], as in the verse, And the priest shall take of the blood of the sin-offering with his finger,¹⁴ and [there the finger of the right hand is meant for] it is inferred from the case of the leper where it is written, And the priest shall dip his right finger.¹⁵ But there is the case of the taking of the handful, with regard to which only the word 'priest' is written, and yet we have learnt: IF [THE PRIEST] TOOK THE HANDFUL WITH HIS LEFT HAND IT IS INVALID! — Raba answered, It is either the word 'priest' or the word 'finger' [that is meant].¹⁶ Thereupon Abaye said to him, Take the case of the bringing of the limbs [of the sacrifice] to the [altar] ascent, with regard to which the word 'priest' is written, as it is said, And the priest shall present the whole and burn it upon the altar,¹⁷ and a Master said, This refers to the bringing of the limbs to the [altar] ascent,¹⁸ and yet we have learnt:¹⁹ The right [hind-]leg was carried in the left hand with the part covered with the skin outermost!²⁰ — The rule [that the word] 'priest' or 'finger' [implies the right hand] we apply only to such services as would invalidate the atonement [by their omission].²¹ Then take the case of receiving [of the blood in a vessel]; it is surely a service that would invalidate the atonement [by its omission], and yet we have learnt:²² If [the priest] received the blood in his left hand, It is invalid; but R. Simeon declares it valid!²³ — You raised this [difficulty] according to R. Simeon's view, did you not? But R. Simeon requires both terms.²⁴ Does then R. Simeon require both terms? Surely it has been taught: R. Simeon says. Wherever the term 'hand' is stated it signifies the right hand only, likewise the term 'finger' signifies the right finger only! — The term 'finger' does not require with it the term 'priest',²⁵ but the term 'priest' requires with it the term 'finger'.²⁵ Why then is the term 'priest' stated at all?²⁶ [That he shall be clad] in the priestly robes.

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- (1) Sc. of the thumb and of the great toe; for the Hebrew particle **על** may mean 'close to' as well as 'upon'.
- (2) I.e., the inner side of the thumb (facing the palm), and the lower side of the great toe (facing the ground).
- (3) Ibid. 17 and 28. Surely one of them is superfluous (Rashi). According to Tosaf, the question is, Why the variation in the expressions; why in the second verse is 'the place of' added?
- (4) For the oil must touch the body of the leper on the parts specified directly without any other substance interposing.
- (5) The question is concerning the superfluous word 'right' stated with regard to the hand and the leg; for even if Scripture had omitted the word in each case we should still have known that the right hand and right leg were intended, either because the application of the blood was upon these limbs and the oil was to be applied upon the blood, or because of the original opinion expressed by R. Zera that 'hand' generally means the right hand. V. Tosaf. s.v. **אמר**.
- (6) Raba on account of this last question abandons the conclusions of R. Zera that were derived from the expression 'the left hand' being stated four times, whereby the rule was established that 'hand' generally means the right hand and therefore the taking of the handful must be performed with the right hand, but proceeds to interpret anew all the expressions employed in this passage dealing with the purificatory rites of the leper.
- (7) The word 'hand' is stated here in connection with the rites of a rich man (Lev. XIV, 17) and also in connection with the taking of the handful from the meal-offering (ibid IX, 17): as in the former case the right hand is meant for it is expressly stated so, so in the latter case, too, the right hand is meant.
- (8) The word 'leg' is stated here in connection with the rites of the rich man (ibid. XIV, 17) and also in connection with the ceremony of halizah (the drawing off of the shoe, v. Deut. XXV, 5-10): as here the right leg is meant, so there too the right leg is meant.
- (9) The word 'ear' is stated here in connection with the rites of the rich man (Lev. ibid.) and also in connection with the boring of the ear of an Israelite slave who desired to continue in servitude (v. Ex. XXI, 5, 6): as here the right ear is meant, so there too the right ear is meant.
- (10) In Lev. xlv, 16, in connection with the rites of the rich man: And the priest shall dip his right finger in the oil that is in his left hand. In the preceding verse (15) 'the left hand' is admittedly required for its own purpose, that the priest shall pour the oil into his left hand.
- (11) Scripture therefore repeated 'the left hand' to indicate that the service shall be performed with the left hand only.
- (12) Lev. XIV, 27, in connection with the rites of the poor man. This question applies to all the expressions used in connection with the rites of the poor leper.
- (13) The new point being that the offerings for purification vary according to the means of the leper.

(14) Ibid. IV, 25.

(15) Ibid. XIV, 16. And as in this verse where both the expressions 'priest' and 'finger' are stated the right must be used, so wherever these two expressions are found they imply the use of the right hand.

(16) I.e., the occurrence of either of these terms in connection with any service signifies that that service shall be performed with the right hand or with the right finger.

(17) Lev. I, 13.

(18) Cf. Zeb. 4a and elsewhere.

(19) Tamid 31b.

(20) Hence although the term 'priest' is used in connection with the service of 'bringing nigh', it nevertheless may be performed with the left hand!

(21) Whereas the service of 'bringing nigh' is not indispensable, for even if it were omitted, e.g., If the sacrifice was slaughtered close to the altar ascent so that there was no need for bringing the limbs to the altar, the atonement would not be impaired.

(22) Zeb. 15b. In cur. edd. before 'we have learnt' are inserted the following lines: 'and with regard to which the term "priest" is stated, as it is written, And Aaron's sons, the priests, shall present the blood (Lev. I, 5), which refers to the receiving of the blood'. These lines are not found in any of the MSS. and apparently they were not in the text that was before Rashi. They are also omitted by Sh. Mek.

(23) Notwithstanding the expression 'priest' used in connection with the service, v. prec. n.

(24) Both the expressions 'priest' and 'finger' are necessary in order to signify the right hand.

(25) In order to signify the right finger.

(26) In a case where the term 'finger' is used the addition of the term 'priest' is of no significance whatsoever. This question and the answer which follows are omitted in all MSS.

Talmud - Mas. Menachoth 10b

Consider the case of the sprinkling [of the blood], with regard to which only the term 'priest' is used, yet we have learnt: If [the priest] sprinkled the blood with his left hand it is invalid; and R. Simeon does not differ! — Abaye answered, He does indeed differ in the Baraita, for it was taught: If he received the blood in his left hand it is invalid, but R. Simeon declares it valid. If he sprinkled the blood with his left hand it is invalid, but R. Simeon declares it valid.

But then Raba's statement that the term 'hand' [is required for the purposes of analogy] with 'hand' in respect of the taking out of the handful,¹ is quite unnecessary, for it would have been inferred from the expression 'priest'!² — One [teaching] is required for the taking out of the handful and the other for the hallowing of the handful.³ But according to R. Simeon who holds [according to one view] that the hallowing of the handful is not essential,⁴ and even according to the other view that the hallowing of the handful is indeed essential but that it is valid if performed with the left hand, is not Raba's analogy by means of the common word 'hand' necessary? It cannot serve to indicate that the actual taking out of the handful [shall be performed with the right hand],⁵ as this is already established by the teaching of R. Judah the son of R. Hiyya. For R. Judah the son of R. Hiyya said, What is the reason for R. Simeon's view?⁶ Because the verse says, It is most holy as the sin-offering and as the guilt-offering;⁷ that is to say, if [the priest] comes to perform the service with his hand⁸ he must do so with his right hand as the sin-offering,⁹ and if he comes to perform it in a vessel he must do so with his left hand as the guilt-offering!¹⁰ — It is only necessary with regard to the handful of the sinner's meal-offering; for I might have said that, since R. Simeon has expressed the view that his [the sinner's] offering shall not be sumptuous,¹¹ then even if the handful were taken out with the left hand it should be valid, we are therefore taught [by Raba's analogy that it must nevertheless be performed with the right hand].

IF ON TAKING THE HANDFUL THERE CAME INTO HIS HAND A SMALL STONE OR A GRAIN OF SALT

- (1) Namely that it shall be performed with the right hand; v. supra p. 56.
- (2) The term 'priest' is used in connection with the taking 'of the handful, and this alone, according to the view of the Rabbis as stated by Raba, indicates that the service must be performed with the right hand.
- (3) Raba's analogy is required to teach that the hallowing of the handful, i.e., putting it into a vessel of ministry, must also be performed with the right hand.
- (4) But that the handful taken out by the Priest may be carried directly to the altar and burnt thereon. V. infra 26a.
- (5) Since R. Simeon does not accept the view that the term 'priest' by itself signifies the use of the right hand. V. supra p. 58.
- (6) That the offering is valid even though the handful was not hallowed in a vessel of ministry.
- (7) Lev. VI, 10, with reference to the meal-offering.
- (8) I.e., he does not put the handful into a vessel of ministry, but places it on the altar directly from his hand.
- (9) The sprinkling of the sin-offering — which corresponds to the burning of the handful of the meal-offering — must be performed with the right hand, since in connection therewith both the expressions 'priest' and 'finger' are employed.
- (10) Sc. the guilt-offering of the leper with regard to which the left hand is expressly required. It is evident, however, from this teaching of R. Judah that any service that is performed with the hand, as the taking of the handful from the meal-offering, must be performed with the right hand; hence Raba's analogy is unnecessary.
- (11) And therefore it must be offered without oil and frankincense; v. supra 6b.

Talmud - Mas. Menachoth 11a

OR A DROP OF FRANKINCENSE IT IS INVALID. Why are all these mentioned? — They are all necessary; for had [the Mishnah] only stated a small stone, [I should have said that it is invalid] because it is something that cannot be offered [upon the altar], but as for salt, since it is offered.¹ I would say that it does not render [the handful] invalid. And had the Mishnah stated salt only, [I should have said that it was invalid] because it is not prescribed to be brought with the meal-offering in the beginning, but as for frankincense, since it is prescribed to be brought with the meal-offering in the beginning, I would say that it does not render [the handful] invalid. We are therefore taught them all.

FOR THEY HAVE RULED: IF THE HANDFUL WAS TOO MUCH OR TOO LITTLE IT IS INVALID. Why is the reason given because it is too much or too little? Surely [it is invalid] because of the interposition?² — R. Jeremiah answered. It might have been at one side.³ Abaye asked Raba, How is the handful taken? — He replied, As people usually take a handful.⁴ He then raised the following objection against him: It was taught:⁵ This one⁶ is [for measuring] the span,⁷ this one⁸ [for taking] the handful,⁹ this one¹⁰ [for measuring] the cubit,¹¹ this one¹² is the finger,¹³ and this one¹⁴ the thumb!¹⁵ — It is used only in order to smooth the edge.¹⁶ How then was it done? — R. Zutra b. Tobiah said in the name of Rab, He bends his three fingers until he reaches the palm of his hand and then takes the handful. [A Baraitha] has been taught to this effect: It is written, And he shall take out a full handful.¹⁷ Now one might suppose that it should be overflowing, another verse therefore says, In his handful.¹⁸ But from the verse, In his handful, one might suppose that it may be taken with the finger tips, it is therefore written, A full handful. How is it then to be? He should bend his three fingers over on to the palm of his hand and thus take the handful. In the case of a meal-offering prepared on a griddle or in a pan.¹⁹ he must level it with his thumb on top and with his little finger below. And this was the most difficult service in the Temple. This, and none other? Was there not the nipping?²⁰ and the taking of 'both hands full'?²¹ — Render: And this was one of the most difficult services in the Temple.

R. Papa said, I have no doubt at all that the expression 'a full handful' means in the manner in which people usually take a handful.²² But, asked R. Papa, what if he took out the handful with his fingertips,²³ or with the side [of his hand],²⁴ or [if he took it] from below upwards?²⁵ These questions remain undecided.

R. Papa said, I have no doubt at all that the expression 'his hands full'²⁶ means in the manner in which people usually fill the hands.²⁷ But, asked R. Papa, what if he filled his hands with his finger tips, or with the sides,²⁸ or if he filled each hand separately and brought them together? — These questions remain undecided.

R. Papa raised the question: What if he stuck the handful to the side of the vessel?²⁹ Must it be put inside the vessel, which is the case here; or must it be put down inside the vessel, which is not the case here? — This remains undecided.

Mar b. R. Ashi raised the following question: What if he turned the vessel upside down and put down the handful on the bottom of the vessel?³⁰ Must it be put inside the vessel, which is the case here; or must it be put down in a normal manner,³¹ which is not the case here? — This remains undecided.

MISHNAH. HOW SHOULD HE DO IT? HE SHOULD STRETCH OUT HIS FINGERS ON TO THE PALM OF HIS HAND. IF HE PUT IN TOO MUCH OF ITS OIL OR TOO LITTLE OF ITS OIL.³² OR TOO LITTLE OF ITS FRANKINCENSE,³³ THE OFFERING IS INVALID.

GEMARA. What is meant by TOO MUCH OF ITS OIL? R. Eleazar said, If, for example, one set apart for it two logs of oil.³⁴ And why did he not suggest that ordinary [unconsecrated] oil or oil from another [meal-offering] was added to it? Should you, however, retort that [the addition of] ordinary [unconsecrated] oil or oil from another [meal-offering] would not render the offering invalid, then there is the objection (raised by R. Zutra b. Tobiah):³⁵ How can the ruling, that the sinner's meal-offering

Another interpretation is: he filled his hands with incense taken from the side of the vessel and not from the middle. is rendered invalid by the addition of oil,³⁶ ever be applied? If [you say that oil was especially set aside] for it — but it does not require any,³⁷ and if [you say that] ordinary [unconsecrated] oil or oil from another [meal-offering] was added to it — but you have now said that this would not render the offering invalid? And R. Eleazar [what does he say to this]?³⁸ — It is a case of 'it goes without saying'; thus, it goes without saying that the offering is rendered invalid by the addition of ordinary [unconsecrated] oil or oil of another [meal-offering]; but in the case where a man set aside for it two logs of oil, since each [log separately] is suitable for the purpose. I would say that it is not invalid; he therefore teaches us [that it is invalid]. But whence does R. Eleazar know this? — Raba said, Our Mishnah presented a difficulty to him. Why does it use the expression. IF HE PUT IN TOO MUCH OF ITS OIL? It should have stated, 'If he put in too much oil for it'. But it teaches us³⁹ that [it is invalid] even though he set aside for it two logs of oil.

IF HE PUT IN TOO LITTLE OF ITS FRANKINCENSE. Our Rabbis taught: If the frankincense had diminished until there remained one grain only, the offering is invalid; if there remained two grains, it is valid. So R. Judah. R. Simeon says. If there remained one grain, it is valid; if less than that it is invalid.

(1) For after the handful was placed upon the altar salt was sprinkled over it.

(2) When there is a stone or some other substance included in the handful it interposes or separates between the flour and the fingers, and this renders it invalid. And even where the stone happens to lie in the middle of the flour and does not touch the fingers it is also invalid for it interposes between the flour and divides it into two!

(3) The stone might have been at the end of the handful i.e., near the thumb or the little finger, so that there is no question of interposition, but it is invalid only because the handful is too little, since there is lacking flour to the extent of the volume of the stone.

(4) Using all the fingers of the hand, even the little finger.

(5) V. Keth. 5b.

- (6) The little finger.
- (7) I.e., the distance from the tip of the little finger to the tip of the thumb of a spread hand. The span was the measure of the breastplate of the High Priest; v. Ex. XXVIII, 16.
- (8) The finger next to the little one.
- (9) This finger was the limit on the one end of the handful, the thumb limiting it at the other end; so that the little finger was not used in taking the handful, contra Raba.
- (10) The middle finger.
- (11) I.e., the distance from the tip of the middle finger to the point of the elbow.
- (12) The fourth from the little finger.
- (13) Which is used in the priestly service, as when the priest dips his finger in the blood for the sprinkling.
- (14) The fifth from the little finger.
- (15) Which was the subject of special rites in the purification ceremony of the leper.
- (16) The little finger was to be employed only to smooth level the side of the handful so that none of the flour should appear to be bursting out; this levelling was also performed at the other end by the thumb. It is clear, however, that the actual handful was made up by bending the middle three fingers over the palm. In cur. edd. there appears here in the text an explanatory gloss which is not found in any MS., it is struck out by Sh. Mek.
- (17) Lev. II, 2.
- (18) Ibid. VI, 8: the meaning of this expression being that the flour shall be entirely within the handful, so that none should burst out at the ends or between the fingers.
- (19) These meal-offerings were first baked into cakes, the cakes broken into pieces, and then the priest took out a handful. They were not, however, broken fine, and therefore when the handful was taken, particles of the cakes would be protruding on all sides; the thumb and little finger were then brought into operation so as to smooth the sides-an awkward and difficult manipulation.
- (20) Nipping off the head of a bird-offering. (v. Lev. I, 15) was an act which required considerable skill; cf. Zeb. 64b.
- (21) V. ibid. XVI, 12, where it is stated that the High Priest on the Day of Atonement took both hands full of incense and offered it in the Holy of Holies. The circumstances in which he took these were such as to render the taking a very difficult task. V. Yoma 49b.
- (22) I.e., by inserting the side of the hand, held at an angle, into the flour and scooping up a handful.
- (23) With the palm of his hand facing downwards he inserted his finger-tips and scooped up the flour little by little into the palm of his hand.
- (24) By laying his hand, palm upwards, upon the surface of the flour and moving it to and fro he gradually scooped up a handful. Another interpretation is: he took the handful from the flour at the side of the vessel and not from the middle.
- (25) He cupped his hand and pressed it, palm upwards, into the flour and thus took out a handful.
- (26) Ibid. XVI, 12. V. supra n. 3.
- (27) I.e., by cupping the hands, inserting them into the heap, drawing them towards each other, and taking out two hands full.
- (28) By laying the hands flat, palms upwards, on the incense and heaping up the incense on them via the space between the thumb and the first finger.
- (29) When putting back the handful to be hallowed in a vessel of ministry, the priest did not put it down in the bottom of the vessel but stuck it on the side of the vessel.
- (30) The vessel was overturned and the handful was put down on the now concave base of the vessel.
- (31) Lit, 'in its ordered manner'.
- (32) The amount of oil prescribed is one log (v. Glos.) for each tenth part of an ephah of flour.
- (33) The prescribed amount of frankincense is one handful; v. infra 106b.
- (34) And the oil was then mixed with the flour, so that to all appearances there are here two meal-offerings.
- (35) The bracketed words are deleted by Sh. Mek.
- (36) The sinner's meal-offering was to be without oil (v. Lev. V, 11); if any oil was put into it it is invalid, v. infra 59b.
- (37) And therefore what was set aside for it does not become consecrated.
- (38) Why then did he not suggest an addition of ordinary unconsecrated oil?
- (39) The expression 'TOO MUCH OF ITS OIL' implies that a large quantity had been set aside for this meal-offering at the very beginning.

Talmud - Mas. Menachoth 11b

But have we not been taught [in another Baraitha]:¹ If the handful of frankincense had diminished, no matter how little, it is invalid?² — Render: If the [last] grain of frankincense had diminished, no matter how little, it is invalid. Alternatively I may say. One³ [Baraitha] refers to the frankincense that was offered together with the meal-offering,⁴ and the other to a separate offering of frankincense.⁵

R. Isaac b. Joseph said in the name of R. Johanan. In this matter there are three different views: R. Meir⁶ holds that there must be a handful [of frankincense] at the outset⁷ and also a handful in the end; R. Judah holds, a handful at the outset and two grains in the end; R. Simeon holds, a handful at the outset and one grain in the end. All these three [Rabbis] derived their opinions from the same verse, vis., And all the frankincense which is upon the meal-offering.⁸ R. Meir is of the opinion that [the offering is invalid] unless there is present now all the frankincense that was prescribed to be offered with the meal-offering at the outset. R. Judah maintains that the expression ‘all’⁹ implies even one grain, and the particle ‘eth’¹⁰ adds to it another grain. R. Simeon, however, does not interpret the particle ‘eth’.¹¹

R. Isaac b. Joseph also said in the name of R. Johanan. They¹² differ only with regard to the frankincense that is offered together with the meal-offering, but with regard to frankincense that is offered by itself, all agree that there must be a handful at the outset and a handful in the end. Therefore the words ‘which is upon the meal-offering’ are expressly stated to indicate that this is so¹³ only [with regard to the frankincense] that is offered with the meal-offering, but not with regard to that offered by itself. R. Isaac b. Joseph further said in the name of R. Johanan, They¹² differ only with regard to the frankincense that is offered together with the meal-offering, but as for the frankincense offered in the dishes,¹⁴ all agree that there must be two handfuls at the outset and two handfuls in the end.¹⁵ Surely this is obvious!¹⁶ — You might have thought that since [the frankincense in the two dishes] is brought together with the Shewbread it is in the same category as that which is offered with a meal-offering; we are therefore taught [that it is not so].

This, however, is a matter of dispute between R. Ammi and R. Isaac Nappaha. One says, They¹⁷ differ only with regard to the frankincense that is offered together with the meal-offering, but with regard to the frankincense offered by itself, all agree that there must be a handful at the outset and a handful in the end. The other says, Just as they differ in the former case so they differ in the latter case too.

IF HE PUT IN TOO LITTLE OF ITS FRANKINCENSE THE OFFERING IS INVALID. It follows, however, that if he put in too much, it is valid; but we have been taught. If he put in too much it is invalid? — Rami b. Hama answered, That was a case where he set apart two handfuls.¹⁸

Rami b. Hama also said, If a man set apart two handfuls [of frankincense], and one of them was lost before the taking of the handful [of flour, the offering is valid, for] they had not yet been appointed [for this meal-offering]; if [one was lost] after the taking of the handful, [the offering is invalid, for] they had already been appointed [for this meal-offering].¹⁹

Rami b. Hama also said, If he set apart four handfuls [of frankincense] for the two dishes, and two of them were lost before the taking away of the dishes,²⁰ [it is valid, for] they had not yet been appointed [for the Shewbread]; if [two were lost] after the taking away of the dishes, [it is invalid, for] they had already been appointed [for the Shewbread]. Wherefore was this case necessary? It is the same as the other! — You might have thought that, since in this case the handful is separate.²¹ as soon as the time for its removal has arrived it is regarded as already removed;²² we are therefore taught otherwise.

MISHNAH. IF HE TOOK THE HANDFUL²³ FROM THE MEAL-OFFERING [INTENDING] TO EAT THE REMAINDER OUTSIDE [THE TEMPLE COURT] OR AN OLIVE'S BULK OF THE REMAINDER OUTSIDE, OR TO BURN²⁴ THE HANDFUL OUTSIDE OR AN OLIVE'S BULK OF THE HANDFUL OUTSIDE, OR TO BURN ITS FRANKINCENSE OUTSIDE, THE OFFERING IS INVALID, BUT THE PENALTY OF KARETH²⁵ IS NOT INCURRED.²⁶ [IF HE INTENDED] TO EAT THE REMAINDER ON THE MORROW²⁷ OR AN OLIVE'S BULK OF THE REMAINDER ON THE MORROW, OR TO BURN THE HANDFUL ON THE MORROW OR AN OLIVE'S BULK OF THE HANDFUL ON THE MORROW, OR TO BURN ITS FRANKINCENSE ON THE MORROW,

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- (1) The words 'R. Simeon says' are deleted by all commentators on the strength of Rashi's remark: 'I believe that R. Simeon is the author of the statement'.
- (2) There is here a contradiction between the views of R. Simeon, for the view expressed in the second Baraitha is also that of R. Simeon.
- (3) The first quoted Baraitha which contains the dispute between R. Judah and R. Simeon.
- (4) In which case the offering is valid as long as there remained one grain of frankincense.
- (5) In which case there must be nothing less than a handful at all times.
- (6) The anonymous author of our Mishnah.
- (7) I.e., at the time of the taking of the handful of flour there must be in the vessel a handful of frankincense. This is admitted by all authorities; v. infra 106b.
- (8) Lev. VI. 8, Heb. **וְאֵת כֹּל**.
- (9) The expression **כֹּל** 'all' is interpreted here, by R. Judah and R. Simeon, in the same sense as the Rabbinic **כֹּל שֶׁהוּא** 'anything', 'aughtsoever'.
- (10) **אֵת**. Hence there must be left at least two grains.
- (11) As having any particular significance apart from its grammatical use.
- (12) R. Meir, R. Judah and R. Simeon.
- (13) That a diminution of the frankincense does not invalidate the offering according to R. Judah and R. Simeon.
- (14) V. infra 106b.
- (15) I.e., there must be a handful of frankincense in each dish from the time that they are set upon the table up to the time they are removed to be burnt.
- (16) Since there is here no Biblical term or expression, like **כֹּל**, to indicate that a diminution of the prescribed quantity is allowed.
- (17) R. Meir, R. Judah and R. Simeon.
- (18) Which is an excessive amount and therefore invalid; anything more than one handful but less than two would be valid. According to another interpretation, it is valid where two handfuls were set apart, for each handful can serve separately for the purpose.
- (19) And the amount of frankincense was excessive. Or it is invalid, according to the aforementioned view of R. Meir, because there is a diminution of the frankincense appointed for the offering.
- (20) I.e., of frankincense which had remained on the table the past week and which were removed on the Sabbath and burnt upon the altar.
- (21) For it is contained in dishes and stands apart from the rest of the offering.
- (22) So that as soon as the time for the removal of the dishes of frankincense of the past week has come about (which is immediately after the offering of the Sabbath additional sacrifice), the frankincense that has been set apart may be regarded as already appointed for their purpose; and therefore it is invalid if thereafter a part of it was lost.
- (23) The rule here stated applies equally well to each of the four main services of the meal-offering-taking out the handful, putting it into a vessel, bringing it nigh to the altar, and burning it.
- (24) The wrongful intention must be in respect of those parts of the offering that are usually eaten, but the term 'eat' includes also what is 'eaten' by the altar, i.e., burnt thereon, in this case the handful and the frankincense. This is derived from the fact that in Lev. VII, 18 there is a duplicated expression for eating, **הֵאכַל יֵאכַל**, thus referring to two kinds of eating.
- (25) V. Glos.
- (26) If a priest actually, ate the remainder or actually burnt the handful or the frankincense outside the Temple court.

(27) Which is 'outside the proper time', for a meal-offering must be eaten the same day and evening until midnight.

Talmud - Mas. Menachoth 12a

THE OFFERING IS PIGGUL,¹ AND THE PENALTY OF KARETH IS INCURRED. THIS IS THE GENERAL RULE: IF ONE TOOK THE HANDFUL OR PUT IT INTO THE VESSEL OR BROUGHT IT NIGH OR BURNT IT, [INTENDING] TO EAT A THING THAT IS USUAL TO EAT OR TO BURN A THING THAT IS USUAL TO BURN, OUTSIDE ITS PROPER PLACE, THE OFFERING IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED; BUT IF [HE INTENDED THE LIKE] OUTSIDE ITS PROPER TIME, THE OFFERING IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED; PROVIDED THAT THE MATTIR² WAS OFFERED ACCORDING TO ITS PRESCRIBED RITE.³ HOW IS THE MATTIR OFFERED ACCORDING TO ITS PRESCRIBED RITE? IF HE TOOK OUT THE HANDFUL IN SILENCE, BUT PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT [INTENDING AT EACH SERVICE TO EAT THE REMAINDER] OUTSIDE ITS PROPER TIME; OR IF HE TOOK OUT THE HANDFUL [INTENDING TO EAT THE REMAINDER] OUTSIDE ITS PROPER TIME, BUT PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT IN SILENCE; OR IF HE TOOK OUT THE HANDFUL AND PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT [INTENDING AT EACH SERVICE TO EAT THE REMAINDER] OUTSIDE ITS PROPER TIME — SUCH IS A CASE WHERE THE MATTIR IS OFFERED ACCORDING TO ITS PRESCRIBED RITE.⁴ HOW IS THE MATTIR OFFERED NOT ACCORDING TO ITS PRESCRIBED RITE? IF HE TOOK OUT THE HANDFUL [INTENDING TO EAT THE REMAINDER] OUTSIDE ITS PROPER PLACE, AND PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT [INTENDING AT EACH SERVICE TO EAT THE REMAINDER] OUTSIDE ITS PROPER TIME; OR IF HE TOOK OUT THE HANDFUL [INTENDING TO EAT THE REMAINDER] OUTSIDE ITS PROPER TIME, AND HE PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT [INTENDING AT EACH SERVICE TO EAT THE REMAINDER] OUTSIDE ITS PROPER PLACE; OR IF HE TOOK OUT THE HANDFUL AND PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT [INTENDING AT THESE SERVICES TO EAT THE REMAINDER] OUTSIDE ITS PROPER PLACE⁵ — (SUCH IS A CASE WHERE THE MATTIR IS OFFERED NOT ACCORDING TO ITS RITE).⁶ OR IF IT WAS A SINNER'S MEAL-OFFERING⁷ OR A MEAL-OFFERING OF JEALOUSY.⁷ AND HE TOOK THE HANDFUL THEREFROM UNDER ANY NAME OTHER THAN ITS OWN, AND PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT [INTENDING AT EACH SERVICE TO EAT THE REMAINDER] OUTSIDE ITS PROPER TIME; OR IF HE TOOK OUT THE HANDFUL [INTENDING TO EAT THE REMAINDER] OUTSIDE ITS PROPER TIME, AND PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT UNDER ANY NAME OTHER THAN ITS OWN; OR IF HE TOOK OUT THE HANDFUL AND PUT IT INTO THE VESSEL AND BROUGHT IT NIGH AND BURNT IT UNDER ANY NAME OTHER THAN ITS OWN — SUCH IS A CASE WHERE THE MATTIR IS OFFERED NOT ACCORDING TO ITS PRESCRIBED RITE.

[IF HE INTENDED]⁸ TO EAT AN OLIVE'S BULK OF THE REMAINDER OUTSIDE ITS PROPER PLACE AND ANOTHER OLIVE'S BULK THEREOF ON THE MORROW, OR TO EAT AN OLIVE'S BULK THEREOF ON THE MORROW AND ANOTHER OLIVE'S BULK THEREOF OUTSIDE ITS PROPER PLACE, OR TO EAT A HALF-OLIVE'S BULK THEREOF OUTSIDE ITS PROPER PLACE AND A HALF-OLIVE'S BULK ON THE MORROW,⁹ OR TO EAT A HALF-OLIVE'S BULK THEREOF ON THE MORROW AND AN HALF-OLIVE'S BULK OUTSIDE ITS PROPER PLACE,⁹ THE OFFERING IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED. R. JUDAH SAID, THIS IS THE GENERAL RULE: IF THE INTENTION ABOUT THE TIME PRECEDED THE INTENTION ABOUT THE PLACE, THE OFFERING IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED; BUT IF THE

INTENTION ABOUT THE PLACE PRECEDED THE INTENTION ABOUT THE TIME, THE OFFERING IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED.¹⁰ BUT THE SAGES SAY, IN BOTH CASES THE OFFERING IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED.

GEMARA. The question was raised: According to him who holds that if the remainder of the meal-offering had diminished in the time between the taking of the handful and the burning thereof he may nevertheless burn the handful on account of it; and we had established that that remainder may not be eaten¹¹ — [the question arises], can the burning of the handful have any effect [upon this remainder] that it should become piggul,¹² and that it should no more be subject to the law of Sacrilege or not?¹³ — R. Huna said, Even according to R. Akiba who said that the sprinkling [of the blood] has an effect upon [the consecrated meat] that was taken out [of its prescribed bounds],¹⁴ that is so only with regard to what was taken out, since it is entirely here but has become invalid only through some extrinsic cause,¹⁵ but upon that which has diminished, which is an intrinsic defect, the burning surely can have no effect.¹⁶ Thereupon Raba said, On the contrary,¹⁷ even according to R. Eliezer who said that the sprinkling of the blood has no effect upon what was taken out, that is so only with regard to what was taken out, since it is no longer inside [the Sanctuary], but upon that which has diminished, since it is still inside [the Sanctuary], the burning surely can have an effect.

Raba said, How do [arrive at the above? Because we have learnt: IF HE TOOK THE HANDFUL FROM THE MEAL-OFFERING [INTENDING] TO EAT THE REMAINDER OUTSIDE [THE TEMPLE COURT]. OR AN OLIVE'S BULK OF THE REMAINDER OUTSIDE; and R. Hiyya when learning this Mishnah quoted, 'IF HE TOOK THE HANDFUL FROM THE MEAL-OFFERING', etc., but he did not include in it OR AN OLIVE'S BULK. Now why did he not include OR AN OLIVE'S BULK? Surely [because he assumed the Mishnah to be dealing with] the case where the remainder had diminished until there was only an olive's bulk left;¹⁸ and since with regard to the services of putting the handful into a vessel, of bringing it nigh, and of burning it, [R. Hiyya] could not have stated

(1) Heb. פִּיגּוּל, lit., 'an abomination'. This term piggul which also involves the penalty of kareth (v. Glos.) applies only to a wrongful intention concerning the time of the eating of the offering, in contradistinction from the wrongful intention concerning the place which merely renders the sacrifice פָּסוּל 'invalid', but which does not involve the penalty of kareth.

(2) Heb. מִתִּיר; lit., 'that which renders permissible'. This refers to the handful of flour and the frankincense of a meal-offering which, on being burnt, render the remainder permissible to be eaten. It also refers to the blood of an animal-offering which, on being sprinkled upon the altar, renders the meat thereof permissible to be eaten.

(3) I.e., there was no other imperfection or fault in the course of the services of the offering save the wrongful intention of 'out of time'. If, however, there was some other fault during the course of the services, either before or after the wrongful intention of 'out of time', the offering is not piggul but merely invalid, and the penalty of kareth is not incurred by them that eat thereof. The Mishnah now proceeds to exemplify the two rules stated.

(4) For the only defect in this offering was the 'out of time' intention, even though it was expressed during the other services too.

(5) During one of these services, however, the intention was expressed of eating the remainder outside its proper time; thus in this offering there were two defects: the 'out of time' intention and the 'out of place' intention.

(6) This sentence is struck out by Sh. Mek., and it is not found in MS.M. and other MSS.

(7) These meal-offerings can also be rendered invalid by a wrongful intention concerning the nature of the offering. i.e., by treating the offering as if it were something else. V. supra 2a.

(8) During one service two wrongful intentions as exemplified in the Mishnah; and it is immaterial which intention was expressed first. This is in contradistinction from the foregoing cases of the Mishnah where two wrongful intentions were expressed during two services.

(9) In this case the two half-olive's bulks are reckoned together so as to invalidate the offering.

(10) This rule of R. Judah applies to two wrongful intentions expressed during two services as well as during one

service.

(11) V. supra 9a and b.

(12) I.e., if while burning the handful the priest expressed the intention of eating this remainder (which in fact may not be eaten since it was found to be lacking) outside its proper time. This case may be put in the same category as where a wrongful intention was expressed concerning 'a thing that it is not usual to eat', which according to our Mishnah is not included in the law of piggul. On the other hand, since the burning of the handful is carried out according to law, it is in no wise different from the burning in any other meal-offering, and it can render the offering piggul.

(13) The general rule is that after the burning of the handful the remainder of the meal-offering is not subject to the law of Sacrilege since it is now permitted to the priests (Me'il I, 1); and therefore if a layman were to derive any enjoyment whatsoever from the remainder, he would not be liable to bring a guilt-offering for Sacrilege. In this case, however, since even after the burning of the handful, the priests are not permitted to eat the remainder, it might rightly be said that the law of Sacrilege still applies.

(14) It is also established law that after the sprinkling of the blood of the animal-offering the consecrated meat is no more subject to the law of Sacrilege, since it may now be eaten by the priests. This rule, according to R. Akiba, applies even to what was taken out of its bounds and which consequently may not be eaten; v. Me'il. 7a.

(15) By being taken out of its prescribed bounds; nothing however of the meat was lacking.

(16) It is therefore still subject to the law of Sacrilege.

(17) Raba is of the opinion that consecrated matter that was taken out of the Temple is a more serious matter than if it had diminished.

(18) This of course can be the case with the other services but not with the service of the taking of the handful, for if at the time of taking the handful the meal-offering had diminished it is invalid, and can in no wise be affected by any wrongful intention.

Talmud - Mas. Menachoth 12b

'or an olive's bulk',¹ he therefore did not state 'or an olive's bulk' even with regard to the service of taking out the handful. Nevertheless, he states in the later clause, **THE OFFERING IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED**; hence, it is evident, that the burning [of the handful] has an effect [upon the diminished remainder]! Said to him Abaye. It is not so,² but the author is R. Eleazar; for we have learnt: If a man offered outside [the Temple court] an olive's bulk of the handful,³ or of the frankincense,³ or of the incense-offering,⁴ or of the meal-offering of the priests,⁵ or of the meal-offering of the anointed [High] Priest, or of the meal-offering offered with the drink-offerings, he is liable;⁶ but R. Eleazar declares him exempt unless he offered the whole thereof. Since therefore the expression 'or an olive's bulk' cannot be stated in connection with the [burning of the] handful, this same expression 'or an olive's bulk' is not stated in connection with the remainder.⁷ But if it is R. Eleazar, why is it stated⁸ '[Intending] to burn the handful'? It should state, '[Intending] to burn the handful and the frankincense'! For we have learnt:⁹ If a man offered either the handful or the frankincense outside [the Temple court], he is liable; but R. Eleazar declares him exempt unless he offered both! — It refers to the handful of the sinner's meal-offering.¹⁰ And did the Tanna trouble to teach us the case concerning the handful of the sinner's meal-offering? — He did. And likewise when R. Dimi came [from Palestine] he reported in the name of R. Eleazar that it referred only to the handful of the sinner's meal-offering, and it was in accordance with R. Eleazar's view.

Later Raba said, What I said before was wrong. For it has been taught: The expression It is¹¹ implies that if one of the loaves was broken all are invalid. It follows however, that if one was taken out of the Sanctuary¹² those that are inside are valid. Now whom have you heard say that the sprinkling [of the blood] has an effect upon what was taken out?¹³ [Obviously] it is R. Akiba, and yet it states that if one of the loaves was broken they are not [valid].¹⁴ Thereupon Abaye said to him, Does [the Baraitha] expressly state 'But if one was taken out [the others are valid]'? Perhaps the correct inference is: If one became unclean the others are valid, and that is because the [High Priest's] plate¹⁵ renders it acceptable, whereas if one was taken out the others would not [be valid],¹⁶

for the teaching is in accordance with R. Eleazar's view who maintains that the sprinkling of the blood has no effect upon what was taken out. And by right the Tanna [of the Baraita] should have also stated the case where one [of the loaves] was taken out, but he only stated the case where one was broken to teach us that, even though it is still inside [the Sanctuary], the 'burning' has no effect upon it. According to R. Akiba, however, who said that the sprinkling of the blood has an effect upon what was taken out, the 'burning' likewise will have an effect upon that which had diminished.¹⁷

MISHNAH. [IF HE INTENDED] TO EAT A HALF-OLIVE'S BULK AND TO BURN A HALF-OLIVE'S BULK,¹⁸ THE OFFERING IS VALID, FOR EATING AND BURNING CANNOT BE RECKONED TOGETHER.

GEMARA. Now the reason [why they cannot be reckoned together] is that [there was an intention] to eat and to burn, but it follows that where [there was the intention] to eat [what it is usual to eat] and also to eat what it is not usual to eat, they can be reckoned together;¹⁹ but it has been stated earlier [in the Mishnah]: '[Intending] to eat a thing that it is usual to eat or to burn a thing that it is usual to burn'. Hence [a wrongful intention to eat] is of consequence only in respect of a thing that it is usual to eat, but not in respect of a thing that it is not usual to eat!²⁰ — Said R. Jeremiah: The author [of our Mishnah] is R. Eliezer, who maintains that a wrongful intention to consume upon the altar what is usually eaten by man, or to eat what is usually consumed upon the altar is of consequence.²¹ For we have learnt: If he took out the handful from the meal-offering [intending] to eat a thing that it is not usual to eat or to burn a thing that it is not usual to burn, the offering is valid; but R. Eliezer declares it to be invalid. Abaye said, You may even say that [this Mishnah] is in accordance with the view of the Rabbis, but you must not infer from it that where [there was the intention] to eat [a half-olive's bulk of what it is usual to eat] and to eat [the same of] what it is not usual to eat [they can be reckoned together], but rather infer this, that where the intention was to eat [a half-olive's bulk] and also to eat [the same of] a thing that it is usual to eat [they can be reckoned together].²² What does it teach us?²³ We have expressly learnt this case in the earlier [Mishnah]: If he intended to eat an olive's bulk [of the remainder] outside its proper place and another olive's bulk thereof on the morrow, or to eat an olive's bulk thereof on the morrow and another olive's bulk thereof outside its proper place, or to eat a half-olive's bulk thereof outside its proper place and another half-olive's bulk thereof on the morrow, or to eat a half-olive's bulk thereof on the morrow and another half-olive's bulk thereof outside its proper place, the offering is invalid, but the penalty of kareth is not incurred.

(1) For once it is assumed as a fact that after the taking out of the handful the remainder had diminished until there was only an olive's bulk left, then it is absurd to state 'if he put the handful into a vessel (or brought it nigh, or burnt it) intending to eat the remainder or an olive's bulk of the remainder outside its proper time . . .' for the two, the remainder and the olive's bulk, are identical. This being so, R. Hiyya for the sake of consistency omitted the expression 'or an olive's bulk' even in the case of the taking of the handful where this expression is indeed meaningful. The condition of the text both in the Gemara and in Rashi is very doubtful and at present most unsatisfactory. The translation is based on the interpretation of R. Meir and his son Rashbam, given in cur. edd. at the end of Chapter I, infra 13a.

(2) The reason why R. Hiyya omits 'or an olive's bulk' was not as suggested above by Raba, but because R. Hiyya stated the teaching in accordance with the view of R. Eleazar, v. Zeb. 109b.

(3) Of an ordinary meal-offering.

(4) Which was offered daily in the Temple, morning and evening.

(5) Every meal-offering of the priest was to be wholly burnt. So too was the meal-offering of the High Priest which he was to bring daily, known as **חביתֵי כהן גדול**. Likewise, the meal-offerings that were offered with the drink-offerings that accompanied most sacrifices (v. Num XV, 4ff) were wholly burnt.

(6) To the penalty of kareth; v. Lev. XVII, 8, 9.

(7) Hence, according to R. Eleazar, to burn only an olive's bulk of the handful is no 'burning', and an intention to do so outside its proper time expressed during another service (say, during the taking out of the handful) would not render the

offering piggul. Accordingly one must omit the expression 'or an olive's bulk' from the first clause, which deals with a wrongful intention in connection with the burning of the handful, and for the sake of consistency the expression was omitted by R. Hiyya throughout.

(8) In the Mishnah as taught by R. Hiyya.

(9) Zeb. 110a.

(10) I.e., the Mishnah taught by R. Hiyya on the authority of R. Eleazar refers specifically to the sinner's meal-offering in which there was no frankincense at all, so that the 'burning' consists only of the burning of the handful.

(11) Lev. XXIV, 9: For it is most holy unto him; with reference to the Shewbread.

(12) In all MSS. the following is added here in the text: 'or if one was rendered unclean'. So also Sh. Mek.

(13) For here it is said that the burning of the frankincense of the Shewbread-offering — which corresponds to the sprinkling of the blood of an animal-offering — has an effect upon what was taken out, insofar as the number of the loaves is considered complete, the result being that those loaves which remained inside are now permitted to be eaten.

(14) Hence, although the burning can have an effect upon what was taken out, it is admitted, even according to R. Akiba, that it can have no effect upon that which had diminished, and if one loaf was broken all are invalid, Raba thus agrees with R. Huna, and retracts his former view,

(15) Heb, **יָיָצ**: the High Priest's plate of pure gold worn on the forehead which had the power of propitiation (v. Ex. XXVIII, 36ff); i.e., it secured the Divine acceptance of the sacrifice even though the flesh or the blood or any other part thereof had become unclean.

(16) For the burning of the frankincense must be on behalf of the whole Shewbread, i.e., twelve loaves, and here there is not this number.

(17) Thus contrary to R. Huna's view.

(18) Each either outside the proper time or outside the proper place.

(19) E.g., if while taking the handful he intended to eat a half-olive's bulk of the remainder outside the Sanctuary and also to eat outside a half-olive's bulk of the handful (which is to be burnt and not eaten), these two intentions would be reckoned as one in respect of an olive's bulk and the offering would be invalid.

(20) Such an intention even in respect of a whole olive's bulk is of no consequence whatsoever; so that there can then be no question at all of reckoning this intention together with another in order to render the offering invalid.

(21) The handful is a thing that it is usual to burn upon the altar, and the remainder is a thing that it is usual to eat. Hence, according to R. Eliezer (v. infra 17a), a wrongful intention made in respect of a thing that it is not usual to eat or to burn renders the offering invalid and a fortiori if made partly in respect of a thing that it is usual to eat and partly in respect of a thing that it is not usual to eat.

(22) The one to be eaten outside its proper place and the other on the morrow. Our Mishnah, by inference, teaches that these intentions combine and the offering is invalid.

(23) From this point until the end of the chapter the text is very doubtful and in many parts obviously corrupt; as is indeed evident from the many bracketed lines and words. In fact the entire passage seems to have been taken over bodily from Zeb. 31b, and altered in parts so as to suit the context in our tractate; hence the confusion. V. Tosaf. s.v. **סִסִּס**. The translation given is based entirely upon Rashi and upon the text that was apparently before him. V. also D.S. on this passage.

Talmud - Mas. Menachoth 13a

What further does our Mishnah teach us? If it suggests the inference that where there was the intention to eat [a half-olive's bulk of what it is usual to eat] and also to eat [a half-olive's bulk] of what it is not usual to eat they can be reckoned together — but you already know from the first clause;¹ and if [it teaches] that where there was the intention to eat and burn [a half-olive's bulk they cannot be reckoned together] — but you surely know this by inference from the preceding Mishnah: for if the intentions to eat [what it is usual to eat] and to eat what it is not usual to eat, cannot be reckoned together, is it then necessary to state that the intentions to eat and to burn [cannot be reckoned together]?² — Yes, it is necessary to state that the intentions to eat and to burn [cannot be reckoned together]; for you might have thought that only in that case³ [the intentions cannot be reckoned together], for there is an intention there with regard to what is not proper.⁴ but here,⁵ since each intention relates to what is proper in each case, I might say that they should be reckoned

together; — we are therefore taught [that they cannot be reckoned together].

CHAPTER II

MISHNAH. IF HE TOOK OUT THE HANDFUL [INTENDING] TO EAT THE REMAINDER OR TO BURN THE HANDFUL ON THE MORROW, IN THIS CASE R. JOSE AGREES THAT THE OFFERING IS PIGGUL⁶ AND THAT THE PENALTY OF KARETH⁶ IS INCURRED ON ACCOUNT THEREOF.⁷ [IF HE INTENDED] TO BURN THE FRANKINCENSE THEREOF ON THE MORROW, R. JOSE SAYS, IT IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED ON ACCOUNT THEREOF; BUT THE SAGES SAY, IT IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED ON ACCOUNT THEREOF. THEY SAID TO HIM, HOW DOES THIS DIFFER FROM AN ANIMAL-OFFERING?⁸ HE SAID TO THEM, WITH THE ANIMAL-OFFERING THE BLOOD, THE FLESH AND THE SACRIFICIAL PORTIONS ARE ALL ONE;⁹ BUT THE FRANKINCENSE IS NOT OF THE MEAL-OFFERING.

GEMARA. Why does the Mishnah state, IN THIS CASE R. JOSE AGREES? — Because the Tanna wished to state the next clause: [IF HE INTENDED] TO BURN THE FRANKINCENSE THEREOF ON THE MORROW, R. JOSE SAYS, IT IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED ON ACCOUNT THEREOF. Now you might have thought that the reason for R. Jose's opinion [in the last clause] was that a wrongful intention in respect of half the mattir does not render piggul¹⁰ and that consequently [R. Jose] differs even in the first clause.

(1) I.e., from the preceding Mishnah that these two intentions cannot combine; v. supra 12a.

(2) For if two 'eatings' cannot combine, surely 'eating' and 'burning' cannot!

(3) Where the intention was to eat outside the Sanctuary a half-olive's bulk of the remainder and a half-olive's bulk of the handful.

(4) I.e., to eat a thing that it is not usual to eat, sc. the handful.

(5) In our Mishnah where the intention is to eat of the remainder outside and to burn of the handful outside, each action being the proper practice.

(6) V. Glos.

(7) Should one eat it.

(8) For if one slaughtered an animal-offering intending to burn the sacrificial portions on the morrow the offering is certainly piggul. The same surely should be the case with the meal-offering, for the frankincense corresponds to the sacrificial portions of the animal-offering.

(9) Explained in the Gemara.

(10) The mattir (Heb. **מתיר** lit., 'that which renders permissible') of the meal-offering is the handful and the frankincense, for only after the burning of those two upon the altar is the remainder of the meal-offering rendered permitted to be eaten. It is now suggested that the reason for R. Jose's view in the second clause of our Mishnah is that a wrongful intention expressed during a service in respect of the frankincense, which is only half the mattir, is of no consequence. According to this principle, R. Jose should also hold in the first clause of our Mishnah that the offering is not piggul, since the wrongful intention was only in respect of the burning of the handful which is also only half the mattir.

Talmud - Mas. Menachoth 13b

We are therefore taught [that there he agrees].¹

[IF HE INTENDED] TO BURN THE FRANKINCENSE THEREOF ON THE MORROW, R. JOSE SAYS, IT IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED. Resh Lakish said, R. Jose laid down the principle that a 'mattir cannot render piggul the other mattir.'² So, too, you may say of the two dishes of frankincense of the Shewbread, that one mattir cannot render piggul the other mattir.³ What is the point of 'So, too, you may say'?⁴ — You might have supposed

that R. Jose's reason in the case of the frankincense [in our Mishnah] was that it was not of the same substance as the meal-offering,⁵ but in the case of the two dishes of frankincense, since they each contain the same substance, you might have thought that one could render the other piggul; we are, therefore taught [that it is not so]. But how can you say that R. Jose's reason in the case of the frankincense is not 'that it is not of the same substance as the meal-offering'? Surely it is expressly so stated in the last clause: THEY SAID TO HIM, HOW DOES THIS DIFFER FROM AN ANIMAL-OFFERING? HE SAID TO THEM, WITH THE ANIMAL-OFFERING THE BLOOD, THE FLESH AND THE SACRIFICIAL PORTIONS ARE ALL ONE; BUT THE FRANKINCENSE IS NOT OF THE MEAL-OFFERING!⁶ — The expression 'IS NOT OF THE MEAL-OFFERING' means, it is not dependent upon the [handful of the] meal-offering: for it is not right to say, as the handful is indispensable to the remainder-for so long as the handful has not been burnt the remainder may not be eaten-so it is indispensable to the frankincense; but in fact if he wishes he may burn this first and if he wishes he may burn that first.⁷ And what do the Rabbis [say to this]? — [They hold that] we apply the principle, 'a mattir cannot render piggul another mattir', only to such a case as where [the mattirs] are not ordained to be in one vessel,⁸ but where they are ordained to be in one vessel⁹ they are regarded as one [mattir].

R. Jannai said, If a non-priest gathered up the frankincense,¹⁰ it is invalid. Why? — R. Jeremiah said, This touches upon the law of 'bringing nigh'.¹¹ He is of the opinion that 'bringing nigh' without even moving the feet is quite a proper act,¹² and [it is established that] if a non-priest brought it nigh, it is invalid.

R. Mari said, We have also learnt the same.¹³ This is the general rule: If one took the handful or put it into the vessel or brought it nigh or burnt it [etc.]. Now it is clear that the taking of the handful corresponds to the slaughtering [of the animal-offering],¹⁴ the bringing nigh [of the handful] to the bringing nigh [of the blood], the burning [of the handful] to the sprinkling [of the blood], but as to the putting [of the handful] into a vessel what [service] is he performing! Should you say that it corresponds to the receiving [of the blood], but surely there is no comparison between them, for there [the blood] comes in of itself [into the vessel], whereas here [the handful] is taken and put into the vessel. We must therefore say that, since it¹⁵ can in no wise be omitted, it is an important service, and perforce is regarded as corresponding to the receiving [of the blood]; here, too, since it¹⁶ can in no wise be omitted, it is an important service, and perforce is regarded as the 'bringing nigh'! — It is not so, for in fact it¹⁵ corresponds to the receiving of the blood; and as for your objection 'There it comes in of itself, whereas here it is taken and put into the vessel', I reply that, seeing that in both cases the subject is hallowed in a vessel, there can be no difference, surely, whether it comes into the vessel of itself or it is taken and put into the vessel!¹⁷

MISHNAH. IF HE SLAUGHTERED THE TWO LAMBS¹⁸ [INTENDING] TO EAT ONE OF THE [TWO] LOAVES ON THE MORROW, OR IF HE BURNT THE TWO DISHES [OF THE FRANKINCENSE INTENDING] TO EAT ONE OF THE [TWO] ROWS OF THE SHEWBREAD¹⁹ ON THE MORROW, R. JOSE SAYS, THAT LOAF OR THAT ROW ABOUT WHICH HE EXPRESSED THE INTENTION IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED ON ACCOUNT OF THEM, WHILE THE OTHER IS INVALID BUT THE PENALTY OF KARETH IS NOT INCURRED. BUT THE SAGES SAY, BOTH ARE PIGGUL AND THE PENALTY OF KARETH IS INCURRED ON ACCOUNT OF THEM.

GEMARA. R. Huna said, R. Jose maintains that if one expressed an intention which makes piggul in connection with the right thigh, the left thigh is not thereby rendered piggul.²⁰ What is the reason? You may say it is based upon a logical argument, or you may say it is based upon a verse. 'You may say it is based upon a logical argument', for surely the wrongful intention is not stronger than actual uncleanness! And if one limb became unclean is the whole unclean?²¹ 'Or you may say it is based upon a verse', for it is written, And the soul that eateth of it shall bear his iniquity,²² that is, of it²³

but not of any other part.

R. Nahman raised an objection against R. Huna from the following: 'There is never the penalty of kareth incurred unless he expressed an intention which makes piggul with regard to an olive's bulk from both'.²⁴ Thus an olive's bulk from both, but not from one.²⁵ Now who is the author of this Baraita? Should you say it is the Rabbis — but according to them even though [the intention was] in respect of one loaf only [both are piggul].²⁶ Obviously then it is R. Jose. Now if you say that they are regarded as one body [there],²⁷ then it is evident why they can be combined [here].²⁸

(1) For R. Jose's reason is not as suggested above, but as given by Resh Lakish *infra*; v. next note.

(2) R. Jose holds that in every offering in which there are two mattirs, a wrongful intention expressed during the service of one mattir with regard to the other mattir is of no consequence; thus an intention expressed during the burning of the handful (the first mattir) to burn the frankincense (the second mattir) on the morrow, would not render the offering piggul.

(3) The two dishes of frankincense are the mattirs of the Shewbread, for only after the burning of both dishes are the twelve loaves of the Shewbread permitted to be eaten by the priests. Now if a wrongful intention was expressed during the burning of the one dish in respect of the other dish (e.g., to burn the other dish on the morrow), it is of no consequence.

(4) It is surely an obvious application of R. Jose's principle!

(5) The mattirs of the meal-offering, the handful and the frankincense, are of different substances, and it might therefore be said that only in such a case does R. Jose hold that a mattir cannot render piggul the other mattir, but not where the mattirs are alike as in the case of the Shewbread.

(6) And the meaning presumably is this: the blood and the sacrificial portions of an animal-offering all come from the one animal; the frankincense, on the other hand, is a different substance and does not come from the meal-offering.

(7) This then is the position of R. Jose: a mattir does not render piggul another mattir; yet, says R. Jose, there is a distinction between an animal-offering and a meal-offering. In the case of an animal-offering the blood and the sacrificial portions are one, so that they are not regarded as separate mattirs; and therefore if a wrongful intention was expressed during the sprinkling of the blood with regard to the burning of the sacrificial portions, this would render the offering piggul. On the other hand, in the case of the meal-offering, the handful and the frankincense are two separate mattirs, for they ate of different substances, and are independent of each other, for either may be offered before the other; therefore the principle of a mattir not rendering piggul another mattir will apply.

(8) E.g., the two lambs offered at the Feast of Weeks; cf. Lev. XXIII, 19. These lambs are also mattirs, for by their slaughtering the 'two loaves' (*ibid.* 17) are rendered permissible unto the priests. This example is inserted in the text in brackets, but is wanting in MS.M., and has been struck out by Sh. Mek.

(9) The handful and the frankincense of a meal-offering were both originally in the same vessel.

(10) After the burning of the handful the frankincense was picked from the flour and then burnt upon the altar. V. Sotah 14b.

(11) For when the non-priest hands over the frankincense to the officiating priest he has certainly reduced the distance of 'bringing nigh', which being an essential service must be performed by the priest only, whereas here it was partly performed by the non-priest.

(12) Lit., 'its name is bringing nigh'. Therefore even if the non-priest did not move his feet at all, but merely handed over the frankincense which he had gathered up to the priest, this action is sufficient to fulfil the requirements of the 'bringing nigh'; and therefore if performed by a non-priest it is invalid.

(13) V. *supra* 12a. R. Mari desires to prove from this Mishnah that the gathering up of the frankincense is a vital service.

(14) For as the slaughtering separates the blood (i.e. the altar's portion) from the flesh (i.e., the priests' portion), so the taking of the handful separates the handful (i.e., the altar's portion) from the remainder (i.e., the priests' portion).

(15) Sc. the putting of the handful into the vessel.

(16) I.e., the gathering up of the frankincense.

(17) Thus between these two services there is at least a point in common, but the gathering up of the frankincense is in no wise comparable with either of these services, and therefore is not regarded as a vital service.

(18) Offered as peace-offerings on the Feast of Weeks, accompanied by two loaves as firstfruits; v. Lev. XXIII, 17, 19. Throughout the whole of this chapter the expression 'lamb' refers to this special peace-offering.

(19) V. *ibid.* XXIV, 5ff.

(20) I.e., if a person while slaughtering the sacrifice expressed the intention of eating the right thigh outside the time prescribed for it, that thigh only is *piggul* and whosoever eats of it incurs the penalty of *kareth*, but the rest of the flesh of the animal is not *piggul*. R. Huna arrived at this by taking R. Jose's view expressed in our Mishnah to an extreme length; viz., just as each loaf is a separate body or entity and the wrongful intention with regard to one loaf will not affect the other, so is each limb a separate body and the wrongful intention with regard to one limb will not affect the other.

(21) Certainly not! Of course the limb spoken of here had been detached from the animal.

(22) Lev. VII, 18.

(23) Which was the subject of a wrongful intention.

(24) I.e., if the wrongful intention was in respect of both loaves, even though only to the extent of a half-olive's bulk of each loaf, they are both *piggul* and the penalty of *kareth* is incurred by them that eat thereof.

(25) I.e., if the wrongful intention was in respect of an olive's bulk of one loaf only, the other loaf would not be *piggul*.

(26) V. our Mishnah.

(27) I.e., that two limbs (as the right and left thigh) are not regarded as separate entities but as one 'body' derived from the one animal; so that if a wrongful intention was expressed with regard to one limb both would be *piggul*, contra R. Huna.

(28) For the two loaves are, by reason of the form of the intention expressed (not 'a half-olive's bulk from each loaf', but 'an olive's bulk from the two loaves'), also regarded as one entity. In our Mishnah, however, the two loaves are admittedly regarded as two separate entities, for they were in no wise combined in one, not even by the intention expressed.

Talmud - Mas. Menachoth 14a

But if you say that they are regarded as two bodies [there], why are they combined [here]?¹ The author of that [Baraita] is Rabbi. For it was taught: If he slaughtered the lamb intending to eat a half-olive's bulk of the one loaf [on the morrow], and likewise [he slaughtered] the other lamb intending to eat a half-olive's bulk of the other loaf [on the morrow], Rabbi says, I maintain that this offering is valid. Now this is so only because he referred to two halves,² but had he referred to an olive's bulk of both [loaves] they would be combined.³

Whose ruling does Rabbi follow? If you say that of the Rabbis, but [according to them] even though the intention was in respect of one loaf only [both would be *piggul*]; and if you say that of R. Jose, then our original question confronts us again.⁴ It must be that he follows the ruling of the Rabbis, but read not [in the above mentioned Baraita] 'unless he expressed an intention which makes *piggul* with regard to an olive's bulk from both',⁵ but rather 'unless he expressed an intention which makes *piggul* with regard to an olive's bulk in both',⁶ even though the intention was only [in respect of an olive's bulk] of one [loaf]. He thus rejects the view of R. Meir who said, A wrongful intention expressed during the service of half the *mattir* renders the offering *piggul*; and he teaches us [that it is not so].

If so, why is this introduced by the expression 'It must be'?⁷ If, of course, you would have said that the author of that Baraita meant from both [loaves] and in both [lambs],⁸ adopting thus the view of R. Jose and rejecting the views of R. Meir⁹ and the Rabbis,¹⁰ the expression 'It must be' would be quite in order. But if you merely say that he adopted the view of the Rabbis, rejecting only the view of R. Meir, why then the expression 'It must be'? Moreover R. Ashi had raised an objection [against R. Huna from the following]: Come and hear: Rabbi says in the name of R. Jose, If¹¹ [whilst performing a service outside]¹² he expressed an intention which makes *piggul* in respect of another service which is performed outside, the offering is *piggul*, if in respect of another service which is performed inside, it is not *piggul*. Thus, if whilst standing outside he said, 'Behold I am slaughtering with the intention of sprinkling the blood thereof on the morrow', it is not *piggul*, for this is an intention expressed whilst serving outside in respect of a service performed inside. If whilst standing inside he said, 'Behold I am sprinkling the blood with the intention of burning the sacrificial portions

on the morrow', or, 'of pouring out the residue of the blood on the morrow', it is not piggul for this is an intention expressed whilst serving inside in respect of a service performed outside. If whilst standing outside he said, 'Behold I am slaughtering with the intention of pouring out the residue of the blood on the morrow', or 'of burning the sacrificial portions on the morrow', it is piggul; for this is an intention expressed whilst serving outside in respect of a service performed outside. Now [in the latter case] where the intention was of pouring out the residue of the blood, what is it that becomes piggul?¹³ Should you say that it is the blood that becomes piggul,¹⁴ but does the blood become piggul? Behold we have learnt:¹⁵ For the following things the penalty of piggul is not incurred: viz., the handful, the frankincense, the incense-offering, the meal-offering of the priests, the meal-offering offered with the drink-offerings, the meal-offering of the anointed [High] Priest, and the blood!¹⁶ Obviously then it is the flesh that becomes piggul. Now if in that case where no intention was expressed with regard to the flesh at all R. Jose holds that it nevertheless becomes piggul, how much more so in this case where he actually expressed an intention with regard to the [flesh of the] offering!¹⁷ Moreover Rabina had raised an objection [against R. Huna] from the following: Come and hear: if he took out the handful intending to eat the remainder or to burn the handful on the morrow, in this case R. Jose agrees that the offering is piggul and that the penalty of kareth is incurred on account thereof. Now where the intention was to burn the handful, what is it that becomes piggul? Should you say that it is the handful that becomes piggul, but does the handful become piggul? Behold we have learnt: For the following things the penalty of piggul is not incurred: viz., the handful, etc. Obviously then it is the remainder that becomes piggul. Now if in that case where no intention was expressed with regard to the remainder at all

(1) For if the two limbs which are derived from the one body are regarded as two entities so that the wrongful intention in respect of one will not affect the other, then the two loaves are a fortiori regarded as two entities and can by no means be combined in one merely by the form of intention expressed. Why then is it held that where the intention was in respect of an olive's bulk of the two loaves both are piggul?

(2) Lit., 'half', 'half'. I.e., the wrongful intention was expressed each time in respect of a half-olive's bulk only of the loaf, and therefore the two intentions cannot be combined to make the offering piggul.

(3) Thus identical with the view stated in the Baraitha quoted by R. Nahman.

(4) V. supra, beginning of 14a: 'But if you say... ', v. p. 83, n.9.

(5) I.e., from the two loaves. Heb. בַּשְּׁתֵּיהֶן the fem. form referring to the loaves.

(6) I.e., in the course of the slaughtering of the two lambs. Heb. בַּשְּׁנֵיהֶן the masc. form referring to the lambs. The wrongful intention which makes piggul must be expressed during the service of both lambs, which together form the mattir, i.e., that which renders the loaves permissible, and not during the slaughtering of one of the lambs which is only half the mattir. This clearly conflicts with R. Meir's view.

(7) Heb. לְעוֹלָם, a dialectic term usually employed when a view is suggested rejecting all others.

(8) So that there must be an intention which makes piggul expressed during the slaughtering of both lambs and in respect of both loaves. This would be in accordance with R. Jose's view as stated in our Mishnah.

(9) Who maintains that a wrongful intention expressed during the slaughtering of one of the lambs, which is but half the mattir, renders piggul. This view is rejected by the statement in the Baraitha 'in both'.

(10) Who maintain that the wrongful intention expressed in respect of one loaf renders the other piggul too. This view is rejected by the expression 'from both'.

(11) This refers to the bullocks and the he-goats that were to be wholly burnt (Lev. IV, 1-12; 13-21; XVI, 3 and 5; Num. XV, 24). The procedure in these offerings (v. Zeb. V, 2) was as follows: the animals were slaughtered outside in the courtyard; the blood was sprinkled inside the Temple, i.e., on the veil and on the golden altar; the sacrificial portions, i.e., the entire beast, were burnt outside upon the outer altar; and the residue of the blood was poured out at the western base of the outer altar which stood in the Temple courtyard.

(12) In this passage the term 'outside' signifies outside the Temple building, i.e., in the Temple courtyard, and the term 'inside' within the Temple building.

(13) I.e., what portion of this offering must one eat in order to incur the penalty of kareth for eating piggul?

(14) So that if one were to eat the blood of this sacrifice in error one would be liable to bring two sin-offerings for the two counts of kareth, (a) for eating blood, and (b) for eating piggul.

(15) Zeb. 42b.

(16) I.e., if the offering was rendered piggul and one ate of the parts enumerated, the penalty of kareth is not incurred, for the law of piggul does not apply to that part of the offering which is the mattir, i.e., which renders other parts permissible. V. Zeb. 42b, 43a.

(17) Thus the piggul-intention expressed in connection with the right thigh will certainly render the left thigh also piggul-*contra* R. Huna. This sentence is found in the text in cur. edd., but it is wanting in MS.M. Sh. Mek. strikes it out as a gloss.

Talmud - Mas. Menachoth 14b

It nevertheless becomes piggul how much more so in this case where he actually expressed an intention with regard to the [flesh of the] offering! — Rather said R. Johanan, This is the reason for R. Jose's opinion:¹ Scripture regards [the two loaves] as one body and Scripture also regards them as two bodies. As one body—since one cannot be offered without the other; and as two bodies—since the Divine Law ordains that each [loaf] shall be prepared separately. Therefore if they were reckoned as one,² they are thereby united, since Scripture regards them as one body; if they were separated,³ they remain thus separated, since Scripture regards them also as two bodies.

R. Johanan raised the following questions: What is the position if one expressed an intention which makes piggul in respect of the loaves of the thank-offering?⁴ or in respect of the baked meal-offering?⁵ — Thereupon R. Tahlifa the Palestinian recited to him the following teaching: You must say the same⁶ of the loaves of the Thank-offering, and you must say the same of the baked meal-offering.

Our Rabbis taught: If during the slaughtering he intended to eat a half-olive's bulk [of the flesh after its prescribed time], and during the sprinkling [of the blood] he also intended to eat a half-olive's bulk [after its prescribed time], the offering is piggul, for the slaughtering and the sprinkling can be reckoned together as one.⁷ Some explained that this applied only to the slaughtering and the sprinkling since they are both *mattirin*,⁸ but not to the receiving and the bringing *nigh*; whilst others explained that this applied even to these services which are not consecutive,⁹ and all the more to those services which are consecutive.¹⁰

This surely cannot be, for Levi has taught: The four services, viz., slaughtering, receiving, bringing *nigh*, and sprinkling cannot be reckoned together so as to render piggul! — Raba answered, There is no contradiction: the one¹¹ represents the view of Rabbi, the other the view of the Rabbis. For it was taught: If he slaughtered the lamb intending to eat a half-olive's bulk of the one loaf [on the morrow], and likewise [he slaughtered] the other lamb intending to eat a half-olive's bulk of the other loaf [on the morrow], Rabbi says, I maintain that this offering is valid. Said Abaye to him, perhaps Rabbi held that view only in the case of a [wrongful intention expressed during] half the *mattir*¹² in respect of half [the minimum quantity for] eating,¹³ but he might not uphold that view in the case of [a wrongful intention expressed during] the whole *mattir* in respect of half [the minimum quantity for] eating?¹⁴ Raba son of R. Hanan then said to Abaye, But if [as you say,] Rabbi holds that in the case of [a wrongful intention expressed during] the whole *mattir* in respect of half [the minimum quantity for] eating, [the offering is piggul], then he should declare the offering piggul even in the case of [a wrongful intention expressed during] half the *mattir* in respect of half [the minimum quantity for] eating, as a precautionary measure against the case of [a wrongful intention expressed during] the whole *mattir* in respect of half [the minimum quantity for] eating; for R. Jose adopts such a precautionary measure, and the Rabbis also adopt such a precautionary measure. 'R. Jose adopts such a precautionary measure', as we have learnt: [If he intended] to burn the frankincense thereof on the morrow, R. Jose says, it is invalid,¹⁵ but the penalty of kareth is not incurred on account thereof; but the Rabbis say, it is piggul and the penalty of kareth is incurred on account thereof. 'And the Rabbis also adopt such a precautionary measure', as we have learnt: If he

expressed an intention which makes piggul during the [burning of the] handful and not during the [burning of the] frankincense, or during the [burning of the] frankincense and not during the [burning of the] handful, R. Meir says, It is piggul and the penalty of kareth is incurred; but the Rabbis say, The penalty of kareth is not incurred unless the intention which makes piggul was expressed during the service of the whole of the mattir.¹⁶ — He replied, There is no comparison between the cases. I grant you that there R. Jose declares invalid the case [where the wrongful intention was in respect] of the handful of frankincense as a precautionary measure against the case [where the wrongful intention was in respect] of the handful of the meal-offering;¹⁷ and also that the Rabbis declare invalid the case [where the wrongful intention was expressed during the burning] of the handful as a precautionary measure against the case [where the wrongful intention was expressed during the burning] of the handful of the sinner's meal-offering;¹⁸ and that they declare invalid the case [where the wrongful intention was expressed during the burning] of the frankincense as a precautionary measure against the case [where the wrongful intention was expressed during the burning] of the frankincense of the dishes.¹⁸ And in the case of the lambs too,¹⁹ they declare invalid the case [where the wrongful intention was expressed during the slaughtering] of one lamb as a precautionary measure against the case [where the wrongful intention was expressed during the slaughtering] of the other lamb too;¹⁹ and they declare invalid the case [where the wrongful intention was expressed during the burning] of one dish of frankincense as a precautionary measure against the case [where the wrongful intention was expressed during the burning] of the other dish too.²⁰ In our case, however, is there ever a case of [a wrongful intention expressed during the service of] half a mattir in respect of half [the minimum quantity for] eating [that renders piggul], so that we should take here precautionary measures?²¹ Indeed it stands to reason that this²² is the explanation of the view of the Rabbis, for in the next clause [of that Mishnah]¹⁹ it states: The Rabbis, however, agree with R. Meir that if it was a sinner's meal-offering or a meal-offering of jealousy, and he expressed an intention which makes piggul during the burning of the handful, the offering is piggul and the penalty of kareth is incurred on account thereof, since the handful [alone] is the [entire] mattir. Now why was it necessary for this [last expression] to be stated? It is quite obvious, for is there then [in these cases] any other mattir? We must therefore say that it teaches us this: namely, the reason [why the Rabbis declare the offering invalid in the case where a wrongful intention was expressed during the burning] of the handful [of the 'ordinary meal-offering] is that there is the handful of the sinner's meal-offering which is similar to it [and which is a real case of piggul].

MISHNAH. IF ONE OF THE [TWO] LOAVES²³ OR ONE OF THE [TWO] ROWS [OF THE SHEWBREAD] BECAME UNCLEAN, R. JUDAH SAYS, BOTH MUST BE TAKEN OUT TO THE PLACE OF BURNING, FOR THE OFFERING OF THE CONGREGATION MAY NOT BE DIVIDED.²⁴ BUT THE SAGES SAY, THE UNCLEAN [IS TREATED] AS UNCLEAN, BUT THE CLEAN MAY BE EATEN.

GEMARA. R. Eleazar said, They differ only [in the case where one loaf became unclean] before the sprinkling of the blood,²⁵ but [where it became unclean] after the sprinkling, all agree that the unclean one is treated as unclean and the clean one may be eaten. And [in the case where one became unclean] before the sprinkling, on what principle do they differ? — R. Papa said, They differ as to whether the [High Priest's] plate renders [the offering] acceptable [where] the eatable portions [had become unclean].²⁶ [

(1) R. Huna's view is untenable, for it is accepted by all that a wrongful intention in respect of one limb certainly affects the other; nevertheless the case of the two loaves dealt with by R. Jose in our Mishnah is a special one, as R. Johanan proceeds to show.

(2) In the case where there was expressed an intention to eat one olive's bulk of the two loaves. This intention certainly reckoned the two loaves as one 'body' or entity, and therefore both are piggul, as stated in the Baraitha quoted supra p. 83 by R. Nahman.

(3) In the case where the expressed intention referred to one loaf only. The other loaf is not affected by this intention, as

stated in the Mishnah.

(4) The thank-offering consisted of an animal-sacrifice and an offering of forty cakes, ten cakes of each of the four different kinds prescribed, v. Lev. VII, 12, 13. Now if during one of the services in connection with the animal-offering a wrongful intention was expressed with regard to the eating of the cakes of one kind, the question is: would R. Jose in this case also differ with the Rabbis and maintain that the other kinds of cakes are in no wise affected, or would he agree with them, seeing that all the kinds are rendered permissible by the offering of one sacrifice?

(5) The baked meal-offering consisted of either ten unleavened cakes or ten unleavened wafers (v. *ibid* II, 4), whilst according to R. Simeon it may consist of five cakes and five wafers; v. *infra* 63a. The question arises here according to R. Simeon's view: If a wrongful intention was expressed in respect of the cakes only or in respect of the wafers only, would R. Jose agree with the Rabbis that the other kind is also affected, seeing that only one handful was taken from this meal-offering on behalf of both kinds, or not?

(6) R. Jose in this case too differs with the Rabbis.

(7) It is regarded as though during one service an intention was expressed in respect of one whole olive's bulk.

(8) These services are alike in that each renders some part of the offering permissible: the slaughtering renders the blood permissible for sprinkling, and the sprinkling renders the flesh permissible to be eaten.

(9) Lit., 'which are far apart from each other'.

(10) The order of the services is: slaughtering, receiving, bringing nigh, and sprinkling. Now if the first and the last services are reckoned together as one, how much more can those services which are consecutive be reckoned together!

(11) The Baraitha taught by Levi that services cannot be reckoned together.

(12) I.e., during the slaughtering of one of the two lambs which is only half of the mattir, for it is only the slaughtering of the two lambs which renders the two loaves permissible to be eaten.

(13) Sc. a half-olive's bulk.

(14) Indeed Rabbi would also agree that if an intention which makes piggul was expressed during the slaughtering of an ordinary offering (which is a whole mattir, v. *supra* n. 2) in respect of a half-olive's bulk of the flesh, and a similar intention was expressed during the sprinkling of the blood (which is also a whole mattir, *ibid.*), these intentions would be reckoned together to make the offering piggul.

(15) Strictly the offering should be valid for there is no piggul here; R. Jose, however, declares it invalid only as a precautionary measure, since this case is similar to a real case of piggul, namely, where the intention was to burn the handful of the meal-offering on the morrow.

(16) The offering, however, is invalid, as a precautionary measure against a real case of piggul where the burning of the handful of the meal-offering alone constitutes the whole mattir (as in the case of the sinner's meal-offering), or where the burning of the frankincense alone constitutes the whole mattir (as in the case of the frankincense of the Shewbread); v. *infra* 16a.

(17) Which is undoubtedly a real case of piggul; v. p. 89. n. 1.

(18) Which is a real case of piggul; v. *supra* p. 89, n. 2.

(19) *infra* 16a, Mishnah.

(20) Which is admittedly a real case of piggul.

(21) There is no such case, hence there is no ground for a precautionary measure.

(22) I.e., that in every case where the offering is declared to be invalid it is only as a precautionary measure against a case of absolute piggul which is similar to it.

(23) The two loaves offered with the two lambs on the Feast of Weeks; cf. Lev. XXIII, 19, 20.

(24) And if a part of the offering was rendered unfit for eating, as here on account of uncleanness, the whole may not be eaten.

(25) Or, in the case of the Shewbread-offering, before the burning of the dishes of the frankincense which corresponds to the sprinkling of the blood in an animal-offering.

(26) The High Priest's plate worn on the forehead had a propitiatory effect (v. Ex. XXVIII, 36-38), and if a part of the sacrifice became unclean the offering was nevertheless acceptable, and the sprinkling of the blood was deemed to be a valid sprinkling. The Rabbis and R. Judah differ as to what portions of the sacrifice are comprehended within the propitiating effect of the plate, whether it includes even those portions usually eaten by the priests (Heb. אֲכִילוֹת), or only those portions offered upon the altar (Heb. עֹלֹת), as the blood and the fat, and the frankincense.

Talmud - Mas. Menachoth 15a

The Rabbis are of the opinion that the plate renders [the offering] acceptable [even though] the eatable portions [had become unclean];¹ but R. Judah is of the opinion that the plate does not render [the offering] acceptable [where] the eatable portions [had become unclean].² Thereupon R. Huna the son of R. Nathan said to R. Papa, Behold the plate certainly renders [the offering] acceptable [where] the sacrificial portions [had become unclean], and yet they differ! For it has been taught: If one of the dishes of frankincense became unclean, R. Judah says, Both are offered in conditions of uncleanness, for an offering of the congregation may not be divided.³ But the Rabbis say, The unclean is offered in conditions of uncleanness and the clean in cleanness. Moreover R. Ashi had raised an objection thus: Come and hear: R. Judah says, Even though one tribe only was unclean and all the other tribes were clean, [all the Passover-offerings] shall be offered in conditions of uncleanness, for the offering of the congregation may not be divided.⁴ Now in this case, how does the principle of the plate rendering the offering acceptable apply?⁵ Furthermore Rabina had raised an objection thus: Come and hear: IF ONE OF THE [TWO] ROWS [OF THE SHEWBREAD] BECAME UNCLEAN, R. JUDAH SAYS, BOTH MUST BE TAKEN OUT TO THE PLACE OF BURNING, FOR THE OFFERING OF THE CONGREGATION MAY NOT BE DIVIDED. BUT THE SAGES SAY, THE UNCLEAN [IS TREATED] AS UNCLEAN, BUT THE CLEAN ONE MAY BE EATEN. Now if that were so,⁶ then it should have stated: 'for the plate does not render [the offering] acceptable [where] the eatable portions [had become unclean]'. — R. Johanan therefore said, It is an accepted teaching in the mouth of R. Judah that the offering of the congregation may not be divided.⁷

MISHNAH. THE THANK-OFFERING⁸ CAN RENDER THE BREAD PIGGUL BUT THE BREAD CANNOT RENDER THE THANK-OFFERING PIGGUL. THUS, IF HE SLAUGHTERED THE THANK-OFFERING INTENDING TO EAT A PART THEREOF ON THE MORROW, BOTH IT AND THE BREAD ARE PIGGUL; IF HE INTENDED TO EAT OF THE BREAD ON THE MORROW, THE BREAD IS PIGGUL BUT THE THANK-OFFERING IS NOT PIGGUL.

THE LAMBS⁹ CAN RENDER THE BREAD PIGGUL BUT THE BREAD CANNOT RENDER THE LAMBS PIGGUL. THUS, IF HE SLAUGHTERED THE LAMBS INTENDING TO EAT A PART THEREOF ON THE MORROW, BOTH THEY AND THE BREAD ARE PIGGUL IF HE INTENDED TO EAT OF THE BREAD ON THE MORROW, THE BREAD IS PIGGUL BUT THE LAMBS ARE NOT.

GEMARA. Why is it?¹⁰ Should you say it is because of R. Kahana's teaching, who said, Whence do we know that the cakes of the thank-offering are called 'the thank-offering'? From the verse, He shall offer for the sacrifice of the thank-offering unleavened cakes.¹¹ Then the reverse should also be true.¹² This, however, is no difficulty, for the bread is referred to as 'the thank-offering', whereas the thank-offering is nowhere referred to as 'the bread'. But when [the Mishnah] states: THE LAMBS CAN RENDER THE BREAD PIGGUL BUT THE BREAD CANNOT RENDER THE LAMBS PIGGUL, the question will be asked, Where do we find the bread ever referred to as 'the lambs'? — It must be that this is the reason [for our Mishnah]: the bread is appurtenant to the thank-offering¹³ but the thank-offering is not appurtenant to the bread; the bread is appurtenant to the lambs but the lambs are not appurtenant to the bread. Now both cases had to be stated [in our Mishnah]. For had it stated only the case of the thank-offering, I would have thought that only in that case is it held that an intention which makes piggul expressed in respect of the bread does not render the thank-offering piggul since they¹⁴ are not dependent upon each other for the rite of waving,¹⁵ but in the case of the lambs, since they¹⁴ are dependent upon each other with regard to the rite of waving,¹⁵ I would say that an intention which makes piggul expressed in respect of the bread would render the lambs piggul too.¹⁶ Therefore [both cases] had to be stated.

R. Eleazar put this question to Rab: What is the law if he slaughtered the thank-offering intending to eat an olive's bulk of it and of its bread on the morrow?¹⁷ Of course, as to whether the thank-offering becomes piggul thereby, I have no doubt at all [that it does not], for if where the intention was in respect of a whole olive's bulk of the bread the thank-offering does not become piggul, can there be any question where [the intention was in respect of an olive's bulk made up] of it and of the loaves? My question is as to whether the bread becomes piggul or not. Is the thank-offering to be reckoned with [the bread] so as to render the bread piggul or not? — He answered, In this case too, the bread is piggul but the thank-offering is not piggul. But why is this so? Surely one can apply here an a fortiori argument thus, if what helps to make the other piggul does not itself become piggul,¹⁸ then surely what cannot even help to make the other piggul¹⁹ does not itself become piggul! And do we apply an a fortiori argument of such a kind? Behold, it has been taught: It once happened that a man

(1) Of course, there is no question at all that the unclean portions are forbidden to be eaten; for there is an express prohibition against it (Lev. VII, 19). They hold, however, that where one loaf became unclean the offering is acceptable, and the sprinkling is a valid sprinkling; consequently the other loaf is permitted to be eaten.

(2) And as the sprinkling is not valid, even the clean loaf may not be eaten. R. Papa apparently ignores the reason stated by R. Judah in our Mishnah, FOR THE OFFERING OF THE CONGREGATION MAY NOT BE DIVIDED, and submits quite a new argument for R. Judah's view.

(3) It is established law (Pes. 80a) that an offering of the congregation may be offered in conditions of uncleanness. And as the unclean dish of frankincense is offered in conditions of uncleanness, the other dish may be made unclean and offered together with the first. It is thus manifest that the reason for R. Judah's view is as stated here and also in our Mishnah, namely that the offering of the congregation may not be divided, and it has nothing whatever to do with the effectiveness of the plate, for we see that he put forward this reason in our Mishnah where it was suggested that R. Judah held that the plate does not render the offering acceptable where the eatable portions had become unclean, and he also gives this reason in the Baraita quoted where he admits that the plate renders the offering acceptable where the sacrificial portions had become unclean.

(4) Where all the members of one tribe of Israel became unclean on the fourteenth day of Nisan, the day for the offering of the Passover-lamb, they are permitted, according to R. Judah, to offer the Passover-lamb in conditions of uncleanness; and since the offering of the congregation may not be divided, all the Passover-lambs are to be offered in conditions of uncleanness.

(5) There can be no question here of the plate rendering the offering acceptable for the plate exercises a propitiatory effect only where part of the offering became unclean but not where the person officiating became unclean. Again it is clear from this that the reason stated, 'For the offering of the congregation may not be divided', has nothing whatever to do with the propitiating effect or otherwise of the plate.

(6) That the reason for R. Judah's view is that the plate does not render the offering acceptable where the eatable portions had become unclean.

(7) In truth it has no relation to the propitiatory effect of the plate.

(8) The thank-offering consisted of an animal-offering and a bread-offering of forty cakes, ten cakes of each of the four different kinds specified; v. Lev. VII, 12, 13. The entire thank-offering had to be consumed on the same day of offering until midnight.

(9) Of the special peace-offering offered on the Feast of Weeks and accompanied by a bread-offering of two loaves as firstfruits, v. Lev. XXIII, 17-19. This peace-offering and the loaves had to be eaten on the same day of offering.

(10) That a wrongful intention which makes piggul expressed during the service of the thank-offering renders the bread piggul too.

(11) Ibid. VII, 12.

(12) I.e., a wrongful intention expressed in respect of the bread should also render the thank-offering piggul. Yet this is not the case.

(13) The slaughtering of the thank-offering renders the bread consecrated; so too does the slaughtering of the lambs at the Feast of Weeks.

(14) Sc. the animal-offering and the bread-offering.

(15) In the thank-offering the breast was waved before the Lord (Lev. VII, 30) but not in conjunction with the

bread-offering; on the Feast of Weeks, however, the lambs were waved together with the loaves (ibid. XXIII, 20).

(16) And, on the other hand, had the Mishnah only stated the case of the lambs, I should have thought that only there it is held that an intention which makes piggul expressed in respect of the lambs renders the bread piggul too, since they are dependent upon each other for the rite of waving; but since this is not the case with the thank-offering and its bread I would say that an intention which makes piggul expressed in respect of the thank-offering does not render the bread piggul.

(17) I.e., the olive's bulk that he proposes to eat on the morrow is made up of a half-olive's bulk of the flesh of the offering and a half-olive's bulk of the bread.

(18) The half-olive's bulk of the thank-offering helps by combining with the half-olive's bulk of the bread to render the other, sc. the bread piggul, although the thank-offering does not itself become piggul thereby.

(19) Lit., 'which came to render piggul but did not actually make piggul'. The half-olive's bulk of the bread does not combine with the half-olive's bulk of the thank-offering to render the other (sc. the thank-offering) piggul.

Talmud - Mas. Menachoth 15b

sowed [with his own seeds] his neighbour's vineyard which was in the budding stage;¹ the case came before the Rabbis and they pronounced the seeds forbidden and the vines permissible. But why? Surely one could apply there [this kind of] a fortiori argument thus, If what makes the other forbidden² does not itself become forbidden, what may have made the other forbidden but did not do so³ surely does not itself become forbidden!⁴ — There can be no comparison. There [with regard to diverse kinds] the Torah has forbidden⁵ hemp and arum,⁶ but other seeds are forbidden only Rabbinically; therefore he who transgressed the law was penalized by the Rabbis, and he who did not transgress the law was not penalized by the Rabbis.⁷ In our case, however, one must certainly apply the a fortiori argument.⁸

Others refer the above argument to the case of the lambs thus: R. Eleazar put this question to Rab: What is the law if he slaughtered the lambs intending to eat an olive's bulk of them and of the bread [on the morrow]? Of course, as to whether the lambs become piggul thereby, I have no doubt at all [that they do not] for if where the intention was in respect of a whole olive's bulk of the bread the lambs do not become piggul, can there be any question where [the intention was in respect of an olive's bulk made up] of them and of the bread? My question is as to whether the bread becomes piggul or not. Are the lambs to be reckoned with [the bread] so as to render the bread piggul or not?—He answered, In this case too, the bread is piggul but the lambs are not. But why is this so? Surely one can apply here an a fortiori argument thus, If what helps to make the other piggul does not itself become piggul, then surely what cannot even help to make the other piggul does not itself become piggul! And do we apply an a fortiori argument of such a kind? Behold, it has been taught: It once happened that a man sowed [with his own seeds] his neighbour's vineyard which was in the budding stage, etc. But why? Surely one could apply there [this kind of] a fortiori argument thus, If what makes the other forbidden does not itself become forbidden, what might have made the other forbidden, but did not do so, does not itself become forbidden! — There can be no comparison. There [with regard to diverse kinds] the Torah has forbidden hemp and arum, but other seeds are forbidden only Rabbinically; therefore he who transgressed the law was penalized by the Rabbis, and he who did not transgress the law was not penalized by the Rabbis. In our case, however, one must certainly apply the a fortiori argument.

Now those who refer it⁹ to the case of the thank-offering refer it all the more to the case of the lambs; but those who refer it to the case of the lambs maintain that it applies only to the case of the lambs since they¹⁰ are dependent upon each other with regard to the rite of waving, but not to the case of the thank-offering since they are not dependent upon each other with regard to the rite of waving.

R. Abba the Younger stated the question thus, R. Eleazar enquired of Rab: What is the law if he

slaughtered the lamb intending to eat an olive's bulk of the other on the morrow? Does 'the other' mean the [other] lamb, in which case there is no piggul at all;¹¹ or does it mean the bread, in which case [the bread becomes] piggul? — He answered, You have learnt it: If he slaughtered one of the lambs intending to eat a part of it on the morrow, that [lamb] is piggul and the other [lamb] is valid; if he intended to eat of the other [lamb] on the morrow, both are valid.¹² Hence it is clear that 'the other' means the other lamb. Perhaps [however in that Mishnah] he expressly said 'the other lamb'.

MISHNAH. THE ANIMAL-OFFERING CAN RENDER THE DRINK-OFFERINGS PIGGUL¹³ AFTER THEY HAVE BEEN HALLOWED IN THE VESSEL. SO R. MEIR. BUT THE DRINK-OFFERINGS CANNOT RENDER THE ANIMAL-OFFERING PIGGUL. THUS, IF HE SLAUGHTERED AN ANIMAL-OFFERING INTENDING TO EAT THEREOF ON THE MORROW, BOTH IT AND THE DRINK-OFFERINGS ARE PIGGUL; IF HE INTENDED TO OFFER THE DRINK-OFFERINGS ON THE MORROW, THE DRINK-OFFERINGS ARE PIGGUL BUT THE ANIMAL-OFFERING IS NOT.

GEMARA. Our Rabbis taught: For the drink-offerings of an animal-sacrifice the penalty of piggul is incurred, since the blood of the animal-offering renders them permissible to be offered [upon the altar].¹⁴ So R. Meir. They said to R. Meir, Is it not the fact that a man may bring his animal-offering to-day and the drink-offerings thereof in ten days' time?¹⁵ He replied, I also only spoke of the case where they were brought together with the animal-offering. But¹⁶ surely they may be transferred to another animal-offering!¹⁷ — Raba said, R. Meir is of the opinion that with the slaughtering they became appropriated [to this offering] like the cakes of the thank-offering.¹⁸

Our Rabbis taught: For the leper's log of oil¹⁹ the penalty of piggul is incurred, since the blood of the guilt-offering renders it permissible to be applied to the thumb and the great toe.²⁰ So R. Meir. They said to R. Meir, Is it not the fact that a man may bring his guilt-offering to-day and the log of oil in ten days' time? He replied, I also only spoke of the case where it was brought together with the guilt-offering. But surely it may be transferred to another [leper's] guilt-offering! — Raba said, R. Meir is of the opinion that with the slaughtering it became appropriated [to this guilt-offering] like the cakes of the thank-offering.

(1) The sowing of seeds in a vineyard is expressly prohibited, cf. Deut. XXII, 9.

(2) Sc. the vines, on account of which the seeds are declared forbidden.

(3) Sc. the seeds, on account of which the vines would have been forbidden were it not for the reason stated infra in the Gemara.

(4) Nevertheless the seeds are forbidden and such an a fortiori argument is not applied.

(5) Of course in addition to the five kinds of grain (R. Nissim, Hul. X). V. however Sh. Mek. note 2.

(6) Of all seeds only these kinds are forbidden to be sown in a vineyard, for they ripen only after three years, and their seed does not perish in the ground but they leave roots behind them; moreover they grow in clusters like grapes. In the cur. edd. there is here quoted the Mishnah Kil. I, 5; but it is omitted in all MSS.

(7) So that in the above case where a man sowed seed in his neighbour's vineyard the prohibition involved was only a Rabbinic one, and the Rabbis penalized only him who transgressed their enactment but not the owner of the vineyard. Thus there is no place for the a fortiori argument, for even the seeds are not forbidden strictly but only as a penalty.

(8) Concerning piggul, v. supra p. 95 at end.

(9) Sc. Rab's answer to the question, namely that the offering combines with the bread to render the latter piggul.

(10) Sc. the bread and the offering. V. supra P. 95, n. 2.

(11) For, since the slaughtering of both lambs is the mattir, i.e., that which renders the loaves permissible, a wrongful intention expressed during the slaughtering of one lamb, which is only part of the mattir, in respect of the other part of the mattir, i.e., the other lamb, does not make piggul.

(12) Infra 16a.

(13) And whosoever partakes of the drink-offerings incurs the penalty of kareth on the ground of piggul. The drink-offerings consisted of prescribed quantities of flour and oil for the meal-offering and of wine for the libation; they

accompanied most sacrifices (cf. Num. XV, 4-10).

(14) And it is established law: Whatsoever is rendered permissible (דבר שיש לו מתירין), whether for man or for the altar, by a certain rite is subject to the law of piggul. V. Zeb. 43a; Yoma 60a.

(15) Hence it is evident that the drink-offerings are not part of the offering and are not affected by any intention concerning them expressed during the slaughtering of the offering.

(16) In cur. edd. 'They said to him'. This is not found in the MSS. and is deleted by Sh. Mek.

(17) Consequently they cannot be rendered piggul through any intention expressed during the slaughtering of the animal-offering, since they are not specifically bound to that offering.

(18) And they may not be transferred to be used for another offering.

(19) Cf. Lev. XIV, 10ff. If therefore while slaughtering the leper's guilt-offering he intended to deal with the oil on the morrow, the latter becomes piggul, and whosoever partakes of it incurs the penalty of kareth.

(20) I.e., the oil may be applied only after the rites in connection with the blood of the guilt-offering have been performed. It is thus דבר שיש לו מתירין; v. supra p. 98, n. 4.

Talmud - Mas. Menachoth 16a

MISHNAH. IF HE EXPRESSED AN INTENTION WHICH MAKES PIGGUL [IN RESPECT OF THE REMAINDER] DURING THE [BURNING OF THE] HANDFUL AND NOT DURING THE [BURNING OF THE] FRANKINCENSE, OR DURING THE [BURNING OF THE] FRANKINCENSE AND NOT DURING THE [BURNING OF THE] INCENSE, R. MEIR SAYS, IT IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED ON ACCOUNT THEREOF; BUT THE SAGES SAY, THE PENALTY OF KARETH IS NOT INCURRED UNLESS HE EXPRESSED THE INTENTION WHICH MAKES PIGGUL DURING THE SERVICE OF THE WHOLE OF THE MATTIR.¹ THE SAGES, HOWEVER, AGREE WITH R. MEIR THAT, IF IT WAS A SINNERS MEAL-OFFERING² OR A MEAL-OFFERING OF JEALOUSY,² AND HE EXPRESSED AN INTENTION WHICH MAKES PIGGUL DURING THE [BURNING OF THE] HANDFUL, IT IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED ON ACCOUNT THEREOF, SINCE THE HANDFUL IS THE ENTIRE MATTIR. IF HE SLAUGHTERED ONE OF THE LAMBS³ INTENDING TO EAT THE TWO LOAVES ON THE MORROW, OR IF HE BURNT ONE OF THE DISHES OF FRANKINCENSE⁴ INTENDING TO EAT THE TWO ROWS [OF THE SHEWBREAD] ON THE MORROW, R. MEIR SAYS, IT IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED ON ACCOUNT THEREOF; BUT THE SAGES SAY, THE PENALTY OF KARETH IS NOT INCURRED UNLESS HE EXPRESSED THE INTENTION WHICH MAKES PIGGUL DURING THE SERVICE OF THE WHOLE OF THE MATTIR. IF HE SLAUGHTERED ONE OF THE LAMBS INTENDING TO EAT A PART OF IT ON THE MORROW, THAT [LAMB] IS PIGGUL BUT THE OTHER [LAMB] IS VALID; IF HE INTENDED TO EAT OF THE OTHER [LAMB] ON THE MORROW, BOTH ARE VALID.

GEMARA. Rab said, The dispute⁵ is only where he offered⁶ the handful in silence and then the frankincense with the expressed intention, but where he offered the handful with the expressed intention and then the frankincense in silence, all agree that it is piggul, for everything that a man does [in silence] he does in accordance with his first resolve.⁷ But Samuel said, There is still a dispute in that case too.⁸

Raba was once sitting and reciting this statement [of Rab], when R. Aha b. R. Huna raised against Raba the following objection: This⁹ applies only to the service of taking the handful, or of putting it in the vessel or of bringing it nigh;¹⁰ but if he had already reached the service of burning, and he offered the handful in silence and then the frankincense with the expressed intention, or if he offered the handful with the expressed intention and then the frankincense in silence, R. Meir says, It is piggul and the penalty of kareth is incurred on account thereof. The Sages say, The penalty of kareth is not incurred unless he expressed an intention which makes piggul during the service of the whole of the mattir. Now here is stated the clause: 'Or if he offered the handful with the expressed intention

and then the frankincense in silence', and yet they differ!¹¹ — Render: [Or if he offered the handful with the expressed intention] having already offered the frankincense in silence. But there are two objections to this: in the first place, it is identical with the first clause;¹² and secondly, it has been taught [in another Baraitha]: 'And then'!¹³ — R. Hanina explained that here there were two minds.¹⁴

Come and hear: This¹⁵ applies only to offerings whose blood must be sprinkled upon the outer altar;¹⁶ but in the case of offerings whose blood must be sprinkled upon the inner altar, as for example the forty-three sprinklings on the Day of Atonement,¹⁷ or the eleven sprinklings of the bullock of the anointed High Priest,¹⁸ or the eleven sprinklings of the bullock offered for the error of the community,¹⁸ if [the priest] expressed an intention which makes piggul either during the first [sprinklings] or the second or the third,¹⁹ R. Meir says, It is piggul and the penalty of kareth is incurred on account thereof. But the Sages say, The penalty of kareth is not incurred unless he expressed the intention which makes piggul during the service of the whole mattir.²⁰ Now here it states: 'If he expressed an intention which makes piggul either during the first [sprinklings] or the second or the third', and yet they differ!²¹ Should you, however, reply that there too there were two minds,²² I grant you that this is satisfactory according to him who holds that the expression 'with a bullock'²³ means also 'with the blood of the bullock',²⁴ but what can be said according to him who holds that the expression 'with a bullock' excludes the blood of the bullock?²⁵ — Raba said, We must suppose here that he²⁶ expressed an intention which makes piggul during the first sprinklings, was silent during the second, and again expressed an intention which makes piggul during the third; in which case we say, If you accept the principle that whatsoever a man does [in silence] he does according to his first resolve, why then did he express again an intention which makes piggul during the third [sprinklings]? R. Ashi demurred, saying, Does [the Baraitha] actually state 'he was silent'? — Rather, said R. Ashi, We must suppose here that he expressed an intention which makes piggul during the first [sprinklings] and also during the second;²⁷ in which case we say, If you accept the principle that whatsoever a man does [in silence] he does according to his first resolve, why then did he again express an intention which makes piggul during the second [sprinklings]?²⁷

(1) V. supra p. 89, n. 2.

(2) Which is offered without frankincense; cf. Lev. V, 11 and Num. V, 15.

(3) Which is but half the mattir; for two lambs were offered as peace-offerings on the Feast of Weeks, along with a bread-offering of two loaves; v. Lev. XXIII, 17ff.

(4) Also half the mattir; for two dishes of frankincense were offered with the Shewbread. V. ibid. XXIV, 7.

(5) Between R. Meir and the Sages in our Mishnah.

(6) Lit., 'put it in' sc. the vessel, in readiness for the burning upon the altar. It must be remembered that the handful of flour was first burnt upon the altar and then the frankincense.

(7) And as his first resolve expressed during the offering of the handful was an intention of piggul—namely, of eating the remainder on the morrow — it is to be assumed that such was also his intention—though unexpressed during the offering of the frankincense.

(8) MS.M. adds: And so also said R. Johanan, There is still a dispute in that case too.

(9) The ruling that a wrongful intention expressed whilst dealing with the handful alone renders piggul.

(10) For each of these services is performed once only and that in connection with the handful, hence at each of these services the intention is in respect of the whole mattir; whereas the burning is performed twice, viz., the burning of the handful of flour and of the frankincense.

(11) Thus contrary to Rab's view.

(12) Where the first service was performed in silence, for it is immaterial whether that first service was the burning of the handful or of the frankincense.

(13) Although in the Baraitha cited by R. Aha the expression 'and' may be explained as meaning 'having already', this cannot be so in the other Baraitha which expressly states 'and then'.

(14) I.e., two Priests had performed the rites of the meal-offering, one burnt the handful of flour with an intention of piggul and the other burnt the frankincense in silence. In such a case the principle, 'Whatever a man does in silence he does in accordance with his first resolve', cannot apply; for this can only be said of one person but not of two.

- (15) The law that a wrongful intention expressed during one single sprinkling of the blood renders the offering piggul.
- (16) For since with these offerings one single sprinkling would effect atonement (v. Zeb. 36b) that sprinkling is accounted as the whole mattir and can therefore render piggul.
- (17) Made up as follows: eight sprinklings (one above and seven below) between the staves of the ark, of the blood of the bullock, and likewise eight of the blood of the he-goat; these same sprinklings repeated in the Sanctuary upon the veil; four sprinklings of the blood of the bullock and of the he-goat when mixed together, i.e., one upon each of the four corners of the golden altar, and seven upon the cleansed surface (i.e. the top) of the golden altar. V. Yoma Ch. V.
- (18) These are: the seven sprinklings of the blood towards the veil, and the four sprinklings, one upon each of the four corners of the altar. Cf. Lev. IV, 6,7 and 17, 18.
- (19) The first, second and third sprinklings refer to the sprinklings of the blood in the Holy of Holies between the staves of the ark, towards the veil, and upon the altar respectively.
- (20) I.e., during all the three sprinklings.
- (21) The Sages holding that where the intention which makes piggul was expressed during the first sprinklings only, the others being performed in silence, the offering is not piggul. Apparently the principle, Whatsoever a man does in silence he does according to his first resolve, is not adopted; contra Rab.
- (22) I.e., the sprinklings were performed by two High Priests, the High Priest who performed the first sprinklings having died immediately thereafter or The Master stated: 'R. Meir says, It is piggul and the penalty having become unclean; in which case the sprinklings in silence by the second High Priest can have no reference to or bearing upon the resolve of the former High Priest.
- (23) Lev. XVI, 3.
- (24) If the High Priest, after having slaughtered the bullock, could not continue to serve, his successor continued the service, and was not required to begin all the services anew and slaughter another bullock for himself; for the verse, Herewith shall Aaron (sc. the High Priest) come into the holy place; with a bullock (ibid.) does not imply that the High Priest shall begin his service with a living bullock, but he may even take the blood of the bullock which was slaughtered by his predecessor. V. Yoma 49b.
- (25) According to him the service can never be performed by two High Priests, for the successor must begin anew.
- (26) The High Priest.
- (27) 'And also during the third' — so in cur. edd. but wanting in all MSS. and struck out by Sh. Mek. The case is clearly one where the High Priest was silent during the third sprinklings; so that only a part and not the whole of the mattir was performed with an intention which makes piggul.

Talmud - Mas. Menachoth 16b

But does not the Baraitha state: Either. . .or?¹ — This is a difficulty. of kareth is incurred on account thereof'. Consider: the penalty of kareth is incurred only after all the mattirin² have been offered, for a Master has stated:³ The expression 'accepted'⁴ suggests, as the acceptance of a valid offering so is the acceptance⁵ of an invalid offering; that is to say, as the acceptance of a valid offering is effected only after all the mattirin have been offered, so the acceptance of an invalid offering is effected only after all the mattirin have been offered. Now in this case since he expressed a wrongful intention [when sprinkling] within,⁶ he has thereby rendered it invalid, consequently when he later sprinkles in the Sanctuary it is as though he were sprinkling water!⁷ — Rabbah said, It can happen where four bullocks and four he-goats were used.⁸ Raba said, You may even hold that there was only one bullock and one he-goat, but [the sprinklings] are acceptable in regard to the law of piggul.⁹

'Forty-three [sprinklings]'. But we have been taught: Forty-seven! — This is no difficulty; one [Baraitha] accepts the view that for the sprinklings upon the horns of the altar they mix together [the blood of the bullock and the blood of the he-goat], whereas the other accepts the view that they do not mix them.¹⁰ But we have been taught: Forty-eight?—This is no difficulty; one [Baraitha] accepts the view that the [pouring out of the] residue [of the blood] is an indispensable service,¹¹ whereas the other accepts the view that the [pouring out of the] residue is not indispensable.

The question was raised: What is the law if he expressed an intention which makes piggul at the

bringing nigh [of the handful to the altar]?¹² R. Johanan said that the bringing nigh is like unto the taking of the handful;¹³ but Resh Lakish said that the bringing nigh is like unto the burning.¹⁴ Now Resh Lakish's view is clear, for there is also the bringing nigh of the frankincense; but what is the reason for R. Johanan's view? — Raba said, R. Johanan is of the opinion that any service which is not an absolute mattir¹⁵ is regarded as a service complete in itself with regard to piggul.¹⁶ Whereupon Abaye said to him, Behold the slaughtering of one of the lambs [on the Feast of Weeks] is a service which is not an absolute mattir,¹⁷ and yet they differ! For we have learnt: IF HE SLAUGHTERED ONE OF THE LAMBS INTENDING TO EAT THE TWO LOAVES ON THE MORROW, OR IF HE BURNT ONE OF THE DISHES OF FRANKINCENSE INTENDING TO EAT THE TWO ROWS [OF THE SHEWBREAD] ON THE MORROW, R. MEIR SAYS, IT IS PIGGUL AND THE PENALTY OF KARETH IS INCURRED ON ACCOUNT THEREOF; BUT THE SAGES SAY, THE PENALTY OF KARETH IS NOT INCURRED UNLESS HE EXPRESSED THE INTENTION WHICH MAKES PIGGUL DURING THE SERVICE OF THE WHOLE OF THE MATTIR! — He replied, Do you imagine that the loaves are hallowed already in the oven? It is the slaughtering of the lambs that hallows them; and whatsoever serves to hallow is on the same footing as whatsoever serves to render permissible.¹⁸

R. Shimi b. Ashi raised an objection. It was taught: Others say, If he had in mind first the circumcised persons and then the uncircumcised, it is valid; if he had in mind first the uncircumcised persons and then the circumcised, it is invalid.¹⁹ And it was established that they differ concerning half the mattir!²⁰ — He replied, Do you think that the blood [of an animal-offering] is already hallowed in the throat? It is the knife [of slaughtering] that hallows it; and whatsoever serves to hallow is on the same footing as that which serves to render permissible.

Come and hear: This²¹ applies only to the services of taking the handful, or putting it in the vessel or bringing it nigh; [but if he had already reached the service of burning etc.] Now 'bringing nigh' surely means bringing nigh for the purposes of burning, does it not?²² — No, it means bringing nigh in order to put it in the vessel.²³ But if so, why is it stated [in this order] 'putting it in the vessel or bringing it nigh'? It ought surely to have stated 'bringing it nigh or putting it in the vessel'! — This is no difficulty, for you may render it thus.²⁴ But [it will be asked], why does it state 'but if he had already reached the service of burning'? It ought to have stated 'but if he had already reached the service of bringing nigh'!²⁵ — This, too, is no difficulty, for since the bringing nigh is for the purposes of burning he refers to it as the burning. But [it will be asked], why does it state 'and he offered'? It ought to have stated, 'and he brought it nigh'!²⁶ — This is indeed a difficulty.

If he burnt the size of a sesame seed of the handful intending to eat the size of a sesame seed of the remainder [on the morrow, and he repeated this again and again] until the handful was entirely [burnt up],²⁷ — in this case R. Hisda, R. Hamnuna and R. Shesheth differ. One holds that it is piggul, the other that it is invalid, and the third that it is valid. Now shall we say that he who holds that it is piggul is in agreement with R. Meir,²⁸ he who holds that it is invalid is in agreement with the Rabbis,²⁸ and he who holds that it is valid is in agreement with Rabbi?²⁹ — But is this so? perhaps R. Meir is of that opinion only there where he expressed [the intention which makes piggul] during a complete service,³⁰ but not here where he did not express [such an intention] during a complete service. Moreover, perhaps the Rabbis are of their opinion only there where he did not express an intention [which makes piggul] during the service of the whole mattir, but here where he actually expressed an intention [which makes piggul] during the service of the whole mattir [they would agree that] it is piggul. And again, perhaps Rabbi is of his opinion only there where he did not make up [the minimum quantity] later in the same service,³¹ but here where he made up the quantity in the same service [he would agree that] it is invalid! — We must therefore say that he who holds that it is piggul holds thus according to all views; he who holds that it is invalid holds thus according to all views, and he who holds that it is valid holds thus according to all views. 'He who holds that it is piggul holds thus according to all views', for he maintains that that³² is a way of eating as well as a

way of burning.³³ 'He who holds that it is invalid holds thus according to all views', for he maintains that that³² is a way of eating but not a way of burning, and it was as though [the handful of] the meal-offering had not been burnt at all.³⁴ 'And he who holds that it is valid holds thus according to all views', for he maintains that that³² is a way of burning but not a way of eating.³⁵

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- (1) This implies that the intention which makes piggul was expressed only during one of the three sprinklings mentioned.
 - (2) **מתירין** pl. of **מתיר**, 'that which renders the offering permissible'; v. Glos. The penalty of kareth for eating piggul is not incurred unless the whole mattir was offered according to its prescribed rite except for the expressed intention which made it piggul. Thus where the mattir consists of a number of sprinklings, and at the first sprinklings there was expressed an intention which makes piggul, then it is essential, if the penalty of kareth is to apply, that the subsequent sprinklings be performed according to the prescribed rite.
 - (3) Zeb. 28b, 42b.
 - (4) Lev. XIX, 7 and XXII, 27; the former referring to an offering which has been made piggul and the latter to a valid offering.
 - (5) Regarding the liability for piggul.
 - (6) Sc. in the Holy of Holies between the staves of the ark, this being the first of the sprinkling services.
 - (7) The penalty of kareth cannot therefore be incurred; how then can R. Meir say that kareth is incurred in those circumstances? It must be observed that at first sight this same question could also be raised in the case where a piggul intention was expressed during the slaughtering or during the receiving of the blood, for since the offering is rendered invalid by that intention the subsequent sprinkling is no service, consequently the penalty of kareth cannot be incurred. Rashi, however, suggests this distinction: in this case the slaughtering or the receiving was performed entirely in sanctity, for the intention of piggul related to some subsequent service, whereas in the case of our text the sprinkling was not performed entirely in sanctity, for the intention of piggul related to the other sprinklings of this same service. V. also Rashi in Zeb. 42b, s.v. **כי**; and Tosaf. here s.v. **כי**.
 - (8) Where after the High Priest had sprinkled the blood of the bullock and of the he-goat in the Holy of Holies between the staves of the ark, the residue of the blood had spilt, so that it was necessary to slaughter another bullock and he-goat to obtain their blood for sprinkling in the Sanctuary. Again after the second sprinklings the residue of the blood had spilt and so another bullock and he-goat were once more slaughtered in order to perform the sprinklings upon the four corners of the altar. Once again owing to this same mishap, a fourth bullock and he-goat were slaughtered in order to perform the final sprinklings seven times upon the cleansed portion of the altar. In these circumstances the offering would be valid (v. Yoma 61a), for each of the sprinklings is considered as a separate service. Now if an intention which makes piggul had been expressed at the first sprinklings the offering would be piggul, for here the subsequent three sprinklings were admittedly in themselves valid and were not affected by the wrongful intention of the first sprinklings. In the normal case, however, where only one bullock and one he-goat had been used in the service, R. Meir would agree that, where an intention which makes piggul was expressed at the first sprinklings, the penalty of kareth cannot be incurred.
 - (9) Since the subsequent sprinklings had been performed without any further intention they are considered as vital services offered according to rule, and not as 'sprinklings of water'. The offering therefore is piggul.
 - (10) But the blood of the bullock and of the he-goat must each separately be sprinkled upon the four corners of the altar; hence an addition of four to the total number of sprinklings. V. Yoma 57b.
 - (11) The pouring out of the residue of the blood to the base of the altar, being an important service, is added to the number of the sprinklings, making thus a total of forty-eight. V. Yoma 60b.
 - (12) The service of bringing nigh to the altar applies both to the handful of flour and to the frankincense, so that it can be said that the bringing nigh of one is but half the mattir, and the dispute between the Sages and R. Meir would hold good here too.
 - (13) Which is a complete service, a whole mattir, for the handful was only taken from the flour but not from the frankincense.
 - (14) Of which there are two services: the burning of the handful and of the frankincense. And therefore the dispute between the Sages and R. Meir applies also to the service of bringing nigh.
 - (15) I.e., it can be dispensed with; the bringing nigh can in certain cases be dispensed with for the handful can be passed on from priest to priest till it reaches the altar (Rashi). Aliter: it does not render aught permissible; in this respect the service of bringing nigh is different from other services, for the receiving the blood of the animal-offering renders the sprinkling possible, and the sprinkling renders the flesh permissible (v. Sh. Mek. n. 4).

- (16) And the ruling of the Sages that piggul does not apply to half a mattir does not apply here, since this service is not a mattir in the strict sense of the word.
- (17) For it does not render aught permissible. V. supra n. 3.
- (18) So that the slaughtering is on a par with an absolute mattir, and therefore the Sages hold that it is piggul only when the whole of this mattir (i.e., the slaughtering of both lambs) was affected by the wrongful intention.
- (19) V. Pes. 62b. The Baraitha refers to the case of a person who, whilst slaughtering the Passover-lamb on behalf of a number of people, circumcised and uncircumcised, cut one organ of the animal's throat on behalf of one class of people and then the second organ on behalf of the other class too. The view here stated is introduced by the expression 'Others say', which usually represents the view of R. Meir; the Sages, however, differ.
- (20) I.e., whether a wrongful intention expressed during the service of half the mattir can invalidate the offering or not; and here the cutting of the first organ is, as it were, but half the mattir. Now the mattir here spoken of, namely the slaughtering, is not an absolute mattir since it does not render aught permissible, and yet the Sages differ with R. Meir and hold that the wrongful intention in regard to half the mattir is of no consequence; contra Raba's interpretation of R. Johanan.
- (21) That a wrongful intention expressed whilst dealing with the handful alone renders piggul. V. supra p. 101.
- (22) And the Sages agree that a wrongful intention expressed during the bringing nigh renders piggul; contra Resh Lakish.
- (23) Which is a complete service, for only the handful was put into a vessel and not the frankincense.
- (24) And reverse the order of the Baraitha.
- (25) For the service of bringing nigh is prior to the burning, and the Sages and R. Meir differ herein, too, according to Resh Lakish.
- (26) For even if it is accepted, as suggested, that the term 'burning' includes the bringing nigh, when describing the service the Tanna of the Baraitha should have mentioned the first act thereof, namely the bringing nigh, and not the act of offering (lit., 'the putting' upon the altar, i.e., the burning).
- (27) And so he did too with the frankincense.
- (28) That an intention which makes piggul expressed during the service of a portion of the mattir — in this case during the burning of the size of a sesame seed of the handful and of the frankincense — renders the offering piggul. The Sages, however, in such a case declare the offering invalid.
- (29) V. supra 14a where Rabbi holds the view that the two parts of the mattir cannot be reckoned together to affect the offering, where each intention was made in respect of less than the minimum quantity that constitutes eating, namely an olive's bulk.
- (30) Viz., during the burning of the handful which, though but half of the mattir, for there is also the burning of the frankincense, is nevertheless a complete service. In this case only does R. Meir maintain that the offering is piggul.
- (31) For in the case dealt with by Rabbi the piggul intention was expressed during the slaughtering of one lamb about a half-olive's bulk of one loaf and a similar piggul intention was expressed during the slaughtering of the other lamb about the same quantity of the other loaf.
- (32) The taking of quantities the size of a sesame seed at a time.
- (33) So that this case is no-different from the usual cases of piggul where during the burning of an olive's bulk of the handful there was an intention expressed to eat an olive's bulk of the remainder on the morrow.
- (34) And therefore it is invalid.
- (35) The burning in this manner is regarded as a normal burning of the handful, whereas the intention concerning the eating of the remainder is no intention in law so as to invalidate the offering.

Talmud - Mas. Menachoth 17a

The keen intellects of Pumbeditha¹ said, An intention which makes piggul expressed during one service of burning concerning another service of burning renders the offering piggul.² And this is so even according to the Rabbis who ruled that an intention which makes piggul expressed during the service of half the mattir does not render piggul, for that is their ruling only in the case where he expressed an intention [which makes piggul] about the remainder [of the meal-offering], the frankincense, however, remaining unaffected; but in this case where he expressed an intention [which makes piggul] about the frankincense, it is as though he had expressed the intention during the service of the whole mattir. Raba said, We have also learnt to the same effect: This is the general rule: If one took the handful or put it into the vessel or brought it nigh, or burnt it, intending to eat a thing that it is usual to eat or to burn a thing that it is usual to burn, outside its proper place, the offering is invalid but the penalty of kareth is not incurred; but if [he intended the like] outside its proper time, the offering is piggul and the penalty of kareth is incurred.³ Now presumably the service of burning is similar to the other [services],⁴ and as with the others [the intention which makes piggul may be] either concerning the eating [of the remainder] or concerning the burning [of the frankincense], so with the service of burning [the intention which makes piggul may be] either concerning the eating [of the remainder] or concerning the burning [of the frankincense]! — No; with the others the intention may be either concerning the eating or concerning the burning, but with the service of burning the intention can be only concerning the eating but not concerning the burning.

R. Menasiah b. Gadda was once sitting before Abaye and recited the following in the name of R. Hisda: An intention which makes piggul expressed during one service of burning concerning another service of burning does not render the offering piggul. And this is so even according to R. Meir who ruled that an intention which makes piggul expressed during the service of half the mattir renders piggul; for that is his ruling only where the intention expressed was concerning the remainder, since it is the handful that renders the remainder permissible; in this case, however, since the handful does not render the frankincense permissible,⁵ it cannot make the offering piggul.⁶

Thereupon Abaye said to him, Tell me, Sir, was that [statement] in the name of Rab? He replied, Yes. And it has been so reported: R. Hisda said in the name of Rab, An intention which makes piggul expressed during one service of burning concerning another service of burning does not render the offering piggul.

R. Jacob b. Abb⁷ said in the name of Abaye, We have also learnt the same: IF HE SLAUGHTERED ONE OF THE LAMBS INTENDING TO EAT A PART OF IT ON THE MORROW, THAT [LAMB] IS PIGGUL BUT THE OTHER [LAMB] IS VALID; IF HE INTENDED TO EAT OF THE OTHER [LAMB] ON THE MORROW, BOTH ARE VALID. Now what is the reason?⁸ It is, is it not, because [the one lamb], not being the mattir of the other, cannot make the offering piggul by reason of an intention concerning [that other]?⁹ — No, there the reason is because they are not joined in one vessel;¹⁰ here, however, since they are joined in the one vessel, they are considered as one.¹¹

R. Hamnuna said, The following was taught me¹² by R. Hanina and is equal in worth to me to all my studies: If he burnt the handful intending to burn the frankincense [on the morrow], [and] to¹³ eat the remainder on the morrow, the offering is piggul. What is it that he teaches us? If he teaches us that an intention which makes piggul expressed during one service of burning concerning another service of burning renders the offering piggul, then he should [only] have said, If he burnt the handful intending to burn the frankincense [on the morrow]. And if he teaches us that an intention which makes piggul expressed during the service of half the mattir renders piggul, then he should have [only] said, If he burnt the handful intending to eat the remainder on the morrow. And if he

teaches us both these rules, then he should have said, If he burnt the handful intending to burn the frankincense [on the morrow] and¹⁴ to eat the remainder on the morrow! — R. Adda b. Ahabah said, Actually he is of the opinion that an intention which makes piggul expressed during one service of burning concerning another service of burning does not render piggul, and he holds also that an intention which makes piggul expressed during the service of half the mattir does not render piggul, yet in this case it is different since the wrongful intention has spread over the entire meal-offering.¹⁵

A Tanna once recited before R. Isaac b. Abba: If he burnt the handful intending to eat the remainder [on the morrow], all hold it to be piggul. But surely this is a matter of dispute?¹⁶ — Rather render: All hold it to be invalid.¹⁷ But could he not have corrected himself thus: It is piggul, that is, according to R. Meir? — The Tanna evidently was taught the ruling ‘all hold’, and he confused in his mind ‘piggul’ with ‘invalid’; but he would not confuse ‘it is [piggul]’ with ‘all hold’.¹⁸

CHAPTER III

MISHNAH. IF HE TOOK THE HANDFUL FROM THE MEAL-OFFERING INTENDING TO EAT¹⁹ A THING THAT IT IS NOT USUAL TO EAT²⁰ OR TO BURN¹⁹ A THING THAT IT IS NOT USUAL TO BURN,²¹ THE OFFERING IS VALID; BUT R. ELIEZER DECLARES IT TO BE INVALID. IF HE INTENDED TO EAT¹⁹ LESS THAN AN OLIVE'S BULK OF A THING THAT IT IS USUAL TO EAT, OR TO BURN¹⁹ LESS THAN AN OLIVE'S BULK OF A THING THAT IT IS USUAL TO BURN, THE OFFERING IS VALID. IF HE INTENDED TO EAT¹⁹ A HALF-OLIVE'S BULK AND TO BURN¹⁹ A HALF-OLIVE'S BULK, THE OFFERING IS VALID, FOR EATING AND BURNING CANNOT BE RECKONED TOGETHER.

GEMARA. R. Assi said in the name of R. Johanan, What is the reason for R. Eliezer's view? Because the verse reads, And if any of the flesh of the sacrifice of his peace-offerings be at all eaten.²² The verse here speaks of two ‘eatings’. the ‘eating’ by man and the ‘eating’ by the altar, to inform you that as there can be a wrongful intention concerning what is usually eaten by man, so there can be a wrongful intention concerning what is usually ‘eaten’ by the altar; and furthermore, as there can be a wrongful intention concerning what is usually eaten by man in regard to man's eating thereof²³ and concerning what is usually ‘eaten’ by the altar in regard to the altar's ‘eating’ thereof, so there can be a wrongful intention concerning what is usually eaten by man in regard to the altar's ‘eating’ thereof²⁴ and concerning what is usually ‘eaten’ by the altar in regard to man's eating thereof. And why is this? Because the Divine Law expressed [the burning upon the altar] by the term ‘eating’. And the Rabbis, [what would they say to this]? — The reason why the Divine Law expressed it by the term ‘eating’ was [to teach you]

(1) V. Sanh. 17b. This title of honour was applied to ‘Efah and Abimi, the sons of Rehabah the Pumbedithan.

(2) I.e., if during the burning of the handful of the meal-offering the officiating priest expressed the intention of burning the frankincense on the morrow, the offering is piggul.

(3) Supra 12a.

(4) Which are stated in this Mishnah in connection with the handful.

(5) For the frankincense is not dependent upon the burning of the handful; v. supra 13b, p. 80.

(6) Where the piggul intention was expressed during the burning of the handful concerning the frankincense.

(7) So in all MSS. and Sh. Mek.; in cur. edd. ‘ldi’.

(8) That both are valid.

(9) Just as the burning of the handful, not being the mattir of the frankincense, cannot render the offering piggul by reason of a piggul intention concerning the latter.

(10) The two lambs, which are the two mattirs, are not united by any act or service, but are separate and distinct; and therefore one is not affected by the other.

(11) The handful and the frankincense are placed together in the same vessel, and so regarded as one mattir.

(12) Lit., ‘I was made to swallow’.

(13) The word **ולבונה** 'and the frankincense', found in all edd. is wanting in the MSS. and is struck out by Sh. Mek. The translation in the text is based upon the text and interpretation of Rashi. Maim. apparently included the word **ולבונה** in the text, and the translation would read thus: If he burnt the handful intending to burn the frankincense on the morrow, and (then he burnt) the frankincense intending to eat the remainder on the morrow, the offering is piggul. V. Maim. Yad, Pesule Hamuk. XVI, 8; and also **לקוטי הלכות** on Men. a.l. by Israel Meir Hakohen.

(14) The 'and' however would be taken, as often, in the sense of 'or'.

(15) Although each intention by itself would not render piggul, the two together affect the whole of the meal-offering and render it piggul.

(16) Between R. Meir and the Sages; and according to the latter it is not piggul since the intention was expressed during the service of half the mattir only.

(17) The Sages agree that such an intention renders the offering invalid.

(18) It is more probable that the Tanna confused in his mind **פיגול** with **פסול** 'invalid', rather than that he confused **הזרי הז** 'it is' with **דברי הכל** 'all hold'.

(19) On the morrow.

(20) E.g., the frankincense or the handful.

(21) E.g., the remainder of the meal-offering.

(22) Lev. VII, 18. Heb. **אם האכל יאכל** lit., 'If eaten there shall be eaten'; hence the verse contemplates two kinds of eating.

(23) I.e., an intention expressed during the burning of the handful that what is usually eaten by man (sc. the remainder) shall be eaten by man beyond the time prescribed for the eating thereof. This intention renders the offering piggul. Similarly the intention that what is usually consumed by the altar shall be burnt upon the altar outside the prescribed time renders the offering piggul.

(24) I.e., the intention that what is usually eaten by man shall be burnt upon the altar outside the prescribed time also renders the offering piggul.

Talmud - Mas. Menachoth 17b

that it makes no difference whether the wrongful intention for the altar was expressed by the use of the term 'eating'¹ or by use of the term 'burning. Or [to teach you] that as for eating the quantity of an olive's bulk is essential,² so for the burning the quantity of an olive's bulk is essential. The term 'eating', however, always means in the usual manner.³ And R. Eliezer? — If so, [he says], the Divine Law should have stated either *he'akol he'akol*⁴ or *ye'akel ye'akel*;⁵ why does it say *he'akol ye'akel*?⁶ That you may infer two things therefrom.⁷

R. Zera said to R. Assi, If this⁸ is the reason for R. Eliezer's view, then one should also incur the penalty of kareth? And should you say that this is indeed so, but you yourself have reported in the name of R. Johanan that R. Eliezer admits that one is not thereby liable to kareth! — He replied, Tannaim differ as to the real view of R. Eliezer; some say that it is invalid by Biblical law,⁹ others that it is invalid by Rabbinical law only. For it was taught: If one slaughtered an animal-offering intending to drink its blood¹⁰ on the morrow, or to burn its flesh¹¹ on the morrow, or to eat of the sacrificial portions¹⁰ on the morrow, the offering is valid; but R. Eliezer declares it to be invalid. If he intended to leave some of its blood for the morrow, R. Judah declares it to be invalid. R. Eleazar said, Even in this case, R. Eliezer declares it to be invalid, and the Sages declare it to be valid. Now whose view does R. Judah adopt?¹² Do you say that of the Rabbis? But surely if in the case where the intention expressed is included under the term 'eating',¹³ the Rabbis declare the offering to be valid, how much more so in this case!¹⁴ It must therefore be that of R. Eliezer. And thereupon R. Eleazar had said, 'Even in this case, R. Eliezer declares it to be invalid, and the Sages declare it to be valid'. Is not R. Eleazar identical with R. Judah? It must therefore be said that the difference between them is on the question of kareth. The first Tanna¹⁵ is of the opinion that in the case of 'leaving',¹⁶ [R. Eliezer holds that] it is invalid only, but in the other cases¹⁷ [R. Eliezer holds that] he is even liable to kareth; whereas R. Eleazar comes to tell us that in both these cases [R. Eliezer holds that] it is invalid only but the penalty of kareth is not incurred! — No, all are of the opinion that there is no

penalty of kareth involved; but in this dispute there are three different views. The first Tanna is of the opinion that only in the other cases do they¹⁸ differ,¹⁹ but in the case of 'leaving' all¹⁸ agree that it is valid. [

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- (1) I.e., if the priest whilst taking the handful expressed the intention that the handful shall be 'eaten' by the altar on the morrow, the offering is piggul
 - (2) In order to render the intention effective so as to make the offering piggul.
 - (3) The handful to be burnt upon the altar and the remainder to be eaten by man; only in these cases is the intention of consequence.
 - (4) **האכל האכל** i.e., the repetition of the verb in the infinitive.
 - (5) **יאכל יאכל**, both in the finite mood.
 - (6) **האכל יאכל**, the first verb being in the infinitive and the second in the finite mood.
 - (7) (a) That for the burning there must be an intention in respect of an olive's bulk, and (b) that an intention to burn upon the altar what is eaten by man, or an intention that what is usually burnt on the altar shall be eaten by man, is of consequence.
 - (8) As given above, derived from the verse in Lev. VII, 18.
 - (9) In which case the penalty of kareth would be incurred.
 - (10) I.e., what is usually consumed by the altar to be eaten by man.
 - (11) I.e., what is usually eaten by man to be consumed on the altar.
 - (12) I.e., what is R. Judah's view in the first case where the intention expressed was to drink the blood on the morrow, etc?
 - (13) To drink and to burn upon the altar are acts included under the term 'eating'.
 - (14) Where there was no intention of eating at all, but merely to leave the blood for the morrow.
 - (15) Sc. R. Judah. In cur. edd. 'R. Judah' is also found in the text; evidently an explanatory gloss.
 - (16) I.e., the second clause of the abovementioned Baraitha, where there was an intention of leaving over some of the blood for the morrow.
 - (17) I.e., those cases mentioned in the first clause of the abovementioned Baraitha, where there was an intention of drinking the blood on the morrow or burning the flesh on the morrow.
 - (18) R. Eliezer and the Sages.
 - (19) R. Eliezer holding that where there was an intention of burning on the morrow what is usually eaten, the offering is invalid by Rabbinical law, merely as a precautionary measure against an intention of burning on the morrow what is usually burnt, in which case the offering would be piggul by the law of the Torah.

Talmud - Mas. Menachoth 18a

R. Judah is of the opinion that only in the other cases do they differ, but in the case of 'leaving' all agree that it is invalid, the reason being that we must declare the offering invalid [in the case where the intention was in respect of leaving] part of the blood [for the morrow] as a precautionary measure against [an intention of leaving] all the blood [for the morrow], and [an intention of leaving] all the blood [for the morrow] renders the offering invalid by Biblical law. For it was taught:¹ Said R. Judah to them, 'You would agree with me, would you not, that if he actually left [the blood] for the morrow the offering is invalid? Then even where he intended to leave it for the morrow it is also invalid'. R. Eleazar then comes to tell us that even in this case,² R. Eliezer declares it to be invalid and the Sages declare it to be valid.

Is then R. Judah of the opinion that in the case where there was an intention of leaving part of the blood for the morrow all agree that it is invalid? But it has been taught: Rabbi said, When I went to R. Eleazar b. Shammua' to have my learning examined³ (others say: To sound the learning of R. Eleazar b. Shammua'). I found there Joseph the Babylonian sitting before him. Now he [Joseph] was very dear to him.⁴ He [Joseph] then said to him, 'Master, what is the law if one slaughtered an offering intending to leave the blood for the morrow?' 'It is valid', he replied. In the evening he again replied. 'It is valid'. On the next morning he again replied. 'It is valid' — At midday he again

replied. 'It is valid' In the afternoon he replied. 'It is valid, but R. Eliezer declares it to be invalid'. Thereupon Joseph's face lighted up. Said to him [R. Eleazar], 'Joseph, it seems to me that our traditions did not correspond until now' — 'Quite so, Master', he replied. 'quite so. For R. Judah had taught me the view that it was invalid; and when I sought out all his disciples so as to find a supporter of this view, I could not find any.⁵ But now that you have taught me the view that it is invalid, you have thus restored to me what I had lost'. Thereupon the eyes of R. Eleazar b. Shammua' streamed with tears and he exclaimed, 'Happy are ye, O scholars, to whom the words of the Torah are so dear!' He then applied to him [Joseph] the following verse: 'O how I love thy law! It is my meditation all the day.'⁶ For it was only because R. Judah was the son of R. Ila'i, and R. Ila'i was the disciple of R. Eliezer that he [R. Judah] taught you the view of R. Eliezer.' Now if it be assumed that [R. Judah] taught that all hold it is invalid, then what did he [Joseph] mean when he said 'You have thus restored to me what I had lost'? He [R. Eleazar b. Shammua'] had only told him [in the end] that there was a difference of opinion in the matter!⁷ — What then would you say? That he [R. Judah] taught him 'It is valid, but R. Eliezer declares it to be invalid'! If so, why the expression 'For it was only because'?⁸ We also learnt [from R. Eleazar b. Shammua'] that there was a difference of opinion in the matter! — We must indeed say that he [R. Judah] taught him that all hold it is invalid; but what did he [Joseph] mean by saying, 'You have thus restored to me what I had lost'? He meant that he had brought the view 'it is invalid' to light.⁹

MISHNAH. IF HE DID NOT POUR IN [THE OIL],¹⁰ OR IF HE DID NOT MINGLE IT, OR IF HE DID NOT BREAK UP [THE MEAL-OFFERING] IN PIECES,¹¹ OR IF HE DID NOT SALT IT,¹² OR WAVE IT,¹³ OR BRING IT NIGH,¹⁴ OR IF HE BROKE IT UP INTO LARGE PIECES,¹⁵ OR DID NOT ANOINT IT¹⁶ [WITH OIL], IT IS VALID.

GEMARA. What is meant by HE DID NOT POUR IN [THE OIL]? Shall we say that he did not pour in [any oil] at all? But Scripture has indicated that this is indispensable!¹⁷ — We must say therefore that it means, the priest did not pour in [the oil] but a non-priest did. If so, the next item HE DID NOT MINGLE IT, would also mean, the priest did not mingle it but a non-priest did; from which it follows that if it was not mingled at all it would be invalid,

(1) V. Zeb. 36a.

(2) Where there was an intention of leaving over some of the blood for the morrow.

(3) Lit., 'to drain my measures to the last drop'; i.e., to overhaul my studies and to have all matters of doubt cleared up.

(4) Heb. עַד לְאַחַת, corresponding to the Aramaic אַחַת מְאֹד=very much. (R. Nissim, in Tosaf. ad. loc. s.v. טע). According to Rashi: 'until one', i.e., until they had reached the subject dealt with here; or, everything that R. Eleazar said was dear to Joseph and accepted by him unhesitatingly until they had reached this law, which he did not accept until the end.

(5) And I therefore thought that I must have been mistaken in my report of R. Judah since the other disciples of R. Judah had not heard of it.

(6) Ps. CXIX, 97.

(7) So that even the final reply of R. Eleazar b. Shammua' did not correspond with the teaching Joseph had received from R. Judah. It must therefore be said that R. Judah had also taught his disciple Joseph that there was a difference of opinion in the matter, and so contrary to the premise set out at the beginning of this passage.

(8) For when R. Eleazar b. Shammua' had remarked 'For it was only because...' he evidently meant to say that R. Judah had taught his disciple Joseph that particular view only out of admiration and reverence for his teachers, whereas in fact the law was not in accordance with that view. But as matters now stand the teachings of R. Eleazar b. Shammua' and of R. Judah are identical.

(9) For until the final reply of R. Eleazar b. Shammua' there was not even the vaguest hint that any Rabbi held the view that it is invalid; and this so disturbed Joseph that he was led to doubt the accuracy of his memory concerning R. Judah's teaching. The final reply of R. Eleazar b. Shammua' gave him some measure of reassurance.

(10) The fixed procedure in the preparation of the meal-offering was: first some oil was poured in a vessel and the fine flour was then put in; then more oil was poured in and it was mingled with the flour. It was then baked into cakes and

thereafter broken in pieces. The remainder of the oil was then poured on it, and the handful was taken therefrom. V. infra 74b. The first case of the Mishnah means that no oil was poured in at the end but it had all been poured in at first.

(11) Cf. Lev. II, 6. All meal-offerings which were baked before the taking out of the handful had to be broken up in pieces; v. infra 75b. In this case only an amount sufficient for the handful was broken up, but the rest remained unbroken (Rashi).

(12) Ibid. 13. Only the handful was salted but not the rest of the meal-offering (Bertinoro and Tosaf. Yom-tob; and cf. prec. n.). According to others: the handful was not salted by a priest but by a layman (Maim. and Tif. Yisrael; and cf. infra the Gemara's interpretation of the first item of our Mishnah).

(13) Sc. the 'Omer meal-offering (ibid. XXIII, 11) or the meal-offering of suspicion (Num. V, 25). V. infra 61a.

(14) To the southwestern horn of the altar; cf. Lev. II, 8.

(15) Or, he broke it up too fine; v. Gemara infra 18b.

(16) Those cakes which were not mingled with oil but were, after baking, anointed with oil; cf. ibid. VII, 12.

(17) For the rite of pouring in oil is stated twice (Lev. II, 1 and 6), and whatsoever rite is repeated in connection with the meal-offering is accounted indispensable. V. infra 19b.

Talmud - Mas. Menachoth 18b

but we have learnt:¹ Sixty [tenths] can be mingled together² but not sixty-one. And when we were considering this [and it was asked], What does it matter if they cannot be mingled together? Have we not learnt: IF HE DID NOT MINGLE IT . . . IT IS VALID? R. Zera answered, Wherever proper mingling is possible the mingling is not indispensable, but wherever proper mingling is not possible the mingling is indispensable?³ — Is this an argument? Surely this has its own meaning and that has its own meaning. The item HE DID NOT POUR IN means, the priest did not pour in [the oil] but a non-priest did; whereas the item HE DID NOT MINGLE IT means, it was not mingled at all.

OR IF HE BROKE IT UP INTO LARGE PIECES. But surely if where he did not break it up at all it is valid, is it then necessary to state [that it is valid if he broke it up into] large pieces? — The expression 'LARGE PIECES' really means many pieces.⁴ Or, if you will, I may say that actually large pieces were meant, [nevertheless it had to be stated in our Mishnah]. For you might have thought that only there⁵ [is it valid] since they retain the character of cakes, but [not] here⁶ since they are neither cakes nor crumbs. We are therefore taught [that here,⁶ too, it is valid].

Shall we say that our Mishnah⁷ is not in agreement with R. Simeon? For it was taught: R. Simeon says, A priest who does not believe in the service has no portion in the priesthood,⁸ for it is written, He among the sons of Aaron, that offereth the blood of the peace-offerings, and the fat, shall have the right thigh for a portion;⁹ that is to say, if he believes in the service he has a portion in the priesthood, and if he does not believe in the service he has no portion in the priesthood. Now I know it only of this [service stated in the verse], but whence do I know it also of the fifteen services, viz., pouring in [the oil],¹⁰ mingling, breaking it up, salting it, waving it, bringing it nigh, taking the handful, burning it, nipping off¹¹ [the head of a bird-offering], receiving [the blood], sprinkling it, giving the water to a woman suspected of adultery,¹² breaking the heifer's neck,¹³ purifying the leper,¹⁴ and raising the hands in blessing both within [the Temple] and without?¹⁵ The verse therefore adds, 'Among the sons of Aaron', that is, all services that are entrusted to the sons of Aaron; and the priest who does not believe in it has no portion in the priesthood!¹⁶ — There is no difficulty, said R. Nahman. There¹⁷ it deals with the meal-offering of a priest,¹⁸ here with the meal-offering of an Israelite. In the case of the meal-offering of an Israelite, from which the handful must be taken, the duty of the priesthood begins with the taking out of the handful; we thus learn that the pouring in [of the oil] and the mingling are valid [even though performed] by non-priests. In the case of the meal-offering of a priest, from which the handful is not taken, the services of the priesthood are required from the very beginning. Thereupon Raba said to him, Just see, whence do we deduce that the rite of pouring in the oil applies also to the meal-offering of a priest? From the meal-offering of an Israelite,¹⁹ do we not? Well, as there [the pouring in] may be performed by a

non-priest, in this case too it may be performed by a non-priest! (Others have the following version. There is no difficulty, said R. Nahman. Here it deals with meal-offerings from which the handful is taken, there²⁰ with meal-offerings from which the handful is not taken.²¹ Thereupon Raba said to him, Just see, whence do we deduce that the rite of pouring in the oil applies also to meal-offerings from which the handful is not taken? From those meal-offerings from which the handful is taken, do we not? Well then they must be like unto those from which the handful is taken, and as in the latter case [the pouring in] may be performed by a non-priest, here too it may be performed by a non-priest!) — Obviously, then, our Mishnah is not in agreement with R. Simeon.

What is the reason of the Rabbis?²² — It is written, And he shall pour oil upon it, and put frankincense thereon. And he shall bring it to Aaron's sons the priests; and he shall take thereout his handful.²³ From the taking of the handful and onwards is the function of the priesthood; we thus learn that the pouring in [of the oil] and the mingling are valid [even though performed] by non-priests. And R. Simeon? — [He says,] The Scriptural expression 'Aaron's sons

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- (1) Infra 103b. The line quoted from this Mishnah is actually stated in the form of a question.
- (2) In the one vessel with one log (v. Glos.) of oil.
- (3) It is evident, therefore, that according to R. Zera our Mishnah teaches that the mingling can be dispensed with entirely, provided it were possible to do so if desired. Similarly the first case of our Mishnah would mean that no oil at all was poured in.
- (4) I.e., he broke it up too small.
- (5) In the case where the cakes were not broken up at all.
- (6) Where they were broken up into a few large pieces.
- (7) Which permits the rite of pouring in the oil to be performed by a non-priest.
- (8) I.e., he is not entitled to a portion in the distribution of the priestly gifts. V. Hul. 132b.
- (9) Lev. VII, 33.
- (10) This and the following seven services relate to the various kinds of meal-offerings.
- (11) Ibid. I, 15; V, 8.
- (12) Num. V, 24.
- (13) Deut. XXI, 4.
- (14) Lev. XIV, 1ff.
- (15) For the priestly benediction, whether in the Temple at Jerusalem (ibid IX, 22) or in the synagogues in every town in Israel (Num. VI, 22ff.)
- (16) It is clear, however, that R. Simeon counts the pouring in of the oil as a special service of the priests and which may not be performed by a layman, contrary to the view of our Mishnah.
- (17) In the Baraitha taught by R. Simeon.
- (18) From which no handful was taken but the whole meal-offering was burnt upon the altar. Cf. Lev. VI, 16.
- (19) The rite of pouring in the oil over the flour is stated only in connection with the meal-offering of an Israelite, but it is extended so as to apply to all meal-offerings; v. infra 75a.
- (20) In the Baraitha taught by R. Simeon.
- (21) The meal-offering of a priest and also the meal-offering which accompanied most sacrifices; cf. Num. XV, 4ff.
- (22) Who hold the view of our Mishnah.
- (23) Lev. II, 1, 2.

Talmud - Mas. Menachoth 19a

the priests' is to be interpreted as referring to what precedes as well as to what follows.¹ And is R. Simeon of the opinion that a Scriptural expression is to be interpreted as referring to what precedes as well as to what follows? But it has been taught: It is written, And the priest shall take of the blood of the sin-offering with his finger, and put it upon the horns of the altar.² 'And... shall take... with his finger', this teaches us that the taking [of the blood] shall be with the right hand only; 'with his finger and put it', this teaches us that the sprinkling shall be with [the finger of] the right hand only.

R. Simeon said, Is the expression 'hand'³ written in connection with the taking [of the blood]? Since the expression 'hand' is not written in connection with the taking [of the blood], if he took the blood with the left hand it is still valid. And Abaye said that they differ as to whether a Scriptural expression is to be interpreted as referring to what precedes as well as to what follows or not!⁴ — This rather is the reason for R. Simeon's view: It is written, And he shall bring it;⁵ the term 'and' indicates conjunction with the preceding subject.⁶ But is R. Simeon of the opinion that the term 'and' indicates conjunction with the preceding subject? Then consider this: It is written, And he shall slaughter the bullock before the Lord; and Aaron's sons, the priests, shall present the blood, and sprinkle the blood,⁷ from which it is clear that only from the act of receiving⁸ [the blood] and onwards is the function of the priesthood; we thus learn that the slaughtering may be performed by a non-priest. But according to R. Simeon, since the term 'and' indicates conjunction with the preceding subject, the slaughtering by a non-priest should not be permitted!⁹ Here it is different, for it is written, And he shall lay his hand¹⁰ ... and he shall slaughter; and as the laying of the hands is performed by non-priests so the slaughtering may be performed by non-priests. Then should it not follow, as the laying of the hands must be performed by the owner [of the offering], so the slaughtering, too, shall be performed by the owner! — You cannot say that, as there is an a fortiori argument against it. For if the sprinkling which is the chief service of atonement is not performed by the owner, a fortiori the slaughtering which is not the chief service of atonement! And should you retort, But surely the possible is not to be inferred from the impossible!¹¹ then [I say], the fact that the Divine Law enjoined with regard to the service on the Day of Atonement, And he shall slaughter the bullock of the sin-offering which is for himself,¹² indicates that elsewhere the slaughtering need not be performed by the owners.

Rab said, Wherever the expressions 'law' and 'statute' occur [in connection with any rites,] their purpose is only to indicate the indispensability [of those rites]. Now it was assumed that both expressions were necessary for this purpose, as in the verse, This is the statute of the law.¹³ (Mnemonic: Nataz Yikmal).¹⁴ But is there not the case of the Nazirite,¹⁵ where only the expression 'law' is used,¹⁶ and yet Rab has said that the [absence of the] rite of waving¹⁷ in the case of the Nazirite invalidates [the service]? — That case is different, for since there is written, so he must do,¹⁸ it is as though the expression 'statute' were used. And is there _not the thank-offering, where only the expression 'law' is used,¹⁹ yet we have learnt:²⁰ Of the four [kinds of cakes] of the thank-offering²¹ the [absence of] one invalidates the others? — The case of the thank-offering is also different, since it has been placed side by side with the Nazirite in the verse, With the sacrifice of his peace-offerings for thanksgiving,²² and the Master has taught²³ that the term 'peace-offerings' includes the peace-offerings of the Nazirite.

And is there not the case of the leper, where only the expression 'law' is used,²⁴ yet we have learnt:²⁵ Of the four kinds [used in the purification] of the leper²⁵ the [absence of] one invalidates the others? — That case is different, for since there is written, This shall be the law of the leper,²⁴ it is as though the word 'statute' were also written.²⁶

And is there not the Day of Atonement, where only the expression 'statute' is used,²⁷ yet we have learnt:²⁸ Of the two he-goats of the Day of Atonement the [absence of] one invalidates the other? — Hence we must say that either the expression 'law' [by itself] or 'statute' [by itself indicates indispensability].

But with all other offerings only the expression 'law' is found,²⁸ and yet the rites [in each offering] are not indispensable!²⁹ — We must therefore say that the expression 'law' requires with it the expression 'statute' [in order to indicate indispensability], whereas 'statute' does not require with it 'law'. But did not [Rab] say, The expressions 'law' and 'statute' ?³⁰ — He meant to say this: Even though the expression 'law' is used, only if there is also used the expression 'statute' is [indispensability implied], otherwise it is not so.

But in the case of the meal-offering only the expression 'statute' is used,³¹ and yet Rab has stated, Every rite of the meal-offering which is repeated in another verse³² is indispensable; which shows that only if it is repeated is it [indispensable], otherwise it is not!³³ — That case is different, for the expression 'statute' relates only to the eating.³⁴

And is there not the Shewbread, where [undoubtedly] the expression 'statute' relates only to the eating,³⁵ yet we have learnt:³⁶ Of the two rows [of the Shewbread] the [absence of] one invalidates the other, of the two dishes [of frankincense] the [absence of] one invalidates the other, of the rows and the dishes the [absence of] one invalidates the other? — Therefore [we must say that] even where [the expression 'statute'] is used in connection with the eating [of the offering], it relates to all [the rites of that offering]; in that case,³⁷ however, it is different, for since it is written, Of the bruised corn thereof and of the oil thereof³⁸ [it is clear that only]

(1) So that the rites prior to the taking of the handful, namely the pouring in of the oil and the mingling, must also be performed by the priests alone.

(2) Ibid. IV, 25. It is to be particularly observed that the expression 'with his finger' (which in conjunction with the term 'priest', according to Rabbinic interpretation, signifies the use of the right hand or of the finger of the right hand; v. supra 10a) is so placed in the middle of the verse that it might be said to refer to the rite of taking the blood which precedes, or to the rite of sprinkling which follows, or even to both.

(3) The expression 'finger' is here meant.

(4) The first Tanna holds that the expression 'with his finger' refers to what precedes as well as to what follows, and therefore both services must be performed with the right hand; whereas R. Simeon holds that 'with his finger' refers to what follows, namely the sprinkling, and therefore the taking of the blood may be performed even with the left hand.

(5) Lev. II, 2.

(6) And the former service (sc. the pouring in of the oil) is determined by the latter (sc. the taking of the handful); as the latter is performed by the priest only, so the former may be performed by the priest only. To reason the same with regard to the sin-offering thus: since the second service is introduced by the term 'and', therefore as the second service, sc. the sprinkling, must be performed with the right finger so the preceding service, sc. the receiving of the blood, shall also be performed with the right hand, is not admissible, for the two services of the verse are separated by the expression 'with his finger' (Rashi).

(7) Ibid. I, 5.

(8) Which is understood by the expression 'present the blood'.

(9) For the services which follow the term 'and', namely the receiving and the sprinkling, may be performed by none other than priests.

(10) Lev. I, 4.

(11) Whereas the sprinkling is 'impossible', i.e., may not be performed by the owner, since that would be in direct conflict with the Scriptural precept, the slaughtering on the other hand is 'possible', i.e., may be, and therefore should be, performed by the owner.

(12) Ibid. XVI, 11.

(13) Num. XIX, 2.

(14) **נְתַץ יְקַמֵּץ** (he dashes and will pluck off), a mnemonic of the initial or characteristic letters of the cases adduced here in argument against Rab's principle.

(15) Cf. Num. VI, 2ff.

(16) Ibid. 21: This is the law of the Nazirite.

(17) Cf. Ibid. 19, 20.

(18) Ibid. 21.

(19) Lev. VII, 11.

(20) Infra 27a.

(21) Sc. leavened, cakes, unleavened cakes, wafers, and soaked cakes; cf. Lev. VII, 12, 13.

(22) Ibid. 13.

(23) Infra 27a.

- (24) Ibid. XIV, 2.
- (25) Sc. cedarwood, scarlet, hyssop, and two clean birds; cf. *ibid.* 4'
- (26) For the expression 'shall be' also signifies indispensability.
- (27) Cf. *Ibid.* XVI, 29.
- (28) Cf. *ibid.* VII, 37: This is the law of the burnt-offering etc.
- (29) E.g., the offering is valid even though the sacrificial portions of the guilt-offering were not burnt upon the altar (*supra* 4a). and the meal-offering even though it was not brought nigh unto the altar (*supra* 18a).
- (30) It is clear that the expressions are on an equal footing and one is not more significant than the other.
- (31) Cf. Lev. VI, 11.
- (32) The meal-offering is dealt with primarily in Lev. II, and also in VI, 7-11.
- (33) In spite of the fact that the expression 'statute' is used.
- (34) As it is written (*ibid.* VI, 11): Every male among the children of Aaron shall eat of it, it is a perpetual statute. It cannot be taken as a general term indicating indispensability.
- (35) For it is written (*ibid.* XXIV, 9): And they shall eat it in a holy place, for it is most holy unto him . . . by a perpetual statute.
- (36) *Infra* 27a.
- (37) Sc. of the meal-offering.
- (38) *Ibid.* II, 16.

Talmud - Mas. Menachoth 19b

the bruised corn and the oil are indispensable, but no other thing is indispensable.¹

[To turn to] the main text: 'Rab said, Every rite of the meal-offering which is repeated in another verse is indispensable. Samuel, however, said, The bruised corn and the oil are indispensable, but no other thing is indispensable.² Is it then suggested that according to Samuel even though the rite is repeated in another verse it is not indispensable?³ — Rather [the position is this]: Wherever any rite is repeated in another verse it is certainly indispensable; they differ only as to [the effect of] the interpretation of the phrases 'his handful' and 'with his hand'. For it was taught: The phrases 'his handful'⁴ and 'with his hand'⁵ signify that he shall not use a measure for the taking of the handful.⁶ Now Rab maintains that this too has been stated in another verse, as it is written, And he presented the meal-offering and filled his hand therefrom;⁷ Samuel, however, says that we cannot derive a permanent law from a temporary enactment.⁸

Is Samuel then of the opinion that we cannot derive a permanent law from a temporary enactment? But we have learnt: The vessels for liquids hallow liquids, and the measuring vessels for dry stuffs hallow dry stuffs; the vessels for liquids cannot hallow dry stuffs, neither can the measuring vessels for dry stuffs hallow liquids.⁹ And thereupon Samuel had said, This applies only to the measuring vessels [for liquids], but the sprinkling bowls hallow [also dry stuffs], for it is written, Both of them full of fine flour!¹⁰ — This case is different since the verse is repeated twelve times.¹¹

R. Kahana and R. Assi said to Rab, But is not the bringing nigh [of the meal-offering to the altar] repeated in Scripture, nevertheless it is not indispensable?¹² — Where is it repeated? Because it is written, And this is the law of the meal-offering: the sons of Aaron shall bring it nigh before the Lord, [to the front of the altar]?¹³ But surely that verse merely determines the place [whither it shall be brought]. As it has been taught: [If the verse had only stated,] 'Before the Lord', I might have thought that it meant on the west [side of the altar],¹⁴ the verse therefore added, To the front of the altar.¹⁵ And [if the verse had only stated,] To the front of the altar, I might have thought that it meant on the south side, the verse therefore stated, 'Before the Lord'. So what was the procedure? He brought it nigh unto the south-west corner opposite the point of the altar's horn, and that sufficed. R. Eliezer says, It is possible [to think that the meaning is] he can bring it nigh either to the west corner or to the south corner;¹⁶ but you can answer, Wherever you find two texts, one self-confirmatory and

confirming the words of the other, whereas the second is self-confirmatory but annuls the words of the other, we abandon the latter and accept the former. Thus when you emphasize ‘before the Lord’, i.e., on the west side [of the altar], you annul ‘to the front of the altar’, which is on the south side; but when you emphasize ‘to the front of the altar’, i.e., on the south side, you confirm ‘before the Lord’, which is on the west side. But how do you confirm it?¹⁷ — R. Ashi said, This Tanna holds that the whole of the altar stood in the north.¹⁸

R. Huna demurred, But the salting [of the meal-offering] is not repeated in Scripture, nevertheless it is indispensable! For it has been taught: The verse, It is a covenant of salt for ever,¹⁹ signifies that there is

(1) It is evident that the expression ‘statute’ used in connection with the meal-offering is of no significance, seeing that it was found necessary to derive the teaching that the measures of the bruised corn and of the oil shall each be full, from the emphatic and indeed superfluous particles ‘thereof’ attached to each, and not by inferring it from the expression ‘statute’ (Rashi). According to Tosaf. (s.v. **וְשֵׁנִי**) the interpretation is: the fact that Scripture repeats here (v. 16) practically the same rite that is mentioned in v. 2, signifies that in this instance the expression ‘statute’ is of no significance.

(2) Even though the rite is repeated in another verse.

(3) Surely not; for what else could be the purpose of the repetition of that rite if not to indicate indispensability?

(4) Lev. II, 2.

(5) Ibid. VI, 8. So literally.

(6) From these two phrases we learn that the priest must take out the handful with his hand and may not use a measure which holds as much as a handful for the purpose.

(7) Ibid. IX, 17. This verse clearly repeats the injunction that the handful must be taken out with the hand; hence it is indispensable, and if it was taken with a measure it is invalid.

(8) The above verse referred to relates to the meal-offering brought by Aaron at his installation as High Priest, and the provisions stated with regard thereto are obviously temporary enactments only and not rules for all time. Hence, according to Samuel, if the handful was taken with a measure the offering is valid.

(9) Supra 8b; Zeb. 88a.

(10) Num. VII, 13, and frequently in the chapter. ‘Both’ refers to the silver dish and the silver sprinkling bowl mentioned previously in the verse in connection with the presentation of gifts and offerings by the Princes of the twelve tribes at the dedication of the altar. These vessels obviously hallowed the flour that was put into them; hence Samuel derives the rule for all time that a sprinkling bowl hallows also dry stuffs.

(11) With the presentation of each of the princes. This oft repeated rite was clearly intended for all times.

(12) As we have learnt in our Mishnah: OR (IF HE DID NOT) BRING IT NIGH . . . IT IS VALID.

(13) Lev. VI, 7. This rite has already been stated previously: And he shall bring it nigh unto the altar (ibid II, 8).

(14) As this side of the altar faced the entrance of the Temple (wherein was the Holy of Holies) which was located in the west of the Temple court. V. fig. 1.

(15) I.e., the south, for here was the ascent leading up to the altar.

(16) So Tosaf. and Rashi in Sotah 14b. Here Rashi interprets: ‘both to the west . . . and to the south’.

(17) If the meal-offering is brought to the south side of the altar it can by no means be said to be ‘before the Lord’, i.e., opposite the entrance of the Temple which is on the west.

(18) Of the Temple court. So that the south side of the altar, being in fact nearest to the entrance of the Temple, is described as ‘before the Lord’. V. fig. 2.

(19) Num. XVIII, 19.

Talmud - Mas. Menachoth 20a

a covenant declared in regard to salt.¹ So R. Judah. R. Simeon says, Here it is said, It is a covenant of salt for ever, and there it is said, The covenant of an everlasting priesthood,² as it is impossible to conceive of sacrifices without the priesthood so it is impossible to conceive of sacrifices without salt!³ — R. Joseph answered, Rab agrees with the Tanna of our [Mishnah] who said, IF HE DID

NOT SALT IT . . . IT IS VALID. Thereupon Abaye said to him, Are you then suggesting that 'HE DID NOT POUR means he did not pour in [any oil] at all? It surely means that the priest did not pour in [the oil] but a non-priest did it; then here, too, it must be explained that the priest did not salt it but a non-priest did it.⁴ — He replied, How can it even enter your mind that a non-priest shall draw near to the altar?⁵ Alternatively, I can say, since with regard to [the salting] the expression 'covenant' is used, it is as though it were repeated in a verse.⁶

And is not [the salting actually] repeated in a verse? But it is written, And every offering of thy meal-offering shalt thou season with salt!⁷ — This verse is required for the following which had been taught: If the verse had stated, 'And every offering shalt thou season with salt', I would have concluded that it also applied to the wood and the blood,⁸ since these are also termed 'offering';⁹ the verse therefore adds meal-offering; thus as the meal-offering is distinguished in that other things are requisite for it,¹⁰ so everything for which other things are requisite [must be seasoned with salt]. But I can argue: as the meal-offering is distinguished in that it renders something permissible,¹¹ so everything which renders something permissible [must be seasoned with salt]; I would thus include the blood since it renders something permissible!¹¹ The verse therefore states, [Neither shalt thou suffer the salt . . . to be lacking] from thy meal-offering,⁷ but not 'from thy blood'. I might conclude then that the whole meal-offering requires salting; the verse therefore states, offering, [signifying that] only what is offered¹² requires salting, but the whole meal-offering does not require salting. I know now that the handful [requires salting] but whence do I know to include the frankincense? I include the frankincense since it is offered with [the handful] in the same vessel. And whence do I know to include the frankincense that is offered by itself,¹³ the frankincense that is offered in the dishes,¹⁴ the incense-offering, the meal-offering of priests, the meal-offering of the anointed [High] Priest,¹⁵ the meal-offering that is offered together with the drink-offerings,¹⁶ the sacrificial parts of the most holy and the lesser holy sacrifices, the limbs of the burnt-offering [of an animal] and the burnt-offering of a bird? The verse therefore states, With all thine offerings thou shalt offer salt.¹⁷

The Master stated: 'I know now that the handful [requires salting], but whence do I know to include the frankincense? I include the frankincense since it is offered with [the handful] in the same vessel'. But have you not stated previously, 'As the meal-offering is distinguished in that other things are requisite for it'?¹⁸ — This is what he meant: I might argue that the expression 'offering' is a general proposition and 'meal-offering' a particular item, so that we would have here a general proposition followed by a particular item, in which case the scope of the proposition is limited to the particular item specified, hence only the meal-offering [would require salting] but no other thing! The verse therefore added, With all thine offerings, which is another general proposition; so that we have now two general propositions separated from each other by a particular item, in which case they include only such things as are similar to the particular item specified: as the item specified¹⁹ is clearly something for which other things are requisite, so everything for which other things are requisite [requires salting]. And what are the other things that are requisite for it? It is the wood.²⁰ So that everything [which requires] wood [must be seasoned with salt]. But perhaps it is the frankincense, so that I would include the blood since there go with it the drink-offerings!²¹ — The drink-offerings go rather with the burning of the sacrificial parts, for eating and drinking' [go together].²² On the contrary atonement and joy [go well together]!²³ — This is what was meant: the frankincense goes together [with the handful] in the same vessel, whereas the drink-offerings do not go together [with the blood] in the same vessel; the wood, on the other hand, just as it is essential for the meal-offering so it is essential for all offerings.²⁴ But I could argue thus: As the item specified²⁵ is clearly something for which other things are requisite and also renders aught permissible, so everything for which other things are requisite and which renders aught permissible [requires salting]; and in this way only the frankincense that is in the dishes [would be included] since it renders the Shewbread permissible, but no other offering! — Since the expression, 'From thy meal-offering' was necessary to exclude the blood,²⁶ it follows that everything else is included by [its similarity with the meal-offering in] one respect.

The Master stated: '[Neither shalt thou suffer the salt . . . to be lacking] from thy meal-offering, but not from thy blood'. But perhaps it is to be interpreted: From thy meal-offering, but not from thy sacrificial limbs!²⁷ — It is more reasonable to include the limbs since (mnemonic: A. Sh. B. N. T. M. A.)²⁸ other things are requisite for them as for [the meal-offering], they are burnt by fire like it, they are treated outside like it,²⁹ they are subject to the law of nothar³⁰ like it, to the law of uncleanness like it and to the law of sacrilege like it,³¹

(1) I.e., salt must not be omitted from any sacrifice.

(2) Ibid. XXV, 13.

(3) Hence it is clear that salting is indispensable even though it is not repeated in Scripture, thus contrary to Rab's principle.

(4) So that even the Tanna of our Mishnah is of the opinion that the salting cannot be dispensed with entirely.

(5) The suggestion that a non-priest salted the meal-offering cannot be entertained, since the salting took place at the head of the altar, and it is inconceivable that a non-priest would approach so near the altar.

(6) And so the salting is, according to Rab, indispensable; thus in agreement with R. Judah and R. Simeon of the foregoing Baraita.

(7) Lev. II, 13; and the verse concludes: With all thine offerings thou shalt offer salt.

(8) That the wood which is burnt upon the altar must first be salted, likewise the blood before the sprinkling.

(9) Cf. Neh. X, 35: And we cast lots for the offering of wood. The blood can well be designated 'offering' since it is the chief part of the offering.

(10) Namely, wood for the burning of the handful of the meal-offering.

(11) The burning of the handful renders the remainder of the meal-offering permitted to be eaten; likewise the sprinkling of the blood renders the sacrifice permissible, i.e., the sacrificial portions to be burnt and the flesh to be eaten. The result of this argument would be that the blood would require salting since it is similar to the meal-offering in one respect (viz., it renders permissible), and all other offerings would require salting since they, too, are similar to the meal-offering in another respect (viz., for each wood is requisite), and only the wood is excluded. V. Rashi s.v. **וְשֶׁלֶט**.

(12) Sc. the handful, The remainder of the meal-offering, however, does not require salting.

(13) As a separate offering, e.g., if a man said, 'I vow to offer frankincense'; v. infra 106b. Whence do we know that this and all the other offerings mentioned, which are burnt upon the altar, must first be salted?

(14) With the Shewbread.

(15) Known as **חֲבִיתֵי כֹהֵן גָּדוֹל**, the meal-offering prepared on a griddle (hence **חֲבִיתֵין** from **מִחֲבֵת**) offered by the High Priest daily. Cf. Lev. VI, 13, 14.

(16) V. Num. XV, 4ff.

(17) Lev. II, 13.

(18) And by that argument the frankincense has already been included, since wood is required for the burning thereof; why then is the question raised again?

(19) Sc. the handful of the meal-offering which is burnt upon the altar.

(20) Which is essential for the burning of the offering upon the altar.

(21) The suggestion is that the expression 'other things are requisite' does not refer to the wood, but to any act or service that accompanies the offering, e.g., the burning of the frankincense that goes with the offering of the handful, and in the same way the drink-offerings that go with the sprinkling of the blood of animal-offerings.

(22) It is more logical to say that the drink-offerings go with the sacrificial parts, for in this way the 'meal' is complete, consisting of 'eating' (the burning of the sacrificial parts) and 'drinking' (the libation of the drink-offerings), rather than with the sprinkling of the blood.

(23) The drink-offerings, it is now argued, are closely associated with the sprinkling of the blood, for the joy at atonement which is brought about by the sprinkling is now expressed in the libations of wine.

(24) And therefore the relation of the frankincense to the handful is a closer one than that of the drink-offerings to the blood. The wood, too, is closely connected with the offering since without it the offering is not possible.

(25) Sc. the handful of the meal-offering.

(26) Which was similar to the meal-offering only in one respect (viz., each renders something permissible).

(27) I.e., the sacrificial limbs are not to be salted before being offered upon the altar.

(28) These are the initial or characteristic letters of the points in common between the meal-offering and the sacrificial limbs. It will be observed that the mnemonic contains seven letters whilst the Gemara enumerates but six points in common. Tosaf. explain that the seventh letter (ס standing for אֹכֶל 'a foodstuff') was a point too obvious to be mentioned. The last letter of this mnemonic, however, is wanting in MS.M.

(29) I.e., both the sacrificial limbs and the meal-offering are offered upon the altar that is outside in the Temple Court, whereas the blood in the case of certain offerings is sprinkled inside the Temple upon the veil and between the staves.

(30) Heb. נותר 'what is left over'. A person is liable if he eats of the meal-offering or of the sacrificial limbs outside the appointed time, or if he eats them whilst in a state of uncleanness. This is not so with regard to the blood.

(31) The law of sacrilege (i.e., the profane appropriation or use of sacred objects) does not apply to the blood. V. Yoma 60a.

Talmud - Mas. Menachoth 20b

On the contrary, it is more reasonable to include the blood since it renders something permissible like [the meal-offering]¹ and is rendered invalid at sunset like it!² — The others [the limbs] have more points in common.

The Master said: 'I would have concluded that it also applied to the wood and the blood since these are also termed "offering".' Whom have you heard express the opinion that the wood is termed 'offering'? It is Rabbi, is it not? But according to Rabbi it actually requires salting. For it was taught: The term 'offering'³ signifies that one may offer wood as a freewill-offering. And how much must it be? Two logs. And it is written, And we cast lots for the offering of wood.⁴ Rabbi says, The wood-offering is included under the term 'offering', and therefore it requires salting and also to be brought near⁵ [the altar]. And Raba had said that according to Rabbi's view it is essential to take a handful out of the wood.⁶ And R. Papa had said that according to Rabbi's view an offering of wood entails other wood too!⁷ — Strike out 'wood' from here.⁸ Then what does the verse exclude? It surely cannot exclude the blood, for this is excluded by the expression 'from thy meal-offering'!⁹ —

(1) The sprinkling of the blood renders the sacrifice permissible, just as the handful renders the rest of the meal-offering permissible to be eaten.

(2) The blood may not be sprinkled at night and if it remained overnight it is invalid, likewise with the handful of the meal-offering; whereas the sacrificial portions may be burnt throughout the whole night.

(3) Lev, II, 1. V. infra 106b.

(4) Neh. X, 35.

(5) To the south-western corner of the altar like the meal-offering.

(6) The wood must be cut up into small thin strips and a handful of these be taken and burnt upon the altar, like the handful of the meal-offering.

(7) As with every offering, wood from the Temple store is required for the burning of the offering, so here wood from the Temple store is required to burn the wood offered.

(8) I.e., from the argument in the passage stated by the Master,

(9) In the original Baraitha, supra p. 129, it will be seen that the first argument established that the expression 'meal-offering' excludes the blood and the wood. Later this Baraitha excluded the blood from another phrase of the verse 'from thy meal offering'. If now we strike out 'the wood' from the first argument then we are left in this position, that the Baraitha by the interpretation of two different expressions each time excludes the blood and nothing more.

Talmud - Mas. Menachoth 21a

Leave out 'the wood' and insert 'the drink-offerings' in its place. For it was taught: But the wine, the blood, the wood and the incense do not require salting. Who is the author of this Baraitha? If Rabbi, then the [inclusion of the] wood is a difficulty;¹ and if the Rabbis, then the [inclusion of the] incense is a difficulty.² — It is the following Tanna, for it was taught: R. Ishmael the son of R. Johanan b. Beroka says, Just as the particular item specified³ is clearly something which can contract

uncleanness, is consumed by fire and is offered upon the outer altar, so everything which can contract uncleanness, is consumed by fire and is offered upon the outer altar [requires salting]. Hence the wood is excluded since it cannot contract uncleanness, the blood and the wine are excluded since they are not consumed by fire, and the incense is excluded since it is not offered upon the outer altar.

Now this is so⁴ clearly because the verse excluded the blood, but otherwise I should have said that the blood must be salted. Surely by salting it it loses the character of blood!⁵ For Ze'iri said in the name of R. Hanina, If blood was cooked [and then one ate of it], one does not thereby commit a transgression.⁶ And Rab Judah said in the name of Ze'iri, If blood was salted [and one ate of it], one does not thereby commit a transgression.⁷ Moreover Rab Judah on his own authority said, If the sacrificial limbs were roasted and then brought up [on the altar], they are no longer under the denomination of 'a sweet savour'!⁸ — One might have thought that in compliance with the precept a little [salt] should be sprinkled therein, we are therefore taught [that it is excluded from this law].

The text [above stated]: 'Ze'iri said in the name of R. Hanina, If blood was cooked [and then one ate of it], one does not thereby commit a transgression'. Raba was sitting reciting this statement, when Abaye raised against him the following objection: If a man coagulated blood⁹ and ate it, or if he dissolved forbidden fat and gulped it down, he is culpable! — This is no difficulty, in the one case he coagulated it by the fire, in the other he coagulated it in the sun; if by the fire it will not resolve into its former state,¹⁰ if in the sun it will do so. But even though [it was coagulated] in the sun should we not say that once it has been set aside it must remain so?¹¹ For did not R. Mani enquire of R. Johanan, 'What is the law if one ate congealed blood?' and he replied, 'Once it has been set aside it must remain so'?¹² — He¹³ remained silent. Then said [Abaye] to him, perhaps the one case deals with [the blood of] external¹⁴ sin-offerings,¹⁵ and the other¹⁶ with [the blood of] internal¹⁷ sin-offerings.¹⁸ You have now, he exclaimed, reminded me of the law. For Rabbah said in the name of R. Hisda, If one ate the congealed blood of an external sin-offering, one is culpable, for the Divine Law says, And he shall take . . . and put it,¹⁹ and such is fit for taking and putting [upon the horn of the altar]. If one ate [the congealed blood] of an internal sin-offering, one is not culpable, for the Divine Law says, And he shall dip . . . and sprinkle,²⁰ and such is not fit for dipping and sprinkling. And Rabbah on his own authority said, Even if one ate [the congealed blood] of an internal sin-offering one is culpable, since with external sin-offerings [blood] in such a condition is fit for the ritual purpose.²¹ (Therefore, said R. Papa, If one ate the congealed blood of an ass one is culpable, since with external sin-offerings [blood] in such a condition is fit for the ritual purpose).²²

R. Giddal said in the name of Ze'iri, Blood is regarded as an interposition,²³ whether it be moist or dry. An objection was raised: Blood, ink, honey and milk, if dry constitute an interposition; if moist, they do not constitute an interposition. — This is no difficulty, in one case [the blood] was viscid,²⁴ in the other it was not.

For what purpose does Scripture state, Thou shalt salt?²⁵ — For the following which was taught: [If the verse had only stated] 'with salt',²⁶ I might have thought that it meant *tebonehu*,²⁷ the verse therefore stated, Thou shalt salt. [And if the verse had only stated,] Thou shalt salt, I might have thought that it meant even with salt water, the verse therefore stated, 'With salt'. Neither shalt thou suffer the salt to be lacking,²⁸ that is, bring that salt which has no Sabbath,²⁹ and that is the salt of Sodom. And whence do we know that if one cannot obtain the salt of Sodom one may bring salt of Istria?³⁰ Because the verse states, 'Thou shalt offer':²⁶ 'Thou shalt offer', whatever [salt] it is; 'thou shalt offer', from whatever place it comes; 'thou shalt offer', even on the Sabbath;³¹ 'thou shalt offer', even in conditions of uncleanness.³¹

What is the meaning of *tebonehu*? — Rabbah b. 'Ulla said, This is what was meant: I might have thought that one should heap the salt upon it as straw in clay. If so, said to him Abaye, it should have said *yetafnenu*!³² Rather said Abaye: I might have thought that one should pile up the salt like a

building. If so, said Raba to him, it should have said yibnenu!³³ Rather said Raba: I might have thought that it meant tebonehu. And what does tebonehu mean? R. Ashi explained: I might have thought that one should apply to it [salt] only to give it a taste,³⁴ just as the understanding,³⁵ the verse therefore stated, Thou shalt season. How should one do it? One takes the limb, spreads salt over it, turns it over and again spreads salt over it, and then offers it. Abaye said, And so, too, it should be done for [cooking meat in] the pot.³⁶

- (1) Since according to Rabbi the wood like the meal-offering requires salting.
- (2) For the principle enunciated by the Rabbis, namely that every offering for which other things (sc. wood) are requisite must be seasoned with salt, assuredly applies to the incense. V. supra p. 129.
- (3) Sc. the meal-offering, expressly mentioned in Lev. II, 13.
- (4) That the blood does not require salting.
- (5) And is certainly not fit for sprinkling.
- (6) For once it has been cooked it has lost the character of blood.
- (7) According to the principle that whatsoever is salted is counted as hot i.e., as roasted or cooked. V. Hul. 97b.
- (8) And are not acceptable. Similarly cooked blood would not be acceptable.
- (9) He rendered it into a solid mass by much cooking.
- (10) So that it has lost entirely its character as blood, and therefore Ze'iri maintains that no transgression is committed when one eats thereof.
- (11) I.e., once it has lost the character of blood during coagulation, it cannot again assume that character when melted down, on the principle that once a thing has been rejected it can no more be fit again.
- (12) And whosoever eats thereof — it being assumed that the congealed blood was not of a consecrated animal—does not commit a transgression.
- (13) Raba.
- (14) I.e., sin-offerings whose blood must be applied to the horns of the altar which stood in the Temple Court.
- (15) The blood of these sin-offerings, even though hardened in the sun, is still fit for its ritual purpose, and it still retains its character as blood. Likewise the blood of non-consecrated animals when hardened by the sun is also counted as blood, and therefore whosoever eats thereof commits a transgression.
- (16) Ze'iri's case.
- (17) I.e., sin-offerings whose blood must be sprinkled upon the veil and upon the golden altar, e.g., the bullocks and the he-goats which were to be wholly burnt, v. Lev. IV, ff.
- (18) In this case the coagulated blood is absolutely unfit for its purpose. as is soon to be explained.
- (19) Lev. IV, 30.
- (20) Ibid. 6.
- (21) It is therefore regarded as blood.
- (22) This passage is omitted in all MSS.
- (23) Blood adhering to the body interposes between the body and the water so that the immersion is not valid. For immersion to be valid no part of the body may be untouched by the water.
- (24) And almost dry; it therefore interposes.
- (25) Ibid. II, 13.
- (26) Lev. II, 13.
- (27) תבונהו. This word is explained in the text presently.
- (28) Ibid. Heb. לא תשבית, the verb being interpreted as of the same root as שבת,
- (29) I.e., is generated at all times and is cast up by the sea, both in winter and summer. This is identified with salt of Sodom, which is a fine sea salt.
- (30) A town in Pontus where there were salt mines. This name is applied to all coarse rock salt.
- (31) The offerings of the congregation may be brought on the Sabbath and in certain circumstances even in conditions of uncleanness. The salting of the offering is evidently a vital service and overrides the rules of Sabbath and of uncleanness.
- (32) יתבננו (or תבננו), denom. of תבן 'straw', meaning 'to mix with straw', 'to put in much straw', and then to apply a large quantity (of any substance)'.
(33) יבננו, implying building up row upon row.
- (34) I.e., only a small quantity of salt, just a sprinkling in order to give it a taste.

(35) Just as the understanding gives 'taste' and distinction to man (Rashi). Or, that one might 'understand' that salt has been sprinkled on it (Aruch).

(36) I.e., the meat must be salted on both sides.

Talmud - Mas. Menachoth 21b

Our Rabbis taught: The salt which is upon the sacrificial limb is subject to the law of sacrilege,¹ but that which is upon the ascent or upon the head of the altar is not subject to the law of sacrilege.² R. Mattenah said, There is Scriptural authority for this, for it is written, And thou shalt present them before the Lord, and the priests shall cast salt upon them, and they shall offer them up for a burnt-offering unto the Lord.³

We have learnt elsewhere: [The Beth din ordained] concerning the salt and the wood [of the Temple stores] that the priests may use them freely.⁴ Samuel said, They allowed this [use of salt] only for their offerings but not for eating. Now it was thought that 'for their offerings' meant for salting their [own] offerings,⁵ and 'for eating' meant the eating of consecrated meat.⁶ But surely if we provide them [with salt from the Temple stores] in order to salt the hides of the animal-offerings, shall we not provide them with salt to eat the consecrated meat? For it was taught: And so you find that salt was used in three places: in the salt chamber, on the ascent, and at the head of the altar. In the salt chamber where they used to salt the hides of animal-offerings;⁷ on the ascent where they used to salt the sacrificial limbs; at the head of the altar where they used to salt the handful, the frankincense, the incense-offering, the meal-offering of the priests, the anointed [High] Priest's meal-offering, the meal-offering that is offered with the drink-offerings, and the burnt-offering of a bird! — We must therefore say that 'for their offerings' means for the eating of consecrated meat, and 'for eating' means the eating of unconsecrated food. Unconsecrated food! [you say], surely this is obvious, for how does it come to be there!⁸ — Although the Master stated:⁹ 'They shall eat'¹⁰ signifies that [if the remainder of the meal-offering is insufficient] they should eat with it unconsecrated food and terumah, so that it should be eaten after the appetite is satisfied,¹¹ nevertheless we do not provide them with salt from the Temple.

Rabina said to R. Ashi, This indeed is most logical; for should you say that 'for their offerings' meant for salting their [own] offerings, so that [they are entitled to this] only because the Beth din granted them this concession, but had not the Beth din granted them this concession they would not be entitled to it, but surely if we provide the Israelites [with salt for their offerings], shall we not provide the priests too? For it was taught: I might have thought that if a man said, 'I take upon myself to offer a meal-offering', he must provide¹² the salt himself just as he must provide the frankincense himself. And the following argument [supports the contention]: It is enjoined that with a meal-offering there must be salt,¹³ and it is also enjoined that with a meal-offering there must be frankincense; therefore just as the frankincense he must provide himself,¹⁴ so the salt too he must provide himself. Or perhaps argue this way: It is enjoined that with a meal-offering there must be salt, and it is also enjoined that with a meal-offering there must be wood; therefore just as the wood is taken from the communal store¹⁵ so the salt too is taken from the communal store. Let us then see to which it is most similar. We derive the law concerning a matter that is essential to all offerings from another matter which is essential to all offerings,¹⁶ and let not the frankincense prove against this, since it is not a matter which is essential to all offerings. Or perhaps argue this way: we derive the law concerning a matter which is offered with the meal-offering in one vessel from another matter which is also offered with the meal-offering in one vessel¹⁷ and let not the wood prove against this, since it is not a matter which is offered with the meal-offering in one vessel. Scripture therefore states [concerning the salt], it is a covenant of salt for ever,¹⁸ and elsewhere [concerning the Shewbread] it says, It is on behalf of the children of Israel a covenant for ever;¹⁹ as the one²⁰ was taken out of the supplies of the community, so the other²¹ was also taken out of the supplies of the community! — Thereupon R. Mordecai said to R. Ashi, Thus said R. Shisha the son of R. Idi, It was

necessary to be stated only according to Ben Bokri's view.²² For we have learnt:²³ R. Judah said, Ben Bokri testified at Jabneh that a priest who paid the shekel²⁴ has committed no sin.²⁵ — Rabban Johanan b. Zakkai said to him, Not so, but rather a priest who did not pay the shekel has committed a sin.²⁶ The priests, however, used to expound the following verse to their advantage, And every meal-offering of the priest shall be wholly burnt; it shall not be eaten;²⁷ since the 'Omer-offering and the Two Loaves and the Shewbread are ours, how can they be eaten?²⁸ But according to Ben Bokri, since they are not in the first instance liable to pay the shekel, when they do pay it they have surely committed a sin, for they have brought unconsecrated matter into the Temple! — They bring it and deliver it [whole-heartedly] to the public funds. Now²⁹ one might have thought that

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- (1) And no profane use may be made of this salt. For the law of sacrilege (i.e., the misappropriation of property of the Sanctuary) v. Lev. V, 15, 16.
 - (2) And it may be used for ordinary purposes since it is no longer fit for any sacred purpose.
 - (3) Ezek. XLIII, 24. The salt which is upon the limb is, in this verse, stated to be part of the burnt-offering.
 - (4) Shek. VII, 7.
 - (5) I.e., the offerings which the priests offer on their own behalf may be salted with salt from the Temple stores.
 - (6) I.e., the priests may not use this salt at table when eating consecrated meat (e.g., the breast and the thigh) which they receive as their portion from the sacrifices.
 - (7) Which belonged to the priests.
 - (8) For it is forbidden to bring unconsecrated food into the Temple precincts (Rashi).
 - (9) Tem. 23a.
 - (10) Lev. VI, 9.
 - (11) I.e., in order to appease their hunger they should first eat some unconsecrated food or *terumah* (v. Glos.) outside the Temple Court, and then enter the Temple Court where they would finish their meal to satisfaction with the remainder of the meal-offering.
 - (12) Lit., 'bring from his home'.
 - (13) Lit., 'bring a meal-offering and bring salt'.
 - (14) For it is written, *ibid.* II, 1: And put frankincense thereon, and then it says in the next verse, And he shall bring it to the sons of Aaron.
 - (15) V. *infra*.
 - (16) Salt and wood are essential to all offerings.
 - (17) The salt and the frankincense were placed together with the handful of the meal-offering in one vessel.
 - (18) Num. XVIII, 19.
 - (19) Lev. XXIV, 8.
 - (20) Sc. the Shewbread, which was in the nature of an offering on behalf of the community of Israel.
 - (21) Sc. the salt for the offerings.
 - (22) According to Ben Bokri's view the priests did not contribute the shekel to the Temple funds and therefore were not entitled to any of the Temple's supplies; hence it was necessary for the Beth din to grant them a concession that they may use the Temple's supplies of wood and salt for their own offerings.
 - (23) Shek. I, 4.
 - (24) The annual contribution, corresponding to the half shekel ordained in the Torah (Ex. XXX, 13), paid before the first of Nisan by every Israelite towards the upkeep of the public offerings in the Temple.
 - (25) According to law a priest is not liable to pay the shekel, for the expression 'every one that passeth among them that are numbered' (Ex. *ibid.*) does not apply to the priests (or the Levites), since these were not numbered together with the rest of the tribes of Israel, but separately.
 - (26) The expression in the verse (v. *prec. n.*) is accordingly interpreted thus: Every one that passeth, that is, every one that passed through the Red Sea; among them that are numbered, that is, however they were numbered, whether separately or with the other tribes of Israel. Hence the priests are Biblically liable to pay the shekel.
 - (27) Lev. VI, 16.
 - (28) If the priests were liable to contribute the shekel to the Temple funds, out of which the three named public meal-offerings were provided, it would follow that these meal-offerings should be wholly burnt and not eaten by the priests; and this would be contrary to Scripture. Hence, the priests argued, they were not to pay the shekel.

(29) This continues the argument as given above 'It was necessary to be stated only according to Ben Bokri's view'. V. supra p. 139, n. 7.

Talmud - Mas. Menachoth 22a

the Divine Law granted this privilege¹ only to Israelites since they have a [share in the] chamber, but not to the priests as they have no [share in the] chamber; we are therefore taught [that this is not so].²

Now as to wood, concerning which the Tanna is certain that it is taken from the public supplies, whence does he know it? From the following: I might have thought that if a man said, 'I take upon myself to offer a burnt-offering', he must provide the wood himself³ just as he must provide the drink-offerings himself; the verse therefore states, On the wood that is on the fire which is upon the altar:⁴ as the altar was [set up] out of the public funds so the wood and the fire shall also come out of the public funds. So R. Eleazar son of R. Simeon. R. Eleazar b. Shammua' said, As the altar has not been used by a layman, so the wood and the fire shall not have been used by a layman. What is the [practical] difference between them? — The difference between them is [as to whether] new⁵ [wood is necessary or not].

And [can it be said that] old wood is not [allowed]? But it is written, And Araunah said unto David, Let my lord the king take and offer up what seemeth good unto him: behold, the oxen for the burnt-offering, and the morigim⁶ and the furniture of the oxen for the wood!⁷ — These were also new.

What are morigim?⁶ — 'Ulla said, It is a 'turbel bed',⁸ And what is a 'turbel bed'? — Rab Judah said, A 'goat with hooks',⁹ wherewith the threshers thresh. Said R. Joseph, What is the Scriptural [evidence]? It is written, Behold, I make thee a new morag having sharp teeth; thou shalt thresh the mountains.¹⁰

MISHNAH. IF THE HANDFUL OF ONE MEAL-OFFERING WAS MIXED WITH THE HANDFUL OF ANOTHER, OR WITH A PRIEST'S MEAL-OFFERING,¹¹ OR WITH THE MEAL-OFFERING OF THE ANOINTED [HIGH] PRIEST,¹¹ OR WITH THE MEAL-OFFERING OFFERED WITH THE DRINK-OFFERINGS,¹¹ IT¹² IS VALID. R. JUDAH SAYS, IF [IT WAS MIXED] WITH THE MEAL-OFFERING OF THE ANOINTED [HIGH] PRIEST OR WITH THE MEAL-OFFERING OFFERED WITH THE DRINK-OFFERINGS, IT IS INVALID, FOR SINCE THE CONSISTENCY OF THE ONE¹³ IS THICK AND THE CONSISTENCY OF THE OTHER¹⁴ IS THIN, EACH ABSORBS FROM THE OTHER.¹⁵ GEMARA. We have learnt elsewhere:¹⁶ If the blood [of a sacrifice] was mixed with water and it still has the appearance of blood, it is valid.¹⁷ If it was mixed with wine, it must be regarded as though it was water.¹⁸ If it was mixed with the blood of [unconsecrated] cattle or of a wild animal, it must be regarded as though it was water. R. Judah says, Blood cannot neutralize blood.¹⁹ R. Johanan said, Both²⁰ [derived their views by] expounding the same verse, viz., And he shall take of the blood of the bullock and of the blood of the goat.²¹ Now it is well known that the blood of a bullock is more than the blood of a goat;²² the Rabbis therefore conclude

(1) The use of the Temple supply of salt for their offerings.

(2) But the Beth din expressly granted them this concession. V. Shek. VII, 7.

(3) Lit., 'he must bring from his house'.

(4) Lev. I, 12.

(5) I.e., new wood which had never been used for any other purpose. R. Eleazar b. Shammua' insists upon new wood, whereas the first Tanna allows even used wood.

(6) מוריגים V. infra.

(7) II Sam. XXIV, 22.

- (8) **, a threshing sledge consisting of a wooden platform studded with sharp pieces of flint or with iron teeth (Jast.)
- (9) V. A.Z. 24b (Sonc. ed., p. 122, n. 1).
- (10) Isa. XLI, 15. It is evident from this verse that מִזְרֵג is a threshing instrument.
- (11) These meal-offerings are wholly burnt and therefore correspond to the handful of an ordinary meal-offering.
- (12) Sc. the handful, as well as the other meal-offering.
- (13) Sc, the handful of the ordinary meal-offering. It had one log of oil to the tenth of an ephah of flour.
- (14) The High Priest's meal-offering required three logs of oil to the tenth of an ephah of flour; while for the meal-offering offered with the drink-offerings the mixture was one tenth of an ephah of flour and three logs of oil for a lamb, two tenths and four logs for a ram, and three tenths and six logs for a bullock.
- (15) Both are therefore invalid; the handful because it sucked some oil from the other meal-offering so that it has had too much oil, and the other meal-offering because it has had too little oil.
- (16) Zeb. 77b, Hul. 87b.
- (17) For sprinkling upon the altar.
- (18) And if an equal quantity of water when mixed with this blood would not alter the appearance of the blood, it is valid.
- (19) So that the blood of a sacrifice, even though mixed in a considerably larger quantity of unconsecrated blood, still retains its identity and sacred character, and the mixture is valid for sprinkling. For R. Judah is of the opinion that in a mixture of like kinds, either liquids with liquids or solids with solids, one element cannot neutralize the other, irrespective of the quantities of each.
- (20) I.e., the first Tanna (hereinafter referred to as 'the Rabbis') and R. Judah.
- (21) Lev. XVI, 18, in connection with the service on the Day of Atonement. The priest had to mix the blood of both animals and sprinkle it upon the altar; cf. Yoma 53b.
- (22) Nevertheless the goat's blood, whose quantity is considerably less than that of the bullock, has not 'lost itself' i.e., it has not become neutralized in the mixture, since Scripture expressly names each blood separately.

Talmud - Mas. Menachoth 22b

from this that in a mixture of things which are offered up one element cannot neutralize the other.¹ R. Judah, however, concludes from this that in a mixture of like kinds neutralization does not take place.

'The Rabbis conclude from this that in a mixture of things which are offered up one element cannot neutralize the other'. But perhaps the reason [why one does not neutralize the other] is because here is a mixture of like kinds!² — Had this³ been merely a mixture of like kinds and not of things which are offered up, it would be as you say; but since it is here a mixture of things which are offered up, it is clear that the reason is that it is a mixture of things which are offered up, perhaps then [we can conclude from this that] only in a mixture of like kinds of things which are offered up [one element cannot neutralize the other]! — This is a difficulty.

'R. Judah concludes from this that in a mixture of like kinds neutralization does not take place'. But perhaps the reason [why one does not neutralize the other] is because here is a mixture of things which are offered up! — Had this been merely a mixture of unlike kinds of things which are offered up, it would be as you say; but since it is a mixture of like kinds, it is clear that the reason is that here it is a mixture of like kinds. Perhaps then [we can conclude from this that] only in a mixture of like kinds of things offered up [one element cannot neutralize the other]! — This is a difficulty.

[An objection was raised.] We have learnt: R. JUDAH SAYS, IF [IT WAS MIXED] WITH THE MEAL-OFFERING OF THE ANOINTED [HIGH] PRIEST OR WITH THE MEAL-OFFERING OFFERED WITH THE DRINK-OFFERINGS, IT IS INVALID, FOR SINCE THE CONSISTENCY OF THE ONE IS THICK AND THE CONSISTENCY OF THE OTHER IS THIN, EACH ABSORBS FROM THE OTHER. But what does it matter if one does absorb from the other? The mixture here is of like kinds!⁴ —

(1) E.g., the blood of two consecrated animals. On the other hand, if the blood of a consecrated animal was mixed with that of an unconsecrated animal or with water or wine, one would neutralize the other, according to the quantities of each.

(2) I.e., the blood of the goat mixed with the blood of the bullock.

(3) Sc. the case indicated in Lev. *ibid.*

(4) It is of no consequence even if the oil in the handful did absorb some of the oil from the other meal-offering, since the latter is not neutralized in the mixture; and therefore the handful cannot be reckoned to have had any addition in oil.

Talmud - Mas. Menachoth 23a

Raba answered, R. Judah is of the opinion that where an element is mixed with like kind and also with another kind, you must disregard the like kind as if it were not there, and the other kind, if more in quantity, will neutralize [the element].¹

It was reported: If [the priest] poured oil on the handful taken from the sinner's meal-offering, R. Johanan maintains it is invalid; but Resh Lakish says, He should in the first instance wipe up with it the remains of the log of oil and then offer it.² But is it not written, He shall put no oil upon it, neither shall he put any frankincense thereon?³ — That verse means that one should not apportion for it a quantity of oil as for the other [meal-offerings].⁴

R. Johanan raised an objection against Resh Lakish. It was taught: If a dry meal-offering was mixed with one mingled with oil, it may be offered up.⁵ R. Judah says, It may not be offered up, presumably the handful of a sinner's meal-offering was mixed with the handful of a freewill meal-offering!⁶ — No, the meal-offering that is offered with a bullock or with a ram was mixed with the meal-offering that is offered with a lamb,⁷ But this is expressly stated, viz., If the meal-offering that is offered with a bullock or with a ram was mixed with the meal-offering that is offered with a lamb, or if a dry meal-offering was mixed with one mingled with oil, it may be offered up. R. Judah says, It may not be offered up.⁸ — One [clause] merely illustrates the other.

Raba raised the question: What is the law if oil was squeezed out of the handful on to wood?⁹ Do we say that whatsoever is joined to the thing offered is like the offering itself,¹⁰ or not? Rabina said to R. Ashi, Is not this question similar to the case disputed by R. Johanan and Resh Lakish? For it was reported: If a man offered up [outside the Temple court] a limb which was not as large as an olive but the bone brought it up to an olive's bulk, R. Johanan says, He is liable [to the penalty of kareth]; but Resh Lakish says, He is not liable. 'R. Johanan says, He is liable', because what is joined¹¹ to the thing offered is like the offering itself; 'Resh Lakish says, He is not liable', because what is joined to the thing offered is not like the offering! — The question can indeed be asked, both according to R. Johanan and according to Resh Lakish. It can be asked according to R. Johanan, for [it may be that] R. Johanan held that view only in regard to the bone, since it is of the same kind as the flesh, but not in regard to [the wood] for it is not of the same kind as the handful. And Resh Lakish, too, perhaps he held that view only in regard to the bone, since it can become separated,¹² and if separated there is no obligation to put it back, but not in regard to the oil¹³ for it cannot be separated. Or perhaps these differences do not count! — The question remains unanswered.

MISHNAH. IF TWO MEAL-OFFERINGS FROM WHICH THE HANDFULS HAD NOT YET BEEN TAKEN WERE MIXED TOGETHER, BUT IT IS STILL POSSIBLE TO TAKE THE HANDFUL FROM EACH SEPARATELY,¹⁴ THEY ARE VALID; OTHERWISE THEY ARE INVALID. IF THE HANDFUL [OF A MEAL-OFFERING] WAS MIXED WITH A MEAL-OFFERING FROM WHICH THE HANDFUL HAD NOT YET BEEN TAKEN, IT¹⁵ MUST NOT BE OFFERED. IF, HOWEVER, IT WAS OFFERED, THEN THE MEAL-OFFERING FROM WHICH THE HANDFUL HAD BEEN TAKEN DISCHARGES THE OWNER'S OBLIGATION

WHILST THE OTHER FROM WHICH THE HANDFUL HAD NOT BEEN TAKEN DOES NOT DISCHARGE THE OWNER'S OBLIGATION. IF THE HANDFUL WAS MIXED WITH THE REMAINDER OF THE MEAL-OFFERING OR WITH THE REMAINDER OF ANOTHER MEAL-OFFERING, IT MUST NOT BE OFFERED; BUT IF IT WAS OFFERED IT DISCHARGES THE OWNER'S OBLIGATION.

GEMARA. R. Hisda said, Nebelah¹⁶ meat is neutralized in ritually slaughtered meat,¹⁷ since slaughtered meat cannot assume the character of nebelah meat;¹⁸ ritually slaughtered meat is not neutralized in nebelah meat, since nebelah meat can assume the character of slaughtered meat, for when it has putrified the uncleanness thereof has gone.¹⁹ But R. Hanina said, Whatsoever can become like the other is not neutralized, and whatsoever cannot become like the other is neutralized.²⁰ According to whose view [do they differ]?²¹ It cannot be according to the view of the Rabbis, for they have said that only things which are offered up do not neutralize one another, but in a mixture of like kinds neutralization takes effect.²² Neither can it be according to R. Judah, for

- (1) The case dealt with by R. Judah in our Mishnah is where the handful, which is made up of oil and flour, was mixed with one of the meal-offerings mentioned, which also contains oil. Now the oil in the handful is disregarded, so that the flour of the handful will neutralize the oil of the other meal-offering which it has absorbed, with the result that the handful has had too much oil and is therefore invalid.
- (2) It is the proper thing, maintains Resh Lakish, to scrape up with the handful of the sinner's meal-offering any oil that may be found remaining in the log measure which had been used for some other meal-offering. Accordingly if he actually poured some oil on the handful it is certainly valid.
- (3) Lev. V, 11.
- (4) Before the taking of the handful. After that, however, he may add a little oil to it.
- (5) This Tanna applies here the principle laid down by the Rabbis that things which are offered up do not neutralize one another; therefore in this mixture one is not affected by the other, and the whole is offered upon the altar.
- (6) The former meal-offering being dry, and the latter mingled with oil. Now it is clear that the first Tanna permitted the offering of these meal-offerings only because he holds that things offered up when mixed together do not neutralize each other, so that each is considered as though it were by itself; where, however, oil was poured on to a dry meal-offering they would also declare it to be invalid, contra Resh Lakish.
- (7) The meal-offering offered with a bullock or with a ram is called 'dry' as compared with that offered with a lamb, since the former had two logs of oil to each tenth of an ephah of flour, whereas the latter had three logs of oil to the same quantity of flour.
- (8) Thus clearly showing that the second clause is a case quite different from the first, and 'dry' no doubt means the sinner's meal-offering which contains no oil at all.
- (9) Consequently there would be too little oil in the handful.
- (10) Since the wood with the oil on it will be later joined to the handful and together burnt on the altar it is as though the oil were still in the handful so that none of the oil can really be said to be lacking, consequently it is valid. V. Rashi and Tosaf. a.l. for further interpretations.
- (11) Sc. the bone.
- (12) I.e., the bone might spring off from the altar.
- (13) According to the first interpretation of Rashi which has been adopted here it should read 'the wood', V. Sh. Mek. n. 6.
- (14) There remained from each meal-offering a quantity sufficient for the taking of the handful that had not mixed with the other.
- (15) Sc. the whole mixture.
- (16) נבלה, an animal which had died a natural death or was slaughtered in any manner than that prescribed by Jewish ritual law. The carcass may not be eaten (Deut. XIV, 21), and it conveys uncleanness by carrying and by contact (Lev. XI, 39, 40).
- (17) If a morsel of nebelah meat was confused with a large quantity of ritually slaughtered meat, it is neutralized in the mixture and is regarded as non-existent, so that whosoever touches this mixture in any part thereof remains clean.
- (18) The latter conveys uncleanness, whilst the former does not; the mixture is therefore considered to be a mixture of

different kinds (in view of the difference between them as to the law of uncleanness), so that the one is neutralized in the other according to all views.

(19) And if a morsel of ritually slaughtered meat was confused with a large quantity of nebelah meat, the whole is regarded as a mixture of like kinds and no neutralization takes place. Consequently if terumah (v. Num. XVIII, 8ff) produce were to be brought into contact with this mixture it would not be unclean of a certainty, but would always be considered to be in a state of doubtful uncleanness, since it might only have touched the morsel of slaughtered meat in the mixture. R. Hisda is of the opinion that it is the neutralizer, i.e., the substance which is in the majority in the mixture, which is to be considered; and if it is, or can become, like the substance which is about to be neutralized, the mixture is then considered to be a mixture of like kinds.

(20) R. Hanina is of the opinion that it is the substance which is about to be neutralized, i.e., the substance which is in the minority in the mixture, which is to be considered, and if it can become like the neutralizer, only then is the mixture considered to be a mixture of like kinds and neutralization does not take place.

(21) Sc. R. Hisda and R. Hanina.

(22) So that it is immaterial whether the nebelah meat can become like the slaughtered meat or vice versa, for even if the mixture is a mixture of like kinds neutralization takes effect.

Talmud - Mas. Menachoth 23b

R. Judah adopts the criterion of appearance,¹ and [by that criterion] in either case it would be a mixture of like kinds! — Rather it is according to R. Hiyya's view, for R. Hiyya taught: In a mixture of nebelah meat and ritually slaughtered meat neutralization takes place.² And whose view does R. Hiyya follow? It cannot be that of the Rabbis, for they have said that only things which are offered up do not neutralize one another, but in a mixture of like kinds neutralization takes effect.³ Neither can it be that of R. Judah, for according to R. Judah in any mixture of like kinds neutralization does not take effect! — In fact he follows the opinion of R. Judah, for R. Judah laid down the rule that in a mixture of like kinds neutralization does not take effect only in that case where it is possible for one kind to become like the other, but where it is not possible for one kind to become like the other, there neutralization does take effect. And they differ in this point: R. Hisda holds that we must consider the neutralizer,⁴ but R. Hanina holds that we must consider what is to be neutralized.⁵

We have learnt: IF TWO MEAL-OFFERINGS FROM WHICH THE HANDFULS HAD NOT YET BEEN TAKEN WERE MIXED TOGETHER, BUT IT IS STILL POSSIBLE TO TAKE THE HANDFUL FROM EACH SEPARATELY, THEY ARE VALID; OTHERWISE THEY ARE INVALID, Now in this case we see that when the handful is taken from one, whereby the rest becomes the remainder, this remainder does not neutralize the other meal-offering from which the handful has not yet been taken.⁶ Whose view is represented here? It cannot be that of the Rabbis, for they have said that only things which are offered up do not neutralize one another;⁷ but in a mixture of like kinds neutralization takes effect. Obviously it is the view of R. Judah. Now this is well according to him who holds that we must consider what is to be neutralized, for here what is to be neutralized⁸ can become like the neutralizer,⁹ seeing that when the handful will have been taken from the other meal-offering there will be a remainder like that of the first meal-offering.¹⁰ But according to him who holds that we must consider the neutralizer, [it will be asked here,] Can the remainder ever become like that from which the handful has not yet been taken?¹¹ Are we to say then that our Mishnah is not in accordance with R. Hiyya [as interpreted by R. Hisda]? — It is to be explained there according to R. Zera's dictum; for R. Zera said,¹² 'Burning' is stated with regard to the handful,¹³ and 'burning' is also stated with regard to the remainder;¹⁴ therefore as in the case of the handful, concerning which the expression 'burning' is used, [it is established that] one handful cannot neutralize the other,¹⁵ so too in the case of the remainder, concerning which the expression 'burning' is also used, the remainder cannot neutralize the handful.¹⁶

Come and hear: IF THE HANDFUL [OF A MEAL-OFFERING] WAS MIXED WITH A MEAL-OFFERING FROM WHICH THE HANDFUL HAD NOT BEEN TAKEN, IT MUST NOT

BE OFFERED. IF, HOWEVER, IT WAS OFFERED, THEN THE MEAL-OFFERING FROM WHICH THE HANDFUL HAD BEEN TAKEN DISCHARGES THE OWNER'S OBLIGATION, WHILST THE OTHER FROM WHICH THE HANDFUL HAD NOT BEEN TAKEN DOES NOT DISCHARGE THE OWNER'S OBLIGATION. We see then that the meal-offering from which the handful had not been taken does not neutralize the handful. Whose view is this? It cannot be that of the Rabbis, for they have said that only things which are offered up do not neutralize one another; but in a mixture of like kinds neutralization takes effect. Obviously it is the view of R. Judah. Now it is well according to him who holds that we must consider the neutralizer, for here the neutralizer¹⁷ can become like that which is to be neutralized, seeing that every particle thereof is appropriate to be taken up in the handful.¹⁸ But according to him who holds that we must consider what is to be neutralized, [it will be asked,] Can the handful ever become like the meal-offering from which the handful has not yet been taken? Are we to say then that our Mishnah is not in accordance with R. Hiyya [as interpreted by R. Hanina]?¹⁹ — This too must be explained in accordance with R. Zera's dictum.

Come and hear: IF THE HANDFUL WAS MIXED WITH THE REMAINDER OF THE MEAL-OFFERING OR WITH THE REMAINDER OF ANOTHER MEAL-OFFERING, IT MUST NOT BE OFFERED; BUT IF IT WAS OFFERED IT DISCHARGES THE OWNER'S OBLIGATION. Now here the neutralizer cannot become like that which is to be neutralized, nor can what is to be neutralized become like the neutralizer,²⁰ nevertheless the remainder does not neutralize the handful. Whose view is this? It cannot be that of the Rabbis, for etc.! — R. Zera answered, 'Burning' is stated with regard to the handful, and 'burning' is also stated with regard to the remainder; as in the case of the handful, concerning which the expression 'burning' is used, [it is established that] one handful cannot neutralize the other, so too in the case of the remainder, concerning which the expression 'burning' is also used, the remainder cannot neutralize the handful.²¹

Come and hear: If one seasoned it²² with cumin or with sesame seed or with any other kind of spice, it is fit,²³ for it is unleavened bread, only that it is called seasoned unleavened bread. Now it was assumed that there were more spices than unleavened dough. According to him, then, who holds that we must consider what is to be neutralized, it is well, for what is to be neutralized²⁴ can become like the neutralizer, seeing that when it becomes mouldy it is like the spices.²⁵ But according to him who holds that we must consider the neutralizer, [it will be asked,] Can the spices become like the unleavened bread?²⁶ — We are dealing here with the case where there was not so much spices; indeed the larger part was the unleavened bread, and therefore it is not neutralized. This too is to be inferred [from the words of the Baraita], for it reads, 'It is unleavened bread, only that it is called seasoned unleavened bread'²⁷ This is conclusive.

When R. Kahana went up [to Palestine] he found the sons of R. Hiyya sitting and discoursing as follows: If one divided a tenth²⁸

(1) V. supra 22a. Things that have the same appearance are regarded as of like kind; and nebelah meat and slaughtered meat would always be considered as of like kind, so that neutralization would not take effect.

(2) But only in one case, either where nebelah meat was confused with a larger quantity of slaughtered meat as R. Hisda would have it, or where slaughtered meat was confused with a larger quantity of nebelah meat as R. Hanina would have it.

(3) Whereas R. Hiyya holds that neutralization does take place in a mixture of nebelah meat and slaughtered meat, even though only in one case, v. prec. n.

(4) Sc. the substance which is in the majority in the mixture. If this substance can become like the substance which is in the minority, the mixture is deemed to be one of like kinds, and neutralization will not take place.

(5) Sc. the substance which is in the minority in the mixture. V. p. 147, n. 7

(6) It is certain that neutralization does not take place, for otherwise it would not be permitted subsequently (as stated in

the Mishnah) to take the handful from the second meal-offering.

(7) The remainder, however, is not a thing that is offered up, consequently it should neutralize the other meal-offering, even though the mixture is of like kinds.

(8) Sc. the other meal-offering from which the handful has not yet been taken.

(9) Sc. the remainder of the meal-offering from which the handful has been taken.

(10) And it is deemed to be a mixture of like kinds and neutralization does not take place.

(11) Obviously it cannot. The mixture is therefore one of unlike kinds and neutralization should take effect, so that it should not be permitted subsequently to take the handful from the second meal-offering.

(12) *Infra*, and *Zeb.* 110a,

(13) *Lev.* II, 2.

(14) *Lev.* II, 10, For whatever offering has a portion thereof burnt upon the altar comes under the law of 'ye shall not burn'.

(15) This is admitted even by R. Judah. *V. supra* p. 141.

(16) The effect of R. Zera's teaching is that the law of neutralization does not apply to any mixture of remainders and handfuls in any circumstances.

(17) Sc. the meal-offering from which the handful had not yet been taken.

(18) Consequently the mixture is deemed to be one of like kinds, and therefore neutralization does not take place. In *cur. edd.* this is added in the text. It is omitted in *MS.M.*

(19) This sentence is omitted in all *MSS.*

(20) Neutralization therefore should take effect.

(21) *V.* p. 149, nn. 1, 2 and 3.

(22) Sc. unleavened dough.

(23) To be used on the Passover night for fulfilling the command of eating unleavened bread.

(24) Here the unleavened dough.

(25) And it is no more unleavened bread.

(26) Of course not; consequently neutralization should take place and it should not be regarded as unleavened bread at all.

(27) Thus clearly showing that the main part is the unleavened bread and not the spices.

(28) The tenth part of an ephah of flour set aside for a meal-offering.

Talmud - Mas. Menachoth 24a

and put [the two halves] into the mixing vessel, and then a *tebul yom*¹ touched one of them, what would be the law?² Does the rule which we learnt that with consecrated things a vessel unites all that is therein,³ apply only when they⁴ are touching one another, but not when they do not touch one another; or perhaps this makes no difference? — Said he⁵ to them, Did we learn, 'a vessel joins'?⁶ We learnt 'a vessel unites'; that is, in all circumstances.⁷

If one placed another [half-tenth] between them, what is the law?⁸ — He replied to them, [The rule is:] What stands in need of a vessel, the vessel unites; what does not stand in need of a vessel, the vessel does not unite.⁹

And what if a *tebul yom* inserted his finger between them?¹⁰ — He replied: There is nothing other than earthenware vessels that can convey uncleanness through its air-space.¹¹

He⁵ then put to them this question: May the handful be taken from one [half] in respect of the other?¹² Is the principle of '[the vessel] uniting [its contents]' Biblical or only Rabbinical?¹³ — They answered him, We have not heard of that, but we have heard of a similar case; for we have learnt: IF TWO MEAL-OFFERINGS FROM WHICH THE HANDFULS HAD NOT YET BEEN TAKEN WERE MIXED TOGETHER, BUT IT IS STILL POSSIBLE TO TAKE THE HANDFUL FROM EACH SEPARATELY, THEY ARE VALID; OTHERWISE THEY ARE INVALID. Now where it is possible to take the handful [from each separately, it states that] they are valid. But why? The rest

that is mixed together surely does not touch [the handful]?¹⁴ — Raba, however, suggested that perhaps the masses were spread in the shape of a comb.¹⁵

What is then the ruling? Said Raba, Come and hear, for it has been taught: And he shall take up therefrom,¹⁶ that is, from the whole; one may not therefore bring the tenth [divided] in two vessels and have the handful taken. It follows, however, that from one vessel which is like two vessels¹⁷ the handful may be taken. Said Abaye to him, perhaps by 'two vessels' is meant, e.g., a kapiza-measure fixed in a kab-measure;¹⁸ for although on top the contents are united, since the sides of the kapiza-measure form a partition below, one may not [bring the meal-offering therein]. And by one vessel which is like two vessels' is meant, e.g., a hen trough,¹⁹ in which the contents, although separated by a partition, are nevertheless in contact. But in this case where they are not in contact the question still remains.

R. Jeremiah raised this question: How is it where the vessel unites [the two half-tenths within] and there is a connection by water [with another half-tenth lying outside]?²⁰ Does the rule which we learnt that with consecrated things a vessel unites all that is therein,²¹ apply to what is inside but not to what is outside; or perhaps since there is a connection it is united thereby?²² And if you were to decide that since there is a connection it is united thereby, this further question will arise: How is it where there is a connection by water [with one of the halves inside the vessel] and the vessel unites [the halves that are therein], and then a tebul yom touched the part that was outside?²³ Does the rule which

tacles, since the sides of the inner receptacle separate the contents of the one we have learnt that with consecrated things a vessel unites all that is therein, apply only to the case where [the uncleanness] came into contact with what was inside but not where it came into contact with what was outside; or perhaps this makes no difference? — These questions remain undecided.

Raba raised the following question: What is the position if a tenth was divided into halves and one of the halves became unclean; afterwards these two halves were placed in the mixing vessel²⁴ and a tebul yom touched that [half] which was already unclean? Do we say that it is sated with uncleanness²⁵ or not? Said Abaye to him, Do we then say that a thing can be sated with uncleanness? Surely we have learnt:²⁶ If a sheet which had contracted midras²⁷ uncleanness

(1) טבול יום, a person who, having been unclean, had immersed himself during the day and must await sunset before he is deemed fully clean. He suffers now only a slight degree of uncleanness; he is deemed to be unclean in the second degree and can affect with uncleanness terumah and consecrated things.

(2) Would the other part, not touched by the tebul yom, be unclean or not?

(3) And if only a part of the contents of the vessel becomes unclean, everything that is therein is unclean; v. Hag. III, 2; 20b.

(4) Sc. the contents of the vessel.

(5) R. Kahana.

(6) Which would imply that the contents of the vessel were in contact.

(7) Even when they are not in contact.

(8) I.e., after having divided a tenth into halves he added another half-tenth, placing it between the two previous halves, and then this extra half was touched by a tebul yom. The question is whether the other halves are affected with uncleanness or not.

(9) This extra half-tenth has no need of this vessel, and indeed could not be used together with the other halves in this vessel; consequently the other halves are not affected with uncleanness.

(10) Without having touched either the vessel or its contents.

(11) And therefore the contents of this vessel are clean.

(12) I.e., when taking the handful is it necessary to take some from each half, or may it be taken entirely from one half in respect of the whole vessel? It must be noted that there was no contact whatsoever between the two halves of the

meal-offering.

(13) If the principle is Biblical then it is to be applied to all cases, even though the result would be one of leniency, as here with the taking of the handful. On the other hand, were it only Rabbinical, it would be applied only to such cases as would result in a stringent ruling, as in the case of uncleanness.

(14) For only the quantities sufficient for the taking of the handfuls stand apart by themselves, the remainders of each meal-offering being mixed together, so that the remainder of one meal-offering is entirely separate from the handful of that same meal-offering. Nevertheless the offering is valid, presumably because all parts are united by the vessel; thus proving that the principle of 'uniting' is Biblical.

(15) Like the teeth of a comb, joined at one end and separate at the other. In our Mishnah, the two meal-offerings were lying side by side and separated only at the ends wherefrom the handfuls might be taken. Where, however, the two halves were quite apart the question still remains.

(16) Lev. VI, 8.

(17) I.e., where the flour is divided into halves in the one vessel and there is no contact at all between them.

(18) I.e., the kab vessel was constructed with a kapiza vessel fixed in its hollow, the two forming in fact only one vessel but with two separate receptacles. The result is that when both receptacles are filled to the brim with the flour of a meal-offering there is no contact between the contents of the two receptacles. And even if the flour was heaped up to cover the sides of the kapiza or inner vessel, so that ostensibly there is contact between the contents of both receptacles, it is still invalid, for the contact between the contents is not made in the vessel, but outside the vessel. Kapiza is a small measure; for kab v. Glos.

(19) I.e., a vessel separated into two divisions by a low bar placed at the bottom of the vessel (Rashi). According to Maim. the division of the bar is at the top only, so that the contents, although appearing divided, are really united below; v. Yad. Pesule ha-Mukdashim, XI, 22.

(20) There were two half-tenths in the vessel not in contact, and another half-tenth lying outside the vessel was connected by water (i.e., a pipe or conduit running from the vessel to the place where the outside half-tenth lay) with one of the halves inside the vessel. Now the other half-tenth that lay in the vessel and which was in no wise connected with the outside half-tenth was rendered unclean; and the question is whether or not the uncleanness can be passed on to the half-tenth that is lying outside in the following stages: first the uncleanness is passed on by reason of the uniting force of the vessel to the other half-tenth that is with it in the vessel, and then the latter passes on the uncleanness to what is lying outside by reason of the water connection.

(21) Hag. III, 2.

(22) And the half-tenth that is outside becomes unclean too,

(23) The question is whether in the reverse process, where the uncleanness is to be brought in from the outside into the vessel, the connection mentioned would serve as a link so as to convey the uncleanness within.

(24) And there was no contact between them. At this stage there is no doubt at all that the other half-tenth is not unclean, since at the time when one half-tenth contracted uncleanness it was not in the vessel with the other half-tenth.

(25) I.e., once it has been rendered unclean it cannot suffer any further uncleanness, so that the other half-tenth that is now with it in the vessel remains clean.

(26) Kel. XXVII, 9.

(27) Heb. מדרס. That degree of uncleanness arising when an unclean person, of those mentioned in Lev. XV, 4 and 25, lies or sits or treads upon or leans with the body against an object, provided that such object was fit and generally used for one of the above purposes.

Talmud - Mas. Menachoth 24b

was used as a curtain, it becomes free of midras uncleanness¹ but remains unclean by reason of contact with midras uncleanness. R. Jose said, What midras uncleanness has it touched? If, however, one that had an issue had touched it,² it would be unclean by reason of contact with one that had an issue.³ At any rate, it says, if one that had an issue had touched it, it would be unclean, presumably even though [this contact was] subsequent [to the midras uncleanness], that is to say, it first had contracted midras uncleanness and then further uncleanness by reason of contact with one that had an issue. Now why is this? Should we not say it was sated with uncleanness?⁴ — He replied, Whence do you know to say that this contact by one that had an issue was subsequent [to the midras

uncleanness]? Perhaps it was prior to the midras uncleanness, so that it was a case of a graver uncleanness being imposed upon a lighter uncleanness.⁵ Here, however, since at each [contact] there is only a light uncleanness, it is not so!⁶ One might prove it, however, from the subsequent [Mishnah] which reads: R. Jose agrees that where two sheets lay folded one above the other and one that had an issue sat upon them, the upper has contracted midras uncleanness, and the lower has contracted midras uncleanness and also uncleanness by reason of contact with midras uncleanness. Now why is this? Should we not say it was sated with uncleanness? — There they⁷ come simultaneously, whilst here they come one after another.

Raba said, Where a tenth was divided [into halves] and one [half] was lost so that another was brought as a substitute, and then it was found again, and now all three [half-tenths] are in the mixing vessel — if that which had been lost became unclean, then it is united with the first half-tenth,⁸ but not with the substituted half-tenth.⁹ If the substituted half-tenth became unclean, then it is united with the first half-tenth but not with the lost half-tenth. If the first half-tenth became unclean, then it is united with each of the others.¹⁰ Abaye said, Even if any one of the half-tenths became unclean, it is united with each of the others, since they all belong together.¹¹

And so it is with regard to the taking of the handful. If the handful was taken from the half-tenth which had been lost, then what was left of it and the first half-tenth may be eaten¹² but not the substituted half-tenth. If it was taken from the substituted half-tenth, then what was left of it and the first half-tenth may be eaten but not the half-tenth which had been lost. If it was taken from the first half-tenth, then [what was left of it may be eaten but] the others may not be eaten.¹³ Abaye said, Even though the handful was taken from any one half-tenth, the other two may not be eaten, since they all belong together.

R. Papa demurred, [You say that] what was left of it may be eaten, but one third of the handful has not been offered!¹⁴ R. Isaac the son of R. Mesharsheya also demurred, How may the handful be offered, is not one third thereof unhallowed? — R. Ashi answered, The taking of the handful rests with the mind of the priest, and clearly when the priest takes the handful he does so only in respect of a tenth.¹⁵ [

(1) Since it is no longer intended to be used for any of the purposes (specified in the prec. n.) which make it susceptible to midras uncleanness.

(2) Before it was used as a curtain. At this stage the sheet bears two kinds of uncleanness: midras uncleanness and the uncleanness from contact with one that had an issue.

(3) For as soon as it is used as a curtain the midras uncleanness vanishes and there remains now the uncleanness from contact with one that had an issue.

(4) And once it has contracted midras uncleanness it was no more susceptible to any further uncleanness.

(5) And it is admitted by all that a thing which had contracted a lighter uncleanness (i.e., one which can only convey uncleanness to foodstuffs and liquids) cannot be so sated with uncleanness as to preclude any graver uncleanness (i.e., one which can convey uncleanness even to men and vessels).

(6) For foodstuffs can only suffer light uncleanness. In our case, therefore, since the half-tenth has already contracted a light uncleanness it cannot suffer a further similar uncleanness.

(7) The two kinds of uncleanness.

(8) I.e., the half-tenth which had not been lost will also be unclean for these two originally formed the tenth.

(9) And this half remains clean; for at no time was it contemplated that what was lost and what was substituted for it should together make up the tenth.

(10) For the first half-tenth was intended to be taken in the first place together with what was lost, and subsequently with what was substituted for it, so that a relation was set up between the first half-tenth and each of the others, and therefore all are unclean.

(11) Lit., 'members of the same narrow house'; i.e., they all were intended to be used for the one meal-offering.

(12) Since originally these two made up the tenth for the meal-offering.

(13) The first half-tenth was intended to go with each of the other half-tenths and, inasmuch as the handful can serve only in respect of one tenth, there is one half-tenth which has not been rendered permissible by the handful; and as it is not known which it is, both may not be eaten.

(14) Presumably when the handful was taken out and offered up it was intended to serve everything that was in the vessel, so that one third of the handful should not have been offered, since that represented the superfluous half-tenth. Consequently the handful must be regarded as having been incomplete so that what was left of it cannot be permitted to be eaten. The reading 'one third' in the text is supported by MS.M. and Sh. Mek. In cur. edd. the text states 'one sixth'; the meaning, however, is identical with the foregoing explanation, and is arrived at in this way. Since it is not known which of the two remaining half-tenths is the superfluous one which causes one third of the handful to be nullified, this result is therefore attributed in equal shares to each of the half-tenths, so that each is responsible for the nullification of one sixth of the handful,

(15) The third half-tenth is disregarded by the priest when he takes the handful; therefore, the residue of that half-tenth from which the handful was taken may be eaten, whilst the two remaining half-tenths may not, since we do not know which was the half-tenth disregarded by the priest. Quære: where the priest expressly declared which half-tenth he disregarded and which he took account of, would the latter be permitted to be eaten? V. Likkute Halakoth. a.l.

Talmud - Mas. Menachoth 25a

MISHNAH. IF THE HANDFUL HAD BECOME UNCLEAN AND YET WAS OFFERED, THE PLATE¹ RENDERS IT ACCEPTABLE,² BUT IF IT HAD BEEN TAKEN OUT [OF THE TEMPLE COURT] AND WAS AFTERWARDS OFFERED, THE PLATE DOES NOT RENDER IT ACCEPTABLE; FOR THE PLATE ONLY RENDERS ACCEPTABLE THE OFFERING WHICH WAS UNCLEAN BUT NOT THAT WHICH WAS TAKEN OUT.

GEMARA. Our Rabbis taught: It is written, And Aaron shall bear the iniquity of the holy things.³ What iniquity is it that it atones for? Should you say it is the iniquity of piggul⁴ — but it has already been said, it shall not be accepted.⁵ Should you say it is the iniquity of nothar⁶ — but it has already been said, Neither shall it be imputed unto him.⁷ Hence it atones for nothing other than the iniquity of uncleanness, since an exception to the general rule has been made for the community.⁸ R. Zera demurred, Perhaps it is the iniquity of an offering having been taken outside [that the plate atones for], since an exception to the general rule had been made in the case of the high places?⁹ — Abaye answered, It is written, That they may be accepted before the Lord,¹⁰ that is, the iniquity committed before the Lord¹¹ [is atoned for by the plate], but not the iniquity of an offering having been taken outside.¹² R. Ela'a demurred, perhaps it is the iniquity of [a service being performed with] the left hand [that is atoned for by the plate], since an exception to the general rule has been made on the Day of Atonement?¹³ — Abaye answered him, The verse states 'iniquity', that is, the iniquity that was incurred is set aside;¹⁴ on the Day of Atonement, however, it is proper to serve with the left hand. R. Ashi answered thus, The verse says, 'The iniquity of the holy things', but not the iniquity of them that offer the offering.¹⁵ R. Sima the son of R. Idi said to R. Ashi (others report: R. Sima the son of R. Ashi said to R. Ashi): perhaps it is the iniquity of a blemish in the offering [that is atoned for by the plate], since an exception to the general rule has been made in the case of bird-offerings, for a Master has said, The unblemished state and the male sex are prerequisite in animal-offerings but not in bird-offerings?¹⁶ — He replied, It is for your sake that it is written, It shall not be accepted;¹⁷ and also, For it shall not be acceptable for you.¹⁸

Our Rabbis taught: If the blood of an offering became unclean and yet was sprinkled inadvertently¹⁹ it is acceptable, if deliberately it is not acceptable. This is the rule only with a private offering, but in the case of an offering of the community it is acceptable, whether inadvertently or deliberately. In the case of an offering by a gentile²⁰ [the rule is] whether inadvertently or deliberately, whether accidentally or intentionally,

(1) The High Priest's plate of pure gold worn on the forehead (v. Ex. XXVIII 36-38). Its function was to secure the

Divine acceptance of a sacrifice which was offered although it had been rendered unclean.

(2) The meal-offering is valid and the remainder may be eaten.

(3) Ex. XXVIII, 38. This verse intimates that the High Priest's plate atones for some fault in connection with the offering.

(4) Heb. פִּיגוּל 'abomination', v. Glos. Here meaning: the intention expressed during one of the services of the sacrifice of eating the flesh thereof outside the prescribed place.

(5) Lev. XIX, 7. The text adopted in the translation is in accordance with the Sifra which is supported by Rashi (Pes. 16b s.v. אֵי זֶה) and Sh. Mek. But v. Tosaf. s.v. וְנִשְׂא.

(6) Heb. נֹתֵר 'left over'; v. Glos. Here meaning: the intention expressed during one of the services of the sacrifice of eating the flesh thereof outside the prescribed time.

(7) Ibid., VII, 18.

(8) A sacrifice on behalf of the community may be offered even in a state of uncleanness.

(9) Although the prohibition against taking out the offering was already in force at the Tabernacle in the wilderness (v. Pes. 82a) it did not apply later on when the Tabernacle was housed at Nob and at Gibeon, for then it was permitted for every individual to set up a high place or altar in any place and offer sacrifices there.

(10) Ex. XXVIII, 38.

(11) I.e., whilst the offering is within the Temple Court.

(12) An iniquity which is not committed 'before the Lord',

(13) When the High Priest performed service with his left hand too; v. Yoma 47a.

(14) Lit., 'I have set it aside'. Now the uncleanness of an offering is admittedly a defect, but since it is of no consequence in the case of the community, such defect in the offering of an individual will be atoned for by the plate.

(15) The plate therefore cannot atone for the guilt of a service performed with the left hand, for that is the guilt of the officiating priest and such guilt is expressly excluded.

(16) Supra 6a, Hul. 23a, and elsewhere.

(17) Lev. XXII, 23.

(18) Ibid. 20. These verses indicate that under no circumstances are blemished animals acceptable for an offering.

(19) V. infra as to the meaning of 'inadvertently', whether it refers to the contracting of the uncleanness or the sprinkling.

(20) Gentiles were also allowed to offer either freewill- or votive-offerings; v. infra 73b.

Talmud - Mas. Menachoth 25b

it is not acceptable.

A contradiction was pointed out, for it was taught: For what guilt does the plate atone? For the blood or the flesh or the fat of an offering which became unclean, whether inadvertently or deliberately, whether accidentally or intentionally, whether in a private offering or in an offering of the community!¹ — Said R. Joseph, There is no contradiction, for one² [Baraitha] states the view of R. Jose, the other the view of the Rabbis. For it has been taught: One must not set aside unclean produce as terumah³ for clean produce; if one did so inadvertently the terumah is valid, but if deliberately the terumah is not valid.⁴ R. Jose says, Whether one did it inadvertently or deliberately the terumah is valid.⁵ But perhaps all that R. Jose said was that we do not penalize him; have you heard him say that the plate atones for [the uncleanness of] the eatable portions of the offering?⁶ Has it not been taught: R. Eliezer says, The plate atones for [the uncleanness of] the eatable portions; but R. Jose says, The plate does not atone for [the uncleanness of] the eatable portions? You must reverse [the authorities and read thus]: R. Eliezer says, The plate does not atone for [the uncleanness of] the eatable portions; but R. Jose says, The plate does atone for [the uncleanness of] the eatable portions. But how can you reverse [the authorities]? Behold, it has been taught: I might have thought that [an unclean person who ate⁷ of] the flesh of a sacrifice which had become unclean before the sprinkling of the blood would be culpable⁸ on the ground of uncleanness,⁹ it is therefore written, Every one that is clean shall eat the flesh; but the soul that eateth of the flesh of the sacrifice of peace-offerings, that pertain unto the Lord, having his uncleanness upon him, that soul shall be cut

off from his people,¹⁰ signifying that [the unclean person who eats of] what has been rendered permitted to those that are clean is culpable on account of uncleanness, but [the unclean person who eats of] what has not been rendered permitted to those that are clean¹¹ is not culpable on account of uncleanness. But perhaps it is not so, but rather it signifies that [the unclean person who eats of] what may now be eaten by those that are clean is culpable on account of uncleanness, but [the unclean person who eats of] what may not now be eaten by those that are clean¹² is not culpable on account of uncleanness, and so I would exclude those parts of the offering which had been left overnight and which had been taken out [of the Temple court], since they may not be eaten by those that are clean.¹³ The verse therefore states, That pertain unto the Lord, an inclusive expression. I might then include the flesh that was piggul and that which was left over — but is not that which was left over identical with that which had been left overnight? Read therefore: [I might then include] the flesh that was piggul, that it shall be like that which was left over¹⁴ — the verse therefore states, Of the sacrifice of peace-offerings, an exclusive expression. And why do you prefer to include the one class and exclude the other? Since the verse uses an inclusive and also an exclusive expression, I include those which were at one time permitted,¹⁵ but I exclude those which were at no time permitted.¹⁶ If you now ask, Why is [an unclean person] culpable on the ground of uncleanness for eating after the sprinkling of the blood flesh which had become unclean before the sprinkling?¹⁷ [I reply], It is because the plate atones for it.¹⁸ Now [one is culpable] only for that which became unclean but not for that which was taken out.¹⁹ And whom have you heard say that where the offering had been taken out [of the Temple court] the sprinkling is of no effect? It is R. Eliezer²⁰; and yet it states [in the Baraitha] that the plate atones for [the uncleanness of] the eatable portions!²¹ — R. Hisda then said, There is no difficulty at all; for one [Baraitha] states the view of R. Eliezer,²² the other the view of the Rabbis. But perhaps all that R. Eliezer said was that the plate atones for [the uncleanness of] the eatable portions; have you heard him say that we do not impose any penalty?²³ — Indeed we have, for just as we assumed that to be R. Jose's view²⁴ so we may assume it to be R. Eliezer's view too; for it has been taught: R. Eliezer says, Whether one [set apart unclean produce as terumah for clean produce] inadvertently or deliberately, the terumah is valid. But perhaps R. Eliezer said so²⁵ only in the case of terumah which is less grave; have you heard him say so in the case of holy things which are more grave? — Then to whom will you attribute that [Baraitha]?²⁶

Rabina said, As to its uncleanness, whether [it was rendered unclean] inadvertently or deliberately, [the offering] is acceptable; but as to its sprinkling, if [it was sprinkled] inadvertently it is acceptable, but if deliberately it is not acceptable.²⁷ R. Shila said, As to its sprinkling, whether [it was sprinkled] inadvertently or deliberately it is acceptable; but as to its uncleanness, if [it was rendered unclean] inadvertently it is acceptable, but if deliberately it is not acceptable. And how does R. Shila explain the Baraitha which reads, 'Which became unclean, whether inadvertently or deliberately'? — It means, it was rendered unclean inadvertently, and it was sprinkled either inadvertently or deliberately.

(1) It is manifest that the plate effects atonement for uncleanness, even though deliberately caused, in the case of a private offering; thus in conflict with the first quoted Baraitha.

(2) The latter Baraitha.

(3) V. Glos.

(4) For the Rabbis penalized the one who acted deliberately in defiance of the law. As to the effect of this act, whether it is absolutely null and void or only that it does not render the rest of the produce permitted although what was set aside is terumah, v. Yeb. 89a.

(5) Accordingly the latter Baraitha which states that even if part of the offering was deliberately made unclean the plate atones for it represents the view of R. Jose.

(6) As opposed to the sacrificial portions, for the uncleanness of which all agree that the plate atones. For that is what the latter Baraitha, attributed to R. Jose, teaches when it says, inter alia, that the plate atones for the flesh which became unclean. But this view is not generally held, and on what grounds therefore do we attribute such a view to R. Jose?

- (7) Before the sprinkling of the blood.
- (8) Incurring the penalty of kareth.
- (9) MS.M., reads: 'I might have thought that (an unclean person who partook of the clean flesh of the offering) before the sprinkling of the blood would be liable on the ground of uncleanness.' This reading is preferred by Rashi.
- (10) Lev. VII, 19, 20.
- (11) I.e., flesh of an offering before the sprinkling of the blood.
- (12) Even though it had once been rendered permitted to them, as in the case where the flesh, having been rendered permitted after the sprinkling of the blood, became unfit subsequently by being left overnight or by being taken out of the Temple court.
- (13) And therefore whosoever eats of such flesh whilst in a state of uncleanness does not incur the penalty of kareth.
- (14) And whosoever eats of the offering that became piggul (v. Glos.) whilst in a state of uncleanness incurs the penalty of kareth, as is the case with the flesh that had been left overnight.
- (15) Sc. the offering which had been left overnight or had been taken out of the Sanctuary after the sprinkling; for these had been rendered permitted with the sprinkling.
- (16) Sc. the offering which was rendered piggul through a wrongful intention expressed at the sprinkling of the blood, in which case the offering was never rendered permitted.
- (17) For that flesh was at no time permitted to be eaten; nevertheless one is liable for eating it whilst in a state of uncleanness, v. Zeb. 106a and Hul. 101a, for only piggul is excluded in the above Baraitha as being the only case of an offering at no time permitted.
- (18) And the sprinkling of the blood is perfectly valid, so that the offering is 'rendered permitted', even though it may not be eaten, and therefore one is culpable.
- (19) Thus if an unclean person ate, after the sprinkling, the flesh of the offering which had become unclean before the sprinkling he would be liable, but not if he ate after the sprinkling the flesh which had been taken out before the sprinkling, for in the former case the sprinkling is valid but not in the latter.
- (20) V. Me'il. 6b.
- (21) But according to the answer given above ('Reverse the authorities') R. Eliezer holds the opposite view!
- (22) The Baraitha (p. 159) which teaches that the plate atones for the uncleanness deliberately caused even in a private offering represents the view of R. Eliezer, since therein is also taught that the plate atones for the uncleanness of the eatable portions, which is clearly R. Eliezer's view.
- (23) I.e., that the plate secures atonement where one deliberately sprinkled the blood which had become unclean.
- (24) From R. Jose's ruling in the case of terumah it was inferred that in all cases an act deliberately done in defiance of the law is valid and no penalty is to be imposed.
- (25) That a wrongful act though deliberately done is nevertheless valid.
- (26) Which teaches that even deliberately it is acceptable. It must be R. Eliezer.
- (27) Rabina in this way explains away the contradiction between the two statements. The first Baraitha which states with regard to the private offering. 'If inadvertently it is acceptable, if deliberately it is not acceptable', deals with the sprinkling of the unclean blood. The second Baraitha which states that the plate atones for the blood which became unclean 'whether inadvertently or deliberately', obviously deals with the uncleanness; the sprinkling, however, would be acceptable only if done inadvertently.

Talmud - Mas. Menachoth 26a

Come and hear: It was taught: If the blood became unclean and It was sprinkled inadvertently, it is acceptable, if deliberately it is not acceptable!¹ — It means, If the blood became unclean and it was sprinkled, whether it was sprinkled inadvertently or deliberately, if it was rendered unclean inadvertently it is acceptable, but if deliberately it is not acceptable.

MISHNAH. IF THE REMAINDER OF THE MEAL-OFFERING BECAME UNCLEAN OR WAS BURNT OR LOST, ACCORDING TO THE RULE OF R. ELIEZER² IT IS LAWFUL [TO BURN THE HANDFUL], BUT ACCORDING TO THE RULE OF R. JOSHUA³ IT IS UNLAWFUL.

GEMARA. Rab said, That is so provided the whole of the remainder became unclean,⁴ but not if only a part of it became unclean. Now it was assumed⁵ that this provision applied only to the case where it became unclean but not to the case where it was burnt or lost.⁶ But what could be [Rab's] view? If he holds that what is left thereof is something of consequence, then the same should be the case where it was burnt or lost. And if he holds that what is left thereof is of no consequence, but that in the case where it became unclean the reason⁷ is that the plate atones [for the uncleanness of the eatable portions], then the same should be the case⁷ even where the whole of the remainder [became unclean]! — Indeed he holds that what is left thereof is something of consequence, and as it is in the case where it became unclean, so it is where it was burnt or lost; the only reason, however, why [Rab] dealt with the case where it became unclean was that it was the first [mentioned in our Mishnah]. And so it was taught [in the following Baraitha]: R. Joshua says, If of any animal-offering mentioned in the Torah there remained an olive's bulk of the flesh or an olive's bulk of the fat, [the priest] may sprinkle the blood; if there remained a half-olive's bulk of the flesh and a half-olive's bulk of the fat, he may not sprinkle the blood. In the case of a burnt-offering, however, even if there remained a half-olive's bulk of the flesh and a half-olive's bulk of the fat, he may sprinkle the blood, since it is wholly burnt. And in the case of a meal-offering, even if all of it still remains, he may not sprinkle the blood.⁸ How does the meal-offering come in here? R. Papa explained that it referred to the meal-offering offered with the drink-offerings. For one might have thought that since it accompanies the animal-offering it is deemed to be part of the animal-offering; we are therefore taught [that it is not so].

Whence do we know this?⁹ — R. Johanan said in the name of R. Ishmael (while some trace the tradition further back to R. Joshua b. Hananiah), The verse says, And he shall burn the fat for a sweet savour unto the Lord;¹⁰ hence [the blood is sprinkled on account of] the fat even if there is no flesh,¹¹ We thus know it of the fat, but whence do we know it of the caul of the liver and of the two kidneys?¹² — For it has been stated [in the abovementioned Baraitha], 'And in the case of a meal-offering, even if all of it still remains, he may not sprinkle the blood'; that is, on account of the meal-offering he may not sprinkle the blood, but it is to be inferred that he may sprinkle on account of the caul of the liver or of the two kidneys. Whence do we know it? — R. Johanan explained on his own authority, It is written, 'For a sweet savour,' signifying that [the blood may be sprinkled on account of] everything that is offered up for a sweet savour.

And it was absolutely necessary for the verse to have written 'the fat' as well as "for a sweet savour'. For if only 'the fat' were written, I should have said that only on account of the fat [may the blood be sprinkled] but not on account of the caul of the liver or the two kidneys; the Divine Law therefore stated 'for a sweet savour'. And if only 'for a sweet savour' were written, I should have said that even on account of the meal-offering [may the blood be sprinkled]; the Divine Law therefore stated 'the fat'.¹³

MISHNAH. IF [HE DID] NOT [PUT THE HANDFUL] INTO A VESSEL OF MINISTRY¹⁴ IT IS INVALID; BUT R. SIMEON DECLARES IT VALID, IF HE BURNT THE HANDFUL TWICE,¹⁵ IT IS VALID.

GEMARA. R. Judah the son of R. Hiyya said, What is the reason for R. Simeon's view? It is written, It is most holy as the sin-offering and as the guilt-offering;¹⁶ that is to say, if he is about to perform the service¹⁷ with his hand,¹⁸ he must do so with his right hand as the sin-offering; but if he is about to offer it in a vessel, he may do so with his left hand as the guilt-offering.¹⁹ R. Jannai said,²⁰ Since he took the handful from a vessel of ministry he may offer it up and burn it even in his girdle and even in a potsherd. R. Nahman b. Isaac said, All agree that the handful must be sanctified.²¹

An objection was raised: If the fat, the limbs and the wood were brought up to be burnt [upon the

altar] with the hand or with a vessel, with the right hand or with the left, they are valid. If the handful, the incense-offering and the frankincense were brought up [upon the altar] with the hand or with a vessel, with the right hand or with the left, they are valid. Is this not a refutation of the view of R. Judah the son of R. Hiyya?²² — R. Judah the son of R. Hiyya could answer you: It is to be taken as separate cases thus, If [brought up] with the hand, it must be with the right hand only; if with a vessel, it may be either with the right hand or with the left.

Come and hear: If he took out the handful from²³ a vessel of ministry but neither sanctified it in a vessel of ministry nor offered it up to be burnt in a vessel of ministry, it is invalid. R. Eleazar and R. Simeon declare it valid if only it had been put into a vessel!²⁴ — Render: After it had been put into a vessel.²⁵

Come and hear: But the Sages say, The handful requires vessels of ministry; thus he takes out the handful from a vessel of ministry, sanctifies it in a vessel of ministry and offers it up to be burnt in a vessel of ministry. R. Simeon says, As long as he has taken out the handful from a vessel of ministry he may offer it and burn it not in a vessel of ministry and that suffices!²⁶ — Render: As long as he has taken out the handful from a vessel of ministry and also sanctified it in a vessel of ministry he may offer it and burn it and that suffices.

Come and hear: If he took out the handful with his right hand and transferred it into his left hand, he should transfer it back again to his right hand. If while it was in his left hand

(1) This obviously means that if the unclean blood was sprinkled deliberately it is not acceptable; contra R. Shila.

(2) Who holds (Pes. 77a) that the blood of a sacrifice may be sprinkled even though the flesh is not available (either because it became unclean or was burnt or lost); likewise the handful of the meal-offering may be burnt upon the altar even though the remainder is not available.

(3) Who holds that where the flesh was not available it is not lawful to sprinkle the blood; similarly here, where the remainder is not available it is not lawful to burn the handful.

(4) Then only does R. Joshua maintain that it is unlawful to burn the handful.

(5) Since Rab only dealt with the case where it became unclean.

(6) I.e., even though only a part of the remainder was burnt or lost R. Joshua still maintains that it is unlawful to burn the handful.

(7) That it is lawful to burn the handful.

(8) V. supra p. 51 and the notes thereon.

(9) That the blood may be sprinkled even though only an olive's bulk of the fat remained.

(10) Lev. XVII, 6.

(11) For the verse reads: And the priest shall sprinkle the blood . . . and burn the fat for a sweet savour, which clearly shows that the sprinkling is performed on account of the fat.

(12) That the blood may be sprinkled even though only these parts of the offering remained.

(13) The result is that the blood may be sprinkled on account of anything that is offered up for a sweet savour provided it is part of the animal like the fat.

(14) But the priest immediately emptied his handful upon the altar.

(15) I.e., he divided the handful into halves and burnt a half at a time.

(16) Lev. VI, 10, in reference to the meal-offering.

(17) I.e., burn the handful,

(18) Like the sin-offering whose blood is sprinkled with the finger of the right hand.

(19) The blood of which is dashed from the vessel against the altar, and such service, according to R. Simeon (v. Zeb. 24b), may be performed with the left hand, and in the case of the leper's guilt-offering must be performed with the left hand (v. Sh. Mek.).

(20) R. Jannai interprets R. Simeon's view as he understands it.

(21) I.e., it must be put into a vessel of ministry. All that R. Simeon permits is to take out the handful after it had been sanctified in a vessel of ministry and offer it with the hand upon the altar.

(22) This Baraita evidently represents R. Simeon's view since it declares valid the offering of the handful with the hand, yet it also permits the use of the left hand; contra R. Judah.

(23) The word נשח 'not', found in cur. edd., is struck out by Sh. Mek. and is wanting in MS.M.

(24) Though not necessarily a vessel of ministry; contra R. Nahman.

(25) The meaning is, after the handful had been sanctified in a vessel of ministry the services which follow, as the bringing nigh and the burning, do not, according to R. Eleazar and R. Simeon, require a vessel.

(26) Contra R. Nahman.

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he expressed the intention [of eating the remainder] outside the prescribed place or outside the prescribed time it is invalid, but there is no penalty of kareth; if¹ while it was in his right hand he expressed the intention [of eating the remainder] outside the prescribed place it is invalid but there is no penalty of kareth, but if [he intended to eat it] outside the prescribed time it is piggul and there is also the penalty of kareth. This is the opinion of R. Eleazar and R. Simeon. But the Sages say, As soon as he transferred it into his left hand the transfer rendered it invalid, the reason being that it still required sanctification in a vessel, and since it has been transferred into the left hand it is on the same footing as when the blood of an offering had poured out from the throat on to the ground and had been gathered up, in which case it is invalid.² Hence it is clear that according to R. Eleazar and R. Simeon the putting into the vessel of ministry is not essential. This surely refutes R. Nahman's view, and supports the view of R. Judah the son of R. Hiyya.³ Is it also a refutation of R. Jannai's view?⁴ — R. Jannai can answer, I am in agreement with the Tanna who taught the Baraita concerning the burning [of the fat etc.], and the terms thereof are not to be taken as separate cases.⁵

IF HE BURNT THE HANDFUL TWICE IT IS VALID. R. Joshua b. Levi said, Twice but not more than twice. But R. Johanan said, Twice and even more than twice. What is the issue between them? — R. Zera answered, The issue between them is as to whether the handful may be less than the quantity of two olives' bulk and whether the burning of a quantity less than an olive's bulk counts as an offering.⁶ R. Joshua b. Levi is of the opinion that the handful may not be less than two olives' bulk and also that the burning of a quantity less than an olive's bulk does not count as an offering;⁷ but R. Johanan maintains that the handful may be less than the quantity of two olives' bulk and that the burning of a quantity less than an olive's bulk counts as an offering.⁸

It was stated: From what time does the handful render the remainder permissible to be eaten? R. Hanina says, As soon as the fire has taken hold of it;⁹ and R. Johanan says, Only when the fire has burnt the greater part of it. Rab Judah said to Rabbah b. R. Isaac, I will explain to you the reason for R. Johanan's view; for it is written, And lo, the smoke of the land went up as the smoke of a furnace,¹⁰ and a furnace does not send up smoke until the fire has burnt up the greater part.¹¹

Rabin b. R. Adda said to Raba, Your pupils report that R. Amram pointed out [the following difficulty]: It was taught: I only know that things that are usually offered by night, e.g., the limbs and the fat parts of the offering, may be offered up and burnt after sunset and are allowed to continue burning throughout the night; but whence do I know that things that are usually offered by day, e.g., the handful, the frankincense, the incense-offering, the meal-offering of the priests, the anointed High Priest's meal-offering and, the meal-offering offered with the drink-offerings, may also be offered up and burnt after sunset? — But have you not said, 'Things that are usually offered by day'?¹² Say rather: at sunset,¹³ — whence then do I know that these also are allowed to continue burning throughout the night? From the verse, This is the law of the burnt-offering,¹⁴ an inclusive expression. Now if it is offered up at sunset it can hardly be possible that the fire will have burnt the greater portion of it [by sunset]!¹⁵ — This is no difficulty, for here [in the latter case] it deals with the handful being taken up, and there with it rendering the remainder permissible.¹⁶ R. Eleazar reads [in the above]: 'after sunset', and explains it as referring to the pieces that have burst off the altar,¹⁷ And

so, too, when R. Dimi came [from Palestine] he explained it in the name of R. Jannai as referring to the pieces that had burst off the altar. But could R. Jannai have said so? Surely R. Jannai has said, Any part of the incense which had burst off the altar, even if it was a whole grain, may not be put back! Moreover, R. Hanina b. Minyomi taught at the school of R. Eliezer b. Jacob: It is written, Whereto the fire hath consumed the burnt-offering on the altar,¹⁸ that is, you may put back unconsumed parts of the burnt-offering [if they had burst off the altar], but you must not put back unconsumed parts of the incense! — Omit 'incense'.¹⁹

R. Assi said, When R. Eleazar was studying the laws of the meal-offering he raised the following question: How is it if he placed the handful [upon the altar] and then put the wood-pile on top of it?²⁰ Is this regarded as a way of burning or not? — This question remains undecided.

Hezekiah raised the question: How is it if he placed the limbs [of an offering upon the altar] and then put the wood-pile above them? [Shall we say,] since the Divine Law says, Upon the wood,²¹ then they must actually be upon the wood; or, since there is another verse which reads, Whereto the fire hath consumed the burnt-offering on the altar,²² he may do it either the one way or the other? — This, too, remains undecided.

R. Isaac Nappaha raised the question: How is it if he placed the limbs by the side of the wood-pile? Of course according to him who maintains²³ that 'upon' must be taken in its literal meaning, there can be no question here,

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- (1) This passage is omitted in many MSS. The translation is based upon the text as emended by Sh. Mek.
- (2) For did it not require sanctification in a vessel then the placing of the handful in the left hand would be regarded on the same footing as when the blood of an animal-offering had poured out from the vessel on to the ground, in which case all agree that it may be gathered up again and it is valid. Cf. Yoma 48a.
- (3) For the Baraitha states that he must transfer it back again to the right hand which conforms with R. Judah's teaching that if the hand is used it must be the right hand only.
- (4) For R. Jannai who allows the offering of the handful in a potsherd would surely allow it to be offered in the left hand, nevertheless this Baraitha insists upon its being transferred back again into the right hand.
- (5) V. supra p. 166. According to that Baraitha it is permitted to offer the handful in the left hand.
- (6) Lit., 'there is a burning of less than an olive's bulk'.
- (7) So that if the handful, which must not be less than two olives' bulk, was divided equally into two parts there would be an olive's bulk for each burning, but this would not be so if it were divided into more than two parts.
- (8) It is therefore immaterial whether it is divided into two or more parts.
- (9) Even if only a part thereof.
- (10) Gen. XIX, 28.
- (11) And of the handful it is written **והקטיר** (Lev. II, 2), which would mean, and he shall cause the smoke (**קִטּוֹר**) to go up.
- (12) And there can be no doubt at all that such may not be offered after sunset.
- (13) I.e., just before sunset.
- (14) Lev. VI, 2. 'The law' is a comprehensive and all-inclusive expression, and here teaches that one law applies to all things that are brought up on the altar.
- (15) And if the handful has not been offered before the sunset of that day it becomes invalid; consequently, since it may be placed upon the altar just before sunset, as soon as the fire has taken hold of it it is deemed to be offered, which is contrary to R. Johanan.
- (16) It is true that as soon as the fire has taken hold of it it is deemed to be offered, but only in the sense that it has been taken up and accepted by the altar as an offering on the same day before sunset, so that it is valid. But, maintains R. Johanan, it will only render the remainder permissible to be eaten when the fire has burnt the greater part of it.
- (17) And these may be put back upon the altar throughout the night. The handful, however, had been placed on the altar before sunset.
- (18) Ibid. VI, 3.

(19) From the Baraita quoted by R. Amram according to which portions of incense which had burst off the altar may be put back.

(20) Normally the wood-pile is arranged upon the altar and the parts of the offering are put on top of the wood.

(21) Lev. I, 8: And Aaron's sons, the priests, shall lay the pieces . . . in order upon the wood . . . which is upon the altar.

(22) Ibid VI, 3, which verse shows that the burnt-offering was put actually upon the surface of the altar and not necessarily upon the wood.

(23) V. infra 96a.

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for here is written, Upon the wood. The question arises only according to him who maintains that 'upon' may mean 'near to'. How is it then? Do we also explain 'upon' here as 'near to'; or perhaps, since the phrases 'upon the wood' and 'upon the altar' are in juxtaposition, as in the latter phrase 'upon' is taken in its literal meaning so in the former 'upon' is to be taken in its literal meaning? — This, too, remains undecided.

MISHNAH. OF THE HANDFUL THE [ABSENCE OF THE] SMALLEST PART INVALIDATES THE WHOLE.¹ OF THE TENTH² THE [ABSENCE OF THE] SMALLEST PART INVALIDATES THE WHOLE. OF THE WINE³ THE [ABSENCE OF THE] SMALLEST PART INVALIDATES THE WHOLE. OF THE OIL⁴ THE [ABSENCE OF THE] SMALLEST PART INVALIDATES THE WHOLE. OF THE FINE FLOUR AND THE OIL THE [ABSENCE OF] ONE INVALIDATES THE OTHER. OF THE HANDFUL AND THE FRANKINCENSE THE [ABSENCE OF] ONE INVALIDATES THE OTHER.

GEMARA. [OF THE HANDFUL THE ABSENCE OF THE SMALLEST PART INVALIDATES THE WHOLE.] Why is it so? — Because Scripture stated his handful twice.⁵

OF THE TENTH THE [ABSENCE OF THE] SMALLEST PART INVALIDATES THE WHOLE. Why? — Because it is written, Of the fine flour thereof,⁶ [signifying that] if any part thereof was lacking it is invalid.

OF THE WINE THE [ABSENCE OF THE] SMALLEST PART INVALIDATES THE WHOLE. [Because it is written,] Thus.⁷

OF THE OIL THE [ABSENCE OF THE] SMALLEST PART INVALIDATES THE WHOLE. [As to the oil] of the drink-offerings, [because it is written], Thus, and of the freewill meal-offering, because it is written, And of the oil thereof,⁶ [signifying that] if any part thereof was lacking it is invalid.

OF THE FINE FLOUR AND THE OIL THE [ABSENCE OF] ONE INVALIDATES THE OTHER, [Because it is written,] Of the fine flour thereof and of the oil thereof,⁶ and further, Of the bruised corn thereof and of the oil thereof.⁸

OF THE HANDFUL AND THE FRANKINCENSE THE [ABSENCE OF] ONE INVALIDATES THE OTHER. [Because it is written,] With all the frankincense thereof,⁹ and further, And all the frankincense which is upon the meal-offering.¹⁰

MISHNAH. OF THE TWO HE-GOATS¹¹ OF THE DAY OF ATONEMENT THE [ABSENCE OF] ONE INVALIDATES THE OTHER. OF THE TWO LAMBS¹² OF THE FEAST OF WEEKS THE [ABSENCE OF] ONE INVALIDATES THE OTHER. OF THE TWO LOAVES¹³ THE [ABSENCE OF] ONE INVALIDATES THE OTHER. OF THE TWO ROWS¹⁴ [OF THE SHEWBREAD] THE [ABSENCE OF] ONE INVALIDATES THE OTHER. OF THE TWO

DISHES¹⁴ [OF FRANKINCENSE] THE [ABSENCE OF] ONE INVALIDATES THE OTHER. OF THE ROWS AND THE DISHES THE [ABSENCE OF] ONE INVALIDATES THE OTHER. OF THE TWO KINDS [OF CAKES] USED IN THE OFFERING OF THE NAZIRITE,¹⁵ OF THE THREE KINDS USED FOR THE RED COW,¹⁶ OF THE FOUR KINDS [OF CAKES] USED IN THE THANK-OFFERING,¹⁷ OF THE FOUR KINDS [OF PLANTS] USED FOR THE LULAB,¹⁸ AND OF THE FOUR KINDS USED FOR THE [PURIFICATION OF THE] LEPER,¹⁹ THE [ABSENCE OF] ONE INVALIDATES THE OTHERS. OF THE SEVEN SPRINKLINGS [OF THE BLOOD] OF THE RED COW²⁰ THE [OMISSION OF] ONE INVALIDATES THE OTHERS. OF THE SEVEN SPRINKLINGS BETWEEN THE STAVES OF THE ARK,²¹ AND OF THOSE TOWARDS THE VEIL AND UPON THE GOLDEN ALTAR,²² THE [OMISSION OF] ONE INVALIDATES THE OTHERS. GEMARA. OF THE TWO HE-GOATS OF THE DAY OF ATONEMENT THE [ABSENCE OF ONE INVALIDATES THE OTHER — for the term ‘statute’ is used therewith.²³

OF THE TWO LAMBS OF THE FEAST OF WEEKS THE [ABSENCE OF] ONE INVALIDATES THE OTHER — for the expression ‘shall be’ is used therewith.²⁴

THE TWO LOAVES — for the expression ‘shall be’ is used therewith.²⁴

THE TWO ROWS — for the term ‘statute’ is used therewith.²⁵

THE TWO DISHES — for the term ‘statute’ is used therewith.²⁵

THE ROWS AND THE DISHES — for the term ‘statute’ is used therewith.

THE TWO KINDS [OF CAKES] USED IN THE OFFERING OF THE NAZIRITE — for it is written, So he must do.²⁶

THE THREE KINDS USED FOR THE RED COW — for the term ‘statute’ is used therewith.²⁷

THE FOUR KINDS OF CAKES USED IN THE THANK-OFFERING — for [the thank-offering] has been placed side by side with the offering of the Nazirite, in the verse, With the sacrifice of his peace-offerings for thanksgiving,²⁸ and the Master said, Of his peace-offerings, includes the peace-offering of the Nazirite.²⁹

THE FOUR KINDS USED FOR THE LEPER — for it is written, This shall be the law of the leper.³⁰

THE FOUR KINDS USED FOR THE LULAB — for it is written, And ye shall take,³¹ signifying the taking of them all. R. Hanan b. Abba said, This³² was taught only in the case where he did not have them at all, but where he had them all one does not invalidate the other.³³ An objection was raised against him. It was taught: Of the four kinds used for the lulab two are fruit-bearing³⁴ and two are not;³⁵ those which bear fruits must be joined to those which bear no fruits and those which bear no fruits must be joined to those which bear fruits. And a man does not fulfil his obligation unless they are all bound in one band. And so it is with Israel's conciliation with God, [it is achieved] only when they are all in one band, as it is said, That buildeth his chambers in the heaven, and hath founded his band upon the earth.³⁶ — This is a matter of dispute between Tannaim. For it was taught: The lulab is valid whether it be bound with the others or not; but R. Judah says, If it is bound with the others it is valid, and if it is not so bound it is not valid. What is the reason for R. Judah's view? — He draws an analogy by means of the expression ‘taking’ used [both here and] also in connection with the bunch of hyssop:³⁷ as there the kinds must be bound in one bunch, so here they must be bound in one band. The Rabbis, however, do not draw this analogy by means of the

expression 'taking'. With whose view then would the following Baraita agree? For it was taught: It is a meritorious act to bind the lulab with the other species; nevertheless if one did not bind it, it is valid! If with R. Judah's view, why then is it valid if one did not bind it? And if it agrees with the view of the Rabbis, why does it say 'It is a meritorious act'?³⁸ — Indeed it agrees with the view of the Rabbis, and it is a meritorious act only on the principle of This is my God and I will beautify him.³⁹

OF THE SEVEN SPRINKLINGS [OF THE BLOOD] OF THE RED COW, THE [OMISSION OF] ONE INVALIDATES THE OTHERS — for the term 'statute' is used therewith.⁴⁰

OF THE SEVEN SPRINKLINGS BETWEEN THE STAVES OF THE ARK, AND OF THOSE TOWARDS THE VEIL AND UPON THE GOLDEN ALTAR, THE [OMISSION OF] ONE INVALIDATES THE OTHERS. As for the offerings of the Day of Atonement, because the term 'statute' is used therewith;⁴¹ and as for the bullock offered when the anointed High Priest sinned in error, and the bullock offered when the whole community sinned in error, and the he-goats offered on account of the sin of idolatry, because of the following teaching: It is written, Thus shall he do with the bullock, as he did with the bullock of the sin-offering.⁴² Wherefore is it written?⁴² In order to repeat thereby the laws of the sprinkling,⁴³

(1) Lit., 'the smaller part hinders the larger part'. The offerings mentioned must be absolutely whole, but if they were lacking even the smallest quantity they are invalid as offerings.

(2) The tenth of an ephah of flour prescribed for the meal-offering.

(3) Which formed part of the drink-offerings offered with most sacrifices, cf. Num. XV, 4ff: a half-hin for a bullock, a third-hin for a ram, and a quarter-hin for a lamb.

(4) Offered with the drink-offerings in the same quantity as prescribed for the wine (v. prec. n.), or the log of oil required for the freewill meal-offering.

(5) Cf. Lev. II, 2 and V, 12. This repetition signifies that it must be absolutely whole and that every part thereof is indispensable.

(6) Ibid. II, 2. This rule is derived from the superfluous suffix ׀ in the word, corresponding to the Eng. 'thereof'.

(7) Num. XV, 11. The term 'thus' indicates that it must be offered in the manner prescribed without any variations whatsoever.

(8) Lev. II, 16. According to Rabbinic interpretation 'bruised corn' and 'fine flour' are identical save that the former is applied to the 'Omer-offering. Hence there is a repetition of the items to indicate their indispensability.

(9) Lev. II, 2.

(10) Ibid. VI, 8.

(11) Ibid. XVI, 5.

(12) Ibid. XXIII, 19.

(13) Offered with the lambs on the Feast of Weeks, cf. ibid. 17.

(14) Cf. ibid. XXIV, 5ff.

(15) Unleavened leaves and unleavened wafers; v. Num. VI, 15.

(16) Cedar-wood, hyssop, and scarlet wool; v. ibid. XIX, 6.

(17) Unleavened cakes, unleavened wafers, cakes of soaked fine flour, and leavened cakes; v. Lev. VII, 12, 13.

(18) **בַּשִּׁטִּיף**, the palm-branch, which with the citron, the myrtle and the willow branches, was used in the Temple and Synagogue service on the Feast of Tabernacles; v. ibid. XXIII, 40.

(19) Cedar-wood, hyssop, and scarlet wool, and the two living birds; v. ibid. XIV, 6.

(20) Num. XIX, 4.

(21) Of the blood of the bullock and of the he-goat on the Day of Atonement; v. Lev. XVI, 14, 15.

(22) Of the blood of the abovementioned offerings (v. p. 172, n. 13) and also of the blood of the bullock offered when the whole community sinned in error (Lev. IV, 17,18). and of the bullock offered when the anointed High Priest sinned in error (ibid 6, 7).

(23) Lev. XVI, 34. The term 'statute' used in connection with any law or ceremony implies the absolute indispensability of the rites connected therewith.

- (24) Ibid. XXIII, 17. The expression 'shall be' invariably indicates indispensability.
- (25) Ibid. XXIV, 9.
- (26) Num. VI, 21.
- (27) Ibid. XIX, 2.
- (28) Lev. VII, 13.
- (29) V. infra 78a.
- (30) Ibid. XIV, 2.
- (31) Ibid. XXIII, 40. The Heb. וְלָקַחְתֶּם is interpreted as though divided into two words: וְלָקַח, 'and he shall take', and תֶּם, 'wholly' 'completely'; hence all the four kinds must be taken together.
- (32) That the absence of any one kind invalidates the others.
- (33) I.e., for the purposes of the precept they need not be taken bound together in one hand.
- (34) The ethrog (the citron) and the lulab (the palm branch).
- (35) The myrtle and the willow.
- (36) Amos IX, 6. The people are founded and established on earth only when they are in one band — that is, when all the sections of the community are united, the righteous (the fruit-bearing) and the unrighteous (the non-fruit-bearing); this is symbolized by the taking and binding together in one band of the four species. It is evident therefore from this Baraitha that the four species must be bound together, contra R. Hanan.
- (37) Used in the purification rites of the leper, v. Lev. XIV, 4.
- (38) Since according to the Rabbis it is immaterial whether they are bound together or not.
- (39) Ex. XV, 2. Thus it is a meritorious act generally to perform the precepts in the most beautiful manner possible.
- (40) Num. XIX, 2.
- (41) Lev. XVI, 34.
- (42) Ibid. IV, 20. This verse is stated in connection with the bullock offered when the whole community sinned in error, and its purport apparently is to direct that the service of this offering be performed in the same manner as the offering of the anointed High Priest mentioned in the foregoing paragraph. On examination, however, it will be seen that this injunction is superfluous, since all the details of the service, as stated in connection with the foregoing offering, are repeated here in full.
- (43) Thus rendering the sprinklings indispensable.

Talmud - Mas. Menachoth 27b

so that if one sprinkling was omitted the whole is invalid.¹

Our Rabbis taught: If the seven sprinklings of the blood of the Red Cow were made under the name of some other [offering] or were not directed rightly,² they are invalid; but as for those [sprinklings which must be performed] inside³ or [the sprinklings in the purification rites] of a leper,⁴ if they were made under the name of some other [offering], they are invalid, but if they were not rightly directed, they are valid. But has it not also been taught, with regard to the sprinklings of the blood of the Red Cow, that if they were sprinkled under the name of another they are invalid, whilst if they were not rightly directed they are still valid? — Said R. Hisda, This is no difficulty; for one⁵ [Baraitha] states the view of R. Judah and the other that of the Rabbis. For it was taught: If a man that lacked atonement⁶ unwittingly entered the Temple court he is liable to bring a sin-offering, but if he entered deliberately he has incurred the penalty of kareth;⁷ and, needless to say, this is so of a tebul yom⁷ and others that were unclean. If a man that was clean overstepped the boundary⁸ and entered the Temple he has thereby incurred forty [stripes]; and if he entered within the veil⁹ or towards the front of the mercy-seat¹⁰ he has thereby incurred death [at the hands of heaven]. R. Judah says, If he entered into the Temple or within the veil he has thereby incurred forty [stripes], and if he entered towards the front of the mercy-seat he has thereby incurred death. Wherein do they differ? — In the interpretation of the following verse: And the Lord said unto Moses, Speak unto Aaron thy brother, that he come not at all times into the holy place within the veil, towards the front of the mercy-seat which is upon the ark; that he die not.¹¹ The Rabbis¹² maintain that [against entering] into the holy place there is the prohibition 'that he come not',¹³ and [against entering]

within the veil or towards the front of the mercy-seat there is the warning ‘that he die not’; whereas R. Judah maintains that [against entering] into the holy place or within the veil there is the prohibition ‘that he come not’, and [against entering] towards the front of the mercy-seat there is the warning ‘that he die not’. What is the reason for this view of the Rabbis? — If the law is as R. Judah maintains, the Divine Law should only have stated ‘into the holy place’ and ‘towards the front of the mercy-seat’, but not ‘within the veil’, for I should have said, If for entering the holy place one incurs stripes, how much more so for entering within the veil! Why then did the Divine Law also state ‘within the veil’? That you might infer that there is the penalty of death for it. And R. Judah, [how does he reply to this]? — Had the Divine Law only stated ‘into the holy place’ and not ‘within the veil’ I might have thought that by the expression ‘into the holy place’ only ‘within the veil’ was meant, so that [against entering] into the Temple there is not even a prohibition! And the Rabbis? — You could not possibly have thought so, since the entire Temple is referred to as ‘the holy place’, as it is written, And the veil shall divide unto you between the holy place and the most holy.¹⁴ And what is the reason for R. Judah's view? — If the law is as the Rabbis maintain, the Divine Law should only have stated ‘into the holy place within the veil’, but not ‘towards the front of the mercy-seat’, for I should have said, If for entering within the veil one incurs death, how much more so for entering towards the front of the mercy-seat! Why then did the Divine Law also state ‘towards the front of the mercy-seat’? That you might infer that only [for entering] towards the front of the mercy seat is there the penalty of death, whereas [for entering] within the veil there is only a prohibition. And the Rabbis, [how do they reply to this]? — Indeed it was unnecessary, and the only reason why the Divine Law stated ‘towards the front of the mercy-seat’ in this verse was in order to exclude [from the prohibition] entering by the side.¹⁵ As it was taught by a Tanna in the school of R. Eliezer b. Jacob: The verse, Towards the front of the mercy-seat on the east,¹⁶ establishes the principle that wherever Scripture says ‘the front’ it means the east side. And R. Judah?¹⁷ — [He says,] The verse should then have only stated [here] ‘the front’, why does it also state ‘towards’? To teach that ‘towards’ must be interpreted with exactness.¹⁸ And the Rabbis? — [They say,] ‘Towards’ need not be interpreted exactly. Now¹⁹ since R. Judah maintains that the expression ‘towards the front of the mercy-seat’ must be interpreted with exactness, similarly he would hold that the expression ‘and he shall sprinkle towards the front’ must also be interpreted exactly;²⁰ whilst the Rabbis hold that just as the one need not be interpreted exactly so the other need not be interpreted exactly.²¹ R. Joseph, however, demurred, saying, Then according to R. Judah, if ‘towards’ must be interpreted exactly, ‘upon’²² would also have to be interpreted exactly, would it not? And it would follow therefore that during the second Temple, inasmuch as there was no ark nor mercy-seat,²³ no sprinklings were to be made [on the Day of Atonement]! — Rabbah b. ‘Ulla answered, It is written, And he shall make atonement for the holy sanctuary,²⁴ that is, for the place that is sanctified for the holy sanctuary.²⁵

Raba said, Both²⁶ state the view of the Rabbis, [yet here is no contradiction]

(1) Lit., ‘he has done nothing’. It appears from Rashi that at this point in the text there followed a lengthy argument exactly as found in Zeb. 39a. The addition is also found in MS.M. and it reads as follows: I only know this of the seven sprinklings upon the veil, since whenever seven sprinklings are ordained it is established that the omission of one renders the whole invalid; but whence do I know this also of the four sprinklings upon the altar? Because Scripture says. So he shall do with this (Lev. IV, 20). The expression ‘the bullock’ (ibid.) includes the bullock of the Day of Atonement; the expression ‘as he did with the bullock’ (ibid.) includes the bullock offered by the anointed High Priest; and the expression ‘of the sin-offering’ (ibid.) includes the he-goats offered on account of the sin of idolatry. V. Rashi.

(2) In accordance with Num. XIX, 4, the blood of the Red Cow had to be sprinkled in the direction of ‘the entrance of the tent of meeting’.

(3) E.g., the offerings of the Day of Atonement or the sin-offering of the anointed High Priest.

(4) The officiating priest sprinkled of the oil that was in the palm of his hand seven times in the direction of the Holy of Holies; v. Lev. XIV, 16.

(5) The latter Baraita.

- (6) A person who had duly immersed after his uncleanness, had awaited sunset, but had not yet brought the prescribed offerings. Such a person still retains a slight measure of uncleanness.
- (7) V. Glos.
- (8) A non-priest was not permitted to enter into the Temple Hall beyond the first eleven cubits from the entrance on the east side. Cf. Yoma 16b.
- (9) I.e., into the Holy of Holies.
- (10) This is still further in the Holy of Holies; he stepped close to the mercy-seat which formed the cover for the Ark.
- (11) Lev. XVI, 2.
- (12) I.e., the first Tanna in the foregoing Baraitha whose view is expressed anonymously as being the general accepted view of the Rabbis.
- (13) An ordinary prohibition for the transgression of which the punishment of forty stripes is incurred.
- (14) Ex. XXVI, 33.
- (15) I.e., any entry into the Holy of Holies not made in the ordinary way through the door on the east with the face looking westward; e.g., by breaking through the north wall or the south wall of the Holy of Holies and entering thereby, or by entering through the door on the east but with the face looking either northward or southward. For such an entry one would not incur any penalty.
- (16) Lev. XVI, 14.
- (17) Is not the expression 'towards the front of the mercy-seat' required to show that the east side was meant?
- (18) The expression 'towards the front of the mercy-seat' is not stated (argues R. Judah) merely to indicate that the east side is meant, since for that purpose 'the front', without 'towards', would have been sufficient. Its true purpose is to teach that only for entering towards the front of the mercy-seat is the penalty of death at the hands of heaven incurred, but not for merely entering within the veil.
- (19) The Gemara now proceeds to elaborate the answer proposed by R. Hisda supra that one Baraitha states the view of R. Judah and the other that of the Rabbis.
- (20) And therefore if the blood of the Red Cow was not sprinkled quite in the direction towards the front of the Holy of Holies, it is invalid.
- (21) And the sprinklings are valid even though made not quite in the proper direction.
- (22) In connection with the sprinkling of the blood of the bullock on the Day of Atonement it is written, And he shall sprinkle with his finger upon the mercy-seat (Lev. XVI, 14); and therefore unless the sprinkling is made actually upon the mercy-seat it is invalid.
- (23) According to tradition these were hidden away by Josiah (v. Yoma 52b), and so were not in use during the Second Temple.
- (24) Lev. XVI, 33.
- (25) The High Priest shall 'make atonement', i.e., sprinkle the blood on to the place sanctified for the ark.
- (26) Sc. the two teachings which were shown above to be contradictory.

Talmud - Mas. Menachoth 28a

for in the one case [the priest] stood facing the west with his back to the east¹ and sprinkled, whereas in the other he stood facing the south with his back to the north² and sprinkled.

The Master said, 'But as for those [sprinklings which must be performed] inside, or [the sprinklings in the purification rites] of a leper, if they were made under the name of some other [offering], they are invalid, but if they were not rightly directed, they are valid'. But it has been taught: Whether they were made under the name of some other [offering] or were not rightly directed, they are valid! Said R. Joseph: This is no contradiction; one Baraitha states the view of R. Eliezer, the other that of the Rabbis. R. Eliezer who likens the guilt-offering to the sin-offering³ likens also the log [of oil of the leper] to the guilt-offering;⁴ the Rabbis, however, do not liken one with the other.⁵ But according to R. Eliezer is it permitted to deduce a law by analogy from another law which has itself been deduced by analogy?⁶ — Raba therefore answered, Both teachings state the view of the Rabbis; one deals with the validity⁷ [of the offering], whereas the other deals with the acceptance⁸ [of the offering in fulfilment of the owner's obligation].

MISHNAH. OF THE SEVEN BRANCHES OF THE CANDLESTICK,⁹ THE [ABSENCE OF] ONE INVALIDATES THE OTHERS. OF THE SEVEN LAMPS THEREOF, THE [ABSENCE OF] ONE INVALIDATES THE OTHERS. OF THE TWO PORTIONS OF SCRIPTURE IN THE MEZUZAH,¹⁰ THE [ABSENCE OF] ONE INVALIDATES THE OTHER; INDEED EVEN ONE [IMPERFECT] LETTER CAN INVALIDATE THE WHOLE. OF THE FOUR PORTIONS OF SCRIPTURE IN THE TEFILLIN,¹¹ THE [ABSENCE OF] ONE INVALIDATES THE OTHERS; INDEED EVEN ONE [IMPERFECT] LETTER CAN INVALIDATE THE WHOLE. OF THE FOUR FRINGES,¹² THE [ABSENCE OF] ONE INVALIDATES THE OTHERS, SINCE THE FOUR TOGETHER FORM ONE PRECEPT. R. ISHMAEL SAYS, THE FOUR ARE FOUR SEPARATE PRECEPTS.

GEMARA. [OF THE SEVEN BRANCHES OF THE CANDLESTICK etc.] Why is it so? — Because the expression ‘shall be’ is used therewith.¹³

Our Rabbis taught: The candlestick had to be made from one mass and of gold; if it was made from scraps [of gold] it is invalid, but if made from any other metal it is valid. Now why is it invalid if made from scraps? It is, presumably, because Scripture says ‘beaten work’ and also ‘shall be’;¹⁴ then when made from other metals too it should be invalid, should it not, since Scripture says, ‘of gold’ and also ‘shall be’? — The verse also says, Shall the candlestick be made, to include other metals. Perhaps it is to include scraps! — You cannot think so, for the expression ‘shall be’ refers to ‘beaten work’.¹⁵ But does not the expression ‘shall the candlestick be made’ also refer to ‘beaten work’?¹⁶ — Scripture stated, Of beaten work, Of beaten work, twice,¹⁷ signifying that this condition is indispensable. But is it not also written, Gold, Gold, twice,¹⁷ so that this too is indispensable? — What is this that you say? It is well if you hold that if made out of scraps it is invalid and if out of other metal it is valid, for then the repetition of the terms ‘gold’ and ‘beaten work’ is made use of in the exposition [which follows]. But if you hold that if made out of scraps it is valid and if out of other metals it is invalid, what use then will you make of the repetition of the terms ‘gold’ and ‘beaten work’?¹⁸

What is the exposition [referred to]? — It was taught: Of a talent of pure gold shall it be made, with all these vessels:¹⁹ if made of gold it must be a talent [in weight], if not of gold it need not be a talent. Its cups, its knops, and its flowers:²⁰ if made of gold there must then be cups, knops and flowers, if not of gold there need be neither cups nor knops nor flowers. Perhaps I ought also to say, If made of gold there must then be branches, if not of gold there need be no branches! — That would be called a lamp.²¹ And this was the work of the candlestick, beaten work of gold:²² if of gold it must be beaten work, if not of gold it need not be beaten work. And what use is made of the [second] expression ‘beaten work’ in this last [verse]? — It serves to exclude the trumpets.²³ For it was taught: The trumpets had to be made [each] from one mass and of silver; if made from scraps [of silver] they are valid, if from other metals they are invalid. Now why are they invalid if made from other metals? presumably because it is written ‘of silver’²⁴ and also ‘shall be’;²⁴ then when made from scraps they should also be invalid, should they not, since it is written ‘beaten work’²⁴ and ‘shall be’? Scripture therefore stated in connection with the candlestick, It was beaten work,²² ‘it’ [was beaten work] but not the trumpets.

Our Rabbis taught: All the vessels

(1) This was the right and proper position for sprinkling the blood of the Red Cow, and it is valid even though the sprinklings were not quite in the direction of the Holy of Holies.

(2) In which case both the position of the priest who sprinkled the blood and the direction in which it was sprinkled were wrong, and therefore it is invalid.

(3) By reason of the juxtaposition of these two kinds of offering in one verse, Lev. VII, 7: As is the sin-offering so is the

guilt-offering, the laws of each are placed on the same footing; and as the sin-offering is rendered invalid if any vital service was performed under any other name but its own, so it is with the guilt-offering too. V. Zeb. 10b.

(4) By the juxtaposition of the log of oil and the guilt-offering of the leper in one verse, *ibid.* XIV, 21, the further analogy is made: as the guilt-offering is rendered invalid by the performance of any of its vital services under another name (by analogy with the sin-offering, v. *prec. n.*), so it is too with the service of the sprinkling of the oil in the purification rites of the leper.

(5) So that the ruling in the latter Baraitha is in accordance with the view of the Rabbis.

(6) V. *supra* p. 179, nn. 7 and 8. It is absolutely disallowed to deduce any law in connection with holy things by the process of double analogy. Cf. Zeb. 49b.

(7) The latter Baraitha implied that the offering was valid, but only to this extent, that the remainder of the log of oil was thereby rendered permitted to the priests.

(8) The former Baraitha by ruling 'they are invalid' merely wished to convey that the sprinklings were not accepted in fulfilment of the leper's obligation; and therefore he is still prohibited from entering the camp of Israel and from eating consecrated food.

(9) Cf. Ex. XXV, 31ff.

(10) V. *Glos.* The two portions are: Deut. VI, 4-8, and XI, 13-21.

(11) V. *Glos.* The four portions are: Deut. VI, 4-8; XI, 13-21; Ex. XIII, 1-10 and 11-16.

(12) Cf. Num. XV, 38.

(13) Ex. XXV, 36: Their knops and their branches shall be of one piece with it.

(14) The term 'beaten work' implies hammered out of one piece, and since the expression 'shall be' is added in the verse, this condition of 'beaten work' is indispensable. The expressions used in this exposition are in Ex. XXV, 31: And thou shalt make a candlestick of pure gold: of beaten work shall the candlestick be made . . . its cup', its knops and its flowers shall be of one piece with it.

(15) Thus ruling out the use of broken pieces.

(16) And therefore by reason of the general and comprehensive expression 'shall the candlestick be made' it should also be permitted if made out of broken pieces, or scraps of gold.

(17) *Ibid.* vv. 31 and 36.

(18) The force of the argument centres around the term 'beaten work' which is used four times in connection with the candlestick: twice in Ex. XXV (in vv. 31 and 36) and twice in Num: VIII, 4. If it is held that it is invalid if made out of scraps, then this term was stated twice to indicate that this condition was indispensable, and on two more occasions for the purposes given in the following exposition. If, however, it is valid if made out of scraps, then at least in one instance this term is superfluous. V. Sh. Mek a.l.

(19) Ex. *ibid.* 39.

(20) Ex. XXV, 31.

(21) But not a **מְנוֹרָה**, a branched candlestick.

(22) Num. VIII, 4.

(23) Cf. *ibid.* X. 2ff. Thus the two silver trumpets need not be beaten work.

(24) *Ibid.*

Talmud - Mas. Menachoth 28b

which Moses had made were valid for him and valid also for future generations; the trumpets, however, were valid for him but invalid for future generations. What is the reason for the trumpets? Should you say because it is written, Make thee,¹ that is, for thyself only but not for future generations; then the verse, And make thee an ark of wood,² would also signify for thyself only but not for future generations.³ But in fact the expression 'thee' [in the latter verse] means, according to one opinion,⁴ of thine own, or according to another opinion, 'I would have preferred it to come from thine own rather than from theirs';⁵ then here⁶ too it means the same thing! — Here⁷ it is different, since 'thee' is stated twice: 'Make thee' and 'They shall be unto thee'.⁸

R. Papa the son of R. Hanin recited the following teaching before R. Joseph: The candlestick had to be made from one mass and of gold; if it was made of silver it is still valid; if of tin or lead or

gasitron,⁹ Rabbi declares it to be invalid, but R. Jose b. Judah declares it to be valid. If it was made of wood or of bone or of glass, all agree that it is invalid. Thereupon he said to him,¹⁰ What can be the reason for this?¹¹ He replied, Both masters interpret [the verse] by the principle of ‘general proposition and specification’,¹² but they differ in this: one¹³ concludes, as the thing specified is clearly a metal, so all metals are permitted; but the other concludes, as the thing specified is a valuable [metal], so only valuable [metals] are permitted.¹⁴ Then said [R. Joseph] to him, Set aside your teaching in view of mine, for it has been taught: If vessels of ministry were made of wood, Rabbi declares them invalid, but R. Jose b. Judah declares them valid. In what do they differ? Rabbi interprets [the verse] by the principle of ‘general proposition and specification’, whereas R. Jose b. Judah interprets it by the principle of ‘amplification and limitation’. Rabbi interprets the verse by ‘general proposition and specification’ thus, And thou shalt make a candlestick¹⁵ is a general proposition, ‘of pure gold’ is a particular specification, ‘of beaten work shall the candlestick be made’ is another general proposition; we thus have two general propositions separated by a particular specification, in which case you may only include such things as are similar to the thing specified, and as the thing specified is clearly a metal so all metals are included. R. Jose b. Judah on the other hand interprets the verse by ‘amplification and limitation’ thus, ‘And thou shalt make a candlestick’ is an amplifying proposition, ‘of pure gold’ is a limitation, ‘of beaten work shall the candlestick be made’ is another amplifying proposition; we thus have two amplifying propositions separated by a limitation, in which case they include [well-nigh] everything. What do they include? Everything.¹⁶ And what do they exclude? Earthenware.¹⁷ On the contrary, Set aside your teaching because of mine! — You cannot say so,¹⁸ for it was taught: If there was no gold available for it,¹⁹ it may be made of silver, of copper, of iron, of tin or of lead. R. Jose b. Judah allows it even of wood. And another Baraitha also taught: A man may not make a house after the design of the Temple, or a porch after the design of the Temple porch, or a courtyard after the design of the Temple court, or a table after the design of the table [in the Temple], or a candlestick after the design of the candlestick [in the Temple]. He may, however, make one with five, six or eight [branches], but with seven he may not make one, even though it be of other metal.²⁰ R. Jose b. Judah says, He should not make one even of wood, for thus did the Hasmonean kings make it.²¹ But [the Rabbis] said to him, Is any proof to be deduced from that? In fact it was made of iron bars which they overlaid with tin;²² when they [the Hasmoneans] grew richer they made one of silver, and when they grew still richer they made one of gold.

Samuel said in the name of an old scholar, The height of the candlestick was eighteen handbreadths: three handbreadths for the base and the flower upon it,²³ two handbreadths plain,²⁴ one handbreadth for cup, knop and flower, again two handbreadths plain, one handbreadth for a knop out of which two branches come forth, one on each side, extending and rising to the same height as the candlestick, then one handbreadth plain, one handbreadth for a knop out of which two branches come forth, one on each side, extending and rising to the same height as the candlestick, then again one handbreadth plain, and one handbreadth for a knop out of which two branches come forth, one on each side, extending and rising to the same height as the candlestick, and then two handbreadths plain; there now remained²⁵ three handbreadths, in which space were three cups, a knop and a flower. The cups were like Alexandrian goblets,²⁶ the knops like Cretan apples, and the flowers like the blossoms around the capitals of columns. It will be found, therefore, that there were twenty-two cups, eleven knops, and nine flowers. Of the cups the [omission of] one invalidates the others, of the knops the [omission of] one invalidates the others, and of the flowers the [omission of] one invalidates the others; moreover, of the cups, the knops and the flowers, the [omission of] one kind invalidates the others. It is quite clear that there were twenty-two cups, for it is written, And in the candlestick were four cups,²⁷ and it is also written, Three cups like almond-blossoms in one branch, a knop and a flower;²⁸ so that its own four²⁹

(1) Ibid.

(2) Deut. X, 1.

- (3) But this was not the case, for the same ark which Moses had made was used in the future generations.
- (4) V. Yoma 3b.
- (5) If only this were possible; but it is not since it is the duty of the whole community to provide it. In cur. edd. the expression 'as though it were possible' (the usual expression used when referring to God in anthropomorphic terms) is here inserted, but it is not found in any MS., and indeed it is quite unnecessary here.
- (6) In the case of the trumpets.
- (7) In the case of the trumpets.
- (8) Num. X, 2.
- (9) גְּמִיטְרוֹן, prob. ** tin; perhaps of a special kind, as distinguished from צֶעֶץ, ordinary tin.
- (10) R. Joseph said to R. Papa.
- (11) This distinction in R. Jose b. Judah, according to which it is valid if made of lead or of tin, but invalid if made of wood.
- (12) V. infra.
- (13) R. Jose b. Judah.
- (14) Rabbi therefore excludes lead and tin, and also wood.
- (15) Ex. XXV, 31.
- (16) All substances, even wood.
- (17) Since it is of little value. This Baraita, according to which R. Jose allows all substances except earthenware, and Rabbi allows all metals, overrides the former Baraita quoted by R. Papa.
- (18) For according to R. Papa's teaching R. Jose does not allow wood, but this is in conflict with the two Baraitas which follow.
- (19) Sc. the candlestick.
- (20) Since the seven-branched candlestick of the Temple was permitted to be made of other metals too, and even of wood according to R. Jose b. Judah.
- (21) Sc. the Temple candlestick, after they had retaken and purified the Temple.
- (22) Many MSS. read: 'with wood'.
- (23) V. infra, p. 185, n. 6.
- (24) I.e., without any ornamentation.
- (25) In the central or main shaft of the candlestick.
- (26) Which were wide at the top and tapered down towards the base.
- (27) Ex. XXV, 34; the reference being to the central shaft.
- (28) Ibid. 33.
- (29) I.e., of the central shaft.

Talmud - Mas. Menachoth 29a

and the eighteen of the [six] branches make twenty-two. It is also clear that there were eleven knops, for the knops thereof implies two, and six of the [six] branches and the knop [from which the first pair of branches rose], and the knop [from which the second pair rose], and the knop [from which the third pair rose], thus making a total of eleven. But how do we arrive at nine flowers? Its own two and the six of the [six] branches make only eight? — R. Salmon said, It is written, Unto the base thereof, and unto the flowers thereof, it was beaten work.¹

Rab said, The height of the candlestick was nine handbreadths. Thereupon R. Shimi b. Hiyya raised the following objection to Rab. We have learnt:² There was a stone before the candlestick in which were three steps; on this the priest stood to trim the lamps.³ He answered, You, Shimi!⁴ I meant only from the point where the branches begin [to rise] and upwards.⁵

It is written, And the flowers, and the lamps and the tongs, of gold, of finished gold.⁶ What is meant by 'finished gold'? R. Ammi said, They finished up all Solomon's fine gold.⁷ For Rab Judah said in Rab's name, Solomon had made ten candlesticks, and for each one he had used one thousand talents of gold; each had been cast in the furnace one thousand times so that it was reduced to one

talent.⁸ But surely it is not so, for it is written, And all King Solomon's drinking vessels were of gold, and all the vessels of the house of the forest of Lebanon were of pure gold; none were of silver; it was nothing accounted of in the days of Solomon!⁹ — We said Solomon's fine gold [was finished up]. And would it lose so much?¹⁰ Surely it has been taught: R. Jose b. Judah said, It once happened that the candlestick which was used in the Temple was found to be larger than that made by Moses by a Gordian¹¹ golden denar; thereupon it was cast eighty times into the furnace so that it was brought down to a talent! — Since it had been made long ago it would remain in that condition.¹²

R. Samuel b. Nahmani said in the name of R. Jonathan, What is the meaning of the expression, 'Upon the pure candlestick'?¹³ It signifies that its pattern came down from the place of purity.¹⁴ Will you then say that the expression 'Upon the pure table'¹⁵ also signifies that its pattern came down from the place of purity? One would rather say that 'pure' [in the latter case] implies that it can contract uncleanness; then [in the former case] too 'pure' implies that it can contract uncleanness? — [This does not follow at all,] for it is right to say so there [in regard to the table] because of Resh Lakish's exposition. For Resh Lakish said, What is the meaning of the expression 'upon the pure table'? It signifies that it can contract uncleanness. But is not [the table] an article of wood made to rest, and an article of wood made to rest cannot contract uncleanness? This proves that they used to lift it up and exhibit the Shewbread on it to those who came up for the festivals, saying to them, Behold, God's love for you!¹⁶ (Wherein is seen 'God's love for you'? — It is as R. Joshua b. Levi had stated. For R. Joshua b. Levi had stated, A great miracle was wrought in regard to the Shewbread, for at its removal it was as [fresh as when] it was set,¹⁷ as it is written, To put hot bread in the day that it was taken away.)¹⁸ But in this case [of the candlestick], to say that the term 'pure' implies that it can contract uncleanness is too obvious [and unnecessary], for it is a metal vessel and metal vessels certainly contract uncleanness! We must therefore say that its pattern came down from the place of purity.

It was taught: R. Jose b. Judah says, An ark of fire and a table of fire and a candlestick of fire came down from heaven; and these Moses saw and reproduced, as it is written, And see that thou make them after their pattern, which is being shown thee in the mount.¹⁹ Will you then say the same [of the tabernacle], for it is written, And thou shalt rear up the tabernacle according to the fashion thereof which hath been shown thee in the mount!²⁰ — Here it is written 'according to the fashion thereof', whilst there 'after their pattern'.²¹

R. Hiyya b. Abba said in the name of R. Johanan, The angel Gabriel had girded himself with a kind of belt²² and demonstrated unto Moses the work of the candlestick, for it is written, And this was the work of the candlestick.²³

A Tanna of the school of R. Ishmael stated, Three things presented difficulties to Moses, until the Holy One, blessed be He, showed Moses with His finger, and these are they: the candlestick, the new moon,²⁴ and the creeping things.²⁵ The candlestick, as it is written, And this was the work of the candlestick. The new moon, as it is written, This month shall be unto you the beginning of months.²⁶ The creeping things, as it is written, And these are they which are unclean.²⁷ Others add, Also the rules for slaughtering [beasts], as it is written, Now this is that which thou shalt offer upon the altar.²⁸

OF THE TWO PORTIONS OF SCRIPTURE IN THE MEZUZAH THE [ABSENCE OF] ONE INVALIDATES THE OTHER; INDEED EVEN ONE [IMPERFECT] LETTER CAN INVALIDATE THE WHOLE. Is not this obvious?²⁹ — Rab Judah answered in the name of Rab, The law had to be taught in respect of the tittle of the letter yod.³⁰ And is not this, too, obvious?³¹ — It had to be taught in regard to the other statement of Rab Judah in the name of Rab. For Rab Judah said in the name of Rab, Any letter that is not surrounded on all four sides by a margin of parchment is invalid.³²

Ashian b. Nidbak said in the name of Rab Judah, If the inner [leg] of the letter he³³ was perforated, it is still valid; if the [right] leg was perforated it is invalid. R. Zera said, This was explained to me by R. Huna — and R. Jacob said, This too was explained to me by Rab Judah — as follows: If the inner [leg] of the he was perforated, it is still valid; if the [right] leg was perforated and there still remained thereof the size of a small letter,³⁴ it is valid; otherwise it is invalid.

It once happened to Agra, the father-in-law of R. Abba,

(1) Num. VIII, 4. The flower (in the Heb. פְּרֹחֶה, in the sing.) in this verse is in addition to those mentioned in Ex. XXV, 31ff; hence there were nine. This extra flower was placed at the foot of the candlestick close to the pedestal.

(2) Tam. III, 9.

(3) And if the entire height of the candlestick was only nine handbreadths, then surely the priest had no need of stone or steps to reach it.

(4) Rab expresses surprise at his pupil Shimi who puts to him a question whose answer is only too obvious.

(5) And as this point was in the centre of the candlestick, there were nine handbreadths from it to the top, and similarly from this point to the base; so that Rab's view is entirely in accord with Samuel's supra.

(6) II Chr. IV, 21. The Heb. expression מִכְּלֹת זָהָב, in E.VV. 'perfect gold', is very difficult; hence the suggestion in the Gemara.

(7) Deriving מִכְּלֹת from כָּלָה 'to complete, exhaust, finish up'.

(8) This lavish and extravagant use of gold would naturally exhaust all his gold, however great his supply was.

(9) I Kings X, 21. It is evident that Solomon had an unlimited supply.

(10) By repeated refinings to be reduced from one thousand talents to one talent.

(11) Cur. edd. קוֹרְדִּיקְנִי; v. Jast. s.v. גּוֹרְדִּינִי. The word is omitted in MS.M.

(12) I.e., since it had been well wrought and refined in Solomon's days, when centuries later it was cast eighty times into the furnace it would not then have lost very much.

(13) Lev. XXIV, 4.

(14) I.e., from Heaven. The pattern of the candlestick was shown by God unto Moses; v. infra.

(15) Ibid. 6.

(16) The table was therefore mobile and not regarded as a vessel made to rest; consequently it could contract uncleanness. It is right therefore that the term 'pure' in connection with the table should mean free from uncleanness.

(17) When the Shewbread was removed after having remained seven days upon the table it was as fresh as on the day when it was placed thereon.

(18) I Sam. XXI, 7. The Heb. חָם 'hot' is interpreted as referring to the bread that was taken away, thus indicating that it was still fresh and hot.

(19) Ex. XXV, 40.

(20) Ibid. XXVI, 30.

(21) The latter expression signifies that a model or picture was actually shown to Moses, whereas the former expression signifies merely that the tabernacle was to be constructed in accordance with the instructions and directions received by Moses.

(22) After the manner of artificers who tie up their clothes with a belt or girdle when engaged upon delicate work so as not to be hampered in their work.

(23) Num. VIII, 4. The term 'this' implies that something was held up as a pattern or model to illustrate the instructions given.

(24) The proper observance of the first appearance of the new moon.

(25) The identification of the clean and unclean reptiles.

(26) Ex. XII, 2.

(27) Lev. XI, 29.

(28) Ex. XXIX, 38. And as the first act of the offering is the slaughtering the expression 'this' clearly refers to an actual demonstration unto Moses of the rules and regulations of slaughtering.

(29) That one imperfect letter can invalidate the whole. For the law insists upon perfect writing in Scrolls of the Law, tefillin, and mezuzah.

(30) I.e., even if the lower (according to Tosaf. 'the upper') stroke of the letter yod was missing, it is invalid.

(31) Since without the stroke it is no yod and it would not be recognizable as such.

(32) The letter must not be joined to or run into either the preceding or following letters, but must be surrounded by a blank margin of the parchment.

(33) I.e., the left or detached leg of the letter ה. It is referred to as inner for in early MSS. this leg was almost in the middle of the letter. Aliter: the inner space of the letter.

(34) I.e., the upper part of the leg was still joined to the roof of the letter, thus ה, so that it can be read as a he, although reduced in size.

Talmud - Mas. Menachoth 29b

that the [right] leg of the letter he in the word ha'am¹ had been severed by a perforation; whereupon he came to R. Abba who ruled that if there still remained thereof the size of a small letter it is valid, otherwise it is invalid.

It once happened to Rami b. Tamre, also known as² Rami b. Dikule, that the leg of the letter waw in the word wa-yaharog³ had been severed by a perforation; whereupon he came to R. Zera who said, Go, fetch a child that is neither too clever nor too foolish; if he is able to read the word as wa-yaharog, it is valid; otherwise, the word is yaharog⁴ and it is invalid.

Rab Judah said in the name of Rab, When Moses ascended on high he found the Holy One, blessed be He, engaged in affixing coronets to the letters.⁵ Said Moses, 'Lord of the Universe, Who stays Thy hand?'⁶ He answered, 'There will arise a man, at the end of many generations, Akiba b. Joseph by name, who will expound upon each tittle heaps and heaps of laws'. 'Lord of the Universe', said Moses; 'permit me to see him'. He replied, 'Turn thee round'. Moses went and sat down behind eight rows⁷ [and listened to the discourses upon the law]. Not being able to follow their arguments he was ill at ease, but when they came to a certain subject and the disciples said to the master 'Whence do you know it?' and the latter replied 'It is a law given unto Moses at Sinai' he was comforted. Thereupon he returned to the Holy One, blessed be He, and said, 'Lord of the Universe, Thou hast such a man and Thou givest the Torah by me!' He replied, 'Be silent, for such is My decree'.⁸ Then said Moses, 'Lord of the Universe, Thou hast shown me his Torah, show me his reward'. 'Turn thee round', said He; and Moses turned round and saw them weighing out his flesh at the market-stalls.⁹ 'Lord of the Universe', cried Moses, 'such Torah, and such a reward!' He replied, 'Be silent, for such is My decree'.

Raba said, There are seven letters which require each three strokes, and these are they: shin, 'ayin, teth, nun, zayin, gimmel, and zadde.¹⁰

R. Ashi said, I have observed that scribes who are most particular add a vertical stroke to the roof of the letter heth,¹¹ and suspend the [inner] leg of the letter he. They add a vertical stroke to the roof of the letter heth, signifying thereby that He lives in the heights of the word.¹² And they suspend the [inner] leg of the letter he for the reason given in the following discussion. For R. Judah the patriarch asked R. Ammi, What is the meaning of the verse, Trust ye in the Lord for ever; for in Yah the Lord is an everlasting rock?¹³ He replied, It implies that if one puts his trust in the Holy One, blessed be He, behold He is unto him as a refuge in this world and in the world to come. This, retorted the other, was my difficulty: why does the verse say in Yah and not Yah? The reason is as was expounded by R. Judah b. R. Ila'i. [Yah, he said,] refers to the two worlds which the Holy One, blessed be He, created, one with the letter he and the other with the letter yod. Yet I do not know whether the future world was created with the yod and this world with the he or this world with the yod and the future world with the he; but since it is written, These are the generations of the heaven and of the earth when they were created:¹⁴ read not be-hibare'am,¹⁵ when they were created, but be-he bera'am,¹⁶ He created them with the he; hence I may say that this world was created with the

he and the future world with the yod. And wherefore was this world created with the he? — Because it is like an exedra¹⁷ and whosoever wishes to go astray¹⁸ may do so. And wherefore is the [left] leg [of the he] suspended? — To indicate that whosoever repents is permitted to re-enter.¹⁹ And why should he not re-enter by the same [way as he went out]? — Such an opportunity would not arise;²⁰ and this is consistent with Resh Lakish's view. For Resh Lakish said, What is the meaning of the verse, If it concerneth the scornors, He scorneth them, but unto the humble He giveth grace?²¹ If a man comes to purify himself, they assist him; but if he comes to defile himself, they open the door for him. And wherefore has [the letter he] a coronet? — Because the Holy One, blessed be He, says, If a man repents I will set a crown upon him. And why was the future world created with the letter yod? — Because the righteous men therein are but few.²² And why is its head bent low? — Because the righteous men therein hang their heads low, for the good deeds of one are not like [the good deeds of] the other.²³

R. Joseph said, Rab gave two rulings in connection with scrolls [of the Law] but to each there is a refutation. The first is this: Rab said, If a scroll of the Law has two mistakes in every column it may be corrected, but if three, it must be hidden away. And the refutation [is from the following]. It was taught: If three it may be corrected, but if four it must be hidden away.

A Tanna taught: If there was one column free from mistakes it saves the whole scroll.²⁴ R. Isaac b. Samuel b. Martha said in the name of Rab, provided only the scroll was for the most part written correctly. Abaye asked R. Joseph, How is it if in that column there were three mistakes?²⁵ — He replied, Since it is permitted to correct them they are regarded as already corrected.

This rule²⁶ applies only when letters are missing, but when there are too many letters it does not matter.²⁷ And why is it not so when letters are missing?²⁸ — R. Kahana answered, Because it would look speckled.²⁹ Agra, the father-in-law of R. Abba, had a scroll in which there were additional letters, so he came to R. Abba who told him the law: This rule applies only when letters are missing,

(1) **העם**, Ex. XIII, 3, in connection with the tefillin (Rashi).

(2) So in all MSS. and early edd. and so emended by Sh. Mek. Cur. edd. 'the father-in-law of'.

(3) I.e., the initial waw in **ויהרג** (meaning 'and he killed'), occurring in one of the Scriptural portions of the Tefillin, in Ex. XIII, 15.

(4) **יהרג**. Strictly speaking **ייהרג** which would be read as yehareg (meaning 'will be killed') and being followed by 'the Lord' would have a blasphemous connotation.

(5) These are the Taggin, i.e., three small strokes written on top of the letters **שעטנזגצ** in the form of a crown. V. infra Raba's statement, and note thereon.

(6) I.e., is there anything wanting in the Torah that these additions are necessary?

(7) Of R. Akiba's disciples.

(8) Lit., 'so it has come to My mind'.

(9) R. Akiba died a martyr's death at the hands of the Romans during the Hadrianic persecution. V. Ber. 61b.

(10) **שעטנזגצ**. V. supra n. 2. There is diversity of opinion as to the proper placing of these strokes. V. Tosaf a.l. In the Scrolls of the Law used at the present time in Ashkenazic communities the form of ornamentation is this, e.g., **ש**.

(11) Here, too, there are diverse opinions as to the form. The word **חטרי** which has been translated in the text, following Rashi, by 'add a vertical stroke' from **חוטרא**, 'a stick', may also mean 'make hump-like', from **חטרתא** 'the camel's hump'. The form of this letter in Scrolls of the present day is **ח**.

(12) The letter heth is the initial letter of the word **חי**, 'He lives', and the stroke or tower above indicates that the abode of the living God is on high.

(13) Isa. XXVI, 4. The latter half of the verse reads **כי ביה ה צור עולמים** and this is interpreted as meaning 'for with Yah (i.e., with the letters yod and he) the Lord formed the worlds.'

(14) Gen. II, 4.

(15) **בהבראם**.

(16) **בהי בראם**.

- (17) The world is like an exedra, i.e., closed on three sides and open on the fourth (v. B.B. 25a and b); and so, too, is the letter he. Hence it was most appropriate for this world to be created by the letter he.
- (18) Sc. from the right path; i.e., to be rebellious.
- (19) Through the small opening at the side.
- (20) The repentant sinner requires encouragement and support, so that an additional entrance is made ready for him.
- (21) Prov. III, 34.
- (22) The letter yod is the smallest letter of the alphabet, and in shape its head droops downwards.
- (23) So that each feels a certain sense of shame in the presence of the other.
- (24) Even though in the other columns there are very many mistakes. Of course the mistakes have to be corrected.
- (25) Is this column to be regarded as free from mistakes since the three mistakes in it may be corrected?
- (26) That a scroll with four mistakes in each column must be hidden away.
- (27) Since the additional letters can easily be erased.
- (28) The missing letters can surely be inserted.
- (29) The insertion of missing letters above the lines would make the whole look irregular.

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but when there are additional letters it does not matter.

The other ruling of Rab is this: Rab said, He who is writing a scroll of the Law and has reached the end may finish off even in the middle of the column. And an objection is raised from the following: He who is writing a scroll of the Law and has reached the end may not finish off in the middle of the column as one does with other books, but he should reduce each line as he goes on until he reaches the end of the column! — Rab was referring to other books. But he says ‘a scroll of the Law’! — He meant the books of the Law.¹ But this cannot be so, for R. Joshua b. Abba cited R. Giddal who said it in the name of Rab, The words ‘in the sight of all Israel’² are to be written in the middle of the column! — He means the middle of the line.³

It was stated: The Rabbis say, [One may finish] even in the middle of the line;⁴ but R. Ashi says, [One may finish] only in the middle of the line.³ And the law is: Only in the middle of the line.

R. Joshua b. Abba cited R. Giddal who said it in the name of Rab, The last eight verses of the Torah must be read [in the Synagogue service] by one person alone.⁵ Whose view is followed here? It surely is not R. Simeon's, for it was taught:⁶ It is written, So Moses the servant of the Lord died there.⁷ Now is it possible that Moses whilst still alive would have written, ‘So Moses . . . died there’? The truth is, however, that up to this point Moses wrote, from this point Joshua the son of Nun wrote. This is the opinion of R. Judah, or, according to others, of R. Nehemiah. Said R. Simeon to him, Can we imagine the scroll of the law being short of one letter? Is it not written, Take this book of the Law, and put it etc.⁸ We must say that up to this point the Holy One, blessed be He, dictated and Moses repeated and wrote, and from this point the Holy One, blessed be He, dictated and Moses wrote⁹ with tears [in his eyes], as it says of another occasion, Then Baruch answered them, He pronounced all these words to me with his mouth, and I wrote them with ink in the book.¹⁰ Must we then say that the view stated is not in accordance with R. Simeon?¹¹ — You may even say that it follows the view of R. Simeon, for since they differ [from the rest of the Torah] in one way, they differ in another.¹²

R. Joshua b. Abba again cited R. Giddal who said in the name of Rab, He who buys a scroll of the Law in the market is regarded as one that has seized a precept in the market, but he who writes it, him the Scripture regards as if he had received it at mount Sinai. R. Shesheth said, Even if he corrected but one letter he is regarded as if he had written it.

(Mnemonic ‘A.G.L.M.’)¹³ Our Rabbis taught: A man should use sheets [of parchment] which

contain from three to eight columns; he should not use one which contains less columns or more.¹⁴ And he should not put in too many columns¹⁵ for it would look like an epistle, nor too few columns¹⁶ for the eyes would wander;¹⁷ but [the width of the column should equal] the word *lemishpehothekem* written three times.¹⁸ If a man happened to possess a sheet with nine columns, he should not divide it [into two sheets of] three and six columns, but [into sheets of] four and five columns.¹⁹ These rules apply only [to sheets] at the beginning [or in the middle] of the scroll, but at the end of the scroll even one verse or one column [may take up the whole sheet]. One verse! Surely you cannot mean that!²⁰ — Say rather: One verse in one column.²¹ The width of the margin below shall be one handbreadth, above three fingerbreadths, and between one column and the other the space of two fingerbreadths. In books of the Law²² the margin below shall be three fingerbreadths, above two fingerbreadths, and between one column and the other the space of a thumb-breadth. Between each line there must be the space of a line, between each word the width of a letter, and between each letter a hairbreadth. A man should not reduce the size of the script on account of the margin above or below,²³ or on account of the space between one line and another, or the requisite space between one section and another. If [when almost at the end of a line] he has to write a word of five letters he must not write two letters in the column and three outside,

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- (1) I.e., each of the first four books of the Torah may finish in the middle of a column, but the fifth book which would complete the scroll of the Law, Rab agrees, must be written in the form of a colophon gradually reducing the lines so as to reach the end of the column.
- (2) These are the last words of the Torah.
- (3) But at the end of the column. I.e., the last words in the last line of the column are written in the middle of the line.
- (4) And also in the middle of the column (Rashi; but v. Sh. Mek. a.l.).
- (5) These verses may not be divided into two portions to be read by two persons.
- (6) B.B. 15a.
- (7) Deut. XXXIV, 5.
- (8) Ibid. XXXI, 26, said by Moses before he died. If then Moses did not complete the Torah he would not have referred to it as the book of the Law.
- (9) But did not repeat the words as heretofore, because of his grief.
- (10) Jer. XXXVI, 18. Baruch the scribe when writing down the Lamentations as spoken by Jeremiah did not repeat the words because of the grief they caused him.
- (11) For since these verses were, according to R. Simeon, written by Moses they should in no wise be different from any other section in the Torah; accordingly it should be permitted to divide these verses into two portions.
- (12) These verses have a special law since they were written in special circumstances.
- (13) A mnemonic made up of the characteristic Hebrew letters of the rules which follow.
- (14) As each sheet was sewn to the others it is advisable for the sake of utility not to have the seams too near or too far apart from each other.
- (15) I.e., the maximum number of columns (8) in a small sheet.
- (16) I.e., the minimum number of columns (3) in a large sheet.
- (17) For the length of the line in each column would be unduly large and the eyes would stray so that the reader would be in doubt as to which line he must read next.
- (18) **למשפחותיכם**. I.e., thirty letters.
- (19) So as to make the sheets as far as is possible of similar width.
- (20) Since it is necessary to end at the foot of the column, how is it conceivable to fill the whole sheet with one verse?
- (21) I.e., the column may be made very narrow, perhaps with only one word on each line, or even enlarging the script, so as to fill up the whole column.
- (22) **הומשים**, also written in scroll form but not intended to be used for the Synagogue service.
- (23) The size of the script should be uniform in the column and should not be reduced on the first or last lines so as to obtain the proper marginal space above or below.

but three in the column and two outside.¹ If [when he has come to the end of the line] he has to 'write a word of two letters, he may not insert it between the columns but must write the word at the beginning of the next line.

If [the scribe] omitted the Name of God [and had already written the next word], he should erase the word that was written and insert it above the line, and should write the Name upon the erasure. This is the opinion of R. Judah. R. Jose says, He may even insert the Name above the line. R. Isaac says, He may even wipe away² [the word that was written] and write [the Name in its place]. R. Simeon of Shezur says, He may write the whole Name above the line but not a part of it. R. Simeon b. Eleazar says in the name of R. Meir, He may write the Name neither upon an erasure nor upon a word that has been wiped away, neither may he insert it above the line. What must he do then? He must remove the whole sheet and hide it away.

It was stated: R. Hananel said in the name of Rab, The halachah is that he may insert the Name above the line. Rabbah b. Bar Hanah said in the name of R. Isaac b. Samuel, The halachah is that he may wipe away [the written word] and write [the Name in its place]. Why does not R. Hananel say that the halachah follows this Master,³ and Rabbah b. Bar Hanah say that it follows the other Master?⁴ — Because there is another reading which reverses the names.⁵

Rabin b. Hinena said in the name of 'Ulla who had it from R. Hanina, The halachah is in accordance with R. Simeon of Shezur.⁶ Moreover, wherever R. Simeon of Shezur stated his view the halachah is in accordance with it. In what connection was this ruling [of R. Hanina] stated? Should you say in connection with the above: 'R. Simeon of Shezur says, He may write the whole Name above the line but not a part of it'; but since it has been reported in that connection that R. Hananel said in the name of Rab, The halachah is that he may insert the Name above the line, and that Rabbah b. Bar Hanah said in the name of R. Isaac b. Samuel, The halachah is that he may wipe away [the written word] and write [the Name in its place], if then [R. Hanina's ruling was stated in connection with the above Baraita], he should have also stated his view [together with the others]!⁷ — Rather it was stated in connection with the following: 'R. Simeon of Shezur says, Even if it⁸ is five years old and is ploughing in the field it is still rendered clean by reason of the slaughtering of its dam'.⁹ But since it was reported in that connection that Ze'iri said in the name of R. Hanina, The halachah follows R. Simeon of Shezur, if this were so then he also should have said it there!¹⁰ — Rather it was stated in connection with the following: At first it was held: If a man whilst being led out in chains [to execution] said, 'Write out a bill of divorce for my wife', it was to be written and also to be delivered to her.¹¹ Later they laid down that the same rule applied to one who was leaving on a sea journey or setting out with a caravan. R. Simeon of Shezur says, It also applies to a man who was dangerously ill. Or [it was stated] in connection with the following:¹² If the terumah¹³ which had been separated from the tithe of demai¹³ produce fell back into its place,¹⁴ R. Simeon of Shezur says, Even on a weekday one need only ask [the seller] about it and eat it by his word.¹⁵ But since it was reported in that connection that R. Johanan said, The halachah follows R. Simeon of Shezur in the case of 'The dangerous ill man' and in 'The terumah separated from the tithe of demai produce',¹⁶ if this were so then he too should have said it there. — Rather it was stated in connection with the following: R. Jose b. Kippar says in the name of R. Simeon of Shezur, If Egyptian beans had been sown only for seed¹⁷ and part of them had taken root before the New Year and part after the New Year, one may not then separate terumah and the tithes from one part on behalf of the other, for one may not separate terumah and tithes from new produce on behalf of the old or from old produce on behalf of the new. What then should one do? One should collect the whole crop into one heap [and then separate the terumah and the tithes from it], so that the new produce in the terumah or tithe would be deemed to be taken in respect of the new produce that is left in the heap, and the old produce in the terumah or tithe would be deemed to be in respect of the old produce that is left in the heap. But since it was reported in that connection that R. Samuel b. Nahmani said In the name of R. Johanan, The halachah follows R. Simeon of Shezur, if this were so, then he too should have said it

there! — In fact, said R. Papa, it was stated in connection with the case of the ‘Chest’. R. Nahman b. Isaac said, It was stated in connection with the case of the ‘Wine’. R. Papa said

- (1) If therefore there is sufficient space for three letters he may write the word allowing two letters to encroach upon the margin; but if there is not sufficient space for three letters he must write the whole word in the next line.
- (2) Whilst the ink is still moist. The writing upon such a surface would not be as clear and distinct as upon an erased surface.
- (3) Sc. R. Jose.
- (4) Sc. R. Isaac.
- (5) I.e., the opinions assigned to R. Jose and R. Isaac are reversed; hence it was necessary when stating the halachah to report the actual decision.
- (6) In Upper Galilee.
- (7) I.e., with R. Hananel and Rabbah b. Bar Hanah.
- (8) Sc. an animal which was extracted alive out of the womb after the slaughtering of its dam.
- (9) Hul. 74b.
- (10) I.e., if R. Hanina's ruling was stated in connection with the above quoted Mishnah then Rabin b. Hinena should also have stated his tradition of the halachah alongside with Ze'iri in Hul. l.c.
- (11) Even though he gave no instructions that it was to be delivered to his wife. It is assumed that he intended it to be delivered to her but omitted to say so owing to his perturbed state of mind. Git. 65b.
- (12) Demai IV, 1.
- (13) V. Glos.
- (14) I.e., it was mixed up with ordinary ‘common’ produce. The mixture now may be eaten only by priests and would have to be sold to the priest at a low price, so that the loss to the owner is considerable.
- (15) In the special circumstances, because of the loss involved and the produce being demai (i.e., produce that had been bought from an ‘am ha-arez who was not trusted with regard to the separation of the tithes), the Rabbis permitted the owner to enquire of the seller about it and to rely upon his word if the seller assured him that he had separated the various dues. If this occurred on the Sabbath it would certainly be permitted to ask the seller about the produce and to rely upon his word, for the honour of the Sabbath (v. Dem. l.c.), but according to R. Simeon of Shezur this is permitted even on a weekday.
- (16) Keth. 55a, and Hul. 75b.
- (17) In which case they become subject to terumah and tithes from the moment they take root; v. R.H. 13b.

Talmud - Mas. Menachoth 31a

in connection with the ‘Chest’, for we have learnt:¹ A chest, say Beth Shammai, should be measured on the inside;² but Beth Hillel say, On the outside.³ They agree, however, that the thickness of the legs and the thickness of the rim should not be included in the measurement. R. Jose says, They agree that the thickness of the legs and the thickness of the rim should be included, but that the space between them should not be included. R. Simeon of Shezur says, If the legs were a handbreadth high the space between them should not be included, but if less, it should be included in the measurement. R. Nahman b. Isaac said in connection with ‘Wine’, for we have learnt:⁴ R. Meir says, Oil [when rendered unclean] is always unclean in the first degree.⁵ The Sages say, Honey also. R. Simeon of Shezur says, Wine also. Are ‘we to infer that the first Tanna holds that it is not so with wine?’⁶ — Render: R. Simeon of Shezur says, [Only] wine.

It was taught: R. Simeon of Shezur related, Once my untithed produce got mixed up with tithed produce,⁷ so I went and asked R. Tarfon about it and he advised me, Go and buy some [demai⁸ produce] in the market and separate the tithes from it on behalf of the mixture too.⁹ He¹⁰ evidently was of the opinion that¹¹ the majority of ‘amme ha-arez⁸ separate the tithes, so that in this case he would be taking the tithe from what is exempt [from the tithe by the law of the Torah] in respect of what is also exempt [by the Torah]. But why did he not advise him, Go and buy produce from a gentile?¹² — Because he holds that a gentile cannot own land in the land of Israel so fully as to

release it from the obligation of tithing¹³ so that he would be taking the tithe from what was subject [to tithing by the Torah] in respect of what was exempt.

Another version states: He advised him, Go and buy produce from a gentile. Evidently he was of the opinion that a gentile can own land so fully in the land of Israel as to release it from the obligation of tithing, so that in this case he would be taking the tithe from what is exempt [by the Torah] in respect of what is exempt too. And why did he not advise him, God and buy' [demai produce] in the market? — Because he holds that the majority of amme ha-arez do not separate the tithes.¹⁴

R. Yemar b. Shelemya sent the following question to R. Papa: Does the ruling of Rabin b. Hinena who cited 'Ulla in the name of R. Hanina, namely, that the halachah was in accordance with R. Simeon of Shezur; and moreover, that wherever R. Simeon of Shezur stated his view the halachah was in accordance with it, include that case where untithed produce got mixed up with tithed produce? He replied, It does. R. Ashi said, Mar Zutra told me that R. Hanina of Sura was puzzled at the question. It is obvious, said he;

(1) Kel. XVIII, 1.

(2) To determine its capacity. If it can hold forty se'ahs liquid or two kors dry ware it is not susceptible to uncleanness, for it is no longer deemed to be a 'vessel'.

(3) I.e., the sides of the chest and the top and bottom are to be included in the measurement.

(4) Toh. III, 2.

(5) For with whatever grade of uncleanness a liquid came into contact, whether with a primary source of uncleanness or with what was unclean in the first or second degree, it will always be unclean in the first degree. Cf. Pes. 14b.

(6) Surely all agree that wine is a liquid and the above principle (v. prec. note) applies.

(7) And since the greater part of this mixture was tithed produce the whole is deemed by the law of the Torah to be tithed produce, and is not subject to any further tithing at all. It is, however, subject to tithing by Rabbinic law. The interpretation adopted here is the second given by Rashi, which is indeed preferred by him.

(8) V. Glos.

(9) Demai produce, too, is exempt from tithing by the law of the Torah (because we adopt the majority principle and the majority of 'amme ha-arez separate the tithes), but is subject to it only by Rabbinic law. It is therefore identical with the produce of the mixture.

(10) R. Tarfon.

(11) The words 'According to the law of the Torah a substance loses its identity when mixed in a larger quantity' found here in the text are omitted in all MSS., and are struck out here by Sh. Mek.

(12) Produce grown in a field belonging to a gentile is, it is assumed for the present, exempt by the law of the Torah from the tithing, but is subject to it only 'by Rabbinic law.

(13) The produce of his field is therefore subject to the tithing by the law of the Torah.

(14) So he would then be taking the tithe from what was subject to tithing by the law of the Torah in respect of what was exempt by the law of the Torah

Talmud - Mas. Menachoth 31b

for does it say 'Wherever he stated his view in the Mishnah'? It simply says, 'Wherever he stated his view'.

R. Ze'ira said in the name of R. Hananel who said it in the name of Rab, If a rent [in a scroll of the Law] extended into two lines [of the script] it may be sewn together; but if into three lines it may not be sewn together.¹ Rabbah the younger said to R. Ashi, Thus said R. Jeremiah of Difti in the name of Raba: The rule that we have laid down, namely, that if it extended into three lines it may not be sewn together, applies only to old scrolls; but in the case of new scrolls it would not matter.² Moreover 'old' does not mean actually old, nor 'new' actually new, but the one means prepared with gall-nut

juice³ and the other means not so prepared. It is [permitted to sew it] only with sinews but not with thread.

R. Judah b. Abba raised the question: How is it if [the rent extended] between the columns⁴ or between one line and another? — This remains unanswered.

R. Ze'iri said in the name of R. Hananel who cited it in the name of Rab, If a mezuzah⁵ was written in lines consisting of two words each it is valid. The question was raised: How is it if the first line consisted of two words, the second of three, and the third of one word?⁶ — R. Nahman b. Isaac answered, Certainly [it is valid], for it has merely been written like the song.⁷ An objection was raised: If he wrote it like the song or the song like it, it is invalid! — That was taught in connection with a scroll of the Law.

It has also been reported: Rabbah b. Bar Hanah said in the name of R. Johanan (others say: R. Aha b. Bar Hanah said in the name of R. Johanan), If the mezuzah was written [in lines of unequal length consisting of] two words, three words, and one word, it is valid, provided it was not in the form of a tent, nor tail-like.⁸

R. Hisda said, The words, 'above the earth'⁹ must be [alone] in the last line. Some say [they must be written] at the end of the line, others say at the beginning. 'Some say, at the end of the line', for it is written, As the heaven is high above the earth.¹⁰ 'Others say, at the beginning', as the heaven is far from the earth.¹¹

R. Helbo said, I have seen R. Huna rolling up the mezuzah beginning at 'one' and finishing at 'hear',¹² moreover, he left [the space between] the sections closed.¹³ An objection was raised: R. Simeon b. Eleazar said, R. Meir used to write [the mezuzah] on dukstus,¹⁴ in the form of a column,

(1) But the whole sheet of parchment must be removed.

(2) And no matter how far the rent extended, it may be sewn together again.

(3) In that case even though old it is strong, and will withstand any rent, and therefore it may be sewn together again. This is the interpretation according to Alfasi, Hil. Sef. Tor., and Maim. Yad, Sef. Tor. IX, 15. Rashi explains: if treated with gall-nut juice it becomes darkened and is at once regarded as old. A very difficult explanation.

(4) I.e., to such an extent that had it been in a column it would have gone beyond three lines of script. The question is whether it may be sewn together or not.

(5) V. Glos.

(6) The lines were of unequal length thus: **

(7) Sc. the song of Moses, Ex. XV. In the first column of the song the lines are of unequal length, v. Meg. 16b.

(8) The words in the consecutive lines must not increase in a regular order, that is, like a tent, narrow above and wide below thus: ** nor decrease in a regular order, that is, tapering off like a tail thus: ** V. Sh. Mek. notes 5 and 6.

(9) Deut. XI, 22; the last words in the mezuzah.

(10) Ps. CIII, 11. The penultimate line in the mezuzah ends with 'the heaven', so that if 'above the earth' were written at the end of the last line it would be seen that 'the heaven' is directly above 'the earth', in conformity with the expression in Psalms.

(11) And the furthest distance between these words is obtained by placing 'the heaven' at the end of the penultimate line and 'the earth' at the beginning of the last line.

(12) The opening line of the mezuzah is: Hear, O Israel: the Lord our God, the Lord is One (Deut. VI, 4): and as Heb. is written from right to left, it is clear therefore that R. Huna used to roll up the mezuzah beginning at the left with the word 'one' and finishing at the right with the word 'hear'.

(13) I.e., he began the second passage in the mezuzah on the same line as that on which the first passage ended, allowing only a short blank space between the two passages.

(14) דוכסטיס. In making parchment it was the usual practice to split the thickness of the skin and divide it into two sheets, each sheet being treated and prepared. The parchment made from the inner sheet, i.e., the side next to the

flesh of the animal, was regarded as the best quality (this was known as קלף, and that made from the outer sheet, i.e., the side next to the hair, was an inferior quality (this was known as דוכסומטום).

Talmud - Mas. Menachoth 32a

leaving a space above and a space below, and leaving [the space between] the sections open.¹ And I said to him, Master, what is the reason for this? And he answered, Because [the portions] are not close to each other in the Torah.² And R. Hananel said in the name of Rab that the halachah follows R. Simeon b. Eleazar. Now presumably [the halachah referred to the ruling] of leaving [the space between] the sections open? — No, it referred to the ruling of leaving a space [above and below]. And how much space must there be? — R. Menashya b. Jacob (others say: R. Samuel b. Jacob) said, The space taken up by the clasps of the scribes.³

Said Abaye to R. Joseph, And do you not hold that Rab's statement [of the halachah] referred to the leaving of the space [above and below]? But is it not the fact that Rab usually relies upon the practice of people, and the general practice is to leave [the space between] the sections closed?⁴ For Rabbah said in the name of R. Kahana who had it from Rab, If Elijah were to come and say that halizah⁵ may be performed with a covered shoe, he would be obeyed; [were he, however, to say] that halizah may not be performed with a sandal, he would not be obeyed, for the people have long ago adopted the practice [of performing it] with a sandal. R. Joseph, however, reported in the name of R. Kahana who had it from Rab, If Elijah were to come and say that halizah may not be performed with a covered shoe, he would be obeyed; [were he, however, to say] that halizah may not be performed with a sandal, he would not be obeyed, for the people have long ago adopted the practice [of performing it] with a sandal. And it was asked, What is the difference between them? And it was suggested that the practical difference between them was as to whether a covered shoe may be used in the first instance!⁶ — We must say therefore [that Rab's statement of the halachah referred] to the leaving of the space;⁷ this proves it.

R. Nahman b. Isaac said, The precept is to leave [the space between the sections] closed, nevertheless if it was left open it is valid; for when R. Simeon b. Eleazar spoke of 'leaving the space between the sections open', he meant, even open.

Shall we say that the following supports his view? For it was taught:⁸ Similarly, if scrolls of the Law or tefillin had worn out, one may not make out of them a mezuzah, for one may not bring down what is of a higher sanctity to a lower sanctity.⁹ Now it follows that if it were permitted to bring down to a lower sanctity one would be allowed to make [a mezuzah out of tefillin or a scroll of the Law]; but how is this possible? Here the portions are closed but there they are open!¹⁰ — Perhaps [it would have been permitted] only to complete¹¹ [the mezuzah].

And if it were permitted to bring down what is of a higher sanctity to a lower sanctity, [you say that] one would be allowed to make [a mezuzah out of tefillin]? But it has been taught:¹² It is a law handed to Moses at Sinai that the [Scriptural portions in the] tefillin must be written on kelaf¹³ and the mezuzah on dukstus.¹³ Kelaf is the side [of the skin] next to the flesh, and dukstus is the side next to the hair!¹³ — This is only a recommendation. But it was taught: If one did otherwise, it is invalid! — That refers only to the tefillin. But it was taught that if one did otherwise in either case, it is invalid!¹⁴ — The two cases refer to the tefillin only, but in the one case he wrote the portions on that side of kelaf nearest to the hair, and in the other case

(1) I.e., the second passage is begun on a fresh line, leaving blank the rest of the line in which the first passage ended.

(2) The two passages of the mezuzah are not consecutive in the Torah, the one comes from Deut. VI, 4-9 and the other from XI, 13-21. The second passage is therefore to be begun on a separate line.

(3) Clasps were used by scribes to prevent the sheets of parchment from rolling up.

(4) Accordingly Rab would certainly not have ruled that the space between the sections must be left open which is contrary to the general practice. Hence his ruling could only refer to the space to be left above and below.

(5) הל'יצה lit., 'drawing off' sc. the shoe; v. Deut. XXV, 5-9. The adopted practice was for the widow to take off a

sandal from the foot of her brother-in-law. There was some doubt, however, whether the ceremony may be performed with a covered shoe instead of a sandal. Cf. Yeb. 102a.

(6) According to Rabbah's version it is not right nowadays to use a covered shoe for this ceremony in the first instance when a sandal is available, until there has been a definite ruling by Elijah that it is permitted. On the other hand, according to R. Joseph's version a covered shoe may be used nowadays even though a sandal is available, until we have a ruling to the contrary. It is thus evident that Rab relies upon the practice of the people.

(7) But on the question as to whether the space between the sections is to be left open or closed, Rab as usual follows the general practice, which is that it is to be closed.

(8) Shab. 79b.

(9) The mezuzah is deemed to be of a lesser sanctity since it contains only two Scriptural portions, whereas the tefillin contain four.

(10) For in the scroll of the Law the space after the **שמע** (i.e., Deut. VI, 4-9, the first passage in the mezuzah) is closed, and in the mezuzah it is to be left open. We must therefore say that R. Simeon b. Eleazar meant that it may even be left open, thus supporting R. Nahman's view!

(11) I.e., if a word or a line was missing in the mezuzah it would be permitted to patch it up with the same word or the same line cut out from the worn out scroll of the Law or from the tefillin, were it not for the general restriction against lowering the sanctity of a sacred object. But the space between the sections of the mezuzah must in fact be left open.

(12) Shab. 79b.

(13) V. supra p. 202, n. 5.

(14) Presumably the expression 'in either case' refers to the tefillin and the mezuzah, and we are here taught that any variation, e.g., writing the mezuzah on kelaḥ or the tefillin on dukstus, renders them invalid.

Talmud - Mas. Menachoth 32b

he wrote them on that side of dukstus nearest to the flesh.¹ Alternatively I can say that the ruling, 'If one did otherwise in either case² [it is invalid]', is dependent upon Tannaim. For it was taught: If one did otherwise in either case,² it is invalid; R. Ahai declares it valid on the authority of R. Ahai b. R. Hanina (others say, On the authority of R. Jacob b. R. Hanina).

Again, if it were permitted to bring down what is of a higher sanctity to a lower sanctity, [you say that] one would be allowed to make [a mezuzah out of tefillin]? But it must be written on ruled lines!³ For R. Minyomi b. Hilkiyah said in the name of R. Hama b. Goria who said it in the name of Rab, A mezuzah that is not written on ruled lines is invalid. Moreover, R. Minyomi b. Hilkiyah on his own authority said that [the rule for writing] the mezuzah on ruled lines is a law handed to Moses at Sinai! — Tannaim differ on this point, for it was taught: R. Jeremiah said in the name of our Master:⁴ Tefillin and mezuzoth may be written from memory⁵ and need not be written on ruled lines. The halachah⁶ is: Tefillin need not be written on ruled lines, the mezuzah must be written on ruled lines, and both may be written from memory. What is the reason? — They are well known by heart.

R. Helbo said, I once saw R. Huna when he wished to sit down on a couch upon which lay a scroll of the Law, invert a vessel on the ground, place the scroll upon it, and then sit on the couch. For he was of the opinion that it was forbidden to sit on a couch upon which lay a scroll of the Law. This is at variance with the opinion of Rabbah b. Bar Hanah; for Rabbah b. Bar Hanah said in the name of R. Johanan, It is permitted to sit on a bed upon which lies a scroll of the Law. And if someone should whisper in your ear [seeking to contradict you] saying, It is related of R. Eleazar that once, while sitting on his bed, he remembered that a scroll of the Law lay on it, whereupon he slipped off and sat upon the ground, and it appeared as though he had been bitten by a serpent, [answer him that] there the scroll of the Law was actually lying upon the ground.⁷

Rab Judah said in the name of Samuel, If one wrote it⁸ like a letter,⁹ it is invalid. Why? — Because of the inference that is made by the expression 'writing', which is used here [in connection with the mezuzah] and also there in connection with the scroll.¹⁰

Rab Judah also said in the name of Samuel, If one hung it on a stick,¹¹ it is invalid. Why? Because it must be upon thy gates.¹² A Baraitha has also been taught to this effect: If one hung it on a stick, or attached it [to the wall] behind the door, it is a danger¹³ and it is no fulfilment of the precept. The household of King Monobaz used to do so when staying at a hostel,¹⁴ merely in remembrance of the mezuzah.

Rab Judah further said in the name of Samuel, The precept is to fix it within the space of the door.¹⁵ Is not this obvious? Does not the Divine Law say, And upon thy gates?¹⁶ — I might have thought that, since Raba stated that the [proper performance of the] precept is to fix it

(1) And in either case it is invalid, for the Scriptural portions of the tefillin must be written only on the internal side of kelaf, i.e., the side nearest to the flesh, and any variation would render invalid. On the other hand the mezuzah may be written on any kind of parchment, kelaf or dukstus.

(2) I.e., both as regards the tefillin and the mezuzah.

(3) Whereas the Scriptural portions of the tefillin are not written on ruled lines, so that the portions of the tefillin cannot serve for the mezuzah.

(4) Rabbi(?)

(5) Lit., 'not from the writing'; i.e., without a copy.

(6) I.e., the law which was given to Moses at Sinai; so Rashi Meg. 18b.

(7) And as an expression of his sorrow for the Scroll that was lying on the ground R. Eleazar also sat down on the ground. Had it, however, been on the bed, he would not have objected to anyone sitting on the same bed.

(8) Sc. the mezuzah. And so throughout this passage.

(9) I.e., it was written without having ruled the lines beforehand and without special care as to the spelling of the words (Rashi).

(10) In connection with the mezuzah it is written (Deut. VI,9): And thou shalt write them, and in connection with the Book of the Law it is written (Ex. XVII, 14): Write this for a memorial in the book; as the latter must be written with accuracy as to spelling and upon ruled lines, so the mezuzah too must be written with accuracy and upon ruled lines. Rashi also suggests the inference from the writing of 'a divorce (lit., 'a book of divorcement, v. Deut. XXIV, 1), which must also be written with accuracy; but see Tosaf. s.v. כתבה.

(11) I.e., a stick was fastened to the door-post and the mezuzah was hung on the stick.

(12) Deut. VI, 9. It must be upon the actual door-post.

(13) For one might easily knock against it (Tosaf.).

(14) Since there is no obligation to affix mezuzoth to a temporary abode.

(15) I.e., upon that side of the door-post which faces the door but not upon the side which faces the street or the house within.

(16) Deut. VI, 9. It must be fixed on the side where the door shuts, which is on the inside of the framework of the door-post.

Talmud - Mas. Menachoth 33a

in the handbreadth nearest to the street, the further it is from the house the better, he therefore teaches us [that it is not so].

Rab Judah further said in the name of Samuel, If one wrote it on two sheets,¹ it is invalid. An objection was raised: It was taught: If one wrote it on two sheets and fixed it on the two door-posts, it is invalid. It follows, however, that if it was placed on one doorpost it is valid!² — [The Baraitha] meant that it could be placed on two door-posts.³

Rab Judah further said in the name of Samuel, In the law of mezuzah one must be guided by the conclusiveness of the hinge. What is meant by 'the hinge'? — R. Adda said, The sockets [for the pin of the hinge]. In what circumstances?⁴ — For example, where there is a door between two houses,

one house being for men and the other for women.⁵

The Exilarch once built a house and said to R. Nahman, 'Fix the mezuzoth for me'; whereupon R. Nahman replied, 'First put the door[-posts] in their places'.⁶

Rab Judah said in the name of Rab, If one fixed it in the manner of a bolt,⁷ it is invalid. But this cannot be, for when R. Isaac b. Joseph came [from Palestine] he reported that all the mezuzoth in Rabbi's house were fixed in the manner of a bolt, and also that the door through which Rabbi used to enter the House of Study had no mezuzah! — This is no contradiction, for in the one case it was attached horizontally,⁸ in the other it was bent at a right angle.⁹ But this¹⁰ too cannot be, for the door through which R. Huna used to enter the House of Study had a mezuzah! — That [door] was used more frequently [than the others]. And Rab Judah has said in the name of Rab that in the law of mezuzah one must decide upon the [door] most frequently used.¹¹

R. Zera said in the name of R. Mattena who said it in the name of Samuel, The proper performance of the precept is to fix it at the beginning of the upper third of the door-post. But R. Huna said, It must be raised one handbreadth from the ground and it must be one handbreadth away from the lintel, otherwise the whole of the door-post is valid for the mezuzah. An objection was raised: It must be raised one handbreadth from the ground and it must be one handbreadth away from the lintel, otherwise the whole of the door-post is valid for the mezuzah. So R. Judah. R. Jose says, It is written, And thou shalt bind them,¹² and And thou shalt write them:¹³ as the binding [of the tefillin] is high up,¹⁴ so the writing must be placed high up.¹⁵ Now according to R. Huna this is well, for he agrees with R. Judah; but with whom does Samuel agree? Neither with R. Judah nor with R. Jose! — R. Huna the son of R. Nathan answered, Indeed he agrees with R. Jose,

(1) So Tosaf. and Asheri. According to Rashi: 'in two columns'.

(2) Even though written on two sheets; contra Rab Judah.

(3) In the Baraitha cited, the two sheets were actually placed on one door-post, but it could have been placed on the two door-posts since there were separate sheets; thus it is in accordance with Rab Judah.

(4) Is one to be guided by the conclusiveness of the hinge.

(5) The mezuzah must be affixed to the right door-post as one enters the house; in this case, however, where one door communicates between two houses, whilst each house has its own door leading into the street, it is difficult to establish which house leads into the other, and on which door-post of this door is the mezuzah to be fixed. We are therefore taught the following test: that side of the door where the sockets for the door-pin are placed is considered to be the inside. Accordingly the mezuzah must be affixed to the right door-post as one enters that house on the inside of which the sockets are found.

(6) For only then arises the duty to fix the mezuzah.

(7) I.e., horizontally.

(8) In which case it is invalid.

(9) I.e., partly horizontal and partly vertical; like the thigh and the leg which form a right angle at the knee when sitting. In this case it is valid.

(10) The report that the door through which Rabbi used to enter the House of Study had no mezuzah.

(11) I.e., in a room which has more than one door the mezuzah must be affixed to that door which is most frequently used.

(12) Deut. VI, 8.

(13) Ibid. 9.

(14) At the top of the head; v. infra 37a.

(15) At the top of the door-post, close to the lintel.

Talmud - Mas. Menachoth 33b

for by 'the beginning of the upper third' he meant that as the furthest point, for one should not fix it

lower than a third of the door-post away from the lintel.

Raba said, The proper performance of the precept is to fix it in the handbreadth nearest to the street. Why? — The Rabbis say, So that one should encounter a precept immediately [on one's return home]; R. Hanina of Sura says, So that it should protect the entire house.

R. Hanina said, Come and see how the character of the Holy One, blessed be He, differs from that [of men] of flesh and blood. According to human standards, the king dwells within, and his servants keep guard on him from without; but with the Holy One, blessed be He, it is not so, for it is His servants that dwell within and He keeps guard over them from without; as it is said, The Lord is thy keeper; the Lord is thy shade upon thy right hand.¹

R. Joseph the son of Raba stated in his discourse in the name of Raba, If one set it deep in the door-post, to the depth of a handbreadth, it is invalid. Shall we say that the following Baraitha supports him? For it was taught: If one set it in the post [of the door] or if one added another frame,² and there was the depth of a handbreadth,³ another mezuzah is necessary, but if less, no other mezuzah is necessary! — That [first clause of the Baraitha] refers to a door behind a door.⁴ But this is expressly stated further on, [thus,] If there was a door behind a door and there was a depth of a handbreadth, another mezuzah is necessary, but if less, no other mezuzah is necessary! — This is merely stated as illustrating [the cases mentioned].

A Tanna taught: If a man set up a door-frame of [hollow] reeds, he may cut away a length of reed and place [the mezuzah in the hollow]. R. Aha the son of Raba said, This was taught only if he first set up the door-frame and then cut away a length of reed and placed [the mezuzah] therein; but if he first cut away a length [of the reed] and placed therein [the mezuzah] and then set up [the whole as a door-frame], it is invalid, because of the principle 'Thou shalt make, but not [use] what is ready made'.⁵

Raba also said, Faulty⁶ doors are exempt from mezuzah. What is meant by 'faulty doors'? — In this R. Rehumai and Abba Jose differ; one says, Those that have no upper beam;⁷ and the other says, Those that have no side-posts.⁸

R. Hisda said, An exedra⁹ is exempt from mezuzah, since it has no door-posts. It follows, however, that if it had door-posts it would require a mezuzah, but surely [the posts] were made only as supports for the ceiling! — He meant to say this: even though it has door-posts it is exempt, for they were made only as supports for the ceiling. Abaye said, I have seen that the halls in the Master's house, although they have posts, have no mezuzoth. Obviously he was of the opinion that they serve only as supports for the ceiling. An objection was raised: A lodge,¹⁰ an exedra, and a balcony, each requires a mezuzah! — The reference here is to the exedra of a school-house.¹¹ But the exedra of a school-house is a proper room, is it not? — We must say that the reference is to a Roman exedra.¹²

Rehabah said in the name of Rab Judah, An entrance-lodge requires two mezuzoth. What is meant by 'an entrance-lodge'? — R. Papa the Elder said in the name of Rab, It is a lodge, with one door opening on to the courtyard and another leading to the dwelling-houses.

Our Rabbis taught: A lodge which leads into a garden and thence into an outhouse¹³ is, according to R. Jose, considered as the outhouse.¹⁴ But the Sages say, It is considered as the air space¹⁵ [of the garden]. Rab and Samuel both said, If the door opens from the garden into the house,¹⁶ there is no dispute at all that it requires a mezuzah, since it clearly admits into the house; they differ only where the door opens from the house into the garden,¹⁷ the one maintaining that the outhouse is the main thing,¹⁸ the other that the garden is the main thing.¹⁹ But Rabbah and R. Joseph both said, If the door opens from the house into the garden²⁰ there is no dispute at all that it is exempt, since it is clearly

the door for the garden; they differ only where the door opens from the garden into the house, the one maintaining that it serves for entering into the house,²¹ the other that it was entirely

(1) Ps. CXXI, 5. The mezuzah which is upon thy right hand protects the house.

(2) To the existing door-frame upon which there was already fixed a mezuzah.

(3) In the first clause, presumably this means that it was set in deep in the post to the depth of a handbreadth, and in the second clause this means that the thickness of the new frame was a handbreadth, so that the mezuzah on the original frame is now sunken in to the depth of a handbreadth.

(4) The post referred to in the first clause of the Baraitha was a post that served as the right door-post for two doors. Thus, through the first door one entered the house, and at right angles to this door and hard by it on the right there opened another door through which one entered into an inner room. If the thickness of this door-post was a handbreadth or more, then two mezuzoth are necessary, but if less, then one mezuzah serves for both doors. Similarly the framework spoken of in the second clause of the Baraitha refers also to this post, thus a jamb was added on each side of this door-post making the thickness of the whole more than a handbreadth. Another explanation is that the Baraitha refers to a small door that is made in a large door; if the width from the right edge of the small door to the right edge of the large door is a handbreadth or more, then each door requires a mezuzah; but if less, one mezuzah (i.e., the one on the doorpost of the large door) serves for both doors.

(5) The principle stated here, which is derived from the law of sukkah (v. Deut. XVI, 13) and of zizith (v. ibid. XXII, 12), where in both texts the expression 'thou shalt make' is used, is that one's duty is fulfilled only when the precept has been performed after the obligation for its performance has fallen due. In this case, however, the mezuzah was fixed to the door-post before the latter had been set in position and then there was no obligation for a mezuzah; therefore when later it is set in position the mezuzah is 'ready made' and cannot serve the purpose.

(6) 'Semitic doors' (R. Han. in Tosaf. 'Erub. 11a, s.v. פתחי).

(7) Or 'doors to a room which has no ceiling'. But v. Tosaf. a.l.

(8) Or 'lintels'.

(9) A hall, closed on three sides and open on the fourth.

(10) The watchman's lodge at the entrance of a house.

(11) A hall having four walls but which do not reach to the roof.

(12) Which had sides only a few feet high and the rest of each side was made up of lattice-windows.

(13) Thus: Fig. 1 Fig. 2 The dispute is concerning that door which leads from the lodge into the garden.

(14) And requires a mezuzah.

(15) And does not require a mezuzah. This reading 'as the air space' is obviously the correct one and is supported by MSS. and Sh. Mek. Cur. edd. read 'as the lodge', which gives no sensible meaning.

(16) In the ensuing argument 'house', בית, stands for בית שער, the lodge; cf. Alfasi and Asheri, where the word בית is used at the beginning of the passage too. The interpretation as preferred by Rashi is as follows: if the hinges of the door in question are on the inside, so that the door opens inside (v. Fig. 1), this is conclusive evidence that the door belongs primarily to the lodge (v. supra p. 207), and therefore it requires a mezuzah. V. Rashi for other interpretations of this uncertain passage.

(17) I.e., the hinges are on the outside, so that the door opens outside into the garden (v. Fig. 2).

(18) This is R. Jose's view. He holds that the purpose of this door is not so much for the garden as for the outhouse which can be reached only through this door; and as the outhouse requires a mezuzah so does this door too require a mezuzah.

(19) The Sages' view. It is therefore exempt from the mezuzah.

(20) V. p. 211, n. 8.

(21) Sc. the lodge. This is R. Jose's view.

Talmud - Mas. Menachoth 34a

made for the sake of the garden. Abaye and Raba decided in accordance with the views of Rabbah and R. Joseph, whilst R. Ashi decided in accordance with the views of Rab and Samuel, adopting the stricter ruling.¹ And the law is in accordance with the views of Rab and Samuel, adopting the stricter ruling.

It was stated: As for a staircase which leads from one room to an upper room,² R. Huna said, If it has but one door, it requires one mezuzah only, but if it has two doors, it requires two mezuzoth. R. Papa said, One can learn from R. Huna's dictum that a room that has four doors requires four mezuzoth. Is not this obvious? — It was necessary to be stated even though one [door] was mostly used.³

Amemar said, A door which is in the corner⁴ requires a mezuzah. Thereupon R. Ashi said to Amemar, But it has no posts! — He replied, Here are its posts.⁵

R. Papa once came to Mar Samuel's house and saw there a door which had only one door-post, and that on the left side, to which was affixed a mezuzah. He said, Apparently this is in accord with R. Meir,⁶ but might not R. Meir have said so only when [the post was] on the right side; did he say so when it was on the left side? What is [your authority for] this?⁷ — It was taught: [Upon the doorposts of] thy house:⁸ that is, upon the right side as you enter. You say, the right side, but perhaps it is not that but the left side? The verse therefore says, 'Thy house'. How is this derived [from the verse]? Rabbah explained, 'As you enter' implies the right side, for when a man steps [into his house] he steps in with his right foot first. R. Samuel b. Aha quoting Raba b. 'Ulla derived it in the presence of R. Papa from the following verse: And Jehoiada the priest took a chest, and bored a hole in the lid of it, and set it beside the altar, on the right side as one cometh into the house of the Lord; and the priests that kept the threshold put therein all the money that was brought into the house of the Lord.⁹

What is this view of R. Meir? — It was taught: A house that has only one door-post requires a mezuzah according to R. Meir; but the Sages exempt it. What is the reason for the Sages' view? — Because it is written The door-posts.¹⁰ And what is the reason for R. Meir's view? — It was taught: It is written 'The door-posts', and I know that the minimum of 'door-posts' is two; since, however, in the second portion¹¹ the verse also says the doorposts,¹² which is unnecessary, we have then an inclusive term following another inclusive term, and whenever an inclusive term follows another inclusive term its effect is to restrict;¹³ Scripture has thus brought down the law to one door-post.¹⁴ This is the argument of R. Ishmael. R. Akiba says, This is unnecessary; for it is written, Upon the lintel and on the two side-posts.¹⁵ Now there was no need for Scripture to say, 'two'; what then does it mean by 'two'? It lays down the principle that wherever 'door-posts' are mentioned only one is meant unless the verse expressly says 'two'.

Our Rabbis taught: It is written, And thou shalt write them.¹⁶ It is possible to think that this means that one should write [the portion] upon the stones [of the house], therefore it uses the expression 'writing' here and the expression 'writing' there,¹⁷ and as in the latter case it means upon a scroll so here it means upon a scroll. Or perhaps argue this way: it uses the expression 'writing' here and the expression 'writing' there,¹⁸ as there it means upon the stones so here it means upon the stones. Let us then see to which [of the two] is this case most similar. We may infer the 'writing' which is intended as a precept for all times from the 'writing' which is also intended as a precept for all times, but we may not infer the 'writing' which is intended as a precept for all times from the 'writing' which is not intended as a precept for all times.¹⁹ And [it²⁰ must be written with ink] as it says elsewhere, Then Baruch answered them, He pronounced all these words unto me with his mouth, and I wrote them with ink in the book.²¹

R. Aha the son of Raba said to R. Ashi, But the Divine Law says upon the door-posts,²² and you say we must infer the 'writing' here from the 'writing' there [that it shall be written on a scroll]! [He replied,] The verse says, 'And thou shalt write them', which implies a perfect writing,²³ and then [place it] upon the door-posts. But since then it is written, 'And thou shalt write them',²⁴ wherefore do I need the analogy of the common expressions? — Without the analogy I should have said that

one must write it upon a stone²⁵ and set it up upon the threshold [as the door-post], it therefore teaches us otherwise.

OF THE FOUR PORTIONS OF SCRIPTURE IN THE TEFILLIN, THE [ABSENCE OF] ONE INVALIDATES THE OTHERS; INDEED EVEN ONE [IMPERFECT] LETTER CAN INVALIDATE THE WHOLE. Is not this obvious?²⁶ — Rab Judah answered in the name of Rab, The law had to be taught in respect of the tittle of the letter yod. And is not this, too, obvious? — It was necessary to be taught in respect of the other statement of Rab Judah; for Rab Judah said in the name of Rab, Any letter that is not surrounded on all four sides by a margin of parchment is invalid.

- (1) I.e., accepting R. Jose's ruling. So that in all the circumstances stated a mezuzah is necessary.
- (2) It was usual to place a door at the foot of the staircase or at the top so as to afford privacy to the tenants of the upper and lower floors. Sometimes a door was placed both at the foot and at the top of the staircase.
- (3) All four doors, nevertheless, must be provided with mezuzoth.
- (4) I.e., the door was placed in a corner of the room at an angle to each of the adjoining walls (see drawing). According to Asheri the meaning is that the whole of one wall was taken up by the door.
- (5) The extremities of the two walls to which the door is attached form the door-posts.
- (6) Who holds that a door which has only one door-post must, nevertheless, have a mezuzah.
- (7) That the right side only was meant.
- (8) Deut. VI, 9. Heb. בֵּיתְךָ 'thy house' is interpreted as בִּיאַתְךָ 'thy entering'.
- (9) II Kings XII, 10. Hence whatever is to be placed at the entrance of a house must be placed on the right side.
- (10) Deut. ibid. The use of the plural implies a minimum of two.
- (11) Inscribed in the mezuzah.
- (12) Ibid. XI, 20.
- (13) For here each expression by itself indicates plurality, and since it is repeated Scripture thereby intimates that the condition of plurality is no longer essential.
- (14) That a door which has only one door-post requires a mezuzah.
- (15) Ex. XII, 23.
- (16) Deut. VI, 9.
- (17) In the law of a bill of divorce; cf. ibid. XXIV, 1. So Rashi; Tosaf. suggest that the reference is to the scroll used in the case of a woman suspected of adultery, cf. Num. V, 23, or to the Book of the Law written by the king, cf. Deut. XVII, 18.
- (18) With reference to the memorial of stones to be set up by the Israelites when they cross the Jordan, and upon which are to be written all the words of the law; cf. ibid. XXVII, 3ff.,
- (19) The engraving upon the stones was an ordinance for that time only.
- (20) The mezuzah as well as the bill of divorce and the other cases mentioned above in n. 3.
- (21) Jer. XXXVI, 18.
- (22) I.e., actually written upon the wood.
- (23) The Heb. וְכָתַבְתֶּם 'and thou shalt write them', is interpreted as though divided into two words: וְכָתַב תָּם meaning, a perfect writing; and this is the case only when writing is applied with ink upon a scroll, for any writing with ink upon wood or stones would be imperfect and indistinct.
- (24) Signifying that the writing must be upon a scroll.
- (25) I.e., one must carve the words upon a stone, which would also be a perfect and distinct writing.
- (26) V. supra 29a for this identical passage, p. 189 and the notes thereon.

Talmud - Mas. Menachoth 34b

Our Rabbis taught: It is written, Letotefeth, letotefeth, and letotafoth,¹ making four in all.² So R. Ishmael. R. Akiba says, There is no need of that interpretation, for 'tot' means two in Katpi³ and 'foth' means two in Afriki.⁴

Our Rabbis taught: I might have said that one should write [the Scriptural portions] upon four

pieces of parchment and put them in four compartments made out of four pieces of leather; the verse therefore says, And for a memorial between thine eyes:⁵ one memorial I commanded you, but not two or three memorials. How then should one do? One should write them upon four pieces of parchment and put them in four compartments made out of one piece of leather.⁶ If, however, one wrote them upon one parchment and put them in the four compartments,⁷ that is sufficient. There must be a blank space between each [portion]. So Rabbi; but the Sages say, This is not necessary. They agree, however, that between each there must be a line or a thread.⁸ And if the divisions [between the compartments] were not noticeable,⁹ they are invalid.

Our Rabbis taught: How must one write them? The portions for the hand-tefillah¹⁰ one should write upon one piece of parchment; if one wrote them upon four pieces of parchment and put them in one compartment that is still valid. They must, however, be fastened together,¹¹ for it is written, And it shall be for a sign unto thee upon thy hand¹² and as outside it is one sign, so inside, too, it must be one sign. This is the opinion of R. Judah. But R. Jose says, This is not necessary.¹³ Moreover, said R. Jose, R. Judah Berabbi¹⁴ concedes to me that if a man has no hand-tefillah but has two head-tefillahs, he may cover up one of them with a skin and place it [on his arm]. ‘Concede’, [you say,] but that is the very issue between them!¹⁵ — Raba answered, R. Jose's statement proves that R. Judah withdrew his opinion. Surely this cannot be, for R. Haninah sent [from Palestine] the following ruling in the name of R. Johanan: The hand-tefillah may be converted for use on the head but the head-tefillah may not be converted for use on the arm, for one may not bring down what is of a higher sanctity to a lower sanctity!¹⁶ — This is no difficulty, for one [ruling] refers to an old one¹⁷ and the other to a new one.¹⁸ And according to him who maintains that the mere designation [of a thing for a certain purpose] has a certain force,¹⁹ [we must say that the owner] had made a reservation with regard to it from the very outset.²⁰

Our Rabbis taught: What is the order [of the four Scriptural portions in the head-tefillah]? ‘Sanctify unto Me’²¹ and ‘And it shall be when the Lord shall bring thee’²² are on the right, while ‘Hear’²³ and ‘And it shall come to pass if ye shall hearken diligently’²⁴ are on the left. But there has been taught just the reverse? — Abaye said, This is no contradiction, for in the one case²⁵ the reference is to the right of the reader,²⁶ whereas in the other it is to the right of the one that wears them; the reader thus reads them²⁷ according to their order.²⁸

R. Hananel said in the name of Rab, If a man reversed the order of the Scriptural portions, it is invalid. Abaye said, This is so

(1) The word **לְטִפְתֵּי** (frontlets, i.e., the tefillin) occurs three times in the Torah, twice (Deut. VI, 8 and XI, 18) defectively written, **לְטִפְתֵּי** so that in each instance the word might be read in the singular, and once (Ex. XIII, 16) written plene, **לְטִפְתֵּי**, which indicates the plural number, thus making a total of four. It must be noted that this Talmudic statement does not agree with the Masoretic text, for **לְטִפְתֵּי**, written plene, is not to be found at all in our versions. V. Tosaf. s.v. **לְטִפְתֵּי**.

(2) Hence the rule that the tefillin worn on the head must be composed of four compartments, each containing a specified portion of Scripture.

(3) perhaps the Coptic language.

(4) The language of N. Africa.

(5) Ex. XIII, 9.

(6) This was constructed with the aid of a mould or frame over which the hide, flexible and moist, was tautly stretched and allowed to harden, thus assuming the required form.

(7) The four portions were written upon one long strip of parchment with large blank spaces between one portion and the other, and the parchment was so placed in the compartments that each portion occupied a separate compartment, and the blank spaces of the parchment corresponded with the spaces between the compartments.

(8) I.e., although the Sages do not insist upon the leaving of a blank space between one portion and the other, they nevertheless concede to Rabbi that each portion must be separated and marked off from the others at least by a thread.

Others explain: even when the four portions are in four separate compartments, each portion must be tied up with a thread. V. Sh. Mek. n. 4.

(9) Although consisting of four compartments they were so firmly united that the divisions were no longer noticeable from the outside.

(10) I.e., the tefillah (sing. of tefillin) that is put on the arm.

(11) Into one piece, either sewn together or joined together with glue.

(12) Ex. XIII, 9.

(13) Sc. to join the pieces of parchment into one.

(14) 'The eminent scholar' (Rashi). V. Nazir (Sonc. ed.) p. 64, n. 1.

(15) R. Judah maintaining that the hand-tefillah must be one inside as it is outside.

(16) The head-tefillah is deemed to be of a higher sanctity than that worn on the arm, since the former bears upon it two letters of the Name **יְהוָה** 'Almighty', whereas the hand-tefillah bears only the last letter of this name; cf. infra 35b. In view of this ruling, then, how can it be said that both R. Judah and R. Jose agree that the head-tefillah may be converted for use upon the hand merely by covering it with a piece of leather?

(17) I.e., the head-tefillah had already been worn on the head, in which case its sanctity may not be lowered by converting it for use upon the arm.

(18) The tefillah had been made as a head-tefillah and also designated for that purpose but had not yet been worn; in that case it may be converted for use on the arm.

(19) V. Sanh. 47b, Meg. 26b, and Ber. 23b. The fact that it was intended to be used as a head-tefillah will debar it from being used upon the arm.

(20) Namely, that if he should require it for use as a hand-tefillah he will convert it to that use.

(21) Ex. XIII, 1-10.

(22) Ibid. 11-16.

(23) Deut. VI, 4-9.

(24) Ibid. XI, 13-21.

(25) In the first Baraitha.

(26) I.e., the person facing the one that wears the tefillin.

(27) When reading the portions from right to left (Rashi).

(28) Sc. as they are found in the Torah, and that is, the order as given in the first Baraitha (Rashi). According to R. Tam's interpretation of the first Baraitha, which states the order from the reader's point of view, the sections occupy the following places: 'Sanctify' is on the extreme right, to the left of it is 'And it shall be when the Lord shall bring thee', next to it is 'And it shall come to pass if ye shall hearken diligently', and on the extreme left is 'Hear'.

Talmud - Mas. Menachoth 35a

only [if he put] a portion that should be inside outside or what should be outside inside,¹ but if he put what should be inside also inside or what should be outside also outside,² it does not matter. Thereupon Raba said to him, Why is it that [the placing of] an inside portion outside or of an outside portion inside is not valid? It is, is it not, because that which should look out into the open does not do so, whilst that which should not look out into the open actually does so? Then, likewise, [the placing of] an outside portion also outside or an inside portion also inside [should also be invalid], since what should look out into the open on the right looks out on the left, and what should look out into the open on the left looks out on the right? We must rather say that there is no such distinction.³

R. Hananel also said in the name of Rab, The underside⁴ of the tefillin is a law given to Moses at Sinai. Abaye said, The duct⁴ of the tefillin is also a law given to Moses at Sinai.

Abaye also said, The shin⁵ of the tefillin is a law given to Moses at Sinai. The division [between the compartments] must reach as far as the stitches. But R. Dimi of Nehardea said, As long as it is noticeable it need not [reach as far as the stitches].

Abaye also said, The parchment [for the Scriptural portions] of the tefillin must be examined

against a flaw, since we require the writing to be perfect and it would not be so [if it had a flaw]. But R. Dimi of Nehardea said, This is not necessary, for the pen⁶ would detect [any flaw].

R. Isaac said, That the straps [of the tefillin] must be black is a law given to Moses at Sinai. An objection was raised: The tefillin must be tied with straps of the same [material as the tefillin themselves].⁷ The straps may be either green or black or white; but they should not be red because it is repellent,⁸ and also for another reason.⁹ R. Judah said, It is related of one of R. Akiba's disciples that he used to tie his tefillin with strips of blue wool, and R. Akiba made no comment. But is it possible that that righteous man actually saw his disciple do so and he did not prevent him? They said to him, He certainly did not see him do so, for had he seen him he would not have allowed him. It is related further of Hyrkanos the son of R. Eliezer b. Hyrkanos that he used to tie his tefillin with strips of purple wool, and he [R. Eliezer] made no comment. But is it possible that that righteous man actually saw his son do so and he did not prevent him? They said to him, He certainly did not see him do so, for had he seen him he would not have allowed him. Now it is stated here, at all events, [that the straps may be] either green or black or white! — This is no contradiction, for here it speaks of the outside of the strap and there of the inside.¹⁰ But if of the inside, how can it be repellent or give any ground for suspicion?¹¹ — It might sometimes become twisted.¹²

A Tanna taught: That the tefillin must be square is a law given to Moses at Sinai. R. Papa¹³ said, [This refers to] the stitching¹⁴ and the diagonal.¹⁵ Shall we say that the following [Mishnah] supports this view? For we have learnt: If a man made his tefillin round, it is a danger¹⁶ and it is no fulfilment of the precept!¹⁷ — R. papa said, That [Mishnah] deals with the case where they were made round like a nut.¹⁸

R. Huna said, As long as the surface of the sides¹⁹ of the tefillin is whole they are valid. R. Hisda said, If two [sides]²⁰ were split they are still valid; but if three, they are invalid. Said to him Raba, Your ruling that if two [sides] were split they are still valid is true only if [the rents were] not facing each other,²¹ but if they were facing each other they are invalid. And even if they were facing each other [they are invalid] only if they were new²² [tefillin], but if they were old it would not matter. Abaye asked R. Joseph, What is meant by new, and what by old? He replied, If when one stretches the leather it rebounds, it is old; otherwise it is new.

(1) I.e., the portions of the first and second compartments or of the third and fourth had been interchanged.

(2) I.e., the portions of the second and third compartments (both inner portions) or of the first and fourth compartments (both outer portions) had been interchanged.

(3) And any change in the order of the portions will render the tefillin invalid.

(4) Each tefillah, it must be remembered, is in the form of a square leather box upon a base, that of the hand consisting of one compartment and of the head of four compartments. In order to obtain the necessary shape (usually in the form of a cube) a mould or frame is used over which the skin whilst moist and pliable is tautly stretched. On being removed from the frame the skin is cut around to an equal length on three sides, whilst on the fourth side there is left a long strip of skin which, after allowing for a projection on this fourth side in order to provide a loop or a duct through which the straps are passed, is bent under the whole box so as to form the underside or the base of the tefillah. After inserting the necessary texts into the several compartments the base is stitched carefully to the extremities of the box on three sides.

(5) The letter shin must be embossed on the right and left sides of the head-tefillah. The shin on the right side (when worn by the person) is of the usual shape, whilst the shin on the left side has four heads, thus **.

(6) At the time of writing the Scriptural portions.

(7) I.e., of leather; but not with strips of wool or silk or linen.

(8) For it might be said that the straps had been stained with the blood of a sore or a wound.

(9) The suspicion that the wearer of these tefillin had had relations with his wife during her period of menstruation, and the straps had consequently been dyed red with blood.

(10) R. Isaac only stated that the outside of the strap must be black; the inside, however, may be of any colour as stated in the Baraitha, except red.

- (11) Since the inside of the strap is not seen.
- (12) And the inside would be seen.
- (13) According to MS.M., 'Rab'. In the parallel passage in Meg. 24b, 'Raba'. So Alfasi.
- (14) The stitching of the underside to the box (v. supra p. 218, n. 6) must be done very carefully so that the box should remain a perfect square; thus the stitches should not be pulled too much for fear that the leather will become creased and so lose its correct shape. V. Tosaf. s.v. תפילין and also Tosaf. Meg. 24b, s.v. בתפרן
- (15) I.e., it must be an exact square so that the diagonal should be one and two-fifths times the length of the side.
- (16) For if he knocks against anything the round head-tefillah would pierce his skull.
- (17) Meg. 24b.
- (18) I.e., the underside was convex and oval and did not lie flat on the head. In that case only is there a danger, but not where the base is flat and only the box is made round like a cylinder.
- (19) I.e., the external sides of the box, or the sides which form the divisions between the compartments.
- (20) According to Maim. (v. Yad, Tef. III, 18 and Kesef Mishneh a.l.) the reference is to the stitching of the tefillin, and the rules are here stated where two or more stitches had snapped.
- (21) Or: next to each other, i.e., in adjoining compartments.
- (22) For it is evident that the leather was of an inferior quality.

Talmud - Mas. Menachoth 35b

Or else, if when one holds up the strap, [the box] hangs on to it,¹ it is new; otherwise it is old.

Abaye was once sitting before R. Joseph when the strap of his tefillin suddenly snapped. He thereupon asked R. Joseph, May one tie it together? He answered, The verse says, And thou shalt bind them,² signifying that the binding shall be perfect. R. Aha the son of R. Joseph asked R. Ashi, May one sew it together, turning the seam on the inside?-He answered, Go and see how the people act.³

R. Papa said, Curtailed straps⁴ are still valid. But this is not correct; for since R. Hiyya's sons stated, Curtailed blue threads⁵ are valid, and curtailed hyssop twigs⁶ are valid, it is clear that only there [are they valid] since they are only accessories of precepts, but it is not so here, as [the straps] are accessories of holy things.⁷ Apparently there is a fixed length [for the strap], what then is the minimum length? — Rami b. Hama said in the name of Resh Lakish, To the middle finger.⁸ R. Kahana explained it, [To the middle finger] when bent, but R. Ashi explained it, [To the middle finger] when extended.

Rabbah used to tie the knot at the back of his head and allow [the straps] to fall straight down [over his shoulders].⁹ R. Aha b. Jacob used to tie the knot and then plait [the straps] together. Mar the son of Rabina used to do according to our custom.¹⁰

R. Judah the son of R. Samuel b. Shilath said in the name of Rab, The knot¹¹ of the tefillin is a law given to Moses at Sinai. R. Nahman said, Their ornamentation should be on the outside.¹²

Once as R. Ashi was sitting before Mar Zutra the strap of his tefillin twisted round, whereupon Mar Zutra said to him, Is not the Master of the opinion that their ornamentation should be on the outside? He replied, [Yes, but] I did not notice it.

It is written, 'And all the peoples of the earth shall see that the name of the Lord is called upon thee; and they shall be afraid of thee.'¹³ It was taught: R. Eliezer the Great says, This refers to the tefillah of the head.¹⁴

And I will take away My hand, and thou shalt see My back.¹⁵ Said R. Hana b. Bizna in the name of R. Simeon the Pious, This teaches that the Holy One, blessed be He, showed Moses the knot of

the tefillin.

Rab Judah said, The knot of the tefillin should be placed high up,¹⁶ so that Israel be high up and not low down. Moreover, it should face the front, so that Israel be in front and not behind.

R. Samuel b. Bidri said in the name of Rab (according to some, R. Aha Arika said it in the name of R. Huna, whilst according to others, R. Menashya said it in the name of Samuel), When must one recite the blessing over the tefillin? As soon as they have been put on. But this cannot be, for has not Rab Judah said in the name of Samuel that with regard to all precepts the blessing must be recited prior to the performance thereof? — Abaye and Raba both said, It means, from the time they have been put on until they have been tied.¹⁷

(1) And does not snap.

(2) Deut. VI, 8. The Heb. וקשרתם 'and thou shalt bind them' is interpreted as two words, וקשר תם 'the binding shall be perfect', or 'the binder (i.e., the strap) shall be perfect'; the strap must therefore be whole and not tied together with a knot.

(3) And the people are not in the habit of sewing the straps together again; it is therefore forbidden to do so (Rashi). According to R. Tam it is permitted since the people do sew the straps together.

(4) I.e., the straps which usually hang down after the head-tefillah has been placed upon the head, had been cut short and only stumps of them remained.

(5) Of the zizith, v. infra 38b.

(6) Used in the purification rites of a leper; cf. Lev. XIV, 4.

(7) The accessories of holy things are of a higher sanctity and are treated with greater stringency than the accessories of precepts; v. Meg. 26b.

(8) The reference evidently is to the length of the strap of the hand-tefillah, and the rule is that it must reach from the place that the tefillah is laid upon the arm to the middle finger (either bent or extended). So 'Aruch, Maim., and Tosaf. According to Rashi the reference is to the length of the straps that hang down beyond the knot that is tied at the back of the head. And the answer given 'To the first finger', is explained by R. Kahana as that length corresponding to the greatest distance between the first and middle fingers, and by R., Ashi as that length corresponding to the greatest distance between the first finger and the thumb. The translation in the text follows the explanation of the 'Aruch.

(9) At the back (Rashi); or, in front over the shoulders (Tosaf.).

(10) I.e., he used to let the straps hang down over his shoulders in front.

(11) I.e., the special shape of the knot of the head-tefillah which must resemble the letter dalet and of the hand-tefillah which must resemble the letter yod. These two letters, together with the letter shin that is embossed on the sides of the head-tefillah, form the Name **שדי**, Almighty.

(12) The letters formed by the knots of the tefillin should be clearly seen from the outside. Another explanation: that side of the straps which is polished black should be on the outside.

(13) Deut. XXVIII, 10.

(14) Since the head-tefillah contains the greater part of the Divine Name.

(15) Ex. XXXIII, 23. V. Ber. 7a.

(16) This, according to Rashi, refers to the position of the knot of the head-tefillah, which must be placed high up at the back of the head and not low down at the nape of the neck. Asheri cites R. 'Amram Gaon that the reference here is to the position of the knot of the hand-tefillah, i.e., high up on the arm.

(17) For as long as they have not been tied the precept is not yet performed.

Talmud - Mas. Menachoth 36a

R. Hisda said, If a man spoke between the putting on of the [hand-] tefillah and the [head-] tefillah, he must make another blessing.¹ [Evidently] only if he spoke, he must [make another blessing], but not if he did not speak. But R. Hiyya the son of R. Huna sent [from Palestine] the following decision in the name of R. Johanan: Over the hand-tefillah one must say, 'Blessed [art thou, O Lord our God, King of the universe,] who hast sanctified us by thy commandments and hast

commanded us to put on the tefillin'. Over the head-tefillah one must say, Blessed . . . who hast sanctified us by thy commandments and hast given us command concerning the precept of the tefillin!' — Abaye and Raba both said, It means, if he did not speak [between one tefillah and the other] he must only recite one blessing, but if he did speak he must recite the two blessings.²

One taught: If a man spoke between [the putting on of] one tefillah and the other tefillah, he has committed a transgression and returns home on account of it from the battle line.³

One taught: When a man puts on the tefillin, he should put on first the hand-tefillah and then the head-tefillah, and when he takes them off, he should take off first the head-tefillah and then the hand-tefillah. Now it is right that when he puts them on he should put on first the one on the hand and then the one on the head, since it is written, And thou shalt bind them for a sign upon thy hand,⁴ and then it says, And they shall be for frontlets between thine eyes;⁴ but whence do we know that on taking them off he should first take off the one from the head and then the one from the hand? — Rabbah said, R. Huna explained it to me. The verse says, And they shall be for frontlets between thine eyes, that is to say, so long as they are 'between thine eyes' both shall be there.⁵

Our Rabbis taught: When must one recite the blessing over the tefillin?⁶ At the time when it is proper to put them on.⁷ Thus, if a man rises early to go out on a journey and is afraid his tefillin might get lost,⁸ he should put them on, and as soon as the proper time arrives he should touch them⁹ and recite the blessing over them. And until when must one keep them on? Until sunset. R. Jacob said, Until every foot has left the market.¹⁰ But the Sages say, Until the time when people go to sleep. The Sages and¹¹ R. Jacob, however, admit that if a man took them off in order to enter a privy or a bath-house and in the meantime the sun had set, he has not to put them on again. R. Nahman said, The halachah agrees with R. Jacob, since R. Hisda and Rabbah b. R. Huna used to say the evening prayer while still wearing them.¹² Another version reads: R. Nahman said, The halacha does not agree with R. Jacob.¹³

(1) When putting on the head-tefillah.

(2) As reported by R. Hiyya. So that in ordinary circumstances only one blessing is recited, namely at the putting on of the hand-tefillah, which blessing serves for the head-tefillah too. If, however, one interrupted with talk between one tefillah and the other then the second blessing must be recited before putting on the head-tefillah. So Rashi and Alfasi, but v. Tosaf. s.v. **ס**.

(3) In accordance with the Biblical injunction, 'What man is there that is fearful and fainthearted? let him go and return unto his house (Deut. XX, 8), which is explained by R. Jose as alluding to the man who is afraid because of his transgressions. V. Sot. 44a.

(4) Deut. VI, 8.

(5) This teaching, according to Rashi, is inferred from the fact that the verse uses in connection with the head-tefillah the expression 'and they shall be', which is in the plural. Accordingly the head-tefillah must never be alone upon the person; therefore it should be put on last and taken off first.

(6) If one has put them on before daybreak.

(7) That is, the time in the early morning when a man can see a friend of his at a distance of four cubits and recognize him. V. Ber. 9b.

(8) If he were to carry them in his hand.

(9) As though he were putting them on at that moment.

(10) I.e., after darkness has fallen.

(11) So in many MSS. and in Alfasi, and so Sh. Mek. Cur. edd. read '(admit) to R. Jacob'.

(12) Hence they are worn after sunset.

(13) But the halachah follows the first Tanna's view that the tefillin are to be taken off at sunset (Tosaf.).

But did not R. Hisda and Rabbah b. R. Huna say the evening prayer while still wearing them? — They certainly differ [from the above ruling].

And could Rabbah b. R. Huna have said so? Did not Rabbah b. R. Huna say that if it was doubtful whether darkness had already fallen or not, one should not take them off¹ nor put them on? Now it follows from this that if it were certain that darkness had fallen one would have to take them off! — This was stated with regard to the eve of Sabbath.² But what can be his view? If he holds that the night is a time for tefillin, then the Sabbath is also a time for tefillin, and if, on the other hand, he holds that the night is not a time for tefillin, then the Sabbath, too, is not a time for tefillin, since the same passage which excludes the Sabbath [from the wearing of tefillin] also excludes the night. For it was taught:³ It is written, And thou shalt observe this ordinance in its season from day to day.⁴ ‘Day’, but not night; ‘from day’, but not all days; hence the Sabbaths and the Festivals are excluded. So R. Jose the Galilean; but R. Akiba says, This ordinance refers only to the Passover-offering!⁵ — He derives it from the text from which R. Akiba derives it.⁶ For it was taught: One might have thought that a man should put on the tefillin on Sabbaths and on Festivals, Scripture therefore says, And it shall be for a sign upon thy hand, and for frontlets between thine eyes,⁷ that is, [only on those days] which stand in need of a sign [are tefillin to be worn], but Sabbaths and Festivals are excluded, since they themselves are a sign.⁸

R. Eleazar said, Whosoever puts on the tefillin after sunset transgresses a positive precept.⁹ R. Johanan said, He transgresses a negative precept.¹⁰ Shall we say that they differ in the principle stated by R. Abin in the name of R. Ila'a? For R. Abin said in the name of R. Ila'a, Wherever the expression ‘observe’, ‘lest’, or ‘do not’, is used it indicates a negative precept. One¹¹ therefore accepts R. Abin's principle while the other¹² does not! — No, all accept the principle stated by R. Abin in the name of R. Ila'a, but they differ in this point: one¹² maintains that the expression ‘observe’ when used in connection with a prohibition has the force of a negative precept and when used in connection with a command has the force of a positive precept; but the other¹¹ maintains that the expression ‘observe’ even when used in connection with a command has the force of a negative precept.

R. Eleazar also said, If one's purpose is to guard them it is allowed.¹³ Rabina related, I was once sitting before R. Ashi when darkness had already fallen and he put on his tefillin;¹⁴ so I said to him, ‘Is it my Master's purpose to guard them?’ ‘Yes’, he replied. I saw, however, that his purpose was not to guard them. He was of the opinion that that was the law,¹⁵ but one should not rule so [in actual practice].¹⁶

Rabbah b. R. Huna said, A man must from time to time touch his tefillin;¹⁷ this may be inferred by an a fortiori argument from the plate.¹⁸ If of the plate, which contains the Divine Name only once, the Torah says, And it shall be always upon his forehead,¹⁹ implying that his mind must not be diverted from it; how much more is this to apply to the tefillin which contain the Divine Name so many times!

Our Rabbis taught: Thy hand,²⁰ that is the left hand. You say it is the left hand, but perhaps it is the right! It is written, Yea, My hand hath laid the foundation of the earth, and My right hand hath spread out the heavens.²¹ And it is also written, Her hand she put to the tent-pin, and her right hand to the workmen's hammer.²² And it is also written, Why withdrawest Thou Thy hand, even Thy right hand? Draw it out of Thy bosom and consume them.²³

(1) If one was wearing the tefillin at the time.

(2) When Rabbah b. R. Huna agrees that the tefillin must be taken off by the time darkness has fallen, since Sabbath is not the proper time for the wearing of the tefillin.

(3) ‘Er. 96a.

- (4) Ex. XIII, 10, literally translated.
- (5) Of which the preceding verse speaks. And the expression 'from day to day' would be translated as 'from year to year'.
- (6) Rabbah b. R. Huna maintains that the night is a proper time for tefillin but the Sabbath is not, for only the latter is excluded in the verse.
- (7) Ibid. 16.
- (8) Of the relation of God to Israel. Cf. Ex. XXXI, 17.
- (9) For the prohibition against wearing the tefillin at night is only inferred from the verse which states And thou shalt observe this ordinance... from day to day, thereby excluding the nights, and a prohibition derived from a positive precept has the force of a positive precept only.
- (10) For the expression 'observe' indicates a negative precept.
- (11) R. Johanan.
- (12) R. Eleazar.
- (13) To put on the tefillin (or, to keep them on, v. Sh. Mek, n. 1) after sunset, where the safety of the tefillin is concerned.
- (14) According to MS.M., Alfasi, and Sh. Mek. the text should be: 'And he was still wearing the tefillin.'
- (15) That the night is also the time for tefillin.
- (16) Lest one falls asleep whilst wearing the tefillin.
- (17) With his hand while wearing them. I.e., they must constantly be in his mind.
- (18) The plate of gold worn by the High priest upon the forehead upon which were engraved the words: Holy to the Lord (Ex. XXVIII, 36).
- (19) Ex. XXVIII, 38.
- (20) Heb. **יָדוֹ**; in Ex. XIII, 9, and also in a number of other verses, in connection with the tefillin.
- (21) Isa. XLVIII, 13. Here **יָדוֹ** clearly means the left hand, in contradistinction from **יְמִינֵי**, the right hand. This is also seen in the other verses quoted.
- (22) Jud. V, 26.
- (23) Psalms LXXIV, 11.

Talmud - Mas. Menachoth 37a

R. Jose ha-Horem¹ says, But we also find the right hand referred to as 'hand', for it is written, And when Joseph saw that his father was laying his hand, the right one!² And the other? It is referred to as 'the hand, the right one', but never as 'the hand'. R. Nathan says, All this is unnecessary, for since it is written And thou shalt bind them³ and And thou shalt write them,⁴ as writing is with the right hand so the binding shall be with the right hand, and if the binding is to be with the right hand then obviously [the hand-tefillah] must be put on the left hand. Whence does R. Jose ha-Horem learn that it must be put on the left hand? — He derives it from that same passage from which R. Nathan derives it. R. Ashi said, He derives it from thy hand,⁵ which, being written with the letter he at the end, indicates the weaker hand. Thereupon R. Abba said to R. Ashi, perhaps it means, the stronger hand?⁶ — He replied, Is it written with the letter heth?

This is further disputed by Tannaim. It was taught. Thy hand, written with the he, indicates the left hand. Others say, Thy hand, includes a man that has but the stump of the arm.⁷ Another [Baraita] taught: One that has no [left] arm is exempt from tefillin. Others say, 'Thy hand', includes a man that has but the stump of the arm.

Our Rabbis taught: A left-handed man puts his tefillin on his right hand for that is his left.⁸ But it has also been taught that he must put it on his left hand which is also the left of all people! — The latter was taught of a person who is ambidextrous.

A Tanna in the school of Manasseh taught: Upon thy hand,⁹ that is, on the biceps muscle; between thine eyes,⁹ that is, on the skull. On what part? It was said in the school of R. Jannai, Where the skull

of a babe is still tender.

Pelemo enquired of Rabbi, 'If a man has two heads on which one must he put the tefillin?' 'You must either leave',¹⁰ he replied, 'or regard yourself under the ban'. In the meantime there came a man [to the school] saying, 'I have begotten a first-born child with two heads, how much must I give the priest?'¹¹ An old man came forward and ruled that he must give [the priest] ten sela's. But this is not so! For Rami b. Hama learnt: From the verse. The firstborn of man thou shalt surely redeem,¹² I might conclude that this would apply even when the firstborn was rendered trefah¹³ within thirty days [of his birth]. Scripture therefore added,

(1) There are a number of variants to this word, and the meaning is extremely doubtful. In cur. edd. **החורם**, the net-maker (Jast.); others read **החרום**, the flat-nosed, being called by this epithet either because of his physical deformity or, more probably, because of the teaching he reported concerning a firstling that was flat-nosed; v. Bek. 43b. Other variants are **ההרם** and **החרם**, possibly place-names.

(2) Gen. XLVIII, 17. This destroys the argument of the first Tanna.

(3) Sc. the Tefillin; Deut. VI, 8.

(4) Sc. the Mezuzah; *ibid.* 9.

(5) Ex. XIII, 16. **יד כהה**, with superfluous 'he', is interpreted as **יד כהה**, the weaker hand.

(6) Interpreting **יד כהה** as **יד כה**, for the letters he and heth are frequently interchanged since they resemble each other so closely in form and pronunciation.

(7) 'The weaker hand' meaning also the broken arm or amputated arm with but a stump left. The tefillin must be put on this stump.

(8) I.e., the weaker hand.

(9) Ex. XIII, 9.

(10) Sc. the school. Rabbi thought that this question was put merely from a desire to scoff at him.

(11) For his redemption. The fixed sum for redemption was five shekels (sela's in the Rabbinic tongue), cf. Num. XVIII, 16.

(12) *Ibid.* 15.

(13) Heb. **טריפה**, afflicted with a fatal organic disease This is R. Tam's interpretation; according to Rashi, the child was killed.

Talmud - Mas. Menachoth 37b

Howbeit,¹ limiting thereby [the general application]!² — In this case it is different since the Divine Law declared [the law of redemption] to be governed by the expression 'per head'.³

The Master said, 'Upon thy hand, that is, on the biceps muscle'. Whence is this derived? — Our Rabbis taught: Upon thy hand, that is, the upper part of the hand.⁴ You say it is the upper part of the hand, but perhaps it means actually upon the hand?⁵ Since the Torah ordains that one must put tefillin upon the hand and also upon the head, as in the latter case it is to be upon the upper part of the head so in the former it is to be upon the upper part of the hand. R. Eliezer says, This is unnecessary; for the verse says, 'And it shall be for a sign unto thee upon thy hand', implying that the sign shall be unto thee but not unto others.⁶ R. Isaac says, This too is unnecessary; for it is written, And ye shall lay up these My words in your heart . . . and ye shall bind them,⁷ implying that it must be placed over against the heart.⁸

R. Hiyya and R. Aha the son of R. Ivya used to place it exactly over against the heart. R. Ashi was once sitting before Amemar. The latter had an injury on his arm and his tefillin were exposed;⁹ whereupon R. Ashi said to him, Does not the Master hold 'it shall be for a sign unto thee but not unto others'? — That, he replied, was stated only to indicate the place, namely, where it is a sign unto thee only.¹⁰

Whence is it derived that it must be upon the upper part of the head? — Our Rabbis taught: 'Between thine eyes', that is, the upper part of the head. You say it is the upper part of the head, but perhaps it means actually between the eyes? It is written here, 'Between thine eyes', and it is written there, Nor make any baldness between your eyes for the dead;¹¹ as in the latter case it means the upper part of the head where baldness can be made, so in the former case too it means the upper part of the head where baldness can be made. R. Judah says, This is unnecessary; for since the Torah ordains that one must put tefillin on the hand and also on the head, as in the former case it is put on a place which can be declared unclean as a leprous spot by one symptom only,¹² so in the former case it must be put on a place which can be declared unclean as a leprous spot by one symptom only;¹² one must therefore rule out the place between the eyes where flesh and hair are to be found, [and so can be declared unclean by two symptoms,] either by [the appearance of] white hair or yellow hair.

OF THE FOUR FRINGES, THE [ABSENCE OF] ONE INVALIDATES THE OTHERS, SINCE THE FOUR TOGETHER FORM ONE PRECEPT. [R. ISHMAEL SAYS, THE FOUR ARE FOUR SEPARATE PRECEPTS.] What is the practical difference between the two?¹³ — R. Joseph said, They differ in respect of a linen garment with [woollen] fringes.¹⁴ Rabbah b. Abina said, They differ in respect of a five-cornered garment.¹⁵ Rabina said, They differ in respect of R. Huna's dictum. For R. Huna said, If a man went out in the street on the Sabbath wearing a garment not provided with proper fringes as required by law, he is liable to a sin-offering.¹⁶

R. Shisha the son of R. Idi said, If a man cut off [one corner of] his garment,¹⁷ he has gained nothing, for he has simply made it into a five-cornered garment.¹⁸

R. Mesharsheya said, If a man folded up his garment,¹⁹ he has gained nothing, for it is regarded as spread out.²⁰ We have also learnt:²¹ Water-skins that [have been pierced and] have been tied up again are not susceptible to uncleanness,²² excepting those tied up with an Arab knot.²³

R. Dimi of Nehardea said, If a man sewed together [the folded corners of] his garment,²⁴ he has gained nothing, for if he has no use for the corners he should cut them off and throw them away.²⁵

R. ISHMAEL SAYS, THE FOUR ARE FOUR SEPARATE PRECEPTS. Rab Judah said in Samuel's name that the halachah agrees with R. Ishmael.²⁶ The halachah, however, is not in accordance with him.

Rabina was once walking behind Mar son of R. Ashi [in the street] on one of the Sabbaths preceding the Festival,²⁷ when suddenly a corner of [Mar's] garment with its fringe had torn away, but Rabina told him nothing about it. When he came home and Rabina told him that it had torn away there [in the street], he said, 'Had you told me of it I should then and there have cast it off'.²⁸ But has not a Master said, Great is the dignity of man since it overrides a negative precept of the Torah?²⁹ — Rab b. Shabba explained it before R. Kahana

(1) Ibid. Heb. **תס**, having a limiting force, and so excluding certain cases.

(2) Accordingly in the case of a child with two heads, since it cannot continue to live, the father should be exempt entirely from the payment of redemption money!

(3) Num. III, 47. Consequently as this child has two heads and is now living there must be a payment of ten sela's for his redemption.

(4) Sc. the muscle of the arm.

(5) I.e., the palm of the hand.

(6) And if actually put on the hand it would immediately be noticeable by all. It must consequently be put high up on the arm which part is usually covered with the sleeve.

(7) Deut. XI, 18.

(8) I.e., upon the muscle of the arm, at a point nearest the heart.

- (9) For his coat had been cut away around the arm so as to give greater freedom to his injured arm.
- (10) I.e., on the upper part of the arm. It need not, however, be at all times covered and hidden from view.
- (11) Deut. XIV, 1.
- (12) A leprous spot on any part of the body that is free from hair, as the hand, is deemed to be unclean by the appearance of white hairs therein (Lev. XIII, 3), whilst a leprous spot on any part covered with hair, as the head, is deemed to be unclean by the appearance of yellow hairs therein (ibid. 30).
- (13) Since the first Tanna and R. Ishmael are agreed that the four fringes are indispensable.
- (14) In ordinary circumstances such a garment may not be worn, save where the precept of zizith is concerned. Where, however, one fringe was missing, the entire precept, according to the first Tanna has gone, and the cloak is therefore forbidden as containing diverse kinds, wool and linen; but according to R. Ishmael it is permitted, since each fringe is a separate precept.
- (15) A five-cornered garment must be provided with fringes (v. infra 43a), but they differ as to the number of fringes necessary; according to the first Tanna there must be four fringes only, since four make up the precept, whilst according to R. Ishmael each corner must have a fringe, since each fringe is a separate precept.
- (16) For bearing an unnecessary burden on the Sabbath, since the fringes were not in accordance with the law. Now if the garment had only three fringes, according to the first Tanna the precept is not thereby fulfilled, hence by reason of R. Huna's dictum the fringes are regarded as an unnecessary burden on the Sabbath; but according to R. Ishmael, the precept is thereby performed, so that R. Huna's ruling would not apply to this case.
- (17) Either he cut away a square piece at the corner, leaving behind two right-angled corners, thus making the garment five-cornered; or, he cut away one corner diagonally, leaving two obtuse-angled corners.
- (18) Which must also be provided with fringes.
- (19) I.e., he turned up each corner of the garment in order to render the garment exempt from fringes (and in the subsequent case of R. Dimi, he sewed down these corners) (Rashi 2); or, he folded the garment (and according to R. Dimi he sewed the fold) and inserted the fringes in the new corners formed by the fold (Rashi 2).
- (20) And therefore even now it must be provided 'with fringes in its corners.
- (21) Kel. XXVI, 4.
- (22) Since the knot is only temporary and will be untied, the water-skin is regarded even now as a pierced vessel, and is therefore not susceptible to uncleanness.
- (23) For these remain so permanently.
- (24) V. supra n. 4.
- (25) But as long as the corners are not cut off the garment must be provided with fringes.
- (26) With all the practical results that follow from that view, as stated above.
- (27) For it was usual to preach on the laws of the Festival four Sabbaths before the Festival. V. Pes. 6a.
- (28) For since the garment was not now properly provided with fringes (R. Ishmael's view not being accepted as law) it is regarded as an unnecessary burden carried on the Sabbath.
- (29) And as it would be undignified for a man of his eminence to remove his garment in the street he is permitted to carry it on the Sabbath.

Talmud - Mas. Menachoth 38a

as referring to the prohibition, Thou shalt not turn aside.¹ Another version states that [Rabina] told him of it there [in the street]; whereupon [Mar] said to him, 'Do you think that I am going to cast it off here? Has not a Master said, Great is the dignity of man since it overrides a negative precept of the Torah?' 'But has not Rab b. Shabba explained it before R. Kahana as referring to the prohibition, Thou shalt not turn aside?' 'Here also it is only a karmelith,² so that the prohibition is only Rabbinic.

CHAPTER IV

MISHNAH. THE [ABSENCE OF THE] BLUE [IN THE FRINGES] DOES NOT INVALIDATE THE WHITE, NEITHER DOES THE [ABSENCE OF THE] WHITE INVALIDATE THE BLUE³ THE [ABSENCE OF THE] HAND-TEFILLAH DOES NOT INVALIDATE THE HEAD-TEFILLAH, NEITHER DOES THE [ABSENCE OF THE] HEAD-TEFILLAH

INVALIDATE THE HAND-TEFILLAH.⁴

GEMARA. Must we say that our Mishnah is not in accordance with Rabbi? For it was taught: That ye may look upon it,⁵ implies that the [absence of] one invalidates the other. So Rabbi. But the Sages say, The [absence of] one does not invalidate the other. What is the reason for Rabbi's view? — Because the text says, The corner,⁶ [which implies that the fringes must be] of the same [colour] as that of the corner,⁷ and it also says, A blue thread;⁶ and then the Divine Law says. 'That ye may look upon it', that is, both must be there together as one. But the Rabbis [say]. 'That ye may look upon it', signifies each one by itself. Must we then say that [our Mishnah] is not in accordance with Rabbi? — Rab Judah answered in the name of Rab, You may even say that it follows Rabbi's view, for [our Mishnah deals here] only with the question of precedence. As it was taught: The [proper performance of the] precept is to insert⁸ the white threads before the blue; but if a man inserted the blue before the white, it is indeed valid, but he has not fulfilled the precept. What is meant by 'has not fulfilled the precept'?

(1) Sc. from the sentence which they shall declare unto thee, Deut. XVII, 11. I.e., the principle is that only a Rabbinic prohibition, though having for its sanction this verse in the Torah, can be set aside on account of man's dignity.

(2) כַּרְמְלִית, an area which is neither a public nor a private domain, in which, however, it is forbidden to carry anything on the Sabbath by Rabbinic decree.

(3) There should be, according to law, four threads inserted in each of the four corners of the garment, two white and two blue (or, three white and one blue); nevertheless the absence of one colour is of no consequence provided there was the proper number of threads in all. Consequently it is valid if there were four blue threads, or four white threads.

(4) And if a man has only one tefilah (sing. of tefillin) he should put on that one.

(5) Num. XV, 39.

(6) Ibid. 38.

(7) As garments were usually of white linen, there must therefore be white threads as fringes.

(8) Or, to twine, v. Sh. Mek. n. 3. The white threads, as derived above from 'the corner', precede the blue in the verse.

Talmud - Mas. Menachoth 38b

Should you say it means that he has not fulfilled the precept of the white [threads] but has fulfilled the precept of the blue, but according to Rabbi the absence of one invalidates the other!¹ — Rab Judah said in the name of Rab, It means that he has not fulfilled the precept and yet has performed the precept, for 'has not fulfilled the precept' only means that he has not performed the precept in the best way. This then explains the clause, NEITHER DOES THE WHITE INVALIDATE THE BLUE;² but how can one explain the other clause, THE BLUE DOES NOT INVALIDATE THE WHITE?³ Moreover,⁴ it has been reported: Levi once said to Samuel, Arioeh,⁵ you are not to sit down⁶ until you explain to me the following: THE BLUE DOES NOT INVALIDATE THE WHITE, NEITHER DOES THE WHITE INVALIDATE THE BLUE.

What does it mean? — He answered, This refers to the fringes in a [white linen] garment; for it is proper to insert the white threads first, since Holy Writ says 'the corner', [signifying that the fringes] of the same [colour] as the corner [must be inserted first]; nevertheless, if one inserted the blue first it does not matter. Well, this explains. NEITHER DOES THE WHITE INVALIDATE THE BLUE, but how can one explain, THE BLUE DOES NOT INVALIDATE THE WHITE? — Rami b. Hama answered, The latter rule refers to a garment that is entirely blue, in which case it is proper to insert the blue threads first, since Holy Writ says 'the corner', [signifying that the fringes] of the same [colour] as the corner [must be inserted first]; nevertheless, if one inserted the white threads first it does not matter. Raba objected, Does then the colour affect the law?⁷ — Raba therefore explained that [our Mishnah] refers to the curtailment of the threads; thus whether the blue [threads] were curtailed and the white remained or the white were curtailed and the blue remained, it does not matter. As the sons of R. Hiyya said, Curtailed blue threads are valid; curtailed hyssop twigs are

valid. What is the minimum length of a curtailed thread? — Bar Hamduri stated in the name of Samuel, There must be sufficient to make a loop therewith. The question was raised: Does ‘sufficient to make a loop’ mean to make a loop of all the threads together,⁸ or of each thread separately? — This remains undecided.

R. Ashi raised the question: How is it if [the curtailed threads] are so thick that one cannot make a loop with them, although had they been thinner one could have made a loop with them? — R. Aha the son of Raba answered R. Ashi, They are most certainly [valid], since the precept is all the more noticeable thereby.⁹

Who is the Tanna that disagrees with Rabbi?¹⁰ — It is the Tanna of the following Baraitha. For it was taught: R. Isaac says in the name of R. Nathan who said it in the name of R. Jose the Galilean and who in turn said it in the name of R. Johanan b. Nuri, If a man has no blue threads he should insert all white threads.¹¹

Raba said, You can infer from this¹² that one must make a knot after each joint;¹³ for should you hold that this is not necessary, then how could the sons of R. Hiyya have said, Curtailed blue threads are valid, also curtailed hyssop twigs are valid? As soon as the upper knot¹⁴ becomes loose it would all become undone!¹⁵ —

(1) Since it is considered as though the precept of the white threads had not been fulfilled at all, this omission according to Rabbi impairs the validity of the blue; how then can it be said that if the proper precedence was not adhered to it is still valid?

(2) I.e., even though the blue was inserted first it is not invalid.

(3) Which would mean apparently that even though the white was inserted first it is not invalid. But that is the proper order of precedence!

(4) In cur. edd. is inserted here an answer by Rami b. Hama which is actually given below. It is omitted here in all MSS. and by Sh. Mek.

(5) A title of dignity applied to Samuel the contemporary of Rab; probably a Persian adaptation of ‘judge’ (Jast.) V. Rashi here, and in Shab. 53a and also in Hul. 76b. V. also Kid. (Sonc. ed.) p. 189, n. 11.

(6) Lit., ‘sit on your legs’, with reference to their custom of sitting on the ground with their legs crossed under them.

(7) Once it is established that the white threads must be inserted first — established by reason of the fact that most garments were of white linen and the rule that the fringes similar in colour to the corner of the garment must be inserted first—this law stands and is not altered by reason of the colour of the garment.

(8) In which case the curtailed thread would have to be longer than where the loop was to be made by the curtailed thread by itself.

(9) For there is here the minimum length for curtailed threads, and moreover they are thicker and therefore more noticeable.

(10) I.e., whose view is put forward by the Sages in the Baraitha supra p. 233.

(11) For the omission of one colour does not prevent the use of the other. This Tanna clearly disagrees with Rabbi.

(12) From the statement of R. Hiyya's sons.

(13) Each fringe is in part wound around with thread (גדיל), and in part hangs loose (ענף). After the threads have been inserted in the hole at the corner of the garment and folded over double, one thread is taken and wound around the others, and after several windings a knot is made and then the windings begin over again. Each series of windings is called a joint (הוסיף), and at the end of each joint a knot (קשר) is made to prevent the windings from becoming undone.

(14) I.e., the uppermost and first knot when holding up the garment by the fringe; or the last or nethermost knot when the garment is worn.

(15) Since a thread has snapped close to the last knot it would inevitably follow that this knot would become undone, and if there were no other knots at each joint, the entire fringe would become undone, in which case it certainly cannot be valid.

Talmud - Mas. Menachoth 39a

Perhaps [they said so only where] there were knots [after each joint].¹

Raba also said, You can infer from this that the upper knot² is an ordinance of the Torah;³ for should you say it is a Rabbinic ordinance,⁴ then why was it necessary for the Torah to permit the insertion of [woollen] fringes in a [linen] garment?⁵ One would have no doubt about it, for if one merely fastens together [two pieces] with one fastening⁶ no connection is thereby formed!⁷ You can therefore infer from this that it is an ordinance of the Torah.

Rabbah son of R. Adda said in the name of R. Adda who said it in the name of Rab, If a thread had snapped at the top,⁸ it is invalid. R. Nahman was sitting and repeating the above rule when Raba raised the following objection against him: This⁹ applies only at the outset,¹⁰ but later on¹¹ the remnants thereof and the curtailed threads thereof may be of any length whatsoever. Now what is meant by 'remnants' and what by 'curtailed threads'? Presumably 'remnant' means that a part [of the thread] had broken off and a part had remained, and 'curtailed' means that [the thread] had entirely broken away!¹² — No, both terms must be taken together thus, the remnants of the curtailed threads may be of any length whatsoever. Then it should have mentioned only 'the curtailed threads'; why does it add 'the remnants'? — It teaches us that there must be left a remnant of the curtailed threads sufficient to make a loop therewith.

Rabbah was sitting and reciting the following in the name of Rab: The thread that is used for winding is included in the number of threads.¹³ Whereupon R. Joseph said to him, It was Samuel who said it and not Rab. It has also been reported: Rabbah b. Bar Hanah said, R. Josiah of Usha told me that the thread used for winding is included in the number of threads.

Rabbah again was sitting and reciting the following in the name of Samuel: If the greater part of the fringe¹⁴ was wound around,¹⁵ it is still valid. Whereupon R. Joseph said to him, It was Rab who said it and not Samuel. Indeed it has been reported: R. Huna b. Judah said in the name of R. Shesheth who said it in the name of R. Jeremiah b. Abba who in turn said it in the name of Rab, If the greater part of the fringe was wound around, it is still valid.

R. Hiyya the son of R. Nathan reports it as follows: R. Huna said in the name of R. Shesheth who said it in the name of R. Jeremiah b. Abba who said it in the name of Rab, If the greater part of the fringe was wound around, it is still valid. And even if only one joint¹⁶ was made, it is valid. It is most becoming, however, for the fringe to be wound around¹⁷ for a third [of its length] and the remaining two thirds [to hang loose] as locks.¹⁸

What is the minimum length of a joint? — It was taught: Rabbi says, [In a joint] the thread must be wound once, twice and a third time. It was taught: If a man wishes to make few,¹⁹ he should not make less than seven, and if many, he should not make more than thirteen. If few, he should not make less than seven, to correspond to the seven heavens;²⁰ and if many, he should not make more than thirteen, to correspond to the seven heavens plus the six intervening spaces.

A Tanna taught: At the start one begins to wind with the white thread, since Holy Writ says 'the corner' [signifying that the thread] of the same [colour] as the corner [must be used first], and at the end one finishes the winding with a white thread, since what is holy we may raise [to a higher degree of sanctity] but not bring down.²¹

Once Rab and Rabbah b. Bar Hanah were sitting together when a man passed by wearing a garment entirely blue, to which were attached fringes

- (1) Where, however, there were no knots after each joint, a curtailed thread would render the whole invalid. Hence there is no proof that there must be a knot after each joint.
- (2) Here Rashi suggests, either the last knot (as above) that is furthest from the garment at the end of all the windings, or (v. Tosaf. s.v. קשר) the first knot that is made as soon as the threads have been inserted in the corner of the garment.
- (3) I.e., a law given to Moses at Sinai.
- (4) But by Biblical law it is not necessary to tie the threads together, not even to the garment.
- (5) This is established by the juxtaposition of the texts, viz., (Deut. XXII, 12) Thou shalt not wear a mingled stuff, wool and linen together, and (12) Thou shalt make thee twisted cords, intimating that the former prohibition is superseded by the precept of zizith.
- (6) I.e., joining cloths of wool and of linen with a single stitch or knot.
- (7) So that by merely threading the woollen strands through the linen garment there is no infringement of the law of 'mixed stuffs'; hence there was no necessity for an express permission by Holy Writ.
- (8) Close to the garment; the entire thread had thus broken away.
- (9) That the fringes must be of a prescribed minimum length; cf. infra 41b.
- (10) I.e., in the first instance when attaching the fringes to the garment.
- (11) I.e., if at one time the fringes had been of the prescribed length, but had later been reduced.
- (12) And yet it is valid, contra R. Nahman.
- (13) To make up the requisite number of eight threads.
- (14) Lit., 'the blue'.
- (15) Contrary to the prescribed requirement of two thirds hanging loose as locks, v. infra.
- (16) דורליא, a section of the fringe around which a thread has been wound several times, and bounded at each end by a knot.
- (17) This part is termed גדיל.
- (18) Lit., 'a branch' ענף.
- (19) Sc. joints; so Rashi and Maim. According to Nimukke Joseph the reference is to the number of windings in each joint.
- (20) v. Hag. 12b. For the connection between the heavens and the zizith v. infra 43b.
- (21) The white thread is deemed to be of a higher degree of sanctity since it is mentioned first in the text. The middle joint is wound round with the blue thread.

Talmud - Mas. Menachoth 39b

which were entirely wound around;¹ whereupon Rab remarked, A fine garment, but the fringes are not fine; but Rabbah b. Bar Hana said, A fine garment and fine fringes. Wherein do they differ? — Rabbah b. Bar Hana maintains, since Holy Writ says 'twisted cords'² and also 'thread',³ [the fringe] may be either [entirely] a twisted cord or [entirely] in loose threads. Rab, however, maintains that there must always be loose threads; but the expression 'twisted cords' is required only for the determination of the number of threads; for the expression 'twisted cord' would imply two threads,⁴ but 'twisted cords'⁵ implies four; one must therefore twist them into a cord, but from the middle they must hang down in separate threads.⁶

Samuel said in the name of Levi, [White] woollen threads⁷ fulfil⁸ [the precept of fringes] in a linen garment. The question was raised: Would [white] linen threads⁷ fulfil [the precept of fringes] in a woollen garment? Do we hold that only [white] woollen threads fulfil [the precept] in a linen garment, for since blue [woollen threads] fulfil [the precept in any garment]⁹ white [woollen threads] also fulfil the precept, but [white] linen threads cannot fulfil the precept in a woollen garment; or, we can argue, since it is written, Thou shalt not wear a mingled stuff, wool and linen together. Thou shalt make thee twisted cords,¹⁰ accordingly it matters not whether woollen threads are put in a linen garment or linen threads in a woollen garment?¹¹ — Come and hear. Rehabah said in the name of Rab Judah, Woollen threads fulfil the precept in a linen garment and linen threads in a woollen garment; [blue] woollen threads together with [white] linen threads fulfil the precept in any garment, even [in a garment] of silk.

This differs from R. Nahman's view, for R. Nahman said, Silk garments are exempt from zizith. Raba raised the following objection against R. Nahman: It was taught: Garments of silk or of raw silk or of floss-silk must be provided with zizith!¹² — That is merely a Rabbinic enactment. But then consider the next clause [of that Baraitha]: Woollen threads and linen threads fulfil the precept in every case.¹³ Now if you say that it is so¹⁴ by the law of the Torah then that is why diverse kinds are permitted for them; but if you say that it¹⁴ is merely a Rabbinic enactment, how can it be that diverse kinds are permitted for them? — Render, either woollen threads or linen threads.¹⁵ And that is indeed the more reasonable view to take, for it reads in the final clause [of that Baraitha]: These¹⁶ fulfil the precept in a garment of the same material but not in a garment of a different material. Now if you say that it is merely a Rabbinic enactment, then that is why these fulfil the precept in a garment of the same material; but if you say that it is so by the law of the Torah, surely [according to the Torah] only wool and linen can discharge the obligation!¹⁷ — This is not a conclusive argument, for the text may be explained in accordance with Raba's argument. For Raba pointed out a contradiction: It is written, The corner,¹⁸ [which implies that the fringes are to be of] the same kind [of material] as that of the corner, but it is also written, Wool and linen.¹⁹ How are the texts to be reconciled? Wool and linen fulfil [the precept of zizith] both in garments of their own kind [of material] as well as in garments of a different kind, whereas other kinds of threads²⁰ fulfil the precept only in a garment of their own kind [of material], but not in a garment of a different kind [of material].

R. Nahman,²¹ however, agrees with the view of the Tanna of the school of R. Ishmael. For a Tanna of the school of R. Ishmael taught: Since in the Torah the word 'garments' is used without being specified,²² but in one particular case²³ Holy Writ specified 'wool and linen', the inference is that all garments are understood as being of wool or of linen.

Abaye said, This teaching of a Tanna of the school of R. Ishmael differs from that of another Tanna of the same school. For a Tanna of the school of R. Ishmael taught: By garment²³ I understand only a garment of [sheep's] wool; whence can I include garments of camel hair, of hare's hair, of goat's hair, or of raw silk or floss-silk or fine silk? Scripture therefore says, Or a garment.²⁴

(1) The entire fringe had been covered with windings of thread so that no part hung loose as the locks of hair. I.e., it was all ענף and no גדיל.

(2) Deut. XXII, 22. Heb. גְּדִילִים.

(3) Num. XV, 38. Heb. פְּתִיל.

(4) For a twisted cord cannot be made of less than two threads.

(5) In the plural.

(6) Or: 'that which is used for winding shall be of it', i.e., the thread that is wound around the others is included in the number of threads.

(7) Together with the blue woollen threads.

(8) Lit., 'discharge'. Sc. the garment of its obligation.

(9) For in every garment of whatever material blue threads must be inserted, and these blue threads, תכלת, must be of wool.

(10) Deut. XXII, 11, 12.

(11) The precept is always fulfilled thereby.

(12) Shab. 20b.

(13) Meaning apparently that if the blue threads are of wool and the white threads of linen they together fulfil the obligation of zizith in any silk garment.

(14) That silk garments must be provided with zizith.

(15) But the two kinds together would not be permitted to be used as fringes in a silk garment.

(16) Sc., threads of silk.

(17) For only wool and linen are mentioned in connection with the zizith; cf. Deut. XXII, 11, 12.

(18) Num. XV, 38.

(19) Cf. Deut. XXII, 11, 12, which shows that the fringes must be either of wool or of linen, whatever the material of the garment is.

(20) E.g., silk.

(21) Who maintains that silk garments require fringes only by Rabbinic ordinance, for according to the law of the Torah only garments of wool and of linen are subject to zizith.

(22) Cf. Num. XV, 38: That they make them fringes in the corners of their garments; or with reference to uncleanness by creeping things, Lev. XI, 32.

(23) With reference to plagues in garments, Lev. XIII, 47, 48.

(24) Ibid. 47: Whether it be a woollen garment or a linen garment; the conjunction 'or' includes other garments too as being subject to the law of plagues.

Talmud - Mas. Menachoth 40a

Our Rabbis taught: A linen garment is, according to Beth Shammai, exempt from zizith;¹ but Beth Hillel declare it liable.² The halachah is in accordance with Beth Hillel. R. Eliezer son of R. Zadok said, Is it not a fact that any one in Jerusalem who attaches blue threads [to his linen garment] causes amazement?³ Rabbi said, If that is so, why did they forbid it?⁴ Because people are not versed in the law.⁵

Raba son of R. Hanan said to Raba, Then let ten people insert it and let them go about in the market place and so the law will be made known to all!⁶ People will wonder at it all the more.⁷ Then let it be announced at the public lecture! — It is to be feared that people will use imitation blue.⁸ But it is no worse than if it were white!⁹ — Since one could use threads of the same material [as the garment], it is not [allowed to do otherwise];¹⁰ this being in accordance with Resh Lakish's view, for Resh Lakish said, Wherever you find a positive precept and a negative precept [in opposition], if you can possibly observe both,¹¹ well and good, otherwise let the positive precept come and override the negative one. But it can be examined,¹² can it not? — Rather we apprehend that it may have been used for testing.¹³ But it can be announced on public notices,¹⁴ can it not? — And are we to rely upon public notices?¹⁵ Whereupon Raba said, If

(1) It is even forbidden to wear a linen garment that is provided with fringes on account of the prohibition of diverse kinds, linen and wool, which prohibition is not waived even for the performance of the law of zizith.

(2) For the prohibition of diverse kinds is waived by the precept of zizith, this being inferred by reason of the juxtaposition of the two texts; cf. Deut. XXII, 11 and 12.

(3) But it is not forbidden, thus contrary to Beth Shammai's view. Aliter: it causes amazement by reason of the flagrant transgression of the law, thus R. Eliezer b. R. Zadok is in conflict with Beth Hillel.

(4) Since it is not forbidden in law, why did Beth Shammai impose the restriction? Aliter: since Beth Hillel's view was accepted as the law, why should it create amazement in Jerusalem?

(5) And if it were permitted to wear diverse kinds in pursuance of the precept of zizith people might forget about the precept and would wear diverse kinds in all circumstances.

(6) That the prohibition of diverse kinds is waived only in pursuance of the precept of zizith.

(7) That pious men should be wearing garments of diverse kinds, wool and linen.

(8) קָלָא אֵילָן, a vegetable blue dye, probably indigo, being an imitation of the genuine blue תְּכֵלֶת which is obtained from the blood of a mollusc. Now the prohibition of diverse kinds is waived only when woollen threads dyed with genuine blue are used, but not when they are dyed with imitation blue.

(9) The threads dyed with this imitation blue should be regarded as though not dyed at all, and it has been established that in the absence of blue threads ordinary white woollen threads may be used in their stead.

(10) Since genuine blue is unobtainable and in its place white threads are used, it is proper to use those threads which are of the same material as the garment, thus avoiding any clashing between precepts and obviating the one overriding the other; so that only white threads of linen may be used as fringes in a linen garment.

(11) By carrying out the positive precept without at the same time transgressing the prohibition, as here by attaching

white threads of linen as fringes in a linen garment.

(12) Every blue thread can be subjected to a test so as to ascertain whether the blue dye is genuine or imitation; v. infra 42b. According to another interpretation given in Rashi, the purchaser of the blue thread can inspect the dye in the pan of the dyer in order to ascertain whether the dye is genuine or not.

(13) This thread of blue may be the testing thread, i.e., the thread that was dipped into the pan of dye in order to ascertain whether the dye had reached its proper strength and consistency, and it may not be inserted in a garment, for it is essential that the dyeing of the thread be prepared specifically for the purpose of zizith and not for testing purposes. According to the second interpretation (v. prec. n.): the inspection is of no avail, for the dyer may have drawn off a small quantity so as to test its colour and then have poured it back into the pan, which action renders the entire contents of the pan invalid for the zizith.

(14) Notifying all dyers that the testing thread may not be used in a garment. And according to the second interpretation: notifying all dyers that the quantity taken for the test may not be poured back into the pan.

(15) Some people may ignore these notices, either through inadvertence or deliberately.

Talmud - Mas. Menachoth 40b

in respect of leaven on the Passover Festival or in respect of the Day of Atonement which involve the penalty of kareth we rely upon public notices,¹ how much more so may we rely upon them here where only the transgression of a positive precept can be involved!² — Rather, said Raba, I suggested the following explanation³ and in the West it was similarly⁴ reported in the name of R. ‘Zera: The apprehension is that the linen garment may have been torn within three fingerbreadths’ distance [from the hem] and it had been sewn together [with linen threads, and the threads were left hanging for the fringe],⁵ and the Torah has said, ‘Thou shalt make⁶ and not use what is ready made’.⁷ R. Zera [it was reported,] removed [the fringes from] his linen garment.⁸ Rab Zera said, It is also to be feared that one will use it as a night wrap.⁹

Raba also said, I stated the following and in the West it was similarly reported in the name of R. Zera: If the garment is made of cloth and the corners thereof of leather, it is subject to zizith; If the garment is made of leather¹⁰ and the corners thereof of cloth, it is exempt. What is the reason? Because we consider the main part of the garment. R. Ahai, however, always decided according to the material of the corner.¹¹

Raba said in the name of R. Sehora who said it in the name of R. Huna, If a man inserted fringes in the corners of a three-cornered garment and then added a fourth corner [and inserted a fringe therein], it is invalid, because of the rule ‘Thou shalt make, and not use what is ready made’.¹² An objection was raised: The pious men of old used to insert the zizith¹³ as soon as three fingerbreadths of the garment had been woven!¹⁴ — Render: they used to insert the fringes as soon as the last three fingerbreadths had been reached.

Do we then always apply the rule ‘Thou shalt make, and not use what is ready made’? Surely R. Zera has said that if a man inserted fringes in a garment that was already provided with fringes,¹⁵ it is valid!¹⁶ — Raba replied, Since one thereby transgresses the law of Thou shalt not add thereto,¹⁷ the act done is not considered at all. R. Papa demurred: How do you know that this man's intention was to add [to the other fringes]? Perhaps it was to cancel the others, so that there was no transgression of ‘Thou shalt not add thereto’; accordingly the act done is considered an act.¹⁸

R. Zera said in the name of R. Mattena who said it in the name of Samuel, [A garment that is provided with] fringes does not come within the prohibition of diverse kinds,¹⁹ and [it is the same] even though the garment was exempt from zizith. What is meant by ‘a garment exempt from zizith’? Does it mean a garment smaller than the prescribed measure? But it has been taught: A garment with which a child can cover his head and most of his body,

- (1) The decisions of the Sanhedrin concerning intercalation of the year whereby the year is deemed to be a leap year and thus postponing the Passover Festival for a month, or intercalation of the month whereby another day is added to the month and thus postponing the Day of Atonement (or any Festival that comes in the subsequent month) by one day, were announced to the public by means of notices and letters.
- (2) For the use of the test thread (or the thread dyed from the quantity taken for testing) is but an infringement of a positive precept, for Holy Writ declares, That they make them fringes (Num. XV, 38), that is to say, the threads must be prepared specifically for the zizith.
- (3) Why it is forbidden to insert the blue woollen threads in a linen garment.
- (4) Lit., 'in agreement with me'.
- (5) So that when the garment is repaired it is already provided with part of the fringe, which is invalid for the precept.
- (6) Deut. XXII, 12.
- (7) Accordingly when threads of wool are added to the fringe the prohibition of diverse kinds applies and it is not waived by the precept since the precept is not properly performed.
- (8) For the same reason as explained above by Raba.
- (9) Which is exempt from zizith. And whenever the garment is used not in pursuance of the performance of the precept (e.g., if worn by night) one transgresses the prohibition of diverse kinds.
- (10) And a leather garment is exempt from zizith.
- (11) And the rule is just the reverse of that stated by Raba.
- (12) A three-cornered garment is exempt from zizith, accordingly when the first three fringes were inserted there was no obligation for fringes, and when the obligation falls due, i.e. when the fourth corner is added, the fringes are found to be already made.
- (13) Lit., 'the blue' (threads).
- (14) As soon as a strip three fingers wide (the minimum size of a garment) had been woven they used to insert two fringes, one at each corner, and the other two fringes they inserted when the cloth was finished. Now it is clear that the obligation of fringes falls due only when the weaving is finished, nevertheless, it is taught here, that the first two fringes are deemed valid and are not regarded as ready made.
- (15) A second fringe was inserted at each corner close to the existing fringe, and when all eight fringes were attached, the first set of four fringes were cut away.
- (16) I.e., the second set of fringes satisfy the law, although when these fringes were inserted there was no obligation for them, since the first set of fringes had not yet been removed.
- (17) Deut. XIII, 1. At the time when each fringe of the second set is inserted there is a transgression of this precept, so that the fringe so made is null and void, and therefore only when the first set is removed does the second set of fringes come into existence, Where, however, the fringes were inserted in a three-cornered garment, this act, not being an infringement of the law, is an act of consequence, and when a fourth corner is added and a fringe attached thereto, the first three fringes are disqualified as being ready made.
- (18) Nevertheless R. Zera rules that the second set of fringes is valid even though it was ready made; thus in conflict with the principle laid down.
- (19) And it may be worn by a person that is not subject to the law of zizith, e.g. a woman (R. Tam).

Talmud - Mas. Menachoth 41a

and in which a grown-up person would walk out for a moment, is subject to zizith; but if a child cannot cover with it his head and most of his body, even though a grown-up person might walk out in it for a moment, it is exempt. And so it is, too, in regard to diverse kinds. Now we pondered over this: What does the ruling 'And so it is, too, in regard to diverse kinds' signify? Can it mean: And so it is, too, in regard to the applicability of the prohibition of diverse kinds?¹ Surely we have learnt:² Diverse kinds may not be worn even for a moment! R. Nahman b. Isaac, however, explained, It means, And so it is, too, in regard to the insertion of fringes in a linen garment!³ — We must say that 'a garment exempt from fringes' means, a garment already provided with fringes in which one inserted [another set of fringes].⁴ But has not R. Zera taught this once?⁵ — One was stated as an inference from the other.⁶

Our Rabbis taught: A garment that was folded over is subject to zizith, but R. Simeon declares it to be exempt.⁷ They are agreed, however, that if it was folded over and sewn down, it is subject to the law. Is not this obvious? — It is necessary to be stated where it was only fastened down with pins.⁸

Rabbah son of R. Huna once visited the house of Raba b. R. Nahman and saw that the latter was wearing a garment that was folded over, the fringes being inserted in the folded corners. It happened to become unfolded and the fringes were found to be above⁹ [in the middle of the garment], whereupon Rabbah said to him, 'Surely this is not the corner prescribed by the All-Merciful in the Torah!' He at once cast off this garment and put on another. Thereupon Rabbah said to him, 'Do you think that [the law of zizith] is an obligation incumbent upon the person? It is an obligation attaching to the garment;¹⁰ go, therefore, and insert the fringes in it [in the proper manner]'.

Shall we say that the following supports his view?¹¹ [For it was taught]: The pious men of old used to insert the fringes as soon as three fingerbreadths of the garment had been woven?¹² — It is different with those pious men for they imposed upon themselves additional obligations.

His view¹³ is at variance with the angel's view. For an angel once found R. Kattina wearing a linen wrap,¹⁴ and he exclaimed, 'Kattina, Kattina, a wrap in summer and a cloak¹⁵ in winter, and what is to happen to the law of zizith?' 'And do you punish', asked R. Kattina, 'a person [who omits to perform] a positive precept?' 'In a time of wrath', replied the angel, 'we do'. Now if you hold that the law of zizith is an obligation incumbent upon the person then that is why one would incur guilt for not wearing a garment with fringes; but if you hold that it is an obligation attaching to the garment, then why [is any guilt incurred] seeing that these garments are exempt? What then do you hold? That it is an obligation incumbent upon the person? I grant you that the All — Merciful would punish one who wears [without fringes] a garment that is subject to fringes, but would the All-Merciful punish one who wears [without fringes] a garment that is not subject to it? — This is what [the angel] implied, 'You find every excuse to free yourself from the law of zizith'.

R. Tobi b. Kisna said in the name of Samuel, The garments put away in a chest are subject to zizith.¹⁶ Samuel, however, admits that where an old man made it for his shroud¹⁷ it is exempt, for the Divine Law says, Wherewith thou coverest thyself,¹⁸ and this is not intended for an ordinary covering. Nevertheless, when the time comes for its use we should insert fringes in it, on account of the injunction, Whoso mocketh the poor¹⁹ blasphemeth his Maker.²⁰

Rehabah said in the name of Rab Judah, If a garment was torn more than three [fingerbreadths' distance from the corner], it may be sewn up, but if [torn] within three [fingerbreadths' distance from the corner], it may not be sewn up.²¹ It has been taught [in a Baraitha] to the same effect, viz., If a garment was torn more than three [fingerbreadths' distance from the corner], it may be sewn up, but if [torn] within three [fingerbreadths' distance from the corner], R. Meir says, It may not be sewn up; but the Sages say, It may be sewn up. And they are agreed that one may not fetch a piece of cloth, even a cubit square, which has fringes to it from another garment and tack it on to this garment.²² And they are also agreed that the fringes may be taken out of another garment and put into this garment,

(1) Namely, that a garment which is too small to cover a child but which might be worn by a grown-up person temporarily is not prohibited, although consisting of diverse kinds, wool and linen.

(2) Kil. IX, 2.

(3) And it is forbidden to insert the fringes in a linen garment that is too small to cover the head and the greater part of the body of a child. It is thus evident that a garment smaller than the prescribed measure, even though provided with fringes, comes within the prohibition of diverse kinds.

(4) The second set of fringes, although unnecessary, does not bring the garment within the prohibition.

- (5) Supra 40b. Since each set is regarded as being in pursuance of the precept, it follows that the prohibition of diverse kinds does not apply.
- (6) R. Zera stated one ruling only, namely the previous one, and this ruling here was inferred from it (Rashi). According to Tosaf. and Sh. Mek. it is just the reverse, i.e., the previous ruling was inferred from this one.
- (7) For the garment might later become unfolded and spread out and the fringes will then be found to be in the middle of the garment, and not in the corner as required by law.
- (8) In this case all agree that it is subject to zizith, since the pins fasten the parts firmly together, and there is little likelihood of the garment becoming unfolded.
- (9) Lit., 'at his head'.
- (10) And every garment of four corners in one's possession must be provided with fringes, and it is not sufficient that the garment one is wearing is provided with fringes.
- (11) Of Rabbah b. R. Huna, that the zizith is an obligation attaching to the garment.
- (12) Clearly because the obligation rests upon the garment as soon as it is made, for if it were a personal obligation the duty to insert fringes would arise only when the garment was about to be worn.
- (13) V. p. 246, n. 8.
- (14) Which was without fringes, since it was mainly used as a night wrap.
- (15) A garment with rounded corners and so not subject to the law of zizith.
- (16) For the obligation rests upon the garments, and as they are intended to be worn, they must be provided with fringes.
- (17) Lit., 'for his honour'.
- (18) Deut. XXII, 12:
- (19) There is none so poor as the dead. So that no indignity be shown to the dead the fringes are inserted in the shroud. V. Ber. 18a, and Tosaf. Nid. 61b s.v. **אבל**.
- (20) Prov. XVII, 5.
- (21) According to Rashi and R. Gershom the garment had as yet no fringes to it. Now if a piece had torn away within three fingerbreadths' distance from the corner (the area within which it is proper to insert the fringes, v. infra), it may not be sewn together, for after the sewing a thread may be left hanging and, together with other threads, will be used for the fringe. But such a fringe is invalid since one of the threads was ready made and not inserted for the purpose of the fringe. According to R. Amram, Halakoth Gedoloth, and Nimmuke Joseph this garment had fringes to it but one corner with the fringe had torn off; now if the piece torn off was more than three fingerbreadths' distance on each side from the corner, i.e., the piece was three fingerbreadths square or more, it is still a garment and the fringe retains its character as a fringe, so that it may be sewn to the rest of the garment and the fringes are valid: If, however, the piece was less than three fingerbreadths square, it is no more a garment and the fringe is no more a fringe, consequently it may not be sewn to the rest of the garment so as to serve as a fringe, since the fringe had already lost its character as such.
- (22) For the fringe would be ready made, and so invalid.

Talmud - Mas. Menachoth 41b

provided they are not cut.¹ You may well infer from this, may you not, that one may detach the fringes from one garment [for insertion] into another garment?² — Perhaps [it is permitted] only when the first garment was worn out.³

Our Rabbis taught: In a garment that is entirely blue [threads of] any colour fulfil [the precept of zizith], except imitation blue.⁴ An objection was raised: Only threads of the same colour as the garment fulfil the precept; but in a garment that is entirely blue one should insert blue threads and threads of some other colour, except threads of imitation blue;⁵ if, however, these were inserted, it is, nevertheless, valid!⁶ — R. Nahman b. Isaac said, This is no difficulty, for in the one case the garment had fringes, each consisting of four threads, and in the other it had fringes each consisting of eight threads.⁷ You may well infer from this, may you not, that one may detach the fringes from one garment [for insertion] into another garment?⁸ — Perhaps it had been done [in contravention of the law].⁹

It was stated: Rab said, One may not detach [the fringes] from one garment [and insert them] into

another; but Samuel said, One may do so. Rab said, One may not kindle one light¹⁰ from another light; but Samuel said, One may do so. Rab said, The halachah is not in accordance with R. Simeon's view concerning the dragging [of an object on the Sabbath]; but Samuel said, It is. Abaye said, In every case my Master [Rabbah] followed Rab's ruling, save in the above three cases in which he followed Samuel's ruling, namely, that one may detach the fringes from one garment [and insert them] into another, that one may kindle one light from another light, and that the halachah is in accordance with R. Simeon's view concerning the dragging [of an object on the Sabbath], for it was taught: R. Simeon says, A man may drag a bed, a chair or a bench on the Sabbath, provided he has no intention of making a groove.¹¹

Rab Judah used to send [his garment with the fringes] to the fuller.¹² R. Hanina used to roll up the fringes into a ball.¹³ Rabina used to sew them up.

Our Rabbis taught: How many threads must one insert? Beth Shammai say, Four,¹⁴ but Beth Hillel say, Three. And how far must they hang down?¹⁵ Beth Shammai say, Four [fingerbreadths]; but Beth Hillel say, Three. And as for the three [fingerbreadths] stated by Beth Hillel each must measure one fourth part of the handbreadth of an ordinary person. R. Papa said, The handbreadth of the Torah is equal to four times the width of the thumb, or six times the width of the little finger, or five times the width of the middle finger.¹⁶

R. Huna said, Four [threads] must be [inserted in the garment] within [the distance of] four [fingerbreadths from the corner], and they must hang down for four [fingerbreadths]. Rab Judah said, Three [threads] must be inserted within three [fingerbreadths from the corner], and they must hang down for three [fingerbreadths]. R. Papa said, The law is: Four [threads] must be inserted within three [fingerbreadths from the corner], and they must hang down for four [fingerbreadths].

Do we then hold that the fringes have a prescribed length, but I can point out a contradiction. It was taught: Zizith:¹⁷ the word zizith means nothing else than something which hangs over; moreover zizith signifies any length whatsoever. And [this was established] long ago when the elders of Beth Shammai and of Beth Hillel went up into the upper chamber of Johanan b. Bathyra and decided that there was no prescribed length for the zizith; and so, too, that there was no prescribed length for the lulab.¹⁸ Now this means, does it not, that there is no prescribed length at all for it? — No,

(1) I.e., each thread is whole and intact (Rashi). This is too obvious, and Tosaf and Nimmuke Joseph are at a loss to suggest a satisfactory explanation.

(2) But it is a subject of dispute between Rab and Samuel, *infra*.

(3) But it is forbidden to remove the fringes from a garment that is in good condition in order to insert them into another garment, for this would be a disparagement of the precept.

(4) For the fringe must consist of two colours, threads of real blue and threads of another colour (usually white). Hence it is not permitted to have a fringe of real blue and imitation blue since they are both the one colour.

(5) V. p. 248, n. 6.

(6) Thus in conflict with the Baraitha which absolutely excludes imitation blue.

(7) The second Baraitha deals with the case where there were four threads already inserted in the garment, two of real blue and two of some other colour, and it was desired to insert four more threads of imitation blue. Now this is not permitted in the first instance (though if one did so it is valid), for this garment might be sold and the buyer, believing that all the blue threads are genuine, might remove two of the imitation blue threads and insert them into another garment, relying upon them as genuine blue threads, thus involving the transgression of the law of diverse kinds. (Second interpretation of Rashi.)

(8) Since the apprehension is that the imitation blue threads will be removed from this garment and put into another (*v. prec. note*), it is obvious that it is permitted to do so.

(9) Although it is not permitted to remove the fringes from one garment for insertion into another, the apprehension is that one might do so and in the circumstances of this case there might arise therefrom the transgression of a grave law.

(10) On the Feast of Hanukkah when lights are kindled for eight days.

(11) Although when dragging a heavy object over soft earth it is inevitable that a groove be made, which act is forbidden on the Sabbath, R. Simeon permits it as long as there was no intention of making the groove. V. Shab. 22a.

(12) And he had no fears lest the fuller damage the real blue threads and replace them with imitation blue threads.

(13) To protect them during washing.

(14) One must insert four threads in the hole at each corner of the garment and double them over in the middle, so that eight threads hang down.

(15) After making the necessary windings and knots in the form of a chain, the threads are left to hang loose; and it is established that the loose threads, called the **פתיל** or **ענף**, must be twice as long as the chain-like portion, called the **גדיל**. The dispute between Beth Shammai and Beth Hillel is, according to Rashi, in respect of the length of the **פתיל**, and according to R. Tam, in respect of the length of the **גדיל**.

(16) In MS.M.: 'five times and one third the (width of the middle) finger'; so too' R. Gershom, and Sh. Mek.

(17) Num. XV, 38.

(18) The palm-branch, **בולבול** used on the Feast of Tabernacles. V. Lev. XXIII, 40.

Talmud - Mas. Menachoth 42a

there is no prescribed maximum length but there is a prescribed minimum length.¹ For if you will not say so, the ruling 'And so, too, that there was no prescribed length for the lulab' would also have to mean that there is no prescribed length at all for it, but we have learnt: A lulab which is three handbreadths in length, long enough to shake, is valid?² We must therefore say that it means, there is no prescribed maximum length for it but there is a prescribed minimum length; so here too, [with regard to the zizith] it means, there is no prescribed maximum length for it but there is a prescribed minimum length.

Our Rabbis taught: zizith: the word zizith means nothing else than something which hangs loose, for so it says, And took me by a lock [zizith] of mine head.³ Abaye said, One must keep [the threads] separate, like the forelock of the gentiles.⁴

Our Rabbis taught If one attached the fringes to the tip [of the corner] or to the selvedge [of the garment],⁵ it is valid; R. Eliezer b. Jacob declares it invalid in both cases. Whose view is adopted in the following statement of R. Giddal in the name of Rab: The fringes must hang over the corner,⁶ for it is written, Upon the corners of their garments?⁷ It is the view of R. Eliezer b. Jacob.

R. Jacob said in the name of R. Johanan, It⁸ must be removed from the corner the distance of the first joint of the thumb. Now both R. Papa's teaching⁹ and this teaching of R. Jacob are necessary. For from R. Papa's teaching I only know that it must be within three fingerbreadths' distance from the corner and not farther away than that, but the nearer it is [to the corner] the better; therefore R. Jacob's teaching was necessary. And from R. Jacob's teaching I only know that it must be away from the corner the distance of the first joint of the thumb and not nearer than that, but the farther away it is [from the corner] the better; therefore [both teachings] are necessary.

Rabina and R. Sama were once sitting before R. Ashi when R. Sama noticed that the [edges around the hole in the] corner of Rabina's garment had frayed and [the fringe] was now less than the distance of the first joint of the thumb away [from the corner], and he said to him, 'Does not my Master accept R. Jacob's teaching?' He replied, 'That rule was intended to apply only at the time when it was first made'. [R. Sama] became embarrassed, whereupon R. Ashi said to him, 'Do not be upset, for one of them¹⁰ is equal to two of us'.

R. Aha b. Jacob used to take four threads, double them over, insert them through the garment, and then make them into a loop;¹¹ he was of the opinion that there must be eight threads in the [hole of the] garment, the same number as the threads which hang loose.¹² R. Jeremiah of Difti used to insert

eight threads, which [when hanging down] made sixteen loose threads, but he did not make them into a loop. Mar the son of Rabina used to do it as we do now.¹³

R. Nahman once found R. Adda b. Ahabah inserting the threads [in a garment] and reciting the blessing '[Blessed art thou . . . and hast commanded us] to make the zizith', whereupon he said, 'What is this zizi that I hear?'¹⁴ Thus said Rab: When making the zizith no blessing is to be pronounced'.

After the death of R. Huna, R. Hisda came in [as head of the School] and pointed out the following contradictory teachings of Rab. Did Rab really say that when making the zizith no blessing was to be pronounced? Surely Rab Judah has stated in the name of Rab, Whence do we know that the zizith made by a gentile are invalid? Because it is said, Speak unto the children of Israel and bid them that they . . . make them fringes;¹⁵ the children of Israel shall make [the fringes], but not gentiles! But where is the contradiction here? — R. Joseph said, R. Hisda is of the opinion that a precept which may be performed by a gentile does not require a blessing when performed by an Israelite,¹⁶ but a precept which may not be performed by a gentile requires a blessing when performed by an Israelite.¹⁷

Is this a general principle? But take the case of circumcision. This is permitted to be performed by a gentile, for it has been taught: In a town where there is no Israelite physician but there is a Cuthean¹⁸ physician as well as a gentile one, circumcision should be performed by the gentile but not by the Cuthean. This is the opinion of R. Meir. But R. Judah said, It should be performed by the Cuthean but not by the gentile.¹⁹ And yet when performed by an Israelite a blessing must be pronounced, for a Master has said,²⁰ He that performs the circumcision must say, 'Blessed . . . who hast sanctified us by thy commandments, and hast given us command concerning the circumcision!' — This question [by R. Hisda] concerns Rab, does it not? Surely Rab declares it²¹ invalid! For it has been stated:²² Whence do we know that circumcision performed by a gentile is invalid? Daru b. Papa said in the name of Rab, From the verse, And as for thee, thou shalt keep my covenant.²³ R. Johanan said, From the words, Must needs be circumcised,²⁴ that is, he who is circumcised shall circumcise.

The law concerning the sukkah²⁵ adds support [to R. Hisda's principle] while that concerning the tefillin refutes it. Thus, the sukkah is valid when made by a gentile, for it has been taught: A booth of gentiles, women, cattle, or Cutheans, or any manner of booth, is valid [as a sukkah], provided it was roofed according to law.²⁶ And when made by an Israelite no blessing is necessary, for it has been taught: When a man makes a sukkah for himself he must say, 'Blessed art thou, O Lord our God, King of the universe, who hast kept us in life, and hast preserved us, and enabled us to reach this season'; and when he enters to sit in it he must say, 'Blessed art thou, O Lord our God, King of the universe, who hast sanctified us by thy commandments, and hast commanded us to dwell in the sukkah'. But one never says, [Blessed . . . and hast commanded us] to make the sukkah. On the other hand, the law of tefillin is a refutation; for the tefillin are invalid when made by a gentile, for R. Hinena the son of Raba

(1) The fringes may be as long as desired, but they must hang down for at least the length of four fingerbreadths.

(2) But if it is less than three handbreadths in length it is not valid; so that there is a prescribed minimum length for it. V. Suk. 29b.

(3) Ez. VIII, 3. Heb. **בְּצִיצֵת**.

(4) The forelock after being bound together was left to hang loose in separate strands of hair. So, too, with the fringes, after the necessary windings the threads must hang loose in separate strands.

(5) The closely woven binding at the edge of the garment so as to prevent ravelling.

(6) I.e., the fringes must be some distance away from the corner so that the threads hang over and strike the corner; and it is invalid if the fringes were attached to the actual corner, thus in agreement with R. Eliezer b. Jacob.

(7) Num. XV, 38.

- (8) I.e., the hole in the garment through which the fringes are thread.
- (9) Supra 41b, that the fringes must be inserted within three fingerbreadths' distance from the corner.
- (10) Sc. scholars from Palestine, of whom Rabina was one.
- (11) Having doubled over the threads he used to insert the looped end through the hole in the garment an inch or so and then pass the ends of the threads through this loop and pull tight, and in this manner the threads hung from the garment.
- (12) So MS.M. and early editions, reading גדיל גדילים דליהוי דבעינן. According to cur. text: the same as the number of threads that hang loose suggested by the terms 'twisted cord' and 'twisted cords' (v. supra p. 239).
- (13) I.e., insert four threads so that there are eight threads hanging loose.
- (14) Mockingly mispronouncing the word.
- (15) Num. XV, 38.
- (16) For the usual formula 'Blessed art thou, O Lord our God, King of the Universe, who hast sanctified us by thy commandments and hast commanded us . . .' does not apply since the commandment may be also performed by a gentile.
- (17) And since gentiles may not make the fringes it follows that when an Israelite makes them a blessing must be pronounced; thus contradicting the former statement of Rab.
- (18) The Cutheans, often called Samaritans, were one of the peoples settled in Samaria by the Assyrian king after the exile of the ten tribes. They adopted certain Jewish practices, particularly those based upon the written word of the Torah; cf. 2 Kings XVII, 2ff. Later, however, they were found to be worshipping a dove on Mount Gerizim; v. Hul. 6a.
- (19) V. A.Z. 26b.
- (20) Shab. 137b.
- (21) Sc. circumcision by a gentile.
- (22) A.Z. 27a.
- (23) Gen. XVII, 9. Only one like Abraham, i.e., circumcised, may perform the circumcision.
- (24) Ibid. 13. Heb. הַמּוֹלֵ יְמוּלֵ can by a slight alteration of the vowels be rendered הַמּוֹלֵ, 'he who is circumcised may circumcise', thus excluding gentiles.
- (25) Heb. סֹכֵה, the booth set up at the Feast of Tabernacles in fulfilment of Lev. XXIII, 42.
- (26) Suk. 8b.

Talmud - Mas. Menachoth 42b

of Pashrunia taught: A scroll of the Law, tefillin and mezuzoth written by a min,¹ a Cuthean, a gentile, a slave, a woman, a minor, or an apostate Jew,² are invalid, since it says, And thou shalt bind them . . . and thou shalt write them,³ which indicates that those who 'bind' may 'write', but those who do not 'bind' may not 'write'. And yet when made by an Israelite no blessing is pronounced; for R. Hiyya the son of R. Huna sent the following decision in the name of R. Johanan: Over the hand-tefillah one must say, 'Blessed . . . who hast sanctified us by thy commandments and hast commanded us to put on the tefillin'. Over the head-tefillah one must say, 'Blessed . . . who hast sanctified us by thy commandments and hast given us command concerning the precept of the tefillin'. But one never says, '[Blessed . . . and hast commanded us] to make the tefillin!' — Indeed this is the true principle: Wherever a precept is completed by a single act,⁴ e.g., circumcision, although it may be performed by a gentile, when an Israelite performs it he must pronounce a blessing; and wherever a precept is not completed by a single act, e.g., the tefillin,⁵ although it may be made by a gentile, when an Israelite makes it he does not pronounce a blessing. And as regards the zizith they differ⁶ in this: One holds that [the law of zizith] is an obligation resting upon the garment,⁷ whilst the other holds that it is an obligation incumbent upon the person.⁸

R. Mordecai said to R. Ashi, You have had it reported so;⁹ but we had it reported thus: Rab Judah said in the name of Rab, Whence do we know that the zizith made by a gentile is valid? Because it is said, Speak unto the children of Israel and bid them that they make them fringes;¹⁰ others may make [the fringes] for them.

Rab Judah said in the name of Rab, If a man made [the zizith] from the fringes¹¹ of the cloth, or

from sewing threads,¹² or from tufts¹¹ of the cloth, they are invalid;¹³ but if he made them from a ball of thread they are valid.¹⁴ When I repeated this before Samuel he said that even if he made them from a ball of thread they are invalid, because it is necessary that the weaving of the thread be done for this purpose. This, however, is a matter of dispute between Tannaim, for it has been taught:¹⁵ If a man overlaid [the tefillin] with gold or covered them with the skin of an unclean animal, they are invalid;¹⁶ if with the skin of a clean animal, they are valid, even though he did not prepare it for this specific purpose. Rabban Simeon b. Gamaliel says, Even if he covered them with the skin of a clean animal they are invalid, unless it had been prepared for this specific purpose.¹⁷

Abaye enquired of R. Samuel b. Rab Judah, How do you dye the blue thread? He replied, We take the blood of hillazon¹⁸ together with other ingredients and put them all in a pot and boil them together. Then we take out a little in an egg-shell and test it on a piece of wool; and we throw away what remains in the egg-shell and burn the wool. One can infer three things from this: [i] that the dye used for testing is unfit;¹⁹ [ii] that the dyeing must be for the specific purpose [of the precept]; and [iii] that the dye used for testing renders the rest unfit.²⁰ Are not the rules that the test quantity is itself unfit and that the dyeing must be for the specific purpose [of the precept] identical in meaning? — R. Ashi answered, One states the reason for the other, as much as to say: Why is the test quantity itself unfit? Because the dyeing must be for the specific purpose [of the precept]. This, however, is a matter of dispute between Tannaim, for it has been taught: The test quantity is itself unfit, for it says, All of blue.²¹ So R. Hanina b. Gamaliel. But R. Johanan b. Dahabai says, Even the second dyeing²² is valid, for it says, And scarlet.²³

Our Rabbis taught: There is no manner of testing the blue thread;²⁴ it should therefore be bought only from an expert.²⁵ The tefillin can be tested,²⁶ nevertheless they should only be bought from an expert.²⁷ Scrolls of the Law and mezuzoth can be tested, and may be bought from anyone.²⁸

Is there then no manner of testing the blue thread? But R. Isaac the son of R. Judah used to test it (mnemonic sign: with Ge Shem)²⁹ thus: He used to mix together liquid alum, juice of fenugreek, and urine

(1) Heb. מִיֵּן, a sectarian, or heretic. Idolatrous priests, whether Jews or gentiles (Rashi); v. Glos.

(2) Heb. מוֹזֵר, 'a changed (Israelite)'; a Jew who neglects the practices without discarding the beliefs of Judaism.

(3) Deut. VI, 8, 9.

(4) Lit., 'comes to an end by the doing thereof'.

(5) For the performance of the precept of tefillin is not completed by the making but by the wearing of them.

(6) R. Nahman and R. Hisda as to whether one must pronounce a blessing when making the fringes.

(7) This is R. Hisda's view, and therefore as soon as the fringes are inserted in the garment that is the completion of the precept, so that it is necessary to make a blessing at the time.

(8) R. Nahman holds that the precept is performed only when the garment is worn, and therefore no blessing is pronounced when inserting the fringes.

(9) That fringes made by a gentile are invalid.

(10) Num. XV, 38. 'They' is taken impersonally, not necessarily the children of Israel.

(11) The fringes or tufts of the woven cloth were twisted into zizith, but were not attached to the cloth for this purpose.

(12) That were used in the sewing of the garment and the ends of which were left hanging from the garment.

(13) Since they were not attached to the garment as zizith.

(14) Even though the thread was not woven specifically for zizith.

(15) Git. 45b; Sanh. 48b.

(16) Cf. Shab. 108a: That the law of the Lord may be in thy mouth (Ex. XIII, 9), the tefillin should be made from that which is permissible for food.

(17) Similarly the first Tanna and Rabban Simeon b. Gamaliel would differ as to the necessity for weaving the threads specifically for the purpose of zizith.

(18) Heb. גִּילְזֵי, a species of mollusc. V. Lewysohn, Zoologie des Talmuds, 280-285.

- (19) For dyeing, and the wool dipped in it must be burnt, since it was not dyed for the purpose of the zizith.
- (20) If it is poured back into the vessel with the dye.
- (21) Ex. XXVIII, 31. The dyeing of the blue thread for the zizith should be the first use of the dye, i.e. nothing should have been dyed with this dye previously. Hence the quantity of dye used in testing is not valid for the zizith.
- (22) I.e., even though something else has already been dyed with this dye.
- (23) Lev. XIV, 4. Heb. שני תולעת is interpreted as שני תולעת 'the second use of the scarlet dye'. And so it is too with the blue dye.
- (24) To ascertain whether it has been dyed with genuine or imitation blue.
- (25) One who knows that vegetable blue or any other imitation blue is unfit for the purpose.
- (26) To ascertain whether they have been made according to prescribed law and whether the Scriptural portions therein have been correctly written.
- (27) One who knows that it is essential to prepare the leather specifically for the tefillin.
- (28) Since it is not necessary that the parchment upon which they are written be prepared specially for the purpose.
- (29) גשם being the initial letters of the ingredients used in the mixture for testing: ג for גילא (alum), ש for שאתלירב (fenugreek) and ז for זי רגלים (urine).

Talmud - Mas. Menachoth 43a

of a forty-day old child,¹ and soak [the blue thread] in it overnight until the morning; if the colour faded it is invalid,² but if not, it is valid. Moreover, R. Adda stated the following test before Raba in the name of R. 'Avira: One should take a piece of hard leavened dough of barley meal and bake it with [the blue thread] inside; if the colour improved³ it is valid, but if it deteriorated it is invalid; and in order to remember this, think of the phrase 'a false change, a true change!'⁴ — The statement 'There is no manner of testing the blue thread' refers to the test quantity.⁵

Mar of Moshke once obtained in the time of R. Ahai some blue thread; on testing it by the test submitted by R. Isaac the son of R. Judah its colour faded, but on testing it by R. Adda's test its colour improved. He was about to declare it invalid when R. Ahai said to him, This is neither genuine blue nor imitation blue! We must therefore say that one test⁶ supplements the other thus: if the test of R. Isaac the son of R. Judah had been applied and the colour had not faded it is certainly valid, but if its colour had faded we should then test it by R. Adda's test by [baking it in] a hard piece of leavened dough; if its colour improved it is valid, but if it deteriorated it is invalid. A message was sent from there [Palestine] saying, The tests supplement each other.

R. Mani was most particular when buying [the blue thread]. in accordance with the restrictions of the above Baraitha;⁷ whereupon a certain old man said to him, Those who long preceded you acted so, and they were successful in their business.

Our Rabbis taught: If a man bought a garment furnished with zizith from an Israelite in the market, the presumption is [that it is valid];⁸ if he bought it from a gentile, who was a merchant, it is valid,⁹ but if he was a private individual it is invalid.¹⁰ And [this is so] notwithstanding that they said, A man may not sell a garment furnished with zizith to a gentile unless he removed the zizith.¹¹ What is the reason for this? — Here it was explained, on account of a harlot.¹² Rab Judah said, It is to be feared that [an Israelite] might join him on the road and he might kill him.¹³

Rab Judah attached fringes to the aprons of [the women of] his household;¹⁴ moreover, he used to say every morning the blessing ['. . . and hast commanded us] to enwrap ourselves with the fringes'. But since he attached [the fringes to the womens' garments], obviously he is of the opinion that it is a precept not dependent on a fixed time;¹⁵ why then did he say the blessing every morning?¹⁶ — He follows Rabbi's view; for it was taught: Whenever a man puts on the tefillin he should make a blessing over them, says Rabbi. But if so, at any time [of the day whenever he puts on the garment he should say the blessing]? — Rab Judah was a most decorous person and would not take off his

cloak the whole day long. Then why [did he say the blessing] in the morning?¹⁷ — That was when he changed from night clothes into day clothes.

Our Rabbis taught: All must observe the law of zizith, priests, Levites, and Israelites, proselytes, women and slaves. R. Simeon declares women exempt, since it is a positive precept dependent on a fixed time,¹⁸ and women are exempt from all positive precepts that are dependent on a fixed time.

The Master said, 'All must observe the law of zizith, priests, Levites, and Israelites'. Is not this obvious? For if priests and Levites and Israelites were exempt, then who would observe it? — It was stated particularly on account of priests. For I might have argued, since it is written, Thou shalt not wear a mingled stuff, wool and linen together, and [it is followed by,] Thou shalt make thee twisted cords,¹⁹ that only those who are forbidden to wear mingled stuff must observe the law of zizith, and as priests are permitted to wear mingled stuff²⁰ they need not observe [the law of zizith]; we are therefore taught [that they, too, are bound], for although while performing the service [in the Temple] they may wear [mingled stuff] they certainly may not wear it when not performing the service.

R. Simeon declares women exempt'. What is R. Simeon's reason? — It was taught: That ye may look upon it:²¹ this excludes a night garment. You say it excludes a night garment, but perhaps it is not so, but it excludes rather a blind man's garment? The verse, when it says, Wherewith thou coverest thyself,²² clearly includes a blind man's garment; how then must I explain the verse, That ye may look upon it? As excluding a night garment. And why do you choose to include a blind man's garment and to exclude a night garment?²³ include a blind man's garment since it is looked upon by others, whilst I exclude a night garment since it cannot be looked upon by others. And the Rabbis,

(1) Or 'that had been kept for forty days'.

(2) For it is not genuine blue.

(3) Lit., 'changed for the better'.

(4) Where the change was for the worse, i.e., the colour deteriorated, it is spurious and is invalid; but where the change was for the better it is genuine and is valid.

(5) I.e., there is no manner of testing the blue thread so as to ascertain whether it was dyed in the vessel with the dye or in the quantity taken out as a test.

(6) Lit., 'the teachings' referring to the teachings of R. Isaac and R. Adda.

(7) That it should be bought only from an expert who knows the law.

(8) I.e., the blue thread in the zizith is deemed to be genuine.

(9) For the merchant would not risk his reputation as an honest dealer by passing off the imitation blue for the genuine.

(10) For the gentile may have dyed the thread himself, in which case it obviously could not have been dyed for the purpose of the precept.

(11) Nevertheless if one bought it from a gentile merchant it is valid, for it is almost certain that a Jew sold it to him.

(12) A gentile harlot, receiving this garment with the fringes from a gentile as hire, might spread an evil report against a Jew, producing the garment in support of her words.

(13) A Jewish wayfarer would unhesitatingly join the gentile on the way, believing him to be a Jew since he is wearing a garment with fringes, and would have no suspicion against him so as to guard himself against attack.

(14) For he held that women are also bound to wear zizith.

(15) For women must observe only those positive precepts that do not depend upon the time of the year or of the day for their performance; therefore by imposing the precept of zizith upon women Rab Judah obviously holds that night as well as day is the proper time for the fringes.

(16) Surely the blessing should be said only once, and that when the garment is put on for the first time.

(17) Which presumably means at dawn; he should, however, have recited the blessing even earlier than dawn, as soon as he rose.

(18) For the night is not the proper time for zizith.

(19) Deut. XXII, 11, 12.

(20) For the girdle which was part of the Priests' robes consisted of wool and linen.

(21) Num. XV, 39.

(22) Deut. XXII, 12.

(23) The verse surely is not required to include a blind man's garment; since they declare that a night garment is subject to zizith — for according to them the precept is not limited to time, a fortiori a blind man's garment is subject to zizith.

Talmud - Mas. Menachoth 43b

for what purpose do they use the expression 'Wherewith thou coverest thyself'? — They require it for the following Baraitha that was taught: Upon the four corners of thy covering;¹ four, but not three.² You say, 'four but not three', but perhaps it is not so, but rather 'four but not five'? The verse, when it says, 'Wherewith thou coverest thyself', clearly includes a five-cornered garment; how then must I explain the verse, 'Upon the four corners'? Four, but not three. And why do you choose to include a five-cornered garment and to exclude a three-cornered one? I include a five-cornered garment since five contains four, whilst I exclude a three-cornered garment since three does not contain four. And whence does R. Simeon know this? — He derives it from the word 'wherewith'.³ And the Rabbis? — The word 'wherewith' [they say] does not convey any teaching.

And for what purpose do the Rabbis use the expression 'That ye may look upon it'? — They require it for the following teaching: 'That ye may look upon it, and remember', that is, look upon this precept and remember another precept that is dependent upon it, namely, the reading of the Shema'. As we have learnt: From what time in the morning may the Shema' be read? From the time that one can distinguish between blue and white.⁴ Another [Baraitha] taught: 'That ye may look upon it, and remember', that is, look upon this precept, and remember another precept that is next to it, namely, 'the law concerning mingled stuffs, for it is written, Thou shalt not wear a mingled stuff, wool and linen together'. Thou shalt make thee twisted cords.⁵ And another [Baraitha] taught: That ye may look upon it, and remember all the commandments of the Lord: as soon as a person is bound to observe this precept⁶ he must observe all the precepts. This is in accordance with R. Simeon's view that [the zizith] is a precept dependent on time.⁷ And another [Baraitha] taught: 'That ye may look upon it and remember all the commandments of the Lord': this precept is equal to all the precepts together.⁸ And another [Baraitha] taught: 'That ye may look upon it and remember . . . and do them': looking [upon it] leads to remembering [the commandments], and remembering leads to doing them. R. Simeon b. Yohai says, Whosoever is scrupulous in the observance of this precept is worthy to receive the Divine presence, for it is written here, 'That ye may look upon it', and there it is written, Thou shalt fear the Lord thy God, and Him shalt thou serve.⁹

Our Rabbis taught: Beloved are Israel, for the Holy One, blessed be He, surrounded them with precepts: tefillin on their heads, tefillin on their arms, zizith on their garments, and mezuzoth on their door-posts; concerning these David said, Seven times a day do I praise Thee, because of Thy righteous ordinances.¹⁰ And as David entered the bath and saw himself standing naked, he exclaimed, 'Woe is me that I stand naked without any precepts about me!' But when he reminded himself of the circumcision in his flesh his mind was set at ease. And when he came out he sang a hymn of praise concerning it, as it is written, For the Leader; [with stringmusic;] on the Eighth. A Psalm of David;¹¹ that is, concerning circumcision which was given eighth.¹²

R. Eliezer b. Jacob said, Whosoever has the tefillin on his head, the tefillin on his arm, the zizith on his garment, and the mezuzah on his doorpost, is in absolute security against sinning, for it is written, And a threefold cord is not quickly broken;¹³ and it is also written, The angel of the Lord encampeth round about them that fear Him, and delivereth them.¹⁴

It was taught: R. Meir used to say, Why is blue specified from all the other colours [for this precept]? Because blue resembles the colour of the sea, and the sea resembles the colour of the sky,

and the sky resembles the colour of [a sapphire, and a sapphire resembles the colour of]¹⁵ the Throne of Glory, as it is said, And there was under his feet as it were a paved work of sapphire stone,¹⁶ and it is also written, The likeness of a throne as the appearance of a sapphire stone.¹⁷

It was taught: R. Meir used to say, Greater is the punishment for the [non-observance of the] white threads than for the [non-observance of the] blue threads [of the fringes].¹⁸ This is to be illustrated by a parable. A king of flesh and blood gave orders to two servants; to one he said, 'Bring me a seal of clay', but to the other he said, 'Bring me a seal of gold'; and they both failed in their duty and did not bring them. Now who is deserving of the greater punishment? Surely it is the one to whom the king said, 'Bring me a seal of clay', and who did not do so.

It was taught: R. Meir used to say, A man is bound to say one hundred blessings daily, as it is written, And now, Israel, what doth the Lord thy God require of thee?¹⁹ On Sabbaths and on Festivals²⁰ R. Hiyya the son of R. Awia endeavoured to make up this number by the use of spices and delicacies.²¹

It was taught: R. Judah²² used to say, A man is bound to say the following three blessings daily: '[Blessed art thou . . .] who hast not made me a heathen',²³ '. . . who hast not made me a woman'; and '. . . who hast not made me a brutish man'. R. Aha b. Jacob once overheard his son saying '[Blessed art thou . . .] who hast not made me a brutish man', whereupon he said to him, 'And this too!'²⁴ Said the other, 'Then what blessing should I say instead?' [He replied,] '. . . who hast not made me a slave'. And is not that the same as a woman?²⁵ — A slave

(1) Deut. XXII, 12.

(2) I.e., a three-cornered garment is not subject to zizith.

(3) This word, being superfluous, includes a five-cornered garment within the law.

(4) As soon as one can distinguish the various threads of the zizith one may recite the Shema'; v. Ber. 9b. Thus one precept is made dependent upon the other. For the Shema' v. Authorized P.B. p. 40.

(5) Deut. XXII, 11, 12.

(6) I.e., at the age of thirteen years and one day; in other words: whosoever is bound to keep the law of zizith must keep all the precepts of the Torah. Aliter: As soon as one is bound to observe this precept, i.e., at daybreak, one must observe all the other precepts of the day.

(7) And consequently women are exempt. According to the Rabbis, however, this principle does not hold good, for women, although bound to observe the law of zizith, are exempt from many laws.

(8) The numerical value of the letters of the word **צִיצִית** (90+10+90+10+400) is 600, which together with the eight threads and five knots of each fringe makes 613, which equals the number of precepts in the Torah.

(9) Deut. VI, 13. The word **אָתָּה** 'him' or 'it' is common to both verses, and as in the latter verse it refers to the Lord, so too in the former; thus the observance of 'it' makes one worthy of looking upon 'Him'.

(10) Psalms CXIX, 164. The reference is to these seven precepts: the four fringes, the two tefillin, and the mezuzah.

(11) Psalms VI,1.

(12) I.e., to be observed on the eighth day. Or, which was given as the eighth commandment in the Torah specifically to Israel, for the first seven commandments were given to the sons of Noah. V. Maharsha.

(13) Eccl. IV, 12. The reference is to the three precepts enumerated.

(14) Psalms XXXIV, 8.

(15) Supplied from Sh. Mek.

(16) Ex. XXIV, 10.

(17) Ezek. I, 26. And as God sits upon His Throne of Glory He is immediately reminded of the blue thread of the zizith worn by the Israelites, and bestows upon them blessings. Moreover, it is a mark of honour for Israel to wear upon their garments a thread which bears the colour of the Throne of Glory.

(18) For the white threads are easily obtainable, whereas the blue threads are not only difficult to obtain but very expensive.

(19) Deut. X, 12, The word **מָה** 'what' is interpreted as though it were **מֵאָה** 'a hundred'. But see Tosaf. s.v. **שואל**.

- (20) When in place of the usual prayer of eighteen benedictions there is a prayer of seven benedictions.
- (21) For the enjoyment of which it is necessary to make a blessing.
- (22) So in many MSS., in Hal. Ged. and Alfasi, and in the parallel passages in Jer. Ber. IX, 1, and Tosef. Ber. VII. Cur. edd. 'R. Meir'.
- (23) So MS.M., Alfasi and Asheri, and so too in Tosef. Ber. l.c. Cur. edd. '... who hast made me an Israelite'.
- (24) This blessing savours somewhat of conceit. Aliter: there is no reason to make this blessing since a brutish man is also bound by all the precepts.
- (25) For with regard to the performance of precepts a woman and a slave are on the same footing; cf. Hag. 4a.

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is more contemptible.¹

Our Rabbis taught: The hillazon resembles the sea in its colour,² and in shape it resembles a fish; it appears³ once in seventy years, and with its blood one dyes the blue thread; and therefore it is so expensive.

It was taught: R. Nathan said, There is not a single precept in the Torah, even the lightest, whose reward is not enjoyed in this world; and as to its reward in the future world I know not how great it is. Go and learn this from the precept of zizith. Once a man, who was very scrupulous about the precept of zizith, heard of a certain harlot in one of the towns by the sea who accepted four hundred gold [denars] for her hire. He sent her four hundred gold [denars] and appointed a day with her. When the day arrived he came and waited at her door, and her maid came and told her, 'That man who sent you four hundred gold [denars] is here and waiting at the door'; to which she replied 'Let him come in'. When he came in she prepared for him seven beds, six of silver and one of gold; and between one bed and the other there were steps of silver, but the last were of gold. She then went up to the top bed and lay down upon it naked. He too went up after her in his desire to sit naked with her, when all of a sudden the four fringes [of his garment] struck him across the face; whereupon he slipped off and sat upon the ground. She also slipped off and sat upon the ground and said, 'By the Roman Capitol,⁴ I will not leave you alone until you tell me what blemish you saw in me. 'By the Temple',⁵ he replied, 'never have I seen a woman as beautiful as you are; but there is one precept which the Lord our God has commanded us, it is called zizith, and with regard to it the expression 'I am the Lord your God' is twice written,⁶ signifying, I am He who will exact punishment in the future, and I am He who will give reward in the future. Now [the zizith] appeared to me as four witnesses [testifying against me]'. She said, 'I will not leave you until you tell me your name, the name of your town, the name of your teacher, the name of your school in which you study the Torah'. He wrote all this down and handed it to her. Thereupon she arose and divided her estate into three parts; one third for the government,⁷ one third to be distributed among the poor, and one third she took with her in her hand; the bed clothes, however, she retained. She then came to the Beth Hamidrash of R. Hiyya, and said to him, 'Master, give instructions about me that they make me a proselyte'. 'My daughter', he replied; 'perhaps you have set your eyes on one of the disciples?' She thereupon took out the script and handed it to him. 'Go', said he 'and enjoy your acquisition'. Those very bed-clothes which she had spread for him for an illicit purpose she now spread out for him lawfully. This is the reward [of the precept] in this world; and as for its reward in the future world I know not how great it is. Rab Judah said, A borrowed garment is exempt from zizith for the first thirty days, thereafter it is subject to it. So, too, it was taught in a Baraitha: He who stays at an inn in the Land of Israel or who rents a house outside the Land [of Israel] is, for the first thirty days, exempt from mezuzah, thereafter he is subject to it. But he who rents a house within the Land of Israel is bound to affix a mezuzah forthwith, in order to maintain the settlement in the Land of Israel.⁸

HEAD-TEFILLAH. R. Hisda said, This was taught only when he has [both],⁹ but if he has not [both, the absence of one will certainly] invalidate the other. They asked him, 'Do you still say this?' 'No', he replied; 'for can it be said that one who has not the wherewithal to perform two precepts should not even perform one?' What was his opinion before? — It was only a precaution lest he become negligent [in the precept].¹⁰

R. Shesheth said, Whosoever does not put on the tefillin transgresses eight precepts,¹¹ and whosoever has not zizith attached to his garment transgresses five precepts;¹² and every priest who does not go up to the platform¹³ transgresses three precepts;¹⁴ and whosoever has not a mezuzah on his door transgresses two precepts, namely, And thou shalt write them,¹⁵ And thou shalt write them.¹⁶

Resh Lakish said, He who puts on the tefillin will live long, for it is written,

(1) Or, 'nevertheless go on (including the blessing concerning the slave)', so as to make up the three blessings.

(2) Or 'its essence', i.e. its blood. V. Lewysohn, op. cit. p. 282.

(3) Lit., 'comes up', i.e., from the sea; so Rashi in San. 91a and Meg. 6a.

(4) A form of oath. According to Rashi: By the head of Rome (referring to the Emperor).

(5) Lit., 'the service' (of the Temple).

(6) Num. XV, 41. The expression is repeated in this verse.

(7) So that they should not hinder her in her purpose of being converted to Judaism.

(8) The rule that the tenant must fix the mezuzah will deter him from leaving the premises since he would not be permitted to remove it on leaving; v. B.M. 102a. Furthermore, even if he were to leave the premises the house would soon be let again because of the advantage of its having mezuzoth affixed.

(9) I.e., he possesses both tefillin; in that case the wearing of one is not dependent upon the other.

(10) And he will acquire only one tefillah since the use of one is itself a precept.

(11) For in each of the four Scriptural texts of the tefillin there is a twofold injunction, namely, to place the tefillin upon the hand and upon the head; hence the non-observance of this law involves the transgression of these eight commands. V. Rashi.

(12) The four precepts stated in Num. XV, 38 and 39, and the fifth in Deut. XXII, 12.

(13) To pronounce the priestly benediction.

(14) Cf. Num. VI, 23: On this wise ye shall bless the children of Israel; ye shall say to them, which contains two precepts, and the third in v. 27: So shall they put My name upon the children of Israel.

(15) Deut. VI, 9.

(16) Ibid. XI, 20.

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The Lord upon them, they shall live, and altogether therein is the life of my spirit; wherefore recover Thou me, and make me to live.¹

MISHNAH. THE [ABSENCE OF THE] FINE FLOUR AND THE OIL DOES NOT INVALIDATE THE WINE,² NEITHER DOES THE [ABSENCE OF THE] WINE INVALIDATE THEM. THE [OMISSION OF ONE OF THE] SPRINKLINGS [OF THE BLOOD] ON THE OUTER ALTAR DOES NOT INVALIDATE THE REST.³

GEMARA. Our Rabbis taught: It is written, And their meal-offering and their drink-offerings,⁴ that is, you must first offer the meal-offering and then the drink-offering.⁵ Rabbi says, It is written, A sacrifice and drink-offerings,⁶ that is, you must first offer the sacrifice and then the drink-offering.⁷ But [against] Rabbi [it will be asked]: Is it not written, 'And their meal-offering and their drink-offerings'? — That verse he requires for the teaching that their meal-offering and their drink-offerings may be offered at night and that their meal-offering and their drink-offerings may be

offered even on the following day.⁸ And [against] the Rabbis [it will be asked]: Is it not written, 'A sacrifice and drink-offerings'? — That verse they require for Ze'iri's teaching; for Ze'iri said, The drink-offerings become hallowed only by the slaughtering of the animal-offering.⁹ And does not Rabbi also require that verse for Ze'iri's teaching? And do not the Rabbis also require the other verse for the teaching that their meal-offering and their drink-offerings may be offered at night and that their meal-offering and their drink-offerings may be offered even on the following day?¹⁰ — In truth this is the reason for the Rabbis' view; it is written, A burnt-offering and a meal-offering.¹¹ And [against] Rabbi [then it will be asked]: Is it not written, A burnt-offering and a meal-offering? — Rather [this is the true position]: When the drink-offerings accompany the sacrifice all are agreed that the meal-offering is offered first and it is followed by the drink-offering, for it is written, 'A burnt-offering and a meal-offering'. They only differ where they are offered as an offering by themselves; the Rabbis are of the opinion that just as when they accompany the sacrifice the meal-offering is offered first and then the drink-offering, so it is, too, when they are offered by themselves, namely, the meal-offering is offered first and then the drink-offering. Rabbi, however, distinguishes thus: only there [where they accompany the sacrifice does the meal-offering precede the drink-offering] for since the offering began with what is eaten¹² one should continue with what is eaten;¹³ but where they are offered as an offering by themselves the drink-offering takes the first place, since the Psalm is sung [by the Levites] over it.¹⁴

THE [OMISSION OF ONE OF THE] SPRINKLINGS [OF THE BLOOD] ON THE OUTER ALTAR DOES NOT INVALIDATE THE REST. Our Rabbis taught: Whence do we know that any offering whose blood must be sprinkled on the outer altar effects atonement even if it is sprinkled with but one act of sprinkling? From the verse, And the blood of thy sacrifices shall be poured out against the altar of the Lord thy God.¹⁵

MISHNAH. THE [ABSENCE OF EITHER THE] BULLOCKS OR THE RAMS OR THE LAMBS DOES NOT INVALIDATE THE OTHERS.¹⁶ R. SIMEON SAID, IF THEY HAD [MEANS ENOUGH FOR THE] MANY BULLOCKS BUT HAD NOT [MEANS ENOUGH FOR] THE DRINK-OFFERINGS, THEY SHOULD BRING ONE BULLOCK AND ITS DRINK-OFFERINGS AND SHOULD NOT OFFER THEM ALL WITHOUT DRINK-OFFERINGS.

GEMARA. Which bullocks and lambs are meant? Will you say those of the Feast [of Tabernacles]?¹⁷ But there is written of them, After the ordinance,¹⁸ After the ordinance!¹⁸ — We must therefore say that those of the New Moon and of Pentecost are meant, which are ordained in the Book of Numbers.¹⁹

(1) Isa. XXXVIII, 16. The opening of this verse is interpreted in reference to the tefillin thus: They that hear upon them the name of the Lord (i.e. that wear the tefillin) shall live.

(2) The reference is to the drink-offerings which accompanied most important animal sacrifices; v. Num. XV, 4ff. The absence of one component part does not prevent the offering of the other.

(3) I.e., the omission of one sprinkling does not render the ceremony invalid, since the sacrifice is valid if the blood was sprinkled with but one act of sprinkling. V. Zeb. 36b.

(4) Ibid. XXIX, 18.

(5) In this passage 'drink-offering' (in the sing.) refers only to the wine libation.

(6) Lev. XXIII, 37.

(7) Which is to be followed by the meal-offering.

(8) Provided they were not hallowed in a vessel of ministry on the previous day. Cf. Tem. 14a.

(9) But before the slaughtering of the animal the drink-offerings designated for this sacrifice may be used for another.

(10) Since both the verses cited are required for the special teachings, neither can draw any inference therefrom as to the priority of the meal-offering over the drink-offering, or vice versa.

(11) Lev. XXIII, 37. Hence the meal-offering follows immediately after the animal-offering.

- (12) Sc. solid food; i.e., the flesh of the sacrifice which is burnt upon the altar.
- (13) Sc. the meal-offering, which is also solid food consumed by the altar.
- (14) V. 'Ar. 11a.
- (15) Deut. XII, 27. The expression 'poured out' suggests one act of sprinkling.
- (16) Each may be offered by itself in the absence of the others.
- (17) On each day of this Festival bullocks and lambs were offered; v. Num. XXIX, 12ff.
- (18) Ibid. 18 and 33. These terms imply precision and the indispensability of every item prescribed.
- (19) The reference is to the Musaf or additional offerings of the New Moon and of Pentecost, consisting in each case of two bullocks, one ram and seven lambs; cf. ibid. XXVIII, 11 and 27.

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And which rams are meant? Will you say those of the above occasions?¹ But only one ram is spoken of there!² Or will you say those of Pentecost which are ordained in the Book of Leviticus?³ But the expression 'shall be' is used with regard to them!⁴ — In truth those of Pentecost which are ordained in the Book of Leviticus are meant, and [the Mishnah] teaches that neither the [absence of the] rams which are ordained in Leviticus will invalidate the ram ordained in Numbers nor will [the absence of] the ram ordained in Numbers invalidate the rams ordained in Leviticus. Then [the position is this, is it not], that in regard to the bullocks even [though they are ordained in one passage the absence of] one does not invalidate the other;⁵ whereas in regard to the rams the absence of what is ordained in one passage does not invalidate what is ordained in another passage, but of what is ordained in one passage the absence of one invalidates the other?⁶ — The Tanna dealt with different conditions in each case.⁷

And in the day of the new moon it shall be a young bullock without blemish; and six lambs and a ram; they shall be without blemish.⁸ Why does the text say, 'A bullock'? It is because in the Torah it says, [Two] bullocks;⁹ but whence do I know that if two are not to be found one must be brought? The text therefore says, 'A bullock'. Again why does the text say, 'Six lambs'? It is because in the Torah it says, Seven lambs;⁹ but whence do I know that if seven are not to be found six must be brought? The text therefore says, Six lambs. And whence do I know that if six are not to be found five are to be brought, and if not five four, and if not four three, and if not three two, or even one? The text therefore says, And lambs according as his means suffice.¹⁰ But since this is so,¹¹ why does the text say, 'six lambs'? To indicate that we must make every effort to obtain as many as possible. And whence do I know that [the absence of] one invalidates the others?¹² Because the text says, They shall be.¹³

Thus saith the Lord God, In the first month, in the first day of the month thou shalt take a young bullock without blemish, and thou shalt offer it as a sin-offering in the sanctuary.¹⁴ A sin-offering? But surely it is a burnt-offering?¹⁵ — R. Johanan said, This passage will be interpreted by Elijah in the future.¹⁶ R. Ashi said, [It refers to] the special consecration-offering [to be] offered in the time of Ezra¹⁷ just as it was offered in the time of Moses.¹⁸ There has also been taught [a Baraita] to the same effect: R. Judah says, This passage will be interpreted by Elijah in the future. But R. Jose said to him, [It refers to] the consecration-offering [to be] offered in the time of Ezra just as it was offered in the time of Moses. He replied, May your mind be at ease for you have set mine at ease.

The priests shall not eat of anything that dieth of itself [nebelah], or is torn [trefah], whether it be fowl or beast.¹⁹ Is it only the priests that may not eat such but the Israelites may?²⁰ — R. Johanan said, This passage will be interpreted by Elijah in the future. Rabina said, It was necessary [to repeat this prohibition] for the priests, for I might have thought that since they are permitted [to eat] a bird-offering of which the head had been nipped off at the neck,²¹ they are also permitted to eat nebelah and trefah; we are therefore told [that it is not so].

And so thou shalt do on the seventh day of the month for every one that erreth, and for him that is simple; so shall ye make atonement for the house.²² ‘Seven’,²³ says R. Johanan, refers to a sin committed by seven tribes, even though they do not constitute the majority of the community.²⁴ ‘New [moon]’, that is, they decided a new law saying, [e.g.,] that fat is permitted.²⁵ ‘For every one that erreth and for him that is simple’, this teaches that they²⁶ are liable²⁷ only if the ruling [of the Beth din was made] in ignorance and the transgression [of the community] was committed in error.²⁸

Rab Judah said in the name of Rab, That man is to be remembered for good, and Hanina b. Hezekiah is his name; for were it not for him the Book of Ezekiel would have been suppressed, since its sayings contradicted the words of the Torah. What did he do? He took up with him three hundred barrels of oil²⁹ and remained there in the upper chamber until he had explained away everything.

R. SIMEON SAID, IF THEY HAD [MEANS ENOUGH FOR] THE MANY BULLOCKS etc. Our Rabbis taught: It is written, And he shall prepare a meal-offering, an ephah for the bullock, and an ephah for the ram, and for the lambs according as his means suffice, and a bin of oil to an ephah.³⁰ R. Simeon asked, Is the quantity [of flour for a meal-offering] the same for bullocks as for rams?³¹ But it signifies that if they had [means enough for] the many bullocks but had not [means enough for] the drink-offerings, they should bring one bullock and its drink-offerings and should not offer them all without drink-offerings. And if they had [means enough for]

(1) As prescribed in the Book of Numbers; v. prec. note.

(2) Whereas our Mishnah speaks of rams in the plural.

(3) Which are offered with the two loaves; v. Lev. XXIII, 18: And ye shall offer with the bread seven lambs . . . and one young bullock and two rams; they shall be for a burnt-offering unto the Lord.

(4) V. prec. note. The expression ‘shall be’ invariably implies indispensability of every item and detail; thus conflicting with our Mishnah.

(5) And if one bullock was lost the other may nevertheless be offered.

(6) I.e., the two rams offered with the two loaves on Pentecost, ordained in Lev. XXIII, 18, are indispensable to each other, and one cannot be offered without the other.

(7) I.e., the position as described is quite correct, and the Tanna of our Mishnah was in no way concerned with the facts that the cases of the bullocks and of the rams were not on all fours.

(8) Ezek. XLVI, 6.

(9) Num. XXVIII, 11.

(10) Ezek. XLVI, 7.

(11) That less than the prescribed number of seven may be brought.

(12) I.e., if there were seven (or any lesser number of) lambs each one is indispensable and the absence of one of them would prevent the offering of the others. So Rashi; but v. Tosaf. s.v. **וּמְנִיָּן**, and Sh. Mek. n. 3.

(13) Ezek. XLVI, 6. This expression indicates indispensability

(14) Ezek. XLV, 18. The word **וְהַטָּאָה** rendered in the versions ‘and thou shalt purify’ is understood as though it were read **וְהַטָּאָה** ‘and a sin-offering’.

(15) The special sacrifices of the New Moon were burnt-offerings, v. Num. XXVIII, 11.

(16) This means that it is beyond our power to reconcile this verse with the ordinance of the Torah and will be explained by Elijah the Prophet, the herald of the Messianic era, who is to make the truth known.

(17) V. Sh. Mek. n. 4.

(18) For on the eighth day of the consecration of the Sanctuary in the time of Moses, which coincided with the New Moon of Nisan, sin-offerings, and not the usual burnt-offerings, were brought. The prophet Ezekiel foretells a similar consecration of the Temple on the New Moon in the future, when in place of the usual burnt-offerings sin-offerings will be offered.

(19) Ezek. XLIV, 31.

(20) Surely not; for nebelah and trefah are expressly forbidden in the Torah to all Israelites, v. Deut. XIV, 21, and Ex. XXII, 30.

(21) Bird-offerings were not slaughtered in the usual manner but their heads were nipped off at the neck, v. Lev. I, 15.

After the application of the blood as prescribed, the priests were allowed to eat the flesh of the bird, although for profane purposes such nipping would render the bird nebelah.

(22) Ezek. XLV, 20.

(23) The expression **בשבעה בחדש**, 'on the seventh day of the month' is interpreted separately, **שבעה** meaning seven, and **חדש** the new moon.

(24) The reference is to the special sin-offering of a bullock brought on behalf of the community when the whole community or the greater part thereof or even the majority of the tribes had committed a sin by acting upon the erroneous ruling of the Beth din; v. Lev. IV, 13.

(25) Whereas the fat is forbidden by the Torah on penalty of kareth; v. Lev. VII, 25.

(26) Sc. the community.

(27) To bring the special sin-offering of a bullock.

(28) I.e., the people acted in accordance with the new ruling of the Beth din and actually ate forbidden fat.

(29) To serve him for lighting.

(30) Ezek. XLVI, 7.

(31) Of course not, for the quantity of flour for the meal-offering which accompanied the offering of a bullock was three tenths of an ephah whereas that which accompanied a ram was two tenths. V. Num. XV, 6, 9.

Talmud - Mas. Menachoth 45b

the many rams but had not [means enough for] the meal-offerings,¹ they should bring one ram and its meal-offering and should not offer them all without meal-offerings.

MISHNAH. THE [ABSENCE OF THE] BULLOCK,² OR THE RAMS, OR THE LAMBS OR THE HE-GOAT DOES NOT INVALIDATE THE BREAD-OFFERING,³ NEITHER DOES THE [ABSENCE OF THE] BREAD-OFFERING INVALIDATE THEM. THE [ABSENCE OF THE] BREAD-OFFERING INVALIDATES THE LAMBS,⁴ BUT THE [ABSENCE OF THE] LAMBS DOES NOT INVALIDATE THE BREAD-OFFERING. SO R. AKIBA. R. SIMEON B. NANOS SAID, IT IS NOT SO, BUT RATHER THE [ABSENCE OF THE] LAMBS INVALIDATES THE BREAD-OFFERING, WHILST THE [ABSENCE OF THE] BREAD-OFFERING DOES NOT INVALIDATE THE LAMBS; FOR SO WE FIND IT WAS THE CASE THAT WHEN THE ISRAELITES WERE IN THE WILDERNESS FOR FORTY YEARS THEY OFFERED THE LAMBS WITHOUT THE BREAD-OFFERING;⁵ THEREFORE NOW TOO THEY MAY OFFER THE LAMBS WITHOUT THE BREAD-OFFERING. R. SIMEON SAID, THE HALACHAH IS ACCORDING TO THE WORDS OF BEN NANOS BUT THE REASON IS NOT AS HE STATED IT; FOR EVERY OFFERING STATED IN THE BOOK OF NUMBERS WAS OFFERED IN THE WILDERNESS, BUT NOT EVERY OFFERING STATED IN THE BOOK OF LEVITICUS WAS OFFERED IN THE WILDERNESS; HOWEVER, WHEN THEY CAME INTO THE LAND OF ISRAEL THEY OFFERED BOTH KINDS. WHY THEN DO I SAY THAT THE LAMBS MAY BE OFFERED WITHOUT THE BREAD-OFFERING? BECAUSE THE LAMBS RENDER THEMSELVES PERMISSIBLE.⁶ AND [WHY DO I SAY THAT] THE BREAD-OFFERING MAY NOT BE OFFERED WITHOUT THE LAMBS? BECAUSE THERE IS NOTHING THAT RENDERS IT PERMISSIBLE.⁷

GEMARA. Our Rabbis taught: And ye shall present with the bread,⁸ that is, as an obligation with the bread-offering;⁹ seven lambs without blemish,¹⁰ that is, even though there is no bread-offering. Then why does the verse say, 'With the bread'? To teach that there was no obligation to bring the lambs before there was the obligation to bring the bread-offering.¹¹ This is the view of R. Tarfon.¹² You might think that the lambs stated here¹³ are the identical ones which are stated in the Book of Numbers;¹⁴ but you must say that this is not the case, for when you come to the bullocks and the rams it is evident that they are not the identical ones;¹⁵ but these¹⁶ are brought on their own account, whilst those¹⁷ are brought on account of the bread-offering.¹⁸ It will thus be seen that those offerings stated in the Book of Numbers were offered in the wilderness but those stated in the Book of

Leviticus were not offered in the wilderness. Perhaps the bullocks and the rams [of the two Books] are not the identical ones, but the lambs are the identical ones?¹⁹ — Since those [the former] are certainly different ones,²⁰ these [the latter] too are not the identical ones. And why must one say that the bullocks and the rams are different ones? perhaps the Divine Law meant to say, If it is so desired one bullock and two rams are to be offered or, if preferred, two bullocks and one ram? — Since the order is different²¹ they must be other sacrifices.

THE [ABSENCE OF THE] BREAD-OFFERING INVALIDATES THE LAMBS. What is the reason for R. Akiba's view? — He infers the expression 'they shall be' [yiheyu]²² from the other expression 'they shall be' [tiheyenah]:²³ as in the latter case it refers to the bread-offering, so in the former it refers to the bread-offering. Ben Nanos, however, infers the expression 'they shall be' [yiheyu]²² from the other expression 'they shall be' [yiheyu]:²⁴ as in the latter case it refers to the lambs, so in the former it refers to the lambs. And why does not Ben Nanos infer [yiheyu] from tiheyenah, [and say:] as in the latter case it refers to the bread-offering so in the former it refers to the bread-offering? — One may infer yiheyu from yiheyu²⁵ but one may not infer yiheyu from tiheyenah. But what does this [variation] matter? Was it not taught in the school of R. Ishmael that in the verses, And the priest shall come again,²⁶ and And the priest shall come in,²⁷ 'coming again' and 'coming in' have the same import [for purposes of inference]? — That is permissible only where there is no identical expression [on which to base the inference], but where an identical expression exists, the inference must be drawn from the identical expression. And why does not R. Akiba infer yiheyu from yiheyu? — One should infer that [offering] which provides a gift to the priest from that which provides a gift to the priest.²⁸ but the others²⁹ are burnt-offerings. Alternatively I can say that they differ on the interpretation of this very verse: They shall be holy to the Lord for the priest.³⁰ R. Akiba maintains, What is it that is entirely for the priest? I should say, It is the Bread-offering. And Ben Nanos, [what does he say]? Does the verse say, 'They shall be holy to the priest'? It says, 'They shall be holy to the Lord for the priest'. What is it that is partly to the Lord and partly for the priest? I should say, It is the lambs. And R. Akiba [what does he say to this]? — Does the verse say, 'They shall be holy to the Lord and for the priest'? It says, 'To the Lord for the priest'. It is as stated by R. Huna, for R. Huna said, God³¹ acquired it and granted it to the priest.

R. Johanan said, All agree

(1) Lit., 'their ephahs'.

(2) The animals here enumerated are the special offerings prescribed for Pentecost, cf. Lev. XXIII, 17-19; the bullock, the two rams and the seven lambs for burnt-offerings, and the he-goat for a sin-offering.

(3) I.e., the two loaves; cf. *ibid.* 17.

(4) Sc. the two lambs for peace-offerings; *ibid.* 19.

(5) For only flour from the Land of Israel was to be used for the Bread-offering and the 'Omer-offering; v. *infra* 83b.

(6) The sprinkling of the blood of the lambs renders the sacrificial portions permissible for sacrifice and the rest of the flesh permissible to be eaten; thus the validity of the lambs is in no wise dependent on the bread-offering.

(7) For it is the slaughtering of the lambs that renders the bread-offering permissible to be eaten, so that in the absence of the lambs there is naught to render the bread-offering permissible.

(8) Lev. XXIII, 18.

(9) And one may not be offered without the other.

(10) *Ibid.*

(11) And this obligation only commenced when they entered the Land of Israel.

(12) In *cur. edd.* are added the words: 'R. Akiba says'. They are not found in the parallel passage in the *Sifra* and in all extant MSS., and are struck out by *Sh. Mek. V. Glosses of Strashun a.l.*

(13) In Lev. *ibid.* where the verse reads: And ye shall present seven lambs . . . and one young bullock and two rams.

(14) Num. XXVIII, 27: Two young bullocks, one ram, and seven lambs.

(15) Since the number of each kind is different in each passage.

(16) Those animals stated in Numbers are offered as additional sacrifices and are not related to the bread-offering.

(17) Mentioned in Leviticus.

(18) And since the bread-offering was not offered in the wilderness the sacrifices stated in connection with it were similarly not offered in the wilderness.

(19) Since the number of lambs is seven in each passage.

(20) For the number of animals of each kind is different in the two texts.

(21) Cf. the verses of Lev. and Num. supra p. 274, nn. 8 and 9. The fact that in Lev. the seven lambs are stated in the verse before the bullock and the rams and in Num. after them signifies that they are not the identical ones.

(22) Lev. XXIII, 20: And the priest shall wave them with the bread of the firstfruits for a wave-offering before the Lord, with the two lambs; they shall be holy to the Lord for the priest. Now the expression 'they shall be' יהיו implies that the offering cannot be dispensed with, but the doubt is as to which offering is meant, whether the bread-offering or the two lambs.

(23) Ibid. 17: מֵלֶת תְּהִינָה, they shall be of fine flour; this clearly refers to the bread-offering.

(24) Ibid. 18: יהיו. This expression clearly refers to the seven lambs and the other burnt-offerings.

(25) Being identical expressions.

(26) Ibid. XIV, 39 and 44. The reference is to the treatment of a leprous spot in the walls of a house.

(27) v. p. 275, n. 8.

(28) The two lambs for the peace-offerings provided a gift to the priest, for after the burning of the sacrificial portions the flesh was eaten by the priests, and so, too, did the two loaves, for they were entirely eaten by the priests.

(29) Sc. the seven lambs etc.

(30) Lev. XXIII, 20.

(31) Lit., 'the Name'.

Talmud - Mas. Menachoth 46a

that if they were attached to each other the [absence of] one invalidates the other.¹ And what creates this attachment? — It is the slaughtering.²

'Ulla reported that in the West [Palestine] the following question was raised: Does the waving³ create any attachment or not? — But surely this can be solved from the foregoing statement of R. Johanan, for since R. Johanan said that the slaughtering creates the attachment, it follows that the waving does not! — That very statement of R. Johanan gave rise to doubts, viz., Was R. Johanan certain that the slaughtering creates an attachment and that the waving does not, or was he certain only about the slaughtering, but about the waving he was in doubt? — This remains undecided.

R. Judah b. Hanina said to R. Huna the son of R. Joshua, Behold, the verse, 'They shall be holy to the Lord for the priest', is written after the rite of waving, nevertheless Ben Nanos and R. Akiba differ!⁴ — But according to your view, too, [this same argument can be put forward, for is the verse written] only after the rite of waving and not after the slaughtering?⁵ You have therefore no alternative but to say that [the rule contained in this verse]⁶ applies to the early stage of the offering,⁷ and that the verse, 'They shall be holy to the Lord for the priest', is to be understood in the sense that later on they will be for the priest; then one can say the same here, too,⁸ that only later on they will be for the priest.

And does the slaughtering create any attachment? But the following contradicts it, for it was taught: If a cake⁹ broke¹⁰ before [the thank-offering] had been slaughtered, he¹¹ should bring another cake and then the offering may be slaughtered. If the cake broke after [the thank-offering] had been slaughtered, the blood should be sprinkled¹² and the flesh may be eaten, but he has not fulfilled his vow; moreover the bread is invalid.¹³ If the blood had already been sprinkled [and then the cake broke], he must give as the priestly offering¹⁴ a whole cake in place of the broken one. If a cake had been taken outside¹⁵ before [the thank-offering] had been slaughtered, it should be brought in again and then the offering may be slaughtered. If the cake had been taken outside after [the thank-offering] had been slaughtered, the blood should be sprinkled and the flesh may be eaten, but

he has not thereby fulfilled his vow; moreover the bread is invalid. If the blood had already been sprinkled [and then the cake had been taken outside], he must give as the priestly offering a cake which had remained inside in place of that which had been taken outside.¹⁶ If a cake had become unclean before [the thank-offering] had been slaughtered, he should bring another cake and then the offering may be slaughtered. If the cake had become unclean after [the thank-offering] had been slaughtered, the blood should be sprinkled and the flesh may be eaten, and he has also fulfilled his vow,¹⁷ for the [High Priest's] plate renders acceptable the offering which became unclean; but the bread is invalid. If the blood had already been sprinkled [and then the cake became unclean], he must give as the priestly offering a clean cake in place of that which had become unclean. Now if one were to hold that the slaughtering creates an attachment [between the animal offering and the cakes], then surely when this attachment has already been created by the slaughtering and thereafter the cakes become invalid, the thankoffering should also be invalid,¹⁸ should it not? — The thank-offering is a special case, for Holy Writ refers to it as a peace-offering,¹⁹ and as peace-offerings are offered without any bread-offering so the thank-offering too may be offered without the bread-offering.

R. Jeremiah said, If you were to say that the waving creates an attachment, then it is clear that if the bread-offering was lost²⁰

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- (1) I.e., if the two loaves and the two lambs were together in the Sanctuary intended and ready for the Festival-offering, that fact attached them to each other; and therefore if one kind, either the loaves or the lambs, was lost, the remaining kind may not be offered, but must be taken away to be burnt.
- (2) I.e., if the loaves were in the Sanctuary at the time of the slaughtering of the lambs they at once become attached to each other, and one may not be offered without the other.
- (3) Which is prior to the slaughtering, for the two lambs were waved before the Lord whilst still living together with the two loaves, v. Lev. XXIII, 20.
- (4) As to whether it is the lambs that may be offered in the absence of the loaves or vice versa, but one may certainly be offered without the other; it is evident, therefore, that the waving stated at the beginning of the verse in question creates no attachment whatsoever between the lambs and the loaves.
- (5) This verse clearly relates to the time after the slaughtering, for only then can they be considered for the priest, and yet they differ as to which is indispensable; hence the argument could be adduced to prove that even the slaughtering does not create any attachment.
- (6) Sc. that one may be offered without the other.
- (7) Before the slaughtering.
- (8) Viz., that the rule that one may be offered without the other relates only to the early stage of the offering, namely, before the waving, for the waving, it may be said, creates an attachment.
- (9) For the four kinds of bread which accompanied the thank-offering v. Lev. VII, 22,23.
- (10) The disqualifying effect of a broken loaf is derived according to Rashi from the Shewbread (v. Rashi).
- (11) The offerer of the thank-offering.
- (12) As an ordinary peace-offering and not as a thank-offering.
- (13) I.e., none of the cakes may be eaten. V. Rashi.
- (14) The priestly share of the bread-offering was one out of every ten cakes; moreover what he received had to be whole and not broken; v. infra 77b.
- (15) Outside the walls of Jerusalem.
- (16) When giving the tenth part to the priest the broken cake or what was taken outside or what was unclean must be included in the total, although these particular cakes may not be given to the priest.
- (17) According to MS.M.: 'He has not fulfilled his vow', and omitting 'for the plate . . . unclean'; so also in Tosef. Men. VIII. This text is preferred by Tosaf. s.v. **מששהטה**, and by Sh. Mek.
- (18) And the blood should not be permitted to be sprinkled even as a peace-offering.
- (19) Cf. Lev. VII, 15.
- (20) After the waving.

Talmud - Mas. Menachoth 46b

the lambs must be destroyed, and if the lambs were lost the bread must be destroyed. But if you were to say that the waving does not create an attachment, then in the case where the bread-offering and the lambs had been brought [into the Sanctuary] and after they had been waved together the bread was lost and other bread was brought in its place, the question would arise, must the second bread be waved or not? Of course, if it was the lambs that were lost [and other lambs were brought in their place], there is no question at all that [the second pair of lambs] must be waved.¹ The question can only arise when it was the bread that was lost. And again, according to Ben Nanos, who said that the lambs constitute the main part of the offering, this question cannot arise;² but it can only arise according to R. Akiba, who maintains that the bread constitutes the main part of the offering. And the question is, Shall we say that since the bread constitutes the main part of the offering, it³ requires to be waved; or perhaps, since it is the lambs which render the bread permissible it does not require to be waved? — This must remain undecided.

Abaye said to Raba, Why is it that the two lambs⁴ hallow the bread and [their absence] renders [the bread] invalid, whereas the seven lambs and the bullock and the rams⁴ do not hallow the bread and [their absence] does not render [the bread] invalid? — He replied, It is because they have become attached to each other by the waving.⁵ But take the case of the thank-offering, where [the animal-offering and the bread] are not attached to each other by any waving, and yet the one hallows the other and the [absence of] one invalidates the other! — Let us indeed compare it with the thank-offering, as the thank-offering is a peace-offering [and that alone hallows the bread] so here too it is the peace-offering [alone which hallows the bread].⁶ But can we make this comparison? In that case⁷ there are no other offerings with it, but here,⁸ since there is another kind of offering that goes with it, both kinds should hallow [the bread]? — We should, however, compare this case with the ram of the Nazirite; as with the ram of the Nazirite, although there are other offerings that go with it,⁹ it is the peace-offering only and nothing else that hallows the bread, so it is in this case too. And whence do we know this there? — Because it is written,¹⁰ And he shall offer the ram for a sacrifice of peace-offerings unto the Lord, with the basket of unleavened bread,¹¹ which teaches us that the basket [of bread] comes as an obligation for the ram, and the slaughtering of the ram hallows it. Therefore, if it was slaughtered under the name of any other offering, the bread is not hallowed thereby.

Our Rabbis taught: If the Two Loaves were brought alone,¹² they must [none the less] be waved, and then their appearance must be spoiled,¹³ and they must be taken away to the place of burning. But say what you will, if they¹⁴ are brought to be eaten then let them be eaten, and if they are brought to be burnt then let them be burnt immediately! Wherefore is it necessary that their appearance be spoiled? — Rabbah answered, Actually they are brought to be eaten but [they are forbidden to be eaten] as a precautionary measure lest in the following year, when they have the lambs, they¹⁵ might say, 'Last year did we not eat the loaves without offering the lambs? We can do the same this year', and they will not appreciate the fact that last year the loaves rendered themselves permissible because there were no lambs, but now that there are lambs it is the lambs that render them permissible.¹⁶

Rabbah said, Whence do I arrive at this view?¹⁷ Because we have learnt:¹⁸ R. Judah said, Ben Bokri testified at Jabneh that a priest who paid the shekel has committed no sin. Rabban Johanan b. Zakkai said to him, Not so, but rather a priest who did not pay the shekel has committed a sin. The priests, however, used to expound the following verse to their advantage, And every meal-offering of the priest shall be wholly burnt, it shall not be eaten.¹⁹ Since the 'Omer-offering and the Two Loaves and the Shewbread are ours, how can they be eaten?²⁰ Now what are the circumstances with regard to the Two Loaves referred to? If they are offered with the sacrifice then [the question will at once be asked], Do not the priests make a freewill-offering of a thank-offering and its loaves and also eat

them?²¹ It must be that they are offered by themselves, yet it says above, 'How can they be eaten?' We thus see that [when brought alone] they are brought to be eaten. But Abaye said to him, I maintain that it is a case when they are offered with the sacrifice, and as to your difficulty raised from the thank-offering and its loaves, [it is no difficulty at all], for the loaves of the thank-offering are nowhere referred to as a meal-offering, whereas the Two Loaves are referred to as a meal-offering,²² for it is written, When you bring a new meal-offering unto the Lord.²³

R. Joseph said, In fact they are brought to be burnt, but the reason why we do not burn them [immediately] is that we must not burn holy things on a Festival. But Abaye said to him, Where is the comparison? There²⁴ the precept is not to do so,²⁵ but here since it is the precept to do so they should be burnt [on the Festival], as is the case with the bullock and the he-goat offered on the Day of Atonement! — Rather, said R. Joseph, it is to be feared that later on [during the day] they might obtain lambs.²⁶ Said Abaye to him, This is very well [to delay the burning] as long as the time for the offering thereof continues,²⁷ but after that time they should be burnt, should they not? — The expression 'their appearance must be spoilt' indeed means that they must be kept as long as the time for the offering thereof continues.

Raba said, I maintain that they are brought to be eaten, [yet they are not eaten] because of the precautionary measure stated by Rabbah,²⁸ but [the law]²⁹ is not derived from the passage adduced by him, but from a Scriptural verse. For I derive it, said Raba, from the following verse: Ye shall bring out of your dwellings two wave-loaves . . . for firstfruits unto the Lord.³⁰ As firstfruits are offered by themselves so the Two Loaves may also be offered by themselves; and it follows also, as the firstfruits are offered to be eaten so the Two Loaves also are offered to be eaten.

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- (1) Together with the two loaves, for in the first place, it is the lambs which render the two loaves permissible to be eaten, and secondly, the rite of waving is stated primarily of the lambs; cf. Lev. XXIII, 20.
 - (2) For since the lambs are still here and have once been waved nothing further is required.
 - (3) Sc. the second bread, brought as a substitute for the first which was lost.
 - (4) Offered on the Feast of Weeks.
 - (5) The two lambs must be waved before the Lord together with the two loaves.
 - (6) Whereas the seven lambs, the bullock, and the rams are burnt-offerings.
 - (7) Sc. the thank-offering.
 - (8) With regard to the offerings of the Feast of Weeks.
 - (9) The Nazirite at the fulfilment of his period of consecration must bring a ram for a peace-offering as well as a male lamb for a burnt-offering and an ewe lamb for sin-offering, v. Num. VI, 14.
 - (10) So MS.M. and Sh. Mek. In cur. edd. 'For it was taught'.
 - (11) Ibid. 17.
 - (12) Where the two lambs were not available the loaves, according to R. Akiba, may be offered by themselves, since they constitute the main part of the Festival-offering.
 - (13) I.e., they must be kept overnight whereby they become invalid and then are burnt, for it is forbidden to destroy an offering that is still valid.
 - (14) Sc. the Two Loaves when brought without the lambs.
 - (15) Sc. the priests.
 - (16) But since the Two Loaves are in fact a valid offering they must not be destroyed unless they were first made invalid.
 - (17) That the Two Loaves even when brought by themselves without the lambs, are offered to be eaten.
 - (18) Shek. I, 4. V. supra p. 139 and the notes thereon.
 - (19) Lev. VI, 16.
 - (20) They argued that if they were to contribute the shekel for the public-offerings they would then have a share in the public-offerings, and as the priest's meal-offering must be burnt then it would follow that every meal-offering, e.g. the Shewbread, would be forbidden to be eaten, and this would be contrary to Scripture.
 - (21) And therefore the priests' argument 'How can they be eaten?' cannot apply to this case.
 - (22) And the meal-offering of priests must be wholly burnt, hence their argument from the Two Loaves.

(23) Num. XXVIII, 26.

(24) In the rule stated that holy things may not be burnt on a Festival. Cf. Shab. 23b.

(25) The holy thing was originally not intended for burning but for eating, but as it became invalid it was condemned to be burnt; that burning may not be carried out on the Festival.

(26) So that it is possible that later during the day the ceremony might be carried out in the manner ordained; it is therefore proper to delay the burning of the loaves as long as possible.

(27) I.e., so long as the evening daily sacrifice has not been offered (Rashi). After this, even if lambs were obtained they would not be offered.

(28) V. supra p. 281.

(29) That the Two Loaves are brought to be eaten even when offered by themselves.

(30) Lev. XXIII, 17.

Talmud - Mas. Menachoth 47a

Our Rabbis taught: The lambs of Pentecost hallow the bread only by their slaughtering. Thus, if they were slaughtered under their own name and their blood was sprinkled under their own name, the bread is hallowed thereby;¹ if they were slaughtered under another name and their blood was sprinkled under another name, the bread is not hallowed; if they were slaughtered under their own name but their blood was sprinkled under another name, the bread is hallowed and not hallowed. So Rabbi. R. Eleazar son of R. Simeon says, [The bread] always remains unhallowed unless [the lambs] were slaughtered under their own name and their blood was sprinkled under their own name.

What is the reason for Rabbi's view? — Because it is written, And the ram he shall offer by slaughtering it as a peace-offering unto the Lord, with the basket of unleavened bread,² that is to say, the slaughtering hallows [the bread]. And R. Eleazar son of R. Simeon? — The expression 'he shall offer' implies that he must perform all the rites of the offering.³ And Rabbi? Is not the expression 'he shall offer' used? — Had the term 'slaughtering' been followed by 'he shall offer' I agree that the meaning would be as you say;⁴ but now that it is written 'he shall offer' and then 'slaughtering', it clearly means, he shall offer it by the act of slaughtering. And R. Eleazar son of R. Simeon? Is not the expression 'slaughtering' used? — That is necessary for R. Johanan's teaching, for R. Johanan said, All⁵ agree that the bread must be there at the time of the slaughtering.

What is meant by 'hallowed and not hallowed'? — Abaye said, It is hallowed but not completely so. Raba said, It is hallowed but not permitted [to be eaten]. What is the practical difference between them?⁶ — There is a difference between them as to whether redemption is effective; according to Abaye the redemption is effective, according to Raba it is not.⁷ Now according to Raba there is clearly a difference of opinion between Rabbi and R. Eleazar son of R. Simeon;⁸ but according to Abaye what difference is there between Rabbi and R. Eleazar son of R. Simeon?⁹ — There is a difference between them as to whether it would become invalid if taken out [of the Sanctuary].¹⁰

R. Samuel b. R. Isaac enquired of R. Hiyya b. Abba: If the lambs of Pentecost were slaughtered under their own name but their blood was sprinkled under another name, may the bread be eaten or not? According to whose view does this question arise? If [you say] according to R. Eleazar son of R. Simeon, [then there is no question at all for] he holds that it is the sprinkling that hallows the bread.¹¹ And if [you say] according to Rabbi, [then there is also no question about it for] whether one accepts the interpretation of Abaye or of Raba [the bread] is hallowed but not permitted [to be eaten].¹² The question can arise only according to the view of the following Tanna. For the father of R. Jeremiah b. Abba taught: If the Two Loaves were taken out [of the Sanctuary] between the slaughtering [of the two lambs] and the sprinkling of their blood, and subsequently [the priest] sprinkled the blood of the lambs [and expressed at the time the intention of eating the flesh] outside the prescribed time, R. Eliezer says, The bread is not subject to the law of piggul¹³ but R. Akiba says, The bread is subject to the law of piggul. And R. Shesheth said, Both these Tannaim agree with Rabbi that the slaughtering hallows the bread,¹⁴ but R. Eliezer maintains his view that the sprinkling has no effect upon what was taken out,¹⁵ and R. Akiba his that the sprinkling has an effect upon what was taken out.¹⁶

(1) The bread, i.e., the Two Loaves, may now be eaten, and if taken out of the Sanctuary would become invalid.

(2) Num. VI, 17, literally translated. The reference is to the sacrifice brought by the Nazirite, but the law is the same for the lambs of Pentecost.

(3) Including the sprinkling of the blood.

(4) I.e., that in addition to the slaughtering there is also another essential act of offering, namely the sprinkling.

(5) Even R. Eleazar son of R. Simeon who maintains that the sprinkling is the principal service.

(6) For according to Abaye too, since it is not completely hallowed it certainly may not be eaten.

(7) The underlying principle is that whatever is consecrated only for its value (קדושת דמים) can be redeemed and

its sanctity is thereby transferred to the money set aside for the purpose, whilst the thing itself becomes profane; but whatever is hallowed bodily (קדושת הגוף) cannot be redeemed. Now, dealing with Rabbi's view, according to Abaye since the bread is not completely hallowed it may be redeemed; according to Raba, however, it is hallowed entirely, and therefore the redemption is of no effect. The text adopted is that which is preferred by Rashi. In cur. edd. the opinions are reversed, thus according to Abaye the redemption is ineffective etc.

(8) For according to R. Eleazar son of R. Simeon the redemption is effective and according to Rabbi it is not.

(9) For both are of the opinion that the redemption is effective.

(10) According to Rabbi it would thereby become invalid but not so according to R. Eleazar son of R. Simeon.

(11) Consequently the bread has not been hallowed at all; obviously then it may not be eaten.

(12) V. supra n. 1.

(13) V. Glos.

(14) R. Akiba and R. Eliezer therefore both agree that the bread becomes invalid by being taken out.

(15) Consequently the bread remains invalid but is not affected by the piggul intention expressed during the sprinkling.

(16) For in as much as the invalidity of the bread is due to an external cause (it having been taken out of the Sanctuary) and not to any defect inherent in it, the sprinkling can affect it, and as the wrongful intention expressed during the sprinkling renders the offering piggul, it also renders the bread piggul.

Talmud - Mas. Menachoth 47b

For we have learnt:¹ If the sacrificial portions of the Less Holy offerings were taken out [of the Sanctuary] before the sprinkling of the blood of the offering, R. Eliezer says, They are not subject to the law of sacrilege,² and one is not liable on account of them for any transgression of the laws of piggul, nothar,³ and uncleanness.⁴ R. Akiba says, They are subject to the law of sacrilege, and one is also liable on account of them for any transgression of the laws of piggul, nothar, and uncleanness.⁵ Now what is the position [in the aforementioned case⁶ according to R. Akiba]? Shall we say that as the sprinkling performed with a piggul — intention renders the bread⁷ piggul like the flesh of the offering,⁸ so too, the sprinkling performed under another name will render the bread permissible;⁹ or do we say so only where the result tends to stringency¹⁰ but not where it tends to leniency?¹¹ R. Papa, however, demurred¹² saying, Why do you assume that they differ in the case where [the loaves] were still outside [the Sanctuary]? Perhaps in the case where they were still outside all agree that the sprinkling can have no effect upon what is outside;¹³ but they differ only in the case where they were brought in again, R. Eliezer adopting Rabbi's view that the slaughtering hallows them, consequently they have become invalid by their having been taken outside, whereas R. Akiba adopts the view of R. Eleazar son of R. Simeon that the slaughtering does not hallow them, consequently they have not become invalid by their having been taken outside! — How can this be? It is well if you say that R. Akiba adopts Rabbi's view that the slaughtering hallows [the loaves], for then the slaughtering hallows them, and having been hallowed by the slaughtering they are rendered piggul by the sprinkling. But if you say that he adopts the view of R. Eleazar son of R. Simeon that the slaughtering does not hallow them, then [it will be asked,] Can the sprinkling performed with a piggul-intention hallow them?¹⁴ Has not R. Giddal said in the name of Rab, A sprinkling performed with a piggul-intention does not bring within the law of Sacrilege nor does it take out of the law of Sacrilege; it does not bring within the law of Sacrilege-that refers to the sacrificial parts of Less Holy offerings;¹⁵ nor does it take out of the law of Sacrilege — that refers to the flesh of Most Holy offerings?¹⁶ — Was not R. Giddal's statement refuted?¹⁷

R. Jeremiah enquired of R. Zera: If the lambs of Pentecost were slaughtered under their own name and then the [Two] Loaves were lost, may the blood be sprinkled now under another name¹⁸ so that the flesh be permitted to be eaten?¹⁹ — He replied, Do you know of any offering which if offered under its own name is invalid but under another name is valid? But is there not? What of a Passover-offering offered before midday, which if offered under its own name is invalid²⁰ but under another name¹⁸ is valid? — [He replied,] This is what I mean: Do you know of any offering which was at one time fit to be offered under its own name but was rejected²¹ from being offered under its

own name, and now if offered under its own name it is invalid but under another name it is valid? But what of the Passover-offering after midday?²² — This is what I mean: Do you know of any offering which at one time was fit to be offered under its own name, and indeed was slaughtered under its own name, but was rejected from being offered under its own name, and now if offered under its own name it is invalid but under another name it is valid? But what of the thank-offering?²³ — It is different with the thank-offering for the Divine Law referred to it as a peace-offering.²⁴

Our Rabbis taught: If the two lambs were slaughtered [accompanied] by four loaves,²⁵ two of them should be selected and waved²⁶

(1) Me'il. 6b, Zeb. 89b.

(2) Cf. Lev. V, 15. For the sprinkling, he maintains, has had no effect upon those portions that were taken out, so that they were not consecrated for the altar; consequently no guilt-offering is incurred by the one who derives enjoyment or use therefrom.

(3) V. Glos.

(4) Piggul does not apply to these sacrificial portions since they are already invalid, so that if a man were to eat of them he would not be liable to the penalty of kareth. So, too, if he were to eat of them whilst he was in an unclean state, or after they had been left over beyond the time prescribed for eating, he would not be liable.

(5) For the sprinkling has had an effect upon the sacrificial portions that were taken out of the Sanctuary.

(6) The case put by R. Samuel b. Isaac to R. Hiyya supra, as to the permissibility of the bread where the blood of the lambs was sprinkled under another name.

(7) According to R. Akiba, notwithstanding that the bread is already invalid by having been taken out.

(8) Hence the bread is deemed to be affected in the same way as the flesh of the offering. The text adopted is that of many MSS. and Tosaf., reading **בפיגול כבשר**, and omitting the word **ביוצא**.

(9) Since the flesh of the offering is permissible in such circumstances, for all offerings even though slaughtered under another name are permitted to be eaten; v. Zeb. 2a.

(10) As in the case of piggul.

(11) Whereby the bread is rendered permitted.

(12) To the assumption that both R. Akiba and R. Eliezer accept Rabbi's view.

(13) Even R. Akiba would agree that the sprinkling can have no effect upon the bread that is still outside, for the bread cannot be regarded in the same category as the sacrificial portions of the offering, since these are part of the offering whereas the bread is something distinct and apart from it.

(14) And at the same time render them piggul! This surely cannot be.

(15) These normally are subject to the law of Sacrilege only after the sprinkling of the blood, but where the sprinkling was not validly performed these sacrificial portions are never subject to the law of Sacrilege.

(16) This is subject to the law of Sacrilege only until the sprinkling of the blood, for after the sprinkling the flesh is permitted to be eaten by the priests, and the principle is well established that whatsoever is permissible to the priests is not subject to the law of Sacrilege (cf. Me'il. 2a). Where, however, the sprinkling was not validly performed the flesh, not being permissible to the priests, remains for all time subject to the law of Sacrilege.

(17) His statement was indeed refuted, v. Me'il. 3b. The position is now that R. Papa's objection stands good, and so it is not known for certain according to whose view did R. Samuel b. Isaac raise his question.

(18) I.e., as an ordinary peace-offering. To sprinkle the blood under their own name as lambs of Pentecost would not render their flesh permitted for the two loaves are absolutely indispensable to the validity of the offering.

(19) For in the absence of the loaves the lambs can be regarded as peace-offerings.

(20) For the proper time to offer the Passover lamb is after midday on the fourteenth of the month of Nisan; cf. Ex. XII, 6.

(21) By reason of the loss of the loaves.

(22) Which was available at the proper time and yet if held over till after the festival and offered under its own name as a Passover-offering is invalid, but if offered as a peace-offering is valid. The text adopted here is that of MS.M., which agrees with that in Rashi and in Sh. Mek.

(23) If one of the cakes of the thank-offering was broken after the slaughtering of the animal, the blood is sprinkled as though it were a peace-offering, and not a thank-offering, and the flesh may be eaten; v. supra p. 278. Here then the

thank-offering was slaughtered under its own name, was rejected from being offered under its own name, and yet is valid if offered under another name; contra R. Zera.

(24) Cf. Lev. VII, 15. And as the peace-offering is offered without the accompaniment of loaves, the thank-offering also may be offered under its own name even without the loaves. In other words the offering of the thank-offering as a peace-offering is not regarded as offering it under another name.

(25) Instead of the prescribed two loaves.

(26) It is an essential rite to wave the loaves with the lambs both before and after the slaughtering of the lambs; v. infra 61a.

Talmud - Mas. Menachoth 48a

and the other [two] may be eaten after redemption. The Rabbis who recited this in the presence of R. Hisda said, This surely does not agree with Rabbi's view,¹ for according to Rabbi who holds that the slaughtering hallows [the loaves], where can they be redeemed?² If they are [all taken] outside [the Sanctuary], and redeemed there, they³ become at once invalid for having been taken out, for it is written, Before the Lord;⁴ and if inside,⁵ one is thus bringing unconsecrated food into the Sanctuary! Thereupon R. Hisda said to them, It is indeed in agreement with Rabbi's view and [the loaves] are actually redeemed inside [the Sanctuary], for they became unconsecrated of themselves.⁶

Rabina said to R. Ashi, But it has been taught that when they are redeemed they must be redeemed outside [the Sanctuary] only! — He replied, That [Baraitha] is clearly in agreement with the view of R. Eleazar son of R. Simeon,⁷ for according to Rabbi they would at once become invalid on being taken out.

R. Aha the son of Raba said to R. Ashi, Shall we say that [in this Baraitha] we have a refutation of R. Johanan's view? For it was stated: If the thank-offering was slaughtered [accompanied] by eighty cakes,⁸ Hezekiah said, Forty out of the eighty are hallowed; but R. Johanan said, Not even forty out of the eighty are hallowed!⁹ — Was it not also reported thereon that R. Zera said, All agree that where [the slaughterer] declared, 'Let forty out of the eighty be hallowed', they are hallowed? Then here, too, we will say that he declared, 'Let two out of the four be hallowed'.

R. Hanina of Tirta¹⁰ recited before R. Johanan: If four lambs were slaughtered [on the Pentecost accompanied] by two loaves, two of the lambs should [first] be drawn to one side and their blood sprinkled under another name,¹¹ for if you do not decide to act in this way¹² you forfeit the last [pair of lambs].¹³ Thereupon R. Johanan said to him, Should we bid a man, 'Arise and sin, so that you may thereby obtain a benefit'?¹⁴ Surely we have learnt:¹⁵ If the limbs of a sin-offering¹⁶ were mixed with the limbs of a burnt-offering,¹⁷ R. Eliezer says, Let them all be put above [upon the altar], for I regard the flesh of the sin-offering that is above as wood. But the Sages say, Their appearance must first be spoilt¹⁸ and they must all be taken away to the place of burning. But why?¹⁹ Should we not say, 'Arise and sin, so that you may thereby obtain a benefit'?²⁰ — We would say, 'Arise and sin with the sin-offering so that you may thereby obtain some benefit in regard to the sin-offering itself',²¹ but we would not say, 'Arise and sin with the sin-offering so that you may thereby obtain a benefit in regard to the burnt-offering'.

And do we say it of one subject?²² But it was taught:²³ If the lambs of Pentecost were slaughtered under another name, or if they were slaughtered either before or after the proper time,²⁴ the blood is to be sprinkled²⁵ and the flesh may be eaten. If [the Festival] was on the Sabbath, the blood must not be sprinkled;²⁶ if, however,

is valid and may be eaten', v. Zeb.¹³ a; and the second pair of lambs will serve for the Pentecost-offering together with the two loaves. It was sprinkled, the sacrifice is acceptable, but the sacrificial portions must be burnt after dark. But why? Should we not say, 'Arise and sin, so that you

may gain an advantage'?²⁷ — We would say, 'Arise and sin on the Sabbath so that you may gain an advantage on the Sabbath',²⁸ but we would not say, 'Arise and sin on the Sabbath so that you may gain an advantage on a weekday'.

And do we not say it of two subjects?²⁹ But we have learnt:³⁰ If a barrel [of wine of *terumah*] was broken in the upper part of the winepress and in the lower part there was unclean [ordinary wine], R. Eliezer and R. Joshua agree that if a man can save a quarter [log] of it in cleanness he must save it,³¹ but if not, R. Eliezer says,

(1) But it agrees with the view of R. Eleazar son of R. Simeon who holds that it is the sprinkling that hallows the loaves, accordingly none of the loaves have as yet been hallowed, and therefore any two may be taken for the offering and the other two redeemed like all holy things consecrated for their value only.

(2) Two of these loaves have already been hallowed by the slaughtering of the lambs and two have not, and the latter are therefore to be redeemed. The difficulty, however, is as to the place of the redemption, since the hallowed loaves are not distinguished and separated from the others.

(3) The hallowed loaves.

(4) Lev. XXIII, 20.

(5) I.e., the redemption is to take place inside the Sanctuary and all four loaves are to be eaten inside, since it is not known which are the hallowed and which the redeemed loaves.

(6) There is no transgression committed here, for the loaves only become unconsecrated when already in the Sanctuary.

(7) Who maintains that the slaughtering of the lambs does not hallow the loaves, consequently, at any time before the sprinkling of the blood, two loaves can be selected to be hallowed for the offering, and the remaining two must be redeemed outside the Sanctuary.

(8) Instead of the prescribed forty.

(9) The foregoing Baraita which states that two out of the four loaves are hallowed thus conflicts with R. Johanan's view.

(10) Obermeyer, *Die Landschaft Babylonian*, p. 185, identifies it with Tirastan in the region of Mahuza.

(11) These lambs may be eaten in accordance with the principle, 'Every offering offered under another name

(12) But sprinkle the blood of the first pair of lambs for the Pentecost-offering.

(13) The second pair of lambs would now be invalid and would be forbidden to be eaten, for since they were at one time fit to be offered under their own name, and indeed were slaughtered as such, but are now rejected, they cannot be valid if offered under another name. V. *supra* p. 288.

(14) I.e., in order to save two lambs, that they may be eaten, a sin is deliberately committed by offering a sacrifice under some other name.

(15) Zeb. 77a.

(16) That are consumed by the priests.

(17) That are burnt upon the altar.

(18) I.e., all the limbs must be kept overnight.

(19) Why should everything be burnt?

(20) One should commit the sin of burning the limbs of a sin-offering upon the altar for the sake of the limbs of the burnt-offering, so that the latter be rendered acceptable.

(21) And likewise with the lambs of Pentecost: a sin is committed by sprinkling the blood of the lambs under another name and the advantage is thereby gained that these lambs may be eaten.

(22) I.e., where both the sin committed and advantage gained relate to the same thing.

(23) Bez 20b; Naz. 28b.

(24) Sc. the Festival.

(25) Under another name.

(26) For since the offering is no longer on behalf of the community the services in connection therewith do not supersede the Sabbath laws.

(27) Let the sin of sprinkling the blood on the Sabbath be committed so as to gain the advantage of burning the sacrificial portions upon the altar after the Sabbath and then the flesh would be permitted to be eaten.

(28) I.e., the advantage gained must be enjoyed on the same day as the commission of the sin, as is the case with the

lambs of Pentecost, v. supra, p. 290, n. 10.

(29) I.e., to sin in one thing so as to gain an advantage in another.

(30) Ter. VIII, 9; Pes. 15a.

(31) He must endeavour to obtain clean vessels so long as he can save a quarter log of the terumah wine, although in the meantime the terumah wine is flowing down and mixing with the unclean non-terumah wine, thereby rendering the entire mixture absolutely unfit.

Talmud - Mas. Menachoth 48b

Let it run down and become unclean, but he must not render it unclean with his own hands;¹ and R. Joshua says, He may even render it unclean with his own hands!² — In that case it is different, since in any event it will become unclean.³

When R. Isaac came [from Palestine] he recited: If the lambs of Pentecost were slaughtered not according to the prescribed rite,⁴ they are invalid; their appearance must be spoilt⁵ and they must be taken away to the place of burning. R. Nahman said to him, You, Master, who compare [the lambs of Pentecost] with the sin-offering⁶ recite that they are invalid, but a Tanna of the School of Levi who infers obligatory peace-offerings from freewill peace-offerings⁷ recites that they are valid. For Levi taught:⁸ And so with the peace-offerings of a Nazirite, if they were slaughtered not according to the prescribed rite, they are valid but they do not count in fulfilment of their owner's obligation; they may be eaten the same day and evening [until midnight], and they do not require any cakes nor the offering of the shoulder [to the priest].⁹

An objection was raised: If for the guilt-offering that requires a lamb of the first year¹⁰ a sheep of the second year was offered, or for that which requires a sheep of the second year¹¹ a lamb of the first year was offered, it is invalid; its appearance must be spoilt and it must be taken away to the place of burning. But if the burnt-offering of the Nazirite, or of a woman after childbirth, or of a leper, was a sheep of the second year and it was slaughtered, it is valid.¹² This is the general principle: Whatsoever is valid for a freewill burnt-offering is also valid for an obligatory burnt-offering, and whatsoever is invalid for a sin-offering is also invalid for a guilt-offering except [when the offering was slaughtered] under another name!¹³ — The author of this Baraita is the Tanna of the School of Levi.

Come and hear from the following which Levi taught: If the guilt-offering of the Nazirite¹⁴ and the guilt-offering of the leper were slaughtered under another name, they are valid, but they do not count in fulfilment of the owner's obligation. If they were slaughtered before the time had arrived for the owner to offer them,¹⁵ or if they were of the second year, they are invalid. Now if this were so,¹⁶ he should then draw an inference from the peace-offering!¹⁷ — He infers peace-offering from peace-offering but he does not infer guilt-offering from peace-offering. But then if he infers peace-offering from peace-offering he should also infer guilt-offering from guilt-offering, viz., the guilt-offering of the Nazirite and of the leper from the guilt-offering for robbery and for sacrilege, and then the guilt-offering for robbery and for sacrilege from the guilt-offering of the Nazirite and of the leper!¹⁸ — R. Shimi b. Ashi answered, We infer what is offered not according to the prescribed rite from what is similarly offered not according to the prescribed rite,¹⁹ but we do not infer what is offered not according to the prescribed rite from what is offered according to the prescribed rite.²⁰ Do we not? Surely it has been taught: Whence do we know that if what had been taken out [of its proper place] was later brought up upon the altar it must not come down again? From the fact that with regard to the high places what was taken out was still valid to be offered!²¹ —

(1) By collecting the whole of the terumah wine in an unclean vessel; he must not deliberately render it unclean, in order to save the unclean non-terumah wine.

(2) Hence, according to R. Joshua, we bid a man to sin in respect of the terumah wine in order to benefit from the

non-terumah wine.

(3) Lit., 'it goes to uncleanness'. It is therefore not regarded as a sin to render unclean this terumah.

(4) I.e., under another name, as some other sacrifice. Aliter: instead of lambs of the first year those of the second year were offered.

(5) They should be allowed to remain overnight whereby they become invalid and then burnt, for it is not proper to destroy any sacrificial portions that are still valid.

(6) V. Lev. XXIII, 19; as the sin-offering is invalid if offered under another name (or, if the animal offered was over a year old), so it is with these lambs.

(7) As ordinary peace-offerings are valid even though offered under another name (or, if the animal offered was over the prescribed age), so it is with these obligatory peace-offerings of Pentecost.

(8) Nazir 24b; Tosef. Nazir IV.

(9) As would be the case were the offering accepted in fulfilment of the Nazirite's obligation (cf. Num. VI, 19). Now, although the peace-offering of the Nazirite is mentioned alongside with his sin-offering in verse 14 *ibid.*, and one could conclude therefrom that the former, if offered not according to its prescribed rite, is invalid, Levi prefers to draw the inference between the identical kinds of offerings, namely from the freewill peace-offering to the obligatory peace-offering. Accordingly any obligatory peace-offerings, e.g., the Nazirite's peace-offering or the lambs of Pentecost, are valid even though offered not according to the prescribed rite, as is the case with freewill peace-offerings.

(10) That is, the guilt-offering brought by a Nazirite when rendered unclean, or the guilt-offering of a leper at his purification, in connection with which Holy Writ uses the expression **כֶּבֶשׂ** 'a lamb', i.e., of the first year; v. Parah I, 3.

(11) That is, the guilt-offering for robbery, or the guilt-offering for sacrilege, in connection with which the term **שֵׂה** 'a ram' is used, i.e., a sheep of the second year; v. Parah *ibid.*

(12) These obligatory burnt-offerings, although prescribed to be lambs of the first year, are nevertheless valid, for in the case of a freewill burnt-offering, if an older animal was offered in place of a younger one, the offering is valid. V. *infra* 107b.

(13) In which case if the offering was a sin-offering it would be invalid, but if a guilt-offering it would be valid. It will thus be seen that obligatory burnt-offerings are placed on the same footing as freewill burnt-offerings and are not compared with sin-offerings (although these are mentioned in the same verse as the obligatory burnt-offerings, cf. Lev. XIV, 19; Num. VI, 14); likewise obligatory peace-offerings are to be compared with freewill peace-offerings but not with sin-offerings; *contra* R. Isaac.

(14) Brought by the Nazirite who had been rendered unclean unwittingly during the continuance of his Nazirite vow. Cf. Num. VI, 12.

(15) In the case of the leper, before the period of seven days had elapsed from the beginning of his cleansing rites v. Lev. XIV, 8; and in the case of the Nazirite, before he had rendered himself clean, v. Num. VI, 12.

(16) That the Tanna of the school of Levi draws an inference from the freewill-offering to the obligatory offering.

(17) Thus, as the freewill peace-offering is valid even though a sheep of the second year was offered in place of the lamb of the first year that was vowed, so it should be with the obligatory guilt-offering.

(18) With the result that all guilt-offerings are valid whether the lamb offered was of the first year or of the second year.

(19) Thus the lambs of pentecost, when offered not according to their prescribed rite but e.g., under another name, are valid by inference drawn from the case of freewill peace-offerings, which are valid even though not offered according to their prescribed rite.

(20) I.e., that the guilt-offering of the Nazirite or of the leper should be valid when offered not according to its prescribed rite (e.g., if a sheep of the second year was offered), by inference from the guilt-offering for robbery or for sacrilege which according to the prescribed law must be a sheep of the second year.

(21) For the law of hallowed things being taken out does not apply to the high places (i.e., private altars) as there were no restrictions of place in regard to the sacrifices offered at the high places. V. *supra* p. 34, nn. 3 and 4. Now here is an instance of an act though not in accordance with the prescribed rite (*sc.* the offering upon the altar of what was taken outside the Sanctuary) being regarded as valid by inference from the high places where such an act is permitted.

Talmud - Mas. Menachoth 49a

That Tanna in fact relies upon the verse, This is the law of the burnt-offering,¹ which includes [all things that were brought up].

Rabbah b. Bar Hanah recited before Rab: If the lambs of Pentecost were slaughtered as rams,² they are valid, but they do not count to the owners³ in fulfilment of their obligation; whereupon Rab said to him, They certainly count as such. Said R. Hisda, Rab's view is reasonable in the case where [the slaughterer] believing them to be rams slaughtered them as lambs, for then lambs were in fact slaughtered as lambs; but not where he believed them to be rams and slaughtered them as rams, for even a mistaken variation⁴ is considered a variation. Rabbah, however, says: A mistaken variation is no variation.⁵ Rabbah⁶ said, I raised an objection against my own statement from the following: Priests who rendered the flesh in the Sanctuary piggul, if they did so deliberately, are liable to pay compensation.⁷ It follows that if they did so unwittingly they are exempt. And in connection therewith it was taught: What they rendered piggul [although unwittingly] is nevertheless piggul. Now what were the circumstances [where the priest acted unwittingly]? If the priest knew that [the offering] was a sin-offering and treated it as a peace-offering,⁸ then surely he was not acting unwittingly but deliberately! We must say, therefore, that he believed that it⁹ was a peace-offering and treated it as though it were a peace-offering; and yet it has been taught: 'What they rendered piggul [though unwittingly] is nevertheless piggul', thus proving that a mistaken variation is considered a variation! — Abaye answered, I can still say that the priest knew that it was a sin-offering and treated it as a peace-offering, [and yet he was acting unwittingly] for he believed that it was permitted [to change the character of the sacrifice].

R. Zera raised an objection from the following:¹⁰ R. Simeon says, All meal-offerings from which the handful was taken under some other name are valid, and also discharge the owner's obligation, since meal-offerings are unlike animal-offerings; for when the priest takes the handful from a meal-offering prepared on a griddle and refers to it as one prepared in a pan, [his intention is of no consequence], for the preparation thereof clearly indicates that it is a meal-offering prepared on a griddle. Or if he is dealing with a dry¹¹ meal-offering and refers to it as one mixed with oil, [his intention is of no consequence], for the preparation thereof clearly indicates that it is a dry meal-offering. But it is not so with animal-offerings: the same slaughtering is for all offerings, the same manner of receiving the blood for all, and the same manner of sprinkling for all. Now what are the circumstances? If the priest knows that it is in fact a meal-offering prepared on a griddle and yet when taking the handful refers to it as one prepared in a pan, then what does it matter that the preparation thereof clearly indicates the true nature of the offering? He has deliberately varied the offering, has he not? We must say, therefore, that he believes it¹² to be a meal-offering prepared in a pan and when taking the handful refers to it as such, but he is mistaken; now in this case only [is his intention of no consequence], since the preparation thereof clearly indicates the true nature of the offering, but in all other cases we say that a mistaken variation is considered a variation? — Abaye answered him, I can still say that the priest knows that it is in fact a meal-offering prepared on a griddle yet when taking the handful refers to it as one prepared in a pan, and as for the question, 'What does it matter that the preparation thereof clearly indicates the true nature of the offering?' [I answer that] Rabbah is consistent with his view, for Rabbah has said, only a wrongful intention which is not manifestly [absurd] does the Divine Law declare capable of rendering an offering invalid, but a wrongful intention which is manifestly [absurd] the Divine Law declares incapable of rendering invalid.¹³

MISHNAH. THE [ABSENCE OF THE] DAILY OFFERINGS DOES NOT INVALIDATE THE ADDITIONAL OFFERINGS,¹⁴ NEITHER DOES [THE ABSENCE OF] THE ADDITIONAL OFFERINGS INVALIDATE THE DAILY OFFERINGS; MOREOVER OF THE ADDITIONAL OFFERINGS THE [ABSENCE OF] ONE DOES NOT INVALIDATE THE OTHER. EVEN THOUGH THEY¹⁵ DID NOT OFFER THE LAMB¹⁶ IN THE MORNING THEY MUST OFFER [THE LAMB] TOWARDS EVENING.¹⁷ R. SIMEON SAID, WHEN IS THIS? ONLY WHEN THEY HAD ACTED UNDER CONSTRAINT OR IN ERROR, BUT IF THEY ACTED DELIBERATELY AND DID NOT OFFER THE LAMB IN THE MORNING THEY MAY NOT

OFFER [THE LAMB] TOWARDS EVENING. IF THEY DID NOT BURN THE INCENSE IN THE MORNING¹⁸ THEY BURN IT TOWARDS EVENING. R. SIMEON SAID, THE WHOLE OF IT WAS BURNT TOWARDS EVENING,¹⁹ FOR THE GOLDEN ALTAR WAS DEDICATED ONLY BY THE INCENSE OF SPICES,²⁰ THE ALTAR FOR THE BURNT-OFFERING ONLY BY THE DAILY OFFERING OF THE MORNING, THE TABLE ONLY BY THE SHEWBREAD ON THE SABBATH, AND THE CANDLESTICK ONLY BY [THE KINDLING OF] SEVEN LAMPS TOWARDS EVENING.

GEMARA. R. Hiyya b. Abin enquired of R. Hisda, If the community had not [means enough] for the Daily Offerings as well as for the Additional Offerings, which take precedence? But what are the circumstances? If you say that the reference is to the Daily Offerings required for to-day and the Additional Offerings also for to-day, then surely it is obvious that the Daily Offerings take precedence, for they are more frequent²¹ and holy!²² We must therefore say, the reference is to the Daily Offerings required for the morrow and the Additional Offerings for to-day. Shall we say that the Daily Offerings take precedence for they are more frequent, or the Additional Offerings, since they are holy?²³ — He replied, But you have learnt it: THE [ABSENCE OF THE] DAILY OFFERINGS DOES NOT INVALIDATE THE ADDITIONAL OFFERINGS NEITHER DOES [THE ABSENCE OF] THE ADDITIONAL OFFERINGS INVALIDATE THE DAILY OFFERINGS; MOREOVER OF THE ADDITIONAL OFFERINGS THE [ABSENCE OF] ONE DOES NOT INVALIDATE THE OTHER. Now what are the circumstances? if you say that [both kinds of offerings] are available and it is only a question of precedence,²⁴ surely it has been taught: Whence do we know that no offering should be sacrificed prior to the Daily Offering of the morning? Because it is written, And he shall lay the burnt-offering in order upon it,²⁵ and Raba stated, 'The burnt-offering' implies the first burnt-offering.²⁶

(1) Lev. VI, 2. By interpreting עולה (rendered 'burnt-offering') as whatsoever is brought up' from עלה 'to go up', the rule is established that whatsoever is brought upon the altar, although unfit, must not come down again. Accordingly the rule is not derived by inference from the case of the high places.

(2) The slaughterer believed and expressly declared that he was slaughtering rams (i.e., sheep of the second year).

(3) Sc. the community

(4) For the slaughterer did not know that they were in fact lambs of the first year.

(5) And the owners' obligation is 'thereby fulfilled.

(6) So MS.M. and also B.H. In cur. edd. 'Raba'.

(7) To the owners who, owing to the priests' wrongful intention, must now provide a fresh sacrifice. V. Git. 54b.

(8) By expressly declaring his intention of eating of the flesh of the offering for the next two days, which intention in a sin-offering renders piggul, for a sin-offering may be eaten the same day and night but no more.

(9) Sc. the sin-offering.

(10) V. supra 2b.

(11) I.e., one that is not mixed with oil, e.g., a sinner's meal-offering; cf. Lev. V, 11.

(12) Sc. the meal-offering prepared on a griddle.

(13) Where the priest's actions belie his expressed intention, obviously his words cannot be taken seriously, and they therefore cannot render the offering invalid.

(14) Offered on Sabbaths and on Festivals; cf. Num. XXVIII.

(15) Sc. the priests.

(16) Of the Daily Offering.

(17) I.e., the lamb for the evening Daily Offering is nevertheless to be offered.

(18) Cf. Ex. XXX, 7, 8; one half-maneh of incense was offered every morning and the other half-maneh every evening.

(19) I.e., the whole maneh.

(20) Consisting of one whole maneh offered towards evening; v. Gemara infra.

(21) For the one was offered daily whereas the other only on Sabbaths and Festivals.

(22) I.e., more holy. For on Sabbaths and Festivals the Daily Offering is offered prior to the Additional Offering. Aliter: 'holy' in that they are offered on a holy day.

(23) For these are to be offered on a holy day whereas the Daily Offerings are for the morrow, a weekday. Or, according to the first interpretation given on p. 297, n. 8: the Additional Offerings in this case are sacrificed prior to the Daily Offerings, since the former are offered to-day and the latter on the morrow.

(24) And by stating that one does not invalidate the other the Mishnah teaches us that any one may be offered first.

(25) Lev. VI, 5.

(26) The definite article, **הַעֹלֹת** emphasizes the importance of this burnt-offering.

Talmud - Mas. Menachoth 49b

Obviously then there are not sufficient means [for the two kinds of offerings]; now if both are required for to-day how [can it be said that either the one or the other may be offered]? Surely what is more frequent and holy takes precedence!¹ We must say, therefore, [that one is required] for the morrow, and yet it states, that [the absence of] one does invalidate the other, thus proving that they are on a par. Thereupon Abaye said to him, I can still say that [both kinds of offerings] are available and it is only a question of precedence and as for your objection that nothing should be offered prior to [the Daily Offering, I say that] that is only a recommendation.²

Come and hear: We have learnt:³ There must never be less than six inspected⁴ lambs in the chamber of lambs, sufficient for a Sabbath and the two Festival days of the New Year.⁵ Now what are the circumstances? Shall I say that [lambs] are available, then surely many more are required for the Daily Offerings and the Additional Offerings!⁶ Obviously there are not sufficient lambs; we thus see that the Daily Offerings take precedence!⁷ — This is not so, for actually lambs are available [for all the offerings], but this is what [that Mishnah] says: There must never be less than six lambs, inspected four days before the slaughtering,⁸ in the chamber of lambs. And the author [of that Mishnah] is Ben Bag Bag. For Ben Bag Bag says, Whence do we know that the lamb for the Daily Offering must be inspected four days before the slaughtering? Because it is written here, Ye shall observe to offer unto Me in its due season⁹, and there it is written, And ye shall keep it until the fourteenth day of the same month;¹⁰ as in the latter case the lamb was inspected four days before the slaughtering,¹¹ so in the former case the lamb must be inspected four days before the slaughtering.

Rabina said to R. Ashi, Why six? Surely seven are necessary, for one must reckon also the lamb for the morning [Daily Offering] on Tuesday!¹² And according to your argument, [retorted the other], are not eight necessary? For one must also reckon the lamb for the evening Daily Offering on Friday!¹³ — This is no difficulty, for [the Tanna] assumed that [the Friday evening Daily Offering] had been offered.

(1) And that is the Daily Offering.

(2) But in fact offerings may be sacrificed before the morning Daily Offering.

(3) 'Ar. 13a.

(4) I.e., examined and found free from all physical blemishes.

(5) When the three fall on consecutive days six lambs would be required for the Daily Offerings; v. 'Ar. 13a.

(6) Actually twenty two lambs would be required for these three days, six for the Daily Offerings and sixteen for the Additional Offerings.

(7) Since all the six lambs are reserved for the Daily Offerings in preference to the Additional Offerings.

(8) This requirement was essential for the Daily Offerings only.

(9) Num. XXVIII, 2.

(10) Ex. XII, 6. In both these verses a form of the root **שמר** 'to keep' 'observe' is used.

(11) For the lamb was taken on the tenth of the month of Nisan and slaughtered on the fourteenth of the same month. Cf. *ibid.* 3,6.

(12) When the New Year falls on Sunday and Monday, the six inspected lambs would, it is true, serve for the Daily Offerings of the three days, namely the Sabbath, Sunday and Monday, but surely another lamb must be had in readiness for the morning Daily Offering on Tuesday, since there is no opportunity to obtain one during the preceding three days.

There is another reading: 'for the morning Daily Offering on Sunday'. The interpretation is similar but the assumption is that the New Year preceded the Sabbath and fell on Thursday and Friday.

(13) It being assumed that the evening offering on Friday had not yet been offered, consequently the number of lambs stated by the Tanna would have to include this lamb too.

Talmud - Mas. Menachoth 50a

At all events seven are necessary! — We must say that the Tanna [of that Mishnah] speaks in general,¹ and the expression 'sufficient for a Sabbath and the two Festival days of the New Year' serves merely as a mnemonic. This can indeed be proved [from the wording]; for it reads, 'Sufficient for a Sabbath', and not 'For the Sabbath and the two Festival days of the New Year'. This is conclusive.

EVEN THOUGH THEY DID NOT OFFER THE LAMB IN THE MORNING . . . R. SIMEON SAID THE WHOLE OF IT WAS BURNT TOWARDS EVENING, FOR THE GOLDEN ALTAR WAS DEDICATED ONLY BY THE INCENSE OF SPICES. Who speaks of dedication here? — A clause has been omitted and it really should read as follows: EVEN THOUGH THEY DID NOT OFFER THE LAMB IN THE MORNING, they must not offer the lamb towards evening. This is the rule only if the altar had not been dedicated,² but if the altar had once been dedicated, THEY MUST OFFER [THE LAMB] TOWARDS EVENING.³ R. SIMEON SAID, WHEN IS THIS? ONLY WHEN THEY HAD ACTED UNDER CONSTRAINT OR IN ERROR, BUT IF THEY ACTED DELIBERATELY AND DID NOT OFFER THE LAMB IN THE MORNING THEY MAY NOT OFFER [THE LAMB] TOWARDS EVENING. IF THEY DID NOT BURN THE INCENSE IN THE MORNING THEY BURN IT TOWARDS EVENING. Whence is this derived? From the following which our Rabbis taught: It is written, And the second lamb thou shalt offer towards evening;⁴ the second is to be offered towards evening but the first may not be offered towards evening. This is so only if the altar had not been dedicated, but if the altar had once been dedicated, even the first lamb may be offered towards evening. R. Simeon said, When is this? Only when they had acted under constraint or in error, but if they acted deliberately and did not offer the lamb in the morning they must not offer the lamb towards evening; if they did not burn the incense in the morning they burn it towards evening.

['If they did not offer the lamb in the morning, they must not offer the lamb towards evening'].⁵ Is the altar to be idle because the priests have been remiss? — Raba explained, It means, They⁶ must not offer it, but other priests should offer it. 'If they did not burn the incense in the morning, they burn it towards evening'. For since it is not so frequent,⁷ and moreover it enriches,⁸ it is therefore most dear to them and they would not be remiss about it.⁹

R. SIMEON SAID, THE WHOLE OF IT WAS BURNT TOWARDS EVENING, FOR THE GOLDEN ALTAR WAS DEDICATED ONLY BY THE INCENSE OF SPICES OFFERED TOWARDS EVENING etc. But it has been taught: Only by the incense of spices offered in the morning! — Tannaim differ on this point. Abaye said, It is more logical to accept the view of him who says, 'Only by the incense of spices offered towards evening', for it is written, Every morning when he dresseth the lamps he shall burn it,¹⁰ and how can he dress [the lamps] in the morning if they were not kindled the previous evening?¹¹ But he who says, 'Only by the incense of spices offered in the morning', infers it from the altar for burnt-offering: as that was dedicated by the morning Daily Offering so the golden altar was dedicated by the incense of spices offered in the morning.

THE TABLE ONLY BY THE SHEWBREAD ON THE SABBATH. Does this mean to say that [the table] was not dedicated thereby,¹² but that it nevertheless hallowed it?¹³ — It really teaches us that the dedication of the table and the hallowing [of the bread] was only on the Sabbath, as it reads

in the last clause: AND THE CANDLESTICK ONLY BY [THE KINDLING OF] ITS SEVEN LAMPS TOWARDS EVENING.¹⁴

Our Rabbis taught: That was [the only case of] an offering of incense which was offered by an individual upon the outer altar, and it was a special ruling.¹⁵ To what [does it refer]? — R. Papa said, [To incense-offering] by the princes [of the tribes].¹⁶ Does this mean then that an individual may not offer [incense] upon the outer altar but he may upon the inner altar? And furthermore, that an individual may not offer incense upon the outer altar but the community may? Behold it was taught: One might think that an individual may make a freewill-offering [of incense] in the same manner¹⁷ and offer it, for I would apply the verse, That which is gone out of thy lips thou shalt observe and do,¹⁸ Holy Writ therefore says, Ye shall not offer strange incense thereon.¹⁹ One might further think that an individual may not offer it since he does not offer the like as an obligation,

(1) I.e., at all times of the year there must be six lambs in readiness, each inspected four days previously, so that whatever the circumstances there would always be sufficient lambs to last for three days. The expression used by the Tanna 'sufficient for a Sabbath and the two Festival days of the New Year' is merely a mnemonic suggesting the number six. To ensure that every day there would be at least six lambs inspected four days previously it was necessary at the dedication of the Temple, when sacrifices commenced, to have twelve lambs each inspected free from blemish four days previously. On the following day two lambs were taken from the twelve for the Daily Offering and two other lambs, inspected on this day, were added; and so regularly on subsequent days. After four days the lambs added on the first day belonged to the category of lambs inspected four days previously, and on the fifth day two more were added to this class and so on. So Rashi; but v. com. of R. Gershom and also Rashi's interpretation in 'Ar. 13a and b.

(2) The altar had only recently been erected and sacrifices had not yet been offered thereon.

(3) Even though the morning offering had been omitted.

(4) Ex. XXIX, 39.

(5) V. Glosses of Bah, n. 1.

(6) Sc. those priests who had been negligent and had omitted to offer the morning offering.

(7) Incense was offered only twice daily whereas burnt-offerings were frequent all the day.

(8) Sc. the priest that offered the incense; v. Yoma 26a.

(9) And therefore even though it did happen that the priest had omitted to offer the morning incense, he may nevertheless offer the incense in the evening.

(10) Ibid. XXX, 7.

(11) Obviously then the candlestick was dedicated and inaugurated for use in the evening, and so it was too with the inauguration of the incense offering, for it is written (ibid. 8): And when Aaron lighteth the lamps towards evening he shall burn it.

(12) If the Shewbread was placed on the table on a weekday.

(13) But this is not correct for we have learnt (infra 100a) that the placing of the Shewbread on the table on a weekday does in no wise hallow the bread.

(14) And as the entire service of the Candlestick, i.e., the kindling of its lamps, was to be at its dedication in the evening, so the entire service in connection with the table, i.e., the hallowing of the bread, must be at its dedication on the Sabbath.

(15) Lit., 'a decision for the hour'.

(16) Cf. Num. VII, 12ff.

(17) As the princes of the tribes did at the dedication of the altar.

(18) Deut. XXIII, 24.

(19) Ex. XXX, 9.

Talmud - Mas. Menachoth 50b

but the community may offer [incense as a freewill-offering] since it offers the like as an obligation,¹ Holy Writ therefore says, Ye shall not offer.² One might further think that [the community] may not offer it upon the inner altar but it may [offer it] upon the outer altar, Holy Writ therefore states, And

the anointing oil and the incense of sweet spices for the holy place; according to all that I have commanded thee shall they do;³ thus there is only offered that which is stated in the context! — R. Papa said, It is a case of ‘it goes without saying’; thus, it goes without saying that a community may not offer [incense] upon the outer altar, for we find no such case; similarly that an individual may not offer [incense] upon the inner altar, for we find no such case. But even an individual may not offer [incense] upon the outer altar, although we find that this was the case with the princes, for that was a special ruling.

MISHNAH. THE HIGH PRIEST'S GRIDDLE-CAKES⁴ MUST NOT BE BROUGHT IN [TWO SEPARATE] HALVES, BUT HE MUST BRING A WHOLE TENTH AND THEN DIVIDE IT, OFFERING A HALF IN THE MORNING AND A HALF TOWARDS EVENING. IF THE [HIGH] PRIEST THAT OFFERED THE HALF IN THE MORNING DIED AND THEY APPOINTED ANOTHER PRIEST IN HIS STEAD, [THE SUCCESSOR] MAY NOT BRING A HALF-TENTH FROM HIS HOUSE, NEITHER [MAY HE USE] THE REMAINING HALF-TENTH OF THE FIRST [HIGH PRIEST], BUT HE MUST BRING A WHOLE TENTH AND DIVIDE IT, OFFERING ONE HALF AND LEAVING THE OTHER HALF TO PERISH. THUS THE RESULT IS THAT TWO HALVES ARE OFFERED AND TWO HALVES ARE LEFT TO PERISH. GEMARA. Our Rabbis taught: Had Scripture stated, ‘For a meal-offering a half’, I should then have thought that he must bring a half-tenth from his house in the morning and offer it and a half-tenth from his house in the evening and offer it; but Scripture states, Half of it in the morning,⁵ that is, he must offer a half of the whole [tenth]. Thus he must bring a whole tenth and divide it, offering a half in the morning and a half towards evening. Where the half that was to be offered towards evening became unclean or was lost, I might say that he should bring a half-tenth from his house and offer it, Scriptures therefore states, And half thereof in the evening,⁶ that is, he must offer a half of a whole [tenth]. Thus he must bring [another] whole tenth and divide it, offering one half and leaving the other half to perish; and so the result is that two halves are offered and two halves are left to perish. Where the High Priest that offered the half in the morning died and they appointed another High Priest in his place, I might say that he may bring a half-tenth from his house or that he may use the remaining half-tenth of the first [High Priest]. Scripture therefore states, ‘And half thereof in the evening’; he must offer a half of a whole [tenth]. Thus he must bring [another] whole tenth and divide it, offering one half and leaving the other half to perish; and so the result is that two halves are offered and two halves are left to perish.

A Tanna⁷ recited before R. Nahman: As for the half left by the first [High Priest] and the half left by the second, their appearance must first be spoiled⁸ and they are then taken away to the place of burning. Whereupon R. Nahman said to him, I grant you that the first⁹ should be treated so, since it was once valid for offering;¹⁰ but as for the second, why must its appearance first be spoiled? From the very outset it was intended for destruction, was it not?¹¹ He who told you this rule must be a Tanna of the School of Rabbah b. Abbuha who has said that even piggul¹² must have its appearance spoiled [before it is destroyed]. R. Ashi said, This rule may be even in accordance with the view of the Rabbis, for each half was valid for offering inasmuch as at the time when it was divided either the one half or the other half could have been offered.

It was stated: How did they prepare the High Priest's griddlecakes? — R. Hiyya b. Abba said in the name of R. Johanan, They were first to be baked [in an oven] and then fried;¹³ R. Assi said in the name of R. Hanina, They were first to be fried and then baked. R. Hiyya b. Abba said, My view is more probable, for ‘tufine’¹⁴ signifies ‘to be baked whilst still attractive’.¹⁵ But R. Assi said, My view is more probable, for ‘tufine’ signifies ‘to be baked when already half-done’.¹⁶ Indeed Tannaim differ with regard to it, for it was taught: ‘Tufine’ signifies ‘to be baked whilst still attractive’. Rabbi says, It signifies ‘to be baked when already half-done’. R. Dosa¹⁷ says, It signifies ‘to be baked several times’.¹⁸ He accepts the interpretation ‘half-done’ as well as the interpretation ‘attractive’.

We learnt elsewhere.¹⁹ The kneading, the shaping and the baking of the High Priest's griddle-cakes were performed within [the Temple Court],²⁰ and they overrode the Sabbath. Whence is this derived?²¹ — R. Huna said, Since tufine signifies 'to be baked whilst still attractive', if they were baked on the day before [the Sabbath] they would lose their freshness. R. Joseph demurred, Surely they could be preserved in herbs!²² In the School of R. Ishmael it was taught: It shall be prepared,²³ even on the Sabbath; 'it shall be prepared', even in uncleanness. Abaye said, The verse says, Of fine flour for a meal-offering daily,²⁴

- (1) Sc. the daily incense-offering on behalf of the community.
- (2) Ex. XXX, 9. The plural of the verb is used so as to refer to the whole community too.
- (3) Ibid. XXXI, II.
- (4) I.e., the **חביתֵי כהן גדול** or **מנחת חביתֵי**, a meal-offering prepared on a griddle offered by the High Priest daily, consisting of a tenth of an ephah of fine flour, half of which was offered in the morning and the other half in the evening. Cf. Lev. VI, 12ff.
- (5) Lev. VI, 13. 'Of it' signifies that there is before us a whole tenth but that only a half of it is to be offered.
- (6) Ibid. The inference is derived from the waw, 'and' at the beginning of this phrase, which is regarded as superfluous.
- (7) V. Glos. (s. v. b).
- (8) I.e., they should be kept overnight.
- (9) I.e., the half left over by the first High Priest.
- (10) It therefore may not be burnt until it becomes invalid by being left overnight when 'its appearance becomes spoiled'.
- (11) It should accordingly be destroyed at once.
- (12) Which is invalid by the law of the Torah. For piggul v. Glos.
- (13) On a griddle after being smeared with oil.
- (14) Lev. VI, 14. **תפיני** is explained as a composite word.
- (15) **תאפינה נאה** they must look fine at the time of baking, hence they must not be fried first for then they would be blackened somewhat by reason of the open griddle and the oil, and would not be so attractive.
- (16) **תאפינה נא**: they must be half-done, i.e., fried in a griddle, before being baked.
- (17) So in all MSS. and in the parallel passages and in R. Gershom; in cur. edd. 'R. Jose'.
- (18) **תאפינה רבה**. They must be baked once before the frying so that they should look attractive (**נאה**) at the time of baking, and also after the frying so that they should be half-done (**נא**) at the second baking. Var. lec. **רכה**. V. Rashi for other interpretations.
- (19) Infra 96a.
- (20) For the half-tenth measure, whereby the tenth of flour was divided, was anointed as a vessel of ministry, so that whatsoever was put into it was immediately hallowed and liable to be rendered invalid if taken out of the Temple Court.
- (21) That the kneading etc. overrode the Sabbath.
- (22) So as to retain their freshness.
- (23) Lev. VI, 14.
- (24) Ibid. 13.

Talmud - Mas. Menachoth 51a

they are thus like the meal-offering which accompanies the Daily Offering.¹ Raba said, The expression 'on a griddle' implies that they require the use of a vessel of ministry, and [that being so] if they were baked on the day before [the Sabbath] they would be invalid by being kept overnight.²

There has been taught a Baraita which coincides with Raba's view. The expression 'on a griddle' implies that it³ requires the use of a vessel of ministry. 'With oil' signifies that it must have much oil; yet I know not how much, argue therefore as follows: here it is written oil, and there in connection with the meal-offering accompanying the lambs⁴ [of the Daily Offering] it is also written oil,⁵ as there it has three logs [of oil] to the tenth so here it must have three logs to the tenth. Or perhaps I should argue thus: here it is written oil and there in connection with the freewill

meal-offering it is also written oil,⁶ as there it has only one log so here it should have only one log! Let us then see to which [of the two] is this case most similar. We may infer a meal-offering which is characterized by T.B.Sh.T.⁷ — it is offered daily, is an obligation, and overrides the Sabbath and uncleanness — from another meal-offering which is also characterized by T.B.Sh.T, but we may not infer a meal-offering which is T.B.Sh.T. from another which is not T.B.Sh.T. Or perhaps I should argue thus: we may infer a meal-offering which is characterized by Y.G.L.⁸ — it is an individual offering, brought on its own account, and requires frankincense — from another which is also characterized by Y.G.L., but we may not infer a meal-offering which is Y.G.L. from another which is not Y.G.L.! R. Ishmael the son of R. Johanan b. Beroka [therefore] said, It is written, Of fine flour for a meal-offering daily;⁹ it is to be similar to the meal-offering which accompanies the Daily Offering; as that meal-offering has three logs of oil to the tenth, this too must have three logs to the tenth. R. Simeon says, Here much oil is required and there also in connection with the meal-offering accompanying the lambs [of the Daily Offering] much oil is required; as there it has three logs to the tenth so here too it must have three logs to the tenth. Or perhaps I should argue thus: here much oil is required, and there also in connection with the meal-offering accompanying the offering of bullocks and rams much oil is required,¹⁰ as there it has two logs [of oil] to the tenth so here too it must have two logs to the tenth! Let us then see to which [of the two] is this case most similar. We may infer a meal-offering consisting of one tenth from another meal-offering also consisting of one tenth,¹¹ but we may not infer a meal-offering consisting of one tenth from a meal-offering consisting of two or three tenths.

Is not the above passage self-contradictory? It states at first, "With oil" signifies that it must have much oil', and then it states, 'Here it is written, "oil", and there in connection with the freewill meal-offering it is also written, "oil"!'¹² — Abaye answered,¹³ The Tanna of the clause, "With oil" signifies that it must have much oil', is R. Simeon, whilst he that argues otherwise by inference [from the freewill meal-offering] is R. Ishmael. R. Huna the son of R. Joshua said, The whole [of the anonymous part of the Baraitha] is by R. Ishmael the son of R. Johanan b. Beroka, and he argues thus: 'With oil' signifies that it must have much oil, for to establish merely that it requires oil no verse would be necessary, since the expression 'on a griddle' indicates that it shall be like any meal-offering prepared on a griddle. But perhaps it is not so, but that ['with oil'] signifies merely that it requires oil, for had not Holy Writ stated 'with oil' I might have said that it shall be like the sinner's meal-offering!¹⁴ And then he said, Be it even so, that it signifies merely that it requires oil, but surely it can be argued by an inference¹⁵ [that three logs are required]. He then argued by the inference¹⁵ but could not prove his case;¹⁶ whereupon he had to resort to the verse, 'Of fine flour for a meal-offering daily', as is expressly stated by R. Ishmael in his concluding remarks. Rabbah said, The whole [of the anonymous part of the Baraitha] is by R. Simeon and he argues thus: 'With oil' signifies that it must have much oil, for to establish merely that it requires oil no verse would be necessary since the expression 'on a griddle' indicates that it shall be like any meal-offering prepared on a griddle. But even without the expression 'with oil' I can arrive at the same conclusion by means of an inference. He thereupon argued by the inference but could not prove his case, so that he had to resort to the expression 'with oil'. He then said, Let it be similar to the meal-offering accompanying the offering of bullocks or of rams;¹⁷ but he rebutted this by saying, We may infer

(1) Which certainly overrides the Sabbath.

(2) For whatsoever has been hallowed in a vessel of ministry becomes invalid if kept overnight.

(3) Sc. the High Priest's meal-offering.

(4) So MS.M. and Rashi; in cur. edd. 'the drink-offering', which was also part of the Daily Offering.

(5) Ex. XXIX, 40. The quantity of oil prescribed is a 'fourth part of a hin', i.e., three logs.

(6) Lev. II, 1. The quantity of oil is fixed at one log, v. infra 88a.

(7) **תבשׂט**. These are the initial letters of the features characterizing the High Priest's meal-offering, viz., **תדיר-ת** a regular daily offering', **באה חובה-ב** 'is obligatory', **שבת-ש** and **טומאה-ט** 'it overrides the Sabbath and the law of uncleanness'. The meal-offering accompanying the Daily Offering is also characterized in this manner; these

features, however, are absent from the freewill meal-offering.

(8) **יגל**. So according to Sh. Mek.; cur. edd. **יגיל**. The High Priest's meal-offering can be characterized by the following features: **יחיד-י** 'an individual offering', **גלל עצמה-ג** 'brought on its own account' i.e., not accompanying another offering, and **לבונה-ל** 'requires frankincense'. These features are present in the freewill meal-offering but are absent from the meal-offering which accompanies the Daily Offering.

(9) Lev. VI, 13.

(10) Cf. Num. XV, 4ff. The meal-offering which accompanied the offering of a ram consisted of two tenths of fine flour mingled with the third part of a hin (i.e., four logs) of oil, and that which accompanied the offering of a bullock of three tenths of flour mingled with half a hin (i.e., six logs) of oil.

(11) The meal-offering which accompanied the Daily Offering consisted of one tenth of fine flour which is not the case with the bullocks and rams; v. prec. n.

(12) The purpose of the inference, namely to establish that not more than the normal quantity of oil (i.e., a log) is required, is contradicted by the verse which indicates the requirement of much oil, i.e., more than the usual quantity.

(13) From here to the end of the passage until the next Mishnah the text is in a doubtful state and the MSS. vary considerably from the present text. V. Sh. Mek. where the text is extensively altered. The above translation is based entirely upon the text as in cur. edd. For the variants v. D.S. a.l.

(14) Which had no oil at all; cf. Lev. V, 11.

(15) From the meal-offering which accompanied the Daily Offering.

(16) By reason of the counter argument, namely, let the inference be drawn from the freewill meal-offering.

(17) I.e., granted that it must have more oil than the ordinary meal-offering, it might nevertheless be compared with the meal-offering which accompanied bullocks or rams where only two logs to the tenth are required.

Talmud - Mas. Menachoth 51b

a meal-offering consisting of one tenth etc.

MISHNAH. IF THEY DID NOT APPOINT ANOTHER PRIEST IN HIS STEAD, AT WHOSE EXPENSE WAS IT¹ OFFERED? R. SIMEON SAYS, AT THE EXPENSE OF THE COMMUNITY; BUT R. JUDAH SAYS, AT THE EXPENSE OF THE HEIRS; MOREOVER A WHOLE [TENTH] WAS OFFERED.²

GEMARA. Our Rabbis taught: If the High Priest died and they had not appointed another in his stead, whence do we know that his meal-offering must be offered at the expense of his heirs? Because it is written, And the anointed priest that shall be in his stead from among his sons shall offer it.³ I might think that they offer it a half-[tenth] at a time,⁴ Scripture therefore stated 'it', implying the whole [tenth] but not half of it. So R. Judah. R. Simeon says, It is a statute for ever,³ this implies that it is offered at the expense of the community.⁵ It shall be wholly burnt,³ that is, the whole of it shall be burnt.⁶

Does then the verse, 'And the anointed priest etc.' serve the above purpose? Surely it is required for the teaching of the following Baraitha: It is written, This is the offering of Aaron and of his sons, which they shall offer unto the Lord in the day when he is anointed.⁷ Now I might think that Aaron and his sons shall together offer one offering,⁸ the text therefore states, 'Which they shall offer unto the Lord', Aaron shall offer his separately and his sons theirs separately.⁹ [The expression] 'his sons' refers to the ordinary priests.¹⁰ You say 'the ordinary priests': but perhaps it refers only to the High Priests?¹¹ When it says, 'And the anointed priest that shall be in his stead from among his sons', it has already spoken of the High Priest; how then must I interpret 'his sons'? It must refer to the ordinary priests! — If so,¹² the verse should read, 'And [if] the anointed priest [died], his sons in his stead shall offer'; why does the verse read 'from among his sons'? You may thus infer both teachings.¹³

For what purpose does R. Simeon utilize the expression 'it'?-He requires it for the following

teaching: If the High Priest died¹⁴ and they appointed another in his stead, [the successor] may not bring a half-tenth from his house neither [may he use] the remaining half-tenth of the first [High Priest].¹⁵ But was not this rule derived from the expression ‘And half thereof’?¹⁶ He bases no exposition upon the letter waw [‘and’].

And for what purpose does R. Judah utilize the expression a statute for ever? — It means, a statute binding for all time. And what is the purpose of the expression, ‘It shall be wholly burnt’? — He requires it for the following which was taught: I only know that the former,¹⁷ namely the High Priest’s meal-offering, must be wholly burnt, and that the latter, namely the ordinary priest’s meal-offering, must not be eaten; but whence do I know that what is said of the former applies also to the latter and what is said of the latter applies also to the former? The text therefore stated ‘wholly’ in each case for the purposes of analogy; thus, it is written here ‘wholly’ and it is written there ‘wholly’,¹⁸ as the former must be wholly burnt so the latter must be wholly burnt, and as in the latter case there is a prohibition against eating it, so in the former case there is a prohibition against eating it.

Is then R. Simeon of the opinion that by the law of the Torah it¹⁹ must be offered at the expense of the community? Surely we have learnt:²⁰ The Beth din ordained seven things and this was one of them.²¹ [They also ordained that] if a gentile sent his burnt-offering from a land beyond the sea and also sent with it the drink-offerings,²² they [the drink-offerings] are to be offered of his own means; but if he did not [send the drink-offerings], they are to be offered at the expense of the community. Similarly, if a proselyte died and left animal-offerings, if he also left the drink-offerings,²² they are offered of his own means; but if he did not [send the drink-offerings], they are to be offered at the expense of the community.²³ It was also a condition laid down by the Beth din that if the High Priest died and they had not appointed another in his stead, his meal-offering shall be offered at the expense of the community!²⁴ — R. Abbahu explained, There were two ordinances. By the law of the Torah it should be offered at the expense of the community; but when they²⁵ saw that the funds in the Chamber were being depleted²⁶ they ordained that it should be a charge upon the heirs. When they saw, however, that [the heirs] were neglectful about it, they reverted to the law of the Torah.

‘And concerning the Red Cow [they ordained] that the law of sacrilege does not apply to its ashes’.²⁷ Is not this the law of the Torah? For it was taught: It is a sin-offering;²⁸ this teaches that it is subject to the law of sacrilege; and ‘it’ implies that only it [the cow] is subject to the law of sacrilege

(1) This daily meal-offering of the High Priest, during the interregnum.

(2) In the morning and also in the evening. This is the opinion of R. Simeon too, v. infra n. 7.

(3) Lev VI, 15.

(4) As their father the High Priest had done during his lifetime.

(5) The Heb. **עולם** ‘for ever’ is interpreted in the later Heb. sense of ‘world’, ‘people’, ‘the whole community’.

(6) None of it shall be left over to be eaten. Or better: a whole tenth shall be offered both morning and evening, thus agreeing with R. Judah’s view in the Mishnah, v. supra n. 3.

(7) Lev. VI, 13.

(8) At their ordination.

(9) The sons offer their meal-offering at their ordination only, this is known as **מנחת חינוך** ‘the meal-offering of initiation’; whereas the High Priest must offer his daily, from the day that he is anointed and onwards.

(10) I.e., every priest at the commencement of his ministry must offer a meal-offering of initiation.

(11) I.e., the descendants of Aaron, those anointed High Priest.

(12) That the verse in question (And the anointed priest etc.) only serves to teach that the heirs of the High Priest must continue at their expense their father’s daily meal-offering until the appointment of a successor.

(13) The rule given in the prec. note and also the rule that ordinary priests at their ordination shall offer a meal-offering.

(14) After he had offered the half-tenth for the morning meal-offering.

- (15) But must bring a whole tenth from his house; this being derived from the term 'it'.
- (16) V. supra p. 304, n. 2, where this rule is derived from the letter wow which stands at the head of the phrase **ומחציתה בערב**.
- (17) Cf. Lev. VI, 15.
- (18) Cf. ibid. 16. In this verse as also in the preceding verse the expression **כִּלְיֵי** 'wholly' is used.
- (19) Sc. the meal-offering of the High Priest.
- (20) Shek. VII, 6.
- (21) The law stated in the earlier Mishnah Shek. VII, 5.
- (22) I.e., the money for the drink-offerings.
- (23) Since a proselyte has no heirs.
- (24) Evidently it was only an ordinance of the Beth din and not the law of the Torah.
- (25) The Beth din.
- (26) By reason of the frequent changes in the office of the High Priest, v. Yoma 9a.
- (27) This too is one of the seven things ordained by the Beth din. Shek. VII, 7. For the law of sacrilege. i.e., the unintentional appropriation of the property of the Sanctuary, v. Lev. V, 15.
- (28) Num. XIX, 9.

Talmud - Mas. Menachoth 52a

but its ashes are not subject to the law of sacrilege! — Said R. Ashi: There were two ordinances. By the law of the Torah only it [the cow] is subject to the law of sacrilege but not its ashes; but when they saw that people treated [the ashes] lightly and applied them to wounds, they ordained they should be subject to the law of sacrilege. When they saw, however, that people in doubtful cases of uncleanness would avoid the sprinkling,¹ they reverted to the law of the Torah.

Our Rabbis taught: The [money for the] bullock offered when the whole community sinned in error or for the he-goats offered on account of the sin of idolatry must be collected for the purpose.² So R. Judah. R. Simeon says, It must be taken from the funds³ of the [Shekel] Chamber. But the reverse has been taught!⁴ Which of these was taught last?⁵ Now the scholars argued before R. Ashi: Surely the former version was taught last for we already know that R. Simeon is concerned about possible neglect.⁶ Whereupon R. Ashi said to them, You may even say that the latter version was taught last, because R. Simeon is concerned about possible neglect only in that case where they themselves receive no atonement by it, but where they themselves receive atonement thereby R. Simeon is not apprehensive about neglect.⁷

What is the decision? — Rabbah the Younger said to R. Ashi, Come and hear [the following teaching]: The verse, My food which is presented unto Me for offerings made by fire, of a sweet savour unto Me, shall ye observe to offer unto Me in its due season,⁸ includes the bullock offered when the whole community sinned in error and the he-goats offered on account of the sin of idolatry, that these too are offered from the funds of the [Shekel] Chamber;⁹ so R. Simeon.¹⁰

MOREOVER A WHOLE [TENTH] WAS OFFERED. R. Hiyya b. Abba said that R. Johanan had raised the question: Does it mean a whole tenth in the morning and a whole tenth in the evening, or a whole tenth in the morning and in the evening it was dispensed with? — Come and hear, said Raba, for we have learnt: The eighth bore the [High Priest's] meal-offering.¹¹ Now if it were so, that it was dispensed with in the evening, then it would sometimes happen that the eighth did not bear the [High Priest's] meal-offering, for example, at the time when the High Priest died and they did not appoint another in his stead. When the scholars repeated this in the presence of R. Jeremiah he exclaimed, These foolish Babylonians! because they dwell in a dark country they must say dark sayings!¹² That Mishnah also states: The seventh bore the fine flour;¹³ the ninth bore the wine.¹² Now were these never omitted? Surely it has been taught: Their meal-offering and their drink-offerings,¹⁴ even at night; their meal-offering and their drink-offerings,¹⁴ even on the following day.¹⁵ We must say that

the Tanna of that Mishnah is not concerned with the exception,¹⁶ so here too he is not concerned with the exception.¹⁷ When this was reported back again to Raba he remarked, They always report to them¹⁸ any indiscreet saying of ours, our wise sayings they never report to them. Later Raba said, This too is one of our wise sayings, for the verse says, Of fine flour for a meal-offering daily,¹⁹ it is like the meal-offering which accompanies the Daily Offering.²⁰

What is the decision then?²¹ R. Nahman b. Isaac said, Come and hear; for it was taught: A whole tenth was offered in the morning and a whole tenth in the evening.

R. Johanan said, There is a difference of opinion between Abba Jose b. Dosethai and the Rabbis. Abba Jose b. Dosethai says, He²² must set aside for [his meal-offering] two handfuls of frankincense, one handful to be offered in the morning and the other in the evening. But the Rabbis say, He must set aside for it one handful, half to be offered in the morning and the other half in the evening. On what principle do they differ? — Abba Jose b. Dosethai maintains that we know of no case when half a handful was offered; but the Rabbis maintain that we know of no case when a tenth required two handfuls.²³

R. Johanan raised the following question: If the High Priest died and they had not appointed another in his stead,

(1) For fear that they might be making unnecessary use of the ashes and would be liable to bring a guilt-offering for their sacrilege.

(2) Lit., 'in the beginning they collect them'. I.e., when the occasion arises it must be collected from the members of the community.

(3) I.e., from the funds of the community accumulated in the Temple treasury.

(4) In Hor. 3b, where R. Simeon's opinion here is ascribed to R. Judah, and vice versa.

(5) The later version of a statement is regarded as the more reliable since the author may have reconsidered and changed his view. Moreover it is necessary to arrive at the correct version in order to establish the halachah which would follow R. Judah's view.

(6) V. Mishnah supra where R. Simeon maintains that the High Priest's meal-offering is offered out of the funds of the community and not left to be offered by the heirs at their expense for fear of neglect. Accordingly here the more reliable view of R. Simeon would be that these offerings are also taken out of the funds of the community, which view agrees with the former version.

(7) The heirs of the High Priest in as much as they receive no atonement from the meal-offering might conceivably be neglectful about it, but there is no such fear of neglect by the members of the community where the offering is to effect atonement on their behalf.

(8) Num. XXVIII, 2.

(9) This is derived from the use of the plural 'for offerings' which includes other offerings to be offered like the Daily Offering from the funds of the Temple Treasury.

(10) This view of R. Simeon, derived from the verse, is undoubtedly the correct one and, as it corresponds with the former version, that version must have been taught last.

(11) Tamid 31b, where it is stated that thirteen priests were engaged in the sacrifice of the Daily Offering and all that accompanied it in the morning, and likewise in the evening.

(12) V. Pes., Sonc. ed., P 158, n. 1.

(13) The fine flour for the meal-offering and the wine for the drink-offering which accompanied the Daily Offering.

(14) Num. XXIX, 18.

(15) V. supra 44b. It can thus happen that the meal-offering and the drink-offerings were, for some reason, not offered during the day, in which case the seventh and ninth priest would not be required. And yet these are included in the list.

(16) Lit., 'if', i.e., with the exceptional case when part of the service was omitted. The Tanna merely states the number of priests engaged in the service and the function of each when in normal circumstances everything was in accordance with the manner prescribed.

(17) Although in fact the High Priest's meal-offering might very well be dispensed with in the evening in the

circumstances of our Mishnah.

(18) To the Palestinian Rabbis.

(19) Lev. VI, 13.

(20) Which under no circumstances may be dispensed with; so it is, too, with the High Priest's meal-offering.

(21) Whose opinion is to prevail? Raba's or R. Jeremiah's?

(22) The High Priest in bringing daily for his meal-offering a tenth of fine flour which he divided and offered half in the morning and half in the evening.

(23) With the one meal-offering, notwithstanding the handfuls are offered one at a time.

Talmud - Mas. Menachoth 52b

must the quantity of frankincense, according to the view of the Rabbis,¹ be doubled or not? Should we say that since the quantity of flour has been doubled² the quantity of frankincense must also be doubled, or perhaps this is so only where it has been expressly stated³ and not where it has not been expressly stated? And this question is also to be asked with regard to the quantity of oil,⁴ both according to the view of the Rabbis and of Abba Jose b. Doseithai.

Come and hear: for we have learnt: The handful is specified in five cases.⁵ Now if that were so,⁶ there would sometimes be seven!⁷ — The Tanna is not concerned with the exception.⁸

R. Papa was sitting and reciting the above when R. Joseph b. Shemaiah said to him, 'Is not the case of a man offering the handful outside the Sanctuary an exceptional case',⁹ and yet he reckoned it?

What is the decision then? — R. Nahman b. Isaac said, Come and hear: For it has been taught: If the High Priest died and they did not appoint another in his stead a whole tenth must be offered in the morning and a whole tenth in the evening. Two handfuls [of frankincense] must be set aside, one to be offered in the morning and one in the evening; and three logs of oil must be set aside, one log and a half to be offered in the morning and one log and a half in the evening. Now who is the author of this Baraita? If you say it is the Rabbis, then it will be asked, Why is it that the quantity of frankincense is doubled and the quantity of oil is not? It must therefore be Abba Jose b. Doseithai who maintains that at all times the High Priest's meal-offering requires two handfuls of frankincense, so that neither the quantity of frankincense nor the quantity of oil has been doubled. And since according to Abba Jose b. Doseithai the quantity of oil is not doubled,¹⁰ likewise according to the Rabbis the quantities of frankincense and of oil are not doubled.¹¹

R. Johanan said, The halachah follows Abba Jose b. Doseithai.¹² But could R. Johanan have said so? Did not R. Johanan say that the halachah always follows the anonymous opinion of a Mishnah, and we have learnt: 'The handful is specified in five cases'?¹³ — Different Amoraim report R. Johanan's opinion differently.¹⁴

CHAPTER V

MISHNAH. ALL MEAL-OFFERINGS MUST BE OFFERED UNLEAVENED, WITH THE EXCEPTION OF THE LEAVENED CAKES OF THE THANK-OFFERING¹⁵ AND THE TWO LOAVES [OF PENTECOST].¹⁶ WHICH ARE OFFERED LEAVENED. R. MEIR SAYS, THE LEAVEN MUST BE TAKEN FROM [THE MEAL-OFFERINGS] THEMSELVES AND WITH THIS THEY ARE LEAVENED.¹⁷ R. JUDAH SAYS, THAT IS NOT THE BEST WAY,¹⁸ BUT [FIRST OF ALL] LEAVEN MUST BE BROUGHT AND PUT INTO THE MEASURING VESSEL AND THEN THE MEASURING VESSEL IS FILLED UP [WITH FLOUR]. BUT THEY SAID TO HIM, EVEN SO [IT IS NOT SATISFACTORY]; FOR IT WOULD BE SOMETIMES TOO LITTLE AND SOMETIMES TOO MUCH.¹⁹

GEMARA. R. Perida enquired of R. Ammi, Whence is it derived that all meal-offerings must be offered unleavened? — ‘Whence?’ you ask, [R. Ammi replied] but surely where this²⁰ is expressly stated²¹ it is expressly stated, and where it is not expressly stated there is the general statement,

- (1) According to Abba Jose there is no doubt at all, for one never offers two handfuls at one time with one meal-offering.
- (2) For a whole tenth of fine flour must be brought both in the morning and in the evening. Likewise a whole handful of frankincense must be brought morning and evening.
- (3) In connection with the flour, v. supra 51b.
- (4) The High Priest used to bring from his own house daily a tenth of fine flour and three logs of oil, which he divided and offered, half (i.e., a half-tenth of flour and one log and a half of oil) in the morning and half in the evening. During an interregnum, however, since the quantity of flour is doubled it might well be that the oil must also be doubled.
- (5) V. infra 106b. The handful of frankincense which accompanied the High Priest's meal-offering is not included in that list since it was offered a half-handful at a time.
- (6) That even the Rabbis hold that during an interregnum a whole handful was to be offered morning as well as evening.
- (7) For although the two handfuls belong to the one offering, they should nevertheless be reckoned as two in the list; cf. the two handfuls of frankincense offered with the Shewbread which are reckoned as two in the list.
- (8) I.e., with the case when the High Priest died. The Tanna merely listed five normal cases that happen daily or regularly.
- (9) Likewise he should reckon the handful of frankincense offered morning and evening during an interregnum.
- (10) The reason being no doubt that only that is doubled which is expressly so indicated in the Torah.
- (11) For the same reason as given by Abba Jose, v. prec. note; thus solving the problem raised by R. Johanan.
- (12) That the High Priest must offer with his meal-offering one handful of frankincense in the morning and another in the evening.
- (13) V. p. 315, n. 6. But according to Abba Jose the number should be seven so as to include the two handfuls of the High Priest's meal-offering.
- (14) Obviously R. Johanan could not have made both statements; some scholars report that he made only the former statement, namely, that the halachah follows Abba Jose, others that he made only the latter statement, that the halachah follows the anonymous Mishnah.
- (15) The thank-offering was accompanied by an offering of forty cakes, thirty being unleavened and ten leavened, cf. Lev. VII, 12,13.
- (16) V. ibid. XXIII, 17.
- (17) I.e. a little flour is taken from the meal-offering, is mixed with water and is allowed to stand for some time until it becomes leavened, and this serves as yeast for leavening the rest of the meal-offering.
- (18) For the yeast is too fresh and not sufficiently potent to leaven well the rest of the meal-offering.
- (19) For if the yeast used was hard and compressed and of small bulk, there would be more than the usual quantity of flour in this meal-offering, and if, on the other hand, the yeast was of a thin consistency, taking up much space in the vessel, there would be less than the usual quantity of flour, and in either case the meal-offering would be invalid.
- (20) That the meal-offering shall be unleavened.
- (21) Cf. ibid. II, 4 and 5.

Talmud - Mas. Menachoth 53a

And this is the law of the meal-offering: the sons of Aaron shall offer it before the Lord in front of the altar . . . And that which is left thereof shall Aaron and his sons eat; it shall be eaten as unleavened bread!¹ — He [R. Perida] said to him, As to the proper performance of the precept I have no doubt at all, I ask only whether it is indispensable.² But, said the other, even with regard to the question of indispensability there is written, It shall not be baked leavened,³ but only unleavened.⁴

R. Hisda demurred, perhaps it means, ‘It shall not be baked leavened’, but only si'ur!⁵ — What si'ur is meant? If as defined by R. Meir, it is absolutely unleavened according to R. Judah. If as defined by R. Judah, it is absolutely leavened according to R. Meir. If as defined by R. Meir and

following R. Meir's ruling. It is absolutely leavened, since one incurs stripes for [eating] it [on the Passover]! — What is meant is that [si'ur] as defined by R. Judah and following R. Judah's ruling.⁶

R. Nahman b. Isaac demurred, Perhaps it means, 'It shall not be baked leavened', but only halut!⁷ -What does halut mean? Soaked [in hot water]. But surely if [the meal-offering] must be offered soaked, it is expressly stated so,⁸ and this⁹ is not prescribed to be soaked! — Perhaps the meaning is: whatsoever is prescribed to be soaked must be offered soaked, but whatsoever is not prescribed to be soaked may be offered either soaked or unleavened!

Rabina demurred, Perhaps the verse, 'It shall not be baked leavened', merely imposes a prohibition upon the person, but [the meal-offering] does not become invalid thereby? Whence then is it derived?¹⁰ — From the following teaching: One might think that 'unleavened'¹¹ was only a recommendation, Holy Writ therefore stated, It shall be;¹¹ the verse thus laid it down as an obligation.

R. Perida enquired of R. Ammi, Whence is it derived that all meal-offerings, seeing that they were kneaded in lukewarm water,¹² must be specially watched lest they become leavened?¹³ Shall we infer it from the Passover concerning which it is written, And ye shall watch the unleavened bread!¹⁴ — He replied. In that very passage¹⁵ It is written, it shall be unleavened,¹¹ that is, keep it so.¹⁶ But have you not utilized this verse to indicate indispensability? — If for that alone Scripture would have used the expression 'It is to be unleavened'; why 'It shall be'? You may thus infer two things.

The Rabbis said to R. Perida, 'R. Ezra, the grandson of R. Abtolos, who is the tenth generation from R. Eleazar b. 'Azariah, who is the tenth generation from Ezra, is standing at the door' — Said he to them, 'Why all this [pedigree]? If he is a learned man, it is well; if he is a learned man and also a scion of noble ancestors, it is all the better; but if he is a scion of noble ancestors and not a learned man may fire consume him'. They told him that he was a learned man, whereupon he said, 'Let him come in'. He at once saw that his [R. Ezra's] mind was troubled, so he began his discourse and said, I said unto the Lord, Thou art my Lord; my gratefulness is not with thee.¹⁷ The congregation of Israel said to the Holy One, blessed be He, 'Lord of the universe, Show Thy gratefulness unto me for making Thee known in the world'. He replied. 'My gratefulness is not with thee, but with Abraham, Isaac and Jacob, who first made Me known in the world, as it is said, With the holy that are in the earth; they are the mighty ones in whom is all my delight.'¹⁸ As soon as he [R. Ezra] heard the expression mighty',¹⁹ he began his discourse, saying, Let the Mighty One come and take vengeance for the sake of the mighty from the mighty by means of the mighty. 'Let the Mighty One come' — that is, the Holy One, blessed be He, as it is written, The Lord on high is mighty.²⁰ 'And take vengeance for the sake of the mighty' — that is, Israel, as it is written, They are the mighty ones in whom is all my delight. 'From the mighty' — that is, the Egyptians, as it is written, The mighty sank like lead in the waters.²¹ 'By means of the mighty' — that is, the water, as it is written, Above the voices of many waters, mighty waters, breakers of the sea.²⁰ Let the beloved²² the son of the beloved come and build the beloved for the Beloved in the portion of the beloved that the beloved may receive atonement therein. 'Let the beloved come' — that is King Solomon, as it is written, And He sent by the hand of Nathan the prophet, and he called his name Jedidiah [beloved of the Lord], for the Lord's sake.²³

(1) Lev. VI, 7, 9.

(2) That the meal-offering must be unleavened, and otherwise it would be invalid.

(3) Ibid. 10.

(4) R. Perida's question is therefore superfluous.

(5) **שיאור** 'dough in the early stage of fermentation'. There is, however, a difference of opinion as to what stage is meant. According to R. Meir it is that stage when the surface of the dough has become pale; after that it is regarded as absolutely leavened. According to R. Judah it is the advanced stage when the surface of the dough has become wrinkled;

before that it is regarded as unleavened. V. Pes. 48b.

(6) According to R. Judah he who eats si'ur (as defined by him) is not liable to any punishment. Consequently it could be said that the meal-offering may be si'ur and not necessarily absolutely unleavened, hence R. Perida's question.

(7) חֲלוּט 'soaked or saturated with hot water'. The suggestion is that the meal-offering may be leavened provided it is not baked but only scalded in water.

(8) As in the case of the High Priest's meal-offering which is expressly prescribed to be soaked; cf. *ibid.* 14.

(9) Sc. the ordinary meal-offering. The verse therefore can only imply that a meal-offering must be unleavened.

(10) That meal-offerings must be unleavened or else they are invalid.

(11) Lev. II, 5.

(12) *Infra* 55a.

(13) They must be continually kneaded till the time of baking (Rashi).

(14) Ex. XII, 17; so according to Rabbinic interpretation. E.VV.: And ye shall observe the feast of unleavened bread.

(15) In connection with the meal-offering itself.

(16) I.e., guard it against its becoming leavened; v. Pes. 48b.

(17) Ps., XVI, 2.

(18) Ps. XVI, 3.

(19) Heb. אֲדִיר, which word is used in all the following verses quoted.

(20) *Ibid.* XCIII, 4.

(21) Ex. XV, 10.

(22) Heb. יָדִיד, which word is used in all the verses quoted.

(23) II Sam. XII, 25.

Talmud - Mas. Menachoth 53b

'The son of the beloved' — that is, the son of Abraham, as it is written, What hath My beloved to do in My house?¹ 'And build the beloved' — that is, the Temple, as it is written, How lovely are Thy tabernacles!² 'For the Beloved' — that is, the Holy One, blessed be He, as it is written, Let me sing of my Beloved.³ 'In the portion of the beloved' — that is, Benjamin, as it is said, Of Benjamin he said, The beloved of the Lord shall dwell in safety by Him.⁴ 'That the beloved may receive atonement therein' — that is, Israel, as it is written, I have given the dearly beloved of My soul into the hand of her enemies.⁵ Let the good come and receive the good from the Good for the good. 'Let the good come' — that is, Moses, as it is written, And she saw that he was good.⁶ 'And receive the good' — that is, the Torah, as it is written, For I give you good doctrine.⁷ 'From the Good' — that is, the Holy One, blessed be He, as it is written, The Lord is good to all.⁸ 'For the good' — that is, Israel, as it is written, Do good, O Lord, unto the good.⁹ Let this come and receive this from This for this people. 'Let this come' — that is, Moses, as it is written, For as for this Moses, the man.¹⁰ 'And receive this' — that is, the Torah, as it is written, And this is the Torah which Moses set.¹¹ 'From This' — that is, the Holy One, blessed be He, as it is written, This is my God and I will glorify Him.¹² 'For this people' — that is, Israel, as it is written, This people that Thou hast gotten.¹³

R. Isaac said, At the time of the destruction of the Temple the Holy One, blessed be He, found Abraham standing in the Temple. Said He, 'What hath My beloved to do in My house?'¹⁴ Abraham replied, 'I have come concerning the fate of my children' . . . Said He, 'Thy children sinned and have gone into exile'. 'Perhaps', said Abraham, 'they only sinned in error?' And He answered, 'She hath wrought lewdness'.¹⁵ 'Perhaps only a few sinned?' 'With many',¹⁵ came the reply. 'Still', he pleaded, 'Thou shouldst have remembered unto them the covenant of circumcision'. And He replied, 'The hallowed flesh is passed from thee.'¹⁶ 'Perhaps hadst Thou waited for them they would have repented', he pleaded. And He replied, 'When thou doest evil, then thou rejoicest!'¹⁴ Thereupon he put his hands on his head and wept bitterly, and cried, 'Perhaps, Heaven forbid, there is no hope for them'. Then came forth a Heavenly Voice and said, The Lord called thy name a leafy olive-tree, fair with goodly fruit:¹⁷ as the olive-tree produces its best only at the very end,¹⁸ so Israel will flourish at the end of time.

Because of the noise of the great tumult He hath kindled fire upon it, and its branches are broken.¹⁷ Said R. Hinena b. Papa, Because of the noise of the words of the spies the branches¹⁹ of Israel were broken; for R. Hinena b. Papa said, A grievous statement did the spies make at that moment when they said, For they are stronger than we.²⁰ Read not 'than we', but 'than He',²¹ as it were, even the Master of the House cannot remove His furniture from there.²²

R. Hiyya b. Hinena demurred, Then why does the verse read 'Because of the noise of the great tumult'? It should read, 'Because of the noise of the great word'.²³ Rather [it must be interpreted thus]: The Holy One, blessed be He, said to Abraham, 'I heard thy voice and will have compassion upon them.'²⁴ I had said that they shall be subjected to four successive Empires,²⁵ each to endure the length of time that the four Empires together [actually lasted], but now each shall endure only the time allotted to it'. Another version: 'I had said [that they shall be subjected to the four Empires] in succession, but now [they shall be subjected to the four] concurrently'.²⁶

R. Joshua b. Levi said, Why is Israel likened to an olive-tree? To tell you that as the olive-tree loses not its leaves either in summer or in winter, so Israel shall never be lost either in this world or in the world to come. R. Johanan said, Why is Israel likened to an olive-tree? To tell you that just as the olive produces its oil only after pounding, so Israel returns to the right way only after suffering.

R. MEIR SAYS, THE LEAVEN MUST BE TAKEN FROM [THE MEAL-OFFERINGS] THEMSELVES AND WITH THIS THEY ARE LEAVENED etc. What is meant by SOMETIMES TOO LITTLE AND SOMETIMES TOO MUCH? — R. Hisda explained, If the yeast [used] was of a thick consistency, then there would be too much [flour in the meal-offering], and if it was thin, there would be too little.²⁷ But in any event only a tenth is measured!²⁸ — Rabbah and R. Joseph both said that we must measure it according to its former state.²⁹ But one can surely take a little of the flour³⁰ and have it leavened outside, and then it can be brought back and kneaded with the rest [of the flour]! — It is to be feared that one might bring leaven from elsewhere.³¹

Our Rabbis taught: One may not leaven [the meal-offering]³²

(1) Jer. XI, 15. Beloved here refers to Abraham, v. infra.

(2) Ps. LXXXIV, 2.

(3) Isa. V, 1.

(4) Deut. XXXIII, 12. The Temple was built in the territory of Benjamin.

(5) Jer. XII, 7.

(6) Ex. II, 2.

(7) Prov. IV, 2.

(8) Ps. CXLV, 9.

(9) Ibid. CXXV, 4.

(10) Ex. XXXII, 1.

(11) Deut. IV, 44.

(12) Ex. XV, 2.

(13) Ibid. 16.

(14) Jer. XI, 15.

(15) Ibid. The word **המזמתה** implies premeditated wickedness; cf. Ps. CXXXIX, 20.

(16) Jer. *ibid.* They attempted to disguise their circumcision.

(17) Ibid. 16.

(18) It is only after many years that the olive-tree bears fruit.

(19) I.e., the strength and glory of Israel.

(20) Num. XIII, 31.

(21) **מזנו** 'than He' instead of **מזנו** 'than we', a difference of pronunciation in the Oriental or Babylonian Massorah

in order to distinguish between the third person masc. sing. and the first person plur.; v. Sot., Sonc. ed., p. 172, n. 1.

(22) Even God is powerless against them.

(23) I.e., **דבר** 'word' instead of **המזל** 'tumult'.

(24) Interpreting **המזל** as **חמלה** 'compassion'.

(25) The Babylonian, Persian, Grecian and Roman Empires.

(26) Some under one Empire and others under another.

(27) V. supra p. 317, n. 5.

(28) For when the measure is filled up with flour there is already yeast in the vessel; it is therefore immaterial how much is taken up by the yeast, so long as the measure is full.

(29) I.e., when it was flour. In measuring we must have regard to the amount of flour used in the yeast. From this standpoint there would be either too much or too little flour according to the consistency of the leaven.

(30) After a full tenth has been measured for the meal-offering.

(31) And not take it from the flour of the meal-offering, so that an onlooker might be led to believe that one may add to the meal-offering.

(32) I.e., the two loaves of Pentecost and the ten loaves of the Thank-offering, which must be leavened.

Talmud - Mas. Menachoth 54a

with apples. In the name of R. Hanina b. Gamaliel they said, One may do so. R. Kahana reports this in the name of R. Hanina b. Teradion. With whom will the following agree? For we have learnt:¹ If an apple [of terumah] was chopped up and put into dough so that it leavened it, the dough is forbidden.² Now with whom does this agree? Shall we say with R. Hanina b. Gamaliel and not with the Rabbis?³ — You may even say that this agrees with the Rabbis too, for although it is not the finest leaven it is, however, an inferior leaven.⁴

R. Ela said, From no meal-offering is it more difficult to take out the handful than from the sinner's meal-offering.⁵ R. Isaac b. Abdimi said, The sinner's meal-offering may be mixed with water⁶ and it is valid. Shall we say that they differ in this: one⁷ holds that we must measure [the handful] according to its present state,⁸ and the other⁹ holds that we must measure it according to its former state?¹⁰ — No, both agree that we must measure it according to its present state, but they differ in this: one⁷ holds that dry¹¹ means, dry without oil, and the other⁹ holds that dry means, dry without any kind [of liquid].

We have learnt there:¹² Calf's flesh¹³ that had swelled¹⁴ and the flesh¹⁵ of an old beast that had shrivelled,¹⁶ must be measured¹⁷ according to their present state. Rab, R. Hiyya and R. Johanan read: 'according to their present state'; whereas Samuel, R. Simeon b. Rabbi and Resh Lakish read: 'according to their former state'.

An objection was raised: If a piece of calf's flesh which was not of the prescribed size¹⁵ swelled so that it is now of the prescribed size until now it has been clean but from now onwards it is unclean!¹⁸ — It is only so Rabbinically. If so, consider the next clause: And so it is, too, with regard to the flesh of an offering that was piggul or nothar.¹⁹ Now if you hold that this rule²⁰ is Scriptural then it can well apply to piggul and to nothar; but if you hold that it is only Rabbinical, it will be asked: Is one liable [to kareth] for [eating] what is regarded as piggul or nothar Rabbinically?²¹ — Render: And so it is, too, with regard to the uncleanness of what is piggul or nothar.²² For I might have said that since the uncleanness attaching to what is piggul or nothar is only a Rabbinic ordinance, the Rabbis would certainly not apply this rule²³ to that which is only a Rabbinic ordinance; we are therefore taught [otherwise].

Come and hear: If the flesh of an old beast which was of the prescribed size had shrivelled up so that it is now less than the prescribed size, until now it could have been unclean but from now onwards it remains clean!²⁴ — Rabbah explained the position thus: If a [forbidden] thing was of the

prescribed size but now it is not so, then it is not so;²⁵ and if at first it was not of the prescribed size and now it is, then it is so Rabbinically.²⁶

(1) Ter. X, 2.

(2) To be eaten by any but a priest, since the dough which was hullin and not terumah was leavened by an apple which was of terumah.

(3) For the Rabbis, i.e., the first Tanna of the Baraita, hold that apples cannot leaven.

(4) It is spoilt or hard leaven, and although it is not the best thing to use for leavening the meal-offering, it certainly has a leavening effect upon the substance into which it has been put.

(5) Since it was without oil, the taking of the handful was a difficult operation indeed, for when taking out the handful of dry flour and then smoothing away the flour that is bursting between the fingers, much skill would be required in preventing the flour from slipping out of the hand.

(6) So as to make the taking out of the handful easier. The Torah prohibited only the application of oil.

(7) R. Isaac.

(8) The handful is to be taken out after the flour has been mixed with water, when it is easy to do so.

(9) R. Ela.

(10) The measure is to be a handful of flour only, and therefore if taken out after the flour has been mixed with water, it would contain either too much or too little flour according to the consistency of the mixture.

(11) Lev. VII, 10.

(12) 'Uk. II, 8.

(13) Less than an egg's bulk.

(14) To an egg's bulk.

(15) An egg's bulk.

(16) To less than an egg's bulk.

(17) With regard to the laws of uncleanness. Foodstuffs, if of an egg's bulk in quantity, can become unclean and can convey uncleanness.

(18) I.e., it can become unclean since it is now the size of an egg; contra Resh Lakish and the others.

(19) This means, presumably, that if a piece of flesh that was piggul or nothar, and which was less than an olive's bulk (which is the minimum in regard to forbidden food), had swelled to the size of an olive's bulk and one ate it, the penalty of kareth would thereby be incurred, for we estimate a thing according to its present size. For piggul and nothar v. Glos.

(20) That we must consider everything according to its present size.

(21) Surely there is no penalty incurred, since by the law of the Torah there was not the prescribed bulk.

(22) It is a Rabbinical ordinance that consecrated flesh that was rendered piggul or nothar is unclean and conveys uncleanness to the hands; v. Pes. 85a. We are now taught that if piggul or nothar less than an egg's bulk had swelled to the size of an egg, it will render the hands unclean.

(23) V. p. 324, n. 14.

(24) Thus contrary to Resh Lakish and the others who maintain that we must measure everything in the condition in which it was before.

(25) I.e., it is no longer a forbidden thing since it is not of the prescribed size. The term 'forbidden' is used here in an extended sense to include 'defilement'.

(26) By Rabbinical ordinance it is regarded as a forbidden thing.

Talmud - Mas. Menachoth 54b

They differ only in the case where it was at first of the prescribed size but it shrivelled up and then it swelled up again. One is of the opinion that with forbidden things there can be an absolute rejection of the prohibition,¹ but the other maintains that there can be no such absolute rejection.²

Is there anyone who maintains that with forbidden things there can be an absolute rejection of the prohibition? But we have learnt:³ If an egg's bulk of foodstuff was left in the sun and shrank, likewise if an olive's bulk of a corpse, an olive's bulk of nebelah,⁴ a lentil's bulk of a [dead] reptile, an olive's bulk of [consecrated flesh that was] piggul⁴ or nothar,⁴ and an olive's bulk of forbidden fat

[shrank], they⁵ are now clean, and one is not liable thereby⁶ [to the penalties] for [eating] piggul or nothar or forbidden fat. If later they were left in the rain and swelled, they⁵ become unclean and one is liable thereby⁶ [to the penalties] for [eating] piggul or nothar or forbidden fat. This clearly refutes the view of him who says that with forbidden things there can be an absolute rejection of the prohibition! It is indeed a refutation.

Come and hear: One may give by number fresh figs [as tithe] in respect of pressed figs.⁷ Now if you hold that we measure a thing in the condition in which it was before, it is well,⁸ but if you hold that we measure in the condition in which it is now, then too much is given as tithe,⁹ and it has been taught: If one gave too much tithe the produce is duly tithed but the tithe is unfit!¹⁰ — What then shall we say? That we measure in the condition in which it was before? But read the next clause: And [one may give] pressed figs by measure [as tithe] in respect of fresh figs.¹¹ Now if you hold that we measure in the condition in which it is now, then it is well,¹² but if you hold that we measure in the condition in which it was before, then too much is given as tithe?¹³ — We are dealing here with the ‘great terumah’,¹⁴ and the first clause as well as the second deals with the case of a man that is liberal.¹⁵ If so, read the final clause: R. Eleazar son of R. Jose said, My father used to take ten pressed figs from the cake in respect of the ninety [fresh figs] in the basket. Now if we are dealing with the ‘great terumah’, why is ‘ten’ mentioned?¹⁶ — We are really dealing here with the terumah of the tithe,¹⁷ and it is in accordance with the teaching of Abba Eleazar b. Gomel. For it was taught: Abba Eleazar b. Gomel¹⁸ says, It is written, And your heave-offering shall be reckoned unto you.¹⁹ Scripture speaks of two heave-offerings,²⁰ one the ‘great terumah’ and the other the terumah from the tithe. Just as the ‘great terumah’ is set aside by estimate²¹ and by intention,²² so the terumah of the tithe is set aside by estimate

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- (1) Resh Lakish and his colleagues maintain that when the forbidden thing shrivelled up to less than the prescribed quantity the prohibition thereof vanished completely, and, by the law of the Torah, cannot return even though the substance later swelled up to the prescribed size.
 - (2) R. Johanan and his colleagues hold that the prohibition has only been suspended temporarily.
 - (3) Toh. III, 4.
 - (4) V. Glos.
 - (5) The first four cases mentioned which relate to uncleanness.
 - (6) If one ate this shrunken olive's bulk of piggul or nothar or of forbidden fat.
 - (7) Thus ten fresh figs may be given as tithe in respect of ninety pressed figs.
 - (8) Accordingly the pressed figs are considered in the condition in which they were before, namely fresh; and therefore ten fresh figs would be the exact quantity for the tithe, whether we reckon the tithe by number or by capacity.
 - (9) For reckoning by capacity ten fresh figs would probably take up as much as one fifth of the capacity of ninety pressed figs.
 - (10) For the tenth part only is the tithe, the excess being untithed produce (tebel), and as the two are inextricably mixed up the whole is forbidden, even to Levite or priest, until it has been made fit by the proper separation.
 - (11) Thus one kab of pressed figs may be given as tithe in respect of nine kabs of fresh figs.
 - (12) For reckoning by capacity or weight one measure of dried figs is given in respect of the remaining nine measures of fresh figs.
 - (13) For one kab of dried figs would very likely be as much as two kabs when fresh.
 - (14) The first levy of the produce of the field given to the priest. V. Glos.
 - (15) Lit. ‘with a kindly eye’. A generous owner would give one-fortieth, one less generous one-fiftieth, and a mean person one-sixtieth of his produce as terumah. The clauses of the Baraita apply to a generous owner, accordingly the objection that too much is given cannot stand.
 - (16) The use of the numbers ten and ninety suggests that the offering is the tithe and not the terumah.
 - (17) The heave-offering of one tenth given to the priest by the Levite from the tithe he receives. V. Num. XVIII, 25ff.
 - (18) Var. lec. ‘Gimel’, ‘Gamala’ (so Git. 30b), and ‘Gamaliel’ (Aruch).
 - (19) Num. XVIII, 27.
 - (20) For the verse continues, As though it (the terumah of the tithe) were the corn of the threshing-floor (the ‘great

terumah'); thus the verse speaks of two terumoth.

(21) It was not necessary to measure out exactly the fiftieth part usually given for the terumah (Rashi). According to Tosaf. (s.v. נִיטְלָת) it was not right to measure out the terumah but it should be given by estimate only.

(22) A man could mentally set aside one portion of a heap of produce as terumah and immediately eat of the rest.

Talmud - Mas. Menachoth 55a

and by intention; and just as the 'great terumah' should be given generously so the terumah of the tithe should be given generously.¹ But [there is yet a difficulty] from here, for R. Eleazar son of R. Jose said, My father used to take ten pressed figs from the cake in respect of the ninety [fresh figs] in the basket. Now if you hold that we measure in the condition in which it was before, it is well; but if you hold that we measure in the condition in which it is now, then too little is given [as tithe]!² When R. Dimi came [from Palestine] he reported in the name of R. Eleazar that the case of the pressed figs is different since they can be boiled and so restored to their former condition.

Our Rabbis taught: One may give fresh figs³ as terumah in respect of pressed figs in that place where it is the custom for figs to be pressed; but one may not give pressed figs as terumah in respect of fresh figs even in the place where it is the custom for figs to be pressed.

The Master stated: 'One may give fresh figs as terumah in respect of pressed figs in that place where it is the custom for figs to be pressed'. This is so, then, only where there is this custom, but not where there is no such custom. But what are the facts of the case? If there is a priest present, then why is this not allowed even where there is no such custom? Have we not learnt that wherever there is a priest present one must give the terumah from the choicest kind?⁴ Obviously then there is no priest present.⁵ Now read the next clause: 'But one may not give pressed figs as terumah in respect of fresh figs even in the place where it is the custom for figs to be pressed'. But if there is no priest present why is one not allowed to do so? Have we not learnt that where there is no priest one must give the terumah from that which is most durable?⁶ Obviously then there is a priest present.⁷ Must we then say that in the case of the first clause there is no priest present whilst in the case of the second clause there is a priest present? — Yes. In the case of the first clause there is no priest present but in the case of the second clause there is a priest present. Said R. Papa, You may infer from this that we endeavour to interpret [two clauses of] a passage by suggesting two sets of facts rather than suggest that they represent the views of two Tannaim.⁸ MISHNAH. ALL MEAL-OFFERINGS MUST BE KNEADED WITH LUKEWARM WATER AND MUST BE WATCHED LEST THEY BECOME LEAVENED. IF ONE ALLOWED THE REMAINDER⁹ TO BECOME LEAVENED ONE TRANSGRESSES A PROHIBITION, FOR IT IS WRITTEN, NO MEAL-OFFERING WHICH YE SHALL BRING UNTO THE LORD SHALL BE MADE LEAVENED.¹⁰ ONE IS LIABLE FOR THE KNEADING AS WELL AS FOR THE SHAPING AND FOR THE BAKING.

GEMARA. Whence is this derived?¹¹ — Resh Lakish said, It is written, It shall not be baked leavened: their position,¹² that is, even their portion must not be baked leavened. And is this verse required for this purpose? But it is required for the following which was taught: Wherefore does the text say, It shall not

(1) I.e., even more than a tenth, accordingly the previous objection that too much is given cannot stand.

(2) For when reckoning by weight the quantity set aside, sc. ten pressed figs, would be much less than a tenth.

(3) By number.

(4) V. Ter. II, 4. Accordingly the best (i.e., fresh figs) must be given to the priest, irrespective of custom.

(5) And therefore only dried figs which last longer should be set aside for the priest.

(6) In this case pressed figs.

(7) And therefore dried figs may not be given to the priest but only fresh ones, even though the priest will press them later on, for it is the custom to do so.

- (8) For one could have answered that in each case no priest was available and the reason why in the second clause one is not allowed to set aside dried figs is that the Tanna of this Baraitha is of the opinion that in every case the best must be given as *terumah*, even in the absence of a priest. This indeed is the opinion of R. Judah; v. *Ter. loc. cit*
- (9) I.e., what is left of the meal-offering after the handful has been taken out.
- (10) Lev. II, 11. The prohibition of this verse refers to the meal-offering as a whole, i.e., before the taking out of the handful. That the remainder must not be leavened is derived from another verse; v. *Gemara, infra*.
- (11) That the remainder must not be leavened. V. *prec. note*.
- (12) *Ibid.* VI, 10. The Heb. may be translated: 'their portion shall not be baked leavened'.

Talmud - Mas. Menachoth 55b

be baked leavened? Has it not already stated, It shall not be made leavened?¹ From the verse, It shall not be made leavened, I might have said that one is liable only once for all [the works involved], Scripture therefore says, It shall not be baked leavened. Now baking was included in the general prohibition; why was it specifically mentioned? So that every other work shall be like it; thus as the work of baking is described as a specific work and one is liable solely on account of it, so I will include the work of kneading and of shaping and every other specific work, including also the work of smoothing² which is also a specific work, that one is liable on account of each alone! — We derive our rule from the expression 'their portion'.³ Perhaps then the whole verse refers to this only!⁴ — If so [the prohibition] should have been, 'Their portion shall not be baked leavened'; why does Scripture say, It shall not be baked leavened: their portion? You can therefore infer both [prohibitions]. But perhaps the interpretation should be thus: for the baking which is expressly prohibited by the Divine Law one is liable once, but as for the other works one is only liable once for all of them! — This is a case of a subject which though included in a general proposition is specifically mentioned in order to teach us something concerning it, in which case what is specifically mentioned is not stated only for its own sake but to teach that the same affects the whole general proposition.⁵ But perhaps I should say that the verse 'it shall not be made leavened' is a general [prohibition] and the verse 'It shall not be baked leavened' is a particular [prohibition]; we thus have a general rule followed by a specific particular, in which case the general rule is limited to the particular specified, so that only the baking is prohibited but no other work! — R. Aptoriki explained, Here the general rule and the specific particular are far away from each other,⁶ and in every case where the general rule and the specific particular are far away from each other the principle relating to a general rule followed by a specific particular does not apply.⁷

R. Adda b. Ahabah (some say, Kadi) objected, Do you say that where the general rule and the specific particular are far away from each other the principle relating to a general rule followed by a specific particular does not apply? Surely it has been taught: It is written, And he shall slaughter it in the place where they slaughter the burnt-offering before the Lord; it is a sin-offering.⁸ Now where is the burnt-offering slaughtered? On the north side;⁹ this too is slaughtered on the north side. But do we derive it from here?¹⁰ Is it not written, In the place where the burnt-offering is slaughtered shall the sin-offering be slaughtered?¹¹ Why then is the former verse⁸ necessary? It serves to make the rule absolute,¹² namely, that if it was not slaughtered on the north side it is invalid. You say that it serves to make this rule absolute, but perhaps it is not so but teaches rather that this [sin-offering] must be [slaughtered] on the north side but no other¹³ requires the north side! The text therefore states, And he shall slaughter the sin-offering in the place of the burnt-offering;¹⁴ this establishes the rule that all sin-offerings must be slaughtered on the north side. Now this is the conclusion because the Divine Law has also written, And he shall slaughter the sin-offering, but without this verse I would have held that only this [sin-offering] requires the north side but no other requires the north side. And why? Is it not because this would be a case of a general rule followed by a specific particular, which would be governed by the principle relating to a general rule followed by a specific particular, notwithstanding that the two are far away from each other?¹⁵ Thereupon R. Ashi demurred, Is this an instance of a general rule followed by a specific particular? It is an instance of a

specific particular followed by a general rule,¹⁶ in which case the general rule extends beyond the scope of the specific particular, and includes every [sin-offering]¹⁷ Rather the fact is that the Tanna's counter-argument was based upon the expression 'it';¹⁸ and he argued thus: 'perhaps it is not so but teaches rather that this [sin-offering] must be [slaughtered] on the north side but no other requires the north side', since the Divine Law stated 'it'.

Now that the general rule¹⁹ is derived from the verse, 'And he shall slaughter the sin-offering', what does the term 'it' exclude? — (Mnemonic: Nahshon, the slaughterer, a bird, the Passover-offering.) It teaches that it must be on the north side, but Nahshon's he-goat²⁰ 'was not [slaughtered] on the north side. For I might have thought that since the latter was included under the law of laying on of hands it was also included under the law requiring the north side; we are therefore taught [that it was not so]. And whence do we know that this was so concerning the laying on of hands?²¹ — For it was taught: The verse, And he shall lay his hand upon the head of the he-goat,²² includes also Nahshon's he-goat, for the requirement of the laying on of hands. So R. Judah. But R. Simeon says,

(1) Ibid. II, 11.

(2) Sc. the surface of the dough with moist hands (Rashi). Others: cutting away a lump of dough sufficient for each loaf (R. Gershom); or, shaping the loaf (Maim.).

(3) Which expression, following immediately upon the prohibition 'It shall not be baked leavened', signifies that even the remainder shall not be baked leavened.

(4) I.e., that the remainder shall not be leavened. Whence then do we know that the meal-offering as a whole, before the taking out of the handful, is subject to this prohibition?

(5) The general prohibition 'It shall not be made leavened' includes every work in connection with the meal-offering, and certainly the baking, but the latter was specifically prohibited to teach that for the baking alone, as well as for any single work in connection with the meal-offering, one is liable.

(6) The former is stated in Lev. II, 11, whilst the latter in VI, 10.

(7) V. Pes. 6b.

(8) Lev. IV, 24, with reference to the sin-offering brought by a ruler.

(9) Cf. *ibid.* I, 11.

(10) That the sin-offering must be slaughtered on the north side of the altar.

(11) *Ibid.* VI, 18.

(12) The repetition of this rule establishes it as an obligation and absolutely indispensable.

(13) E.g., the communal sin-offerings offered on the Festivals. V. Sh. Mek. n. 3.

(14) *Ibid.* IV, 29.

(15) In VI, 18 the rule is stated with regard to sin-offerings generally whilst in IV, 24 it is stated with regard to the special case of a sin-offering of a ruler.

(16) For the specific case is stated before the general rule, v. *prec. note*.

(17) Accordingly the verse, And he shall slaughter the sin-offering (*ibid.* IV, 29), is rendered superfluous.

(18) Heb. **אִתּוֹ**, 'it' to the exclusion of others. The third verse (Lev. IV, 29) was therefore necessary to extend the rule generally so as to include all sin-offerings.

(19) That all sin-offerings must be slaughtered on the north side.

(20) The he-goat offered as a sin-offering by Nahshon, the prince of the tribe of Judah, (and likewise by each of the princes of the other tribes, v. Num. VII, 12ff) at the dedication of the altar. This sin-offering was peculiar in that it was offered not in expiation of any sin committed.

(21) That Nahshon's he-goat required the laying on of hands before slaughtering.

(22) Lev. IV, 24, with reference to the sin-offering brought by a ruler. Other offerings of a he-goat are included in this verse by reason of the fact that 'he-goat' is expressly mentioned here instead of the more usual expression 'upon its head'.

It includes the he-goats offered for the sin of idolatry for the requirement of the laying on of hands.¹ Rabina demurred, [saying], It is well according to R. Judah's view,² but what is to be said if R. Simeon's view is followed?³ Thereupon Mar Zutra the son of R. Mari said to Rabina, But even according to R. Judah should we not say that that which is expressly included⁴ is included, and that which is not included⁵ is not included? And if you retort that without a verse to exclude it⁵ you would have included it by virtue of the general principle,⁶ then with regard to the requirement of laying on of hands Scripture should have been silent concerning it since it would have been included by virtue of the general principle. But [you would answer that] we may not derive [the regulations applicable, to] a temporary enactment⁷ from a permanent law, then with regard to this,⁵ too, we may not derive a temporary enactment from a permanent law!⁸ — This then is the interpretation: 'It' must be [slaughtered] on the north side but the slaughterer need not stand at the north side.⁹ But is not this to be derived from R. Ahiyah's teaching? For it was taught: R. Ahiyah says, Wherefore does the text state, And he shall slaughter it on the side of the altar northward?¹⁰ It is because concerning the receiving [of the blood] we know that [the priest] must stand on the north side and receive [the blood] on the north side, and if he stood on the south side and received [the blood] on the north side the offering is invalid;¹¹ now I might have thought that it is the same here [with regard to the slaughtering], Scripture therefore stated 'it', signifying that 'it' must be on the north side but the slaughterer need not stand on the north side!¹² — Rather [then interpret it thus]: 'It' must be on the north side but [the killing of] a bird-offering need not be on the north side. For I might have argued [that this was essential] by an a fortiori argument from a lamb-offering thus: if [the slaughtering of] a lamb-offering, which does not require the services of a priest, must be performed on the north side, is it not right that [the killing of] a bird-offering, which requires the services of a priest, shall be performed on the north side? But surely [one can retort,] this is so¹³ with a lamb-offering because it requires an instrument [for the slaughtering]!¹⁴ — Rather then [we must interpret it as follows]: 'It' must be on the north side, but the slaughtering of the Passover-offering need not be on the north side. But is not the [exclusion of the] Passover-offering derived from the teaching of R. Eliezer b. Jacob? For it was taught: R. Eliezer b. Jacob said, One might think that the Passover-offering requires slaughtering on the north side by reason of this a fortiori argument: if the slaughtering of a burnt-offering, which has no fixed time for the slaughtering, must be performed on the north side, is it not right that the slaughtering of the Passover-offering, which has a fixed time for the slaughtering thereof,¹⁵ shall be performed on the north side? But surely [one can retort,] this is so¹³ with a burnt-offering because it is wholly burnt! — One can argue the case from the sin-offering. But surely [one can retort that] this is so with the sin-offering because it effects atonement for those that are liable to the penalty of kareth! — One can argue the case from the guilt-offering. But surely this is so with the guilt-offering because it is a Most Holy offering.¹⁶ And if one were to argue the case from all these offerings, [one could retort that] this is so with all these mentioned because they are all Most Holy offerings! — Rather [we must say that the interpretation] is indeed as stated previously: 'It' must be on the north side but the slaughterer need not be on the north side; and as for your objection 'Is not this to be derived from R. Ahiyah's teaching?' [I say that] R. Ahiyah comes [not to teach] that the slaughterer need not be on the north side; he teaches rather that, in contradistinction from the slaughterer who need not be on the north side,¹⁷ the receiver of the blood must be on the north side. But is not this rule regarding the receiver of the blood derived from [the fact that Scripture states], 'And he shall take'¹⁸ and not 'he shall take'?¹⁹ — He [R. Ahiyah] does not base any exposition on the fact that Scripture states 'And he shall take' and not 'he shall take'.

ONE IS LIABLE FOR THE KNEADING AS WELL AS FOR THE SHAPING AND FOR THE BAKING. R. Papa said, If a man baked [the meal-offering leavened], he has incurred stripes on two counts, once for shaping it [while leavened] and again for baking it.²⁰ But have you not said above²¹ 'As the baking is described as a specific work and one is liable solely on account of it'? — This is no difficulty, for in the one case he shaped it and also baked it,²² but in the other case another shaped it and he baked it.²³

Our Rabbis taught: If a firstling²⁴ was attacked with congestion, it may be bled in a place where no blemish would result, but it may not be bled in a place where a blemish would result.²⁵ So R. Meir. The Sages say, It may be bled even in a place where a blemish would result, provided that it is not slaughtered by reason of that blemish.²⁶ R. Simeon says,

(1) V. infra 92b.

(2) For since he maintains that Nahshon's he-goat required laying on of hands just like an ordinary sin-offering, it would also have required slaughtering on the north side; therefore an express term was necessary in order to exclude the latter requirement.

(3) For according to him Nahshon's he-goat was different from ordinary sin-offerings, since it did not require laying on of hands, and presumably it did not require slaughtering on the north side; hence no term was necessary to exclude this.

(4) The rite of laying on of hands.

(5) The requirement of slaughtering on the north side.

(6) I.e., as all sin-offerings required slaughtering on the north side so this offering also required it.

(7) Sc. the offering of Nahshon's he-goat at the dedication of the altar.

(8) So that even according to R. Judah only that rite which was expressly stated as applying to Nahshon's he-goat did apply, but none other; hence slaughtering on the north side was not required for it; accordingly the term 'it' must be otherwise interpreted.

(9) He may stand on the south side and slaughter the animal which is on the north side by using a long knife for the purpose.

(10) Lev. I, 11.

(11) V. Zeb. 48a.

(12) So that the term 'it', stated in Lev. IV, 24, has not been satisfactorily interpreted.

(13) That slaughtering on the north side is essential.

(14) Whereas the killing of a bird sacrifice is performed by the priest nipping off the head with his thumb; cf. Lev. I, 15.

(15) It must be slaughtered on the eve of the Passover Festival on the fourteenth day of Nisan in the afternoon.

(16) Whereas the Passover-offering is of the Less Holy offerings.

(17) This is derived from the term 'it' (Lev. IV, 24) stated in connection with the sin-offering of a ruler.

(18) Ibid. IV, 25.

(19) The rule is derived from the superfluous waw 'and' (R. Gershom). According to Sh. Mek. the text should read: 'From (the fact that Scripture states), And he shall take, which signifies, and he shall take himself'. I.e., the receiver of the blood shall betake himself to the place where he is about to receive the blood, namely, the north side. V. Zeb. 48a.

(20) The baking is regarded as a twofold work, as the completion of the work of shaping and as the baking proper.

(21) Supra p. 329.

(22) In this case he would not be liable on two counts for the baking, since he has already incurred liability for the shaping as a separate work. Only in this sense can the baking be described as a single and specific work.

(23) The other would then be liable for the shaping, whilst he would be liable for the baking which involves two counts, the baking proper and the completion of the shaping. V. however, Tosaf. s.v. **תבשיל**, and com. of R. Gershom.

(24) The firstling, after Temple times, since it can no longer be offered, is given to the priest, but he is forbidden to slaughter it unless it is blemished. It is, however, forbidden to blemish a firstling or any consecrated beast.

(25) E.g., to bleed the firstling at the ear or lip would leave a scar or blemish.

(26) For otherwise it is to be feared that the owner would bleed it deliberately, although it was not suffering from congestion, in order to be allowed to slaughter it.

Talmud - Mas. Menachoth 56b

It may even be slaughtered by reason of that blemish.¹ R. Judah says, It may not be bled² even though it would otherwise die.³

R. Hiyya b. Abba said in the name of R. Johanan, All agree⁴ that whosoever leavens [the meal-offering] after it was already leavened⁵ is liable, for it is written, It shall not be made leavened,⁶ and it is also written, It shall not be baked leavened.⁷ And that whosoever castrates a

beast after it was already castrated⁸ is liable, for it is written, That which hath its stones bruised or crushed or torn off or cut, [. . . neither shall ye do thus in your land].⁹ Now if one is liable for cutting how much more so for tearing off! [Wherefore is the latter mentioned?] To teach that one is also liable if one tears them away after they were already cut. They⁴ only differ as to whether one may blemish a blemished animal. R. Meir says, It is written, There shall be no blemish at all therein;¹⁰ but the Rabbis say, It is written, It shall be perfect to be accepted.¹¹ Against R. Meir [it will be objected], is there not written, 'It shall be perfect to be accepted'? — That would only exclude what was born blemished.¹² But what was born blemished is no better than a tree! — It excludes rather consecrated animals that have been rendered unfit [by reason of a blemish] and have been redeemed; for I might have argued that since these may not be sheared of their wool nor put to any labour it is also forbidden to inflict any further blemish upon them, we are therefore taught [that it is not so]. And against the Rabbis [it will be objected], is it not written, 'There shall be no blemish at all therein'? — That verse is necessary for the following teaching: It is written, 'There shall be no blemish at all therein': I gather from this that one may not inflict any blemish upon it, but whence do I know that one may not cause it to suffer a blemish indirectly,¹³ [e.g.] that one may not place a lump of dough or a pressed fig upon its ear so as to tempt a dog to take it?¹⁴ The text therefore says, 'No blemish at all'; not only does it say 'no blemish' but also 'no blemish at all'.¹⁵

R. Ammi said, If a man placed leaven upon the dough [of a meal-offering] and went and sat him down, and the dough became leavened of its own, he is liable for it, just as it is an act of work on the Sabbath.¹⁶ But would one be liable for doing such an act of work as this on the Sabbath? Has not Rabbah b. Bar Hanah said

(1) Since the bleeding was not intended to blemish the beast but merely to relieve it from its congestion, the blemish that results is regarded as accidental and the beast may be slaughtered on account of it; this being in accordance with R. Simeon's view that a result not intended is ignored; v. Shab. 133a.

(2) Even in a place from which no physical blemish would result for it is to be feared that in his anxiety to save the beast the owner would not be careful as to the place where he bleeds it and might do so even in a place from which a blemish would certainly result.

(3) V. Bek. 33b.

(4) I.e., R. Meir and the above Rabbis who differ concerning the propriety of blemishing a beast which is already blemished, for here the firstling is indeed blemished by reason of its congestion which would prove fatal if it were not bled.

(5) I.e., if one shaped or baked the dough of the meal-offering which had been made leavened by another person.

(6) Lev. II, 11.

(7) Ibid. VI, 10. Hence it is clear that for baking it leavened even after it had already been 'made' leavened one is liable.

(8) I.e., one man had wrenched the testicles away from the body and left them in the scrotum, and another came and cut them away entirely.

(9) Ibid. XXII, 24. The latter part of this verse is understood as a general prohibition against castration.

(10) Ibid. 21. Even though the beast is blemished there shall be no further blemish therein.

(11) Ibid. Only such as are fit for offering may not be blemished.

(12) And therefore was at no time holy. This certainly may be blemished.

(13) Lit., 'by other means'.

(14) And to bite its ear at the same time, thus causing a blemish.

(15) Including blemishes indirectly caused.

(16) E. g., if one placed meat on the coals on the Sabbath one would be liable for roasting, although the roasting was done of its own accord.

Talmud - Mas. Menachoth 57a

in the name of R. Johanan, If a man placed meat on coals [on the Sabbath] and also turned it over, he is liable, but if he did not turn it over he is not liable? — Raba answered; He meant to say, He is

liable for it just as the act of roasting on the Sabbath.¹

The text [above stated]: ‘Rabbah b. Bar Hanah said in the name of R. Johanan, If a man placed meat on coals [on the Sabbath] and also turned it over, he is liable, but if he did not turn it over he is not liable’. How is this to be understood? If I say that the meat would not have been roasted if he had not turned it over, then obviously [he is not liable if he did not turn it over]; and if it would have been roasted even though he had not turned it over, why then is he not liable [where he did not turn it over]? — It is necessary to be stated only for the circumstance where, had he not turned it over, it would have been roasted on one side only to the extent of that which was eaten by Ben Drusai,² but with turning it over it would have been roasted on both sides to that extent. Now we are here taught that whatsoever is done on one side only to the extent of that which was eaten by Ben Drusai is insignificant.

Raba said, If it had been [well] roasted³ in one place the size of a dried fig, one would be liable.⁴ Rabina said to R. Ashi, Is it then that only [if roasted] in one place [to the size of a dried fig] one is [liable], but not [if roasted] in two or three places?⁵ But we have learnt: He who bores a hole, however small, is liable.⁶ Now what can this mean? Will you say it means [a hole] in one place? But of what use can a tiny hole be? Obviously then it means [holes] in two or three places, [no matter how small], since they can be joined together.⁷ — No, I still say it means a hole in one place, for it can serve as a keyhole.

Another version states: Raba said, Even if it had been roasted in two or three places [together making up the size of a dried fig, one would be liable]. Rabina said to R. Ashi, We have learnt in a Mishnah to the same effect: He who bores a hole, however small, is liable. Now what can this mean? Will you say it means a hole in one place? But of what use can a tiny hole be? It must mean [holes] in two or three places, [no matter how small,] since they can be joined together! — No, I still say it means a hole in one place, for it can serve as a keyhole.

Our Rabbis taught: Had Scripture only stated, Which ye shall bring unto the Lord shall not be made leavened,⁸ I should have said that only the handful shall not be made leavened, but whence would I know [that this prohibition applies to] the whole meal-offering?⁹ The text therefore added, ‘Meal-offering’.⁸ And whence would I know that this applies to other meal-offerings too?¹⁰ The text therefore stated, ‘Every meal-offering’.⁸ ‘Which ye shall bring unto the Lord’ signifies what is valid, but not what is invalid;¹¹ hence they said, He who leavens a valid meal-offering is liable, but he who leavens what is invalid is not liable.

R. Papa enquired, What is the law if a man leavened the meal-offering and it was then taken out [of the Sanctuary], and afterwards he again leavened it?¹² [Shall I say,] since it has been taken out it has thereby become invalid, and consequently by leavening it thereafter he cannot be held liable for leavening what was already leavened; or perhaps I should say, since it has been leavened it cannot be affected by being taken out, and consequently by leavening it again he would be liable for leavening what was already leavened? This question remains undecided.

R. Mari enquired, What is the law if he leavened [the handful] at the head of the altar? Does not the Divine Law say, ‘Which ye shall bring’, and this has already been brought up;¹³ or perhaps I should say, since it still requires to be burnt it is as though the act [of bringing] has not been completed? This question remains undecided.

And now that the general prohibition has been derived from ‘every meal-offering’, wherefore is the expression ‘which ye shall bring’¹⁴ stated? — It is required for the following which was taught: Which ye shall bring includes the meal-offering which is offered with the drink-offerings, so that it too comes within the prohibition of leavening.¹⁵ So R. Jose the Galilean. R. Akiba says, It includes

the Shewbread, so that it too comes within the prohibition of leavening.¹⁶ But is not the meal-offering which is offered with the drink-offerings prepared with fruit juice,¹⁷

- (1) I.e., the placing of leaven on dough, which is the whole act of leavening, is equivalent to placing meat on coals and turning it over for the other side to roast, which two acts together constitute the act of roasting.
- (2) The name of a bandit who used to eat his food slightly done; gen. a third done.
- (3) Cur. edd. add here: 'on one side'. This is not found in MS.M. and is deleted by Sh. Mek.
- (4) Even though it had not been turned over.
- (5) Which together make up the size of a dried fig.
- (6) Shab. 102b.
- (7) To make one large hole. Similarly here, the parts roasted should be reckoned together so as to make up the size of a dried fig.
- (8) Lev. II, 11.
- (9) I.e., before the handful was taken out.
- (10) For the prohibition is expressly stated in connection with a meal-offering prepared in a pan.
- (11) E.g., if the meal-offering was taken out of the Sanctuary and thereby had become invalid or if it had become unclean.
- (12) I.e., he performed another work with this dough which had already been leavened, e.g. he baked it.
- (13) To the head of the altar before it was leavened.
- (14) Which refers specifically to the handful only.
- (15) For this meal-offering is different in that no part thereof is eaten but it is wholly burnt upon the altar; it was therefore necessary for this to be expressly included within the prohibition of leavening. On the other hand, the Shewbread does not come within this prohibition according to R. Jose, for he is of the opinion that the Shewbread was hallowed only when set upon the table and not before when the flour was measured out, for the measuring vessels for dry goods were not consecrated as vessels of ministry.
- (16) R. Akiba maintains that the measuring vessels for dry goods were consecrated and so the flour was hallowed for a meal-offering (for such is the Shewbread) as soon as it was measured out; hence it comes within the prohibition of leavening.
- (17) The meal-offering offered with the drink-offerings required a large quantity of oil, three logs to the tenth, and presumably no water was added to it; accordingly it cannot possibly become leavened.

Talmud - Mas. Menachoth 57b

and fruit juice cannot render aught leaven? — Resh Lakish answered that R. Jose the Galilean was of the opinion that it was permitted to mix the meal-offering which is offered with the drink-offerings with water.¹ But was not the [flour for the] Shewbread put into a measuring vessel for dry goods, and we know that R. Akiba is of the opinion that the measuring vessel for dry goods was not consecrated?² — Rabin³ sent the following answer in the name of R. Johanan: That is, indeed, the proper construction of the teaching, but the authorities must be reversed: 'Which ye shall bring' includes the Shewbread, so that it too comes within the prohibition of leavening. So R. Jose the Galilean. R. Akiba says, It includes the meal-offering which is offered with the drink-offerings, so that it too comes within the prohibition of leavening.

R. Johanan is indeed consistent in his view, for R. Johanan has said that R. Jose the Galilean and one of the disciples of R. Ishmael — namely, R. Josiah—both hold the same view, For it was taught: It is written, And had anointed them and sanctified them.⁴ R. Josiah says, The liquid-measures were anointed both inside and outside, while the dry-measures were anointed inside but not outside. R. Jonathan says, The liquid-measures were anointed inside but not outside, while the dry-measures were not anointed at all. This can be proved from the fact that they do not hallow [what was put into them], for it is written, Ye shall bring out of your dwellings two wave-loaves of two tenth parts of an ephah; they shall be of fine flour, they shall be baked with leaven, for firstfruits unto the Lord;⁵ when are they appointed unto the Lord? Only after they have been baked.⁶

Wherein do they differ? In the interpretation of the word ‘them’.⁷ R. Josiah maintains that the word ‘them’ excludes the outside of the dry-measure; but R. Jonathan holds that the dry-measure was not holy at all and no verse is necessary to exclude it; the word ‘them’ can thus serve to exclude only the outside of the liquid-measure.

And why did not [R. Johanan] say that R. Akiba and one of the disciples of R. Ishmael — namely R. Jonathan — both said the same thing?⁸ — Because they do not agree entirely about the liquid-measures.⁹

R. Papa said to Abaye, Was not a bowl used [for the kneading of the Shewbread], and that was [a measuring vessel] for liquids?¹⁰ — He replied, It might have been kneaded on a slab.¹¹ But if so, when R. Jonathan said ‘This can be proved from the fact that they do not hallow [what was put into them]’, [his colleague] could have retorted that it might have been measured out in an unconsecrated tenth measure!¹² — [The two cases] cannot be compared; for with regard to the bowl, since the Divine Law did not expressly prescribe a bowl for the kneading, if it was kneaded on a slab it did not matter in the least; but with regard to the tenth measure, since the Divine Law directed that a tenth measure be made wherewith the flour might be measured, would one reject the consecrated tenth measure and measure with an unconsecrated tenth measure?

Our Rabbis taught: Whence is it derived that whosoever offers of the flesh of a sin-offering or of a guilt-offering, of the flesh of a Most Holy¹³ or of a Less Holy offering, of the residue of the ‘Omer-offering, of the residue of the Two Loaves, of the Shewbread, or of the remainder of meal-offerings, transgresses a negative precept? Because the text states, For any leaven or any honey ye shall not burn of it as an offering made by fire unto the Lord,¹⁴ signifying that any offering, if only a portion of it is offered upon the fire, comes under the prohibition of ye shall not burn.¹⁵ But is any part of the Two Loaves or of the Shewbread offered upon the fire? Surely it has been taught: Thus the Two Loaves and the Shewbread are excluded¹⁶ since no part of them is offered upon the fire! — R. Shesheth answered, It meant there that no part of them is actually offered upon the fire.¹⁷

It was reported: If a person brought up any of the abovementioned parts upon the ascent,¹⁸ R. Johanan said, He is liable;¹⁹ but R. Eleazar said, He is not liable. ‘R. Johanan said, He is liable’, for it was taught: The verse says, The altar:²⁰ I know this²¹ only of the altar, whence do I know it of the ascent too? The text states: But they shall not come up for a sweet savour on the altar.²⁰ ‘R. Eleazar said, He is not liable’, because the verse says, Leaven and honey . . . as an offering of firstfruits ye may bring them unto the Lord;²⁰ only with regard to these²² is it implied that the ascent is on a par with the altar, but with no other offering is it so.

(1) It can therefore become leavened.

(2) V. infra 90a. Hence it cannot be subject to the prohibition of leavening since it was not hallowed as a meal-offering until set upon the table, for even the kneading need not have been in a vessel of ministry.

(3) So MSS., Rashi, and Sh.Mek. Cur. edd.: ‘R. Reuben’.

(4) Num. VII, 1. The reference is to the anointing of the altar vessels which were vessels for liquids.

(5) Lev. XXIII, 17.

(6) So that, although the flour must have been measured out in a measuring vessel, it was not hallowed ‘unto the Lord’ until after the baking in the oven of the Sanctuary.

(7) Heb. **סוֹתֵם**. The suggestion is that this word signifies the essential part of the vessel, namely the inside only.

(8) Since R. Akiba and R. Jonathan both hold that the dry-measures were not consecrated.

(9) For R. Akiba maintains that the liquid-measures were anointed both inside and outside so as to hallow whatsoever was put inside them as well as what was on the outside; v. infra 90a.

(10) The kneading bowl, being a vessel of ministry, would assuredly have hallowed the loaves before they were put into the oven.

- (11) Which was of leather and was not consecrated as a vessel of ministry.
- (12) Just as the kneading was not done in the usual vessel of ministry, one can also say that the flour was measured out in an unconsecrated measure, and on that account the loaves were only hallowed at the baking and not before. Had they, however, been measured out in a consecrated measure they would have become hallowed forthwith.
- (13) E.g., the two lambs offered on the Pentecost as peace-offerings. They would not include burnt-offerings which are wholly offered on the altar.
- (14) Lev. II, 11. 'It is apparent that the expression 'of it', Heb. **מִמֶּנּוּ**, is superfluous in the verse, and is interpreted therefore as the basis for the rule, that once the prescribed portion of an offering has been duly offered up on the altar the rest may not under any circumstances be burnt upon the altar.
- (15) Accordingly each offering enumerated in this Baraitha is subject to the prohibition of 'ye shall not burn', since a portion of each has already been offered as an offering by fire on the altar. Thus, of the animal sacrifices the fat parts have been offered, of the meal-offerings the handfuls, of the Two Loaves the fat parts of the two lambs which accompanied them, and of the Shewbread the two dishes of frankincense.
- (16) They are not to be 'presented' or brought near to the altar. V. infra 60b.
- (17) In contradistinction from other offerings from which a handful is offered. Nevertheless since the offering consisted of the Loaves and the lambs or of the Shewbread and the frankincense, it is also true to say that part of the offering is offered upon the fire.
- (18) The slope which leads to the altar.
- (19) Just as if he had offered the part upon the altar.
- (20) Lev. II, 12.
- (21) That it is prohibited to burn the remainder of an offering whereof a part has been duly offered up.
- (22) Limited by the pronoun 'them', **אֹתָם**. The verse applies only to those offerings which are described as 'an offering of firstfruits', namely, the Two Loaves and the Firstfruits.

Talmud - Mas. Menachoth 58a

And to what purpose does R. Johanan employ the term 'them'? — He requires it for the following which was taught: One might think that an individual may make a freewill-offering [of two loaves] in the same manner and offer it; for I would apply the verse, That which is gone out of thy lips thou shalt observe and do,¹ the text therefore states, As an offering of firstfruits ye may bring, meaning only the community may bring them but not an individual.² One might further think that an individual may not offer them since he does not offer the like as an obligation, but the community may offer them [as a freewill-offering] since it must offer the like as an obligation, the text therefore states 'them'; only these are to be offered, namely, the Two Loaves which are with leaven and the offering of firstfruits which includes honey.

But was it then not permissible to offer the Two Loaves as a freewill-offering? Surely it has been taught: Since Scripture has stated any leaven,³ why has it also stated any honey?³ Or since it has stated any honey, why has it also stated any leaven? It is because there is a condition which applies to leaven but not to honey, and there is also a condition which applies to honey but not to leaven. Leaven admits of an exception in that it is permitted in the Temple but honey does not admit of any exception in the Temple. Honey is permitted to be used in the remainder of a meal-offering⁴ but leaven is not permitted to be used in the remainder of a meal-offering. Therefore, since there is a condition which applies to leaven but not to honey, and there is a condition which applies to honey but not to leaven, Scripture had to state 'any leaven' and also 'any honey'. Now to what did it refer when it said 'Leaven admits of an exception in that it is permitted in the Temple'? No doubt to the Two Loaves, which may be offered as a freewill-offering!⁵ — No, said R. 'Amram; it referred to what was offered with them.⁶ But then it is the same with the firstfruits, is it not?⁷ For we have learnt: The pigeons that were upon the baskets [of firstfruits] were sacrificed as burnt-offerings, but those which the people carried in their hands they gave to the priests!⁸ — Those were only for adorning the firstfruits.⁹

Rami b. Hama enquired of R. Hisda, What is the law if one offered upon the altar the flesh of a sin-offering of a bird? Does the Scriptural rule¹⁰ refer only to that offering of which a portion has been offered upon the fire, and of this no portion has been offered upon the fire; or [does it refer] to everything that is called an offering, and this too is called an offering? — He answered, [It refers to] everything that is called an offering and this too is called an offering.¹¹

Tannaim differ on this point. R. Eliezer says, [The prohibition¹² refers only to] that offering of which a portion has been offered upon the fire; but R. Akiba says, [It refers to] everything that is called an offering. Wherein lies the difference between them? — R. Hisda said, In regard to the flesh of the sin-offering of a bird.¹³ Rab said, In regard to the log of oil of a leper.¹³ (For Levi taught: The expression ‘every offering of theirs’¹⁴ includes the log of oil of the leper.)¹⁵

Our Rabbis taught: Leaven . . . ye shall not burn.¹⁶ From this I only know the rule¹⁷ for the whole, but whence do I know it for a part thereof? Because the text states, Any leaven.¹⁶ And whence do I know it for the mixture? Because the text states, For any leaven.¹⁶ What does this mean?¹⁸ — Abaye said, It means this: ‘Leaven . . . ye shall not burn’. From this I only know the rule for an olive’s bulk,¹⁹ but whence do I know it for a half-olive’s bulk?²⁰ Because the text states, ‘Any leaven’. And whence do I know it for the mixture?²¹ Because the text states, ‘For any leaven’. Raba said, It means this: ‘Leaven . . . ye shall not burn’. From this I only know the rule for the [whole] handful, but whence do I know it for half of the handful? Because the text states, ‘Any leaven’. And whence do I know it for the mixture? Because the text states, ‘For any leaven.’

Wherein do they differ? — Abaye maintains that the handful may be less than two olives’ bulk

(1) Deut. XXIII, 24.

(2) For the verb **תקריבו** ‘ye may bring’, is in the plural.

(3) ‘Any’, Heb. **כל** need not have been stated in both cases, since whatever rule is derived from one (v. infra) would equally apply to the other.

(4) Cf. Hul. 132b.

(5) Upon the altar. For the Two Loaves which were brought as an obligation were not offered on the altar.

(6) I.e., the two lambs which were offered as an obligation together with the Two Loaves may also be offered as a freewill-offering upon the altar.

(7) For pigeons which were offered with the firstfruits may also be offered as a freewill-offering; hence it cannot be said that the rules concerning leaven do not apply to honey.

(8) Bik. III,5

(9) But were not offered as an obligation with the firstfruits.

(10) That what remains of the offering may not be burnt upon the altar.

(11) Cf. Lev. I, 14.

(12) That what remains of the offering may not be burnt upon the altar.

(13) Which is referred to as an offering (cf. Lev. I, 14 and XIV, 12) although none of it is burnt upon the altar.

(14) Num. XVIII, 9.

(15) This teaching of Levi is omitted in all MSS. and apparently was not in the text before Rashi. It is struck out here by Sh. Mek.

(16) Lev. II, 11.

(17) That it must not be burnt upon the altar leavened.

(18) What is meant by ‘the whole’ and ‘the part’?

(19) Since this may be the whole handful.

(20) That this quantity is nevertheless reckoned as a ‘burning’ and therefore comes under the prohibition of ‘ye shall not burn’.

(21) I.e., if the handful consisted of what was partly leavened and partly unleavened and the one was not distinguishable from the other.

Talmud - Mas. Menachoth 58b

and that the burning of a quantity less than an olive's bulk counts as an offering;¹ whereas Raba maintains that the handful may not be less than two olives' bulk and that the burning of a quantity less than an olive's bulk does not count as an offering.

It was stated: If a man offered leaven and honey² upon the altar, he has incurred stripes, said Raba, once for offering leaven, again for offering honey, again for offering leaven in a mixture, and yet again for offering honey in a mixture. But Abaye said, He does not suffer stripes for the breach of a negative precept which includes a number of prohibitions.³ Some say that he suffers stripes but once;⁴ but others say that he does not suffer stripes at all,⁵ since the negative precept is not as specific as that of 'muzzling'.⁶

(1) Hence one is liable for burning a half-olive's bulk of leaven upon the altar.

(2) In one mixture (Rashi). According to Tosaf. he offered some leaven, some honey, and a mixture of leaven and honey. Hence he suffers stripes four times.

(3) Accordingly he does not suffer stripes for offering the mixture, since the negative precept of the mixture (implied in the term 'for any' v. supra) includes prohibitions for the mixture of leaven and the mixture of honey. V. Tosaf. s.v. המעלה and אין.

(4) For the inclusive negative precept. In the case in question, therefore, he would suffer stripes three times, once for offering the leaven, again for the honey, and a third time for the mixtures.

(5) For the inclusive negative precept; so that he would suffer stripes but twice.

(6) Sc. the ox when treading the corn, Deut. XXV, 4. This is given as an example of a specific negative precept because it follows immediately upon the law concerning stripes, Deut. XXV, 1ff.

Talmud - Mas. Menachoth 59a

MISHNAH. SOME [MEAL-OFFERINGS] REQUIRE OIL AND FRANKINCENSE, SOME REQUIRE OIL BUT NOT FRANKINCENSE, SOME FRANKINCENSE BUT NOT OIL, AND SOME NEITHER OIL NOR FRANKINCENSE. THESE REQUIRE OIL AND FRANKINCENSE: THE MEAL-OFFERING OF FINE FLOUR,¹ THAT PREPARED ON A GRIDDLE, THAT PREPARED IN A PAN, THE CAKES AND THE WAFERS,² THE MEAL-OFFERING OF THE PRIESTS, THE MEAL-OFFERING OF THE ANOINTED HIGH PRIEST,³ THE MEAL-OFFERING OF A GENTILE,⁴ THE MEAL-OFFERING OF WOMEN,⁵ AND THE MEAL-OFFERING OF THE 'OMER.⁶ THE MEAL-OFFERING OFFERED WITH THE DRINK-OFFERINGS⁷ REQUIRES OIL BUT NOT FRANKINCENSE. THE SHEWBREAD REQUIRES FRANKINCENSE BUT NOT OIL. THE TWO LOAVES,⁸ THE SINNER'S MEAL-OFFERING⁹ AND THE MEAL-OFFERING OF JEALOUSY¹⁰ REQUIRE NEITHER OIL NOR FRANKINCENSE.

GEMARA. R. Papa said, All [the meal-offerings] enumerated in the Mishnah must consist of ten [cakes].¹¹ He thus rejects R. Simeon's view who said, He may offer half in cakes and half in wafers;¹² and so he teaches us [that it is not so].

Our Rabbis taught: It is written, And thou shalt put oil upon it,¹³ — upon it but not upon the Shewbread. For [without the verse] I would have argued by an a fortiori argument thus: if the meal-offering that is offered with the drink-offerings, which does not require frankincense, nevertheless requires oil, how much more does the Shewbread, which requires frankincense, require oil! The text therefore stated 'Upon it', — upon it shall be oil but not upon the Shewbread. [It is further written], And thou shalt lay frankincense upon it,¹⁴ — upon it shall be frankincense but not upon the meal-offering offered with the drink-offerings. For [without the verse] I would have argued by an a fortiori argument thus: if the Shewbread, which does not require oil, nevertheless requires

frankincense, how much more does the meal-offering offered with the drink-offerings, which requires oil, require frankincense! The text therefore stated, ‘Upon it’ — upon it shall be frankincense but not upon the meal-offering offered with the drink-offerings. Meal-offering¹⁴ — this includes the meal-offering offered on the eighth day¹⁵ [of consecration], so that it too required frankincense. It is¹⁴ — this excludes the Two Loaves, so that they require neither oil nor frankincense.

The Master said, ‘Upon it shall be oil but not upon the Shewbread’. Might I not say, Upon it shall be oil but not upon the meal-offering of the priests? — It is more reasonable to include the meal-offering of the priests, since [like the meal-offering of the ‘Omer it consists of] a tenth [of an ephah],¹⁶ [requires] a vessel of ministry,¹⁷ is prepared outside,¹⁸ [becomes unfit when] its appearance [is spoilt],¹⁹ requires bringing near [to the altar],²⁰ and [is burnt upon] the fire [of the altar].²¹ On the contrary it is more reasonable to include the Shewbread since [like the meal-offering of the ‘Omer it is an offering on behalf of] the community,²² is obligatory,²² [may be offered in] uncleanness,²³ is eaten,²⁴ [is subject to] piggul,²⁵ [and is offered] on the Sabbath!²⁶ — The former is the more plausible since there is written, Any one.²⁷

The Master said, ‘Upon it shall be frankincense but not upon the meal-offering offered with the drink-offerings’. Might I not say, Upon it shall be frankincense but not upon the meal-offering of the priests? — It is more reasonable to include the meal-offering of the priests, since [like the meal-offering of the ‘Omer it consists of] a tenth, is mixed [with a log of oil],²⁸ is brought [near the altar], [and is offered] by itself.²⁹ On the contrary it is more reasonable to include the meal-offering offered with the drink-offerings, since [like the meal-offering of the ‘Omer it is an offering on behalf of] the community,³⁰ is obligatory, [and may be offered in] uncleanness [and] on the Sabbath? — The former is the more plausible since there is written, Any one.³¹

‘Meal-offering-this includes the meal-offering offered on the eighth day [of consecration], so that it too required frankincense’. Perhaps it excludes it? — It is out of the question; if you say that it includes it, it is well,³² but if you say that it excludes it, the expression is then superfluous, for surely we would not infer a temporary enactment from a permanent law!

‘It is — this excludes the Two Loaves, so that they require neither oil nor frankincense’. Might I not say that it excludes the meal-offering of priests? — It is more reasonable to include the meal-offering of priests, since [like the meal-offering of the ‘Omer it consists of] a tenth, [requires] a vessel [of ministry], is unleavened, [is offered] by itself, must be brought near [to the altar], [and is burnt upon] the fire [of the altar].³³ On the contrary,

(1) Cf. Lev. II, 1. A promise of a meal-offering without further specification, entails the bringing of a tenth of an ephah of fine flour, together with oil and frankincense; they were mixed together and then the priest took out a handful from it and burnt it on the altar. This is the only individual meal-offering for which the Torah expressly prescribes oil and frankincense. The others enumerated in the Mishnah are derived by analogy from this meal-offering.

(2) Of the meal-offering baked in an oven, Lev. II, 4. It may consist either of ten unleavened cakes or ten unleavened wafers; v. Gemara.

(3) The daily meal-offering of the High Priest known as **חביתו כהן גדול** cf. Lev. VI, 13ff.

(4) All freewill-offerings may be accepted from gentiles, v. Shek. I, 5.

(5) I.e., when a woman offers a meal-offering of her free will.

(6) V. Lev. II, 14, and XXIII, 9-14.

(7) V. Num. XV, 4ff.

(8) Of Pentecost. V. Lev. XXIII, 17.

(9) Brought by a person of poor means as a sin-offering on the commission of any one of the transgressions mentioned in Lev. V, 1-4.

(10) Brought by a woman suspected by her husband of adultery; v. Num. V, 15.

- (11) The first four meal-offerings mentioned in our Mishnah must each be baked into ten cakes, so that even the fourth kind of meal-offering, namely that baked in an oven, for which an alternative is allowed, must consist nevertheless either of ten cakes or of ten wafers, but not of five cakes and five wafers, contra R. Simeon. Another interpretation is: The meal-offerings enumerated in our Mishnah (as requiring both oil and frankincense) are ten in number, reckoning 'THE CAKES AND THE WAFERS' as two. According to R. Simeon, however, it must be reckoned as three, since the meal-offering baked in an oven may consist of either ten cakes or ten wafers or five cakes and five wafers.
- (12) V. infra 63a and b.
- (13) Lev. II, 15, with reference to the meal-offering of the 'Omer.
- (14) Ibid.
- (15) Cf. Lev. IX, 4.
- (16) Whereas each cake of the Shewbread was of two tenths of flour.
- (17) Wherein to knead the meal-offering, at which time it was hallowed. The Shewbread, on the other hand, was not hallowed until it was baked in the oven of the Sanctuary.
- (18) The offering is performed upon the altar in the Temple court, whereas the offering of the Shewbread, i.e., the setting of the loaves on the table, was performed in the Temple proper, in the **היכל**.
- (19) An expression signifying that it must not be kept overnight, as it belonged to the Most Holy class of offerings. The Shewbread, however, was kept for seven days upon the table, from Sabbath to Sabbath,
- (20) Which is not the case with the Shewbread.
- (21) The priest's meal-offering was wholly burnt upon the altar, and from the 'Omer-offering a handful was burnt; but no part of the Shewbread was burnt upon the altar.
- (22) Which is not the case with the meal-offering of the priests.
- (23) Every offering brought by the community as an obligation overrides the laws of uncleanness, cf. Pes. 76b. This is not so with the offering of an individual.
- (24) The Shewbread and the remainder of the 'Omer-offering were shared amongst the priests and eaten, whereas the priests' meal-offering was wholly burnt.
- (25) V. Glos. It is established law that every offering which is rendered permissible, either for the altar or for man, by a certain rite (the mattir, v. Glos.), is subject to the law of piggul. V. Zeb. 43a. The priests' meal-offering, however, since it is wholly burnt is outside the scope of this rule.
- (26) The 'Omer-offering was brought even on the Sabbath (v. infra 63a), and the Shewbread was regularly offered, i.e., set, on the Sabbath; but no individual offering was brought on the Sabbath.
- (27) Lev. II, 1. Lit., 'a soul', i.e., an individual. Since here in connection with the meal-offering of fine flour, where oil (as well as frankincense) is expressly prescribed, Scripture uses the term 'any one', it is inferred that every individual meal-offering requires oil (and also frankincense, v. infra). Hence the priests' meal-offering is included.
- (28) Whereas the meal-offering offered with the drink-offerings varied in quantity: one tenth for a lamb, two for a ram, and three for a bullock; and the quantities of oil also varied, the tenth of the lamb requiring to be mixed with three logs of oil, and each tenth of the ram and the bullock with two logs of oil. V. Num. XV, 4ff.
- (29) The meal-offering offered with the drink-offerings did not require bringing near the altar; moreover it was not offered by itself but always accompanied an animal-offering.
- (30) For it was offered as an obligation with the communal Daily Offerings, accordingly it overrode the rules of uncleanness and the laws of Sabbath.
- (31) V. p. 349, n. 7.
- (32) For otherwise, without the Scriptural direction, I should have thought that that meal-offering of consecration was without frankincense, as one could not apply the general law of the meal-offering to a particular temporary enactment.
- (33) The Two Loaves, on the other hand, consisted of two tenths, had to be leavened, and were only hallowed when baked in the oven of the Sanctuary. They were not an offering by themselves but were brought together with the two lambs of Pentecost, and were subsequently eaten by the priests.

Talmud - Mas. Menachoth 59b

it is more reasonable to include the Two Loaves since [like the meal-offering of the 'Omer] they are offered on [behalf of] the community, are obligatory, [may be offered] in uncleanness, are eaten, [are subject to] piggul, [may be offered] on the Sabbath, render aught permissible,¹ [require] waving,

[must be from the produce of] the land [of Israel],² [are offered on a fixed] date,³ [and must be offered from the] new [produce]; and here we have more points in common!⁴ — The former is the more plausible since there is written, Any one.⁵

MISHNAH. [A MAN IS] LIABLE BECAUSE OF THE OIL BY ITSELF AND BECAUSE OF THE FRANKINCENSE BY ITSELF.⁶ IF HE PUT IN OIL, HE HAS RENDERED IT INVALID, BUT IF FRANKINCENSE, HE MUST PICK IT OFF AGAIN. IF HE PUT OIL ON THE REMAINDER, HE HAS NOT THEREBY TRANSGRESSED A NEGATIVE PRECEPT. IF HE PUT ONE VESSEL ABOVE THE OTHER VESSEL,⁷ HE HAS NOT THEREBY RENDERED IT INVALID.

GEMARA. Our Rabbis taught: He shall put no oil upon it,⁸ but if he put oil thereon he has made it invalid. I might also say, Neither shall he put any frankincense thereon,⁸ but if he did, he has made it invalid, the text therefore states for a sin-offering.⁹ I might then say that this is so with the oil too, the text therefore states it is.⁸ But why do you declare it invalid if oil was put thereon and valid if frankincense was put thereon? I declare it invalid if oil was put thereon, since it cannot be picked off again, but I declare it valid if frankincense was put thereon, since it can be picked off again.

Raba son of R. Huna enquired of R. Johanan, How is it if he put upon it fine frankincense? Is it [valid if frankincense was put thereon] because it can be picked off again, but in this case it cannot be picked off again; or is it because it does not become absorbed,¹⁰ and this too does not become absorbed? Come and hear: AND IF FRANKINCENSE, HE MUST PICK IT OFF AGAIN,¹¹ — Perhaps there are two reasons for it: firstly, that it does not become absorbed, and another reason is that it can be picked off again.¹²

Come and hear: 'I declare it valid if frankincense was put thereon, since it can be picked off'! — Here again we can reply that there are two reasons for it.

How is it then? — R. Nahman b. Isaac answered, It was taught: If a man put frankincense upon the sinner's meal-offering or upon the meal-offering of jealousy, he must pick it off again and the meal-offering is valid. If before he had picked off the frankincense he expressed an intention [concerning an act to be performed] outside its proper time¹³ or place, it is invalid but the penalty of kareth¹⁴ is not incurred.¹⁵ But if after he had picked off the frankincense¹⁶ he expressed an intention [concerning an act to be performed] outside its proper place, it is invalid and the penalty of kareth is not incurred, but if outside its proper time, it is piggul¹⁴ and the penalty of kareth is incurred.

Surely it should be regarded as rejected!¹⁷ — Abaye answered, Scripture still refers to it as a sin-offering.¹⁸ Raba said, This represents the view of Hanan the Egyptian who does not consider anything as absolutely rejected. For it was taught: Hanan the Egyptian says, Even though the blood is still in the bowl he may, without casting lots, bring another goat and pair it with the other.¹⁹ R. Ashi said, Whatsoever still remains in his power [to rectify] is never regarded as rejected.²⁰

R. Adda said that R. Ashi's view is the more probable; for who is it that regards a matter as absolutely rejected? It is R. Judah, as we learnt: Moreover, said R. Judah, if the blood²¹ was poured out, the Scapegoat must be left to die;²² and if the Scapegoat died, the blood must be poured out.²³ Nevertheless, in regard to a matter which is still in his power [to rectify], it has been taught: R. Judah says, A cup was filled with the mingled blood [that was spilt on the ground]²⁴ and it was sprinkled in one action towards the base [of the altar].²⁵

R. Isaac b. Joseph said in the name of R. Johanan, If a man put the minutest quantity of oil upon an olive's bulk of the [sinner's] meal-offering, he has thereby rendered it invalid. What is the reason? For 'he shall not put'²⁶ implies the putting of any quantity, however little; whilst 'upon it'²⁶ implies

at least the minimum quantity.²⁷

R. Isaac b. Joseph also said in the name of R. Johanan, If a man put an olive's bulk of frankincense upon the minutest quantity of the [sinner's] meal-offering, he has thereby rendered it invalid. What is the reason? Because it is written, He shall not give [any frankincense],²⁸ which signifies that there must be a quantity thereof worthy to be given. And as for the term 'upon it',

(1) The 'Omer rendered the new produce permissible to be eaten in the land of Israel, while the Two Loaves rendered it permissible to be used henceforth in the Temple.

(2) Whereas all other meal-offerings could be brought from produce grown outside Palestine.

(3) The 'Omer on the sixteenth day of Nisan and the Two Loaves at Pentecost.

(4) As all these features are absent in the meal-offering of the priests the points in common between the 'Omer-offering and the Two Loaves certainly outnumber those enumerated above as common between the 'Omer-offering and the meal-offering of the priests.

(5) V. supra p. 349, n. 7.

(6) I.e., if he put either oil or frankincense upon the sinner's meal-offering or upon the meal-offering of jealousy.

(7) A vessel containing oil for frankincense was put over the one containing the sinner's meal-offering.

(8) Lev. V, 11, with reference to the sinner's meal-offering.

(9) Ibid. It is a valid sin-offering even though it has had frankincense put upon it.

(10) In the flour, as is the case with the oil.

(11) Evidently the main reason is that it can be picked off again; consequently where this is not possible, as in our case where the frankincense was ground fine, it would be invalid.

(12) And one reason is valid without the other so that even though it cannot be picked off again it is still valid since it is not absorbed in the flour.

(13) E.g., if during the taking out of the handful he intended to burn it outside its proper time or to eat of the remainder outside its proper time.

(14) V. Glos.

(15) For since the meal-offering is invalid by reason of the frankincense thereon the penalty for piggul cannot be incurred. V. supra 16b.

(16) And the meal-offering is valid once again. It is evident, therefore, that the sole reason why the addition of frankincense to the meal-offering does not render it absolutely invalid is that it can be picked off and so become valid once again.

(17) This is the text strongly supported by Tosaf. and for which there is MS. authority (v. Dik. Sof. a.l. n. 60), and the interpretation is as follows: Why is it taught in our Mishnah and in the Baraita quoted in the Gemara that the frankincense may be picked off from the meal-offering? But surely, once the meal-offering has had frankincense put upon it, it became invalid and so absolutely rejected as a meal-offering! How then can it become valid after it had once been made invalid? Cf. the similar question in Zeb. 34b and the identical answers of Raba and R. Ashi. The text in cur. edd. reads: 'Let it be regarded as though a cruse (of oil had been poured out over the meal-offering); wherefore then is it rendered invalid by any wrongful intention? Surely it has become absolutely rejected!' And the interpretation is: why is it stated in the last-mentioned Baraita that if a person expressed a wrongful intention with regard to the meal-offering whilst it had the frankincense upon it he has thereby rendered it invalid? But surely the wrongful intention cannot affect it since it has been already rejected as a meal-offering by reason of the frankincense that is upon it.

(18) Lev. V, 11. It is still valid as a sin-offering even after it has had frankincense upon it.

(19) Where the Scapegoat had died before the blood of the goat that was to be offered unto the Lord on the Day of Atonement had been sprinkled, the latter is by no means rejected as invalid so as to necessitate the bringing anew of two goats and to cast lots over them, but rather this blood becomes fit again for its purpose as soon as another goat is brought as a Scapegoat, v. Yoma 63b.

(20) Accordingly this meal-offering is not regarded as rejected as the frankincense can easily be picked off and so become valid once again.

(21) Of the goat that was to be offered inside unto the Lord.

(22) For it is absolutely rejected, and two goats must be brought anew.

(23) Yoma 62a.

(24) After all the Passover lambs had been slaughtered.

(25) The purpose being to render valid by this sprinkling any Passover-offering whose blood might have been spilt on the ground. V. Pes. 64a. Hence it is clear that a matter is not absolutely rejected provided it lies within one's power to set it right again.

(26) Lev. V,11.

(27) Namely an olive's bulk.

(28) Ibid. Usually translated He shall not lay thereon. The Heb. נתן 'give', however, is used, which verb in another context, Lev. XXII, 14, clearly implies something worthy to be given, at least an olive's bulk. V. Sh. Mek. n. 9.

Talmud - Mas. Menachoth 60a

it is an amplification following an amplification, and whenever an amplification follows another amplification it signifies limitation only.¹

Others report it as follows: R. Isaac b. Joseph said that R. Johanan raised the following question, What is the law if a man put the minutest quantity of oil upon an olive's bulk of the [sinner's] meal-offering? Are we to say that in the putting [of oil] there must be the same quantity as the giving [of frankincense],² or not? The question remains unanswered.

IF HE PUT OIL ON THE REMAINDER. Our Rabbis taught: It is written, 'He shall not put', and 'He shall not give'. I might think that these prohibitions refer to two priests,³ the text therefore states 'upon it'; thus the [prohibitions in the] verse clearly refer to the meal-offering itself and not to the priest. I might also think that he should not put one vessel above the other vessel, and that if he did so he has rendered it invalid, the text therefore states 'upon it', the verse clearly refers to the actual meal-offering.⁴ MISHNAH. SOME [MEAL-OFFERINGS] REQUIRE BRINGING NEAR⁵ BUT NOT WAVING,⁶ SOME REQUIRE BRINGING NEAR AND ALSO WAVING, SOME REQUIRE WAVING BUT NOT BRINGING NEAR, AND SOME REQUIRE NEITHER BRINGING NEAR NOR WAVING. THESE REQUIRE BRINGING NEAR BUT NOT WAVING: THE MEAL-OFFERING OF FINE FLOUR,⁷ THAT PREPARED ON A GRIDDLE, THAT PREPARED IN A PAN, THE CAKES AND THE WAFERS, THE MEAL-OFFERING OF THE PRIESTS, THE MEAL-OFFERING OF THE ANOINTED HIGH PRIEST, THE MEAL-OFFERING OF A GENTILE, THE MEAL-OFFERING OF WOMEN, AND THE SINNER'S MEAL-OFFERING. R. SIMEON SAYS, THE MEAL-OFFERING OF THE PRIESTS AND THE MEAL-OFFERING OF THE ANOINTED HIGH PRIEST DO NOT REQUIRE BRINGING NEAR, SINCE NO HANDFUL IS TAKEN OUT OF THEM, AND WHERE NO HANDFUL IS TAKEN OUT BRINGING NEAR IS NOT NECESSARY.

GEMARA. R. Papa said,⁸ All [the meal-offerings] enumerated in the Mishnah must consist of ten [cakes]. What does he teach us?—He wishes to exclude thereby R. Simeon's view who said, He may offer half in cakes and half in wafers; and so he teaches us [that it is not so].

Whence is it derived?⁹ — Our Rabbis taught:¹⁰ Had [Scripture] stated, And thou shalt bring that which is made of these things unto the Lord, and he shall present it unto the priest and he shall bring it unto the altar,¹¹ I would have said that I learn from this that the handful alone required bringing near; but whence would I know this of the whole meal-offering?¹² The text therefore states 'meal-offering'. And whence would I know this of the sinner's meal-offering? The text therefore states 'the meal-offering'. But surely this could be derived by the following argument:¹³ [Scripture] speaks of the offering of

(1) The fact that the term 'upon it', which is an amplification signifying a minimum of an olive's bulk, is repeated indicates that in the second case, re frankincense, this minimum quantity is not essential.

(2) Namely at least an olive's bulk.

- (3) But if the same priest put both oil and frankincense upon it he would only be liable once.
- (4) The oil (or frankincense) must not be put actually upon the flour of the meal-offering and mixed with it, but it is of no consequence if the oil, being in a vessel, was placed over the meal-offering.
- (5) I.e., to be taken by the priest to the south-west corner of the altar.
- (6) The ceremony in which the priest put his hands under those of the person bringing the meal-offering and waved it to and fro before the altar; v. infra 61a Mishnah.
- (7) For the explanation of the various kinds of meal-offerings v. foregoing Mishnah, supra p. 346 and notes thereon.
- (8) For the two interpretations of this statement of R. Papa v. supra p. 347, n. 10.
- (9) That the meal-offerings enumerated in our Mishnah require bringing near.
- (10) The whole of the following Gemara till the next Mishnah is to be found in the Sifra, Lev. II, 8.
- (11) The reference is to Lev. II, 8, and the verse in full reads: And thou shalt bring the meal-offering that is made etc.
- (12) That the whole meal-offering must be brought near before the taking of the handful.
- (13) That the sinner's meal-offering requires bringing near, so that "the" in the above verse is rendered superfluous.

Talmud - Mas. Menachoth 60b

a meal-offering as an obligation and it also speaks of the offering of a meal-offering as of free will: just as the freewill meal-offering requires bringing near, so the obligatory meal-offering requires bringing near. And [if it be objected that] this¹ is so of the freewill meal-offering since it requires both oil and frankincense,² then the meal-offering of a suspected adulteress can prove [the contrary].³ And [if it be objected that] this is so of the meal-offering of the suspected adulteress since it requires waving, then the freewill meal-offering can prove [the contrary].⁴ The argument thus goes round. The distinguishing feature of this [meal-offering] is not that of the other [meal-offering], and the distinguishing feature of the other [meal-offering] is not that of this one.⁵ Their common features,⁶ however, are that they are alike with regard to the taking of the handful and also with regard to bringing near; I will then also include the sinner's meal-offering, that since it is like unto them with regard to the taking of the handful it shall be like unto them also with regard to the bringing near. But [it will be objected that] there is yet another common feature, namely that the same offering is valid for the rich as for the poor, whereas in the case of the sinner's meal-offering the same offering is not valid for the rich as for the poor.⁷ The text therefore [must] state 'the meal-offering'. R. Simeon says, 'And thou shalt bring' — this includes the meal-offering of the 'Omer, so that it too requires bringing near, as it is said, Ye shall bring the sheaf of the firstfruits of your harvest unto the priest.⁸ 'And he shall present it' — this includes the meal-offering of a suspected adulteress, so that it too requires bringing near, as it is said, And he shall present it unto the altar.⁹ But surely this could be derived by the following argument:¹⁰ if the sinner's meal-offering, which does not require waving, nevertheless requires bringing near, how much more does the meal-offering of a suspected adulteress, which requires waving, require bringing near! But [if it be objected that] this¹¹ is so of the sinner's meal-offering since it is offered from wheat,¹² then the meal-offering of the 'Omer can prove [the contrary].¹³ And [if it be objected that] this is so of the meal-offering of the 'Omer since it requires both oil and frankincense, then the sinner's meal-offering can prove [the contrary]. The argument thus goes round. The distinguishing feature of this [meal-offering] is not that of the other, and the distinguishing feature of that [meal-offering] is not that of this one. Their common features,¹⁴ however, are that they are alike with regard to the taking of the handful and also with regard to bringing near; I will then also include the meal-offering of a suspected adulteress, that since it is like unto them with regard to the taking of the handful it shall be like unto them also with regard to the bringing near. But [it will be objected that] there is yet another common feature, namely that coarse flour is not valid in either case,¹⁵ whereas in the case of the meal-offering of the suspected adulteress [only] coarse flour is valid. The text [must] therefore state, 'And he shall present it'. R. Judah says, 'And thou shalt bring', includes the meal-offering of a suspected adulteress, so that it too requires bringing near, as it is said, And he shall bring her offering for her.¹⁶ For the meal-offering of the 'Omer, however, no verse is necessary,¹⁷ since it can be inferred from the following argument: if the sinner's meal-offering, which does not require

waving, requires bringing near, how much more does the meal-offering of the ‘Omer, which requires waving, require bringing near! But [if it be objected that] this is so of the sinner's meal-offering since it is offered of wheat, then the meal-offering of the suspected adulteress can prove [the contrary]. And [if it be objected that] that this is so of the meal-offering of the suspected adulteress since it is brought to discover guilt,¹⁸ then the sinner's meal-offering can prove [the contrary].¹⁹ The argument thus goes round. The distinguishing feature of this [meal-offering] is not that of the other, and the distinguishing feature of the other [meal-offering] is not that of this one. Their common features,²⁰ however, are that they are alike with regard to the taking of the handful and also with regard to bringing near; I will then include the meal-offering of the ‘Omer, too, that since it is like unto them in respect of the taking of the handful it shall be like unto them in respect of bringing near. And what objection can you now raise against this? R. Simeon, however, objects to it on this ground: there is yet another common feature, namely that those may happen frequently.²¹ But R. Judah maintains that, on the contrary; this²² is more frequent, whereas the others may never happen at all.

But perhaps the expression ‘And thou shalt bring’²³ serves rather to intimate that an individual may of his free will bring a meal-offering other than those mentioned in the context!²⁴ And this can even be supported by the following argument: the community brings a meal-offering of wheat²⁵ as an obligation and it also brings a meal-offering of barley²⁶ as an obligation, then likewise an individual, since he brings a meal-offering of wheat of his free will, may also bring a meal-offering of barley of his free will. The text therefore states these:²³ only these that are mentioned in the context. But perhaps the expression ‘these’ serves only to signify that a person who says ‘I take upon myself to offer a meal-offering’ must bring the five kinds.²⁷ The text therefore states ‘of these’, implying that if he so wishes he may bring one only, and if he so wishes he may bring the five kinds.

R. Simeon says, The expression ‘the meal-offering’²³ includes other meal-offerings,²⁸ so that they too require bringing near. But I might say that it includes also the Two Loaves and the Shewbread, the text therefore states of these. And why do you prefer to include other meal-offerings and to exclude the Two Loaves and the Shewbread [rather than the reverse]?²⁹ include other meal-offerings since part thereof is put upon the fire of the altar,’ but I exclude the Two Loaves and the Shewbread since no part thereof is put upon the fire of the altar. But the meal-offering offered with the drink-offerings is put entirely upon the fire, is it not? Then I would say that it requires bringing near! The text therefore states, And he shall present it.³⁰ But have you not employed this expression for another purpose?³¹ — [For that alone, Scripture could have stated] ‘And he shall present’, but it says, And he shall present it.³² And why do you prefer to include other meal-offerings and to exclude the meal-offering offered with the drink-offerings [rather than the reverse]?

(1) The rite of bringing near.

(2) Whereas the obligatory meal-offering, namely the sinner's meal-offering, requires neither oil nor frankincense; and that being so, it would also not require bringing near.

(3) This meal-offering requires neither oil nor frankincense and yet requires bringing near; the same would be said of the sinner's meal-offering.

(4) The freewill meal-offering does not require waving yet requires bringing near; the same could be said of the sinner's meal-offering.

(5) The rite of waving prescribed in the meal-offering of the suspected adulteress cannot be said to be the cause entailing the bringing near since this cause is not found with the freewill meal-offering. And, on the other hand, the need for oil and frankincense in the freewill meal-offering cannot be the cause entailing the bringing near since this cause is not found with the meal-offering of the suspected adulteress.

(6) Between the freewill meal-offering and the meal-offering of a suspected adulteress.

(7) The meal-offering brought as a sin-offering is prescribed only for a person in poor circumstances; a person of better means must bring a pair of doves, and a rich person a lamb, for a sin-offering. V. Lev. V, 6, 7, 11.

(8) Ibid. XXIII, 10, where the same expression ‘bring’ is used.

(9) Num. V, 25, where the same expression ‘present’ is used,

- (10) That the meal-offering of a suspected adulteress requires bringing near, so that the verse which expressly includes it becomes superfluous.
- (11) The rite of bringing near.
- (12) Whereas the meal-offering of a suspected adulteress was of barley; cf. Num. V, 15.
- (13) The 'Omer meal-offering was of barley and yet required bringing near; the same would then be said of the meal-offering of a suspected adulteress.
- (14) Between the 'Omer meal-offering and the sinner's meal-offering.
- (15) The sinner's meal-offering must be of fine flour of wheat and the 'Omer meal-offering, although of barley, must also be fine and not coarse.
- (16) Num. V, 15, where the same expression 'bring' is used.
- (17) To teach that it requires bringing near. According to R. Judah the expression 'And he shall present it' is utilized later for another purpose; v. infra.
- (18) To ascertain whether this woman committed adultery or not. The 'Omer meal-offering, on the other hand, has no relation to sin.
- (19) For it is not brought in order to discover sin but rather to atone for a sin committed, and yet requires bringing near; the same would be said of the meal-offering of the 'Omer, namely, although it has no relation to any sin it requires bringing near.
- (20) Between the sinner's meal-offering and the meal-offering of the suspected adulteress.
- (21) Those two meal-offerings (v. p. 358, n. 6) may be offered quite frequently, whereas the 'Omer meal-offering is offered but once a year, on the sixteenth day of Nisan.
- (22) The 'Omer meal-offering.
- (23) Lev. II, 8.
- (24) I.e., that an individual be allowed to offer a meal-offering of barley of his free will, for all the meal-offerings mentioned in the context are of wheat.
- (25) The Two Loaves at Pentecost.
- (26) The meal-offering of the 'Omer.
- (27) That are enumerated in this passage viz., the meal-offering of fine flour, that prepared on a griddle, that prepared in a pan, and that, baked in the oven which is of two kinds, of cakes and of wafers.
- (28) Namely, the sinner's meal-offering, thus in agreement with the view of the first Tanna stated supra 60a, ad fin. The additional words in the text, e.g., 'the meal-offering of a gentile and the meal-offering of women' are not found in the MSS., or in the parallel passage in the Sifra, and evidently were not in the text before Rashi. They are struck out by Sh. Mek.
- (29) Sc. the handful. And in this respect they are like those meal-offerings mentioned in the context.
- (30) Lev. II, 8.
- (31) Supra p. 357. The expression, as stated above, includes the meal-offering of a suspected adulteress.
- (32) It is therefore the pronominal suffix 'it' which excludes this meal-offering that is offered with the drink-offerings.

Talmud - Mas. Menachoth 61a

I include other meal-offerings since they may be offered by themselves,¹ but I exclude the meal-offering offered with the drink-offerings since it may not be offered by itself. But the meal-offering of the priests and the meal-offering of the anointed High Priest are offered by themselves, are they not? Then I would say that they require bringing near! The text therefore states, 'And he shall bring it near', But surely this expression is required for its own sake, namely that [the meal-offerings mentioned in the context] require bringing near! — [For that alone Scripture could have stated] 'And he shall bring near', but it says, And he shall bring it near.² And why do you prefer to include other meal-offerings and to exclude the meal-offering of the priests and the meal-offering of the anointed High Priest [rather than the reverse]? I include the other meal-offerings since [like the meal-offerings stated in the context] part thereof is put upon the fire of the altar, they are offered by themselves, and part thereof³ is eaten by the priests, but I exclude the Two Loaves and the Shewbread since no part thereof is put upon the fire of the altar, [I exclude] the meal-offering offered with the drink-offerings since it is not offered by itself, and [I exclude] the meal-offering of

the priests and the meal-offering of the anointed High Priest since no part thereof is eaten by the priests.

And he shall take out:⁴ I might think with a vessel; the text therefore states [elsewhere], And he shall take out therefrom with his handful;⁵ as the taking out in the latter case is with his handful, so the taking out in the former is with his handful.

MISHNAH. THESE REQUIRE WAVING BUT NOT BRINGING NEAR: THE LOG OF OIL OF THE LEPER AND HIS GUILT-OFFERING,⁶ THE FIRSTFRUITS ACCORDING TO R. ELIEZER B. JACOB, THE SACRIFICIAL PORTIONS OF AN INDIVIDUAL'S PEACE-OFFERINGS AND THE BREAST AND THIGH THEREOF, WHETHER THEY ARE THE OFFERINGS OF MEN OR OF WOMEN, BY ISRAELITES BUT NOT BY OTHERS;⁷ THE TWO LOAVES AND THE TWO LAMBS OF PENTECOST. HOW IS IT PERFORMED? HE PLACES THE TWO LOAVES UPON THE TWO LAMBS AND PUTS HIS TWO HANDS BENEATH THEM AND WAVES THEM FORWARD AND BACKWARD AND UPWARD AND DOWNWARD, FOR IT IS WRITTEN, WHICH IS WAVED AND WHICH IS HEAVED UP.⁸ THE WAVING WAS PERFORMED ON THE EAST SIDE⁹ [OF THE ALTAR] AND THE BRINGING NEAR ON THE WEST SIDE. THE CEREMONY OF WAVING COMES BEFORE THAT OF BRINGING NEAR.¹⁰ THE MEAL-OFFERING OF THE 'OMER AND THE MEAL-OFFERING OF JEALOUSY REQUIRE BRINGING NEAR AND WAVING. THE SHEWBREAD AND THE MEAL-OFFERING WITH THE DRINK-OFFERINGS REQUIRE NEITHER BRINGING NEAR NOR WAVING.

R. SIMEON SAYS, THERE ARE THREE KINDS OF OFFERING WHICH [BETWEEN THEM] REQUIRE THREE RITES; TWO [OF THE THREE RITES] APPLY TO EACH KIND OF OFFERING, BUT THE THREE ARE WITH NONE. AND THESE ARE THEY: THE PEACE-OFFERING OF THE INDIVIDUAL, THE PEACE-OFFERING OF THE COMMUNITY¹¹ AND THE GUILT-OFFERING OF THE LEPER. THE PEACE-OFFERING OF THE INDIVIDUAL REQUIRES THE LAYING ON OF HANDS FOR THE LIVING ANIMAL AND WAVING¹² AFTER IT IS SLAUGHTERED, BUT IT DOES NOT REQUIRE WAVING FOR THE LIVING ANIMAL. THE PEACE-OFFERING OF THE COMMUNITY REQUIRES WAVING FOR THE LIVING ANIMAL AND ALSO AFTER IT IS SLAUGHTERED, BUT IT DOES NOT REQUIRE THE LAYING ON OF HANDS. THE GUILT-OFFERING OF THE LEPER REQUIRES THE LAYING ON OF HANDS AND ALSO WAVING FOR THE LIVING ANIMAL, BUT IT DOES NOT REQUIRE WAVING AFTER IT IS SLAUGHTERED.

GEMARA. Our Rabbis taught: And he shall offer it for a guilt-offering, and the log of oil, and shall wave them for a wave-offering;¹³ this teaches us that they¹⁴ are to be waved together. But whence is it inferred that it is valid even if each was waved separately? The text therefore states, And he shall offer it for a guilt-offering, and the log of oil, and shall wave.¹⁵ Perhaps then they¹⁴ should first be waved [together] and again be waved [separately]?¹⁶ The verse clearly states, 'For a wave-offering', and not for wave-offerings. Before the Lord,¹⁷ that is, on the east side of the altar.¹⁸ But has it not been said, 'Before the Lord:¹⁹ perhaps this means on the west side'?²⁰ — I answer, That was said only of the meal-offering for it is designated a sin-offering, and a sin-offering requires the base of the altar,²¹ whereas at the south-east corner there was no base;²² here,²³ however, we certainly can speak of the east side as 'before the Lord'.

THE FIRSTFRUITS ACCORDING TO R. ELIEZER B. JACOB. What is the teaching of R. Eliezer b. Jacob? — It was taught: And the priest shall take the basket out of thy hand:²⁴ this indicates that the firstfruits require waving; so R. Eliezer b. Jacob. What is the reason of R. Eliezer b. Jacob? — It is derived from the occurrence of the word 'hand' both here and in connection with the peace-offerings. Here it is written, 'And the priest shall take the basket out of thy hand', and there it

is written, His²⁵ own hands shall bring the offerings.²⁶

- (1) And in this respect it is like the meal-offerings mentioned in this context.
- (2) The former general expression informs us of the requirement of bringing near, whilst the suffix 'it' excludes others from this ceremony.
- (3) I.e., the remainder after the handful has been burnt.
- (4) Lev. II, 9.
- (5) Ibid. VI, 8.
- (6) Brought by the leper on the day of his cleansing, cf. *ibid.* XIV, 10, 12.
- (7) Explained in the Gemara, *infra* p. 364.
- (8) Ex. XXIX, 27.
- (9) According to Rashi this means, even on the east side, but it is all the better if performed on the west side which is the side nearest to the inner Sanctuary and thus best fulfils the expression 'before the Lord' used in connection with the waving (Lev. XIV, 12). According to Maim. it is to be performed on the east side only; v. *Yad*, *Ma'aseh ha-Korbanoth* IX, 7.
- (10) In those offerings where both ceremonies must be performed.
- (11) These are the two lambs of Pentecost.
- (12) Sc. of the breast and thigh.
- (13) Lev. XIV, 12.
- (14) The log of oil and the lamb of the guilt-offering.
- (15) Interpreting 'and shall wave' as referring to the last mentioned, namely the log of oil by itself.
- (16) So as to fulfil both possible interpretations of the verse.
- (17) Lev. XIV, 12.
- (18) I.e., even on the east side, v. *supra* p. 361, n. 7.
- (19) *Ibid.* VI, 7.
- (20) V. *supra* 19b. It is clear therefore that the expression 'before the Lord' could well mean the west side.
- (21) Where the residue of the blood of the sin-offering must be tossed.
- (22) V. *Mid.* 35b. Accordingly 'before the Lord' in connection with the bringing near of the meal-offering must be interpreted as the south-west corner; west being essential on account of the base; and south also, so as to fulfil the requirement 'to the front of the altar' (Lev. VI, 7), since that is considered as the front of the altar, for there the ascent begins.
- (23) In the case of the waving.
- (24) Deut. XXVI, 4.
- (25) Sc. the owner's.
- (26) Lev. VII, 30, with reference to the waving of the breast and thigh of the peace-offering.

Talmud - Mas. Menachoth 61b

Just as here the priest [is stated], so there too the priest [is meant]; and just as there the owner [is referred to], so here too the owner [is required]. How is it to be done? The priest places his hand under the hands of the owner and waves.

And why does not [the Mishnah] say, 'The firstfruits also according to R. Judah'? For it was taught: R. Judah says, And thou shalt set it down:¹ this refers to the rite of waving. You say that it refers to the waving, but perhaps it means literally 'setting it down!' As it has already said, And set it down, setting down [in the literal sense] has already been indicated. What then is the meaning of, 'And thou shalt set it down'? It can only refer to the waving! — Raba answered, It is only because his² verse is stated earlier in the chapter.³ R. Nahman b. Isaac answered, It is because his² knowledge was exceptional.⁴

THE SACRIFICIAL PORTIONS OF AN INDIVIDUAL'S PEACE-OFFERINGS AND THE BREAST AND THE THIGH THEREOF, WHETHER THEY ARE THE OFFERINGS OF MEN OR

OF WOMEN, BY ISRAELITES BUT NOT BY OTHERS. What does this mean? Said Rab Judah: It means this: WHETHER THEY ARE THE OFFERINGS OF MEN OR OF WOMEN these offerings require waving, but the rite of waving shall be performed by Israelites and not by women.⁵

Our Rabbis taught: The children of Israel may perform the rite of waving but not gentiles; the children of Israel may perform the rite of waving but not women. R. Jose said, Since we find that Scripture has distinguished between the offering of an Israelite and the offering of a gentile or of a woman with regard to the laying on of hands,⁶ should we not also make this distinction with regard to the rite of waving?⁷ No; for whereas there is good reason to make such a distinction with regard to the laying on of hands, by virtue of the fact that the laying on of hands must be performed by the owner of the offering,⁸ is there any reason to make such a distinction with regard to the rite of waving, seeing that the priests [also] perform the waving?⁹ Why then¹⁰ does the text expressly state 'the children of Israel'?¹¹ To teach that the children of Israel may perform the waving but not gentiles;¹² the children of Israel may perform the waving but not women.¹³

Another [Baraita] taught: It is written, The children of Israel. I know from this that the children of Israel [perform the waving]; whence do I know to include also proselytes and freed slaves? The text therefore states, He that offereth.¹⁴ Perhaps 'he that offereth' refers only to the priest! But since the verse states subsequently, His own hands shall bring the offerings,¹⁵ the owners are already indicated. How is it then to be explained?¹⁶ The priest places his hand under the hands of the owner and waves.

(1) Deut. XXVI, 10.

(2) Sc. R. Eliezer b. Jacob's.

(3) Since R. Eliezer b. Jacob based his exposition on Deut. XXVI, 4, and R. Judah on v. 10, the Tanna of the Mishnah therefore only quoted R. Eliezer b. Jacob.

(4) Lit., 'his strength was great'. Cf. 'Er. 62b.

(5) A woman's peace-offering was waved by the priest on her behalf.

(6) For the offering of a woman or a gentile does not require the laying on of the hands, not even by proxy.

(7) That the offering of women or of gentiles shall not be waved at all, not even by a priest on their behalf.

(8) Personally and not by proxy; hence the rite of laying on the hands cannot apply to the offerings of women and gentiles as it is not proper for them to enter the Sanctuary for this purpose.

(9) So that in the case of women and gentiles the priest may act on their behalf.

(10) Seeing that as a result of the foregoing argument the offerings of women and gentiles require waving by the priest on their behalf.

(11) Lev. VII, 29, stated with reference to the rite of waving.

(12) Personally; the priest, however, waves it on their behalf.

(13) V. Dik. Sof. for a variant text that is inserted here. V. also Sh. Mek. n. 2.

(14) Lev. VII, 29, stated with reference to the rite of waving.

(15) Ibid. 30.

(16) The latter verse speaks of the owner himself performing the waving, whereas the previous verse, it has been suggested, refers to the rite as being performed by the priest. How are these verses to be reconciled?

Talmud - Mas. Menachoth 62a

How was it arranged?¹ The sacrificial portions were put upon the palm of the hand and the breast and thigh above them; and whenever there were cakes [to be waved] the cakes were always on top, Where [is this seen]?² — R. Papa said, At the consecration [of the priests].³

Why is it so?⁴ Shall I say it is because it is written, The thigh of heaving and the breast of waving they shall put upon the fat of the fire-offering, to wave it for a wave-offering?⁵ But is it not also written, He shall bring the fat upon the breast?⁶ — Abaye answered, The latter refers to the manner in which the priest brings them from the slaughtering place and turns them over [into the hands of the priest that is about to wave them].⁷ But is it not also written, And they put the fat upon the breasts?⁸ — This refers to the handing over of these to the priest that is about to burn them.⁹ These verses incidentally teach us that three priests are required [for this part of the service], as it is said, In the multitude of people is the king's glory.¹⁰

THE TWO LOAVES AND THE TWO LAMBS OF PENTECOST. Our Rabbis taught: [It is written,] And the priest shall wave then, upon [‘al] the bread of the firstfruits [for a wave-offering before the Lord upon [‘al] the two lambs].¹¹ I might think that he should put the lambs upon the bread, the text therefore states, Upon the two lambs.¹¹ If [I had only the expression] ‘upon the two lambs’ [to go by], I might think that he should put the bread upon the lambs, the text therefore states, ‘upon the bread of the firstfruits’. Now the verse is equally balanced and I know not whether the bread shall be upon the lambs or the lambs upon the bread; since, however, we find that in all cases the bread is on top, then here, too, the bread shall be on top. (Where was it so? — R. Papa said, At the consecration [of the priests].)¹² R. Jose b. ha-Meshullam says, The lambs shall be on top. And how can I explain, ‘Upon the two lambs’? to exclude the seven lambs.¹³ Hanina b. Hakinai says, He must put the two loaves between the thighs of the lambs and wave them;¹⁴ thus fulfilling both verses, the bread upon the lambs and the lambs upon the bread. Said Rabbi, Surely before a king of flesh and blood one would not do so,¹⁵ how much less before the King of Kings, the Holy One, blessed be He! Therefore, he should put one beside the other and wave them. But we have to conform with [the expression] ‘al!¹⁶ — R. Hisda said to R. Hamnuna (others say, R. Hamnuna said to R. Hisda), Rabbi follows his general view that ‘al means ‘near to’; as it was taught: It is written, And thou shalt put pure frankincense ‘ai each row.¹⁷ Rabbi says, ‘Al means near to’. You say that ‘al means ‘near to’; but perhaps it is not so but rather it signifies literally ‘upon’? Since it states, And thou shalt put a veil ‘al the ark,¹⁸ conclude that ‘al means ‘near to’.

AND WAVES THEM FORWARD AND BACKWARD AND UPWARD AND DOWNWARD. R. Hiyya b. Abba said in the name of R. Johanan, FORWARD AND BACKWARD,¹⁹ that is to Him unto Whom the [four] directions belong; UPWARD AND DOWNWARD, that is to Him unto Whom heaven and earth belong. In the West²⁰ it was taught as follows: R. Hama b. ‘Ukba said in the name of R. Jose b. R. Hanina, FORWARD AND BACKWARD, in order to keep off violent winds; UPWARD AND DOWNWARD, in order to keep off harmful dews.

R. Jose son of R. Abin said, This proves that even the dispensable rites of a precept²¹ [when performed] ward off punishment, for the rite of waving is dispensable in the precept and yet it keeps off violent winds and harmful dews.

Rabbah said, Likewise with the lulab.²² R. Aha b. Jacob used to swing it forward and backward, and hold it out and say, ‘An arrow in the eyes of Satan!’²³ But it is not proper to do so, for it is a challenge [to Satan] to contend with him.

Our Rabbis taught: The peace-offerings of the community require waving [also] after they are slaughtered, and the waving must be of them as they are.²⁴ So Rabbi. But the Sages say, Only of the

breast and thigh. Wherein do they differ? — R. Hisda said to R. Hamnuna (others say, R. Hamnuna said to R. Hisda), They differ as to whether we say ‘Deduce from it and again from it’, or ‘Deduce from it and establish it in its own place’.²⁵ The Rabbis maintain the principle, ‘Deduce from it and again from it’. [‘Deduce from it’:] as the individual's peace-offering requires waving after it is slaughtered, so the peace-offerings of the community also require waving after they are slaughtered; and ‘again from it’: just as the waving there²⁶ is of the breast and thigh, so here it is also of the breast and thigh. Rabbi, however, maintains the principle ‘Deduce from it and establish it in its own place’. [‘Deduce from it’:] as the individual's peace-offering requires waving after it is slaughtered, so the peace-offerings of the community also require waving after they are slaughtered; and ‘establish it in its own place’: whereas there²⁶ the waving is of the breast and thigh only, here it is of them as they are, that is, as they are when alive.

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- (1) For the waving.
 - (2) That the cakes were put on top.
 - (3) Cf. Lev. VIII, 26, 27. where it is expressly stated that the cakes were put on top.
 - (4) That the breast and thigh shall be placed above the sacrificial portions i.e., above the fat.
 - (5) Lev. X, 15.
 - (6) Ibid. VII, 30.
 - (7) So that now in the hands of the priest that waves them the breast and thigh are above the fat.
 - (8) Ibid. IX, 20.
 - (9) The priest that waved them when handing them to another priest to be burnt would naturally turn them over into that other priest's hands, so that now the fat would be on top.
 - (10) Prov. XIV, 28.
 - (11) Lev. XXIII, 20. The Heb. **על** usually connotes ‘upon’, but this term precedes ‘the bread’ and also ‘the two lambs’, hence the difficulty as to which was in fact ‘upon’ the other.
 - (12) V. supra p. 365, n. 8.
 - (13) The seven lambs brought as burnt-offerings with the bread (ibid. 18) were not waved with it.
 - (14) He must lay down the lambs on their sides, place the loaves between their legs, i.e., above the lower but beneath the upper leg, and thus wave them.
 - (15) It is most undignified to present the bread in this manner.
 - (16) Which usually means ‘upon’.
 - (17) Lev. XXIV, 7, with reference to the two rows of the Shewbread.
 - (18) Ex. XL, 3. The veil was not ‘upon’ the ark but ‘near to’ i.e., in front of it, Screening it off and serving as a partition between the holy place and the Holy of Holies.
 - (19) I.e., in all four directions.
 - (20) In Palestine.
 - (21) Lit., ‘the remainder of a precept’, i.e., those rites which even if omitted do not affect the validity of the service. Among such are the rites of laying on the hands and waving.
 - (22) The palm branch required for the Festival of Tabernacles must be waved in the same manner as the waving of the offering. viz., 10 the four directions and upward and downward.
 - (23) An expression of defiance, as if to say, ‘I defy you Satan!’ Or: ‘this is an arrow or weapon against your wiles, Satan!’ (R. Gershom).
 - (24) I.e., the whole of the slaughtered beast must be waved and not only the breast and thigh.
 - (25) Whenever a subject is inferred from another by means of analogy or by ‘the common features’ the question always arises as to the extent to which the inference must be carried. The rule ‘deduce from it and again from it’ clearly suggests that the two subjects must in the end be brought to absolute agreement on every point. On the other hand, ‘deduce from it and establish it in its place’ suggests that the inference is to be made with regard to one point only, and as for the rest each subject is regulated by the rules governing its other aspects.
 - (26) The individual's peace-offering.

R. Papa said, All accept the principle 'Deduce from it and again from it', but this is Rabbi's reason, namely, it¹ must be analogous with the rule there: and as in that case all that which is given as a gift to the priest [must be waved], so here also all that which is given as a gift to the priest [must be waved].² Rabina said, All accept the principle 'Deduce from it and establish it in its own place', but this is the reason of the Rabbis: It is written, Their peace-offerings,³ which is an inclusive term.

R. SIMEON SAYS, THERE ARE THREE KINDS OF OFFERING WHICH [BETWEEN THEM] REQUIRE THREE RITES; TWO [OF THE THREE RITES] APPLY TO EACH KIND OF OFFERING, BUT THE THREE ARE WITH NONE. AND THESE ARE THEY: THE PEACE-OFFERING OF THE INDIVIDUAL, THE PEACE-OFFERING OF THE COMMUNITY AND THE GUILT-OFFERING OF THE LEPER, THE PEACE-OFFERING OF THE INDIVIDUAL REQUIRES THE LAYING ON OF HANDS FOR THE LIVING ANIMAL AND WAVING AFTER IT IS SLAUGHTERED, BUT IT DOES NOT REQUIRE WAVING FOR THE LIVING ANIMAL. THE PEACE-OFFERING OF THE COMMUNITY REQUIRES WAVING FOR THE LIVING ANIMAL AND ALSO AFTER IT IS SLAUGHTERED, BUT IT DOES NOT REQUIRE THE LAYING ON OF HANDS. THE GUILT-OFFERING OF THE LEPER REQUIRES THE LAYING ON OF HANDS AND ALSO WAVING FOR THE LIVING ANIMAL, BUT IT DOES NOT REQUIRE WAVING AFTER IT IS SLAUGHTERED. But [surely one could argue by the following] a fortiori argument that the peace-offering of the individual should require waving for the living animal: for if the peace-offering of the community, which does not require the laying on of hands for the living animal, requires waving for the living animal, how much more does the peace-offering of the individual, which requires the laying on of hands for the living animal, require waving for the living animal! — The Divine Law stated in connection with the peace-offering of the community the exclusive term 'them'⁴ in order to exclude the peace-offering of the individual. Again [one could argue by the following] a fortiori argument that the' peace-offering of the community should require the laying on of hands: for if the peace-offering of the individual, which does not require waving for the living animal, requires the laying on of hands, how much more does the peace-offering of the community, which requires waving for the living animal, require the laying on of hands! — Said Rabina: There is a tradition that among the offerings of the community only two require the laying on of hands.⁵ And again [one could argue by the following] a fortiori argument that the guilt-offering of the leper should require waving after it is slaughtered: for if the peace-offering of the individual, which does not require waving for the living animal, requires waving after it is slaughtered, how much more should the guilt-offering of the leper, which requires waving for the living animal, require waving after it is slaughtered! — The Divine Law therefore stated the exclusive term 'it'⁶ in connection with the peace-offering of the individual in order to exclude the guilt-offering of the leper.

Our Rabbis taught: If five persons brought one offering [jointly], one of them performs the rite of waving on behalf of them all. In the case of a woman, the priest waves [the offering] on her behalf. And so, too, if a person sent his offerings from across the seas, the priest waves them on his behalf.

(1) The peace-offering of the community.

(2) Here the whole beast is a gift to the priest, whilst in the case of an individual's peace-offering only the breast and thigh 'are given to the priest.

(3) Lev. VII, 34. with reference to the peace-offering of an individual. The use of the plural 'peace-offerings' signifies that even in another kind of peace-offering, namely that of the community, only the breast and the thigh are to be waved.

(4) Lev. XXIII, 20.

(5) And these are: the bullock offered when the whole community sinned in error and the Scapegoat on the Day of Atonement,

(6) Lev. VII, 30.

Talmud - Mas. Menachoth 63a

MISHNAH. IF A MAN SAID, 'I TAKE UPON MYSELF [TO OFFER A MEAL-OFFERING] PREPARED ON A GRIDDLE', HE MUST NOT BRING ONE PREPARED IN A PAN; IF 'IN A PAN', HE MUST NOT BRING ONE PREPARED ON A GRIDDLE. WHAT IS THE DIFFERENCE BETWEEN A GRIDDLE [MAHABATH]¹ AND A PAN [MARHESHETH]?² THE PAN HAS A LID TO IT, BUT THE GRIDDLE HAS NO LID. SO R. JOSE THE GALILEAN. R. HANINA B. GAMALIEL SAYS, A PAN IS DEEP AND WHAT IS PREPARED THEREIN IS SPONGY,³ A GRIDDLE IS FLAT AND WHAT IS PREPARED THEREON IS HARD.

GEMARA. What is R. Jose's reason?⁴ Shall I say that marhesheth is so called because it is offered for the stirrings of the heart,⁵ as it is written, My heart is stirred [rahash] by a goodly matter,⁶ and mahabath because it is offered for the pratings of the mouth,⁷ as people remark 'He is prating' [menabah nabuhe]?⁸ But the reverse might just as well be said, namely, mahabath is so called because it is offered for the secrets of the heart, as it is written, Wherefore didst thou flee secretly [nahbetha],⁹ and marhesheth because it is offered for the whispering [of the lips], as people remark 'His lips were whispering [merahshan]'!¹⁰ — We must say that it is established so by tradition.¹¹

R. HANINA B. GAMALIEL SAYS etc. The pan is a deep vessel, for so it is written, And all that is prepared in the pan;¹² the griddle is flat, for so it is written, And on the griddle.¹²

Our Rabbis taught: Beth Shammai say, If a man said, 'I take upon myself [to offer] a marhesheth',¹³ [the vow] must stand over until Elijah comes. They are in doubt as to whether [these terms]¹² refer to the vessel or to the pastry prepared therein. But Beth Hillel say, There was a vessel in the Temple called marhesheth, resembling a deep mould, which gave the dough that was put into it the shape of Cretan apples and Grecian nuts. Furthermore it is written, And all that is prepared in the pan and on the griddle;¹² we thus see that these terms refer to the vessels and not to the pastry prepared therein.

MISHNAH. [IF A MAN SAID,] 'I TAKE UPON MYSELF [TO OFFER A MEAL-OFFERING BAKED] IN AN OVEN', HE MUST NOT BRING WHAT IS BAKED IN A STOVE¹⁴ OR ON TILES OR IN THE FIREPLACE OF THE ARABS.¹⁵ R. JUDAH SAYS, IF HE SO WISHES HE MAY BRING WHAT IS BAKED IN A STOVE. [IF HE SAID,] I TAKE UPON MYSELF [TO OFFER] A BAKED MEAL-OFFERING', HE MAY NOT BRING HALF IN CAKES AND HALF IN WAFERS.¹⁶ R. SIMEON PERMITS IT SINCE BOTH KINDS BELONG TO THE SAME OFFERING.

GEMARA. Our Rabbis taught: Baked in the oven¹⁷ — but not baked in a stove or on tiles or in the fireplaces of the Arabs. R. Judah says, Oven¹⁸ is stated twice, in order to permit even what is baked in a stove. R. Simeon says, 'Oven' is stated twice, once to teach that it must be baked in an oven, and once that it is hallowed by the oven. But is R. Simeon of this view?¹⁹ Surely we have learnt:²⁰ R. Simeon says, Accustom thyself to say, The Two Loaves and the Shewbread were valid whether made in the Temple court or in Beth Page!²¹ — Raba answered, Say rather, it should be consecrated for the oven.²²

[IF HE SAID,] 'I TAKE UPON MYSELF [TO OFFER] A BAKED MEAL-OFFERING', HE MAY NOT BRING HALF IN CAKES etc. Our Rabbis taught: And when thou bringest,¹⁷ that is, when thou bringest, doing so as a matter of free choice. An offering of a meal-offering:¹⁷ R. Judah said, Whence do I know that if a man said, 'I take upon myself [to offer] a baked meal-offering', he may not bring half in cakes and half in wafers? Because the text states, 'An offering of a meal-offering': I spoke to thee of one offering but not of two or three offerings. Said to him R. Simeon,

(1) **מהבת**.

(2) **מרחשת**.

(3) Heb. **רוחשין**, from the root **רחש**, 'to move', 'vibrate'. 'Every thing that is soft and spongy, because of the liquid contained therein, appears as though it were creeping and moving' (Rashi on Lev. II, 7).

(4) For his view that the **מרחשת**, the pan, is covered with a lid and that the **מהבת**, the griddle, has no lid.

(5) I.e., sinful thoughts which are covered and hidden from all; accordingly the offering must be prepared in a covered vessel.

(6) Ps. XLV, 2. Heb. **רחש** which is also the root of **מרחשת**.

(7) I.e., sinful talk, like slander; as it is spoken openly without concealment the offering too must be prepared in an open vessel without a cover.

(8) **מנבה נבוהי**, which words resemble **מהבת**. There are many variants of these words in MSS., v. Rabinowicz, Dik. Sof. n. 90.

(9) Gen. XXXI, 27. Heb. **נחבאת** which word resembles **מהבת**. Accordingly the **מרחשת** should be a covered vessel.

(10) **מרחשן** which word resembles **מרחשת**. Accordingly the **מרחשת** should be an open vessel.

(11) That the **מרחשת** is a covered vessel and the **מהבת** an open one.

(12) Lev. VII, 9.

(13) The expression used is ambiguous. He did not say 'a meal-offering prepared in a marhesheth'; neither did he say 'a marhesheth meal-offering'. By 'marhesheth' he might have meant to offer this kind of vessel to the Temple. (8) Marhesheth and Mahabath.

(14) A small oven only large enough for one pot to be placed on it.

(15) Improvised fireplaces of the Arabs, a cavity in the ground laid out with clay (Jast.).

(16) For the baked meal-offering either ten cakes or ten wafers must be offered, but not, e.g., five of one kind and five of the other.

(17) Lev. II, 4.

(18) Ibid. and in VII, 9.

(19) That the oven hallows the offering.

(20) Infra 95b.

(21) **בית פאגני**, a place outside the Temple court but within the walls of Jerusalem. V. infra 78b, P. 468, n. 6. Now if R. Simeon were of the opinion that the oven hallowed the offering, it would surely become invalid as soon as it was taken out of the Temple court! V. however, Tosaf. s.v. **וכשרות**, and Sh. Mek. n. 27.

(22) I.e., when setting aside the flour for this meal-offering one should expressly state that it is to be baked in the oven.

Talmud - Mas. Menachoth 63b

Is the term 'offering' stated twice in the verse?¹ 'Offering' is stated only once, and concerning it are mentioned cakes and wafers; so that if he so desires he may bring cakes or he may bring wafers or he may 'bring half in cakes and half in wafers. He must mingle them [with oil] and the handful must be taken from the two [kinds].² If when taking the handful there came into his hand only one of the two [kinds], it is valid. R. Jose son of R. Judah says, Whence do I know that if a man said, 'I take upon myself [to offer] a baked meal-offering', he may not bring half in cakes and half in wafers? Because it is written, And every meal-offering that is baked in the oven, and every [meal-offering] that is prepared in the pan, and on the griddle, shall be the priest's that offereth it. And every meal-offering mingled with oil or dry, shall all the sons of Aaron have.³ Just as the term 'every' in the latter cases refers to two distinct kinds,⁴ so the term 'every' in the former case refers to two distinct kinds.⁵

And what can R. Judah [say]? R. Simeon is quite right in his argument!⁶ — [R. Judah] can reply, since the expression 'with oil'⁷ is stated twice in the verse it is as though the expression 'offering' had been repeated. And R. Simeon, [what would he say to this]? — Had not the expression 'with oil' been repeated I would have said that the offering must consist half of cakes and half of wafers, but not of cakes alone or of wafers alone; we are therefore taught [otherwise].

Is not the view of R. Jose son of R. Judah identical with that of his father? — There would be a difference between them in the case where one actually did so.⁸

CHAPTER VI⁹

MISHNAH. R. ISHMAEL SAYS, ON THE SABBATH¹⁰ THE OMER¹¹ WAS TAKEN OUT¹² OF THREE SE'AH¹³ [OF BARLEY]. AND ON A WEEKDAY OUT OF FIVE. BUT THE SAGES SAY, WHETHER ON THE SABBATH OR ON A WEEKDAY IT WAS TAKEN OUT OF THREE SE'AH¹³. R. HANINA THE VICE-HIGH PRIEST¹⁴ SAYS, ON THE SABBATH IT WAS REAPED BY ONE MAN WITH ONE SICKLE INTO ONE BASKET, AND ON A WEEKDAY IT WAS REAPED BY THREE MEN INTO THREE BASKETS AND WITH THREE SICKLES. BUT THE SAGES SAY, WHETHER ON THE SABBATH OR ON A WEEKDAY IT WAS REAPED BY THREE MEN INTO THREE BASKETS AND WITH THREE SICKLES.¹⁵

GEMARA. The opinion of the Rabbis is quite clear, for they hold that a tenth of the finest [flour] can be obtained out of three se'ahs, and therefore it is all one whether it was a Sabbath or a weekday. But what can be the opinion of R. Ishmael? If he holds that a tenth of the finest [flour] can be obtained only out of five se'ahs, then on a Sabbath too [five should be necessary]; and if it can be obtained out of three se'ahs then on a weekday too [three should be sufficient]! — Raba said, R. Ishmael is of the opinion that a tenth of the finest [flour] can be obtained out of five se'ahs without much labour, but with much labour out of three. On a weekday, therefore, it is taken out of five se'ahs, as this would give the best results;¹⁶ but on the Sabbath it is better that [the Sabbath be profaned] by one work, namely sifting, [being repeated many times,]¹⁷ rather than by many works [being performed once only].¹⁸

Rabbah said, R. Ishmael and R. Ishmael the son of R. Johanan b. Beroka both hold the same view. For it was taught: If the fourteenth of Nisan fell on a Sabbath, one should flay the Passover-offering only as far as the breast:¹⁹ such is the opinion of R. Ishmael the son of R. Johanan b. Beroka. But the Sages say, One should flay the whole of it. Now did not R. Ishmael the son of R. Johanan b. Beroka say there that where it is possible [to manage with a little] we must not trouble to do more on the Sabbath? Here, too, since it is possible [to manage with less] we must not trouble [to do more on the Sabbath]! Whence [do you know this]? Perhaps R. Ishmael only said so²⁰ here, since there is no disrespect to the offering. but there, since there is actual disrespect to the offering.²¹

(1) To suggest that the cakes constitute a separate offering and the wafers a separate offering.

(2) The cakes and the wafers must be crushed fine and mixed together, then mingled with oil, and the handful taken from the mixture which contains the two kinds.

(3) Lev. VII, 9, 10.

(4) Viz., the marhesheth meal-offering and the mahabath meal-offering in the one case, and the dry meal-offering and the meal-offering mingled with oil in, the other case. There is no doubt at all that part of the one kind of meal-offering cannot combine with part of the other to constitute a valid offering.

(5) And the two kinds, cakes and wafers, cannot combine to constitute one offering.

(6) That the two kinds belong to the same offering since the term 'offering' is stated only once in the verse.

(7) Lev. II, 4.

(8) According to R. Jose son of R. Judah a baked meal-offering consisting partly of cakes and partly of wafers is absolutely invalid, just as the meal-offering would be invalid if brought partly dry and partly mingled with oil. According to the father, however, if a person brought cakes and wafers for his meal-offering it would be accepted as valid.

(9) In the separate editions of the Mishnah this chapter is inserted after chapter nine, which is indeed its proper place.

(10) I.e., if the second day of the Passover, which is the sixteenth day of Nisan, fell on a Sabbath. As the work in connection with the Omer involved the infringement of the laws of Sabbath, on the Sabbath therefore a smaller quantity of barley was used and fewer men employed.

- (11) The tenth of an ephah of barley flour offered as a meal-offering. Cf. Lev. XXIII, 10ff.
- (12) Lit., 'came'.
- (13) Which amount to one ephah. This quantity was sifted again and again so as to produce the tenth of choicest flour.
- (14) Segan, v. Sanh., Sonc. ed., p. 97, n. 1.
- (15) In order to give the matter greater publicity. V. Gemara.
- (16) Since only the choicest of each se'ah would be taken.
- (17) In order to obtain the finest out of the smaller quantity of three se'ahs.
- (18) Since the extra two se'ahs would entail the infringement of many acts of works on the Sabbath, such as reaping, winnowing, cleaning, grinding, etc.
- (19) I.e., sufficient only to take out from the lamb the sacrificial portions. Since the rest of the saying is only for the purpose of preparing the meat for the table it must be left over till the evening.
- (20) That no more than is absolutely necessary may be done on the Sabbath.
- (21) By leaving the carcass of the offering, partly flayed, hanging on the hook the whole day until nightfall.

Talmud - Mas. Menachoth 64a

I would say that he is in agreement with the Sages.¹ And, on the other hand, perhaps R. Ishmael the son of R. Johanan b. Beroka only said so there, since the requirements for the Most — High have been fulfilled,² so that there is no further need to profane the Sabbath; but here, since the requirements for the Most High have not yet been fulfilled,³ so that there is a need to profane the Sabbath, I would say that he is in agreement with the Sages!⁴ — Said Rabbah, R. Ishmael and R. Hanina the Vice-High Priest both hold the same view. For we have learnt: R. HANINA THE VICE-HIGH PRIEST SAYS, ON THE SABBATH IT WAS REAPED BY ONE MAN WITH ONE SICKLE INTO ONE BASKET, AND ON A WEEKDAY IT WAS REAPED BY THREE MEN INTO THREE BASKETS AND WITH THREE SICKLES. BUT THE SAGES SAY, WHETHER ON THE SABBATH OR ON A WEEKDAY IT WAS REAPED BY THREE MEN INTO THREE BASKETS AND WITH THREE SICKLES. Now did not R. Hanina the Vice-High Priest say there that where it is possible [to manage with one] we must not trouble [more to work on the Sabbath]? Here, too, since it is possible [to manage with less] we must not trouble [to do more on the Sabbath]. Whence [do you know this]? Perhaps R. Ishmael only said so here, since there is no opportunity for making the matter public,⁵ but there, since there is an opportunity for making the matter public,⁶ I would say that he is in agreement with the Rabbis.⁷ And, on the other hand, perhaps R. Hanina the Vice-High Priest only said so there, for after all, whether one man or three are employed, the service to the Most High is performed according to its prescribed rites, but here, since the service to the Most High is not performed according to its prescribed rites,⁸ I would say that he is in agreement with the Sages!⁹ — Rather. said R. Ashi, R. Ishmael and R. Jose both hold the same view. For we have learnt: Whether [the new moon] was clearly visible or not, they may profane the Sabbath because of it.¹⁰ But R. Jose says. If it was clearly visible they may not profane the Sabbath because of it.¹¹ Now did not R. Jose say there that wherever it is possible [to manage without them] we do not trouble [them to profane the Sabbath]? Here, too, since it is possible [to manage with less] we must not trouble [to do more on the Sabbath]. Whence [do you know this]? Perhaps R. Ishmael only said so here, since the reason 'it will result that you will prevent them from coming in the future' does not apply, but there, since the reason 'it will result that you will prevent them from coming in the future'¹² applies, I would say that he is in agreement with the Rabbis.¹³ And, on the other hand, perhaps R. Jose only said so there, since the matter in question is no service to the Most High,¹⁴ and moreover the Sabbath has not been overridden [by another service], but here, since it is a service to the Most High.¹⁵ and the Sabbath has already been overridden [by other acts of work].¹⁶ I would say that he is in agreement with the Rabbis.

It was stated: If a man slaughtered [on the Sabbath] two sin-offerings for the community when only one was necessary, Rabbah (others say. R. Ammi) said, He is liable¹⁷ for the slaughtering of the second but not for the first, even though atonement was effected through the second offering.¹⁸ and

even though the first proved to be a lean animal.¹⁹ But could Rabbah have really said so? Surely Rabbah has said, If a man had before him [on the Sabbath] two sin-offerings [for the community],²⁰ one beast being fat and the other lean, and he first slaughtered the fat beast and then the lean one, he is liable; if he first slaughtered the lean beast and then the fat one, he is not liable; and not only that but we even bid him [after he has slaughtered the lean one]. Go at once and fetch a fat one and slaughter it!²¹ — If you wish, you can say, Strike out the clause about the lean beast in the first statement; or if you prefer you may say, That first statement was taught by R. Ammi.

Rabina asked R. Ashi, What is the law if the first beast was found [after the slaughtering of the second] to be lean in its entrails?²² Are we to decide the issue by his intention and this man certainly intended to do what was forbidden, or by his actual deed? — He replied; Is this not the case agreed upon by Rabbah and Raba? For it was stated: If a man heard that a child had fallen into the sea and he spread nets [on the Sabbath] to catch fish²³ and he caught fish, he is liable. If he spread nets to catch fish and he caught fish and also the child, Rabbah says, He is not liable; but Raba says, He is liable. Now only in that case says Rabbah that he is not liable, for since he heard [of this accident], we say that his intention was also concerning the child; but where he did not hear of it [Rabbah] would not [say that he was not liable].²⁴ Others say that he²⁵ answered him as follows: This is a matter of dispute between Rabbah and Raba. For It was stated: If a man had not heard that a child had fallen into the sea and he spread a net [on the Sabbath] to catch fish and he caught fish, he is liable. If he spread the net to catch fish and he caught fish and also the child, Rabbah says, He is not liable; but Raba says, He is liable. ‘Rabbah says, He is not liable’ because we decide the matter by his actual deed. ‘Raba says, He is liable’ because we decide the matter by his intention.

Rabbah said, If one fig was prescribed for a sick person²⁶ and ten men ran²⁷ and returned together bringing ten figs, they are all not liable, and [it is the same] even if they brought them one after the other, and even if the sick person had recovered after he had taken the first one.

Raba raised this question. If two figs were prescribed for a sick person and there happened to be two figs on two stalks²⁸ and also three figs on one stalk, which are we to bring? Should we bring the two figs as they only are required, or the three, for then there is less plucking? — Surely it is obvious that we should bring the three figs [on the one stalk].

(1) That the whole must be flayed.

(2) By the removal and offering of the sacrificial portions.

(3) For it is more commendable to derive the tenth from a larger quantity, thereby obtaining the choicest.

(4) That in regard to the ‘Omer there is no distinction between the Sabbath and a weekday. But the Sages are satisfied that the choicest is obtainable even out of three se’ahs.

(5) For whether the ‘Omer is obtained out of five or three se’ahs the people will learn nothing of importance thereby.

(6) The employment of more persons in the service of the ‘Omer obviously gives the matter greater publicity and impresses immediately the mind of the people with the Rabbinic standpoint that the ‘Omer must be offered on the second day of the Passover irrespective of the day of the week, thus creating stronger opposition to the Sadducees who held that the ‘Omer must always be offered on a Sunday; v. infra 65a.

(7) That although one person would be sufficient three are to be employed to create greater publicity.

(8) For according to R. Ishmael the ‘Omer must be taken out of five se’ahs and not three in order to obtain the choicest flour.

(9) V. supra n.1.

(10) Any who saw the new moon may transgress the Sabbath limits to go and give evidence before the court of the appearance of the new moon. As the calendar was not fixed the evidence of witnesses was a matter of the greatest importance for the determination of the dates of the Festivals.

(11) As it is most probable that the members of the court themselves had also seen the appearance of the new moon, so that it would be unnecessary for any to profane the Sabbath for this purpose; R.H. 21b.

(12) For even when the new moon was not clearly visible to all, those who did see it might refrain from going to give

their evidence believing that they were not justified in profaning the Sabbath on its account as others too might have seen the appearance of the new moon like themselves.

(13) That whatever the circumstances people should be encouraged to go and give their evidence.

(14) For it is no offering, neither is it an important need of the community since the new moon was seen clearly everywhere.

(15) To offer the choicest of five se'ahs.

(16) Viz., the reaping, winnowing, etc. of the three se'ahs.

(17) Since he acted in error, believing that he may slaughter any number of beasts on the Sabbath for the community, he is liable to bring a sin-offering.

(18) E.g., where the blood of the first beast was poured away after the second had been slaughtered, so that it was necessary in the end to use the blood of the second beast. In this case therefore it might be said that the slaughterer was not liable since in fact two beasts were necessary. On the other hand, when he slaughtered the second beast he had no reason to believe that the first would be unfit.

(19) Before the slaughtering of the second beast. It is a meritorious act to offer for a sacrifice a fine beast; cf. Mal. I, 8.

(20) And only one sin-offering was necessary.

(21) Thus contradicting Rabbah's previous statement that he is liable for slaughtering the fat beast after the lean one.

(22) When slaughtering the second beast he had no knowledge that the entrails of the first beast were lean and not fit to be offered, consequently the slaughtering of the second beast was undoubtedly a forbidden act. On the other hand, it might be said that he is not liable, since it was proved in the end that it was right to have slaughtered the second beast.

(23) An act forbidden on the Sabbath.

(24) And, therefore, in the case stated by Rabina, since he did not know of the unfitness of the first beast when he slaughtered the second, he is certainly liable according to all views.

(25) R. Ashi.

(26) For a sick person not only is it permitted to profane the Sabbath but it is even a meritorious act to do so.

(27) And profaned the Sabbath by plucking the figs.

(28) The stalks in either case were attached to the tree so that in any event it was necessary to transgress the Sabbath by breaking off the stalks from the tree. In the one case, however, two stalks would have to be broken off, whilst in the other case only one.

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for even R. Ishmael only said so¹ in that case, since the less one uses² the less one reaps, but in this case, where the less one uses the more one has to pluck,³ we should certainly bring the three [figs]. MISHNAH. THE PRECEPT OF THE 'OMER IS THAT IT SHOULD BE BROUGHT FROM [WHAT GROWS] NEAR BY. IF [THE CROP] NEAR JERUSALEM WAS NOT YET RIPE, IT COULD BE BROUGHT FROM ANY PLACE. IT ONCE HAPPENED THAT THE OMER WAS BROUGHT FROM GAGGOTH ZERIFIN⁴ AND THE TWO LOAVES FROM THE PLAIN OF EN SOKER.⁴

GEMARA. Why is this So?⁵ — If you wish. I may say, Because it is written, Fresh corn shalt thou bring;⁶ or if you wish, I may say, Because of the rule 'One must not pass over [the first occasion for performing] the precept'.⁷

IT ONCE HAPPENED THAT THE 'OMER WAS BROUGHT FROM GAGGOTH ZERIFIN. Our Rabbis taught: When the Kings of the Hasmonean house fought one another,⁸ Hyrcanus was outside and Aristobulus within [the city wall]. Each day [those that were within] used to let down [to the other party] denars in a basket, and haul up [in return] animals for the Daily Offerings. An old man there, who was learned in Greek wisdom, spoke with them in Greek wisdom,⁹ saying. 'As long as they carry on the Temple service they will never be delivered into your hands'. On the morrow they let down denars in a basket and hauled up a pig. When it reached halfway up the wall, it stuck its claws into the wall, and the land of Israel was shaken over a distance of four hundred parasangs by four hundred parasangs. At that time they declared, 'Cursed be the man who rears pigs and cursed

be the man who teaches his son Greek wisdom!’ It was concerning this time [of siege] that we learnt: IT ONCE HAPPENED THAT THE ‘OMER WAS BROUGHT FROM GAGGOTH ZERIFIN AND THE TWO LOAVES FROM THE PLAIN OF EN SOKER. For when the time for the ‘Omer arrived they did not know from whence they could take it.¹⁰ They at once proclaimed the matter, whereupon a deaf-mute came forward and pointed¹¹ with one hand to the roof and with the other to a cone-shaped hut. Then spake Mordecai,¹² ‘Is there anywhere a place by name Gaggoth Zerifin¹³ or Zerifin Gaggoth?’ Thereupon they searched and found the place. When they should have brought the Two Loaves they did not know from whence they could take it. They at once proclaimed the matter, whereupon a deaf-mute came forward and put one hand on his eye and the other hand on the socket of the bolt. Then spake Mordecai,¹² ‘Is there anywhere a place by name En Soker¹⁴ or Soker En?’ Thereupon they searched and found the place.

Once three women brought three pairs of doves to the Temple. One said, ‘It is for my zibah’; the other said, ‘It is for my yammah’; and the third said, ‘It is for my ‘onah’. Now they [the priests] thought that by zibah¹⁵ [the woman] actually meant her flux, by yammah¹⁶ her stream, and by ‘onah¹⁷ her period, and therefore of each pair of doves, one bird was to be offered for a sin-offering and the other for a burnt-offering.¹⁸ Then spake Mordecai, ‘Perhaps the one had been in danger by reason of her flux, the other had been in danger by reason of a sea journey,¹⁹ and the third had been in danger by an infection of the eye,²⁰ and therefore all the doves were to be offered for burnt-offerings!’²¹ Thereupon they enquired into the matter and found that it was so.

(1) That on the Sabbath one must reap less for the ‘Omer.

(2) Lit., ‘eats’.

(3) For to obtain the two figs one must break off two stalks.

(4) These places are identified respectively with Sarafand near Lydda and Assaker near Nablus. V. Neub. Geog. pp. 81, 170.

(5) That the ‘Omer must be brought from barley growing near Jerusalem.

(6) Lev. II, 14. If the barley were brought from a distance it would lose its freshness on the way and would not be fit.

(7) And therefore the crops found growing outside Jerusalem should be used for the religious purpose.

(8) V. parallel passages in B.K. 82b (Sonc. ed. p. 469. and notes) and Sot. 49b (Sonc. ed. p. 268, and notes). V. also Graetz, Geschichte III, pp. 710ff on this passage.

(9) This old man was in Jerusalem and addressed his words of betrayal to the besiegers outside. ‘Greek wisdom’, according to Rashi means ‘gestures and signs’, but most probably it means the Greek language which was not understood by the people in the city.

(10) This was due to the devastation of the land round about Jerusalem by the hostile forces.

(11) Lit., ‘put’.

(12) A high Temple official who on account of his sagacity bore the name of Mordecai (Tosaf.). V. infra.

(13) A place-name whose literal meaning is ‘roofs, cone-shaped huts’.

(14) A place-name whose literal meaning is ‘eye, the socket of the bolt’.

(15) זִבָּה the usual term for an issue or flux. This woman had apparently suffered from an issue and now being cleansed was offering a pair of doves as her prescribed sacrifice. V. Lev. XV, 25ff.

(16) יַמָּה an excessive flux, from יָם ‘the sea’. Here, too, the doves were offered on her being cleansed of her issue.

(17) עוֹנָה ‘period’. The period of her seven clean days having been fulfilled she now offers a pair of doves as her prescribed sacrifice; v. ibid. 28, 29.

(18) Cf. ibid. 30.

(19) Taking יַמָּה in its usual meaning ‘the sea’.

(20) עֵינָה is thus interpreted as עֵינָה ‘her eye’.

(21) For they were no doubt brought as freewill-offerings or in fulfilment of vows which the women vowed to bring on their delivery out of danger. In these circumstances the offerings were to be dealt with as burnt-offerings.

This is indeed what we have learnt: Petahiah was over the bird-offerings.¹ This same Petahiah was Mordecai; why was his name called Petahiah?² Because he was able to open matters and interpret them,' and he knew seventy languages.³ But did not every member of the Sanhedrin know seventy languages? For R. Johanan said, None are to be appointed members of the Sanhedrin but men of wisdom, of good appearance, of fine stature, of mature age. men with a knowledge of sorcery and who know seventy languages, in order that the court should have no need of an interpreter!⁴ — Say, rather, that he used to mix together⁵ expressions and explain them; and on that account it is written of Mordecai 'Bilshan'.⁶

MISHNAH. WHAT WAS THE PROCEDURE? THE MESSENGERS OF THE BETH DIN USED TO GO OUT ON THE DAY BEFORE THE FESTIVAL AND TIE THE UNREAPED CORN IN BUNCHES TO MAKE IT THE EASIER TO REAP. ALL THE INHABITANTS OF THE TOWNS NEAR BY ASSEMBLED THERE,⁷ SO THAT IT MIGHT BE REAPED WITH MUCH DISPLAY. AS SOON AS IT BECAME DARK HE⁸ CALLED OUT, 'HAS THE SUN SET'? AND THEY ANSWERED. 'YES.' HAS THE SUN SET'? AND THEY ANSWERED, 'YES.' WITH THIS SICKLE'?⁹ AND THEY ANSWERED, 'YES'. 'WITH THIS SICKLE'? AND THEY ANSWERED, YES'. 'INTO THIS BASKET'? AND THEY ANSWERED, 'YES'. INTO THIS BASKET'? AND THEY ANSWERED. 'YES'. ON THE SABBATH HE CALLED OUT FURTHER, ON THIS SABBATH'? AND THEY ANSWERED. 'YES'. 'ON THIS SABBATH'? AND THEY ANSWERED. 'YES'. 'SHALL I REAP'?¹⁰ AND THEY ANSWERED, REAP'. 'SHALL I REAP'? AND THEY ANSWERED, 'REAP'. HE REPEATED EVERY MATTER THREE TIMES, AND THEY ANSWERED, 'YES.' 'YES.' 'YES'. AND WHY WAS ALL THIS? BECAUSE OF THE BOETHUSIANS¹¹ WHO MAINTAINED THAT THE REAPING OF THE 'OMER WAS NOT TO TAKE PLACE AT THE CONCLUSION OF THE [FIRST DAY OF THE] FESTIVAL.

GEMARA. Our Rabbis taught.¹² 'On the following days fasting, and on some of them also mourning, is forbidden: From the first until the eighth day of the month of Nisan, during which time the Daily Offering was established, mourning is forbidden;¹³ from the eighth of the same until the close of the Festival, during which time the date for the Feast of Weeks was re-established, fasting is forbidden.¹⁴ 'From the first until the eighth day of the month of Nisan, during which time the Daily Offering was established, mourning is forbidden'. For the Sadducees used to say that an individual may of his own free will defray the cost¹⁵ of the Daily Offering. What was their argument? — It is written, [said they]. The one lamb shalt thou offer in the morning and the other lamb shalt thou offer at dusk.¹⁶ And what was the reply [of the Rabbis]? — It is written, My food which is presented unto Me for offerings made by fire, of a sweet savour unto Me, shall ye observe.¹⁷ Hence all sacrifices were to be taken out of the Temple fund.¹⁸

'From the eighth of the same until the close of the Festival [of Passover], during which time the date for the Feast of Weeks was re-established, fasting is forbidden'. For the Boethusians held that the Feast of Weeks¹⁹ must always be on the day after the Sabbath.²⁰ But R. Johanan b. Zakkai entered into discussion with them saying, 'Fools that you are! whence do you derive it'? Not one of them was able to answer him, save one old man who commenced to babble and said, 'Moses our teacher was a great lover of Israel, and knowing full well that the Feast of Weeks lasted only one day he therefore fixed it on the day after the Sabbath so that Israel might enjoy themselves for two successive days'. [R. Johanan b. Zakkai] then quoted to him the following verse, 'It is eleven days' journey from Horeb unto Kadesh-Barnea by the way of mount Seir.'²¹

(1) He was the officer in charge of the chest inscribed 'Bird-offerings' in the Temple. As the bird-offerings gave rise to complicated problems (v. Tractate Kinnim) he was chosen for his sagacity and profound understanding.

(2) The literal meaning of this name is 'The Lord has opened'.

(3) V. Shek., Sonc. ed., p. 18 notes.

- (4) V. Sanh., Sonc. ed., p. 87.
- (5) I.e., transfer the meanings of expressions from one sense to another; cf. supra in connection with Gaggoth Zerifin.
- (6) Neh. VII, 7. The name **בלשן** is regarded as made up of **בלל** to mix, and **לשן** expression.
- (7) On the night after the first day of the Passover.
- (8) The reaper to the people assembled.
- (9) I.e., shall I reap the corn with this sickle and into this basket?
- (10) On the Sabbath.
- (11) A sect in opposition to the Pharisees and often regarded as synonymous with the Sadducees. They held that the expression (Lev. XXIII, 11), **ממחרת השבת**, 'the morrow after the Sabbath', must be taken in its literal sense, the day following the first Saturday in Passover. The Pharisees, however, argued that the Sabbath meant here 'the day of cessation from work', i.e., the Festival of Passover. Accordingly the 'Omer was to be offered on the second day of the Festival, and the reaping of the corn on the night preceding, at the conclusion of the first day of the Festival.
- (12) V. Megillath Ta'anith, I.
- (13) And needless to say that fasting is forbidden. V. Tosaf. s.v. **אידין**
- (14) But mourning is permitted. So according to Rashi, Sh. Mek. and most MSS. In cur. ed. 'mourning is forbidden'. V. Tosaf. s.v. **מריש**. Cf. also Ta'anith 17b.
- (15) Lit., 'may offer and bring'.
- (16) Num. XXVIII, 4. The precept is stated in the singular, directed to the individual.
- (17) Ibid. 2. The use of the pronoun 'ye' clearly imposes the obligation upon the community.
- (18) Lit., 'the offering of the Chamber'.
- (19) Azereth, lit., 'the closing'; the Feast of Weeks being regarded as the closing festival to Passover.
- (20) I.e., on a Sunday, at the completion of seven full weeks from the offering of the 'Omer which, according to them, was offered on a Sunday.
- (21) Deut. I, 2.

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If Moses was a great lover of Israel, why then did he detain them in the wilderness for forty years'? 'Master', said the other, 'is it thus that you would dismiss me'? 'Fool', he answered, 'should not our perfect Torah be as convincing as your idle talk! Now one verse says. Ye shall number fifty days.¹ while the other verse says, Seven weeks shall there be complete.² How are they to be reconciled?³ The latter verse refers to the time when the [first day of the] Festival [of Passover] falls on the Sabbath,⁴ while the former to the time when the [first day of the] Festival falls on a weekday.⁵ (Mnemonic: R. Eliezer 'numbers'; R. Joshua 'counts'; R. Ishmael 'from the 'Omer'; R. Judah 'below'.)⁶ R. Eliezer says, This is not necessary, for Scripture says, Thou shalt number unto thee,⁷ that is, the numbering depends upon the [decision of the] Beth din,⁸ accordingly the Sabbath of the creation cannot be intended,⁹ as the numbering would then be in the hands of all men.¹⁰ R. Joshua says. The Torah says. Count days¹¹ and sanctify the new moon,¹² count days and sanctify the Feast of Weeks.¹³ Just as in regard to the new moon there is something distinctive at the commencement [of the counting],¹⁴ so with the Feast of Weeks there is something distinctive at the commencement [of the counting].¹⁵

R. Ishmael says. The Torah says. Bring the 'Omer-offering on the Passover, and the Two Loaves on the Feast of Weeks. Just as the latter are offered on the Festival, and indeed at the beginning of the Festival, so the former, too. Is offered on the Festival, and indeed at the beginning of the Festival.¹⁶ R. Judah b. Bathyra says. There is written 'Sabbath' below¹⁷ and also 'Sabbath' above;¹⁷ just as in the former case the Festival, and indeed the beginning of the Festival, is near [to the Sabbath].¹⁸ so in the latter case, too, the Festival, and indeed the beginning of the Festival, is near [to the 'Omer].¹⁹

Our Rabbis taught: And ye shall count unto you.²⁰ that is, the counting is a duty upon every one. On the morrow after the Sabbath,²⁰ that is, on the morrow after the Festival. Perhaps it is not so but

rather on the morrow after the Sabbath of Creation. R. Jose b. Judah says, Scripture says, Ye shall number fifty days,²¹ that is, every time that you number it shall not be more than fifty days. But should you say that the verse refers to the morrow after the Sabbath of Creation, then it might sometimes come to fifty-one and sometimes to fifty-two and fifty-three and fifty-four and fifty-five and fifty-six.²² R. Judah b. Bathyra says. This is not necessary.

(1) Lev. XXIII, 16.

(2) Ibid. 15.

(3) For the former verse speaks of counting fifty days irrespective of the completeness of the weeks, whereas the latter verse speaks of seven weeks complete, by which it is understood full weeks each commencing on a Sunday.

(4) In this case there are seven complete weeks.

(5) It is evident therefore that the Feast of Weeks may fall on any day of the week and not only on Sunday. On the motives underlying this controversy v. Lichtenstein HUCA VIII-IX. pp. 276ff and Finkelstein, The Pharisees, I. p. 115ff.

(6) And aid for remembering the various proofs adduced by the Rabbis mentioned.

(7) Deut. XVI, 9.

(8) For inasmuch as the Beth din fixed the date of the Festivals, it is left to them to inform the community the time from which to commence counting the days of the 'Omer. Cur. edd. insert here the following gloss: For they know to interpret 'the morrow after the Sabbath' as the morrow after the Festival.

(9) In the expression 'the morrow after the Sabbath'.

(10) Obviously no guidance would be necessary were the counting always to commence on the Sunday, after the Sabbath of Creation, i.e., the ordinary Sabbath of the week.

(11) Cf. the expression 'a month of days', Num. XI, 20.

(12) I.e., after counting twenty-nine days the thirtieth day should be sanctified as the new moon.

(13) Lev. XXIII, 15,16.

(14) Namely the new moon, for the twenty-nine days are counted from the first day of the new month.

(15) Namely the Festival of Passover. Now if the counting always commenced on Sunday, this distinctiveness would not always be evident, for sometimes the counting might commence on the seventeenth day of Nisan, and sometimes on the eighteenth, or on the nineteenth of that month. V. Tosaf. s.v. **מה הדין**. Cur. edd. insert here the gloss: And should you say that the Feast of Weeks always falls on the day after Sabbath, how would there be anything distinctive at its commencement?

(16) Save that in order to fulfil the expression 'on the morrow after the Sabbath' it must be offered on the second day of the Festival. If, however, it was to be offered always on a Sunday it might happen sometimes that it is offered at the end of the Festival; v. prev. note.

(17) Below, in respect of the Feast of Weeks, unto the morrow of the seventh Sabbath, Lev. XXIII, 16; and above, in respect of the 'Omer, On the morrow after the Sabbath, ibid. 11.

(18) Since the Festival follows immediately the 'Sabbath'. Here, of course, the word Sabbath signifies 'week', as the Festival must be at the end of seven complete Sabbaths or weeks.

(19) Thus the Festival of Passover is to immediately precede the 'Omer; accordingly 'Sabbath' clearly means the Festival.

(20) Lev. XXIII, 15.

(21) Ibid. 16.

(22) Just as in that year when the Passover falls on a Sabbath and the counting, according to all views, begins on the Sunday, only fifty days are numbered from the second day of the Festival, so also in the other years when the Festival falls on a weekday only fifty days are to be numbered from the second day of the Festival. Now if it is held that the numbering must always begin on a Sunday, then as compared with the former year, the number of days from the second day of the Festival would be fifty-one, if the Festival fell on a Friday, or fifty-two if it fell on a Thursday, and so on.

Talmud - Mas. Menachoth 66a

for Scripture says, Thou shalt number unto thee,¹ that is, the numbering depends upon [the decision of] the Beth-din; accordingly the Sabbath of the Creation cannot be intended as the numbering would then be in the hands of all men.² R. Jose says. On the morrow after the Sabbath means on the

morrow after the Festival. You say that it means on the morrow after the Festival, but perhaps it is not so, but rather on the morrow after the Sabbath of Creation! I will prove it to you. Does Scripture say, 'On the morrow after the Sabbath that is in the Passover week'? It merely says, 'On the morrow after the Sabbath'; and as the year is full of Sabbaths, then go and find out which Sabbath is meant.³ Moreover, 'Sabbath' is written below,⁴ and 'Sabbath' is written above; just as in the former case it refers to the Festival, and indeed to the beginning of the Festival, so in the latter case, too, it refers to the Festival, and indeed to the beginning of the Festival.⁴ R. Simeon b. Eleazar says, One verse says, Six days thou shalt eat unleavened bread,⁵ whereas another verse says, Seven days shall ye eat unleavened bread.⁶ How are they to be reconciled?' [In this way:] you may not eat unleavened bread of the new produce the seven days. but you may eat unleavened bread of the new produce six days.⁷ From the day that ye brought [the 'Omer of the waving]...shall ye number:⁸ now I might think that the 'Omer must be reaped and offered [on the day stated], but the counting may begin whenever one wishes,⁹ the text therefore also states, From the time the sickle is first put to the standing corn thou shalt begin to number.¹⁰ But from [this verse], 'From the time the sickle is first put to the standing corn thou shalt begin to number', I might think that the 'Omer must be reaped and then one begins to count, but it is to be offered whenever one wishes, the text therefore states, From the day that ye brought [the 'Omer...shall ye number].¹¹ But from [this verse], 'From the day that ye brought', I might think that it must be reaped and offered and the counting begun all by day, the text therefore states 'Seven weeks shall there be complete;¹² and when do you find seven weeks complete? Only when you begin to count from the [previous] evening.¹³ I might think, then, that it must be reaped and offered and the counting begun all by night, the text therefore, states, 'From the day that ye brought'. How is it to be then? The reaping and the counting must be on the [previous] night, but the bringing on the [following] day.¹⁴

Said Raba: All the above interpretations can be refuted, excepting those of the last two Tannaim of the first Baraitha and of the last two Tannaim of the second Baraitha,¹⁵ which cannot be refuted, If [it were to be derived from] R. Johanan b. Zakkai's interpretation it can be refuted thus: Perhaps [the explanation of the conflicting verses is] as given by Abaye; for Abaye said, It is the precept to count the days and also the weeks.¹⁶ If from R. Eliezer's and R. Joshua's interpretations it can be refuted thus: How do they know that it¹⁷ refers to the first day of the Festival? It may refer to the last day of the Festival! R. Ishmael's and R. Judah b. Bathyra's interpretations cannot be refuted. If from R. Jose son of R. Judah's interpretation it can be refuted thus: Perhaps the fifty days excludes those six days!¹⁸ If from R. Judah b. Bathyra's interpretation¹⁹ it can be refuted thus: How does he know that it¹⁷ means 'the first day of the Festival? Perhaps it means the last day of the Festival! R. Jose also realized this same difficulty, and he therefore added the second interpretation 'Moreover.

The [above] text [stated]: Abaye said, It is the precept to count the days and also to count the weeks. The Rabbis of the school of R. Ashi used to count the days as well as the weeks. Amemar used to count the days but not the weeks, saying, It is only in commemoration of Temple times.²⁰

MISHNAH. THEY REAPED IT, PUT IT INTO THE BASKETS, AND BROUGHT IT TO THE TEMPLE COURT; THEN THEY PARCHED IT²¹ WITH FIRE IN ORDER TO FULFIL THE PRECEPT THAT IT SHOULD BE PARCHED [WITH FIRE].²² SO R. MEIR. BUT THE SAGES SAY, THEY FIRST BEAT IT WITH REEDS OR STEMS OF PLANTS THAT THE GRAINS SHOULD NOT BE CRUSHED,²³ AND THEN THEY PUT IT INTO A PIPE THAT WAS PERFORATED SO THAT THE FIRE MIGHT TAKE HOLD OF ALL OF IT. THEY SPREAD IT OUT IN THE TEMPLE COURT SO THAT THE WIND MIGHT BLOW OVER IT.²⁴ THEN THEY PUT IT INTO A GRISTMILL²⁵ AND TOOK OUT OF IT A TENTH [OF AN EPHAH OF FLOUR] WHICH WAS SIFTED THROUGH THIRTEEN SIEVES. WHAT WAS LEFT OVER WAS REDEEMED AND MIGHT BE EATEN BY ANY ONE; IT WAS LIABLE TO THE DOUGH-OFFERING²⁶ BUT EXEMPT FROM TITHES.²⁷ R. AKIBA DECLARES IT LIABLE BOTH TO THE DOUGH-OFFERING AND TO TITHES.

GEMARA. Our Rabbis taught: 'Abib':²⁸ this signifies fresh ears of corn; 'parched with fire': this teaches us that Israel used to parch it with fire in order to fulfil the precept 'parched'. So R. Meir. But the Sages say,

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- (1) Deut. XVI,9.
 - (2) V. supra p. 386. n. 8.
 - (3) Obviously then 'the Sabbath' means the Festival.
 - (4) V. supra p. 387 nn. 2,3 and 4.
 - (5) Ibid. 8.
 - (6) Ex. XII, 15.
 - (7) For after the offering of the 'Omer, on the second day of the Festival, there are left six days of the Festival on which one may eat unleavened bread of the new produce; thus the verses are reconciled. If, however, the 'Omer was always to be offered on a Sunday, then it would frequently happen that there would be less than six days from the offering of the 'Omer to the end of the Festival.
 - (8) Lev. XXIII, 15, 16.
 - (9) On any day after the bringing of the 'Omer.
 - (10) Deut. XVI, 9. From this verse it appears that the counting must begin immediately after the reaping and apparently even before the offering of the 'Omer.
 - (11) We thus learn that the reaping and the offering of the 'Omer and the commencement of the counting must all take place on the same day.
 - (12) Lev. XXIII, 15.
 - (13) Since the complete day consists of the day and the preceding night.
 - (14) And it is arrived at in this way: the reaping must clearly be before the counting, since it is written, 'From the time that the sickle is put to the standing corn thou shalt begin to number'; and the counting must be at night because of the verse which says, 'Seven weeks shall there be complete'. The counting, however, precedes the bringing of the 'Omer, the verse 'From the day that ye brought the 'Omer shall ye number' notwithstanding, as this verse does necessarily indicate precedence but rather that both shall take place on the same day.
 - (15) I.e., R. Jose in his second interpretation and R. Simeon b. Eleazar.
 - (16) Cf. P.B. p. 270ff. This is established by Abaye from the fact that one verse speaks of counting the days and the other of counting the weeks.
 - (17) The expression 'Sabbath'. Granted that it cannot mean the ordinary Sabbath of the week, it may mean nevertheless the last day, and not necessarily the first day, of the Festival.
 - (18) For it might be said that the counting of the fifty days is to commence from the first Sunday in the Passover festival, exclusive of the six (or less) intervening days between the second day of the Festival and the Sunday.
 - (19) In the second Baraitha.
 - (20) He maintains that after the destruction of the Temple, when the 'Omer is no longer offered, the counting is no absolute obligation; hence it is sufficient if only the days are counted.
 - (21) The whole ears of corn.
 - (22) Lev. II, 14.
 - (23) It was not threshed in the usual manner with flails as these would bruise the fresh and tender corn.
 - (24) In order to dry it.
 - (25) Which grinds very coarsely so that only the husk is separated from the grain.
 - (26) Cf. Num. XV, 18ff. Since at the time when dough becomes liable to the dough-offering, i.e. at the rolling out of the dough, it is no longer consecrated, it is therefore liable to the dough-offering.
 - (27) Since the obligation of tithes falls due at the last work in connection with the corn (i.e. the smoothing of the pile), and at that time the corn was still consecrated, it is therefore exempt from tithes.
 - (28) 'Corn in the ear'. Lev. II, 14.

Talmud - Mas. Menachoth 66b

By koli¹ we do not mean [what is parched] over the fire but [what is parched] with something

[intervening between the fire and the grain]. (Another version reads: By koli we understand what is parched in a vessel.)² How was it done then? There was there [in the Temple] a pipe for parching corn which was perforated like a sieve so that the fire might take hold of it on all sides. Corn in the ear, parched...crushed: now I know not whether the fresh ears of corn must be parched or the crushed grain must be parched;³ but when the verse says '[parched] with fire', it thus interrupts the subject.⁴ Karmel [fresh corn] means, rak [tender] and mal [easily crushed].⁵ In like manner⁶ [we interpret the word in the following] verse: And there came a man from Baal-shalishah, and brought the man of God bread of the firstfruits, twenty loaves of barley, and fresh corn beziklono. And he said, Give unto the people that they may eat.⁷ [Beziklono means]: He came and poured out for us, and we ate, and it was fine. And so, too, [when it says, Let us solace ourselves [nith'alsah] with loves,⁸ [nith'alsah means:] Let us talk together and then let us go up [on the couch] and rejoice and revel in caresses. And so, too, [when] it says, The wing of the ostrich [ne'elasah] beateth joyously,⁹ [ne'elasah means:] It carries [the egg], flies upwards [with it] and deposits it [in the nest]. And so, too, [when] it says, Because thy way is contrary [yarat] unto me,¹⁰ [yarat means:] She [the ass] feared when she saw [the angel] and she turned aside. In the school of R. Ishmael it was taught: Karmel means, kar [rounded, and male [full]].¹¹

R. AKIBA DECLARES IT LIABLE BOTH TO THE DOUGH-OFFERING AND TO TITHES.

R. Kahana said, R. Akiba used to say that the smoothing of the pile of [corn belonging at the time to] the Temple does not exempt it [from tithes].¹²

R. Shesheth raised the following objection: What did they do with what remained of those three se'ahs?¹³ It was redeemed and could be eaten by any one; it was liable to the dough-offering but exempt from tithes. R. Akiba declares it liable both to the dough-offering and to tithes. But [the Sages] said to him, Let what is redeemed from the hand of the Temple treasurer prove the case,¹⁴ for that is liable to the dough-offering yet is exempt from tithes. Now if it is right to say, [R. Akiba holds the view that] the smoothing of the pile of [corn belonging to] the Temple does not exempt [from tithes], then what was the point of their argument, it is just the same case?¹⁵ Furthermore, R. Kahana b. Tahlifa raised an objection against R. Kahana's statement [from the following Baraita]: R. Akiba declares it liable both to the dough-offering and tithes, for Temple money was only used for what was necessary!¹⁶ — Rather, said R. Johanan, it is an accepted teaching in the mouth of R. Akiba that Temple money was only used for what was necessary.¹⁷

Raba said, I am quite certain that the smoothing of the pile of [corn belonging at the time to] the Temple exempts it [from tithes], for even R. Akiba only declares it liable [to tithes] in that case alone, since Temple money was only used for what was necessary, but elsewhere [all agree that] the smoothing of the pile of [corn belonging to] the Temple exempts from tithes.

With regard to the smoothing of the pile of [corn belonging at the time to] a gentile there is a difference of opinion between Tannaim. For it was taught: One may give terumah from produce bought from an Israelite for other produce also bought from an Israelite, and from produce bought from a gentile for other produce also bought from a gentile,¹⁸ and from produce bought from a Cuthean¹⁹ for other produce also bought from a Cuthean, and from produce bought from any one of these for other produce also bought from any one of these.²⁰ So R. Meir and R. Judah. But R. Jose and R. Simeon say, One may give terumah from produce bought from an Israelite for other produce also bought from an Israelite, and from produce bought from a gentile for other produce bought from a Cuthean, and from produce bought from a Cuthean for other produce bought from a gentile, but one may not give terumah from produce bought from an Israelite for other produce bought from a gentile or a Cuthean, nor from produce bought from a gentile or a Cuthean for other produce bought from an Israelite.²¹

(1) Heb. קלי. The reference is to the word קלוי in Lev. ibid. The text is in a very bad state here; v. the parallel passage

in Sifra (ed.' Friedmann, p. 121-2) and notes thereon where all the parallel texts are collected and examined. V. also Dik. Sof. n. 9. The translation is based on the text as emended by Sh. Mek

(2) Heb. קליף: a receptacle of burnished bronze (Rashi).

(3) The term קלי 'parched' appears in the verse between two substantives, so that it is uncertain whether it refers to the preceding expression 'corn in the ear', in which case the fresh ears of corn must first be parched and then crushed, or to the subsequent expression 'crushed', in which case the corn must first be crushed and then parched.

(4) Hence it cannot refer to the subsequent expression but only to the one preceding, so that the fresh ears of corn must be parched.

(5) The Heb. ברמל is interpreted as two words: רך (by transposing the first two letters of the word) 'soft', 'tender', and מל 'brittle', 'easily crushed'.

(6) Lit., 'and thus it says'. Here follow some examples of interpretation of words by the method known as נוטריקון (stenographic or abbreviated), whereby any particular word is regarded as a combination of the initial or characteristic letters of the words in a sentence.

(7) II Kings IV, 42. The Heb. word בצקונו (translated in the versions 'in his sack') is here expanded into the following sentence: בא ויצק לנו ואכלנונוה

(8) Prov. VII, 18. The word נתעלסה is expanded into: נשא ונתן ונעלה ונשמח ונתחטא It must be noted that the letter 'sin' is often substituted for 'samech'; similarly the 'heth' for 'he'.

(9) Job XXXIX, 13. The word נעלסה is expanded into: נושא עולה ונתחטא V. Rashi. Jastrow, Dict. p. 449. translates 'He raises his wings and rises and enjoys himself'.

(10) Num. XXII, 32. Heb. יראה ראתה נתטה: expanded into:

(11) Heb. בר and מלא; the ears of corn must be quite ripe, each grain filling the husk. According to R. Gershom, Aruch and Rashi: Each ear must be full (מלא) of grain as a cushion (בר) is stuffed with feathers.

(12) When later the corn is acquired by an Israelite.

(13) That were reaped for the purposes of the 'Omer; v. Mishnah supra 63b.

(14) I.e., corn produced and grown by the Temple authorities. Such produce apparently even R. Akiba would agree is exempt from tithes when it is acquired by an Israelite.

(15) For just as R. Akiba declares the remainder of the 'Omer-offering liable to tithes he also declares any corn redeemed from the Temple treasurer liable, so that the proof adduced by the Sages in their argument fails in its purpose.

(16) I.e., the tenth for the 'Omer-offering. The remainder, however, was not covered by Temple money and was not regarded as consecrated hence it is subject to tithes. It follows, however, that if the corn was produced by the Temple authorities and the pile was smoothed whilst it still belonged to the Temple, it is exempt from tithes.

(17) R. Kahana's statement thus stands refuted.

(18) For R. Meir and R. Judah are of the opinion that a gentile cannot own property in the Land of Israel so fully as to release it from the obligation of tithe; so that produce bought from a gentile is liable to tithe even though at the time that the pile of corn was smoothed it belonged to the gentile.

(19) A member of one of the tribes that settled in the Northern Kingdom after the deportation of the Ten Tribes of Israel by the Assyrian king. Some of the peoples came from Cutha and so gave their name to the new settlers as a whole. They are also known as Samaritans. They accepted a form of semi-Judaism, and their status as Jews varied at different times.

(20) So that it is permitted to give terumah from produce bought from a gentile or a Cuthean for produce bought from an Israelite, or vice versa, for the smoothing of the pile belonging at the time to a gentile does not exempt it from tithes.

(21) For R. Jose and R. Simeon hold the view that produce which was finished and stacked into a pile and smoothed off whilst in the possession of a gentile or a Cuthean is exempt henceforth from tithes; and clearly what is exempt from tithe may not be given as tithe for other produce that is liable.

Talmud - Mas. Menachoth 67a

The rolling out of dough¹ belonging [at the time] to the Temple exempts it [from the dough-offering]. For we learnt:² If a woman dedicated her dough [to the Temple] before she had rolled it out, and redeemed it,³ it is still liable to the dough-offering. If [she dedicated it] after she had rolled it out and then redeemed it, it is still liable. If she dedicated it before she had rolled it out and the Temple treasurer rolled it out, and afterwards she redeemed it, it is exempt, since at the time when dough becomes liable [to the dough-offering] it was exempt.

Raba, however, raised the question. What is the law if the dough when it was rolled out belonged to a gentile? We have indeed learnt:⁴ If a man became a proselyte and he had dough that was already rolled out⁵ before he became a proselyte he is exempt [from the dough-offering].⁶ If [the dough was rolled out] after he became a proselyte, he is liable. If it is in doubt, he is liable. Now whose opinion is represented in this Mishnah? [Is it] the opinion of all? For even R. Meir and R. Judah who in that other case⁷ declare it liable [to the tithe], in this case declare it exempt; [their argument being that] in the other cases Scripture stated ‘thy corn’ several times,⁸ [each expression serving to exclude the corn of a gentile,] we thus have a limitation followed by a limitation, and wherever a limitation is followed by a limitation its purpose is nothing else but to include, so that even [the corn] of a gentile is liable [to tithe]; whereas in this case, since the expression ‘your dough’⁹ is stated twice only, the one expression ‘your dough’ excludes the dough of a gentile, and the other expression ‘your dough’ excludes the dough that belongs to the Temple.¹⁰ Or perhaps this Mishnah represents the opinions of R. Jose and R. Simeon only who in that other case declare it exempt, but according to R. Meir and R. Judah [the dough of a gentile would be liable to the dough-offering, for they] infer this case from the other case by reason of the common expression ‘the first’?¹¹ — May it be the will [of God], prayed Raba, that I behold [the answer to my question] in a dream! Afterwards Raba came to the conclusion that he who holds that the smoothing of the pile of corn belonging to a gentile exempts it [from tithes], also holds that the rolling out of dough belonging to a gentile exempts it [from the dough-offering]; and he who holds that the smoothing of the pile of corn belonging to a gentile does not exempt it, also holds that the rolling out of dough belonging to a gentile does not exempt it.

R. Papa raised the following objection against Raba: If a gentile [now a proselyte] set apart the firstling¹² of his ass, or the dough-offering,¹³ he must be informed that he is exempt therefrom; his dough-offering may therefore be eaten by non-priests, and the firstling may be shorn and put to work. It follows, however, that the terumah [that he had set apart from his corn] is forbidden.¹⁴ Accordingly this Tanna is of the opinion that the smoothing of the pile of corn belonging to a gentile does not exempt it [from tithes], and [yet he holds] that the rolling out of the dough belonging to a gentile exempts it [from the dough-offering]! Furthermore, Rabina raised the following objection against Raba: As to the dough-offering set apart by a gentile [now a proselyte] in the lands [of Israel], or his terumah outside the land [of Israel]. he must be informed that he is exempt therefrom; his dough-offering may therefore be eaten by non-priests, and his terumah would not render [the other produce into which it may fall] subject to the laws of terumah. It follows, however, that the terumah he set apart in the land [of Israel] is forbidden [to non-priests] and also renders [the other produce into which it may fall] subject to the laws of terumah. Accordingly this Tanna holds that the smoothing of the pile of corn belonging to a gentile does not exempt it [from tithes], and yet [he holds] that the rolling out of the dough belonging to a gentile exempts it [from the dough-offering]! — It is only so Rabbinically,¹⁵ as a precautionary measure against men of wealth.¹⁶

(1) At this moment the dough becomes liable to the dough-offering; cf. Num. XV, 18-21. If at that moment the dough belongs to the Temple it is exempt from the dough-offering, but if to a lay person it is liable.

(2) Hal. III, 3.

(3) And after she had redeemed it she rolled it out, so that at the time of rolling out it no longer belonged to the Temple.

(4) Hal. III, 6.

(5) Lit. ‘prepared’.

(6) For at the time of the rolling out the dough belonged to a gentile.

(7) In the matter of corn belonging to a gentile at the time when it becomes liable to the tithe, i.e., when the pile is smoothed off.

(8) In fact the expression ‘thy corn’ is stated three times viz., Deut. XII, 17; XIV, 23; and XVIII, 4, but one serves to exclude that which belongs to the Temple; each of the other two would serve to exclude that which belongs to a gentile.

(9) Num. XV. 20 and 21.

(10) So MS.M., Tosaf. and Sh. Mek. Cur. edd. read: The one expression ‘your dough’ teaches that there must be as

much as your dough (v. Hul. 135b). and the other expression 'your dough' excludes the dough belonging to a gentile or to the Temple.

(11) 'The first' is stated with regard to the dough-offering. Num. XV, 20, and also with regard to the tithe of corn, Deut. XVIII, 4; therefore, as in the latter case the corn is liable to tithe even though at the time the obligation falls due it belongs to a gentile, so it is too with the dough-offering.

(12) I.e., he set apart a lamb as the redemption of the firstling of the ass; cf. Ex. XIII, 13. So Rashi, but v. Tosaf. s.v. עובד

(13) The firstling had been born while he was still a gentile; similarly the dough had been rolled out while he was still a gentile.

(14) To be eaten by non-priests, although at the time when he smoothed the pile he was a gentile. (5) I.e., of produce grown in the land of Israel.

(15) Strictly even his terumah is no terumah and may be eaten by non-priests, for the smoothing of the pile by the gentile exempts the corn from terumah and tithes; but it is forbidden by Rabbinic decree.

(16) Lit., 'men of purses', i.e., Jewish merchants who purchase large quantities of corn from Jews and non-Jews; and if what they purchase from non-Jews is exempt from terumah and tithes, they might hold that even what they purchase from Jews is also exempt. Another interpretation: they are men with large estates and in order to avoid giving large quantities as terumah and tithe they would arrange to dispose of the field temporarily to a gentile, so that the smoothing of the pile be done by the gentile, and thus be exempt from terumah and tithes.

Talmud - Mas. Menachoth 67b

Then the same should be said of the dough-offering, should it not?¹ — It is always possible [to avoid the dough-offering] by baking [quantities of dough each] less than five quarters of a kab and a little more² of flour. Then with the terumah, too, it is always possible [to avoid the terumah] by acting according to R. Oshaia's ruling; for R. Oshaia said, A man can resort to a device with his produce and bring it in [to his house] together with the chaff, so that his cattle may eat of it and it is exempt from the tithe; or he can bring it in by way of the roof or by way of a back enclosure!³ — In the latter case,⁴ since it is done openly, he would be ashamed of it;⁵ but in the former case⁶ it is done in private and he would not be ashamed of it.⁷

MISHNAH. HE⁸ THEN CAME TO THE TENTH, PUT IN OIL⁹ AND ITS FRANKINCENSE, Poured in the oil, mingled it, waved it, brought it near [to the altar], took from it the handful and burnt it; and the remainder was eaten by the priests. After the omer was offered they used to go out and find the market of Jerusalem already full of meal and parched corn [of the new produce]; this, however, did not meet with the approval of the sages.¹⁰ So R. Meir. R. Judah says, they did so with the approval of the sages.¹¹ GEMARA. And does not R. Judah apprehend lest one might eat of it? But I can point out a contradiction to this, for we have learnt: Judah says, One searches on the night [preceding] the fourteenth day [of Nisan], or¹² on the morning of the fourteenth, or¹² at the time for its removal.¹³ But the Sages say, If a man has not searched etc.¹⁴ — Rabbah answered, It is different with the new produce,

(1) Even the dough that was rolled out by a gentile should also, Rabbinically, be subject to the dough-offering, for otherwise men might avoid the dough-offering by arranging that a gentile should roll out the dough.

(2) This is the minimum quantity of dough liable to the dough-offering. cf. 'Er. 83b. 'Ed. I, 2.

(3) Produce is not liable to the tithe unless (a) its preparation has been finished, i.e. it has reached that stage when the pile of grain has been smoothed off, and (b) it is brought, when finished, into the house or store-room in the usual manner, i.e., through the door. Otherwise it is not liable, and a man's cattle may eat of it at all times, and even the man himself may eat of it casually. In this case, therefore, the produce is not liable to the tithe at all, since it was brought into the house with the chaff, i.e., unfinished, or it was brought in in an unusual manner.

(4) Concerning terumah.

(5) To resort to the device mentioned above, for it would be obvious to all what his purpose was; hence in order to avoid giving terumah he would have to resort to the subterfuge of transferring the produce to a gentile that he should smooth the pile. The Rabbis therefore decreed that this act of the gentile should not exempt it from terumah.

(6) With regard to the dough.

(7) To bake the dough in small quantities; so that he would not have to resort to the subterfuge of transferring the dough to a gentile that he should roll it out in order to be exempt from the dough-offering.

(8) I.e., the person chosen for this service, not necessarily a priest, for only the taking out of the handful and the services subsequent thereto had to be performed by a priest.

(9) A part of the log of oil was first poured into the vessel and then the flour was put in, thereafter more oil was poured in and the whole was mingled together, and finally the remainder of the oil was poured in. V. infra 74b;

(10) For the produce that is now sold in the market must have been reaped before the offering of the 'Omer, and this in most cases is forbidden, v. infra 70a; moreover, even if it was the produce of those fields that may be reaped before the offering of the 'Omer, v. infra 71a, it is to be feared, according to R. Meir, that the people whilst reaping would eat of it.

(11) And it is not to be feared lest the people eat of it whilst reaping, since they are accustomed to abstain from the new produce until the offering of the 'Omer.

(12) I.e., if he did not search for leaven on the first mentioned time he must search for it on the second time stated or the third.

(13) At the sixth hour of the fourteenth day. After this, however, he must not make the search for leaven, since it is to be feared that during his search if he finds any leaven he might eat it and so transgress the law. This view clearly contradicts that expressed by R. Judah in our Mishnah.

(14) Pes. 10b.

Talmud - Mas. Menachoth 68a

for since you have only permitted a man to pluck [the corn with the hand],¹ he would remember.² Said Abaye to him: This is satisfactory with regard to reaping, but what about the grinding and the sifting?³ — This is really no difficulty, for the grinding could be done in a hand-mill, and the sifting on the back of the sieve. But what is to be said of irrigated fields where reaping is permitted, for we have learnt: One may reap [before the 'Omer the corn] in irrigated fields in the plain, but one may not stack it?⁴ — Abaye therefore answered thus, From the new produce a man is accustomed to abstain,⁵ but from leaven he is not accustomed to abstain.⁶ Said Raba, Is there only a contradiction between the views of R. Judah and not between the views of the Rabbis?⁷ — Raba therefore answered, There is no contradiction between the views of R. Judah, as we have already answered;⁸ and there is also no contradiction between the views of the Rabbis, for the sole purpose of his searching [for leaven] is in order to burn it, would he then eat of it?⁹ R. Ashi said, There is no contradiction between the views of R. Judah, because our Mishnah speaks of MEAL AND PARCHED CORN.¹⁰ But this statement of R. Ashi is beside the mark;¹¹ for this is very well when the corn has been parched, but what can be said for the time before the corn has been parched?¹² Should you say that here too the corn will only be plucked,¹³ as Rabbah suggested above, then it will be asked, What is to be said in the case of an irrigated field where reaping is permitted? We must therefore say that R. Ashi's statement is beside the mark.

MISHNAH. AFTER THE 'OMER WAS OFFERED THE NEW CORN WAS PERMITTED FORTHWITH; BUT FOR THOSE THAT LIVED FAR OFF¹⁴ IT WAS PERMITTED ONLY AFTER MIDDAY. AFTER THE TEMPLE WAS DESTROYED R. JOHANAN B. ZAKKAI ORDAINED THAT IT SHOULD BE FORBIDDEN THROUGHOUT THE DAY OF THE WAVING.¹⁵ R. JUDAH SAID, IS IT NOT SO FORBIDDEN BY THE LAW OF THE TORAH, FOR IT IS WRITTEN, UNTIL THIS SELFSAME DAY?¹⁶ WHEREFORE WAS IT PERMITTED FOR THEM THAT LIVED FAR OFF IMMEDIATELY AFTER MIDDAY?¹⁷ BECAUSE THEY KNOW THAT THE BETH DIN ARE NOT DILATORY THEREWITH.

GEMARA. Rab and Samuel both stated that when the Temple stood the offering of the 'Omer

rendered [the new corn] permitted, and when the Temple was no more the daybreak [of the sixteenth day] rendered it permitted. What is the reason for this? Because two expressions are written; it is written, Until ye have brought,¹⁸ and also, Until this selfsame day.¹⁸ How are they to be reconciled? The former refers to the time when the Temple stood, the other to the time when the Temple was no more. R. Johanan and Resh Lakish both stated that even when the Temple stood the daybreak [of the sixteenth day] rendered it permitted. But is it not written also, Until ye have brought? — This is only a recommendation.¹⁹ [But have we not learnt:] AFTER THE ‘OMER WAS OFFERED THE NEW CORN WAS PERMITTED FORTHWITH?²⁰ — This, too, is only a recommendation. [And have we not learnt:] The ‘Omer rendered the new corn permitted throughout the land and the Two Loaves rendered it permitted in the Temple?²¹ — This, too, is only a recommendation.

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- (1) But not to reap it in the ordinary manner with a sickle.
- (2) Not to eat thereof whilst plucking the corn.
- (3) What restriction or change from the usual manner in these works is suggested to remind him that it is new produce with which he is working and so abstain from eating thereof?
- (4) *Infra* 71a.
- (5) For he has not eaten of it the whole year round.
- (6) As he has been eating it until this day, he might forget himself and eat of it when he is forbidden so to do.
- (7) Of course there is a contradiction between the views of the Sages! More correctly the contradiction is between the view of R. Meir, the opponent of R. Judah, in our Mishnah, according to which we must apprehend the danger of one eating of the new corn while reaping it, and the view of the Sages, also the opponents of R. Judah, in the Mishnah in *Pes.*, according to which view a man, if he had not made any search for leaven before the Festival, must search for it during the Festival whenever he reminds himself of it, and there is no fear that he will eat any leaven that he finds.
- (8) The answer suggested by Abaye.
- (9) Of course not; hence there is no reason to be apprehensive.
- (10) *קמח קלי*, and these are not fit to be eaten as they are, uncooked. Apparently PARCHED CORN in the Mishnah means meal prepared from parched ears of corn; so Rashi and R. Gershom. A variant of this expression in the Mishnah is *קמח קלי* ‘meal of parched corn’.
- (11) *ברותא*; var. *בדותא* V. B.M., Sonc. ed., p. 47. n. 1.
- (12) When the ears of corn are fit for eating.
- (13) By the hand and not reaped, and this will serve as a reminder not to eat of it.
- (14) Those that dwell outside Jerusalem and do not know whether the ‘Omer has already been offered or not.
- (15) I.e., the day on which the ‘Omer was offered, which included the rite of waving, namely the sixteenth day of Nisan.
- (16) Lev. XXIII, 14. R. Judah takes the view that the term ‘until’ is inclusive, accordingly the whole of this day is forbidden. R. Judah
- (17) This question refers to Temple times. Perhaps the ‘Omer will not have been offered by midday, why then are those far off permitted immediately after midday?
- (18) Lev. XXIII, 14.
- (19) It is proper to abstain from the new corn until the offering of the ‘Omer, but there is no transgression if one did not observe this rule.
- (20) But surely not before the offering of the ‘Omer.
- (21) *infra* 68b.

Talmud - Mas. Menachoth 68b

But we have learnt: AFTER THE TEMPLE WAS DESTROYED R. JOHANAN B. ZAKKAI ORDAINED THAT IT SHOULD BE FORBIDDEN THROUGHOUT THE DAY OF THE WAVING. What is the reason? The Temple may speedily be rebuilt and people would then say, ‘Did we not eat last year [of the new corn] immediately at the daybreak [of the sixteenth day]? This year too we shall eat it [from the same time]’, but they will not realize that last year when there was

admits, however, that this was the law only after the destruction of the Temple, but during Temple

times it was permitted immediately after the 'Omer was offered. no 'Omer-offering the daybreak rendered it permitted, but now that there is an 'Omer-offering it is only the 'Omer-offering that renders it permitted.¹ Now if it is only a recommendation to do so, would we impose a restriction on account of a recommendation only? — R. Nahman b. Isaac said that R. Johanan b. Zakkai ruled in accordance with the view enunciated by R. Judah who said that it² is forbidden by the law of the Torah, for it is written, 'Until this selfsame day', that is, until this very day itself, and he is also of the opinion that the expression 'until' is inclusive.³ But does [R. Johanan b. Zakkai] concur with him [R. Judah]? Do they not in fact disagree? for we have learnt: AFTER THE TEMPLE WAS DESTROYED R. JOHANAN B. ZAKKAI ORDAINED THAT IT SHOULD BE FORBIDDEN THROUGHOUT THE DAY OF THE WAVING. R. JUDAH SAID, IS IT NOT SO FORBIDDEN BY THE LAW OF THE TORAH, FOR IT IS WRITTEN, UNTIL THIS SELFSAME DAY? — R. Judah misunderstood [the other's view]; he thought that R. Johanan b. Zakkai regarded the prohibition as Rabbinic, but in fact it was not so; he meant it as a prohibition by the law of the Torah. But does not our Mishnah say 'ORDAINED'? — 'ORDAINED' means, he expounded [the verse] and established the law accordingly.

R. Papa and R. Huna the son of R. Joshua used to eat the new corn on the night of the sixteenth day which is really the beginning⁴ of the seventeenth day, for they hold the view that the prohibition of the new corn outside the land [of Israel] is only Rabbinical⁵ and that the doubt⁶ need not be taken into account. The Rabbis of the school of R. Ashi used to eat it on the morning of the seventeenth, for they hold that the prohibition of the new corn outside the land of Israel is Biblical,⁵ but that the ruling of R. Johanan b. Zakkai was only a Rabbinic ordinance; and this ordinance, they maintain, was intended to apply only to the actual day of the waving but not to the day of doubt.⁷ Rabina said, 'My mother told me that your father did not eat of the new corn until the night of the seventeenth which is the beginning of the eighteenth, for he is of the same opinion as R. Judah⁸ and also takes into account the day of doubt'.

MISHNAH. THE 'OMER RENDERED [THE NEW CORN] PERMITTED THROUGHOUT THE LAND, AND THE TWO LOAVES⁹ RENDERED IT PERMITTED IN THE TEMPLE.¹⁰ ONE MAY NOT OFFER MEAL-OFFERINGS,¹¹ FIRST-FRUITS, OR MEAL-OFFERINGS THAT ACCOMPANY ANIMAL OFFERINGS, BEFORE THE 'OMER; AND IF ONE DID SO, IT WAS INVALID. NOR MAY ONE OFFER THESE BEFORE THE TWO LOAVES; BUT IF ONE DID SO IT WAS VALID.

GEMARA. R. Tarfon was sitting and asked this question: What [is the reason for the difference in law] between [what is offered] before the 'Omer and [what is offered] before the Two Loaves?¹² Said Judah b. Nehemiah before him, No; you can say [that what is offered] before the 'Omer [is invalid]. for the prohibition [of the new corn] does not admit of any exception to the private individual,¹³ but can you say so [of what is offered] before the Two Loaves, seeing that the prohibition does admit of an exception to the private individual?¹⁴ R. Tarfon remained silent, and at once the face of Judah b. Nehemiah brightened with joy. Thereupon R. Akiba said to him, 'Judah. your face has brightened with joy because you have refuted the Sage; I wonder whether you will live long' — Said R. Judah b. Ila'i, 'This happened a fortnight before the Passover,¹⁵ and when I came up for the 'Azereth¹⁶ festival I enquired after Judah b. Nehemiah and was told that he had passed away'.

R. Nahman b. Isaac said, According to the view of Judah b. Nehemiah, if drink-offerings [of wine], made from the first-fruits which ripened [before the 'Omer], were offered before the 'Omer, they are valid,¹⁷ Is not this obvious?— [No.] for you might argue that only in that case¹⁸ [is the offering valid], because the prohibition¹⁹ admits of an exception to the individual, but not in this case where the prohibition does not admit of any exception; he therefore teaches us that it is all the more so in this case where there is no prohibition at all!²⁰

(Mnemonic: Order. In bud. Dung. Elephant.)²¹ Rami b. Hama raised the question: Do the Two Loaves render permitted when not in the usual order?²² What are the circumstances?—For instance, corn was sown [in the period] between the offering of the ‘Omer and the Two Loaves, and then the time of the offering of the Two Loaves and the [next] ‘Omer passed by. Shall we say that they [the Two Loaves] render permitted only in the usual order but not when not in the usual order, or that they render permitted even when not in the usual order? Rabbah said, Come and hear: The verse, And if thou bring a meal-offering of first-fruits.²³ refers to the meal-offering of the ‘Omer. Of what was it offered? Of barley. You say ‘of barley’. but perhaps it is not so but rather of wheat! Said R. Eliezer, The expression ‘in the ear’²⁴ is stated In regard to [the incidents in] Egypt, and the expression ‘in the ear’²³ is also stated [as an ordinance] for generations: just as ‘in the ear’ stated in regard to [the incidents in] Egypt referred to barley,²⁴ so ‘in the ear’ stated [as an ordinance] for generations refers to barley. R. Akiba said, We find that an individual must offer wheat as an obligation²⁵ and also barley as an obligation;²⁶ likewise we find that the community must offer wheat as an obligation and also barley as an obligation. Should you say, therefore, that the ‘Omer was offered of wheat, then we do not find a case when the community must offer barley as an obligation! Another explanation: Should you say that the ‘Omer was offered of wheat, then the Two Loaves would not be the first-fruits!²⁷ Now if it is right to say that the Two Loaves render permitted even when not in the usual order, then why do you say that the Two Loaves would not be the first-fruits? It can happen that the ‘Omer is offered — of that corn which had taken root before the offering of the Two Loaves but after last year’s ‘Omer, and the Two Loaves of that corn which had taken root before this year’s ‘Omer²⁸ but after

of the ‘Omer and then the period of the Two Loaves. The question here raised is whether the corn is always permitted for meal-offerings after the passing of these two periods, irrespective of their sequence. or not. last year's Two Loaves!—Do you think

(1) V. R.H. 36b.

(2) After the destruction of the Temple the new corn is forbidden the whole of the sixteenth day of Nisan by Biblical injunction.

(3) Of the terminus of the prohibition; so that the new corn is forbidden the whole of the sixteenth day and is only permitted on the following day.

(4) Lit., ‘light’.

(5) V. Kid. 37a.

(6) Owing to the absence of a fixed calendar the duration of a month varied between twenty-nine and thirty days; consequently the day that is regarded as the seventeenth of the month may really be the sixteenth, if the preceding month consisted of thirty days.

(7) Accordingly after daybreak on the seventeenth day the new corn is permitted.

(8) First that the prohibition of the new corn outside the land of Israel is Biblical, and secondly, that the prohibition during the day of the waving of the ‘Omer is also Biblical.

(9) Offered on the Feast of Weeks, cf. Lev. XXIII, 17.

(10) The new corn may henceforth be used for meal-offerings. The Two Loaves were to be the first offering from the new corn, as it is written, And ye shall present a new meal-offering unto the Lord, *ibid.* 16.

(11) Of new corn.

(12) Why is it that in the former case the offering is invalid and in the latter valid?

(13) For before the ‘Omer the new corn is forbidden to all without exception.

(14) For after the ‘Omer an individual may enjoy the new corn and the prohibition is restricted to the Temple only.

(15) Lit., ‘that time was half the period (of preparation) for the Passover’; the period of preparation for the Passover being thirty days. v. Pes. 6a.

(16) The Feast of Weeks, v. *supra* p. 385. n. 5.

(17) According to the reasoning advanced by Judah b. Nehemiah, that where the prohibition of the new corn admits of an exception to the individual whatsoever is offered before the prohibition has been absolutely raised is valid, these drink-offerings are certainly valid, for the prohibition of the new produce not only admits of an exception but does not

apply at all, as it applies only to corn and not to fruits. It must now be observed that the FIRST-FRUITS mentioned in our Mishnah, which may not be offered before the 'Omer, clearly refer to the species of corn that are included in the first-fruits and not to fruits.

(18) Sc. where meal-offerings are offered before the Two Loaves.

(19) Sc. of the new corn.

(20) For the new season wine or fruits are not prohibited before the 'Omer.

(21) These are the four subjects of the questions raised by Rami b. Hama in this passage.

(22) In the ordinary course corn is sown some time before the offering of the 'Omer, so that before the corn is permitted for use as meal-offerings (i.e., after the offering of the Two Loaves) the two periods affecting corn have passed by in the normal sequence, namely. first the period

(23) Lev. II, 14.

(24) Ex. IX, 31.

(25) In ordinary meal-offerings.

(26) In the meal-offering of a woman suspected of adultery; cf. Num. V, 15.

(27) The Two Loaves, termed 'first-fruits' (Lev. XXIII, 17), were intended to be the first meal-offering of wheat of the year. This, however, would not be the case if the 'Omer were offered of wheat.

(28) It must here be assumed that wheat was sown at two periods during the one year; first, after the 'Omer but

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that we require [the Two Loaves] to be the first-fruits of any particular fruit?¹ [No.] we require them to be the first-fruits of the altar,² and in this case the altar has consumed of this year's produce.³ Rami b. Hama raised the question. Do [the Two Loaves] permit what is in bud⁴ or only what is in distinct formation?⁵ What is meant by 'in bud' and what by 'distinct formation'? Shall I say [that it means] the budding of the fruit and the distinct formation of the fruit? But surely if they permit [corn] which has only taken root, they will certainly permit fruits which are in bud or are distinctly formed! — Rather [we must say that it means] the budding of the leaves and the distinct formation of the leaves; and the question is: which of these stages corresponds to the taking root⁶ [of corn]?-This remains unanswered.

before the Two Loaves; and a second time, after the Two Loaves. Now the wheat of the first sowing could be used for the next 'Omer, and thereafter all the wheat of that sowing would be permitted, for it is now held that grain over which there have passed the two periods, even though not in the usual sequence (for here the Two Loaves passed by it first), is permitted; and the wheat of the second sowing would be used for the Two Loaves, which would truly be first-fruits, as this crop of wheat has not been used before. The fact the Tanna does not accept this position proves that the grain is not permitted unless the various periods pass by it in the proper sequence; so that, in the above case, the grain of the first sowing would not be permitted until after the Two Loaves had been offered; and as the wheat of this sowing was offered for the 'Omer the offering of the Two Loaves would not be firstfruits.

Raba son of R. Hanan raised the question, Does the 'Omer permit the wheat that is sown in the soil or not?- But what are the circumstances? If it took root,⁷ we have learnt it; and if not, we have also learnt it. For we learnt: If they had taken root before the 'Omer, the 'Omer permits them; and if not, they are forbidden until the next [year's] 'Omer.⁸ — The case must be that one reaped [the wheat] and resowed [the grains] before the 'Omer, and then the 'Omer came and went by;⁹ and the question is: may one take them¹⁰ out and eat them, for they are regarded as though they were lying in a pitcher, and the Omer has rendered them permitted; or perhaps they have become assimilated to the soil?¹¹ Does the law of overreaching apply to it¹² or not?¹³ — But what are the circumstances? Shall we say that he¹⁴ said, 'I cast therein six [measures of grain]', and witnesses came forward and testified that he cast therein but five? But Raba has said, On account of any fraud in measure, weight or number, even though it is less than the standard of overreaching, one can retract!¹⁵ -The case must

be that he¹⁴ said, 'I cast therein as much as was necessary', but witnesses came forward and testified that he did not cast therein as much as was necessary. Now the question is this: does the law of overreaching apply to it, for it is as though it were lying in a pitcher;¹⁶ or perhaps it has become assimilated to the soil?¹⁷

Is an oath taken concerning it or not?¹⁸ Is it as though it were lying in a pitcher, so that it is regarded as movables and an oath must be taken on account of it; or perhaps it has become assimilated to the soil, so that it is regarded as land and no oath may be taken on account of it? — These questions remain unanswered. Rami b. Hama raised the question. What is the position with regard to the grains of wheat found in cattle dung or the grains of barley found in animal dung? — In what connection does this question arise? If you say in connection with their suffering food uncleanness, but we have learnt it: Grains of wheat found in cattle dung or grains of barley found in animal dung, even though one intended them as food, do not suffer food uncleanness; if one intended them as food for a child, they do suffer food uncleanness.¹⁹ And if you say in connection with meal-offerings, but it is obvious [that they may not be used for this purpose]; Present it now unto thy governor; will he be pleased with thee? or will he accept thy person?²⁰ — The case can only arise where one gathered [these grains] and sowed them, and one now wishes to bring [out of the new growth] a meal-offering. Is it on account of repulsiveness [that they must not be used for meal-offerings], but when they have been sown their repulsiveness is gone;²¹ or is it on account of their leanness,²² and now, too, they are lean?—The question remains undecided.

Rami b. Hama raised the question. What is the law if an elephant swallowed an osier basket and passed it out with its excrement? In what connection does the question arise? If you say with regard to the annulment of its uncleanness,²³ but we have learnt it: All articles are rendered susceptible to uncleanness through intention.²⁴ and divest themselves of their uncleanness only by an act which changes them!²⁵ -The case must be that it swallowed twigs and [the twigs when passed out] were made into an osier basket, and the question is: are [the twigs] regarded as 'digested' so that now [what is made from them is accounted]

(1) And therefore as long as no corn of any particular sowing has been used in the Temple it is suitable for the Two Loaves as first-fruits.

(2) I.e., the first-fruits of the year's produce to be offered on the altar.

(3) For the wheat used for the 'Omer was of this year's produce even though of an earlier sowing.

(4) I.e., only such fruits which were in bud at the time of the offering of the Two Loaves may be brought later by an individual as first-fruits, but not those which were not in bud at that time.

(5) Only the fruit which had shown a distinct shape at the time of the offering of the Two Loaves may be brought later as first-fruits, but not those which were only in bud then.

(6) Does the budding of the leaves correspond to the taking root of corn, or is it only the later stage vis., the formation of the leaves that corresponds to it?

(7) And the question is whether the growth is permitted by the 'Omer or not.

(8) *Infra* 70a.

(9) Had the grain not been resown it would certainly have been permitted by the 'Omer; it had been resown, however, a short while before the 'Omer and it had not taken root at the time of the 'Omer.

(10) Sc. the actual grains of wheat that were sown.

(11) And they are regarded now as a new growth, which will not be permitted until the next year's 'Omer.

(12) Wheat sown in the soil.

(13) The general rule of overreaching is: If in any transaction an error is made which is less than a sixth of the value of the goods, the transaction must stand; if it is more than a sixth it is void; if exactly a sixth it is valid but the amount of error must be returned. V.B.M. 50b. It is, however, established (B.M. 56a) that the law of overreaching does not apply to land. The case under consideration is this: where a man undertakes to sow another's field with wheat, he having to supply the wheat, is the transaction one of land or of movables?

(14) Sc. the contractor.

- (15) Where the goods are short either in measure, weight or number, one can retract even though the shortage is less than a sixth; v. B.M. 56b; Kid. 42b.
- (16) And it is a transaction of movables.
- (17) And as the law of overreaching does not apply to the soil it neither applies to the wheat sown.
- (18) I.e., concerning the wheat that had been sown. It is established (B.M. 56a) that no oath is imposed concerning transactions of land; the question therefore is whether any claim concerning the wheat sown is regarded as one affecting land or not.
- (19) Tosef. Toh. IX.
- (20) Mal. I, 8.
- (21) Accordingly the new growth may be offered as meal-offerings.
- (22) Since the grains have passed through the digestive organs of the animal they are regarded as emaciated and dry, having lost all their sap; so that when sown they could only produce a meagre and lean crop, unsuitable for offerings.
- (23) I.e., the basket was unclean before it was swallowed, and it is suggested that now it should be regarded as clean, having divested itself of its uncleanness.
- (24) The intention of a person to use an article in its present state for some purpose (even though the article normally serves another purpose and for that purpose the article is not yet complete) makes it susceptible to contract uncleanness. E.g., a hide is normally used for the making of shoes, so that before it is made into shoes it will not contract uncleanness. If, however, a man intended to use the hide, as it is now, for a mattress or a table cover, it thereby becomes susceptible to contract uncleanness.
- (25) An article that is already unclean loses its uncleanness only if its structure has changed; e.g., if it is broken. (Kel. XXV, 9. Shab. 52b; Suk. 13b; Kid. 59a). In the case in question, since the basket is unchanged it still retains its uncleanness.

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as a vessel made from cattle dung or from earth, which does not contract uncleanness, for the Master has stated, Vessels made from stone, from cattle dung or from earth do not contract uncleanness, either by Biblical or by Rabbinical law;¹ or perhaps they are not regarded as 'digested'?² — But surely the question can be solved from the following statement of 'Ulla which he reported in the name of R. Simeon b. Jehozadak: It once happened that wolves devoured two children beyond the Jordan and they discharged them through the excretory canal; and when the fact came before the Sages they declared the [excreted] flesh as clean!³ Flesh is different for it is tender. Then let it be solved from the next line: And they declared the [excreted] bones as unclean! — Bones are different for they are exceptionally hard.⁴ R. Zera raised the question. What is the law with regard to wheat which fell from the clouds?—In what connection is the question raised? If [the question is raised as to its use] for meal-offerings, but why should it not be used? — It is raised in connection with the Two Loaves: [shall we say that] the Divine Law stated, Out of your dwellings.⁵ to exclude what comes from outside the land [of Israel], but what comes from the clouds would be permitted; or perhaps Scripture restricted it exclusively [to what comes] out of your dwellings, so that what comes from the clouds would also not [be permitted]? But can it ever happen so?⁶ Indeed yes, for there once came down [from the clouds] to Bar 'Adi, the Arab, [a layer of wheat] the height of a handsbreadth⁷ over an area of three parasangs.

R. Simeon b. Pazzi raised the question, What is the law if an ear of corn, which had reached a third of its growth before the 'Omer, had been plucked out [before the 'Omer] and was replanted after the 'Omer when it increased its growth? Do we have regard to the stock [of the corn], and that was rendered permitted by the 'Omer; or do we have regard to the increase, and that [will be permitted] only after next year's 'Omer? — But surely the question can be solved from the following statement of R. Abbahu which he said in the name of R. Johanan: If a young shoot⁸ laden with fruit was grafted on to an old tree, even if [the fruit had as a result] increased two hundredfold.⁹ it is still forbidden.¹⁰ Furthermore. R. Samuel b. Nahmani said in the name of R. Jonathan, If an onion was planted in a vineyard.¹¹ and the vineyard was later uprooted, even though [the onion had thereafter]

increased two hundredfold, it is still forbidden?¹⁰ -It was [those very rulings]¹² which caused him to raise the question. Were those Rabbis¹³ certain of the ruling that we have regard to the stock, and they would apply it to all cases whether it would lead to leniency¹⁴ or stringency;¹⁵ or perhaps they were in doubt about it, so that they applied it only to those cases which lead to stringency but not to those which lead to leniency? — This remains undecided. Raba raised the question. What is the position with regard to tithing? In what circumstances? Where, for example,

(1) Shab. 58a. Cf. Kel. X, I.

(2) So that the basket can contract uncleanness.

(3) For it is regarded as digested. V. Ta'an. 22b.

(4) The question, however, still remains as regards ordinary articles that were swallowed and passed out again, whether they are to be regarded as digested or not.

(5) Lev. XXIII, 27, in connection with the Two Loaves.

(6) That wheat should fall from the clouds.

(7) The meaning and etymology of כִּיזְבָּא (var. כִּיזְבָּא, v. D.S.) is unknown.

(8) I.e., less than three years old, the fruit of which is 'orlah (v. Glos.) and is forbidden; cf. Lev. XIX, 23ff.

(9) And generally 'orlah is neutralized and nullified by such an increase. V. Pes. 48a.

(10) Since the increase is only an addition to the stock, no matter in what proportion it is to the stock, it will never nullify it. V. Ned. 57b. Hence it is seen that we have regard mainly to the stock.

(11) This has rendered the entire vineyard, the onion as well as the vines, forbidden as kil'ayim, 'diverse kinds in the vineyard'; cf. Lev. XIX, 19; Deut. XXII, 9.

(12) Sc. the ruling in each of the quoted statements

(13) Sc.R. Abbahu and R. Samuel b. Nahmani.

(14) As in the case put by R. Simeon b. Pazzi; for if we apply the rule that we have regard to the stock the result is that the corn is permitted by this year's 'Omer.

(15) As in the cases quoted by these Rabbis, i.e., in respect of 'orlah and kil'ayim.

Talmud - Mas. Menachoth 70a

the ears of corn were tithed by conjectural estimate and the rest was resown and had increased in growth.¹ And should you say that [in this case] we have no regard to the stock,² so that the increase must be tithed, the question will remain, What about the stock itself?³ -Said to him Abaye, Wherein does this differ from ordinary wheat and barley?⁴ — He replied. In those cases where the seed decays I have no doubt at all;⁵ my question only refers to the case where what was sown does not decay.⁶ What is then the position with regard to this? — But surely this can be solved from the following statement of R. Isaac which he said in the name of R. Johanan: If a litra⁷ of onions was tithed⁸ and then replanted, the tithe must again be taken from the whole [of the growth]!⁹ — In this case it is the usual manner of planting.¹⁰ but in the former case that is not the usual manner of sowing.¹¹ R. Hanina b. Manyomi put the following to Abaye. What is the law with regard to the growth in a plant-pot that was not perforated?¹² — But surely if it is not perforated, it is not perforated!¹³ Perhaps you refer to an unperforated pot which was later perforated!¹⁴ -Here there is but one sowing and it has now become joined [to the earth] and is growing up,¹⁵ whereas in the other case there were two sowings!¹⁶

R. Abbahu raised this question. What is the law if an ear of corn, which had been in the pile when it was smoothed off,¹⁷ had been replanted and designated [as terumah]¹⁸ when attached [to the soil]? Do we say that since it was in the pile when it was smoothed off it then became tebel,¹⁹ and therefore when it is later designated [as terumah, even though attached to the soil], it is consecrated [as terumah]; or perhaps since it was replanted its tebel state has passed? — The Rabbis thereupon said to Abaye, If [we say] so,²⁰ then we find produce that is attached to the soil consecrated as terumah, and we have learnt: We do not find produce that is attached to the soil consecrated as terumah!²¹ — He replied. That was taught only in connection with the liability of death²² [at the hands of Heaven]

and the payment of the added fifth.²² For if one plucked it²³ out and ate it, one has then eaten what was detached from soil; and if one bent down and ate it, that act runs counter to the acts of men.²⁴

Wherein is this case²⁵ different from that which is stated in Ilfa's note-book, viz., As regards the eggs that were partly out-, side the carcass of a clean bird and partly inside,²⁶ the inside part²⁷ renders unclean whilst it is in the gullet the clothes [of him that eats it];²⁸ but the outside part does not render unclean whilst it is in the gullet the clothes [of him that eats it]!-What is not attached [to the soil] people sometimes eat in this [unusual] manner, but what is attached to the soil people do not eat in that manner.²⁹

R. Tabyom:³⁰ b. Kisna said in the name of Samuel, If a man sowed diverse seeds in an unperforated plant-pot, it is forbidden. Said Abaye, It is well if he were to teach us that the man suffers the Rabbinic penalty of chastisement;³¹ but what does he teach us by saying 'It is forbidden'? That Rabbinically it is regarded as a sowing? Surely this we have already learnt: If a man set aside as terumah that which grew in an unperforated pot for that which grew in a perforated pot, [what has been set aside is accounted as] terumah, yet he must give the terumah afresh.³²

MISHNAH. WHEAT, BARLEY, SPELT, OATS AND RYE ARE SUBJECT TO THE DOUGH-OFFERING; AND THEY CAN BE RECKONED TOGETHER.³³ THEY ARE FORBIDDEN [TO BE EATEN] AS NEW PRODUCE BEFORE THE 'OMER,³⁴ AND THEY MAY NOT BE REAPED BEFORE THE PASSOVER.³⁴ IF THEY HAD TAKEN ROOT BEFORE THE 'OMER, THE 'OMER RENDERS THEM PERMITTED; OTHERWISE THEY ARE FORBIDDEN UNTIL THE NEXT YEAR'S 'OMER.

GEMARA. A Tanna taught: Kusmin³⁵ [spelt] is a species of wheat;³⁶ shibboleth shu'al³⁷ [oats] and shipon³⁸ [rye] are species of barley. Kusmin

(1) The question therefore is: Must that increase, over and above the stock that was resown, be tithed, or is it exempt by reason of the original tithing of the stock?

(2) For otherwise it would result in a lenient ruling exempting the increase from tithing.

(3) Must the stock which was resown be tithed again or not?

(4) Which have been tithed, nevertheless when sown the produce thereof must undoubtedly be tithed again.

(5) The growth must then certainly be tithed, even though the seed had been tithed before sowing, for the original seed has perished in the earth and now there is an entirely new growth.

(6) E.g., where the tithed ears of corn had been replanted and there is now a further increase upon them.

(7) A measure of capacity; the Roman libra, a pound.

(8) Lit., 'prepared'; i.e., all the priestly dues were separated from it.

(9) I.e., both the stock and the increase. V. Ned. 57b. Similarly with the ears of corn, both the original ear and the increase must be tithed.

(10) Accordingly it must be tithed again.

(11) For the usual manner is to sow seeds and not to replant the ears of corn.

(12) It is assumed that the question is whether one may give as tithe produce grown in another unperforated pot for the produce grown in this unperforated pot. So Rashi and R. Gershom, but v. Sh. Mek. n. 3. It must be remembered that the produce grown in an unperforated plantpot is by Biblical law exempt from the tithe; cf. Demai V, 10.

(13) And both pots are strictly exempt from the tithe.

(14) And the question that he raises is whether one may give as tithe the earlier growth or the stock (i.e., which grew before the pot was perforated) for the later growth or the increase. If we say that we do not regard the stock as the main growth but that we must consider the increase too, then the latter (i.e., the later growth) must be tithed by law, so that the stock may not be given as tithe for the increase. On the other hand, if we regard the increase as the main growth then the entire growth, even the stock, must be tithed by law, and the one may therefore be given as tithe for the other. This question is, therefore, similar to that raised by Raba supra, when he enquired whether the ears of corn (i.e., the stock) when replanted had to be tithed or not. Var. lec. insert: He replied, Indeed so. Said he to him, Then it is the same

question as that of Raba?—He replied.

(15) There was here but one sowing of seeds in the pot and no more, and with the perforation of the pot the entire growth now draws sustenance from the earth, so that it is right to regard the earlier and later growth as one for the purposes of tithing.

(16) In Raba's case, the ears of corn had been sown once, then tithed, and then resown. Consequently the stock and the increase are two distinct growths, hence the necessity of putting also this question.

(17) This is the stage when corn is subject to the duty of terumah, v. Ma'as. I, 6.

(18) V. Glos.

(19) I.e., subject to terumah and tithes; v. Glos.

(20) That it is consecrated as terumah even though attached to the soil.

(21) This is an established law though it is not found in any Mishnah or Baraitha, v. Marginal Gloss.

(22) If a non-priest deliberately eats terumah he incurs the penalty of death at the hands of Heaven, cf. Lev. XXII, 9; and if he eats it inadvertently, he must compensate the priest, adding thereto a fifth part of its value, cf. ibid. 14. These laws, however, apply only to terumah that is detached from the soil. What is attached may still be terumah but the above penalties do not apply.

(23) Sc. the ear corn that was designated as terumah while still attached to the soil.

(24) Lit., 'his mind is nullified by the side of every man'. It is not considered eating, and therefore does not involve any penalties. Punishment is incurred only when one eats forbidden foodstuffs in the normal way.

(25) Which does not regard the eating of corn which is still attached to the soil as an eating.

(26) E.g., the hen had died whilst in the act of laying the egg.

(27) I.e., if a person put his mouth into the carcass of the bird and from the inside ate the inner half of the egg. This unusual manner of eating is nevertheless considered eating.

(28) For the inside part is regarded as part of the carcass, and therefore whosoever eats it renders the clothes that he is wearing at the time unclean. This is the only kind of uncleanness that is stated in connection with the carcass of a clean bird; v. Sifra, Lev. XXII, 8.

(29) And if one did eat the corn whilst still attached to the soil it is not regarded as eating.

(30) MS.M. and Sh. Mek.: 'R. Tobi'.

(31) For disobeying a Rabbinical ruling; since according to the Rabbis the sowing of seeds even in an unperforated pot is accounted as a sowing.

(32) Demai V, 10; Yeb. 89a; Kid. 46b.

(33) V. Gemara.

(34) So Rashi, R. Gershom, Tos. and Sh. Mek.; v. D.S. and notes ad loc. Cur. edd. transpose 'OMER and 'PASSOVER' in this sentence.

(35) כּוּסְמִיץ.

(36) This was taught in connection with the dough-offering. If any dough consists of two different species of corn, each by itself not of sufficient quantity to be liable to the dough-offering, the two kinds will not combine to make the dough liable to the dough-offering. Wheat and kusmin, however, can be combined as they are both of the same kind. And so too with the others mentioned.

(37) שִׁבּוֹלֶת שׁוּעַל.

(38) שִׁיפּוֹן.

Talmud - Mas. Menachoth 70b

is gulba;¹ shipon is dishra;¹ shibboleth shu'al is foxtail.²

Only these³ [are liable to the dough-offering]. but not rice or millet. Whence do we know it? — Said R. Simeon b. Lakish. It is deduced from the occurrence of the word 'bread' both here and in the law concerning unleavened bread; for it is written here, It shall be when ye eat of the bread of the land,⁴ and it is written there,⁵ The bread of affliction.⁶ And whence do we know it there?⁵ — Said Rash Lakish, and so it was taught in the School of R. Ishmael and also in the School of R. Eliezer b. Jacob: Scripture says, Thou shalt eat no leavened bread with it; seven days shalt thou eat unleavened bread therewith, even the bread of affliction;⁶ with such grain as can come to the state of leaven a

man fulfils his obligation⁷ on the Passover; thus these are excluded, since they cannot come to the state of leaven but only to the state of decay.

AND THEY CAN BE RECKONED TOGETHER. A Tanna taught: Grain, flour and dough can be reckoned together. In what connection was this taught? R. Kahana said, In connection with the new produce.⁸ R. Joseph said, In connection with leaven on the Passover.⁹ R. Papa said, In connection with the Second Tithe, thus if one were to eat it⁹ outside the wall [of Jerusalem] one would incur stripes. Raba said, In connection with food uncleanness, and it teaches us that grain and flour [in order to contract uncleanness] must be like dough: as the latter is every bit¹⁰ a foodstuff so the former must be every bit a foodstuff.¹¹ And indeed it has been so taught: The grain of wheat, whether it is peeled or not, is reckoned together with other foodstuffs,¹² but the grain of barley is reckoned together with other foodstuffs¹² only when peeled but not when not peeled. But surely this is not so. For a Tanna of the School of R. Ishmael taught: It is written, Upon any sowing seed which is to be sown;¹³ that is, seed such as men take out for sowing, namely wheat in its husk, barley in its husk, and lentils in their husks!¹⁴ — This is no difficulty; for the one speaks of fresh [seeds] whilst the other of dry [seeds].¹⁵

THEY ARE FORBIDDEN [TO BE EATEN] AS NEW PRODUCE BEFORE THE OMER.¹⁶ Whence do we know it¹⁷ -Said Resh Lakish, It is deduced from the occurrence of the word 'bread' both here and in the law concerning unleavened bread.¹⁸

AND THEY MAY NOT BE REAPED BEFORE THE PASSOVER.¹⁶ Whence do we know it?¹⁹ -Said R. Johanan. It is deduced from the occurrence of the word 'first' both here and in the law concerning the dough-offering.²⁰ What is meant by '[THEY ARE FORBIDDEN TO BE EATEN AS NEW PRODUCE] BEFORE THE 'OMER'? -R. Jonah said, Before the reaping of the 'Omer.²¹ R. Jose b. Zabda said, Before the offering of the Omer.

We have learnt: THEY ARE FORBIDDEN [TO BE EATEN] AS NEW PRODUCE BEFORE THE OMER, AND THEY MAY NOT BE REAPED BEFORE THE PASSOVER. Now according to him who says 'Before the offering of the 'Omer' it is evident why the two prohibitions are not stated together and taught as one;²² but according to him who says 'Before the reaping of the 'Omer', surely the two prohibitions should have been stated together and taught as one thus: They are forbidden [to be eaten] as new produce and they may not be reaped before the 'Omer!²³ — The fact is that if this dispute was reported it must have been reported in connection with the final clause [of Our Mishnah] which states, IF THEY HAD TAKEN ROOT BEFORE THE OMER, THE 'OMER RENDERS THEM PERMITTED. What is meant by 'BEFORE THE OMER'? R. Jonah said, Before the reaping²⁴ of the 'Omer. R. Jose b. Zabda said, Before the offering²⁴ of the 'Omer. R. Eleazar said

(1) These are their names in Aramaic.

(2) Ears of corn with bushy spikes like a fox's tail.

(3) Sc. the kinds of grain enumerated in our Mishnah.

(4) Num. XV, 19.

(5) In connection with unleavened bread (mazzah).

(6) Deut. XVI, 3. And as only these five kinds of grain may be used for the unleavened bread, 'the bread of affliction', on the Passover, similarly only these kinds are liable to the dough-offering.

(7) By making unleavened bread therefrom.

(8) If one were to eat an olive's bulk of the new produce consisting of grain, flour and dough, one would be culpable.

(9) Cf. prev. note. mut. mut.

(10) Lit., 'in its essence'.

(11) I.e. the grain must be peeled of its inedible husk, and the flour free from bran in order to contract food uncleanness.

(12) To make up the minimum quantity of an egg's bulk in order to contract food uncleanness. The husk of wheat, as it is edible, is counted with the grain, but that of barley is not. Indeed the husk of barley would even prevent the grain within

from becoming unclean.

(13) Lev. XI, 37.

(14) V. Hul. 117b. Hence seeds in their husks are regarded as one entity for the purposes of food uncleanness.

(15) R. Ishmael speaks of fresh seeds, still moist, whose husks are edible, whereas the husks of dry seeds are inedible.

(16) V. supra p. 414, n. 5.

(17) That the prohibition of the new produce applies only to the five kinds of grain enumerated in our Mishnah.

(18) The word 'bread' occurs here with regard to the new produce (Lev. XXIII, 14: And ye shall eat neither bread nor parched corn) and also with regard to unleavened bread (Deut. XVI, 3: The bread of affliction). As the latter was to be made of these five kinds of grain only, so the prohibition of the new produce applies only to these five kinds.

(19) That the prohibition of reaping before the Passover applies only to the five kinds of grain enumerated in our Mishnah. It must be observed that this prohibition of reaping before the Passover is synonymous with the prohibition of reaping before the reaping of the 'Omer, since reaping is a prohibited act on the Festival and immediately on the night after the first day of the Festival the reaping of the 'Omer commenced.

(20) The word 'first' occurs here with regard to the reaping of the 'Omer (Lev. XXIII, 10: The first of your reaping) and also with regard to the dough-offering (Num. XV, 20: The first of your dough). As the dough-offering applied only to these five kinds of grain so the prohibition of reaping before the 'Omer applies only to these five kinds.

(21) But as soon as the 'Omer was reaped, i.e., immediately on the morning after the first day of the Festival (for the 'Omer was reaped at night at the termination of the Festival day v. supra p. 416, n. 7) it was permitted to eat the new produce, even before the offering of the Omer.

(22) For the two prohibitions are raised at different times, viz., that of reaping immediately after the reaping of the 'Omer i.e., on the morning after the first day of the Festival, and that of eating the new produce only after the offering of the 'Omer.

(23) So Rashi and some MSS. In cur. edd. 'before the Passover'; v. Tosaf. s.v. 'סוף. The two prohibitions are raised at the same time viz., immediately after the reaping of the 'Omer.

(24) So emended by Bir. Haz., thus in conformity with the report of the dispute stated above. Cur. edd. transpose 'reaping' and 'offering' in the respective views.

Talmud - Mas. Menachoth 71a

to R. Josiah his contemporary,¹ You are not to sit down² Until you have explained to me the following: Whence is it derived that the 'Omer renders permitted that which has only taken root?³ - [You ask whence? Surely it is derived from the expression 'corn in the ear',⁴ from which it follows that there is that which is not yet in the ear⁵ [which is permitted by the 'Omer]. Perhaps [the inference is that there is] that which is not yet in the ear but which has reached a third of its growth [which is permitted by the 'Omer!⁶ -Rather, said Samuel. [It is derived from the expression] 'from the time you begin to put the sickle',⁷ from which it follows that there is that which is not yet fit for the sickle⁵ [which is permitted by the 'Omer]. But perhaps the inference is that there is that which is not yet fit for the sickle but which is at least fit for fodder [that is permitted by the 'Omer]!⁶ -Rather, said R. Isaac, [It is derived from the expression] 'to the standing corn.⁷ from which it follows that there is that which is not yet standing corn⁵ [which is permitted by the 'Omer] — But perhaps the inference is that there is that which is not yet standing corn but which is at least in the grass stage [which is permitted by the 'Omer]!⁶ -Rather. said Raba, [It is derived from the expression] 'which thou sowest',⁸ that is from the time of sowing [it is permitted by the 'Omer]. Said R. Papa to Raba, In that case, even though it had not taken-root [it should be permitted by the 'Omer, should it not]?-He replied. You wise man,⁹ it is written, In the field.¹⁰

MISHNAH. ONE MAY REAP [BEFORE THE 'OMER THE CORN] IN IRRIGATED FIELDS¹¹ IN¹² THE PLAIN,¹¹ BUT ONE MAY NOT STACK IT. THE MEN OF JERICHO USED TO REAP [BEFORE THE 'OMER] WITH THE APPROVAL OF THE SAGES,¹³ AND USED TO STACK IT WITHOUT THE APPROVAL OF THE SAGES, BUT THEY DID NOT FORBID THEM.¹⁴ ONE MAY REAP THE UNRIPE CORN¹⁵ AND FEED CATTLE THEREWITH. SAID R. JUDAH, WHEN IS THIS SO? ONLY IF ONE HAD BEGUN TO REAP IT BEFORE IT HAD REACHED A

THIRD OF ITS GROWTH. R. SIMEON SAID, ONE MAY REAP IT AND FEED [CATTLE THEREWITH] EVEN AFTER IT HAS REACHED A THIRD OF ITS GROWTH. ONE MAY REAP ON ACCOUNT OF THE SAPLINGS¹⁶ OR [IN ORDER TO MAKE AN OPEN SPACE] FOR THE MOURNERS¹⁷ OR THAT THE BETH HAMIDRASH BE NOT HINDERED.¹⁸ ONE MAY NOT BIND THEM¹⁹ IN BUNDLES BUT THEY MUST BE LEFT IN SMALL HEAPS. THE PRECEPT²⁰ OF THE 'OMER IS THAT IT SHALL BE BROUGHT FROM THE STANDING CORN;²¹ IF THIS CANNOT BE FOUND IT MAY BE BROUGHT FROM THE SHEAVES. THE PRECEPT IS THAT IT SHALL BE BROUGHT FROM THE FRESH CORN;²² IF THIS CANNOT BE FOUND IT MAY BE BROUGHT FROM THE DRY CORN. THE PRECEPT IS THAT IT SHALL BE REAPED BY NIGHT; IF IT WAS REAPED BY DAY IT IS VALID. MOREOVER IT²³ OVERRIDES THE SABBATH.

GEMARA. It was taught: R. Benjamin says, The verse says, When ye shall reap the harvest thereof, then shall ye bring the sheaf.²⁴ and following that it says, The first of your reaping unto the priest.²⁵ How is it to be explained? Thus, the field from which you may bring [the 'Omer] you may not reap [before the 'Omer]. but that field from which you may not bring²⁶ [the 'Omer] you may reap [before the 'Omer]. Perhaps I ought to say this: that kind of grain from which you may bring²⁷ [the 'Omer] you may not reap [before the 'Omer], but that kind from which you may not bring [the 'Omer] you may reap [before the 'Omer]! — You cannot say so on account of R. Johanan's teaching.²⁸

THE MEN OF JERICHO USED TO REAP [BEFORE THE 'OMER] WITH THE APPROVAL OF THE SAGES, AND USED TO STACK IT WITHOUT THE APPROVAL OF THE SAGES etc. Whom have you heard say that [in certain cases] they [the Sages] forbade them²⁹ and [in others] they did not forbid them? [Clearly it is R. Judah.³⁰ Is then R. Judah of the opinion that with regard to reaping [before the 'Omer] the men of Jericho acted with the approval of the Sages? But it has been taught:³¹ The men of Jericho did six things: three with the approval of the Sages and three without their approval. These they did with the approval of the Sages: they grafted palms the whole day.³² they 'rolled up' the Shema',³³ and they reaped before the 'Omer. And these they did without the approval of the Sages: they stacked the corn before the 'Omer, they permitted for use the branches of carob and sycamore trees which had been dedicated to the Temple,³⁴ and they made breaches in their gardens and orchards so as to allow the poor to [come in and] eat the fallen fruit on Sabbaths and Festivals in years of drought.³⁵ So R. Meir. Then said R. Judah to him, If they did them with the approval of the Sages then all people could do so! But they did both without the approval of the Sages, save that three they forbade them and three they did not forbid them to do. These they did not forbid them: they grafted palms the whole day. they 'rolled up' the Shema', and they reaped and stacked before the 'Omer. And these they forbade them:

(1) An Amora of the third century. It is intended thereby to exclude the Tanna of that name who lived in the second century.

(2) Lit., 'sit on your legs' with reference to their custom of sitting on the ground with the legs crossed under them

(3) At the time of the 'Omer. Even though the seed had not broken through the earth it is still rendered permitted by the 'Omer.

(4) Lev. II, 14. This only shall be taken for the 'Omer-offering, though what has not reached this stage is nevertheless permitted by the 'Omer.

(5) I.e., which has only taken root.

(6) But that which has only taken root is not permitted by the 'Omer.

(7) Deut. XVI, 9. This refers to the reaping of the 'Omer.

(8) Ex. XXIII, 26. Although this is stated in connection with the Two Loaves the reference must be to that which was sown before the 'Omer, for only such would be permitted for use in the offering of the Two Loaves. V. Rashi.

(9) סודני, a denominative of סוד — 'a wisdom', 'secret'. According to Rashi and R. Gershom, a compound of Aliter: 'a brewer', which was R. Papa's occupation. cf. Pes. 113a.

- (10) Ibid. XXIII, 16. I.e., it has taken root in the field and has begun to germinate, and is not merely lying in the soil.
- (11) For the corn grown in these fields is of an inferior quality and is not fit to be used for the 'Omer, and it is established (Gemara infra) that what is not fit for the 'Omer may be reaped before the 'Omer. Moreover it is essential to reap the corn of these fields at the earliest opportunity for the standing corn cannot remain long in the field.
- (12) In MS.M.: 'AND IN THE PLAIN'; so too in the parallel passage in Pes. 11a. V. Tosaf. supra 68a, s.v. קוצרים
- (13) For the fields around Jericho were artificially irrigated.
- (14) Lit., 'stay their hand'.
- (15) שחת, corn in its earliest stage. often used as fodder.
- (16) For the corn which grows among saplings, if left to remain too long in the field, would soon ruin the sapling; moreover this corn is not fit to be used for the 'Omer. Another interpretation given by Rashi is that saplings are found to be growing in a corn field and it is necessary to reap the corn immediately before the prohibition of kil'ayim (diverse kinds) sets in.
- (17) Where people assembled and blessings of consolation were recited in the presence of the mourners. V. Keth., Sonc. ed., p. 41, n. 5.
- (18) If there is no room for the students in the Beth Hamidrash (House of Study) and it is necessary to clear a space in the field for them. In this case the reaping is for a religious purpose, and therefore permitted.
- (19) Sc. the corn that may be reaped before the 'Omer.
- (20) I.e., the proper performance of the precept.
- (21) So that the corn shall be reaped especially for the purpose of the 'Omer-offering (לשמה); cf. Deut. XVI, 9.
- (22) Cf. Lev. II, 14: 'karmel', which signifies seeds fresh and tender. V. supra 66b.
- (23) Sc. the reaping of the 'Omer. When the first day of the Festival fell on a Friday then the reaping of the 'Omer was performed on the Friday night which is the Sabbath.
- (24) Lev. XXIII, 10. This implies that it is permitted to reap before the 'Omer.
- (25) Ibid. This part of the verse implies that the 'Omer shall be the first reaping and nothing shall be reaped before it.
- (26) E.g., an artificially irrigated field.
- (27) Sc. barley.
- (28) Supra p. 416. R. Johanan established that the prohibition of reaping before the 'Omer applies to the five kinds of grain enumerated in the previous Mishnah, supra 70a.
- (29) Sc. the men of Jericho.
- (30) So that our Mishnah represents the view of R. Judah since it uses the expression 'BUT THEY DID NOT FORBID THEM'.
- (31) Pes. 56a.
- (32) Of the fourteenth of Nisan. Although in all places work was forbidden after midday on the day before the Passover, the men of Jericho did not regard grafting as work to come within this prohibition.
- (33) I.e., they recited the Shema' (Deut. VI, 4-9) without making the necessary pauses. For the precise meaning of this v. Pes., Sonc. ed., p. 278-280.
- (34) They maintained that only the stems of the trees had been dedicated; so that the branches which grew later on were permitted for use. They also held that no trespass-offering is due when one benefits from what grows upon that which was dedicated to the Temple. V. Pes. 56b.
- (35) A man is forbidden to eat the fruit fallen from the tree on the Sabbath or on the Festival as a precautionary measure lest he climb up the tree and pluck it.

Talmud - Mas. Menachoth 71b

they permitted for use the branches of carob and sycamore trees which had been dedicated to the Temple. they made breaches in their gardens and orchards so as to allow the poor to [come in and] eat the fallen fruit on Sabbaths and Festivals in years of drought, and they gave pe'ah from vegetables;¹ and the Sages forbade them!² -But according to your view, too, [this passage is difficult, for] it says 'six things' and it enumerates seven!³ You must therefore delete reaping from here.⁴

ONE MAY REAP THE UNRIPE CORN AND FEED CATTLE THEREWITH. We have learnt elsewhere:⁵ These are the things which divide a field [into two] with respect to pe'ah:⁶ a river, a pool,

a private⁷ or a public road,⁸ a public or a private path that is in use both during the summer and the rainy season, fallow land or newly broken land, and a different kind of crop. If one reaped the unripe corn [as fodder, the part so reaped] divides the field.⁹ So R. Meir; but the Sages say, This part does not divide the field¹⁰ unless it was also ploughed up. Rabbah b. Bar Hanah said in the name of R. Johanan. R. Meir based his ruling on the principle enunciated by R. Simeon [in our Mishnah] who said, ONE MAY REAP IT AND FEED [CATTLE THEREWITH] EVEN AFTER IT HAS REACHED A THIRD OF ITS GROWTH. For he is of the opinion that any [cutting of] unripe corn¹¹ [for fodder] is no reaping.

Rabbah¹² was sitting and reciting this statement, when R. Aha b. Huna raised against Raba the following objection. It was taught: If locusts devoured [the crop in the middle of the field] or ants nibbled it or the wind broke it down, all agree that only if it was also ploughed up does it divide the field [in two]. but if it was not ploughed up it does not divide the field.¹³ Who is meant by 'all agree'? Obviously R. Meir.¹⁴ Now it is intelligible if you say that the Mishnah quoted¹⁵, refers to unripe corn which had not reached a third of its growth and the Baraita which states 'that only if it was also ploughed up it divides the field and not if it was not ploughed up' refers to unripe corn which had already reached a third of its growth.¹⁶ But if you say that the Mishnah quoted also refers to that which had already reached a third of its growth, then [it will be asked,] If in that case,¹⁷ where the reaping was done by man, R. Meir holds that it is no reaping, then surely it is so in this case!¹⁸ — Say, rather, that R. Meir based his ruling on the principle enunciated by R. Judah¹⁹ [in our Mishnah] who said, WHEN IS THIS SO? ONLY IF ONE HAD BEGUN TO REAP IT BEFORE IT HAD REACHED A THIRD OF ITS GROWTH.

But perhaps you have heard R. Judah maintaining this view only when it is cut [as fodder] for cattle, but have you heard him say so²⁰ with regard to that which is cut [as food] for man? For if he were to say so then we should have three Tannaim differing in this matter!²¹ -The fact is that when R. Dimi came [from Palestine] he said, R. Meir based his ruling on the principle enunciated by his teacher R. Akiba, namely that even though [it was cut as food] for man it is no reaping.²² For we have learnt: If a man reaped his field in separate stages.²³ leaving [unreaped] the unripe stems, R. Akiba says. He must give pe'ah from each [portion reaped]. But the Sages say, From one for all.²⁴ And Rab Judah has said that R. Akiba declares him liable [to give pe'ah from each portion] only where he reaps the field in stages for roasting.²⁵ but not where he reaps it in stages for storing.²⁶ But surely this is not so! For when Rabin came [from Palestine] he stated in the name of R. Johanan that R. Akiba declares him liable [to give pe'ah from each portion] even where he reaps it in stages for storing!²⁷ —

(1) I.e., they left the corner (pe'ah) of the vegetable plantation for the poor. The objection is that, since vegetables are by law not subject to pe'ah and since what is taken as pe'ah is exempt from the tithe, these vegetables would be eaten by the poor without being tithed.

(2) It will thus be seen that R. Judah reckons reaping before the 'Omer among the things done without the approval of the Sages, contra our Mishnah.

(3) Reckoning reaping and stacking as separate items.

(4) For in fact reaping met with the approval of the Sages.

(5) Pe'ah II, 1.

(6) So that pe'ah must be given from the fields on each side.

(7) That is four cubits wide.

(8) That is sixteen cubits wide.

(9) For the cutting down of unripe corn as fodder is not regarded as reaping.

(10) The cutting of the unripe corn, they say, is the beginning of the reaping of this field, the remainder to be reaped only when the corn is fully ripe; consequently the part now reaped will certainly not be regarded as a division of the field.

(11) Whether or not it has reached a third of its growth.

(12) Better 'Raba'; so in the Sulzbach ed.

(13) A Baraitha in Tosef. Pe'ah I.

(14) For R. Meir in the Mishnah quoted above differs from this view and, in that case, does not insist on the ploughing up of the part cut down. In this case, however, he accepts this view.

(15) Pe'ah II, 1.

(16) The position of R. Meir is then intelligible; where it has not reached a third of its growth (as in Mishnah quoted) the cutting thereof is no reaping and so constitutes a division in the field, and where it has reached a third of its growth (as in Baraitha quoted) the cutting thereof is a reaping, accordingly it is no division in the field, unless, of course, it was ploughed up.

(17) Pe'ah II, I.

(18) Where the corn was broken down by locusts or ants. This surely should not count as a reaping, yet the Baraitha states that all agree(!) that it is a reaping and so does not constitute a division in the field.

(19) Who clearly differentiates between the cutting of corn which has not yet reached a third of its growth, which is not considered reaping, and corn which has reached this stage, which is considered reaping. V. supra n.1.

(20) That the cutting of corn which has not reached a third of its growth is no reaping.

(21) For the first Tanna (in our Mishnah) expressly states that what is cut for cattle fodder is not considered reaping; R. Judah teaches that provided it has not reached a 'third of its growth, even though it is cut as food for man, it is not considered reaping; and R. Simeon goes so far as to say that even though it has reached a third of its growth, and even though it is cut as food for man, it is still not considered reaping; thus there are three distinct views in our Mishnah. This position, however, is untenable, for it is established (Sanh. 25a) that whenever R. Judah says 'when is this so?' he merely aims at explaining the words of the foregoing Tanna; but here, as stated, R. Judah gives an independent opinion of his own.

(22) If it had not yet reached a third of its growth.

(23) I.e., he cuts only the ripe corn leaving the unripe corn for later; the field has thus a patchy or speckled appearance (נִמְרָר. 'to give a speckled appearance').

(24) Pe'ah III, 2.

(25) I.e., when the corn has not yet reached a third of its growth and the ears can only be eaten after roasting. Accordingly R. Akiba holds that the cutting of corn which has not reached a third of its growth, even though intended as food for man, is not considered reaping.

(26) I.e., when it is reaped after it has reached a third of its growth.

(27) Whereas, R. Meir agrees that the cutting of corn after it has reached a third of its growth is considered a reaping.

Talmud - Mas. Menachoth 72a

He [R. Meir] agrees with him¹ in the one case² but disagrees with him¹ in the other.³

ONE MAY REAP ON ACCOUNT OF THE SAPLINGS OR [IN ORDER TO MAKE AN OPEN SPACE] FOR THE MOURNERS OR THAT THE BETH HAMIDRASH [BE NOT HINDERED]. What is the reason?-The Divine Law says. [The first of] your reaping,⁴ but not the [first of the] reaping for a religious purpose.⁵ ONE MAY NOT BIND THEM IN BUNDLES BUT THEY MUST BE LEFT IN SMALL HEAPS. What is the reason?-Because so far as is possible we must not work [before the 'Omer].⁶ THE PRECEPT OF THE 'OMER IS THAT IT SHALL BE BROUGHT FROM THE STANDING CORN. Our Rabbis taught: It is written, And when thou bringest a meal-offering of first-fruits:⁷ what does this teach us?⁸ Since the precept of the 'Omer is that it shall be brought from the standing corn, whence should I know that if standing corn cannot be found it may be brought from the sheaves? The text therefore states 'thou bringest'. Another explanation is: 'Thou bringest': since the precept is that it shall be brought from the fresh corn, whence should I know that if fresh corn cannot be found it may be brought from the dry corn? The text therefore states 'thou bringest'. Another explanation is: 'Thou bringest': since the precept is that it shall be reaped by night, whence should I know that if it was reaped by day it is valid, and also that it overrides the Sabbath? The text therefore states 'thou bringest'. 'Thou bringest', whatever it is;⁹ 'thou bringest'. from any place;¹⁰ 'thou bringest', even on the Sabbath;¹¹ 'thou bringest', even in a state of uncleanness.¹²

IF IT WAS REAPED BY DAY IT IS VALID. But we have learnt: The whole night is valid for reaping the 'Omer and for burning the fat and the limbs [of sacrifices on the altar]. This is the general rule: any commandment which is to be performed by day is valid during the whole of the day, and any commandment which is to be performed by night is valid during the whole of the night.¹³ Now night and day are on a par, and just as that which is to be performed by day is not [valid] by night¹⁴ so that which is to be performed by night is not [valid] by day!¹⁵ — Rabbah said, This is no difficulty, for one¹⁶ represents Rabbi's view, the other¹⁷ the view of R. Eleazar son of R. Simeon. For it was taught:¹⁸ If [the priest] was standing and offering up the 'Omer meal-offering and it became unclean, if there is another [available] he should be told, 'Bring the other in its place'.¹⁹ But if not, he should be told, 'Be wise and keep silent'.²⁰ So Rabbi. But R. Eleazar son of R. Simeon says. In either case he is told, 'Be wise and keep silent', for the 'Omer that was reaped not in accordance with its prescribed rite is invalid.²¹

Rabbah b. Bar Hanah said in the name of R. Johanan. The ruling of R. Eleazar son of R. Simeon is based upon the principle enunciated by R. Akiba, his father's teacher. For we have learnt: R. Akiba stated a general principle: Any work which can be done on the eve of the Sabbath does not override the Sabbath²² Moreover, he [R. Eleazar son of R. Simeon] is of the same opinion as R. Ishmael who holds that the reaping of the 'Omer is a religious duty. For we have learnt: R. Ishmael says,²³ Just as ploughing is optional.²⁴ so the harvest [referred to in the verse] is an optional one, excluding the harvesting of the 'Omer, which is a religious duty.²⁵ Now²⁶ if we were to hold that if the 'Omer was reaped not in accordance with its prescribed rite it is valid, wherefore does it override the Sabbath? Let it be reaped on the eve of the Sabbath!²⁷ Since, however, it does override the Sabbath, one may infer that [he holds that] if it was reaped not in accordance with its prescribed rite it is invalid.²⁸

But was not Rabbi a disciple of R. Simeon?²⁹ Surely it has been taught:³⁰ Rabbi said, When we were studying Torah at R. Simeon's [Academy] in Tekoa we used to carry up to him [on the Sabbath] oil and a towel from the courtyard to the roof, and from the roof to an enclosure, and from one enclosure to another enclosure, until we came to the fountain where we bathed!³¹ — He [Rabbi] concurs with the other teaching of R. Simeon. For it was taught:³² R. Simeon said, Come and see how precious is a precept in its proper time! For the burning of the fat and limbs is valid the whole night, yet they did not wait until nightfall.³³

(1) R. Akiba.

(2) Where it had not reached a third of its growth, R. Akiba and R. Meir agree that the cutting thereof is not considered reaping.

(3) Where it had reached a third of its growth; R. Akiba maintains that the cutting is not considered reaping, but R. Meir maintains that it is.

(4) Lev. XXIII, 10.

(5) Reaping for a religious purpose is permitted even before the 'Omer. This is a sufficient reason for reaping in order to make a clearing for mourners or for study—both religious purposes. As to reaping on account of the saplings the reason is that the corn growing among the saplings is unfit for the 'Omer; or it might also be, even in this case, a religious purpose, namely, avoiding the transgression of the law of kil'ayim.

(6) Wherever possible the work should not be performed in the usual manner but some change should be introduced (R. Gershom).

(7) Lev. II, 14.

(8) The expression 'thou bringest' is repeated in this verse, obviously for some special teaching.

(9) Even sheaves.

(10) Even from fields far away from Jerusalem, although by the time it reaches the Temple it will be somewhat dried. V. supra 64b.

(11) The reaping of the 'Omer may be performed on a Sabbath, i.e., when the first day of the Passover fell on a Friday.

(12) If the whole or the greater part of the community was unclean.

- (13) Meg. 20b.
- (14) E.g., the time for slaughtering a sacrifice is by day, and if slaughtered by night it is invalid.
- (15) How then can it be maintained that the reaping of the 'Omer is valid if performed by day?
- (16) Our Mishnah.
- (17) The Mishnah in Meg. 20b.
- (18) Yoma 7a.
- (19) Even though the other is still unreaped, it should be reaped now by day and prepared for the 'Omer-offering, and not offer the first which is unclean.
- (20) And not publish the fact that the one offered was unclean.
- (21) And the 'Omer which is reaped by day is invalid. Hence it is preferable to offer the first which is unclean (for which mishap the High Priest's plate procures atonement v. Yoma ibid.) rather than another which is invalid at the outset.
- (22) Shab. 130a.
- (23) In commenting on the verse (Ex. XXXIV, 21): Six days shalt thou work, but on the seventh day thou shalt rest; in plowing time and in harvest thou shalt rest.
- (24) As there is no ploughing which is considered a religious duty.
- (25) And therefore may be performed on the Sabbath, Sheb. I, 4.
- (26) This was the argument that led R. Eleazar son of R. Simeon to the above ruling.
- (27) For according to R. Akiba's principle whatever can be done on the eve of the Sabbath does not override the Sabbath.
- (28) And its time is strictly limited to the night which follows the first day of the Festival; accordingly it cannot be reaped earlier on the eve of the Sabbath nor by day.
- (29) He certainly was, and he must have heard from his teacher the acceptance of R. Akiba's principle. And as Rabbi holds that the time for reaping the 'Omer is not strictly limited (for if it was not done by night it may be done by day), why does it override the Sabbath? It can surely be reaped before the Sabbath.
- (30) Shab. 147b; 'Er. 91a.
- (31) For R. Simeon regards all roofs, or courtyards, or enclosures as constituting one single domain, and one may carry from one into the other articles that were kept in one of them when the Sabbath began. V. 'Er. 89a.
- (32) Pes. 68b.
- (33) But the priests burnt the fat and the limbs of the Sabbath sacrifices on the Sabbath day, although the burning could have been postponed until nightfall. Similarly with the reaping of the 'Omer, although it could be reaped earlier on the eve of the Sabbath, the precept is most precious when performed in its real time, namely on the Sabbath.

Talmud - Mas. Menachoth 72b

And did not R. Eleazar son of R. Simeon know of this [teaching of his father]?¹ — [He certainly knew of it] but in that case it is different for the slaughtering has already overridden the Sabbath.² And Rabbi? Is it not the fact that the slaughtering there has already overridden the Sabbath?³ — Rather [we must say that] Rabbi is of the opinion that the reaping of the 'Omer does not override the Sabbath. But does it not? But we have learnt: The Sages say, whether on the Sabbath or on a weekday it was taken out of three se'ahs!⁴ That is not in accordance with Rabbi's view. But we have learnt: The Sages say. Whether on the Sabbath or on a weekday it was reaped by three men into three baskets with three sickles!⁴ [That too is] not in accordance with Rabbi's view. But we have learnt: On the Sabbath he called out further, 'On this Sabbath?'⁵ — [That too is] not in accordance with Rabbi's view.

IF IT WAS REAPED BY DAY IT IS VALID. MOREOVER IT OVERRIDES THE SABBATH. Whom have you heard say that if it was reaped by day it is valid? Clearly it is Rabbi.⁶ Yet it states, MOREOVER IT OVERRIDES THE SABBATH. Presumably it refers to the reaping [of the 'Omer]. does it not?⁷ — No, it refers to the offering [of the 'Omer]. And the reaping does not [override the Sabbath]? Surely it has been taught.⁸ Rabbi says. And Moses declared the appointed times of the Lord.⁹ For what purpose is this stated?¹⁰ Because we have learnt only of the daily offering and the Passover-offering [that they override the Sabbath and uncleanness]. since in its anointed time' is stated in connection with them¹¹ — in its appointed time', even on the Sabbath, 'in its anointed

time', even in uncleanness. Whence do we know it of the other offerings of the congregation? The text therefore states These shall ye offer unto the Lord in your appointed times.¹² Whence do we know to include the 'Omer and that which is offered with it,¹³ and the Two Loaves and that which is offered with them?¹⁴ The text therefore states, 'And Moses declared the appointed times of the Lord': this verse thus fixed 'the appointed time' for all of them.¹⁵ Now for what [service is the Sabbath overridden]? Should you say for the offering, but the Two Loaves are not offered at all!¹⁶ Obviously then it is for the grinding and the sifting of the corn¹⁷ and similarly in the case of the 'Omer for the reaping; thus it overrides the Sabbath. No, the 'Omer [overrides the Sabbath] for the act of offering,¹⁸ and the Two Loaves for the baking;¹⁸ for Rabbi is of the opinion that the oven¹⁹ [of the Sanctuary] hallows them, so that had they been baked on the previous day they would, by being kept overnight, be now invalid.

But does Rabbi hold that the oven hallows them? Surely it was taught: The lambs of Pentecost hallow the bread²⁰ only by their slaughtering.²¹ Thus if they were slaughtered under their own name and their blood was sprinkled under their own name, the bread is hallowed; if they were slaughtered under another name and their blood was sprinkled under another name, the bread is not hallowed; if they were slaughtered under their own name but their blood was sprinkled under another name, the bread is hallowed and not hallowed.²² This is the opinion of Rabbi. R. Eleazar son of R. Simeon says, It is by no means hallowed unless [the lambs] were slaughtered under their own name and their blood was sprinkled under their own name!²³ — R. Nahman b. Isaac answered, He²⁴ means that they are either determined or not determined.²⁵ CHAPTER VII

MISHNAH²⁶ FROM THE FOLLOWING MEAL-OFFERINGS THE HANDFUL MUST BE TAKEN AND THE REMAINDER IS FOR THE PRIESTS: THE MEAL-OFFERING OF FINE FLOUR,²⁷ THAT PREPARED ON A GRIDDLE,²⁸ THAT PREPARED IN A PAN, THE CAKES AND THE WAFERS,²⁹ THE MEAL-OFFERING OF A GENTILE, THE MEAL-OFFERING OF WOMEN, THE MEAL-OFFERING OF THE 'OMER, THE SINNERS MEAL-OFFERING,³⁰ AND THE MEAL-OFFERING OF JEALOUSY.³¹ R. SIMEON SAYS, FROM THE SINNERS MEAL-OFFERING BROUGHT BY PRIESTS THE HANDFUL IS TAKEN,³² AND THE HANDFUL IS OFFERED BY ITSELF AND SO ALSO THE REMAINDER IS OFFERED BY ITSELF.

GEMARA. R. Papa said,³³ All [the meal-offerings] enumerated in the Mishnah must consist of ten [cakes]. What does he teach us?—He wishes to exclude thereby R. Simeon's view who said, He may offer half in cakes and half in wafers; and so he teaches us that it is not so.

AND THE REMAINDER IS FOR THE PRIESTS. Whence do we know this? — Whence? [you ask,] but surely where it is expressly stated it is expressly stated, and where it is not expressly stated there is the verse, And this is the law of the meal-offering: the sons of Aaron shall offer it... and that which is left thereof shall Aaron and his sons eat!³⁴ — With regard to those which are brought from wheat I have no doubt,³⁵ I only ask it with regard to those brought from barley.³⁶ But even with regard to those brought from barley, surely [it is obvious that] the remainder is for the priests, since the handful is taken from them?³⁷ According to the view of the Rabbis³⁸ I have no doubt,³⁹ I only ask it according to the view of R. Simeon who maintains that there is a meal-offering from which the handful must be taken and yet [the remainder] may not be eaten, for we have learnt: R. SIMEON SAYS, FROM THE SINNER'S MEAL-OFFERING BROUGHT BY PRIESTS THE HANDFUL IS TAKEN, AND THE HANDFUL IS OFFERED BY ITSELF AND SO ALSO THE REMAINDER IS OFFERED BY ITSELF. Whence then do we know it? — Hezekiah said, From the verse, And every meal-offering, mingled with oil, or dry, shall all the sons of Aaron have.⁴⁰ And if this verse serves no purpose for meal-offerings of wheat mingled With oil⁴¹ it should be applied to meal-offerings of barley mingled with oil,⁴² and so, too, if this verse serves no purpose for dry meal-offerings of wheat⁴¹ it should be applied to dry meal-offerings of barley.⁴³ But does this [verse] serve this

purpose? Surely it is required for the following which was taught: How do we know that meal-offerings may not be set off against animal-offerings?⁴⁴

(1) He surely did, and in that case how could he argue from the fact that it overrides the Sabbath that the 'Omer which was reaped not in accordance with the prescribed rite is invalid?

(2) The slaughtering of the Sabbath sacrifices has already overridden the Sabbath, and since the prohibition of Sabbath has once been overridden it is also permitted, for the sake of performing the precept at its earliest moment, to burn the fat and the limbs of the sacrifices on the Sabbath. With regard to the 'Omer, however, the Sabbath prohibition has not been overridden, consequently it would not be proper to override the Sabbath for the reaping of the 'Omer, but for the fact that it could not be reaped except in its proper time.

(3) How then could Rabbi infer the rule that the reaping of the 'Omer overrides the Sabbath merely from the fact that the burning of the fat and the limbs was performed on the Sabbath?

(4) V. supra 63b.

(5) V. supra 65a.

(6) Supra 72a, where Rabbi ruled that if during the offering of the 'Omer it became unclean, another 'Omer may be reaped and offered.

(7) Whereas above it was concluded that according to Rabbi the reaping of the 'Omer does not override the Sabbath.

(8) Pes. 77a.

(9) Lev. XXIII, 44.

(10) Seeing that all the Festivals are individually treated in that chapter.

(11) Cf. Num. XXVIII, 2 and IX, 2.

(12) Ibid. XXIX, 39. This verse concludes the section dealing with the additional offerings on Sabbath, New Moon and Festivals, and its purpose is to apply the expression 'in its appointed time' and the law derived therefrom to each of the offerings mentioned, as though it were explicitly stated with each.

(13) Viz., the lamb offered with the Omer as a burnt-offering; cf. Lev. XXIII, 12.

(14) Viz., the two lambs offered with the Two Loaves as peace-offerings; *ibid.* 19. Since these offerings are not mentioned in the section in Num. they would not come under the rule of 'in its appointed time'.

(15) And it is as though 'in its appointed time' were expressly stated with the 'Omer and the Two Loaves', thereby implying that each overrides the Sabbath and uncleanness.

(16) For they are leavened, and nothing leavened may be offered on the altar; v. Lev. II, 11.

(17) Even though these acts can be performed before the Sabbath.

(18) Which act cannot be performed before the Sabbath; it therefore overrides the Sabbath.

(19) In which the Two Loaves are baked.

(20) I.e., the Two Loaves.

(21) But the baking in the oven presumably does not hallow the loaves.

(22) V. supra p. 283-4.

(23) V. supra p. 283.

(24) Rabbi.

(25) The hallowing by slaughtering referred to only means that the loaves are thereby determined for and assigned to the lambs slaughtered, so that if subsequently the lambs were lost these loaves could not be used with other lambs, and where the lambs were not slaughtered under their own name the loaves are not thereby determined for them but may be used with other lambs. The real hallowing of the loaves, however, is effected only by the baking in the oven of the Sanctuary.

(26) In the Wilna editions of this Tractate from 1886 onwards there is printed a second commentary of Rashi covering Chapters VII, VIII and IX. This commentary is undoubtedly the authentic Rashi, as is evidenced by the frequent quotations made by Tosaf. of the words of Rashi which are found only in this commentary. It is referred to hereinafter as 'Rashi MS'. The other commentary formerly attributed to Rashi is spurious, and in all probability is to be ascribed to a pupil of R. Gershom. The similarity between this commentary and that of R. Gershom is most striking.

(27) From which the handful was taken after the flour was mixed with the oil.

(28) From this and also from the following three kinds the handful was taken after the cake was broken into pieces.

(29) Of the meal-offering baked in an oven which consisted either of ten unleavened cakes or ten unleavened wafers. V. Lev. 11,4.

- (30) Brought by a poor person as a sin-offering on the commission of any one of the transgressions mentioned in Lev. V, 1-4.
- (31) Brought by a woman suspected by her husband of adultery; v. Num. V, 15.
- (32) According to the first Tanna, however, no handful is taken out, for the whole of it is to be burnt upon the altar.
- (33) For the interpretation of this passage, v. supra p 347. n. 10.
- (34) Lev. VI, 7, 9.
- (35) For this verse which declares that the remainder belongs to the priests deals specifically with meal-offerings of wheat.
- (36) The 'Omer-offering and the meal-offering of jealousy.
- (37) For if the remainder did not fall to the priest but was to be burnt upon the altar, what was the point of taking out the handful?
- (38) I.e., the first Tanna of our Mishnah; v. supra p. 431, n. 7.
- (39) For it is clear that whenever the handful must be taken out the remainder belongs to the priests.
- (40) Lev. VII, 10.
- (41) For the verse previously quoted (ibid. VI, 9) already establishes the rule that all meal-offerings of wheat, mingled with oil or dry, belong to the priests.
- (42) I.e., the 'Omer-offering.
- (43) I.e., the meal-offering of jealousy.
- (44) I.e., instead of sharing each of the priestly portions of the offerings equally among the priests it is arranged that some priests shall receive only meal-offerings as their portion and others only portions of animal-offerings as theirs.

Talmud - Mas. Menachoth 73a

Because the text states, And every meal-offering that is baked in the oven...shall all the sons of Aaron have.¹ I might think that meal-offerings may not be set off against animal-offerings seeing that in a case of poverty they do not replace them,² but meal-offerings [I would say] may be set off against bird-offerings since in a case of poverty they do replace them;² therefore the text states, And all that is prepared in the pan — shall all the sons of Aaron have.³ I might think that meal-offerings may not be set off against bird-offerings seeing that the latter are of the class of blood-offerings and the former of the class of cereal-offerings, but bird-offerings [I would say] may be set off against animal-offerings since both are of the class of blood-offerings; therefore the text states, And on the griddle...shall all the sons of Aaron have.⁴ I might think that bird-offerings may not be set off against animal-offerings seeing that the preparation of the former is by hand whereas that of the latter is with a utensil,⁵ but one kind of meal-offering [I would say] may be set off against another kind of meal-offering since the preparation of both is by hand; therefore the text states, And every meal-offering mingled with oil... shall all the sons of Aaron have.⁶ I might think that the meal-offering prepared on a griddle may not be set off against that prepared in a pan nor that prepared in a pan against that prepared on a griddle, for what is cooked in the one⁷ is soft and what is cooked in the other⁸ is hard,⁹ but one that is prepared on a griddle [I would say] may be set off against another that is also prepared on a griddle, and so, too, one that is prepared in a pan may be set off against another that is also prepared in a pan; therefore the text states, Or dry, shall all the sons of Aaron have.¹⁰ I might think that sacrifices which are most holy¹¹ may not be set off against each other, but those which are less holy¹² may; therefore the text states, [Shall all the sons of Aaron have,] a man as well as his brother,¹⁰ and [in proximity thereto], If he offers it for a thanksgiving:¹³ just as most holy sacrifices may not be set off against each other, so also less holy sacrifices may not be set off against each other. 'A man' [signifies that] a man takes a share even though he has a physical blemish, but not a minor even though he is without blemish!¹⁴ -This teaching is derived from, the expression 'every'.¹⁵ But has not this expression been used for the teaching of R. Jose son of R. Judah?¹⁶ -That [teaching of R. Jose son of R. Judah] is derived from the expression, 'and every'.¹⁷

Rabina said, It¹⁸ can be inferred from Levi's teaching, for Levi taught: [It is written,] Every

offering of theirs, even every meal-offering of theirs, and every sin-offering of theirs, and every guilt-offering of theirs.¹⁹ ‘Every offering of theirs’ includes the log of oil of the leper.²⁰ For I might have thought that [it shall not be the priest's since] the Divine Law expressly stated, reserved from the fire;²¹ hence we are informed [that it is not so]. ‘Every meal-offering of theirs’ includes the meal-offering of the ‘Omer and the meal-offering of jealousy. For I might have thought that [these shall not be the priest's since] the Divine Law expressly stated, And they shall eat those things wherewith atonement was made,²² whereas the one serves to render permitted²³ and the other to ascertain [the truth];²⁴ hence we are informed [that it is not so]. ‘Every sin-offering of theirs’ includes the sin-offering of a bird. For I might have thought that [it shall not be the priest's since] it is nebelah;²⁵ hence we are informed [that it is not so]. ‘Every guilt-offering of theirs’ includes the guilt-offering of the Nazirite and the guilt-offering of the leper. But with regard to the guilt-offering of the leper, is it not expressly stated, For as the sin-offering is the priest's so is the guilt-offering?²⁶ — Rather it includes the guilt-offering of the Nazirite, that it be like the guilt-offering of the leper. For I might have thought that [it shall not be the priest's since] it but serves to render permitted;²⁷ hence we are informed [that it is not so]. ‘which they may render unto Me’,²⁸ this is the [restitution for the] robbery committed on a proselyte.²⁹ [‘Shall be most holy] for thee and for thy sons’,³⁰ this teaches that it³¹ is thine own and thy son's own, even to betroth a woman therewith.³²

R. Huna said,

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- (1) Lev. VII, 9,10. All priests shall receive a portion from the meal-offerings.
 - (2) V. Lev. V, 7, 11. The meal-offering does not take the place of an animal-offering in ordinary cases of poverty but only in extreme poverty, whereas the meal-offering replaces the bird-offering in ordinary poverty.
 - (3) Ibid. VII, 9,10. This insistence that every kind of meal-offering shall be distributed among the priests signifies that under no circumstances may one's portion in one offering be set off against another's portion in another offering.
 - (4) Ibid. And as this is unnecessary for meal-offerings apply it to blood-offerings.
 - (5) Bird-offerings had their heads nipped off by hand, animal-offerings were slaughtered with a knife.
 - (6) Ibid. 10.
 - (7) Sc. the pan, מרחשת.
 - (8) Sc. the griddle, מחבת.
 - (9) v supra 63a.
 - (10) Lev. VII, 10.
 - (11) As the meal-offering and the sin-offering.
 - (12) As the thank-offering and the peace-offering.
 - (13) Ibid. 12.
 - (14) V. Kid. 53a. We thus see that the verse adduced by Hezekiah is here interpreted for another purpose.
 - (15) Whereas Hezekiah's teaching is derived from the expression ‘meal-offering’.
 - (16) V. supra 63b.
 - (17) I.e., from the superfluous waw, ‘and’. The Baraita, however, derives its teachings from the expression ‘every’, and Hezekiah from ‘meal-offering’.
 - (18) That the remainder of the ‘Omer-offering’ and of the meal-offering of jealousy (both of barley) is eaten by the priests.
 - (19) Num. XVIII, 9.
 - (20) That the remainder of the oil, after the necessary rites have been performed therewith (cf. Lev. XIV, 10f) shall be the priest's.
 - (21) Num. XVIII, 9. And the oil is not reserved from the fire since no part thereof is burnt on the altar fire.
 - (22) Ex. XXIX, 33. This verse implies that the remainder of an atoning offering only shall be eaten by priests.
 - (23) The ‘Omer renders permitted the new produce.
 - (24) The meal-offering of jealousy is to ascertain the truth about the woman's guilt.
 - (25) V. Glos. Since the bird-offering has not been slaughtered it might be said the priests may not eat it.
 - (26) Lev. XIV, 13.
 - (27) With the offering of his guilt-offering the Nazirite is now ‘fit to begin anew his period of separation which had been

interrupted by involuntary defilement. And as it is not an atoning offering it might be said that it may not be eaten by priests.

(28) Num. XVIII, 9.

(29) This too belongs to the priest. V. B.K. 110a.

(30) Num. *ibid*.

(31) Sc. the restitution for the robbery committed on a proselyte.

(32) On the other hand, a priest may not betroth a woman with the portions that he receives from the sacrifices. V. Kid. 52b.

Talmud - Mas. Menachoth 73b

The peace-offerings of gentiles are to be treated as burnt-offerings.¹ This I can prove either by simple reasoning or by a verse from Scripture. Either by simple reasoning: because a gentile in his heart [devotes the offering entirely] to Heaven.² Or by a verse from Scripture: Which they will offer unto the Lord for a burnt-offering:³ whatever they⁴ offer shall be a burnt-offering.

R. Hama b. Guria raised an objection: If a gentile made a freewill-offering of peace-offerings and he gave them to an Israelite,⁵ the Israelite may eat them;⁶ if he gave them to a priest, the priest may eat them.⁶ — Raba answered, It means this: if [he gave them to an Israelite] that the Israelite shall receive atonement thereby,⁷ the Israelite may eat them; if [he gave them to a priest] that the priest shall receive atonement thereby, the priest may eat them.

R. Shisbi raised an objection: FROM THE FOLLOWING MEAL-OFFERINGS THE HANDFUL MUST BE TAKEN, AND THE REMAINDER IS FOR THE PRIESTS...THE MEAL-OFFERING OF A GENTILE!⁸ -R. Johanan answered, This is no difficulty; for one⁹ represents the view of R. Jose the Galilean, the other¹⁰ R. Akiba's view. For it was taught: [It would have sufficed had Scripture stated] a man,¹¹ why does it state 'a man, a man'?¹¹ To include gentiles, that they may bring either votive or freewill-offerings like an Israelite. Which they will offer unto the Lord for a burnt-offering:¹¹ I only know [that they may offer] burnt-offerings, but whence [that they may offer] peace-offerings? The text states, Their vows.¹¹ And whence thank-offerings? The text states, Their free will-offerings.¹² And whence bird-offerings and meal-offerings¹³ and offerings of wine and frankincense and wood? The text states, Any of their vows,¹² and not merely 'their vows'; so too, Any of their freewill-offerings, and not merely 'their freewill-offerings'. Why then does this text expressly state 'a burnt-offering'? To exclude the Nazirite-offering.¹⁴ This is the opinion of R. Jose the Galilean. R. Akiba says, Which they will offer unto the Lord for a burnt-offering: thus [they may offer] only burnt-offerings.

But is the law that a gentile is excluded from offering a Nazirite-offering derived from this teaching? Surely it is derived from the following teaching:¹⁵ Speak unto the children of Israel and say unto them, When either man or woman shall clearly utter a vow, the vow of a Nazirite, to consecrate himself unto the Lord:¹⁶ hence only the children of Israel can vow the vow of a Nazirite, but gentiles cannot vow the vow of a Nazirite!-From the former teaching I should only have said that they may not offer the Nazirite-offerings, but that the Nazirite vow does apply to them; [the latter passage] therefore teaches us [that it is not so].

In accordance with whose view is the following teaching which we have learnt: R. Simeon said, The Beth din ordained seven things and this was one of them: If a gentile sent his burnt-offering from a land beyond the sea and he also sent with it the drink-offerings¹⁷ for it, those [drink-offerings] of his¹⁷ are to be offered; but if he did not, they are to be offered at the expense of the community.¹⁸ Shall we say that this teaching¹⁹ agrees with R. Jose the Galilean and not with R. Akiba?-You may even say that it agrees with R. Akiba, for [he meant to say, They may offer] burnt-offerings and everything appertaining thereto.²⁰

Who is the Tanna of the following Baraitha which the Rabbis taught:²¹ Home-born:²² the home-born brings drink-offerings,²¹ but a gentile may not bring drink-offerings. I might then think that his burnt-offering does not require drink-offerings [to be offered with it]; the text therefore states, After this manner.²² Now who is [the Tanna of this Baraitha]? It is neither R. Jose the Galilean nor R. Akiba! It is not R. Jose the Galilean for he says [that the gentile may offer] even wine²³ [for a drink-offering]; neither is it R. Akiba for he says [that he may offer] only a burnt-offering but nothing else! — If you wish, I can say it is R. Jose the Galilean; and if you wish, I can say it is R. Akiba. If you wish, I can say it is R. Jose the Galilean', but you must strike out the word 'wine' from that teaching.²⁴ 'And if you 'wish, I can say it is R. Akiba', for [he may offer] burnt-offerings and everything appertaining thereto.

R. SIMEON SAYS, FROM THE SINNER'S MEAL-OFFERING BROUGHT BY PRIESTS etc. Whence is it derived? — Our Rabbis taught: And it shall be the priest's as the meal-offering:²⁵ that is to say, the service thereof may be performed by [the priest] himself.²⁶ You say it signifies that the service thereof may be performed by [the priest] himself, but perhaps it is not so, but rather it signifies that the [remainder of the] sinner's meal-offering brought by a priest is permitted [to be eaten];²⁷ and as for the verse, And every meal-offering of the priest shall be wholly burnt; it shall not be eaten,²⁸ that refers to his²⁹ freewill meal-offering, but his obligatory meal-offering may indeed be eaten! The text therefore states, 'And it shall be the priest's as the meal-offering', thereby comparing his obligatory meal-offering with his freewill meal-offering; thus as his freewill meal-offering may not be eaten, so his obligatory meal-offering may not be eaten. But R. Simeon said, Is it written, 'And it shall be the priest's as his meal-offering'? It says, As the meal-offering; thereby comparing

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- (1) No part thereof shall be eaten, but they must be wholly burnt. Likewise their meal-offerings must be wholly burnt.
- (2) A gentile ignorant of the distinction between the various types of sacrifices, has but one intention in his mind, namely of offering it entirely to the Lord.
- (3) Lev. XXII, 18.
- (4) Sc. gentiles. This verse expressly includes the offerings of gentiles, v. infra.
- (5) Presumably to offer them on his (the gentile's) behalf.
- (6) They are treated as peace-offerings whose flesh is consumed by the owner—in this case the Israelite or priest but not the gentile, for a gentile may not eat consecrated meat—and not as burnt-offerings, contra R. Huna.
- (7) I.e., if the Israelite had undertaken to offer peace-offerings he discharges his obligation with the peace-offerings given him by the gentile; accordingly he may eat the flesh thereof.
- (8) Thus it is not wholly burnt; and so it is evidently with his peace-offerings.
- (9) Our Mishnah which allows a gentile to bring meal-offerings and also other offerings.
- (10) R. Huna who regards all the offerings of gentiles as burnt-offerings.
- (11) Lev. XXII, 18. The word 'man' is repeated in the verse. The E.VV. render: Whosoever he be.
- (12) Lev. XXII, 18.
- (13) So in all MSS. and also in Tos. s.v. **אֵשׁ**. Cur. edd. omit 'meal-offerings'.
- (14) Since the law of the Nazirite does not apply to a gentile (v. infra) he cannot offer the offerings prescribed for the Nazirite.
- (15) Naz. 61a.
- (16) Mum. VI, 2.
- (17) I.e., the money for the drink-offerings.
- (18) Shek. VII, 6. V. supra 51b.
- (19) Which permits the offering of drink-offerings by a gentile.
- (20) Sc. the drink-offerings which accompany the burnt-offering. In most MSS., in the Aruch, Rashi MS., and Yalkut there is here used a rare word, **אֲבִירָא** (var. **אֲבִירָהָא**) 'appertunances'. Cur. edd. read: **הַבִּירָתָהּ**.
- (21) Zeb. 45a; Tem. 3a.
- (22) Num. XV, 13. This verse refers to the drink-offerings that must accompany the sacrifices.
- (23) As a separate freewill-offering.

(24) Thus the gentile may bring every offering except the drink-offering of wine.

(25) Lev. V, 13. The verse refers to the sinner's meal-offering, i.e., the obligatory meal-offering; and the conclusion of the verse, that quoted in the text, according to Rabbinic interpretation, implies that the priest's obligatory meal-offering shall be like 'the meal-offering'. The arguments which follow serve to elucidate the point of the comparison with 'the meal-offering'.

(26) If a priest sinned and is obliged to offer a meal-offering, he may perform the service of his own meal-offering. The verse accordingly means: the priest's obligatory meal-offering shall be as the meal-offering of an Israelite; just as the priest performs the service for the latter so he may perform the service for his own meal-offering.

(27) Thus this verse informs us that the priest's obligatory meal-offering is like the meal-offering of an Israelite which is eaten by the priests after the handful has been taken out.

(28) Lev. VI, 16.

(29) Sc. the priest's.

Talmud - Mas. Menachoth 74a

the sinner's meal-offering brought by a priest with the sinner's meal-offering brought by an Israelite; thus as from the latter the handful is taken so from the former the handful must be taken. But you might [also say], Just as the handful is taken from the sinner's meal-offering brought by an Israelite the remainder may be eaten, so when the handful is taken from the sinner's meal-offering brought by a priest the remainder may be eaten; the text therefore states, 'The priest's as the meal-offering', that is to say, as regards what concerns the priest¹ it is like the [sinner's] meal-offering [brought by an Israelite], but as regards what concerns the altar-fire it is not like that meal-offering.² Accordingly the handful must be offered by itself and the remainder too must be offered by itself.

But is the rule that the service thereof³ may be performed by [the priest] himself derived from this teaching? Surely it is derived from the following teaching: Whence can we learn that a priest is entitled to come and sacrifice his offerings at any time and on any occasion he desires?⁴ Because the text states, And come with all the desire of his soul... and shall minister!⁵ — From this latter teaching I would have said that it⁶ applied only to such offerings as are not brought on account of sin, but not to such as are brought on account of sin.⁷ But is this⁸ derived from here? Surely we know it from the following: The verse, And the priest shall make atonement for the soul that erreth, when he sinneth through error,⁹ teaches us that the priest can make atonement for himself by his own service! — From this latter teaching I would have said that it applied only to such [offerings as are brought for a sin committed] in error, but not to such [as are brought for a sin committed] wilfully; we are therefore taught [that it applies to the latter too]. (And¹⁰ is there any instance of [an offering brought for a sin committed] wilfully? — Yes, for example, wilfully taking a false oath.)¹¹

Another [Baraita] taught: R. Simeon says, From the sinner's meal-offering brought by a priest the handful is taken, and the handful is offered by itself and so also the remainder is offered by itself. R. Eleazar son of R. Simeon says, The handful is offered by itself and the remainder is scattered over the ash-heap. R. Hiyya b. Abba said that R. Johanan pondered over this: Which ash-heap is meant? If that which is on top,¹² then his view is identical with his father's;¹³ and if that which is below,¹⁴ then [it will be asked], Is there anything that is ever offered below?-Perhaps, said R. Abba, [it is different when it is intended] to go to waste. They — thereupon laughed at him, saying, Is there anything whose rite is¹⁵ that it shall go to waste? — R. Abin's father taught as follows:¹⁶ And every meal-offering of the priest shall be wholly burnt; it shall not be eaten.¹⁷ I have compared it¹⁸ [with the preceding High Priest's meal-offering] only in respect of eating¹⁹ but in no other respect.²⁰ What can it mean?²¹ — Abaye said, It means this:²² 'Every meal-offering of the priest...shall not be eaten': that is his obligatory meal-offering;²³ 'shall be wholly burnt': that is his freewill meal-offering.²⁴ Thereupon Raba said to him, A sharp knife is dissecting the verse!²⁵ Rather, said Raba, it means, 'Every meal-offering of the priest shall be wholly burnt': that is his freewill meal-offering; 'it shall not be eaten': that is his obligatory meal-offering.²⁶ Might I not say the reverse?²⁷ — It is more

reasonable to include his freewill meal-offering,²⁸ since [like the High Priest's meal-offering] it is frequent,²⁹ It is not brought on account of sin, and it has a sweet savour.³⁰ On the contrary, it is more reasonable to include his obligatory meal-offering,³¹ since [like the High Priest's meal-offering] it consists of one tenth³² and is brought as an obligation! — Those³³ are more In number.

To what purpose do the Rabbis apply the verse And every meal-offering of the priest shall be wholly burnt; it shall not be eaten?³⁴ They require it for the following teaching: I only know that the former³⁵ must be wholly burnt, and the latter³⁶ shall not be eaten, whence do I know to apply what is stated of the one to the other and vice versa? The text therefore stated the word 'kalil' in each case for the purposes of analogy. It says in the former passage 'kalil' and in the latter also 'kalil', as in the former it means wholly burnt, so In the latter it means wholly burnt. And as in the latter passage the eating thereof is expressly forbidden by a prohibition, so in the former the eating is forbidden by a prohibition. Rabina raised this question, What is the law if a priest ate of the sacrificial portions of an offering? As regards the prohibition concerning non-priests

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- (1) I.e., the taking out of the handful.
 - (2) For there is this distinction between them, the remainder of an Israelite's obligatory meal-offering is eaten, whereas the remainder of a priest's obligatory meal-offering must be burnt.
 - (3) Sc. of the priest's meal-offering.
 - (4) Even though he does not belong to that division of priests on duty at the time in the Temple.
 - (5) Deut. XVIII, 6, 7.
 - (6) The rule that the priest may sacrifice his own offerings.
 - (7) The former teaching, based on Lev. V, 13, is therefore necessary to state this rule even with regard to sin-offerings too.
 - (8) The rule that the priest may offer his own sin-offerings.
 - (9) Num. XV, 28.
 - (10) This passage in brackets is omitted in all MSS. and evidently was not in the text that was before Rashi. Sh. Mek. deletes it here.
 - (11) Denying the knowledge of any testimony; v. Lev. V. 1.
 - (12) I.e., the ash-heap which was in the middle of the altar.
 - (13) For by scattering it on the ash-heap it is equivalent to burning it on the altar, which is the view expressed by his father R. Simeon.
 - (14) I.e., the ash-heap on the ground by the side of the altar near the ascent.
 - (15) Lit., 'that is offered'.
 - (16) This teaching supplies the answer to the question raised, for according to the following exposition Scripture impliedly states that the remainder shall go to waste on the ash-heap. Some, however, regard this passage as a separate teaching and in no way connected with the preceding, so that the preceding discussion remains with the difficulty.
 - (17) Lev. VI, 16. This verse follows upon the law concerning the High Priest's daily meal-offering (מנחת חביתין), the meal-offering of griddle-cakes) which was wholly burnt.
 - (18) Sc. the sinner's meal-offering brought by the priest.
 - (19) That neither may be eaten.
 - (20) For as regards the offering there is a distinction: the High Priest's meal-offering must be burnt on the altar whereas the remainder of the sinner's meal-offering brought by a priest is to be scattered on the ash-heap.
 - (21) This verse expressly says that it shall be wholly burnt, how then can it be suggested that the remainder shall be scattered?
 - (22) The fact that the verse states 'shall be wholly burnt' and also 'shall not be eaten' suggests, in order to avoid the redundancy, that it deals with two different kinds of priestly meal-offerings.
 - (23) Thus the sinner's meal-offering brought by a priest shall, like the High Priest's meal-offering, not be eaten; but, unlike the High Priest's meal-offering, the handful must be taken therefrom and the remainder scattered on the ash-heap.
 - (24) From which, as from the High Priest's meal-offering, the handful is not taken out.
 - (25) According to Abaye's interpretation the verse is broken up and the words are transposed, connecting the last words with the first part of the verse. This is unnatural and arbitrary.

(26) It must be observed that in essence Abaye and Raba both say the same thing; the only difference between them is as to the correct interpretation of the opening phrase 'And every meal-offering of the priest'. If this refers to his obligatory meal-offering then it is necessary to transpose the order in the verse, as Abaye does; if to his freewill meal-offering, then the verse is interpreted as it stands, as Raba does. V. Rashba.

(27) Viz., that the obligatory meal-offering shall be wholly burnt without taking the handful therefrom, and that from the freewill meal-offering the handful shall be taken and the remainder scattered on the ash-heap. This objection is against both Abaye and Raba; v. prev. n. Cf. Tosaf. s.v. **וְכָל**; also Rashba.

(28) That it be like the High Priest's meal-offering in that the handful shall not be taken therefrom.

(29) It can be brought at any time at will, and the High Priest's meal-offering was offered daily, whereas the obligatory meal-offering was brought only on the commission of certain sins.

(30) For like the High Priest's meal-offering it was offered mingled with oil, and frankincense was also added, whereas the obligatory meal-offering was dry, without oil and frankincense. Another interpretation: the expression 'a sweet savour' is written in connection with the former but not with the latter.

(31) V. p. 441, n. 12.

(32) Whereas the freewill meal-offering may consist of any number of tenths of an ephah of fine flour, the only restriction being that there shall not be more than sixty tenths in one vessel.

(33) The points of resemblance between the freewill meal-offering and the High Priest's meal-offering.

(34) Since the Rabbis differ from R. Simeon and say that every meal-offering of a priest is to be wholly burnt without the handful being taken therefrom, to them the expression 'it shall not be eaten' is redundant in this verse.

(35) I.e., the passage dealing with the High Priest's meal-offering where it stated (Lev. VI, 15) 'It shall be wholly burnt', using the expression **וְכָל**; on the other hand, no express prohibition is stated against eating it.

(36) I.e., the verse dealing with the priest's meal-offering (ibid. 16), where it is expressly stated 'It shall not be eaten'; on the other hand, in this verse Scripture does not expressly say 'It shall be wholly burnt'; it only states 'It shall be whole', **וְכָל**

Talmud - Mas. Menachoth 74b

I have no doubt at all;¹ I ask the question only as regards the precept 'It shall be wholly burnt'.² How is it then? — Said R. Aaron to Rabina, Come and hear: For it was taught: R. Eliezer says, The precept 'It shall be wholly burnt', wherever it applies, imports also a prohibition against eating.³

MISHNAH. THE MEAL-OFFERING OF THE PRIESTS,⁴ THE MEAL-OFFERING OF THE ANOINTED HIGH PRIEST, AND THE MEAL-OFFERING THAT IS OFFERED WITH THE DRINK-OFFERINGS ARE [WHOLLY] FOR THE ALTAR AND THE PRIESTS HAVE NO SHARE IN THEM; WITH THESE THE ALTAR IS MORE PRIVILEGED THAN THE PRIESTS. THE TWO LOAVES AND THE SHEWBREAD ARE EATEN BY THE PRIESTS AND THE ALTAR HAS NO SHARE IN THEM; WITH THESE THE PRIESTS ARE MORE PRIVILEGED THAN THE ALTAR.

GEMARA. Are there no other cases?⁵ But what about the burnt-offering? — There is the hide thereof which belongs to the priests. And what about the burnt-offering of a bird?—There are the crop and the feathers thereof.⁶ And what about the drink-offerings? — They flow down into the pits.⁷ What then does WITH THESE' [signify]?⁸ [It is] to exclude Samuel's ruling. For Samuel stated:⁹ If a man makes a freewill-offering of wine, he must bring it and it is poured on the altar fire; [our Mishnah] therefore teaches us that it is poured into the pits. [Our Mishnah], however, supports [the other ruling of] Samuel, for Samuel stated,¹⁰ If a man makes a freewill-offering of oil, the handful must be taken from it [and burnt upon the altar], and the remainder is eaten by the priests.

THE TWO LOAVES AND THE SHEWBREAD. Are there no other cases?¹¹ But what about the sin-offering of a bird?—There is the blood thereof [which was sprinkled upon the side of the altar]. And what about the log of oil of the leper?—There are the sprinklings.¹² What does 'WITH THESE' [signify]? [It is] to exclude the view of him who says that the Two Loaves, if brought alone,¹³ must

be burnt; our [Mishnah] therefore teaches us that with these the priests are always privileged.¹⁴

MISHNAH. ALL MEAL-OFFERINGS THAT ARE PREPARED IN A VESSEL¹⁵ REQUIRE THREE APPLICATIONS OF OIL BEFORE THEY ARE MADE READY, VIZ., POURING, MINGLING AND PUTTING IN.¹⁶ THE [BAKED] CAKES¹⁷ WERE MINGLED¹⁸ [WITH OIL]. SO RABBI. BUT THE SAGES SAY, THE FINE FLOUR [WAS MINGLED WITH OIL]. THE CAKES¹⁹ REQUIRED MINGLING AND THE WAFERS²⁰ ANOINTING. HOW WERE THEY ANOINTED? IN THE FORM OF CHI.²¹ AND THE RESIDUE OF THE OIL WAS CONSUMED BY THE PRIESTS.

GEMARA. What does it²² exclude? — Said R. Papa, It excludes the meal-offering baked [in the oven].²³

Our Rabbis taught: And if thy offering be a meal-offering prepared in the pan, it shall be made of fine flour with oil:²⁴ this²⁵ signifies that it requires the putting in of oil in the vessel [at the outset]. [The expressions] ‘thy offering’ [used here and] ‘thy offering’ [used there]²⁶ establish an analogy:

- (1) The priest is certainly liable on account of the prohibition (Lev. XXII, 10) There shall no non-priest eat of the holy thing, for in regard to the portions that are to be burnt upon the altar the priest is in the same category as a non-priest.
- (2) Does this precept, which is stated in connection with the meal-offering, apply to all offerings which are to be burnt or not?
- (3) V. Mak. 18b. Hence the priest is liable on account of this prohibition too.
- (4) Whether brought as a freewill or obligatory offering.
- (5) Of offerings wholly consumed by the altar and in which the priests have no share.
- (6) Which are cast away and not offered; thus the offering is not wholly burnt upon the altar.
- (7) These were the pits under the altar into which the wine flowed after the libation; v. Suk. 49a. The drink-offerings therefore cannot be said to be consumed by the altar.
- (8) Seeing that we know of no exceptions to the rule.
- (9) Zeb. 91b. Samuel distinguishes between an offering of wine and of oil, since from the latter the handful can be taken but not from the former.
- (10) V. p. 443, n. 9.
- (11) Of offerings which are wholly consumed by the priests and in which the altar has no share.
- (12) Sc. the seven sprinklings of the oil towards the curtain. Hence it was not wholly consumed by the priests. Aliter: the application of the oil to the ear etc. of the leper.
- (13) When the two lambs of Pentecost were not available, v. supra p.280.
- (14) For the Two Loaves are in all circumstances eaten by the priests.
- (15) I.e., those prepared in a special vessel, as the griddle and the pan, but excluding those baked in the oven. V. Gemara.
- (16) The manner of its preparation was this: some oil was first put in a vessel of ministry, the flour was then put in and the two were kneaded together. Later more oil was added which was mingled with the dough. It was then baked into a cake whereupon it was broken into pieces and again more oil was poured on it, and then the handful was taken from it.
- (17) Of the meal-offering prepared on a griddle or that prepared in a pan or that baked in an oven.
- (18) The prescribed mingling had to be performed after the meal-offering had been baked and broken into pieces.
- (19) Of the meal-offering baked in the oven.
- (20) Of the meal-offering baked in the oven.
- (21) In the form of a cross like the Greek letter . V. Tosaf. infra 75a, s.v. כּמּוּיַן, where various other suggestions are made.
- (22) Sc. the expression ‘THAT ARE PREPARED IN A VESSEL’.
- (23) This meal-offering had only two applications of oil, putting in and mingling, but not the third of pouring oil on it after it was baked.
- (24) Lev. II, 7.
- (25) Sc. the expression עֲלֵת בַשֶּׁמֶן; lit., ‘fine flour on the oil’.

(26) Ibid.5, with reference to the meal-offering prepared on a griddle.

Talmud - Mas. Menachoth 75a

just as here there must be the putting in of oil in the vessel [at the outset], so there there must also be the putting in of oil in the vessel [at the outset]. And just as there there must be mingling and pouring, so here there must also be mingling and pouring.¹

THE [BAKED] CAKES WERE MINGLED [WITH OIL]. SO RABBI. BUT THE SAGES SAY, THE FINE FLOUR [WAS MINGLED WITH OIL]. Our Rabbis taught: [The expression] 'fine flour mingled with oil' signifies that the fine flour was mingled [with oil]. But Rabbi says, The cakes were mingled, as it is said, Cakes mingled with oil.² They said to him, Is it not written in connection with the loaves of the thank-offering, Cakes [mingled with oil]?³ Nevertheless it was not possible⁴ to mingle the cakes [with oil] but only the flour!⁵ How was it⁶ made ready? He put in oil into the vessel at the outset, put in [the flour], added oil to it and mingled them together; he then kneaded it, baked it, broke it in pieces, poured oil on it, and then took the handful from it. Rabbi says, The cakes were mingled, as it is said, 'Cakes mingled with oil'. How was it made ready? He put in oil into the vessel at the outset, put in [the flour], kneaded it, baked it, broke it in pieces, added oil to it and mingled them together, again poured oil on it, and then took the handful from It.

This was indeed a sound argument that the Sages put to Rabbi.⁷ What is the argument? Said R. Samuel son of R. Isaac, Since there was only one quarter log of oil, how could it be distributed among so many cakes?⁸

THE CAKES REQUIRED MINGLING [WITH OIL] AND THE WAFERS ANOINTING. Our Rabbis taught: It is written, 'Cakes mingled [with oil]',⁹ but not wafers mingled with oil. For [without the Biblical direction] I might have argued by an a fortiori argument thus: if cakes which do not require anointing require mingling, wafers which require anointing should surely require mingling! The text therefore states, 'Cakes mingled [with oil]', but not wafers mingled with oil. [It is written,] 'Wafers anointed [with oil]',⁹ but not cakes anointed with oil. For [without the Biblical direction] I might have argued by an a fortiori argument thus: if wafers which do not require mingling require anointing, cakes which require mingling should surely require anointing! The text therefore states 'Wafers anointed [with oil]', but not cakes anointed with oil. How is this implied? — Raba explained, Because [Scripture] should not have omitted to state at least once the expression 'cakes anointed with oil and wafers mingled with oil'.¹⁰

HOW WERE THEY ANOINTED? IN THE FORM OF CHI. What is the meaning of 'IN THE FORM OF CHI'?-Said R. Kahana, In the form of the Greek letter chi.¹¹

Our Rabbis taught: If the meal-offering [baked in the oven] is composed half of cakes and half of wafers,¹² one must bring for it one log of oil and divide it, one half for the cakes and the other half for the wafers. The cakes are to be mingled [with oil] and the wafers anointed. One must anoint the wafer over the whole of its surface; and the residue of the oil is to be put into the cakes. R. Simeon son of Judah says in the name of R. Simeon, One must anoint it in the form of [the letter] chi; and the residue of the oil is consumed by the priests.

Another Baraita taught: If wafers are brought as an offering by themselves, one must bring for them one log of oil and anoint them, repeating this again and again until all the oil in the log has been used up. R. Simeon son of Judah says in the name of R. Simeon, One must anoint them in the form of [the letter] chi, and the residue of the oil is consumed by the priests.

MISHNAH. ALL MEAL-OFFERINGS THAT ARE PREPARED IN A VESSEL¹³ REQUIRE TO

BE BROKEN IN PIECES.

GEMARA. What does it exclude?-Said R. Papa, It excludes the Two Loaves and the Shewbread.¹⁴

Our Rabbis taught: Thou shalt break it in pieces . . . it is a meal-offering.¹⁵ this includes all meal-offerings that they require to be broken in pieces. I might then say that it includes also the Two Loaves and the Shewbread; the text therefore states, 'It'. And pour oil thereon, it is a meal-offering:¹⁵ this includes all meal-offerings that they require oil to be poured on them. I might then say that it includes also the meal-offering baked in the oven; the text therefore states, 'Oil thereon'. Perhaps I must thus exclude the cakes but not the wafers; the text therefore states, 'It is'. How is this implied? Perhaps I should rather exclude the meal-offering of the priests!

(1) With regard to the meal-offering prepared on a griddle Scripture mentions two applications of oil, the mingling and the pouring at the end; and with regard to that prepared in a pan Scripture only mentions the putting in of oil at the outset. On the strength of the analogy it is established that what is stated of the one applies to the other, thus both kinds require three applications of oil.

(2) Ibid. 4.

(3) Ibid. VII, 12.

(4) V. infra.

(5) Thus in spite of the express Biblical direction it was the flour that was mingled with oil and not the cakes.

(6) Sc. the meal-offering that was prepared in a pan or on a griddle.

(7) The text adopted is that of MS.M., R. Gershom, Tosaf. and Sh. Mek.; and the interpretation follows that suggested by Tosaf. sv. שפיר. V, Rashi. Cur. edd. read: What was the purport of the words 'nevertheless it was not possible etc.' which the Sages said to Rabbi?

(8) V. infra 89a. A half log of oil was prescribed for the thank-offering, half of this quantity being used for the ten soaked cakes, and the other half (i.e., a quarter log) for the ten cakes and the ten wafers. It would therefore be impossible to mingle ten baked cakes with less than a quarter log of oil, for baked cakes are porous and all the oil would soon be absorbed in a few cakes. Obviously then the mingling could only have been performed before the cakes were baked, i.e., mingling the oil with the flour. And so it was, according to the Sages, with all meal-offerings.

(9) Lev. II, 4.

(10) The fact that Scripture invariably speaks of cakes mingled with oil and wafers anointed with oil indicates that the manner of applying the oil is exclusive in each case.

(11) V. supra p. 445, n. 2.

(12) According to R. Simeon the meal-offering baked in the oven may consist of either ten cakes or ten wafers or five cakes and five wafers. V. supra p. 372.

(13) I.e., from which the handful is taken (Tif. Yisroel).

(14) These were not broken in pieces.

(15) Lev. 11,6.

Talmud - Mas. Menachoth 75b

— Rabbah explained, Which meal-offering is it that needs two expressions to exclude it?¹ You must say it is the meal-offering baked [in the oven].²

MISHNAH. THE MEAL-OFFERING³ OF AN ISRAELITE WAS FOLDED INTO TWO AND THE TWO WERE FOLDED INTO FOUR,⁴ AND IT WAS SEVERED⁵ [AT EACH BEND]; THE MEAL-OFFERING OF PRIESTS WAS FOLDED INTO TWO AND THE TWO WERE FOLDED INTO FOUR, BUT IT WAS NOT SEVERED;⁶ THE MEAL-OFFERING OF THE ANOINTED HIGH PRIEST WAS NOT FOLDED. R. SIMEON SAYS, NEITHER THE MEAL-OFFERING OF THE PRIESTS⁷ NOR THE MEAL-OFFERING OF THE ANOINTED HIGH PRIEST WAS BROKEN IN PIECES, SINCE THE HANDFUL WAS NOT TAKEN FROM THEM, AND

WHENEVER THE HANDFUL IS NOT TAKEN [FROM THE OFFERING] IT IS NOT TO BE BROKEN IN PIECES. THEY MUST ALL BE BROKEN INTO PIECES THE SIZE OF AN OLIVE.⁸ GEMARA. Our Rabbis taught: [It is written,] Thou shalt break.⁹ From this expression I would say [that it must be broken] in two, the text therefore states, In pieces.⁹ [From the expression] 'in pieces' I would say that it should be broken into crumbs, the text therefore states, 'It':⁹ it¹⁰ must be broken in pieces but not the pieces into further pieces. How then must it be done? The meal-offering of an Israelite was folded into two and the two into four, and it was severed [at each bend]; the meal-offering of priests and of the anointed High Priest were folded etc. But have we not learnt: [THE MEAL-OFFERING OF THE ANOINTED HIGH PRIEST] WAS NOT FOLDED?-Rabbah said, It means it was not folded into four but it was folded into two.

R. SIMEON SAYS, NEITHER THE MEAL-OFFERING OF THE PRIESTS NOR THE MEAL-OFFERING OF THE ANOINTED HIGH PRIEST WAS BROKEN IN PIECES. R. Joseph said, Over habiza¹¹ which contains pieces of bread the size of an olive the benediction is '... who bringest forth bread from the earth'. If it does not contain pieces of bread the size of an olive the benediction is '...who createst various kinds of food'. R. Joseph said, Whence do I know this? From the following teaching: If he¹² was standing and offering meal-offerings [in the Temple] in Jerusalem, he says, 'Blessed art thou... who hast kept us in life and hast preserved us and enabled us to reach this season'. If he¹³ took them to eat he says the benediction ... — who bringest forth bread from the earth'.¹⁴ And we have learnt: THEY MUST ALL BE BROKEN INTO PIECES THE SIZE OF AN OLIVE.¹⁵ Abaye said to him, Then according to the Tanna of the School of R. Ishmael who said, 'He must crumble [the meal-offerings] until they have been reduced to the fineness of the flour of which they had been made', it would not be necessary to say the benediction 'who bringest forth' —¹⁶ And should you say that it is so, but it has been taught:¹⁷ If a man gathered together crumbs from all of them¹⁸ the size of an olive and ate them [on the Passover], if they were leavened he has thereby incurred the penalty of kareth,¹⁹ but if unleavened he fulfils therewith his obligation on Passover!²⁰ -We are dealing here²¹ with the case where he pressed [the crumbs] into a compact mass.²² In that case, consider the comment on the above teaching: 'Provided he ate them²³ in the time it takes to eat half a loaf'.²⁴ Now if he pressed them into a compact mass it should have stated 'he ate it'! — Rather we are dealing here with the case where the crumbs come from a large loaf.²⁵ What is the decision then?²⁶ R. Shesheth said, Even though the pieces of bread [in the habiza] are not the size of an olive, [one must say the benediction 'who bringest forth']. Raba said, This is so provided they still have the semblance of bread.²⁷

(1) Viz., 'it' and 'thereon'.

(2) For it consists of two kinds, cakes and wafers; accordingly two expressions are required to exclude this meal-offering.

(3) I.e., each cake.

(4) Thus fulfilling the precept of breaking in pieces.

(5) So that the handful could be taken therefrom.

(6) Since the handful was not taken from it but it was wholly burnt.

(7) Sc. his freewill-offering, for according to R. Simeon from the priest's obligatory meal-offering the handful was taken.

(8) Reading פותתין. In the MSS., and also further in the Gemara and in Rashi, the reading is פתיתין, 'All the pieces must be about the size of an olive'. The exact implication of this statement is doubtful and many interpretations have been suggested: (i) After the pieces have been folded and broken into four, they must be broken into eight, and then again into sixteen and so on until each piece is reduced to the size of an olive. This statement accordingly continues the view of the first Tanna in this Mishnah (R. Gershom and Rashi). (ii) This statement is the expression of R. Simeon's view, that the pieces must be broken many times until each is reduced to an olive's size, this in opposition to the first Tanna who maintained that the cake was broken into four pieces only (Rashi in MS.). (iii) Each cake must first be broken into pieces each about the size of an olive, and then the pieces must be folded into two and then into four (Maim. in Com. on Mishnah, and Bartinoro).

(9) Lev. II, 6.

- (10) Sc. each one of the two pieces.
- (11) **חֲבִיצֵה**, a dish of flour, honey and oil beaten in a pulp (Jast.).
- (12) Sc. a priest who is offering his first meal-offering of the year. Another interpretation: An Israelite who is offering a meal-offering for the first time in his life.
- (13) Sc. the priest.
- (14) The benediction prescribed for bread.
- (15) Hence over food containing pieces of bread the size of an olive one must say the benediction .. — who bringest forth bread from the earth’.
- (16) Since there are no pieces the size of an olive.
- (17) V. Ber. 37b.
- (18) Sc. from the five species of grain, v. supra p. 414 (Tosaf.).
- (19) V. Glos.
- (20) Thus crumbs when collected unto an olive's bulk are regarded as bread, consequently one must say over them the benediction ‘who bringest forth’.
- (21) In the ‘Baraitha quoted from Ber.
- (22) Making one piece the size of an olive.
- (23) Sc. the crumbs.
- (24) I.e., a Piece of bread equivalent in size to four eggs (according to Maim: three). The eating of the crumbs must not be spread out over a longer space of time.
- (25) Since the whole loaf has not been reduced to crumbs but only a portion of it, the loose crumbs, even though each is less than an olive's bulk, are considered as of some worth, and when they make up an olive's bulk one must say over them the benediction ‘who bringest forth’. Where, however, the entire cake is reduced to crumbs, as in the case of the meal-offering according to the view of the Tanna of the School of R. Ishmael, one would not have to say over them the benediction ‘who bringest forth’.
- (26) Regarding the saying of the benediction for bread over pieces less than the size of an olive.
- (27) I.e., the pieces of bread have not been soaked too long in the mixture so as to be reduced to a pulp.

Talmud - Mas. Menachoth 76a

MISHNAH. ALL MEAL-OFFERINGS REQUIRE TO BE RUBBED¹ THREE HUNDRED TIMES AND BEATEN² FIVE HUNDRED TIMES. THE RUBBING AND THE BEATING APPLY TO THE GRAINS OF WHEAT. R. JOSE SAYS, TO THE DOUGH.³ ALL MEAL-OFFERINGS CONSIST⁴ OF TEN CAKES EACH, EXCEPTING THE SHEWBREAD AND THE GRIDDLE-CAKES OF THE HIGH PRIEST, WHICH CONSIST OF TWELVE CAKES EACH. SO R. JUDAH. BUT R. MEIR SAYS, THEY ALL CONSIST OF TWELVE CAKES EACH, EXCEPTING THE CAKES OF THE THANK-OFFERING AND OF THE NAZIRITE-OFFERING, WHICH CONSIST OF TEN CAKES EACH.

GEMARA. A Tanna taught: He must rub once and beat twice, then rub twice and beat thrice.⁵ R. Jeremiah enquired, Is the [moving of the hand] to and fro counted as one [rubbing] or as two [rubblings]? — This is undecided.

THE RUBBING AND THE BEATING APPLY TO THE GRAINS OF WHEAT. R. JOSE SAYS, TO THE DOUGH. The question was asked: Does [R. Jose] mean to the dough and not to the grains of wheat; or does he mean to the dough too?—Come and hear, for it was taught: The rubbing and the beating apply to the grains of wheat. R. Jose says, The rubbing and the beating apply to the dough.⁶

ALL MEAL-OFFERINGS CONSIST OF TEN CAKES EACH, [EXCEPTING THE SHEWBREAD AND THE GRIDDLE-CAKES OF THE HIGH PRIEST], WHICH CONSIST OF TWELVE CAKES EACH. With regard to the Shewbread this is expressly stated.⁷ With regard to the griddle-cakes of the High Priest this is inferred by the occurrence of the word ‘statute’ both here and in connection with the Shewbread.⁸ But whence do we know that all other meal-offerings must

consist of ten cakes each? — By inference from the cakes of the thank-offering: as these consist of ten cakes,⁹ so [all meal-offerings] must consist of ten cakes. Perhaps the inference should be drawn from the Shewbread: as this consists of twelve cakes, so [all meal-offerings] must consist of twelve cakes! — It is more reasonable to draw the inference from the cakes of the thank-offering since they¹⁰ [like the cakes of the thank-offering] are the offerings of an individual, are freewill-offerings, require oil, are rendered invalid if left overnight, and may not be offered on the Sabbath or in uncleanness.¹¹ On the contrary, it is more reasonable to draw the inference from the Shewbread for they [like the Shewbread] are most holy, require frankincense, consist entirely of unleavened cakes, and are brought on their own account!¹² -Those¹³ are more in number.

But if we hold the view that what is derived by a *gezerah shawah*¹⁴ may be set up as a basis for further inference,¹⁵ should we not then draw the inference from the griddle-cakes of the High Priest; just as these consist of twelve cakes¹⁶ so [all meal-offerings] must consist of twelve cakes? — It is more reasonable to draw the inference from the cakes of the thank-offering for they¹⁷ [like the cakes of the thank-offering] are the offerings of ordinary persons, are freewill-offerings, are not offered by halves, are subject to the law of *piggul*, and may not be offered on the Sabbath or in uncleanness.¹⁸ On the contrary, it is more reasonable to draw the inference from the griddle-cakes of the High Priest for they [like the griddle-cakes of the High Priest] consist of one tenth, are hallowed by a vessel, are most holy, require frankincense, consist entirely of unleavened cakes, are brought on their own account, require bringing near, and are offered [in part] on the altar fire;¹⁹ moreover these²⁰ are more in number! — It is preferable to infer an offering of ordinary persons from an offering of ordinary persons.²¹

R. MEIR SAYS, THEY ALL CONSIST OF TWELVE CAKES EACH. If he holds the view that what is derived by a *gezerah shawah* may be set up as a basis for further inference, then he infers [other meal-offerings]²² from the griddle-cakes of the High Priest, for these²³ are more in number. And if he holds the view that what is derived by a *gezerah shawah* may not be set up as a basis for further inference, then he infers [other meal-offerings] from the Shewbread, for he prefers to infer the [most] holy from the [most] holy. EXCEPTING THE CAKES OF THE THANK-OFFERING AND OF THE NAZIRITE-OFFERING, WHICH CONSIST OF TEN CAKES EACH. With regard to the cakes of the thank-offering this is expressly stated;²⁴ and with regard to the cakes of the Nazirite-offering [this is so] because the Master has said, 'His peace-offerings'²⁵ includes the peace-offerings of the Nazirite.²⁶

R. Tobi b. Kisna said in the name of Samuel, If for the cakes of the thank-offering one baked only four cakes [instead of forty],²⁷ it is sufficient. But are not forty necessary? — That is only as a meritorius act. But *terumah* has to be taken therefrom?²⁸ And should you say that a piece is taken from each cake as *terumah*, but the Divine Law expressly says 'One',²⁹ [meaning] that he may not take what is broken!³⁰ - [The *terumah*] was taken therefrom during the kneading.³¹

An objection was raised: All meal-offerings which were made into too many or too few cakes are valid, excepting the Shewbread, the griddle-cakes of the High Priest, the cakes of the thank-offering and of the Nazirite-offering! — He

(1) The grains of wheat must be rubbed with the hand in order that the husk be the more easily removed.

(2) Beating down with the fist (others: with the foot) on the grains.

(3) I.e., in the preparation of the dough it was necessary to rub it three hundred times and beat it five hundred times.

(4) I.e., shall be made up and baked into ten cakes.

(5) This process must be repeated one hundred times, thus there will have been three hundred rubbings and five hundred beatings.

(6) And not to the wheat. A variant reading in R. Jose is: The rubbing applies to the grains of wheat and the beating to the dough. So Bah. V. Maim. Com. on Mishnah.

- (7) That there must be twelve cakes; v. Lev. XXIV,5.
- (8) V. *ibid.* 9 and VI, 15.
- (9) V. *infra* beginning of chap. VIII, p. 458.
- (10) Sc. all other meal-offerings.
- (11) Whereas the Shewbread is an obligatory offering of the community and therefore it overrides the laws of the Sabbath and of uncleanness, does not require oil, and is left on the table in the Temple the whole week.
- (12) Whereas the cakes of the thank-offering belong to the less holy offerings and are not brought as an offering by themselves but as accompanying the animal-offering. They do not have any frankincense, and some of the cakes are leavened.
- (13) The points of resemblance between the other meal-offerings and the cakes of the thank-offering.
- (14) V. Glos.
- (15) Heb. Binyan Ab ('creation of a class'), an inference by analogy from a case explicitly stated in the Bible for all similar cases not specified in detail.
- (16) This was arrived at by the *gezerah shawah* on the strength of the common expression 'statute' used of the Shewbread and of the griddle-cakes of the High Priest.
- (17) Sc. all other meal-offerings.
- (18) Whereas the griddle-cakes are the offering of the High Priest, brought as an obligation, and therefore override the Sabbath and uncleanness; they are offered half in the morning and half in the evening, and are not subject to the law of *piggul* (v. Glos.).
- (19) Whereas the cakes of the thank-offering consist of many tenths of flour, they are hallowed only by the slaughtering of the animal sacrifice on whose account these cakes are brought, they do not require frankincense, a proportion of them is leavened, they do not require to be brought near to the altar, and no part thereof is offered upon the altar fire.
- (20) Sc. the points of resemblance between the other meal-offerings and the griddle-cakes of the High Priest.
- (21) I.e., other meal-offerings from the cakes of the thank-offering, rather than from the High Priest's meal-offering.
- (22) That they shall consist of twelve cakes.
- (23) V. *supra* n. 5.
- (24) That these must consist of ten cakes of each kind; v. *infra* 77b.
- (25) Lev. VII, 13, stated with reference to the thank-offering.
- (26) Therefore like the thank-offering the cakes of the Nazirite-offering must consist of ten cakes; v. *infra* 78a.
- (27) He baked only one cake of each of the four kinds prescribed (unleavened cakes, wafers, soaked cakes, and leavened cakes) instead of ten of each kind.
- (28) From each set of ten cakes one cake was to be given to the priest as *terumah*.
- (29) Lev. VII, 14.
- (30) V. *infra* 77b.
- (31) During the kneading of each kind a portion was taken as *terumah* and baked into a whole cake.

Talmud - Mas. Menachoth 76b

is in agreement with the view of the following *Tanna*,¹ for it was taught: All meal-offerings which were made into too many or too few cakes are valid, excepting the Shewbread and the griddle-cakes of the High Priest. Others say, Excepting also the cakes of the thank-offering and of the Nazirite-offering.

R. Huna said, If for the meal-offering baked in the oven one baked only one cake,² it is sufficient. Why? Because the word 'unleavened' is written defectively [in Scripture].³ R. Papa demurred, is this so only because 'unleavened' is written defectively, but had 'unleavened' not been written defectively it would not be so? Behold with regard to the cakes of the thank-offering the word 'unleavened'⁴ is not written defectively, nevertheless R. Tobi b. Kisna said in the name of Samuel that if for the cakes of the thank-offering one baked only four cakes [instead of forty] it was sufficient! — That statement [of R. Tobi b. Kisna] is at variance with this.

MISHNAH. THE 'OMER CONSISTED OF ONE TENTH [OF AN EPHAH OF FLOUR]

TAKEN FROM THREE SE'AH⁵; THE TWO LOAVES CONSISTED OF TWO TENTHS TAKEN FROM THREE SE'AH⁵; AND THE SHEWBREAD CONSISTED OF TWENTY-FOUR TENTHS TAKEN FROM TWENTY-FOUR SE'AH⁵.

GEMARA. [THE 'OMER etc.] Why so?—Since it was of the new produce and of barley,⁶ a tenth of the finest flour could only be obtained out of three se'ahs.

THE TWO LOAVES CONSISTED OF TWO TENTHS TAKEN FROM THREE SE'AH⁵. Since it was of wheat, even though it was of the new produce, two tenths of the finest flour could be obtained out of three se'ahs.

THE SHEWBREAD CONSISTED OF TWENTY-FOUR TENTHS TAKEN FROM TWENTY-FOUR SE'AH⁵. Why so? — Since it was of wheat and of the old produce, one tenth of the finest flour could be obtained out of one se'ah.

Our Rabbis taught: In all meal-offerings if the number of tenths was increased or diminished,⁷ it is invalid; if the number of se'ahs⁸ was increased or diminished, it is valid.⁹ MISHNAH. THE 'OMER¹⁰ WAS SIFTED THROUGH THIRTEEN SIEVES, THE TWO LOAVES THROUGH TWELVE, AND THE SHEWBREAD THROUGH ELEVEN. R. SIMEON SAYS, THERE WAS NO PRESCRIBED NUMBER FOR THEM,¹¹ BUT THEY BROUGHT FINE FLOUR AND SIFTED IT AS MUCH AS WAS NECESSARY, AS IT IS SAID, AND THOU SHALT TAKE FINE FLOUR AND BAKE IT:¹² [IT MAY NOT BE BAKED] UNTIL IT IS SIFTED AS MUCH AS IS NECESSARY.¹³

GEMARA. Our Rabbis taught: [It was sifted] through a fine sieve and then a coarse one, and again through a fine sieve and then a coarse one.¹⁴ R. Simeon son of Eleazar says, There were thirteen sieves in the Temple, one on top of the other;¹⁵ the uppermost retained the bran and the nethermost retained the fine flour.

R. SIMEON SAYS, THERE WAS NO PRESCRIBED NUMBER FOR THEM. Our Rabbis taught: Fine flour and bake it:¹² this teaches that fine flour was to be taken.¹⁶ And how do we know that even grains of wheat may be brought?¹⁷ The text therefore states and thou shalt take', in any manner. I might think that this is so even in regard to all other meal-offerings;¹⁸ therefore the text states, 'It'. This is so here, having regard to sparing [expense]. What is meant by having regard to sparing'? — Said R. Eleazar, The Torah wished to spare Israel unnecessary expense.¹⁹ Where is this indicated? For it is written, And thou shalt give the congregation and their cattle drink.²⁰ CHAPTER VIII

MISHNAH. THE THANK-OFFERING REQUIRED FIVE SE'AH⁵ [OF FLOUR], JERUSALEM MEASURE, WHICH ARE SIX SE'AH⁵ WILDERNESS MEASURE;²¹ THIS BEING EQUIVALENT TO TWO EPHAHS (FOR AN EPHAH IS THREE SE'AH⁵) OR TO TWENTY TENTHS [OF AN EPHAH], TEN FOR THE LEAVENED CAKES AND TEN FOR THE UNLEAVENED.²²

(1) Samuel, in whose name R. Tobi b. Kisna reported the statement, accepts the view of the first Tanna in the following Baraitha.

(2) Instead of ten cakes.

(3) Lev. II, 4. The word **מצת**, being written defectively, i.e., without the waw, is interpreted as though it were in the singular.

(4) Lev. VII, 12. The word **מצות** is written plene and is obviously in the plural.

(5) In order to obtain one tenth of an ephah of the finest flour one whole ephah (three se'ahs equal one ephah) of barley was reaped, which was ground, sifted and resifted until reduced to a tenth. V. supra 63b.

- (6) For there is more offal and bran in fresh corn than in dry, and so too there is more refuse in barley than in wheat.
- (7) I.e., the prescribed number of tenths for the meal-offering which accompanied the animal offerings (three tenths for a bullock etc.) was increased or reduced (so Rashi MS. and Tosaf.). Another explanation is: the tenth measure was filled to overflowing, or it was not quite full.
- (8) Out of which the 'Omer, or the Two Loaves, or the Shewbread was taken.
- (9) For Scripture only prescribes the quantity of flour to be offered but not the quantity of grain out of which the measure of flour was to be obtained.
- (10) I.e., the flour for the 'Omer-offering.
- (11) Adopting the reading **לֹא הָיָה לָהֶן קִצְבָּה**, R. Simeon clearly refers to all that has been stated previously in this and in the preceding Mishnah; accordingly it was not essential to sift the flour in a prescribed number of sieves, or to take it out of a prescribed number of se'ahs, so long as fine flour was obtained (Bartinoro). In the separate editions of the Mishnah the reading is **לֹא הָיָה לָהּ קִצְבָּה**; accordingly R. Simeon refers only to the number of siftings prescribed for the Shewbread (Rashi MS.).
- (12) Lev. XXIV, 5.
- (13) But it is immaterial through how many sieves the flour had passed.
- (14) A coarse sieve (i.e., which has a netting of large meshes), when sifting the ground grain, lets through the flour and retains the bran, whilst a fine sieve retains the flour and lets through the fine dust only. Here the grain was sifted thirteen times, the first time in a fine sieve and the second time in a coarse one. The third time it was sifted again in the same fine sieve as before and the fourth time in the same coarse sieve as before; thus only two sieves were in use (R. Gershom and Rashi). According to Rashi MS. and Tosaf., thirteen sieves were used of various sizes, the last being the finest of all. On this interpretation the statement of R. Simeon son of R. Eleazar which follows merely elucidates the view of the first Tanna.
- (15) The sieve below being of finer texture and of smaller meshes than the one above it.
- (16) I.e., finely sifted flour was to be bought in the market for the purpose.
- (17) And ground and sifted in the Temple.
- (18) That they may buy wheat and grind it and sift it in the Temple. In this way much expense would be saved.
- (19) V. Sifra on Lev. XIV, 36. As the Shewbread was a regular weekly offering it was permitted to buy wheat and have it prepared in the Temple so as to save expense.
- (20) Num. XX, 8. The miracle of providing water for the Israelites in the wilderness was performed also out of consideration for the saving of the cattle. This last passage, 'Where is this indicated...' is omitted in all MSS.
- (21) The measures which were used by the Israelites in the wilderness were later on, after the settlement in the Land of Israel, enlarged, so that the measure which was originally equal to six se'ahs was later regarded as being equal to five. In other words, each se'ah was increased by one fifth, which in Rabbinic parlance is called 'a sixth from the outside'.
- (22) Forty cakes were required for the thank-offering, ten leavened and thirty unleavened. The latter consisted of three kinds, ten cakes of each kind.

Talmud - Mas. Menachoth 77a

‘TEN FOR THE LEAVENED CAKES’, ONE TENTH FOR EACH CAKE; ‘AND TEN FOR THE UNLEAVENED. OF UNLEAVENED CAKES THERE WERE THREE KINDS: CAKES, WAFERS, AND SOAKED CAKES,¹ THUS THERE WERE THREE AND A THIRD TENTHS OF FLOUR FOR EACH KIND, THREE CAKES TO EVERY TENTH. BY JERUSALEM MEASURE THEY WERE THIRTY KAB,² FIFTEEN FOR THE LEAVENED CAKES AND FIFTEEN FOR THE UNLEAVENED. ‘FIFTEEN FOR THE LEAVENED CAKES’, ONE KAB AND A HALF FOR EACH CAKE; ‘AND FIFTEEN FOR THE UNLEAVENED’. OF THE UNLEAVENED CAKES THERE WERE THREE KINDS: CAKES, WAFERS, AND SOAKED CAKES, THUS THERE WERE FIVE KAB FOR EACH KIND, TWO CAKES TO EVERY KAB.

GEMARA. THE THANK-OFFERING REQUIRED FIVE SE'AH³ [OF FLOUR]. JERUSALEM MEASURE etc. Whence do we know this?³ — R. Hisda said, From the verse, The ephah and the bath shall be of one measure;⁴ as the bath is three se'ahs so the ephah is three se'ahs. But whence do we know this of the bath? Shall we say, because it is written, That the bath may contain the tenth part of a homer?⁵ Then the same is said of the ephah too, And the ephah the tenth part of a homer!⁶ But [you will say that the latter verse proves nothing as] we do not know how much the homer is, then the same applies to the former verse, since we do not know how much the homer is! — Rather it is derived from the following verse: And the set portion of oil, of the bath of oil, shall be the tenth part of a bath out of the cor, which is ten baths, even a homer; for ten baths are a homer.⁷

Samuel said,⁸ They may not increase the measures⁹ by more than a sixth, neither the coins by more than a sixth, and the profits [on necessary foods] must not exceed a sixth.¹⁰ What is the reason [for his first statement]? If it be said that the market prices will rise [above due proportions on that account].¹¹ then [for the same reason] it should not [be permitted to increase] even by a sixth! And if it be said that it is so on the score of overreaching, so that the transaction be not annulled,¹² but surely Raba said, On account of any fraud in measure, weight or number, even though it is less than the standard of overreaching, one can retract.¹³ And if it be said [that the reason why no more than a sixth may be added to weights is] that the dealer may not incur any loss,¹⁴ [it will be retorted]. Is [then the whole purpose of the law that] he be guarded against loss? Is he not entitled to make any profit? ‘Buy and sell [at no profit] merely to be called a merchant!’ — Rather, said R. Hisda, Samuel found a Scriptural text and expounded it: And the shekel shall be twenty gerahs; twenty shekels, five and twenty shekels, ten and five shekels shall be your maneh.¹⁵ Was then the maneh two hundred and forty denars?¹⁶ But three things are to be inferred from this: it is to be inferred that the Temple maneh was doubled;¹⁷ it is to be inferred that they may increase the measures¹⁸ but that they may not increase them by more than a sixth; and it is to be inferred that the sixth is added ‘from the outside’.¹⁹ Rabina said, This²⁰ may be proved from our Mishnah which states: THE THANK-OFFERING REQUIRED FIVE SE'AH³ [OF FLOUR], JERUSALEM MEASURE, WHICH ARE SIX SE'AH³ WILDERNESS MEASURE.²¹ This obviously proves it.

(1) Cf. Lev. VII, 12.

(2) I.e., the five se'ahs were equivalent to thirty kabs, for six kabs equal one se'ah.

(3) That an ephah is three se'ahs.

(4) Ezek. XLV, 11.

(5) Ibid. The homer is thirty se'ahs.

(6) Ibid. Hence there is no need to infer the ephah from the bath.

(7) Ibid. 14. The cor was known to be thirty se'ahs, thus this verse informs us that the bath was a tenth part of the cor, i.e., three se'ahs; and the ephah and the bath were of one measure (ibid. 11).

(8) V. B.B. 90a.

(9) Even though all the townspeople have agreed to the change.

(10) Lit., ‘he who profits must not profit more than a sixth’.

(11) For merchants, learning of the increase in the weights and measures of this town, will immediately raise the prices of commodities, and taking advantage of this will raise them higher than what is warranted by the change in the measures.

(12) It is established that in any transaction if an error is made which is more than a sixth of the value of the goods the transaction is void; if it is exactly a sixth, the transaction stands but the amount of error must be returned; if less than a sixth the transaction is valid and there is no redress. V. B.M. 50b. Now if weights and measures may be increased by more than a sixth, then traders who were ignorant of the increase and who sell their goods in the present measures at the former prices would be defrauded by more than a sixth, with the effect that all their dealings would be declared void. In order to obviate this the increase in weights and measures was limited to a sixth.

(13) V. supra 69a and B.B. 90a. Since in such cases one can retract even when the error was less than one sixth, nothing is gained by limiting the increase to a sixth.

(14) A dealer is allowed to make a profit of one sixth on a transaction. By limiting the increase to a sixth a dealer who sells his goods ignorant of the increase will at most lose his profit but will not suffer any loss.

(15) Ezek. XLV, 12.

(16) The maneh according to Ezekiel was 20 + 25 + 15 shekels = 60 shekels = 240 denars (one shekel = 4 denars), whereas elsewhere throughout the Talmud it is established that the maneh was 25 shekels = 100 denars.

(17) I.e., consisting of 200 denars.

(18) And also the value of coins.

(19) So as to add a sixth 'from the outside' the original was divided into five parts, and another part of equal value, making a sixth one, was added to it. Thus the maneh consisted of 240 denars.

(20) That the sixth was added 'from the outside'.

(21) It is evident that the Jerusalem se'ah was made to equal one se'ah and a fifth of the wilderness se'ah, thus there was an increase of one fifth, which in Rabbinic parlance is 'one sixth from the outside'.

Talmud - Mas. Menachoth 77b

MISHNAH. FROM EACH KIND [THE PRIEST] TOOK ONE TENTH PART AS TERUMAH,¹ AS IT IS SAID, AND OF IT HE SHALL PRESENT ONE OUT OF EACH OFFERING AS TERUMAH UNTO THE LORD.² 'ONE': [MEANS] THAT HE MAY NOT TAKE WHAT IS BROKEN. 'OUT OF EACH OFFERING'-THAT EACH KIND OF OFFERING SHALL BE EQUAL,³ [AND] THAT HE MUST NOT TAKE [THE TERUMAH] FROM THE ONE KIND OF OFFERING INSTEAD OF FROM ANOTHER.⁴ IT SHALL BE THE PRIEST'S THAT SPRINKLETH THE BLOOD OF THE PEACE-OFFERINGS;² BUT THE REST WAS CONSUMED BY THE OWNER.

GEMARA. Our Rabbis taught: 'And of it he shall present': — of all of them joined together.⁵ One: — that he may not take what is broken. Out of each offering: — that each kind of offering shall be equal. [and] that he must not take [the terumah] from the one kind of offering instead of from another. 'As terumah unto the Lord': but I know not how much it [must be]. I can, however, infer it by the following argument: it is written here 'terumah', and it is written there in connection with the terumah of the tithe 'terumah';⁶ as there it is one part in ten, so here it is one part in ten. Or perhaps argue this way: it is written here 'terumah', and it is written there in connection with the first-fruits 'terumah';⁷ as there there is no fixed measure, so here there is no fixed measure. Let us then see to which of the two is this case most similar. We may infer the terumah which is not followed by any other offering from that terumah which is not followed by any other offering,⁸ but let not the firstfruits enter the argument since they are followed by other offerings.⁹ Or perhaps argue this way: we may infer the terumah which must be eaten in a holy place from that terumah which must also be eaten in a holy place,¹⁰ but let not the terumah of the tithe enter into the argument seeing that it may be eaten in any place. The text therefore stated here, Of it... as terumah unto the Lord,¹¹ and also there in connection with the terumah of the tithe, Of it as the terumah of the Lord,¹² for the purpose of gezerah shawah.¹³

We have thus learnt that the terumah must be one part in ten, but I know not of what measure shall the [leavened] cakes be. I can, however, infer it by the following argument: it is written here 'bread',¹⁴ and it is also written in connection with the Two Loaves 'bread';¹⁵ as there there was one tenth [of an ephah] for each loaf, so here there must be one tenth for each cake. Or perhaps argue thus: it is written here 'bread', and also there in connection with the Shewbread it is written 'bread';¹⁶ as there there were two tenths for each loaf, so here there must be two tenths for each cake. Let us then see to which of the two is this case most similar. We may infer a meal-offering which is leavened and offered with an animal-offering¹⁷ from another meal-offering which is leavened and is offered with an animal-offering,¹⁸ but let not the Shewbread enter into the argument seeing that it is neither leavened nor offered with an animal-offering. perhaps argue this way: we may infer a meal-offering¹⁹ which may be offered either of the produce of the Land [of Israel] or of that grown outside it, from the new or the old produce, from that meal-offering²⁰ which also may be offered either of the produce of the Land or of that grown outside it, from the new or the old produce; but let not the Two

offering of the produce and it was followed by the 'Great Terumah' and the various tithes. Loaves enter into the argument seeing that it must be offered of the new produce and of that grown in the Land. The text therefore stated, Ye shall bring out of your dwellings two wave-loaves.²¹ Now the text need not have stated 'Ye shall bring';²² why did it state 'Ye shall bring'? [To teach that] every other offering that you make of a similar kind²³ shall be like this; as in this case there was one tenth [for each loaf]. so [in the other case] there must be one tenth [for each cake]. Should we not [rather say]. as in this case there were two tenths in all, so here there shall be two tenths in all?²⁴ The text therefore stated, They shall be.²⁵

We have now learnt that ten [tenths] are required for the leavened [cakes], but whence do we know that ten [tenths] are required for the unleavened [cakes]? The text therefore stated, With cakes of leavened bread;²⁶ thus one must bring unleavened [cakes] in the same measure as the leavened [cakes] — It is thus established that there were twenty tenths for the cakes of the thank-offering, ten for the leavened [cakes] and ten for the unleavened. I might think that the ten [tenths] for the unleavened [cakes] were all of one kind [of cake]; the text therefore stated, If he offer it for a thanksgiving, then he shall offer with the sacrifice of thanksgiving unleavened cakes mingled with oil, and unleavened wafers anointed with oil, and cakes mingled with oil of fine flour soaked.²⁷ Thus there were three and a third tenths for each kind, three cakes to every tenth; and thus there were forty cakes for the thank-offering. Four [cakes] were taken and given to the priest, and the rest was consumed by the owner.

The Master said, 'And of it he shall present, of all of them joined together'. Consider then the verse, And all the fat thereof shall he take off from it;²⁸ how can one apply here the ruling 'of all joined together'?²⁹ — [One must accept] the ruling of R. Hisda in the name of Abimi. For R. Hisda said in the name of Abimi, The flesh may not be cut up before the sacrificial portions have been taken off.³⁰

The Master said, 'It is written here "terumah", and it is written there in connection with the terumah of the tithe "terumah".' Perhaps we should infer it from the terumah at Midian!³¹ — We may infer the terumah that is binding for all times from that terumah which is also binding for all times, and let not the terumah at Midian enter into the argument since it was not binding for all times. Perhaps we should infer it from the terumah stated in connection with the dough-offering!³² — A Tanna of the School of R. Ishmael taught: We may infer that matter in connection with which there is written, Of it... as terumah unto the Lord,³³ from that matter in connection with which there is also written, Of it as the terumah of the Lord;³⁴ hence the terumah of the dough-offering is excluded since there is not stated in connection therewith 'Of it as terumah unto the Lord'.

Raba raised this question: By [eating] the terumah of the cakes of the thank-offering does one incur the penalty of death [at the hands of heaven] or the liability of the added fifth or not?³⁵ Since it has been compared with the terumah of the tithe, then in this respect too it is like the terumah of the tithe; or perhaps the Divine Law has excluded [this terumah] by the expressions ‘therein’³⁶ and ‘the fifth part thereof’.³⁶ Does it render [other cakes into which it may fall] subject to the law of terumah³⁷ or not? — These questions remain undecided.

The Master said, The text therefore stated, ‘They shall be’. How is this³⁸ intimated in the text?

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- (1) תְּרוּמָה , here meaning a select portion, or gift.
- (2) Lev. VII, 14.
- (3) There must be an equal number of cakes, namely ten, of each kind.
- (4) The priest shall not take two cakes from one kind and none from another.
- (5) When the offering is about to be taken all the cakes must be together in one vessel.
- (6) Num. XVIII, 26. The Levites were to offer a tenth part of the tithe which they had received from the people to the priest.
- (7) Cf. Deut. XII, 17: ‘And the terumah of thy hand’, which expression, according to Rabbinic interpretation, refers to the first-fruits. There was no prescribed measure for the first-fruits, v. Pe’ah I, 1.
- (8) The terumah from the cakes of the thank-offering and the terumah of the tithe given by the Levites were both final offerings.
- (9) The offering of the first-fruits was the first
- (10) The terumah of the cakes of the thank-offering and the offering of first-fruits must be eaten within the walls of Jerusalem.
- (11) Lev. VII, 14.
- (12) Num. XVIII, 26.
- (13) V. Glos. As the offering from the tithe was one tenth so the terumah of the cakes must be one tenth.
- (14) Lev. VII, 13.
- (15) Ibid, XXIII, 17.
- (16) Ibid. XXIV, 7.
- (17) The cakes of the thank-offering are offered accompanying the animal-sacrifice and a part thereof is leavened.
- (18) The Two Loaves are leavened and are offered with the two lambs on the Feast of Weeks.
- (19) The cakes of the thank-offering.
- (20) The Shewbread.
- (21) Lev. XXIII, 17.
- (22) For in the preceding verse (16) Scripture has already stated, Ye shall present a new meal-offering.
- (23) I.e., when leavened cakes are offered; this includes the thank-offering.
- (24) I.e., two tenths for the ten leavened cakes.
- (25) Ibid. XXIII, 17. V. infra as to the derivation of the law from this expression.
- (26) Ibid. VII, 13. In addition to, and in the same measure as, the unleavened cakes mentioned in the preceding verse (12) there must be leavened cakes.
- (27) Ibid. 12.
- (28) Ibid. IV, 19.
- (29) For it is assumed that the flesh of the animal is already cut up before the fat is taken off. V., however, Tosaf. s.v. מֵאֵי
- (30) Thus when the fat is taken off the animal is ‘joined together’.
- (31) That portion of the spoil which was given to Eleazar the priest after the battle with the Midianites is described as ‘terumah’, and consisted of a five hundredth part. Cf. Num. XXXI, 28, 29.
- (32) Cf. Num. XV, 19. The portion to be given as dough-offering is, according to the Rabbis, one twenty-fourth.
- (33) Lev. VII, 14, with reference to the cakes of the thank-offering.
- (34) Num. XVIII, 26, with reference to the terumah of the tithe.
- (35) If a non-priest deliberately ate terumah of produce (either the great terumah or the terumah of the tithe) he would incur the penalty of death at the hands of Heaven, and if inadvertently he would be liable to make restitution and add a

fifth to the repayment. The question raised is whether these rules apply to the cakes given to the priest as terumah from the thank-offering or not.

(36) Lev. XXII, 9 and 14 respectively. These expressions are used specifically

(37) And the entire mixture is forbidden to non-priests like the terumah of produce.

(38) That ten tenths are required for leavened cakes of the thank-offering.

Talmud - Mas. Menachoth 78a

— R. Isaac b. Abdimi said, Because it is written, They shall be.¹ Perhaps it means ten kapizas!² — Raba answered, The verse speaks of tenths.

‘We have now learnt that ten [tenths] are required for the leavened [cakes], but whence do we know that ten [tenths] are required for the unleavened [cakes]? The text therefore stated, With cakes of leavened bread; thus one must bring unleavened [cakes] in the same measure as the leavened [cakes]’. But may that which has itself been inferred by a hekkesh³ become the basis for another inference to be made from it again by a hekkesh?⁴ -[The original rule was derived] from itself and [from] something else,⁵ and [any rule derived] from itself and [from] something

of the terumah of produce, and the suffix in each case excludes every other terumah. else is not regarded as a hekkesh.⁶ This is well according to him who does not regard this as a hekkesh, but what can be said according to him who regards this as a hekkesh?⁷ — The expression ‘ye shall bring’ is an amplifying text.⁸

MISHNAH. THE CONSECRATION [MEAL-OFFERING]⁹ CONSISTED OF [UNLEAVENED CAKES] LIKE THE UNLEAVENED CAKES OF THE THANK-OFFERING. NAMELY CAKES, WAFERS, AND SOAKED CAKES. THE NAZIRITE MEAL-OFFERING¹⁰ CONSISTED OF TWO THIRDS OF THE UNLEAVENED CAKES OF THE THANK-OFFERING. NAMELY CAKES AND WAFERS. BUT NOT SOAKED CAKES; THUS THERE WERE TEN KABS¹¹ BY JERUSALEM MEASURE. WHICH ARE SIX TENTHS AND SOMETHING OVER.¹²

GEMARA. Whence is it derived?¹³ — Said R. Hisda in the name of R. Hama b. Guria, It is written, And out of the basket of unleavened bread that was before the Lord, he took one unleavened cake, and one oil-cake, and one wafer.¹⁴ Now ‘cake’ means cake, and ‘wafer’ means wafer; but what is meant by ‘oil-cake’? Surely it means a cake soaked in oil. R. Awia demurred, perhaps it means a cake of oil!¹⁵ — Rather it is derived from the exposition of R. Nahman b. R. Hisda in the name of R. Tabla. [It is written,] This is the offering of Aaron and of his sons, which they shall offer unto the Lord in the day when he is anointed.¹⁶ What do we learn in regard to ‘his sons’ from the offering ‘when he is anointed’? It is that the offering at the initiation [of the ordinary priest] shall be like the offering at the anointing [of the High priest]; as at the anointing [of the High priest] there was an offering of soaked cakes,¹⁷ so at the initiation [of the ordinary priest] there was an offering of soaked cakes.¹⁸

R. Hisda said, When the High Priest is inaugurated into the service he requires two tenths of an ephah for offerings, one on account of his anointing¹⁹ and the other on account of his initiation.¹⁹ Mar son of R. Ashi²⁰ said, He requires three [tenths]. But they do not in fact differ, for the former refers to the case where he had already been serving in the Temple as an ordinary priest, and the latter to the case where he had not served in the Temple as an ordinary priest.²¹

THE NAZIRITE MEAL-OFFERING CONSISTED OF TWO THIRDS OF THE UNLEAVENED CAKES OF THE THANK-OFFERING. Our Rabbis taught: ‘His peace-offerings’²² includes the peace-offering of the Nazirite, that it requires ten kabs [of flour], Jerusalem measure, and one quarter log of oil.²³ I might think that [it includes the Nazirite-offering] in regard to all that is mentioned in

the passage,²⁴ the text therefore stated, Unleavened.²⁵ How is this implied? — R. Papa answered, [It²⁶ includes for the Nazirite-offering] only those kinds which are specified by the term ‘unleavened’, thus excluding the soaked cakes which are not specified by the term ‘unleavened’.²⁷ A Tanna of the School of R. Ishmael taught: ‘A basket of unleavened bread’²⁸ is a general statement, ‘cakes’ and ‘wafers’ are particular instances; we thus have a general statement followed by the enumeration of particular instances, in which case the scope of the general statement is limited to the particulars specified; thus only cakes and wafers, but nothing else.

(1) Heb. תהינה, written plene, with two ‘yods’. The ‘yod’ has the numerical value of ten, thus intimating in this verse ten tenths; and as this measure cannot possibly refer to the Two Loaves, for it is expressly stated in this verse that the Two Loaves consist of two tenths, it can only refer to the leavened cakes of the thank-offering, which were contemplated by the superfluous expression at the beginning of the verse ‘ye shall bring’, v. supra p. 463. V. Tosaf. s.v. **אמר** for a variant text and a further interpretation.

(2) A measure of capacity equal to half a kab.

(3) The rule that the ten leavened cakes of the thank-offering shall consist of ten tenths, a tenth for every cake, was established by a comparison (hekkesh, **היקש** v. Glos.) with the Two Loaves, intimated in the verse by the expression ‘ye shall bring’.

(4) Whereby it is sought to infer from the leavened cakes, by reason of the hekkesh implicit in vv. 12 and 13; that the unleavened cakes shall also consist of ten tenths. The rule is well established that in matters appertaining to sacrifice one may not draw an inference by a hekkesh from that which has itself been inferred by a hekkesh. V. Zeb. 49b.

(5) The original inference that the leavened cakes of the thank-offering shall consist of ten tenths, a tenth for every cake, was not entirely drawn from the case of the Two Loaves, inasmuch as the number of cakes, namely ten, is deemed to be expressly stated in connection with the leavened cakes of the thank-offering by virtue of the expression ‘they shall be’ (v. supra n. 3). Accordingly the leavened cakes supplied the rule that there must be ten cakes (i.e., derived ‘from itself’) and the Two Loaves supplied the rule that there must be a tenth for each cake (i.e., derived ‘from something else’); the result obtained is therefore not regarded as one obtained entirely by a hekkesh.

(6) Consequently from such a hekkesh other matters can be inferred.

(7) V. Zeb. 57a and Yoma 57a.

(8) This expression stated in connection with the Two Loaves is, as has been said supra p. 463, superfluous there, and has been interpreted as applying to the leavened cakes of the thank-offering; and as in this verse the measure of a tenth per cake is clearly intimated, it is established without a hekkesh that there must be ten tenths for the leavened cakes. Accordingly a further inference, namely in respect of the unleavened cakes, may be drawn from this.

(9) Offered at the consecration of Aaron and his sons in the priesthood, v. Lev. VIII, 26.

(10) Cf. Num. VI, 15.

(11) Which is two thirds of the fifteen kabs required for the unleavened cakes of the thank-offering.

(12) The kab was equivalent to two thirds of a tenth, accordingly ten kabs equalled six and two thirds tenths.

(13) That the consecration meal-offering consisted also of cakes soaked in oil.

(14) Lev. VIII, 26.

(15) I.e., a cake of congealed oil. The meaning and etymology of this word **אנתא** are both doubtful.

(16) Lev. VI, 13. This verse clearly points to some connection between the offering of ‘his sons’, i.e., the meal-offering brought by ordinary priests at their initiation into service, and that of Aaron ‘when he is anointed’ and which was offered daily by the High Priest.

(17) This is expressly stated, *ibid.* 14.

(18) And the consecration offering is identical with the initiation offering of the priests.

(19) As High Priest.

(20) In MS.M., Tosaf., and Sh. Mek.: Mar. b. Hiyya.

(21) In this case three offerings were necessary: one by reason of his initiation into the priestly service, the second by reason of his initiation into service as the High Priest, and the third by reason of his anointing as High Priest.

(22) Lev. VII, 15, stated in connection with the thank-offering.

(23) Since the Nazirite-offering consisted of two kinds of unleavened cakes only, it required the same quantity of flour used for these two kinds in the thank-offering, namely ten kabs, and the same quantity of oil used for these two kinds, namely one quarter log.

(24) That the Nazirite-offering should have also cakes soaked in oil.

(25) Num. VI, 15, in connection with the Nazirite-offering. This term implies the exclusion of soaked cakes.

(26) The expression 'his peace-offerings'.

(27) This term describes the cakes and the wafers prescribed for the thank-offering, Lev. VII, 12; accordingly the unleavened cakes spoken of in the Nazirite-offering signify these same cakes.

(28) Num. VI, 15.

Talmud - Mas. Menachoth 78b

MISHNAH. IF A MAN SLAUGHTERED THE THANK-OFFERING WITHIN [THE TEMPLE COURT] AND THE BREAD THEREOF WAS OUTSIDE THE WALL [AT THE TIME]. THE BREAD IS NOT HALLOWED. IF HE SLAUGHTERED IT BEFORE [THE LOAVES] HAD BECOME CRUSTED IN THE OVEN, OR EVEN IF ALL EXCEPT ONE HAD BECOME CRUSTED, THE BREAD IS NOT HALLOWED.

GEMARA. What does 'OUTSIDE THE WALL' mean? — R. Johanan says, Outside the wall of Beth Page;¹ but Resh Lakish says, Outside the wall of the Temple court. 'Resh Lakish says. Outside the wall of the Temple court', for we must interpret 'al in the sense of 'near to'.² 'R. Johanan says, Outside the wall of Beth page', but [if it was] outside the wall of the Temple court it would be hallowed, for we need not interpret 'al in the sense of 'near to'.

But have they not differed in this matter once already? For we have learnt:³ If a man slaughters the Passover-offering with leaven in his possession, he transgresses a negative command.⁴ R. Judah says. Also [if he so slaughters] the daily offering.⁵ Whereupon Resh Lakish said, He is never culpable unless the leaven belongs to him who slaughters or to him who sprinkles the blood or to any one of the members of the company,⁶ and it is also with him in the Temple court;⁷ but R. Johanan said, Even if it is not with him in the Temple court! — Both disputes are necessary. For if it were stated only there [in connection with the Passover-offering, I would say that] only there does R. Johanan [hold him culpable even though the leaven was not with him], for wherever it happens to be it is a prohibited matter,⁸ but as regards the hallowing of the bread I would say that he concurs with Resh Lakish, that if it is within the Temple court it is hallowed, but if outside it is not hallowed. And if it were stated only here I would say that only here does Resh Lakish [insist that the bread in order to be hallowed must be within the Temple court], but there I would say that he concurs with R. Johanan [that he is culpable even though the leaven is not with him]. Hence both disputes are necessary.

There has been taught [a Baraita] in accord with R. Johanan's view. If a man slaughtered the thank-offering within [the Temple court] and the bread thereof was outside the wall of Beth Page [at the time], the bread is not hallowed.

IF HE SLAUGHTERED IT BEFORE [THE LOAVES] HAD BECOME CRUSTED IN THE OVEN [...THE BREAD IS NOT HALLOWED]. Whence is this derived? — From the following which our Rabbis taught: With cakes of leavened bread he shall present:⁹ this teaches that the bread is hallowed only if [the loaves] had become crusted in the oven¹⁰ [before the slaughtering of the sacrifice]. 'He shall present his offering with the slaughtering':¹¹ this teaches that the bread is hallowed only by the slaughtering of the sacrifice.' The slaughtering of the thank-offering':¹¹ this teaches that if he slaughtered [the thank-offering] under the name of another offering, the bread is not hallowed.

Our Rabbis taught:¹² One fulfils one's obligation [on the Passover] with unleavened bread partially baked, and with unleavened bread prepared in a stewing pot. What is meant by 'unleavened bread partially baked'? — Rab Judah explained in the name of Samuel, It is [any unleavened bread

which] when broken has no threads dragging from it.

Raba said, And the same rule applies to the loaves of the thank-offering.¹³ Surely this is obvious, for here the expression 'bread' is used and there too the expression 'bread' is used!¹⁴ — You might think that since the Divine Law stated, One,¹⁵ intimating that he may not take what is broken, such¹⁶ is regarded as broken;¹⁷ he therefore teaches us [that it is not so].

It was stated:¹⁸ If the thank-offering was slaughtered accompanied by eighty loaves,¹⁹ Hezekiah ruled, Forty out of the eighty are hallowed;²⁰ and R. Johanan ruled, Not even forty out of the eighty are hallowed.²¹ Said R. Zera, All agree that if he declared, 'Let forty out of the eighty be hallowed', they are hallowed; like- wise If he declared, 'The forty shall not be hallowed unless all the eighty are hallowed', they are not hallowed; they differ only where no specific statement was made: one Master²² is of the opinion that his intention²³ was to ensure the prescribed number,²⁴ while the other Master²⁵ holds the view that his intention was to provide a large offering.²⁶

Abaye said,²⁷ They differ as to whether vessels of ministry hallow in the absence of the [owner's] intention;²⁸ one Master is of the opinion that vessels of ministry hallow even in the absence of the [owner's] intention,²⁹ while the other Master holds the view that vessels of ministry do not hallow in the absence of the [owner's] intention.³⁰

R.Papa said, All agree that vessels of ministry hallow in the absence of the [owner's] intention, but they differ only as to the knife; one Master³¹ is of the opinion that the knife hallows just as any vessel of ministry, while the other Master³² holds the view that it does not hallow like any other vessel of ministry, since it has no receptacle.

Others quote [R. Papa] in this form: R. Papa said, All agree that vessels of ministry only hallow with the [owner's] intention, but they differ as to the knife; one Master³¹ holds that the knife is more efficacious than any other vessel of ministry, seeing that it hallows even though it has no receptacle;³³ whilst the other Master³² holds that the knife is no more efficacious than any other vessel of ministry.

MISHNAH. IF HE SLAUGHTERED THE THANK-OFFERING [INTENDING TO EAT THEREOF] OUTSIDE ITS PROPER TIME³⁴ OR OUTSIDE ITS PROPER PLACE,³⁵ THE BREAD IS [NEVERTHELESS] HALLOWED.³⁶ IF HE SLAUGHTERED IT AND IT WAS FOUND TO BE TREFAH, THE BREAD IS NOT HALLOWED.³⁷ IF HE SLAUGHTERED IT AND IT WAS FOUND TO HAVE A BLEMISH, R. ELIEZER SAYS, THE BREAD IS [NEVERTHELESS] HALLOWED. BUT THE SAGES SAY, IT IS NOT HALLOWED. IF HE SLAUGHTERED IT UNDER ANOTHER NAME, AND SO, TOO, IF THE RAM OF THE CONSECRATION-OFFERING OR THE TWO LAMBS OFFERED AT PENTECOST WERE SLAUGHTERED UNDER ANOTHER NAME, THE BREAD IS NOT HALLOWED.

GEMARA. In accordance with whose view is the ruling in our Mishnah?-It is in accordance with the view of R. Meir; for it was taught: This is the general rule: If the disqualifying defect befell [the thank-offering] before the slaughtering, the bread is not hallowed; (if after the slaughtering, the bread is hallowed).³⁸ Thus if he slaughtered it [intending to eat thereof] outside its proper time or outside its proper place, the bread is hallowed; if he slaughtered it and it was found to be trefah, the bread is not hallowed.

(1) A fortified suburb of Jerusalem (Jast.). It formed the boundary of the city, hence 'outside the walls of Beth Page' is identical with outside Jerusalem. V. Neubauer, Geog. 147-149. Maim. in his Com. on this Mishnah gives the interesting reading **בית בגי**, explaining it as the place close to the Temple mount where the meal-offerings were prepared and baked. He thus connects this word with **בג**, Dan. I, 5, meaning food.

- (2) The expression **עֵל** 'al in the verse, With ('al) cakes of leavened bread he shall present his offering (Lev. VII, 13) implies that the cakes must be near the sacrifices, i.e., with it in the Temple court.
- (3) Pes. 63b.
- (4) The prohibition is: Thou shalt not slaughter the blood of My sacrifice' with ('al) leavened bread (Ex. XXIII, 18 and XXXIV, 25).
- (5) I.e., he slaughters the evening daily offering of the fourteenth of Nisan whilst having leaven in his possession. This is also prohibited, according to R. Judah, as being implied in the expression 'My sacrifice'. V. Prec. n.
- (6) Registered for this sacrifice.
- (7) Resh Lakish holding that the term 'al in the verse quoted (v. n. 3) must be taken in the sense of 'near to'.
- (8) Once the time for the removal of leaven has gone by.
- (9) Lev. VII, 13. The additional words 'his offering with the slaughtering' are deleted by Sh. Mek. as anticipating the next interpretation; they are omitted by Rashi.
- (10) For only then are the loaves regarded as **לחם** 'bread'.
- (11) Ibid.
- (12) Pes. 37a.
- (13) I.e., the loaves must already be baked as much as this in order to be hallowed by the slaughtering of the thank-offering.
- (14) Cf. Lev. VII, 13 and Deut. XVI, 3. And surely what is regarded as bread for the Passover is regarded as bread for the thank-offering.
- (15) Lev. VII, 14: And he shall present one out of each offering. V. supra p. 461.
- (16) I.e., what is partially baked.
- (17) Since it would fall to pieces when handled, and therefore is not regarded as sufficiently baked for the purposes of the thank-offering.
- (18) Supra. 48a, 'Er. 50a, Kid. 51a.
- (19) Instead of the prescribed forty.
- (20) All the eighty loaves, however, must be eaten in conditions of sanctity since is it not known which are the forty hallowed loaves.
- (21) And the offerer has not thereby fulfilled his obligation.
- (22) Hezekiah.
- (23) In bringing eighty loaves.
- (24) If for some reason it should happen that as many as forty loaves become unfit or are lost, the remaining loaves should replace them. At no time, however, was it ever intended that more than forty loaves should be offered with the thank-offering.
- (25) R. Johanan.
- (26) But this is not permissible, hence none of the loaves are hallowed.
- (27) The text is somewhat uncertain and the reading adopted is that of Rashi and Sh. Mek. and of many MSS. Cur edd. add at the beginning of Abaye's words: 'All agree that his intention was to provide a large offering'. Var. lec. to ensure the prescribed number'.
- (28) The knife used for slaughtering the thank-offering is the vessel of ministry that hallows the loaves; but in this case as there are more than the prescribed number of loaves and there is no specific statement by the owner as to his intention, the question is whether the knife automatically hallows forty out of the eighty loaves or not.
- (29) Hence forty loaves are hallowed; so Hezekiah.
- (30) This is the view of R. Johanan. If it is assumed for the argument. as it is indeed stated in some texts (v. supra n. 9), that all hold that the owner's intention was to provide a large offering, then the expression **שלא מדעת** should be rendered 'against the owner's intention' and not 'in the absence of the owner's intention'.
- (31) Hezekiah.
- (32) R. Johanan.
- (33) Accordingly it will also hallow even in the absence of the owner's intention.
- (34) In this case the offering is piggul ('rejected', 'abhorred'), and whosoever eats thereof incurs the penalty of kareth (v. Glos.).
- (35) In this case the offering is invalid, and whosoever eats thereof incurs stripes but not the penalty of kareth.
- (36) In accordance with the principle that if the offering first became invalid in the Temple at the time of the slaughtering

the bread is hallowed. V. Gemara, and Zeb. 84a.

(37) For this defect obviously befell it before the slaughtering, in fact, before it was brought in the Temple.

(38) This is omitted in all the MSS., and is not found in Tosef. Men. VIII, whence this Baraita is taken. The statement is in fact misleading for what it really means to imply is that if the disqualifying defect did not befall it before the slaughtering the bread is hallowed.

Talmud - Mas. Menachoth 79a

If he slaughtered it and it was found to have a blemish, R. Eliezer says, The bread is hallowed; but R. Joshua says, It is not hallowed. So R. Meir. R. Judah said, R. Eliezer and R. Joshua do not dispute the ruling¹ that [if at the slaughtering there was an intention of eating thereof] outside its proper time the bread is hallowed,² or that if it was found to have a blemish the bread is not hallowed.³ They differ only where [there was an intention of eating thereof] outside its proper place; in this case R. Eliezer says, The bread is hallowed; and R. Joshua says, It is not hallowed. R. Eliezer argued, Since [the intention to eat of the offering] outside the proper time is a disqualifying defect, and [the intention to eat thereof] outside the proper place is also a disqualifying defect: as in the former case the bread is nevertheless hallowed, so in the latter case, too, the bread is hallowed. R. Joshua argued, Since [the intention to eat of the offering] outside its proper place is a disqualifying defect, and a blemish in the animal is also a disqualifying defect: as in the latter case the bread is not hallowed, so in the former, too, it is not hallowed. R. Eliezer replied. I likened it to [the case where there was an intention to eat thereof] outside its proper time, but you likened it to the case of a blemish in the animal. Let us then see to which [of the two] is it more similar. If it is more similar to [the case where there was an intention to eat thereof] outside its proper time then we must infer it from this, and if it is more similar to the case of the blemish in the animal then we must infer it from this. And so R. Eliezer began to argue as follows: We may infer that which is a defect by reason of the intention from that which is also a defect by reason of the intention, but we may not infer that which is a defect by reason of the intention from that which is a defect by reason of a physical blemish. Thereupon R. Joshua began to argue as follows: We may infer a defect which does not involve the penalty of kareth from a defect which also does not involve the penalty of kareth,⁴ and let not [the intention to eat of the offering] outside its proper time enter into the argument since it is a defect which involves the penalty of kareth. Moreover, we should infer it from [the slaughtering of the offering] under another name,⁵ for this is a defect by reason of the intention and also does not involve the penalty of kareth. At this R. Eliezer was silent.⁶

Why is it, according to R. Meir's view, that where [the thank-offering] was slaughtered and was found to be trefah [the bread is not hallowed, for] the defect is regarded as having befallen it before the slaughtering, and that where it was slaughtered and was found to have a blemish [the bread is, according to the ruling of R. Eliezer, hallowed, for] the defect is not regarded as having befallen it before the slaughtering? — [It refers only to such blemishes as] a film over the eye.⁷ and it agrees with R. Akiba who said that [in such cases] if they were brought up [on the altar] they must not be taken down. And the other?⁸ — He will reply, It is only when [the blemish] affects the validity of [the animal] itself [as a sacrifice] that R. Akiba says that if they were brought up they must not be taken down, but he does not say so where it affects the hallowing of the bread.

It was stated: If a sin-offering was slaughtered [with the intention of performing a service or of eating thereof] outside its proper time and it was brought up [on the altar], it must not be taken down. If [it was slaughtered with the intention of performing a service or of eating thereof] outside its proper place and it was taken up, Rabbah⁹ said, It must be taken down; but Raba⁹ said, It must not be taken down. Rabbah evidently agrees with R. Joshua¹⁰ and Raba with R. Eliezer;¹¹ but Raba retracted in favour of Rabbah's view seeing that R. Eliezer retracted in favour of R. Joshua's view. There are some, however, who say that although R. Eliezer retracted in favour of R. Joshua's view Raba did not retract in favour of Rabbah's view; for there [R. Joshua] convinced [R. Eliezer] by his

argument: We should infer it from [the slaughtering of the offering] under another name; here, however, if we derive it from [the slaughtering of the offering] under another name, [we obtain the ruling that] if it was brought up it must not be taken down.¹²

IF HE SLAUGHTERED IT UNDER ANOTHER NAME, etc, R. Papa said, Our Tanna omits the ram of the Nazirite-offering which is frequent and deals with the ram of the Consecration-offering!¹³ And our Tanna? — He deals with the very first offering.¹⁴

MISHNAH. IF THE DRINK-OFFERINGS¹⁵ HAD ALREADY BEEN HALLOWED IN A VESSEL WHEN THE ANIMAL-OFFERING WAS FOUND TO BE INVALID, IF THERE IS ANOTHER ANIMAL-OFFERING,¹⁶ THEY MAY BE OFFERED WITH IT; BUT IF NOT, THEY ARE LEFT TO BECOME INVALID BY REMAINING OVERNIGHT.¹⁷

GEMARA. Ze'iri said, The drink-offerings are hallowed¹⁸ only by the slaughtering of the animal-offering. Why is this? Because the verse says, Animal-offerings and drink-offerings.¹⁹

We have learnt: IF THE DRINK-OFFERINGS HAD ALREADY BEEN HALLOWED IN A VESSEL WHEN THE ANIMAL-OFFERING WAS FOUND TO BE INVALID, IF THERE IS ANOTHER ANIMAL-OFFERING, THEY MAY BE OFFERED WITH IT; BUT IF NOT, THEY ARE LEFT TO BECOME INVALID BY REMAINING OVERNIGHT, Now presumably it became invalid in the act of slaughtering?²⁰ — No, it became invalid in the act of sprinkling.²¹ With whom [would this agree]?²² [Shall I say only] with Rabbi, who ruled that where there are two acts²³ which [jointly] render the offering permissible, one can promote [to sanctity] even without the other? — You may even say that it agrees with R. Eleazar son of R. Simeon,²⁴ for we are dealing here with the case where the blood had been received in a bowl and was spilt.

(1) Cur. edd. insert here: 'that if he slaughtered it and it was found to be trefah the bread is not hallowed'. It is not found in the MSS. or in Tosefta Men. VIII. It is deleted here by Sh. Mek.

(2) For this is a case of piggul, and with piggul it is essential that the remaining services be regarded as validly performed, otherwise the penalty of piggul would not be incurred. Accordingly the bread is undoubtedly hallowed by the slaughtering.

(3) For the disqualifying defect must have befallen it before it came into the Temple.

(4) The offering of an animal with a physical blemish does not involve the penalty of kareth.

(5) In which case it is expressly stated in our Mishnah that the bread is not hallowed.

(6) I.e., he recognized in this last statement a convincing argument, and eventually acquiesced in R. Joshua's view that where there was an intention expressed at the slaughtering of the offering of eating thereof outside its proper place the bread is not hallowed.

(7) Or, 'a cataract'. As this is but a minor defect, since it is not noticeable nor is it regarded as a defect in birds, it is accepted by the altar; consequently it is regarded as having befallen the offering in the Temple and the bread is therefore hallowed.

(8) So MS.M., Rashi MS. and Sh. Mek. The question is against R. Judah in his report of R. Eliezer's view, that where the animal is found after the slaughtering to have a blemish the bread is not hallowed. Why should not the bread be hallowed seeing that we are speaking of a minor blemish? In some texts the reading is 'And R. Judah?' and in others 'and R. Joshua?'

(9) So MS.M., Rashi MS. and Sh. Mek. Cur. edd. transpose 'Rabbah' and 'Raba' in the entire passage.

(10) Who in a similar case in connection with the thank-offering ruled that the bread was not hallowed, for he compared the slaughtering of an offering at which there was the intention of eating thereof outside its proper place with the offering of a blemished animal, and in the latter case even if it was brought up it must be taken down.

(11) Who considered the slaughtering at which there was the intention of eating thereof outside its proper place on the same footing as where there was the intention of eating thereof outside its proper time, and in the latter case all agree that if brought up it must not be taken down.

(12) For it is admitted by all that if a sin-offering was offered under another name and it was brought up upon the altar it

must not be taken down again. V. Zeb. 84a.

(13) Which was only offered at the consecration of the Tabernacle in the wilderness. This is most strange on the part of the Tanna.

(14) The consecration-offering was the first offering that was accompanied by a bread-offering. The law, however, applies also to the ram of the Nazirite-offering. Aliter: the Tanna only mentions offerings of the community but not individual offerings.

(15) These include the wine as well as the meal-offerings which accompanied certain animal-offerings; v. Num. XV, 4ff.

(16) Which was slaughtered on this day too, but which had not been provided with the drink-offerings.

(17) Since they have been hallowed in a vessel of ministry. A variant reading is: **וְאֵם לָנוּ יִפְסְלוּ בְלֵינָהּ**, 'if they remained overnight, they are, by being kept overnight, rendered invalid'.

(18) And therefore become invalid if kept overnight or if taken outside the Sanctuary (Rashi MS.). Tosaf and Rashi (in cur. edd.) explain 'hallowed' to mean that they may not now be used for another offering.

(19) Lev. XXIII, 37. The drink-offerings are thus dependent upon and are hallowed by the animal-offering.

(20) Nevertheless the drink-offerings are hallowed, for the Mishnah states that in the absence of another animal-offering they must be kept overnight to be rendered invalid. Now since in this case the slaughtering of the animal-offering was invalid it obviously could not have hallowed the drink-offerings, but they must have been hallowed before the slaughtering, thus contrary to Ze'iri.

(21) And the drink-offerings were hallowed by the slaughtering.

(22) Viz., the view expressed that the slaughtering alone hallows the drink-offerings.

(23) Here the slaughtering and the sprinkling.

(24) Who maintains that both acts are essential for the hallowing of the drink-offerings;

Talmud - Mas. Menachoth 79b

and R. Eleazar son of R. Simeon holds the same view as his father, who maintained that what was ready for sprinkling is regarded as sprinkled.¹

The Master stated: 'IF THERE IS ANOTHER ANIMAL-OFFERING, THEY MAY BE OFFERED WITH IT'. But has not R. Hisda ruled that oil which had been set apart for one meal-offering is invalid for another meal-offering? — R. Jannai answered, The Beth din make a mental stipulation about [the drink-offerings]² that if they are required, they are required [and utilized for that offering]; but if not, they shall be utilized for another offering. If so, this should apply to oil too! — Oil is part of the meal-offering.³ Should they not stipulate that they shall be non-holy?⁴ — [No,] for it is to be feared that people will say that one may take out what has already been in a vessel of ministry for secular use.⁵ But even now it is to be feared, is it not, that people might think that drink-offerings set apart for one offering may be used for another offering?⁵ — Behold Mattitiah b. Judah taught [that the ruling of our Mishnah applies only] where the other animal-offering⁶ had been slaughtered at the same time.⁷ Then what would be the law where the other animal-offering had not been slaughtered at the same time? They [the drink-offerings] would be left to become invalid by remaining overnight, would they not? Then instead of teaching the final clause, **BUT IF NOT, THEY ARE LEFT TO BECOME INVALID BY REMAINING OVERNIGHT**, [the Tanna] could have drawn a distinction in that [first clause] thus: That is so⁸ only where the other animal-offering had been slaughtered at the same time, but not where the other animal-offering had not been slaughtered at the same time! — That is just what [the Tanna] meant to say, That is so only where the other animal-offering had been slaughtered at the same time, but where the other animal-offering had not been slaughtered at the same time, [the drink-offerings] are invalid for they are regarded as though they had remained overnight.

But does R. Simeon⁹ hold that the mental stipulation of the Beth din is effective? Behold R. Idi b. Abin stated in the name of R. Amram who cited R. Isaac who cited R. Johanan, The daily offerings which are not required for the community¹⁰ are, according to R. Simeon, not redeemed unblemished;¹¹ but according to the Sages they are redeemed unblemished!¹² — In that case it is

different for there is the remedy of putting them to pasture.¹³

MISHNAH. THE YOUNG OF A THANK-OFFERING,¹⁴ ITS SUBSTITUTE,¹⁵ AND THE ANIMAL WHICH WAS SET APART IN THE PLACE OF THE THANK-OFFERING WHICH WAS SET APART AND WAS LOST,¹⁶ DO NOT REQUIRE THE BREAD-OFFERING; FOR IT IS WRITTEN, AND HE SHALL OFFER WITH THE SACRIFICE OF THANK-OFFERING;¹⁷ THE THANK-OFFERING REQUIRES THE BREAD-OFFERING, BUT ITS YOUNG, WHAT IS BROUGHT IN ITS PLACE, AND ITS SUBSTITUTE, DO NOT REQUIRE THE BREAD-OFFERING.

GEMARA. Our Rabbis taught: Why was It necessary for Scripture to say, He offers [it] for a thank-offering?¹⁸ Whence is it derived that if a man had set apart a beast for a thank-offering and it was lost and he set apart another in its place, and then the first was found so that now both beasts are standing before him — whence [it is asked] is it derived that he may offer whichever of them he pleases and with it the bread-offering? Because the text states, He offers... for a thank-offering.¹⁹ I might think that the other animal also requires the bread-offering; therefore the text says, He offers it,¹⁹ implying one only²⁰ but not two. Thus the text has qualified it after including it.²¹ Whence do I know that the young [of the thank-offering], what was brought in its place, and its substitute, are also included that they too must be offered [as thank-offerings]? Because the text states, If... for a thank-offering.²² I might think that they also require the bread-offerings; the text therefore says, Then he shall offer with the thank-offering; the thank-offering alone requires the bread-offering, but its young, what was brought in its place,²³ and its substitute, do not require the bread-offering.

R. Hanina sent the following ruling in the name of R. Johanan, This is so²⁴ only [if it is offered] after the atonement;²⁵ but if before the atonement, it also needs the bread-offering.²⁶ Now R. Amram pondered over this. To what [does the above ruling refer]? Shall I say to the case of the animal that was brought in the place of an obligatory thank-offering?²⁷ But we have already learnt it regarding the case [where it was offered] before the atonement, and also regarding the case [where it was offered] after the atonement!²⁸

(1) Accordingly the moment that the blood had been received in a bowl in readiness for the sprinkling the drink-offerings become hallowed.

(2) This relates, of course, only to communal offerings. By 'Beth din' is meant here the Temple authorities, the priests.

(3) For the oil is mingled with the flour and becomes one with the meal-offering; hence, even before mingling, the oil is so closely related to the meal-offering that if the latter is for some reason invalid the oil cannot be used for any other offering.

(4) I.e., in the event of the drink-offerings not being utilized for the animal-offering they shall be permitted for secular use. Wherefore does our Mishnah state: BUT IF NOT, THEY ARE LEFT TO BECOME INVALID?

(5) For people will not be aware of the mental reservation of the Beth din.

(6) For which these drink-offerings are to be used.

(7) In this case people would assume that the drink-offerings had originally been intended for the other animal-offering.

(8) That the drink-offerings may be used for another animal-offering.

(9) For it had been said supra that our Mishnah was in agreement with R. Eleazar son of R. Simeon who adopted his father's view.

(10) There were always six lambs which had been examined and found free from blemish in readiness for the daily offerings, for although only two were required daily six were made ready in case of an emergency. Consequently on the last day of every year, i.e., on the twenty-ninth day of Adar, there were always four lambs left which were not required for the community. They could not be used as offerings, for from the first of Nisan lambs from the new stock only would be used. V. supra 49b.

(11) But they must be allowed to pasture until they become blemished when they may be redeemed. The fact that R. Simeon must resort to this measure indicates clearly that he holds that the mental stipulation of the Beth din with regard to the lambs, namely those that are not required shall be non-holy, is of no effect.

- (12) For the mental stipulation of the Beth din is effective. V. Shebu. 11b.
- (13) Until they become blemished when they can be redeemed. Only in such a case does R. Simeon hold that the mental stipulation of the Beth din is of no effect, but not in the case where there is no other remedy, as with the drink-offerings.
- (14) A man consecrated a pregnant beast as a thank-offering and it later brought forth its young. The young must be offered as the same sacrifice as the mother-beast; v. Tem. III, 2.
- (15) In which case both the consecrated beast and the substitute are holy. cf. Lev. XXVII, 10; and the latter must be offered as the same sacrifice as the former; v. Tem. 1.c.
- (16) And which was eventually found. It is immaterial which beast was offered, the other must also be offered as a thank-offering.
- (17) Lev. VII, 12.
- (18) Ibid. The expression 'he offers it' is entirely superfluous in the construction of this verse.
- (19) Lev. VII, 12.
- (20) I.e., only one of these two thank-offerings, either the original animal or what was brought in its place, requires the bread-offering.
- (21) What was brought in place of the thank-offering is here included that it too must be offered as a thank-offering. but it is qualified in that it does not require a bread-offering.
- (22) Ibid. The expression **וְיָ**, translated 'for', really signifies 'with', 'in addition to'. I.e., others are also offered as thank-offerings in addition to the original animal.
- (23) This item is redundant here, since it has already been established by virtue of the expression 'he shall offer it' that what was brought in the place of the thank-offering is exempt from the bread-offering.
- (24) That the bread-offering is not required.
- (25) I.e., the young or the substitute or what was brought in the place of the thank-offering is being offered now as a thank-offering after the original animal had been sacrificed and atonement effected thereby.
- (26) So that if both animals are present, whichever is offered, whether the original thank-offering or its young or its substitute, needs the bread-offering.
- (27) E.g., if one vowed a thank-offering by using the expression 'I take upon myself to offer a thank-offering'. In this case if the animal set apart for the offering was lost another must be brought in its place.
- (28) In the foregoing Baraitha it is expressly taught that if the original thank-offering has not been sacrificed but both it and the substitute are present, whichever is offered requires the bread-offering; and if the one had already been sacrificed the other, it has also been taught, is exempt from the bread-offering. And this Baraitha deals with an obligatory thank-offering, for were it only a freewill thank-offering it would not be necessary to replace it if it were lost.

Talmud - Mas. Menachoth 80a

Shall I then say [it refers] to the case of what was brought in the place of a freewill thank-offering? But surely whether [it is offered] before the atonement¹ or after the atonement it certainly requires the bread-offering, for it is an additional thank-offering!² Shall I then say [it refers] to the case of the young of a freewill thank-offering? But surely whether [it is offered] before the atonement or after the atonement it certainly does not require the bread-offering, for it is the surplus of the thank-offering?³ — I must say [it refers] to the case of the young of an obligatory thank-offering; thus if [the young is offered] before the atonement it requires the bread-offering, but if after the atonement it does not require the bread-offering. What does he teach us? — That R. Johanan is of the opinion that a man may obtain atonement with the increase of consecrated things.⁴

Abaye also pondered over it in like manner.⁵

It has also been [expressly] stated: R. Isaac b. Joseph said in the name of R. Johanan, The animal that was brought in the place of a freewill thank-offering, whether [it is offered] before or after the atonement, requires the bread-offering, for it is an additional thank-offering. The young of a freewill thank-offering, whether [it is offered] before or after the atonement, does not require the bread-offering, for it is only the surplus of the thank-offering. The young of an obligatory thank-offering and what was brought in the place of an obligatory thank-offering,⁶ if offered before

the atonement, require the bread-offering; but if after the atonement, do not require the bread-offering.

Samuel said, Whatever in the case of a sin-offering must be left to die⁷ in the case of a thank-offering does not require the bread-offering.⁸ and whatever in the case of a sin-offering must be left to pasture⁹ in the case of a thank-offering requires the bread-offering.

R. Amram raised the following objection: [It was taught]:¹⁰ Why was it necessary for the text to say. 'He offers [it] for a thank-offering'? Whence is it derived that if a man set apart a beast for a thank-offering and it was lost and he set apart another in its place, and then the first was found so that now both beasts stand before him — whence [it is asked] is it derived that he may offer whichever of them he pleases and with it the bread-offering? Because the text states, 'He offers . . . for a thank-offering'. I might think that the other animal also requires the bread-offering; therefore the text states, 'He offers it', implying one only but not two. Now a sin-offering in such a case would certainly be left to pasture;¹¹ for we have learnt: If a man set apart an animal as his sin-offering and it was lost, and he set apart another in its stead, and then the first was found so that now both stand [before us]. one must be used for his atonement while the other must be left to die. So Rabbi. But the Sages say. No sin-offering may be left to die save only that which is found after its owner had obtained atonement [by another offering].¹² It follows, however, that [if it is found] before its owner had [otherwise] obtained atonement it must be left to pasture! — Samuel agrees with Rabbi who maintains that the animal which was lost at the time that a second was set apart must be left to die.¹³ Then in what circumstances does it ever arise that the animal, according to Rabbi, must be left to pasture?¹⁴ -In the case stated by R. Oshaia. For R. Oshaia said, If a man set apart two sin-offerings as security.¹⁵ he obtains atonement by whichever animal he pleases [to offer], while the second must be left to pasture.¹⁶ But surely a thank-offering in such a case would not require the bread-offering!¹⁷ — Rather Samuel agrees with R. Simeon who maintains that the five sin-offerings must be left to die.¹⁸ But R. Simeon holds that under no circumstances [is a sin-offering] to be left to pasture!¹⁹ — Samuel too stated one rule [only]: Whatever in the case of a sin-offering must be left to die in the case of a thank-offering does not require the bread-offering. Then what does he teach us?²⁰ — [His purpose is] to reject R. Johanan's view; for [R. Johanan] ruled that a man may obtain atonement from the increase of consecrated things;²¹ and [Samuel] teaches us that it is not so.

Rabbah²² said, [Where a man said,] 'This [animal] shall be a thank-offering and these its loaves'. if the loaves were lost he may bring other loaves [for this thank-offering]; but if the thank-offering was lost he may not bring another thank-offering [for these loaves]. What is the reason? — The loaves are appurtenant to the thank-offering but the thank-offering is not appurtenant to the loaves.

Raba said, If a man set apart money [to purchase an animal] for a thank-offering

(1) Sc. before the sacrifice of the original thank-offering.

(2) Lit., 'he is offering many thank-offerings'. Since the original is a freewill thank-offering there is no obligation to replace it if lost, accordingly what is brought in replacement is in fact another thank-offering, and as such certainly requires the bread-offering.

(3) Any accretion to the original thank-offering is accounted as surplus and, like the surplus of money that was assigned for the purchase of a thank-offering, does not require the bread-offering.

(4) And as the young may be used for the atonement it is deemed to be a thank-offering just as the mother-beast and therefore requires the bread-offering.

(5) And arrived at the same conclusion as R. Amram.

(6) So MSM. and other MSS., and Sh. Mek. The words 'and what was brought in the place of an obligatory thank-offering' are omitted in cur. edd., evidently wrongfully since the verb 'require' is governed by a plural subject.

(7) This is the ruling in the following five cases: (i) The young of a sin-offering; (ii) the substitute of a sin-offering; (iii) a sin-offering whose owner died; (iv) a sin-offering which was lost and its owner had obtained atonement with another;

- and (v) a sin-offering more than a year old. The animal in these cases was locked up and starved to death.
- (8) Thus the young of the thank-offering (or any of the other cases enumerated in the prec. n., with the exception of (v), for a thank-offering may be more than a year old) is offered as a thank-offering but does not require the bread-offering.
- (9) Until it becomes blemished and is then redeemed. For the circumstance v. Gemara.
- (10) V. supra p. 479 and notes.
- (11) According to the view of the Sages infra. Nevertheless it is stated that in the case of a thank-offering no bread-offering is required, thus in conflict with the second part of Samuel's rule.
- (12) Tem. 22b, Pes. 97a.
- (13) Even though it was found again before the second animal was offered it must none the less be left to die, for it had been rejected as a sin-offering. Likewise a thank-offering in such circumstances would not require the bread-offering, thus in accordance with Samuel's rule.
- (14) For Samuel ruled that whatever in the case of a sin-offering must be left to pasture etc.
- (15) In case one is lost the other should be available for use.
- (16) This is admitted by Rabbi, for only where the animal had been rejected as a sin-offering, on being lost, does Rabbi rule that it must be left to die, but not where both animals were from the outset available for the offering.
- (17) For one merely stands to replace the other, and we have learnt that what was brought in the place of a thank-offering does not require the bread-offering. Accordingly Samuel's rule does not hold good.
- (18) V. supra p. 482, n. 2. The fourth case would, according to R. Simeon, include the case where two sin-offerings were brought as security, so that the animal which had not been used must be left to die. A thank-offering in such a case would certainly not require the bread-offering, thus in conformity with Samuel's rule.
- (19) How then can Samuel say, 'Whatever in the case of a sin-offering must be left to pasture'?
- (20) For all the cases implied in Samuel's rule have been expressly taught that they do not require the bread-offering.
- (21) Hence, according to R. Johanan, the young of a thank-offering, if offered before atonement has been made by the mother-beast, would require the bread-offering.
- (22) So Rashi and Sh. Mek., and so also in the parallel passage in Pes. 13b. In cur. edd. 'R. Abba'. According to Sh. Mek. the two statements which follow are also by Rabbah.

Talmud - Mas. Menachoth 80b

and some was left over, he may bring with it the loaves. If [he set money apart] for the loaves of a thank-offering and some was left over, he may not bring with it the thank-offering. What is the reason? Shall I say it is R. Kahana's teaching? For R. Kahana said, Whence is it known that the loaves of the thank-offering are referred to as 'the thank-offering'? From the verse, And he shall offer with the thank-offering unleavened cakes.¹ If so, the reverse should also be true, should it not?² -[No,] the loaves are referred to as 'the thank-offering' but the thank-offering is never referred to as 'the loaves'.

Raba also said, If a man set apart [an animal for] his thank-offering and it was lost, and he set apart another in its stead and that too was lost, and he then set apart a third in its stead, and then the first [animals] were found so that now all three animals stand before us. — if he obtained atonement by the first animal, the second does not require the bread-offering³ but the third does;⁴ if he obtained atonement by the third, the second does not require the bread-offering but the first does;⁵ if by the second, the other two do not require the bread-offering.⁶ Abaye said, Even though he obtained atonement by any one of them the other two do not require the bread-offering. because each was replaced by the other.⁷

R. Zera said, And so it is, too, with regard to the sin-offering. Thus if a man set apart [an animal for] his sin-offering and it was lost, and he set apart a second animal in its stead and that too was lost, and then he set apart a third in its stead, and then the first [animals] were found so that now all three animals stand before us, — if he obtained atonement by the first animal, the second must be left to die⁸ and the third must be left to pasture;⁹ if he obtained atonement by the third animal, the second must be left to die and the first must be left to pasture; if he obtained atonement by the

second animal, the other two animals must be left to die. Abaye said, Even though he obtained atonement by any one of them the other two animals must be left to die, because each was replaced by the other.

What is the point of saying ‘And so it is too?’ [Is it not obvious?] — You might think that it applies only there [in the case of the thank-offering] for one might say that he is offering additional thank-offerings,¹⁰ but not here [in the case of the sin-offering] for one cannot say that he is offering additional sin-offerings;¹¹ we are therefore taught [that so it is too with the sin-offering].

R. Hiyya taught: If a thank-offering was confused with its substitute and one of them died, there is no remedy for the other.¹² For what is he [the owner] to do? Should he offer the bread-offering with it? perhaps it is the substitute.¹³ Should he not offer the bread-offering with it? Perhaps it is the original thank-offering. But if he had said, ‘Behold I take upon myself [to offer a thank-offering]’. he cannot do otherwise than bring it .¹⁴ then let him bring another animal and the bread-offering [of a thank-offering] with it and declare, ‘If the surviving [animal] is the substitute, then let this be a thank-offering and this its bread-offering; and if the surviving [animal] is the [original] thank-offering, then let this be the bread-offering for it and this [animal] be as security’!¹⁵ — It must be that he had said, ‘Let this be [a thank-offering]’.¹⁶

(Mnemonic: The arguers, Martha, ‘Ulla, Shisha, Ashi, Damharia. — Hul[lin], SH[elamim], Surplus, Substitute, Outside, Hezekiah, Set apart a sin-offering. Security.)¹⁷ The arguers¹⁸ before Rabbi raised this question. Let him bring the bread-offering and declare, ‘If the surviving [animal] is the [original] thank-offering, let this be its bread-offering; but if not, let this be unconsecrated [bread]’! — He replied, May one bring unconsecrated food into the Sanctuary?¹⁹

Then let him bring another animal and the bread-offering and declare, ‘If the surviving [animal] is the substitute, let this [animal] be a thank-offering and this its bread-offering; and if the surviving [animal] is the [original] thank-offering, let this be the bread-offering for it and this [animal] be a peace-offering!’ — He replied. [This is no remedy] for then the time allowed for the eating of peace-offerings would be curtailed.²⁰

Levi²¹ suggested this to Rabbi, Let him bring another animal and the bread-offering and declare, ‘If the surviving [animal] is the substitute, let this [animal] be a thank-offering and this its bread-offering; and if the surviving [animal] is the [original] thank-offering. then let this be the bread-offering for it and this [animal] be the surplus of the thank-offering!’²² — He replied. It seems to me that this man has no brains in his skull.

(1) Lev. VII, 12.

(2) That the surplus of money assigned for the loaves should be used for the thank-offering.

(3) For the second animal which was brought to replace the first (which eventually was offered as a thank-offering) is regarded as the surplus of the thank-offering and therefore does not require the bread-offering.

(4) The third was brought to replace the second, but as the second was not offered the third cannot be regarded as the surplus of the thank-offering, but rather as an additional thank-offering which requires the bread-offering.

(5) The third animal (which was offered) replaced the second, hence the latter is now the surplus of the thank-offering; the first animal, however, was not at any time replaced directly by the third.

(6) For both the first and the third are directly connected with the second, and are now the surplus of that which was actually offered.

(7) So that even the third, which only indirectly replaced the first, is also exempt from the bread-offering.

(8) For the owner of this sin-offering has obtained atonement by another animal, accordingly this animal which is the surplus of the sin-offering must be left to die.

(9) For it is not directly connected with the first animal.

(10) Since a man may offer as many thank-offerings as he pleases and at any time.

- (11) A sin-offering cannot be brought at any time as a freewill-offering; accordingly even in the first case where the atonement was made by the first animal the third animal should also be left to die.
- (12) I.e., it must be left to die.
- (13) And the bread-offering was not to be brought with the substitute. V. Mishnah, supra p 479.
- (14) Lit., 'there is no way of not bringing it'. By using this expression there is a personal obligation upon this man to bring the promised offering.
- (15) And where an animal is brought together with the thank-offering as security against its loss it does not require the bread-offering.
- (16) The use of this expression does not involve a personal obligation; hence it cannot be said that another animal is brought as security.
- (17) It will be observed that from here until the next Mishnah eight suggestions are put forward which are introduced by different scholars. The mnemonic therefore consists of two parts; first the names of the various scholars and secondly a list of the subjects of the arguments. The text, however, is in a bad state; v. Sh. Mek. and Rabbinowicz D.S. a. l. n. 6. 'The arguers' (that is, Levi, v. next n.) put the first three questions 'Damharia' is not the name of a person but of the place where R. Dimi lived (v. p. 490. n. 2). **חלש** is an abbreviation of **חולשין** and **שלמים**, meaning unconsecrated animals and peace-offerings respectively.
- (18) Sc. Levi. When taking part in discussions in the College Levi was known by this appellation; v. San. 17b. When he discussed a matter privately with Rabbi he was simply spoken of as Levi (Rashi MS.).
- (19) Certainly not. Hence the remedy suggested is unsatisfactory.
- (20) As this additional animal is in a state of doubt whether it is a thank-offering or a peace-offering, its flesh would only be eaten the same day until midnight like a thank-offering, and what is left over would be burnt; yet if it were a peace-offering it would not have to be burnt then, since it may be eaten during two days and one night.
- (21) V. supra p. 486, n. 8; v. however Tosaf s.v. **אמר**.
- (22) Which is offered without the bread-offering.

Talmud - Mas. Menachoth 81a

May one at the very outset set apart [an animal] to be the surplus [of an offering]?¹

R. Isaac b. Samuel b. Martha was sitting in the presence of R. Nahman, and while sitting there he said, Let him bring another animal and the bread-offering and declare, 'If the surviving [animal] is the substitute, let this animal be a thank-offering and this its bread-offering; and if the surviving [animal] is the [original] thank-offering, let this be the bread-offering for it and this [animal] be the substitute [of the thank-offering]'! — He replied. Tell me, Sir; forty stripes on his shoulders, and [yet you] permit him [to do so]!²

R. 'Ulla was once ill, and Abaye and the other Rabbis came to visit him. While sitting there they said, If [the law] is in accordance with R. Johanan who ruled that [the bread] is hallowed even though it was outside the wall of the Sanctuary,³ then let him bring the bread-offering and put it down outside the wall of the Sanctuary and let him declare, 'If the surviving [animal] is the [original] thank-offering, then here is its bread-offering; and if not, let it be treated as unconsecrated [bread]'! — [This is no remedy] for there are four cakes which must be waved,⁴ and what should one do? Should he [the priest] wave them outside [the Sanctuary]? But it is written Before the Lord.⁵ Should he wave them inside? He is then bringing unconsecrated food into the Sanctuary. It is thus impossible to do so.

R. Shisha son of R. Idi demurred saying, If [the law] is in accordance with Hezekiah who ruled that forty out of the eighty cakes are hallowed,⁶ let him bring another animal and with it eighty cakes and let him declare, 'If the surviving [animal] is the [original] thank-offering, let this [animal] also be a thank-offering and here are eighty cakes for both [thank-offerings]; and if the surviving [animal] is the substitute, then let this [animal] be a thank-offering and this the bread-offering for it, and let forty out of the eighty cakes be hallowed!⁷ — [This is no remedy] for there would then be a

curtailment of the eating of the forty cakes.⁸

R. Ashi said to R. Kahana, If [the law] is in accordance with R. Johanan who ruled⁹ that where a man set apart a pregnant beast as a sin-offering and it then gave birth, his atonement may be made, if he so desires, with the mother-beast itself or, if he prefers. with her young, let him bring here a pregnant beast and wait until it gives birth and let him also bring eighty cakes and declare, 'If the surviving [animal] is the substitute, let it [the mother-beast] and its young be thank-offerings, and here are the eighty cakes for both of them; and if the surviving [animal] is the [original] thank-offering, let it [the mother-beast] also be a thank-offering, and here are eighty cakes for both, and this [the young] shall be the surplus of the thank-offering'¹⁰ — He replied, Who can tell us [for certain] that the reason for R. Johanan's ruling¹¹ is that he is of the opinion that if a man were to reserve it [the young] it is accounted a reservation?¹² Perhaps [he holds] it is not accounted a reservation,¹³ and this is the reason for R. Johanan's ruling, namely that he is of the opinion that a man may obtain atonement with the increase of consecrated things.¹⁴

Rabina once happened to be in Damharia¹⁵ and R. Dimi son of R. Huna of Damharia suggested the following to Rabina, Let him bring [another] animal and say. 'Behold I take upon myself [to offer a thank-offering]' ,¹⁶ and let him also bring a [third] animal and with it eighty cakes and declare, 'If the surviving [animal] is the substitute, let these two animals be thank-offerings and here are eighty cakes for both; and if the surviving [animal] is the thank-offering, then let that animal in respect of which I said, "I take upon myself [to offer a thank-offering]" also be a thank-offering, and here are the eighty cakes for those two [thank-offerings], and let the third animal be as security!' — He replied. The Torah says, Better it is that thou shouldst not vow, than that thou shouldst vow and not pay,¹⁷ and you say that he should proceed to vow in the first instance?

MISHNAH. IF A MAN SAID. 'BEHOLD I TAKE UPON MYSELF [TO BRING] A THANK-OFFERING', HE MUST BRING BOTH IT AND ITS BREAD FROM WHAT IS UNCONSECRATED.¹⁸

(1) Surely not.

(2) To designate an animal as a substitute for a consecrated one is a transgression of Lev. XXVII, 10 and involves the penalty of stripes. Surely then it would not be suggested as a remedy in our case to make this substitution in the first instance!

(3) At the time of the slaughtering of the thank-offering. V. supra 78b.

(4) This was the priest's portion from the bread-offering, one cake from each sort, which had to be waved together with the breast and thigh of the thank-offering.

(5) Lev. VII, 30. Although this is stated of the peace-offering it applies also to the thank-offering.

(6) Where a man brought eighty cakes with his thank-offering, Hezekiah maintained that forty of them are hallowed, the other forty being regarded as having been brought as security only. V. supra 78b.

(7) The cakes should be left outside the Sanctuary and only eight be brought within; so R. Gershom and Rashi. According to Rashi MS. the whole of the eighty cakes are to be brought into the Sanctuary, and there can be no objection to this on the ground that unconsecrated food is being brought into the Sanctuary for the additional forty cakes are deemed a security for the others and are of service to the hallowed cakes.

(8) According to another reading: of the four cakes. It is obviously necessary to give the priest eight cakes for there may be here two thank-offerings; but the priest, thinking that he is not entitled to more than four of them, for there may be here only one thank-offering, would only eat four and leave four; the owners, on the other hand, would not eat the remaining four cakes, and they would therefore be destroyed unnecessarily. Another interpretation: Clearly eight cakes are given to the priests, but it is possible that only four of them are holy; now if it happens that the priests are unable to consume all the eight cakes that same day. it may be that the remaining cakes, which have to be burnt, are the hallowed cakes, so that by giving the priests non-hallowed cakes to eat it may result in bringing hallowed cakes to destruction.

(9) Yeb. 78a, Tem. 25a.

(10) For which no bread-offering is required. The objection, stated supra, 'May one at the outset set apart an animal to be

the surplus of an offering?’ cannot be raised here, for at the time that the animal was set apart the surplus. i.e., the young, was not yet brought into the world.

(11) That the atonement may be effected either by the mother-beast or by the young.

(12) The young of an animal that was consecrated pregnant can be reserved and appointed by the owner for any purpose or offering, for it is not considered as one entity with the mother-beast; consequently in the case of the sin-offering either animal may be offered for the atonement; likewise in a thank-offering, each animal when offered requires the bread-offering.

(13) Accordingly the young may not be used for any offering but it is one with the mother-beast, and when the latter is offered as a thank-offering the young becomes the surplus thereof and does not require the bread-offering.

(14) R. Johanan only ruled that either animal may be used for atonement, but after atonement has been effected with one animal, be it the mother-beast or the young. the other animal is regarded as the surplus thereof, and as such does not require the bread-offering when offered as a thank-offering.

(15) A town in the neighbourhood of Sura.

(16) By using this expression he assumes a personal obligation to bring the offering and must replace it by another if it died or was lost; thus it is usual in such a case to bring another animal with it as security.

(17) Eccl. V, 4. From this verse it is established that the best course is not to vow at all (cf. Hul. 2a). and indeed it is reprehensible to do so (cf. infra 109b). for a vow, i.e., when the expression ‘I take upon myself’ is used, may become most difficult of fulfilment, and so bring about sin.

(18) For everything that is obligatory must be brought from what is unconsecrated; v. infra 82a.

Talmud - Mas. Menachoth 81b

[IF HE SAID.] ‘THE THANK-OFFERING FROM WHAT IS UNCONSECRATED AND ITS BREAD FROM [SECOND] TITHE [MONEY]’. HE MUST BRING BOTH IT AND ITS BREAD FROM WHAT IS UNCONSECRATED.¹ [IF HE SAID,] ‘THE THANK-OFFERING FROM SECOND TITHE AND ITS BREAD FROM WHAT IS UNCONSECRATED’, HE SHALL BRING IT SO. [IF HE SAID,] ‘BOTH THE THANK-OFFERING AND ITS BREAD FROM SECOND TITHE’, HE SHALL BRING IT SO; BUT HE MAY NOT BRING IT FROM SECOND TITHE WHEAT BUT ONLY FROM SECOND TITHE MONEY.²

GEMARA. R. Huna said, If a man said, ‘Behold I take upon myself [to bring] the bread of a thank-offering’, he must bring a thank-offering and its bread. For what reason? Since this man knows full well that bread alone cannot be offered he obviously meant a thank-offering together with its bread, and when he said, ‘The bread of a thank-offering’ he merely stated the final words [of the vow].³

We have learnt: [IF HE SAID,] ‘THE THANK-OFFERING FROM SECOND TITHE AND ITS BREAD FROM WHAT IS UNCONSECRATED’, HE SHALL BRING IT SO. Now why is this so? Surely since he said, ‘Its bread from what is unconsecrated’, he ought to bring both it [the thank-offering] and its bread from what is unconsecrated!⁴ — There it is quite different, for since he had already said, ‘The thank-offering from Second Tithe’, [when he next said, ‘Bread from what is unconsecrated’] it is to be taken as though he had said, ‘Behold I take upon myself to bring the bread for So-and-so's thank-offering’.⁵ If that is so, then in the first clause too which reads, [IF HE SAID,] ‘THE THANK-OFFERING FROM WHAT IS UNCONSECRATED AND ITS BREAD FROM SECOND TITHE MONEY, HE MUST BRING BOTH IT AND ITS BREAD FROM WHAT IS UNCONSECRATED, it should also be taken as though he had said, ‘Behold I take upon myself to bring the thank-offering⁶ for So-and-so's bread’.⁷ — How can you compare [the two]? Bread might very well be brought for another's thank-offering; but is a thank-offering ever brought for another's bread?⁸

Come and hear: If a man said, ‘Behold I take upon myself to offer a thank-offering without the bread’, or ‘an animal-offering without the drink-offerings’, they compel him to bring the

thank-offering with the bread or the animal-offering with the drink-offerings. Now this is so only where he said, 'a thank-offering', but where he did not say 'a thank-offering',⁹ he would not '[have to bring anything at all!]¹⁰ — [No.] it is just the same even though he did not say 'a thank-offering',¹¹ but since the Tanna wished to state the case of an animal-offering without the drink-offerings, when he could not have stated [the reverse, viz..] drink-offerings without an animal-offering,¹² he also stated the case of the thank-offering.¹³

Why is it so?¹⁴ Surely this is a vow that carries with it its annulment!¹⁵ — The authority for this [view of our Mishnah], said Hezekiah, is Beth Shammai who maintain that one must always regard the first words [of a man's statement as binding].¹⁶ For we have learnt:¹⁷ If a man said, 'I will be a Nazirite [and abstain] from dried figs and pressed figs',¹⁸ Beth Shammai say. He becomes a Nazirite;¹⁹ but Beth Hillel say, He does not become a Nazirite.²⁰ R. Johanan said, You may even say that this is in accordance with Beth Hillel, [only we must suppose that the man] said, 'Had I but known that one cannot vow in this manner²¹ I should not have vowed in this manner but in that'.²² What [then means], 'They compel him'?²³ -That is if he wishes to change his mind now.

Come and hear: If a man said, 'I take upon myself to bring a thank-offering without bread', or 'an animal-offering without the drink-offerings', and when they said to him, 'You must bring a thank-offering with the bread' or 'an animal-offering with the drink-offerings'. he replied, 'Had I but known this I would not have vowed at all', they compel him none the less and say to him, 'Observe and hear'.²⁴ Now this is well according to Hezekiah,²⁵ but it surely presents a difficulty to R. Johanan!²⁶ — R. Johanan will reply, That [Baraitha] undoubtedly represents Beth Shammai's view.

What is meant by 'Observe and hear'?-Abaye said, 'Observe': bring the thank-offering, 'and hear:' bring its bread-offering. Raba said. 'Observe': bring the thank-offering with its bread-offering. 'and hear': be not in the habit of doing so.

[IF HE SAID.] 'BOTH THE THANK-OFFERING AND ITS BREAD FROM SECOND TITHE'. HE SHALL BRING IT SO. 'HE SHALL BRING IT SO!' Is he then bound to bring it so?²⁷ — R. Nahman and R. Hisda explained, If he wishes he brings it [as he vowed]. and if not he need not bring it [as he vowed].²⁸

BUT HE MAY NOT BRING IT FROM SECOND TITHE WHEAT BUT ONLY FROM SECOND TITHE MONEY. R. Nahman and R. Hisda both said, They taught this only of Second Tithe wheat,²⁹ but he may bring it from wheat bought with Second Tithe money.³⁰

R. Jeremiah was sitting before R. Zera and recited as follows: They taught this only of Second Tithe wheat, but he may bring it from wheat bought with Second Tithe money. [R. Zera] said to him, Master, you say so; but I say that even from wheat bought with Second Tithe money he may not bring it.³¹ And I will state my reason and I will state your reason. I will state your reason: Whence do you know this³² of the thank-offering? From peace-offerings.³³

(1) For the bread is subsidiary to the thank-offering, and since he vowed to bring the thank-offering from what is unconsecrated that included the bread too, and his subsequent words are of no consequence.

(2) I.e., money which had been used for redeeming Second Tithe produce.

(3) But his intention was to offer a thank-offering too.

(4) For when he said 'Bread from what is unconsecrated', let it be taken as the final words of an unexpressed intention, so that he must bring both the thank-offering and the bread from what is unconsecrated. His opening words 'the thank-offering from Second Tithe' would be of no consequence. V., however, Tosaf s.v. **יִשְׁמַח**.

(5) Lit. 'to exempt So-and-so's thank-offering (from the bread-offering).' This vow is binding, and he must bring the bread from what is unconsecrated, whether that other's thank-offering was of Second Tithe or of what was unconsecrated. So too in the case of our Mishnah, this man meant to offer bread from what was unconsecrated to exempt

his own thank-offering brought from Second Tithe from this obligation.

(6) Viz., the animal.

(7) Accordingly in our Mishnah he should be permitted to bring the thank-offering from what is unconsecrated and the bread from Second Tithe, as he had actually vowed.

(8) Of course not, for the bread is subsidiary to the thank-offering.

(9) But offered to bring the bread alone.

(10) Thus in conflict with R. Huna.

(11) I.e., by offering the bread of a thank-offering he is compelled to bring a thank-offering too.

(12) Since one may certainly offer drink-offerings without an animal-offering, cf. *infra* 107a.

(13) But even where he did not say 'a thank-offering' but only the bread-offering he is compelled to bring a thank-offering also, in accord with R. Huna.

(14) That where a man vowed to bring a thank-offering without the bread he must nevertheless bring the bread as well.

(15) Lit., 'a vow and with it its opening'. This man's intention apparently was to bring the thank-offering alone, but realizing immediately that his promise of a thank-offering would also entail the bread-offering he immediately decided to annul his vow by adding the words 'without bread'.

(16) Where a statement is made consisting of two parts, one inconsistent with the other, we recognize the first expression only and the other is to be disregarded. Here, therefore, as soon as the man said 'I take upon myself to bring a thank-offering', that constituted a binding vow, and his subsequent words 'without the bread' cannot nullify the effect of his opening words.

(17) Nazir 9a.

(18) This is nonsense for a Nazirite must abstain only from wine and grapes but not from figs.

(19) In the ordinary sense and must abstain from wine and grapes. Beth Shammai maintain that he is bound by his first expression 'I will be a Nazirite' and his subsequent words are disregarded.

(20) For this is a vow which carries with it its annulment. He purposely added the words 'from dried figs. etc.' in order to annul his vow of becoming a Nazirite.

(21) I.e., a thank-offering without the bread.

(22) A thank-offering with bread.

(23) Seeing that he has expressly indicated his intention that he meant to bring a thank-offering with bread.

(24) Deut. XII, 28.

(25) For like the previous Baraitha this Baraitha also adopts the view of Beth Shammai.

(26) This Baraitha surely cannot be reconciled with Beth Hillel's view; for since his vow is clearly annulled by his subsequent statement why should he be compelled to offer it?

(27) Lit., 'is there no way of not bringing it (as he vowed)'. Surely if he brings what is unconsecrated it is all the better!

(28) But may bring it from what is unconsecrated.

(29) Sc. the original Second Tithe produce.

(30) Even though the wheat had been bought in Jerusalem with Second Tithe money for ordinary purposes and not for the bread of a thank-offering.

(31) Except where the wheat was bought with Second Tithe money for the express purpose of the thank-offering, in which case our Mishnah clearly teaches that he may bring it from that.

(32) That it may be brought from Second Tithe money.

(33) Since we find the thank-offering referred to as peace-offerings. cf. Lev. VII, 13.

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And in respect of peace-offerings [this is derived] from the expression 'there' stated [in connection with peace-offerings]¹ and also in connection with the Second Tithe.² Then it follows, as peace-offerings are not brought from actual Second Tithe produce.³ so the [bread of the] thank-offering may not be brought from actual Second Tithe produce; and wheat bought with Second Tithe money is not actual Second Tithe produce.⁴ And I will state my reason: Whence do I know this of the thank-offering? From peace-offerings. And in respect of peace-offerings [this is derived] from the expression 'there' stated [in connection with peace-offerings] and also in connection with the Second Tithe. Then it follows, as peace-offerings are not of the same kind as Second Tithe, so the

[bread of the] thank-offering may not be from that which is the same kind as Second Tithe;⁵ thus excluding wheat bought from Second Tithe money⁶ which is the same kind as Second Tithe.

R. Ammi said, If a man designated⁷ Second Tithe money for a peace-offering, the peace-offering has not appropriated it.⁸ Why? Because the sanctity of the peace-offering is not so potent that it can be imposed upon the sanctity of Second Tithe.

An objection was raised: If a man bought⁹ a wild animal for a peace-offering or cattle for use as ordinary food,¹⁰ the hide does not become unhallowed.¹¹ Does not this prove that the peace-offering has appropriated it?¹² — Surely it has been stated in connection with this that Rab said, The peace-offering has not appropriated it; and what is meant by ‘the hide does not become unhallowed’? It means this:—[The wild animal] does not come within the category [of peace-offerings] for its hide to become unhallowed.¹³ And why is it so? — Rabbah answered. It is as if he bought¹⁴ an ox for ploughing.¹⁵

It was stated: If a man designated Second Tithe money for a peace-offering, R. Johanan said, [The peace-offering] has appropriated it; R. Eleazar said, It has not appropriated it. According to R. Judah¹⁶ who maintains that the [Second] Tithe is secular property they both agree that the peace-offering has appropriated it;¹⁷ they differ only according to R. Meir¹⁶ who maintains that the [Second] Tithe is sacred property. He who said that it has not appropriated it is in accord with R. Meir;¹⁸ but he who said that it has appropriated it is of the opinion that since Second Tithe is usually offered¹⁹ as peace-offerings, if a man designates [Second Tithe money for a peace-offering] the designation is binding.

An objection was raised: If a man designated Second Tithe money for a peace-offering, when he redeems it²⁰ he must add two fifths, one in respect of things consecrated and one in respect of Second Tithe!²¹ — Do you think that this teaching is the opinion of all? It is only the opinion of R. Judah.²²

MISHNAH. WHENCE [IS IT DERIVED] THAT IF A MAN SAYS, ‘I TAKE UPON MYSELF [TO OFFER] A THANK-OFFERING’, HE MAY BRING IT ONLY FROM WHAT IS UNCONSECRATED? BECAUSE IT IS WRITTEN, AND THOU SHALT SACRIFICE THE PASSOVER-OFFERING UNTO THE LORD THY GOD OF THE FLOCK AND THE HERD.²³ BUT IS NOT THE PASSOVER-OFFERING BROUGHT ONLY FROM THE LAMBS AND FROM THE GOATS? WHY THEN IS IT WRITTEN, OF THE FLOCK AND THE HERD? IT IS TO COMPARE WHATSOEVER IS BROUGHT FROM THE FLOCK AND THE HERD²⁴ WITH THE PASSOVER-OFFERING: AS THE PASSOVER-OFFERING IS OBLIGATORY AND OFFERED ONLY FROM WHAT IS UNCONSECRATED,²⁵ SO EVERYTHING THAT IS OBLIGATORY²⁶ MAY BE OFFERED ONLY FROM WHAT IS UNCONSECRATED. THEREFORE IF A MAN SAYS, ‘I TAKE UPON MYSELF [TO OFFER] A THANK-OFFERING’, OR ‘I TAKE UPON MYSELF [TO OFFER] A PEACE-OFFERING’, SINCE THESE ARE OBLIGATORY THEY MAY BE OFFERED ONLY FROM WHAT IS UNCONSECRATED. THE DRINK-OFFERINGS IN EVERY CASE²⁷ MAY BE OFFERED ONLY FROM WHAT IS UNCONSECRATED.²⁸ GEMARA. And whence do we know it²⁹ for the Passover-offering itself? — It was taught:³⁰ R. Eliezer said: A Passover-offering was ordained to be brought in Egypt and a Passover-offering was ordained for later generations; as the Passover-offering that was ordained in Egypt could be brought only from what was unconsecrated,³¹ so the Passover-offering that was ordained for later generations may be brought only from what is unconsecrated. Said to him R. Akiba, Is it right to infer the possible from the impossible?³² The other replied, Although it was impossible [otherwise]. it is nevertheless a striking argument and we may make an inference from it. Then R. Akiba put forward the following argument [in refutation]: This²⁹ was so of the Passover-offering ordained in Egypt since it did not require the sprinkling of

blood and the offering of the sacrificial portions upon the altar;³³

- (1) Deut. XXVII, 7. And thou shalt sacrifice peace-offerings and shalt eat there.
- (2) Deut. XIV, 26: And thou shalt eat there. Thus by analogy it is established that peace-offerings may be brought from Second Tithe.
- (3) For Second Tithe is taken from corn only, and so cannot actually be used for peace-offerings. What is meant is, of course, that the money obtained from redeeming Second Tithe produce may be used for buying animals for peace-offerings.
- (4) Since the original Second Tithe wheat had already been redeemed with money.
- (5) So that any Second Tithe wheat, even that which was bought with Second Tithe money, may not be used for the thank-offering. But he may buy with Second Tithe money wheat expressly for the thank-offering. V. p. 494. n. 5.
- (6) For Second Tithe purposes but not for the thank-offering.
- (7) Lit., 'attached'.
- (8) But he may use the money for another purpose.
- (9) With Second Tithe money in Jerusalem.
- (10) Neither purchase is proper, for wild animals may not be offered as peace-offerings, and cattle bought with Second Tithe money should be offered as peace-offerings only and not be slaughtered for a secular meal.
- (11) It is assumed that this means that the hide of the wild beast must be sold and with the money a peace-offering must be offered. Similarly the hide of the cattle must be sold and the money received must be treated as Second Tithe money.
- (12) I.e., the sanctity of the peace-offering rests upon the hide so that it must be sold and the money received must be spent on peace-offerings.
- (13) In the usual way when cattle is bought with Second Tithe money and is offered as a peace-offering the hide becomes absolutely unhallowed and has neither the sanctity of the peace-offering nor the sanctity of Second Tithe. And likewise, if the sanctity of peace-offerings could apply to wild animals the hide thereof would also become absolutely unhallowed. Since, however, this is not the case, for the wild animal does not come within the category of peace-offerings, the hide does not become unhallowed, but it must be sold and the money received must be treated as Second Tithe money (Rashi MS. and Tosaf.).
- (14) With Second Tithe money in Jerusalem.
- (15) In which case the ox must be sold and the money received treated in the sanctity of Second Tithe.
- (16) V. Kid. 24a, 52b.
- (17) For the sanctity of the peace-offering immediately rests upon the secular property.
- (18) For he holds that the sanctity of the peace-offering cannot rest upon sacred property.
- (19) So MSS. reading קרב. Cur. edd. read קרי, 'is referred to'.
- (20) When a man redeems things consecrated or Second Tithe produce or Second Tithe money for other coinage he must add to the redemption money one fifth part of its value. For the former v. Lev. XXVII, 13, 15 and for the latter v. ibid. 31.
- (21) It is thus quite evident that the sanctity of the peace-offering rests upon the Second Tithe money that was merely designated for a peace-offering, contrary therefore to R. Eleazar.
- (22) Who regards the Second Tithe as secular property and therefore the sanctity of the peace-offering can rest upon it.
- (23) Deut. XVI, 2.
- (24) Sc. peace-offerings and thank-offerings.
- (25) V. Gemara.
- (26) I.e., in every case where the expression 'I take upon myself' was used, for this imposes a personal obligation for the fulfilment of the vow.
- (27) Whether the expression 'I take upon myself' was used or not, and whether it was expressly stated that the drink-offerings be brought from Second Tithe or not.
- (28) For the drink-offerings are wholly offered up, and whatsoever is wholly offered up may not be brought from Second Tithe (Tosaf.).
- (29) That it is to be brought only from what is unconsecrated.
- (30) Yeb. 46a.
- (31) For at that time the law of the Second Tithe had not been promulgated, and even later when this law was given it was not to come into force until the Israelites entered the Holy Land.
- (32) The Passover-offering in Egypt could not possibly have been brought from Second Tithe (v. prec. n.) whereas that

of future generations could.

(33) Since there was no altar in existence at that time.

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will you say the same of the Passover-offering of later generations which requires the sprinkling of the blood and the offering of the sacrificial portions upon the altar?¹ The other replied. Behold it is written, And thou shalt keep this service in this month,² [signifying] that all the services of this month should be like this.³

[Now let us consider the view of] R. Akiba. If he holds that it is not proper to infer the possible from the impossible, then let him stand by that argument [in refutation];⁴ and if he retracted it, and the only reason why he did not derive the law from the Passover-offering in Egypt was that refutation [which he raised], but surely [that can be countered by] the Passover-offering brought in the wilderness which proves [the reverse]!⁵ — He [R. Akiba] was arguing with R. Eliezer from his own standpoint. As for me, I hold that it is not proper to infer the possible from the impossible; but even from your point of view, that one may infer the possible from the impossible, there is surely this refutation: This was so of the Passover-offering in Egypt since it did not require the sprinkling of blood and the offering of the sacrificial parts upon the altar; will you say the same of the Passover-offering of later generations which requires the sprinkling of blood and the offering of the sacrificial portions upon the altar? To this, however, R. Eliezer replied. It is written, ‘And thou shalt keep’.

But should not R. Eliezer have replied that the Passover-offering brought in the wilderness proves the reverse?⁶ — He [R. Eliezer] was arguing with R. Akiba from his own standpoint. As for me, I hold that it is quite proper to infer the possible from the impossible; and as for that refutation of yours, it can be countered by the Passover-offering brought in the wilderness which proves the reverse; but even from your point of view, that it is not proper to infer the possible from the impossible, [I reply that there is written.] ‘And thou shalt keep’.

But even now let him raise this objection.⁷ — R. Shesheth answered, This proves that no objections can be entertained against a hekkesh.⁸ In the School garden⁹ it was asked, May that which has itself been inferred by a hekkesh become the basis for another inference to be made from it again by a hekkesh?¹⁰ — It is derived from the class, for all the Passover-offerings from one class.¹¹

And whence does R. Akiba derive the law that the Passover-offering may be brought only from what is unconsecrated? — He derives it from the following teaching of Samuel in the name of R. Eliezer:¹² It is written, This is the law of the burnt-offering, of the meal-offering, and of the sin-offering, and of the guilt-offering, and of the consecration-offering, and of the sacrifice of peace-offerings.¹³ ‘Burnt-offering’: as the burnt-offering requires a vessel, so all the other offerings require a vessel. (What [vessel] is it that is meant? Shall I say a basin?¹⁴ But with regard to the peace-offerings of the congregation it is also written, And put it in basins!¹⁵ — Rather it means a knife.¹⁶ And how do we know this of the burnt-offering itself? Because it is written, And Abraham stretched forth his hand, and took the knife to slay his son.¹⁷ And there it was a burnt-offering, as it is written, And offered him up for a burnt-offering in the stead of his son.)¹⁸ ‘Meal-offering’: as the meal-offering may be eaten only by the males of the priesthood, so all the other offerings may be eaten only by the males of the priesthood. (What [other offerings] are meant? It cannot be the sin-offering and the guilt-offering.

(1) Like peace-offerings; and as peace-offerings may be brought from Second Tithe, so it should also be with the Passover-offering.

(2) Ex. XIII, 5.

- (3) I.e., the Passover-offering of future generations offered in this month shall be like this one in that it be brought only from what is unconsecrated.
- (4) Why then did he put forward another argument in refutation?
- (5) For it required the sprinkling of blood and offering of the sacrificial portions upon the altar — for an altar had already been set up — nevertheless it was brought only from what was unconsecrated since as yet the law of Second Tithe had not come into force.
- (6) Why did he find it necessary to adduce this verse ‘And thou shalt keep’?
- (7) Even against the inference drawn from the verse ‘And thou shalt keep’ R. Akiba can put forward the objection that it is not right to infer the possible from the impossible.
- (8) V. Glos. The inference drawn from this verse is by hekkesh or analogy.
- (9) The garden where scholars of the academy used to congregate for general discussions, v. Kaplan, *The Redaction of the Talmud*, pp. 240ff. V. however Tosaf. s.v. **וּבִתְרֵי צֵא** . Cf. the expression ‘**תְּרֵי צֵא**’ in Rashi Yoma 62b, s.v. **וּמוֹסְפִין** , and Zeb. 104a, s.v. **וְהַעוֹר** .
- (10) For it is desired in our Mishnah to conclude by a hekkesh from the Passoverofferings of later generations that all obligatory offerings shall be brought only from what is unconsecrated; but this law with regard to Passover-offerings of later generations is itself inferred by a hekkesh from the Passover-offering in Egypt, and it is an established rule that in matters appertaining to sacrifice one may not draw an inference by a hekkesh from that which has itself been inferred by a hekkesh. V. Zeb. 49b.
- (11) The Tanna of our Mishnah derives the law that the thank-offering must be brought only from what is unconsecrated by hekkesh from Passover-offerings in general, which include also the Passover-offering in Egypt.
- (12) Zeb. 97b.
- (13) Lev. VII, 37.
- (14) For receiving the blood therein. This is expressly stated in connection with the burnt-offering, as it is written (Ex. XXIV, 5,6): And he sent the young men of the children of Israel who offered burnt-offerings . . . And Moses took half the blood and put it in basins.
- (15) Ibid. 6. And in verse 5 it is written, And sacrificed peace-offerings.
- (16) I.e., the instrument used for the slaughtering shall be something detached from the ground and not a flint or a reed that is attached to the ground (Rashi Zeb. 98a). Aliter: one must use a knife for the slaughtering and not kill the beast by tearing its organs with the hands as is the case with a bird-offering whose head is nipped by the priest with his finger.
- (17) Gen. XXII, 10. The expression ‘and took’ implies something movable and not fixed.
- (18) Ibid. 13.

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for this¹ is expressly stated of them.² Neither can it be the peace-offerings of the congregation,³ for this¹ is already deduced from the amplification of the following verse: In a most holy place shalt thou eat thereof; every male may eat thereof:⁴ this teaches us that the peace-offerings of the congregation may be eaten only by the males of the priesthood! — Tannaim [hold different views] about it; some derive it⁵ from this [passage] and some from that.)⁶ ‘Sin-offering’: as the sin-offering renders holy [like itself] whatever has absorbed from it,⁷ so all the other offerings render holy [like themselves] whatever has absorbed from them. ‘Guilt-offering’: as with the guilt-offering neither the foetus-sac nor the afterbirth is holy.⁸ so with all other offerings neither the foetus-sac nor the afterbirth is holy. (He is of the opinion that the young of consecrated animals are themselves holy only when they come into being;⁹ and also that it is quite proper to infer the possible from the impossible.)¹⁰ ‘Consecration-offering’: as in the case of the consecration-offering the remainder was burnt¹¹ but the living animal that was left over was not burnt,¹² so in the case of all other offerings the remainder is to be burnt but the living animal that might be left over¹³ is not to be burnt. ‘Peace-offerings’: as peace-offerings can make others¹⁴ piggul and can also become piggul themselves,¹⁵ so all the other offerings can make others piggul and can also become piggul themselves. In a Baraitha it was taught in the name of R. Akiba as follows: This is the law etc. ‘Meal-offering’: as the meal-offering renders holy [like itself] whatever has absorbed from it,¹⁶ so all the other offerings render holy [like themselves] whatever has absorbed from them. (And this was

necessary to be stated of the sin-offering as well as of the meal-offering. For had the Divine Law stated it only of the meal-offering [I would have said that this was so only of the meal-offering], because on account of its softness it could be absorbed, but I would not have said so of the sin-offering. And had the Divine Law only stated it of the sin-offering [I would have said that this was so only of the sin-offering], because on account of its fatness it could easily penetrate into the other matter, but I would not have said so of the meal-offering. Therefore both were necessary to be stated.) ‘Sin-offering’: as the sin-offering must be brought only from what is unconsecrated, and [must be sacrificed] by day, and [all the services in connection therewith must be performed] with the [priest's] right hand, so all the other offerings must be brought only from what is unconsecrated, and [must be sacrificed] by day, and [all the services in connection therewith must be performed] with the [priest's] right hand.¹⁷ (And whence do we know this¹⁸ of the sin-offering itself? — R. Hisda answered, Because it is written, And Aaron shall offer the bullock of the sin-offering which is his;¹⁹ that is to say, it must come from his own means and not from the means of the community nor from the Second Tithe. Is not [the rule that offerings must be sacrificed] by day derived from [the verse], In the day that he commanded?²⁰ — It was indeed stated [above] to no purpose. Is not [the rule that all the services in connection therewith shall be performed with] the right hand derived from the following dictum of Rabbah b. Bar Hannah? For Rabbah b. Bar Hannah said in the name of Resh Lakish, Wherever the word ‘finger’ or ‘priest’ is used it signifies that the right hand only [shall be used]!²¹ — This too was stated [above] to no purpose.) ‘Guilt-offering’: as the bones of the guilt-offering are permitted for use,²² so the bones of all other offerings are permitted for use.²³

For what purpose does R. Akiba use the verse, And thou shalt sacrifice the Passover-offering?²⁴

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- (1) That only male priests may eat of the offering.
 - (2) Cf. Lev. VI, 22; VII, 6.
 - (3) Sc. the two lambs offered on the Feast of Weeks, cf. Lev. XXIII, 19.
 - (4) Num. XVIII, 10. The verse continues, It shall be holy unto thee; and the expression ‘holy’ includes the two lambs which are also described by the expression ‘holy’. cf. Lev. XXIII, 20.
 - (5) That the peace-offerings of the congregation. sc. the two lambs, may be eaten only by the male priests.
 - (6) From the expression ‘meal-offering’.
 - (7) This is based on Lev. VI, 20: Whatsoever shall touch the flesh thereof shall be holy. Thus if the flesh of a peace-offering absorbed aught of the sin-offering, the former must be treated in the same sanctity as the sin-offering; if the sin-offering was invalid the flesh of the peace-offering becomes invalid too; and if the sin-offering was fit the other is to be eaten under the same stringency as the sin-offering, i.e., within a holy place and during one day.
 - (8) For these cannot be found in the guilt-offering as it is a male animal.
 - (9) But whatever is found in the womb of a consecrated animal is not holy.
 - (10) I.e., to infer other offerings of female animals from the guilt-offering which must be a male animal.
 - (11) Cf. Ex. XXIX, 34.
 - (12) For no other animal was in fact set apart as a substitute for the consecration-offering.
 - (13) Where e.g., two animals were set apart for one offering as a measure of security, and one was left over, the latter was not burnt but was to be treated as the surplus of the offering; and so too with the young of an animal which had been consecrated pregnant.
 - (14) E.g., the drink-offerings that are brought with the peace-offering or the bread with the thank-offering. V. supra 15a and b.
 - (15) The law of piggul (v. Glos.) is stated in Scripture only in connection with the peace-offerings, but by analogy it is extended to apply to all offerings.
 - (16) For also of the meal-offering as of the sin-offering it is written (Lev. VI, 11). Whatsoever toucheth them shall be holy.
 - (17) Thus we see R. Akiba deriving from ‘sin-offering’ the law that other offerings, including the Passover, cannot be brought except from what is unconsecrated.
 - (18) That it must be brought only of what is unconsecrated.
 - (19) Lev. XVI, 6.

(20) Ibid. VII, 38.

(21) V. supra 10a, and Hul. 22a.

(22) For profane purposes. Provided the bones are without marrow, v. Pes. 83a.

(23) The other items in this verse (ibid. 37) are interpreted by R. Akiba in the same way as R. Eliezer.

(24) Deut. XVI, 2. This verse is expounded in our Mishnah to teach that the thank-offering shall be brought only from what is unconsecrated; according to R. Akiba, however, this exposition is unnecessary, since he derives from the sin-offering the general rule that all obligatory offerings must be brought only from what is unconsecrated.

Talmud - Mas. Menachoth 83b

— He requires it for the following teaching of R. Nahman. For R. Nahman said in the name of Rabbah b. Abbuha,¹ Whence do we know that the surplus of the Passover-offering² is brought as a peace-offering? Because it is said, And thou shalt sacrifice the Passover-offering unto the Lord thy God of the flock and the herd.³ But is not the Passover-offering brought only from the lambs and the goats? It means that the surplus of the Passover-offering is to be [utilized] for something which comes from the flock and from the herd.⁴

But is it⁵ derived from this verse? Surely it is derived from the following teaching of Samuel's father: It is written, And if his offering for a sacrifice of peace-offerings [unto the Lord] be of the flock:⁶ and Samuel's father said, This teaches that what comes [only] from the flock⁷ shall be offered as peace-offerings! And again, is it derived from this [latter] verse? Surely it is derived from the following: It was taught:⁸ Lamb;⁹ this includes the fat tail of the Passover-offering.¹⁰ When it says, If [he bring] a lamb,⁹ it is to include the Passover-offering that has passed the age of one year¹¹ and the peace-offerings which are brought by virtue of the Passover-offering¹² for all the regulations of peace-offerings, viz., that they require the laying on of hands, the drink-offerings, and the waving of the breast and the thigh. Again, when it says, And if [his offering be] a goat.¹³ this interrupts the subject [and thereby] teaches that in the case of a goat [the burning of] the fat tail [upon the altar] is not required!¹⁴ — There are three Scriptural texts;¹⁵ one is required for [the Passover-offering] which has passed the age of one year and whose time [for offering]¹⁶ has also passed, another for that which has not passed the age of one year but whose time [for offering] has passed. and a third for that which has not passed the age of one year and whose time [for offering] has not passed.¹⁷ And all [three texts] are necessary; for had [Scripture] taught us it only of that [Passover-offering] which had passed the age of one year and whose time [for offering] had also passed, I would have said that it was so¹⁸ only in that case seeing that it was absolutely rejected [from being offered as a Passover-offering], but I would not have said so of that [Passover-offering] whose time [for offering] had passed but which had not passed the age of one year, since it is fit for the Second Passover.¹⁹ And had [Scripture] taught us it only of that [Passover-offering] whose time [for offering] had passed but which had not passed the age of one year, I would have said that it was so¹⁸ only in that case seeing that it was rejected [from being offered] for the first Passover, but I would not have said so of that [Passover-offering] whose time [for offering] had not passed and which had not passed the age of one year, since it is even fit for the first Passover. Hence [all texts] are necessary. CHAPTER IX

MISHNAH. ALL THE OFFERINGS²⁰ OF THE CONGREGATION OR OF THE INDIVIDUAL MAY BE OFFERED FROM [PRODUCE GROWN] IN THE LAND [OF ISRAEL] OR OUTSIDE THE LAND, FROM THE NEW [PRODUCE] OR FROM THE OLD, EXCEPTING THE 'OMER-OFFERING AND THE TWO LOAVES, WHICH MUST BE OFFERED ONLY FROM THE NEW PRODUCE AND FROM [PRODUCE GROWN] IN THE LAND. ALL [OFFERINGS] MUST BE OFFERED FROM THE CHOICEST PRODUCE. AND WHICH IS THE CHOICEST? MICHMAS²¹ AND ZANOHA²¹ RANK FIRST FOR THE QUALITY OF THEIR FINE FLOUR; SECOND TO THEM IS HAFARAIM²¹ IN THE VALLEY. THE [PRODUCE OF THE] WHOLE LAND²² WAS VALID, BUT THEY USED TO BRING IT FROM THESE PLACES.

GEMARA. Our Mishnah is not in accordance with the following Tanna. For it was taught: If the ‘Omer-offering was offered from the old produce it is valid, and so, too, if the Two Loaves were offered from the old produce they are valid, save that the precept has not been duly performed; the ‘Omer-offering-for it is written, Thou shalt bring for the meal-offering of thy first-fruits.²³ that is, even from the store-room;²⁴ and the Two Loaves-for it is written, Out of your dwellings,²⁵ but not from [the produce grown] outside the Land; ‘Out of your dwellings’, even from the store-room. But has not a deduction already been drawn [from that expression]?²⁶ The verse reads, Ye shall bring.²⁷ even from the store-room. But is not this [latter expression] required to teach that every other offering that you make of a similar kind shall be like this!²⁸ — If for this only the verse should have read, ‘Thou shalt bring’; why does it say, Ye shall bring? You can therefore draw two deductions therefrom. But is it not written, The first?²⁹ — That is only a recommendation.³⁰ But does it not say, New?³¹ — That is required for [the following Baraitha] which was taught: R. Nathan and R. Akiba³² said, If the Two Loaves were brought from the old produce they are none the less valid. How then am I to interpret the expression ‘new’? To signify that they shall be the first³³ of all meal offerings.³⁴

Now they³⁵ differ only concerning the new produce.³⁶

(1) Pes. 70b; Zeb. 9a.

(2) E.g. if a certain sum of money was put aside for the Passover-offering but it was not all expended. Or, if the animal set apart for the Passover-offering was lost and another was offered in its stead and later the original animal was found.

(3) Deut. XVI, 2.

(4) Sc. peace-offerings.

(5) That the surplus of the Passover-offering is offered as peace-offerings.

(6) Lev. III, 6. The expression ‘sacrifice of peace-offerings’ is obviously superfluous in this verse as the whole passage is dealing with the peace-offering.

(7) Sc. the Passover-offering.

(8) Pes. 96b, Zeb. 9a.

(9) Lev. III, 7. This word is superfluous for since the preceding verse speaks of an offering ‘of the flock’ and the subsequent passage of ‘a goat’, this passage must obviously be dealing with lambs.

(10) That it must be burnt together with the other sacrificial portions upon the altar. With all other offerings of sheep the fat tail is expressly stated to be burnt, hence it was necessary to include the Passover-offering.

(11) And so is unfit for its purpose, cf. Ex. XII, 5.

(12) I.e., **הניגת ארבעה עשר** the peace-offerings brought on the fourteenth day of Nisan as supplementary to the Passover-offering. These supplied the full meal for those members registered for the one Passover-offering, at the end of which the Passover-lamb was distributed, about an olive's bulk being given to each person. So Rashi MS. According to Rashi and Tos. the peace-offerings in the text are the surplus of the Passover-offering; v. Tosaf.s.v. **ושלמים**.

(13) Lev. III, 12.

(14) The ‘and if’ at the head of the passage is a disjunctive term, indicating that the provisions that apply to a lamb do not apply to a goat, unless expressly stated; and the fat tail is mentioned in connection with the former (v. 9) but not with the latter.

(15) The above three verses, viz., Deut. XVI, 2, Lev. III, 6, and ibid. 7, each informing us that the surplus of the Passover-offering must be offered as a peace-offering.

(16) Sc. the fourteenth day of Nisan.

(17) I.e., the lamb was set apart for a Passover-offering but was slaughtered before the Passover.

(18) That it is offered as a peace-offering.

(19) Observed on the fourteenth day of the second month (Iyar) by those who were prevented from keeping the first Passover either by reason of uncleanness or absence on a journey; v. Num. IX, 10ff.

(20) Sc. meal-offerings.

(21) So according to many MSS.; in cur. edd. these names are corrupt. All three are Biblical place-names; for Michmas (var: Machnis, Machmis) v. Ezra II, 27; for Zanotha (var: Zatha, Zinuha) v. Jos. XV, 34, 56; for Hafaraim (var. lec: ‘Afraim (cf. Ephraim in II Chron. XIII, 19). ‘Aforaim, Kufraim) v. Jos. XIX, 19.

- (22) Lit., 'all the lands'; i.e., the various districts in the Land of Israel.
- (23) Lev. II, 14.
- (24) Lit., 'the upper-room', 'the attic'. I.e., produce from the previous year that has been stored up.
- (25) Ibid. XXIII, 17.
- (26) The expression 'out of your dwellings' is in the first place interpreted to exclude the produce grown outside Palestine, how then can it be interpreted a second time to include the old produce?
- (27) Lev. XXIII, 17.
- (28) V. supra p. 463.
- (29) Both with regard to the 'Omer-offering and the Two Loaves, Lev. II, 12 and XXIII, 10, respectively. The first clearly implies the new produce.
- (30) Nevertheless if old produce was used it is valid.
- (31) Ibid. XXIII, 16.
- (32) According to Sh. Mek.: 'R. Jacob'.
- (33) Lit., 'the newest'.
- (34) I.e., no meal-offering of the new corn shall be offered before the offering of the Two Loaves, even though the latter are offered of the old produce.
- (35) Sc. the Tanna of our Mishnah and the Tanna of the Baraitha quoted.
- (36) I.e., whether only the new produce must be used or even the old is valid.

Talmud - Mas. Menachoth 84a

but as to the Land they do not differ at all, [for they both hold] that the 'Omer-offering and the Two Loaves must be offered from the [produce of the] Land [of Israel] and not from [that grown] outside the Land. This view is clearly not in accord with that of the following Tanna. For it was taught: R. Jose son of R. Judah says, The 'Omer-offering may be offered from [what is grown] outside the Land. How then am I to interpret the expression 'when ye are come into the land'?¹ To signify that they were not bound to offer the 'Omer-offering before they entered the Land. Furthermore, he is of the opinion that the [prohibition of the] new corn² outside the Land [of Israel] is Biblical; that the expression 'your dwellings'³ implies wherever you may be dwelling;⁴ and that the expression 'when ye are come into the land' implies [that the prohibition comes into force only] at the time when you come [into the Land].⁴ Now since [the prohibition of the new corn outside the Land of Israel] is Biblical, we may surely offer [the 'Omer-offering therefrom].

We have learnt elsewhere:⁵ Those who kept guard over the aftergrowths in the Sabbatical year⁶ received their pay out of the terumath ha-lishkah.⁷ Rami b. Hama pointed out the following contradiction to R. Hisda: We have learnt: 'Those who kept guard over the aftergrowth in the Sabbatical year received their pay out of the terumath ha-lishkah', but in contradiction to this we have also learnt:⁸ For food.⁹ but it must not be burnt!¹⁰ — He replied. 'The Divine Law says, Throughout your generations,¹¹ and you are suggesting that it be dispensed with!¹² 'Am I suggesting', retorted the other, 'that it be dispensed with? [I say] it can be offered of last year's produce!' — 'It must be fresh.¹³ and it is not so in that case'. 'Then it can be offered of the fresh corn of last year's produce!' — 'The text says. Thou shalt bring . . . fresh.¹³ that is, it must be fresh at the time of offering, and it is not so in that case. It was stated: R. Johanan said,¹⁴ [It is written,] 'Thou shalt bring . . . fresh'; R. Eleazar said,¹⁴ [It is written.] The first of your harvest,¹⁵ but not the end of your harvest.¹⁶

Rabbah raised the following objection.¹⁷ The verse, And if thou bring a meal-offering of first-fruits.¹⁸ refers to the meal-offering of the 'Omer. Of what was it offered? Of barley. You say 'of barley'; but perhaps it is not so but rather of wheat! Said R. Eliezer, The expression 'in the ear'¹⁹ is stated in regard to the incidents in Egypt, and the expression 'in the ear'¹⁸ is also stated as an ordinance for generations: just as 'in the ear' stated in regard to the incidents in Egypt referred to the barley, so 'in the ear' stated as an ordinance for generations refers to barley only. R. Akiba said, We

find that an individual must offer wheat as an obligation and also barley as an obligation; likewise we find that the community must offer wheat as an obligation and also barley as an obligation. Should you say, then, that the 'Omer was offered of wheat, we would not find a case when the community must offer barley as an obligation! Another explanation: Should you say that the 'Omer was offered of wheat, then the Two Loaves would not be first-fruits! Hence the reason for it is that it must be first-fruits.²⁰ This is indeed a refutation.

We have learnt elsewhere:²¹ First-fruits may be brought only from the seven species.²² and not

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- (1) Ibid. 10.
 - (2) Before the offering of the 'Omer.
 - (3) Lev. XXIII, 14.
 - (4) Thus the prohibition of the new corn applies to the produce grown outside Palestine but comes into force only when Israel enter the Land.
 - (5) Shek. IV, 1; B.M. 118a.
 - (6) As there was no sowing in this year the spontaneous growth in the fields would in certain regions be guarded so as to bring from it the 'Omer-offering.
 - (7) תְּרוּמַת הַלְּשֹׁנָה, lit., 'the offering of the chamber'; i.e., the funds contributed by the Shekel payers. V. Glos. s.v. terumah.
 - (8) Bek. 12b.
 - (9) Lev. XXV, 6.
 - (10) How then can the aftergrowth be used for the 'Omer'-offering seeing that a handful thereof must be burnt?
 - (11) Ibid. XXIII, 14. I.e, this law was to continue in force for all time without interruption.
 - (12) Every Sabbatical year.
 - (13) Ibid. II, 14.
 - (14) It is for the following reason that' the 'Omer may not be offered from last year's produce.
 - (15) Ibid. XXIII, 10. Read קְצִירְךָ for קְצִירְכֶם.
 - (16) And by taking last year's produce for the 'Omer one would be offering it at the time when the harvest (sc. last year's harvest) is already at its end.
 - (17) V. supra p. 405 and notes.
 - (18) Lev. II, 14.
 - (19) Ex. IX, 31.
 - (20) I.e., the Two Loaves must be offered of this year's produce at the time when the wheat is at the beginning of its harvest; likewise the 'Omer-offering when the barley is at the beginning of its harvest; hence last year's produce is invalid. This argument is in accord with R. Eleazar and refutes R. Johanan's view.
 - (21) Bik. I, 3; Pes. 53a.
 - (22) For which the land of Israel was famed, viz., wheat, barley, grapes, figs, pomegranates, olives, and dates. V. Deut. VIII, 8.

Talmud - Mas. Menachoth 84b

from the dates in the hill-country nor from the produce in the valleys.¹ Said 'Ulla, If one brought these they are not consecrated [as first-fruits].

Rabbah was once sitting and reciting this statement [of 'Ulla] when R. Aha b. Abba raised the following objection against Rabbah: It is written, An offering of first-fruits.² this signifies that it³ is to be the first of all meal-offerings; and so, too, it says, Also in the day of the first-fruits, when ye bring a new meal-offering unto the Lord in your feast of weeks.⁴ I thus know that it⁵ is to be the first⁶ before [all the meal-offerings of] wheat; whence do I know that it is to be the first before [all meal-offerings of] barley?⁷ Because the text repeats the word 'new';⁸ and as this word is not required [twice] for [the teaching that it⁵ is to be] the first before [all meal-offerings] of wheat, you may use it for [the teaching that it is to be] the first before [all meal-offerings] of barley. And whence

do I know that it⁵ shall be offered before the first-fruits?⁹ Because the text states, And thou shalt observe the feast of weeks, even of the first-fruits of wheat harvest.¹⁰ I thus know that it shall be offered before the first-fruits of the wheat harvest; but whence do I know that it shall be offered before the first-fruits of the barley harvest? Because the text states, And the feast of harvest, the first-fruits of thy labours which thou sowest in the field.¹¹ I thus know that it shall be before [the harvest] which thou sowest; whence do I know that it shall be before that which grew of itself? Because the text states, In the field.¹¹ I thus know that it shall be before that which grew in the field; but whence do I know that it shall also be before that which grew on the roof, or among ruins, or in a plant-pot, or in a ship?¹² Because the text states, The first-fruits of all that is in their land.¹³ And whence do I know that it shall be before the drink-offerings [of the new fruits] and the new fruits of the tree?¹⁴ Because it says here, The first-fruits of thy labours,¹⁵ and it says there, When thou gatherest in thy labours out of the field;¹⁶ as there it¹⁷ includes the [fruits for the] drink-offerings and the fruits of the tree, so here it includes the drink-offerings and the fruits of the tree. Now it stated above ‘that which grew on the roof, or among ruins, or in a plant-pot, or in a ship’!¹⁸ — This last clause refers to meal-offerings.¹⁹ To this R. Adda b. Ahabah demurred, saying, But then it says in that same verse, Every one that is clean in thy house may eat thereof;²⁰ [so that it cannot refer to meal-offerings since] meal-offerings may be eaten only by the males of the priesthood! — R. Mesharsheya replied. There are two [ordinances in this] verse: Shall be thine,²¹ and ‘Every one that is clean in thy house may eat thereof’. How are they to be explained? The latter refers to the first-fruits and the former to meal-offerings. R. Ashi said, The entire verse speaks of meal-offerings, but the latter part refers to the [priestly portion of the] cakes of the thank-offering.²²

There is also the following dispute [on the matter]. R. Johanan said, If one brought [these fruits],²³ they are not consecrated [as first-fruits]. But Resh Lakish said, If he brought them they are consecrated [as first-fruits], for they are considered in the same light as a lean beast that was offered for an offering.²⁴ Now Resh Lakish's view is clear, as he states his reason for it; but what is the reason for R. Johanan's view? — R. Eleazar replied. ‘I saw R. Johanan in a dream, so [I am sure that] I will say an excellent thing. The verse says. Of the first,²⁵ but not all the first[-fruits];²⁶ it also says, From thy land,²⁵ but not from every part of thy land’.²⁷ And to what purpose does Resh Lakish apply this expression ‘from thy land’? — He requires it for the exposition given in the following Baraitha: R. Gamaliel son of Rabbi says, The word ‘land’²⁵ is stated here and the word ‘land’ is stated there,²⁸ as there it refers to the species for which the land was famed, so here it refers to the species for which the land was famed.²⁹ And the other?³⁰ — [For that exposition the expression] ‘land’ [is sufficient], but [there is also written] ‘from thy land’.³¹ And the other?³² — He does not accept [as separate expositions] ‘land’ and ‘from thy land’.

One [Baraitha] taught: A man may bring the produce grown on a roof, or among ruins, or in a plant-pot, or in a ship [as firstfruits], and also make the recital.³³ But another [Baraitha] taught: He may bring it but does not make the recital. Now according to Resh Lakish there is no contradiction between [the rulings concerning the produce grown on] a roof, for one³⁴ [Baraitha] speaks of the roof of a cave³⁵ and the other³⁶ of the roof of a house. Likewise there is no contradiction between [the rulings concerning what is grown among] ruins, for one³⁴ [Baraitha] speaks of ruins that have been tilled,³⁵ and the other of ruins that have not been tilled. Likewise there is no contradiction between [the rulings concerning what is grown in] a plant-pot, for one³⁴ [Baraitha] speaks of a perforated [pot] and the other of an unperforated [pot]. Likewise there is no contradiction between [the rulings concerning what is grown in] a ship, for one [Baraitha]³⁶ speaks of a ship made of wood and the other³⁷ of a ship made of clay.³⁸

(1) For they are of inferior quality.

(2) Lev. II, 12. According to Rabbinic interpretation this refers to the Two Loaves and to the first-fruits; v. supra 58a.

(3) Sc. the offering of the Two Loaves; and so throughout this passage.

(4) Num. XXVIII, 26.

- (5) Sc. the offering of the Two Loaves; and so throughout this passage.
- (6) Lit., 'the newest.'
- (7) I.e., that no private offering of the new produce of barley (e.g.. the meal-offering of jealousy. cf. Num. V, 15) shall be offered before the Two Loaves, V. Rashi MS.
- (8) Cf. Lev. XXIII, 16 and Num. XXVIII, 26.
- (9) I.e., before the first-fruits of wheat.
- (10) Ex. XXXIV, 22. Thus the offering of the Feast of Weeks, I.e., the Two Loaves, shall even be before the first-fruits of the wheat harvest.
- (11) Ibid. XXIII, 16. 'Thy labours which thou sowest' includes the barley harvest.
- (12) That the first-fruits gathered from the roof etc. shall not be offered before the Two Loaves.
- (13) Num. XVIII, 13.
- (14) I.e., that drink-offerings from the new crops of olives and grapes, and the fruits of the first-fruits (excluding the corn) shall not be offered before the Two Loaves.
- (15) Ex. XXIII, 16.
- (16) Ex. XXIII, 16. This refers to the feast of ingathering, Sukkoth, at the end of the agricultural year when everything is gathered in from the field.
- (17) The expression 'thy labours'.
- (18) It was said that the produce grown on a roof etc. may be offered as first-fruits (save it may not be offered before the offering of the Two Loaves; v. supra p. 510, n.9); how much more is it permitted to offer as first-fruits that which grew on the hill-country or in the valleys! Thus 'Ulla's view is refuted.
- (19) I.e., that meal-offerings brought from produce grown on a roof etc. (although invalid as first-fruits, in accordance with 'Ulla's view) may not be offered before the offering of the Two Loaves.
- (20) Num. XVIII, 13.
- (21) Ibid. This regulation implies only the males.
- (22) Which may be eaten by every one of the priestly stock, males and females alike. V. Zeb. V, 7.
- (23) Sc. the dates of the hill-country and the produce of the valley as first-fruits.
- (24) Which undoubtedly is consecrated.
- (25) Deut. XXVI, 2.
- (26) Thus excluding all other kinds of fruit apart from the seven species enumerated in Deut. VIII. 8. V. supra p. 509, n. 6.
- (27) Thus excluding the dates in the hill-country and the produce in the valleys.
- (28) Deut. ibid.
- (29) But among the seven species all fruits are valid as first-fruits, even those growing in the hill-country and in the valleys.
- (30) What answer can R. Johanan give to this argument?
- (31) This suggests another exposition, taking 'from' in a partitive sense, thus excluding inferior quality fruits.
- (32) Resh Lakish.
- (33) At the presentation of the first-fruits at the Sanctuary. V. Deut. XXVI, 5-11.
- (34) The first Baraitha.
- (35) This is regarded as land in the ordinary sense, and the produce thereof may be brought as first-fruits.
- (36) The second Baraitha.
- (37) The first Baraitha.
- (38) What is grown in this ship is regarded as grown on land. V, however, Tosaf. s.v. **יִשְׁבֵּן**).

Talmud - Mas. Menachoth 85a

There is here, however, a difficulty for R. Johanan!¹ — Tannaim [differ in this matter], for it was taught: A man may bring [as first-fruits] what [is grown] on a roof or among ruins² and also make the recital; but what [is grown] in a plant-pot and in a ship he may not bring at all.³

ALL [OFFERINGS] MUST BE OFFERED FROM THE CHOICEST PRODUCE etc. Johana⁴ and Mamre⁴ said to Moses, 'Wouldst thou carry straw to Hafaraim?'⁵ He answered them, 'There is a

common saying. "Bring herbs to Herbtown".⁶

MISHNAH. ONE MAY NOT BRING [IT]⁷ FROM THE PRODUCE OF A MANURED FIELD⁸ OR FROM AN IRRIGATED FIELD⁹ OR FROM A FIELD STOCKED WITH TREES;¹⁰ BUT IF ONE DID BRING IT [FROM THESE] IT WAS VALID. HOW WAS IT¹¹ PREPARED? IN THE FIRST YEAR IT WAS BROKEN UP AND IN THE SECOND YEAR IT WAS SOWN SEVENTY DAYS BEFORE PASSOVER; THUS IT WOULD PRODUCE FINE FLOUR IN ABUNDANCE. HOW WAS IT TESTED?¹² THE TEMPLE-TREASURER USED TO THRUST HIS HAND INTO IT; IF SOME DUST CAME UP IN [HIS HAND] IT WAS INVALID, UNTIL IT WAS SIFTED [ONCE MORE]. IF IT HAD BECOME MAGOTTY IT IS INVALID.

GEMARA. How WAS IT PREPARED? IN THE FIRST YEAR IT WAS BROKEN UP etc. The question was raised: What is meant by this? [Does it mean that] it was broken up in the first year and in the second year it was again broken up and then sown, or that it was broken up in the first year and in the second year it was sown without having been broken up again? — Come and hear: R. Jose said, They would have brought it¹³ even from the wheat of Karzaim¹⁴ and of Kefar Ahim¹⁵ if only they had been nearer to Jerusalem;¹⁶ since they may bring the 'Omer-offering only from the fields in the south,¹⁷ and which had been broken up for the purpose, for upon these fields the sun rises and upon these the sun sets.¹⁸ How was [the field] prepared? In the first year it was broken up and in the second year it was ploughed twice, and it was sown seventy days before the Passover so that it might be close upon the [increasing strength of the] sun;¹⁹ thus it would bring forth stalks one span long and ears two spans long. It was then reaped, bound into sheaves, threshed, winnowed, cleansed, ground, and sifted, and then brought to the Temple-treasurer. The Temple-treasurer would thrust his hand into it; if some dust came up in his hand he would say to him [who brought it]. 'Go and sift it a second time' — In the name of R. Nathan it is said, The Temple-treasurer used to smear his hand with oil and thrust it into the flour until he had brought up all the dust.²⁰ Now it expressly stated above, '[And in the second year] it was ploughed twice'²¹ — But even as you would have it, [is not this Baraitha in conflict with our Mishnah]? For our Mishnah does not say 'twice',

(1) For according to both Baraithas the produce grown on a roof etc., may be brought as first-fruits, yet R. Johanan holds that what is grown in the hill-country or in the valleys is not consecrated as first-fruits!

(2) I.e., on the roof of a cave, which is soil in its natural state, and among ruins that have been broken up and tilled. This is a superior growth to that grown in the hill-country or in the valley.

(3) For it is of inferior quality; and so too the fruits of the hill-country and in the valleys.

(4) They were the chief magicians in Egypt in the time of Moses. They are mentioned in Jewish literature also under the name of Jannes and Jambres. V. J. E. VIII, p. 71.

(5) So MS.M. and other MSS.; in cur. edd. 'Afraim, v. note on this word in Mishnah, supra p. 506. Hafaraim was a town where apparently there was a plentiful supply of straw, and so it became proverbial to describe wasted efforts as 'carrying straw to Hafaraim'. (Cf. to carry coals to Newcastle'). As Egypt was reputed to be a land of magic and sorcery these magicians thus taunted Moses when he performed his wonders before the Pharaoh.

(6) For all merchants flock there and the demand for herbs is great.

(7) Sc. the 'Omer-offering or the Two Loaves (Rashi MS.). According to Tosaf., the reference is to all meal-offerings.

(8) For it is feared that the field might not have been sufficiently manured; or because the manure would impair the taste of the crops.

(9) For it may not have been sufficiently watered.

(10) And the crops are sown among the trees. The trees draw off the richness of the soil so that the crops are of a poor quality.

(11) Sc. the field, that it might produce an abundant crop of the finest quality.

(12) To ascertain whether the flour had been sufficiently sifted.

(13) Here apparently the reference is to all meal-offerings, notwithstanding the mention of the 'Omer-offering later in this sentence, since wheat is expressly mentioned and wheat was not offered in the 'Omer-offering but barley. On the other hand, it might very well be that the word **חֵטִי**, translated wheat, is part of the name of the place, the whole

being a compound place-name **הַיְטֵי כַרְזִיִּים** V. Tosaf. s.v. **אֵין**.

(14) Var. lec. Barhaim (Tosef. IX). Karwaim (MS.M.). Probably It is the Kharazin mentioned in the N.T. (Matt. XI, 21, Luke X, 13). V. Neubauer Geographie p. 220.

(15) Var. Kefar Ahus (Tosef. ibid.). K. Ahis, K. Ahia (MSS.). The name is very likely a variant of Kefar Nahum, i.e., Capernaum. V. Neubauer p. 221.

(16) For it is not proper to let pass the opportunity of performing the precept, and as there could be found produce of a similar good quality in places nearer Jerusalem that must be used.

(17) Sc. of Palestine (Rashi). According to Tosaf fields on a hill-side facing south.

(18) I.e., the sun is shining on these fields for the greater part of the day.

(19) When the sun's rays would have a beneficial effect upon the sowing.

(20) For only the fine dust in the flour would adhere to his hand.

(21) From this Baraitha it is evident that our Mishnah must mean that the field was broken up (i.e., ploughed) even in the second year.

Talmud - Mas. Menachoth 85b

whilst this Baraitha expressly says 'twice'! — This is no difficulty, for in the one case the field had been tilled¹ [in the first year], and in the other it had not been tilled. How is it then [with regard to our original question]?² — Come and hear, for it was taught: Half of [the field] was broken up and the other half sown, and [in the following year] half of it was broken up and the other half sown.³

R. Johanan said. The 'Omer-offering was brought only from [the produce of] fields in the south of the Land of Israel, upon which the sun rises and upon which the sun sets. Half of the field was broken up while the other half was sown.⁴

It was taught: Abba Saul said, The 'Omer-offering was usually brought from the [produce of the] valley of Beth Makleh.⁵ which was an area that produced three se'ahs; it lay in the south and the sun rose upon it and the sun set upon it. Half of it was broken up while the other half was sown, and [in the following year] half of it was broken up and the other half was sown.

R. Hilkiyah b. Tobi had a piece of land; one half he broke up and the other half he sowed, and [similarly in the following year] one half he broke up and the other half he sowed. It thus brought forth twofold, and he sold the wheat for fine flour.

IF IT HAD BECOME MAGGOTY IT IS INVALID. Our Rabbis taught: If the greater part of the fine flour became maggoty it is invalid; if the greater part of the wheat became maggoty it is invalid. R. Jeremiah enquired. Does it mean the greater part of each grain [of wheat],⁶ or the greater part of the se'ah [of wheat]?⁷ — The question remains undecided.

Raba raised this question. If a man consecrated [maggoty flour for a meal-offering] does he incur stripes for consecrating a blemished thing or not?⁸ Since it is unfit for the offering it is like a blemished animal; or [shall we say that the prohibition of] a blemished thing applies only to animals? — The question remains undecided.

We have learnt elsewhere: Any wood in which was found a worm is unfit [to be burnt] upon the altar.⁹ Samuel said, This was taught only [if found] in damp wood, but in dry wood it can be scraped away and [the wood] is valid. Raba raised the question. If a man consecrated it¹⁰ does he incur stripes for consecrating a blemished thing or not? Since it is unfit it is like a blemished animal; or [shall we say that] the prohibition of a blemished thing applies only to animals? — This too remains undecided.

MISHNAH. TEKOA¹¹ RANKS FIRST FOR THE QUALITY OF ITS OIL. ABBA SAUL SAYS,

SECOND TO IT IS REGEB¹² BEYOND THE JORDAN. THE [OIL OF THE] WHOLE LAND WAS VALID, BUT THEY USED TO BRING IT ONLY FROM THESE PLACES. ONE MAY NOT BRING IT FROM A MANURED FIELD¹³ OR FROM AN IRRIGATED FIELD¹³ OR FROM OLIVE-TREES¹³ PLANTED IN A FIELD SOWN WITH SEEDS; BUT IF ONE DID BRING IT [FROM THESE] IT WAS VALID. ONE MAY NOT BRING ANFAKINON,¹⁴ YET IF ONE DID BRING IT IT WAS VALID.¹⁵ ONE MAY NOT BRING IT FROM OLIVE-BERRIES WHICH HAD BEEN SOAKED IN WATER OR PRESERVED OR STEWED; AND IF ONE DID BRING IT IT WAS INVALID.

GEMARA. And Joab sent to Tekoa and fetched thence a wise woman.¹⁶ Why to Tekoa? — R. Johanan said, Because they were accustomed to olive oil, wisdom could be found among them.

Our Rabbis taught: And let him dip his foot in oil.¹⁷ this refers to the territory of Asher which flowed with oil like a fountain. It is related that once the people of Laodicea were in need of oil; they appointed an agent¹⁸ and instructed him, 'Go and purchase for us a hundred myriad [manehs'] worth of oil'. He came first to Jerusalem and was told, 'Go to Tyre'. He came to Tyre and was told, 'Go to Gush Halab'.¹⁹ When he came to Gush Halab he was told, 'Go to So-and-so in that field'. [He went there] and found the man breaking up the earth around his olive trees. [The agent] said to him. 'Have you a hundred myriad [manehs'] worth of oil that I require'? 'Yes', replied the other; 'but wait until I finish my work'. He waited until the other had finished his work. After he had finished his work he threw his tools on his back and went on his way, removing the stones from his path as he went.²⁰ The agent thought to himself,²¹ 'Has this man really got²¹ a hundred myriad [manehs'] worth of oil? I see that the Jews have merely made game of me'. As soon as he reached his home town that man's maidservant brought out to him a bowl of hot water and he washed his hands and his feet. She then brought out to him a golden bowl of oil and he dipped in it his hands and his feet, thus fulfilling the verse, 'And let him dip his feet in oil'. After they had eaten and drunk the man measured out to the agent a hundred myriad [manehs'] worth of oil, and then asked, 'Do you perhaps need any more oil?' 'I do, indeed', replied the agent; 'but I have no more money with me'. 'Well, if you wish to buy more, take it, and I will go back with you for the money', said the man. He then measured out for him another eighteen myriad [manehs'] worth of oil. It is said that he²² hired every horse, mule, camel and ass that he could find in all the Land of Israel. When he reached his home town all the townspeople came out to meet him and applaud him. 'Do not applaud me', he said to them, 'but this man, my companion. who measured out for me a hundred myriad [manehs'] worth of oil, and whom I still owe eighteen myriad [manehs]'. This illustrates the verse, There is that pretendeth himself rich, yet hath nothing; there is that pretendeth himself poor, yet hath great wealth.²³ ONE MAY NOT BRING IT FROM A MANURED FIELD etc. But has it not been taught that one may not bring anfakinon

(1) This is the case of our Mishnah, hence the Tanna of our Mishnah did not state 'twice', for since the field was tilled in the first year it was not necessary to plough it twice in the second year. The question, however, still remains whether according to the Tanna of our Mishnah it is necessary to plough it once in the second year before the sowing or not!

(2) V. prec. n. The most lucid interpretation of the entire passage is to be found in the commentary **לחם משנה** on Maim. Yad, Issure Mizbeah. VII, 4.

(3) Each year only half of the field was sown and the other half lay fallow, but the parts were reversed in alternate years, thus the half that lay fallow in the previous year was now sown, and the half that was sown then was now broken up. It is evident therefore that there was no breaking up of the field before the sowing. There is, however, a difference of opinion between the commentators as to whether it was necessary in the first year. i.e., at the outset when cultivating the field, to break up the whole field or only half.

(4) So MS.M. and Sh. Mek. This sentence is omitted in cur. edd.

(5) In the valley of Kidron; cf. Tosef. Men. X.

(6) But if only a small part of each grain had become maggoty it is still valid.

(7) I.e., if the greater part of the quantity of wheat intended for the meal-offering had become maggoty, even though

there are in the mass many grains that have not been affected, the whole is invalid.

(8) For consecrating a blemished animal one incurs the penalty of stripes on five counts, v. Tem. 6b.

(9) Mid. II, 5.

(10) Sc. wood with worms.

(11) Cf. Amos I, 1; a city S.E. of Bethlehem (Neub. op. cit. p. 129). According to Graetz and Bacher, it is a town in Galilee.

(12) Probably Ragaba mentioned in Josephus, Ant. XIII, 15, 5.

(13) The olives grown here are of an inferior quality.

(14) **אנפקינון** (so MS.M.; cur. edd. **אנפקטן** is corrupt) = **, oil made of unripe olives. V. Gemara.

(15) In many MSS. and in the Mishnah edd. the reading is INVALID.

(16) II Sam. XIV, 2.

(17) Deut. XXXIII, 24.

(18) **פולמוסטום** Jast. suggests the reading **אפיליטים**, **. manager, commissioner. V. B.B., (Sonc. ed.) p. 617 n. 7.

(19) In Upper Galilee. Cf. Gischala mentioned by Josephus.

(20) This led the agent to believe that the man whom he was accompanying was not wealthy and that he certainly could not supply him with all the oil he required.

(21) Adopting' the reading as in MS.M. **אמר פולמוסרא לזה יש לו וכו**.

(22) The agent. Lit., 'that man did not leave out either a horse . . . which he did not hire'.

(23) Prov. XIII, 7.

Talmud - Mas. Menachoth 86a

and if one did bring it it was invalid, for it is only the sap [of the olive]? — R. Joseph answered, It is no difficulty; one teaching¹ represents the view of R. Hiyya, and the other represents the view of R. Simeon son of Rabbi. For R. Hiyya used to throw it² away, while R. Simeon son of Rabbi used to dip his food in it. And in order to remember this think of the saying. 'The rich are parsimonious'.³

'Six months with oil of myrrh.⁴ What is oil of myrrh? — R. Huna b. Hiyya said, It is stacte.⁵ R. Jeremiah b. Abba said, It is oil from olives not a third grown.

It was taught: R. Judah says. Anfakinon is the oil of olives not a third grown. And why is it used for smearing? Because it removes the hair and softens the skin.

ONE MAY NOT BRING IT FROM OLIVE-BERRIES WHICH HAD BEEN SOAKED IN WATER. Our Rabbis taught: Oil from olives which had been preserved or stewed or soaked in water, or oil from the olive dregs, or from foul smelling olives may not be brought, and if it was brought it is invalid.

Rabba raised the question, If a man consecrated it does he incur stripes for consecrating a blemished thing or not? Since it is unfit it is like a blemished animal; or [shall we say that] the prohibition of a blemished thing applies only to animals? — This question remains undecided.

MISHNAH. THERE ARE THREE [PERIODS OF GATHERING IN THE] OLIVES AND EACH CROP GIVES THREE KINDS OF OIL.⁶ THE FIRST CROP OF OLIVES IS WHEN THE OLIVES ARE PICKED⁷ FROM THE TOP OF THE TREE; THEY ARE POUNDED⁸ AND PUT INTO THE BASKET⁹ (R. JUDAH SAYS, AROUND THE BASKET);¹⁰ THIS GIVES THE FIRST OIL. THEY¹¹ ARE THEN PRESSED WITH THE BEAM (R. JUDAH SAYS, WITH STONES);¹² THIS GIVES THE SECOND OIL. THEY¹³ ARE THEN GROUND AND PRESSED AGAIN; THIS GIVES THE THIRD OIL. THE FIRST [OIL] IS FIT FOR THE CANDLESTICK AND THE OTHERS FOR MEAL-OFFERINGS. THE SECOND CROP IS WHEN THE OLIVES AT ROOF-LEVEL¹⁴ ARE PICKED FROM THE TREE; THEY ARE POUNDED AND PUT INTO

THE BASKET (R. JUDAH SAYS, AROUND THE BASKET); THIS GIVES THE FIRST OIL. THEY ARE THEN PRESSED WITH THE BEAM (R. JUDAH SAYS, WITH STONES); THIS GIVES THE SECOND OIL. THEY ARE THEN GROUND AND PRESSED AGAIN; THIS GIVES THE THIRD OIL. THE FIRST [OIL] IS FIT FOR THE CANDLESTICK AND THE OTHERS FOR MEAL-OFFERINGS. THE THIRD CROP IS WHEN THE LAST OLIVES¹⁵ OF THE TREE ARE PACKED IN THE VAT UNTIL THEY BECOME OVERRIPE;¹⁶ THEY ARE THEN TAKEN UP AND DRIED ON THE ROOF, AND THEN POUNDED AND PUT INTO THE BASKET (R. JUDAH SAYS, AROUND THE BASKET); THIS GIVES THE FIRST OIL. THEY ARE NEXT PRESSED WITH THE BEAM (R. JUDAH SAYS, WITH STONES) THIS GIVES THE SECOND OIL. THEY ARE THEN GROUND AND PRESSED AGAIN; THIS GIVES THE THIRD OIL. THE FIRST [OIL] IS FIT FOR THE CANDLESTICK AND THE OTHERS FOR MEAL-OFFERINGS.

GEMARA. It was asked: Does the Mishnah read megargero or megalgelo?¹⁷ — Come and hear, for it was taught: Olive oil,¹⁸ that is, from the olive tree.¹⁹ Hence they said, The first crop is when the fully ripe olives are picked²⁰ from the top of the tree; they are brought into the olive-press, are ground in a mill and put into baskets. The oil which oozes out is the first kind [of oil]. They are then pressed with the beam, and the oil which oozes out is the second kind. Then they are taken out [of the olive-press] and ground and pressed again; this gives the third kind. The first kind is fit for the candlestick and the others for meal-offerings. The same [procedure applies] to the second crop of olives. The third crop of olives is when the last olives of the tree are packed in the vat until they become overripe; they are then taken up on to the roof and dried in the same manner as dates, until the juice has run off. They are then brought into the olive-press, are ground in a mill and put into baskets; and the oil which oozes out is the first kind [of oil]. They are then pressed with the beam; and the oil which oozes out is the second kind. Then they are taken out [of the olive-press] and ground and pressed again; this gives the third kind. The first kind is fit for the candlestick and the others for meal-offerings. R. Judah says. The olives were not ground in a mill but pounded in a mortar; they were not pressed with the beam but with stones; and they were not put into the baskets but around the sides of the baskets.

Is not [the text itself of our Mishnah] self-contradictory? The statement THEY ARE POUNDED is in agreement with R. Judah whilst the statement PUT INTO THE BASKET is in agreement with the Rabbis! — This Tanna [of our Mishnah] agrees with R. Judah in one thing and disagrees with him in the other.

MISHNAH. AS TO THE FIRST OIL OF THE FIRST CROP, THERE IS NONE BETTER THAN IT. THE SECOND OIL OF THE FIRST CROP AND THE FIRST OIL OF THE SECOND CROP ARE EQUAL. THE THIRD OIL OF THE FIRST CROP. THE SECOND OIL OF THE SECOND CROP. AND THE FIRST OIL OF THE THIRD CROP ARE EQUAL. THE THIRD OIL OF THE SECOND CROP AND THE SECOND OIL OF THE THIRD CROP ARE EQUAL. AS TO THE THIRD OIL OF THE THIRD CROP. THERE IS NONE WORSE THAN IT. BY RIGHT IT COULD BE INFERRED BY THE FOLLOWING ARGUMENT THAT MEAL-OFFERINGS SHOULD REQUIRE THE PUREST OLIVE OIL: IF THE CANDLESTICK, WHICH DOES NOT NEED [THE OIL] FOR EATING, REQUIRES PURE OLIVE OIL, HOW MUCH MORE DO MEAL-OFFERINGS, WHICH [NEED THE OIL] FOR EATING,²¹ REQUIRE PURE OLIVE OIL! BUT THE TEXT STATES, PURE OLIVE OIL BEATEN FOR THE LIGHT,²² BUT NOT 'PURE OLIVE OIL BEATEN FOR MEAL-OFFERINGS.

(1) Sc. the Baraita which states that anfakinon is absolutely invalid.

(2) Sc. anfakinon, the sap of the olives.

(3) Thus informing us that it was R. Simeon, the son of the Nasi and a wealthy man, who would use it with his food. Cf. Hul. 46a.

(4) Esth. II, 12.

(5) **סמכתא**, oil of myrrh.

(6) Another interpretation is: There are three ways of making ready the olives and from each of them come three kinds of oil.

(7) Heb. **מגרגרו** from root **גרגר**= to pick single berries as soon as they ripen. According to the other interpretation the translation of this sentence would read: The first way of making ready the olives is this: the olives are allowed to become fully ripe. then they are pounded etc.

(8) In a mortar.

(9) And the oil oozes out and filters through the basket into the vessel below.

(10) The pounded olives are placed around the sides of the basket so that the oil when it oozes out does not mix with any solid matter but runs down the sides and filters through the bottom of the basket.

(11) Sc. the pounded olives.

(12) But not with the beam, for the heavy pressure of the beam would squeeze out the dregs with the oil.

(13) Sc. the olives after being pressed.

(14) I.e., the middle branches of the tree, whose fruits do not ripen as early as the fruit on the top branches. As olive-trees often grew near the houses it was even possible to pluck the olives from the middle branches while standing on the roof. According to the other interpretation mentioned supra p. 519, n. 6, the translation here would be: The second way of making ready the olives is this: The olives are allowed to become fully ripe on the rood-tops, then they are ground etc.

(15) I.e., those on the lowest branches which for lack of sun will never ripen on the tree. According to the other interpretation mentioned the rendering here would be: The third way of making ready the olives is this: the olives are packed etc.

(16) Lit., 'become rotten'.

(17) **מגרגרו** or **מגלגלו** The question may be simply orthographical, and the two words really bear the same meaning. viz., to pick single fruits as soon as they ripen. Aliter: **מגרגרו**, to pick single berries; **מגלגלו**, to allow the olives to remain on the tree until they are fully ripe (cf. **ביצה מגולגלת**, a well-roasted egg) and then pick them.

(18) Ex. XXVII, 20.

(19) I.e., the olives must be fully ripe on the tree before being plucked.

(20) Heb. **מגלגלו**. V. notes on the Mishnah.

(21) I.e., for burning upon the altar, which is described as 'eating'. cf. Lev. VI, 3.

(22) Ex. XXVII, 20.

Talmud - Mas. Menachoth 86b

GEMARA. ARE EQUAL! [But is this possible?] Have you not said, 'The first kind is fit for the candlestick and the others for meal-offerings'?¹ — R. Nahman b. Isaac answered, The statement ARE EQUAL means that they are equal in respect of meal-offerings.²

BY RIGHT IT COULD BE INFERRED BY THE FOLLOWING ARGUMENT THAT MEAL-OFFERINGS etc. Our Rabbis taught:[It is written.] 'Pure'; [and the expression] 'pure' means nothing else but clear.³ R. Judah says. [It is written,] Beaten; [and the expression] 'beaten' means nothing else but pounded.⁴ I might then think that this pounded oil is not valid for meal-offerings.⁵ therefore the text states, And a tenth part of an ephah of fine flour mingled with the fourth part of a hin of beaten oil.⁶ Why then did the text state, For the light?⁷ — Out of regard to the sparing [of expense]. What is meant by 'out of regard to the sparing'? — Said R. Eleazar, The Torah wished to spare Israel unnecessary expense.⁸

Command the children of Israel that they bring unto thee pure olive oil beaten for the light.⁹ R. Samuel b. Nahmani said, 'Unto thee', but not unto Me, for I am not in need of light.

The table was on the north side and the candlestick on the south side.¹⁰ R. Zerika said in the name of R. Eleazar, I am not in need of food and I am not in need of light.¹¹

And for the house he made windows broad and narrow;¹² 'broad' without and 'narrow' within, for I am not in need of light.¹³

Without the veil of the testimony in the tent of meeting.¹⁴ It is a testimony to mankind that the Divine Presence rests in Israel. For how can you say He¹⁵ is in need of light, when the whole of the forty years that the Israelites travelled in the wilderness they travelled only by His¹⁶ light! But it is a testimony to mankind that the Divine Presence rests in Israel. What is the testimony? Rab said, It was the western lamp¹⁷ [of the candlestick] into which the same quantity of oil was poured as into the others,¹⁸ yet he kindled the others from it and ended with it.¹⁹

MISHNAH. FROM WHENCE DID THEY BRING THE WINE?²⁰ KERUHIM²¹ AND 'ATTULIM RANK FIRST FOR THE QUALITY OF THEIR WINE. SECOND TO THEM ARE BETH RIMMAH, BETH LABAN ON THE HILL. AND KEFAR SIGNA IN THE VALLEY. [WINE OF THE] WHOLE LAND WAS VALID BUT THEY USED TO BRING IT ONLY FROM THESE PLACES. ONE MAY NOT BRING IT FROM A MANURED FIELD OR FROM AN IRRIGATED FIELD OR FROM VINES PLANTED IN A FIELD SOWN WITH SEEDS;²² BUT IF ONE DID BRING IT [FROM THESE] IT WAS VALID. ONE MAY NOT BRING WINE FROM SUN-DRIED GRAPES,²³ BUT IF ONE DID BRING IT IT WAS VALID. ONE MAY NOT BRING OLD WINE.²⁴ SO RABBI. BUT THE SAGES PERMIT IT. ONE MAY NOT BRING SWEET WINE²⁵ OR SMOKED WINE OR COOKED WINE, AND IF ONE DID BRING IT IT WAS INVALID. ONE MAY NOT BRING WINE FROM THE GRAPES OF THE ESPALIER, BUT ONLY FROM THE VINES GROWING FROM THE GROUND AND FROM WELL-CULTIVATED VINEYARDS. ONE DID NOT PUT [THE WINE] IN LARGE CASKS BUT IN SMALL BARRELS; AND ONE DID NOT FILL THE BARRELS TO THE BRIM SO THAT ITS SCENT MIGHT SPREAD.²⁶ ONE MAY NOT TAKE THE WINE AT THE MOUTH OF THE BARREL BECAUSE OF

(1) Thus the second kind of oil of the first crop is not fit for the candlestick but only for meal-offerings, whereas the first kind of oil of the second crop is fit even for the candlestick!

(2) I.e., they are of equal quality. and if a man has to bring a meal-offering he may bring with it either kind of oil.

(3) I.e., the oil which oozes by itself from the olives without any pressure being applied.

(4) Sc. in a mortar, but not ground in a mill.

(5) For Scripture expressly says. Beaten (i.e. pounded) for the light. but for no other purpose.

(6) Ex. XXIX, 40.

(7) Seeing that beaten oil is valid also for meal-offerings.

(8) V. Sifra on Lev. XIV, 36. And since the meal-offering required a considerable amount of oil the Torah therefore ordained pure beaten oil only for the light.

(9) Lev. XXIV, 2.

(10) In the Sanctuary.

(11) This is demonstrated by the fact that God ordained the placing of the candlestick far away from the table; with human beings it is usual to place the lamp close to the table.

(12) I Kings VI, 4.

(13) The windows were thus constructed in a manner contrary to the usual practice to prove that God has no need of light.

(14) Lev. XXIV,3 with reference to the preparation and kindling of the candlestick.

(15) According to R. Tam the reference is to Aaron the priest; v. Tosaf s.v. **מְחֹיץ** and Shab. 22b.

(16) V. p. 523, n. 13.

(17) I.e., the central lamp (for its wick was turned towards the west), according to the view that the candlestick was so placed that its branches extended to the north and to the south; or the second lamp counting from the east, assuming that the candlestick was so placed that its branches extended to the east and to the west. V. infra 98b.

(18) Sc. half a log. the quantity estimated to burn through the longest night.

(19) By the morning the oil in the lamps had burnt out and the priest came in and cleaned out the lamps, removing the old wicks and putting in new wicks, and pouring oil into them ready for kindling in the evening. The western lamp (v. supra n. 2). however, although it had no more oil than any of the other lamps, miraculously continued to burn the whole day long, so that when the lamps were to be kindled in the evening they were kindled from this one. The western lamp itself was then extinguished and cleaned out, a fresh wick put in, oil poured in, and then relit. Thus this lamp provided the fire for lighting the other lamps, and yet was the last to be cleaned out. This miracle testified to the Divine Presence in Israel.

(20) For the drink-offerings.

(21) The place names enumerated in this Mishnah admit of many variants and the suggested identifications are doubtful. According to Neubauer, *Geographie* p. 82ff, Keruhim = Coreae (in north of Judah), 'Attulim = Kefer Hatla (north of Gilgal). Beth Rimmah and Laban = the present Beit Rima and Lubban (north-west of Jerusalem), and Kefar Signa = Sukneh (near Jaffa).

(22) As to the question of kil'ayim'. v. Com. of Rashba, a.l.

(23) **הַלֵּיטוֹן** or **לֵּיטוֹן** = **, a sweet wine made from grapes dried in the sun.

(24) i.e., which is more than a year old and its redness is not so sparkling.

(25) Made from a kind of sweet grapes. in contradistinction from grapes sweetened in the sun. Aliter: new wine, must.

(26) The scent would fill the space in the barrel above the wine and settle there, thus the wine would retain its scent. Were the barrel to be filled to the brim its scent would be lost as soon as it was opened.

Talmud - Mas. Menachoth 87a

THE SCUM, NOR THAT AT THE BOTTOM BECAUSE OF THE LEES; BUT ONE SHOULD TAKE IT ONLY FROM THE MIDDLE THIRD OF THE BARREL.¹ HOW WAS IT TESTED?² THE TEMPLE-TREASURER USED TO SIT NEARBY WITH HIS STICK³ IN HIS HAND; WHEN THE FROTH BURST FORTH HE WOULD KNOCK WITH HIS STICK.⁴ R. JOSE SON OF R. JUDAH SAYS, WINE ON WHICH THERE IS A SCUM IS INVALID, FOR IT IS WRITTEN, THEY SHALL BE UNTO YOU WITHOUT BLEMISH, AND THEIR MEAL-OFFERING;⁵ AND THEY SHALL BE UNTO YOU WITHOUT BLEMISH, AND THEIR DRINK-OFFERINGS.⁶ GEMARA. ONE MAY NOT BRING SWEET WINE OR SMOKED WINE OR COOKED WINE. AND IF ONE DID BRING IT IT WAS INVALID. But does not [the Mishnah] state in an earlier clause, ONE MAY NOT BRING WINE FROM SUN-DRIED GRAPES.⁷ BUT IF ONE DID BRING IT IT WAS VALID? — Rabina answered, Combine them and learn them together.⁸ R. Ashi answered, If the sweetness is by reason of the sun it is not nauseous, but if the sweetness is in the fruit itself it is nauseous.⁹

ONE MAY NOT BRING OLD WINE. SO RABBI. BUT THE SAGES PERMIT IT. Hezekiah said, What is the reason for Rabbi's view? Because the verse reads, For a lamb wine;¹⁰ as a lamb [for an offering] may be only one year old, so wine may be only one year old. Then it should follow, should it not, that as a lamb that is two years old is invalid, so wine that is two years old is invalid? And should you say that it is indeed so, but it has been taught: One may not bring wine that is two years old, but if one did bring it it was valid. Now who is it that rules that one may not bring [old wine]? Obviously Rabbi; yet it says 'But if one did bring it it was valid'! — Rather said Raba, this is the reason for Rabbi's view; it is written, Look not thou upon the wine when it is red.¹¹

ONE MAY NOT BRING WINE FROM THE GRAPES OF THE ESPALIER etc. A Tanna taught: [It must come from] vineyards that are cultivated twice in the year.

R. Joseph once had a garden-plot which he used to give an extra hoeing and it produced wine that could take twice the usual amount of water.¹²

ONE DID NOT PUT [THE WINE] IN LARGE CASKS. A Tanna taught: [By BARRELS are meant] the medium-sized pitcher-shaped Lydian vessels.¹³ They should not be put away in twos but

singly.¹⁴

HOW WAS IT TESTED? THE TEMPLE-TREASURER USED TO SIT NEARBY WITH HIS STICK IN HIS HAND; WHEN THE FROTH BURST FORTH HE WOULD KNOCK WITH HIS STICK. A Tanna taught: When the froth of the lees burst forth the Temple-treasurer would knock with his stick. And why did he not say so?¹⁵ — This supports R. Johanan. for R. Johanan said', In the same way as speech is beneficial to the spices¹⁶ so is speech injurious to wine.

R. JOSE SON OF R. JUDAH SAYS etc., R. Johanan¹⁷ raised the question. If a man consecrated it¹⁸ does he incur stripes for consecrating a blemished thing or not? Since it is unfit it is like a blemished animal; or [shall we say that the prohibition of] a blemished thing applies only to animals? — This question remains undecided.

Our Rabbis taught: Rams [were brought] from Moab, lambs from Hebron, calves from Sharon, and doves from the Royal Mountain.¹⁹ R. Judah said, One should bring lambs whose height was equal to their breadth.²⁰ Raba son of R. Shila said, What is the reason for R. Judah's view? — For it is written, In that day shall thy cattle feed, the broad lambs.²¹

It is written, I have set watchmen upon thy walls, O Jerusalem; they shall never hold their peace day nor night; ye that are the Lord's remembrancers, take ye no rest.²² What do they say? — Raba son of R. Shila said. [They say,] Thou wilt arise and have compassion upon Zion.²³ R. Nahman b. Isaac said, [They say,] The Lord doth build up Jerusalem.²⁴ And what did they say before this?²⁵ — Raba son of R. Shila said, [They used to say.] For the Lord hath chosen Zion; He hath desired it for His habitation.²⁶ CHAPTER X

MISHNAH. THERE WERE TWO DRY-MEASURES IN THE TEMPLE: THE TENTH²⁷ AND THE HALF-TENTH.²⁸ R. MEIR SAYS, A TENTH, [ANOTHER] TENTH, AND A HALF-TENTH. FOR WHAT PURPOSE DID THE TENTH MEASURE SERVE? BY IT ONE USED TO MEASURE THE MEAL-OFFERINGS. ONE DID NOT MEASURE WITH A THREE-TENTHS MEASURE [THE MEAL-OFFERING] FOR A BULLOCK²⁹ OR WITH A TWO-TENTHS MEASURE [THE MEAL-OFFERING] FOR A RAM,³⁰ BUT ONE MEASURED THEM BY SO MANY TENTHS. FOR WHAT PURPOSE DID THE HALF-TENTH MEASURE SERVE? BY IT ONE USED TO MEASURE THE GRIDDLECAKES OF THE HIGH PRIEST³¹ [WHICH WAS OFFERED] THE HALF IN THE MORNING AND THE HALF TOWARDS EVENING.

GEMARA. It was taught: R. Meir used to say. Wherefore does the text state, A tenth, a tenth for every lamb?³² To teach you that there were two tenth measures in the Temple, one heaped³³ and the other level. With the heaped measure they used to measure all meal-offerings.

(1) I.e., the barrel is pierced in its side in the middle and the tap inserted there; in this manner the wine drawn off is from the middle of the barrel.

(2) To ascertain whether the wine was of a good quality.

(3) A measuring stick (Rashi). A staff, the symbol of his authority (Tif. Yis.).

(4) As a sign that no more wine shall be drawn off, for the wine that follows is not so pure but is mixed with the lees (Maim.).

(5) Num. XXVIII, 19, 20. The meal-offering must also be free from blemishes, hence if the meal was maggoty it is invalid.

(6) Ibid, 31. The drink-offering shall also be free from blemish, hence if there is a scum on the wine it is invalid.

(7) Which is a sweet wine.

(8) Thus: one may not bring wine from sun-dried grapes or sweet wine etc., and if one did bring it it was invalid. According to Tosaf s.v. כרן it was valid.

- (9) And therefore invalid.
- (10) Num. XXVIII, 14.
- (11) Prov. XXIII, 31. Hence red wine is the choicest; but after one year the wine loses its redness and brightness.
- (12) Usually wine was adulterated with water in the proportion of three parts of water to one of wine (cf. Shab. 77a); this wine could stand an admixture of water in the proportion of six parts of water to one of wine.
- (13) Or 'the medium-sized Lydian pitchers'. Cf. however Tosef. Men. IX, where it reads: The wine was not put in large casks or in small barrels but in medium-sized pitcher-shaped vessels.
- (14) So that if one barrel turned bad none of the others would be affected.
- (15) That the froth is now coming out and no more wine should be drawn from the barrel.
- (16) During the preparation of the spices for the incense much talking was going on as this was considered beneficial for it. Cf. Ker. 6b.
- (17) Sh. Mek. 'Raba'; cf. supra p. 516.
- (18) Sc. wine with scum.
- (19) Lit., 'the mountain of the King'. I.e., the hill-country of Judea. V. Git. (Sonc. ed.) p. 254. n. 4.
- (20) According to another reading: שגביהן רחבים 'whose backs are broad'.
- (21) Isa. XXX, 23. So according to Talmudic exposition; in the E.V. in large pastures.
- (22) Ibid. LXII, 6.
- (23) Ps. CII, 14.
- (24) Ps. CXLVII, 2.
- (25) Sc. before the destruction of Jerusalem.
- (26) Ibid. CXXXII, 13.
- (27) Sc. of an ephah. And so throughout.
- (28) These were the two measuring standards used in the Temple for dry-stuffs; but of course there were many vessels of each size.
- (29) Which consisted of three tenths of flour.
- (30) Which consisted of two tenths.
- (31) Cf. Lev. VI, 13ff.
- (32) Num. XXVIII, 29.
- (33) I.e., the vessel was actually less than a tenth and only when heaped did it amount to a tenth.

Talmud - Mas. Menachoth 87b

With the level measure they used to measure the griddle-cakes of the High Priest.¹ But the Sages said, There was but one tenth measure there, as it is said, And one tenth for every lamb.² Wherefore then does the text state, 'A tenth, a tenth'? In order to include the half-tenth. Whence does R. Meir derive the half-tenth [measure]? — He derives it from [the expression], And one tenth.³ And the Rabbis? — They base no exposition upon the letter waw ['and']. And for what purpose does R. Meir apply the verse, And one tenth for every lamb? — To teach that one should not measure with a three-tenths measure [the meal-offering] for a bullock or with a two-tenths measure [the meal-offering] for a ram. And the Rabbis?⁴ They derive it from the dot⁵ [above the word]. For it has been taught: R. Jose said, Wherefore is there a dot above the waw in the middle of the first 'issaron⁶ stated in connection with the offerings for the first day of the Feast [of Tabernacles]? [To teach] that one may not measure with a three-tenths measure [the meal-offering] for a bullock or with a two-tenths measure [the meal-offering] for a ram. And R. Meir? — He bases no exposition upon the dot [above the word].

FOR WHAT PURPOSE DID THE HALF-TENTH MEASURE SERVE? BY IT ONE USED TO MEASURE THE GRIDDLE-CAKES OF THE HIGH PRIEST. 'ONE USED TO MEASURE'!⁷ But I can point out a contradiction, for we have learnt: The griddle-cakes of the High Priest must not be brought in [two separate] halves, but he must bring a whole tenth and then divide it!⁸ — R. Shesheth answered, The expression 'MEASURE' that is used is to be understood in the sense of divide.

Rami b. Hama enquired of R. Hisda, Was the half-tenth according to R. Meir a heaped measure or a level measure? (Mnemonic: Half; Griddle-cakes of the High Priest; Table).⁹ But you might ask the same question according to the Rabbis? — [Indeed so, and] according to the Rabbis the question is as regards the tenth as well, Was it heaped or level? — He replied, From R. Meir's statement [in one case] we can understand the view of R. Meir [in the other]; and also from R. Meir's statement we can understand the view of the Rabbis. Thus since R. Meir stated that the tenth measure [used for measuring the meal-offering of the High Priest] was level, we know that the half-tenth measure¹⁰ was also level; and since according to R. Meir [both measures were] level, according to the Rabbis too [they were both] level.

Rami b. Hama further enquired of R. Hisda, How were the griddle-cakes of the High Priest divided into cakes?¹¹ By hand or by a utensil? — Surely it is obvious that it was divided by hand, for should you say by a utensil, would one bring in scales [into the Temple]? But why not bring it in? — It is not proper to do so since it is stated in connection with the curses.¹²

Rami b. Hama further enquired of R. Hisda, Would the table hallow the handfuls¹³ placed as a pile upon it or not? [Shall we say] since it hallows the Shewbread it would hallow the handfuls too; or it only hallows what is prescribed for it¹⁴ but not what is not prescribed for it? — He replied, It would not hallow them. But this cannot be right, for did not R. Johanan say that according to the one who holds that two and a half handbreadths [of each cake] were turned up [at either end], it will be seen that the table hallowed everything that was on it to a height of fifteen handbreadths;¹⁵ and according to the one who holds that two handbreadths [of each cake] were turned up [at either end], it will be seen that the table hallowed everything that was on it to a height to twelve handbreadths?¹⁶ — He replied, It would not hallow them so far as being offered upon the altar is concerned,¹⁷ but it would hallow them to the extent that they can become invalid.¹⁸

MISHNAH. THERE WERE SEVEN LIQUID-MEASURES IN THE TEMPLE: THE HIN,¹⁹ THE HALF-HIN, THE THIRD-HIN, THE QUARTER-HIN, THE LOG, THE HALF-LOG, AND THE QUARTER-LOG. R. ELIEZER SON OF R. ZADOK SAYS, THERE WERE MARKINGS IN THE HIN MEASURE [INDICATING] THUS FAR FOR A BULLOCK, THUS FAR FOR A RAM, AND THUS FAR FOR A LAMB.²⁰ R. SIMEON SAYS, THERE WAS NO HIN MEASURE THERE AT ALL; FOR WHAT PURPOSE COULD THE HIN SERVE?²¹ BUT THERE WAS AN ADDITIONAL MEASURE²² OF ONE LOG AND A HALF BY WHICH ONE USED TO MEASURE [THE OIL]²³ FOR THE MEAL-OFFERING OF THE HIGH PRIEST, A LOG AND A HALF IN THE MORNING AND A LOG AND A HALF TOWARDS EVENING. GEMARA. Our Rabbis taught: There were seven liquid-measures in the Temple: the quarter-log, the half-log, the log, the quarter-hin, the third-hin, the half-hin, and the hin. So R. Judah. But R. Meir says. [They were:] the hin, the half-hin, the third-hin, the quarter-kin, the log, the half-log, and the quarter-log. R. Simeon says, There was no hin measure there at all; for what purpose could the kin serve?

(1) This meal-offering of the High Priest was not measured by the heaped measure, for when dividing it into halves the flour would certainly pour out on to the ground.

(2) Num. XXIX, 4.

(3) The additional waw, 'and', intimates another vessel, namely the half-tenth.

(4) Whence do they derive this last teaching.

(5) In the Masoretic text there is seen a dot above the second waw of the word **ועשרון** in Num. XXIX, 15. The dot points to an exposition connected with this word, namely that only the tenth shall be used as a measure even though it is necessary to measure three tenths as for the meal-offering for a bullock.

(6) Num. XXIX, 15. The word **עשרון** (tenth) is stated twice at the beginning of the verse, but the dot is placed over the waw in the first word.

(7) It is understood from this expression that the High Priest measured out a half-tenth in the morning and brought it to the Temple, and did likewise in the evening.

(8) Supra 50b.

(9) These are the subjects of the three questions put by Rami b. Hama to R. Hisda in the passage which follows.

(10) Also used in connection with the meal-offering of the High Priest, namely for dividing it into two.

(11) For it was baked into twelve cakes, six being offered in the morning and six in the evening. The question therefore is, Was the dough (according to Tosaf., the flour) divided into twelve equal parts by scales, or only by guesswork?

(12) That bread will be divided by weight; cf. Lev. XXVI, 26.

(13) Of frankincense, heaped up on the table and not put in the dishes. According to Tosaf. s.v. **מהו** (so, too, Maim.) the reference is to the handful of a meal-offering that was not put into a vessel of ministry but was placed in a heap on the table.

(14) Sc. the Shewbread which is to be placed directly on the table, whereas the frankincense is to be put in dishes which are to be set on the table.

(15) V. infra 96a. The cakes of the Shewbread were each ten handbreadths long, and the table, according to R. Judah, was five handbreadths wide. Now as the cakes were set lengthwise across the breadth of the table, two and a half handbreadths of the cake would overlap the table at each end. Accordingly this amount was turned up; then the second cake was placed upon it and likewise turned up at its ends and so on, so that the six cakes rose to a height of fifteen cubits ($6 \times 2 \frac{1}{2}$) above the surface of the table.

(16) The table, according to R. Meir, was six handbreadths wide, thus only two handbreadths at each end of the cake, the amount that would be overlapping on either side, was turned up. The six cakes thus rose to a height of twelve handbreadths (6×2) above the table.

(17) The table would not hallow the frankincense put upon its bare surface to that extent that it is permitted to be burnt upon the altar.

(18) If taken out of the Sanctuary or if touched by a tebul yom (v. Glos.).

(19) A liquid-measure equal to twelve logs.

(20) So that it was not necessary to have a separate measure for a half or a third or a quarter of a hin.

(21) The measure of a hin was prescribed for use only once at the preparation of the anointing oil by Moses, cf. Ex. XXX, 24.

(22) To make up the seven measures.

(23) Sc. three logs of oil; cf. supra 51a.

Talmud - Mas. Menachoth 88a

What then can I put in its place?¹ But there was an additional measure there of a log and a half, by which one used to measure [the oil] for the griddle-cakes of the High Priest, a log and a half in the morning and a log and a half towards evening. They said to him, But there was there the half-log measure, and one could therefore measure it² with the half-log measure! He replied, In that case, even according to your view, there was no need for the half-log measure, for since there was there the quarter-log measure it was possible to measure it with the quarter-log! But the following rule was established in the Temple: The vessel that served for one measure did not serve for another measure.³ R. Eliezer b. R. Zadok says, There were markings in the hin measure [indicating] thus far for a bullock, thus far for a ram, and thus far for a lamb.⁴

What is the difference between R. Meir and R. Judah? — R. Johanan said, There is a difference between them as regards the overflow of the measures. He who counts the measures from below upwards⁵ is of the opinion that the overflow of the measures was also holy; for the All-Merciful gave unto Moses a quarter-log measure and instructed him to calculate [the larger measures] by including the overflow [of the smaller measure].⁶ But he who counts the measures from the top downwards⁷ is of the opinion that the overflow of the measures was not holy; for the All-Merciful gave unto Moses a hin measure and instructed him to calculate [the smaller measures] by excluding the overflow [of the larger measure].⁸

Abaye said, All [may be of the opinion] that the overflow of the measures was either holy or not holy, but they differ as to the meaning of the word 'full'.⁹ He who counts the measures from the top

downwards maintains that the word 'full' implies that it may be neither less [than the prescribed measure] nor more.¹⁰ But he who counts the measures from below upwards maintains that the word 'full' implies that it may not be less [than the prescribed measure], but if it is more it is still regarded as 'full'.¹¹

The Master said, 'R. Simeon says, There was no hin measure there at all'. R. Simeon is surely quite right in his argument with the Rabbis. What can the Rabbis reply? — There was the hin measure used by Moses in the preparation of the anointing oil, as it is written, And of olive oil a hin.¹² Now one is of the opinion that since it was not necessary for later generations, it was only made for that occasion and thereafter hidden away, but the other is of the opinion that once it was put to a use it remained as a measure.

The Master said, 'What then can I put in its place?' But is it absolutely essential to substitute another? As Rabina said elsewhere: There is a tradition that among the offerings of the congregation only two require the laying on of hands;¹³ similarly here there is a tradition that there were seven liquid-measures in the Temple.

R. ELIEZER SON OF R. ZADOK SAYS, THERE WERE MARKINGS IN THE HIN MEASURE. Does he not then accept the tradition of seven liquid-measures? — He does not. Alternatively I can say, By seven measures he understood seven measurings.¹⁴

MISHNAH. FOR WHAT PURPOSE DID THE QUARTER-LOG SERVE? [TO MEASURE] A QUARTER-LOG OF WATER FOR THE LEPER¹⁵ AND A QUARTER-LOG OF OIL FOR THE NAZIRITE.¹⁶ FOR WHAT PURPOSE DID THE HALF-LOG SERVE? [TO MEASURE] A HALF-LOG OF WATER FOR THE SUSPECTED WOMAN¹⁷ AND A HALF-LOG OF OIL FOR THE THANK-OFFERING. WITH THE LOG ONE MEASURED [THE OIL] FOR ALL THE MEAL-OFFERINGS. EVEN A MEAL-OFFERING OF SIXTY TENTHS¹⁸ REQUIRED SIXTY LOGS [OF OIL]. R. ELIEZER B. JACOB SAYS, EVEN A MEAL-OFFERING OF SIXTY TENTHS REQUIRED ONLY ONE LOG [OF OIL], FOR IT IS WRITTEN, FOR A MEAL-OFFERING, AND A LOG OF OIL.¹⁹ SIX [LOGS]²⁰ WERE REQUIRED FOR A BULLOCK. FOUR²¹ FOR A RAM, AND THREE²² FOR A LAMB; THREE LOGS AND A HALF FOR THE CANDLESTICK, A HALF-LOG FOR EACH LAMP.

GEMARA. Rabbi was sitting and raised this difficulty: Wherefore was the quarter-log measure anointed?²³ If [it was in order to hallow the quarter-log of water] of the leper,

(1) To make up the seven liquid-measures.

(2) The log and a half of oil.

(3) It was thus not permissible to measure a half-log by filling twice the quarter-log measure, similarly to measure a log and a half by filling the half-log measure three times.

(4) This is the continuation of the Baraitha, and not the quotation from our Mishnah, v. Rashi.

(5) Sc. R. Judah, who enumerates the measures beginning from the smallest, the quarter-log.

(6) For when the smaller measuring vessel is filled to overflowing and is quickly poured out into 'the larger vessel the latter vessel will take in also the overflow of the former. Accordingly the half-log measure was a little more than two full quarter-logs since it held the two quarter-logs plus the overflow of each. And so also with the larger measures.

(7) Sc. R. Meir, who enumerates the measures beginning with the largest, the hin.

(8) For when pouring from a larger vessel which is filled to overflowing into two smaller vessels, by the time the smaller vessels are filled the overflow of the larger will have run off. Hence the several measures were exact measures without the overflow.

(9) Stated in Num. VII, 13 in regard to the measures.

(10) Accordingly all the measures had to be determined with accuracy, and this could only be done by filling the largest measure, the hin, to the brim and carefully dividing it into halves and into quarters etc. Conversely, to fill the smaller

vessel several times and pour it into the larger vessel would not give an accurate measure, for two full half-measures when poured into a larger vessel are more than one whole measure (Rashi MS.).

(11) Since the measures were calculated from the smallest they were a little more than the measure they represented; thus the half-log was a little more than two exact quarter-logs, for when pouring two quarter-logs into a large vessel there would be therein more than a half-log by reason of the froth that is formed (Rashi MS.). Tosaf. s.v. **ישי** suggest the following interesting interpretation: It is agreed that the term 'full' precludes what is less than the prescribed measure, but as to what is more, he who maintains that the largest measure was given to Moses and was divided up into smaller measures, takes this as a symbol to exclude anything that is more than the measure, but he who maintains that the smallest measure was given to Moses and by increasing it the other measures were arrived at, takes it as a symbol that even what is more than the measure is still regarded as the full measure.

(12) Ex. XXX, 24.

(13) Supra 62b.

(14) I.e., seven markings in the hin measure.

(15) Cf. Lev. XIV, 5. One of the birds used in the purification rites of the leper was to be killed over running water in an earthen vessel. The quantity of water was determined by the Rabbis at one quarter-log, for in this quantity the blood of the bird would still be recognizable. V. Sot. 16b.

(16) For his cakes and wafers; v. Num. VI, 15.

(17) In the preparation of the bitter waters; cf. *ibid.* V, 17 and Sot. 15b.

(18) This was the maximum quantity of flour that might be brought as a meal-offering in a single vessel. *Infra* 103b.

(19) Lev. XIV, 21. Thus no matter how large the meal-offering was only one log of oil was necessary.

(20) Of oil and of wine, measured by the half-hin measure. The hin comprised twelve logs.

(21) Measured by the third-hin measure.

(22) Measured by the quarter-hin measure.

(23) All the Temple measures were anointed with the anointing oil and thereby consecrated, so that they could hallow whatever was put in them.

Talmud - Mas. Menachoth 88b

but that was outside [the camp];¹ and if [to hallow the quarter-log of oil] of the Nazirite,² but the bread-offering of the Nazirite was hallowed only by the slaughtering of the ram!³ — Said to him R. Hiyya. By it one measured the oil for the griddle-cakes of the High Priest, a quarter-log of oil for each cake.⁴ Rabbi then applied to him the verse, The man of my counsel from a far country.⁵

FOR WHAT PURPOSE DID THE HALF-LOG SERVE? Rabbi was sitting and raised this difficulty: Wherefore was the half-log measure anointed? If [it was in order to hallow the water used] in the case of a suspected woman, but was it unconsecrated [water that was used]? Is it not written, Holy water?⁶ And if [to hallow the half-log of oil] of the thank-offering, but the bread of the thank-offering was hallowed only by the slaughtering of the thank-offering!³ Said to him R. Simeon, Rabbi's son, By it [the priest] divided the oil for the Candlestick, a half-log for each lamp. Rabbi then exclaimed, O Lamp of Israel, it was so indeed.

R. Johanan said in the name of Rabbi, If a lamp had gone out,⁷ both the oil and the wick have become unfit.⁸ What must he do? He must clean it out, put in it fresh oil [and a fresh wick], and relight it.

R. Zerika was sitting and asked the following question, When he puts in fresh oil does he put in the same quantity of oil as at first, or only the quantity needed [for the remainder of the night]?⁹ — It is obvious, said R. Jeremiah. that he puts in as much oil as at first, for should you say only the quantity needed [for the remainder of the night, the question will be asked]. How do we know how much is needed? But should you say that it⁹ can be measured,¹⁰ then there must have been not only seven measures but numerous measures? [R. Zerika] thereupon applied [to R. Jeremiah] the verse, And in thy majesty prosper, ride on, on behalf of truth and meekness and righteousness.¹¹ And so it

has been stated: R. Abbahu said in the name of R. Johanan—others say, R. Abba said it in the name of R. Hanina who said it in the name of Rabbi — If a lamp had gone out, both the oil and the wick have become unfit. What must he do? He must clean it out, put in fresh oil as much as at first, [put in a fresh wick] and relight it.

R. Huna the son of Rab Judah said in the name of R. Shesheth: The lamp [at the top of each branch of the Candlestick] in the Temple was flexible.¹² He is of the opinion that the expressions ‘a talent’¹³ and ‘beaten work’¹⁴ apply to the Candlestick and also to the lamps; and since the latter had to be cleaned out, were they not flexible, they could not very well be cleaned out.

An objection was raised: How did he do it?¹⁵ He removed [the lamps from the Candlestick] and put them in a cleansing mixture.¹⁶ He then dried them with a sponge, put oil in them, and lit them!¹⁷ — He¹⁸ agrees with the following Tanna, for it was taught: The Sages say, They did not move it [the lamp] from its place at all. Does this mean to imply that it could be moved if one wanted to do so? — Say rather, They could not move it from its place at all. Who are ‘The Sages’? — R. Eleazar son of R. Zadok is meant. For it was taught: R. Eleazar son of R. Zadok says, There was a kind of thin plate of gold over [each lamp]; when cleaning out [the lamp the priest] used to press it down towards the mouth of the lamp,¹⁹ and when putting oil in it he used to press it down towards the back of the lamp.²⁰

And this matter is the subject of dispute between the following Tannaim. For it was taught: The Candlestick and the lamps were made out of the talent,²¹ but the tongs and the snuff dishes were not made out of the talent. R. Nehemiah said, The Candlestick [only] was made out of the talent, but neither the lamps nor the tongs nor the snuff dishes were made out of the talent. Wherein do they differ? — In the exposition of the following verse. For it was taught: Of a talent of pure gold shall it be made;²² we thus learn that the Candlestick was made out of the talent, but whence do I know that it included the lamps too? Because Scripture says, With all these vessels.²² Then I might think that it included even the tongs and the snuff dishes; the text therefore states, It.²² This is the opinion of R. Nehemiah. (But is there not here a contradiction between the two statements of R. Nehemiah?²³ — Two Tannaim differ as to R. Nehemiah's view.) R. Joshua b. Korha says, The Candlestick was made out of the talent, but neither the lamps nor the tongs nor the snuff dishes were made out of the talent. How then do I interpret the words ‘with all these vessels’? That the vessels were of gold. But that they were of gold is expressly stated in the verses, And thou shalt make the lamps thereof seven; and they shall light the lamps thereof, to give light over against it. And the tongs thereof and the snuff dishes thereof, shall be of pure gold!²⁴ — [The former verse] was stated only for the sake of the mouth of the lamp.²⁵ For I might have thought that since the mouth of the lamp becomes black the Torah has consideration for the money of Israel,

(1) The water did not need to be hallowed for that purpose.

(2) I.e., the measuring vessel should hallow the oil and the oil when mixed with the bread should hallow the bread.

(3) But not before by the oil.

(4) For the six cakes that were offered in the morning one log and a half of oil was used, that is, a quarter-log for each cake. Similarly for the six cakes offered in the evening.

(5) Isa. XLVI, 11. R. Hiyya had come from Babylon to Palestine.

(6) Num. V, 17. As the water used was already consecrated, being taken from the laver, there was no need for a consecrated measuring vessel to hallow the water (Rashi MS. and Tosaf.).

(7) Each lamp was filled every evening with a half-log of oil which was estimated to burn through the night until the morning. In this case the lamp had accidentally gone out in the night.

(8) Lit., ‘have become ashes’.

(9) That is the amount of oil left unburnt which was thrown out.

(10) The oil is placed in a measure before it is thrown out.

(11) Ps. XLV, 5. Cf. Shab. 63a where **וְהַדָּבָר** ‘thy majesty’ is interpreted as **וְהַדָּבָר** ‘thy sharpness, thy acumen’.

(12) Lit., separate parts'. The meaning is that although the whole Candlestick, including the lamps, was beaten (מקשה) out of one piece of gold, the ends of the branches which supported the lamps were made quite thin and flexible so that the whole lamp could be turned in any direction and thus be cleaned out well.

(13) Ex. XXV, 39. This word is omitted in MS.M.

(14) Ibid, 31, 36.

(15) I.e., how did the priest clean the lamps?

(16) Heb. **סוּוּא**, a mineral substance used for cleansing (Jast.). 'Among aloes' (Goldschmidt). According to Rashi: 'in the tent', i.e., in the Temple.

(17) It is evident from this Baraitha that the lamps could be removed from the Candlestick, which is contrary to R. Shesheth.

(18) R. Shesheth.

(19) Thus ejecting all burnt-out matter.

(20) Thus making a wide opening to receive the oil.

(21) The talent of pure gold used in the making of the Candlestick; cf. Ex. XXV, 39

(22) Ex. ibid.

(23) For above it was taught that according to R. Nehemiah the lamps were not made out of the talent.

(24) Ex. XXV, 37, 38.

(25) Where the flame is.

Talmud - Mas. Menachoth 89a

and therefore it may be made of any kind of gold; the verse therefore teaches us [that it, too, must be of pure gold].

A HALF-LOG OF OIL FOR THE THANK-OFFERING. It was taught: R. Akiba says, Why is the expression 'with oil' stated twice?¹ Had the verse stated 'with oil' once only, I should have said that it² was like all other meal-offerings in respect of the log of oil; but now that 'with oil' is stated twice, there is here an amplification following an amplification, and whenever an amplification follows an amplification it implies limitation. Thus the verse has [impliedly] reduced [the quantity of oil] to a half-log. But is there here an amplification following another amplification? There is only one amplification here!³ — Rather the argument is this: Had not the verse stated 'with oil' at all, I should have said that it was like all other meal-offerings in respect of the log of oil;⁴ but now that 'with oil' is stated twice, there is here an amplification following an amplification. and whenever an amplification follows another amplification it implies limitation. Thus the verse has reduced [the quantity of oil] to a half-log. I might think that this half-log of oil was to be divided equally among the three kinds of cakes,⁵ namely the cakes, the wafers, and the soaked cakes; but since the verse stated 'with oil' with the soaked cakes, which was quite unnecessary,⁶ it thereby increased the quantity of oil for the soaked cakes. How then [was it divided]? A half-log of oil was to be brought and divided into halves, one half to be used for the cakes and wafers and the other half for the soaked cakes. Thereupon R. Eleazar b. Azariah rejoined. Akiba, even though you repeat the word 'with oil' the whole day long I shall not listen to you; but [the fact is that] the half-log of oil of the thank-offering, the quarter-log of oil of the Nazirite, and the eleven days between two periods of menstruation,⁷ are laws delivered to Moses on Sinai.

WITH THE LOG ONE MEASURED [THE OIL FOR ALL MEAL-OFFERINGS]. Our Rabbis taught: It is written,⁸ And one tenth [part of an ephah of fine flour] mingled [with oil for a meal-offering,] and a log [of oil].⁹ This teaches that every tenth requires a log of oil. So the Sages. But R. Nehemiah and R. Eliezer [b. Jacob] say, Even a meal-offering of sixty tenths requires but one log, for it is said, For a meal-offering and a log of oil.¹⁰ For what exposition do R. Nehemiah and R. Eliezer b. Jacob require the words 'And one tenth . . . mingled . . . and a log of oil'? — They require them for their own purpose; the Divine Law ordaining thereby that he must bring one tenth [for a meal-offering]. And the others?¹¹ — They say that for that purpose no verse is required. for since the

Divine Law ordained in the case of a leper of affluent means that he must bring three animal-offerings and three tenths [of flour for a meal-offering], here [in the case of a leper of poor means], since he brings but one animal-offering, only one tenth [is required for a meal-offering]. And the others?¹² — The verse is indeed necessary; for otherwise I might have said that, since the All Merciful has spared him expense by allowing him to bring a poor [man's] sacrifice, no meal-offering at all is to be brought! And the others?¹³ — We do not find [they say] that he should be [exempt] entirely [from the offering].¹⁴ And for what exposition do the Rabbis require the words 'For a meal-offering and a log of oil'? — They need them to teach that whosoever makes a freewill-offering of a meal-offering shall bring nothing less than the quantity for which one log of oil is prescribed, and that is, one tenth. And the others?¹⁵ — Both teachings [they say] can be derived [from these words].

SIX [LOGS] WERE REQUIRED FOR A BULLOCK, FOUR FOR A RAM, AND THREE FOR A LAMB. How do we know this? Because it is written, And their drink-offerings shall be half a hin of wine for a bullock.¹⁶ And a hin has twelve logs, for it is written, And of olive oil a hin;¹⁷ and it is also written, This [zeh] shall be a holy anointing oil unto Me throughout your generations.¹⁸ the numerical value of zeh being twelve.¹⁹

THREE LOGS AND A HALF FOR THE CANDLESTICK, A HALF-LOG FOR EACH LAMP. Whence is this derived? — Our Rabbis taught: [It is written.] To burn from evening to morning:²⁰ provide it with its requisite measure so that it may burn from evening to morning. Another interpretation: 'From evening to morning': you have no other service that is valid from evening to morning save this²¹ alone. And the Sages have calculated that a half-log of oil [will burn] from evening to morning. Some say that they calculated it by reducing [the original quantity of oil];²² while others say that they calculated it by increasing it.²³ Those who say that they calculated it by increasing [the quantity of oil adopt the principle that] the Torah has consideration for the money of Israel;²⁴ and those who say that they calculated it by reducing it [adopt the principle that] there is no poverty in the place of wealth.

MISHNAH. ONE MAY MIX THE DRINK-OFFERING²⁵ OF BULLOCKS WITH THE DRINK-OFFERINGS OF RAMS,²⁶ OR THE DRINK-OFFERINGS OF LAMBS WITH THE DRINK-OFFERINGS OF OTHER LAMBS, OR THOSE OF AN INDIVIDUAL OFFERING WITH THOSE OF A COMMUNAL OFFERING,

(1) Lev. VII, 12 with reference to the various cakes offered with the thank-offering.

(2) Sc. the thank-offering.

(3) For the words 'with oil' stated the first time are essential to teach that oil is required.

(4) Since we know of no meal-offering consisting of cakes and wafers that is brought without oil.

(5) The leavened cakes of the thank-offering required no oil.

(6) For from Lev. VI, 14 we already learn that soaked cakes required oil.

(7) Any discharge of blood during these intervening eleven days is deemed a flux (זִיבָה), and under no circumstances can it be accounted as menstrual blood (נִידָה). For full details v. Nid. 71b ff. V. Pes., Sonc. ed., p 422, n. 5.

(8) Cur. edd. insert. here: 'with reference to the offering of a leper of poor means. This is clearly an explanatory gloss and is omitted in all MSS.

(9) Lev. XIV, 21.

(10) Ibid. No matter how large the meal-offering is only one log of oil is required.

(11) The Sages. Do they not agree that these words of the verse are necessary for their own purpose; how then can they interpret the verse otherwise so as to derive their teaching that for every tenth one log of oil is required?

(12) R. Nehemiah and R. Eliezer b. Jacob.

(13) The Sages.

(14) The Divine Law has reduced the number and cost of the offerings for a man of poor means, but by no means has it exempted him entirely therefrom.

(15) Do not R. Nehemiah and R. Eliezer b. Jacob agree that the verse is required for this last teaching; how then can they interpret the verse otherwise so as to derive therefrom their ruling that only one log is required for the meal-offering, no matter how large it is?

(16) Num. XXVIII, 14.

(17) Ex. XXX. 24.

(18) Ibid. 31. Heb. יין .

(19) $\text{י} = 7$ and $\text{יין} = 5$. Thus it is established that the hin consists of twelve logs, for the log is the smallest unit of liquid measure mentioned in the Torah (Rashi).

(20) Ex. XXVII, 21.

(21) Sc. the kindling of the lights.

(22) Lit., 'from above downwards'. They first filled each lamp with a large quantity of oil and on finding in the morning that the lamp was still alight and that there was still oil in the lamp, they gradually reduced the quantity until they arrived at a half-log. This measure was found to be sufficient for the longest night of the winter; in the summer a thicker wick was used so that the oil was consumed more quickly.

(23) Lit., 'from below upwards'. They first filled the lamp with a small quantity of oil and on finding in the morning that it had burnt out, the next evening they increased the quantity of oil and so on until they arrived at the standard of the half-log.

(24) And to calculate by using the larger quantity of oil in the first instance entailed the waste of the oil that was still in the lamp by the morning.

(25) This term includes the meal-offering, i.e., the quantities of flour and oil, as well as the wine-offering. It is assumed for the present that the Mishnah is dealing with the meal-offerings.

(26) For the mixture of each meal-offering was of equal consistency, the meal-offering of the bullock consisting of three tenths flour and a half-hin (six logs) of oil, and that of a ram of two tenths flour and a third-hin (four logs) of oil, thus in each case there were two logs of oil to every tenth of flour. The meal-offering of a lamb, however, was of a thinner consistency, consisting of one tenth of flour and a quarter-hin (three logs) of oil.

Talmud - Mas. Menachoth 89b

OR THOSE OF [AN OFFERING OFFERED] TO-DAY WITH THOSE OF [AN OFFERING OFFERED] YESTERDAY;¹ BUT ONE MAY NOT MIX THE DRINK-OFFERINGS OF LAMBS WITH THE DRINK-OFFERINGS OF BULLOCKS OR OF RAMS.² IF AFTER EACH WAS MINGLED³ BY ITSELF THEY WERE MIXED TOGETHER, THEY ARE VALID; BUT IF BEFORE EACH WAS MINGLED BY ITSELF [THEY WERE MIXED TOGETHER], THEY ARE INVALID. ALTHOUGH THE MEAL-OFFERING OF THE LAMB THAT WAS OFFERED WITH THE 'OMER WAS DOUBLED,⁴ ITS DRINK-OFFERINGS WERE NOT DOUBLED.⁵

GEMARA. [ONE MAY MIX etc.]. I can point out a contradiction to this, [for it has been taught]: And he shall burn it:⁶ [this intimates] that he shall not mix the fat portions [of one sacrifice] with the fat portions [of another]!⁷ -R. Johanan answered, [The Mishnah only] speaks of the case where they had been mixed.⁸ BUT ONE MAY NOT MIX THE DRINK-OFFERINGS OF LAMBS WITH THE DRINK-OFFERINGS OF BULLOCKS OR OF RAMS; that is, even though they had been mixed they are not [valid].⁹ But surely since it states in the next clause, IF AFTER EACH WAS MINGLED BY ITSELF THEY WERE MIXED TOGETHER, THEY ARE VALID, it follows that the first clause teaches [that they may be mixed together] in the first instance! — Abaye therefore answered, [The Mishnah] means to say this: One may mix the wine-offerings¹⁰ together if the flour and oil¹⁰ had already been mixed together.¹¹ But may not one mix the wine-offerings in the first instance?¹² But it has been taught: This rule¹³ applies only to the flour and oil, but one may mix the wine-offerings!¹⁴ — Rather, said Abaye, If the flour and oil [of the two offerings] have already been burnt [upon the altar],¹⁵ one may then mix the wine-offerings in the first instance.¹⁶ If they have not yet been burnt, but they¹⁷ have been mixed together, one may mix the wine-offerings;¹⁸ but if they have not [been mixed together], one may not mix [the wine-offerings], for this might lead to the mixing of the flour and oil in the first instance.¹⁹

[ALTHOUGH THE MEAL-OFFERING OF] THE LAMB THAT WAS OFFERED WITH THE ‘OMER etc. Our Rabbis taught: And the meal-offering thereof shall be two tenth parts:²⁰ this teaches us that the meal-offering of the lamb that was offered with the ‘Omer was doubled. I might then think that as its meal-offering was doubled so its wine was also doubled; the text therefore stated, And the drink-offering thereof shall be of wine, the fourth part of a hin.²⁰ I might further think that its wine was not doubled since it was not mingled with the meal-offering, but its oil [I say] was doubled, seeing that it was mingled with the meal-offering; the text therefore stated, ‘And the drink-offering thereof’, thus intimating that all the drink-offerings thereof shall be the fourth part of a hin. How is this intimated in the verse? — R. Eleazar said, Because it is written *we-niskah*²¹ and we read it *we-nisko*.²² Now what is the explanation thereof? — The drink-offering of the meal-offering, [namely the oil,] shall be equal to the drink-offering of [the lamb, namely] the wine, and as of wine there was the fourth part of a hin so of oil there was the fourth part of a hin.

R. Johanan said, If the guilt-offering of a leper was slaughtered. under any name other than its own, it still requires the drink-offerings; for should you not say so, you would render it invalid.²³ R. Menashia b. Gadda demurred, In that case, if the lamb that is offered with the ‘Omer was slaughtered under any name other than its own, its meal-offering should nevertheless be doubled; for should you not say so, you would render it invalid.²⁴ Furthermore, if the daily morning-offering was slaughtered under any name other than its own, it should nevertheless require the offering of two logs of wood by a priest;²⁵ for should you not say so, you would render it invalid. And furthermore, if the daily evening-offering was slaughtered under any name other than its own, it should nevertheless require the offering of two logs of wood by two priests;²⁵ for should you not say so, you would render it invalid! — It is indeed so,²⁶ for²⁷ Abaye has said, He²⁸ stated but one of several cases. Raba²⁹ said, [It is not so.] for in the latter cases the offerings are burnt-offerings,

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- (1) The drink-offerings may be offered many days after the offering of the animal. V. supra 15b.
 - (2) For the meal-offerings are of unequal consistencies and it is inevitable that the thicker mixture (sc. the meal-offering of the bullock or of the ram) should not absorb some of the thinner mixture (sc. the meal-offering of the lamb), accordingly both meal-offerings would be invalid, the former because it is too much and the latter because it is too little.
 - (3) Sc. the flour with the oil.
 - (4) Two tenths of flour instead of the usual one tenth. V. Lev. XXIII, 13.
 - (5) And it required only a quarter-hin (three logs) of oil and of wine.
 - (6) Lev. III, 11.
 - (7) Pes. 64b. Likewise one shall not mix the meal-offering which accompanies one sacrifice with the meal-offering which accompanies another sacrifice, even though the same kind of animal was offered in each case.
 - (8) But one may not mix them in the first instance.
 - (9) The text followed here is that of MS.M. (omitting **אֵי הַכִּי** and taking the sentence as the continuation of R. Johanan's argument). So Sh. Mek. and also in the text quoted by Kesef Mishneh on Maim. Yad, Temidin u-Musafin X, 14.
 - (10) Of bullocks and rams.
 - (11) But not where the flour and oil of the two offerings had not been mixed together. And so, too, where the flour and oil of two dissimilar meal-offerings had been mixed together (e.g., the meal-offering of a bullock with that of a lamb), one may not mix the wine-offerings.
 - (12) In the case where the flour and oil of the two meal-offerings had not been mixed together.
 - (13) That one may not mix the drink-offering of a bullock with that of a lamb.
 - (14) Of bullocks and lambs in all circumstances, whether the flour and oil of the two offerings had already been mixed together or not.
 - (15) Even if they had never been mixed together.
 - (16) Even the wine-offering of a bullock or a ram with that of a lamb. This is the ruling embodied in the last quoted Baraitha.
 - (17) Sc. the meal-offerings of bullocks and rams, but not the meal-offerings of bullocks or rams and lambs. V. Glosses

of R. Samuel Strashoun a.l., and Com. 'Olath Shelomoh.

(18) In accordance with the ruling of the first clause of our Mishnah.

(19) And this would be a transgression of the verse And he shall burn it; v. supra p. 543.

(20) Lev. XXIII, 13.

(21) Lev. XXIII, 13. וְנִסְכָּהּ 'her drink-offering', i.e., that of the meal-offering (מִנְחָהּ being feminine in Heb.), namely the oil.

(22) וְנִסְכּוֹ, 'his drink-offering', i.e., that of the lamb (being masculine), namely the wine.

(23) And it could not be offered at all; for it is not permissible to offer it as another offering since it was originally set apart as a guilt-offering, and to regard it as a freewill-offering is out of the question for a guilt-offering is only brought as an obligation; accordingly it can only be offered as the guilt-offering of a leper, and as such it requires drink-offerings (v. infra 90b).

(24) For it cannot be offered as another offering, and as the lamb of the 'Omer it requires a double meal-offering.

(25) V. Yoma 26b.

(26) That in the other cases mentioned, besides that mentioned by R. Johanan, the offering must be offered according to all the prescribed rites, as though it had been slaughtered under its own name.

(27) So most MSS., reading וְהֵאָמַר instead of אֵלָא אָמַר

(28) R. Johanan.

(29) So all MSS., and also according to Rashi and Tosaf. Cur. edd. 'R. Abba'.

Talmud - Mas. Menachoth 90a

and if they are not admissible as the original obligatory burnt-offerings, they are nevertheless admissible as freewill burnt-offerings;¹ but here [in the case of the guilt-offering of a leper] if you do not regard it as the originally named [offering, it cannot be offered at all, for] there is no such thing as a freewill guilt-offering.

There has been taught [a Baraitha] that is in accord with R. Johanan: If the guilt-offering of a leper was slaughtered under any name other than its own, or if [the priest] did not apply some of the blood upon the thumb and great toe [of the leper], it is nevertheless offered upon the altar and it requires drink-offerings; but [the leper] must bring another guilt-offering to render him permitted.²

MISHNAH. ALL THE MEASURES IN THE TEMPLE WERE HEAPED EXCEPTING [THAT USED FOR] THE HIGH PRIEST'S [MEAL-OFFERING] WHICH INCLUDED IN ITSELF THE HEAPED MEASURE.³ THE OVERFLOW OF THE LIQUID-MEASURES WAS HOLY, BUT THE OVERFLOW OF THE DRY-MEASURES WAS NOT HOLY. R. AKIBA SAID, THE LIQUID-MEASURES WERE HOLY, THEREFORE THEIR OVERFLOW WAS HOLY TOO; THE DRY-MEASURES WERE NOT HOLY, THEREFORE THEIR OVERFLOW WAS NOT HOLY. R. JOSE SAID. IT IS NOT ON THAT ACCOUNT BUT BECAUSE LIQUIDS ARE STIRRED UP⁴ AND DRY-STUFFS ARE NOT. GEMARA. Who is [the author of our Mishnah]? Should you say R. Meir,⁵ but according to him only one measure was heaped up. And should you say the Rabbis,⁵ but according to them there was only one [tenth-measure] and that was levelled! — R. Hisda answered, Indeed it is R. Meir, but the expression ALL THE MEASURES' means all the measurings.⁶

THE OVERFLOW OF THE LIQUID-MEASURES WAS HOLY. What is the point at issue between them? — The first Tanna is of the opinion that the liquid-measures were anointed both inside and outside,⁷ but the dry-measures were anointed inside only but not outside. R. Akiba is of the opinion that the liquid-measures were anointed both inside and outside but the dry-measures were not anointed at all.⁸ R. Jose is of the opinion that both [the liquid-measures and the dry-measures] were anointed inside only and not outside, but this is the reason [for the ruling of our Mishnah]: liquids are stirred up, and therefore the overflow comes from the inside of the vessel', but dry-stuffs are not stirred up at all.

But even if [liquids are] stirred up, what does it matter? The man surely intends to hallow only that which he requires?⁹ — Said R. Dimi b. Shishna in the name of Rab, This proves that vessels of ministry can hallow even without the [owner's] intention.¹⁰ Rabina, however, said, I can still hold that vessels of ministry hallow only with the [owner's] intention, [nevertheless the overflow is deemed to be holy, for otherwise] it is to be feared that people will say that one may take out what has already been in a vessel of ministry for secular use.¹¹

R. Zera raised the following objection: [We have learnt:]¹² If he set the Shewbread and the dishes [of frankincense] on the day after the Sabbath and burnt the dishes of frankincense on the next Sabbath,¹³ it is not valid.¹⁴ What should he do? He should leave it until the following Sabbath,¹⁵ for even if it remains many days on the table there is no harm. But why [is it allowed to be left for a longer period]? Might not people say, that one may allow holy things to remain in a vessel of ministry?¹⁶ — You surely cannot point out a contradiction between [what is performed] inside¹⁷ and [what is performed] outside;¹⁸ [what is performed] inside not everybody is aware of, but [what is performed] outside everybody is aware of.¹⁹

We have learnt elsewhere:²⁰ The surplus of the drink-offerings was used for the altar's 'dessert'.²¹ What is meant by 'the surplus of the drink-offerings'? — R. Hiyya b. Joseph said, It is the overflow of the measures. R. Johanan said, It is as we have learnt:²² If a man had undertaken to supply fine flour at four [se'ahs a sela']²³ and the price subsequently stood at three [se'ahs a sela'], he must still supply it at four;²⁴

(1) Accordingly in the circumstances stated, neither the lamb of the 'Omer would require a double meal-offering, nor the daily offerings the special offering of wood, since they could be offered as freewill burnt-offerings.

(2) To enter the camp of Israel, for he has not fulfilled his obligation with the first guilt-offering.

(3) This measure when filled level held as much as the others when heaped.

(4) When a liquid is being poured into a vessel what comes into the vessel last does not merely lie on the surface of what was poured in before it, but the entire liquid in the vessel is stirred up. Accordingly when the vessel is filled to overflowing, the overflow is not only of that liquid which was poured on the vessel after the vessel had been filled, but is also of the liquid displaced from the inside of the vessel; and as the latter has been hallowed in the vessel the overflow must of necessity be holy.

(5) V. supra 87a.

(6) I.e., whenever this one measure was used it was filled to a heap.

(7) Sc. the outer rim of the vessel. Hence the overflow as it passes over this rim becomes hallowed.

(8) But what was placed in them was hallowed by word of mouth. Accordingly only what was required for the man's purpose was thus hallowed, but not the overflow.

(9) And not the overflow. This question lies against all three Tannaim. V. Mishneh le-melek on Maim. Yad, Ma'ase Hakorb., II, 9.

(10) The overflow is automatically hallowed by the vessel even though the owner does not desire it.

(11) Because of this apprehension it was decreed that the overflow of liquids which comes from the inside of the vessel is holy.

(12) V. infra 100a; Yoma 29b.

(13) As is normally required.

(14) For the Shewbread must remain on the table for seven days, whereas here it remained there only for six days.

(15) I.e., for thirteen days.

(16) And so long as it is in a vessel of ministry it does not become invalid by being kept overnight or for any longer period.

(17) Sc. the arrangement of the Shewbread, which is performed inside the Temple where only priests entered.

(18) Sc. the measuring of the meal-offering, which is performed outside the Temple in the Temple court where all Israelites were permitted to enter.

(19) And there is ground for the apprehension.

(20) Shek. IV, 4; Keth. 106b.

(21) קייץ 'summer fruit'; cf. II. Sam. XVI, 1, 2. These were the burnt-offerings offered after all the public and private offerings of that day had been offered so that the altar should not remain idle. V. Shebu., Sonc. ed., p. 50 n. 3.

(22) Shek. IV, 9; B.M. 57b.

(23) And he was paid by the Temple-treasurer a certain sum of money.

(24) For in regard to Temple matters the payment of money binds the contract even though the goods have not yet passed either actually or symbolically into the possession of the Temple.

Talmud - Mas. Menachoth 90b

if [he had undertaken to supply it] at three and the price subsequently stood at four, he must supply it at four,¹ for the Temple has always the upper hand. There has been taught [a Baraitha] which agrees with R. Hiyya b. Joseph and there has also been taught [a Baraitha] which agrees with R. Johanan. There has been taught [a Baraitha] which agrees with R. Hiyya b. Joseph, vis., What did they do with the overflow of the measures? If there was another animal-offering, it may be offered with it; and if it² had been kept overnight, it is thereby³ rendered invalid. Otherwise⁴ it is offered as 'dessert' for the altar. What is this 'dessert'? Burnt-offerings; the flesh [is burnt] unto God, and the skins fall to the priests. There has also been taught [a Baraitha] which agrees with R. Johanan, viz., If a man had undertaken to supply fine flour at four [se'ahs a sela'] and the price subsequently stood at three [se'ahs a sela'], he must still supply it at four; if [he had undertaken to supply it] at three and the price subsequently stood at four, he must supply it at four, for the Temple has the upper hand. This [illustrates] what we have learnt: The surplus of the drink-offerings was used for the altar's 'dessert'.

MISHNAH. ALL THE OFFERINGS OF THE CONGREGATION AND OF THE INDIVIDUAL REQUIRE DRINK-OFFERINGS⁵ EXCEPT THE FIRSTLING, THE TITHE OF CATTLE, THE PASSOVER-OFFERING, THE SIN-OFFERING AND THE GUILT-OFFERING; BUT THE SIN-OFFERING AND GUILT-OFFERING OF THE LEPER REQUIRE DRINK-OFFERINGS.

GEMARA. Our Rabbis taught: [Since it is written,] And ye will make an offering by fire unto the Lord,⁶ I might think that every offering that is offered upon the fire [of the altar] requires drink-offerings, hence even the meal-offering requires the drink-offerings; the text therefore added, A burnt-offering.⁷ Whence do I know that peace-offerings [require drink-offerings]? Because the text added, A sacrifice.⁸ And whence the thank-offering? Because the text added, Or a sacrifice.⁹ I would then include also the firstling, the tithe of cattle, the Passover-offering, the sin-offering, and the guilt-offering; but the text stated, In fulfilment of a vow clearly uttered or as a freewill-offering:⁸ that which is offered in fulfilment of a vow or as a freewill-offering requires drink-offerings, but that which is not offered in fulfilment of a vow or as a freewill-offering does not require drink-offerings; the implication being to exclude the above.¹⁰ I would then exclude also the obligatory offerings that are offered on account of the festival on the festival, namely the 'appearance burnt-offerings'¹¹ and the festival peace-offerings; but the text stated, Or in your appointed seasons:⁸ whatever is offered on your appointed seasons requires drink-offerings; the implication being to include the above. I would then include the he-goats for sin-offerings.¹² since they are offered as an obligation on the festival; but the text stated, And when thou preparest a bullock for a burnt-offering.¹³ Now the bullock was included in the general law,¹⁴ why then was it singled out? To teach you that everything be compared with it: as the bullock is distinguished in that it may be offered either in fulfilment of a vow or as a freewill-offering, so everything that is offered either in fulfilment of a vow or as a freewill-offering [requires drink-offerings].¹⁵ Wherefore did the text state, To make a sweet savour unto the Lord, of the herd or of the flock?¹⁶ It is because it says 'A burnt-offering', and that, I would have said, included the burnt-offering of a bird; the text therefore stated, 'Of the herd or of the flock', [thereby excluding the burnt-offering of a bird]. So R. Josiah. R. Jonathan says, This is quite unnecessary, for the text stated, 'A sacrifice', and a bird-offering is no sacrifice.¹⁷ Wherefore then did the text state, 'Of the herd or of the flock'? It is because it is said previously, When any man of

you bringeth an offering unto the Lord, ye shall bring your offering of the cattle, even of the herd and of the flock.¹⁸ Now I might have thought that if a man said, 'I take upon myself [to offer] a burnt-offering', he must bring [one animal] from each of the two kinds; the text therefore stated here, 'Of the herd or of the flock': if he so desires he brings one [animal] or if he so desires two.

But why, according to R. Jonathan, is any verse necessary to teach this? Has he not said, 'Unless the verse expressly states "together"?'¹⁹ — It is necessary, for I might have said that

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- (1) For in this case Temple matters are on a par with ordinary lay transactions, and therefore so long as the goods have not yet passed into the hands of the purchaser the contract is not binding. Now the extra se'ah of flour that is supplied to the Temple is deemed to be 'the surplus of the drink-offerings', for the flour was intended to be used for the drink-offerings, and is used for the altar's 'dessert'.
 - (2) Sc. the overflow of the measures.
 - (3) Lit., 'by being kept overnight'.
 - (4) If there is no other animal-offering available.
 - (5) These are the meal-offering of flour and oil and the wine-offering that accompanied the animal-offering.
 - (6) Num. XV, 3, with reference to the drink-offerings.
 - (7) Num. XV, 3. Only an animal-offering requires drink-offerings.
 - (8) Ibid., with reference to the drink-offerings.
 - (9) Ibid. The expression 'or' extends the scope of the law.
 - (10) For the firstling and the tithes of cattle etc. are obligatory offerings.
 - (11) The offerings to be offered by every Israelite on appearing at the Temple on the three great festivals. Cf. Deut. XVI, 16.
 - (12) I.e., that the musaf or additional sacrifices of the festivals should require drink-offerings.
 - (13) Num. XV, 8.
 - (14) Laid down in v. 3: And ye will make an offering by fire, which includes everything that is offered by fire (Rashi MS.). Or expressly stated in the end of that verse: Of the herd or of the flock (R. Gershom, Tosaf.).
 - (15) This excludes the he-goats for the sin-offerings, since the sin-offering is an obligatory offering.
 - (16) Num. XV, 3.
 - (17) For the Heb. זָבַח is strictly an animal-offering to which the law of slaughtering זְבִיחָה applies; it therefore excludes a bird-offering which does not require slaughtering but nipping off the head.
 - (18) Lev. I, 2.
 - (19) Wherever in any law Scripture states two items, the two may be taken either together or separately, according to the other rules governing that law, unless Scripture expressly states 'together', as, e.g., in Deut. XXII, 10. The dispute between R. Josiah and R. Jonathan is stated primarily regarding the cursing of parents in Lev. XX, 9. V. Sanh. 85b and Hul. 78b. As the expression 'together' is not found in Lev. I, 2, one would have assumed at the outset that an offering of one kind alone was permissible.

Talmud - Mas. Menachoth 91a

since it is written there, And of the flock, it is as though the expression 'together' had been used.¹ Then according to R. Josiah who says that even though the expression 'together' is not expressly used it is interpreted as though 'together' had been used, a verse is surely necessary [to teach that both need not be brought!]² — There is written, If his offering be a burnt-offering of the herd,³ and there is also written, And if his offering be of the flock.⁴ And the other?⁵ — I might have thought that that was so only when a man expressly said so,⁶ but when he did not say so expressly⁷ [I would say that] he must bring from [each of] the two kinds; we are therefore taught [otherwise].

The Master stated: 'And whence the thank-offering? Because the text added. Or a sacrifice'. But is not the thank-offering also a sacrifice?⁸ — I might have thought that since it is accompanied by a bread-offering it does not require the drink-offerings.⁹ But wherein does it differ from the Nazirite ram, which is accompanied by a bread-offering and yet requires the drink-offerings? — I might have

thought that only there [where the bread-offering consists only] of two kinds¹⁰ [are drink-offerings required] but [not] here [where] it consists of four kinds; we are therefore taught otherwise.

But the Divine Law should only have stated, In fulfilment of a vow clearly uttered or as a freewill-offering, and it need not have stated, A burnt-offering!¹¹ — Had not the Divine Law stated, ‘A burnt-offering’. I should have said that the expression ‘and ye will make an offering by fire unto the Lord’¹² was a general proposition, ‘in fulfilment of a vow clearly uttered or as a freewill-offering’¹³ a specification, and ‘to make a sweet savour’¹³ another general proposition; we would thus have two general propositions separated by a specification, in which case everything that is similar to the matter specified would be included; and as the matter specified is distinguished in that it is an offering not brought [in atonement] for any sin, so every offering that is not brought [in atonement] for any sin [would require drink-offerings]. I would thus exclude [from drink-offerings] the sin-offering and the guilt-offering as they are brought [in atonement] for a sin, but I would include the firstling, the tithe of cattle, and the Passover-offering, as they are not brought [in atonement] for any sin;¹⁴ the text therefore stated, A burnt-offering.¹⁵ But now that [Scripture] has stated, A burnt-offering, what then is [there left] to be included by the general propositions and the specification? — [The inference from the specification is made thus:] As the matter specified is an offering which one is under no obligation to offer,¹⁶ so every offering which one is under no obligation to offer [requires drink-offerings]; this includes [for drink-offerings] the young of consecrated animals¹⁷ and their substitutes, the burnt-offering brought out of the surplus,¹⁸ the guilt-offering condemned to pasture,¹⁹ and all offerings that were slaughtered under any name other than their own.

Now that you have established that the term ‘or’ was inserted for an exposition,²⁰ was there any need for [the term ‘or’ in the expression] ‘in fulfilment of a vow clearly uttered or as a free will-offering’ to indicate disjunction? — It was necessary, for [without ‘or’] I might have thought that unless one brought an offering in fulfilment of a vow and also a freewill-offering one would not have to bring drink-offerings; we are therefore taught that if one brings an offering in fulfilment of a vow alone one must bring drink-offerings, and so, too, if one brings a freewill-offering alone one must bring drink-offerings. This is quite in order according to R. Josiah.²¹ but what need was there for that term according to R. Jonathan?²² — It was necessary, for [without ‘or’] I might have thought that if one brought an offering in fulfilment of a vow alone one must bring drink-offerings, and if one brought a freewill-offering alone one must bring drink-offerings, but if one brought an offering in fulfilment of a vow and also a freewill-offering it is sufficient if the drink-offerings are brought for one only; we are therefore taught [otherwise].

And what need was there for the term ‘or’ in the expression or in your appointed seasons’? — It was necessary, for [without it] I might have thought that that²³ was so only where one brought a burnt-offering in fulfilment of a vow and a freewill peace-offering or vice versa, but where one brought a burnt-offering and a peace-offering both in fulfilment of a vow or both as freewill-offerings, since there is only one class of offering here, viz., in fulfilment of a vow or freewill-offerings, it is sufficient if the drink-offerings for one only are brought; we are therefore taught [otherwise]. And what need was there for [the ‘or’ in] the verse, And when thou preparest a bullock for a burnt-offering or for a sacrifice?²⁴ — It was necessary, for [without it] I might have thought that that²³ was so only where one brought a burnt-offering and a peace-offering both in fulfilment of a vow or both as freewill-offerings, but where one brought two burnt-offerings one in fulfilment of a vow and one as a freewill-offering, or two peace-offerings one in fulfilment of a vow and one as a freewill-offering, since there is only one type of offering here, viz., the peace-offering or the burnt-offering, it is sufficient if the drink-offerings for one only are brought; we are therefore taught [otherwise].

And what need was there for [the ‘or’ in] the expression ‘in fulfilment of a vow clearly uttered or

for peace-offerings'?²⁵ — It was necessary, for [without it] I might have thought that that²⁶ was so only where one brought two burnt-offerings one in fulfilment of a vow and one as a freewill-offering, or two peace-offerings one in fulfilment of a vow and one as a freewill-offering, but where one brought two burnt-offerings each in fulfilment of a vow, or each as a freewill-offering, or two peace-offerings each in fulfilment of a vow or each as a freewill-offering, since there is only one type of offering here, viz., the burnt-offering or the peace-offering, it is sufficient if the drink-offerings for one only are brought; we are therefore taught [otherwise].

And according to R. Josiah what need was there for [the 'or' in] the expression 'of the herd or of the flock'?²⁷ — It was necessary. for [without it] I might have thought that that²⁶ was so only [where the two animals were] of two kinds,²⁸ but where they were both of one kind it is sufficient if the drink-offerings for one only are brought; we are therefore taught [otherwise].

And what need was there for the verse, So shall ye do for every one according to their number?²⁹ — [Without it] I might have thought that that²⁶ was so only [where the two animals were consecrated] one after the other, but where they were [consecrated] simultaneously³⁰ it is sufficient if the drink-offerings for one only are brought; we are therefore taught [otherwise].

BUT THE SIN-OFFERING AND THE GUILT-OFFERING OF THE LEPER REQUIRE DRINK-OFFERINGS. How do we know this? — Our Rabbis taught: And three tenth parts of an ephah of fine flour for a meal-offering:³¹ this verse refers to the meal-offering that is offered with the animal-offering.³² You say it refers to the meal-offering that is offered with the animal-offering, but perhaps it is not so but rather it refers to the meal-offering that is offered by itself! Since it says, And the priest shall offer the burnt-offering and the meal-offering,³³ you may be sure that the other verse [also] refers to the meal-offering that is offered with the animal-offering. But I still do not know whether it³⁴ requires a drink-offering [of wine] or not; the text therefore states, And wine for the drink-offering, the fourth part of a hin, shalt thou prepare with the burnt-offering or for the sacrifice, for each lamb.³⁵ The expression 'the burnt-offering' refers to the burnt-offering of the leper, 'the sacrifice' to the sin-offering of the leper, and 'or for the sacrifice' to the guilt-offering of the leper. But surely both [the sin-offering and the guilt-offering of the leper] can be derived from 'the sacrifice'!³⁶

(1) For according to the construction of that verse the interpretation might well be that the words 'and of the flock' must be taken in addition to 'cattle', thus indicating that two animals must be brought for the offering, and that the intervening expression 'of the herd' is merely in apposition to 'cattle'. According to Tosaf. the suggestion that the expressions in this verse must be taken conjunctively is made by reason of the repetition of the particle **וְ** 'of', in the verse.

(2) But R. Josiah actually utilizes the verse, which according to R. Jonathan signifies disjunction, for another purpose, namely to exclude bird-offerings.

(3) Lev. I, 3.

(4) Ibid. 10. Since each is dealt with separately it is obvious that each may be brought by itself.

(5) How can R. Jonathan suggest that both kinds were to be brought together seeing that each is dealt with alone in separate passages?

(6) E.g., 'I take upon myself to offer a lamb (or a bullock) for a burnt-offering'. In this case he expressly mentioned one animal.

(7) But simply said, 'I take upon myself to offer a burnt-offering'.

(8) The thank-offering is surely included under the term 'sacrifice', consequently the expression 'or' is rendered superfluous.

(9) For the bread-offering (cf. Lev. VII, 12, 13) would take the place of the drink-offerings.

(10) The bread-offering which accompanied the Nazirite's ram consisted of two kinds only, viz., unleavened cakes and unleavened wafers (cf. Num. VI, 15), whereas the thank-offering had two additional kinds of cakes, viz., soaked cakes and leavened cakes.

(11) For the burnt-offering would have been included since it is usually brought in fulfilment of a vow or as a

freewill-offering. Moreover it was not necessary to state the burnt-offering in order to exclude the meal-offering for that is excluded by the expression 'sacrifice'.

(12) Num. XV, 3.

(13) Num. XV, 3.

(14) Accordingly by the application of the principle of two general propositions separated by a specification we would have to include those offerings which were not quite similar to the specification, and therefore even what is not offered in fulfilment of a vow or as a freewill-offering (e.g. the firstling) would still require drink-offerings provided it was like the specification in this one respect, viz., that it was not offered in atonement for any sin.

(15) Ibid. The expression 'a burnt-offering' is also taken as a specification inserted between two general propositions, and it serves to exclude the firstling and the tithe.

(16) For the burnt-offering mentioned in the verse is clearly a freewill-offering.

(17) E.g., the young of a peace-offering.

(18) I.e., from the overflow of measures, v. supra 90a. According to another reading given in Rashi MS. and also found in R. Gershom: 'the substitute of the burnt-offering' (reading **התמורות**, for **המותרות**).

(19) I.e., when the guilt-offering was no longer required for its purpose as when the owner thereof had died. The animal was condemned to pasture until it became blemished when it was redeemed and the proceeds used for burnt-offerings. V. supra 4a.

(20) To indicate disjunction, namely that a burnt-offering of any one animal of the herd or of the flock requires drink-offerings.

(21) Who holds that in the absence of any disjunctive term the particular items would be taken together as one; accordingly the term 'or' is essential here.

(22) Since he holds that without any disjunctive term the items can be taken individually.

(23) That for each offering drink-offerings are required.

(24) Num. XV, 8.

(25) Num. XV, 8.

(26) That for each offering drink-offerings are required.

(27) Ibid. 3. The expression in general has been utilized by him to exclude bird-offerings, but what is the point of the disjunctive term 'or'?

(28) E.g., a bullock and a sheep.

(29) Ibid. 12. This verse also implies that for each offering there must be the drink-offerings.

(30) And brought into the Temple at the same time.

(31) Lev. XIV, 10, in reference to the sacrifices brought by a leper of substantial means on the day of his purification. These animal-offerings consisted of three lambs, one for a burnt-offering, the other for a sin-offering, and the third for a guilt-offering.

(32) I.e., each of the three animal-offerings (v. prec. n.) was accompanied by a meal-offering of one tenth of an ephah of flour as a drink-offering.

(33) Ibid. 20. In this verse the meal-offering is clearly that which accompanies the burnt-offering as a drink-offering.

(34) Sc. each of the leper's animal-offerings.

(35) Num. XV, 5.

(36) Why are two separate expressions required?

Talmud - Mas. Menachoth 91b

For a Master has said, Whence do I know it of the sin-offering and of the guilt-offering?¹ Because the text states, The sacrifice.² — That is so³ only where both offerings serve the same purpose.⁴ but where the guilt-offering serves to qualify [the person] and the sin-offering to make atonement [for him]⁵ we require two separate expressions [to include both].

"The sacrifice" refers to the sin-offering of the leper'. Perhaps it refers to the sin-offering and guilt-offering of the Nazirite!⁶ — You cannot think of it, for it has been taught: It is written, And their meal-offering and their drink-offerings:⁷ this verse refers to his⁸ burnt-offering and his peace-offerings. You say it refers to his burnt-offering and his peace-offerings, but perhaps it is not

so but rather it refers to his sin-offering;⁹ the text therefore states, And he shall offer the ram for a sacrifice of peace-offerings.¹⁰ Now the ram was included in the general statement of the law,¹¹ why then was it singled out here? That everything be compared with it: as the ram¹² is distinguished in that it may be offered either in fulfilment of a vow or as a freewill-offering, so everything that is offered either in fulfilment of a vow or as a freewill-offering [requires drink-offerings].¹³

‘The expression "the burnt-offering" refers to the burnt-offering of the leper’. Perhaps it refers to the burnt-offering of a woman after childbirth!¹⁴ — Abaye answered, The burnt-offering of a woman after childbirth¹⁴ is derived from the latter part of the verse. For it was taught: R. Nathan says. ‘Lamb’¹⁵ refers to the burnt-offering of a woman after childbirth, and ‘each’¹⁵ to the eleventh of the cattle tithe.¹⁶ And this, that the accessory should be more weighty than the principal,¹⁷ we do not find elsewhere in the whole of the Torah. Raba said,¹⁸ What case is there that requires three separate terms to include [its offerings]? You must say it is the case of the leper.¹⁹

What need was there for the expression ‘for a ram’?²⁰ — R. Shesheth said, It includes Aaron's ram.²¹ But is not Aaron's ram derived from the expression ‘in your appointed seasons’?²² — [No, for] I might have thought that that applied only to the offerings of the community but not to the offering of an individual. But wherein does it differ from the burnt-offering of a woman after childbirth?²³ — I might have thought that only [an individual offering] which has no fixed time²⁴ was included but not that which has a fixed time; the verse is therefore stated [to include Aaron's ram]. What need is there for the expression ‘or for a ram’?²⁵ — It includes the pallax.²⁶ This is quite in order according to R. Johanan who holds that it is a distinct species.²⁷ For we have learnt:²⁸ If a man [under an obligation to bring a lamb or a ram for his sacrifice] offered it [a pallax], he must bring for it the drink-offerings as for a ram, but he does not thereby discharge the obligation of his sacrifice. And R. Johanan said that the expression ‘or for in ram’ included the pallax. But according to Bar Padda who holds that he must bring [for it the drink-offerings as for a ram] and account for the possibilities,²⁹ for it is only a case of doubt, it will be asked, is a verse ever stated in order to include what is in a condition of doubt?³⁰ — This is obviously a difficulty according to Bar Padda. Thus shall it be done for each bullock, or for each ram, or for each of the lambs or of the kids.³¹ Wherefore did the text state, ‘For each bullock’?³² — It is because we find that Holy Writ distinguished between the drink-offerings of a ram and the drink-offerings of a lamb; and I might have thought that there should also be a distinction between the drink-offerings of a bullock and the drink-offerings of a calf; the text therefore stated, For each bullock.³³

Wherefore did the text state, ‘Or for each ram’?³² — It is because we find that Holy Writ distinguished between the drink-offerings of a sheep in its first year and those of one in its second year; and I might have thought that there should likewise be a distinction between the drink-offerings of a sheep in its second year and those of one in its third year; Scripture therefore stated, ‘Or for each ram’.³⁴ Wherefore did the text state, ‘Or for each of the lambs’?³⁵ — It is because we find that Holy Writ distinguished between the drink-offerings of a lamb and the drink-offerings of a ram; and I might have thought that there should likewise be a distinction between the drink-offerings of a ewe in its first year and those of a ewe in its second year; the text therefore stated, ‘Or for each of the lambs’.³⁶

Wherefore did the text state, ‘Or of the kids’?³⁷ — It is because we find that Holy Writ distinguished between the drink-offerings of a lamb and the drink-offerings of a ram; and I might have thought that there should likewise be a distinction between the drink-offerings of a kid and those of an older goat; the text therefore stated, ‘Or of the kids’.

R. Papa said, Raba once tested us [with the following question]:

(1) That if the Nazirite placed the hair of his head under the cauldron containing his sin-offering or his guilt-offering,

instead of under the cauldron containing his peace-offering as is expressly stated in Scripture (Num. VI, 18), he has thereby fulfilled his obligation (Rashi). V. Nazir 45b. According to Tosaf. Whence do we know that the sin-offering and the guilt-offering are eaten the same day and the night until midnight? V. Zeb. 36a.

(2) Ibid. VI, 18. According to Tosaf. (v. prec. n.) the reference is to Lev. VII, 15. We thus see that the term 'sacrifice' includes both the sin-offering and the guilt-offering.

(3) That from the one expression 'the sacrifice' both the guilt-offering and the sin-offering can be derived.

(4) As in the case of the Nazirite; the guilt-offering brought by the Nazirite who had suffered uncleanness unwittingly serves to qualify him to resume his Nazirite vow, and the sin-offering brought at the completion of the Nazirite's vow serves to qualify him to resume a normal living, to drink wine and to cut his hair.

(5) As in the case of the leper; for the guilt-offering serves to qualify him that he may now join the congregation, and the sin-offering makes atonement for him, for the affliction of leprosy was regarded as a punishment for the seven sins enumerated in 'Ar. 16a.

(6) Teaching us that these offerings require drink-offerings.

(7) Num. VI, 15.

(8) The Nazirite's.

(9) And the verse teaches that the sin-offering brought by the Nazirite at the completion of his vow requires drink-offerings; and so, too, the guilt-offering brought by the Nazirite after his involuntary defilement.

(10) Ibid. 17. The verse concludes: And the priest shall offer the meal-offering thereof and the drink-offering thereof.

(11) Cf. ibid. XV, 6, where drink-offerings are prescribed for a ram.

(12) Which is a peace-offering.

(13) Thus excluding the sin-offering and the guilt-offering which are obligatory offerings.

(14) I.e., that the lamb for a burnt-offering which she has to bring (v. Lev. XII, 6) requires drink-offerings.

(15) Num. XV, 5.

(16) V. Bek. 60a. Where a man who was counting his cattle one by one for the purpose of the tithe erred in his counting and called the ninth tenth, the tenth ninth, and the eleventh tenth, all three become holy: the ninth may only be consumed when it has suffered a blemish, the tenth becomes the tithe, and the eleventh must be offered as a peace-offering and with it also drink-offerings.

(17) For actual cattle tithe does not require the drink-offerings whereas the eleventh animal, which is only an 'accessory' or subsidiary to the cattle tithe does.

(18) In reply to the question that perhaps it refers to the burnt-offering of a woman after childbirth.

(19) Thus the verse in question which contains three inclusive terms can only refer to the case of the leper who requires three offerings: a burnt-offering, a sin-offering and a guilt-offering.

(20) Ibid. 6. The drink-offerings for a ram are already prescribed in Num. XXVIII, 12, 14.

(21) I.e., the ram offered by the High Priest on the Day of Atonement; cf. Lev. XVI, 3. This offering, the verse informs us, also requires drink-offerings.

(22) Num. XV, 3.

(23) Which is an individual offering, nevertheless it is included in this passage for drink-offerings. In the same way the expression 'in your appointed seasons' includes Aaron's ram, accordingly the expression 'for a ram' is superfluous.

(24) As the burnt-offering of a woman after childbirth.

(25) Num. XV, 6.

(26) Heb. פִּלְגָם from Greek ** (spec. a youth not yet arrived at adolescence), a sheep in its thirteenth month; in its first twelve months it is termed a 'lamb' and after thirteen months it is termed a 'ram'. Thus the pallax is included that it shall have the same drink-offerings as for a ram.

(27) Hence it was necessary for Scripture to include it.

(28) Par. I, 3; Hul. 23a.

(29) Lit., 'and stipulate', by declaring: if the pallax is a ram then these drink-offerings are just right, but if it is a lamb then let that quantity which is required for a lamb be taken from these drink-offerings and let the remainder be regarded as a freewill-offering.

(30) Of course not, for the Divine Law could not have had any doubts about it.

(31) Ibid. 11.

(32) For its prescribed drink-offerings have already been stated previously in this passage.

(33) Signifying that whatever its age there is but one quantity of drink-offerings for an offering of the herd.

- (34) I.e., whatever goes by the name 'ram' requires the drink-offerings as prescribed in this passage for a ram.
- (35) V. p. 559. n. 8.
- (36) I.e., there is but one quantity of drink-offerings for any animal among the lambs.
- (37) Since we find kids included under the term 'lambs'.

Talmud - Mas. Menachoth 92a

What is the quantity of drink-offerings for a ewe in its second year? And we answered him that this was clearly stated in a Mishnah:¹ [The seal inscribed with] 'Kid' signified drink-offerings for [offerings from] the flock, whether large or small, male or female, excepting rams.²

MISHNAH. NONE OF THE OFFERINGS OF THE CONGREGATION REQUIRE THE LAYING ON OF HANDS EXCEPT THE BULLOCK THAT IS OFFERED FOR THE TRANSGRESSION [BY THE CONGREGATION]³ OF ANY OF THE COMMANDMENTS, AND THE SCAPEGOAT.⁴ R. SIMEON SAYS, ALSO THE HE-GOAT OFFERED FOR THE SIN OF IDOLATRY.⁵ ALL THE OFFERINGS OF AN INDIVIDUAL REQUIRE THE LAYING ON OF HANDS EXCEPT THE FIRSTLING, THE CATTLE TITHE, AND THE PASSOVER-OFFERING. THE HEIR MAY LAY HIS HANDS [ON HIS FATHER'S OFFERING].⁶ MAY BRING THE DRINK-OFFERINGS FOR IT, AND CAN SUBSTITUTE [ANOTHER ANIMAL FOR IT].⁷

GEMARA. Our Rabbis taught: None of the offerings of the congregation require the laying on of hands except the bullock that is offered for the transgression [by the congregation] of any of the commandments, and the he-goats offered for the sin of idolatry. So R. Simeon. But R. Judah says, The he-goats offered for the sin of idolatry do not require the laying on of hands. What then must I include in their place? The scapegoat. (But is it absolutely necessary to include [another in their place]? — Rabina answered, There is a tradition that among the offerings of the congregation there are two that require the laying on of hands.) R. Simeon said to him, Is it not the law that the laying on of hands must be performed by the owners [of the offering]? But on that⁸ Aaron and his sons lay the hands!⁹ He replied, Even in that case [the laying on of the hands is performed by the owners] since Aaron and his sons obtain atonement through it.

R. Jeremiah said, They are indeed consistent in their views, for it has been taught:¹⁰ And he shall make atonement for the most holy place.¹¹ this means the Holy of Holies;¹² and the tent of meeting.¹¹ this means the Holy place; and the altar,¹¹ this is to be taken in its usual sense; he shall make atonement,¹¹ this means the various Temple courts; and for the priests,¹¹ this is to be taken in its usual sense; and for all the people of the assembly,¹¹ this means the Israelites; he shall make atonement,¹¹ this means the Levites. They are all¹³ declared alike in respect of one atonement, in that they obtain atonement through the scapegoat for other sins.¹⁴ So R. Judah.¹⁵ But R. Simeon says, Just as the blood of the he-goat that is offered within [the Holy of Holies] makes atonement for Israelites for all matters of uncleanness touching the Temple and the holy things thereof, so does the blood of the bullock make atonement for the priests for all matters of uncleanness touching the Temple and the holy things thereof; and just as the confession of sin pronounced over the scapegoat¹⁶ makes atonement for Israelites for other sins, so does the confession of sin pronounced over the bullock¹⁷ make atonement for priests for other sins.¹⁸

But according to R. Simeon [it will be asked]: Surely they are declared alike!¹⁹ — Yes. they are all declared alike in that they all obtain atonement, but each obtains atonement through its own [offering].²⁰ This means,²¹ therefore, that, according to R. Judah, for transgressions of the laws of uncleanness touching the Temple and the holy things thereof Israelites obtain atonement through the blood of the he-goat that is sprinkled within [the Holy of Holies], and priests through Aaron's bullock,²² and for other sins all obtain atonement through the confession over the scapegoat; according to R. Simeon, even for other sins priests obtain atonement through the confession pronounced over the bullock. And so it is stated in [the Tractate] Shebu'oth:²³ [For all other sins the scapegoat makes atonement] alike for Israelites, priests and the anointed High Priest. Wherein do Israelites differ from priests and the anointed High Priest? Only in that the blood of the bullock makes atonement for priests for the transgressions of the laws of uncleanness touching the Temple and the holy things thereof.²⁴ R. Simeon says, As the blood of the he-goat that is sprinkled within the

Holy of Holies makes atonement for the Israelites, so does the blood of the bullock make atonement for the priests; and as the confession of sin pronounced over the scapegoat makes atonement for the Israelites, so does the confession of sin pronounced over the bullock make atonement for the priests.

Our Rabbis taught: It is written, And the elders of the congregation shall lay their hands upon the head of the bullock:²⁵ this signifies that only the bullock requires the laying on of hands, but the he-goats offered for the sin of idolatry do not require the laying on of hands. So R. Judah. But R. Simeon says, [It signifies that] only the bullock requires the laying on of hands by the elders, but the he-goats offered for the sin of idolatry do not require the laying on of hands by the elders but by Aaron.²⁶ There is, however, [a Baraitha] which conflicts with the above, for it was taught: It is written, The live [goat]:²⁷ this signifies that only the live [goat] requires the laying on of hands, but the he-goats offered for the sin of idolatry do not require the laying on of hands. So R. Judah. But R. Simeon says, [It signifies that] only the live [goat] requires the laying on of hands by Aaron

(1) Shek. V, 3.

(2) A man who required drink-offerings for his offering did not bring them from his own home but came to the Temple to the officer in charge of the seals, paid him money, and received from him a seal. On handing the seal to another officer who was in charge of the drink-offerings he would receive the necessary quantities of drink-offerings as indicated by the inscription on the seal. The seal inscribed with 'Kid' signified the drink-offerings for an offering from the flock. V. Shek. V, 4. Thus a ewe in its second year required the drink-offerings of a lamb.

(3) Who sinned in error by reason of an erroneous ruling of the Beth din; v. Lev. IV, 13-21.

(4) Ibid. XVI, 21.

(5) Where the congregation sinned in error by reason of an erroneous ruling of the Beth din in regard to idolatry; v. Num. XV, 24. Cf. Hor. 5b.

(6) Where the father died having already set aside a beast for his burnt-offering or peace-offering, and the heir is offering it on behalf of his father.

(7) I.e., if he substituted another animal for his father's offering, both animals are holy; v. Lev. XXVII, 10.

(8) Sc. the scapegoat.

(9) And not the owners, for the owners are the entire congregation.

(10) Yoma 61a, Shebu. 13b. Hul. 131b.

(11) Lev. XVI, 33. From this verse it is deduced that the High Priest effected atonement for the transgression of the laws of uncleanness in the Holy of Holies, in the Holy place etc. with the bullock and the he-goat, the former making atonement for priests who erred in this way and the latter for Israelites.

(12) I.e., if a person became unclean whilst in the Holy of Holies or in the Holy place and tarried there for the prescribed period (v. Shebu. 16b), or if he offered incense on the golden altar whilst unclean, or if he unwittingly entered the Temple courts whilst unclean.

(13) Priests, Levites and Israelites.

(14) I.e., for all sins except the transgression of the laws of uncleanness connected with the Temple.

(15) Thus according to R. Judah priests also obtained atonement through the scapegoat, consequently when they lay the hands on it they do so in the capacity of owners.

(16) Lev. XVI, 21; cf. Yoma 66a.

(17) Cf. Yoma 35b.

(18) According to R. Simeon, therefore, priests do not obtain any atonement through the scapegoat.

(19) For the last phrases of the quoted verse imply that all sections of the people, Israelites as well as priests, obtain atonement alike for other sins.

(20) For other sins, Israelites through the scapegoat and priests through the bullock.

(21) Heb. פִּירוּשׁ, so MS.M., and Sh. Mek. An unusual expression. The entire passage is an addition by the Saboraim (Sh. Mek.).

(22) I.e., the High Priest's bullock; v. Lev. XVI, 6.

(23) Shebu. 2b. So in MS.M. and Sh. Mek.; cur. edd. omit 'in Shebu'oth'.

(24) Cur. edd. insert here: 'This is the opinion of R. Judah'.

(25) Lev. IV, 15 with reference to the bullock offered when the congregation sinned in error by reason of an erroneous

ruling of the Beth din.

(26) I.e., a priest.

(27) Ibid. XVI, 21 with reference to the scapegoat.

Talmud - Mas. Menachoth 92b

. but the he-goats offered for the sin of idolatry do not require the laying on of hands by Aaron but by the elders!¹ — Thereupon R. Shesheth said, And do you think that the first [Baraitha] is correct? Has not R. Simeon laid down the rule that the laying on of hands must be performed by the owners?² But you must correct [the Baraitha] as follows: The bullock; this signifies that only the bullock requires the laying on of hands, but the he-goats offered for the sin of idolatry do not require the laying on of hands. So R. Judah. R. Simeon says. The live [goat]: this signifies that only the live [goat] requires the laying on of hands by Aaron, but the he-goats offered for the sin of idolatry do not require the laying on of hands by Aaron but by the elders. And this is really what R. Simeon said to R. Judah: The he-goats offered for the sin of idolatry [most certainly] require the laying on of hands, for if you have heard anything to the effect that they do not require the laying on of hands, you must have heard it only in regard to Aaron;³ for they⁴ were excluded by 'the live [goat]'.⁵

But according to R. Judah what need was there to exclude them⁶ by a verse? Has not Rabina stated that there is a tradition that among the offerings of the congregation there are two that require the laying on of hands?⁷ — It was merely an exercise in interpretation.⁸

Whence does R. Simeon derive the law that the he-goats offered for the sin of idolatry require the laying on of hands [by the elders]?⁹ — He derives it from the following [Baraitha] which was taught:¹⁰ And he shall lay his hand upon the head of the goat:¹¹ this includes Nahshon's goat¹² in respect of the laying on of hands. So R. Judah. But R. Simeon says. It includes the he-goats offered for the sin of idolatry in respect of the laying on of hands; for R. Simeon ruled that every sin-offering whose blood was brought within¹³ required the laying on of hands.¹⁴ Why is it stated [in this Baraitha], 'for [R. Simeon ruled etc.]'?¹⁵ — It is merely an indication [of his view]. But perhaps it¹⁶ includes the he-goat that is offered within [on the Day of Atonement]!¹⁷ — [What is included] must be like the he-goat of a ruler which makes atonement for the person who has knowledge of the transgression of the precept.¹⁸

But according to Rabina who said that there is a tradition that among the offerings of the congregation there are [only] two that require the laying on of hands, wherefore is a verse required [to include the he-goats offered for the sin of idolatry]?¹⁹ — Both the verse and the tradition are necessary. For if [the law²⁰ were derived] from the verse alone I should have said that the peace-offerings of the congregation also [require the laying on of hands] — as indeed this question was raised in the chapter entitled 'All meal-offerings were offered unleavened',²¹ against that Mishnah where R. Simeon stated, There are three kinds of offering which [between them] require three rites,²² in the following terms: 'Surely the peace-offerings of the congregation should require the ceremony of the laying on of hands by the following a fortiori argument: if the peace-offerings of the individual which do not require waving for the living animals require the laying on of hands etc.'²³ — the tradition is therefore necessary.²⁴ And if it were derived from the tradition alone I should not have known which was [the other case],²⁵ the verse therefore informs us that it includes what is like the he-goat of a ruler which makes atonement for the person who has knowledge of the transgression of the precept.²⁶

ALL THE OFFERINGS OF THE INDIVIDUAL REQUIRE THE LAYING ON OF HANDS EXCEPT THE FIRSTLING, THE CATTLE TITHE, AND THE PASSOVER-OFFERING. Our Rabbis taught: His offering,²⁷ [requires the laying on of hands], but not the firstling. For without this exposition I should have argued as follows: if the peace-offering which is not holy from the womb

requires the laying on of hands, the firstling which is holy from the womb surely requires the laying on of hands! The text therefore stated, 'His offering', but not the firstling. 'His offering', but not the tithe. For without this exposition I should have argued as follows: if the peace-offering which does not sanctify what comes before it or what comes after it requires the laying on of hands, the tithe which sanctifies what comes before it and what comes after it²⁸ surely requires the laying on of hands! The text therefore stated, 'His offering', but not the tithe. 'His offering', but not the Passover-offering. For without this exposition I should have argued as follows: if the peace-offering which one is not bound to bring²⁹ requires the laying on of hands, the Passover-offering which one is bound to bring surely requires the laying on of hands! The text therefore stated, 'His offering', but not the Passover-offering. But surely all these arguments can be refuted: It is so with the peace-offering since it requires drink-offerings and also the waving of the breast and the thigh!³⁰ — Indeed the verses are merely a support. But

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- (1) This contradicts the view of R. Simeon as stated in the former Baraitha.
 - (2) Supra p. 561. And the owners of the he-goats offered by the congregation for the sin of idolatry are the elders of the congregation, yet R. Simeon states in the first Baraitha that the laying on of hands was to be performed by Aaron and not by the elders!
 - (3) I.e., that the he-goats offered for the sin of idolatry do not require the laying on of hands by Aaron, but they certainly require the laying on of hands by the elders.
 - (4) I.e., that the he-goats offered for the sin of idolatry do not require the laying on of hands by Aaron.
 - (5) Thus only on the scapegoat shall Aaron lay his hands but not on these goats. This is the proper inference. viz., the he-goats from the scapegoat; but one may not infer the he-goats from 'the bullock' (as was originally stated in the first Baraitha), for they are of different kinds.
 - (6) Sc. the he-goats offered for the sin of idolatry.
 - (7) I.e., two and no more. And the two, according to R. Judah, are: the scapegoat, and the bullock offered for the transgression of the congregation. V. our Mishnah.
 - (8) To interpret the verses in order to arrive at the traditional view as reported by Rabina. Aliter: R. Judah does not accept this tradition but arrives at that view by the exposition of verses.
 - (9) All that R. Simeon established above was that these goats do not require the laying on of hands by the priest, but whence does he derive it that it must be performed by the elders? Perhaps they do not require it at all?
 - (10) Supra 55b; Zeb. 48b.
 - (11) Lev. IV, 24. with reference to the he-goat offered by a ruler, i.e., a prince of a tribe, for a sin committed by him in error.
 - (12) Sc. the he-goat offered by each of the princes of the tribes at the dedication of the altar, called 'Nahshon's goat' because he, Nahshon b. Aminadab, the prince of Judah, was the first to bring his offering. Cf. Num. VII, 12.
 - (13) To be sprinkled upon the golden altar or upon the veil.
 - (14) And the blood of the he-goats offered for the sin of idolatry was sprinkled within, whereas the blood of Nahshon's goat was not.
 - (15) For the only two cases to which this rule applies are the he-goats offered for the sin of idolatry and the sin-offering of the anointed High Priest. How the former is here included for the rite of laying on of hands, and as for the latter, Scripture has expressly stated that it requires the laying on of hands (v. Lev. IV, 4); obviously then R. Simeon's rule is superfluous!
 - (16) Sc. the verse that prescribes the laying on of hands in the case of the he-goat brought by a ruler.
 - (17) Since its blood is sprinkled within the Holy of Holies it should require the laying on of hands, in accordance with R. Simeon's ruling.
 - (18) Whereas the he-goat of the Day of Atonement makes atonement for the transgression of the laws of uncleanness relating to the Temple and the holy things where the transgressor has no knowledge thereof. V. Shebu. 2a.
 - (19) Since R. Simeon is of the opinion that the laying on of hands must be performed by the owners, and therefore the laying of the hands by Aaron on the scapegoat is not a proper laying on of hands, inasmuch as Aaron is not the owner since he does not even obtain any atonement through it, then by virtue of the tradition the only two possible offerings of the congregation that require the laying on of hands are the bullock offered for the transgression of the congregation and the he-goats offered for the sin of idolatry. Hence the verse is superfluous!

(20) Sc. of laying on the hands in offerings of the congregation.

(21) Chap. V.

(22) Supra 61a.

(23) V. supra p. 369.

(24) That there are only two cases of laying on of hands among the offerings of the congregation.

(25) One offering of the congregation, namely the bullock offered for the transgression of the congregation, is expressly stated in Scripture as requiring the laying on of hands, but we should not know which was the other offering that required it, whether it was the he-goats offered for the sin of idolatry, or the he-goat of the Day of Atonement, or the peace-offerings of the congregation.

(26) Hence the he-goat of the Day of Atonement cannot be included, v. supra p. 566, n. 1; neither can the peace-offerings of the congregations be included as they do not make atonement at all.

(27) Lev. III, 1. The expression 'his offering' occurs seven times in the passage dealing with the peace-offering (Lev. 111, 1, 2, 6, 7, 8, 12, 14) and each is interpreted for some purpose in connection with the law of the laying on of hands. V. Sifra a.l. The basis for the interpretations in this passage is the definition of the word 'offering', which is defined as that which is made holy by a person of his own free will and which he offers as a gift to God to win His favour. Accordingly the firstling is excluded since it is holy from the moment it is born and not made holy by any person, moreover it is an obligatory offering and is not brought to win God's favour. The tithe and the Passover-offering are also excluded for the reason last stated.

(28) For if in the course of counting the animals for the purpose of the tithe the ninth was by error called the tenth, the tenth the ninth, and the eleventh the tenth, all three become holy. V. supra p. 558, n. 4 and Bek. 60a.

(29) Lit., 'which is not (subject to the command of) arise and bring it'.

(30) And therefore it also requires the laying on of hands, but neither the firstling nor the tithe nor the Passover-offering require drink-offerings or the waving of the breast and thigh. Accordingly no verses are required to exclude these offerings as there are no valid reasons for including them.

Talmud - Mas. Menachoth 93a

what is the real purpose of these verses? — [To teach the following:] 'His offering' [requires the laying on of hands], but not the offering of another.¹ 'His offering', but not the offering of a gentile, His offering, this includes every owner of the offering for the rite of the laying on of hands.²

THE HEIR MAY LAY HIS HANDS. R. Hananiah recited the following teaching in the presence of Raba: The heir may not lay his hands [on his father's offering], and the heir cannot substitute [another animal for his father's offering].³ [Raba said to him.] But we have learnt: THE HEIR MAY LAY HIS HANDS [ON HIS FATHER'S OFFERING]. MAY BRING THE DRINK-OFFERINGS FOR IT, AND CAN SUBSTITUTE [ANOTHER ANIMAL FOR IT]! Shall I then reverse it?⁴ he asked. No, replied the other, for the teaching [quoted by you] is the view of R. Judah. For it was taught: The heir may lay his hands [on his father's offering], and the heir can also substitute [another animal for it]. R. Judah says. The heir may not lay his hands [on his father's offering], and the heir cannot substitute [another animal for it].

What is the reason for R. Judah's view? — It is written, His offering.⁵ but not the offering of his father;⁶ and he compares the inception of the consecration⁷ with the termination of the consecration:⁸ just as at the termination of the consecration the heir may not lay his hands [on his father's offering], so at the inception of the consecration the heir cannot substitute [another animal for his father's offering]. And what is the reason for the view of the Rabbis?⁹ — It is written, And if he shall at all change,¹⁰ this includes the heir;¹¹ and they compare the termination of the consecration with the inception of the consecration: just as at the inception of the consecration the heir can substitute [another animal for his father's offering], so at the termination of the consecration the heir may lay his hands [on his father's offering].

For what purpose do the Rabbis utilize the expression 'his offering'?¹² — For the following: 'His

offering' [requires the laying on of hands], but not the offering of a gentile. 'His offering', but not the offering of another. 'His offering', this includes every owner of the offering for the rite of the laying on of hands. And R. Judah?¹³ — He does not hold the view that every owner of the offering is included for the rite of the laying on of hands. Alternatively, he may even hold [that view] but the offering of another and the offering of a gentile are excluded from one verse, hence two verses are at his disposal, one for the teaching that only 'his offering' [requires the laying on of hands] but not the offering of his father, and the other to include every owner of the offering for the rite of the laying on of hands.

And for what purpose does R. Judah utilize the expression 'and if he shall at all change'? — He requires it in order to include a woman.¹⁴ For it was taught: Since the whole passage¹⁵ is stated in the masculine form, whence do we know¹⁶ to include a woman? Because the text states, And if he shall at all change. And the Rabbis?¹⁷ — They derive it by expounding the expression 'and if'.¹⁸ And R. Judah? — He bases no exposition on the expression 'and if'.

MISHNAH. ALL MAY LAY THE HANDS ON THE OFFERING EXCEPT A DEAF-MUTE, AN IMBECILE, A MINOR, A BLIND MAN, A GENTILE, A SLAVE, AN AGENT, OR A WOMAN. THE LAYING ON OF HANDS IS OUTSIDE THE COMMANDMENT.¹⁹ [ONE MUST LAY] BOTH HANDS ON THE HEAD OF THE ANIMAL; AND IN THE PLACE WHERE ONE LAYS ON THE HANDS THERE THE ANIMAL MUST BE SLAUGHTERED; AND THE SLAUGHTERING MUST IMMEDIATELY FOLLOW THE LAYING ON OF HANDS.

GEMARA. We understand a deaf-mute, an imbecile, or a minor being disqualified, because they do not know what they are doing; also a gentile, because it is written, The children of Israel:²⁰ [only they] may lay on the hands but gentiles may not lay on the hands. But why should a blind man be disqualified? R. Hisda and R. Isaac b. Abdimi [suggest different reasons]. One Says, It is because we deduce the laying on of hands [for all offerings] from the laying on of hands performed by the elders of the congregation.²¹ And the other says, It is because we deduce the laying on of hands [for all offerings] from the laying on of hands performed on the 'appearance' burnt-offering.²²

Why does not he that deduces the law from the 'appearance' burnt-offering rather deduce it from the elders of the congregation? —

(1) A man may not lay his hands on his neighbour's offering even though he was instructed to do so on his behalf.

(2) I.e., every person that has a share in the offering must lay his hands on it.

(3) I.e., if he did so it is of no effect.

(4) And substitute 'may' for 'may not' and 'can' for 'cannot'.

(5) Lev. III, 2: And he shall lay his hand upon the head of his offering.

(6) Thus the heir may not lay his hands on his father's offering.

(7) Viz., the substitution of another animal for the offering. This is an original act of consecration whereby a profane animal becomes holy.

(8) Viz., the laying on of hands. This is almost the last act with the consecrated animal, since the slaughtering must immediately follow the laying on of his hands.

(9) I.e., the first view in the above-mentioned Baraitha, quoted anonymously. In the parallel passage, Tem. 2a this is R. Meir's view.

(10) Lev. XXVII, 10.

(11) Thus the heir can effectively substitute another animal for his father's offering, and both animals become holy.

(12) This was interpreted by R. Judah to exclude the heir from the laying on of hands.

(13) Since he uses the expression 'his offering' to exclude the heir, he is then short of one of these expressions for the three foregoing teachings.

(14) I.e., that the law of substitution also applies to a woman.

(15) Concerning the law of substitution.

(16) Lit., 'what is our end'.

(17) How do they know that a woman can effectively substitute another animal for the offering?

(18) For the waw, 'and', is superfluous.

(19) Lit., 'the remnant of the commandment'. I.e., the laying on of hands may be omitted and yet the offering is valid, for the atonement is not dependent upon this act.

(20) Lev. I, 2.

(21) In connection with the bullock offered for the transgression of the congregation; cf. Lev. IV, 15. And as the elders of the congregation had to be free from every physical blemish, v. Sanh. 17a, hence the blind may not lay on the hands.

(22) I.e., the burnt-offering offered by every Israelite on appearing at the Temple on the three great Festivals; cf. Deut. XVI, 16. And as a blind man was exempt from the 'appearance' burnt-offering. v. Hag. 2a, the inference may therefore be made that a blind man may not lay on the hands.

Talmud - Mas. Menachoth 93b

It is more proper to deduce the offering of an individual from another offering of the individual¹ rather than to deduce the offering of the individual from the offering of the congregation. And why does not he that deduces the law from the elders of the congregation rather deduce it from the 'appearance' burnt-offering? — It is only proper to deduce the offering for which the rite of laying on the hands is expressly prescribed² from that offering for which the rite of laying on the hands is also expressly prescribed;³ but this is not the case with the 'appearance' burnt-offering, for that⁴ is itself derived from the freewill burnt-offering. For a Tanna recited before R. Isaac b. Abba: And he presented the burnt-offering; and offered it according to the ordinance,⁵ that is, according to the ordinance of a freewill burnt-offering; this teaches that the obligatory burnt-offering⁶ requires the laying on of hands.

A SLAVE, AN AGENT, OR A WOMAN. Our Rabbis taught: His hand,⁷ but not the hand of his slave; his hand,⁸ but not the hand of his agent; his hand,⁹ but not the hand of his wife. Why are all these required? — They are all necessary, for if the Divine Law had only stated once [the expression 'his hand']. I should have said that it only excluded the slave, since he is not subject to the commandments, but an agent, since he is subject to the commandments, and moreover a man's agent is like himself,¹⁰ [I would say] may lay the hands [on his principal's offering]. And if only these two¹¹ had been stated [I should have said that the reason they are disqualified is that] they¹¹ are not as part of himself, but a man's wife, since she is as part of himself,¹² [I would say] may lay the hands [on her husband's offering]. Therefore [all three verses] are necessary.

THE LAYING ON OF HANDS IS OUTSIDE THE COMMANDMENT. Our Rabbis taught: And he shall lay his hand . . . and it shall be accepted for him [to make atonement for him].¹³ Does the laying on of hands make the atonement? Does not the atonement come through the blood, as it is said, For it is the blood that maketh atonement by reason of the life?¹⁴ This, however, informs you that if a man treated the laying on of the hands as outside the commandment¹⁵ Scripture accounts it to him as though he has not obtained [the highest form of] atonement, but he has obtained atonement.¹⁶

The same was also taught with regard to the rite of waving. To be waved, to make atonement for him.¹⁷ Does the waving make the atonement? Does not the atonement come through the blood, as it is said, For it is the blood that maketh atonement by reason of the life? This, however, informs you that if a man treated the waving as outside the commandment Scripture accounts it to him as though he has not obtained [the highest form of] atonement, but he has obtained atonement.

ON THE HEAD. Our Rabbis taught: [And he shall lay] his hand upon the head [of his offering],¹⁸ but not his hand upon the neck;¹⁹ his hand upon the head, but not his hand upon the back; 'his hand upon the head', but not his hand upon the breast. Why are all [the three verses] required? — They are

all necessary, for if the Divine Law had only stated once [the expression 'his hand upon the head,] I should have said that it only excluded the hand upon the neck, since it is not on the same plane as the head, but the [laying of the] hand upon the back, which is on the same plane as the head, I would say was not [excluded].²⁰ And if only these two²¹ had been stated, [I should have said that] the reason [they are excluded] is that they are not included in the rite of waving, but the breast, since it is included in the rite of waving, I would say was not [excluded]. Therefore all [three verses] are necessary.

The question was asked: What if the hands were laid upon the sides [of the head]? — Come and hear, for it was taught: Abba Bira'ah taught in the School of R. Eleazar b. Jacob: The expression 'his hand upon the head' excludes the hand upon the sides of the head.

R. Jeremiah enquired, Would a cloth²² be regarded as an interposition or not?²³ — Come and hear: But nothing shall interpose between him and the offering.²⁴

BOTH HANDS. Whence do we derive it? — Resh Lakish said, Because the verse says, And Aaron shall lay both his hands.²⁵ Now actually there is written in the verse 'his hand',²⁶ and yet it says 'both', this establishes the rule that wherever 'his hand' is stated both [hands] are meant unless Holy Writ clearly specifies one.

R. Eleazar went and reported this statement in the Beth-Hamidrash,²⁷ but did not report it in the name of Resh Lakish. When Resh Lakish heard of it he was annoyed. Resh Lakish then said to him,²⁸ If it is as you say that wherever 'his hand' is stated both [hands] are meant, why did [Scripture] state at all 'his hands'? He thus questioned him from twenty-four passages where 'his hands' occurs; e.g.. His hands shall bring,²⁹ his hands shall contend for him,³⁰ he guided his hands wittingly.³¹ The other remained silent. When Resh Lakish's mind had been appeased he said to the other, Why do you not answer me that you mean the expression 'his hand'³² stated in connection with the rite of the laying on of hands. But is there not written, even with regard to the laying on of hands, And he laid his hands upon him, and gave him a charge?³³ — I refer to the laying on of hands in connection with an animal-offering.

AND IN THE PLACE WHERE ONE LAYS ON THE HANDS THERE THE ANIMAL MUST BE SLAUGHTERED; AND THE SLAUGHTERING MUST IMMEDIATELY FOLLOW THE LAYING ON OF HANDS. What does he mean by this?³⁴ — He means to say, In the place where one lays on the hands there the animal must be slaughtered because the slaughtering must immediately follow the laying on of hands.³⁵

MISHNAH. THE RITE OF THE LAYING ON OF HANDS IS [IN CERTAIN RESPECTS] MORE STRINGENT THAN THE RITE OF WAVING. AND THE RITE OF WAVING IS [IN OTHER RESPECTS] MORE STRINGENT THAN THE RITE OF THE LAYING ON OF HANDS. [THE RITE OF THE LAYING ON OF HANDS IS MORE STRINGENT,] FOR ONE MAY PERFORM THE WAVING ON BEHALF OF ALL THE OTHER FELLOW-OWNERS BUT ONE MAY NOT PERFORM THE LAYING ON OF HANDS ON BEHALF OF ALL THE OTHER FELLOW-OWNERS. THE RITE OF WAVING IS MORE STRINGENT, FOR THE RITE OF WAVING TAKES PLACE IN OFFERINGS OF THE INDIVIDUAL³⁶ AND IN OFFERINGS OF THE CONGREGATION,³⁷

(1) Sc. the 'appearance' burnt-offering.

(2) Sc. the freewill-offering of the individual; v. Lev. I, 4.

(3) Sc. the bullock offered for the transgression of the congregation; *ibid.* IV, 15.

(4) I.e., that the 'appearance' burnt-offering requires the laying on of hands.

(5) Lev. IX, 16. The verse is dealing, according to Rashi, with the obligatory burnt-offering offered by Aaron on the

- eighth day of his consecration (ibid. 2), but according to Tosaf. with the people's burnt-offering (ibid. 15). V. Bez. 20a.
- (6) Which includes the 'appearance' burnt-offering.
- (7) Lev. III, 2.
- (8) Ibid. 8.
- (9) Ibid. 13.
- (10) V. Kid. 41b.
- (11) The slave and the agent.
- (12) V. Ber. 24a.
- (13) Lev. I, 4.
- (14) Ibid. XVII, 11.
- (15) Lit., 'remnants of the precept'. I.e., he omitted to perform this rite.
- (16) By the sprinkling of the blood.
- (17) Ibid. XIV, 21.
- (18) This expression is stated three times in the chapter dealing with the peace-offering. viz., Lev. III, 2, 8, 13.
- (19) I.e., the front of the neck.
- (20) Hence a verse was necessary to exclude the laying of hands on the back of the offering.
- (21) I.e., verses excluding the neck and the back.
- (22) I.e., if a man wrapped a cloth round his hands and thus laid them on the head of the animal; or a cloth was covering the head of the animal and he laid his hands thereon.
- (23) Is it regarded as a proper laying on of hands or not?
- (24) When laying the hands upon the head of the offering. V. Yoma 36a and Tosef. Men. X.
- (25) Lev. XVI, 21.
- (26) The Heb. for 'his hands' is written defectively thus יָדָיו and it might be read as יָדוֹ his hand.
- (27) V. Glos.
- (28) R. Eleazar.
- (29) Lev. VII, 30.
- (30) Deut. XXXIII, 7.
- (31) Gen. XLVIII, 14.
- (32) So MS.M., and so apparently in the text before Rashi; in cur. edd. 'his hands'.
- (33) Num. XXVII, 23, with reference to the appointment of Joshua as leader. Why did Scripture state here 'his hands' and not 'his hand'?
- (34) Since the slaughtering must follow the laying on of hands obviously then the animal would be slaughtered in the same place where the laying on of hands was performed in order to avoid any delay; hence the first statement is superfluous.
- (35) For in Scripture 'And he shall lay his hand' (Lev. I, 4) is immediately followed by And he shall slaughter (ibid. 5).
- (36) The waving of the breast and thigh of the peace-offering.
- (37) The waving of the two lambs of Pentecost. V. supra 61a.

Talmud - Mas. Menachoth 94a

FOR LIVING ANIMALS AND FOR SLAUGHTERED ANIMALS, AND FOR THINGS THAT HAVE LIFE AND FOR THINGS THAT HAVE NOT LIFE;¹ BUT IT IS NOT SO WITH THE RITE OF THE LAYING ON OF HANDS. GEMARA. Our Rabbis taught: [It is written.] 'His offering', this includes every owner of the offering for the rite of the laying on of hands.² For [without this exposition] I should have argued as follows: if the rite of waving which has been extended to apply to slaughtered animals is restricted in the case of fellow-owners,³ the rite of the laying on of hands which has not been extended to apply to slaughtered animals is surely restricted in the case of fellow-owners!⁴ The text therefore stated, 'His offering', to include every owner of the offering for the rite of the laying on of hands. But should not the rite of waving be extended even in the case of fellow-owners⁵ [by the following] a fortiori [argument]: if the rite of the laying on of hands which has not been extended to apply to slaughtered animals is extended in the case of fellow-owners, is it then not logical that the rite of waving which has been extended to apply to

slaughtered animals should be extended also in the case of fellow-owners? — [No,] because it is not possible to do so; for how should it be done? If you say, Let all wave it together.⁶ there would then be an interposition.⁷ And if you say, Let one first wave it and then the other, but the Divine Law speaks of one waving and not of many wavings.

But is the rite of the laying on of hands never applied to a slaughtered animal? Behold we have learnt:⁸ Whenever the High Priest wished to burn the offering.⁹ he used to go up the ascent, having the deputy [High Priest] at his right hand. When he had reached half way up the ascent, the deputy took him by the right hand and led him up. The first priest¹⁰ handed to him the head and the hind-leg, and he laid his hands on them and threw them [upon the altar fire]. The second priest handed to the first priest the two fore-legs, and he gave them to the High Priest who laid his hands on them and threw them. The second priest then slipped away and departed. In this way¹¹ they used to hand to him the rest of the limbs of the offering, and he laid his hands on them and threw them. If he so desired he would only lay his hands on them while others threw them! — Abaye said, That was done there only out of respect for the High Priest's dignity.¹²

CHAPTER XI

MISHNAH. THE TWO LOAVES [OF PENTECOST] WERE KNEADED SEPARATELY AND BAKED SEPARATELY. THE [CAKES OF THE] SHEWBREAD WERE KNEADED SEPARATELY AND BAKED IN PAIRS. THEY¹³ WERE PREPARED IN A MOULD; AND WHEN THEY WERE TAKEN OUT FROM THE OVEN THEY WERE AGAIN PUT IN A MOULD LEST THEY BECOME DAMAGED.

GEMARA. Whence do we derive it? — Our Rabbis taught: Two tenth parts of an ephah shall be in one cake,¹⁴ this teaches that they were kneaded separately. And whence do we know that the Two Loaves were also [kneaded] in like manner? Because Scripture says, Shall be. And whence do we know that [the cakes of the Shewbread] were baked in pairs? Because the text states, And thou shalt set them.¹⁵ Perhaps then the Two Loaves were also [baked] in like manner! Scripture therefore says, Them.¹⁶ 'But have you not already drawn a deduction from the word 'them'?'¹⁷ — If for that purpose alone Scripture would have used the expression 'and thou-shalt-set-them',¹⁸ why 'and-thou-shalt-set-them'? Two deductions may therefore be made.

Our Rabbis taught: 'And thou shalt set them', that is, in a mould. There were three moulds: [the Shewbread] was first put into a mould¹⁹ while still dough; in the oven there was also a kind of mould; and when it was taken out from the oven it was put into a [third] mould lest it become damaged. But why was it not put back again in the first mould? — Because after the baking it would have swollen.²⁰

It was stated: How did they fashion the Shewbread?

(1) E.g., the waving of the cakes of the thank-offering.

(2) V. supra p. 568.

(3) I.e., only one performs the waving on behalf of the others.

(4) I.e., that one only should lay on the hands on behalf of the others.

(5) I.e., that every fellow-owner should wave the offering.

(6) By one fellow-owner placing his hands under the offering, another placing his under the hands of the first, a third placing his under the hands of the second and so on, thus all would wave the offering together.

(7) Since none but the hands of the first actually touch the offering.

(8) Tam. VII, 3 (33b).

(9) Cf. Yoma 14a.

(10) Of the nine priests to whose lot fell the service of the daily offering; v. Tam. III, 1 (30a) and IV, 3 (31b).

- (11) I.e., each priest in turn handing the parts of the offering to the first priest who gave them to the High Priest.
- (12) The laying on of the hands by the High Priest was introduced in order to distinguish his act of service from the usual service of the ordinary priest. The rite of the laying on of hands as ordained in the Torah, however, applied only to the living offerings.
- (13) The cakes of the Shewbread.
- (14) Lev. XXIV, 5.
- (15) Ibid. 6. Heb. **ושמת אותם**. The word ‘them’ stated in connection with the setting of the cakes, i.e., the placing of the cakes in the oven for baking, signifies that the cakes were baked in pairs and not singly.
- (16) Thereby excluding the Two Loaves.
- (17) Viz., that the baking of the Shewbread shall be in pairs.
- (18) Heb. **ושמתם**: the pronoun ‘them’ might have been added as a suffix to the verb.
- (19) So as to obtain the required shape for the cakes, v. infra.
- (20) And would not fit in the first mould.

Talmud - Mas. Menachoth 94b

R. Hanina said, Like a broken box.¹ R. Johanan said, Like a ship's keel.² According to him who says ‘like a broken box’, we clearly understand where the dishes [of frankincense] were placed,³ but according to him who says ‘like a ship's keel’, where were the dishes placed?⁴ — A special place was made for them.⁵ Again according to him who says ‘like a broken box’, we clearly understand how the rods lay [on the sides of the cakes],⁶ but according to him who says ‘like a ship's keel’, how could the rods lie [on the side of the cakes]?⁷ — Projections were attached to them [on top].⁸ Again according to him who says ‘like a broken box’, we clearly understand how the props supported the cakes,⁹ but according to him who says ‘like a ship's keel’, how could the props support the cakes?¹⁰ — They were made obliquely.¹¹ Now according to him who says ‘like a ship's keel’, we clearly understand the need for props,¹² but according to him who says ‘like a broken box’, what need was there for props? — [For otherwise] they might break by reason of the pressure of the [upper] cakes.¹³ Again according to him who says ‘like a ship's keel’, it is clear that the props rested on the table,¹⁴ but according to him who says ‘like a broken box’, where were the props placed?¹⁵ Were they perhaps placed on the ground? — Yes. for R. Abba b. Memel said, According to him who says ‘like a ship's keel’, the props stood on the table, and according to him who says ‘like a broken box’, they stood on the ground.¹⁶

With which view agrees the statement of R. Judah that the cakes held up the props and the props held up the cakes? With the view [that the cakes were] like a ship's keel.¹⁷

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- (1) I.e., in the shape of an open box with two of its sides, the front and the back, removed; in other words, each cake consisted of a base and two sides which rose perpendicularly, thus (Fig. 1).
- (2) Lit., ‘a rocking ship’; i.e., like the sides of a ship which narrow downwards until the keel is reached. In like manner the side of each cake narrowed downwards until there was but a fingerbreadth between Fig. 1 them at the bottom; v-shaped. It also appears (v. Rashi) that each side of the cake tapered upwards almost to a point, thus (Fig. 2). The sides (s) rose upwards at an angle from the dotted lines.
- (3) Viz., on the base of the topmost cake. Cf. infra 96a.
- (4) As the two sides came almost to a point there was no base upon which the dishes of frankincense might be placed.
- (5) In the topmost cake there was made a projection or ledge of dough upon which the dishes were placed.
- (6) V: infra 96a. There were twenty-eight rods each shaped like the half of a hollow reed, fourteen being used for one row of the Shewbread and fourteen for the other. And the cakes were arranged as follows: the nethermost cake stood on the table; three rods were placed above it, their ends resting on the perpendicular or rising sides of the cake and also in the grooves of the two upright props (v. infra p. 579, n. 1), and the second cake was placed on the rods. Three rods were similarly placed above the second, third and fourth cakes, but only two above the fifth, since it only had to bear the pressure of one single cake.

(7) For since the sides of each cake tapered upwards almost to a point (v. supra n. 3) there was certainly no place on the top for three rods; there might at most have been sufficient space for one rod, but no more.

(8) At the top of each side of the cakes projections, made of dough, were attached horizontally like arms, and upon these projections the rods lay.

(9) V. infra 96a. For each row of the Shewbread there were two props which stood upright on opposite sides of the table. Now if it is assumed that the sides of each cake rose up perpendicularly at the edge of the table, then the props which stood close to the table gave abundant support to the sides of the cakes so that they could bear the pressure of the upper cakes.

(10) For the props came into contact only with the top point of each side of the cakes, since only the top reached the edge of the table, and that contact obviously afforded very little support.

(11) From the props there jutted forth curved brackets to fit in the outer curve of the sides of the cakes. The sides of the cakes thus rested on these brackets.

(12) And brackets, since the cakes had no base.

(13) The props thus strengthened the sides of each cake to withstand the pressure of the cakes above it.

(14) Since the cakes were v-shaped there were obviously spaces underneath the sides of each cake; accordingly the bracket under the lowest cake rested on the Fig. 1 table, v. Fig. 1.

(15) As the sides of the cakes a=props: b=cakes: c=rods. were flush with the edge of the table there was no room on the table for the props.

(16) Fig. 2 illustrates the arrangement of a row of the Shewbread according to the view that the cakes were fashioned in the shape of a box broken at two sides; Fig. 1 illustrates the arrangement according to the view that they were in the shape of a ship's keel, v-shaped.

(17) For the curved sides of the cakes lay on the brackets and held them firm, whilst the brackets and props supported the cakes.

Talmud - Mas. Menachoth 95a

An objection was raised: There was in the oven [a mould] in the form of a bee-hive,¹ and it resembled a square plate!² — Render: the top of it resembled a square plate.³

There is [a Baraita] taught which agrees with the view that they were like a ship's keel. For it was taught: There were four golden props there which put forth branches on top like brackets, and these supported the cakes which resembled a ship's keel.

The question was raised: Was the Shewbread rendered invalid on the journeys,⁴ or not? — R. Johanan and R. Joshua b. Levi [hold different views]. One said, it was rendered invalid. The other said, It was not rendered invalid. One said, It was rendered invalid, because it is written, As they encamp so they shall journey;⁵ therefore as when they encamped it was rendered invalid by being taken outside [the curtains of the Tabernacle], so when they journeyed it was rendered invalid, since it was taken outside [the Tabernacle].⁶ The other says, It was not rendered invalid, because it is written, And the continual bread shall remain thereon.⁷ And the other? Is there not written, As they encamp so they shall journey? — This means quite the reverse: just as when they encamped it was not rendered invalid if it had not been taken outside [the Tabernacle], so when they journeyed it was not rendered invalid if it had not been taken outside.⁸ And the other? Is there not written, And the continual bread shall remain thereon? — The fact is that when R. Dimi came [from Palestine] he reported as follows: As regards [the bread] that was still set [on the table] they do not differ,⁹ they differ only regarding the bread that had been removed.¹⁰ He who said, It was rendered invalid, [argued thus:] It is written, 'As they encamp so they shall journey': therefore just as when they encamped it was rendered invalid by being taken outside [the Tabernacle], so when they journeyed it was rendered invalid, since it was taken outside. But he who said, It was not rendered invalid, [argued thus:] It is written, Then the tent of meeting shall set forward;⁵ thus even though they had set forth it was still the tent of meeting.¹¹ And the other? Is there not written, 'As they encamp so they shall journey'? — It means quite the reverse; just as when they encamped it was not rendered invalid

if it had not been taken outside [the Tabernacle], so when they journeyed it was not rendered invalid if it had not been taken outside. And the other? Is there not written, 'And the tent of meeting shall set forward'? — That only comes to teach us the [order of the] standards.¹² And the other? — He derives [the order of the standards] from the verse, The camp of the Levites in the midst of the camps.¹³

An objection was raised: When [the Tabernacle] was dismantled for journeying consecrated things became invalid since they were outside [the Tabernacle]; none the less persons suffering from an issue and lepers were to be put outside their respective bounds.¹⁴ Now this applies, does it not, also to the Shewbread? — No, [it applies to everything] except the Shewbread. But what is your view? If you hold that it is still the tent of meeting¹⁵ then the consecrated things should also [not become invalid], and if you hold that it is no more the tent of meeting then even the Shewbread should [become invalid]! — Rather [the true position is] as reported by Rabin when he came [from Palestine]: One stated his view¹⁶ in respect of [the Shewbread] that was still set [on the table], while the other stated his view¹⁷ in respect of [the Shewbread] that had been removed, and so they do not differ at all.

Abaye said, This¹⁸ proves that the Tabernacle could be dismantled for journeying at night,¹⁹ for should you hold that the Tabernacle could not be dismantled for journeying at night, but it was taken to parts only in the morning, then why [did the consecrated things become invalid] on the ground of being taken outside the Tabernacle? Surely they became invalid by being kept overnight! Is not this obvious? Holy Writ expressly says, That they might go by day and by night!²⁰ — I might have thought that that was so²¹ only when they had already set out by day, but if they had not set out by day they would not set out at night; we are therefore taught [that it was not so].

I can point out a contradiction [to the above teaching].²² [It was taught:]²³ As soon as the curtains [of the Tabernacle] were folded up those that had an issue and lepers were permitted to enter [into the camp]! — R. Ashi said, This is no difficulty, for one [Baraitha]²⁴ represents the view of R. Eliezer, the other the view of the Rabbis. For it was taught:²⁵

(1) I.e., perforated like a bee-hive (Tosaf.).

(2) in this mould the cake was baked (v. supra p. 577). It is evident, however, that the cake was not v-shaped, but had a square base, like the bottom of a box.

(3) But the sides narrowed downwards until they joined together; i.e., v-shaped.

(4) When the camp was about to break up and Israel was ordered to set forth on their journeys, the Tabernacle was dismantled Fig. 2 and its parts carried by the Levites. Now the only offering that was continually in progress a=props; b=cakes; c=rods. in the Tabernacle was the Shewbread, for every Sabbath fresh bread was set upon the table and the old bread which had stood for seven days on the table was removed and consumed by the priests. The question here is, whether the Shewbread was immediately rendered invalid on the dismantling of the Tabernacle or not.

(5) Num. II, 17.

(6) For the Tabernacle has now been dismantled.

(7) Ibid. IV, 7. I.e., even though the Tabernacle has been dismantled the bread is still holy.

(8) I.e., so long as it had not been removed from the table it was valid.

(9) That bread was certainly valid, for the last mentioned verse states that so long as the bread was on the table it remained in its sanctity.

(10) But which had not yet been consumed by the priests (Rashi). According to R. Gershom the reference is to the bread that was set before the Lord but which had for some reason or other been taken off the table at the time of the dismantling of the Tabernacle.

(11) And the bread remained in its sanctity.

(12) Sc. the arrangement of the camp and the order of the march.

(13) Num. II, 17.

(14) The leper was excluded from the whole camp, while those afflicted with issues were permitted to remain in the

camp of Israel but were excluded from the Sanctuary proper and from the Levite encampment.

(15) Even though the Tabernacle has been dismantled.

(16) That it was not invalid.

(17) That it became invalid.

(18) The statement in the foregoing Baraitha that all consecrated things at the dismantling of the Tabernacle became invalid on the ground of being 'outside'.

(19) I.e., if the cloud was lifted (which was the signal for the people to march onward, cf. Num. IX, 17ff) at night, the Tabernacle was immediately dismantled and the people straightway set forth on their journey and did not wait till the morning.

(20) Ex. XIII, 21.

(21) That they journeyed by night.

(22) Which stated that those afflicted with an issue and lepers were still excluded from the camp even when the Tabernacle was dismantled.

(23) Ta'an. 21b.

(24) The latter Baraitha.

(25) Pes. 67b.

Talmud - Mas. Menachoth 95b

R. Eliezer says, You might think that if those that had an issue and lepers had forced their way through and entered the Temple court at a time when the Passover-offering was being offered in uncleanness¹ — you might think that they are culpable, the text therefore stated, They shall put out of the camp every leper, and every one that hath an issue, and whosoever is unclean by the dead:² when those that are unclean by the dead are put out [of the Sanctuary], those that have an issue and lepers are put out [of their respective camps];³ when those that are unclean by the dead are not put out, those that have an issue and lepers are not put out.⁴

MISHNAH. THE TWO LOAVES AND THE SHEWBREAD WERE ALIKE IN THAT THE KNEADING AND THE SHAPING WERE PERFORMED OUTSIDE [THE TEMPLE COURT], BUT THE BAKING INSIDE; AND IT⁵ DID NOT OVERRIDE THE SABBATH. R. JUDAH SAYS, ALL THESE WORKS WERE PERFORMED INSIDE [THE TEMPLE COURT]. R. SIMEON SAYS, ACCUSTOM THYSELF TO SAY, THE TWO LOAVES AND THE SHEWBREAD WERE VALID WHETHER MADE IN THE TEMPLE COURT OR IN BETH PAGE.⁶

GEMARA. Is not this self-contradictory? You say, THE KNEADING AND THE SHAPING WERE PERFORMED OUTSIDE, which proves that the dry-measures were not hallowed,⁷ and then you say, BUT THE BAKING INSIDE, which proves that the dry-measures were hallowed! — Said Raba: This question was raised by a hard man, who is as hard as iron,⁸ namely R. Shesheth. But what is the difficulty? Perhaps the tenth [measure] does not hallow [whatsoever is put therein] whereas the oven does! Rather if a difficulty is to be pointed out it is the following: [You say,] BUT THE BAKING INSIDE, which proves that the oven hallows [whatsoever was baked in it], and then you say, IT DID NOT OVERRIDE THE SABBATH. The cakes would then become invalid by being kept overnight!⁹ Said Raba: This question was raised by a hard man, who is as hard as iron, namely R. Shesheth. R. Ashi said, But what is the difficulty? Perhaps 'INSIDE' means under the supervision of careful men.¹⁰ This view of R. Ashi, however, is beside the mark. For take whichever view you will, if the baking required the supervision of careful men then the kneading and the shaping also required the supervision of careful men; and if the kneading and the shaping did not require the supervision of careful men, then the baking also did not require the supervision of careful men.¹¹ We must therefore say that R. Ashi's view is beside the mark.¹²

R. JUDAH SAYS, ALL THESE WORKS WERE PERFORMED INSIDE [THE TEMPLE

COURT] etc. R. Abbahu b. Kahana said, Both¹³ derived their views from the same verse: And it is in a manner common, yea, though it were sanctified this day in the vessel.¹⁴ R. Judah maintains that he¹⁵ found [the priests] baking [the Shewbread] on a weekday and said to them, You are baking it on a weekday? But since it has been sanctified this day in the vessel¹⁶ it will become invalid by being kept overnight!¹⁷ R. Simeon maintains that he found them baking it on the Sabbath and said to them, Should you not have baked it on a weekday? After all it is not the oven that hallows the bread but the table.¹⁸ But how can it be said that he found them baking [the Shewbread]? Is it not written, So the priest gave him hallowed bread; for there was no bread there but the Shewbread that was taken from before the Lord?¹⁹ — Rather it is this that he meant by ‘in a manner common’. They said to him, There is no bread here but the Shewbread that has been taken from before the Lord. And he¹⁵ replied, As to that bread there is no doubt at all,²⁰ for since it is no more subject to the law of sacrilege²¹ it is in a manner common. But even that which has been sanctified this day in the vessel you may give him²² to eat

(1) I.e., if the greater part of the community were unclean by contact with a dead body.

(2) Num. V, 2.

(3) V. supra p. 582, n. 3.

(4) Likewise with regard to the entering into the camp by unclean persons during the time that the Tabernacle was dismantled: since those that are unclean by the dead are not put out at all (for they were only excluded from the Sanctuary and now there is no Sanctuary), lepers and those afflicted with issues are likewise not put out of the camp.

(5) Sc. the baking. Accordingly the loaves were baked before the Sabbath.

(6) V. supra p. 468, n. 6. R. Simeon holds that they may even be baked outside the Temple court.

(7) I.e., the tenth measure by which the flour was measured was not hallowed, hence it could not hallow the flour and therefore it was permitted to knead it outside the Temple court. Had it been hallowed by the measuring vessel, the flour would have become invalid as soon as it was taken outside.

(8) Cf. Ta'an. 4a: a scholar who is not as hard as iron is no real scholar.

(9) Since they were baked, and thereby hallowed, on the day before the Sabbath.

(10) Lit., ‘in the place of careful men’, i.e., priests; but not in the Temple court.

(11) But there is no valid reason for distinguishing between the baking and the other works.

(12) The position therefore is that the two clauses of our Mishnah cannot be reconciled but they are the conflicting opinions of different Tannaim (Tosaf.).

(13) R. Judah and R. Simeon.

(14) I Sam. XXI, 6. The Heb. **שׁוֹנֵן** usually meaning profane, common, non-holy, is taken in the sense of non-holy day, weekday.

(15) David.

(16) Sc. in the oven.

(17) It is therefore wrong to bake the Shewbread on a weekday.

(18) It could have been baked before the Sabbath and kept for the Sabbath, for it is not hallowed until it is set on the table.

(19) Ibid. 7.

(20) That it may be given to a non-priest to eat.

(21) In accordance with the rule laid down (Me'il. I, 1): The law of sacrilege does not apply to whatsoever is permitted to the priests.

(22) Sc. David.

Talmud - Mas. Menachoth 96a

for he is in danger of his life.¹ R. Judah and R. Simeon, however, differ as to the tradition.² And there is in fact evidence for this, for it reads: R. SIMEON SAYS, ACCUSTOM THYSELF TO SAY, THE TWO LOAVES AND THE SHEWBREAD WERE VALID WHETHER MADE IN THE TEMPLE COURT OR IN BETH PAGE. This proves it.³ MISHNAH. THE KNEADING, THE SHAPING, AND THE BAKING OF THE HIGH PRIEST'S GRIDDLE-CAKES⁴ WERE

PERFORMED WITHIN⁵ [THE TEMPLE COURT], AND THEY OVERRODE THE SABBATH; THE GRINDING [OF THE CORN FOR IT] AND THE SIFTING DID NOT OVERRIDE THE SABBATH. R. AKIBA LAID DOWN THIS GENERAL RULE: ANY WORK THAT CAN BE DONE ON THE EVE OF THE SABBATH DOES NOT OVERRIDE THE SABBATH, BUT THAT WHICH CANNOT BE DONE ON THE EVE OF THE SABBATH OVERRIDES THE SABBATH.⁶ ALL MEAL-OFFERINGS REQUIRE A VESSEL [OF MINISTRY FOR THOSE WORKS THAT ARE PERFORMED] WITHIN,⁷ BUT DO NOT REQUIRE A VESSEL [OF MINISTRY FOR THOSE WORKS THAT ARE PERFORMED] OUTSIDE. THE TWO LOAVES WERE SEVEN HANDBREADTHS LONG AND FOUR WIDE AND THEIR HORNS⁸ WERE FOUR FINGERBREADTHS. THE [CAKES OF THE] SHEWBREAD WERE TEN HANDBREADTHS LONG AND FIVE WIDE AND THEIR HORNS⁸ WERE SEVEN FINGERBREADTHS. R. JUDAH SAYS, LEST YOU ERR [REMEMBER BUT THE WORDS] ZADAD YAHAZ.⁹ BEN ZOMA SAYS, AND THOU SHALT SET UPON THE TABLE SHEW BREAD BEFORE ME CONTINUALLY:¹⁰ 'SHEWBREAD' SIGNIFIES THAT IT SHALL HAVE ALL ITS SURFACES VISIBLE.¹¹ THE TABLE WAS TEN HANDBREADTHS LONG AND FIVE WIDE;¹² THE CAKES OF THE SHEWBREAD WERE TEN HANDBREADTHS LONG AND FIVE WIDE. EACH CAKE WAS PLACED LENGTHWISE ACROSS THE BREADTH OF THE TABLE, AND TWO AND A HALF HANDBREADTHS WERE TURNED UP¹³ AT EITHER SIDE SO THAT ITS LENGTH FILLED THE ENTIRE BREADTH OF THE TABLE. THIS IS THE VIEW OF R. JUDAH. R. MEIR SAYS, THE TABLE WAS TWELVE HANDBREADTHS LONG AND SIX WIDE;¹⁴ THE CAKES OF THE SHEWBREAD WERE TEN HANDBREADTHS LONG AND FIVE WIDE. EACH CAKE WAS PLACED LENGTHWISE ACROSS THE BREADTH OF THE TABLE, AND TWO HANDBREADTHS WERE TURNED UP AT EITHER SIDE; AND THERE WAS A SPACE OF TWO HANDBREADTHS BETWEEN [THE TWO SETS] SO THAT THE WIND COULD BLOW BETWEEN THEM.¹⁵ ABBA SAUL SAYS, THERE THEY USED TO PUT THE TWO DISHES OF FRANKINCENSE PERTAINING TO THE SHEWBREAD. THEY SAID TO HIM, IS IT NOT WRITTEN, AND THOU SHALT PUT PURE FRANKINCENSE UPON ['AL] EACH ROW?¹⁶ HE REPLIED, BUT IS IT NOT WRITTEN, AND NEXT UNTO ['AL] HIM SHALL BE THE TRIBE OF MANASSEH?¹⁷

THERE WERE THERE FOUR GOLDEN PROPS,¹⁸ BRANCHED AT THE TOP, WHICH SUPPORTED THE CAKES, TWO FOR THE ONE ROW AND TWO FOR THE OTHER ROW. AND THERE WERE TWENTY-EIGHT RODS,¹⁸ EACH [SHAPED] LIKE THE HALF OF A HOLLOW REED, FOURTEEN FOR THE ONE ROW AND FOURTEEN FOR THE OTHER ROW. NEITHER THE PLACING OF THE RODS NOR THEIR REMOVAL OVERRODE THE SABBATH, BUT [A PRIEST] USED TO ENTER ON THE DAY BEFORE THE SABBATH, DRAW OUT THE RODS, AND PLACE THEM¹⁹ PARALLEL WITH THE LENGTH OF THE TABLE.²⁰ EVERY ARTICLE THAT STOOD IN THE TEMPLE WAS PLACED WITH ITS LENGTH PARALLEL WITH THE LENGTH OF THE HOUSE.²¹

GEMARA. ALL MEAL-OFFERINGS REQUIRE A VESSEL [OF MINISTRY FOR THOSE WORKS THAT ARE PERFORMED] WITHIN. Rabbi was asked, How do you know it? And he replied, Behold it is written, And he said unto me, This is the place where the priests shall boil the guilt-offering and the sin-offering, where they shall bake the meal-offering; that they bring them not forth in the outer court.²² The meal-offering is placed alongside with the guilt-offering and the sin-offering; as the guilt-offering and the sin-offering require a vessel of ministry,²³ so the meal-offering also requires a vessel of ministry.

THE TABLE WAS TEN HANDBREADTHS LONG. R. Johanan said, According to him who says that two and a half handbreadths [of each cake] were turned up [at either side], it will be seen that the table could hallow [whatsoever was put upon it] to the height of fifteen handbreadths;²⁴ and according to him who says that two handbreadths were turned up [at either side] it will be seen that

the table could hallow to the height of twelve handbreadths. But there were the rods!²⁵ — The rods were sunken in.²⁶ But what was the purpose [of the rods]? To prevent the bread from becoming mouldy, was it not? But as now suggested the bread would still become mouldy!²⁷ — It was raised a little.²⁸ Then that little [should also be taken into account]!²⁹ — Since in all it did not amount to a handbreadth it was of no significance. But there were the dishes [of frankincense]!²⁹ — They were placed in the bread³⁰ and rose to the same height as the bread. Then there were the corners!³¹ — The corners were bent inward and the bread rested upon them.

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- (1) For David had been overcome by faintness by reason of his hunger, and in order to save life all laws may be superseded.
- (2) As to whether or not the oven hallows whatsoever is baked in it.
- (3) R. Simeon's expression clearly shows that he is referring to a tradition that he had received from his teachers.
- (4) The meal-offering prepared on a griddle which was offered daily by the High priest, half of the tenth being offered in the morning and the other half in the evening. V. Lev. VI, 12-15.
- (5) For the half-tenth measure by which the tenth was divided was, according to all views, a hallowed vessel, so that the flour became hallowed therein; hence it was necessary to knead it inside the Temple court.
- (6) As the grinding and sifting can be done before the Sabbath they do not override the Sabbath, but the kneading, the shaping and the baking cannot be done before the Sabbath, for since the flour has already been hallowed in the half tenth measure the offering would become invalid if kept overnight; accordingly they override the Sabbath.
- (7) Or: Every (work in connection with the) meal-offering that is prepared in a vessel of ministry must be performed within (the Temple court), but every work that is not prepared in a vessel of ministry may be performed outside.
- (8) There is considerable doubt among the commentators as to what these horns were. According to Rashi and Bertinoro they were lumps of dough, four fingerbreadths long (in the Shewbread, seven), put on the four upper corners of the cake after the manner of the horns of the altar. For further suggestions v. Cohn J. Menachot (Mischnayot) Berlin, 1925 a.l.
- (9) The consonants of these two words have the numerical values of 7, 4, 4 and 10, 5, 7, which correspond to the dimensions of the Two Loaves and the Shewbread respectively. The mnemonical words are meaningless.
- (10) Ex. XXV, 30.
- (11) Lit., 'it shall have faces (on all sides)'. Another interpretation, based on the reading פִּינִים is: it shall have corners, i.e., the horns mentioned above; v. supra p. 586, n. 5.
- (12) For according to R. Judah the cubit consisted of five handbreadths, and the dimensions of the table are given in the Torah as two cubits long and one wide. Cf. Ex. XXV, 23.
- (13) And stood perpendicularly; these were the sides of the cakes.
- (14) For the cubit according to R. Meir consisted of six handbreadths.
- (15) This free circulation of air between the two rows would prevent the cakes from becoming mouldy.
- (16) Lev. XXIV, 7. The Heb. **עָלַי** generally means upon; thus the frankincense was to be put upon the bread.
- (17) Num. II, 20. In this verse **עָלַי** clearly denotes 'next to', 'by the side of'. Likewise, argues Abba Saul, in the case of the Shewbread **עָלַי** denotes by the side of and not upon.
- (18) V. supra p. 579 and notes thereon.
- (19) I.e., the rods were placed on the ground to lie parallel with the length of the table (Tosaf.).
- (20) The rods were removed on the Friday, on the Saturday fresh cakes were set on the table without, however, putting the rods in their place, and in the evening after the Sabbath the rods were inserted between the cakes.
- (21) I.e., east to west; e.g., the table.
- (22) Ezek. XLVI, 20.
- (23) For those services which are performed inside the Temple court, e.g., the cooking of the offering, which is expressly spoken of in this verse.
- (24) As each cake was two and a half handbreadths high each row of six cakes rose to a height of fifteen handbreadths above the surface of the table.
- (25) That were placed between the cakes; accordingly the six cakes rose to a greater height than fifteen handbreadths, for there must be added thereto five times the thickness of the rods.
- (26) There were notches at the top of each cake and the rods were laid therein so that there was no intervening space between one cake and that above it.
- (27) In spite of the rods, since there is no space between the cakes.

(28) The rod did not lie actually, as was assumed supra, upon the sides of the cake (v. diagram p. 580), but was raised above it, and the ends of the rod rested in the grooves of the upright props; accordingly the upper cake did not come into contact with the one below it, and the air could circulate freely between the cakes.

(29) It would make each row rise to a greater height than fifteen handbreadths.

(30) I.e., in the air-space of the top cake between the two perpendicular sides.

(31) Or 'horns', v. supra p. 586, n. 5.

Talmud - Mas. Menachoth 96b

But there was also the border of the table!¹ — It is in accordance with the view of him who says that the border was underneath [the table].² But [what can be said] according to him who says that the border was above [the table]? — It slanted outwards so that the bread actually rested on the table. As was taught: R. Jose says, There were no props there at all but the border of the table supported the bread. But they said to him, The border was beneath [the table].

R. Johanan said, According to him who says that the border was beneath the table, it follows that a board which can be used on either side³ is susceptible to uncleanness;⁴ but according to him who says that the border was above the table,⁵ there is still a doubt as to whether a board which can be used on either side [is susceptible to uncleanness or not].

It is evident [from the above] that the table was susceptible to uncleanness, but surely it is a wooden vessel made to rest, and a wooden vessel made to rest is not susceptible to uncleanness! For what reason? We require it to be like a sack:⁶ just as a sack is movable both full and empty so everything that is movable both full and empty is susceptible to uncleanness!⁷ — The table, too, was movable both full and empty, in accordance with Resh Lakish's statement. For Resh Lakish said, What is the meaning of the verse, upon the clean table?⁸ The inference is that it is susceptible to uncleanness. But why? It is a wooden vessel made to rest and cannot therefore contract uncleanness!⁹ It teaches that they used to lift it up and exhibit the Shewbread thereon to those who came up for the Festivals, saying to them, Behold the love in which you are held by God! This is in accordance with R. Joshua b. Levi; for R. Joshua b. Levi said, A great miracle was wrought in regard to the Shewbread: it was taken away as [fresh as] when it was set down, as it is written, To put hot bread in the day when it was taken away.¹⁰

But surely you can arrive at this¹¹ from the fact that it was overlaid [with gold]!¹² For we have learnt:¹³ If a table or a side-table¹⁴ was damaged,¹⁵ or was overlaid with marble,¹⁶ yet room enough was left to set cups thereon,¹⁷ it is still susceptible to uncleanness. R. Judah says, There must be room enough left to set portions [of food thereon]. Now if there was room enough left it is [susceptible] but if there was not room enough left it is not [susceptible].¹⁸ And should you say that in the one case¹⁹ the overlaying was fixed, whereas in the other it was not fixed;²⁰ but [it has been reported] that Resh Lakish enquired of R. Johanan, [Does it²¹ apply only] to a fixed overlaying or also to an overlaying that is not fixed? And furthermore does it apply only to the case where the rims were also overlaid

(1) It is assumed that the border was a rim or a ledge which rose above the table; accordingly the bread would have to be placed above this ledge, and as the border was one handbreadth wide each row of bread would then reach to a height of sixteen handbreadths above the table.

(2) The border was a frame which joined together the four legs of the table. The top of the table, however, was a flat board and not attached to the frame, so that either side of the board could have been used as the table top.

(3) Lit., 'which can be turned over'. i.e., a flat board without rim or ledge on either side.

(4) For such was the top of the Sanctuary table, and that was susceptible to uncleanness, v. infra.

(5) Accordingly the table top could not have been reversed, but with its proper side up it formed a receptacle, and so it was susceptible to uncleanness.

- (6) A wooden vessel in order to be susceptible to uncleanness must in the manner of its use be like a sack, for the two are mentioned together in one verse in respect of uncleanness (Lev. XI, 32).
- (7) This would exclude wooden vessels not intended to be moved at all.
- (8) Lev. XXIV, 6. V. supra 29a.
- (9) So in MS.M., and in all the parallel passages; omitted in cur. edd.
- (10) I Sam. XXI, 7. V. supra p. 287, n. 6.
- (11) That the Sanctuary table was susceptible to uncleanness even though it was intended to rest in one place.
- (12) This establishes it as a metal vessel, and metal vessels are susceptible to uncleanness even though made to rest, for they are not likened to a sack. (v. p. 590, n. 4).
- (13) Kel. XXII, 1; Hag. 26b.
- (14) דולבקי. V. Jast. s.v. דלפקי '(delphica, sub. mensa) a three-legged table used as a toilet table or a waiter, contrad. from שולחן (eating table)'.
 (15) Damaged tables which can no longer be used for their original purpose are not susceptible to uncleanness.
- (16) Stone vessels are not susceptible to uncleanness.
- (17) I.e., part of the table was left undamaged or was not overlaid with marble, and that part could still be used for its original purpose.
- (18) Thus if the entire table was damaged, or if it was entirely overlaid with marble, it is not susceptible to uncleanness; hence it is evident that we consider a vessel in regard to uncleanness according to the material of its overlaying.
- (19) In the Mishnah quoted.
- (20) The golden overlaying of the Sanctuary table was not fastened to it permanently but was removable, hence the table could not be regarded as a metal vessel.
- (21) Sc. the teaching of the above-quoted Mishnah viz., that the material of the overlaying of a vessel is regarded for the purposes of uncleanness as the material of the vessel.

Talmud - Mas. Menachoth 97a

or also to the case where the rims were not overlaid? And he replied, It makes no difference whether the overlaying was fixed or the overlaying was not fixed; whether the rims were overlaid or the rims were not overlaid.¹ And should you further say that acacia wood,² being valuable, is not nullified [by the overlaying],³ this would be quite in order according to Resh Lakish who said that they taught this⁴ only of vessels of common wood⁵ which come from overseas, but vessels of fine wood⁶ are valuable and are not nullified [by the overlaying]. But what can one say according to R. Johanan who said that even vessels of fine wood are nullified [by the overlaying]? — One must therefore say that the table [of the Sanctuary] was different, for the Divine Law called it wood. For it is written, The altar was of wood, three cubits high, and the length thereof two cubits; and the corners thereof, and the length thereof, and the walls thereof were of wood; and he said unto me, This is the table that is before the Lord.⁷ [The verse] begins with the altar and ends with the table! R. Johanan and R. Eleazar both said, While the Temple still stood the altar used to make atonement for a man, but now that the Temple no longer stands a man's table makes atonement for him.⁸

THERE WERE THERE FOUR GOLDEN PROPS etc. How do we know this? — R. Kattina said, For the verse says, And thou shalt make ke'arothaw, and kappothaw, and kesothaw, and menakiothaw, to cover withal.⁹ Ke'arothaw are the moulds,¹⁰ kappothaw the dishes,¹¹ kesothaw the props,¹² and menakiothaw the rods;¹³ to cover withal: wherewith the bread was covered.¹⁴

Raba raised an objection. [We have learnt:] NEITHER THE PLACING OF THE RODS NOR THEIR REMOVAL OVERRODE THE SABBATH. Now if we were to hold [that the rods are enjoined] in the Torah, wherefore do they not override the Sabbath? Later, however, Raba said, What I said was not correct, for we have learnt: R. AKIBA LAID DOWN THIS GENERAL RULE: ANY WORK THAT CAN BE DONE ON THE EVE OF THE SABBATH DOES NOT OVERRIDE THE SABBATH. This,¹⁵ therefore, in all probability did not override the Sabbath. For why [were the rods required at all]? So that the bread become not mouldy. But in this short time¹⁶ it would not

become mouldy. And so it has been taught: What was the procedure? He used to enter on the eve of the Sabbath, draw out the rods, and place them [on the ground] parallel with the length of the table. At the outgoing of the Sabbath he used to enter again, lift up the ends of one cake and insert the rods underneath it, and then lift up the ends of another cake and insert the rods underneath it. The four [middle] cakes each required three rods underneath them, the topmost cake required but two rods underneath it for there was no burden upon it, while the bottom cake required no rods at all for it stood upon the surface of the table.

We have learnt elsewhere:¹⁷ R. Meir says, All cubit measurements in the Temple were [according to a cubit of] medium size,¹⁸ excepting those of the golden altar, the horns, the sobeb,¹⁹ and the base [of the outer altar]²⁰ R. Judah says, The cubit used for the [Temple] building was of six handbreadths and that for the vessels was of five handbreadths.

R. Johanan said, Both derived their views from the same text: And these are the measures of the altar²¹ by cubits — the cubit is a cubit and a handbreadth;²²

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- (1) In all the circumstances stated the vessel is determined by the material of its overlaying.
 - (2) Of which the table was made; Ex. XXV, 23.
 - (3) And despite the overlaying of gold it is still regarded as a wooden vessel.
 - (4) Sc. that the overlaying is all-important and that it determines the character of the vessel.
 - (5) **אכסלגום** Meaning and etymology doubtful; according to Jast.: **, woodcarrier, common wooden vessels'. According to Tosaf. it is the name of a place.
 - (6) **מסמם**. According to Jast.: 'polished wood, prob. coral-wood'.
 - (7) Ezek. XLI, 22.
 - (8) When the poor are at his table.
 - (9) Ex. XXV, 29. The translation of these words: **תקשותיו**, and **מנקיתיו** in the E.VV. does not correspond with the Rabbinical interpretation which follows, hence they are left untranslated.
 - (10) Wherein the cakes were shaped; v. supra 94a.
 - (11) Wherein the frankincense was put; cf. Lev. XXIV, 7.
 - (12) V. supra 96a. **קשותיו** is thus derived from **קשה**, hard; for the props kept the cakes hard and firm so that they should not break.
 - (13) V. supra ibid. **מנקיתיו** is derived from **נקי**, clean; the rods, shaped like the half of a hollowed reed, allowed the free circulation of air between the cakes, and thus the cakes were kept clean and free from mouldiness.
 - (14) I.e., the rods lay over the cakes like a cover.
 - (15) Sc. the placing of the rods and the removal thereof.
 - (16) When the cakes stood without the intervening rods, i.e., between the removal of the rods on the eve of the Sabbath and the removal of the bread on the Sabbath at midday, or between the setting down of the fresh bread on the Sabbath and the insertion of the rods at the conclusion of the Sabbath.
 - (17) Kel. XVII, 10; 'Er. 4b; Suk. 5b.
 - (18) I.e., of six handbreadths.
 - (19) Heb. **סובב**: the second terrace or ledge which ran round the altar upon which the officiating priests walked.
 - (20) For these the standard of the cubit was five handbreadths.
 - (21) Sc. the outer altar, i.e., the altar of the burnt-offering.
 - (22) I.e., the ordinary cubit, which measured six handbreadths, was one cubit and one handbreadth by the standard of the cubit spoken of in this verse, for the latter cubit measured only five handbreadths. And all the parts of the altar mentioned in this verse were measured by a cubit of five handbreadths.

Talmud - Mas. Menachoth 97b

the bottom shall be a cubit, and a cubit the breadth, and the border thereof by the edge thereof round about a span;¹ and this shall be the base of the altar.² 'The bottom shall be a cubit' refers to the base [of the altar]; 'and a cubit the breadth' refers to the sobeb; 'and the border thereof by the edge

thereof round about a span refers to the horns;³ ‘and this shall be the base of the altar’ refers to the golden altar.⁴ Now R. Meir maintained that [only] this⁵ was measured by a cubit of five handbreadths but all the other vessels [in the Temple] were measured by a cubit of six handbreadths; whereas R. Judah maintained that like this [cubit] shall be all the cubits for the vessels.

It was assumed that it was the height from the base to the sobeb that was measured by a cubit of five handbreadths;⁶ and the verse, ‘The bottom shall be a cubit and a cubit the breadth,’ meant to say that [the height]⁷ from the base [which rose up] one cubit to [the sobeb which was] one cubit wide was measured by a cubit of five handbreadths. [Let us now consider:] The height of the altar was in all ten cubits, six [cubits] being of five handbreadths each and four of six handbreadths each. Thus the height of the altar was fifty-four handbreadths, and the half thereof was twenty-seven handbreadths. [The distance] from the [top of the] horns down to the sobeb was twenty-four handbreadths, that is, three handbreadths less than half the height of the altar.⁸ And we have learnt:⁹ A red line went around the altar in the middle¹⁰ to separate between blood that must be sprinkled above and blood that must be sprinkled below. How then could it have taught in connection with the burnt-offering of a bird that [the priest] went up the ascent, passed on to the sobeb and came to the south-eastern horn, nipped off the head close by its neck and divided it asunder, and drained out the blood on the altar wall, and that if he did it even one cubit's distance below his feet,¹¹ it was valid? He has then applied below, to the extent of two handbreadths, blood that must be applied above!¹² — It must be said, therefore, that ‘the bottom shall be a cubit’ refers to the rebatement¹³ [of the base], ‘a cubit the breadth’ to the rebatement [of the sobeb], and ‘the border thereof by the edge thereof round about’ to the rebatement [of the horns].¹⁴ Accordingly the height of the altar was sixty handbreadths,¹⁵ and the half thereof was thirty handbreadths.¹⁶ [The distance] from the [top of the] horns down to the sobeb was twenty-four handbreadths, that is, six handbreadths¹⁷ less than half the height of the altar. And therefore we have learnt: If he did it even one cubit's distance below his feet, it was valid.¹⁸ How have you explained it? As referring to the rebatements. But how can you explain it as referring to the rebatements? Behold we have learnt: The altar was [at its base] thirty-two cubits long and thirty-two cubits wide. It rose up one cubit and receded one cubit:¹⁹ this formed the base; thus there were left thirty cubits by thirty.²⁰ According to you, however, it should be thirty cubits and two handbreadths by thirty cubits and two handbreadths!²¹ And further we have learnt: It rose up five cubits and receded one cubit: this formed the sobeb; thus there were left twenty-eight cubits by twenty-eight.²⁰ According to you, however, it should be twenty-eight cubits and four handbreadths by twenty-eight cubits and four handbreadths! And should you say that since they²² were less than one cubit [the Tanna] purposely omitted them, but we have learnt further: The place of the horns was one cubit on every side; thus there were left twenty-six cubits by twenty-six;²⁰ and according to you it should be twenty-seven by twenty-seven!²³ — He was not exact [in his reckoning]. But we have learnt further: The place²⁴ on which the feet of the priests trod was one cubit on every side; thus there were left twenty-four cubits by twenty-four, the place for the altar fire.²⁰ According to you, however, it should be twenty-five by twenty-five! Should you say also here that he was not exact, but it is written, And the altar hearth shall be twelve cubits long by twelve broad, square.²⁵ Now you might say that it was only twelve cubits by twelve; but when it also says, In the four quarters thereof,²⁵ it teaches that one must measure from the middle twelve cubits in every direction!²⁶ And should you say that originally²⁷ six [of the thirty-two cubits] were cubits of five handbreadths,²⁸ then the Temple court must have had more space, and we have learnt: The Temple court was in all a hundred and eighty-seven cubits long and a hundred and thirty-five cubits wide. From east to west it was a hundred and eighty-seven cubits: the place where the feet of the Israelites trod²⁹ was eleven cubits; the place where the feet of the priests trod³⁰ was eleven cubits; the altar was thirty-two cubits; between the porch³¹ and the altar was twenty-two cubits; the Sanctuary was a hundred cubits, and eleven cubits behind the Holy of Holies!³² — You must therefore say that ‘the bottom shall be a cubit’ refers to the height [of the base], ‘a cubit the breadth’ to the rebatement [of the sobeb], and ‘the border thereof by the edge thereof round about’ refers to the height³³ [of the horns], but [as to the space taken up by the horns]

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- (1) I.e., half a cubit.
- (2) Ezek. XLIII, 13.
- (3) These were blocks measuring one cubit each side which were placed upon the four corners of the altar. The measurement of a span stated in this verse in regard to the horns is explained as referring to the distance from the middle of each surface in every direction, i.e., the four quarters of every surface each measured a span by a span, therefore the whole of the surface was a cubit-square.
- (4) I.e., the golden altar was also measured by the cubit of five handbreadths.
- (5) Sc. the golden altar, which was placed in the category of Temple vessels; on the other hand the outer altar was regarded as a Temple building.
- (6) Whereas the other parts of the altar were measured by a cubit of six handbreadths. The various parts of the altar and their measurements will be easily gathered from the adjoining diagram which represents one side of the altar. (See drawing). The numbers in the figure represent cubits: a=the base; b = wall of the sobeb; c = the sobeb; d = place for the altar fire, **מערכה**; e = the horns.
- (7) Which was six cubits.
- (8) In other words the sobeb was three handbreadths above the middle line of the altar.
- (9) Mid. III, 1.
- (10) I.e., twenty-seven handbreadths above the ground.
- (11) I.e., he bent down low and drained out the blood of the offering against the wall of the sobeb upon which he stood.
- (12) The blood of the burnt-offering of a bird must be applied above the red line, but by draining out the blood against the wall beneath his feet a cubit's distance down he has reached two handbreadths (taking the cubit to be five handbreadths) below the red line.
- (13) Lit., 'the drawing in'. The cubit of five handbreadths spoken of in this verse was used only for measuring the depth or width of each ledge or platform round the altar.
- (14) I.e., the space taken up by the horns upon the altar surface.
- (15) For the measurements of the other parts of the altar, save those parts mentioned in this verse, were by the cubit of six handbreadths.
- (16) At which height from the ground ran the red line round the sides of the altar.
- (17) Or one cubit.
- (18) Since the draining of the blood was still performed in the upper part of the altar above the red line.
- (19) On every side.
- (20) Mid. III, 1.
- (21) Since the rebatement or width of each ledge was measured by a cubit of five handbreadths.
- (22) The four additional handbreadths.
- (23) For the handbreadths that were not reckoned now amount to one whole cubit!
- (24) On the top surface, beyond the horns, upon the altar.
- (25) Ezek. XLIII, 16.
- (26) I.e., each quarter of the top surface of the altar must measure twelve cubits by twelve, therefore the whole top surface must be twenty-four by twenty-four. And as this is the teaching of the verse it cannot be said that the measurement is not exact!
- (27) At the construction of the altar.
- (28) I.e., the last three cubits of each side of the base were of five handbreadths each, so that six of these cubits equalled five cubits of six handbreadths each; accordingly the length of each side was in reality thirty-one cubits.
- (29) The court of the Israelites, at the entrance of the Temple court.
- (30) The court of the priests.
- (31) Heb. **אולם**, the entrance to the **היכל**, the Sanctuary.
- (32) Lit., 'the house of the mercy seat'; v. Mid. V, 1.
- (33) So MS.M. and Sh. Mek., and such is the interpretation of Rashi. It is omitted in cur. edd.

Talmud - Mas. Menachoth 98a

it is immaterial whether the one or the other [cubit was used].¹ Accordingly the height of the altar

was fifty-eight handbreadths,² and the half thereof was twenty-nine handbreadths. [The distance] from the [top of the] horns down to the sobeb was twenty-three handbreadths, that is, six handbreadths less than half the height of the altar. And therefore we have learnt: 'If he did it even one cubit's distance below his feet, it was valid'. This may be proved too, for it is written, The bottom shall be a cubit, and a cubit the breadth.³ This is conclusive.

How much is a cubit of medium size? — R. Johanan said, Six handbreadths. R. Jose b. Abin said, We have also learnt the same [in our Mishnah]: R. MEIR SAYS, THE TABLE WAS TWELVE HANDBREADTHS LONG AND SIX WIDE.⁴

It follows that there was a cubit larger than this!⁵ — There was, as we have learnt:⁶ There were two cubits⁷ in the Palace of Shushan,⁸ one at the north-eastern corner and the other at the south-eastern corner. That at the north-eastern corner was longer than the cubit of Moses⁹ by half a fingerbreadth, and that at the south-eastern corner was longer than the other by half a fingerbreadth; thus it was one fingerbreadth longer than the cubit of Moses. And why did they set up a large cubit¹⁰ and a small one?¹¹ So that the workmen might receive [contracts of work] according to the measure of the smaller cubit and deliver [the work] according to the measure of the larger cubit, thereby avoiding any possible guilt of sacrilege.¹² And why two?¹³ — One was for [work in] gold and silver¹⁴ and the other was for building.¹⁵

We have learnt elsewhere: The eastern gate on which was portrayed the palace of Shushan.¹⁶ What was the reason for this? — R. Hisda and R. Isaac b. Abdimi [offered different opinions]. One said, So that they be ever mindful whence they came;¹⁷ the other said, So that the fear of the dominant power be ever before them.¹⁸

R. Jannai said, The fear of the dominant power¹⁹ should ever be before you, as it is written, And all these thy servants shall come down unto me, and bow down unto me saying;²⁰ but he did not say so of [the king] himself.²¹ R. Johanan derives it from the following verse: And the hand of the Lord was on Elijah; and he girded up his loins, and ran before Ahab to the entrance of Jezreel.²²

And the leaf thereof for healing.²³ R. Hisda and R. Isaac b. Abdimi [each interpreted this verse]. One said, To loosen the mouth above;²⁴ the other said, To loosen the mouth below.²⁵ It has been [likewise] reported: Hezekiah said, To loosen the mouth of the dumb; Bar Kappara said, To loosen the mouth of barren women.

Our Rabbis taught: Had [Scripture] said, And thou shalt take fine flour and bake twelve cakes thereof . . . And thou shalt set them in two rows,²⁶ and not added, Six [in a row],²⁶ I would have said that one row may consist of four cakes and the other of eight; [Scripture] therefore said, Six [in a row]. Furthermore, had [Scripture] said, 'In two rows, six in a row', and it had not stated, 'Twelve', I would have said that there were to be three rows each of six cakes;²⁷ [Scripture] therefore said, 'Twelve'. And further, had [Scripture] said, 'Twelve', and also, 'In rows', but not, 'In two rows', nor, 'Six in a row', I would have said that there were to be three rows each of four cakes; [Scripture] therefore said, 'In two rows' and 'Six in a row'. Hence without these three expressions we should not have known [the proper practice]. And what was it? [The priest] used to set them in two rows each of six cakes. If he set one row of four and another of eight, he has not fulfilled the obligation. If he set two rows each of seven cakes, the top cake [of each row], says Rabbi, is regarded as though it was not. But does not the verse say, And thou shalt put upon ['al] each row pure frankincense?²⁸ — R. Hisda said to R. Hamnuna (others say, R. Hamnuna said to R. Hisda): Rabbi consistently holds the view that 'al means 'by the side of'. As has been taught: Rabbi says, In the verse, And thou shalt put 'al each row pure frankincense, the preposition 'al has the sense of 'by the side of'. You say it has the sense of 'by the side of', but perhaps it is not so but rather it means actually upon it! When it says, And thou shalt place the veil as a screen 'al the ark,²⁹ you may learn from it that 'al [generally]

has the sense of 'by the side of'.

EVERY ARTICLE THAT STOOD IN THE TEMPLE etc. Our Rabbis taught: Every article that stood in the Temple was placed with its length parallel with the length of the house, excepting the ark whose length was parallel with the breadth of the house.³⁰ So was it placed and so were its staves placed. What can this mean?³¹ — It means as follows: So was it placed for so were its staves placed.³² And whence do we know this³¹ of the staves? — From the following [Baraita] which was taught: And the staves were so long,³³ I might have thought that they did not reach the curtain,³⁴ the text therefore further states, [That the ends of the staves] were seen [from the holy place].³³ But if I had the verse, [That the ends of the staves] were seen, only to go by I might have assumed that they tore through the curtain and protruded outside; the text therefore states, But they could not be seen without.³³ How then [are we to understand the verse]?

- (1) I.e., whether the cubit was of five or of six handbreadths. Since the rebatement or width of the ledge of the base was measured by a cubit of six handbreadths and that of the middle ledge or sobeb by a cubit of five handbreadths, the altar space left by the horns would be twenty-six cubits and two handbreadths (or four handbreadths, according as one takes each side of the horn as one cubit of six handbreadths or of five respectively); and these extra handbreadths are not taken into account by the Tanna of the Mishnah.
- (2) For the height of the several parts of the altar, with the exception of the one cubit the height of the base and the one cubit the height of the horns, was described by cubits of six handbreadths.
- (3) Ezek. XLIII, 13. The structure of this verse is significant; in the opening part 'cubit' follows the article mentioned whereas in the latter part 'cubit' precedes it. The significance thereof is that in each case 'cubit' refers to a different dimension, in the former case to the height and in the latter to the width.
- (4) And the table is described in the Torah (Ex. XXV, 23) as being two cubits long and one cubit wide. Now since R. Meir has taught supra p. 593 that all cubit measurements in the Temple were according to a cubit of medium size, it follows that the cubit of six handbreadths was the medium sized one.
- (5) For the cubit of six handbreadths was only the medium sized one. Where do we find a larger, cubit in use?
- (6) Kel. XVII, 9.
- (7) Two cubit sticks were deposited there as standards.
- (8) A chamber built above the eastern gate of the Temple; v. infra and Mid. I, 3.
- (9) Which was six handbreadths.
- (10) Sc. the two cubits deposited in the Palace of Shushan.
- (11) Sc. the cubit of Moses. Why did they not adopt the cubit of Moses as the standard cubit for all purposes?
- (12) I.e., benefiting from that which belongs to the Temple; cf. Lev. V, 15. By returning the completed work according to a larger measure than that which they had contracted to do they precluded the possibility of profiting from the Temple.
- (13) Why have two measures each larger than the cubit of Moses?
- (14) As this work was costly it was unfair to increase the standard cubit by more than half a fingerbreadth.
- (15) For building work the standard cubit was increased by one whole fingerbreadth.
- (16) Mid. I, 3.
- (17) From the exile in Persia, and so would offer thanks to God at all times for their deliverance.
- (18) It served to them as a constant reminder that they were still under Persian rule.
- (19) Lit., 'kingship'.
- (20) Ex. XI, 8.
- (21) Moses out of respect for the king did not say to him, 'Thou shalt come unto me and bow down to me', although he knew that that would eventually be the case.
- (22) I Kings XVIII, 46. Out of respect for royalty the prophet Elijah acted as the king's runner and accompanied him on his journey.
- (23) Ezek. XLVII, 12.
- (24) I.e., to make the dumb speak. The interpretation is a play upon the word לתרופה, 'for healing', which is taken as a compound of להתיר פה 'for loosening the mouth'.
- (25) A euphemism for the womb.
- (26) Lev. XXIV, 5, 6.

(27) The expression 'six in a row', following immediately after the two rows already stated, would be interpreted as referring to a third row of six cakes. There is a variant text found in MS.M., also given by Rashi, which reads: There was to be a third row of three cakes; i.e., only the two rows shall be of six cakes each, but other additional rows may be of less than six cakes.

(28) Lev. XXIV, 7. The preposition **על** translated 'upon', implies that the dish of frankincense must actually be upon the row of six cakes, i.e., nothing shall intervene between the dish of frankincense and the row proper.

(29) Ex. XL, 3. The veil was clearly put up as a screen before the ark, accordingly **על** cannot have the meaning of 'upon'. From this verse Rabbi establishes his view that 'al generally means 'by the side of'.

(30) I.e., north to south.

(31) The staves actually pointed in the directions of east and west.

(32) Since the staves pointed eastward and westward and protruded at right angles to the length of the ark, it follows that the ark stood lengthwise from north to south.

(33) I Kings VIII, 8.

(34) Sc. the curtain that hung over the entrance to the Holy of Holies which was on the east side.

Talmud - Mas. Menachoth 98b

They pressed against the curtain and bulged out as the two breasts of a woman, as it is said, My beloved is unto me as a bundle of myrrh, that lieth betwixt my breasts.¹ But whence do we know that the staves lay along the breadth of the ark? Perhaps they lay along the length of the ark? — Rab Judah answered, Because in the space of one cubit and a half two men could not stand.² And whence do we know that four persons carried it?³ — Because it is written, And the Kohathites⁴ [which are at least] two, the bearers of the sanctuary⁴ again two,⁵ set forward.⁴

Our Rabbis taught: King Solomon made ten tables, as it is written, He made also ten tables and placed them in the Temple, five on the right side and five on the left.⁶ If you were to say that five were on the right side of the [Temple] entrance⁷ and five on the left side of the entrance, then we should have tables placed on the south side [of the Temple], but the Torah says, And thou shalt put the table on the north side.⁸ You must therefore say that [the table] of Moses stood in the middle with five [tables] to the right of it and five to the left of it.⁹

Our Rabbis taught: King Solomon also made ten candlesticks, as it is written, And he made the ten candlesticks of gold according to the ordinance concerning them; and he set them in the Temple, five on the right hand and five on the left.¹⁰ If you were to say that five were on the right side of the [Temple] entrance and five on the left side, we should then have candlesticks set on the north side [of the Temple], but the Torah says, And the candlestick over against the table on the side of the tabernacle towards the south.¹¹ You must therefore say that [the candlestick] of Moses stood in the middle with five [candlesticks] to the right of it and five to the left of it.

One [Baraita] states that [the tables] stood in the inner half of the Sanctuary, whilst another [Baraita] states that they stood in the inner third of the Sanctuary! — This, however, presents no difficulty, for the one [Baraita]¹² includes the Holy of Holies in the term 'Sanctuary', whilst the other¹³ does not include the Holy of Holies in the term 'Sanctuary'.¹⁴

Our Rabbis taught: [The tables] were placed [lengthwise] from east to west. So Rabbi. R. Eleazar son of R. Simeon says, From north to south. What is Rabbi's reason? — He derives it from the candlestick: as the candlestick stood [with its branches] towards east and west, so these stood from east to west. But whence do we know this of the candlestick itself? — Since of the western lamp¹⁵ the verse says, Aaron shall order it . . . before the Lord,¹⁶ it follows that all the others were not before the Lord; now if one were to assume [that the candlestick stood with its branches] towards north and south, all the lamps would then be before the Lord.¹⁷ And what is the reason for the view of R. Eleazar son of R. Simeon? — He derives it from the ark: as the ark stood [lengthwise in the

direction of] north and south, so these also stood [lengthwise] from north to south. And why does not Rabbi derive it from the ark? — One may infer [an object that stood] outside¹⁸ from [another that stood] outside, but one may not infer [that which stood] outside from [that which stood] inside.¹⁹ And why does not R. Eleazar son of R. Simeon derive it from the candlestick? — He maintains that even the candlestick stood [with its branches extending] towards north and south. But is it not written, Aaron and his sons shall order it . . . [before the Lord]?²⁰ — They were all made to face [the middle lamp].²¹ For it has been taught:²² The seven lamps shall give light in front of the candlestick;²³ this teaches that they were made to face the middle lamp. R. Nathan said, This shows that the middle one is specially prized.²⁴

It is quite clear, according to him who said [that the tables stood lengthwise] from east to west, to see how the ten [tables]²⁵ were placed in the twenty cubits;²⁶ but according to him who said [that they stood lengthwise] from north to south, how could the ten tables be placed in twenty cubits?²⁷ Furthermore,²⁸ how could the priests enter [the Holy of Holies]?²⁹ Furthermore, we would then have five tables on the south side!³⁰ And further, where did the table of Moses stand?³¹ — But according to your argument [this question could] also [be raised] against him who said [that they stood lengthwise] from east to west: Where did the table of Moses stand?³² But in fact [there is no difficulty] for you have assumed, have you not, that they stood in one row? [In reality, however,] they stood in two rows.³³

(1) Cant. I, 13. As the staves bulged in the curtain they obviously pointed eastward.

(2) As the ark was one cubit and a half wide if, as suggested, the staves lay along the length of the ark, there would then have been only the space of one cubit and a half between the staves, and within this space two men could not have walked side by side carrying the ark.

(3) I.e., that two Levites walking side by side carried the ark in front and two behind. Perhaps only two persons carried it, one carrying the two ends of the staves on one side, and the other the two ends of the staves on the other side.

(4) Num. X, 21.

(5) Thus there were four Levites that carried the ark.

(6) II Chron. IV, 8.

(7) The entrance to the Temple was in the middle of the east side.

(8) Ex. XXVI, 35.

(9) They all stood, however, on the north side.

(10) II Chron. IV, 7.

(11) Ex. XXVI, 35.

(12) The latter.

(13) The former.

(14) The Sanctuary (lit., 'house') including the Holy of Holies was sixty cubits long, the first twenty cubits being taken up by the Holy of Holies and in the space of the next twenty cubits stood the tables. Now these latter twenty cubits were half the Sanctuary space (if one excludes from this term the Holy of Holies) or a third of the Sanctuary space (if one includes in that term the Holy of Holies).

(15) I.e., the second lamp from the eastern end.

(16) Ex. XXVII, 21; Lev. XXIV, 3.

(17) So that no one lamp could be said to be looking westwards any more than the others. Accordingly it must be concluded that the candlestick stood with its branches extended towards east and west.

(18) The Holy of Holies.

(19) The ark was within the Holy of Holies but the candlestick and the tables were outside in the Sanctuary.

(20) Which shows that only one lamp, 'it', was before the Lord, but if it is maintained that the candlestick stood with its branches extending to the north and to the south all the lamps alike would be before the Lord.

(21) Whilst the middle lamp alone faced the Holy of Holies.

(22) Meg. 21b.

(23) Num. VIII, 2.

(24) On Mondays, Thursdays and Sabbath afternoon, at least ten verses of the portion prescribed for the following

Sabbath were read by three persons; and as 'the middle was specially prized' the second reader was privileged to read four verses whilst the other two read three verses each. V. also Tosaf. s.v. **ששצע**.

(25) Each table being two cubits long and one cubit wide.

(26) I.e., the twenty cubits furthest from the entrance of the Sanctuary. It is assumed, for the present, that the ten tables were placed head to head in one long line, thus forming one table measuring twenty cubits by one cubit. Now although it is impossible to place lengthwise an object twenty cubits long in a space exactly twenty cubits long or wide, since there was more space available in the Sanctuary it was of small consequence if the table protruded a little beyond the twenty cubits allotted to it.

(27) For the Sanctuary was twenty cubits wide and the tables were placed parallel with the width of the Sanctuary.

(28) Assuming even that the tables would just fit in the width of the Sanctuary.

(29) I.e., the High Priest on the Day of Atonement. The tables formed a barrier across the entire width of the Sanctuary.

(30) In contravention of the Biblical ordinance. Cf. Ex. XXVI, 35.

(31) Which stood, according to the Baraitha quoted above p. 601, between the other tables. There was thus insufficient room for all eleven tables.

(32) If it was among the other tables then one table must have stood completely in the front half of the Sanctuary!

(33) Each row consisting of five tables and measuring ten cubits by one cubit. The table of Moses stood by itself between the two rows.

Talmud - Mas. Menachoth 99a

Then according to him who said [that they stood lengthwise] from north to south it is quite in order,¹ but according to him who said that they stood lengthwise from east to west [there is a difficulty]. Let us consider, how far away was the table² from the [north] wall? Two cubits and a half;³ then there was one cubit [the width of the table] itself, two cubits and a half the space between the tables,⁴ one cubit [the width of the table] itself,⁵ again two cubits and a half the space between the tables,⁶ and one cubit [the width of the table] itself, [in all ten cubits and a half]; thus the tables had encroached to the extent of half a cubit upon the south side [of the Sanctuary]! — You have assumed, have you not, that the table of Moses stood between the two rows of tables? But it was not so, it actually stood at the head of the two rows of tables,⁷ whilst the latter stood lower down like pupils sitting before their master.

Our Rabbis taught: Solomon made ten tables; they set [the Shewbread], however, only on that made by Moses, as it is written, And the table whereon the Shewbread was.⁸ Also Solomon made ten candlesticks; they lit, however, only that of Moses, as it is written, And the candlestick of gold with the lamps thereof, to burn every evening.⁹ R. Eleazar b. Shammua' says, On all the tables¹⁰ they set [the Shewbread], as it is written, And the tables whereon was the shewbread;¹¹ and they lit all the candlesticks, as it is written, And the candlesticks with their lamps, that they should burn according to the ordinance before the Sanctuary, of pure gold.¹² R. Jose son of R. Judah says, They set [the Shewbread] only on that of Moses; but how do I explain the verse which says, 'And the tables whereon was the Shewbread'?¹¹ These are the three tables that were in the Temple:¹³ two stood inside the porch at the entrance of the House, the one of silver¹⁴ and the other of gold. On the table of silver they laid the Shewbread when it was brought in, and on the table of gold they laid the Shewbread when it was brought out, since what is holy we must raise [in honour] but not bring down. And within [the Sanctuary] was a table of gold whereon the Shewbread lay continually.

Whence is it inferred that we may not bring down [what is holy]? — Rabbi said, From the verse, And Moses reared up the tabernacle, and laid its sockets, and set up the boards thereof, and put in the bars thereof, and reared up its pillars.¹⁵ And whence is it inferred that we must raise up [in honour what is holy]? — R. Aha b. Jacob said, From the verse, Even the fire-pans of these men who have sinned at the cost of their lives, and let them be made beaten plates for a covering of the altar — for they are become holy, because they were offered before the Lord — that they may be a sign unto the children of Israel.¹⁶ At first they were but accessories of the altar and now they are part of the altar

itself.

Which thou didst break, and thou shalt put them in the ark.¹⁷ R. Joseph learnt: This teaches us that both the tablets and the fragments of the tablets were deposited in the ark. Hence [we learn that] a scholar who has forgotten his learning through no fault of his¹⁸ must not be treated with disrespect.¹⁹

(Mnemonic: Suppression, misdeed, forgets.)²⁰ Resh Lakish said: There are times

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- (1) For the tables were almost completely on the north side of the Sanctuary, overstepping but slightly the middle line.
 - (2) Sc. the row of tables nearest the north wall.
 - (3) This space provided sufficient room for two persons to walk side by side, for the priests who attended to the Shewbread walked around the tables in pairs.
 - (4) I.e., between the north row of tables and the table of Moses.
 - (5) Sc. the table of Moses.
 - (6) I.e., between the table of Moses and the south row of tables.
 - (7) And was thus nearest to the Holy of Holies. Moreover, as the ground of the Temple sloped downwards from west to east, the table of Moses, being nearest the west side, was indeed on a higher elevation than the other tables.
 - (8) I Kings VII, 48. Only one table is mentioned for the Shewbread.
 - (9) II Chron. XIII, 11. Thus only one candlestick was burning every evening.
 - (10) I.e., sometimes on one table and sometimes on another.
 - (11) Ibid. IV, 19. This verse speaks of many tables used for the Shewbread.
 - (12) Ibid. 20.
 - (13) That were used in connection with the Shewbread. V. next Mishnah, infra p. 607.
 - (14) According to the next Mishnah it was of marble, but it had a bright appearance like silver. V. however, Tosaf. infra 99b s.v. **תנן**.
 - (15) Ex. XL, 18. Moses himself completed the erection of the Tabernacle, for since he had begun it it would have been a degradation had he allowed others to complete it. Aliter: the verse opens with the expression 'reared up' and concludes also with this same expression, thus signifying that what is holy must be 'reared up' and kept exalted and not brought down.
 - (16) Num. XVII, 3 (E. VV. XVI, 38).
 - (17) Deut. X, 2.
 - (18) Lit., 'by reason of his misfortune'; i.e., through old age, sickness or trouble, but not through wilful neglect.
 - (19) Since even the broken pieces of the tablets were also treated with sanctity and were placed in the ark.
 - (20) These words form the subject matter of the following three teachings of Resh Lakish respectively.

Talmud - Mas. Menachoth 99b

when the suppression of the Torah may be the foundation of the Torah,¹ for it is written, 'Which thou didst break': The Holy One, blessed be He, said to Moses, 'Thou didst well to break'!²

Resh Lakish also said, A scholar who has committed a misdeed must not be reproached³ publicly, for it is written, Therefore shalt thou stumble in the day, and the prophet also shall stumble with thee in the night,⁴ that is to say, keep it dark,⁵ like night.

Resh Lakish further said,⁶ He who forgets one word of his study transgresses a negative precept, for it is written, [Only] take heed to thyself, and keep thy soul diligently, lest thou forget the things.⁷ This being in accordance with the rule laid down by R. Abin in the name of R. Ila'a; for R. Abin said in the name of R. Ila'a, Wherever there occur in Holy Writ the expressions 'take heed',⁸ 'lest', or 'do not', they are negative precepts. Rabina said, [He transgresses two negative precepts for] 'take heed' and 'lest' are two negative precepts. R. Nahman b. Isaac said, [He transgresses] three [negative precepts], for it is written, '[Only] take heed to thyself, and keep thy soul diligently, lest thou forget the things'. One might suppose that this is so even when he forgets it through no fault of his; the text

therefore states, 'And lest they depart from thy heart':⁷ Scripture thus speaks only of him who of set purpose puts them away from his heart. R. Dosethai son of R. Jannai said, One might further suppose that this is so even when his study has been too hard for him; the text therefore states, Only.⁹

R. Johanan and R. Eleazar both said, The Torah was given in forty days and the soul is formed in forty days:¹⁰ whosoever keeps the Torah his soul is kept, and whosoever does not keep the Torah his soul is not kept. A Tanna of the School of R. Ishmael taught: It is like the case of a man who entrusted a swallow to the care of his servant and said to him, 'Do you think that if you suffer it to perish I will take from you an issar¹¹ for its value? [No,] I will take your soul from you'.

MISHNAH. THERE WERE TWO TABLES INSIDE THE PORCH AT THE ENTRANCE OF THE HOUSE, THE ONE OF MARBLE¹² AND THE OTHER OF GOLD. ON THE TABLE OF MARBLE THEY LAID THE SHEWBREAD WHEN IT WAS BROUGHT IN, AND ON THE TABLE OF GOLD THEY LAID THE SHEWBREAD WHEN IT WAS BROUGHT OUT, SINCE WHAT IS HOLY WE MUST RAISE [IN HONOUR] BUT NOT BRING DOWN. AND WITHIN [THE SANCTUARY] WAS A TABLE OF GOLD WHEREON THE SHEWBREAD LAY CONTINUALLY. FOUR PRIESTS ENTERED, TWO BEARING THE TWO ROWS [OF THE SHEWBREAD] IN THEIR HANDS AND TWO BEARING THE TWO DISHES [OF FRANKINCENSE] IN THEIR HANDS; AND FOUR WENT IN BEFORE THEM, TWO TO TAKE AWAY THE TWO ROWS [OF THE SHEWBREAD] AND TWO TO TAKE AWAY THE TWO DISHES [OF FRANKINCENSE]. THOSE WHO BROUGHT THEM IN STOOD AT THE NORTH SIDE WITH THEIR FACES TO THE SOUTH, AND THOSE WHO TOOK THEM AWAY STOOD AT THE SOUTH SIDE WITH THEIR FACES TO THE NORTH.¹³ THESE WITHDREW [THE OLD] AND THE OTHERS LAID DOWN [THE NEW], THE HANDBREADTH OF THE ONE BEING BY THE SIDE OF THE HANDBREADTH OF THE OTHER,¹⁴ FOR IT IS WRITTEN, BEFORE ME CONTINUALLY.¹⁵ R. JOSE SAYS, EVEN IF THESE [FIRST] TOOK AWAY [THE OLD] AND THE OTHERS LAID DOWN [THE NEW LATER ON], THIS TOO FULFILLS THE REQUIREMENT OF CONTINUALLY'. THEY WENT AND LAID [THE OLD BREAD] ON THE TABLE OF GOLD THAT WAS IN THE PORCH. THE DISHES [OF FRANKINCENSE] WERE THEN BURNT AND THE CAKES WERE DISTRIBUTED AMONG THE PRIESTS.¹⁶ IF THE DAY OF ATONEMENT FELL ON A SABBATH THE CAKES WERE DISTRIBUTED IN THE EVENING.¹⁷ IF IT FELL ON A FRIDAY THE HE-GOAT OF THE DAY OF ATONEMENT¹⁸ WAS CONSUMED IN THE EVENING.¹⁹ THE BABYLONIAN [PRIESTS] USED TO EAT IT RAW FOR THEY WERE NOT FASTIDIOUS.²⁰

GEMARA: It was taught: R. Jose says, Even if the old [Shewbread] was taken away in the morning and the new was set down in the evening there is no harm. How then am I to explain the verse, 'Before me continually'? [It teaches that] the table should not remain overnight without bread.

R. Ammi said, From these words of R. Jose²¹ we learn that even though a man learns but one chapter in the morning and one chapter in the evening he has thereby fulfilled the precept of 'This book of the law shall not depart out of thy mouth'.²²

R. Johanan said in the name of R. Simeon b. Yohai, Even though a man but reads the Shema²³ morning and evening he has thereby fulfilled the precept of '[This book of the law] shall not depart'. It is forbidden, however, to say this in the presence of 'amme ha-arez.²⁴ But Raba said, It is a meritorious act to say it in the presence of amme ha-arez.²⁵

Ben Damah the son of R. Ishmael's sister once asked R. Ishmael, May one such as I who have studied the whole of the Torah learn Greek wisdom?²⁶ He thereupon read to him the following verse, This book of the law shall not depart out of thy mouth, but thou shalt meditate therein day and night.²⁷ Go then and find a time that is neither day nor night and learn then Greek wisdom.

This, however, is at variance with the view of R. Samuel b. Nahmani. For R. Samuel b. Nahmani said in the name of R. Jonathan, This verse is neither duty nor command but a blessing. For when the Holy One, blessed be He, saw that the words of the Torah were most precious to Joshua, as it is written, His minister Joshua, the son of Nun, a young man, departed not out of the tent,²⁸ He said to him, 'Joshua, since the words of the Torah are so precious to thee, [I assure thee,] 'this book of the law shall not depart out of thy mouth'!

A Tanna of the School of R. Ishmael taught: The words of the Torah should not be unto thee as a debt,²⁹ neither art thou at liberty to desist from it.³⁰

Hezekiah said, What is the meaning of the verse, Yea, He hath allured thee out of the mouth of straits into a broad place, where there is no straitness?³¹ Come and see that the manner of the Holy One, blessed be He, is not like that [of men] of flesh and blood. A man of flesh and blood allures another out of the ways of life into the ways of death,³² but the Holy One, blessed be He, allures man out of the ways of death into the ways of life,³³ as it is written, 'Yea, He hath allured thee out of the mouth of straits', that is, out of Gehenna, whose mouth is narrow so that its smoke is stored up

(1) The interruption of the study of the Torah for the performance of a religious act, e.g., to attend a funeral, is sometimes the fulfilment of the Torah and brings with it a reward (Rashi).

(2) God thus expressed His approval of Moses' action. There is here a play upon the words **אשר שברת** and **ישר** (l)j) **ששברת**.

(3) In the par. passage M.K. 17a the reading is 'placed under the ban'.

(4) Hos. IV, 5.

(5) Lit., 'cover it up'.

(6) Cf. Aboth IV, 9 (10).

(7) Deut. IV, 9.

(8) Or 'observe', or 'keep'. These expressions are the various meanings of the Heb. root **שמר**.

(9) A term limiting the application of the rule to special cases.

(10) I.e., forty days after conception the soul is implanted in the embryo. In MS.M.: 'the soul is given in forty days'.

(11) V. Glos.

(12) V. supra p. 605 n. 7.

(13) The priests thus stood facing each other separated only by the breadth of the table, for the table stood lengthwise from east to west.

(14) I.e., the taking away of the old bread and the placing of the new were almost simultaneous.

(15) Ex. XXV, 30. The Shewbread shall be before the Lord continually and at no time shall the table be without the bread.

(16) The cakes were shared out equally among the outgoing division of priests and the ingoing division, and were to be eaten during that day (i.e., on the Sabbath) and the night until midnight.

(17) I.e., at the conclusion of the Day of Atonement, and they could be eaten only during that night until midnight, for under no circumstances was the time for the eating extended.

(18) Num. XXIX, 11. This was the only offering (sc. the Musaf-offering) brought on the Day of Atonement whose flesh was consumed by the priests.

(19) After the fast and only until midnight. It was obviously eaten raw as it could not be cooked on the Sabbath.

(20) Lit., 'their minds (i.e. physical constitutions) were fine'.

(21) Who ruled that if the old Shewbread was on the table for some time in the morning and the new for some time in the evening, that can be said to be 'continually'.

(22) Jos. I, 8.

(23) The passage commencing 'Hear, O Israel' (Deut. VI, 4ff).

(24) Plur. 'of 'am ha-arez, v. Glos. Such a pronouncement might deter the common people from educating their children in the study of the Torah, seeing that the Scriptural precept is fulfilled by the twice daily recital of the Shema'.

(25) For they would argue thus: if merely for the recital of the Shema' twice daily the reward is offered: 'Then thou shalt

make thy ways prosperous and then thou shalt have good success' (Jos. *ibid.*), how great shall be the reward for those that devote their whole time to the study of the Torah!

(26) Probably the study of Greek philosophy. V. *supra* 64b p. 381, where an imprecation is pronounced against those that learn Greek wisdom. V. Tosaf. l.c, s.v. **סדר**.

(27) Jos. *ibid.*

(28) Ex. XXXIII, 11.

(29) Which must be paid off, one's whole desire being to discharge the debt so as to be free from it.

(30) Cf. Ab. II, 16.

(31) Job. XXXVI, 16.

(32) Cf. Deut. XIII, 7 where the same expression is used of enticement into idolatry.

(33) I.e. — to the Torah which delivers from the fire of Gehenna.

Talmud - Mas. Menachoth 100a

within it.¹ And lest you say that as its mouth is narrow so the whole [of Gehenna] is narrow, the text therefore states, Deep and large.² And lest you say that it is not made ready for a king,³ the text therefore states, Yea, for the king it is prepared.² And lest you say that there is no wood in it, the text therefore states, The pile thereof is fire and much wood.² And lest you say that this⁴ is the sole reward [of the Torah], the text therefore states, And that which is set on thy table is full of fatness.⁵

IF THE DAY OF ATONEMENT FELL ON A SABBATH etc. Rabbah b. Bar Hanah said in the name of R. Johanan, They were not Babylonians but Alexandrians, but because [the Palestinians] hated the Babylonians they called [the Alexandrians] by the name of Babylonians.⁶ It was likewise taught: R. Jose says, They were not Babylonians but Alexandrians, but because [the Palestinians] hated the Babylonians they called [the Alexandrians] by the name of Babylonians. Said to him R. Judah, May your mind be at ease for you have set mine at ease.⁷

MISHNAH. IF [THE PRIEST] SET THE SHEWBREAD ON THE SABBATH AND THE DISHES [OF FRANKINCENSE] ON THE DAY AFTER THE SABBATH, AND BURNT THE DISHES [OF FRANKINCENSE] ON THE [NEXT] SABBATH, IT IS NOT VALID,⁸ AND ONE IS NOT LIABLE THEREBY FOR PIGGUL,⁹ NOTHAR,¹⁰ OR UNCLEANNESS.¹⁰ IF HE SET THE BREAD AND THE DISHES [OF FRANKINCENSE] ON THE SABBATH AND BURNT THE DISHES OF FRANKINCENSE ON THE DAY AFTER THE SABBATH, IT IS NOT VALID, AND ONE IS NOT LIABLE THEREBY FOR PIGGUL, NOTHAR, OR UNCLEANNESS. IF HE SET THE BREAD AND THE DISHES [OF FRANKINCENSE] ON THE DAY AFTER THE SABBATH AND BURNT THE DISHES [OF FRANKINCENSE] ON THE [NEXT] SABBATH, IT IS NOT VALID.¹¹ WHAT SHOULD HE DO? HE SHOULD LEAVE IT UNTIL THE FOLLOWING SABBATH,¹² FOR EVEN IF IT REMAINS MANY DAYS ON THE TABLE THERE IS NO HARM.

GEMARA. We have learnt elsewhere:¹³ The officer said to them, 'Go forth and see if the time for slaughtering¹⁴ has arrived' — If it had arrived he¹⁵ that saw it called out, 'It is daylight',¹⁶ Mattithiah b. Samuel¹⁷ said, [He that saw it called out,] 'The whole east is alight'. 'As far as Hebron?'¹⁸ and he answered, 'Yes'. And why was all this¹⁹ necessary? Because once when the light of the moon arose they thought that the east was already alight and slaughtered the daily offering, and they had to take it away to the place of burning. They²⁰ led the High Priest down to the place of immersion. This was the rule in the Temple: whosoever covered his feet²¹ required an immersion, and whosoever made water required sanctification of hands and feet.²²

The father of R. Abin learnt:²³ Not only this²⁴ but also the burnt-offering of a bird whose head was nipped off at night and the meal-offering from which the handful was taken at night must be taken away to the place of burning. This is quite right with regard to the burnt-offering of a bird

since [what is done] cannot be undone, but with regard to the meal-offering surely he can put back the handful in its place and take it again when it is day! — He learnt it and he himself also gave the reason for it, namely, that vessels of ministry hallow [what is put in them] even outside the proper time.²⁵

An objection was raised: Whatsoever is offered up by day²⁶ is hallowed by day, and whatsoever is offered up by night²⁷ is hallowed both by day and by night.²⁸ ‘Whatsoever is offered up by day is hallowed by day’, that is to say, by day only and not by night!²⁹ — It does not become hallowed [by night] so as to be permitted to be offered up, but it does become hallowed so that it can now become invalid.³⁰

R. Zera raised an objection: IF HE SET THE BREAD AND THE DISHES [OF FRANKINCENSE] ON THE DAY AFTER THE SABBATH AND BURNT THE DISHES [OF FRANKINCENSE] ON THE [NEXT] SABBATH, IT IS NOT VALID. WHAT SHOULD HE DO? HE SHOULD LEAVE IT UNTIL THE FOLLOWING SABBATH, FOR EVEN IF IT REMAINS MANY DAYS ON THE TABLE THERE IS NO HARM. Now if you accept the view that vessels of ministry can hallow even outside the proper time, then it should become hallowed and also invalidated!³¹ — Rabbah said, He who raised the objection, raised a valid one, but the father of R. Abin was quoting a Baraitha;³² and we must say therefore that [the Tanna of that Baraitha] is of the opinion that the night is not considered ‘out of time’,³³ whereas the day is considered ‘out of time’.³⁴ But after all

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- (1) In order that the wicked be tormented there with fire and smoke.
 - (2) Isa. XXX, 33. The reference in the verse is to Gehenna.
 - (3) I.e., a disciple who once devoted himself to the study of the Torah but has now forsaken it.
 - (4) Deliverance from the fires of Gehenna, without further reward.
 - (5) Job XXXVI, 16.
 - (6) Using the name Babylonians as a term of abuse.
 - (7) R. Judah was of Babylonian descent and therefore welcomed this interpretation of his colleague whereby his fellow-countrymen were cleared from the charge of gluttony.
 - (8) Since the frankincense had not been left for a full week, from Sabbath to Sabbath, on the table. Moreover it cannot be left until the next Sabbath (i.e., for thirteen days), for the bread would become invalid after the first Sabbath, since it had been set on the table at the proper time.
 - (9) If during the burning of the frankincense the priest intended to eat of the bread outside its prescribed time, it does not become piggul (‘that which is refused or rejected’), and whosoever eats of it does not incur the penalty of kareth (v. Glos.), for the burning of the frankincense (i.e., the mattir, v. Glos.) was not in order.
 - (10) Likewise the penalty of kareth is not incurred on the ground of nothar, i.e., for eating the bread after the time prescribed for its eating has elapsed, or uncleanness, i.e., for eating the bread whilst in a state of uncleanness, for the bread was at no time rendered permitted to be eaten.
 - (11) For both the bread and the frankincense must remain on the table from one Sabbath to another Sabbath.
 - (12) For thirteen days in all. As neither the bread nor the frankincense is hallowed until the incidence of the first Sabbath, it may be left until the second Sabbath.
 - (13) Tam. III, 2; Yoma 27b, 28a.
 - (14) Sc. the daily morning sacrifice.
 - (15) He that went up on the roof to watch for the first light of the morning.
 - (16) בְּרִקְאֵי, morning brightness, from בְּרִק, lightning, shining light.
 - (17) He was one of the Temple officers, v. Shek. V, 1.
 - (18) Called out those that were down below in the Temple.
 - (19) To go up on the roof and keep watch for the first light of day.
 - (20) This part of the Mishnah continues the account of the service on the Day of Atonement.
 - (21) A euphemism for ‘relieving oneself’.
 - (22) By washing them in the laver that was in the Temple; for further notes, v. Yoma, Sonc. ed., p. 131.

- (23) This entire passage is also found in Yoma 29a.
- (24) That the daily offering if slaughtered at night is to be burnt.
- (25) And once the handful has been taken and put into a vessel of ministry it may not be put back and mixed with the remainder of the meal-offering.
- (26) All animal-offerings.
- (27) E.g. drink-offerings.
- (28) The text adopted here is in accord with Sh. Mek. and several MSS.; Cur. edd. insert 'and whatsoever is offered up during the night is hallowed by night, and whatsoever is offered up both by day and by night is hallowed both by day and by night'.
- (29) Thus proving that vessels of ministry hallow only in the proper time.
- (30) If, e.g., it was touched by a person lacking the atonement offering for the completion of his purification, or it was taken out of the Temple precincts, or it was kept overnight. Accordingly it cannot be put back with the remainder of the meal-offering.
- (31) The bread and frankincense should be hallowed by the table even when set thereon on a Sunday, and therefore after a full week, i.e., after midnight of the next Sunday, they should become invalid. How then can it be suggested that it be left for thirteen days?
- (32) So that a way must be found to reconcile the present argument with it.
- (33) For with regard to holy things the night following the day is included in, and is part of, the day, accordingly vessels of ministry can hallow by night as well as by day, save that the offering up may not be performed by night.
- (34) That which is a day too soon or a day too late is certainly out of time, and the vessel of ministry cannot hallow it. In our Mishnah, therefore, where the bread and frankincense are set on the table six days too soon, they certainly cannot be hallowed then by the table. Only when the Sabbath arrives do they become hallowed and so may be kept for a full week thereafter.

Talmud - Mas. Menachoth 100b

when Sabbath eve¹ approaches let it then become hallowed and also invalidated!² — Raba³ said, We must assume that he had removed it before then.⁴ Mar Zutra, or as some say, R. Ashi said, You may even assume that he had not removed it before then, since, however, he had set it down not in accordance with its prescribed rite⁵ it is as though a monkey had set it.⁶

MISHNAH. THE TWO LOAVES WERE EATEN NEVER EARLIER THAN ON THE SECOND DAY⁷ AND NEVER LATER THAN ON THE THIRD DAY. HOW IS THIS EXPLAINED? [NORMALLY] THEY WERE BAKED ON THE DAY BEFORE THE FESTIVAL⁸ AND EATEN ON THE FESTIVAL, THAT IS, ON THE SECOND DAY. IF THE FESTIVAL FELL ON THE DAY AFTER THE SABBATH,⁹ THEY WOULD BE EATEN ON THE THIRD DAY. THE SHEWBREAD WAS EATEN NEVER EARLIER THAN ON THE NINTH DAY AND NEVER LATER THAN ON THE ELEVENTH DAY. HOW IS THIS EXPLAINED? [NORMALLY] IT WAS BAKED ON THE DAY BEFORE THE SABBATH AND EATEN ON THE SABBATH [OF THE FOLLOWING WEEK], THAT IS ON THE NINTH DAY. IF A FESTIVAL FELL ON THE DAY BEFORE THE SABBATH,¹⁰ IT WOULD THEN BE EATEN ON THE TENTH DAY. IF THE TWO DAYS OF THE NEW YEAR [FELL BEFORE THE SABBATH],¹¹ IT WOULD THEN BE EATEN ON THE ELEVENTH DAY. [THE BAKING] OVERRIDES NEITHER THE SABBATH NOR THE FESTIVAL. R. SIMEON B. GAMALIEL SAYS IN THE NAME OF R. SIMEON, SON OF THE DEPUTY [HIGH PRIEST], IT OVERRIDES THE FESTIVAL BUT NOT THE FAST-DAY.¹²

GEMARA. Rabina said, According to him who rules that offerings in fulfilment of a vow and freewill-offerings may not be offered on a Festival,¹³ you should not say that Biblically they are allowed [to be offered] but the Rabbis forbade them only as a precautionary measure lest one defer [those offerings until the Festival],¹⁴ but even Biblically they are not allowed [to be offered]; for the Two Loaves are obligatory for that day,¹⁵ so that there is no reason to apprehend lest one defer [them

until the Festival],¹⁶ yet [our Mishnah] states: [THE BAKING] OVERRIDES NEITHER THE SABBATH NOR THE FESTIVAL.

CHAPTER XII

MISHNAH. IF MEAL-OFFERINGS AND DRINK-OFFERINGS BECAME UNCLEAR BEFORE THEY WERE HALLOWED IN A VESSEL [OF MINISTRY]. THEY MAY BE REDEEMED;¹⁷ IF [THEY BECAME UNCLEAR] AFTER THEY WERE HALLOWED IN A VESSEL, THEY MAY NOT BE REDEEMED. BIRD-OFFERINGS, THE WOOD, THE FRANKINCENSE, AND THE VESSELS OF MINISTRY,¹⁸ MAY NOT BE REDEEMED, FOR THE RULE OF REDEMPTION APPLIES ONLY TO [OFFERINGS OF] CATTLE.

GEMARA. Samuel said, Even though they¹⁹ are clean they may be redeemed, for so long as they have not been hallowed in a vessel of ministry they are holy only as to their value, and whatsoever is holy as to its value may be redeemed. But have we not learnt [in our Mishnah] BECAME UNCLEAR? — The rule is the same even though they were not unclear, but because the Tanna wished to state the next clause, AFTER THEY WERE HALLOWED IN A VESSEL THEY MAY NOT BE REDEEMED, in which case even though they were unclear they still may not be redeemed, he therefore stated in the first clause, BECAME UNCLEAR.

IF [THEY BECAME UNCLEAR] AFTER THEY WERE HALLOWED IN A VESSEL, THEY MAY NOT BE REDEEMED.²⁰ But this is obvious, for they are holy in themselves! — It was necessary to be stated, for I might have argued that since what is blemished is described as unclear, then surely what is unclear should be like that which is blemished; and therefore as that which has become blemished may be redeemed even though it was holy in itself, so this too may be redeemed; we are therefore taught that the Divine Law did not describe what is blemished as unclear in that sense,²¹

(1) Lit., 'the night of the twilight (of the Sabbath eve)', i.e. Friday night.

(2) Since the night is considered 'in time' as on the day itself, then the bread and the frankincense should become hallowed on the Friday night, and after seven full days, i.e., on the Sabbath morning after the second Friday night, the bread should become invalid. According to our Mishnah, however, the bread may be eaten the whole of the second Sabbath day until midnight!

(3) In MS.M. and in the parallel passage in Yoma: 'Rabina'.

(4) The priest had removed the bread and the frankincense on the Friday just before the Sabbath set in and had replaced it at its proper time on the Sabbath.

(5) For it is out of time, being set down six days too soon.

(6) Hence the table will not hallow it as soon as the Sabbath eve approaches neither will the Sabbath day itself hallow it, but the priest will have to enter on the morrow, remove it and replace it anew, and only then will the table hallow it. Where, however, the handful was taken from the meal-offering at night and put into a vessel of ministry, since night is not considered 'out of time', the vessel will hallow it; v. Yoma (Sonc. ed.) p. 138 and notes.

(7) After the baking.

(8) The Feast of Weeks or Pentecost.

(9) The Two Loaves would then be baked on the Friday, since the baking does not override the Sabbath.

(10) The Shewbread would then be baked before the Festival, on Thursday.

(11) It would then be baked on Wednesday. The Festival of the New Year was generally kept two days, even in Palestine. V. R.H. 30b.

(12) The Day of Atonement. Where the Day of Atonement fell on a Friday the Shewbread was then baked on a Thursday.

(13) V. Bez. 20b.

(14) One would thus be accumulating work specially for the Festival; moreover the owner may be prevented by some unforeseen circumstance from offering them on the Festival and will then have failed in the fulfilment of his obligations.

(15) Sc. the Feast of Weeks.

(16) For they can in no wise be brought before the prescribed day.

(17) For an offering so long as it has not been hallowed in a vessel of ministry is holy only for its value, **קְדוּשַׁת דְּמוּיִם** and may be redeemed; once it has been hallowed in a vessel of ministry it becomes holy in itself, **קְדוּשַׁת הַגּוֹף** and may not be redeemed.

(18) So all MS.S. Cur. edd. add: After they have become unclean.

(19) Sc. meal-offerings and drink-offerings.

(20) So according to MS.M., Sh. Mek. and Z.K. This is a new passage introduced by a separate Mishnah heading.

(21) I.e., unclean after having been hallowed in a vessel of ministry.

Talmud - Mas. Menachoth 101a

for we do not find any case in which what has been hallowed in a vessel of ministry may be redeemed.¹

Where do we find what is blemished described as unclean? — It has been taught: And if it be any unclean beast, of which they may not bring an offering unto the Lord:² this verse speaks of blemished animals, that they shall be redeemed. You say it speaks of blemished animals, that they shall be redeemed; perhaps it is not so, but actually it speaks of an unclean beast. When the verse says, And if it be of an unclean beast, then he shall redeem it according to thy valuation,³ the unclean beast is already spoken of; what then am I to make of the verse, ‘And if it be any unclean beast’? The verse clearly speaks of blemished animals, that they shall be redeemed. I might suppose that they may be redeemed even though they have but a passing blemish; the text therefore states, ‘Of which they may not bring an offering unto the Lord’, [referring clearly to] such animals as may at no time be brought as an offering unto the Lord, but one must exclude from this verse animals which may not be brought to-day but which may be brought to-morrow.⁴

R. Huna b. Manoah raised an objection: BIRD-OFFERINGS, THE WOOD, THE FRANKINCENSE, AND THE VESSELS OF MINISTRY MAY NOT BE REDEEMED, FOR THE RULE OF REDEMPTION APPLIES ONLY TO [OFFERINGS OF] CATTLE. Now this is quite right with regard to bird-offerings, for they are holy in themselves, and the rule [of redemption] applies only to [offerings of] cattle; but why may not the wood,⁵ the frankincense⁵ and the vessels of ministry⁶ be redeemed? It must be because the others⁷ if still clean may not be redeemed,⁸ and these⁹ even though unclean are regarded as clean. For¹⁰ wood and frankincense are no foodstuffs but are placed in the category of foodstuffs only by reason of sacred esteem.¹¹ Accordingly wood, so long as it has not been cut up into chips.¹² is not predisposed [to uncleanness]; and frankincense, so long as it has not been hallowed in a vessel of ministry, is similarly not predisposed [to uncleanness]; and as regards vessels of ministry, since they can be made clean by immersion in a mikweh,¹³ [they are not regarded as unclean]! — No, I still maintain that the others even though clean may be redeemed, but these [may not be redeemed even when unclean] because they are scarce.¹⁴ I grant you that frankincense and vessels of ministry are scarce, but surely wood is not scarce! — Even wood is scarce, in view of a Master's ruling that wood in which a worm is found is unfit for the altar.¹⁵

R. Papa said, Had Samuel heard of the following [Baraitha] which was taught: ‘If a man consecrated unblemished animals for the Temple treasury, they may be redeemed only for the altar,’¹⁶ since what is fit for the altar can never be released from the altar’,¹⁷ he would have retracted [his statement].¹⁸ But it is not so; [in fact] he had heard of [that Baraitha] and yet did not retract his statement. For did you not say above that because they¹⁹ were scarce they may not be redeemed? Then in this case too, since blemishes which disqualify cattle are of frequent occurrence, for even a skin over the eye disqualifies, they²⁰ are undoubtedly scarce.

R. Kahana said, [If they²¹ became] unclean they may be redeemed, but [if they are] clean they

may not be redeemed. And so said R. Oshaia, [If they became] unclean they may be redeemed, [but if they are] clean they may not be redeemed. Some there are who say that R. Oshaia said, Even though [they are] clean they may be redeemed. R. Eleazar says. All [meal-offerings] may be redeemed if [they have become] unclean, and if [they are] clean they may not be redeemed, excepting the tenth part of an ephah of the sinner's meal-offering,²² since the Torah has stated [in the one case] from his sin²³ and [in the other] for his sin.²⁴

R. Oshaia said, I have heard that if a meal-offering was made *piggul*²⁵ it does not, according to R. Simeon,²⁶ convey fooduncleanness. For it has been taught:²⁷ 'Orlah,²⁸ diverse kinds of the vineyard,²⁹

(1) For even an animal-offering, once it has been hallowed by a vessel of ministry, i.e., slaughtered, can in no wise be redeemed.

(2) Lev. XXVII, 11.

(3) Ibid. 27.

(4) When the blemish will have passed away.

(5) Which became unclean before it was hallowed in a vessel of ministry.

(6) Which became unclean.

(7) Meal-offerings and drink-offerings.

(8) Thus in conflict with Samuel's statement supra p. 617.

(9) Wood, frankincense and vessels of ministry.

(10) This sentence is omitted in MS.M. and other MSS., and is also deleted by Sh. Mek.

(11) The honour in which sacred things are held makes them fit to contract uncleanness even though according to ordinary standards they cannot contract uncleanness. V. Pes. 35a; Hul. 36b.

(12) And so fit to be used on the altar.

(13) V. Glos.

(14) And if they could be redeemed there might not be left sufficient for the Temple requirements.

(15) Supra 85b.

(16) I.e., they are to be sold for an offering.

(17) Cur. edd. add here: 'For though they are consecrated for their value only they may not be redeemed, since they are clean'. This is an obvious gloss, and is not found in MS.M. nor in other MSS. and is deleted by Sh. Mek.

(18) That meal-offerings and drink-offerings may be redeemed even though they are still clean; v. supra p. 617.

(19) Wood fit for the altar, frankincense, and vessels of ministry.

(20) Animals free from all blemishes and so fit for the altar.

(21) Meal-offerings and drink-offerings.

(22) This may be redeemed even though still clean. According to R. Gershom: it may not be redeemed at all even though unclean.

(23) Lev. V, 6, 10.

(24) Ibid. 13. For the offences enumerated in Lev. V, 1-4 a rich man must bring for a sin-offering a she-lamb or a she-goat, a poor man two doves, and one in extreme poverty a meal-offering. But it is to be observed that concerning the first two Scripture uses the expression, **וכפר עליו הכהן הטאתו** And the priest shall make atonement for him from his sin, whilst concerning the latter Scripture says, **וכפר עליו הכהן על הטאתו** And the priest shall make atonement for him for his sin. From these variations of expression the Rabbis derived the law that if a rich man sinned and set apart money for his animal-offering and then became poor, he has only to bring doves or a meal-offering from a part of the money set aside (i.e., **מהטאתו** from the money set apart for his sin) and the remainder he may retain for himself. And on the other hand, if a poor man sinned and set apart money for his meal-offering and then became rich, he must add to the money set aside (i.e., **על הטאתו** for, in addition to, the money set apart for his sin), and bring the offering prescribed for a rich man, or if he brought a tenth of flour for his meal-offering, he must redeem it and add money to it in order to acquire a bird-offering or an animal-offering. Thus we see that this meal-offering is redeemed even though clean.

(25) E.g., while taking out the handful the priest expressed the intention of burning the handful or of eating the remainder outside the prescribed time.

(26) Who holds that whatsoever is forbidden for any kind of use cannot convey food-uncleanness.

(27) So MS.M.; cur. edd.: 'We have learnt'. It is not found, however, in the Mishnah, but in Tosef. 'Uk. III and Bek. 9b.

(28) V. Glos. This and all the others enumerated are forbidden for any kind of use.

(29) V. Deut. XXII, 9.

Talmud - Mas. Menachoth 101b

an ox condemned to be stoned,¹ the heifer whose neck was to be broken,² the birds of the leper,³ the firstling of an ass,⁴ and meat cooked in milk⁵ — all these convey food-uncleanness.⁶ R. Simeon says, All these do not convey food-uncleanness. R. Simeon, however, agrees that meat cooked in milk conveys food-uncleanness, for there was a time when it was permitted.⁷ And R. Assi had said in the name of R. Johanan, What is the reason for R. Simeon's view? [Because it is written], All food therein which may be eaten;⁸ [therefore], food which you may give others⁹ to eat is termed food,¹⁰ but food which you may not give others to eat¹¹ is not termed food. And the meal-offering which was made piggul is also a food which you may not give others to eat.¹² If that is so,¹³ then meat cooked in milk [should convey food-uncleanness] by virtue of the fact that it is a food which you may give others to eat!¹⁴ For it has been taught:¹⁵ R. Simeon b. Judah says in the name of R. Simeon, Meat cooked in milk is forbidden to be eaten but is permitted for use, for it is written, For thou art an holy people unto the Lord thy God. Thou shalt not seethe a kid in its mother's milk;¹⁶ whilst elsewhere it is written, And ye shall be holy men unto Me; therefore ye shall not eat any flesh that is torn of beasts in the field; [ye shall cast it to the dogs].¹⁷ Just as there it is forbidden to be eaten but is permitted for use,¹⁸ so here too it is forbidden to be eaten but is permitted for use! — He gave one reason and yet another. For one thing it¹⁹ is a food which you may give others to eat,²⁰ and besides even for [the Israelite] himself there was a time when it was permitted.²¹

An objection was raised [from the following]: R. Simeon says, There is nothar²² which conveys food-uncleanness and there is also nothar which does not convey food-uncleanness. Thus if [the flesh of the offering] had remained overnight before the sprinkling of the blood, it does not convey food-uncleanness;²³ but if [it had remained overnight] after the sprinkling of the blood,²⁴ it conveys food-uncleanness. And an offering that had been made piggul, be it of the most holy or of the less holy offerings, does not convey food-uncleanness. But a meal-offering that had been made piggul conveys food-uncleanness!²⁵ — This is no difficulty, for in the one case there was a time when it had been permitted,²⁶ whilst in the other²⁷ there was no time when it had been permitted. How is it that there was no time when it had been permitted? — Where [the grain] had been consecrated [for a meal-offering] while it was still growing. But one could have redeemed it!²⁸ This of course presents no difficulty according to that version which gives R. Oshaia's view thus: If they became unclean they may be redeemed, but if they are clean they may not be redeemed. But according to the other version which gives as his view: Even though they are clean they may be redeemed, [then the question will be asked here,] one could have redeemed it! — [That is so but] the fact is that it had not been redeemed. But if one so desired one could have redeemed it, and we have heard R. Simeon say that whatsoever stands to be redeemed is as though it were redeemed. For it was taught:²⁹ The [Red] Cow³⁰ conveys food-uncleanness, since there was a time when it was permitted [to be eaten]. And Resh Lakish observed that R. Simeon used to say that the Red Cow could be redeemed even on its woodpile!³¹ — There is no comparison at all. The Red Cow can rightly be regarded as ready to be redeemed, for if another cow finer than this one is obtainable, it is a meritorious act to redeem it; but as regards meal-offerings, is there any meritorious act to redeem [what has been consecrated for a meal-offering]?³²

But in the case where [a portion of the sacrifice] had remained overnight before the sprinkling [of the blood], there was a duty to sprinkle the blood, and if one so desired one could have sprinkled it, nevertheless the [Baraita] states that it does not convey food-uncleanness!³³ — We must assume that there was no time left during the day for the sprinkling [of the blood].³⁴ Then what would be the

position where there was sufficient time left in the day [for the sprinkling]? It would convey food-uncleanness! If so, instead of teaching, 'If [it remained overnight] after the sprinkling [of the blood] it conveys food-uncleanness', [the Tanna] should have drawn a distinction in the very case itself³⁵ in the following terms: This³⁶ applies only where no time was left during the day [for the sprinkling of the blood], but if there was sufficient time left in the day [for the sprinkling] it conveys food-uncleanness!³⁷ — That is just what [the Tanna] meant to teach: If [the portion of the sacrifice] had remained overnight before [the blood] was ready for the sprinkling,³⁸ it does not convey food-uncleanness; but if after [the blood] was ready for the sprinkling, it conveys food-uncleanness.³⁹ But in the case where an offering, either of the most holy or of the less holy kind, had been made piggul, there was a duty to sprinkle [the blood in the proper manner],⁴⁰

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- (1) V. Ex. XXI, 28. The ox had been slaughtered after it had been condemned to be stoned for killing a human being.
 - (2) V. Deut. XXI, 1ff. The heifer was slaughtered after it had been brought down to the rough valley, and as soon as it was brought down there it became forbidden for all purposes.
 - (3) Which had been slaughtered. V. Lev. XIV, 4.
 - (4) Which had been slaughtered for a gentile but was not quite dead yet; v. Hul. 117b, Sonc. ed., p. 648, n. 5. The firstling of an ass is before redemption forbidden for all purposes. V. Ex. XXXIV, 20.
 - (5) It is assumed for the present that this is also forbidden for all purposes. V. infra.
 - (6) If they had been rendered unclean, e.g. by a reptile, they can convey uncleanness to other foodstuffs by contact.
 - (7) For before the meat had been cooked in the milk, although it had been left to soak therein, both the meat and the milk were permitted to be eaten.
 - (8) Lev. XI, 34.
 - (9) Sc. gentiles.
 - (10) And conveys food-uncleanness.
 - (11) And what is forbidden for all uses may not be given away even to gentiles.
 - (12) For it must be burnt.
 - (13) That R. Simeon derives his view from the exposition of the verse quoted, and therefore what is permitted for use conveys food-uncleanness.
 - (14) I.e., according to R. Simeon.
 - (15) V. Hul. 116a.
 - (16) Deut. XIV, 21.
 - (17) Ex. XXII, 30.
 - (18) Since it may be cast to the dogs. And as it is one's duty to provide for one's animals this is accounted as a benefit.
 - (19) Sc. meat cooked in milk.
 - (20) And for that reason alone it conveys food-uncleanness.
 - (21) V. supra p. 621, n. 10. On the other hand, the other forbidden things enumerated were at no time permitted to be eaten, since a living animal is deemed to be forbidden until it has been ritually slaughtered.
 - (22) I.e., 'that which remained'; the portion of a sacrifice that had not been eaten or sacrificed upon the altar within the time prescribed. It may not be eaten or put to any kind of use, but must be burnt.
 - (23) In this case the flesh of the sacrifice had never been permitted to be eaten, hence it is not regarded as a foodstuff.
 - (24) Accordingly the flesh was permitted to be eaten the same day after the sprinkling of the blood until midnight.
 - (25) This last ruling is contrary to R. Oshaia's ruling supra p. 620.
 - (26) The flour of the meal-offering had been permitted for food before it had been consecrated for the meal-offering, hence even though it is now piggul it still conveys food-uncleanness. This is the case dealt with by the Baraitha quoted.
 - (27) That dealt with by R. Oshaia.
 - (28) Accordingly there would have been a time when it was permitted for food.
 - (29) V. Hul., Sonc. ed., pp. 455-6.
 - (30) Even though it is forbidden for all purposes.
 - (31) I.e., even after it had been slaughtered upon the specially erected woodpile and is ready for burning it may be redeemed if a finer animal is obtainable.
 - (32) Of course not. Therefore it is not regarded as already redeemed.
 - (33) Obviously we do not accept the principle that whatever is in the condition ready to be sprinkled is considered as

already sprinkled.

(34) I.e., the sacrifice was slaughtered almost at sunset, so that the blood could not possibly have been sprinkled in the proper time; accordingly the flesh was never permitted as food.

(35) Viz., where it had remained overnight before the sprinkling.

(36) That the sacrificial portion which remained overnight does not convey food-uncleanness.

(37) And it goes without saying that if it remained overnight after the sprinkling it conveys food-uncleanness.

(38) I.e., there was no time left in the day for the sprinkling.

(39) As there was time left in the day for the sprinkling it is regarded as already sprinkled; accordingly the flesh is considered as having been in the permitted state, and therefore conveys food-uncleanness.

(40) I.e., free from any intention that makes the offering piggul.

Talmud - Mas. Menachoth 102a

and if one so desired one could have sprinkled it properly, nevertheless [the Baraita] states that it does not convey food-uncleanness. Now presumably the piggul-intention was expressed during the sprinkling!¹ — No, the piggul-intention was expressed during the slaughtering.² Then what would be his ruling where the piggul-intention was expressed during the sprinkling? It would, as suggested, convey food-uncleanness. If so, instead of teaching ‘A meal-offering that had been made piggul conveys food-uncleanness, [the Tanna] should have drawn a distinction in [the case of the animal-offering] itself in these terms: This³ applies only where the piggul-intention was expressed during the slaughtering, but if the piggul-intention was expressed during the sprinkling it conveys food-uncleanness! It was necessary [for the Tanna] to teach the case of the meal-offering that had been made piggul; for notwithstanding that the piggul-intention was expressed at the time of the taking of the handful, and the taking of the handful in the meal-offering corresponds to the slaughtering [in the animal-offering],⁴ nevertheless the meal-offering conveys food-uncleanness, since there was a time when it was permitted in the beginning.⁵

R. Ashi said, I stated this argument before R. Nahman [and he said to me,] You may even say that the expression, ‘if it had remained overnight [before the sprinkling]’ shall be taken in the ordinary sense;⁶ and, moreover, you may say that the piggul-intention was expressed during the sprinkling,⁷ [and there is no difficulty at all],⁸ for whilst we accept the principle ‘If he so desired he could have redeemed it’,⁹ we do not accept the principle ‘If he so desired he could have sprinkled it’.¹⁰

An objection was raised [from the following]:¹¹ R. Joshua laid down this general rule: Whatsoever had a period of permissibility to the priests is not subject to the law of sacrilege,¹² and whatsoever had no period of permissibility to the priests is subject to the law of sacrilege. What is that which had a period of permissibility to the priests? That which remained overnight or became unclean or was taken out [of the Sanctuary].¹³ And what is that which had no period of permissibility to the priests? Offerings that were slaughtered [while the intention was expressed of eating of the flesh thereof] outside the proper time or outside the proper place, or whose blood was received or sprinkled by those that were unfit.¹⁴ It says here in the first part: ‘That which remained overnight or became unclean or was taken out’. Now this means, does it not, that it actually remained overnight,¹⁵ and [yet it is considered as having had a period of permissibility to the priests by virtue of the fact that] here if one so desired one could have sprinkled the blood,¹⁶ and [therefore] it states that it is not subject to the law of sacrilege? — No, it means that it is ready [to become disqualified] if taken out or made unclean.¹⁷ But what would be the position where it had actually remained overnight?¹⁵ It would be subject to the law of sacrilege, would it not?¹⁸ Then instead of saying, ‘Whatsoever had a period of permissibility to the priests’ and ‘Whatsoever had no period of permissibility to the priests’ [the Tanna] should have said, ‘Whatsoever had been permissible to the priests is not subject to the law of sacrilege, and whatsoever had not been permissible to the priests is subject to the law of sacrilege!’¹⁹ — The fact is, answered R. Ashi, that one cannot point out a contradiction between the ruling concerning the law of sacrilege and that concerning uncleanness. The law of sacrilege applies

only to that which is holy and not to that which is not holy;²⁰ therefore once the holiness has departed²¹ how can it revert? On the other hand, food-uncleanness applies only to that which is a foodstuff and not to that which is not a foodstuff; therefore where the blood has been sprinkled [the flesh of the offering] has thereby become a foodstuff and so conveys food-uncleanness, but where the blood has not been sprinkled²² [the flesh of the offering] has not become a foodstuff and so does not convey food-uncleanness.²³

An objection was raised [from the following]:²⁴ If a man brought a suspensive guilt-offering²⁵ and it became known to him that he had not sinned, if the animal was not yet slaughtered it may go forth and pasture among the flock.²⁶ This is the opinion of R. Meir. The Sages say

(1) Before the sprinkling, however, the offering was still valid, and the blood was then ready to be sprinkled in the proper manner; the flesh therefore should convey food-uncleanness. As the Tanna does not rule so we are forced to the conclusion that whatever is ready for sprinkling is not considered as already sprinkled.

(2) So that there was never a time when the offering was in a permitted state.

(3) That an offering which had been made piggul does not convey food-uncleanness

(4) Cf. supra 13b. And it has been stated that where the piggul-intention was expressed during the slaughtering the flesh does not convey food-uncleanness.

(5) Before it was consecrated.

(6) Not as suggested above that 'before the sprinkling' meant that there was no time during the day for the sprinkling and 'after the sprinkling' that there was time in the day for the sprinkling, but the former expression means that the sprinkling had not actually taken place and the latter that it had actually taken place.

(7) Nevertheless the flesh of the offering does not convey food-uncleanness.

(8) In the apparent contradiction between the views of R. Simeon; for with regard to the Red Cow he applies the principle 'Whatsoever stands to be redeemed is considered as redeemed', yet with regard to the offering conveying food-uncleanness he does not apply the similar principle 'Whatsoever stands to be sprinkled is considered as sprinkled'.

(9) For the redemption can be accomplished by word of mouth, and therefore even though not yet redeemed it is considered as already redeemed.

(10) For so long as the act of sprinkling has not been performed, the fact that it can be sprinkled if so desired does not cause it to be regarded as already sprinkled.

(11) Me'il. 2a.

(12) I.e., the misappropriation of the property of the Temple, for which a guilt-offering is prescribed. Cf. Lev. V, 15f. That which had at some time been permitted to the priests, even though it is now no longer permitted, is not regarded as 'the holy things of the Lord' (ibid.), and the law of sacrilege does not apply to it.

(13) In these three cases the flesh had been permissible at some time, i.e., before it had been kept overnight or before it had become unclean or before it had been taken out.

(14) V. Zeb. 15b. In these cases the flesh of the offering had at no time been permissible since the offering was never valid.

(15) I.e., both the flesh and the blood of the offering had remained overnight, for the blood had not yet been sprinkled.

(16) And whatsoever is ready to be sprinkled is considered as already sprinkled; thus contrary to R. Nahman and R. Ashi.

(17) I.e., the blood has already been sprinkled, so that the flesh is perfectly valid now but may yet be rendered invalid if taken outside the Sanctuary or made unclean. This is Rashi's first interpretation, according to which the words **וְרֵאשִׁיָּהּ לֵלֵךְ** are to be omitted from the text. They are deleted by Sh. Mek. V., however, Rashi's second interpretation and Tosaf. s.v. **לֵלֵךְ**.

(18) Since we do not accept the principle that whatsoever is ready to be sprinkled is considered as already sprinkled.

(19) The expression 'a period of permissibility' signifies a potential permissibility; i.e., there was the possibility of the offering becoming permissible if only the blood had been sprinkled, though in fact the blood had not been sprinkled and so the flesh had not become permissible. Since, however, it is now assumed that the blood had actually been sprinkled, so that the flesh had in fact become permissible to the priests, the Tanna should have used the expression, 'Whatsoever had been permissible'. This last expression does not preclude the fact that the flesh is now no longer permissible to the priests for it has remained overnight; accordingly the difficulty raised by Tosaf. is disposed of. This interpretation

follows the suggestion of R. Samuel Strashun, namely, that the question in the Gemara involves merely the omission of the word **שעת** from the rule stated by the Tanna.

(20) Lit., 'is on account of the holiness or non-holiness (of the offering)'.

(21) As soon as the blood is ready to be sprinkled the holiness of the flesh of the offering is gone, since the principle is well-established that whatsoever is ready to be sprinkled is considered as already sprinkled. Cf. B.K. 76b.

(22) Even though the blood was ready to be sprinkled.

(23) The text of this last sentence in cur. edd. is profuse and redundant; the reading adopted is that of MS.M. and Sh. Mek.

(24) Ker. 23b.

(25) Heb. **אשם תלוי**. The guilt-offering brought by a person who is in doubt whether he has committed an act which must be atoned for by a sin-offering. This sacrifice is therefore merely suspensive until the doubt will be settled and the person will know whether he must bring a sin-offering or not.

(26) The animal is deemed to be non-holy and may join the flock.

Talmud - Mas. Menachoth 102b

, It must be left to pasture until it becomes blemished, when it shall be sold and its money spent on a freewill-offering. R. Eliezer says, It should be offered, for if it was not offered for this sin it can be taken as offered for some other sin.¹ If it became known to him [that he had not sinned] only after it was slaughtered, the blood must be poured out and the flesh burnt.² If the blood had already been sprinkled, the flesh may be eaten.³ R. Jose says, Even if the blood was still in the basin, it should be sprinkled and the flesh eaten. And Raba had said that R. Jose adopted the principle stated by R. Simeon that whatsoever stands to be sprinkled is considered as already sprinkled!⁴ — Is that [indeed] the reason [for R. Jose's view]? [No]. In the West⁵ it was said in the name of R. Jose b. Hanina that this is the reason for R. Jose's view: Vessels of ministry hallow what is invalid⁶ so that it may be offered up in the first instance.

Said R. Ashi to R. Kahana: Since R. Simeon holds that whatsoever is ready to be sprinkled is considered as already sprinkled, then similarly [he holds that] whatsoever is ready to be burnt is considered as already burnt, consequently why should nothar⁷ and the Red Cow convey food-uncleanness? They are but ashes,⁸ are they not? — He replied, Sacred esteem renders them fit [to convey uncleanness]. Thereupon Rabina said to R. Ashi, I grant you that sacred esteem can have the effect of rendering the object itself invalid, but can it have the effect of rendering the object unclean so that it should transmit uncleanness up to the first and second degrees?⁹ [For in that case] you could solve the question raised by Resh Lakish:¹⁰ [If] the dry portion of a meal-offering¹¹ [becomes unclean], does it transmit uncleanness up to the first and second degrees or not? — Resh Lakish's question was [whether it was so] by the law of the Torah¹² whereas we are speaking of [the uncleanness imposed] by the Rabbis.¹³

MISHNAH. IF A MAN SAID, 'I TAKE UPON MYSELF [TO BRING A MEAL-OFFERING PREPARED] ON A GRIDDLE', AND HE BROUGHT ONE PREPARED IN A PAN, OR 'A MEAL-OFFERING PREPARED IN A PAN', AND HE BROUGHT ONE PREPARED ON A GRIDDLE, WHAT HE HAS BROUGHT HE HAS BROUGHT,¹⁴ BUT HE HAS NOT DISCHARGED THE OBLIGATION OF HIS VOW. BUT [IF HE SAID, 'I TAKE UPON MYSELF] TO BRING THIS [MEAL] AS A MEAL-OFFERING PREPARED ON A GRIDDLE', AND HE BROUGHT IT PREPARED IN A PAN; OR AS A MEAL-OFFERING PREPARED IN A PAN', AND HE BROUGHT IT PREPARED ON A GRIDDLE, IT IS INVALID.¹⁵ IF HE SAID, 'I TAKE UPON MYSELF TO BRING TWO TENTHS IN ONE VESSEL, AND HE BROUGHT THEM IN TWO VESSELS, OR IN TWO VESSELS', AND HE BROUGHT THEM IN ONE VESSEL, WHAT HE HAS BROUGHT HE HAS BROUGHT, BUT HE HAS NOT DISCHARGED THE OBLIGATION OF HIS VOW. BUT [IF HE SAID, 'I TAKE UPON MYSELF TO BRING] THESE [TWO TENTHS] IN ONE VESSEL', AND HE BROUGHT THEM IN TWO VESSELS,

OR IN TWO VESSELS', AND HE BROUGHT THEM IN ONE VESSEL, THEY ARE INVALID.¹⁶ IF HE SAID, 'I TAKE UPON MYSELF TO BRING TWO TENTHS IN ONE VESSEL' AND HE BROUGHT THEM IN TWO VESSELS, AND WHEN THEY SAID TO HIM, THOU DIDST VOW TO BRING THEM IN ONE VESSEL', HE STILL OFFERED THEM IN TWO VESSELS, THEY ARE INVALID;¹⁷ BUT IF HE THEREUPON OFFERED THEM IN ONE VESSEL THEY ARE VALID. IF HE SAID I TAKE UPON MYSELF TO BRING TWO TENTHS IN TWO VESSELS', AND HE BROUGHT THEM IN ONE VESSEL, AND WHEN THEY SAID TO HIM, 'THOU DIDST VOW TO BRING THEM IN TWO VESSELS', HE THEREUPON OFFERED THEM IN TWO VESSELS THEY ARE VALID; BUT IF HE STILL KEPT THEM IN ONE VESSEL, THEY ARE RECKONED AS TWO MEAL-OFFERINGS WHICH HAVE BEEN MIXED.¹⁸

GEMARA. All the cases indeed had to be stated. For if the Tanna had only taught us the first cases¹⁹ we should have said that the reason [why he has not fulfilled his obligation] was that he had promised a meal-offering prepared on a griddle and brought one prepared in a pan, but in the other cases,²⁰ where both²¹ were meal-offerings prepared on a griddle or both were meal-offerings prepared in a pan, we should have said that he has even discharged the obligation of his vow; [hence those other cases were necessary to be stated]. And if he had only stated those cases we should have said that the reason for the ruling was that he had divided up the meal-offering, but in the former cases, where he had not divided up the meal-offering, we should have said that it was not so; therefore all the cases were necessary [to be stated].

Our Rabbis taught: What he has brought he has brought, but he has not discharged the obligation of his vow. R. Simeon says, He has even discharged the obligation of his vow.

TO BRING THIS [MEAL] AS A MEAL-OFFERING PREPARED ON A GRIDDLE. But it has been taught: The vessels of ministry have not hallowed them!²² — Abaye answered, They have not hallowed them to that extent that they may be offered [upon the altar], but they have hallowed them to the extent that they can become invalid.²³

Abaye further said, This²⁴ has been taught

(1) For R. Eliezer has already stated his view that a man may offer a suspensive guilt-offering every day. V. Ker. 25a.

(2) For it is now manifest that what was slaughtered was not an offering but an unconsecrated animal, and as it was slaughtered in the Temple court it must be destroyed.

(3) For at the time of the sprinkling this man required atonement and the offering was a valid offering, consequently its flesh may be eaten.

(4) We thus see that by this principle the flesh of the offering is deemed to be a foodstuff so that it may be eaten by the priests as soon as the blood was ready for sprinkling; but this is contrary to R. Ashi's contention.

(5) Palestine.

(6) Not what is actually invalid, but, as in the case in question, where the offering turned out to be unnecessary.

(7) V. Glos.

(8) For they are destined to be burnt.

(9) And the expression 'conveys food-uncleanness' obviously means that it transmits the uncleanness to another object, the latter becoming unclean in the second degree.

(10) V. Hul. 36a, Sonc. ed. p. 194ff; and Pes. 20a.

(11) I.e., that part of the meal-offering which was not moistened by the oil and so was not rendered susceptible to uncleanness in the usual manner by moistening by a liquid but only by sacred esteem.

(12) I.e., whether that which was deemed a foodstuff or that which was made susceptible to uncleanness only by sacred esteem, and which subsequently suffered uncleanness, can by the law of the Torah transmit the uncleanness to another foodstuff, so that if the latter were consecrated meat it would have to be burnt.

(13) The ruling that nothar and the Red Cow convey food-uncleanness is therefore only Rabbinic, and one would not

burn consecrated meat on account of such uncleanness.

(14) And it is regarded as a freewill meal-offering.

(15) Since the flour was designated for one meal-offering it may not be used for another.

(16) For where the meal-offering was brought in two vessels instead of in a single vessel, two handfuls are taken from the meal-offering instead of one, and moreover in each vessel the flour is less than the amount promised. And where it was brought in one vessel instead of in two vessels, only one handful is taken therefrom instead of two, and moreover the flour in this vessel is too much, for there should be in it one tenth and not two.

(17) In this case the offerings cannot be regarded as freewill-offerings seeing that when his attention was drawn to the terms of his vow he did not reply that what he was offering was a freewill-offering and not in fulfilment of his vow.

(18) And if each tenth is distinct so that the handful can still be taken from each by itself, they are valid. V. supra 23a. In the earlier case of this Mishnah, where he said, 'Let two tenths be brought in two vessels', and he brought them in one vessel, it must be assumed that the two tenths were so much mixed together that the handful could not have been taken from each by itself, and therefore they are invalid.

(19) Where a man promised to bring a meal-offering prepared on a griddle, and he brought one prepared in a pan, or vice versa.

(20) Where he promised to bring a meal-offering in one vessel and he brought it in two, or vice versa.

(21) Sc. what he had promised and what he had actually brought.

(22) The vessels in which the meal-offerings are put when brought to the Temple do not hallow the offerings, accordingly the meal-offering which had wrongfully been put into a pan could be transferred to a griddle, why then is it invalid?

(23) If they are taken out of the vessels assigned to them.

(24) That where a man vowed to bring this flour as a meal-offering prepared on a griddle and he brought it as a meal-offering prepared in a pan it is invalid.

Talmud - Mas. Menachoth 103a

only in the case where he determined [the kind of vessel] at the time of his vowing, but [where he determined the kind of vessel] at the time of his setting it apart,¹ it is not [invalid]; [for Scripture says,] According as thou hast vowed,² and not 'according as thou hast set apart'.

This has also been stated: R. Aha b. Hanina said in the name of R. Assi who said it in the name of R. Johanan, This has been taught only in the case where he determined the kind of vessel at the time of his vowing, but [where he determined the kind of vessel] at the time of his setting it apart, it is not [invalid]; [for Scripture says,] 'According as thou hast vowed', and not 'according as thou hast set apart'.

MISHNAH. IF A MAN SAID, 'I TAKE UPON MYSELF TO BRING A MEAL-OFFERING OF BARLEY', HE MUST BRING ONE OF WHEAT;³ IF 'OF COARSE MEAL', HE MUST BRING IT OF FINE FLOUR; IF 'WITHOUT OIL AND WITHOUT FRANKINCENSE', HE MUST NEVERTHELESS BRING IT WITH OIL AND FRANKINCENSE; IF 'HALF A TENTH, HE MUST BRING A WHOLE TENTH; IF A TENTH AND A HALF', HE MUST BRING TWO. R. SIMEON DECLARES HIM EXEMPT, BECAUSE HE DID NOT MAKE HIS OFFERING IN THE MANNER IN WHICH PEOPLE USUALLY MAKE THEIR OFFERINGS.

GEMARA. But why is this? Here is a vow and also its annulment!⁴ — The view [expressed in our Mishnah], said Hezekiah, Is that of Beth Shammai who maintain that one must always regard the first words [of a man's statement as binding].⁵ For we have learnt: [If a man said,] 'I will be a Nazirite [and abstain] from dried figs and pressed figs', Beth Shammai say, He becomes a Nazirite [in the ordinary sense];⁶ but Beth Hillel say, He does not become a Nazirite.⁷ R. Johanan said, You may even say that it is the view of Beth Hillel too, for [we assume that] the man added, 'Had I but known that one may not vow a meal-offering in this manner, I should not have vowed in this manner but in that'.

Hezekiah said, This⁸ was taught only in the case where he said a meal-offering of barley', but where he said 'a meal-offering of lentils', he has not [to bring a meal-offering of wheat]. But let us consider: Hezekiah explained our Mishnah according to the view of Beth Shammai, did he not? But since Beth Shammai maintain that one must always regard the first words [of a man's statement] as binding then surely it is immaterial whether he said 'of barley' or 'of lentils'! — He abandoned that view.⁹ But why did he abandon it? — Raba said, Because our Mishnah was to him difficult to understand. Why does it state 'a meal-offering of barley' and not 'of lentils'?¹⁰ Obviously it is because of the man's error; now in regard to barley a man may err¹¹ but surely not in regard to lentils.¹²

R. Johanan, however, said, Even [if he said] 'of lentils',¹³ But consider: R. Johanan explained our Mishnah in accordance with the view of Beth Hillel, did he not? And Beth Hillel's view is based upon the man's error; now [I grant you that] a man may err in regard to barley, but surely he would not err in regard to lentils!¹⁴ — He¹⁵ said so only as the result of Hezekiah's argument. [For he reasoned with him thus:] Why did you abandon your view? Because our Mishnah does not state 'of lentils'. But it may be that [that was so obvious that] it was not even necessary to be stated! Thus not only where he said 'of lentils', in which case it can only be said that he is revoking his vow,¹⁶ do we hold that we must adopt the first words [of his statement]; but even where he said 'of barley', in which case it might be said that he has erred,¹⁷ we still say that we must adopt the first words [of his statement].

(1) The man vowed to bring a meal-offering but did not specify the kind of vessel in which it was to be prepared, and only later when setting apart the flour for his meal-offering he mentioned the vessel in which it was to be prepared. If then he actually prepares it in a vessel different from that mentioned by him previously, it is still valid.

(2) Deut. XXIII, 24.

(3) Since all freewill meal-offerings must be brought of wheaten fine flour, to which oil and frankincense must be added. Cf. Lev. II, 1.

(4) For by the additional words 'of barley' he obviously meant to annul his expressed vow, since every one knows that only wheat may be offered as a meal-offering and not barley.

(5) Therefore as soon as he said, 'I take upon myself to bring a meal-offering', that constituted a binding vow, and his subsequent words 'of barley' cannot nullify the effect of his opening words.

(6) And he must abstain from wine and grapes. Cf. Num. VI, 1ff.

(7) Supra 81b; Nazir 9a.

(8) That he must bring a meal-offering of wheat.

(9) That our Mishnah represents the view of Beth Shammai. He accordingly accepts the explanation of R. Johanan.

(10) For according to Beth Shammai's view that a man is bound by his first words, then even though he added 'of lentils' he should also be liable to bring a meal-offering of wheat. The fact that our Mishnah implies a distinction between barley and lentils proves that Beth Shammai's view is not upheld.

(11) He genuinely believed that he may bring a meal-offering of barley, since there are in fact meal-offerings of barley, e.g., the meal-offering of jealousy (cf. Num. V, 15). His intention, however, was to bring a proper meal-offering, and therefore in place of the meal-offering of barley he must bring one of wheat.

(12) By adding 'of lentils' he obviously intended to revoke his promise, accordingly he is exempt, since we do not accept the view that a man is bound by his first words.

(13) He must bring a meal-offering of wheat.

(14) V. p. 633, n. 7.

(15) R. Johanan, in affirming that the ruling is applicable even though he said 'of lentils'.

(16) For no man would be so mistaken as to believe that he may bring a meal-offering of lentils, obviously then he is retracting his vow, and this he cannot do since he is already bound by his first words.

(17) For he believed that he could bring a meal-offering of barley. He therefore only intended a meal-offering of barley and since this cannot be brought he should be exempt entirely.

Talmud - Mas. Menachoth 103b

Ze'iri said, This¹ applies only where he said 'a meal-offering', but where he did not say 'a meal-offering'² it is not so.³

R. Nahman was once sitting and reciting the above statement [of Ze'iri]. Thereupon Raba raised the following objections against R. Nahman: IF 'OF COARSE MEAL', HE MUST BRING IT OF FINE FLOUR. Is it not the case that he did not say 'a meal-offering'? — No, he actually said 'a meal-offering'. IF 'WITHOUT OIL AND WITHOUT FRANKINCENSE', HE MUST NEVERTHELESS BRING IT WITH OIL AND FRANKINCENSE. Is it not the case that he did not say 'a meal-offering'? No, he actually said 'a meal-offering'. IF 'HALF A TENTH', HE MUST BRING A WHOLE TENTH. Is it not the case that he did not say 'a meal-offering'? — No, he actually said 'a meal-offering'. If so, consider the next clause: IF 'A TENTH AND A HALF', HE MUST BRING TWO. But as soon as he said a meal-offering [of a tenth] he immediately was bound to bring a tenth, and when he added 'and a half' it is of no account!⁴ — The case must be that he said, 'I take upon myself to bring a meal-offering of half a tenth and a tenth'; for as soon as he said 'a meal-offering' he immediately was bound to bring a tenth, when he added 'half a tenth' it was of no account, and when he finally said 'a tenth' he became bound to bring another tenth. If so, what can be the reason for the last statement: R. SIMEON DECLARES HIM EXEMPT, BECAUSE HE DID NOT MAKE HIS OFFERING IN THE MANNER IN WHICH PEOPLE USUALLY MAKE THEIR OFFERINGS?⁵ — Raba answered, R. Simeon stated this according to the view of R. Jose who maintained that a man is bound by his last words too.⁶

MISHNAH. A MAN MAY OFFER A MEAL-OFFERING CONSISTING OF SIXTY TENTHS AND BRING THEM IN ONE VESSEL IF⁷ A MAN SAID, I TAKE UPON MYSELF TO OFFER SIXTY TENTHS', HE MAY BRING THEM IN ONE VESSEL. BUT IF HE SAID, I TAKE UPON MYSELF TO OFFER SIXTY-ONE TENTHS', HE MUST BRING SIXTY IN ONE VESSEL AND THE ONE IN ANOTHER VESSEL; FOR SINCE THE CONGREGATION BRING ON THE FIRST DAY OF THE FEAST [OF TABERNACLES] WHEN IT FALLS ON A SABBATH SIXTY-ONE TENTHS [AS A MEAL-OFFERING],⁸ IT IS ENOUGH FOR AN INDIVIDUAL THAT [HIS MEAL-OFFERING] BE LESS BY ONE TENTH THAN THAT OF THE CONGREGATION. R. SIMEON SAID, BUT SOME OF THESE [SIXTY-ONE TENTHS] ARE FOR THE BULLOCKS AND SOME FOR THE LAMBS, AND THEY MAY NOT BE MIXED ONE WITH THE OTHER!⁹ BUT THE FACT IS THAT UP TO SIXTY TENTHS THEY CAN BE MINGLED [IN ONE VESSEL].¹⁰ THEY SAID TO HIM, CAN SIXTY BE MINGLED [IN ONE VESSEL] AND NOT SIXTY-ONE? HE ANSWERED, SO IT IS WITH ALL THE MEASURES PRESCRIBED BY THE SAGES: A MAN MAY IMMERSE HIMSELF IN FORTY SE'AH¹¹ OF WATER, BUT HE MAY NOT IMMERSE HIMSELF IN FORTY SE'AH¹¹ LESS ONE KORTOB.¹¹

GEMARA. This question was asked before¹² R. Judah b. Ila'i: How do we know that if a man said, 'I take upon myself to offer Sixty-one tenths', he must bring sixty in one vessel and the one in another vessel? R. Judah b. Ila'i, the chief speaker on all occasions,¹³ opened the discussion and said, Since we find that the congregation bring on the first day of the Feast [of Tabernacles] when it falls on a Sabbath sixty-one tenths, it is enough for an individual that [his meal-offering] be less by one tenth than that of the congregation. R. Simeon said to him, But some of these [sixty-one tenths] are for the bullocks and the rams and some for the lambs, with some the mixture is thick and with some it is thin,¹⁴ some are mingled in the morning and some in the evening,¹⁵ and they may not be mixed one with the other! Thereupon [R. Judah] said to him, You explain it. He replied, It is written, And every meal-offering mingled with oil or dry:¹⁶ thus the Torah says, Bring a meal-offering that can be mingled [in one vessel]. To this he objected saying, Can sixty be mingled [in one vessel] and not sixty-one? He replied, So it is with all the measures prescribed by the Sages: a man may immerse himself in forty se'ahs [of water], but he may not immerse himself in forty se'ahs less one kortob; an

egg's bulk of food can convey food-uncleanness, but an egg's bulk of food less one sesame seed cannot convey food-uncleanness; [a cloth that is] three handbreadths square is susceptible to midras-uncleanness,¹⁷ but [that which is] three handbreadths square less one thread is not susceptible to midras-uncleanness. But what of it if they cannot be mingled? Have we not learnt:¹⁸ If he did not mingle it it is valid? — R. Zera answered, Wherever mingling is possible the mingling is not indispensable, but wherever mingling is not possible¹⁹ the mingling is indispensable.

R. Bibi said in the name of R. Joshua b. Levi, Once a mule belonging to the house of Rabbi died, and the Sages measured the blood that flowed out therefrom [to ascertain whether there was] a quarter-log.²⁰ R. Isaac b. Bisna raised an objection from the following: R. Joshua and R. Joshua b. Bathyra testified that the blood of carcasses was clean. Moreover R. Joshua b. Bathyra related that it once happened that wild asses were speared in the royal square for the lions, and the Festival pilgrims had to wade up to their knees in blood, and nothing was said to them about it! He²¹ remained silent. Thereupon R. Zerika said to him, Why does not the Master give an answer? He replied, How can I answer? Behold R. Hanin has said, It is written, And thy life shall hang in doubt before thee:²² this refers to one who buys grain from year to year;²³ and thou shalt fear night and day:²² this refers to one who buys grain from week to week;²⁴ and shalt have no assurance of thy life:²⁵ this refers to one who has to rely upon the bread dealer.²⁶

(1) The ruling that we adopt the first words of a man's statement.

(2) But said, 'I take upon myself of barley'. Aliter: He said, 'I take upon myself a meal-offering-of (מנחת) barley'. In this case the word מנחת cannot stand by itself.

(3) But he is entirely exempt.

(4) Consequently he should only bring one tenth and not two.

(5) Since it is assumed that a man is bound by his first words, and this man in his opening words had made an offering in the proper manner.

(6) A man's whole statement must be considered, and as he said 'a half tenth and a tenth' it is undoubtedly an unusual offering and he is therefore entirely exempt. This view of R. Jose is to be found in Tem. 25b.

(7) This sentence is omitted in MS.M. and is deleted by Sh. Mek.

(8) On this day were offered (cf. Num. XXIX, 12ff) thirteen bullocks, each requiring three tenths of flour as a meal-offering, two rams, each requiring two tenths, and fourteen lambs, each requiring one tenth; thus 39 + 4 + 14 tenths 57. In addition there were two further tenths for the two lambs of the daily offering, and two more for the two lambs of the Sabbath Additional offering; thus making a total of 61.

(9) For the quantity of oil for the tenths varied; each tenth that accompanied the bullock or the ram required two logs of oil, hence the mixture was thick, whereas the tenth that was brought with each lamb required three logs of oil, thus making a thin mixture. Accordingly the sixty-one tenths were not all put in one vessel.

(10) With one log of oil, which according to R. Eliezer b. Jacob (supra 88a) is the amount prescribed for any number of tenths up to sixty. The Mishnah here accepts the view of R. Eliezer b. Jacob. But even according to the Rabbis it will be admitted that sixty tenths with a corresponding number of logs of oil cannot well be mingled together in one vessel (v. Rashi supra 18b s.v. ששים ואחד).

(11) V. Glos.

(12) Lit., 'above'.

(13) A title given to R. Judah, also in Ber. 63b and Shab. 33b.

(14) V. supra n. 1.

(15) For not all the sixty-one tenths were offered at one time, since these included the tenth offered with the daily offering in the morning and that offered in the evening.

(16) Lev. VII, 10.

(17) V. Glos.

(18) Supra 18a.

(19) E.g., sixty-one tenths in one vessel with one log of oil.

(20) For a quarter-log of blood (which, it is estimated, when congealed is equal to an olive's bulk) of a carcass conveys uncleanness like the carcass itself; cf. 'Ed. V, 1; VIII, 1.

(21) R. Bibi.

(22) Deut. XXVIII, 66.

(23) I.e., who has no fields of his own to cultivate but must purchase his provisions yearly.

(24) Lit., 'from Sabbath eve to Sabbath eve'.

(25) Deut. XXVIII, 66.

(26) For his daily needs.

Talmud - Mas. Menachoth 104a

And I¹ have to rely upon the bread dealer. How does the matter stand?² — R. Joseph answered, R. Judah was the Master [in regard to all matters of religious law] in the house of the Nasi,³ and it was he that gave the above decision,⁴ and it was in accordance with the law that he reported. For we have learnt:⁵ R. Judah reports six instances of lenient rulings by Beth Shammai and stringent rulings by Beth Hillel.⁶ Beth Shammai pronounce the blood of a carcass clean; but Beth Hillel pronounce it unclean. R. Jose son of R. Judah said, Even when Beth Hillel pronounced it unclean they said so only in respect of a quarter-log of blood, since it can congeal and amount to an olive's bulk.⁷

MISHNAH. ONE MAY NOT OFFER ONE [LOG], TWO, OR FIVE [LOGS],⁸ BUT ONE MAY OFFER THREE, FOUR, SIX,⁹ OR ANYTHING ABOVE SIX.¹⁰

GEMARA. The question was asked: Is the wine of the drinkofferings indivisible or not?¹¹ In what circumstances [does the question arise]? Where, e.g., a man brought five [logs of wine]. If you say that the wine of the drink-offerings is not indivisible, then four logs can be drawn off and offered, since that is the proper quantity for a ram, and the remaining log would be for a freewill-offering;¹² but if you say that it is indivisible, then these five logs may not be offered until the quantity is made up.¹³ How is it then?

Abaye said, Come and hear: There were six [money chests] for freewill-offerings.¹⁴ And to the question, What did they represent? the reply was given, They represented the surplus¹⁵ of the sin-offering, the surplus of the guilt-offering, the surplus of the guilt-offering of the Nazirite, the surplus of the guilt-offering of the leper, the surplus of the bird-offerings, and the surplus of the sinner's meal-offering. Now if it were so,¹⁶ then another money chest should have been prepared for the surplus of the drink-offerings? — Those¹⁷ served only for freewill-offerings of the community,¹⁸ whereas these¹⁹ were quite frequent, and therefore the surplus of the drink-offerings of one man could be joined to that of another and could in this way be offered.²⁰

Raba said, Come and hear: Home-born²¹ this teaches us that a man may offer wine for a drink-offering.²² How much [must he bring]? Three logs. Whence do we know that if he desired to bring more he may do so? Because the text states, Shall be.²³ We might suppose that he may bring less, the text therefore states, After this manner.²⁴ Now what is meant by 'bring more'? Shall I say [it means the bringing of] four or six logs? But why are three logs admitted? [Surely] because that quantity is proper for a lamb! Then similarly four and six logs are proper for a ram and a bullock respectively?²⁵ Hence it must mean [the bringing of] five logs,²⁶ thus proving that the wine for the drink-offerings is not indivisible. This indeed proves it.

R. Ashi said, But we have not learnt so [in our Mishnah]! [For it states]: ONE MAY NOT OFFER ONE [LOG], TWO, OR FIVE [LOGS], BUT ONE MAY OFFER THREE, FOUR, SIX, OR ANYTHING ABOVE SIX. Now here five is stated alongside with two, therefore as two can under no circumstances be admitted for drink-offerings, so five cannot be admitted at all? — This does not necessarily follow; each follows its own rule.²⁷

Abaye said, If you are able to prove that the wine of the drink-offerings is not indivisible, then it is

not indivisible.²⁸ But if you prove that it is indivisible, then I am clear as to the law with regard to any number of logs up to ten,²⁹ but about eleven

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- (1) Lit., 'that man'. R. Bibi was in straitened circumstances and had difficulties in obtaining a living, consequently his mind was not at ease to concentrate on the question raised.
- (2) Is a quarter-log of blood of a carcass unclean or not?
- (3) Sc. Rabbi, in whose house the above incident about the mule occurred. Chronologically it is very difficult to accept that R. Judah b. Ila'i held a position in the household of R. Judah the prince (or Rabbi). V. however Tosaf. s.v. **מורינא**.
- (4) To measure the blood so as to ascertain whether there was a quarter-log or not.
- (5) 'Ed. V, 1; Shab. 77a.
- (6) This is exceptional, for generally the school of Hillel follow the more lenient ruling.
- (7) Which is the minimum quantity of carcass (**נבילה**) that conveys uncleanness.
- (8) Of wine as a drink-offering. One may offer only such quantities as conform with the quantities prescribed for one or several of the specific animal-offerings, and these are: six logs for each bullock, four for each ram, and three for each lamb. Nowhere is such a quantity as one log, or two, or five prescribed.
- (9) Corresponding to the wine-offering of a lamb, a ram, and a bullock respectively.
- (10) Thus seven logs could be applied for the drink-offerings of one ram and one lamb, eight for two rams, nine for one bullock and one lamb, and so on.
- (11) Where a certain quantity of wine is offered, is it to be regarded as one whole so that it must be offered together as one drink-offering, or may it be divided up and some taken for one offering and the remainder applied in any manner available for it?
- (12) The remaining log would either be sold and the money obtained put into the chest of freewill-offerings or it would be added to two more logs and used as the drink-offering of the daily offering.
- (13) I.e., he must bring another log so as to make up six logs, the quantity prescribed for a bullock.
- (14) V. Shek. VI, 5, and infra 107b.
- (15) I.e., if a certain sum of money had been set apart for an animal-offering and the price fell, the surplus money was put into a money chest and eventually was expended on burnt-offerings for the community. The offerings enumerated were each in some aspect different from the others, hence the surplus of each was kept in a separate chest.
- (16) That the wine of the drink-offerings was not indivisible, and therefore in the case in question four logs, the quantity prescribed for a ram, could be drawn off and offered, and the remaining log would be for a freewill-offering.
- (17) The surplus in each of the six cases enumerated.
- (18) For the surplus money cannot be used for its original purpose.
- (19) The surplus of the drink-offerings.
- (20) For drink-offerings were offered at all times, even unaccompanied by an animal-sacrifice; accordingly the surplus of several offerings of wine could be combined and offered. There was therefore no need for a special chest in which to collect the surplus of each drink-offering.
- (21) Num. XV, 13; with reference to the drink-offerings.
- (22) Even though it is unaccompanied by an animal-offering.
- (23) Ibid. XXVIII, 14: Half a hin of wine shall be for a bullock. The expression 'shall be' is superfluous and therefore serves to include a larger quantity than that prescribed. The reference might also be to Num. XV, 15.
- (24) Ibid. 13.
- (25) And surely no verse is required to include these quantities.
- (26) And this quantity is expressly included by the verse. As to the procedure, four logs, the quantity prescribed for a ram, would be offered and the fifth would be a surplus.
- (27) Two logs, admittedly, cannot under any circumstances be offered, but five may be offered in the manner already described, namely, four logs, being the drink-offering of a ram, are offered, and the remaining log is kept for a freewill-offering. Our Mishnah disallows the offering of five logs only in the first instance, for it is not proper to bring at the outset such a quantity as must inevitably lead to a surplus.
- (28) Therefore any quantity above two logs may be offered.
- (29) Thus offerings of one, two, or five logs may not be brought, but any other quantity, up to and including ten, may. V. supra p. 638, n. 13.

Talmud - Mas. Menachoth 104b

I am in doubt. How am I to regard it? Shall I say that the man intended to offer the drink-offerings of two bullocks,¹ and therefore these may not be offered until this quantity has been made up? Or [shall I rather say that] 'he intended to bring the drink-offerings of two rams and one lamb? [In other words, the question is:] Do we say that he meant to bring the drink-offerings corresponding to two quantities of one kind and one of the other or not?² The question remains unsolved.

MISHNAH. ONE MAY OFFER WINE³ BUT NOT OIL. THIS IS THE OPINION OF R. AKIBA. BUT R. TARFON SAYS, ONE MAY ALSO OFFER OIL.⁴ R. TARFON SAID, AS WE FIND THAT WINE WHICH IS OFFERED AS AN OBLIGATION⁵ MAY BE OFFERED AS A FREEWILL-OFFERING,⁶ SO OIL WHICH IS OFFERED AS AN OBLIGATION MAY BE OFFERED AS A FREEWILL-OFFERING. R. AKIBA SAID TO HIM, NO, IF YOU SAY SO OF WINE IT IS BECAUSE IT IS OFFERED BY ITSELF EVEN WHEN OFFERED AS AN OBLIGATION;⁷ CAN YOU SAY THE SAME OF OIL WHICH IS NOT OFFERED BY ITSELF WHEN OFFERED AS AN OBLIGATION?⁷ TWO [MEN] MAY NOT JOINTLY OFFER ONE TENTH; BUT THEY MAY JOINTLY OFFER A BURNT-OFFERING OR A PEACE-OFFERING, AND OF BIRDS EVEN A SINGLE BIRD.

GEMARA. Raba said, From the opinions of both we may infer that a man may offer every day the meal-offerings of the drink-offerings.⁸ But is not this obvious? [No,] for I might have thought that in regard to the freewill meal-offering the Divine Law has specified but five kinds of meal-offerings⁹ and no more; we are therefore taught that that is so only where [the kind of the meal-offering] was not expressed,¹⁰ but where it was expressly stated¹¹ then it was so stated.

TWO [MEN] MAY NOT JOINTLY OFFER [ONE TENTH]. What is the reason? Shall I say because there is written, Bringeth?¹² But with the burnt-offering too there is written, Bringeth!¹³ But you will say that the reason this is so with the burnt-offering¹⁴ is that there is written, Your burnt-offerings;¹⁵ then with the meal-offering too there is written, And your meal-offerings!¹⁵ — The reason is that there is written in connection with [the meal-offering] the word 'soul'.¹⁶ And so too it was taught in a Baraitha: Rabbi says, It is written, [Whosoever he be of the house of Israel] that bringeth his offering, whether it be any of their vows, or any of their freewill-offerings, which they bring unto the Lord:¹⁷ thus every offering may be brought jointly, and the verse excluded only the meal-offering in connection with which the expression 'soul' is used.

R. Isaac said, Why is the meal-offering distinguished in that the expression 'soul' is used therewith? Because the Holy One, blessed be He, said, 'Who is it that usually brings a meal-offering? It is the poor man. I account it as though he had offered his own soul to Me'.

R. Isaac said, Why is the meal-offering distinguished in that five kinds of oil dishes¹⁸ are stated in connection with it? This can be likened to the case of a human king for whom his friend had prepared a feast. As the king knew that [his friend] was poor, he said to him, 'prepare it¹⁹ for me in five kinds of dishes so that I will derive pleasure from you'.

CHAPTER XIII

MISHNAH. [IF A MAN SAID], 'I TAKE UPON MYSELF TO BRING A TENTH', HE MUST BRING ONE [TENTH]; IF 'TENTHS', HE MUST BRING TWO [TENTHS]. [IF HE SAID,] 'I SPECIFIED [A CERTAIN NUMBER OF TENTHS] BUT I DO NOT KNOW WHAT NUMBER I SPECIFIED', HE MUST BRING SIXTY TENTHS²⁰ [IF HE SAID,] 'I TAKE UPON MYSELF TO BRING A MEAL-OFFERING', HE MAY BRING WHICHEVER KIND HE CHOOSES.²¹ R.

JUDAH SAYS, HE MUST BRING A MEAL-OFFERING OF FINE FLOUR, FOR THAT IS THE PRINCIPAL MEAL-OFFERING. [IF HE SAID] A MEAL-OFFERING' OR 'A KIND OF MEAL-OFFERING', HE MUST BRING ONE [OF ANY KIND]; IF 'MEAL-OFFERINGS' OR A KIND OF MEAL-OFFERINGS', HE MUST BRING TWO [OF ANY ONE KIND]; [IF HE SAID,] 'I SPECIFIED [A CERTAIN KIND], BUT I DO NOT KNOW WHAT KIND I SPECIFIED', HE MUST BRING THE FIVE KINDS [IF HE SAID,] 'I SPECIFIED A MEAL-OFFERING OF [A CERTAIN NUMBER OF] TENTHS²² BUT I DO NOT KNOW WHAT NUMBER I SPECIFIED, HE MUST BRING SIXTY TENTHS. BUT RABBI SAYS, HE MUST BRING MEAL-OFFERINGS [OF EVERY NUMBER] OF TENTHS FROM ONE TO SIXTY.²³ GEMARA. This²⁴ is obvious! — It was necessary to state the next clause: IF 'TENTHS', HE MUST BRING TWO [TENTHS]. But this too is obvious, for the minimum of 'tenths' is two! — It was necessary to state the following clause: [IF HE SAID,] 'I SPECIFIED [A CERTAIN NUMBER OF TENTHS] BUT I DO NOT KNOW WHAT NUMBER I SPECIFIED', HE MUST BRING SIXTY TENTHS.²⁵ Whose view is taught here? Said Hezekiah: It is not that of Rabbi, for Rabbi has said, HE MUST BRING MEAL-OFFERINGS [OF EVERY NUMBER] OF TENTHS FROM ONE TO SIXTY. R. Johanan said, You may even say that it sets forth the view of Rabbi, but [we must assume that] the man said, 'I specified [a certain number of] tenths but I had not determined them for one vessel', in which case he must bring sixty tenths in sixty vessels.²⁶

[IF HE SAID.] 'I TAKE UPON MYSELF TO BRING A MEAL-OFFERING', HE MAY BRING WHICHEVER KIND HE CHOOSES, etc. A Tanna taught: It is because Holy Writ stated it first.²⁷ In that case, if a man said, 'I take upon myself to bring a burnt-offering'. he should have to bring a bullock,²⁸ since Holy Writ stated that

(1) I.e., twelve logs.

(2) For the quantity is odd and unusual. V. Tosaf. 104a s.v. **עך**

(3) By itself, without it being accompanied by a meal-offering of flour and oil. As for the manner in which wine was offered, v. Zeb. 91b.

(4) A handful of the oil was taken and burnt upon the altar and the remainder was eaten by the priests.

(5) Viz., as the drink-offering which accompanied most animal-offerings.

(6) V. the exposition from the term 'home-born' supra p. 640.

(7) For the wine of the drink-offering was not mixed with anything, whereas the oil was mingled with the fine flour.

(8) I.e., the meal-offering of fine flour mingled with oil and the offering of wine, which accompany most animal-offerings, may be brought at any time as an entire and separate offering even without an animal-offering. The dispute between R. Akiba and R. Tarfon refers only to the offering of oil by itself, but certainly not to the offering of oil which is part of the meal-offering of the drink-offerings.

(9) In Lev. II, the following five kinds of meal-offerings are described: (i) the meal-offering of fine flour, (ii) the meal-offering prepared on a griddle, (iii) the meal-offering prepared in a pan, (iv) the meal-offering baked in the oven and made into cakes, and (v) that baked in the oven and made into wafers.

(10) Thus where a man pledged himself to bring a meal-offering without specifying the kind he was to bring he is bound to bring one of the five kinds described in the Torah.

(11) That he is offering the meal-offering of the drink-offerings.

(12) Lev. II, 1. The verb used is in the singular, signifying that the offering shall be brought by an individual and not by two persons jointly.

(13) Ibid. I, 3.

(14) That it may be brought jointly.

(15) Num. XXIX, 39. Here the plural pronominal suffix is used.

(16) Lev. II, 1. Heb. **נפש**. The term usually found with sacrifices is **אדם** or **איש**, man.

(17) Ibid. XXII, 18.

(18) Each of the five kinds of meal-offerings, v. supra p. 642, n. 2, is prepared with oil.

(19) Sc. the little that you possess.

(20) For this is the maximum size of the meal-offering of an individual; and therefore even if that which he promised

was less it matters nought, for when bringing this quantity he should stipulate that what is over and above the amount he promised shall be reckoned as a freewill meal-offering.

(21) Of the five kinds of meal-offerings described in Lev. II. V. supra p. 642, n. 2.

(22) To be brought in one vessel.

(23) Since he had specified a certain number of tenths to be brought in one vessel it would not meet the case, according to Rabbi, were he to bring the maximum quantity, namely sixty tenths, in one vessel, for Rabbi is of the opinion that once a certain number of tenths have been determined for one vessel that vessel may contain neither more nor less than the number specified. Accordingly the only possible solution is to bring sixty meal-offerings, each containing a different number of tenths; in this way he will certainly have brought the meal-offering he specified.

(24) The first clause of the Mishnah.

(25) This is the correct interpretation of the text, following MS.M. and Z.K. In cur. edd. the clause: [IF HE SAID,] 'I SPECIFIED etc.' is erroneously placed — as a fresh quotation from our Mishnah introducing a new passage.

(26) Bringing one tenth in each vessel. For the only doubt here is as to the number of tenths, since he left the matter open whether he would bring them in one or more vessels; whereas in the last clause of our Mishnah the doubt is as to the correct number of tenths to be brought in one vessel.

(27) For this reason is the meal-offering of fine flour described by R. Judah as the principal meal-offering.

(28) Which is contrary to the law, v. infra.

Talmud - Mas. Menachoth 105a

first; and if 'of the flock', he should have to bring a lamb¹ since Holy Writ stated that first; and if 'of the birds', he should have to bring turtle-doves,² since Holy Writ stated them first. Wherefore then have we learnt: [If a man said,] 'I take upon myself to bring a burnt-offering', he should bring a lamb; but R. Eleazar b. Azariah says, [He may bring] a turtledove or a young pigeon?³ And R. Judah does not differ there! — We must therefore say that it is accounted the principal meal-offering because it has no descriptive name.⁴ But the Tanna gave as the reason 'Because Holy Writ stated it first'! — This is what he meant to say. Which is the meal-offering described as 'the principal one' by virtue of the fact that it has no descriptive name? It is that which Holy Writ stated first.⁵ But this is obvious, for [R. Judah] expressly mentioned the meal-offering of fine flour! — It is merely stated as a mnemonical sign.⁶

[IF HE SAID,] 'A MEAL-OFFERING' OR 'A KIND OF MEAL-OFFERING' etc. R. Papa raised the following question. What if he said 'kinds of meal-offering'? [Shall I say that] since he said 'kinds!.'⁷ he obviously meant two, and the term 'meal-offering' [is generic], since all meal-offerings are referred to as 'meal-offering', as it is written, And this is the law of the meal-offering?⁸ Or [shall I rather say that] since he said 'meal-offering'⁹ he meant only one meal-offering, and by the expression 'kinds of meal-offering' he meant to imply, 'Of the kinds of meal-offering I take upon myself [to bring] one meal-offering'? — Come and hear: [IF HE SAID,] 'A MEAL-OFFERING' OR 'A KIND OF MEAL-OFFERING', HE MUST BRING ONE [OF ANY KIND]. It follows, however, that [if he said] 'kinds of meal-offering' he would have to bring two! — Read the next clause: IF MEAL-OFFERINGS' OR 'A KIND OF MEAL-OFFERINGS', HE MUST BRING TWO. It follows, however, that [if he said] 'kinds of meal-offering' he would have to bring only one! The truth is that we cannot decide from here.

Come and hear: [If he said,] 'I take upon myself to bring a kind of meal-offerings', he must bring two meal-offerings of the same kind. It follows, however, that [if he said] 'kinds of meal-offering' he would only have to bring one! — Perhaps the inference is this: [if he said] 'kinds of meal-offering', he must bring two meal-offerings of two kinds. But it has been taught otherwise: [If he said,] 'I take upon myself to bring a kind of meal-offerings', he must bring two meal-offerings of the same kind. But if he said, 'I take upon myself to bring kinds of meal-offerings', he must bring two meal-offerings of two kinds. It follows from this, that [if he said] 'kinds of meal-offering' he would have to bring only one! — Perhaps that [Baraita] represents the view of R. Simeon who ruled that

one may bring it¹⁰ the half in cakes and the half in wafers; accordingly the expression ‘kinds of meal-offering’ refers to that meal-offering which may be of two kinds. According to the Rabbis, however, who ruled that one may not bring it the half in cakes and the half in wafers, he would then have to bring two meal-offerings of two kinds.¹¹

[IF HE SAID,] ‘I SPECIFIED [A CERTAIN KIND] BUT I DO NOT KNOW WHAT KIND I SPECIFIED’. HE MUST BRING THE FIVE KINDS. Who is the Tanna that taught this?¹² — R. Jeremiah said, It is not R. Simeon; for according to R. Simeon who stated that he may bring it the half in cakes and the half in wafers,¹³ even though R. Judah's view were accepted, that all meal-offerings consisted of ten cakes each,¹⁴ he would have to bring fourteen meal-offerings because of the doubt.¹⁵ Abaye said. You may even say that it is R. Simeon. for we have heard R. Simeon express the view that one may bring an offering and make conditions about it.¹⁶ For it has been taught:¹⁷ R. Simeon says. On the following day¹⁸ he brings his guilt-offering and a log [of oil]

(1) And not a goat.

(2) And not young pigeons.

(3) Infra 107a.

(4) The meal-offering of fine flour is invariably referred to as ‘the meal-offering’, whereas the others have a descriptive name attached to them, as the meal-offering prepared on a griddle, or in a pan, or baked in the oven.

(5) Namely, the meal-offering of fine flour.

(6) The Tanna of the Baraitha gave us a further help as an aid to the memory in order to remember that the principal meal-offering is the meal-offering of fine flour.

(7) In the plural.

(8) Lev. VI, 7.

(9) In the singular.

(10) Sc. the meal-offering baked in the oven; v. supra 63a.

(11) For the fulfilment of the expression ‘kinds of meal-offering’.

(12) That because of the doubt he must bring the five kinds of meal-offerings.

(13) I.e., the meal-offering baked in the oven must consist of ten pieces, but it may be made up partly of cakes and partly of wafers. v. supra 63a.

(14) As opposed to R. Meir's view that all meal-offerings must consist of twelve pieces each. V. supra 76a.

(15) For he would have to bring the eleven possible variations of the baked meal-offering, viz., ten cakes and no wafers, nine cakes and one wafer, eight cakes and two wafers, seven cakes and three wafers... no cakes and ten wafers, plus the three other kinds of meal-offering, a total of fourteen meal-offerings. According to R. Meir there are thirteen variations of the baked meal-offering, beginning with twelve cakes and no wafers, and so the total would be sixteen.

(16) And therefore, in the case of our Mishnah, he would only have to bring one baked meal-offering of ten cakes and one of ten wafers (in addition, of course, to the other three kinds of meal-offering) and declare, ‘If I had specified to bring it all in cakes, or all in wafers, then let the cakes or the wafers be offered in fulfilment of my vow and the others be a freewill-offering; and if I had specified to bring it partly in cakes and partly in wafers, then let that number of each kind which I had specified be offered in fulfilment of my vow and the rest be offered as a freewill-offering’.

(17) Tosef. Neziruth VI. The case dealt with is that of a Nazirite who was in doubt whether he was rendered unclean or not and also whether he was still a confirmed leper or not; and the Tanna of the Baraitha rules that he may eat consecrated food after sixty days. V. Tosaf s.v. **למחרת**.

(18) After sixty days have elapsed. Cf. Naz. 59b.

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with it and says. ‘If I was a leper, then this is my guilt-offering and this the log of oil for it; but if not, let this be a freewill peace-offering’. And that guilt-offering must be slaughtered on the north side,¹ its blood must be applied upon the thumb and the great toe,² it requires the laying on of hands,³ and drink-offerings,³ and the waving of the breast and the thigh,³ and it may be eaten by the males of the priesthood during that day and the following night [until midnight].⁴ And⁵ although the Master in

[the Tractate] 'The Slaughtering of Consecrated Animals'⁶ has explained that 'R. Simeon permitted a man to bring an offering and make conditions about it in the first instance only where there was no other possible way of making the man fit,⁷ but in all the other cases⁸ he permitted it only where it had actually been done but not in the first instance', that distinction applies only to peace-offerings, since [the effect of the conditions expressed is] to reduce the time allowed for the eating,⁹ and so consecrated food is rendered invalid [before its time]; but in the case of meal-offerings¹⁰ he would permit it even in the first instance.

R. Papa said to Abaye, But according to R. Simeon who said that he may bring it the half in cakes and the half in wafers, he is then bringing one tenth out of two tenths and one log out of two logs!¹¹ — [He replied,] We have heard R. Simeon express the view that if a man brought one tenth out of two tenths and one log out of two logs he has fulfilled his obligation.¹² But how does he take out the handful?¹³ — He [takes one handful from the cakes and another from the wafers and] makes the following conditions and says. 'If I had specified [a meal-offering] of cakes only or of wafers only, then the handful I have taken from the cakes should serve the cakes and the handful I took from the wafers should serve the wafers;¹⁴ but if I had specified [originally a meal-offering] the half in cakes and the half in wafers, then the handful I have taken from the cakes should serve half for the cakes and half for the wafers, and the handful I have taken from the wafers should also serve half for the wafers and half for the cakes'. But surely he must take one handful from the cakes

(1) Like the guilt-offering, which is a most holy offering.

(2) Like the guilt-offering of the leper.

(3) Like the peace-offering. The special rites peculiar to the guilt-offering as well as those peculiar to the peace-offering must be observed with this offering, as it is not known which it is.

(4) Like the guilt-offering.

(5) This sentence, as has already been pointed out by Sh. Mek., is an insertion of the Saboraim.

(6) This is the Talmudic title of Tractate Zebahim. V. Zeb. 76b.

(7) To eat consecrated meat; as in the case of the Nazirite who was in doubt as to his leprosy.

(8) As the case mentioned in Zeb. l.c. where a guilt-offering was confused with peace-offerings.

(9) Guilt-offerings may be eaten only on the day of the offering and the night following, whereas peace-offerings may be eaten during two days and one night. Where therefore a guilt-offering was confused with peace-offerings and each animal is taken and offered according to the restrictions of the two kinds of offerings, the flesh thereof would only be eaten during the shorter period and what was left over would be burnt perhaps unnecessarily.

(10) For all meal-offerings are alike in that they must be eaten the same day and the night following.

(11) For if this man's original vow was to bring a specified number of cakes and a specified number of wafers, his obligation would be, fulfilled only by combining the required number of cakes from the meal-offering of ten cakes with the required number of wafers from the meal-offering of ten wafers; and as each meal-offering consisted of one tenth of flour and one log of oil, he would thus be making up one offering from two offerings; and this is not allowed.

(12) I.e., if a man, in duty bound to bring one tenth of flour and one log of oil as a meal-offering, brought two tenths in separate vessels and two logs in separate vessels, and took the half from one and the half from the other, he has thereby fulfilled his obligation.

(13) From the meal-offering that is made up partly of cakes and partly of wafers, since in fact the cakes and the wafers are separate meal-offerings.

(14) One being in fulfilment of his vow and the other a freewill meal-offering.

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and the wafers [mixed together].¹ whereas here he takes the handful from the cakes for the wafers and from the wafers for the cakes! — We have heard R. Simeon say that if when taking the handful there came into his hand only one of the two kinds he has fulfilled his obligation.² But what [is to be done] with the residue of the oil; for if he had originally specified [a meal-offering] the half in cakes and the half in wafers, the residue of the oil would be put into the cakes, but if he had originally

specified [a meal-offering of] wafers the residue of the oil would be consumed by the priests?³ — The opinion of R. Simeon son of Judah is followed. For R. Simeon son of Judah said in the name of R. Simeon.³ He anoints them⁴ in the form of the Greek letter Chi,⁵ and the residue of the oil is consumed by the priests.⁶

R. Kahana said to R. Ashi, But should not the doubt include also the meal-offering offered with the drink-offerings;⁷ for Raba has said, A man may offer every day the meal-offerings of the drink-offerings [which accompany animal-offerings]? — The doubt includes only that meal-offering (mnemonic: individual, by itself, frankincense, log, handful) which is brought by an individual but not that⁸ which is brought by the community. The doubt includes only that which is brought by itself but not that⁸ which is brought to accompany the animal-offering. The doubt includes only that which requires frankincense but not that⁸ which does not require frankincense. The doubt includes only that which requires but one log of oil but not that⁸ which requires three logs. The doubt includes only that from which the handful is taken but not that⁸ from which the handful is not taken.

[IF HE SAID,] ‘I SPECIFIED A MEAL-OFFERING [OF A CERTAIN NUMBER] OF TENTHS’. Our Rabbis taught: [If a man said,] ‘I specified a meal-offering of [a certain number of] tenths and I determined them for one vessel,⁹ but I do not know what number I specified’, he must bring a meal-offering of sixty tenths. This is the opinion of the Sages. But Rabbi says, He must bring meal-offerings of [every number of] tenths from one to sixty, that is, one thousand eight hundred and thirty [tenths].¹⁰ [If he said,] ‘I specified [a certain number of tenths of a certain kind] but I do not know what kind I specified or what number I specified’, he must bring the five kinds of meal-offering each consisting of sixty tenths, that is, three hundred tenths. This is the opinion of the Sages. But Rabbi says, He must bring the five kinds of meal-offering, and of each kind every number of tenths from one to sixty, that is, nine thousand one hundred and fifty [tenths].¹¹

What is the issue between them? — R. Hisda said, They differ as to whether or not it is permitted to bring unconsecrated food into the Sanctuary;¹² Rabbi holds that it is forbidden to bring unconsecrated food into the Sanctuary,¹³ while the Sages hold that it is permitted.¹⁴ Raba said. All hold that it is forbidden to bring unconsecrated food into the Sanctuary, but they differ as to whether or not it is permitted to mix the offering of obligation with the freewill-offering; the Sages holding that it is permitted to mix the offering of obligation with the freewill-offering,¹⁵ while Rabbi holds that it is forbidden.

Abaye said to Rabba, According to the Sages who hold that it is permitted to mix the offering of obligation with the freewill-offering, should not two handfuls be taken therefrom?¹⁶ — [He replied.] First one handful is taken and then another. But he would be taking the handful from the offering of obligation for the freewill-offering and from the freewill-offering for the offering of obligation! — He leaves it to the mind of the priest and says, ‘What the priest's hand takes up the first time¹⁷ shall be [the handful] for the offering of obligation, and what it takes up the second time¹⁸ shall be for the freewill-offering.’

But how are [the handfuls] to be burnt? If he burns the handful of the freewill-offering first, then how may he thereafter burn the handful of the offering of obligation; perhaps the entire meal-offering was his offering of obligation, consequently the remainder [of the meal-offering] has diminished [between the taking of the handful¹⁹ and the burning thereof].²⁰ and a Master has stated²¹ that if the remainder had diminished between the taking of the handful and the burning thereof the handful may not be burnt on behalf of it? And if he burns the handful of the offering of obligation first, then how may he thereafter burn the handful of the freewill-offering;

(1) Where the meal-offering consists partly of cakes and partly of wafers the two kinds must be broken into pieces and mixed together and the handful taken from the mixture. V. supra 63b.

- (2) Even though he took the handful from one kind in respect of the other kind.
- (3) V. supra 75a.
- (4) Sc. the wafers, in the offering consisting partly of cakes and partly of wafers.
- (5) V. supra p. 445, n. 2.
- (6) So that in either case the residue of oil is consumed by the priests.
- (7) Accordingly where a man has forgotten the kind of meal-offering he offered he should because of the doubt also bring this meal-offering as a sixth kind.
- (8) Sc. the meal-offering with the drink-offerings.
- (9) V. supra p. 645, n. 3.
- (10) This being the sum of the numbers from one to sixty.
- (11) $1830 \times 5 = 9150$.
- (12) But all agree that it is forbidden to mix together (i.e., bring in one vessel) the meal-offering that is brought as an obligation with the meal-offering that is brought as a freewill-offering.
- (13) He therefore cannot bring sixty tenths in one vessel and declare that the quantity corresponding to the amount he specified shall be in fulfilment of his vow and the rest shall remain unconsecrated, since it is forbidden to bring unconsecrated food into the Sanctuary; neither can he say that the rest shall be a freewill-offering, since it is forbidden to mix the offering of obligation with the freewill-offering. The only solution, according to Rabbi, is to bring in sixty vessels meal-offerings of every number of tenths from one to sixty, and declare that the vessel which contains the quantity he specified shall be in fulfilment of his vow and all that which is in the other vessels shall be freewill-offerings.
- (14) He therefore brings sixty tenths in one vessel and declares that what is over and above the amount he specified shall remain unconsecrated.
- (15) He therefore brings sixty tenths in one vessel and declares that what is over and above the amount he specified shall be a freewill-offering.
- (16) One for the offering of obligation and one for the freewill-offering.
- (17) Lit., 'now'.
- (18) Lit., 'at the end'.
- (19) Sc. the first handful, which represents the offering of obligation.
- (20) For one handful, that representing the freewill-offering, has already been burnt.
- (21) Supra 8a, 9a.

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perhaps the entire meal-offering was his offering of obligation, and any offering a portion of which had been put on the fire of the altar is subject to the prohibition ye shall not burn?¹ — R. Judah son of R. Simeon b. Pazzi replied, It² is burnt as wood, in accordance with a ruling of R. Eliezer. For it was taught: R. Eliezer says, [It is written,] They shall not come up for a sweet savour on the altar;³ thus 'for a sweet savour you may not bring it⁴ up, but you may bring it up as wood.

R. Aha the son of Raba said to R. Ashi, Perhaps all hold that it is permitted to mix the offering of obligation with the freewill-offering, but they differ over R. Eliezer's ruling: the Sages accepting R. Eliezer's ruling⁵ while Rabbi does not accept R. Eliezer's ruling!⁶ — He replied. If one could say that according to Rabbi it is permitted to mix the offering of obligation with the freewill-offering, and that Rabbi does not accept R. Eliezer's ruling, then he could bring sixty tenths in one vessel and one tenth in another vessel, bring the two into contact,⁷ and take the handful from each.⁸

Raba said, All hold that it is permitted to mix the offering of obligation with the freewill-offering, moreover all accept R. Eliezer's ruling, but they differ on the same principles as those which underlie the dispute between R. Eliezer b. Jacob and the Rabbis. For we have learnt:⁹ Even a meal-offering of sixty tenths required sixty logs [of oil]. R. Eliezer b. Jacob says. Even a meal-offering of sixty tenths required but one log [of oil], for it is written, For a meal-offering even a log of oil.¹⁰ The Sages hold the same view as the Rabbis who¹¹ say that sixty logs are required for sixty tenths, one log for each tenth,¹² while Rabbi holds the same view as R. Eliezer b. Jacob who says that only one log is

required. and therefore¹³ we do not know whether to regard [the sixty tenths] as one meal-offering for which one log is sufficient or as two meal-offerings for which two logs are necessary.

R. Ashi said, They differ in the case of [one who vowed to bring] a small animal and brought a large one. The Sages hold that [one who vowed to bring] a small animal and brought a large one has fulfilled his obligation.¹⁴ while Rabbi holds that he has not fulfilled his obligation. But they have already differed in this matter, for we have learnt: [If he said] ‘a small animal’ and he brought a large one, he has fulfilled his obligation; but Rabbi says, He has not fulfilled his obligation!¹⁵ — Both disputes were necessary For if the dispute had only been stated here, I should have said that only here do the Sages say [that by bringing a larger offering he has fulfilled his obligation] since in either case¹⁶ only one handful [is offered], but in the other case, since there are more sacrificial portions [in a larger animal]. I might say that they agree with Rabbi [that he has not thereby fulfilled his obligation]. And if the dispute had only been stated there, I should have said that only there does Rabbi say [that he has not fulfilled his obligation, since there are more sacrificial portions], but in this case I might say that he agrees with the Sages; therefore [both disputes] were necessary.

(Mnemonic: Wood, Gold, Wine, Burnt-offering, Thank-offering, Ox.)¹⁷ MISHNAH. [IF A MAN SAID,] ‘I TAKE UPON MYSELF TO OFFER [PIECES OF] WOOD’, HE MUST BRING NOT LESS THAN TWO LOGS. IF ‘FRANKINCENSE’, HE MUST BRING NOT LESS THAN A HANDFUL. THE HANDFUL IS SPECIFIED IN FIVE CASES: IF A MAN SAID, ‘I TAKE UPON MYSELF TO BRING FRANKINCENSE’. HE MUST BRING NOT LESS THAN A HANDFUL. IF HE OFFERED A MEAL-OFFERING HE MUST BRING A HANDFUL OF FRANKINCENSE WITH IT. IF A MAN OFFERED UP THE HANDFUL OUTSIDE [THE TEMPLE COURT] HE IS LIABLE.¹⁸ THE TWO DISHES [OF FRANKINCENSE]¹⁹ REQUIRE TWO HANDFULS.

[IF A MAN SAID.] ‘I TAKE UPON MYSELF TO OFFER GOLD’, HE MUST BRING NOT LESS THAN A GOLDEN DENAR;²⁰ IF SILVER’, HE MUST BRING NOT LESS THAN A SILVER DENAR; IF ‘COPPER’. HE MUST BRING NOT LESS THAN [THE VALUE OF] A SILVER MA'AH.²⁰ [IF HE SAID.] ‘I SPECIFIED [HOW MUCH I WOULD BRING] BUT I DO NOT KNOW WHAT I SPECIFIED’. HE MUST BRING SO MUCH UNTIL HE SAYS. ‘I CERTAINLY DID NOT INTEND TO GIVE SO MUCH!’

GEMARA. Our Rabbis taught: Offering²¹ this signifies that one may offer wood as a freewill-offering. And how much must it be? Two logs. For so it is written, And we cast lots for the offering of wood.²² Rabbi says, The wood-offering is included under the term ‘offering’. and therefore requires salt and also requires to be brought near [the altar].²³ Raba said, According to Rabbi's view the handful must be taken from the wood-offering.²⁴ R. Papa said, According to Rabbi's view the wood-offering requires other wood.²⁵

IF ‘FRANKINCENSE’, HE MUST BRING NOT LESS THAN A HANDFUL. How do we know this? — Because it is written, And he shall take up therefrom his handful of the fine flour of the meal-offering and of the oil thereof, and all the frankincense.²⁶ The frankincense is thus compared with the taking up of the meal-offering: as the taking up of the meal-offering was a handful so the frankincense must consist of a handful.

Our Rabbis taught: [If a man said,] ‘I take upon myself [to bring an offering] for the altar’, he must bring frankincense, for nothing is offered entirely upon the altar but frankincense. [If he said,] ‘I specified an offering for the altar but I do not know what it was I specified’, he must bring of everything that is offered entirely upon the altar.²⁷ Is there nothing else?²⁸ But what about the burnt-offering? — There is the skin thereof which belongs to the priests. And what about the burnt-offering of a bird? — There are

- (1) Lev. II, 11. Once the prescribed portion of an offering has been duly offered upon the altar, the rest of that offering may not be burnt on the altar. How then may the second handful be burnt upon the altar?
- (2) Sc. the second handful, that representing the freewill-offering.
- (3) Lev. II, 12.
- (4) Sc. the remainder of the offering from which a portion has been taken and already burnt.
- (5) Accordingly sixty tenths are brought in one vessel, and when the second handful is about to be burnt, having already burnt the first handful, he declares, 'If this vessel also contains a freewill-offering then this handful is rightly being burnt on its behalf, but if the contents of the vessel are entirely the meal-offering of obligation then this handful is being burnt merely as wood and not as an offering.'
- (6) He cannot therefore bring sixty tenths in one vessel, since he could not burn the second handful, for he might be transgressing the prohibition of ye shall not burn.
- (7) I.e., he should bring the two vessels near to each other so that the flour of the one should actually mix with the flour of the other.
- (8) Accordingly he would first take the handful from the larger vessel containing the sixty tenths, and declare, 'If I specified all these tenths for my meal-offering, then this is the handful for it; but if not, let this handful serve for the number of tenths specified for my meal-offering'. Then he would take the handful from the smaller vessel containing the single tenth and declare that it shall serve for the freewill meal-offering of the smaller vessel and also for the remaining tenths of the first vessel; and this would be quite in order, since the two vessels are in contact. As this solution is not put forward by Rabbi it must be that he is of the opinion that it is forbidden to mix in one vessel the meal-offering of obligation with the freewill-offering.
- (9) Supra 88a.
- (10) Lev. XIV, 21.
- (11) In the cited Mishnah.
- (12) He therefore brings sixty tenths with sixty logs and declares that as many tenths as make up his original vow, with the corresponding number of logs of oil, shall serve in fulfilment of his vow, and the remainder shall be a freewill meal-offering.
- (13) If sixty tenths are brought in one vessel.
- (14) And the same is the case where a man brings more tenths than he had vowed for his meal-offering.
- (15) Supra 107b.
- (16) Whether the meal-offering is large or small.
- (17) A list of the six Mishnahs that follow (according to the division of the Mishnahs in the separate editions of the Mishnah) each commencing with the same formula: 'I take upon myself to offer .
- (18) To the penalty of kareth (v. Glos.). This ruling is apparently in accord with R. Eliezer's view that liability is incurred only if the entire handful of the meal-offering is offered outside; v. Zeb. 109b. Tosaf, however suggest that the handful spoken of here is not the handful of flour of the meal-offering but one of the handfuls of the two dishes of frankincense, and the ruling here is intended to refute R. Eliezer's view who maintains (Zeb. 110a) that liability is incurred only if the two handfuls of the frankincense were offered outside. Accordingly the expression 'handful' in this connection does not exclude an olive's bulk but signifies anything less than the two handfuls. V. Tosaf. s.v. **המַעֲלָה**.
- (19) That were set on the table with the Shewbread.
- (20) V. Glos.
- (21) Lev. II, 1.
- (22) Neh. X, 35.
- (23) Like the meal-offering it must be brought to the south-western corner of the altar.
- (24) The wood must be cut up into small thin strips and a handful taken and burnt upon the altar.
- (25) As with every offering wood from the Temple store is taken in order to burn this wood-offering.
- (26) Lev. VI, 8.
- (27) He must bring, therefore, an offering of frankincense, a burnt-offering of cattle, a burnt-offering of birds, a wine-offering, and the meal-offering that is offered with the drink-offerings, for all these can in a less strict sense be described as offered entirely upon the altar; v. infra. The fact that this man specified an offering for the altar, and did not merely say 'for the altar', which would have implied frankincense alone, proves that in this case 'for the altar' is to be interpreted less strictly and therefore includes the above offerings.
- (28) That is offered entirely upon the altar.

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the crop and the feathers.¹ And what about the drink-offerings? — They flow down into the pits.¹ And what about the meal-offering that is offered with the drink-offerings? — Since there is the ordinary meal-offering which is eaten by the priests. It is therefore not definite.²

[IF A MAN SAID,] 'I TAKE UPON MYSELF TO OFFER GOLD', HE MUST BRING NOT LESS THAN A GOLDEN DENAR. Perhaps he meant a bar [of gold]! — R. Eleazar said, [We must suppose that] he said [gold] coin. Perhaps he meant small gold coins! — R. Papa said, Small gold coin is not usually made.

IF 'SILVER', HE MUST BRING NOT LESS THAN A SILVER DENAR. Perhaps he meant a bar [of silver]! — R. Eleazar said, [We must suppose that] he said [silver] coin. Then perhaps he meant small silver coin! — R. Shesheth said, It must be that in this place small silver coin was not current.

IF 'COPPER', HE MUST BRING NOT LESS THAN THE VALUE OF A SILVER MA'AH. It was taught: R. Eliezer b. Jacob said, He must bring not less than a small copper hook. What is it fit for?³ — Abaye said, With it one could trim the wicks and cleanse the lamps.

Of iron it was taught: Others say, He must bring not less than a 'scarecrow'.⁴ And how much is that? — R. Joseph said, One cubit square. Some report it thus: He must bring not less than one cubit square. What is it fit for? — R. Joseph said, For a scarecrow.

MISHNAH. [IF A MAN SAID,] 'I TAKE UPON MYSELF TO OFFER WINE', HE MUST BRING NOT LESS THAN THREE LOG.⁵ IF 'OIL', HE MUST BRING NOT LESS THAN ONE LOG;⁶ BUT RABBI SAYS, NOT LESS THAN THREE LOGS.⁷ [IF HE SAID,] I SPECIFIED [HOW MUCH I WOULD OFFER] BUT I DO NOT KNOW WHAT QUANTITY I SPECIFIED', HE MUST BRING THAT QUANTITY WHICH IS THE MOST THAT IS BROUGHT ON ANY ONE DAY.⁸ GEMARA. Our Rabbis taught: Home-born:⁹ this teaches us that a man may offer wine as a freewill-offering. How much [must he bring]? Three logs. Whence do we know that if he desired to bring more he may do so? Because the text states, Shall be.¹⁰ We might suppose that he may bring less, the text therefore states, After this manner.⁹

IF 'OIL'. HE MUST BRING NOT LESS THAN ONE LOG; BUT RABBI SAYS, NOT LESS THAN THREE LOGS. On what principle do they differ? — The scholars suggested to R. Papa. They differ as to whether we say, 'Deduce from it and again from it'. Or 'Deduce from it and establish it in its own place'.¹¹ The Rabbis¹² are of the opinion that we say, 'Deduce from it and again from it'. Thus ['deduce from it']: as one may offer a meal-offering as a freewill-offering, so one may offer oil; and 'again from it': as the meal-offering needs but one log [of oil], so the offering of oil needs but one log. Rabbi, however, is of the opinion that we say, 'Deduce from it and establish it in its own place'. Thus: as one may offer a meal-offering as a freewill-offering, so one may offer oil as a freewill-offering; and 'establish it in its own place': it shall be like the drink-offerings [of wine]: as the drink-offerings [of wine] require three logs, so the offering of oil requires three logs. Thereupon R. Papa said to them, If Rabbi derived it from the meal-offering [he would certainly have said that the minimum quantity was one log], for all are of the opinion that we say 'Deduce from it and again from it'. The fact is, however, that Rabbi derived it from the expression 'Home-born'.¹³ R. Huna son of R. Nathan said to R. Papa. How can you say so?¹⁴ Behold it has been taught: Offering:¹⁵ this teaches us that a man may offer oil as a freewill-offering. And how much [must he bring]? Three logs. Now whom have you heard say, Three logs. It is only Rabbi; and yet he derives it from the expression 'offering'! — He replied, If it was taught, it was taught.¹⁶

[IF HE SAID,] 'I SPECIFIED [HOW MUCH I WOULD OFFER] BUT I DO NOT KNOW WHAT QUANTITY I SPECIFIED', HE MUST BRING THAT QUANTITY WHICH IS THE MOST THAT IS BROUGHT ON ANY ONE DAY. A Tanna taught: Like the first day of the Feast [of Tabernacles] when it falls on a Sabbath.¹⁷

MISHNAH. [IF A MAN SAID,] 'I TAKE UPON MYSELF TO OFFER A BURNT-OFFERING,¹⁸ HE MUST BRING A LAMB.¹⁹ R. ELEAZAR B. AZARIAH SAID, [HE MAY BRING] A TURTLE-DOVE OR A YOUNG PIGEON. [IF HE SAID,] 'I SPECIFIED A BEAST OF THE HERD²⁰ BUT I DO NOT KNOW WHAT IT WAS I SPECIFIED', HE MUST BRING A BULL AND A BULL CALF. [IF HE SAID, 'I SPECIFIED] A BEAST OF THE CATTLE²¹ BUT I DO NOT KNOW WHAT IT WAS I SPECIFIED', HE MUST BRING A BULL, A BULL CALF, A RAM, A HE-GOAT, A HE-KID. AND A HE-LAMB. [IF HE SAID,] 'I SPECIFIED [SOME KIND] BUT I DO NOT KNOW WHAT IT WAS I SPECIFIED',

(1) For notes v. supra p. 443. nn. 6 and 7.

(2) To say that the meal-offering is an offering entirely for the altar.

(3) In the Temple.

(4) Lit., 'keeping off the ravens'. An iron sheet studded with spikes that was placed on the Temple roof to prevent birds perching there. V. Mid. IV, 6. According to Aruch: an iron figure placed on the roof to scare the birds away. V. Tosaf. s.v. כלייה.

(5) This being the smallest quantity of wine prescribed in the drink-offerings that accompanied the animal-offering. viz., three logs for a lamb.

(6) The minimum quantity of oil prescribed for a meal-offering.

(7) This being the minimum prescribed in meal-offerings that are offered with the drink-offerings.

(8) V: Gemara.

(9) Num. XV, 13; stated with reference to the drink-offerings.

(10) Ibid. 15.

(11) V. supra p. 368, n. 1.

(12) The first Tanna of our Mishnah.

(13) Ibid. 13. And just as it was deduced from this expression that wine may be offered by itself as a freewill-offering. Rabbi also derives therefrom that oil may similarly be offered as a freewill-offering. Accordingly wine and oil are to be on a par, and as wine requires a minimum of three logs so it is with oil too.

(14) That Rabbi derives the rule that oil may be offered as a freewill-offering from the drink-offerings and not from the meal-offering.

(15) Lev. II, 1; stated with reference to the freewill meal-offering.

(16) 'I admit then that I am wrong.'

(17) On this day were offered thirteen bullocks, two rams, and eighteen lambs, v. Num. XXIX, 12ff; and as for each bullock were required six logs of wine and of oil, for each ram four logs; and for each lamb three logs, the total number of logs of wine, and similarly of oil, offered on this day was 140.

(18) Which must be a male animal.

(19) This is the least expensive animal that can be offered as a burnt-offering.

(20) בקר

(21) בהמה.

Talmud - Mas. Menachoth 107b

HE MUST ADD TO THESE A TURTLE-DOVE AND A YOUNG PIGEON.

[IF A MAN SAID,] 'I TAKE UPON MYSELF TO OFFER A THANK-OFFERING OR A PEACE-OFFERING',¹ HE MUST BRING A LAMB.[IF HE SAID,] 'I SPECIFIED A BEAST OF THE HERD BUT I DO NOT KNOW WHAT IT WAS I SPECIFIED', HE MUST BRING A BULL AND A COW, A BULL CALF AND A HEIFER. [IF HE SAID, I SPECIFIED] A BEAST OF THE

CATTLE BUT I DO NOT KNOW WHAT IT WAS I SPECIFIED', HE MUST BRING A BULL AND A COW, A BULL CALF AND A HEIFER. A RAM AND A EWE, A HE-GOAT AND A SHE-GOAT, A HE-KID AND A SHE-KID, A HE-LAMB AND A EWE-LAMB.

[IF A MAN SAID,] 'I TAKE UPON MYSELF TO OFFER AN OX. HE MUST BRING ONE WITH ITS DRINK-OFFERINGS TO THE VALUE OF A MANEH;² IF 'A CALF', HE MUST BRING ONE WITH ITS DRINK-OFFERINGS TO THE VALUE OF FIVE SELA'S; IF 'A RAM', HE MUST BRING ONE WITH ITS DRINK-OFFERINGS TO THE VALUE OF TWO SELA'S;² IF 'A LAMB', HE MUST BRING ONE WITH ITS DRINK-OFFERINGS TO THE VALUE OF ONE SELA'. IF HE SAID 'AN OX VALUED AT ONE MANEH', HE MUST BRING ONE WORTH A MANEH APART FROM ITS DRINK-OFFERINGS; IF A CALF VALUED AT FIVE SELA'S'. HE MUST BRING ONE WORTH FIVE SELA'S APART FROM ITS DRINK-OFFERINGS; IF 'A RAM VALUED AT TWO SELA'S', HE MUST BRING ONE WORTH TWO SELA'S APART FROM ITS DRINK-OFFERINGS; AND IF A LAMB VALUED AT ONE SELA', HE MUST BRING ONE WORTH ONE SELA' APART FROM ITS DRINK-OFFERINGS. [IF HE SAID, 'I TAKE UPON MYSELF TO OFFER] AN OX VALUED AT A MANEH', AND HE BROUGHT TWO TOGETHER WORTH A MANEH, HE HAS NOT FULFILLED HIS OBLIGATION. EVEN IF ONE WAS WORTH A MANEH LESS ONE DENAR AND THE OTHER ALSO WAS WORTH A MANEH LESS ONE DENAR. [IF HE SAID] 'A BLACK ONE' AND HE BROUGHT A WHITE ONE, OR A WHITE ONE' AND HE BROUGHT A BLACK ONE, OR 'A LARGE ONE' AND HE BROUGHT A SMALL ONE, HE HAS NOT FULFILLED HIS OBLIGATION. [IF HE SAID] 'A SMALL ONE' AND HE BROUGHT A LARGE ONE, HE HAS FULFILLED HIS OBLIGATION; BUT RABBI SAYS, HE HAS NOT FULFILLED HIS OBLIGATION.

GEMARA. They³ do not differ, for each rules according to the custom of his place.⁴

Our Rabbis taught: [If a man said,] 'I take upon myself to offer a burnt-offering valued at a sela' for the altar', he must bring a lamb, for there is nothing else valued at a sela' offered upon the altar save a lamb. [If he said,] 'I specified [an offering valued at a sela'] but I do not know what it was I specified', he must bring every kind of offering valued at a sela' that is offered upon the altar.⁵

[IF HE SAID,] 'I SPECIFIED A BEAST OF THE HERD BUT I DO NOT KNOW WHAT IT WAS I SPECIFIED', HE MUST BRING A BULL AND A BULL CALF. But why? Let him bring a bull, for in any event [that should fulfil his obligation]!⁶ — This represents Rabbi's view, who maintains that [if a man offered to bring] a small animal and he brought a large one he has not fulfilled his obligation. If it is Rabbi's view here, then read the following clauses: [IF HE SAID, I TAKE UPON MYSELF TO OFFER] AN OX VALUED AT A MANEH', AND HE BROUGHT TWO TOGETHER WORTH A MANEH, HE HAS NOT FULFILLED HIS OBLIGATION. EVEN IF ONE WAS WORTH A MANEH LESS ONE DENAR AND THE OTHER ALSO WAS WORTH A MANEH LESS ONE DENAR. [IF HE SAID] 'A BLACK ONE' AND HE BROUGHT A WHITE ONE, OR 'A WHITE ONE' AND HE BROUGHT A BLACK ONE, OR 'A LARGE ONE' AND HE BROUGHT A SMALL ONE, HE HAS NOT FULFILLED HIS OBLIGATION. [IF HE SAID] 'A SMALL ONE' AND HE BROUGHT A LARGE ONE, HE HAS FULFILLED HIS OBLIGATION; BUT RABBI SAYS, HE HAS NOT FULFILLED HIS OBLIGATION. It will then be that the first and last clauses represent Rabbi's view while the middle clauses represent the view of the Rabbis! — That is so, the first and last clauses represent Rabbi's view while the middle clauses represent the view of the Rabbis; and [the Tanna of the Mishnah] wished to tell us that this ruling [in the first part of the Mishnah] is really a matter of dispute between Rabbi and the Rabbis.⁷

We have learnt elsewhere:⁸ There were six [money chests] for freewill-offerings.⁹ What did they represent?¹⁰ (Mnemonic: K.N.Z.P.Sh.'A.)¹¹ — Hezekiah said, They represented the six priestly groups;¹² and the Sages installed [six money chests] so that they should be at peace with each

other.¹³ R. Johanan said, Because of the abundant offerings [the Sages] installed [six] money chests so that the money became not mouldy.¹⁴ Ze'iri said, They served for the offerings of a bull, a calf, a ram, a lamb, a kid and a goat;¹⁵ this¹⁶ being in accord with Rabbi who said that if a man offered to bring a small animal and he brought a large one he has not fulfilled his obligation. Bar Padda said, They served for the moneys of] bullocks,¹⁷ rams,¹⁸

(1) Which may be either a male or female animal.

(2) One maneh =25 sela's; one sela' = 4 denars. The prices mentioned for the various beasts are traditional, though there is a Biblical indication that the ram was to be worth two sela's in Lev. V, 15.

(3) R. Eleazar b. Azariah and the first Tanna.

(4) Both agree that the cheapest should be offered, but in the place where the first Tanna lived lambs were cheaper than pigeons, whereas in the town where R. Eleazar b. Azariah lived the reverse was the case.

(5) The fact that this man specified the offering and did not merely say 'an offering valued at a sela' for the altar' proves that he believed that others besides a lamb were included in the last expression. He must therefore bring a lamb, a meal-offering, and frankincense, each valued at a sela'.

(6) For even if he offered to bring a bull calf, the offering of a bull which is larger would surely fulfil his obligation!

(7) According to the Sages the offering of a bull alone in the first clause would suffice.

(8) Shek. VI, 5. V. supra 104a.

(9) There were in all thirteen money chests (שופרות, horn-shaped chests) in the Temple, seven bearing inscriptions indicating the kind of money that was to be put in them, while six were allocated for money for freewill-offerings. These were offered as burnt-offerings on behalf of the community and the skins fell to the priests.

(10) Why were six necessary for the purpose?

(11) So Sh. Mek. and Dik. Sof. a.l. These are the characteristic letters of the teachers who propose answers to this question.

(12) The priests were divided into twenty-four divisions (משמרות), each division serving in the Temple for one full week every half year. The division was sub-divided into six families or groups (בתי אבות), and each group was in service on one day in the week. On the Sabbath the whole division was called upon to do the service.

(13) For each priestly group there was a separate money chest for freewill-offering; so that whenever the altar was idle and the occasion thus arose for offering burnt-offerings, the money would be taken from that chest allotted to the group in service on that day, and the skins of the animals offered would be shared among the priests of that group. In this way altercation and strife between the priestly groups would be avoided.

(14) Which would be the case if all the money were to be placed in one chest.

(15) The money for these offerings was put into separate chests. E.g., if a man undertook to offer a bull for a burnt-offering, he would bring a maneh (this being the price of a bull, v. our Mishnah) and put it into the chest that bore the inscription 'bull'; the priests would then come and take the money from that chest, purchase a bull, and offer it.

(16) The need for six chests.

(17) If a bullock which had been set aside for a sin-offering of the community had been lost and another had been offered in its place, and afterwards it was found, it was left to pasture until it contracted a physical blemish when it was sold. The money so obtained was put into a chest specially set aside for this purpose.

(18) The money obtained on selling the ram of the guilt-offering for theft or for sacrilege when it was no longer required for that purpose (as in the circumstances described in the prec. n.) was put into a second chest.

Talmud - Mas. Menachoth 108a

lambs,¹ goats,² surplus moneys,³ and the ma'ah.⁴ They all do not agree with Hezekiah's answer, because there is no reason to apprehend any strife, since each [priestly group] served on its own day.⁵ Neither do they agree with R. Johanan's answer, because there is no fear of the money becoming mouldy. Nor do they agree with Ze'iri's answer, because they do not wish to interpret it in accordance with the view of an individual.⁶ Nor do they agree with Bar Padda's answer, [for why have a separate chest for] surplus moneys? Were not all the other moneys surplus moneys?⁷ Moreover the ma'ahs went in the shekel [chamber]!⁸ For it was taught: Where did the surcharge go? Into the shekel [chamber]. So R. Meir. R. Eleazar says, Into the freewill-offering [chests]. Samuel

said, They served for the surplus⁹ of the sin-offering, the surplus of the guilt-offering,¹⁰ the surplus of the guilt-offering of the Nazirite, the surplus of the guilt-offering of the leper,¹¹ the surplus of the sinner's meal-offering,¹² and the surplus of the tenth of an ephah of the High Priest's meal-offering.¹³ R. Oshaia said, They served for the surplus of the sin-offering, the surplus of the guilt-offering, the surplus of the guilt-offering of the Nazirite, the surplus of the guilt-offering of the leper, the surplus of the bird-offerings, and the surplus of the sinner's meal-offering.¹⁴ Why does not Samuel accept R. Oshaia's answer? — Bird-offerings have already been stated.¹⁵ [Can it then be suggested that] R. Oshaia learnt that Mishnah and did not include bird-offerings? But we know that R. Oshaia learnt it and included bird-offerings! — One [chest] was for [the money for] the bird-offerings¹⁶ and the other for the surplus money of the bird-offerings. And why does not R. Oshaia accept Samuel's answer? — Because he agrees with him who says that the surplus of the tenth of an ephah of the High Priest's meal-offering must be left to rot. For it was taught: The surplus of the meal-offering was for freewill-offerings, and the surplus of the meal-offering was left to rot. What does this mean? — R. Hisda said, It means this: The surplus of the sinner's meal-offering was for freewill-offerings, and the surplus of the tenth of an ephah of the High Priest's meal-offering was left to rot. Rabbah said, Even the surplus of the tenth of an ephah of the High Priest's meal-offering was for freewill-offerings, but [the Baraitha teaches that] the surplus of the cakes of the thank-offering was left to rot.

There is also the following dispute [on the matter]: As for the surplus of the tenth of an ephah of the High Priest's meal-offering. R. Johanan said, It was to go for freewill-offerings. R. Eleazar said, It was to be left to rot. An objection was raised: [We have learnt:] The surplus of [money set aside for] shekels is free for common use, but the surplus of [money set aside for] the tenth of an ephah, and the surplus of [money set aside for] the bird-offerings of men who had an issue, for the bird-offerings of women who had an issue, for the bird-offerings of women after childbirth, or for sin-offerings or guilt-offerings-their surplus is for freewill-offerings.¹⁷ This refers, does it not, to the surplus of the tenth of an ephah of the High Priest's meal-offering? — No, it refers to the surplus of the sinner's meal-offering.¹⁸

R. Nahman b. R. Isaac said, The most reasonable view is that of him who holds that the surplus of the tenth of an ephah of the High Priest's meal-offering was left to rot. For it was taught: [It is written,] He shall put no oil upon it, neither shall he put any frankincense thereon; for it is a sin-offering.¹⁹ R. Judah said, 'It' is called a sin-offering, but no other²⁰ is called a sin-offering; this teaches us that the tenth of an ephah of the High Priest's meal-offering is not called a sin-offering and that it requires frankincense. Now since it is not called a sin-offering the surplus thereof must be left to rot.

MISHNAH. [IF A MAN SAID,] 'THIS OX SHALL BE A BURNT-OFFERING', AND IT SUFFERED A BLEMISH,²¹ HE MAY, IF HE SO DESIRES, BRING TWO WITH THE PRICE THEREOF. [IF HE SAID,] 'THESE TWO OXEN SHALL BE A BURNT-OFFERING', AND THEY SUFFERED A BLEMISH, HE MAY, IF HE SO DESIRES, BRING ONE OX WITH THE PRICE THEREOF. BUT RABBI FORBIDS IT.²² [IF HE SAID,] 'THIS RAM SHALL BE A BURNT-OFFERING, AND IT SUFFERED A BLEMISH, HE MAY, IF HE SO DESIRES, BRING A LAMB WITH THE PRICE THEREOF. [IF HE SAID,] 'THIS LAMB SHALL BE A BURNT-OFFERING'. AND IT SUFFERED A BLEMISH, HE MAY, IF HE SO DESIRES, BRING A RAM WITH THE PRICE THEREOF. BUT RABBI FORBIDS IT.

(1) The money obtained for the lamb which had originally been set aside for the guilt-offering of a Nazirite or of a leper was put into a third chest and not confused with the money obtained from the guilt-offerings that was placed in the second chest, for the latter guilt-offerings were brought in order to obtain atonement whilst the former were brought in order to render the person fit.

(2) Sc. the he-goats offered as sin-offerings on behalf of the community on the Festivals. The money obtained for these

he-goats (in the circumstances described supra n. 1) was put into a fourth chest.

(3) Where a sum of money had been set aside for any of the offerings mentioned and the price of animals fell, the surplus money was put into a fifth chest set there for this purpose.

(4) A small silver coin, equal to the sixth part of a zuz or denar. This was the amount of surcharge (Heb. קולבון) which every Israelite had to add to his annual half-shekel contribution to the Temple as compensation to the Temple treasury for any loss incurred in exchanging the half-shekels into other coinage. These ma'ahs were put into a sixth chest and the money was expended on free-will burnt-offerings on behalf of the community.

(5) Hence one chest would have sufficed. And if on any day the altar was idle the priests serving on that day would draw money from the chest for burnt-offerings and benefit from the skins. This could equally happen to any priestly group on any day, so that there are no grounds for quarrels.

(6) Sc. Rabbi. According to the Sages the money for all offerings could be put into one chest and the priests would spend it on bullocks for burnt-offerings.

(7) V. supra nn. 1 to 4. All these come under the heading of surplus money.

(8) In accordance with the view of R. Meir, and not into the chest of freewill-offerings.

(9) Arising when money had been set aside for a particular offering and the price thereof fell.

(10) Sc. the guilt-offering for theft and the guilt-offering for sacrilege. These required a separate chest and could not be mixed with the moneys of other guilt-offerings, for the former were rams brought for atonement whilst the latter were lambs brought in order to render the person fit.

(11) The surplus money of the guilt-offering of the leper could not be mixed with that of the guilt-offering of the Nazirite, for the offering rites of the former differed greatly from the latter. The former offering required the application of its blood on the right thumb and right great toe of the leper whereas the latter did not; the former required drink-offerings whereas the latter did not, moreover the former rendered the leper clean to enter the camp, whereas the latter rendered the Nazirite fit to resume his Nazirite vow.

(12) This was exceptional, for the surplus of all other meal-offerings was used by the offerer for another meal-offering and was not used for communal freewill-offerings.

(13) Which the High Priest offered daily, half of it in the morning and half in the evening; v. Lev. VI, 13.

(14) V. Supra 104a.

(15) Among the seven chests reserved for special purposes was one whereon was inscribed 'Bird-offerings'. V. Shek. VI, 5.

(16) Into this chest those who but needed an offering for the completion of their purification put their money for bird-offerings, and when evening came they could eat consecrated food, resting assured that the priests had of a certainty offered their bird-offerings during the day.

(17) Shek. II,5.

(18) Which was also a tenth of an ephah of fine flour.

(19) Lev. V, 11 referring to the sinner's meal-offering.

(20) Sc. the tenth of an ephah of the High Priest's meal-offering.

(21) It is no more fit for sacrifice but it must be sold and another burnt-offering brought with the price thereof.

(22) In the first instance; if, however, he did bring two, even Rabbi agrees that it is valid.

Talmud - Mas. Menachoth 108b

GEMARA. But have you not stated in the earlier [Mishnah]: [If a man said, 'I take upon myself to offer] an ox valued at a maneh', and he brought two together worth a maneh, he has not fulfilled his obligation? — It is different here where he said 'THIS OX', and it suffered a blemish.¹

[IF HE SAID,] 'THESE TWO OXEN SHALL BE A BURNT-OFFERING, AND THEY SUFFERED A BLEMISH, HE MAY, IF HE SO DESIRES, BRING ONE OX WITH THE PRICE THEREOF. BUT RABBI FORBIDS IT. Why?² — Because it is like the case where he vowed a large animal and he brought a small one.³ For even though they have suffered a blemish.⁴ Rabbi does not permit it in the first instance. Should he not then differ in the first case too?⁵ — Rabbi indeed disagrees with the whole teaching, but he waited until the Rabbis had stated their view in full and then expressed his dissent. This can also be proved, for [the Mishnah] states: [IF HE SAID,] 'THIS

RAM SHALL BE A BURNT-OFFERING', AND IT SUFFERED A BLEMISH, HE MAY, IF HE SO DESIRES, BRING A LAMB WITH THE PRICE THEREOF. [IF HE SAID,] 'THIS LAMB SHALL BE A BURNT-OFFERING', AND IT SUFFERED A BLEMISH, HE MAY, IF HE SO DESIRES, BRING A RAM WITH THE PRICE THEREOF. BUT RABBI FORBIDS IT. This proves it.⁶

The question was raised: What is the rule where a different kind is brought for the original kind?⁷ — Come and hear: [If a man said,] 'This ox shall be a burnt-offering', and it suffered a blemish, he may not bring a ram with the price thereof, but he may bring two rams with the price thereof. But Rabbi forbids it, for one may not mix them.⁸ This proves it.⁹ But if that is the case, why two [rams]? [They should also permit him to bring] one, since according to the view of the Rabbis, where the original offering suffered a blemish,¹⁰ it makes no difference whether a large or a small animal [is brought with the price thereof]! — Two Tannaim differ as to the view of the Rabbis.¹¹

'Rabbi forbids it, for one may not mix them'. Now the reason [for Rabbi's view] is that one may not mix them, but if one were allowed to mix them it would be permitted;¹² but we have learnt: [IF HE SAID,] 'THIS RAM SHALL BE A BURNT-OFFERING', AND IT SUFFERED A BLEMISH, HE MAY, IF HE SO DESIRES, BRING A LAMB WITH THE PRICE THEREOF. [IF HE SAID,] 'THIS LAMB SHALL BE A BURNT-OFFERING', AND IT SUFFERED A BLEMISH, HE MAY, IF HE SO DESIRES, BRING A RAM WITH THE PRICE THEREOF. BUT RABBI FORBIDS IT.¹³ — Two Tannaim differ as to the view of Rabbi.¹⁴ As for unblemished animals,¹⁵ [if a man vowed] a calf and he brought a bullock, or a lamb and he brought a ram, he has fulfilled his obligation. This is an anonymous teaching in accord with the view of the Rabbis.

HE MAY, IF HE SO DESIRES, BRING TWO WITH THE PRICE THEREOF etc. R. Menashya b. Zebid said in the name of Rab, This rule¹⁶ applies only where the man said, 'This ox shall be a burnt-offering';¹⁷ but if he said, 'I take upon myself that this ox shall be a burnt-offering', there is a definite obligation.¹⁸ Perhaps he only meant: 'I take upon myself to bring [this ox]!'¹⁹ — The fact is that if such a statement was at all made it was made in these terms: R. Menashya b. Zebid said in the name of Rab, This rule²⁰ applies only where the man said, 'This ox shall be a burnt-offering'. or where he said, 'I take upon myself that this ox shall be a burnt-offering'; but if he said, 'I take upon myself that this ox or its value²¹ shall be a burnt-offering', there is a definite obligation.²²

MISHNAH. IF A MAN SAID, 'ONE OF MY LAMBS SHALL BE HOLY', OR 'ONE OF MY OXEN SHALL BE HOLY', AND HE HAD TWO ONLY, THE LARGER ONE IS HOLY. IF HE HAD THREE, THE MIDDLE ONE IS HOLY. [IF HE SAID,] 'I SPECIFIED ONE BUT I DO NOT KNOW WHICH IT WAS I SPECIFIED', OR [IF HE SAID,] 'MY FATHER TOLD ME²³ [THAT HE HAD SPECIFIED ONE] BUT I DO NOT KNOW WHICH IT IS', THE LARGEST ONE AMONG THEM MUST BE HOLY.

GEMARA. [THE LARGER ONE IS HOLY.] We thus see that he that sanctifies sanctifies in a liberal spirit. Now turn to the next clause: THE MIDDLE ONE IS HOLY, which shows that he that sanctifies sanctifies in an illiberal spirit! — Samuel said, It means that we must take into account the possibility of the middle one also [being holy], for that shows a liberal spirit as compared with the smallest.²⁴ What then should [this man] do?²⁵ — Hiyya²⁶ b. Rab said, He must wait until the middle one suffers a blemish and then transfer its sanctity to the largest one.²⁷

R. Nahman said in the name of Rabbah b. Abbuha, This²⁸ applies only where a man said, 'One of my oxen shall be holy'. but if he said, 'An ox among my oxen shall be holy', then the largest among them is holy, for he meant thereby: the [finest] ox among my oxen.²⁹ But surely this is not right, for R. Huna b. Hiyya said in the name of 'Ulla, If a man said to his fellow, 'I sell you a house among my houses', he may show him an attic ['aliyyah]!³⁰ Is it not because this expression implies the worst?³¹

— No; [‘aliyyah means] the finest of his houses.³²

An objection was raised: If a man said, ‘An ox among my oxen shall be holy’, and so, too, if an ox belonging to the Sanctuary was confused with other [unconsecrated oxen], the largest one among them must be holy, and all the others must be sold to be used for burnt-offerings,³³ but the price thereof is free for common use? — This³⁴ refers only to the case where an ox belonging to the Sanctuary was confused with others.³⁵ But it says here ‘and so too’! — That refers only to the ruling that the largest one [must be holy].

A further objection was raised: If a man said, ‘I sell you a house among my houses’, and one [of his houses] fell down, he may show him the fallen house;³⁶ or if he said, ‘I sell you a slave among my slaves’, and one [of his slaves] died, he may show him the dead slave.

(1) Since he specified the ox, as soon as it became unfit for sacrifice the obligation of his vow has come to an end, and he is not bound to replace it by another; accordingly when it is sold and another offering brought with the price thereof it need not be quite the same as the original offering.

(2) Why does Rabbi forbid it?

(3) For generally speaking two oxen, even though together only equal in price to one, are more profitable than one.

(4) So that the obligation of this man's vow has come to an end.

(5) Sc. the first clause of our Mishnah which reads: [IF A MAN SAID,] ‘THIS OX SHALL BE A BURNT-OFFERING’, AND IT SUFFERED A BLEMISH, HE MAY, IF HE SO DESIRES, BRING TWO WITH THE PRICE THEREOF. According to Rabbi this, too, should be forbidden, for it is like the case where a man vowed a small animal and he brought a large one.

(6) For the last clause of the Mishnah, viz., the offering of a ram with the price of the blemished lamb, is on all fours with the first clause, viz., the offering of two oxen with the price of the blemished one; and as Rabbi expressly differs with the Rabbis in the last clause, he obviously differs with them in the first clause too.

(7) Where, e.g., an ox which had been assigned for an offering had suffered a blemish, may one bring rams with the price of the blemished ox or not?

(8) Sc. the two meal-offerings which must accompany the two rams. Each meal-offering must be brought in a separate vessel, accordingly the present offering with its two meal-offerings is quite different from the original offering which required but one meal-offering.

(9) That one may bring a different kind (rams) with the price of the original blemished animal (the ox).

(10) And the obligation of this man's vow has then come to an end.

(11) And one Tanna is of the opinion that even according to the Rabbis it is forbidden in the first instance to bring a smaller animal with the price of the larger blemished animal.

(12) To bring a different kind of animal for an offering with the price of the blemished animal.

(13) Notwithstanding that the present offering and the original offering are alike in that each requires but one meal-offering.

(14) One Tanna maintains that Rabbi insists only upon the present and the original offering being alike in the number of vessels required for the accompanying meal-offering; but the other Tanna holds that Rabbi insists upon the animals being identical.

(15) Lit., ‘clean animals’. This is a continuation of the Baraita quoted above in answer to the question that was raised.

(16) That with the price of the blemished ox he may bring two.

(17) For in truth the obligation of this man's vow came to an end when the ox suffered a blemish.

(18) To bring one burnt-offering. The use of the expression ‘I take upon myself’ imposes an obligation upon the man to bring the offering according to the terms of his vow which was here one burnt-offering and not two.

(19) With the emphasis upon ‘this’. Therefore if the ox became unfit that discharges his vow.

(20) That with the price of the blemished ox he may bring two.

(21) I.e., if the ox suffers a blemish and is sold.

(22) V. p. 668, n. 8.

(23) Before he died.

(24) Thus both the largest animal and the middle one might be the one that was sanctified, for each can be regarded as a

liberal offering as compared with the smallest animal.

(25) In order to be allowed to use one of these two animals.

(26) So according to MSS. and Sh. Mek. Cur. edd. read: R. Hiyya.

(27) So that now the largest animal is the holy one without any shadow of doubt, for it was either holy in the first place or it has now become holy; on the other hand the middle one is now free for common use.

(28) That we must consider the possibility of the middle one also being holy.

(29) For so is the superlative degree expressed in Hebrew; cf. שִׁיר הַשִּׁירִים 'the song of songs', the finest song, קֹדֶשׁ הַקֹּדְשִׁים, the holy of holies', the most holy.

(30) As the subject matter of the sale. Heb. עֲלִיָּה, 'an upper room, an attic'.

(31) Similarly the expression 'an ox among my oxen would imply the smallest animal, contrary to R. Nahman.

(32) The word עֲלִיָּה is here taken in the sense of 'the finest', 'the most distinguished'.

(33) For we take into account the possibility of any one of the others being the holy one, thus contrary to R. Nahman who ruled that the expression 'an ox among my oxen' definitely indicates the largest one.

(34) The ruling that all must be sold for burnt-offerings.

(35) But where a man said, 'An ox among my oxen shall be holy', there is no doubt at all that no other than the largest one was intended.

(36) As the one that was sold.

Talmud - Mas. Menachoth 109a

But why? Let us rather see which [house] it was that fell down, or which [slave] it was that died!¹ — You are speaking, are you not, of a purchaser? But it is quite a different matter in the case of a purchaser, for the holder of a deed is always at a disadvantage.² And now that you have arrived at this answer, you may even say that 'aliyyah³ [means the attic, and] the worst [room was meant], for the reason that the holder of a deed is always at a disadvantage.

MISHNAH. [IF A MAN SAID,] 'I TAKE UPON MYSELF TO OFFER A BURNT-OFFERING, HE MUST OFFER IT IN THE TEMPLE;⁴ AND IF HE OFFERED IT IN THE TEMPLE OF ONIAS,⁵ HE HAS NOT FULFILLED HIS OBLIGATION. [IF HE SAID,] 'I TAKE UPON MYSELF TO OFFER A BURNT-OFFERING BUT I WILL OFFER IT IN THE TEMPLE OF ONIAS'. HE MUST OFFER IT IN THE TEMPLE,⁶ YET IF HE OFFERED IT IN THE TEMPLE OF ONIAS HE HAS FULFILLED HIS OBLIGATION. R. SIMEON SAYS, SUCH IS NO BURNT-OFFERING. [IF A MAN SAID,] 'I WILL BE A NAZIRITE'. HE MUST BRING HIS OFFERINGS⁷ IN THE TEMPLE; AND IF HE BROUGHT THEM IN THE TEMPLE OF ONIAS HE HAS NOT FULFILLED HIS OBLIGATION. [IF HE SAID,] 'I WILL BE A NAZIRITE BUT I WILL BRING MY OFFERINGS IN THE TEMPLE OF ONIAS'. HE MUST BRING THEM IN THE TEMPLE, YET IF HE BROUGHT THEM IN THE TEMPLE OF ONIAS HE HAS FULFILLED HIS OBLIGATION. R. SIMEON SAYS, SUCH A ONE IS NOT A NAZIRITE.

GEMARA. [YET IF HE OFFERED IT IN THE TEMPLE OF ONIAS] HE HAS FULFILLED HIS OBLIGATION. But he has only killed the offering [and not sacrificed it!]⁸ — R. Hamnuna answered, It is regarded as though he said, 'I take upon myself to offer a burnt-offering on the condition that I shall not be held responsible for it.⁹ Whereupon Raba said to him, In that case will you also say the same of the final clause which reads: [IF HE SAID,] 'I WILL BE A NAZIRITE BUT I WILL BRING MY OFFERINGS IN THE TEMPLE OF ONIAS, HE MUST BRING THEM IN THE TEMPLE, YET IF HE BROUGHT THEM IN THE TEMPLE OF ONIAS HE HAS FULFILLED HIS OBLIGATION, namely, that it is regarded as though he said, 'I will be a Nazirite on the condition that I shall not be held responsible for the offerings'? But surely a Nazirite is not released [from his vow] until he has brought his offerings! — The fact is, said Raba, that this man merely intended to offer a gift¹⁰ [to God], saying to himself, 'If the Temple of Onias can serve my purpose, I will take the trouble [and offer it there]; but further than that¹¹ I cannot put myself out'. And with regard to the Nazirite vow, too, this man merely intended to exercise self-denial,¹² saying

to himself, 'If the Temple of Onias can serve my purpose, I will take the trouble [and bring the offerings there]; but further than that I cannot put myself out'. R. Hamnuna, however, says, With regard to the Nazirite it is as you say, but in the case of the burnt-offering his vow was intended to imply: 'I will not be held responsible for it'.¹³

R. Johanan is also of the same opinion as R. Hamnuna; for Rabbah b. Bar Hanah said in the name of R. Johanan, [If a man said,] 'I take upon myself to offer a burnt-offering but I will offer it in the Temple of Onias', and he offered it in the Land of Israel,¹⁴ he has fulfilled his obligation but he has incurred the penalty of kareth.¹⁵ There has also been taught [a Baraitha] to the same effect: [If a man said,] 'I take upon myself to offer a burnt-offering but I will offer it in the wilderness',¹⁶ and he offered it beyond the Jordan,¹⁴ he has fulfilled his obligation but he has incurred the penalty of kareth.

MISHNAH. THE PRIESTS WHO MINISTERED IN THE TEMPLE OF ONIAS MAY NOT MINISTER IN THE TEMPLE IN JERUSALEM; AND NEEDLESS TO SAY [THIS IS SO OF PRIESTS WHO MINISTERED TO] ANOTHER MATTER;¹⁷ FOR IT IS WRITTEN, NEVERTHELESS THE PRIESTS OF THE HIGH PLACES CAME NOT UP TO THE ALTAR OF THE LORD IN JERUSALEM. BUT THEY DID EAT UNLEAVENED BREAD AMONG THEIR BRETHREN.¹⁸ THUS THEY ARE LIKE THOSE THAT HAD A BLEMISH:¹⁹ THEY ARE ENTITLED TO SHARE AND EAT [OF THE HOLY THINGS]. BUT THEY ARE NOT PERMITTED TO OFFER SACRIFICES.

GEMARA. Rab Judah said, If a priest had slaughtered an animal to an idol,²⁰ his offering [in the Temple] is a sweet savour. R. Isaac b. Abdimi said, Where is there Scriptural proof for this? It is written, Because they ministered unto them before their idols, and became a stumblingblock of iniquity unto the house of Israel; therefore have I lifted up My hand against them, saith the Lord God, and they shall bear their iniquity,²¹ and immediately afterwards it is written, And they shall not come near unto Me, to minister unto Me in the priest's office.²² Thus only if they performed service [unto idols are they disqualified], but slaughtering is no service.²³

It was stated: [If a priest had] inadvertently sprinkled blood²⁴ [to an idol]. R. Nahman says, His offering [in the Temple]²⁵ is a sweet savour; but R. Shesheth says, His offering is not a sweet savour. R. Shesheth said, Whence do I derive my view? It is written, 'And became a stumblingblock of iniquity unto the house of Israel'. Now this surely means either through stumbling or through iniquity; and 'stumblingblock' signifies an inadvertent act, and 'iniquity' a deliberate act!²⁶ R. Nahman, however, says, It means a stumblingblock of iniquity.²⁷ R. Nahman said, Whence do I derive my view? From the following Baraitha which was taught: It is written, And the priest shall make atonement for the soul that erreth, when he sinneth in error:²⁸ this teaches us that the priest may make atonement for himself by his own sacrifice. Now how [did he minister unto the idol]? Will you say, by slaughtering before it? Then why does the verse speak of sinning in error? It is the same even though he sinned deliberately!²⁹ It can only be that he ministered unto the idol by sprinkling before it.³⁰ R. Shesheth, however, can say. I still say by slaughtering before it, but it is not the same if he did so deliberately for he then became a priest to the idol.³¹

They³² have indeed followed up these principles of theirs, for it has been stated: If a priest had deliberately slaughtered [an animal to an idol]. R. Nahman said, His offering [in the Temple] is a sweet savour; but R. Shesheth said, His offering is not a sweet savour. 'R. Nahman said, His offering is a sweet savour — for he had not performed a service [before the idol].³³ 'R. Shesheth said, His offering is not a sweet savour' —

(1) And if it was the best house that fell down or the best slave that died, only then should the purchaser suffer the loss, but not if it was not the best, for according to R. Nahman the terms of the transaction implied that the best was being

sold.

(2) It is for the purchaser who has the deed of sale in his possession to prove that nothing but the best was the subject of the sale, otherwise it will be assumed that the worst was sold. With regard to offerings for the altar, however, it will always be assumed that the best was intended.

(3) In the case stated by R. Huna b. Hiyya in the name of 'Ulla, supra p. 670.

(4) At Jerusalem.

(5) The Temple erected in the neighbourhood of Heliopolis in Egypt by Onias IV. who had fled from Palestine 164 B.C.E. It was modelled on the Temple in Jerusalem, and the regular system of sacrifices was established there. It was despoiled and suppressed by the Emperor Vespasian about the same time as the destruction of the Jerusalem Temple; v. Josephus Antiquities. XIII, 3ff.

(6) For by his opening words 'I take upon myself to offer a burnt-offering' there rests upon him an obligation to bring a burnt-offering.

(7) Lit., 'he must shave'. This expression is used throughout for the offerings which the Nazirite brings on the completion of his vow when he shaves 'his consecrated head'. V. Num. VI. 18.

(8) For what is slaughtered outside the Temple is not regarded as the sacrifice of the offering, consequently apart from the liability that is incurred for slaughtering outside the Temple he does not thereby fulfil the obligation of his vow.

(9) Since the Temple of Onias is not different from any other place outside the Temple, his saying 'I will offer it in the Temple of Onias' clearly implied that wherever the animal was slaughtered that was the fulfilment of his obligation. He is, of course, liable for slaughtering it outside the Temple.

(10) And he did not pledge himself to offer a burnt-offering at all; accordingly there does not arise here the prohibition of slaughtering a consecrated animal outside the Temple.

(11) I.e., to have to bring it to the Temple in Jerusalem. We must suppose that he was living far from the Land of Israel but near to the Temple of Onias.

(12) But there was no Nazirite vow at all.

(13) And consequently he is in this case culpable for slaughtering a consecrated animal outside the Temple.

(14) In Palestine, but not at the Temple in Jerusalem.

(15) For slaughtering a consecrated animal outside the Temple. For kareth v. Glos. He has, however, fulfilled his obligation and need not bring another burnt-offering to the Temple, for by his saying, 'I will offer it in the Temple of Onias' he implied that wheresoever the animal would be slaughtered that would be the fulfilment of his obligation. V. supra p. 672, n. 2.

(16) In which the Israelites journeyed and where the Tabernacle was erected by Moses.

(17) A euphemism for idolatry.

(18) II Kings XXIII, 9.

(19) Cf. Lev. XXI, 17ff.

(20) And he afterwards repented.

(21) Ezek. XLIV, 12.

(22) Ibid. 13.

(23) For even in the Temple it may be performed by non-priests.

(24) This is, of course, an act of service.

(25) On a subsequent occasion.

(26) Thus whether the service in honour of the idol was performed inadvertently (through stumbling) or deliberately (through iniquity) the priest is debarred for all time from offering sacrifices in the Temple.

(27) I.e., a deliberate act of service.

(28) Num. XV, 28. The apparently superfluous expression 'when he sinneth in error' is interpreted as referring to a priest who, having sinned by ministering to idols, is now offering his own sacrifice and making atonement for himself (for the whole passage refers to the sin of idolatry).

(29) For slaughtering is no service.

(30) And as he did so in error he may minister in the Temple. for the Baraitha teaches that he may offer his own sacrifice; thus in accord with R. Nahman's view.

(31) Notwithstanding that slaughtering is no service.

(32) R. Nahman and R. Shesheth.

(33) For slaughtering is no service.

Talmud - Mas. Menachoth 109b

for he had become a priest to idols. R. Nahman said, Whence do I derive my view? From the following which was taught: If a priest ministered before idols and repented, his offering is a sweet savour. In what circumstances [did he minister]? Will you say, inadvertently? Then what is the point of 'and repented'? He has always been repentant!¹ It must obviously be [that he ministered] deliberately. And further, if by sprinkling, then even though he repented it avails nought, for he had performed a service [before the idol]! It can only be by slaughtering [before it]. R. Shesheth, however, will say, I still maintain that he ministered inadvertently, and [the Baraitha] means to say as follows: If he had always been repentant, that is to say, when he ministered [before the idol] he ministered inadvertently, his offering [in the Temple] is a sweet savour; otherwise his offering is not a sweet savour.

If a priest had prostrated himself before an idol, R. Nahman said, His offering [in the Temple] is a sweet savour; and R. Shesheth said, His offering is not a sweet savour. If he had acknowledged an idol, R. Nahman said, His offering [in the Temple] is a sweet savour; and R. Shesheth said, His offering is not a sweet savour. Now all these disputes had to be stated. For if only the first² had been stated, I would have said that only there did R. Shesheth say [that his offering was not a sweet savour] since he had performed a service [before the idol], but where he had slaughtered [before the idol], since that was no service, I would have said that he agreed with R. Nahman. [Hence the latter dispute had to be stated.] And if the dispute regarding slaughtering had only been stated, [I would have said that only there did R. Shesheth say that his offering was not a sweet savour] since he had performed some service³ [before the idol], but not where he had prostrated himself before the idol, for that was no service. Hence the latter had to be stated. And if the dispute regarding prostrating [before the idol] had only been stated, [I would have said that only there did R. Shesheth say that his offering was not a sweet savour] since he had done some act [before the idol], but not where he had merely acknowledged the idol, for that was a mere matter of words. Therefore all had to be stated.

NEEDLESS TO SAY [THIS IS SO OF PRIESTS WHO MINISTERED TO] ANOTHER MATTER.⁴ Since it says here, NEEDLESS TO SAY [THIS IS SO OF PRIESTS WHO MINISTERED TO] ANOTHER MATTER, it follows that the Temple of Onias was not an idolatrous shrine. Our Tanna thus concurs with the view of him who said that the Temple of Onias was not an idolatrous shrine. For it was taught: In the year in which Simeon the Just died, he foretold them that he would die. They said to him, 'Whence do you know it?' He replied. 'Every Day of Atonement there met me an old man, dressed in white and wrapped in white, who entered with me [into the Holy of Holies] and left with me; but this year there met me an old man, dressed in black and wrapped in black, who entered with me but did not leave with me'. After the Festival [of Tabernacles] he was ill for seven days and then died. Thereafter his brethren the priests forbore to pronounce the Name in the priestly benediction.⁵ In the hour of his departure [from this life], he said to them, 'My son Onias shall assume the office [of High Priest] after me'. His brother Shime'i, who was two years and a half older than he, was jealous of him and said to him, 'Come and I will teach you the order of the Temple service. He⁶ thereupon put upon him a gown,⁷ girded him with a girdle, placed him near the altar, and said to his brethren the priests. 'See what this man promised his beloved⁸ and has now fulfilled: "On the day in which I will assume the office of High Priest I will put on your gown and gird myself with your girdle".' At this his brethren the priests sought to kill him.⁹ He fled from them but they pursued him. He then went to Alexandria in Egypt, built an altar there, and offered thereon sacrifices in honour of idols. When the Sages heard of this they said, If this is what happened [through the jealousy] of one⁶ who had never assumed the honour,¹⁰ what would happen [through the jealousy] of one who had once assumed the honour [and had been ousted from it]! This is the view of the events according to R. Meir. R. Judah said to him, That was not what happened, but the fact was that Onias did not accept the office of High Priest because his brother

Shime'i was two years and a half older than he. For all that Onias was jealous of his brother Shime'i and he said to him, 'Come and I will teach you the order of the Temple service'. He⁹ thereupon put on him a gown, girded him with a girdle, placed him near the altar, and said to his brethren the priests, 'See what this man promised his beloved and has now fulfilled: "On the day that I will assume the office of High Priest I will put on your gown and gird myself with your girdle".' At this his brethren the priests sought to kill him,⁶ but he explained to them all that occurred. They thereupon sought to kill Onias; he fled from them but they pursued him. He fled to the King's palace,¹¹ but they pursued him there; and whoever saw him cried out, There he is, there he is. He thereupon went to Alexandria in Egypt, built an altar there, and offered thereon sacrifices in honour of God; for so it is written, In that day shall there be an altar to the Lord in the midst of the land of Egypt, and a pillar at the border thereof to the Lord.¹² When the Sages heard of this they said, If this is what happened [through the jealousy] of one¹³ who had [at first] shunned the honour, what would happen [through the jealousy] of one who seeks the honour!

It was taught: R. Joshua b. Perahiah said, At first¹⁴ whoever were to say to me 'Take up the honour',¹⁵ I would bind him and put him in front of a lion; but now¹⁶ whoever were to say to me, 'Give up the honour',¹⁷ I would pour over him a kettle of boiling water. For [we see that] Saul [at first] shunned [the throne], but after he had taken it he sought to kill David.

Mar Kashisha son of R. Hisda said to Abaye. How does R. Meir¹⁸ interpret that verse¹² adduced by R. Judah? — As in the following [Baraitha] which was taught: After the downfall of Sennacherib Hezekiah went out and found princes sitting in their golden carriages. He adjured them not to serve idols, as it is written, In that day there shall be five cities in the land of Egypt that speak the language of Canaan,¹⁹

(1) For one who sinned in error has not transgressed the law that he should stand in need of repentance.

(2) Where the priest had sprinkled blood before the idol.

(3) Slaughtering, although not a priestly service, is indeed an essential service with regard to the offering.

(4) Sc. idolatry.

(5) V. Tosaf. Sot. 38a. s.v. **הָרִי**; and Yoma (Sonc. ed.) p. 196 n. 1.

(6) Shime'i.

(7) A light garment. 'The easy dress worn in the house and, under the cloak, in the street, but in which it was unbecoming to appear in public' (Jast.). According to Rashi: a leather gown.

(8) His wife.

(9) Onias.

(10) Of the High Priesthood. Lit., 'went down to it'.

(11) The King's Mount, Har ha-Melek (Tur Malka) v. Git. (Sonc. ed.) p. 254, n. 4.

(12) Isa. XIX, 19.

(13) Onias.

(14) The translation of this passage follows the text as found in cur. edd. and as established by R. Kalonymos the father of R. Meshullam. There is, however, another text found in MS.M. and quoted by R. Gershom, Rashi and Tosaf. which reads: **בתחילה כל האומר עולה או מנחה אני מטיף עליו קומקום של חמין**: Whosoever pledges a burnt-offering or a meal-offering first (i.e., without having first set apart the animal or the flour for the purpose). I would pour over him a kettle of boiling water. The reason for this denunciation is that later this man might not find an animal or flour available for his purpose and his vow will therefore be left unfulfilled. This subject, however, is entirely out of place here.

(15) Lit., 'go up to it'.

(16) Having taken a position of honour. R. Joshua b. Perahiah had been appointed to the position of Nasi, or President of the Sanhedrin, cf. Hag, 16a; he fled to Alexandria owing to Sadducee hostility but was recalled later by Simeon b. Shetah; v. Sot. 47a.

(17) Lit., 'go down from it'.

(18) Who considers the Temple of Onias to have been an idolatrous shrine.

(19) Sc. the Hebrew tongue spoken in the land of Canaan.

Talmud - Mas. Menachoth 110a

and swear to the Lord of hosts.¹ Thereupon they went to Alexandria in Egypt, built an altar there, and offered thereon sacrifices in honour of God, as it is written, In that day there shall be an altar to the Lord in the midst of the land of Egypt.

One shall be called the city of Heres.² What is meant by The city of Heres? — As R. Joseph rendered it in Aramaic: The city of Beth Shemesh [the sun], which is destined to destruction, will be said to be one of them.³ But whence do we know that Heres signifies the sun? For it is written, Who commandeth the sun [heres] and it riseth not.⁴

Bring My sons from far, and My daughters from the ends of the earth.⁵ ‘Bring My sons from far’: R. Huna said, These are the exiles in Babylon, who are at ease⁶ like sons. ‘And My daughters from the ends of the earth’: These are the exiles in other lands, who are not at ease,⁶ like daughters.⁷

R. Abba b. R. Isaac said in the name of R. Hisda — others say, Rab Judah said in the name of Rab, From Tyre to Carthage the nations know Israel and their Father who is in heaven; but from Tyre westwards⁸ and from Carthage eastwards⁸ the nations know neither Israel nor their Father who is in heaven. R. Shimi b. Hiyya raised the following objection against Rab: Is it not written, For from the rising of the sun even unto the going down of the same My name is great among the nations; and in every place offerings are burnt and presented unto My name, even pure oblations?⁹ — He replied. You, Shimi!¹⁰ They call Him the God of Gods.¹¹

‘And in every place offerings are burnt and presented unto My name’. ‘In every place’! Is this possible? — R. Samuel b. Nahmani said in the name of R. Jonathan. This refers to the scholars who devote themselves to the study of the Torah in whatever place they are: [God says,] I account it unto them as though they burnt and presented offerings to My name. ‘Even pure oblations’: this refers to one who studies the Torah in purity; that is, one who marries a wife and afterwards studies the Torah.¹²

A song of Ascents. Behold, bless ye the Lord, all ye servants of the Lord, that stand in the house of the Lord in the night seasons.¹³ What is the meaning of ‘in the night seasons’? — R. Johanan said, This refers to the scholars who devote themselves to the study of the Torah at nights: Holy Writ accounts it to them as though they were occupied with the Temple service.

This is an ordinance for ever to Israel.¹⁴ R. Giddal said in the name of Rab, This refers to the altar built [in heaven].¹⁵ where Michael, the great Prince,¹⁶ stands and offers up thereon an offering.¹⁷ R. Johanan said, It refers to the scholars who are occupied with the laws of Temple service: Holy Writ imputes it to them as though the Temple were built in their days.

Resh Lakish said, What is the significance of the verse, This is the law for the burnt-offering, for the meal-offering, for the sin-offering, and for the guilt-offering?¹⁸ It teaches that whosoever occupies himself with the study of the Torah is as though he were offering a burnt-offering, a meal-offering a sin-offering, and a guilt-offering, Raba asked, Why then does the verse say. ‘For the burnt-offering, for the meal-offering’? It should have said, ‘a burnt-offering, a meal-offering’! Rather, said Raba, it means that whosoever occupies himself with the study of the Torah needs neither burnt-offering, nor meal-offering, nor sin-offering, nor guilt-offering.¹⁹

R. Isaac said, What is the significance of the verses, This is the law of the sin-offering;²⁰ and This is the law of the guilt-offering?²¹ They teach that whosoever occupies himself with the study of the

laws of the sin-offering is as though he were offering a sin-offering, and whosoever occupies himself with the study of the laws of the guilt-offering is as though he were offering a guilt-offering.

MISHNAH. IT IS SAID OF THE BURNT-OFFERINGS OF CATTLE, AN OFFERING MADE BY FIRE OF A SWEET SAVOUR;²² AND OF THE BURNT-OFFERINGS OF BIRDS, AN OFFERING MADE BY FIRE OF A SWEET SAVOUR;²³ AND OF THE MEAL-OFFERING, AN OFFERING MADE BY FIRE OF A SWEET SAVOUR:²⁴ TO TEACH YOU THAT IT IS THE SAME WHETHER A MAN OFFERS MUCH OR LITTLE, SO LONG AS HE DIRECTS HIS HEART TO HEAVEN.

GEMARA. R. Zera said, Where do we find a Scriptural reference to this? In the verse, Sweet is the sleep of a labouring man, whether he eat little or much.²⁵ R. Adda b. Ahabah said, In the following verse, When goods increase, they are increased that eat them; and what advantage is there to the owner thereof, [saving the beholding of them with his eyes]?²⁶

It was taught: R. Simeon b. 'Azzai said. Come and see what is written in the chapter of the sacrifices. Neither *el*²⁷ nor *elohim*²⁷ is found there, but only the Lord, so as not to give sectarians any occasion to rebel.²⁸ Furthermore, it is said of a large ox, 'An offering made by fire of a sweet savour'; of a small bird, 'An offering made by fire of a sweet savour'; and of a meal-offering, 'An offering made by fire of a sweet savour': to teach you that it is the same whether a man offers much or little, so long as he directs his heart to heaven. And lest you say, He needs it for food, the text therefore states, If I were hungry, I would not tell thee; for the world is Mine and the fulness thereof.²⁹ And it also says, For every beast of the forest is Mine, and the cattle upon a thousand hills. I know all the fowls of the mountains; and the wild beasts of the field are mine. Do I eat the flesh of bulls, or drink the blood of goats?³⁰ I did not bid you to sacrifice so that you should say, I will do His will that He may do my will.³¹ You do not sacrifice for My sake, but for your own sakes, as it is written, Ye shall sacrifice it at your will.³² Another interpretation is: 'Ye shall sacrifice it at your will': sacrifice it of your own free will, sacrifice it with the proper intention. As Samuel once enquired of R. Huna, Whence do we know that the offering is invalid if the act [of slaughtering] was performed incidentally?³³ [He replied,] Because it is written, And he shall slaughter the bullock,³⁴ thus teaching that the slaughtering should be intended for the bullock. Said the other, This we already know;³⁵ but whence do we know that this rule is indispensable? [He replied,] Because it is written, 'Ye shall sacrifice it at your will', that is to say, sacrifice it with the proper intention.³⁶

(1) Ibid. 18.

(2) Isa. XIX, 18.

(3) **הרם** has the meaning of 'destruction' and also 'the sun'.

(4) Job IX, 7. Heb. **הרם**

(5) Isa. XLIII, 6.

(6) Lit., 'whose minds are settled'. The Jews living in Babylon were for the most part less subject to persecution than their brethren in other lands.

(7) Woman's tranquil frame of mind is more readily disturbed by troubles than man's.

(8) Geographically this is difficult to understand, for westwards of Tyre is the Mediterranean Sea and eastwards of Carthage is that region which, according to the first part of this sentence, is inhabited by those people who recognize their Father who is in heaven. It has already been suggested by M. Schwartz, *Dos Heilige Land*, p. 274 that 'westwards' and 'eastwards' should be transposed. Cf. also Neubauer, *Geographie*. p. 294.

(9) Mal. I, 11.

(10) V. supra p. 186, n. 3.

(11) But they do not worship Him.

(12) So that he is undisturbed by impure thoughts.

(13) Ps. CXXXIV, 1.

(14) II Chron. II, 3. This verse implies that the altar-offerings will never cease.

- (15) Cf. Hag. 12b.
- (16) Israel's guardian angel; v. Dan. XII, 1. Cf. Yoma 77a.
- (17) Sc. the souls of the righteous. V. Tosaf s.v. **ומיכאל**.
- (18) Lev. VII, 37.
- (19) The verse accordingly means: The Torah is for, i.e., in lieu of, the burnt-offering, the meal-offering, etc.: the study of the Torah makes atonement like the offering of sacrifice. Another interpretation: **לעולה** stands for **לא עולה** 'no (need for) burnt-offering'; cf. Ned. 11a.
- (20) Ibid. VI, 18.
- (21) Ibid. VII, 1.
- (22) Lev. I, 9.
- (23) Ibid. 17.
- (24) Ibid. II, 2.
- (25) Eccl. V, 11. Heb. **עובד** is here given the meaning of 'one who brings an offering' (cf. Isa. XIX, 21) and the interpretation of the verse is: Sweet is the sleep of the man who brings an offering; be it little or much, he shall enjoy the reward thereof.
- (26) Ibid. 10. The interpretation of the verse is: When offerings increase there are many priests that eat them; but what advantage is the abundance of offerings to the Holy One, the Owner of all, saving the beholding of the heart that prompts the offering?
- (27) Heb. **אל** and **אלהים**, meaning God. For these terms are also used in connection with idols (Maharsha).
- (28) By finding support in Scripture for their heretical belief in the plurality of deities.
- (29) Ps. L, 12.
- (30) Ibid. 10, 11, 13.
- (31) The ritual of sacrifice was an ordinance of God which was to be performed not in order to obtain a reciprocal favour from Him, but simply because He had willed it so.
- (32) Lev. XIX, 5.
- (33) If, e.g., a man was handling a knife, when it accidentally fell from his hand and it slaughtered an offering.
- (34) Ibid. I, 5.
- (35) Lit., 'this is in our hands'.
- (36) Since we have two verses each directing that the slaughtering of the sacrifice must be intentional, this rule becomes indispensable, in accordance with the Rabbinic dictum: Wherever Scripture repeats an injunction in connection with holy things it is meant to be indispensable.

Talmud - Mas. Berachoth 2a

CHAPTER I

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

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

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

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

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

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

(4) R. Gamaliel's.

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

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

Talmud - Mas. Berachoth 2b

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

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

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

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

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

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

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

(1) Through his sin-offering.

(2) The verb being in the future.

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

(4) In the Palestinian schools.

(5) Who cannot afford an artificial light.

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

(7) Neh. IV, 15.

(8) Ibid. 16.

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

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

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

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

(13) In the Baraitha just quoted.

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

(15) The evening.

(16) The day.

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

Talmud - Mas. Berachoth 3a

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 3b

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

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

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

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

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

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

Talmud - Mas. Berachoth 4a

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

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

will go out into the midst of Egypt.

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

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

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

(1) He was the High Priest of David.

(2) II Sam. XX, 23.

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

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

(5) Ps. LVII 9.

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

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

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

(9) Ps. LXXXVI, 1-2.

(10) Offer different homiletical interpretations.

(11) Ibid. CXIX, 62.

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

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

Talmud - Mas. Berachoth 4b

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

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

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

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

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

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

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

(1) V. infra 27b.

(2) In the Baraitha just quoted.

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

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

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

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

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

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

(9) Deut. VI, 7.

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

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

(12) V. infra 11a.

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

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

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

(15) Ps. XIX, 15.

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

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

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

(19) Ps. CXIX.

(20) Ibid. CXLV, 16.

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

(22) Ibid. v. 25.

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

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

(25) Euphemistic for Israel.

(26) Heb. **נְפִלָה**

(27) Amos V, 2.

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

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

(30) Ps. CXLV, 14.

(31) Isa. VI, 6.

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

(33) Ibid. X, 13.

(34) Ps. IV, 5.

Talmud - Mas. Berachoth 5a

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

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

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

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

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

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

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

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

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

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

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

(1) Ibid. XXXI, 6.

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

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

(4) Ibid.

(5) Ex. XXIV, 12.

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

(7) To protect him against the demons.

(8) Ps. CXLIX, 6.

(9) Ibid. v. 5.

(10) E.V. 'sparks'.

(11) Job V, 7.

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

(13) Prov. XXIII, 5.

(14) Deut. XXXII, 24.

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

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

(17) Ex. XV, 26.

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

(19) Prov. IV, 2.

(20) Out of poverty and not for business.

(21) Lam. III, 40.

(22) Ps. XCIV, 12.

(23) Prov. III, 12.

(24) Isa. LIII, 10.

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

(26) Ibid.

(27) Ibid.

(28) Ps. XCIV, 12.

(29) Ps. LXVI, 20.

(30) Prov. III 12.

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

(32) Lev. II, 13.

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

(34) Ps. XCIV, 12.

(35) Deut. VIII, 5.

(36) Ibid. v. 7.

(37) Prov. VI, 23.

Talmud - Mas. Berachoth 5b

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

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

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

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

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

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

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

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

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

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

(2) Ibid. XVI, 6.

(3) Ibid. XXI, 21.

(4) Ibid. XXIII, 23.

(5) Jer. XXXII, 18.

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

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

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

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

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

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

(12) And the patient cannot cure himself.

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

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

(15) Men. 110b.

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

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

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

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

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

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

Talmud - Mas. Berachoth 6a

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

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

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

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

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

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

(1) Isa. XLVIII, 18, 19.

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

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

(4) For really the lectures are not overcrowded.

(5) MS. M.: their footprints.

(6) The demons.

(7) He put the powder into his eye.

(8) I Kings VIII, 28.

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

(10) Ps. LXXXII, I.

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

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

(13) A phrase denoting two.

(14) Mal. III, 16.

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

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

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

(18) The same as the Rabin mentioned above.

(19) Phylacteries, v. Glos.

(20) Isa. LXII, 8.

(21) Deut. XXXIII, 2.

(22) Ps. XXIX, 11.

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

Talmud - Mas. Berachoth 6b

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

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

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

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

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

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

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 7a

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

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

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

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

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

than a hundred stripes into a fool.²¹

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 7b

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) In Hebrew: Adon.

(2) Gen. XV, 8.

(3) Dan. IX, 17.

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

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

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

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

(8) Ibid. XXV, 33.

(9) Ibid. XXVII, 41.

(10) Ibid. XXVII, 36.

(11) I Chron. V, I.

(12) Gen. XXXVII, 21.

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

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

(15) Ps. XLVI, 9.

(16) Lit., ‘training’, ‘upbringing’.

(17) Ibid. III, I.

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

Talmud - Mas. Berachoth 8a

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

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

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

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

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

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 8b

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 9a

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

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

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

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

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

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

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

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

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

(2) From a decision of R. Joshua.

(3) V. Glos.

(4) Ex. XII, 8.

(5) Ibid. 12.

(6) Ibid. 11.

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

(8) Inserted with MS.M.

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

(10) V. Glos.

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

(12) How does he deduce this latter ruling?

(13) Ibid. XII, 10.

(14) Deut. XVI, 6.

(15) In the afternoon.

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

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

(18) Ibid. XVI, 1.

(19) Num. XXXIII, 3.

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

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

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

(23) Ex. XI, 2.

Talmud - Mas. Berachoth 9b

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

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

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

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

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

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

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

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

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

(1) Gen. XV, 14.

(2) Ibid.

(3) Ex. XII, 36.

(4) Ps. LXVIII, 13.

(5) Ex. XII, 36.

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

(7) Ibid. III, 14.

(8) Babylon and Rome.

(9) Ibid.

(10) I Kings XVIII, 37.

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

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

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

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

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

Talmud - Mas. Berachoth 10a

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

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

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

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

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

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

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

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

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

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

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

(3) Baryone, a word of doubtful meaning.

(4) Valeria.

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

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

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

(8) Isa. LIV, 1.

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

(10) Ps. III, 1.

(11) Ibid. LVII, 1.

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

(13) Ibid. CXI, 8.

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

(15) Sc. the nations against God.

(16) Prov. XXXI, 26.

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

(18) Ps. CIII, 1.

(19) Ps. CIII, 20, 21.

(20) Ibid. 2.

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

(22) Ibid. CIV, 35.

(23) Ibid. I.

(24) Ibid. 29.

(25) Reading **דְּהוּרָה** with MS.M.

(26) R. Shimi or Mar 'Ukba.

(27) Ibid. CIII, 1.

(28) I Sam. II, 2.

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

(30) Eccl. VIII, 1.

(31) The prophet went to the king.

(32) 1 Kings XVIII, 2.

(33) V. II Kings III, 12.

(34) Isa. XXXVIII, 1.

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

(36) David.

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

(38) Job XIII, 15.

Talmud - Mas. Berachoth 10b

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 11a

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

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

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

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

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

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

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

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

(14) V. Glos.

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

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

(17) Sc. the Shema'.

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

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

Talmud - Mas. Berachoth 11b

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

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

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

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

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

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

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

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

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

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

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

(5) Said before the morning Shema’.

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

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

(8) Jer. XXXI, 3.

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

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

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

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

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

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

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

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

(17) P.B. p. 4.

(18) Ibid.

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

(20) Tamid 32b.

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 12a

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

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 12b

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

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

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

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

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

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

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

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

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

(2) Slowly and with effort.

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

(4) Isa. V, 16.

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

(6) I Sam. XII, 23.

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

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

(9) Ps. XXXV, 13.

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

(11) Ezek. XVI, 63.

(12) I Sam. XXVIII, 15.

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

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

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

(16) II Sam. XXI, 6.

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

(18) Num. XXII-XXIV.

(19) On account of its length.

(20) Ibid. XXIII, 22.

(21) Lev. XXV, 35-38.

(22) Ibid. XIX, 36.

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

(24) Ibid. XV, 37-41.

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

(26) Ibid. XV, 39.

(27) Num. XV, 38.

(28) Ibid. 41.

(29) Ibid. 39.

(30) Ps. XIV, 1.

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

Talmud - Mas. Berachoth 13a

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

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

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

CHAPTER II

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

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

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

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

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

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

(1) Isa. XLIII, 18.

(2) Ibid. 29.

(3) I Chron. I, 27.

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

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

(6) Ibid.

(7) Which is more serious.

(8) Ibid.

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

(10) Ibid. XLVI, 2.

(11) Neh. IX, 7.

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

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

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

Talmud - Mas. Berachoth 13b

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

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

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

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

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

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

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 14a

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

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

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

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

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

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

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

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

(2) V. Glos.

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

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

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

(6) V. Tosaf s.v.

(7) To see if food is cooked properly.

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

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

(10) Isa. II, 22.

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

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

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

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

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

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

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

(18) Prov. XIX, 23.

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

Talmud - Mas. Berachoth 14b

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) By putting on tefillin.

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

(13) V. supra 11b.

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

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

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

Talmud - Mas. Berachoth 15a

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

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

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

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

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

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

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

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

(1) Ps. XXVI, 6.

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

(3) Lit., 'wipe'.

(4) And so delayed to say his prayers.

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

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

(7) V. Pes. 7.

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

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

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

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

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

(13) Meg. 1b.

(14) V. Glos.

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

Talmud - Mas. Berachoth 15b

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

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

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

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

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 16a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) In bathing while onan.

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

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

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

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

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

(9) Abraham, Isaac and Jacob.

(10) Sarah, Rebecca, Rachel and Leah.

(11) Ps. LXIII, 5.

(12) Ibid. 6.

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

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

(15) Or perhaps, cause us to obtain.

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

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

(18) 'Aruch: more than our fathers.

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

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

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

(22) Lit., eunuchs'.

(23) By the Roman Government.

Talmud - Mas. Berachoth 17a

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

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

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

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

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

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

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

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

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

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

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

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

(1) The Guardian Angels of the various nations.

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

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

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 17b

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

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

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

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

CHAPTER III

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

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

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

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

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

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

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

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

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

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

(9) A tribe in the neighbourhood of Babylon.

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

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

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

(13) V. Pes. 55a.

(14) Even on working days.

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

(16) In carrying the bier to the grave.

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

(18) Since they have already carried once.

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

(20) If they stand two or more deep.

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

(22) Lit., 'yes'.

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

(24) Lit., 'No'.

(25) M.K. 23b.

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

Talmud - Mas. Berachoth 18a

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

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

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

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

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

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

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

(1) Inserted with MS.M.

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

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

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

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

(6) Gen. XXIII, 3.

(7) Ibid. 4.

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

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

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

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

(12) Prov. XVII, 5.

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

(14) That it must not be ridden upon.

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

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

(17) Prov. XIX, 17.

(18) Ibid. XIV, 31.

(19) Eccl. IX, 5.

(20) Ibid.

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

(22) II Sam XXIII, 20.

Talmud - Mas. Berachoth 18b

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

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

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

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

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

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

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

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

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

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

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

(8) Job XIV, 21.

(9) Ibid. 22.

(10) Screening the Divine Presence.

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

(12) And not in a linen shroud.

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

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

(15) Being not yet sufficiently grown.

(16) Being by now strong enough to resist.

(17) Whose spirit the pious man had heard conversing

(18) Or 'the school house'.

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

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

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

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

(23) This was his father's name.

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

(25) Apart from the other dead.

(26) v. Keth. 113b.

(27) His knowing that Samuel would soon die.

(28) Deut. XXXIV,4.

(29) Lit., 'to say'.

Talmud - Mas. Berachoth 19a

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

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

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

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

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

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

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

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

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

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

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

(3) Lit., 'his honour'.

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

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

(6) Ps. CXXV,5.

(7) To Gehinnom.

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

(9) 'Ed. V, 6.

(10) Akabiah b. Mahalalel.

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

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

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

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

(15) Pes. 64b.

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

(17) Aliter: 'take liberties with'.

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

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

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

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

(22) To cement them.

(23) After contact with such a stove.

(24) Euphemism for 'excommunicated'.

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

(26) The last statement being from a Baraita.

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

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

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

(30) Ibid. 10.

Talmud - Mas. Berachoth 19b

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 20a

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

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

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

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

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

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

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

(3) 'Ukzin, II, 1.

(4) Ibid.

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

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

(7) In preparation for fasting.

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

(9) Aliter: 'mantle'.

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

(11) Where the women took their ritual bath.

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

(13) Gen. XLIX, 22.

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

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

(16) Sc. Potiphar's wife.

Talmud - Mas. Berachoth 20b

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

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

AND FROM PUTTING ON THE TEFILLIN. This also is self-evident³ You might say that because it is put on a level with the mezuzah⁴ [therefore women should be subject to it]. Therefore we are told that this is not so.

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

AND MEZUZAH. This is self-evident⁶ You might say that because it is put on a level with the study of the Torah,⁷ [therefore women are exempt]. Therefore it tells us [that this is not so].

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

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

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

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

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

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

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

(1) V. Glos.

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

(3) For the same reason.

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

(5) Ps. LV, 18.

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

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

(8) Ex. XVI, 8.

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

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

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

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

(13) I.e., a minor.

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

(15) As would be presupposed in your argument.

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

(17) A minor.

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

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

(20) Deut. X, 17.

(21) Num. VI, 26.

(22) Deut. VIII, 10.

(23) Cf. supra n. 2.

(24) V. Glos.

(25) When the hour arrives for reciting it.

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

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

(28) What religious act does he perform thereby?

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

Talmud - Mas. Berachoth 21a

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

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 21b

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

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

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

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

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

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

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

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

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

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

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

(6) Lev. XXII, 32.

(7) Num. XVI, 21.

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

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

(10) In the Kaddish, v. Glos.

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

(12) V. Hag. 11b.

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

Talmud - Mas. Berachoth 22a

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

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

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

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

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

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

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

took place in Usha

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

Talmud - Mas. Berachoth 22b

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

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

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

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

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

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

an abomination.

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

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

Talmud - Mas. Berachoth 23a

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

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

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

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

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

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

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

(1) V. infra 24b.

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

Talmud - Mas. Berachoth 23b

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

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

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

it would be one which could not be rebutted.

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

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

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

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

Talmud - Mas. Berachoth 24a

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

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

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

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 24b

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

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

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

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

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

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

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

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

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

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

(4) Cf. I Kings XVIII, 28.

(5) Euphemism.

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

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

(8) V. Rashi.

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

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

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

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

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

(14) Ezek. XX, 25.

(15) Isa. V, 18.

(16) Num. XV, 31.

(17) E.V. 'thing'.

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

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

Talmud - Mas. Berachoth 25a

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

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

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

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 25b

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

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

finish the recital with the rising of the sun.⁴

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Rab.

(6) Since his knees are bent under him.

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

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

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

(10) Deut. XXIII, 15.

(11) Ezek. XXIII, 20.

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

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

(14) A quarter of a log.

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

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

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

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

(19) And therefore it is no covering.

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

(21) Euphemism.

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

Talmud - Mas. Berachoth 26a

over a chest is like a receptacle within a receptacle.

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

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

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

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

CHAPTER IV

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

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

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

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

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

Talmud - Mas. Berachoth 26b

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

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

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

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

(1) V. Glosses. Vilna Gaon.

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

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

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

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

Talmud - Mas. Berachoth 27a

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

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

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

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

(1) V. Glos.

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

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

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

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

(6) V. Yeb. 122a.

(7) It pierced the skull of a child.

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

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

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

(11) Ex. XVI, 21.

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

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

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

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

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

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

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

Talmud - Mas. Berachoth 27b

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

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

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

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

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

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

Talmud - Mas. Berachoth 28a

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

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

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

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

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

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

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

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

(1) I.e., one used on state occasions. Aliter: 'a cup of filigree work'.

(2) V. supra p. 72 n. 7.

(3) Lit., 'whose inside is not as his outside'; a common Talmudic expression.

(4) Or 'benches'.

(5) By keeping out so many disciples.

(6) Signifying that those he kept out were in fact not genuine.

(7) I.e., they were in fact genuine.

(8) Lit., 'testimonies' not necessarily the Tractate Eduyyoth which we now have.

(9) I.e., marry a Jewess.

(10) Deut. XXIII, 4.

(11) Isa. X, 13.

(12) E.g., if there are nine shops in a street selling kasher meat and one selling trefa, and we find a piece of meat in the street, we presume that it came from one of the kasher shops, v. Keth. 15a. So here, we presume that this man came from one of the other nations.

(13) Jer. XLIX, 6.

(14) Amos IX, 24.

(15) Since he is held in such high respect.

(16) Aliter 'smith'.

(17) Lit., 'I am humbled to thee'.

(18) I.e., let Rabban Gamaliel be restored to the presidency.

(19) I.e., R. Eleazar b. Azariah.

(20) The Rabbis did not want Rabban Gamaliel to be restored, being afraid of his autocratic disposition.

(21) I.e., a priest, son of a priest, sprinkle the water of purification. The reference is again to Rabban Gamaliel who had an hereditary claim to the presidency.

(22) And not living water as required, v. Num. XIX, 27.

(23) And not from the Red Heifer.

(24) I.e., on R. Eleazar b. Azariah. Lit., 'we will rise early to his door'.

(25) V. e.g. Yoma 22b.

(26) Hag. 3a.

(27) Who asked the question about the evening Tefillah.

(28) If he delays too much.

(29) Lit., 'continual', 'regular'.

(30) Its time being limited, in the view of R. Judah, until the seventh hour.

(31) In the next world.

- (32) Var. lec. (v. D.S.): 'Who enunciated a halachah etc.?' He replied, R. Johanan. He said to him, What was it. He replied, A man may say first etc.'
- (33) Sc. R. Johanan.
- (34) That you set so much store by it.
- (35) E.V. 'Them that sorrow for'.
- (36) Zeph. III, 28.
- (37) To R. Joseph is ascribed the Targum on the prophets, v. Graetz, Geschichte, IV, 326.
- (38) Euphemism.
- (39) I.e., the festival prayers.
- (40) Ps. CXIX, 28.
- (41) Lam. I, 4.

Talmud - Mas. Berachoth 28b

R. 'Awia was once ill and did not go to hear the lecture of R. Joseph.¹ On the next day when he came Abaye tried to appease R. Joseph. He said to him [R. 'Awia]: Why did your honour not come to the lecture yesterday? He replied: I felt weak and was not able. He said to him: Why did you not take some food and come? He replied: Does not your honour hold with the dictum of R. Huna? For R. Huna said: It is forbidden to a man to taste anything until he has said the musaf Tefillah. He said to him: Your honour ought to have said the musaf Tefillah privately and taken something and come. He replied: Does not your honour hold with what R. Johanan has laid down, that it is forbidden for a man to say his Tefillah before the congregation says it? He said to him: Has it not been said in regard to this: This refers to when he is with the congregation? And the law is neither as stated by R. Huna nor by R. Joshua b. Levi. 'It is not as stated by R. Huna', namely in what we have just said.² 'It is not as stated by R. Joshua b. Levi', namely, in what R. Joshua b. Levi said: When the time for the minhah Tefillah arrives it is forbidden to a man to taste anything until he has said the minhah Tefillah.

MISHNAH. R. NEHUNIA B. HA-KANEH USED TO SAY A PRAYER AS HE ENTERED THE BETH HA-MIDRASH AND AS HE LEFT IT — A SHORT PRAYER. THEY SAID TO HIM: WHAT SORT OF PRAYER IS THIS? HE REPLIED: WHEN I ENTER I PRAY THAT NO OFFENCE SHOULD OCCUR THROUGH ME,³ AND WHEN I LEAVE I EXPRESS THANKS FOR MY LOT.

GEMARA. Our Rabbis taught: On entering what does a man⁴ say? 'May it be Thy will, O Lord my God, that no offence may occur through me, and that I may not err in a matter of halachah and that my colleagues may rejoice in me⁵ and that I may not call unclean clean or clean unclean, and that my colleagues may not err in a matter of halachah and that I may rejoice in them'. On his leaving what does he say? 'I give thanks to Thee, O Lord my God, that Thou hast set my portion with those who sit in the Beth ha-Midrash and Thou hast not set my portion with those who sit in [street] corners,⁶ for I rise early and they rise early, but I rise early for words of Torah and they rise early for frivolous talk; I labour and they labour, but I labour and receive a reward and they labour and do not receive a reward; I run and they run, but I run to the life of the future world and they run to the pit of destruction.

Our Rabbis taught: When R. Eliezer fell ill, his disciples went in to visit him. They said to him: Master, teach us the paths of life so that we may through them win the life of the future world. He said to them: Be solicitous for the honour of your colleagues, and keep your children from meditation,⁷ and set them between the knees of scholars, and when you pray know before whom you are standing and in this way you will win the future world.

When Rabban Johanan ben Zakkai fell ill, his disciples went in to visit him. When he saw them he

began to weep. His disciples said to him: Lamp of Israel, pillar of the right hand,⁸ mighty hammer! Wherefore weepst thou? He replied: If I were being taken today before a human king who is here today and tomorrow in the grave, whose anger if he is angry with me does not last for ever, who if he imprisons me does not imprison me for ever and who if he puts me to death does not put me to everlasting death, and whom I can persuade with words and bribe with money, even so I would weep. Now that I am being taken before the supreme King of Kings, the Holy One, blessed be He, who lives and endures for ever and ever, whose anger, if He is angry with me, is an everlasting anger, who if He imprisons me imprisons me for ever, who if He puts me to death puts me to death for ever, and whom I cannot persuade with words or bribe with money — nay more, when there are two ways before me, one leading to Paradise and the other to Gehinnom, and I do not know by which I shall be taken, shall I not weep? They said to him: Master, bless us. He said to them: May it be [God's] will that the fear of heaven shall be upon you like the fear of flesh and blood. His disciples said to him: Is that all?⁹ He said to them: If only [you can attain this]! You can see [how important this is], for when a man wants to commit a transgression, he says, I hope no man will see me.¹⁰ At the moment of his departure he said to them: Remove the vessels so that they shall not become unclean, and prepare a throne for Hezekiah the king of Judah who is coming.¹¹

MISHNAH. RABBAN GAMALIEL SAYS: EVERY DAY A MAN SHOULD SAY THE EIGHTEEN BENEDICTIONS. R. JOSHUA SAYS: AN ABBREVIATED EIGHTEEN.¹² R. AKIBA SAYS: IF HE KNOWS IT FLUENTLY HE SAYS THE ORIGINAL EIGHTEEN, AND IF NOT AN ABBREVIATED EIGHTEEN. R. ELIEZER SAYS: IF A MAN MAKES HIS PRAYERS A FIXED TASK, IT IS NOT A [GENUINE] SUPPLICATION. R. JOSHUA SAYS: IF ONE IS TRAVELLING IN A DANGEROUS PLACE, HE SAYS A SHORT PRAYER, SAYING, SAVE, O LORD, THY PEOPLE THE REMNANT OF ISRAEL; IN EVERY TIME OF CRISIS¹³ MAY THEIR REQUIREMENTS NOT BE LOST SIGHT OF BY THEE. BLESSED ART THOU, O LORD, WHO HEARKENEST TO PRAYER. IF HE IS RIDING ON AN ASS HE DISMOUNTS AND PRAYS. IF HE IS UNABLE TO DISMOUNT HE SHOULD TURN HIS FACE [TOWARDS JERUSALEM]; AND IF HE CANNOT TURN HIS FACE HE SHOULD CONCENTRATE HIS THOUGHTS ON THE HOLY OF HOLIES. IF HE IS TRAVELLING IN A SHIP OR ON A RAFT,¹⁴ HE SHOULD CONCENTRATE HIS THOUGHTS ON THE HOLY OF HOLIES.

GEMARA. To what do these eighteen benedictions correspond? R. Hillel the son of Samuel b. Nahmani said: To the eighteen times that David mentioned the Divine Name in the Psalm, Ascribe unto the Lord, O ye sons of might.¹⁵ R. Joseph said: To the eighteen times the Divine Name is mentioned in the Shema'. R. Tanhum said in the name of R. Joshua b. Levi: To the eighteen vertebrae in the spinal column.

R. Tanhum also said in the name of R. Joshua b. Levi: In saying the Tefillah one should bow down [at the appropriate places] until all the vertebrae in the spinal column are loosened. 'Ulla says: Until an issar¹⁶ of flesh is visible opposite his heart.¹⁷ R. Hanina said: If he simply bows his head, he need do no more. Said Raba: This is only if it hurts him [to stoop] and he shows that he would like to bow down.

These eighteen are really nineteen? — R. Levi said: The benediction relating to the Minim¹⁸ was instituted in Jabneh.¹⁹ To what was it meant to correspond? — R. Levi said: On the view of R. Hillel the son of R. Samuel b. Nahmani,²⁰ to The God of Glory thundereth;²¹ on the view of R. Joseph, to the word 'One'²² in the Shema'; on the view of R. Tanhum quoting R. Joshua b. Levi, to the little vertebrae in the spinal column.

Our Rabbis taught: Simeon ha-Pakuli²³ arranged the eighteen benedictions in order before Rabban Gamaliel in Jabneh. Said Rabban Gamaliel to the Sages:²⁴ Can any one among you frame a benediction relating to the Minim?²⁵ Samuel the Lesser arose and composed it. The next year²⁶ he

forgot it

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- (1) R. Joseph was the head of the school at Pumbeditha and he used to lecture every Sabbath morning before the musaf prayer.
- (2) That he must not eat anything before saying musaf.
- (3) E.g., by giving a wrong decision.
- (4) Lit., 'he say'; referring perhaps to R. Nehunia.
- (5) Rashi translates: so that my colleagues may rejoice over me, i.e., over my discomfiture, and so bring sin upon themselves; and similarly in the next clause.
- (6) Rashi explains this to mean shopkeepers or ignorant people. For an alternative rendering v. Sanh., Sonc. ed., p. 6, n. 4.
- (7) Rashi explains this to mean too much reading of Scripture, or alternatively, childish talk. Others explain it as philosophic speculation.
- (8) The reference is to the two pillars in the Temple. V. I Kings VII, 21.
- (9) Should not the fear of God be more than that?
- (10) And therefore if the fear of God is no more than this, it will keep him from many sins.
- (11) Sc. to accompany me into the next world. Perhaps because he, like Hezekiah, had acted mightily for the spread of Torah; v. Sanh. 94b.
- (12) Lit., 'like the eighteen'. V. infra in the Gemara.
- (13) Lit., 'section of the crossing', i.e., transition from one condition to another.
- (14) Aliter: in prison.
- (15) Ps. XXIX.
- (16) A coin, v. Glos.
- (17) I.e., till the flesh bulges.
- (18) V. Glos. The reading 'Sadducees' in our edd. is a censor's correction.
- (19) After the rest.
- (20) This is a marginal correction of the reading in the text, R. Levi son of R. Samuel b. Nahmani said: R. Hillel etc.
- (21) Ps. XXIX, 3. The Hebrew for God here is El.
- (22) Which is also considered a Divine Name.
- (23) Possibly this word means 'cotton seller'. On this passage. cf. Meg. 17.
- (24) On a subsequent occasion.
- (25) V. n. 3.
- (26) Apparently this benediction was at that time not recited daily as now, but on special annual occasions.

Talmud - Mas. Berachoth 29a

and he tried for two or three hours to recall it, and they did not remove him.¹ Why did they not remove him seeing that Rab Judah has said in the name of Rab: If a reader made a mistake in any of the other benedictions, they do not remove him, but if in the benediction of the Minim, he is removed, because we suspect him of being a Min? — Samuel the Lesser is different, because he composed it. But is there not a fear that he may have recanted? — Abaye said: We have a tradition that a good man does not become bad. But does he not? It is not written, But when the righteous turneth away from his righteousness and committeth iniquity?² — Such a man was originally wicked, but one who was originally righteous does not do so. But is that so? Have we not learnt: Believe not in thyself until the day of thy death?³ For lo, Johanan the High Priest officiated as High Priest for eighty years and in the end he became a Min? Abaye said: Johanan⁴ is the same as Jannai.⁵ Raba said: Johanan and Jannai are different; Jannai was originally wicked and Johanan was originally righteous. On Abaye's view there is no difficulty, but on Raba's view there is a difficulty? — Raba can reply: For one who was originally righteous it is also possible to become a renegade. If that is the case, why did they not remove him? — Samuel the Lesser is different, because he had already commenced to say it [the benediction]. For Rab Judah said in the name of Rab — or as some say. R. Joshua b. Levi: This applies only if he has not commenced to say it, but if he has

commenced, he is allowed to finish.

To what do the seven blessings said on Sabbath⁶ correspond? — R. Halefta b. Saul said: To the seven voices mentioned by David [commencing with] ‘on the waters’.⁷ To what do the nine said on New Year [Musaf Tefillah] correspond?⁸ Isaac from Kartignin⁹ said: To the nine times that Hannah mentioned the Divine Name in her prayer.¹⁰ For a Master has said: On New Year Sarah, Rachel and Hannah were visited.¹¹ To what do the twenty-four said on a last day correspond?¹² R. Helbo said: To the twenty-four times that Solomon used the expression ‘prayer’ etc. on the occasion when he brought the ark into the Holy of Holies.¹³ If that is so, then let us say them every day? — When did Solomon say them? On a day of supplication;¹⁴ We also say them on a day of supplication. R. JOSHUA SAYS: AN ABBREVIATED EIGHTEEN. What is meant by ‘AN ABBREVIATED EIGHTEEN’? Rab said: An abbreviated form of each blessing; Samuel said: Give us discernment, O Lord, to know Thy ways, and circumcise our heart to fear Thee, and forgive us so that we may be redeemed, and keep us far from our sufferings, and fatten us in the pastures of Thy land, and gather our dispersions from the four corners of the earth, and let them who err from Thy prescriptions be punished,¹⁵ and lift up Thy hand against the wicked, and let the righteous rejoice in the building of Thy city and the establishment of the temple and in the exalting of the horn of David Thy servant and the preparation of a light for the son of Jesse Thy Messiah; before we call mayest Thou answer; blessed art Thou, O Lord, who hearkenest to prayer.¹⁶ Abaye cursed anyone who prayed ‘Give us discernment’.¹⁷ R. Nahman said in the name of Samuel: A man may say ‘Give us discernment’ any time of the year except on the outgoing of Sabbath and of festivals, because he has to say habdalah in ‘that graciously giveth knowledge’. Rabbah b. Samuel demurred to this. Let him, [he said] make a fourth blessing¹⁸ of it by itself. Have we not learnt: R. Akiba says: He says it as a fourth blessing by itself; R. Eleazar says: He says it in the thanksgiving?¹⁹ — Do we follow R. Akiba all the year that we should follow him now? Why do we not follow R. Akiba the rest of the year? Because eighteen blessings were instituted, not nineteen. Here too, seven were instituted,²⁰ not eight. Mar Zutra demurred to this. Let him [he said] include it²¹ in ‘Give us discernment’ [by saying]. O lord, our God, who distinguisheth between holy and profane. — This is indeed a difficulty.

R. Bibi b. Abaye said: A man may say ‘Give us discernment’ any time in the year except in the rainy season, because he requires to make a request in the benediction of the years.²² Mar Zutra demurred to this. Let him include it [by saying], And fatten us in the pastures of Thy land and give dew and rain? — He might become confused. If so, by saying habdalah²³ in ‘that grantest discernment’ he might equally become confused? They replied: In that case, since it comes near the beginning of the Tefillah he will not become confused, here, as it comes in the middle of the Tefillah he will become confused. R. Ashi demurred to this. Let him say it in ‘that hearkenest to prayer’?²⁴ For R. Tanhum said in the name of R. Assi: If a man made a mistake and did not mention the miracle of rain²⁵ in the benediction of the resurrection of the dead, we turn him back;²⁶ [if he forgot] the request for rain in the benediction of the years,²⁷ we do not turn him back, because he can say it in ‘that hearkenest unto prayer’, and [if he forgot] habdalah in ‘that grantest knowledge’ we do not turn him back, because he can say it later over wine?²⁸ — A mistake is different.²⁹

The text above [said]: R. Tanhum said in the name of R. Assi: If one made a mistake and did not mention the miracle of rain in the benediction of the resurrection, he is turned back; [if he forgot] the request in the benediction of the years he is not turned back, because he can say it in ‘that hearkenest unto prayer’; [if he forgot] habdalah in ‘that grantest knowledge’ he is not turned back, because he can say it later over wine. An objection was raised: If one made a mistake and did not mention the miracle of rain in the benediction of the resurrection, he is turned back; [if he forgot] the request in the benediction of the years, he is turned back; [if he forgot] habdalah in ‘that grantest knowledge’ he is not turned back because he can say it later over wine! — There is no contradiction; the one case where he is turned back refers to where he is saying it by himself, the other, with the congregation. What is the reason why he is not turned back when he says it with the congregation? Because he

hears it from the Reader,³⁰ is it not? If so then instead of ‘because he can say it in "who hearkenest unto prayer"’, we should have ‘because he hears it from the Reader’? — In fact in both cases he is saying it by himself, and still there is no contradiction; the one case refers to where he remembers before he comes to ‘that hearkenest unto prayer’

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- (1) From his post as reader.
 - (2) Ezek. XVIII, 24.
 - (3) Ab. II, 4.
 - (4) The Hasmonean king, John Hyrcanus, is meant.
 - (5) Alexander Jannaeus who was always hostile to the Pharisees, and who massacred Pharisaic Sages. Cf. Kid., Sonc. ed., p. 332. n. 22.
 - (6) In the Tefillah, instead of the eighteen on week-days. V. P.B. 136-142.
 - (7) Ps. XXIX, 3.
 - (8) V. P.B p. 239-242.
 - (9) Carthage or Carthagenia in Spain.
 - (10) I Sam. II, 1-10.
 - (11) V. R.H. 11a.
 - (12) Ta'an. II, 3, where six additional blessings to be said on fast days are mentioned.
 - (13) I Kings VIII, 23-53.
 - (14) Because the gates would not open. V. M.K. 9a.
 - (15) Rashi, following Halakoth Gedoloth emends, Let those who err in judgment, judge according to Thy word.
 - (16) Thus Samuel included the contents of the twelve middle benedictions in one. (V. P.B. p. 55.) The first and last three must in every case be said in full.
 - (17) Instead of the eighteen benedictions in full.
 - (18) After the first three.
 - (19) Infra 33a.
 - (20) I.e., the first and last three and ‘Give us discernment’.
 - (21) The reference to habdalah.
 - (22) The twelfth.
 - (23) In the Tefillah on the termination of the Sabbath.
 - (24) Which is at the conclusion of the prayer.
 - (25) Lit., ‘the (divine) might (manifested) in the rain’.
 - (26) Because this, not being a prayer, cannot be said in ‘that hearkenest unto prayer’.
 - (27) V. P.B. p. 47.
 - (28) V. ibid. p. 216.
 - (29) From something which can confuse the person praying.
 - (30) When he repeats the ‘Amidah. V. Glos.

Talmud - Mas. Berachoth 29b

, the other case where he only remembers after ‘that hearkenest unto prayer’.

R. Tanhum said in the name of R. Assi quoting R. Joshua b. Levi: If one made a mistake and did not mention the New Moon in the ‘Abodah¹ benediction, he goes back to the ‘Abodah. If he remembered in the ‘thanksgiving’,² he goes back to the ‘Abodah; if he remembers in ‘grant peace’,³ he goes back to the ‘Abodah. If he has finished, he goes back to the beginning. R. Papa son of R. Aha b. Ada said: In saying that if he has finished he goes back to the beginning, we mean only, if he has moved his feet; but if he has not yet moved his feet⁴ he goes back to the ‘Abodah. He said to him: From where have you that? — He replied: I have heard it from Abba,⁵ and Abba Meri had it from Rab. R. Nahman b. Isaac said: When we say that if he has moved his feet he goes back to the beginning, we mean this to apply only to one who is not accustomed to say a supplication after his Tefillah,⁶ but if he is accustomed to say a supplication after his Tefillah, he goes back to the

‘Abodah. Some report: R. Nahman b. Isaac said: When we say that if he has not moved his feet he goes back to the ‘Abodah, we mean this to apply only to one who is accustomed to say a supplication after his Tefillah, but if he is not accustomed to say a supplication after his Tefillah, he goes back to the beginning.

R. ELIEZER SAYS: HE WHO MAKES HIS PRAYER A FIXED TASK etc. What is meant by a FIXED TASK? — R. Jacob b. Idi said in the name of R. Oshaiah: Anyone whose prayer is like a heavy burden on him. The Rabbis say: Whoever does not say it in the manner of supplication.⁷ Rabbah and R. Joseph both say: Whoever is not able to insert something fresh in it.⁸ R. Zera said: I can insert something fresh, but I am afraid to do so for fear I should become confused.⁹ Abaye b. Abin and R. Hanina b. Abin both said: Whoever does not pray at the first and last appearance of the sun.¹⁰ For R. Hiyya b. Abba said in the name of R. Johanan: It is a religious duty to pray with the first and last appearance of the sun. R. Zera further said: What text confirms this? — They shall fear Thee with the sun, and before the moon throughout all generations.¹¹ In the West they curse anyone who prays [minhah] with the last appearance of the sun. Why so? — Perhaps he will miss the time.¹²

R. JOSHUA SAYS: HE WHO IS WALKING IN A DANGEROUS PLACE SAYS A SHORT PRAYER. . . IN EVERY TIME OF CRISIS. What is ‘TIME OF CRISIS’ [‘ibbur]? R. Hisda said in the name of Mar ‘Ukba: Even at the time when Thou art filled with wrath [‘ebrah] against them like a pregnant woman, may all their need not be overlooked by Thee.¹³ Some there are who say that R. Hisda said in the name of Mar ‘Ukba: Even at the time when they transgress [‘oberim] the words of the Torah may all their requirements not be overlooked by Thee.

Our Rabbis taught: One who passes through a place infested with beasts or bands of robbers says a short Tefillah. What is a short Tefillah? — R. Eliezer says: Do Thy will in heaven above,¹⁴ and grant relief¹⁵ to them that fear Thee below and do that which is good in Thine eyes.¹⁶ Blessed art Thou, O Lord, who hearest prayer. R. Joshua says: Hear the supplication of Thy people Israel and speedily fulfil their request. Blessed art Thou, O Lord, who hearest prayer. R. Eleazar son of R. Zadok says: Hear the cry of thy people Israel and speedily fulfil their request. Blessed art Thou, O Lord, who hearkenest unto prayer. Others say: The needs of Thy people Israel are many and their wit is small.¹⁷ May it be Thy will, O Lord our God, to give to each one his sustenance and to each body what it lacks. Blessed art Thou, O Lord, who hearkenest unto prayer. R. Huna said: The halachah follows the ‘Others’.

Said Elijah to Rab Judah the brother of R. Sala the Pious: Fall not into a passion and thou wilt not sin, drink not to excess and thou wilt not sin; and when thou goest forth on a journey, seek counsel of thy Maker and go forth. What is meant by ‘seek counsel of thy Maker and go forth’? — R. Jacob said in the name of R. Hisda: This refers to the prayer before setting forth on a journey. R. Jacob also said in the name of R. Hisda: Whoever sets forth on a journey should say the prayer for a journey. What is it? — ‘May it be Thy will, O Lord my God, to lead me forth in peace, and direct my steps in peace and uphold me in peace, and deliver me from the hand of every enemy and ambush by the way, and send a blessing on the works of my hands, and cause me to find grace, kindness, and mercy in Thy eyes and in the eyes of all who see me. Blessed art Thou, O Lord, who hearkenest unto prayer’.¹⁸ Abaye said: A man should always

(1) Lit., ‘Service’: the name of the sixteenth benediction.

(2) The last benediction but one.

(3) The last benediction.

(4) On concluding the Tefillah, one steps back three paces.

(5) Or, my father, my teacher.

(6) E.g., My God, keep my tongue from guile etc. V. P.B. p. 54. Cf. also supra 16b, 17a.

(7) I.e., as if he were really asking for a favour.

- (8) So as to vary it in case of need.
- (9) And not know where I broke off
- (10) I.e., the morning Tefillah in the former case and the afternoon one in the latter. Lit., (a) 'the reddening of the sun', (b) 'the stillness of the sun' i.e., the time in the morning and evening when the sun appears to stand still, v. Jast.
- (11) Ps, LXXII, 5. E.V.'They shall fear Thee while the sun endureth, and so long as the moon'.
- (12) Through delaying so long.
- (13) There is a play here on the words 'ibbur (passage transition), 'ebrah (wrath) and 'ubereth (pregnant) Which are all from the same root, though with different meanings.
- (14) Among the angels who never merit punishment.
- (15) Lit., 'ease of spirit', i.e., a clear mind without fear of danger.
- (16) Cf. Judg. X., 15.
- (17) I.e., they do not know how to ask for their needs.
- (18) V. P. B. p. 310.

Talmud - Mas. Berachoth 30a

associate himself with the congregation. How should he say? 'May it be Thy will, O Lord our God, to lead us forth in peace etc'. When should he say this prayer? — R. Jacob said in the name of R. Hisda: At the moment he starts on his journey. How long [is it still permissible to say it]?¹ — R. Jacob said in the name of R. Hisda: Until [he has gone]² a parasang. How is he to say it? R. Hisda said: Standing still; R. Shesheth said: [He may] also [say it] while proceeding. Once R. Hisda and R. Shesheth were going along together, and R. Hisda stood still and prayed. R. Shesheth asked his attendant, What is R. Hisda doing?³ — He replied: He is standing and praying. He thereupon said to him: Place me in position also that I may pray; if thou canst be good, do not be called bad.⁴

What is the difference between 'Grant us discernment' and the SHORT PRAYER? — 'Grant us discernment' requires to be accompanied by the first and last three blessings [of the 'Amidah], and when he returns home he need not say the Tefillah again. The 'short prayer does not require to be accompanied either by the first or the last three blessings, and when one returns home he must say the Tefillah. The law is that 'Grant us discernment' must be said standing, a 'short prayer' may be said either standing or journeying.

IF ONE WAS RIDING ON AN ASS etc. Our Rabbis taught: If one was riding on an ass and the time arrived for saying Tefillah, if he has someone to hold his ass, he dismounts and prays, if not, he sits where he is and prays. Rabbi says: In either case he may sit where he is and pray, because [otherwise] he will be worrying.⁵ Rab — or, as some say, R. Joshua b. Levi — said: The halachah follows Rabbi.

Our Rabbis taught: A blind man or one who cannot tell the cardinal points should direct his heart towards his Father in Heaven, as it says, And they pray unto the Lord.⁶ If one is standing outside Palestine, he should turn mentally towards Eretz Israel, as it says, And pray unto Thee towards their land.⁷ If he stands in Eretz Israel he should turn mentally towards Jerusalem, as it says, And they pray unto the Lord toward the city which Thou hast chosen.⁸ If he is standing in Jerusalem he should turn mentally towards the Sanctuary, as it says, If they pray toward this house.⁹ If he is standing in the Sanctuary, he should turn mentally towards the Holy of Holies, as it says, If they pray toward this place.¹⁰ If he was standing in the Holy of Holies he should turn mentally towards the mercy-seat.¹¹ If he was standing behind the mercy-seat¹² he should imagine himself to be in front of the mercy-seat. Consequently, if he is in the east he should turn his face to the west; if in the west he should turn his face to the east; if in the south he should turn his face to the north; if in the north he should turn his face to the south. In this way all Israel will be turning their hearts towards one place. R. Abin — or as some say R. Abina — said: What text confirms this? — Thy neck is like the tower of David builded with turrets [talpioth],¹³ the elevation [tel]¹⁴ towards which all mouths (piyyoth) turn.¹⁵

When Samuel's father and Levi were about to set out on a journey, they said the Tefillah before [dawn],¹⁶ and when the time came to recite the Shema', they said it. Whose authority did they follow? — That of the following Tanna, as it has been taught: If a man got up early to go on a journey, they bring him [before dawn] a shofar and he blows,¹⁷ a lulab¹⁸ and he shakes it,¹⁹ a megillah¹⁸ and he reads it,²⁰ and when the time arrives for reciting the Shema', he recites it. If he rose early in order to take his place in a coach or in a ship,²¹ he says the Tefillah,²² and when the time arrives for reciting he Shema', he recites it. R. Simeon b. Eleazar says: In either case he recites the Shema' and then says the Tefillah, in order that he may say the ge'ullah next to the Tefillah. What is the ground of the difference between the two authorities? — One held that it is more important to say the Tefillah standing,²³ the other that it is more important to say ge'ullah next to Tefillah. Meremar and Mar Zutra used to collect ten persons on the Sabbath before a festival²⁴ and say the Tefillah, and then they went out and delivered their lectures.²⁵ R. Ashi used to say the Tefillah while still with the congregation sitting.²⁶ and when he returned home he used to say it again standing. The Rabbis said to him: Why does not the Master do as Meremar and Mar Zutra did? — He replied: That²⁷ is a troublesome business. Then let the Master do like the father of Samuel and Levi? — He replied: I have not seen any of the Rabbis who were my seniors doing thus.²⁸

MISHNAH. R. ELEAZAR B. AZARIAH SAYS: THE MUSAF PRAYERS ARE TO BE SAID ONLY WITH THE LOCAL CONGREGATION;²⁹ THE RABBIS, HOWEVER, SAY: WHETHER WITH OR WITHOUT THE CONGREGATION. R. JUDAH SAID IN HIS NAME:³⁰ WHEREVER THERE IS A CONGREGATION, AN INDIVIDUAL IS EXEMPT FROM SAYING THE MUSAF PRAYER.³¹

GEMARA. R. Judah says the same thing as the first Tanna? — They differ on the case of an individual living in a place where there is no congregation; the first Tanna holds that he is exempt, while R. Judah holds that he is not exempt. R. Huna b. Hinena said in the name of R. Hiyya b. Rab: The halachah follows R. Judah, citing R. Eleazar b. Azariah. Said R. Hiyya b. Abin to him: You are quite right; for Samuel said: All my life I have never said the musaf prayer alone

(1) Another rendering is: How long must the journey be before this prayer is required to be said.

(2) Or, (v. previous note) up to the distance of a parasang.

(3) R. Shesheth was blind.

(4) I.e., although I may pray walking, to pray standing is still better.

(5) At the delay of his journey.

(6) I Kings VIII, 44.

(7) Ibid. 48.

(8) Ibid. 44.

(9) II Chron. VI, 26.

(10) I Kings VIII, 35'

(11) V. Ex. XXV, 17.

(12) In the western part of the Forecourt of the Temple.

(13) Cant. IV, 4.

(14) Taken as an expression for the Temple.

(15) Var. lec. omit 'mouths' and read: towards which all turn (ponim).

(16) So Rashi. Tosaf., however, says, before sunrise.

(17) On New Year.

(18) V. Glos.

(19) On Tabernacles.

(20) On Purim.

(21) Where he cannot stand.

(22) Before leaving.

- (23) Which is not possible when journeying, hence the Tefillah is said at home before setting out.
- (24) When they preached in public, before daybreak.
- (25) Apparently the public who had gathered in the schoolhouse from early dawn said the Shema' before he came, and after the lecture they would not wait to say the Tefillah together, each saying it by himself
- (26) In the course of his lecture, when the turgeman (v. Glos.) was explaining his remarks to the public. He did not stand, as the congregation would have felt it their duty to rise with him.
- (27) To collect ten persons.
- (28) Saying Tefillah before dawn before the Shema'.
- (29) I.e., in a place where at least ten Jews are living. On the term **חבר עיר**, a town organization, v. Meg. Sonc. ed., p. 164, n. 1.
- (30) The name of R. Eleazar b. Azariah.
- (31) If he says prayers alone.

Talmud - Mas. Berachoth 30b

in Nehardea except on that day when the king's forces came to the town and they disturbed the Rabbis and they did not say the Tefillah, and I prayed by myself, being an individual where there was no congregation. R. Hanina the Bible teacher¹ sat before R. Jannai and said: The halachah is as stated by R. Judah in the name of R. Eleazar b. Azariah. He said to him: Go and give your bible-reading outside; the halachah is not as stated by R. Judah citing R. Eleazar b. Azariah. R. Johanan said: I have seen R. Jannai pray [privately]. and then pray again.² R. Jeremiah said to R. Zera: Perhaps the first time he was not attending to what he said, and the second time he did attend? — He said to him: See what a great man it is who testifies concerning him.³

Although there were thirteen synagogues in Tiberias, R. Ammi and R. Assi prayed only between the pillars, the place where they studied.⁴

It has been stated: R. Isaac b. Abdimi said in the name of our Master:⁵ The halachah is as stated by R. Judah in the name of R. Eleazar b. Azariah. R. Hiyya b. Abba prayed once and then prayed again. Said R. Zera to him: Why does the Master act thus? Shall I say it is because the Master was not attending? Has not R. Eleazar said: A man should always take stock of himself: if he can concentrate his attention he should say the Tefillah, but if not he should not say it? Or is it that the Master did not remember that it is New Moon?⁶ But has it not been taught: If a man forgot and did not mention the New Moon in the evening Tefillah, he is not made to repeat, because he can say it in the morning prayer; if he forgot in the morning prayer, he is not made to repeat, because he can say it in the musaf if he forgot in musaf, he is not made to repeat, because he can say it in minhah? — He said to him: Has not a gloss been added to this: R. Johanan says: This applies only to prayer said in a congregation?⁷

What interval should be left between one Tefillah and another?⁸ — R. Huna and R. Hisda gave different answers: one said, long enough for him to fall into a suppliant frame of mind; the other said, long enough to fall into an interceding frame of mind.⁹ The one who says a suppliant frame of mind quotes the text, And I supplicated [wa-ethhanan] the Lord;¹⁰ the one who says an interceding frame of mind quotes the text, And Moses interceded [wa-yehal].¹¹

R. 'Anan said in the name of Rab: If one forgot and made no mention of New Moon in the evening prayer, he is not made to repeat, because the Beth din sanctify the New Moon only by day. Amemar said: This rule of Rab seems right in a full month,¹² but in a defective month he is made to repeat. Said R. Ashi to Amemar: Let us see: Rab gave a reason, so what does it matter whether it is full or defective? In fact there is no difference.

MISHNAH. ONE SHOULD NOT STAND UP TO SAY TEFILLAH SAVE IN A REVERENT FRAME OF MIND.¹³ THE PIOUS MEN OF OLD¹⁴ USED TO WAIT AN HOUR BEFORE PRAYING IN ORDER THAT THEY MIGHT CONCENTRATE THEIR THOUGHTS UPON THEIR FATHER IN HEAVEN. EVEN IF A KING GREETES HIM [WHILE PRAYING] HE SHOULD NOT ANSWER HIM: EVEN IF A SNAKE IS WOUND ROUND HIS HEEL HE SHOULD NOT BREAK OFF.

GEMARA. What is the [Scriptural] source of this rule? — R. Eleazar said: Scripture says, And she was in bitterness of soul.¹⁵ But how can you learn from this? Perhaps Hannah was different because she was exceptionally bitter at heart! Rather, said R. Jose son of R. Hanina: We learn it from here: But as for me, in the abundance of Thy lovingkindness will I come into Thy house, I will bow down toward Thy holy temple in the fear of Thee.¹⁶ But how can we learn from this? perhaps David was different, because he was exceptionally self-tormenting in prayer! Rather, said R. Joshua b. Levi, it is from here: Worship the Lord in the beauty of holiness.¹⁷ Read not hadrath [beauty] but herdath [trembling]. But how can you learn from here? perhaps I can after all say that the word 'hadrath' is to be taken literally, after the manner of Rab Judah, who used to dress himself up before he prayed! Rather, said R. Nahman b. Isaac: We learn it from here: Serve the Lord with fear and rejoice with trembling.¹⁸ What is meant by 'rejoice with trembling'? — R. Adda b. Mattena said in the name of Rab: In the place where there is rejoicing there should also be trembling. Abaye was sitting before Rabbah, who observed that he seemed very merry. He said: It is written, And rejoice with trembling? — He replied: I am putting on tefillin.¹⁹ R. Jeremiah was sitting before R. Zera who saw that he seemed very merry. He said to him: It is written, In all sorrow there is profit?²⁰ — He replied: I am wearing tefillin. Mar the son of Rabina made a marriage feast for his son. He saw that the Rabbis were growing very merry

(1) Heb. kara, a professional reciter of the Hebrew Scriptures.

(2) I.e., apparently, first the morning prayer and then the musaf.

(3) Viz., R. Johanan, who was not likely to have made a mistake.

(4) I.e., they said even the musaf there, privately.

(5) Rab (Rashi); Hyman (Toledoth, p. 785): Rabbi.

(6) And omitted the appropriate reference to it in the first prayer.

(7) Because then he hears the Reader repeat it, and as R. Hiyya b. Abba was praying privately he rightly repeated the Tefillah.

(8) On any occasion when two are to be said.

(9) The difference between them is little more than verbal.

(10) Deut. III, 23.

(11) Ex. XXXII, 11.

(12) When the preceding month is thirty days, two new moon days are observed, viz., the concluding day of the old month and the next day which is the first of the next; in this case if he omitted the reference on one evening, he can rectify the error on the next.

(13) Lit., 'with heaviness of head'. Cf. Latin gravitas.

(14) Perhaps identical with the wathikin. V. supra p. 49 n. 4.

(15) I Sam. I, 10.

(16) Ps. V, 8.

(17) Ibid. XXIX, 2.

(18) Ibid. II, 11.

(19) And this is a guarantee that I am not going too far.

(20) Prov. XIV, 23. E.V. 'In all labour'.

, so he brought a precious cup¹ worth four hundred zuz and broke it before them, and they became serious. R. Ashi made a marriage feast for his son. He saw that the Rabbis were growing very merry, so he brought a cup of white crystal and broke it before them and they became serious. The Rabbis said to R. Hamnuna Zuti at the wedding of Mar the son of Rabina: please sing us something. He said to them: Alas for us that we are to die! They said to him: What shall we respond after you? He said to them: Where is the Torah and where is the mizwah that will shield us!²

R. Johanan said in the name of R. Simeon b. Yohai: It is forbidden to a man to fill his mouth with laughter in this world, because it says, Then will our mouth be filled with laughter and our tongue with singing.³ When will that be? At the time when 'they shall say among the nations, The Lord hath done great things with these'.⁴ It was related of Resh Lakish that he never again filled his mouth with laughter in this world after he heard this saying from R. Johanan his teacher.

Our Rabbis taught: A man should not stand up to say Tefillah either immediately after trying a case or immediately after a [discussion on a point of] halachah;⁵ but he may do so after a halachic decision which admits of no discussion.⁶ What is an example of a halachic decision which admits of no discussion? — Abaye said: Such a one as the following of R. Zera; for R. Zera said:⁷ The daughters of Israel have undertaken to be so strict with themselves that if they see a drop of blood no bigger than a mustard seed they wait seven [clean] days after it.⁸ Raba said: A man may resort to a device with his produce and bring it into the house while still in its chaff⁹ so that his animal may eat of it without its being liable to tithe.¹⁰ Or, if you like, I can say, such as the following of R. Huna. For R. Huna said in the name of R. Zeiri:¹¹ If a man lets blood in a consecrated animal, no benefit may be derived from it [the blood] and such benefit constitutes a trespass. The Rabbis followed the rule laid down in the Mishnah,¹² R. Ashi that of the Baraita.¹³

Our Rabbis taught: One should not stand up to say Tefillah while immersed in sorrow, or idleness, or laughter, or chatter, or frivolity, or idle talk, but only while still rejoicing in the performance of some religious act.¹⁴ Similarly a man before taking leave of his fellow should not finish off with ordinary conversation, or joking, or frivolity, or idle talk, but with some matter of halachah. For so we find with the early prophets that they concluded their harangues with words of praise and comfort; and so Mari the grandson of R. Huna the son of R. Jeremiah b. Abba learnt: Before taking leave of his fellow a man should always finish with a matter of halachah, so that he should remember him thereby. So we find that R. Kahana escorted R. Shimi b. Ashi from Pun, to Be-Zinyatha¹⁵ of Babylon, and when he arrived there he said to him, Sir, do people really say that these palm trees of Babylon are from the time of Adam? — He replied: You have reminded me of the saying of R. Jose son of R. Hanina. For R. Jose son of R. Hanina said: What is meant by the verse, Through a land that no man passed through and where no man dwelt?¹⁶ If no one passed, how could anyone dwell? It is to teach you that any land which Adam decreed should be inhabited is inhabited, and any land which Adam decreed should not be inhabited is not inhabited.¹⁷ R. Mordecai escorted R. Shimi b. Abba from Hagronia to Be Kafi, or, as some report, to Be Dura.¹⁸

Our Rabbis taught: When a man prays, he should direct his heart to heaven. Abba Saul says: A reminder of this is the text, Thou wilt direct their heart, Thou wilt cause Thine ear to attend.¹⁹ It has been taught: Such was the custom of R. Akiba; when he prayed with the congregation, he used to cut it short and finish²⁰ in order not to inconvenience the congregation,²¹ but when he prayed by himself, a man would leave him in one corner and find him later in another, on account of his many genuflections and prostrations.

R. Hiyya b. Abba said: A man should always pray in a house with windows, as it says, Now his windows were open.²²

I might say that a man should pray the whole day? It has already been expressly stated by the hand

of Daniel, And three times. etc.²³ But perhaps [this practice] began only when he went into captivity? It is already said, As he did aforetime.²⁴ I might say that a man may pray turning in any direction he wishes? Therefore the text states, Toward Jerusalem.²⁵ I might say that he may combine all three Tefillahs in one? It has already been clearly stated by David, as is written, Evening and morning and at noonday.²⁶ I might say that he should let his voice be heard in praying? It has already been clearly stated by Hannah, as is said, But her voice could not be heard.²⁷ I might say that a man should first ask for his own requirements²⁸ and then say the Tefillah?²⁹ It has been clearly stated by Solomon, as is said, To hearken unto the cry and to the prayer:³⁰ 'cry' here means Tefillah. 'prayer' means [private] request. A [private] request is not made after 'True and firm',³¹ but after the Tefillah, even the order of confession of the Day of Atonement³² may be said. It has also been stated: R. Hiyya b. Ashi said in the name of Rab: Although it was laid down that a man asks for his requirements in 'that hearkenest unto prayer', if he wants to say something after his prayer, even something like the order of confession on the Day of Atonement, he may do so.

R. Hamnuna said: How many most important laws can be learnt from these verses relating to Hannah!³³ Now Hannah, she spoke in her heart: from this we learn that one who prays must direct his heart. Only her lips moved: from this we learn that he who prays must frame the words distinctly with his lips. But her voice could not be heard: from this, it is forbidden to raise one's voice in the Tefillah. Therefore Eli thought she had been drunken: from this, that a drunken person is forbidden to say the Tefillah. And Eli said unto her, How long wilt thou be drunken, etc.³⁴ R. Eleazar said: From this we learn that one who sees in his neighbour

(1) Aliter: crystal cup.

(2) From the punishment that is to come.

(3) Ps. CXXVI, 2.

(4) Ibid. 3.

(5) Because through thinking of it he may be unable to concentrate on his prayer.

(6) Lit., 'a decided halachah'.

(7) Nid. 66a.

(8) Though Scripture requires this only if they saw three issues.

(9) I.e., before it is winnowed.

(10) Whereas if it had been winnowed before being brought into the house, it would have been liable to tithe, v. Pes., Sonc. ed. p. 39, n. 5.

(11) Me'il. 12b.

(12) That one should rise to pray only in a reverent frame of mind.

(13) That one should pray only after dealing with an undisputed halachah.

(14) I.e. he should first say something like Ps. CXLIV.

(15) Lit., 'among the palms'. The district of the old city of Babylon which was rich in palms.

(16) Jer. II, 6.

(17) And Adam decreed that this should be inhabited, and so there have always been palm trees here. On the identification of all the places mentioned in this message v. Sotah, Sonc. ed., p. 243 notes.

(18) The text here seems to be defective, as we are not told what either of the Rabbis said.

(19) I.e., if the heart is directed to heaven, then God will attend. Ps. X, 17.

(20) Lit., 'ascend', 'depart'.

(21) By detaining them; the congregation would not resume the service until R. Akiba had finished his Tefillah.

(22) Dan. VI, 11.

(23) Ibid.

(24) Ibid.

(25) Ibid.

(26) Ps. LV, 18.

(27) I Sam. I, 13.

(28) In the middle benedictions of the 'Amidah.

(29) The first three benedictions.

(30) I Kings VIII, 28.

(31) And before the first three benedictions.

(32) V. P.B. p. 258.

(33) I Sam. I, 10ff.

(34) Ibid. 14.

Talmud - Mas. Berachoth 31b

something unseemly must reprove him. And Hannah answered and said, No, my lord.¹ ‘Ulla, or as some say R. Jose b. Hanina, said: She said to him: Thou art no lord in this matter, nor does the holy spirit rest on thee, that thou suspectest me of this thing. Some say, She said to him: Thou art no lord, [meaning] the Shechinah and the holy spirit is not with you in that you take the harsher and not the more lenient view of my conduct.² Dost thou not know that I am a woman of sorrowful spirit: I have drunk neither wine nor strong drink. R. Eleazar said: From this we learn that one who is suspected wrongfully must clear himself. Count not thy handmaid for a daughter of Belial;³ a man who says the Tefillah when drunk is like one who serves idols. It is written here, Count not thy handmaid for a daughter of Belial, and it is written elsewhere, Certain sons of Belial have gone forth from the midst of thee.⁴ Just as there the term is used in connection with idolatry, so here. Then Eli answered and said, Go in Peace.⁵ R. Eleazar said: From this we learn that one who suspects his neighbour of a fault which he has not committed must beg his pardon;⁶ nay more, he must bless him, as it says, And the God of Israel grant thy petition.⁵

And she vowed a vow and said, O Lord of Zebaoth [Hosts].⁷ R. Eleazar said: From the day that God created His world there was no man called the Holy One, blessed be He, Zeboath [hosts] until Hannah came and called Him Zebaoth. Said Hannah before the Holy One, blessed be He: Sovereign of the Universe, of all the hosts and hosts that Thou hast created in Thy world, is it so hard in Thy eyes to give me one son? A parable: To what is this matter like? To a king who made a feast for his servants, and a poor man came and stood by the door and said to them, Give me a bite,⁸ and no one took any notice of him, so he forced his way into the presence of the king and said to him, Your Majesty, out of all the feast which thou hast made, is it so hard in thine eyes to give me one bite?

If Thou wilt indeed look.⁹ R. Eleazar said: Hannah said before the Holy One, blessed be He: Sovereign of the Universe, if Thou wilt look, it is well, and if Thou wilt not look, I will go and shut myself up with someone else in the knowledge of my husband Elkanah,¹⁰ and as I shall have been alone¹¹ they will make me drink the water of the suspected wife, and Thou canst not falsify Thy law, which says, She shall be cleared and shall conceive seed.¹² Now this would be effective on the view of him who says that if the woman was barren she is visited. But on the view of him who says that if she bore with pain she bears with ease, if she bore females she now bears males, if she bore swarthy children she now bears fair ones, if she bore short ones she now bears tall ones, what can be said? As it has been taught: ‘She shall be cleared and shall conceive seed’: this teaches that if she was barren she is visited. So R. Ishmael. Said K. Akiba to him, If that is so, all barren women will go and shut themselves in with someone and she who has not misconducted herself will be visited! No, it teaches that if she formerly bore with pain she now bears with ease, if she bore short children she now bears tall ones, if she bore swarthy ones she now bears fair ones, if she was destined to bear one she will now bear two. What then is the force of ‘If Thou wilt indeed look’? — The Torah used an ordinary form of expression.

If Thou wilt indeed look on the affliction of Thy handmaid . . . and not forget Thy handmaid, but wilt give unto Thy handmaid etc. R. Jose son of R. Hanina said: Why these three ‘handmaids’? Hannah said before the Holy One, blessed be He: Sovereign of the Universe, Thou hast created in woman three criteria [bidke] of death¹³ (some say, three armour-joints [dibke] of death),¹⁴ namely,

niddah, hallah and the kindling of the light [on Sabbath].¹⁵ Have I transgressed in any of them?

But wilt give unto Thy handmaid a man-child. What is meant by 'a man-child'? Rab said: A man among men;¹⁶ Samuel said: Seed that will anoint two men, namely, Saul and David; R. Johanan said: Seed that will be equal to two men, namely, Moses and Aaron, as it says, Moses and Aaron among His priests and Samuel among them that call upon His name;¹⁷ the Rabbis say: Seed that will be merged among men.¹⁸ When R. Dimi came [from Palestine] he explained this to mean: Neither too tall nor too short, neither too thin nor too corpulent,¹⁹ neither too pale nor too red, neither overclever²⁰ nor stupid.

I am the woman that stood by thee here.²¹ R. Joshua b. Levi said: From this we learn that it is forbidden to sit within four cubits of one saying Tefillah.²² For this child I prayed.²³ R. Eleazar said: Samuel was guilty of giving a decision in the presence of his teacher; for it says, And when the bullock was slain, the child was brought to Eli.²⁴ Because the bullock was slain, did they bring the child to Eli? What it means is this. Eli said to them: Call a priest and let him come and kill [the animal]. When Samuel saw them looking for a priest to kill it, he said to them, Why do you go looking for a priest to kill it? The shechitah may be performed by a layman! They brought him to Eli, who asked him, How do you know this? He replied: Is it written, 'The priest shall kill'? It is written, The priests shall present [the blood]:²⁵ the office of the priest begins with the receiving of the blood, which shows that shechitah may be performed by a layman.²⁶ He said to him: You have spoken very well, but all the same you are guilty of giving a decision in the presence of your teacher, and whoever gives a decision in the presence of his teacher is liable to the death penalty. Thereupon Hannah came and cried before him: 'I am the woman that stood by thee here etc.'. He said to her: Let me punish him and I will pray to God and He will give thee a better one than this. She then said to him: 'For this child I prayed'.

Now Hannah, she spoke in²⁷ her heart.²⁸ R. Eleazar said in the name of R. Jose b. Zimra: She spoke concerning her heart. She said before Him: Sovereign of the Universe, among all the things that Thou hast created in a woman, Thou hast not created one without a purpose, eyes to see, ears to hear, a nose to smell, a mouth to speak, hands to do work, legs to walk with, breasts to give suck. These breasts that Thou hast put on my heart, are they not to give suck? Give me a son, so that I may suckle with them.

R. Eleazar also said in the name of R. Jose b. Zimra: If one keeps a fast on Sabbath,²⁹ a decree of seventy years standing against him is annulled;³⁰ yet all the same he is punished for neglecting to make the Sabbath a delight. What is his remedy? R. Nahman b. Isaac said: Let him keep another fast to atone for this one. R. Eleazar also said: Hannah spoke insolently³¹ toward heaven, as it says, And Hannah prayed unto³² the Lord.³³ This teaches that she spoke insolently toward heaven.

R. Eleazar also said: Elijah spoke insolently toward heaven, as it says, For Thou didst turn their heart backwards.³⁴ R. Samuel b. Isaac said: Whence do we know that the Holy One, blessed be He, gave Elijah right?

(1) Ibid. 15.

(2) Lit., 'You have judged me in the scale of guilt and not of merit'.

(3) So lit. E.V. 'wicked woman'. V. Kid. 16.

(4) Deut. XIII, 14. E.V. 'certain base fellows'.

(5) I Sam. I, 17.

(6) Lit., 'appease him'.

(7) Ibid. 11.

(8) Lit., 'morsel' (sc. of bread).

(9) Ibid.

- (10) So that he will become jealous and test me.
- (11) Lit., 'as I will have been hidden'.
- (12) Num. V, 28.
- (13) Three things by which she is tested to see whether she deserves death.
- (14) I.e., three vulnerable points. Hannah plays on the resemblance of the word amateka (thy handmaid) to mithah (death).
- (15) V. Shab. 32a: For three transgressions woman die in childbirth; because they are not careful with niddah, with hallah and with the kindling of the light.
- (16) I.e., conspicuous among men.
- (17) Ps. XCIX, 6.
- (18) I.e., average, not conspicuous.
- (19) So Rashi.
- (20) So as not to be talked about and so become exposed to the evil eye.
- (21) I Sam. I, 26.
- (22) Because the words imply that Eli also was standing.
- (23) I Sam. I, 27.
- (24) Ibid. 25.
- (25) Lev. I, 5
- (26) V. Zeb. 32a.
- (27) Lit., 'upon'.
- (28) I Sam. I, 13.
- (29) E.g., to avert the omen of a dream.
- (30) I.e., even though it is high time that it was carried out (Rashi).
- (31) Lit., 'she hurled words'.
- (32) The Hebrew word is 'al, lit., 'upon', 'against'.
- (33) I Sam. I, 10.
- (34) I Kings XVIII, 37. As much as to say, it was God's fault that they worshipped idols.

Talmud - Mas. Berachoth 32a

Because it says, And whom I have wronged.¹

R. Hama said in the name of R. Hanina: But for these three texts,² the feet of Israel's enemies³ would have slipped. One is Whom I have wronged; a second, Behold as the clay in the potter's hand, so are ye in My hand, O house of Israel;⁴ the third, And I will take away the stony heart out of your flesh, and I will give you a heart of flesh.⁵ R. papa said: We learn it from here: And I will put My spirit within you and cause you to walk in My statutes.⁶

R. Eleazar also said: Moses spoke insolently towards heaven, as it says, And Moses prayed unto the Lord.⁷ Read not *el* [unto] the Lord, but *'al* [upon] the Lord, for so in the school of R. Eliezer alefs were pronounced like *'ayins* and *'ayins* like alefs. The school of R. Jannai learnt it from here: And *Di-Zahab*.⁸ What is *' And Di-Zahab*? They said in the school of R. Jannai: Thus spoke Moses before the Holy One, blessed be He: Sovereign of the Universe, the silver and gold [*zahab*] which Thou didst shower on Israel until they said, Enough [*dai*], that it was which led to their making the Calf. They said in the school of R. Jannai: A lion does not roar over a basket of straw but over a basket of flesh. R. Oshaia said: It is like the case of a man who had a lean but large-limbed cow. He gave it lupines to eat and it commenced to kick him. He said to it: What led you to kick me except the lupines that I fed you with? R. Hiyya b. Abba said: It is like the case of a man who had a son; he bathed him and anointed him and gave him plenty to eat and drink and hung a purse round his neck and set him down at the door of a bawdy house. How could the boy help sinning? R. Aha the son of R. Huna said in the name of R. Shesheth: This bears out the popular saying: A full stomach is a bad sort, as It says, When they were fed they became full, they were filled and their heart was exalted; therefore they have forgotten Me.⁹ R. Nahman learnt it from here: Then thy heart be lifted up and thou forget the Lord.¹⁰ The Rabbis from here: And they shall have eaten their fill and waxen fat, and turned unto other gods.¹¹ Or, if you prefer, I can say from here. But Jeshurun waxed fat and kicked.¹² R. Samuel b. Nahmani said in the name of R. Jonathan. Whence do we know that the Holy One, blessed be He, in the end gave Moses right? Because it says, And multiplied unto her silver and gold, which they used for Baal.¹³

And the Lord spoke unto Moses, Go, get thee down.¹⁴ What is meant by *'Go, get thee down*? R. Eleazar said: The Holy One, blessed be He, said to Moses: Moses, descend from thy greatness. Have I at all given to thee greatness save for the sake of Israel? And now Israel have sinned; then why do I want thee? Straightway Moses became powerless and he had no strength to speak. When, however, [God] said, Let Me alone that I may destroy them,¹⁵ Moses said to himself: This depends upon me, and straightway he stood up and prayed vigorously and begged for mercy. It was like the case of a king who became angry with his son and began beating him severely. His friend was sitting before him but was afraid to say a word until the king said, Were it not for my friend here who is sitting before me I would kill you. He said to himself, This depends on me, and immediately he stood up and rescued him.

Now therefore let Me alone that My wrath may wax hot against them, and that I may consume them, and I will make of thee a great nation.¹⁶ R. Abbahu said: Were it not explicitly written, it would be impossible to say such a thing: this teaches that Moses took hold of the Holy One, blessed be He, like a man who seizes his fellow by his garment and said before Him: Sovereign of the Universe, I will not let Thee go until Thou forgivest and pardonest them.

And I will make of thee a great nation etc. R. Eleazar said: Moses said before the Holy One, blessed be He: Sovereign of the Universe, seeing that a stool with three legs¹⁷ cannot stand before Thee in the hour of Thy wrath, how much less a stool with one leg! And moreover, I am ashamed before my ancestors, who will now say: See what a leader he has set over them! He sought greatness

for himself, but he did not seek mercy for them!

And Moses besought [wa-yehal] the Lord his God.¹⁸ R. Eleazar said: This teaches that Moses stood in prayer before the Holy One, blessed be He, until he [so to speak] wearied Him [hehelahu]. Raba said: Until he remitted His vow for Him. It is written here wa-yehal, and it is written there [in connection with vows], he shall not break [yahel] his word;¹⁹ and a Master has said: He [himself] cannot break, but others may break for him.²⁰ Samuel says: It teaches that he risked his life for them,²¹ as it says, And if not, blot me, I pray Thee, out of Thy book which Thou hast written.²² Raba said in the name of R. Isaac: It teaches that he caused the Attribute of Mercy to rest [hehelah] on them. The Rabbis say: It teaches that Moses said before the Holy One, blessed be He: Sovereign of the Universe, it is a profanation [hullin] for Thee to do this thing.

And Moses besought the Lord. It has been taught: R. Eliezer the Great says: This teaches that Moses stood praying before the Holy One, blessed be He, until an ahilu seized him. What is ahilu? R. Eleazar says: A fire in the bones. What is a fire in the bones? Abaye said: A kind of fever.

Remember Abraham, Isaac and Israel Thy servants, to whom Thou didst swear by Thyself.²³ What is the force of 'by Thyself'? R. Eleazar said: Moses said before the Holy One, blessed be He: Sovereign of the Universe, hadst Thou sworn to them by the heaven and the earth, I would have said, Just as the heaven and earth can pass away, so can Thy oath pass away. Now, however, Thou hast sworn to them by Thy great name: just as Thy great name endures for ever and ever, so Thy oath is established for ever and ever.

And saidst unto them, I will multiply your seed as the stars of heaven and all this land that I have spoken of etc.²⁴ 'That I have spoken of'? It should be, 'That Thou hast spoken of'!²⁵ — R. Eleazar said: Up to this point the text records the words of the disciple,²⁶ from this point the words of the master.²⁷ R. Samuel b. Nahmani, however, said: Both are the words of the disciple, only Moses spoke thus before the Holy One, blessed be He: Sovereign of the Universe, the things which Thou didst tell me to go and tell Israel in Thy name I did go and tell them in Thy name; now what am I to say to them?

Because the Lord was not able [yekolet]!²⁸ It should be yakol!²⁹ R. Eleazar said: Moses said before the Holy One, blessed be He: Sovereign of the Universe, now the nations of the world will say, He has grown feeble like a female and He is not able to deliver. Said the Holy One, blessed be He, to Moses: Have they not already seen the wonders and miracles I performed for them by the Red Sea? He replied: Sovereign of the Universe, they can still say, He could stand up against one king, He cannot stand up against thirty. R. Johanan said: How do we know that in the end the Holy One, blessed be He, gave Moses right? Because it says, And the Lord said, I have pardoned according to thy word.³⁰ It was taught in the school of R. Ishmael: According to thy word: the nations of the world will one day say, Happy is the disciple to whom the master gives right!

But in very deed, as I live.³¹ Raba said in the name of R. Isaac: This teaches that the Holy One, blessed be He, said to Moses: Moses, you have revived Me³² with your words.

R. Simlai expounded: A man should always first recount the praise of the Holy One, blessed be He, and then pray. Whence do we know this? From Moses; for it is written, And I besought the Lord at that time,³³ and it goes on, O Lord God, Thou hast begun to show Thy servant Thy greatness and Thy strong hand; for what god is there in heaven and earth who can do according to Thy works and according to Thy mighty acts, and afterwards is written, Let me go over, I pray Thee, and see the good land etc.

(Mnemonic: Deeds, charity, offering, priest, fast, lock, iron).³⁴

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- (1) Micah IV, 6. This is taken to mean that God admits having wronged sinners by creating in them the evil impulse. E.V. 'afflicted'.
- (2) Which show that God is responsible for the evil impulse.
- (3) Euphemism.
- (4) Jer. XVIII, 6.
- (5) Ezek. XXXVI, 26.
- (6) Ibid. 27.
- (7) Num. XI, 2.
- (8) Deut. I, I.
- (9) Hos. XIII, 6.
- (10) Deut. VIII, 24.
- (11) Ibid. XXXI, 20.
- (12) Ibid. XXXII, 15.
- (13) Hos. II, 10.
- (14) Ex. XXXII, 7.
- (15) Deut. IX, 14.
- (16) Ex XXXII, 10.
- (17) The three Patriarchs.
- (18) Ex. XXXII, 11.
- (19) Num. XXX, 3.
- (20) I.e., find a ground of absolution.
- (21) Connecting wayehal with halal, slain.
- (22) Ex. XXXII, 32.
- (23) Ibid. 13.
- (24) Ex. XXXII, 13.
- (25) If Moses were reporting God's promises to the Patriarchs, the words, 'that I have spoken of' are out of place.
- (26) Moses.
- (27) God.
- (28) Num. XIV, 16.
- (29) The ordinary form, which is masculine, while yekoleth, the word used, is feminine.
- (30) Ibid. 20.
- (31) Ibid. 21.
- (32) I.e., preserved My estimation among the nations (Rashi).
- (33) Deut. III, 23ff.
- (34) This is a mnemonic for the seven dicta of R. Eleazar which follow.

Talmud - Mas. Berachoth 32b

R. Eleazar said: prayer is more efficacious even than good deeds, for there was no-one greater in good deeds than Moses our Master, and yet he was answered only after prayer, as it says, Speak no more unto Me,¹ and immediately afterwards, Get thee up into the top of Pisgah.²

R. Eleazar also said: Fasting is more efficacious than charity. What is the reason? One is performed with a man's money, the other with his body.

R. Eleazar also said: prayer is more efficacious than offerings, as it says, To what purpose is the multitude of your sacrifices unto Me,³ and this is followed by, And when ye spread forth your hands.⁴ R. Johanan said: A priest who has committed manslaughter should not lift up his hands [to say the priestly benediction], since it says [in this context], 'Your hands are full of blood'.

R. Eleazar also said: From the day on which the Temple was destroyed the gates of prayer have

been closed, as it says, Yea, when I cry and call for help He shutteth out my prayer.⁵ But though the gates of prayer are closed, the gates of weeping are not closed, as it says, Hear my prayer, O Lord, and give ear unto my cry; keep not silence at my tears.⁶ Raba did not order a fast on a cloudy day because it says, Thou hast covered Thyself with a cloud so that no prayer can pass through.⁷

R. Eleazar also said: Since the day that the Temple was destroyed, a wall of iron has intervened between Israel and their Father in Heaven, as it says, And take thou unto thee an iron griddle, and set it for a wall of iron between thee and the city.⁸

R. Hanin said in the name of R. Hanina: If one prays long his prayer does not pass unheeded. Whence do we know this? From Moses our Master; for it says, And I prayed unto the Lord,⁹ and it is written afterwards, And the Lord hearkened unto me that time also.¹⁰ But is that so? Has not R. Hiyya b. Abba said in the name of R. Johanan: If one prays long and looks for the fulfilment of his prayer, in the end he will have vexation of heart, as it says, Hope deferred maketh the heart sick?¹¹ What is his remedy? Let him study the Torah, as it says, But desire fulfilled is a tree of life;¹² and the tree of life is nought but the Torah, as it says, She is a tree of life to them that lay hold on her!¹³ — There is no contradiction: one statement speaks of a man who prays long and looks for the fulfilment of his prayer, the other of one who prays long without looking for the fulfilment of his prayer.¹⁴ R. Hama son of R. Hanina said: If a man sees that he prays and is not answered, he should pray again, as it says, Wait for the Lord, be strong and let thy heart take courage; yea, wait thou for the Lord.¹⁵

Our Rabbis taught: Four things require to be done with energy,¹⁶ namely, [study of] the Torah, good deeds, praying, and one's worldly occupation. Whence do we know this of Torah and good deeds? Because it says, Only be strong and very courageous to observe to do according to all the law.¹⁷ 'be strong' in Torah, and 'be courageous in good deeds. Whence of prayer? Because it says, 'Wait for the Lord, be strong and let thy heart take courage, yea, wait thou for the Lord'. Whence of worldly occupation? Because it says, Be of good courage and let us prove strong for our people.¹⁸

But Zion said, The Lord hath forsaken me, and the Lord hath forgotten me.¹⁹ Is not 'forsaken' the same as 'forgotten'? Resh Lakish said: The community of Israel said before the Holy One, blessed be He: Sovereign of the Universe, when a man takes a second wife after his first, he still remembers the deeds of the first. Thou hast both forsaken me and forgotten me! The Holy One, blessed be He, answered her: My daughter, twelve constellations have I created in the firmament, and for each constellation I have created thirty hosts, and for each host I have created thirty legions, and for each legion I have created thirty cohorts, and for each cohort I have created thirty maniples, and for each maniple I have created thirty camps, and to each camp²⁰ I have attached three hundred and sixty-five thousands of myriads of stars, corresponding to the days of the solar year, and all of them I have created only for thy sake, and thou sayest, Thou hast forgotten me and forsaken me! Can a woman forsake her sucking child ['ullah]?²¹ Said the Holy One, blessed be He: Can I possibly forget the burn-offerings ['olah] of rams and the firstborn of animals²² that thou didst offer to Me in the wilderness? She thereupon said: Sovereign of the Universe, since there is no forgetfulness before the Throne of Thy glory, perhaps Thou wilt not forget the sin of the Calf? He replied: 'Yea, "these "²³will be forgotten'. She said before Him: Sovereign of the Universe, seeing that there is forgetfulness before the Throne of Thy glory, perhaps Thou wilt forget my conduct at Sinai? He replied to her: 'Yet "the I"²⁴ will not forget thee'. This agrees with what R. Eleazar said in the name of R. Oshaia: What is referred to by the text, 'yea, "these" will be forgotten'? This refers to the sin of the Calf. 'And yet "the I" will not forget thee': this refers to their conduct at Sinai.

THE PIOUS MEN OF OLD USED TO WAIT AN HOUR. On what is this based? — R. Joshua b. Levi said: On the text, Happy are they that dwell in Thy house.²⁵ R. Joshua b. Levi also said: One who says the Tefillah should also wait an hour after his prayer, as it says, Surely the righteous shall give thanks unto Thy name, the upright shall sit in Thy presence.²⁶ It has been taught similarly: One

who says the Tefillah should wait an hour before his prayer and an hour after his prayer. Whence do we know [that he should wait] before his prayer? Because it says: 'Happy are they that dwell in Thy house'. Whence after his prayer? Because it says, 'Surely the righteous shall give thanks unto Thy name, the upright shall dwell in Thy presence'. Our Rabbis taught: The pious men of old used to wait for an hour and pray for an hour and then wait again for an hour. But seeing that they spend nine hours a day over prayer, how is their knowledge of Torah preserved and how is their work done? [The answer is] that because they are pious, their Torah is preserved²⁷ and their work is blessed.²⁸

EVEN IF A KING GREETES HIM HE SHOULD NOT ANSWER HIM. R. Joseph said: This was meant to apply only to Jewish kings, but for a king of another people he may interrupt. An objection was raised: If one was saying Tefillah and he saw a robber²⁹ coming towards him or a carriage coming towards him, he should not break off but curtail it and clear off! — There Is no contradiction: where it is possible for him to curtail [he should curtail, otherwise he should break off].³⁰

Our Rabbis taught: It is related that once when a certain pious man was praying by the roadside, an officer came by and greeted him and he did not return his greeting. So he waited for him till he had finished his prayer. When he had finished his prayer he said to him: Fool!³¹ is it not written in your Law, Only take heed to thyself and keep thy soul diligently,³² and it is also written, Take ye therefore good heed unto your souls?³³ When I greeted you why did you not return my greeting? If I had cut off your head with my sword, who would have demanded satisfaction for your blood from me? He replied to him: Be patient and I will explain to you. If, [he went on], you had been standing before an earthly king and your friend had come and given you greeting, would you

(1) Ibid. 26. The meaning is apparently that his good deeds did not avail to procure him permission to enter the land, but his prayer procured for him the vision of Pisgah.

(2) Ibid. 27.

(3) Isa. I, 11.

(4) Ibid. 15. Since spreading of hands is mentioned after sacrifice, it must be regarded as more efficacious.

(5) Lam. III, 8.

(6) Ps. XXXIX, 13. This shows that the tears are at any rate observed.

(7) Lam. III, 44.

(8) Ezek. IV, 3. This wall was symbolical of the wall separating Israel from God.

(9) Deut. IX, 26. This seems to be quoted in error for, And I fell down before the Lord forty days and forty nights, in v. 18; v. MS.M.

(10) Ibid. 19.

(11) Prov. XIII, 12.

(12) Ibid.

(13) Ibid. III, 18.

(14) V. B.B. (Sonc. ed.) p. 717, n. 8.

(15) Ps. XXVII, 14.

(16) Lit., 'require vigour'.

(17) Joshua I, 7.

(18) II Sam. X, 12.

(19) Isa. XLIX, 14.

(20) These terms are obviously taken from Roman military language. There is, however, some difficulty about identifying rahaton (cohorts) and karton (maniples) in the text.

(21) Ibid. 25.

(22) Lit., 'opening of the womb'.

(23) Referring to the golden calf incident when Israel exclaimed 'These are thy gods', Ex. XXXII, 4'

(24) Referring to the revelation at Sinai when God declared, 'I am the Lord Thy God'. This incident will not be

forgotten. R.V. 'Yet will I not forget thee'.

(25) Ps. LXXXIV, 5.

(26) Ibid. CXL, 14.

(27) I.e., they do not forget it.

(28) I.e., a little goes a long way.

(29) The Heb. *annes* usually means 'a man of violence'. Some suppose that it is here equivalent to *hamor*, ass, which is actually found in J.T.

(30) Alfasi reads: In the one case it is possible for him to curtail, in the other it is not possible; where he can curtail he should, otherwise he may break off.

(31) Raka; v. supra p. 133, n. 3.

(32) Deut. IV, 9.

(33) Ibid. 15. 'Soul' in these texts is taken to mean 'life'.

Talmud - Mas. Berachoth 33a

have returned it? No, he replied. And if you had returned his greeting, what would they have done to you? They would have cut off my head with the sword, he replied. He then said to him: Have we not here then an a fortiori argument: If [you would have behaved] in this way when standing before an earthly king who is here today and tomorrow in the grave, how much more so I when standing before the supreme King of kings, the Holy One, blessed be He, who endures for all eternity? Forthwith the officer accepted his explanation, and the pious man returned to his home in peace.

EVEN IF A SNAKE IS WOUND ROUND HIS FOOT HE SHOULD NOT BREAK OFF. R. Shesheth said: This applies only in the case of a serpent, but if it is a scorpion, he breaks off.¹ An objection was raised: If a man fell into a den of lions [and was not seen again] one cannot testify concerning him that he is dead; but if he fell into a trench full of serpents or scorpions, one can testify concerning him that he is dead!? — The case there is different, because on account of his crushing them [in falling] they turn and bite him. R. Isaac said: If he sees oxen [coming towards him] he may break off; for R. Oshaia taught: One should remove from a tam² ox fifty cubits, and from a mu'ad³ ox out of sight. It was taught in the name of R. Meir: If an ox's head is in a [fodder] basket,⁴ go up to a roof and kick the ladder away.⁵ Samuel said: This applies only to a black ox and in the month of Nisan, because then Satan is dancing between his horns.⁶

Our Rabbis taught: In a certain place there was once a lizard⁷ which used to injure people. They came and told R. Hanina b. Dosa. He said to them: Show me its hole. They showed him its hole, and he put his heel over the hole, and the lizard came out and bit him, and it died. He put it on his shoulder and brought it to the Beth ha-Midrash and said to them: See, my sons, it is not the lizard that kills, it is sin that kills! On that occasion they said: Woe to the man whom a lizard meets, but woe to the lizard which R. Hanina b. Dosa meets!⁸

MISHNAH. THE MIRACLE OF THE RAINFALL⁹ IS MENTIONED IN THE BENEDICTION OF THE RESURRECTION, AND THE PETITION¹⁰ FOR RAIN IN THE BENEDICTION OF THE YEARS, AND HABDALAH¹¹ IN 'THAT GRACIOUSLY GRANTEST KNOWLEDGE'.¹² R. AKIBA SAYS: HE SAYS IT AS A FOURTH BLESSING¹³ BY ITSELF; R. ELIEZER SAYS: IT IS SAID IN THE THANKSGIVING BENEDICTION.¹⁴

GEMARA. THE MIRACLE OF THE RAINFALL etc. What is the reason? — R. Joseph said: Because it is put on a level with the resurrection of the dead, therefore it was inserted in the benediction of the resurrection.

THE PETITION FOR RAIN IN THE BENEDICTION OF THE YEARS. What is the reason? — R. Joseph said: Because [the petition] refers to sustenance, therefore it was inserted in the

benediction of sustenance.

HABDALAH IN THAT GRACIOUSLY GRANTED KNOWLEDGE'. What is the reason? — R. Joseph said: Because it is a kind of wisdom,¹⁵ it was inserted in the benediction of wisdom. The Rabbis, however, say: Because the reference is to a weekday, therefore it was inserted in the weekday blessing. R. Ammi said: Great is knowledge, since it was placed at the beginning of the weekday blessings. R. Ammi also said: Great is knowledge since it was placed between two names,¹⁶ as it says, For a God of knowledge is the Lord.¹⁷ And if one has not knowledge, it is forbidden to have mercy on him, as it says, For it is a people of no understanding, therefore He that made them will have no compassion upon them.¹⁸ R. Eleazar said: Great is the Sanctuary, since it has been placed between two names, as it says, Thou hast made, O Lord, the sanctuary, O Lord.¹⁹ R. Eleazar also said: Whenever there is in a man knowledge, it is as if the Sanctuary had been built in his days; for knowledge is set between two names, and the Sanctuary is set between two names. R. Aha Karhina'ah demurred to this. According to this, he said, great is vengeance since it has been set between two names, as it says, God of vengeance, O Lord;²⁰ He replied: That is so; that is to say, it is great in its proper sphere; and this accords with what 'Ulla said: Why two vengeance here?²¹ One for good and one for ill. For good, as it is written, He shined forth from Mount Paran;²² for ill, as it is written, God of vengeance, O Lord, God of vengeance, shine forth.²⁰

R. AKIBA SAYS: HE SAYS IT AS A FOURTH BLESSING, etc. R. Shaman b. Abba said to R. Johanan: Let us see: It was the Men of the Great Synagogue²³ who instituted for Israel blessings and prayers, sanctifications and habdalas.²⁴ Let us see where they inserted them! — He replied: At first they inserted it [the habdalah] in the Tefillah: when they [Israel] became richer, they instituted that it should be said over the cup [of wine]; when they became poor again they again inserted it in the Tefillah; and they said that one who has said habdalah in the Tefillah must say it [again] over the cup [of wine]. It has also been stated: R. Hiyya b. Abba said in the name of R. Johanan: The Men of the Great Synagogue instituted for Israel blessings and prayers, sanctifications and habdalas. At first they inserted the habdalah in the Tefillah. When they [Israel] became richer, they instituted that it should be said over the cup [of wine]. When they became poor again, they inserted it in the Tefillah; and they said that one who says habdalah in the Tefillah must [also] say it over the cup [of wine]. It has also been stated: Rabbah and R. Joseph both say: One who has said habdalah in the Tefillah must [also] say it over the cup [of wine]. Said Raba: We can bring an objection against this ruling [from the following]: If a man forgot and did not mention the miracle of the rain in the resurrection blessing, or petition for rain in the blessing of the years, he is made to repeat the Tefillah. If, however, he forgot habdalah in 'that graciously granted knowledge', he is not made to repeat, because he can say it over the cup [of wine]!²⁵ Do not read, because he can say it over the cup [of wine], but read, because he says it over the cup [of wine].

It has also been stated: R. Benjamin b. Jepheth said: R. Jose asked R. Johanan in Sidon — some report, R. Simeon b. Jacob from Tyre asked R. Johanan: But I have heard that one who has said habdalah in the Tefillah says it over the cup [of wine]; or is it not so? He replied to him: He must say it over the cup [of wine].

The question was raised: If one has said habdalah over the cup [of wine], need he say it [again] in the Tefillah? — R. Nahman b. Isaac replied: We learn the answer a fortiori from the case of Tefillah. The essential place of the habdalah is in the Tefillah, and yet it was laid down that one who has said it in the Tefillah must say it also over the cup [of wine]. Does it not then stand to reason that if he has said it over the cup [of wine], which is not its essential place, he must say it [again] in the Tefillah? R. Aha Arika²⁶ recited in the presence of R. Hinena: He who says habdalah in the Tefillah is more praiseworthy than he who says it over the cup [of wine], and if he says it in both, may blessings rest on his head! This statement contains a contradiction. It says that he who says habdalah in the Tefillah is more praiseworthy than he who says it over the cup [of wine], which would show

that to say it in Tefillah alone is sufficient, and again it teaches, 'and if he says it in both, may blessings rest on his head', but since he has said it in one he is quit, the second is a blessing which is not necessary, and Raba, or as some say Resh Lakish, or again as some say, both Resh Lakish and R. Johanan, have said: Whoever says a blessing which is not necessary transgresses the command of 'thou shalt not take [God's name in vain]!'!²⁷ Rather read thus: If he has said habdalah in one and not in the other, blessings shall rest upon his head.

R. Hisda inquired of R. Shesheth: If he forgot in both,²⁸ what is he to do? — He replied: If one forgot in both, he says the whole again.²⁹

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- (1) A scorpion is more certain to sting.
 - (2) One which has 'lot gored before.
 - (3) One which has gored three times. For these terms, v. Glos.
 - (4) I.e., even if it is busy eating.
 - (5) This is a humorous exaggeration.
 - (6) I.e., it is high spirited and full of mischief in the spring.
 - (7) Heb. yarod, apparently a cross-breed of a snake and a lizard.
 - (8) According to J.T. a spring of water had miraculously opened at the feet of R. Hanina, and that sealed the fate of the lizard, for (it is asserted) when a lizard bites a man, if the man reaches water first, the lizard dies, but if the lizard reaches water first the man dies.
 - (9) The formula 'that causeth the wind to blow' etc., P.B. P. 44.
 - (10) The words 'and grant dew and rain for a blessing', *ibid.* p. 47.
 - (11) V. Glos.
 - (12) *Ibid.* p. 46.
 - (13) After the first three.
 - (14) *Ibid.* p. 51.
 - (15) Viz., discerning between holy and profane and between clean and unclean etc.
 - (16) I.e., two mentions of the Deity. Lit., 'letters'; var. lec. 'words'.
 - (17) I Sam. II, 3.
 - (18) Isa. XXVII, 11.
 - (19) Ex. XV, 17. (lit. trans.).
 - (20) Ps. XCIV, 1.
 - (21) The word 'vengeance' is written twice in the verse cited from Psalms.
 - (22) Deut. XXXIII, 2. It is difficult to see what this has to do with vengeance. It seems that in fact the text does not explain the statement of 'Ulla, and instead shows how there are two kinds of 'shining forth'. V. Sanh. 92a.
 - (23) V. Aboth I, 1.
 - (24) The various divisions mentioned in the habdalah benediction.
 - (25) V. *infra* 26b. Which seems to show that it is optional.
 - (26) The Tall.
 - (27) Ex. XX, 7.
 - (28) In the case of habdalah over the cup, he failed to say the last benediction which contains the enumeration of the various divisions. V. D.S. a.l.
 - (29) He recites anew the Tefillah and the benediction over the cup of wine.

Talmud - Mas. Berachoth 33b

Rabina said to Raba: What is the law?¹ He replied to him: The same as in the case of sanctification. Just as the sanctification, although it has been said in the Tefillah, is also said over the cup [of wine], so habdalah, although it has been said in the Tefillah, is also to be said over the cup [of wine].

R. ELIEZER SAYS: IN THE THANKSGIVING BENEDICTION. R. Zera was once riding on an ass, with R. Hiyya b. Abin following on foot.² He said to him: Did you really say in the name of R.

Johanan that the halachah is as stated by R. Eliezer on a festival that falls after Sabbath?³ He replied: Yes, that is the halachah. Am I to assume [he replied] that they [the Rabbis] differ from him?⁴ — And do they not differ? Surely the Rabbis differ! — I would say that the Rabbis differ in regard to the other days of the year, but do they differ in regard to a festival which falls after a Sabbath? — But surely R. Akiba differs?⁵ — Do we follow R. Akiba the rest of the year that we should now⁶ commence to follow him? Why do we not follow R. Akiba all the rest of the year? Because eighteen blessings were instituted, not nineteen. Here too [on the festival] seven were instituted, not eight!⁷ [R. Zera then] said to him: It was not stated that such is the halachah,⁸ but that we incline to this view.⁹ It has been stated: R. Isaac b. Abdimi said in the name of our teacher [Rab]: Such is the halachah, but some say, we [merely] incline to this view. R. Johanan said: [The Rabbis] agree [with R. Eliezer].¹⁰ R. Hiyya b. Abba said: This appears correct.¹¹ R. Zera said: Choose the statement of R. Hiyya b. Abba, for he is very accurate in repeating the statements of his teacher, like Rahaba of Pumbeditha. For Rahaba said in the name of Rabbi Judah: The Temple Mount was a double stoa — a stoa within a stoa.¹² R. Joseph said: I know neither one nor the other,¹³ but I only know that Rab and Samuel instituted for us a precious pearl in Babylon:¹⁴ ‘And Thou didst make known unto us, O Lord our God, Thy righteous judgments and didst teach us to do the statutes that Thou hast willed, and hast made us inherit seasons of gladness and festivals of freewill-offering, and didst transmit to us the holiness of Sabbath and the glory of the appointed season and the celebration of the festival. Thou hast divided between the holiness of Sabbath and the holiness of the festival, and hast sanctified the seventh day above the six working days: Thou hast separated and sanctified Thy people Israel with Thy holiness. And Thou hast given us’ etc.¹⁵

MISHNAH. IF ONE [IN PRAYING] SAYS ‘MAY THY MERCIES EXTEND TO A BIRD'S NEST’,¹⁶ ‘BE THY NAME MENTIONED FOR WELL-DOING’, OR ‘WE GIVE THANKS, WE GIVE THANKS’, HE IS SILENCED.¹⁷

GEMARA. We understand why he is silenced if he says ‘WE GIVE THANKS, WE GIVE THANKS’, because he seems to be acknowledging two powers;¹⁸ also if he says, ‘BE THY NAME MENTIONED FOR WELL-DOING’, because this implies, for the good only and not for the bad, and we have learnt, A man must bless God for the evil as he blesses Him for the good.¹⁹ But what is the reason for silencing him if he says ‘THY MERCIES EXTEND TO THE BIRD'S NEST? — Two Amoraim in the West, R. Jose b. Abin and R. Jose b. Zebida, give different answers; one says it is because he creates jealousy among God's creatures,²⁰ the other, because he presents the measures taken by the Holy One, blessed be He, as springing from compassion, whereas they are but decrees.²¹ A certain [reader] went down [before the Ark] in the presence of Rabbah and said, ‘Thou hast shown mercy to the bird's nest, show Thou pity and mercy to us’. Said Rabbah: How well this student knows how to placate his Master! Said Abaye to him: But we have learnt, HE IS SILENCED? — Rabbah too acted thus only to test²² Abaye.

A certain [reader] went down in the presence of R. Hanina and said, O God, the great, mighty, terrible, majestic, powerful, awful, strong, fearless, sure and honoured. He waited till he had finished, and when he had finished he said to him, Have you concluded all the praise of your Master? Why do we want all this? Even with these three that we do say,²³ had not Moses our Master mentioned them in the Law²⁴ and had not the Men of the Great Synagogue come and inserted them in the Tefillah, we should not have been able to mention them, and you say all these and still go on! It is as if an earthly king had a million denarii of gold, and someone praised him as possessing silver ones. Would it not be an insult to him?

R. Hanina further said: Everything is in the hand of heaven except the fear of heaven,²⁵ as it says, And now, Israel, what doth the Lord thy God require of thee but to fear.²⁶ Is the fear of heaven such a little thing? Has not R. Hanina said in the name R. Simeon b. Yohai: The Holy One, blessed be He, has in His treasury nought except a store of the fear of heaven, as it says, The fear of the Lord is His

treasure?²⁷ — Yes; for Moses it was a small thing; as R. Hanina said: To illustrate by a parable, if a man is asked for a big article and he has it, it seems like a small article to him; if he is asked for a small article and he does not possess it, it seems like a big article to him.

WE GIVE THANKS, WE GIVE THANKS, HE IS SILENCED. R. Zera said: To say 'Hear, hear', [in the Shema] is like saying 'We give thanks, we give thanks'. An objection was raised: He who recites the Shema' and repeats it is reprehensible. He is reprehensible, but we do not silence him? — There is no contradiction; in the one case he repeats each word as he says it,²⁸ in the other each sentence.²⁹ Said R. papa to Abaye: But perhaps [he does this because] at first he was not attending to what he said and the second time he does attend? — He replied:

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- (1) About saying habdalah over wine, after having mentioned it in the Tefillah.
 - (2) Lit., 'betaking himself and going'.
 - (3) I.e., on Saturday night, when the fourth benediction 'that graciously grantest knowledge' is not said.
 - (4) Because otherwise there would be no need to say that the halachah follows him.
 - (5) R. Akiba provides for habdalah a benediction by itself. Consequently it was necessary to declare the halachah follows R. Eliezer on a festival which follows Sabbath, to exclude the view of R. Akiba.
 - (6) On a festival following Sabbath.
 - (7) Why then is it necessary to say that the halachah is as R. Eliezer, not as stated by R. Akiba?
 - (8) And is to be taught as such in public.
 - (9) And we advise individuals to act thus if they inquire.
 - (10) When a festival falls on Saturday night.
 - (11) We do not recommend this, but if one does so, we do not interfere.
 - (12) Though the word used in the Mishnah of Pes. (13a) is not stoa (colonnade) but the more familiar iztaba which has the same meaning. V. Pes. (Sonc. ed.) P. 59. nn. 10-11 and Bez. (Sonc. ed.) p. 54 n. 9.
 - (13) That we incline towards the view of R. Eliezer or that we regard it as probable.
 - (14) To be inserted in the fourth benediction of the festival 'Amidah.
 - (15) This form of habdalah prayer is used with slight variants on a festival that follows Sabbath, v. P.B. p. 227.
 - (16) V. Deut. XXII, 6.
 - (17) For the reasons, v. the Gemara. This Mishnah is found in Meg. 26a with a somewhat different reading.
 - (18) The dualism of the Persian — the God of darkness and the God of light.
 - (19) Infra 54a.
 - (20) By implying that this one is favoured above others.
 - (21) V. Meg. (Sonc. ed.) p. 149 notes.
 - (22) Lit., 'sharpen'. He wanted to see if he knew the law.
 - (23) Great, mighty, and terrible, in the first benediction.
 - (24) Deut. X, 17.
 - (25) I.e., all a man's qualities are fixed by nature, but his moral character depends on his own choice.
 - (26) Deut. X, 12.
 - (27) Isa. XXXIII, 6.
 - (28) This is merely reprehensible.
 - (29) In this case he is silenced since this is as if he were addressing two Powers.

Talmud - Mas. Berachoth 34a

Can one behave familiarly with Heaven? If he did not recite with attention at first, we hit him with a smith's hammer until he does attend.

MISHNAH. [IF ONE SAYS, LET THE GOOD BLESS THEE, THIS IS A PATH OF HERESY].¹ IF ONE WAS PASSING BEFORE THE ARK AND MADE A MISTAKE, ANOTHER SHOULD PASS IN HIS PLACE, AND AT SUCH A MOMENT ONE MAY NOT REFUSE. WHERE SHOULD HE COMMENCE? AT THE BEGINNING OF THE BENEDICTION IN WHICH THE

OTHER WENT WRONG. THE READER² SHOULD NOT RESPOND AMEN AFTER [THE BENEDICTIONS OF] THE PRIESTS³ BECAUSE THIS MIGHT CONFUSE HIM. IF THERE IS NO PRIEST THERE EXCEPT HIMSELF, HE SHOULD NOT RAISE HIS HANDS [IN PRIESTLY BENEDICTION], BUT IF HE IS CONFIDENT THAT HE CAN. RAISE HIS HANDS AND GO BACK TO HIS PLACE IN HIS PRAYER,⁴ HE IS PERMITTED TO DO SO.

GEMARA. Our Rabbis taught: If one is asked to pass before the Ark, he ought to refuse,⁵ and if he does not refuse he resembles a dish without salt; but if he persists too much in refusing he resembles a dish which is over-salted. How should he act? The first time he should refuse; the second time he should hesitate; the third time he should stretch out his legs and go down.

Our Rabbis taught: There are three things of which one may easily have too much⁶ while a little is good, namely, yeast, salt, and refusal.

R. Huna said: If one made a mistake in the first three [of the Tefillah] blessings, he goes back to the beginning; if in the middle blessings, he goes back to 'Thou graciously grantest knowledge;⁷ if in the last blessings, he goes back to the 'Abodah.⁸ R. Assi, however, says that in the middle ones the order need not be observed.⁹ R. Shesheth cited in objection: 'Where should he commence? At the beginning of the benediction in which the other went wrong'.¹⁰ This is a refutation of R. Huna, is it not?¹¹ — R. Huna can reply: The middle blessings are all one.¹²

Rab Judah said: A man should never petition for his requirements either in the first three benedictions or in the last three, but in the middle ones. For R. Hanina said: In the first ones he resembles a servant who is addressing a eulogy to his master; in the middle ones he resembles a servant who is requesting a largess from his master, in the last ones he resembles a servant who has received a largess from his master and takes his leave.

Our Rabbis taught: Once a certain disciple went down¹³ before the Ark in the presence of R. Eliezer, and he span out the prayer to a great length. His disciples said to him: Master, how longwinded this fellow is! He replied to them: Is he drawing it out any more than our Master Moses, of whom it is written: The forty days and the forty nights [that I fell down]?¹⁴ Another time it happened that a certain disciple went down before the Ark in the presence of R. Eliezer, and he cut the prayer very short. His disciples said to him: How concise this fellow is! He replied to them: Is he any more concise than our Master Moses, who prayed, as it is written: Heal her now, O God, I beseech Thee?¹⁵ R. Jacob said in the name of R. Hisda: If one prays on behalf of his fellow, he need not mention his name, since it says: Heal her now, O God, I beseech Thee', and he did not mention the name of Miriam.

Our Rabbis taught: These are the benedictions in saying which one bows [in the Tefillah]: The benediction of the patriarchs,¹⁶ beginning and end, and the thanksgiving, beginning and end.¹⁷ If one wants to bow down at the end of each benediction and at the beginning of each benediction, he is instructed not to do so. R. Simeon b. Pazzi said in the name of R. Joshua b. Levi, reporting Bar Kappara: An ordinary person bows as we have mentioned;

(1) Minuth, (v. Glos. s.v. Min) implying that only the good are invited to bless God. This passage is wanting in the separate editions of the Mishnah, but occurs in Meg. 25a.

(2) Lit., 'he who passes before the Ark'.

(3) V. P.B. 283a (15th ed.).

(4) Without making a mistake in the prayers.

(5) As feeling himself unworthy for the sacred duty.

(6) Lit., 'a large quantity is hard'.

(7) The fourth benediction in the Tefillah, v. P.B. p. 46.

(8) Lit., 'service'. The seventeenth blessing, v. P.B. p. 50.

(9) And if one was accidentally omitted it can be inserted anywhere. So Rashi. Tosaf., however, say that he goes back to that blessing and continues from there.

(10) So M.S. M. cur. edd. read: 'To where does he go back'.

(11) Because it shows that he need not go back to 'Thou graciously grantest'.

(12) And if one errs in any of them he has to go back to 'Thou graciously grantest'.

(13) The reading desk was at a lower level than the floor of the Synagogue. (v. supra 10); hence the expression 'went down'.

(14) Deut. IX, 25.

(15) Num. XII, 13.

(16) The first benediction.

(17) V. P.B. 51 and 53.

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a high priest at the end of each benediction; a king at the beginning of each benediction and at the end of each benediction.¹ R. Isaac b. Nahmani said: It was explained to me by R. Joshua b. Levi that an ordinary person does as we have mentioned; a high priest bows at the beginning of each blessing; and a king, once he has knelt down, does not rise again [until the end of the Tefillah], as it says: And it was so that when Solomon had made an end of praying, ... he arose from before the Altar of the Lord, from kneeling on his knees.²

Kidah [bowing] is upon the face, as it says: Then Bath-Sheba bowed with her face to the ground.³ Keri'ah [kneeling] is upon the knees, as it says: From kneeling on his knees, prostration is spreading out of hands and feet, as it says: Shall I and thy mother and thy brethren come to prostrate ourselves before thee on the ground.⁴

R. Hiyya the son of R. Huna said: I have observed Abaye and Raba bending to one side.⁵ One [Baraitha] taught: To kneel in the thanksgiving benediction is praiseworthy, while another taught: It is reprehensible? — There is no contradiction: one speaks of the beginning,⁶ the other of the end. Raba knelt in the thanksgiving at the beginning and at the end. The Rabbis said to him: Why does your honour act thus? He replied to them: I have seen R. Nahman kneeling, and I have seen R. Shesheth doing thus. But it has been taught: To kneel in the thanksgiving is reprehensible — That refers to the thanksgiving in Hallel.⁷ But it has been taught: To kneel in the thanksgiving and in the thanksgiving of Hallel is reprehensible? — The former statement refers to the thanksgiving in the Grace after Meals.⁸

MISHNAH. IF ONE MAKES A MISTAKE IN HIS TEFILLAH IT IS A BAD SIGN FOR HIM, AND IF HE IS A READER OF THE CONGREGATION⁹ IT IS A BAD SIGN FOR THOSE WHO HAVE COMMISSIONED HIM, BECAUSE A MAN'S AGENT IS EQUIVALENT TO HIMSELF. IT WAS RELATED OF R. HANINA BEN DOSA THAT HE USED TO PRAY FOR THE SICK AND SAY, THIS ONE WILL DIE, THIS ONE WILL LIVE. THEY SAID TO HIM: HOW DO YOU KNOW? HE REPLIED: IF MY PRAYER COMES OUT FLUENTLY,¹⁰ I KNOW THAT HE IS ACCEPTED, BUT IF NOT, THEN I KNOW THAT HE IS REJECTED.¹¹

GEMARA. In which blessing [is a mistake a bad sign]? — R. Hiyya said in the name of R. Safra who had it from a member of the School of Rabbi: In the blessing of the Patriarchs.¹² Some attach this statement to the following: 'When one says the Tefillah he must say all the blessings attentively, and if he cannot say all attentively he should say one attentively'. R. Hiyya said in the name of R. Safra who had it from a member of the School of Rabbi: This one should be the blessing of the patriarchs.

IT WAS RELATED OF RABBI HANINA etc. What is the [Scriptural] basis for this? — R. Joshua b. Levi said: Because Scripture says: Peace to him that is far off and to him that is near, saith the Lord that createth the fruit of the lips, and I will heal him.¹³

R. Hiyya b. Abba said in the name of R. Johanan: All the prophets prophesied only on behalf of¹⁴ one who gives his daughter in marriage to a scholar and who conducts business on behalf of a scholar and who allows a scholar the use of his possessions. But as for the scholars themselves, Eye hath not seen, oh God, beside Thee what He will do for him that waiteth for Him.¹⁵

R. Hiyya b. Abba also said in the name of R. Johanan: All the prophets prophesied only for the days of the Messiah, but as for the world to come, 'Eye hath not seen, oh God, beside Thee'. These Rabbis differ from Samuel; for Samuel said: There is no difference between this world and the days of the Messiah except [that in the latter there will be no] bondage of foreign powers, as it says: For the poor shall never cease out of the land.¹⁶

R. Hiyya b. Abba also said in the name of R. Johanan: All the prophets prophesied only on behalf of penitents; but as for the wholly righteous, 'Eye hath not seen, oh God, beside Thee'. He differs in this from R. Abbahu. For R. Abbahu said: In the place where penitents stand even the wholly righteous cannot stand, as it says: Peace, peace to him that was far and to him that is near¹⁷ — to him that was far first, and then to him that is near. R. Johanan, however, said: What is meant by 'far'? One who from the beginning was far from transgression. And what is meant by 'near'? That he was once near to transgression and now has gone far from it.¹⁸ What is the meaning of 'Eye hath not seen'? R. Joshua b. Levi said: This is the wine which has been preserved in its grapes from the six days of Creation.¹⁹ R. Samuel b. Nahmani said: This is Eden,²⁰ which has never been seen by the eye of any creature, perhaps you will say, Where then was Adam? He was in the garden. Perhaps you will say, the garden and Eden are the same? Not so! For the text says: And a river went out of Eden to water the garden²¹ — the garden is one thing and Eden is another.

Our Rabbis taught: Once the son of R. Gamaliel fell ill. He sent two scholars to R. Hanina b. Dosa to ask him to pray for him. When he saw them he went up to an upper chamber and prayed for him. When he came down he said to them: Go, the fever has left him; They said to him: Are you a prophet? He replied: I am neither a prophet nor the son of a prophet, but I learnt this from experience. If my prayer is fluent in my mouth, I know that he is accepted: but if not, I know that he is rejected.²² They sat down and made a note of the exact moment. When they came to R. Gamaliel, he said to them: By the temple service! You have not been a moment too soon or too late, but so it happened: at that very moment the fever left him and he asked for water to drink.

On another occasion it happened that R. Hanina b. Dosa went to study Torah with R. Johanan ben Zakkai. The son of R. Johanan ben Zakkai fell ill. He said to him: Hanina my son, pray for him that he may live. He put his head between his knees and prayed for him and he lived. Said R. Johanan ben Zakkai: If Ben Zakkai had stuck his head between his knees for the whole day, no notice would have been taken of him. Said his wife to him: Is Hanina greater than you are? He replied to her: No; but he is like a servant before the king,²³ and I am like a nobleman before a king.²⁴

R. Hiyya b. Abba said in the name of R. Johanan: A man should not pray save in a room which has windows,²⁵ since it says, Now his windows were open in his upper chamber towards Jerusalem.²⁶

R. Kahana said: I consider a man impertinent who prays in a valley.²⁷ R. Kahana also said: I consider a man impertinent who openly²⁸ recounts his sins, since it is said, Happy is he whose transgression is forgiven, whose sin is covered.²⁹ [

- (1) I.e., the greater the individual, the more he humbles himself.
- (2) I Kings VIII, 54.
- (3) Ibid. I, 31.
- (4) Gen. XXXVII, 10.
- (5) And not completely prostrating themselves.
- (6) This is praiseworthy.
- (7) The verse, Give thanks unto the Lord, for he is good, etc., v. P.B. p. 222.
- (8) P.B. p. 281.
- (9) Lit., 'An agent of the congregation'.
- (10) Lit., 'is fluent in my mouth'.
- (11) Lit., 'he is torn'. The word, however, may refer to the Prayer, meaning that it is rejected.
- (12) The first blessing in the Tefillah.
- (13) Isa. LVII, 19. Bore translated 'created' has also the meaning 'strong', hence the verse is rendered to mean: if the fruit of the lips (prayer) is strong (fluent) then I will heal him.
- (14) I.e., their promises and consolations had reference to.
- (15) Isa. LXIV, 3.
- (16) Deut. XV, 11. 'Never' i.e., not even in the Messianic era.
- (17) Isa. LVII, 19.
- (18) I.e., the Penitent.
- (19) To feast the righteous in the future world.
- (20) Paradise.
- (21) Gen. II, 10.
- (22) V. supra, p. 214 n. 4.
- (23) Who has permission to go in to him at anytime.
- (24) Who appears before him only at fixed times.
- (25) So that he should have a view of the heavens.
- (26) Dan. VI, 11.
- (27) A level stretch of ground where people constantly pass; one should pray in an enclosed and secluded spot.
- (28) As though unashamed.
- (29) Lit., trans. E.V. 'whose sin is Pardoned' Ps. XXXII, 1.

Talmud - Mas. Berachoth 35a

CHAPTER VI

MISHNAH. WHAT BLESSINGS ARE SAID OVER FRUIT? OVER FRUIT OF THE TREE ONE SAYS, WHO CREATEST THE FRUIT OF THE TREE, EXCEPT FOR WINE, OVER WHICH ONE SAYS, WHO CREATEST THE FRUIT OF THE VINE. OVER THAT WHICH GROWS FROM THE GROUND ONE SAYS: WHO CREATEST THE FRUIT OF THE GROUND, EXCEPT OVER BREAD, FOR WHICH ONE SAYS, WHO BRINGEST FORTH BREAD FROM THE EARTH. OVER VEGETABLES ONE SAYS, WHO CREATEST THE FRUIT OF THE GROUND; R. JUDAH, HOWEVER, SAYS: WHO CREATEST DIVERS KINDS OF HERBS.

GEMARA. Whence is this derived?¹ — As our Rabbis have taught: The fruit thereof shall be holy, for giving praise unto the Lord.² This³ teaches that they require a blessing both before and after partaking of them. On the strength of this R. Akiba said: A man is forbidden to taste anything before saying a blessing over it.

But is this the lesson to be learnt from these words 'Holy for giving praise'? Surely they are required for these two lessons: first, to teach that the All-Merciful has declared: Redeem it⁴ and then eat it, and secondly, that a thing which requires a song of praise requires redemption,⁵ but one that does not require a song of praise does not require redemption,⁶ as has been taught by R. Samuel b.

Nahmani in the name of R. Jonathan. For R. Samuel b. Nahmani said in the name of R. Jonathan: Whence do we know that a song of praise is sung only over wine?⁷ Because it says, And the vine said unto them: Should I leave my wine which cheereth God and man?⁸ If it cheers man, how does it cheer God? From this we learn that a song of praise is sung only over wine.

Now this reasoning⁹ is valid for him who teaches ‘The planting of the fourth year’.¹⁰ But for him who teaches ‘The vineyard of the fourth year’, what can be said? For it has been stated: R. Hiyya and R. Simeon the son of Rabbi [taught differently]. One taught, ‘Vineyard of the fourth year’, the other taught, ‘Planting of the fourth year’ . — For him who teaches ‘Vineyard of the fourth year’ also there is no difficulty if he avails himself of a *gezerah shawah*.¹¹ For it has been taught: Rabbi says: It says there, that it may yield unto you more richly the increase thereof,¹² and it says in another place, the increase of the vineyard.¹³ Just as in the latter passage ‘increase’ refers to the vineyard, so here it refers to the vineyard. Thus one *hillul* is left over to indicate that a blessing is required. But if he does not avail himself of a *gezerah shawah*, how can he derive this lesson? And even if he does avail himself of a *gezerah shawah*, while we are satisfied that a blessing is required after it,¹⁴ whence do we learn that it is required [before partaking]? — This is no difficulty. We derive it by argument *a fortiori*: If he says a blessing when he is full, how much more so ought he to do so when he is hungry?¹⁵

We have found a proof for the case of [the produce of the vineyard]: whence do we find [that a benediction is required] for other species?¹⁶ It can be learnt from the vineyard. Just as the vineyard being something that is enjoyed requires a blessing, so everything that is enjoyed requires a blessing. But this may be refuted: How can we learn from a vineyard, seeing that it is subject to the obligation of the gleanings?¹⁷ — We may cite the instance of corn.¹⁸ How can you cite the instance of corn, seeing that it is subject to the obligation of *hallah*?¹⁹ — We may then cite the instance of the vineyard, and the argument goes round in a circle: The distinguishing feature of the first instance is not like that of the second, and vice versa. The feature common to both is that being things which are enjoyed they require a blessing; similarly everything which is enjoyed requires a blessing. But this [argument from a] common feature [is not conclusive], because there is with them²⁰ the common feature that they are offered on the altar!²¹ We may then adduce also the olive from the fact that it is offered on the altar. But is [the blessing over] the olive derived from the fact that it is offered on the altar? It is explicitly designated *kerem*,²² as it is written, And he burnt up the shocks and the standing corn and also the olive yards [*kerem*]?²³ — R. Papa replied: It is called an olive *kerem* but not *kerem* simply. Still the difficulty remains: How can you learn [other products] from the argument of a common factor, seeing that [wine and corn] have the common feature of being offered on the altar? — Rather it is learnt from the seven species.²⁴ Just as the seven species are something which being enjoyed requires a blessing,²⁵ so everything which is enjoyed requires a blessing. How can you argue from the seven species. seeing that they are subject to the obligation of first-fruits? And besides, granted that we learn from them that a blessing is to be said after partaking, how do we know it is to be said before? — This is no difficulty, being learnt *a fortiori*: If he says a blessing when he is full, how much more should he do so when he is hungry? Now as for the one who reads ‘planting of the fourth year’, we may grant he has proved his point with regard to anything planted. But whence does he derive it in regard to things that are not planted, such as meat, eggs and fish? — The fact is that it is a reasonable supposition that it is forbidden to a man to enjoy anything of this world without saying a blessing.²⁶

Our Rabbis have taught: It is forbidden to a man to enjoy anything of this world without a benediction, and if anyone enjoys anything of this world without a benediction, he commits sacrilege.²⁷ What is his remedy? He should consult a wise man. What will the wise man do for him? He has already committed the offence! — Said Raba: What it means is that he should consult a wise man beforehand, so that he should teach him blessings and he should not commit sacrilege. Rab Judah said in the name of Samuel: To enjoy anything of this world without a benediction is like

making personal use of things consecrated to heaven, since it says. The earth is the Lord's and the fulness there of.²⁸ R. Levi contrasted two texts. It is written, 'The earth is the Lord's and the fulness thereof', and it is also written, The heavens are the heavens of the Lord, but the earth hath He given to the children of men!²⁹ There is no contradiction: in the one case it is before a blessing has been said

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- (1) That a benediction is necessary before partaking of any food.
 - (2) Lev. XIX, 24, with reference to the fruit of the fourth year.
 - (3) The fact that the word *hillulim* (praise) is in the plural, indicating that there must be two praises.
 - (4) The fruit of the fourth year, if it is to be eaten outside Jerusalem.
 - (5) This is learnt from a play on the word *hillulim*, which is read also as *hillulum* (profaned, i.e., redeemed).
 - (6) Thus limiting the law relating to the fruit of the fourth year only to the vine, as *infra*.
 - (7) By the Levites at the offering of the sacrifices.
 - (8) Judg. IX, 13.
 - (9) That we learn the requirement of saying a blessing from the word *hillulim*.
 - (10) I.e., that the verse quoted from Leviticus refers to all fruit of the fourth year and not to the vine only. In this case the word *hillulim* can not be used to prove that only the vine requires redemption. and is available for teaching that a blessing must be said over fruit.
 - (11) v. *Glos*.
 - (12) Lev. XIX, 25.
 - (13) Deut. XXII, 9.
 - (14) On the analogy of grace after meals as prescribed in Deut. VIII, 10.
 - (15) And is about to satisfy his hunger.
 - (16) On the view that Lev. XIX, 24 refers only to a vineyard.
 - (17) Cf. Lev. XIX, 10. And this may be the reason why it requires a blessing.
 - (18) Which is not subject to the obligation of gleanings, and yet requires a blessing, as laid down in Deut. VIII, 10.
 - (19) The heave-offering of the dough.
 - (20) I.e., wine and corn.
 - (21) In the form of drink-offering and meal-offering.
 - (22) Lit. 'vineyard', and therefore it is on the same footing as wine.
 - (23) Judg. XV. 5.
 - (24) Mentioned in Deut. VIII, 8.
 - (25) As distinctly prescribed in Deut. VIII, 8.
 - (26) Whether we take the law of the fourth year to apply to the vine or to all fruit trees, we cannot derive from it the law for saying a blessing over all things — in the former case because of the difficulty about the altar, in the latter because of the difficulty about things other than plants. Nor can we derive the law from the 'seven kinds', because of the difficulty about first-fruits. Hence we are driven back upon 'reasonable supposition'.
 - (27) Heb. *ma'al*, the technical term for the personal use of consecrated things by a layman.
 - (28) Ps. XXIV. 1.
 - (29) *Ibid.* CXV, 16.

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in the other case after. R. Hanina b. Papa said: To enjoy this world without a benediction is like robbing the Holy One, blessed be He, and the community of Israel, as it says. Whoso robbeth his father or his mother and saith, It is no transgression, the same is the companion of a destroyer;¹ and 'father' is none other but the Holy One, blessed be He, as it says. Is not He thy father that hath gotten thee;² and 'mother' is none other than the community of Israel, as it says, Hear, my son, the instruction of thy father, and forsake not the teaching of thy mother.³ What is the meaning of 'he is the companion of a destroyer'? — R. Hanina b. Papa answered: He is the companion of Jeroboam son of Nebat who destroyed Israel's [faith in] their Father in heaven.⁴

R. Hanina b. Papa pointed out a contradiction. It is written, Therefore will I take back My corn in the time thereof, etc.,⁵ and it is elsewhere written, And thou shalt gather in thy corn, etc.!⁶ There is no difficulty: the one text speaks of where Israel do the will of the Omnipresent, the other of where they do not perform the will of the Omnipresent.⁷

Our Rabbis taught: And thou shalt gather in thy corn.⁶ What is to be learnt from these words? Since it says, This book of the law shall not depart out of thy mouth,⁸ I might think that this injunction is to be taken literally. Therefore it says, 'And thou shalt gather in thy corn', which implies that you are to combine the study of them⁹ with a worldly occupation. This is the view of R. Ishmael. R. Simeon b. Yohai says: Is that possible? If a man ploughs in the ploughing season, and sows in the sowing season, and reaps in the reaping season, and threshes in the threshing season, and winnows in the season of wind, what is to become of the Torah? No; but when Israel perform the will of the Omnipresent, their work is performed by others, as it says. And strangers shall stand and feed your flocks. etc.,¹⁰ and when Israel do not perform the will of the Omnipresent their work is carried out by themselves, as it says, And thou shalt gather in thy corn.¹¹ Nor is this all, but the work of others also is done by them, as it says. And thou shalt serve thine enemy etc.¹² Said Abaye: Many have followed the advice of Ishmael, and it has worked well; others have followed R. Simeon b. Yohai and it has not been successful. Raba said to the Rabbis: I would ask you not to appear before me during Nisan and Tishri¹³ so that you may not be anxious about your food supply during the rest of the year.

Rabbah b. Bar Hanah said in the name of R. Johanan, reporting R. Judah b. Ila'i: See what a difference there is between the earlier and the later generations. The earlier generations made the study of the Torah their main concern and their ordinary work subsidiary to it, and both prospered in their hands. The later generations made their ordinary work their main concern and their study of the Torah subsidiary, and neither prospered in their hands.

Rabbah b. Bar Hanah further said in the name of R. Johanan reporting R. Judah b. Ila'i: Observe the difference between the earlier and the later generations. The earlier generations used to bring in their produce by way of the kitchen-garden¹⁴ purposely in order to make it liable to tithe, whereas the later generations bring in their produce by way of roofs or courtyards or enclosures in order to make it exempt from tithe. For R. Jannai has said: Untithed produce is not subject to tithing¹⁵ until it has come within sight of the house, since it says. I have put away the hallowed things out of my house.¹⁶ R. Johanan, however, says that even [sight of] a courtyard imposes the obligation, as it says, That they may eat within thy gates and be satisfied.¹⁷

EXCEPT OVER WINE. Why is a difference made for wine? Shall I say that because [the raw material of] it is improved¹⁸ therefore the blessing is different? But in the case of oil also [the raw material of] it is improved, yet the blessing is not different, as Rab Judah has laid down in the name of Samuel, and so R. Isaac stated in the name of R. Johanan, that the blessing said over olive oil is 'that createst the fruit of the tree'?¹⁹ — The answer given is that in the case of oil it is not possible to change the blessing. For what shall we say? Shall we say, 'That createst the fruit of the olive'? The fruit itself is called olive!²⁰ But we can say over it, 'That createst the fruit of the olive tree'? — Rather [the real reason is], said Mar Zutra, that wine has food value but oil has no food value. But has oil no food value? Have we not learnt: One who takes a vow to abstain from food is allowed to partake of water and salt,²¹ and we argued from this as follows: 'Water and salt alone are not called food, but all other stuffs are called food? May we not say that this is a refutation of Rab and Samuel, who say that the blessing "who createst various kinds of food" is said only over the five species [of cereals]?'²² and R. Huna solved the problem by saying that [the Mishnah] refers to one who says, 'I vow to abstain from anything that feeds'; which shows that oil has food value?²³ — Rather [say the reason is that] wine sustains²⁴ and oil does not sustain. But does wine sustain? Did not Raba use to drink wine on the eve of the Passover in order that he might get an appetite and eat much unleavened

bread? — A large quantity gives an appetite, a small quantity sustains. But does it in fact give any sustenance? Is it not written, And wine that maketh glad the heart of man . . . and bread that stayeth man's heart,²⁵ which shows that it is bread which sustains, not wine? — The fact is that wine does both, it sustains and makes glad, whereas bread sustains but does not cheer. If that is the case, let us say three blessings after it?²⁶ — People do not make it the basis of the meal. R. Nahman b. Isaac asked Raba: Suppose a man makes it the basis of his meal. what then? — He replied: When Elijah comes he will tell us whether it can really serve as a basis; at present, at any rate, no man thinks of such a thing.²⁷

The text [above] stated: 'Rab Judah said in the name of Samuel, and so too said R. Isaac in the name of R. Johanan, that the blessing said over olive oil is "that createst the fruit of the tree"'. How are we to understand this? Are we to say that it is drunk? If so, it is injurious, as it has been taught: If one drinks oil of terumah,²⁸ he repays the bare value, but does not add a fifth.²⁹ If one anoints himself with oil of terumah, he repays the value and also a fifth in addition. Do we suppose then that he consumes it with bread? In that case, the bread would be the main ingredient and the oil subsidiary, and we have learnt: This is the general rule: If with one article of food another is taken as accessory, a blessing is said over the main article, and this suffices also for the accessory!³⁰ Do we suppose then that he drinks it with elaiogaron? (Rabbah b. Samuel has stated: Elaiogaron is juice of beetroots; oxygaron is juice of

(1) Prov. XXVIII, 24. To rob God can only mean to enjoy something without saying a blessing, in recognition that it comes from Him.

(2) Deut. XXXII, 6.

(3) Prov. I, 8.

(4) Likewise he who enjoys things without a blessing sets a bad example to others.

(5) Hos. II, 11.

(6) Deut. XI, 14.

(7) Who accordingly takes back the corn and shows that it is His.

(8) Joshua I, 8.

(9) Sc. the words of the Torah.

(10) Isa. LXI, 5.

(11) Tosaf. point out that this homily conflicts with that given above on the same verse by R. Hanina b. Papa.

(12) Deut. XXVIII, 48.

(13) Nisan being the time of the ripening of the corn and Tishri of the vintage and olive pressing.

(14) I.e., direct to the house, by the front way. V. infra.

(15) I.e., according to the Torah. The Rabbis, however, forbade a fixed meal to be made of any untithed produce.

(16) Deut. XXVI, 13.

(17) Ibid. 12; v. Git. 81a.

(18) Lit., 'it has been changed for the better'.

(19) As over the olive itself.

(20) There is no special name in Hebrew for the olive tree as there is for the vine.

(21) 'Er. 26b.

(22) wheat, barley, oats, spelt, and rye.

(23) Even according to Rab and Samuel.

(24) And has more than merely food value.

(25) Ps. CIV, 15.

(26) As after bread, v. infra 37a.

(27) Aliter 'His opinion is rejected by all men'.

(28) V. Glos.

(29) Because the fifth is added only for what can be called food, since it says, And if a man eat of the holy thing through error (Lev. XXII, 14).

(30) V. infra 41a.

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all other boiled vegetables.) In that case the elaiogaron would be the main thing and the oil subsidiary, and we have learnt: This is the general rule: If with one article of food another is taken as accessory, a blessing is said over the main article, and this suffices for the accessory! — What case have we here in mind?¹ The case of a man with a sore throat, since it has been taught: If one has a sore throat, he should not ease it directly with oil on Sabbath,² but he should put plenty of oil into elaiogaron and swallow it.³ This is obvious!⁴ — You might think that since he intends it as a medicine he should not say any blessing over it. Therefore we are told that since he has some enjoyment from it he has to say a blessing.

Over wheaten flour⁵ Rab Judah says that the blessing is ‘who createst the fruit of the ground’⁶ while R. Nahman says it is, ‘By whose word all things exist’. Said Raba to R. Nahman: Do not join issue with Rab Judah, since R. Johanan and Samuel would concur with him. For Rab Judah said in the name of Samuel, and likewise R. Isaac said in the name of R. Johanan: Over olive oil the blessing said is ‘that createst the fruit of the tree’, which shows that although it has been transformed it is fundamentally the same. Here too, although it has been transformed, it is fundamentally the same. But are the two cases alike? In that case [of olive oil] the article does not admit of further improvement, in this case it does admit of further improvement, by being made into bread; and when it is still capable of further improvement we do not say over it the blessing ‘that createst the fruit of the ground’, but ‘by whose word all things exist’! — But has not R. Zera said in the name of R. Mattena reporting Samuel: Over raw cabbage and barley-flour we say the blessing ‘by whose word all things exist’, and may we not infer from this that over wheat-flour we say ‘who createst the fruit of the ground’? — No; over wheat-flour also we say ‘by whose word all things exist’. Then let him state the rule for wheat-flour, and it will apply to barley-flour as a matter of course?⁷ — If he had stated the rule as applying to wheat-flour, I might have said: That is the rule for wheat-flour, but over barley-flour we need say no blessing at all. Therefore we are told that this is not so. But is barley-flour of less account than salt or brine, of which we have learnt⁸: Over salt and brine one says ‘by whose word all things exist’? — It was necessary [to lay down the rule for barley-flour]. You might argue that a man often puts a dash of salt or brine into his mouth [without harm], but barley-flour is harmful in creating tapeworms, and therefore we need say no blessing over it. We are therefore told that since one has some enjoyment from it he must say a blessing over it.

Over the palm-heart,⁹ Rab Judah says that the blessing is ‘that createst the fruit of the ground’, while Samuel says that it is ‘by whose word all things exist’. Rab Judah says it is ‘that createst the fruit of the ground’, regarding it as fruit, whereas Samuel says that it is ‘by whose word all things exist’, since subsequently it grows hard. Said Samuel to Rab Judah: Shinnena!¹⁰ Your opinion is the more probable, since radish eventually hardens and over it we say ‘who createst the fruit of the ground’. This, however, is no proof; radishes are planted for the sake of the tuber,¹¹ but palms are not planted for the sake of the heart. But [is it the case that] wherever one thing is not planted for the sake of another [which it later becomes], we do not say the blessing [for that other]?¹² What of the caper-bush which is planted for the sake of the caper-blossom, and we have learnt: In regard to the various edible products of the caper-bush, over the leaves and the young shoots, ‘that createst the fruit of the ground’ is said, and over the berries and buds,¹³ ‘that createst the fruit of the tree’! — R. Nahman b. Isaac replied: Caper-bushes are planted for the sake of the shoots, but palms are not planted for the sake of the heart. And although Samuel commended Rab Judah, the halachah is as laid down by Samuel.

Rab Judah said in the name of Rab: In the case of an ‘uncircumcised’¹⁴ caper-bush outside of Palestine,¹⁵ one throws away the berries and may eat the buds. This is to say that the berries are fruit but the buds are not fruit — A contradiction was pointed out [between this and the following]: In

regard to the various edible articles produced by the caper-bush, over the leaves and the young shoots 'that create the fruit of the ground' is said; over the buds and the berries 'that create the fruit of the tree' is said! — [Rab Judah] followed R. Akiba, as we have learnt: R. Eliezer says: From the caper-bush tithe is given from the berries and buds. R. Akiba, however, says that the berries alone are tithed, because they are fruit.¹⁶ Let him then say that the halachah is as laid down by R. Akiba? — Had he said that the halachah is as laid down by R. Akiba, I should have thought that this was so even in the Holy Land. He therefore informs us that if there is an authority who is more lenient in regard to [uncircumcised products in] the Holy Land, the halachah follows him in respect of [such products] outside of the Holy Land, but not in the Land itself. But let him then say that the halachah is as laid down by R. Akiba for outside the Holy Land, because if an authority is more lenient with regard to the Land, the halachah follows him in the case of outside the Land? — Had he said so, I should have argued that this applies to tithe of fruit which in the Holy Land itself was ordained only by the Rabbis,¹⁷ but that in the case of 'orlah, the law for which is stated in the Torah, we should extend it to outside the Land. Therefore he tells us that we do not do so.

Rabina once found Mar b. R. Ashi throwing away [uncircumcised] caper-berries and eating the buds. He said to him: What is your view? Do you agree with R. Akiba who is more lenient?¹⁸ Then follow Beth Shammai, who are more lenient still, as we have learnt: With regard to the caper-bush, Beth Shammai say that it constitutes kil'ayim¹⁹ in the vineyard, whereas Beth Hillel hold that it does not constitute kil'ayim in the vineyard, while both agree that it is subject to the law of 'orlah. Now this statement itself contains a contradiction. You first say that Beth Shammai hold that a caper-bush constitutes kil'ayim in a vineyard, which shows that it is a kind of vegetable,²⁰ and then you say that both agree that it is subject to the law of 'orlah, which shows that it is a kind of tree!²¹ — This is no difficulty; Beth Shammai were in doubt [whether it was a fruit or a vegetable], and accepted the stringencies of both. In any case,²² Beth Shammai regard it [the caper-bush] as a doubtful case of 'orlah, and we have learnt: Where there is a doubt if a thing is subject to 'orlah, in the Land of Israel, it is prohibited, but in Syria it is allowed; and outside of Palestine one may go down

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- (1) When it is stated that oil requires a benediction.
 - (2) Medicine being forbidden on Sabbath, for fear one might come to pound drugs.
 - (3) For in this case it is not obvious that he is taking it as a medicine.
 - (4) That in this case one should make a blessing over the oil, because the oil is here the principal item.
 - (5) When eaten raw.
 - (6) Which is the blessing over crushed wheat, v. infra 37a.
 - (7) Since It is inferior to wheat-flour.
 - (8) More correctly, 'as it has been taught', v. infra 40b.
 - (9) An edible part of the young palm, which afterwards hardens and becomes part of the tree.
 - (10) An affectionate designation given by Samuel to his disciple Rab Judah. Apparently it means 'sharp-witted'. V. B.K. (Sonc. ed.) p. 60, n. 2.
 - (11) To be eaten before it becomes hard and woody.
 - (12) But 'by whose word all things exist'.
 - (13) Aliter: 'caper-flowers', or 'husks'.
 - (14) I.e., in its first three years. V. Lev. XIX, 23 (A.V.).
 - (15) To which the Rabbis extended the obligation of 'orlah, (v. Glos.).
 - (16) But the buds are not fruit.
 - (17) Since according to the written Torah, tithe was to be given only on corn, oil and wine.
 - (18) In not exacting tithe for the buds.
 - (19) Diverse seeds, v. Glos.
 - (20) Otherwise it would not constitute kil'ayim in a vineyard.
 - (21) Vegetables are not subject to the law of 'orlah.
 - (22) Rabina resumes here his argument against Mar b. R. Ashi.

Talmud - Mas. Berachoth 36b

and buy it, provided he does not see the man plucking it!¹ — When R. Akiba conflicts with R. Eliezer, we follow him, and the opinion of Beth Shammai when it conflicts with that of Beth Hillel is no Mishnah.² But then let us be guided by the fact that it [the bud] is a protection for the fruit, and the All-Merciful said, Ye shall observe its uncircumcision along with its fruit;³ ‘with’ refers to that which is attached to its fruit, namely, that which protects its fruit?⁴ — Raba replied: When do we say a thing is a protection for the fruit? When it does so both when [the fruit is] still attached [to the tree] and after it is plucked. In this case it protects while [the fruit is] attached, but not after it is plucked.

Abaye raised an objection: The top-piece of the pomegranate is counted in with it,⁵ but its blossom is not counted in.⁶ Now since it says that its blossom is not counted in with it, this implies that it is not food: and it was taught in connection with ‘orlah: The skin of a pomegranate and its blossom, the shells of nuts and their kernels are subject to the law of ‘orlah!⁷ — We must say, then, said Raba, that we regard something as a protection to the fruit only where it is so at the time when the fruit becomes fully ripe; but this caper-bud falls off when the fruit ripens. But is that so? Has not R. Nahman said in the name of Rabbah b. Abbuha: The calyces surrounding dates in the state of ‘orlah are forbidden, since they are the protection to the fruit. Now when do they protect the fruit? In the early stages of its growth [only]. Yet he calls them a protection to the fruit? — R. Nahman took the same view as R. Jose, as we have learnt: R. Jose says, The grape-bud is forbidden because it is fruit; but the Rabbis differ from him.⁸ R. Shimi from Nehardea demurred: Do the Rabbis differ from him in respect of other trees?⁹ Have we not learnt: At what stage must we refrain from cutting trees in the seventh year?¹⁰ Beth Shammai say: In the case of all trees, from the time they produce fruit; Beth Hillel say: In the case of carob-trees, from the time when they form chains [of carobs]; in the case of vines, from the time when they form globules; in the case of olive-trees, from the time when they blossom; in the case of all other trees, from the time when they produce fruit; and R. Assi said: Boser and garua¹¹ and the white bean are all one. (‘White bean’, do you say?¹² — Read instead: the size [of them] is that of the white bean.) Now which authority did you hear declaring that the boser is fruit but the grape-bud is not? It is the Rabbis;¹³ and it is they who state that we must refrain from cutting down all other trees from the time when they produce fruit!¹⁴ — No, said Raba. Where do you say that something is the protection to the fruit? Where if you take it away the fruit dies, Here¹⁵ you can take it away and the fruit does not die. In an actual case, they once took away the blossom from a pomegranate and it withered; they took away the flower from a caper and it survived.¹⁶ (The law is as [indicated by] Mar b. R. Ashi when he threw away the caper-berries and ate the buds. And since for purposes of ‘orlah they [the buds] are not fruit, for the purposes of benedictions also they are not fruit, and we do not say over them, ‘who createst the fruit of the tree’, but, ‘who createst the fruit of the ground’.)¹⁷

With regard to pepper, R. Shesheth says that the blessing is ‘by whose word all things exist’; Raba says: It requires no blessing at all.¹⁸ Raba in this is consistent; for Raba said: If a man chews pepper-corns on the Day of Atonement he is not liable [to kareth];¹⁹ if he chews ginger on the Day of Atonement he is not liable. An objection was raised: R. Meir says: Since the text says. Ye shall count the fruit thereof as forbidden,²⁰ do I not know that it is speaking of a tree for food? Why then does it say [in the same context], [‘and shall have planted all manner of] trees for food’? To include a tree of which the wood has the same taste as the fruit. And which is this? The pepper tree, This teaches you that pepper is subject to the law of ‘orlah, and it also teaches you that the land of Israel lacks nothing, as it says, A land wherein thou shalt eat bread without scarceness, thou shalt not lack anything in it!²¹ — There is no contradiction; one statement refers to moist pepper,²² the other to dried. The Rabbis²³ said to Meremar: One who chews ginger on the Day of Atonement is not liable [to kareth]. But has not Raba said: The preserved ginger which comes from India is permitted,²⁴ and we say over it the benediction ‘Who createst the fruit of the ground’?²⁵ — There is no contradiction: one statement refers to moist ginger, the other to dried.

With regard to habiz²⁶ boiled in a pot, and also pounded grain, Rab Judah says the blessing is 'by whose word all things exist', while R. Kahana says that it is 'who createst various kinds of foods'. In the case of simple pounded grain all agree that the correct blessing is 'who createst various kinds of foods'. Where they differ is in respect of pounded grain made like boiled habiz.²⁷ Rab Judah says that the blessing for this is 'by whose word etc.', considering that the honey is the main ingredient; R. Kahana holds that the blessing is 'who createst all kinds of food', considering the flour the main ingredient. R. Joseph said: The view of R. Kahana is the more probable, because Rab and Samuel have both laid down that over anything containing an ingredient from the five species [of cereals] the blessing is 'who createst all kinds of foods'.

The [above] text [states]: 'Rab and Samuel both lay down that over anything containing an ingredient from the five species [of cereals] the blessing is 'who createst all kinds of foods'. It has also been stated: Rab and Samuel both lay down that over anything made of the five species the blessing is 'who createst all kinds of foods'. Now both statements are necessary. For if I had only the statement 'anything made of etc.', I might say, this is because the cereal is still distinguishable, but if it is mixed with something else, this is not [the blessing].

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- (1) Consequently Mar b. R. Ashi should have eaten also the berries.
 - (2) Consequently the caper-bud is certainly subject to the law of 'orlah.
 - (3) Lit. trans. E.V, 'Then ye shall count the fruit thereof as forbidden'. Lev. XIX. 23.
 - (4) How then did he eat the buds?
 - (5) To bring it to the size of an egg and so render it susceptible to uncleanness.
 - (6) The blossom bears the same relationship to the pomegranate that the caper-bud bears to the berry.
 - (7) Although the blossom of the pomegranate does not protect it after it is plucked. The same should apply to the caper-bud.
 - (8) And the halachah follows the Rabbis, who are the majority. And similarly the caper-bud is not subject to 'orlah.
 - (9) And can we say therefore that the halachah does not follow R. Nahman following R. Jose?
 - (10) Cf. Ex, XXIII, 21; Lev. XXV, 4.
 - (11) Boser is the sour grape; garua' the grape when the stone is formed inside.
 - (12) Lit., can you imagine'.
 - (13) Who differ from R. Jose.
 - (14) Which shows that in other cases the halachah is according to R. Jose.
 - (15) In the case of the caper-bud.
 - (16) And therefore you cannot argue from one to the other.
 - (17) The passage in brackets reads like a marginal gloss.
 - (18) Not being regarded as food.
 - (19) V. Glos.
 - (20) Lev. XIX, 23.
 - (21) Deut. VIII, 9. This contradicts Raba.
 - (22) I.e., preserved only in this condition does it become an article of food.
 - (23) MS.M. Rabina.
 - (24) In spite of the fact that it has been prepared by heathens.
 - (25) Which shows that it is food. How then does the chewing thereof on the Day of Atonement not carry with it the guilt of kareth.
 - (26) This is described later as a kind of pull made of flour, honey, and oil.
 - (27) I.e., to which honey has been added.

Talmud - Mas. Berachoth 37a

We are told therefore, 'anything containing an ingredient etc.'. If again I had only the statement, anything containing an ingredient etc.', I might think that this applies to the five species [of cereals],

but not to rice and millet when they are mixed with other things; but when they are distinguishable the blessing even over rice and millet is 'who createst various kinds of foods'. So we are told that over anything which is made of the five species we say 'who createst various kinds of foods', excluding rice and millet, over which we do not say 'who createst various kinds of foods' even when they are distinguishable.

And over rice and millet do we not say, 'who createst various kinds of foods'? Has it not been taught: If one is served with rice bread or millet bread, he says blessings before and after it as for a cooked dish [of the five species]; and with regard to cooked dishes, it has been taught: He says before partaking, 'Who createst various kinds of foods', and after it, he says one blessing which includes three?¹ — It is on a par with cooked dishes in one way and not in another. It resembles cooked dishes in requiring a benediction before and after, and it differs from cooked dishes, because the blessing before these is 'who createst various kinds of foods' and the blessing after is the one which includes three, whereas in this case the blessing before is 'by whose word all things exist', and the blessing after. 'Who createst many living beings with their wants, for all which He has created etc.'²

But is not rice a 'cooked dish'?³ Has it not been taught: The following count as cooked dishes: spelt groats, wheat groats, fine flour, split grain, barley groats, and rice? Whose opinion is this?⁴ That of R. Johanan b. Nuri; for it has been taught: R. Johanan b. Nuri says: Rice is a kind of corn, and when leavened it can entail the penalty of kareth,⁵ and it can be used to fulfil the obligation of [eating unleavened bread on] Passover.⁶ The Rabbis, however, do not admit this.⁴ But do not the Rabbis admit this? Has it not been taught: If one chews wheat, he says over it the benediction, 'who createst the fruit of the ground'. If he grinds and bakes it and then soaks it [in liquid], so long as the pieces are still whole⁷ he says before [partaking the blessing], 'who bringest forth bread from the earth' 'and after, the grace of three blessings;⁸ if the pieces are no longer whole, he says before partaking 'that createst various kinds of foods', and after it one blessing that includes three.⁸ If one chews rice, he says before partaking 'who createst the fruit of the ground'. If he grinds and bakes it and then soaks it, even if the pieces are still whole, he says before partaking who createst various kinds of foods', and after it the one blessing which includes three? Now whose opinion is this? Shall I say it is R. Johanan b. Nuri's? But he said that rice is a kind of corn, and therefore [according to him] the blessing should be 'who bringest forth food from the earth' and the grace the one of three blessings! It must therefore be the Rabbis'; and this is a refutation of Rab and Samuel, is it not? — It is a refutation.

The Master said [above]: 'If one chews wheat 'he says over it the blessing, "who createst the fruit of the ground"'. But it has been taught: 'Who createst various kinds of seeds'? There is no contradiction: one statement represents the view of R. Judah,⁹ the other that of the Rabbis, as we have learnt: Over vegetables one says, 'who createst the fruit of the ground'; R. Judah, however, says: 'Who createst various kinds of herbs'.

The Master said [above]: 'If one chews rice he says over it "Who createst the fruit of the ground". If he grinds and bakes it and then soaks it, even if the pieces are still whole, he says before it, "Who createst the various kinds of foods", and after it one blessing which includes three'. But it has been taught: After it he need not say any blessing at all?¹⁰ — R. Shesheth replied: There is no contradiction: the one statement expresses the view of R. Gamaliel, the other that of the Rabbis, as it has been taught: This is the general rule: after partaking of anything that belongs to the seven species,¹¹ R. Gamaliel says that three blessings should be said, while the Rabbis say, one that includes three. Once R. Gamaliel and the elders were reclining in an upper chamber in Jericho, and dates¹² were brought in and they ate, and R. Gamaliel gave permission to R. Akiba to say grace. and R. Akiba said quickly the one blessing which includes three. Said R. Gamaliel to him: Akiba, how long will you poke your head into quarrels?¹³ He replied: Master, although you say this way and

your colleagues say the other way, you have taught us, master, that where an individual joins issue with the majority, the halachah is determined by the majority. R. Judah said in his [R. Gamaliel's] name:¹⁴ [After partaking of] any food from the seven species

- (1) The benediction, 'for the nourishment and the sustenance etc.', V. infra 44a; v. P.B. p. 287ff.
- (2) Ibid. p. 290.
- (3) For the purpose of a blessing.
- (4) That rice counts as a cooked dish.
- (5) If eaten on Passover. V. Glos.
- (6) V. Ex. XII, 19.
- (7) I.e., have not been softened into a pulp.
- (8) The grace after meals which originally consisted of three blessings. V. infra 46a.
- (9) Who requires (infra 40a) a separate blessing for each kind of fruit or vegetable.
- (10) Rashi explains this to mean, not one of the blessings said after the seven species of food, but simply 'who createst many living creatures etc.', (v. infra, and P.B. p. 287ff.).
- (11) Enumerated in Deut. VIII, 8.
- (12) One of the 'seven species', being included in the term 'honey' in Deut. VIII, 8.
- (13) I.e., go against me.
- (14) So Rashi. We should rather, however, expect it to be R. Akiba's, as R. Gamaliel is mentioned in the statement, and R. Judah can hardly have been a disciple of R. Gamaliel.

Talmud - Mas. Berachoth 37b

, not being a kind of corn or which belongs to one of the kinds of corn but has not been made into bread, R. Gamaliel says that three blessings are to be said, while the Sages say, only one blessing [which includes three]. [After] anything which belongs neither to the seven species nor to any kind of corn, for instance bread of rice or millet, R. Gamaliel says that one blessing which includes three is to be said, while the Sages say, no grace at all. To which authority do you then assign this statement?¹ To R. Gamaliel. Look now at the latter half of the first statement² viz., 'if the pieces are no longer whole, he says before partaking "who createst various kinds of foods", and after partaking one blessing which includes three'. Whose view does this express? Shall I say that of R. Gamaliel? Seeing that R. Gamaliel requires a grace of three blessings after dates and pounded grain,³ is there any question that he should require it if the pieces are no longer whole?⁴ Hence, obviously, it must be the view of the Rabbis.⁵ If that is the case, there is a contradiction between two statements of the Rabbis?⁶ — No; I still say, it is the view of the Rabbis; and in connection with rice you should read, 'after partaking he does not say any blessing'.

Raba said: Over the rihata⁷ of the field workers, in which there is a large quantity of flour, the blessing said is 'who createst various kinds of foods'. What is the reason? The flour is the main ingredient. Over the rihata of the townspeople in which there is not so much flour, the blessing said is 'by whose word all things exist'. What is the reason? The main ingredient is the honey. Raba, however, corrected himself and said: Over both the blessing is 'who createst various kinds of foods'. For Rab and Samuel both laid down that over anything containing one of the five species as an ingredient, the blessing to be said is 'who createst various kinds of foods'.

R. Joseph said: If in a habiz there are pieces of bread⁸ as big as an olive, the blessing said before it is 'who bringest forth bread from the earth', and after it a grace of three blessings is said. If there are no pieces as big as an olive in it, the blessing said before it is 'who createst various kinds of foods', and after it one blessing which includes three. Said R. Joseph: Whence do I derive this? Because it has been taught: If one⁹ is in the act of offering meal-offerings in Jerusalem, he says, 'Blessed be He that hath kept us alive and preserved us and brought us to this season'. When he¹⁰ takes them up in order to eat them, he says the blessing, 'Who bringest forth bread from the earth',

and it was taught in this connection. They are all¹¹ broken into fragments of the size of an olive.¹² Said Abaye to him: If that is so, then similarly according to the Tanna of the school of R. Ishmael who says that he crushes them until he reduces them to flour, he should not require to say 'who bringest forth bread from the earth'? And should you reply that that is indeed the case, has it not been taught: If he scraped together as much as an olive from all of them¹³ and ate [all of] it, if it is leaven he is punished with kareth,¹⁴ and if it is unleaven a man may perform his obligation with it on Passover?¹⁵ — With what case are we dealing here?¹⁶ If he re-kneaded the crumbs.¹⁷ If so, look at the next clause: This is only if he ate them within the time which it takes to eat half [a roll].¹⁸ Now if they are re-kneaded, instead of saying 'to eat them', it should say, 'to eat it'? [Rather] with what case are we here dealing? When it comes from a large loaf.¹⁹ Now what do we decide upon this matter? R. Shesheth said: If the crumbs of bread in a habiz are even less than an olive, the benediction 'who bringest forth bread from the earth' is said over it. Raba added: This is only if they still have the appearance of bread.

Troknin²⁰ is subject to the law of hallah. When Rabin came, he said in the name of R. Johanan: Troknin is not subject to the law of hallah. What is Troknin? — Abaye said: [Dough baked] in a cavity made in the ground.

Abaye also said: Tarita is exempt from the obligation of hallah. What is tarita?—Some say, dough just lightly baked;²¹ others say, bread baked on a spit;²² others again, bread used for kuttah.²³ R. Hiyya said: Bread used for kuttah is not liable to hallah. But it has been taught that it is liable for hallah? — There the reason is stated: Rab Judah says that the way it is made shows what it is; if it is made

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- (1) That after rice one has to say the one blessing including three.
 - (2) In the above-cited Baraitha, 'if one chews wheat etc.', supra p. 232.
 - (3) Which is the same as 'corn which has not been made into bread', mentioned in the Baraitha quoted above.
 - (4) Since they were originally bread.
 - (5) Who hold that after pounded grain (v. n. 2) only the one blessing which includes three is said, and where the pieces are no longer whole the cooked wheat is treated like pounded grain.
 - (6) There the Rabbis declare that after bread made of rice no benediction is necessary, while in the previously cited Baraitha they are said to require one benediction which includes three.
 - (7) A dish resembling the habiz, and containing the same ingredients.
 - (8) I.e., if bread is broken up into it.
 - (9) According to Rashi, this is the layman who gives it to the priest to offer; according to Tosaf., the priest himself.
 - (10) The priest.
 - (11) I.e., all the various kinds of meal-offerings mentioned in Lev. II.
 - (12) V. Lev. II, 6. This proves that crumbs must be at least the size of an olive for the benediction 'Who bringest forth bread' to be said.
 - (13) The various kinds of meal-offerings. Tosaf., however, refers it to ordinary crumbs of different species of cereals, since the continuation, 'if it is leaven etc.', could not apply to meal-offerings which had to be unleavened.
 - (14) If he eats it on Passover.
 - (15) And of course the prescribed blessing 'who bringest forth etc.', must be said over it also.
 - (16) In the teaching last cited.
 - (17) Making them into a compact mass.
 - (18) A piece of bread the size of four eggs. If he does not eat the size of an olive within this time, it does not count for any purpose.
 - (19) Some of which still remains unbroken, even though he did not reknead the bread crumbs.
 - (20) Bread baked in a hole in the ground.
 - (21) By being poured on the hot hearth and formed into fritters.
 - (22) And covered with oil, or eggs and oil. Aliter: 'Indian bread.'
 - (23) A dish made of bread mixed with sour milk and baked in the sun.

Talmud - Mas. Berachoth 38a

like cakes, it is liable for hallah, if like boards,¹ it is not liable.

Abaye said to R. Joseph: What blessing is said over dough baked in a cavity in the ground? — He replied: Do you think it is bread? It is merely a thick mass, and the blessing said over it is ‘who createst various kinds of foods’. Mar Zutra made it the basis of his meal and said over it the blessing, ‘who bringest forth bread from the earth’ and three blessings after it. Mar son of R. Ashi said: The obligation of Passover can be fulfilled with it. What is the reason? We apply to it the term, ‘bread of affliction’.

Mar son of R. Ashi also said: Over honey of the date-palm we say, ‘by whose word all things exist’.² What is the reason? — Because it is merely moisture [of the tree]. With whose teaching does this accord? — With that of the following Tanna, as we have learnt: With regard to the honey of the date-palm and cider and vinegar from stunted grapes³ and other fruit juices of terumah. R. Eliezer requires [in case of sacrilege] payment of the value and an additional fifth,⁴ but R. Joshua exempts [from the additional fifth].⁵

One of the Rabbis asked Raba: What is the law with regard to trimma?⁶ Raba did not quite grasp what he said. Rabina was sitting before Raba and said to the man: Do you mean of sesame⁷ or of saffron⁸ or of grape-kernels?⁹ Raba thereupon bethought himself¹⁰ and said: You certainly mean hashilta;¹¹ and you have reminded me of something which R. Assi said: It is permissible to make trimma¹² of dates of terumah, but forbidden to make mead of them.¹³ The law is that over dates which have been used to make into trimma we say the blessing ‘who createst the fruit of the tree’. What is the reason? They are still in their natural state.

With regard to shatitha,¹⁴ Rab said that the blessing is ‘by whose word all things were made’, while Samuel said that it is ‘who createst various kinds of foods’. Said R. Hisda: They do not really differ: the latter is said over the thick variety, the former over the thin. The thick is made for eating, the thin for a medicine. R. Joseph raised an objection to this: Both alike¹⁵ say that we may stir up a shatitha on Sabbath and drink Egyptian beer. Now if you think that he intends it as a remedy, is a medicine permitted on Sabbath? — Abaye replied: And do you hold that it is not? Have we not learnt: All foods may be eaten on Sabbath for medical purposes and all drinks may be drunk?¹⁶ But what you must say is: in these cases the man intends it for food;¹⁷ here too, the man intends it for food. (Another version of this is: But what you can say is that the man intends it for food and the healing effect comes of itself. So here too, the man intends it for food, and the healing effect comes of itself.) And it was necessary to have this statement of Rab and Samuel.¹⁸ For if I had only the other statement¹⁹ I might think that [he says a blessing because] he intends it for food and the healing effect comes of itself; but in this case, since his first intention is to use it for healing, I might think that he should not say any blessing at all over it. We are therefore told that since he derives some enjoyment from it, he has to say a blessing.

FOR OVER BREAD IS SAID, WHO BRINGEST FORTH etc. Our Rabbis taught: What does he say? ‘Who bringest forth [ha-mozi] bread from the earth’. R. Nehemiah says: ‘Bringing [mozi]²⁰ forth bread from the earth’. Both agree that the word mozi means ‘who has brought forth’,²¹ since it is written, God who brought them forth [moziam] from Egypt.²² Where they disagree is as to the meaning of ha-mozi. The Rabbis held that ha-mozi means ‘who has brought forth’, as it is written, Who brought thee forth [ha-mozi] water out of the rock of flint,²³ whereas R. Nehemiah held that ha-mozi means ‘who is bringing forth’, as it says, Who bringeth you out [ha-mozi] from under the burden of the Egyptians.²⁴ The Rabbis, however, say that those words spoken by the Holy One, blessed be He, to Israel were meant as follows: When I shall bring you out, I will do for you

something which will show you that it is I who brought you forth from Egypt, as it is written, And ye shall know that I am the Lord your God who brought you out.²⁴

The Rabbis used to speak highly to R. Zera of the son of R. Zebid²⁵ the brother of R. Simeon son of R. Zebid as being a great man and well versed in the benedictions. He said to them: When you get hold of him bring him to me. Once he came to his house and they brought him a loaf, over which he pronounced the blessing mozi. Said R. Zebid: Is this the man of whom they say that he is a great man and well versed in benedictions? Had he said ha-mozi,

(1) I.e. in flat thick pieces not resembling bread.

(2) Not 'who createst the fruit of the tree'.

(3) I.e., which never come to maturity. So Rashi; v.l. 'winter grapes'.

(4) V. Lev. V, 15ff.

(5) Because he does not regard these things as fruit.

(6) GR. **, something pounded but not out of recognition; here, a brew made of pounded fruit.

(7) Pounded sesame over which wine is poured.

(8) Saffron pounded to extract its oil.

(9) Over which water is poured to make mead.

(10) Rabina's question suggested to Raba the meaning of the question put to him.

(11) A brew made with rounded date-stones.

(12) I.e., a mere brew, not so strong as mead.

(13) Because then they completely lose their identity.

(14) Flour of dried barleycorns mixed with honey.

(15) R. Judah and R. Jose b. Judah; v. Shab. 156a.

(16) Shab. 109b.

(17) And the healing effect is produced incidentally.

(18) That shatitha though used for medicinal purpose is treated as food and requires a benediction, in addition to the teaching that it is regarded as food and may be partaken of on Sabbath.

(19) That all foods may be consumed on Sabbath for medical purposes.

(20) Mozi is the present participle; ha-,mozi is the same with the definite article.

(21) Which is the meaning required.

(22) Num. XXIII, 22.

(23) Deut. VIII, 15.

(24) Ex. VI, 7.

(25) So the text. There seems to be some corruption. and Goldschmidt reads: The Rabbis praised the father of R. Simeon b. Zebid to R. Zera b. Rab; cf. D.S.

Talmud - Mas. Berachoth 38b

he would have taught us the meaning of a text and he would have taught us that the halachah is as stated by the Rabbis. But when he says mozi, what does he teach us?¹ In fact he acted thus so as to keep clear of controversy. And the law is that we say, ha-mozi bread from the earth', since we hold with the Rabbis who say that it means 'who has brought forth'.

OVER VEGETABLES ONE SAYS etc. Vegetables are placed [by the Mishnah] on a par with bread: just as over bread which has been transformed by fire [the same blessing is said], so [the same blessing is said over] vegetables when they have been changed by fire. Rabinnai said in the name of Abaye: This means to say that over boiled vegetables we say 'who createst the fruit of the ground'. [How? — Because the Mishnah puts vegetables on a par with bread].²

R. Hisda expounded in the name of our Teacher, and who is this? Rab: Over boiled vegetables the blessing to be said is 'who createst the fruit of the ground'. But teachers who came down from the

land of Israel, and who are these? 'Ulla in the name of R. Johanan, said: Over boiled vegetables the blessing to be said is 'by whose word all things exist'. I say, however,³ that wherever we say over a thing in its raw state 'who createst the fruit of the ground', if it is boiled we say 'by whose word all things exist'; and wherever we say over it in the raw state 'by whose word all things exist', if it is boiled we say 'who createst the fruit of the ground'. We quite understand that where the blessing over a thing in its raw state is 'by whose word all things were created', if it is boiled we say, 'who createst the fruit of the ground';⁴ you have examples in cabbage, beet, and pumpkin. But where can you find that a thing which in its raw state requires 'who createst the fruit of the ground' should, when boiled, require 'by whose word all things exist'?⁵ — R. Nahman b. Isaac replied: You have an instance in garlic and leek.

R. Nahman expounded in the name of our teacher, and who is this? Samuel: Over boiled vegetables the blessing to be said is 'who createst the fruit of the ground'; but our colleagues who came down from the Land of Israel, and who are these? 'Ulla in the name of R. Johanan, say: Over boiled vegetables the blessing to be said is 'by whose word all things exist'. I personally say that authorities⁶ differ on the matter, as it has been taught: One may satisfy the requirement [of eating unleavened bread on Passover] with a wafer which has been soaked, or which has been boiled, provided it has not been dissolved. So R. Meir. R. Jose, however, says: One fulfils the requirements with a wafer which has been soaked, but not with one which has been boiled, even though it has not been dissolved. But this is not the case.⁷ All [in fact] would agree that over boiled vegetables the blessing is 'who createst the fruit of the ground'; and R. Jose was more particular in the case of the wafer only because we require the taste of unleavened bread and it is not there. In this case, however, even R. Jose would admit [that boiling does not alter its character].

R. Hiyya b. Abba said in the name of R. Johanan: Over boiled vegetables the blessing to be said is 'who createst the fruit of the ground'. R. Benjamin b. Jefet, however, said in the name of R. Johanan: Over boiled vegetables the blessing to be said is 'by whose word all things exist'. R. Nahman b. Isaac said: 'Ulla⁸ became confirmed in his error by accepting the word of R. Benjamin b. Jefet. R. Zera expressed his astonishment.⁹ How [he said], can you mention R. Benjamin b. Jefet along with R. Hiyya b. Abba? R. Hiyya b. Abba was very particular to get the exact teaching of R. Johanan his master, whereas R. Benjamin b. Jefet was not particular. Further, R. Hiyya b. Abba used to go over what he had learnt every thirty days with his teacher R. Johanan, while R. Benjamin b. Jefet did not do so. Besides, apart from these two reasons¹⁰ there is the case of the lupines which were cooked seven times in the pot, and eaten as dessert,¹¹ and when they came and asked R. Johanan about them, he told them that the blessing to be said was 'who createst the fruit of the ground'. Moreover R. Hiyya b. Abba said: I have seen R. Johanan eat salted olives and say a blessing both before and after. Now if you hold that boiled vegetables are still regarded as the same, we can understand this: before eating he said 'who createst the fruit of the tree', and after it a grace of one blessing which includes three.¹² But if you hold that vegetables after being boiled are not regarded as the same, no doubt he could say before eating 'by whose word all things are created', but what could he say after? — Perhaps he said, 'who createst many living things and their requirements for all that he has created'.

R. Isaac b. Samuel raised an objection: With regard to the herbs with which one may fulfil the requirement [of eating bitter herbs on] Passover,¹³ both they and their stalks may serve this purpose, but not if they are pickled or cooked or boiled.¹⁴ Now if you maintain that after boiling they are still regarded as the same, why may they not be used boiled? — The case is different there. because we require the taste of bitter herbs, and this we do not find.

R. Jeremiah asked R. Zera: How could R. Johanan make a blessing over a salted olive? Since the stone had been removed,

(1) Seeing that all are agreed as to its meaning.

- (2) These words seem to be a needless repetition, and are bracketed in the text.
- (3) In order to reconcile the two opinions.
- (4) Because usually it is improved by boiling.
- (5) I.e., should deteriorate through being boiled.
- (6) I.e., Tannaim.
- (7) That the authorities differ with regard to vegetables and that R. Jose supports R. Johanan.
- (8) Who reported supra in the name of R. Johanan that the blessing is 'by whose word etc.'.
- (9) That this difference of opinion should have been recorded.
- (10) Showing that R. Johanan did not make the statement attributed to him by R. Benjamin b. Jefet.
- (11) And therefore required a separate blessing.
- (12) Because in spite of the salting, it was still regarded as an olive.
- (13) V. Ex. XII, 8.
- (14) I.e., reduced to a pulp. V. Pes. 39a.

Talmud - Mas. Berachoth 39a

it was less than the minimum size! — He replied: Do you think the size we require is that of a large olive? We require only that of a medium sized olive, and that was there, for the one they set before R. Johanan was a large one, so that even when its stone had been removed it was still of the requisite size. For so we have learnt: The 'olive' spoken of¹ means neither a small nor a large one, but a medium one. This is the kind which is called aguri. R. Abbahu, however, said: Its name is not aguri but abruti, or, according to others, samrusi. And why is it called aguri? Because its oil is collected [agur] within it.²

May we say that this controversy [about the blessing to be said over boiled vegetables] is found between Tannaim? For once two disciples were sitting before Bar Kappara, and cabbage, Damascene plums and poultry were set before him. Bar Kappara gave permission to one of them to say a blessing, and he at once said the blessing over the poultry.³ The other laughed at him, and Bar Kappara was angry, He said: I am not angry with the one who said the blessing, but with the one who laughed. If your companion acts like one who has never tasted meat in his life, is that any reason for you to laugh? Then he corrected himself and said: I am not angry with the one who laughed, but with the one who said the blessing. If there is no wisdom here, is there not old age here?⁴ A Tanna taught: Neither of them saw the year out.⁵ Now did not their difference lie in this, that the one who said the blessing held that the benediction over both boiled vegetables and poultry is 'by whose word all things exist', and therefore the dish he liked best had the preference,⁶ while the one who laughed held that the blessing over boiled vegetables is 'who createst the fruit of the ground', and that over poultry is 'by whose word all things were created', and therefore the vegetables should have had the preference?⁷ — Not so. All agree that for both boiled vegetables and poultry the blessing is 'by whose word all things exist', and their difference lies in this, that one held that what is best liked should have the preference, and the other held that the cabbage should have the preference, because it is nourishing.⁸

R. Zera said: When we were with R. Huna, he told us that with regard to the tops of turnips, if they are cut into large pieces, the blessing is 'who createst the fruit of the ground', but if they are cut into small pieces, 'by whose word all things exist'.⁹ But when we came to Rab Judah, he told us that for both the blessing is 'who createst the fruit of the ground', since the reason for their being cut into small pieces is to make them taste sweeter.

R. Ashi said: When we were with R. Kahana, he told us that over a broth of beet, in which not much flour is put, the blessing is 'who createst the fruit of the ground', but for a broth of turnip, in which much flour is put, the blessing is 'who createst all kinds of foods'. Subsequently, however, he said that the blessing for both is 'who createst the fruit of the ground', since the reason why much

flour is put in it is only to make it cohere better.

R. Hisda said: A broth of beet is beneficial for the heart and good for the eyes, and needless to say for the bowels. Said Abaye: This is only if it is left on the stove till it goes tuk, tuk.¹⁰

R. Papa said: It is quite clear to me that beet-water is on the same footing as beet,¹¹ and turnip-water on the same footing as turnips. and the water of all vegetables on the same footing as the vegetables themselves. R. Papa, however, inquired: What about aniseed water? Is its main purpose to sweeten the taste¹² [to the dish] or to remove the evil smell?¹³ — Come and hear: Once the aniseed has given a taste to the dish, the law of terumah no longer applies to it,¹⁴ and it is not liable to the uncleanness of foods.¹⁵ This proves that its main purpose is to sweeten the dish, does it not? — It does.

R. Hiyya b. Ashi said: Over a dry crust which has been put in a pot [to soak], the blessing is ‘who bringeth forth bread etc.’. This view conflicts with that of R. Hiyya; for R. Hiyya said: The bread should be broken with the conclusion of the blessing.¹⁶ Raba demurred to this. What [he said], is the reason [why hamozi should not be said] in the case of dry crust? Because, you say, when the blessing is concluded, it is concluded over a broken piece. But when it is said over a loaf, it finishes over a broken piece!

(1) As a standard of quantity.

(2) I.e., can be squeezed out immediately. Probably all these names refer to the place of origin of different kinds of olive.

(3) As being the principal dish.

(4) And why did you not consult me?

(5) As a punishment for the disrespect shown to Bar Kappara.

(6) I.e., he said the blessing over that one first and commenced to eat it.

(7) Even though he liked the poultry better, because the blessing over vegetables is more dignified.

(8) I.e., more than poultry. v. infra 44b.

(9) Because they have been more or less spoiled.

(10) I.e., has been brought to the boil.

(11) And the blessing to be said over it is ‘who createst the fruit of the earth’.

(12) And is the blessing to be said over it ‘who createst the fruit of the ground’.

(13) And the blessing will be ‘by whose word etc.’.

(14) It is regarded as merely wood, not liable to terumah.

(15) ‘Uk. III, 4.

(16) But this has already been broken off, and therefore the blessing is ‘by whose word’.

Talmud - Mas. Berachoth 39b

The fact is, said Raba, that the benediction is said first and then the loaf is broken.¹ The Nehardeans acted as prescribed by R. Hiyya, while the Rabbis acted as prescribed by Raba. Rabina said: Mother told me: Your father acted as prescribed by R. Hiyya; for R. Hiyya said: The bread should be broken with the conclusion of the blessing, whereas the Rabbis acted as prescribed by Raba. The law is as laid down by Raba, that one says the blessing first and afterwards breaks the loaf.

It has been stated: If pieces and whole loaves are set before one, R. Huna says that the benediction can be said over the pieces,² and this serves also for the whole loaves, whereas R. Johanan says that the religious duty is better performed if the blessing is said over the whole one. If, however, a broken piece of wheat bread and a whole loaf of barley bread are set before one, all agree that the benediction is said over the piece of wheaten bread, and this serves also for the whole loaf of barley bread. R. Jeremiah b. Abba said: There is the same difference of opinion between Tannaim:³ Terumah is given from a small whole onion, but not from the half of a large onion. R. Judah says:

Not so, but also from the half of a large onion.⁴ Are we to say that the point in which they differ is this: one authority holds that the fact of being worth more is more important, while the other holds that the fact of being whole is more important? — Where a priest is on the spot,⁵ all agree that the fact of being worth more is more important. Where they differ is when there is no priest on the spot, since we have learnt: Wherever a priest is on the spot, terumah is given from the best of the produce; where the priest is not on the spot,⁶ terumah is set aside from that which will keep best. R. Judah said: Terumah is in all cases given from the best.⁷ R. Nahman b. Isaac said: A Godfearing man will seek to satisfy both.⁸ Who is such a one? Mar the son of Rabina. For Mar the son of Rabina used to put the broken piece under⁹ the whole loaf and then break the bread.¹⁰ A Tanna recited in the presence of R. Nahman b. Isaac: One should place the broken piece under the whole loaf and then break and say the benediction. He said to him: What is your name? Shalman, he replied. He said to him: Thou art peace [shalom] and thy Mishnah is faultless [shelemah], for thou hast made peace between the scholars.

R. Papa said: All admit that on Passover one puts the broken cake under the whole one and breaks [them together]. What is the reason? Scripture speaks of ‘Bread of poverty’.¹¹ R. Abba said: On Sabbath one should break bread from two loaves. What is the reason? Scripture speaks of ‘double bread’.¹² R. Ashi said: I have observed R. Kahana take two and break one. R. Zera used to break off [a piece of bread] sufficient for the whole meal [on Sabbath]. Said Rabina to R. Ashi: Does not this look like greediness? He replied: Since every other day he does not act thus and today he acts thus, it does not look like greediness. When R. Ammi and R. Assi happened to get hold of a loaf which had been used for an ‘erub,¹³ they used to say over it the blessing, ‘who bringest forth bread from the earth’, saying, Since one religious duty has been performed with it, let us perform with it still another.

(1) So that when the blessing is concluded the bread is still whole.

(2) Especially if they are larger than the whole loaf, in which case preference must be given to the broken one (Rashi).

(3) In the case where the broken one is of wheat and the whole one of barley.

(4) Ter. II, 5.

(5) And the terumah can be given to him immediately.

(6) And the produce has to be kept till he turns up.

(7) Ibid. 4.

(8) I.e., both points of view, sc. of R. Huna and R. Johanan.

(9) V. Rashi.

(10) From both, v. Rashi.

(11) Deut. XVI, 3. (E.V. ‘affliction’). A poor man has usually only a piece.

(12) Ex. XVI, 22, of the manna on Friday. (E.V. ‘twice as much bread’).

(13) For allowing transport through the courts on Sabbath. V. Glos.

Talmud - Mas. Berachoth 40a

Rab said: [If the host says to his guests,¹ Take, the benediction has been said,² take, the benediction has been said, he [the host] need not say the benediction [again].³ If he said [between the benediction and the eating], Bring salt, bring relish, he must say the benediction [again]. R. Johanan, however, said that even if he said, Bring salt, bring relish, the benediction need not be repeated. If he said, Mix fodder for the oxen, mix fodder for the oxen, he must repeat the blessing; R. Shesheth, however, said that even if he said, Mix fodder for the oxen, he need not repeat; for Rab Judah said in the name of Rab: A man is forbidden to eat before he gives food to his beast, since it says. And I will give grass in thy fields for thy cattle, and then, thou shalt eat and be satisfied.⁴

Raba b. Samuel said in the name of R. Hiyya: The one who is about to break the bread is not permitted to do so before salt or relish is placed before each one at table. Raba b. Samuel was once at

the house of the Exilarch, and they brought him bread and he broke it at once. They said to him: Has the Master retraced his own teaching? — He replied: This requires no condiment.⁵

Raba b. Samuel also said in the name of R. Hiyya: Urine is never completely discharged except when sitting.⁶ R. Kahana said: If over loose earth, even when standing. If there is no loose earth, one should stand on a raised spot and discharge down a declivity.

Raba b. Samuel also said in the name of R. Hiyya: After every food eat salt, and after every beverage drink water, and you will come to no harm. It has been taught similarly: After every food eat salt, and after every beverage drink water, and you will come to no harm. It has been taught elsewhere: If one ate any kind of food without taking salt after it, or drank any kind of liquor without taking water after it, by day he is liable to be troubled with an evil-smelling mouth, and by night with croup. The Rabbis taught: One who swills down his food with plenty of water will not suffer with his bowels. How much should he drink? R. Hisda says: A cupful to a loaf.

R. Mari said in the name of R. Johanan: If one takes lentils regularly once in thirty days, he will keep croup away from his house.⁷ He should not, however, take them every day. Why so? Because they cause a bad smell in the mouth. R. Mari also said in the name of R. Johanan: If one takes mustard regularly once in thirty days, he keeps sickness away from his house. He should not, however, take it every day. Why so? Because it is weakening for the heart. R. Hiyya b. Ashi said in the name of Rab: One who eats regularly small fish will not suffer with his bowels. Moreover, small fish stimulate propagation and strengthen a man's whole body. R. Hama b. Hanina said: One who takes regularly black cumin will not suffer from heartburn.⁸ The following was cited in objection to this: R. Simeon b. Gamaliel says: Black cumin is one of the sixty poisons. and if one sleeps on the east side of the place where it is stored, his blood will be on his own head?⁹ — There is no contradiction: The latter statement speaks of its smell, the former of its taste. The mother of R. Jeremiah used to bake bread for him and stick [black cumin] on it¹⁰ and then scrape it off.¹¹

R. JUDAH SAYS, WHO CREATEST DIVERS KINDS OF HERBS. R. Zera, or as some say R. Hinnena b. Papa, said: The halachah is not as stated by R. Judah. R. Zera, or as some say, R. Hinnena b. Papa, further said: What is R. Judah's reason? Scripture says, Blessed be the Lord day by day.¹² Are we then to bless Him by day and not bless Him by night? What it means to tell us is that every day we should give Him the blessing appropriate to the day.¹³ So here, for every species we should give Him the appropriate blessing.

R. Zera, or as some say, R. Hinnena b. Papa, further said: Observe how the character of the Holy One, blessed be He, differs from that of flesh and blood. A mortal can put something into an empty vessel¹⁴ but not into a full one. But the Holy One, blessed be He, is not so; He puts more into a full vessel¹⁵ but not into an empty one; for it says, If hearken thou wilt hearken,¹⁶ implying, if thou hearkenest [once] thou wilt go on hearkening, and if not, thou wilt not hearken. Another explanation is: If thou hearkenest to the old,¹⁷ thou wilt hearken to the new, but if thy heart turns away, thou wilt not hear any more.

MISHNAH. IF ONE SAYS OVER FRUIT OF THE TREE THE BENEDICTION, 'WHO CREATEST THE FRUIT OF THE GROUND, HE HAS PERFORMED HIS OBLIGATION. BUT IF HE SAID OVER PRODUCE OF THE GROUND, 'WHO CREATEST THE FRUIT OF THE TREE', HE HAS NOT PERFORMED HIS OBLIGATION. IF HE SAYS 'BY WHOSE WORD ALL THINGS EXIST OVER ANY OF THEM, HE HAS PERFORMED HIS OBLIGATION.

GEMARA. What authority maintains that the essence of the tree is the ground? — R. Nahman b. Isaac replied: It is R. Judah, as we have learnt: If the spring has dried up or the tree has been cut down,¹⁸ he brings the first-fruits but does not make the declaration.¹⁹ R. Judah, however, says that he

both brings them and makes the declaration.²⁰

OVER FRUIT OF THE GROUND etc. This is obvious, is it not? — R. Nahman b. Isaac said: It required to be stated in view of the opinion of R. Judah, who maintains that wheat is a kind of tree. For it has been taught: R. Meir holds that the tree of which Adam ate was the vine, since the thing that most causes wailing to a man is wine, as it says, And he drank of the wine and was drunken.²¹ R. Nehemiah says it was the fig tree, so that they repaired their misdeed with the instrument of it, as it says, And they sewed fig leaves together.²² R. Judah says it was wheat, since a child does not know how to call ‘father’ and ‘mother’ until it has had a taste of corn.²³ Now you might think that because R. Judah says that wheat is a kind of tree, therefore we should say over it the benediction ‘who createst the fruit of the tree’. Therefore we are told that we say ‘who createst the fruit of the tree’ only in those cases where if you take away the fruit the stem still remains to produce fruit again

(1) After saying the blessing on behalf of all.

(2) Lit., ‘(the bread) has been blessed’.

(3) In spite of the fact that there has been an interruption between the saying and the eating, because the words spoken have reference to the benediction.

(4) Deut. XI, 15.

(5) So Jast. Rashi translates: no delay (in waiting for the salt).

(6) Because one who discharges standing is afraid of the drops falling on his clothes (Rashi).

(7) Rashi explains that they keep away indigestion which is the cause of croup.

(8) Lit., ‘pain of the heart’.

(9) Because the west wind will carry the odour to him and poison him.

(10) So that it should absorb the taste.

(11) To remove the smell.

(12) Ps. LXVIII, 20.

(13) E.g., on Sabbath the Sabbath blessing, on festivals the festival blessing. etc.

(14) Lit., ‘in the case of a mortal man, an empty vessel can be made to hold, etc.’.

(15) I.e., He gives more wisdom to the wise.

(16) Ex. XV, 26, lit. trans. E.V. ‘If thou wilt diligently hearken’.

(17) I.e., constantly revise what you have learnt.

(18) If one has gathered first-fruits, and before he takes them to Jerusalem the spring which fed the tree dries up, or the tree is cut down.

(19) V. Deut. XXVI, 5-10, because it contains the words ‘of the land which Thou, O Lord, hast given me’, and the land is valueless without the tree or the spring.

(20) Because the land is the essence, not the tree; v. Bik. I, 6.

(21) Gen. IX, 21. The reference is to Noah.

(22) Ibid. III, 7.

(23) Hence the Tree of Knowledge must have been some kind of corn.

Talmud - Mas. Berachoth 40b

, but in cases where if you take the fruit the stem does not remain to produce again, the benediction is not ‘who createst the fruit of the tree’ but ‘who createst the fruit of the ground’.

IF HE SAYS, BY ‘WHOSE WORD ALL THINGS EXIST’ etc. It has been stated: R. Huna said: Except over bread and wine.¹ R. Johanan, however, said: Even over bread and wine. May we say that the same difference of opinion is found between Tannaim? [For it was taught:] ‘If a man sees a loaf of bread and says, What a fine loaf this is! Blessed be the Omnipresent that has created it! he has performed his obligation. If he sees a fig and says, What a fine fig this is! Blessed be the Omnipresent that has created it! he has performed his obligation. So R. Meir. R. Jose says: If one alters the formula laid down by the Sages in benedictions, he has not performed his obligation’. May

we say that R. Huna concurs with R. Jose and R. Johanan with R. Meir? — R. Huna can reply to you: I can claim even R. Meir as a supporter of my view. For R. Meir went as far as he did in that case only because the bread is actually mentioned, but where the bread is not actually mentioned even R. Meir would admit [that the obligation is not fulfilled]. And R. Johanan can reply to you: I may claim R. Jose also as a supporter of my view. For R. Jose only went as far as he did in that case because he made a benediction which was not instituted by the Sages, but if he says, ‘by whose word all things exist’, which has been instituted by the Sages, even R. Jose would admit [that he has performed his obligation].

Benjamin the shepherd made a sandwich² and said, Blessed be the Master of this bread,³ and Rab said that he had performed his obligation. But Rab has laid down that any benediction in which God's name is not mentioned is no benediction? — We must suppose he said, Blessed be the All-Merciful, the Master of this bread. But we require three blessings?⁴ — What did Rab mean by saying that he had performed his obligation? He had performed the obligation of the first blessing. What does this tell us [that we did not already know]? That [he has performed his obligation] even if he says it in a secular language. But we have already learnt this: ‘The following may be said in any language: the section of the Unfaithful wife,⁵ the confession over tithe,⁶ the recital of the Shema’, and the Tefillah and grace after food?⁷ — It required to be stated. For you might have thought that this is the case only if one says the grace in a secular language in the same form as was instituted by the Rabbis in the holy tongue, but if one does not say it in the secular language in the same form as was instituted by the Rabbis in the holy tongue, he has not performed his obligation. We are therefore told [that this is not so].

It was stated above: Rab said that any benediction in which the Divine Name is not mentioned is no benediction. R. Johanan, however, said: Any benediction in which [God's] Kingship is not mentioned is no benediction. Abaye said: The opinion of Rab is the more probable. For it has been taught: I have not transgressed any of Thy commandments, neither have I forgotten.⁸ This means: ‘I have not transgressed’ so as not to bless Thee,⁹ ‘neither have I forgotten’ to mention Thy name therein. Of sovereignty, however, there is no mention here. R. Johanan, however, reads: ‘Neither have I forgotten’ to mention Thy name and Thy sovereignty therein.

MISHNAH. OVER ANYTHING WHICH DOES NOT GROW FROM THE EARTH ONE SAYS: ‘BY WHOSE WORD ALL THINGS EXIST’. OVER VINEGAR, NOBELOTH¹⁰ AND LOCUSTS ONE SAYS, ‘BY WHOSE WORD ALL THINGS EXIST’. R. JUDAH SAYS: OVER ANYTHING TO WHICH A KIND OF CURSE ATTACHES NO BENEDICTION IS SAID.¹¹ IF ONE HAS SEVERAL VARIETIES BEFORE HIM, R. JUDAH SAYS THAT IF THERE IS AMONG THEM SOMETHING OF THE SEVEN KINDS,¹² HE MAKES THE BLESSING OVER THAT, BUT THE SAGES SAY THAT HE MAY MAKE THE BLESSING OVER ANY KIND THAT HE PLEASES.

GEMARA. Our Rabbis taught: Over anything which does not grow from the ground, such as the flesh of cattle, beasts and birds and fishes, one says ‘by whose word all things were created’. Over milk, eggs and cheese one says, ‘by whose word, etc.’. Over bread which has become mouldy and over wine on which a film has formed and cooked food which has become spoilt one says, ‘by whose word’. Over salt and brine and morils and truffles one says, ‘by whose word’. This would imply that morils and truffles do not grow from the ground. But has it not been taught: If one vows to abstain from fruit of the ground, he is forbidden to eat of fruit of the ground but is allowed to eat morils and truffles? If he said, I vow abstention from all that grows from the ground, he is forbidden to eat morils and truffles also?¹³ — Abaye said: They do indeed spring up from the earth, but their sustenance is not derived¹⁴ from the earth. But it says, ‘over anything which grows from the earth’? — Read: Over anything which draws sustenance from the earth.

OVER NOBELOTH. What are NOBELOTH? — R. Zera and R. El'a [gave different answers]. One said: fruit parched by the sun;¹⁵ the other said: dates blown down by the wind. We have learnt: R. JUDAH SAYS: OVER ANYTHING TO WHICH A KIND OF CURSE ATTACHES NO BLESSING IS SAID. This accords with the view of the one who says that nobeloth are fruit parched by the sun, which can rightly be called something to which a curse attaches. But if we say they are dates blown down by the wind, what has 'a kind of curse' to do with them? — This expression relates to the other things [mentioned].¹⁶

Some report as follows: On the view of him who says that they are fruit parched by the sun, it is quite right that we should say 'by whose word, etc.'; but according to the one who says that they are dates blown down by the wind, we should say, 'who createst the fruit of the tree'?¹⁷ — The fact is that all are agreed that nobeloth in general are fruit parched by the sun. The difference arises over nobeloth of the date-palm, since we have learnt:¹⁸ Things in regard to which the law of demai is not so strict¹⁹ are shittin, rimin, 'uzradin, benoth shuah, benoth shikmah, gofnin, nizpah and the nobeloth of the date-palm. Shittin, according to Rabbah b. Bar Hanah reporting R. Johanan, are a kind of figs. Rimin are lote. 'Uzradin are crabapples. Benoth shuah, according to Rabbah b. Bar Hanah reporting R. Johanan, are white figs. Benoth shikmah, according to Rabbah b. Bar Hanah reporting R. Johanan, are sycamore figs. Gofnin are winter grapes. Nizpah is the caper-fruit. Nobeloth of the date-palm are explained differently by R. Zera and R. El'a. One says that they are fruit parched by the sun, the other that they are dates blown down by the wind. Now the view of him who says that they are fruit parched by the sun accords well with what it teaches [concerning them], 'things about which the law of demai is not so strict', and if there is a doubt about them, they are free from the obligation of tithe, which shows that if there is no doubt²⁰ they are subject to it. But on the view of him who says that they are dates blown down by the wind, must, in case of certainty, tithe be given from them? They are hefker!²¹ — With what case are we dealing here? Where one made a store of them. For R. Isaac said in the name of R. Johanan reporting R. Eliezer b. Jacob: If [a poor man] has made a store of gleanings, forgotten sheaves and produce of the corner,²² they are liable for tithe.

Some report as follows:

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- (1) Bread because it is the mainstay of the meal, wine because many special benedictions are said over it.
 - (2) Lit., 'doubled (wrapped) a loaf', which seems to mean that he made a sandwich of bread and some relish.
 - (3) He said it in Aramaic.
 - (4) It was assumed that he said this formula after eating.
 - (5) Num. V, 21ff.
 - (6) Deut. XXVI, 13-15.
 - (7) V. Sot. 32a.
 - (8) Deut. XXVI, 13 in reference to the tithe.
 - (9) The benediction, 'Blessed be He . . . who commanded us to set aside terumah and tithe'.
 - (10) Lit., 'withering products'. This is explained in the Gemara.
 - (11) And the things just mentioned come under this heading.
 - (12) Enumerated in Deut. VIII, 8.
 - (13) V. Ned. 55b.
 - (14) Lit., 'they do not suck'.
 - (15) While still on the tree.
 - (16) Viz., vinegar and locusts.
 - (17) Since they are still dates.
 - (18) Demai I, 1.
 - (19) I.e., which a haber (v. Glos.) need not tithe if he buys them from an 'am ha-arez (v. Glos.). These things being of little value, the presumption is that they have been tithed.
 - (20) That they have not been tithed.
 - (21) I.e., ownerless (v. Glos.) and not subject to tithe.

(22) Which he had gathered and which are ordinarily not titheable.

Talmud - Mas. Berachoth 41a

The view of him who says that [they¹ are] dates blown down by the wind accords well with the fact that in one place² nobeloth simply³ are spoken of and in the other⁴ nobeloth of the date-palm. But on the view of him who says they¹ are fruit parched by the sun, in both places we should have nobeloth of the date-palm,⁵ or in both places nobeloth simply, should we not?⁶ — This is indeed a difficulty.

IF ONE HAD SEVERAL VARIETIES BEFORE HIM etc. ‘Ulla said: Opinions differ only in the case where the blessings [over the several varieties] are the same; in such a case R. Judah holds that belonging to the seven kinds is of more importance, while the Rabbis held that being better liked is of more importance. But where they have not all the same benediction, all agree that a blessing is to be said first on one variety⁷ and then on another. An objection was raised: If radishes and olives are set before a person, he says a benediction over the radish, and this serves for the olive also! — With what case are we dealing here? When the radish is the main item.⁸ If so, look at the next clause: R. Judah says that the benediction is said over the olive, because the olive is one of the seven species.⁹ Now would not R. Judah accept the teaching which we have learnt: Whenever with one article of food another is taken as subsidiary to it, a blessing is said over the main article and this serves for the subsidiary one also?¹⁰ And should you be disposed to maintain that in fact he does not accept it, has it not been taught: R. Judah said, If the olive is taken on account of the radish, a blessing is said for the radish and this serves for the olive? — In fact we are dealing with a case where the radish is the main item,¹¹ and the difference of opinion between R. Judah and the Rabbis is really over a different matter, and there is a lacuna in the text and it should read as follows: If radish and olives are set before a person, he says a benediction over the radish and this serves for the olive also. When is this the case? When the radish is the main item; but if the radish is not the main item, all agree that he says a blessing over one and then a blessing over the other. If there are two varieties of food¹² which have the same blessing, he says it over whichever he prefers. R. Judah, however, says that he says the blessing over the olive, since it is of the seven species.

R. Ammi and R. Isaac Nappaha understood this differently. One said that the difference between R. Judah and the Rabbis arises when the blessings over the two kinds of food are the same, R. Judah holding that the fact of belonging to the seven kinds is more important, while the Rabbis held that the fact of being better liked was more important; but where the blessings are not the same, both agreed that a blessing is first said over one kind and then over the other. The other said that R. Judah and the Rabbis differ even when the blessings are not the same. Now accepting the view of him who says that the difference arises when the blessings are the same, we find no difficulty. But accepting the view that they differ also when the blessings are not the same, [we have to ask] on what ground do they differ?¹³ — R. Jeremiah replied: They differ on the question of precedence. For R. Joseph. or as some say. R. Isaac, said: Whatever comes earlier in this verse has precedence in the matter of benediction, viz., A land of wheat and barley, and vine and fig-trees and pomegranates, a land of olive trees and honey.¹⁴

[In the exposition of this verse, R. Isaac] differs from R. Hanan. For R. Hanan said: The whole purpose of the verse was to mention things which serve as standards of measurements. ‘Wheat’, as we have learnt: If one enters a house stricken with leprosy with his garments on his shoulder and his sandals and his rings in his hands, both he and they become unclean immediately. If he is wearing his garments and his sandals and has his rings on his fingers, he is immediately unclean but they remain clean until he stays in the house long enough to eat a piece of wheat bread,¹⁵ but not of barley bread, reclining and taking with it a relish.¹⁶ ‘Barley’, as we have learnt: A bone as large as a barleycorn renders unclean by touch and carrying, but it does not render a tent unclean.¹⁷ ‘Vine’, the measurement for a Nazirite¹⁸ is a fourth [of a log] of wine.¹⁹ ‘Figtree’, a dried fig is the measurement

of what may be taken out of the house on Sabbath. ‘Pomegranates’, as we have learnt: For utensils of a private person²⁰

- (1) The nobeloth mentioned in Demai.
- (2) In our Mishnah.
- (3) Denoting fruit parched by the sun.
- (4) In the passage from Demai.
- (5) Because it is necessary to distinguish the two kinds of nobeloth.
- (6) Because both passages are speaking about the same thing.
- (7) Which he likes best.
- (8) And the olive was only eaten to counteract the sharp taste.
- (9) This shows that we are not dealing with the case where one of the two articles is more important.
- (10) V. supra 35b.
- (11) And we cannot say that in all cases a blessing is said first over one variety and then over the other.
- (12) One of which is of the seven species, e.g., olives.
- (13) Surely in this case the benediction for the one does not serve the other!
- (14) Deut. VIII, 8. R. Judah agrees with R. Isaac, and therefore a fortiori holds that any of these species should have precedence over other species, whereas the Rabbis agree with the view of R. Hanan which follows.
- (15) Which is eaten more quickly than barley bread.
- (16) Neg. XIII, 9.
- (17) Oh. II, 3.
- (18) The quantity of grapes which he may eat without spoiling his Naziriteship.
- (19) Which is somewhat larger than a log (v. Glos.) of water.
- (20) As opposed to an artificer who makes them.

Talmud - Mas. Berachoth 41b

the measurement¹ is a pomegranate.² ‘A land of olive trees’, R. Jose son of R. Hanina said: A land in which the olive is the standard for all measurements. All measurements, do you say? What of those we have just mentioned? — Say rather, in which the olive is the standard for most measurements. ‘Honey’,³ as much as a large date [is the quantity which renders one liable for eating] on the Day of Atonement. What says the other to this? — Are these standards laid down explicitly? They were instituted by the Rabbis, and the text is only an *asmekta*.⁴

R. Hisda and R. Hamnuna were seated at a meal, and dates and pomegranates were set before them. R. Hamnuna took some dates and said a blessing over them. Said R. Hisda to him: Does not the Master agree with what R. Joseph, or as some say R. Isaac, said: Whatever is mentioned earlier in this verse has precedence in the matter of benediction? — He replied: This [the date] comes second after the word ‘land’, and this [the pomegranate] comes fifth.⁵ He replied: Would that we had feet of iron so that we could always [run and] listen to you!

It has been stated: If figs and grapes were set before them in the course of the meal, R. Huna says that they require a benediction before but they do not require a blessing after;⁶ and so said R. Nahman: They require a blessing before but they do not require a blessing after. R. Shesheth, however, said: They require a blessing both before and after, since there is nothing requiring a blessing before which does not also require a blessing after, save bread taken with the sweets.⁷ This is at variance with R. Hiyya; for R. Hiyya said: [A blessing said over] bread suffices for all kinds of food [taken in the meal], and a blessing said over wine for all kinds of drink. R. Papa said: The law is that things which form an integral part of the meal when taken in the course of the meal require no blessing either before or after; things which do not form an integral part of the meal when taken in the course of the meal require a blessing before but not after, and when taken after the meal require a blessing both before and after.

Ben Zoma was asked: Why was it laid down that things which form an integral part of the meal when taken in the course of a meal require no blessing either before or after? — He replied: Because the [blessing over] bread suffices for them. If so, [they said] let the blessing over bread suffice for wine also? — Wine is different, he replied

(1) The size of a breakage which renders the utensil incapable of becoming unclean.

(2) V. Kel. XVI, 1.

(3) According to the Rabbis, the honey of dates is meant.

(4) Lit., 'support'; here, a kind of mnemonic. For further notes on this passage v. Suk. (Sonc. ed.) pp. 19ff.

(5) The verse referred to is Deut. VIII, 8, where two lists are given of the products of the Land of Israel, each introduced with the word 'land', and in the first pomegranates are mentioned fifth, while in the second honey (i.e., date honey) is mentioned second.

(6) The grace after meals serves for them too.

(7) More exactly, 'nibblings' — things like nuts or dates brought in to nibble after the grace after meals.

Talmud - Mas. Berachoth 42a

because it is itself a motive for benediction.¹

R. Huna ate thirteen rolls² of three to a kab without saying a blessing after them. Said R. Nahman to him: This is what [you call] hunger.³ [R. Nahman is consistent with his own view, for R. Nahman said:]⁴ Anything which others make the mainstay of a meal requires a grace to be said after it.

Rab Judah gave a wedding feast for his son in the house of R. Judah b. Habiba.⁵ They set before the guests bread such as is taken with dessert. He came in and heard them saying the benediction ha-Mozi.⁶ He said to them: What is this zizi that I hear? Are you perhaps saying the blessing 'who bringest forth bread from the earth'? — They replied: We are, since it has been taught: R. Muna said in the name of R. Judah: Over bread which is taken with dessert the benediction 'who bringest forth bread' is said; and Samuel said that the halachah is as stated by R. Muna. He said to them: It has been stated that the halachah is not as stated by R. Muna. They said to him: Is it not the Master himself who has said in the name of Samuel that bread wafers may be used for an erub,⁷ and the blessing said over them is 'who bringest forth bread'? — [He replied]: There [we speak] of a different case, namely, where they are made the basis of the meal; but if they are not the basis of the meal, this does not apply.

R. Papa was once at the house of R. Huna the son of R. Nathan. After they had finished the meal, eatables were set before them and R. Papa took some and commenced to eat. They said to him: Does not the Master hold that after the meal is finished it is forbidden to eat?⁸ He replied: 'Removed'⁹ is the proper term.¹⁰

Raba and R. Zera once visited the Exilarch. After they had removed the tray from before them, a gift [of fruit] was sent them from the Exilarch. Raba partook, but R. Zera did not partake. Said the latter to him: Does not the Master hold that if the food has been removed it is forbidden to eat? He replied: We can rely on the tray of the Exilarch.¹¹

Rab said: If one is accustomed to [rub his hands with] oil [after a meal], he can wait for the oil.¹² R. Ashi said: When we were with R. Kahana he said to us: I, for instance, who am accustomed to use oil, can wait for the oil. But the law is not as stated in all those dicta reported above, but as thus stated by R. Hiyya b. Ashi in the name of Rab: Three things should follow immediately one on the other. The killing [of the sacrifice] should follow immediately on the laying on of hands. Tefillah should follow immediately on ge'ullah.¹³ Grace should follow immediately on the washing of

hands.¹⁴ Abaye said: We will add another case. A blessing follows immediately on [the entertaining of] scholars, since it says, The Lord hath blessed me for thy sake.¹⁵ If you prefer, I can learn it from here: The Lord blessed the Egyptian's house for Joseph's sake.¹⁶

MISHNAH. A BLESSING SAID OVER THE WINE TAKEN BEFORE THE MEAL¹⁷ SERVES ALSO FOR THE WINE TAKEN AFTER THE MEAL.¹⁸ A BLESSING OVER THE HORS D'OEUVRES¹⁹ TAKEN BEFORE THE MEAL SERVES FOR THE SWEETS¹⁹ TAKEN AFTER THE MEAL. A BLESSING OVER BREAD SERVES FOR THE SWEETS BUT A BLESSING OVER THE HORS D'OEUVRES DOES NOT SERVE FOR THE BREAD. BETH SHAMMAI SAY: NEITHER [DOES IT SERVE] FOR A COOKED DISH. IF [THOSE AT THE TABLE] ARE SITTING UPRIGHT,²⁰ EACH ONE SAYS GRACE FOR HIMSELF; IF THEY HAVE RECLINED, ONE SAYS GRACE FOR ALL.

(1) When used for such purposes as sanctification, and not merely as a beverage.

(2) With the 'nibblings'.

(3) I.e., such is enough to satisfy any hunger, and therefore should necessitate grace after it. The original is obscure and the meaning doubtful.

(4) Inserted with MS.M. and deleting 'but' of cur. edd.

(5) Var. lec., R. Habiba.

(6) The ordinary blessing over bread.

(7) I.e., they are reckoned as substantial food.

(8) Until grace after meals had first been said, after which a fresh benediction has to be said.

(9) I.e., it is permissible (if grace has not yet been said) to eat as long as the table has not actually been cleared away.

(10) Lit., 'it has been stated'.

(11) I.e., we can be sure that more food will come.

(12) I.e., he can go on eating till the oil is brought, even if the table has been cleared. Lit., 'the oil impedes him'.

(13) v. supra. 4b, 9b.

(14) The second washing, at the end of the meal, the 'latter water' (v. infra 53b). and this washing is the signal that the meal is finished, whether or not the table has been cleared.

(15) Gen. XXX, 27.

(16) Ibid. XXXIX, 5.

(17) As an appetizer.

(18) Before grace is said.

(19) Lit., 'dainty'.

(20) I.e., do not form a party.

Talmud - Mas. Berachoth 42b

IF WINE IS BROUGHT TO THEM IN THE COURSE OF THE MEAL, EACH ONE SAYS A BENEDICTION FOR HIMSELF; IF AFTER THE MEAL, ONE SAYS IT FOR ALL. THE SAME ONE SAYS [THE BENEDICTION] OVER THE PERFUME,¹ ALTHOUGH THE PERFUME IS NOT BROUGHT IN TILL AFTER THE MEAL.²

GEMARA. Rabbah b. Bar Hanah said in the name of R. Johanan: This³ was meant to apply only to Sabbaths and festivals, because then a man makes wine an essential part of his meal.⁴ On others days of the year, however, a blessing is said over each cup,⁵ it has also been reported: Rabbah b. Mari said in the name of R. Joshua b. Levi: This was meant to apply only to Sabbaths and festivals, and to meals taken when a man leaves the bath or after bloodletting, because on such occasions a man makes wine an essential part of the meal. On other days of the year, however, a blessing is said over each cup. Rabbah b. Mari was once at the house of Raba on a weekday. He saw him say a blessing [over the wine taken] before the meal and again after the meal. He said to him: 'Well done; and so said R. Joshua b. Levi!'

R. Isaac b. Joseph visited Abaye on a festival, and saw him say a blessing over each cup. He said to him: Does your honour not hold with the rule laid down by R. Joshua b. Levi? — He replied: I have just changed my mind.⁶

A question was asked: If wine was brought round in the course of the meal [but not before], can a blessing over it serve for the wine taken after the meal as well? Should you cite the ruling that A BLESSING SAID OVER THE WINE TAKEN BEFORE THE MEAL SERVES FOR WINE TAKEN AFTER THE MEAL, this may be because both are [drunk] for the sake of drinking. Here, however, where one cup is for steeping [the food in] and the other for drinking. shall I say that this is not the rule, or perhaps it makes no difference? — Rab replied that it does serve; R. Kahana that it does not; R. Nahman held that it does serve; R. Shesheth that it does not serve. R. Huna and Rab Judah and all the disciples of Rab held that it does not serve. Raba raised an objection to R. Nahman: IF WINE IS BROUGHT TO THEM IN THE COURSE OF THE MEAL, EACH ONE SAYS A BLESSING FOR HIMSELF; IF AFTER THE MEAL, ONE SAYS IT FOR ALL.⁷ — He replied: The meaning is this: If no wine was brought in during the course of the meal but only after the meal, one says the blessing on behalf of all.

A BLESSING OVER BREAD SERVES FOR THE SWEETS, BUT A BLESSING OVER THE HORS D'OEUVRES DOES NOT SERVE FOR THE BREAD. BETH SHAMMAI SAY: NEITHER [DOES IT SERVE] FOR A COOKED DISH. The question was asked: Do Beth Shammai differ with regard to the first part of the statement or the second part? [Do we understand] that the First Tanna said that A BLESSING OVER BREAD SERVES FOR THE SWEETS and a fortiori for cooked dishes, and Beth Shammai on the contrary maintained that not merely does the blessing over bread not suffice for the sweets but it does not serve even for the cooked dishes; or are we perhaps to understand that they differ as to the second half of the statement, that A BLESSING OVER THE HORS D'OEUVRES DOES NOT SERVE FOR THE BREAD, which implies that it does not indeed serve for bread but it does serve for cooked dishes, and Beth Shammai on the contrary maintain that it does not serve even for cooked dishes? — This is left undecided.

IF [THEY] ARE SITTING UPRIGHT, EACH ONE etc. If they are reclining he may, if not he may not. With this was contrasted the following: If ten persons were travelling on the road, even though all eat of one loaf, each one says grace for himself; but if they sat down to eat, even though each one eats of his own loaf, one may say grace on behalf of all. It says here, 'sat', which implies, although they did not recline? — R. Nahman b. Isaac replied: This is the case if for instance, they say: Let us go and eat bread in such and such a place.⁸

When Rab died, his disciples followed his bier. When they returned⁹ they said, Let us go and eat a meal by the river Danak.¹⁰ After they had eaten, they sat and discussed the question: When we learnt 'reclining', is it to be taken strictly, as excluding sitting, or perhaps, when they say, Let us go and eat bread in such and such a place, it is as good as reclining? They could not find the answer. R. Adda b. Ahabah rose

(1) I.e., spices put on coals and brought in after grace is said.

(2) And grace has intervened between it and the vine.

(3) That a blessing said over wine before the meal serves for wine after the meal. The reason is that from the beginning there is an intention to drink later.

(4) Rashi: he intends to linger at the table after the meal and drink wine.

(5) Because each cup requires a separate intention.

(6) To drink an additional cup, as I did not intend at first to take more wine after the meal.

(7) Assuming that the grace after the meal refers to a second serving of wine, this seems to show that wine taken in the course of the meal does not serve for wine taken after.

(8) Which is equivalent to making a party.

(9) Rab was buried in another town from that in which his Academy was situated.

(10) Perhaps a mistake for Anak, a river near Sura; v. MS.M.

Talmud - Mas. Berachoth 43a

and turned the rent in his garment¹ from front to back and made another rent, saying, Rab is dead, and we have not learnt the rules about grace after meals! At length an old man came and pointed out the contradiction between the Mishnah and the Baraita, and solved it by saying, Once they have said, Let us go and eat bread in such and such a place, it is as if they were reclining.

IF THEY HAVE RECLINED, ONE SAYS GRACE: Rab said: The rule is that only bread requires reclining, but wine does not require reclining.² R. Johanan, however, says that wine also requires reclining. Some report thus: Rab said, This applies only to bread, for which reclining is of effect,³ but for wine reclining is not of effect. R. Johanan, however, says that for wine also reclining is of effect.

The following was cited in objection [to Rab]: ‘What is the procedure for reclining? The guests⁴ enter and sit on stools and chairs till they are all assembled. When water is brought, each one washes one hand.⁵ When wine is brought, each one says a blessing for himself. When they go up [on to the couches] and recline, and water is brought to them, although each one of them has already washed one hand, he now again washes both hands. When wine is brought to them, although each one has said a blessing for himself, one now says a blessing on behalf of all.⁶ Now according to the version which makes Rab say that ‘this applies only to bread which requires reclining, but wine does not require reclining’. there is a contradiction between his view and the first part of this statement?⁷ — Guests are different, since they intend to shift their place.⁸ According to the version which makes Rab say that this applies only to bread for which reclining is of effect, but for wine reclining is of no effect, there is a contradiction with the second part?⁹ — The case is different there because, since reclining is of effect for bread, it is also of effect for wine.¹⁰

Ben Zoma was asked: Why was it laid down that if wine is brought in the course of the meal, each one says a blessing for himself, but if after the meal, one may say a blessing for all? He replied: Because [during meals] the gullet is not empty.¹¹

THE SAME ONE SAYS [THE BENEDICTION] OVER THE PERFUME. Since it says, THE SAME ONE SAYS [THE BENEDICTION] OVER THE PERFUME, we may infer that there is present someone superior to him. Why then does he say it? — Because he washed his hands first [after the meal]. This supports Rab; for R. Hiyya b. Ashi said in the name of Rab: The one who first washes his hands [after the meal] can claim the right¹² to say grace. Rab and R. Hiyya were once sitting before Rabbi at dinner. Rabbi said to Rab: Get up and wash your hands. He [R. Hiyya] saw him trembling.¹³ Said R. Hiyya to him: Son of Princes!¹⁴ He is telling you to think over the grace after meals.¹⁵

R. Zera said in the name of Raba b. Jeremiah: When do they say the blessing over the perfume? As soon as the smoke column ascends. Said R. Zera to Raba b. Jeremiah: But he has not yet smelt it! He replied: According to your reasoning, when one says ‘Who brings forth bread from the earth’, he has not yet eaten! But [he says it because] it is his intention to eat. So here, it is his intention to smell.

R. Hiyya the son of Abba b. Nahmani said in the name of R. Hisda reporting Rab — according to others, R. Hisda said in the name of Ze'iri: Over all incense-perfumes the blessing is ‘who createst fragrant woods’, except over musk, which comes from a living creature and the blessing is, ‘who

createst various kinds of spices'. An objection was raised: The benediction 'who createst fragrant woods' is said only over the balsam-trees of the household of Rabbi and the balsam-trees of Caesar's household and over myrtle everywhere!¹⁶ — This is a refutation.

R. Hisda said to R. Isaac: What blessing is said over this balsam-oil? — He replied: Thus said Rab Judah: 'Who createst the oil of our land',¹⁷ He then said to him: Leaving out Rab Judah, who dotes on the Land of Israel, what do ordinary people say? — He replied: Thus said R. Johanan: 'Who createst pleasant oil'. R. Adda b. Ahabah said: Over costum the blessing is, 'Who createst fragrant woods', but not over oil in which it is steeped. R. Kahana, however, says: Even over oil in which it is steeped, but not over oil in which it has been ground. The Nehardeans say: Even over oil in which it has been ground.

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- (1) Which he had made on hearing of the death of Rab.
 - (2) To constitute a party, and even without it one may say the blessing on behalf of all.
 - (3) For the purpose of constituting a party.
 - (4) Probably a party of Haberim (v. Glos.) is referred to.
 - (5) To take the wine which is to be offered before the meal.
 - (6) Since they now form a party.
 - (7) Which says that, till they have reclined, each one says a blessing for himself over wine.
 - (8) I.e., to go up from the stools on to the couches.
 - (9) Which says that having reclined one says a blessing on behalf of all also for wine.
 - (10) Since the guests on this occasion have been invited to partake of bread, the reclining is of effect also for the wine.
 - (11) The guests might be eating at the moment when the blessing was pronounced and would not be able to answer Amen (Tosaf).
 - (12) Lit., 'he is prepared'.
 - (13) He thought Rab had told him to do this because his hands were dirty or something of the sort.
 - (14) V. supra p. 79' n. 6.
 - (15) So as to be able to say it fluently.
 - (16) I.e., over plants of which the wood itself is fragrant.
 - (17) Balsam-trees grew near Jericho.

Talmud - Mas. Berachoth 43b

. R. Giddal said in the name of Rab: Over jasmine¹ the blessing is 'who createst fragrant woods'. R. Hananel said in the name of Rab: Over sea-rush² the blessing is 'who createst fragrant woods'. Said Mar Zutra: What Scriptural verse confirms this? She had brought them up to the roof and hid then, with the stalks of fax.³ R. Mesharsheya said: Over garden narcissus the blessing is 'who createst fragrant woods'; over wild narcissus, 'who createst fragrant herbs'. R. Shesheth said: Over violets the blessing is, 'who createst fragrant herbs'. Mar Zutra said: He who smells a citron or a quince should say. 'Blessed be He who has given a sweet odour to fruits'. Rab Judah says: If one goes abroad in the days of Nisan [spring time] and sees the trees sprouting, he should say, 'Blessed be He who hath not left His world lacking in anything and has created in it goodly creatures and goodly trees for the enjoyment of mankind'. R. Zutra b. Tobiah said in the name of Rab: Whence do we learn that a blessing should be said over sweet odours? Because it says, Let every soul⁴ praise the Lord.⁵ What is that which gives enjoyment to the soul and not to the body? — You must say that this is fragrant smell.

Mar Zutra b. Tobiah further said in the name of Rab: The young men of Israel⁶ are destined to emit a sweet fragrance like Lebanon,⁷ as it says His branches shall spread, and his beauty shall be as the olive tree, and his fragrance as Lebanon.⁸

R. Zutra b. Tobiah further said in the name of Rab: What is the meaning of the verse. He hath

made everything beautiful in its time?⁹ It teaches that the Holy One, blessed be He, made every man's trade seem fine in his own eyes. R. Papa said: This agrees with the popular saying:¹⁰ Hang the heart of a palm tree on a pig, and it will do the usual thing with it.¹¹

R. Zutra b. Tobiah further said in the name of Rab: A torch is as good as two [persons]¹² and moonlight as good as three. The question was asked: Is the torch as good as two counting the carrier, or as good as two besides the carrier? — Come and hear: 'Moonlight is as good as three'. If now you say, 'including the carrier there is no difficulty. But if you say, 'besides the carrier', why do I want four, seeing that a Master has said: To one [person] an evil spirit may show itself and harm him; to two it may show itself, but without harming them; to three it will not even show itself? We must therefore say that a torch is equivalent to two including the carrier; and this may be taken as proved.

R. Zutra b. Tobiah further said in the name of Rab — according to others. R. Hanah b. Bizna said it in the name of R. Simeon the Pious, and according to others again. R. Johanan said it in the name of R. Simeon b. Yohai: It is better for a man that he should cast himself into a fiery furnace rather than that he should put his fellow to shame in public.¹³ Whence do we know this? From Tamar, of whom it says, When she was brought forth etc.¹⁴

Our Rabbis taught: If oil and myrtle are brought before one,¹⁵ Beth Shammai say that he first says a benediction over the oil and then over the myrtle, while Beth Hillel say that he first says a benediction over the myrtle and then over the oil. Said Rabban Gamaliel: I will turn the scale.¹⁶ Of oil we have the benefit both for smelling and for anointing; of myrtle we have the benefit for smelling but not for anointing. R. Johanan said: The halachah follows the one who turned the scale. R. Papa was once visiting R. Huna the son of R. Ika. Oil and myrtle were brought before him and he took up the myrtle and said the blessing over it first, and then he said the blessing over the oil. Said the other to him: Does not your honour hold that the halachah follows the one who turned the scale? He replied: Thus said Raba: The halachah follows Beth Hillel. This was not correct,¹⁷ however; he said so only to excuse himself.

Our Rabbis taught: If oil and wine are brought before one,¹⁸ Beth Shammai say that he first takes the oil in his right hand and the wine in his left hand and says a blessing over the oil¹⁹ and then a blessing over the wine. Beth Hillel, however, say that he takes the wine in his right hand and the oil in his left, and says the blessing over the wine and then over the oil. [Before going out] he smears it on the head of the attendant; and if the attendant is a man of learning, he smears it on the wall, since it is unbecoming for a scholar to go abroad scented.

Our Rabbis taught: Six things are unbecoming for a scholar. He should not go abroad scented; he should not go out by night alone; he should not go abroad in patched sandals; he should not converse with a woman in the street; he should not take a set meal²⁰ in the company of ignorant persons; and he should not be the last to enter the Beth ha-Midrash. Some add that he should not take long strides nor carry himself stiffly.²¹

'He should not go abroad scented'. R. Abba the son of R. Hiyya b. Abba said in the name of R. Johanan: This applies only to a place where people are suspected of pederasty. R. Shesheth said: This applies only to [the scenting of] one's clothes; but [perfuming] the body removes the perspiration. R. Papa said: The hair is on the same footing as clothes; others, however, say: as the body.

'He should not go out at night alone', so as not to arouse suspicion.²² This is the case only if he has no appointment [with his teacher]; but if he has an appointment, people know that he is going to his appointment.

‘He should not go abroad in patched sandals’. This supports R. Hiyya b. Abba; for R. Hiyya b. Abba said: It is unseemly for a scholar to go abroad in patched sandals. Is that so? Did not R. Hiyya b. Abba go out in such? — Mar Zutra the son of R. Nahman said: He was speaking of one patch on top of another. And this applies only to the upper, but if it is on the sole, there is no objection. On the upper too this applies only to the public way; but in the house there is no objection. Further, this is the case only in summer; but in the rainy season there is no objection.²³

‘He should not converse with a woman in the street’. R. Hisda said: Even with his wife. It has been taught similarly: Even with his wife, even with his daughter, even with his sister, because not everyone knows who are his female relatives.

‘He should not take a set meal with ignorant persons’. What is the reason? — Perhaps he will be drawn into their ways.

‘He should not be last to enter the Beth ha-Midrash’, because he will be called a transgressor.²⁴

‘Some add that he should not take long strides’; because a Master has said: Long strides diminish a man's eyesight by a five-hundredth part. What is the remedy? He can restore it with [drinking] the sanctification wine of Sabbath eve.²⁵

‘Nor should he carry himself stiffly’; since a Master has said: If one walks with a stiff bearing even for four cubits, it is as if he pushed against the heels of the Divine Presence,²⁶ since it is written, The whole earth is full of His glory.²⁷

(1) According to Krauss, it should be ‘elder-tree’.

(2) Which has stalks like flax.

(3) Lit., ‘flax of the tree’. Josh. II, 6.

(4) Heb. neshamah, lit., ‘breath’.

(5) Ps. CL, 6.

(6) MS.M. adds here: ‘who have not tasted sin’, and this seems to be the proper reading.

(7) From its trees and blossoms.

(8) Hos. XIV, 7.

(9) Eccl. III, 11.

(10) Lit., ‘this is what people say’.

(11) Sc. takes it to the dungheap.

(12) In respect of the injunction that a man should not go abroad at night unaccompanied, for fear of evil spirits.

(13) Lit., ‘cause his face to blanch’.

(14) Gen. XXXVIII, 25. Even to save herself from the stake, Tamar did not mention Judah's name.

(15) After a meal, oil for removing dirt from the hands, myrtle for scent.

(16) In favour of Beth Shammai.

(17) That Raba ever said so.

(18) After a meal on a weekday. the perfumed oil being for scent.

(19) ‘Blessed is He that created pleasant oil’.

(20) Lit., ‘recline’.

(21) Lit., ‘with erect stature’.

(22) Of immoral practices.

(23) Because the mud will hide it.

(24) Var. lec.: ‘idler’, which in any case is the meaning.

(25) V. Shab. 113b.

(26) I.e., acted haughtily against God.

(27) Isa. VI, 3.

Talmud - Mas. Berachoth 44a

MISHNAH. IF SALTED FOOD IS SET BEFORE HIM AND BREAD WITH IT, HE SAYS A BLESSING OVER THE SALTED FOOD AND THIS SERVES FOR THE BREAD, SINCE THE BREAD IS ONLY SUBSIDIARY TO IT. THIS IS THE GENERAL PRINCIPLE: WHENEVER WITH ONE KIND OF FOOD ANOTHER IS TAKEN AS SUBSIDIARY, A BENEDICTION IS SAID OVER THE PRINCIPAL KIND AND THIS SERVES FOR THE SUBSIDIARY.

GEMARA. But is it ever possible for salted food to be the principal item and bread subsidiary to it? — R. Aha the son of R. 'Awira replied, citing R. Ashi: This rule applies to [one who eats] the fruit of Genessareth.¹ Rabbah b. Bar Hannah said: When we went after R. Johanan to eat the fruit of Genessareth, when there were a hundred of us we used each to take him ten, and when we were ten we used each to take him a hundred, and a hundred could not be got into a basket holding three se'ahs, and he used to eat them all and swear that he had not tasted food. Not tasted food, do you say? — Say rather: that he had not had a meal. R. Abbahu used to eat of them [so freely] that a fly slipped off his forehead.² R. Ammi and R. Assi used to eat of them till their hair fell out. R. Simeon b. Lakish ate until his mind began to wander, and R. Johanan told the household of the Nasi, and R. Judah the Prince send a band of men³ for him and they brought him to his house.

When R. Dimi came [from Palestine], he stated that King Jannaeus⁴ had a city in the King's Mountain⁵ where they used to take out sixty myriads of dishes of salted fish for the men cutting down fig-trees from one week-end to the next.⁶ When Rabin came, he stated that King Jannaeus used to have a tree on the King's Mountain from which they used to take down forty se'ahs of young pigeons from three broods every month. When R. Isaac came, he said: There was a town in the Land of Israel named Gofnith⁷ in which there were eighty pairs of brothers, all priests, who were married to eighty pairs of sisters, also all of priestly family. The Rabbis searched from Sura to Nehardea and could not find [a similar case] save the daughters of R. Hisda who were married to Rami b. Hama and to Mar 'Ukba b. Hama; and while they were priestesses, their husbands were not priests.

Rab said: A meal without salt is no meal. R. Hiyya b. Abba said in the name of R. Johanan: A meal without gravy⁸ is no meal.

MISHNAH. IF ONE HAS EATEN GRAPES, FIGS OR POMEGRANATES HE SAYS A GRACE OF THREE BLESSINGS AFTER THEM. SO R. GAMALIEL. THE SAGES, HOWEVER, SAY: ONE BLESSING WHICH INCLUDES THREE. R. AKIBA SAYS: IF ONE ATE ONLY BOILED VEGETABLES, AND THAT IS HIS MEAL, HE SAYS AFTER IT THE GRACE OF THREE BLESSINGS. IF ONE DRINKS WATER TO QUENCH HIS THIRST, HE SAYS THE BENEDICTION 'BY WHOSE WORD ALL THINGS EXIST. R. TARFON SAYS: 'WHO CREATEST MANY LIVING THINGS AND THEIR REQUIREMENTS.

GEMARA. What is the reason of R. Gamaliel? — Because it is written, A land of wheat and barley. etc.,⁹ and it is also written, A land wherein thou shalt eat bread without scarceness,¹⁰ and it is written, And thou shalt eat and be satisfied and bless the Lord thy God.¹¹ The Rabbis, however, hold that the word 'land'¹² makes a break in the context. R. Gamaliel also must admit that 'land' makes a break in the context? — He requires that for excluding one who chews wheat [from the necessity of saying grace].¹³

R. Jacob b. Idi said in the name of R. Hanina: Over anything belonging to the five species [of cereals],¹⁴ before partaking the blessing 'who createst all kinds of food' is said, and after partaking one blessing which includes three. Rabbah b. Mari said in the name of R. Joshua b. Levi: Over anything belonging to the seven kinds,¹⁵ before partaking the blessing 'who createst the fruit of the tree' is said, and after it the grace of one blessing which includes three.

Abaye asked R. Dimi: What is the one blessing which includes three? — He replied: Over fruit of the tree he says: ‘For the tree and for the fruit of the tree and for the produce of the field and for a desirable, goodly, and extensive land which Thou didst give our ancestors to inherit to eat of its fruit and to be satisfied with its goodness. Have mercy, O Lord our God, on Israel Thy people and on Jerusalem Thy city and on Thy Sanctuary and on Thy altar, and build Jerusalem Thy holy city speedily in our days and bring us up into the midst thereof and rejoice us therein,¹⁶ for Thou art good and doest good to all’.¹⁷ Over the five species [of cereals] one says: ‘For the provision and the sustenance and the produce of the field etc.’, and he concludes, ‘For the land and for the sustenance’.

How does one conclude [in the case of fruits]? When R. Dimi came, he said in the name of Rab: On New Moon one concludes, Blessed is He who sanctifies Israel and New Moons.¹⁸

What do we say in this case [over fruit]? — R. Hisda said: ‘For the land and for its fruits’; R. Johanan said: ‘For the land and for the fruits’. R. Amram said: They are not at variance: the one blessing¹⁹ is for us [in Babylon], and the other for them [in Palestine].²⁰ R. Nahman b. Isaac demurred to this: Shall they eat and we bless?²¹ You must therefore reverse the names, thus: R. Hisda said: For the land and for the fruits; R. Johanan said, For the land and for its fruits.

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- (1) Which is highly prized. Tosaf. explains that the rule applies to salted food taken after the fruit of Genessareth to correct the excessive sweetness.
 - (2) They made his skin so smooth that it could not obtain a footing.
 - (3) Lit., ‘searchers’, ‘officials’.
 - (4) Of the Hasmonean House.
 - (5) Probably some district in Judea was known by this name.
 - (6) So many workers were required for the task.
 - (7) Supposed to be the Biblical Ophni, modern Jifna.
 - (8) So Rashi. Aliter: ‘vegetable juices’; aliter: ‘something sharp’. In all cases the idea is to aid digestion.
 - (9) Deut. VIII, 8.
 - (10) Ibid. 9.
 - (11) Ibid. 10. The first two verses show that grapes etc. are on the same footing as bread, while the third verse contains a hint of three blessings, as explained infra 48b.
 - (12) In the second half of v. 9 so that ‘and thou shalt bless’ in v. 10 refers only to ‘bread’ mentioned in v. 9.
 - (13) The break is necessary to indicate that ‘wheat’ mentioned must first be made into ‘bread’ before the three benedictions are necessary.
 - (14) Viz., wheat, barley, oats, rye and spelt.
 - (15) Mentioned in v. 8, other than corn.
 - (16) Var. lec. (Similarly P.B.): Rejoice us in its rebuilding. MS.M. add (similarly P.B.): May we eat of the fruits of the land and be satisfied with its goodness and bless Thee for it in holiness and purity.
 - (17) Cf. P.B. p. 287.
 - (18) This paragraph seems to be out of place here and is deleted by Wilna Gaon. MS.M.: On New Moon one concludes etc. What do we say in this case?
 - (19) R. Hisda's.
 - (20) R. Hisda was from Babylon and R. Johanan from Palestine.
 - (21) They eat the fruit of Palestine, and we say its fruits!

Talmud - Mas. Berachoth 44b

R. Isaac b. Abdimi said in the name of our Master:¹ Over eggs and over all kinds of meat the blessing said before partaking is ‘by whose word etc.’, and after partaking ‘who createst many living creatures etc.’, vegetables, however, require no blessing [after]. R. Isaac, however, says that even vegetables also require a blessing [after], but not water. R. Papa says: Water also. Mar Zutra acted as

prescribed by R. Isaac b. Abdimi and R. Shimi b. Ashi as prescribed by R. Isaac. (To remember which is which think of one² acting as two and two as one.)³ R. Ashi said: When I think of it, I do as prescribed by all of them.⁴

We have learnt: Whatever requires a blessing to be said after it requires a blessing before it, but some things require a blessing before but not after.⁵ Now this is right on the view of R. Isaac b. Abdimi, since it is to exclude vegetables, and on the view of R. Isaac to exclude water; but on the view of R. Papa, what does it exclude? — It is to exclude the performance of religious duties.⁶ And according to the Palestinians⁷ who after removing their tefillin say ‘Blessed be Thou . . . who hast sanctified us with Thy commandments and commanded us to observe Thy statutes’ — what does it exclude? — It excludes scents.

R. Jannai said in the name of Rabbi: An egg is superior [in food value] to the same quantity of any other kind of food. When Rabin came [from Palestine] he said: A lightly roasted egg is superior to six kaysi⁸ of fine flour. When R. Dimi came, he said: A lightly roasted egg is better than six [kaysi]; a hard baked egg than four;⁹ and a [boiled] egg is better than the same quantity of any other kind of boiled food except meat.

R. AKIBA SAYS: EVEN IF ONE ATE BOILED VEGETABLES etc. Is there any kind of boiled vegetable of which one can make a meal? — R. Ashi replied: The rule applies to the stalk of cabbage.

Our Rabbis taught: Milt is good for the teeth but bad for the bowels; horse-beans are bad for the teeth but good for the bowels. All raw vegetables make the complexion pale and all things not fully grown retard growth. Living beings¹⁰ restore vitality¹¹ and that which is near the vital organs¹² restores vitality. Cabbage for sustenance and beet for healing. Woe to the house¹³ through which vegetables are always passing!

The Master has said, ‘Milt is good for the teeth and bad for the bowels.’ What is the remedy? — To chew it well and then spit it out. ‘Horse-beans are bad for the teeth but good for the bowels’. What is the remedy? — To boil them well and swallow them. ‘All raw vegetables make the complexion pale’. R. Isaac said: That is, in the first meal taken after blood-letting. R. Isaac also said: If one eats vegetables before the fourth hour [of the day],¹⁴ it is forbidden to talk with him. What is the reason? Because his breath smells. R. Isaac also said: It is forbidden to a man to eat raw vegetables before the fourth hour. Amemar and Mar Zutra and R. Ashi were once sitting together when raw vegetables were set before them before the fourth hour. Amemar and R. Ashi ate, but Mar Zutra would not eat. They said to him: What is your reason? Because R. Isaac said that if one eats vegetables before the fourth hour it is forbidden to converse with him because his breath smells? See, we have been eating, and you have been conversing with us? He replied: I hold with that other saying of R. Isaac, where he said that it is forbidden to a man to eat raw vegetables before the fourth hour.¹⁵ ‘Things not fully grown retard growth’. R. Hisda said: Even a kid worth a zuz.¹⁶ This, however, is the case only with that which has not attained a fourth of its full size; but if it has attained a fourth, there is no objection. ‘Living being restore vitality’. R. Papa said: Even tiny fishes from the pools. ‘That which is near the vital organs restores vitality’. R. Aha b. Jacob said: Such as the neck.¹⁷ Raba said to his attendant: When you buy a piece of meat for me, see that you get it from a place near where the benediction is said.¹⁸ ‘Cabbage for sustenance and beet for healing’. Is cabbage then good only for sustenance and not for healing? Has it not been taught: Six things heal a sick person of his disease with a permanent cure, namely, cabbage, beet, a decoction of dry¹⁹ poley, the maw, the womb, and the large lobe of the liver? — What you must say is that the cabbage is good for sustenance also. ‘Woe to the house through which vegetables are always passing’. Is that so? Did not Raba say to his attendant: If you see vegetables in the market, do not stop to ask me, What will you put round your bread.²⁰ — Abaye said: [It means, when they are cooked] without

meat;²¹ Raba said: [It means, when they are taken] without wine. It has been stated: Rab says, without meat, Samuel says, without wood,²² and R. Johanan says, without wine. Said Raba to R. Papa the brewer:²³ We neutralize²⁴ it with meat and wine; you who have not much wine, how you neutralize it? — He replied: With chips [of wood]. R. Papa's wife when she cooked vegetables neutralized their evil effects by using eighty Persian twigs.²⁵

Our Rabbis taught: A small salted fish is sometimes deadly, namely on the seventh, the seventeenth and the twenty-seventh day of its salting. Some say, on the twenty-third. This is the case only if it is imperfectly roasted; but if it is well roasted, there is no harm in it. And even if it is not well roasted there is no harm in it unless one neglects to drink beer after it; but if one drinks beer after it, there is no harm.

IF ONE QUENCHES HIS THIRST WITH WATER etc. What does this exclude? — R. Idi b. Abin said: It excludes one

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- (1) V. supra p. 185. n. 4.
 - (2) Lit., 'and thy sign is'.
 - (3) I.e., the authority who was mentioned alone without his father (Mar Zutra). acted as prescribed by the authority who is mentioned with his father (R. Isaac b. Abdimi) and vice versa.
 - (4) Saying even after water.
 - (5) Nid. 51b.
 - (6) Which require a blessing before the performance of them but not after, such as taking off the tefillin, laying aside of the lulab, etc.
 - (7) Lit., 'the sons of the West'.
 - (8) A measure equal to a log.
 - (9) Var. lec.: a lightly baked egg is better than four hard-baked and a hard-baked than four boiled.
 - (10) Taken whole, like small fish.
 - (11) Lit., 'soul'.
 - (12) Of a slaughtered animal.
 - (13) I.e., stomach.
 - (14) When the first meal was taken.
 - (15) But it is not forbidden to converse with him.
 - (16) I.e., a good fat one.
 - (17) Which is near the heart.
 - (18) I.e., the neck, on cutting which a benediction is said.
 - (19) Reading **יְבִשֵּׁן** for **דְּבִשׁ** in the text, as infra .
 - (20) To eat with it as a kind of sandwich.
 - (21) The juices of which neutralize the evil effects of the vegetables.
 - (22) I.e., a good fire to cook it.
 - (23) Aliter: (a) the landowner (v. Obermeyer p. 309); (b) 'Man of Mystery!', i.e., acquainted with the divine mysteries (v. 'Aruch).
 - (24) Lit., 'break (the evil effects)'.
 - (25) Twigs from Persian trees.

Talmud - Mas. Berachoth 45a

who is choked by a piece of meat.¹

R. TARFON SAYS: WHO CREATEST MANY LIVING THINGS AND THEIR REQUIREMENTS. Raba son of R. Hanan said to Abaye, according to others to R. Joseph: What is the law? He replied: Go forth and see how the public are accustomed to act.²

CHAPTER VII

MISHNAH. IF THREE PERSONS HAVE EATEN TOGETHER, IT IS THEIR DUTY TO INVITE [ONE ANOTHER TO SAY GRACE].³ ONE WHO HAS EATEN DEMAI,⁴ OR FIRST TITHE⁵ FROM WHICH TERUMAH HAS BEEN REMOVED,⁶ OR SECOND TITHE OR FOOD BELONGING TO THE SANCTUARY THAT HAS BEEN REDEEMED,⁷ OR AN ATTENDANT WHO HAS EATEN AS MUCH AS AN OLIVE OR A CUTHEAN MAY BE INCLUDED [IN THE THREE]. ONE WHO HAS EATEN TEBEL⁸ OR FIRST TITHE FROM WHICH THE TERUMAH HAS NOT BEEN REMOVED, OR SECOND TITHE OR SANCTIFIED FOOD WHICH HAS NOT BEEN REDEEMED,⁹ OR AN ATTENDANT WHO HAS EATEN LESS THAN THE QUANTITY OF AN OLIVE OR A GENTILE MAY NOT BE COUNTED. WOMEN, CHILDREN AND SLAVES MAY NOT BE COUNTED IN THE THREE. HOW MUCH [MUST ONE HAVE EATEN] TO COUNT? AS MUCH AS AN OLIVE; R. JUDAH SAYS, AS MUCH AS AN EGG.

GEMARA. Whence is this derived?¹⁰ — R. Assi says: Because Scripture says, O magnify ye the Lord with me, and let us exalt His name together.¹¹ R. Abbahu derives it from here: When I [one] proclaim the name of the Lord, ascribe ye [two] greatness unto our God.¹²

R. Hanan b. Abba said: Whence do we learn that he who answers Amen should not raise his voice above the one who says the blessing? Because it says, O magnify ye the Lord with me and let us exalt His name together.¹³ R. Simeon b. Pazzi said: Whence do we learn that the one who translates¹⁴ is not permitted to raise his voice above that of the reader? Because it says, Moses spoke and God answered him by a voice.¹⁵ The words 'by a voice' need not have been inserted. What then does 'by a voice' mean? [It means], by the voice of Moses.¹⁶ It has been taught similarly: The translator is not permitted to raise his voice above that of the reader. If the translator is unable to speak as loud as the reader, the reader should moderate his voice and read.

It has been stated: If two have eaten together, Rab and R. Johanan differ [as to the rule to be followed]. One says that if they wish to invite one another [to say grace] they may do so, the other says that even if they desire to invite one another they may not do so. We have learnt: IF THREE PERSONS HAVE EATEN TOGETHER IT IS THEIR DUTY TO INVITE ONE ANOTHER. That means to say, three but not two? — No; there [in the case of three] it is a duty, here [in the case of two] it is optional.

Come and hear: If three persons have eaten together, it is their duty to invite one another [to say grace], and they are not permitted to separate. This means to say, three but not two, does it not?¹⁷ — No; there is a special reason there [why they may not separate], because from the outset of the meal they laid upon themselves the duty to invite one another.¹⁸

Come and hear: If an attendant is waiting on two persons he may eat with them even without their giving him permission;¹⁹ if he was waiting on three, he may not eat with them unless they give him permission! — There is a special reason there

(1) And drinks simply to wash it down.

(2) And the general practice is to say 'by whose word' before and 'that createst many living beings' after.

(3) By means of the responses given in P.B. p. 279. This invitation is technically known as zimmun (inviting).

(4) Produce from which it is doubtful whether the tithe has been given.

(5) Due to the Levite, v. Num. XVIII, 21.

(6) The terumah (v. Glos) mentioned here is apparently the tithe, v. *ibid.* 26.

(7) And so has been made available for being eaten out of Jerusalem (cf. Deut. XIV, 22ff) or by a layman. All these are kinds of food which may be legitimately partaken of.

(8) Food from which it is known that tithe has not been separated.

- (9) These are foods of which it is not legitimate to partake.
- (10) That three who eat together should invite one another to say grace.
- (11) Ps. XXXIV, 4. 'Ye' implies two, besides the speaker.
- (12) Deut. XXXII, 3. E.V. 'For I will proclaim etc..
- (13) I.e., one not louder than the other.
- (14) The public reading of the Pentateuch in Hebrew was followed by a translation in Aramaic.
- (15) Ex. XIX, 19. Moses is here compared to a reader and God to a translator, v. however Tosaf. s.v. בקולו .
- (16) I.e., a voice not raised above that of Moses.
- (17) Because if two are sufficient, why may not one of the three separate?
- (18) And though two may invite one another, yet to perform an obligation is more meritorious.
- (19) And we assume that they approve of it so that they may be able to invite one another, and this is not presumptuous on his part.

Talmud - Mas. Berachoth 45b

, because [we assume that] it is with their approval¹ since he [thereby] makes [the zimmun] obligatory on them.²

Come and hear: Women by themselves invite one another, and slaves by themselves invite one another, but women, slaves and children together even if they desire to invite one another may not do so. Now³ a hundred women are no better than two men,⁴ and yet it says, Women by themselves invite one another and slaves by themselves invite one another? — There is a special reason there, because each has a mind of her own.⁵ If that is so, look at the next clause: Women and slaves together, even though they desire to invite one another may not do so. Why not? Each has a mind! — There is a special reason in that case, because it might lead to immorality.

We may conclude that it was Rab who said, 'Even though they [two] desire to invite one another they may not do so', because R. Dimi b. Joseph said in the name of Rab: If three persons ate together and one of them went out, the others call to him and count him for zimmun.⁶ The reason is, is it not, that they call him, but if they did not call him they could not [invite one another]? — There is a special reason there, that the obligation to invite one another devolved upon them from the outset. Rather you may conclude that it is R. Johanan who said that even though they desire to invite one another they may not do so. For Rabbah b. Bar Hanah said in the name of R. Johanan: If two persons eat together, one of them is exempted by the benediction of his fellow; and we were perplexed to know what it was that he tells us; for we have learnt: If he heard without responding [Amen], he has performed his obligation, and R. Zera explained that he tells us that they do not invite one another to say grace.⁷ We may therefore draw this conclusion.

Raba b. R. Huna said to R. Huna: But the Rabbis who came from the West⁸ say that if they desire to invite one another they may do so; and must they not have heard this from R. Johanan?⁹ — No; they heard it from Rab before he went down to Babylon.¹⁰

The [above] text [stated]: 'R. Dimi b. Joseph said in the name of Rab: If three persons ate together and one of them went out into the street, they can call to him and count him for zimmun'. Abaye says: This is only when they call to him and he responds.¹¹ Mar Zutra said: This applies only to three; but if it is for [the purpose of completing] ten,¹² they must wait till he comes. R. Ashi demurred to this. We should rather [he said], suppose the contrary; for nine look like ten, but two do not look like three. The law, however, is as laid down by Mar Zutra. What is the reason? — Since they [ten] have to mention God's name,¹³ it is not proper that there should be less than ten.

Abaye said: We have a tradition that if two persons have eaten together, it is their duty to separate.¹⁴ It has been taught similarly: If two persons have eaten together, it is their duty to

separate. When is this case? When they are both educated men. But if one is educated and the other illiterate, the educated one says the benedictions and this exempts the illiterate one.

Raba said: The following statement was made by me independently and a similar statement has been made in the name of R. Zera: If three persons have been eating together, one breaks off to oblige two,¹⁵ but two do not break off to oblige one. But do they not? Did not R. Papa break off for Abba Mar his son, he and another with him? — R. Papa was different because he went out of his way¹⁶ to do so.¹⁷ Judah b. Meremar and Mar son of R. Ashi and R. Aha from Difti took a meal with one another. No one of them was superior to the other¹⁸ that he should have the privilege of saying grace.¹⁹ They said: Where the Mishnah learnt²⁰ that IF THREE PERSONS HAVE EATEN TOGETHER IT IS THEIR DUTY TO INVITE [ONE ANOTHER TO SAY GRACE], this is only where one of them is superior [to the others], but where they are all on a level, perhaps it is better that the blessings should be separate. They thus said [the grace] each one for himself. Thereupon they came before Meremar and he said to them: You have performed the obligation of grace, but you have not performed the obligation of zimmun. Should you say, Let us start again with zimmun, zimmun cannot be said out of its place.²¹

If one came and found three persons saying grace,²² what does he say after them? — R. Zebid says: Blessed and to be blessed [be His Name]. R. Papa said: He answers, Amen. They are not really at variance; the one speaks of the case where he found them saying 'Let us say grace', and the other where he found them saying 'Blessed'. If he found them saying 'Let us say grace', he answers 'Blessed and to be blessed'; if he found them saying 'Blessed', he answers 'Amen'.

One [Baraita] taught: One who answers 'Amen' after his own blessings is to be commended, while another taught that this is reprehensible! — There is no contradiction: the one speaks of the benediction 'who buildest Jerusalem',²³ the other of the other benedictions. Abaye used to give the response²⁴ in a loud voice so that the workmen should hear and rise,²⁵ since the benediction 'Who is good and does good'²⁶ is not prescribed by the Torah.²⁷ R. Ashi gave the response in a low voice, so that they should not come to think lightly of the benediction 'Who is good and does good'.

(1) That the attendant joins them.

(2) Cur. edd. add in brackets 'from the outset', which is best omitted.

(3) Cur. edd. read here in brackets, 'and surely as for women even a hundred' which is best omitted.

(4) In respect of the obligation of zimmun. This proves that two by themselves are not sufficient to form a zimmun.

(5) Lit., 'there are minds' and therefore thanksgiving from three women is more valuable than from two men.

(6) Even while he remains outside, provided he joins in the response v. infra.

(7) But one may be exempted by the other.

(8) Palestine.

(9) Who lived in Palestine.

(10) From Palestine to settle there, v. Git. (Sonc. ed.) p. 17. n. 3.

(11) I.e., he joins in the responses.

(12) V. infra 49b.

(13) In the response, 'Blessed is our God of whose food we have eaten'. V. P.B. p. 279.

(14) For the purpose of saying grace.

(15) If one has not yet finished, he interrupts his meal to join with the two who have finished for the purpose of zimmun.

(16) Lit., 'acted within the limits of strict justice'.

(17) To show respect to his son.

(18) In years or learning.

(19) So MS.M. Cur. edd. add: 'for them'.

(20) Emended reading. v. Marginal Gloss. The text has, They sat and discussed the question. When the Mishnah says. etc.

(21) Lit., 'retrospectively'. I.e., it must come before the actual grace.

- (22) Sc. the zimmun responses.
 (23) The last of the three Scriptural benedictions in the Grace, v. P.B. p. 282.
 (24) To this third benediction.
 (25) To go to their work.
 (26) Which follows 'Who buildest Jerusalem'; v. P.B. p. 283.
 (27) Which prescribes only the first three.

Talmud - Mas. Berachoth 46a

R. Zera once was ill. R. Abbahu went to visit him, and made a vow, saying, If the little one with scorched legs¹ recovers, I will make a feast for the Rabbis. He did recover, and he made a feast for all the Rabbis. When the time came to begin the meal,² he said to R. Zera: Will your honour please commence for us.³ He said to him: Does not your honour accept the dictum of R. Johanan that the host should break bread? So he [R. Abbahu] broke the bread for them. When the time came for saying grace he said to him [R. Zera], Will your honour please say grace for us, He replied: Does your honour not accept the ruling of R. Huna from Babylon,⁴ who said that the one who breaks bread says grace? Whose view then did R. Abbahu accept? — That expressed by R. Johanan in the name of R. Simeon b. Yohai: The host breaks bread and the guest says grace. The host breaks bread so that he should do so generously,⁵ and the guest says grace so that he should bless the host. How does he bless him? 'May it be God's will that our host should never be ashamed in this world nor disgraced in the next world'. Rabbi added some further items: 'May he be very prosperous with all his estates, and may his possessions and ours be prosperous and near a town,⁶ and may the Accuser have no influence either over the works of his hands or of ours, and may neither our host nor we be confronted with⁷ any evil thought or sin or transgression or iniquity from now and for all time'.

To what point does the benediction of zimmun extend?⁸ — R. Nahman says: Up to [the conclusion of] 'Let us bless';⁹ R. Shesheth says: Up to [the conclusion of] 'Who sustains',¹⁰ May we say that there is the same difference between Tannaim? For one [authority] taught: The grace after meals is either two or three benedictions,¹¹ while another has taught: Either three or four. Now we assume that all agree that 'Who is good and does good' is not Scriptural. Is not then the difference [between the two authorities cited] this, that the one who says two or three holds that [the benediction of zimmun] extends up to 'Who sustaineth',¹² while the one who says three or four holds that it extends up to 'Let us bless'?¹³ — No; R. Nahman explains according to his view and R. Shesheth explains according to his view. R. Nahman explains according to his view: All agree that it extends to 'Let us bless'. On the view of him who says, 'three or four', this creates no difficulty.¹⁴ The one who says 'two or three' can say that here we are dealing with a grace said by work-people, regarding which a Master has said, He commences with 'Who sustaineth' and includes 'Who builds Jerusalem' in the benediction of the land.' R. Shesheth can also explain according to his view: All agree that the blessing of zimmun extends up to 'Who sustaineth'. On the view of him who says 'two or three', this creates no difficulty; while the one who says 'three or four' holds that the benediction 'Who is good and does good' is Scriptural.

R. Joseph said: You may know that the benediction 'who is good and does good' is not Scriptural from the fact that workpeople omit it. R. Isaac b. Samuel b. Martha said in the name of Rab: You may know that the benediction 'who is good and does good' is not Scriptural from the fact that it commences with 'Blessed' but does not conclude with 'Blessed', for so it has been taught: All benedictions commence with 'Blessed' and close with 'Blessed', except the blessing over fruits, the blessings said over the performance of precepts, one blessing which joins on to another, and the last blessing alter the recital of the Shema'.¹⁵ Some of these commence with 'Blessed' but do not close with 'Blessed'.¹⁶

(1) A nickname of R. Zera, explained in B.M. 85a.

- (2) By breaking bread.
- (3) I.e., break the bread.
- (4) R. Huna's place of origin is mentioned here because the meal was taking place in Palestine.
- (5) Lit., 'with a pleasant eye'.
- (6) So that he can visit them without difficulty.
- (7) Lit., 'may there not leap before him or us'.
- (8) The point of this query is not clear. Rashi takes it to mean, How much is said by three which is not said by two or one; but in this case the answer of R. Shesheth is unintelligible, since all agree that one says the blessing 'Who sustaineth'. Tosaf. therefore explain that it refers to the statement above that one person may interrupt his meal to join two others in zimmun, and the question is now asked, How long must he wait before resuming.
- (9) The zimmun responses proper.
- (10) The first benediction.
- (11) Emended reading, the numeral being in the feminine, v, Marginal Gloss. In the text the numeral is in the masculine, and we must translate (with Tosaf.), 'with either two or three men'. Tosaf. ad loc. accept this reading and explain it to mean that the recital of the blessings can be shared out between a number of people if no-one knows the whole of it, by assigning to each one benedictions which he happens to know.
- (12) So that if zimmun is said there are three blessings, the zimmun formula together with the first blessing constituting on this view one benediction, otherwise two.
- (13) So that without zimmun there are three and with the zimmun there is an extra one.
- (14) If grace is said with zimmun, there are four blessings, if without, three. (7) They combine the second and third benedictions into one, and thus when two labourers eat together there are two benedictions, when three, they form zimmun and say three.
- (15) Which is separated by the Shema' from the two blessings before it, though it is really a continuation of these.
- (16) E.g., the benediction to be said before the putting on of tefillin.

Talmud - Mas. Berachoth 46b

, while some close with 'Blessed' but do not open with 'Blessed';¹ and 'who is good and does good' opens with 'Blessed' but does not close with 'Blessed'. This shows that it is a separate blessing. R. Nahman b. Isaac said: You may know that 'who is good and does good' is not Scriptural from the fact that it is omitted in the house of a mourner,² as it has been taught: What blessing is said in the house of a mourner? 'Blessed is He that is good and does good'. R. Akiba says: 'Blessed be the true Judge'. And does one [according to the first authority] say. 'Blessed be He that is good and does good', and not 'Blessed be the true Judge'? — Read: He says also, 'Blessed be He that is good and does good'. Mar Zutra visited R. Ashi when the latter had suffered a bereavement, and in the grace after meals he began and uttered the benediction: 'Who is good and does good, God of truth, true Judge, who judges in righteousness and takes away in righteousness, who is Sovereign in His universe to do as pleaseth Him in it, for all His ways are judgment; for all is His, and we are His people and His servants, — and for everything it is incumbent upon us to give thanks to Him and to bless Him. He who closes up the breaches of Israel will close up this breach in Israel, granting life'.

Where does he³ commence again? — R. Zebid says in the name of Abaye: At the beginning; the Rabbis say, at the place where he left off.⁴ The law is, at the place where he left off.

Said the Exilarch to R. Shesheth: Although you are venerable Rabbis, yet the Persians are better versed than you in the etiquette⁵ of a meal. When there are two couches [in the set],⁶ the senior guest takes his place first and then the junior one above him.⁷ When there are three couches, the senior occupies the middle one, the next to him in rank takes the place above him, and the third one below him.⁸ R. Shesheth said to him: So when he wants to talk to him,⁹ he has to stretch himself and sit upright to do so!¹⁰ He replied: This does not matter to the Persians, because they speak with gesticulation. [R. Shesheth asked the Exilarch:] With whom do they commence the washing of the hands before the meal? — He replied: With the senior one. Is then the senior one to sit still [he

exclaimed] and watch his hands¹¹ until they have all washed? — He replied: They bring a table before him immediately.¹² With whom do they begin the washing after the meal [he asked him]? — He replied: With the junior one present. And is the senior one to sit with greasy hands until all have washed? — He replied: They do not remove the table from before him till water is brought to him.¹³ R. Shesheth then said: I only know a Baraitha, in which it is taught: ‘What is the order of reclining? When there are two couches in a set, the senior one reclines first, and then the junior takes his place below him. When there are three couches, the senior takes his place first, the second next above him, and then the third one below him. Washing before the meal commences with the senior one, washing after the meal, if there are five, commences with the senior, and if there are a hundred¹⁴ it commences with the junior until five are left, and then they start¹⁵ from the senior one. The saying of grace is assigned to the one to whom the washing thus reverts’.¹⁶ This supports Rab; for R. Hiyya b. Ashi said in the name of Rab: Whoever washes his hands first at the end of the meal has the right to say grace. Rab and R. Hiyya were once dining with Rabbi. Rabbi said to Rab: Get up and wash your hands. R. Hiyya saw him trembling and said to him: Son of princes, he is telling you to think over the grace.¹⁷

Our Rabbis taught: We do not give precedence [to others]¹⁸ either on the road or on a bridge

(1) E.g., the benedictions in the Tefillah.

(2) According to R. Akiba.

(3) Rashi explains this to mean the one who has interrupted his meal to join with two others in zimmun, (cf. supra 45b) and the question is, on the view of R. Shesheth, (cf. supra) where should he resume his grace.

(4) Viz., (on the view of R. Shesheth) at the second blessing. Tosaf. remark on this that it is very difficult to suppose that he is excused saying the first blessing after having eaten again. They accordingly refer it to the man who leads in the grace, and the question is, after the others have responded ‘Blessed be He of whose bounty we have partaken and through whose goodness we live’, where does he go on, and the reply is, on Abaye's view, that he repeats his own formula with the addition ‘Blessed be He of whose bounty etc.’, whereas according to the Rabbis he merely says ‘Blessed be He of whose bounty etc.’, v. P.B. p. 280.

(5) Lit., ‘requirements’.

(6) It was usual for guests at a set meal to recline on couches arranged in sets of two or three (the latter being the Roman triclinium).

(7) I.e., head to head.

(8) I.e., with his head to the other's feet.

(9) When the senior wishes to speak to the one who is above him.

(10) If he wants to face him.

(11) I.e., do nothing. Aliter: ‘guard them against impurity’.

(12) It was usual to place a small table before each guest.

(13) And meanwhile he can go on eating.

(14) Sc., any number more than five.

(15) I.e., removing the table (Rashi).

(16) I.e., either the senior one, or the one to whom he delegates the honour.

(17) V. supra p. 262, nn. 9 and 10.

(18) Lit., ‘honour’, i.e., ask another to go first, out of politeness.

Talmud - Mas. Berachoth 47a

or in the washing of the greasy hands [at the end of a meal]. Once Rabin and Abaye were on the road and the ass of Rabin got in front of Abaye, and he [Rabin] did not say to him, Will your honour proceed. Said Abaye: Since this student has come up from the West,¹ he has grown proud. When he arrived at the door of the synagogue, he said, Will your honour please enter. He said to him: Was I not 'Your honour', up to now? — He replied: Thus said R. Johanan: One gives precedence only in a doorway in which there is a mezuzah.² [You say] only where there is a mezuzah, but not where there is no mezuzah. If that is so, then in the case of a synagogue and Beth hamidrash also where there is no mezuzah we do not give precedence? What you must say is, in a doorway which is suitable for a mezuzah.³

R. Judah the son of R. Samuel b. Shilath said in the name of Rab: The guests may not eat anything until the one who breaks bread has tasted. R. Safra sat and stated: The statement was, 'May not taste'.⁴ What difference does it make [in practice]? — [It teaches that] one must repeat the exact words of his teacher.

Our Rabbis taught: Two wait for one another⁵ before commencing on the dish,⁶ but three need not wait.⁷ The one who has broken bread stretches out his hand first, but if he wishes to show respect to his teacher or to anyone senior to himself, he may do so. Rabbah b. Bar Hanah made a marriage feast for his son in the house of R. Samuel son of R. Kattina, and he first sat down and taught his son: The one who acts as host⁸ may not break the bread until the guests have finished responding, Amen. R. Hisda said: The bulk of the guests. Rama b. Hama said to him: Why should this be the case only with the majority? Presumably it is because the benediction had not yet been completed.⁹ The same should apply also to a minority, for the benediction has not yet been completed? — He replied: What I say is that whoever [draws out] the response of Amen longer than necessary is in error.¹⁰

Our Rabbis taught: The Amen uttered in response should be neither hurried¹¹ nor curtailed¹² nor orphaned,¹³ nor should one hurl the blessing, as it were, out of his mouth.¹⁴ Ben 'Azzai says: If a man says an 'orphaned' Amen in response, his sons will be orphans; if a hurried Amen, his days will be snatched away; if a curtailed Amen, his days will be curtailed. But if one draws out the Amen, his days and years will be prolonged. Once Rab and Samuel were sitting at a meal and R. Shimi b. Hiyya joined them and ate very hurriedly.¹⁵ Said Rab to him: What do you want? To join us? We have already finished. Said Samuel to him: If they were to bring me mushrooms, and pigeon to Abba,¹⁶ would we not go on eating?¹⁷ The disciples of Rab were once dining together when R. Aha entered. They said: A great man has come who can say grace for us. He said to them: Do you think that the greatest present says the grace? One who was there from the beginning must say grace! The law, however, is that the greatest says grace even though he comes in at the end.

ONE WHO HAD EATEN DEMAI etc. But this is not a proper food for him?¹⁸ — If he likes he can declare his possessions hefker¹⁹ in which case he becomes a poor man, and it is suitable for him. For we have learnt: Demai may be given to the poor to eat and also to billeted soldiers.²⁰ And R. Huna said: A Tanna taught: Beth Shammai say that demai is not given to the poor and to billeted soldiers to eat.²¹

OR FIRST TITHE FROM WHICH TERUMAH HAS BEEN REMOVED. This is obvious! — This had to be stated, for the case in which the Levite came beforehand [and thus obtained the first tithe] in the ear and he separated the terumah of the tithe,²² but not the great terumah.²³ And the rule stated follows R. Abbahu; for R. Abbahu said in the name of Resh Lakish: First tithe for which [the Levite] has come beforehand [and obtained] in the ear is not liable to great terumah, since it says, ye shall offer up an heave offering of it for the Lord, even a tenth part of the tithe.²⁴ I bid you offer a tithe from the tithe, not the great terumah plus the terumah of the tithe from the tithe. Said R. Papa to

Abaye: If that is so, the same should be the case even if he anticipates it at the heap?²⁵ — He replied: It was in anticipation of your question that the text says,

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- (1) Palestine.
 - (2) V. Glos.
 - (3) Excluding open roads and bridges.
 - (4) And not 'may not eat'.
 - (5) When one interrupts his eating, the other must wait till he resumes. This was according to the old custom when all diners ate from the same dish.
 - (6) After breaking bread, it was the custom for each of the guests to take something out of the dish.
 - (7) If one interrupts his eating.
 - (8) Who in this case would be the bridegroom. Lit., 'he who breaks (the bread)'.
 - (9) As long as the Amen response had not been finished.
 - (10) And the minority who unduly prolong the Amen response need not be taken into consideration.
 - (11) I.e., the A should not be slurred over.
 - (12) The N should be clearly pronounced.
 - (13) Said by one who has not heard the blessing itself but only the others responding Amen.
 - (14) He should not gabble it.
 - (15) So as to be able to join them in the grace.
 - (16) A name of endearment given by Samuel to Rab.
 - (17) As dessert, these being our favourite dishes. Therefore it is as though we had not finished and he may join us.
 - (18) Sc. and it is as though he ate stolen property, over which it is forbidden to make a blessing.
 - (19) V. Glos.
 - (20) Dem. III, 1.
 - (21) I.e., it is only Beth Shammai who provided demai to the poor but Beth Hillel, with whom the law agrees, differ from them.
 - (22) The tithe given by the Levite to the priest.
 - (23) The ordinary terumah, (v. Glos. s.v. terumah).
 - (24) Num. XVIII, 26.
 - (25) The grain after winnowing, but before being ground.

Talmud - Mas. Berachoth 47b

Out of all your tithes ye shall offer.¹ But still what reason have you [for including corn in the ear and not grain]? — One has been turned into corn the other has not.²

SECOND TITHE OR FOOD BELONGING TO THE SANCTUARY THAT HAS BEEN REDEEMED. This is obvious! — We are dealing here with a case where, for instance, he has given the principal but not the additional fifth;³ and he teaches us here that the fact that the fifth has not been given is no obstacle.⁴

OR IF AN ATTENDANT WHO HAS EATEN AS MUCH AS AN OLIVE etc. This is obvious! — You might object that the attendant does not sit through the meal.⁵ This teaches, therefore, [that this is no objection].

A CUTHEAN MAY BE INCLUDED [IN THE THREE]. Why so? Wherein is he better than an 'am ha-arez, and it has been taught: An 'am ha-arez is not reckoned in for zimmun? — Abaye replied: It refers to a Cuthean who is a haber. Raba said: You may even take it to refer to a Cuthean who is an 'am ha-arez, the passage cited referring to an 'am ha-arez as defined by the Rabbis who join issue in this matter with R. Meir. For it has been taught: Who is an 'am ha-arez⁶ Anyone who does not eat non-sacred food in ritual cleanness. So R. Meir. The Rabbis, however, say: Anyone who does not tithe his produce in the proper way. Now these cutheans do tithe their produce in the proper

way, since they are very scrupulous about any injunction written in the Torah; for a Master has said: Whenever the Cutheans have adopted a mizwah, they are much more particular with it than the Jews.⁶

Our Rabbis taught: Who is an 'am ha-arez⁶ Anyone who does not recite the Shema' evening and morning. This is the view of R. Eliezer. R. Joshua says: Anyone who does not put on tefillin. Ben 'Azzai says: Anyone who has not a fringe on his garment. R. Nathan says: Anyone who has not a mezuzah on his door. R. Nathan b. Joseph says: Anyone who has sons and does not bring them up to the study of the Torah. Others say: Even if one has learnt Scripture and Mishnah, if he has not ministered to the disciples of the wise,⁷ he is an 'am ha-arez. R. Huna said: The halachah is as laid down by 'Others'.

Rami b. Hama refused to count to zimmun R. Menashiah b. Tahalifa who could repeat Sifra,⁸ Sifre,⁹ and halachah. When Rami b. Hama died, Raba said: Rami b. Hama died only because he would not count R. Menashiah b. Tahalifa for zimmun. But it has been taught: Others say that even if one has learnt Scripture and Mishnah but has not ministered to the disciples of the wise, he is an 'am ha-arez? — R. Menashiah b. Tahalifa was different because he used to minister to the Rabbis, and it was Rami b. Hama who did not make proper inquiries about him. According to another version, he used to hear discussions from the mouth of the Rabbis and commit them to memory. and he was therefore like a Rabbinical scholar.

ONE WHO HAS EATEN TEBEL AND FIRST TITHE etc. In the case of tebel this is obvious! — It required to be stated for the case of that which is tebel only by the ordinance of the Rabbis. What for instance? Food grown in a pot without a hole in the bottom.¹⁰

FIRST TITHE etc. This is obvious! — It required to be stated for the case where [the Levite] anticipated [the priest] at the heap. You might think that the law is as indicated by R. Papa's question to Abaye;¹¹ this teaches that it is as indicated by the latter's answer.

SECOND TITHE etc. This is obvious! — It is required for the case in which the tithe etc., has been redeemed, but not properly redeemed. Second tithe, for instance, if it has been redeemed for

bar silver,¹² since the All-Merciful said; Thou shalt bind up [we-zarta] the silver in thy hands,¹³ implying, silver on which a form [zurah] is stamped. As to FOOD BELONGING TO THE SANCTUARY, if for instance it has been rendered profane for its equivalent in land but has not been redeemed for money, whereas the All Merciful laid down, He shall give the money and it shall be assured unto him.¹⁴

OR THE ATTENDANT WHO HAS EATEN LESS THAN AN OLIVE. This is obvious! — Since the first clause states the rule for the quantity of an olive, the second clause states it for less than an olive.

A GENTILE MAY NOT BE COUNTED. This is obvious! — We are dealing here with the case of a proselyte who has been circumcised but has not yet made ablution. For R. Zera said in the name of R. Johanan: One does not become a proselyte until he has been circumcised and has performed ablution; and so long as he has not performed ablution he is a gentile.

WOMEN SLAVES AND CHILDREN ARE NOT COUNTED [IN THE THREE]. R. Jose said: An infant in the cradle may be counted for zimmun. But we have learnt: WOMEN SLAVES AND CHILDREN MAY NOT BE COUNTED? — He adopts the view of R. Joshua b. Levi. For R. Joshua b. Levi said: Although it was laid down that an infant in a cradle cannot be counted for zimmun, yet he can be counted to make up ten. R. Joshua b. Levi also said: Nine and a slave may be joined [to

make up ten].¹⁵

The following was cited in objection: Once R. Eliezer entered a synagogue and not finding there ten he liberated his slave and used him to complete the ten. This was because he liberated him, otherwise he could not have done so? — He really required two, and he liberated one and one he used to make up the ten. But how could he act so seeing that Rab Judah has said: If one liberates his slave he transgresses a positive precept, since it says, they shall be your bondmen for ever?¹⁶ — If it is for a religious purpose. It is different. But this is a religious act which is carried out by means of a transgression? — A religious act which affects a whole company¹⁷ is different.

R. Joshua b. Levi also said: A man should always rise early to go to synagogue so that he may have the merit of being counted in the first ten; since if even a hundred come after him he receives the reward of all of them. ‘The reward of all of them’, say you? — Say rather: He is given a reward equal to that of all of them.

R. Huna said: Nine and the Ark join together [to be counted as ten]. Said R. Nahman to him: Is the Ark a man? I mean, said R. Huna, that when nine look like ten, they may be joined together. Some say [this means] when they are all close together,¹⁸ others say when they are scattered. R. Ammi said: Two and the Sabbath may be joined together. Said R. Nahman to him: Is the Sabbath a man? What R. Ammi really said was that two scholars who sharpen one another in the knowledge of the halachah may count as three [for zimmun].¹⁹ R. Hisda gave an example: For instance, I and R. Shesheth. R. Shesheth gave an example: For instance, I and R. Hisda.²⁰

R. Johanan said: A boy [who has reached puberty] before his years²¹ may be counted for zimmun. It has been taught similarly: A boy who has grown two hairs may be counted for zimmun, but if he has not grown two hairs he may not be counted; and we are not particular about a boy. Now this seems to contain a contradiction. You first say that if he has grown two hairs he may count and if not he may not, and then you say, We are not particular with a boy. What case does this include? Is it not

(1) Num, XVIII, 29. The actual word in the text is ‘gifts’.

(2) And it is only from what can be called ‘corn’ that terumah has to be given.

(3) Required for the redemption of second tithe or anything belonging to the Sanctuary.

(4) To render the redemption valid.

(5) He has always to be getting up to wait on the guests.

(6) Hence a Cuthean may be reckoned in.

(7) Rashi explains this to mean that he has not learnt Gemara, which explains the Mishnah.

(8) The Midrash on Leviticus.

(9) The Midrash on Deuteronomy.

(10) So that the earth in it is not in contact with the soil.

(11) V. supra 46b ad fin.

(12) I.e., silver not turned into current coin.

(13) Deut. XIV, 25.

(14) Lev. XXVII, 19. The exact words of the text are: he shall add the fifth part of the money of thy valuation unto it, and it shall be assured to him; v. B.M. (Sonc. ed.) p. 321, n. 1.

(15) For a congregational service which requires a minimum quorum of ten males over the age of thirteen.

(16) Lev. XXV, 46. V. Git. 38b.

(17) As in the case of R. Eliezer.

(18) In which case the absence of one is not so noticeable. The Ark is probably mentioned as being a focal point which enables us to determine whether the worshippers are close together or scattered.

(19) **שבת** is accordingly explained as an abbreviation for **שׁוֹגִים בְּדַבְרֵי תִּזְרוּהָ** (two) who study the Law; v. Goldschmidt.

(20) R. Shesheth and R. Hisda represented each a different type of scholar, the former's forte being an extensive

knowledge of traditions, the latter's keen dialectical powers; v. 'Er. 67a.

(21) I.e., before reaching the age of thirteen years and one day.

Talmud - Mas. Berachoth 48a

to include a boy who shows signs of puberty before his years? The law, however, is not as laid down in all these statements, but as in this statement of R. Nahman: A boy who knows to whom the benediction is addressed may be counted for zimmun. Abaye and Raba [when boys] were once sitting in the presence of Rabbah. Said Rabbah to them: To whom do we address the benedictions? They replied: To the All-Merciful. And where does the All-Merciful abide? Raba pointed to the roof; Abaye went outside and pointed to the sky. Said Rabbah to them: Both of you will become Rabbis. This accords with the popular saying: Every pumpkin can be told from its stalk.¹

Rab Judah the son of R. Samuel b. Shilath said in the name of Rab: If nine persons have eaten corn and one vegetables, they may combine.² R. Zera said: I asked Rab Judah, What of eight, what of seven,³ and he replied: It makes no difference. Certainly if six [were eating corn]⁴ I did not need to ask. Said R. Jeremiah to him: You were quite right not to ask. What was the reason there [in the first case]? Because there is a majority [eating corn]; here too there is a majority. He, however, thought that perhaps an easily recognizable majority is required.⁵

King Jannai and his queen were taking a meal together. Now after he had put the Rabbis to death,⁶ there was no-one to say grace for them. He said to his spouse: I wish we had someone to say grace for us. She said to him: Swear to me that if I bring you one you will not harm him. He swore to her, and she brought Simeon b. Shetah, her brother.⁷ She placed him between her husband and herself, saying. See what honour I pay you. He replied: It is not you who honour me but it is the Torah which honours me, as it is written, Exalt her and she shall promote thee,⁸ [she shall bring thee to honour when thou dost embrace her].⁹ He [Jannai] said to her: You see that he¹⁰ does not acknowledge any authority!¹¹ They gave him a cup of wine to say grace over.¹² He said: How shall I say the grace? [Shall I say] Blessed is He of whose sustenance Jannai and his companions have eaten? So he drank that cup, and they gave him another and he said grace over it. R. Abba the son of R. Hiyya b. Abba said: Simeon b. Shetah in acting thus¹³ followed his own view. For thus said R. Hiyya b. Abba in the name of Johanan: A man cannot say grace on behalf of others until he has eaten at least the size of an olive of corn food with them. Even as it was taught:¹⁴ R. Simeon b. Gamaliel says: If one went up [on the couch] and reclined with them, even though he only dipped [a little bit] with them in brine and ate only one fig with them, he can be combined with them [for zimmun]. Now he can be combined with them, but he cannot say grace on behalf of others until he eats the quantity of an olive of corn food. It has also been stated: R. Hanah b. Judah said in the name of Raba:

(1) Var. lec. from its sap; i.e., as soon as it begins to emerge from the stalk.

(2) To say the zimmun formula for ten, v. next Mishnah.

(3) Who ate corn while two or three ate vegetables.

(4) Aliter: If six were eating corn and four vegetables (omitting 'certainly'). Rashi's reading (which is found also in Ber. Rab. XCI) is: I am sorry I did not ask what is the rule if six eat (corn). This accords better with what follows.

(5) And even if he were to permit in the first case, he would not permit in the case of six.

(6) V. Kid. (Sonc. ed.) pp. 332ff. notes.

(7) Who was a Pharisaic leader and had been in hiding

(8) Prov. IV, 8.

(9) Cf. Eccles. XI, 1.

(10) Simeon b. Shetah.

(11) So according to some edd. Cur. edd.: He said to him, See how they (i.e., the Pharisees) do not accept my authority! His reply to the king was regarded by Jannai as an affront and evidence of the Pharisees' hostility to the throne.

(12) Though he had not joined in the meal.

(13) In saying grace without having eaten anything.

(14) So Bah. Cur. edd.: An objection was raised.

Talmud - Mas. Berachoth 48b

Even though he only dipped [a little bit] with them in brine or ate with them only one fig, he can be combined with them; but for saying grace on behalf of others he is not qualified until he eats the quantity of an olive of corn food with them. R. Hanah b. Judah said in the name of Raba: The law is that if he ate with them a vegetable-leaf and drank a cup of wine, he can be combined; but he cannot say grace on behalf of others until he eats with them the quantity of an olive of corn food.

R. Nahman said: Moses instituted for Israel the benediction 'Who feeds'¹ at the time when manna descended for them. Joshua instituted for them the benediction of the land² when they entered the land. David and Solomon instituted the benediction which closes 'Who buildest Jerusalem'.³ David instituted the words. 'For Israel Thy people and for Jerusalem Thy city',⁴ and Solomon instituted the words 'For the great and holy House'.⁴ The benediction 'Who is good and bestows good'⁵ was instituted in Jabneh with reference to those who were slain in Bethar. For R. Mattena said: On the day on which permission was given to bury those slain in Bethar,⁶ they ordained in Jabneh that 'Who is good and bestows good' should be said: 'Who is good', because they did not putrefy, and 'Who bestows good', because they were allowed to be buried.

Our Rabbis taught: The order of grace after meals is as follows. The first benediction is that of 'Who feeds'. The second is the benediction of the land. The third is 'Who buildest Jerusalem'. The fourth is 'Who is good and bestows good'. On Sabbath [the third blessing] commences with consolation and closes with consolation.⁷ and the holiness of the day is mentioned in the middle [of this blessing]. R. Eliezer says: If he likes he can mention it in the consolation, or he can mention it in the blessing of the land,⁸ or he can mention it in the benediction which the Rabbis instituted in Jabneh.⁹ The Sages, however, say that it must be said in the consolation blessing. The Sages say the same thing as the First Tanna? — They differ in the case where he actually did say it [in some other place].¹⁰

Our Rabbis taught: Where is the saying of grace intimated in the Torah? In the verse, And thou shalt eat and be satisfied and bless:¹¹ this signifies the benediction of 'Who feeds'.¹² 'The Lord Thy God': this signifies the benediction of zimmun.¹³ 'For the land': this signifies the blessing for the land. 'The good': this signifies 'Who buildest Jerusalem'; and similarly it says This good mountain and Lebanon.¹⁴ 'Which he has given thee': this signifies the blessing of 'Who is good and bestows good'. This accounts for the grace after [meals]; how can we prove that there should be a blessing before [food]? — You have an argument a fortiori; if when one is full he says a grace, how much more so should he do so, when he is hungry! Rabbi says: This argument is not necessary. 'And thou shalt eat and be satisfied and bless' signifies the benediction of 'Who feeds'. The responses of zimmun are derived from O magnify the Lord with me.¹⁵ 'For the land': this signifies the blessing of the land. 'The good': this signifies, 'Who buildest Jerusalem'; and so it says, 'This goodly mountain and Lebanon'. 'Who is good and bestows good' was instituted in Jabneh. This accounts for the grace after [meals]; whence do I learn that a blessing must be said before [food]? — Because it says, 'Which He has given thee', implying, as soon as He has given thee.¹⁶ R. Isaac says: This is not necessary. For see, it says, And He shall bless thy bread and thy water.¹⁷ Read not u-berak [and he shall bless] but u-barek [and say a blessing]. And when is it called 'bread'? Before it is eaten. R. Nathan says: This is not necessary. For see, it says, As soon as ye be come into the city ye shall straightway find him, before he go up to the high place to eat; for the people will not eat until he come, because he doth bless the sacrifice, and afterwards they eat that be bidden.¹⁸ Why did they¹⁹ make such a long story of it? Because²⁰ women are fond of talking. Samuel, however, says that it was so that they might feast their eyes on Saul's good looks, since it is written, From his shoulders

and upward he was higher than any of the people;²¹ while R. Johanan says it was because one kingdom cannot overlap another by a hair's breadth.²²

We have found warrant for blessing over food; whence do we derive it for the blessing over the Torah? R. Ishmael says: It is learnt a fortiori: If a blessing is said for temporal life, how much more should it be said for eternal life! R. Hiyya b. Nahmani, the disciple of R. Ishmael, said in the name of R. Ishmael: This is not necessary. For see, it says, 'For the good land which He has given thee', and in another place it says, And I will give thee the tables of stone and a law and commandments, etc.²³ (R. Meir says: Whence do we learn that just as one says a blessing for good hap, so he should say one for evil hap? — Because it says, Which the Lord thy God hath given thee, [as much as to say,] which He hath judged thee²⁴ — for every judgment which He has passed on thee, whether it is a doom of happiness or a doom of suffering.) R. Judah b. Bathyrah says: This is not necessary. For see, it says 'the good' where it need only have said 'good'. 'Good' signifies the Torah; and so it says, For I give you a good doctrine.²⁵ 'The good' signifies the building of Jerusalem; and so it says, This good mount and Lebanon.²⁶

It has been taught: If one does not say the words 'a desirable, good and extensive land' in the blessing of the land and does not mention the kingdom of the house of David in the blessing 'Who buildest Jerusalem', he has not performed his obligation. Nahum the Elder says: He must mention in it [the second blessing] the covenant. R. Jose says: He must mention in it the Torah. Pelimo says: He must mention the covenant before the Torah, since the latter was given with only three covenants²⁷

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- (1) The first benediction of the grace.
 - (2) The second benediction.
 - (3) The third benediction.
 - (4) In the third benediction.
 - (5) The fourth benediction.
 - (6) The scene of the last stand of the Bar Kocheba Wars, in 135 C.E.
 - (7) I.e., no change is made. The third blessing commences with 'Have mercy', and ends with a prayer for the rebuilding of Jerusalem, which is also a prayer for 'consolation'.
 - (8) I.e., the second.
 - (9) The fourth.
 - (10) In which case the First Tanna insists that it must be said again in the proper place.
 - (11) Deut. VIII. 10.
 - (12) This appears to be a mistake for 'zimmun'. V. Wilna Gaon Glosses.
 - (13) This appears to be a mistake for 'Who feeds'. V. Wilna Gaon Glosses.
 - (14) Deut. III, 25.
 - (15) Ps. XXXIV, 4.
 - (16) Even before partaking thereof.
 - (17) Ex. XXIII, 25.
 - (18) I Sam. IX, 13.
 - (19) The women who were talking to Saul.
 - (20) MS.M. inserts, Rab said: Hence (is proved) that women etc.
 - (21) Ibid. 2.
 - (22) Samuel's regime was destined to cease as soon as Saul's commenced.
 - (23) Ex. XXIV, 12; the derivation here is based on the principle of Gezerah Shawah.
 - (24) So Bah. Cur. edd.: 'Thy Judge', explaining the term 'thy God Elohim', which in Rabbinic thought represents God as Judge.
 - (25) Prov. IV, 2.
 - (26) The text is in disorder, v. D.S. a.l.
 - (27) At Mount Sinai (or the Tent of Meeting). at Mount Gerizim and in the plains of Moab.

Talmud - Mas. Berachoth 49a

but the former with thirteen.¹ R. Abba² says: He must express thanksgiving at the beginning and end of it, or at the very least once; and one who omits to do so at least once is blameworthy. And whoever concludes the blessing of the land with 'Who givest lands in inheritance' and 'Who buildest Jerusalem' with the words 'Saviour of Israel' is a boor.³ And whoever does not mention the covenant and the Torah in the blessing of the land and the kingdom of the house of David in 'Who buildest Jerusalem' has not performed his obligation. This supports R. Ela; for R. Ela said in the name of R. Jacob b. Aha in the name of our Teacher:⁴ 'Whoever omits to mention covenant and Torah in the blessing of the land and the kingdom of the house of David in 'Who buildest Jerusalem' has not performed his obligation. There is a difference of opinion between Abba Jose b. Dosethai and the Rabbis. One authority says that [God's] kingship must be mentioned in the blessing 'Who is good and bestows good', the other says it need not be mentioned. The one who says it must be mentioned holds that this blessing has only Rabbinic sanction,⁵ the one who says it need not be mentioned holds that it has Scriptural sanction.

Our Rabbis taught: How does one conclude the blessing of the building of Jerusalem? — R. Jose son of R. Judah says: Saviour of Israel. 'Saviour of Israel' and not 'Builder of Jerusalem'? Say rather, 'Saviour of Israel' also. Rabbah b. Bar Hanah was once at the house of the Exilarch. He mentioned one⁶ at the beginning of [the third blessing] and both at the end.⁷ R. Hisda said: Is it a superior way to conclude with two? And has it not been taught: Rabbi says that we do not conclude with two?

The [above] text [stated]: Rabbi says that we do not conclude with two. In objection to this Levi pointed out to Rabbi that we say 'for the land and for the food'?⁸ It means, [he replied] a land that produces food. [But we say,] 'for the land and for the fruits'?⁹ — [It means,] a land that produces fruits. [But we say,] 'Who sanctifiest Israel and the appointed seasons'?¹⁰ [It means,] Israel who sanctify the seasons. [But we say,] Who sanctifiest Israel and New Moons? — [It means,] Israel who sanctify New Moons. [But we say,] Who sanctifies the Sabbath, Israel and the seasons?¹¹ — This is the exception.¹² Why then should it be different? — In this case it¹³ is one act, in the other two, each distinct and separate.¹⁴ And what is the reason for not concluding with two? — Because we do not make religious ceremonies into bundles.¹⁵ How do we decide the matter? — R. Shesheth says: If one opens with 'Have mercy on Thy people Israel' he concludes with 'Saviour of Israel'; If he opens with 'Have mercy on Jerusalem', he concludes with 'Who buildest Jerusalem'. R. Nahman, however, said: Even if one opens with 'Have mercy on Israel', he concludes with 'Who buildest Jerusalem', because it says. The Lord doth build up Jerusalem. He gathereth together the dispersed of Israel,¹⁶ as if to say: When does God build Jerusalem? — When He gathereth the dispersed of Israel.

R. Zera said to R. Hisda: Let the Master come and teach us [grace]. He replied: The grace after meals I do not know myself, and shall I teach it to others? — He said to him: What do you mean? — Once, he replied. I was at the house of the Exilarch, and I said grace after the meal, and R. Shesheth stretched out his neck at me like a serpent,¹⁷ and why? — Because I had made no mention either of covenant or of Torah¹⁸ or of kingship.¹⁹ And why did you not mention them [asked R. Zera]? Because, he replied. I followed R. Hananel citing Rab; for R. Hananel said in the name of Rab: If one has omitted to mention covenant, Torah and kingship he has still performed his obligation: covenant, because it does not apply to women; 'Torah and kingship' because they apply neither to women nor to slaves. And you [he exclaimed] abandoned all those other Tannaim and Amoraim and followed Rab!

Rabbah b. Bar Hanah said in the name of R. Johanan: The blessing 'Who is good and bestows good' must contain mention of [God's] kingship. What does he tell us? That any benediction which does not contain mention of [God's] kingship is no proper blessing? R. Johanan has already said this

once!²⁰ R. Zera said: He tells us that it requires kingship to be mentioned twice,²¹ once for itself and once for the benediction ‘Who buildest Jerusalem’.²² If that is so, we should require three times, once for itself, once for ‘Who buildest Jerusalem’, and once for the blessing of the land?²³ Hence what you must say is: Why do we not require one for the blessing of the land? — Because it is a benediction closely connected with the one which precedes it. Then ‘Who buildest Jerusalem’ should also not require it, being a benediction closely connected with the one which precedes it? — The fact is that, strictly speaking, the blessing ‘Who buildest Jerusalem’ also does not require it, but since the kingdom of the house of David is mentioned,²⁴ it is not seemly that the kingship of heaven also should not be mentioned.²⁵ R. Papa said: What he [R. Johanan] meant is this: It requires two mentions of the kingship [of heaven] besides its own.²⁶

R. Zera was once sitting behind R. Giddal, and R. Giddal was sitting facing R. Huna, and as he [R. Giddal] sat, he said: If one forgot and did not mention in the grace Sabbath, he says, ‘Blessed be He who gave Sabbaths for rest to His people Israel in love for a sign and a covenant, blessed is He who sanctifies the Sabbath!’ He [R. Huna] said to him: Who made this statement? — He replied, Rab. He then continued: If one forgot and did not mention the festival, he says, ‘Blessed is He who gave holy days to His people Israel for joy and for remembrance, blessed is He who sanctifies Israel and the festivals’. He again asked him who made the statement, and he answered, Rab. He then continued: If one forgot and did not mention the New Moon, he says, ‘Blessed is He who gave New Moons to His people Israel for a remembrance’. But, said R. Zera: I do not know whether he also said that he must add ‘for joy’, or not, whether he concluded with a benediction or not, or whether he said it on his own authority or was repeating the words of his teacher.²⁷

Once when R. Giddal b. Manyumi was in the presence of R. Nahman, R. Nahman made a mistake [in the grace],²⁸

(1) The word of ‘covenant’ occurring thirteen times in the section of the circumcision of Abraham, Gen. XVII, 1-14.

(2) Rab is here intended, v. Marginal Gloss.

(3) Probably because he leaves out the reference to Palestine and Jerusalem; v. infra.

(4) This must refer to Rabbi, Rab, who is usually so designated, being excluded here, since Rab has already stated his view. (V. p. 294, n. 7.)

(5) Hence it is not a continuation of the preceding blessings, which are Scriptural; and therefore kingship must be mentioned afresh in it.

(6) Either Israel or Jerusalem. The third blessing begins ‘Have mercy . . . upon Israel Thy people and upon Jerusalem Thy city’.

(7) Of the third blessing.

(8) In concluding the second blessing.

(9) V. P.B. p. 289.

(10) Ibid. p. 229.

(11) V. P.B. p. 229.

(12) Israel do not sanctify the Sabbath by means of a formal proclamation, hence we cannot here apply the same explanation as in the case of festivals and New Moons.

(13) God's sanctifying of the Sabbath and Israel.

(14) Saving Israel and building Jerusalem.

(15) Cf. Pes. 102b.

(16) Ps. CXLVII. 2.

(17) In astonishment.

(18) In the second benediction.

(19) The kingship of the house of David in the third benediction.

(20) V. supra 40b.

(21) As in fact we find in the benediction of ‘Who is good etc.’, which begins with the formula, ‘Blessed art Thou . . . King of the Universe . . .’ and goes on, ‘Our father, our King . . .’.

- (22) Which does not conclude with the formula, 'Blessed art Thou . . . King of the universe,
 (23) Which also concludes without the kingship formula.
 (24) In the third blessing.
 (25) And therefore we repair the omission in the next benediction.
 (26) And in fact the benediction proceeds, 'Our father our King . . . the king who is good etc.'
 (27) Rab.
 (28) I.e., forgot to mention Sabbath or New Moon.

Talmud - Mas. Berachoth 49b

and he went back to the beginning. He said to him: What is the reason why your honour does this? — He replied: Because R. Shila said in the name of Rab: If one makes a mistake, he goes back to the beginning. But R. Huna has said in the name of Rab: If he goes wrong, he says, 'Blessed be He who gave [etc.]'? — He replied: Has it not been stated in reference to this that R. Menashia b. Tahalifa said in the name of Rab: This is the case only where he has not commenced, 'Who is good and bestows good'; but if he has commenced 'Who is good and bestows good', he goes back to the beginning.

R. Idi b. Abin said in the name of R. Amram quoting R. Nahman who had it from Samuel: If one by mistake omitted to mention New Moon in the Tefillah, he is made to begin again; if in the grace after meals, he is not made to begin again. Said R. Idi b. Abin to R. Amram: Why this difference between Tefillah and grace? — He replied: I also had the same difficulty, and I asked R. Nahman, and he said to me: From Mar Samuel personally I have not heard anything on the subject, but let us see for ourselves. [I should say that] in the case of Tefillah, which is obligatory, he is made to begin again, but in the case of a meal, which he can eat or not eat as he pleases, he is not made to begin again. But if that is so [said the other], in the case of Sabbaths and festivals, on which it is not possible for him to abstain from eating, I should also say that if he makes a mistake he must go back to the beginning? — He replied: That is so; for R. Shila said in the name of Rab: If one goes wrong, he goes back to the beginning. But has not R. Huna said in the name of Rab that if one goes wrong he says 'Blessed is He who gave [etc.]'? — Has it not been stated in reference to this that this is the case only if he has not commenced 'Who is good and bestows good', but if he has commenced, 'Who is good and bestows good', he goes back to the beginning?

HOW MUCH [MUST ONE HAVE EATEN] TO COUNT etc. This would seem to show that R. Meir's standard is an olive and R. Judah's an egg. But we understand the opposite, since we have learnt: Similarly, if one has left Jerusalem and remembers that he has in his possession holy flesh, if he has gone beyond Zofim¹ he burns it on the spot, and if not he goes back and burns it in front of the Temple with some of the wood piled on the altar. For what minimum quantity do they turn back? R. Meir says: In either case,² the size of an egg; R. Judah says: In either case the size of an olive.³ R. Johanan said: The names must be reversed. Abaye said: There is no need to reverse. In this case [of zimmun] they differ in the interpretation of a Scriptural text. R. Meir holds that 'thou shalt eat' refers to eating and 'thou shalt be satisfied' to drinking, and the standard of eating is an olive. R. Judah holds that 'And thou shalt eat and be satisfied' signifies an eating which gives satisfaction, and this must be as much as an egg. In the other case, they differ in their reasoning. R. Meir considers that the return for a thing should be analogous to its defilement; just as its defilement is conditioned by the quantity of an egg, so is the return for it conditioned by the quantity of an egg.⁴ R. Judah held that the return for it should be analogous to its prohibition. Just as the prohibition thereof comes into force for the quantity of an olive, so is the return for it conditioned by the quantity of an olive.

MISHNAH. WHAT IS THE FORMULA FOR ZIMMUN? IF THERE ARE THREE, HE [THE ONE SAYING GRACE] SAYS, 'LET US BLESS [HIM OF WHOSE BOUNTY WE HAVE EATEN]'. IF THERE ARE THREE BESIDE HIMSELF HE SAYS, 'BLESS'. IF THERE ARE TEN, HE SAYS, LET US BLESS OUR GOD'; IF THERE ARE TEN BESIDE HIMSELF HE

SAYS, 'BLESS'. IT IS THE SAME WHETHER THERE ARE TEN OR TEN MYRIADS.⁵ IF THERE ARE A HUNDRED HE SAYS, 'LET US BLESS THE LORD OUR GOD'; IF THERE ARE A HUNDRED BESIDE HIMSELF HE SAYS, 'BLESS'. IF THERE ARE A THOUSAND HE SAYS 'LET US BLESS THE LORD OUR GOD, THE GOD OF ISRAEL'; IF THERE ARE A THOUSAND BESIDE HIMSELF HE SAYS 'BLESS'. IF THERE ARE TEN THOUSAND HE SAYS, 'LET US BLESS THE LORD OUR GOD, THE GOD OF ISRAEL, THE GOD OF HOSTS, WHO DWELLS AMONG THE CHERUBIM, FOR THE FOOD WHICH WE HAVE EATEN'. IF THERE ARE TEN THOUSAND BESIDE HIMSELF HE SAYS, 'BLESS'. CORRESPONDING TO HIS INVOCATION THE OTHERS RESPOND, 'BLESSED BE THE LORD OUR GOD THE GOD OF ISRAEL, THE GOD OF HOSTS, WHO DWELLS AMONG THE CHERUBIM, FOR THE FOOD WHICH WE HAVE EATEN'. R. JOSE THE GALILEAN SAYS: THE FORMULA OF INVOCATION CORRESPONDS TO THE NUMBER ASSEMBLED, AS IT SAYS: BLESS YE GOD IN FULL ASSEMBLIES, EVEN THE LORD, YE THAT ARE FROM THE FOUNTAIN OF ISRAEL.⁶ SAID R. AKIBA: WHAT DO WE FIND IN THE SYNAGOGUE? WHETHER THERE ARE MANY OR FEW⁷ THE READER SAYS, 'BLESS YE THE LORD.'⁸ R. ISHMAEL SAYS: BLESS YE THE LORD WHO IS BLESSED.

GEMARA. Samuel said: A man should never exclude himself from the general body.⁹ We have learnt: IF THERE ARE THREE BESIDE HIMSELF HE SAYS 'BLESS'?¹⁰ —

(1) Mt. Scopus, the furthest point from which the Temple was still visible.

(2) The case of holy flesh just mentioned, and the case of leaven which one who is bringing the Paschal lamb remembers that he has not cleared out of his house.

(3) V. Pes. (Sonc. ed.) p. 23 notes.

(4) Less than the quantity of an egg does not communicate defilement in case of food.

(5) This is the opinion of R. Akiba, as appears infra.

(6) Ps. LXVIII, 27.

(7) Provided there are ten.

(8) V. P.B. p. 37 and p. 68.

(9) He should always say 'Let us bless'.

(10) Thus excluding himself from their company.

Talmud - Mas. Berachoth 50a

Read: he may also say 'Bless'; but all the same to say 'Let us bless' is preferable. For R. Adda b. Ahabah said: The school of Rab say: We have learnt that [a company consisting of from] six to ten may divide.¹ Now if you say that 'Let us bless' is preferable, we can see a reason why they should divide. But if you say that 'Bless' is preferable, why should they divide?² You must therefore conclude that 'Let us bless' is preferable; and so we do conclude.

It has been taught to the same effect: Whether he says 'Bless' or 'Let us bless', no fault is to be found with him for this. But those who are punctilious do find fault with him for this.³ And from the way a man says the benedictions it may be recognized whether he is a scholar or not. For example, Rabbi says: If he says 'and by his goodness', he is a scholar; if he says 'and from his goodness', he shows himself an ignoramus.⁴ Said Abaye to R. Dimi: But it is written, And from thy blessing let the house of thy servant be blessed for ever.⁵ — In a petition it is different.⁶ But of a petition also it is written, Open thy mouth wide and I will fill it?⁷ — That was written with reference to words of Torah. It has been taught: Rabbi says: If one says, 'And by his goodness we live', he shows himself a scholar; if he says 'they live', he shows himself an ignoramus.⁸ The scholars of Neharbel⁹ state the opposite,¹⁰ but the law is not as stated by the scholars of Neharbel. R. Johanan says: If one says 'let us bless Him of whose bounty we have partaken' he shows himself a scholar; if he says 'Let us bless the one of whose bounty we have partaken', he shows himself an ignoramus.¹¹ Said R. Aha the son

of Raba to R. Ashi: But do we not say 'We will bless the one who wrought for our ancestors and for us all these miracles'?¹² — He replied: There the meaning is obvious, for who performs miracles? The Holy One, blessed be He. R. Johanan said: If one says 'Blessed is He of whose bounty we have eaten', he shows himself a scholar. If he says, 'For the food which we have eaten',¹³ he shows himself an ignoramus. R. Huna the son of R. Joshua said: This is the case only where there are three, since the name of heaven is not mentioned [in the zimmun],¹⁴ but if there are ten, since the name of heaven is mentioned, it is clear what is meant, as we have learnt: CORRESPONDING TO HIS INVOCATION THE OTHERS RESPOND, 'BLESSED BE THE LORD OUR GOD, THE GOD OF ISRAEL, THE GOD OF HOSTS, WHO DWELLS AMONG THE CHERUBIM, FOR THE FOOD WHICH WE HAVE EATEN.'

IT IS THE SAME WHETHER THERE ARE TEN OR TEN MYRIADS. There seems here to be a contradiction. You say, IT IS THE SAME WHETHER THERE ARE TEN OR TEN MYRIADS, which would show that they are all alike. Then it states: IF THERE ARE A HUNDRED HE SAYS so and so, IF THERE ARE A THOUSAND HE SAYS, IF THERE ARE TEN THOUSAND HE SAYS? — R. Joseph said: There is no contradiction; the one statement expresses the view of R. Akiba, the other of R. Jose the Galilean, since we have learnt: R. JOSE THE GALILEAN SAYS: THE FORMULA OF INVOCATION CORRESPONDS TO THE NUMBER ASSEMBLED, AS IT SAYS: BLESS YE GOD IN ALL ASSEMBLIES, EVEN THE LORD, YE THAT ARE FROM THE FOUNTAIN OF ISRAEL.

SAID R. AKIBA: WHAT DO WE FIND IN THE SYNAGOGUE etc. And what does R. Akiba make of the verse cited by R. Jose the Galilean? — He wants it for the following lesson, as it has been taught: R. Meir used to say: Whence do we learn that even children [yet unborn] in their mothers' womb chanted a song by the Red Sea? — Because it says, Bless ye the Lord in full assemblies, even the Lord, ye that are from the fountain of Israel.¹⁵ What says the other [R. Jose] to this? — He derives the lesson from the word 'fountain'.

Raba said: The halachah is as laid down by R. Akiba. Rabina and R. Hama b. Buzi once dined at the house of the Exilarch, and R. Hama got up and commenced to look about for a hundred. Said Rabina to him: There is no need for this. For thus said Raba: The halachah is as stated by R. Akiba.

Raba said: When we take a meal at the house of the Exilarch, we say grace in groups of three.¹⁶ Why not in groups of ten?¹⁷ — Because the Exilarch might hear them and be angry.¹⁸ But could not the grace of the Exilarch suffice for them? — Since everybody would respond loudly, they would not hear the one who says grace.

Raba Tosfa'ah said: If three persons had a meal together and one said grace for himself before the others, his zimmun is effective for them but theirs is not effective for him,¹⁹ since zimmun cannot be said out of its place.²⁰

R. ISHMAEL SAYS. Rafram b. Papa once attended the synagogue of Abi Gobar.²¹ He was called up to read in the Scroll and he said, 'Bless ye the Lord' and stopped, without adding 'who is to be blessed'. The whole congregation cried out, 'Bless ye the Lord who is to be blessed'. Raba said to him: You black pot!²² Why do you want to enter into controversy?²³ And besides, the general custom is to use the formula of R. Ishmael.

MISHNAH. IF THREE PERSONS HAVE EATEN TOGETHER THEY MAY NOT SEPARATE [FOR GRACE].²⁴ SIMILARLY WITH FOUR AND SIMILARLY WITH FIVE.²⁵ SIX MAY DIVIDE,²⁶ [AND HIGHER NUMBERS] UP TO TEN; BETWEEN TEN AND TWENTY THEY MAY NOT DIVIDE. IF TWO GROUPS EAT IN THE SAME ROOM, AS LONG AS SOME OF THE ONE CAN SEE SOME OF THE OTHER THEY COMBINE [FOR ZIMMUN], BUT

OTHERWISE EACH GROUP MAKES ZIMMUN FOR ITSELF. A BLESSING IS NOT SAID OVER THE WINE UNTIL WATER IS PUT IN IT.²⁷ SO R. ELIEZER. THE SAGES, HOWEVER, SAY THAT THE BLESSING MAY BE SAID.

GEMARA. What does this tell us? We have already learnt it once: Three persons who have eaten together must say zimmun?²⁸ — This teaches us the same thing as was stated by R. Abba in the name of Samuel: If three persons have sat down to eat, even though they have not yet commenced, they are not at liberty to separate. Another version: R. Abba said in the name of Samuel: What is meant is this: if three persons sit down to eat together, even though each eats of his own loaf, they are not at liberty to separate. Or [it may teach us] the same as R. Huna; for R. Huna said: If three persons from these groups come together,²⁹ they are not at liberty to separate.³⁰ R. Hisda said: This is only if they come from three groups of three men each.³¹ Raba said:

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- (1) I.e., form groups of three or four. But ten may not divide, since they will not then be able to say 'Our God'.
 - (2) Rashi reads: 'Why should six divide?' If they form two groups of three, neither can say 'bless'.
 - (3) For excluding himself from the group.
 - (4) Because he belittles the goodness of the Almighty.
 - (5) 11 Sam. VII, 29.
 - (6) The Petitioner likes to be modest in his request.
 - (7) Ps. LXXXI, 11.
 - (8) Because he excludes himself from their company.
 - (9) Neharbel, east of Bagdad.
 - (10) Taking 'they live' to refer to the whole of mankind.
 - (11) Because this form may be taken to refer to the host.
 - (12) In the Haggadah on Passover eve.
 - (13) Without assigning its ownership to God.
 - (14) In the responses 'Let us bless our God'.
 - (15) The lesson being derived from the word 'assemblies'.
 - (16) Before the Exilarch finishes and says grace.
 - (17) So as to add the word 'Our God'.
 - (18) At their not waiting for him.
 - (19) I.e., he does not perform the mizwah of zimmun.
 - (20) V. supra. p. 278. n. 6.
 - (21) Be Gobar, in the vicinity of Mahuzah.
 - (22) Probably he was of swarthy complexion.
 - (23) I.e., follow a minority view.
 - (24) But must say zimmun together.
 - (25) One or two may not say grace for themselves.
 - (26) Into two groups of three.
 - (27) To dilute it, otherwise it is too strong to be drunk.
 - (28) V. supra 45b.
 - (29) Each having left his group for one reason or another.
 - (30) But they must say grace together even though they have not eaten together.
 - (31) So that each of them was under the obligation of zimmun.

Talmud - Mas. Berachoth 50b

This applies only if the groups had not already counted them for zimmun; but if they had reckoned upon them where they were,¹ the obligation of zimmun has departed from them. Said Raba: Whence do I derive this rule? Because we have learnt: If the half of a bed has been stolen or lost, or if a bed has been divided by brothers or partners, it cannot receive uncleanness. If it is restored [to its original state] it can receive uncleanness thenceforward. Thenceforward it can, but not

retrospectively.² This shows that from the time it was divided, uncleanness no longer attached to it.³ So here, once they had used them for zimmun, the obligation of zimmun no longer attached to them.⁴

TWO GROUPS etc. A Tanna taught: If there is an attendant waiting on both, the attendant combines them.⁵

A BLESSING IS NOT SAID OVER WINE. Our Rabbis taught: If wine has not yet been mixed with water, we do not say over it the blessing 'Who createst the fruit of the vine',⁶ but 'Who createst the fruit of the tree', and it can be used for washing the hands.⁷ Once water has been mixed with it, we say over it the blessing 'Who createst the fruit of the vine', and it may not be used for washing the hands. So R. Eliezer. The Sages, however, say: In either case we say over it the blessing 'Who createst the fruit of the vine', and we do not use it for washing the hands. Whose view is followed in this statement of Samuel: A man may use bread for any purpose he likes?⁸ — Whose view? That of R. Eliezer. R. Jose son of R. Hanina said: The Sages agree with R. Eliezer in the matter of the cup of wine used for grace, that a blessing should not be said over it until water has been added. What is the reason? — R. Oshaiah said: For a religious ceremony we require the best. And according to the Rabbis — for what kind of drink is undiluted wine suitable? — It is suitable for [mixing with] karyotis.⁹

Our Rabbis taught: Four things have been said with reference to bread. Raw meat should not be placed on bread; a full cup should not be passed along over bread;¹⁰ bread should not be thrown; and a dish should not be propped up on bread. Amemar and Mar Zutra and R. Ashi were once taking a meal together. Dates and pomegranates were served to them, and Mar Zutra took some and threw them in front of R. Ashi as his portion. He said to him: Does not your honour agree with what has been taught, that eatables should not be thrown? — [He replied]: That was laid down with reference to bread. But it has been taught that just as bread is not to be thrown, so eatables should not be thrown? But, he replied, it has also been taught that although bread is not to be thrown, eatables may be thrown? But in fact there is no contradiction; one statement refers to things which are spoilt by throwing,¹¹ the other to things which are not spoilt.

Our Rabbis taught: Wine can be run through pipes¹² before the bridegroom and the bride, and roasted ears of corn and nuts may be thrown in front of them in the summer season but not in the rainy season;¹³ while cakes may not be thrown in front of them either in the summer or the rainy season.¹⁴

Rab Judah said: If one forgot and put food into his mouth without saying a blessing, he shifts it to the side of his mouth and says the blessing. One [Baraita] taught that he swallows it, and another taught that he spits it out, and yet another taught that he shifts it to one side. There is no contradiction. Where it says that he swallows it, the reference is to liquids; where it says that he spits it out, the reference is to something which is not spoilt thereby; and when it says that he shifts it, the reference is to something which would be spoilt [by being spat out].

(1) I.e., if the party to which they belonged consisted of four persons each and they had left only after their respective parties has said the zimmun formula introducing the grace.

(2) Kelim XVIII, 9.

(3) An incomplete article does not contract defilement.

(4) Lit., 'flew away from them'.

(5) Even though they do not see one another.

(6) Because as yet it shows no improvement over its original condition. This, of course, refers to the very strong wine of the ancients.

(7) Like fruit juice.

(8) I.e., wiping his hands after a meal, in spite of the general rule that food must not be wasted.

(9) A kind of date with the shape of a nut, used for medicinal purpose.

(10) For fear some should spill on the bread.

(11) I.e., ripe, juicy figs.

(12) This was done either as a symbol of prosperity, or for the purpose of diffusing a pleasant odour; it could be caught up in cups and so not wasted.

(13) Because they may be spoiled by the muddy roads.

(14) Because in either case they may be spoiled.

Talmud - Mas. Berachoth 51a

But why should he not also shift to one side anything which would not be spoiled and say the blessing? — R. Isaac Kaskasa'ah¹ gave the reason in the presence of R. Jose son of R. Abin, quoting R. Johanan: Because it says, My mouth shall be filled with Thy praise.²

R. Hisda was asked: If one has eaten and drunk without saying a blessing, should he say the blessing afterwards? — He replied: If one has eaten garlic so that his breath smells, should he eat more garlic so that his breath should go on smelling?³ Rabina said: Therefore⁴ even if he has finished his meal he should say the blessing retrospectively, since it has been taught: If a man has taken a ritual immersion and come out of the water, he should say on his emerging, 'Blessed be He who has sanctified us with His commandments and commanded us concerning immersion'. This, however, is not correct. In that case [of immersion] the man at the outset was not in a fit state to say a blessing;⁵ in this case the man at the outset was in a fit state, and once it has been omitted it must remain omitted.

Our Rabbis taught: Asparagus brew⁶ is good for the heart and good for the eyes, and, needless to say, for the bowels. If one uses it regularly it is good for the whole body, but if one gets drunk on it it is bad for the whole body. Since it is stated that it is good for the heart, we infer that we are dealing with a brew of wine. Yet it states that it is, needless to say, good for the bowels; but surely it has been taught: For La'AT⁷ it is good. for Ramat⁸ it is bad? — Our statement⁹ was made with reference to a brew of old wine,¹⁰ as we have learnt: If one takes a vow to abstain from wine because it is bad for the bowels and they say to him, Is not the old wine good for the bowels, and he says nothing, he is forbidden to drink new wine but permitted to drink old wine.¹¹ This proves [that we are dealing with old wine].

Our Rabbis taught: Six things were said with reference to asparagus. It is only taken when the wine is undiluted and from a [full] cup; it is received in the right hand and held in the left hand when drunk; one should not talk after drinking it, nor stop in the middle of drinking it, and it should be returned only to the person who served it; one should spit after drinking it, and he should take immediately after it¹² only something of the same kind. But it has been taught: He should take immediately after it only bread? — There is no contradiction: the one statement applies to a brew of wine, the other to a brew of beer.

One [authority] teaches: It is good for La'AT and bad for Ramat, while another teaches that it is good for Ramat and bad for La'AT! There is no contradiction: one statement speaks of a brew of wine, the other of a brew of beer. One [authority] teaches that if he spits after it he will suffer, another that if he does not spit after it he will suffer! There is no contradiction: the one statement speaks of a brew of wine, the other of a brew of beer. R. Ashi said: Now that you say that if he does not spit after it he will suffer, he should eject the liquid even in the presence of a king.

R. Ishmael b. Elisha said: Three things were told me by Suriel the Officer of the [Divine] Presence.¹³ Do not take your shirt from the hand of your attendant when dressing in the morning,¹⁴ and do not let water be poured over your hands by one who has not already washed his own hands,

and do not return a cup of asparagus brew to anyone save the one who has handed it to you, because a company of demons (according to others, a band of destroying angels) lie in wait for a man and say, When will the man do one of these things so that we can catch him.

R. Joshua b. Levi says: Three things were told me by the Angel of Death. Do not take your shirt from your attendant when dressing in the morning, and do not let water be poured on your hands by one who has not washed his own hands,¹⁵ and do not stand in front of women when they are returning from the presence of a dead person, because I go leaping in front of them with my sword in my hand, and I have permission to harm. If one should happen to meet them what is his remedy? — Let him turn aside four cubits; if there is a river, let him cross it, and if there is another road let him take it, and if there is a wall, let him stand behind it;¹⁶ and if he cannot do any of these things, let him turn his face away and say, And the Lord said unto Satan, The Lord rebuke thee, O Satan etc.,¹⁷ until they have passed by.

R. Zera said in the name of R. Abbahu — according to others, it was taught in a Baraita: Ten things have been said in connection with the cup used for grace after meals. It requires to be rinsed and washed, it must be undiluted and full, it requires crowning and wrapping,¹⁸ it must be taken up with both hands and placed in the right hand, it must be raised a handbreadth from the ground, and he who says the blessing must fix his eyes on it. Some add that he must send it round to the members of his household. R. Johanan said: We only know of four: rinsing, washing, undiluted and full. A Tanna taught: Rinsing refers to the inside, washing to the outside. R. Johanan said: Whoever says the blessing over a full cup is given an inheritance without bounds, as it says, And full with the blessing of the Lord; possess thou the sea and the south.¹⁹ R. Jose son of R. Hanina says: He is privileged to inherit two worlds, this world and the next. ‘Crowning’: Rab Judah crowned it with disciples;²⁰ R. Hisda surrounded it with cups. ‘And undiluted’: R. Shesheth said: Up to the blessing of the land.²¹ ‘Wrapping’: R. Papa used to wrap himself in his robe and sit down [to say grace over a cup]; R. Assi spread a kerchief over his head. ‘It is taken in both hands’: R. Hinena b. Papa said: What is the Scriptural warrant for this? — Lift up your hands in holiness and bless ye the Lord.²² ‘And placed in the right hand’. R. Hiyya b. Abba said in the name of R. Johanan: The earlier [students] asked: Should the left hand support the right? — R. Ashi said: Since the earlier [students] inquired and the question was not decided

(1) The reading is not certain.

(2) Ps. LXXI, 8. There should be no room for anything besides the benediction.

(3) I.e., having made one mistake, should he make another by not saying a blessing over the part he has still to eat (Maharsha).

(4) Since he stops in the middle to say the blessing which he did not say at the beginning.

(5) Having been unclean.

(6) A beverage made by soaking certain roots in wine or beer.

(7) L == leb (heart); ‘A == ‘ayin (eyes); T == tehol (milt).

(8) R == rosh (head); M == me‘ayim (bowels); T == tahtonioth (piles).

(9) Lit., ‘that’.

(10) At least three years old (Rashi).

(11) Ned. 66a.

(12) Lit., ‘he must only support it with’. (9) According to Rashi, bread should be taken after wine; according to the Aruch, after beer.

(13) I.e., an angel of high rank.

(14) But get it yourself.

(15) MS.M. inserts: and do not return the cup of asparagus brew to anyone save the one who has handed it to you. Do not enter alone a synagogue in which children are not being taught, because I hide there my weapons; and when there is a pestilence raging in the city do not walk in the middle of the road but on the side, and when there is peace in the city, do not walk on the side but in the middle of the road.

(16) MS.M. inserts: and turn his face to the wall.

(17) Zech. III, 2.

(18) This is explained infra.

(19) Deut. XXXIII, 23.

(20) I.e., made them sit around him.

(21) I.e., up to this point he leaves it undiluted, then he adds water. This is the reading of Alfasi; the reading of our text which has the words 'R. Hanan said' before 'and undiluted' is not intelligible.

(22) Ps. CXXXIV, 2.

Talmud - Mas. Berachoth 51b

we will follow the more stringent view.¹ 'He raises it a handbreadth from the ground': R. Aha b. Hanina said: What Scriptural text have we for this? — I will lift up the cup of salvation and call upon the name of the Lord.² 'He fixes his eyes on it': so that his attention should not wander from it. 'He sends it round to the members of his household': so that his wife may be blessed.

'Ulla was once at the house of R. Nahman. They had a meal and he said grace, and he handed the cup of benediction to R. Nahman. R. Nahman said to him: Please send the cup of benediction to Yaltha.³ He said to him: Thus said R. Johanan: The fruit of a woman's body is blessed only from the fruit of a man's body, since it says, He will also bless the fruit of thy body.⁴ It does not say the fruit of her body, but the fruit of thy body. It has been taught similarly: Whence do we know that the fruit of a woman's body is only blessed from the fruit of a man's body? Because it says: He will also bless the fruit of thy body. It does not say the fruit of her body, but the fruit of thy body. Meanwhile Yaltha heard,⁵ and she got up in a passion and went to the wine store and broke four hundred jars of wine. R. Nahman said to him: Let the Master send her another cup. He sent it to her with a message: All that wine⁶ can be counted as a benediction. She returned answer: Gossip comes from pedlars and vermin from rags.⁷

R. Assi said: One should not speak over the cup of benediction.⁸ R. Assi also said: One should not speak over the cup of punishment. What is the cup of punishment? — R. Nahman b. Isaac said: a second cup.⁹ It has been taught similarly: He who drinks an even number¹⁰ should not say grace,¹¹ because it says, Prepare to meet thy God, O Israel,¹² and this one is not fitly prepared.

R. Abbahu said (according to others, it was taught in a Baraita): One who eats as he walks says grace standing; if he eats standing up he says grace sitting; if he eats reclining he sits up to say grace. The law is that in all cases he says grace sitting.

CHAPTER VIII

MISHNAH. THESE ARE THE POINTS [OF DIFFERENCE] BETWEEN BETH SHAMMAI AND BETH HILLEL IN RELATION TO A MEAL. BETH SHAMMAI SAY THAT THE BENEDICTION IS FIRST SAID OVER THE DAY¹³ AND THEN OVER THE WINE, WHILE BETH HILLEL SAY THAT THE BENEDICTION IS FIRST SAID OVER THE WINE AND THEN OVER THE DAY. BETH SHAMMAI SAY THAT WASHING THE HANDS PRECEDES THE FILLING OF THE CUP,¹⁴ WHILE BETH HILLEL SAY THAT THE FILLING OF THE CUP PRECEDES THE WASHING OF THE HANDS. BETH SHAMMAI SAY THAT AFTER WIPING HIS HANDS WITH A NAPKIN THE DINER PLACES IT ON THE TABLE, WHILE BETH HILLEL SAY THAT HE PLACES IT ON THE CUSHION.¹⁵ BETH SHAMMAI SAY THAT [AFTER THE MEAL] THE FLOOR IS SWEEPED BEFORE THE WASHING OF THE HANDS,¹⁶ WHILE BETH HILLEL SAY THAT [THE DINERS] WASH THEIR HANDS AND THEN THE FLOOR IS SWEEPED. BETH SHAMMAI SAY THAT [THE PROPER ORDER¹⁷ IS] LIGHT, GRACE, SPICES, AND HABDALAH, WHILE BETH HILLEL SAY: LIGHT, SPICES, GRACE,

AND HABDALAH.¹⁸ BETH SHAMMAI SAY [THAT THE BLESSING OVER LIGHT CONCLUDES WITH THE WORDS], WHO CREATED THE LIGHT OF THE FIRE, WHILE BETH HILLEL SAY [THAT THE WORDS ARE], WHO IS CREATING THE LIGHTS OF THE FIRE.

A BENEDICTION MAY NOT BE SAID OVER THE LIGHTS OR THE SPICES OF IDOLATERS OR OVER THE LIGHTS OR THE SPICES OF DEAD,¹⁹ OR OVER THE LIGHTS OR THE SPICES OF IDOLATRY, AND A BLESSING IS NOT SAID OVER THE LIGHT UNTIL IT HAS BEEN UTILIZED.

IF ONE HAS EATEN AND FORGOTTEN TO SAY GRACE, BETH SHAMMAI SAY THAT HE MUST RETURN TO THE PLACE WHERE HE ATE AND SAY THE GRACE, WHILE BETH HILLEL SAY THAT HE SHOULD SAY IT IN THE PLACE WHERE HE REMEMBERED. UNTIL WHEN CAN HE SAY THE GRACE? UNTIL SUFFICIENT TIME HAS PASSED FOR THE FOOD IN HIS STOMACH TO BE DIGESTED. IF WINE IS SERVED TO THEM AFTER THE FOOD, AND THAT IS THE ONLY CUP THERE, BETH SHAMMAI SAY THAT A BLESSING IS FIRST SAID OVER THE WINE AND THEN [THE GRACE] OVER THE FOOD, WHILE BETH HILLEL SAY THAT A BLESSING IS FIRST SAID OVER THE FOOD AND THEN OVER THE WINE. ONE SAYS AMEN AFTER A BLESSING SAID BY AN ISRAELITE BUT NOT AFTER A BLESSING SAID BY A CUTHEAN, UNLESS THE WHOLE OF IT HAS BEEN HEARD.²⁰

GEMARA. Our Rabbis taught: The points of difference between Beth Shammai and Beth Hillel in relation to a meal are as follows: Beth Shammai say that the blessing is first said over the [sanctity of] the day and then over the wine, because it is on account of the day that the wine is used, and [moreover] the day has already become holy²¹ before the wine has been brought. Beth Hillel say that a blessing is said over the wine first and then over the day, because the wine provides the occasion for saying a benediction.²² Another explanation is that the blessing over wine is said regularly²³ while the blessing of the day is said only at infrequent intervals, and that which comes regularly always has precedence over that which comes infrequently. The halachah is as laid down by Beth Hillel. What is the point of the 'other explanation'? — Should you say that there [in explanation of Beth Shammai's view] two reasons are given and here [in explanation of Beth Hillel's] only one, we reply, there are two here also, [the second one being that] the blessing over wine is regular and the blessing of the day infrequent, and that which is regular has precedence over that which is infrequent, 'And the halachah is as stated by Beth Hillel'. This is self-evident, for the Bath Kol²⁴ went forth [and proclaimed so]!²⁵ If you like I can reply that this statement was made before the Bath Kol [had issued forth], and if you like I can say that it was made after the Bath Kol

(1) And do not support with the left.

(2) Ibid. CXVI, 13.

(3) R. Nahman's wife.

(4) Deut. VII, 13.

(5) That 'Ulla had refused to send her the cup.

(6) I.e., all the wine of the flask from which the cup of benediction was poured.

(7) As much as to say, what could he expected from a man like 'Ulla.

(8) Once it is taken up for grace, it is not permitted to speak.

(9) Even numbers were supposed to be unlucky.

(10) Lit., 'Doubles'.

(11) Probably it means, lead in the grace.

(12) Amos IV, 12.

(13) E.g., Sabbath or festival.

(14) The cup of benediction drunk before meals, v. supra 43a.

- (15) The reason is given in the Gemara.
- (16) The 'latter water' before grace.
- (17) After a meal on the conclusion of the Sabbath or festival when habdalah (v. Glos.) has to be said.
- (18) I.e., the principal benediction in the habdalah, v. Glos.
- (19) Used at a funeral, cf. Roman turibula and faces.
- (20) For fear he may have made all allusion to Mount Gerizim.
- (21) At sunset or before by the formal acceptance of the sanctity of the day in prayers or otherwise.
- (22) If there is no wine or its equivalent, no benediction is said.
- (23) I.e., practically every day.
- (24) Lit., 'daughter of a voice', 'A heavenly voice'.
- (25) V. 'Er. 13b.

Talmud - Mas. Berachoth 52a

and that it represents the view of R. Joshua, who said that we pay no attention to a Bath Kol.¹

But do Beth Shammai hold that the blessing over the day is more important, seeing that it has been taught: 'When one goes into his house on the outgoing of Sabbath, he says blessings over wine and light and spices and then he says the habdalah [benediction].² If he has only one cup, he keeps it for after the meal and then says the other blessings in order after it? — But how do you know that this represents the view of Beth Shammai? Perhaps it represents the view of Beth Hillel? — Do not imagine such a thing. For it mentions first light and then spices; and who is it that we understand to hold this view? Beth Shammai, as it has been taught: R. Judah says: Beth Shammai and Beth Hillel concurred in holding that the grace after food comes first and the habdalah [benediction] last. In regard to what did they differ? In regard to the light and the spices, Beth Shammai holding that light should come first and then spices, and Beth Hillel that spices should come first and then light. And how do you know that this represents the view of Beth Shammai as reported by R. Judah? Perhaps it represents the view of Beth Hillel as reported by R. Meir!³ — Do not imagine such a thing. For it states here, BETH SHAMMAI SAY, LIGHT, GRACE AND SPICES, AND HABDALAH; WHILE BETH HILLEL SAY LIGHT, SPICES, GRACE, AND HABDALAH, and there in the Baraita it says, 'If he has only one cup he keeps it for grace and says the others in order after it'. This shows that it represents the view of Beth Shammai as reported by R. Judah. In any case there is a difficulty?⁴ — Beth Shammai hold that the entrance of a [holy] day is different from its outgoing. At its entrance, the earlier we can make it the better, but at its exit, the longer we can defer it the better, so that it should not seem to be a burden on us.

But do Beth Shammai hold that grace requires a cup [of wine] seeing that we have learnt: IF WINE IS SERVED TO THEM AFTER THE FOOD,⁵ AND THAT IS THE ONLY CUP THERE, BETH SHAMMAI SAY THAT A BLESSING IS FIRST SAID OVER THE WINE AND THEN [THE GRACE] OVER THE FOOD. Does not this mean that he says a blessing over it and drinks it?⁶ No; he says a blessing over it and puts it aside.⁷ But a Master has said: [After saying the blessing] one must taste it? — He does taste it. But a Master has said: If he tastes it he spoils it?⁸ — He tastes it with his finger. But a Master has said: The cup of benediction must have a certain quantity, and he diminishes it? — We must suppose that he has more than the prescribed quantity. But it says, 'If there is only that cup'? — There is not enough for two but more than enough for one. But R. Hiyya taught: Beth Shammai say that he says a blessing over wine and drinks it and then says grace? — Two Tannaim report Beth Shammai differently.⁹

BETH SHAMMAI SAY etc. Our Rabbis taught: Beth Shammai say that washing of the hands precedes the filling of the cup. For should you say that the filling of the cup comes first, there is a danger lest liquid on the back of the cup will be rendered unclean through one's hands and it in turn will render the cup unclean. But would not the hands make the cup itself unclean? — Hands receive

uncleanness in second degree,¹⁰ and that which has received uncleanness in the second degree cannot pass on the uncleanness to a third degree in the case of non-sacred things, save through liquids.¹¹ Beth Hillel, however, say that the cup is first filled and then the hands are washed. For if you say that the hands are washed first, there is a danger lest the liquid on the hands should become unclean through the cup¹² and should then in turn make the hands unclean. But would not the cup make the hands themselves unclean? — A vessel does not make a man unclean. But would not [the cup] render unclean the liquid inside it? — We are here dealing with a vessel the outside of which has been rendered unclean by liquid, in which case its inside is clean and its outside unclean, as we have learnt: If the outside of a vessel has been rendered unclean by liquids, its outside is unclean

(1) 'Er. 7a.

(2) Which is the blessing of the day.

(3) *Infra*.

(4) That Beth Shammai seem to give precedence to the blessing over wine over that of the day.

(5) But before grace has been said.

(6) That is if he wishes, he can drink the wine before the grace.

(7) To serve as the cup of benediction.

(8) For other ceremonial purposes.

(9) R. Hiyya reporting them as saying that the grace after meals does not require a cup of benediction.

(10) They are rendered unclean by something which has become unclean through touching something by its nature unclean.

(11) This is a Rabbinic rule enunciated in *Toh. II, 3*.

(12) Supposing that this happens to be unclean.

Talmud - Mas. Berachoth 52b

while its inside, its rim, its handle and its haft are clean. If its inside has been rendered unclean, it is all unclean. What is the point at issue between them? — Beth Shammai hold that it is forbidden to use a vessel the outside of which has been rendered unclean by liquids for fear of drippings,¹ and consequently there is no need to fear that the liquid on the hands will be rendered unclean by the cup.² Beth Hillel on the other hand hold that it is permitted to use a vessel the outside of which has been rendered unclean by liquids, considering that drippings are unusual, and consequently there is a danger lest the liquid on the [undried] hands should be rendered unclean through the cup.³ Another explanation is, so that the meal should follow immediately the washing of the hands. What is the point of this 'other explanation'? — Beth Hillel argued thus with Beth Shammai: Even from your standpoint, that it is forbidden to use a vessel the outside of which has been rendered unclean by liquids, for fear of drippings, even so our ruling is superior, because the washing of the hands is immediately followed by the meal.

BETH SHAMMAI SAY THAT AFTER WIPING HIS HAND WITH THE NAPKIN etc. Our Rabbis taught: Beth Shammai say that [the diner] after wiping his hands with the napkin places it on the table. For if you say that he places it on the cushion, there is a danger lest liquid on the napkin may be rendered unclean through the cushion and then in turn render the hands unclean. But will not the cushion make the napkin itself unclean? — One vessel does not render another unclean. But will not the cushion make the man himself unclean? — A vessel does not render a man unclean. Beth Hillel, however, say that he puts it on the cushion. For if you say that he puts it on the table there is a fear lest the liquid on the napkin should be rendered unclean through the table and should in turn render the food unclean. But will not the table render the food on it unclean? — We are dealing here with a table which is unclean in the second degree, and that which is unclean in the second degree does not pass on uncleanness to a third degree in the case of non-sacred things, save through the medium of liquids. What is the point at issue between them? — Beth Shammai hold that it is forbidden to use a table which is unclean in the second degree for fear lest it may be used by persons

eating terumah⁴, while Beth Hillel hold that it is permissible to use a table which is unclean in the second degree since persons who eat terumah are careful [to avoid such]. Another explanation is that washing of hands for non-sacred food is not prescribed by the Torah. What is the point of the 'other explanation'? — Beth Hillel argued thus with Beth Shammai: Should you ask what reason is there for being particular in the case of food⁵ and not being particular in the case of hands, even granting this, our rule is better, since washing of hands for non-sacred food is not prescribed by the Torah. It is better that hands, the rule for which has no basis in the Torah, should become unclean, rather than food, the rule for which has a basis in the Torah.

BETH SHAMMAI SAY THAT THE FLOOR IS SWEEPED etc. Our Rabbis taught: Beth Shammai say: The floor is swept and then they wash their hands. For should you say that the hands are washed first, the result might be to spoil the food. (Beth Shammai do not hold that the washing of the hands comes first.)⁶ What is the reason? — On account of the crumbs [of bread]. Beth Hillel, however, say that if the attendant is a scholar, he removes the crumbs which are as large as an olive and leaves those which are smaller than an olive. This supports the dictum of R. Johanan; for R. Johanan said: It is permissible to destroy wilfully crumbs [of bread] smaller than an olive.⁷ What is the ground of their difference? — Beth Hillel hold that it is not permissible to employ an attendant who is an 'am ha-arez,⁸ while Beth Shammai hold that it is permissible to employ an attendant who is an 'am ha-arez. R. Jose b. Hanina said in the name of R. Huna: In all this chapter the halachah is as stated by Beth Hillel, save in this point where it is as stated by Beth Shammai. R. Oshaia, however, reverses the teaching⁹ and in this point also the halachah follows Beth Hillel.

BETH SHAMMAI SAY, LIGHT, GRACE, etc. R. Huna b. Judah was once at the house of Raba, and he saw Raba say the blessing over spices first.¹⁰ He said to him: Let us see. Beth Shammai and Beth Hillel do not differ with respect to the light [that it should come first], as we learnt: **BETH SHAMMAI SAY, [THE ORDER IS] LIGHT, GRACE, SPICES, AND HABDALAH, WHILE BETH HILLEL SAY THAT IT IS LIGHT, SPICES, GRACE AND HABDALAH!** — Raba answered after¹¹ him: These are the words of R. Meir, but R. Judah said: Beth Shammai and Beth Hillel agreed that grace comes first and habdalah last. Where they differed was in respect of light and spices, Beth Shammai maintaining that light comes first and then spices, while Beth Hillel held that spices comes first and then light; and R. Johanan has stated: The public have adopted the custom of following Beth Hillel as reported by R. Judah.

BETH SHAMMAI SAY, WHO CREATED etc. Raba said: All are agreed that the word bara¹² refers to the past. Where they differ is with respect to the word bore.¹³ Beth Shammai maintain that bore means 'who will create in the future', while Beth Hillel hold that bore can also refer to the past. R. Joseph cited in objection [to Beth Shammai] the verses, I form the light and create [bore] darkness,¹⁴ He formeth the mountains and createth [bore] the wind,¹⁵ He that created [bore] the heavens and stretched them forth.¹⁶ Rather, said R. Joseph: Both sides are agreed that both bara and bore can refer to the past. Where they differ is as to whether ma'or [light] or me'-ore [lights] should be said. Beth Shammai are of the opinion that there is only one light in the fire, while Beth Hillel are of the opinion that there are several.¹⁷ It has been taught to the same effect: Said Beth Hillel to Beth Shammai: There are several illuminations in the light.

A BLESSING IS NOT SAID etc. There is a good reason in the case of the light [of idolaters], because it has not 'rested'.¹⁸ But what reason is there in the case of the spices? — Rab Judah said in the name of Rab: We are dealing here with [spices used at] a banquet of idolaters¹⁹ because ordinarily a banquet of idolaters is held in honour of idolatry. But since it is stated further on, **OR OVER THE LIGHT OR THE SPICES OF IDOLATRY,** we may infer that the earlier statement does not refer to idolaters? — R. Hanina of Sura replied: The latter statement is explanatory. What is the reason why a blessing is not said over the light and the spices of idolaters? Because ordinarily a banquet of idolaters is in honour of idolatry.

Our Rabbis taught: A blessing may be said over a light which has 'rested', but not over one which has not 'rested'. What is meant by 'which has not rested'?

- (1) Drops from the inside may spill on to the outside, and in virtue of the uncleanness of the cup the drops would render the hands unclean.
- (2) Since ex hypothesi the cup may not be used. Hence it is quite safe to wash the hands before filling the cup.
- (3) Hence it is safer to wash the hands after the cup has been filled.
- (4) And *terumah* would be rendered unclean by a table unclean in the second degree.
- (5) To protect it from uncleanness.
- (6) This sentence seems to be an interpolation.
- (7) In spite of the prohibition against wasting food.
- (8) Who would not know the difference between crumbs of the size of an olive and those of smaller size. Probably a meal of *haberim* (v. *Glos.*) is referred to.
- (9) I.e., ascribes to Beth Hillel the teaching that an 'am ha-arez may be employed, and consequently the floor is swept first.
- (10) I.e., before the light.
- (11) I.e., supplemented the reading in our Mishnah as follows.
- (12) Past tense, 'he created'.
- (13) Participle, 'creating', or 'who creates'.
- (14) Isa. XLV, 7.
- (15) Amos. IV, 13.
- (16) Isa. XLII, 5.
- (17) I.e., several colours in the light-red, white, green etc.
- (18) I.e., forbidden work has been done by its light.
- (19) Lit., 'Cutheans' which throughout this passage is probably a censor's correction for 'Gentiles'.

Talmud - Mas. Berachoth 53a

. Shall we say that it has not rested on account of work [done by it], even permissible work?¹ But it has been taught: A blessing may be said over a light used for a woman in confinement or for the sake of a sick person? — R. Nahman b. Isaac replied: What is meant by 'rested'? That it rested from work which is a transgression on Sabbath. It has been taught to the same effect: A blessing may be said over a lamp which has been burning throughout the day² to the conclusion of Sabbath.³

Our Rabbis taught: We may say the blessing over a light kindled by a Gentile⁴ from an Israelite or by an Israelite from a Gentile, but not by a Gentile from a Gentile. What is the reason for barring a light kindled by a Gentile from a Gentile? Because it may not have rested.⁵ But a light kindled by an Israelite from a Gentile also may not have rested? Perhaps you will say that the prohibited [flame] has vanished and the light is now a different one and is reborn in the hand of the Israelite.⁶ What then of this which has been taught: If one carries out a flame to the public way [on Sabbath],⁷ he is liable to a penalty.⁸ Why is he liable? That which he took up he did not set down and that which he set down he did not take up?⁹ — We must say therefore that [in our present case] the prohibited flame is still present, only the blessing which he says is said over the additional permitted part. If that is the case [a blessing over] a light kindled by a Gentile from a Gentile should also be permitted? — That is so; but [the prohibition is] a precaution on account of the first Gentile¹⁰ and the first flame.¹¹

Our Rabbis taught: If one was walking [at the termination of Sabbath] outside the town and saw a light, if the majority [of the inhabitants] are Gentiles he should not say a benediction, but if the majority are Israelites he may say the benediction. This statement is self-contradictory. You first say, 'if the majority are Gentiles, he may not say the blessing', which implies that if they are half and half

he may say it, and then it states, 'if the majority are Israelites, he may say it', which implies that if they are half and half he may not say it! — Strictly speaking, even if they are half and half he may say it, but since in the first clause it says 'the majority are Gentiles', in the second clause it says 'the majority are Israelites'.

Our Rabbis taught: If a man was walking outside the town and saw a child with a torch in its hands, he makes inquiries about it; if it is an Israelite child, he may say the benediction, but if it is a Gentile he may not. Why does it speak of a child? The same applies even to a grown-up! — Rab Judah said in the name of Rab: We suppose this to happen immediately after sunset. In the case of a grown-up it is obvious that he must be a Gentile.¹² In the case of a child, I can suppose that it is an Israelite child who happened to take hold [of the light].

Our Rabbis taught: If one was walking outside the town at the termination of Sabbath and saw a light, if it is thick like the opening of a furnace he may say the benediction over it,¹³ otherwise not. One [authority] states: A benediction may be said over the light of a furnace, while another says that it may not! — There is no contradiction: one speaks of the beginning of the fire, the other of the end.¹⁴ One [authority] teaches: A benediction may be said over the light of an oven or a stove, while another says that it may not, and there is no contradiction: one speaks of the beginning of the fire, the other of the end.¹⁵ One [authority] teaches: The benediction may be said over the light of the synagogue or the Beth ha-Midrash, while another says it may not, and there is no contradiction: one speaks of a case where an eminent man is present,¹⁶ the other of a case where no eminent man is present. Or if you like, I can say that both speak of where an eminent man is present, and there is no contradiction: one speaks of where there is a beadle,¹⁷ and the other of where there is no beadle. Or if you like, I can say that both speak of where there is a beadle, and there is no contradiction; one speaks of where there is moonlight,¹⁸ the other of where there is no moonlight.

Our Rabbis taught: If people were sitting in the Beth ha-Midrash and light was brought in [at the termination of the Sabbath], Beth Shammai say that each one says a blessing over it for himself, while Beth Hillel say that one says a blessing on behalf of all, because it says, In the multitude of people is the King's glory.¹⁹ Beth Hillel at any rate explain their reason; but what is the reason of Beth Shammai? — It is probably to avoid an interruption of study.²⁰ It has been taught similarly: The members of the household of Rabban Gamaliel did not use to say 'Good health'²¹ in the Beth ha-Midrash so as not to interrupt their study.

A BENEDICTION MAY NOT BE SAID OVER THE LIGHTS OR THE SPICES OF THE DEAD. What is the reason? — The light is kindled only in honour of the dead, the spices are to remove the bad smell. Rab Judah said in the name of Rab: Wherever [the person buried is of such consequence that] a light would be carried before him either by day or by night, we do not say a blessing over the light [if he is buried on the termination of Sabbath];²² but if he is one before whom a light would be carried only at night, we may say the blessing.²³

R. Huna said: A blessing is not said over spices used in a privy²⁴ or oil used for removing grease [from the hands].²⁵ This implies that wherever [spice] is not used for scent no blessing is said over it. An objection was raised [to this]: If one enters a spice-dealer's shop and smells the fragrance, even though he sits there the whole day he makes only one blessing, but if he is constantly going in and out he makes a blessing each time he enters. Now here is a case where it is not used for smell,²⁶ and yet one makes a blessing? — In fact it is used for smell, the object being that people should smell and come and make purchases thereof.

Our Rabbis taught: If one was walking outside the town and smelt an odour [of spices], if the majority of the inhabitants are idolaters he does not say a blessing, but if the majority are Israelites he does say a blessing. R. Jose says: Even if the majority are Israelites he does not say a blessing,

because the daughters of Israel use incense for witchcraft. Do all of them use incense for witchcraft? — The fact is that a small part is used for witchcraft and a small part for scenting garments, with the result that the greater part of it is not used for smell, and wherever the greater part is not used for smell a blessing is not said over it. R. Hiyya b. Abba said in the name of R. Johanan: If one was walking on the eve of Sabbath in Tiberias, or at the conclusion of Sabbath in Sepphoris, and smelt an odour [of spices], he does not say a blessing, because the probability is that they are being used only to perfume garments. Our Rabbis taught: If one was walking in a street of idolaters and smelt the spices willingly, he is a sinner.

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- (1) E.g., a light lit for the sake of a sick person.
 - (2) I.e., which was lit before Sabbath came in.
 - (3) Because no Sabbath transgression had been performed with it.
 - (4) On the termination of Sabbath.
 - (5) I.e., some forbidden work has been done by its light.
 - (6) The light being regarded as not having a continuous existence but as consisting of a series of flashes.
 - (7) E.g., if burning wick is placed in oil in a potsherd so small that the prohibition of carrying on Sabbath does not apply to it.
 - (8) For transferring from one domain to another on Sabbath, v. Bezah 39a.
 - (9) Such transference renders liable only when the same object is taken up from its place in one domain and set down in its place in the other. Here the flame which is taken from its place in the house is not the same as is set down outside. The reason therefore why he is liable must be because the flame is in fact considered throughout to be one and the same.
 - (10) I.e., against the light kindled by a Gentile on Sabbath.
 - (11) Lit., 'pillar'. The first flame of the light kindled on Sabbath, by the Gentile.
 - (12) Since a grown-up Israelite would not use a light immediately on the termination of the Sabbath, before saying haddalah.
 - (13) Because this is a genuine light.
 - (14) A furnace (of lime burners) is first lit to burn the lime, but afterwards it is kept alight for the purpose of lighting.
 - (15) The fire is lit for cooking, but afterwards chips are thrown in to give light.
 - (16) In whose honour the light has been kindled.
 - (17) Who has his meals in the synagogue.
 - (18) Which suffices for the beadle, and the light must have been kindled out of respect for an eminent man.
 - (19) Prov. XIV, 28.
 - (20) One may be in the middle of a difficult part just at the moment for saying Amen.
 - (21) To someone who sneezed.
 - (22) Because the light is carried for his honour.
 - (23) Because the light is really to give light.
 - (24) To counteract the bad smell.
 - (25) This oil contained spices, and the blessing said over it was that for oil and not for spices.
 - (26) But for sale.

Talmud - Mas. Berachoth 53b

. A BLESSING IS NOT SAID OVER THE LIGHT TILL IT HAS BEEN UTILIZED. Rab Judah said in the name of Rab: This does not mean literally till it has been utilized, but it means a light which can be serviceable if one stands near enough to it, and then even those at a distance [may say the blessing]. So too said R. Ashi: We have learnt that it serves for those at a distance.

An objection was raised: If one had a light hidden in the folds of his dress or in a lamp, or if he could see a flame but could not use its light, or if he could do something by the light but saw no flame, he should not say the blessing; he must both see a flame and be able to use the light. We understand the statement 'he can use its light but sees no flame'; this can happen when the light is in a corner. But how can it happen that he sees the flame and cannot make use of the light? Is it not

when he is at a distance? — No; it is when, for instance, the flame keeps on flickering.

Our Rabbis taught: We may say the blessing over glowing coals but not over dying coals. How do you define 'glowing'? — R. Hisda replied: This means coals from which a chip, if inserted between them, will catch of itself. The question was asked: Is the proper form *omemoth* or 'omemoth'?¹ — Come and hear: for R. Hisda b. Abdimi quoted the verse, The cedars in the garden of God could not darken ['amamuhu] it.²

Rab, however,³ said that [the Mishnah means literally] 'utilize it'. How near must one be? — 'Ulla said: Near enough to distinguish between an as and a dupondium.⁴ Hezekiah said: Near enough to distinguish between a meluzma⁵ of Tiberias and one of Sepphoris. Rab Judah used to say the blessing over the light in the house of Adda the waiter.⁶ Raba said the blessing over the light in the house of Guria b. Hama.⁷ Abaye said it over the light in the house of Bar Abbuha. Rab Judah said in the name of Rab: We do not go looking for a light⁸ in the same way as we do in the case of other commandments. R. Zera said: At first I used to go looking for a light. But since hearing this statement of Rab Judah reporting Rab, I also do not look for one, but if one comes my way I say the blessing over it.

IF ONE HAS EATEN etc. R. Zebid, or as some say R. Dimi b. Abba, said: Opinions differ only in the case where one forgot, but if he omitted wilfully he must return to his place and say grace. This is obvious! The Mishnah says 'HAS FORGOTTEN'? — You might think that the rule is the same even if he did it purposely, and the reason why it says 'HAS FORGOTTEN' is to show you how far Beth Shammai are prepared to go. Therefore we are told [that this is not so]. It has been taught: Beth Hillel said to Beth Shammai: according to you, if one ate at the top of the Temple Mount and forgot and descended without having said grace, he should return to the top of the Temple Mount and say grace? Beth Shammai replied to Beth Hillel: According to you, if one forgot a purse at the top of the Temple Mount, is he not to go up and get it? And if he will ascend for his own sake, surely he should do so all the more for the honour of Heaven!

There were once two disciples who omitted to say grace. One who did it accidentally followed the rule of Beth Shammai⁹ and found a purse of gold, while the other who did it purposely¹⁰ followed the rule of Beth Hillel,¹¹ and he was eaten by a lion. Rabbah b. Bar Hanah was once travelling with a caravan, and he took a meal and forgot to say grace. He said to himself: What shall I do? If I say to the others, I have forgotten to say grace, they will say to me, Say it [here]: wherever you say the benediction you are saying it to the All-Merciful. I had better tell them that I have forgotten a golden dove. So he said to them: Wait for me, because I have forgotten a golden dove. He went back and said grace and found a golden dove. Why should it have been just a dove? — Because the community of Israel are compared to a dove, as it is written, The wings of the dove are covered with silver, and her pinions with the shimmer of gold.¹² Just as the dove is saved only by her wings, so Israel are saved only by the precepts.

UNTIL WHEN CAN HE SAY THE GRACE. How long does it take to digest a meal? — R. Johanan said: Until he becomes hungry again; Resh Lakish said: As long as one is thirsty on account of the meal. Said R. Yemar b. Shelemia to Mar Zutra, or, according to others R. Yemar b. Shezbi to Mar Zutra: Can Resh Lakish have said this? Has not R. Ammi said in the name of Resh Lakish: How long does it take to digest a meal? Long enough for one to walk four mil? — There is no contradiction: one statement refers to a light meal, the other to a heavy one.¹³

IF WINE IS SERVED etc. This implies, [if] an Israelite [says the grace],¹⁴ even though one has not heard the whole of it he responds [Amen]. But if he has not heard how can he have performed his duty by doing so?¹⁵ Hiyya b. Rab replied: This applies to one who has not joined in the meal. Similarly said R. Nahman in the name of Rabbah b. Abbuha: It refers to one who has not joined in

the meal. Said Rab to his son Hiyya: My son, snatch [the cup of wine] and say grace.¹⁶ And so said R. Huna to his son Rabbah: My son, snatch and say grace. This implies that he who says the grace is superior to one who answers, Amen. But it has been taught: 'R. Jose says: Greater is he who answers, Amen than he who says the blessing? — Said R. Nehorai to him: I swear to you by heaven that it is so. The proof is that while the common soldiers advance and open the battle, it is the seasoned warriors who go down to win the victory!' — On this point there is a difference between Tannaim, as it has been taught: Both he who says the blessing and he who answers, Amen are equally implied,¹⁷ only he who says the blessing is more quickly [rewarded] than he who answers, Amen.

Samuel inquired of Rab: Should one respond Amen after [a blessing said by] schoolchildren? — He replied: We respond Amen after everyone except children in school, because they are merely learning. This is the case only when it is not the time for them to say the haftarah;¹⁸ but when it is the time for them to say the haftarah, we respond Amen after them.

Our Rabbis taught: The absence of oil¹⁹ is a bar to the saying of grace. So said R. Zilai. R. Ziwai said: It is no bar. R. Aha said: Good oil is indispensable. R. Zuhamai said: Just as a dirty person is unfit for the Temple service, so dirty hands unfit one for saying grace. R. Nahman b. Isaac said: I know nothing either of Zilai or Ziwai or Zuhamai, but I do know the following teaching, viz.: Rab Judah said in the name of Rab: some say it was taught in a Baraitha, Sanctify yourselves:²⁰ this refers to washing of the hands before the meal;²¹ And be ye holy: this refers to washing of the hands after the meal;²² 'For holy': this refers to the oil; 'Am I the Lord your God': this refers to the grace. [

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- (1) I.e., does the word translated 'dying' commence with an alef or an 'ayin.
 - (2) Ezek. XXXI, 8.
 - (3) This goes back to the statement of Rab Judah in the name of Rab above.
 - (4) A dupondium was twice the size of an as.
 - (5) According to Rashi, a weight; according to Jastrow, a stamp of a coin.
 - (6) Which was some distance away.
 - (7) Which was quite near.
 - (8) To say the blessing.
 - (9) And returned to the place where he forgot, thus following the stricter rule.
 - (10) Being in a hurry to go somewhere else.
 - (11) Which applies only to accidental omission.
 - (12) Ps. LXVIII, 14.
 - (13) According to Rashi, it takes the time for walking four mil to digest a heavy meal; according to Tosaf., to digest a light one.
 - (14) V. supra p. 312 n. 1.
 - (15) He assumes that he is one of the diners, who too must hear the grace.
 - (16) I.e., seize every opportunity of saying it on behalf of the company.
 - (17) In the text of Neh. IX, 5, which speaks of those who 'stand up and bless', and those who respond 'Blessed be Thy glorious name', which is equivalent to Amen, v. infra 63a.
 - (18) The prophetic reading following the public reading of the Pentateuch on Sabbath and festivals and public fasts.
 - (19) For cleansing the hands after the meal.
 - (20) Lev. XI, 44.
 - (21) Lit., 'the first water'.
 - (22) Lit., 'the latter water'.

Talmud - Mas. Berachoth 54a

CHAPTER IX

MISHNAH. IF ONE SEES A PLACE WHERE MIRACLES HAVE BEEN WROUGHT FOR ISRAEL, HE SHOULD SAY, BLESSED BE HE WHO WROUGHT MIRACLES FOR OUR ANCESTORS IN THIS PLACE. ON SEEING A PLACE FROM WHICH IDOLATRY HAS BEEN EXTIRPATED, HE SHOULD SAY, BLESSED BE HE WHO EXTIRPATED IDOLATRY FROM OUR LAND. [ON WITNESSING] SHOOTING STARS, EARTHQUAKES, THUNDERCLAPS, STORMS AND LIGHTNINGS ONE SHOULD SAY, BLESSED BE HE WHOSE STRENGTH AND MIGHT FILL THE WORLD. ON SEEING MOUNTAINS, HILLS, SEAS, RIVERS AND DESERTS HE SHOULD SAY, BLESSED BE HE WHO WROUGHT CREATION.¹ R. JUDAH SAYS: IF ONE SEES THE GREAT SEA² ONE SHOULD SAY, BLESSED BE HE WHO MADE THE GREAT SEA, [THAT IS] IF HE SEES IT AT [CONSIDERABLE] INTERVALS. FOR RAIN AND FOR GOOD TIDINGS ONE SAYS, BLESSED BE HE THAT IS GOOD AND BESTOWS GOOD. FOR EVIL TIDINGS ONE SAYS, BLESSED BE THE TRUE JUDGE. ONE WHO HAS BUILT A NEW HOUSE OR BOUGHT NEW VESSELS SAYS, BLESSED BE HE WHO HAS KEPT US ALIVE AND PRESERVED US AND BROUGHT US TO THIS SEASON. OVER EVIL A BLESSING IS SAID SIMILAR TO THAT OVER GOOD AND OVER GOOD A BLESSING IS SAID SIMILAR TO THAT OVER EVIL,³ BUT TO CRY OVER THE PAST IS TO UTTER A VAIN PRAYER. IF A MAN'S WIFE IS PREGNANT AND HE SAYS, [GOD] GRANT THAT MY WIFE BEAR A MALE CHILD, THIS A VAIN PRAYER. IF HE IS COMING HOME FROM A JOURNEY AND HE HEARS CRIES OF DISTRESS IN THE TOWN AND SAYS, [GOD] GRANT THAT THIS IS NOT IN MY HOUSE, THIS IS A VAIN PRAYER. ONE WHO [IN THE COURSE OF A JOURNEY] GOES THROUGH A CAPITAL CITY⁴ SHOULD SAY TWO PRAYERS, ONE ON ENTERING AND ONE ON LEAVING. BEN AZZAI SAYS, FOUR,⁵ TWO ON ENTERING AND TWO ON LEAVING- HE GIVES THANKS FOR PAST MERCIES AND SUPPLICATES FOR THE FUTURE. IT IS INCUMBENT ON A MAN TO BLESS [GOD] FOR THE EVIL IN THE SAME WAY AS FOR THE GOOD, AS IT SAYS, AND THOU SHALT LOVE THE LORD THY GOD WITH ALL THY HEART ETC.⁶ 'WITH ALL THY HEART, MEANS WITH THY TWO IMPULSES, THE EVIL IMPULSE AS WELL AS THE GOOD IMPULSE; 'WITH ALL THY SOUL' MEANS, EVEN THOUGH HE TAKES THY SOUL [LIFE]; 'WITH ALL THY MIGHT' MEANS, WITH ALL THY MONEY. ANOTHER EXPLANATION OF 'WITH ALL THY MIGHT [ME'ODEKA]' IS, WHATEVER TREATMENT⁷ HE METES OUT TO THEE.

ONE SHOULD AVOID SHOWING DISRESPECT TO THE EASTERN GATE⁸ BECAUSE IT IS IN A DIRECT LINE WITH THE HOLY OF HOLIES.⁹ A MAN SHOULD NOT ENTER THE TEMPLE MOUNT WITH HIS STAFF OR WITH HIS SHOES ON OR WITH HIS WALLET OR WITH HIS FEET DUST-STAINED; NOR SHOULD HE MAKE IT A SHORT CUT [KAPPANDARIA], AND SPITTING [ON IT IS FORBIDDEN] A FORTIORI.

AT THE CONCLUSION OF THE BENEDICTIONS SAID IN THE TEMPLE THEY USED AT FIRST TO SAY SIMPLY, 'FOR EVER'.¹⁰ WHEN THE SADDUCEES PERVERTED THEIR WAYS AND ASSERTED THAT THERE WAS ONLY ONE WORLD, IT WAS ORDAINED THAT THE RESPONSE SHOULD BE, FROM EVERLASTING TO EVERLASTING.¹¹ IT WAS ALSO LAID DOWN THAT GREETING SHOULD BE GIVEN IN [GOD'S] NAME,¹² IN THE SAME WAY AS IT SAYS, AND BEHOLD BOAZ CAME FROM BETHLEHEM AND SAID UNTO THE REAPERS, THE LORD BE WITH YOU; AND THEY ANSWERED HIM, THE LORD BLESS THEE;¹³ AND IT ALSO SAYS, THE LORD IS WITH THEE, THOU MIGHTY MAN OF VALOUR;¹⁴ AND IT ALSO SAYS, AND DESPISE NOT THY MOTHER WHEN SHE IS OLD;¹⁵ AND IT ALSO SAYS, IT IS TIME TO WORK FOR THE LORD; THEY HAVE MADE VOID THY LAW.¹⁶ R. NATHAN SAYS: [THIS MEANS] THEY HAVE MADE VOID THY LAW BECAUSE IT IS TIME TO WORK FOR THE LORD.

GEMARA. Whence is this rule¹⁷ derived?-R. Johanan said: Because Scripture says, And Jethro said, Blessed be the Lord who hath delivered you, etc.¹⁸ And is a blessing said only for a miracle

wrought for a large body, but not for one wrought for an individual? What of the case of the man Who was once travelling through Eber Yemina¹⁹ when a lion attacked him, but he was miraculously saved, and when he came before Raba he said to him, Whenever you pass that place say, Blessed be He who wrought for me a miracle in this place? There was the case, too, of Mar the son of Rabina who was once going through the valley of 'Araboth²⁰ and was suffering from thirst and a well of water was miraculously created for him and he drank, and another time he was going through the manor of Mahoza²¹ when a wild camel attacked him and at that moment the wall of a house just by fell in and he escaped inside; and whenever thereafter he came to 'Araboth he used to say, Blessed be He who wrought for me miracles in 'Araboth and with the camel, and when he passed through the manor of Mahoza he used to say, Blessed be He who wrought for me miracles with the camel and in 'Araboth?—The answer [is that] for a miracle done to a large body it is the duty of everyone to say a blessing, for a miracle done to an individual he alone²² is required to say a blessing.

Our Rabbis taught: If one sees the place of the crossing of the Red Sea, or the fords of the Jordan, or the fords of the streams of Arnon, or hail stones [abne elgashish] in the descent of Beth Horon, or the stone which Og king of Bashan wanted to throw at Israel, or the stone on which Moses sat when Joshua fought with Amalek, or [the pillar of salt of] Lot's wife,²³ or the wall of Jericho which sank into the ground,²⁴ for all of these he should give thanksgiving and praise to the Almighty. I grant you the passage of the Red Sea, because it is written, And the children of Israel went into the midst of the sea upon the dry ground;²⁵ also the fords of the Jordan, because it is written, And the priests that bore the ark of the covenant of the Lord stood firm on dry ground in the midst of the Jordan, while all Israel passed over on dry ground, until all the nation were passed clean over the Jordan.²⁶ But whence is the title derived for the fords of the streams of Arnon? — Because it is written: Wherefore it is said in the book of the Wars of the Lord, Eth and Heb in the rear;²⁷ [in explanation of which] a Tanna taught: 'Eth and Heb in the rear' were two lepers who followed in the rear of the camp of Israel, and when the Israelites were about to pass through [the valley of Arnon] the Amorites came

(1) Var. lec.: who fashions the work of creation.

(2) Generally taken to refer to the Mediterranean Sea.

(3) This is explained in the Gemara.

(4) The residence of a governor or ruler.

(5) As explained in the Gemara.

(6) Deut. VI, 5.

(7) Heb. Lit., 'measure'; Heb. middah, a play on me'odeka.

(8) Of the Temple Mount.

(9) I.e., a direct line led from it through the other gates up to the inner shrine.

(10) Heb. le'olam, which can also mean 'for the world'.

(11) Or 'from world to world', i.e., two worlds.

(12) I.e., the Tetragrammaton, although this might appear to be breaking the third commandment. The reason of this ordinance is not certain. Marmorstein, *The Old Testament Conception of God*, etc. I, pp. 24ff conjectures this to have been designed to counteract the Hellenistic teaching that God had no name.

(13) Ruth 11, 4.

(14) Judg. VI, 12.

(15) Prov. XXIII, 22.

(16) In time of emergency the law of God may be set aside. Ps. CXIX, 126. E.V. 'for the Lord to work'. The relevance of these citations is explained in the Gemara.

(17) Of saying a blessing over a miracle.

(18) Ex. XVIII, 10.

(19) Lit., 'the south side'. The southern suburb of Mahoza, v. Obermeyer, p. 181.

(20) Between the river Chabor and the canal of Is.

(21) Rostaka di Mahoza, v. Obermeyer, p. 172.

(22) Alfasi adds, His son and his son's son.

(23) V. Gen. XIX, 26.

(24) Lit., 'was swallowed in its place'.

(25) Ex. XIV, 22.

(26) Josh. III, 17.

(27) Num. XXI, 14. E.V. 'Vahab in Suphah'.

Talmud - Mas. Berachoth 54b

and made cavities [in the rocks] and hid in them, saying, When Israel pass by here we will kill them. They did not know, however, that the Ark Was advancing in front of Israel and levelling the hills before them. When the Ark arrived there, the mountains closed together and killed them, and their blood flowed down to the streams of Arnon. When Eth and Heb came they saw the blood issuing from between the rocks¹ and they went and told the Israelites, who thereupon broke out into song. And so it is written, And he poured forth the streams² [from the mountain] which inclined toward the seat of Ar³ and leaned upon the border of Moab.⁴ 'Hailstones [abne elgabish]'. What are 'abne elgabish'? A Tanna taught: Stones [abanim] which remained suspended for the sake of a man ['al gab ish] and came down for the sake of a man. 'They remained suspended for the sake of a man': this was Moses, of whom it is written, Now the man Moses was very meek,⁵ and it is also written, And the soldiers and hail ceased, and the rain poured not upon the earth.⁶ 'They came down for the sake of a man': this was Joshua, of whom it is written, Take thee Joshua the son of Nun, a man in whom there is spirit,⁷ and it is written, And it came to pass as they fled from before Israel, while they were at the descent of Beth-Horon, that the Lord cast down great stones.⁸

'The stone which Og, king of Bashan wanted to throw at Israel'. This has been handed down by tradition. He said: How large is the camp of Israel? Three parasangs. I will go and uproot a mountain of the size of three parasangs and cast it upon them and kill them. He went and uprooted a mountain of the size of three parasangs and carried it on his head. But the Holy One, blessed be He, sent ants which bored a hole in it, so that it sank around his neck. He tried to pull it off, but his teeth projected on each side, and he could not pull it off. This is referred to in the text, Thou hast broken the teeth of the wicked,⁹ as explained by R Simeon b. Lakish. For R. Simeon b. Lakish said: What is the meaning of the text, Thou hast broken the teeth of the wicked? Do not read, shibbarta [Thou hast broken], but shirbabta [Thou hast lengthened]. The height of Moses was ten cubits.¹⁰ He took an axe ten cubits long, leapt ten cubits into the air, and struck him on his ankle and killed him.

'The stone on which Moses sat'. As it is written, But Moses' hands were heavy; and they took a stone and put it under him and he sat thereon.¹¹ 'Lot's wife'. As it says, But his wife looked back from behind him and she became a pillar of salt.¹²

'And the wall of Jericho which sank into the ground'. As it is written, And the wall fell down flat.¹³

We understand [why this blessing should be said over] all the others, because they are miracles, but the transformation of Lot's wife was a punishment. One should say on seeing it, Blessed be the true Judge,¹⁴ yet [the Baraitha] says: 'Thanksgiving and praise'? — Read: 'For Lot and his wife two blessings are said. For his wife we say, "Blessed be the true Judge", and for Lot we say, "Blessed be He who remembereth the righteous"'. R. Johanan said: Even in the hour of His anger the Holy One, blessed be He, remembers the righteous, as it says, And it came to pass when God destroyed the cities of the Plain, that God remembered Abraham and sent Lot out of the midst of the overthrow.¹⁵

'And the wall of Jericho which sank [into the ground]'. But did the wall of Jericho sink [into the ground]? Surely it fell, as it says, And it came to pass when the people heard the sound of the horn, that the people shouted with a great shout and the wall fell down flat?¹⁶ — Since its breadth and its

height were equal, it must have sunk [into the ground].¹⁷

Rab Judah said in the name of Rab: There are four [classes of people] who have to offer thanksgiving: those who have crossed the sea, those who have traversed the wilderness, one who has recovered from an illness, and a prisoner who has been set free. Whence do we know this of those who cross the sea? — Because it is written, They that go down to the sea in ships . . . these saw the works of the Lord . . . He raised the stormy wind . . . they mounted up to the heaven, they went down to the deeps . . . they reeled to and fro and staggered like a drunken man . . . they cried unto the Lord in their trouble, and He brought them out of their distresses. He made the storm a calm . . . then were they glad because they were quiet . . . Let them give thanks unto the Lord for His mercy, and for His wonderful works to the children of men.¹⁸ Whence for those who traverse the desert? — Because it is written: They wandered in the wilderness in a desert way; they found no city of habitation . . . Then they cried unto the Lord . . . and He led them by a straight way . . . Let them give thanks unto the Lord for His mercy.¹⁹ Whence for one who recovers from an illness? — Because it is written: Crazed because of the way of their transgressions and afflicted because of their iniquities, their soul abhorred all manner of food . . . They cried unto the Lord in their trouble. He sent His word unto them . . . Let them give thanks unto the Lord for His mercy.²⁰ Whence for a prisoner who was set free? — Because it is written: Such as sat in darkness and in the shadow of death . . . Because they rebelled against the words of God . . . Therefore He humbled their heart with travail . . . They cried unto the Lord in their trouble . . . He brought them out of darkness and the shadow of death . . . Let them give thanks unto the Lord for His mercy.²¹ What blessing should he say? Rab Judah said: ‘Blessed is He who bestows lovingkindnesses’. Abaye said: And he must utter his thanksgiving in the presence of ten, as it is written: Let them exalt Him in the assembly of the people.²² Mar Zutra said: And two of them must be rabbis, as it says, And praise Him in the seat of the elders.²³ R. Ashi demurred to this: You might as well say [he remarked], that all should be rabbis! — Is it written, ‘In the assembly of elders’? It is written, ‘In the assembly of the people’! — Let us say then, in the presence of ten ordinary people and two rabbis [in addition]? — This is a difficulty.

Rab Judah was ill and recovered. R. Hanna of Bagdad and other rabbis went to visit him. They said to him: ‘Blessed be the All Merciful who has given you back to us and has not given you to the dust’. He said to them: ‘You have absolved me from the obligation of giving thanks’. But has not Abaye said that he must utter his thanksgiving in the presence of ten! — There were ten present. But he did not utter the thanksgiving? — There was no need, as he answered after them, Amen. Rab Judah said: Three persons require guarding,²⁴ namely, a sick person, a bridegroom, and a bride. In a Baraitha it was taught: A sick person, a midwife, a bridegroom and a bride; some add, a mourner, and some add further, scholars at night-time.

Rab Judah said further: There are three things the drawing out of which prolongs a man's days and years; the drawing out of prayer, the drawing out of a meal, and the drawing out of [easing in] a privy. But is the drawing out of prayer a merit? Has not R. Hiyya b. Abba said in the name of R. Johanan:

(1) Lit., ‘mountains’. After they had opened out again.

(2) E.V. ‘and the slope of the valleys’.

(3) I.e., Moab.

(4) Ibid. 15.

(5) Num. XII, 3.

(6) Ex. IX, 33.

(7) Num. XXVII, 18.

(8) Josh. X, 11.

(9) Ps. III, 8.

(10) About fifteen feet.

(11) Ex. XVII, 12. MS.M adds: 'Had not Moses a cushion or bolster to sit upon? Moses said to himself: Since Israel are suffering, I will suffer with them'; v. Ta'an. 11a.

(12) Gen. XIX, 26.

(13) Josh. VI, 20. This sentence is obviously out of place and should be transferred to the next paragraph.

(14) The formula recited on hearing bad news.

(15) Gen. XIX, 29.

(16) Josh. VI, 20.

(17) To enable the people to enter the city. According to Rashi this is also signified by the word translated 'flat', which means literally 'under it' or 'in its place'.

(18) Ps, CVII, 23-31.

(19) Ibid. 4-8.

(20) Ibid. 17-21.

(21) Ibid. 10-15.

(22) Ibid. 32.

(23) Ibid.

(24) Against evil spirits (Rashi).

Talmud - Mas. Berachoth 55a

If one draws out his prayer and expects therefore its fulfilment, he will in the end suffer vexation of heart, as it says, Hope deferred maketh the heart sick;¹ and R. Isaac also said: Three things cause a man's sins to be remembered [on high], namely, [passing under] a shaky wall,² expectation of [the fulfilment of] prayer, and calling on heaven to punish his neighbour?³ — There is no contradiction; one statement speaks of a man who expects the fulfilment of his prayer, the other of one who does not count upon it. What then does he do? — He simply utters many supplications. 'He who draws out his meal', because perhaps a poor man will come and he will give him something, as it is written, The altar of wood three cubits high . . . and he said to me, This is the table that is before the Lord⁴ [Now the verse] opens with 'altar' and finishes with 'table'? R. Johanan and R. Eleazar both explain that as long as the Temple stood, the altar atoned for Israel, but now a man's table atones for him. 'To draw out one's stay in a privy', is this a good thing? Has it not been taught: Ten things bring on piles; eating the leaves of reeds, and the leaves of vines, and the sprouts of vines, and the rough parts of the flesh of an animal,⁵ and the backbone of a fish, and salted fish not sufficiently cooked, and drinking wine lees, and wiping oneself with lime, potters' clay or pebbles which have been used by another. Some add, to strain oneself unduly in a privy! — There is no contradiction: one statement refers to one who stays long and strains himself, the other to one who stays long without straining himself. This may be illustrated by what a certain matron said to R. Judah b. R. Ila'i: Your face is [red] like that of pig-breeders and usurers,⁶ to which he replied: On my faith, both [occupations] are forbidden me, but there are twenty-four privies between my lodging and the Beth ha-Midrash, and when I go there I test myself in all of them.⁷

Rab Judah also said:⁸ Three things shorten a man's days and years: To be given a scroll of the Law to read from and to refuse, to be given a cup of benediction to say grace over and to refuse, and to assume airs of authority. 'To be given a scroll of the Law to read from and to refuse', as it is written: For that is thy life and the length of thy days.⁹ 'To be given a cup of benediction to say grace over and to refuse', as it is written: I will bless them that bless thee.¹⁰ 'To assume airs of authority', as R. Hama b. Hanina said: Why did Joseph die before his brethren?¹¹ Because he assumed airs of authority.

Rab Judah also said in the name of Rab: There are three things for which one should supplicate: a good king, a good year, and a good dream.¹² 'A good king', as it is written: A king's heart is in the hands of the Lord as the water-courses.¹³ 'A good year', as it is written: The eyes of the Lord thy

God are always upon it, from the beginning of the year even unto the end of the year.¹⁴ 'A good dream', as it is written; Wherefore cause Thou me to dream¹⁵ and make me to live.¹⁶

R. Johanan said: There are three things which the Holy One, blessed be He, Himself proclaims, namely, famine, plenty, and a good leader. 'Famine', as it is written: The Lord hath called for a famine.¹⁷ 'Plenty', as it is written: I will call for the corn and will increase it.¹⁸ 'A good leader', as it is written: And the Lord spoke unto Moses, saying, See I have called by name Bezalel, the son of Uri.¹⁹

R. Isaac said: We must not appoint a leader over a Community without first consulting it, as it says: See, the Lord hath called by name Bezalel, the son of Uri.²⁰ The Holy One, blessed be He, said to Moses: Do you consider Bezalel suitable? He replied: Sovereign of the Universe, if Thou thinkest him suitable, surely I must also! Said [God] to him: All the same, go and consult them. He went and asked Israel: Do you consider Bezalel suitable? They replied: If the Holy One, blessed be He, and you consider him suitable, surely we must!

R. Samuel b. Nahmani said in the name of R. Johanan: Bezalel was so called on account of his wisdom. At the time when the Holy One, blessed be He, said to Moses; Go and tell Bezalel to make me a tabernacle, an ark and vessels,²¹ Moses went and reversed the order, saying, Make an ark and vessels and a tabernacle. Bezalel said to him: Moses, our Teacher, as a rule a man first builds a house and then brings vessels into it; but you say, Make me an ark and vessels and a tabernacle. Where shall I put the vessels that I am to make? Can it be that the Holy One, blessed be He, said to you, Make a tabernacle, an ark and vessels? Moses replied: Perhaps you were in the shadow of God²² and knew!

Rab Judah said in the name of Rab: Bezalel knew how to combine the letters by which the heavens and earth were created.²³ It is written here, And He hath filled him with the spirit of God, in wisdom and in understanding, and in knowledge,²⁴ and it is written elsewhere, The Lord by wisdom founded the earth; by understanding He established the heavens,²⁵ and it is also written, By His knowledge the depths were broken up.²⁶

R. Johanan said: The Holy One, blessed be He, gives wisdom only to one who already has wisdom, as it says, He giveth wisdom unto the wise, and knowledge to them that know understanding.²⁷ R. Tahlifa from the West²⁸ heard and repeated it before R. Abbahu. He said to him: You learn it from there, but we learn it from this text, namely, In the hearts of all that are wise-hearted I have put wisdom.²⁹

R. Hisda said: Any dream rather than one of a fast.³⁰ R. Hisda also said: A dream which is not interpreted is like a letter which is not read.³¹ R. Hisda also said: Neither a good dream nor a bad dream is ever wholly fulfilled. R. Hisda also said: A bad dream is better than a good dream.³² R. Hisda also said: The sadness caused by a bad dream is sufficient for it and the joy which a good dream gives is sufficient for it.³³ R. Joseph said: Even for me³⁴ the joy caused by a good dream nullifies it. R. Hisda also said: A bad dream is worse than scourging, since it says, God hath so made it that men should fear before Him,³⁵ and Rabbah b. Bar Hanah said in the name of R. Johanan: This refers to a bad dream.

A prophet that hath a dream let him tell a dream: and he that hath My word let him speak My word faithfully. What hath the straw to do with the wheat, saith the Lord.³⁶ What is the connection of straw and wheat with a dream? The truth is, said R. Johanan in the name of R. Simeon b. Yohai, that just as wheat cannot be without straw, so there cannot be a dream without some nonsense. R. Berekiah said: While a part of a dream may be fulfilled, the whole of it is never fulfilled. Whence do we know this? From Joseph, as it is written, And behold the sun and the moon [and eleven stars

bowed down to me,]³⁷ and

- (1) Prov, XIII, 12. Cf. 32b, p. 200.
- (2) Which is, as it were, tempting Providence.
- (3) Which is a mark of selfrighteousness. Lit., 'surrendering the case against his fellow to heaven'.
- (4) Ezek. XLI, 22.
- (5) E.g., the palate. Lit., 'threshing-sledge'.
- (6) Who were notoriously good livers.
- (7) Cf. Ned. 49b.
- (8) We should probably add, 'In the name of Rab'.
- (9) Deut. XXX, 20.
- (10) Gen. XII, 3. The one who says grace blesses his host.
- (11) As we learn from Ex. I, 6: 'And Joseph died and (then) all his brethren'.
- (12) These things depending directly upon the will of God.
- (13) prov. XXI, 1.
- (14) Deut. XI, 12.
- (15) E.V. 'Recover Thou me'. The Talmud, however, connects the word in the text tahalimenei with halom, a dream.
- (16) Isa. XXXVIII, 16.
- (17) II Kings VIII, 1.
- (18) Ezek. XXXVI, 29.
- (19) Ex. XXXI, 1.
- (20) Ibid. XXXV, 30.
- (21) This is the order in Ex. XXXI, 7.
- (22) Heb. bezel el.
- (23) The Kabbalah assigns mystic powers to the letters of the Hebrew alphabet.
- (24) Ibid. XXXV, 31.
- (25) prov. III, 19.
- (26) Ibid. 20.
- (27) Dan. II, 21.
- (28) I.e., palestine.
- (29) Ex. XXXI, 6. It was preferable to learn it from a text of the Pentateuch.
- (30) I.e., to dream oneself fasting. So Rashi. The Aruch, however, explains: There is reality in every dream save one that comes in a fast.
- (31) Compare the dictum infra, 'A dream follows its interpretation
- (32) Because it incites one to repentance.
- (33) I.e., there is no need for them to be fulfilled.
- (34) R. Joseph was blind, and consequently could not derive so much pleasure from a dream.
- (35) Eccl. III, 14.
- (36) Jer. XXIII, 28.
- (37) Gen. XXXVII, 9.

Talmud - Mas. Berachoth 55b

at that time his mother was not living. R. Levi said: A man should await the fulfilment of a good dream for as much as twenty-two years. Whence do we know this? From Joseph. For it is written: These are the generations of Jacob. Joseph being seventeen years old, etc.;¹ and it is further written, And Joseph was thirty years old when he stood before Pharaoh.² How many years is it from seventeen to thirty? Thirteen. Add the seven years of plenty and two of famine,³ and you have twenty-two.

R. Huna said: A good man is not shown a good dream, and a bad man is not shown a bad dream.⁴ It has been taught similarly; David, during the whole of his lifetime, never saw a good dream and

Ahitophel, during the whole of his lifetime, never saw a bad dream. But it is written, There shall no evil befall thee,⁵ and R. Hisda said, in the name of R. Jeremiah: this means that you will not be disturbed either by bad dreams or by evil thoughts, neither shall any plague come nigh thy tent⁵ i.e., thou shalt not find thy wife doubtfully menstruous when thou returnest from a journey? — Though he does not see an evil dream, others see one about him. But if he does not see one, is this considered an advantage? Has not R. Ze'ira said: If a man goes seven days without a dream he is called evil, since it says, He shall abide satisfied, he shall not be visited by evil?⁶ — Read not sabe'a [satisfied] but [seven] sheba'.⁷ What he means is this: He sees, but he does not remember what he has seen.

R. Huna b. Ammi said in the name of R. Pedath who had it from R. Johanan: If one has a dream which makes him sad he should go and have it interpreted in the presence of three. He should have it interpreted! Has not R. Hisda said: A dream which is not interpreted is like a letter which is not read?⁸ — Say rather then, he should have a good turn given to it in the presence of three. Let him bring three and say to them: I have seen a good dream; and they should say to him, Good it is and good may it be. May the All-Merciful turn it to good; seven times may it be decreed from heaven that it should be good and may it be good. They should say three verses with the word hapak [turn], and three with the word padah [redeem] and three with the word shalom [peace]. Three with the word 'turn', namely (i) Thou didst turn for me my mourning into dancing, Thou didst loose my sackcloth and gird me with gladness;⁹ (ii) Then shall the virgin rejoice in the dance, and the young men and the old together; for I will turn their mourning into joy and will comfort them and make them rejoice from their sorrow;¹⁰ (iii) Nevertheless the Lord thy God would not hearken unto Balaam; but the Lord thy God turned the curse into a blessing unto thee.¹¹ Three verses with the word 'redeem', namely, (i) He hath redeemed my soul in peace, so that none came nigh me;¹² (ii) And the redeemed of the Lord shall return and come with singing unto Zion and sorrow and sighing shall flee away;¹³ (iii) And the people said unto Saul, Shall Jonathan die who hath wrought this great salvation in Israel? So the people redeemed Jonathan that he died not.¹⁴ Three verses with the word 'peace', namely, (i) Peace, peace, to him that is far off and to him that is near, saith the Lord that createth the fruit of the lips; and I will heal him;¹⁵ (ii) Then the spirit clothed Amasai who was chief of the captains: Thine are we, David, and on thy side, thou son of Jesse: Peace, peace, be unto thee and peace be to thy helpers, for thy God helpeth thee;¹⁶ (iii) Thus ye shall say: All hail! and peace be both unto thee, and peace be to thy house, and peace be unto all that thou hast.¹⁷

Amemar, Mar Zutra and R. Ashi were once sitting together. They said: Let each of us say something which the others have not heard. One of them began: If one has seen a dream and does not remember what he saw, let him stand before the priests at the time when they spread out their hands,¹⁸ and say as follows: 'Sovereign of the Universe, I am Thine and my dreams are Thine. I have dreamt a dream and I do not know what it is. Whether I have dreamt about myself or my companions have dreamt about me, or I have dreamt about others, if they are good dreams, confirm them and reinforce them¹⁹ like the dreams of Joseph, and if they require a remedy, heal them, as the waters of Marah were healed by Moses, our teacher, and as Miriam was healed of her leprosy and Hezekiah of his sickness, and the waters of Jericho by Elisha. As thou didst turn the curse of the wicked Balaam into a blessing, so turn all my dreams into something good for me'.²⁰ He should conclude his prayer along with the priests, so that the congregation may answer, Amen! If he cannot manage this,²¹ he should say: Thou who art majestic on high, who abidest in might, Thou art peace and Thy name is peace. May it be Thy will to bestow peace on us.

The second commenced and said: If a man on going into a town is afraid of the Evil Eye,²² let him take the thumb of his right hand in his left hand and the thumb of his left hand in his right hand, and say: I, so-and-so, am of the seed of Joseph over which the evil eye has no power, as it says: Joseph is a fruitful vine, a fruitful vine by a fountain.²³ Do not read 'ale 'ayin [by a fountain] but 'ole 'ayin [overcoming the evil eye]. R. Jose b. R. Hanina derived it from here: And let them grow into a

multitude [weyidgu] in the midst of the earth;²⁴ just as the fishes [dagim] in the sea are covered by the waters and the evil eye has no power over them so the evil eye has no power over the seed of Joseph.²⁵ If he is afraid of his own evil eye, he should look at the side of his left nostril.

The third commenced and said: If a man falls ill, the first day he should not tell anyone, so that he should not have bad luck; but after that he may tell. So when Raba fell ill, on the first day he did not tell anyone, but after that he said to his attendant: Go and announce that Raba is ill. Whoever loves him, let him pray for him, and whoever hates him, let him rejoice over him; for it is written: Rejoice not when thine enemy falleth, and let not thy heart be glad when he stumbleth, lest the Lord see it and it displease Him and He turn away His wrath from him.²⁶

When Samuel had a bad dream, he used to say, The dreams speak falsely.²⁷ When he had a good dream, he used to say, Do the dreams speak falsely, seeing that it is written, I [God] do speak with him in a dream?²⁸ Raba pointed out a contradiction. It is written, 'I do speak with him in a dream', and it is written, 'the dreams speak falsely'. — There is no contradiction; in the one case it is through an angel, in the other through a demon.

R. Bizna b. Zabda said in the name of R. Akiba who had it from R. Panda who had it from R. Nahum, who had it from R. Biryam reporting a certain elder — and who was this? R. Bana'ah: There were twenty-four interpreters of dreams in Jerusalem. Once I dreamt a dream and I went round to all of them and they all gave different interpretations, and all were fulfilled, thus confirming that which is said: All dreams follow the mouth.²⁹ Is the statement that all dreams follow the mouth Scriptural?³⁰ Yes, as stated by R. Eleazar. For R. Eleazar said: Whence do we know that all dreams follow the mouth? Because it says, and it came to pass, as he interpreted to us, so it was.³¹ Raba said: This is only if the interpretation corresponds to the content of the dream: for it says, to each man according to his dream he did interpret.³² When the chief baker saw that the interpretation was good.³³ How did he know this? R. Eleazar says: This tells us that each of them was shown his own dream and the interpretation of the other one's dream.³⁴

R. Johanan said: If one rises early and a Scriptural verse comes to his mouth,³⁵ this is a kind of minor prophecy. R. Johanan also said: Three kinds of dream are fulfilled: an early morning dream, a dream which a friend has about one, and a dream which is interpreted in the midst of a dream. Some add also, a dream which is repeated, as it says, and for that the dream was doubled unto Pharaoh twice, etc.³⁶

R. Samuel b. Nahmani said in the name of R. Jonathan: A man is shown in a dream only what is suggested by his own thoughts, as it says, As for thee, Oh King, thy thoughts came into thy mind upon thy bed.³⁷ Or if you like, I can derive it from here: That thou mayest know the thoughts of the heart.³⁸ Raba said: This is proved by the fact that a man is never shown in a dream a date palm of gold, or an elephant going through the eye of a needle.³⁹

(1) Ibid. 2.

(2) Gen. XLI, 46.

(3) After which Joseph saw his brothers.

(4) Rashi reads: A good man is shown a bad dream and a bad man is shown a good dream. The purpose is to turn the good man to repentance and to give the bad man his reward in this world.

(5) Ps. XCI, 10.

(6) Prov. XIX, 23.

(7) And translate: If he abides seven nights without being visited, it is evil.

(8) And therefore what harm can it do?

(9) Ps. XXX, 12.

(10) Jer. XXXI, 13.

- (11) Deut. XXIII, 6.
 (12) Ps, LV, 19.
 (13) Isa. XXXV, 10.
 (14) I Samuel XIV, 45.
 (15) Isa. LVII, 19.
 (16) I Chron. XII, 19.
 (17) I Sam. XXV, 6.
 (18) To say the priestly benediction.
 (19) Var. lec. adds here the words: And may they be fulfilled.
 (20) This prayer is included in the prayer books and recited in some congregations between each of the three blessings constituting the priestly benediction, whether they have dreamt or not.
 (21) I.e., he is unable to finish it together with the priests. Var. lec.: When the priests (at the conclusion of the benediction) turn their faces (to the ark).
 (22) I.e., his own sensual passions.
 (23) Gen. XLIX, 22.
 (24) Ibid. XLVIII, 16.
 (25) V. supra p. 120, nn. 9 and 10.
 (26) Prov. XXiv, 17.
 (27) Zech. X, 2.
 (28) Num. XII, 6.
 (29) 'Mouth' here seems to have the sense of interpretation.
 (30) As the formula 'thus confirming' etc., would seem to imply.
 (31) Gen. XLI, 13.
 (32) Ibid. 12.
 (33) Ibid. XL, 16.
 (34) R. Eleazar stresses the word 'saw'.
 (35) I.e., either he spontaneously utters it, or he hears a child repeating it.
 (36) Ibid. XLI, 32.
 (37) Dan. II, 29.
 (38) Ibid. 30.
 (39) Because he never thinks of such things.

Talmud - Mas. Berachoth 56a

The Emperor [of Rome]¹ said to R. Joshua b. R. Hananyah: You [Jews] profess to be very clever. Tell me what I shall see in my dream. He said to him: You will see the Persians² making you do forced labour, and despoiling you and making you feed unclean animals with a golden crook. He thought about it all day, and in the night he saw it in his dream.³ King Shapor [I] once said to Samuel: You [Jews] profess to be very clever. Tell me what I shall see in my dream. He said to him: You will see the Romans coming and taking you captive and making you grind date-stones in a golden mill. He thought about it the whole day and in the night saw it in a dream.

Bar Hedyā was an interpreter of dreams. To one who paid him he used to give a favourable interpretation and to one who did not pay him he gave an unfavourable interpretation. Abayē and Raba each had a dream. Abayē gave him a zuz, and Raba did not give him anything. They said to him: In our dream we had to read the verse, Thine ox shall be slain before thine eyes,⁴ etc. To Raba he said: Your business will be a failure, and you will be so grieved that you will have no appetite to eat. To Abayē he said: Your business will prosper, and you will not be able to eat from sheer joy. They then said to him: We had to read in our dream the verse, Thou shalt beget sons and daughters but they shall not be thine,⁵ etc. To Raba he interpreted it in its [literal] unfavourable sense. To Abayē he said: You have numerous sons and daughters, and your daughters will be married and go away, and it will seem to you as if they have gone into captivity. [They said to him:] We were made to read the

verse: Thy sons and thy daughters shall be given unto another people.⁶ To Abaye he said: You have numerous sons and daughters; you will want your daughters to marry your relatives, and your wife will want them to marry her relatives, and she will force you to marry them to her relatives, which will be like giving them to another people. To Raba he said: Your wife will die, and her sons and daughters will come under the sway of another wife. (For Raba said in the name of R. Jeremiah b. Abba, reporting Rab: What is the meaning of the verse: 'Thy sons and thy daughters shall be given to another people'? This refers to a step-mother.) [They further said]: We were made to read in our dream the verse, Go thy way, eat thy bread with joy, etc.⁷ To Abaye he said: Your business will prosper, and you will eat and drink, and recite this verse out of the joy of your heart. To Raba he said: Your business will fail, you will slaughter [cattle] and not eat or drink and you will read Scripture to allay your anxiety. [They said to him]: We were made to read the verse, Thou shalt carry much seed out into the field, [and shalt gather little in, for the locusts will consume it].⁸ To Abaye he interpreted from the first half of the verse; to Raba from the second half. [They said to him:] We were made to read the verse, Thou shalt have olive trees throughout all thy borders, [but thou shalt not anoint thyself, etc.]⁹ To Abaye he interpreted from the first half of the verse; to Raba from the second half. [They said to him:] We were made to read the verse: And all the peoples of the earth shall see that the name of the Lord is called upon thee, etc.¹⁰ To Abaye he said: Your name will become famous as head of the college, and you will be generally feared. To Raba he said: The King's treasury¹¹ will be broken into, and you will be arrested as a thief, and everyone will draw an inference from you.¹² The next day the King's treasury was broken into and they came and arrested Raba: They said to him: We saw a lettuce on the mouth of a jar. To Abaye he said: Your business will be doubled like a lettuce. To Raba he said: Your business will be bitter like a lettuce. They said to him: We saw some meat on the mouth of a jar. To Abaye he said: Your wine will be sweet, and everyone will come to buy meat and wine from you. To Raba, he said: Your wine will turn sour, and everyone will come to buy meat to eat with it.¹³ They said: We saw a cask hanging on a palm tree. To Abaye he said: Your business will spring up like a palm tree. To Raba he said: Your goods will be sweet like dates.¹⁴ They said to him: We saw a pomegranate sprouting on the mouth of a jar. To Abaye he said: Your goods will be high-priced like a pomegranate. To Raba he said: Your goods will be stale like a [dry] pomegranate. They said to him: We saw a cask fall into a pit. To Abaye he said: Your goods will be in demand according to the saying: The pu'ah¹⁵ has fallen into a well and cannot be found.¹⁶ To Raba he said: Your goods will be spoilt and they will be thrown into a pit. They said to him: We saw a young ass standing by our pillow and braying. To Abaye he said: You will become a king,¹⁷ and an Amora¹⁸ will stand by you. To Raba he said: The words 'The first-born of an ass'¹⁹ have been erased from your tefillin. Raba said to him: I have looked at them and they are there. He replied to him: Certainly the waw of the word hamor [ass] has been erased from your tefillin.²⁰

Subsequently Raba went to him by himself and said to him: I dreamt that the outer door fell. He said to him: Your wife will die. He said to him: I dreamt that my front and back teeth fell out. He said to him: Your sons and your daughters will die. He said: I saw two pigeons flying. He replied: You will divorce two wives.²¹ He said to him: I saw two turnip-tops.²² He replied: You will receive two blows with a cudgel. On that day Raba went and sat all day in the Beth ha-Midrash. He found two blind men quarrelling with one another. Raba went to separate them and they gave him two blows. They wanted to give him another blow but he said, Enough! I saw in my dream only two.

Finally Raba went and gave him a fee. He said to him: I saw a wall fall down. He replied: You will acquire wealth without end. He said: I dreamt that Abaye's villa fell in and the dust of it covered me. He replied to him: Abaye will die and [the presidency of] his College will be offered to you. He said to him: I saw my own villa fall in, and everyone came and took a brick. He said to him: Your teachings will be disseminated throughout the world. He said to him: I dreamt that my head was split open and my brains fell out. He replied: The stuffing will fall out of your pillow. He said to him: In my dream I was made to read the Hallel of Egypt.²³ He replied: Miracles will happen to you.

Bar Hedyā was once travelling with Raba in a boat. He said to himself: Why should I accompany a man to whom a miracle will happen?²⁴ As he was disembarking, he let fall a book. Raba found it, and saw written in it: All dreams follow the mouth. He exclaimed: Wretch! It all depended on you and you gave me all this pain! I forgive you everything except [what you said about] the daughter of R. Hisda.²⁵ May it be God's will that this fellow be delivered up to the Government, and that they have no mercy on him! Bar Hedyā said to himself: What am I to do? We have been taught that a curse uttered by a sage, even when undeserved, comes to pass; how much more this of Raba, which was deserved! He said: I will rise up and go into exile. For a Master has said: Exile makes atonement for iniquity. He rose and fled to the Romans. He went and sat at the door of the keeper of the King's wardrobe. The keeper of the wardrobe had a dream, and said to him: I dreamt that a needle pierced my finger. He said to him: Give me a zuz! He refused to give him one, and he would not say a word to him. He again said to him: I dreamt that a worm²⁶ fell between two of my fingers. He said to him: Give me a zuz. He refused to give him one, and he would not say a word to him. I dreamt that a worm filled the whole of my hand. He said to him: Worms have been spoiling all the silk garments. This became known in the palace, and they brought the keeper of the wardrobe in order to put him to death. He said to them: Why execute me? Bring the man who knew and would not tell. So they brought Bar Hedyā, and they said to him: Because of your zuz, the king's silken garments have been ruined

(1) Probably Trajan, when he passed through Palestine during his expedition to Persia.

(2) I.e., the Parthians.

(3) Trajan was defeated by the Parthians in 116 C.E.

(4) Deut. XXVIII, 31.

(5) Ibid. 41.

(6) Deut. XXVIII, 32.

(7) Eccl. IX, 7.

(8) Deut. XXVIII, 38.

(9) Ibid. 40.

(10) Ibid. 10.

(11) Where the tax payments were received.

(12) Saying: If Raba is suspect, how much more so are we.

(13) I.e., to dip in it.

(14) Rashi explains this to mean: Sweet to the customer because of its cheapness.

(15) A vegetable dyer's madder, a prophylactic.

(16) I.e., it is a useless remedy, v. Shab. 66b. MS.M. reads: Your goods will be in demand like something which has fallen into a pit.

(17) I.e., president of a college.

(18) An interpreter.

(19) Ex. XIII, 13. This passage is one of the four contained in the tefillin.

(20) Bah adds: 'Raba examined and found that the waw of hamor had been erased etc.'

(21) A wife is compared to a dove in Cant. V, 2.

(22) Looking like sticks.

(23) I.e., the Hallel as said on Passover Eve to celebrate the going forth from Egypt, v. Glos. s.v. Hallel.

(24) As much as to say, he will be saved but I will not.

(25) Raba's wife, whose death Bar Hedyā had foretold.

(26) Aliter: 'decay'.

Talmud - Mas. Berachoth 56b

. They tied two cedars together with a rope, tied one leg to one cedar and the other to the other, and released the rope, so that even his head was split.¹ Each tree rebounded to its place and he was

decapitated and his body fell in two.

Ben Dama, the son of R. Ishmael's sister, asked R. Ishmael: I dreamt that both my jaws fell out; [what does it mean]? — He replied to him: Two Roman counsellors² have made a plot against you, but they have died.

Bar Kappara said to Rabbi: I dreamt that my nose fell off. He replied to him: Fierce anger³ has been removed from you. He said to him: I dreamt that both my hands were cut off. He replied: You will not require the labour of your hands. He said to him: I dreamt that both my legs were cut off. He replied: You will ride on horseback.¹ I dreamt that they said to me: You will die in Adar and not see Nisan. He replied: You will die in all honour [adrutha], and not be brought into temptation [nisayon].

A certain Min said to R. Ishmael: I saw myself [in a dream] pouring oil on olives. He replied: [This man]⁴ has outraged his mother. He said to him: I dreamt I plucked a star. He replied: You have stolen an Israelite.⁵ He said to him: I dreamt that I swallowed the star. He replied: You have sold an Israelite and consumed the proceeds. He said to him: I dreamt that my eyes were kissing one another. He replied: (This man) has outraged his sister. He said to him: I dreamt that I kissed the moon. He replied: He has outraged the wife of an Israelite. He said to him: I dreamt that I was walking in the shade of a myrtle. He replied: He has outraged a betrothed damsel.⁶ He said to him: I dreamt that there was a shade above me, and yet it was beneath me. He replied: It means unnatural intercourse. He said to him: I saw ravens keep on coming to my bed. He replied: Your wife has misconducted herself with many men. He said to him: I saw pigeons keep on coming to my bed. He replied: You have defiled many women. He said to him: I dreamt that I took two doves and they flew away. He replied: You have married two wives and dismissed them without a bill of divorce. He said to him: I dreamt that I was shelling eggs. He replied: You have been stripping the dead. He then said to him: You are right in all of these, except the last! of which I am not guilty. Just then a woman came and said to him: This cloak which you are wearing belonged to So-and-so who is dead, and you have stripped it from him. He said to him: I dreamt that people told me: Your father has left you money in Cappadocia. He said to him: Have you money in Cappadocia? No, he replied. Did your father ever go to Cappadocia? No. In that case, he said, kappa means a beam and dika means ten.⁷ Go and examine the beam which is at the head of ten, for it is full of coins. He went, and found it full of coins.

R. Hanina said: If one sees a well in a dream, he will behold peace, since it says: And Isaac's servants digged in the valley, and found there a well of living water.⁸ R. Nathan said: He will find Torah, since it says, Whoso findeth me findeth life⁹ and it is written here, a well of living water.¹⁰ Raba said: It means life literally.

Rab Hanan said: There are three (kinds of dreams which signify] peace, namely, about a river, a bird, and a pot. 'A river', for it is written: Behold I will extend peace to her like a river.¹¹ 'A bird', for it is written: As birds hovering so will the Lord of Hosts protect Jerusalem.¹² 'A Pot' for it is written, Lord, thou wilt establish¹³ peace for us.¹⁴ Said R. Hanina: But this has been said of a pot in which there is no meat, [for it says]:¹⁵ They chop them in pieces, as that which is in the pot and as flesh within the cauldron.¹⁶

R. Joshua b. Levi said: If one sees a river in his dreams, he should rise early and say: Behold I will extend peace to her like a river,¹¹ before another verse occurs to him, viz., for distress will come in like a river.¹⁷ If one dreams of a bird he should rise early and say: As birds hovering, so will the Lord of Hosts protect,¹² before another verse occurs to him, viz., As a bird that wandereth from her nest, so is a man that wandereth from his place.¹⁸ If one sees a pot in his dreams, he should rise early and say, Lord thou wilt establish [tishpoth] peace for us,¹⁴ before another verse occurs to him, viz., Set [shefoth] on the pot, set it on.¹⁹ If one sees grapes in his dream, he should rise early and say: I

found Israel like grapes in the wilderness,²⁰ before another verse occurs to him, viz., their grapes are grapes of gall.²¹ If one dreams of a mountain, he should rise early and say: How beautiful upon the mountains are the feet of the messenger of good tidings,²² before another verse occurs to him, viz., for the mountains will I take up a weeping and wailing.²³ If one dreams of a horn he should rise early and say: And it shall come to pass in that day that a great horn shall be blown,²⁴ before another verse occurs to him, viz., Blow ye the horn of Gibeah.²⁵ If one sees a dog in his dream, he should rise early and say: But against any of the children of Israel shall not a dog whet his tongue,²⁶ before another verse occurs to him, viz., Yea, the dogs are greedy.²⁷ If one sees a lion in his dream he should rise early and say: The lion hath roared, who will not fear?²⁸ before another verse occurs to him, viz., A lion is gone up from his thicket.²⁹ If one dreams of shaving, he should rise early and say: And Joseph shaved himself and changed his raiment,³⁰ before another verse occurs to him, viz., If I be shaven, then my strength will go from me.³¹ If one sees a well in his dream, he should rise early and say: A well of living waters,³² before another verse occurs to him, viz., As a cistern wellet with her waters, so she wellet with her wickedness.³³ If one sees a reed, he should rise early and say, A bruised reed shall he not break,³⁴ before another verse occurs to him, viz., Behold thou trusteth upon the staff of this bruised reed.³⁵

Our Rabbis taught: If one sees a reed [kaneh] in a dream, he may hope for wisdom, for it says: Get [kaneh] wisdom.³⁶ If he sees several reeds, he may hope for understanding, since it says: With all thy getting [kinyaneka] get understanding.³⁷ R. Zera said: A pumpkin [kara], a palm-heart [kora] wax [kira], and a reed [kanya] are all auspicious in a dream.³⁸ It has been taught: Pumpkins are shown in a dream only to one who fears heaven with all his might.³⁹ If one sees an ox in a dream, he should rise early and say: His firstling bullock, majesty is his,⁴⁰ before another verse occurs to him, viz., If an ox gore a man.⁴¹

Our Rabbis taught: There are five sayings in connexion with an ox in a dream. If one [dreams that he] eats of its flesh, he will become rich; if that an ox has gored him, he will have sons who will contend together⁴² in the study of the Torah; if that an ox bit him, sufferings will come upon him; if that it kicked him, he will have to go on a long journey; if that he rode upon one, he will rise to greatness. But it has been taught: If he dreamt that he rode upon one,⁴³ he will die? — There is no contradiction. In the one case the dream is that he rides on the ox, in the other that the ox rode upon him.

If one sees an ass in a dream, he may hope for salvation, as it says, Behold thy king cometh unto thee; he is triumphant and victorious, lowly and riding upon an ass.⁴⁴ If one sees a cat in a dream, if in a place where they call it shunara, a beautiful song [shirah na'ah] will be composed for him; if in a place where they call it shinra, he will undergo a change for the worse [shinnui ra'].⁴⁵ If one sees grapes in a dream, if they are white, whether in their season or not in their season, they are a good sign; if black, in their season they are a good sign, not in their season a bad sign.⁴⁶ If one sees a white horse in a dream, whether walking gently or galloping, it is a good sign, if a red horse, if walking gently it is a good sign, if galloping it is a bad sign. If one sees Ishmael in a dream, his prayer will be heard.⁴⁷ And it must be Ishmael, the son of Abraham, but not an ordinary Arab.⁴⁸ If one sees a camel in a dream, death has been decreed for him from heaven and he has been delivered from it. R. Hama b. Hanina said: What is the Scriptural text for this? — I will go down with thee into Egypt, and I will also surely bring thee up again.⁴⁹ R. Nahman b. Isaac derives it from here: The Lord also hath put away thy sin, thou shalt not die.⁵⁰ If one sees Phineas in a dream, a miracle will be wrought for him. If one sees an elephant [pil] in a dream, wonders [pela'oth] will be wrought for him; if several elephants, wonders of wonders will be wrought for him. But it has been taught: All kinds of beasts are of good omen in a dream except the elephant and the ape? — There is no contradiction.

(1) Another reading is: 'released the rope till he was split in two. Said Raba: I will not forgive him till his head is split.

Each tree, etc.’.

(2) Signified by ‘jaws’ because of their powers of speech.

(3) The word for ‘nose’ (af) means also ‘anger’.

(4) In attributing to him such a crime he would not address him in the second person.

(5) The Israelites being compared to stars. Gen. XV, 5.

(6) For whom it is usual to make a canopy of myrtle.

(7) Kappa in the sense of ‘beam’ is an Aramaic word (Kofa), while dika in the sense of ten is the Greek GR.** The Jer. more plausibly explains kappa as the Greek letter equivalent to twenty, and dokia as representing the Greek GR.**, a beam.

(8) Gen. XXVI, 19.

(9) Prov. VIII, 35.

(10) Lit. ‘water of life’.

(11) Isa. LXVI, 12.

(12) Ibid. XXXI, 5.

(13) Heb. tishpoth, which is also used for placing a pot on a fire.

(14) Ibid. XXVI, 12.

(15) V. Marginal Gloss.

(16) Micah III, 3.

(17) Isa. LIX, 19.

(18) Prov. XXVII, 8.

(19) Ezek. XXIV, 3.

(20) Hos. IX, 10.

(21) Deut. XXXII, 32.

(22) Isa. LII, 7.

(23) Jer. IX, 9.

(24) Isa. XXVII, 13.

(25) Hos. V, 8. This introduces a denunciation.

(26) Ex. XI, 7.

(27) Isa. LVI, 11.

(28) Amos III, 8.

(29) Jer. IV, 7.

(30) Gen. XLI, 24.

(31) Judg. XVI, 17. Spoken by Samson.

(32) Cant. IV, 15.

(33) Jer. VI, 7.

(34) Isa. XLII, 3.

(35) Ibid. XXXVI, 6.

(36) Prov. IV, 5.

(37) Ibid. 7.

(38) They all resemble in sound the word ‘reed’ and hence have a favourable significance.

(39) Despite their large size they do not grow high above the ground, and are plants symbolic of the Godfearing man who, despite his worth, remains lowly and humble. (R. Nissim, Gaon.)

(40) Deut. XXXIII, 17.

(41) Ex. XXI, 28.

(42) Lit., ‘gore’ (one another).

(43) The original can equally mean ‘it rides upon him’.

(44) Zech. IX, 9.

(45) MS.M. reads: If in a place . . . shunara he will undergo a change for the worse; if shunara a beautiful song, etc.

(46) MS.M. adds: He should offer supplication. If (he dreamt) that he had eaten these, he can be assured that he is a son of the world to come.

(47) Cf. Gen. XXI, 17.

(48) Who is also called Ishmael.

(49) Gen. XLVI, 4. The last words in the Hebrew are gam 'aloh, which resemble gamal, 'a camel'.

(50) II Sam. XII, 13. The derivation in this case is not clear; perhaps it is from the word gam 'also' which resembles gamal.

Talmud - Mas. Berachoth 57a

The elephants are of good omen¹ if saddled, of bad omen if not saddled. If one sees the name Huna in a dream, a miracle will be wrought for him.² If one sees the name Hanina, Hananiah or Jonathan, miracles will be wrought for him.³ If one dreams of a funeral oration [hesped] mercy will be vouchsafed to him from heaven and he will be redeemed.⁴ This is only if he sees the word in writing.⁵ If one [in a dream] answers, 'May His great name be blessed', he may be assured that he has a share in the future world. If one dreams that he is reciting the Shema', he is worthy that the Divine presence should rest upon him, only his generation is not deserving enough. If one dreams he is putting on tefillin, he may look forward to greatness, for it says: And all the peoples of the earth shall see that the name of the Lord is called upon thee, and they shall fear thee;⁶ and it has been taught: R. Eliezer the Great says: This refers to the tefillin of the head.⁷ If one dreams he is praying, it is a good sign, for him, provided he does not complete the prayer.⁸

If one dreams that he has intercourse with his mother, he may expect to obtain understanding, since it says, Yea, thou wilt call understanding 'mother'.⁹ If one dreams he has intercourse with a betrothed maiden, he may expect to obtain knowledge of Torah, since it says, Moses commanded us a law [Torah], an inheritance of the congregation of Jacob.¹⁰ Read not morashah [inheritance], but me'orasah [betrothed]. If one dreams he has had intercourse with his sister, he may expect to obtain wisdom, since it says, Say to wisdom, thou art my sister.¹¹ If one dreams he has intercourse with a married woman, he can be confident that he is destined for the future world,¹² provided, that is, that he does not know her and did not think of her in the evening.

R. Hiyya b. Abba said: If one sees wheat in a dream, he will see peace, as it says: He maketh thy borders peace; He giveth thee in plenty the fat of wheat.¹³ If one sees barley¹⁴ in a dream, his iniquities will depart, as it says: Thine iniquity is taken away, and thy sin expiated.¹⁵ R. Zera said: I did not go up from Babylon to the Land of Israel until I saw barley in a dream.¹⁶ If one sees in a dream a vine laden with fruit, his wife will not have a miscarriage, since it says, thy wife shall be as a fruitful vine.¹⁷ If one sees a choice vine, he may look forward to seeing the Messiah, since it says, Binding his foal unto the vine and his ass's colt unto the choice vine.¹⁸ If one sees a fig tree in a dream, his learning will be preserved within him, as it says: Whoso keepeth the fig tree shall eat the fruit thereof.¹⁹ If one sees pomegranates in a dream, if they are little ones, his business will be fruitful like a pomegranate; if big ones, his business will increase like a pomegranate. If they are split open, if he is a scholar, he may hope to learn more Torah, as it says: I would cause thee to drink of spiced wine, of the juice of my pomegranate;²⁰ if he is unlearned, he may hope to perform precepts, as it says: Thy temples are like a pomegranate split open.²¹ What is meant by 'Thy temples' [rakotheh]? — Even the illiterate [rekanim]²² among thee are full of precepts like a pomegranate. If one sees olives in a dream, if they are little ones his business will go on fructifying and increasing like an olive. This is if he sees the fruit; but if he sees the tree he will have many sons, as it says: Thy children like olive plants, round about thy table.¹⁷ Some say that if one sees an olive in his dream he will acquire a good name, as it says, The Lord called thy name a leafy olive-tree, fair and goodly fruit.²³ If one sees olive oil in a dream, he may hope for the light of the Torah, as it says, That they bring unto thee pure olive oil beaten for the light.²⁴ If one sees palm-trees in a dream his iniquities will come to an end, as it says, The punishment of thine iniquity is accomplished, O daughter of Zion.²⁵

R. Joseph said: If one sees a goat in a dream, he will have a blessed year; if several goats, several blessed years, as it says: And there will be goat's milk enough for thy food.²⁶ If one sees myrtle in

his dream, he will have good luck with his property,²⁷ and if he has no property he will inherit some from elsewhere. ‘Ulla said — according to others, it was taught in a Baraita: this is only if he sees myrtle on its stem.²⁸ If one sees citron [hadar] in his dream, he is honoured [hadur] in the sight of his Maker, since it says: The fruit of citrons,²⁹ branches of palm-trees.³⁰ If one sees a palm branch in a dream, he is single-hearted in devotion to his Father in Heaven.³¹ If one sees a goose in a dream, he may hope for wisdom, since it says: Wisdom crieth aloud it, the street;³² and he who dreams of being with one will become head of an academy. R. Ashi said: I saw one and was with one, and I was elevated to a high position.³³ If one sees a cock in a dream he may expect a male child; if several cocks, several sons; if a hen, a fine garden and rejoicing.³⁴ If one sees eggs in a dream, his petition remains in suspense;³⁵ if they are broken his petition will be granted. The same with nuts and cucumbers and all vessels of glass and all breakable things like these.

If one dreams that he enters a large town, his desire will be fulfilled, as it says, And He led them unto their desired haven.³⁶ If one dreams that he is shaving his head, it is a good sign for him; if his head and his beard, for him and for all his family. If one dreams that he is sitting in a small boat, he will acquire a good name; if in a large boat, both he and all his family will acquire one; but this is only if it is on the high sea. If one dreams that he is easing himself, it is a good omen for him, as it is said, He that is bent down shall speedily be loosed,³⁷ but this is only if he did not wipe himself [in his dream]. If one dreams that he goes up to a roof, he will attain a high position; if that he goes down, he will be degraded. Abaye and Raba, however, both say that once he has attained a high position he will remain there. If one dreams he is tearing his garments, his evil decree³⁸ will be rent. If one dreams that he is standing naked, if in Babylon he will remain sinless,³⁹ if in the Land of Israel he will be bare of pious deeds.⁴⁰ If one dreams that he has been arrested by the police, protection will be offered him; if that he has been placed in neck-chains,⁴¹ additional protection will be afforded him. This is only [if he dreams] of neck-chains, not a mere rope. If one dreams that he walks into a marsh, he will become the head of an academy;⁴² if into a forest he will become the head of the collegiates.⁴³

R. Papa and R. Huna the son of Joshua both had dreams. R. Papa dreamt that he went into a marsh and he became head of an academy.⁴⁴ R. Huna the son of R. Joshua dreamt that he went into a forest and he became head of the collegiates. Some say that both dreamt they went into a marsh, but R. Papa who was carrying a drum⁴⁵ became head of the academy, while R. Huna the son of R. Joshua who did not carry a drum became only the head of the collegiates. R. Ashi said: I dreamt that I went into a marsh and carried a drum and made a loud noise with it.

A Tanna recited in the presence of R. Nahman b. Isaac: If one dreams that he is undergoing blood-letting, his iniquities are forgiven.⁴⁶ But it has been taught: His iniquities are recounted? — What is meant by recounted? Recounted so as to be forgiven.

A Tanna recited in the presence of R. Shesheth: If one sees a serpent in a dream, it means that his living is assured;⁴⁷ if it bites him it will be doubled; if he kills it he will lose his living. R. Shesheth said to him: [In this case] all the more will his living be doubled! This is not so, however; R. Shesheth [explained thus] because he saw a serpent in his dream and killed it.⁴⁸

A Tanna recited in the presence of R. Johanan: All kinds of drinks are a good sign in a dream except wine; sometimes one may drink it and it turns out well and sometimes one may drink it and it turns out ill. ‘Sometimes one may drink it and it turns out well’, as it says: Wine that maketh glad the heart of man’.⁴⁹ ‘Sometimes one may drink it and it turns out ill’, as it says: Give strong drink unto him that is ready to perish, and wine unto the bitter in soul.’⁵⁰ Said R. Johanan unto the Tanna: Teach that for a scholar it is always good, as it says: Come eat of my bread and drink of the wine which I have mingled.⁵¹

- (1) Lit., 'this is . . . that is'.
- (2) The Hebrew for miracle, nes, also contains the letter nun.
- (3) These names contain more than one nun.
- (4) Heaped is here connected with hus 'to have pity' and padah 'to redeem'.
- (5) And similarly the proper names Huna, etc. enumerated above.
- (6) Deut. XXVIII, 10.
- (7) V. supra 6a.
- (8) I.e., wakes up before it is finished.
- (9) Prov. II, 3 with a slight change of reading. E.V. Yea, If thou wilt call for understanding.
- (10) Deut. XXXIII, 4.
- (11) Prov. VII, 4.
- (12) The signification being that he obtains his own share and that of his neighbour (Rashi).
- (13) Ps. CXLVII, 14.
- (14) Se'orim (barley) equals sar 'awon, 'iniquity has departed'.
- (15) Isa VI, 7.
- (16) A visit to the Holy Land was held to bring with it an expiation for sin.
- (17) Ps. CXXXVIII, 3.
- (18) Gen. XLIX, 11. This verse is supposed to refer to the Messiah.
- (19) Prov. XXVII, 18.
- (20) Cant. VIII, 2.
- (21) Ibid. IV, 3.
- (22) Lit., 'the empty ones'.
- (23) Jer. XI, 16.
- (24) Ex. XX VII, 20.
- (25) Lam. IV, 22. Tamarin (palm-trees) suggest tammu morin, 'finished are rebels (sins)'.
- (26) Prov. XXVII, 27.
- (27) Like a myrtle which has numerous leaves.
- (28) I.e., attached to the soil.
- (29) E.V. 'Goodly trees'.
- (30) Lev. XXIII, 40.
- (31) The palm branch having no twigs.
- (32) Prov. I, 20.
- (33) He became the head of the Academy of Matha Mehasia (a suburb of Sura).
- (34) The Hebrew word for cock (tarnegol) suggests these interpretations.
- (35) Like the contents of the egg, of which one is doubtful as long as the shell is unbroken (Rashi).
- (36) Ps. CVII, 30.
- (37) Isa. LI, 14.
- (38) The evil decreed against him from heaven.
- (39) V. Keth. 110b. He who dwells outside the Land of Israel is as though he worshipped idols. To stand naked in a dream in Babylon hence means to be sinless.
- (40) V. Keth. 111a. He who dwells in the Land abides sinless. To stand naked in a dream in Palestine hence means to be bare of pious deeds.
- (41) With which criminals were strung together to be led to execution.
- (42) Short and long reeds in a marsh are figurative of the students of different ages and standards attending the Academy.
- (43) The full-grown trees in a forest represent the mature students who meet often for discussion and study. V., however, Rashi.
- (44) He became the head of the school in Naresh, near Sura.
- (45) Such as was used for announcing the approach of a man of distinction.
- (46) Sins are described as crimson, cf. Isa. I, 18.
- (47) Because the serpent eats dust of which there is always abundance.
- (48) And he wished to give his dream a favourable interpretation.

(49) Ps. CIV, 15.

(50) Prov. XXXI, 6.

(51) Ibid. IX, 5.

Talmud - Mas. Berachoth 57b

R. Johanan said: If at the moment of rising a text occurs to one, this is a minor kind of prophecy.

Our Rabbis taught there are three kings [who are important for dreams]. If one sees David in a dream, he may hope for piety; if Solomon, he may hope for wisdom; if Ahab, let him fear for punishment. There are three prophets [of significance for dreams]. If one sees the Book of Kings, he may look forward to greatness; if Ezekiel, he may look forward to wisdom; if Isaiah he may look forward to consolation; if Jeremiah, let him fear for punishment. There are three larger books of the Hagiographa [which are significant for dreams]. If one sees the Book of Psalms, he may hope for piety; if the Book of Proverbs, he may hope for wisdom; if the Book of Job, let him fear for punishment. There are three smaller books of the Hagiographa [significant for dreams]. If one sees the Songs of Songs in a dream, he may hope for piety;¹ if Ecclesiastes, he may hope for wisdom; if Lamentations, let him fear for punishment; and one who sees the Scroll of Esther will have a miracle wrought for him. There are three Sages [significant for dreams]. If one sees Rabbi in a dream, he may hope for wisdom; if Eleazar b. Azariah, he may hope for riches;² if R. Ishmael b. Elisha, let him fear for punishment.³ There are three disciples⁴ [significant for dreams]. If one sees Ben 'Azzai in a dream, he may hope for piety; if Ben Zoma, he may hope for wisdom; if Aher,⁵ let him fear for punishment.

All kinds of beasts are a good sign in a dream, except the elephant, the monkey and the long-tailed ape. But a Master has said: If one sees an elephant in a dream, a miracle will be wrought for him?⁶ — There is no contradiction; in the latter case it is saddled, in the former case it is not saddled. All kinds of metal implements are a good sign in a dream, except a hoe, a mattock, and a hatchet; but this is only if they are seen in their hafts.⁷ All kinds of fruit are a good sign in a dream, except unripe dates. All kinds of vegetables are a good sign in a dream, except turnip-tops. But did not Rab say: I did not become rich until I dreamt of turnip-tops? — When he saw them, it was on their stems.⁸ All kinds of colours are a good sign in a dream, except blue.⁹ All kinds¹⁰ of birds are a good sign in a dream, except the owl, the horned owl and the bat.

(Mnemonic: The body, The body, Reflex, Restore, Self-esteem.) Three things enter the body without benefiting it: melilot,¹¹ dateberries, and unripe dates. Three things benefit the body without being absorbed by it: washing, anointing, and regular motion. Three things are a reflex of the world to come: Sabbath, sunshine, and tashmish.¹² Tashmish of what? Shall I say of the bed?¹³ This weakens. It must be then tashmish of the orifices. Three things restore a man's good spirits: [beautiful] sounds, sights, and smells. Three things increase a man's self-esteem:¹⁴ a beautiful dwelling, a beautiful wife, and beautiful clothes.

(Mnemonic: Five, Six, Ten). Five things are a sixtieth part of something else: namely, fire, honey, Sabbath, sleep and a dream. Fire is one-sixtieth part of Gehinnom. Honey is one-sixtieth part of manna. Sabbath is one-sixtieth part of the world to come. Sleep is one-sixtieth part of death. A dream is one-sixtieth part of prophecy.

Six things are a good sign for a sick person, namely, sneezing, perspiration, open bowels, seminal emission, sleep and a dream. Sneezing, as it is written: His sneezings flash forth light.¹⁵ Perspiration, as it is written, In the sweat of thy face shalt thou eat bread.¹⁶ Open bowels, as it is written: If lie that is bent down hasteneth to be loosed, he shall not go down dying to the pit.¹⁷ Seminal emission, as it is written: Seeing seed, he will prolong his days.¹⁸ Sleep, as it is written: I should have slept, then

should I have been at rest.¹⁹ A dream, as it is written: Thou didst cause me to dream and make me to live.²⁰

Six things heal a man of his sickness with a complete cure, namely, cabbage, beet, a decoction of dried poley, the maw [of an animal], the womb, and the large lobe of the liver. Some add small fishes, which [not only have this advantage] but also make fruitful and invigorate a man's whole body.

Ten things bring a man's sickness on again in a severe form, namely, to eat beef, fat meat, roast meat, poultry and roasted egg, shaving, and eating cress, milk or cheese, and bathing. Some add, also nuts; and some add further, also cucumbers. It was taught in the school of R. Ishmael: Why are they called kishshu'im [cucumbers]? Because they are painful [kashim] for the body like swords. Is that so? See, it is written: And the Lord said unto her, Two nations are in thy womb.²¹ Read not goyim [nations] but ge'im [lords], and Rab Judah said in the name of Rab: These are Antoninus and Rabbi, whose table never lacked either radish, lettuce or cucumbers either in summer or winter!²² — There is no contradiction; the former statement speaks of large ones, the latter of small ones.

Our Rabbis taught: [If one dreams of] a corpse in the house, it is a sign of peace in the house; if that he was eating and drinking in the house, it is a good sign for the house; if that he took articles from the house, it is a bad sign for the house. R. Papa explained it to refer to a shoe or sandal. Anything that the dead person [is seen in the dream] to take away is a good sign except a shoe and a sandal; anything that it puts down is a good sign except dust and mustard.

A PLACE FROM WHICH IDOLATRY HAS BEEN UPROOTED. Our Rabbis taught: If one sees a statue of Hermes,²³ he says, Blessed be He who shows long suffering to those who transgress His will. If he sees a place from which idolatry has been uprooted, he says, Blessed be He who uprooted idolatry from our land; and as it has been uprooted from this place, so may it be uprooted from all places belonging to Israel; and do Thou turn the heart of those that serve them²⁴ to serve Thee. Outside Palestine it is not necessary to say: Turn the heart of those that serve them to serve Thee, because most of them are idolaters. R. Simeon b. Eleazar says: Outside Palestine also one should say this, because they will one day become proselytes, as it says, For then will I turn to the peoples a pure language.²⁵

R. Hamnuna said in a discourse: If one sees the wicked Babylon, he should say five benedictions: On seeing [the city] Babylon itself he says, Blessed be He who has destroyed the wicked Babylon. On seeing the palace of Nebuchadnezzar, he says, Blessed be He who destroyed the palace of the wicked Nebuchadnezzar. On seeing the lions' den, or the fiery furnace, he says, Blessed be He who wrought miracles for our ancestors²⁶ in this place. On seeing the statue of Hermes, he says, Blessed be He who shows long suffering to those that transgress His will. On seeing the place from which dust is carried away,²⁷ he says, Blessed be He who says and does, who decrees and carries out. Rab, when he saw asses carrying dust, used to give them a slap on the back and say, Run, ye righteous ones, to perform the will of your Master. When Mar the son of Rabina came to [the city of] Babylon, he used to put some dust in his kerchief and throw it out, to fulfil the text, I will sweep it with the besom of destruction.²⁸ R. Ashi said: I had never heard this saying of R. Hamnuna, but of my own sense I made all these blessings.

(1) The Song of Songs being calculated to implant in the reader the love of God.

(2) R. Eleazar was very wealthy.

(3) R. Ishmael suffered martyrdom under the Romans, v. Halevi, Doroth I, p. 309.

(4) Who became authorities though they were never ordained as Rabbis.

(5) Elisha b. Abuya, called Aher (lit., 'Another') when he came a renegade, v. Hag. 15a.

(6) V. supra 56b.

- (7) Otherwise they portend blows, as stated above.
- (8) I.e., attached to the soil.
- (9) The colour of sickness.
- (10) MS.M. inserts: 'of reptiles are a good sign in a dream except the mole. All kinds'.
- (11) A kind of clover.
- (12) Lit., 'service'.
- (13) I.e., sexual intercourse.
- (14) Lit., 'enlarge his spirit'.
- (15) Job XLI, 10.
- (16) Gen. III, 19.
- (17) Isa. LI, 14. E.V. 'He that is bent down shall speedily, etc.'.
- (18) Ibid. LIII, 10.
- (19) Job. III, 13.
- (20) Isa. XXXVIII, 16. V. p. 335, n. 10.
- (21) Gen. XXV, 23.
- (22) V. A.Z. (Sonc. ed.) p. 50, n. 3.
- (23) Heb. Markolis, the Latin Mercurius. This was the commonest of the heathen images.
- (24) I.e., of renegade Israelites.
- (25) Zeph. III, 9.
- (26) Daniel and Hananiah, Mishael and Azariah.
- (27) The ruins of the city of Babylon from which earth was taken for building elsewhere, v. Obermeyer, p. 303.
- (28) Isa. XIV, 23.

Talmud - Mas. Berachoth 58a

R. Jeremiah b. Eleazar said: When Babylon was cursed, her neighbours were also cursed; but when Samaria was cursed, her neighbours were blessed. 'When Babylon was cursed her neighbours were cursed', as it is written: I will also make it a possession for the bittern and pools of water.¹ 'When Samaria was cursed her neighbours were blessed', as it is written: Therefore I will make Samaria a heap in the field, a place for the planting of vineyards.²

R. Hammuna further said: If one sees a crowd of Israelites, he should say: Blessed is He who discerneth secrets.³ If he sees a crowd of heathens, he should say: Your mother shall be ashamed, etc.⁴

Our Rabbis taught: If one sees a crowd of Israelites, he says, Blessed is He who discerneth secrets, for the mind of each is different from that of the other, just as the face of each is different from that of the other. Ben Zoma once saw a crowd on one of the steps of the Temple Mount. He said, Blessed is He that discerneth secrets, and blessed is He who has created all these to serve me. [For] he used to say: What labours Adam had to carry out before he obtained bread to eat! He ploughed, he sowed, he reaped, he bound [the sheaves], he threshed and winnowed and selected the ears, he ground [them], and sifted [the flour], he kneaded and baked, and then at last he ate; whereas I get up, and find all these things done for me. And how many labours Adam had to carry out before he obtained a garment to wear! He had to shear, wash [the wool], comb it, spin it and weave it, and then at last he obtained a garment to wear; whereas I get up and find all these things done for me. All kinds of craftsmen⁵ come early to the door of my house, and I rise in the morning and find all these before me.

He used to say: What does a good guest say? 'How much trouble my host has taken for me! How much meat he has set before me! How much wine he has set before me! How many cakes he has set before me! And all the trouble he has taken was only for my sake!' But what does a bad guest say? 'How much after all has mine host put himself out? I have eaten one piece of bread, I have eaten one

slice of meat, I have drunk one cup of wine! All the trouble which my host has taken was only for the sake of his wife and his children!' What does Scripture say of a good guest? Remember that thou magnify his works, where of men have sung.⁶ But of a bad guest it is written: Men do therefore fear him; [he regardeth not any that are wise of heart].⁷

And the man was an old man in the days of Saul, stricken in years among men.⁸ Raba (or, as some say, R. Zebid; or again, as some say, R. Oshaia) said: This is Jesse, the father of David, who went out with a crowd and came in with a crowd, and expounded [the Torah] to a crowd. 'Ulla said: We have a tradition that there is no crowd⁹ in Babylon. It was taught: A multitude is not less than sixty myriads.

Our Rabbis taught: On seeing the Sages of Israel one should say: Blessed be He who hath imparted of His wisdom to them that fear Him. On seeing the Sages of other nations, one says, Blessed be He who hath imparted of His wisdom to His creatures. On seeing kings of Israel, one says: Blessed be He who hath imparted of His glory to them that fear Him. On seeing non-Jewish kings, one says: Blessed be He who hath imparted of His glory to His creatures. R. Johanan said: A man should always exert himself and run to meet an Israelitish king; and not only a king of Israel but also a king of any other nation, so that if he is deemed worthy,¹⁰ he will be able to distinguish between the kings of Israel and the kings of other nations.

R. Shesheth was blind. Once all the people went out to see the king, and R. Shesheth arose and went with them. A certain Sadducean¹¹ came across him and said to him: The whole pitchers go to the river, but where do the broken ones go to?¹² He replied: I will show you that I know more than you. The first troop passed by and a shout arose. Said the Sadducean: The king is coming. He is not coming, replied R. Shesheth. A second troop passed by and when a shout arose, the Sadducean said: Now the king is coming. R. Shesheth replied: The king is not coming. A third troop passed by and there was silence. Said R. Shesheth: Now indeed the king is coming. The Sadducean said to him: How did you know this? — He replied: Because the earthly royalty is like the heavenly. For it is written: Go forth and stand upon the mount before the Lord. And behold, the Lord passed by and a great and strong wind rent the mountains, and broke in pieces the rocks before the Lord; but the Lord was not in the wind; and after the wind an earthquake; but the Lord was not in the earthquake; and after the earthquake a fire; but the Lord was not in the fire; and after the fire a still small voice.¹³ When the king came, R. Shesheth said the blessing over him. The Sadducean said to him: You, you say a blessing for one whom you do not see? What happened to that Sadducean? Some say that his companions put his eyes out; others say that R. Shesheth cast his eyes upon him and he became a heap of bones.

R. Shila administered lashes to a man who had intercourse with an Egyptian¹⁴ woman. The man went and informed against him to the Government, saying: There is a man among the Jews who passes judgment without the permission of the Government. An official was sent to [summon] him. When he came he was asked: Why did you flog that man? He replied: Because he had intercourse with a she-ass. They said to him: Have you witnesses? He replied: I have. Elijah thereupon came in the form of a man and gave evidence. They said to him: If that is the case he ought to be put to death! He replied: Since we have been exiled from our land, we have no authority to put to death; do you do with him what you please. While they were considering his case, R. Shila exclaimed, Thine, Oh Lord, is the greatness and the power.¹⁵ What are you saying? they asked him. He replied: What I am saying is this: Blessed is the All-Merciful Who has made the earthly royalty on the model of the heavenly, and has invested you with dominion, and made you lovers of justice. They said to him: Are you so solicitous for the honour of the Government? They handed him a staff¹⁶ and said to him: You may act as judge. When he went out that man said to him: Does the All-Merciful perform miracles for liars? He replied: Wretch! Are they not called asses? For it is written: Whose flesh is as the flesh of asses.¹⁷ He noticed that the man was about to inform them that he had called them asses.

He said: This man is a persecutor, and the Torah has said: If a man comes to kill you, rise early and kill him first.¹⁸ So he struck him with the staff and killed him. He then said: Since a miracle has been wrought for me through this verse, I will expound it. ‘Thine, Oh Lord, is the greatness’: this refers to the work of creation; and so it says: Who doeth great things past finding out.¹⁹ ‘And the power’: this refers to the Exodus from Egypt, as it says: And Israel saw the great work, etc.²⁰ ‘And the glory’: this refers to the sun and moon which stood still for Joshua, as it says: And the sun stood still and the moon stayed.²¹ ‘And the victory [nezah]’: this refers to the fall of Rome,²² as it says: And their life-blood [nizham] is dashed against my garments.²³ ‘And the majesty’: this refers to the battle of the valleys of Arnon, as it says, Wherefore it is said in the book of the wars of the Lord: Vaheb in Supah, and the valleys of Arnon.²⁴ ‘For all that is in heaven and earth’: this refers to the war of Sisera, as it says: They fought front heaven, the stars in their courses fought against Sisera.²⁵ ‘Thine is the kingdom, O Lord’: this refers to the war against Amalek. For so it says: The hand upon the throne of the Lord, the Lord will have war with Amalek from generation to generation.²⁶ ‘And Thou art exalted’: this refers to the war of Gog and Magog; and so it says: Behold I am against thee, Oh Gog, chief prince of Meshech and Tubal.²⁷ ‘As head above all’: R. Hanan b. Raba said in the name of R. Johanan: Even a waterman²⁸ is appointed from heaven. It was taught in a Baraitha in the name of R. Akiba: ‘Thine, oh Lord, is the greatness’: this refers to the cleaving of the Red Sea. ‘And the power’: this refers to the smiting of the first-born. ‘And the glory’: this refers to the giving of the Torah. ‘And the victory’: this refers to Jerusalem. ‘And the majesty’: this refers to the Temple.

(1) Ibid. The whole neighbourhood of Babylon became desolate.

(2) Micah I, 6.

(3) Lit., ‘wise in secrets’. Vi., the secrets of each one's heart.

(4) Jer. L, 12.

(5) So Marginal Gloss. Cur. edd. ‘peoples’.

(6) Job XXXVI, 24.

(7) Ibid. XXXVII, 24.

(8) I Sam. XVII, 12.

(9) Of Israelites assembled to hear the Torah.

(10) Of the Messianic age.

(11) MS.M. min (v. Glos.).

(12) As much as to say: What is the use of a blind man going to see the king.

(13) I Kings XIX, 11f.

(14) Var. lec. Gentile.

(15) I Chron. XXIX, 11.

(16) Or perhaps, ‘strap’ (J.T.).

(17) Ezek. XXIII, 20.

(18) This lesson is derived by the Rabbis from Ex. XXII, 1 which declares it legitimate to kill a burglar who is prepared to commit murder.

(19) Job. IX, 10.

(20) Ex. XIV, 31.

(21) Josh. X, 13.

(22) MS.M.: The wicked kingdom.

(23) Isa. LXIII, 3.

(24) Num. XXI, 14.

(25) Judg. V, 20.

(26) Ex. XVII, 16.

(27) Ezek. XXXVIII, 3.

(28) A man who looked after the well from which fields were irrigated — quite a menial office.

Talmud - Mas. Berachoth 58b

Our Rabbis taught: On seeing the houses of Israel, when inhabited one says: Blessed be He who sets the boundary of the widow;¹ when uninhabited, Blessed be the judge of truth. On seeing the houses of heathens, when inhabited, one says: The Lord will pluck up the house of the proud;² when uninhabited he says: O Lord, thou God, to whom vengeance belongeth, thou God, to whom vengeance belongeth, shine forth.³

Once when 'Ulla and R. Hisda Were walking along the road, they came to the door of the house of R. Hana b. Hanilai. R. Hisda broke down and sighed. Said 'Ulla to him: Why are you sighing, seeing that Rab has said that a sigh breaks half a man's body, since it says, Sigh therefore thou son of man, with the breaking of thy loins,⁴ etc.; and R. Johanan said that it breaks even the whole of a man's body, as it says: And it shall be, when they say unto thee, wherefore sighest thou? Thou shalt say: Because of the tidings for it cometh; and every heart shall melt, etc.⁵ — He replied: How shall I refrain from sighing on seeing the house in which there used to be sixty⁶ cooks by day and sixty cooks by night, who cooked for every one who was in need. Nor did he [R. Hana] ever take his hand away from his purse, thinking that perhaps a respectable poor man might come, and while he was getting his purse he would be put to shame. Moreover it had four doors, opening on different sides, and whoever went in hungry went out full. They used also to throw wheat and barley outside in years of scarcity, so that anyone who was ashamed to take by day used to come and take by night. Now it has fallen in ruins, and shall I not sigh? — He replied to him: Thus said R. Johanan: Since the day when the Temple was destroyed a decree has been issued against the houses of the righteous that they should become desolate, as it says: In mine ears, said the Lord of hosts: Of a truth many houses shall be desolate, even great and fair, without inhabitants.⁷ R. Johanan further said: The Holy One, blessed be He, will one day restore them to their inhabited state, as it says: A Song of Ascents. They that trust in the Lord are as Mount Zion.⁸ Just as the Holy One, blessed be He, will restore Mount Zion to its inhabited state, so will He restore the houses of the righteous to their inhabited state. Observing that he was still not satisfied, he said to him: Enough for the servant that he should be like his master.⁹

Our Rabbis taught: On seeing Israelitish graves, one should say: Blessed is He who fashioned you in judgments who fed you in judgment and maintained you in judgment, and in judgment gathered you in, and who will one day raise you up again in judgment. Mar, the son of Rabina, concluded thus in the name of R. Nahman: And who knows the number of all of you; and He will one day revive you and establish you. Blessed is He who revives the dead.¹⁰ On seeing the graves of heathens one says: Your mother shall be sore ashamed, etc.

R. Joshua b. Levi said: One who sees a friend after a lapse of thirty days says: Blessed is He who has kept us alive and preserved us and brought us to this season. If after a lapse of twelve months he says: Blessed is He who revives the dead. Rab said: The dead is not forgotten till after twelve months, as it says: I am forgotten as a dead man out of mind; I am like a lost vessel.¹¹ R. Papa and R. Huna the son of R. Joshua were once going along the road when they met R. Hanina, the son of R. Ika. They said to him: Now that we see you we make two blessings over you: 'Blessed be He who has imparted of His wisdom to them that fear Him', and 'That has kept us alive etc.'. He said to them: I, also, on seeing you counted it as equal to seeing sixty myriads of Israel, and I made three blessings over you, those two, and 'Blessed is He that discerneth secrets'. They said to him: Are you so clever as all that? They cast their eyes on him and he died.¹²

R. Joshua b. Levi said: On seeing pock-marked persons one says: Blessed be He who makes strange creatures. An objection was raised: If one sees a negro, a very red or very white person, a hunchback, a dwarf or a dropsical person, he says: Blessed be He who makes strange creatures. If he sees one with an amputated limb, or blind, or flatheaded, or lame, or smitten with boils, or pock-marked, he says: Blessed be the true Judge! — There is no contradiction; one blessing is said if he is so from birth, the other if he became so afterwards. A proof of this is that he is placed in the

same category as one with an amputated limb; this proves it.

Our Rabbis taught: On seeing an elephant, an ape, or a long-tailed ape, one says: Blessed is He who makes strange creatures. If one sees beautiful creatures and beautiful trees, he says: Blessed is He who has such in His world.

OVER SHOOTING-STARS [ZIKIN]. What are ZIKIN? Samuel said: A comet.¹³ Samuel also said: I am as familiar with the paths of heaven as with the streets of Nehardea, with the exception of the comet, about which I am ignorant. There is a tradition that it never passes through the constellation of Orion, for if it did, the world would be destroyed. But we have seen it pass through? — Its brightness passed through, which made it appear as if it passed through itself. R. Huna the son of R. Joshua said: Wilon¹⁴ was torn asunder and rolled up,¹⁵ showing the brightness of Rakia.¹⁶ R. Ashi said: A star was removed from one side of Orion and a companion star appeared on the other side, and people were bewildered and thought the star had crossed over.¹⁷

Samuel contrasted two texts. It is written, Who maketh the Bear, Orion, and the Pleiades.¹⁸ And it is written elsewhere, That maketh Pleiades and Orion.¹⁹ How do we reconcile these? Were it not for the heat of Orion the world could not endure the cold of Pleiades; and were it not for the cold of Pleiades the world could not endure the heat of Orion. There is a tradition that were it not that the tail of the Scorpion has been placed in the Stream of Fire,²⁰ no one who has ever been stung by a scorpion could live. This is what is referred to in the words of the All-Merciful to Job: Canst thou bind the chains of Pleiades or loose the bands of Orion?²¹

What is meant by Kimah [Pleiades]?¹⁸ Samuel said: About a hundred [ke'me-ah] stars. Some say they are close together; others say that they are scattered. What is meant by 'Ash [the Bear]'?¹⁸ — Rab Judah said: Jutha. What is Jutha? — Some say it is the tail of the Ram; others say it is the hand of the Calf.²² The one who says it is the tail of the Ram is more probably right, since it says: 'Ayish will be comforted for her children.'²³ This shows that it lacks something,

(1) Sc., Jerusalem.

(2) Prov. XV, 25.

(3) Ps. XCIV, 1.

(4) Ezek. XXI, 11.

(5) Ibid. 22.

(6) I.e., a great many.

(7) Isa. V, 9.

(8) Ps. CXXV, 1.

(9) I.e., that R. Hana's house should be like the house of God.

(10) V. P.B. p. 319.

(11) Ps. XXXI, 13. A thing is not given up as lost till after twelve months.

(12) Apparently they thought he was sarcastic.

(13) Kokeba di-Shabi Lit., 'Star that draws'. What exactly is meant is a matter of dispute. Rashi explains as 'shooting-stars'.

(14) The lowest of the seven firmaments, which is a kind of 'Veil' to the others.

(15) Rashi and Tosaf. omit 'and rolled up'.

(16) Lit., 'firmament'. The next of the seven firmaments.

(17) I.e., mere error of perspective, v. on the passage Brodetsky, Jewish Review July, 1909, p. 167 ff.

(18) Job IX, 9.

(19) Amos V, 8. The order is here reversed.

(20) Mentioned in Dan. VII, 10, denoting probably the Milky Way.

(21) Job. XXXVIII, 31.

(22) This constellation follows that of the Ram.

Talmud - Mas. Berachoth 59a

and in fact it looks like a piece torn off;¹ and the reason why she follows her is because she is saying to her: Give me my children. For at the time when the Holy One, blessed be He, wanted to bring a flood upon the world, He took two stars from Kimah and brought a flood upon the world. And when He wanted to stop it, He took two stars from 'Ayish and stopped it. But why did He not put the other two back? — A pit cannot be filled with its own clods;² or another reason is, the accuser cannot become advocate. Then He should have created two other stars for it? — There is nothing new under the sun.³ R. Nahman said: The Holy one, blessed be He, will one day restore them to her, as it says: and 'Ayish will be comforted for her children.⁴

AND OVER EARTHQUAKES [ZEWA'OTH]. What are ZEWA'OTH? R. Kattina said: A rumbling of the earth. R. Kattina was once going along the road, and when he came to the door of the house of a certain necromancer, there was a rumbling of the earth. He said: Does the necromancer know what this rumbling is? He called after him, Kattina, Kattina, why should I not know? When the Holy One, blessed be He, calls to mind His children, who are plunged in suffering among the nations of the world, He lets fall two tears into the ocean, and the sound is heard from one end of the world to the other, and that is the rumbling. Said R. Kattina: The necromancer is a liar and his words are false. If it was as he says, there should be one rumbling after another! He did not really mean this, however. There really was one rumbling after another, and the reason why he did not admit it was so that people should not go astray after him. R. Kattina, for his own part, said: [God] clasps His hands, as it says: I will also smite my hands together, and I will satisfy my fury.⁵ R. Nathan said: [God] emits a sigh, as it is said: I will satisfy my fury upon them and I will be eased.⁶ And the Rabbis said: He treads upon the firmament, as it says: He giveth a noise as they that tread grapes against all the inhabitants of the earth.⁷ R. Aha b. Jacob says: He presses his feet together beneath the throne of glory, as it says: Thus saith the Lord, the heaven is my throne and the earth is my foot-stool.⁸

AND OVER THUNDERS [RE'AMIM]. What are RE'AMIM? — Clouds in a whirl, as it says: The voice of Thy thunder was in the whirlwind; the lightning lighted up the world, the earth trembled and shook.⁹ The Rabbis, however, say: The clouds pouring water into one another, as it says: At the sound of His giving a multitude of waters in the heavens.¹⁰ R. Aha b. Jacob said: A powerful lightning flash that strikes the clouds and breaks off hailstones. R. Ashi said: The clouds are puffed out and a blast of wind comes and blows across the mouth of them and it makes a sound like wind blowing across the mouth of a jar. The most probable view is that of R. Aha b. Jacob; for the lightning flashes and the clouds rumble and then rain falls.

AND OVER STORMS [RUHOTH]. What are RUHOTH? — Abaye said: A hurricane. Abaye further said: We have a tradition that a hurricane never comes at night. But we see that it does come? — It must have commenced by day. Abaye further said: We have a tradition that a hurricane does not last two hours, to fulfil the words of Scripture, Troubles shall not rise up the second time.¹¹ But we have seen it lasting as long? — There was an interval in the middle.

OVER LIGHTNINGS [BERAKIM] ONE SAYS, BLESSED IS HE WHOSE STRENGTH AND MIGHT FILL THE WORLD. What are BERAKIM? Raba said: Lightning. Rab also said: A single flash, white lightning, blue lightning, clouds that rise in the west and come from the south, and two clouds that rise facing one another are all [signs of] trouble. What is the practical bearing of this remark? That prayer is needed [to avert the omen]. This is only the case by night; but in the daytime there is no significance in them. R. Samuel b. Isaac said: Those morning clouds have no significance,¹² as it is said: Your goodness is as a morning cloud.¹³ Said R. Papa to Abaye: But there

is a popular saying: When on opening the door you find rain, ass-driver, put down your sack and go to sleep [on it]?¹⁴ — There is no contradiction; in the one case the sky is covered with thick clouds, in the other with light clouds.

R. Alexandri said in the name of R. Joshua b. Levi: Thunder was created only to straighten out the crookedness of the heart, as it says: God hath so made it that men should fear before him.¹⁵ R. Alexandri also said in the name of R. Joshua b. Levi: One who sees the rainbow in the clouds should fall on his face, as it says, As the appearance of the bow that is in the cloud, and when I saw it I fell upon my face.¹⁶ In the West [Palestine] they cursed anyone who did this, because it looks as if he was bowing down to the rainbow; but he certainly makes a blessing. What blessing does he say? — ‘Blessed is He who remembers the Covenant’. In a Baraitha it was taught: R. Ishmael the son of R. Johanan b. Beroka says: He says: Who is faithful with his Covenant and fulfils his word.

FOR MOUNTAINS AND HILLS, etc. Do all the things we have mentioned hitherto not belong to the work of creation? Is it not written, He maketh lightnings for the rain?¹⁷ — Abaye said: Combine the two statements.¹⁸ Raba said: In the former cases he says two blessings, ‘Blessed be He whose strength fills the world and who has wrought the work of creation’; in this case there is ground for saying ‘Who has wrought creation’ but not for ‘Whose strength fills the world’.¹⁹

R. Joshua b. Levi said: If one sees the sky in all its purity, he says: Blessed is He who has wrought the work of creation. When does he say so? — Abaye said: When there has been rain all the night, and in the morning the north wind comes and clears the heavens. And they differ from Rafram b. Papa quoting R. Hisda. For Rafram b. Papa said in the name of R. Hisda: Since the day when the Temple was destroyed there has never been a perfectly clear sky, since it says: I clothe the heavens with blackness

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- (1) And then stuck on artificially.
 - (2) V. supra, p. 10, n. 1.
 - (3) Eccl. 1, 9.
 - (4) Job. XXXVIII, 32. E.V. ‘or canst thou guide the Bear with her sons’.
 - (5) Ezek. XXI, 22.
 - (6) Ibid. V, 13.
 - (7) Jer. XXV, 30.
 - (8) Isa. LXVI, 1.
 - (9) Ps. LXXXVII, 19.
 - (10) Jer. X, 13.
 - (11) Nahum I, 9.
 - (12) I.e., do not portend a good fall of rain.
 - (13) Hosea VI, 4.
 - (14) Because corn will be cheap on account of the abundant rain.
 - (15) Eccl. III, 14.
 - (16) Ezek. I, 28.
 - (17) Ps. CXXXV, 7.
 - (18) I.e., say in all cases the double blessing.
 - (19) Because the mountains are not all in one place.

Talmud - Mas. Berachoth 59b

and I make a sackcloth their covering.¹

Our Rabbis taught:* He who sees the sun at its turning point,² the moon in its power,³ the planets in their orbits,⁴ and the signs of the zodiac in their orderly progress,⁵ should say: Blessed be He who

has wrought the work of creation. And when [does this happen]?⁶ — Abaye said: Every twenty-eight years when the cycle⁷ begins again and the Nisan [Spring] equinox falls in Saturn on the evening of Tuesday,⁸ going into Wednesday.

R. JUDAH SAYS: IF ONE SEES THE GREAT SEA etc. How long must the intervals be? Rami b. Abba said in the name of R. Isaac: From thirty days. Rami b. Abba also said in the name of R. Isaac: If one sees the River Euphrates by the Bridge of Babylon, he says: Blessed is He who has wrought the work of creation.⁹ Now, however, that the Persians have changed it,¹⁰ only if he sees it from Be Shapor¹¹ and upwards. R. Joseph says: From Ihi Dekira¹² and upwards. Rami b. Abba also said: If one sees the Tigris by the Bridge of Shabistana,¹³ he says: Blessed is He who wrought the work of creation. Why is it [the Tigris] called Hiddekel?¹⁴ — R. Ashi said: Because its waters are sharp [had] and swift [kal]. Why is it [the Euphrates] called Perath? — Because its waters are fruitful [parim] and multiply. Raba also said: The reason why people of Mahoza are so sharp is because they drink the waters of the Tigris; the reason why they have red spots is because they indulge in sexual intercourse in the daytime; the reason why their eyes blink is because they live in dark houses.¹⁵

FOR THE RAIN etc. Is the benediction for rain ‘Who is good and does good’? Has not R. Abbahu said — some say it has been taught in a Baraitha: From when do they say the blessing over rain? From the time when the bridegroom goes out to meet his bride.¹⁶ What blessing do they say? R. Judah said: We give thanks to Thee for every drop which Thou hast caused to fall for us; and R. Johanan concluded thus: ‘If our mouths were full of song like the sea . . . we could not sufficiently give thanks unto Thee, O Lord our God, etc.’ up to ‘shall prostrate itself before Thee. Blessed art Thou, O Lord, to whom abundant thanksgivings are due’.¹⁷ (Is it abundant thanksgivings and not all thanksgivings? — Raba said: Say, ‘the God to whom thanksgivings are due’. R. Papa said: Therefore let us say both ‘to whom abundant thanksgivings are due’ and ‘God of thanksgivings’.) But after all there is a contradiction? — There is no contradiction; the one blessing¹⁸ is said by one who has heard [that it has been raining]; the other by one who has seen it. But one who hears of it hears good tidings, and we have learnt: For good tidings one says: Blessed is He who is good and does good?¹⁹ In fact both are said by one who sees it, and still there is no contradiction: the one is said if only a little falls, the other, if much falls. Or if you like, I can say that both are said for a heavy fall, and still there is no contradiction: the one is said by a man who has land, the other by one who has no land. Does one who has land say the blessing, ‘Who is good and does good’? Has it not been taught: One who has built a new house or bought new clothes says: Blessed is He who has kept us alive and brought us to this season; [if it is] for himself along with others, he says: ‘Who is good and does good’?²⁰ This is no contradiction. The one blessing²¹ is said if he has a partnership the others if he has no partnership. And thus it has been taught: In a word, for his own things he says: Blessed is He who has kept us alive and preserved us; for things which belong to him in conjunction with this neighbour, he says: Blessed is He who is good and does good.²² And if no-one is associated with him in the ownership, does he never say the blessing, Who is good and does good? Has it not been taught: If a man is told that his wife has borne a son, he says: Blessed is He that is good and does good? — In that case, too, his wife is associated with him, because she is glad to have a son. Come and hear: If a man's father dies and he is his heir, first he says: Blessed is the true Judge, and afterwards he says: Blessed is He who is good and does good? — There, too, it is a case where there are brothers who inherit with him. Come and hear: Over a new kind of wine²³ there is no need to make a blessing; but if one goes to another place,²⁴ he must say a blessing again; and R. Joseph b. Abba said in the name of R. Johanan: Although they said that over a fresh kind of wine there is no need to make a blessing, still he says: Blessed is He who is good and does good? — There, too, It is a case where there are other members of the company who drink with him.

ONE WHO HAS BUILT A NEW HOUSE OR BOUGHT NEW VESSELS etc. R. Huna said: This is the rule only if he does not possess similar things; but if he has similar ones, he need not say the blessing. R. Johanan, however, says: Even if he has similar ones²⁵ he must make the blessing.²⁶

(1) Isa. L. 3.

(2) In its apparent motion in the ecliptic, the sun has four 'turning points' which mark the beginnings of the four respective seasons. These points are generically referred to as the tekufoth (sing. tekufah). They are: the two equinoctial points when the sun crosses the equator at the beginning of spring and autumn respectively, and 'turns' from one side of the equator to the other; and the two solstices, when the sun is at its maximum distance, or declination, from the equator, at one or other side of it, at the beginning (*) Note 6 and the notes on the following page are based on material supplied by the late Dr. W. M. Feldman, M.D., B.S., F.R.C.P., F.R.A.S., F.R.S. (Edin.), shortly before his death on July 1st, 1939. of summer and winter respectively, and instead of progressively increasing its declination it 'turns' to decrease it progressively. (It may be mentioned that the term 'tekufah' is also used not only for the beginning of a season but for the whole of the season itself.)

(3) As the sun and moon were created to rule the day and night respectively (Gen. I, 16), they are necessarily endowed with the attribute of power (cf. Sabbath Liturgy **כח וגבורה נתן בהם**). In this passage, however, 'the moon in its power' may have a special significance, because at the Nisan, or spring equinox, the spring tides are greatest, owing to the combined action of the sun and the moon in conjunction, or new moon. The moon in its power to cause tides (a fact known to Pliny and Aristotle, and referred to by Maimonides (Guide II, 10), although never directly mentioned in the Talmud), is therefore best seen at this time.

(4) The orbits of the planets which are now known to be ellipses, were, on the Ptolemaic system, which prevailed at that time, assumed to be traced out by a most ingenious combination of eccentric circles and epicycles, (v. for instance, the epicyclic theory of the moon in Feldman W.M., Rabbinical Mathematics and Astronomy, London, 1931, pp. 132ff). Hence the contemplation of the planets in their orbits was an adequate reason for pronouncing the blessing.

(5) The vernal or autumnal equinox is not a fixed point in relation to the signs of the zodiac, but keeps on changing its position to the extent of 50.1". (50.1 seconds of arc) per year. This movement which is called 'precession of the equinoxes' is due to the continual shifting of the point of intersection of the ecliptic with the equator, but was believed by the ancients to be due to the progressive movement of the signs of the zodiac. As the result of precession, the equinoctial point which 2,000 years ago was the beginning of the sign Ram (first point of Aries) has since shifted 30° to the sign Pisces, although it is still spoken of as the first point of Aries.

(6) The reference is to the sun at its turning point (Rashi).

(7) This means here the Big or Solar Cycle. Taking a Samuel, or Julian, year to consist of 365 1/4 days or 52 weeks 1/4 days, every tekufah occurs 1 1/4 days later in the week every consecutive year, so that after 4 years it occurs at the same time of the day but (1 1/4 X 4 =) 5 days later in the week. After 28, or 4 X 7 years, the tekufah will recur not only at the same time of the day, but also on the same day of the week. V. Feldman, op. cit. p. 199.

(8) As the sun and moon were created on the 4th day, the beginning of the 28 years cycle is always on a Wednesday which begins at the vernal equinox at 6 p.m. on Tuesday. This, according to computation coincides with the rise of Saturn, v. Rashi.

(9) Because it was supposed that the River Euphrates from that point upwards had never changed its course since the days of Adam (Rashi).

(10) By making canals.

(11) Piruz Shabur on the eastern side of the Euphrates at the part where the Nahr Isa Canal branches off from the Euphrates connecting it at Bagdad with the Tigris (Obermeyer P. 57).

(12) The modern Hit.

(13) The bridge on the southern Tigris forming part of the great trading route between Khurzistan and Babylon during the Persian period (Obermeyer pp. 62ff.). For a full discussion and explanation of this whole passage v. Obermeyer pp. 52ff.

(14) Gen. II, 14.

(15) I.e., well-shaded from the sun.

(16) I.e., when the drops commence to rebound from the earth.

(17) V. P.B. p. 125.

(18) I.e., 'Who is good and does good'.

(19) And why should we be taught this again in the case of rain?

(20) And a landowner presumably does not share his land with others.

(21) The blessing, 'Who has kept us alive, etc.'.

(22) And the landowner shares the rain with all other landowners. (V. Rashi and Asheri).

(23) I.e., if one drinks a new (and better) kind of wine in the course of a meal.

(24) To finish his meal, and wine is brought to him there.

(25) E.g., from an inheritance.

(26) Because the buying at any rate is fresh.

Talmud - Mas. Berachoth 60a

We infer from this that if one bought things, and then bought some more, all agree that he need not say a blessing.¹ Some say: R. Huna said, This rule applies only where he does not buy again after already buying; but if he buys again after already buying, he need not say the blessing. R. Johanan, however, says: Even if he buys again after already buying, he must make a blessing. We infer from this that if he buys a kind of thing which he has already,² all agree that he has to say a blessing. An objection was raised: If one builds a new house, not having one like it already, he must say a blessing. If he already has any like them, he need not say a blessing. So R. Meir. R. Judah says: In either case he must make a blessing. Now this accords well with the first version, R. Huna following R. Meir and R. Johanan following R. Judah. But if we take the second version, it is true that R. Huna follows R. Judah, but whom does R. Johanan follow? It is neither R. Meir nor R. Judah!³ — R. Johanan can reply: The truth is that according to R. Judah also If one buys again after already buying, he must make a blessing, and the reason why they join issue over the case of his buying something of a kind which he has already is to show you how far R. Meir is prepared to go, since he says that even if he buys something of a kind which he already has, he need not make a blessing, and all the more so if he buys again after already buying, he need not make a blessing. But should they rather not join issue over the case of buying again after already buying, where there is no need to say a blessing,⁴ to show how far he [R. Judah] is prepared to go?⁵ — He prefers that the stronger instance should be a case of permission.⁶

OVER EVIL A BLESSING IS SAID etc. How is this to be understood? — For instance, if a freshet flooded his land. Although it is [eventually] a good thing for him, because his land is covered with alluvium and becomes more fertile, nevertheless for the time being it is evil.⁷

AND OVER GOOD etc. How can we understand this? — If for instance he found something valuable. Although this may [eventually] be bad for him, because if the king hears of it he will take it from him, nevertheless for the time being it is good.

IF A MAN'S WIFE IS PREGNANT AND HE SAYS, MAY [GOD] GRANT THAT MY WIFE BEAR etc. THIS IS A VAIN PRAYER. Are prayers then [in such circumstances] of no avail? R. Joseph cited the following in objection: And afterwards she bore a daughter and called her name Dinah.⁸ What is meant by 'afterwards'? Rab said: After Leah had passed judgment on herself, saying, 'Twelve tribes are destined to issue from Jacob. Six have issued from me and four from the handmaids, making ten. If this child will be a male, my sister Rachel will not be equal to one of the handmaids'. Forthwith the child was turned to a girl, as it says, And she called her name Dinah!⁹ — We cannot cite a miraculous event [in refutation of the Mishnah]. Alternatively I may reply that the incident of Leah occurred within forty days [after conception], according to what has been taught: Within the first three days a man should pray that the seed should not putrefy; from the third to the fortieth day he should pray that the child should be a male; from the fortieth day to three months he should pray that it should not be a sandal;¹⁰ from three months to six months he should pray that it should not be still-born; from six months to nine months he should pray for a safe delivery. But does such a prayer¹¹ avail? Has not R. Isaac the son of R. Ammi said: If the man first emits seed, the child will be a girl; if the woman first emits seed, the child will be a boy?¹² — With what case are we dealing here? If, for instance, they both emitted seed at the same time.

IF HE WAS COMING FROM A JOURNEY. Our Rabbis taught: It once happened with Hillel the elder that he was coming from a journey, and he heard a great cry in the city, and he said: I am confident that this does not come from my house. Of him Scripture says: He shall not be afraid of evil tidings; his heart is steadfast, trusting in the Lord.¹³ Raba said: Whenever you expound this verse you may make the second clause explain the first, or the first clause explain the second. 'You may make the second clause explain the first', thus: 'He will not fear evil tidings'. Why? Because 'his heart is steadfast, trusting in the Lord'. 'You may explain the second clause by the first', thus: 'His heart is steadfast trusting in the Lord'; therefore, 'he shall not be afraid of evil tidings'. A certain disciple was once following R. Ishmael son of R. Jose in the market place of Zion. The latter noticed that he looked afraid, and said to him: You are a sinner, because it is written: The sinners in Zion are afraid.¹⁴ He replied: But it is written: Happy is the man that feareth alway?¹⁵ — He replied: That verse refers to words of Torah.¹⁶ R. Judah b. Nathan used to follow R. Hamnuna. Once he sighed, and the other said to him: This man wants to bring suffering on himself, since it is written: For the thing which I did fear is come upon me, and that which I was afraid of hath overtaken me.¹⁷ But [he replied] it is written: 'Happy is the man who feareth alway'? — He replied: That is written in connection with words of Torah.

ONE WHO GOES THROUGH A CAPITAL CITY. Our Rabbis taught: What does he say on entering? 'May it be Thy will O Lord, my God, to bring me into this city in peace'. When he is inside he says: 'I give thanks to Thee, O Lord, my God, that Thou hast brought me into this city in peace'. When he is about to leave he says: 'May it be Thy will, O Lord, my God, and God of my fathers, to bring me out of this city in peace'. When he is outside he says: 'I give thanks to Thee, O Lord, my God, that Thou hast brought me out of this city in peace, and as Thou hast brought me out in peace, so mayest Thou guide me in peace and support me in peace and make me proceed in peace and deliver me from the hands of all enemies and liers-in-wait by the way'. R. Mattena said: This applies only to a city where criminals are not tried and sentenced:¹⁸ but in a city where criminals are tried and sentenced, this is unnecessary. Some report: R. Mattena said: Even in a city where criminals are tried and sentenced, for sometimes he may happen not to find a man who can plead in his defence.

Our Rabbis taught: On entering a bath-house one should say: 'May it be Thy will O Lord, my God, to deliver me from this and from the like of this, and let no humiliation or iniquity befall me; and if I do fall into any perversity or iniquity, may my death be an atonement for all my iniquities'. Abaye said: A man should not speak thus, so as not to open his mouth for the Satan.¹⁹ For Resh Lakish said-and so it was taught in the name of R. Jose: A man should never open his mouth for the Satan. R. Joseph said: What text proves this? Because it is written, We should have been as Sodom, we should have been like unto Gomorrah.²⁰ What did the prophet answer them? Hear the word of the Lord, ye rulers of Sodom, etc.²¹ On leaving the bath-house what does he say? R. Aha said: 'I give thanks unto Thee, O Lord, my God, that Thou hast delivered me from the fire'. R. Abbahu once went into the bathhouse and the floor of the bath-house gave way beneath him, and a miracle was wrought for him, and he stood on a pillar and rescued a hundred and one men with one arm. He said: This is what R. Aha meant.²²

Or²³ going in to be cupped one should say: 'May it be Thy will, O Lord, my God, that this operation may be a cure for me, and mayest Thou heal me, for Thou art a faithful healing God, and Thy healing is sure, since men have no power to heal, but this is a habit with them'.²⁴ Abaye said: A man should not speak thus, since it was taught in the school of R. Ishmael: [It is written], He shall cause him to be thoroughly healed.²⁵ From this we learn that permission has been given to the physician to heal. When he gets up [after cupping] what does he say? — R. Aha said: Blessed be He who heals without payment.

(1) Because in this case it is not a fresh buying.

- (2) By inheritance or presentation.
- (3) Because even R. Judah holds that if he buys again after already buying, he need not make a blessing.
- (4) For the second purchase according to R. Meir.
- (5) In demanding a blessing for the second purchase.
- (6) I.e., a case in which a blessing need not be made.
- (7) Because it spoils the produce of this year, and he has to say the blessing, 'Blessed is the true Judge'.
- (8) Gen. XXX, 21.
- (9) Lit., 'judgment'.
- (10) A kind of abortion resembling a flat-shaped fish called sandal.
- (11) That the child should be a male.
- (12) Which shows that it is all fixed beforehand.
- (13) Ps CXII, 7.
- (14) Isa. XXXIII, 14.
- (15) Prov. XXVIII, 14.
- (16) A man should always be afraid lest he may forget them.
- (17) Job III, 25.
- (18) I.e., where the protection of the law can not be relied on
- (19) Cf. supra 190.
- (20) Isa. I, 9.
- (21) Ibid., 10.
- (22) In saying that one should give thanks on emerging.
- (23) Cur. edd. introduce this with the words 'for R. Aha said': but this is best left out.
- (24) To be cupped.
- (25) Ex. XXI, 19.

Talmud - Mas. Berachoth 60b

On entering a privy one should say: 'Be honoured, ye honoured and holy ones¹ that minister to the Most High. Give honour to the God of Israel. Wait for me till I enter and do my needs, and return to you'. Abaye said: A man should not speak thus, lest they should leave him and go. What he should say is: 'Preserve me, preserve me, help me, help me, support me, support me, till I have entered and come forth, for this is the way of human beings'. When he comes out he says: 'Blessed is He who has formed man in wisdom and created in him many orifices and many cavities. It is fully known before the throne of Thy glory that if one of them should be [improperly] opened or one of them closed it would be impossible for a man to stand before Thee'. How does the blessing conclude? Rab said: '[Blessed art Thou] that healest the sick'. Said Samuel: Abba² has turned the whole world into invalids! No; what he says is, 'That healest all flesh'. R. Shesheth said: 'Who doest wonderfully'. R. Papa said: Therefore let us say both, 'Who healest all flesh and doest wonderfully'.³

On going to bed one says from 'Hear, oh Israel' to 'And it shall come to pass if ye hearken diligently'. Then he says: 'Blessed is He who causes the bands of sleep to fall upon my eyes and slumber on my eyelids, and gives light to the apple of the eye. May it be Thy will, O Lord, my God, to make me lie down in peace, and set my portion in Thy law and accustom me to the performance of religious duties, but do not accustom me to transgression; and bring me not into sin, or into iniquity, or into temptation, or into contempt. And may the good inclination have sway over me and let not the evil inclination have sway over me. And deliver me from evil hap and sore diseases, and let not evil dreams and evil thoughts disturb me, and may my couch be flawless before Thee, and enlighten mine eyes lest I sleep the sleep of death. Blessed art Thou, oh Lord, who givest light to the whole world in Thy glory.'⁴

When he wakes he says: 'My God, the soul which Thou hast placed in me is pure. Thou hast fashioned it in me, Thou didst breathe it into me, and Thou preservest it within me and Thou wilt one

day take it from me and restore it to me in the time to come. So long as the soul is within me I give thanks unto Thee, O Lord, my God, and the God of my fathers, Sovereign of all worlds, Lord of all souls. Blessed art Thou, O Lord, who restorest souls to dead corpses'.⁵ When he hears the cock crowing he should say: 'Blessed is He who has given to the cock understanding to distinguish between day and night'. When he opens his eyes he should say: 'Blessed is He who opens the eyes of the blind'. When he stretches himself and sits up he should say: 'Blessed is He who looseneth the bound'. When he dresses he should say: 'Blessed is He who clothes the naked'. When he draws himself up he should say: 'Blessed is He who raises the bowed'. When he steps on to the ground he should say: 'Blessed is He who spread the earth on the waters'. When he commences to walk he should say: Blessed is He who makes firm the steps of man'. When he ties his shoes he should say: 'Blessed is He who has supplied all my wants'. When he fastens his girdle, he should say: 'Blessed is He who girds Israel with might'. When he spreads a kerchief over his head he should say: 'Blessed is He who crowns Israel with glory'. When he wraps himself with the fringed garment he should say: 'Blessed is He who hast sanctified us with His commandments and commanded us to enwrap ourselves in the fringed garment'. When he puts the tefillin on his arm he should say: 'Blessed is He who has sanctified us with His commandments and commanded us to put on tefillin'. [When he puts it] on his head he should say: 'Blessed is He who has sanctified us with His commandments and commanded us concerning the commandment of tefillin'. When he washes his hands he should say: 'Blessed is He who has sanctified us with His commandments and commanded us concerning the washing of hands'.⁶ When he washes his face he should say: 'Blessed is He who has removed the bands of sleep from mine eyes and slumber from mine eyes. And may it be Thy will O Lord, my God, to habituate me to Thy law and make me cleave to Thy commandments, and do not bring me into sin, or into iniquity, or into temptation, or into contempt, and bend my inclination to be subservient unto Thee, and remove me far from a bad man and a bad companion, and make me cleave to the good inclination and to a good companion in Thy world, and let me obtain this day and every day grace, favour, and mercy in Thine eyes, and in the eyes of all that see me, and show lovingkindness unto me. Blessed art Thou, O Lord, who bestowest lovingkindness upon Thy people Israel'.⁷

IT IS INCUMBENT ON A MAN TO BLESS etc. What is meant by being bound to bless for the evil in the same way as for the good? Shall I say that, just as for good one says the benediction 'Who is good and bestows good', so for evil one should say the benediction 'Who is good and bestows good'? But we have learnt: FOR GOOD TIDINGS ONE SAYS, WHO IS GOOD AND BESTOWS GOOD: FOR EVIL TIDINGS ONE SAYS, BLESSED BE THE TRUE JUDGE? — Raba said: What it really means is that one must receive the evil with gladness. R. Aha said in the name of R. Levi: Where do we find this in the Scripture? I will sing of mercy and justice, unto Thee, O Lord, will I sing praises,⁸ whether it is 'mercy' I will sing, or whether it is 'justice' I will sing. R. Samuel b. Nahmani said: We learn it from here: In the Lord I will praise His word, in God I will praise His word.⁹ 'In the Lord'¹⁰ I will praise His word': this refers to good dispensation; 'In God'¹¹ I will praise His word': this refers to the dispensation of suffering. R. Tanhum said: We learn it from here: I will lift up the cup of salvation and call on the name of the Lord;¹² I found trouble and sorrow, but I called upon the name of the Lord.¹³ The Rabbis derive it from here: The Lord gave and the Lord hath taken away,' blessed be the name of the Lord.¹⁴

R. Huna said in the name of Rab citing R. Meir, and so it was taught in the name of R. Akiba: A man should always accustom himself to say 'Whatever the All-Merciful does is for good', [as exemplified in] the following incident. R. Akiba was once going along the road and he came to a certain town and looked for lodgings but was everywhere refused. He said 'Whatever the All-Merciful does is for good', and he went and spent the night in the open field. He had with him a cock, an ass and a lamp. A gust of wind came and blew out the lamp, a weasel came and ate the cock, a lion came and ate the ass. He said: 'Whatever the All-Merciful does is for good'. The same night some brigands came and carried off the inhabitants of the town. He said to them:¹⁵ Did I not

say to you, 'Whatever the All-Merciful does

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- (1) These words are addressed to the angels who are supposed to accompany a man to the privies, which were regarded as the haunt of evil spirits, v. infra 61a.
 - (2) Rab.
 - (3) P.B. p. 4.
 - (4) Ibid. p. 293.
 - (5) Ibid. p. 5.
 - (6) For all these blessings v. P.B. P. 5f. These blessings are now no longer said after each act, but are all said together in the morning service.
 - (7) Ibid. p. 6.
 - (8) Ps. CI, 1.
 - (9) Ibid. LVI, 11. in the M.T. the order of the divine names is reserved.
 - (10) The name of the Attribute of Mercy.
 - (11) The name of the Attribute of Justice.
 - (12) Ibid. CXVI, 13.
 - (13) Ibid. 3.
 - (14) Job. I, 21.
 - (15) Apparently to the men of the town, on a subsequent occasion; or perhaps to his disciples who accompanied him.

Talmud - Mas. Berachoth 61a

is all for good?¹

R. Huna further said in the name of R. Meir: A man's words should always be few in addressing the Holy One, blessed be He, since it says, Be not rash with thy mouth and let not thy heart be hasty to utter a word before God,' for God is in heaven and thou upon earth; therefore let thy words be few.²

R. Nahman b. R. Hisda expounded: What is meant by the text, Then the Lord God formed [wa-yizer] man?³ [The word wa-yizer] is written with two yods,⁴ to show that God created two inclinations, one good and the other evil. R. Nahman b. Isaac demurred to this. According to this, he said, animals, of which it is not written wa-yizer,⁵ should have no evil inclination 'yet we see that they injure and bite and kick? In truth [the point of the two yods] is as stated by R. Simeon b. Pazzi; for R. Simeon b. Pazzi said: Woe is me because of my Creator [yozri],⁶ woe is me because of my evil inclination [yizri]!⁷ Or again as explained by R. Jeremiah b. Eleazar; for R. Jeremiah b. Eleazar said: God created two countenances in the first man,⁸ as it says, Behind and before hast Thou formed me.⁹

And the rib which the Lord God had taken from man made he a woman.¹⁰ Rab and Samuel explained this differently. One said that [this 'rib'] was a face, the other that it was a tail.¹¹ No objection can be raised against the one who says it was a face, since so it is written, 'Behind and before hast Thou formed me'. But how does he who says it was a tail explain 'Behind and before hast Thou formed me'? — As stated by R. Ammi; for R. Ammi said: 'Behind' [i.e.,last] in the work of creation, and 'before' [i.e., first] for punishment. We grant you he was last in the work of creation, for he was not created till the eve of Sabbath. But when you say 'first for punishment', to what punishment do you refer? Do you mean the punishment in connection with the serpent? Surely it has been taught: Rabbi says, in conferring honour we commence with the greatest, in cursing with the least important. 'In conferring honour we commence with the greatest', as it is written, And Moses spoke to Aaron and to Eleazar and to Ithamar his sons that were left, Take the meal-offering that remaineth etc.¹² 'In cursing we commence with the least'; first the serpent was cursed then Eve and then Adam!¹³ I must say then that the punishment of the Flood is meant, as it is written, And He

blotted out every living substance which was upon the face of the ground, both man and cattle.¹⁴

No difficulty arises for the one who says that Eve was created from the face, for so it is written, wa-yizer, with two yods. But he who says it was a tail, what does he make of wa-yizer? — As explained by R. Simeon b. Pazzi? For R. Simeon b. Pazzi said: Woe is me because of my Creator [yozri,] woe is me because of my evil inclination [yizri]! No difficulty arises for one who says it was a face, for so it is written, Male and female created He them',¹⁵ But he who says it was a tail, what does he make of 'male and female created He them'? — As explained by R. Abbahu. For R. Abbahu contrasted two texts. It is written, 'Male and female created He them', and it is also written, For in the image of God made He man.¹⁶ How are these statements to be reconciled? At first the intention was to create two, but in the end only one was created. No difficulty arises for him who says it was a face, since so it is written, He closed up the place with flesh instead thereof.¹⁷ But he who says it was a tail, how does he explain, 'he closed up the place with flesh instead thereof'¹⁸ — R. Jeremiah, or as some say R. Zebid, or again as some say, R. Nahman b. Isaac, replied: These words are meant to apply only to the place of the cut. No difficulty arises for the one who says it was a tail, for so it is written, And God built.¹⁸ But he who says, it was a face, what does he make of the words 'And God built'?¹⁹ As explained by R. Simeon b. Menasia. For R. Simeon b. Menasia expounded: What is meant by the words, 'And the Lord built the rib'? It teaches that the Holy One, blessed be He, plaited Eve's hair and brought her to Adam; for in the seacoast towns 'plaiting' [keli'atha]²⁰ is called, 'building' [binyatha]. Another explanation: R. Hisda said (some say, it was taught in a Baraitha): It teaches that [God] built Eve after the fashion of a storehouse. Just as a storehouse is narrow at the top and broad at the bottom so as to hold the produce [safely], so a woman is narrower above and broader below so as to hold the embryo. And he brought her to the man.²¹ R. Jeremiah b. Eleazar said: This teaches that [God] acted as best man²² to Adam. Here the Torah teaches a maxim of behaviour, that a man of eminence should associate himself with a lesser man in acting as best man, and he should not take it amiss.

According to the one who says it was a face, which of the two faces went in front? — R. Nahman b. Isaac answered: It is reasonable to suppose that the man's face went in front, since it has been taught: A man should not walk behind a woman on the road,²³ and even if his wife happens to be in front of him on a bridge he should let her pass on one side, and whoever crosses a river behind a woman will have no portion in the future world.²⁴

Our Rabbis taught: If a man counts out money from his hand into the hand of a woman so as to have the opportunity of gazing at her, even if he can vie in Torah and good deeds with Moses our teacher, he shall not escape the punishment of Gehinnom, as it says, Hand to hand, he shall not escape from evil,²⁵ he shall not escape from the punishment of Gehinnom.

R. Nahman said: Manoah was an 'am ha-arez:, since it is written, And Manoah went after his wife.²⁶ R. Nahman b. Isaac demurred to this. According to this, [he said,] in the case of Elkanah when it says, 'And Elkanah went after his wife',²⁷ and in the case of Elisha when it says, And he rose and went after her,²⁸ are we to suppose that this means literally after her? No; it means, after her words and her advice. So here [in the case of Manoah] it means, after her words and her advice! Said R. Ashi: On the view of R. Nahman that Manoah was an 'am ha'arez, he cannot even have known as much of Scripture as a schoolboy;²⁹ for it says, And Rebekah arose and her damsels, and they rode upon the cammels and followed the man,³⁰ [after the man] and not in front of the man.

R. Johanan said: Better go behind a lion than behind a woman; better go behind a woman than behind an idol; better go behind an idol than behind the synagogue when the congregation are praying.³¹ This, however, is the case only when he is not carrying a load; if he is carrying a load, there is no objection. And also this is the case only when there is no other entrance; but if there is another entrance there is no objection. And again this is the case only when he is not riding on an

ass, but if he is riding on an ass, there is no objection. And again this is the case only when he is not wearing tefillin; but if he is wearing tefillin there is no objection.

Rab said: The evil inclination resembles a fly³² and dwells between the two entrances of the heart, as it says, Dead flies make the ointment of the perfumers fetid and putrid.³³ Samuel said: It is like a kind of wheat [hittah], as it says, Sin [hattath] coucheth at the door.³⁴

Our Rabbis taught: Man has two kidneys, one of which prompts him to good, the other to evil; and it is natural to suppose that the good one is on his right side and the bad one on his left, as it is written, A wise man's understanding is at his right hand, but a fool's understanding is at his left.³⁵

Our Rabbis taught: The kidneys prompt, the heart discerns, the tongue shapes [the words], the mouth articulates, the gullet takes in and lets out all kinds of food, the wind-pipe produces the voice,

(1) Because the lamp or the cock or the ass might have disclosed his whereabouts to the brigands.

(2) Eccl. V, 1.

(3) Gen. II, 7.

(4) יִיצֵר .

(5) In Gen. II, 19, And the Lord God formed all the beasts of the field, etc., the word wa-yizer is spelt with one yod.

(6) If I follow my inclination.

(7) If I combat it.

(8) And out of one of them Eve was made.

(9) Ps. CXXXIX, 5. E.V. 'Thou hast hemmed me in'.

(10) Gen. II, 22.

(11) I.e., projected like a tail.

(12) Lev. X, 12. Aaron is mentioned first.

(13) V. Gen. III, 14-20.

(14) Ibid. VII, 23. Man is here mentioned before cattle.

(15) Ibid. V, 2.

(16) Ibid. IX, 6.

(17) Ibid. II, 22.

(18) Ibid. 22. E.V. 'made'.

(19) The face needed no 'building', since it was already there.

(20) This word in Aramaic also means 'tents'.

(21) Gen. II, 22.

(22) Heb. shoshbin, the man who looks after the wedding arrangements; v. B.B. , Sonc. ed., p. 618 n. 10.

(23) To avoid unchaste thoughts.

(24) Because the woman in crossing will naturally lift up her dress.

(25) Prov. XI, 21. E.V. 'My hand upon it! The evil man shall not be unpunished!'

(26) Judg. XIII, 11.

(27) This text is not found in the Scripture, and Tosaf. deletes the mention of Elkanah here; v. Rashal and Maharsha.

(28) II Kings IV, 30.

(29) Lit., 'he did not read Scripture in a schoolhouse'.

(30) Gen. XXIV, 61.

(31) V. supra 8b.

(32) V. Suk. 52b.

(33) Eccl. X, 1.

(34) Gen. IV, 7. This is probably connected with the view that the forbidden fruit of which Adam ate was wheat; v. supra 40a (Maharsha).

(35) Eccl. X, 2.

Talmud - Mas. Berachoth 61b

the lungs absorb all kinds of liquids,¹ the liver is the seat of anger, the gall lets a drop fall into it and allays it, the milt produces laughter, the large intestine grinds [the food], the maw brings sleep and the nose awakens. If the awakener sleeps or the sleeper rouses,² a man pines away. A Tanna taught: If both induce sleep or both awaken, a man dies forthwith.

It has been taught: R. Jose the Galilean says, The righteous are swayed³ by their good inclination, as it says, My heart⁴ is slain within me.⁵ The wicked are swayed by their evil inclination, as it says, Transgression speaketh to the wicked, methinks, there is no fear of God before his eyes.⁶ Average people are swayed by both inclinations, as it says, Because He standeth at the right hand of the needy,⁷ to save him from them that judge his soul.⁸ Raba said: People such as we are of the average. Said Abaye to him: The Master gives no one a chance to live!⁹ Raba further said: The world was created only for either the totally wicked or the totally righteous.¹⁰ Raba said: Let a man know concerning himself whether he is completely righteous or not! Rab said: The world was created only for Ahab son of Omri and for R. Hanina b. Dosa; for Ahab son of Omri this world, and for R. Hanina b. Dosa the future world.

And thou shalt love the Lord thy God etc.¹¹ It has been taught: R. Eliezer says: If it says 'with all thy soul', why should it also say, 'with all thy might',¹² and if it says 'with all thy might', why should it also say 'with all thy soul'? Should there be a man who values his life more than his money, for him it says; 'with all thy soul'; and should there be a man who values his money more than his life, for him it says, 'with all thy might' . R. Akiba says: With all thy soul': even if He takes away thy soul.¹³

Our Rabbis taught: Once the wicked Government¹⁴ issued a decree forbidding the Jews to study and practise the Torah. Pappus b. Judah came and found R. Akiba publicly bringing gatherings together and occupying himself with the Torah. He said to him: Akiba, are you not afraid of the Government? He replied: I will explain to you with a parable. A fox was once walking alongside of a river, and he saw fishes going in swarms from one place to another. He said to them: From what are you fleeing? They replied: From the nets cast for us by men. He said to them: Would you like to come up on to the dry land so that you and I can live together in the way that my ancestors lived with your ancestors? They replied: Art thou the one that they call the cleverest of animals? Thou art not clever but foolish. If we are afraid in the element in which we live, how much more in the element in which we would die! So it is with us. If such is our condition when we sit and study the Torah, of which it is written, For that is thy life and the length of thy days,¹⁵ if we go and neglect it how much worse off we shall be! It is related that soon afterwards R. Akiba was arrested and thrown into prison, and Pappus b. Judah was also arrested and imprisoned next to him. He said to him: Pappus, who brought you here? He replied: Happy are you, R. Akiba, that you have been seized for busying yourself with the Torah! Alas for Pappus who has been seized for busying himself with idle things! When R. Akiba was taken out for execution, it was the hour for the recital of the Shema', and while they combed his flesh with iron combs, he was accepting upon himself the kingship of heaven.¹⁶ His disciples said to him: Our teacher, even to this point? He said to them: All my days I have been troubled by this verse, 'with all thy soul', [which I interpret,] 'even if He takes thy soul'. I said: When shall I have the opportunity of¹⁷ fulfilling this? Now that I have the opportunity shall I not fulfil it? He prolonged the word ehad¹⁸ until he expired while saying it. A bath kol¹⁹ went forth and proclaimed: Happy art thou, Akiba, that thy soul has departed with the word ehad! The ministering angels said before the Holy One, blessed be He: Such Torah, and such a reward? [He should have been] from them that die by Thy hand, O Lord.²⁰ He replied to them: Their portion is in life.²¹ A bath kol went forth and proclaimed, Happy art thou, R. Akiba, that thou art destined for the life of the world to come.

ONE SHOULD AVOID SHOWING DISRESPECT TO THE EASTERN GATE BECAUSE IT IS

IN A DIRECT LINE WITH THE HOLY OF HOLIES, etc. Rab Judah said in the name of Rab: These rules apply only to this side of Mount Scopus²² and to one who can see the Temple.²³ It has also been recorded: R. Abba the son of R. Hiyya b. Abba said: Thus said R. Johanan: These rules apply only to this side of Scopus and to one who can see [Jerusalem], and when there is no fence intervening, and at the time when the Divine Presence rests on it.²⁴

Our Rabbis taught: One who consults nature in Judea should not do so east and west²⁵ but north and south. In Galilee he should do so only east and west.²⁶ R. Jose, however, allows it, since R. Jose said: The prohibition was meant to apply only to one in sight of the Temple and in a place where there is no fence intervening and at the time when the Divine Presence rests there. The Sages, however, forbid it. The Sages say the same as the First Tanna? — They differ with regard to the sides.²⁷ It has been taught elsewhere: One who consults nature in Judea should not do so east and west but south and north, and in Galilee north and south is forbidden, east and west is permitted. R. Jose, however, permits it, since R. Jose used to say: This prohibition was meant to apply only to one who is in sight [of Jerusalem]. R. Judah says: When the Temple is in existence it is forbidden, when the Temple is not in existence it is permitted. R. Akiba forbids it in all places. R. Akiba says the same as the First Tanna? — They differ in the matter of outside of Palestine. Rabbah had bricks placed for him east and west.²⁸ Abaye went and changed them round to north and south. Rabbah went in and readjusted them. He said, Who is this that is annoying me? I take the view of R. Akiba, who said that it is forbidden in every place.

(1) I.e., they absorb some moisture from the stomach.

(2) I.e., if the nose induces sleep or the maw waking.

(3) Lit., 'judged'.

(4) I.e., evil promptings

(5) Ps CIX, 22. E.V. 'wounded'.

(6) Ibid. XXXVI, 2.

(7) I.e., in good deeds.

(8) I.e., his two inclinations. Ibid. CIX, 31.

(9) If Raba is only average, what must other people be?

(10) I.e., this world for the wicked and the next for the righteous.

(11) Deut. VI, 5.

(12) This word is interpreted by the Rabbis to mean money.

(13) I.e., thy very self, thy life.

(14) I.e., Roman.

(15) Deut. XXX, 20.

(16) I.e., recited the Shema'. V. supra 130.

(17) Lit., 'when will it come to my hands'.

(18) 'One' in Hear, O Israel etc.

(19) V. Glos.

(20) Ps. XVII, 14. E.V. 'From men by thy hand, O Lord'.

(21) Ibid.

(22) From the other side of Mount Scopus the Temple was no longer visible.

(23) Even from this side of Scopus, not being in a hollow.

(24) I.e., when the Temple is in existence.

(25) So as not to turn his back to Jerusalem.

(26) Galilee being north of Jerusalem.

(27) I.e., those parts of Judea and Galilee which were not due east or due north of Jerusalem. The first Tanna prohibits even in these parts, since they speak of the whole of Judea, whereas the Sages permit, referring as they do only to R. Jose's statement.

(28) So that he should not turn his back on Palestine.

Talmud - Mas. Berachoth 62a

. It has been taught: R. Akiba said: Once I went in after R. Joshua to a privy, and I learnt from him three things. I learnt that one does not sit east and west but north and south; I learnt that one evacuates not standing but sitting; and I learnt that it is proper to wipe with the left hand and not with the right. Said Ben Azzai to him: Did you dare to take such liberties with your master? He replied: It was a matter of Torah, and I required to learn. It has been taught: Ben 'Azzai said: Once I went in after R. Akiba to a privy, and I learnt from him three things. I learnt that one does not evacuate east and west but north and south. I also learnt that one evacuates sitting and not standing. I also learnt it is proper to wipe with the left hand and not with the right. Said R. Judah to him: Did you dare to take such liberties with your master? — He replied: It was a matter of Torah, and I required to learn. R. Kahana once went in and hid under Rab's bed. He heard him chatting [with his wife] and joking and doing what he required. He said to him: One would think that Abba's mouth had never sipped the dish before! He said to him: Kahana, are you here? Go out, because it is rude.¹ He replied: It is a matter of Torah, and I require to learn.

Why should one wipe with the left hand and not with the right? — Raba said: Because the Torah was given with the right hand, as it says, At His right hand was a fiery law unto them.² Rabbah b. Hanah said: Because it is brought to the mouth.³ R. Simeon b. Lakish said: Because one binds the tefillin [on the left arm] with it. R. Nahman b. Isaac said: Because he points to the accents in the scroll with it.⁴ A similar difference of opinion is found among Tannaim. R. Eliezer says, because one eats with it; R. Joshua says, because one writes with it; R. Akiba says, because one points with it to the accents in the scroll.

R. Tanhum b. Hanilai said: Whoever behaves modestly in a privy is delivered from three things: from snakes, from scorpions, and from evil spirits. Some say also that he will not have disturbing dreams.⁵ There was a certain privy in Tiberias which if two persons entered together even by day, they came to harm. R. Ammi and R. Assi used to enter it separately, and they suffered no harm. The Rabbis said to them, Are you not afraid? They replied: We have learnt a certain tradition.⁶ The tradition for [avoiding harm in] the privy is modesty and silence; the tradition relating to sufferings is silence⁷ and prayer. The mother of Abaye trained for him a lamb to go with him into the privy.⁸ She should rather have trained for him a goat?⁹ A satyr might be changed into a goat.¹⁰ Before Raba became head of the Academy, the daughter of R. Hisda¹¹ used to rattle a nut in a brass dish.¹² After he became head, she made a window for him,¹³ and put her hand on his head.¹⁴

'Ulla said: Behind a fence one may ease himself immediately; in an open field, so long as he can break wind without anyone hearing it. Issi b. Nathan reported thus: Behind a fence, as long as he can break wind without anyone hearing it; in an open field, as long as he cannot be seen by anyone. An objection was raised: [The watchers]¹⁵ may go out by the door of the olive press and ease themselves behind a fence [immediately] and they [the olives] remain clean! — For the sake of ritual purity they made a concession. Come and hear: How far can one go without affecting the cleanness [of the olive press]? Any distance as long as he can still see it!¹⁶ — The case of food-stuffs prepared in purity is different, as the Rabbis made a concession for them. R. Ashi said: What is meant by the words 'as long as he cannot be seen by anyone' used by Issi b. Nathan? As long as the exposed part of his body cannot be seen; but the man himself may be seen.

A certain funeral orator went down in the presence of R. Nahman [to deliver an address] and said: This man was modest in all his ways. Said R. Nahman to him: Did you ever follow him into a privy so that you should know whether he was modest or not? For it has been taught: A man is called modest only if he is such in the privy. And why was R. Nahman so much concerned about it? Because it has been taught: Just as the dead are punished,¹⁷ so the funeral orators are punished¹⁸ and those who answer [Amen] after them.

Our Rabbis taught: Who is a modest man? One who eases himself by night in the place where he eased himself by day.¹⁹ Is that so? Has not Rab Judah said in the name of Rab: A man should always accustom himself [to consult nature] in the early morning and in the evening²⁰ so that he may have no need to go a long distance? And again, in the day-time Raba used to go as far as a mile, but at night he said to his attendant, Clear me a spot in the street of the town, and so too R. Zera said to his attendant, See if there is anyone behind the Seminary as I wish to ease myself? — Do not read ‘in the place’, but read, ‘in the same way as he eases himself by day’.²¹ R. Ashi said, You may even retain the reading ‘place’, the reference being to a private corner.²²

The [above] text [states:] ‘Rab Judah said in the name of Rab: A man should always accustom himself to consult nature morning and evening so that he may have no need to go a long distance’. It has been taught similarly, Ben ‘Azzai said: Go forth before dawn and after dark, so that you should not have to go far. Feel yourself before sitting, but do not sit and then feel yourself, for if one sits and then feels himself, should witchcraft be used against him even as far away as Aspamia,²³ he will not be immune from it. And if he forgets and does sit and then feels, what is his remedy? — When he rises he should say, thus: Not for me, not for me; not tahim nor tahtim;²⁴ not these nor any part of these;²⁵ neither the sorceries of sorcerers nor the sorceries of sorceresses!

(1) Lit., ‘it is not the way of the world’.

(2) Deut. XXXIII, 2.

(3) It was usual to bring food to the mouth with the right hand and not with the left.

(4) Rashi explains: Because in chanting he makes corresponding movements with the right hand, this having been the custom of Palestinians in his day.

(5) Lit., ‘his dreams will be settled on him’.

(6) Jastrow, with a slight change of reading (kible), renders ‘charm’.

(7) I.e., resignation.

(8) As a protection against evil spirits.

(9) Goats were associated by the ancients with evil spirits.

(10) The Hebrew word sa’ir means both ‘he-goat’ and ‘satyr’.

(11) His wife.

(12) To frighten away the evil spirits.

(13) In the wall of the house, through which she could put her hand.

(14) As a protection. After becoming head of the Academy, he was more exposed to danger from the evil spirits.

(15) Men who watched the olive-oil press to see that no unclean person entered.

(16) But not further, so that he would himself still be visible. This refutes Issi.

(17) If they were sinners.

(18) For uttering false eulogies.

(19) I.e., a long way off.

(20) I.e., before daylight and after dark.

(21) I.e., modestly; v. supra, p. 389.

(22) To be used by night as well as by day.

(23) A name given to several far-distant places, including Spain.

(24) Words apparently used in incantations

(25) Aliter: ‘Let not avail against me either the sorceries etc.’.

Talmud - Mas. Berachoth 62b

. It has been taught: Ben ‘Azzai says: Lie on anything but not on the ground;¹ sit on anything but not on a beam.²

Samuel said: Sleep³ at dawn is like a steel edge to iron; evacuation at dawn is like a steel edge to

iron. Bar Kappara used to sell sayings for denarii. 'While thou art still hungry, eat; while thou art still thirsty, drink; while thy pot is still hot, empty it out.'⁴ When the horn is sounded in [the market of] Rome, do you, O son of the fig-seller, sell thy father's figs'.⁵ Abaye said to the Rabbis: When you go through the lanes of Mahoza to get to the fields, do not look to this side or to that, for perhaps women⁶ are sitting there, and it is not proper to gaze at them.

R. Safra entered a privy. R. Abba came and cleared his throat at the entrance.⁷ He said to him: Let the master enter. When he came out, he [R. Abba] said to him: You have not yet been turned into a satyr,⁸ but you have learnt the manners of a satyr.⁹ Have we not learnt as follows: There was a fire there,¹⁰ and a superior privy. Its superiority lay in this: if one found it locked, he could be sure that someone was in there, but if he found it open, he could be sure that there was no one there. We see therefore, that it is not proper [for two to be in a privy].¹¹ He [R. Safra], however, was of opinion that it was dangerous [to keep him waiting], as it has been taught:¹² R. Simeon b. Gamaliel says: To keep back the fecal discharge causes dropsy; to keep back the urinary discharge causes jaundice.

R. Eleazar once entered a privy, and a Persian¹³ came and thrust him away. R. Eleazar got up and went out, and a serpent came and tore out the other's gut.¹⁴ R. Eleazar applied to him the verse, Therefore will I give a man for thee.¹⁵ Read not adam [a man] but edom [an Edomite].

And he bade to kill thee, but he spared thee.¹⁶ 'And he bade'! It should be, 'And I bade'!¹⁷ 'And he spared'! It should be, 'And I spared'! R. Eleazar said: David said to Saul: According to the law, you deserve to be slain, since you are a pursuer, and the Torah has said, If one comes to kill your rise and kill him first.¹⁸ But the modesty which you have shown has caused you to be spared. What is this? As it is written: And he came to the fences¹⁹ by the way, where was a cave; and Saul went in le-hasek [to cover his feet].²⁰ It has been taught: There was a fence within a fence, and a cave within a cave. R. Eleazar says: It [the word le-hasek] teaches that he covered himself like a booth [sukkah].

Then David arose and cut off the skirt of Saul's robe privily.²¹ R. Jose son of R. Hanina said: Whoever treats garments contemptuously will in the end derive no benefit from them; for it says, Now King David was old and stricken in years; and they covered him with clothes, but he could get no heat.²²

If it be the Lord that hath stirred thee up against me, let Him accept an offering.²³ R. Eleazar said: Said the Holy One blessed be He, to David: Thou callest me a 'stirrer-up'. Behold, I will make thee stumble over a thing which even school-children know, namely, that which is written, When thou takest the sum of the children of Israel according to their number, then shall they give every man a ransom for his soul into the Lord. ... [that there be no plague among them] etc.²⁴ Forthwith, Satan stood up against Israel;²⁵ and it is further written, He stirred up David against them saying, Go, number Israel.²⁶ And when he did number them, he took no ransom from them and it is written, So the Lord sent a pestilence upon Israel from the morning even to the time appointed.²⁷ What is meant by 'the time appointed'? Samuel the elder, the son-in-law of R. Hanina, answered in the name of R. Hanina: From the time of slaughtering the continual offering until the time of sprinkling the blood. R. Johanan said: Right up precisely to midday.

And He said to the Angel that destroyed the people, It is enough²⁸ [rab]. R. Eleazar said: The Holy One, blessed be He, said to the Angel: Take a great man [rab] among them, through whose death many sins can be expiated for them.²⁹ At that time there died Abishai son of Zeruiah, who was [singly] equal in worth to the greater part of the Sanhedrin.

And as he was about to destroy, the Lord beheld, and He repented Him.³⁰ What did He behold? — Rab said: He beheld Jacob our ancestor, as it is written, And Jacob said when he beheld them.³¹ Samuel said: He beheld the ashes of [the ram of] Isaac, as it says, God will see³² for Himself the

lamb.³³ R. Isaac Nappaha said: He saw the money of the atonement, as it says, And thou shalt take the atonement money from the children of Israel, and it shall be a memorial³⁴ etc. R. Johanan said: He saw the Temple, as it is written, In the mount where the Lord is seen.³⁵ R. Jacob b. Iddi and R. Samuel b. Nahmani differed on the matter. One said that He saw the atonement money, the other that He saw the Temple. The more likely view is that of him who says that He saw the Temple, since it is written, As it will be said on that day, in the mount where the Lord is seen.

A MAN SHOULD NOT ENTER THE TEMPLE MOUNT WITH HIS STAFF etc. What is the meaning of kappandaria? Raba said: A short cut, as its name implies.³⁶ R. Hanah b. Adda said in the name of R. Sama the son of R. Meri: It is as if a man said, instead of going round the blocks [makkifna adari], I will go in here. R. Nahman said in the name of Rabbah: If one enters a synagogue not intending to use it as a short cut, he may use it as a short cut. R. Abbahu said: If there was a path there originally,³⁷ it is permitted. R. Helbo said in the name of R. Huna: If one entered a synagogue to pray, he may use it as a short cut, as it says, But when the people of the land shall come before the Lord in the appointed seasons [he that entereth by the north gate shall go forth by the south gate, etc.].³⁸

AND SPITTING [ON IT IS FORBIDDEN] A FORTIORI. R. Bibi said in the name of R. Simeon b. Lakish: If one spits in these times³⁹ on the Temple mount, it is as if he spat into the pupil of His eye, since it says: And Mine eyes and My heart shall be there perpetually.⁴⁰ Raba said: It is permitted to expectorate in the synagogue, this being on the same footing as wearing a shoe. Just as wearing a shoe is forbidden on the Temple mount but permitted in the synagogue, so spitting is forbidden in the Temple mount but permitted in the synagogue. Said R. Papa to Raba — according to others, Rabina said to Raba, while others again report that R. Adda b. Mattena said it to Raba, Instead of learning the rule from the analogy of a shoe, why not learn it from that of a short cut?⁴¹ — He replied: The Tanna derives it from a shoe, and you want to derive it from a short cut! What is this [reference]? As it has been taught: ‘A man should not enter the Temple mount either with his staff in his hand or his shoe on his foot, or with his money tied up in his cloth, or with his money bag slung over his shoulder, and he should not make it a short cut, and spitting [on it is forbidden] a fortiori from the case of the shoe: seeing that regarding a shoe, the wearing of which does not show contempt, the Torah has said, Put off thy shoes from off thy feet,⁴² must not the rule all the more apply to spitting, which does show contempt? R. Jose b. Judah said: This reasoning is not necessary. For see, it says, For none might enter within the king's gate clothed in sackcloth.⁴³ Now have we not here an argument a fortiori: if such is the case with sackcloth which is not in itself disgusting, and before an earthly king, how much more so with spitting which is in itself disgusting, and before the supreme King of Kings!’⁴⁴ He [R. Papa] replied to him [Raba]: What I mean is this. Let us be stringent in both cases,⁴⁵ and reason thus:

(1) For fear of serpents.

(2) Lest it may break.

(3) The Aruch renders the word shinah here ‘Making water’.

(4) The proverb is applied to relieving oneself.

(5) And do not wait for thy father to come; an admonition against procrastination.

(6) MS.M. ‘men’.

(7) To find out if anyone was within.

(8) שְׂעִיר Lit., ‘goat’ v. supra p. 389, n. 6.

(9) Inviting me to come in, not in accordance with the rules of propriety. The meaning is not clear, Rashi seems to read שְׂעִיר (Seir), thus rendering: You have not yet entered Seir (Edom) and you have learnt the manners of (the people of) Seir, v. Maharsha.

(10) In the Temple court, to keep the priests warm.

(11) V. Strashun Glosses.

(12) V. supra 25a.

- (13) This is obviously a censor's correction for 'Roman', v. MS.M.
- (14) Jast. renders 'his gut dropped', from fright.
- (15) Isa. XLIII, 4.
- (16) I Sam. XXIV, 11.
- (17) Since David is reporting his own action.
- (18) V. supra 58a.
- (19) E.V. 'sheepcotes'.
- (20) Ibid. 4.
- (21) Ibid. 5.
- (22) I Kings I, 1.
- (23) I Sam. XXVI, 19.
- (24) Ex. XXX, 12.
- (25) I Chron. XXI, 1.
- (26) II Sam. XXIV, 1.
- (27) Ibid. 15.
- (28) Ibid. 16.
- (29) According to the dictum that the death of the righteous is an atonement.
- (30) I Chron. XXI, 15.
- (31) Gen. XXXII, 3.
- (32) So lit., E.V. 'provide'.
- (33) Ibid. XXII, 8.
- (34) Ex. XXX, 16.
- (35) Adverting to the name of the mountain which is 'The Lord shall see'. Gen. XXII, 14.
- (36) Representing as it does the Latin compendiaria via. Raba seems to imply that there is no need to try to interpret it as an Aramaic expression.
- (37) Before the synagogue was built.
- (38) Ezek. XLVI, 9.
- (39) When the Temple is no longer there.
- (40) I Kings IX, 3.
- (41) A synagogue may not be used as a short cut, v. Meg. 28a.
- (42) Ex. III, 5.
- (43) Esth. IV, 2.
- (44) Thus we see that the Tanna derives the rule regarding spitting from the analogy of a shoe.
- (45) Of spitting on the Temple mount and in the synagogue.

Talmud - Mas. Berachoth 63a

The rule [about spitting] for the Temple mount where the shoe is forbidden we may derive from the analogy of the shoe, but in the case of the synagogue where the shoe is permitted, instead of deriving the rule from the shoe and permitting it, let us rather derive it from the short cut and forbid it? — Rather, said Raba: [The synagogue is] on the same footing as a man's house. Just as a man objects to his house being made a short cut but does not object to the wearing of shoes or to spitting there, so in the case of the synagogue, the using it as a short cut is forbidden, but wearing the shoe and spitting in it is not forbidden.

AT THE CONCLUSION OF THE BENEDICTIONS SAID IN THE TEMPLE [THEY USED TO SAY, FOR EVER etc.]. Why all this? — Because the Amen response is not given in the Sanctuary. And whence do we know that the Amen response was not made in the Sanctuary? — Because it says, Stand up and bless the Lord your God from everlasting to everlasting,¹ and it goes on, And let them say,² Blessed be Thy glorious name that is exalted above every³ blessing and praise. I might think that one praise would suffice for all the blessings.⁴ It therefore says, 'Above every blessing and praise', implying, for every blessing assign to Him praise.⁵

IT WAS LAID DOWN THAT GREETING SHOULD BE GIVEN IN [GOD'S] NAME etc. Why the further citation? — You might think that Boaz spoke thus on his own accord;⁶ come and hear, therefore, [the other text] 'THE LORD IS WITH THEE, THOU MIGHTY MAN OF VALOUR'. You might still say that it was an angel who spoke thus to Gideon;⁷ come and hear, therefore, the other text, 'DESPISE NOT THY MOTHER WHEN SHE IS OLD';⁸ and it says, 'IT IS TIME TO WORK FOR THE LORD, THEY HAVE MADE VOID THY LAW.'⁹ Raba said: The first clause of this verse can be taken as explaining the second, and the second can be taken as explaining the first. 'The first clause may be taken as explaining the second', thus: It is time to work for the Lord.¹⁰ Why? Because they have made void Thy law.' The second clause may be taken as explaining the first', thus: They have made void Thy law.¹¹ Why? Because it is time to work for the Lord.

It was taught: Hillel the Elder said: When the scholars keep in [the teaching of] the Torah, do thou disseminate it,¹² and when they disseminate it do thou keep it in.¹³ If thou seest a generation which is eager for the knowledge of the Torah, spread it abroad,¹⁴ as it says, There is that scattereth and yet increaseth.¹⁵ But if thou seest a generation which takes no interest in the Torah, keep it in to thyself, as it says, When it is time to work for the Lord,¹⁶ they make void Thy law. Bar Kappara expounded: When goods are cheap, collect¹⁷ [money] and buy. In a place where there is no man, there be a man. Abaye said: You may infer from this that in a place where there is a man [to teach the Torah], there you should not be a man. This is obvious? — It required to be stated for the case where the two are equal.¹⁸

Bar Kappara expounded: What short text is there upon which all the essential principles of the Torah depend? In all thy ways acknowledge Him and He will direct thy paths.¹⁹ Raba remarked: Even for a matter of transgression.²⁰ Bar Kappara [further] expounded: A man should always teach his son a clean and not laborious trade. What, for example? R. Hisda said: Needle-stitching.²¹

It has been taught: Rabbi says, A man should not invite too many friends to his house, as it says, There are friends that one hath to his own hurt.²² It has been taught: Rabbi says, A man should not appoint a steward over his house, for had not Potiphar appointed Joseph as steward over his house, he would not have fallen into such trouble as he did. It has been taught: Rabbi says, Why does the section of the Nazirite²³ follow immediately on that of the unfaithful wife?²⁴ To teach you that anyone who sees an unfaithful wife in her evil ways should completely abstain from wine. Hezekiah the son of R. Parnak said in the name of R. Johanan: Why does the section of the unfaithful wife follow immediately on one dealing with terumoth²⁵ and tithes?²⁶ To teach you that if one has terumoth and tithes and does not give them to the priest, in the end he will require the priest's services to deal with his wife. For so it says, Every man's hallowed things shall be his,²⁷ and immediately afterwards it says, If any man's wife go aside,²⁸ and later is it written, And the man shall bring his wife, etc.²⁹ Nay more, in the end he shall be in need of them,³⁰ as it says, 'Every man's hallowed things shall be his'.³¹ R. Nahman b. Isaac said: If he does give, he will eventually become rich, as it says, Whatever a man giveth the priest, he shall have³² — he shall have much wealth.

R. Huna b. Berekiah said in the name of R. Eleazar ha-Kappara: Whoever associates the name of heaven with his suffering³³ will have his sustenance doubled, as it says, And the Almighty shall be in thy distress, and thou shalt have double silver.³⁴ R. Samuel b. Nahmani said: His sustenance shall fly to him like a bird, as it says, And silver shall fly to thee.³⁵

R. Tabi said in the name of R. Josiah: Whoso is faint³⁶ in the study of the Torah will have no strength to stand in the day of trouble, as it says, If thou art faint [in the study of the Torah] in the day of adversity thy strength will be small.³⁷ R. Ammi b. Mattenah said in the name of Samuel: Even if only in the performance of a single precept, as it says, 'If thou faint', in any case.

R. Safra said: R. Abbahu used to relate that when Hananiah the son of R. Joshua's brother went down to the Diaspora,³⁸ he began to intercalate the years and fix new moons outside Palestine. So they [the Beth din] sent after him two scholars, R. Jose b. Kippar and the grandson of R. Zechariah b. Kebutal. When he saw them, he said to them: Why have you come? — They replied: We have come to learn Torah [from you]. He thereupon proclaimed: These men are among the most eminent of the generation. They and their ancestors have ministered in the Sanctuary (as we have learnt: Zechariah b. Kebutal said: Several times I read to him³⁹ out of the book of Daniel). Soon they began to declare clean what he declared unclean and to permit what he forbade. Thereupon he proclaimed: These men are worthless, they are good for nothing. They said to him: You have already built and you cannot overthrow, you have made a fence and you cannot break it down.⁴⁰ He said to them: Why do you declare clean when I declare unclean, why do you permit when I forbid? — They replied: Because you intercalate years and fix new moons outside of Palestine. He said to them: Did not Akiba son of Joseph intercalate years and fix new moons outside of Palestine?⁴¹ — They replied: Don't cite R. Akiba, who left not his equal in the Land of Israel. He said to them: I also left not my equal in the Land of Israel. They said to him: The kids which you left behind have become goats with horns, and they have sent us to you, bidding us, 'Go and tell him in our name. If he listens, well and good; if not, he will be excommunicated.

(1) Neh. IX, 5.

(2) Those who made the response.

(3) E.V. 'all'.

(4) I.e., that one response should be made at the end of all the blessings (Rashi).

(5) V. Sot. (Sonc. ed.) p. 198, n. 2.

(6) And his action need not be taken as a precedent.

(7) Simply transmitting his message.

(8) I.e., despise not the example of Boaz.

(9) V. p. 329, n. 4.

(10) As much as to say, Boaz had good warrant for what he did. This rule apparently was cavilled at in certain quarters, and the Rabbis felt that some very strong justification was needed for it.

(11) Like Elijah in sacrificing on Mount Carmel.

(12) So that it should not be forgotten. Lit., 'scatter', like a sower scattering.

(13) So as not to compete with them.

(14) Lit., 'scatter'. Cf. n. 7.

(15) Prov. XI, 24.

(16) I.e., when disseminating the Torah would bring it into contempt.

(17) The Aruch reads, 'make haste'.

(18) For there is no question that a superior may displace an inferior.

(19) Prov. III, 6.

(20) Weigh the pros and cons of it. This must be linked with the foregoing principle which permits the violation of the law when the exigencies of the time demand it.

(21) Lit., 'the stitching of furrows'.

(22) Prov. XVIII, 24.

(23) Num. VI.

(24) Ibid. V, 11-31.

(25) Plural of *terumah*, v. Glos.

(26) Ibid. V, 5-10.

(27) Ibid. 10.

(28) Ibid. 12. The juxtaposition implies: 'If a man keeps his hallowed things to himself and does not give them to the priest, then this wife, etc.'

(29) Ibid. 15.

(30) Since he will lose his money.

(31) In the form of poor man's tithe.

(32) Ibid. 10. E.V. 'it shall be his'.

(33) By blessing God for the evil, or praying.

(34) Job XXII, 25. E.V. 'And the Almighty shall be thy treasure, and thou shalt have precious silver. The word to'afoth (precious) is connected by the Rabbis with the Aramaic word 'af, to double.

(35) Here the word to'afoth is connected with the Hebrew 'uf, to fly.

(36) I.e., is negligent.

(37) Prov. XXIV, 10. E.V. 'If thou art faint in the day of adversity, thy strength shall be small indeed'.

(38) Golah, Babylon. Here the reference is to Pumbeditha. This was during the Hadrianic persecution following the Bar Kochabah Wars. V. J.E. VI, p. 207.

(39) The High Priest. V. Yoma 18b.

(40) I.e., you cannot take away from us the name you have conferred on us.

(41) Yeb. 122a.

Talmud - Mas. Berachoth 63b

Tell also our brethren in the Diaspora [not to listen to him]. If they listen to you, well and good; if not, let them go up to the mountain, let Ahia¹ build an altar and let Hananiah play the harp,² and let them all become renegades and say that they have no portion in the God of Israel'. Straightway all the people broke out into weeping and cried, Heaven forbid, we have a portion in the God of Israel. Why all this to-do? — Because it says, For out of Zion shall go forth the law, and the word of the Lord from Jerusalem.³ We can understand that if he declared clean they should declare unclean, because this would be more stringent. But how was it possible that they should declare clean what he declared unclean, seeing that it has been taught: If a Sage has declared unclean, his colleague is not permitted to declare clean? — They thought proper to act thus so that the people should not be drawn after him.

Our Rabbis have taught: When our teachers entered the vineyard at Jabneh,⁴ there were among them R. Judah and R. Jose and R. Nehemiah and R. Eliezer the son of R. Jose the Galilean. They all spoke in honour of hospitality and expounded texts [for that purpose]. R. Judah, the head of the speakers in every place,⁵ spoke in honour of the Torah and expounded the text, Now Moses used to take the tent and pitch it without the camp.⁶ Have we not here, he said, an argument a fortiori? Seeing that the Ark of the Lord was never more than twelve mil distant⁷ and yet the Torah says, Everyone that sought the Lord went out unto the tent of meeting,⁸ how much more [is this title⁹ applicable to] the disciples of the wise who go from city to city and from province to province to learn Torah!

And the Lord spoke unto Moses face to face.¹⁰ R. Isaac said: The Holy One, blessed be He, said to Moses, Moses, I and thou will propound views¹¹ on the halachah. Some say that the Holy One, blessed be He, said thus to Moses: Just as I have turned upon thee a cheerful face, so do thou turn upon Israel a cheerful face and restore the tent to its place. And he would return to the camp.¹² R. Abbahu said: The Holy One, blessed be He, said to Moses: Now they will say, The Master¹³ is angry and the disciple¹⁴ is angry, what will happen to Israel? If thou wilt restore the tent to its place, well and goods but if not, Joshua son of Nun, the disciple, will minister in thy place. Therefore it is written, 'And he would return to the camp'. Raba said: All the same [God's] word was not uttered in vain, since it says, But his minister Joshua, the son of Nun, a young man, departed not out of the tent.¹⁵

R. Judah spoke further in honour of the Torah, expounding the text, Attend [hasket] and hear, O Israel: this day thou art become a people unto the Lord thy God.¹⁶ Now was it on that day that the Torah was given to Israel? Was not that day the end of the forty years [of the wandering]? It is, however, to teach thee that the Torah is as beloved every day to those that study it as on the day when it was given from Mount Sinai. R. Tanhum the son of R. Hiyya, a man of Kefar Acco¹⁷ said:

The proof is that if a man recites the Shema' every morning and evening and misses one evening, it is as if¹⁸ he had never recited the Shema'. The word 'hasket' implies: Make yourselves into groups [kittoth] to study the Torah, since the knowledge of the Torah can be acquired only in association with others, as stated by R. Jose b. Hanina; for R. Jose b. Hanina said: What is the meaning of the text, A sword is upon the boasters [baddim] and they shall become fools?¹⁹ A sword is upon the enemies of the disciples of the wise²⁰ who sit separately [bad bebad] and study the Torah. What is more, they become stupid. It is written here, 'and they shall become fools', and it is written elsewhere, For that we have done foolishly.²¹ What is more, they are sinners, as it says, and we have sinned.²² If you prefer, I can learn the meaning from here: The princes of Zoan are become fools [no'alu].²³ Another explanation of 'Attend [hasket] and hear, Israel'. Cut yourselves to pieces [kattetu] for words of Torah, as was said by Resh Lakish. For Resh Lakish said: Whence do we learn that words of Torah are firmly held by one who kills himself for it? Because it says, This is the Torah, when a man shall die in the tent.²⁴ Another explanation of 'Attend and hear, O Israel': Be silent [has] and then analyse [katteth],²⁵ as stated by Raba; for Raba said: A man should always first learn Torah and then scrutinize it.

They said in the school of R. Jannai: What is meant by the verse, For the churning of milk bringeth forth curd, and the wringing of the nose bringeth forth blood; so the forcing of wrath bringeth forth strife?²⁶ With whom do you find the cream of the Torah? With him who spits out upon it the milk which he has sucked from the breasts of his mother.²⁷ 'The wringing of the nose²⁸ bringeth forth blood'. Every student who is silent when his teacher is angry with him the first time will become worthy to distinguish between clean blood and unclean. 'The forcing of wrath²⁹ bringeth forth strife': Every student who is silent when his teacher is angry with him a first and a second time will be worthy to distinguish between money cases and capital cases,³⁰ as we have learnt: R. Ishmael says, One who desires to be wise should occupy himself with money judgments, since no branch of the Torah surpasses them, for they are like a perpetual fountain [of instruction]. R. Samuel b. Nahmani said: What is meant by the verse, If thou hast done foolishly [nobaltah] in lifting up thyself, or if thou hast planned devices [zammotah], lay thy hand upon thy mouth?³¹ Whoever abases [menabbel] himself for words of Torah³² will in the end be exalted, but if one muzzles [zamam] himself, his hand will be upon his mouth.³³

R. Nehemiah began to speak in praise of hospitality, expounding the text, And Saul said unto the Kenites, Go, depart, get you down from among the Amalekites, lest I destroy you with them; for ye showed kindness to all the children of Israel when they came up out of Egypt.³⁴ Have we not here an argument a fortiori: if such was the reward of Jethro³⁵ who befriended Moses only for his own benefit, how much more will it be for one who entertains a scholar in his house and gives him to eat and drink and allows him the use of his possessions!

R. Jose began to speak in praise of hospitality, expounding the verse, Thou shalt not abhor an Edomite, for he is thy brother; thou shalt not abhor an Egyptian, because thou wast a stranger in his land.³⁶ Have we not here an argument a fortiori? If such was the reward of the Egyptians who befriended the Israelites only for their own purposes, as it says, And if thou knowest any able men among them, then make them rulers over my cattle,³⁷ how much more will it be for one who entertains a scholar in his house and gives him to eat and drink and allows him the use of his possessions!

R. Eliezer the son of R. Jose the Galilean began to speak in praise of hospitality, expounding the verse, And the Lord blessed Obed-Edom and all his house . . . because of the Ark of God.³⁸ Have we not here an argument a fortiori? If such was the reward for attending to the ark which did not eat or drink, but before which he merely swept and laid the dust, how much more will it be for one who entertains a scholar in his house and gives him to eat and drink and allows him the use of his possessions! What was the blessing with which God blessed him [Obed-Edom]? — R. Judah b.

Zebida says: This refers to Hamoth³⁹ and her eight daughters-in-law who each bore six children at a birth,

- (1) The head of the community.
- (2) Hananiah was a Levite.
- (3) Isa. II, 3.
- (4) The Academy at Jabneh, so called either because it actually was in a vineyard, or because the disciples sat in rows like the vines in a vineyard. The incident is related in a somewhat different form in the Midrash Rabbah on Cant. II, 5.
- (5) V. Shab. 33b.
- (6) Ex. XXXIII, 7.
- (7) This being the extent of the Israelitish camp.
- (8) Ex. XXXIII, 7.
- (9) Of 'one who seeks the Lord'.
- (10) Ibid. 11.
- (11) Lit., 'faces'.
- (12) Ibid.
- (13) God.
- (14) Moses.
- (15) Ibid. This is taken to mean that he succeeded Moses.
- (16) Deut. XXVII, 9.
- (17) In Lower Galilee.
- (18) I.e., he feels as if.
- (19) Jer. L, 36.
- (20) Euphemism for the disciples themselves.
- (21) Num. XII, 11. In both texts the Hebrew word is no'alu.
- (22) Ibid.
- (23) Isa. XIX, 13.
- (24) Num. XIX, 14. 'Tent' is taken to mean a place of study.
- (25) I.e., first listen to the teacher, and then discuss what he has said.
- (26) Prov. XXX, 33.
- (27) I.e., who commences to learn in his earliest childhood.
- (28) Heb. af, which also means anger.
- (29) Heb. appayim, lit., 'two angers'.
- (30) I.e., to decide to which category an intricate case belongs.
- (31) Prov. XXX, 32.
- (32) I.e., is not ashamed to ask questions which may at first sound foolish.
- (33) He will be unable to answer questions put to him.
- (34) I Sam. XV, 6.
- (35) Who is called the Kenite, Judg. I, 16.
- (36) Deut. XXIII, 8.
- (37) Gen. XLVII, 6.
- (38) II Sam. VI, 12.
- (39) The wife of Obed-Edom.

Talmud - Mas. Berachoth 64a

as it says, Peullethai the eighth son¹ for God blessed him,² and it is written, All these were of the sons of Obed-Edom, they and their sons and their brethren, able men in the strength for the service, threescore and two of Obed-Edom.³

R. Abin the Levite said: Whoever tries to force his [good] fortune will be dogged by [ill] fortune,⁴ and whoever forgoes his [good] fortune will postpone his [ill] fortune.⁵ This we can illustrate from

the case of Rabbah and R. Joseph. For R. Joseph was 'Sinai'⁶ and Rabbah was 'an uprooter of mountains'.⁷ The time came when they were required [to be head of the Academy].⁸ They [the collegiates] sent there [to Palestine] to ask, As between 'Sinai' and an 'uprooter of mountains', which should have the preference? They sent answer: Sinai, because all require the owner of wheat.⁹ Nevertheless, R. Joseph would not accept the post, because the astrologers had told him that he would be head for only two years. Rabbah thereupon remained head for twenty-two years, and R. Joseph after him for two years and a half.¹⁰ During all the time that Rabbah was head, R. Joseph did not so much as summon a cupper to come to his house.¹¹

R. Abin the Levite further said: What is the point of the verse, The Lord answer thee in the day of trouble, the name of the God of Jacob set thee up on high?¹² The God of Jacob and not the God of Abraham and Isaac? This teaches that the owner of the beam should go in with the thickest part of it.¹³

R. Abin the Levite also said: If one partakes of a meal at which a scholar is present, it is as if he feasted on the effulgence of the Divine Presence, since it says, And Aaron came and all the elders of Israel, to eat bread with Moses' father-in-law before God.¹⁴ Was it before God that they ate? Did not they eat before Moses? This tells you, however, that if one partakes of a meal at which a scholar is present, it is as if he feasted on the effulgence of the Divine Presence.

R. Abin the Levite also said: When a man takes leave of his fellow, he should not say to him, 'Go in peace'. but 'Go to peace'. For Moses, to whom Jethro said, Go to peace,¹⁵ went up and prospered, whereas Absalom to whom David said, Go in peace,¹⁶ went away and was hung.

R. Abin the Levite also said: One who takes leave of the dead¹⁷ should not say to him 'Go to peace', but 'Go in peace', as it says, But thou shalt go to thy fathers in peace.¹⁸

R. Levi b. Hiyya said: One who on leaving the synagogue goes into the House of Study and studies the Torah is deemed worthy to welcome the Divine Presence, as it says, They go from strength to strength, every one of them appeareth before God in Zion.¹⁹

R. Hiyya b. Ashi said in the name of Rab: The disciples of the wise have no rest either in this world or in the world to come,²⁰ as it says, They go from strength to strength, every one of them appeareth before God in Zion'.

R. Eleazar said in the name of R. Hanina: The disciples of the wise increase peace in the world, as it says, And all thy children shall be taught of the Lord, and great shall be the peace of thy children.²¹ Read not banayik [thy children] but bonayik [thy builders].²² Great peace have they that love Thy law, and there is no stumbling for them.²³ Peace be within thy walls and prosperity within thy palaces.²⁴ For my brethren and companions' sake I will now say, Peace be within thee.²⁵ For the sake of the house of the Lord our God I will seek thy good.²⁶ The Lord will give strength unto His people, the Lord will bless His people with peace.²⁷

(1) Omitting with Bah: 'and it is written' inserted in cur. edd.

(2) I Chron. XXVI, 5. This shows that he had eight sons.

(3) Ibid. 8. The sixty-two are made up of the eight sons mentioned, six more to his wife at one birth, and six to each of his eight daughters-in-law.

(4) Lit., 'whoever pushes his hour will be pushed by his hour'.

(5) Lit., 'if one is pushed away from before his hour, his hour is pushed away from before him'.

(6) I.e., possessed an encyclopaedic knowledge of the traditions.

(7) I.e., exceptionally skillful in dialectic.

(8) Sc. of Pumbeditha.

- (9) I.e., to know the authentic traditions.
- (10) Rabbah was head 309-330. R. Joseph who succeeded him died in 333.
- (11) But went instead to him, like any ordinary individual. On the whole passage v. Hor. (Sonc. ed.) p. 105 notes.
- (12) Ps. XX, 2.
- (13) He should put the thicker end in the ground so as to give better support. So the name of Jacob would be more efficacious in prayer because he was the more immediate ancestor of the Jewish people.
- (14) Ex. XVIII, 12.
- (15) Ibid. IV, 18.
- (16) II Sam. XV, 9.
- (17) On leaving the funeral procession.
- (18) Gen. XV, 15.
- (19) Ps. LXXXIV, 8.
- (20) Because they are always progressing in their spiritual strivings.
- (21) Isa. LIV, 13.
- (22) I.e., learned men.
- (23) Ps. CXIX, 165.
- (24) Ibid. CXXII, 7.
- (25) Ibid. 8.
- (26) Ibid. 9.
- (27) Ibid. XXIX, 11.

Talmud - Mas. Arachin 2a

CHAPTER I

MISHNAH. ALL [PERSONS] ARE FIT TO EVALUATE OR TO BE MADE THE SUBJECTS OF VALUATION,¹ ARE FIT TO VOW² [ANOTHER'S WORTH] OR HAVE THEIR WORTH VOWED: — PRIESTS, LEVITES AND [ORDINARY] ISRAELITES, WOMEN AND SLAVES. PERSONS OF UNKNOWN³ SEX AND HERMAPHRODITES ARE FIT TO VOW [ANOTHER'S WORTH], OR TO HAVE THEIR WORTH VOWED, AND ARE FIT TO EVALUATE, BUT THEY ARE NOT FIT TO BE MADE THE SUBJECTS OF VALUATION, FOR THE SUBJECT OF VALUATION MAY BE ONLY A PERSON DEFINITELY EITHER MALE OR FEMALE.⁴ A DEAF-MUTE, AN IMBECILE, OR A MINOR⁵ ARE FIT TO HAVE THEIR WORTH VOWED OR BE MADE THE SUBJECT OF VALUATION, BUT THEY ARE NOT FIT TO MAKE EITHER A VOW [OF ANOTHER'S WORTH] OR TO EVALUATE, BECAUSE THEY HAVE NO MIND.

GEMARA. What does ALL [PERSONS] ARE FIT TO EVALUATE mean to include? — It is meant to include one close to manhood who must be examined.⁶ What does [ALL⁷ ARE] FIT TO BE MADE THE SUBJECTS OF VALUATION mean to include? — It is meant to include a person disfigured, or one afflicted with boils.⁸ For one might have assumed that since Scripture says: A vow according to thy valuation,⁹ that only such persons as are fit to be made the subjects of a vow [as regards their worth], are fit to be made subjects of a valuation, and that persons who are unfit to be made subjects of a vow [as regards their worth], are also unfit to be made subjects of a valuation, hence Scripture informs us: of persons.⁹ i.e., no matter who they be. What does [ALL PERSONS] ARE FIT TO VOW mean to include? — [The phrase ALL] is needed only for [the clause] 'are fit to have their worth vowed' — What is to be included [in the phrase ALL] ARE FIT TO HAVE THEIR WORTH VOWED? Is it to include persons of unknown sex or hermaphrodites — but they are expressly stated [in our Mishnah]! Again is it to include a deaf-mute, an imbecile and a minor — they too are expressly stated! And if it is to include a person below the age of one month — that too is expressly mentioned!¹⁰ And again if it is to include an idolater — he too is expressly mentioned!¹¹ — In reality it is meant to include a person below the age of one month; and the Mishnah states it [by implication] and later on expressly mentions it.¹²

What does 'All persons are obliged to lay on hands' mean to include?¹³ — It is meant to include the heir, and this against the view of R. Judah.¹⁴ What does 'All persons can effect a substitute'¹⁵ mean to include? — That, too, means to include the heir, in contrast to the view of R. Judah. For it was taught: An heir must lay on hands, an heir can effect a substitute. R. Judah says: An heir does not lay on hands, and an heir cannot effect a substitute. What is the reason of R. Judah's view? — [Scripture says:] His offering,¹⁶ i.e., but not his father's offering. And he infers the rule concerning the commencement of the dedication of the animal from the rule governing its end. Just as at the end of the dedication the heir does not lay on hands, thus also at the beginning¹⁷ he cannot effect a substitute. And the Rabbis? — [Scripture says redundantly:] And if he shall at all change — that included the heir. And we infer the rule concerning the end of the dedication from the rule governing the commencement of the dedication. Just as at the beginning of the dedication the heir has power to effect a substitute, so at the end is he obliged to lay his hands on the animal's head.¹⁸ But what do the Rabbis do with 'his offering'? [They interpret:] 'his offering', but not the offering of an idolater; 'his offering', but not the offering of his neighbour; 'his offering. i.e., to include all who have a share¹⁹ in the ownership of a sacrifice in the duty to lay on hands. And R. Judah?²⁰ — He does not hold that all who have a share in the ownership share the obligation of laying hands thereon; or, indeed, if he should hold so

(1) Lev. XXVII, 1f fixes the value of the person dedicated to the sanctuary, this value depending only on the age of the

person dedicated. Hence, if someone uses the formula: Erek peloni 'alay. i.e., the valuation of So-and-so be upon me (to pay to the sanctuary). he must make payment in accord with the valuation fixed in Lev. XXVII, independent of the person's physical or mental condition. Thus e.g., the valuation fixed there for a man of the age of between twenty and sixty, is fifty shekels.

(2) But if he said: Deme peloni 'alay, i.e., the equivalent of the market value of So-and-so be upon me (to pay to the sanctuary), he has made a vow and he must pay the amount which that person would fetch, if sold on the slave market. In this case the deciding factor would be not age, but physical and mental condition.

(3) Tumtum; lit., 'one hidden, stopped up'. i.e., a person whose genitalia are covered by a skin, hence one of unknown sex.

(4) Scripture refers (ibid.) to 'male' and 'female', but persons whose sex cannot be determined are excluded from the valuation.

(5) A boy under the age of thirteen, a girl under the age of twelve years.

(6) Mufla' from the root meaning, to make clear, to examine, hence 'one to be examined' as to the purpose for which he made the valuation. Above the age of thirteen such knowledge is taken for granted. Below the age of twelve it is assumed to be absent. During the period from twelve to thirteen the boy is to be subject to questioning. If the examination establishes his knowledge of the purpose of the dedication, his dedication is considered valid, and renders payment obligatory. Otherwise no significance is to be attached during that period to his utterance of the formula: Erek peloni 'alay.

(7) The first word of the Mishnah ALL is assumed to apply to the four cases enumerated. This word does not seem necessary, the Mishnah might have stated e.g., Priests, Levites and Israelites are fit etc. The additional ALL hence is assumed by the questioner to have implied the inclusion of persons whom, without this inclusion, one might have excluded. Hence the series of questions establishing the identity of the persons included in each case. This discussion leads to the consideration of other passages throughout the Mishnah, in which the word 'all' occurs, and to an explanation of who is included in each statement.

(8) Lev. XXVII, 2.

(9) A person disfigured, or afflicted with boils would fetch no price at all on the market place. In the expression A vow according to thy valuation, one might have inferred from this juxtaposition, that a certain fundamental agreement prevailed between cases of vow (of one's worth) and of valuation, and that therefore a person unfit to have his worth vowed (because a vow was redeemable by payment of the market value, which did not exist in the case of a disfigured person) would be unfit to be made the subject of a valuation. But this inference is cancelled by another Biblical phrase, which indicates that what is required is but 'persons', independent of their physical condition: When a man shall clearly utter a vow of persons (ibid.).

(10) V. infra 5a.

(11) Ibid. 5b.

(12) By the redundant ALL, which obviously includes some person or persons, which but for this all-inclusive term, would have been excluded. The particular reason why this case rather than any other of the four here dealt with is included here Rashi finds in the fact that it is the only one concerning which a controversy exists (infra 5a), whence the statement here by implication is of importance in teaching that even the Rabbis who hold that one who is less than a month cannot be subject to evaluation, nevertheless agree that he can have his worth vowed.

(13) The Gemara proceeds now to discuss all other cases in which a redundant 'all' is to convey some inclusion in the principle of other persons. The laying on of the hands on the head of the animal to be sacrificed conveyed the sense of ownership. It was a duty, hence a question arises in the case of several partners, or in the case of proxy.

(14) R. Judah denied this obligation to an heir. Lev. I, 3 reads: If his be a burnt-offering . . . he shall lay his hand upon the head. This, R. Judah argues, expressly limits the duty of laying the hand to the man who offered it, not to his heir, who is freed from his obligation.

(15) Lev. XXVII, 10: He shall not alter it, nor change it, a good for a bad, or a bad for a good; and If he shall at all change beast for beast, then both it and that for which it is changed shall be holy. The dispute concerns only the case of an heir in respect of an offering dedicated by his father but all agree that an exchange made by anyone besides the original owner of the sacrifice would have no effect at all, the first animal remaining sacred, the second not being affected by the unauthorized attempt at exchange.

(16) Lev. III ,2, 7 and 13 in connection with the laying on of hands in the case of peace-offerings. V. Rashi and Tosaf. a.l.

(17) First an animal is separated for the purpose of being offered on the altar. That is the commencement of its sanctification. At the end, just before the slaying of the animal, the owner lays his hand on its head. R. Judah infers from the regulations at the end, viz., the prohibition for anyone but the owner to lay hands on the head, the inefficacy of the change at the beginning, i.e., his intended exchange has no effect on the animal he wanted to substitute.

(18) The Sages infer from the redundant 'shall at all change' that even another may effect the substitute and argue from the beginning of the sanctification to the end, hence permit an heir to lay hands on the animal.

(19) The phrase 'his offering' occurs three times in Lev. III, viz., vv. 2, 7 and 13, and while two of these expressions have a limiting sense, one has an inclusive meaning, just as 'his' implies ownership, so must anyone who has a claim to ownership lay his hands on the animal's head. Therefore, every member of a group who offer the animal together must perform the laying on of hands.

(20) Since R. Judah would interpret 'his offering' in each case in an exclusive sense, how could he derive the obligation of the laying on of hands on the part of anyone who shares in it—for which an inclusive interpretation is necessary?

Talmud - Mas. Arachin 2b

he would infer [the exclusion of] idolater and neighbour from one passage,¹ so that two more would remain redundant, from one of which he would infer that 'his offering' means 'but not that of his father', and from the other that all who have a share in the ownership of a sacrifice are obliged to perform the laying on of hands. But what does R. Judah do with 'If he shall at all change'? — He needs that to include woman,² for it was taught: Since all this chapter is couched in masculine gender, what brings us eventually to include woman? The text stated: 'If he shall at all change'.³ But [whence do] the Sages [infer this]? — From the [redundant] 'And if'. And R. Judah? — He does not interpret 'And if'.⁴

What does 'All persons are obliged⁵ to observe [the laws concerning] the booth' mean to include? — That is meant to include a minor that no more needs his mother,⁶ for we have learnt: A minor that no more needs his mother is obliged to observe the laws concerning the booth.⁷ What does 'All are obliged to observe the law of the lulab'⁸ mean to include? — That includes a minor who knows how to shake the lulab, for we learnt: A minor who knows how to shake⁹ the lulab is obliged to observe [the laws of] the lulab.¹⁰ What does 'All are obliged to observe the [law of] the fringes' include? — That includes the minor who knows how to wrap himself, for it was taught: A minor who knows how to wrap himself [into the tallith]¹¹ is obliged to observe the law of the fringes. What does 'All are obliged to observe the rules concerning the tefillin' include? — That includes a minor who knows how to take care of the tefillin, for it was taught: If a minor knows how to take care of the tefillin,¹² his father buys tefillin for him. What does 'All are obliged to appear' include?¹³ — It is meant to include one who is half¹⁴ slave and half freedman. According, however, to Rabina, who holds that one who is half slave and half freed is free from the obligation to appear, [the word 'All'] is meant to include one who was lame¹⁵ on the first day of the festival and became normal again on the second day. That would be right according to the view that all the days of the festival may make up for each other. But according to the view that they all are but making up for the first day, what will 'All' come to include?¹⁶ — It will include one blind in one of his eyes. This [answer] is not in accord with the following Tanna, for it was taught:¹⁷ Johanan b. Dahabai said in the name of R. Judah: One blind in one eye is free from the obligation to appear, for it is said:¹⁸ Yir'eh-yera'eh [he shall see — he shall appear] i.e., just as He is present to see [the comer], so shall He be seen, just as His sight is complete,¹⁹ so shall the sight of him who appears be intact.¹⁹ Or, if you like, say this: In truth it is meant to include one who is half slave and half freed man, and if the view of Rabina should appear as the difficulty, this is no difficulty either; the first view is in accord with the former Mishnah, the second with the later Mishnah. For we learnt:²⁰ One who is half slave and half freed man shall serve himself one day and his master the other — thus Beth Hillel. Said Beth Shammai to them: You took care of the interests of his master, but you have done nothing [thereby] on his behalf. For he is unable to marry either a female slave or free woman. Shall he do without marriage? But the world was created only for propagation of the species, as it is said: He created it not a waste. He formed it

to be inhabited.²¹ Rather, for the sake of the social welfare we force his master to set him free, and the slave writes out a document of indebtedness covering the other half of his value. Beth Hillel retracted and taught as Beth Shammai.²² What does 'All are obliged to sound the shofar'²³ mean to include? — That includes a minor who has reached the age of training, for we learnt: One does not prevent a minor from blowing the shofar on the festival.²⁴ 'All are obliged to read the scroll'.²⁵ 'All are fit to read the scroll'. What are these meant to include? —

(1) The word 'his' could exclude both the fellow-Jew and the idolater, since the Scriptural 'his sacrifice' logically excludes both.

(2) That a woman can effect a substitute in her offering.

(3) Lit., 'if change he shall change' the emphasis is inclusive.

(4) He does not ascribe to that word the implications attributed to it by the Sages. About the limits of such interpretation and the basic suggestions implied in disputes thereon v. D. Hoffman, Leviticus I, 9f.

(5) The Gemara proceeds now to a systematic examination of all cases in which the word 'all' is used. Unless it can be proved that in each case that word includes something normally excluded, the argument, or rather the first question posed on 2a will be invalidated.

(6) A child which (Suk. 28b) on awakening no more calls out 'Mother!' but attends to his needs, dresses himself, etc.

(7) Suk. 28a.

(8) The palm-branch forming with citron, myrtle and willow, the cluster taken during the Feast of Tabernacles (v. Lev. XXIII, 40) is every day waved in every direction to symbolize the omnipresence of God.

(9) The lulab is waved in the four main directions: south, north, west and east, and there are some details as to the position of the components of the cluster, which are known to the worshipper, so that he may follow the cantor's lead.

(10) Suk. 42a.

(11) The prayer shawl at the four corners of which the fringes are attached, and into which one wraps oneself, 'in order to remember the commandments of the Lord'. The wrapping must be performed in a special manner, v. M.K. 24a.

(12) Commonly called phylacteries. The attachment, leather box and leather strap, each on left arm and forehead, containing the Shema' and other extracts from the Torah, originally worn all day, now only at the morning prayer.

(13) Ex. XXIII, 17: Three times in the year all thy males shall appear before the Lord God. The Scriptural text is all-inclusive, hence the Mishnaic 'All' must deal with a case which, but for its redundant 'all', one would have excluded from the obligation to appear.

(14) A full slave is free because 'before the Lord God' is interpreted to mean: only those who have but one Lord or Master, i.e., excluding the slave, who has a terrestrial master in addition to the Eternal Lord to serve. If owned by two masters, one of whom frees him, the slave becomes half freed, and stays half slave.

(15) The word regel in Hebrew may mean either 'foot' or 'festival' (on the three festivals the men 'footed' it to Jerusalem). Hence the inference that only those who could foot it normally are obliged to appear on these three festivals, which excludes a lame man.

(16) There are two views as to the statement of the Mishnah (Hag. 9a: One who has made no offering on the first day of the feast must make up, or has the opportunity to make up for it, throughout the other days of the festival), the first holding that each day has its own obligation; hence even if the worshipper was unfit on the first day of the festival, provided he is fit on the next, he is not exempt on the other days per se imposing the obligation, whilst the other considers only the first day imposing the obligation of an offering. Consequently, if he was disqualified on the first day, or free of that obligation, he would be exempt a complementary offering. The practical difference, in our case, would be this: One who on the first day of the festival had been lame, hence not obliged to offer the festal sacrifices, would be free according to the second view, but according to the first, would be obliged to make the offering on one of the subsequent days of the festival.

(17) Hag. 2a.

(18) The massoretic text y-r-'-h may be accentuated to read either yir'eh (he will see) or yera'eh (he will be seen). The first reading applied to the Lord, the second to the Israelite appearing before Him, would be thus interpreted: Just as the Lord sees him 'with two eyes' i.e., with undisturbed vision, so shall the worshipper be one appearing with 'both eyes intact, i.e., with undiminished sight. For an alternative rendering v. Hag., Sonc. ed., p. 3. n. 3.

(19) Lit., 'with two eyes'.

(20) Hag., Sonc. ed., p. 3. n. 6.

(21) Isa. XLV, 18.

(22) V. Hag. 2b.

(23) The trumpet blown on the New Year, v. Lev. XXIII, 24.

(24) R.H. 32b. The source quoted does not seem to fit the 'inference made, for the answer postulates evidence that a minor is obliged to sound the shofar, whereas the reference quoted refers to the fact that one does not prevent a minor from sounding the horn, which allows for the possibility of his being neither obliged nor forbidden to sound it. There is a lacuna in the text which Tosaf. s.v. **אין מעכבין** supplies, from R.H. 33a, where such obligation is definitely stated.

(25) I.e., the Scroll of Esther read on the feast of Purim.

Talmud - Mas. Arachin 3a

They are meant to include women, in accord with the view of R. Joshua b. Levi; for R. Joshua b. Levi said: Women are obliged to read the scroll because they, too, had a part in that miracle.¹ What does 'All are obliged to arrange zimmun'² mean to include? — It means to include women and slaves, for it was taught: Women are under the obligation of zimmun amongst themselves, and slaves are under the obligation of zimmun amongst themselves.³ What does 'All may be joined to a zimmun' mean to include? — That includes a minor who knows to Whom one pronounces a blessing, for R. Nahman said: One may arrange a zimmun with a minor who knows to Whom one pronounces a blessing.⁴ What does 'All defile by reason of their flux' include? — That includes a child one day old, for it was taught: [It could have said,] When a man [hath an issue out of his flesh].⁵ Why does the text state 'any man'? That is to include a child one day old, [teaching] that he defiles by reason of his flux; this is the view of R. Judah. R. Ishmael the son of R. Johanan b. Beroka says: [This inference] is not necessary, for behold, Scripture reads: And of them that have an Issue, whether it be a male or a female,⁶ i.e., once he is 'a male', however minor or major, once she is 'a female', whether minor or major.⁷ If so, why does the Torah use [the redundant phrase] 'any man'? The Torah speaks in the language of man.⁸ What does 'All are susceptible to be defiled by someone defiled through contact with a corpse'⁹ include? — That includes a minor. For one might have assumed that since Scripture reads: But the man that shall be unclean, and shall not purify himself,¹⁰ that means only [to] a man [does this law apply] but not to a minor, therefore it is said: And upon the souls [persons] that were there.¹¹ What then did 'man' come to exclude?¹² — It is meant to exclude a minor from the penalty of excision.¹³ What does 'All contract uncleanness by leprosy' include?—That includes a minor. For one would have taught: [Scripture reads:] A leprous man,¹⁴ that means only a man but not a minor, therefore we are taught [that a minor, too, is defiled when leprous]. But say perhaps: Thus, indeed?¹⁵ — [The text reads:] When adam [a man] shall have in the skin of his flesh,¹⁶ i.e., as long as it is [an adam].¹⁷ Then why the word 'man'? — This is in accord with what was taught: '[A leprous] man', thence I derive only the law as referring to a man, whence am I to infer it for woman? When it says: And the leper,¹⁸ that includes two. Why then does the text state, [A leprous] man'? That refers to [the matter referred to] later,¹⁹ [viz.,] only a [leprous] man lets the hair of his head go loose and rends his clothes, but a [leprous] woman does not let the hair of her head go loose, nor does she rend her clothes. What does 'All may inspect the signs of leprosy', 'All are fit to inspect the signs of leprosy' include?²⁰ — That includes one who is not familiar with them and their names. But did not a Master say that one unfamiliar with them and their names may not inspect leprous signs?²¹ Rabina said: This is no difficulty: One case speaks of one who understands them when they are explained, the other of one who, even when they are explained, does not understand them. What does 'All are fit to mix the ashes'²² include? According to R. Judah it includes a minor; In accord with the Sages it includes a woman, for we are taught: All are fit to mix the ashes except a deaf-mute, an imbecile or a minor. R. Judah considers a minor fit, but a woman and a hermaphrodite unfit. What does 'All are fit to sprinkle'²³ include? — That includes an uncircumcised²⁴ person In accord with the view of R. Eleazar; for R. Eleazar said: If an uncircumcised person sprinkled, his sprinkling is valid.

What does 'All are fit to slaughter ritually' include? — The first includes a Samaritan, the second

a non-conforming Israelite.²⁵ What does 'All may compel to go up to the land of Israel' include?²⁶

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- (1) v. Meg. 4a, Rashi and Tosaf. s.v. **איש** : Either they too were included, in Haman's decree of extinction, or their merit, too, brought about the miracle of the deliverance.
- (2) Ber. 45a: Three who ate together are under the obligation of zimmun, i.e. of saying grace together. Literally zimmun means appointing and may thus refer to the appointment to eat together, with the implied obligation to say grace together.
- (3) Ber. 45b.
- (4) Ber. 48a.
- (5) Lev. XV, 2.
- (6) Lev. XV, 33.
- (7) Nid. 32b.
- (8) The repetition of the word 'man' is redundant. 'Ish ish' means every man, any man.
- (9) The corpse itself is called: Abi Aboth ha-Tunah i.e., very first cause of defilement.
- (10) Num. XIX, 20.
- (11) Ibid. 18.
- (12) Since all persons can defile, why the exclusive 'man'?
- (13) This passage refers to an unclean person entering the Sanctuary, the penalty for which offence is excision (by the hand of God). The word 'man' in the passage indicates that whereas any 'soul' (even a minor) can defile, only a man, i.e., an adult, incurs the penalty of death when in his unclean state he enters the Sanctuary.
- (14) Lev. XIII, 44.
- (15) That the laws of leprosy do not apply to a minor, in accord with the exclusive meaning of 'man'?
- (16) Lev. XIII, 2.
- (17) 'Adam', a human being in the general sense of the term, includes minors. 'Ish' — 'man' should have been used if minors were to be excluded from the application of that law.
- (18) Lev. XIII, 45. The word 'and the leper' is superfluous. The preceding verse having referred to the leper, why then the repetition 'and the leper, etc'? Evidently another leper, too, is concerned, i.e., a female leper.
- (19) In v. 45: And the leper in whom the plague is, his clothes shall be rent, and the hair of his head shall go loose, v. M.K. 15a.
- (20) These are two distinct teachings, giving the same ruling in different phraseology, the latter being a Mishnah in Neg. III, 1.
- (21) Shebu. 6a.
- (22) To mix (lit., 'to sanctify') the ashes of the red heifer with fresh water, v. Yoma 43a.
- (23) A person levitically unclean with the water of purification. Num. XIX, 1f.
- (24) If two sons of one family have died because of the circumcision, the third is not to be circumcised, because of the hazakah (presumption) that a like fate might befall him. Such an uncircumcised person, being legally justified in failure to have the rite performed upon himself, does not fall into the category of the unfit.
- (25) There are two statements to this effect: Hui. 2a and 15b, hence the questions calls for two inclusions.
- (26) Keth. 110b.

Talmud - Mas. Arachin 3b

That includes slaves.¹ But according to the one who teaches 'slaves' explicitly, what does it include? — That includes the case [when the husband moves] from a beautiful habitation [in the Diaspora] into a bad one [in the land of Israel]. What does 'All may compel to go up to Jerusalem' include?² It includes the case [of moving] from a beautiful habitation into a bad one.

'All are obliged to observe the laws concerning the booth even priests, Levites and Israelites'. But that³ is self-evident, for if they are not obliged, who is obliged? — The statement is necessary for the priests, for I would have thought, since Scripture says: Ye shall dwell in booths,⁴ and a Master said: 'Ye shall dwell' [means] 'in the same manner as you occupy your habitation', just as in the dwelling

husband and wife are living together, so shall husband and wife live together in the booth, and since the priests are prevented by the [Temple] service,⁵ one would have assumed they are free from the obligation to dwell in the booth; we are therefore taught that though they are free at the time of the service, outside the time of the service they are definitely obliged [to observe the laws of the booth]; just as is the case with travellers; for a Master has said: those who travel by day are free from the obligation of the booth by day and are bound to it at night. ‘All are obliged to observe the law concerning the fringes, even priests, Levites and Israelites’. But that is self-evident? — It is necessary because of the priests, for I would have thought, since it is written: Thou shalt not wear a mingled stuff . . . thou shalt make thee twisted cords,⁶ that only such persons as are bound by the prohibition of mingled stuff in their garments are obliged to make the twisted cords, as since to them [the wearing of mingled] stuff has been permitted,⁷ one might have thought that they would not be obliged to make themselves fringes, therefore we are informed that although that prohibition does not apply at the time of their service, it does apply outside that time of service.⁸

‘All are obliged to observe the commandment of the tefillin, even priests, Levites and Israelites’. But that is self-evident? — It is necessary because of the priests. For I might have assumed that since it says: And thou shalt bind them for a sign upon thy hands, and they shall be for frontlets between thine eyes,⁹ that only those to whom [the obligation to bind] upon the hand applies are bound to [bind upon] the head; but as to the priests [the obligation of the sign] upon the hand does not apply to them, as it is written: [And his linen garment, his linen breeches] shall he put upon his flesh,¹⁰ [which means] that nothing may intervene between them and his flesh,¹¹ one might say [the obligation of the sign upon] the head similarly does not apply to them, therefore we are informed that they are not indispensable one to another, as we learnt: The tefillin of the arm is not indispensable to the tefillin of the head, neither is the tefillin of the head indispensable to the tefillin of the arm.¹² But why shall it be different with the tefillin of the hand?¹³ [Evidently] because Scripture says: [And his linen garments] ... shall he put upon his flesh? But in connection with [the sign upon] the head it is similarly written: And thou shalt set the mitre upon his head?¹⁴ — It was taught: ‘Between the plate and the mitre his hair was visible’, at the place where he put his tefillin.¹⁵

‘All are obliged to perform the commandment touching the horn, even priests, Levites and Israelites’. But that is self-evident? — For the sake of the priests is it necessary, for I might have assumed since it is written: It is a day of blowing the horn unto you,¹⁶ that only those who are obliged to sound the horn one day [a year] are obliged to do so on that day; the priests, however, since they are obliged to sound the horn throughout the year, as it is written: Ye shall blow with the trumpets over your burnt-offerings,¹⁷ one might have assumed to be free from that obligation. But these things are not similar. Here it is a case of the horn, there one of trumpets? — Still, the information is necessary, for I might have assumed, since we learnt¹⁸ that the Jubilee year is like the New Year with regard to the sounding of the horn and the benedictions, that therefore only he to whom the laws of the Jubilee year apply is obliged to perform the laws touching the New Year, but he to whom the laws of the Jubilee year do not apply, need not perform the laws touching the New Year, and since priests are not affected by the laws governing the Jubilee year, as we learnt:¹⁹ priests and Levites may sell at any time

(1) A circumcised Canaanite slave, whom his master must not sell outside the Holy Land, if the slave desires to be imported to Palestine. The master must either take him to the Holy Land or emancipate him outside thereof. Tosaf. s.v. לֵאָתוּי .

(2) I.e., the husband can compel the wife to go up to the land of Israel even under such conditions.

(3) Here starts a new type of question, really a sub-question of the first. In the first the problem was to discover the case to be included because of the inclusive ‘all’; in the following cases the redundant ‘priests, Levites and Israelites’ is to be accounted for. The law was given to Israel. Israel is divided into the three groups, Priests, Levites and (common, not levitical) Israelites. Why then the repetition? The answer in each case will have to show that for some particular reason one of the three classes might have been excluded, but for the repeated clause, which expressly includes them.

(4) Lev. XXIII, 42.

(5) Priests must be levitically pure when performing the service, whilst the act of conjugality would render them levitically impure.

(6) Deut. XXII, 11 and 12 are read together, and according to the principle that the proximity of passages in Deut. justified legalistic inference (Ber. 10a), they are assumed here to be interdependent.

(7) The girdle of the priests was of mingled stuff, linen and wool, v. Yeb. 4b in explanation of Ex. XXXIX, 29.

(8) With the corollary that when not engaged in the service divine, they are subject to the rule of the twisted cords.

(9) Deut. VI, 8.

(10) Lev. VI, 3.

(11) Hence not the tefillin either since such binding would intervene between the priestly garment and the flesh.

(12) Men. 38a. The Mishnah means that the performance of the obligation of the sign upon head and arm respectively is not interdependent, i.e., failure to bind the sign upon the head does not render the binding upon the hand invalid, or superfluous. Although part of the same sign-symbolism, they represent two independent, individual acts.

(13) That priests are exempt from binding it on.

(14) Ex. XXIX, 6, so that the tefillin on the head would act as interposition between the head and the mitre.

(15) Hence the argument of the last note could not be made here, whilst the tefillin of the arm does interfere with the regulation that nothing shall intervene between the linen garment and the priest's flesh, the tefillin being placed upon the biceps of the left arm, tradition provides for a free space between plate (Ex. XXVIII, 36) and mitre, where the tefillin of the head had its legitimate place.

(16) Num. XXIX, 1.

(17) Ibid. X, 10.

(18) R.H. 26b. On the Day of Atonement of the Jubilee year the set of prayers obligatory on the average New Year are also mandatory, viz., Malkhiyoth, Zikhronoth and Shofroth.

(19) Infra 33b.

Talmud - Mas. Arachin 4a

and redeem at any time, one might say that they are not affected by the laws governing the New Year either, therefore we are informed that although they are unaffected by the law of release of landed property, the law concerning the release of debts and the emancipation of slaves binds them at any rate.¹

‘All are obliged to read the scroll, even priests, Levites and Israelites’. is that not self-evident? — No, it is necessary [to state that] concerning the interruption of their [Temple] service, in accord with Rab Judah in the name of Rab; for Rab Judah in the name of Rab said: Both the priests in their [Temple] service, the Levites on their platform, the Israelites at their posts² interrupt their work and come to listen to the reading of the scroll.

‘All are obliged to arrange a zimmun even priests, Levites and Israelites’. Is not that self-evident? — No, it is necessary for the case in which the priests were eating consecrated foods. I might have thought since the Divine Law said: And they shall eat those things wherewith atonement hath been made,³ that this is an atonement, therefore we are informed: The Divine Law has said: Thou shalt eat and be satisfied,⁴ and this applies to them as well.

‘All may be joined for a zimmun, even priests, Levites and Israelites’. Is that not self-evident? — No, it is necessary for the case where the priests eat of terumah⁵ or of consecrated foods, whilst the non-priest eats of profane foods. I might have assumed that since the commoner, even though he desired to eat with the priest [of the latter's food], he could not do so, therefore he could not be joined to him [for the zimmun] either, so we are informed that granted that the non-priest may not eat together with the priest, the priest could surely eat together with the non-priest.⁶ ALL MAY EVALUATE, EVEN PRIESTS, LEVITES AND ISRAELITES. But that is self-evident? — Rabbah said: This is necessary in view of the opinion of Ben Bukri, for we learnt:⁷ R. Judah said: Ben Bukri

testified at Jabneh that any priest who paid the shekel⁸ does not thereby commit a sin. R. Johanan b. Zakkai said to him: Not so! But a priest who does not pay the shekel commits a sin. The priests, however, Used to explain the following verse to their advantage: And every meal-offering of the priest shall be wholly made to smoke; it shall not be eaten.⁹ Now, [they argued] since the ‘Omer and the two loaves and the shewbread are ours, how could they be eaten? — But according to Ben Bukri, since they are not de jure obliged to bring it [pay the shekel], if one brings it he should be considered a sinner, for he brings profane things to the Temple Court?¹⁰ — [The assumption is that] they bring the shekel and hand it over to the community.¹⁰ Now I might have assumed that since Scripture reads: And all thy valuations shall be according to the shekel of the Sanctuary,¹¹ that only he to whom the obligation of the shekel applies is subject to the laws of valuation, but as to priests, since the obligation of the shekel does not apply to them, are not subject to the laws of valuation; therefore we are informed [that they are]. Said Abaye to him: But the words, ‘And all thy valuations’ serve to teach that ‘all thy valuations’ must each amount to no less than one sela’? Rather, said Abaye, [the inclusion of priests] is necessary [for this reason]: I might have assumed that since Scripture reads: And their redemption money — from a month old shalt thou redeem them — shall be according to thy valuation,¹² that only he to whom the law of redeeming [the first-born] applies, is subject to the laws of valuation, but as to priests, since they are not included in the law concerning redemption, therefore they are not subject to the law of valuations; therefore we are informed [that they are]. Said Raba to him: If so, since with regard to the ram of guilt-offering Scripture reads: And he shall bring his forfeit unto the Lord, a ram without blemish out of the flock, according to thy valuation,¹³ let us also argue that only he to whom the law of valuation applies is liable to bring a ram of guilt-offerings but one of doubtful sex, or a hermaphrodite, who is not subject to the law of valuation, is free from the obligation to offer up a ram of guilt-offering? Rather, said Raba, or as some say, R. Ashi: [The inclusion of priests] is necessary, for I might have said, since Scripture reads: Then he shall be set before the priest, etc.,¹⁴ that [only an Israelite is set] before the priest, but not a priest before a fellow priest; therefore we are informed [that priests, too, are included in the law of valuation].

What does ALL ARE FIT TO BE MADE THE SUBJECT OF VALUATION include? — That includes one disfigured or afflicted with boils. Whence do we derive that? — For our Rabbis have taught: ‘According to thy valuation’, that includes a general valuation.¹⁵ Another interpretation: ‘According to thy valuation’, i.e., one pays only for the valuation of a whole person, but not for the valuation of his limbs. One might have assumed that they exclude [the valuation of] any thing on which life [the soul] depends, therefore the text states: ‘Persons’.¹⁶ ‘Persons’ [souls], but not a dead person. Thence I would exclude the dead, but not the dying, therefore the text states: Then he shall be set [before the priest], and the priest shall value him,¹⁷ [which means] only one who can be set [before the priest] can be evaluated but one who cannot be set before the priest cannot be evaluated either. Another interpretation: ‘Persons’ — thence I could infer only the case of one evaluating person; whence do I know the case of one evaluating a hundred persons? The text therefore states: ‘Persons’. Another interpretation: ‘Persons’

(1) The Jubilee year affects more than the sale of land, viz., also the manumission of slaves; the priests do not enjoy any privileged position, hence they are also included in Jubilee legislation, whence their obligation to blow the horn on New Year's day.

(2) V. Meg. 3b.

(3) Ex. XXIX, 33.

(4) Deut. VIII, 10. According to Sh. Mek.: ‘I would have thought that since it is written: Thou shalt eat and be satisfied, and bless, i.e., only when you eat for the purpose of appeasing your hunger is it obligatory for you to pronounce the blessing, but since priests (also) eat to obtain forgiveness, they would be free from that obligation, therefore we are informed etc.’

(5) V. Glos.

(6) It need not be mutually possible to join in the meal, hence as long as priest and non-priest are able to partake of one meal together, the zimmun is obligatory, for even the priest is permitted to eat non-consecrated food.

(7) Shek I, 4.

(8) The sin, as explained infra, would lie in his bringing profane money into the sanctuary. The command of Ex. XXX, 13: This they shall give, every one that passeth among them that are numbered, half a shekel after the shekel of the sanctuary, yields several inferences. 'Among then that are numbered' excludes the tribe of Levi who were not numbered among the rest of the tribes. Hence the priest offering his shekel might be assumed to offend by introducing non-consecrated, i.e., profane, hence forbidden, money into the sanctuary. Nevertheless, Ben Bukri maintains he does not offend, because he may surrender it to the non-priestly community, which is obliged to offer the shekel, thus converting his own shekel into consecrated money. R. Johanan b. Zakkai, however, points out that there are indications in the text justifying a different interpretation. — Every one that passeth' may refer to the whole people, including the Levites, who passed through the Red Sea.

(9) Lev. VI, 16. They argued: Since this verse prohibits the enjoyment of anything offered up by priests, our shekel, the proceeds of which should be completely used for 'smoking' would render the 'omer and the shewbread, the costs of which were defrayed from the shekel payments, prohibited for any human use; whereas they are eaten by the priests in the sanctuary. Consequently, for any priest to pay the shekel would be sinful. But this argument is faulty for it is only the priest's own flour-offering which must be wholly burnt, in all other cases the majority of the givers, i.e., the non-priestly community, determine the character of the offering, which need therefore not be consumed wholly on the altar.

(10) V. n. 1.

(11) Lev. XXVII, 25.

(12) Num. XVIII, 16.

(13) Lev. V, 25. This inference would be absurd; none would suggest that the hermaphrodite be freed from this law.

(14) Lev. XXVII, 8.

(15) The normal form of the valuation is: The valuation of So-and-so or the valuation of myself be upon me, i.e., I undertake to pay. A general valuation is: I undertake to pay a valuation, without referring to any person thus to be valued.

(16) Lev. XXVII, 2: persons, souls. Without a leg, for example, one would still be a person, but not without the head. Hence the valuation, say, of a man's head or heart, is taken to be equal to the valuation of his whole person, whereas the valuation of a non-vital part of his body has no significance.

(17) Ibid. 8.

Talmud - Mas. Arachin 4b

, thence I could infer only the case of a man evaluating either man or woman. But whence do we know the case of a woman evaluating a man, or of a woman evaluating a woman? The text therefore states: 'Persons'. Another interpretation: 'Persons' — that means to include one disfigured or afflicted with boils. For I might have assumed: 'A vow . . . according to thy valuation' [meaning] whatsoever can have its worth vowed is subject to valuation, but whatsoever cannot have its worth vowed is not subject to valuation,¹ therefore Scripture states: 'Persons'. 'Then thy valuation shall be' — that includes the person of 'doubtful sex and the hermaphrodite among those who can have their worth vowed. For I might have assumed: Since [Scripture reads]: 'A vow according to thy valuation' that only such things as are subject to valuation can have their worth vowed; but whatsoever is not subject to valuation cannot have its worth vowed, therefore the text states: Then shall thy valuation be for the male,² [viz.,] only for the male but not for one of doubtful sex, or an hermaphrodite. One might have assumed that they may not be subject to the valuation of a man, but that they are subject to the valuation of a woman, therefore [the text reads]: Then thy valuation shall be for the male . . . and if it be a female — that means only one definitely male or female [is subject to valuation], but not one of doubtful sex or a hermaphrodite.

The Master taught: 'According to thy valuation': that includes a general valuation. What is a general valuation? — For it was taught: If someone says, I assume the obligation of a general valuation,³ then he gives according to the minimum amount possible in valuations. What is the minimum due in valuations? Three shekels. But say, perhaps, fifty shekels?⁴ — If you take hold of the larger [amount], you may lose your hold, but if you take hold of the lower, you will keep it!⁵

Then say, perhaps, one shekel? As it is written: And all thy valuations shall be according to the shekel of the sanctuary?⁶ — That passage refers to the regard to one's means.⁷ What then is the purpose of the Scriptural passage?⁸ — R. Nahman, in the name of Rabbah b. Abbuha said: To tell us that in this case he is not adjudged according to his means.⁹ What is the reason? — Because it is as if he had made an express statement [of the minimum]. Others say: R. Nahman in the name of Rabbah b. Abbuha said, He is adjudged according to his means. But that is self-evident? — I might have assumed that [a general valuation] is considered like an express statement, therefore we are informed [that it is regarded like a poor man's vow]. 'Another interpretation: "According to thy valuation", i.e., he pays only in case of the dedication of a whole person, but not for the valuation of his limbs'. But you have used this text to infer the rule concerning a general valuation? — Read: [Since instead of] 'valuation', it says, 'according to thy valuation'.¹⁰

'One might have assumed that this excludes anything on which life [the soul] depends, therefore the text states: "Persons" [souls] viz., souls but not the dead person'. But you have used that word for another purpose. Read: [Since instead of] 'person' [it says] persons'.¹¹

'Thence I would exclude the dead but not the dying, therefore the text states: "He shall be set [before the priest] and [the priest] shall value him"'. But, if so, you might exclude the dead also through inference from: 'He shall be set . . . and the priest shall value him'? — In truth so. Wherefore then [the exposition] of 'person', 'persons'? As we shall explain later on.¹²

'Another interpretation: "Persons", thence I could infer the case of one evaluating one person; whence do I know the case of one evaluating a hundred? The text therefore states: "Persons". Another interpretation: "Persons" , thence I could infer only the case of a man evaluating either ma_n or woman. But whence do I know the case of a woman evaluating a man, or of a woman evaluating a woman? The text therefore states: "Persons". Another interpretation: "Persons", that means one disfigured or afflicted with boils'. But you have used the word for these [other teachings]?¹³ — No Scriptural text is necessary for these, because the balance [between them] is even, hence all may be inferred therefrom.¹⁴ The passage is necessary only for [the inclusion of] one disfigured or afflicted with boils. "'Then thy valuation shall be", that includes one of doubtful sex and an hermaphrodite among those who can have their worth vowed'. But why is a Scriptural passage necessary for [including these in the rule of those whose] worth [can be vowed]? Let them be no worse than the worth of a palm tree! If he said: The worth of a palm tree [do I oblige myself to pay], would he not have to pay it? — Said Rabbah:¹⁵ It means to say that he [his worth] be assessed according to the importance [of his limb].¹⁶ I would have thought that since it is written: 'A vow according to thy valuation', that whatsoever is affected by the law of evaluation is assessed according to the importance [of the limb] ' but that whosoever is not affected by the laws of evaluation is not assessed according to the importance [of the limb, hence the Scriptural indication]. Said Abaye to him: Is indeed one to whom the laws of valuation do not apply assessed according to the importance [of the limb]? Was it not taught: [If someone said], The head of this slave shall be consecrated to the sanctuary, then he and the sanctuary share it in partnership.¹⁷ If he said: The head of this slave be sold to you, they assess its value between them.¹⁸ [If he said], The head of this ass is consecrated, he and the sanctuary share it in partnership; [if he said], The head of this ass is sold to you, they assess it between them. [If he said], The head of this cow is sold to you, he has sold no more than her head. And not only that but even if he said: The head of this cow Is consecrated to the sanctuary, the sanctuary has no more than her head. And R. Papa said: [The reason why there is no partnership in the case of a cow is] because the head of an ox is sold¹⁹ in the butcher's shop. Now ass and cow are not affected by the law of valuations, and yet are not assessed according to the importance [of the limb]? But according to your own position, what of the case of a slave to whom the law of valuation does apply, and yet he is not assessed according to the importance [of the limb]?²⁰ Rather: There is no difficulty. This latter [Baraita] refers to things dedicated to the altar, the former to things dedicated to the Repair of the House.²¹ How did you explain [the latter

Baraita]? As referring to things dedicated to the altar? But look at the second part: And not only that, but even if he said: The head of this cow is consecrated to the sanctuary, the sanctuary owns no more than her head. Why that? Let the sacred character spread so as to include the whole animal?²² Has it not been taught:

(1) V. supra p. 16 n. 4.

(2) Ibid. 3.

(3) The suggestion is that the lowest possible amount is involved, namely three shekels, for a female from one month to five years of age.

(4) But why give him the benefit of the doubt? Why not impose, with even justification, the maximum?

(5) A proverb, v. Hag. 17a.

(6) If, however, we consider it safer to impose the minimum amount, because that is definitely included in any general valuation, whereas the maximum may be fought as against the intention of the man who dedicated, then why not impose the minimum possible in connection with valuations, one shekel, v. 25.

(7) That verse refers to a poor person, having made a vow of valuation, in which case the payment of his vow is regulated in accord with the valuator's means, never less than a shekel. But that does not affect the case of one who made a vague general evaluation, who, therefore, must pay the minimum of a valuation, viz., three shekels.

(8) What is the significance then of 'According to thy valuation'? Since it is simple inference that a general valuation implies the minimum of three shekels, below which no valuation can go, the text seems meaningless.

(9) In the case of a general valuation the payment is fixed at three shekels, even if it is beyond the means of him who made the vow.

(10) The word without any suffix would have sufficed. The redundancy of the suffix implies additional information. Hence a double inference such as made here is quite legitimate.

(11) Cf. n. 1. mutatis mutandis.

(12) I.e., to include one disfigured or afflicted with boils.

(13) That one may evaluate a hundred persons, and that a woman too may evaluate.

(14) The word 'nefesh' (person, soul) allows with even logic a number of inferences: any person, male or female, may dedicate or be dedicated; person as well as persons may be dedicated; anything that is vital (to person, or soul) may be dedicated, even if it be but part of a person. Anyone of these inferences are therefore 'balanced', evenly justified and neither could one be inferred exclusively as more logical than the other. But the inclusion of one disfigured or afflicted with boils, which would have seemed incongruous because such persons cannot have their worth vowed, needed some textual justification or at least intimation, and that is provided by the plural 'persons', which includes even persons disfigured etc.

(15) So Sh. Mek. Cur. edd. Raba.

(16) So R. Gershom; e.g., if a person's head or heart or any other vital organ were vowed, such vow, because of the vital need to that person of the respective organ, would be considered as equal to a vow of the whole person's worth, thereupon due to the Temple Treasury.

(17) Sc. its worth, which then is divided between them.

(18) V. infra.

(19) In the case of slave and donkey the head could not be (cut off and) sold, whence the vow implies part ownership. This shows that objects to which the law of valuation does not apply, are nevertheless not considered as having been vowed in their totality when a vital organ has been vowed, which contradicts the thesis, above, of Rabbah.

(20) The same question applies to Abaye's position inasmuch as from the same Baraita it appears that even a slave, who is affected by the law of valuation, is not assumed to have been vowed in his totality, even though one of his vital organs has been vowed.

(21) Only with regard to dedications, the money of which flows to the repair fund, do we go by vow of vital organs, therefore also a hermaphrodite whose worth had been vowed to the repair fund, would be considered totally vowed, as long as a vital organ had been vowed; but such a regulation does not apply to objects dedicated to the altar.

(22) Since the whole animal could be offered up as a sacrifice.

Talmud - Mas. Arachin 5a

If one said: 'The leg of this [animal] shall be a burnt-offering', one might have assumed that the whole animal thereby becomes a burnt-offering, therefore the text states: All that any man giveth thereof unto the Lord shall be holy,¹ i.e., only [that] 'thereof' [which he giveth] shall be holy, but not the whole thereof shall be holy. One might have assumed that the whole becomes profane,² therefore the text states: '[It] shall be', i.e., It retains its present character. How then? It is sold for the purchase of burnt-offerings and the money realized, with the exception³ of the [value of the] limb dedicated, shall be profane; this is the view of R. Meir. R. Judah, R. Jose and R. Simeon say: Whence do we know that if a man said: The leg of this animal shall be a burnt-offering, that the whole animal is a burnt-offering, therefore the text states: 'All that any man giveth thereof unto the Lord shall be holy': that means to include the whole. Now even according to the view that thereby the whole animal does not become consecrated, that applies only to [the vow of] an organ upon which life does not depend, but whenever a limb is vowed upon which the life [of the animal] depends, the whole [animal] becomes consecrated?⁴ — This is no difficulty. One speaks of the vow of the animal itself,⁵ the other of the vow of its equivalent in money. But it 'was the Master himself⁶ who said that if someone consecrates a male [animal] in its money equivalent, that [animal] becomes consecrated in itself!⁷ — That is no difficulty: one case⁸ speaks of his having dedicated the whole, the other of his dedicating one member of the body.⁹ But even concerning [the dedication of] one member it is a matter of doubt, for Rabbah asked: If a man had dedicated one member in its money value, how then? — The question was asked about a perfect animal, whereas here we are dealing with a blemished one, similar to the donkey¹⁰ [discussed above]. But the case of [the dedication of] a blemished one is also doubtful, for Rabbah asked: If someone says the money value of my head¹¹ is [dedicated] to the altar, what then? — The question was asked before he heard this teaching,¹² but now that he has heard this teaching, it is no more doubtful to him.

[To turn to] the main text: Rabbah asked, [If a man said,] The money value of my head be for the altar, shall he be valued according to the importance [of this], or shall he not be so valued? [Do we say that] it never happens that a vow regarding [a person's] worth be not assessed according to the importance [of the limb] or, [on the other hand, do we say] it never happens with regard to a consecration for the altar that [the consecration] is determined by the importance [of the limb]?¹³ — The question remains [unanswered].

Raba asked: [If someone said:] The valuation of myself I undertake to pay for the altar, is he adjudged according to his means, or not? [Do we say,] It is never found in connection with valuation that one is not adjudged according to one's means; or, [on the other hand] it never happens with regard to any vow to the altar that¹⁴ one be adjudged according to his means? — The question remains [unanswered].

R. Ashi asked: If a man dedicated a field of possession¹⁵ for the altar, what then? Do we say it never occurs that a field of possession can be redeemed except on the basis of fifty shekels for each [part of the field sufficient for] the sowing of a homer of barley, or [perhaps, we say] it does not happen with regard to any [gift for] the altar that it be redeemed otherwise than in accord with its actual value?¹⁶ — The question remains [unanswered]. MISHNAH. A PERSON LESS THAN ONE MONTH OLD MAY HAVE HIS WORTH VOWED¹⁷ BUT NOT HIS VALUATION.

GEMARA. Our Rabbis taught: If one evaluates a person less than one month old, R. Meir says, He gives his worth [its market value], but the Sages say, 'He has said nothing'. Wherein are they of divided opinion? — R. Meir says: No man utters his words in vain,¹⁸ and knowing that a person less than one month old cannot be made the subject of a valuation [and having spoken] he makes up his mind to vow his worth. The Sages, however, hold that a man may utter his words in vain. According to whose view [of the disputants] will be what R. Giddal said in the name of Rab, who said. if one said: the valuation of this vessel¹⁹ is upon me, he shall pay its worth! — That is in accord with R. Meir. But this is self-evident? — You might have said: It could be in accord with the view of the

Rabbis [Sages]. For in the other case one could have erred in thinking that just as a child of one month has valuation thus also one less than one month old; but in this case where there is nothing to err about, for a man surely knows that a vessel has no valuation, and therefore he had intended his statement to mean to vow the vessel's worth, therefore we are informed [that even here the Sages do not so hold].

(1) Lev. XXVII, 9.

(2) The whole animal, apart from the dedicated limb, is profane without further ado.

(3) Both groups base their interpretation on the same Scriptural verse, emphasis deciding the issue. R. Meir stresses the words 'that any man giveth thereof' in a private sense, to exclude such portions as were not included in his gift. The other Rabbis interpret: 'All that any man giveth thereof' to mean that all animals whereof any part is given become fully consecrated.

(4) Tem. 11b places the dispute between R. Meir and the Sages only in the case of a non-vital organ and thus the question arises: why in the case of the head does the sanctuary not own more than the head?

(5) The consecration of one organ is suggested as spreading over the whole animal, when that organ itself has been consecrated, but where only the money value of such an organ has been vowed there, that organ itself remains a detached entity, not connected in its consecration with the rest of the body, hence not affecting it as to consecration.

(6) Rabbah, who gave the last answer.

(7) Tem. 11b.

(8) Rabbah's ruling in Tem.

(9) In the case where he consecrated the head only for its value obviously the consecration is limited to the monetary value of the member consecrated.

(10) Both a blemished animal of a class admitted to the altar, or an animal, though unblemished, but of a class unfit for sacrifices, are in one category.

(11) Shall the vowing of his head be considered, because of the vital importance of the head, as equal to the vowing of his whole worth or not? Now a man is in the same category as an unblemished animal as far as the altar is concerned.

(12) Cited supra. If one consecrates the head of an ass.

(13) I.e., that by consecrating the value of one vital organ the worth of the animal is consecrated to the altar.

(14) Text corrected in accordance with Sh. Mek. cur. ed.: That it can be redeemed except for its value.

(15) V. Lev. XXVII, 16ff.

(16) If someone consecrated that field for the fund from which burnt-offerings were provided, how could he redeem his pledge? Do we abide by the general rule in such cases of a vow for Temple repairs, or do we consider the special circumstance governing vows for the altar?

(17) Because, no matter how young, it would fetch its price in a market; but as to valuation a definite minimum age is stated.

(18) R. Meir holds that no man utters any statement uselessly; he might, however, talk loosely, use terms applicable to a case somewhat different from the one involved. Thus the terminology of dedication might well be used by someone who has in his mind a vow. 'Or, as Tosaf. s.v. **אדם** has it: A man, indifferent to the exact terminology, or ignorant of it, would intend to have his utterance serve whatever purpose the Rabbis attributed to the words he used.

(19) 'Valuation' was fixed only for human beings, hence vessels cannot be evaluated, thus an illustration of the former problem is offered here.

Talmud - Mas. Arachin 5b

But why was it necessary [for Rab] to state [this ruling] on the view of R. Meir? — One might have thought the reason for R. Meir in that case was that he decreed [the obligation to pay] in the case of a child less than one month old out of consideration¹ for one which was one month old, but that in the case here,² where no such decree is warranted, one might [assume that R. Meir would] not [rule thus], therefore we are informed that R. Meir's reason is that no man utters his words at random, so that the same rule applies in both cases.

According to whose view will be the teaching of Rabbah b. Jose³ in the name of Rab [according to

others R. Yeba b. Jose in the name of Rab]: If one consecrates [to the sanctuary] his neighbour's animal, he shall pay its worth.⁴ According to whom? According to R. Meir. But Rab has already said that once before, for R. Giddal in the name of Rab said: If one said, 'The valuation of a vessel be upon me, he shall pay its worth'. — You might have said: In the one case he knew that a vessel has no valuation whereupon he made up his statement with the intention for its worth, but in the case of an animal, which is normally fit to be consecrated, one might say that this is what he meant: If I report it to its owner he will sell it [to me], therefore let it be consecrated as from now already, and I shall offer it up [after having purchased it], but that he did not mean its worth,⁵ therefore he informs us [that this is not so].⁶ R. Ashi⁷ said: This applies only where he said: I undertake the responsibility [for an animal], but not if he said: I assume the obligation [to consecrate] this [animal].⁸ MISHNAH. AN IDOL-WORSHIPPER ACCORDING TO R. MEIR CAN BE MADE THE SUBJECT OF A VALUATION BUT CANNOT EVALUATE, WHEREAS ACCORDING TO R. JUDAH HE MAY EVALUATE BUT CANNOT BE MADE THE SUBJECT OF A VALUATION. BOTH AGREE, HOWEVER, THAT HE CAN BOTH VOW ANOTHER'S WORTH AND HAVE HIS WORTH VOWED BY OTHERS.

GEMARA. Our Rabbis taught: The children of Israel⁹ may evaluate, but idol-worshippers may not evaluate. One might have assumed that they cannot be made the subject of a valuation either, therefore the text states: Man,¹⁰ these are the words of R. Meir. Said R. Meir: Now that one Scriptural verse includes and the other excludes, whence am I [justified in] saying: He may be made the subject of a valuation, but may not evaluate himself?¹¹ It is because Scripture has included more among those subject to valuation than among those fit to evaluate; for a deaf-mute, an imbecile and a minor each may be made the subject of a valuation, but is not fit to evaluate. R. Judah said: The children of Israel may be made the subject of a valuation, but idol-worshippers are not fit to be made the subject of a valuation. One might have assumed that they [the latter] are not fit to evaluate either, therefore the text states: 'Man'. Said R. Judah: Since one verse includes and the other excludes, whence do I come to make the statement that idol-worshippers are fit to evaluate and are not subject to valuation? Because Scripture has included more among those fit to evaluate than among those subject to valuation. For one of doubtful sex and a hermaphrodite are fit to evaluate, but are not subject to valuation. Said Raba: The decision of R. Meir appeals to logic, but not the reason; the reason of R. Judah is logical, but not his decision. The decision of R. Meir appeals to logic as it is written: Ye have nothing to do with us to build a house unto our God.¹² His reason does not appeal, for he argues from the case of a deaf-mute, an imbecile or a minor; but it is different with them since they have no intelligence. The reason of R. Judah is logical, for he deduces it from the case of one of doubtful sex and a hermaphrodite, which, although endowed with intelligence, are yet excluded by the Divine Law [from evaluation]. His decision, however, does not appeal, as it is written: 'Ye have nothing to do with us to build a house unto our God'. How, indeed, does R. Judah deal with 'Ye have nothing to do with us'? — R. Hisda said in the name of Abimi: His valuation [money] must be hidden.¹³ But then one should not be guilty of sacrilege in connection with them, for it was taught: Concerning the five kinds of sin-offerings which must be left to die, and all moneys that must be cast into the Dead Sea, one must not derive any benefit from them, nor is one guilty of sacrilege [if one has used them].¹⁴ Why then was it taught with regard to the consecration of idol-worshippers: These things apply only to things consecrated for the altar, but things consecrated for Temple repairs are subject to the law of sacrilege?¹⁵ — Rather, said Raba: It¹⁶ was due to the 'weakening of the hands', as it is written: Then the people of the land weakened the hands of the people of Judah and harried them while they were building.¹⁷

(1) I.e., to safeguard the payment fixed in the Bible.

(2) Referring to a vessel.

(3) So Sh. Mek. cur. edd. Joseph.

(4) Since none can consecrate an object not belonging to himself, the suggestion is that he meant to offer the money value of the object in question, such offering, of course, being independent of his owning the animal.

(5) If his hope was to obtain the animal and to consecrate it (and not its money value), then his utterance was quite in vain and no obligation results: The money value he had not vowed, the animal itself did not belong to him, wherefore he incurred no obligation whatsoever.

(6) That, according to R. Meir he must have known that the animal itself cannot be consecrated, and therefore must have had in mind the payment of its market value, which is now obligatory.

(7) Sh. Mek.: Mar b. R. Ashi.

(8) If a man said: My neighbour's animal do I consecrate, only then does an obligation arise to pay its money value, but if he said 'This animal' shall I provide for the altar,' he obviously has said nothing. For he could undertake to make himself responsible for the money value of an animal, but he could surely not oblige himself to dedicate the animal that does not belong to him. In the latter case his words are for practical purposes meaningless. He has said nothing.

(9) Thus does the chapter on dedications commence: Speak unto the children of Israel, and say unto them (Lev. XXVII, 2), the inference being obvious.

(10) Ibid.

(11) What is the justification for declaring the idol-worshipper fit for one rather than for the other? The text has both inclusive and exclusive indications. 'The children of Israel' excludes, while 'man' includes.

(12) Ezra IV, 3.

(13) R. Judah's view that idol-worshippers are fit to evaluate does not imply that such money is to be used — that is excluded by Ezra IV, 3, — but it does mean that it acquires sacredness, so as to be forbidden for profane use; and since it is also not fit for sacred use, it must be hidden or destroyed.

(14) V. Me'ilah 3a.

(15) Since they are to be destroyed they ought not, according to the cited Baraitha from Me'ilah be subject to the law of sacrilege.

(16) The refusal to accept the idol-worshippers' gifts in the days of Ezra.

(17) Ezra IV, 4.

Talmud - Mas. Arachin 6a

One [Baraitha] taught: If an idol-worshipper offers a freewill- gift towards Temple repairs 'one accepts it from him, whilst another [Baraitha] taught: One does not accept it from him. Said R. Ela in the name of R. Johanan: This is no difficulty: The first applies to the beginning,¹ the latter to the end.² For R. Assi said in the name of R. Johanan: In the beginning one should not accept from them even salt or water, whereas at the end one may not accept a thing that can be easily identified,³ but something that cannot easily be identified one may accept. What is a 'thing that can be easily identified'? — R. Joseph said: Like the cubit [of metal] keeping off the raven.⁴

R. Joseph raised an objection: And a letter unto Asaph the keeper of the king's park [that he may give me timber to make beams, etc.]?⁵ — Abaye said: It is different with the government because it will not retract. For Samuel has said: If the government said, I will uproot a mountain, it will uproot the mountain and not retract!

Rab Judah said in the name of Rab: If an idol-worshipper separated the terumah⁶ from his pile [of produce], then we examine him. If he said:⁷ I have separated it with the same intention as an Israelite, it is to be handed to the priests but if not, it must be hidden, because we consider the possibility of his having in his heart intended it for the Lord.⁸ An objection was raised [against that]: If an idol-worshipper had dedicated a beam to the Sanctuary upon which the Name [of God] is inscribed, he is to be examined. If he said: I have separated it with the same intention as an Israelite, then one should cut off [the part containing the Name of God] and use the rest. But if [he does] not [offer this explanation], it must be hidden away, because we fear his heart [intention] may have been [to dedicate it] to the Lord. The reason then [for this decision] is because the Name [of God] is inscribed thereon, and only therefore does it require to be hidden away, but if the Name [of God] were not inscribed thereupon, then indeed, it would not have to be hidden away!⁹ — [No!] Even if the Name [of God] were not inscribed thereupon it would likewise have to be hidden away, and it is

exactly this that we are told, that although the Name [of God] is thereon inscribed, he need but cut off that portion and use the rest For the Name of God not in its proper place is not considered sacred.¹⁰ For it was taught: If it [the Name of God] was written upon the handles of a vessel, or upon the props of a bed, behold, it shall be cut off and hidden.¹¹

R. Nahman said in the name of R. Abbuha: If one says, This sela' is dedicated to charity, he is permitted to exchange it. Now it was assumed that this is permitted only for himself, but not for anybody else;¹² but it was stated that R. Ammi said in the name of R. Johanan that it is permitted both for oneself and for someone else. R. Ze'ira said: We have learnt that only where he said: [I take] upon myself [generally], but if he said: [I take] upon myself to [give] this, then he is obliged to give this [sela']. Whereupon Raba demurred: On the contrary! The opposite is logical. If he said: Behold this [sela' I take upon myself to pay], then he may use it for himself, so that he may be responsible for it, but when he said: [I take] upon myself [a sela'], he should not [be permitted to exchange it]? But the fact is it makes no difference.¹³ It was taught in accord with Raba: Vows are [like] charity, but consecrations [to the sanctuary] are not like charity. What does that mean? Neither vows nor dedications are charity. Is it not rather this that is meant: Charity [is like vows] in respect of the prohibition 'Thou shalt not delay it',¹⁴ but is not like a consecration [to the sanctuary] because anything so consecrated one must not use, whereas [money dedicated to] charity one may [meantime] use for oneself! R. Kahana said: I reported this teaching before R. Zebid of Nehardea whereupon he said: This is how you stated it;¹⁵ we, however, state it thus: R. Nahman in the name of R. Abbuha based on Rab said: If one said, This sela' is [dedicated to] charity, he may exchange it both for himself, or for someone else independent of whether he had said: [I take it] upon myself [in general], or [I take it upon myself to pay] this [sela'].

Our Rabbis taught: [If one said:] This sela' shall be for charity, then before it has reached the hand of the [charity] treasurer, it is permitted to exchange it, but after it has come into the treasurer's hand, it is forbidden to exchange it.

(1) At the beginning of the building the intention of the idol-worshippers may not be a good one, their gift being made to give them entry into the building programmed which they plan to interfere with or delay. But according to the law they may be accepted for Temple repairs, hence the ruling of R. Judah.

(2) When the building is completed.

(3) Which might cause the heathen to point Boastfully to their contribution, or to its importance for the Temple.

(4) An arrangement of iron points on the roof of the Temple designed to keep ravens away. V. M.K. 9a.

(5) Neh. II, 8. From this passage it is evident that gifts were accepted from (Cyrus) an idolator, and that happened at the beginning of the building.

(6) V. Glos.

(7) One may not accept a gift for the sanctuary from a heathen. Hence, if he says: I want the terumah to go where the Jew's terumah goes, one may accept it from him and give it to the priest, who is permitted to receive it. Rashi: The reference is to the present day when there is no sanctuary, and when consequently things dedicated to the sanctuary must be hidden away, v. Bek. 53a.

(8) But a gift 'Unto the Lord', i.e., for the sanctuary must not be accepted from, him, and must be hidden.

(9) This contradicts the earlier teaching!

(10) There attaches no holiness whatsoever to the name inscribed on the wrong kind of place or material, the right kind would be parchment, or paper, everything else is not normally fit to have the name inscribed thereon.

(11) Shab. 61b.

(12) I.e., to use this coin for his own purpose, to refund it to the Sanctuary afterwards. But it would be wrong for him to lend it to his neighbour, for it may be argued reasonably that he meant to use it meantime for himself, whilst conscious of his obligation to pay it later into the Temple treasury. But he surely did not, in his intention to use it, include ally benefit to his neighbour such as a loan to him of this sum.

(13) One might argue with even force: If he said, I take upon myself to pay this sela' into the Temple treasury, then it thereby has become its property, and by using it one has incurred the obligation, not only moral but legal, of restoring

that property; whereas in the case of a general vow (I accept it upon myself to give a sela') a different argument is to be made. At any rate, since both claims have support, we recognize no practical difference between the one form and the other.

(14) Deut. XXIII, 22.

(15) I.e., you reported R. Nahman's statement in general terms, relying on R. Ammi and Raba to explain its implications.

Talmud - Mas. Arachin 6b

But it is not so, for R. Jannai borrowed and paid it [afterwards]?¹ — It is different with R. Jannai, for what he did was acceptable to the poor, for the more he delayed the more did he succeed in collecting and bringing in to them.

Our Rabbis taught: If an Israelite dedicated a candlestick or a lamp to the synagogue, he is not permitted to exchange it. R. Hiyya had thought that was to say [it may not be changed] either for a secular or a religious purpose. Whereupon R. Ammi said to him: This is what R. Johanan said: We have learnt [of the prohibition] only in connection with a secular purpose, but for a religious purpose it is permitted to exchange [the object dedicated] — For R. Assi said in the name of R. Johanan: If an idol-worshipper had dedicated a candlestick or a lamp to the synagogue, then, before the name of its owner has become forgotten, it is forbidden to exchange it; after the name of the owner has been forgotten, it is permitted to change it. Now to what purpose is it to be changed? Shall I say for secular use? — Then why speak of an idol-worshipper's gift, the same applies to that of an Israelite? Hence you must say for a religious use, and nevertheless the reason [why it may not be changed is]² because an idol-worshipper would create a row about it, but in the case of an Israelite who would not create a row about it, it would be proper [to change it].³

Sha'azrek, an Arab, made a gift of a lamp to the synagogue of Rab Judah. Rehaba changed it [s use] and Raba took it amiss. (Some say: Raba changed it and Rehaba took it amiss. Others say: The sextons of pumbeditha changed it and both Rehaba and Raba rebuked them for it.) He who changed it held: It would⁴ be a rare occurrence, whereas he who rebuked held: It may happen that he comes.⁵

MISHNAH. ONE AT THE POINT OF DEATH OR ABOUT TO BE PUT TO DEATH CANNOT HAVE HIS WORTH VOWED, NOR BE SUBJECT TO VALUATION. R. HANINA B. AKABIA SAID: HE IS FIT TO BE MADE THE SUBJECT OF A VALUATION BECAUSE HIS PRICE IS FIXED. R. JOSE SAID: HE MAY VOW ANOTHER'S WORTH, EVALUATE, AND CONSECRATE [TO THE SANCTUARY], AND IF HE CAUSED DAMAGE, HE IS OBLIGED TO MAKE RESTITUTION.

GEMARA. It is quite right that one at the point of death cannot have his worth vowed, because he has no money [value]; nor can he be made the subject of a valuation because he is not fit to be set and valued.⁶ But as regards one about to be put to death, whilst it is true that he cannot have his worth vowed since he has no money [value], why should he be unfit to be made the subject of a valuation?⁷ — Because it was taught: Whence do we know that if one about to be put to death says: The valuation of myself is upon me,⁸ he has said nothing? The text states: No devoted thing . . . shall be redeemed.⁹ One might have assumed that this holds good even before the proceedings [of his case] are finished, therefore the text states: Of man,¹⁰ i.e., but not [as long as he is] a whole man. But what will R. Hanina b. Akabya who holds him fit to be made the subject of a valuation 'because his price is fixed', do with 'No devoted thing, etc.'? — He needs this in accord with what was taught: R. Ishmael the son of R. Johanan b. Beroka said: Since we find that those to be put to death by the hand of heaven can offer a monetary expiation and thereby obtain atonement, as it is said: If there be laid on him a ransom,¹¹ I might have thought the same applied to those who are to be put to death by the hand of man, therefore we are taught: 'No devoted thing shall be redeemed'. From here I may derive teaching only for severer penalties of death, for which even when committed in error no atonement

is possible.¹² But whence do I know that it applies also to lesser penalties of death, for which at least when committed in error atonement is possible? The text therefore states: 'Any devoted thing, etc.'

R. JOSE SAYS: HE MAY VOW ANOTHER'S WORTH, EVALUATE. But did the first Tanna say that he may? Rather, there is no dispute whatsoever that he may vow another's worth, evaluate and consecrate, the dispute touches only the case of his having caused damage,¹³ the first Tanna holding that if he had caused damage he is not obliged to make compensation, whereas R. Jose holds he is obliged to make compensation when he has caused damage. What principle are they disputing? — R. Joseph said: They are disputing whether an oral¹⁴ debt can be collected from the heirs, the first Tanna holding an oral debt cannot be collected from the heirs, whereas R. Jose considers it can be collected. Raba¹⁵ said: All agree that an oral debt cannot be collected from the heirs, what they are here disputing is the [nature of a] debt arising from the law of the Torah, the first Tanna holding that a debt arising from the law of the Torah is not to be considered equal to one acknowledged in a document [of indebtedness], whilst R. Jose considers it like one acknowledged in a document [of indebtedness]. There are some who refer it¹⁶ to the following matter: If one¹⁷ about to be executed wounded others, he is obliged to make reparation, but if others have wounded him, they are free [from reparation].¹⁸ R. Simeon b. Eleazar said: Even if he has wounded someone he is free, because he may not be placed before the Court of Law again.¹⁹

(1) He was a commissioner of charity, yet he used to borrow funds to use them for his own purposes!

(2) Before the name of its owner is forgotten.

(3) This proves that R. Johanan holds that it may be changed even for a secular purpose.

(4) That the donor would notice such a change, and protest.

(5) It is not impossible that the donor, who travelled much, might come to the city and see the change and protest therefore their rebuke.

(6) C. supra p. 16 n. 4.

(7) Surely the amount of valuation is fixed.

(8) Var. lec.: and somebody says, The valuation of him is upon me, v. Keth. 37b.

(9) Lev. XXVII, 28. I.e., all condemned persons are not redeemable.

(10) Once a man is sentenced to death he is no more a whole man, hence the partitive 'of man'; v. Keth. 37b. But before such a sentence has actually been pronounced, he is still a whole man to whom the text, 'of man' (i.e., part of man, in the ad hoc meaning) does not apply.

(11) Ex. XXI, 30. As is evident from Sanh. 15b, in the case of the goring ox, the owner incurs death through the decree of heaven for his negligence, and in such a case the evil decree may be averted by a monetary compensation or expiation. The word 'devoted' is interpreted as devoted by human beings, hence 'devoted to death' by human beings. Such interpretation removed the possibility of any devoted thing being saved from execution by compensation-payment, for, No devoted thing shall be redeemed (from death by payment).

(12) The crime of blasphemy even if committed in error cannot be remedied as is done with other unintentionally committed crimes, by sin-offering or (in the case of involuntary manslaughter) by exile.

(13) Since he has a mind, he obviously is fit to do things which one possessed of mentality is fit to do. This obligation would, of course, descend upon his heirs, hence the principle involved.

(14) An obligation arising from the law of the Torah has the character of an orally admitted debt. Hence, even if no definite decision had been made by the court on the question of his damage, a delay in his execution would be considered unnecessary, hence prohibited. Nevertheless the debt arising from the law of the Torah is considered an oral debt.

(15) Var. lec.: Rabbah.

(16) The statements of R. Joseph and Raba.

(17) Tos. B.K. 9.

(18) He is obliged to make reparation because until his moment of death he is presumed to have a mind, hence is responsible. But since he is about to be executed, his body as such is no more in its integrity, hence one who wounds him should be free from any obligation to make compensation payment. All these refer to someone about to be executed by the laws of Israel, i.e., after careful investigation and examination. One, however, sentenced to death by the heathen

tyrants or other malefactors, might perhaps be ransomed, freed by persuasion or payment, hence his physical integrity may yet be said to be unimpaired.

(19) The examination of the claim against him would consume some time. This would involve a delay in his execution, which is forbidden, v. Sanh. 89a.

Talmud - Mas. Arachin 7a

From this it would appear that the first Tanna holds that he may be placed before the Court of Law again! Said R. Joseph: They are disputing whether an oral debt can be collected from the heirs, the first Tanna holding an oral debt may be collected from the heirs, whilst R. Simeon b. Eleazar holds it cannot be collected. Rabbah said: All agree that an oral debt cannot be collected from the heirs, they are disputing here whether an obligation arising from the law of the Torah may be considered as one written in a document of indebtedness, the first Tanna holding it is to be regarded like one acknowledged in a document of indebtedness, whilst R. Simeon b. Eleazar holds it is not to be regarded like one acknowledged in a document of indebtedness.

An objection was raised:¹ If one dug a pit in a public thoroughfare, and an ox fell upon him and killed him, [the owner of the latter] is free, and even more, if the ox should die, then the heirs of the owner of the pit must repay its money value to the owner of the ox! Said R. Ela in the name of Rab: [This speaks of the case] where he stood before the Court of Law.² But the text reads: 'And killed him'! — Said R. Adda b. Ahabah: It means he hurt him fatally. But did not R. Nahman say that R. Haggai read: Killed and buried him!³ But the law is [that the heirs are liable] where the judges were sitting at the opening of the pit. Our Rabbis taught: If one is about to be executed one sprinkles⁴ for him the blood of the sin-offering or the blood of the guilt-offering. But if he sinned at that time,⁵ one is no more obliged to attend to him.⁶ What is the reason? — R. Joseph said: We must not put off his execution. Said Abaye: If so, then concerning the first part, too?⁷ — That refers to the case that his sacrifice by that hour was killed already. But if it had not been slaughtered before that hour, what then [would be the law]? presumably it would not be so! Then instead of having the text read, 'If he sinned at that time they do not attend to him', let the distinction be made with reference to [the sacrifice itself]: These things apply only when his sacrifice by that hour had been slaughtered already, but if his sacrifice had not been slaughtered by that hour, one does not [sprinkle of his blood upon him]? — This indeed is what he said: These things apply only if by that hour his sacrifice had been slaughtered already, but if his sacrifice had not been slaughtered yet, then his case is like that of one who sinned at that hour, and to whom therefore one need not attend in this matter.

MISHNAH. IF A WOMAN IS ABOUT TO BE EXECUTED, ONE DOES NOT WAIT FOR HER UNTIL SHE GIVES BIRTH.⁸ BUT IF SHE HAD ALREADY SAT ON THE BIRTHSTOOL,⁹ ONE WAITS FOR HER UNTIL SHE GIVES BIRTH. IF A WOMAN HAS BEEN PUT TO DEATH ONE MAY USE HER HAIR; IF AN ANIMAL HAS BEEN PUT TO DEATH IT IS FORBIDDEN TO MAKE ANY USE OF IT.¹⁰

GEMARA. But that is self-evident, for it is her body!¹¹ — It is necessary to teach it, for one might have assumed since Scripture says: According as the woman's husband shall lay upon him,¹² that it [the unborn child] is the husband's property, of which he should not be deprived, therefore we are informed [that it is not so]. But perhaps [the former point of view] may indeed [be the law]? — Said R. Abbuha in the name of R. Johanan: Scripture says: They shall die, also both of them,¹³ that includes the child. But this [verse] is required for the inference that they must both be of equal condition,¹⁴ as R. Joseph teaches? — We infer it from 'also'.¹⁵

BUT IF SHE HAD ALREADY SAT ON THE BIRTHSTOOL: What is the reason? — As soon as it moves [from its place in the womb] it is another body. Rab Judah said in the name of Samuel: If a woman is about to be executed one strikes her against her womb so that the child may die first, to

avoid her being disgraced.¹⁶ That means to say that [otherwise] she dies first? But we have an established [assumption] principle that the child dies first, for we learnt: A child one day old inherits and bequeaths;¹⁷ and R. Shesheth said [in explanation]: He inherits the mother's property to bequeath it to his brothers from his father. Now this [as is clearly indicated] applies only to a child 'one day old', but not to an embryo, because it would die first and no son already in the grave can inherit from his mother to bequeath to his paternal brothers?¹⁸ — This applies only to [her natural] death, because the child's life is very frail, the 'drop' [of poison] from the angel of death enters and destroys its vital organs,¹⁹ but in the case of death by execution she dies first. But there was a case in which [the child] moved three times? — Mar son of R. Ashi said: That is analogous to the tail of a lizard which moves [after being cut off].²⁰

R. Nahman said in the name of Samuel: If a woman who has been sitting on a birthstool died on a Sabbath, one may bring a knife and cut her womb open to take out the child. But that is self-evident? What is he doing?

(1) From here it is evident that an obligation arising out of the law of the Torah is considered like one acknowledged in a document of indebtedness, and since the principle is there definitely established as legitimate, it is wrong to assume that what is a recognized Tannaitic principle, since it is reported in an anonymous, i.e., accepted form, is opposed by the majority view in our Mishnah on Raba's explanation.

(2) Before he died the court had decided that he must pay the fine, such decision being equal to a debt acknowledged by himself in writing.

(3) The ox killed and buried the man, by his fall upon him, in the pit. According to this reading the owner of the pit could not have been adjudged before the court. I.e., the court was held at the pit, with the fatally wounded man adjudged guilty before his actual death, the obligation arising having the character of a debt acknowledged in writing.

(4) I.e., for his sake, to obtain for him forgiveness for another sin committed in error, for which this sacrifice had been offered up.

(5) E.g., he ate some forbidden fat in error whilst on his way to be executed.

(6) He is about to be executed and any ceremony on his behalf would have to take place before he actually dies, and thus may cause the prohibited delay in his execution.

(7) One would have to wait here with the killing of the animal and the sprinkling, and thus delay his execution.

(8) If she were found to be pregnant.

(9) I.e., if her pains of parturition had begun already. Rashi holds this to apply to a woman whose pains had started before sentence was pronounced; according to Tosaf, even if the pains had begun only after the sentence. For the child is considered as of one body with the mother only as long as it still is in its normal place. But as soon as it has started to move, it is another body and thus unaffected by the mother's state.

(10) In the case of an animal sentenced by the court to be destroyed (as e.g., an ox which gored a man to death) the prohibition to use its corpse in any manner comes into force as soon as sentence is pronounced, in the case of a human being only with the execution proper.

(11) The embryo is part of her body, having no identity of its own and dependent for its life upon the body of the woman.

(12) Ex. XXI, 22 refers to the indemnity to be paid to the husband for a premature child.

(13) So literally. E.V. 'They shall both of them die'. Deut. XXII, 22. The redundant 'both of them' is used for another situation.

(14) That they must both be of age so that both are punishable; if one is a minor, no death penalty for this adultery is inflicted.

(15) Which is redundant, and from which the law here concerning the embryo is derived.

(16) If the child, having escaped death, came forth after her execution, it would cause bleeding and thus expose the executed mother to be disgraced.

(17) If on that one day of its life it should inherit some property, by dying on the same day the child would cause its paternal brothers to inherit it. V. B.B. 142a; Nid. 44a.

(18) Hence, when the mother dies after the child, her property does not pass to the child, which is legally assumed to be in the grave; he is therefore unable to inherit his mother's property and much less to bequeath it to his paternal brothers.

This proves that the child is assumed to die before the mother as otherwise the case above could also deal with an unborn child, whilst the Mishnah limits it to the child born and one day old.

(19) The phrase here is borrowed from the death of an animal, which is achieved in accordance with the laws of Shechitah by the cutting of the windpipe and the gullet, the two organs to be cut in accordance with the ritual law.

(20) Although no more alive; similarly such moving on the part of the child is no sign of its life.

Talmud - Mas. Arachin 7b

Only cutting flesh?¹ — Rabbah said: It is necessary [to permit the] fetching of the knife by way of a public thoroughfare.² But what is he informing us? That in case of doubt one may desecrate the Sabbath! Surely we have learnt already: If debris falls down upon one and there is doubt whether he is there or not, or whether he is alive or dead, whether he is a Canaanite or an Israelite, one may remove the debris from above him!³ You might have said: There [permission was given] because [the person in question] had at least presumption of having been alive, but here where it [the embryo] did not have such original presumption of life, one might say no [desecration of the Sabbath shall be permitted], therefore we are informed [that it is].

IF A WOMAN HAS BEEN PUT TO DEATH etc. But why? These things are forbidden for any use? — Rab said: [This refers to the case] where she had said: Give my hair to my daughter. But if she had [similarly] said: Give my hand to my daughter, would we have given it to her? — Rab said: It refers to a wig.⁴ Now the reason [for the permission] is that she had said: 'Give [it]', but if she had not said: 'Give [it]', it would have been as part of her body and forbidden [for any use]. But this matter was questioned by R. Jose b. Hanina, for R. Jose b. Hanina asked: What about the hair of righteous women, and Raba had remarked: His question refers to [their] wig?⁵ — The question of R. Jose b. Hanina referred to the case of [such wig] its hanging on a peg; but here the wig is attached to her [head], therefore the reason [it is permitted] is because she said: 'Give [it]', but if she had not said 'Give [it]', it would be as her body and forbidden.

This appeared difficult to R. Nahman b. Isaac for it is placed in juxtaposition to the [law concerning an] animal, hence just as there [the hair] is part of the body, here too it should be part of the body?⁶ — Rather, said R. Nahman: In the one case [the woman's] it is the actual death which renders the body prohibited for any use,⁷ whereas in the other case [the animal's], the close of the legal proceedings [the pronouncement of the death sentence] renders it prohibited for any use. Levi taught in accord with Rab and he also taught in accord with R. Nahman b. Isaac.⁸ He taught in accord with Rab: If a woman went forth to be executed and she said: 'Give my hair to my daughter', one would give it to her; but if she died [before making such a demand] one would not give it, because the dead must not be used for any purpose. But that is self-evident? — [Say] rather the ornaments of the dead are prohibited for any use.⁹ It was taught in accord with R. Nahman b. Isaac: If a woman died, her hair is permitted for use. If an animal was put to death, it is forbidden for any use. And what is the difference between the one and the other? In the one case it is only the actual death which renders the body prohibited for any use, and in the other case the pronouncement of the death sentence in itself renders it prohibited for any use.

CHAPTER II

MISHNAH. THERE IS NO VALUATION LESS THAN ONE SELA' NOR MORE THAN FIFTY. HOW IS THAT? IF ONE PAID A SELA' ¹⁰ AND BECAME RICH, HE NEED NOT GIVE ANY [MORE]. BUT IF HE GAVE LESS THAN A SELA' AND BECAME RICH, HE MUST PAY FIFTY SELA'S. ¹¹ IF HE HAD FIVE SELA'S IN HIS POSSESSION, ¹² R. MEIR SAYS, THEN HE NEED NOT GIVE MORE THAN ONE, WHEREAS THE SAGES SAY HE MUST GIVE THEM ALL. FOR THERE IS NO VALUATION OF LESS THAN ONE SELA NOR MORE THAN FIFTY SELA'S.

GEMARA. THERE IS NO VALUATION LESS THAN ONE SELA. Whence do we know that? — For Scripture said: And all thy valuations shall be according to the shekel of the sanctuary,¹³ i.e., all valuations which you evaluate shall be of no less than a shekel. Nor more than fifty sela's, as it is written: Fifty.¹⁴

IF HE HAD FIVE SELA'S IN HIS POSSESSION, etc. What is the reason of R. Meir? — Scripture says: 'Fifty', and it is also written: 'Shekel', i.e., either fifty or one shekel. And the Rabbis? That means that all valuations which you evaluate shall be of no less than one shekel.¹⁵ But where he has [more], there applies the Scriptural verse: According to the means of him that vowed,¹⁶ and here he has means. And R. Meir?¹⁷ — That indicates that the possessions of him who evaluates rather than of him who is evaluated are to be considered. And the Rabbis? — Does this not incidentally prove that where he has possessions, take from him as much as he can pay?

R. Adda b. Ahabah said: If a man had five sela's in his possession and said: My own valuation be upon me [to pay], and he repeats: My own valuation be upon me, and then he paid four sela's on account for the second valuation and one sela' for the first, then he has fulfilled his duty to both. What is the reason? — Because:¹⁸ A creditor, later in order of time, who has collected before [an earlier one] retains what he has collected. [Likewise] here when he paid for the second [valuation] he was in debt for the first,¹⁹ and when he paid for the first he had no more.

(1) Only the cutting of a living person constitutes desecration of the Sabbath, the cutting of meat is unavoidable in eating.

(2) The bringing of any portable property from private territory into a public thoroughfare or vice versa constitutes transgression of the law of the Sabbath as Biblically stated.

(3) V. Yoma 83a.

(4) That wig, tied to her hair, might have been considered part of her body and therefore forbidden for any use, hence also inadmissible as a gift to her daughter. But since she left instruction of such gift, she evidently did not consider the wig part of her body, and guided by her view we do not consider it such either, hence the gift is valid.

(5) According to Deut. XIII, 13ff the inhabitants of a city condemned for idolatrous practices to which they had been led astray were to be destroyed with all their property. Righteous persons, however, lost only their property but not their life. The theoretical question touched the wig of righteous women of such a city: Was it to be considered part of their body and thus will it escape destruction, or is it to be regarded as detachable from the head and as general property does it fall under the ban? At any rate what is a matter of doubt there could not possibly be taken here as settled law!

(6) How then could he interpret our Mishnah as referring to the woman's wig, which is not part of the body?

(7) The reference is indeed to her natural hair, but since hair never lived it is not affected by death, which renders forbidden all such parts of the body which had their vitality cut off by death (Rashi).

(8) Levi had an ancient Baraita the view of which accorded with Rab and another with R. Nahman b. Isaac.

(9) The reference must hence be to a wig.

(10) A Biblical shekel. According to Lev. XXVII, 8 a special reduction was made in the case of the poor, but any such reduced estimate may not fall below a sela'.

(11) One twenty years of age and of male sex whose normal valuation is fifty sela's, happens to be poor when paying the poor man's exceptional one sela' for any valuation. That sela', being the legal minimum for a poor man, therefore has paid his debt, and freed him from any obligation, even if afterwards he became rich. But if, whilst poor, he had paid less than a sela', he has not paid the minimum, his obligation to pay his valuation still rests upon him, and on becoming rich he must therefore pay the complete sum due, under the circumstances of payment which for a man not poor, amounts to fifty sela's.

(12) And his prescribed valuation was, say, fifty.

(13) Ibid. XXVII, 25.

(14) Ibid. 3.

(15) Indicating only a minimum beyond which the sum may be increased to the maximum of fifty. There are no rigorous restrictions between these two sums, adjustments being made in accordance with the possessions of the respective

dedicator.

(16) Lev. XXVII, 8.

(17) How will he explain this latter verse?

(18) B.K. 34a.

(19) To the extent of the whole five sela's on the view of the Sages in our Mishnah, so that as far as the second valuation is concerned he had no five sela's to pay and hence discharged his obligation by paying the four sela's.

Talmud - Mas. Arachin 8a

But if he paid four for the first [valuation] and one for the second, then he has fulfilled his obligation regarding the second one, but he has failed to discharge his obligation touching the first, as all [his sela's] were subject to the payment for the first.¹

R. Adda b. Ahabah asked: If he had five sela's and said in one utterance, Two of my valuations be upon me [to pay], how then? [Shall I say]. Since he said it in one utterance the obligations arise simultaneously so that he would have to pay two and a half for the one valuation and two and a half for the other, or is the whole sum due for each of them? — The question remains [unanswered].

THERE IS NO VALUATION LESS THAN ONE SELA' NOR MORE etc. Why is this re-statement necessary? — This is what we are told: There is none less than one sela', but there are some above one sela'; there is none above fifty sela's, but there are some below fifty sela's, and it [the teaching] is stated anonymously² in accord with the Rabbis.

MISHNAH. IF A WOMAN GOES ASTRAY³ IN HER RECKONING THERE IS NO RE-OPENING FOR HER [OF THE NIDDAH COUNT] EARLIER THAN SEVEN, NOR LATER THAN AFTER SEVENTEEN DAYS.

GEMARA. Our Rabbis taught: If a woman astray in her reckoning said: 'I saw uncleanness for one day' then her re-count begins after seventeen days;⁴ [if she says.] 'I saw uncleanness for two days', her re-count commences after seventeen days;⁵ [if she says,] 'I saw uncleanness for three days', her re-count commences after seventeen days.⁶ [If she says,] 'I saw uncleanness for four days', her re-count commences after sixteen days;⁷ [if she says,] 'I saw uncleanness for five days', her re-count commences after fifteen days.⁸ [If she says,] 'I saw uncleanness for six days', her re-count commences after fourteen days; [if she says,] 'I saw uncleanness for seven days', her re-count commences after thirteen days; [if she says,] 'I saw uncleanness for eight days', her re-count commences after twelve days; [if she says,] 'I saw uncleanness for nine days', her re-count commences after eleven days; [if she says,] 'I saw uncleanness for ten days', her re-count commences after ten days;⁹ [if she says,] 'I saw uncleanness for eleven days', her re-count commences after nine days; [if she says,] 'I saw uncleanness for twelve days',¹⁰ her re-count commences after eight days;

(1) The decision being in accord with the Sages, all his sela's were affected by the first valuation. The practical difference lies in the fact that since now he is considered as still obliged to make payment for the first valuation, he would have to pay full fifty sela's if at any later time he became rich.

(2) Whenever one Mishnah reports conflicting opinions in the name of the disputants, and another a decision in this case anonymously, the latter is regarded as authoritative.

(3) Lev. XV deals with the regulations touching the woman's issue (of blood), and distinguishes between an issue 'in time of her impurity' and one 'not in' or 'beyond' the time of her impurity. The flow 'in the time of her impurity' is called dam niddah — the blood of her menstruation; the flow beyond or outside the time of her impurity is called dam zibah — the blood of one having an issue. According to the law of the Torah a woman who menstruates for the first time becomes unclean as niddah for seven days, the day on which she menstruated included. She remains in this state of uncleanness for seven days, independent of whether she has had that issue of blood for the first day only or on any other

of the seven days. Even if she should suffer such issue for seven days continuously, as long as it has stopped before sunset on the seventh day, she takes the ritual bath that night and becomes clean thereby. These seven days are her niddah days. The eleven days following are called 'the days of her having an issue', yeme zibah, any issue of blood during which is considered 'not in' or 'beyond the time of her impurity'; this period starts at the end of the seven days of her normal impurity, quite independent of her having taken the bath prescribed or not. Any issue of blood on one of these eleven days renders the woman a zabah ketannah, one having a minor issue, and by taking the ritual bath on the day following the issue, she becomes clean if no new issue appeared on the day of the bath. The same law applies if on any other of the eleven days issue should have appeared. But if such issue appeared on three consecutive days, the woman's considered zabah gedolah, one having a major issue, and she does not regain her ritual cleanness until seven days. free from any issue following the last of the three days, have passed. On the seventh day she takes the ritual bath of purification, and on the eighth day she offers two turtle-doves as her sacrifice of purification. If during these eleven days there had been no issue of blood, or only a 'minor issue' then any day from the twelfth on, on which she should have an issue, is the commencement of her niddah days, yeme niddah. If, however, she had become during the eleven days zabah gedolah, one having a major issue, then she does not become a niddah again until there have been seven days after the last day of the flow during which there was no issue whatsoever. Any issue of blood appearing before such seven days have passed is considered part of the days of zibah. Even after the days of her niddah have started she of course becomes a niddah only when and if she has an issue, yeme niddah signifying no more than that she becomes a niddah in case of any issue, as against her being a zibah during the other period. After she has become a niddah again she remains in this state for seven days. to be followed again by the days of zibah. A woman thus can become a zabah only in the eleven days following her yeme niddah; or, if during these eleven days she had three days' consecutive flow, she remains a zabah until she had had seven days of freedom from any flow. After that period she becomes a niddah again, with the first flow. And similarly a woman can become niddah again only after the passing of the eleven days of zibah, or, if during these days she had become a zabah gedolah, one having a large issue, she can become a niddah only after seven days have gone after the last day of the flow during which no further flow was experienced. Upon the day on which the woman becomes niddah again, depends the count of the rest of these days of her niddah state as well as the count of the days of her zibah. Therefore the day on which she becomes niddah is considered the 'entrance', the 'gate', the 're-opening'. The Mishnah refers to a woman 'astray in her reckoning', i.e., one who after purification has experienced a flow of blood, and does not remember whether she was passing through the days of niddah or those of her zibah. She is unable to emerge from this state of uncertainty to a new safe reckoning until after the end of the present flow she experiences a new one, as to which she is definitely sure that it was her period of niddah. This certainty cannot be obtained earlier than after seven days, nor later than after seventeen days, during which she experiences no flow of blood at all.

(4) If the flow of blood had lasted for only one day, followed by seventeen days free from any flow, then any new flow signifies the commencement of her days of niddah. For the day on which she had the flow concerning which she was astray fell either into her period of zibah or into that of niddah. If that day was one, or even the first one, of her days of zibah then the days of her niddah would have commenced no later than on the tenth day after the flow; and her flow on the eighteenth day renders her a niddah. If, however, the day on which she had that flow, concerning which she was astray, should have been one of her yeme niddah, then having become niddah on that day (after her bath of purification which terminated her uncleanness) she remains in the state of niddah for six more days, becomes a zabah for the eleven days following, to enter her period of niddah thereupon, eleven days later, which is on the eighteenth day or any day following it.

(5) Similarly, if she had seen blood for two days, then the flow of blood again after seventeen days of cleanness is there-commencement of her days of niddah. If these two days were days of zibah then the days of niddah would commence no later than nine days after the flow, Or, if the two days of the flow were in the period of niddah then that period of niddah was over in five days, the following period of zibah terminated after eleven days, or the new period of niddah would re-commence after only sixteen days. But it is also possible that the first of the two days was the last day of the zibah period and the second the first of the niddah period, in which case six more days would be necessary to terminate her niddah period, to be followed by eleven days for her zibah period, so that seventeen days must pass before she can definitely be said to have become a niddah again.

(6) If all the three days were part of the zibah period, then the niddah period would commence no later than eight days after that, the assumption throughout being that there was no flow whatsoever during these seventeen days. If all of the three days fell into the niddah period, then the new period of niddah would commence after fifteen days, i.e., after the

last four days of the niddah period, and the following eleven of the zibah period. But since it is also possible that the first two of the three days of the flow were the last days of the zibah period, and that consequently the niddah period would commence only with the third, six more days of the niddah period followed by eleven days of the zibah period must pass before the woman can re-commence her new niddah period, hence again the necessity of seventeen clean days before she can definitely re-commence her reckoning.

(7) If all the four days were either yeme niddah or yeme zibah, the new re-commencement could have started before seventeen days. If they were yeme zibah, the new period of niddah would start after seven days. If the days of the flow fell in the niddah period, the new reckoning could start after fourteen days, viz., the remaining three days of the niddah period and the eleven of the zibah period. In this case one cannot posit the possibility of the first three days of the four days' flow having been the last days of the zibah period, followed by the fourth day as the first of the new niddah period, for, as explained above, the niddah period does not follow upon a three-day flow in the zibah period, before seven completely free days have passed. But it is possible that the first two of the four-day flow were the last days of the zibah period, whereupon only the third day signified the commencement of the zibah period, so that five more days of the niddah and eleven days of the zibah period are required before her re-commencement of her new niddah period may be definitely assumed.

(8) V. next note.

(9) The same consideration, that the first two days may be the last days of her zibah period, necessitates, in the case of the five-day flow, the counting of at least fifteen days, the remaining four of the niddah plus the complete eleven of the zibah periods, in the case of the six-days flow, the counting of the remaining four days of the niddah plus the eleven of the zibah period; of three remaining niddah plus eleven zibah days in the case of a seven-day flow; of two niddah and eleven zibah days in the case of an eight-day flow, and of one remaining day of niddah and eleven days of zibah in the case of a nine-day flow. So that the number of the days necessary moves from seventeen to twelve, on the above considerations. In the case of a ten-day flow, then, even on the assumption that the first two days had belonged to the zibah period, the zibah period recommenced after the seven days of niddah, i.e., on the tenth day, whence only the remaining ten days of zibah need pass before the woman becomes niddah again.

(10) In the case of eleven days, on the same basis, two days of the new zibah period have passed after the intervening days of niddah, so that only the remaining nine days of zibah must be counted before the woman re-enters her niddah period; in the case of a twelve-day flow there are only eight; in the case of a thirteen-day flow only seven days of the zibah period before the new niddah period re-commences. Never earlier than before the passing of seven days, because that is the period necessary for a zibah to become a niddah again, never later than after seventeen days, so that the Mishnaic law becomes evident as indicating the minimum and the maximum necessary for a woman astray in her reckoning before she can definitely reach the 'gate' of her safe reckoning, i.e., the re-commencement of her niddah period.

Talmud - Mas. Arachin 8b

[if she says,] 'I saw uncleanness for thirteen days', then her re-count commences after seven days; for the re-opening [of the Niddah count] does not come before seven nor later than after seventeen days. R. Adda b. Ahabah said to Rabbah: Why all this [reckoning]? Let her count seven days and be permitted [to have intercourse]! — He answered: [We are meaning] to set her right concerning her menstruation and its re-commencement.¹

Our Rabbis taught: All women who are astray in their reckoning are zaboth² and must offer a sacrifice which must not be eaten,³ with the exception of those whose [niddah] re-count started after the seventh or after the eighth day.⁴ who must offer a sacrifice which is to be eaten. But are women astray in their reckoning zaboth? Furthermore, must a woman who has had an issue one day, or two days, at all offer up a sacrifice? — Rather read, Zaboth who are astray in their reckoning⁵ must offer a sacrifice which is not to be eaten, with the exception of the woman whose [niddah] re-count starts after seven or after eight days, who must offer up a sacrifice that is to be eaten.

MISHNAH. NO SIGNS OF LEPROSY ARE SHUT⁶ UP LESS THAN ONE WEEK AND NONE MORE THAN TWO WEEKS.

GEMARA. NO LESS THAN ONE WEEK refers to human leprosy. NONE MORE THAN THREE WEEKS refers to leprosy of houses. R. Papa said: Thy righteousness is like the mighty mountains,⁷ refers to human leprosy. Thy judgments are like the great deep,⁷ refers to the leprosy of houses. What is the simple meaning of the Scriptural verse? — Were it not for Thy righteousness [as great] as the mighty mountains, who could stand before Thy judgments [as profound] as the great deep! Rabbah said: ‘Thy righteousness is like the mighty mountains’, because ‘Thy judgments are like the great deep’. Wherein are they conflicting? — In the dispute of R. Eleazar and R. Jose b. Hanina, for it was reported that R. Eleazar says: He suppresses;⁸ R. Jose b. Hanina says: He forgives;⁹ Rabbah agrees with the view of R. Eleazar, whilst Rab Judah concurs with that of R. Jose b. Hanina.

MISHNAH. THERE ARE NEVER LESS THAN FOUR FULL MONTHS IN THE YEAR, NOR DID IT SEEM RIGHT TO HAVE MORE THAN EIGHT.¹⁰ THE TWO LOAVES¹¹ WERE CONSUMED NEVER EARLIER THAN THE SECOND, NOR LATER THAN THE THIRD DAY. THE SHEWBREAD¹² WAS CONSUMED NEVER EARLIER THAN THE NINTH NOR LATER THAN THE ELEVENTH DAY. AN INFANT MAY NEVER BE CIRCUMCISED EARLIER THAN THE EIGHTH NOR LATER THAN THE TWELFTH DAY.¹³

GEMARA. What does DID NOT SEEM RIGHT TO HAVE MORE THAN EIGHT mean? — R. Huna said: It did not appear right to the Sages to make more than eight months full. Wherefore is the difference with regard to nine, that they would not [make full]? Because if they did not [stop at eight]

(1) R. Adda meant that this counting of the days has as its sole purpose the permission of renewed sexual congress, whereas our purpose was to enable her to re-establish a definite rule of her counting. For, if e.g., she does not know whether she is in the period of niddah or zibah, she would be confused as to how soon she becomes clean again. as niddah only four more days would be required for her to become clean after a three-day flow, whereas if she were a zibah seven days would be necessary before she becomes a niddah again; or, after one-day's flow, as niddah she would have to wait six more days for the bath of purification, whereas in the case of a minor zibah, such a bath may be taken on the next day.

(2) Plur. of zabah, v. Glos.

(3) This is explained as referring to women astray as to their reckoning who may be suspected of being zaboth. As such they must offer the sacrifices, prescribed for a zabah gedolah, a pair of turtle-doves of which one is a sin-offering, the other a burnt-offering. The burnt-offering is consumed on the altar, but the sin-offering as a rule is partly eaten by the priests. The form of killing, melikah (pinching of the bird's neck with the fingernail) is legitimate only with the required bird sin-offering. Since the woman in the above cases is only suspected of being a ‘zabah’, her sin-offering is not definitely required. In this doubtful case the sin-offering had to be brought to satisfy the possibility of the woman having been a zabah; but it must not be eaten, because there is reasonable doubt, hence the sacrifice may be legally profane and having been killed in a manner prohibited for profane food, is unfit to be eaten by anybody.

(4) In which the woman must have been a zabah. Having had a twelve-day flow of blood, she must have been zabah. For even on the assumption that the first two days were the last days of a zibah, the woman became zibah again on the second count, for the ten days left, seven had belonged to the niddah and the other three to the new zibah, and of course, if the first days came at the beginning of niddah, or three of them were the end of zibah, the woman would definitely be a zibah. In all other cases, however, the woman is only doubtfully a zabah, for just as one could say that three of the days were in the zibah period, making her a zibah proper (zabah gedolah), so could one say that the last two days of the flow came from the zibah period, without making her a zabah gedolah, so that within the days concerned she could not become a zibah again.

(5) I.e., only those who, having had a three-day flow and being thus under the definite suspicion of zibah, whilst astray in their reckoning.

(6) Rashi reads: There is no cleanliness obtainable in the case of leprosy. etc. Lev. XIII distinguishes between leprosy which the priest at his first inspection may be able to declare as either clean or unclean, and doubtful cases. In case of

doubt (*ibid.*, 4) the priests must shut up the suspected leper for at least one week, in the case of leprosy of a house, which has remained unchanged after the first week, and has either remained unchanged or has spread at the end of the second week, the priest must shut up the house for another, the third week. V. Neg. XIII, 1.

(7) Ps. XXXVI, 7. The word *zedakah* (righteousness) has also the meaning of ‘mercy’. It is a mark of divine mercy in prescribing one week's shutting in for man.

(8) Or, presses down the balance of merits; v. next note.

(9) Or, raises the scale of impurity. According to R. Eleazar: The Lord in His mercy ignores man's sins, so that his good deeds may save him when before the throne of God in judgment. According to R. Jose b. Hanina: The Lord forgiving, wipes the sins off completely, or, in the case of the man's repentance, changes his very sins into virtues. (V. R.H. 17a.) Rabbah, explaining in terms of R. Eleazar, sees God's *zedakah* in the fact He keeps His judgment of man's sins in the deep abyss, invisible on the day of judgment, whereas Rab Judah suggests, in accord with the other Tanna, that but for God's supreme *zedakah* which forgives iniquity, or, for the repentant changes it into moral asset, man could not stand the divine judgment.

(10) A full month (lit., ‘a prolonged one’) is one of thirty days, a defective one is one of twenty-nine days. The average year has six months of thirty days each, and six of twenty-nine days each. For there are about twenty-nine and one half days between one new moon and the other, whence a month of thirty days, to restore the balance, must be followed by one of twenty-nine days. However, there are more than twenty-nine and one half days between one new moon and the other, approximately twenty-nine days, twelve hours and forty minutes; furthermore, there are other causes influencing the fixing of the calendar, as the result of which the arrangement of six full and defective months undergoes certain variations, so that one year might have a larger number of full, the other more than the half of defective months. In the time of the Mishnah the Sanhedrin decreed the beginning of the new months on the basis of the testimony of witnesses who had actually seen the new moon. But even then conditions would arise (such as non-visibility of the new moon, due to cloudy weather) when the Sanhedrin would be guided by its own astronomical calculations. For such a decree the principle was adopted that no year may have more than eight, nor less than four full months.

(11) Of the Feast of Weeks, v. Lev. XXIII, 27. Since they could not be eaten before the lambs of the sacrifice had been offered up, they were not as profane food, for which alone permission to bake or cook was given on the Holy Day on which all manner of work is prohibited. And as not immediately ready for human food, and hence not under the category of permitted labour, these breads had to be baked on the day before the Feast of Weeks, or, if the latter fell on a Sabbath, on the Friday preceding it. i.e., on the third day. Ex. XII, 16: Save that which every man must eat, that alone may be done by you, excludes that which is not immediately available for human use.

(12) Placed every Sabbath on the Table in the Sanctuary and consumed by the priests on the following Sabbath, they had to be baked on the preceding Friday (not earlier, since they were to be fresh). If a Holy Day fell on Friday, they were baked on Thursday. If the two days of the New Year fell on Thursday and Friday (the only Holy Day which could, even in the time of the Sanhedrin, last for two days. v. Men. 100b), the shewbread would be baked on Wednesday to be eaten on the following Sabbath, on the eleventh day, its baking overriding neither the Sabbath, nor a Holy Day.

(13) The circumcision performed on the eighth day overrides both Sabbath and Holy Day. Here, however, we deal with a boy born Friday eve at twilight. Hence his birthday is doubtful: it may be either Friday or Saturday. the twilight may be considered as belonging either to the day past or to the following one. The Sabbath following may therefore be the eighth or the ninth day after the birth and the circumcision must be postponed (for a doubtfully eighth day circumcision does not override the Sabbath) to the following, the tenth day. If the following day be a Holy Day, the circumcision could not take place before the eleventh day. If the two days of New Year fall on Sunday, the circumcision is postponed to the twelfth day. V. Shab. 137b.

Talmud - Mas. Arachin 9a

the new moon¹ would come three days too early! But now, too. It would come two days too early?² — This is in accord with what R. Mesharsheya said: ‘It refers to a case where the preceding year was prolonged’,³ Here, too, the reference is to a year following a prolonged year, and the prolongation of a year is one month.⁴ But put one full month against one incomplete month, and there will be still one day left?⁵ — People do not pay too much attention to that.⁶

‘Ulla said: [the meaning is,] It did not seem right to the Sages to make more than eight defective

months. He [the Tanna] states here a reason:⁷ What is the reason that it did not seem right to the Sages to have less than four full months? Because it did not seem right to them to have more than eight defective months. Why not nine? Because in that case the new moon would be coming three days too late?⁸ But now, too, it would be coming two days too late? — That is to be explained in accord with R. Mesharsheya: ‘It refers to a case where the preceding year was prolonged’; here, too, the reference is to a year following a prolonged year.⁹ Deduct one defective month against one full month, and still there will be one day left?¹⁰ They [the people] will say: It [the moon] has actually been seen, whilst we had paid no attention.¹¹ [

(1) The new moon, coming say on Wednesday, with New Year starting only on the Sabbath. This discrepancy would cause popular murmuring against the ‘arbitrariness of the Sages’.

(2) But the arrangement of eight months, too, would leave a difference of two days, hence what is the value of limiting it to eight full months? Normally six full months plus six defective ones would take care of the situation.

(3) I.e., a year of thirteen months.

(4) Which may be either full or defective, and having made the intercalation of the preceding year defective, we have regained one day. which is counter-balanced by one day of the eight full months this year.

(5) Yet, even with one month full, and one month of last year incomplete. we gain only one day, so that one day still intervenes between the new moon of Tishri and the fixation of the New Year; so that popular clamour against the Sanhedrin's margin would be aroused still.

(6) A one day's margin would not be considered abuse of the Sanhedrin's function.

(7) And ‘for what reason’, he says.

(8) ‘Ulla's interpretation of the Mishnah: No less than four full months, but not more either, because ‘it did not seem right to the Sages to have more than eight defective months’, so that the New Moon should not appear three days after the New Year.

(9) And the prolonged month was made full, the consideration being the reverse of the former.

(10) Cf. n. 3 *mutatis mutandis*.

(11) The people assume in this case that the Sanhedrin had good reason, the basis of which, the actual seeing of the new moon, had escaped themselves.

Talmud - Mas. Arachin 9b

In what principle do they differ?¹ — In regard to the prolonged year. For it was taught: By how much is a year prolonged? By thirty days. R. Simeon b. Gamaliel said: By a month.²

An objection was raised: The Feast of Weeks can fall only on the day of the waving,³ and the New Year can fall only on either the day of the waving or the day following the night of the last day of the full month [of Nisan].⁴ Now that will be right according to ‘Ulla if eight defective months could be arranged, but not full ones; hence this may happen thus: if both are defective, it falls on the day of the waving; if one is full and the other defective, it falls on the day following the night of the last day of the full month.⁵ But according to R. Huna who says one does make [eight] full months, it may happen that it falls on the day following the day after the night of the last day of the full month?⁶ — R. Huna will answer you: But is it indeed right. according to ‘Ulla? Only eight [full] months are not made, but we do make seven. Now can it not happen that we arrange them not in winter but in the summer, with the result that it would possibly fall upon the day following the day after the last day of the full month?⁷ — Rather, this is in agreement with the ‘Others’, for it was taught: ‘Others’ taught. Between one Feast of Weeks and the other, and between one New Year and the other, there is an interval of no more than four days [of the week], or in the case of a prolonged year, five days.⁸ But, at all events, on the view of the ‘Others’, it could not fall on the day of the waving? — R. Mesharsheya said: The reference is to a prolonged year, and the prolongation of a year is by thirty days. Deduct one [full] month against the other [full one] and it will fall upon the day of the waving.⁹

Said R. Adda b. Ahabah to Raba: Do ‘Others’ intend teaching us [how to count] the number?¹⁰ —

This is what they convey to us: That it is not obligatory to proclaim a new moon on the basis of having seen it.¹¹ Rabina demurred: But there are days made of hours,¹² and days of thirty years?¹³ — Since they do not occur every year, he does not count them. Samuel, too, agreed with the view of R. Huna, for Samuel said: The lunar year consists of no less than three hundred and fifty-two, nor of more than three hundred and fifty-six days. How is that? — If the two are full,¹⁴ there are [fifty] six; if the two are incomplete. [fifty] two; if one is complete and one incomplete, [fifty] four.

An objection was raised: [If one said,] I shall be a Nazirite according to the number of the days of the solar year, then he must count for his Naziriteship three hundred and sixty-five days according to the years of the sun; [if he said,] According to the days of the lunar year, he must count for his Naziriteship three hundred and fifty-four days according to the days of the lunar year. Now, if that [account above] were right, at times you find [a year of three hundred and fifty] six days?¹⁵ — With regard to vows go after human parlance as well as after the majority of years. Rabbi, too, held the view of R. Huna, for it was taught: Rabbi happened to have arranged for nine defective months, and the moon [of Tishri] was seen in its due season! Whereupon Rabbi was amazed and said: We have arranged nine incomplete ones and yet the moon [of Tishri] appeared in due season! R. Simeon b. Rabbi said to him: perhaps this happened to be a prolonged year

(1) R. Huna and 'Ulla. R. Huna accepts R. Simeon b. Gamaliel's view and 'Ulla that of the first Tanna.

(2) A month of twenty-nine days. The margin is the point of difference.

(3) The second day of Passover (v. Lev. XXIII, 10-12) i.e., on the same day of the week as the second day of Passover. The fifty days are counted from the sixteenth of Nisan to the first of Shabuoth. Hence the fiftieth day must fall upon the same week-day as the first, the day of the waving.

(4) Or iburo, the night of its being made a full month, because upon the night depends its completeness, for if the new moon is proclaimed for the thirty-first day, that fact renders the month just passed full (one of thirty days).

(5) [Normally the twelve months of the year beginning with Tishri are full and defective in rotation. Where there is a departure from this order, the only months affected are Kislew in the winter and Siwan in the summer, which months are made defective instead of being normally full. Now if both these months are made defective, giving eight defective months for the year, there is an interval between the 30th of Nisan and the first of Tishri of eight days of the week, i.e., the first of Tishri falls on the same day of the week as the 31st of Nisan; and since the 30th of Nisan falls on the same day as the day of waving, which is exactly fifteen days before, the New Year will also fall on the day of waving. Should, on the other hand, only one of these two months be made defective — namely Kislew, whilst Siwan is full, there would be nine days of the week difference between the 30th of Nisan and the first of Tishri, so that New Year will fall on the 31st day. i.e., the day following the night of the last day of the full month of Nisan.]

(6) [On the view of R. Huna that we make eight full months, the two months Heshwan (in winter) and Iyyar (in summer) normally defective are made full, with the result that one extra day of the week is added as interval between the 30th day of Nisan and the first Tishri making New Year to fall two week-days after the 30th of Nisan.]

(7) [By making the extra full month in the summer, there would be added an extra day of the week as in p. 51, n. 6 with the same result.]

(8) The statement that the New Year must fall either on the day of the week on which the waving day falls or upon the day following the night after the last day of the full month is in accord with the teaching of 'Others', who hold that all months are full and defective in strict rotation, making a total of 354 which is four days over fifty weeks, leaving four days of the week as interval between one New Year and the other in a normal year and five in a prolonged year.

(9) [Having added in winter an extra full month, Nisan is made defective, with the result that we have four defective months during the summer, making New Year fall on the day of the waving. v. p. 51, n. 5.]

(10) From the fact that all months follow each other in regular order, it follows that there are four days' difference between the New Years.

(11) Even without having actually seen the new moon the new month may be proclaimed by the proper authorities.

(12) Granted that 'Others' go by the order of the new moons, yet it happens that in a simple (not prolonged) year, five days may intervene between one Passover and the other. For the forty minutes above twenty-nine days and twelve hours, between one moon and the other, make in one year an additional eight hours, in three years an additional day.

(13) And even when that is accounted for, there remain minutes, which added to one another amount in every thirty

years to one complete day. The exact duration is: twenty-nine days, twelve $\frac{793}{1080}$ hours, which time fragments combined add one day in every three, and one additional one every thirty years.

(14) Of the defective ones (i.e., Marheshwan and Iyyar) they add two days, i.e., three hundred and fifty-six days altogether; if two of the full ones (i.e., Kislew and Siwan) are made defective, there are two days less than usual, and the year has but three hundred and fifty-two days.

(15) Then why should the Nazirite be given a reduced term, two days shorter?

Talmud - Mas. Arachin 10a

and the prolongation of a year is by thirty days. and last year we made the two full, put the three full against the three defective, and it will come to Its proper place.¹ He answered to him: Light of Israel! So it was! MISHNAH. THEY BLEW NEVER LESS THAN TWENTY-ONE BLASTS IN THE SANCTUARY AND NEVER MORE THAN FORTY-EIGHT.² THEY PLAYED NEVER ON LESS THAN TWO HARPS,³ OR MORE THAN SIX, NOR EVER ON LESS THAN TWO FLUTES OR MORE THAN TWELVE. ON TWELVE DAYS IN THE YEAR WAS THE FLUTE [HALIL] PLAYED BEFORE THE ALTAR:⁴ AT THE KILLING OF THE FIRST PASSOVER-SACRIFICE,⁵ AT THE KILLING OF THE SECOND PASSOVER-SACRIFICE,⁶ ON THE FIRST FESTIVAL DAY OF PASSOVER, ON THE FESTIVAL DAY OF THE FEAST OF WEEKS, AND ON THE EIGHT DAYS OF THE FEAST [OF TABERNACLES].⁷ AND THEY DID NOT PLAY ON A PIPE [ABUB]⁸ OF BRONZE BUT ON A REED PIPE, BECAUSE ITS TUNE IS SWEETER. NOR WAS ANY BUT A PIPE SOLO USED FOR CLOSING⁹ A TUNE. BECAUSE IT MAKES A PLEASANT FINALE. THEY¹⁰ WERE SLAVES OF THE PRIESTS. ACCORDING TO R. MEIR. R. JOSE SAID: THEY WERE OF THE FAMILIES BETH HAPEGARIM, BETH-ZIPPORUA AND FROM EMMAUS,¹¹ FROM WHICH PRIESTS WOULD MARRY [WOMEN].¹² R. HANINA B. ANTIGONOS SAID: THEY WERE LEVITES.¹³

GEMARA. Our Mishnah¹⁴ will not be in accord with R. Judah. for it was taught: R. Judah said: One who sounds a smaller number of blasts may not sound less than seven, and one who sounds a larger number must not exceed sixteen. What principle are they disputing? — R. Judah says: Teki'ah, teru'ah, teki'ah¹⁵ constitute one sound,¹⁶ whereas the Sages hold: Teki'ah is a separate sound, so is teru'ah, and so the [second] teki'ah.¹⁷ What is the reason for R. Judah's view? — It is written: And when ye blow an alarm [teki'ah],¹⁸ and again it is written: They shall blow an alarm [teru'ah],¹⁹ from this it is evident that teki'ah, teru'ah and teki'ah are one sound.²⁰ And the Sages? — That merely indicates that the teru'ah sound is to be both preceded and followed by a teki'ah sound.²¹ What is the reason of the Sages' view? — Scripture says: But when the assembly is to be gathered together, ye shall blow, but ye shall not sound an alarm.²² Now, if one should assume that teki'ah, teru'ah, and teki'ah are together only one sound would the Divine Law have said: perform but one half of the command! And R. Judah? — This is no more than a signal.²³ According to whom will be the following teaching of R. Kahana: There may be no interruption whatever between teki'ah and teru'ah? — According to whom? According to R. Judah. But this is obvious. You might have said: It may be in accord even with the Rabbis, and it is taught thus only to exclude the view of R. Johanan who said that if one heard nine sounds even in the course of nine hours during the day, he had fulfilled his duty,²⁴ therefore we are informed [that this is not so]. But say, perhaps it is indeed so? — If that were the case, what means: 'No interruption whatever'?

ON TWELVE DAYS IN THE YEAR WAS THE FLUTE PLAYED etc. Why just on these days? Because an individual²⁵ completes the Hallel psalms on them.²⁶ For R. Johanan said in the name of R. Simeon b. Jehozadak: There are eighteen days on which an individual completes the Hallel: the eight days of the Feast [of Tabernacles], the eight days of Hanukkah, the first Festival day of Passover and the Festival day of the Feast of Weeks. In the exile²⁷ [one praying individually completes the Hallel] on twenty-one days: the nine days of the Feast [of Tabernacles], the eight days of Hanukkah, the two Festival days of Passover, and the two Festival days of the Feast of Weeks.

Why this difference that on the Feast [of Tabernacles] we complete Hallel on all the days, and on the Passover Festival we do

(1) Rabbi also held that eight full months are the limit, hence his astonishment when the new moon of Tishri came at the proper time in spite of the additional incomplete months. Last year the two normally defective months (Heshwan and Iyyar) were made full and the intercalated month was full. If the three defective ones of this year are placed against the three full ones of last year a normal situation is achieved, hence the new moon of Tishri appeared at the moment when it was fixed.

(2) V. Suk. 53b.

(3) Lit., 'a kind of hose', nabla in Greek, which according to Josephus had twelve strings and was played with the hand.

(4) On these days all the thanksgiving Psalms (Hallel. Ps. CXIII-CXVIII) were sung. The meaning here is doubtful: either, 'on these days the flute was played before the altar, whereas on other days it was played together with all other instruments on the Dukhan by the Levites', or on these days alone the flute was played, on other days other instruments only. The technical term 'beat' (**מכה**) applies to the flute, because tunes are evoked thereon by beating with the fingers on the holes.

(5) During the singing of the Hallel, Pes. 64a.

(6) On Iyyar the fourteenth, when the Passover-sacrifice of those who on Nisan the fourteenth were on a journey afar off, or in an unclean state, was offered up. V. Num. IX, 9ff.

(7) The playing of the flute on these days was part of the official music in the Sanctuary, prescribed during the process of offering up the sacrifices, and overriding both Sabbath and Holy Days. But the playing of the flute at the Water Festival (Suk. 50a) overrode neither, and was permissible on a week-day only.

(8) The change in the Hebrew designation for 'pipe' is explained in the Gemara.

(9) Either, 'to smoothe', then in the causative, to close a tune softly; or, 'to separate', to close one before the other starts; or, the overture, before the song commences.

(10) It was the youths or servants who played the flutes as well as the other instruments.

(11) Near Tiberias.

(12) Not slaves but youths of noble families, with whom the proud priestly families were willing to intermarry. The practical difference arising from this dispute has something to do with a man's claim to descent and desire to marry into a priestly family. If none but the youths of such excellent families were admitted to such service, participation in the latter would be sufficient evidence of noble descent and would eo ipso be sufficient ground for admission into such family. According to R. Meir even servants were admitted to such service, hence former participation therein is no evidence of noble descent, and no self-sufficient ground for admission into a priestly family.

(13) Legally also non-Levites were admissible. Actually, however, only Levites were admitted, whence the fact of ones participation was sufficient proof of levitical descent,

(14) In that it teaches: 'They blew never less than twenty-one, nor more than forty-eight blasts'.

(15) Teki'ah: one long sound; teru'ah; a rapid succession of three notes each, a broken tune. The value (length) of a teki'ah is equal to a teru'ah. V. R.H. 34a as to the significance and form of the sounds.

(16) And consequently are to be sounded without a break between them.

(17) And consequently are to be separated from each other by a small pause.

(18) Num. X, 5.

(19) Ibid. 6.

(20) The Hebrew verb used to denote 'blow' in both instances is derived from the same root as teki'ah.

(21) The proof is derived from the fact that teru'ah in these passages is preceded and followed by the root word of 'teki'ah', interpreted here as indicative of the form the blast took.

(22) Num. X, 7.

(23) It is not a proper sound of teki'ah, but a mere signal of assembly.

(24) That of hearing the sound of the shofar, v. R.H. 34b.

(25) One praying individually, not in or as part of a congregation, a minyan.

(26) V. Ta'an., Sonc. ed., p. 150, n. 7.

(27) Where two days of Festival holiness would be celebrated instead of one.

Talmud - Mas. Arachin 10b

not do so on all of its days? — The days of the Feast [of Tabernacles] are differentiated from one another in respect of the sacrifices due thereon, whereas the days of Passover are differentiated from one another in respect of their sacrifices.¹ Let it then be read on the Sabbath which is distinguished by its sacrifices? — It [Sabbath] is not called a festival. But what of New Moon which is called a festival, let the complete Hallel be said on it? — [New Moon] is not sanctified as to [prohibition of] labour, as it is written: Ye shall have a song as in the night when a feast is hallowed,² i.e., only the night sanctified towards a festival requires a song, but the night which is not sanctified towards a festival does not require a song. Then let the Hallel be said on the New Year and on the Day of Atonement, both of which are called Festival and are sanctified by [the prohibition of] labour?³ — That [is not possible] because of R. Abbahu, for R. Abbahu said: The ministering angels said before the Holy One, blessed be He: Why do not the Israelites sing a song before you on the New Year and on the Day of Atonement? He answered them: Would that be possible; the King sits on the throne of Judgment, with the books of those destined to live and destined to die before Him, and Israel singing a song before Me? But there is Hanukkah, on which neither one nor the other [condition applies] and the Hallel is said? — That is due to the miracle. Then let it be said on Purim, on which, too, a miracle occurred? — Said R. Isaac: [It is not said] because no song [Hallel] is said for a miracle that occurred outside the [Holy] Land. To this R. Nahman b. Isaac demurred: But there is the exodus from Egypt, which constitutes a miracle that happened outside the Land, and yet we say Hallel? — There it is due to the fact taught, for it was taught: Before Israel entered the [Holy] Land, all the lands were considered fit for song to be said [if a miracle had occurred in their boundaries]; once Israel had entered the Land, no other countries were considered fit for song to be said. R. Nahman, however, answered: The reading [of the Megillah]⁴ that is its [Purim's] Hallel. Raba said: It fits quite well there: Praise ye servants of the Lord,⁵ but not servants of Pharaoh; but here 'servants of the Lord', not servants of Ahasuerus. Surely they are still servants of Ahasuerus! But according to R. Nahman who says the reading [of the Megillah] is its Hallel, was it not taught that after Israel had entered the Land, no other land was considered fit to sing Hallel about? — After Israel was exiled they [the other countries] were restored to their original fitness.

THEY DID NOT PLAY ON A PIPE OF BRONZE: He [the Tanna] begins with Halil and closes with Abub? — Said R. Papa. Halil is the same of Abub [this latter being its right name], and why was it called Halil? — Because its tune is sweet [hali].

Our Rabbis taught: There was a pipe in the Sanctuary which was smooth and thin, made of reed, and from the days of Moses, [and its sound was pleasant].⁶ The king commanded to overlay it with gold, whereupon its sound was no more pleasant. Then its overlay was taken off, and its sound was pleasant again as before. There was a cymbal in the Sanctuary from the days of Moses, made of bronze, and its sound was pleasant; then it became damaged. The Sages sent for craftsmen from Alexandria of Egypt, and they mended it, but its sound was not pleasant any more. Thereupon they removed the improvement and its sound became as pleasant as it was before. A bronze mortar was in the Sanctuary, from the days of Moses, and it would mix the drugs. When it became damaged the Sages sent for craftsmen from Alexandria of Egypt who mended it, but it would no more mix the drugs as well as it used to.⁷ Whereupon they removed the improvement, and it would mix them well again as before. These two vessels were left over from the first Sanctuary, and after they had been damaged there was no remedy for them. It is with reference to them that David said: They were of burnished brass,⁸ and bright brass.⁹ In connection with them it is said also: And two vessels of fine bright brass, precious as gold.¹⁰ Rab and Samuel were disputing: One said each of them had the full weight of two of gold; the other held both of them had the weight of one of gold. R. Joseph learnt: Both of them had the weight of one of gold. It was taught: Nathan said: They were two each,¹¹ for shenayim is the written text, which one should read: not shenayim [two], but shniyyim [double ones].

R. Simeon b. Gamaliel taught: The Siloah was gushing forth through a mouth of the size of an issar.¹² The king commanded and it was widened so that its waters be increased, but the waters diminished. Thereupon it was narrowed again, whereupon it had its [original] flow, to make true that which was said: Let not the wise man glory in his wisdom, neither let the mighty man glory in his might.¹³ Thus also would R. Simeon b. Gamaliel say: There was no hirdolim in the Sanctuary. [What is hirdolim?] — Abaye said: A musical instrument [table]¹⁴ worked by pressure [of water] because its sound was heavy and disturbed the music. Rabbah b. Shila, in the name of R. Mattenah, on the authority of Samuel, said: There was a magrefa¹⁵ in the Sanctuary; it had ten holes, each of which produced

(1) The number of bullocks to be sacrificed on the Feast of Tabernacles diminished from day to day. which was thus distinguished from Passover, where the number was stationary.

(2) Isa. XXX, 29.

(3) In spite of the fact that the New Moon is also called a festival, it lacks the condition of 'sanctification by Prohibition of labour'.

(4) The Scroll of Esther.

(5) Ps. CXIII, 1. This clause fits Passover, but not Purim.

(6) Added with Sh. Mek.

(7) v. Ker. 6b.

(8) I Kings VII, 45. Tosaf. a.l. remark that this could not possibly have been said by David, because it refers to vessels made by Solomon, and hence reads: 'concerning which Scripture says'. That fits also the next quotation.

(9) II Chron. IV, 16.

(10) Ezra VIII, 27.

(11) I.e., two cymbals and two mortars.

(12) V. Glos.

(13) Jer. IX, 22. The lesson to be derived from these accounts seems to be, no 'foreign' improvements could remove what appeared imperfect in the Sanctuary. Things became right after the disastrous 'improvements' were removed.

(14) No absolutely satisfactory interpretation of this work is available: The very letters are uncertain, nor is the text clear. V. Tosaf. a.l. The rendering here adopts the reading ab (heavy) instead of 'areb (pleasant) of cur. edd. V. Marginal Gloss. Jast. connects it with hydraula (water-organ) and renders: There was no organ used in the Sanctuary because it would interfere (eliminating 'areb, pleasant. perhaps as dittography of um'arbeb) with the sweetness of the song.

(15) A name of another musical instrument.

Talmud - Mas. Arachin 11a

ten different kinds of sounds, with the result that the whole amounted to one hundred kinds of sounds. A Tanna taught: It was one cubit long, one cubit high, from it projected a handle, which had ten holes. Each of them produced one hundred kinds of sounds, amounting for the whole to one thousand kinds of sounds. Said R. Nahman b. Isaac: To remember whose teaching it is: The Baraita exaggerates'.¹ THEY WERE SLAVES OF THE PRIESTS. Shall we say they are of conflicting opinions concerning the following principle: He who said they [the players of the instruments] were slaves holds that the essential in the music of the Sanctuary was the singing with the mouth, the instrumental music being just for sweetening the sound; whereas he who said that they were Levites holds the instrumental music to have been the essential. But if you reason this way, what will appear as R. Jose's view? If he holds that the essential of the [Sanctuary] music was the singing with the mouth, it [the instrumental music] should have been satisfactory [if performed] by slaves; if [on the other hand] he holds that instrumental music was the essential, it would have to be done by Levites?² — In reality he holds that vocal music was the essential; here, however, they are disputing as to whether one may promote one from the dukhan³ to noble⁴ families and to the enjoyment of tithes.⁵ He who said that they [the players of the instruments] were slaves would hold one may not promote any one from the dukhan to either noble families or to the enjoyment of tithes; whereas he who said they were Levites would hold one may promote any one from the dukhan both to [marriage into]

noble families and to the enjoyment of tithes; whereas he who said that they [the players of instruments] were Israelites, would hold that one may promote any one from the dukhan to [marriage into] noble families, but not to the enjoyment of tithes.⁶

Our Rabbis taught: The omission of the song invalidates the sacrifice, this is the view of R. Meir. The Sages, however, hold that the omission of the song does not invalidate the sacrifice. What is the reason of R. Meir? — R. Eleazar⁷ said: Because Scripture said, And I have given the Levites — they are given to Aaron and to his sons from among the children of Israel . . . and to make atonement for the children of Israel,⁸ i.e., just as atonement⁹ is indispensable, so is the song indispensable. And the Rabbis? — This [analogy is] with reference to another teaching of R. Eleazar, for R. Eleazar said: Just as the atonement is performed during the day, so does the song take place during the day.¹⁰

Rab Judah said in the name of Samuel: Whence do we know that fundamentally the song is obligatory on the basis of the Torah? As it is said: Then shall he minister in the name of the Lord his God.¹¹ Now which ministry is it in the course of which the Lord's name is mentioned? You must say: It is the song. But perhaps it is the [priest's] raising of the hands [to bless]? — Since Scripture said: To minister unto Him and to bless in His name,¹² it follows that the priest's blessing [in itself] is no ministry. R. Mattenah said: [It is derived] from here: Because thou didst not serve the Lord thy God in joyfulness and with gladness of heart.¹³ Now which service is it that is 'in joyfulness and with gladness of heart'? — You must say: It is song. But perhaps it means the words of the Torah, as it is written: The precepts of the Lord are right, rejoicing the heart?¹⁴ — They are described as 'rejoicing the heart', but not as 'gladdening [the heart]'. But say [it refers to] first-fruits, as it is written: And thou shalt rejoice in all the good?¹⁵ — They are called 'good', but not 'gladdening the heart'. R. Mattenah said: Whence do we know that the [offering up of] first-fruits requires a song? — We infer that from the analogy of the words 'good', 'good'¹⁶ which occur here too. But that is not so, for R. Samuel b. Nahmani said in the name of R. Jonathan: Whence do we know that the song is not sung [in the Sanctuary] except over wine? — Because it is said: And the vine said unto them: Should I leave my wine, which cheereth God aid man?¹⁷ Granted that it cheers men, whereby can it cheer God? From this it is evident that the song is not sung except over wine! — That is possible in accord with what R. Jose taught: [You shall take of the fruit of the ground¹⁸ implies] You may offer the fruit, but not liquids. Whence do we know that if he brought grapes and pressed them [he has performed his duty de facto]? The text therefore states: Which thou shalt bring.¹⁹

Hezekiah said [we infer this] from the following passage:²⁰ And Chenaniah, chief of the Levites, was over the song; he was master [yazor] in the song, because he was skilful.²¹ Do not read 'yazor', but 'yashir' [he sang]. Belvati, in the name of R. Johanan inferred it from here: To do the work of service.²² Which work needs [depends on] service? Say: That is the song. R. Isaac inferred it from here: Take up the melody, and sound the timbrel, the sweet harp with the psaltery.²³ R. Nahman b. Isaac derived it from here: Those yonder lift up their voice, they sing for joy; for the majesty of the Lord they shout from the sea.²⁴ One Tanna derived it from here: But unto the sons of Kohath he gave none, because the service of the holy things belonged unto them: they bore them upon their shoulders.²⁵ Would I not have known from the meaning of 'upon their shoulders', that they bore them? Wherefore then they bore them? But 'they bore them' here means 'in song', for thus also it is said: Take up [se'u] the melody and sound the timbrel,²³ and it is said also: They lift up [yisse'u] their voices, they sing for joy, etc.²⁴ Hananiah, the son of the brother of R. Joshua derived it from here: Moses spoke and God answered him by a voice²⁶

(1) Whereas the Mishnah is exact in its style, the Baraitha allows itself occasional hyperbolic language. R. Gershom a.l. uses severe language against the Baraitha. Rashi refers to Hul. 90b where, however, some of the exaggerations go back to the Mishnah Middoth, or are no exaggerations. In this case, at any rate, the Mishnah reports a reasonably effective instrument, whereas the Baraitha tells a tall instrument story.

(2) Neither of the two views would account for his divergence from the other Tannaim.

- (3) The platform upon which the Levites stood during the singing of psalms.
- (4) I.e., free from any taint of illegitimacy.
- (5) If they are Levites they are not only privileged to marry into Israel's noble families, but also, a more practical benefit, to obtain the tithe which a member of that tribe is entitled to receive from the average Jew.
- (6) V. Suk. 51a
- (7) Changed in accord with Marginal Gloss.
- (8) Num. VIII, 19. The Levites were the singers.
- (9) The atoning rites, e.g., the sprinkling of the blood.
- (10) This 'other teaching of Eleazar' justifies the marginal change above. V, n. 1.
- (11) Deut. XXVIII, 7.
- (12) Ibid. X, 8.
- (13) Ibid. XXVIII, 47.
- (14) Ps. XIX, 9.
- (15) Deut. XXVI, 11.
- (16) The same word occurs in the command concerning the first-fruits as well as in connection with the song in the Sanctuary, hence the inferences.
- (17) Judg. IX, 13.
- (18) Deut. XXVI, 2: Thou shalt take of the fruit of the ground.
- (19) Ibid. From this redundant word this additional teaching is to be derived: In any way, as long as thou bringest them.
- (20) Do we derive the Biblical basis for song in the Sanctuary.
- (21) I Chron. XV, 22.
- (22) Num. IV, 47. The song required the service of the sacrifice, at the libations of which the trumpets sounded,
- (23) Ps. LXXXI, 3.
- (24) Isa. XXIV, 14.
- (25) Num. VII, 9.
- (26) Ex. XIX, 19.

Talmud - Mas. Arachin 11b

[i.e.,] concerning the voice.¹ R. Ashi² derived it from here: It came even to pass when the trumpeters and singers were as one to make one sound to be heard.³ R. Jonathan derived it from here: That they die not, neither they, nor ye.⁴ [i.e.,] just as you at the service of the altar, so they, too, at the service of the altar. It was taught also thus: 'That they die not, neither they, nor ye. viz., ye by engaging in their work, or they by engaging in yours, would incur penalty of death; they, however, by engaging in [another's] work of their⁵ own [group] would be incurring penalty for transgression, but not death. Abaye said: We have it on tradition that a singing Levite who did his colleague's work at the gate incurs the penalty of death,⁶ as it is said: And those that were to pitch before the tabernacle eastward before the tent of meeting toward the sunrising, were Moses and Aaron, etc. and the stranger that drew nigh was to be put to death.⁷ What 'stranger' is meant here? Would you say a real stranger [non-priest]? But that has been mentioned [by Scripture] already! Rather, must it mean a 'stranger' to this particular service.

An objection was raised: Concerning a Levite chorister that attended to the Temple gates, or a gate-keeping Levite who sang, as to whether they are guilty of a transgression or incurring penalty of death, that is a matter of dispute among Tannaim, for it was taught: It happened that R. Joshua b. Hananyia went to assist R. Johanan b. Gudgeda in the fastening of the Temple doors,⁸ whereupon he [the latter] said to him: My son, turn back, for you are of the choristers, not of the door-keepers. Would you not say that they were of divided opinion herein, that one held⁹ he incurs the penalty of death, and for this reason the Rabbis forbade [their assisting], whereas the other held that only a transgression was involved, whence [the Rabbis] did not decree this preventive measure? — No, both agree that only a transgression is involved; [and their point of issue is the following:] one holds that the Rabbis forbade assisting as a preventive measure, the other holding that they did not forbid

assisting as a preventive measure.¹⁰

R. Abin asked: Does a freewill burnt-offering of a community require song or not? The Divine Law says: Your burnt-offerings¹¹, which means no matter whether they are obligatory or freewill-offerings; or in saying 'your burnt-offerings' does perhaps the Divine Law mean those of all Israel?¹² — Come and hear: And Hezekiah commanded to offer the burnt-offering upon the altar. And when the burnt-offering began, the song of the Lord began also, and the trumpets, together with the instruments of David, King of Israel.¹³ What need was there here for song? Would you say it was on account of [the daily] obligatory burnt-offering? That surely needed no consultation? Rather, it was one in connection with a freewill burnt-offering! Said R. Joseph: No, it was the burnt-offering [offered] on the new moon, and it was questionable as to whether the new month has been fixed in its right time so that it should be offered up, or not. Said Abaye to him: How can you say so,¹⁴ is it not written: And on the sixteenth day of the first month they made an end . . . then Hezekiah commanded to offer the burnt-offering upon the altar, etc.¹⁵ — Rather, said Rami the son of R. Yeba: The question was with reference to the lamb offered up with the 'Omer,¹⁶ [namely]: Was the new month decreed in its right time or not so that the lamb may be offered? — R. Avya demurred to this: They should have seen when the paschal lamb had been sacrificed, when the leavened bread had been eaten!¹⁷ Rather, said R. Ashi: It is the same as with the messenger of the congregation, who consults [formally asks for permission to start the prayer].¹⁸ Now that you have come to this answer, say: Even if it was the case of the [daily] obligatory burnt-offering, [yet there is no difficulty]: It is the same as with any messenger of a community, who consults [his congregation].

Come and hear: R. Jose said, Good¹⁹ things are brought about on a good [auspicious] day, and evil ones on a bad one. It is said, The day on which the first Temple was destroyed was the ninth of Ab, and it was at the going out of the Sabbath,²⁰ and at the end of the seventh [Sabbatical] year. The [priestly] guard was that of Jehoharib, the priests and Levites were standing on their platform singing the song. What song was it? And He hath brought upon them their iniquity, and will cut them off in their evil.²¹ They had no time to complete [the psalm with] 'The Lord our God will cut them off', before the enemies came and overwhelmed them. The same happened the second time [the second Sanctuary's destruction].²² Now what need was there for song? Would you say that it was on account of the [daily] burnt-offering? But that could not be, for on the seventeenth of Tammuz the continual sacrifice had been abolished.²³ Hence it was on account of a freewill burnt-offering! But how could you think so? Why should an obligatory-offering have been impossible and a freewill-offering available? — That is no difficulty: A young ox may accidentally have come to them!²⁴ Said Raba, or, as some say, R. Ashi: But how could you think so?²⁵ The song of the day was: The earth is the Lord's and the fulness thereof,²⁶ whereas the verse, 'And He hath brought upon them their iniquity' belongs to the song due on the fourth day of the week! Rather [what you must say is.] It was just a lamentation text that had come to their mouth. But it says: 'They were standing upon the platform'²⁷ [Rather, say] That is in accord with Resh Lakish who said: The song may be sung even without any [attending] sacrifice.²⁸ But that principle might be applied to a voluntary burnt-offering, too?²⁹ — That might lead to an offence.³⁰ How is it therewith?³¹ — Come and hear: R. Mari the son of R. Kahana taught: Over your burnt-offerings and over the sacrifices of your peace-offerings;³² just as the burnt-offering is Most Holy, so are the peace-offerings [referred to] Most Holy;³³ and just as the peace-offerings have a definite time fixed for them, so have the burnt-offerings a definite time fixed for them.³⁴

(1) He commanded him concerning the voice of song, Moses being a Levite.

(2) Marginal Gloss suggests R. Oshaia, the usual disputant of R. Jonathan who follows.

(3) II Chron. V, 13.

(4) Num. XVIII, 3. The only altar service of fit Levites was the singing. Anyone performing at the altar any service for which he is unfitted, as e.g., exchanging the Levite's task for that of the priest's incurs that penalty.

(5) If a Levite engaged in the work of another Levite, his offence is not as serious as that of one who had undertaken

Priest's work; still, it is an offence.

(6) Abaye does not appear satisfied with the distinction made just now, because he found a teaching much more severe, (7) Num. III, 38. The Torah would not state anything twice. In III, 10: The stranger that draweth nigh shall be put to death (i.e., by the hand of heaven). Hence the statement involving a similar penalty to the stranger in verse 38 must refer to another 'stranger', a Levite who was a 'stranger' because unfit for that service allotted to another.

(8) Both Rabbis were Levites.

(9) When a chorister or doorkeeper do each other's work.

(10) R. Johanan held that if a chorister did gate-service alone he incurred penalty of death, hence if he assisted in such work as was not allotted to him, he, at any rate, fell under the interdiction of the Sages, whence he advised him to return; the interdiction of the Sages having for its purpose the prevention of any Levite's doing his neighbour's work unassisted, which offence would involve death as the penalty. But R. Joshua held that even if a Levite did his neighbour's work alone, no more than a transgression of a prohibition, without attendant severe penalty, was involved; hence if one only assisted one's neighbour, not even Rabbinic interdiction was transgressed.

(11) Num. X, 10.

(12) Restricting it, however, to obligatory dues.

(13) II Chron. XXIX, 27. Obviously he had been consulted, otherwise he would not have commanded a self-evident thing. Hence the matter must have been non-obvious.

(14) That this was on the new moon,

(15) Ibid. 17.

(16) V. Lev. XXIII, 12. The lamb was an obligatory burnt-offering.

(17) Aliter: How could they have offered up if the date was not clear to them?

(18) Similarly with the case of Hezekiah, formal permission was first obtained from him before sacrificing the lamb offered in connection with the omer, though it was an obligatory one.

(19) E.g., the redemption from Egypt, as well as the final redemption, fall into the month of Nisan. In Num. XIV, 1 the whole congregation is reported to 'have lifted up their voice and cried', complaining against Moses and Aaron, and against God. That evil day fell on the ninth of Ab. The ninth of Ab therefore was a day predestined to disaster. (R. Gershom.)

(20) I.e., Sunday.

(21) Ps. XCIV, 23.

(22) V. Ta'an, 27a.

(23) Because no lambs were left for the sacrifice and none would be imported on account of the siege.

(24) The siege had prevented the securing of proper animals (lambs) for the continual offering. but any cattle was fit for the freewill burnt-offering.

(25) That the song referred to is the song sung in connection with offerings.

(26) Ps. XXIV, 1. This is the song for Sunday; every day had its song definitely arranged.

(27) [How then could it be assumed that the references to a freewill-offering; surely not all the Levites would take their stand on the platform for the offering of a freewill sacrifice (v. R. Gershom).]

(28) [So that the song could have been sung though there was no continual sacrifice. Consequently the song in the cited Baraitha may refer to the one sung in connection with the obligatory daily burnt-offerings, affording no solution to R. Abin's query.]

(29) If a song was in order even without any sacrifice being offered, the answer would have been found for the question above of R. Abin (Tosaf.).

(30) One would have inferred that no freewill-offering may be offered up without a song, so that if no Levites were present or available, as happened in the time of Ezra, no freewill burnt-offerings would be made at all! (R. Gershom.) According to Rashi: If voluntary singing were permitted, its very voluntariness would occasion legal laxities, and such laxities would be transferred to obligatory songs. too.

(31) What is the answer to R. Abin's question?

(32) Num. X, 10. Here Scripture compares the freewill peace offering to the burnt-offering, in connection with prescribed music.

(33) I.e., congregational peace-offerings, v. Lev. XXIII, 19.

(34) Only burnt-offerings due at a definite time, i.e., only prescribed, obligatory ones, require a song, but not voluntary ones.

Talmud - Mas. Arachin 12a

The following question was asked: Do libations offered¹ up by themselves require a song or not? Since R. Samuel b. Nahmani had said: Whence do we know that one does not sing the [Sanctuary] song except over wine, etc.?² Do we say it [over wine alone], or do we say it only when [the sacrifice] includes food and drink, but not over drink alone? — Come and hear: R. Jose said, Good things are brought about on an auspicious day. etc. Now what need was there for song? Would you say it was on account of an obligatory burnt-offering? But that could not be for on the seventeenth of Tammuz the continual offering was abolished! And if it was on account of a voluntary burnt-offering! Did not R. Mari the son of R. Kahana teach that such did not require a song?³ — Hence it must have been the song on account of libations?⁴ Said Raba, or as some say. R. Ashi: But how could you think so? The song of the day was ‘The earth is the Lord's and the fulness thereof’, whereas the verse, ‘And He brought upon them their iniquity’ belongs to the song due on the fourth day of the week? Rather [say]: It was a verse of lamentation that came to their mouth! But it says: ‘And they were standing on their platform’? — [Rather say,] That is in accord with Resh Lakish; for Resh Lakish said: The song may be sung even without any [attending] sacrifice. Then let the same be said for libations, too? — That might lead to an offence.

[To turn to] the [above] text: R. Jose said, Good things are brought about on an auspicious day, etc. ‘At the first time it was at the end of the seventh year’. How could that have been? Is it not written: In the five and twentieth year of our captivity. in the beginning of the year, in the tenth day of the month, in the fourteenth year after that the city was smitten.⁵ Now which is the year the beginning of which falls on the tenth of Tishri? Say: This is the jubilee year.⁶ And if you should think that [the Sanctuary] was destroyed in the first year [of the seven years’ cycle], [consider] there are from the first year of one seven years’ cycle to the first year of another seven years’ cycle eight years, and to the first of the next seven years cycle fifteen years? — Said Rabina: It was in the fourteenth year after the year in which the city was smitten. But how, then, in ‘the twenty-fifth year’? It was, really in the twenty-sixth year, for a Master said: They were exiled in the seventh year, they were exiled in the eighth year, they were exiled in the eighteenth year, they were exiled in the nineteenth year. Now from the seventh to the eighteenth are eleven years, add fifteen and that makes it twenty-six years!⁷ — Rabina will answer you: But even according to your own reckoning is it right? Since they were exiled also in the nineteenth year, [you have] from the seventh to the nineteenth twelve years, add fourteen years and you have twenty-six years? What you must therefore say⁸ is that [the counting] excludes the year in which they were exiled. So is it with me: [the counting] excludes the year in which they were exiled. But, at any rate, the number nineteen remains a difficulty according to Rabina?⁹ Do you think three exiles are involved? [No, rather:] they were exiled in the seventh year after the subjection of Jehoiakim,¹⁰ which happened to be the eighth year of Nebuchadnezzar; they were exiled in the eighteenth year¹¹ after the conquest of Jehoiakim. which was the nineteenth year of Nebuchadnezzar, for a Master has taught: In the first year he [Nebuchadnezzar] conquered Nineveh

(1) V. Men. 44, according to which libations could be offered up on the morrow after the sacrifice.

(2) V. supra 11a.

(3) V. supra p. 66 n. 10.

(4) Which solves the query first propounded.

(5) According to Ezek. XL, 1 this was the year when the Sanctuary was destroyed. ‘Our Exile’ meaning the exile of Jehoiakim in 597.

(6) In the jubilee year the beginning falls on the Day of Atonement, on which the Sanhedrin sounds the shofar, the slaves are set free, and the fields are restored to their original owners. V. R.H. 8b.

(7) This is soon explained.

(8) In order to explain the statement of Ezekiel satisfactorily.

(9) For, if he counts from seven to nineteen, he finds twelve years, which with fourteen added, again are twenty-six.

(10) In 597.

(11) In 586 under Zedekiah.

Talmud - Mas. Arachin 12b

, in the second he came up and conquered Jehoiakim.¹ ‘The same happened with the second [destruction of the Temple]’. But how is it possible that the second time it happened at the end of a septennate? For how long did the second [Temple] stand? Four hundred and twenty years. Now, four hundred years correspond to eight [cycles of] jubilees, fourteen years would make two septennates, leaving six years over. Hence it [the second destruction] should have happened in the sixth year [of the septennate]! — This is in accord with R. Judah, who says that the fiftieth year is counted both ways.² Take the eight years of the eight jubilee [cycles], add [to them] those six [years] which will amount to fourteen years, thus it is found that it [the destruction of the second Sanctuary] happened at the end of a septennate. But on the view of R. Judah it could not have happened the first time at the end of a septennate; for it was taught: Seventeen jubilee [cycles] did Israel count from the time they entered the Land [of Israel] until they left it. And you cannot assume that they counted from the moment they entered, for if you were to say so, it would be found that the [first] Temple was destroyed at the beginning of a jubilee, and you could not find [right the statement]: ‘in the fourteenth year, after that the city was smitten’.³ Rather, deduct from them the seven years of the conquest and the seven during which the land was distributed, thus you find [substantiated]: ‘In the fourteenth year after that the city was smitten’. But according to R. Judah you must count the seventeen years of the seventeen jubilee [cycles], and add them to these, so that it happened in the third year of a seven years cycle! — The years from the exile by Sennecherib until their return through Jeremiah are not counted.⁴ Or, if you like, I can say it is indeed in accord with the Rabbis, and as to the statement ‘the same happened the second time’, this refers to the remaining [details].⁵ This also stands to reason, for if you were not to take it thus, was there indeed the guard of Jehoiarib at the second Sanctuary? Was it not taught: Four guards went up from the Exile: Jedaiah,⁶ Harim, Pashhur and Immer. The prophets who were among them divided them into twenty-four guards. They mixed them [the lots] and placed them into an urn. Thereupon came Jedaiah and took six for his own portion and for that of his fellows;

(1) It was not exile, but subjection which Jehoiakim suffered. According to II Kings XXIV, 1: Jehoiakim became his servant three years; then he turned and rebelled against him.

(2) The fiftieth year is counted as the end of the last and as the beginning of the new jubilee cycle.

(3) Which, as explained supra 12a, was a jubilee year.

(4) So Rashi and Tosaf. According to tradition Jeremiah restored the ten tribes in the eighteenth year of King Josiah (v. infra 33a and Meg. 14b). With their return began the counting of a new jubilee cycle to mark the renewed observance of the laws of the Year of Release and Jubilee which had fallen into disuse while the Northern Kingdom was in exile. The Temple was destroyed 36 years later so that the ‘fourteenth year after that the city was smitten’ fell in the jubilee year. Cur. edd. read: ‘the three years from the exile’ which is inexplicable.

(5) Outgoing of Sabbath, ninth of Ab.

(6) In the first Sanctuary the guard of Jedaiah came before that of Pashhur, which again preceded that of Immer. Now, however, the order was not clear, hence the prophets chose to abide by the decision of the lots.

Talmud - Mas. Arachin 13a

then came Harim and took six for his own portion and for that of his fellows. Thus also Pashhur and Immer. Then the prophets who were among them regulated that even if Jehoiarib the head of the guards were to come up he could not push Jedaiah from his place, but Jedaiah would remain the chief, and Jehoiarib only an adjunct to him.¹ Hence [the statement refers only] to the remaining [details].

R. Ashi said: He does not count the six years until Ezra had come up and dedicated [the Sanctuary].² For it is written: Then ceased the work of the house of God which is at Jerusalem.³ And it is also written: And this house was finished on the third day of the month Adar, which was in the sixth year of the reign of Darius the king.⁴ And a Tanna taught: About the same time in the following year Ezra with his exiled community went up [to the Land], as it is said: And he came to Jerusalem in the fifth month, which was in the seventh year of the king.⁵ [To revert to] the main text: ‘Seventeen jubilee cycles did Israel count from the time they entered the Land until they left it’. But you cannot say that they counted from the moment they entered. For if you were to say so, then it would be found that the Temple was destroyed at the beginning of a seven years cycle and you could not account for: ‘In the fourteenth year after that the city was smitten, etc.’ Whence do we know that it took seven years to conquer [the Land]? — Caleb said: Forty years old was I when Moses the servant of the Lord sent me from Kadesh-Barnea to spy out the land⁶ . . . and now, lo, I am this day four-score and five years old.⁷ And a Master said: ‘The first year Moses built the tabernacle, in the second the tabernacle was put up, then he sent out the spies. When Caleb passed over the Jordan how old therefore was he? He was two years less than eighty years old.⁸ When he distributed the inheritances, he said: ‘Now, lo, I am this day four-score and five years old’. Whence it follows that it took seven years for them to conquer the land. And whence do we know that it took them seven years to distribute it? — If you like, say: Since the conquest took seven years, so did the distribution. Or, if you like, say: Because otherwise one could not account for ‘In the fourteenth year after that the city was smitten’.

MISHNAH. THERE WERE NEVER LESS THAN SIX⁹ INSPECTED LAMBS IN THE CELL OF LAMBS,¹⁰ SUFFICIENT FOR A SABBATH AND THE [TWO] FESTIVAL DAYS OF THE NEW YEAR,¹¹ AND THEIR NUMBER COULD BE INCREASED INTO INFINITY. THERE WERE NEVER LESS THAN TWO TRUMPETS AND THEIR NUMBER COULD BE INCREASED INTO INFINITY.¹² THERE WERE NEVER LESS THAN NINE LYRES, AND THEIR NUMBER COULD BE INCREASED INTO INFINITY. BUT THERE WAS ONLY ONE CYMBAL.

GEMARA. But the continual and the additional sacrifices were larger in number?¹³ — The Tanna refers to average days, and only to continual daily offerings. As for SUFFICIENT FOR A SABBATH AND THE [TWO] FESTIVAL DAYS OF THE NEW YEAR, that is to serve only as a mnemotechnical note, and this is what he says: There were never less than six inspected

(1) V. Ta'an, 27a.

(2) And thereby reintroduced into force the laws of the Years of Release and Jubilee.

(3) Ezra IV, 24.

(4) Ibid. VI, 15.

(5) Ibid. VII, 8. R. Ashi holds that the statement ‘the same happened with the second Temple’ refers also to the termination of the jubilee and explains it by deducting six years from the total of 420.

(6) Jos. XIV, 7.

(7) Ibid. 10.

(8) Allowing forty years for the sojourn of Israel in the wilderness.

(9) Two lambs each were required for the continual daily morning and evening sacrifice. The Gemara infers below that just as with the paschal lamb, which was ordered on the tenth of Nissan to be slaughtered on the fourteenth, the lambs for the continual daily sacrifices too had to be examined four days before the actual slaughtering for any blemish which would render them invalid. Whenever the two lambs were taken out for the daily need, at least six other examined ones had to be left at the same time, so that the lambs, newly introduced, were actually used only on the fourth day thereafter.

(10) V. Tam. III, 3.

(11) When the three fell on consecutive days, the Gemara described these words as a mnemotechnical expression. Rashi: The number of six is required for Sabbath and the two days of the New Year if they ate consecutive, each needing two.

Maimonides: Six was the necessary number, because the newly introduced lambs had to be inspected for four days before they could be used, four being the number of the days which remain in a week after one has taken off the maximum of festival days that can occur in one week, i.e., the Sabbath and the two days of the New Year. Bartinoro follows Maimonides with this modification: The lambs required inspection four days, just as it would be necessary when the New Year's two days followed the Sabbath, because in that case the lambs to be used the following Tuesday would have to have been provided on the Friday before, in order that they be available early on Tuesday.

(12) There seems to be a contradiction between the Mishnah and the statement in the Gemara that the maximum number of trumpets is one hundred and twenty. As a matter of fact, some editions of the Talmud omit the words 'and their number could be increased, etc.'.

(13) On these three days, the Sabbath and the two days of the New Year Festival.

Talmud - Mas. Arachin 13b

lambs in the cell of lambs, [having thus been inspected] four days before they were actually slaughtered. Whose view is this? That of Ben Bag Bag, for it was taught: Ben Bag Bag said, Whence do we know that it [the lamb destined for the continual daily offering] requires to be inspected four days before the slaughtering? The text states: Shall ye observe [tishmru] to offer unto Me in its due season,¹ and there it is said: And ye shall keep it [le-mishmereth] until the fourteenth day of the same month;² just as there³ it was required that it [the animal] be inspected four days before the slaughtering, so here, too, is it required that it be examined four days before the slaughtering. That⁴ may also be inferred from [the wording]: SUFFICIENT FOR A SABBATH, not 'for a Sabbath'. That inference is conclusive.

NEVER LESS THAN TWO TRUMPETS AND THEIR NUMBER COULD BE INCREASED INTO INFINITY. How far? — R. Huna b. Zabdi (or, according to others, R. Zabdi said in the name of R. Huna): Up to one hundred and twenty. And it is said: And with them a hundred and twenty priests sounding with trumpets.⁵

NEVER LESS THAN NINE LYRES . . . BUT ONLY ONE CYMBAL. Whence do we know that? — R. Ashi said: Scripture said: And Asaph with cymbals, sounding aloud.⁶ But 'cymbals' implies two? — Since they both perform one function and are played by one man, he [the Tanna] called them one.

MISHNAH. THERE WERE NEVER LESS THAN TWELVE LEVITES⁷ STANDING ON THE PLATFORM⁸ AND THEIR NUMBER COULD BE INCREASED INTO INFINITY. NO MINOR COULD ENTER THE COURT OF THE SANCTUARY TO TAKE PART IN THE SERVICE EXCEPT WHEN THE LEVITES STOOD UP TO SING.⁹ NOR DID THEY¹⁰ JOIN IN THE SINGING WITH HARP AND LYRE, BUT WITH THE MOUTH ALONE, TO ADD FLAVOUR TO THE MUSIC, R. ELIEZER B. JACOB SAID: THEY DID NOT HELP TO MAKE UP THE REQUIRED NUMBER, NOR DID THEY STAND ON THE PLATFORM. BUT THEY WOULD STAND ON THE GROUND, SO THAT THEIR HEADS WERE BETWEEN THE FEET OF THE LEVITES. AND THEY WOULD BE CALLED THE TORMENTORS OF THE LEVITES. GEMARA. To whom did these correspond? — To the nine lyres, two harps, and the one cymbal, as it is said: He and his brethren and sons were twelve.¹¹

NO MINOR COULD ENTER THE COURT OF THE SANCTUARY etc. Whence do we know that? — R. Johanan said: Because Scripture said, Then stood Jeshua with his sons and his brethren, and Kadmiel and his sons, the sons of Judah together, to have the oversight of the workmen in the house of God.¹²

NOR DID THEY JOIN IN THE SINGING WITH THE HARP AND LYRE, BUT WITH THE MOUTH ALONE etc. One would say therefore that harp and lyre are different instruments. Is this to

say that our Mishnah is not in accord with R. Judah, for it was taught: R. Judah said, The harp of the Sanctuary had seven cords, as it is written: In Thy presence is fitness [soba'] of joy;¹³ read not, fulness [soba'], but seven [sheba']! The harp of the messianic days has eight cords, as it is said: For the leader on the Sheminith,¹⁴ [i.e., the eighth string]. The harp of the world to come has ten cords, as it is said: With an instrument of ten strings, and with the psaltery; with a solemn sound upon the harp.¹⁵ Furthermore, it is said: Give thanks unto the Lord with harp, sing praises unto Him with the psaltery of ten strings. Sing unto Him a new song; play skilfully midst shouts of joy.¹⁶ You could say also that [our Mishnah will be] in accord with R. Judah: Since, in the world to come, it will have more cords and its sound will be stronger, like that of a harp, he calls it 'harp'.

R. ELIEZER B. JACOB SAID: THEY DID NOT HELP TO MAKE UP THE REQUIRED NUMBER etc. A Tanna taught: They were called assistants to the Levites. Our Tanna, however, called them tormentors of the Levites because their voice was high, the voice of the others low: they could sing high. whereas the others could not do so.

CHAPTER III

MISHNAH. THE LAW OF VALUATION IS AT TIMES IN THE DIRECTION OF LENIENCY, AT OTHERS IN THE DIRECTION OF STRINGENCY. THE LAW OF THE FIELD OF POSSESSION¹⁷ IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. THE LAW CONCERNING A MU'AD¹⁸ OX THAT HAS KILLED A SLAVE IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. THE LAW OF THE VIOLATOR¹⁹ AND SEDUCER²⁰ AND OF HIM THAT HATH BROUGHT UP AN EVIL NAME²¹ IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. THE LAW OF VALUATION IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. HOW IS THAT? IT IS ALL ONE WHETHER A MAN HAS EVALUATED THE FAIREST IN ISRAEL, OR THE UGLIEST IN ISRAEL, HE MUST PAY FIFTY SELA'S.²² BUT IF HE SAID: I VOW HIS WORTH,²³ HE NEED PAY BUT AS MUCH AS HE IS WORTH [THERE].

GEMARA. THE LAW OF VALUATION IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT etc. HOW IS THAT? IT IS ALL ONE WHETHER A MAN HAS EVALUATED etc. Only IN ISRAEL but not in the case of an idolater. Shall We say that our Mishnah will not be in accord with R. Meir? For it was taught: Concerning an idolater, R. Meir said he may be made the subject of valuation, but he may not evaluate!²⁴ You may say also that it is in accord With R. Meir, and that the same law would apply to idolaters, but

(1) Num. XXVIII, 2 in connection with the daily continual offering.

(2) Ex. XII, 6 in connection with the first paschal offering.

(3) On the tenth of Nisan it was to be prepared. on the fourteenth to be sacrificed.

(4) I.e., that the Mishnah meant this to serve as a mere mnemotechnical note.

(5) II Chron. V, 12.

(6) I Chron. XVI, 5.

(7) To play the twelve instruments, accompanying with them their song, the song being, according to all, the essential (Tosaf.). Maimonides holds the twelve Levites to have been the singers, as distinct from the players of the instruments.

(8) The raised platform, on which the Levites stood whilst playing or singing.

(9) According to Rashi minors were not admitted at all to any service in the Sanctuary except to join the Levites in the singing. Maimonides, however, refers this passage to the introduction of young priests and Levites to the service, who, even after having reached maturity. could enter the Sanctuary for first time participation in the service, only when the Levites, standing on the platform, were singing.

(10) Rashi: the minors, Maim.: the twelve Levites.

(11) I Chron. XXV, 9.

(12) Ezra III, 9.

- (13) Ps. XVI, II.
 (14) Lit., 'on the eighth'. Ibid. XII, 1.
 (15) Ps. XCII, 4.
 (16) Ibid. XXXIII, 2, 3.
 (17) Which one has inherited, Lev. XXVII, 16ff.
 (18) Lit., '(whose master has been) forewarned', the ox having done damage three times. V. Glos.
 (19) V. Deut. XXII, 28.
 (20) V. Ex. XXII, 15.
 (21) V. Deut. XXII, 19.
 (22) If the man valued was between twenty and sixty years of age.
 (23) Lit., 'his money'.
 (24) V. supra 5b.

Talmud - Mas. Arachin 14a

[our Mishnah] informs us incidentally¹ of a teaching in accord with Rab Judah, Who said in the name of Rab: One should not say, How beautiful is this Canaanite!² Then let it teach: 'Whether a man has dedicated the fairest in Israel or the ugliest among Canaanites'? It deals with one nation, not With two nations. But does it not? Surely it teaches: 'Of the noblest among the priests, and the humblest in Israel'?³ — There it is one nation, except that the priests are holier. And if you like, say: Since it is about to teach, in the second part of the Mishnah, concerning a field of possession which applies only to Israel, not to idolaters, because they do not possess fields [by inheritance in the Land],⁴ therefore it teaches also [in the first part of the Mishnah] with reference to Israel alone.

MISHNAH. 'THE LAW OF THE FIELD OF POSSESSION IS AT TIMES MORE LENIENT, AT OTHERS MORE STRINGENT. HOW IS THAT? IT IS ALL ONE WHETHER A MAN DEDICATES A FIELD IN THE SANDY PLAIN OF MAHUZ⁵ OR IN THE GARDENS OF SEBASTE, [IF HE WOULD REDEEM IT] HE MUST PAY FIFTY SHEKELS OF SILVER FOR [EVERY PART OF THE FIELD SUFFICIENT FOR] THE SOWING OF A HOMER OF BARLEY,⁶ BUT IF IT WAS A FIELD WHICH HE HATH BOUGHT',⁷ HE MUST PAY WHAT IT IS WORTH. R. ELIEZER SAYS: IT IS ALL THE SAME WHETHER IT BE A FIELD OF POSSESSION OR ONE THAT HE HATH BOUGHT. THE ONLY DIFFERENCE BETWEEN THE FIELD OF POSSESSION AND THAT WHICH HE HATH BOUGHT LIES THEREIN: FOR A FIELD OF POSSESSION HE MUST PAY THE [ADDED] FIFTH, WHEREAS FOR A FIELD THAT HE HATH BOUGHT HE NEED NOT PAY THE ADDED FIFTH.'⁸

GEMARA. R. Huna said: If a man had dedicated a field full of trees, he must, when he comes to redeem them, redeem the trees for what they are worth, and then redeem the ground at [the rate of] fifty shekels of silver for [every part of the field sufficient for] 'the sowing of a homer of barley'. We see thus that R. Huna tells one Who dedicated, dedicates with a generous eye.⁹ R. Nahman raised the following objection to R. Huna: IT IS ALL ONE WHETHER A MAN DEDICATES A FIELD IN THE SANDY PLAIN OF MAHUZ OR IN THE GARDENS¹⁰ OF SEBASTE, HE MUST PAY FIFTY SHEKELS OF SILVER FOR [EVERY PART OF THE FIELD SUFFICIENT FOR] THE SOWING OF A HOMER OF BARLEY? — He answered: He [the Tanna] means: Such as are fit to be gardens.¹¹

He raised a further objection: 'Field for the sowing':¹² from this I know only [the rule] in the case of a field for sowing. whence do we know it concerning a field of vines, or a field of reeds, or a field of trees? Therefore Scripture says: Field,¹³ i.e., as long as it is a field! — R. Huna replied: Here, too, he redeems, and then redeems again!

He raised a further objection: If one dedicates three trees of a plantation in which ten were planted

in a field sufficient for the sowing of one se'ah,¹⁴ then he also dedicates the soil as well as the trees between them.¹⁵ When he redeems them, he redeems them at the rate of fifty shekels of silver for every piece of the field sufficient for the sowing of a homer of barley.¹⁶ If they are planted more thickly or less thickly than this, or if he dedicates them one after the other, then he does not dedicate thereby either the soil or the trees between them;¹⁷ therefore, when he redeems them he redeems the trees at their value; and even more, if he first dedicates his trees¹⁸ and afterwards dedicates the ground, when he comes to redeem them, he must redeem the trees at their value, and then he must redeem the ground again, at the rate of fifty shekels of silver for [every part of the field sufficient for] the sowing of a homer of barley!¹⁹ And, if you were to say: Here²⁰ too, he redeems and then must redeem again; but surely since the second clause expressly mentions 'he must redeem and redeem again', it follows that in the first clause this is not so! Rather, say: According to whom is this [teaching]?¹⁹ It is in accord with R. Simeon, who holds that one who dedicates does so 'with an ungenerous eye', for it was taught: If one dedicates a field, he dedicates the whole of it.²¹ R. Simeon says: He does not dedicate anything [together with the field] save the full grown carob tree and the cropped sycamore tree. If this be in accord with R. Simeon, consider the second part: 'And not only that, but if he dedicates the trees and afterwards the ground, when he comes to redeem, he must redeem the trees at their value, and then must redeem the ground again at the rate of fifty shekels of silver for [every part of the field sufficient for] the sowing of a homer of barley'! Now if it were in accord with R. Simeon, one should be guided only by the circumstances²² at the time of redemption, and hence they should be redeemed [automatically] with the ground, for we have heard from R. Simeon to be guided by circumstances at the time of redemption. For it was taught: Whence do we know that if one buys a field from his father and dedicates it, and the father died afterwards, that that field is considered a 'field of possession'? Because the text states: And if he sanctify unto the Lord a field which he hath bought, which is not of the field of his possession,²³ i.e., a field which could not become a field of possession,²⁴ that excludes [such a field as] this, which would have become his field of possession. This is the view of R. Judah and R. Simeon. R. Meir said: Whence do we know that if one buys a field from his father, and his father died, and he thereupon dedicated it, that it is considered a field of possession?

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- (1) By not teaching 'the fairest among Canaanites', because one should not attribute any beauty to those indulging in the cruelty and immorality of idolaters.
 - (2) This was Rab Judah's teaching (v. A.Z. 20a). for which the Mishnah offers authoritative endorsement by implication.
 - (3) V. infra 15a.
 - (4) An idolater could not, by Biblical law, redeem his field of possession for the payment of fifty shekels; he would have to repay its value.
 - (5) Mahuz may be the term tech. for 'place', 'circle', or the name of an unidentified locality. 'The desert, sandy wilderness of Mahuz' would be a good contrast to the rich, developed gardens of Sebaste, the city built by Herod on the ruins of Samaria. According to Rashi the reference in Mahuz is to a field in the environs of a town the ground of which is continually trodden on and thus has become sterile.
 - (6) Lev. XXVII, 16. A field sufficient for the sowing of a 'homer of barley', according to 'Er. 23b would hold 75,000 square cubits.
 - (7) V. Lev. XXVII, 22.
 - (8) For the field of possession as well as for the field bought, the price of redemption is fifty silver pieces for every part of the field sufficient for the sowing of a homer of barley. But with the field of possession, the owner must pay the additional fifth, whereas with a field bought he need but pay what it is worth.
 - (9) He dedicated the tract and in addition thereto, the trees, hence when he comes to redeem, he must redeem the tract after having redeemed the trees.
 - (10) The gardens of Sebaste were planted vineyards, nevertheless the Mishnah states they can be redeemed with fifty silver pieces etc., which shows that the trees were redeemed with them, thus disproving the view of R. Huna. The latter says the sum mentioned refers only to the field; as for the trees, they must be redeemed at their value, the redemption of one following the other.
 - (11) Without being actually planted with trees.

(12) The reference is probably to Lev. XXVII, 16, although the word 'field' (lit., 'house') does not occur in the Biblical text.

(13) Ibid.

(14) One se'ah is the thirtieth part of a homer; the field corresponding would contain 2,500 square cubits.

(15) Small trees.

(16) This would be contra R. Huna.

(17) The usual way of planting trees is to plant ten in a field sufficient for the sowing of one se'ah. The whole tract is needed for these trees, hence if they are dedicated, the tract and the small trees between them are dedicated too. If the trees are planted either more or less thickly, only the trees are considered dedicated, and only they need be redeemed.

(18) Planted more or less thickly.

(19) V. B.B. 72a.

(20) In the first clause from which an objection is raised against R. Huna.

(21) All that it contains. (9) Which are old and large. and derive their sustenance from the ground more than any other tree, v. B.B., Sonc. ed., p. 282 notes.

(22) At the moment of the redemption the trees are on the ground, and the question as to whether they were dedicated together with or after the tract is then irrelevant.

(23) Lev. XXVII, 22.

(24) Since he bought it from a stranger, from whom he would not inherit it.

Talmud - Mas. Arachin 14b

— Because the text states: 'And if he sanctify unto the Lord a field which he hath bought, which is not the field of his possession', i.e., a field which is not a field of possession, excluding one that is his field of possession. Now according to R. Judah and R. Simeon, even if he dedicated it and his father died subsequently, it is still considered a field of possession. What is the reason therefore? It is on account of the Scriptural text?¹ But that is in favour of R. Meir's view!² Rather must you say because one is guided by the circumstances at the redeeming!³ Said R. Nahman b. Isaac: R. Judah and R. Simeon found a Scriptural verse and expounded it. If it were so [as R. Meir holds], the Divine Law should have written: 'If he sanctify . . . a field which he hath bought, which is not his possession'. But since it says: Which is not of the field of his possession, [it means:] A field which is not fit⁴ to be the field of his possession.

R. Papa said: If one dedicates stony ground, he must redeem it at its value. Why? — The Divine Law speaks of a 'field for the sowing', and this ground cannot be sown. If he has not redeemed it, then in the jubilee year, it goes forth to the priests.⁵ Why? — Because the Divine Law speaks of a 'field', no matter of what kind. If he sold stony ground, it can be redeemed even within two years.⁶ Why? 'According to the number of the years of the crops', says the Divine Law, and it [stony ground] is incapable of having crops. If he has not redeemed it, it returns in the jubilee year to the owners. Why? And he shall return into his possession,⁷ the Divine Law says, and this, too, is possession. If he dedicates trees he redeems them at their worth. What is the reason? — The Divine Law says: 'a field for sowing', but not trees. If he did not redeem them they do not go forth in the jubilee year to the priest. What is the reason? — The Divine Law says, 'and the field shall be', but not trees. If he sold trees they are not redeemed before two years. What is the reason? — 'According to the number of the years of the crops', says the Divine Law, and these are productive of crops. If he has not redeemed them they do not return to the owner at Jubilee. What is the reason? — 'And he shall return unto his possession says the Divine Law, but not trees.

The Master said: If he dedicates trees he redeems them at their worth [etc.]. But why? — Let them become sacred [property] through the ground and be redeemed together with it and return to their owners [at Jubilee] together with the ground? And if you were to argue: He dedicated trees, but not ground, but did not the Nehardeans say: If one sells to his neighbour a [date] palm, the latter acquires it from the base⁸ to the furthest depth? — But it was taught in connection therewith: Only if he came

with such a claim.⁹

BUT IF IT WAS A FIELD WHICH HE HATH BOUGHT HE MUST PAY WHAT IT IS ACTUALLY WORTH: Our Rabbis taught: The worth,¹⁰ what does that teach us? Since it is said: 'Fifty shekels of silver for every piece of the field sufficient for the sowing of a homer of barley', I might have thought the same applied also to a field which he bought, therefore the text states 'the worth'.¹¹ R. Eliezer says: Here it is said: [The priest] shall reckon,¹⁰ and above it is said: [The priest] shall reckon.¹² Just as there a definite [sum], so here, also, a definite [sum]. The following question was asked: Do the Rabbis accept this gezerah shawah,¹³ and hence they infer also the additional fifth,¹⁴ or do they not accept this gezerah shawah and neither the fifth? — Said Raba: It seems logical that they do not accept this gezerah shawah. For the Divine Law revealed [taught] concerning the fifth, both in connection with a field of possession, and also with one who dedicated his house;¹⁵ we have thus two Scriptural verses teaching the same thing and 'whenever two Scriptural verses teach the same thing, they do not serve as illustrations for other cases'.¹⁶ But what according to him who says 'they do serve as illustrations for other cases'? — Since the Divine Law revealed about a fifth in connection with the title of pure and impure cattle, it is a teaching occurring frequently, and hence they do not serve as illustrations in other cases. It was taught in accord with Raba, but not for the reason he advanced:¹⁷ It was taught: 'The worth of thy valuation', herewith Scripture compares it to valuation: just as no fifth is added in connection with valuation, so no fifth is added in connection with a field that he has bought.

MISHNAH. THE LAW CONCERNING A MU'AD OX THAT HAS KILLED A SLAVE,¹⁸ IS AT TIMES IN THE DIRECTION OF LENIENCY, AT OTHERS IN THE DIRECTION OF STRINGENCY. HOW IS THAT? IT IS ALL ONE WHETHER IT KILLED THE FINEST SLAVE OR THE UGLIEST SLAVE, HE MUST PAY THIRTY SELA'S. IF IT KILLED A FREE MAN HE MUST PAY WHAT HE IS WORTH. IF IT WOUNDED HIM. WHETHER THE ONE OR THE OTHER, HE MUST PAY THE DAMAGE IN FULL.¹⁹

GEMARA. This²⁰ then applies only to a mu'ad,²¹ but not to a tam?²² Shall we say that our Mishnah will not be in accord with R. Akiba? For it was taught: R. Akiba said, Even with a tam which injured a man, the larger²³ damage must be paid in full! — You can even say that it is in accord with R. Akiba, for it applies to a tam too; but since he wishes to teach in the latter part the case where IT KILLED A SLAVE OR A FREE MAN, which applies only to a mu'ad, but not to a tam, therefore it speaks of mu'ad.

MISHNAH. 'THE LAW OF THE VIOLATOR AND SEDUCER IS AT TIMES IN THE DIRECTION OF LENIENCY, AT OTHERS IN THE DIRECTION OF STRINGENCY.' HOW IS THAT? IT IS ALL ONE WHETHER A MAN VIOLATED OR SEDUCED A WOMAN FROM AMONG THE NOBLEST OF THE PRIESTLY STOCK OR THE HUMBLEST IN ISRAEL, HE MUST PAY FIFTY SELA'S.²⁴ BUT COMPENSATION FOR SHAMING AND FOR BLEMISH IS IN ACCORD WITH THE [CIRCUMSTANCES] OF HIM WHO SHAMES AND OF HER WHO SUFFERS THAT SHAME.²⁵

GEMARA. But why? Perhaps the Divine Law means: Fifty sela's for all the things together? — R. Ze'ira replied: People would say, How should one who has lain with a king's daughter pay fifty, and one who has lain with the daughter of a commoner pay fifty! — Abaye replied to him: If that be right, one could argue in the case of a slave too: why for a slave who perforates pearls thirty, and for one who does needlework also thirty?²⁶ Rather said R. Ze'ira:

(1) 'Which is not the field of his possession'.

(2) The text quoted may not mean to exclude a field which he has dedicated before the father died; rather does it support the interpretation of R. Meir: to exclude the case where his father died and he afterwards dedicated it.

- (3) And since at the redemption the father was dead, it is a field of possession.
- (4) The argument is based on the mem privative. v. B.B. Sonc. ed., p. 285ff notes.
- (5) Lev. XXVII, 20-21.
- (6) Normally a field cannot be redeemed before two years (v. infra 29b). The stony ground is a field and therefore falls into some part of the law, but since it is an abnormal field, it is not affected by such regulations as apply to the usual type. Lev. XXV. 15 covers the ordinary field, bearing crop.
- (7) Lev. XXV, 27.
- (8) And can therefore plant a new one when this one withered, B.B. 37b, which teaching indicates that he who owns the tree owns the land on which it stands, whence the dedication of a tree implied the dedication of such ground.
- (9) That he had bought the ground with the tree. That renders it an exceptional case, not a general rule, v. *ibid*.
- (10) Lev. XXVII, 23.
- (11) I.e., only the actual worth not the amount imposed by the Torah on the field of possession.
- (12) With reference to a field of possession: Lev. XXVII, 18: arguing hence from analogy of expression, the fixed sum is fifty shekels.
- (13) I.e., the inference based on the similarity of expression. v. *Glos*.
- (14) The consequence of the inference from analogy would be that with regard to other items too, hence with regard to the fifth additional in case of redemption, a field which is bought shall be governed by the rules applicable to a field of possession.
- (15) V. Lev. XXVII, 14.
- (16) Lit., 'they do not teach'. The Torah does not repeat itself. A general law would be stated once. The very fact that it appears twice indicates that it applies only to those detailed situations and that no general rule may be inferred from them for others.
- (17) His argument came from the fact that the rule was stated too often to be considered one generally applicable, whereas this teaching is based on an analogy with valuation, as explained.
- (18) Ex. XXI, 29. The owner must pay the damage caused by his ox, for which he is responsible.
- (19) The value which he would have had as bond-servant.
- (20) The ruling in the last clause that full damage must be paid by the owner in case the ox has wounded either a free man or slave.
- (21) As is indicated by the introductory words of our Mishnah.
- (22) Lit., 'simple', 'innocuous', i.e., an ox whose owner had not been forewarned (v. *Glos*).
- (23) Lit., 'the difference (between the two damages)'. If ox and man injured each other, then if the owner of the ox had not been forewarned, he need pay but one half of the greater damage. R. Akiba held he must pay in full, even though the ox was a tam, v. B.K. 33a.
- (24) V. Deut. XXII, 29.
- (25) In addition to the fifty sela's the violator as well as the seducer must pay damages for the shame and the blemish caused. V. Keth. 40a.
- (26) Just as the shame suffered by a king's daughter is greater than that suffered by one of common descent, so is the damage suffered in the loss of a skilled slave much greater than that suffered in the loss of an unskilled one.

Talmud - Mas. Arachin 15a

[Argue thus,] If two men had intercourse with her, the one in a natural way, the other in an unnatural manner,¹ people will say: He who has lain with a blemished [woman pays] fifty, and he who has lain with a sound [woman]² fifty! Said Abaye to him: But with regard to a slave they would equally say: For [the death of] a healthy slave thirty, and for one afflicted with boils also thirty? Rather, said Abaye: [This is his answer,] Scripture said: Because he hath humbled her,' from this it is evident that there is also indemnification for shame and blemish. Raba said: Since Scripture said, Then the man that lay with her shall give,³ it indicates that for the enjoyment of lying with her [he must pay] fifty shekels, from which we infer that there are other things [to pay for], viz., shame and blemish.

MISHNAH. THE LAW OF HIM THAT HATH BROUGHT UP AN EVIL NAME⁴ IS AT TIMES IN THE DIRECTION OF LENIENCY, AT OTHERS IN THE DIRECTION OF

STRINGENCY. HOW IS THAT? IT IS ALL ONE WHETHER A MAN HATH BROUGHT UP AN EVIL NAME AGAINST A WOMAN FROM THE NOBLEST OF PRIESTLY STOCK OR OF THE HUMBLEST IN ISRAEL. HE MUST PAY A HUNDRED SELA'S. THUS IT IS FOUND THAT HE WHO SPEAKS WITH HIS MOUTH SUFFERS MORE THAN HE THAT COMMITS AN ACT.⁵ THUS WE DO ALSO FIND THAT THE JUDGMENT AGAINST OUR FATHERS IN THE WILDERNESS WAS SEALED ONLY BECAUSE OF THEIR EVIL TONGUE, AS IT IS WRITTEN: YET HAVE PUT ME TO PROOF THESE TEN TIMES etc.⁶

GEMARA. Whence do we know that?⁷ Perhaps it is due to the fact that he wanted to bring about her death, as it is written: But if this thing be true . . . then they shall bring out the damsel . . . and stone her with stones that she die!⁸ — Raba answered: Scripture said, Because he hath brought up an evil name,⁹ i.e., [only] because of the evil name that he has brought up.

THUS DO WE ALSO FIND THAT THE JUDGMENT etc. Whence do we know that? Perhaps it was due to the fact that their measure [of guilt] was not full yet. for R. Hamnuna said: The Holy One, blessed be He, does not punish man until his measure is full, as it is said: In the fulness of his sufficiency he shall be in straits!¹⁰ — Resh Lakish replied: Scripture said, 'Yet have put Me to proof these ten times', i.e., because of 'these' was the judgment against them sealed,

It was taught: R. Eleazar b. Perata said, Come and see how great the power of an evil tongue is! Whence do we know [its power]? From the spies: for if it happens thus to those who bring up an evil report against wood and stones, how much more will it happen to him who brings up an evil report against his neighbour! But whence [follows] that? Perhaps it is as explained by R. Hanina b. Papa; for R. Hanina b. Papa said: A stark thing did the spies say in that hour, as it is written: For they are stronger than we'.¹¹ Do not read: 'than we' but 'than He': as it were, even the Master of the house cannot remove his utensils from here!¹² Rather, said Rabbah in the name of Resh Lakish: Scripture said, Even those men that did bring up an evil report against the land, died by the plague against the Lord,¹³ i.e., [they died just] because of the evil report which they had brought up.

It was taught: R. Judah said, With ten trials did our forefathers try the Holy One, blessed be He: two at the sea, two because of water, two because of manna, two because of the quails, one in connection with the golden calf, and one in the wilderness of Paran, 'Two at the sea': one at the going down, the other at the coming up. 'At the going down', as it is written: Because there were no graves in Egypt [hast thou taken us away to die in the wilderness]?¹⁴ 'At the coming up': That is in accord with what R. Huna taught, for he said: The Israelites of that generation were among those of little faith; as Rabbah b. Mari expressed it; for Rabbah b. Mari said: It is written: But they were rebellions at the sea, even at the Red Sea; nevertheless He saved them for His name's sake.¹⁵ This teaches that Israel were rebellious at that very hour, saying: Just as we go up from this side, so will the Egyptians go up from the other side. The Holy One, blessed be He, said to the Prince of the Sea: Cast them out on the dry land! He answered: Sovereign of the Universe, is there a slave to whom his Master gives a gift and then takes it away from him again? He said to him: I shall give you [afterwards] one and a half times as many of them.¹⁶ He said before Him: Sovereign of the Universe, is there any slave who can claim anything against his master? He said: The brook of Kishon shall be surety. At once he cast them on the dry land, as it is written: And Israel saw the Egyptians dead on the sea-shore.¹⁷ 'Twice because of water': at Marah, and at Refidim. 'At Marah', as it is written: And when they came to Marah, they could not drink,¹⁸ and it is written: And the people murmured against Moses.¹⁹ 'At Refidim', as it is written: They encamped in Refidim and there was no water to drink,²⁰ and it is also written: Wherefore the people strove with Moses.²¹ 'Twice because of the manna as it is written:

(1) So that she remained a virgin still and could obtain the fifty shekels, compensation in case of another attack or seduction. Thereupon she suffered the second violation.

(2) I.e., he who had intercourse with her without blemishing her shall pay fifty sela's, and he who had intercourse with her when she was blemished shall pay the same. Hence the additional indemnifications.

(3) Deut. XXII, 29.

(4) Ibid. 13-19.

(5) Because he must pay a hundred sela's for bringing up an evil name against her, whereas if he himself had committed that act (before she was married), he would have to pay but fifty sela's. (If she was betrothed and he violated or seduced her, he suffers the penalty of death, she only in case of seduction, not of course if she was violated).

(6) Num. XIV, 22.

(7) That one who speaks with his mouth suffers more than one who commits the act.

(8) Deut. XXII, 20.

(9) Ibid. 19.

(10) Job XX, 22.

(11) Num. XIII, 31. The Hebrew gadol here means less a 'big' than a 'stark' word.

(12) V. Sot., Sonc. ed., p. 172. n, 1.

(13) Ibid. XIV, 37.

(14) Ex, XIV, 11.

(15) Ps. CVI, 7.

(16) There were nine hundred war chariots at the brook Kishon (Judg. IV, 3), one and a half times as many as at the Red Sea, where there were only six hundred, thus making true the promise.

(17) Ex. XIV, 30.

(18) Ibid. XV. 23.

(19) Ibid. XVII, 3.

(20) Ibid. XVII, 1.

(21) Ibid. 2.

Talmud - Mas. Arachin 15b

'Do not go out',¹ whereas they did go out. Do not leave over,² but they did leave over. Twice because of the quails': of the first and second quails. With the first: When we sat by the fleshpots;³ with the second quails: And the mixed multitude that was among them.⁴ 'With the golden calf': as it happened.⁵ 'In the wilderness of Paran': As it happened.⁶ R. Johanan said in the name of R. Joseph b. Zimra: What is the meaning of: What shall be given unto thee, and what shall be done more unto thee, thou deceitful tongue.⁷ The Holy One, blessed be He, said to the tongue: All members of the human body⁸ are standing, you are lying; all members of the human body are outside, you are guarded inside; not only that, but I surrounded you with two walls, one of bone and one of flesh; 'What shall be given unto thee, what shall be done more unto thee, thou deceitful tongue'! And R. Johanan said in the name of R. Joseph b. Zimra: One who bears evil tales almost denies the foundation⁹ [of faith].¹⁰ as it is said: Who have said: Our tongue will we make mighty; our lips are with us; who is lord over us?¹¹ — Further did R. Johanan say in the name of R. Joseph b. Zimra: Any one who bears evil tales will be visited by the plague of leprosy, as it is said: Whoso slandereth his neighbour in secret, him azmith [will I destroy].¹² And there it is said: La-zemithuth [in perpetuity],¹³ which we translate as: 'absolutely' [permanently],¹⁴ and we learnt: The leper that is shut up differs from the leper that is certified unclean only in respect of unkempt hair and rent garments.¹⁵ Resh Lakish said: What is the meaning of: This shall be the law of the leper?¹⁶ [It means,] 'This shall be the law for him who brings up an evil name'. Further, said Resh Lakish: What is the meaning of the Scriptural verse: If the serpent bite before it is charmed, then the charmer hath no advantage?¹⁷ — At some future time all the animals will assemble and come to the serpent and say: The lion attacks and devours; the wolf tears and consumes; but what profit hast thou? But he will answer: What benefit has he who uses his tongue? Further said Resh Lakish: One who slanders makes his sin reach unto heaven, as it is said: They have set their mouth against the heavens, and their tongue walketh through the earth.¹⁸

R. Hisda said in the name of Mar 'Ukba: One who slanders deserves to be stoned with stones. It is written here: 'Him azmith [will I destroy]', and it is written there: zamethu [they have cut off] my life in the dungeon, and have cast stones upon me.¹⁹ Further did R. Hisda say in the name of Mar 'Ukba: Of him who slanders, the Holy One, blessed be He, says: He and I cannot live together in the world, as it is said: Whoso slandereth his neighbor in secret, hint will I destroy; whoso is haughty of eye and proud of heart, him will I not suffer.²⁰ Do not read: 'Otho [him] will I not suffer', but 'Itto [with him] can I not suffer [to be together]'. Some refer this to the arrogant.

Further said R. Hisda in the name of Mar 'Ukba: About one who slanders, the Holy One, blessed be He, says to the prince of Gehinnom: I shall be against him from above, you be against him from below, and we shall condemn him, as it is said: Sharp arrows of the mighty, with coals of broom.²¹ 'Arrow' means nothing else but the evil tongue, as it is said: Their tongue is a sharpened arrow, it speaketh deceit;²² and 'mighty' means only the Holy One, blessed be He, as it is said: The Lord will go forth as a mighty man;²³ and 'coals of broom' is Gehinnom.

R. Hama b. Hanina said: What is the remedy for slanderers? If he be a scholar, let him engage in the Torah, as it is said: The healing for a tongue is the tree of life,²⁴ and 'tongue' here means the evil tongue, as it is said: 'Their tongue is a sharpened arrow', and 'tree [of life]' means only the Torah, as it is said: She is a tree of life, to them that lay hold upon her.²⁵ — But if he be an ignorant person, let him become humble, as it is said: But perverseness therein is a wound to the spirit.²⁶ R. Aha b. R. Hanina said: If he has slandered already, there is no remedy for him, for King David, in his holy spirit, has cut him off already, as it is said: May the Lord cut off all flattering lips, the tongue that speaketh great [proud] things!²⁷ Nevertheless, what shall be his remedy so that he may not come to [utter] evil speech? If he be a scholar, let him engage in the Torah, and if he be an ignorant person, let him humble himself, as it is said: 'But perverseness therein is a wound to the spirit'.

The School of R. Ishmael taught: Whoever speaks slander increases his sins even up to [the degree of] the three [cardinal] sins: idolatry, incest,²⁸ and the shedding of blood. It is said here: 'The tongue that speaketh great things', and it is written in connection with idolatry: Oh, this people have sinned a great sin.²⁹ Touching incest Scripture said: How then can I do this great wickedness?³⁰ And in connection with the shedding of blood it is written: My punishment is greater than I can bear.³¹ Perhaps 'great things' refers to two [sins of the three]? Which of them would you exclude? In the West [Palestine] they say: The talk about third [persons]³² kills three persons: him who tells [the slander], him who accepts it, and him about whom it is told. R. Hama b. Hanina said: What is the meaning of: Death and life are in the hand [power] of the tongue?³³ Has the tongue 'a hand'? It tells you that just as the hand can kill, so can the tongue. One might say that just as the hand can kill only one near it, thus also the tongue can kill only one near it, therefore the text states: 'Their tongue is a sharpened arrow'. Then one might assume that just as an arrow kills only within forty or fifty cubits, thus also the tongue kills only up to forty or fifty cubits, therefore the text states: 'They have set their mouth against the heavens, and their tongue walketh through the earth'. But since it is written already: 'They set their mouth against the heavens', why was it necessary to state also: 'Their tongue is a sharpened arrow'? — This is what we are informed: That [the tongue] kills as an arrow. But once it is written: 'Their tongue is a sharpened arrow', why was it necessary to state: Death and life are in the hand of the tongue'? — It is in accord with Raba; for Raba said: He who wants to live [can find life] through the tongue;³⁴ he who wants to die [can find death] through the tongue.

What constitutes evil speech? — Rabbah said: For example [to say] there is fire in the house of So-and-so.³⁵ Said Abaye: What did he do? He just gave information? — Rather, when he utters that in slanderous fashion: 'Where else should there be fire if not in the house of So-and-so? There is always meat and fish'.³⁶ Rabbah said: Whatsoever is said in the presence of the person concerned is not considered evil speech. Said Abaye to him: But then it is the more impudence and evil speech! — He answered: I hold with R. Jose, for R. Jose said: I have never said a word and looked behind

my back.³⁷

(1) There is no text for this statement. Ex. XVI, 29 is not relevant here. The Gemara quotes the second verse, too, loosely, indirectly. Some MSS. omit 'as it is written', thus rendering the statement correct (Goldschmidt).

(2) Cf. Ex. XVI, 19.

(3) Ibid. 3.

(4) Num. XI, 4.

(5) Ex. XXXII, 1ff.

(6) The story of the spies. Num. Xlii-XIV.

(7) Ps. CXX, 3. More guarded and protected than all other members, the tongue's ambition is ever unsatisfied. The walls of flesh and bone are, of course, cheeks and teeth.

(8) Lit., 'man',

(9) Lit., 'root'.

(10) God.

(11) Ps. XII, 5.

(12) Ps. CI, 5.

(13) Lev. XXV, 30.

(14) The Hebrew for the words 'I will destroy' and 'in perpetuity' are both derived from one and the same root. Hence the suggestion that, since the word is used in connection with leprosy 'absolutely' (the Aramaic version of 'in perpetuity') and the word 'destroy' refers to the same thing, the punishment of destruction will take the form of leprosy. V. Lev. XIII for details.

(15) V. Meg. 8b.

(16) Lev. XIV, 2. It is a play on the word: mezora' (a leper) was mozi-shem-ra', a slanderer before. The 'law' for a slanderer is that he become a leper.

(17) Eccl. X, 11. According to Yoma 75a the serpent eats only earth. It bites therefore not for food, but by Divine order and in retribution for slander, which, similarly, produces no advantage to the offender. The verse may be interpreted (paraphrased): Will the serpent bite without whisper (order from on high) etc.?

(18) Ps. LXXIII, 9.

(19) Lam. III, 53.

(20) Ps. CI, 5.

(21) Ibid. CXX, 4.

(22) Jer. IX, 7.

(23) Isa. XLII, 13.

(24) Prov. XV, 4. The usual rendering: A soothing tongue is a tree of life, but it bears the ad hoc interpretation well.

(25) Prov. III, 18.

(26) Prov. XV, 4. The ad hoc interpretation of this verse is: To depart from it (only by) a broken spirit!

(27) Ps. XII, 4.

(28) Including adultery.

(29) Ex. XXXII, 31.

(30) Gen. XXXIX, 9.

(31) Ibid. IV, 13.

(32) So Jast. Rashi: The third tongue. i.e., the go-between.

(33) Prov. XVIII, 21. The tongue is called threefold.

(34) Rashi: By the study of the Torah.

(35) The fire of the oven. The suggestion: they are wealthy and eating all the time.

(36) Behind that apparently innocent phrase lurks the slanderer's purpose.

(37) To see whether the man concerned was near. I would say it to his face, which proves that in such a case it is not accounted slander (Rashi).

Talmud - Mas. Arachin 16a

Rabbah son of R. Huna said: Whatsoever is said before three is not considered slander. Why? Your

friend has a friend, and your friend's friend has a friend.¹ When R. Dimi came [from Palestine]. he said: What is the meaning of the verse: He that blesseth his friend with a loud voice, rising early in the morning, it shall be counted a curse to him?² It refers, for example, to the case of one who happened to stay in a house where they laboured much on his behalf, and next morning he goes out into the street and says: May the Merciful One bless So-and-so, who laboured so much on my behalf. Whereupon people will hear it and come and plunder him.³

R. Dimi, brother of R. Safra, learnt: Let no man ever talk in praise of his neighbour, for through [talking in] his praise he will come⁴ to disparage him. Some there are who say: R. Dimi, brother of R. Safra, was ill. R. Safra entered to inquire about his state of health. He said, May it come [home] to me⁵ that I have kept whatever the Rabbis have enjoined. He said to him: Hast thou also kept [their command]: Let no man ever talk in praise of his neighbour. for through talking in his praise he will come to disparage him? He answered: I have not heard it, for had I heard it, I would have kept it.

R. Samuel b. Nahmani said in the name of R. Johanan: Because of seven things the plague of leprosy is incurred: [These are:] slander, the shedding of blood, vain oath,⁶ incest, arrogance, robbery and envy. Because of slander, as it is written: Whoso slandereth his neighbour in secret, him will I destroy.⁷ For 'blood-shed', as it is written: And let there not fail front the house of Joab one ... hath an issue or that is a leper.⁸ For a vain oath', as it is written: And Naaman said: be content, take two talents,⁹ and it is written: The leprosy therefore of Naaman shall cleave unto thee.⁹ For 'incest', as it is written: And the Lord plagued Pharaoh . . . with great plagues.¹⁰ Because of 'arrogance'. as it is written: But when he was strong, his heart was lifted up so he did corruptly, and he trespassed against the Lord, his God . . . and the leprosy broke forth in his forehead.¹¹ Because of 'robbery', as it is written: And the priest shall command that they empty the house,¹² in connection with which a Tanna taught: Because he had gathered money that was not his own, the priest comes and scatters it. And because of 'envy', as it is said: Then he that owneth the house shall come,¹³ referring to which the school of R. Ishmael taught: He who would reserve his house for himself.¹⁴ But that is not so, for R. 'Anani b. Sason said: Why is the portion about the priestly garments¹⁵ placed next to the portion about the sacrifices? It is to tell you that just as sacrifices procure atonement, so do the priestly garments. The tunic procures atonement for bloodshed, as it is written: And they dipped the coat in the blood.¹⁶ The breeches procure atonement for incest, as it is written: And thou shalt make them linen breeches to cover the flesh of their nakedness.¹⁷ The mitre procures atonement for those of arrogant mind, in accord with what R. Hanina taught; for he said: Let that which is [placed] high procure atonement for acts of haughtiness. The girdle procures atonement for sinful thoughts of the heart, [for it atones] where it is [worn].¹⁸ The breastplate procures atonement for [error in] legal decisions, as it is written: And thou shalt make a breastplate of judgment.¹⁹ The ephod procures atonement for idolatry, as it is written: And without ephod or teraphim.²⁰ The robe procures atonement for slander, for the Holy One, blessed be He, said: Let that which emits a sound,²¹ procure atonement for an act of sound [the voice]. The [golden] plate procures atonement for impudent deeds, for there it is written: And it shall be upon Aaron's forehead,²² and it is written there: Yet thou hadst a harlot's forehead!²³ — This is no contradiction: The one results when his actions were effective, the other when they were not effective. If his acts were effective, the plague of leprosy visits him, if his actions were not effective, the robe procures atonement.²⁴ But R. Simeon said in the name of R. Joshua b. Levi: For two things we do not find any atonement through sacrifices, but we do find atonement for them through something else, [viz.,] bloodshed and slander. Bloodshed through the heifer whose neck is to be broken, and slander through incense. For R. Hanina taught: We have learnt that the incense procures atonement, as it is written: And he put oil the incense and made atonement for the people.²⁵ And the School of R. Ishmael taught: For what does incense procure atonement? For slander. The Holy One, blessed be He, said: Let that which is [offered]²⁶ in secret [come and] procure atonement for what was done in secret. Now we have a contradiction from [one teaching concerning] bloodshed as against another [teaching touching] bloodshed; and a contradiction from [one teaching about] slander against [another about] slander? — There is no

contradiction between the two teachings about bloodshed; one speaks of the case where it is known who has killed him, and the other where it is unknown. But where it is known who has killed him, he ought to be executed? — It speaks of a case where he did it deliberately, but without having been forewarned.²⁷ Neither is there a contradiction between the two teachings about slander; the one was committed in secret,

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- (1) By making his statement before three he expects their spreading it in his name, as something that will become known. Cf. R. Jose's attitude just above.
 - (2) Prov. XXVII, 14. The expression seems too strong, his tactlessness might call for reproof, but why is it a curse?
 - (3) If that praise indicates that the host has much, violent men may go to rob him; normally. such praise will subject the host to the importunities of indecent people eager to be fed by him.
 - (4) He will say: 'With the exception of this or that bad habit', thus dispraising his neighbour. Aliter: 'it will come' etc. His praise will arouse the hostile remarks of the envious.
 - (5) I.e., I believe to have merited reward, in that . . .
 - (6) The taking of the Lord's name in vain being a great offence. Or, perjury: the example chosen shows that the latter is meant.
 - (7) Ps. CI, 5. 'Destroy' here has been explained as signifying afflict with leprosy. v. supra 15b.
 - (8) II Sam. III, 29.
 - (9) II Kings V, 23 and 27.
 - (10) Gen. XII, 17.
 - (11) II Chron. XXVI, 16 and 19.
 - (12) Lev. XIV, 36.
 - (13) Ibid. v. 35.
 - (14) Will suffer from house leprosy. v. Yoma 11b.
 - (15) In Ex. XXVIII and XXIX.
 - (16) Gen. XXXVII, 31. A hint that the coat covers (as it was covered by) blood.
 - (17) Ex. XXVIII, 42.
 - (18) The girdle was supposed to have been wide enough to cover his heart.
 - (19) Ex. XXVIII, 15. 'Of' equivalent for 'error in' judgment.
 - (20) Hosea III, 4, interpreting thus: 'Because there was no ephod. there were teraphim (idols).
 - (21) Ex. XXVIII, 33. The robe had small bells on its hem so that one might hear the approach of the high priest. Slander. too, is audible.
 - (22) Ex. XXVIII, 38.
 - (23) Jer. III, 3. The argument is from analogy of phrase.
 - (24) According to the reaching above, slander is visited by plagues. whereas now we are taught that the priestly robe procures atonement for it.
 - (25) Num XVII, 12.
 - (26) The incense is offered in the Holy of Holies, which therefore is 'in secret', v. Yoma 44a. That 'slander' is described here as something said in secret endorses the view of Rabbah v. R. Huna supra 16a.
 - (27) For a murderer to be executed he must have been forewarned, and his deed must have been seen by two witnesses.

Talmud - Mas. Arachin 16b

the other in public.¹

R. Samuel b. Elnadab asked of R. Hanina, or as others say. R. Samuel b. Nadab, the son-in-law of R. Hanina, asked of R. Hanina; or, according to still others, asked of R. Joshua b. Levi: Wherein is the leper different that the Torah said: He shall dwell alone; without the camp shall his dwelling be?² He separated a husband from his wife, a man from his neighbour, therefore said the Torah: 'He shall dwell alone'. R. Joshua b. Levi said: Wherein is the leper different that the Torah said: Two living clean birds³ [he should bring] so that he may become pure again? The Holy One, blessed be He, said: He did the work of a babbler, therefore let him offer a babbler as a sacrifice.⁴

Our Rabbis taught: Thou shalt not hate thy brother in thy heart.⁵ One might have believed one may only not smite him, slap him, curse him, therefore the text states: 'In thy heart'; Scripture speaks of 'hatred in the heart'. Whence do we know that if a man sees something unseemly in his neighbour, he is obliged to reprove him? Because it is said: Thou shalt surely rebuke.⁶ If he rebuked him and he did not accept it, whence do we know that he must rebuke him again? The text states: 'surely rebuke' all ways. One might assume [this to be obligatory] even though his face blanched, therefore the text states: 'Thou shalt not bear sin because of him'.⁶

It was taught [in a Baraita]: R. Tarfon said, I wonder whether there is any one in this generation who accepts reproof, for if one says to him: Remove the mote from between your eyes, he would answer: Remove the beam from between your eyes! R. Eleazar b. Azariah said: I wonder if there is one in this generation who knows how to reprove! R. Johanan b. Nuri said: I call heaven and earth to witness for myself that often was Akiba punished⁷ through me because I used to complain against him before our Rabban, Gamaliel Beribbi,⁸ and all the more he showered love upon me, to make true what has been said: Reprove not a scorner, lest he hate thee; reprove a wise man and he will love thee.⁹

R. Judah son of R. Simeon b. Pazzi asked of R. Simeon b. Pazzi: What is preferable: reproof with honest purpose or false modesty?¹⁰ — He answered: Won't you agree that true modesty is better,¹¹ for a Master said: Modesty is the greatest of them all? Thus also is false modesty preferable. For Rab Judah said in the name of Rab: By all means let a man engage in the study of the Torah and in good deeds, even if not for their own sake, because through the work for an ulterior purpose he will arrive at the stage of doing [good] for its own sake.¹² What is honest reproof and what is false modesty? — For instance the case of R. Huna and Hiyya b. Rab who were sitting before Samuel, when Hiyya b. Rab said: Sir, look how he is vexing me greatly. He [R. Huna] undertook not to vex him any more. After he [the former] left, he [R. Huna] said: He did this and that [unseemly] thing. Whereupon Samuel said: Why did you not tell him that to his face? He replied: Forbid that the seed of Rab should be put to shame through me!¹³

How far shall reproof be administered? Rab said: Until he [the reprover] be beaten. Samuel said: Until he be cursed. R. Johanan said: Until he be rebuked. This is a point at issue between Tannaim. R. Eliezer said: Until he be beaten. R. Joshua said: Until he be cursed. Ben 'Azzai said: Until he be rebuked. Said R. Nahman b. Isaac: All the three expounded one Scriptural verse; [It is written:] Then Saul's anger was kindled against Jonathan and he said unto him: Thou son of perverse rebellion, do not I know that thou hast chosen the son of Jesse to thine own shame, and unto the shame of thy mother's nakedness?¹⁴ And it is written: And Saul cast his spear at him to smite him.¹⁵ The one who said [above] 'Until he be beaten' [said so] because it is written: 'to smite him'; the other who said: 'Until he be cursed' [said so] because it is written: 'to thine own shame and to the shame of thy mother's nakedness'; the other, who said: 'Until he be rebuked' [said so] because it is written: 'Then Saul's anger was kindled'. But according to him who says: 'Until he be shouted at', does not Scripture mention 'beating' and 'cursing'? — That was different, because for his great love of David, Jonathan risked his life even further. How far shall a man suffer before changing his lodging? — Rab said: Until he is beaten, Samuel said: Until they throw his bundles over his shoulder. Where he himself is beaten there is no dispute [that it is proper for him to leave]; similarly if they threw his bundles over his shoulder, there is likewise no dispute. They are of conflicting opinion only in case his wife is beaten, one holding: 'As long as he himself is not vexed what difference does it make?'¹⁶ The other's view being: 'It will end in a quarrel [ultimately]'. Why all that [deliberation]?¹⁷ — Because a Master said: A boarder [constantly changing his lodging] discredits others and himself.¹⁸ R. Judah in the name of Rab said: Whence is derived from the Torah the view that a man should not change his lodging? Because it is said: [And he went] unto the place where his tent had been at the beginning.¹⁹ R. Jose b. Hanina said: [It is derived] from here: And he went on his [former]

journeys.²⁰ What is the practical difference between them? — There is this difference: the case of a casual lodging.

R. Johanan said: Whence do we know that a man should not change his occupation and that of his forebears? As it is said: And King Solomon sent and fetched Hiram out of Tyre. He was the son of a widow of the tribe of Naphtali,²¹ and his father was a man of Tyre, a worker in brass;²² and a Master said: His mother was of the house of Dan;²³ and it is written: And I behold I have appointed him with Ohaliab, the son of Ahisamach, of the tribe of Dan.²⁴

At what stage do [Divine] visitations commence?²⁵ — R. Eleazar said: If a man had, for example, a garment woven for him to wear and it does not fit him. Raba the younger (or, as others say. R. Ze'ira; or again. as others say. R. Samuel b. Nahmani) demurred to this: But more than that was said. 'Even if it had been intended to serve him [the wine] hot, and it was served cold to him; or it was intended to be served cold, and it was served hot to him [is accounted as a divine visitation]', and you say [only] at that stage? Mar, the son of Rabina, said: Even if his shirt gets turned inside out. Raba (or, as others say, R. Hisda, or again, as some say. R. Isaac, or as it was said, it was taught in a Baraitha): Even if he puts the hand into his pocket to take out three [coins] and he takes out but two. Now this is only in the case [where he intended to take out] three, and [took out] two, but not if [he meant to take] two and three came into his hand, because it is no trouble to throw it back. But why all this [information]? — Because the School of R. Ishmael taught: Anyone upon whom forty days have passed without [divine] visitation, had received his world. In the West [Palestine] they say:

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- (1) If he slandered in private the incense procures atonement, as it, too, functions in private. If he slandered in public the robe, emitting sound, procures atonement for the act of sound which is his sin.
- (2) Lev. XIII, 46.
- (3) Lev. XIV, 4.
- (4) The slanderer babbled, hence his sacrifice is chosen from babblers. The babblers may yet teach him the folly of babbling.
- (5) Lev. XIX, 17.
- (6) Lev. XIX, 17. Lit., 'rebuking thou shalt rebuke'. The repetition of the word indicates the obligation to repeat the reproof, even though it was not accepted when administered first.
- (7) [Sifre Deut. I, 'was rebuked'. v. Finkelstein. Akiba p. 113.].
- (8) Var. lec. v. Marginal Gloss. The reference is to R. Gamaliel of Jamnia; cur. edd. R. Simeon b. Rabbi.
- (9) Prov. IX, 8.
- (10) For a man to pretend to be unworthy of administering reproof, whereas in fact it is the fear of arousing hatred that deters him from doing his duty in this respect.
- (11) In A.Z. 20b modesty is hailed as the chief of the virtues enumerated there.
- (12) V. Hor. Sonc. ed., p. 75, n. 10.
- (13) The false modesty of R. Huna expressed itself in this: He would vex Hiyya, to suggest his displeasure at his unseemly behaviour (whatever it was), but he would not disgrace him by direct reproach, while reporting his misbehaviour in his absence.
- (14) I Sam. XX, 30.
- (15) Ibid. 33.
- (16) V. Maharsha.
- (17) Why undergo so much suffering before changing one's lodging? Is there any significance in this seemingly trivial act?
- (18) Frequent change of lodging brings disgrace upon him who changes, because he will acquire the reputation of a man hard-to-please, as well as upon the lodging place, which will be regarded as unsatisfactory.
- (19) Gen. XIII, 3.
- (20) He who based his view on 'where his tent had been' would not object to a change from a casual dwelling, because 'his tent' suggests a certain permanency. whereas he who emphasized the Biblical 'he went on his journeys' would want to see the place of any of his journeys revisited.

(21) I.e., on his father's side.

(22) I Kings VII, 13-14.

(23) [Var. lec. and it is written, the son of a woman of the daughters of Dan (II Chron. II, 13)].

(24) Ex. XXXI, 6. This indicates that the family all through the centuries intervening had practised the same profession.

(25) Below which they are not 'chastisements' for sins committed in this world, so that one may look forward to a future existence, in which one will derive but the fruits of one's good deeds on earth, having received the punishments for misdeeds whilst yet on earth. Everything below the stage of chastisement is but unimportant annoyance of no compensating quality.

Talmud - Mas. Arachin 17a

Retribution is prepared for him.

It was taught: R. Eliezer the great said: If the Holy One, blessed be He, wished to enter in judgment with Abraham, Isaac or Jacob, not [even] they could stand before His reproof! As it is said: Now therefore stand still, that I may plead with you before the Lord concerning all the righteous acts of the Lord, which He did to you and to your fathers.¹ [It is written:] Such is the generation of them that seek after Him, that seek Thy face, even Jacob. Selah.² R. Judah Nesi'ah³ and the Rabbis differ [as to the meaning]: One says, as the leader, so the generation; the other: as the generation, so the leader. For what practical purpose [is this discussion]? Would you say: It refers to virtue so that one holds: if the generation is virtuous, so is the leader; the other's view being: if the leader is virtuous, so is the generation; but surely there is Zedekiah who was virtuous, whereas his generation was not so; and there is Jehoiakim who was not virtuous, whilst his generation was so. For R. Johanan said in the name of R. Simeon b. Yohai: What is the meaning of: In the beginning of the reign of Jehoiakim, the son of Josiah, king of Judah?⁴ The Holy One, blessed be He, wanted to reduce the world to formlessness and emptiness because of Jehoiakim, but when He considered His generation. His anger subsided.⁵ The Holy One, blessed be He, wanted to reduce the world to formlessness and emptiness because of the generation of Zedekiah, but when he considered Zedekiah, his anger subsided? — Rather, it refers to anger and gentleness respectively.⁶

CHAPTER IV

MISHNAH. AS TO THE SUFFICIENCY OF MEANS,⁷ THIS SHALL BE DONE ACCORDING TO THE ABILITY OF HIM WHO VOWS. AND [WHEN ACCORDING TO] THE YEARS OF HIS AGE, THIS SHALL BE ACCORDING TO HIM WHO IS THE SUBJECT OF THE VOW. AS FOR VALUATIONS,⁸ THIS SHALL BE ACCORDING TO HIM WHO IS THE SUBJECT OF THE VALUATION. AND THE VALUATIONS [SHALL BE PAID ACCORDING TO THE RATE PRESCRIBED] AT THE TIME OF THE VALUATION. AS TO THE SUFFICIENCY OF MEANS, THIS SHALL BE ACCORDING TO THE MAN WHO VOWS'. HOW IS THAT? IF A POOR MAN EVALUATED A RICH MAN, HE SHALL PAY ONLY THE VALUATION OF A POOR MAN.⁹ BUT IF A RICH MAN EVALUATED A POOR MAN, HE MUST PAY THE VALUATION OF A RICH MAN. BUT IT IS NOT SO WITH OFFERINGS. IF A MAN SAID: I TAKE UPON MYSELF THE OFFERING OF THIS LEPER, AND THE LEPER WAS POOR, HE BRINGS THE OFFERING OF A POOR MAN.¹⁰ BUT IF THE LEPER WAS RICH, HE MUST BRING THE OFFERING OF A RICH MAN.¹¹ RABBI SAYS: I SAY THE SAME APPLIES WITH REGARD TO A VALUATION.¹² WHY IS A POOR MAN WHO EVALUATED A RICH MAN OBLIGED TO PAY ONLY THE VALUATION OF A POOR MAN? BECAUSE THE RICH MAN HAD NOT INCURRED ANY LIABILITY WHATSOEVER. BUT IF THE RICH MAN SAID: I EVALUATE MYSELF' AND THE POOR MAN, HEARING THAT, SAID: WHAT THIS MAN HAS SAID, I TAKE UPON MYSELF, THEN HE MUST PAY THE VALUATION OF A RICH MAN.

GEMARA. Surely 'sufficiency of means' is written only in connection with evaluation?¹³ As it is written: According to the means of him that vowed shall the priest value him.¹⁴ But is [payment according to] the years of his age with regard to one [whose worth has been] vowed, is it not only [stated] with regard to one who has been subject to valuation? — Since he [the Tanna] had spoken of 'sufficiency of means' in connection with 'one who vows', he speaks, touching the years, also of one who had been the subject of a vow.

AS TO SUFFICIENCY OF MEANS, THIS SHALL BE ACCORDING TO THE MAN WHO VOWS'. HOW IS THAT? IF A POOR MAN EVALUATED A RICH MAN HE SHALL PAY

ONLY THE VALUATION OF A POOR MAN. But why? Scripture said: ‘According to the means of him that vowed’, i.e., the Divine Law made it dependent upon him who ‘vowed’.

BUT IT IS NOT SO WITH OFFERINGS. IF A MAN SAID: I TAKE UPON MYSELF THE OFFERING OF THIS LEPER. AND THE LEPER WAS POOR, HE BRINGS THE OFFERING OF A POOR MAN. This means although he who vowed is rich! But did not the Divine Law say: And if he be poor,¹⁵ and he [who vowed] is not poor? Said R. Isaac: This refers to the case where he who vowed [too] was poor. But perhaps the All Merciful spared only [the leper] himself, but not him who vowed, as it is written: [If] he [be too poor]?¹⁶ — Said R. Adda b. Ahabah: ‘And his means suffice not’,¹⁷ includes him who vows. But if he who vows were a rich man, would he indeed have to bring the offering of a rich man? If so, what means BUT IT IS NOT SO WITH OFFERINGS?¹⁸ —

(1) I Sam. XII, 7.

(2) Ps. XXIV, 6.

(3) The Prince, R. Judah II.

(4) Jer. XXVI, 1.

(5) The emphasis is on the phrase in the beginning used instead of simply ‘in the first year’, v. Sanh. Sonc. ed., p. 699 notes.

(6) The temperament of the leader, gentle or otherwise, depends upon the spirit of his time.

(7) V. Lev. XXVII, 8.

(8) Explained in Mishnah infra 18a.

(9) I.e., according to his means.

(10) Lev. XIV, 21-32.

(11) Ibid. 10.

(12) There are two views as to what Rabbi means: (i) Rabbi disagrees with the Tanna, for according to the former, a poor man would under all circumstances incur no liability beyond that of a poor man's valuation, i.e., according to his means; even though he heard the rich man vow his own valuation and thereupon he (the poor man) said: I take upon myself what this man has said. According to Rabbi, however, in such a case the poor man would be liable to pay the rich man's (i.e., the normal) valuation, since in saying: ‘I take upon myself what this man has said’ he deliberately assumes the full liability, and he would owe the sum until able to pay it. (ii) Maimonides interprets Rabbi's attitude to be in accord with the first Tanna's, opposing only the suggestion that it is not so with offerings’. because if the same conditions which prevail at the leper's vow prevailed in the case of a valuation, the same rules would apply, according to the view of the Tanna which Rabbi holds.

(13) Our Mishnah uses the term ‘vows’ instead of ‘evaluates’, whereas the rule of paying according to one's means applies not to the vower (of a man's market value), but to the valuations.

(14) The Torah uses in this particular case ‘vowing’ in its general meaning, which includes also the vowing of one's valuation, that is why the Mishnah, too, uses the same term, not in the stricter but in the general sense. (Lev. XXVII, 8).

(15) Lev. XIV, 21.

(16) The suggestion is that the Torah, out of pity for a poor leper, would allow him to bring the lesser sacrifice, but might not be willing to extend the same consideration to a healthy poor man, who without any compulsion assumed his liability.

(17) Ibid.

(18) When the same regulation applies to them too.

Talmud - Mas. Arachin 17b

One refers to a poor leper. when the person who vowed [his sacrifice] was poor; the other to a rich leper when he who vows is poor.¹ One might have believed that since he was included, he was completely included,² therefore we are informed [that it is not so]. even as it was taught: Since we find in case of valuation that a poor man who evaluated a rich man need pay but the valuation of a poor man, one might have assumed that the same applied also to this [case], therefore the text states: And if he be poor’. But according to Rabbi who said: I SAY THE SAME APPLIES ALSO WITH

REGARD TO A VALUATION which shows that we are guided by the liability of the person,³ so that no Scriptural verse is necessary to exclude,⁴ what then does: '[If] he [be too poor]' exclude? — It excludes the case of a poor leper whilst he who vowed was rich. I might have assumed that since Rabbi said: We are guided by the liability of the person, we shall here too be guided by the liability of the person, therefore we are informed [that we are not so guided here].

MISHNAH. IF HE WAS POOR AND THEN BECAME RICH⁵ OR RICH AND THEN BECAME POOR, HE MUST PAY THE VALUATION OF A RICH MAN. R. JUDAH SAYS: EVEN IF HE WAS POOR AND BECAME RICH AND THEN AGAIN BECAME POOR HE MUST PAY THE VALUATION OF A RICH MAN. BUT IT IS NOT SO WITH OFFERINGS. EVEN IF HIS FATHER WAS DYING [WHILST A MAN VOWED] AND LEFT HIM TEN THOUSAND, OR IF HE HAD A SHIP ON THE SEA AND IT BROUGHT TO HIM TEN THOUSAND, THE SANCTUARY HAS NO CLAIM AT ALL ON THEM.⁶

GEMARA. IF HE WAS POOR AND THEN BECAME RICH etc., [as it is written,] According to the means of him that vowed.⁷ OR RICH AND THEN BECAME POOR [etc.]. [as it is written,] According to the means of him that vowed.⁷

R. JUDAH SAID: EVEN IF HE WAS POOR AND BECAME RICH AND THEN AGAIN BECAME POOR etc. What is the reason of R. Judah's view? — Scripture said: But if he be too poor for thy valuation,⁷ i.e., only if he remains in his poor state from the beginning to the end. But if that be so [consider that]: 'If he be too poor'.⁸ [Would you say] here, too, 'only if he remains poor from the beginning to the end'? And if you were to say, 'Indeed so'! Have we not learnt: If a leper offered up [part of] his offering as a poor man and became rich, or as a rich man and became poor, all should be guided by what the sin-offering was. These are the words of R. Simeon. R. Judah says: Everything should be guided by [what he was when he brought] the guilt-offering.⁹ And it was taught: R. Eleazar b. Jacob says. All should be guided by what [he was when he brought] the birds?¹⁰ — But surely it was said with regard thereto; R. Judah said in the name of Rab: All the three inferred it from one Scriptural verse: Whose means suffice not for that which pertaineth to his cleansing.¹¹ R. Simeon holds: [The reference is to] the thing that procures atonement, that is, the sin-offering. R. Judah holds: It is to the thing which renders him fit, that is, the guilt-offering.¹² R. Eleazar b. Jacob says: The thing which causes his cleansing, that is, the birds. But then why is it said: '[If] he [be too poor]'? According to Rabbi, as he explains it, and according to the Sages, as they explain it.¹³

But then,¹⁴ [when it is written:] He being a witness,¹⁵ would you here, too, say that he must be a fit [witness] from beginning to end? And if you will say: Indeed so! Surely it was taught: If a man knew testimony [to give] for another before he became his son-in-law, and then became his son-in-law; or if he then could hear and now became deaf; could see and now became blind; was of sound mind then and now became stupid, then he is disqualified [as witness]. But if he knew testimony [to give] for him before he became his son-in-law, then became his son-in-law,

(1) In one respect it does apply, in the other it does not. It does not apply to the case of a poor man vowing a rich leper's sacrifice, therefore the remark, 'But it is not so with offerings', is justified. But it does apply to the case of a poor man vowing a poor leper's sacrifice.

(2) One might have assumed that since on the basis of the Scriptural 'And his means suffice not', we include the poor man vowing a poor leper's sacrifice in the consideration due to a poor man's dedicating a rich man, that therefore we might extend the same consideration even to a poor man vowing a rich leper's sacrifice, therefore we need the exclusive meaning of, 'If he be too poor', i.e., only a poor leper's sacrifice is reduced, but a rich leper's sacrifice, even if vowed by a poor man, is not reduced.

(3) Whose valuation has been vowed, not by the ability of the person who vows it.

(4) I.e., the case of a poor man who vows the offering due from a rich leper; since on Rabbi's view the law can be derived from valuations, we are guided by the liability of the leper and not by the means of him that vowed.

(5) If he became rich either before he had paid the valuation (Rashi); or (Tosaf. Yomtob) before he had been assessed by the priest as to his means.

(6) Again the meaning of the Mishnah is disputed. Rashi holds, 'But it is not so with offerings' refers to the difference between the rules governing them, and those governing valuations; the second part of the Mishnah, however, applies evenly to both. Maimonides, on the other hand, sees the two parts forming one whole. The difference between offering and valuation lies in this: with regard to the former, everything depends on the sufficiency of means of him from whom the offering is due at the moment when the offering is due, which, according to R. Simeon and the other Tannaim (v. infra) means the time when the sin- and guilt-offerings respectively are offered up. and according to R. Eliezer b. Jacob, the time when he brings the birds into the Sanctuary. If at that moment he is poor, then he need bring but the sacrifice of a poor leper, even though his father be dying. or his boat be on the way back and thus promising him an increase in his sufficiency of means. Tosaf. has valid objections to this interpretation. s.v. **אב**.

(7) Lev. XXVII, 8.

(8) With reference to a leper.

(9) [The leper had to bring a guilt-offering, a sin-offering and a whole-offering (Lev. XIV, 19, 22). the latter two varying according whether he be poor or rich. If his condition changed after having brought his sin-offering, the whole-offering which he subsequently brings must be a bird if the sin-offering he had brought as a poor man was a bird, or a he-lamb if the sin-offering he had brought as a rich man had been an ewe lamb].

(10) Lev. XIV, 4. He had to bring these birds alive into the Sanctuary.

(11) Lev. Xlv, 32.

(12) It is the guilt-offering which renders him fit to enter the Sanctuary and to eat of the holy meat, after the priest had applied the blood thereof on the tip of his right ear and great toe of his right foot and thumb of the right hand. Lev. XIV, 14.

(13) Supra p. 99, n. 6.

(14) In view of the interpretation of the verse 'If he be too poor'. taking the 'he' to denote that there has been no change of condition all the time.

(15) Lev. V, 1.

Talmud - Mas. Arachin 18a

and after that his daughter [the father-in-law's. i.e., his wife] died; or if he could hear, became deaf, and now regained his hearing; or if he could see, lost his sight, and now recovered it; or was of sound mind, lost his mind, and now recovered it, then he is eligible [as witness]. This is the general rule: Whosoever was capable at the beginning and, again, at the end, is eligible?¹ — It is different there because Scripture says: If he do not utter it, then he shall bear his iniquity.² the Divine Law has made the matter dependent on seeing and hearing, and that is found here.³ But then what is the need of: 'He being a witness'? — Because of what has been taught: If he saw a company of men standing, among whom are his witnesses, and he says: I adjure you that if you know a testimony on my behalf you come and testify for me, one might have assumed that they then are obliged [to do so], therefore the text states: 'He being a witness', whilst he has not singled out his witnesses. One might assume that [the same applies] even if he said: Whosoever [of you knows a fact to testify to. etc.], therefore the text states: 'He being a witness', and he has singled them out.⁴

BUT IT IS NOT SO WITH OFFERINGS: IF HIS FATHER DIED AND LEFT HIM TEN THOUSAND etc. But then he is a rich man? R. Abbuha said: Say, He was leaving him ten thousand.⁵ But that is self-evident? — It means that his father lies in a dying condition. You might have said: Most of the people in a dying condition really die, therefore we are informed [that the Sanctuary has nevertheless no claim].

IF HIS BOAT IS ON THE SEA RETURNING TO HIM WITH TEN THOUSAND. But then he is a rich man? R. Hisda said: It refers to a case when he had rented out or hired it out to others. But there is the rent? — Rent is not payable before the end [of the contracted period]. But derive [his richness] from his boat alone? This is in accord with the view of R. Eliezer, for it was taught: If he

was a farmer, they must leave him his yoke of oxen, and if he was an ass-driver, they must leave him his ass.⁶

MISHNAH. 'AS FOR THE YEARS THIS SHALL BE [VALUED] ACCORDING TO [THE AGE OF] HIM WHO IS VOWED'? IF A CHILD EVALUATES AN OLD MAN. HE MUST PAY THE VALUATION OF AN OLD MAN. AND IF AN OLD MAN EVALUATES A CHILD. HE MUST PAY THE VALUATION OF A CHILD. AS FOR VALUATION: THIS SHALL BE ACCORDING TO HIM WHO IS THE SUBJECT OF THE VALUATION. HOW IS THAT? IF A MAN EVALUATED A WOMAN, HE MUST PAY THE VALUATION OF A WOMAN. AND IF A WOMAN EVALUATED A MAN, SHE MUST PAY THE VALUATION OF A MAN. 'AND THE VALUATION DEPENDS UPON THE TIME OF THE VALUATION'. HOW IS THAT? IF HE EVALUATED ONE WHO WAS LESS THAN FIVE YEARS OF AGE, AND HE BECAME [MEANTIME] OLDER THAN FIVE YEARS OF AGE; OR [HE EVALUATED ONE] WHO WAS LESS THAN TWENTY YEARS OF AGE AND HE BECAME TWENTY YEARS OLD. HE MUST PAY [ONLY] IN ACCORD WITH THE AGE AT THE TIME OF THE VALUATION.

GEMARA. Our Rabbis taught: You have compared vows [of market value] to valuations, both with regard to [the valuation of] pearls for the poor,⁷ and to the rule that the value of a limb be judged in accord with its importance.⁸ One might have assumed that we shall compare valuations with vows of market value also with regard to the rule that there, too, he shall have to pay its value according to the time of the payment,⁹ therefore it is said: According to thy valuation it shall stand,¹⁰ i.e., [in the case of valuation] he shall pay only as much as it was worth at the time of the valuation.

MISHNAH. THE THIRTIETH DAY IS ACCOUNTED UNDER THIS AGE. THE FIFTH YEAR OR TWENTIETH YEAR IS ACCOUNTED UNDER THIS AGE. FOR IT IS WRITTEN: AND IF IT BE FROM SIXTY YEARS OLD AND UPWARD.¹¹ WE LEARN THUS WITH REGARD TO ALL OTHERS FROM WHAT IS SAID ABOUT SIXTY YEARS: JUST AS THE SIXTIETH YEAR IS ACCOUNTED UNDER THIS AGE. SO ALSO THE FIFTH AND TWENTIETH YEARS ARE ACCOUNTED UNDER THIS AGE. WHAT! BECAUSE [THE TORAH] HAS RECKONED THE SIXTIETH YEAR TO BE UNDER THIS AGE, THEREBY BEING MORE STRINGENT, SHALL THE FIFTH OR THE TWENTIETH YEAR BE CONSIDERED UNDER THIS AGE. WHEREBY IT WOULD BE MORE LENIENT?¹² TO TEACH US THAT, IT IS SAID: 'YEARS', 'YEARS' TO SET FORTH THIS ANALOGY: JUST AS WITH THE SIXTIETH YEAR THE WORD 'YEARS' MEANS THAT IT BE RECKONED UNDER AGE, SO THE WORD 'YEARS' WITH THE FIFTH AND WITH THE TWENTIETH YEAR MEANS THAT IT IS TO BE RECKONED UNDER AGE, NO MATTER WHETHER IT BEARS LENIENTLY OR STRINGENTLY. R. ELEAZAR SAYS: [THIS RULE HOLDS GOOD] UNTIL THEY ARE A MONTH AND A DAY BEYOND THE YEARS CONCERNED.

GEMARA. Now this is superfluous,¹³ for were that not the case, it could be refuted as we did. For [the fact is that] the words 'years', 'years' are written superfluously.

Shall we say that our Mishnah is not in accord with Rabbi; for if it were in accord with Rabbi, surely he said: 'Until' is meant to be inclusive. For it was taught: [It is written:] From the first day until the seventh day.¹⁴ One might have assumed [this to mean]: 'From the first day on' but the first not included, and 'until the seventh day' but the seventh day not included,

(1) Whereas above the condition was made that he must be of one quality or condition from the beginning to the end.

(2) Lev. V, 1.

(3) The Torah here insists that it is sufficient if he be fit at the time of seeing and telling, rendering his condition at any other time irrelevant.

(4) He must single out those whom he adjures to give testimony on his behalf, because the Biblical 'He being a witness'

indicates that a definite person must be involved. When the adjurer says: If someone among you knows etc., he speaks in general terms, hence does not affect those few who know among the majority who do not. But if he said: Whosoever of you knows, then he is addressing himself individually to each who does, hence he does oblige those who can give testimony on his behalf, to do so.

(5) He has not left him the money yet. He is still living, although in a dying condition. Yet, as long as he is alive, the Sanctuary has no claim whatsoever on the son, because the general experience that people in a dying condition die, does not, for the purpose of the law, assume that the person is dead, that the inheritance is available, but we say that the son now has no money yet.

(6) Just as the farmer's yoke of oxen are his 'tools' wherewith he earns his living; just as the ass-driver's ass for that reason may not be taken in pledge, so is this man's boat, a tool wherewith he earns his living and must not be taken either.

(7) If a poor man owned a pearl which in his place of residence, for lack of demand, is worth but thirty sela's, whereas in a large town where there are many buyers, it would be worth fifty-one must assume that it is worth only what the poor man can get for it now, in his place of residence. The poor man who vowed his own valuation would hence not have to pay fifty sela's (if he were between twenty and fifty years of age), although the pearl might fetch that price elsewhere. Now the same rule applies to the case of one who said: 'I take it upon myself to pay to the Sanctuary the value of this pearl'. Here, too since we compared valuation to vow of market-value, the vower would have to pay the lower price. The comparison, based on analogy of expression, is found *supra* 2a.

(8) V. *supra* 4b,

(9) When the worth of the person who is the subject of the vow is valued.

(10) Lev. XXVII, 17.

(11) Lev. XXVII, 7.

(12) The valuation from twenty to sixty is fifty shekels. From sixty up it is fifteen. From five to twenty, twenty shekels. Now the Torah in considering one of sixty years to be under age, imposes upon the vower the highest payment — a stringency. Would one stretch the analogy so far as to do just the opposite: to lower the payment by considering one of twenty to be nineteen, which would mean reducing the sum due from fifty shekels to twenty?

(13) 'Mufneh'; lit., 'free, empty, disengaged'. It means that the identical expression, the *gezerah shawah* (v. *Glos.*) occurring in two different texts, has not been engaged for any deduction or interpretation, thus is 'free' and legitimately a source of comparison for the case in question. The repetition of the word 'years'. which has no meaning in the context, and which suggests no other teaching. thereby justifies the inferences made here from the analogous expression.

(14) Ex. XII, 15.

Talmud - Mas. Arachin 18b

, in the same manner as it is said: From his head even unto his feet,¹ where it means, '[from] his head [on]', but his head is not included; and '[unto his] feet', but his feet are not included;² therefore it is said: Until the one and twentieth day of the month at even.³ — Rabbi said: This was not necessary: 'first' [itself] means the first inclusive, and 'seventh' the seventh inclusive! You might even say that our Mishnah is In accord with Rabbi. Here, however, the Scriptural verses are balanced. For it is written: From a month old even unto five years old,⁴ why then [state] From five years old even unto twenty years old?⁵ Therefore they are balanced.⁶

The Master has said: 'his head'. but his head is not included; 'his feet', but the feet are not included. Whence do we know that? — If you like, say: Because the signs [of leprosy] on the body are different from those on the head;⁷ or, if you like, say: As far as appeareth to the priest.⁸

R. ELIEZER SAYS: [THIS RULE HOLDS GOOD] UNTIL THEY ARE A MONTH AND A DAY BEYOND THE YEARS CONCERNED. It was taught: R. Eliezer said, Here it is said, 'and upward', and there it is said, 'and upward';⁹ just as there the meaning is 'from a month and one day', so here a month and one day. But say perhaps: Just as there 'one day' so here, too. 'one day'?¹⁰ — Of what value would the analogy then be?

Our Rabbis taught: The year mentioned in connection with consecrated animals, the year stated in connection with dwelling houses in a walled city,¹¹ the two years in connection with the field of possession,¹² the six years of the Hebrew slave,¹³ as well as those of a son or daughter,¹⁴ are to be understood as from hour to hour.¹⁵ Whence do we know that with regard to consecrated animals? — R. Aha b. Jacob said: Scripture said, A lamb ben shenato [of the first year],¹⁶ i.e. of ‘its own first year’, not that of the calendar.¹⁷ As to the year mentioned in connection with dwelling houses in a walled city. Scripture said: Within a whole year mimkaro [after it is sold],¹⁸ i.e., of its [own year after the] sale, not of the calendar. With regard to the two years of the field of possession, it is written: According unto the number of years of the crops he shall sell unto thee,¹⁹ implying that a man eats [the fruit of] three crops in two years. With regard to the six years of a Hebrew slave, Scripture said: Six years he shall serve, and in the seventh,²⁰ implying that at times in the seventh year, too, he may be working.²¹ ‘As well as those of a son or daughter’, for what practical purpose is the rule? — R. Giddal in the name of Rab said: With regard to valuations.²² R. Joseph said: With regard to [the subject of] the chapter on the foetus extracted by means of a caesarean section.²³

Said Abaye to R. Joseph: Are you [two] of conflicting opinion? — He replied: No, I say one thing, and he said another. Thus also does it seem logical. For if you should think they are disputing, and he who said [the practical purpose] concerns valuations, should not hold it to be also with regard to the chapter about the foetus extracted by means of a caesarean section, has not Rab said that the decision was with regard to all [cases in that] chapter: that [the years] were to be understood as from hour to hour? Then why does he who said [the practical purpose] concerned valuations not say it concerns the chapter on a caesarean extraction? — Because it²⁴ is to be analogous to those [mentioned previously]:²⁵ Just as these are written [in the Torah], so does this refer to what is written [in the Torah].²⁶ And the other? — If you think [that the reference is to] what is written, then the expression ‘With a son or daughter’ — ought it not to state ‘with male or female’?²⁷

(1) Lev. XIII, 12 in connection with the signs of leprosy.

(2) V. infra.

(3) Ex. XII, 18, the words ‘at even’, at the end of the day, include the seventh, and ‘at even’ is also written in connection with the first day in the same verse.

(4) Lev. XXVII, 6.

(5) Ibid. v. 5.

(6) The fifth year as well as the twentieth (vv. 3 and 5) could be counted as belonging to either of the periods. Therefore the verses are suspended in meaning, indeterminate, and it is only the inference from analogy of expression which establishes the correct meaning.

(7) The signs on the head are yellow thin hair, whereas the signs on the body are white hair, and spreading in the skin.

(8) Ibid. XIII, 12. The priest could not see the sign on the head because of the hair, nor between the toes, in one view, as required.

(9) Num. III, 43. with reference to the counting of the Levites. Any Levite of over one month old, even if it be but one day, was included in the counting.

(10) Since here the addition is but one day, perhaps it ought to be exactly alike with the years in the case of valuations.

(11) V. Lev. XXV, 30.

(12) V. infra 29b.

(13) Ex. XXI, 2.

(14) V. infra p. 112, n. 1.

(15) As lasting one year from the hour of its birth, or sale, or service, to the very same hour a year later on the very same day, independent of the calendar year. In a calendar year Tishri would commence the New Year.

(16) Lev. XII, 6. The text might have read: ben shanah, which would have suggested an ordinary year. ‘Ben shenato’, (lit., ‘an animal its year old’) suggests that it shall be its own year, from hour to hour.

(17) Lit., ‘world’.

(18) Lev. XXV, 29. Again the word ‘mimkaro’ suggests its own year. i.e., from hour to hour.

(19) Ibid. v. 15. the double plural ‘years of crops’ suggesting that the regular counting would not be satisfactory. There

may be more than two crops in two years.

(20) Ex. XXI, 2.

(21) The second part of the verse is taken here in conjunction with the first.

(22) I.e., with regard to the age which determines the rate of payment.

(23) In that chapter the age is discussed at which son and daughter are fit to vow. Nid. 45b.

(24) The reference to a son and daughter.

(25) I.e., the consecrated animals, etc.

(26) Viz., valuations.

(27) Just as the Torah in this connection (Lev. XXVII) speaks of 'male' and 'female'.

Talmud - Mas. Arachin 19a

Why is a female, when she is old, valued only at one third, whereas a man at not even a third?¹ — Said Hezekiah: people say, An old man in the house is a burden in the house, an old woman in the house is a treasure in the house!²

CHAPTER V

MISHNAH. IF A MAN SAID: I VOW MY WEIGHT, THEN HE MUST PAY HIS WEIGHT, IN SILVER [IF HE HAD SAID IN] SILVER, OR IN GOLD [IF HE HAD SAID IN] GOLD. IT HAPPENED WITH THE MOTHER OF YIRMATIA,³ WHO HAD SAID, 'I VOW MY DAUGHTER'S WEIGHT': SHE WENT UP TO JERUSALEM AND WEIGHED HER AND THEN PAID HER WEIGHT IN GOLD. [IF A MAN SAID: I VOW] THE WEIGHT OF MY HAND, R. JUDAH SAYS: LET HIM FILL A BARREL WITH WATER AND PUT IT [HIS HAND] IN UP TO THE ELBOW. THEN LET HIM WEIGH THE FLESH, BONES AND SINEWS OF AN ASS AND PUT IT INTO THE BARREL UNTIL IT IS FILLED UP AGAIN. SAID R. JOSE: BUT HOW IS IT POSSIBLE TO ACCOUNT EXACTLY ONE KIND OF FLESH AGAINST ANOTHER KIND OF FLESH, AND ONE KIND OF BONES AGAINST ANOTHER KIND OF BONES? RATHER: ONE ESTIMATES WHAT THE HAND IS LIKELY TO WEIGH.

GEMARA. What does it mean IF SILVER, SILVER, IF GOLD, GOLD? — Rab Judah said: If he had said [my weight] in silver, then [he must pay it] in silver, if gold. gold. But that is self-evident? — This is what he is teaching us: The reason⁴ is because he has mentioned expressly [the precious metal], but if he has not mentioned expressly, he can free himself of the obligation with anything;⁵ in accord with Rehabah, for Rehabah said: In a place where [they sell] pitch by the weight, he can free himself even with pitch. But that is self-evident? — No, it is necessary to mention that for the case that some weigh and others measure it. You might say since not all [sell it] by weight [he may] not [free himself by paying his weight in pitch], therefore we are informed [that he may].

R. Papa said: In a place where [they sell] onions by the weight, he can acquit himself [of his vow] even with onions. But that is self-evident? — It is necessary to mention that because after weighing it [the seller] would add two or three. Therefore you might have said: thereby it should be excluded from the rule of things [sold] by weight. Therefore we are informed [that it is not so excluded].

IT HAPPENED WITH THE MOTHER OF YIRMATIA. An accident [is reported] to contradict [the law just stated]? — Something is missing here and thus it ought to read: 'But if it be a prominent person, then although he has not expressly stated, we estimate it in accordance with his dignity; and IT HAPPENED WITH THE MOTHER OF YIRMATIA WHO HAD SAID, 'I VOW MY DAUGHTER'S WEIGHT': SHE WENT UP TO JERUSALEM AND THEY WEIGHED HER, AND THEN SHE PAID HER WEIGHT IN GOLD'.⁶

Rab Judah said: If one says, I vow my stature, he must give a staff which cannot be bent. [If he said:] I vow my full stature, he may give a staff which can be bent.⁷ They raised the following objection: [If one said:] 'I vow my stature', or [if he said, 'I vow] my full stature', he must give a staff which cannot be bent? He holds with R. Akiba, who pays close attention to redundant speech. For we learnt: Nor [has he thereby sold]⁸ the cistern or the walled cellar, even though he wrote [in the document of sale], 'the depth and the height', but he [the seller] must acquire for himself a way thereto. These are the words of R. Akiba. The Rabbis taught: He does not need to do so. R. Akiba, however, agrees that if he had said, 'With the exception of these', he need not buy himself a way thereto.⁹ Thus we see that since he did not have to say anything and nevertheless did make a statement, he meant to add something thereby; therefore here, too, since he did not have to say anything and he spoke nevertheless, he wanted to add something.¹⁰

The following question was raised [in the Academy]: If he said, 'My stand', what is [the law]?

- (1) A woman under sixty is to be valued at thirty, above sixty at ten, which is one third; a man under sixty at fifty, over sixty at fifteen, which is less than a third.
- (2) A woman is never too old to be useful in the house, whereas in popular opinion, an old man in the house may be termed 'an obstacle', 'a burden', 'a weak vessel'.
- (3) Var. lec.: Domitia.
- (4) That he was to pay his weight in silver or gold.
- (5) However base a metal or material.
- (6) According to which one is bound only by express statement as to that metal is meant, whereas the mother of Yirmatia, on the basis of a general vow, is reported to have made a payment of the weight in gold.
- (7) In the first case the stature of the metal, whichever he mentioned, should be paid. In the second, he has stressed only the height, therefore a staff, however thin and easy to be bent, will redeem the pledge. In the first it must be solid, as his figure, in the second it must be high, but need not be of any minimum thickness.
- (8) I.e., if one who has sold a house.
- (9) V. B.B. 64a.
- (10) The seller should not have mentioned a self-evident clause: that cistern and cellar are not sold with the house. Having mentioned that, he must have added something to the contract not implicit therein, viz., the right to the cellar. In similar manner here, 'full' is a superfluous phrase, stature implies the full height. Hence the additional suggestion: It is only as to the full height that I assume obligation, but as to thickness, that may be as slender as possible.

Talmud - Mas. Arachin 19b

'My breadth, what is [the law]? 'My sitting', or 'My thickness', what is [the law]? 'My circumference', what is [the law]?¹ — The questions remain unanswered.

I VOW THE WEIGHT OF MY HAND. Our Rabbis taught: [If one said:] 'I vow the weight of my hand and the weight of my foot', R. Judah says: Let him bring a barrel, fill it with water, place his hand therein up to the elbow, and his foot up to the knee; then let him weigh the flesh, bones and sinews of an ass and put it in [to the barrel] until it is filled up. And although there is no proof for it [in the Bible],² there is a mnemonical allusion: Whose flesh is as the flesh of asses.³ R. Jose said to him: How is it possible to account exactly one kind of flesh as against another kind of flesh, one kind of bones as against another kind of bones, and one kind of sinews as against another kind of sinews? R. Judah answered him: They estimate [the weight of the flesh, bones and sinews].⁴ Said R. Jose to him: If you must estimate, estimate the hand [itself]? And R. Judah? As far as possible we do it by weight.

'The hand up to the elbow'? An objection was raised: The hands and feet in the Sanctuary were washed up to the joint [of the palm]? In [the language of] the Torah [hand means] up to the joint, but

with regard to vows, go after human parlance!

But according to the Torah [language, does it mean] up to the joint? What then of tefillin with regard to which thy hand⁵ is written; and the School of Mennaseh taught: 'thy hand', that means on the biceps muscle? [Rather say thus,] In the Torah [it means] the whole biceps-muscle, but with regard to vows, go after human parlance, and as to washing the hands and feet in the Sanctuary. that⁶ is a traditional teaching.

'The foot up to the knee'? But there is a contradiction against this. [It is written,] Feet,⁷ that excludes people with wooden legs?⁸ — With regard to vows, go after human parlance. But in the Torah does [the term] foot exclude people with wooden legs? What of halizah where it is written: his foot,⁹ and yet it was taught if she drew off his shoe [that was strapped] from the knee below, her halizah [ceremony] is valid?¹⁰ — It is different there, because Scripture says: From off his foot.⁹ If that be so, then even if [the shoe was strapped] above the knee, it should also be [valid]? — It reads: from above', not 'from over above'.

R. Papa said: It is evident therefrom¹¹ that what is called istawira¹² goes down to the ground.¹³ For if you should think it is divided [into two], then the istawira would be 'above the foot' and the thigh¹⁴ 'over above' [the foot].¹⁵ — R. Ashi said: You may even say that it is divided [into two], yet whatsoever is horizontally with the foot¹⁶ is [like] the foot.

MISHNAH. [IF SOMEONE SAID] I VOW THE WORTH OF MY HAND, THEY ESTIMATE HIS WORTH WITH HIS HAND AND [WHAT IT WOULD BE] WITHOUT HIS HAND. IN THIS RESPECT VOWS OF WORTH ARE MORE STRINGENT THAN VALUATIONS.¹⁷

GEMARA. How do we estimate him? — Raba said: We estimate him as one estimates in the case of injury.¹⁸ Said Abaye: Are the two cases alike? There the man is reduced in value, here he is in physical integrity! — Rather, said Abaye: They estimate how much a man would give for a slave who does his work with but one hand as against what he would give for a slave who does his work with both hands. [You say,] 'With one hand'? What does that imply? That the other is cut off? But that is the very case [of damage just mentioned]. Rather [say, How much a man would give . . . as against the case] where one of his hands is assigned to the first master.¹⁹

Raba asked: If they have estimated him in a case of injury and he said: 'I vow my worth', what is [the law]? Do we say, 'surely they have estimated him once already', or is an estimate by ten different from an estimate by three?²⁰ And if you find a reason for saying that the estimate by ten is different from one by three, what is [the law] if he said: I vow my worth and he was estimated, whereupon he said again. I vow my worth? Is it here definite since ten have estimated him, or perhaps he may have increased in value meantime!²¹ [And if you were to say that he has increased in value meantime,] what is [the law] if he said: I vow my worth, and they did not estimate him, and then he again said: I vow my worth? [Do we say] in this case he is surely

(1) 'My stand' may mean my height; 'my breadth' may mean a staff as long as I am broad, or a staff as broad as I am; 'my thickness', too, is ambiguous; 'my circumference' may imply a staff, crooked and of the same circumference as myself, or one as thick as my circumference.

(2) That the weight of flesh, bones and sinews of an ass correspond to those of men.

(3) Ezek. XXIII, 20.

(4) Probably the meaning is that the weighing demanded by R. Judah is but to serve as an aid to estimating the weight of the hand itself].

(5) Ex. XIII, 9.

(6) The limit of the joint of the palms.

(7) Ex. XXIII, 14.

- (8) Men with artificial feet are not obliged to go 'on foot', i.e., on pilgrimage to the Temple on the three festivals, v. Hag. 3a. This shows that the foot does not stretch to the knee.
- (9) Deut. XXV, 9.
- (10) V. Yeb. 101a.
- (11) Since a halizah performed with a shoe strapped below the knee is valid.
- (12) I.e., the ankle (in an anatomical sense).
- (13) I.e., the entire length of the foot from the ankle.
- (14) I.e., that part of the leg up to the knee joint from the ankle upward.
- (15) And consequently the halizah should be invalid.
- (16) I.e., the whole istawira is regarded as part of the foot.
- (17) Because one cannot vow the valuation of the hand or any other non-vital organ.
- (18) V. B.K. 83b. He is looked upon as if he were a slave to be sold in the market, and they assess how much he was worth (before the injury) and how much he is worth now.
- (19) He must not do work with it for the second master at all. He is therefore physically of full integrity and the analogy is warranted.
- (20) One who vows his market-value must be estimated by a body of ten with the case of our Mishnah, whereas one's assessment in the case of injuries can be determined by a court of three (v. Sanh. 2a).
- (21) And consequently he must be assessed anew.

Talmud - Mas. Arachin 20a

to be estimated once [only],¹ or perhaps since he vowed one time after the other, he is [formally] to be estimated twice? And if you find a reason for saying that because he vowed one time after the other he is to be estimated twice, what is [the law] if he said, 'Twice my worth do I vow'? [Do we say] he has definitely vowed only once and hence he should be estimated only once, or perhaps since he said, 'Twice' it is to be as if he had vowed one time after the other? And if you find a reason for saying that since he said, 'Twice' it is to be as if he had vowed one time after the other, what is [the law] if they had estimated him incidentally?² Do we say. Behold he stands estimated, or do we require intention for an estimation [to be valid]? — Solve at least one [of these questions], for we learnt: [If one said,] 'I vow my worth' and died, the heirs need not give anything', because a dead man has no worth.³ Now if you were to say that if they had estimated him incidentally the estimate would be considered valid, then he, too, stands estimated already; for is there a person who is not worth four zuz [at least]? — [No,] one estimated incidentally has been estimated at any rate, but one who merely said: 'I vow my worth', has not reached [the stage of] estimation at all.

MISHNAH. VALUATIONS ARE IN THE DIRECTION OF MORE STRINGENCY THAN VOWS OF WORTH. HOW IS THAT? IF ONE SAID: I VOW MY VALUATION AND THEN HE DIES. HIS HEIRS MUST PAY IT. [BUT IF HE SAID:] I VOW MY WORTH AND THEN HE DIES, THEN HIS HEIRS NEED NOT PAY ANYTHING BECAUSE DEAD PERSONS HAVE NO WORTH [MARKET-VALUE]. [IF HE SAID,] 'THE VALUATION OF MY HAND OR FOOT I VOW', HE HAS SAID NOTHING, [BUT IF HE SAID,] 'I VOW THE VALUATION OF MY HEAD OR OF MY LIVER', HE MUST PAY HIS WHOLE valuation. THIS IS THE GENERAL RULE: [WHENEVER HE VOWED THE VALUATION OF ANY] THING ON WHICH HIS LIFE DEPENDS. HE MUST PAY HIS VALUATION IN FULL. [IF HE SAID:] 'I VOW. HALF MY VALUATION', HE MUST PAY HALF HIS VALUATION, [BUT IF HE SAID,] 'THE VALUATION OF ONE HALF OF ME HE MUST PAY HIS WHOLE VALUATION. [IF HE SAID] 'HALF OF MY WORTH I VOW', HE MUST PAY HALF HIS WORTH. [IF HE SAID,] 'I VOW THE WORTH OF ONE HALF OF ME, HE MUST PAY HIS WHOLE WORTH. THIS IS THE GENERAL RULE: [IF HE VOWED] THE WORTH OF ANYTHING ON WHICH HIS LIFE DEPENDS, HE MUST PAY HIS WHOLE WORTH. IF HE SAID: I VOW THE VALUATION OF SO-AND-SO', AND BOTH THE VOWER AND THE SUBJECT OF THE VOW DIED, THEN THE HEIRS MUST PAY IT. [IF HE SAID,] 'THE WORTH OF SO-AND-SO I VOW', AND THE

VOWER DIED, THE HEIRS MUST PAY IT. BUT IF THE SUBJECT OF THE VOW DIED, THE HEIRS NEED NOT PAY ANYTHING BECAUSE DEAD PERSONS HAVE NO WORTH.

GEMARA. Our Rabbis taught: Vows of worth are in the direction of greater stringency than vows of valuations, for vows of worth apply to cattle, game and birds, and are not estimated according to sufficiency of means, whereas it is not so with valuations. Valuations are in the direction of greater stringency than vows of worth. How is that? If one said: 'I vow my valuation' and then died, his heirs must pay it; [but if he said,] 'I vow my worth' and then died, his heirs need not give anything, for dead persons have no worth [market-value].

'If he said: "I vow my valuation" and then died, his heirs must pay.' We infer therefrom that an oral debt may be collected from the heirs?⁴ — It is different here because it is a debt arising from the law of the Torah. Then we may infer from here that a debt arising from the law of the Torah has the force of one acknowledged in a document of indebtedness? — Here we speak of the case where he stood before the court.⁵ Then, in the same situation where he had said: 'I vow my worth', if he stood before the court, why should the heirs not have to pay? — Because in the case of where he says, 'I vow my worth', he still lacked estimate, whilst in the case where he had said, 'I vow my valuation', he lacked nothing.⁶

I VOW THE VALUATION OF MY HAND OR OF MY FOOT etc. R. Giddal in the name of Rab said: And he must pay its worth [market-value]. But it was said, He has said nothing? — He has said nothing according to the Rabbis, but he must pay according to R. Meir.⁷ But he [R. Giddal] has said that once already, for R. Giddal had said in the name of Rab: [If someone said:] 'I vow the valuation of this vessel', he must pay its market-value?⁸ You might have said: There [he must pay the market-value] because a man knows that a vessel is not subject to valuation, therefore he had made up his mind to [use the phrase meaning, however, its] worth. But here he was really mistaken, in that he believed that just as there is valuation to 'my hand or liver', there is one to 'my foot or hand', but he never meant the market-value; therefore he informs us [that he must pay the market-value nevertheless].

THE VALUATION OF MY HEAD OR MY LIVER', HE MUST PAY HIS WHOLE VALUATION. Why? — The Divine Law said: souls.⁹

THIS IS THE GENERAL RULE: [WHENEVER HE VOWED THE VALUATION OF] ANYTHING ON WHICH HIS LIFE DEPENDS, HE MUST PAY HIS VALUATION IN FULL. That includes [his saying: I vow the valuation of anything] from the knee upwards.¹⁰

HALF OF MY VALUATION etc.' Our Rabbis taught: [If a man said:] 'I vow half my valuation', he must pay half his valuation. R. Jose son of R. Judah says: He receives punishment and must pay his full valuation.¹¹ Why [should he be punished]? — Said R. Papa: He receives the punishment of having to pay the full valuation. What is the reason? — [It means,] We are stringent about the vow, 'Half of my valuation' because [of its possible confusion with] 'The valuation of one half of him', and the valuation of the half of oneself is tantamount to [the valuation of] something on which one's life depends.

HALF OF MY WORTH DO I VOW etc. [BUT IF HE SAID:] 'I VOW THE WORTH OF ONE HALF OF ME, HE MUST PAY THE WHOLE OF HIS WORTH. What is the reason? — Scripture said: A vow of persons [souls] according to thy valuation.¹² THIS IS THE GENERAL RULE: [WHENEVER HE VOWED THE VALUATION OF] ANYTHING ON WHICH LIFE DEPENDS, HE MUST PAY HIS WHOLE VALUATION. That includes his vowing the worth of anything from the knee upwards.¹³

Our Rabbis taught: If one vows half the valuation of a vessel, then R. Meir says he must pay its market-value, whereas the Sages say he need not pay anything. Rabbah was ill. Abaye and the Rabbis entered his home. They were sitting and saying: That is right according to R. Meir for he holds that 'no man utters his words in vain [without purpose]', there being no difference whether one half or the whole is concerned. But [the difficulty is with] the Rabbis. What is their view? If they hold a man does utter his words in vain, then he should be free from any obligation to pay even if he said, [I vow the valuation] of a whole vessel; and [if they hold] that a man does not utter his words in vain, then he ought to pay even though he vowed half of its valuation? — Rabbah answered them: The Rabbis here hold with R. Meir and with R. Simeon: They hold with R. Meir that no man utters his words in vain, and they agree with R. Simeon who said [that he¹⁴ is exempt] because he did not make a freewill-offering in the manner proper to those that make freewill-offerings. Now it would make a full gift for one to vow a whole [vessel], but it is not usual to vow only half [a vessel].¹⁵

IF SOMEONE SAID: 'I VOW THE VALUATION OF SO-AND-SO AND THEN THE VOWER DIED etc. How is this [case] to be explained? presumably that he stood before the court?'¹⁶ But that is the same as the other?'¹⁷ — It is necessary [to state that] because of the second clause: [If he said,] 'I vow the worth of So-and-so'. and he who vowed died, then the heirs must pay it

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- (1) Making, of course, a twofold payment.
 - (2) I.e., not with any particular purpose in view.
 - (3) V. next Mishnah.
 - (4) And elsewhere it was left an undecided question.
 - (5) To have his payment enforced.
 - (6) The payment being determined according to age and sex by the law in Lev. XXVII.
 - (7) V. supra 5a.
 - (8) R. Giddal holds with R. Meir (supra 5a) that no man utters his words in vain, hence, whilst careless as to technical terms, he has something definite in mind. A vessel not being subject to valuation, he must have had in mind its market-value.
 - (9) Persons, souls (life), all members or parts of the body upon which life depends can be dedicated, their value being equal to the valuation of the whole person.
 - (10) The suggestion is that the removal of any part of the body above the knee would constitute a danger to life, hence would mean the valuation of the person. just as if somebody said: I 'vow my liver, or my heart'.
 - (11) 'Lakah', the term, tech. for the thirty-nine stripes, means literally to suffer', 'to be at a disadvantage'; hence R. Papa's interpretation. Cf. B.M. 43a.
 - (12) Lev. XXVII, 2. The some interpretation as to vitality of the organ concerned applies to both vows of worth and valuations.
 - (13) V. supra p. 118, n. 4.
 - (14) Who vowed to bring a meal-offering of barley. v. Men. 103a.
 - (15) Therefore, if he had evaluated a whole object on the principle that no man utters words in vain, he would have been considered liable. But an unusual gift made in the additionally abnormal form of half of an object must have been meant 'in vain', not seriously. hence the Rabbis decide that he need not pay anything at all.
 - (16) To be assessed.
 - (17) Above, exactly the same case was reported, and interpreted also as one in which he stood before the court. Why then this repetition?

Talmud - Mas. Arachin 20b

. Now you might have said: Since there has been no estimate,¹ his possessions are not subject [to payment], therefore we are informed that since he stood before the court, his possessions have [automatically] become liable [for the vow], the estimating being a mere statement of fact [as to the monetary value].

MISHNAH. [IF SOMEONE SAID:] THIS OX SHALL BE A BURNT-OFFERING. OR THIS HOUSE SHALL BE AN OFFERING,² AND THE OX DIED OR THE HOUSE FELL DOWN, HE IS FREE FROM PAYING [THEIR WORTH]. [BUT IF HE SAID:] 'I VOW THIS OX AS A BURNT-OFFERING' OR 'THIS HOUSE AS AN OFFERING AND THE OX DIED, OR THE HOUSE FELL DOWN. THEN HE IS OBLIGED TO PAY [THEIR WORTH].³

GEMARA. R. Hiyya b. Rab said: This has been taught only for the case where he said: 'I vow⁴ the worth of this ox for a burnt-offering', but if he said: 'I vow this ox as a burnt-offering', since he had said 'this' and [this one] died, he is not obliged [to make restitution for it], for he [merely] meant: '[I vow] to bring him'.⁵

An objection was raised: [If he said,] 'This ox shall be a burnt-offering', then the ox is sacred property and the law of sacrilege applies to it.⁶ If it die or be stolen, he is not obliged to make restitution. [But if he said:] 'I vow this ox as a burnt-offering', the ox becomes sacred property and the law of sacrilege applies to it. If it died or is stolen, he is obliged to make restitution! — Is this [teaching] any stronger than our Mishnah? There we assumed it refers to the case where he said: 'I vow its worth', thus here too, the reference is to the case where he said: 'I vow its worth'. But since the second part speaks of the case where he said 'the worth', the first must needs speak of the case where he did not say 'the worth'! For the second part reads: [If he said:] The money of the ox shall be a burnt-offering, then the ox remains profane, and the law of sacrilege does not apply to it. If it die or be stolen, he is not obliged to make restitution. But he is obliged to make restitution for his money?⁷ — Both the first and the second part speak of the case where he said: 'Its money value'; but in the first case he said: 'The ox be sanctified in respect of its money', in the second he said: 'The money thereof be sanctified when realized'. But how can a man sanctify a thing that is non-existent?⁸ Said Rab Judah in the name of Rab, This is in accord with R. Meir who said: A man may sanctify a thing that is non-existent.

Some say. R. Papa said to Abaye (or, according to others, Rama b. Hama said to R. Hisda): According to whom will [this teaching be]? According to R. Meir, who holds a man may consecrate a thing that is non-existent? He replied: According to whom else [will it be]?

Some refer it to the following: If a man rents a house to his neighbour and it became leprous, then although the priest has declared it definitely leprous, he could say to him: Behold. before you lies your own!⁹ If the priest has broken it down, he is obliged to place another one at his disposal;¹⁰

(1) Sc. of the worth of the one who has been vowed.

(2) For the repair of the Sanctuary. v. Num. XXXI, 50. where such gifts, too, are called korban, 'offering'.

(3) Tosaf, interprets this Mishnah thus (s.v. אומר): If someone used the expression. 'this ox' or 'this house' shall be an offering. and the ox died or the house fell down, then he is not obliged to pay because he made the vow contingent upon these objects or upon their value when extant. But if he said: 'I vow (lit., "(I take) upon me") this ox or house', then he makes the payment depending on none but himself, and he must redeem his pledge independent of the condition or existence of the objects (referred to). Maimonides makes this distinction: The preceding Mishnah taught: Dead persons have no market-value. This applies only to human beings. Oxen, however, have value even when dead.

(4) V. supra p. 120, n. 5.

(5) I.e., if possible, to make every effort to do so. But his obligation extended only to this ox; he assumed no responsibility for any accident (like death) that would render his effort futile.

(6) V. Lev. V, 15ff.

(7) If it is sold and the money obtained as proceeds is lost.

(8) Lit., 'that has not come into the world'. How then can the consecration operate at all in the second clause?

(9) The owner can say to him who rented it: The house I rented to you is here. That it became leprous is your misfortune.

(10) If the priest broke down the house, then the rented house being no more available, the owner must provide a new house for the use of him who had rented it.

Talmud - Mas. Arachin 21a

if he consecrated it, then he who dwells therein must pay rent to the Sanctuary. [It says,] 'If he consecrated it, then he who dwells therein must pay the rent to the Sanctuary'. But how could he have consecrated it; does not the Divine Law say. And when a man shall sanctify his house,¹ i.e. just as his house is in his possession, so [can he sanctify only] such things as are in his possession? — This is what it means: If he who leases it consecrates it, then he who dwells therein must pay rent to the Sanctuary. You say, 'If he who leases it consecrated it', but how could he dwell therein? Surely he is committing sacrilege? Furthermore [it says]: 'He must pay rent to the Sanctuary'? Once sacrilege has been committed its rent becomes profane? — It speaks of the case where he said: 'As soon as the rent comes in, it shall be sanctified'. But no man can sanctify anything that is non-existent? — That is in accord with R. Meir who said: A man may sanctify a thing that is non-existent.

Some say R. Papa said to Abaye (others, that it was Rama b. Hama said to R. Hisda). According to whom [will this teaching be]? According to R. Meir. who said. A man may sanctify a thing that is non-existent? — He replied: According to whom else [will it be]?

MISHNAH. A PLEDGE IS TO BE TAKEN FROM THOSE WHO OWE [MONEY DUE FROM] VALUATIONS, BUT NOT FROM THOSE WHO OWE SIN-OFFERINGS OR GUILT-OFFERINGS.² A PLEDGE MUST BE TAKEN FROM THOSE WHO OWE BURNT-OFFERINGS OR PEACE-OFFERINGS AND ALTHOUGH NO ATONEMENT IS OBTAINED FOR HIM UNTIL HE AGREES, AS IT IS SAID: LIRZONO, HE IS TO BE COERCED UNTIL HE SAYS: I AGREE.³ THUS ALSO IS IT THE CASE WITH A DOCUMENT OF DIVORCE: THEY COERCE HIM UNTIL HE SAYS: I AGREE.

GEMARA. R. Papa said: It may happen that a pledge is taken from those who owe sin-offerings, and that none is taken from those who owe burnt-offerings. A pledge is taken of those who owe a sin-offering, that is in the case of a Nazirite. For since a Master said: If he shaved his hair after having offered one of the three sacrifices due,⁴ he has fulfilled his duty, and if the blood of one of them has been sprinkled, he is permitted to drink wine and to defile himself with a dead person; therefore he might be negligent about it⁵ and not bring it, [therefore one compels him to do so]. No pledge is taken from those who owe burnt-offerings: this refers to the burnt-offerings due from a woman who has given birth. Why is that? [presumably] because Scripture cites it first?⁶ But did not Raba say: It is only in the reading [in the text] that Scripture has placed it first but not in respect of the offering itself? — Rather, it refers to the burnt-offering due from a leper, for it was taught: R. Johanan b. Beroka said: Just as his sin-offering and his guilt-offering are indispensable for [his becoming clean again]. so is his burnt-offering indispensable.

AND ALTHOUGH NO ATONEMENT IS OBTAINED FOR HIM UNTIL HE AGREES. Our Rabbis taught: He shall offer it,⁷ that teaches that one forces him to do so. One might have thought, against his will? Therefore the text states: Lirzono.⁸ How is that? He is coerced until he says. 'I will'. Samuel said: A burnt-offering requires his agreement, for it is said: 'Lirzono'. What is he teaching Us, we have learnt already: ALTHOUGH HE CANNOT OBTAIN ATONEMENT UNTIL HE AGREES, AS IT IS SAID: LIRZONO? — It is necessary [for Samuel to mention it] for the case where his fellow put one aside for him. You might have said: We need his agreement only in the case of an offering from his own [possession] but not from his fellow's, therefore we are informed that [it may happen] at times it may not please him to obtain atonement through something not of his own.

An objection was raised: [If he said,] 'I vow the sin-offering or guilt-offering due from So-and-so'

(1) Lev. XXVII, 14.

(2) In the latter case the person will make every effort to obtain atonement through offering the sacrifice. In the former, where but the redemption of a pledge is involved, he might be negligently delaying it. The exceptions to each rule the Gemara mentions and explains.

(3) Lirzono, 'with his agreement' (E.V. that he may be accepted).

(4) Num. VI, 14. The Nazirite must offer up a burnt-offering, a sin-offering and a peace-offering. Thereupon he may (ibid. 18) shave his hair, at the end of his Naziriteship.

(5) I.e., the sin-offering, if he happened to have brought the others first.

(6) Lev. XII, 6. The woman shall bring a lamb . . . for a burnt-offering, . . . and a young pigeon for a sin-offering, implying that the burnt-offering is indispensable to her cleansing. Actually, however, the sin-offering is offered up first.

(7) Lev. I, 3.

(8) Lirzono, 'with his agreement' (E.V. that he may be accepted).

Talmud - Mas. Arachin 21b

then if it is with the latter's [knowledge and] agreement, he has fulfilled his duty, but without his [knowledge and] agreement he has not fulfilled it. [If he said,] 'I vow the burnt-offering or peace-offering of So-and-so', then he has fulfilled his obligation, whether it was done with his knowledge or not?¹ — Samuel will answer you: This was taught with regard to the time of the [obtainment of] atonement,² he having agreed at the time the sacrifice was [designated] separated [for his purpose]; whereas I refer to [his agreement necessary] at the time of its being separated. Now this is in conflict with the view of 'Ulla; for 'Ulla said: They have made no distinction between burnt-offering and sin-offering except in this: the sin-offering requires the agreement [of the one who has to bring it] at the time of its designation, whereas the burnt-offering needs no such agreement. But as for the time of the atonement, in the case of either: If with his agreement he has fulfilled his duty, if not with his agreement, he has not fulfilled his duty.

An objection was raised: [If he says:] 'I vow the sin-offering, guilt-offering, burnt-offering, or peace-offering due from So-and-so' then [if they are offered] with the latter's agreement, he has fulfilled his obligation. without the latter's agreement. he has not done so? — Samuel refers this teaching to the time of the designation. 'Ulla to that of the atonement.

R. Papa said: The two Baraitas³ do not contradict one another; one refers to the time of the atonement, the other to that of the designation. Nor do they contradict the Amoraim, Samuel interpreting the first as referring to the time of the atonement, and the second as dealing with the time of the designation; whereas 'Ulla interprets them inversely. The Amoraim, however, surely differ. But that is self-evident? You might have said: When Samuel says that he refers it to 'the time of the designation',⁴ he means, 'Also to the time of the designation', although thereby the first Baraita would be contradicting him,⁵ therefore we are informed [otherwise].⁶

THUS ALSO IS IT THE CASE WITH A DOCUMENT OF DIVORCE: ONE COERCES HIM etc. R. Shesheth said: If one utters a protest with regard to a document of divorce,⁷ then his protest is valid. Is not that self-evident? — No. It is necessary to state that for the case where he was first coerced and then agreed thereto. You might have said he has [by his agreement] cancelled his protest, therefore we are informed his protest stands. For [if it were not so] let [the Mishnah] state: [One coerces him] 'Until he gives it'. What is the meaning of UNTIL HE SAYS? [Hence it means,] Until he cancels his protest [expressly].

CHAPTER VI

MISHNAH. [THE PROPERTY] OF ORPHANS WHICH HAS BEEN VALUED⁸ [MUST BE

PROCLAIMED FOR] THIRTY DAYS, AND [THE PROPERTY OF] THE SANCTUARY WHICH HAS BEEN VALUED [FOR] SIXTY DAYS; THE PROCLAMATION MUST BE MADE IN THE MORNING AND IN THE EVENING.

GEMARA. Why in the morning and in the evening? — Rab Judah said in the name of Rab: At the time when the labourers leave [work] and at the time when they enter [upon their work]. ‘At the time when the labourers leave’, for there may be someone desirous of buying, who would say to them: ‘Go and examine it for me’. ‘At the time when they enter [upon their work]’, so that he may remind himself of what he had told them and ask them. Thus was it also taught: [The property] of orphans which has been valued [must be proclaimed] for thirty days, that of the Sanctuary for sixty days, the proclamation to be made in the morning and in the evening, at the time when the labourers leave, and at the time when they enter. [The proclaimer] says, The field of So-and-so, of these characteristics and boundaries, is of such and such quality,⁹ and is valued at so much. Let whosoever wants to buy it come and buy it for the purpose of paying a woman her kethubah¹⁰ or a creditor his debt. Why is it necessary to state ‘for the purpose of paying a woman her kethubah or a creditor his debt’? Because there are some who would prefer dealing with a creditor who is lenient with regard to the coins,¹¹ while others prefer dealing with a woman, who will take it also in instalments.

(1) Contra Samuel.

(2) I.e., the time of the actual sacrifice, through which atonement is being obtained.

(3) The one teaching that if one vowed the burnt-offering and peace-offering of someone else, the latter fulfilled his duty whether that offering had come with or without his knowledge; and the other teaching that in every case knowledge of him on whose behalf they were offered was indispensable.

(4) I.e., that at all times agreement of the person on whose behalf the burnt-offering is sacrificed is necessary.

(5) Which said that the person on whose behalf the burnt-offering was offered up fulfilled his duty whether he knew (and agreed) or not.

(6) I.e., that Samuel requires no agreement at the time of the atonement.

(7) To the effect that he does not give it out of his free will, but calls upon the people present to be his witnesses to the fact that he is forced to give it. Such a protest would invalidate the document.

(8) By the court, for the purpose of providing payment for the creditors, either the marriage settlement of the widow, or the debt contracted by the father.

(9) It produces so much crop.

(10) V. Glos.

(11) The merchant (creditor) will take even imperfect coins, which in the absence of base metal, would after some time become thin. Such would be looked upon with misgiving by the widow, but not by the merchant, who would know whether the depreciation is too serious for him to accept them. On the other hand, he will insist on full payment, whilst the widow, who uses the money for her own needs, rather than for investment in business enterprise, will be willing to accept payment by instalments, thus allowing the purchaser to use the capital for himself in the interval.

Talmud - Mas. Arachin 22a

Our Rabbis taught: [The property] of orphans which has been valued [must be proclaimed for thirty days], and [that] of the Sanctuary which has been valued, for sixty days. This is the view of R. Meir. R. Judah says: [The property] of orphans that has been valued must be proclaimed for sixty days and [that] of the Sanctuary which has been valued for ninety days. But the Sages say: Both of them for sixty days. R. Hisda said in the name of Abimi: The halachah is: [The property] of orphans that has been valued must be proclaimed for sixty days. R. Hiyya b. Abin sat and reported this law. Said R. Nahman b. Isaac to him: Did you say ‘sixty’ or ‘thirty’? He replied: ‘Sixty’. ‘Of the orphans or of the Sanctuary?’ He answered: ‘Of the orphans’. ‘In accord with R. Meir or with R. Judah’? He replied: ‘With R. Meir’. ‘But R. Meir said "thirty days"?’ He answered: Thus did R. Hisda say: Many a beating did I receive from Abimi because of this [teaching]: If he is to proclaim on consecutive days, then [the period of proclamation] is thirty days; if on Mondays and Thursdays

alone, then it is sixty days.¹ And although if you, Sir, were to count the days [of actual proclamation] it will be only eighteen,² still, since the matter is drawn out [over sixty days], people hear about it.

Rab Judah said in the name of R. Assi: One must not distraint upon the property of orphans except if interest was consuming it. R. Johanan says: Either because of a document of indebtedness bearing interest, or because of the kethubah of a woman [so as to save from further payment] on account of her.³ Why does not R. Assi say. 'Because of a woman's kethubah'? — Because the Rabbis have arranged for them⁴ to receive the work of her hands.⁵ And the other? — At times that may not be sufficient. We learnt: [THE PROPERTY] OF ORPHANS WHICH HAS BEEN VALUED [MUST BE PROCLAIMED FOR] THIRTY DAYS, AND [THE PROPERTY OF] THE SANCTUARY WHICH HAS BEEN VALUED [FOR] SIXTY DAYS; THE PROCLAMATION MUST BE MADE IN THE MORNING AND IN THE EVENING. What case are we dealing with? Would you say one with a heathen creditor? Would he agree [to wait]?⁶ Hence it is self-evident that we are dealing with a case of an Israelite creditor. [But then] if he were to consume interest,⁷ would we permit him to do so? — Rather must you say that he is not consuming interest, and yet it is taught: We distraint upon [the orphans' property]. Now this will be right in accord with R. Johanan who will interpret it as referring to the case of a woman's kethubah; but according to R. Assi it is a difficulty? — R. Assi will answer you: But even according to R. Johanan, is it in order? How do we continue to allow her the alimony,⁸ which definitely causes them loss, and take up the proclamation, concerning which we do not know if it will show profit or not?⁹ — This is no difficulty: the case speaks of one who demands her kethubah in court,¹⁰ in accord with Rab Judah in the name of Samuel. For Rab Judah said in the name of Samuel: One who claims her kethubah before the court receives no more alimony. If so, we should not attend to her at all? — Since we attended to her at the beginning, we attend to her at the end as well.¹¹ But at any rate, on the view of R. Assi [our Mishnah] presents a difficulty? [No!] Indeed I can maintain that the case is one of a heathen creditor, but the reference is to one who accepted to have his case dealt with in accord with Israelite law.¹² If that is so, let him not take interest. He accepted [Jewish Law] in the one respect, but not in the other.¹³

Come and hear: One may not collect from the property of orphans except the worst land. What case are we dealing with here? Would you say that the creditor is a heathen, he surely would not agree to this!¹⁴ Hence you must say it deals with an Israelite creditor. [But then] if he consumes interest, how could we permit him to do so? Hence you must say that he did not consume interest; and nevertheless we are taught that we distraint upon [the orphans' property]? It will be right for R. Johanan, for he will interpret it as referring to a woman's kethubah. But according to R. Assi, it will present a difficulty? — R. Assi will tell you: But even according to R. Johanan is it right? If it refers to a kethubah, why does he speak of [the property of] orphans, even if it were his own, it could be collected only from the worst land? — That is no difficulty. It will be in accord with R. Meir who holds that a woman's kethubah is collectable from a land of average quality, but if from orphans' property, only from worst land.¹⁵ At any rate, according to R. Assi, the difficulty stands! [No,] indeed I can maintain that we deal with the case of a heathen creditor, but it refers to one who has accepted upon himself that the case be dealt with according to Jewish law. Then let him not take interest either? — The case is that he accepted [the law] in respect of the one thing, but not in respect of the other.

Come and hear: 'For the purpose of paying a woman her kethubah or a creditor his debt'. Now this will be right in the case of a creditor, whether according to one Master or to the other Master,¹⁶ as we have answered it.¹⁷ But as for the case of the kethubah, that will be right according to R. Johanan. but on the view of R. Assi it will present a difficulty! — [We speak here of the case] where the debtor¹⁸ admitted [the debt]. Now that you have come to this [explanation], all the other [teachings]¹⁹ may also be explained as referring to the case that the debtor admitted it.

Meramar collected the kethubah of a divorced woman from the orphans' property, whereupon

Rabina said to him: But Rab Judah has said in the name of R. Assi: One must not distraint upon the property of orphans, except if interest was consuming it. R. Johanan says: Either because of a document of indebtedness bearing interest, or because of the kethubah of a woman [so as to save from further payment] on account of her alimony. And even R. Johanan was including only [the case of] a widow, because her alimony causes them loss, but not in the case of a divorce?²⁰ — He replied: [The reason for] that ruling of R. Johanan²¹ we explain to be ‘for favour's sake’.²² R. Nahman said: At first I would not distraint upon the property of orphans. But when I heard the statement of our colleague, R. Huna in the name of Rab: As for orphans who enjoy what does not belong to them, let them follow him who left them! from that time on I distraint upon it. Why not at first? — R. Papa said: The paying of a debt is a commandment and [minor] orphans are not obliged to fulfil the commandment. R. Huna the son of R. Joshua said: We say he might have left bundles as security.²³ What is the [practical] difference between them?²⁴ — When he who owes admitted the debt, or if he was excommunicated and dies in the state of excommunication.²⁵ They sent from there [Palestine]: [The reference is]²⁶ to one excommunicated who died in the state of excommunication. And the law is in accord with R. Huna the son of R. Joshua.

We learnt:

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- (1) Until I learnt to understand its apparent contradictions. Abimi taught him that the property of orphans must be proclaimed on the view of R. Meir for sixty days. The disciple, however, knew the above cited Baraitha, that R. Meir limited it to thirty days and thus raised an objection against his Master's teaching. He had forgotten, however, the instruction offered by the same Master, according to which ‘thirty days’ referred to consecutive ones, whereas ‘sixty days’ were required if the proclamation took place only on Mondays and Thursdays. He could thus appreciate his colleague's bewilderment from his own experience of the difficulty.
 - (2) In sixty days there are eight weeks, containing together sixteen Mondays and Thursdays. If the first week started with a Monday, the four remaining days would include one Monday and Thursday again, which would together amount to the eighteen days, during which the news of such proclamation is made.
 - (3) Which likewise consumes the orphans’ property. As long as the widow does not collect her kethubah she receives her maintenance from the property of the orphans.
 - (4) [So R. Gershom. Cur. edd.: for him, i.e., the husband].
 - (5) So that the alimony does not constitute a loss, the earning of the widow making up for it.
 - (6) For the end of the period of the proclamation and forego in the meantime his charge of interest.
 - (7) I.e., he charged interest on the property.
 - (8) During the period.
 - (9) Whether it will fetch a higher price than that valued. Why not then sell the property immediately without waiting for the period of proclamation to expire?
 - (10) She loses her alimony on making such a claim, therefore the orphans suffer no loss during the period of waiting for the payment of her kethubah, due to the effort to sell their property through proclamation.
 - (11) It is but fair that since we took care to see that as a consequence of her having presented her claim for the kethubah, she loses her alimony, thus benefitting the orphans, we should also help her in obtaining her kethubah, because of the claim of which she lost the alimony.
 - (12) And consequently be willing to wait for the end of the proclamation period.
 - (13) I.e., in regard to the taking of interest.
 - (14) To collect his debt only from the worst property.
 - (15) V. supra 21b.
 - (16) I.e., R. Assi or R. Johanan.
 - (17) I.e., the reference is to a heathen creditor who charges interest. Therefore both agree that to protect the orphans we sell their property.
 - (18) The father of the orphans admitted the debt on his deathbed and charged the children to pay it.
 - (19) Cited above in objection to R. Assi.
 - (20) Who does not receive any alimony. so that the orphans suffer no loss.
 - (21) That the property of orphans is distrainted upon for the sake of the kethubah.

(22) I.e., to render men attractive to women, so that the latter will agree to marry them.

(23) The father gave the creditor bundles of valuables as security, whereof his orphans would not, or need not, know.

(24) I.e., whether we accept the reason of R. Papa or R. Huna's.

(25) The court excommunicated the orphans' father for failure to pay his debts, he died whilst still excommunicated. There is no reason for suspecting his having secured the creditor's debt with a bundle of valuables, for if he had been willing to pay he would rather have done it through the court in order to win cancellation of his excommunication. The orphans in this case would have to pay, though on the first reason they would still be exempt.

(26) In all the teachings cited above, the rule that the property of orphans is distrained upon.

Talmud - Mas. Arachin 22b

[THE PROPERTY] OF ORPHANS WHICH HAS BEEN VALUED [MUST BE PROCLAIMED FOR] THIRTY DAYS, AND [THE PROPERTY OF] THE SANCTUARY WHICH HAS BEEN VALUED [FOR] SIXTY DAYS; THE PROCLAMATION MUST BE MADE IN THE MORNING AND IN THE EVENING. Now what case are we dealing with? Would you say with that of a heathen creditor; would he agree [to wait]? Hence it is obvious that it is with that of an Israelite creditor. This then will be in accord with the view of R. Huna the son of R. Joshua, for he will interpret it as referring to the case where he who admitted [the debt]. But according to R. Papa this will present a difficulty? — R. Papa will tell you: If you like, I can tell you the reference is to a kethubah, the reason being 'for favour's sake'! Or if you like, I can tell you the reference is to a heathen creditor who accepted upon himself to have his case dealt with in accord with Israelite law. But if he accepted that upon himself, let him agree to wait until they are of age? — He accepted the law in the one respect, but he did not accept it in the other respect.¹

Come and hear: For the purpose of paying a woman her kethubah or a creditor his debt. Now what case are we dealing with? Would you say that of a heathen creditor, but would he agree? Hence it is evident that we deal with that of an Israelite creditor. That then will be right on the view of R. Huna the son of R. Joshua. for he will interpret it as referring to the case where the debtor admitted [his debt]. But according to R. Papa: Granted that in the case of a kethubah, where the reason may be 'for favour's sake', but the case of the creditor would present a difficulty? — [No,] [Indeed] I can maintain it deals with a heathen creditor, but in the case where he accepted upon himself to be judged in accord with the laws of Israel. But if he accepted that, let him accept to wait until they are of age? — He accepted upon himself the one thing, but not the other.

Raba said: [We do not distrain upon the orphans' property] because of [a possible] quittance.² R. Huna the son of R. Joshua said to Raba: But do we consider [the possibility of] a quittance? Did we not learn: If a woman³ collects [her kethubah] in his absence, she can do so only by means of an oath. And R. Aha, Commander of the Fortress, said: A case came before R. Isaac the Smith in Antiochia, and he decided, We have learnt⁴ that only in the case of a kethubah 'for favour's sake', but not in the case of a creditor. Raba, however, in the name of R. Nahman, said: Also in the case of a creditor.⁵ Now, if we should consider the [possibility] of a quittance, let us consider it there too? — There the reason is as we have stated it: Lest anyone take his neighbour's possession and depart for maritime provinces.⁶

Raba said: The law is. We do not distrain upon the property of orphans, but if he [the father] said: 'Give', then we distrain upon it. If he said, '[Give] this field', or 'this mina', we distrain upon it without appointing a guardian.⁷ But if he said, '[Give] a field', or 'a mina', we distrain upon it and appoint a guardian. The Nehardeans say: In each case we distrain upon it and appoint a guardian, except if it be found that the field does not belong to him,⁸ for we do not assume that the witnesses⁹ testified falsely. R. Ashi said: Therefore we do not distrain [upon the property of orphans];¹⁰ for Raba said: The law is that we do not distrain upon [the property of orphans]. But where we distrain upon it, we appoint a guardian for the Nehardeans said. In every case¹¹ we distrain upon [the

property of orphans] and appoint a guardian. except in the case where it be found that the field does not belong to him, because we do not assume that the witnesses have testified falsely.

- (1) I.e., he agreed to wait till after the proclamation. but not till they would come of age.
- (2) The father may have obtained a quittance, of which the orphans do not know, stating that he had paid the debt.
- (3) To whom the husband had sent a divorce from 'a maritime province'.
- (4) We extend such consideration only to a woman because of the social implications of such benefit, but not in the purely commercial case of a creditor. Therefore the latter must await the debtor's return,
- (5) V. Keth. 88a.
- (6) Hence the rule of Raba.
- (7) To see that the interest of the orphans is taken care of, that the collection of debt is made from the worst land they hold at the proper price. etc.
- (8) In which case the field is forthwith taken away from the orphans without appointing first a guardian.
- (9) The witnesses who testify that a field believed to be his property in reality had been stolen or acquired by force.
- (10) Wherever there is the possibility of the father having given 'bundles' to the creditor (Tosaf.).
- (11) I.e., if he said, 'Give this field', or 'this mina' (Tosaf.).

Talmud - Mas. Arachin 23a

MISHNAH. IF A MAN DEDICATES HIS POSSESSIONS TO THE SANCTUARY WHILST STILL LIABLE FOR HIS WIFE'S KETHUBAH, R. ELIEZER SAYS WHEN HE DIVORCES HER HE MUST VOW¹ THAT HE WILL NOT DERIVE ANY FURTHER BENEFIT FROM HER. R. JOSHUA SAYS, HE NEED NOT DO SO. LIKEWISE SAID RABBAN SIMEON B. GAMALIEL: ALSO IF ONE GUARANTEES A WOMAN'S KETHUBAH AND HER HUSBAND DIVORCES HER, THE HUSBAND MUST VOW TO DERIVE NO BENEFIT FROM HER. LEST HE MAKE A CONSPIRACY² AGAINST THE PROPERTY OF THAT MAN [THE GUARANTOR] AND TAKE HIS WIFE BACK AGAIN.³ GEMARA. Wherein do they differ? R. Eliezer holds: A man will engage in a conspiracy against the Sanctuary. But R. Joshua holds that a man will not engage in a conspiracy against the Sanctuary. But what of the ruling of R. Huna: If a person dangerously ill dedicated all his possessions to the Sanctuary and said, I owe So-and-so a maneh, he is believed, because of the presumption that nobody will engage in a conspiracy against the Sanctuary. Shall we say that he gave a ruling concerning which Tannaim are conflicting? — No! They dispute only the case of a healthy person, but with regard to one dangerously ill all agree that he would not engage in a conspiracy against the Sanctuary. Why? Because no man will sin where he does not stand to benefit [thereby].

Some there are who say: With regard to a healthy person there is a general agreement that one [he] would engage in a conspiracy against the Sanctuary; but here they differ with regard to a vow made in the presence of many, one Master [R. Joshua] holding such a vow can be annulled,⁴ while the other Master [R. Eliezer] holds it cannot be annulled. Or, if you like, say: All agree that a vow made in the presence of many can be remitted, and they differ here as to a vow made on the authority of many.⁵ But then what of Amemar's statement that 'A vow made in the presence of many can be annulled. whereas one made on the authority of many cannot be annulled', are we to say that he made a statement concerning which Tannaim are of divided opinion? Furthermore how explain: R. JOSHUA SAYS: HE NEED NOT DO SO. He should have said: 'It would be useless'?⁶ — Rather, they are disputing here on the principle as to whether absolution from consecration of an object may be obtained;⁷ and thus it was taught: If a man dedicates his possessions to the Sanctuary whilst still liable for his wife's kethubah, R. Eliezer says. When he divorces her he must vow that he will not derive any further benefit from her, whilst R. Joshua says: He need not do so. And R. Eleazar b. Simeon said: These are [respectively] the very views of Beth Shammai and Beth Hillel, for Beth Shammai holds: A consecration [to the Sanctuary] made in error is [valid] consecration, whilst Beth Hillel holds it is not valid consecration.

LIKEWISE DID RABBAN SIMEON B. GAMALIEL SAY etc. Moses b. Azri was the guarantor for [the kethubah of] his daughter-in-law. Now R. Huna, his son, was a young scholar but in strait circumstances. Said Abaye: Is there no one to advise R. Huna to divorce his wife so that she might claim her kethubah from her father-in-law, and he [R. Huna] might then take her back? Said Raba to him: But we learnt: HE MUST VOW THAT HE WILL NOT DERIVE ANY FURTHER BENEFIT FROM HER? And Abaye?⁸ — Does every one who divorces his wife do so before a court?⁹ In the end it became known that he [R. Huna] was a priest.¹⁰ Whereupon Abaye exclaimed: poverty pursues the poor!¹¹ But how could Abaye say thus?¹² Did not Abaye say: ‘Who is a cunningly wicked man? He who offers advice to sell property in accord with Rabban Simeon b. Gamaliel’?¹³ — It is different in the case of one's son, and it is different also in the case of a young scholar.¹⁴ But derive it from the fact that the guarantor for a kethubah is not held responsible?

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- (1) Lest the divorce was a collusion of husband and wife for the purpose of depriving the Sanctuary of certain property on which the kethubah had the first lien.
- (2) R. Joshua does not assume that a man would go to such lengths to defraud the Sanctuary.
- (3) After the kethubah had been paid out to her. Kinunia, the Greek Koinonia, ‘partnership’, then joint fraud, collusion.
- (4) Consequently the vow would be of no effect.
- (5) Lit., ‘by the knowledge’. ‘the will of’, i.e., they say to him: We administer his vow to you on our responsibility.
- (6) Because such a vow could always be revoked, thus rendering the precautionary measure unavailing.
- (7) R. Eliezer holds that no vow to the Treasury can be nullified by a plea of error, hence he might resort to a conspiracy by divorcing his wife. But R. Joshua holds that a plea of error would be admitted, whence there is no need for him to engage in a conspiracy wherefore he need not deny himself by vow the benefit of her company.
- (8) How did he meet this objection?
- (9) Only in court would such a vow be enforced. But the divorce could be given outside of court.
- (10) Who is forbidden to marry a divorcee, even his own divorced wife.
- (11) V. B.K. 92a.
- (12) I.e., offer such advice.
- (13) V. Keth. 95b. If some one said whilst dying. ‘My property (I give) to you, and after you, to So-and-so’, and the first went and sold or consumed it, then according to Rabban Simeon b. Gamaliel, the second may have only what the first left over. That kind of trick Abaye denounced, how then could he offer kindred advice?
- (14) A son would anyway inherit his father's possessions. And a young scholar's support is a mizwah (good deed, command, to enable to study), hence Abaye had two legitimate reasons for what otherwise would have been improper advice.

Talmud - Mas. Arachin 23b

— He¹ was a kabbelan.² That will be right according to him who holds that a kabbelan is held responsible, although the debtor had no property [at the time of contracting the debt]. But what can be said on the view that he is held responsible only if the debtor had property, but if he has no property the kabbelan is not responsible?³ If you like say: R. Huna had property,⁴ but it was struck with blast; and if you like say: A father, where his son is concerned, will always hold himself responsible. For it was stated: As to a guarantor for a kethubah, all agree he is not held responsible; the kabbelan for a creditor, all agree is held responsible. [In the case however of] a guarantor for a creditor and a kabbelan for a kethubah, there is a dispute. There is one authority who holds that if the debtor had property he [the kabbelan] is held responsible, but if he had none he is not held responsible: whereas there is another authority who holds that even if the debtor had no property he is also held responsible. The law with regard to all cases is that though the debtor has no property the guarantor is responsible, with the exception of the guarantor for a kethubah who, even though [the husband] had property, is not held responsible. For what reason? He performed a mizwah,⁵ and he caused her no loss.⁶ There was a man who sold his possessions and divorced his wife. R. Joseph son of Raba sent her to R. Papa [with the following question]: We learnt [in our Mishnah] about A

GUARANTOR. about CONSECRATED PROPERTY, what about a purchaser?⁷ — He replied: Shall the Tanna go on enumerating like a pedlar?⁸ The Nehardeans said: What we learnt we learnt, and what we did not learn we did not learn!⁹ Said R. Mesharshaya: What is the reason of the Nehardeans? — With regard to consecrated property the teaching is in order to safeguard the profit of the Sanctuary; also with regard to a guarantor, [the reason is] because he performed a mizwah and did not cause her any loss;¹⁰ but as for a purchaser, since he must have known that upon everyone's possessions there is a kethubah as lien, why did he go and buy? It is he [the buyer] who caused damage to himself!

MISHNAH. IF A MAN DEDICATES HIS POSSESSIONS TO THE SANCTUARY WHILST STILL LIABLE FOR HIS [DIVORCED] WIFE'S KETHUBAH OR IN DEBT TO A CREDITOR,¹¹ THEN THE WIFE CANNOT COLLECT HER KETHUBAH FROM THE CONSECRATED PROPERTY,¹² NOR THE CREDITOR HIS DEBT, BUT HE WHO REDEEMS THEM MUST REDEEM FOR THE PURPOSE OF PAYING THE WIFE HER KETHUBAH OR THE CREDITOR HIS DEBT. IF HE HAD DEDICATED NINETY MINAS WORTH OF PROPERTY, WHILST OWING A HUNDRED MINAS. THEN HE¹³ [THE CREDITOR] MUST ADD ONE DENAR MORE AND HE REDEEMS THE PROPERTY FOR THE PURPOSE OF PAYING THE KETHUBAH TO THE WIFE OR THE DEBT TO THE CREDITOR.

GEMARA. Why is it necessary to state: He who redeems must redeem?¹⁴ — That is because of the teaching of R. Abbuha, for R. Abbuha said: Lest people say consecrated property goes out [of the Sanctuary] without any redemption.

Our Mishnah will not be in accord with R. Simeon b. Gamaliel, for it was taught: R. Simeon b. Gamaliel said, If his debt correspond, with [the value of] the consecrated property. then he redeems it, but if not, then he cannot redeem it.¹⁵ And as for the Rabbis, to what extent [must the debt correspond to the consecrated property]? — R. Huna b. Judah in the name of R. Shesheth said: Up to one half.¹⁶

MISHNAH. ALTHOUGH IT WAS SAID: PLEDGES MUST BE TAKEN FROM THOSE WHO OWE VALUATIONS, ONE ALLOWS¹⁷ HIM FOOD FOR THIRTY DAYS, GARMENTS FOR TWELVE MONTHS, BED AND BEDDING, SHOES AND TEFILLIN¹⁸ FOR HIMSELF, BUT NOT FOR HIS WIFE AND CHILDREN. IF HE WAS A CRAFTSMAN, ONE LEAVES HIM TWO TOOLS OF EVERY KIND; IF HE WAS A CARPENTER, ONE LEAVES HIM TWO AXES AND TWO SAWS. R. ELIEZER SAYS, IF HE WAS A FARMER, ONE LEAVES HIM HIS YOKE [OF OXEN]. IF AN ASS-DRIVER, ONE LEAVES HIM HIS ASS. IF HE HAD MANY [TOOLS] OF ONE KIND, AND FEW OF ANOTHER KIND, ONE DOES NOT THEN TELL HIM TO SELL OF THE MANY AND BUY SOME OF THE FEW, BUT ONE LEAVES HIM TWO OF THE KIND OF WHICH HE HAS MANY AND ALL THAT HE HAS FROM THEM OF WHICH HE HAS FEW. IF ONE CONSECRATES [ALL] HIS POSSESSIONS TO THE SANCTUARY, THEN ONE VALUES¹⁹ HIS TEFILLIN.

GEMARA. What is the reason?²⁰ — Scripture said:

(1) R. Huna's father.

(2) 'An acceptor'. i.e., one who assumes another man's obligation unconditionally, even though the debtor has property.

(3) Since R. Huna was poor he could not have had any property, and his father consequently, though a kabbelan, could not have become liable for the payment of the kethubah.

(4) At the time his father undertook to be a kabbelan.

(5) v. Glos. To cause the two to get married and establish a house.

(6) The woman did not advance the husband any money on the strength of the guarantee. For fuller notes v. B.B.. Sonc. ed., pp. 769ff.

(7) Do we suspect that the purchaser may be victimized by similar conspiracy between husband and wife? Should we therefore similarly insist that if the wife wishes to collect her kethubah from the field bought by an outsider that here, too, the husband takes a vow that he will not in future derive any benefit from his wife, so as to prevent his receiving the kethubah from her, and thereupon remarrying her.

(8) Who, praising each piece of merchandise separately. enumerates every item. The Tanna, however, need not do that. He states a principle in one or several instances, allowing for application of the precedent to new situations. Thus the case of the purchaser is covered by the first two.

(9) The Nehardeans would not derive the latter from the former.

(10) As explained supra.

(11) This is a case where the divorce or the debt were effected before the consecration, so that the question of conspiracy does not arise.

(12) Without a formal redemption of the property with a small sum, v. infra.

(13) He, i.e., the creditor, lends the debtor another denar, since he had consecrated his whole possessions to the Sanctuary.

(14) Why should not the woman and creditor collect their dues from the Sanctuary without any redemption, seeing that they had a prior lien on the property?

(15) If the debt and the property consecrated are of the same value, then the owner can redeem it for a little sum, for the creditor had extended the loan with that property as security in his mind. But if the sum was larger than the value of the property, then obviously the creditor has not relied on that property but upon the character of the debtor. Therefore that property cannot be considered encumbered by the debt, and hence cannot be re-obtained from the Sanctuary.

(16) Rashi: If the value of the consecrated property be less than one half of the debt, the creditor receives nothing. because, as stated in n. 1, the security was the debtor's character, and he should await the latter's ability to repay the debt, but must not collect from the Sanctuary its rightful (because hitherto unencumbered) property. For another interpretation v. Tosaf.

(17) Lit., 'one gives him', i.e., of his own possessions; one permits him to retain these necessities or the means whereby to purchase them.

(18) V. Glos. This is the difference between vows of valuation and the case where one consecrates his possessions. In the former case his tefillin as his spiritual tools are left to him, in the latter not; v. infra.

(19) The meaning of 'ma'alin' is debated. It is either; put up to auction so that the Sanctuary obtains a maximum benefit (Rashi); or, 'remove' i.e., take away, as included in his dedication (R. Gershom). He must redeem them as one of his possessions which, in their totality, he had consecrated to the Sanctuary.

(20) For the allowance made in the Mishnah.

Talmud - Mas. Arachin 24a

But if [me'erkeka] he be too poor from thy valuation,¹ implying, sustain him from thy valuation.²

BUT NOT FOR HIS WIFE AND CHILDREN etc. What is the reason? — 'He [must be sustained] from thy valuation', but his wife and children [are not sustained] 'from thy valuation'.

R. ELIEZER SAYS: IF HE WAS A FARMER, ONE LEAVES HIM HIS YOKE [OF OXEN] etc. And the Rabbis? — These are not his tools, but his possessions.

IF HE HAD MANY OF ONE KIND etc. But that is self-evident. Whatever has been enough until now, must be enough now as well? — You might have said: Until now, when he was in a position to lend [tools to others], others would have lent [tools] to him, too, but now since there is none to lend him, [these shall] not be [considered sufficient], therefore we are informed [that he is not told to sell the many and buy some more of the few].

IF ONE DEDICATES [ALL] HIS POSSESSIONS, THEN ONE VALUES EVEN HIS TEFILLIN. There was a man who sold all his possessions. He came before R. Yemar. He said to them: Take his tefillin away. What is he teaching us? It is [taught in] our Mishnah: **IF ONE**

DEDICATES HIS POSSESSIONS, THEN ONE VALUES HIS TEFILLIN? — You might have said: There he thought that he was fulfilling a religious act,³ but in the case of a sale [you might say] no one sells that wherewith he performs a personal commandment, therefore he teaches us [otherwise].

MISHNAH. IT IS ALL ONE WHETHER A MAN CONSECRATES HIS GOODS OR EVALUATES HIMSELF. HE⁴ HAS NO CLAIM TO HIS WIFE'S GARMENT OR HIS CHILDREN'S GARMENT, NOR TO THE DYED CLOTHES⁵ WHICH HE HAD DYED FOR THEIR USE. NOR TO THE NEW SANDALS WHICH HE HAS BOUGHT FOR THEIR USE. ALTHOUGH IT WAS SAID: 'SLAVES SHOULD BE SOLD WITH THEIR GARMENTS TO INCREASE THEIR VALUE', BECAUSE WHEN A GARMENT FOR THIRTY DENARS IS BOUGHT FOR HIM HIS VALUE IS INCREASED BY A MINA. [LIKEWISE WITH A COW, IF IT BE KEPT WAITING TO THE MARKET-DAY⁶ IT INCREASES IN VALUE, AS ALSO A PEARL, IF BROUGHT TO A BIG CITY INCREASES IN VALUE]. BUT THE SANCTUARY CAN CLAIM THE VALUE OF ANYTHING ONLY IN ITS OWN PLACE AND AT ITS OWN TIME.⁷ GEMARA. Our Rabbis taught: And he shall give thy valuation in that day,⁸ that means, one should not delay [the sale] of a pearl for poor people. As a holy thing⁹ unto the Lord:⁸ i.e., general [unspecified] consecration belongs to the [fund for] repairs of the Sanctuary.

CHAPTER VII

MISHNAH. ONE MAY NOT CONSECRATE [THE FIELD OF HIS POSSESSION]¹⁰ LESS THAN TWO YEARS BEFORE THE YEAR OF JUBILEE,¹¹ NOR REDEEM IT LESS THAN ONE YEAR AFTER THE YEAR OF JUBILEE.¹² ONE MAY NOT RECKON ANY MONTHS TO [THE DISADVANTAGE OF] THE SANCTUARY,¹³ BUT THE SANCTUARY MAY RECKON MONTHS¹⁴ [TO ITS OWN ADVANTAGE].¹²

GEMARA. The following contradiction was raised: One may consecrate both before or after the year of Jubilee, but in the year of Jubilee itself one should not consecrate. And if one consecrated, it is not consecrated! — Rab and Samuel both say: [This is what our Mishnah means]. One cannot consecrate and then redeem at a deduction less than two years [before the year of Jubilee], and since one cannot consecrate to redeem at any reduction within less than two years, let a man be careful with his possessions and let him not consecrate anything within less than two years [of the Jubilee year].

It was stated: If one consecrates his field in the year of Jubilee itself, said Rab, It is consecrated and he must pay fifty [shekels].¹⁵ But Samuel said: It has not acquired any sanctity whatsoever. To this R. Joseph demurred: It is right that Samuel conflicts with Rab in matters of a sale, for there is an argument a fortiori: If [a field] that had been sold returns now to its former owner,¹⁶ how much more so that one that had not been sold yet should not be saleable now. But, here,¹⁷ what argument a fortiori can be made? Surely we learnt, If the Jubilee year has arrived and it was not yet redeemed, the priests enter into possession of it and they pay its value. So R. Judah?¹⁸ — Samuel holds with R. Simeon who said: They enter into possession but they do not pay [anything].

(1) So literally. Lev. XXVII, 8.

(2) The mem of me'erkeka here is interpreted as having its own meaning: If he be too poor, leave him something to live on 'from' your valuation of his possessions.

(3) In consecrating all his possessions to the Sanctuary, therefore he includes all of them in his vow.

(4) The consecrator, in paying his vow or redeeming what he had dedicated. Aliter: It, viz., the treasurer of the Sanctuary (R. Gershom).

(5) The garments of wife or children cannot be touched by any consecration. He would not, according to the previous Mishnah, be allowed funds for buying them new ones, but those which they have are regarded as their own.

- (6) A cow will fetch a higher price on market-day, when the demand is greater, just as the pearl will find more buyers in a metropolis than in a village.
- (7) I.e., the value at the time it comes into the Sanctuary's possession and in the place of dedication.
- (8) Lev. XXVII, 23.
- (9) If a poor man had vowed his own valuation and he possesses a pearl, then the Sanctuary's treasurer may not tell him: Take it to a big city and then pay according to the price fetched there, but it should be valued now and accordingly the Sanctuary should be paid, and no matter how high the ultimate price obtained, the Sanctuary receives no more than the price obtainable here, i.e., at the place where the pearl is at the time of the dedication, and at the price it fetches now, at the moment of dedication.
- (10) Lev. XXVII, 16ff.
- (11) If someone would redeem a field which he had consecrated to the Sanctuary immediately after the year of Jubilee, then he must redeem it by paying fifty shekels for every piece of a field sufficient for the sowing of a homer of barley, for every year of the next forty-nine years. If he fails to redeem it by then, the priests will possess it. Every year this sum is diminished by one forty-ninth of the fifty shekels, exactly one shekel and one pondion (the latter being the forty-eighth part of a shekel), the remaining pondions being considered the exchange fee as the pondions are changed into shekels. The sum of redemption, then, consists of as many shekels and pondions as the number of years up to the next year of Jubilee. But there must be at least two years before the next year of Jubilee, because Scripture said: According to the years which remain unto the year of Jubilee, the minimum of 'years' being two. Hence, if there be not at least two years before that of jubilee, the sum whereby the field is redeemed cannot be deducted from at all, and the owner must then pay the complete fifty shekels for every piece of field sufficient for the sowing of a homer of barley. which sum is very much more than the field's crop, until the year of Jubilee, will be worth.
- (12) This will be explained in the Gemara.
- (13) E.g., two years and three months may not be reckoned as two years to the disadvantage of the Temple treasury.
- (14) E.g., one year and eleven months before the Jubilee is not reckoned as two full years and the redemption price must be the full fifty shekels, v. n. 2.
- (15) A shekel for every piece of field sufficient for the sowing of a homer of barley.
- (16) In the year of Jubilee.
- (17) Here one cannot analogously argue: If a field, already consecrated before the Jubilee year, goes back in the year of Jubilee, how much less could not one consecrate in that year, for in truth a field consecrated before the Jubilee year, if not redeemed by the owners, must be redeemed by the priests.
- (18) V. supra 25b.

Talmud - Mas. Arachin 24b

Rab, however, holds,¹ at any rate, it does eventually not return to the owners, it is to the priests that it goes, and the priests obtain it from the table of the Most High.

What is the reason of Rab's view? — Scripture said: If from the year of Jubilee [he shall sanctify his field],² the year of Jubilee being included. And Samuel? — Is it written: If in the year of Jubilee? It is written: If from the year of Jubilee, i.e., from the year after the year of Jubilee. It is all well according to Rab, hence it is written: 'If from the year of Jubilee', [and also], 'and if after the Jubilee';³ but according to Samuel what means: 'and if after the Jubilee'?⁴ — It means, After after.⁵

An objection was raised: One may consecrate [a field] both before and after the year of Jubilee. But in the year of Jubilee itself one should not consecrate, and if one has consecrated, no sanctity attaches [to the field].⁶ Rab will tell you: [It means] it acquires no sanctity so as to be redeemable at a deduction, but it is consecrated and one must pay the full fifty shekels [for the redemption]. This implies that [if one consecrates] before the Jubilee year it would be sanctified and redeemable at a deduction; but have not Rab and Samuel both declared: One cannot consecrate to redeem at a deduction less than two years before the Jubilee? — Rab will tell you: This is the view of the Rabbis, but I hold with Rabbi, who said: The first⁷ [day] includes the first day; the seventh [day]⁷ includes the seventh day.⁸ So here, too, 'from the year' [of Jubilee] includes the year of Jubilee.⁹ But if [this

is the view of] Rabbi, where does the pondion come in?¹⁰ And if you were to say, he ignored the pondion: surely we learnt: If a man consecrated two or three years before the Jubilee. said Rabbi: I hold that he must pay a sela' [shekel] and a pondion? — Rabbi is of the view of R. Judah who said: The fiftieth year is counted both ways.¹¹

Shall we say then that Samuel¹² holds Rabbi to be in accord with the Rabbis?¹³ For if his [Rabbi's] view were in accord with that of R. Judah, it should read: 'one sela' and two pondions'!¹⁴ Hence we must say that on the view of Samuel, Rabbi¹⁵ agrees with the Rabbis.

Come and hear: NOR REDEEM IT LESS THAN ONE YEAR AFTER THE YEAR OF JUBILEE. This will be right for Samuel's view,¹⁶ for one cannot indeed redeem it less than one year after the year of Jubilee;¹⁷ but according to Rab, what means 'Not less than a year after the Jubilee'? — Do you think that 'after the year of Jubilee' is to be taken literally? [No]. 'After the year of Jubilee' means in the midst of the Jubilee

(1) Even on the view of R. Simeon.

(2) Lev. XXVII, 17.

(3) Ibid. 18. [The former verse indicating that if the consecration took place on Jubilee year the redemption price must be the full fifty shekels, and the second verse teaches the redemption at a reduction where the consecration took place after the Jubilee.]

(4) [Since the former verse also refers to a consecration after the Jubilee year.]

(5) [I.e., two or three years after the Jubilee, when there the redemption is at a reduction, whereas if the consecration took place earlier the redemption price must be the full fifty shekels.]

(6) Contra Rab!

(7) Ex. XII, 15.

(8) V. supra 18a q.v. notes.

(9) [Whilst the cited Baraita must certainly be explained that no consecration is effective in the Jubilee year, Rab does not stand refuted in view of Rabbi's support of his interpretation of the verse.]

(10) If Scripture refers to the second year after the Jubilee, so that fifty shekels are payable for forty-eight years. the redeemer must add one pondion to each shekel (v. supra p. 142 n. 2); but according to Rabbi, Scripture speaks of the year of Jubilee itself, so that fifty shekels are payable for fifty years, i.e., just a sela' per year; how then does the pondion come in?

(11) The year of Jubilee is the last of the last cycle and the first of the new one, so that there are forty-nine years for each of which a shekel and a pondion are due from the redeemer.

(12) [Who holds that the redemption at a reduction can only begin with the year after the Jubilee.]

(13) That the Jubilee year is not included in the cycle of forty-nine years, so that there are full forty-nine years between one Jubilee and another apart from the Jubilee year itself.

(14) For on the view of R. Judah there are only forty-eight years between one Jubilee and another, which would make the payment per year amount to one shekel and two pondions.

(15) Who speaks of 'one pondion'.

(16) Who said that if one consecrated property in the year of Jubilee, it is not consecrated.

(17) Since any consecration in the year of Jubilee is not valid.

Talmud - Mas. Arachin 25a

for as long as a year is not complete it cannot be deducted.¹ What is he teaching us? That one does not reckon months to the disadvantage of the Sanctuary? But that was [expressly] taught [in the Mishnah]: ONE MAY NOT RECKON ANY MONTHS TO THE [DISADVANTAGE OF] THE SANCTUARY? — He gives the reason: Why is it ruled: NOR REDEEM IT LESS THAN ONE YEAR AFTER THE YEAR OF JUBILEE? Because one does not reckon the months to [the disadvantage] of the Sanctuary.

Our Rabbis taught: Whence do we know that one does not reckon months to the [disadvantage of] the Sanctuary? The text states: Then the Priest shall reckon unto him the money according to the years that remain,² i.e., you may reckon years but not months. Whence do we know that if you desire to add the months [so as] to consider them one year, you can do so; as e.g., if he consecrated [the field] in the middle of the forty-eighth year?³ Therefore the text states: Then the priest shall reckon unto him, in any case.⁴

MISHNAH. IF A MAN CONSECRATED HIS FIELD AT THE TIME WHEN THE LAW OF THE JUBILEE IS IN FORCE,⁵ HE MUST PAY FIFTY SHEKELS FOR [EVERY PIECE OF FIELD SUFFICIENT FOR] THE SOWING OF A HOMER OF BARLEY. IF THE FIELD CONTAINED RAVINES TEN HANDBREADTHS DEEP OR ROCKS TEN HANDBREADTHS HIGH, THEY ARE NOT INCLUDED IN THE MEASURE. BUT IF LESS THAN THIS, THEY ARE INCLUDED. IF HE CONSECRATED IT TWO OR THREE YEARS BEFORE THE JUBILEE, THEN HE MUST PAY ONE SELA' [SHEKEL] AND ONE PONDION FOR EACH YEAR. IF HE SAYS: 'I SHALL PAY FOR EACH YEAR AS IT COMES ONE DOES NOT LISTEN TO HIM, BUT HE MUST PAY FOR ALL THE YEARS TOGETHER. IT IS ALL THE SAME WHETHER THE OWNER OR ANYONE ELSE [REDEEMS THE FIELD]. WHEREIN THEN DOES THE OWNER DIFFER FROM ANY OTHER MAN? IN THAT THE OWNER MUST ADD ONE FIFTH, WHEREAS ANY OTHER MAN NEED NOT ADD ONE FIFTH.

GEMARA. A Tanna taught: [A field requiring] one kor⁶ seed, but not one [yielding] a kor crop. Strewn with the hand, not with oxen!⁷ Levi taught: Neither too thick, nor too thin, but in average manner!

IF THE FIELD CONTAINS RAVINES etc. But let them be treated as if they had been consecrated separately? And if you were to say that since they are not sufficient for [the sowing of] a kor, they cannot become consecrated; surely it was taught: Field.⁸ What does that mean to teach? Because it is said: the sowing of a homer of barley shall be valued at fifty shekels of silver;⁸ from this I know only [the law] if he consecrated it in this manner. Whence [do I know] to include also a lethek, half a lethek, a se'ah, or half a se'ah, a tarkab, or half a tarkab?⁹ Therefore Scripture says 'Field', of any size! Mar Ukba b. Hama replied: Here the reference is to ravines full of water which cannot be sown. Infer that also [from the fact] that [the clefts] were mentioned in an analogous position to that of rocks.¹⁰ This proves it. But then also smaller [areas than ten handbreadths] too [ought not to be included]? — Those are called small 'clefts of the earth' or 'spines of the earth'.¹¹

IF HE CONSECRATED IT TWO OR THREE YEARS etc. Our Rabbis taught: And an abatement shall be made from thy valuation,¹² also from the Sanctuary; so that if the Sanctuary enjoyed the property for two or three years, or even if it did not enjoy it, but had it in its possession, one may deduct one sela' and one pondion for each year.

IF HE SAYS: I SHALL PAY EACH YEAR etc. Our Rabbis taught: Whence do we know, that if the owner said, 'I shall pay for each year as it comes' that we do not listen to him? Therefore the text says: 'Then the priest shall reckon unto him the money', i.e., until the whole sum is together. It is all the same whether it be the owner or someone else, except that the owner must add one fifth, whereas any other man need not add the fifth.

MISHNAH. IF A MAN CONSECRATED [HIS FIELD] AND THEN REDEEMED IT, IT DOES NOT GO OUT OF HIS POSSESSION IN THE JUBILEE.¹³ IF HIS SON REDEEMED IT, IT REVERTS TO HIS FATHER IN THE JUBILEE. IF ANOTHER, OR A RELATIVE REDEEMED IT, AND HE¹⁴ REDEEMED IT FROM HIS HAND, IT GOES OUT TO THE PRIESTS.¹⁵ IF ONE OF THE PRIESTS REDEEMED IT,¹⁶ AND IT WAS STILL IN HIS POSSESSION,¹⁷ THEN HE CANNOT SAY: 'SINCE IT GOES OUT TO THE PRIESTS IN THE YEAR OF JUBILEE, AND

SINCE IT IS NOW IN MY POSSESSION, THEREFORE IT BELONGS TO ME', BUT IT GOES OUT OF HIS POSSESSION TO BE DISTRIBUTED AMONG ALL HIS BRETHREN THE PRIESTS.¹⁸

(1) From the total of remaining years to the next Jubilee, and he who redeems must pay for the incomplete year a full shekel with its pondion, The Mishnah thus means that after the Jubilee all redemptions must be made on the basis of complete years.

(2) Lev. XXVII, 18.

(3) And by adding the months that have already elapsed to the preceding years, there are left less than two years to the Jubilee, in which case the redemption price is the full fifty shekels.

(4) I.e., the priest must always so reckon as it should be to the advantage of the Sanctuary.

(5) V. infra 32b, when the law of Jubilee is not in force the redemption price is fixed according to the value of the field,

(6) A homer.

(7) We assess the value of the field by the quantity of the seed required (not by the yield of the crop) when strewn with the hand, but not when strewn from a perforated bag or wagon drawn by oxen.

(8) Lev. XXVII, 16.

(9) Two letheks are one kor; one kor is thirty se'ahs; one se'ah is six kabs. Tirkab. lit., 'two kabs', has come later on to be used as the term. tech. for three kabs.

(10) In which sowing is impossible.

(11) And treated as part of the field.

(12) Lev. XXVII, 18. Just as when he consecrated a field in, for example, the tenth year after the Jubilee and came to redeem it in the twentieth, he would deduct the ten years during which he had it, so if the Sanctuary had had the benefit of the field for a number of years he would deduct from the sum wherewith he redeems the field all the years the Sanctuary owned, or derived benefit from it.

(13) As would be the case if another man had redeemed it, when it would go out on Jubilee to the priests; v. Lev. XXVII, 19.

(14) The original owner.

(15) The printed edd. of the separate Mishnah read: ' . . . it does not go out of his possession in the year of Jubilee'; v. Maim. Mishnah Commentary.

(16) From the treasurer of the Sanctuary.

(17) At the commencement of the year of Jubilee. His argument would be: If another (i.e., not the owner) Israelite had redeemed it, I and my colleagues would have received it anyhow in the year of Jubilee; now that I have it in my possession, I have the best claim to it.

(18) I.e., to the group officiating as the year of Jubilee commences.

Talmud - Mas. Arachin 25b

GEMARA. Our Rabbis taught: And if he will not redeem the field,¹ i.e., the owner. Or if he have sold the field,¹ i.e., the treasurer [of the Sanctuary]. To another man,¹ I.e., to another man but not to his son.² You say, 'to another man' [means] not to his son! But perhaps, 'to another man' [means] not to his brother? Since Scripture says, 'man', the brother is included, hence how explain [the word] 'other', [it means to] exclude the son. Why do you choose to include the son and exclude the brother? — I include the son because he arises in his father's place, for the purpose of 'designation',³ and in regard to a Hebrew slave.⁴ On the contrary! I would include the brother because he arises in his brother's place in regard to the levirate duty?⁵ [This is no argument.] For is there any levirate duty in any condition but where there be no son? Surely if there is a son, no levirate duty is involved.⁶ But infer it from the fact that here [in the son's case] there are two points [in his favour], whereas there [in the brother's case] there is only one! — [The preference for a son in the case of] a Hebrew slave is similarly inferred from the same refutation: Is there any levirate duty in any other condition but where there be no son?⁷

Rabbah b. Abbuha asked: Could a daughter preserve a field for her father? [Shall I say,] Since

with regard to the levirate obligation, both son and daughter alike effect exemption,⁸ she therefore can preserve [the field], or perhaps, since in respect of inheritance the daughter, where there is a son, is considered an outsider,⁹ she cannot preserve [the field]? — Come and hear, for the School of R. Ishmael taught: ‘Whosoever is considered an outsider where there is a son cannot preserve [the field]’, and she, too, is considered an outsider where there is a son.

R. Zeirah asked: Who can preserve the field for a woman? [Shall I say,] The husband can preserve it for her, since he inherits here, or perhaps the son can preserve it for her, because he takes of what is coming due [to the estate] as he does of what is held in actual possession?¹⁰ — The question remains unanswered.

Rama b. Hama asked of R. Hisda: If one dedicates [his field] less than two years before the year of Jubilee, does it go out to the priests?¹¹ He replied: What do you think? Because: ‘An abatement shall be made from thy valuation . . . but the field when it goeth out in the Jubilee’¹² [from which you would infer] that [the law¹³ applies] only to [a field] subject to the law of deduction, but not to one which is not subject to the law of deduction? On the contrary! [Scripture says:] And if he will not redeem the field . . . the field, when it goeth out in the Jubilee, etc.,¹⁴ and this field too is subject to redemption.

IF ONE OF THE PRIESTS REDEEMED IT. Our Rabbis taught: The possession thereof shall be the priest's,¹⁵ what does that come to teach? [The following:] Whence do we know that if a field is to go out on Jubilee to the priests and one of the priests redeems it, that he cannot say: Since it would go out to a priest [anyway] and it is in my possession now, let it belong to me, on an argument *ad majus*: ‘If I can acquire title to something belonging to others, how much more to something belonging to myself’, therefore the text reads: ‘[his] possession’;¹⁶ a possession which is his, but this one is not his. How then [do we deal with such a field]? It goes out of his hand and is distributed among his brethren the priests.

MISHNAH. IF THE YEAR OF JUBILEE ARRIVED AND IT WAS NOT YET REDEEMED THEN THE PRIESTS ENTER INTO POSSESSION THEREOF AND PAY ITS VALUE.¹⁷ THESE ARE THE WORDS OF R. JUDAH. R. SIMEON SAYS: THEY ENTER [INTO POSSESSION] BUT THEY DO NOT PAY [ITS VALUE]. R. ELIEZER SAYS: THEY NEITHER ENTER [INTO POSSESSION] NOR PAY [ITS VALUE]. BUT IT IS CALLED AN ABANDONED FIELD UNTIL THE SECOND JUBILEE. IF THE SECOND JUBILEE HAS ARRIVED AND IT WAS NOT YET REDEEMED, IT IS CALLED A ‘TWICE ABANDONED FIELD’¹⁸ UNTIL THE THIRD JUBILEE. THE PRIESTS NEVER ENTER INTO POSSESSION THEREOF UNTIL SOMEONE ELSE HAD REDEEMED IT.¹⁹

GEMARA. What is the reason of R. Judah's view? — He derives it from [the analogous]: ‘holy’, ‘holy’ [written] with the consecration of a house.²⁰ Just as there [a redemption is impossible without] payment of money, so here also payment of money [is mandatory]. And R. Simeon? — He derives it from [the analogous]: ‘holy’, ‘holy’ [written] with the lambs of the Feast of Weeks.²¹ Just as there [the priest obtains them] without money, so here, too, without money. But let R. Judah, too, infer it from the lambs of the Feast of Weeks? — One may make inference for objects consecrated to repairs of the Sanctuary

(1) Lev. XXVII, 20.

(2) If the son redeems it, the field reverts to his father at Jubilee.

(3) Ex. XXI, 9. The designation i.e., betrothal of a Hebrew handmaid to her master. There the son automatically enters into his father's rights.

(4) In the case of a Hebrew slave, whose master dies, the son is entitled to the remaining ones of the six years' service due to his father.

- (5) Deut. XXV, 5 If brethren dwell together and one of them die and have no child, the wife of the dead shall not be married abroad unto one not of his kin. Her husband's brother shall go in unto her, and take her to him to wife.
- (6) Any child, son or daughter, of the dead brother renders the levirate duty impossible, and indeed prohibits it as incestuous. Hence the brother plays a role only when there is no son.
- (7) The preference for a son in the case of a Hebrew slave is not based on the Biblical text, but is inferred from this very argument, v. Kid. 17b; therefore in reality there is but one point in the son's favour, so that the balance between brother and son is restored, each of them having but one point in his favour.
- (8) Just as in the case of her father's death, the daughter like the son, cancels the possibility of the levirate obligation, so should she be able to preserve the field for her father by redeeming it so that in the year of Jubilee it would revert to her father.
- (9) Lit., 'another' since she cannot inherit.
- (10) The son inherits from his mother property which will be due after her death, as well as such already in her possession, whereas the husband does not obtain those still due, as he does those in her possession already. V. B.B. 113a.
- (11) If another man redeems as is required, not at a deduction but with the payment of the full fifty shekels.
- (12) Lev. XXVII, 18 and 21.
- (13) That the field on Jubilee goes out to the priests.
- (14) Ibid. 20, 21.
- (15) Ibid. 21. Unless he redeems it, the field will go out to the priests.
- (16) 'His' is here interpreted as suggesting only that the priest's own field of possession, i.e., that inherited from his father, may belong exclusively to him, but not someone else's field of possession.
- (17) Fifty shekels for each piece of the field sufficient for the sowing of a homer of barley, payable to the treasurer of the Sanctuary; thereupon the field becomes their field of possession.
- (18) This designation serves at the same time as a notice to the would-be buyers, who for practical or sentimental reasons might redeem the field for its original owner.
- (19) When the next Jubilee arrives, the priests enter into possession of the field without the obligation of paying its value to the Sanctuary, for the latter has already received such value from the person who redeemed the field.
- (20) Lev. XXVII, 14 uses the term in referring' to the consecration of a house, and v. 23 to that of a field of possession.
- (21) V. Lev, XXIII, 20.

Talmud - Mas. Arachin 26a

from other objects dedicated to repairs of the Sanctuary, but one may make no inference for objects dedicated to Temple repairs from such as are dedicated to the altar. But let R. Simeon, too, derive it from 'one who consecrated his house'? — One may make inference for things given as a gift to the priests from others which are a gift unto priests, but one may not make inference for things which are a gift to the priests from others which are not a gift to the priests.¹

R. ELIEZER SAYS: THEY NEITHER ENTER [INTO POSSESSION] NOR PAY [ITS VALUE]. Rabbah said: What is the reason for R. Eliezer's view? Scripture said: And if he will not redeem the field . . . it shall not be redeemed any more . . . or if he have sold the field to another man [then] . . . the field, when it goeth out in the Jubilee.² Said Abaye: A sharp knife to cut Scriptural verses [to pieces]! Rather, said Abaye, this is the reason for R. Eliezer's view, as it was taught: 'It shall not be, redeemed any more'. One might have assumed that [means]: It shall not be redeemed [by the owners], i.e., even to be considered [to him] a field acquired by purchase,³ therefore Scripture says, 'any more', which means: it cannot be redeemed so as to be considered [again] what it was before [a field of possession]⁴ but it can be redeemed to become to him like a field acquired by purchase.⁵ Now to when does this refer? Will you say, To the first Jubilee? Why can it not be redeemed? It is still a field of possession. Hence is it obviously to the second Jubilee [that we refer]. But according to whom [is this teaching]? Would you say according to either R. Judah or R. Simeon; surely it goes out to the priests [at the first Jubilee]!⁶ You must hence say it is in accord with R. Eliezer, which proves that R. Eliezer infers his reason from here.⁷ But is that how you think? How then do R. Judah

and R. Simeon interpret that ‘any more’. Rather we speak here of a field [of possession] that went out to the priests [at Jubilee],⁸ and which the priests thereupon consecrated,⁹ and now the [original] owner comes to redeem it. You might have assumed that it cannot be redeemed [by the owner]¹⁰ not even to be regarded as a field acquired by purchase, therefore the text states ‘any more’; [meaning] it cannot be redeemed so as to be considered as before [a field of possession], but it can be redeemed to be considered a field acquired by purchase. And then indeed was it taught: In the year of Jubilee the field shall return unto him of whom it was bought.¹¹ One might have assumed that it shall go back to the treasurer from whom he bought it, therefore the text states: Even to him to whom the possession of the land belongeth.¹¹ Now Scripture should [only] have said: ‘Even to him to whom the possession of the land belongeth’ For what purpose does it say: ‘Unto him of whom it was bought’? [It refers to the case of] a field that had gone out to the priests, whereupon the priest sold it and the purchaser consecrated it, and another person came and redeemed it. One might have assumed that it shall revert to the original owners, therefore it is said: ‘Unto him of whom it was bought’.¹² And it was necessary to state: ‘Unto him of whom it was bought’ and it was necessary to state: ‘It shall not be redeemed any more’. For if the Divine Law had written [only]: ‘It shall not be redeemed any more’ [one would have said that this applied only to the former case] where it does not come back at all [to the one who consecrated it],¹³ but here where it reverts [to the one who consecrated it],¹⁴ [I might have said,] it shall revert to the owner; therefore the Divine Law wrote: ‘Unto him of whom it was bought’. And if the Divine Law had written [only]: ‘Unto him of whom it was bought’ [one would have said that this applies to the latter case] where the owner does not pay its value,¹⁵ but here [in the former case] where he pays its value, [I might say] it shall be placed in his possession, therefore the Divine Law wrote: ‘It shall not be redeemed’. And if the Divine Law had written: ‘It shall not be redeemed’, but had not written, ‘any more’, I would have thought: It cannot be redeemed at all, therefore the Divine Law said, ‘any more’, i.e., it cannot revert to its original status again, but it can be so redeemed as to be regarded a field acquired by purchase. Now what of it?¹⁶ — Raba said: Scripture said, ‘But the field when it goeth out in the Jubilee [etc.]’, [implying] when it goeth out [on Jubilee] of the hand [possession] of another.¹⁷

(1) The field of possession as well as the lambs of the Feast of Weeks both are a gift to the priest (v. Lev. XXIII, 20 and XXVII, 21); that is not the case with the consecration of a house, the value of which goes to the fund for Temple repairs.

(2) V. Lev. XXVII, 20-21. The two verses are combined to mean thus: If he does not redeem it, it shall not be redeemed any more, but if he (the treasurer of the Sanctuary) sells it, then the field goes out on Jubilee to the priests. This implies that if the treasurer does not sell it the priests do not enter into possession of the field.

(3) I.e., the owner can no longer redeem it to have the use of the field at least to the next Jubilee.

(4) I.e., to be his permanently after the redemption.

(5) This laborious combination of verses for a forced ad hoc elicits Abaye's merited reproach.

(6) As stated in our Mishnah.

(7) R. Eliezer holds that after the first Jubilee year the field if unredeemed belongs to the Sanctuary and not the priests, and consequently the field can still be redeemed, hence the exposition of the cited verse.

(8) Because it had been redeemed by another man.

(9) Who received it on Jubilee.

(10) Since he did not redeem it on the first Jubilee year.

(11) Lev. XXVII, 24 with reference to a field of purchase.

(12) One might have assumed that it reverts to the man who originally consecrated it, therefore the Scriptural verse comes to teach us that since it was not bought from him but was acquired from the Sanctuary it reverts to the priest, from whom the purchaser had acquired it before consecrating the field. And similarly in the case of a field of possession, once another redeems it and it gets into the possession of the priest at Jubilee, the owner can no longer redeem it as his field of possession.

(13) I.e., when the priest consecrated it after having received it on Jubilee, the owner having failed to redeem it. In this case the field on the next Jubilee goes out to all the priests and not to the priest who consecrated it, and similarly the original owner cannot claim it as a field of possession.

(14) I.e., where the priest sold and the purchaser consecrated it, in which case it is a field acquired by purchase, which if

someone redeems it from the Sanctuary does not go out to the priests on Jubilee, but reverts to the consecrator.

(15) Since another redeemed it.

(16) We do not yet know the reason for R. Eliezer's view that the priests cannot enter into possession until someone has redeemed it.

(17) I.e., when it goes out of the possession of another who had redeemed it from the treasurer before the year of Jubilee, then shall it go out to the priests as their field of possession.

Talmud - Mas. Arachin 26b

The question was asked: Is the owner in the second Jubilee cycle considered like someone else or not?¹ — Come and hear: 'It shall not be redeemed any more'. One might have assumed it shall not be redeemed [by the owners] even to be considered before him like a field acquired by purchase, therefore it is said: 'Any more, i.e., it cannot be redeemed so as to be considered again what it was before, but it can be redeemed so as to become to him like a field acquired by purchase. Now to what does this refer? Will you say to the first Jubilee? Why should it not be redeemed? It is still regarded a field of possession! Hence the reference is obviously to the second Jubilee. But according to whose view [is this teaching]? If according to R. Judah or R. Simeon, surely it goes out to the priests [at the first Jubilee]? one must rather say therefore, it is in accord with R. Eliezer, which proves that [according to him]² the owner in the second Jubilee is considered as if he were another person. But do you think so? How then would R. Judah and R. Simeon interpret 'any more'? — Rather do we deal here with the case of a field [of possession] that went out [at Jubilee] to the priests, and which the priest consecrated, and now the original owner comes to redeem it. You might have thought: It cannot be redeemed [by the owner] so as to become like a field acquired by purchase, therefore it is said: 'any more', I.e., it cannot be redeemed so as to be considered what it was before, but it can be redeemed so as to become to him a field acquired by purchase. Thus also was it taught: 'The field shall return unto him of whom it was bought'. One might have assumed it shall return to the treasurer from whom he had bought it, therefore the text states: 'Even to him unto whom the possession of the land belongeth'. Now Scripture should have said: 'Unto whom the possession of the land belongeth'. For what purpose does it say: 'Unto him of whom the field was bought'? It refers to a field that had gone out to the priests and a priest sold it, whereupon the purchaser consecrated it and another person came and redeemed it. One might have assumed that it shall revert to the original owner, therefore it is said: 'Unto him of whom it was bought'. And it was necessary to write: 'It shall not be redeemed any more', as it was necessary to write: 'Unto him of whom it was bought'. For had the Divine Law written [only], 'It shall not be redeemed any more', [one would have said that applies only in the former case] where it does not come back at all, [to the one who consecrated it], but here where it does revert [to him], I might have said it shall revert to the owner, therefore the Divine Law wrote: 'Unto him of whom it was bought'. And if the Divine Law had written [only]: 'Unto him of whom it was bought' [one would have said this applies to the latter case] where the owner does not pay its money-value, but here [in the former case] where he pays its money-value, it shall be placed in his possession, therefore the Divine Law wrote: 'It shall not be redeemed'. And if the Divine Law had written [only]: 'It shall not be redeemed', but had not written any more', I might have said that it cannot be redeemed at all, therefore the Divine Law wrote 'any more'; i.e., it cannot revert any more to its original status [as a field of possession], but it can be redeemed so as to be considered a field acquired by purchase. Now what of it?³ — Come and hear: R. Eliezer said, If the owner redeemed it in the second Jubilee [cycle] it goes out to the priest in the [next] Jubilee.⁴ Said Rabina to R. Ashi: But did we not learn thus: R. ELIEZER SAID, THE PRIESTS NEVER ENTER INTO POSSESSION THEREOF UNTIL SOMEONE ELSE HAS REDEEMED IT? — He replied: The owner is considered as someone else in the second Jubilee [cycle]. Others say, R. Eliezer said: If he [the owner] redeems it during the second Jubilee [cycle], it does not go out to the priests at the Jubilee. Whereupon Rabina said to R. Ashi: We also learnt likewise: R. ELIEZER SAID, THE PRIESTS NEVER ENTER INTO POSSESSION THEREOF UNTIL SOMEONE ELSE HAS REDEEMED IT. — He replied: If we [knew it only] from our

Mishnah, I might have assumed that the owner during the second Jubilee [cycle] is considered like someone else, therefore we are informed [otherwise].⁵

MISHNAH. IF ONE BOUGHT A FIELD FROM HIS FATHER,⁶ AND HIS FATHER DIED AND AFTERWARDS HE CONSECRATED IT, IT IS CONSIDERED A FIELD OF POSSESSION.⁷ IF HE CONSECRATED IT AND AFTERWARDS HIS FATHER DIED, THEN IT IS CONSIDERED A FIELD ACQUIRED BY PURCHASE.⁸ THESE ARE THE WORDS OF R. MEIR. R. JUDAH AND R. SIMEON SAY: [EVEN IN THE LATTER CASE] IT IS CONSIDERED A FIELD OF POSSESSION, AS IT IS SAID: ‘AND IF A FIELD WHICH HE HATH BOUGHT, WHICH IS NOT A FIELD OF HIS POSSESSION, I.E., A FIELD WHICH IS NOT CAPABLE OF BECOMING A FIELD OF HIS POSSESSION, THUS EXCLUDING A FIELD WHICH IS CAPABLE OF BECOMING A FIELD OF POSSESSION.⁹ A FIELD ACQUIRED BY PURCHASE DOES NOT GO OUT TO THE PRIESTS IN THE YEAR OF JUBILEE, FOR NO MAN CAN CONSECRATE AN OBJECT NOT BELONGING TO HIM.¹⁰ PRIESTS AND LEVITES MAY CONSECRATE [THEIR FIELDS] AT ANY TIME AND REDEEM AT ANY TIME, BOTH BEFORE AND AFTER THE JUBILEE.

GEMARA. Our Rabbis taught: Whence do we know that if one bought a field from his father and consecrated it, and thereupon his father died, that it is to be considered his field of possession? Therefore it is said: ‘A field which he hath bought, which is not a field of his possession’, i.e., field which is not capable of becoming a field of his possessions excluding this, which is capable of becoming a field of his possession. These are the words of R. Judah and R. Simeon. R. Meir says: Whence do we know that if one bought a field from his father and his father died, and he thereupon consecrated it, that it be considered to him a field of his possession? Therefore it is said: ‘A field which he hath bought which is not a field of his possession’, i.e., a field which is not a field of his possession, excluding this, which is a field of his possession. Shall we say that they are conflicting about this [principle], R. Meir holding that the acquisition of usufruct is like the acquisition of the capital itself, whereas R. Judah and R. Simeon hold that the acquisition of usufruct is not like the acquisition of the soil itself?¹¹ — Said R. Nahman b. Isaac: As a rule R. Simeon and R. Judah hold that the acquisition of usufruct is like the acquisition of the soil itself

(1) According to R. Eliezer who says that in the second Jubilee cycle, too, the field can be redeemed, the question is asked: Is the owner in the second cycle considered like someone else, so that when he redeems it the field will in the third Jubilee go out to the priests; or is he still considered the owner so that in the third Jubilee the field will revert to him, as it would have reverted to him had he redeemed it before the end of the first Jubilee.

(2) .

(3) The question propounded above.

(4) Which proves that the owner, during the second Jubilee cycle, is considered like someone else, the field in the Jubilee reverting to the priests.

(5) That the owner is not considered another, during the second Jubilee cycle, and if he redeems it the field remains with him at Jubilee.

(6) If he consecrated it after it had become, through his father's death, his field of possession. it remains in the status of a field of his possession. But if he consecrated it whilst his father was alive, it had not yet become his field of possession and remains therefore his field acquired by purchase. The difference is that a field acquired by purchase must be redeemed at its full value (instead of the fifty shekels for each piece of field sufficient for the sowing of a homer of barley. due in the case of a field of his possession); and, if he who consecrated it has not redeemed it, then when the year of Jubilee arrives, it does not go out to the priests but reverts then to its original owner. In our case It would revert to the father, and since he died, to his heirs.

(7) V. Lev. XXVII, 16.

(8) Lev. XXVII, 22.

(9) Even if it was not yet a field of his possession at the time he consecrated it, but was (one of) ‘from’ the fields of his (potential) possession, it is considered his field of possession. But when he comes to redeem it, it must be his field of

possession already, or else it will be regarded as a field acquired by purchase. 'A field acquired by purchase' is the term. techn. for any property acquired in any manner, as long as it was not inherited by its present owner.

(10) If someone buys a field, he has bought only the usufruct up to the year of Jubilee, in that year it reverts automatically. without any fee payable, to its original owner. Hence its purchase could not legally consecrate it, consecration being unlimited in time, whereas his limited rights are also limited by the year of Jubilee. Hence that field will not go out to the priests, but will revert to the original owner, whose field of possession it was, by inheritance.

(11) As long as his father lived the son had but the usufruct of the field he had purchased from the former. He did not really own the soil, because in the year of Jubilee the soil would have reverted to his father, the original owner. R. Meir, however, would hold that the acquisition of the usufruct is like the acquisition of the soil itself. Therefore when he consecrated it in his father's lifetime, it was to be regarded as a field acquired by purchase, the soil belonging to him with the usufruct, whence it could no more acquire the status of a field of possession, with the rules relevant thereto. R. Judah and R. Simeon, on the other hand, hold that the acquisition of usufruct is not like the acquisition of the soil, hence it could become a field of possession only if the father died before the son consecrated it. This being a very obvious rule, no Scriptural law was necessary to teach what applies here. What required the Scriptural guidance was the case of his having consecrated the field before his father died to teach that although at the time of its consecration the field was one acquired by purchase, nevertheless since the father died before its being redeemed, it is considered a field of his possession. For the original purchase did not include the field, only the usufruct.

Talmud - Mas. Arachin 27a

, but here they found a Scriptural verse which they interpreted [as follows]:¹ The Divine Law should have said: 'If from the field acquired by purchase which is not his field of possession', or 'which is not a field of possession', what does 'from the field of his possession'² mean? [It means] a field incapable of becoming a field of possession, [thus] excluding this which is capable of becoming a field of possession.

PRIESTS AND LEVITES MAY CONSECRATE AT ANY TIME. Granted that it is necessary [to teach that the priests may] REDEEM to exclude Israelites who may redeem only up to the year of Jubilee. That is why we are informed [that priests and Levites] MAY REDEEM AT ANY TIME. But as regards [their ability to] CONSECRATE, why teach about priests and Levites since Israelites may do the same?³ And if you were to say it refers to the year of Jubilee itself, that would be right only on the view of Samuel who says: In the year of Jubilee itself it [the consecrated object] acquires no sacred character,⁴ therefore the information [in our Mishnah] that priests and Levites, however, may consecrate at any time. But on the view of Rab, why speak about priests and Levites? Israelites, too, may [consecrate at any time, even in the year of Jubilee]? — But according to your own opinion, for what purpose does he teach: BOTH BEFORE AND AFTER THE JUBILEE?⁵ — Rather [must we explain]: Because he taught in the first part 'Before the Jubilee' . . . and 'after the Jubilee',⁶ therefore he taught in the second part too, BOTH BEFORE AND AFTER THE YEAR OF JUBILEE. And since he taught in the first part, 'They may neither consecrate . . . nor redeem', he teaches also in the second part: [PRIESTS] MAY CONSECRATED . . . AND REDEEM.

CHAPTER VIII

MISHNAH. IF ONE CONSECRATED HIS FIELD AT A TIME WHEN THE [LAW OF THE] JUBILEE WAS NO LONGER VALID,⁷ THEY SAY TO HIM: MAKE THOU THE FIRST BEGINNING!' BECAUSE THE OWNER MUST PAY AN ADDED FIFTH WHEREAS NO OTHER PERSON NEED PAY AN ADDITIONAL FIFTH.⁸ IT HAPPENED THAT ONE CONSECRATED HIS FIELD BECAUSE IT WAS BAD. THEY SAID TO HIM: MAKE THOU THE FIRST BEGINNING!' HE SAID: 'I WILL ACQUIRE IT FOR AN ISSAR'.⁹ R. JOSE SAID: HE DID NOT SPEAK THUS, BUT 'FOR AN EGG', BECAUSE CONSECRATED OBJECTS MAY BE REDEEMED BY EITHER MONEY OR MONEY'S WORTH.¹⁰ HE SAID TO HIM: IT HAS BECOME THINE.¹¹ THUS HE WAS FOUND TO HAVE LOST AN ISSAR AND THE

FIELD WAS HIS AGAIN.

GEMARA. IF ONE CONSECRATED HIS FIELD AT A TIME WHEN etc. THEY SAY: but was it not taught. 'They compel him'? — What THEY SAY means is 'they compel him'. Or, if you like say, At first, they speak to him. If he obeys, he obeys. If not, they compel him.

FOR THE OWNER MUST PAY AN ADDED FIFTH. Why argue from the fact that the owner is obliged to pay an added fifth, infer it from the fact that since it is dear to him he will pay more to redeem it? And furthermore, the obligation to redeem it rests upon the owner?¹² — He gives one reason and then another. One reason, that since it is dear to him he will pay more to redeem it; and another, that the obligation to redeem it rests upon the owner, and furthermore, the owner is obliged to pay an added fifth.

IT HAPPENED THAT ONE CONSECRATED HIS FIELD etc. Shall we say they are disputing this principle: R. Jose holds that money's worth is like money, whilst the Rabbis are of the opinion that money's worth is not like money? But then we have an established principle that money's worth is like money!¹³ — [No.] All agree that money's worth is like money, but here they are disputing whether one may redeem by an object the fifth of which is not worth one perutah; the first Tanna holding only with an issar, the fifth of which is worth one perutah, may one redeem [but not by less],¹⁴ whilst R. Jose holds with an egg too one may redeem.

HE SAID TO HIM: IT HAS BECOME THINE! THUS HE WAS FOUND TO HAVE LOST AN ISSAR AND THE FIELD WAS HIS AGAIN. This anonymous statement is in accord with the view of the Rabbis.¹⁵

MISHNAH. IF ONE SAID: 'I WILL ACQUIRE IT FOR TEN SELA'S, AND ANOTHER '[FOR] TWENTY', AND ANOTHER 'FOR THIRTY', AND ANOTHER 'FOR FORTY', AND ANOTHER 'FOR FIFTY', AND HE [THAT BID] FIFTY RECANTED, THEY TAKE PLEDGES FROM HIS PROPERTY UP TO TEN SELA'S.¹⁶ IF HE [THAT BID] FORTY¹⁷ RECANTED, THEY TAKE PLEDGES FROM HIS POSSESSION UP TO TEN SELA'S. IF HE [THAT BID] THIRTY RECANTED, THEY TAKE PLEDGES FROM HIS POSSESSIONS UP TO TEN SELA'S. IF HE THAT BID TWENTY RECANTED THEY TAKE PLEDGES FROM HIS POSSESSION UP TO TEN SELA'S. IF HE THAT BID TEN RECANTED THEY SELL [THE FIELD] FOR WHAT IT IS WORTH, AND COLLECT WHAT REMAINS FROM HIM WHO BID TEN.¹⁸ IF THE OWNER BID TWENTY AND ANY OTHER MAN BID TWENTY,¹⁹ THEN THE OWNER COMES FIRST, BECAUSE HE MUST ADD ONE FIFTH. IF ONE SAID 'I WILL ACQUIRE IT FOR TWENTY-ONE SELA'S'

(1) As excluding the field under question, quite independent of the discussion as to whether acquisition of usufruct is like acquisition of the soil itself.

(2) מִשְׁרָה 'men privativum'. For further notes v. B.B. Sonc. ed., pp. 285ff.

(3) V. supra 24a.

(4) V. ibid.

(5) In which Israelites may not consecrate.

(6) V. supra 24a.

(7) The law of the year of Jubilee was valid only as long as all Israel lived in the Holy Land, with the tribes inhabiting the portions of the land allocated to them by Joshua, v. infra 32b.

(8) For as long as it was valid, the price to be paid was fixed (fifty shekels for every piece of the field sufficient for the sowing of a homer of barley) and did not depend upon any offer of the owner. But after the validity of the Jubilee was lost, the field of possession, too, had to be redeemed at its value, hence the question here.

(9) The expense was greater than its produce.

(10) Eight perutahs.

(11) The treasurer said to the owner: It is yours.

(12) V. Lev. XXVII, 23.

(13) V. B.K. 7a.

(14) The disagreement is in detail, not on principle, both holding that redemption may be achieved by either money or money's worth. An issar is the smallest coin containing five perutahs.

(15) Which speaks of his losing an issar.

(16) Through his recanting the Sanctuary lost ten sela's, the difference between his bid and that of the next lower bidder. As a rule, some definite act is necessary before any purchase is legally binding, but with regard to any transaction touching the Sanctuary an oral undertaking has the force of a legal act.

(17) This is explained in the Gemara.

(18) The difference between what he bid (ten sela's) and what after his retraction was actually paid by the lowest bidder.

(19) After the owner offered twenty.

Talmud - Mas. Arachin 27b

THEN THE OWNER MUST PAY TWENTY-SIX. [IF ONE BID] TWENTY-TWO, THE OWNER MUST PAY TWENTY-SEVEN. IF TWENTY-THREE, THE OWNER MUST PAY TWENTY-EIGHT. IF TWENTY-FOUR, THE OWNER MUST PAY TWENTY-NINE. IF TWENTY-FIVE, THE OWNER MUST PAY THIRTY, FOR THEY NEED NOT ADD ONE FIFTH TO WHAT THE OTHER BIDS MORE. IF ONE SAID: 'I WILL ACQUIRE IT FOR TWENTY-SIX',¹ AND IF THE OWNER WAS WILLING TO PAY THIRTY-ONE AND ONE DENAR IN ADDITION,² THE OWNER COMES FIRST. AND IF NOT, WE SAY TO THE OTHER: 'IT HAS BECOME THINE.

GEMARA. R. Hisda said: This³ was taught only if he who bid forty stands by his bid, but if he who bid forty does not stand by his bid, then we divide it among them.⁴ We learnt: IF HE THAT BID FORTY RECANTED, THEY TAKE PLEDGES FROM HIS POSSESSIONS UP TO TEN SELA'S. But why so? Let him who bid fifty pay with [alike] him [the ten sela's which he outbid]? — It refers to the case where there was no one who bid fifty. IF HE WHO BID THIRTY RECANTED, THEY TAKE PLEDGES FROM HIS POSSESSIONS UP TO TEN SELA'S. But why so? Let him who bid forty pay together with him [the ten sela's which he outbid]? — It refers to the case where there was no one who bid forty. IF HE WHO BID TWENTY RECANTED, THEY TAKE PLEDGES FROM HIS POSSESSIONS UP TO TEN SELA'S. But why so? Let him who bid thirty pay with him? — It refers to the case where there was no one who bid thirty. But if that be so, read the last part: IF HE THAT BID TEN RECANTED THEY SELL IT FOR WHAT IT IS WORTH, AND COLLECT WHAT REMAINS FROM HIM WHO BID TEN. But let him who bid twenty pay with him [the ten sela's]? And if you would say. Here, too, it refers to the case where there was no one who bid ten, then instead of teaching AND COLLECT WHAT REMAINS FROM HIM WHO BID TEN, it should state: 'And collect from him'?⁵ — Rather, said R. Hisda, this is no difficulty. One case refers to their recanting simultaneously, the other, if they do so one after the other.⁶ Thus was it also taught: If all of them recanted simultaneously, one distributed it among them. But we were taught: THEY TAKE PLEDGES FROM HIS POSSESSION UP TO TEN SELA'S? Hence it is evident therefrom that the explanation is like R. Hisda. That is evident. Some put it in the form of a contradiction. We learnt: IF HE WHO BID TEN RECANTED, THEY SELL IT FOR WHAT IT IS WORTH, AND COLLECT WHAT REMAINS FROM HIM WHO BID TEN. But it was taught: 'We divide it among them'? — R. Hisda said: This is no contradiction, one case speaks of their recanting simultaneously, the other, if they do so one after the other.

IF THE OWNER BID TWENTY AND ANY OTHER MAN BID TWENTY etc. Shall we say that the added fifth has preference? But I will point out a contradiction. 'If a householder⁷ bid a sela' and another bid a sela' and an issar, he who bid a sela' and an issar has preference, since he adds to the principal value'? — Here where the fifth is the profit of the Sanctuary, the fifth has preference, but

there, where the fifth is the profit⁸ of the householder, a goodly capital sum is preferable [for redemption], but the fifth does not concern us.

IF ONE SAID: I WILL ACQUIRE IT FOR etc. IF TWENTY-FIVE, THE OWNER MUST PAY THIRTY. But let the owner say: A man has come in our stead?⁹ — Said Ze'ira:¹⁰ It speaks of the case where the owner had bid one denar [over twenty].¹¹ Then let [the Mishnah] mention that denar? — He [the Tanna] was not particular to mention [a mere denar]. But [yet] it teaches: If the owner was willing to pay thirty-one sela's and one denar, the owner has preference? — Rather, said Raba, it was a case where the owner bid an additional perutah and [the Tanna] was not particular [to mention it].

FOR THEY NEED NOT ADD ONE FIFTH TO WHAT THE OTHER BIDS MORE. R. Hisda said: This was taught only [for the case] where the consecrated object was not yet valued by three,¹² but if the consecrated object was valued by three, he must add [the fifth]. It was also taught thus: Beth Shammai say: They¹³ must add, whilst Beth Hillel Say: They need not add. Now how shall we imagine this case? If it [the consecrated object] has not yet been valued, what is the reason for the view of Beth Shammai? Rather must we take it that it has been valued. Shall we, then, assume that R. Hisda is of the view of Beth Shammai?¹⁴ In reality [assume] that it has not been valued, but Beth Shammai are nevertheless stringent. Or if you like, say: Indeed, it was valued and [the Baraita] is to be reversed: Beth Shammai say. They need not add [etc.]. But then let it be taught among the cases in which Beth Shammai are less stringent and Beth Hillel are more stringent?¹⁵ — Rather, Indeed it was not valued, but Beth Shammai are nevertheless stringent.

IF ONE SAID: I WILL ACQUIRE IT FOR TWENTY-SIX etc. If he [the owner] is willing, good, if not, [we do] not compel him, for he can say: 'A man has come in my stead'. What is the function of the [one] denar?¹⁶ — R. Shesheth said: This is what it means. If the owner originally wanted to give a sum amounting [with the extra addition of the last bid] to thirty-one [sela's] and one denar

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- (1) Thereby outbidding the owner's original bid plus the added fifth.
 - (2) One sela' contains four denars, so that the full fifth of twenty-six is thirty-one sela's and one denar.
 - (3) That if the bidder of fifty recanted they take pledges from his property up to (no more than) ten sela's.
 - (4) The loss divided among the bidders of fifty and forty, the former becoming responsible for fifteen (sharing the loss in the difference between forty and thirty), the latter for five sela's.
 - (5) Since the text reads: 'From him who bid ten', the inference is justified that there is one who bid twenty too, yet we are not taught that the sum lost is to be collected from both. This is a refutation of R. Hisda's view.
 - (6) When all recanted simultaneously the charge is distributed among them, but if one after the other recants, one imposes upon each the difference between his bid and the next highest bid.
 - (7) With reference to the second tithe which can be converted into money to be taken to Jerusalem there to be expended on food. V. Lev. XXVII, 31.
 - (8) In the case of the second tithe, both the original sum and the added fifth remain the possession of the householder, the only restriction upon him being the obligation to consume the whole sum in Jerusalem, after having redeemed the second tithe in the country. In that case we allow the preference to a bidder who goes, by even one issar, above the bid of the householder, even though the householder adds one fifth, since that fifth as well as the whole sum, remains his private property the Sanctuary's interest not being involved at all. But when the consecrated field is to be redeemed, the fifth added by the owner is the profit of the Sanctuary, both the original amount and the addition being received by its treasurer, therefore the preference is with him who offered the additional fifth.
 - (9) Who is willing to make a payment that includes the sum plus the added fifth from the owner. Hence no loss will be sustained by the Sanctuary. Why compel him then to give thirty?
 - (10) Inserted with Sh. Mek.
 - (11) Which, with the added fifth, would make his offer amount to more than twenty-five.
 - (12) On the basis of the last bid. Although, as a rule, valuations for the Sanctuary require the presence of ten (Sanh. 2a). here an exception is de facto recognized.

(13) The owners.

(14) The ultimate decision in a matter of conflict between Beth Shammai and Beth Hillel is, as a general rule, in accord with the latter. How then could R. Hisda, an Amora, adhere to the view of Beth Shammai?

(15) These are recorded in 'Ed. and assumed to be all the rare cases in which the Schools reverse their usual role, the Hillelites being more stringent, and the Shammaites more liberal. The fact that the Mishnah in 'Ed. does not include this case indicates that the report here of such an additional unusual decision must be erroneous.

(16) Since the Mishnah stated: They need not add one fifth to what the other bid.

Talmud - Mas. Arachin 28a

. And how is this to be imagined? If he offered twenty-one;¹ then the owner has the preference. If not [the treasurer] says to him [the bidder]: 'It is yours'.

MISHNAH. A MAN MAY DEVOTE² [PART] OF HIS FLOCK OR OF HIS HERD, OF HIS CANAANITE MANSERVANTS OR MAID SERVANTS OR OF HIS FIELD OF POSSESSION. BUT IF HE DEVOTED THE WHOLE OF THEM, THEY ARE NOT CONSIDERED [VALIDLY] DEVOTED. THIS IS THE VIEW OF R. ELIEZER. R. ELEAZAR B. AZARYAH SAID: IF, EVEN TO THE HIGHEST, NO ONE IS PERMITTED TO DEVOTE ALL HIS POSSESSIONS, HOW MUCH MORE SHOULD ONE BE [CAREFUL ABOUT] SPARING IN REGARD TO ONE'S POSSESSIONS.

GEMARA. Whence do we know these things? — Because our Rabbis taught: Of all that he hath,³ i.e., but not 'all that he has'; of man,³ but not 'all man'; or [of] beast,' but not 'all beast'; of the field of his possession,³ but not 'all the field of his possession'. One might have assumed that he may not at the outset devote [the whole], but if he had done so, it should be [considered validly] devoted, therefore it is said: Notwithstanding.³ These are the words of R. Eliezer. R. Eleazar b. Azaryah said: If, even to the highest, no one is permitted to devote all his possessions, how much more should one be sparing in regard to his possessions! And all [the details] are necessary. For if the Divine Law had but written: 'Of all that he hath', I might have said: He may not devote all that he has but of one kind he may devote all [objects]. Therefore the Divine Law said: 'Of man', i.e., but not 'all man'. And if the Divine Law had but written: 'of man', [I would have said]: Because without labour none can manage,⁴ but [in the case of] a field he can still make a living by working as a serf, [therefore it stated: 'of the field of his possession']. And if [the Divine Law] had taught us about these two, [I would have said: The reason in both these cases] is that each is vitally necessary, but as for movable property, let him be allowed to devote it all,' therefore it was necessary [to teach about that as well]. Why was 'or beast' necessary? — In accordance with what was taught: One might have assumed that a man may devote his son or daughter, his Hebrew manservant or his field or purchase, therefore it is said: 'or beast', i.e., just as the beast is something he may sell, so [may he devote] only such things as he is permitted to sell. But as he is permitted to sell his minor daughter, I might therefore think that he can devote her as well, therefore it is said: 'or beast', i.e., just as a beast is something which he may sell for ever, [so can he devote only such objects] as he is permitted to sell for ever.⁵

R. ELEAZAR B. AZARYAH SAID: IF EVEN TO THE HIGHEST NO ONE IS PERMITTED etc. But that is exactly what the first Tanna has said? — The difference between them is implied in what R. Ela said; for R. Ela said: In Usha they ordained that one who would distribute [his possessions] must not go beyond one fifth [of them].⁶ It happened that one wanted to distribute more than one fifth, and his colleagues would not permit him to do so. Who was that? R. Yeshebab. Some say, it was R. Yeshebab who [wanted to distribute it] and his colleagues would not let him do so. Who was [chief among them]? — R. Akiba.

MISHNAH. IF ONE DEVOTES HIS SON OR HIS DAUGHTER⁷, OR HIS HEBREW MANSERVANT OR MAIDSERVANT, OR THE FIELD WHICH HE ACQUIRED BY

PURCHASE, THEY ARE NOT CONSIDERED [VALIDLY] DEVOTED, FOR NONE CAN DEVOTE A THING WHICH DOES NOT BELONG TO HIM. PRIESTS AND LEVITES CANNOT DEVOTE [THEIR BELONGINGS]. THESE ARE THE WORDS OF R. JUDAH. R. SIMEON SAYS: THE PRIESTS CANNOT DEVOTE, BECAUSE THINGS DEVOTED BELONG TO THEM. BUT LEVITES CAN DEVOTE, BECAUSE THINGS DEVOTED DO NOT FALL TO THEM. RABBI SAYS: THE WORDS OF R. JUDAH ARE ACCEPTABLE IN CASES OF IMMOVABLE PROPERTY AS IT IS SAID: FOR THAT IS THEIR PERPETUAL POSSESSION,⁸ AND THE WORDS OF R. SIMEON IN CASES OF MOVABLE PROPERTY, SINCE THINGS DEVOTED DO NOT FALL TO THEM.

GEMARA. According to R. Judah, it is quite right that priests cannot devote, because all objects devoted fall to them. But, touching Levites, granted they cannot devote immovable property, because it is written: 'For that is their perpetual possession but let them devote movable property? — Scripture said: 'Of all that he hath . . . or of the field of his possession', thus comparing movable property on the same level with immovable property. Now according to R. Simeon it is quite right [what he rules] about the priests, as we have [just] said. But touching the Levites, granted they can devote movable property, because he does not draw the [above] analogy; but why should they be able to devote immovable property; Surely it is written: 'For that is their perpetual possession'? What he means when he says LEVITES CAN DEVOTE is [that they can devote] movables. But surely the last part [of this Mishnah] reads: RABBI SAYS: THE WORDS OF R. JUDAH ARE ACCEPTABLE IN CASES OF IMMOVABLE PROPERTY, AND THE WORDS OF R. SIMEON IN CASES OF MOVABLE PROPERTY; it follows that R. Simeon refers to immovable property too? — This is what he means: Rabbi said, The words of R. Judah are acceptable to R. Simeon in cases of immovable property, for R. Simeon disputes his view only in cases of movable property, but in cases of immovable property he consents.

R. Hiyya b. Abin said: If one had devoted movable property he may give it to any priest he pleases, as it is said: Everything devoted in Israel

(1) Which with the extra fifth amounts to twenty-six sela's and one denar (approximately).

(2) V. Lev. XXVII, 28. Whatever was devoted was considered most holy, whilst still in the owner's house, but became profane as soon as it reached the priests. Anything devoted could be neither redeemed nor sold. Ibid. 29.

(3) V. p. 165, n. 5.

(4) Without servants, who do one's work, one cannot live. But one may rent out fields for labour, with part of the crop belonging to the tiller thereof.

(5) Excluding his daughter, whom he may sell only whilst she is a minor.

(6) V. Keth. 50a.

(7) The minor children could be sold by their father only whilst they are minors. The Hebrew slave, manservant or maidservant, are the property of their owner only during a limited number of years. The field acquired by purchase, too, can be held only for a limited time, reverting, as it does to its original owner, in the year of Jubilee. Hence all these things or persons cannot be devoted, devotion implying in perpetuity.

(8) Lev. XXV, 34.

Talmud - Mas. Arachin 28b

shall be thine.¹ If he devoted his field he must give it to a priest of the then officiating guard,² as it is said: As a field devoted,' the possession thereof shall be the priest's,³ making the inference from the analogy of [the term] 'the priest's, sin case of robbery of a stranger. And whence do we know it for that case? For it was taught: The Lord's, even the priest's,⁴ i.e., the Lord acquired it and gave it to the priest in that guard. You say, To the priest in that [particular] guard; but perhaps it means to any priest it pleases him [to give it to]? When it says, Besides the ram of the atonement, whereby atonement shall be made for him,⁴ hence Scripture speaks of the priests in that guard.⁵ The field

which goes out to the priests in the year of Jubilee is [also] given to the priests of that [particular] guard.

The following question was raised: How if it⁶ fell on a Sabbath? — R. Hiyya b. Ammi in the name of Hulfana said: It is to be given to the departing guard.⁷ R. Nahman b. Isaac said: Thus was it also taught: It is to be found,⁸ then, that both the year of Jubilee and the seventh year effect [respectively] the release [of debts and land] at the same time, except that the year of Jubilee [effects it] in its beginning and the seventh year at its end.⁹ On the contrary! It was just because of this! — Say: Because the year of Jubilee, etc. Granted that the seventh year [effects release] at the end, as it is written: At the end of every seven years, thou shalt make a release,¹⁰ but how does the year of Jubilee [effect release] at the beginning? That takes place on the Day of Atonement, as it is written: In the day of atonement shall ye make proclamation with the horn throughout all your land.¹¹ This is the view of R. Ishmael, the son of R. Johanan b. Beroka, who said that the year of Jubilee commenced from the New Year already.

Hezekiah son of Biloti heard it,¹² and he went and reported it to R. Abbahu. [The latter asked:] But let him compare movable property to immovable property? — But is it not a matter of dispute among Tannaim, there being some who compare the one to the other,¹³ whilst some there are who do not?¹⁴ And he [R. Hiyya b. Abin] holds with the view that we do not make that comparison.

MISHNAH. THINGS DEVOTED FOR [THE USE OF] THE PRIESTS CANNOT BE REDEEMED BUT ARE TO BE GIVEN TO THE PRIESTS. EVEN AS TERUMAH.¹⁵ R. JUDAH B. BATHYRA SAYS: THINGS DEVOTED GENERALLY¹⁶ FALL TO [THE FUND FOR] TEMPLE REPAIRS, AS IT WAS SAID: EVERY DEVOTED THING IS MOST HOLY UNTO THE LORD.¹⁷ BUT THE SAGES SAY: THINGS DEVOTED GENERALLY FALL TO THE PRIESTS, AS IT IS SAID: AS A FIELD DEVOTED: THE POSSESSION THEREOF SHALL BE THE PRIEST'S.¹⁸ IF SO, WHY IS IT SAID: 'EVERY DEVOTED THING IS MOST HOLY UNTO THE LORD'? [THAT IS TO TEACH] THAT IS APPLIES TO THE MOST HOLY AND THE LESS HOLY THINGS.

A MAN MAY DEVOTE WHAT HE HAS ALREADY CONSECRATED, WHETHER THEY BE MOST HOLY THINGS OR LESS HOLY THINGS. IF [THEY HAD BEEN] CONSECRATED AS A VOW, HE MUST GIVE THEIR VALUE,¹⁹ IF AS A FREEWILL-OFFERING, HE MUST GIVE WHAT IT IS WORTH TO HIM.²⁰ [IF, E.G., HE SAID:] LET THIS OX BE A BURNT-OFFERING, ONE ESTIMATES HOW MUCH A MAN WOULD PAY FOR THE OX TO OFFER IT AS A BURNT-OFFERING, WHICH HE WAS NOT OBLIGED [TO OFFER]. A FIRSTLING, WHETHER UNBLEMISHED OR BLEMISHED, MAY BE DEVOTED. AND HOW CAN IT BE REDEEMED? THEY [WHO REDEEM IT] ESTIMATE WHAT A MAN WOULD GIVE FOR THIS FIRSTLING IN ORDER TO GIVE IT TO THE SON OF HIS DAUGHTER OR TO THE SON OF HIS SISTER.²¹

(1) Num. XVIII, 14.

(2) Mishmar, v. Glos.

(3) Lev. XXVII, 21. (5) Num. V, 8. There being no heir to this stranger, his property falls to the priests. As in Lev. XXVII, 21 the words 'The possession thereof shall be the priest's' occur here. Hence the inference from analogy of expression.

(4) V. p. 168, n. 5.

(5) The sense of the verse being that the priest who offers the atoning sacrifice for him shall receive the capital and extra fifth.

(6) If the year of Jubilee fell on the Sabbath day on which the guards are changed, to which, the incoming or the outgoing guard, shall the field etc. be given?

(7) The Jubilee started on the eve before the Day of Atonement. Therefore the outgoing guard is entitled to the privilege.

- (8) Since the end of the seventh year (the 49th year in the cycle) coincides with the beginning of the Jubilee.
- (9) The wording is incorrect. It is because the end of the seventh year coincides with the beginning of the Jubilee that both effect the release at the same time. What meaning is there then to the 'except that'.
- (10) Deut. XV, 1.
- (11) Lev. XXV, 9. And the Day of Atonement is the tenth day after the beginning of the New Year.
- (12) The teaching of R. Hiyya b. Abin.
- (13) R. Judah supra.
- (14) R. Simeon.
- (15) V. Glos.
- (16) I.e., without any specification.
- (17) Lev. XXVII, 28.
- (18) Ibid. 21.
- (19) If he vowed to bring an offering and after designating an animal for the purpose he devoted it, since if that animal died or was stolen he would be liable to replace it, the animal is still regarded as being in his possession and the animal is devoted. As, however, an animal once designated as an offering may never be used for any other purpose, the devoter must pay its full value to the priest, whilst the animal itself is to be sacrificed for the purpose to which it originally had been designated by its owner. The same would apply if the sacrifice in question had not been vowed but obligatory.
- (20) If without vow or earlier liability he designated an animal as a freewill-offering, then he must pay the amount at which he valued his satisfaction with the fact that he was able to bring this offering.
- (21) A firstling, by reason of being a firstling, is a sacrifice due, which the owner is obliged to hand to the priest. And if the owner, before bringing this animal to the priest had devoted it, he can redeem it by estimating how much a man would give to him to have that firstling given to his relatives, who are priests. A priest must not pay to an Israelite with the view of being favoured as to the latter's priestly gifts. V. Bek. 27a.

Talmud - Mas. Arachin 29a

GEMARA. Our Rabbis taught: Things devoted to the priests cannot be redeemed, but must be given to the priests. Things devoted, as long as they are in the house of their owners, are in every respect as objects consecrated, as it is said: 'Every devoted thing [in Israel] is most holy unto the Lord'. Once given to the priests, they are in every respect profane, as it is said: 'Every devoted thing in Israel shall be thine.'¹

R. JUDAH B. BATHYRA SAID: THINGS DEVOTED GENERALLY FALL TO [THE FUND FOR] TEMPLE REPAIRS. It is all right as to the Rabbis, for they have explained their own reason as well as [the verse] adduced by R. Judah b. Bathyra. But what does R. Judah b. Bathyra do with 'as a field devoted'? — He needs it for what has been taught: 'As a field devoted, the possession thereof shall be the priest's'. What does that teach us? Whence do we know that if a priest consecrates his field which he derived from 'devotion',² he may not say: Since it falls to the priests [at Jubilee] and is now in my possession, it shall remain mine; and it is arguable a minori: If I acquire title to what belongs to others, how much more [can I do so] with what belongs to me! Therefore it is written: 'As a field devoted, the possession thereof shall be the priest's'. What, now, is it that we learn from 'a field devoted'? This comes to throw light and it itself illumined: His field which he derived from 'devotion' is compared with an Israelite's field of possession: just as an Israelite's field of possession goes out of his hand and is distributed among the priests [at Jubilee], thus also his field which he derived from 'devotion' goes out of his hands and is distributed among his brethren the priests. And the other?³ [They derive this from the fact that instead of] 'devoting thing' [is written] the devoted thing.⁴ And the other? — [The argument from] 'devoted', 'the devoted' does not convey [any inference] to him. Whence does R. Judah b. Bathyra know that it applies to the most holy and to less holy things?⁵ — He holds as does R. Ishmael.⁶

Rab said: The halachah is like R. Judah b. Bathyra. But will Rab leave aside the Rabbis and act in accord with R. Judah b. Bathyra? — A Baraita teaches the reverse.⁷ But will he leave aside a

Mishnah and act in accord with a Baraitha? — Rab teaches also our Mishnah in the reverse manner. Why do you find it right to teach to reverse our Mishnah in view of the Baraitha? Why not reverse the Baraitha in view of our Mishnah? — Rab had a tradition [on this matter]. If that be the case,⁸ why does he say: [the halachah is like] R. Judah b. Bathyra? He should rather say, ‘Like the Rabbis’? — This is what he means: Given your teaching in the reverse manner, the halachah is like R. Judah b. Bathyra.

There was a man who devoted his possessions in Pumbeditha. He came before Rab Judah, who said to him: Take four zuz, redeem them thereby, throw them into the river, and then they will be allowed to you. This shows that he holds that things devoted generally go to [the fund for] Temple repairs. In accord with whom will that be? In accord with Samuel, who said: If one re deemed an object worth a mina with an object worth a perutah, it is redeemed. But R. Samuel said that only for the case where he had already done so, but did he at all say one may do so at the outset? — That [reservation] applied only to the time when the Sanctuary was still standing, because of the loss of consecrated property, but now one may do so even at the outset. If so, a perutah ought to do as well?⁹ — It is necessary in order to make the matter public.¹⁰ ‘Ulla said: ‘If I had been there,¹¹ I would have given all to the priests’. This shows that ‘Ulla holds that things devoted generally fall to the priests.

An objection was raised: The law of the Hebrew slave applies only as long as the Jubilee applies, as it is said: He shall serve with thee unto the year of Jubilee.¹² Neither does the law concerning a devoted field apply except at the time when the law of the Jubilee applies, as it is said: And in the Jubilee it shall go out, and he shall return unto his possessions.¹³ The law touching houses in walled cities applies only as long as the law of the Jubilee applies, as it is said: It shall not go out in the Jubilee.¹⁴ R. Simeon b. Yohai said: The law concerning a devoted field applies only at the time in which the law of the Jubilee applies, as it is said: But the field, when it goeth out in the Jubilee, shall be holy unto the Lord, as a field devoted.¹⁵ R. Simeon b. Eleazar said: The law concerning the resident alien¹⁶ applies only at the time when the law of the Jubilee applies. Said Bibi, what is the reason? Because it is inferred from the analogous ‘well’, ‘well’. Here it is written: Because he fareth well with thee,¹⁷ and there it is written: Where it liketh him well, thou shalt not wrong him.¹⁸ — This is no difficulty: the one refers to immovable property,¹⁹ the other to movable property. But the case of Pumbeditha referred also to immovable property? — Immovable property outside the Land is like movable property in the land of Israel.²⁰ MISHNAH. R. ISHMAEL SAID: ONE VERSE SAYS, [ALL THE FIRSTLING MALES] THOU SHALT SANCTIFY,²¹ AND ANOTHER VERSE SAYS: [THE FIRSTLINGS AMONGST BEASTS] NO MAN SHALL SANCTIFY.²² IT IS NOT POSSIBLE TO SAY: THOU SHALT SANCTIFY’, SINCE IT WAS SAID ALREADY: NO MAN SHALL SANCTIFY’. AND IT IS NOT POSSIBLE TO SAY: ONE SHALL NOT SANCTIFY’, SINCE IT IS ALSO WRITTEN: THOU SHALT SANCTIFY’? HOW THEN? YOU MAY SANCTIFY IT BY CONSECRATING ITS VALUE [TO THE OWNER], BUT YOU MAY NOT SANCTIFY IT BY CONSECRATING ITSELF TO THE ALTAR.²³

GEMARA: And the Rabbis?²⁴ ‘No man shall sanctify’ is required to [render such consecration for the altar transgression of a] prohibition; ‘thou shalt sanctify’ is necessary in accord with what was taught: Whence do we know that if one had a firstling born to him among his flock, that he is commanded [formally] to sanctify it? Because it is said: ‘The firstling thou shalt sanctify’. And R. Ishmael? — If he did not sanctify it, would it not be sacred? It is sacred from his dam's womb! Since, therefore, it is holy even if it be not [specially] sanctified, there is no need to sanctify it. [

(1) Num. XVIII, 14.

(2) I.e., a field which an Israelite devoted.

(3) The Rabbis.

(4) ‘Devoted’ would have conveyed the required meaning; ‘the’ devoted is redundant, and the Sages make the said

inference therefrom.

(5) Since he applies the verse 'Every' devoted thins' to another purpose.

(6) V. next Mishnah.

(7) I.e., reverses the views of R. Judah b. Bathyra and the Sages recorded in our Mishnah.

(8) That he taught it in reverse manner.

(9) Why did he have to take four zuz?

(10) That it had been redeemed.

(11) When this cited case happened.

(12) Lev. XXV, 40.

(13) Ibid. 28.

(14) Ibid. 30.

(15) Ibid. XXVII, 21.

(16) I.e., a stranger who renounced idolatry, thereby acquiring a kind of limited citizenship in Palestine.

(17) Deut. XV, 16.

(18) Ibid. XXIII, 17.

(19) Lev. XXV, 28 refers to immovable property.

(20) Here, then, is evidence that the law concerning devoted property applies only as long as the law of the Jubilee is in force.

(21) Deut. XV, 19.

(22) Lev. XXVII, 26.

(23) The Sanctuary may receive the value which the satisfaction of having offered up such a sacrifice has for the owner (v. previous Mishnah), but the firstling may never be deprived of its primary character as a firstling, so as to be offered up in any other capacity, as any other animal consecrated to the altar.

(24) Who do not use these verses for the inferences which R. Ishmael derives from them, to what purpose are they using them?

Talmud - Mas. Arachin 29b

CHAPTER IX

MISHNAH. IF ONE SOLD HIS FIELD [OF POSSESSION] AT THE TIME WHEN THE LAW OF THE JUBILEE WAS IN FORCE, HE MAY NOT REDEEM IT UNTIL AFTER [A TIME OF LESS THAN] TWO YEARS, AS IT IS WRITTEN: ACCORDING TO THE NUMBER OF THE YEARS OF THE CROPS HE SHALL SELL UNTO THEE.¹ IF [AMONG THE TWO] THERE WAS A YEAR OF BLIGHT OR MILDEW, OR A SEVENTH YEAR, IT IS NOT INCLUDED IN THE RECKONING. IF HE ONLY BROKE THE GROUND [WITHOUT PLANTING] OR LEFT IT FALLOW [FOR A YEAR], THAT YEAR IS INCLUDED IN THE RECKONING. R. ELEAZAR SAYS: IF HE SOLD IT TO HIM BEFORE THE NEW YEAR, WHILST IT WAS STILL FULL OF FRUIT, HE ENJOYS THREE CROPS IN TWO YEARS.

GEMARA. IF ONE SOLD HIS FIELD AT THE TIME WHEN THE LAW OF THE JUBILEE WAS IN FORCE, etc. It does not state: He cannot redeem,² but 'he may not redeem'; this shows that it is even prohibited. so that it is forbidden even to clapper zuz to him [to rouse his love of money]. And it is not necessary [to state] that the seller [in redeeming it] acts against a positive command, as it is written: 'According to the number of the years of the crops he shall sell unto thee',¹ but even the purchaser transgresses a positive commandment, as we require: [According to the number of] the years thou shalt buy,¹ which was not done here.³

It was stated: If one sells his field in the year of Jubilee itself, Rab said, It is sold but goes out [immediately]. whilst Samuel said, It is not sold at all. What is the reason of Samuel's view? It is an argument a minori. If [a field] that was already sold goes out [in the Jubilee] it is not logical that one which is not sold yet cannot be sold [now]! — But according to Rab, do we not argue a minori in

such a case? Was it not taught: One might have assumed that a man can sell his daughter when she is a na'arah⁴ lass, therefore one argues a minori: If she who was sold already goes out [free],⁵ is it not logical that if not sold yet, she cannot be sold now? — There she cannot be sold again, but here it [the field] can be sold again.⁶

An objection was raised: Years after the Jubilee thou shalt buy,⁷ that teaches that one may sell immediately after the year of the Jubilee. Whence [do we know] that one may sell [at a period] removed from the year of Jubilee? Therefore it is said: According to the multitude of the years . . . and according to the fewness of the years.⁸ In the year of Jubilee itself one may not sell, and if he has sold [a field], it is not [validly] sold!⁹ Rab will answer you: [It means,] It is not sold 'according unto the number of the years of the crops', but it is sold and goes out [immediately]. But if it is legally sold, let it remain in his possession until after the year of the Jubilee, and after the Jubilee let him enjoy the [two] years of the crops, and thereupon return it; for was it not taught: If he enjoyed it one year before the Jubilee, one lets him complete [the two years by] one year after the Jubilee? — There he has started¹⁰ enjoying it, but here he has not started to enjoy it.¹¹

R. 'Anan said: I heard from Mar Samuel two things; one in relation to this point, and the other in relation to the statement: If one sells his slave to an idolater or outside the Land [of Israel], he goes out free. In one case [he said] the purchase money is returned,¹² and in the other it is not returned, and I do not know which is which. Said R. Joseph: Let us see. It was taught in a Baraita: If one sells his slave outside the Land [of Israel], he goes out free, and he requires a document of manumission from his second master. Now since he refers to the second as his master, it is evident that the purchase money is not returned, and it is therefore here that Samuel said it is not sold and the purchase money is returned.

(1) Lev. XXV, 15.

(2) I.e., against the wish of the buyer.

(3) He did not fulfil the obligation to buy them for a minimum period of two years. thus disregarding the positive commandment to that effect.

(4) V. Glos.

(5) V. Kid. 4a.

(6) After the daughter has once been sold for servitude, she cannot be sold for servitude again, but the field could be sold after the year of Jubilee.

(7) Lev. XXV, 15.

(8) Lev. XXV, 16.

(9) Contra Rab.

(10) Lit., 'he descended (into the field)'.
(11) Having started before the Jubilee, lawfully.

(12) To the purchaser.

Talmud - Mas. Arachin 30a

And R. 'Anan?¹ — As to the Baraita, he had not heard it and as far as Samuel's [teaching] is concerned, whence [the evidence that it means] that it is not sold and the money is returned? Perhaps [it means]: 'It is not sold and the money is [to be considered] a gift'; just as is the case of one who betroths his sister; for it was stated: If one betroths his sister, Rab said the [betrothal] money is to be returned, and Samuel holds that the money is regarded as a gift!²

Abaye said to R. Joseph: Why do you find it proper that we penalize the purchaser. let us penalize the seller!³ — He answered: 'Not the mouse has stolen, the hole has stolen. But if there were no mouse, whence would the hole [have its theft]? — It is reasonable that we penalize him with whom the forbidden stuff is [found].⁴

IF THERE WAS A YEAR OF BLIGHT, etc. If it is included in the reckoning even when he left it fallow [for a year], is it necessary to state that [it is included] if he broke the ground?⁵ — It is necessary. For you might have thought: We say to him,⁶ pay him the money [which the breaking of the ground cost] and he will go;⁷ therefore we are informed [that we do not say so].

R. ELEAZAR SAID: IF HE SOLD IT TO HIM, etc. It was taught: R. Eleazar said, Whence do we know that if he sold him [the field] before the New Year whilst it was full of fruit, that he cannot say to him: 'Leave it before me as I have left it before you',⁸ therefore it is said: 'According to the number of years of the crops he shall sell unto thee', i.e., it may happen that a man enjoys three crops in two years.⁹

MISHNAH. IF HE SOLD IT TO THE FIRST FOR ONE HUNDRED [DENARS]. AND THE FIRST SOLD IT TO THE SECOND FOR TWO HUNDRED, THEN HE NEED RECKON ONLY WITH THE FIRST,¹⁰ FOR IT IS WRITTEN: [THEN LET HIM COUNT THE SALE THEREOF] . . . UNTO THE MAN TO WHOM HE SOLD IT.¹¹ IF HE SOLD IT TO THE FIRST FOR TWO HUNDRED, AND THE FIRST SOLD IT TO THE SECOND FOR A HUNDRED, THEN HE NEED RECKON ONLY WITH THE SECOND, FOR IT IS SAID: THEN LET HIM COUNT THE YEARS OF THE SALE THEREOF AND RESTORE THE OVERPLUS UNTO THE MAN TO WHOM HE SOLD IT.¹¹ I.E., UNTO THE MAN WHO IS IN POSSESSION THEREOF.¹² ONE MAY NOT SELL A DISTANT FIELD IN ORDER TO REDEEM A NEARER ONE, NOR REDEEM A POOR FIELD IN ORDER TO REDEEM ONE THAT IS GOOD. NOR BORROW [MONEY] IN ORDER TO REDEEM IT, NOR REDEEM IT BY HALVES, BUT IN THE CASE OF OBJECTS CONSECRATED ALL THESE THINGS ARE PERMITTED. IN THIS RESPECT MORE STRINGENCY ATTACHES TO COMMON PROPERTY THAN TO CONSECRATED OBJECTS.

GEMARA. Our Rabbis taught: If he sold it to the first one for one hundred, and the first sold it to the second for two hundred, whence do we know that he need reckon but With the first? There fore it is said: 'Unto the man to whom he sold it'. If he sold it to the first for two hundred, and the first sold it to the second for a hundred, whence do we know that he need reckon but with the second? Therefore it is said: 'Unto the man' in whose possession it is. These are the words of Rabbi. R. Dosethai b. Judah said: If he sold it to him for one hundred and he improved it so that it[s value] amounted now to two hundred, whence, do we know that he need reckon it only as worth one hundred? Therefore it is said: 'Let him restore the overplus', i.e., the overplus which is left in his hand. If he sold it to him for two hundred and it depreciated and is worth now only one hundred, whence do we know that he need reckon it only as worth one hundred? Therefore it is said, 'Let him restore the overplus', i.e., the overplus that is in the soil.¹³ What is the practical difference between these two [authorities]?¹⁴ — If it was more valuable, then became less valuable, then more valuable again.¹⁵ But whence do we know that [the counting] is in the direction of leniency.¹⁶ Perhaps it is to be on the side of stringency? — Do not think so! For we infer it from 'redemption' [written here]¹⁷ and 'redemption' [written] in connection with the Hebrew slave.¹⁸ But whence do we know it there? For it was taught: If he was sold for a hundred and appreciated in value and stood at two hundred, whence do we know that he is assessed only at one hundred?¹⁹ Therefore it is said: [He shall give back the price of his redemption] out of the money that he was bought for.²⁰ If he was sold for two hundred and depreciated and stood at a hundred, whence do we know that he is assessed only at a hundred? Therefore it is said: According unto his years shall he give back the price of his redemption.²¹ Now I know only for the case of a slave sold to an idolater that since he may be redeemed [by his own kinsmen] his [the slave's] hand is uppermost. Whence do I know it for the case of one who is sold to an Israelite? Therefore it is said: 'A hired servant', 'a hired servant',²² for the purpose of a gezerah shawah.

Abaye said:

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- (1) What was his doubt?
 - (2) Everyone knows that he cannot betroth his sister, hence his form of betrothal was a humorous manner of giving her a gift. V. Kid. 46b.
 - (3) The question refers to the case of a man who sold his slave outside Palestine. Why punish the purchaser? Why not punish the seller by decreeing that he should return the money to the would-be purchaser and imposing upon the seller the duty of manumitting him?
 - (4) The penalty is inflicted where the *corpus delicti*, here the unlawfully sold slave, is to be found.
 - (5) Where he made some use of the land.
 - (6) To the seller.
 - (7) Return you the field.
 - (8) When I sold it to you.
 - (9) 'Years of crops' suggests years with all their crops, no matter how many. If two crops' only were intended, Scripture would have chosen another expression, such as 'number of years' or 'number of crops'.
 - (10) The field is at present in the possession of the second, from whom its original owner desires to redeem it. The latter need reckon only according to the purchase money he himself received from the first buyer. From that sum he would deduct the amounts due for the years during which the field was in the buyer's possession.
 - (11) Lev. XXV, 27.
 - (12) 'Ish' here is interpreted as *ba'al*, 'owner', 'master', i.e., whosoever is now in possession. 'To whom he sold it' means then to whom the first purchaser sold it. These interpretations in both instances favour the owner.
 - (13) We interpret the law in a manner favourable to the owner who wishes to redeem it.
 - (14) Since both Rabbi and R. Judah favour the redeeming owner.
 - (15) Where it was first sold, say, for two hundred and then resold for one hundred and it appreciated again to two hundred in the possession of the second buyer. According to Rabbi the reckoning is on the basis of one hundred, the price paid by the second buyer, who is the man who is in possession. But on the view of R. Dosethai, the reckoning is on the basis of two hundred.
 - (16) I.e., more favourable to the owner who wishes to redeem it.
 - (17) Lev. XXV, 26.
 - (18) Ibid. 51.
 - (19) For the purpose of redemption.
 - (20) Ibid. 51.
 - (21) Lev. XXV. 52.
 - (22) Ibid. 40 (with reference to a slave sold to a Jew), and *ibid.* 50 with reference to one sold to a heathen.

Talmud - Mas. Arachin 30b

Behold I am like Ben 'Azzai in the streets of Tiberias!¹ One of the Rabbis said to Abaye: Since these verses may be interpreted both leniently and stringently. Why do you interpret them leniently, perhaps say they should be interpreted stringently?² — Let not that enter your mind, since the All Merciful was lenient to him. For it was taught: Because he fareth well with thee,³ i.e., he must be with [like] thee in food, with thee in drink, that thou shouldst not eat fine bread and he coarse bread, thou drink old wine and he drink new wine, thou sleep on a soft bed and he on straw. Hence it was said: Whosoever buys a Hebrew slave almost buys a master of himself. But on the contrary, let us deal more stringently with him, in accordance with what R. Jose b. Hanina said. For R. Jose b. Hanina said: Come and see how hard is the very dust⁴ of [violating the laws of] the seventh year. For a man who sells and buys the produce of the seventh year ultimately must sell his movable property, as it is said: In this year of Jubilee ye shall return every man unto his possession;⁵ and it is said: And if thou sell aught unto thy neighbour. or buy of thy neighbour's hand,⁶ i.e., something which is acquired from hand to hand.⁷ If he does not perceive this,⁸ he eventually must sell his fields, as it is said: If thy brother be waxen poor, and sell some of his possessions.⁹ He has no opportunity [of amending his ways]¹⁰ until he sells his house, as is added: And if a man sell a dwelling-house in a

walled city.¹¹ Why state there: 'If he does not perceive'. and here 'He has no opportunity'? — This is in accord with R. Huna, for R. Huna said: Once a man has committed a transgression and repeated it, it is permitted to him. 'Permitted to him', how could you think so? Say, rather, it becomes as permitted to him.¹² It is not brought home to him¹⁰ until he sells his daughter, as it is said: And if a man sell his daughter to be a maidservant,¹³ and although the [sale of] the daughter is not mentioned in this section, he teaches us that a man should rather sell his daughter than borrow on usury; for in the former case she goes on making deductions [and goes out free], whereas here [the debt] becomes ever larger.¹⁴

It is not brought home to him until he sells himself, as it is said: And if thy brother be waxen poor with thee and sell himself to thee.¹⁵ And not even 'unto thee', but unto a proselyte, as it is said: Unto the proselyte,¹⁶ and not even to a proselyte of righteousness, but to a resident alien, as it is said: Or unto the resident alien.¹⁷ 'A prose lyte's family', i.e., an idolater. When it is said, 'to the stock', it means one who sells himself to become a servant to an idol itself! — He replied: But Scripture restores him [to his brethren's regard]. For the School of R. Ishmael taught: Since this one went and sold himself to the service of idol worship, [I might have said] let us cast a stone after the fallen?¹⁸ Therefore it is said: After that he is sold, he shall be redeemed, one of his brethren shall redeem him.¹⁹ But perhaps 'he shall be redeemed' means, he shall not be absorbed by the idolaters, but as far as redemption is concerned, we should indeed deal stringently with him? — Said R. Nahman b. Isaac: It is written, If there be yet increases in the years,²⁰ and if there remain but little in the years:²¹ are there then prolonged years and shortened years?²² But [the meaning is this]. If his value increased, [then his redemption shall be paid] Out of the money that he was bought for;²³ and if his value decreased [the basis of the redemption shall be] According unto his [remaining] years! But perhaps [the meaning is this]: If he served two years, with four remaining, let him repay him for four years 'out of the money that he was bought for'; while if he served four years, with two remaining, let him repay two years 'according unto his years'?²⁴ — If that were the meaning. let Scripture write: 'If there be yet [shanim] many years'. Why 'in years [he-shanim]'? [It means:] If his value increased [in these] years [then his redemption shall be paid] 'out of the money that he was bought for'; and if his value decreased, in [these] years [the basis of the redemption shall be] 'according unto his [remaining] years'. R. Joseph said: R. Nahman interpreted these verses [with authority] as of Sinai.

HE MAY NOT SELL A DISTANT FIELD etc. Whence do we know these things? For our Rabbis taught: And his hand shall reach,²⁵ i.e., his own hand, [implying] that he must not borrow to redeem; 'and find' excludes that which he possessed already. He must not sell a remote [field] to redeem a nearer one; nor a bad one to redeem a good one; 'sufficient means to redeem it', i.e., he may redeem it [wholly], but not by halves. Shall we say that [the phrase] 'and he find' means that which is here already? Against this I will raise a contradiction: 'and findeth',²⁶ that excludes the case where he [the victim] brought himself [within the range of the missile]. Hence R. Eliezer said: If after the stone had left his hand the other put out his head and received it [the blow], he [the former] is free.²⁷ This shows that 'he find' refers to something that had been [here already before]? — Raba replied: [Here] in our case [we consider] the context of Scripture, and there, too, [we consider] the context of Scripture. Here it corresponds to 'and his hand reaches'; just as 'his hand reaches' means only now, thus also 'and find' means just now. And there, too, 'and findeth' corresponds to 'the forest': just as the forest was here before, so does 'and findeth' means that he [the neighbour] was here already before.

IN THE CASE OF OBJECTS CONSECRATED, etc. Whence do we know these things? — Because our Rabbis taught: And if he [that sanctified the field] will indeed redeem it:²⁸ that teaches that he can borrow and redeem and redeem by halves. Said R. Simeon: What is the reason? Because we find in the case of one who sells a field of possession that [since] his privilege is strengthened in that if the Jubilee arrives and it has not been redeemed it reverts to the owner, his rights are weakened in [so far] that he cannot borrow and redeem, or redeem by halves, whereas he who

consecrates a field of possession, since his rights are weakened in that if the Jubilee comes and it is not redeemed, it goes out to the priests, therefore his privilege is strengthened, in [so far] that he may borrow and redeem as well as redeem by halves.

(1) In an expansive mood he challenged all comers. Ben 'Azzai was famous for his scholarship. and for his eagerness to be challenged on any point of Jewish law. Abaye does not suggest that he is as complacent in his judgment on all other Sages as Ben 'Azzai, but that like the latter he is eager to hear questions and to answer them. Cf. Bek. 58a.

(2) The verses referring to the redemption of the Hebrew slave. Instead of applying v. 52 to depreciation and v. 51 to appreciation in value, so that the slave is always assessed on his higher value.

(3) Deut. XV, 16.

(4) The very dust, as it were the scent. A real transgression of the law of the seventh year would consist of his storing up fruit for speculation; 'dust' suggests 'shade', something akin to, here, an occupation indirectly related to those forbidden in the seventh year. Selling its produce is such indirect transgression. nevertheless the consequences are as serious as described (R. Gershom).

(5) Lev. XXV. 13.

(6) Lev. XXV, 14. The juxtaposition of these two verses imply that the one is a punishment for transgressing the other.

(7) I.e., movables.

(8) That this is punishment inflicted for his transgression.

(9) Lev. XXV, 25. 'Possessions (used esp. for the field inherited) indicates 'immovable property'.

(10) Lit., 'it does not come to his hand'.

(11) Ibid. 29.

(12) The effect of repeated transgression upon the transgressor lies in his becoming insensitive to wrong so that wrong habit hardens and develops into wrong character.

(13) Ex. XXI, 7.

(14) The sum paid for the daughter diminishes as the daughter performs the labour implied in her servitude, so that if she be redeemed after some years, it may be small indeed, but a debt contracted upon usurious terms increases from year to year. Whereas there is no reference to the daughter in that section, usury is mentioned therein, and the suggestion is made that he had sold his daughter already. in accord with the advice given.

(15) Lev. XXV, 39.

(16) Ibid. 47. E.V. 'stranger'.

(17) The difference between the proselyte of righteousness and the resident alien (Ger Toshab) lies in the fact that the former, for the sake of the faith, accepts upon himself all the laws of the Torah, whereas the resident alien, in order to acquire a limited citizenship. renounces idolatry but does not accept the rest of the law.

(18) Performing menial service for the pay, without in any manner being identified with idolatry. Now since this is the foretold and effected punishment of one who even indirectly transgressed the laws of the seventh year, why deal leniently with him?

(19) Lev. XXV, 48.

(20) Ibid. 51.

(21) Ibid. 52. The translation here would seem to indicate the meaning of the verses as understood by R. Nahman.

(22) All years are of the same duration.

(23) The meaning is, if his value increased in the years of his service, etc.

(24) The verses thus may not refer to a rise or fall in values, but be meant literally as the E.V.

(25) Lev. XXV, 26. E.V. 'And he be waxen rich'.

(26) Deut. XIX, 5. E.V. 'lighteth'.

(27) V. Mak. 8a.

(28) Lev. XXVII, 19. Indeed endeavours to express the intensive in Heb: And if redeeming, he will redeem. The redundancy is here interpreted also to suggest that he may redeem any way, i.e., by borrowing, or by halves as long as he redeems.

Talmud - Mas. Arachin 31a

One [Baraita] taught: 'He may not borrow and redeem. and may not redeem by halves'? — This is

no difficulty: one is in accord with the Rabbis. the other with R. Simeon.¹

MISHNAH. IF ONE SOLD A HOUSE AMONG THE HOUSES IN A WALLED CITY. HE MAY REDEEM IT AT ONCE AND AT ANY TIME DURING TWELVE MONTHS.² IT IS A KIND OF [RECEIVING] INTEREST, AND YET NOT INTEREST.³ IF THE SELLER DIED, HIS SON MAY REDEEM IT. IF THE PURCHASER DIED, IT MAY BE REDEEMED FROM HIS SON. ONE CAN RECKON THE YEAR ONLY FROM THE TIME THAT HE SOLD IT, AS IT IS SAID: WITHIN THE SPACE OF A . . . YEAR.⁴ SINCE IT SAYS: A 'FULL' [YEAR] THE INTERCALARY MONTH IS INCLUDED THEREIN.⁵ RABBI SAYS: HE IS ALLOWED A YEAR AND ITS INTERCALARY [DAYS].⁶ IF THE [LAST] DAY OF THE TWELVE MONTHS HAS ARRIVED AND IT WAS NOT REDEEMED. IT BECOMES HIS ABIDING [POSSESSION], NO MATTER WHETHER HE BOUGHT IT OR RECEIVED IT AS A GIFT, AS IT IS SAID: IN PERPETUITY.⁷

GEMARA. Our Mishnah will not be in accord with Rabbi, for it was taught: Rabbi said, Yamim⁸ [days] that means no less than two days! How do the Rabbis explain 'yamim'? — They need it for [the indication]: From the day to the day.⁹ And whence does Rabbi know the rule 'from the day to the day'? — He derives it from: 'Within a whole year after it is sold'. And the Rabbis? — This [verse] is needed to teach that one considers only the year after his sale and not the universal [calendar] year, and the word yamim indicates that twenty-four astronomical hours are meant.¹⁰ For if [we had only] 'within a whole year after it is sold' [to go by], one might have assumed that it must be [a full year] from day to day, but need not be from [exact] hour to [exact] hour, therefore the Divine Law wrote: 'Yamim'. Whence does Rabbi know that it must be from 'hour to hour'? — He derives that from 'full' [year]. And the Rabbis? — That is necessary for [the inclusion of] its intercalary [days]. But Rabbi, too, requires that for its intercalary [days]? — That indeed is so, but that [the year must be full] from day to day and from hour to hour he derives from: 'Within a whole year after it is sold'.

IT IS A KIND OF INTEREST, etc. But was it not taught: This is real interest, except that the Torah has permitted it [in this case]? — R. Johanan said: This is no difficulty: One [teaching] is in accord with R. Judah, the other with the Sages. For it was taught: If one had a creditor's claim of one maneh against his neighbour and the latter pledged unto him the sale of his field,¹¹ then, if the seller has the usufruct, it is permitted, but if the purchaser has the usufruct, it is forbidden.¹² R. Judah says: Even if the purchaser has the usufruct, it is permitted.¹³ Said R. Judah; It happened with Boethus b. Zunin that with the approval of R. Eleazar b. Azaryah he pledged his field's sale, and the purchaser had the usufruct. They said to him, [Would you adduce] evidence from there? The seller had the usufruct, not the purchaser. Wherein do they differ? — They differ with respect to one-sided usury.¹⁴ The first Tanna holds one-sided usury to be forbidden, whilst R. Judah is of the opinion that one-sided usury is permitted

(1) R. Simeon holds that any impairment of rights of any person in one direction must have as its compensating aspect a strengthening of his rights in another direction. He finds this principle verified not only in the case of him who sells his field of possession, or his field acquired by purchase, but also in the case of one who sells a house in the walled city (v. Tosaf.). The Rabbis, however, dispute his view. V. Kid. Sonc. ed., p. 97 n. 3.

(2) By paying to the purchaser the full sum of the sale, Lev. XXV, 29.

(3) Since the purchaser may inhabit the house free of rent. For, on redelivering it, the owner must refund the exact sum of the purchase without any deduction for rent. Yet it is not interest, for if the owner does not exercise his right of redemption, the buyer has inhabited what is his house in perpetuity.

(4) Lev. XXV, 30.

(5) I.e., he need not redeem before thirteen months.

(6) The first Tanna holds 'a full year' to mean a complete calendar year up to the very same day of the year to come, hence the intercalary month is included. Rabbi, however, holds 'a full year' to be the solar year, consisting of 365 days,

which is composed of the 354 days of the lunar year of the Jewish calendar, plus the eleven days difference between the lunar and the solar year.

(7) Lev. XXV, 30. The present owner acquires it in perpetuity, independent of the way he acquired it.

(8) Ibid. 29. 'Yamim', lit., 'days'. (E.V. 'a full year'). On Rabbi's view the purchaser would have had it for at least two days before the seller could redeem it. Our Mishnah, however, taught that redemption is permitted without any delay.

(9) From e.g., the tenth of Adar to the tenth of Adar next year, and not as one might have thought, from the tenth of Adar to the end of the calendar year. It is the whole year after the purchase that the Torah stipulates.

(10) Not only the day, but the hour. It would allow the seller, who had sold it at 5 p.m. on Adar 10th to re-purchase it up to that very hour, the hour included.

(11) Saying, 'If I do not repay a certain date the field is sold unto you'.

(12) Because if he repays the debt, the usufruct would rank as interest for the money advanced.

(13) Because it is not certain that the field will be redeemed, in which case there is no usury. Hence it is regarded as none-sided interest which is permitted.

(14) V. previous note.

Talmud - Mas. Arachin 31b

. Raba said: All agree that one-sided usury is forbidden, here they are disputing [the principle of] usury [received] on condition that it shall be returned,¹ one holding it to be forbidden, the other to be permitted.

IF THE SELLER DIED, HIS SON MAY REDEEM IT. But that is self-evident? — You might have said: The Divine Law said, And if a man sell a dwelling house,² and this one [the son] did not sell it, therefore we are informed, then he may redeem it,² which means any way.

IF THE PURCHASER DIED, IT MAY BE REDEEMED FROM [THE HAND OF] HIS SON. But that is self-evident? — You might have said: The Divine Law said, To him that bought it,³ but this one did not buy it, therefore we are informed, 'then he may redeem it', which means anyway.

ONE CAN RECKON THE YEAR ONLY FROM THE TIME THAT HE SOLD IT, etc. Our Rabbis taught: [It Is written:] 'year';⁴ I would not know whether this year is to be counted to the first or the second [purchaser], but as it says, 'with the space of a full year',⁵ it must mean to the first. Whose abiding [possession] does it become? — R. Eleazar said: It becomes the abiding possession of the first one. R. Johanan said: It becomes the abiding possession of the second. This is quite right according to R. Eleazar, since we reckon also according to him, but what is the reason for R. Johanan's view? — R. Abba b. Memel said: What did the first sell to the second? All the rights that may accrue to him therefrom.

R. Abba b. Memel said: If one sold two houses in a walled city, one on the fifteenth day of the first Adar, and the other on the first day of the second Adar, then as soon as the first day of Adar in the next year has arrived, the year is complete for the sale of the first day of the second Adar, but for the sale of the fifteenth of Adar the year does not become complete before the fifteenth Adar in the next year. Rabina demurred: But could he not say unto him: I lighted a fire before you!⁶ — [That would not be effective] because he could reply: You have chosen the intercalated month!⁷

Furthermore said R. Abba b. Memel: If two lambs were born to one,⁸ one on the fifteenth of the first Adar, and the other on the first of the second Adar, then the one born on the first of the second Adar has its year completed as soon as the first day of Adar of the next year has arrived, whereas to the one born on the fifteenth day of the first Adar the year is not complete before the fifteenth day of Adar in the next year. Rabina demurred: But [the first] could say to the [second] other: I have eaten grass before you! [That would not be effective] because it could reply: You have come down [to life] in the intercalated month, I have not arrived in the intercalated month! For what purpose was that

second [case] taught? Is it not identical with the first? — You might have said: There [the reason for the change] is that it is written: ‘a full [year]’, but here, in connection with which ‘full’ is not written, it does not apply; therefore we are informed that there is an inference from the analogous ‘year’, ‘year’.⁹

SINCE IT SAYS A ‘FULL’ [YEAR], etc. RABBI SAYS, HE IS ALLOWED A YEAR AND ITS INTERCALARY [DAYS]. Our Rabbis taught: [It is written], ‘a full year’: Rabbi Says. He counts three hundred and sixty-five days according to the number of days in the solar year; but the Sages say: He counts twelve months from day to day, and if the year is intercalated it is intercalated to his advantage!

IF THE [LAST] DAY OF THE TWELVE MONTHS HAS ARRIVED AND IT WAS NOT REDEEMED, etc. Our Rabbis taught: ‘La-zemithuth’,¹⁰ i.e., permanently. Another explanation: La-zemithuth’ that includes the gift. What is the reason? — [Since instead of] zamith [it says] zemithuth.¹¹ — The scholars said before R. Papa: According to whom is this? [Evidently] not in accord with R. Meir; for if according to R. Meir, surely he said: ‘A gift is not treated like a sale’!¹² — R. Papa answered: You may even say that it is in accord with R. Meir, but here it is different. because the Divine Law, in saying ‘la-zemithuth’ has included [the field by gift]. The scholars said to R. Papa, or as some say. R. Huna the son of R. Joshua said to R. Papa: But in connection with the Jubilee touching which it is said: Ye shall return¹³ includes the gift. yet R. Meir does not include [a gift]?¹⁴ — Hence indeed it is not in accord with R. Meir.

Our Rabbis taught: If one consecrated a house among the houses In a walled city, he may redeem it at once, and redeem it any time in the future. If someone else redeemed it from the Sanctuary. and the [last] day of the twelve months¹⁵ has arrived and the [original owner] did not redeem it [from him who redeemed it] then it is his in perpetuity. Whence do we know this? — Said Samuel: Because Scripture said: To him that bought it, i.e., even out of the possession of the Sanctuary. But let it become the permanent possession of the Sanctuary? — Scripture said: Throughout his generations;¹⁶ that excludes the Sanctuary which has no generations.¹⁷ Why [is it written]: It shall not go out in the Jubilee?¹⁸ — Said R. Safra: That was necessary only for the case of one who sold a house among the houses in a walled city, and the Jubilee arrived within the [first] year. One might have assumed: It shall go out on the Jubilee, therefore we were taught: ‘It shall not go out in the Jubilee’.

MISHNAH. BEFORETIME HE [THE BUYER] USED TO HIDE HIMSELF ON THE LAST DAY OF THE TWELVE MONTHS, SO THAT [THE HOUSE] MIGHT BECOME HIS PERMANENT [POSSESSION]. BUT HILLEL ORDAINED THAT HE [THAT SOLD IT] COULD DEPOSIT HIS MONEY IN A CHAMBER¹⁹ AND BREAK DOWN THE DOOR AND ENTER, AND THAT THE OTHER, WHENEVER HE WANTED, MIGHT COME AND TAKE HIS MONEY.

GEMARA. Raba said: [One may deduce] from the ordinance of Hillel that [if a husband said to his wife]: Here is thy bill of divorce on condition that you give me two hundred zuz, and she gave it to him, then she is divorced if she did so with his consent; but if against his will, she is not divorced.

(1) The case is one in which the purchaser undertakes that if the seller redeems the field within three years, he would return to him the value of the usufruct. The Rabbis hold even this is forbidden, for when he enjoys the usufruct it is actually interest on money lent, whilst R. Judah said: Since by this arrangement the infringement of usury is precluded. V. B.M. Sonc. ed., p. 376. n. 9.

(2) Lev. XXV, 29.

(3) Ibid. 30.

(4) Ibid. 29.

- (5) Lit., 'until a full year has been completed for him'.
- (6) I.e., I have kindled fire and used the house before you! Why should it become your abiding possession before the one I used became mine?
- (7) Having chosen that month, you indicated that you are satisfied to abide by the regulations of the intercalated year. hence your year is completed later.
- (8) These lambs, being firstlings, must be offered up before they are one year old.
- (9) Lev. XXV. 30. (with reference to a dwelling house) and Deut. XV, 20 (with reference to firstlings).
- (10) E.V. 'In perpetuity'. Lev. XXV, 30.
- (11) The shorter form would have been sufficient. The redundancy of the longer form includes something, hence possession by gift, to which the same rule applies as does to possession by purchase.
- (12) V. Bek. 52b.
- (13) Lev. XXV, 10.
- (14) In the law of the Jubilee.
- (15) After redeeming it from the Sanctuary.
- (16) Lev. XXV, 30.
- (17) I.e., offspring.
- (18) Ibid. This is apparently superfluous in view of the preceding 'in perpetuity'.
- (19) What chamber? Not, as most commentators have it, in the Sanctuary. No house in Jerusalem could fall to the purchaser, and for an inhabitant of the province the procedure of bringing that money to Jerusalem on the particular day might be very burdensome. R. Gershom suggests it was a chamber constructed ad hoc, in any court of justice, in the city wherein the case arose.

Talmud - Mas. Arachin 32a

For, since it was necessary for Hillel to ordain that [in this case] giving against [the recipient's will] is considered valid giving, the inference is that elsewhere such giving is not considered valid giving. To this R. Papa, or as others say, R. Shimi b. Ashi, demurred: But perhaps Hillel had to ordain this only in his absence, but in his presence it would be considered a valid gift both with his consent or without it? Others reported: Raba said, From the ordinance of Hillel [one can infer that if a husband said]: Here is your bill of divorce on condition that you give me two hundred zuz, and she thereupon gave them to him, whether that was given with his consent or against his will, it is a valid gift. For Hillel's ordinance was necessary in the case of the recipient's absence; but where he was present, whether [given] with his consent or against his will, the gift is valid. To this R. Papa, or as some say, R. Shimi b. Ashi, demurred: But perhaps whether it was in his presence or absence, it is [valid] only [if it was given] with his consent, but not if without his consent, and as to Hillel, he ordained what was required [by the circumstances of the case].¹

MISHNAH. WHATSOEVER IS WITHIN THE [CITY] WALL IS REGARDED AS THE DWELLING HOUSES IN A WALLED CITY, WITH THE EXCEPTION OF FIELDS. R. MEIR SAYS: ALSO FIELDS. IF A HOUSE IS BUILT INTO THE WALL, R. JUDAH SAYS: IT IS NOT CONSIDERED A HOUSE WITHIN A WALLED CITY. R. SIMEON SAYS: ITS OUTER WALL IS REGARDED AS ITS [CITY] WALL.

GEMARA. Our Rabbis taught: [It is written] 'house',² hence I know only about a house, whence [do I learn] to include the building for the oil-press, bath-houses, towers, dove-cotes, pits, trenches and caves? Therefore the text states: that is in the city.³ One might have assumed that fields are also included, therefore it is said: 'house'. So R. Judah. R. Meir says, 'house', hence I know only about a house. Whence [do I learn] to include the buildings for the oil-press, bath-houses, towers, dove-cotes, pits, trenches and caves, and also fields? Therefore the text states: 'that is in the city'. But surely it is written: 'house'? — R. Hisda in the name of R. Kattina said: The practical difference between them applies in the case of a sand-mound and a glen.⁴ Thus also was it taught: Concerning a sand-mound and a glen. R. Meir said: They are as houses, R. Judah: They are as fields.

IF A HOUSE IS BUILT INTO THE WALL, R. JUDAH SAYS: IT IS NOT CONSIDERED A HOUSE WITHIN THE WALLED CITY, etc. R. Johanan said: And both expound the same Scriptural verse: Then she let them down by a court through the window; for her house was upon the side of the wall, and she dwelt upon the wall.⁵ R. Simeon [explains it] according to the simple meaning of the text,⁶ whilst R. Judah holds: She dwelt upon the wall, not in a walled city.

MISHNAH. [A HOUSE WITHIN] A CITY WHOSE HOUSEROOFS⁷ FORM ITS WALL, OR THAT WAS NOT ENCOMPASSED BY A WALL IN⁸ THE DAYS OF JOSHUA B. NUN, IS NOT CONSIDERED A DWELLING HOUSE IN A WALLED CITY. [A HOUSE IN ANY OF] THE FOLLOWING IS ACCOUNTED A HOUSE IN A WALLED CITY: [THOSE IN A CITY] OF NO LESS THAN THREE COURTYARDS, HAVING TWO HOUSES EACH, WHICH HAVE BEEN ENCOMPASSED BY A WALL IN THE DAYS OF JOSHUA B. NUN, SUCH AS THE OLD CASTLE OF SEPPHORIS,⁹ THE FORT OF GUSH-HALAB.¹⁰ OLD YODPAT,¹¹ GAMALA,¹² GADUD,¹³ HADID,¹⁴ ONO,¹⁵ JERUSALEM AND THE LIKE.

GEMARA. Our Rabbis taught: [It is written,] 'a wall',¹⁶ but not a line formed by joining roofs; round about,¹⁷ that excludes Tiberias whose wall is the lake. R. Eliezer b. Jose says: asher lo homah,¹⁸ even though it has none now, as long as it had one before.

[A HOUSE IN ANY OF] THE FOLLOWING IS ACCOUNTED IN WALLED CITIES etc. It was taught: Gamala was in Galilee, Gadud in Transjordania, Hadid, Ono and Jerusalem in Judaea. What

does he mean to say?¹⁹

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- (1) His ordinance providing also for the case where the owner was present. V. Git. 74b.
- (2) Lev. XXV, 29.
- (3) Ibid. 30.
- (4) A sand-mound for glassmaking, and a glen (shaft for metal-digging). Aliter: a fish-pond. [It is to these that R. Meir refers under the term of 'fields', since they appertain to buildings but not to actual fields, in which he agrees with R. Judah, though R. Judah treats the former also as fields.]
- (5) Joshua II, 15.
- (6) Which states that the house was in the wall and she dwelt in (a city surrounded by) a wall.
- (7) The ed. Lowe of the Mishnah reads: gannotheha (house-gardens) instead of gaggotheha (house-roofs).
- (8) Lit., 'since', v. Gemara.
- (9) In Lower Galilee.
- (10) The Fort of Gush-Halab, identified by Neubauer with Josephus' Giskala.
- (11) Yotapata mentioned by Josephus.
- (12) On the eastern shore of Lake Galilee.
- (13) Var. lec: Gadar, perhaps Gadara, a fortress described by Josephus as the capital of Beraea.
- (14) Mentioned in Ezra II. 33; east of Lydda.
- (15) Modern Kefir Anneh, N. of Lydda.
- (16) Lev. XXV, 30.
- (17) Ibid. 31.
- (18) Asher lo homah (E.V. 'that is in the walled city'); the kethib is spelt כִּשׁ (not), meaning lit., 'which has no wall' and the kere, כִּשׁ (to it), i.e., 'which has a wall to it', hence the combination of the meanings: Even if it has no wall now, as long as it had one in the long ago it is, for the purposes of these laws, considered a walled city.
- (19) Surely not that there were no walled cities in Galilee save Gamala, or in Transjordan save Gadud!

Talmud - Mas. Arachin 32b

Abaye said: This is what he means, [All the cities] up to Gamala in Galilee. up to Gadud in Transjordan, and Hadid, Ono and Jerusalem in Judaea.¹ Raba said: Gamala in Galilee [is mentioned so as] to exclude [any city called] Gamala in other countries; Gadud in Transjordan to exclude Gadud in any other countries; but with regard to the others, since there are none of the same name [like them], no [statement as to their location] was necessary.

But is [any house in] Jerusalem liable to become irredeemable? Was it not taught: Ten special regulations were applied to Jerusalem: first, that a house sold there should not be liable to become irredeemable [etc.]. R. Johanan said: [The Mishnah means] like Jerusalem, that was encompassed by a wall in the days of Joshua b. Nun, [yet] not like Jerusalem,² for in Jerusalem no house sold there was liable to become irredeemable, but here³ a house sold is liable to become irredeemable. R. Ashi said: Did not R. Joseph say. There were two [different cities called] Kadesh? Thus also were there two [cities called] Jerusalem.⁴

It was taught: R. Ishmael b. Jose said: Why did the Sages enumerate those [in the Mishnah]? Because when the exiles [from Babylon] went up [to Palestine] they found these [cities] and sanctified them, but former [cities] lost [their holiness] as the sanctity of the land was lost. He holds, therefore, that as to the first consecration, he⁵ consecrated it only for the time being, but not for the future. I will raise a question of contradiction against this: R. Ishmael b. Jose said: Were there only these [mentioned in the Mishnah], surely it has been said: Three score cities, all the region of Argob . . . all these were fortified cities?⁶ Why then did the Sages enumerate but these? Because when the exiles came up they found these and consecrated them anew. ('And consecrated them'! Surely we said above that it was not necessary to consecrate them anew? — Rather [read]: 'They found those and enumerated them'.) And not only these [are walled cities], but any one concerning which you

have a tradition from your fathers that it was encompassed by a wall since the days of Joshua b. Nun, then all these laws apply to it, because as to the first consecration, he consecrated it not only for the time being, but for the future?⁷ — If you like, say: There were two Tannaim in conflict about the view of R. Ishmael. Or, if you like, say: One of them was R. Eleazar b. Jose, for it was taught: R. Eleazar b. Jose said, ‘Asher lo homah’, even though it is not encompassed by one to-day, as long as it was walled before.⁸ What is the reason of the one who holds: ‘As to the first consecration, he consecrated it only for the time being, but not for the future’? — Because it is written: And all the congregation of them that were come back out of the captivity made booths, and dwelt in the booths; for since the days of Joshua the son of Nun had not the children of Israel done so. And there was very great gladness.⁹ Is it possible that when David came, they made no booths, [when Solomon came, they did not make booths] until Ezra came?¹⁰ Rather, he compares their arrival in the days of Ezra to their arrival in the days of Joshua: just as at their arrival in the days of Joshua they counted the years of release and the Jubilees, and consecrated cities encompassed by walls, thus also at their arrival in the days of Ezra they counted the years of release and the Jubilees. and consecrated walled cities.¹¹ And it says also: And the Lord thy God will bring thee into the land which thy fathers possessed, and thou shalt possess it;¹² thus comparing your possession thereof with that of your fathers: just as your forefathers’ possession thereof brought about a renewal of all these things, so shall your possession thereof bring about a renewal of all these things.

And the other?¹³ — He [Ezra] had prayed for mercy because of the passion for idolatry and he removed it, and his merit then shielded them even as the booth. That is why Scripture reproveth Joshua, for in all other passages it is spelt: Jehoshua, but here, Joshua.¹⁴ It was quite right that Moses did not pray for mercy, because the virtue [power] of the Holy Land was absent [to support his plea], but why did Joshua, who had the power of the Holy Land [to assist him], fail to pray for mercy?¹⁵ But it is written: ‘which thy fathers possessed and thou shalt possess it’?¹⁶ — This is what is meant: Since they fathers possessed it, you also possess it.¹⁷

But did they count the years of release and Jubilees [after the return from Babylon]? If even after the tribe of Reuben, the tribe of Gad and the half-tribe of Manasseh went into exile, the Jubilees were abolished, should Ezra in connection with whom it is said: The whole congregation together was forty and two thousand three hundred and three score,¹⁸ have counted them? For it was taught: When the tribe of Reuben, the tribe of Gad and the half-tribe of Manasseh went into exile, the Jubilees were abolished as it is said: And ye shall proclaim liberty throughout the land unto all the inhabitants thereof,¹⁹ i.e., [only] at the time when all the inhabitants thereof dwell upon it, but not at the time when some of them are exiled. One might have assumed that if they were there, but intermingled, the tribe of Benjamin with that of Judah and the tribe of Judah with that of Benjamin, that even the [laws of the] Jubilee should apply, therefore it is said: ‘unto all the inhabitants thereof’, which means, only at the time when its inhabitants are there as [where] they ought to be, but not when they are intermingled! — Said R. Nahman b. Isaac: They counted the Jubilees to keep the years of release holy.²⁰ [

(1) All the cities up to Gamala etc. were encompassed with walls in the days of Joshua, and have no less than three courtyards of two houses each.

(2) He compares them to Jerusalem which was a walled city in the days of Joshua, but they are not as Jerusalem, for in that city no house sold could become irredeemable, Jerusalem belonging to all Israel.

(3) I.e., in the other places mentioned.

(4) Perhaps the distinction is made between the Greater Jerusalem and Jerusalem proper, as between New York City and Greater New York, the latter including very many and widely scattered communities. In Jerusalem proper no house could fall to the purchaser in perpetuity because of the seller's failure to redeem it within the year. But this restriction would have no validity in the expanded Greater Jerusalem, evidence as to which has of late been presented.

(5) Joshua; the consecration of the Holy Land by him lost its validity with the destruction of the Holy City and the exile of its population.

(6) Deut. III, 4, 5.

(7) V. Shebu., Sonc. ed., p. 80 notes.

(8) V. p. 192, n. 9.

(9) Neh. VIII, 17.

(10) Inserted with Sh.Mek. The mentioning of David alone is insufficient, surely with Solomon, the Temple-builder, Sukkoth was celebrated, too.

(11) The words For since the days of Joshua . . . had not . . . done so, do not refer to the booths but to the renewed formal rites of sanctification.

(12) Deut. XXX, 5.

(13) How does he who holds that he consecrated for all the future explain the passage from Nehemiah? 'Booths' here as symbolic meaning: they enjoyed the protection 'as of booths', because Ezra through his prayer had achieved the destruction of idolatrous tendencies among the people, and this achievement protected them. In this sense they 'had booths', when they returned.

(14) For his failure to implore the Lord to remove the passion for idolatry from the heart of the people. Just as with Abram the enlargement of his name into 'Abraham' was an expression of divine approval, so did this diminution of Jehoshua into Joshua express divine disapproval. The reason for Joshua's failure to implore the Lord to remove the passion for idolatry was his assumption that he possessed the land in its pristine holiness, so that it would in itself help Israel to overcome its idolatrous tendencies.

(15) Hence the implied censure of Joshua.

(16) Which would show that renewed sanctification was required.

(17) Without the need of a renewed sanctification.

(18) Ezra II, 64.

(19) Lev. XXV, 10.

(20) Though the Jubilees had been abolished, years of release were still observed, consequently they had to count the Jubilees in order to be able to observe the years of release in their proper time. For the year of Jubilee was not included in the seven years cycle. They therefore had to know when the year of Jubilee arrives to be able to fix the next year of release, which was to be the eighth year following the year of Jubilee.

Talmud - Mas. Arachin 33a

That will be right in the view of the Rabbis who hold that the fiftieth year is not included,¹ but according to R. Judah who holds that the fiftieth year counts both ways,² why was that necessary [to count the Jubilees]? It would have been enough if the years of release alone had been counted! Hence [we must say], this is not in accord with the view of R. Judah.

But did they not count years of release and the Jubilees?³ Is it not written: At the end of seven years ye shall let go every man his brother that is a Hebrew, that hath been sold unto thee,⁴ and when we asked: Why 'at the end of seven years'? is it not written: He shall serve thee six years?⁵ and to this R. Nahman b. Isaac replied: Six for one who had been sold and seven for one who had his ear pierced?⁶ — This is written in connection with the threat of punishment, for the prophet said: 'Did you set them free [when you should have done so]?⁷ But it is said: They hearkened and let them go'⁸ — Rather, said R. Johanan: Jeremiah brought them back, and Josiah son of Amon ruled over them. Whence do we know that they returned? — Because it is written: For the seller shall not return to that which is sold.⁹ Now is it possible that the Jubilee was abolished already and the prophet would prophesy concerning it that it will be abolished? This therefore teaches that Jeremiah had brought them back. Whence do we know that Josiah ruled over them? — Because it is written: Then he said: What monument is that which I see? And the men of the city told him: It is the sepulchre of the man of God, who came from Judah, and proclaimed these things that thou hast done against the altar of Beth-El.¹⁰ Now what had Josiah to do at Beth-El?¹¹ Hence [we must say]. When Jeremiah had brought them back, Josiah ruled over them. R. Nahman b. Isaac derived it from here: Also, O Judah, there is a harvest [katsir] appointed for thee!¹²

MISHNAH. HOUSES IN COURTYARDS¹³ HAVE THE PRIVILEGES BOTH OF HOUSES IN A WALLED CITY. AND THE PRIVILEGES GIVEN TO FIELDS: THEY CAN BE REDEEMED AT ONCE, AND AT ANY TIME WITHIN THE TWELVE MONTHS LIKE HOUSES [IN A WALLED CITY], AND THEY GO OUT [TO THE OWNERS] IN THE YEAR OF JUBILEE OR [AT AN EARLIER TIME] BY [PAYMENT OF A] LESSENER PRICE¹⁴ LIKE FIELDS.

GEMARA. Our Rabbis taught: [It is written:] [But the houses in courtyards which have no wall about them] shall be reckoned with the fields of the country:¹⁵ Scripture compares them with a field of possession: just as a field of possession goes out in the Jubilee and by payment of a lessened price, so do houses in courtyards go out in the year of Jubilee and by payment of a lessened price. [One might have assumed that similarly:] Just as a field of possession may not be redeemed before two years, thus may houses in courtyards not be redeemed before two years, therefore it is said: they may be redeemed,¹⁵ i.e., at once. Since you have given them the privileges of fields, as well as those of houses in walled cities, one might assume that they do not go out in the year of Jubilee, therefore it is said: And they shall go out in the Jubilee.¹⁵ What does he mean to say?¹⁶ — Said R. Huna: This was necessary [to be stated] only for the case of one who consecrates a house among the houses in a courtyard, and someone else redeemed it from the Sanctuary, and the year of Jubilee came in its second year.¹⁷ With what, now, will you compare it? If you compare it to a house in a walled city, it becomes the perpetual [possession] of the purchaser;¹⁸ if you compare it to a field of possession, it goes out to the priests. For this case it was necessary to say: ‘And they shall go out in the Jubilee’.¹⁹ To this R. Ze’ira demurred: Why speak about someone else redeeming it? Even if no-one redeemed it the same [law would apply]?²⁰ — Said Abaye: [This is not so] lest people say: Consecrated property goes out without redemption. Whence do we know that? — [It is derived] from a Levite: If a Levite whose privilege is strengthened where he sold property²¹ has his rights weakened where he consecrated an object,²² how much more shall an Israelite whose rights are weakened where he sold property, have his rights weakened with regard to an object which he consecrated himself! And whence do we know it there?²³ — Because it was taught: And if a man purchase of the Levites, then shall go out [in the Jubilee] that which was sold.²⁴ From this I might infer that [the law applies] even to his slaves, his movable property, and his documents, therefore it is said: Of a house [in the] city of his possession. What then does ‘that which was sold’ mean? What he sold goes out without payment, but no consecrated object goes out without payment but [requires] redemption. Now this²⁵ conflicts with R. Oshaia, for R. Oshaia said: All was included in the general statement: Then shall he add [the fifth part of] the money . . . and it shall be assured to him,²⁶ and when Scripture specified with regard to the field of possession: But the field when it goeth out in the Jubilee shall be holy unto the Lord,²⁷ [as a field devoted], [it teaches] only a field if redeemed goes out [from the one who redeemed it] to the priests, but all other [objects redeemed from the Sanctuary] remain where they are.²⁸

For what purpose [then]²⁹ is it said: ‘And they shall go out in the Jubilee’? — R. Papa said: This is necessary but for the case of one who sells a house among the houses in courtyards, and the Jubilee came in the second year. With what now will you compare it? If you compare it to a house in a walled city, it becomes the perpetual [possession] of the purchaser; if you compare it to a field of possession, it needs the completion [of two years in the purchaser's possession],³⁰ for this case it was necessary to state: ‘And they shall go out in the Jubilee’.

It was taught in accord with R. Huna and in refutation of R. Oshaia: If one consecrates a house among the houses in courtyards, then he may redeem it at once, and redeem it for ever. If someone else redeemed it from the Sanctuary, and the Jubilee arrived and it had not been redeemed [by the original owner] it reverts in the year of Jubilee to the owner.

(1) In the cycle of seven years.

(2) Both as the year of release and the beginning of the next seven year cycle.

(3) After the exile of the tribes of Reuben, Gad, etc.

- (4) Jer. XXXIV, 14.
- (5) Deut. XV, 12.
- (6) According to Ex. XXI, 6 the ear of the slave who refuses to go free and who must then serve him up to the year of the Jubilee, is pierced. If such a pierced servant has completed seven years and the eighth was a Jubilee year. he went out free. This passage of Jeremiah refers to the time of Zedekiah, long after Sennacherib had exiled a large part of the people, and yet the law of the year of Jubilee was valid!
- (7) The verse is thus to be rendered: By the end of the seven years you should have had set free etc.
- (8) Jer. XXXIV, 10.
- (9) Ezek. VII, 13.
- (10) II Kings XXIII, 17.
- (11) Josiah was King of Judah, Beth-el was in Israel.
- (12) Hosea VI, 11. Reading for kazir (harvest) kazin (prince, ruler). The letters r and n interchange frequently in the Hebrew Bible. The meaning of the passage thus is given as: 'From Judah (whose king Josiah was first) was a king appointed for thee (O Israel)'.
- (13) V. Lev. XXV, 31. E.V., 'houses of the villages'.
- (14) V. supra 24a.
- (15) Lev. XXV. 31.
- (16) Obviously they will go out in the Jubilee because they were compared to fields of possession. Why then the superfluous, And they shall go out in the Jubilee?
- (17) After it had been redeemed from the Sanctuary.
- (18) V. supra 31b.
- (19) And it returns to the owner.
- (20) The superfluous 'And they shall go out in the Jubilee' coming to teach that the law applies to the case of consecration no less than to that of sale, making the house in a courtyard returnable on the Jubilee to the original owner.
- (21) A Levite can redeem at any time a house in a walled city sold by him.
- (22) V. infra.
- (23) That the rights of the Levite are weakened in the case of consecration.
- (24) Lev. XXV, 33. So literally.
- (25) R. Huna's statement above that if a stranger redeems a house in a courtyard from the Sanctuary, it returns to the original owner at Jubilee.
- (26) Lev. XXVII, 19 teaching that he who redeems aught from the Sanctuary retains the ownership of the redeemed object in permanence.
- (27) Ibid. 21.
- (28) In the permanent possession of him who redeemed them.
- (29) On the view of R. Oshaia.
- (30) V. supra 29b.

Talmud - Mas. Arachin 33b

MISHNAH. THE FOLLOWING ARE CONSIDERED HOUSES IN [OPEN] COURTYARDS: [A CITY IN WHICH ARE] TWO COURTYARDS, EACH HAVING TWO HOUSES, EVEN THOUGH THEY HAVE BEEN ENCOMPASSED BY A WALL SINCE THE DAYS OF JOSHUA B. NUN, ARE THEY ACCOUNTED HOUSES IN [OPEN] COURTYARDS.

GEMARA. Our Rabbis taught: By mere implication of the text: 'Houses of the courtyards',¹ would I not know that they are not encompassed by walls, why then is it stated: 'Which have no wall around them'? [To teach us] that even if they were encompassed by a wall, they would still be considered as not being so encompassed.²

And how many [houses and courtyards must there be]? — 'Houses' [denotes] two; 'courtyards', also two: i.e., two courtyards having two houses each. But perhaps one house in one courtyard? Then the Divine Law should have written, [only] 'courtyards'. And if you were to say: If the Divine Law

had written only courtyards', it would have been understood as a courtyard without a house, but such a one is called an enclosure [and not a courtyard].

MISHNAH. IF AN ISRAELITE INHERITED [A HOUSE IN A WALLED CITY OF THE LEVITES] FROM HIS MOTHER'S FATHER WHO WAS A LEVITE, HE CANNOT REDEEM IT ACCORDING TO THE ORDER HERE PRESCRIBED.³ ALSO IF A LEVITE INHERITED [A HOUSE IN A WALLED CITY OF ISRAELITES] FROM HIS MOTHER'S FATHER WHO WAS AN ISRAELITE, HE CANNOT REDEEM IT ACCORDING TO THE ORDER HERE PRESCRIBED, AS IT IS WRITTEN: FOR THE HOUSES OF THE CITIES OF THE LEVITES.⁴ [THIS ORDER THUS DOES NOT APPLY] UNLESS HE IS A LEVITE AND IN THE CITIES OF THE LEVITES. THESE ARE THE WORDS OF RABBI. THE SAGES SAY: THESE THINGS APPLY ONLY TO THE CITIES OF THE LEVITES.⁵

GEMARA. Then like whom [does he redeem]?⁶ Like a Levite? But then it teaches UNLESS HE IS A LEVITE AND IN THE CITIES OF THE LEVITES? — Say: HE CANNOT REDEEM IT except ACCORDING TO THE [FOREGOING] ORDER HERE PRESCRIBED, UNLESS HE IS A LEVITE AND IN THE CITIES OF THE LEVITES. THESE ARE THE WORDS OF RABBI. It is quite right as to [UNLESS HE IS IN] THE CITIES OF THE LEVITES, as it is written: For the houses of the Levites. But whence do we know that [these foregoing rules do not apply UNLESS HE IS] A LEVITE? — Because it was written: And if a man redeem of the Levites.⁷ It was [likewise] taught: 'And if a man redeem [re-purchases] of the Levites'. One might assume that a Levite could re-purchase from an Israelite, because the privileges of the former are strengthened, whereas the rights of the latter are weakened,⁸ but a Levite could not re-purchase from a Levite because the privileges of both are strengthened, therefore it is said: '[And if a man] redeem of the Levites'. 'Of the Levites, i.e., but not all the Levites, excluding a Levite who is a bastard or a nathin.⁹ The Sages, however, say: 'These things apply only to the cities of the Levites'. But we do not say that he must be a Levite.¹⁰

MISHNAH. ONE MAY NOT TURN A FIELD INTO A CITY'S OUTSKIRTS,¹¹ NOR A CITY'S OUTSKIRTS INTO A FIELD.¹² NOR A CITY'S OUTSKIRTS INTO A CITY,¹³ NOR A CITY INTO A CITY'S OUTSKIRTS.¹⁴ R. ELEAZAR SAID: THIS APPLIES ONLY TO THE CITIES OF THE LEVITES, BUT IN THE CITIES OF THE ISRAELITES ONE MAY TURN A FIELD INTO A CITY'S OUTSKIRTS, BUT NOT¹⁵ A CITY'S OUTSKIRTS INTO A FIELD. [ONE MAY TURN] A CITY'S OUTSKIRTS INTO A CITY, BUT NOT A CITY INTO A CITY'S OUTSKIRTS, THAT THEY DESTROY NOT THE CITIES OF ISRAEL. THE PRIESTS AND LEVITES MAY SELL [A HOUSE] AT ANY TIME AND REDEEM IT AT ANY TIME, AS IT IS SAID: THE LEVITES SHALL HAVE A PERPETUAL RIGHT OF REDEMPTION.¹⁶

GEMARA. R. ELEAZAR SAID: THIS APPLIES ONLY TO THE CITIES OF THE LEVITES. BUT IN THE CITIES OF THE ISRAELITES ONE MAY TURN etc. But, at any rate, all are of the opinion that in [the cities of] the Levites one may not effect any change. Whence do we know that? — R. Eleazar said: Because Scripture said, But the fields of the open land about their cities may not be sold.¹⁷ What does 'may not be sold' mean? Shall I say that it may not be sold at all? But since it is written, 'The Levites shall have a perpetual right of redemption' it is evident that they must be selling; rather must 'may not be sold' mean that they may not be changed [as above].

THE PRIESTS AND LEVITES MAY SELL AT ANY TIME AND REDEEM AT ANY TIME. Our Rabbis taught: 'The Levites shall have a perpetual right of redemption'; what does that teach us? Because it is said: According unto the number of years of the crops he shall sell unto thee,¹⁸ one might have assumed that shall apply also here, therefore it is said: 'The Levites shall have a perpetual right of redemption'. And because it is said: But the field, when it goeth out in the Jubilee, shall be holy unto the Lord,¹⁹ one might have assumed the same applies here: therefore it is said:

‘The Levites shall have a perpetual right of redemption’. And because it is said: ‘Then the house that is in the walled city shall be made sure in perpetuity to him’,²⁰ one might have assumed that shall apply also here: therefore it is said: ‘The Levites shall have a perpetual right of redemption’. Granted that one could assume that with regard to the first, but how do Levites come to have houses in walled cities? Was it not taught: These cities [of the Levites] may not be either little villages nor large walled cities, but cities of average size?²¹ — R. Kahana said: This is no contradiction: one refers to a city first inhabited and then encompassed.²² But would it in that case be considered a walled city? Was it not taught: ‘And if a man sell a dwelling house in a walled city’,²³ i.e., one that was first walled, and then inhabited. One might have assumed [that law applies] even if the Israelites had walled it [after the conquest of the Land]: therefore it says here: ‘wall’ and elsewhere it says, too, ‘wall’:²⁴ just as there it refers to one built by idolaters, so here also. One might have assumed [it would be considered a walled city] if the idolaters had walled it at a later date: therefore it says here, ‘wall’, and there too it says ‘wall’: just as there the idolaters had done so before [the conquest]. so here too [the wall must have been there before the conquest]! — R. Joseph, son of R. Sala the Pious interpreted it before R. Papa: We suppose that they [the cities] had fallen to them [the Levites] together with their outskirts.²⁵

(1) Lev. XXV, 31. E.V., ‘houses of the villages’.

(2) Since they are sparsely inhabited.

(3) The meaning seems to be: The order described in Lev. XXV, 32-3 which contains the regulations governing houses belonging to the Levites. V. however Gemara.

(4) Lev. XXV, 33.

(5) Interpreting the passage to mean: If one of the Levites redeems (instead of the usual rendering. If one redeems of the Levites) that he who redeems must himself be a Levite, excluding thus an Israelite who inherited from a Levite, which is the view of Rabbi in our Mishnah.

(6) Referring to the first two clauses in our Mishnah.

(7) Lev. XXV, 33. E.V., ‘purchase of the Levites’. V. p. 200, n. 5.

(8) Since an Israelite cannot redeem after one year.

(9) Lit., ‘given’, ‘donated’. A descendant of the Gibeonites (Josh. IX, 27). V. Yeb. 78b: David decreed concerning Nethinim that with regard to intermarriage they be excluded from the congregation of Israel.

(10) Lit., ‘unless he is a Levite’.

(11) An open space outside of a city which was neither sown nor built upon. V. Num. XXXV, 3: And their open land shall be for their cattle, and for their substance and for off their beasts. (Ibid. 4:) From the wall of the city and outward a thousand cubits round about.

(12) In the former case the change would reduce the cultivated area, in the latter the city would become ugly, because its beautiful appearance requires an open space round about it.

(13) In order to extend the street, build houses or the like.

(14) One would decrease the number of the city's inhabitants, or destroy its aspects, by changing the city into its outskirts.

(15) Var. lec. omit NOT reading AND A CITY'S etc. V. B.B. 26b.

(16) Lev. XXV, 32.

(17) Ibid. 34.

(18) Ibid. XXV, 15 teaching that the redemption cannot take place before two years, v. supra 29b.

(19) Ibid. XXVII, 21.

(20) Ibid. XXV, 30.

(21) V. Mak. 10a.

(22) The former could not apply to a city of the Levites, but once they settled in them, they could surround the cities by a wall.

(23) Lev. XXV, 29.

(24) Deut. III, 5 in connection with the aborigines of Palestine.

(25) In the days of Joshua, the walled cities together with their outskirts.

Talmud - Mas. Arachin 34a

But they as well as their outskirts are to be torn down?¹ — R. Ashi said: It is necessary to teach [the law] for one might have assumed that before they are torn down, if any [of the houses] therein have been sold, they should become perpetual possessions, therefore we are informed [that is not so].

Our Rabbis taught: As a field devoted the possession thereof shall be the priest's:² what does that teach? Whence do we know that if a priest consecrated a field obtained by him as [a field of] devotion that he cannot say: Since it anyway goes out to the priests [in the Jubilee year] and now is in my possession, it shall be my own, a fortiori: If I acquire title to what belongs to others, how much more [can I acquire title] to what belongs to me, therefore it is said: 'As a field devoted the possession thereof shall be to the priest'.³ Now what are we learning from [the words]: 'As a field devoted'? Behold the text came to teach and now it itself is illuminated thereby: we compare the field acquired [by the priest] as [a field of] devotion to an Israelite's field of possession. Just as an Israelite's field of possession goes out of his hand and is distributed among the priests, so also does the field which he acquired as [a field of] devotion go out of his hand to be distributed among his brethren the priests.

The Master said: 'If I acquire title to what belonged to others'. But how can that be compared? There he simply acquires title to it, but here he takes himself? — Rami b. Hama said: It is necessary [to state that]: You might have assumed since it is written: And every man's hallowed things shall be his,⁴ that this also is like his 'hallowed things'. But how can you compare these? His hallowed things are not in his possession,⁵ whereas this is in his possession!⁶ Rather said R. Nahman: It is necessary to teach this, for you might have assumed since it is written: For that is their perpetual possession.⁷ that this too,⁸ is his possession;⁹ therefore the text 'his possession' informs us that [the law applies] only to his possession but not to anything obtained by him as devotion.

(1) Since the cities of the Levites may not be big walled cities.

(2) Lev. XXVII, 21.

(3) V. supra 29a.

(4) Num. V, 10 referring to the sacrifices which a priest offers on his own behalf.

(5) I.e., he received them from God as a gift for his service.

(6) He obtains them only after the sacrifice has been offered, as his God-appointed portion of the sacrifice, whereas here he keeps it back for himself without any authority.

(7) Lev. XXV, 34.

(8) The field once acquired by him as a field of devotion.

(9) In perpetuity.

Talmud - Mas. T'murah 2a

CHAPTER I

MISHNAH. ALL PERSONS CAN EXCHANGE,¹ MEN AS WELL AS WOMEN; NOT THAT ONE IS PERMITTED TO EXCHANGE,² BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED,³ AND HE RECEIVES FORTY LASHES.⁴

GEMARA. [The Mishnah] contains a contradiction in itself. You say: ALL PERSONS CAN EXCHANGE, implying that it is [permissible to exchange in the first instance] and [then it says]: NOT THAT ONE IS PERMITTED TO EXCHANGE, implying, only after it has been done?⁵ — But how can you understand it that ALL PERSONS CAN EXCHANGE in the first instance! In that case, instead of bringing a contradiction from the Mishnah, you could rather bring it from the Scriptural verse, since it says: He shall not alter it nor change it!⁶ Rab Judah therefore said: What [the Mishnah] means is this: ALL PERSONS CAN EFFECT AN EXCHANGE,⁷ MEN AS WELL AS WOMEN;⁸ NOT THAT ONE IS PERMITTED TO EXCHANGE, BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED, AND HE RECEIVES FORTY LASHES.

What additional case is included by [the word] ALL?⁹ — It includes the case of an heir,¹⁰ and [the Mishnah] will not be in accordance with the view of R. Judah,¹¹ for it has been taught:¹² An heir can lay hands [on the head of a sacrifice];¹³ an heir can effect exchange [with his father's dedication]. This is the teaching of R. Meir; whereas R. Judah says: An heir cannot lay hands [on the head of a sacrifice] nor can an heir effect exchange [with his father's dedication]. What is R. Judah's reason? — We infer the case of a preliminary act in the dedication¹⁴ from the case of a final act in the dedication.¹⁵ Just as in the case of the final act, an heir cannot lay hands [on the head of a sacrifice], so in the case of the preliminary act, an heir cannot effect exchange [with his father's dedication]. And how do we know this in the case of laying on of hands itself?¹⁶ — Three times the expression his offerings¹⁷ is used: One [intimates that] 'his offering' [requires laying on of hands], but not that of a gentile. One [that] 'his offering', but not that of his fellow. And one 'his offering' but not his father's dedication.¹⁸ But as for R. Meir, who rules that an heir can effect exchange [with his father's dedication], surely 'his offering' is written?¹⁹ — He needs this in order to include partners in a sacrifice²⁰ as requiring to perform laying on of hands. And [what does] R. Judah [say to this]?²¹ — He does not hold that partners in a sacrifice must perform laying on of hands.²² What is the reason? Because their sacrifice is not designated.²³ Or if you prefer [another solution] I may say that R. Judah may still be of the opinion [that partners in a sacrifice must perform laying on of hands] but he derives the cases both of the sacrifice of a gentile and a fellow's sacrifice²⁴ from the one text.²⁵ There is left over therefore one text, from which we derive that partners in a sacrifice must perform laying on of hands.²⁶ And as to R. Meir, who rules that an heir can exchange [with his father's dedication] what is his reason? — He can tell you: [Scripture says:] And if he shall at all change,²⁷ to intimate that an heir can change.

(1) This unconsecrated animal for that consecrated animal.

(2) Since Scripture says: Nor chance it (Lev. XXVII, 10).

(3) Thus both animals become sacred.

(4) For violating the prohibitory law of 'nor change it'.

(5) Is the exchange effective, but not that it is directly permissible.

(6) Ibid.

(7) So that the substituted animal becomes sacred whilst the original animal retains its sanctity.

(8) Even the exchange by a woman renders the substituted animal sacred.

(9) Besides the MEN and WOMEN actually mentioned.

(10) Who exchanges a sacrifice which his father consecrated during his lifetime.

(11) Who holds that an heir cannot effect an exchange with his father's dedication.

- (12) Men. 93a; 'Ar. 2a.
- (13) If the father was unable to do so during his life-time.
- (14) E.g., that of exchanging.
- (15) I.e., that of laying on of hands on the animal's head, which act is prior to sacrificing it.
- (16) That an heir cannot perform this.
- (17) And if his offering be a sacrifice of a peace-offering (Lev. III, 1). And if his offering for a sacrifice unto the Lord be of the flock (Ibid. 6). And if he offer a lamb for his offering (Ibid. 7). And in each text the law of 'laying on of hands' is laid down.
- (18) R. Judah therefore deduces from here that an heir cannot lay hands on his father's dedication.
- (19) Thus intimating that an heir cannot lay hands on his father's dedication.
- (20) If, for example, two or three people share one sacrifice, we apply to each partner the text 'his offering' and thus they all have to lay hands on the animal prior to killing it.
- (21) If the text is interpreted for this purpose, how can he infer his ruling that an heir cannot lay hands?
- (22) He is of the opinion that an offering brought by partners does not require the laying on of hands.
- (23) As belonging specifically to any one of the partners. Consequently R. Judah can still maintain that the text 'his offering' excludes a father's dedication from the need of the laying on of hands.
- (24) As being excluded from the laying on of hands
- (25) The expression 'his offering' implies the exclusion of the sacrifice by an agent, whether Jew or gentile, from the law of laying on of hands. For it cannot be said to be solely for the purpose of excluding the sacrifice of a gentile from the laying on of hands, since this is already derived from another Biblical text as explained in Men. 93a.
- (26) And there still remains a third text of 'his offering' to imply that laying on of hands is not required in connection with a father's dedication, since a father's sacrifice might naturally be regarded as one's own and consequently subject to the laying on of hands. There is need therefore for a special text to inform us that this is not so.
- (27) Lit., 'changing he shall change'. The reduplicated expression enables us to infer that an heir's exchange of his father's sacrifice is effective.

Talmud - Mas. T'murah 2b

We infer then the case of a final act in the dedication¹ from the case of a preliminary act in the dedication.² Just as in the case of the preliminary act, an heir can effect exchange [with his father's dedication], so in the case of the final act, an heir can lay on hands. And what will R. Judah do with the text: 'And if he shall at all change'?³ — It is to include [the exchange by] a woman, and as it is taught: Since the whole context [of exchanging] speaks only of the masculine gender, as it says: He shall not alter it nor change it,⁴ whence do you derive that the same applies to a woman? The text therefore states:⁵ 'And if he shall at all change',⁶ in order to include a woman. And whence does R. Meir⁷ derive that a woman [can effect an exchange]? — He derives it from the waw ['and'].⁸ And [what does] R. Judah [say to this]? — He does not interpret the waw.⁹ Now according to the view both of R. Meir and of R. Judah, the reason [why the law of substitution applies to a woman] is because Scripture expressly included the case of a woman,¹⁰ but if it had not included it, I might have thought that when she exchanged she was not punishable [with lashes].¹¹ Surely Rab Judah reported in the name of Rab and likewise a Tanna of the School of R. Ishmael taught: [Scripture says:] When a man or woman shall commit any sin that men commit;¹² Scripture thus places woman on a par with man in respect of all the penalties mentioned in the Torah! — You¹³ might be under the impression¹⁴ this is the case only as regards a penalty which applies equally, both to the individual and the community, but there,¹⁵ since the penalty does not apply equally in all cases, for we have learnt: A community or partners cannot effect an exchange,¹⁶ therefore in the case of a woman also if she performed an exchange she would not be punishable [with lashes]. Hence we are informed [that this is not so].

Rami b. Hama asked: Can a minor effect an exchange? What kind of case do you mean? Shall I say, it is the case of a minor who has not yet reached the stage of [legal] vows?¹⁷ Surely there should be no question about this, for since he is unable [legally] to dedicate, how can he effect an exchange?

— Rather the case is that of a minor who has reached the stage of [legal] vows.¹⁸ Do we say, seeing that a Master said: [Scripture could have stated:] When a man shall utter a vow of persons. Why then does it say: If a man shall clearly utter¹⁹ a vow? It is in order to include ‘a doubtful person²⁰ next to a man’ in that his dedication is valid.²¹ Now do we say that since he can dedicate, he can effect an exchange? Or, perhaps, since a minor is not punishable,²² he cannot effect an exchange?²³ And if you were to maintain that a minor can effect an exchange, since ultimately he comes into the category of being punishable,²⁴ can a gentile effect an exchange? Should we say, since he can legally dedicate an animal for sacrifice, as it has been taught: [Scripture says:] A man, a man [of the house of Israel].²⁵ What need is there for Scripture to repeat ‘man’? It is in order to intimate that the gentiles can make votive freewill-offerings like the Israelites;²⁶ [do we say that] they therefore can also effect an exchange? Or perhaps since [they] never come into the category of being punishable,²⁷ [do we say that] when an exchange is performed by them [the animal] is not sacred? — Said Raba, Come and hear: For it has been taught, No secular use may be made of the dedications of gentiles, but the law of sacrilege does not apply to them.²⁸ Nor are [these] subject to the law of piggul,²⁹ nothar,³⁰ and uncleanness. [Gentiles] cannot effect an exchange, nor can they bring drink-offerings,³¹ but the animal offering [of a gentile] requires [the accompaniment of] drink-offerings. These are the words of R. Simeon. R. Jose said: In all [these things]³² I favour the strict view.³³ This³⁴ applies only to things dedicated for the altar,³⁵ but with things dedicated [for their value] to be used for Temple needs, the law of sacrilege applies. At all events [the Baraita] says: [Gentiles] cannot effect an exchange.³⁶ And what does Rami b. Hama [say to this]?³⁷ — My inquiry does not refer to a case where a gentile dedicates [an animal] for his own atonement.³⁸ My inquiry has reference to a case where a gentile dedicated an animal so that an Israelite may be atoned for [by its sacrifice]. Do we go by the person who consecrates³⁹ or by the person for whom atonement is made?⁴⁰ But why not solve this question from what R. Abbuha said? For R. Abbuha reported in the name of R. Johanan: [Only] he who dedicates must add a fifth,⁴¹ and he who is to procure atonement can effect an exchange,⁴² and if one separates [the priestly due] from his own [grain]

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- (1) The laying on of the hands which is prior to the sacrificing of the animal.
 - (2) The exchanging of an unconsecrated animal for a consecrated one.
 - (3) Why the reduplicated expression, since he holds that an heir cannot effect exchange with his father's dedication?
 - (4) Lev. XXVII, 10.
 - (5) V. supra n. 4.
 - (6) The reduplicated expression when the one word ‘he shall change’ would have sufficed.
 - (7) Who needs the text ‘and if he shall at all change’ in order to include the case of an heir.
 - (8) As Scripture could have said simply, ‘If he shall at all change, etc.’ without the ‘and’.
 - (9) The waw in **וְשִׁבְתָּ** does not call for a special interpretation.
 - (10) Stating that the exchange is effective.
 - (11) I.e., that her exchange is not holy.
 - (12) Num. V, 6.
 - (13) The phrase ‘it is necessary’ is omitted with Sh. Mek.
 - (14) Var. lec. (v. Rashi): You might be under the impression that this is the case, viz., that a woman is placed on a par with man with reference only to a prohibition where an action is involved (e.g., the desecration of the Sabbath etc.) but in the case of a prohibition where no action is involved (as, for example, the exchanging of an unconsecrated animal for a consecrated one, where the words themselves constitute an action) I might have thought that she is not punishable with lashes, hence we are informed otherwise.
 - (15) With reference to exchanging.
 - (16) Infra 13a.
 - (17) I.e., if he is less than twelve years and a day. At that age, even if he knows to whom he vows and dedicates, his word is of no importance. From the age of thirteen years and a day, however, his vows and dedications are legal, even if he is not conscious of their significance.
 - (18) I.e., the age of twelve years and a day, when his vows and consecrations are subject to examination as to whether he

realises their import.

(19) Heb. Ki yafla (Lev. XXVII, 2).

(20) Heb. Mufla.

(21) I.e., a boy near the age of religious majority.

(22) Till the age of thirteen years and one day.

(23) For Scripture says: He shall not alter it nor change it Then it and the exchange thereof shall be holy. We therefore say anyone to whom this prohibitory law and the penalty attached thereto apply, can perform an exchange, but as the prohibition and the penalty are not relevant to a minor, therefore his exchange is not valid.

(24) With the penalties mentioned in the Torah when he attains his religious majority.

(25) Lev. XVII, 8. E.V. 'whatsoever man there be of the house of Israel'.

(26) Naz. 62a; Men. 73b.

(27) As the Biblical commands and prohibitions do not apply to them.

(28) V. Lev. V, 15ff.

(29) A sacrifice rejected in consequence of improper intention in the mind of the officiating priest, to eat it beyond the prescribed time limit, v. Glos.

(30) Portions of the sacrifice left over beyond the legal time, v. Glos.

(31) They cannot offer drink-offerings for the altar without bringing a sacrifice at the same time, unlike an Israelite.

(32) Relating to sacrilege, piggul, etc.

(33) That sacrifices of gentiles are subject to the respective laws, the only exception being drink-offerings, which they cannot bring.

(34) The teaching of the first Tanna in the above Baraitha that says: Dedications of gentiles are not subject to the law of sacrilege.

(35) I.e., an animal sacrificed.

(36) Which solves the above query of Rami b. Mama regarding a gentile.

(37) Why does he inquire, since it is explicitly mentioned in the Baraitha.

(38) Lit., 'so that a gentile may be atoned for'. There is no doubt that in such a case the gentile cannot effect an exchange, since he does not come into the category of being punishable.

(39) And the consecrator being a gentile cannot effect an exchange.

(40) Who is an Israelite and punishable and therefore an unconsecrated animal can be substituted for it, both animals thus becoming sacred.

(41) Where a man dedicates his house or field, the owner, if he is desirous of redeeming it, must add a fifth. But if a stranger redeems it, Scripture does not make it incumbent upon the redeemer to add a fifth, v. Lev. XXVII, 15.

(42) Since the animal was consecrated for his benefit we regard it as his offering, because we go by the person for whom atonement is made.

Talmud - Mas. T'murah 3a

for [the untithed grain of] his fellow,¹ the power of disposing of it² belongs to him [who separated].³ What does Rami b. Hama [say to this]?⁴ — There,⁵ [as the dedication] came through the agency of an Israelite, we go by him to whom atonement is made and thus both the beginning⁶ and the end⁷ are in the hand of an Israelite. But here,⁸ the question is: Do you require that both the beginning and the end should remain in the control of one who can effect an exchange,⁹ or not?¹⁰ The question remains undecided.

The Master said: 'No secular use may be made of dedications of a gentile, but the law of sacrilege does not apply to them'. [The ruling that] no secular use may be made of them is Rabbinical,¹¹ and that the law of sacrilege does not apply to them is Biblical. What is the reason? — It is written: If a soul commit a trespass and sin through ignorance.¹² We draw an analogy between [the word] 'sin' here and sin mentioned in connection with terumah;¹³ and with reference to terumah it is written: The children of Israel,¹⁴ [intimating] but not gentiles.¹⁵ 'Nor are these subject to the law of piggul, nothar and uncleanness; because in connection with uncleanness it is written: Speak unto Aaron and unto his sons that they separate themselves from the holy things of the children of Israel¹⁶ and that

they profane not My holy name, etc.;¹⁷ and we infer that nothar [does not apply to the dedications of gentiles] by means of an analogy between the word ‘profaned’¹⁸ and the word ‘profaned’ mentioned in connection with the law of uncleanness: with reference to uncleanness it is written: ‘The children of Israel and that they profane not, etc.’, and in connection with nothar it is written: Therefore everyone that eateth it shall bear his iniquity because he hath profaned the hallowed things of the Lord.¹⁹ And we derive the case of piggul²⁰ by means of an analogy between the word ‘iniquity’²¹ and the word ‘iniquity’ mentioned in connection with nothar; for in connection with piggul it is written: And the soul that eateth of it shall bear its iniquity.²² And in connection with nothar it is written: Therefore everyone that eateth it shall bear his iniquity for he hath profaned the hallowed things of the Lord,²³ and so in connection with all [these cases²⁴ we apply the text] ‘the children of Israel’²⁵ but not gentiles.

‘Gentiles cannot effect an exchange’, because it is written: He shall not alter it nor change it,²⁶ and earlier in the context it is written: Speak unto the children of Israel and say unto them when a man shall clearly utter a vow of persons,²⁷ [thus referring to the children of Israel and not to gentiles]. Another version: Gentiles cannot effect an exchange. What is the reason? There is an analogy between the exchange of an animal and the tithing of animals,²⁸ and there is also an analogy between animal tithing and the tithing of grain;²⁹ and in connection with the tithing of grain it is written: But the tithes of the children of Israel which they offer unto the Lord;³⁰ ‘the children of Israel’ but not gentiles.³¹

‘Nor can they bring drink-offerings, but the animal offering of a gentile requires [the accompaniment of] drink-offerings. These are the words of R. Simeon.’ Whence is this proved? — Our Rabbis have taught: [Scripture says:] All that are home born;³² a home born³³ brings drink-offerings but the gentile does not bring drink-offerings. One might think that a burnt-offering of a gentile does not require drink-offerings! The text therefore states: After this manner.³⁴

‘Said R. Jose: In all these cases I favour the strict view’. What is the reason? — The words ‘unto the Lord’³⁵ are used [in connection with the dedications of gentiles].³⁶

‘This applies only to things dedicated for the altar, but with things dedicated [for their value] to be used for Temple needs, the law of sacrilege applies’. What is the reason? — Since when we derive the law of sacrilege on the basis of the analogy of ‘sin’ and ‘sin’³⁷ mentioned in connection with terumah,³⁸ there must be some resemblance to terumah which is dedicated as such.³⁹ But with things dedicated to be used for Temple needs, which are dedicated for their value, the case is not so.

Rab Judah reported in the name of Rab: In the case of every negative command mentioned in the Torah [the transgression of] which involves action is punishable with lashes, but if it involves no action, it is exempt [from lashes]. And is this a general rule, that a negative command [the transgression of which] does not involve an action is not punishable with lashes? But is there not the case of one who exchanges [an unconsecrated animal for a consecrated animal] which involves no action,⁴⁰ and yet it is punishable [with lashes]? For we have learnt: NOT THAT ONE IS PERMITTED TO EXCHANGE, BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED AND HE RECEIVES FORTY LASHES! — Rab can answer you: This [our Mishnah] is the opinion of R. Judah who holds: A negative command [the transgression of] which involves no action is punishable with lashes. But how can you explain the Mishnah in accordance with the view of R. Judah, surely have we not explained the first clause [of the Mishnah] as not being in accordance with the view of R. Judah? For the Mishnah states: ALL PERSONS CAN EXCHANGE; [and it was asked]: What does hakkol [all] include? [And the answer was that] it includes the case of an heir, not in accordance with R. Judah!⁴¹ This Tanna [of the Mishnah] agrees with R. Judah on one point, [namely] that a negative command [the transgression of] which involves no action is punishable with lashes, but differs from him in another point, for whereas R. Judah holds that an heir cannot lay

hands [on the head of his father's sacrifice] and that an heir cannot effect an exchange, our Tanna holds that an heir can lay hands [on the head of his father's sacrifice] and can effect an exchange.

R. Iddi son of R. Abin reported in the name of R. Amram, R. Isaac and R. Johanan: [R. Judah reported]⁴² in the name of R. Jose the Galilean: In respect of every negative command laid down in the Torah, if one actually does something [in transgressing it], he is punishable with lashes ' but if he does not actually do anything [in transgressing it] he is not punishable, except in the cases of one who takes an oath, exchanges [an unconsecrated animal for a consecrated animal], and curses his fellow with the Name,⁴³ in which cases though he committed no action, he is punished [with lashes].

[The Rabbis] said in the name of R. Jose son of R. Hanina: In the case also of one who named⁴⁴ terumah before bikkurim.⁴⁵

Whence do we derive that one who takes an oath is punishable [with lashes]? — R. Johanan reported in the name of R. Meir:⁴⁶ [Scripture says:] For the Lord will not hold him guiltless that taketh his Name in vain;⁴⁷ thus intimating that the Heavenly tribunal

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- (1) In order to exempt his neighbour's grain from tithes.
 - (2) Lit., 'the pleasure of (conferring) a benefit', i.e., the satisfaction one feels in obliging somebody.
 - (3) Rami b. Hama could thus solve his query from R. Abbuha's statement.
 - (4) So Sh. Mek. Cur. edd. 'he said to him'.
 - (5) In the case cited by R. Abbuha.
 - (6) The consecration of the animal.
 - (7) The sacrificing for atonement.
 - (8) With reference to Rami b. Hama's inquiry.
 - (9) I.e, an Israelite whose substitution makes the animal sacred. But where in the beginning the animal's dedication was through a gentile, although the atonement was for an Israelite, its exchange is not holy.
 - (10) And since the person for whom atonement is made is an Israelite who can effect an exchange, although the consecrator is a gentile, the exchange is sacred.
 - (11) For since the law of sacrilege does not apply to them, then necessarily the prohibition of making secular use of the dedications of a gentile can only be of a rabbinical character; and this leniency is indicated by the fact that other laws like piggul etc. do not apply to them.
 - (12) Lev. V, 15.
 - (13) V. Num. XVIII, 32. On terumah v. Glos. s.v.
 - (14) Ibid. 28.
 - (15) That the grain of a gentile is not subject to terumah.
 - (16) Thus excluding gentiles.
 - (17) Ibid. XXII, 2.
 - (18) Mentioned in connection with nothar.
 - (19) Lev. XIX, 8. And just as the laws of ritual uncleanness do not apply to the sacrifice of a gentile, since it says the children of Israel, so the law of nothar does not apply to the dedication of a gentile.
 - (20) That it does not apply to a gentile dedication.
 - (21) Used with reference to piggul.
 - (22) Ibid. VII, 18.
 - (23) Ibid. XIX, 8.
 - (24) Nothar, piggul and uncleanness.
 - (25) Because all are compared to the law of ritual uncleanness where Scripture explicitly mentioned the 'children of Israel'.
 - (26) Ibid. XXVII, 10.
 - (27) Ibid 2.
 - (28) V. infra 13a.
 - (29) V. Bk. 53b.

(30) Num. XVIII, 24.

(31) The same ruling which excludes a gentile therefore applies to animal tithing, as both kinds of tithing come under the term of ma'aser (tithe); and on the basis of this, by reason of the analogy mentioned above between an exchanged animal and a tithed animal, we derive the ruling that a gentile cannot effect an exchange.

(32) Num. XV, 13.

(33) I.e., a Jew.

(34) Num. XV, 13. The emphatic expression 'after this manner' intimates the indispensableness of bringing drink-offerings in connection with animal sacrifices.

(35) Lev. XXII, 18.

(36) For the words 'a man, a man' in this passage which are explained as including the consecrations of gentiles are followed by 'unto the Lord', thus intimating that gentile dedications are subject to the same laws as those of Israelites.

(37) V. supra 7.

(38) Num. XVIII, 22.

(39) And not merely for its value.

(40) One only pronounces the words: 'This unconsecrated animal shall be instead of that consecrated animal'.

(41) V. supra 2a.

(42) V. Mak. 16a; Shebu. 21a.

(43) Of the Deity. And although in all these instances no action is performed, the transgression is punishable with lashes, as will be subsequently explained.

(44) Not actually separating the terumah, for this would be an action but merely casting his eyes over a portion of the grain and saying that it should be terumah.

(45) 'The first fruits', the correct order of separating dues being first bikkurim and then terumah.

(46) In Shebu. 21a the name given is that of R. Simeon b. Yohai.

(47) Ex. xx, 7.

Talmud - Mas. T'murah 3b

will not hold him guiltless but the earthly tribunal punish him [with lashes] and hold him guiltless.¹ Said R. Papa to Abaye: Why not say that the meaning of the text is that the earthly tribunal will not punish him at all?² — He replied to him: If this be the case, let Scripture state: He shall not hold him guiltless, and say no more; what is the need for the word 'the Lord'? In order to intimate: It is the Heavenly tribunal which will not hold him guiltless, but the earthly tribunal punish him [with lashes] and hold him guiltless. We find therefore [Biblical authority] for the case of a vain oath.³ Whence do we derive that [one is punishable with lashes] for a false oath?⁴ — R. Johanan himself⁵ said: [The expression] in vain [is stated] twice.⁶ If it⁷ has no bearing on the subject of a vain oath, apply it to the case of a false oath, as intimating that one is punishable [with lashes]. To this R. Abbuha demurred: How is a false oath to be understood? Shall we say, if he said: 'I will not eat and he did eat? But in that case he performed action!⁸ On the other hand where he said: 'I will eat', and he did not eat, would he be punishable [with lashes in such a case]? Has it not been stated:⁹ If he says, 'I swear that I will eat this loaf to-day' and the day passed and he did not eat, both R. Johanan and R. Simeon b. Lakish hold that he is not punishable with lashes. R. Johanan says: He is not punishable [with lashes] because it is a negative command [the transgression of] which involves no action, and for breaking a prohibitory law which does not involve an action one is not punishable [with lashes]; whereas R. Simeon b. Lakish says: He is not punishable with lashes because he can be given only a doubtful warning,¹⁰ and a doubtful warning cannot render one punishable [with lashes]! — Rather said R. Abbuha: Let the case of a false oath then be if he says: 'I have eaten' or 'I have not eaten'.¹¹ And why is the case if he says: '[I swear] I have eaten' or '[I swear] I have not eaten' different?¹² — Said Raba: The Torah plainly implies a false oath similar to a vain oath. Just as a vain oath refers to the past,¹³ so a false oath also refers to the past.¹⁴

R. Jeremiah cited the following in objection to R. Abbuha: If he says, 'I swear that I will not eat this loaf', 'I swear I will not eat it', 'I swear I will not eat it'¹⁵ and he ate it, he is punishable only on

one count,¹⁶ and this is the ‘oath of utterance’¹⁷ for which one is liable to lashes if it is wilfully broken, and to a sliding scale sacrifice¹⁸ if in error.¹⁹ Now what case does the expression ‘This is’ exclude?²⁰ Is it not surely the case of one who says: ‘I swear I have eaten’ or ‘I swear I have not eaten’ that he is not lashed?²¹ — No. [This is what it means:] This is [an example of an oath of utterance] for which, if broken in error, one brings a sacrifice, but where he says: ‘I swear I have eaten’ or ‘I have not eaten’, he does not bring a sacrifice.²² And whose opinion is this? That of R. Ishmael who says: One is liable to bring [a sacrifice for an oath of utterance] only when the oath relates to the future.²³ But [you may say that] he is punishable [with lashes];²⁴ read then the second clause:²⁵ ‘This is a vain oath for which one is punishable with lashes if it is wilfully broken, and if in error, one is exempt’.²⁶ Now what case does [the word] ‘This is’ exclude? Is it not surely the case of one who says ‘I swear I have eaten’ or ‘I swear I have not eaten’, so that he is not punishable with lashes?²⁷ — No. [It means this:] This is [a case of a vain oath] where if it is broken in error, one is exempted from bringing a sacrifice, but where one says ‘I swear I have eaten’ or ‘I swear I have not eaten’, he brings a sacrifice. And whose opinion is this? That of R. Akiba who says: One brings a sacrifice [for an oath of utterance] even if it relates to the past. But have you not explained that the first clause is the opinion of R. Ishmael?²⁸ Rather [we must say,] since the second clause is the opinion of R. Akiba, therefore the first clause will also be the opinion of R. Akiba; and the first clause therefore will not exclude the case of one who says ‘I have eaten’ or ‘I have not eaten’²⁹ but will exclude the case of one who says ‘I shall eat’ or ‘I shall not eat’.³⁰ And what is the difference?³¹ — Where [it] speaks of the future,³² it excludes something relating to the future;³³ but where it speaks of the future, would it exclude something relating to the past?³⁴

‘And one who exchanges’. Said R. Johanan to the Tanna:³⁵ Do not read: ‘And one who exchanges’,³⁶ because his very words³⁷ constitute an action.³⁸

‘And he who curses his fellow with the Name’. Whence is this proved? — R. Eleazar reported in the name of R. Oshaia: The verse says: If thou wilt not observe to do etc.³⁹ And it says: Then the Lord will make thy plagues wonderful.⁴⁰ Now I do not know in what this ‘wonder’ consists.⁴¹ But when Scripture says:⁴² That the judge cause him to lie down to be beaten,⁴³ this shows that [the] ‘wonderful’ [punishment]⁴⁴ means [punishment with] lashes. But why not say that it⁴⁵ refers even to a true oath?⁴⁶ — It is explicitly stated:⁴⁷ Then shall the oath of the Lord be between them.⁴⁸ But why not say that this⁴⁹ is only with the object of appeasing his neighbour,⁵⁰ but that in reality he is punished [with lashes]?⁵¹ — You cannot say this. For is it not written: And shalt swear by his Name?⁵² But we need this text in order to derive the ruling of R. Giddal? For R. Giddal said: Whence do we derive that one may swear to observe the commandments,⁵³ for it says: I have sworn and I will perform it that I will keep thy righteous judgments?⁵⁴ — Is there not however another text, And to him shalt thou cling and swear by his Name?⁵⁵ Then what does the text, [‘If thou wilt not observe to do’] come to teach us? That one who curses his fellow with the Name is punishable [with lashes].⁵⁶ But why not say that the text refers to one who pronounces the Lord's name for no purpose?⁵⁷ — Is then one who curses his fellow with the Name less culpable than one who pronounces the Lord's name for no purpose? — Our question is really this: Why not say that for one who pronounces the Lord's name for no purpose the punishment of lashes will suffice, but if one curses his fellow with the Name, since he commits two [forbidden things], first in pronouncing the Lord's name for no purpose and then in vexing his fellow, therefore punishment with lashes should not be sufficient?⁵⁸

(1) By means of lashes his sin will be atoned.

(2) Since no action is involved in taking an oath, therefore no punishment at all is inflicted.

(3) That one is punishable with lashes. A vain oath means if one swears to that which is universally known to be otherwise, e.g. saying of a stone column that it is gold.

(4) If one swears to the opposite of the truth, e.g., ‘I have eaten’ when he has not.

(5) Without reporting it in the name of some other teacher.

- (6) In the same verse Ex. XX, 7.
- (7) The additional repetition of 'in vain'.
- (8) And therefore it is only right that he should be punishable with lashes, for he ate and took an action in transgressing the oath.
- (9) Pes. 63b; Mak. 15b; Shebu. 3b, 21a.
- (10) One swears he will do a certain thing during the day when the actual moment of the offence (of omission) cannot be defined, so as to make the warning precede immediately. Here too when he is warned to eat the loaf of bread, he can say he has plenty of time and has no fear of the warning. And even if the day passed, he can still plead that he forgot both the oath and the warning. Consequently he is not liable to punishment with lashes.
- (11) Referring to what has already taken place, so that no action is involved in the violation of the oath.
- (12) That you include if he says 'I have eaten' and he did not eat as punishable with lashes and you exclude from punishment if he says 'I will eat' and he did not eat, since in both cases the transgressions do not involve an action. Sh. Mek. deletes the words 'I will eat and he did not eat' that follow.
- (13) For if he swears concerning a column of stone that it is gold, this refers to the past, for in the past, before he took the oath, it was a stone, as it is now (Rashi).
- (14) E.g., if he says: 'I swear I have eaten' or 'I have not eaten', whereas 'I will eat' refers to the future. And just as one is liable to lashes for the vain oath as explained above, similarly one is liable to lashes for a false oath.
- (15) Uttering the same oath three times.
- (16) For one oath cannot be superimposed on another.
- (17) Of which Scripture says: Pronouncing with his lips to do evil or to do good (Lev. v, 4). It is an oath which neither benefits nor injures anybody.
- (18) According to pecuniary conditions.
- (19) V. Shebu. 27b.
- (20) So that one is not liable to lashes if he offends wilfully.
- (21) For although it is an 'oath of utterance' it is not punishable with lashes, since Scripture says 'to do evil or to do good', implying the future and excluding the past, e.g., 'I have eaten' etc. At all events, we have not yet found a definition of what constitutes a 'false oath' which we say above is punishable with lashes.
- (22) For the Scriptural verse: 'To do evil or to do good' which refers to the future is mentioned in connection with the bringing of a sacrifice. But there would be the punishment of lashes where he says. 'I have eaten' as in the case of a vain oath.
- (23) For Scripture says: To do evil or to do good (Lev. v, 4); v. Shebu. 25a.
- (24) If he swears: 'I have eaten' or 'I have not eaten'.
- (25) Of the Mishnah in Shebu. 27b.
- (26) v. Shebu. 29a.
- (27) This therefore contradicts the inference from the first clause above.
- (28) Who says that a sacrifice is brought only when the oath has reference to the future. How then can you have the same Mishnah holding contrary opinions?
- (29) So that if one says: 'I have eaten' or 'I have not eaten' one would certainly be bound to bring a sacrifice if he swore in error, since we accept the opinion of R. Akiba on this point.
- (30) From the bringing of a sacrifice.
- (31) That I exclude from the first clause the case of 'I will eat' from bringing a sacrifice and include the case of 'I have eaten' in the second clause as being bound to bring a sacrifice.
- (32) 'I will not eat it', mentioned in the first clause.
- (33) The case of 'I will eat' and he did not eat.
- (34) E.g., 'I have eaten' or 'I have not eaten'. For fuller notes v. Shebu. (Sonc. ed.) 27b et seq.
- (35) V. Glos. s.v. (b).
- (36) As being one of the exceptions of a transgression involving no action for which one is lashed.
- (37) 'This unconsecrated animal be exchanged for that consecrated animal'.
- (38) For the unconsecrated animal becomes sacred.
- (39) Deut. XXVIII, 58. The passage continues: That thou mayest fear this glorious and fearful name, the Lord thy God, i.e., that one should not utter the Deity's name in vain and similarly one who curses his neighbour with the Name, utters God's name in vain.

(40) In verse 59 which follows.

(41) What exactly is the nature of the punishment referred to when Scripture says **והפלא** , He will make wonderful.

(42) . Ibid. XXV, 2.

(43) Here the word 'beaten' is mentioned in connection with **והפילו** , the latter word being a similar expression to **והפלא** , And (the Lord) will make wonderful.

(44) Alluded to by the word.

(45) The Scriptural passage above: If thou wilt not observe to do etc.

(46) That one is warned not to utter the name of the Deity even with a true oath, under the penalty of lashes.

(47) That a true oath may be uttered with the Name.

(48) Ex. XXII, 10.

(49) That an oath is taken with the Name.

(50) So that he should not claim money from him.

(51) For taking an oath with the Name.

(52) Deut. VI, 13. Thus we see that it is permissible to swear with the Name.

(53) So that one cannot go back on one's word.

(54) Ps. CXIX, 106. And therefore there is need for the text: And shalt swear by His name to inform us that one may even utter the Name in an oath which is taken to observe commandments.

(55) Deut. X, 20. Therefore one of the texts is required in order to deduce the ruling that one can swear with the Name to observe the commandments, and the other, that it is permissible to utter the Name in connection with a true oath.

(56) Although no action is involved.

(57) But if one curses one's fellow with the Name, there is no punishment with lashes.

(58) That atonement with lashes alone is not adequate for the offence.

Talmud - Mas. T'murah 4a

— You cannot say this, since it is written: Thou shalt not curse the deaf.¹ Or if you prefer [another solution] I may say:² There is no difficulty [if the text above]³ refers to one who curses his fellow [with the Name]; its warning⁴ in that case would be derived from here, since it is written: Thou shalt not curse the deaf.⁵ But if you say that it refers to one who utters the Lord's name for no purpose,⁶ whence is its warning derived?⁷ — But why not?⁸ But does not Scripture say: Thou shalt fear the Lord thy God and serve Him?⁹ — That text is only a positive admonition.¹⁰

‘[The Rabbis] said in the name of R. Jose son of R. Hanina: In the case also of one who names terumah before bikkurim.’ What is the reason of R. Jose son of R. Hanina? — The verse says: Thou shalt not delay to offer of the fulness of thy harvest and of the outflow of thy presses.¹¹ ‘The fulness of thy harvest’, this refers to the bikkurim;¹² ‘the outflow¹³ of thy presses’, this refers to terumah,¹⁴ and [Scripture] says: Thou shalt not delay.¹⁵

It was stated: If one named terumah before bikkurim there is a difference of opinion between R. Eleazar and R. Jose son of R. Hanina. One says he is punishable with lashes, while the other says he is not punishable with lashes. You may conclude that it is R. Jose son of R. Hanina who says that he is punishable [with lashes], since R. Jose son of R. Hanina says: Also one who names terumah before bikkurim is punishable [with lashes]. On the contrary, you may conclude that it is R. Eleazar who says that he is punishable [with lashes]. For we have learnt:¹⁶ If one has before him two baskets of tebel [untithed produce] and he says: The tithe of this [basket] shall be in that one, the first basket is considered tithed.¹⁷ [If he says:] The tithe of this one shall be in the other one, and the tithe of the other one in this one, the first is tithed,¹⁸ whereas the second is not tithed.¹⁹ [If he says:] Their tithes shall serve for another, he has named them.²⁰ And it was stated: R. Eleazar says:²¹ He is punishable with lashes because he named the second tithes [of the one basket] before the first tithes of the other.²² This is proved.²³ Then it is R. Jose son of R. Hanina who holds that he is not punishable with lashes.²⁴ Must it then be said that there is a contradiction between the two rulings of R. Jose son

(1) Lev. XIX, 14. Implying whether without the Name or with the Name, for which there is a prohibitory law. The texts therefore, 'If thou wilt not observe to do' and 'Then the Lord will make thy plagues wonderful' inform us that there is punishment of lashes for one who curses his fellow with the Name. Aliter: You cannot say that atonement with lashes alone is not sufficient in a case where one curses his fellow with the Name, for by means of an analogy in Sanh. 61a we compare the text 'Thou shalt not curse the deaf' with the text: Nor curse the ruler of thy people (Ex. XXII, 27) and just as in the case of the latter punishment of lashes is sufficient, so in the case of 'the humblest of thy people', i.e., the deaf, lashes are sufficient atonement. The Gemara also explains in Sanhedrin that we are dealing in the text with a case where the Name is uttered (Rashi).

(2) So Rashi.

(3) 'If thou wilt not observe to do'.

(4) in order that the transgression of a prohibition should entail lashes, a text giving the warning is first necessary.

(5) And we have explained that the text implies even with the Name. Therefore here we have the warning, and the punishment of lashes is derived from the text: If thou wilt not observe to do.

(6) And is therefore punishable with lashes.

(7) Where is the Biblical warning that it is forbidden to pronounce the Lord's name for no purpose?

(8) Can we not find a text giving the required warning?

(9) Deut. VI, 13 'which informs us that the Deity's name must be treated with respect.

(10) It is not therefore called a warning. Consequently we explain the text: If thou wilt not observe to do . . . then the Lord will make thy plagues wonderful as referring to the case of one who curses his fellow with the Name and not to a case of one who pronounces the Lord's name to no purpose.

(11) Ex. XXII, 28.

(12) And the reason why bikkurim is described as 'fulness' is because soon after the grain is full and ripened it is ready for bikkurim. Another reason (R. Gershom) is because bikkurim is given when the grain is still intact, prior to any separation.

(13) דמעה .

(14) Terumah is called dema' (mixture) because the mixing of secular grain with it, to the extent of one hundred and one times its quantity, neutralizes it.

(15) Meaning that the proper sequence of the setting aside of the various priestly dues must be observed.

(16) Dem. VII, 6.

(17) Although he had not actually made the separation.

(18) Because the tithe has been set aside on its behalf from the second basket.

(19) For the first basket is now exempt, and we cannot in turn set aside the tithe from it on behalf of the second basket which is still subject to tithe.

(20) We cannot say here that we are separating what is exempt from tithe on behalf of what is subject to tithe, for in both baskets the separation is viewed as taking place simultaneously and with one declaration.

(21) R. Eleazar's words refer to the first case where one names tithe of the second basket for the first basket and where it is ruled that only the first basket is exempted.

(22) For we hold that when he names tithe this includes also the second tithes. Thus the first basket was exempted from both the first and second tithes, whilst the second basket is still tebel, even in respect of the first tithe. There is therefore the penalty of lashes because he named the second tithes before the first tithes. For, although the text only speaks of delaying with reference to terumah and bikkurim, the same law applies to the correct sequence of the two tithes and also to terumah and tithes.

(23) That it is R. Eleazar who holds that one is punishable for changing the sequence of the priestly dues.

(24) Since it is R. Eleazar who says that he is punishable with lashes, therefore the Tanna who differs from him and holds that one is not punishable with lashes must be R. Jose son of R. Hanina.

(25) For he says above that one who names terumah before bikkurim is punishable with lashes.

Talmud - Mas. T'murah 4b

was speaking of exempting [from lashes];¹ and he says thus: Transgression of a negative command

which does not involve an action is not punishable with lashes. [The Rabbis] said in the name of R. Jose son of R. Hanina: Also one who names terumah before bikkurim.² And why is it that one who exchanges is punishable [with lashes]?³ [Assumedly] because with his very words⁴ he performs an action.⁵ Then the case of one who names terumah before bikkurim should also be punishable with lashes, since with his words he performed an action?⁶ — Said R. Abin: It is different there,⁷ for [the prohibition of not delaying the priestly dues] is a negative command that is remediable by a positive command,⁸ since it is written: Out of all your gifts ye shall offer every heave offering.⁹

R. Dimi was once sitting and repeating this tradition.¹⁰ Abaye asked him: And is it true that every negative command which is remediable by a positive command is not punishable [with lashes]? Is there not the case of one who exchanges [an unconsecrated animal for a consecrated animal] which is a negative command remediable by a positive command and is yet punishable with lashes? For we have learnt in our Mishnah: NOT THAT ONE IS PERMITTED TO EXCHANGE BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED AND HE RECEIVES FORTY LASHES. — [The case of one who exchanges is different, for]¹¹ here are two negative commands¹² and one positive command¹³ and one positive command cannot displace two negative commands.¹⁴ But is there not the case of one who violates [a woman] for which act there is one negative command¹⁵ and one positive command,¹⁶ and yet the positive command does not displace the negative command? For it has been taught:¹⁷ If one violates [a maiden] and then divorces her [after marriage],¹⁸ if he is an Israelite he takes her back and is not punished [with lashes];¹⁹ but if he is a priest, he is punished [with lashes]²⁰ and he does not take her back!²¹ — You mention the case of priests. Their case is different, for the Divine Law²² invests them with added sanctity.²³

This is a matter of dispute between Tannaim.²⁴ And ye shall let nothing remain of it until the morning and that which remains of it until morning ye shall burn with fire.²⁵ Scripture here has come to state a positive command²⁶ following a negative command in order to inform us that one is not punishable with lashes on account thereof. So R. Judah.²⁷ R. Jacob says: This comes not under this head,²⁸ but the reason is because it is a negative command [the transgression of] which involves no action,²⁹ and the transgression of a negative command in which no action is involved is not punishable with lashes. This implies [does it not] that R. Judah holds that it is punishable with lashes.³⁰ And according to R. Jacob, what does the text: ‘And that which remains of it until the morning ye shall burn with fire’ come to teach? It is required for what we have learnt:³¹ The bones, the tendons and that which remains of the Paschal lamb are burnt on the sixteenth [of Nisan].³² If the sixteenth [of Nisan] fell on the Sabbath they are burnt on the seventeenth, because the burning of sacred things does not supersede either the Sabbath or Festivals. And Hezekiah said, and so taught a Tanna of the School of Hezekiah: What is the reason? Scripture says: ‘That which remains of it until the morning ye shall burn with fire’; the text came to give a second morning³³ for its burning.³⁴

Said Abaye: Any act which the Divine Law forbids³⁵, if it has been done, it has legal effect;³⁶ for if you were to think that the act has no legal effect, why then is one punishable [on account thereof with lashes]? Raba however said: The act has no legal effect at all, and the reason why one is punishable with lashes on account thereof is because one has transgressed a command of the Divine Law.

(1) R. Jose b. R. Hanina's statement has reference to the first Tanna who holds that transgression of a negative command which does not involve an action is not punishable with lashes. R. Jose thereupon declares that the case also of one who named terumah before bikkurim is exempt from lashes for the same reason. This is contrary to the assumption held hitherto that R. Jose made him liable to lashes.

(2) Is also exempt from the punishment of lashes.

(3) As stated above, that the case of one who exchanges is an exception to the rule that the transgression of any negative law in order to merit punishment with lashes must involve an action, for here, in exchanging, no action is taken.

(4) ‘Let this unconsecrated animal be instead of that consecrated animal’.

- (5) The hullin (unconsecrated animal) becoming sacred.
- (6) By naming it he invests the fruit with the holiness of terumah.
- (7) In the case of the naming of terumah before bikkurim.
- (8) A negative command the transgression of which must be repaired by a succeeding act. Now if he violates the prohibition by not naming the priestly dues in their right sequence, he can rectify the matter by setting aside the priestly due which has been omitted. In such a case, where a forbidden act can be repaired, there is no punishment of lashes.
- (9) Num. XVIII, 29.
- (10) That the reason why one is not punishable with lashes where one names terumah before bikkurim is because the prohibition is remediable by the positive command.
- (11) So Sh. Mek.
- (12) 'He shall not alter nor change it'.
- (13) 'Then it and the exchange thereof shall be holy' (Lev. XXVII, 10).
- (14) And therefore he who exchanges is punishable with lashes.
- (15) He may not put her away all his days (Deut. XXII, 29).
- (16) And she shall be his wife (ibid).
- (17) Mak. 15a.
- (18) Which is forbidden by the Scripture.
- (19) For after committing the transgression he can always carry out the positive command by re-marrying her,
- (20) Since he cannot take her back after divorcing her, as a priest is forbidden to re-marry a divorcee. Therefore he cannot repair the act and the positive command does not as a result displace the transgression.
- (21) You have therefore here a difficulty for the one who maintains that a transgression of a negative command which is remediable by a positive command is not punishable with lashes.
- (22) Lit., 'the merciful one'.
- (23) The reason therefore is not because a positive command does not displace a negative command, but because we are stricter in the case of a priest than in that of an Israelite, and therefore a priest is liable to lashes.
- (24) There is a difference of opinion among Tannaim as to whether or not the transgression of a negative command which involves no action is punishable with lashes.
- (25) Ex. XII, 10.
- (26) 'And that which remains, etc.'.
- (27) Who therefore holds that transgression of a negative command which is remediable by a positive command is not punishable with lashes.
- (28) This is not the real reason why one is exempt from lashes.
- (29) Since to leave over the remains of the Paschal lamb entails no action.
- (30) Hence we see that there is a difference of opinion among Tannaim as to whether transgression of a negative law which does not entail an action is punishable with lashes.
- (31) Pes. 83a.
- (32) But not on the fifteenth, for it is forbidden to burn holy things on festivals.
- (33) The word 'morning' being mentioned twice in the same verse.
- (34) The text therefore means as follows: One must not leave the remains of the Paschal lamb until the next morning, i.e., the fifteenth; but that which remains till the second morning, you shall burn it in fire, i.e., on the sixteenth which is the intermediate day of the festival.
- (35) Lit., 'said, "do not"'.
(36) I.e., what has been done is valid.

Talmud - Mas. T'murah 5a

An objection was raised: If one violates [a maiden] and then divorces her [after marriage], if he is an Israelite he must take her back and is not punished with lashes. Now if you say that since one has transgressed the command of the Divine Law one is punished with lashes, then here he, too, should be punished with lashes! This refutes Raba?¹ — Raba can answer you: The case is different there,² for Scripture says: 'All his days'³ [intimating that] all his days, [if he divorces her] he is required to take her back.⁴ And what does Abaye⁵ say to this? — If the Divine Law had not said: 'All his days' I

might have thought that there exists a mere prohibition,⁶ but that if he wishes he can take her back, and if he wishes he need not.⁷ The text ‘All his days’ therefore teaches us [that this is not so].⁸ (Another version: They raised an objection: If one violates [a woman] and [marries her] and then divorces her, if he is an Israelite, he takes her back and is not punishable with lashes; but if he is a priest, he is punishable with lashes and he does not take her back. At all events it [the Baraita] says: If he is an Israelite, he takes her back and he is punishable with lashes. This refutes Abaye? — The case is different there, since the Divine Law says: ‘All his days’, intimating that all his days [if he divorces her] he is required to re-marry her. And what does Raba [say to this]? — [Raba] can answer you: If the Divine Law had not said ‘All his days’, I might have thought that he would be punishable with lashes and that he must re-marry her, [for the law of one who violates a woman] is an unqualified negative command, since it is written: He may not put her away all his days. For this reason Scripture says: ‘All his days’, to make the law of one who violates [a woman] a negative command remediable by a positive command, for which there is no punishment of lashes.)⁹

But is there not the case of one who separates [terumah] from bad [grain] for good [grain], concerning which the Divine Law says: Of all the best thereof;¹⁰ [he must bring as terumah] ‘the best thereof’,¹¹ but not from the inferior?¹² And yet we have learnt: We may not separate terumah from the bad [grain] for the good, but if one did so,¹³ it is counted as terumah?¹⁴ Consequently we see [that a forbidden act] has a legal effect! Shall we say that this refutes Raba?¹⁵ — Raba can answer you: The case is different,¹⁶ for it will be as R. Elai. For R. Elai said: Whence do we deduce that if one separated [terumah] from bad [grain] for good [grain] it is counted as terumah? It says: And ye shall bear no sin by reason of it when ye have heaved from it the best of it.¹⁷ Now if the terumah¹⁸ is not holy, wherefore should he bear sin?¹⁹ Hence we infer that if one separates terumah from bad [grain] for good [grain] it is counted as terumah. And Abaye?²⁰ — If the Divine Law had not said: ‘And ye shall bear no sin’ I might have thought what the Divine Law means is, ‘Perform a mizwah²¹ in the best [way]’,²² but if one did not do so, he is not called a sinner. [The text]²³ therefore informs us [that this is not so].²⁴ But is there not the case of one who separates from one species to serve as terumah for another species, concerning which the Divine Law says:²⁵ All the best of the oil [and all the best of the wine],²⁶ [intimating] that he must give the best [as terumah]²⁷ for the one [species] and the best [as terumah]²⁸ for the other? And we have learnt: One must not separate terumah from one species for another species, and if one did so, it is not counted as terumah.²⁹ Consequently we see that a forbidden act has no legal effect. Shall we say that this refutes Abaye?³⁰ — Abaye can answer you: The case is different there,³¹ since Scripture says: The first part of them,²⁵ thus implying the first of this [species]³² and the first of that [species].³³ And Elai said likewise: [The text says:] ‘The first part of them’ [intimating the first of this species and the first of that species].³⁴ And Raba?³⁵ — If the Divine Law had not stated ‘the first part of them’³⁶ I might have thought that [only] in the case of wine and oil, with reference to which the text says: ‘The best’, ‘the best’,³⁷ we may not set aside one species for the other; but in the case of wine and corn, or corn and corn,³⁸ where ‘the best’³⁹ is mentioned only once, we may separate one species for the other.⁴⁰ The Divine Law therefore says: ‘The first part of them’, [to teach] that one must give ‘the best’ of one species and ‘the best’ of the other.⁴¹

Another version.⁴² But in the case of wine and corn in connection with which ‘the best’ is mentioned only once, [I might think that] one may separate from this [wine] for that [corn]. Scripture therefore says: The first part of them.

But is there not the case of devoted things, with reference to which Scripture says: [Notwithstanding, no devoted thing that a man may devote unto the Lord of all that he hath whether of man or of beast or of the field of his possession] shall be sold or redeemed.⁴³ And we have learnt: Things devoted to priests⁴⁴ are not subject to redemption but must be given to the priest.⁴⁵ Consequently we see that [a forbidden act]⁴⁶ has no legal effect.⁴⁷ Shall we say that this refutes Abaye? — He [Abaye] will answer you: The case is different there, for the Divine Law says:⁴⁸

‘Every devoted thing most holy unto the Lord it is’,⁴⁹ intimating that it shall remain in its status.⁵⁰

(1) It is now assumed that the implication of the ruling that he must take her back is that the divorce is of no effect since he is in duty bound to re-marry her. Now this would be in order according to Abaye who holds that the punishment of lashes is determined by the validity of the act; since the divorce is of no legal effect, he is not flagellated. But according to Raba, who holds that the punishment is inflicted because of transgressing a Scriptural command, irrespective of the effect of the act, here, too, he should be flagellated (v. Tosaf.).

(2) In the Baraitha just quoted.

(3) Deut. XXII, 29.

(4) The Torah thus distinctly states that the divorce, even if effective, can never be of permanent character, as he is at all times in duty bound to take her back. The Torah is thus supplying a remedied action to the prohibition and consequently there are no lashes.

(5) According to Abaye, what need is there for a special text ‘All his days’ to inform us that one is in duty bound always to re-marry her and that therefore there is no punishment of lashes? Even without the text ‘All his days’, according to Abaye, there is no punishment of lashes, since he can take her back, his divorce having no permanent character.

(6) By divorcing her.

(7) That the re-marrying is optional.

(8) And that it is a definite duty to re-marry her, not a mere option, and that all his days he is required to take her back, should he send her away.

(9) The whole passage is omitted in Ms. M.

(10) Num. XVIII, 29.

(11) That he must separate from the best grain on behalf of the best grain.

(12) On behalf of the good grain, for it is forbidden to do so. This is a matter therefore for which there is a Scriptural prohibition, although there would not be the punishment of lashes in this case, since the prohibition is merely derived by implication from the positive precept.

(13) Lit., ‘if he set aside terumah’.

(14) Lit., ‘his terumah is terumah’. V. Ter. II, 6.

(15) Who holds that a forbidden act has no legal effect.

(16) In the case of terumah just mentioned.

(17) Num. XVIII, 32.

(18) Set aside from inferior grain for good grain.

(19) On account of the act of separation.

(20) Since he holds that a forbidden act has a legal effect, what need is there for the text ‘And ye shall bear no sin, etc.’, which implies that the setting aside of inferior grain as terumah for good grain has legal effect?

(21) A religious command.

(22) Separate from the very best grain for terumah.

(23) ‘And ye shall bear no sin’.

(24) But that he actually is designated a sinner.

(25) Num. XVIII, 12.

(26) The word ‘best’ being repeated in connection with oil and wine.

(27) On behalf of its own species of oil but not for wine.

(28) On behalf of its own species of wine but not for oil.

(29) Ter. II, 4.

(30) Who says that a forbidden act has a legal effect.

(31) In the Mishnah just quoted.

(32) I.e., oil is to be separated for the same species.

(33) I.e., wine is to be separated for the same species; thus teaching that fruit cannot be set aside except for its own species. For this reason it is not counted as terumah; but elsewhere a forbidden act may have a legal effect.

(34) So Sh. Mek.

(35) Who holds that a forbidden act has no legal effect; what need, according to him, is there for the text ‘the first part of them’, to tell us this?

(36) ראשיתם So Rashi; cur. edd. have throughout ‘first’.

- (37) The word 'best' is repeated.
- (38) I.e., wheat and barley, all of which come under the heading of corn (כֹּמֶן).
- (39) And all the best of the wine and the corn, Num. XVIII, 12
- (40) V. Rashi and Sh. Mek. Cur. edd.: where we separate one for the other there are no lashes.
- (41) I.e., that we cannot separate from one species of fruit or grain for another.
- (42) Of Raba's reply.
- (43) Lev. XXVII, 28.
- (44) V. Num. XVIII, 14.
- (45) 'Ar. 28b.
- (46) I.e., the text: 'It shall not be sold, etc.'
- (47) For if it is redeemed, the redemption is of no avail, as stated.
- (48) Lev. XXVII, 28.
- (49) So lit.
- (50) It does not pass from its sacred state through redemption.

Talmud - Mas. T'murah 5b

But according to Raba¹ the text 'it is' comes to exclude the case of a firstling. For it has been taught: With reference to a firstling, it says: Thou shalt not redeem,² implying that it may be sold.³ In connection with a tithing animal, it says: It shall not be redeemed,⁴ and may neither be sold alive nor dead, neither unblemished nor blemished.⁵

But is there not the case of temurah⁶ concerning which the Divine Law says: He shall not alter it nor change it,⁷ and yet we learnt: NOT THAT ONE IS PERMITTED TO EXCHANGE BUT THAT IF ONE DID SO, THE SUBSTITUTE IS SACRED AND HE RECEIVES FORTY LASHES. Consequently we see that [a forbidden act] has a legal effect. This refutes Raba?⁸ — [Raba] can answer you: The case there⁹ is different, for Scripture says: 'Then it and the exchange thereof shall be holy', implying that it [the exchanged animal] must retain its sacred character. And Abaye?¹⁰ — If the Divine Law had not said: 'Then it and the exchange thereof [shall be holy]', I might have thought that the consecrated animal ceases [to be holy] and this one [the exchanged animal] enters into holiness. [Scripture] therefore informs us [that this is not so.]¹¹

But is there not the case of a firstling of which the Divine Law says: But the firstling of a cow or the firstling of a sheep or the firstling of a goat thou shalt not redeem,¹² and we have learnt:¹³ [Sacrifices rendered unfit for the altar]¹⁴ have redemption themselves¹⁵ and their exchanges,¹⁶ except in the case of a firstling or a tithing animal?¹⁷ Consequently we see that [a forbidden act] has no legal effect.¹⁸ This refutes Abaye?¹⁹ — He [Abaye] will answer you: The case is different there,²⁰ for Scripture says: [Holy] they [are]²¹ intimating that they remain in their sacred status. And what will Raba do with the word 'they'?²² — It intimates that 'they' are offered up but not their exchanges.²³ And whence does Abaye derive this ruling?²⁴ — [He derives it from the text:] Whether it be an ox or sheep, to the Lord it is;²⁵ 'it' [the firstling itself] is offered up but not its exchange. And Raba?²⁶ — It is indeed so that he does derive it²⁷ from that text.²⁸ Then what need is there for the text 'they are'? It teaches that if the blood of a firstling or a tithing animal became mixed up with things which are offered up,²⁹ they are still offered on the altar.³⁰ And whence does Abaye derive this ruling? — [He derives it from the text:] And shall take of the blood of the bullock and of the blood of the goat.³¹ Now is not the blood of the bullock more than the blood of the goat? This proves that things which are offered up do not neutralize one another. For it has been taught: 'And shall take of the blood of the bullock and of the blood of the goat', intimating that they must be mixed up.³² These are the words of R. Josiah. And Raba?³³ — There³⁴ he sprinkles the blood of the bullock separately and the blood of the goat separately, for he accepts the view of R. Jonathan.³⁵

But is there not the case of a tithing animal in reference to which the Divine Law says:³⁶ 'It shall

not be redeemed', and we have learnt: They have redemption themselves and their exchanges except in the case of a firstling or tithing animal?³⁷ Consequently we see that a forbidden act has no legal effect!³⁸ This refutes Abaye? — He [Abaye] will answer you: The case is different there,³⁹ since we draw an analogy⁴⁰ between the term 'passing'⁴¹ used in connection with an animal tithed and the term 'passing'⁴² used in connection with a firstling.⁴³

But is there not the case of one who names terumah before bikkurim, concerning which the Divine Law says: Thou shalt not delay to offer of the fulness of thy harvest and of the outflow of thy press,⁴⁴ and we have learnt: If one [names] terumah before bikkurim, although he is guilty of transgressing a negative command,⁴⁵ his action is valid?⁴⁶ This refutes Raba?⁴⁷ — Raba will answer you: The case is different there,⁴⁸ since Scripture says: Out of all your gifts ye shall offer every heave offering.⁴⁹ And Abaye?⁵⁰ — He needs [the words 'Out of all your gifts'] for [answering the question which] R. Papa put to Abaye: If this be the case,⁵¹ then even if he [the Levite, anticipated the priest] when [the grain was] in the pile, he should be exempt from the obligation of terumah?⁵² And [Abaye] answered him: To meet your query Scripture says: Out of all your gifts ye shall offer every heave offering.⁵³ But why do you see fit to include the case of when [the grain was] in the pile,⁵⁴ and to exclude the case of grain in the ear?⁵⁵ — I include the case of [grain] in the pile because it comes under the title of corn, whereas I exclude the case of grain in the ear because it does not come under the title of corn.

But is there not the case of a widow married by a High Priest, concerning which the Divine Law says: A widow or a divorced woman, these shall he not take,⁵⁶ and we have learnt: Wherever betrothal is valid and yet involves a transgression,⁵⁷ the child has the legal status of the party which causes the transgression!⁵⁸ — The case is different there since Scripture says: Neither shall he profane his seed among his people.⁵⁹ And Abaye?⁶⁰ — Let Scripture then say: 'Lo yahel'.⁶¹ Why 'lo yehalel'?⁶² One [profanation refers] to it [the child]⁶³ and the other to [the woman] herself.⁶⁴

But is there not the case of one who dedicates blemished animals for the altar, concerning which the Divine Law says: But whatsoever hath a blemish, that shall ye not offer.⁶⁵ And it has been taught:⁶⁶ If one dedicates blemished animals for the altar, although he infringes a negative command, the act is valid?⁶⁷ This refutes Raba!⁶⁸ — Raba can answer you: The case is different there, since Scripture says: 'For it shall not be acceptable for you',⁶⁹ [intimating that] it is not acceptable but that its consecration is legal.⁷⁰ And Abaye?⁷¹ — If Scripture had not stated: 'For it shall not be acceptable for you', I might have thought the case⁷² should be similar to that of one who transgresses a religious command, but that it [the animal] is fit [even to offer up]. [The text therefore] informs us [that it is not so].⁷³

But is there not the case of one who dedicates unblemished animals for Temple repairs,⁷⁴ concerning which the Divine Law says:

(1) Who says a forbidden act is not valid; what need has he for the phrase 'it is'?

(2) Num. XVIII, 17. Redemption is forbidden so that the owners should not treat it as unconsecrated, as regards shearing its wool and working it.

(3) If a blemish occurred in the firstling the owner may sell it as a firstling to a priest, since Scripture only forbids its redemption, but not its selling; v. Bek. 31b.

(4) Lev. XXVII, 28.

(5) Because we draw an analogy between ma'aser and dedications, just as in the latter both redemption and selling are forbidden, similarly in the former, i.e., a tithing animal, selling is also forbidden. Now I might have supposed that the law of the firstling animal would be the same as that of an animal tithed as regards its selling. Therefore the word **וְיָחַל** (it is) used in connection with dedications comes to exclude a firstling animal from the restriction of selling.

(6) An unconsecrated animal exchanged for a consecrated one.

(7) Ibid. 10.

- (8) Who says that a forbidden act has no validity.
- (9) Of temurah.
- (10) According to his view that a forbidden act has a legal effect, what need is there for the text, Then it and the exchange thereof, etc.?
- (11) But that both become consecrated.
- (12) Num. XVIII, 17.
- (13) Infra 21a.
- (14) Having become blemished. The difference between a firstling and a tithing animal and other disqualified sacrifices is that the flesh of the latter may be sold by weight and in shops like ordinary flesh, and this is not considered an unbecoming treatment of sacrifices since all profits accrued thereby go to the Sanctuary. But in regard to the flesh of a firstborn or a tithing animal, since the benefit accrues to the owners — in the case of the firstborn to the priest and in the case of a tithing animal to the Israelite owners — we do not allow them to be sold in the shop and by weight, as not in keeping with the treatment becoming to sacred things.
- (15) The money acquires holiness and the animal becomes hullin.
- (16) In which a blemish occurred. They become hullin and the money of redemption acquires holiness, after redemption.
- (17) Blemished firstlings and tithing animals are not redeemable and remain sacred. The redemption money therefore does not acquire holiness, v. infra 21a.
- (18) In the case of a blemished firstling or a blemished tithing animal.
- (19) Who holds that a forbidden act has a legal effect.
- (20) The Mishnah just quoted.
- (21) So lit. E. V. 'They are holy'; Num. XVIII, 17.
- (22) Since he holds that a forbidden act is not valid, the redemption here of a firstling is of no legal effect. Consequently there is no need for the word 'they' to teach us the same thing.
- (23) For they do not receive any holiness by substitution.
- (24) That substitutes do not become sacred.
- (25) So lit. E. V. 'it is the Lord's'. Lev. XXVII, 26.
- (26) Since we derive the ruling excluding the substitute of the firstling from holiness from the text 'whether it be an ox etc.', what need is there for the text 'holy they are' to teach the same thing?
- (27) That a substitute of a firstling is not sacred.
- (28) 'Whether it be an ox'.
- (29) E.g., blood of several sacrifices that have become mixed up.
- (30) And the flesh is rendered permissible by the sprinkling, for things which are offered up do not neutralize one another. From here we apply the same ruling to all cases of things which are offered up. The meaning of the text 'holy they are' is therefore that they remain in their sacred status, even if the blood is mixed up with the blood of other sacrifices.
- (31) Lev. XVI, 18. Scripture continuing: And put it upon the horns of the altar.
- (32) Implying that the sprinkling is done from both the blood of the bullock and the goat after mixing.
- (33) Since we derive the ruling that we may sprinkle the mixed blood of sacrifices from the text. 'And shall take from the blood of the bullock, etc.', what need is there for the words 'they are', used in connection with the law of a firstling?
- (34) In the text: And shall take from the blood of the bullock, etc.
- (35) Who says that we do not mix the blood of the bullock with the blood of the goat to sprinkle on the horns of the altar; v. Zeb. 81a.
- (36) Lev. XXVII, 33.
- (37) V. supra p. 25 notes. What is the difference between an animal tithed and a firstling on the one hand, and other sacrifices?
- (38) For the Mishnah says it has no redemption.
- (39) With reference to a tithed animal.
- (40) Zeb. 9a.
- (41) All that passes under the rod (Lev. XXVII, 32).
- (42) That thou shall cause to pass (set apart); Ex. XIII, 12.
- (43) And just as for a firstling there is no redemption (v. supra) so a tithed animal has no redemption. But elsewhere, Abaye maintains, it may be that a forbidden act has a legal effect.

- (44) V. supra 3a, 4a and notes.
- (45) 'Thou shalt not delay, etc.'
- (46) Lit., 'what he has done is done'. Ter. III, 6.
- (47) So Sh. Mek.
- (48) Where terumah was named before bikkurim.
- (49) Num. XVIII, 29, intimating that although you have named first tithe before terumah you can still separate terumah; and the same applies to terumah and bikkurim.
- (50) Since he holds that a prohibited act can have legal effect, what need is there for the text 'Out of all your gifts, etc.'?
- (51) In Bez. 13b if a Levite anticipated a priest by taking his first tithes from the grain still in the ear before the priest secures his terumah (v. Glos.) although thereby he causes the priest a loss, for a priest in the normal way receives two portions for every hundred and now after the Levite has taken his first tithe, the terumah will be only for the remaining ninety, nevertheless the Levite is not required to make good the priest's loss. The reason is because Scripture says the Levite must give a tenth part from the tithe (Num. XVIII, 26) implying that he need give not only a tithe from the tithe but both tithe and terumah. If, however, the Levite anticipated the priest when the grain was stacked up in piles, i.e., when it became liable to both terumah and tithes, then the Levite must make up for the terumah when he separates his tithe. Thereupon R. Papa said to Abaye: If you exempt the Levite from giving terumah because of the text: A tenth part of the tithe.
- (52) Why then is the Levite exempt from the obligation of terumah only when the grain is in ear?
- (53) Terumah. I.e., that he must, in certain circumstances, set aside terumah as well as the tithe from the tithe.
- (54) As requiring the Levite to give terumah.
- (55) As not requiring the Levite to give terumah.
- (56) Lev. XXI, 14.
- (57) As a result, as e.g., in the case of a widow marrying a High priest.
- (58) Lit., 'which is defective'. In this case, the widow or divorcee, and the child becomes a halal (profane, unfit for the priesthood) v. Kid. 66b. Consequently we see here that a forbidden act has a legal effect, for it says that the betrothal is valid. For if a prohibited act has no legal effect, should the betrothal be valid?
- (59) Lev. XXI, 15, implying that such marriages produce halalim (unfit for the priesthood) but not mamzerim (illegitimate children). Consequently we see that the betrothal in this case is valid.
- (60) Since he holds that a prohibited act has a legal effect, what need is there for the text: Neither shall he profane etc.
- (61) Which would imply that it refers to the status of the child alone.
- (62) **וְהָיָה** the extra **וְ** indicates a further teaching.
- (63) That it becomes a halal.
- (64) That she becomes profaned (**הִלָּלָהּ**) and therefore if she is the daughter of a priest, she cannot eat her father's terumah. It is for this purpose that the text is necessary and not to teach that the betrothal is valid, despite the prohibition involved, as there is no need of an extra text to inform us of this, since in every case, according to Abaye, the ruling is that a forbidden act is valid.
- (65) Lev. XXII, 20; which text is explained (infra) as meaning: Ye shall not consecrate.
- (66) So Sh. Mek.
- (67) And they are sacred to the extent of their value.
- (68) Who holds that a forbidden act has no legal effect.
- (69) Lev. XXII, 20. So Bah.
- (70) To the extent of its value for the altar.
- (71) Since he holds that a forbidden act has a legal effect, what need is there for this text?
- (72) Of one who consecrates a blemished animal.
- (73) That it cannot be offered up on the altar.
- (74) But not for sacrifice on the altar.

Talmud - Mas. T'murah 6a

[Anything too long or too short that mayest] thou offer for a freewill-offering,¹ that is, for dedications for Temple repairs,² and we have learnt: If one consecrates unblemished animals for Temple repairs, although he infringes a negative command,³ the act is valid? This refutes Raba?⁴ —

Raba can answer you: From the same verse⁵ from which you include the case of blemished animals dedicated for the altar,⁶ you include the case of unblemished animals dedicated for Temple repairs.⁷

But is there not the case of one who steals, concerning which the Divine Law says: ‘Thou shalt not steal’,⁸ and we have learnt: If one steals⁹ wood and makes it into vessels or wool and makes it into garments, he pays [the value of the object] as it was at the time of the theft?¹⁰ This refutes Raba?¹¹ — Raba can answer you: The case is different there, since Scripture says: That he shall restore [that which he took by robbery],¹² intimating [that the restoration is to be] according to what he had robbed.¹³ And Abaye?¹⁴ — The text: That which he took by robbery¹⁵ is required in order to teach that he adds a fifth for his own robbery¹⁵ but not for that of his father.¹⁶

But is there not the case of one who takes the pledge,¹⁷ concerning which the Divine Law says: Thou shalt not go into his house to fetch his pledge¹⁸ and we have learnt: ‘He [the creditor] returns the pillow at night and the plough in the day’?¹⁹ — This refutes Raba?²⁰ — Raba can answer you: The case is different there,²¹ for Scripture says:²² Thou shalt surely restore [the pledge].²³ And Abaye?²⁴ — If the Divine Law had not stated ‘thou shalt surely restore [the pledge]’, I might have thought that he has only broken a prohibition,²⁵ and if he wishes, he can restore the pledge, and if he wishes, he need not. The text therefore informs us [that it is not so].²⁶

But is there not the case of pe'ah,²⁷ concerning which the Divine Law says: Thou shalt not wholly reap the corner of thy field,²⁸ and we have learnt:²⁹ [The proper performance of] the command of pe'ah is to separate from the standing corn. If he did not separate from the standing corn, he separates from the sheaves. If he did not separate from the sheaves, he separates from the pile [of grain] before he evens it. If he has evened it,³⁰ he tithes it and then gives pe'ah to him [the poor man]. In the name of R. Ishmael it was said: He also separates from the dough?³¹ This refutes Abaye?³² — Abaye can answer you: The case is different there,³³ since Scripture says: Thou shalt leave,³⁴ [and again] thou shalt leave³⁵ as redundant.³⁶ And Raba?³⁷ — He can answer you:³⁸ There is another case of ‘leaving’ similar to this. And what is it? It is the case of one who renounces ownership of his vineyard, for it was taught: If one renounces ownership of his vineyard and wakes in the morning and harvests it, he is bound to give peret,³⁹ the defective grapecluster,⁴⁰ the forgotten sheaf⁴¹ and pe'ah, but he is exempt from tithe.⁴²

Said R. Aha the son of Raba to R. Ashi: And now that you have given all these [various] answers,⁴³ wherein do Abaye and Raba really differ? — They differ in the case of stipulated usury⁴⁴ and will be on the lines of R. Eleazar's [statement]. For R. Eleazar said: Stipulated usury can be reclaimed through the judges,

(1) Lev. XXII, 23.

(2) From which it is inferred that only blemished animals are fit to dedicate for Temple repairs, but not unblemished animals; v. infra 7b.

(3) V. infra 7b.

(4) Who says that a forbidden act has no legal effect.

(5) From the text: ‘But for a vow it shall not be accepted’.

(6) Which we explained above as implying that they are not acceptable but are consecrated, at least for their money value, for the altar.

(7) As being forbidden to offer; and we thus compare the case of unblemished animals dedicated for Temple repairs to the case of blemished animals dedicated for the altar. Just as in the case of the latter, we say although there is a negative command the act is valid, so in the case of the former, though there is a negative command, the act is valid. But elsewhere, Raba maintains, a forbidden act has no legal effect.

(8) Lev. XIX, 13.

(9) Lit., ‘he robbed’, ‘he took it openly by force’.

(10) I.e., for the wood or wool alone, as we say that he obtains the ownership of the garment or vessel by reason of the

change which he has effected, in spite of the forbidden act of stealing; v. B. K. 93a

(11) Who says that a forbidden act has no legal effect.

(12) Lev. V, 23.

(13) But not according to its value at present, after being improved and changed.

(14) Who holds that a forbidden act has a legal effect. What need is there for the text: 'That which he took by robbery'?

(15) For the text occurs in connection with the taking of a false oath and making a confession following a robbery, for which there is the extra penalty of adding a fifth to the value of the theft.

(16) Even if he swore falsely concerning it.

(17) For a debt, without the consent of the debtor.

(18) Deut. XXIV, 10.

(19) B. M. 113a. The law applies even if he took the pledge without the warrant of the court. We see therefore that a prohibited act is valid, otherwise the pledge would not be the creditor's at all and he would have to restore the pillow even in the day (Tosaf.).

(20) Who says that a forbidden act has no legal effect.

(21) In the Mishnah just quoted.

(22) Deut. XXIV, 13.

(23) Since the text repeats 'thou shalt surely restore, etc.', which teaches that the law applies also to the case where the pledge was taken without the warrant of the court; v. Tosaf.

(24) Who holds that a forbidden act has a legal effect; what need is there for the text 'thou shalt surely restore the pledge'?

(25) By taking the pledge without warrant.

(26) That the restoration is in every case compulsory.

(27) The corner of the field which belongs to the poor.

(28) Lev. XXIII, 22.

(29) B. K. 94a.

(30) When it becomes subject to tithes and terumah.

(31) And the change of name from grain does not give him ownership so as to exempt him from pe'ah. The Rabbis, however, differ from R. Ishmael and hold that the change in the name makes it exempt from pe'ah; v. B.K. 94a.

(32) Who says that a forbidden act has a legal effect. The difficulty will arise if we accept the view of the Rabbis, for since he has not separated pe'ah from the standing corn, he transgresses a negative command. He ought then, according to Abaye, to be exempt from pe'ah, as a forbidden act is valid. The difficulty will even more certainly arise according to Abaye, if we adopt the view of R. Ishmael, for he goes even further than the Rabbis as regards the duty of giving pe'ah. V. Sh. Mek.

(33) With reference to pe'ah.

(34) Lev. XIX, 10.

(35) Ibid. XXIII, 22.

(36) The extra text therefore teaches us that although the grain has changed in his possession, he does not acquire possession of it, and is still bound to separate pe'ah and to leave it for the poor.

(37) Who holds that a forbidden act is not valid. What will he do with the additional text 'thou shalt leave'?

(38) The object of the extra text 'thou shalt leave' is to teach the following.

(39) Grapes fallen off during cutting, v. Pe'ah VIII, 3.

(40) Heb. 'oleloth; which belong to the poor, v. ibid 4.

(41) Which also belongs to the poor. And although in the normal way renunciation of ownership exempts from the duty of giving all these things to the poor, this kind of renunciation does not exempt, on account of the additional command 'thou shalt leave' mentioned in connection with peret, pe'ah, etc.

(42) For in connection with tithes there is no text 'thou shalt leave'.

(43) The Baraitas and the Mishnahs quoted above in the Gemara either as questioning Abaye's or Raba's dictum, as the case may be, and the replies of each of these teachers explaining that, although elsewhere they maintain their own view on the subject as to whether a forbidden act has a legal effect or otherwise, the case of the particular Baraita or Mishnah adduced was different, inasmuch as there existed a text to render it an exception.

(44) Where the creditor arranges for a fixed amount as interest on loan. Abaye will hold that the action is valid and therefore the interest would not be reclaimed, in spite of transgressing the negative command relating to usury. Raba,

however, will hold that the action has no legal effect and the interest therefore must be returned.

Talmud - Mas. T'murah 6b

whereas the dust of usury¹ cannot be reclaimed through the judges. R. Johanan, however, says: Even stipulated usury is not reclaimed through the judges.² Thereupon he [R. Aha] said to him: But do they³ differ merely in opinion? Do they not differ in the interpretation of Scriptural texts? For R. Isaac said: What is the reason of R. Johanan? Scripture says: He hath given forth upon usury and hath taken increase: shall he then live? He shall not live,⁴ thus intimating that the taking of usury is a matter that affects life⁵ but is not subject to restoration.⁶ R. Aha b. Adda says: From here:⁷ Scripture says, 'But fear thy God',⁸ intimating that the taking of usury is a matter of fearing God but is not subject to restoration. Raba says: From here:⁷ [Scripture says:] He hath done all these abominations: he shall surely die: his blood shall be upon him.⁹ Now, lo, if he begat a son that is a robber, a shedder of blood.¹⁰ Lenders on interest are compared to shedders of blood. Just as shedders of blood cannot make restoration [of the lives lost], so lenders on interest are not required to make restoration [of interest]. And R. Nahman b. Isaac said: What is the reason of R. Eleazar?¹¹ Scripture says: That thy brother may live with thee,¹² thus intimating that he must return the interest so that he [the borrower] may live with you.

But then wherein do Abaye and Raba [really] differ? — On the question whether a change¹³ enables one to obtain ownership.¹⁴ Another version: The difference will be¹⁵ in the various answers [given above].¹⁶ [Still] another version: The difference¹⁷ will be in the matter of stipulated usury. According to Abaye he [the debtor] does not return the interest whereas according to Raba he is required to return the interest.¹⁸ But does not Abaye also hold that we reclaim stipulated usury through the judges? For Abaye said: If one claims four zuz from his fellow as interest, and the latter gave the lender in his shop for it a garment to the value of five [zuz], we recover four [zuz] from him and the remaining [zuz] we say he gave as a gift. Raba says however: We recover from him five [zuz]. What is the reason? The whole [sum] came to him as interest.¹⁹ — Rather than the difference of opinion between Abaye and Raba is in whether a change confers ownership.²⁰

Our Rabbis taught: [Scripture says:] Whatsoever hath a blemish, that ye shall not offer.²¹ Now what does the text teach us? If it means that ye shall not kill, is this not stated below?²² Why then does the text state: 'Ye shall not offer'? It means, Ye shall not dedicate. Hence [the Sages] said: He who dedicates blemished animals for the altar²³ is guilty on all five counts; for transgressing the prohibitory laws with reference to offering,²⁴ to dedicating,²⁵ killing,²⁶ sprinkling and burning wholly or partly.²⁷ They [the Sages] said in the name of R. Jose: [He is guilty] also [on account of the prohibition of] the receiving of the blood.

The Master said: 'If it means, Ye shall not kill, is not this mentioned below?' Where is this stated? — It has been taught: Blind or broken or maimed ye shall not offer these unto the Lord.²⁸ What does Scripture teach us here? If it means not to dedicate,²⁹ this is already stated above.³⁰ Then what does Scripture mean by 'Ye shall not offer'? [That] ye shall not kill. [The text:] Nor make an offering by fire of them²⁹ refers to the burning [of the sacrifices on the altar].³¹ From this I could only prove the burning of the whole sacrifice [as being prohibited]. Whence, however, will you deduce that the same applies to a part [of a sacrifice]? Because the text states: Of them.³² Whence will you deduce the prohibitory law for the sprinkling of the blood [of blemished animals]? The text states: Upon the altar.³³ [The succeeding words:] 'Unto the Lord' include the case of a scapegoat.³⁴ But do [the words]: 'Unto the Lord' come to include [something additional]? Has it not been taught:³⁵ Now³⁶ if you expound the word korban [offering], am I to understand it to include the case of animals dedicated for Temple repairs,³⁷ which are described as korban as for instance when it says: We have therefore brought the Lord's korban?³⁸ The text, however, states: And hath not brought it unto the door of the tent of the meeting.³⁹ [We therefore argue as follows]: In respect of whatever is fit for the

door of the tent of the meeting,⁴⁰ one may become liable on account of the prohibition of slaughtering consecrated animals outside the Temple court; but in respect of whatever is not fit for the door of the tent of the meeting,⁴¹ one cannot become liable on account of the prohibition of slaughtering consecrated animals outside the Temple court. Shall I therefore exclude these⁴² but not the Red Heifer⁴³ and the scapegoat, since they are fit for 'the door of the tent of the meeting'?⁴⁴ Therefore the text states: 'Unto the Lord'; [the law concerning slaughtering outside the Temple court applies] only to those designated as 'unto the Lord',⁴⁵ but these⁴⁶ are excluded, for they are not designated 'unto the Lord'!⁴⁷ — Said Raba: There we go according to the context [and⁴⁸ here we go according to the context]. There,⁴⁹ since the text, 'Unto the door of the tent of the meeting' includes,⁵⁰ therefore the text, 'Unto the Lord' in that connection excludes.⁵¹ Here, however, as the text 'by fire' excludes,⁵² therefore the text, 'Unto the Lord' in that connection includes.⁵³

The reason then why a blemished scapegoat is not brought is because Scripture says, 'Unto the Lord'. But if Scripture had not included [the case of a scapegoat] by means of the text, 'Unto the Lord', I might have thought that it was permissible to bring a blemished scapegoat. But consider: The lot⁵⁴ designates only such as are fit 'for [the Lord]'?⁵⁵ — Said R. Joseph: This represents the opinion of Hanan the Egyptian. [For it has been taught:] Hanan the Egyptian said: Even if there was blood⁵⁶ in the cup,⁵⁷ he brings another [goat]⁵⁸ to pair with it.⁵⁹ Granted that you can understand from Hanan the Egyptian that there is no rejection,⁶⁰ can you Understand that there is no casting of lots? Perhaps he brings two new goats and casts lots?⁶¹ Rather said R. Joseph: This⁶² will represent the view of R. Simeon, for it has been taught: If one [of the two animals] died, he brings the other without casting lots.⁶³ Raba says: [The text]⁶⁴ is not required save for the case where e.g., [the scapegoat] became blemished on that day⁶⁵ and he redeemed it for another [animal].⁶⁶

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- (1) I.e., indirect usury, e.g., when a man sells his field and says to the buyer that if he pays him at once he wants so much but if at a later date, he demands a larger sum. Therefore because he waits for the money, the buyer pays more, and this is called the 'dust of usury'.
 - (2) Raba will therefore agree with R. Eleazar and Abaye with R. Johanan, for here there is no special text in virtue of which one or the other of these Amoraim can say that the case is different.
 - (3) Abaye and Raba.
 - (4) Ezek. XVIII, 13.
 - (5) That he shall not live who takes usury.
 - (6) Therefore even according to Raba who holds that a forbidden act has no legal effect, here the act will be valid, because of the text.
 - (7) Where the Scriptural text makes the case of usury different, so that even Raba can agree that the forbidden act here is valid.
 - (8) Lev. XXV, 36. The text occurs in connection with the law of usury.
 - (9) Ezek. XVIII, 13.
 - (10) Ibid. XVIII, 10. The passage, Now etc. is omitted in Raba's statements in B.M. 61a.
 - (11) Who holds that stipulated usury is reclaimed through the judges.
 - (12) Lev. XXV, 36.
 - (13) By transgressing a Scriptural command.
 - (14) Abaye and Raba differ as to whether a change wrought in a thing brings about ownership, e.g., one who stole wood and made it into a vessel or wool and made it into a garment. According to Abaye the action is valid, for he acquires ownership and therefore he only pays the price of the wood or wool; whereas according to Raba the act is not valid, for he does not acquire ownership of the article and therefore must return the garment or the article. And when in the Gemara above we raise a difficulty for Raba from the relevant Mishnah: If one steals etc., do not reply that the case is different from the Mishnah because of a text, but answer that Raba will hold according to one Tanna in B.M. 61a who says that a change in an object does not confer ownership, whereas Abaye holds with another Tanna there who holds that a change does confer ownership. For other interpretations v. Rashi.
 - (15) Between Abaye and Raba,
 - (16) There will not actually be a difference in any specific case except in the kind of explanation each of these teachers

will give in answer to the Baraitha or Mishnah as quoted above in the Gemara. Abaye, who says a forbidden act has a legal effect will explain any particular Baraitha or Mishnah which appears to contradict this according to his view, and Raba, who holds that a prohibited act has no legal effect, will explain any particular Baraitha or Mishnah according to his point of view.

(17) Between Abaye and Raba.

(18) As the action is not valid.

(19) We therefore see that even according to Abaye the interest is recovered.

(20) V. supra p. 33. n. 11.

(21) Lev. XXII, 20.

(22) That a blemished animal must not be killed for the altar. The Gemara explains this subsequently.

(23) Burnt them wholly on the altar.

(24) Blemished animals.

(25) The word 'dedicating' is omitted by Sh. Mek. and by Rashi, in Hul. 80b, where the passage is cited.

(26) Blemished animals.

(27) Whether he burnt the whole or part of the animal, he is guilty of breaking the prohibitory law of burning a blemished animal on the altar.

(28) Lev. XXII, 22.

(29) Blemished animals for the altar.

(30) But whatsoever hath a blemish that ye shall not offer (ibid. 20).

(31) This is the prohibition of burning.

(32) The continuation of the text, 'Nor make, etc.'

(33) The continuation of the text 'Of them'.

(34) That he who dedicates it blemished is guilty of breaking the prohibition 'Ye shall not offer'. Lit., 'the goat that is sent away'.

(35) Zeb. 113a and infra 13a.

(36) The Baraitha opened as follows: One might think that if one kills hullin (an unconsecrated animal) inside a Temple court one is guilty of excision? Scripture, however, says: Korban (offering) Lev. XVII, 4, thus implying that guilt is only incurred in connection with a korban. Now if you expound, etc.

(37) That if one killed them outside the Temple court he would be liable to the penalty of excision.

(38) Num. XXXI, 50. And the offerings mentioned here were for the Sanctuary, as it speaks of jewels of gold, chains, bracelets, etc.

(39) Lev. XVII, 4.

(40) I.e., to be offered up on the altar.

(41) I.e., dedications for Temple repairs because they are blemished.

(42) Dedicated animals for Temple repairs.

(43) Lit., 'the cow for expiation'.

(44) For they are unblemished, as both a red heifer and a scapegoat must be unblemished for their several purposes.

(45) Actually offered up on the altar.

(46) The red heifer and the scapegoat.

(47) We therefore see that the text, 'Unto the Lord' implies exclusion and yet above you say the text 'Unto the Lord' is intended to include.

(48) So Sh. Mek.

(49) In connection with slaughtering outside the Temple court.

(50) All unblemished animals to incur guilt for slaughtering them outside the Temple court.

(51) It can only be to exclude something and we therefore exclude the cases of the scapegoat and the red heifer.

(52) That only in respect of an offering which is burnt is there liability for dedicating a blemished animal, and that in respect of a sacrifice which is not burnt and is dedicated in its blemished state, one does not incur any guilt for its dedication. I might therefore have thought that a scapegoat, since it is not burnt, is in the same category.

(53) The case of a scapegoat, so that if one dedicates it in its blemished state one is guilty of transgressing the prohibitory law of 'Ye shall not offer it'.

(54) Which determines which goat was to be offered on the altar, and which the scapegoat, which was sent to Azazel.

(55) I.e., the two animals must be unblemished. For since we do not know on which will fall the lot 'for the Lord' and on

which 'for Azazel', then necessarily both must be fit, as either may be destined 'for the Lord'.

(56) Of the goat 'for the Lord',

(57) The sprinkling of the blood not having yet taken place and the scapegoat was either lost or became blemished.

(58) For a scapegoat.

(59) With the slaughtered goat. This obviously must be without casting lots, since he cannot do so as the animal 'for the Lord' has already been slaughtered. Now just as according to Hanan one can bring a second animal for the scapegoat without casting lots, so it might be assumed he can bring it in a blemished condition. The special text therefore, 'Unto the Lord' is necessary to inform us that this is not so.

(60) That although the goat 'for the Lord' has been already slaughtered, since the sprinkling had not yet taken place, it is not denied as having suffered a disability in the process of the ritual, thus becoming rejected from the altar. We can consequently proceed with the selection of another animal for the scapegoat. The first Tanna, however, will hold that the blood is poured out, since there was a break in the ritual.

(61) Perhaps the casting of lots still takes place in the following manner. He brings two fresh animals and casts lots as to which shall be 'for the Lord' and which for the scapegoat. The animal which is designated 'for the Lord' he leaves to pasture until blemished, and the other one, on which the lot for Azazel has fallen, he brings and pairs it with the slaughtered goat. Now since he must cast lots, the second animal, in order to become a scapegoat, must be unblemished.

(62) The view that without the text 'Unto the Lord' I might have thought that a scapegoat could be brought even in a blemished state.

(63) Yoma 40a, 63b, I might therefore have thought since lots are not required in these circumstances, there is no need that the scapegoat should be unblemished. The Scriptural text 'Unto the Lord' therefore teaches us that it is not so.

(64) 'Unto the Lord'.

(65) After the lots had been cast.

(66) Which was also blemished and there would be a penalty for the dedication.

Talmud - Mas. T'murah 7a

You might argue that we can well understand why at the outset [we require both animals to be unblemished] because we do not know which one will be designated 'for the Lord'. But here, since the animal designated 'for the Lord' is recognised, there is no punishment of lashes.¹ The text ['Unto the Lord' mentioned above] therefore informs us [that it is not so].²

The Master said: 'It is reported in the name of R. Jose son of R. Judah: [There is] also [the case of the prohibitory law relating to] the receiving of the blood'. What is the reason of R. Jose son of R. Judah? Scripture says: That which hath its stones bruised or crushed or torn or cut etc. [ye shall not offer unto the Lord];³ this refers to the receiving of the blood mentioned by R. Jose son of R. Judah.⁴ And according to the first Tanna,⁵ what need is there for this text: 'Ye shall not offer'? — It is necessary for the case of the sprinkling of the blood of a blemished animal.⁶ But do we not deduce this from the text: Upon the altar?⁷ — This⁸ is simply Scripture's manner of speaking.⁹ But may it not also be, according to R. Jose son of R. Judah, Scripture's manner of speaking?¹⁰ — Yes, it is so.¹¹ Then whence does he deduce the prohibition in respect of receiving the blood?¹² — He derives [this ruling] from the following: 'Neither from the hand of a foreigner shall ye offer';¹³ this refers to the receiving of the blood [mentioned by R. Jose son of R. Judah]. And what does the first Tanna do with this text, 'Neither shall ye offer'? — He needs it for this: It may occur to you to think that since the Noahides¹⁴ were only commanded concerning the loss of limbs,¹⁵ it is therefore immaterial whether the sacrifice is for their altar¹⁶ or ours.¹⁷ [The text]¹⁸ therefore informs us [that this is not so].

Another version: R. Jose son of R. Judah says: '[There is] also [the prohibition relating to] the receiving of the blood'. What is the reason? — Since Scripture says: 'That which hath its stones bruised or crushed etc. ye shall not offer unto the Lord', this refers to the receiving of the blood and the prohibition of sprinkling¹⁹ is derived from the text, 'Upon the altar'. And according to the Rabbis, why not also derive the prohibition of sprinkling from the text, 'Upon the altar'? — In fact

they do. Then what does the text, ‘Ye shall not offer’ stated in connection with the text, ‘Bruised or crushed’ come to teach? — It is required to teach us the case of a private bamah.²⁰ And according to R. Jose son of R. Judah, do we not require the text²¹ to teach us the case of a private bamah? — Yes, it is so, Then whence does he derive [the prohibition of] offering with reference to the receiving of the blood? — He derives it from the text, ‘Neither from the hand of a foreigner shall ye offer’, this meaning the receiving of the blood. And the Rabbis?²² — There is need for the text. You might think that since the Noahides are only commanded concerning the loss of a limb for their own bamah,²³ we too may therefore accept from them [a permanently blemished animal].²⁴ The text, ‘Of any of these’ therefore informs us that we do not accept.²⁵ To this Resh Lakish demurred:²⁶ Perhaps this²⁷ is stated only in connection with the case of an unblemished animal which became blemished,²⁸ in which case there is a transgression, but if it is an originally blemished animal, it is then a mere palm-tree!²⁹ — Thereupon R. Hiyya b. Joseph said to him: [Scripture says:] ‘Too long or too short’³⁰ in the section³¹ and these are originally blemished animals.³² He [Resh Lakish] said: Perhaps we have learnt this³³ only with reference to substitutes,³⁴ for we have learnt: There is a restriction in the law regarding substitutes which does not apply to original sacrifices, in that holiness can attach [as substitute] to an animal permanently blemished!³⁵ — R. Johanan replied to him: Have you not heard what R. Jannai said: At the college a vote was taken and it was decided: He who dedicates a blemished animal for the altar is guilty on five counts.³⁶ Now if [this passage] deals with substitutes, then there are six, for there is also the prohibition of exchanging?³⁷ — What then? Do you maintain that he deals with a case of an animal originally blemished? Then why should there be the punishment of lashes, since it is merely a palm-tree? — He replied, There is nothing irreverential about a palm-tree [as] it is a kind of wood. But in dedicating an originally blemished animal, there is something irreverential [as regards consecrations], since he ignores unblemished animals and dedicates blemished ones, and therefore he is guilty.

Another version: He [R. Hiyya] said to him [Resh Lakish]: Even so the act is irreverential.³⁸ For the dedication of a palm-tree, as there is nothing in its class [fit for the altar] there is no punishment of lashes. But the case is otherwise with reference to a blemished animal, since there exists in the class of animals [those fit for the altar], and he is therefore punishable with lashes.³⁹

Said Raba: Now that you say that the reason why [one who dedicates] a blemished animal incurs the punishment [of lashes] is because the act is irreverential,⁴⁰ then even if one dedicates it [a blemished animal] for the value of its drink-offerings, one should incur the punishment [of lashes]. [Raba's⁴¹ is a point at issue among Tannaim.]

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- (1) For breaking the prohibitory law of ‘Ye shall not offer’ if the scapegoat were dedicated in a blemished state.
 - (2) To include the case of a blemished scapegoat as infringing the prohibition of ‘Ye shall not offer’.
 - (3) Lev. XXII, 24.
 - (4) Deduced from the repetition of the phrase, ‘Ye shall not offer’
 - (5) R. Jose's disputant, who does not hold that there is an infringement of a prohibitory law in receiving the blood of a blemished dedicated animal.
 - (6) In order to teach us that there is an infringement of a prohibitory, law in doing so.
 - (7) Ibid. XXII, 22.
 - (8) The text, ‘Ye shall not offer’.
 - (9) As a summing up of the law relating to blemishes, and we do not infer some special ruling therefrom.
 - (10) Alluding to the text, ‘Ye shall not offer’, quoted above.
 - (11) It is Scripture's way of speaking.
 - (12) If this text, ‘Ye shall not offer’ is not to be specially interpreted.
 - (13) Ibid. XXII, 25.
 - (14) I.e., Gentiles who are the descendants of Noah.
 - (15) That only such a defect disqualifies a sacrifice for their altar, but a mere blemish is no disqualification.
 - (16) I.e., which a Gentile had erected to offer upon it to God.

- (17) That we may offer up a blemished animal belonging to a Gentile on our altar so long as it is not short of a limb.
- (18) 'Neither shall ye offer'.
- (19) Of a blemished animal.
- (20) That it is forbidden to offer up a blemished animal on one. Bamah is a high place.
- (21) 'Ye shall not offer' occurring in connection with the text 'Bruised or crushed etc.'.
- (22) Who differ with R. Jose what need have they for this text?
- (23) For they are not forbidden to offer up a blemished sacrifice on their bamah.
- (24) To offer up on our altar.
- (25) For a Gentile's blemished animal is compared with our own. Just as in our case, we do not offer up a blemished animal on the altar, even without the loss of a limb, so we do not accept for sacrifice a permanently blemished animal from the Gentiles.
- (26) Referring to the Baraita above which says that one who dedicates blemished animals for the altar is guilty of transgressing five negative commands.
- (27) That the punishment of lashes is inflicted for transgressing the prohibition of 'Ye shall not offer'.
- (28) As one might be under the impression that since it was once holy, the fact that it subsequently became blemished should not disqualify it from being offered up on the altar.
- (29) He could not possibly have imagined that it would be fit for the altar except for its money value, and therefore one might think that there would not be any punishment of lashes.
- (30) Lev. XXII, 23.
- (31) Dealing with the various permanent blemishes which render an animal unfit.
- (32) Concerning which Scripture says, 'Ye shall not offer' which indicates as explained above, that one is guilty in dedicating these blemished animals.
- (33) Which says that there is a penalty for dedicating.
- (34) Where the substituted animal is blemished.
- (35) For this reason there is the penalty of lashes, but if he dedicated an animal originally blemished, there may perhaps be no penalty for the dedication, unless he later offered it up.
- (36) I.e., he breaks five negative commands.
- (37) 'Nor change it'.
- (38) Where one dedicates an animal which became blemished. There is therefore a degradation of holy things.
- (39) For dedicating something which is not fit.
- (40) To dedicate an animal which has become blemished.
- (41) So Sh. Mek. Cur. edd. It has been taught like Raba.

Talmud - Mas. T'murah 7b

[Scripture says:] That mayest thou offer for a freewill-offering:¹ this refers to dedications for Temple repairs. Now I have here mentioned only the case² of a freewill-offering.³ Whence do we derive that the same applies to a vow?⁴ Scripture says: And for a vow.⁵ One might think [that the blemished animals vowed for offering are fit] even for the altar? The text, however, states: 'And for a vow it shall not be accepted', thus referring to dedications for the altar.⁶ I here mentioned only the case of a freewill-offering.⁷ Whence can we derive that it is the same with reference to a vow?⁸ The text states: A freewill-offering'.⁹

Rabbi said: [Scripture says:] 'It shall not be accepted', the text thus speaks of accepting its body [for sacrifice on the altar].¹⁰ But is not this opinion precisely that of the first Tanna? Must we not say that they differ¹¹ in this: The first Tanna holds that even if he dedicates the blemished animal for the value of drink-offerings, he also incurs the punishment of lashes, whereas Rabbi says: The punishment only applies to the acceptance of the body,¹² but not if the dedication is for the value of a drink-offering? It stands proved.¹³ But why then is the word 'that'¹⁴ inserted? — It is needed to intimate what has been taught: Scripture says, That mayest thou offer for a freewill-offering, thus intimating: that you may offer as a freewill-offering [for Temple repairs], but you may not offer unblemished animals as a freewill-offering [for Temple repairs]. Hence the Rabbis say: He who

dedicates unblemished animals¹⁵ for Temple repairs is guilty of transgressing a positive command.¹⁶ And whence do we derive that one is guilty of transgressing a negative command? Because it says: 'And the Lord spake unto Moses saying',¹⁷ thus teaching us that the whole section is regarded as having the force of a prohibitory law. This is the teaching of R. Judah. Said Rabbi to Bar Kappara: How do you understand this?¹⁸ He replied to him: Because of the word 'saying',¹⁹ which indicates that a negative command has been said in connection with these statements.²⁰ The School of Rabbi says: The word 'saying' means, tell²¹ [the children of Israel] a negative command.²²

It is stated: If one burns on the altar the limbs²³ of blemished animals, Raba says: He transgresses the prohibitory laws of burning the whole and burning a part.²⁴ Abaye says: There is no punishment of lashes for a comprehensive prohibition.²⁵

They raised an objection: He who dedicates blemished animals for the altar is guilty on five counts,²⁶ This refutes Abaye?²⁷ — Said R. Kahana:²⁸ It refers to different individuals.²⁹ But if it [the Baraitha] refers to different individuals, [why then does the Baraitha say,] 'He incurs etc.'? Is not 'they incur' required? Then obviously the Baraitha refers to one individual. Shall we say that this refutes Abaye? — Abaye can answer you: Exclude [from the Baraitha] the prohibition for burning part [of the blemished animal on the altar] and include [the prohibition for] receiving the blood [of the blemished animal]. [You say] the receiving of the blood; this prohibition is maintained only by R. Jose son of R. Judah,³⁰ but not by the Rabbis?³¹ — This is a difficulty.

Another version: Since the latter part [of the Baraitha]³² is the opinion of R. Jose son of R. Judah,³³ the first part will be the opinion of the Rabbis.³⁴ Shall we say this refutes Abaye? This is a final refutation. MISHNAH. PRIESTS HAVE POWER TO EXCHANGE [AN ANIMAL] BELONGING TO THEMSELVES³⁵ AND ISRAELITES ALSO HAVE POWER TO EXCHANGE AN ANIMAL BELONGING TO THEMSELVES. PRIESTS HAVE NOT THE POWER TO EXCHANGE A SIN-OFFERING,³⁶ A GUILT-OFFERING³⁶ OR A FIRSTLING.³⁷ SAID R. JOHANAN B. NURI: WHAT IS THE REASON WHY [PRIESTS] HAVE NOT THE POWER TO EXCHANGE A FIRSTLING?³⁸ R. AKIBA SAID TO HIM: A SIN-OFFERING AND A GUILT-OFFERING ARE PRIESTLY GIFTS AND A FIRSTLING IS ALSO A PRIESTLY GIFT. JUST AS IN THE CASE OF A SIN-OFFERING AND GUILT-OFFERING [PRIESTS] HAVE NO POWER TO EXCHANGE THEM,³⁹ SO IN THE CASE OF A FIRSTLING [PRIESTS] HAVE NO POWER TO EXCHANGE IT. SAID R. JOHANAN B. NURI: IT IS RIGHT THAT PRIESTS SHOULD HAVE NO POWER TO EXCHANGE A SIN-OFFERING AND A GUILT-OFFERING BECAUSE THEY HAVE NO CLAIM ON THESE [OFFERINGS] WHILE THESE ARE ALIVE. WILL YOU, HOWEVER, SAY THAT THE SAME APPLIES TO A FIRSTLING ON WHICH [THE PRIESTS] HAVE A CLAIM WHEN IT IS ALIVE?⁴⁰ R. AKIBA THEREUPON REPLIED TO HIM: HAS NOT SCRIPTURE ALREADY SAID: THEN IT AND THE EXCHANGE THEREOF SHALL BE HOLY?⁴¹ NOW WHERE DOES THE HOLINESS ARISE?⁴² IN THE HOUSE OF THE OWNERS.⁴³ SIMILARLY EXCHANGE IS NOT EFFECTED EXCEPT IN THE HOUSE OF THE OWNERS.⁴⁴ GEMARA. We have learnt elsewhere: An unblemished firstling may be sold alive,⁴⁵ but a blemished firstling whether alive or slaughtered; and [the priest] may also betroth a woman with it.⁴⁶ Said R. Nahman in the name of Rabbah b. Abbuha: This⁴⁷ was taught only for nowadays,⁴⁸ since a priest has a claim upon it.⁴⁹ But in Temple times, since an unblemished firstling is destined to be offered up, we may not sell it alive unblemished.⁵⁰ Raba raised an objection to R. Nahman: An unblemished firstling may be sold alive. [It says,] 'alive', implying, but not slaughtered. Now to what period does this refer? Shall I say that this refers to nowadays?⁵¹ Is there an unblemished animal that may be slaughtered [nowadays]?⁵² Then obviously you must say that the term 'alive' refers to Temple times⁵³ and yet it says: An unblemished firstling may be sold alive.⁵⁴ — No! One can still maintain that it refers to nowadays, for does it state: One may sell it unblemished alive, but not slaughtered?⁵⁵ It wishes to inform us of this very thing, that a firstling [nowadays] may be sold unblemished alive.⁵⁶

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- (1) Lev. XXII, 23; referring to a blemished animal.
- (2) That a blemished animal can become holy for Temple repairs.
- (3) E.g., where he says: 'Behold this animal shall be dedicated for Temple repairs'.
- (4) If one says: 'I vow to dedicate an animal for Temple repairs', that it is a duty to set aside the animal even if blemished.
- (5) And we interpret the text thus: That mayest thou offer for a freewill-offering and also for a vow.
- (6) For the term 'accepted' can only mean for the purpose of offering up on the altar.
- (7) If one said, 'I vow to dedicate this blemished burnt-offering', such dedication is not fit for the altar, as being not 'accepted', for this kind of dedication is mentioned next to the text, 'It can not be accepted'.
- (8) That one cannot say in connection with a blemished animal: 'Behold, this is for the altar'.
- (9) The meaning of the text will therefore be as follows: The freewill-offering which you may dedicate for Temple repairs and the blemished animal vowed for Temple repairs are not acceptable for the altar.
- (10) That it must not be offered up.
- (11) Between the first Tanna and Rabbi.
- (12) I.e., sacrifice on the altar.
- (13) That Raba's ruling above is a matter of dispute between Tannaim.
- (14) That (אורתו) mayest thou etc. Since you say that the words 'vow' and 'freewill-offering' are linked together as meaning that a blemished animal either as vow or freewill-offering is not acceptable for the altar, the word 'that' which possesses a restrictive meaning, is not needed (Wilna Gaon).
- (15) Which are fit for sacrifice on the altar.
- (16) The prohibition derived by implication from the positive command that mayest thou, and which has the force only of a positive command.
- (17) Lev. XXII, 17.
- (18) How do you gather that the section has the force of a prohibitory law?
- (19) לאמר
- (20) The word לאמר is split into לא אמר 'he said, not'.
- (21) אמר .
- (22) לא which with the previous word forms לאמר .
- (23) The pieces, in accordance with the law of a burnt-offering.
- (24) Derived from the text, 'Nor make an offering by fire', for when we burn the whole, this also includes a portion of it.
- (25) The prohibition comprises both the burning of the whole and a part, and in such a case there is only punishment on one count only (v. Rashi).
- (26) I.e., he breaks five prohibitory laws, the Baraita enumerating as two prohibitions the burning of the whole, and a part of the burnt-offering.
- (27) Who holds that there is only one prohibitory law for burning the whole on the altar.
- (28) V. Sh. Mek.
- (29) In the case where one person burns the whole of an animal and another burns a part of an animal, each is separately liable to one count of lashes for his own particular transgression. Where, however, one person is the offender he would not be liable on the count of burning a part.
- (30) Who adds in the Baraita the case of receiving the blood as yet another prohibitory law.
- (31) Who do not agree with R. Jose, and there would thus not be five prohibitions.
- (32) Which speaks of the receiving of the blood.
- (33) V. supra 6b.
- (34) Who hold that there is no prohibitory law against receiving the blood of a blemished dedicated animal. We cannot therefore include in the Baraita receiving the blood as a prohibitory law. In order therefore to make up the five prohibitions, we must include burning a part of the burnt-offering as a prohibitory law, which will be at variance with the view of Abaye.
- (35) Which they set aside for themselves, and if they substituted an unconsecrated animal for them, then the animal and the substitute become sacred.
- (36) Which an Israelite gave to a priest for a sacrifice. If a priest exchanged this the exchange is not valid, since he has no share in the animal except from the time it is burnt and onwards, and we learn later in this chapter that a man cannot

cause a substitution of a thing which is not his.

(37) Which an Israelite gave to him.

(38) Since the whole belongs to the priest and the firstling is given to him while alive, the Israelite not being atoned for therewith.

(39) For we are sure that they do not legally acquire possession of them until the time of the burning of the sacrifices.

(40) The case of a firstling is different and there should therefore be power to exchange it, the priest having a claim on it while it is alive.

(41) Lev. XXVII, 10; thus comparing the substitute with dedication itself.

(42) In connection with things dedicated.

(43) But it does not take place at all in the house of a priest and therefore a priest has not the power to exchange a firstling.

(44) I.e., in the house of an Israelite in whose possession the holiness of a firstling arises and therefore if an Israelite exchanged a firstling, the substitute is sacred, but not if a priest made the exchange.

(45) Ma'as. Sh. I, 2; B.K. 12b.

(46) For it is considered his money.

(47) That a priest can sell it alive.

(48) When the Temple is no longer in existence, and the firstling is consequently not destined for the altar.

(49) Alive, for even nowadays a firstling belongs to the priest.

(50) For a priest has no claim on it except from the time when the parts of the sacrifice are burnt on the altar.

(51) The buyer waiting till a blemish occurs to the animal in order to be able to eat it.

(52) For it would be slaughtering sacrifices outside the Temple wall.

(53) When, however, it may not be sold slaughtered, for it is an abuse of holy things to make an ordinary transaction with its flesh.

(54) We therefore see that one may sell an unblemished firstling alive in Temple times, contrary to the opinion of R. Nahman.

(55) For us to infer that we are not dealing with the present time, since nowadays there can be no unblemished slaughtered firstling.

(56) For it might have occurred to you to think that the priest has no claim on it until the firstling is blemished. It is not, however, the object of the Mishnah that we should deduce therefrom that we may not sell a slaughtered firstling, as we are dealing with the present time and nowadays there is no unblemished slaughtered firstling.

Talmud - Mas. T'murah 8a

He raised [a further] objection: With reference to a firstling it is said: Thou shalt not redeem¹ implying but it may be sold.² Now with what case are we dealing? Shall I say that [the Baraita] refers to nowadays? Read the second part [of the text]: Thou shalt sprinkle their blood upon the altar!³ Now is there in existence an altar nowadays [for sacrifice]? Then obviously [it] refers to Temple times. Of what then does it speak? Shall I say of a blemished firstling? Read the second part [of the text]: Thou shalt sprinkle their blood upon the altar and shalt burn their fat.³ Now if we are dealing with a blemished firstling, is it fit for sacrifice? Then we must be dealing with an unblemished firstling, and it says, 'but it may be sold'!⁴ — But is this an argument?⁵ The first part [of the text]⁶ refers to a blemished [animal]⁷ and the latter part of the text⁸ refers to an unblemished [firstling]!

R. Mesharsheya raised an objection: If the child of a priestess became mixed up with a child of her slave,⁹ when the children grow up they free one another;¹⁰ both may eat terumah;¹¹ they take their share simultaneously at the threshing floor;¹² their firstling¹³ is left to pasture until blemished¹⁴ and it is eaten blemished by their owners. Now with what case¹⁵ are we here dealing? Shall I say that we are dealing with a firstling of nowadays? For then what is the difference between [a firstling] belonging to ourselves¹⁶ and [a firstling] belonging to them,¹⁷ since [a firstling] belonging to ourselves also requires a blemish to be eaten?¹⁸ Then you must admit that we are dealing with a firstling in Temple times.¹⁹ Now if you say that the priest has a claim on a firstling [alive],²⁰ there

will be no difficulty.²¹ But if you say that he has no claim on a firstling alive, then let the Temple treasurer come and take it?²² — One can still say that we are dealing with a firstling of nowadays.²³ And as regards the difficulty you raise as to why [a firstling] belonging to ourselves is different from [a firstling] belonging to them, [the answer is] we give ours to the priest in its blemished condition,²⁴ but with [a firstling] belonging to them, since there is an element of priesthood,²⁵ priests are excluded from claiming [this firstling].²⁶

Another version: [Now if we are dealing with a firstling of] nowadays, why mention firstlings belonging [to persons] of uncertain priesthood?²⁷ Even firstlings belonging to ourselves also are left to pasture [until blemished]? Then obviously we are dealing with a firstling of Temple times. Now if we are referring to a blemished firstling, why do we say, let them be left to pasture until blemished? Are they not already blemished? Then obviously we are dealing with unblemished firstlings; and only these²⁸ may not sell;²⁹ [but persons who are certainly priests may sell]?³⁰ — It may still be that we are dealing with firstlings of nowadays. What is your difficulty? That even [firstlings] belonging to ourselves should also be left to pasture! [The answer is:] We cannot disregard the priest,³¹ for there exists no uncertainty of the priesthood, but these persons of uncertain [priesthood] can put off the priest, each one saying to the priest. ‘I am a priest’, ‘I am a priest’.³²

An objection was raised. R. Simeon said: [Scripture says:] And the cattle thereof.³³ This excludes a firstling animal and an animal tithed³⁴ in it [the city]. ‘The spoil of it’; this excludes the money of the second tithes.³⁵ Now with what case are we dealing? Shall I say that we are dealing with nowadays? For is the law of an apostate city in force [nowadays]? Have we not learnt: We do not practise the law of an apostate city except where there is in existence a Beth din of seventy-one?³⁶ Then obviously we are dealing with Temple times. And in what condition [was the firstling]?³⁷ If it was blemished, is this not the same as the text, ‘The cattle thereof’?³⁸ Then obviously we are dealing with an unblemished firstling. Now there will be no difficulty if you say that the priest has a claim on the firstling alive.³⁹ But if you say the priest has no claim on a firstling alive, what need is there for the text ‘The cattle thereof’?⁴⁰ Why not derive this from the text, ‘The spoil of it’, from which we can deduce, But not the spoil of heaven?⁴¹ — One can still maintain that we are dealing with a blemished animal,⁴² and as regards the difficulty you raise that this is the case covered by the text, ‘The cattle thereof’,⁴³ [the answer is] this implies, Whatever is eaten in the manner of ‘The cattle thereof’,⁴⁴ excluding the cases of the firstling and animals tithed, for they are not covered by the words, The cattle thereof’. For we have learnt in a Mishnah: All dedications rendered unfit for sacrifice may be sold in the market and by the pound,⁴⁵ with the exception of a firstling and an animal tithed, for their benefit belongs to the owners.⁴⁶

An objection was raised. [Scripture says:] And committed a trespass against the Lord.⁴⁷ This includes sacrifices of minor grades of holiness,⁴⁸ which are considered the money of the owners.⁴⁹ These are the words of R. Jose the Galilean. Ben Azzai says: [This text comes] to include peace-offerings.⁵⁰ Abba Jose the son of Dosai says: R. Jose the Galilean only refers to a firstling.⁵¹ Now what period are we dealing with? Shall I say that of nowadays? Surely the case [of the firstling referred to by Abba Jose] is compared with peace-offerings?⁵² Then obviously we are dealing with Temple times. Now what are the circumstances? Shall I say that we are dealing with a case of a blemished firstling? Surely the case [of a firstling referred to by Abba Jose] is compared with peace-offerings?⁵³ Then you must say that you are dealing with the case of an unblemished firstling.⁵⁴ Deduce therefore from here that a priest has a claim on a firstling [alive].⁵⁵

(1) Num. XVIII, 17; that the redemption money should become holy and the firstling become hullin.

(2) And it is eaten in a sacred condition, i.e., must not be killed to be sold in a market or weighed by the pound; v. supra 5b, B.K. 13a, Bek. 32a.

(3) Num. XVIII, 17.

(4) We therefore see that an unblemished firstling in Temple times may be sold, contrary to the opinion of R. Nahman.

- (5) That the two parts of the text must necessarily deal with an unblemished firstling.
- (6) 'Thou shalt not redeem'.
- (7) And we may therefore deduce therefrom that a firstling may be sold.
- (8) 'Thou shalt sprinkle etc.'.
- (9) And it is not known which is the child of the priestess and which is the child of her slave.
- (10) Each one writes: 'If I am the master and you are the slave: Behold you are a free man', and both may marry a daughter of an Israelite.
- (11) So long as they had not freed one another, for in any case each can say: 'If I am a priest then I eat terumah in my own right, and if I am a slave, then give me terumah as the slave of a priest', for the slave of a priest is permitted to partake of terumah.
- (12) When they are both together they are given terumah, but one of them by himself does not receive terumah without the other present, in case the recipient is the slave, and this Tanna holds that we do not give terumah to the slave of a priest unless the master be present, for fear lest the slave might eventually claim a higher pedigree for himself, i.e., that of being a priest.
- (13) Animal born in the pen of the mixed-up offspring.
- (14) And are rendered unfit for sacrifice.
- (15) Of their firstling required to pasture until blemished.
- (16) To persons who are certainly priests.
- (17) To the mixed-up offspring, as mentioned in the Bariatha above.
- (18) For even in our case, even a person who is certainly a priest cannot eat a firstling nowadays unless it is blemished.
- (19) A firstling therefore which belongs to us, i.e., to a genuine priest, is given to the priest for sacrifice, whereas theirs i.e., a firstling belonging to the mixed-up offspring must pasture until blemished. For although even a priest is required to carry out the law of a firstling, here the firstling must be left to pasture, because in the case of any other priest who set aside a firstling, there is no loss, as he himself offers it up and eats the flesh, but in the case mentioned by the Baraitha above, if the firstling is offered up, then no-one can eat it, since one of the offspring is not a priest but a slave and only a priest can eat a firstling unblemished in Temple times. Therefore the Baraitha above says a firstling must be left to pasture until blemished, for each one can say to the priest who claims, 'I am a priest and shall eat the firstling'.
- (20) I.e., that he may sell it alive in its unblemished state even in Temple times.
- (21) Therefore he can retain the firstling, saying, 'perhaps I am a priest and I have therefore a prior claim, and do not wish to give it to another priest, but shall wait till I am able to eat it'.
- (22) And give it to a genuine priest, since the priest has no claim on the firstling till it is brought to the altar. This shows that even in Temple times the priest has a claim on the unblemished firstling, for we are undoubtedly dealing here with an unblemished animal, since the Baraitha says it is left to pasture, etc., which contradicts R. Abbuha.
- (23) And therefore the firstling is left to pasture, for it is unfit for sacrifice and the priest has a claim upon it while it is alive.
- (24) For although blemished and permissible to be eaten by non-priests, it must be given to the priests, otherwise it would be stealing the priestly due.
- (25) In the case mentioned in the Baraitha above, where one of them is certainly a priest.
- (26) And it is not stealing what is due to the priest, for each one of the mixed-up persons can claim, 'I am a priest' and since there is a doubt concerning money, the claimant must bring the necessary evidence to prove his case.
- (27) As in the case in the Baraitha above, where there was a mixing-up between the offspring of a priestess and her slave.
- (28) Persons of uncertain priesthood, as mentioned in the Baraitha above.
- (29) The firstling.
- (30) We therefore see that a priest may sell an unblemished firstling alive in Temple times, contrary to the opinion of R. Nahman in the name of R. Abbuha above.
- (31) We have no option but to surrender a Firstling even blemished, otherwise it would be robbing the priestly due.
- (32) And therefore they retain the firstling.
- (33) Deut. XIII, 16; in connection with an apostate city which is totally destroyed on account of its inhabitants worshipping idols.
- (34) The text 'And the cattle etc.' implies that one's own cattle is destroyed where there is no part which belongs to heaven (the Sanctuary), unlike the case of a firstling and tithes.

- (35) This will represent the view of the teacher who maintains that the second tithe is money which belongs to heaven; v. Sanh. 112b.
- (36) And as there is no Beth din of such a character in existence to-day, the law of an apostate city is inoperative.
- (37) Or the tithed animal.
- (38) Where the animal belongs entirely to a person and heaven has no share in it. Here, too, where a priest eats the firstling and an Israelite his tithe, there is no element which belongs to heaven.
- (39) Therefore the exclusion of a firstling is derived from the text 'The cattle thereof' and not from the text 'The spoil of it', since it is not altogether the spoil of heaven, as the priest has a claim upon it.
- (40) To exclude the case of a firstling and tithes from the law of an apostate city.
- (41) Since therefore we exclude the case of a firstling and an animal tithed from the text 'The cattle thereof', this proves that the priest has a claim on the firstling. This will therefore raise a difficulty for the ruling of R. Nahman in the name of R. Abbuha, for we see here that an unblemished firstling may be sold in Temple times.
- (42) In which there is no share for heaven and which therefore should be burnt in fire.
- (43) Why therefore do we exclude the case of a firstling and an animal tithed?
- (44) Where the animal belongs entirely to the owner.
- (45) In order to fetch more money and we do not consider this degrading holy things.
- (46) Therefore for the extra benefit in favour of the owners, we do not allow selling in the market and by the pound of a firstling, v. Bek. 32a, Bez. 28a. Hence a firstling and tithed animal are spared in an apostate city.
- (47) Lev. V, 21.
- (48) That if one deposited dedications of a minor grade of holiness with his neighbour, and the latter denied the deposit, took a false oath and subsequently confessed, he has to pay the principal plus a fifth as a fine, also to bring an offering on account of the false oath.
- (49) And we can therefore apply the text mentioned in this connection: 'And lie unto his neighbour'.
- (50) Which are certainly considered his money, but the case is not the same with regard to an animal tithed, for one cannot sell it either alive, slaughtered, unblemished or blemished.
- (51) Where a priest deposited his firstling with another, the latter denying the deposit, taking an oath and then confessing. He pays the principal together with the fine of a fifth and brings a trespass-offering, the reason being because a priest can sell a firstling alive unblemished and it is therefore considered his money (R. Gershom).
- (52) And the peace-offering cannot be brought nowadays.
- (53) For as regards a firstling and a priest, we can make a distinction between an unblemished and a blemished animal, as in the former case one might say that the priest has no claim on it until the time of offering it up on the altar, whereas in the latter case the priest might claim it immediately, as the animal is unfit for sacrifice. But with reference to a peace-offering, one cannot say that the owner has a claim on the animal from the time of its burning and therefore there is no distinction between an unblemished and a blemished peace-offering, in each case the owner having a claim on it alive.
- (54) And we impose a trespass-offering for one who denied a deposit of the firstling with a false oath. We see therefore that it is regarded as the priest's money.
- (55) And therefore we can apply the text, 'And lie unto his neighbour', the firstling being considered his own money. Hence we see that an unblemished live firstling may be sold in Temple times, contrary to the opinion of R. Abbuha reported by R. Nahman above.

Talmud - Mas. T'murah 8b

Said [Rabina]:¹ One may still say that we are dealing with an unblemished firstling² and we are alluding here to a firstling outside the Holy Land,³ and [the Tanna of this Baraita] is R. Simeon who Says: If unblemished firstlings came from outside Palestine they may be offered up.⁴

An objection was raised: R. JOHANAN B. NURI SAID TO HIM: GRANTED THAT ONE HAS NO POWER TO EXCHANGE A SIN-OFFERING AND A GUILT-OFFERING SINCE [PRIESTS] HAVE NO CLAIM ON THEM WHILE [THE ANIMALS] ARE ALIVE, CAN WE SAY THAT THE SAME APPLIES TO A FIRSTLING WHERE [THE PRIEST] HAS A CLAIM ON IT WHILE IT IS ALIVE? Now what case is here referred to? Shall I say it is the case of a blemished animal?

But [the Mishnah] compares a firstling with a sin-offering and a guilt-offering?⁵ Then you must say that the case is that of an unblemished animal, and it states: THEY HAVE A CLAIM ON THE FIRSTLING ALIVE!⁶ — Said Rabina: Here too⁷ the case is of a firstling outside Palestine,⁸ and [the Tanna of this Mishnah] is R. Simeon who says: If they came unblemished, they are offered up.

Shall we say that Tannaim differ on that point?⁹ [For it was taught:] ‘With a firstling in the house of the owners there can be effected an exchange, but there can be no exchange effected when in the house of a priest. R. Simeon b. Eleazar Says: Since it comes into the house of a priest, there can be no exchange effected’. But is not this¹⁰ the identical opinion of the first Tanna? Then must you not say that the first Tanna means this: In the house of a priest the priest alone can effect the exchange but not the owner, and consequently we see that the priest has a claim on the firstling?¹¹ — No. The difference of opinion here is the same as the difference of opinion between R. Johanan b. Nuri and R. Akiba. The first Tanna will hold the view of R. Johanan b. Nuri¹² whereas R. Simeon will hold the view of R. Akiba.¹³

Said R. Hisda: They have taught this¹⁴ only with regard to a case of a priest selling to a priest, but a priest is forbidden [to sell] to an Israelite. What is the reason? Lest an Israelite should go and cast a blemish on it [the firstling] and bring it to a [Sage] and say: ‘A priest gave me this firstling with its blemish’.¹⁵ But can a Sage permit it in such circumstances?¹⁶ Has not Rab said:¹⁷ One may not sell a firstling belonging to an Israelite unless the priest be present with him?¹⁸ — Said R. Huna the son of R. Joshua: The reason why it is forbidden [for a priest to sell] to an Israelite¹⁹ is because this appears similar to the case of a priest who assists in the threshing-floor.²⁰

Mar Zutra once visited R. Ashi. They²¹ said to him: ‘Let the Master partake of something’. They set meat before him. They said to him: ‘Let the Master eat it because it is healthy²² for it comes from a firstling’. He [Mar Zutra] asked them: ‘How did you get this?’²³ They answered him: ‘A certain priest sold it to us with its blemish’. He said to them: ‘Do you not hold with what R. Huna the son of R. Joshua said: ‘Because²⁴ this appears similar to the case of a priest who assists in the threshing-floor’? — They replied to him: ‘We do not hold this opinion, since we have indeed bought [the firstling]’.²⁵ He said to them: And do you not hold what we have learnt: How long is an Israelite required to look after a firstling?²⁶ In the case of small cattle, thirty days and in the case of large cattle, fifty days. If the priest said to the Israelite, ‘Give it to me within this period’, the Israelite must not give it to him. And R. Shesheth said:²⁷ Now what is the reason?²⁸ Because it appears similar to the case of a priest who assists in the threshing floor!²⁹ — They replied to him: ‘There,³⁰ the thing is obvious,³¹ whereas here, we do indeed buy it’.

Another version: They replied to him [Mar Zutra]: There,³² he does not give any money but here,³³ money was paid. Perhaps you will still say that the priest lowers the price to him,³⁴ thinking to himself, ‘When the Israelite has another firstling, he will give it to me’. No,³⁵ for he will rather reflect

(1) So Sh. Mek.; cur. edd. Abaye.

(2) And there is no difficulty as regards R. Nahman's opinion, for the reason why the priest has a claim on the firstling alive is as follows.

(3) Which usually is not destined for sacrifice even in Temple times. It is however compared with a peace-offering, since if one desires, it is fit to be offered up.

(4) I.e., only if they are brought, but they are not to be brought directly. Now since we must not directly bring these unblemished animals to be offered up, therefore they are considered his own money and he can sell them alive, but a firstling of a priest which is destined for sacrifice may not be sold according to R. Abbuha, as the priest has no claim on it alive.

(5) And the sin-offering etc. referred to are unblemished animals, for the Mishnah states that the priest has no claim on them while alive, but has a claim after they are slaughtered. Hence we see that we are dealing with animals which are fit

for sacrifice.

(6) Contrary to the view of R. Abbuha reported by R. Nahman above.

(7) In the Mishnah just quoted.

(8) Therefore the firstling is considered his own money and he has the power to make a substitute, but with a firstling of the Holy Land which is destined for sacrifice you cannot make a substitute, since he has no claim on it alive, as R. Abbuha holds.

(9) Whether a priest has a claim on an unblemished live firstling in Temple times or not.

(10) That no exchange can be effected with a firstling in a priest's possession.

(11) And since the priest has the power to effect an exchange he can also sell it, unlike the opinion of R. Abbuha. R. Simeon, however, says that the priest cannot effect an exchange with a firstling in his possession and therefore he may not sell it, the reason being because he has no claim on it alive, which is the opinion of R. Abbuha. We see therefore that these two Tannaim differ as regards R. Abbuha's ruling reported above.

(12) Who says that a priest can effect an exchange with a firstling because he has a claim on it alive, since as we have explained above, the Mishnah deals with a firstling outside Palestine, which is usually not destined for sacrifice.

(13) That although the priest has a claim on the firstling alive, he cannot effect an exchange, as we infer from an analogy (v. Rashi, first version).

(14) That an unblemished firstling alive may be sold even in Temple times.

(15) Whereas in the case of a priest selling to a priest one cannot say this, since a priest who brings a firstling to show it to an expert is required to bring witnesses that a blemish befell it of itself, as priests are suspected of maiming firstlings in order to eat them.

(16) Even if there is a permanent blemish, can the expert permit the use of the firstling without the priest being in attendance?

(17) Bek. 36a: 'Rab Judah'.

(18) For fear lest if the Israelite learnt from the expert that the blemish was a permanent one and that there was thus no fear of holy things being eaten without the Temple walls, he will eat it and will disregard the fact that he would be robbing the priest of his due. Therefore a priest is required to be present with the Israelite and the latter cannot then say, 'A priest gave me this firstling with its blemish', for we say to him, 'Produce the priest who gave it to you', and so long as he does not do so, we do not allow the use of the firstling. Another explanation (R. Gershom): If you permit a priest to sell a firstling to an Israelite, the Israelite might detain the firstling among the herd till a blemish occurs to it and he then say: 'A priest has sold me this firstling with its blemish', thus evading his duty to the priest.

(19) An unblemished firstling; for all the authorities concerned agree that a blemished firstling may be sold (Wilna Gaon). Now a firstling of nowadays is usually sold at a lower price, for the purchaser is compelled to wait till the animal is blemished before he can eat it.

(20) To winnow or bind the sheaves. Now this is forbidden, for it looks as if the priest is helping in order to receive the reward of terumah. Similarly, if a priest sells an unblemished firstling to an Israelite at a lower price (and still more if he makes him a present of it), it appears as if he does so in order to receive all the future firstlings born in the herd of the Israelite.

(21) Those waiting on him.

(22) More fat than other flesh (R. Gershom).

(23) Seeing you are not priests.

(24) That the reason why a priest may not sell an unblemished firstling to an Israelite is because etc.

(25) And have not received it as a gift. Consequently we do not consider that it is on a par with the case of a priest who assists in the threshing-floor.

(26) To rear it before giving it to the priest.

(27) V. Bek. 26b.

(28) Why cannot an Israelite give the firstling to the priest within the period specified above.

(29) It might appear that the reason why the priest is taking the firstling from the Israelite before the time of its tending expires, thus relieving the Israelite of further trouble with the animal, is because the priest expects him to give him future firstlings. We see therefore that there is a Mishnah holding this reason in the case of assisting in the threshing-floor.

(30) In the case of a priest who asks for the firstling from the Israelite before the time for its tending has terminated.

(31) That it is in consideration for letting him have future firstlings.

(32) In the case of the priest who relieves the Israelite of the firstling, before the specified period mentioned above.

(33) In the case of the firstling whose flesh was placed before Mar Zutra to eat.

(34) In order that the Israelite might give future firstlings to this priest and not to any other.

(35) He will not do so.

Talmud - Mas. T'murah 9a

that a young pumpkin [now] is better than a full-grown pumpkin [to-morrow].¹

MISHNAH. ONE CAN EFFECT AN EXCHANGE WITH SMALL CATTLE FOR OXEN AND WITH OXEN FOR SMALL CATTLE; WITH SHEEP FOR GOATS AND WITH GOATS FOR SHEEP; WITH MALE [ANIMALS] FOR FEMALE [ANIMALS] AND WITH FEMALE [ANIMALS] FOR MALE [ANIMALS]; WITH UNBLEMISHED [ANIMALS] FOR BLEMISHED [ANIMALS] AND WITH BLEMISHED [ANIMALS] FOR UNBLEMISHED [ANIMALS], SINCE SCRIPTURE SAYS:² HE SHALL NOT ALTER IT NOR CHANGE IT, A GOOD³ FOR A BAD⁴ OR A BAD⁵ FOR A GOOD. WHAT KIND IS MEANT BY 'A GOOD FOR A BAD'?⁶ BLEMISHED ANIMALS WHOSE DEDICATION WAS PRIOR TO THEIR BLEMISH.

GEMARA. Whence is this proved?⁷ — Our Rabbis have taught: Scripture says, 'Beast for beast'; 'hence⁸ we infer that one can effect an exchange with small cattle for oxen and with oxen for small cattle; with sheep for goats and with goats for sheep; with male [animals] for female [animals] and with female [animals] for male [animals]; with blemished [animals] for unblemished [animals] and with unblemished [animals] for blemished [animals]. One might think that this is so even if they had a permanent blemish prior to their dedication? The text therefore States: 'He shall not alter it nor change it, a good for a bad or a bad for a good'. What kind is meant by 'a good for a bad'? Blemished animals whose dedication was prior to their blemish [but⁹ not where the blemish was prior to their dedication]. How is this implied [in the Scriptural text]?¹⁰ — Said Abaye: Let Scripture say, 'He shall not alter it nor change it, a good for a bad or a bad for it'.¹¹ What need is there for the second text, 'a good'? Deduce therefore from here that only if the animal is originally 'good'¹² the exchange takes effect.¹³ , but the exchange takes no effect in respect of an animal originally 'bad'.¹⁴ Raba says: Both the expressions 'a good' are indeed superfluous.¹⁵ [Scripture] might simply have written: 'He shall not alter it nor change it¹⁶ for a bad or a bad for it'.¹⁷ What need is there then for both the expressions 'a good'? One 'a good' teaches us that even if one exchanges a good [animal] for a good [one], there is the punishment of lashes for substituting, and the other 'a good' teaches us that exchange takes effect only when the animal was 'good' originally, but where it was originally 'bad', exchange takes no effect. And whence will Abaye [derive¹⁸ that it is forbidden to exchange a good for a good]?¹⁹ — He holds that it is derived a minori. If where 'a good' [an unblemished hullin] is exchanged for 'a bad' [a blemished animal], in which case an improve is effected,²⁰ the punishment of lashes is inflicted, how much more so should there be the punishment of lashes if one exchanges 'a good' for 'a good', which are alike [in holiness]! And Raba?²¹ — An offence established by inference [from minor to major] is not punishable.²² And Abaye? — He can answer you thus: This²³ is no conclusion from [minor to major, but²⁴ is merely an intimation of a thing];²⁵ for is the case of 'a good' [an unblemished consecrated animal] worse than the case of 'a bad' [blemished animal]?²⁶

Our Rabbis taught: 'He shall not alter it'²⁷ [for hullin]²⁸ belonging to others.²⁹ 'Nor change it' [for hullin] belonging to himself. But let it write [simply]: 'He shall not alter it' and there will then be no need for the expression 'nor change it'? If it had written so, I might have said that where [the intention is for the original animal] to lose its holiness and the [substituted one] to acquire holiness,³⁰ there is the punishment of lashes, but in the case of exchanging [the consecrated animal for his own hullin], where [if he wishes] he can consecrate both,³¹ I might have thought there is no punishment of lashes. [Scripture] therefore informs us [that it is not so].³²

As to the expression, '[for hullin] belonging to others', how is this to be understood? Shall we say [that it means] his own consecrated animal and hullin belonging to another? But can he consecrate [hullin in such circumstances]?³³ The Divine Law says: When a man shall sanctify his house to be holy unto the Lord.³⁴ Just as his house is his own possession, so everything³⁵ must be in his possession! Again if the case then is of a consecration belonging to another and his own hullin,³⁶ can one cause the substitution³⁷ of a thing which is not his? — One can still maintain that the case is of a consecrated animal belonging to another person and his own hullin and when e.g., the owner of the consecrated animals says: 'Whoever wishes to exchange with this animal may come and do so'.³⁸ MISHNAH. ONE CAN EFFECT AN EXCHANGE WITH ONE [HULLIN] FOR TWO [CONSECRATED ANIMALS],³⁹ AND WITH TWO [HULLIN] FOR ONE [CONSECRATED ANIMAL]; WITH ONE [HULLIN] FOR A HUNDRED [CONSECRATED ANIMALS] AND WITH A HUNDRED [HULLIN] FOR ONE [CONSECRATED ANIMAL]; R. SIMEON, HOWEVER, SAYS: NO EXCHANGE CAN BE EFFECTED EXCEPT WITH ONE [HULLIN] FOR ONE [CONSECRATED ANIMAL], FOR IT SAYS: 'THEN IT AND THE EXCHANGE THEREOF SHALL BE HOLY', THUS TEACHING US THAT JUST AS 'IT' [THE CONSECRATED ANIMAL] IS ONLY ONE,⁴⁰ SO [ITS SUBSTITUTE] ALSO MUST BE ONLY ONE.

GEMARA. Whence is this proved? — Our Rabbis taught: [Scripture says:] 'Beast for beast'. Hence we infer⁴¹ that one can effect an exchange with one [hullin] for two [consecrated animals] and with two [hullin] for one [consecrated animal]; with one [hullin] for a hundred [consecrated animals] and with a hundred [hullin] for one [consecrated animal]. R. Simeon, however, says: One cannot effect exchange except with one [hullin] for one [consecrated animal], since it Says: 'Beast for beast', [implying] but not beast for beasts or beasts for beast. They⁴² said to him: We find [in the Scriptures] that beasts are also called behemah,⁴³ since it says: And also much cattle [behemah].⁴⁴ And what does R. Simeon say to this? — Many animals are described as behemah rabah [much], but not simply as behemah.⁴⁵

But is R. Simeon's reason⁴⁶ because of the expression 'beast'? Is not the reason of R. Simeon because of the expression 'it', [his reasoning being] just as 'it' is only one, so its [substitute] must be only one?⁴⁷ — At first, R. Simeon said to them that his reason was based on the text, 'Then it and the exchange thereof'. When he saw, however, that the Rabbis interpreted the text 'beast for beast', he said to then: 'I also can derive the reason for my ruling from the same source

Said Resh Lakish: R. Simeon agrees⁴⁸ that one can effect an exchange repeatedly.⁴⁹ What is the reason? — For where has the holiness of the first dedicated animal gone?⁵⁰ But R. Johanan says: Just as one cannot effect an exchange with two hullin for one [consecration], so one cannot effect an exchange repeatedly [with the same animal].

There is a teaching in agreement with R. Johanan; there is a teaching in agreement with Resh Lakish. 'There is a teaching in agreement with R. Johanan': Just as one cannot effect an exchange with one hullin for two [consecrations], so one cannot effect an exchange repeatedly. There is a teaching in accordance with the opinion of Resh Lakish: One might have thought that just as R. Simeon holds that one cannot effect an exchange with two [hullin] for one [consecrated animal], so one cannot effect an exchange repeatedly. The text therefore states: 'Then it and the exchange thereof', implying, even for a hundred [animals of hullin].⁵¹

R. Abin asked: How is it according to the authority who says⁵² that one cannot effect an exchange repeatedly, if he set aside a guilt-offering with which to obtain atonement and made an exchange for it,

(1) The priest would rather sell the firstling for its equivalent value, for fear that if he were to reduce its price, he may

- after all not gain anything by it, as he may not receive the future firstlings. The additional gain of the moment will appeal to him more than the uncertain prospects of future gain.
- (2) Lev. XXVII, 10.
- (3) An unblemished animal of hullin (unconsecrated) must not be substituted.
- (4) A blemished consecrated animal. We therefore see that the law of substitute applies to consecrated blemished animals.
- (5) Thus 'a bad' i.e., a blemished hullin may be exchanged for 'a good' i.e., an unblemished consecrated animal. This shows that substitution has effect on a blemished animal.
- (6) Which are subject to the law of substitute.
- (7) The various rulings mentioned in the Mishnah.
- (8) From the repetition of the word 'beast'.
- (9) Inserted with Sh. Mek.
- (10) That there is a difference as regards the law of exchange where the blemish occurs before dedication.
- (11) And we could infer: Or a bad hullin could not be exchanged either for 'a good' or for 'a bad' consecrated animal.
- (12) Unblemished when consecrated, a blemish occurring to it subsequently.
- (13) The substitute becoming sacred.
- (14) I.e., blemished when consecrated.
- (15) For the purpose of deducing that a permanent blemish prior to consecration does not permit of an exchange taking effect.
- (16) Which would have implied 'a good' i.e., an unblemished animal, since the text later on says 'for a bad' i.e., a blemished one.
- (17) 'A bad' (unconsecrated blemished animal) must not be exchanged for it i.e., 'a good' (unblemished) or a bad (blemished) consecrated animal.
- (18) Inserted with Sh. Mek.
- (19) Since according to him there is only one superfluous 'a good'.
- (20) As a better animal is being substituted for the dedicated blemished animal.
- (21) Since there is an a minori conclusion, what need is there for an extra 'a good'?
- (22) But it must be stated positively and therefore the text is required to derive the case of one exchanging 'a good' for 'a good'.
- (23) The ruling that it is forbidden to exchange 'a good' for 'a good'.
- (24) Inserted with Sh. Mek.
- (25) It is naturally implied and there is no need for a specific interpretation.
- (26) If it is forbidden to substitute an unblemished animal for a blemished one it is obvious that the same applies if the animal for which substitution is made is 'a good' (unblemished one), for Scripture is only concerned that no exchange should be made with something which is holy.
- (27) **לֹא יִחַלְפֵנוּ**
- (28) So R. Gershom.
- (29) The word **חֵלְפוֹ** indicates that the exchange concerns two people.
- (30) Although the exchange does not succeed in removing holiness from the unblemished consecrated animal, he is nevertheless punished with lashes, for his intention was to release it from its sanctity.
- (31) So R. Gershom. The passage about 'others' is subsequently explained in the Gemara.
- (32) That even if the substitution was for his own animal of hullin, he incurs the punishment of lashes.
- (33) Where it does not belong to him.
- (34) Lev. XXVII, 14.
- (35) In order to receive holiness.
- (36) And he said: This hullin of mine shall be a substitute for that man's dedication.
- (37) Lit., 'cause to seize'.
- (38) In such circumstances the Biblical text informs us that the substitute is sacred although there is a prohibitory law against the act.
- (39) By saying: This animal shall be exchanged for these two dedications.
- (40) Since the text says: 'It', thus alluding to only one.
- (41) Because the word behemah (beast) is repeated (Sh. Mck.).

- (42) The disputants of R. Simeon.
 (43) The term used in the text denoting beast.
 (44) Jonah IV, 11.
 (45) The word behemah therefore by itself denotes only one animal.
 (46) Why he holds in the Mishnah that exchange can only be effected with one hullin for one consecrated animal.
 (47) As stated in the Mishnah.
 (48) Although he holds in the Mishnah that exchange cannot be effected except with one hullin for one consecrated animal.
 (49) The same dedicated animal can be exchanged again and again with different animals. Lit., 'one has power to exchange and again to exchange'.
 (50) So that another animal should be able to receive holiness, even up to a thousand, since Scripture declares: 'Then it and the exchange thereof shall be holy'.
 (51) The substitutions are sacred.
 (52) V. infra 13b.

Talmud - Mas. T'murah 9b

and it became blemished and he redeemed it for another¹ [which became lost], and he obtained atonement through another guilt-offering, and [the lost animal was then found] and it was [automatically] transformed into a burnt-offering?² What is the ruling as regards making an exchange for it?³

Said Abaye: What is [R. Abin's] inquiry? If it [the inquiry] is concerning two bodies and one kind of holiness,⁴ why not put the question without stating that he obtains atonement?⁵ If the inquiry is concerning two kinds of holiness and one body,⁶ why not put the question without stating that the first animal became blemished?⁷ — And R. Abin?⁸ — His question is really in the form of one inquiry arising out of another [as follows]: And if you will adopt the opinion that there can be no [exchange] in a case of two bodies and one kind of holiness, since [an animal] has already been once exchanged in that holiness, what of two bodies and two kinds of holiness?⁹ — Let it stand undecided.

Another version: R. Abin inquired, According to the opinion of R. Johanan who holds that one has no power to exchange repeatedly [the same dedicated animal], if he set aside a guilt-offering with which to obtain atonement and exchanged it, and after [the first animal] became blemished he redeemed it for another, what is the ruling as regards exchanging again [this second guilt-offering]?¹⁰ Or,¹¹ if he obtained atonement through another guilt-offering¹² and the [first guilt-offering] was transformed into a burnt-offering,¹³ what is the ruling as regards changing it again?¹⁴

Said Abaye: What is [R. Abin's main inquiry]? If as regards [the exchange] of another kind of holiness but in the same body, then there is no need to mention that he redeemed it [for another].¹⁵ If as regards [the exchange] of another body in the same kind of holiness,¹⁶ then there is no need to mention the atonement through another guilt-offering. And R. Abin? — His [question] is really one inquiry arising out of another: If [the guilt-offering] became blemished and he exchanged it and redeemed it for another, what is the ruling as regards exchanging it again? Do we say that there is no further exchange only with regard to the first guilt-offering but with a separate body [animal], though it remains in the same kind of holiness [of a guilt-offering], there can again be an exchange? Or, perhaps, all animals in the same kind of holiness cannot be exchanged again? And if you will adopt the opinion, that since this other body remains in the same holiness, there can be no further exchange, then if he obtained atonement through another guilt-offering and the first guilt-offering was transformed into a burnt-offering, what is the ruling as regards exchanging it again? Do we say that we hold that one cannot exchange again only with reference to the same body [animal] in the

same kind of holiness,¹⁷ but the same body possessing another kind of holiness can be changed again? Or, perhaps, although there is another kind of holiness, since it is the same body, there can be no exchange again? — Let it remain undecided.

Said R. Joshua b. Levi.¹⁸ One adds a fifth¹⁹ for the first dedication but not for the second dedication.²⁰ Said R. Papa: What is the reason of R. Joshua b. Levi? Scripture says: And if he that sanctified it will redeem his house then he shall add the fifth part of the money,²¹ the text saying, 'he that sanctified', implying, but not one who causes holiness [to an animal through another dedicated animal].²² R. Abin inquired: If one set aside a guilt-offering to obtain atonement and [after] it became blemished [he redeemed it for another animal], added a fifth and obtained atonement through another guilt-offering,²³ and [the first guilt-offering] was transformed into a burnt-offering,²⁴ what of adding a fifth to it?²⁵ — Said Abaye: What is [R. Abin's] main inquiry?²⁶ If the inquiry is [as regards adding a fifth for the redemption] of two bodies and one kind of holiness, then why not make the inquiry without mentioning that he obtained atonement?²⁷ And if the inquiry is [as regards] two kinds of holiness and one body, then why not formulate an inquiry without mentioning that [the first animal] became blemished?²⁸ And R. Abin? — His inquiry is really one question arising out of another. If you will adopt the opinion that there is no fifth added [when redeeming] in the case of two bodies and one kind of holiness, since a fifth has already been once added in that holiness, what is the ruling as regards two bodies and two kinds of holiness? — Let it stand undecided.

Another version: R. Abin inquired: If one set aside a guilt-offering to obtain atonement through it and after it became blemished, he redeemed it for another, [what²⁹ is the ruling as regards] adding a fifth?³⁰ [Or,]³¹ if he obtained atonement through another guilt-offering, and [the first animal being found] was transformed into a burnt-offering,³² what is the ruling as regards adding a fifth?³³ — Said Abaye: Which is the main inquiry [of R. Abin]? If his inquiry relates to another kind of holiness but in the same body, then what need is there to mention that the [first] guilt-offering became blemished [and he redeemed it for another]? If it relates to [another] body in the same holiness, [then³⁴ what need is there to mention that he was atoned for through another guilt-offering]? And R. Abin? — His inquiry is really one question arising out of another question [as follows]: If it became blemished and he redeemed it for another, what is the ruling as regards adding a fifth?³⁵ Is it only in redeeming the first guilt-offering that one does not add a fifth but in the case of [another]³⁶ body, although it remains in the same kind of holiness, one adds³⁷ a fifth [in redeeming it, if blemished]?

(1) Which in turn became the second guilt-offering.

(2) For the law is that an animal dedicated for a guilt-offering whose owner has otherwise obtained atonement, is usually destined to be used as a communal burnt-offering.

(3) Do we say that as an exchange took place for the first guilt-offering, there cannot be another exchange made for the second guilt-offering now found, for it would be like making a number of exchanges for the same animal, which according to the view of the authority on whose behalf we are propounding this question, is not permissible; or, since the second guilt-offering is another animal altogether and it receives a different kind of holiness, do we say that there can therefore be an exchange made, for in the case of the first animal it was a guilt-offering which was exchanged and we are considering now the exchange of a burnt-offering.

(4) And the question will then be: Shall we say that since there is another body i.e., a different animal, therefore it can be exchanged or, perhaps, since there is the same holiness, there can be no further exchange.

(5) Let R. Abin state his inquiry as follows: One separated his guilt-offering and exchanged it and the first animal became blemished and was redeemed for another. What of exchanging this last animal? Shall we say since it is a different body, i.e., a different animal, there can therefore be a second exchange, or perhaps since the last animal comes in place of the first and has the same kind of holiness, both being a guilt-offering, there can be no exchange again.

(6) I.e., where one set aside a guilt-offering and exchanged it, and the first animal was lost and he obtained atonement through another guilt-offering, and the first guilt-offering was then found and is now regarded as a burnt-offering. Here we have, with reference to the first animal, one body with two kinds of holiness, and the question is, since there is here only one body, can exchange be effected again.

- (7) And was subsequently redeemed, for the inquiry can be formulated without these conditions.
- (8) What exactly is the nature of his inquiry which calls for all the circumstances which he enumerates.
- (9) When e.g., the second guilt-offering was lost and he obtained atonement through a different animal, the second guilt-offering becoming a burnt-offering after being found. What of the second guilt-offering as regards exchanging? Do we say since it was brought in virtue of the first, there can therefore be no exchange, or, as it is a different animal with a different kind of holiness, there can be exchange?
- (10) Do we say that as it was brought in the place of the first guilt-offering, as the first animal has once been exchanged, there can be no further exchange, or else, as it is a different animal, there can be a further exchange?
- (11) V. Sh. Mek.
- (12) Where the first animal did not become blemished and was not redeemed but was lost and the owner brought a second guilt-offering.
- (13) According to the law.
- (14) This burnt-offering. Now according to this version there will not be any reference to two kinds of holiness and two bodies, and there will really be here two inquiries (Rashi.)
- (15) It would be sufficient to formulate the inquiry as follows: He set aside a guilt-offering which he exchanged, the first animal became lost and he obtained atonement through another guilt-offering. The first guilt-offering was then found and automatically became a burnt-offering, and the question was as regards making exchange again with the same animal which has now received another kind of holiness.
- (16) Whether there can be a further exchange of the second animal possessing the same kind of holiness as the first, i.e., when the guilt-offering was exchanged, became blemished and was redeemed for another.
- (17) The same animal all the time, without a change to a different kind of holiness.
- (18) B.M. 54b.
- (19) When redeeming a dedication.
- (20) When e.g., the first animal became maimed and he redeemed it for another, this second animal being described as a second dedication. A substitute animal would be a second dedication.
- (21) Lev. XXVII, 15.
- (22) As in the case of a substitution, where the animal exchanged is not itself dedicated and only becomes holy by reason of exchange.
- (23) The first guilt-offering was then found.
- (24) In accordance with the rule that if an animal has been dedicated for a guilt-offering and the owner has obtained atonement through another, the original animal is changed into a burnt-offering.
- (25) Would it be regarded as a second dedication, although it is the same animal, so that if it became blemished, there would be no need to add a fifth.
- (26) For the present, R. Abin's words have no reference to the case of two bodies and two kinds of holiness, but he divides his inquiry into two parts, the first part being where there are two bodies and one kind of holiness, and the other, where he obtained atonement through another guilt-offering, i.e. where the first guilt-offering was not maimed but was lost and the owner obtained atonement through another guilt-offering. The first guilt-offering was then transformed into a burnt-offering and we have, as a result, two kinds of holiness but in one body (Rashi). Therefore Abaye's query is: What is etc.
- (27) Through another guilt-offering. He need only state that the first guilt-offering became blemished, he redeemed it for another and added a fifth in redeeming, since there can be no redemption of an unblemished animal which is fit for the altar. The second animal in turn became blemished and the inquiry will therefore be as follows: Do we say that since the second animal possesses the same kind of holiness as the first, there cannot be the addition of the second fifth in redeeming, as it is a second dedication? Or, perhaps, since they are two separate bodies (animals) he adds a fifth when he redeems the second blemished guilt-offering? R. Joshua's dictum will therefore only apply in the case where one dedicated a blemished animal for Temple repairs and redeemed it for another blemished animal, no change being brought about, as both are blemished. In redeeming therefore the second animal, we say it is a second dedication and therefore a fifth is not added when redeeming. But in our case, where we redeem a blemished guilt-offering for an unblemished one which is fit for the altar, we consider this second animal a first consecration, since the first guilt-offering was only useful for its value alone, whereas the second animal is suitable for the altar. It is therefore a fresh consecration, requiring the addition of a fifth should it become blemished and be redeemed (Rashi).
- (28) Before it became lost, and the case here is where the guilt-offering became lost, and he set aside another

guilt-offering and obtained atonement through it. The first animal then becomes a burnt-offering. What is then the ruling? Do we say it is a second dedication, since the owner obtained atonement through another and this first animal is considered as subsidiary to it and, consequently, if it became blemished, there will be no need for the adding of a fifth in redeeming, or not?

(29) V. Wilna Gaon Glosses.

(30) If the second animal became blemished and was redeemed.

(31) Inserted with Sh. Mek.

(32) In accordance with the law.

(33) If it became blemished and was redeemed.

(34) Inserted with Z.K.

(35) If it became blemished and he redeemed it.

(36) Inserted with Z.K.

(37) V. Sh. Mek.

Talmud - Mas. T'murah 10a

Or perhaps, all [dedications] of the same holiness do not require the addition of a fifth?¹ And if you will say that since this [other] body [animal] remains in the same holiness, there is no addition of a fifth, then if [the owner] obtained atonement through [a guilt-offering] and the first [automatically] was transformed into a burnt-offering,² what is the ruling? [Do we say that] one does not add a fifth only in the case of the same body possessing the same holiness, but where there is another holiness,³ it is not so? Or, perhaps, since it is the same body,⁴ one is not required to add a fifth? — Let it remain undecided.

Rami b. Hama inquired: Is the consecrator required to add a fifth [when redeeming], or is the one who is atoned for required to add a fifth?⁵ — Said Raba: Scripture says, And if he that sanctified it will redeem his house:⁶ 'He that sanctified', but not the person who is atoned for.

Rami b. Hama inquired: Can a consecrator effect an exchange, or the one for whom atonement is obtained? — Said Raba: [Obviously the person for whom atonement is made has power of effecting exchange, for if only the consecrator has power of effecting exchange],⁷ then we find that a congregation or partners have power of effecting exchange when, e.g., they charge an agent to dedicate?⁸ And moreover R. Nahman reported: Huna informed me: It has been taught, Scripture says: And of his offering unto the Lord for his separation, beside that his hand shall get.⁹ Now is the offering of a nazirite according to his pecuniary means?¹⁰ How then are we to explain this? The words, 'His offering unto the Lord for his separation' refer to where he is able to set aside [the prescribed offering] from his own [means]. The words, 'Beside that his hand shall get' refer to where others set aside [the prescribed offering].¹¹ For what practical ruling?¹² Shall I say with reference to atonement?¹³ Surely it is obvious that he obtains atonement [with another sacrifice] seeing that they give it to him as a gift! Then must you not say that it is with reference to making exchange, and [the Baraitha above] means this: [Just as when he set aside an offering from his own means only he alone has power of effecting exchange],¹⁴ so if others set aside [an offering] on his behalf he alone can effect exchange?¹⁵ Deduce therefore from here that we go by the person for whom atonement is made!¹⁶ — No. One can still maintain that [the Baraitha above] refers to atonement, and as to your difficulty, do not [the others who set aside the offering] give it to him as a present? Had the Divine Law not included this in the text 'beside that his hand shall get', I might have thought that it is a Divine decree that [the nazirite] can obtain atonement only with an offering brought from his own means but not from that [set apart] by others, [although it is given to him as a gift]. The text ['beside that etc.'] therefore informs us [that it is not so]. What is the decision in the matter? — Come and hear: For R. Abbuha reported in the name of R. Johanan: He who dedicates [and wishes to redeem his dedication] must add a fifth. The exchange of one for whose atonement [an animal is dedicated] is sacred. If one separates [the priestly due] from his own [grain] for [the untithed grain] of his

neighbour the right of disposal belongs to him [who separates].¹⁷ What is the reason? Scripture says: All the tithes of thine increase . . . and hast given it, etc.¹⁸ MISHNAH. WITH LIMBS [OF HULLIN] NO EXCHANGE CAN BE EFFECTED FOR [DEDICATED] EMBRYOS,¹⁹ NOR WITH EMBRYOS [OF HULLIN] FOR [DEDICATED] LIMBS;²⁰ NOR WITH EMBRYOS AND LIMBS [OF HULLIN] FOR WHOLE [DEDICATED ANIMALS];²¹ NOR WITH WHOLE [ANIMALS OF HULLIN] FOR THEM. R. JOSE SAYS: WITH LIMBS [OF HULLIN] EXCHANGE CAN BE EFFECTED FOR WHOLE [DEDICATED ANIMALS],²² BUT NOT WITH WHOLE [ANIMALS OF HULLIN] FOR THEM.²³ SAID R. JOSE: IS IT NOT THE CASE IN RESPECT OF DEDICATIONS,²⁴ THAT IF ONE SAYS: 'THIS FOOT SHALL BE A BURNT-OFFERING, THE WHOLE [ANIMAL] BECOMES A BURNT-OFFERING? SIMILARLY, IF ONE SAYS, 'THIS FOOT SHALL BE INSTEAD OF THIS [WHOLE DEDICATED ANIMAL]', THE WHOLE [ANIMAL] SHOULD BECOME A SUBSTITUTE IN ITS PLACE.

GEMARA. It was stated: Bar Padda says, Dedication has no effect on embryos,²⁵ whereas R. Johanan says: Dedication has effect on embryos. And R. Johanan²⁶ follows the opinion he expressed elsewhere. For R. Johanan said: If one dedicates a pregnant sin-offering and it gave birth, if he wishes, he may obtain atonement through it [the mother], and if he wishes, he may obtain atonement through its offspring.²⁷ [And both statements of R. Johanan] are necessary. For if he had made only the first statement,²⁸ [I might have said] that here, where he dedicated

(1) Although the second guilt-offering is a different animal.

(2) V. Sh. Mek.

(3) Where, as here, the animal becomes a burnt-offering.

(4) The same animal, although now possessing a different holiness.

(5) For the rule is that only the owner adds a fifth in redeeming but not a stranger. Now if one set aside an offering on behalf of one's neighbour and it became blemished, who is considered the owner in respect of adding a fifth? Is the consecrator considered the owner and therefore the person for whom atonement is made does not require to add a fifth, as he is regarded as a stranger, or is the person for whom atonement is made considered the owner?

(6) Lev. XXVII, 15.

(7) V. Sh. Mek.

(8) For then it becomes a private offering to which exchange is applicable, and we have learnt that a congregation or partners are not competent to effect an exchange. Hence we can deduce from this that we go by the person for whom atonement is made, and in the case of a congregation or partners it is the congregation or partners who are making the exchange and consequently in this case no exchange will be effected.

(9) Num. VI, 21.

(10) Like the case of the sacrifice of higher or lower value, for the sacrifice of a nazirite is fixed and specified.

(11) Where he is unable at the moment to bring a sacrifice and meanwhile others separate one on his behalf.

(12) Is there need for the text to inform us concerning others setting aside an offering on his behalf.

(13) To teach us that one can obtain atonement by means of an offering which others have set aside.

(14) But not another.

(15) He can effect exchange but not the others.

(16) For we see that although others have set aside the offering, only the owner, for whose benefit it was, can effect exchange.

(17) V. supra 2b notes.

(18) Deut. XXVI, 12. Thus a person who gives and separates the tithes has the right to give them to the priest he chooses, and the privilege is not in the hands of the person on whose behalf the grain is tithed. We see, however, from R. Abbuha that the person for whom atonement is made can effect exchange and this is the answer to Rami b. Hama's query above.

(19) If a person said: 'Let the foot of this animal be exchanged for a dedicated embryo inside this animal', dedication has no effect on the limb.

(20) If one said: 'Let the embryo in the inside of this hullin be exchanged for the foot of this dedicated animal', the

embryo is not holy.

(21) If, for example, one said: 'Let this embryo or limb be exchanged for this whole dedicated animal', there is no exchange.

(22) If one says: 'Let the foot of this animal of hullin be exchanged for this dedicated animal', the exchange takes effect in regard to the limb and it spreads to the entire animal. Thus the whole animal becomes sacred and is offered up.

(23) For a limb of a dedicated animal has not the power to effect exchange.

(24) At the beginning when one dedicates.

(25) If one dedicates an embryo inside an animal, it is not holy to be offered up, and if he offered it up when it was born without a special dedication from its birth, he brings hullin to the Temple court. If, therefore, he separates a pregnant sin-offering, we do not consider it as a case of two sin-offerings set aside for security, for the embryo is sanctified by virtue of its mother and not on its own account, and therefore is regarded as the offspring of a sin-offering which is left to die. Similarly, as regards the matter of dedication, the embryo is regarded as the offspring of a dedication and not as a separate dedication.

(26) Who holds that dedication has effect on embryos.

(27) For we say that the offspring of sin-offerings is left to die only in the case where one set apart a sin-offering which became pregnant and gave birth, it being a Sinaitic law that the offspring in such circumstances is condemned to die (v. infra 21b). But where he set apart a pregnant sin-offering, the embryo is regarded as a different animal and therefore holiness attaches to it independently of its mother. We regard this as a case of one who sets apart two sin-offerings for security in which case he can obtain pardon with whichever one he chooses, the other being left to pasture. We thus see that holiness attaches to an embryo and no special dedication is required after its birth.

(28) That dedication has effect on an embryo.

Talmud - Mas. T'murah 10b

the embryo by itself, a dedication has effect on it, but there, where he dedicated the mother, it [the embryo] is included [in the dedication of the mother], and therefore it [the embryo] is not holy on its own account. And if he made only the second statement,¹ [I might have said] that there he dedicated it [the mother] and all connected with it [the embryo], but here where he dedicated it [the embryo], since it is not [emerged] outside, it is not holy.² [Both statements of R. Johanan] are therefore necessary.

Another version: What does [R. Johanan] inform us?³ That if one left over [the embryo]⁴, his act is valid⁵, and that an embryo is not considered as the thigh of its mother.⁶ But what need is there for the two statements [of R. Johanan]?⁷ — [Both] are necessary. For if the statement had been made in connection with this case only,⁸ [I might have said] that there, where the mother herself is fit [for dedication], since holiness attached to it [the mother], it also attached to the embryo. But in the other case,⁹ [I might have said] that it was not so. [R. Johanan] therefore informs us [otherwise].¹⁰ And if R. Johanan had stated the law only in this case,¹¹ [I might have said] that there the reason was because he expressly dedicated the embryo, but here¹² the case is otherwise. [Both statements of R. Johanan are therefore] necessary.

R. Zera was once sitting and repeating this tradition [of Bar [Padda]. R. Jeremiah raised an objection to R. Zera.¹³ What device does one adopt¹⁴ in connection with a firstling? If a pregnant animal was giving birth for the first time, one can say: 'Whatever is in the inside of this animal shall become a burnt-offering'. If now the animal gives birth to a male it is a burnt-offering.¹⁵ Consequently we see that an embryo is holy on its own account!¹⁶ — He [R. Zera] replied to him: This was taught with reference to a consecration for its value.¹⁷ But is a consecration for its value strong enough to release from the holiness of a firstling? — Yes. And we have learnt likewise: All dedications which have received a permanent blemish prior to their dedication and were redeemed, are subject to the law of the firstling¹⁸ and the priestly gifts.¹⁹ Now the reason why they are subject to the law of the firstling is because they were redeemed, but if they were not redeemed, they would be exempt from the law of the firstling. Consequently we see that a consecration for its value is

strong enough to release the holiness of a firstling.²⁰

He raised an objection: If one says, ‘Whatever is in the inside of this animal shall be a burnt-offering’, [the mother] may be shorn for its wool but must not be worked, because the embryo within is thereby weakened!²¹ — He said to him: Here²² too it is a case of consecration for its value. But is a consecration for its value strong enough to forbid [shearing and work of an animal]? — He replied to him: Yes. And we have learnt likewise: They²³ become hullin as regards shearing and working.²⁴ Now the reason is because they were redeemed, but before they were redeemed they must not be worked. Consequently we see that a consecration for its value makes it forbidden to work [the animal].

He [R. Jeremiah] raised an objection to him [R. Zera]. Our Mishnah says: WITH LIMBS [OF HULLIN] NO EXCHANGE CAN BE EFFECTED FOR [DEDICATED] EMBRYOS, NOR WITH EMBRYOS FOR LIMBS.²⁵ Now it says that one has no power to exchange with them [the embryos],²⁶ but they [the embryos] can indeed become holy!²⁷ — He [R. Zera] replied to him: [Our Mishnah] is dealing with dedicated offspring which are already holy. If we are dealing with dedicated offspring, it is only in the inside of their mother that they do not effect exchange. We infer then that outside [their mother] they do effect exchange. But have we not learnt: One cannot effect exchange with the offspring of a dedicated animal?²⁸ — [The Mishnah above] will represent the opinion of R. Judah who holds²⁹ that an animal's offspring effects exchange. If [the first part of our Mishnah above] is the opinion of R. Judah, it is only exchange which cannot be effected [with limbs],³⁰ but they [limbs] are indeed dedicated.³¹ But has not R. Judah stated: Limbs do not become holy?³² — The case here³³ is where he dedicated a limb the removal of which results in death.³⁴

He [R. Jeremiah] raised an objection to him [R. Zera]: One can dedicate limbs and embryos but one has no power to exchange [them].³⁵ — Here³⁶ also we are dealing with offspring of dedications. If the case is that of offspring of dedications, why does the Baraitha say above: ‘one can dedicate’, for are they not already holy? —

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- (1) If one set apart a pregnant sin-offering etc. as stated above.
 - (2) Requiring a special dedication when it emerges from the inside of its mother.
 - (3) In the case where one dedicates a sin-offering etc.
 - (4) For another kind of holiness, v. infra 19a.
 - (5) E.g., if one says: ‘This shall be a sin-offering and its embryo a burnt-offering’, his words are valid. Or, if he says: ‘The mother shall be a sin-offering and its embryo hullin’, it is hullin. Lit., ‘it is left over’.
 - (6) According to Bar Padda, however, an embryo is not considered something apart, and where one dedicated the mother and left over the embryo for another kind of holiness, it does not receive holiness and is regarded as an offspring from a sin-offering which is left to die. And if one says that the embryo should be hullin his words are nugatory. According to the authority who holds that an embryo inside a dedicated animal is holy, holiness attaches immediately, while according to the other authority, holiness only commences when the embryo is born.
 - (7) Can we not infer this from the other case mentioned by R. Johanan, when he says that dedication has an effect on an embryo, thus teaching us that the animal and its embryo are considered as independent on one another in respect of dedication?
 - (8) Where one separates a sin-offering.
 - (9) Where one dedicates an embryo.
 - (10) That holiness rests on an embryo.
 - (11) Concerning where one dedicates an embryo.
 - (12) Where one separates a sin-offering.
 - (13) Infra 24b.
 - (14) To evade the duty of giving a firstling to the priest, so as thus to derive the benefit for himself.
 - (15) He carries out his obligation if he is required to bring a burnt-offering, for the holiness of a firstling only commences when it leaves the womb of its mother. Consequently the dedication for a burnt-offering preceded the

holiness of a firstling.

- (16) Unlike the opinion of Bar Padda who says that an embryo possesses no holiness on its own account.
- (17) Where he sells it and buys a burnt-offering for the money. But the embryo itself is not consecrated as such and is sold unblemished.
- (18) If they are female animals and gave birth for the first time after their redemption.
- (19) V. infra 33a.
- (20) For since a permanent blemish was prior to the consecration, the consecration at the outset was only for the value.
- (21) For working with the mother enfeebles the embryo, Tosef. III. Consequently we see that holiness has effect on an embryo, unlike the view of Bar Padda above.
- (22) In the passage just cited.
- (23) This passage is the second clause of the Mishnah cited above: All dedications where a permanent blemish, etc., the latter clause therefore says that they i.e., these blemished dedications etc.
- (24) So that it is permitted to shear and work them.
- (25) And the Mishnah goes on to say: NOR WITH WHOLE ANIMALS [OF HULLIN] FOR DEDICATED EMBRYOS.
- (26) For in connection with exchanging, Scripture says 'beast' but not an embryo.
- (27) For if embryos cannot become holy, it is obvious that one has no power to exchange whole animals of holy with them, since they are hullin.
- (28) Born after its mother's dedication, and the status of one exchanged with the young is not altered. We must then be dealing with a case where one consecrated directly an embryo, which is regarded as a first dedication. Hence we see that dedication has effect on an embryo, unlike the opinion of Bar Padda.
- (29) Infra 11a, 12a, 14a.
- (30) Of hullin for whole dedicated animals, so that holiness should spread to the entire animal the limbs of which are being substituted.
- (31) One can dedicate limbs, so that if one consecrated a limb of an animal, holiness spreads to the entire animal. For the first Tanna of the Mishnah must share this opinion, since R. Jose, his disputant in the Mishnah, retorts: IS IT NOT THE CASE WITH REFERENCE TO DEDICATIONS etc., thus implying that the first Tanna agrees with him that if one dedicated a limb the whole animal becomes holy, and it is R. Simeon who opposes R. Jose later in the Baraitha, saying that at the beginning the consecration of one limb makes the whole animal a burnt-offering, but the case of exchanging is different, as it has no effect on limbs.
- (32) Later in the Baraitha, R. Judah says that holiness does not spread to the whole animal where their limbs are dedicated.
- (33) Where we deduce from the Mishnah that the entire animal becomes holy if one limb is dedicated.
- (34) Lit., 'on which the soul depends'; e.g., if he dedicated a foot from the joint upwards, the removal of which would render the animal trefah (v. Glos.). Here, even R. Judah, the Baraitha says later, agrees that in such circumstances the whole animal becomes sacred.
- (35) Infra 15a. We therefore see that dedication has an effect upon embryos, unlike the opinion of Bar Padda.
- (36) In the case of the Mishnah just quoted.

Talmud - Mas. T'murah 11a

What is meant is this:¹ One can dedicate limbs,² and can effect exchange for them,³ but one can effect no exchange with limbs for them [dedicated animals].⁴ And embryos which were dedicated while they were inside their mother cannot be exchanged.⁵

Now if the case [in the Mishnah just quoted] refers to offsprings of dedications, it is only in the inside of their mothers that they do not effect an exchange, but outside [their mother]⁶ they do effect exchange. But have we not learnt: Offspring [of dedicated animals] do not effect an exchange? — This⁷ is the opinion of R. Judah.⁸ If it is the opinion of R. Judah, then how can limbs become holy,⁹ for R. Judah does not hold that if one says: 'The foot of this animal shall be a burnt-offering' the whole becomes a burnt-offering? — He replied to him: Here¹⁰ also the case¹¹ is one of the dedication of a limb [the loss of] which renders the animal trefah.

Must it be said that Tannaim differ [on that point]?¹² [For it was taught:] If one¹³ slaughtered a sin-offering and found a four months' old¹⁴ [embryo] alive inside, one [Baraita] states: It is only eaten by the males of the priesthood,¹⁵ within the hangings of the court, and for one day [and a night];¹⁶ while another [Baraita] taught: It is eaten by all people, it is eaten everywhere [in the Temple court] and [is eaten at all times].¹⁷ What [does this mean]? Is it not that there is a difference of opinion among Tannaim, one Master holding that dedication has effect on embryos,¹⁸ and the other Master holding that dedication has no effect on embryos?¹⁹ — No.²⁰ These Tannaim [of the Baraita above] differ on this point, one Tanna²¹ holding that the offspring of dedications are holy at birth,²² while the other Tanna²³ holds that [the offspring of dedications] are holy even in the inside of their mother. Or if you prefer [another solution] I may say: Both [Baraitas quoted above] are the teaching of one Tanna.²⁴ One of these Baraitas²⁵ deals with a case where one dedicates an animal and then it becomes pregnant,²⁶ and the other,²⁷ where he dedicates it in a pregnant condition.²⁸

We have learnt.²⁹ R. Eliezer says, Kil'ayim,³⁰ trefah³¹ and a foetus extracted by means of the caesarean section, a tumtum³² and a hermaphrodite do not themselves become holy nor cause holiness.³³ And Samuel said: The expression, 'Do not themselves become holy' means as regards becoming a substitute,³⁴ and the expression, 'Nor cause holiness' means to effect an exchange.³⁵ And it has been taught: Said R. Meir:³⁶ Since they³⁷ do not become holy, how can they cause holiness? You cannot find a case³⁸ except where one dedicated an animal and then it became trefah,³⁹ or where one dedicated an embryo⁴⁰ and it was then extracted through the caesarean section. Consequently we see that an embryo can become holy [contrary to the opinion of Bar Padda above]! — To this the answer was given: As regards an unblemished [embryo] in the inside of an unblemished animal, even Bar Padda also agrees that it becomes hullin.⁴¹ They⁴² only differ as regards an unblemished [embryo] in the inside of a blemished animal. Bar Padda holds since the mother is not holy as such,⁴³ it [the embryo] is also not holy, whereas R. Johanan holds: These⁴⁴ are two independent animals; the mother is indeed not holy but the embryo is.

Another version: But the cases of kil'ayim, tumtum and a hermaphrodite you can only explain with reference to the offspring of dedication and in accordance with the opinion of R. Judah who used to say that one can effect an exchange with an offspring [of dedications]. Now only these are not consecrated as such, but other embryos become holy, [unlike the opinion of Bar Padda]! — Said Abaye: Regarding an unblemished [embryo] in the inside of an unblemished animal, all the authorities agree that it [the embryo] is holy as such. The point at issue is with reference to an embryo in the inside of a blemished animal, Bar padda, holding that since the mother is not holy as such, except for its value, the embryo also is not holy as such [except for its value], whereas R. Johanan says: An embryo is not considered the thigh of its mother, and although its mother is not holy as such, the embryo nevertheless is holy as such.

SAID R. JOSE: IS IT NOT THE CASE WITH REFERENCE TO DEDICATIONS THAT IF ONE SAYS: 'THIS FOOT SHALL BE etc.

(1) The words 'One can dedicate' of the Mishnah just quoted do not refer at all to embryos.

(2) Separate limbs and parts of the animal.

(3) The limbs of the same animal permit of exchange with another animal, for the consecration of one limb renders the whole animal holy, since one cannot effect exchange for one consecrated limb. For even R. Jose in our Mishnah above only says that one has power to exchange limbs of hullin for whole dedicated animals but not the whole animal for a dedicated limb and certainly not limbs of hullin for dedicated limbs.

(4) And the latter part of the Mishnah quoted which says: 'But one has no power to effect exchange' informs us that one has no power to exchange limbs for whole animals, so that if e.g., one says: 'Let the limb of this animal be a substitute for this whole dedicated animal' it is not holy. This is a restriction which applies to dedications, for if one dedicated a limb, the whole animal becomes holy, whereas if one says: 'Let this limb be a substitute for this whole animal' there is

no substitute.

(5) E.g., the offspring of a dedicated animal, although they are holy, cannot be exchanged for an animal so long as they are inside the animal. This will be in accordance with the opinion of R. Judah who holds that an offspring can effect an exchange, for according to the Rabbis, even if the offspring were outside their mother's body, they could not effect an exchange.

(6) After their birth.

(7) The Mishnah just explained.

(8) Who holds that the offspring of a dedicated animal can effect exchange.

(9) For the first clause in the Mishnah just explained above says that one can consecrate limbs and effect exchange with them, thus implying that holiness spreads to the entire animal, otherwise there could be no substitution for limbs.

(10) In the Mishnah just quoted.

(11) Sh. Mek. The case here is where he dedicated a limb, the loss of which results in death, v. p. 71, n. 7.

(12) Whether dedication has effect on embryos.

(13) Infra 25b.

(14) For if it is five months old, it has finished its months of pregnancy in the case of small cattle and is not rendered permissible through the slaughtering of its mother, according to R. Meir, who holds that if an animal has concluded its normal months of pregnancy it requires a separate shechitah.

(15) According to the law of a sin-offering. At present we interpret the Baraita as dealing with a case where one separates a pregnant animal. For if pregnancy followed dedication, all the authorities concerned will agree that since the consecration of the embryo was through its mother, it is regarded as hullin, as the offspring of dedications are only holy at their birth and not while inside the animal.

(16) So Sh. Mek.

(17) So Sh. Mek. For any length of time.

(18) In their own right. When the animal is dedicated while pregnant it becomes holy immediately and is not subject to the law of the offspring of dedication.

(19) Except by virtue of the mother and is subject to the law of other offspring of dedications which are holy at birth.

(20) The Baraita above is not a case at all of setting apart a pregnant animal but of dedicating an animal which subsequently became pregnant.

(21) The last one, mentioned above in the difference of opinion.

(22) But not while inside the animal.

(23) The first Tanna, mentioned above in the Baraita.

(24) And all the authorities concerned agree that dedication has effect on embryos immediately, in accordance with the opinion of R. Johanan.

(25) Which says that the embryo is not holy as a sin-offering.

(26) It is therefore like an offspring of dedications which is sacred at birth.

(27) Which says that the embryo has the law of a sin-offering.

(28) It therefore becomes holy immediately and has not the law of the offspring of dedications.

(29) Yeb. 83b, Bek. 42a, etc.

(30) A hybrid.

(31) An animal afflicted with an organic disease, v. Glos.

(32) An animal whose genitals are hidden or undeveloped.

(33) This passage is explained subsequently.

(34) So that if they are hullin and were substituted for a dedicated animal, they do not become sacred; and though the law of exchange has effect on permanent blemished animals, it has no effect on these cases. This is certainly the case, that they are not holy, if one actually consecrated them.

(35) If they are holy, there can be no exchange effected with them so as to cause holiness to another animal of hullin.

(36) Sh. Mek., 'Rabbi'.

(37) Kil'ayim, etc.

(38) That they should be holy.

(39) The animal is holy, for its consecration was prior to its defect.

(40) Holiness attaching to it immediately.

(41) Agreeing with R. Johanan, the case of consecrating an embryo and then extracting it through the caesarean section

being the same as the case of an unblemished embryo in the inside of an unblemished animal.

(42) Bar Padda and R. Johanan.

(43) Because it is blemished.

(44) The mother and its embryo.

Talmud - Mas. T'murah 11b

Our Rabbis have taught: Are we to suppose that if one says: 'This foot shall be a burnt-offering' the whole animal becomes a burnt-offering? The text states: All that any man giveth of it unto the Lord shall be holy:¹ 'Of it² unto the Lord', but not the whole of it [the animal] 'unto the Lord'. I might think that it [the animal] becomes hullin, therefore the text states: 'It shall be holy'.³ How is one to act?⁴ It must be sold for the requirements of burnt-offerings, and its money is hullin except for the value of its limb. This is the teaching of R. Meir and R. Judah. R. Jose and R. Simeon, however, say: Whence do we derive that if one says, 'The foot of this animal shall be a burnt-offering', the whole animal becomes a burnt-offering? Because [Scripture] says, 'All that any man giveth of it [shall be] unto the Lord',⁵ when it further says, 'It shall be holy' this includes the whole of it [the animal].⁶

The Master said: 'It shall be sold for requirements of a burnt-offering'. But does not he [the purchaser] bring an animal [for a burnt-offering] with the loss [of limb]?⁷ — Said 'Raba: It is a case where he [the purchaser] says: 'I undertake to bring a burnt-offering which can live'.⁸

Said R. Hisda: R. Judah⁹ agrees where [he dedicated] a part [of the animal the removal of which] renders the animal trefah.¹⁰ Raba says: A part [the removal of which] renders the animal nebelah.¹¹ And R. Shesheth says: A part [the removal of which] kills the animal. What is the practical difference between R. Hisda and Raba? — The difference is whether a trefah can live. R. Hisda holds according to the one who says that a trefah cannot live,¹² whereas Raba will hold according to the one who says that a trefah can live.¹³ And what is the practical difference between Raba and R. Shesheth? — The difference between them is as regards the ruling of R. Eleazar. For R. Eleazar says: If the thigh of an animal was removed and the hollow [thereof], it [the animal] is nebelah.¹⁴ Raba will agree with R. Eleazar,¹⁵ whereas R. Shesheth will not agree with R. Eleazar.¹⁶

They raised an objection. 'Said Rabbi: I favour the opinion of R. Judah¹⁷ where [the dedication] is a part of the animal [the removal of which] will not result in death, and the opinion of R. Jose¹⁸ where the dedication is of a part [of the animal the removal of which] results in death'. Now can we not infer from this that [R. Jose differs] with R. Judah [even in connection with the removal of a vital limb]? — There is no difficulty as regards the words: 'I favour the opinion of R. Judah¹⁹ where [the dedication] is of a part [of the animal] the removal of which will not result in death,'²⁰ since R. Jose does differ in this.²¹ But from the words: 'And the opinion of R. Jose where the dedication is of a part [of the animal the removal of which] will result in death', cannot we infer from this that²² R. Judah differs?²³ Shall we say this refutes all?²⁴ — No. The statement is defective²⁵ and must be read thus: The teaching of R. Jose is acceptable to R. Judah regarding a part [of the animal the removal of which] results in death, for even R. Judah does not differ with R. Jose save in regard to the dedication of a part [of the animal the removal of which] does not result in death, but in regard to the [dedication of] a part [the removal of which] results in death, he agrees with him.²⁶

Raba inquired: What of the bird?²⁷ [Shall we say,] Scripture says 'beast,'²⁸ and this is not a 'beast'? Or perhaps shall we note that Scripture says korban ['offering']²⁸ and a bird is also an offering?²⁹ Let it remain undecided.

Raba inquired: If one dedicated a limb for its value,³⁰ what of holiness as such³¹ resting on it? Does one say, since one limb is dedicated the whole becomes holy for value,³² and since there rests upon the animal the holiness for its value, there also rests on it dedication as such?³³ Or perhaps we

use a single miggo³⁴ but not a double miggo! — But why cannot Raba solve [the inquiry] from his own teaching?³⁵ For Raba said: If one dedicated a male³⁶ [a ram] for its value,³⁷ it is dedicated as such?³⁸ — There,³⁹ he dedicated the whole animal,⁴⁰ but here,⁴¹ he only dedicated one limb. What therefore is the ruling? — Let it stand undecided.

[Abaye⁴² inquired of Rabbah:] If one dedicated a limb, what of the shearing?⁴³ — Why not solve it from what has been taught: [Scripture said:] Nor shear the firstling of thy sheep,⁴⁴ thus implying that you may shear where the firstling belongs to thee and to others [gentiles]?⁴⁵ — There,⁴⁶ no holiness rested on it at all,⁴⁷ but here, holiness rested on it [the limb].

Another version: There,⁴⁸ he has not the power to dedicate it,⁴⁹ whereas here,⁵⁰ he has the power to dedicate [the rest of the animal].

Abaye inquired of Rabbah: If one dedicated the skin of an animal, what of working [the animal]?⁵¹ — Come and hear: If one says, ‘Whatever is in the inside of this animal shall be a burnt-offering’, shearing is permitted, but work [with it] is forbidden on account of the weakening of the embryo within!⁵² — He replied to him: When [the Baraitha just quoted] states ‘but work with it is forbidden’, it means Rabbinically.⁵³ If so, the shearing too should be forbidden?⁵⁴ — He said to him: Work [with the embryo] which weakens it, the Rabbis prohibited, but shearing, the Rabbis did not prohibit.

Abaye inquired of R. Joseph: If it [the mother] is a peace-offering and its embryo is hullin⁵⁵ and he slaughtered [the mother] within [the Temple court], what is the ruling?⁵⁶ According to the one who holds that offspring of dedications are holy at birth and not before, have we here a case of [slaughtering] hullin in the Temple court⁵⁷ or not?

(1) Lev. XXVII, 9.

(2) Taken in the partitive sense.

(3) That limb, and since that limb is holy, he can no longer kill the animal as hullin.

(4) Since there is a blending of hullin and dedication in the animal.

(5) This is how the verse is rendered by R. Jose and R. Simeon.

(6) As being holy, because the holiness spreads to the entire animal.

(7) The limb belongs to the seller who dedicated it. Therefore it is found that the purchaser is not offering up a whole burnt-offering while he vowed to offer up a whole animal.

(8) And even if there was a loss of that limb which had already been dedicated, since even without the limb the animal can live, his vow was fulfilled. But if the dedication was of a limb the removal of which would kill the animal, then holiness spreads to the whole animal, even according to R. Judah.

(9) Who holds elsewhere that only the limb which is dedicated is holy.

(10) That in such circumstances holiness spreads to the whole animal.

(11) An animal that has died a natural death without shechitah.

(12) The difference of opinion is mentioned in Hul. 42b. Consequently since the animal cannot live, then he dedicated something the removal of which results in the death of the animal, and therefore he holds that R. Judah will agree in such a case.

(13) It is not therefore something the removal of which will result in the death of the animal. And R. Judah will maintain his opinion in the case of a trefah.

(14) Although it is still alive it causes ritual uncleanness like nebelah, for it is considered as already dead.

(15) And therefore if one dedicated the thigh and the region around, it is something the removal of which results in death, and the holiness spreads to the whole animal.

(16) And therefore he says: With the part that kills at once, and not with a thing the removal of which will not kill the animal outright, but will leave it struggling for a while.

(17) Who says above that the dedication of one limb does not render the whole animal holy.

(18) Who says above that the dedication of one limb makes the entire animal holy.

- (19) Implying but not that of R. Jose.
- (20) V. Sh. Mek.
- (21) Where the loss of a limb does not result in death.
- (22) V. Sh. Mek.
- (23) And holds that even in such a case the dedication of one limb does not make the whole animal holy.
- (24) I.e., R. Hisda, Raba, and R. Shesheth.
- (25) There is a clause missing in the passage cited in the name of Rabbi.
- (26) R. Jose, that the dedication of one vital limb makes the entire animal holy.
- (27) According to R. Jose who holds that the consecration of a limb spreads to the whole animal, what if one consecrated a limb, e.g., a leg of a bird; does holiness spread to the whole bird or not?
- (28) In the cited verse, 'if it be a beast whereof men bring on offering (korban) unto the Lord' (Lev. XXVII, 9).
- (29) Like a turtle-dove, pigeon, etc.
- (30) But not for dedication as such.
- (31) Does the animal eventually become holy itself, and offered as a burnt-offering?
- (32) The dedication in value for one limb having spread to the dedication in value for the whole animal.
- (33) We go further and say, since the whole animal is dedicated for its value we extend it so that we consider it dedicated as such. For since the animal is unblemished and is fit for a burnt-offering, what is the difference whether we sell it and for the money purchase a burnt-offering or we use the animal directly as a burnt-offering?
- (34) Lit., 'since' i.e., we have to argue thus: 'Since' one limb is dedicated for its value, therefore we regard the whole animal as dedicated for its value, and 'since' the animal is dedicated for its value, we consider it also as dedicated as such.
- (35) That holiness as such certainly rested on it.
- (36) The reason why Raba mentioned a male is because we are dealing with a burnt-offering, which cannot be other than a male.
- (37) In order to purchase a burnt-offering for the money.
- (38) It became dedicated as such and cannot be sold, for since the animal itself is fit for a burnt-offering, we use it as a burnt-offering.
- (39) With reference to Raba's ruling.
- (40) And therefore there is one miggo. i.e., since it is dedicated for its value, we say that holiness spreads to the body itself.
- (41) With reference to Raba's inquiry.
- (42) Inserted with Sh. Mek.
- (43) There is no question about working it, for it is certainly forbidden, since work weakens the limb.
- (44) Deut. XV, 19.
- (45) So here too in the case of Abaye's inquiry, since there is hullin and dedication in the animal, the shearing should be permitted.
- (46) In connection with a firstling, in which a Jew and a non-Jew were partners.
- (47) The law of a firstling not applying in this instance.
- (48) With reference to the firstling.
- (49) Since the gentile has a share in the firstling.
- (50) Where he dedicates a limb of an animal.
- (51) There is no question about shearing, as the skin is not weakened thereby, whereas working the animal does weaken the skin. The inquiry can be even according to R. Jose, for although if one dedicated a foot the whole animal becomes holy, the reason may be because a foot can be offered up, unlike the skin (sh. Mek).
- (52) And here too there is a weakening of the skin and therefore work should be forbidden.
- (53) Whereas our inquiry here as regards the dedication of the skin is whether it is forbidden Scripturally, so as to incur the penalty of lashes.
- (54) Rabbinically, in the case of the embryo.
- (55) If one dedicated a pregnant animal without its embryo, when according to all the authorities concerned, the embryo is not holy.
- (56) Is the embryo forbidden because he slaughtered hullin in the Temple court. Tosaf. suggests that this inquiry can be solved from the Baraita, supra 11a, where it says: 'If one slaughtered a sin-offering and found a four months' old

embryo alive', implying that there is no prohibition here of slaughtering hullin in the Temple court. Sh. Mek. however, comments in this connection that there may be a difference between an embryo which has not completed its months of pregnancy, as in the case of the Baraitha, and an embryo which has completed its months of pregnancy, which is the case of our inquiry here.

(57) Since he did not dedicate the embryo, for he dedicated the animal before its pregnancy and therefore the embryo remains hullin until its birth.

Talmud - Mas. T'murah 12a

He [R. Joseph] said to him [Abaye]:¹ Can we apply here the text: If the place be too far for thee, then thou shalt kill?²

Abaye inquired of R. Joseph: If it [the mother] is hullin and its embryo is a peace-offering³ and one slaughtered it [the mother] without [the Temple court], does he incur the penalty for slaughtering dedicated animals without [the Temple court] or not? — He replied to him: Can we apply here the text: Even that they may bring them unto the Lord?⁴

Another version: He [R. Joseph] replied to him: [If the animal] is fit for the tent of meeting,⁵ one incurs a penalty for slaughtering it outside [the Temple court, but⁶ for an animal which is not fit for the tent of meeting,⁷ there is no penalty incurred for slaughtering without the Temple court].

MISHNAH. [ANYTHING WHICH HAS BECOME SUBJECT TO THE LAW OF TERUMAH THROUGH] AN ADMIXTURE CAN AFFECT A [SECOND] MIXTURE ONLY IN PROPORTION.⁸ [DOUGH] LEAVENED [THROUGH TERUMAH] CAN AFFECT [ANOTHER DOUGH] ONLY IN PROPORTION.⁹ DRAWN WATER CAN DISQUALIFY A MIKWEH¹⁰ ONLY IN PROPORTION. WATER OF PURIFICATION BECOMES RITUALLY FIT¹¹ ONLY WITH THE PUTTING OF ASHES [IN THE WATER].¹² A GRAVE AREA¹³ CANNOT CREATE A GRAVE AREA.¹⁴ [THE SEPARATION OF] TERUMAH CANNOT BE REPEATED.¹⁵ AN EXCHANGE CANNOT BE USED TO EFFECT ANOTHER EXCHANGE.¹⁶ THE OFFSPRING OF A DEDICATED ANIMAL CANNOT EFFECT AN EXCHANGE. R. JUDAH SAYS: THE OFFSPRING OF A DEDICATED ANIMAL CAN EFFECT AN EXCHANGE.¹⁷ THEY SAID TO HIM: A DEDICATED ANIMAL CAN EFFECT EXCHANGE, BUT NEITHER THE OFFSPRING OF A DEDICATED ANIMAL [NOR¹⁸ AN EXCHANGE] CAN EFFECT EXCHANGE.

GEMARA. Whose opinion is here¹⁹ represented? R. Hiyya b. Abba reported in the name of R. Johanan: It will not be that of R. Eliezer. For we have learnt: If a se'ah of terumah has fallen into less than a hundred se'ah of hullin,²⁰ [the admixture becoming forbidden to non-priests], and something fell from the mixture into another place [of hullin] , R. Eliezer says: The mixture is considered certain terumah,²¹ whereas the Sages say: The [first] mixture can affect the [second] only in proportion.²²

[DOUGH] LEAVENED [THROUGH TERUMAH] CAN AFFECT [OTHER DOUGH] ONLY IN PROPORTION. R. Hiyya b. Abba reported in the name of R. Johanan: The Mishnah will not be the opinion of R. Eliezer.²³ For we have learnt: If leaven of hullin and of terumah fell into dough and there was in neither a sufficient quantity to leaven [the dough] but both were capable of leavening when combined, R. Eliezer says: We go by the last [leaven],²⁴ whereas the Sages say: Whether the forbidden thing [terumah] fell first [into the dough] or last, a quantity capable of leavening is always required [in order that the dough should] become forbidden.

DRAWN WATER CAN DISQUALIFY A MIKWEH ONLY IN PROPORTION. Whose opinion is here represented? — R. Hiyya b. Aba reported in the name of R. Johanan: It is that of R. Eliezer b. Jacob. For it has been taught:²⁵ R. Eliezer b. Jacob said: If a mikweh contains twenty-one se'ah of

rain-water, one can bring²⁶ nineteen se'ah²⁷ and open a sluice [near it],²⁸

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- (1) One does not incur the penalty for slaughtering hullin in the Temple court.
 - (2) Deut. XII, 21; from which text we derive in Kid. 57b that it is forbidden to slaughter hullin in the Temple court, for we interpret the text as follows: You may kill hullin away from the Temple court, but you may not kill hullin near the Temple court. Here you cannot apply the text, for you cannot kill the animal except in the Temple court, for it is a peace-offering and therefore the embryo is not regarded as hullin in the Temple court.
 - (3) And according to the authority who says that dedication has effect on an embryo, is there excision on account of the embryo, its mother having been slaughtered without the Temple court?
 - (4) Lev. XVII, 5, stated in connection with the prohibition of bringing dedications without the Temple court. For one is guilty of bringing dedications without the Temple court only with regard to an animal fit for an offering, but not an embryo which is not fit at present for an offering.
 - (5) And one offers it without the Temple court.
 - (6) Inserted with Sh. Mek.
 - (7) And here it is hullin and can only be brought outside the tent of meeting. Therefore the text is not applicable.
 - (8) If, for example, a se'ah of terumah fell into a se'ah of hullin so that the mixture became subject to terumah and if subsequently one se'ah of this mixture fell into hullin, the second mixture is subject to the law of terumah only in proportion of the terumah contained in the first mixture.
 - (9) If, for example, terumah the size of an egg has leavened hullin also the size of an egg and then there fell from the mixture the size of an egg into some other dough, if half an egg is capable of leavening the dough, then the latter is forbidden, but if not, it is permitted, for we say that in the egg that fell into the dough there was only half an egg of terumah.
 - (10) Ritual bath.
 - (11) Lit., 'become waters of purification'.
 - (12) Which was there already, but if he first put the ashes in the vessel and then the water, the water is disqualified because, when he put in the ashes, there was no water in the vessel.
 - (13) Beth ha-Peras, a field in which a grave has been ploughed up; v. Keth. (Sonc. ed.) p. 154, n. 6.
 - (14) If the plough passes over and beyond it.
 - (15) I.e., once terumah has been separated from the heap, it cannot be separated again. Lit., 'there is no terumah after terumah'.
 - (16) A substitute which is sacred cannot itself be exchanged for another animal, so as to cause holiness to the latter.
 - (17) One can exchange an animal for the offspring and the substitute becomes holy.
 - (18) Inserted with Sh. Mek.
 - (19) In the Mishnah which says that anything which has become subject to the law of terumah etc.
 - (20) For if it fell into one hundred se'ah of hullin, the terumah would be neutralized.
 - (21) So that if a se'ah from the admixture fell into other hullin there must be a hundred se'ah beside it in order to neutralize the terumah.
 - (22) We require a hundred times the proportion of terumah in the se'ah which fell into the second mixture and not more. If e.g., in the beginning there fell one se'ah of terumah into twenty-four se'ah of hullin, each se'ah of the mixture contains one twenty-fourth of terumah, i.e., one log. Now if a se'ah of this mixture fell into other hullin, seventy-seven log of hullin combine with the twenty-three log of hullin contained in the se'ah which fell in order to neutralize the terumah (Rashi).
 - (23) For according to R. Eliezer there is no need that the forbidden thing should be capable of leavening, and the forbidden thing, i.e., terumah, together with what is permissible, i.e., hullin, both combine in order to render the dough forbidden.
 - (24) Which causes the leavening, and if the forbidden thing fell last, the admixture is prohibited. And according to our Mishnah too, although from the first dough leavened exclusively by terumah, there fell into the second dough only a sufficient quantity to leaven the second dough, and hence the greater part of the leaven came from hullin, the second dough is still forbidden, because R. Eliezer holds that the product of combined causes i.e., of terumah and hullin joined together is forbidden (Rashi). Rashi adds that even if the terumah fell first but it was not removed, and both the terumah and the hullin leavened the dough, the latter is forbidden, because it is a product of combined causes. Tosaf. however, explains that the case dealt with by the Mishnah is where the leaven of terumah the size of an olive and hullin the size of

an olive fell separately into a dough of hullin and leavened the latter, there being neither in the hullin by itself nor in the terumah by itself a sufficient quantity to leaven.

(25) Tosef. Mik. IV.

(26) Lit., 'fill with the shoulder'.

(27) Of drawn water to make up the minimum required of forty se'ah.

(28) Since to pour from a bucket directly into a mikweh which contains less than forty se'ah of rain water would disqualify the water, even if only three log, but he makes a cavity into which he pours water from the bucket and the water flows from this cavity into the mikweh.

Talmud - Mas. T'murah 12b

and [the collected waters] are clean ritually,¹ for collected drawn waters are rendered clean by the greater part [in the mikweh being rain-water] and by being conducted through a channel.² We can infer from this that according to the opinion of the Rabbis [drawn waters are not rendered clean] by the greater part [of rain-water] and by being conducted through a channel.³ Then the ruling which when Rabin came he reported in the name of R. Johanan: Collected water which has been drawn entirely through a channel is ritually clean, will represent neither the opinion of the Rabbis nor that of R. Eliezer? — Rather said R. Papa: [The words IN PROPORTION] mean according to the number of the vessels, and it [the Mishnah] is the opinion of Joseph b. Honi. For it has been taught: If three⁴ log of collected water fell into a mikweh,⁵ if [the waters] came from two or three vessels or even from four or five vessels, they disqualify the mikweh. Joseph b. Honi says: If the waters came from two or three vessels,⁶ they disqualify the mikweh, but if from four or five vessels,⁷ they do not disqualify the mikweh.

THE WATERS OF PURIFICATION BECOME RITUALLY FIT etc. Whose opinion is here represented? — R. Hiyya b. Abba reported in the name of R. Johanan: It is not the opinion of R. Simeon.⁸ For it has been taught: If one puts the ashes [into the vessel] first before the water, it [the water of purification] is disqualified, whereas R. Simeon says: It is fit. What is the reason of R. Simeon? — Since it is written: And for the unclean they shall take the ashes ['afar] of the burning of the purification from sin [and the running water shall be put thereto].⁹ And it has been taught: R. Simeon says, Now is it 'afar [dust]?¹⁰ Is it not efer [ashes]?¹¹ The text departs from the natural expression¹² in the matter in order to permit of a gezerah shawah.¹³ We read here 'afar¹⁴ and we read there 'afar.¹⁵ Just as there¹⁶ the 'afar is placed upon the water, so here¹⁷ also the 'afar is placed upon the water. And just as here¹⁸ if the dust¹⁹ is placed in the vessel before the water the ritual is fit, so there²⁰ if he placed the dust before the water, it [the water] is ritually fit.²¹ And whence do we derive this [in connection with waters of purification]?²² — There are two Scriptural texts. It first says: And [running water] shall be put thereto,²³ from which we see that ashes are put first in the vessel, and then the text continues: Running water . . . in a vessel.²⁴ How [do we reconcile these texts]? If he wishes [he puts] 'afar²⁵ at the bottom [of the vessel],²⁶ and if he wishes, he puts 'afar on top [of the water].²⁷ And what is the reason of our Tanna?²⁸ — He can answer you: The latter part of the verse²⁹ is to be strictly interpreted,³⁰ and [the text]: 'And [running water] shall be put thereto teaches us that one must mix [the ashes and the water together].³¹ But why do you see fit to say that the latter part of the verse is to be strictly interpreted? perhaps the first part of the text is to be strictly interpreted,³² [and the text, 'in a vessel' teaches us that³³ the waters must be fresh in the vessel]?³⁴ — You cannot interpret the text in this way: Just as we find with regard to all other cases³⁵ that which makes [the water] ritually fit³⁶ is placed on top,³⁷ so here³⁸ that which makes [the water of purification] ritually fit is put on top.³⁹

A GRAVE AREA CANNOT CREATE A GRAVE AREA etc. Our Mishnah will not represent the opinion of R. Eliezer. For we have learnt: R. Eliezer says: A grave area creates a grave area,⁴⁰ [whereas⁴¹ the Sages say: A grave area does not create a grave area].⁴² According to the Rabbis, up to how much?⁴³ — When R. Dimi came [from Palestine] he reported in the name of Resh Lakish

who reported in the name of R. Simeon b. Abba:

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- (1) Fit to immerse therein.
 - (2) This is therefore what the Mishnah means by the expression in this connection of ONLY IN PROPORTION, since collected drawn water does not disqualify a mikweh when it is conducted through a channel, unless there is twenty se'ah of this in the mikweh.
 - (3) Since you say that the Mishnah is the view of R. Eliezer and not that of the Rabbis, and since the Mishnah gives a lenient ruling in this connection for the very language DRAWN WATER ONLY IN PROPORTION proves that the object of the Mishnah is to be lenient in the matter — we can conclude that the Rabbis, in differing with R. Eliezer, adopt a stricter view.
 - (4) Tosef. Mik. III.
 - (5) Not by being conducted through a channel.
 - (6) So that a whole log of drawn water fell at once into the mikweh.
 - (7) So that there was no whole log of drawn water which fell at once into the mikweh.
 - (8) For according to R. Simeon, if one puts the ashes first into the vessel before the water, the water is ritually permitted.
 - (9) Num. XIX, 17. In connection with the waters of purification.
 - (10) Which is mixed with the waters of purification.
 - (11) אפר .
 - (12) I.e., the word 'ashes'.
 - (13) An analogy established on the basis of verbal congruities in the text, v. Glos. s.v.
 - (14) With reference to the waters of purification.
 - (15) With reference to the waters of jealousy given to a woman suspected of faithlessness.
 - (16) In connection with the waters of jealousy, since Scripture says: And of the dust . . . and put it into water (Num. V, 17).
 - (17) With reference to the waters of purification. This procedure is at the outset the proper performance of the ritual.
 - (18) In connection with the waters of purification.
 - (19) Really the ashes.
 - (20) With reference to the waters of jealousy.
 - (21) we thus see that according to the opinion of R. Simeon in connection with the waters of purification, if one puts first the ashes into the vessel before the water, the water is ritually fit.
 - (22) That the putting of ashes before the water into the vessel does not disqualify the water.
 - (23) Ibid. XIX, 17. Implying that the ashes are already in the vessel and the water was then added.
 - (24) Implying that the water was poured directly into the vessel and not on the ashes, and that if the ashes were put first in the vessel prior to the water, the water would not be ritually fit for the purpose.
 - (25) The word here really means 'ashes'.
 - (26) And then the water is poured on the ashes.
 - (27) It is permissible either way.
 - (28) I.e., the first Tanna who disputes with R. Simeon. This Tanna holds that if one should put the ashes first and then the water into the vessel, the water is not ritually fit. Now what may be his reason?
 - (29) 'Running water . . . in a vessel'.
 - (30) As implying that the water must be put direct into the vessel, and if he put the ashes first, then the water does not cleanse ritually.
 - (31) The object of the text is not to teach us that if he first put ashes in the vessel and then the water, the water cleanses, but to warn us that after putting the ashes in the water he must mix them well with his finger so that the water below may come on top.
 - (32) The text: 'And (running water) shall be put thereto', thus implying that the ashes were put first in the vessel.
 - (33) Inserted with Sh. Mek.
 - (34) That he draws the water in the vessel direct and fresh from a fountain and the water is not poured into it from another vessel.
 - (35) E.g., with reference to the waters of jealousy.
 - (36) I.e., the ashes.
 - (37) For all the authorities concerned agree that it is the proper performance of the ritual to put the water first into the

vessel.

(38) In connection with the waters of purification.

(39) Therefore inevitably the latter part of the text 'running water in a vessel' is interpreted in the exact sense, and the first part of the text refers to the need for effective mixing of the water and the ashes.

(40) All the four fields surrounding a grave area if ploughed become unclean, for the dust of the grave area causes uncleanness (Rashi). Tosaf, however, explains R. Eliezer's teaching as follows: If one ploughs a grave area and beyond it to another field, the latter becomes a grave area. If this second field in turn was ploughed and beyond it, the latter field becomes a grave area. Similarly from the third to the fourth, all making each other a grave area.

(41) Inserted with Sh. Mek.

(42) Oh. VII, 2.

(43) According to the Sages, how far does uncleanness extend to other fields.

Talmud - Mas. T'murah 13a

Three fields¹ and two furrows' length.² How much is a furrow's length? A hundred cubits, as it has been taught:³ He who ploughs a grave creates a beth ha-peras⁴ the length of a furrow. And how much is the length of a furrow? A hundred cubits.

[THE SEPARATION OF] TERUMAH CANNOT BE REPEATED etc. Our Mishnah is the opinion of R. Akiba. For we have learnt: If partners separated terumah one after the other, R. Eliezer says: The terumah of both of them is valid,⁵ whereas R. Akiba says: The terumah of both of them is not valid.⁶ The Sages however say: If the first of the partners separated terumah according to the right quantity,⁷ then the terumah of the second one is not valid. But if the first one did not separate terumah according to the right quantity,⁸ then the terumah of the second [partner] is valid.⁹

AN EXCHANGE CANNOT BE USED TO EFFECT ANOTHER EXCHANGE etc. What is the reason? Since Scripture says: 'And the exchange thereof',¹⁰ implying, but not the exchange of an exchange.

THE OFFSPRING OF A DEDICATED ANIMAL CANNOT EFFECT AN EXCHANGE. Since Scripture says: 'It'¹⁰ implying, it can effect exchange but not the offspring of a dedicated animal.

R. JUDAH SAYS: THE OFFSPRING OF A DEDICATED ANIMAL EFFECTS AN EXCHANGE. For Scripture says: Shall be,¹⁰ thus including the offspring of a dedicated animal. And the Rabbis?¹¹ [The object of the text is] to include [an exchange] in error as [possessing the same validity as a] deliberate [exchange].¹²

MISHNAH. BIRDS AND MEAL-OFFERINGS DO NOT EFFECT EXCHANGE,¹³ SINCE [THE LAW OF] EXCHANGE ONLY APPLIES TO AN ANIMAL.¹⁴ A CONGREGATION OR PARTNERS CANNOT EFFECT EXCHANGE, SINCE IT SAYS: HE SHALL NOT ALTER IT NOR CHANGE IT,¹⁵ THUS IMPLYING¹⁶ THAT AN INDIVIDUAL CAN EFFECT EXCHANGE BUT A CONGREGATION OR PARTNERS CANNOT EFFECT EXCHANGE. ONE CANNOT EFFECT EXCHANGE WITH [OBJECTS]¹⁷ DEDICATED FOR TEMPLE REPAIRS.¹⁸ SAID R. SIMEON:¹⁹ NOW IS NOT TITHE²⁰ [ALREADY] IMPLIED?²¹ FOR WHAT PURPOSE THEN IS TITHE SPECIALLY MENTIONED?²² IT IS IN ORDER TO MAKE A COMPARISON WITH IT AND TO TEACH US THAT JUST AS TITHE IS A PRIVATE OFFERING, [SO ALL EXCHANGE OF DEDICATIONS MUST BE A PRIVATE OFFERING] THUS EXCLUDING CONGREGATIONAL OFFERINGS.²³ AND JUST AS TITHE IS A DEDICATION FOR THE ALTAR, [SO EXCHANGES CAN BE EFFECTED ONLY WITH DEDICATIONS FOR THE ALTAR] THUS EXCLUDING OFFERINGS DEDICATED FOR TEMPLE REPAIRS.

GEMARA. Our Rabbis have taught: One might think that one can effect exchange with

dedications for Temple repairs? The text however says: Korban²⁴ [offering] implying that [exchange only applies] to what is called korban, thus excluding dedications for Temple repairs which are not called korban. And are not [dedications for Temple repairs called korban]? Has it not been taught:²⁵ If²⁶ you interpret the word korban, I can understand it as including even dedications for Temple repairs²⁷ which are called korban, since it says: And we have brought the Lord's offering etc.²⁸ The text however states: And bringeth it not unto the door of the tent of meeting.²⁹ [We therefore say as follows:] In respect of anything which comes to the door of the tent of meeting, one is guilty [of the transgression] of slaughtering dedicated animals without the Temple court, but in respect of anything which does not come to the door of the tent of meeting, one is not guilty [of the transgression] of slaughtering dedicated animals without the Temple court.³⁰ Consequently we see that [dedications for Temple repairs], are called korban!³¹ — Said R. Hanina: This offers no difficulty. This³² is the opinion of R. Simeon and that³³ is the opinion of the [Rabbis].³⁴ According to R. Simeon, dedications for Temple repairs are called korban and according to the Rabbis they are not called korban. And are not [dedications for Temple repairs called it korban]? Surely it is written: And we have brought the Lord's korban [offering]³⁵ — [Dedications for Temple repairs] are called the Lord's offering, but they are not called an offering for the Lord.³⁶

Our Rabbis have taught: He shall not search whether it be good or bad.³⁷ Now why is this mentioned?³⁸ Has not Scripture already said: He shall not alter it nor change it, a good for a bad or a bad for a good, etc.³⁹ Because it says: 'He shall not alter it nor change it', implying either a private offering or a congregational offering, either a dedication for the altar or a dedication for Temple repairs, and [that which is brought obligatorily].⁴⁰ [In order to avoid this interpretation] Scripture says: 'He shall not search'.⁴¹ Said R. Simeon: Now was not tithe implied? And for what purpose was tithe specially mentioned? In order to teach you that just as tithe⁴² is a private offering, a dedication for the altar, something which comes obligatorily and something which does not come through a partnership, so all [animals exchanged] must be a private offering, a dedication for the altar, something which comes obligatorily

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- (1) The field actually containing the grave which was ploughed and the field on the one side of the grave area and on the other side, i.e., either east and west or north and south, as it is not customary to plough on all the four sides of a field but only east and west or north and south.
 - (2) I.e., the field containing the grave is entirely unclean but the other two fields, either on the east and west or north and south are only unclean to the extent of two furrows' length. For the Rabbis have estimated that this is the distance the plough in the field is capable of moving the bones into another field.
 - (3) Tosef. Oh. XVII.
 - (4) A grave area.
 - (5) For both have a share in it. Lit., 'the terumah of both is terumah'.
 - (6) Even of the first one, for since the second proceeded to tithe again, he shows thereby that he was not satisfied with the tithing of his partner. Therefore the tithing of the first partner was not with the consent and approval of the second partner. The same applies to the tithing of the second.
 - (7) One in fifty.
 - (8) E.g., if he was niggardly in his tithing, giving less than one in fifty, i.e., one in sixty.
 - (9) Whereas according to R. Akiba in either case the terumah is not valid, and our Mishnah too, as it does not specify whether the terumah was given generously by the first partner or otherwise, must be the view of R. Akiba.
 - (10) Lev. XXVII, 10.
 - (11) What will they do with the text 'shall be'?
 - (12) If one intends to effect an exchange for a black animal and he exchanged the dedicated animal in error for a white one, the exchange is valid, unlike the case of dedication, where if one intended to dedicate a black animal and he dedicated in error a white one, the dedication is not valid.
 - (13) One cannot make an exchange for a dedicated bird or meal-offering.
 - (14) Since Scripture says: And if he shall at all exchange beast for beast.
 - (15) Ibid.

- (16) The word 'he' etc.
- (17) Supra 31a. Another version is: Dedications for Temple repairs.
- (18) Since in connection with 'exchange' Scripture says korban ('offering') and dedications for Temple repairs are not described as korban.
- (19) R. Simeon holds that a dedication for Temple repairs is called korban and therefore there is need for a text to exclude dedications for Temple repairs from the law of exchange.
- (20) Animals tithed.
- (21) In the word 'beast' used in connection with the law of exchange.
- (22) As being capable of effecting exchange.
- (23) Partners are also excluded, since partners are exempt from the law of tithing animals.
- (24) And if it be a beast whereof men bring an offering (korban), Lev. XXVII, 9.
- (25) Supra 6b.
- (26) In connection with slaughtering and offering without the Temple court, the word korban is expounded as meaning that there is no penalty of excision incurred for slaughtering hullin in the Temple court. The passage then continues: If you etc.
- (27) Usually blemished animals unfit for the altar, which yet are described as korban.
- (28) Num. XXXI, 50.
- (29) Lev. XVII, 4.
- (30) And dedications for Temple repairs are usually such animals which are unfit for the door of the tent of meeting.
- (31) Unlike the view in the Mishnah.
- (32) The Baraitha just quoted.
- (33) The Mishnah.
- (34) Another version has here the name of Rabbi, who will hold that the name of korban does not apply to dedications for Temple repairs. Our Mishnah will therefore be entirely the opinion of R. Simeon and the reason why dedications for Temple repairs do not effect exchange will not be because of the word korban but as R. Simeon explains subsequently in the Mishnah.
- (35) Num. XXXI, 50. We see therefore that the word korban applies also to objects other than dedications for the altar.
- (36) This would have implied an offering in the ordinary sense, i.e., a sacrifice for the altar.
- (37) Lev: XXVII, 33.
- (38) The passage refers to animal tithe.
- (39) Lev. XXVII, 10, in connection with the law of exchange, thus implying that all dedications including animal tithe effect exchange.
- (40) All these effect exchange. Inserted with Sh. Mek.
- (41) The reason therefore why the text again mentions the law of exchange in connection with animal tithe is in order to compare all other exchanges to animal tithe, as R. Simeon explains.
- (42) For which exchange is effected.

Talmud - Mas. T'murah 13b

and something which does not come through a partnership.¹ Rabbi says: And for what purpose now is tithe specially mentioned?² In order to infer the cases of [one which became tithe through] a change of name³ and the exchange of actual tithe.⁴ [And further] to teach you that that which becomes tithe through a change of name is offered up,⁵ whereas the exchange of actual tithe is not offered up;⁶ that which becomes tithe through a change of name is redeemed,⁷ whereas the exchange of actual tithe is not redeemed;⁸ an exchange of actual tithe has effect both on what is fit [unblemished], and what is not fit [blemished],⁹ whereas a change of name [of tithe] has effect only on what is fit.¹⁰ The question was asked:¹¹ Because the Divine Law includes the case of that which became tithe through a change of name, should it therefore be inferior [in holiness]?¹² — Yes, for we say what [the Law] has included is included, but what it has not included, is not included. And whence do you derive this?¹³ — Said R. Huna the son of R. Joshua: Because it¹⁴ is made the subject of a fresh statement, and therefore we do not go beyond the anomalous feature.¹⁵

Said R. Nahman b. Isaac to Raba: According to R. Simeon who says: [Exchange is effected with] something which comes obligatorily, is it only an obligatory burnt-offering that can effect exchange but not a freewill burnt-offering? — He answered him: A freewill burnt-offering also; since he took upon himself [to offer it up],¹⁶ it can effect exchange, and [R. Simeon's teaching]¹⁷ is necessary only for the case of a burnt-offering which comes from surpluses [of sacrificial appropriations].¹⁸ Now what is his view? If he holds with the authority who says that the surpluses go for freewill gifts of the congregation, then actually exchange cannot be effected, since a congregation cannot effect exchange! — Then R. Simeon will hold with the authority who says that the surpluses go for freewill gifts of individuals.¹⁹ Now from whom have we heard this opinion? From R. Eliezer.²⁰ But have we not heard him explicitly [state] that exchange is effected?²¹ For it has been taught: A burnt-offering which came from the surpluses can effect exchange. This is the teaching of R. Eliezer! — R. Simeon agrees with him on one point and differs from him on another. [He²² agrees with him on one point, that surpluses are applied to gifts for individuals],²³ and differs from him on another point, for R. Eliezer holds: A burnt-offering brought from surpluses can effect exchange, whereas R. Simeon holds it cannot effect exchange. If so,²⁴ as regards the inquiry of R. Abin:²⁵ If he set apart a guilt-offering with which to obtain atonement and made an exchange for it, and [the²⁶ first animal then became blemished and he redeemed it for another which became lost], and he obtained atonement through another guilt-offering, and the lost animal was then found and was [automatically] transformed into a burnt-offering, what is the ruling as regards making an exchange with it [the burnt-offering]? Whose opinion does this inquiry presuppose? It can hardly be that of R. Simeon, for you say that R. Simeon holds that a burnt-offering which comes from surpluses cannot effect exchange! — R. Abin's inquiry is thus: If you can find a Tanna who holds R. Simeon's opinion who says that one cannot exchange repeatedly and holds also R. Eliezer's opinion who says that a burnt-offering which comes from the surpluses can effect exchange, what of exchanging it again? With reference to two bodies [different animals] and one kind of holiness,²⁷ what is the ruling? And if you adopt the opinion that one kind of holiness cannot²⁸ [effect exchange again], what is the ruling in the case of two kinds of holiness and one body?²⁹ Let this question remain.³⁰

CHAPTER II

MISHNAH

(1) Since Scripture says 'shall be to thee', thus excluding partners.

(2) Subject to the law of exchange, since all dedications are included in the law of exchange. For Rabbi holds that for declaring a private offering subject to the law of exchange there is no need for a special mention of tithe, since Scripture says, 'he shall etc.' in the singular. That the dedication must be one for the altar is also inferred from the word *korban* mentioned in connection with the law of exchange. We therefore see that Rabbi holds that dedications for the Temple repairs are not called *korban*. Also as regards R. Simeon's exception from the law of exchange of the case of a burnt-offering brought from the surpluses of sacrificial appropriations because dedications must be something which come obligatorily, Rabbi will maintain that surpluses can go for communal offerings. The ruling also concerning partners and congregations not being able to effect exchange can be inferred from the text, He shall not alter, etc., since it is couched in the singular number (Rashi).

(3) Where e.g., one called the tenth animal the ninth and the eleventh the tenth, the law being that both are holy and are offered up as peace-offerings. We derive this from the text: 'And all the tithe'. The animal is therefore not actually tithe but has been named tithe in error.

(4) Where one put a *hullin* alongside tithe and said that the first shall be exchanged for the latter, the exchange in this case having effect. There is need for the special mention of tithe, for otherwise I might have said that there is no exchange in this case, as the rendering of an animal tithe by a change of name is itself an anomaly and therefore one cannot go beyond it (Rashi).

(5) V. Bek. 61a.

(6) V. supra 5b.

(7) For it is a peace-offering and a peace-offering is redeemed when blemished.

- (8) Since Scripture says: 'Then both it and the change thereof shall be holy, it shall not be redeemed'.
- (9) Like tithe which has effect on blemished animals so far as to restrict the killing of them in the market place and weighing the flesh by the pound.
- (10) To receive holiness, like other dedications which do not receive holiness where the blemish was prior to the dedication.
- (11) Lit., 'they said'.
- (12) Why then does not holiness have effect on a blemished animal in this connection? There is all the more reason that the case of tithe through change of name should be more strict and take effect even when the animal is blemished.
- (13) That we do not include anything beyond what the Torah actually includes.
- (14) The tithe through change of name.
- (15) And therefore we do not go any further to include any other case.
- (16) Although he said 'Let this, etc.'.
- (17) That exchange must be something which comes obligatorily.
- (18) Where e.g., one separated money for a sin-offering or a guilt-offering and some of it was left over and with this money we purchased a burnt-offering.
- (19) The owners themselves bring a burnt-offering as a gift but not to carry out an obligation.
- (20) Who holds that surpluses are applied to gifts for individuals.
- (21) What case therefore does R. Simeon exclude in respect of the law of exchange?
- (22) Inserted with Sh. Mek.
- (23) The text therefore is required to exclude this case from the law of exchange.
- (24) That according to R. Simeon a burnt-offering coming from surpluses cannot effect exchange.
- (25) V. supra 9a and notes.
- (26) Inserted with Sh. Mek.
- (27) I.e., if one separated a guilt-offering in order to obtain atonement and exchanged it and then it became blemished and was redeemed for another. The second animal, although another body, possesses the same kind of holiness as the first, i.e., the holiness of a guilt-offering.
- (28) Inserted with Sh. Mek.
- (29) I.e., if one were atoned for through another guilt-offering and the first lost guilt-offering was then found and transformed into a burnt-offering. Thus here there are two kinds of holiness with the same body.
- (30) תיבעי is the term of the Jerusalem Talmud and has the same meaning as תיקו in the Babylonian Talmud.

Talmud - Mas. T'murah 14a

. THERE ARE [LAWS RELATING] TO THE SACRIFICES OF AN INDIVIDUAL WHICH DO NOT APPLY TO CONGREGATIONAL SACRIFICES AND [LAWS RELATING] TO CONGREGATIONAL SACRIFICES WHICH DO NOT APPLY TO THE SACRIFICES OF INDIVIDUALS. FOR SACRIFICES OF AN INDIVIDUAL CAN EFFECT EXCHANGE WHEREAS CONGREGATIONAL SACRIFICES CANNOT EFFECT EXCHANGE; SACRIFICES OF AN INDIVIDUAL CAN BE BOTH MALES AND FEMALES, WHEREAS CONGREGATIONAL SACRIFICES CAN BE ONLY MALES;¹ RESPONSIBILITY REMAINS² FOR THE SACRIFICES OF INDIVIDUALS³ AND⁴ THEIR DRINK-OFFERINGS, WHEREAS RESPONSIBILITY DOES NOT REMAIN FOR CONGREGATIONAL SACRIFICES NOR FOR THEIR DRINK-OFFERINGS, ALTHOUGH RESPONSIBILITY REMAINS FOR THEIR DRINK-OFFERINGS WHEN THE SACRIFICE IS OFFERED UP.⁵ THERE ARE [LAWS RELATING] TO CONGREGATIONAL SACRIFICES WHICH DO NOT APPLY TO THE SACRIFICES OF INDIVIDUALS, FOR CONGREGATIONAL SACRIFICES SUPERSEDE THE SABBATH AND [THE LAWS] OF RITUAL UNCLEANNESS⁶ WHEREAS SACRIFICES OF INDIVIDUALS DO NOT SUPERSEDE EITHER THE SABBATH OR [THE LAWS] OF RITUAL UNCLEANNESS. SAID R. MEIR: BUT ARE THERE NOT THE CASES OF THE OFFERING OF THE BAKED CAKES OF A HIGH PRIEST⁷ AND THE BULLOCK FOR THE DAY OF ATONEMENT⁸ WHICH ARE SACRIFICES OF INDIVIDUALS AND YET SUPERSEDE THE SABBATH AND [THE LAWS] OF RITUAL UNCLEANNESS? THE MATTER THEREFORE

DEPENDS ON [WHETHER] THE TIME [FOR THE OFFERING UP] IS FIXED.⁹

GEMARA. SACRIFICES OF AN INDIVIDUAL CAN EFFECT EXCHANGE etc. But is this a general rule? Is there not the case of birds which are a sacrifice of an individual and yet they do not effect exchange? — [The Mishnah]¹⁰ speaks only of animals. But is there not the case of the offspring of a dedicated animal which is a sacrifice of an individual and yet does not effect exchange? — This view represents the opinion of R. Judah who says: The offspring of a dedicated animal effects exchange. But is there not the case of a substitute itself which is a sacrifice of an individual and a substitute cannot effect an exchange?¹¹ — [The Mishnah] only refers to the principal sacrifice.¹² And now that you have arrived at this explanation,¹³ you can even say that [the Mishnah] will be in agreement with the opinion of the Rabbis,¹⁴ for [the Mishnah] only refers to the principal sacrifice.¹⁵

SACRIFICES OF AN INDIVIDUAL CAN BE BOTH MALES AND FEMALES. But is this a general rule?¹⁶ Is there not the case of a burnt-offering which is a sacrifice of an individual and can only be a male and not a female? — There is the case of the burnt-offering of a bird,¹⁷ for it has been taught: Unblemished condition and male sex [for purposes of sacrifice] are required only of cattle but unblemished condition and male sex are not required of birds. But is there not the case of a sin-offering which is a sacrifice of an individual and is a female-and not a male? — There is the goat offered by a prince, which is a male. But is there not the case of a guilt-offering which is a sacrifice of an individual and is a male and not a female?¹⁸ — We¹⁹ mean [in the Mishnah]²⁰ a sacrifice which can be brought equally by an individual and a congregation,²¹ whereas a guilt-offering can be brought only by an individual but not by a congregation. And if you prefer [another solution] I may say: Does the Mishnah say [there are laws which relate] to all sacrifices? It says [there are laws which relate] to sacrifices.²² And what are these? peace-offerings; and [it tells us] that if one wishes to bring a female [animal] one may do so and if one wishes to bring a male [animal] one may do so.

RESPONSIBILITY REMAINS FOR SACRIFICES OF AN INDIVIDUAL etc. Whence is this proved?²³ — For our Rabbis have taught: [Scripture says:] Everything upon his day.²⁴ this teaches us that the additional offerings may be [offered up] all day.²⁵ The text, 'upon his day' teaches us that if the day passed and he did not offer them, he is not responsible for them.²⁶ One might think that one is not responsible for their drink-offerings although he offered up the sacrifice? The text, however, states: And their meal-offering and their drink-offerings,²⁷ [their meal-offerings and drink-offerings]²⁸ even by night and their meal-offerings and drink-offerings even on the morrow.²⁹ Resh Lakish says: [We derive this] from here: Scripture says, Beside the Sabbaths of the Lord.³⁰ And both [texts]³¹ are necessary. For if the Divine Law had Only written: 'Besides the Sabbaths of the Lord', I might have thought that the drink-offerings may be only offered by day³² but not by night. Therefore Scripture says: 'And their meal-offering and their drink-offerings' — And if the Divine Law had written only. 'Their meal-offering and their drink-offerings' and had not written. 'Besides the Sabbaths of the Lord', I might have thought that the drink-offerings are only offered by night³³ and not by day.³⁴ But wherein lies the difference?³⁵ — Because in respect of dedication, the night follows the day.³⁶ Therefore [both texts] are necessary. But are drink-offerings offered by night? Surely it has been taught: I can only infer from the text³⁷ that such things as it is customary to offer up by night, e.g., limbs, fat-pieces, are [brought to the altar, burnt]³⁸ with the setting of the sun and consumed all through the night. Things, however, which it is customary to offer by day, e.g., the fistful of the meal-offering, frankincense and drink-offerings, whence do I know that he may bring them to the altar and burn them with the setting of the sun. 'With the setting of the sun' say you? Did you not just say things which it is customary to offer by day?³⁹ — Say therefore: Before the setting of the sun. — Whence do we derive that these can be consumed all through the night? The text states: This is the law of the burnt-offering;⁴⁰ this implies something additional.⁴¹ Now in any case the above passage mentions 'the drink-offerings' as something which is offered by day?⁴² — Said Rami b. Hama: There is no difficulty; here,⁴³ the reference is to dedication,⁴⁴ and there,⁴⁵ to

offering.⁴⁶ Said Raba to him: If [the drink-offerings] indeed can become dedicated⁴⁷ [by night] they can be offered [by night]. For it has been taught: 'This is the general rule: Whatsoever is offered by day is rendered holy only by day; whatsoever is offered by night is rendered holy only by night; whatsoever is offered both by day and night is rendered holy by day and night'! Rather said R. Joseph: Delete 'drink-offerings' [from the Baraitha above].⁴⁸ When R. Dimi went up [from Babylon to Palestine] he found R. Jeremiah sitting and lecturing in the name of R. Joshua b. Levi: Whence do we deduce that drink-offerings which accompany a sacrifice⁴⁹ can only be offered by day? The text states: And for your drink-offerings and for your peace-offerings;⁵⁰ and we say: Just as peace-offerings [are offered] by day, so drink-offerings [are offered] by day. He [R. Dimi] said: If I could have found [a messenger]⁵¹ I would have written a letter and sent it to R. Joseph [in Babylon]

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- (1) For the majority of such sacrifices are burnt-offerings and a burnt-offering must be a male animal. A congregation also do not bring peace-offerings, save lambs on Pentecost and these are males. Also their sin-offerings are he-goats.
 - (2) Lit., 'one is responsible' for the whole time until they are offered.
 - (3) Some of these offerings have a fixed time for their sacrifice and even if their time is passed the offering is not void, e.g., the sacrifice of a leper after the eighth day from his cleanliness, or that of a woman after childbirth. In the case, however, of congregational sacrifices which have appointed times, if their time has passed the sacrifices are void.
 - (4) Lit., 'and one is responsible for'.
 - (5) If the sacrifice was offered up at the correct time and the drink-offerings did not accompany the sacrifice, they can be brought within a period of ten days.
 - (6) They can be brought even in a state of ritual uncleanness.
 - (7) V. Lev. VI, 13. These have the law of the daily sacrifice which supersedes the Sabbath and ritual uncleanness; v. Men. 50b.
 - (8) Brought by Aaron, v. Lev. XVI, 3.
 - (9) The superseding of the Sabbath and ritual uncleanness is determined not by whether a sacrifice is of an individual or congregation, but whether there exists a set time for the particular sacrifice.
 - (10) which states that a sacrifice of an individual effects exchange.
 - (11) One cannot say: 'Let that animal be in place of this exchange' in order to acquire holiness.
 - (12) The first animal dedicated and not to one consecrated as a result of this dedication.
 - (13) That the Mishnah refers to the principal sacrifice.
 - (14) Who differ from R. Judah and hold that the offspring of a dedicated animal cannot effect exchange.
 - (15) And the offspring of a dedication, not being the principal dedication, is not included in the rule mentioned in the Mishnah.
 - (16) For the moment the Mishnah's statement is understood as meaning that all sacrifices of individuals can be males as well as females.
 - (17) We have here an example of a burnt-offering which can even be a female.
 - (18) For in connection with it Scripture says a sheep or a ram but not a ewe.
 - (19) V. Sh. Mek.
 - (20) By the statement SACRIFICES OF AN INDIVIDUAL CAN BE BOTH MALES AND FEMALES.
 - (21) Then we say that such a type of sacrifice which can be brought by the individual as well as by the congregation; when however an individual brings it, it can come both from males and females.
 - (22) Implying that there are some sacrifices which do come from females and males.
 - (23) That there is no compensation for the bringing of congregational sacrifices, should there be a postponement for some reason.
 - (24) Lev. XXIII, 37. The text refers to the additional offerings of the festivals.
 - (25) Provided that they are offered up before the daily sacrifice of the evening.
 - (26) There is no compensation.
 - (27) Num. XXIX, 18.
 - (28) Inserted with Sh. Mek.
 - (29) If he offered up the sacrifice in its time, he can bring the drink-offerings within a period of ten days, because Scripture uses the plural 'their drink-offerings', thus intimating that drink-offerings may be offered at other times as well (R. Gershom).

(30) Lev. XXIII, 38. Scripture says: To offer an offering made by fire, a burnt-offering and a meal-offering, a sacrifice and drink-offerings everything upon his day, 'and this is followed by the words, Beside the Sabbaths etc. And we adopt here the interpretation based on textual proximity as follows: Drink-offerings etc. everything upon his day, besides etc., i.e., besides those Sabbaths followed by a Festival where it was forgotten to offer the drink-offerings on the Sabbath, for then they can be offered on the following day on the Festival.

(31) Besides the Sabbaths of the Lord and Their meal-offering and their drink-offerings.

(32) Since Scripture says: Everything upon his day followed by the text, Besides the Sabbaths of the Lord, i.e., that the drink-offerings of the Sabbath can be offered up on the following day on the Festival.

(33) But the drink-offerings of the day may be brought at night.

(34) Which follows the night, i.e., the morrow.

(35) Why should we have said that Scripture implies that the drink-offering can only be brought by night and not on the following day, seeing that Scripture makes no distinction?

(36) For Scripture says: Shall be eaten on the same day that it is offered. He shall not leave any of it until the morning (Lev. VII, 15). We therefore see that all the night is still called 'day' in respect of dedication.

(37) Viz., It is the burnt-offering because of the burning upon the altar all the night, (Lev. VI, 2), from which we infer one can place it on the altar with the setting of the sun and it goes on burning all the night.

(38) Inserted with Sk. Mek.

(39) How then can we speak of them as being offered with the setting of the sun?

(40) Lev. VI, 2.

(41) Since Scripture in this text makes no distinction and includes all things which go up on the altar to be burnt.

(42) Unlike what is stated in the text that drink-offerings are offered even by night.

(43) The text above 'their drink-offerings', from which we infer that drink-offerings may be offered by night.

(44) Implying that if one placed drink-offerings in a sacred vessel at night they are sanctified and cannot become hullin again.

(45) The Baraitha above.

(46) Which can only take place by day.

(47) As the result of placing them in sacred vessels.

(48) Which included drink-offerings as being offered by day.

(49) And which became hallowed with the killing of the sacrifice, thus becoming part of the sacrifice.

(50) Num. XXIX, 39.

(51) V. Rashi and Sh. Mek.

Talmud - Mas. T'murah 14b

to say that he should not delete the case of drink-offerings [from the above Baraitha],¹ and yet there is no contradiction.² Here,³ we are dealing with drink-offerings which accompany a sacrifice,⁴ while there⁵ we are dealing with drink-offerings which are brought by themselves.⁶ And if he had found [someone] could he have written the letter? Did not R. Abba the son of R. Hiyya b. Abba report in the name of R. Johanan: Those who write the traditional teachings⁷ [are punished]⁸ like those who burn the Torah,⁹ and he who learns from them [the writings] receives no reward. And R. Judah b. Nahman the Meturgeman¹⁰ of Resh Lakish gave the following [as exposition]: The verse says: Write thou these words¹¹ and then says: For after the tenor of these words,¹¹ thus teaching you that matters received as oral traditions you are not permitted to recite from writing and that written things [Biblical passages] you are not permitted to recite from memory.¹² And the Tanna of the School of R. Ishmael taught: Scripture says, 'Write thou these words', implying that 'these' words you may write but you may not write traditional laws!¹³ — The answer was given: Perhaps the case is different in regard to a new interpretation.¹⁴ For R. Johanan and Resh Lakish used to peruse the book of Aggadah¹⁵ on Sabbaths¹⁶ and explained [their attitude] in this manner: [Scripture says:] It is time for the Lord to work, they have made void thy law,¹⁷ explaining this as follows: It is better that one letter of the Torah¹⁸ should be uprooted than that the whole Torah should be forgotten.

Said R. Papa: Now that you say that drink-offerings which are brought by themselves¹⁹ are

offered even by night, if drink-offerings happen to be at hand by night, we can dedicate them by night²⁰ and offer them [by night]. Said R. Joseph the son of R. Shema'ia to R. Papa: There is a Baraitha which supports [your dictum]: 'This is the general rule, Whatsoever is offered by day is only dedicated by day, and whatsoever is offered by night is dedicated by night'.

Said R. Adda b. Ahaba:²¹ And the rise of the morning dawn disqualifies drink-offerings like²² the limbs [of the daily evening sacrifice].²³

When R. Dimi came [from Palestine] he reported that R. Johanan said in the name of R. Simeon b. Jehozadok: [Scripture says:] These things ye shall do unto the Lord in your set feasts:²⁴ this refers to the obligatory sacrifices which are brought on holy days;²⁵ beside your vows and your freewill-offerings²⁴ teach concerning vows and freewill-offerings that they are offered on the Intermediate Days²⁶ of the Festival; for your burnt-offerings:²⁴ now of what kind of burnt-offering does the verse speak? If of a freewill burnt-offering, is it not already written, 'your freewill-offerings'? And if of a burnt-offering which was vowed, is it not already written, 'your vows'? [The text]²⁷ therefore can only refer to the burnt-offerings of a woman brought after childbirth and the burnt-offering of a leper.²⁸ And for your meal-offerings:²⁴ now of what kind of meal-offering does the verse speak? If of a freewill meal-offering, is not this already written?²⁹ And if of a meal-offering which was vowed, is not this already written?³⁰ [The text] therefore can only refer to a sinner's meal-offering and a meal-offering of jealousy.³¹ And for your drink-offerings and for your peace-offerings²⁴ implies an analogy between drink-offerings and peace-offerings [as follows]: Just as peace-offerings are offered by day so drink-offerings [which accompany a sacrifice] are offered by day. 'And for your peace-offerings' includes peace-offerings of a Nazirite.³²

Said Abaye to him: And why not say that the text³³ includes peace-offerings of the Passover,³⁴ for if the text includes peace-offerings of a Nazirite, they are sacrifices which are the subject of a vow or a freewill dedication,³⁵ and we have learnt: 'This is the general rule, Whatsoever is the subject of a vow or a freewill dedication, may be offered on a private bamah³⁶ and whatsoever is not the subject of a vow or a freewill dedication must not be offered on a private bamah'.³⁷ And it has been taught: 'Meal-offerings and offerings in connection with a Nazirite may be offered on a private bamah'.³⁸ This is the teaching of R. Meir. — Delete³⁹ from here⁴⁰ the case of a Nazirite.⁴¹ But is there an authority who holds that a Nazirite is not the subject of a vow or a freewill-offering? Lo, it is written: And it came to pass after forty years that Absalom said to the King, [pray thee let me go and pay my vow which I vowed unto the Lord in Hebron. For thy servant vowed a vow, etc.⁴² Now does this not refer to the sacrifice?⁴³ — No, it refers to the vow itself.⁴⁴ 'The vow itself' — was it made in Hebron? Was it not made in Geshur?⁴⁵ Said R. Aha, some say Rabbah son of R. Hanan: Absalom only went in order to bring sheep from Hebron.⁴⁶ So indeed it stands to reason. For if you say that he went to Hebron to offer up, would he leave Jerusalem and go to offer up in Hebron? — Then what do you say? That he went to bring sheep from Hebron? Then why does it say: 'Which I vowed unto the Lord in Hebron'? It ought to say 'from Hebron'! — One can still say that he went to offer in Hebron,⁴⁷ and as regards your difficulty as to why he left Jerusalem and came to offer in Hebron, why not raise this same difficulty with reference to Gibeon which was a holy place?⁴⁸ This however is the explanation: Once it has become permissible to offer on the bamahs, he can offer wherever he wishes.⁴⁹

It says: 'After forty years'. Forty years from what? — R. Nehorai reported in the name of R. Joshua: Forty years from when [the Israelites] asked for a king. For it has been taught: The year in which the Israelites asked for a king was the tenth year of Samuel's leadership.

(1) That drink-offerings are indeed offered by day.

(2) With the text cited above: 'Their meal-offering and drink-offering, which was explained above as meaning that drink-offerings may be offered by night.

- (3) In the Baraitha above which includes the case of drink-offerings as being offered by day.
- (4) The offering up of a sacrifice rendered the drink-offerings sacred so that they cannot be offered by night, like the sacrifice itself.
- (5) The text, 'Their meal-offering etc.'
- (6) Which were not hallowed by the killing of the sacrifice but were dedicated after the sacrifice had been offered up. In such a case, drink-offerings may be offered for ten days, including the nights.
- (7) Halachahs, v. Glos.
- (8) V. R. Gershom.
- (9) For it is forbidden to retain oral traditions which have been committed to writing, since they belong to the Oral Law (Rashi). Another explanation of Rashi: These writings are not saved on Sabbath in case of fire.
- (10) Lit., 'interpreter'; his Amora who expounded his lectures, v. Glos. s.v. Amora.
- (11) Ex. XXXIV, 27.
- (12) Tosaf. asks how then do we recite psalms, and answers that we are only particular as regards the Pentateuch. Furthermore the restriction only applies when we are desirous of acting on behalf of others.
- (13) How therefore could R. Dimi have written down the oral tradition with reference to drink-offerings?
- (14) The analogy quoted above: 'And just as peace-offerings are offered by day etc.' (R. Gershom). Another explanation (Rashi): Any new interpretation which reconciles conflicting Baraithas. Sh. Mek. adds: Another version: The answer was given. The Rabbis rely on what they learn, but since there is forgetfulness, they reduce to writing and when the occasion arises they look into the book.
- (15) Homiletic literature.
- (16) In order that the Aggadahs might not be forgotten.
- (17) Ps. CXIX, 126. When a thing is done in the name of God it is sometimes necessary to nullify the Law. The reason for the prohibition of reducing to writing oral tradition has so far not been satisfactorily explained. For a full discussion of the problem, as well as an attempt to explain the term halachahs mentioned in this connection, v. Kaplan, J. The Redaction of the Talmud, pp. 261ff.
- (18) I.e., the passage: 'For after the tenor of these words' which prohibits the committing to writing of oral traditions.
- (19) Even though dedicated in connection with a sacrifice, they were not offered at the same time as a sacrifice.
- (20) By placing them in a sacred vessel.
- (21) Referring to R. Papa's ruling above that drink-offerings dedicated by night must be offered by night.
- (22) So Rashi.
- (23) Which is disqualified at the approach of dawn. Another explanation of R. Adda's ruling (R. Gershom) is as follows: Referring to the Baraitha above which says the limbs and joints go on being consumed all night, R. Adda says: The approach of the time for the bringing of the daily morning sacrifice disqualifies the limbs if they are not consumed by then. But only the actual offering up of the morning sacrifice disqualifies, as then it is already day, but not the mere preparations on the altar for the morning sacrifice.
- (24) Num. XXIX, 39.
- (25) E.g., the festive sacrifice, the offering of appearance before God and the additional festival offerings.
- (26) But not on the Festival itself, as vows and freewill-offerings cannot be brought on a festival.
- (27) 'For your burnt-offerings'.
- (28) Which are also offered on the Intermediate Days of the Festival (R. Gershom).
- (29) In the words, 'your freewill-offerings'.
- (30) In the words, 'your vows'.
- (31) Brought in connection with a woman suspected of infidelity.
- (32) These also are offered on the Intermediate Days of the Festival (R. Gershom). Scripture cannot here mean to include freewill peace-offerings, since the text has already said 'your vows'. And if the text is for the purposes of analogy, let Scripture say 'and for peace-offerings'. Why 'and for your peace-offerings?' (Rashi).
- (33) 'And for your peace-offerings'.
- (34) If there was a large company for the paschal lamb so that it would not suffice for all present, peace-offerings were brought with it; and Abaye would learn that if these were set aside for that purpose on the fourteenth of Nisan but were not offered up, they could be offered on the Intermediate Days. For, according to Abaye, there is no need for Scripture to include the case of peace-offerings of a Nazirite, as this can be inferred from the text, 'for your freewill-offerings and your vows', for Naziriteship is the subject of a vow and freewill dedication, whereas peace-offerings in connection with

the passover are obligatory sacrifices.

(35) For a man can vow to be a Nazirite and after completing the period of Naziriteship he brings his peace-offering.

(36) A temporary and improvised altar.

(37) Meg. 9b.

(38) Zeb. 117b. We consequently see that a Nazirite is the subject of a vow etc. Otherwise one could not offer sacrifices of a Nazirite on a private bamah.

(39) Var. lec. insert: Said R. Joseph (v. Sh. Mek.).

(40) From the cited Baraitha.

(41) So that although a Nazirite is the subject of a vow and a freewill dedication, this does not apply to the sacrifices which a Nazirite has to bring later on, these being obligatory, for the vow of a Nazirite at the outset only has reference to wine and the sacrifices come later automatically.

(42) II Sam. XV, 7.

(43) Implying that he will go to Hebron and pay his vows there. Now Absalom was a life Nazirite and every year he shaved himself and brought the appropriate sacrifice. Since he went to offer his sacrifice in Hebron where there were private bamahs, we can infer that a Nazirite is the subject of vows and freewill-offerings.

(44) The word Hebron in the text means this: I will go to the place of a large bamah i.e., Gibeon and there pay my vows which I made at Hebron. But the text does not mean that Absalom actually fulfilled his vows in Hebron.

(45) Since Scripture says: 'For thy servant vowed a vow while I abode at Geshur'.

(46) The sheep there being large and fat and his intention being subsequently to offer them in Gibeon on a large bamah. The text therefore does not mean that the vow was made in Hebron, only that he obtained the sheep at Hebron.

(47) For a Nazirite can offer his sacrifice on a private bamah.

(48) For in that place there was an altar which Moses made. Why not go there?

(49) Absalom therefore went to Hebron and saw the sheep, and being there, he decided to offer in the same place (Wilna Gaon). The Rabbis who differ from R. Meir, however, hold that a Nazirite is not the subject of vows and therefore Absalom went to Hebron for the sheep but the actual offering was in Gibeon, on a large bamah (Tosaf). R. Dimi therefore who includes peace-offerings in connection with a Nazirite, agrees with the Rabbis who hold that a Nazirite is not the subject of vows and the Baraitha quoted above is the opinion of R. Meir.

Talmud - Mas. T'murah 15a

Samuel himself¹ ruled ten years,² there was one year in which both Saul and Samuel ruled³ and two years in which Saul himself ruled⁴ and thirty-six⁵ years in which David reigned.⁶

MISHNAH. A SIN-OFFERING OF AN INDIVIDUAL WHOSE OWNERS HAVE PROCURED ATONEMENT⁷ IS LEFT TO DIE,⁸ WHEREAS THAT OF A CONGREGATION⁹ IS NOT LEFT TO DIE.¹⁰ R. JUDAH, HOWEVER, SAYS: [IT IS] LEFT TO DIE.¹¹ R. SIMEON SAID: WHAT DO WE FIND WITH REGARD TO THE OFFSPRING OF A DEDICATED ANIMAL, THE SUBSTITUTE OF A SIN-OFFERING AND A SIN-OFFERING WHOSE OWNERS DIED?¹² [THAT THE RULES CONCERNING] THESE APPLY ONLY TO AN INDIVIDUAL BUT NOT A CONGREGATION. SIMILARLY [THE RULES CONCERNING] THE SIN-OFFERING WHOSE OWNERS HAVE PROCURED ATONEMENT AND [A SIN-OFFERING] WHOSE YEAR HAS PASSED¹³ APPLIES ONLY TO AN INDIVIDUAL BUT NOT A CONGREGATION.¹⁴

GEMARA. Our Rabbis have taught: Why does [Scripture] say: And if he bring [a lamb] for a sin-offering?¹⁵ Whence do we derive that if one dedicated a sin-offering and it became lost and he separated another animal in its place and the first animal was then found, and both are standing before us, whence do we derive that he may bring whichever one he chooses?¹⁶ The text states: 'And if he bring a sin-offering'. One might think that he may bring both of them. The text however states: 'He shall bring it',¹⁷ implying one¹⁸ but not two. And what becomes of the second sin-offering? — Said R. Hammuna: It has been taught: R. Judah says, It is left to pasture, whereas R. Simeon says: It is left to die.¹⁹ But does indeed R. Judah hold that it is left to pasture? Have we not heard R. Judah to hold that IT IS LEFT TO DIE?²⁰ — Reverse [the names in the above Baraitha] as follows: R. Judah

says: It is left to die, whereas R. Simeon says: It is left to pasture. But does indeed R. Simeon hold that it is left to pasture? Did not R. Simeon say: Five sin-offerings are left to die?²¹ — Rather you need not at all reverse [the names of the Baraita above] and there is no difficulty.²² There,²³ [we are dealing] with a case where [the first sin-offering] was lost when the second animal was separated [for a sin-offering],²⁴ and here,²⁵ we are dealing with a case where [the first sin-offering] was lost at the time of the atonement [by means of the second animal].²⁶ And if you prefer [another solution] I may say, In both cases we suppose [the first sin-offering] was lost at the time of the separating [of the second animal]²⁷ and yet there is no difficulty.²⁸ This²⁹ is the opinion of R. Judah according to Rabbi,³⁰ and that³¹ is the opinion of R. Judah according to the Rabbis.³² But³³ is there an authority who holds that a congregational sin-offering whose owners procured atonement is left to die?

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- (1) Without Saul after the death of Eli.
 - (2) In the tenth year of Samuel's ruling they asked for a king (Rashi).
 - (3) Saul following Samuel's advice.
 - (4) Without Samuel's guidance, although he was still alive, for Samuel died only four months before Saul.
 - (5) So Rashi. The text has thirty-seven.
 - (6) We have therefore thirteen years for Samuel and Saul after the death of Eli until David, and David reigned thirty-six years, up to the rebellion of Absalom. We have thus forty-nine years. Deduct from this nine years for Samuel's leadership before the Israelites asked for a king, and we find that when Absalom revolted it was forty years since the Israelites had asked for a king; v. Nazir 5a.
 - (7) If the animal became lost and atonement was obtained by means of another animal.
 - (8) For it is a Sinaitic tradition that there are five sin-offerings, of which this is one, which are left to die.
 - (9) Who were atoned for with another sin-offering.
 - (10) As according to the view of the first Tanna this tradition only refers to the sin-offerings of an individual but not to that of a congregation.
 - (11) Since the tradition applies even to a congregational sin-offering.
 - (12) Of the five sin-offerings which are condemned to die, three cannot belong to a congregation, namely, the offspring of a sin-offering, for a congregation cannot bring a female animal; the substitute of a sin-offering, since a congregation cannot effect an exchange; and finally the case where the owners of a sin-offering die, this law not applying to a congregation, as explained later in the Gemara.
 - (13) Which is older than one year, the period assigned for a sin-offering.
 - (14) Although it is possible to have a congregation bringing these two kinds of sin-offerings.
 - (15) Lev. IV, 32. What need is there for the words: 'And if he bring'? Scripture could have said: If a lamb be his offering.
 - (16) For a sin-offering.
 - (17) The latter part of the verse: 'And if he bring a lamb for a sin-offering'.
 - (18) Animal to be brought as a sin-offering.
 - (19) Since it is a case of a sin-offering of an individual whose owners have already procured atonement.
 - (20) Even in the case of a congregational sin-offering, and how much more so then in the case of a sin-offering of an individual.
 - (21) V. our Mishnah; and R. Simeon states there distinctly that all the five cases affect only individuals and one of them is the case of the sin-offerings whose owners have procured atonement.
 - (22) As regards the conflicting views of R. Judah in the Mishnah and in the Baraita.
 - (23) In the Baraita where he says that the sin-offering is condemned to pasture.
 - (24) Before its offering. Since then he can bring either, the second animal is only condemned to pasture.
 - (25) In the Mishnah.
 - (26) Since therefore the owners have procured atonement through the second animal, the first animal is left to die.
 - (27) The first animal was found, however, before atonement was procured by means of the second animal.
 - (28) V. p. 104, n. 10.
 - (29) In the Mishnah which says that it is left to die.
 - (30) Who holds (infra 22b) that if the first offering is lost at the time of the separation of the second animal, although it is found before atonement is obtained by means of the second animal, the latter is left to die.

(31) The Baraita which says that the sin-offering is left only to pasture.

(32) Who differ from Rabbi and hold that the law of a sin-offering being left to die only applies after the owners had procured atonement by means of the second animal.

(33) The question refers to the Mishnah where R. Judah says that even a congregational sin-offering is condemned to die.

Talmud - Mas. T'murah 15b

Has it not been taught: Likewise,¹ R. Jose said: The children of the captivity that were come out of the exile offered burnt-offerings, twelve bullocks, ninety-six rams, seventy-seven lambs, twelve he-goats, for a sin-offering, all this was a burnt-offering unto the Lord.² But can a sin-offering be brought as a burnt-offering?³ — Said Raba: [It means] like a burnt-offering [in this respect]. Just as a burnt-offering must not be eaten, so that sin-offering was not to be eaten. For R. Jose used to say: They brought the twelve he-goats⁴ for the sin of idolatry. And Rab Judah reported in the name of Samuel: On account of the idolatry which they committed in the time of Zedekiah. Now, assuming that the one⁵ who holds that a congregational sin-offering whose owners procured atonement is left to die, also holds that a sin-offering whose owners have died is left to die, is there not here⁶ a case where the owners have died⁷ and yet the sin-offering is offered!⁸ — Said R. Papa: Even according to the one who holds that a congregational sin-offering whose owners have procured atonement is left to die, a congregational sin-offering whose owners have died is not left to die, for 'a congregation does not die'.⁹

Whence does R. Papa derive this? Shall we say because Scripture says: Instead of thy fathers shall be thy children?¹⁰ If this be so, the same should apply to [the sacrifice] of an individual?¹¹ — Rather this is the reason why [the law of] the owners of [a sin-offering] who died does not apply to a congregation, because [we make an inference] from the case of the goats brought on Festivals and New Moons, since the Divine Law says: Bring them from the offerings of the Temple Treasury. Now perhaps the owners of this money have died?¹² Must you therefore not admit that a congregation does not die? And if you prefer [another solution] I may say: When these sin-offerings [goats] were offered¹³ they were offered on behalf of those still alive,¹⁴ since Scripture says: But many of the priests and Levites and chiefs of the fathers who were ancient men, that had seen the first house, when the foundation of this house was laid before their eyes, wept with a loud voice and many shouted aloud for joy.¹⁵ Perhaps [the survivors] were only a minority?¹⁶ — You cannot say this, since [the text continues]: So that the people could not discern the noise of the shouting from the noise of the weeping of the people.¹⁷ But how could they bring [a sacrifice for idolatry]? Were they not wilful [sinners of idolatry in the days of Zedekiah]? — Said R. Johanan: It was a special decision.¹⁸ So indeed it stands to reason.¹⁹ For should you not say so, there is no difficulty as regards [the twelve] bullocks and [the twelve] goats, for this corresponds with the twelve tribes.²⁰ But as regards [rams]²¹ and lambs, with reference to whom [were they brought]? You must say therefore that this was a special decision [and here, too, it was a special decision].²²

We have learnt elsewhere: When Joseph b. Jo'ezer of Zereda and Joseph b. Johanan of Jerusalem died the grape-clusters [the scholars] came to an end.²³ What is the meaning of eshkoloth [grapeclusters]?²⁴ — A man in whom all is contained.²⁵ R. Judah reported in the name of Samuel: All the 'grape-clusters' who arose from the days of Moses until Joseph b. Jo'ezer learnt Torah like Moses our Teacher.²⁶ From that time onward, they did not learn Torah like Moses our Teacher. But did not Rab Judah report in the name of Samuel: Three thousand halachoth were forgotten during the period of mourning for Moses? — Those laws which were forgotten were forgotten, but those which were learnt²⁷ they learnt like Moses our Teacher. But has it not been taught: After the death of Moses, if those who pronounced unclean were in the majority,²⁸ they [the Rabbis] declared [the object] unclean, and if those who pronounced clean were in the majority, they [the Rabbis] declared [it] clean?²⁹ — Their acumen³⁰ diminished, but what they had learnt³¹ they learnt like Moses our

Teacher.³²

It has been taught: All the 'grape-clusters' who arose in Israel from the days of Moses until the death of Joseph b. Jo'ezer of Zereda were free from all dofi [taint].³³ From that time onward some matter of taint was found in them.³⁴ But has it not been taught: There is the story of a certain hasid³⁵ who groaned [from a pain] in his heart, and when the doctors were consulted they said that there was no remedy for him unless he sucked hot milk from [a goat³⁶ every morning]. They brought a goat and bound it to the feet of his bed and he used to suck milk from it. Next day his friends came to visit him. When they saw the goat they exclaimed: 'A robber in arms is in the house³⁷ and shall we go in to visit him?' [They³⁸ left him immediately. When he died] they sat down and made investigation and found no other sin in him except that of [the keeping of] the goat. He [the hasid] too at his death said: 'I myself know that I have not sinned except in the keeping of this goat, having thus transgressed the teaching of my colleagues'. For the Sages taught: One must not rear small cattle in the Land of Israel. And it is also an established fact with us that wherever the Talmud speaks of a certain hasid it refers either to R. Judah b. Baba or R. Judah b. Ila'i. Now [these] Rabbis³⁹ lived many generations after Joseph b. Jo'ezer of Zereda.⁴⁰

(1) Tosaf. explains that the Baraitha cited here is with reference to Lev. V, 10 where it says: And he shall offer the second for a burnt-offering. The Baraitha states that just as a burnt-offering must not be eaten, so this sin-offering must not be eaten. Thereupon the Baraitha proceeds: Likewise, etc.

(2) Ezra VIII, 35.

(3) Since the text says here that twelve sin-offerings were all brought as a burnt-offering.

(4) Corresponding to the twelve tribes. A goat for a sin-offering is brought for the sin of idolatry of which a congregation has been guilty and it is burnt outside the camp.

(5) R. Judah in the Mishnah.

(6) In the text just quoted.

(7) The owners having died during the seventy years of captivity in Babylon.

(8) In spite of the fact that the owners were dead.

(9) I.e., the relevant law does not apply to a congregation,

(10) Ps. XLV, 17. I.e., that the children take the place of the fathers and the sin-offering is offered up, for it is not considered as being ownerless.

(11) Where a man dies, his son in his place should be considered the owner of the sin-offering.

(12) And therefore the sin-offerings have no owners and should be condemned to die.

(13) For the sin of idolatry in the days of Ezra.

(14) From those who worshipped idolatry in the days of Zedekiah.

(15) Ezra III, 22. I.e., those who had not seen the first Temple, rejoiced now aloud.

(16) A minority of the Israelites, and for a minority we do not offer the same sacrifice as for a majority but as for individuals. Since then twelve goats were offered on behalf of the twelve tribes, these must have been meant for the first people mentioned in the text who had died, and we can therefore infer that the law of a sin-offering whose owner died does not apply to a congregation.

(17) We therefore see that those who wept were in a majority over those who rejoiced and the weepers belonged to the first people mentioned in the text who had died (Rashi).

(18) And not to be taken as a precedent.

(19) That it is a special decision.

(20) Since the congregational offering for idolatry is a bullock for a burnt-offering and a goat for a sin-offering.

(21) V. Bah.

(22) The bringing of a sacrifice for wilful idolatry. The bracketed words are inserted with sh. Mek.

(23) V. Sot. (Sonc. ed.) p. 249, n. 4.

(24) Inserted with Sh. Mek.

(25) Heb. ish she-hakol bo, a play on the word eshkoloth; universality of the knowledge of the Torah (v. Sh. Mek.). Rashi explains the phrase as denoting one having the knowledge in Torah, fearing God and practising benevolence.

(26) Scrupulous and exact in the knowledge of the laws and regulations.

- (27) Lit., 'those they had on tradition'.
- (28) R. Gershom explains that this refers to the laws which were forgotten during the period of mourning for Moses.
- (29) We therefore see that there were differences of opinion with reference to many laws soon after the death of Moses.
- (30) Lit., 'heart', and they could not recall the laws by means of discussion. Therefore there were differences of opinion with reference to them and the laws were settled by going according to the decision of the majority.
- (31) V. p. 107, n. 11.
- (32) Scrupulously and correctly.
- (33) For the moment the word דּוּפִי is understood as meaning 'taint' of sin.
- (34) They were not so upright.
- (35) A pious man.
- (36) Inserted with Sh. Mek.
- (37) Small cattle cannot be looked after as they go and feed in other fields, thus an owner of small cattle is guilty of robbing another man's pasture; v. B.K. 80a.
- (38) Inserted with Sh. Mek.
- (39) I.e., R. Judah b. Ila'i and R. Judah b. Baba, and it says here that no sin was found in them.
- (40) Consequently there was no taint of sin found among the leaders, even after the period of Joseph b. Jo'ezer.

Talmud - Mas. T'murah 16a

Said R. Joseph: [The word dofi here means] dispute, [e.g., the dispute] relating to 'laying on of hands'.¹ But does not Joseph b. Jo'ezer himself differ with reference to the law of laying on of hands?² — When he differed it was in his latter years, when his mental powers³ declined.

The [above] text [stated]: 'Rab Judah reported in the name of Samuel: Three thousand traditional laws were forgotten during the period of mourning for Moses'. They said to Joshua: 'Ask';⁴ he replied: It is not in heaven.⁵ They [the Israelites] said to Samuel: 'Ask'; he replied: [Scripture says:] These are the commandments,⁶ implying [that since the promulgation of these commandments] no prophet has now the right to introduce anything new.

Said R. Isaac the Smith: Also the law relating to a sin-offering whose owners have died⁷ was forgotten⁸ during the period of mourning for Moses. They [the Israelites] said to Phinehas: 'Ask'; he replied to them: 'It is not in heaven'.⁹ They said to Eleazar: 'Ask'. He replied: 'These are the commandments', implying [that since the promulgation of these commandments] no prophet has now the right to introduce anything new.

Rab Judah reported in the name of Rab: When Moses departed [this world] for the Garden of Eden he said to Joshua: 'Ask me concerning all the doubts you have'.¹⁰ He replied to him: 'My Master, have I ever left you for one hour and gone elsewhere?'¹¹ Did you not write concerning me in the Torah: But his servant Joshua the son of Nun departed not out of the tabernacle?¹² Immediately the strength [of Moses] weakened¹³ and [Joshua] forgot¹⁴ three hundred laws and there arose [in his mind] seven hundred doubts [concerning laws]. Then all the Israelites rose up to kill him.¹⁵ The Holy One, blessed be He, then said to him [Joshua]: 'It is not possible to tell you'.¹⁶ Go and occupy their attention in war, as it says: Now after the death of Moses the servant of the Lord, it came to pass that the Lord spake;¹⁷ and it further says; [Prepare you victuals for within three days, etc.].¹⁸

It has been taught: A thousand and seven hundred kal wahomei¹⁹ and gezerah shawah²⁰ and specifications of the Scribes²¹ were forgotten during the period of mourning for Moses. Said R. Abbuha: Nevertheless Othniel the son of Kenaz restored [these forgotten teachings] as a result of his dialectics, as it says: And Othniel the son of Kenaz, the brother of Caleb, took it;²² and he gave him Achsah his daughter to wife.²³ And why was her name called Achsah? — Said²⁴ R. Johanan: Because whosoever saw her was angry with his wife.²⁵ And it came to pass as she came unto him that she moved him to ask of her father a field. And she alighted [watiznah] off her ass.²⁶ What does

the word wa-tiznah mean? Raba reported in the name of R. Isaac: She said to him: Just as an ass when it has no food in its trough immediately cries out,²⁷ so a woman when she has no wheat in her house cries out immediately, [as it says: And Caleb said unto her: What wouldst thou?].²⁴ And she answered, Give me a blessing for thou hast given me a south land,²⁸ implying a house dry²⁹ [devoid] of all goodness [money]; give me also springs of water,³⁰ meaning a man in whom is Only Torah.³¹ And he gave her the upper springs [gulloth] and the nether springs.³⁰ He said to her: ‘One to whom all the secrets of the upper and nether worlds are revealed,³² need one ask food from him?’³³ But was Caleb the son of Kenaz?³⁴ Was he not the son of Jephunneh?³⁵ — The meaning of the word Jephunneh is that he turned³⁶ from the counsel of the spies. But still was he [Caleb] the son of Kenaz? Was he not the son of Hezron, since it says: And Caleb the son of Hezron begat Azubah?³⁷ — Said Raba: He [Caleb] was a stepson of Kenaz.³⁸ [This can also be proved,³⁹ since it says: Caleb the son of Jephunneh the Kenezite,⁴⁰ but does not say the son of Kenaz.]⁴¹ A Tanna taught: Othniel is the same as Jabez.⁴² He⁴³ was called Othniel because God answered him,⁴⁴ and Jabez because he counselled⁴⁵ and fostered Torah in Israel. And what was his [real] name? Judah the brother of Simeon. And whence do we derive that God answered him? — Since it says: And Jabez called on the God of Israel saying, Oh that thou wouldst bless me indeed and enlarge my border, and that thine hand might be with me, and that thou wouldst keep me from evil that it may not grieve me! And God granted him that which he requested.⁴⁶ ‘Oh that thou wouldst bless me indeed’ with Torah; ‘and enlarge my border’ with pupils; ‘that thine hand might be with me’, that my studies may not be forgotten from my heart; ‘and that thou wouldst keep me from evil’, that I may meet friends like myself; ‘that it may not grieve me’, that the evil inclination may not have power over me so as to prevent me from studying: If thou doest so it is well, but if not, I shall go with my ‘grief’ to the grave. Immediately, ‘God granted him that which he requested’.⁴⁷ You find a similar example: The poor man and the man of medium wealth meet together,⁴⁸ the Lord lighteneth both their eyes.⁴⁹ When the pupil questions his teacher and says to him: ‘Teach me Torah’, if he teaches him, the Lord enlightens the eyes of both of them,⁵⁰ and if not, ‘the rich and poor meet together, the Lord is the maker of them all’:⁵¹ He who made this one wise can make him a fool, and He who has made this one a fool can make him wise.⁵² This is the teaching of R. Nathan. R. Judah the Prince says: ‘If thou wouldst bless me indeed’, by multiplying and increasing; ‘and enlarge my border’, with sons and daughters; ‘and that thine hand might be with me’, in business; ‘and thou wouldst keep me from evil’, that I have no head-ache, ear-ache nor eye-ache; ‘that it may not grieve me’, that the evil inclination may not have power over me so as to prevent me from studying: If thou doest so, it is well, but if not, I will go with my ‘grief’ to the grave. ‘And God granted him that which he requested’.

Likewise⁵³ you say: The poor man and the man of medium wealth have met together, the Lord lighteneth both their eyes,⁵⁴ when the poor man goes to the donor and says, ‘Assist me’, if he assists him it is well, but if not, ‘the rich and the poor meet together, the Lord is the maker of them all’: He who made this one rich can make him poor, and He who made this one poor can make him rich.

SAID R. SIMEON: WHAT DO WE FIND AS REGARDS etc. Our Rabbis taught: R. Simeon says, Five sin-offerings are left to die — an offspring of a dedicated animal, the substitute of a sin-offering, a sin-offering whose owner has died, a sin-offering whose owner has procured atonement, and a sin-offering whose year is passed. Now you cannot apply [the law of] the offspring of a dedicated animal to a congregation because a congregation does not bring a female animal [for an offering]. You cannot also apply [the law of] the substitute of a sin-offering to a congregation because a congregation cannot effect exchange. You cannot also apply [the law of] a sin-offering whose owner has died to a congregation because ‘a congregation does not die’. With regard to the cases of a sin-offering whose owner has procured atonement or whose year is passed, we do not as yet know.⁵⁵ Shall we say then that these have the same rule in the case both of a congregation and an individual? I will tell you. Let the cases which are not explicitly stated⁵⁶ be derived [by analogy] from the cases explicitly stated⁵⁷ [as follows]: Just as the cases explicitly stated apply to an

individual and not to a congregation, so the cases regarding the owners of a sin-offering who have procured atonement and a sin-offering whose year has passed only apply to an individual and not to a congregation.

- (1) The laying of hands on the animal previous to a sacrifice on a Festival, which was the very first subject over which there was a difference of opinion, the School of Shammai holding that it was permissible and the School of Hillel that it was not permissible. This controversy took place after the time of Joseph b. Jo'ezer.
- (2) Hag. 16a. V. (Sonc. ed.) p. 105, n. 1. We therefore see that even in Joseph b. Jo'ezer's time there were already differences of opinion relating to certain laws.
- (3) Lit., 'heart'.
- (4) Through the holy spirit, that these forgotten laws should be taught anew (R. Gershom).
- (5) Deut. XXX, 12. The whole Torah has already been given.
- (6) Num. XXXVI, 13.
- (7) Var. lec.: Have obtained atonement.
- (8) Whether the animal was left to die or to pasture.
- (9) Bah omits from 'It is not' to 'he replied'.
- (10) On any points of law.
- (11) I.e., I have no doubts.
- (12) Ex. XXXIII, 11.
- (13) I.e., he took offence at Joshua's remark, which implied he had no longer need of him.
- (14) He was punished for causing this weakness of Moses.
- (15) Until he should tell them the laws.
- (16) These laws, since the Torah is not in heaven.
- (17) Josh. I, 1.
- (18) Ibid. II. The bracketed words are inserted with Bah; v. also Sh. Mek.
- (19) Conclusion from minor to major.
- (20) Analogies based on verbal congruities.
- (21) Numerical tabulations, (e.g., thirteen things were taught with reference to nebelah of a clean bird, five are not in a position to give temurah, etc). employed by the Rabbis as an aid to remembering the laws.
- (22) I.e., Kiryath Sefer (Lit., 'the city of the book') and explained as meaning that Othniel won back the store of traditional teachings lost during the mourning period for Moses.
- (23) Josh. XV, 17.
- (24) Inserted with Sh. Mek.
- (25) Because she was very beautiful, the word **עכסה** being derived from the word **כעם** which means 'anger'.
- (26) The continuation of the previous text.
- (27) The word **ותצנח** is explained here as being derived from **צוח** 'To cry out', 'shout'.
- (28) Ibid. 18-19.
- (29) The word **נגב** 'south' is here derived from the root **נגב** meaning 'to be dry'.
- (30) Josh. XV, 18-19.
- (31) I.e., aman to whom the Torah is geluyah (revealed), a play on the word gulloth (springs).
- (32) V. Bah; cur. edd. read: Let him seek food from him who dwells with the upper and nether worlds.
- (33) Var. lec. 'of me', hence render: 'need he seek food of me, surely he will not be in want'.
- (34) For the Gemara above cites the text which says that Othniel the brother of Caleb was the son of Kenaz, thus implying that Kenaz was the father of Caleb.
- (35) Since Scripture says (Josh. XIV, 13) Caleb the son of Jephunneh and does not say the son of Kenaz.
- (36) **פונה** and **פנה** 'turn from' having verbal similarity.
- (37) I Chron. II, 18. This is explained in Sot. 12a to mean that he married Miriam who was forsaken on account of an illness. Since he therefore married her for heaven's sake, Scripture accounts it as if he had begotten her.
- (38) And Othniel was his brother on the maternal side.
- (39) That Caleb was not the son of Kenaz, his father being Hezron.
- (40) Josh. ibid.
- (41) Now if Caleb's father was Kenaz, why does not the text say, 'the son of Kenaz'? This therefore proves that Kenaz

only brought him up but did not beget him. The bracketed passage is inserted with Rashi and Sh. Mek; V. Wilna Gaon Glosses.

(42) In I Chron. II, 55 it says: And the families of the Scribes which dwelt at Jabez, these are the Kenites, and in Judg. I,16: And the children of the Kenites, etc. and went, etc. This must have been Othniel, Later on it says: And Judah went with Simeon his brother, referring to Othniel mentioned previously in the text (Wilna Gaon Glosses).

(43) For this reading v. Sh. Mek.

(44) עתניאל combining the words ענה with אל .

(45) יעבץ and יעץ 'advising', having some verbal similarity.

(46) I Chron. IV, 10.

(47) Showing that if one devotes himself to the study of the Torah all his petitions are fulfilled.

(48) 'Poor' is interpreted in the sense of one who is devoid of the knowledge of Torah and the expression, 'A man of medium wealth' is interpreted as one who only possesses a moderate knowledge of the Torah. When therefore the poor man asks the other to teach him, it is incumbent on the latter to do so just as God carried out the wish of Othniel (R. Gershom).

(49) Prov. XXIX, 13.

(50) For even the teacher requires enlightenment from God.

(51) Prov. XXII, 2.

(52) God now starts to make them afresh, a fool or a wise man.

(53) This Tanna explains the text with reference to money and the need for assisting a person in want, as God did with Othniel (R. Gershom). Rashi explains 'likewise' as meaning that if one seeks and petitions for sustenance, heaven will fulfil his wishes.

(54) Both will become rich (R. Gershom).

(55) Lit., 'we have not learnt', whether they apply to a congregation.

(56) As to whether they apply to a congregation, the cases being a sin-offering whose owners procured atonement and a sin-offering whose year is passed.

(57) I.e., in the cases of offspring of a dedicated animal, a sin-offering whose owners died, and a substitute of a sin-offering.

Talmud - Mas. T'murah 16b

But can we form an analogy between a case where there is an alternative and a case where there is none?¹ — Said Resh Lakish: Four sin-offerings were specified to the Israelites [on Sinai to be left to die]² and the rule was extended to five.³ Now if you suppose that these were congregational sin-offerings, are three of them⁴ ever brought by a congregation?⁵ Then you must admit that we form an analogy between the cases not explicitly stated and those explicitly stated.

R. Nathan says: Only one sin-offering was specified to the [Israelites on Mount Sinai]⁶ and the rule was extended to all the five sin-offerings.⁷ But⁸ [if that is so] let us see in what class they learnt it,⁹ whether in that of the sin-offerings of an individual or of a congregation?¹⁰ — There were two forgettings.¹¹ And consequently they¹² were in a difficulty. If¹³ you should think that the rule¹⁴ applies to the sin-offering of a congregation, can these¹⁵ be brought by a congregation?¹⁶ Then it is proved from here that we form an analogy between the cases not explicitly stated¹⁷ and the cases explicitly stated: Just as in the cases explicitly stated the sin-offering is brought by an individual and not by a congregation, so in the cases not explicitly stated the sin-offering is brought by an individual and not by a congregation.¹⁸

MISHNAH. IN SOME WAYS [THE LAW RELATING TO] DEDICATIONS CARRIES GREATER WEIGHT THAN [THAT RELATING TO] EXCHANGE, AND IN SOME WAYS [THAT RELATING TO] EXCHANGE CARRIES GREATER WEIGHT THAN [THAT RELATING TO] DEDICATIONS. IN SOME WAYS [THE LAW RELATING TO] DEDICATIONS CARRIES GREATER WEIGHT THAN [THAT RELATING TO] EXCHANGE, FOR DEDICATED ANIMALS CAN EFFECT EXCHANGE WHEREAS ONE SUBSTITUTED

CANNOT EFFECT EXCHANGE.¹⁹ A CONGREGATION OR PARTNERS CAN DEDICATE BUT CANNOT EFFECT EXCHANGE. WE CAN DEDICATE EMBRYOS AND LIMBS,²⁰ BUT WE CANNOT EFFECT EXCHANGE WITH THEM. [THE LAW RELATING TO] EXCHANGE CARRIES GREATER WEIGHT THAN [THAT RELATING TO] DEDICATIONS, SINCE EXCHANGE²¹ HAS EFFECT ON A PERMANENTLY BLEMISHED ANIMAL²² AND IT DOES NOT BECOME HULLIN

(1) The reason why in the three first cases the sinofferings are not left to die in the case of a congregation is because there cannot be an offering in such circumstances, for they can never occur in connection with a congregation. There is therefore no alternative, whereas in the other two cases the offering can be brought both by an individual and a congregation.

(2) The fifth was to be left to pasture.

(3) Because they forgot during the period of mourning for Moses which one was to be left to pasture.

(4) For the cases of a sin-offering being left to die apply either all to a congregation or all to an individual.

(5) Viz., an offspring of a dedicated animal, a substitute of a sin-offering, and a sin-offering whose owners died.

(6) To be left to die, and the other four cases of sin-offerings were only to be left to pasture. It was, however, forgotten which were meant to die and which to pasture.

(7) I.e., all five were to be left to die.

(8) Before R. Nathan can complete his observation, he is interrupted with a question why it was necessary to condemn the four to die out of doubt.

(9) Viz., the sin-offering which was to be left to die.

(10) Let us see to what class this sin-offering which was to be left to die was remembered as belonging. If it was remembered as being the sin-offering both of a congregation and an individual, then let us say that a sin-offering whose owners procured atonement and a sin-offering whose year is passed are left to die because of doubt, whereas in the other three cases, which are entirely different, as they could not occur in connection with a congregation, there could be no doubt that there is no death for the sin-offerings. And if the case of a sin-offering being left to die was remembered only in connection with the offering of an individual, then let us say that these three sin-offerings, substitute and offspring of a dedicated animal etc., since they can be brought only by an individual, are left to die, but about the other two sin-offerings there can be no doubt, for they are entirely different (Rashi).

(11) The class in which the sin-offering that was to die was placed at Sinai (viz., congregational or individual) and also which of the five sin-offerings was to die.

(12) Those who lived in the days of Joshua and forgot those laws regarding sin-offerings.

(13) R. Nathan now continues to explain R. Simeon's teaching in the Mishnah.

(14) Of the sin-offering left to die.

(15) The four sin-offerings which are left to pasture.

(16) For this can never happen. Since therefore it is remembered that there were five sin-offerings which were either to be left to pasture or die, they were stated as regards an individual, in which circumstances all the five sin-offerings can occur.

(17) A sin-offering whose owners procured atonement and whose year had passed.

(18) This then is the reason for R. Simeon's opinion. The Rabbis however hold that four cases of sin-offerings were imparted from Sinai to be left to die. Therefore wherever we find that a sin-offering applies to an individual and a congregation, then it applies, and where not, it does not apply.

(19) So that if one says concerning an animal consecrated through being a substitute that it should in turn confer holiness on another animal by means of exchange, a further exchange does not take place.

(20) This is the view of R. Judah (supra 10a).

(21) So with Sh. Mek.

(22) So that if one substitutes a blemished animal for an unblemished dedicated animal, holiness attaches to the former to the extent that it does not become hullin.

Talmud - Mas. T'murah 17a

SO AS TO BE SHEARED [OF ITS WOOL] AND WORKED.¹ R. JOSE SON OF R. JUDAH SAYS: AN EXCHANGE IN ERROR IS PUT ON A LEVEL WITH AN INTENTIONAL [EXCHANGE], BUT A DEDICATION IN ERROR IS NOT PUT ON A LEVEL WITH AN INTENTIONAL [DEDICATION]. R. ELEAZAR² SAYS: KIL'AYIM,³ TREFAH, A FOETUS EXTRACTED BY MEANS OF A CESAREAN SECTION, A TUMTUM AND A HERMAPHRODITE, NEITHER BECOME SACRED NOR CAN THEY CAUSE DEDICATION.

GEMARA. What is the reason of R. Jose son of R. Judah?⁴ Scripture says: Shall be holy,⁵ thus including the case of an exchange in error as on a level with an intentional [exchange]. How is [an exchange] in error being on a level with an intentional [exchange] to be understood? — Said Hezekiah: Where he has a [mistaken] opinion that it is permissible to exchange. Now in the case of exchange he is punishable [with lashes]⁶ whereas in the case of dedications he is not punishable [with lashes].⁷

Another version: In the case of exchange, the substitute is holy,⁸ whereas in the case of dedications, there is no holiness. R. Johanan⁹ says: Where he intended making an exchange with a burnt-offering and he made the exchange with a peace-offering,¹⁰ [or where he intended making an exchange with a peace-offering and he made the exchange with a burnt-offering].¹¹ Now in the case of exchange the animal becomes holy, whereas in the case of dedications it is not holy.

Another version:¹² Where he intended saying a black [ox]¹³ and he said a white [ox]. In the case of exchange, he is punishable [with lashes],¹⁴ whereas in the case of dedications, he is not punishable [with lashes].¹⁵ Resh Lakish says:¹⁶ Where he thought¹⁷ that the one animal can be quit of holiness¹⁸ while the other [the exchanged animal] enters into holiness. Similarly with reference to dedications, where he thought that if a blemish shows itself in dedicated animals they are eaten without redemption.¹⁹ — Now in the case of exchange²⁰ he is punishable [with lashes],²¹ whereas in the case of dedications he is not punishable [with lashes]. R. Shesheth says: Where he says, 'I shall enter this house, dedicate and exchange with full knowledge [of what I am doing]', and then he entered, exchanged and dedicated without knowing it.²² Now as regards the exchanging, he is punishable [with lashes],²³ whereas as regards the dedications, he is not punishable with lashes.²⁴

R. ELEAZAR SAYS: KIL'AYIM, TREFAH etc. Said Samuel: They are neither holy as regards exchange,²⁵ nor can they confer holiness through exchange [on others].²⁶ It was taught, Rabbi²⁷ said: But since they are not holy themselves, how can they confer holiness? This is possible only in the case where one dedicated an animal²⁸ and it afterwards became trefah,²⁹ or dedicated an embryo [in its mother's womb] and it was extracted through the cesarean section. But with regard to kil'ayim, tumtum and a hermaphrodite, you cannot explain these cases except with reference to embryos of dedicated animals.³⁰ And this accords with the view of R. Judah who said: An offspring of a dedicated animal can effect exchange!³¹ Said Raba:³² What is the reason of R. Eleazar? — They are like an unclean animal. Just as an unclean animal is not offered and bodily consecration cannot attach to it,³³ so these [are not offered] and no bodily consecration attaches to them. Said [R. Adda b. Ahaba] to Raba:³⁴ But is there not the case of a blemished animal which is not offered and yet there attaches to it bodily consecration?³⁵ — A blemished animal belongs to the category [of animals] which are offered up.³⁶ If this is so,³⁷ what of trefah which also belongs to a category which is offered?³⁸ Rather said Raba:³⁹ It resembles an unclean animal. Just as an unclean animal is disqualified on account of the condition of its body, so all these cases⁴⁰ are disqualified on account of the condition of the body,⁴¹ thus excluding the case of a blemished animal which is disqualified in virtue of a [mere] deficiency.⁴²

Said R. Adda to Raba: Are there not the cases of anything too long or too short⁴³ mentioned in the

Scriptural passage and these are disqualifications of the [whole] body?⁴⁴ Rather said Raba:⁴⁵ It must be like an unclean animal [as follows]: Just as in the case of an unclean animal there is none [offered] in the same category [and it is not subject to the law of exchange], so in all cases where there is none [offered] in the same category [the law of exchange is not applicable], thus excluding a blemished animal, since there are [other animals offered] from the same category. Will you perhaps object that a trefah too has [other animals which are offered] from the same category?⁴⁵ [I answer that] it [a trefah animal] is not on a par with the case of a blemished animal. An unclean animal is forbidden to be eaten and a trefah is also forbidden to be eaten, to the exclusion of a blemished animal which is permitted to be eaten. Said Samuel: If one has dedicated a trefah, a permanent blemish is required in order to redeem it.⁴⁶ Can you not prove from here that one may redeem dedicated animals in order to give dogs to eat?⁴⁷ — Rather say: It is dedicated in that it is left to die.⁴⁸ R. Oshaia however says: It is only like dedicating wood and stones.⁴⁹

We learnt: We must not redeem dedicated animals which became trefah because we must not redeem dedicated animals in order to give dogs to eat. The reason⁵⁰ is therefore because they became trefah; but if they were trefah at the beginning⁵¹ we may redeem them?⁵² — Perhaps this Tanna [of the Mishnah] holds: Wherever [the animal] is not fit [for offering] there does not rest upon it bodily dedication.⁵³

Come and hear: R. ELEAZAR SAYS, KIL'AYIM, TREFAH, A FOETUS EXTRACTED BY MEANS OF A CESAREAN SECTION, A TUMTUM AND A HERMAPHRODITE ARE NEITHER HOLY NOR CAN THEY CONFER HOLINESS. And⁵⁴ Samuel said: 'They are not holy' [means] to receive holiness of an exchange. 'Nor can they confer holiness' [means] to effect exchange. And it has been taught: Said Rabbi, But since they are not holy themselves, how can they confer holiness [on others]?⁵⁵ You cannot therefore explain this except as referring to where one dedicated an animal and it afterwards became trefah.⁵⁶ [Now the reason is because the animal was dedicated first and then it became trefah], but if it was a trefah from the beginning [before the dedication], bodily consecration would not attach to it!⁵⁷

(1) But it has the law of dedications whose consecration was prior to the blemish, when only the eating of it is permissible, whereas in the case of originally dedicated animals, if the blemish came before the dedication, the animal becomes hullin after redemption and may be shorn and worked.

(2) Var. lec.: R. Eliezer.

(3) V. supra 11a and notes.

(4) Who says in the Mishnah that an exchange in error is on a par with an intentional exchange, unlike the case of a dedication.

(5) Lev. XXVII, 33.

(6) Since Scripture says: 'shall be holy', thus including the case of exchange even in error.

(7) For we do not find the punishment of lashes except in regard to a wilful act preceded by a warning. But if one wilfully consecrated a permanently blemished animal, he is guilty of breaking five prohibitory laws as stated in Chap. I.

(8) According to this version there is no punishment of lashes in connection with an exchange if effected in error.

(9) So with Sh. Mek. Cur. edd.: Resh Lakish and R. Johanan.

(10) Explaining in what circumstances an error in exchange is on a par with an intentional exchange.

(11) V. Sh. Mek. for the correct reading of this passage.

(12) Giving the circumstances of an exchange in error which is unlike the case of dedications.

(13) 'Which first left my house shall be exchanged in place of this animal'.

(14) If he makes use of it. For Scripture by the text 'shall be' reveals that an exchange even in error is valid.

(15) If the animal is blemished and unfit for the altar.

(16) So Sh. Mek; cur. edd. R. Johanan.

(17) So Bah; cur. edd. 'said'.

(18) He knew that exchanging was forbidden but he thought the first dedicated animal became hullin after the exchanging, as if it had become blemished (Rashi).

- (19) He knew that dedicated animals are forbidden to be eaten by non-priests but imagined that, if blemished, they could be eaten without redemption.
- (20) Where he was under the impression that the first animal became hullin after being exchanged.
- (21) For one is punishable with lashes in the case of exchanging even if in error.
- (22) Being an absent-minded man who sometimes forgot what he said (Rashi). Tosaf. explains as follows: 'When I enter this house this animal shall be an exchange for this and that animal shall be dedicated with my full knowledge'. He entered, exchanged and dedicated without saying anything at all when he entered or thinking of what he had said previously. Therefore the exchange and the dedication took place without him knowing it.
- (23) For Scripture says that an exchange in error is on a level with an intentional exchange.
- (24) And if he dedicated a blemished animal for the altar, he is not punishable with lashes, for it was a mistaken dedication.
- (25) Exchange takes no effect on these animals, for although exchange takes effect upon a blemished animal, rendering it consecrated as such, nevertheless these cases mentioned in the Mishnah are different. There is certainly no consecration as such in the cases of trefah, kil'ayim, etc., as they are only holy for their value, like wood or stones and do not require redemption.
- (26) If they themselves are holy, one cannot exchange an animal for them.
- (27) So Sh. Mek; cur. edd. 'R. Meir'.
- (28) Holiness taking effect on it.
- (29) The Mishnah therefore informs us that although it is holy, it cannot effect exchange.
- (30) Which were consecrated in virtue of their mother before pregnancy. They are then obviously holy, like the limb of the mother. In these cases the Mishnah informs us that they do not effect exchange.
- (31) With other offspring of dedicated animals. There is therefore need for a Mishnah to inform us with reference to tumtum etc. that although they are holy through their mother they cannot effect exchange, in spite of the fact that R. Judah holds elsewhere that the offspring of a dedicated animal effects exchange.
- (32) So Sh. Mek.; cur. edd. 'R. Papa'.
- (33) It can be consecrated only in respect of its monetary value.
- (34) So Sh. Mek.
- (35) By means of exchange, if the dedication was prior to the blemish. This animal too whose dedication came before it became trefah should effect exchange, and if it became trefah when hullin should also become holy if exchanged for a dedicated animal.
- (36) I.e., other unblemished animals, and therefore it receives consecration as such through exchange. An animal which was extracted by means of the cesarean section is almost a species by itself and is not in the category of ordinary animals. The other four cases, kil'ayim, tumtum, etc. also do not belong to the category of animals which are offered up and, according to Tosaf., almost belong to a different species.
- (37) That the reason why exchange takes effect on a blemished animal is because it belongs to a category of animals which is offered up.
- (38) I.e., of other animals which are not trefah and therefore should be subject to the law of exchange.
- (39) That the reason why a blemished animal is different from the cases mentioned in the Mishnah is that etc.
- (40) Tumtum, etc.
- (41) The cases of kil'ayim, tumtum etc. are totally disqualified bodily and there is no dedication of the animal at all.
- (42) But not the condition of the whole body.
- (43) Lev. XXII, 23.
- (44) 'Too short' or 'too long' are bodily disqualifications.
- (45) The reason why a blemished animal is subject to the law of exchange. (12) And therefore should be exchanged.
- (46) If one wishes to redeem it, for Samuel holds that it is capable of dedication as such.
- (47) And we learn (infra 31a) that one cannot redeem dedicated animals in order to give dogs to eat, but they are left to die and then buried.
- (48) But it is holy bodily, and even after redemption it must not be shorn or worked. And even if blemished, it is not redeemed in order to be given to the dogs to eat.
- (49) It is not called a dedication at all and therefore can be redeemed to be given to the dogs to eat, no permanent blemish being required to make redemption permissible.
- (50) Why we must not redeem a dedicated animal that has become trefah.

(51) Before its dedication.

(52) We therefore see that if one dedicated a trefah it can be redeemed in order to give dogs to eat, unlike the view of Samuel.

(53) Since therefore there is no holiness as such in connection with trefah, it may be redeemed.

(54) Supra on this page of the Gemara and v. notes.

(55) V. supra p. 118, and notes.

(56) V. p. 118, and notes.

(57) Unlike the view of Samuel above.

Talmud - Mas. T'murah 17b

— Samuel can answer you: R. Eleazar holds:¹ Wherever [the animal] is not [offered],² bodily consecration does not attach to it.³

CHAPTER III

MISHNAH. THE FOLLOWING ARE DEDICATIONS WHOSE YOUNG AND EXCHANGES ARE IN THE SAME CLASS AS THEMSELVES: THE YOUNG OF PEACE-OFFERINGS AND THEIR EXCHANGES, THEIR YOUNG⁴ AND THE YOUNG OF THEIR YOUNG, TILL THE END OF TIME,⁵ ARE REGARDED AS PEACE-OFFERINGS REQUIRING LAYING ON OF HANDS,⁶ DRINK-OFFERINGS AND THE WAVING OF THE BREAST AND SHOULDER.

GEMARA. Since it states: THE YOUNG AND THE YOUNG OF THEIR YOUNG, what need is there for the UNTIL THE END OF TIME? — Our Tanna [of the Mishnah] heard R. Eleazar state that the young of a peace-offering is not offered as a peace-offering.⁷ Thereupon our Tanna said to him: Not only do I not agree with you with regard to their young.⁸ but I even do not agree with you with regard to the young born until the end of time.⁹

Whence do we derive this? — Our Rabbis have taught: [Scripture says:] A male:¹⁰ this includes the young. Now have we not here an inference from minor to major; if an exchange which is not reared in holiness is offered,¹¹ how much more should the young [of a dedication] which is reared in holiness be offered? The case of exchange is different, since it applies to all dedications,¹² whereas the rule of the young does not apply to all dedications,¹³ [and since it does not apply to all dedications, therefore the young is not offered].¹⁴ The text therefore states, 'A male', thus including the young [as being offered]. [The text] A female,¹⁵ this includes exchange. I have so far only the young of unblemished¹⁶ animals¹⁷ and the exchange of unblemished animals. Whence do we derive the cases of the young of blemished animals and the exchange of blemished animals [as being offered]? Scripture says: If it [be a male],¹⁸ this includes the young of blemished animals, and the words 'if it be [a female]' include the exchange of blemished animals. Said R. Safra to Abaye: perhaps I can reverse [this]?¹⁹ — From the same text ['A female'] that we include the exchange of unblemished animals [as being offered], we include the exchange of blemished animals.²⁰ He said to him: Am I asking you to reverse the interpretation of the expression 'if it be' which is next to 'a male' and the interpretation of the expression 'if it be' which is next to 'a female'? I mean this: Reverse the whole verse. Say as follows: The expression 'a male' includes the case of exchange²¹ and the expression 'a female' includes the young!²² — He replied to him: The word 'walad' ['the young'] has a masculine implication,²³ whereas the word 'temurah' ['exchange'] has a feminine implication.²⁴

For what practical purpose?²⁵ — Said Samuel: In order to be offered and according to the opinion of R. Eleazar.²⁶ For you might have thought that R. Eleazar only holds that [the young] is regarded as a burnt-offering because the name of a burnt-offering is applied to its mother,²⁷ but these young [of a blemished peace-offering] are not offered. He²⁸ therefore informs us [that it is not so]. Bar

Padda says:²⁹ In order that they be left to pasture and [this is] according to all the authorities concerned.³⁰ It was stated also:³¹ Raba says. In order to be offered and according to the opinion of R. Eleazar. R. Papa says: In order to be left to pasture and according to all the authorities concerned.

But the following Tanna derives this³² from here:³³ [Scripture says:] ‘Only thy holy things’:³⁴ this refers to exchanges; ‘which thou hast’: this refers to the young [of dedications]; ‘thou shalt take and go’: one might think [from this text] that he brings the offspring into the Temple and refrains from giving them water and food in order that they may die?³⁵ The text therefore states: And thou shalt offer thy burnt-offerings, the flesh and the blood,³⁶ to teach us that you must deal with an exchange as you deal with a burnt-offering,³⁷ and that you must deal with the young of peace-offerings and their exchange as you deal with the peace-offerings themselves.³⁸ One might think that [the young and exchange] even of all dedications [are offered]? The text, however, states: Rak³⁹ [‘only’]. This is the teaching of R. Ishmael. R. Akiba says: There is no need [to derive the limitation from ‘rak’], for it says: ‘It is a guilt-offering’,⁴⁰ implying ‘it’ is offered but its exchange is not offered.⁴¹

The Master said: ‘Thou shalt take and go. One might think from this text that he brings the offspring into the Temple, etc.’ But how could you have inferred this,⁴² seeing that tradition mentions five sin-offerings as left to die,⁴³ thus implying that these⁴⁴ are offered? — You might have thought that the five sin-offerings are left to die everywhere, whereas these⁴⁵ are left to die only in the Temple. [Scripture] therefore informs us [that it is not so].

The Master said: ‘One might think [that the young and exchange] of all dedications [are offered]? The text, however, says: Rak [only]’. Now to what young [are we alluding here]? If to the [young of a] burnt-offering, it is a male and is not capable of giving birth! If to the young of a sin-offering, there is a traditional law that it is condemned to die.

(1) So Sh. Mek.; cur. edd.: perhaps this Tanna also.

(2) Not fit to offer on the altar.

(3) And therefore if the animal were trefah at the outset, bodily holiness does not attach to it. Samuel himself, however, will agree with the Rabbis that in the case of trefah, the animal receives bodily holiness and therefore it cannot be redeemed unless permanently blemished, in order to be given to dogs to eat.

(4) Viz., the young of peace-offerings and the exchange of the peace-offerings.

(5) Lit., ‘until the end of the world’.

(6) The laying on of the hands prior to the killing of the animal.

(7) But is condemned to die.

(8) Since I hold that it has the same status as its mother.

(9) Since even then I hold that the young has the law of its mother.

(10) Lev. III, 1. What need is there for the words ‘a male’, ‘a female’? It would have been sufficient if Scripture had said: ‘If he offer it from the herd’, which would have implied male and female.

(11) This is derived from the expression ‘a female’, as stated subsequently in the Gemara.

(12) By an individual.

(13) Since a burnt-offering and a guilt-offering are males.

(14) Wilna Gaon Glosses.

(15) Lev. III, 1.

(16) V. Wilna Gaon Glosses.

(17) Since the mother is unblemished and therefore the young has the same law.

(18) The word **וְאִם** (‘if it be’) which has an inclusive meaning.

(19) And say that the words ‘If it be (a male)’ include an exchange of blemished animals, and the words ‘If it be (a female)’ include the young of blemished animals.

(20) Therefore from the words ‘if it be’ which are next to the words ‘a female’, we derive the case of an exchange of blemished animals but not from the words ‘if it be’ next to the words ‘a male’.

(21) And its phrase ‘if it be’ will include the exchange of blemished animals.

- (22) And its phrase 'if it be' will include the young of blemished animals.
- (23) And therefore we include it from the text 'a male'.
- (24) Therefore we include it from the text 'a female'.
- (25) Are the offspring of blemished animals holy, since their mother is not fit to be offered.
- (26) Who says in the Mishnah (infra 18a) that if one set apart a female animal for a burnt-offering and it gave birth, its offspring is offered as a burnt-offering, although its mother is not fit for a burnt-offering. Here too in the case of the young of blemished offerings, although the mother is not fit for the altar, the young is offered.
- (27) Although the mother itself is not offered, the holiness of a burnt-offering is not eliminated, since there is a case of a burnt-offering which is a female, viz., a burnt-offering of a bird.
- (28) The Tanna of the Baraitha above.
- (29) The object of the Mishnah when it says that the offspring of a peace-offering is considered as a peace-offering is as follows.
- (30) Even according to the Rabbis who differ from R. Eleazar. They will admit that the young are sacred at least as regards pasturing and that they are not hullin.
- (31) As to what extent the offspring of a blemished peace-offering is holy.
- (32) The rule of the young of peace-offering being like the mother.
- (33) Naz. 25a; Bek. 24b.
- (34) Deut. XII, 26.
- (35) And thus he would be carrying out the injunction 'take and go'.
- (36) Ibid. 27 following the verse 'only thy holy things etc.'.
- (37) To sprinkle its blood and burn it entirely.
- (38) I.e., in respect of laying on of hands, drink-offerings and the waving of the breast and shoulders.
- (39) One of the words which has a restrictive meaning.
- (40) Lev. V, 19.
- (41) Thus excluding the exchange of other dedications from being offered.
- (42) That the offspring and exchange of other dedications die, so as to require the text: And thou shalt offer thy burnt-offering, etc.
- (43) Two of which are an offspring of a sin-offering and the exchange of a sin-offering.
- (44) The young of peace-offerings and their exchange.
- (45) The young of a peace-offering and its exchange.

Talmud - Mas. T'murah 18a

If to a guilt-offering,¹ there is a traditional law that it goes to pasture,² since according to tradition wherever a sin-offering is left to die, a guilt-offering in a similar case goes to pasture! — One may still say that we are referring to a sin-offering. The traditional law, however, refers to its death, whereas the Scriptural text only refers to the restriction upon offering it. But does not one depend on the other? For since it is condemned to die then automatically it is not offered?³ — Rather the traditional law refers to a sin-offering and the Scriptural text ['rak'] excludes the exchange of a guilt-offering [from death]. But is not this too a traditional law, for it is said: 'Wherever the law is that a sin-offering is left to die, a guilt-offering is left to pasture'? Rather the text ['rak'] is required for the case where he transgressed and offered, making him guilty of breaking a positive command.⁴

'R. Akiba says: There is no need [to derive the limitation from 'rak'] etc. It is offered but its exchange is not offered'. What need is there for the text?⁵ Is there not a traditional law in this connection?⁶ — Yes, that is so. Then what need is there for the Scriptural text? It is required for R. Huna's teaching.⁷ For R. Huna said: If an animal dedicated as a guilt-offering⁸ has been condemned to pasture⁹ [until it dies a natural death] and the owner killed it¹⁰ [without stating for what specific sacrifice], it is fit for a burnt-offering.¹¹ Now R. Huna says: 'Which has been condemned to pasture', but if it has not been condemned to pasture, it would not be so.¹² What is the reason? Scripture says: It,¹³ it remains in the same status.¹⁴

And according to the Tanna who derives [the cases of the young of peace-offerings etc.] from these Scriptural texts,¹⁵ why not derive this from the text: 'If it be a male or female'?¹⁶ — That¹⁷ text is required to teach the cases of the young of blemished animals and the exchange of blemished animals.¹⁸ But why not derive all these cases¹⁹ from this text?²⁰ The phrase 'if it be' does not teach this according to him.²¹ And the Tanna who derives [the teaching concerning the young and exchange of a peace-offering etc.] from the text: 'If it be a male or female', what does he do with the text: 'Thou shalt take and go'? — Even²² [if you have to take them away] from their pastures.²³ Another version: Even [if you have to take them away] from their threshing sledges.²⁴

MISHNAH. R. ELIEZER SAYS: THE YOUNG OF A PEACE-OFFERING MUST NOT BE OFFERED AS A PEACE-OFFERING,²⁵ WHEREAS THE SAGES SAY IT MAY BE OFFERED. SAID R. SIMEON: THERE IS NO DISPUTE BETWEEN THEM AS REGARDS THE YOUNG OF THE YOUNG OF A PEACE-OFFERING OR THE YOUNG OF THE YOUNG OF AN EXCHANGE THAT THEY ARE NOT OFFERED. THE POINT AT ISSUE IS THE CASE OF THE YOUNG [OF A PEACE-OFFERING], R. ELIEZER SAYING: IT MAY NOT BE OFFERED, WHEREAS THE SAGES SAY: IT MAY BE OFFERED. R. JOSHUA AND R. PAPIAS TESTIFIED REGARDING THE YOUNG OF A PEACE-OFFERING THAT IT IS OFFERED AS A PEACE-OFFERING. SAID R. PAPIAS: I TESTIFY THAT WE HAD A COW OF A PEACE-OFFERING AND WE ATE IT ON PASS OVER AND WE ATE ITS YOUNG AS A PEACE-OFFERING ON THE FESTIVAL.²⁶

GEMARA. R. Ammi reported in the name of R. Johanan: What is the reason of R. Eliezer? — Scripture Says: And if [we'im] his offering be a sacrifice of a peace-offering,²⁷ [and we interpret the im as] em ['mother'],²⁸ thus excluding the young. Said R. Hiyya b. Abba to R. Ammi: If this is so [Scripture says]: If [im] he offer it for a thanksgiving,²⁹ here too shall we [interpret the 'im'] as em, thus excluding the young? And if you say that it is so, has it not been taught: Whence do we derive that its young, its exchange and its substitution³⁰ are all offered? The text states: 'If [im] he offer it for a thanksgiving' — in any case!³¹ — Rather said R. Hiyya b. Abba in the name of R. Johanan: This is the reason of R. Eliezer: [It³² is forbidden to be offered] lest we rear herds of them.³³

SAID R. SIMEON: THERE IS NO DISPUTE etc. It was asked: How does [the Mishnah] mean: There is no divergent opinion that they are not offered, [all agreeing] that they are offered;³⁴ or perhaps there is no dispute that [the second generation of offspring] are offered, [all agreeing] that they are not offered!³⁵ — Said Rabbah: It is reasonable to suppose that [the meaning of the Mishnah] is: There is no divergent opinion that they are not offered, [all agreeing] that they are offered. What is the reason? R. Eliezer only disputes with the Rabbis in the case of the young [of a dedication],³⁶ but as regards the young of the young of a dedication, it is a mere chance.³⁷ R. Joshua b. Levi, however, says: There is no divergent opinion that they are offered, [all agreeing] that they are not offered. What is the reason? The Rabbis do not differ from R. Eliezer save in the case of the young [of a dedication] but in the case of the young of the young of a dedication, one can recognise from his action that he means to rear them.³⁸

(1) Some read here: The offspring of the exchange of a guilt-offering.

(2) If the reading is 'guilt-offering' above, then the Gemara could have answered that it is a male. The Gemara, however, wishes to find a different answer, as the answer concerning a male is already given (Tosaf.).

(3) Then what need is there for the word 'rak' to exclude the offering of the young of a sin-offering.

(4) Both in connection with a sin-offering and a guilt-offering there is a breach of a positive command if the offering actually took place, since the text says: 'Only thy holy things, etc.', referring to the exchange of a burnt-offering and a peace-offering, their offspring and their exchange, and the text continues: 'And thou shalt offer thy burnt-offering etc.' implying, but not other dedications as, for example, a sin-offering or a guilt-offering. This prohibition being derived by implication from a positive command is itself equivalent to a positive command (Rashi).

- (5) To teach that a guilt-offering is not offered up.
- (6) For wherever a sin-offering is condemned to die, a guilt-offering is condemned to pasture.
- (7) Zeb. 5b.
- (8) On account of its being lost at the time when the second guilt-offering was set aside in its place and had been offered up (R. Gershom).
- (9) By the Temple authorities.
- (10) The first guilt-offering now found and before it became blemished and unfit for the altar.
- (11) For usually its money goes for a burnt-offering.
- (12) Although the owner has procured atonement. Since, however, it had not yet been condemned to pasture and the owner killed it without saying for what particular sacrifice, it is entirely disqualified.
- (13) Lev. V, 19.
- (14) And it is still a guilt-offering and unfit to offer up in that capacity. Consequently it is disqualified.
- (15) Quoted above, i.e.: 'Only thy holy things, etc.'
- (16) As interpreted above.
- (17) 'If it be a male etc.'
- (18) That they are offered, and the cases of the young of an unblemished dedication and its exchange are derived from the text: 'Only thy holy things etc.'
- (19) The young of unblemished animals and blemished animals, the exchange of an unblemished animal and the exchange of a blemished animal, as being holy.
- (20) 'If it be a male etc.' mentioned above, since we actually derive all these cases from this text.
- (21) Therefore from the text 'a male' and 'a female' we infer the cases of the young of a blemished animal and the exchange of a blemished animal, and from the text, 'Only thy holy things' we infer the case of the young of an unblemished animal, and the case of the exchange of an unblemished animal we derive from the text, 'Thou shalt take and go etc.', and 'thou shalt offer thy burnt-offering' (R. Gershom).
- (22) The text, 'Thou shalt take and go' is not for the purpose of deriving the case of the young and exchange but for the dedicated animals themselves.
- (23) If the Festival has arrived, he must not say that he will not trouble to collect the animals which are scattered on the pasture and that he will wait for another occasion to offer them, but he must take the animals as soon as possible and offer them.
- (24) If the animals went by themselves into the threshing floor to thresh (for it is forbidden to do this deliberately, as this will be working a consecrated animal), he must take the animals away in order to bring them in the Temple.
- (25) There being a Rabbinic enactment that it is condemned to die, since there are only five cases of sin-offering condemned to die.
- (26) It is explained subsequently in the Gemara what Festival is meant.
- (27) Lev. III, 1.
- (28) **נס** with a change of vowel.
- (29) Lev. VII, 12.
- (30) E.g., if the animal were lost and he set apart another in its place, and the first animal was then found and both animals are before us.
- (31) Including all the cases mentioned here and R. Eliezer does not differ.
- (32) The young of a dedication.
- (33) If you say that the young of a dedication has a remedy, he may detain the mother in order to give birth, and rear many herds from the offspring. There is therefore the danger that the animal may be shorn or worked. As regards the thanksgiving sacrifice, the Rabbis did not prohibit, for this kind of sacrifice is not so frequent as that of a peace-offering.
- (34) For even R. Eliezer agrees that where there are two or more generations of offspring, people forget that they originally came from peace-offerings and therefore there is no fear that others will see that these are offered and will retain their peace-offerings in order to rear herds.
- (35) Even the Sages agree here.
- (36) As there is the fear that he will keep the mother in order to rear offspring and thus there is the danger of working and shearing dedicated animals.
- (37) And it is unusual that he will detain the mother for such a long period.
- (38) The very fact that he has retained the mother until the second generation proves that he is detaining them in order to

rear them.

Talmud - Mas. T'murah 18b

R. Hiyya¹ taught in support of R. Joshua b. Levi: [Scripture says:] If he offer a lamb² for his offering,³ implying that the first young is offered but the second young is not offered.⁴ It [a young of a peace-offering] is offered,⁵ but not the young of any other dedication. Now what young of [other] dedications [is excluded from being offered]? If of a burnt-offering and a guilt-offering, are they not male animals and not such as give birth to young? If of a sin-offering, is there not a traditional law that it is left to die? Said Rabina: [The exclusion refers to a] young [of a female animal] which came forth the tenth.⁶ What need is there for a text regarding the case of a young of an animal which came forth the tenth? Is this not derived from an analogy between 'passing' used in connection with tithes⁷ and 'passing'⁸ used in connection with a firstling?⁹ — The text¹⁰ is necessary. You might be inclined to assume that we cannot form an analogy between a case where there is an alternative and one where there is none.¹¹ [The text, therefore] informs us that this is not so.¹²

R. JOSHUA AND R. PAPIAS TESTIFIED etc. And according to Raba who holds that after the lapse of one Festival one is guilty of the breaking of a positive command¹³ daily in not offering dedications, why was not the animal eaten on 'Azereth?¹⁴ — Said R. Zebid in the name of Raba: We must suppose that it was ill on Pentecost.¹⁵ R. Ashi says: The word hag [in the Mishnah] also means in reality the Festival of Weeks. And what will the other authority [R. Zebid] say [to this]?¹⁶ — Wherever the Tanna uses the term Pesach [Passover] he says 'Azereth.¹⁷ If so,¹⁸ then what is the point of the testimony [of R. Joshua]?¹⁹ — It is to exclude the teaching of R. Eliezer who holds that the young of a peace-offering is not offered as a peace-offering. Consequently he testifies that it is offered.

MISHNAH. THE YOUNG OF A THANKSGIVING OFFERING AND ITS EXCHANGE, THEIR YOUNG AND THE YOUNG OF THEIR YOUNG, UNTIL THE END OF ALL TIME, ARE CONSIDERED AS THANKSGIVING OFFERINGS,²⁰ ONLY THEY DO NOT REQUIRE THE ACCOMPANIMENT OF LOAVES OF BREAD.²¹

GEMARA. Whence is this proved? Our Rabbis have taught: Why does it say: If he offer it for a thanksgiving?²² [Whence do we infer?]²³ that if one set aside a thanksgiving offering and it became lost and he separated another in its place, and the first was then found, and both [animals] are standing [before us], he can offer whichever he wishes and bring its bread? The text states: If for a thanksgiving he shall offer.²⁴ One might think that the second animal requires the accompaniment of bread? The text, however, states: 'If he offer it', [the word 'it' implying that he brings] one [animal with the loaves of bread] but not two.²⁵ Whence do we include [for offering] the case of the young [of a thanksgiving offering], exchanges and substitutions?²⁶ The text states: 'If for a thanksgiving'. One might think that all these cases require the accompaniment [of loaves of bread]? The text states: With a sacrifice of thanksgiving,²⁷ [implying that] the thanksgiving itself requires loaves of bread but its young, its exchange, and its substitution do not require the bringing of bread.

MISHNAH. THE EXCHANGE OF A BURNT-OFFERING²⁸ THE YOUNG OF ITS EXCHANGE,²⁹ ITS YOUNG AND THE YOUNG OF ITS YOUNG, UNTIL THE END OF TIME, ARE REGARDED AS A BURNT-OFFERING: THEY REQUIRE FLAYING, CUTTING INTO PIECES AND TO BE ALTOGETHER BURNT. IF ONE SET ASIDE A FEMALE ANIMAL FOR A BURNT-OFFERING AND IT GAVE BIRTH TO A MALE, IT IS TO PASTURE UNTIL IT BECOMES UNFIT FOR SACRIFICE.³⁰ IT IS THEN SOLD AND FOR ITS MONEY HE BRINGS A BURNT-OFFERING. R. ELIEZER³¹ HOWEVER, SAYS: THE [MALE] ANIMAL ITSELF IS OFFERED³² AS A BURNT-OFFERING.

GEMARA. Why is it that in the first clause³³ [in our Mishnah above] the Rabbis do not differ,³⁴ whereas in the latter clause³⁵ the Rabbis do differ?³⁶ — Said Rabbah b. Bar Hana: The first clause has been taught as a disputed opinion,³⁷ being really the opinion of R. Eliezer. Raba says: You can even say that the first clause is in agreement with the Rabbis, for the Rabbis dispute with R. Eliezer³⁸ only in the case of one who sets apart a female animal for a burnt-offering, since the mother is not offered [for a burnt-offering],³⁹ but in the case of [the young of an] exchange [of a burnt-offering], where the mother⁴⁰ is offered, even the Rabbis agree.⁴¹ But did R. Eliezer say [that the young of an exchange] is itself offered as a burnt-offering? Against this the following [is quoted] in contradiction: The exchange of a guilt-offering, the young of an exchange, their young and the young of their young until the end of time, are to go to pasture until they are unfit for sacrifice.⁴² They are then sold and the monies are applied for freewill-[offerings].⁴³ R. Eleazar⁴⁴ says: Let them die⁴⁵ R. Eliezer⁴⁶ Says: Let him buy burnt-offerings with their money.⁴⁷ Now [he] only [brings an offering] for their money, but he must not bring the animal itself⁴⁸ [as a burnt-offering]?⁴⁹ — Said R. Hisda: R. Eliezer was arguing with the Rabbis from their own premises [as follows]: As far as I am concerned, I hold that even the young itself [of the exchange of a guilt-offering] is also offered as a burnt-offering. But according to your teaching, when you say that [it is not offered],⁵⁰ at least admit that the surplus [of sacrificial appropriations]⁵¹ are applied to freewill-offerings of an individual.⁵² They [the Rabbis] however answer him: The surpluses are applied to freewill-offerings on behalf of the congregation.⁵³

Raba says: R. Eliezer holds that the young itself is offered for a burnt-offering only in a case where one sets aside a female animal for a burnt-offering, because the mother has the name of a burnt-offering.⁵⁴

(1) Var. lec. R. Hanania. V. Sh. Mek.

(2) Keseb implying the young of the female flock mentioned in the preceding verse (Rashi).

(3) Lev. III, 7.

(4) Now this Baraitha must be according to the Rabbis, for according to R. Eliezer even the first young was not offered, and consequently supports the view of R. Joshua b. Levi. The prohibition here will only be of a Rabbinical character (the verse being adduced as mere mnemonic aid), for undoubtedly not to offer the second generation of offspring can only be a Rabbinical enactment, in case he keeps animals in order to rear herds (Tosaf.).

(5) For the text referred to a peace-offering.

(6) Then tithed.

(7) Whatsoever passeth under the rod (Ibid. XXVII, 32).

(8) And thou shalt set apart (Ex. XIII, 12).

(9) And in connection with a firstling no young is offered, as a firstling is a male animal.

(10) Lev. III, 7.

(11) As is the case with a firstling which is restricted to males, for it is not possible to have a young of a firstling.

(12) That we do draw the analogy between tithe and firstling.

(13) The text: And thither thou shalt come and thither ye shall bring your burnt-offerings (Deut. XII, 5 and 6), implying that one must bring one's offering on the very first Festival after its dedication; v. R.H. 6a.

(14) Pentecost, lit., 'the closing (festival)', Pentecost being regarded as the closing festival to Passover. On Passover itself it could not have been offered and eaten because as it was born on Passover possibly the necessary period of seven days had not elapsed before it could be eaten.

(15) And therefore it was eaten on the Feast of Tabernacles.

(16) Why not say that hag in the Mishnah actually means the Feast of Weeks?

(17) When referring to the Feast of Weeks, but does not call it hag. Since the Mishnah, however, says hag, then it must mean the Feast of Tabernacles. If, however, the Mishnah had referred to Pesach as the Hag (Feast) of Unleavened Bread, then it would have referred to 'Azereth as hag (Rashi).

(18) That hag means the Feast of Weeks or that it was ill and could not be brought as a sacrifice on the Feast of Weeks but that in reality the right period of bringing the offering was on the Feast of Weeks.

(19) If hag means the Feast of Tabernacles and it was not sick on the Feast of Weeks, the testimony of R. Papias teaches

us something fresh, namely, it excludes Raba's teaching above. But if as you explain, the word hag actually means Pentecost or the reason why the young was brought and eaten on the Feast of Tabernacles was because it was sick and it could not be offered on the Feast of Weeks, what new point does he inform us?

(20) The limbs etc. are burnt on the altar and the flesh is eaten for a day and a night.

(21) As mentioned in Lev. VII, 12 and 13.

(22) Ibid. VII, 12. V. Sh. Mek. For Scripture could have said: If it be for a thanksgiving, ye shall offer etc. (R. Gershom).

(23) Inserted with Sh. Mek.

(24) In any case, even a second animal is permitted to be offered up as a thanksgiving.

(25) The restriction, however, only refers to bread but not to the offering up of a second animal.

(26) Where the thanksgiving offering became lost and he set aside another in its place. Tosaf. observes that this is exactly the case mentioned above: If one sets aside a thanksgiving offering, etc. Wilna Gaon, however, adds that substitutions are included for offering even after the sacrificing of the first animal.

(27) Ibid.

(28) Where e.g., he exchanged a male for a burnt-offering.

(29) Where he exchanged a female for a burnt-offering and the exchange gave birth to a male.

(30) The reason why it is left to pasture is because the young's holiness came by virtue of the mother which is a female animal, a kind which is not fit for a burnt-offering. The mother herself being a female is certainly condemned to pasture.

(31) Var. lec. R. Eleazar, and so throughout.

(32) And is not left to pasture.

(33) In the case of the young of the exchange of a burnt-offering.

(34) But agree that these cases are to be considered as burnt-offerings.

(35) Where one separates a female animal for a burnt-offering and it gave birth to a male.

(36) The Rabbis maintaining that the animal is condemned to pasture but is not offered.

(37) It is a fact that even in the first clause in the Mishnah above in connection with the exchange of a burnt-offering and the young of an exchange, the Rabbis differ as they do in the latter clause, and hold that these are not regarded as burnt-offerings, the view of the Mishnah being that of R. Eliezer.

(38) And say that the animal is left to pasture.

(39) Being a female. Therefore they say its young is not offered.

(40) Not exactly the mother but the first dedication, the male burnt-offering, in virtue of which both the exchange and its young are holy, is offered, because it is a male animal. In the case, however, where one set aside a female animal for a burnt-offering, the first dedication was not fit for a burnt-offering.

(41) That it is considered a burnt-offering.

(42) The exchange of a guilt-offering is left to pasture, for wherever a sin-offering is left to die, a guilt-offering in similar circumstances is left to pasture, the exchange of a sin-offering being one of the five sin-offerings which is condemned to die.

(43) To purchase offerings with the money on behalf of the congregation.

(44) Far. lec. R. Eliezer.

(45) For he holds that a guilt-offering has the same law as a sin-offering in this respect.

(46) Var. lec. R. Eleazar.

(47) As a private sacrifice, but he cannot buy guilt-offerings. The same applies in the case of the young of the exchange of a guilt-offering, the young being sold after becoming blemished and a burnt-offering being bought with the money.

(48) I.e., the young of the exchange.

(49) Consequently we see that R. Eliezer (or according to var. lec. R. Eleazar) holds that since the mother is unfit for a burnt-offering, being a female, the young also cannot be offered as a burnt-offering. Why then does R. Eliezer say in the Mishnah of a female animal dedicated as a burnt-offering that its young, a male, can be offered as a burnt-offering?

(50) So Sh. Mek. Cur. edd.: That it is left to pasture. Bah: That its money is applied for a burnt-offering.

(51) I.e., the value of the young (R. Gershom).

(52) I.e., for a burnt-offering.

(53) I.e., one cannot buy a burnt-offering for an individual with the money.

(54) For since we find in connection with birds that a burnt-offering can also be a female, therefore although the animal set aside for a burnt-offering is a female, it retains the name of the burnt-offering. Moreover, when it is sold, a burnt-offering can be bought with the money i.e., it has the name of a burnt-offering (Rashi).

Talmud - Mas. T'murah 19a

But in the case of exchange¹ of a guilt-offering, where the mother has not the name of a burnt-offering,² [R.Eliezer] also agrees that [one can buy a burnt-offering] with its money but that [the animal] itself is not offered.

Abaye raised an objection: But does R. Eliezer indeed require that the mother should have the name of a burnt-offering? Has it not been taught: If one sets aside a female animal for a passover sacrifice, it is to pasture until unfit for sacrifice. It is then sold and a Passover sacrifice [a male] is bought with its money. If it gave birth [before Passover], it [the young] is to pasture until it is unfit for sacrifice. It is then sold and a passover sacrifice is bought with its money. If it remained over until after Passover,³ it is to pasture until it is unfit for sacrifice. It is then sold and he brings a peace-offering⁴ with its money. If it [the female Passover sacrifice] gave birth,⁵ it is to pasture until it is unfit for sacrifice. It is then sold and a peace-offering is bought with its money. R. Eliezer says: The [animal] itself is offered as a peace-offering.⁶ Now here is a case where the mother has not the name of a peace-offering and R. Eliezer says: He offers it as a peace-offering? — Raba said to him: The case after Passover is different, since what has not been used [of animals] dedicated for the Passover sacrifice is itself offered as peace-offerings.⁷ If this is so,⁸ let the dispute [between R. Eliezer and the Rabbis] be stated also in connection with the first clause above?⁹ — He said to him: ‘Yes, that is so’.¹⁰ Abaye says: R. Eliezer does not differ [in the first clause above],¹¹ since there we have it on tradition that [the purpose for] which an unused dedicated animal goes,¹² its young is used in the same way.¹³ Now, after Passover, when an animal unused for a Passover sacrifice is considered a peace-offering, its young too is used as a peace-offering. But before Passover, for what purpose did he dedicate the mother? For the value of the Passover sacrifice.¹⁴ Therefore in the case of the young too it is used for the value of the Passover sacrifice.¹⁵

R. Ukba b. Hama raised an objection: But do we say that since the mother is used only for its money value, its young is also used only for its money value? Surely it has been taught: If one sets aside a female animal for the Passover sacrifice, it and its offspring pasture until unfit for sacrifice, and they are then sold, and a Passover sacrifice is bought with the money. R. Eliezer, however, says: The [animal] itself is offered as a Passover sacrifice. Now here the mother is dedicated for its value and R. Eliezer says that its young is offered as a Passover sacrifice and we do not apply to it the same rule as to its mother? — Said Rabina: We are dealing here with a case where he sets aside a pregnant animal.¹⁶ R. Eliezer holds the view of R. Johanan who says that if he left over [the embryo for a different dedication], the act is valid,¹⁷ for an embryo is not considered as the thigh of its mother. Therefore it is only the mother [being a female] which receives no bodily consecration, whereas its embryo receives bodily consecration.

Said Mar Zutra the son of R. Mari to Rabina: It also stands to reason that we are dealing [in the above Baraitha] with the case of a pregnant animal, since the Baraitha says: ‘It and its offspring’.¹⁸ This is proved.

(1) So Sh. Mek. omitting the word ‘young of’ in cur. edd.

(2) For the first animal, in virtue of which the exchange and its young are holy, was dedicated as a guilt-offering and sacrificed as such and was not a burnt-offering (Rashi).

(3) If e.g., he brought another male Passover sacrifice and this female Passover sacrifice remained over.

(4) For a Passover sacrifice at other times of the year can be brought as a peace-offering. The animal itself, however, cannot be brought as a peace-offering, since its holiness as a Passover sacrifice has been suspended and it is therefore also unfit for a peace-offering.

(5) After Passover.

(6) Although the mother has not the name of a peace-offering, since it was dedicated as a Passover sacrifice; v. Tosef.

Pes. IX.

(7) Where e.g., one set aside a Passover sacrifice and he procured atonement through another, the one remaining over is offered as a peace-offering. Therefore this animal which remained over from Passover has the name of a peace-offering, the name of the Passover having disappeared from it, and there falls on it the name of a peace-offering. If, however, it is a female, it cannot be offered, since it comes in virtue of a Passover dedication. Its young, therefore, is offered as a peace-offering (Rashi).

(8) That the reason for R. Eliezer's view is because the mother has the name of a peace-offering.

(9) Where the female Passover sacrifice gave birth before Passover, and let R. Eliezer maintain that the young itself is offered as a peace-offering, since if he killed the mother at any time of the year it would be considered a peace-offering. Consequently the mother possesses the name of a peace-offering.

(10) That R. Eliezer holds in the first part of the above Tosef. that where the animal gave birth before Passover it is brought as a peace-offering.

(11) Where the animal gave birth before Passover, agreeing that the animal after becoming unfit for sacrifice is sold and a Passover sacrifice is bought with the money. The reason of R. Eliezer, however, in the second part of the Tosef. is not because the mother has not the name of a peace-offering but since, etc.

(12) If one set aside two animals for security's sake (in case one was lost) or if the animal which he set aside was lost, the owner procuring atonement by means of another animal, and the first animal was found. Therefore where one set aside a female for a burnt-offering, just as if one separates a burnt-offering and the owner procured atonement by means of another animal the second is offered as a burnt-offering, so the young of a female burnt-offering is treated in the same way, i.e., as a burnt-offering. In the case too of an unused guilt-offering which is left to pasture, the young of the exchange of a guilt-offering is also left to pasture. And as regards the Passover sacrifice after Passover, since an unused Passover lamb is brought as a peace-offering, the same law applies to its young. Further, in regard to a Passover sacrifice before Passover where there is a superfluous sacrifice, e.g., if he set aside two Passover sacrifices for security's sake, they are not fit for peace-offerings, since they are to be used ordinarily for the Passover. One of them is certainly superfluous and is not fit for a Passover sacrifice, since two Passover sacrifices cannot be offered. Since therefore they cannot be used for any purpose, the young too is not fit to be offered for any sacrifice but follows the mother which is holy only for the value of a Passover offering (Rashi).

(13) The same kind of dedication as its mother.

(14) The money obtained through selling the animal is used for a Passover sacrifice.

(15) But is not itself used as a Passover sacrifice.

(16) For the Passover sacrifice.

(17) If one dedicates a pregnant animal and leaves over the embryo for another dedication, this is regarded as valid; consequently we see that they are considered two separate bodies. Therefore even if he did not leave over the dedication of the embryo, it is not considered part of the body of the mother, and consequently its consecration as a Passover sacrifice has effect.

(18) Implying that both were in existence at the time of dedication, since the Baraita does not say: If one sets aside a female animal for its Passover sacrifice let it go to pasture; if it gave birth to a male let it go to pasture, etc. This would have implied that it gave birth later, after the dedication.

Talmud - Mas. T'murah 19b

R. Jose b. Hanina said: R. Eliezer admits¹ that where one sets aside a female animal for a guilt-offering, its young is not offered as a guilt-offering. But surely this is obvious! For R. Eliezer refers only to a case where one sets aside a female animal for a burnt-offering, since its mother has the name of a burnt-offering;² whereas where one sets aside a female for a guilt-offering, since the mother has not the name of a guilt-offering, even [R. Eliezer] agrees that it is not offered as a guilt-offering!³ If [R. Jose] had not informed us of this, I might have thought that the reason of R. Eliezer was not because the mother has the name of a burnt-offering but because the young is fit for offering, and this animal⁴ too is fit for offering.⁵ [R. Jose therefore] informs us that it is not so.⁶ If this is so,⁷ why does [R. Jose] inform us that its young is not offered as a guilt-offering? Why not rather inform us that its young is not offered as a burnt-offering,⁸ and the same would apply to a guilt-offering.⁹ — If [R. Jose] had informed us concerning a burnt-offering, I might have thought that

the young is not offered as a burnt-offering, since the mother was not dedicated for that holiness, but in the case of a burnt-offering, I might have said that [the young] is offered as a guilt-offering. [R. Jose] therefore informs us [that it is not so].

MISHNAH. IF ONE SETS ASIDE A FEMALE [ANIMAL] FOR A GUILT-OFFERING, IT MUST GO TO PASTURE UNTIL IT BECOMES UNFIT FOR SACRIFICE. IT IS THEN SOLD AND HE BRINGS A GUILT-OFFERING WITH ITS MONEY. IF, HOWEVER, HE HAS ALREADY OFFERED HIS GUILT-OFFERING,¹⁰ ITS VALUE¹¹ [IS PUT INTO THE CHEST] FOR FREEWILL-OFFERINGS;¹² R. SIMEON, HOWEVER, SAYS: IT IS SOLD WITHOUT [WAITING FOR] A BLEMISH.¹³

GEMARA. But why [wait] until [the guilt-offering] becomes blemished? Let it be sold, for since it is not fit for anything, that in itself constitutes a blemish? — Rab Judah reported in the name of Rab: The reason is this: Because we say, since consecration in respect of its value rests on it, there also rests [on it] bodily consecration.¹⁴

Said Raba:¹⁵ This proves¹⁶ that if one dedicates a male [animal]¹⁷ for its value, it receives bodily consecration.¹⁸

It has been stated: If one dedicated a male animal for its value, R. Kahana says: It receives the holiness of bodily consecration, whereas Raba says: It does not receive the holiness of bodily consecration. Raba, however, withdrew his opinion in favour of that of R. Kahana, on account of the explanation given [above] by Rab Judah in the name of Rab.¹⁹

R. SIMEON, HOWEVER, SAYS: IT IS SOLD [WITHOUT WAITING] FOR A BLEMISH. Said R. Hiyya b. Abin to R. Johanan: But why do we not say that since there rests on the animal a consecration for value, there also rests on it a bodily consecration? — R. Simeon follows the opinion expressed by him elsewhere where he says: Wherever an animal is not fit [for offering], a bodily consecration does not rest on it.²⁰ For it has been taught: If a guilt-offering which should be a year old²¹ is brought at two years old,²² or a guilt-offering which should be two years old²³ is brought at a year old, it is fit [for offering], only that the owners of the sacrifices are not credited as having fulfilled their obligation. R. Simeon, however, says: They are not holy at all.²⁴ But is there not the case of [an animal] too young for sacrifice²⁵ which is not fit for offering and yet R. Simeon holds that it is holy?²⁶ — The case of [an animal] too young for sacrifice is different, because it is fit on the morrow.²⁷ If this is so,²⁸ the same argument ought to apply to a guilt-offering which should be two years old and is brought as a year old, since it will be fit in a year's time!²⁹ Rather the reason of R. Simeon in the case of [an animal] too young for sacrifice must be because we derive it from the case of 'firstling', as it has been taught: R. Simeon b. Judah reported in the name of R. Simeon: An animal too young for sacrifice enters the shed in order to be tithed, and it is like a firstling: Just as a firstling is holy before its due time [for sacrifice]³⁰ and is sacrificed in its due time,³¹ so [an animal] too young for sacrifice is holy before the prescribed time [for sacrifice] and is offered in its due time.³²

The Rabbis have taught: If one consecrates a female [animal] for his burnt-offering,

(1) Although where one sets aside a female animal for a burnt-offering he holds that the young itself is offered as a burnt-offering.

(2) E.g., in connection with the burnt-offering of a bird.

(3) For we do not find a female as a guilt-offering. Therefore the name of a guilt-offering has no effect on it.

(4) The young of a guilt-offering.

(5) And therefore the young should be offered as a guilt-offering.

(6) And the reason is because the name of a burnt-offering is on its mother, whereas in the other case the name of a

guilt-offering is not on its mother, since it is a female.

(7) That the reason of R. Eliezer is because of the name of its mother.

(8) Since the mother has not the name of a burnt-offering, for he called it a guilt-offering.

(9) I would have argued in the following manner: If for a burnt-offering, when the money value of the mother can be used for a burnt-offering, we still say that the young is not used as a burnt-offering, how much less is the young of a female guilt-offering used as a guilt-offering, since neither the mother nor its value can be used as a guilt-offering (Rashi).

(10) I.e., procures atonement through another guilt-offering.

(11) The value of the first guilt-offering.

(12) I.e., for public sacrifices.

(13) Since it is not fit for anything, the animal is regarded as possessing a genuine blemish, unlike the case of a female burnt-offering where R. Simeon requires an actual blemish, because the name of a burnt-offering is on it.

(14) In this respect, that it requires a blemish.

(15) Var. lec. Rabbah.

(16) Since we see that the animal requires a blemish before it is sold, although ordinarily the consecration for value is intended.

(17) As a burnt-offering or a guilt-offering.

(18) For if a female requires a blemish because we say miggo ('since' it is holy for its value etc.), how much more so is it the case where he consecrated for its value a male, an animal fit for sacrifice, that we say 'miggo' and it becomes consecrated as such (R. Gershom).

(19) That from the ruling in the Mishnah that the animal pastures, it is proved that we apply miggo.

(20) And it is sold without waiting for a blemish.

(21) E.g., the guilt-offering of a Nazirite and a leper, for 'lamb' mentioned in this connection always denotes an animal a year old.

(22) Which is really a ram.

(23) A guilt-offering for theft or trespass; v. Lev. V, 20ff.

(24) Since they cannot be used as guilt-offerings, they do not receive any holiness, the same reason applying in the Mishnah according to the view of R. Simeon.

(25) Less than seven days old. Lit., 'wanting time'.

(26) V. Hul. 81a where R. Simeon says: If one kills without the Temple court an animal which is fit to offer after the due time has elapsed, he is guilty of transgressing a prohibitory law.

(27) After a little while, whereas in the case of the Mishnah when the female animal is brought as a guilt-offering, it can never be fit for sacrifice.

(28) That because an animal is fit for sacrifice after a time, it is meanwhile considered holy.

(29) Why therefore does R. Simeon say in the Baraitha above that a two years' old guilt-offering, if it is brought a year old, does not receive holiness at all?

(30) Since it is holy in the womb.

(31) So Sh. Mek.; cur. edd.: after its time.

(32) Bek. 22a, 56a and 57b.

Talmud - Mas. T'murah 20a

for his Passover sacrifice or for his guilt-offering, the [animal] can effect exchange.¹ R. Simeon Says: [The female animal set aside] for his burnt-offering effects exchange,² but that which he sets aside for his Passover sacrifice or guilt-offering cannot effect exchange,³ since there is no [animal] which can effect exchange except that which pastures until unfit for sacrifice.⁴

Said Rabbi: I do not approve of the opinion of R. Simeon with reference to a Passover sacrifice,⁵ since unused [money or animals] dedicated for the Passover is offered as peace-offerings.⁶ And why does he not Say: I do not approve of the opinion of R. Simeon in connection with a guilt-offering, since an unused guilt-offering is offered as a burnt-offering?⁷ — Rabbi holds the opinion of the Rabbis who say: The surpluses [of sacrificial appropriation] belong to the freewill-offerings of the

congregation⁸ and the congregation cannot effect exchange.⁹ Now it is assumed that the reason why R. Simeon holds that a female set aside as a burnt-offering can effect exchange is because a female has the name of burnt-offering [in the case of a poor man who brings]¹⁰ a burnt-offering of a bird. According to this a cow set aside by a High Priest for his [sacrificial] bullock,¹¹ should become holy and effect exchange, since we have the case of the cow of sin-offering?¹² — The cow of sin-offering is regarded as a dedication for Temple repairs¹³ and a dedication for Temple repairs cannot effect exchange. Then if an individual sets aside a goat instead of a she-goat¹⁴ [for his sin-offering], let it become holy,¹⁵ since we find elsewhere the case of a ‘ruler’ who sets aside a goat for a sin-offering?¹⁶ Or, again, if a ‘ruler’ sets aside a she-goat instead of a goat [as a sin-offering], let it become holy, since elsewhere an individual sets aside a she-goat [for a sin-offering]? — These are two Separate persons [bodies].¹⁷ But if he sinned before he was a ‘ruler’, even if he set aside a goat in place of a she-goat, let it become holy [and effect exchange] since, if he sinned now, [after his appointment]¹⁸ he brings a goat?¹⁹ — Here,²⁰ [it is different,²¹ for] since he did not sin [as a ‘ruler’], he is not required to bring a goat. If so, here too,²² he does not [actually] bring a burnt-offering of a bird?²³ — R. Simeon²⁴ holds the opinion of R. Eleazar b. Azariah.²⁵ For we have learnt: [If one says] ‘Behold, I take upon myself to bring a burnt-offering’,²⁶ he brings a sheep,²⁷ whereas R. Eleazar b. Azariah says: Or a turtle-dove or a pigeon.²⁸

We have learnt elsewhere: If one dedicates his property [for Temple repairs] and there are animals²⁹ among them fit for the altar [i.e., unblemished], males and females, R. Eliezer says: The males shall be sold as burnt-offerings and the females shall be sold as peace-offerings, and their money together with the rest of the property shall go for Temple repairs.³⁰ R. Joshua, however, says: The males themselves are offered as burnt-offerings,³¹ the females are sold as peace-offerings, burnt-offerings³² are bought with their money and the rest of the property is applied for Temple repairs.

Said R. Hiyya b. Abba to R. Johanan: According to the opinion of R. Joshua, who said that the males are themselves offered as burnt-offerings, how can the females be offered as peace-offerings, seeing that their status is that of cancelled holiness?³³

Another version: Said R. Hiyya b. Abba to R. Johanan: Since R. Joshua Says, The males are themselves offered as burnt-offerings, does this mean to say that he dedicated them in respect of bodily dedication? If so, why are the females sold for peace-offerings? Do not [the females] require to pasture? — He [R. Johanan] answered him: R. Joshua agrees with R. Simeon who says: Anything which is not fit [for offering] is not subject to bodily dedication.³⁴ For we have learnt: R. SIMEON SAYS: IT SHALL BE SOLD WITHOUT [WAITING FOR] A BLEMISH. And we explained that the reason of R. Simeon is that since the female animal is not fit for a guilt-offering, it is not subject to bodily dedication. Here³⁵ too³⁶ since a female animal is not fit for a burnt-offering, it is not subject to bodily dedication.³⁷ But does not R. Simeon's teaching refer only to a case where one sets aside a female animal for a guilt-offering

(1) The animal substituted for it becomes holy.

(2) Because (i) it is not an obligatory sacrifice (R. Gershom) and also (ii) it has the name of a burnt-offering, since a bird can be a burnt-offering even though a female (Rashi).

(3) Since we do not find a female animal designated as a guilt-offering or a Passover offering.

(4) A female animal designated as a Passover or a guilt-offering is sold even without a blemish and therefore does not effect exchange; whereas a female animal designated as a burnt-offering, since the name of a burnt-offering is found in connection with a female bird, pastures until it becomes unfit and therefore effects exchange (Rashi).

(5) That it does not effect exchange.

(6) Consequently as a Passover sacrifice has some connection with peace-offerings and the latter can be females, therefore although this particular animal cannot be offered as a Passover sacrifice, we consider that it has the name of peace-offering and thus can effect exchange (Rashi). R. Gershom explains that we regard the Passover sacrifice as

'surplus' for the value of which we purchase a peace-offering, and thus it can effect exchange.

(7) We therefore find that this female guilt-offering is a burnt-offering and it would therefore be holy as such and effect exchange, like a female burnt-offering, for we have the case of a female burnt-offering in connection with birds (Rashi).

(8) Which are burnt-offerings.

(9) Therefore even if it were considered a burnt-offering, there could be no exchange.

(10) Inserted with Sh. Mek.

(11) Which he brings on the Day of Atonement for his sin-offering.

(12) The red heifer referred to in the Torah as a sin-offering.

(13) The reason being that the animal is not dedicated for the altar.

(14) Where he is required to bring a she-goat or a sheep for a sin-offering; v. Lev. IV, 28, 32.

(15) And effect exchange.

(16) V. ibid. 22ff.

(17) Viz., an individual and a 'ruler', and therefore we do not draw a comparison between them, whereas here an individual can set aside a female animal for his burnt-offering and it becomes holy and effects exchange, because if he, the same person, wished he could renounce his property in order to become a poor man and thus be able legally to bring a female bird for his burnt-offering.

(18) V. Bah.

(19) And here the 'ruler' and the individual are the same person.

(20) In the case just mentioned.

(21) Although there is only one person here, the reason why he does not bring a goat is as follows.

(22) Where he sets aside a female animal for his burnt-offering.

(23) For a rich man who is required to set aside an animal for his burnt-offering cannot bring a bird which is a poor man's offering. Therefore a female animal set aside for a burnt-offering should not become consecrated as such and thus should not effect exchange.

(24) This then is the reason of R. Simeon with regard to a burnt offering.

(25) That the unspecified freewill-offering even of a rich man can be the burnt-offering of a bird. Consequently, a female animal dedicated as a burnt-offering has the name of a burnt-offering.

(26) Without defining the nature of the burnt-offering.

(27) Which is the lowest kind of burnt-offering that a wealthy man can offer.

(28) Men. 105b, B.K. 78b.

(29) This is the reading in Zeb. 103a.

(30) For R. Eliezer holds that dedications are usually for Temple repairs, even of things fit for the altar. Nevertheless, whatever is suitable for the altar must be given up to the altar.

(31) One does not ignore animals fit for the altar and dedicate them for Temple repairs. Consequently we assume that they were dedicated for the altar and they themselves are offered up.

(32) For usually one makes a dedication of a burnt-offering, which is the most important of sacrifices (Sh. Mek).

(33) Since the males are offered as burnt-offerings and the money of the female animals is for burnt-offerings, presumably he holds that he dedicated them all for burnt-offerings. But a female animal dedicated as a burnt-offering must pasture, as stated above, its holiness as a burnt-offering having been cancelled (supra 18a). How then can they be offered as peace-offerings?

(34) And similarly here the female animals are not fit to be offered as burnt-offerings and therefore they have no bodily holiness which would make it requisite for them to pasture until unfit for sacrifice, but they are sold.

(35) For this reading v. Sh. Mek.

(36) In the case of our Mishnah.

(37) And therefore they are not left to pasture but are sold for peace-offerings.

Talmud - Mas. T'murah 20b

, since the mother has not the name of a guilt-offering,¹ whereas in the case of a female set aside for a burnt-offering, where the mother has the name of a burnt-offering, even R. Simeon agrees [that it can receive dedication as such]? Moreover, we have heard from R. Simeon that [a female animal set aside] for his burnt-offering effects exchange!² — He [R. Johanan] replied to him: R. Joshua will

agree with the other Tanna who quotes R. Simeon. For it has been taught: R. Simeon b. Judah reported in the name of R. Simeon: He cannot effect exchange [with a female animal set aside] even for his burnt-offering.³ MISHNAH. THE EXCHANGE OF A GUILT-OFFERING,⁴ THE YOUNG OF AN EXCHANGE,⁵ THEIR YOUNG AND THE YOUNG OF THEIR YOUNG UNTIL THE END OF TIME, MUST GO TO PASTURE UNTIL UNFIT FOR SACRIFICE. THEY ARE THEN SOLD AND THEIR⁶ MONEY IS APPLIED TO A FREEWILL-OFFERING.⁷ R. ELIEZER, HOWEVER, SAYS: LET THEM DIE; WHILE R. ELEAZAR⁸ SAYS: LET HIM BRING BURNT-OFFERINGS WITH THE MONEY.⁹ A GUILT-OFFERING WHOSE OWNER DIED OR WHOSE OWNER OBTAINED ATONEMENT [THROUGH ANOTHER ANIMAL] MUST GO TO PASTURE UNTIL UNFIT FOR SACRIFICE. THEY ARE THEN SOLD AND THE MONEY OF THE OFFERING IS APPLIED TO A FREEWILL-OFFERING. R. ELIEZER, HOWEVER, SAYS: LET THE ANIMAL DIE; WHILE R. ELEAZAR⁸ SAYS: LET HIM BUY A BURNT-OFFERING FOR THE MONEY. BUT CANNOT A NEDABAH [FREEWILL-OFFERING] ALSO BE A BURNT-OFFERING? WHAT THEN IS THE DIFFERENCE BETWEEN THE OPINION OF R. ELEAZAR AND THAT OF THE SAGES?¹⁰ ONLY IN THAT WHEN THE OFFERING COMES AS AN OBLIGATION,¹¹ HE LAYS HIS HAND ON IT AND HE BRINGS DRINK-OFFERINGS AND THE DRINK-OFFERINGS MUST BE PROVIDED BY HIM; AND IF HE¹² IS A PRIEST, THE PRIVILEGE OF OFFICIATING AND ITS HIDE BELONG TO HIM;¹³ WHEREAS WHEN HE BRINGS A FREEWILL-OFFERING, HE DOES NOT LAY HIS HAND [ON IT],¹⁴ HE DOES NOT BRING DRINK-OFFERINGS WITH IT, THE DRINK-OFFERINGS ARE PROVIDED BY THE CONGREGATION, AND ALTHOUGH HE IS A PRIEST, THE PRIVILEGE OF OFFICIATING AND ITS HIDE BELONG TO THE MEN OF THE DIVISION¹⁵ [OFFICIATING IN THAT PARTICULAR WEEK].

GEMARA. It is necessary [for the Mishnah] to mention that in both cases¹⁶ [there is a difference of opinion]. For if we had been taught the case of a guilt-offering [whose owners had died or procured atonement through another animal], we might have thought that there R. Eliezer says that they¹⁷ die because we prohibit after atonement¹⁸ in virtue of having prohibited before atonement,¹⁹ but in the case of the exchange of a guilt-offering or the young of an exchange,²⁰ I might have thought that he agrees with the Rabbis.²¹ And if we had been taught the case of the exchange of a guilt-offering, [I might have thought] that the Rabbis say there that the animal pastures,²² but in the case of a guilt-offering [whose owners had died or obtained atonement], I might have thought that they agree with R. Eliezer.²³ It was therefore necessary [for the Mishnah] to mention both cases.²⁴

R. Nahman reported in the name of Rabbah b. Abbuha: The dispute²⁵ applies only²⁶ after atonement has taken place,²⁷ but before atonement²⁸ all the authorities agree that [the young itself] can be offered as a guilt-offering.²⁹ Said Raba: There are two arguments against this opinion. First, that a man cannot obtain atonement with something which he obtained as the result of a transgression.³⁰ And, moreover, R. Hanania learnt³¹ in support of R. Joshua b. Levi: The first generation is offered but the second generation is not offered!³² Rather, if the statement was made, it was made in this form: R. Nahman reported in the name of Rabbah b. Abbuha: The dispute applies before atonement has taken place,³³ but after atonement has taken place,³⁴ all the authorities concerned agree that the animal itself³⁵ is offered as a burnt-offering. But has not R. Hanania learnt [a teaching] in support of R. Joshua b. Levi?³⁶ This remains a difficulty.

R. Abin b. Hiyya asked R. Abin b. Kahana: If one set aside a female [animal] for a guilt-offering, may its young be offered as a burnt-offering? (But why not solve this from the teaching of R. Joseph b. Hanina who said³⁷ that R. Eliezer agreed?³⁸ — He [R. Abin b. Hiyya] never heard this teaching.)³⁹ What is the ruling? — He [R. Abin b. Kahana] replied to him: Its young is offered as a burnt-offering. But what answer is this? R. Eliezer only refers to the case of one who set aside a female for a burnt-offering, where the mother has the name of a burnt-offering,⁴⁰ but in the case of a guilt-offering, where the mother has not the name of a burnt-offering,⁴¹ even R. Eliezer agrees!⁴² —

He [R. Abin b. Kahana] replied to him: The reason of R. Eliezer⁴³ is not because its mother has the name of a burnt-offering but because it [the young] is fit for offering,⁴⁴ and here too [the young] is fit for offering.⁴⁵

He raised an objection: THEIR YOUNG AND THE YOUNG OF THEIR YOUNG UNTIL THE END OF TIME etc. [R. ELEAZAR SAYS:] LET HIM BRING A BURNT-OFFERING WITH THEIR MONEY. [Now, he brings a burnt-offering] with their money.

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- (1) For we do not find any case of a guilt-offering being a female.
 - (2) Consequently we see that it can receive bodily dedication so far as to be required to pasture before it is sold. We cannot therefore explain that R. Joshua will hold the opinion of R. Simeon.
 - (3) Since the animal has no bodily dedication. Thus it has to be sold as a peace-offering and is not left to pasture.
 - (4) Whether the exchange be a male or a female, it must pasture, as there is a traditional law that wherever in the case of a sin-offering it is condemned to die, in the case of a guilt-offering it is condemned to pasture until unfit for sacrifice.
 - (5) E.g., where he exchanged a female animal for his guilt-offering and it gave birth.
 - (6) So Wilna Gaon Glosses; cur. edd., 'its money'.
 - (7) A burnt-offering, as surpluses are devoted to that purpose.
 - (8) So Sh. Mek.
 - (9) V. supra 19b.
 - (10) The first teachers mentioned in the Mishnah.
 - (11) So Sh. Mek. 'When the duty lies on an individual to sacrifice; cur. edd. burnt-offering.
 - (12) The person owning the surpluses who set aside a guilt-offering and procured atonement through another animal while the first animal was condemned to pasture.
 - (13) Although he does not belong to the division of priests officiating in the Temple during that week, he is allowed to officiate and receive the usual priestly dues.
 - (14) Since a congregational sacrifice does not require laying on of hands, except in two instances.
 - (15) Of priests in the Temple.
 - (16) The case of the exchange of a guilt-offering and the one where the owners of a guilt-offering die, or had procured atonement by another animal.
 - (17) The animals.
 - (18) And only one animal is before us.
 - (19) And both animals are before us. We therefore fear that he might say that this one is for pasture and that for atonement, which is against the law. For since both animals are fit for guilt-offerings one animal cannot be specified as being condemned to pasture until the owner has atoned through the other animal. It is for this reason that, according to R. Eliezer, the animal is left to die even after atonement has taken place (R. Gershom).
 - (20) Since here one cannot prohibit, for the law to pasture applies both before and after atonement, the exchange of a guilt-offering being, according to traditional law, unfit for offering even before the sacrificing of the guilt-offering.
 - (21) That they go to 'pasture. There is need therefore in the Mishnah for R. Eliezer to inform us that even in these circumstances the animals die.
 - (22) Because there is no prohibition after atonement on account of what might happen before atonement.
 - (23) That the animal is condemned to die.
 - (24) Another version (R. Gershom and Sh. Mek.): If the Mishnah only stated in the first part the case of the exchange of a guilt-offering, I might have thought that the Rabbis dispute there and hold that the animal is left to pasture because of the fear of a substitution. For if you say that the exchange of a guilt-offering dies, we fear lest he substitute this animal for the guilt-offering itself and the guilt-offering will thus die. Consequently, the Rabbis say that the animal pastures until unfit for sacrifice so that if by mistake there is a substitution, he can always rectify the matter by again offering the right animal. But in the case stated in the second part of the Mishnah, where the owners of a guilt-offering died or obtained atonement by means of another animal, since there is no fear of substitution — there being only one guilt-offering — I might have thought that the Rabbis agree with R. Eliezer that the animal is condemned to die. And if the Mishnah had taught us only the case where the owners of a guilt-offering died, I might have said that R. Eliezer holds there that the animal dies, since there is no fear of substitution etc.
 - (25) With reference to the young of the exchange of a guilt-offering.

(26) V. Sh. Mek.

(27) After the owners have obtained atonement by means of the guilt-offering itself and this young of the exchange remained.

(28) If he has not yet obtained atonement with the guilt-offering and both animals are before us, the guilt-offering and the young of its exchange.

(29) Since both are males he can use either as a guilt-offering.

(30) I.e., a breach of the prohibitory law, 'He shall not alter it nor change it' involved (Lev. XXVII, 10). And although the exchange of a burnt-offering or peace-offering is offered up, the latter is not for the purpose of atonement.

(31) V. supra 18b.

(32) And the young of the exchange is considered the second generation, the exchange itself being considered a generation, having become holy through another dedication.

(33) R. Eliezer holds there that the young dies. For if you say that the young pastures, since what is bought for its money is offered, it might be substituted and itself offered as a guilt-offering. The Rabbis, however, will maintain that since the animal itself is not offered as a burnt-offering, there is no fear of substitution (Rashi).

(34) Where there is no fear of substitution, since the guilt-offering has already been sacrificed.

(35) The young of the exchange.

(36) That the second generation is not offered and the young of the exchange is the second generation.

(37) V. supra 19b.

(38) That where one set aside a guilt-offering, its young is not offered as a guilt-offering.

(39) He never learnt the ruling (R. Gershom). Sh. Mek. explains this phrase as meaning that he did not agree with the teaching.

(40) I.e., in connection with the burnt-offering of a bird.

(41) As a burnt-offering cannot be a female.

(42) That the young is not brought as a burnt-offering.

(43) Why he holds that if one sets aside a female animal for a burnt-offering the male young is offered as a burnt-offering.

(44) Therefore in the case of the young of the female burnt-offering, since the young is fit to be offered, it is used as a burnt-offering.

(45) The male young of a female burnt-offering is fit for a burnt-offering, since it is suitable to be offered.

Talmud - Mas. T'murah 21a

implying. but he must not offer the animal itself as a burnt-offering?¹ — We are dealing here² with a case where e.g., it [the exchange] gave birth to a female animal.³ AND UNTIL THE END OF TIME, would it not give birth even to one male? — He said to him: I am giving you a forced answer of a Babylonian character.⁴ Where e.g., it gave birth until the end of time to females only. (But⁵ what answer could he have given him?⁶ — The reason there [why R. Eleazar says that only the money can be used for a burnt-offering] is because he may come to make a substitution.)⁷

MISHNAH. THE EXCHANGE OF A FIRSTLING AND AN ANIMAL TITHED, THEIR YOUNG AND THE YOUNG OF THEIR YOUNG UNTIL THE END OF TIME,⁸ THESE HAVE THE LAW OF A FIRSTLING AND AN ANIMAL TITHED,⁹ AND ARE EATEN BY THE OWNERS WHEN BLEMISHED.¹⁰ WHAT IS THE DIFFERENCE BETWEEN A FIRSTLING AND AN ANIMAL TITHED [ON THE ONE HAND] AND OTHER DEDICATIONS ON THE OTHER? ALL [BLEMISHED] DEDICATIONS ARE SOLD IN THE MARKET,¹¹ KILLED IN THE MARKET, AND WEIGHED BY THE POUND, BUT NOT A FIRSTLING AND AN ANIMAL TITHED.¹² THEY [OTHER DEDICATIONS] AND THEIR EXCHANGES ARE REDEEMED,¹³ BUT NOT A FIRSTLING AND AN ANIMAL TITHED.¹⁴ THEY [OTHER DEDICATIONS] COME FROM OUTSIDE THE HOLY LAND [TO THE HOLY LAND], BUT NOT A FIRSTLING AND AN ANIMAL TITHED.¹⁵ [IF] THEY¹⁶ HOWEVER CAME FROM [OUTSIDE THE HOLY LAND] UNBLEMISHED, THEY ARE OFFERED, IF BLEMISHED THEY ARE EATEN BY THEIR OWNERS¹⁷ WITH THEIR BLEMISHES. SAID R. SIMEON:

WHAT IS THE REASON?¹⁸ BECAUSE A FIRSTLING AND AN ANIMAL TITHED HAVE A REMEDY WHEREVER THEY ARE,¹⁹ WHEREAS ALL OTHER DEDICATIONS, ALTHOUGH A BLEMISH HAS OCCURRED IN THEM, REMAIN HOLY.²⁰

GEMARA. Said Raba son of R. 'Azza.²¹ In the West [Palestine] they asked: How is it if one causes a blemish to the exchange of a firstling and an animal tithed? Do we say that since they are not offered,²² he is not culpable?²³ Or that perhaps since they are holy,²⁴ he is culpable? Said Abaye to him: And why do you not ask: How is it if one causes a blemish to the ninth [animal] of the ten [taken in for tithing]?²⁵ Why then do you not ask concerning the ninth [animal of the ten], because the Divine Law excludes it [having stated]: The tenth,²⁶ thus excluding the ninth [animal]?²⁷ Here²⁸ too the Divine Law excludes it [by saying]: Thou shalt not redeem; they are holy,²⁹ thus implying, 'they' are offered but their exchange is not offered.³⁰

R. Nahman b. Isaac reported the [above passage] as follows: R. Aha³¹ son of R. 'Azza said: They asked in the West: How is it if one caused a blemish to the ninth [animal] of the ten? — Said [Abaye]³² to him: And why not ask, How is it if one caused a blemish in a firstling and an animal tithed? What then is the reason that you do not ask this concerning the exchange of a firstling and tithe? Because the Divine Law excludes these cases³³ [by means of the text]: 'They are holy'. implying that 'they' are offered but their exchange is not offered;³⁴ Similarly the case of the ninth [animal] of the ten is also excluded by the Divine Law [saying]: 'The tenth', thus excluding the ninth [animal].³⁵

IF THEY, HOWEVER, CAME UNBLEMISHED etc. The following contradicts this: The son of Antigonus brought up firstlings from Babylon [to the Holy Land] and they were not accepted from him [to be offered].³⁶ — Said R. Hisda: There is no difficulty. This³⁷ is the opinion of R. Ishmael, and that³⁸ is the opinion of R. Akiba. For it has been taught: R. Jose reported three things in the name of three Elders.³⁹

R. Ishmael says: One might say that a man can bring up second tithe and eat it in Jerusalem nowadays? Now we may argue thus: A firstling requires bringing to the [holy] place⁴⁰ and [second] tithe requires bringing to the holy place. Just as a firstling is not eaten except when there is a Temple in existence,⁴¹ so [second] tithe should not be eaten except when there is a Temple in existence! No.⁴² If you can say this of the firstling,⁴³ which requires the application of blood to and the burning of sacrificial portions⁴⁴ on the altar, shall you say the same of [second] tithe which does not require this?⁴⁵ Then you may reason thus: Firstfruits require bringing to the holy place⁴⁶ and second tithe requires bringing to the [holy] place. Just as firstfruits are not eaten except when the Temple is in existence, similarly [second] tithe should not be eaten except when the Temple is in existence. [I can however reply:] You can argue so of firstfruits which require setting⁴⁷ before the altar; but will you say the same of [second] tithe which does not require this? The text therefore states: Thou shalt eat before the Lord thy God the tithe of thy corn and of thy wine and of thine oil, and the firstlings of thine herds and of thy flocks.⁴⁸ It thus compares [second] tithe with a firstling: just as a firstling is not eaten except when the Temple is in existence, so second tithe is not eaten except when the Temple is in existence. But why not go around with the argument⁴⁹ and prove the case [of second tithe by analogy] from the common point?⁵⁰ — Said R. Ashi: Because one can object: As to the point firstling and firstfruits share in common,⁵¹ it is that they both require the altar.⁵² Now what is [R. Ishmael's] view?⁵³ Does he hold that with the first consecration⁵⁴ he [Joshua] consecrated the land for the time being [as long as it was inhabited by Israel] and also for the future?⁵⁵ Then there should be no difference between firstling and [second] tithe, both being suitable to be brought. And if [R. Ishmael] holds that with the first consecration he [Joshua] consecrated for the time being but not for the future,⁵⁶ why not raise the question⁵⁷ even concerning a firstling?⁵⁸ — One can maintain that [R. Ishmael] holds that with the first consecration he [Joshua] consecrated the land for the time being but not for the future, but here⁵⁹ he is thinking of a case where e.g., the blood of the firstling

was sprinkled while the Temple was still in existence, and the Temple was then destroyed and the flesh of the firstling still remained. Since therefore if the blood was in existence, it would not be fit to be sprinkled,⁶⁰ we therefore derive the case of the flesh [of the firstling]⁶¹ from the case of the blood [of the firstling].⁶²

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- (1) In spite of the fact that the young of an exchange is fit to be offered, R. Eleazar still maintains that the young itself cannot be offered. You cannot therefore argue here that because the young of the female guilt-offering is fit for sacrifice, therefore it may be offered.
 - (2) Where he brings a burnt-offering with the money.
 - (3) Thus it is not fit to be offered as a burnt-offering and therefore R. Eleazar says in the Mishnah that a burnt-offering is bought for its money.
 - (4) A criticism of the teachers of Babylon who were, metaphorically speaking, described as putting an elephant through the eye of a needle (R. Gershom).
 - (5) The following bracketed passage is supplied on the basis of Rashi; v. Wilna Gaon Glosses.
 - (6) Since he says that the answer he gave was a forced one, this implies that he knew of another answer. Now what was it?
 - (7) If he could bring the young of an exchange of a guilt-offering itself as a burnt-offering, he might make a mistake and bring it as the guilt-offering in place of the real guilt-offering.
 - (8) Lit., 'until the end of the world'.
 - (9) That they are not killed in the market where meat is sold, even after being blemished and redeemed.
 - (10) Without redemption, as is the case with a firstling and an animal tithed.
 - (11) Thus obtaining a higher price for the flesh, which benefits the Sanctuary, as then he is enabled to bring a better sacrifice for the money received.
 - (12) Since when they are blemished there is no need to bring another offering with the money. Consequently the higher price would only benefit private people i.e., the owners of the firstling or the tithed animal, and therefore we do not permit the abuse of consecrations for the sake of private profit.
 - (13) When blemished, and with the money another offering is purchased.
 - (14) Since if these animals become blemished they are not redeemed so as to render the wool and the working of them permissible. Also the money obtained is not holy, as there is no need to bring another offering in their place, only when blemished they are eaten by the owners themselves.
 - (15) Which are not directly brought from outside the Holy Land.
 - (16) A firstling and tithed animal.
 - (17) I.e., a priest in the case of the firstling and the owner in the case of a tithed animal.
 - (18) That a firstling or a tithed animal cannot come direct from outside the Holy Land to the Holy Land.
 - (19) To pasture until unfit for sacrifice and then eaten. Lit., 'from their place'.
 - (20) Since even if they became blemished, he is required to bring their money for the purpose of bringing offerings. Therefore as holiness remains in them even if blemished, the owners are required to bring to the Holy Land the unblemished dedications in order to offer them.
 - (21) Var. lec. R. Aba.
 - (22) Scripture saying in connection with a firstling: 'Thou shalt not redeem, they are holy' (Num. XVIII, 17), from which we infer that they are offered but not their exchange and the case of tithe we derive by means of an analogy from the firstling.
 - (23) For transgressing, there shall be no blemish therein (Lev. XXII, 21) interpreted as a warning against inflicting a blemish.
 - (24) Since Scripture says: Then it and the exchange thereof shall be holy (Lev. XXVII, 10).
 - (25) And calling it tenth, in which case it is holy but is not offered.
 - (26) Lev. XXVII, 32.
 - (27) Which in tithing was called 'the tenth' so that it is not offered. And since it is not offered, then obviously there is no penalty for inflicting a blemish upon it.
 - (28) Where one causes a blemish on a firstling.
 - (29) Num. XVIII, 17.
 - (30) And since they are not offered, therefore there is no guilt in inflicting a blemish.

- (31) Var. lec. Raba.
- (32) So Sh. Mek.
- (33) From the guilt of causing a blemish to dedications.
- (34) And since they are not offered, there is no penalty for causing a blemish on it.
- (35) And there is no guilt in causing on it a blemish.
- (36) There is thus a difficulty as regards the Mishnah which says that if unblemished firstlings were actually brought up from outside the Holy Land they are offered.
- (37) The Mishnah.
- (38) That firstlings from outside the Holy Land were not accepted to be offered.
- (39) R. Ishmael, R. Akiba and Ben 'Azzai.
- (40) V. Deut. XII, 11: Thither ye shall bring your burnt-offerings . . . and your tithes.
- (41) Since the portions of sacrifices destined to be burnt must be burnt on the altar and the application of the blood requires an altar.
- (42) This analogy is not conclusive.
- (43) That it can be brought only when the Temple is in existence.
- (44) Limbs and fat destined for the altar.
- (45) And therefore being different it may perhaps be brought even without the Temple standing.
- (46) 'And the heave-offerings of your hand' (ibid) is explained as referring to the firstfruits.
- (47) Scripture saying, Thou shalt set it before the Lord thy God (Deut. XXVI, 20).
- (48) Ibid. XIV, 23.
- (49) What need is there for a special Scriptural text, And thou shalt eat, etc.?
- (50) As follows: If you say that the analogy between firstfruits and tithe is not exact, since in the former there is no setting before the altar, then the case of firstling will prove that even without the setting before the altar it is necessary for the Temple to be in existence in order that the firstling can be brought, and the same therefore will apply to second tithe. Again, if you say that firstling is different because it requires the application of its blood to the altar, then the case of firstfruits will prove that although there is no application of blood, only when the Temple stands can they be brought, and the same therefore will apply to second tithe. Firstlings and firstfruits have therefore one point in common, i.e., the need of bringing them to a holy place and that the Temple must be standing, the same then will apply to second tithe, that it will be brought only when the Temple is standing.
- (51) And therefore they require the Temple to be in existence before they can be brought. This is not the case with second tithe.
- (52) In the case of firstfruits for the purpose of setting and in the case of firstling for the application of the blood.
- (53) Who has no doubt that a firstling is not eaten except when the Temple stands, but who has a doubt concerning the second tithe.
- (54) Of Palestine by Joshua.
- (55) Even without a Temple, Jerusalem is a holy place.
- (56) And so there is a doubt concerning second tithe.
- (57) Whether in order to bring it the Temple must be in existence.
- (58) Why therefore does he infer the case of the second tithe from firstling?
- (59) Where R. Ishmael is sure of the case of firstling.
- (60) Since Jerusalem was not holy after Temple times (Rashi).
- (61) As regards eating it.
- (62) And just as the blood cannot be sprinkled, the flesh too cannot be eaten.

Talmud - Mas. T'murah 21b

and then we derive the case of second tithe¹ from the case of firstling.² But do we infer one case of dedication from another?³ Has not R. Johanan said:⁴ Throughout the Torah we can derive by inference one rule from another which has itself been derived by inference, save only in the field of dedications where we do not derive a rule from one which is itself derived? — Tithe [of grain] is [considered] hullin.⁵ This explanation will suffice for one who holds that that which is derived is the deciding factor.⁶ But what answer would you give according to the authority who holds that that

from which it is derived is the deciding factor?⁷ — ‘Flesh’ and ‘blood’ in the case of firstling are considered one subject.⁸

R. Akiba says: One might think that a man can bring up a firstling from outside the Holy Land to the Holy Land when the Temple is standing and offer it? The text, however, states: And thou shalt eat before the Lord thy God the tithe of thy corn and of thy wine and of thine oil, and the firstlings of thy herds and of thy flocks,⁹ thus implying that you may bring up a firstling to the Holy Land from the same place from where [second] tithe of grain is brought up,¹⁰ and that you cannot bring up a firstling to the Holy Land from the place from which you cannot bring up [second] tithe of grain.¹¹

Ben ‘Azzai says: One might say that a man may bring up the second tithe¹² and eat it wherever he can see [Jerusalem]? One may argue¹³ [as follows]: A firstling requires bringing to a [holy] place and [second] tithe requires bringing to a [holy] place: just as a firstling is not eaten except within the wall [of Jerusalem],¹⁴ so [second] tithe is not eaten except within the wall [of Jerusalem]. [To this I can reply:] How can you argue from a firstling which requires the application of blood to and the burning of sacrificial portions on the altar,¹⁵ to second tithe which does not require this?¹⁶ Scripture therefore says: ‘Thou shalt eat before the Lord thy God the tithe of thy corn and of thy wine and of thine oil, and the firstlings of . . . , etc.’, thus comparing second tithe with firstling as follows: Just as a firstling is not eaten except within the wall [of Jerusalem], similarly [second] tithe is not eaten except within the wall [of Jerusalem]. But what is [Ben ‘Azzai’s] difficulty that he should say: One might think etc.?¹⁷ — I will tell you. Since we have learnt: The difference between Shiloh and Jerusalem consists in this, that in Shiloh one may eat minor dedications and second tithe wherever one can see it, whereas in Jerusalem he may do so only within the wall, [and in both]¹⁸ dedications of the higher degree of holiness are eaten inside the enclosures of the Temple court, you might think that the second tithe should be eaten wherever one can see [Jerusalem].¹⁹ [Ben ‘Azzai] needs therefore [to quote a text to] inform us [that it is not so].

Others say: One might think that a firstling whose year is passed has the same law as disqualified dedications and should be disqualified?²⁰ Scripture, however, says: ‘The tithe of thy corn, of thy wine and of thine oil’, thus comparing firstling with second tithe [as follows]: Just as second tithe is not disqualified from one year to another,²¹ so a firstling [which is left] over from one year to another is not disqualified. And the Rabbis²² who interpreted the text above²³ for another purpose, whence do they derive that one may bring a firstling [left over] from the first year to the other? — They derive this from [the Scriptural text]: Thou shalt eat it before the Lord thy God year by year,²⁴ which teaches us that a firstling [left over] from one year to another is not disqualified.²⁵ And how do the ‘Others’²⁶ interpret the text: ‘Thou shalt eat it before the Lord thy God year by year’? — They need this text for what has been taught: One day from this year and a day from the next;²⁷ this teaches us that a firstling may be eaten for two days²⁸ and a night. And whence do the Rabbis derive that a firstling may be eaten for two days and a night? — The text says: It shall be to thee as the breast of the waving.²⁹

CHAPTER IV

MISHNAH. THE YOUNG OF A SIN-OFFERING, THE EXCHANGE OF A SIN-OFFERING, AND A SIN-OFFERING WHOSE OWNER HAS DIED, ARE LEFT TO DIE. A SIN-OFFERING WHOSE YEAR IS PASSED OR WHICH WAS LOST AND FOUND BLEMISHED,³⁰ IF THE OWNERS OBTAINED ATONEMENT [AFTERWARDS, THROUGH ANOTHER ANIMAL], IS LEFT TO DIE;³¹ IT³² DOES NOT EFFECT EXCHANGE;³³

(1) By means of the analogy as stated in the text: ‘And thou shalt eat before the Lord thy God, etc.’.

(2) Just as firstling is certainly not eaten in Jerusalem, since the Temple is not in existence, the same applies to second tithe.

- (3) As, for example, here where we infer 'flesh' from 'blood' and again second tithe from the flesh of firstling.
- (4) Zeb. 50a.
- (5) Because it can be redeemed to become hullin i.e., unconsecrated grain, and eaten in all places (R. Gershom). Therefore when we compare second tithe with firstling, we are not really making analogy between dedications, as is the case when we inferred 'flesh' from 'blood'.
- (6) Whether the subject is dedications or not. And since it is second tithe which is the subject learnt and derived from dedication, it is quite in order, because second tithe can be rendered hullin, as stated previously.
- (7) I.e., here the blood of the firstling, as we learn second tithe from it, and this belongs to the category of dedications.
- (8) And since this is the case, we are only making one inference i.e., second tithe from the blood and flesh of a firstling which are considered as one subject as regards dedications. Rashi comments that if we say that the holiness of the Land only applied for the time being and not for the future, why should R. Ishmael have a doubt concerning second tithe, for since there is no consecration for the future then there is no need for the Temple to be standing when bringing second tithe? Rashi therefore agrees with the text found in the Jerushalmi as follows: If R. Ishmael holds that the holiness of the Land extends to all times, then the enquiry should be even concerning a firstling, whether it is a condition that the Temple should be in existence before bringing it. And if he holds that the holiness of the Land does not extend for all time, then he should not inquire even concerning second tithe! One may still say that he holds that the holiness of the Land extends to the future as well, and the reason why he is certain about a firstling is because he is thinking of a case where e.g., he killed a firstling before the Temple was destroyed etc. and the inference is: Just as the blood requires an altar, so the flesh of the firstling cannot be eaten except where there is an altar, and then we proceed to derive the case of second tithe from that of firstling.
- (9) Deut. XIV, 23.
- (10) I.e., from the Holy Land itself.
- (11) I.e., outside the Holy Land. Thus the Baraitha above which says that the firstlings brought up by the son of Antigonus to the Holy Land were not accepted, follows the view of R. Akiba, whereas our Mishnah is in accordance with R. Ishmael, who does not expound the cited verse after the manner of R. Akiba.
- (12) In the time when the Temple stood. (R. Gershom).
- (13) That it should not be eaten.
- (14) Since dedications are disqualified if eaten outside Jerusalem.
- (15) And therefore is only eaten within the wall of Jerusalem.
- (16) And therefore one might think that so long as one can see Jerusalem even outside its wall, it may be eaten. Rashi has a different version from the text in the Gemara: Firstling is different, since there is a distinction in the period in which it may be eaten i.e., only two days and a night, and a distinction as regards those permitted to eat i.e., only the priests, whereas second tithe can be eaten at all times and by everyone, priests or non-priests.
- (17) Why should one imagine that he may eat second tithe wherever he can see Jerusalem even outside its walls?
- (18) I.e., Shiloh and Jerusalem.
- (19) This therefore was Ben 'Azzai's difficulty regarding the Baraitha: I can understand the rule that dedications of the minor degree of holiness should be eaten within the walls of Jerusalem, since there is an application of blood to be made on the altar. But why should second tithe not be eaten in any place where he can see Jerusalem?
- (20) From being offered, since Scripture says with reference to firstling: 'Year by year'.
- (21) For one redeems it and brings it any time
- (22) The three Elders; R. Ishmael, R. Akiba and Ben 'Azzai.
- (23) 'And thou shalt eat the tithe of thy corn and of thy wine and of thine oil, etc.' quoted above.
- (24) Deut. XV, 20.
- (25) For the words 'year by year' imply two years.
- (26) Who derive by means of the analogy between firstling and second tithe that a firstling older than a year is not disqualified.
- (27) Where he killed a firstling according to the law at the end of its first year.
- (28) Even if the second day belonged to the fresh year.
- (29) Num. XVIII, 18. Like the breast and shoulder of the peace-offering which are eaten two days and a night.
- (30) Prior to the owners obtaining atonement through another animal.
- (31) And even the Rabbis who say later that a sin-offering is not condemned to die except when found after the owners had obtained atonement, here agree that the animal dies, since there are two unfavourable conditions: First, it was lost

and found blemished, and secondly, the owners obtained atonement through another animal after it was found, thus showing deliberately that they did not wish to procure atonement with the lost animal (Rashi).

(32) The animal which was found.

(33) Since it is not consecrated bodily but only for its value (R. Gershom).

Talmud - Mas. T'murah 22a

IT IS FORBIDDEN [RABBINICALLY] TO DERIVE BENEFIT FROM IT, BUT THE LAW OF SACRILEGE DOES NOT APPLY TO IT.¹ IF, HOWEVER, THE OWNERS² HAVE NOT YET OBTAINED ATONEMENT,³ IT⁴ MUST GO TO PASTURE UNTIL IT BECOMES UNFIT FOR SACRIFICE. IT⁵ IS THEN SOLD IMMEDIATELY AND ANOTHER IS BOUGHT WITH THE MONEY.⁶ IT⁷, EFFECTS EXCHANGE,⁸ AND THE LAW OF SACRILEGE APPLIES TO IT.⁹ GEMARA. Why does not [the Mishnah] state them [the five sin-offerings which are left to die] all together?¹⁰ — The Tanna is sure [of the three cases] in the first part [of the Mishnah],¹¹ but is not sure [of the two other cases] in the latter part [of the Mishnah]. What need is there to state [this whole Mishnah] in [Tractate] Me'ilah and here in Temurah?¹² — [The Tanna in the Mishnah] states here the rule of exchange [with reference to the five sin-offerings], and since he states the rule of exchange [here], he also states the rule of sacrilege,¹³ and [since he states the law of sacrilege in Temurah, he also states in Me'ilah the law of exchange].

Said Resh Lakish: A sin-offering whose year is passed is regarded¹⁴ as if it stood in a cemetery¹⁵ and it is left to pasture. We have learnt: AND [ONE] WHOSE YEAR IS PASSED AND WHICH WAS LOST AND FOUND BLEMISHED, IF THE OWNERS OBTAINED ATONEMENT [AFTERWARDS THROUGH ANOTHER ANIMAL], IS LEFT TO DIE. Shall we say this refutes Resh Lakish?¹⁶ — Resh Lakish can answer you: The first part [of the Mishnah]¹⁷ refers to the case where the sin-offering was lost and found blemished.¹⁸ If¹⁹ so, read the latter part [of the Mishnah]: IF HOWEVER THE OWNERS HAVE NOT YET OBTAINED ATONEMENT, IT MUST GO TO PASTURE UNTIL UNFIT FOR SACRIFICE. Now if the Mishnah refers to a blemished animal, is it not already unfit?²⁰ — Said Rabbah: [The Mishnah] should read as follows: 'Or²¹ it was lost and found blemished with a transitory blemish, if after the owners have obtained atonement, it is condemned to die;²² if, however, before the owners have obtained atonement, let it go to pasture until unfit for sacrifice with a permanent blemish and then sold'.²³ Said Raba: There are two arguments against [this answer]. First, if so,²⁴ the Mishnah ought to have said, 'Let him keep it' [the animal with the transitory blemish];²⁵ and, moreover, for what purpose does the Mishnah mention a sin-offering whose year is passed?²⁶ Raba therefore said: This is meant [by the Mishnah]: 'If the sin-offering passed its year and was lost,²⁷ or if it was lost and found blemished,²⁸ if after the owners have obtained atonement [through another animal], it is left to die; if before the owners have obtained atonement,²⁹ let it go to pasture until unfit for sacrifice³⁰ and then be sold'.³¹ And there is need to mention the condition of its being lost, both in connection with a blemished sin-offering and where [a sin-offering] passed its year. For if it mentioned the condition of its being lost only where the sin-offering passed its year, I might have thought there,³² because it is of no use for anything,³³ the condition of being lost helps [to condemn it to die], whereas in the case of a blemished sin-offering, where if it were not for the blemish it would be fit, I might have said that the condition of being lost does not help [to condemn it to die].³⁴ And if it [the Mishnah] had mentioned the condition of being lost in connection only with a blemished sin-offering, I might have said that there the condition of being lost helps [to condemn it to die], since it is not fit to be offered;³⁵ whereas in the case of the sin-offering which passed its year and which is fit for offering,³⁶ I might have said that the condition of being lost does not help [to condemn it to die]. It is therefore necessary [to mention the condition of being lost in both cases]. But did Raba say this?³⁷ Has not Raba said: A sin-offering lost at night³⁸ has not the name [legally] of a lost sin-offering?³⁹ It is not the same.⁴⁰ A sin-offering lost at night is not fit to offer either itself or its value,⁴¹ whereas here,⁴² granted that it is not itself fit for offering, its value is fit for offering.⁴³

We have learnt elsewhere: The second [goat] goes to pasture until unfit for sacrifice and it is then sold and its money is devoted to the purchase of a freewill-offering, since a congregational sin-offering is not condemned to die.⁴⁴ This implies that in the case of an individual sin-offering⁴⁵ it is condemned to die. And R. Johanan explained: Animals [dedicated for sacrifices] are removed for ever from sacred use,⁴⁶ and the atonement is through the second [animal] of the second pair. Now the first goat [of the first pair]⁴⁷ is like the case of a sin-offering whose year is passed.⁴⁸ The reason therefore why it is not condemned to die is because it is a congregational offering, but if it were an individual offering it would be condemned to die!⁴⁹ — Raba can answer you: The case where animals are removed from sacred use is one thing, and the case of an animal which was lost is another. What is the reason? — If sin-offerings were lost, his mind is on them, in case they may be found;⁵⁰ whereas where the sin-offerings are removed from sacred use, they can never be fit again for offering.⁵¹

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- (1) If the owners benefited from it in any way, they are exempt from bringing a sacrifice for the unlawful use of a sacred thing (v. Lev. V, 15ff.) since neither it nor its money is devoted to anything holy.
 - (2) Of a sin-offering older than a year or a sin-offering found blemished after being lost.
 - (3) I.e., as long as the owners did not desire to procure atonement through another animal.
 - (4) Viz., the animal which has passed its year.
 - (5) Viz., the animal which was lost and found.
 - (6) Since the owners have not yet been atoned for.
 - (7) A sin-offering which is condemned to pasture.
 - (8) Since whatever is condemned to pasture effects exchange, as it is consecrated bodily.
 - (9) Since its value is devoted for a holy purpose.
 - (10) In one clause, instead of dividing them into two clauses, stating three cases i.e., a young of a sin-offering, the exchange of a sin-offering and a sin-offering lost and found blemished, in one section, and two other cases in a later section.
 - (11) That they are condemned to die even where the owners have not obtained atonement through another animal.
 - (12) The whole of this Mishnah being also taught in Tractate Me'ilah, III, 1.
 - (13) V. Marginal Gloss for the reading adopted here.
 - (14) Wherever it may be.
 - (15) Where a priest cannot enter, owing to ritual uncleanness, to kill it.
 - (16) Who rules that it pastures, implying even after the owners have obtained atonement, since he makes no distinction.
 - (17) Which says that it is condemned to die.
 - (18) But not with reference to a sin-offering older than a year.
 - (19) V. Sh. Mek. for the reading here, omitting the words preceding in cur. edd.
 - (20) Why then does the Mishnah say that it pastures until blemished? Consequently the Mishnah, when it says that the animal pastures, refers to the case of a sin-offering which has passed its year, and therefore the earlier part of the Mishnah which says that if the owners have obtained atonement the animal is condemned to die, also refers to a sin-offering which has passed its year. Now this is different from the opinion of Resh Lakish above.
 - (21) V. Sh. Mek. for this reading.
 - (22) The Mishnah consequently, according to Rabbah, does not refer to the case of a sin-offering whose year is passed.
 - (23) Therefore although we are dealing with a blemished animal, the Mishnah is in order when it speaks of pasturing until blemished, meaning with a permanent blemish, since a dedication with only a transitory blemish may not be sold.
 - (24) That we are dealing here with an animal possessing a transitory blemish.
 - (25) Until it receives a permanent blemish. Why does the Mishnah say that it should pasture?
 - (26) Since none of the rulings in the Mishnah have reference to it, for even if the owners have obtained atonement through another animal, it is not condemned to die, it effects exchange and is subject to the law of sacrilege. (V. Sh. Mek.).
 - (27) Thus having two unfavourable conditions even though found in an unblemished state.
 - (28) Here also there are two unfavourable conditions, being lost and blemished.
 - (29) Where the owners do not wish to obtain atonement through another animal.

- (30) The sin-offering older than a year which is lost and found unblemished. The other which was found blemished is sold immediately (Sh. Mek.).
- (31) And the ruling of Resh Lakish above that even if the owners have obtained atonement the animal older than a year is left to pasture, refers to the case where it was not lost and thus there is only one unfavourable condition, i.e., older than a year.
- (32) Where the animal found was in a blemished condition.
- (33) For any offering, since it is blemished.
- (34) I might therefore have said that it is a mere defect in the animal, and since it was found before the owners obtained atonement through another animal, it is only condemned to pasture.
- (35) For any sacrifice, being a blemished animal.
- (36) For other sacrifices. Rashi explains that in all the cases in which we require two unfavourable conditions in order to condemn the sin-offering to die, we suppose that the animal was found before the owner has obtained atonement, but if the animal was found after the owner's atonement, even without the unfavourable condition of being lost, the animal is condemned to die.
- (37) That where the sin-offering is disqualified before it was lost, i.e., if it is older than a year, the condition of being lost helps to condemn the animal to death.
- (38) And the owner of which set aside another animal in its place.
- (39) Since it is unfit to be offered at night and it was found the next day. It therefore pastures until unfit for sacrifice, if the owners obtain atonement through the other animal. Now here too in the case of a sin-offering whose year is passed, since it is unfit for sacrifice, the condition of being lost should not help to condemn it to die.
- (40) The case of an animal lost by night is not on a par with a case of a sin-offering older than a year which was lost.
- (41) Since a sacrifice cannot be offered at night.
- (42) In a case of a sin-offering older than a year.
- (43) Before it was lost.
- (44) V. Yoma 64a which says that if one of the two goats required on the Day of Atonement died before the lots were cast, the High priest brings another goat and joins it to the survivor. If, however, the lots had been cast, he brings two fresh goats and casts lots and says: If the goat destined 'unto the Lord' died, then the goat upon which the lot of 'unto the Lord' has now fallen becomes the atonement sacrifice, and if the goat destined 'for Azazel' died, then the goat upon which the lot has now fallen 'for Azazel' is sent to Azazel and the second etc.
- (45) In similar circumstances.
- (46) Even without a physical disqualification.
- (47) Removed from sacred use when its companion died.
- (48) Which is also removed from sacred use.
- (49) Although the condition of being lost is absent, it is condemned to die because the owner has obtained atonement through another animal. Consequently we see there is no need for two unfavourable conditions for the animal to be condemned to die, unlike the opinion of Raba above.
- (50) And therefore the condition of being found blemished is required in addition to the condition of being lost, before the animal can be condemned to die.
- (51) And therefore in the case of an individual as in the Mishnah above, where the animal is removed from being offered at all, it is condemned to die.

Talmud - Mas. T'murah 22b

The text [says above]: 'Raba said: A sin-offering which had been lost at night¹ has not the name [legally] of a lost sin-offering'. In accordance with whom is this opinion? Shall I say according to the Rabbis? If so, why does Raba mention the condition of being lost at night; the same applies even if it were lost by day,² since the Rabbis say that a lost sin-offering, [found] when [the animal] set aside [in its place had not yet been offered],³ is condemned to pasture?⁴ Rather it is according to the opinion of Rabbi,⁵ [for Raba holds] that Rabbi's ruling only applies to a sin-offering which was lost by day, but with regard to a sin-offering which was lost by night, even Rabbi agrees that it goes to pasture.⁶ Or if you prefer [another solution] I may say: One may still hold that it is according, to the opinion of the Rabbis, and we are supposing here that the sin-offering was lost and was only found

when the owners obtained atonement,⁷ the opinion of the Rabbis that a sin-offering which was lost when the owners obtained atonement is condemned to die only applying when the loss first occurred⁸ by day, but where the loss first occurred by night, it is not so.

Said Abaye: We have a tradition, 'Lost but not stolen, lost but not robbed',⁹ How is the case of a sin-offering which was lost to be understood? — Said R. Oshaiah: It means even a single [animal which became mixed up] with his herd,¹⁰ and even one [which became mixed up] with another.¹¹ R. Johanan says: If the sin-offering [ran] behind the door.

The question was asked: What is meant [by R. Johanan's view]? Shall we say that [the law of a lost sin-offering only applies where the sin-offering is] behind the door, since no-one can see [the animal], but if the sin-offering ran outside [into the wilderness],¹² since there are others who can see it, it has not the law of a lost sin-offering; or perhaps [a sin-offering] behind the door, though if [the owner] turns his face, he can see it, has yet the law of a lost [sin-offering], then all the more so is this the case with a sin-offering which ran outside, where he does not see it [at all]? — Let it stand undecided.

Said R. Papa: We have a tradition: If the sin-offering has been lost to [the owner] but not to the shepherd, it has not the law of a lost [sin-offering]; and this is certainly the case¹³ where [the sin-offering] has been lost to the shepherd but not to [the owner]. How is it if the sin-offering has been lost to him [the owner] and to the shepherd but one from quite another place¹⁴ recognised it? — Let it stand undecided.

R. Papa asked: How is it if [the sin-offering] was lost [when the blood of its companion was] in the cup?¹⁵ To whom is this question addressed? Shall I say to Rabbi? but does he not hold that a lost [sin-offering, found] when [the animal] set aside [in its place had not yet been offered], is condemned to die?¹⁶ Rather his [R. Papa's] inquiry will be addressed to the Rabbis, as follows: Do we say that the ruling of the Rabbis, that a lost sin-offering [found] when [the animal] set aside [in its place had not yet been offered] is condemned to pasture,¹⁷ only applies before the blood was received in the cup, but here they hold that whatever is ready to be sprinkled is considered as if it had been sprinkled [and therefore it is condemned to die]; or perhaps that so long as the blood has not yet been sprinkled, it is like the case where a lost sin-offering [was found] when [the animal] set aside [in its place had not yet been offered] and it is condemned to pasture?

Some there are who say: One might indeed say that [R. Papa's inquiry] is addressed to Rabbi,¹⁸ and his inquiry will be where e.g., he received the blood in two cups and one of them was lost.¹⁹ And according to the authority who holds that one cup removes the other [cups of blood] from sacred use,²⁰ the question cannot arise.²¹ It can arise, however, according to the authority who holds that one cup [of blood] renders [the blood in] the other [cups] remainder.²² Do we say that this only applies where both [cups] are present, since he can sprinkle whichever [cup] he wishes, but here [it was lost];²³ or perhaps there is no difference?²⁴ — Let it remain undecided. MISHNAH. IF ONE SET ASIDE A SIN-OFFERING AND IT WAS LOST AND HE OFFERED ANOTHER INSTEAD OF IT, IF THEN THE FIRST [ANIMAL] IS FOUND, IT IS LEFT TO DIE.²⁵ IF ONE SET ASIDE MONEY FOR HIS SIN-OFFERING AND IT WAS LOST AND HE OFFERED A SIN-OFFERING INSTEAD OF IT, IF THEN THE MONEY WAS FOUND, IT GOES TO THE DEAD SEA.²⁶ IF ONE SET ASIDE MONEY FOR HIS SIN-OFFERING, AND IT WAS LOST AND HE SET ASIDE OTHER MONEY INSTEAD OF IT, IF HE DID NOT HAVE THE OPPORTUNITY OF PURCHASING A SIN-OFFERING WITH IT UNTIL THE [FIRST] MONEY WAS FOUND, HE BRINGS A SIN-OFFERING FROM BOTH [SUMS],²⁷ AND THE REST OF THE MONEY IS USED FOR A FREEWILL-OFFERING. IF ONE SET ASIDE MONEY FOR HIS SIN-OFFERING AND IT WAS LOST AND HE SET ASIDE A SIN-OFFERING INSTEAD OF IT, IF HE DID NOT HAVE THE OPPORTUNITY OF OFFERING IT UNTIL THE MONEY WAS FOUND, AND THE

SIN-OFFERING WAS BLEMISHED, IT IS SOLD AND HE BRINGS A SIN-OFFERING FROM BOTH [SUMS],²⁸ AND THE REST IS USED AS A FREEWILL-OFFERING. IF ONE SET ASIDE A SIN-OFFERING AND IT WAS LOST AND HE SET ASIDE MONEY INSTEAD OF IT, IF HE DID NOT HAVE THE OPPORTUNITY OF PURCHASING A SIN-OFFERING UNTIL HIS SIN-OFFERING WAS FOUND IN A BLEMISHED STATE, IT IS SOLD AND HE BRINGS A SIN-OFFERING FROM BOTH [SUMS], AND THE REST IS USED FOR A FREEWILL-OFFERING. IF ONE SET ASIDE A SIN-OFFERING AND IT WAS LOST AND HE SET ASIDE ANOTHER SIN-OFFERING INSTEAD OF IT, IF HE DID NOT HAVE THE OPPORTUNITY TO OFFER IT UNTIL THE FIRST SIN-OFFERING WAS FOUND AND BOTH WERE BLEMISHED, THEY ARE TO BE SOLD AND HE BRINGS A SIN-OFFERING FROM BOTH [SUMS]. AND THE REST IS USED FOR A FREEWILL-OFFERING. IF ONE SET ASIDE A SIN-OFFERING AND IT WAS LOST AND HE SET ASIDE ANOTHER INSTEAD OF IT, IF HE DID NOT HAVE THE OPPORTUNITY OF OFFERING IT UNTIL THE FIRST SIN-OFFERING WAS FOUND AND BOTH ANIMALS WERE UNBLEMISHED, ONE OF THEM IS OFFERED AS A SIN-OFFERING AND THE SECOND IS CONDEMNED TO DIE. THIS IS THE TEACHING OF RABBI. THE SAGES, HOWEVER, SAY: THE LAW OF A SIN-OFFERING WHICH IS CONDEMNED TO DIE ONLY APPLIES WHERE IT IS FOUND AFTER THE OWNERS OBTAINED ATONEMENT, AND THE MONEY DOES NOT GO TO THE DEAD SEA²⁹ EXCEPT WHERE FOUND AFTER THE OWNERS HAVE OBTAINED ATONEMENT. IF ONE SET ASIDE A SIN-OFFERING AND IT IS BLEMISHED,³⁰ HE SELLS IT AND PURCHASES ANOTHER FOR ITS MONEY; R. ELEAZAR SON OF R. SIMEON SAYS: IF THE SECOND ANIMAL WAS OFFERED BEFORE THE FIRST WAS KILLED,³¹ IT IS CONDEMNED TO DIE, SINCE THE OWNERS HAVE [ALREADY] OBTAINED ATONEMENT.³²

GEMARA. The reason why [the sin-offering is condemned to die]³³ is because the other [sin-offering] was offered instead of it, but if the other [sin-offering] was not offered instead of it, it is only condemned to pasture. Whose opinion does this represent? It is that of the Rabbis who hold that a lost [sin-offering found] when [the animal] set aside [instead of it had not yet been offered] is condemned to pasture. Then read the subsequent clause [of the Mishnah]: IF ONE SET ASIDE MONEY FOR A SIN-OFFERING AND IT BECAME LOST AND HE SET ASIDE OTHER MONEY INSTEAD OF IT, [IF HE DID NOT HAVE THE OPPORTUNITY OF PURCHASING A SIN-OFFERING WITH IT],³⁴ HE BRINGS A SIN-OFFERING WITH BOTH SUMS AND THE REST IS USED FOR A FREEWILL-OFFERING. Now the reason is because he brings a sin-offering from both [sums],³⁵ but if he brought [a sin-offering] from one [of the sums of monies] the second is taken to the Dead Sea; and this will be the opinion of Rabbi, who says that a lost [sin-offering found] when [the animal] set aside [in its place had not yet been offered] is condemned to die! — The first part of the Mishnah will thus be the opinion of the Rabbis and the latter part that of Rabbi! Now there is no difficulty according to R. Huna,³⁶ for R. Huna reported in the name of Rab:

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- (1) This is presumed to mean that the sin-offering was only lost by night and was found at dawn. Therefore it was not lost at a period where there can be atonement, for one cannot offer another animal by night in its place.
 - (2) And was found, the owners obtaining atonement through the other animal.
 - (3) Before the first was found.
 - (4) Since the Rabbis hold that a sin-offering is only condemned to die when it is found after the owners have obtained atonement.
 - (5) Who says that it shall die.
 - (6) Since even if the sin-offering is before us, we cannot offer it at night and therefore it has nor the legal name of a lost sin-offering.
 - (7) It was lost in the night and it was not found again until atonement had been obtained by another animal.
 - (8) Lit., 'essence of the loss was by day'.

- (9) Only such an animal is condemned to die, and if the animal is restored to its owner it is condemned to pasture and its value is used for a freewill-offering.
- (10) Although he can see all of them, but since he only recognised it after atonement had been obtained, it is regarded as a lost sin-offering.
- (11) Which was hullin.
- (12) And became mixed up with animals belonging to others and these others did not recognise the sin-offering. Nevertheless, since the others saw the sin-offering, although not recognising it, the latter is not regarded as a lost sin-offering.
- (13) That it is not regarded as a lost sin-offering.
- (14) Lit., 'in the end of the world'.
- (15) He killed the animal which he set aside in place of the lost sin-offering and received its blood in a cup, and while the blood was still in the cup the first animal was found.
- (16) How much more so is this the case here where the animal set aside was actually killed, and when one can say that whatever is ready to be sprinkled is considered as if it had been sprinkled, and therefore we should regard the sin-offering as lost when atonement took place (Rashi).
- (17) Even if the owners obtained atonement subsequently through another animal.
- (18) The inquiry not referring to two animals but to one animal whose blood was received in two cups.
- (19) While the blood of the other was being sprinkled.
- (20) A sin-offering whose blood was received in four cups and he made the four applications of blood to the four corners of the altar from one cup, the remainder of the cup being poured out at the bottom of the altar and the remaining blood of the cups into the sewer; v. Yoma 57b.
- (21) Since here the sin-offering is certainly disqualified, whereas there, all the cups of blood being before us, the sacrifice is a proper one; for although the blood of three cups is poured into the sewer, there were four applications of the blood to the altar. In the case here, however, since one cup of blood was lost and since if the cup was before us it would have been removed from sacred use and, in addition, there is the unfavourable condition of being lost, the sacrifice is unfit, and it is similar to the case of a sin-offering which passed its year and was lost. Sh. Mek. brings another version which explains that the sacrifice itself does not become unfit here, since he can make the necessary applications of blood from the second cup. The inquiry here, however, is whether the cupful of blood which was found after being lost is poured into the sewer or poured out at the bottom of the altar, and according to the authority who says, one cup removes the other cups from sacred use, the case is certainly the same here, and it is poured into the sewer.
- (22) And therefore it is poured out at the bottom of the altar, in accordance with the law of blood left over.
- (23) And therefore the fact of being lost helps to remove it from sacred use and the sacrifice becomes unfit. The bracketed words are inserted with Sh. Mek.
- (24) Even if it is lost, the other cup is not disqualified.
- (25) Even if it was found unblemished, since only when it was found before the atonement of the owners had taken place do we require two unfavourable conditions to condemn the animal to die.
- (26) The rule being that wherever a sin-offering is condemned to die, the money also is cast into the Dead Sea.
- (27) He mixes the money together, and since he brings a sin-offering from both it is not regarded as a sin-offering whose owners had obtained atonement, whereas if he brought a sin-offering from one sum, then the sanctity of the other sum is removed and the case is like the money of a sin-offering whose owners had procured atonement through another sin-offering. Lit., 'from these and these' (Rashi).
- (28) But if it was found unblemished, it is offered and the money goes to the Dead Sea, since the owners have obtained atonement through another (Rashi).
- (29) Even if there was atonement through one sum of money after the other was found, since it was found before the atonement.
- (30) While it was being killed it was discovered to be blemished (R. Gershom).
- (31) In the house of the buyer as hullin.
- (32) Although it was hullin, since it is a sin-offering whose owners have obtained atonement through another animal.
- (33) In the case where one set aside a sin-offering which was lost and another was offered in its place, and the first was then found.
- (34) Inserted with Sh. Mek.
- (35) Where one cannot say that the owners were atoned for through another.

(36) As quoted infra.

Talmud - Mas. T'murah 23a

All¹ the authorities agree that if he selected one² [on his own accord]³ and offered it,⁴ the second [sin-offering] dies.⁵ [The latter part of the Mishnah here] can therefore be explained as referring to a case where e.g., he [deliberately] selected one [heap of the monies for a sin-offering] and offered it, and [the Mishnah] will thus be according to all the authorities concerned [even the Rabbis]. But according to R. Abba, who reported Rab as saying: All⁶ the authorities concerned agree that where the owner obtained atonement through the sin-offering which was not lost, the lost sin-offering is condemned to die, and the difference of opinion arises only where [the owner] obtained atonement through the lost sin-offering, Rabbi holding that [the sin-offering] set aside instead of the lost one has the same law as the lost sin-offering,⁷ whereas the Rabbis hold that it has not the same law as the lost sin-offering,⁸ — are we to say that [the Tanna of] the early part [of the Mishnah] states the law anonymously in agreement with the Rabbis and in the latter part of the Mishnah it states the law anonymously according to Rabbi! [Yes, the first part of the Mishnah agrees with the opinion of the Rabbis and the latter part agrees with the opinion of Rabbi.]⁹ Now what does the Tanna of the Mishnah inform us?¹⁰ That Rabbi and the Rabbis differ. Surely the Mishnah explicitly mentions later this difference of opinion between Rabbi and the Rabbis [as follows]: IF ONE SET ASIDE A SIN-OFFERING AND IT WAS LOST AND HE SET ASIDE ANOTHER INSTEAD OF IT, THE FIRST THEN BEING FOUND AND BOTH WERE UNBLEMISHED, ONE OF THEM IS OFFERED AS A SIN-OFFERING AND THE SECOND IS CONDEMNED TO DIE. THIS IS THE TEACHING OF RABBI. THE SAGES, HOWEVER, SAY: THE LAW OF A SIN-OFFERING WHICH IS CONDEMNED TO DIE ONLY APPLIES WHERE IT IS FOUND AFTER THE OWNERS HAVE OBTAINED ATONEMENT, AND THE MONEY DOES NOT GO TO THE DEAD SEA EXCEPT WHERE FOUND AFTER THE OWNERS OBTAINED ATONEMENT. [The latter part of the Mishnah]¹¹ informs us that [the previous clauses in the Mishnah]¹² are matters of dispute between Rabbi and the Rabbis.¹³

[To turn to] the main text: R. Huna reported in the name of Rab: All the authorities agree that if he selected one [sin-offering] and offered it, the second is condemned to die. The dispute between them refers only to the case where the owner comes to consult [the Beth din],¹⁴ Rabbi holding that no remedy was devised for dedications,¹⁵ and that we say: Obtain atonement through the sin-offering which was never lost and let the sin-offering which was lost die; whereas the Rabbis hold that a remedy was devised for dedications, and that we say to the owner: Go and obtain atonement through the sin-offering which was lost, and the sin-offering which was never lost is condemned to pasture.¹⁶

R. Mesharsheyah raised an objection: But was no remedy devised for dedications? Has it not been taught: Why does the text state: They shall eat?¹⁷ This teaches [us] that if there was only a little quantity [of the meal-offering] the priests may eat hullin and terumah with it in order that it may make a satisfying meal.¹⁸ What is the point of the expression, 'They shall eat it'? In order to teach us that if the quantity was large,¹⁹ the priests must not eat hullin or terumah with it, in order that the meal-offering should not make an over-sated meal. Is not [this Baraita] even according to the opinion of Rabbi?²⁰ No, it is according to the Rabbis.²¹

But R. Abba reported in the name of Rab: All the authorities concerned agree that where the owners obtained atonement through the sin-offering which was never lost, the lost sin-offering is condemned to die. The dispute between them, however, is where [the owner] obtained atonement through the sin-offering which was lost, Rabbi holding that the sin-offering set aside instead of the lost sin-offering has the law of the lost sin-offering, whereas the Rabbis hold that it has not the law of the lost in-offering.

We have learnt: The second [goat] pastures until unfit for sacrifice. It is then sold and its money is used for a freewill-offering, since a congregational sin-offering is not condemned to die.²² Now this implies that a sin-offering belonging to an individual is condemned to die. And Rab said: Animals [destined for sacrifice] are not removed from sacred use;²³ and [consequently] when he procures atonement he does so through the second [goat] of the first pair. Now this latter [pair]²⁴ is like that which is set aside instead of a lost sin-offering; and yet the reason²⁵ is because the goat belongs to the congregation; but if it belonged to an individual it would be condemned to die.

(1) Even the Rabbis, who hold that a sin-offering which was lost and found after another had been set aside in its place but before the latter was offered, is condemned to pasture.

(2) Of the two sin-offerings standing before us, the one lost and found and the other appointed in the place of the first.

(3) Without coming to consult the Beth din as to which animal he should offer.

(4) Even if the one selected was the lost sin-offering and the owner obtained atonement therewith.

(5) Even if it was the sin-offering which was never lost, since he thus showed deliberately that he was not concerned with it. For the Rabbis dispute only where the owner comes to consult the Beth din, thus showing that he is seeking a remedy, e.g., where he set aside a sin-offering and it was lost and then the first was found and he comes before us to consult as to what he should do. According to Rabbi we say to him, 'Obtain atonement through the sin-offering which was never lost', and the lost sin-offering is condemned to die, whereas according to the Rabbis we say to him, 'Obtain atonement through the lost sin-offering', and the other one is condemned to pasture.

(6) V. p. 166, n. 4.

(7) Just as where the owner obtained atonement through the sin-offering which was never lost, the law is that the lost sin-offering is condemned to die, so if he was atoned for through the lost sin-offering, the one which was never lost is condemned to die.

(8) When therefore the Mishnah says that the sin-offering is brought from both sums together, thus implying that if the owners procured atonement by means of one sum, even that which was lost, the other sum which was not lost goes to the Dead Sea, this is the opinion of Rabbi.

(9) Inserted with Sh. Mek.

(10) By stating the law anonymously in one part of the Mishnah according to the Rabbis and in another according to Rabbi.

(11) The clause which speaks of both sin-offerings standing before us, where it is stated explicitly that there is a dispute between Rabbi and the Rabbis in the matter.

(12) Where one sin-offering was offered before the first was found and where one set aside money for the lost money of a sin-offering etc.

(13) One clause stating the law anonymously in accordance with the view of the Rabbis and the other clause stating the law anonymously according to the view of Rabbi.

(14) As to which sin-offering he should offer, and thus he did not do anything deliberately to show which animal he intends to offer.

(15) For we do not care if the second animal dies.

(16) And the Mishnah therefore means as follows: One of the sin-offerings is offered in order that the second shall die, i.e., that the sin-offering which was never lost should be sacrificed and the lost one be condemned to die. This is the teaching of Rabbi, whereas the Rabbis say that a sin-offering is not condemned to die in a case where he comes to consult the Beth din, for we say: 'Go and obtain atonement through the lost sin-offering', thus avoiding condemning a dedication to die. Where, however, the owner has already procured atonement, the lost sin-offering certainly dies, as there is no remedy in consulting, and the same law applies if the sin-offering is found even before atonement took place, if the owner did not consult the Beth din.

(17) With reference to the remainder of a meal-offering. And the remainder thereof shall Aaron and his sons eat; in the court of the tent of meeting they shall eat it (Lev. VI, 9).

(18) There is no difficulty about bringing hullin into the Temple court, since he can eat hullin outside first and then continue with the meal-offering in the Temple court. Or, as Tosaf. explains, there is no restriction in merely bringing an object into the Temple court so long as no service is performed with it.

(19) The priest having many remainders of meal-offerings.

(20) Since no particular teacher is mentioned. We can therefore infer from here that a remedy was devised for

dedications, since the Baraita says here that hullin must not be eaten with large remainders of meal-offerings for fear of the latter becoming disqualified through being left over.

(21) Who hold that we do devise a remedy for dedications.

(22) V. supra 22a and notes.

(23) And the first animal was not removed from sacred use on account of the death of its companion.

(24) Set aside in place of the first goat of the first pair which died.

(25) Why the second goat of the second pair pastures.

Talmud - Mas. T'murah 23b

Does not [this Mishnah] represent even the opinion of the Rabbis?¹ — No. It represents that of Rabbi.²

We have learnt: IF ONE SET ASIDE A SIN-OFFERING AND IT WAS LOST AND HE OFFERED ANOTHER INSTEAD OF IT, IT IS CONDEMNED TO DIE. Now the reason is because he offered it [and afterwards the first sin-offering was found], but if he did not offer it [before the first animal was found], it pastures irrespective of whether the atonement then took place through the lost sin-offering or atonement took place through the sin-offering which was never lost, and irrespective of whether he selected one [of the sin-offerings] or did not select. Shall we say that this refutes both [Amoraim]?³ — [The Tanna in the Mishnah] states what he is certain about⁴ but does not state what he is not certain about.⁵

We have learnt: IF ONE SET ASIDE MONEY FOR A SINOFFERING AND IT WAS LOST AND HE SET ASIDE OTHER MONEY INSTEAD OF IT, IF THE FIRST MONEY WAS THEN FOUND, HE BRINGS A SIN-OFFERING FROM BOTH [SUMS], AND THE REST IS USED FOR A FREEWILL-OFFERING. Now the reason is because [the owner] obtains atonement from a sin-offering brought from both [sums], but if he brought a sin-offering from one [sum], he takes the other to the Dead Sea, irrespective of whether atonement took place through the lost money, or the money which was never lost, and irrespective of whether he selected one [heap of the money] or he did not select.⁶ Shall we say this refutes the two [Amoraim]?⁷ — Here too [the Tanna of the Mishnah] states what he is certain about,⁸ but he does not state what he is not certain about.⁹

Said R. Ammi: If one sets aside two heaps of money for security's sake,¹⁰ he can obtain atonement for one of them and the other is then used for a freewill-offering. Whose opinion does this represent? Will you say the opinion of Rabbi? Surely it is obvious that the second [heap of money] is used for a freewill-offering, since Rabbi [says the money must go to the Dead Sea] only in the case where one sets aside money for what is lost, but he would agree that when the setting aside is for security's sake [it must be used for a freewill-offering]. Shall I say then that it is the opinion of the Rabbis? But surely it is obvious that the monies are used for freewill-offerings! It is a conclusion from minor to major [as follows]: Seeing that if one sets aside [money instead of the money] for a lost sin-offering, the Rabbis hold that it has not the law of the lost sin-offering, can there be a doubt where the setting aside is for security's sake? — Rather he had [to state it] according to the opinion of R. Simeon.¹¹ You might have said that R. Simeon does not hold that there can be a freewill-offering [of an animal which was once a sin-offering].¹² [R. Ammi] therefore informs us that a freewill-offering [can take the place of a sin-offering]. But how can you say that R. Simeon holds that there is no freewill-offering in place of a sin-offering? Have we not learnt: There were thirteen horn-shaped [offering] boxes in the Temple and on them were inscribed [respectively] the words, New shekels,¹³ Old shekels,¹⁴ Bird sacrifices,¹⁵ Pigeons for a burnt-offering,¹⁶ Wood,¹⁷ Frankincense,¹⁸ Gold for kapporeth.¹⁹ And six [horn-shaped] offering boxes were for the freewill-offerings [of the congregation].²⁰ And it has been taught with reference to this [Mishnah]: The statement, 'six boxes for a freewill-offering' means for burnt-offerings which come from the sacrificial surpluses,²¹ and the skins do not belong to the priests.²² This is the teaching of R. Judah. R. Nehemiah — some say

R. Simeon — said to him: If so,²³ the interpretation of Jehoaida the Priest is nullified, since we have learnt: The following exposition²⁴ was made by Jehoaida the Priest: [Scripture says]: It is a guilt-offering, he is certainly guilty before the Lord,²⁵ this includes everything which comes from the surpluses of sin-offerings and guilt-offerings, thus enjoining that burnt-offerings shall be brought with their money, the flesh to be used for the Name [of God]²⁶ and the skins for the priests.²⁷ Consequently we see that R. Simeon holds that there can be a freewill-offering [replacing a sin-offering]?²⁸ — It is necessary [for R. Ammi to give us his ruling in connection with R. Simeon]. For you might think. that R. Simeon holds that there can be a freewill-offering²⁹ only in one³⁰ row,

(1) Since it is stated anonymously. Hence we can deduce that a sin-offering set aside has the law of a lost sin-offering, since atonement is obtained through the first goat, the companion of the one lost. And the one belonging to the second pair, which along with its companion was not lost but was set aside, if belonging to an individual is condemned to die, even according to the opinion of Rabbi. The Rabbis therefore must have a different reason for their view than that given by R. Abba (Rashi).

(2) And therefore in a case of an individual the animal dies, but according to the Rabbis the animal would only pasture, since the animal set aside has not the law of the lost animal.

(3) R. Huna and R. Abba.

(4) The thing about which he is absolutely certain, and therefore he only mentions the case where atonement took place before the sin-offering was found and in which the animal is condemned to die, since he is sure of this. You cannot, however, deduce from this case that where the offering had not taken place and the sin-offering was found, it pastures, since sometimes it pastures and sometimes it is condemned to die, e.g., according to R. Huna where he selected one sin-offering, even the lost one, the other is condemned to die, whereas if the owner came to consult the Beth din as to which animal is to be offered, the one remaining over is only condemned to pasture. And according to R. Abba whether he selected one of the animals for sacrifice or came to consult, if atonement was procured with the sin-offering which was never lost, the lost one is condemned to die, whereas if atonement was procured through the lost sin-offering, the other is condemned to pasture.

(5) Where e.g., the sin-offering was found before atonement took place, when according to R. Huna, the animal dies if he did not consult the Beth din, or according to R. Abba, the animal dies if the owner obtained atonement through the animal which was never lost, since where the sin-offering was found before atonement, it can either pasture or die, according as to whether a certain condition was present, whereas in the former case, viz., where the sin-offering was found after atonement, the animal is condemned to die without any distinction (Rashi).

(6) And the presumption was that this is the opinion of all the authorities concerned even the Rabbis. Therefore the reason for the opinion of the Rabbis must be different from that given both by R. Huna and R. Abba.

(7) R. Huna and R. Abba.

(8) E.g., where he brings a sin-offering from both monies. This is a good remedy not requiring any condition. You cannot, however, deduce that where he brings a sin-offering from one of the heaps of money, the money goes to the Dead Sea, since sometimes it goes to the Dead Sea and sometimes it is used for a freewill-offering, according to the condition set forth respectively in the views of R. Huna and R. Abba.

(9) E.g., if he brought a sin-offering from one heap of the coins, the Tanna has to introduce a certain condition, according to the opinion of R. Huna, viz., whether he selected one heap or not, and according to R. Abba, whether it was the lost money or the other. Since therefore the bringing of a sin-offering from one heap of money does not determine absolutely that the other goes to the Dead Sea, the Tanna does not trouble to mention it in the Mishnah.

(10) So that if one heap was lost, atonement can be procured through the other.

(11) Who says (supra 15b) that the five sin-offerings are condemned to die and does not hold at all that any of these pasture so that their money could be used for freewill-offerings.

(12) And just as there is none in the case of the animal, so there is none brought with the money of a sin-offering.

(13) One who did not bring his shekel payment in Adar could bring it the whole year round and he put it into this offering box.

(14) One who did not bring his shekel during the year brought it the following year and put it into this box. The walls, towers and other requirements of the city were built with this money.

(15) Those who required a ceremony of atonement e.g., a woman after childbirth, a leper, etc. brought money and put it into this box for the bringing of bird sacrifices and could partake of a sacrificial meal in the evening in the confident

- belief that priests had emptied the box and brought the necessary sacrifices.
- (16) He who offered young pigeons for a burnt-offering put the money for this purpose into this box.
- (17) One who offered wood for the altar put the money for it into this box.
- (18) The person who gave frankincense put the money for it into this box.
- (19) 'Covering'; one who wished to make offerings of gold foil for the sacred vessels put the money for it into this box. Aliter: 'bowl'; one who wished to offer gold for a sacred vessel, e.g., a bowl, placed it in this box.
- (20) Burnt-offerings; v. Shek. VI, 5.
- (21) Of sin-offerings and trespass-offerings.
- (22) But they are sold again and burnt-offerings are bought with the money.
- (23) That the skins do not belong to the priests.
- (24) Heb. Midrash.
- (25) Lev. V, 19. The first part of the text implies that it was eaten by the priest, while the latter part implies that it belonged to the Lord. How do you reconcile this? (R. Gershom.)
- (26) To be burnt wholly on the altar.
- (27) Thus both parts of the verse are applicable.
- (28) Why therefore does R. Ammi need to inform us that R. Simeon holds that a freewill-offering can replace a sin-offering?
- (29) From the surpluses of sin-offerings and guilt-offerings.
- (30) I.e., where one heap of coins was set aside for a sin-offering and on the lambs becoming cheap there was a surplus from the money.

Talmud - Mas. T'murah 24a

but in two rows¹ it is not so. R. Ammi therefore informs us [that it is not so].²

Said R. Hoshaiah: If one sets aside two sin-offerings for security's sake, he obtains atonement through [either] of them and its companion is left to pasture. Now whose opinion does this represent? Shall I say that of the Rabbis? Surely if where one sets aside [a sin-offering for one] which was lost, the Rabbis hold it has not the law of a lost sin-offering;³ is there then a question as regards the case [of one setting aside a sin-offering] for security's sake?⁴ Then it is the opinion of R. Simeon? But has not R. Simeon said: Five sin-offerings are left to die?⁵ Rather⁶ it must be the opinion of Rabbi,⁷ for the ruling of Rabbi only applies [where a sin-offering is set aside for] one lost; but where the setting aside is for security's sake, the case is not so.⁸

We have learnt: IF ONE SET ASIDE A SIN-OFFERING AND IT IS BLEMISHED, HE SELLS IT AND BRINGS ANOTHER INSTEAD OF IT, WHEREAS R. ELEAZAR SON OF R. SIMEON SAYS: IF HE OFFERED THE SECOND ANIMAL BEFORE THE FIRST WAS KILLED [FOR HULLIN], IT IS CONDEMNED TO DIE, SINCE THE OWNERS HAVE [ALREADY] OBTAINED ATONEMENT. Now it is to be assumed that R. Eleazar son of R. Simeon agrees with the opinion of Rabbi,⁹ [which proves that Rabbi's ruling applies] even in the case [of the setting aside] for security's sake.¹⁰ — No. Perhaps R. Eleazar son of R. Simeon agrees with his father who says that the five sin-offerings are condemned to die.¹¹

We have learnt:¹² Because a congregational sin-offering is not condemned to die.¹³ Now this implies that [a sin-offering] belonging to an individual [in similar circumstances] is left to die. And Rab explained: Animals [destined for sacrifice] are not removed from sacred use,¹⁴ and when he procures atonement, he does so through the second [goat] of the first pair; now this [second goat of the second pair] is a case of something being set aside for security's sake,¹⁵ and yet [as implied in this Mishnah] a sin-offering belonging to an individual is left to die!¹⁶ — Rab follows the opinion expressed elsewhere,¹⁷ where he said: It is a [proper performance of the] duty to use the first.¹⁸

R. Shimi b. Ziri recited before R. Papa: If [a sin-offering] was still lost when another was set aside

[in its place],¹⁹ according to Rabbi [the sin-offering found before atonement] is left to die, whereas according to the Rabbis it is left to pasture. If [a sin-offering] was still lost when atonement was obtained [by the owners], according to the Rabbis it is left to die, whereas according to Rabbi it is left to pasture. He [R. Papa] said to him: But can we not draw a conclusion from minor to major?²⁰ If in the case where a sin-offering is still lost when another is set aside [in its place! where the Rabbis say it is left to pasture, Rabbi says that it is left to die, how much more so is this the case of a sin-offering which is still lost when atonement has been obtained, where according to the Rabbis it is left to die, that according to Rabbi it is left to die? — Rather recite [the passage] thus: If [a sin-offering] is still lost when another is set aside in its place, according to Rabbi the animal is left to die, whereas according to the Rabbis it pastures. If [a sin-offering] was still lost, however, when atonement was obtained, it is the opinion of all the authorities concerned that it is condemned to die.

R. ELEAZAR SON OF R. SIMEON SAID etc. Our Rabbis have taught: We must not flay an animal from the feet on holy days;²¹ likewise we must not flay from the feet a firstling or dedications unfit for sacrifice²² [even on a weekday]. Now there is no difficulty in understanding why [this is forbidden] on a holy day; it is because he takes excessive trouble [in preparing something] which is not suitable for him [on that day].²³ But who is the Tanna who holds that [this is forbidden] with reference to a firstling? — Said R. Hisda: It is Beth Shammai who say that a firstling retains its holiness. For we have learnt: Beth Shammai say, One must not include²⁴ an Israelite with a priest [in connection with the eating of a firstling].²⁵ Who is the Tanna who forbids this in the case of dedications which became unfit for sacrifice? — Said R. Hisda: R. Eleazar son of R. Simeon. For it has been taught: If there were two sin-offerings before [the owner] one unblemished and the other blemished, the unblemished sin-offering is offered and the blemished sin-offering²⁶ is redeemed. If the blemished one was killed before the blood of the unblemished sin-offering was sprinkled, it is permitted [to be eaten]; if after the blood of the unblemished sin-offering was sprinkled, it is forbidden [to be eaten].²⁷ R. Eleazar son of R. Simeon however says: Even if the flesh of the blemished sin-offering is in the pot and the blood of the unblemished sin-offering was then sprinkled, it²⁸ is taken forth to the fire-house.²⁹

But why does not R. Hisda explain [both parts³⁰ of the Baraita just quoted] according to Beth Shammai?³¹ — [The reason is] perhaps the teaching of Beth Shammai applies only to a firstling since its dedication [commences] from the womb,³² but the case is different with dedications unfit for sacrifice. But why does not [R. Hisda] explain [both parts of the Baraita above] according to the opinion of R. Eleazar son of R. Simeon?³³ — [The reason is that] perhaps the teaching of R. Eleazar son of R. Simeon applies only to dedications unfit for sacrifice, since they are capable of redemption,³⁴ but the case of a firstling is not so.³⁵ But does not R. Eleazar son of R. Simeon hold what we have learnt: All dedications unfit for sacrifice [after being redeemed] are killed in the market,³⁶ sold in the market, and weighed by the pound? Now we see from this that since you permit him [to sell them in the market] he will increase [the redemption money in order] to sell [them later at a higher price; so here³⁷ also if you permit him to flay the firstling from the feet, he will increase the redemption money]!³⁸ Said R. Mari the son of Kahana: The improvement in the value of the skin spoils the flesh.³⁹ It was said in Palestine in the name of R. Abin:⁴⁰ Because it appears as if he performed work with dedications.⁴¹ R. Jose b. Abin said: It is forbidden lest he rear [many] herds of dedications rendered unfit for sacrifice.⁴² [

(1) I.e., where two heaps were set aside for security's sake and where he obtained atonement through one; I might in that case have thought that the other heap is removed from sacred use altogether.

(2) And that the other heap of money is used for freewill burnt-offerings.

(3) And if the lost sin-offering is used, the other is condemned to pasture.

(4) That the surviving animal pastures.

(5) In all cases 'and one of them is where the owners obtained atonement through another animal.

(6) R. Hoshaiah saying that the remaining sin-offering is condemned to pasture.

(7) Who holds that if a sin-offering was set aside in place of one which was lost, and the first was found before atonement, but the second sin-offering was still offered, the offering which was lost was condemned to die. But where the owner set aside two sin-offerings for security's sake and obtained atonement through one of them, the other would not be condemned to die.

(8) And the other animal is only condemned to pasture.

(9) Who holds that a sin-offering set aside in place of a lost sin-offering has the law of a lost sin-offering. We therefore see that even where there is no case of a lost sin-offering, as here in the Mishnah, where the first sin-offering was not lost but became blemished, and he set aside another in its place, it is also condemned to die (Rashi).

(10) The same will therefore apply where one sets aside two sin-offerings for security's sake, that the surviving animal is condemned to die, which is unlike the opinion of R. Hoshaiah.

(11) In every case, even where a sin-offering was not lost, wherever the owners obtain atonement through one sin-offering the other is condemned to die.

(12) V. supra 15a, 16a, 22b and notes.

(13) Referring to the goats brought on the Day of Atonement.

(14) And the first goat of the first pair is not removed from holiness by reason of the death of its companion.

(15) Since it was not set aside instead of a lost animal, as only the goat for Azazel died but not the goat 'unto the Lord'. The setting aside was therefore for security's sake on behalf of the second goat in the first pair.

(16) That the animal set aside i.e., the second goat of the second pair which is left over, dies, which is unlike the opinion of R. Hoshaiah!

(17) Yoma 64a.

(18) I.e., the one which had been originally set aside. This ruling is mentioned in connection with a Passover offering which had been set aside and then lost, and another was set aside in its place after which the first was found; in which case the owner may sacrifice, on the view of the Rabbis, whichever he chooses for the Passover. R. Jose, however, says that it is incumbent upon him to sacrifice the first animal. Now Rab agrees with R. Jose, consequently on this view the setting aside of a second animal for one that had been lost was not necessarily for a dedication but eventually to condemn it to die; whereas in the case of setting aside two sin-offerings for security, since if he had wished at the beginning he could have obtained atonement through the surviving animal, the setting aside at the beginning was not with the purpose of condemning it to die (Rashi).

(19) And eventually atonement took place through the other.

(20) That in the latter case the animal should be condemned to die even according to Rabbi.

(21) So as to keep the skin intact in order to make a pair of bellows therewith. When the skin was flayed with a knife, the process was from the throat to the tail.

(22) Which had been redeemed and killed.

(23) Viz., for the bellows.

(24) Lit., number'.

(25) Which a priest killed when it was in a blemished state. Consequently we see that although it was blemished it retained its holiness, and therefore it is forbidden to flay it from the feet, as this is similar to the performance of work in connection with dedications.

(26) I.e., one which became blemished before the setting aside of the second sin-offering. Now these two offerings were brought for one sin and a blemish occurred in the first and the second was set aside in its place.

(27) Since it is like the case of a sin-offering whose owners have obtained atonement through another animal.

(28) The flesh of the blemished animal.

(29) Consequently we see that although it has been redeemed and killed, it remained holy and is described as a sin-offering whose owner has obtained atonement. Similarly as regards flaying an unfit sacrifice mentioned in the Baraitha above, although it was redeemed and killed, it remains holy.

(30) That referring to a firstling and that referring to unfit dedications.

(31) For it is natural to suppose that just as Beth Shammai hold a strict view with reference to a firstling, they also adopt a similar attitude with reference to dedications which were rendered unfit for sacrifice. Why then does R. Hisda explain the first part of the Baraitha as being the view of Beth Shammai and the latter part, viz., that which refers to unfit dedications, as being the view of R. Eleazar son of R. Simeon?

(32) As it does not require a special dedication in order to receive holiness, unlike the case of ordinary dedications.

(33) Mentioned in the Baraitha just quoted: 'If there were two sin-offerings etc.', from which we learn that a blemished

sin-offering still retains its sanctity even after redemption and killing.

(34) The redemption money being holy and the animal becoming hullin.

(35) Since Scripture says: 'Thou shalt not redeem' (Num. XVIII, 17) and if he did so, the redemption money does not receive any holiness.

(36) We therefore see that they do not retain their holiness after having been redeemed and killed.

(37) Inserted with Sh. Mek.

(38) And hasten to redeem it, since in the end he sells the skin at a higher price. Why therefore does R. Eleazar hold in a Baraitha that we must not flay dedications rendered unfit for sacrifice from the feet?

(39) Whatever gain there is as regards the skin remaining intact is lost as regards the flesh, and there is really no profit eventually, since for fear of spoiling the skin he cuts into the flesh, and thus he is no longer able to sell it so well.

(40) The reason why it is forbidden to flay a firstling etc. from the feet.

(41) That he is making a bellows on the animal while the skin is still attached to the animal. It is not, however, actually work since, strictly speaking, no work can legally be performed with dedications after the animal's death, only that it seems like work.

(42) If you permit him to flay the skin of unfit dedications from the feet, he may detain them and not kill them until smiths come his way. He might therefore be led to rear herds of unfit dedications and use their shearings or work with them, all of which is forbidden even after their redemption.

Talmud - Mas. T'murah 24b

CHAPTER V

MISHNAH. WHAT DEVICE DO WE USE WITH REFERENCE TO A FIRSTLING?¹ HE SAYS IN RESPECT OF A PREGNANT ANIMAL WHICH WAS GIVING BIRTH FOR THE FIRST TIME: IF WHAT IS IN THE INSIDE OF THIS [ANIMAL] IS A MALE, LET IT BE A BURNT-OFFERING. IF IT THEN GAVE BIRTH TO A MALE, IT IS OFFERED AS A BURNT-OFFERING.² [IF HE SAID:] IF IT IS A FEMALE, LET IT BE A PEACE-OFFERING, THEN IF IT GAVE BIRTH TO A FEMALE, IT IS OFFERED AS A PEACE-OFFERING. [IF HE SAID:] IF IT IS A MALE, LET IT BE A BURNT-OFFERING, AND IF A FEMALE [LET IT BE] A PEACE-OFFERING, THEN IF IT GAVE BIRTH TO A MALE AND A FEMALE, THE MALE IS OFFERED AS A BURNT-OFFERING AND THE FEMALE IS OFFERED AS A PEACE-OFFERING.³ IF IT GAVE BIRTH TO TWO MALES,⁴ ONE OF THEM SHALL BE OFFERED AS A BURNT-OFFERING AND THE SECOND SHALL BE SOLD TO PERSONS UNDER OBLIGATION TO BRING A BURNT-OFFERING⁵ AND ITS MONEY BECOMES HULLIN. IF IT GAVE BIRTH TO TWO FEMALES, ONE OF THEM IS OFFERED AS A PEACE-OFFERING AND THE SECOND IS SOLD TO PERSONS UNDER OBLIGATION TO BRING PEACE-OFFERINGS AND THE MONEY BECOMES HULLIN. IF [THE ANIMAL] GAVE BIRTH TO A TUMTUM⁶ AND A HERMAPHRODITE, R. SIMEON B. GAMALIEL SAYS: NO HOLINESS ATTACHES TO THEM. GEMARA. Said Rab Judah: One is permitted to make a blemish in a firstling before it is born.⁷ We learnt: [WHAT⁸ DEVICE DO WE USE WITH REFERENCE TO A FIRSTLING?] HE SAYS [IN RESPECT OF A PREGNANT ANIMAL WHICH WAS GIVING BIRTH FOR THE FIRST TIME]: IF WHAT IS IN THE INSIDE OF THIS ANIMAL IS A MALE, LET IT BE A BURNT-OFFERING. Now this implies only a burnt-offering⁹ but not a peace-offering,¹⁰ and yet you say that he is able to release it altogether from its holiness? — Rab Judah can answer you thus: [The Tanna of the Mishnah] refers to the period when the Temple stood, whereas I refer¹¹ to nowadays when [a firstling] is not fit to be offered. But if your ruling applies to nowadays, what need is there to teach it? — You might have said that we should prohibit, in case the greater part of the head goes forth¹² and he then makes a blemish in it.¹³ But why not say that it is so?¹⁴ — Even so, this is better,¹⁵ since otherwise he may come to shear and work [the animal].¹⁶

[IF HE SAID:] IF IT IS A FEMALE, LET IT BE A PEACE-OFFERING. But is a female [animal]

sacred in respect of the law of a firstling?¹⁷ — The latter clause¹⁸ of the Mishnah refers to a dedicated animal.¹⁹

IF IT GAVE BIRTH TO TWO MALES etc. It was asked, If the reference is to a dedicated animal, then let the young which was dedicated as a burnt-offering be a burnt-offering and the other [young when born] retain the holiness of its mother?²⁰ — This latter clause²¹ refers to an animal of hullin.

IF IT GAVE BIRTH TO A TUMTUM OR A HERMAPHRODITE etc.

- (1) To prevent it coming into the possession of the priest and to enable the owner to carry out with it his own obligations.
- (2) A firstling only becomes holy when it emerges from the womb, and since prior to this another holiness took effect on the embryo, the holiness of a firstling no longer attaches to it.
- (3) V. Gemara.
- (4) The holiness of a burnt-offering attaches to both animals, since he said that if the offspring be a male it shall become a burnt-offering.
- (5) The reason being that his vow only referred to one animal and therefore one of the animals must be sold for a burnt-offering, for anything which is fit for the altar must be offered on the altar.
- (6) One of doubtful sex.
- (7) Lit., 'comes forth into the lighted space of the world'.
- (8) V. Sh. Mek.
- (9) Since it is burnt wholly on the altar, it is permissible to change the holiness of a firstling for this holiness.
- (10) Since its holiness is of a less stringent character and therefore it is forbidden to use a device to change holiness of a firstling. How much more so then must it be forbidden to maim a firstling deliberately and deprive it of all holiness!
- (11) When I say that it is permissible to maim a firstling in the inside of its mother.
- (12) And it immediately became holy.
- (13) Thus causing a blemish to a dedication. Rab Judah therefore informs us that we do not prohibit the infliction of a blemish, since he will be careful to cause the blemish only when a small part of the head has emerged and before the greater part comes forth from the womb.
- (14) That on account of this fear we should prohibit the causing of a blemish to a firstling.
- (15) To permit the causing of a blemish before it becomes holy in order that the priest may not be compelled to detain it till it becomes blemished.
- (16) If he does not maim it, then there is the fear that he might transgress the law relating to a firstling. Var. lec. (v. Rashi and Sh. Mek.): Even so the causing of the loss of a limb (and thus making it blemished before the greater part of the animal has gone forth from the womb) is preferable.
- (17) That the owner needs to use an artifice in order to obtain exemption from the law of the firstling.
- (18) If it is a female, etc.
- (19) If it was a sin-offering and it became pregnant and he wishes to use an artifice to avoid having its young condemned to death, the law being that the offspring of a sin-offering is condemned to death. He can therefore change the embryo for another dedication, since the holiness of a dedication only comes at birth but not previously.
- (20) Why then is the second male animal sold for the purpose of a burnt-offering?
- (21) Referring to the birth of two males.

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¹ R. Simeon b. Gamaliel holds: The offspring of dedications become holy at birth,² for if we were to think that they are holy from [the time of their existence] inside their mother, why should not holiness attach to them [tumtum etc.] since they receive the holiness of their mother?³ But in fact this proves that the offspring of dedications become holy at birth.⁴

And the [following] Tanna holds that the offspring of dedications are holy from [the time of their existence] in the inside of their mother. For our Rabbis have taught: If it had been said only. A firstling shall not sanctify.⁵ I might have thought that a firstborn [of man] must not make

dedications.⁶ The text therefore adds: 'No man shall sanctify it',⁷ implying that it [the firstling animal] he must not sanctify [for another dedication] but a firstborn [of man may] make dedications. But I might still have said that he [a firstborn] must not sanctify [a firstling for another dedication] but others may do so. The text therefore states: 'Among the beasts' [saying in effect]: My concern is with a beast.⁸ One might think that he cannot sanctify it [the firstling] even while it is in the inside of the animal [for another dedication]? The text therefore states: 'As a firstling to the Lord', implying, when it becomes 'a firstling to the Lord'⁹ you must not sanctify it [for another dedication], but you may sanctify the firstling [for another dedication] while it is in the inside of the animal. One might have thought that the same applies to the young of all dedications?¹⁰ The text therefore states: 'Howbeit', thus intimating a division.¹¹ Consequently we see that [this Tanna] holds that the young of dedicated [animals] are holy [from the time] that they commence to exist in the inside of their mothers.¹²

Said R. Amram to R. Shesheth: If one says of a firstling at the moment that the greater part of it was emerging from the womb:¹³ 'Let it be a burnt-offering', is it a burnt-offering¹⁴ or a legal firstling?¹⁵ Is it a burnt-offering, since every portion which came forth [from the womb] is wholly burnt on the altar, or is it a legal firstling as every portion which came forth [from the womb] retains its original sanctity?¹⁶ Another version: Is [the firstling] a burnt-offering, since this is a [stringent]¹⁷ holiness and therefore has effect on it, or is it a legal firstling, since its holiness commences from the womb?¹⁸ — He said to him: Why do you inquire? Is this not identical with the inquiry of Ilfa [as follows]: If one says in connection with leket¹⁹ when the greater part [of the produce] has been plucked:²⁰ Let it be hefker,²¹ is it leket or is it free?²² Is it leket, since its holiness is derived from heaven,²³ or is it ownerless, since poor and rich acquire possession thereof? — And Abaye explained: What is this query?²⁴ Whose word do we obey? That of the Divine Master or of the pupil?²⁵ Similarly here also, whose word do we obey?²⁶

MISHNAH. IF ONE SAYS: THE YOUNG OF THIS [PREGNANT ANIMAL]²⁷ SHALL BE A BURNT-OFFERING AND IT [THE ANIMAL ITSELF] SHALL BE A PEACE-OFFERING, HIS WORDS STAND.²⁸ BUT IF HE SAYS [FIRST]: IT [THE ANIMAL] SHALL BE A PEACE-OFFERING²⁹ [AND THEN], AND ITS YOUNG SHALL BE A BURNT-OFFERING,³⁰ [ITS YOUNG] IS REGARDED AS THE YOUNG OF A PEACE-OFFERING.³¹ THIS IS THE TEACHING OF R. MEIR. R. JOSE SAYS: IF HE INTENDED [TO SAY] THIS³² AT FIRST,³³ SINCE IT IS IMPOSSIBLE TO MENTION BOTH KINDS [OF SACRIFICES] SIMULTANEOUSLY,³⁴ HIS WORDS STAND,³⁵ BUT IF AFTER HE ALREADY SAID [INTENTIONALLY]: THIS SHALL BE A PEACE-OFFERING, HE CHANGES HIS MIND AND SAYS: ITS YOUNG SHALL BE A BURNT-OFFERING, [ITS YOUNG] IS REGARDED AS THE YOUNG OF A PEACE-OFFERING.³⁶

GEMARA. Said R. Johanan: If one set aside a pregnant sin-offering and it gave birth, if he wishes he can obtain atonement through it [the animal itself], and if he wishes, he can obtain atonement through its young.³⁷ What is the reason? — R. Johanan holds that if he left over [the young]³⁸ the act is valid,³⁹ and an embryo is not regarded as part of the thigh of its mother. The case therefore is like one who sets aside two sin-offerings for security's sake, where if he wishes, he can obtain atonement through it [the one animal], and if he wishes, through the other.⁴⁰ R. Eleazar raised an objection: IT SHALL BE A PEACE-OFFERING AND ITS YOUNG SHALL BE A BURNT-OFFERING, [ITS YOUNG] IS REGARDED AS THE YOUNG OF A PEACE-OFFERING. Now if we assume that if he left over [the young] the act is valid, why does it say: ITS YOUNG IS REGARDED AS THE YOUNG OF A PEACE-OFFERING? Should it not say: 'Its young is a peace-offering'?⁴¹ — Said R. Tabla: Ask no question from this [Mishnah],⁴² since Rab said to the Tanna:⁴³ Recite [as follows]: 'Its young is a peace-offering'.⁴⁴

An objection was raised: If one says to his [pregnant] bondswoman, 'Be thou a slave but thy child

shall be free', if she was pregnant she obtains [freedom] in his behalf.⁴⁵ Now this creates no difficulty if you hold that if one left over [the young]⁴⁶ the action is not valid, and that an embryo is considered as the thigh of its mother; for this reason she obtains [freedom] in his behalf, since it is on a par with the case of one who freed a half of his slave,⁴⁷ and this will represent the opinion of Rabbi,⁴⁸ as it has been taught:

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- (1) Omitting with Wilna Gaon: 'But why does not holiness attach to them', cf. cur. edd. Since this clause refers even to the offspring of dedications, why should not at least the holiness of their mother rest on them (Rashi).
 - (2) And when they are born they are already unfit and hence cannot receive any holiness at all.
 - (3) From the time when they begin to develop little by little in the inside of their mother, they should be holy.
 - (4) And the whole Mishnah will be the opinion of R. Simeon.
 - (5) Referring to the text (Lev. XXVII, 26): Howbeit the firstling among the beasts which is born as a firstling unto the Lord, no man shall sanctify it; the Heb. **בְּכוֹר** denotes equally firstborn and firstling of an animal.
 - (6) Taking 'bekor' to denote a firstborn of any kind.
 - (7) The text therefore will mean this: Howbeit the bekor i.e., the firstborn of a man, that which is born a firstling unto the Lord, he shall not sanctify it, implying that the firstborn may not sanctify a firstling for another dedication.
 - (8) I refer here only to the firstling of a beast which 'bekor' here denotes, and thus state that no man may consecrate it for another dedication.
 - (9) I.e., at birth, after the sanctification by the womb, but as long as it is in the inside of the animal it is hullin.
 - (10) That one is permitted to change it for another dedication when inside the animal.
 - (11) This is the regular force of the word **ס** ('howbeit'). The division here indicated is between the case of a firstling and that of other dedications. Only in the case of a firstling may one make dedication prior to the animal becoming a legal firstling but not in the case of other dedications in the inside of an animal, for since the mother is holy, with every portion which forms in the womb the offspring receives the holiness of the mother.
 - (12) Unlike the view of the Tanna in the Mishnah.
 - (13) While still inside the animal, at the time when the holiness of a firstling takes effect.
 - (14) Being wholly burnt on the altar.
 - (15) Since the holiness of a firstling rests on all firstlings that leave the womb. Which holiness is more stringent so as to have a prior effect on it and cancel the other?
 - (16) That of a firstling.
 - (17) V. R. Gershom.
 - (18) The holiness of a firstling takes effect on all firstlings from the time of leaving the womb without a special dedication.
 - (19) The gleanings from a field which are due to the poor.
 - (20) And the gleanings have actually become leket.
 - (21) 'Ownerless'. And free alike for the rich as for the poor.
 - (22) Which takes effect hefker or leket? Now there can be no question that if he made the produce free for everyone before the greater part of it was plucked, there would be no need to carry out the law of leket, since leket only applies to what is looked after and eaten.
 - (23) A divine decree.
 - (24) As both leket and hefker came together, surely leket is the more important law to observe.
 - (25) And the Master, God, has decreed that it is leket.
 - (26) Surely that of the Divine Master, and therefore the law of the firstling operates first.
 - (27) Of hullin.
 - (28) The young becomes a burnt-offering and its mother a peace-offering, since the holiness of the young animal came first.
 - (29) This implies the dedication of the animal and what is inside it. Its offspring is therefore important enough to be dedicated independently and it is like one dedicating two animals for peace-offerings.
 - (30) This is of no avail as he is not able to change the form of dedication.
 - (31) As R. Meir holds that we accept the first statement. And here the principle of holiness commencing only at birth does not apply, as this only refers to a case where the animal became pregnant subsequent to dedication, but where one dedicates a pregnant animal, the embryo is considered apart from its mother and is able to receive holiness on its own

account.

(32) Its young shall be a burnt-offering and the mother a peace-offering.

(33) Although he made a mistake and said: It shall be a peace-offering and its young a burnt-offering.

(34) Since one has to mention one sacrifice before the other.

(35) Since he really did not intend that both shall be peace-offerings, and therefore the mother is a peace-offering and the young is a burnt-offering.

(36) His latter statement being of no consequence, since he meant at first that both should be peace-offerings.

(37) We only apply the principle of the young of a sin-offering being condemned to die in a case where one dedicated an animal and it became pregnant afterwards, but where he dedicated a pregnant sin-offering, the embryo can receive holiness independently, apart from its mother, and thus he can procure atonement through whichever animal he chooses.

(38) Where he says that the offspring should be hullin and the mother shall be a sin-offering. Therefore even where he did not leave over the embryo, i.e., did not declare it hullin, its holiness is still not derived through its mother.

(39) Lit., 'it is left over' as regards holiness, i.e., the young remains hullin.

(40) And the sin-offering which he does not use is condemned to pasture.

(41) Since it is holy on its own account, and not because of its mother. The Mishnah therefore in saying: It is regarded as the young of a peace-offering, implies that its holiness is due to its mother and therefore in the case also where one set aside a pregnant sin-offering, it is regarded as the offspring of a sin-offering, the law of which is that it is condemned to die.

(42) Lit., 'except from this'.

(43) V. Glos. s.v. (a).

(44) We see therefore that the reading in our Mishnah is not a correct one, and no question can be raised from it.

(45) And the child goes out free; v. Git. 23b.

(46) And the mother and its young are not regarded as two separate entities.

(47) Where the slave acquires possession of that half, and so here the bondwoman is privileged to secure the freedom of her child.

(48) So .Sh. Mek.; cur. edd. R. Meir.

Talmud - Mas. T'murah 25b

If one frees a half of his slave,¹ he goes out free, since his letter of manumission and his right of possession come simultaneously. But if you hold that if one left over [the young] the act is valid,² and that an embryo is not considered as the thigh of its mother, why then does she [the bondwoman] obtain freedom in behalf of her child?³ Has it not been taught: We approve the teaching that a slave can obtain a letter of manumission for his fellow-slave from the hand of one who is not his master,⁴ but not from the hand of one who is his master?⁵ You can therefore deduce from this that if one left over [the young], the act is not valid. Shall we say this refutes R. Johanan's ruling above? — It is a refutation. Must it be said that the opinion whether, if one left over the young the act is valid, is a point at issue between Tannaim? For it has been taught: If one says to his [pregnant] bondwoman, 'Be thou free but thy child shall be a slave', the child acquires her status [and is free]. This is the teaching of R. Jose the Galilean; whereas the Sages say: His words stand,⁶ because it says: The wife and her children shall be her master's.⁷ But how is the Scriptural text interpreted in support of the Rabbis?⁸ — Said Raba. The text is adduced in support of the opinion of R. Jose the Galilean who states that, the child follows her status, since it says: 'The wife and her children shall be her master's', implying that as long as the wife belongs to her master the child is her master's, [but if the wife does not belong to her master, the child is not her master's].⁹ Now does this not mean that [these Tannaim] differ in this, that R. Jose the Galilean holds that if one left over [the young], the act is not valid;¹⁰ whereas the Rabbis hold that the act is valid? — R. Johanan can answer you: All the authorities concerned hold that if one left over [the young] the act is valid, and the reason here¹¹ is because Scripture explicitly says: 'The wife and her children shall be her master's'.¹² Then assuredly [the matter¹³ would be a point at issue] between the following Tannaim: If one killed a sin-offering¹⁴ and found therein a live embryo four months old, it was taught in one [Baraitha]: It is only eaten by the males of the priesthood, for one day and a night, and within the curtains. And another [Baraitha]

taught: It is eaten by any man, in any place, and at all times. Now does not this mean that they differ in this, that the first Tanna¹⁵ holds that if one left over [the young] the act is valid,¹⁶ whereas the latter Tanna¹⁷ holds that if one left over [the young], the act is not¹⁸ valid!¹⁹ — R. Johanan can answer you: All the authorities concerned hold²⁰ that if he left over [the young] the act is valid.²¹ These Tannaim, however, differ in this, one Master holding that the offspring of dedications are holy only when they emerge into existence but not earlier, whereas the other Master holds that the offspring of dedications are holy already inside their mother.²² And if you prefer [another solution], I may say there is no contradiction.²³ Here,²⁴ [we are dealing] with a case where he dedicated [a sin-offering] and it subsequently became pregnant,²⁵ and there,²⁶ with a case where it became pregnant and was subsequently dedicated.²⁷

To this²⁸ Raba demurred: How do we know that the reason of R. Johanan²⁹ is because if one left over [the young] the act is valid? perhaps the reason of R. Johanan really is that a man can obtain atonement with the increment of dedicated animals?³⁰ — Said R. Hamnuna:³¹ R. Eleazar, a pupil of R. Johanan, was in the presence of R. Johanan³² and he [R. Johanan] did not give him that answer,³³ and yet you say that the reason of the ruling of R. Johanan is because a man can obtain atonement with the increment of dedications.

BUT IF AFTER HE HAD ALREADY SAID [INTENTIONALLY]: THIS SHALL BE A PEACE-OFFERING AND HE CHANGED HIS MIND, etc. Surely this is obvious, that [its young] is regarded as the offspring of a peace-offering! For can he change his mind whenever he wishes?³⁴ — Said R. Papa: This clause is required only for the case where one statement³⁵ followed the other in the same breath.³⁶ You might have said that two statements following each other immediately are considered as one statement and that this man was really reflecting [aloud]. [The Mishnah] therefore teaches us [that it is not so].

MISHNAH. [IF ONE SAYS:] BEHOLD, THIS ANIMAL [OF HULLIN] SHALL BE THE EXCHANGE OF A BURNT-OFFERING, THE EXCHANGE OF A PEACE-OFFERING,³⁷ IT IS THE EXCHANGE OF A BURNT-OFFERING. THIS IS THE TEACHING OF R. MEIR.³⁸ R. JOSE SAYS: IF HE ORIGINALLY INTENDED THIS,³⁹ SINCE IT IS IMPOSSIBLE TO MENTION BOTH NAMES [OF SACRIFICES] SIMULTANEOUSLY, HIS WORDS STAND.⁴⁰ BUT IF AFTER HE HAD ALREADY SAID: THIS SHALL BE AN EXCHANGE OF A BURNT-OFFERING, HE CHANGED HIS MIND AND SAID: AN EXCHANGE OF A PEACE-OFFERING, IT IS THE EXCHANGE OF A BURNT-OFFERING.

(1) He possesses that half.

(2) So that if he freed the mother and left over the child, the latter is left over for service. Consequently we see that they are regarded as two bodies.

(3) It is like the case of a slave who receives a letter of manumission on behalf of his fellow slave, both belonging to the same master, since the possession of the slave is the possession of the master, and consequently it is considered as if really the letter had not left the hand of the master (Rashi).

(4) Since in relation to this man, the slave has the right of possession and can become an agent for the other slave.

(5) Both belonging to the same master since the slave has no rights of possession.

(6) And the child remains a slave.

(7) Ex. XXI, 4.

(8) Since the text appears in reality to confirm the opinion of R. Jose the Galilean, that the status of the offspring is like that of the mother.

(9) Inserted with Sh. Mek.

(10) But it is regarded as the thigh of its mother and therefore the child is free like the mother.

(11) Why R. Jose the Galilean holds that the child has the status of the mother.

(12) It is a divine decree, and not because the child is regarded as the thigh of its mother.

(13) Whether if one left over the young the act is a valid one or otherwise.

- (14) The first impression was that the circumstances here are where the animal was dedicated when pregnant.
- (15) Who regards the embryo as a sin-offering.
- (16) So Bah. And since it is regarded as a separate animal, even if he did not leave it over, holiness attaches to it in the womb (Rashi).
- (17) Who considers the embryo as hullin.
- (18) So Bah. Cur. edd. reverse; v. also Rashi.
- (19) Since it is not regarded as an independent animal but only as the thigh of its mother, like that of any other offspring. This holiness of the offspring, however, only commences after birth, but not as here when it is found in the inside of its mother, for we hold the opinion that the holiness of the offspring of dedicated animals commences at birth but not earlier.
- (20) If he dedicated a pregnant sin-offering.
- (21) And therefore even if he did not leave over the young, the embryo is holy like the sin-offering.
- (22) And therefore the embryo is regarded as a sin-offering.
- (23) Between the two Baraithas mentioned above.
- (24) The Baraitha which says that the embryo has the law of hullin.
- (25) And all the authorities concerned hold that the offspring of dedications become holy only at birth.
- (26) The Baraitha which says that the embryo has the law of a sin-offering.
- (27) And we hold that if he left over the young in respect of dedication, the act is valid and the young is important enough to be dedicated on its own account. These Tannaim therefore in reality do not differ at all (Rashi).
- (28) To the refutation of R. Johanan from the Baraitha: If one says to a bondwoman etc. as stated above.
- (29) Why he says that if he set aside a pregnant sin-offering and it gave birth, if he wishes he can obtain atonement through its mother or its young.
- (30) Although its sanctity is derived from the mother, the young of a sin-offering is not condemned to die, since a man may obtain atonement with the increment of a consecrated animal as here, where the young is a gain to dedications, the law of a young of a sin-offering being condemned to die only applying where he refused to obtain atonement except through the mother.
- (31) You cannot maintain that R. Johanan's reason is not because he holds that if one left over the young the act is valid.
- (32) When he quoted the Baraitha in contradiction to R. Johanan's teaching.
- (33) If the reason of R. Johanan's ruling was as you say, why did not R. Johanan reply that his reason was because a man may obtain atonement with the improvement of a consecrated animal?
- (34) Surely he cannot be allowed to change his dedications at will.
- (35) Viz., 'and its young shall be a burnt-offering'.
- (36) Lit., 'within the time required for an utterance', i.e., as long as it takes a master to greet his pupil or a pupil his master.
- (37) And we are dealing with a case where both the peace-offering and a burnt-offering were before him when he effected the exchange.
- (38) For R. Meir maintains that we hold to the first statement.
- (39) I.e., that the animal of hullin should be the exchange of both, although he did not say: Behold this is the exchange of a burnt-offering and a peace-offering (R. Gershom).
- (40) The animal pastures until blemished, and when it is sold an exchange of a burnt-offering is purchased for half of its money, and an exchange of a peace-offering is bought for the other half of the money.

Talmud - Mas. T'murah 26a

GEMARA. R. Isaac the son of Joseph reported in the name of R. Johanan: All the authorities concerned agree that if one says, 'Let this¹ take effect', and afterwards, 'Let this² take effect', it is the opinion of all that we hold to the first statement. [If he says:] 'Let not this take effect unless this other takes effect', all agree that both are holy. The dispute, however, is only e.g., in the case stated by the Mishnah: The exchange of a burnt-offering, the exchange of a peace-offering, R. Meir holding that since he ought to have said,³ The exchange of a burnt-offering and a peace-offering, and he said, The exchange of a burnt-offering, the exchange of a peace-offering, it is like the case of one who says, 'Let this take effect' and afterwards, 'Let this take effect'.⁴ R. Jose, however, holds: [The man⁵

thinks that] if he said: The exchange of a burnt-offering and a peace-offering, the result would be that it is holy but is not offered.⁶ R. Jose therefore informs us [that his words stand].⁷

Our Rabbis have taught: If one says, This animal shall be half the exchange of a burnt-offering and the other half the exchange of a peace-offering, the whole animal is offered as a burnt-offering. This is the teaching of R. Meir.⁸ The Sages, however, say: Let it pasture until it becomes blemished. It is then sold and with the half of its money an exchange of a burnt-offering is purchased and with the other half of its money an exchange of a peace-offering. R. Jose says: If he originally intended this, since it is impossible to mention both names [of sacrifices] simultaneously, his words stand. But is not the opinion of R. Jose identical with that of the Rabbis? — The whole [of the first part of this Baraitha] is taught by R. Jose.⁹

Another [Baraitha] taught: An animal, half of which is a burnt-offering and the other half a sin-offering, is offered as a burnt-offering. This is the teaching of R. Meir. R. Jose says: Let it die.¹⁰ And both [these Tannaim] hold alike that if one says [first]: A half of the animal shall be a sin-offering and [then] the other half shall be a burnt-offering, [the animal] is condemned to die. [You say], ‘They hold alike’. Now whose opinion does this mean to represent? That of R. Meir!¹¹ But surely this is obvious!¹² — You might have said that if we had not been informed of this,¹³ I might have thought that the reason of R. Meir is not because of the rule: ‘Hold to the first statement’, but the reason [really] is because a sin-offering which has been mixed up with another dedication is offered,¹⁴ and therefore even if he said [first]: A half of the animal shall be a sin-offering and then a half shall be a burnt-offering, it is offered. [The Baraitha] therefore informs us that it is not so.¹⁵

Another [Baraitha] taught: If one says, Half of this animal shall be a burnt-offering and the [other] half shall be a peace-offering, it is holy but is not offered.¹⁶ It [the animal] effects exchange¹⁷ and its exchange has the same status.¹⁸ Now whose opinion does this Baraitha represent? That of R. Jose!¹⁹ Surely it is obvious that the animal is holy but is not offered! — [The Baraitha] requires to mention the case of its exchange,²⁰ for you might have said: Granted that the animal itself is not offered, still its exchange is offered.²¹ [The Baraitha] therefore informs us as follows: Why is the case [of the animal itself] different so that it is not offered? Because of suspended holiness.²² Its exchange also is such in virtue of a suspended holiness.²³

R. Johanan said: If an animal belonged to two partners and one dedicated his half and then proceeded to purchase the other half and dedicated it, [the animal] is holy but is not offered;²⁴ it effects exchange and its exchange

(1) I.e., the exchange of a burnt-offering.

(2) The exchange of a peace-offering.

(3) If he meant that the animal should receive the exchange of a peace-offering and a burnt-offering.

(4) All agreeing that under such circumstances we hold to the first statement.

(5) Who is effecting the exchange.

(6) But is condemned to pasture. In this he made a mistake and used the word exchange in connection with peace-offering as well as burnt-offering, in order that the animal should be offered.

(7) Since he really intended that both should be an exchange, this being on a par with a case where one says: This should not take effect without the other taking effect.

(8) For we hold to the first statement, and since a half is holy, the whole animal becomes holy. And although R. Meir holds (supra 18a) that if one dedicated a foot of an animal the whole animal does not receive holiness, the case here is different where a half of the animal is dedicated, since it is a section of the animal without which it cannot live.

(9) I.e., the Baraitha informs us that R. Jose is described as the ‘Sages’.

(10) We hold also to the last statement when the two statements of a person contradict. And since he is not obliged to bring a sin-offering, the animal is condemned to die, like a sin-offering whose owners procured atonement through another animal (R. Gershom). Tosaf. comments that in circumstances where one is not required to bring a sin-offering, if

he says: Let this animal be a sin-offering, his words are of no avail and that we are dealing here with a case where one says: Let half of this animal be exchanged for a burnt-offering and the other half be exchanged for a sin-offering, R. Jose holding that the animal dies, since the holiness of both sacrifices rests on the animal, and as one dedication is that of the exchange of a sin-offering, the animal is condemned to die.

(11) I.e., even R. Meir, who holds in the first part of this Baraitha that the animal is offered, on this occasion must inevitably hold that it is condemned to die.

(12) Since he says that we hold to the first statement and since the man said here first that the half should be a sin-offering, it must certainly be left to die, as he is not obliged to bring a sin-offering.

(13) That the animal is condemned to die.

(14) Where there are two separate dedications mixed up in the animal, and although both have effect on it, since there is mixed up in the animal a dedication which makes it fit to be offered, we ignore the other dedication which makes it unfit to be offered (Rashi).

(15) That if he said first: A half shall be a sin-offering etc., the animal is condemned to die.

(16) It is sold and for half of its money a burnt-offering is bought, and for the other half a peace-offering (R. Gershom).

(17) Being a male and therefore fit to be a burnt-offering (R. Gershom).

(18) Of being holy but not fit to be offered.

(19) Who holds that his words stand.

(20) That it is not offered but sold after becoming blemished, a burnt-offering being bought with half the money and a peace-offering with the other half.

(21) Since in accordance with the exchange he did not mention either the word peace-offering or burnt-offering, but simply said: Let this animal be for that (R. Gershom). Tosaf. explains that the intention was not that the exchange should be half a burnt-offering and half a peace-offering, but that the animal should be a complete exchange, either for half of a burnt-offering or for the half of a peace-offering, for although one may not exchange a whole animal for a limb of a dedicated animal, the case is different where the exchange is effected for a half of a dedicated animal.

(22) Having two names as regards dedication (R. Gershom).

(23) And therefore the exchange cannot be in a better position than the original animal from which it draws his holiness.

(24) Since when at first he dedicated his half, the animal was not fit to be offered at the altar, for half of an animal by itself cannot be offered, and the holiness of the other half, since it was not his, could not spread to the rest of the animal.

Talmud - Mas. T'murah 26b

has the same status. You can deduce from this¹ three things: You can deduce from this that animals² [dedicated for sacrifices] can be removed for ever from sacred use.³ You can also deduce from this that the holiness of animals dedicated for their value⁴ can be removed.⁵ You can also deduce from this that a removal from sacred use at the beginning [of a dedication]⁶ is valid for ever.⁷

Said Abaye: All the authorities concerned agree [even R. Jose] that if he says: A half of an animal shall be a burnt-offering and the other half an animal tithed, all are agreed that it is offered as a burnt-offering.⁸ What is the ruling, however, if he says: A half of an animal shall be an exchange and half of an animal tithed?⁹ Is the animal offered as an exchange, since it [the exchange] applies to all dedications, or is it perhaps offered as an animal tithed, since [the animal] before the tenth and the succeeding [one] are consecrated?¹⁰ — Let it remain undecided.

MISHNAH. [IF ONE SAYS:] BEHOLD THIS [ANIMAL] IS TAHATH [INSTEAD OF] THIS, BEHOLD THIS IS HALIFATH [IN PLACE OF] THIS, BEHOLD THIS IS TEMURATH [THE EXCHANGE OF] THIS, [EACH OF THESE] IS THE CASE OF A VALID EXCHANGE. [IF HOWEVER ONE SAYS:] THIS SHALL BE REDEEMED¹¹ FOR THIS, IT IS NOT THE CASE OF A [VALID] EXCHANGE.¹² AND IF THE DEDICATED ANIMAL WAS BLEMISHED, IT BECOMES HULLIN¹³ AND HE IS REQUIRED TO MAKE UP [THE HULLIN] TO THE VALUE [OF THE DEDICATED ANIMAL].¹⁴ GEMARA. Does this mean to say that the [word] tahath¹⁵ has the meaning of occupying the place of?¹⁶ This is contradicted [by the following]: As regards dedications for Temple repairs, if one says: Halifath this,¹⁷ temurath this, he has said nothing.¹⁸ [If,

however, one says:] Tahath this, [this is] redeemed for this, his words stand.¹⁹ Now if we suppose that the [word] 'tahath' has the meaning of occupying the place of, what is the difference between the first and second clause [of the Baraita]?²⁰ — Said Abaye: The [word] 'tahath' is used in the sense of occupying the place of and in the sense of redeeming. In the sense of occupying the place of, as Scripture says:²¹

(1) R. Johanan's ruling.

(2) This is the reading in Bah.

(3) And although subsequently they became fit to be offered, they are forever forbidden to be offered, on account of the previous suspension from sacred use.

(4) As, for example, here where he dedicates a half of the animal; such dedication could only have been for its value.

(5) For one might have thought that the suspension of holiness only applies to animals dedicated for the altar. We therefore see from R. Johanan's teaching that it is not so.

(6) As, for example, here where from the very commencement of the consecration there was a suspension from holiness. For there is a difference of opinion (in Suk. 33a), one authority maintaining that where a dedicated animal was originally fit to be offered and the holiness was then suspended and finally the animal became fit again for sacred use, the animal is removed forever from sacred use, but where the suspension of holiness occurred at the very beginning of its consecration, if it became fit again, it may be used for sacred purposes.

(7) Lit., 'is a suspension'.

(8) Even if he meant these dedications from the beginning, as his latter statement is of no account, since an animal tithed does not become holy except by passing through the shed and being numbered as the tenth. The same law applies if one says: Half the animal shall be a burnt-offering, the other half shall be an exchange, the latter statement having no effect, since there is no animal present for which an exchange might be effected (Rashi). Tosaf. remarks that even if he says that the whole animal shall become tithed, his words are of no avail, and therefore explains that the circumstances here are where a man causes his flock to pass under the rod and as the tenth animal emerges from the shed he says: Let half of it be a burnt-offering and the rest tithed. All the authorities concerned will agree that the animal in such circumstances becomes a burnt-offering, as a dedication for a burnt-offering is a more important consecration than the dedication for animal tithing, since the latter consecration requires the passing under a rod and numbering before the animal can receive any holiness. Tosaf. also proceed to ask, seeing that the law of tithe is a divine decree, how can a dedication like that of a burnt-offering suspend it, and explain that we are dealing here with a case where he called the animal a burnt-offering when only a small part of the animal emerged from the shed, whereas animal tithe requires that the greater part of it shall emerge before holiness can take effect.

(9) His statements in both instances have a certain irregularity since as regards tithe one cannot say: Let this be tithe except when the animal is passing through the shed to be numbered, and in the case of exchange one cannot say: Let this be an exchange unless there is an animal with which a substitute might be effected.

(10) If, for example, he called the ninth the tenth, and the eleventh the tenth, the three animals are holy, i.e., the ninth, tenth and the eleventh.

(11) Lit., 'made hullin'.

(12) And his words are of no consequence, since an unblemished dedicated animal cannot become hullin.

(13) And the other animal takes its place.

(14) If the hullin is less in value than the dedication, since otherwise the consecration would be penalised. According to one explanation given later in the Gemara, this is only a Rabbinical requirement.

(15) Used in connection with exchanging. Lit., 'under'.

(16) I.e., that it becomes consecrated according to the law of exchange.

(17) If one set before him an animal of hullin and said: This shall be halifath (in place of) this dedication for Temple repairs.

(18) Since he used the language of temurah, which does not apply to dedications for Temple repairs.

(19) The dedicated animal thus becoming hullin, and this one entering into its place, since even unblemished dedications for Temple repairs can be redeemed.

(20) Why does the first clause in the Baraita say that his words are of no consequence while the other clause says that his words stand, for since tahath is used in the sense of exchanging and there is no exchange in connection with repairs for Temple purposes, the Baraita should have stated in the second clause also that his words are of no consequence.

Talmud - Mas. T'murah 27a

But if the bright spot stay tahteha in its place;¹ and [in the sense] of redeeming, as it says: For [tahat] the brass I will bring gold.² [This being the case, the matter was left in the hand of the Sages.]³ With regard to dedications for the altar which can effect exchange, ['tahath'] has the meaning of occupying the place of, whereas with regard to dedications for Temple repairs which do not effect exchange, ['tahath'] has the meaning of redeeming.⁴

Raba said: Even in connection with dedication for the altar [the word 'tahath' sometimes] has the sense of redeeming, as e.g., where the dedicated [animal] was blemished.⁵ Said R. Ashi: Even in connection with a blemished dedicated animal [tahath sometimes] has the sense of redeeming and sometimes has the sense of occupying the place of, [as follows]: [If he placed] his hand on a dedicated [blemished] animal,⁶ the animal becomes hullin,⁷ [but if he placed] his hand on an animal of hullin,⁸ it becomes dedicated.⁹

Abaye inquired: What is the ruling if there were two dedicated blemished animals before him and two unblemished animals of hullin, and he says, Let these be tahath [in place of] these?¹⁰ Did¹¹ he intend to substitute them [the former], or did he intend to redeem them [with the latter]?¹² And if you say that where there exists a legitimate way, a man will not abandon what is permitted and do what is forbidden,¹³ what is the ruling if he had two dedicated animals before him, one of which was blemished, and two animals of hullin, one of which was blemished, and he said, Let these be tahath [instead of] these? Did he mean: The unblemished in place of the unblemished, in the sense of being substituted,¹⁴ and the blemished animal of hullin in place of the dedicated blemished animal, in the sense of being redeemed?¹⁵ Or perhaps the unblemished animal of hullin in place of the blemished dedicated animal, and the blemished animal of hullin in place of the unblemished dedicated animal and, in both cases, there is a punishment of lashes?¹⁶ And if you say that wherever there exists a legitimate way, a man will not do what is forbidden, and therefore he means to redeem and there is no punishment of lashes, what is the ruling if there were three dedicated animals before him, one of which was blemished, and three unblemished animals of hullin, and he says, Behold these shall be instead of these?¹⁷ Do we say, since [when he says] 'these two unblemished animals instead of the unblemished animals', he means they are to be substituted,¹⁸ so [when he says] 'the unblemished animal of hullin instead of the dedicated blemished animal' [he also means], they are to be substituted? Or perhaps here too [we apply the principle that] wherever there exists a legitimate way, a man will not do what is forbidden, and therefore in the latter case,¹⁹ he meant to redeem? And if you say that here too, since nevertheless there is no presumption against this man as regards prohibitions,²⁰ [we say that a man] would not abandon what is permitted and do what is forbidden, R. Ashi inquired: What is the ruling if one had four dedicated animals before him, one of which was blemished, and four unblemished animals of hullin, and he says: Let these be instead of these? Here [in this case] since there is certainly a presumption against the man as regards prohibitions,²¹ do we say that he is therefore punishable four times with lashes,²² or perhaps although there is a presumption against him as regards prohibitions, [do we say that a man] will not abandon what is permitted and do what is forbidden and therefore the last animal²³ was meant to be redeemed? — Let it stand undecided.

AND IF THE DEDICATED ANIMAL WAS BLEMISHED, IT BECOMES HULLIN etc. Said R. Johanan: Its becoming hullin is an ordinance of the Biblical law,²⁴ whereas his being required to make up [the hullin] to the value [of the dedication] is an ordinance of the Rabbinical law.²⁵ Resh Lakish, however, says that his having to make up [the hullin] to the value [of the dedicated animal] is also according to the Biblical law. Now with what kind of case are we dealing here? Shall we say that this refers to overreaching?²⁶ But will Resh Lakish hold in such a case that he must make up

[the hullin] to the value of a dedicated animal in accordance with Biblical law? Have we not learnt: To the following overreaching does not apply: Slaves, bonds, immovable properties, and dedications? [Shall we say] then that this refers to the cancellation of the sale?²⁷ But will R. Johanan hold in such a case that he is required to make up the value of a dedication according to the Rabbinical law?

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- (1) תהתיה , 'standing in its place'; this is exactly what happens in the case of exchange, the dedicated animal remaining holy.
 - (2) Isa. LX, 17. In place of the brass which they stole, I will bring gold. And this is what redeeming does, transferring the holiness of this animal to the other.
 - (3) The Sages were therefore to decide where 'tahath' had the meaning of redeeming and where it had the meaning of occupying the place of. The bracketed words are inserted with Sh. Mek.
 - (4) Therefore in the Baraitha above, since it deals with dedications for Temple repairs, tahath has the meaning of redeeming.
 - (5) Raba explaining the clause in the Mishnah: And if the dedicated animal was blemished, it becomes hullin, as referring also to the first clause: Behold this is tahath (instead of) this (R. Gershom).
 - (6) And says: This animal of hullin shall be tahath (instead of) this dedicated animal (R. Gershom).
 - (7) Since he certainly intended to redeem the dedicated animal.
 - (8) And says: This animal of hullin shall be tahath (instead of) this dedicated animal. By placing his hand on the hullin, he shows that he meant to effect exchange, for if he intended to redeem, he would have placed his hands on the dedicated animal.
 - (9) Since one cannot effect exchange even with a blemished dedicated animal. The dedicated animal therefore remains holy in accordance with the law of exchange.
 - (10) And he did not place his hand either here or there.
 - (11) This is the reading in Rashi and is mentioned in Wilna Gaon Glosses.
 - (12) The same inquiry could have been made with reference to one dedicated blemished animal and one unblemished animal of hullin where he says: Let this be tahath (instead of) this. But since later on the inquiry particularly refers to two animals, the case of two animals is also mentioned here. R. Gershom and the text in cur. edd. have the following reading: Do we say that he means to substitute (i.e., to effect exchange with these animals and there will thus be two transgressions of the prohibitory law), or perhaps where there exists a way which is permissible, a man would not abandon that which is permitted and do what is forbidden (and consequently he means here to redeem the dedicated animal with the animals of hullin, the latter thus becoming holy in place of the former).
 - (13) Since in connection with exchange there is the prohibition of 'nor change it', and therefore we say that his intention was to redeem.
 - (14) One animal must have been meant to effect exchange, since one dedicated animal is unblemished, and we have learnt above that unblemished dedications for the altar are meant to be used as exchange.
 - (15) Since it cannot be meant in the sense of exchanging, as one cannot effect exchange when both animals are blemished (bad), since Scripture speaks only of 'bad for good' or 'good for bad', but not when both are bad.
 - (16) The prohibition of 'nor change it'.
 - (17) For although we have said above that a man will not abandon what is permitted and do what is forbidden, there is still ground for inquiry in this case, since one can maintain that we follow the majority, and as two of the unblemished dedicated animals were certainly meant to be exchanged, the third blemished dedicated animal can also be regarded as being for the same purpose, i.e., exchange, although thereby there is the infringing of a prohibition.
 - (18) As an exchange.
 - (19) Where he says 'the unblemished animal shall be instead of the blemished dedicated animal'.
 - (20) Since the breaking in a particular case of three prohibitions and not two, causes a man to be suspected in that connection.
 - (21) Since there were three unblemished dedicated animals, he could not have intended to redeem.
 - (22) As we maintain that the blemished dedicated animal was also meant for exchange.
 - (23) I.e., the blemished dedicated animal.
 - (24) Like the law of dedications which became unfit for the altar, and which are redeemed.
 - (25) Since Scripture says: 'Ye shall not wrong one another' (Lev. XXV, 14) implying, one another, thus excluding

hekdesch (consecrated property) from the laws of overreaching.

(26) Where hekdesch was overreached only by a sixth and the difference in the value between the hullin and hekdesch must be returned.

(27) Where the overreaching was more than a sixth.

Talmud - Mas. T'murah 27b

Has not R. Jeremiah with reference to immovable properties of hullin, and R. Jonah with reference to dedications, both reported in the name of R. Johanan that only the law of overreaching does not apply to them but the law of a cancelled sale does apply to them?¹ — One can still say that the reference is to the cancellation of the sale² and reverse [the names].³ But how can you say that the names [shall be reversed]? This would be quite right according to the authority of [R. Jonah] who holds that [R. Johanan] refers to dedications,⁴ and therefore all the more does the rule apply to immovable properties.⁵ But according to the authority [of R. Jeremiah] who holds that [R. Johanan] refers only to immovable properties but that to dedications the law of cancellation of the sale does not apply, how can you reverse [the names of the disputants]?⁶ — R. Jeremiah can answer you: There is no need for you to reverse [the names].⁷

Must we say that R. Jonah and R. Jeremiah differ with regard to Samuel's dictum, for Samuel said: 'If hekdesch⁸ of the value of a maneh⁹ was redeemed for the value of a perutah,¹⁰ it is a valid act',¹¹ R. Jonah not accepting Samuel's dictum whereas R. Jeremiah does accept Samuel's dictum? — No. Both Masters¹² agree with Samuel, R. Jonah holding that Samuel's dictum only refers to a case where the act has been done but that it is not permissible in the first instance, whereas R. Jeremiah holds that it is permissible even in the first instance. And if you prefer [another solution], I may say: One still need not reverse [the names even according to R. Jonah], and as regards the difficulty you raise from the Mishnah which says: To the following [overreaching does not apply], dedications etc., this will be in accordance with the opinion of R. Hisda. For R. Hisda said: [What is the meaning of the Mishnah]: 'To the following overreaching does not apply'? [It means:] They do not come under the law of overreaching,¹³ since in their case money, even less than the amount which constitutes overreaching,¹⁴ has to be returned.

Said 'Ulla: [The Mishnah]¹⁵ only refers to where two people made the assessment, but where three made the assessment, even if a hundred came [afterwards],¹⁶ there is no redress. But it is not so! Has not R. Safra said: The principle that two are on a par with a hundred only applies to the giving of evidence, but with regard to making an assessment, it is the opinion of all the authorities that we go by the views [expressed].¹⁷ And, moreover, even if there were three against three,¹⁸ do we not follow the latter set, since hekdesch always has the preference!¹⁹ — 'Ulla holds: Our Mishnah when it says: HE IS REQUIRED TO MAKE UP TO THE VALUE OF THE DEDICATION, means in accordance with Rabbinic law, and with reference to a Rabbinic requirement, the Rabbis adopted the lenient view.²⁰ MISHNAH. [IF ONE SAYS:] BEHOLD THIS ANIMAL SHALL BE INSTEAD²¹ OF A BURNT-OFFERING, [THIS SHALL BE] INSTEAD OF A SIN-OFFERING,²² HE HAS SAID NOTHING. [BUT IF HE SAYS:] INSTEAD OF THIS²³ SIN-OFFERING AND INSTEAD OF THIS BURNT-OFFERING,²⁴ [OR] INSTEAD OF THE SIN-OFFERING AND INSTEAD OF THE BURNT-OFFERING WHICH I HAVE IN THE HOUSE, AND HE HAD IT IN THE HOUSE, HIS WORDS STAND. IF HE SAYS CONCERNING AN UNCLEAN ANIMAL OR A BLEMISHED DEDICATED ANIMAL: BEHOLD THESE SHALL BE A BURNT-OFFERING, HE HAS SAID NOTHING. [BUT IF HE SAYS:] BEHOLD THEY SHALL BE FOR²⁵ A BURNT-OFFERING, THEY ARE SOLD AND THE BURNT-OFFERING IS BOUGHT WITH THEIR MONEY.

GEMARA. Rab Judah reported in the name of Rab: The Mishnah²⁶ is not the opinion of R. Meir, for if it were the opinion of R. Meir he holds that a man does not utter words for no purpose.²⁷

BEHOLD THESE SHALL BE FOR A BURNT-OFFERING, THEY ARE SOLD AND A BURNT-OFFERING IS BOUGHT WITH THE MONEY. Now the reason is because it is an unclean animal or a blemished animal, since they are not fit [for the altar] and therefore they do not require a blemish [before selling], but if one set aside a female animal for a guilt-offering or a burnt-offering, a blemish is required [before selling].²⁸ Rab Judah reports in the name of Rab: Our Mishnah will thus not be the opinion of R. Simeon.²⁹ For we have learnt: R. Simeon says, It shall be sold even if without a blemish.³⁰ [

(1) That if the overreaching was more than a sixth the sale is annulled. There will thus be a contradiction according to R. Jonah between the two opinions of R. Johanan.

(2) I.e., where the overreaching of hekdesch was more than a sixth.

(3) In the dispute between R. Johanan and Resh Lakish above and say: R. Johanan holds that he is required to make up the value in accordance with the Biblical law, whereas Resh Lakish holds that it is according to the Rabbinical law.

(4) That the sale is annulled where the overreaching was more than a sixth, although Scripture says: 'One another', and thus excludes hekdesch.

(5) That the sale is annulled. It is therefore right that we reverse the names of the disputants so that it is R. Johanan who will maintain that the money has to be made up according to the Biblical law.

(6) And maintain that R. Johanan holds that the money must be made up to the value of the dedication according to the Biblical law, since there will thus be a contradiction between the two opinions of R. Johanan.

(7) According to him there is really no need for reversing the names, but according to R. Jonah there will be need to reserve the names of the disputants.

(8) That which is dedicated for a sacred purpose.

(9) A weight of silver or gold, as much as a hundred shekel coins.

(10) A small coin.

(11) Lit., 'it is legally redeemed'.

(12) R. Jonah and R. Jeremiah.

(13) We are not dealing at all, however, with the annulling of a sale, and therefore there is no difficulty as regards the opinion of R. Jeremiah and R. Jonah.

(14) Scripture meaning as follows: In the cases of overreaching of 'one another', there is a difference between less than a sixth and a sixth, refunding not being obligatory in the former case but only in the latter. But with reference to hekdesch, even less than a sixth is returned. This is therefore what Resh Lakish means when he says that he is required to make up to the value of the dedication according to the Biblical law; whereas R. Johanan explains the Mishnah in the sense that there is no redress for overreaching, i.e., in the case of a sixth.

(15) Which says that the private individual must refund to hekdesch whatever loss might be incurred in redeeming.

(16) And valued the dedication at a higher figure.

(17) If the estimate was more favourable to hekdesch.

(18) The last three repudiating the assessment of the former.

(19) And we follow the view of the latter three.

(20) So that if three persons made the assessment, even if three others came afterwards and gave an estimate more favourable to hekdesch, we keep to the first estimate.

(21) Heb. tahath (v. preceding Mishnah).

(22) There being neither a sin-offering nor burnt-offering before him.

(23) A sin-offering being in front of him.

(24) A burnt-offering being in front of him.

(25) Implying its value, since if he meant to offer the animals themselves he would have said: 'These are burnt-offerings'.

(26) Which states that if one says: 'Instead of a sin-offering, instead of a burnt-offering', his words are of no consequence.

(27) Where, for example, a man dedicated the value of a child less than one month old, since the man knows that there is no fixed estimation for a child of that age, and so evidently he meant its value as sold in the market, for a person does not make an utterance without meaning something. And here, too, he means the animal he has in his house, or perhaps his

intention was a consecration for its value (sh. Mek.).

(28) Since it is fit to be offered as a peace-offering which can be a female.

(29) V. supra 19b.

(30) Another version: But if he said concerning a female animal: 'Behold this shall be a burnt-offering', it is consecrated as such and is sold after becoming blemished and can effect exchange, since it is itself fit for a peace-offering. This is unlike the opinion of R. Simeon b. Judah who says (supra 20b) that even if he dedicated it for a burnt-offering, it cannot effect exchange for the animal does not become holy in itself, since he does not hold miggo (v. Rashi and R. Gershom).

Talmud - Mas. T'murah 28a

CHAPTER VI

MISHNAH. ALL [ANIMALS] FORBIDDEN FOR THE ALTAR RENDER [OTHERS]¹ UNFIT, HOWEVER FEW [THE FORMER MAY BE].² [SUCH CASES ARE] AN ANIMAL WHICH COVERED [A WOMAN] AND [AN ANIMAL] THAT WAS COVERED [BY A MAN], MUKZEH,³ NE'EBAD,⁴ A [HARLOT'S] HIRE, THE PRICE [OF A DOG], KIL'AYIM,⁵ TREFAH AND THE FOETUS EXTRACTED BY THE MEANS OF A CAESAREAN SECTION. WHAT IS MEANT BY MUKZEH? THAT WHICH HAS BEEN SET ASIDE FOR IDOLATROUS USE; IT [THE ANIMAL ITSELF] IS FORBIDDEN,⁶ BUT WHAT IS UPON IT,⁷ IS PERMITTED.⁸ AND WHAT IS MEANT BY NE'EBAD? THAT WHICH HAS BEEN USED FOR IDOLATRY; BOTH IT [THE ANIMAL ITSELF] AND THAT WHICH IS UPON IT, ARE FORBIDDEN.⁹ IN BOTH CASES, HOWEVER,¹⁰ [THE ANIMAL] MAY BE EATEN.¹¹

GEMARA. It has been said: ALL [ANIMALS] FORBIDDEN FOR THE ALTAR RENDER [OTHERS] UNFIT HOWEVER FEW [THE FORMER MAY BE]. [Now what does the Mishnah inform us?]¹² That [the animals forbidden for the altar] are not neutralised in any larger number [of animals]. But have we not learnt this in a Mishnah? If any dedicated animals became mixed up with the sin-offerings which are condemned to die,¹³ or with an ox condemned to be stoned, even one in ten thousand [which are forbidden], all are condemned to die?¹⁴ And we raised the question: What does the Mishnah mean by the word 'even'?¹⁵ [And it was answered:] It means this: If any of the sin-offerings which are condemned to die became mixed up with dedicated animals, or an ox condemned to be stoned [became mixed up], even one in ten thousand,¹⁶ all are condemned to die.¹⁷ — It is necessary.¹⁸ You might think that there,¹⁹ since the animals are prohibited from being used profitably, there is no neutralisation,²⁰ whereas here,²¹ since the animals are permitted to be profitably used,²² I might have thought that they are neutralised in any larger number. [Our Mishnah therefore] informs us [that it is not so].²³

But have we not also learnt the cases [of an animal] which covered [a woman] and [an animal] that was covered [by a man]:²⁴ [If dedications] became mixed up with [an animal] of hullin which covered [a woman] and [an animal of hullin] which was covered [by a man]. they all pasture until blemished. They are then sold and with the money of the best among them²⁵ he brings an offering from the same kind?²⁶ — Said R. Kahana: I recited this tradition²⁷ in the presence of R. Shimi b. Ashi. He said to me: One [Mishnah]²⁸ deals with hullin²⁹ and the other³⁰ [Mishnah] deals with dedicated animals.³¹ And it was necessary [to teach both cases]; for if we had been taught only the case of dedicated [animals].³² [we might have thought] that the reason³³ was because the forbidden animals are rejected as unseemly,³⁴ whereas in the case of hullin,³⁵ we might have thought that [the forbidden animals] are neutralised.³⁶ But have we not also learnt this³⁷ with reference to hullin? The following are forbidden and render forbidden other hullin,³⁸ however minute in quantity: Forbidden wine,³⁹ idols, birds [brought] by a leper,⁴⁰ hides pierced at the heart,⁴¹ the hair of a Nazirite,⁴² the firstborn of an ass, meat and milk [boiled together],⁴³ an ox condemned to be stoned, the heifer whose neck was broken, hullin which was killed in the Temple court, and the goat sent away [to Azazel] these are forbidden⁴⁴ and render other hullin forbidden, however small in quantity.⁴⁵ — It

was necessary [to teach both Mishnahs], for if we had been informed only [of the Mishnah] there,⁴⁶ we might have thought that the reason⁴⁷ was because [the cases mentioned] are prohibited for general use, but here we might have thought they are neutralised in greater numbers; and if we had been informed only here,⁴⁸ [we might have said that the reason was] because it is loathsome to use [the animals] for the altar, but for private use, we might have thought that even things which are forbidden to be profitably used are neutralised in the greater numbers. [Our Mishnah] therefore informs us [that it is not so].⁴⁹

And whence do we derive that the case of [an animal] that covered [a woman] and [an animal] which was covered [by a man] are forbidden for the altar? — Our Rabbis have taught: [Scripture says:] Of the cattle,⁵⁰ this excludes⁵¹ the cases of [an animal] which covered [a woman] and [an animal] which was covered [by a man]. But can we not derive this from an analogy?⁵² If a blemished animal with which no sinful act has been done is forbidden for the altar, how much more should [an animal] that covered [a woman] and [an animal] which was covered [by a man] be forbidden for the altar? Let the law concerning one who ploughs with an ox and an ass [together] decide, since a sinful act has been done with it and yet it is allowed for the altar!⁵³ The case of ploughing with an ass and an ox together is, however, different since there is no punishment of death incurred, whereas in the cases of [an animal] that covered [a woman] and [an animal] which was covered [by a man] the punishment of death is incurred.⁵⁴ Then take away [the argument]⁵⁵ you have brought⁵⁶ and say that [you can rely upon the above analogy]⁵⁷ for the case of an animal with which a sinful act has been done according to the testimony of two witnesses;⁵⁸ but whence do we learn the case where a sinful act had been done according to the testimony of only one witness,⁵⁹ or where the owners confessed?⁶⁰ Said R. Simeon: I will bring forward an analogy [as follows]:⁶¹ If in the case of a blemished animal, where [the testimony] of two witnesses does not disqualify the animal from being eaten, the testimony of one witness disqualifies it from being offered [on the altar],⁶² then in the cases [of an animal] that covered [a woman] and [an animal] which was covered [by a man], where the testimony of two witnesses disqualifies the animal from being eaten,⁶³ how much more should the testimony of one witness disqualify the animal from being offered on the altar? The text therefore states 'of the cattle', to exclude the cases of an animal that covered [a woman] and [an animal] which was covered [by a man]. But have you not just inferred this from an analogy?⁶⁴

(1) With which they have become mixed up, unfit for being offered on the altar if the former are not recognised. In all the cases mentioned later in the Mishnah, it may always be that it will not be possible to recognise the forbidden one, except in the case of trefah which is always recognisable. Yet here too the case may arise where the gullet of the animal was pierced, the skin healed up and then it became mixed up with other animals (R. Gershom). Also the trefah here mentioned may refer to the offspring of a trefah (Rashi).

(2) Even if one animal forbidden for the altar became mixed up with a thousand other animals, all of them become unfit for the altar, since we cannot identify the forbidden one.

(3) Lit., 'set aside'. Explained later in the Mishnah.

(4) Lit., 'served'. Explained in the Mishnah.

(5) The offspring of a ewe which copulated with a he-goat.

(6) For the altar.

(7) Its ornaments and their value.

(8) As offerings for the altar.

(9) For the altar.

(10) I.e., mukzeh and ne'ebad.

(11) For private use, since a living thing cannot be forbidden.

(12) Inserted with Sh. Mek.

(13) Implying that one of the dedicated animals became mixed up with many sin-offerings which are condemned to die.

(14) Zeb. 70b.

(15) For since the cited Mishnah implies that one dedicated animal became mixed up with a large number of sin-offerings condemned to die, then surely the dedicated animals are all the more condemned to die if the number was

one fit animal as against ten thousand unfit ones?

(16) I.e., one forbidden animal among ten thousand fit ones for the altar.

(17) And we do not say that the forbidden animal is neutralised by the greater number of fit animals. What need then is there for our Mishnah to teach us the same?

(18) For our Mishnah to state that the forbidden animals are not neutralised in any larger number!

(19) The cited Mishnah referring to the cases of sin-offerings which are condemned to die and an ox condemned to be stoned, of which no use whatever may be made.

(20) As these forbidden animals are considered of great importance.

(21) Our Mishnah.

(22) An animal which covered a woman and which was covered by a man may be eaten by a private person, for the case dealt with here is where the evidence of covering is given by one witness, there being no punishment of stoning in such circumstances.

(23) And on the other hand if the Tanna had informed us here in our Mishnah that there is no neutralisation, I might have thought that here, since these animals are rejected for the altar, there is no neutralisation in any larger number and the animals pasture until blemished and are then eaten. But in the case of something which is forbidden even for a private person, as in the cases mentioned in the cited Mishnah, I might have thought that there would be neutralisation. We are therefore informed there that all the dedications which became mixed up are condemned to die, and that even in the case of a private person there is no neutralisation, since the Mishnah does not say there that a dedication shall pasture until blemished and be eaten by private people after redemption (v. Rashi and Zeb. 71b).

(24) That there is no neutralisation.

(25) The greatest in value among the animals, since we cannot identify the offering.

(26) If the offering which became mixed up was a peace-offering, then a peace-offering is brought, and if a burnt-offering, then a burnt-offering is brought, since the rights of hekdes are superior, v. Zeb. 71a. Consequently we see from here that there is no neutralisation in the larger number.

(27) Of there being two Mishnahs teaching the same thing.

(28) Our Mishnah.

(29) I.e., the mixing up of the forbidden animal took place when the other animals were hullin and he proceeded to dedicate them after the mixing.

(30) In Zeb. 72a.

(31) The mixing up of the forbidden animal with the dedicated animals.

(32) When the mixing up was with dedicated animals.

(33) Why there is no neutralisation in the greater number.

(34) Animals covered or that have been covered are rejected as unseemly for the altar.

(35) Since these animals of hullin are not rejected as unseemly for the altar when they became mixed up, as there was no share for the altar among them, and therefore when subsequently they were dedicated for the altar, it is quite in order, as they have already been neutralised (Rashi). In Zeb. the Talmud asks why then not state only the Mishnah in Temurah referring to hullin and then there would be no need for the Mishnah in Zebahim? And it answers that the reason is because the Mishnah in Zeb. informs us of something fresh, viz., that there is a remedy as regards dedications, i.e., that he sells etc., unlike the case in the Mishnah of Temurah where there is no remedy (v. Rashi).

(36) That there is neutralisation in the greater number.

(37) That there is no neutralisation in any larger number, even with actual hullin in the case of living things and important prohibitions (Rashi).

(38) When mixed up.

(39) Wine used for idolatrous libation.

(40) Which were let loose into the open field and from which it was prohibited to benefit.

(41) These were forbidden, because the heart had been cut out for idolatrous purposes.

(42) Which was burnt under the pot boiling the peace-offering.

(43) If the meat then became mixed up with even a thousand other pieces, they are all forbidden to be used in any way.

(44) To be profitably used.

(45) The prohibited thing may be; v. 'A.Z. 74a.

(46) In Zeb.

(47) Why there is no neutralisation.

- (48) The Mishnah of Temurah.
- (49) That they are not neutralised.
- (50) Lev. I, 2.
- (51) The word 'of' implying but not all cattle may be brought as a sacrifice.
- (52) A conclusion from minor to major, so that there is no need for a Scriptural text.
- (53) The same will therefore apply to the case of an animal that covered or was covered. There is thus need for a special text to render them unfit for the altar.
- (54) Therefore one can employ the above a minori argument and dispense with the special text.
- (55) From the ploughing with an ox and an ass together.
- (56) Since it is no question, for the reason just mentioned.
- (57) The conclusion from the minor to the major, quoted above.
- (58) That the animal is forbidden for the altar, since it is condemned to die.
- (59) In which case the animal is not condemned to die but is forbidden for the altar.
- (60) In which case the animal is exempted from death. In these cases surely a text is necessary.
- (61) And there is no need for a Scriptural text.
- (62) Since the expert says it is a permanent blemish, it is disqualified from being offered on the altar.
- (63) Since it is stoned to death.
- (64) Then why bring the Scriptural text?

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— Said R. Ashi: Because there is an objection to the basis of the analogy [as follows]: The case of a blemished animal is different, since its blemish is visible. Can you however say the same as regards the case of [an animal] which covered [a woman] and [an animal] which was covered [by a man] whose blemish is not visible? And since its blemish is not visible, it should be fit for the altar. The text therefore states: 'Of the cattle', to exclude the cases of [an animal] that covered [a woman] and [an animal] which was covered [by a man]. [The words:] Even of the herd,¹ exclude ne'ebad.² But can we not learn this from an analogy?³ If in the cases of a [harlot's] hire and the price [of a dog], whose overlayings are permitted,⁴ they [the animals themselves] are forbidden for the altar, in the case of ne'ebad whose overlayings are forbidden,⁵ how much more should the animal itself be forbidden for the altar?⁶ Or is it not the reverse⁷ [as follows]: If in the case of a [harlot's] hire, and the price [of a dog], which themselves are forbidden for the altar, yet their overlayings are permitted, in the case of ne'ebad which is permitted for the altar,⁸ how much more so should its overlayings be permitted? If so,⁹ you do away with the Scriptural text: Thou shalt not desire the gold and silver that is on them, nor take it into thee?¹⁰ I will explain the text: 'Thou shalt not desire the gold and the silver that is on them', as referring to a thing without life, but in the case of a living being [i.e., an animal], since it is permitted [for the altar], its overlayings should also be permitted.¹¹ The text therefore states: 'Even of the herd,'¹² in order to exclude the case of ne'ebad.¹³

To this R. Hanania demurred: The reason¹⁴ then is because the Scriptural text made a limitation, but if the text had not made a limitation, the overlayings would be permitted. But is it not written: And you shall destroy their names,¹⁵ implying everything made for them?¹⁶ — That is for the purpose of substituting a name for the idols. When [the idolaters] call a place Beth-Galia,¹⁷ [Israelites should call] it Beth Karia,¹⁸ Penei Hamolekh [they should call] Penei Keleb,¹⁹ 'Ain Kol²⁰ [they should call] 'Ain Koz.²¹ And why not reverse the exclusions [from the texts as follows]: 'Of the cattle' excludes ne'ebad and 'even of the herd' excludes the cases of [an animal] that covered [a woman] and [an animal] that was covered [by a man]? — In the one case²² we exclude something which is associated with the subject of the text, and in the other, we also exclude something which is associated with the subject of a text. With regard to [the feminine term] 'behemah' [cattle]²³ it is written: And if a man lie with a behemah [beast], he shall surely be put to death,²⁴ and with regard to [the masculine term] 'bakar' [herd] it is written: Thus they changed their glory with the similitude of an ox that eateth grass.²⁵

‘Of the flock’²⁶ excludes mukzeh;²⁷ ‘and of the flock’ excludes the goring ox²⁸ [from the altar]. Said R. Simeon: If Scripture [excludes the case] of roba’,²⁹ what need is there for [the exclusion of] the goring ox?³⁰ And if Scripture [excludes the case of] the goring ox, what need is there for [the exclusion of] the case of roba’? — Because there is a law applying to roba’ which does not apply to the gorer [and³¹ there is a law applying to the gorer which does not apply to roba’]. There is a law as regards roba’ that the unintentional act is on a par with the intentional act, unlike the case of the gorer.³² There is a regulation applying to the gorer that [the owner of the ox] pays indemnity,³³ unlike the case of roba’. There is need therefore [for Scripture] to mention [the exclusion] of roba’ and the gorer.³⁴

And the following Tanna derives this³⁵ from here [as follows]: For it has been taught as regards roba’ and nirba’ [etc.], if one dedicated them they are like dedicated animals in which a transitory blemish occurred before their dedication and which require a permanent blemish in order to redeem them, since it says: Because their corruption is in them, there is a blemish in them.³⁶ But how can you derive that from the text?³⁷ — A clause is missing [in the Baraita] which should read as follows: Whence do we infer that they are forbidden [for the altar]? Because Scripture says: ‘Because their corruption is in them, there is a blemish in them’. And a Tanna of the School of R. Ishmael taught: Whenever the term hashhatha [corruption] is used [in the Scriptures] it refers to lewdness³⁸ and idolatry.³⁹ ‘Lewdness’, as it Says: For all flesh had corrupted its way, etc.,⁴⁰ and ‘idolatry’, as it says: Lest ye corrupt yourselves and make you a graven image the similitude of any figure.⁴¹ [We thus argue:]⁴² Wherever a blemish disqualifies [an animal for the altar], ‘lewdness’ and ‘idolatry’ also disqualify them.⁴³

And how does the Tanna of the School of R. Ishmael expound the texts, Of the cattle, of the herd and of the flock?⁴⁴ — These [texts] are required by him in order to exclude the following cases: A sick, old or evil-smelling animal.⁴⁵ Now the former Tanna [quoted above] who derives the cases of roba’ and nirba’ as unfit for the altar from those texts,⁴⁶ whence does he derive the cases of a sick, old and evil-smelling animal [as being forbidden for the altar]? — He derives these from [the texts]: ‘And if of the flock, of the sheep, or of the goats.⁴⁷ And what will the Tanna of the School of R. Ishmael do with these texts?⁴⁸ — It is the way of Scripture to speak in such a manner.⁴⁹

WHAT IS MEANT BY MUKZEH? THAT WHICH HAS BEEN SET ASIDE FOR IDOLATROUS USE ETC. Said Resh Lakish: Mukzeh is forbidden only if it had been set aside for seven years,⁵⁰ since it says: And it came to pass that the Lord said unto him: Take thy father's young bullock even a second bullock of seven years old.⁵¹ But there [in the text], was it only a case of mukzeh? Was it not also a case of ne'ebad?⁵² Said R. Aha son of R. Jacob: It was designated for idolatry but they did not actually use it [as an idol]. Raba says: One can still maintain that they actually used it [the bull, as an idol],⁵³ but there it⁵⁴ was an innovation, as R. Aba b. Kahana explained. For R. Aba b. Kahana said: Eight things were permitted that night [as follows]: [The killing of an animal] outside [the tabernacle, the killing] at night,⁵⁵ [the officiating by] a non-priest,

(1) Lev. I, 2.

(2) That an animal which has been used for an idolatrous purpose is forbidden for the altar. We infer this from ‘of’, taken in a partitive sense.

(3) A conclusion from the minor to the major that ne'ebad is forbidden for the altar. What need then is there for a Scriptural text?

(4) If after he had given the harlot an article he overlayed it with gold or silver etc, the overlay may be brought to the Temple for the covering of the altar.

(5) Scripture saying: Thou shalt not desire the gold and silver etc. (Deut. VII, 25).

(6) Granted that the animal cannot be prohibited for private use, since a living thing cannot be forbidden, nevertheless it should be unfit for the altar, seeing that its overlayings are forbidden even for private use. What need therefore is there

for a Scriptural text?

(7) If there existed no text, then I might have reversed the analogy.

(8) Since there is no explicit Scriptural text which prohibits (Rashi).

(9) That the overlaying of an idol used also as an idol is permitted to be used.

(10) Deut. VII, 25. One cannot therefore reverse the analogy and say that the overlayings of a ne'ebad may be used for a sacred purpose. We therefore might have inferred from the analogy above that a ne'ebad is forbidden for the altar, and therefore a Scriptural text is not required to exclude a ne'ebad.

(11) And therefore I can reverse the analogy and derive that a ne'ebad is fit for the altar and that its overlayings are also permitted to be used.

(12) 'Of', implying a restriction and limitation.

(13) That it is forbidden for the altar. And since the animal is forbidden to be offered, the overlayings are also forbidden, even for private use, as we apply here the text: 'Thou shalt not desire the gold and silver that is on them' (Rashi and Tosaf.).

(14) Why the overlayings of a ne'ebad are forbidden to be used.

(15) Deut. XII, 3.

(16) Lit., 'in their name'.

(17) Lit., 'the high house'.

(18) A House of Heaps (ruins), in derogation. It is a cacophemistic change of name.

(19) A contemptuous change of name, from 'face of molekh' to 'face of a dog'.

(20) Lit., 'the eye of all'.

(21) Koz means a thorn, another contemptuous change of name.

(22) Lit., 'there'.

(23) We find the word behemah in connection with the case of an animal that covered a woman and an animal which was covered by a man, while in connection with idolatry we find the word bakar (herd) used.

(24) Lev. XX, 15.

(25) Ps. CVI, 20. The term used there is the masculine 'shor' (ox).

(26) Lev. I, 2.

(27) That which is set aside for idolatrous purposes.

(28) Which killed a man according to the evidence of one witness, where the animal is not stoned to death.

(29) An animal which covered a woman, from being offered on the altar.

(30) Since both are alike in this, that both animals are stoned to death on the testimony of two witnesses.

(31) Inserted with Sh. Mek.

(32) Only an ox which goes on its own accord is condemned to be stoned to death, but not an ox of the arena which is forced by others to gore.

(33) For killing a man, although the ox is stoned to death.

(34) That they are unfit for the altar.

(35) That roba' and nirba' (that which covered or had been covered) are forbidden for the altar.

(36) Lev. XXII, 25.

(37) What bearing has the text just quoted on roba' and nirba'?

(38) Illicit sexual relations.

(39) And roba' and nirba' are cases of 'lewdness' and mukzeh, and ne'ebad are cases relating to idolatry.

(40) Gen. VI, 12.

(41) Deut. IV, 16.

(42) Comparing the earlier part of the text: 'Because their corruption etc.' with the latter part: 'There is a blemish in them'.

(43) From being offered on the altar.

(44) Since he derives the exclusion of roba' etc. from the text: 'Because their corruption, etc.'.

(45) As being unfit for the altar.

(46) 'Of the cattle etc.'.

(47) An entirely different verse, Lev. I, 20.

(48) 'And If of the flock, etc.' just quoted.

(49) That no special interpretation is meant in the way of excluding any cases from being offered.

(50) And after the conclusion of seven years the animal is to be offered to the idols.

(51) Judg. VI, 25. Having fattened it for seven years. We therefore see that this is the usual period for fattening before it is used for idolatrous purposes.

(52) Since Scripture says: And throw down the altar of Baal (Judg. VI, 25) which means the altar which was built for the bullock which was Baal (R. Gershom).

(53) And yet you cannot derive any law from this particular incident.

(54) The whole incident of Gideon here.

(55) Scripture saying: He did it by night (Ibid. 27).

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[without] a ministering vessel,¹ ministering with vessels of asherah,² the wood of asherah,³ mukzeh and ne'ebad.

R. Tobi b. Mattenah reported in the name of R. Josiah: Where in the Torah is mukzeh intimated?⁴ Since it says: Shall ye observe to offer unto Me,⁵ intimating that every dedication requires special observation.⁶ To this Abaye demurred: If this is so, if one brought a lean lamb without having kept it under observation, is it really the case that it is not fit to be offered on the altar? He [R. Tobi] replied to him [Abaye]: I mean [the text says]: 'Shall ye observe to offer unto Me', 'unto Me' implying but not to another lord. What is meant by another lord to whom offering is made? It is idolatry.⁷

Raba son of R. Adda reported in the name of R. Isaac: Mukzeh remains forbidden only until it has been used for some work.⁸ 'Ulla reported in the name of R. Johanan: Until the animal is handed over to the ministers of the idol [to be eaten].⁹ Beha¹⁰ reported in the name of R. Johanan: Until they feed the animal with vetches set aside for idolatry.¹¹ Said R. Abba to Beha: Do you¹² and 'Ulla differ? — He replied to him: No. 'Ulla himself means that it is fed¹³ with vetches set aside for idolatry. R. Abba said: Beha knew how to explain this teaching. Had he not, however, gone¹⁴ there [Palestine], he would not have known how to explain it, for it was the Land of Israel which was the cause.¹⁵ Said R. Isaac to him: Beha belonged to both Babylon¹⁶ and the Land of Israel.¹⁷

R.¹⁸ Hanania of Trita¹⁹ recited in the presence of R. Johanan: Mukzeh remains forbidden only until some act has been done with it. He taught this and also explained: What is meant by some act? — Such as shearing its wool or doing some work with it.

WHAT IS MEANT BY NE'EBAD etc. Whence is this proved?²⁰ Said R. Papa: Since Scripture says: From the well-watered pastures of Israel;²¹ this intimates,²² from what is legitimate for Israel.²³ Now if you were to assume that they²⁴ are forbidden for private use, what need is there for a [special] Scriptural text²⁵ to exclude them from the altar?²⁶ But is it the case that wherever a thing is forbidden for private use there is no need for a Scriptural text?²⁷ Is there not the case of trefah which is forbidden for private use and yet a Scriptural text excludes it from being offered on the altar? For it has been taught: [Even of the herd²⁸ excludes ne'ebad.²⁹ Perhaps it is not so, and the object of the text is to exclude trefah?] When Scripture however says further on: Of the herd,³⁰ which there is no need to repeat, it must be in order to exclude the case of trefah from the altar!³¹ — [Both] texts³² are necessary. For you might think that the text³³ refers to a case where the animal became trefah and then it was dedicated,³⁴ but where the animal was dedicated and then it became trefah, I might have thought that it is legitimate [for the altar].³⁵

But we do not derive this³⁶ from the following. [It says:] Whatsoever passeth under the rod,³⁷ thus excluding the case of trefah which cannot pass.³⁸ — That text³⁹ is also necessary. You might have thought that [the former text] refers only to an animal which was at no time fit for the altar, having been born a trefah in the inside of its mother; but in a case where it was fit at one time [for the altar], and it was born⁴⁰ and then became trefah, I might have thought that it is legitimate for the altar. [The

text]⁴¹ therefore teaches us [that it is not so].⁴² MISHNAH. WHAT IS MEANT BY A [HARLOT'S] HIRE? IF ONE SAYS TO A HARLOT: TAKE THIS LAMB FOR YOUR HIRE, EVEN IF THERE ARE A HUNDRED LAMBS, THEY ARE ALL FORBIDDEN [FOR THE ALTAR]. SIMILARLY, IF ONE SAYS TO HIS FELLOW: HERE IS A LAMB AND ASSIGN YOUR [NON-ISRAELITISH] MAIDSERVANT FOR MY SERVANT, R. MEIR⁴³ SAYS: IT [THE LAMB] IS NOT REGARDED AS [HARLOT'S] HIRE, WHEREAS THE SAGES SAY: IT IS REGARDED AS [HARLOT'S] HIRE.

GEMARA. The Master says: EVEN IF THERE ARE A HUNDRED LAMBS THEY ARE ALL FORBIDDEN. How is this meant? Shall I say that she took a hundred animals for her hire? Surely it is obvious that they are all forbidden [for the altar]! What is the difference whether there be one or a hundred [lambs]?⁴⁴ — No; it is necessary⁴⁵ in a case where she took one lamb as her hire⁴⁶ and he gave her a hundred; all are then forbidden, since they all come by reason of the hire.⁴⁷

Our Rabbis have taught: If he gave her,⁴⁸ but he had no intercourse with her, if he had intercourse with her, but did not give her, her hire is legitimate [for the altar]. In the case where he gave her but did not have intercourse with her, do you call this her hire? And, moreover, the case where he had intercourse with her but did not give her, [you say that her hire is legitimate]. But what did he give her? — What is meant is this: If he gave her and then had intercourse with her, or if he had intercourse with her and then gave her [a lamb for] her hire, it is legitimate [for the altar]. But should not the law of [harlot's] hire take effect retrospectively?⁴⁹ — Said R. Eleazar:

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- (1) I.e., one consecrated for the purpose of ministry.
 - (2) With the same vessel that he ministered to Asherah (a tree or grove worshipped as a god), he ministered to the Name.
 - (3) With which he burnt the offering.
 - (4) Misunderstood by Abaye as meaning: Where is it intimated that an animal must be kept in an enclosed space for some time to be looked after before it can be offered on the altar?
 - (5) Num. XXVIII, 2.
 - (6) To be designated and looked after before being offered.
 - (7) R. Tobi therefore says: Whence in the Torah is mukzeh, an animal designated for idolatry, forbidden?
 - (8) Whereby its designation for the idolatrous altar is annulled. This is Rashi's second interpretation which he prefers. The first interpretation is: Mukzeh is forbidden only when some work has been done with it, but previous to this there is no prohibition for the altar.
 - (9) After which it will no longer be offered on the altar.
 - (10) The name of an Amora.
 - (11) To fatten them for the idolatrous priests.
 - (12) V. Sh. Mek.
 - (13) Lit., 'he rubs for it'.
 - (14) Var. lec. 'come up from'.
 - (15) For the air of the Land of Israel made people wise.
 - (16) Lit., 'from here and here'.
 - (17) And had the advantage of studying in both countries and his wisdom was not due only to his being a student from the Land of Israel.
 - (18) V. Marginal Gloss.
 - (19) In Babylonia.
 - (20) That mukzeh and ne'ebad are permitted to be eaten privately.
 - (21) Ezek. XLV, 15. The verse refers to the bringing of sacrifices.
 - (22) That an offering can be brought.
 - (23) To be eaten.
 - (24) Mukzeh and ne'ebad.
 - (25) 'Of the herd, of the flock', the former text including ne'ebad and the latter excluding mukzeh.
 - (26) Lit., 'the Most High'. Since we can exclude mukzeh and ne'ebad as regards offering them on the altar from the text:

'From the well-watered pastures' inasmuch as they are forbidden to Israel! The fact therefore that the special Scripture texts are required proves that mukzeh and ne'ebad are permitted to be eaten privately.

(27) To render it unfit for the altar.

(28) Lev. I, 2. The bracketed passage is inserted with Sh. Mek.

(29) That an animal which is used as an idol is forbidden for the altar.

(30) Lev. I, 3.

(31) And since the second text certainly excludes the case of trefah, therefore the first text must exclude ne'ebad. We see therefore that although trefah is forbidden to be eaten there is a special Scripture text to exclude it from the altar (Rashi).

(32) 'From the well-watered' and 'of the herd etc.'

(33) 'From the well-watered pastures etc.'

(34) In which case, since it was trefah and forbidden to be eaten before the dedication, it is unfit for the altar.

(35) The text therefore 'of the herd etc.' excludes trefah from being offered on the altar, even where the trefah occurred subsequently to the dedication (Rashi).

(36) That where one dedicated an animal and it afterwards became trefah, it is forbidden for the altar.

(37) Lev. XXVII, 32.

(38) Since it implies that although the animal entered the shed to be tithed it was not trefah, if it became trefah, i.e., if its legs were broken from the ankle upwards after entering the shed, so that it cannot pass under the rod, it is excluded from being offered on the altar (R. Gershom).

(39) 'All that passeth etc.'

(40) Lit., 'came into the air space of universe'.

(41) 'All that passeth'.

(42) And where the animal became trefah after its birth and was dedicated, it was also forbidden for the altar. And the text, 'of the herd' excludes the case of the animal which became trefah after dedication (Rashi).

(43) Var. lec. 'Rabbi'.

(44) As they are all a harlot's hire and forbidden for the altar.

(45) For the Mishnah to say that even a hundred animals are forbidden.

(46) The man only promised her one lamb.

(47) And we do not say that they were given to her as a present.

(48) A lamb as hire.

(49) In the case where he gave her a lamb before he had intercourse with her, why should not the lamb be considered her hire? For, since at the time of the intercourse the lamb is alive, and he had intercourse with her on the strength of promising it, then wherever the lamb is to be found, it should be regarded as the hire of a harlot. Now there is no difficulty in the case where he had intercourse with her and then gave her a lamb, for one might say that since the animal was not assigned to her at the time of the intercourse, it was not forbidden for the altar and should be regarded as a present (Rashi).

Talmud - Mas. T'murah 29b

[We are dealing with a case] where she offered [the lamb] before [intercourse]. How are we to understand this? Shall we say that he gave her immediate possession [of the lamb]?¹ Surely it is obvious that it is legitimate for the altar,² since so far he has had no intercourse with her!³ Shall we then suppose that he said: Do not acquire ownership of it [the lamb] until the time of intercourse?⁴ But can she in such conditions offer it, Seeing that the Divine Law says: And when a man shall sanctify his house to be holy unto the Lord,⁵ [and we infer] just as 'his house'⁶ is in his possession,⁷ So all things must be in his possession?⁸ — No. It is necessary⁹ where he said: '[The lamb] shall not be acquired by you until the time of intercourse, but if you need it,¹⁰ let it be acquired by you from now'.¹¹

R. Oshaia asked: What is the ruling if she dedicated the lamb before [the intercourse]? — But why not solve this from the teaching of R. Eleazar, since R. Eleazar said [above]: Where she offered [the lamb] before [the intercourse]? Now [he says] that where she offered it, it is legitimate [for the altar] because it is not in existence at the time of the intercourse, implying that where she dedicated it,

[since the animal is in existence at the time of the intercourse],¹² it is forbidden [for the altar]?¹³ — This itself is the inquiry of R. Oshaia:¹⁴ [Do we say that] where she offered it, since it is not in existence at the time of the intercourse, the animal is legitimate [for the altar], but where she dedicated it at the time of the intercourse, the animal is forbidden [for the altar],¹⁵ or perhaps since we have learnt: The word of mouth is in dedication what delivery is in private transaction,¹⁶ [if she] dedicated it, it is legitimate [for the altar], and all the more is it legitimate [for the altar] if she offered it?¹⁷ — Let it remain undecided.

[The Master said:]¹⁸ ‘If he had intercourse with her and then he gave her her hire, it is legitimate for the altar’. But has it not been taught: If he had intercourse with her and he gave her a lamb, even after twelve months,¹⁹ the hire is forbidden [for the altar]? — Said R. Hanan son of R. Hisda: There is no difficulty. Here²⁰ we suppose that he said to her: ‘Submit to intercourse for this lamb,’²¹ and there²² that he said to her: ‘Submit to intercourse for a lamb’, without specifying.²³ [And²⁴ if he said to her: ‘Submit to intercourse] for this animal’, is the animal forbidden for the altar? Is not meshikah²⁵ still wanting?²⁶ — We are dealing with a non-Israelitish harlot who does not acquire possession by meshikah.²⁷ And if you prefer [another solution] I may say that we are even dealing with an Israelitish harlot,²⁸ where e.g., the animal is standing in her courtyard.²⁹ If so, surely he gave it to her at the beginning?³⁰ [And, moreover, surely the animal is forbidden in such a case!]³¹ — We suppose that he assigned to her the animal as security and said to her: ‘If I give you your money on a certain day, well and good. And if not, the [whole] lamb will be your hire’.³²

Said Rab: The law of [harlot's] hire applies to a male³³ and to all forbidden relations, except the hire of his wife when she is a niddah.³⁴ What is the reason? It is written: ‘A harlot’,³⁵ and a niddah is not a harlot. Levi, however, says: Even of his wife when a niddah. What is the reason? It is written: An abomination,³⁶ and this is also an abomination. But as to Levi, is it not written: ‘A zonah [harlot]’?³⁷ — He can answer you: [It is to intimate] zonah but not zoneh.³⁸ And whence will Rab infer [the limitation of] zonah but not zoneh? — He would derive it from the dictum of Rabbi. For it has been taught: Rabbi said, Hire is forbidden only when it comes to him through a transgression.³⁹ But the hire of his wife when a niddah,⁴⁰ or payments for her loss of time,⁴¹ or if she [the harlot] gave him a lamb for hire — these are legitimate [for the altar]. And although there is no proof for it in the Bible,⁴² there is an indication of it,⁴³ [Scripture saying:] And in that thou givest hire, and no hire is given unto thee, thus thou art contrary.⁴⁴ And what does Rab do with the text: ‘An abomination’?⁴⁵ — He needs it for the teaching of Abaye. For Abaye said: The hire of a heathen harlot is forbidden for the altar. What is the reason? Here it is written: ‘An abomination’, and there Scripture says: For whosoever shall commit any of these abominations.⁴⁶ [We therefore argue,] just as there the reference is to forbidden relations where betrothal has no effect, similarly here [in the case of a harlot] we are dealing with a case where betrothal has no legal effect. And a priest who has intercourse with her is not punished with lashes for [having intercourse with] a zonah. What is the reason? Since Scripture says: And he shall not profane his seed,⁴⁷ implying such seed as is attributed to him, to the exclusion of a heathen women whose seed is not attributed to him.⁴⁸ The hire of an Israelitish harlot is legitimate [for the altar]. What is the reason? Because betrothal has effect with her. And a priest who has intercourse with her is punishable [with lashes] for [having intercourse with] a zonah. What is the reason? Because his seed is attributed to him.⁴⁹ Raba, however, says: In both cases⁵⁰ her hire is forbidden for the altar, and a priest who has intercourse with her is punishable [with lashes] for [having intercourse with] a zonah. What is the reason? We infer one from the other.⁵¹ Just as in the case of an Israelitish harlot there is a negative command,⁵² similarly there is a negative command in connection with a heathen harlot. And just as the hire of a heathen harlot is forbidden [for the altar], similarly the hire of an Israelitish harlot is also forbidden [for the altar].

An objection was raised: The hire of either a heathen harlot or an Israelitish harlot is forbidden [for the altar]. Shall we say that this refutes Abaye?⁵³ — Abaye can answer you: This⁵⁴ will

represent the view of R. Akiba who holds that betrothal takes no effect in relationships involving the infringement of a negative command.⁵⁵ [But⁵⁶ does not the Baraitha say in a later clause, as e.g., a widow for a High Priest and a divorcee or one who has performed halizah for a common priest, her hire is forbidden?]⁵⁷ This is what [the Baraitha] informs us, that [in the case of any harlot with whom betrothal takes no effect] as is the case with a widow [for a High Priest], the hire is forbidden.⁵⁸

And according to Raba, why does [the Baraitha] say: ‘As e.g., the case of a widow for a High Priest’?⁵⁹ — [The Baraitha means:] It is like the case of a widow [for a High Priest]: Just as a widow for a High Priest is not punishable with lashes until she is warned, similarly with a harlot there is no prohibition until he said to her: ‘Here is [the hire]’,⁶⁰ thus excluding the teaching of R. Eleazar. For R. Eleazar said: If an unmarried man had intercourse with an unmarried woman without the intention thereby of making her his wife, he makes her a harlot. Where, however, she is already a harlot, even if he gave her a lamb [without giving the reason, Raba also agrees that] it is forbidden for the altar.

Another version: [The Baraitha] above refers to forbidden relations, where betrothals take no effect.⁶¹ But does not the latter clause say: As e.g., a widow for a High Priest, a divorcee or one who has performed halizah for a common priest, her hire is forbidden? Now in these cases betrothals take effect!⁶² — [The Baraitha] will represent the opinion of

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- (1) When he presented it to her.
 - (2) Even if she did not hurry to offer it, as the law of hire does not here apply at all (R. Gershom).
 - (3) When he gave it to her.
 - (4) And she hurried to offer it before there was intercourse.
 - (5) Lev. XXVII, 14.
 - (6) Which he wishes to dedicate.
 - (7) Must be his to dedicate.
 - (8) In order to be able to dedicate them. And here since the lamb only becomes hers at the time of intercourse, how can she legitimately offer it beforehand?
 - (9) For the Baraitha above to say that the hire is legitimate for the altar.
 - (10) To be eaten or sacrificed on the altar.
 - (11) We therefore regard it as a case of being in her possession to dedicate, since she can use it if she is in need. And since he said to her that the lamb is only hers at the time of intercourse, the Baraitha therefore needs to inform us that it is not a hire if she hurried and offered it before the act of intercourse.
 - (12) Inserted with Sh. Mek.
 - (13) What therefore is R. Oshaia's inquiry about?
 - (14) R. Eleazar's teaching itself is a matter of doubt with R. Oshaia.
 - (15) As it is in existence at the time of intercourse.
 - (16) And one cannot withdraw from his word.
 - (17) Before the intercourse.
 - (18) Inserted with Sh. Mek.
 - (19) After intercourse.
 - (20) In the Baraitha which says that the lamb is forbidden for the altar.
 - (21) And since he gave it to her at the time of intercourse, the law of hire has effect immediately on the animal and even if she did not receive it till twelve months later, it is forbidden for the altar (v. Sh. Mek.).
 - (22) In the Baraitha which says that the animal is legitimate for the altar.
 - (23) A particular lamb. What he therefore sends her afterwards is merely a present but not a harlot's hire.
 - (24) Inserted with Sh. Mek.
 - (25) A method of acquisition, drawing into one's possession the object to be acquired, v. Glos. s.v.
 - (26) Since payment alone does not confer possession and therefore she does not acquire it at the time of intercourse.
 - (27) V. Bek. 13a.
 - (28) And it can be explained that from the time that intercourse took place she possessed the animal.
 - (29) And one's courtyard can effect possession for a person.

- (30) Before the intercourse, if the animal was placed in her courtyard. Why then does the Baraitha say that he had intercourse with her and then gave the lamb to her?
- (31) V. Marginal Gloss. This appears to have been the reading in Rashi.
- (32) Therefore when the day came and he did not give her the money, the animal is regarded as having been hers from the time of the act of intercourse. Nevertheless the Baraitha rightly says: 'And then he gave her the animal', since it was not hers till that particular day arrived. The Baraitha therefore needs to inform us that in such circumstances the animal is forbidden for the altar.
- (33) If he had intercourse with a male and gave him a hire, the animal is forbidden to be offered.
- (34) A woman during her menstruation period.
- (35) Deut. XXIII, 19.
- (36) Ibid.; Scripture saying: 'For the abomination of the Lord thy God etc.' And intercourse with a niddah is also an abomination, for it is mentioned in connection with illicit relations and with reference to all these relations the Bible says: For all these abominations (Lev. XVIII, 27).
- (37) And a niddah is not a harlot (zonah).
- (38) The male committing lewdness. I.e. , that if she gave him a hire, it is legitimate for the altar.
- (39) When there is no legitimate aspect to the act of intercourse.
- (40) Since she becomes permissible for him after the period of menstruation.
- (41) But not for the act of cohabitation.
- (42) That it is legitimate to be offered.
- (43) That the hire given to a male is not included in the law.
- (44) Ezek. XVI, 34. Hence what she gives him is not hire (Rashi).
- (45) Since he does not use it for Levi's teaching.
- (46) Lev. XVIII, 29.
- (47) Lev. XXI, 15.
- (48) The seed from a non-Jewess is called her child but not his.
- (49) Since the harlot is an Israelitish woman, the children are his, i.e., Jewish.
- (50) Whether the harlot be an Israelitish or heathen woman.
- (51) The case of a heathen harlot from the case of an Israelitish harlot and vice versa.
- (52) 'Neither shall he profane etc.'
- (53) Who holds that the hire of an Israelitish harlot is permissible for the altar.
- (54) The Baraitha just quoted.
- (55) And since there is the negative command: 'Neither shall he profane' in connection with an Israelitish harlot, her hire is forbidden.
- (56) The bracketed passage is inserted passage is inserted with Bah.
- (57) And these examples are presumably adduced as instances where the betrothal takes effect and yet the hire is forbidden though the relationships involve no infringement of a negative command!
- (58) The text in the Gemara is in disorder. V. Commentaries.
- (59) Since according to him every harlot's hire is forbidden. Why therefore specifically mention the case of a widow for a High Priest?
- (60) According to Raba, however, the first intercourse does not make her into a zonah, and consequently unless he tells her 'this is your hire', what he gives her is considered a mere gift.
- (61) And therefore even the hire of an Israelitish harlot is forbidden.
- (62) And yet the hire is forbidden.

Talmud - Mas. T'murah 30a

R. Eleazar, who said: If an unmarried man has intercourse with an unmarried woman without the intention thereby of making her his wife, he makes her a harlot.¹ If [the Baraitha] represents the opinion of R. Eleazar, why take the case of a widow for a High Priest?² Why not take the case of an unmarried woman? — It was necessary to take the case of a widow [for a High Priest]. [For otherwise] you might think that since this³ is the typical case⁴ the [other cases] are not forbidden. [The Baraitha] informs us [that it is not so].

IF ONE SAYS TO HIS FELLOW: HERE IS THIS LAMB FOR YOU etc. But is not a bondwoman permitted for a slave?⁵ — Said R. Huna: [The Mishnah means] for himself,⁶ and the reason why it says, MY SLAVE is because it is a more refined expression to use. If this is so, what is the reason of R. Meir?⁷ — Said Samuel son of R. Isaac:⁸ One can still say that the Mishnah actually means, MY SLAVE, and it refers to a Hebrew slave. If this is so, what is the reason of the Rabbis, since a bondwoman is permitted for a Hebrew slave? — The case here is where he does not possess a wife and children. For it has been taught: If a Hebrew slave does not possess a wife and children, his master cannot hand over a Canaanitish slave to him,⁹ but if he possesses a wife and children, his master can hand over a Canaanitish slave to him. MISHNAH. AND WHAT IS MEANT BY THE PRICE OF A DOG?¹⁰ IF ONE SAYS TO HIS FELLOW, HERE IS THIS LAMB INSTEAD OF [THIS] DOG.¹¹ AND LIKEWISE IF TWO PARTNERS DIVIDED [AN ESTATE] AND ONE TOOK TEN LAMBS AND THE OTHER NINE AND A DOG, ALL THOSE TAKEN INSTEAD OF THE DOG ARE FORBIDDEN [FOR THE ALTAR],¹² BUT THOSE TAKEN WITH A DOG ARE LEGITIMATE [FOR THE ALTAR]. THE HIRE OF A DOG¹³ AND THE PRICE OF A HARLOT¹⁴ ARE LEGITIMATE [FOR THE ALTAR], SINCE IT SAYS: [FOR EVEN] BOTH [OF THESE]¹⁵ ‘BOTH’ BUT NOT FOUR.¹⁶ THEIR ISSUE¹⁷ ARE LEGITIMATE [FOR THE ALTAR SINCE IT SAYS]: [BOTH OF THESE,] IMPLYING THEY¹⁸ BUT NOT THEIR ISSUE.

GEMARA. Our Rabbis have taught: ‘A mekir of a dog’,¹⁹ this refers to that taken in exchange for a dog. And likewise it says:²⁰ Thou sellest thy people for naught and hast not set high their price.²¹

And why not say [that mekir means] the hire [of a dog]?²² — The text ‘both’ implies, but not three.²³ But did we suggest the hire and the price of a dog; what we suggested is that [it means] the hire and not the price? — If so, let Scripture say: Thou shalt not bring the hire of a harlot and a dog. Since Scripture says: The hire of a harlot or the price of a dog, you can prove from here [that it means the price but not the hire of a dog].

PARTNERS WHO DIVIDED [THEIR ESTATE] AND ONE TOOK etc. But why not take out [one lamb] for the dog, and all the remaining [lambs] should then be legitimate [for the altar]? — We are dealing here with a case where the value of the dog was greater than the value of any one [of the corresponding lambs] and this additional amount is distributed over all [the corresponding lambs].²⁴

THE HIRE OF A DOG AND THE PRICE OF A HARLOT ARE LEGITIMATE etc. Said Raba of Parzakia²⁵ to R. Ashi:

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- (1) And therefore the hire is forbidden, whereas Abaye will hold the opinion of the Rabbis who dispute with R. Eleazar.
 - (2) In the latter clause of the Baraitha.
 - (3) The case mentioned by R. Eleazar.
 - (4) If the case of an unmarried man who had intercourse with an unmarried woman had been taken, I might have regarded it as typical, and said that only where there is no prohibition as regards intercourse is the hire forbidden, but where intercourse is prohibited hire is not forbidden, and therefore in the case of a widow for a High Priest etc. the hire is not forbidden. The Baraitha therefore takes as example the case of a widow for a High Priest, etc.
 - (5) Why therefore do the Rabbis hold in our Mishnah that the lamb is a harlot's hire?
 - (6) I.e., the Israelite. And as regards himself, he is forbidden to have intercourse with a bondwoman.
 - (7) Who says in the Mishnah that it is not a harlot's hire. V. Bah.
 - (8) Var. lec. b. Nahmani.
 - (9) Because Scripture says: If he came in by himself, he should go out by himself (Ex. XXI, 3). R. Meir, who says that it is not a harlot's hire, does not however agree to this and holds that even if the Hebrew slave has no wife and children, his master can hand over a Canaanitish slave to him.
 - (10) V. Deut. XXIII, 19.
 - (11) The lamb is forbidden for the altar as ‘price of a dog’.

- (12) Since one can describe each lamb as the equivalent and price of the dog.
- (13) If one gave a lamb to his neighbour in order to allow him to abuse his dog.
- (14) The price obtained for selling a harlot.
- (15) Deut. XXIII, 19.
- (16) And there are no other cases where the lamb is forbidden in such circumstances. Now to add the cases of hire of a dog and price of a harlot would be to make four cases.
- (17) Sc. of the lamb received as harlot's hire or price of a dog.
- (18) The emphasis is on 'these'.
- (19) 'The price of a dog'.
- (20) Ps. XLIV, 13.
- (21) The term used is mehir. We therefore see that mehir means 'the price'.
- (22) For this reading cf. Rashi and Wilna Gaon.
- (23) And by adding the case of hire of a dog there would be three cases of abomination.
- (24) Where not one of the corresponding lambs is of equal value to the dog, some of the additional value of the dog is extended to each of the opposite lambs. E.g., suppose that each of the corresponding lambs was worth a denar, making altogether ten denars and each of the nine lambs with the dog was worth a denar minus a ma'ah (v. Glos.), the dog thus being worth one denar plus nine ma'ah. Then nine of the opposite lambs are regarded as possessing something of the value of the dog, while the tenth lamb just corresponds to what is left of it. The Jerushalmi explains this as follows: If the ten lambs are each worth four zuz and a tenth, making a total of forty-one zuz, and the dog is worth five zuz, then the nine remaining lambs with it are worth thirty-six zuz or four zuz each, one tenth of a zuz less than each of the others. Hence each lamb in one set is the equivalent of each of the nine opposite lambs plus the tenth of a zuz, and this tenth is the equivalent of a portion of the dog and therefore causes them all to be forbidden for the altar as 'the price of a dog'.
- (25) Farausag, near Nehardea.

Talmud - Mas. T'murah 30b

Whence do we derive what the Rabbis taught that the term harlotry¹ does not apply to animals?² — He said to him: If that were so, Scripture would not omit to say: 'The hire of a harlot and a dog'.

We have learnt to the same effect:³ Whence do we infer that the hire of a dog and the price of a harlot are legitimate [for the altar]? Because it says: 'Both' — but not four.⁴ Their issue are legitimate for the altar, since it says: 'Both of them', implying they, but not their issue.

Said Raba: The issue of a beast which was used for buggery [while pregnant] is disqualified [for the altar], for mother and young have been abused. The issue of a beast which gored [while pregnant] is disqualified for the altar, for mother and young have gored. The issue of a beast which was designated for idolatry⁵ or used for idolatry⁶ [while pregnant] is legitimate [for the altar]. What is the reason? Its mother was designated for idolatry and its mother was used [as such].⁷ Some there are who say: Even the issue of a beast which was designated or used for idolatry [while pregnant] is also disqualified [for the altar]. What is the reason? Its full appearance is welcome to him.⁸

R. Ahadboi b. Ammi in the name of Rab reported: If one betrothed with the dung of an ox condemned to be stoned, the act is valid.⁹ [If one betrothed however] with the dung of the calves set aside for idolatry, the act is not valid. What is the reason? I may say it is intimated in Scripture and I may say that reason tells us so. I may say that reason tells us so, since for purposes of idol worship its full appearance is welcome to him,¹⁰ whereas in the case of an ox condemned to be stoned, its full appearance is not welcome to him.¹¹ I may say it is intimated in Scripture. With reference to idolatry it is written: Lest thou be a cursed thing like it,¹² thus intimating that whatever comes from it¹³ is like it and forbidden; whereas with reference to an ox condemned to be stoned, it is written: And its flesh shall not be eaten¹⁴ — 'its flesh' is forbidden, its dung is permitted.¹⁵

MISHNAH. IF HE GAVE HER [A HARLOT] MONEY AS HIRE IT IS LEGITIMATE [FOR

THE ALTAR, BUT IF HE GAVE HER] WINE, OIL, FLOUR AND ANYTHING SIMILAR WHICH IS OFFERED ON THE ALTAR, IT IS DISQUALIFIED FOR THE ALTAR. IF HE GAVE HER DEDICATED [ANIMALS] THEY ARE LEGITIMATE [FOR THE ALTAR]. IF HE GAVE HER BIRDS [OF HULLIN]¹⁶ THEY ARE DISQUALIFIED,¹⁷ FOR ONE MIGHT HAVE REASONED [AS FOLLOWS]: IF IN THE CASE OF DEDICATED ANIMALS, WHERE A BLEMISH DISQUALIFIES THEM, [THE LAW] OF [THE HARLOT'S] HIRE AND PRICE [OF A DOG] DOES NOT TAKE EFFECT, IN THE CASE OF BIRDS, WHERE A BLEMISH DOES NOT DISQUALIFY, IS IT NOT ALL THE MORE REASON THAT THE LAW OF [THE HARLOT'S] HIRE AND PRICE [OF A DOG] SHOULD NOT TAKE EFFECT? THE TEXT THEREFORE STATES: FOR ANY VOW,¹⁸ IN ORDER TO INCLUDE THE CASE OF A BIRD.¹⁹ THE ISSUE OF ALL ANIMALS WHICH ARE DISQUALIFIED FOR THE ALTAR ARE LEGITIMATE FOR THE ALTAR. R. ELEAZAR SAYS: THE ISSUE OF A TREFAH HOWEVER MAY NOT BE OFFERED ON THE ALTAR.²⁰ R. HANINA B. ANTIGONUS SAYS: A RITUALLY CLEAN ANIMAL WHICH SUCKLED FROM A TREFAH IS DISQUALIFIED FROM THE ALTAR. ONE MAY NOT REDEEM ANY DEDICATED ANIMAL WHICH BECAME TREFAH, SINCE WE ARE NOT ALLOWED TO REDEEM DEDICATED [ANIMALS] IN ORDER TO GIVE THEM TO DOGS TO EAT.²¹

GEMARA. Our Rabbis have taught: If he gave her [a harlot] wheat [as hire] and she made it into flour, olives and she made them into oil, grapes and she made them into wine, one [Baraita] taught: They are forbidden [for the altar], and another [Baraita] taught: They are legitimate [for the altar.]

Said R. Joseph: Gurion who came from Asporak²² recited: Bath Shammai forbid, whereas Beth Hillel permit. Beth Hillel hold, [Scripture says]: ‘Them’, implying but not their issue; ‘them’ but not their products.²³ Beth Shammai however hold: ‘Them’ implies but not their issue, and the word ‘even’ includes their products.²⁴ But do not Beth Hillel see that is is written ‘even’? — The ‘even’ is according to the opinion of Beth Hillel indeed a difficulty.

Our Rabbis have taught: [Scripture says:] In the house of the Lord thy God,²⁵ this excludes the case of the red heifer which does not come to the House.²⁶ This is the teaching of R. Eleazar. The Sages, however say: This includes beaten gold plates [as forbidden for overlaying].²⁷ Whose opinion is that of the Sages? Said R. Hisda: It is that of R. Jose b. Judah. For it has been taught: If he gave her gold as hire, R. Jose b. Judah said: One must not use it to make beaten gold plates even for the space behind the Holy of Holies.²⁸

IF HE GAVE HER DEDICATED [ANIMALS] THEY ARE LEGITIMATE etc. And why should not [the law of] a [harlot's] hire and price of a dog take effect with dedicated animals a minori?²⁹ If in the case of birds, where a blemish does not disqualify them [from being offered, the law of] ‘hire’ and ‘price’ have effect,³⁰ in the case of dedicated animals where a blemish disqualifies them, is there not all the more reason that [the law of] ‘hire’ and ‘price’ should have effect? The text therefore states: For any vow,³¹ thus excluding what has already been vowed.³² Now the reason³³ is because a Scriptural text excludes them [the dedications], but if a Scriptural text had not excluded them, I might have thought that if he gave a harlot dedicated animals the law of ‘hire’ and ‘price’³⁴ would apply to them, but can a man forbid what does not belong to him?³⁵ — Said R. Oshaiah: We are dealing with a case where he assigns her as hire a share in his Passover lamb and it is the opinion of Rabbi.³⁶ For it has been taught: [Scripture Says:] And if the household be too little for the lamb,³⁷ give him to live from the lamb³⁸ sufficient for food but not for a purchase.³⁹ Rabbi, however, says: Even sufficient for a purchase; if he had not the wherewithal, he can assign a share for others together with himself in his Passover lamb and his festival offerings, the money being hullin; for it was on such a condition that Israel dedicated their Passover lambs.⁴⁰

THE ISSUE OF ALL ANIMALS WHICH ARE DISQUALIFIED FOR THE ALTAR etc. Said

Rab: The issue of all animals which are disqualified for the altar are legitimate [for the altar]. And with reference to this it was taught that R. Eliezer forbids. R. Huna b. Hinena reported in the name of R. Nahman: The difference of opinion refers only in the case where they were pregnant and in the end were used for buggery, R. Eliezer holding that an Embryo is considered as the thigh of its mother,⁴¹ whereas the Rabbis hold that an embryo is not considered as the thigh of its mother. But where they were used for buggery and afterwards they became pregnant, it is the unanimous opinion of all the authorities that they [the issue] are legitimate [for the altar].

Raba says: The difference of opinion only refers to the case where they were used for buggery and afterwards became pregnant, R. Eliezer holding that a produce of combined causes⁴² is forbidden, whereas the Rabbis hold that a product of combined causes is permitted. But where they were pregnant and then were used for buggery, it is the opinion of all the authorities concerned that they are forbidden [for the altar].

Raba follows the opinion expressed by him elsewhere. For Raba says: The issue of a beast which was used for buggery while pregnant is disqualified [for the altar], for both mother and young have been abused. The issue of a beast which gored while pregnant is disqualified [for the altar], for both mother and young have gored.

Another version: R. Huna b. Hinena reported in the name of R. Nahman: The difference of opinion refers only where they were used for buggery while they were consecrated, R. Eliezer⁴³ holding that this is a degrading thing,⁴⁴ whereas the Rabbis hold that it is not so. But where they were used for buggery as hullin, since there is a change in status,⁴⁵ it is the opinion of all the authorities concerned that they [the issue] are legitimate [for the altar]. Raba reported in the name of R. Nahman: The difference of opinion is the same even if they were used for buggery as hullin, R. Eliezer holding that it is a degrading thing, whereas the Rabbis hold that since there was a change [in status] they are legitimate [for the altar]. But where they were used for buggery while consecrated, it is the opinion of all the authorities concerned that they are forbidden for the altar.

(1) Heb. zenuth.

(2) Since the Mishnah says that 'the hire of a dog' is permitted for the altar.

(3) That 'harlotry' does not apply to animals.

(4) And if we were to include the price of a harlot and the hire of a dog there would be four cases and not two.

(5) Mukzeh, v. supra 28a.

(6) Ne'ebad, v. supra 28a.

(7) But not its issue.

(8) To the idol worshipper, as it seems to lend more dignity to the act.

(9) Lit. , 'she is betrothed'.

(10) The dung makes the animal look fatter and therefore it is forbidden to be used.

(11) Since it is condemned to die, and therefore the betrothal is valid.

(12) Deut. VII, 26.

(13) E.g., its dung.

(14) Ex. XXI, 28.

(15) And therefore the betrothal with it is a valid act.

(16) Like pigeons.

(17) From being used any more for the altar.

(18) Deut. XXIII, 19 in connection with the law of harlot's hire and price of a dog. The word 'any' amplifies.

(19) That the law of the harlot's hire and price of a dog has effect on them.

(20) But all will agree that it is permitted for private use, since it is not part of the body of its mother (Rashi). Tosaf., however, maintains that it is forbidden even for private use.

(21) As this would be degrading dedications.

(22) Not identified, but probably in Asia; v. Neubauer p. 386.

- (23) Where he gave her grapes and she made wine, etc.
- (24) As being subject to the law of harlot's hire and price of a dog.
- (25) In connection with the law of hire (Deut. XXIII, 19).
- (26) Since every rite in this connection is performed on the Mount of Olives. It may therefore be brought from hire.
- (27) To cover the altar.
- (28) This was an area of eleven cubits at the back of the Temple, of less stringent holiness. Rashi says that e.g., he gave her stones as hire to build a wall in that part of the Temple court.
- (29) A conclusion from the minor to the major.
- (30) As we include this from the text, 'For any vow'.
- (31) Ibid.
- (32) I.e., dedicated objects, and the man cannot forbid something which does not belong to him.
- (33) Why the law of 'hire' and 'price' do not apply to dedications.
- (34) 'Price' is irrelevant here but mentioned as a current phrase.
- (35) Sh. Mek.; cur. edd 'but it is not (his) money'.
- (36) We are concerned with the kind of dedication which is in his possession.
- (37) Ex. XII, 4.
- (38) Interpreting the text in the following manner: And if the household is diminished in resources, there being no means for the necessary things required for the Paschal lamb. **מהיות משה**, 'Let him have the means from the lamb', i.e., to buy wood with which to roast the lamb, by taking money from others and sharing the animal with them.
- (39) As, for example, to buy a garment with the money obtained by inviting others to share in the Paschal lamb, since such an article has no connection with the Paschal offering.
- (40) On the understanding that if he required something even unconnected with the Passover lamb, he should be permitted to invite others to share the offering.
- (41) Therefore the offspring itself was abused.
- (42) One of which was forbidden. Now here, although the issue is brought about by the male, a permissible element — no prohibition attaching to the father of the offspring — since the mother which is also a cause of the offspring is prohibited, therefore the offspring is forbidden (Rashi).
- (43) Who holds that the issue is forbidden.
- (44) For since they are dedications, it is unseemly to use them later for the altar after being abused.
- (45) Viz., from hullin to dedications.

Talmud - Mas. T'murah 31a

THE ISSUE OF A TREFAH etc. According to the authority who holds that a trefah can give birth,¹ we can explain [the Mishnah here] as referring to a case where e.g., it became trefah and afterwards became pregnant, and the point at issue is that R. Eliezer holds that a product of combined causes² is forbidden, whereas the Rabbis hold that the product of combined causes is permitted. According to the authority who holds that a trefah cannot give birth,³ it can be explained as referring to a case where e.g., it became pregnant and afterwards became trefah, and the point at issue is that R. Eliezer⁴ holds that an embryo is considered as the thigh of its mother, whereas the Rabbis hold that an embryo is not considered as the thigh of its mother.

Said R. Huna: The Sages⁵ agree with R. Eliezer that the young bird from the egg of a bird that became trefah is forbidden [for the altar]. What is the reason? [The Sages] differ from R. Eliezer only in the case of the issue of a trefah, since it develops from the air,⁶ whereas in the case of a young bird from the egg of a bird that became trefah, since it develops from the body of the bird, even the Rabbis agree.⁷ Said Raba to R. Huna: We have the confirmation of your opinion as follows: A tarwad⁸ -full of worms that come from a living person [who then died], R. Eliezer declares to be ritually unclean⁹ whereas the Sages declare them clean.¹⁰ Now the Rabbis differ [with R. Eliezer] only as regards worms [of a human body], since they are considered merely as a discharge, but in the case of an egg, since it is part of the body of the bird, even the Rabbis would agree.¹¹ Said Abaye to him: But it is not logically the reverse? R. Eliezer only differs from the Rabbis in the case of a worm,

since a man even when alive is described as a worm, as it is written: How much less man that is a worm, and son of man that is a maggot;¹² [but in the case of a young bird]¹³ even R. Eliezer would admit¹⁴ [it is fit for the altar].¹⁵ And, moreover, it has been explicitly taught: R. Eliezer agrees with the Sages in the case of [a young bird from] an egg from a bird that became trefah, that it is legitimate for the altar! — He [Raba] replied to [Abaye]: If it has been taught,¹⁶ it has been taught.¹⁷

R. HANINA B. ANTIGONUS SAYS: A RITUALLY CLEAN ANIMAL etc. What is the reason? Shall we say because it becomes fat from it? If this is so, if he feeds it with vetches set aside for idolatry, is it really forbidden?¹⁸ — [Rather it is as] R. Hanina of Trita recited in the presence of R. Johanan: You suppose for instance that it sucked hot milk [from a trefah] every morning,¹⁹ since it can live for twenty-four hours.²⁰

ONE MAY NOT REDEEM ANY DEDICATED ANIMAL WHICH BECAME TREFAH etc. Whence is this derived? — Our Rabbis have taught: [Scripture says: Thou mayest kill and eat flesh:²¹] ‘thou mayest kill’ [implies] but no shearing; ‘and eat’, but not for thy dogs; ‘flesh’, but not milk.²² Hence we infer that one must not redeem dedications in order to give them to dogs to eat.

Another version: The text, ‘Thou mayest kill and eat flesh’ [implies] that the permission to eat commences only from the time of killing and onwards,²³ because he [the Tanna] here holds that it is permitted to redeem dedications in order to give them to dogs to eat.

CHAPTER VII

MISHNAH. THERE ARE [REGULATIONS] WHICH APPLY TO DEDICATIONS FOR THE ALTAR²⁴ WHICH DO NOT APPLY TO DEDICATIONS²⁵ FOR REPAIRS OF THE TEMPLE, AND THERE ARE [REGULATIONS] WHICH APPLY TO DEDICATIONS FOR THE REPAIRS OF THE TEMPLE WHICH DO NOT APPLY TO DEDICATIONS FOR THE ALTAR. FOR DEDICATIONS FOR THE ALTAR EFFECT EXCHANGE, THEY ARE SUBJECT TO THE LAWS OF PIGGUL,²⁶ NOTHAR²⁷ AND RITUAL UNCLEANNESS;

(1) There is a controversy on this matter in Hul. 57b.

(2) The mother alone being forbidden but not the father. We cannot say here that the point at issue will be whether an embryo is to be regarded as the thigh of its mother, for since it became trefah before pregnancy it cannot be regarded as the thigh of its mother, as it possesses an element which is permissible, viz., from its sire (Rashi).

(3) So Sh. Mek.; cur. edd., cannot live.

(4) Who forbids the issue for the altar.

(5) Who say in the Mishnah that the issue of a trefah may be offered on the altar.

(6) The embryo of an animal is not attached to the latter's body but develops on its own and hangs, so to speak, in the air; whereas an egg, so long as it is not completed, is attached to the body and is completed inside the bird (Rashi). Another interpretation given by Rashi: An embryo of an animal grows and develops after it sees the light of day, i.e., after birth, whereas an egg does not develop any more after birth, thus proving that it is part of the body of the bird and can only grow when joined to it.

(7) That the bird which comes from the egg is forbidden for the altar.

(8) A spoon, pointed at the top and round at the end.

(9) I.e., to impart uncleanness by contact or through overshadowing, because a limb separated from a human being has the same law as a limb from a corpse (Rashi).

(10) Since it was separated when the person was alive, it is regarded as mere dust and is not considered as part of the body.

(11) That the bird from it is forbidden for the altar.

(12) Job XXV, 6.

(13) Inserted with Bah.

(14) Var. lec. (given in curr. edd. in square brackets): ‘But with reference to an egg, the young bird is developed after the

deterioration of the egg, and after deterioration the egg is mere dust, and therefore even R. Eliezer agrees.’

(15) Since it is an entirely different body which was not inside the trefah.

(16) That it is permissible for the altar.

(17) And there is nothing more to be said.

(18) For it says (supra 29a) that only mukzeh is forbidden in such circumstances.

(19) All its days.

(20) From this milk alone without any other food. This proves that the growth and development of the animal was due to its sucking from a trefah, and therefore it is forbidden for the altar; whereas an animal which was given to eat vetches set aside for idolatry, since it cannot exist without other food in the twenty-four hours, is permitted for the altar. If, however, an animal ate vetches set aside for idolatry, all its life, it would also be forbidden (Tosaf).

(21) Deut. XII, 15.

(22) Milking would be work, which is forbidden.

(23) Thus excluding milk or the shearing as forbidden, these being benefits derived while the animal is alive. Now since we do not interpret the text ‘and eat’ as excluding the food for dogs, we can therefore infer that it is allowed to feed dogs with redeemed dedications. From this Baraitha we see that there is a difference of opinion among Tannaim as to whether we may give dogs to eat from redeemed dedications.

(24) Unlike dedications for the repairs of the Temple, because these, in the first place, are not called ‘a sacrifice’, and secondly, because they are only holy for their value.

(25) I.e., their value.

(26) A sacrifice rejected in consequence of an improper intention in the mind of the officiating priest.

(27) A sacrifice which was left over after the appointed time set aside for its eating.

Talmud - Mas. T'murah 31b

THEIR ISSUE AND MILK ARE FORBIDDEN¹ AFTER THEIR REDEMPTION;² IF ONE KILLS THEM WITHOUT [THE TEMPLE COURT] HE IS GUILTY [OF A TRANSGRESSION]³ AND WAGES ARE NOT PAID FROM THEM⁴ TO ARTISANS,⁵ WHICH IS NOT THE CASE WITH DEDICATIONS FOR TEMPLE REPAIRS. THERE ARE [REGULATIONS] WHICH APPLY TO DEDICATIONS FOR THE REPAIRS OF THE TEMPLE [WHICH ARE NOT FOUND ELSEWHERE], SINCE UNSPECIFIED DEDICATIONS⁶ GO TO THE REPAIRS OF THE TEMPLE, DEDICATION FOR THE REPAIRS OF THE TEMPLE TAKES EFFECT ON ALL THINGS,⁷ THE LAW OF SACRILEGE⁸ APPLIES TO THEIR PRODUCTS,⁹ AND THERE IS NO BENEFIT TO BE DERIVED FROM THEM FOR THE PRIEST.¹⁰

GEMARA. Now is this a general rule, that all dedications for the altar effect exchange? Is there not a case of birds which are dedicated for the altar, and we have learnt: Meal-offerings and birds do not effect exchange? — [The Mishnah] speaks only of beasts. But is there not the case of the offspring [of a dedicated animal] which is a dedication for the altar, and we have learnt: The offspring [of a dedicated animal] does not effect exchange? — Our Mishnah represents the opinion of R. Judah who holds that the offspring can effect exchange. But is not the exchange itself a dedication for the altar, and we have learnt: One exchange cannot effect another exchange? — [The Mishnah] refers to original dedications.¹¹ Now that you have arrived at this conclusion, you may even say that the Mishnah above will be in accordance also with the opinion of the Rabbis [the disputants of R. Judah], since it only refers to original dedications.

AND WAGES ARE NOT PAID FROM THEM TO ARTISANS etc. We infer that we do pay from the dedications for the repair of the Temple.¹² [Whence do we derive this?]¹³ Said R. Abbahu: Since Scripture says. And let them make Me [a sanctuary],¹⁴ [intimating] from what is Mine.¹⁵

THERE ARE [REGULATIONS] WHICH APPLY TO DEDICATIONS FOR THE REPAIRS OF THE TEMPLE;¹⁶ UNSPECIFIED DEDICATIONS GO FOR THE REPAIRS OF THE TEMPLE. Who is the Tanna who holds that unspecified dedications¹⁷ go for the repairs of the Temple?¹⁸ — R.

Hiyya b. Abba reported in the name of R. Johanan: It is not R. Joshua.¹⁹ For we learnt: If one dedicated his estate and he had among them animals fit for the altar, males and females, R. Eliezer says: The males are to be sold for the purpose of being used as burnt-offerings²⁰ and the females are to be sold for the purpose of being used as peace-offerings and their monies, with the rest of the estate, are devoted to the repairs of the Temple.²¹ R. Joshua, however, says: The males are themselves offered as burnt-offerings and the females are sold for the purpose of peace-offerings.²² Burnt-offerings are purchased with their monies and the rest of the estate is devoted to the repairs of the Temple. And this²³ will differ from the opinion of R. Adda b. Ahabah [reporting Rab].²⁴ For R. Adda b. Ahabah reported in the name of Rab: In the case of a herd consisting altogether of male animals even R. Eliezer agrees,²⁵ since a man will not ignore dedications for the altar and make dedications for the repair of the Temple. The point at issue, however, is with reference to a herd where half were male [animals] and the other half female [animals]. R. Eliezer holds: A man does not divide his vow,²⁶ and since the female animals are not meant for burnt-offerings,²⁷ therefore even the male [animals] are also not meant for burnt-offerings. R. Joshua, however, says: A man does divide his vow.²⁸

Another version is current as follows: R. Adda b. Ahabah reported in the name of Rab: If he dedicated animals only, even R. Eliezer admits,²⁹ since a man does not ignore dedications for the altar and make dedications for the repairs of the Temple. The point at issue, however, is where there is other property with them [the animals]. R. Eliezer holding that one does not divide his vow, and since therefore the rest of the estate is not for dedications for the altar, the animals [of the estate] are also not for the altar; whereas R. Joshua says: A man does not divide his vow.

Now according to the latter version [of R. Adda b. Ahabah's teaching], it is in order to state [above]: Their monies, together with the rest of the estate, go for the repair of the Temple. It is for this reason that it says 'together with the rest of the estate, go for the repair of the Temple'.³⁰ But according to the first version [of R. Adda's teaching],³¹ let R. Eliezer say: They [the monies] shall go to the repairs of the Temple?³² — Do in fact read so:³³ And their monies go for the repair of the Temple.

DEDICATIONS FOR THE REPAIRS OF THE TEMPLE TAKE EFFECT ON ALL THINGS. What does this include³⁴ — Said Rabina: It includes the shavings [of a tree]³⁵ and sproutings.³⁶

SACRILEGE APPLIES TO THEIR PRODUCTS. What does this³⁷ include? — Said R. Papa: It includes the milk of dedicated animals³⁸ and the eggs of turtle-doves, as we learnt: With regard to milk of dedicated animals and eggs of turtle-doves, one may not benefit from them nor does the law of sacrilege apply to them. This only refers to dedications of the altar, but as regards dedications for repairs of the Temple. [e.g.,] if one dedicated a hen,³⁹ the law of sacrilege applies to its eggs; [if one dedicated the value of] a she-ass [for the repairs of the Temple], the law of sacrilege applies to its milk.⁴⁰ And even according to the authority who holds that the law of sacrilege applies to the products of dedications for the altar, this only refers to products which are fit for the altar,⁴¹ but to products which are not fit for the altar the law of Sacrilege does not apply.

(1) If their mother became blemished.

(2) Scripture saying 'flesh', thus excluding milk. The case of the issue is where the pregnancy took place before redemption and the birth after redemption, but where the pregnancy took place after redemption, it would be permissible. But in the case of dedications for the repairs of the Temple, even if the pregnancy took place before redemption, it would be permissible, for the consecration was for their value and therefore the holiness is not so stringent.

(3) In connection with the killing without the confines of the Temple.

(4) From the money assigned for dedications for the altar.

(5) For helping to build something in the Temple. Wages are paid, however, from dedications for the repairs of the Temple.

- (6) Where it is not specified whether for repairs of the Temple or for the altar.
- (7) Even upon unclean animals, stones or wood.
- (8) The unlawful use of sacred things.
- (9) If one dedicated an animal, the value of which goes for the repairs of the Temple, its milk must not be used or if one dedicated a hen, its eggs must not be used unlawfully, unlike the case of the milk and eggs belonging to dedications for the altar.
- (10) V. Marginal Gloss. Cur. edd.: 'to the owners'. Whereas with dedications for the altar in the majority of cases the flesh is eaten by the priests, and even in the case of a burnt-offering the skin is used by the priest.
- (11) The first dedication and not an exchange which is the second dedication arising from an exchange with the first.
- (12) Since I might have thought that one can, only use money set aside for Temple repairs for the purchase of stone and wood, which are actually used in the building and repairing of the Temple, but that it is forbidden to pay workmen with this money and it becomes hullin if used in that manner. There would then have to be a special fund donated for this purpose wherewith to pay workmen.
- (13) Inserted with Sh. Mek.
- (14) Ex. XXV, 8.
- (15) And is set aside for the sanctuary, i.e., from the monies dedicated for the building of the Temple.
- (16) For reading v. Sh. Mek.; cur. edd., 'The Master said'.
- (17) Implying even a dedicated animal (Rashi).
- (18) v. Sh. Mek.
- (19) Var. lee.: It is R. Eliezer.
- (20) Since unblemished dedications can never be excluded from being offered on the altar.
- (21) For R. Eliezer holds that unspecified dedications go for the repair of the Temple even in the case of animals, except those which are fit for the altar.
- (22) We see consequently that according to R. Joshua anything fit for the altar is generally intended to be used for the altar unlike the opinion stated in the Mishnah; v. supra 20a.
- (23) The interpretation of the Mishnah just given, that it will be according to the opinion of R. Eliezer and not of R. Joshua.
- (24) Inserted with Sh. Mek.
- (25) That the dedications were meant for the altar.
- (26) Half for one kind of dedication and the other half for a different kind of dedication.
- (27) For burnt-offerings must be males.
- (28) Males for burnt-offerings and females for the value of burnt-offerings, since he cannot offer females for peace-offerings without redemption (Rashi). Thus we see that according to R. Adda, even R. Eliezer will maintain that unspecified dedications are for the altar, the case however being different here in the Baraita for the reason explained.
- (29) That unspecified dedications are for the altar. For although there are female animals, since all are fit for the altar, we may suppose that they are meant for the altar. Male animals are therefore offered as burnt-offerings and female animals are sold and with the money burnt-offerings are bought, as we can say that he dedicated them all for the altar.
- (30) As we are dealing with the case where there is other property in addition to animals.
- (31) That in a herd where half were male animals and the other half were female animals, R. Eliezer holds that a man does not divide his vow, half for the altar and half for the Temple repairs, and even where there is no other estate and one can maintain that everything was meant for the altar (Rashi).
- (32) Why does it then say: 'They (their monies) and the other property etc.', since often there is no other estate according to this version.
- (33) For reading v. Wilna Gaon Glosses.
- (34) The word ALL.
- (35) If a man dedicated the value of a tree for the repairs of the Temple, there is sacrilege in respect of the shavings.
- (36) Which come up in the winter and are used as manure.
- (37) The products spoken of in the Mishnah.
- (38) Their value goes for the Temple repairs.
- (39) For Temple repairs one would not consecrate something which is fit for the altar and a hen is not fit for the altar.
- (40) Although the animal is unclean, the holiness of the dedication for the repair of the Temple attaches to it as if it were a clean animal.

(41) The offspring of a dedicated animal (Rashi). Tosaf. explains that the term 'products' refers to the blood of sacrifices and the passage means this: And even according to the authority who holds that the law of sacrilege applies to 'products', i.e., the blood of a sacrifice, this only refers to blood which is fit to be sprinkled, but to 'products' like milk of dedicated animals and eggs of turtle-doves, the law of sacrilege does not apply.

Talmud - Mas. T'murah 32a

MISHNAH. NEITHER DEDICATIONS FOR THE ALTAR NOR DEDICATIONS FOR THE REPAIRS OF THE TEMPLE MAY BE CHANGED FROM ONE HOLINESS TO ANOTHER.¹ WE MAY DEDICATE THEM² WITH A VALUE-DEDICATION,³ AND WE MAY DECLARE THEM HEREM.⁴ IF THEY⁵ DIE,⁶ THEY ARE BURIED.⁷ R. SIMEON SAYS: DEDICATIONS FOR THE REPAIRS OF THE TEMPLE, IF THEY DIED, THEY ARE REDEEMED.⁸

GEMARA. Said R. Huna: If one designated⁹ dedications for the altar for dedications as priestly property,¹⁰ his action is of no consequence.¹¹ What is the reason? Scripture says: Every devoted thing is most holy unto the Lord,¹² intimating that every devoted thing that comes from what is most holy¹³ belongs to the Lord.¹⁴ An objection was raised: If one designated dedications for repairs to the Temple, whether for dedication for the altar or for dedication as priestly property, his action is of no consequence.¹⁵ If one designated dedications for priestly property, whether for dedication for the altar or for dedication for the repairs of the Temple, his action is of no consequence.¹⁶ Now this implies that if one designated dedications for the altar¹⁷ by dedicating them as priestly property, his action is valid.¹⁸ Shall we say that this refutes R. Huna? — R. Huna can answer you: When [the Tanna] leaves over this case,¹⁹ it is for the purpose [of teaching] that if he designated dedications for the altar for the repairs of the Temple, his action is valid,²⁰ but if for dedication as priestly property, his action is of no consequence.²¹ But why not state this case,²² together with others [in the Baraitha above]?²³ — He [the Tanna in the Baraitha] mentions a case which has both aspects,²⁴ but does not state a rule which has not both aspects.²⁵

We have learnt: WE MAY DEDICATE THEM WITH A VALUE-DEDICATION, AND WE MAY DECLARE THEM HEREM. Now does not the expression VALUE-DEDICATION refer to the dedication for the repairs of the Temple and the expression 'WE MAY DECLARE THEM HEREM' mean as priestly property?²⁶ — No. In both cases the reference is to dedications for the repairs of the Temple,²⁷ and [the Mishnah teaches that] it is immaterial whether he expresses this in the language of 'dedication' For the repairs of the Temple or in the language of herem for the repairs of the Temple.²⁸ But it is not so! For it has been taught: We may dedicate them²⁹ with a value-dedication for the repairs of the Temple, and we may declare them herem as priestly property.³⁰ And, moreover, it has been [explicitly] taught: If dedications for the altar are dedicated as priestly property, the act is valid.³¹ Shall we say that this refutes R. Huna? — It is a refutation. But does not R. Huna adduce a Scriptural text?³² — Said 'Ulla:³³ Scripture [could have] said: 'A devoted thing' and it says 'every devoted thing'.³⁴ But did 'Ulla say this? Did not Ulla say: If one designated a burnt-offering for the repairs of the Temple, there is nothing to prevent the offering of a sacrifice except that we must wait

(1) E.g., to offer a burnt-offering in place of a peace-offering, or vice versa. Similarly, if one dedicated something for the repair of the Temple, one must not change this for a dedication for the altar or vice versa.

(2) Dedications for the altar.

(3) If e.g., one said with reference to a burnt-offering: 'Let this animal (i.e., its value) be for the repairs of the Temple', the dedication is assessed and the money is given to the Temple treasurer. This applies to a neder, i.e., where he said: 'I vow to dedicate a burnt-offering', for since he is responsible if it became lost or died, therefore the whole animal belongs to him, and if he subsequently dedicated it for the repairs of the Temple, he must give the whole value of the dedication to the Temple treasurer. But in the case of a nedabah, i.e., where he said: 'This animal is to be a freewill-offering', since if it died or if it became lost, he is not responsible for it, if he therefore subsequently dedicated it for the repairs of the Temple, he only gives the Temple treasurer a small amount, in consideration for the right he has to receive a small sum from an Israelite friend for allowing the latter's grandson, a priest, to offer the animal and receive the skin of the burnt-offering (Rashi).

(4) 'Devoted' (v. Lev. XXVII, 28), consecrated for a sacred use. Here, too, if the animal is a neder, he gives the full value to the priest and if nedabah he gives a small amount as consideration to the priest (R. Gershom).

- (5) The dedications for the altar.
- (6) Even after becoming blemished but before redemption.
- (7) And they cannot be redeemed and given as food to the dogs. And even according to the authority who holds that we may give redeemed blemished dedications to the dogs as food, this only applies when they become trefah, since they can be set before us and appraised, but not when they are dead. Or IF THEY DIE means where he killed the animal before their redemption. There cannot therefore be any further redemption nor eating of them, since setting down and appraising are necessary (v. Gemara). Consequently they are buried.
- (8) As these are not included in the law of being required to be presented to the priest and appraised by him. V. Lev. XXVII, 12-13.
- (9) Lit., 'he attached them'.
- (10) Declaring them herem. Unspecified herem are meant for the priests. The reason why it mentions priestly property is because at times herem goes for the repairs of the Temple, as e.g., where he declares, 'Let this be herem for the repairs of the Temple'.
- (11) He does not give the priest the value of the dedication nor a consideration, i.e., the smaller amount (Rashi and R. Gershom).
- (12) Lev. XXVII, 28.
- (13) I.e., dedications for the altar which were declared herem.
- (14) But not to the priests.
- (15) Because an object dedicated for the repair of the Temple cannot itself be released from the purpose of its consecration (Rashi).
- (16) Since he has no share in them, not even the right of disposal, since he can only give them to the priests of that particular division.
- (17) Where there is a right of disposal.
- (18) And he gives a consideration to the priests.
- (19) Of dedications for the altar, which is not explicitly mentioned in the Baraitha.
- (20) And he gives for the repairs of the Temple the value of a dedication.
- (21) Since there is a definite Scriptural text: 'Every devoted thing, etc', excluding this case as explained above.
- (22) Of dedications for the altar declared as priestly property.
- (23) Where the action is of no consequence.
- (24) I.e., dedications for the repair of the Temple, in regard to which his action is of no consequence, whether he designated them for the altar or as priestly property, dedications for the repairs of the Temple applying here in two instances as being of no avail.
- (25) Since in regard to dedications for the altar only if they were designated as priestly property is the action of no avail, as R. Huna teaches, whereas if they were designated for repairs of the Temple, the action would be valid.
- (26) Unlike the opinion of R. Huna above.
- (27) The value of the dedications is given to the Temple treasurers.
- (28) But if dedications for the altar have been declared herem for priests, the act is of no consequence.
- (29) Dedications for the altar.
- (30) That the value belongs to the priests, as the property of the priests, and not to the Temple treasurer.
- (31) Lit., 'what he did is done'.
- (32) 'Every devoted thing is most holy unto the Lord'. How is then the text to be interpreted?
- (33) This Scriptural text will not be in accordance with the opinion of R. Huna.
- (34) This is in order to intimate that herem takes effect on all things, even upon most holy things.

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for the approach of the Temple treasurer [as representatives of the owners]?¹ — [The Baraitha above]² means Rabbinically³ and the Bible text refers to sacrilege.⁴

[You say] in respect of sacrilege? But what need is there for a Bible text⁵ for this purpose? Is it not written in this connection, 'It is most holy'? — And suppose Scripture does say so, has not R. Jannai taught: The law of sacrilege is not explicitly mentioned in the Torah, except in the case of a

burnt-offering, since it says: If a soul commit a trespass and sin through ignorance in the holy things of the Lord,⁶ which means such dedications as are exclusively to the Lord; but that the law of sacrilege applies to a sin-offering and guilt-offering is derived only from the teaching of Rabbi, as it has been taught: Rabbi says, The text: All fat is the Lord's,⁷ this includes the emurim⁸ of dedications of a minor grade as subject to the law of sacrilege.⁹ Now here too we may ask, what need is there for a Bible text, for does it not say in connection with sin-offering and guilt-offering, 'Most holy'?¹⁰ We see then that although Scripture says, 'Most holy' in that connection, there is need for a text to include them under the law of sacrilege; and the same applies to herem, that although the text says in that connection, 'Most holy' there is need for a special text to include them under the law of sacrilege.

The text [stated above]: 'If one dedicated a burnt-offering, there is nothing to prevent the offering of a sacrifice, except that we must wait for the approach of the Temple treasurers'. An objection was raised: If one dedicated a burnt-offering for the repairs of the Temple, one must not kill it until it is redeemed!¹¹ — It¹² is a Rabbinical enactment. It also stands to reason, since the latter clause [of the Baraitha] says: If he transgressed and killed it,¹³ the action is valid. Now if it were from the Torah, why is the act valid?¹⁴ Then what will you say? That it is a Rabbinical enactment? If so, read the latter clause: 'And if he unlawfully used the burnt-offering,¹⁵ he has transgressed twice the law of sacrilege'.¹⁶ Now if it were only a Rabbinical enactment why are there two transgressions of the law of sacrilege?¹⁷ — The Baraitha means as follows: And it is capable of involving one in two transgressions of sacrilege.¹⁸

AND IF THEY DIED THEY ARE BURIED etc. Said R. Johanan: According to the Rabbis [of the Mishnah] both dedications for the altar and dedications for the repairs of the Temple are included in the law requiring the sacrifice to be presented¹⁹ and appraised.²⁰ Resh Lakish, however, says: According to the Rabbis, dedications for repairs of the Temple were included in the law of being presented and appraised, whereas dedications of the altar were not included in the law of being presented and appraised. And both²¹ admit that according to R. Simeon, the dedications for the repairs of the Temple were not included in the law of being presented and appraised, whereas dedications for the Temple were included in the law of being set down and appraised.²² And [both]²¹ admit that according to all the authorities concerned,²³ an animal blemished from the beginning [before dedication], is not included in the law of being presented and appraised.²⁴

We have learnt: R. SIMEON SAYS, DEDICATIONS FOR THE REPAIRS OF THE TEMPLE WHICH DIED ARE REDEEMED. Now this is quite correct according to R. Johanan who says that, according to the Rabbis, both [dedications for the altar] and [dedications for the repair of the Temple] are included in the law of being presented and appraised. There is need therefore for R. Simeon to explain that dedications for the repairs of the Temple which died are redeemed.²⁵ But according to Resh Lakish, what need is there for R. Simeon to explain this? Let him say: If they die, they are redeemed?²⁶ — Resh Lakish can answer you: R. Simeon did not know what the first Tanna [in the Mishnah] meant.²⁷ And this is what he said to him: If you refer to dedications for the altar,²⁸ I agree with you;²⁹ if you refer to dedications for the repairs of the Temple, if they die they are redeemed.³⁰

It has been taught according to R. Johanan: Scripture says, And if it be any unclean beast of which they may not bring an offering,³¹ the text refers to blemished animals which were redeemed. You say that the text refers to blemished animals, perhaps it is not so and it refers to an unclean animal? When, however, it says: And if it be of an unclean beast, then he shall redeem it according to thy estimation,³² the case of an unclean animal is thus already mentioned.

(1) Who gives the necessary permission to kill the burnt-offering without redemption, but no money is given to the Temple treasurer. Now since the holiness in respect of repairs of the Temple has no effect on dedications for the altar,

how much less does herem take effect on dedications for the altar, since R. Huna above, who holds that dedications for the repairs of the Temple take effect on dedications for the altar, yet maintains that herem for priests has no effect on dedications for the altar. How much more then will 'Ulla, who holds that dedications for the repair of the Temple have no effect on dedications for the altar, maintain that herem will have no effect on dedications for the altar. This will therefore refute 'Ulla's opinion above where he interprets the text 'every devoted thing, as teaching that herem has effect even on the most holy things, i.e., dedications for the altar (R. Gershom).

(2) Which left over the case of dedications for the altar which were designated as herem, implying that the action is valid.

(3) But, according to the Torah, there is only the waiting for the Temple treasurer, for 'Ulla's explanation above is only according to Rabbinical requirement, the text adduced in this connection being a mere support for the Rabbinical enactment.

(4) The main purpose of the text 'every devoted thing' is, however, to include the case of herem for priests as being subject to the law of sacrilege, interpreting the text thus: 'Every devoted thing belongs to the Lord', i.e., if one used it unlawfully there is sacrilege.

(5) 'Every devoted thing'.

(6) Lev. V, 15.

(7) Lev. III, 16.

(8) The sacrificial parts burnt on the altar.

(9) And from Rabbi's text R. Jannai also infers the cases of the most holy dedications as liable to the law of sacrilege, since Scripture says, 'All fat' (v. Rashi).

(10) Lev. VI, 18 and VII. 1, resp.

(11) I.e., as stated above, if it is a neder he gives their full value to the Temple treasurer, and if a nedabah he gives a consideration (R. Gershom).

(12) The Baraitha which says, 'One must not kill, etc.'

(13) Without redemption.

(14) Inserted with Sh. Mek.

(15) Either the animal itself or its wool.

(16) Once on account of dedications for the altar and again on account of its being an object dedicated for its value for the repairs of the Temple.

(17) Since the holiness for the repairs of the Temple only attaches to it according to a Rabbinical enactment.

(18) If the subsequent dedication for the repairs of the Temple were by enactment of the Torah, then there would be two transgressions of the law of sacrilege.

(19) Before the priest. Lit., 'made to stand'.

(20) By the priest. And since this cannot be done after death, therefore they are not redeemed but buried, and this applies to all kinds of dedications.

(21) R. Johanan and Resh Lakish.

(22) And the Mishnah when it says: Dedications for the repairs of the Temple are burnt, means only dedications for the repairs of the Temple but not dedications for the altar.

(23) The Rabbis and R. Simeon.

(24) Referring to dedications for the altar, since as regards dedications for repairs for the Temple, it is immaterial whether the blemish occurred before the dedication or after the dedication, for this dedication has effect even on wood and stone (Rashi and Tosaf.).

(25) For otherwise if he had not stated, 'If they died, they are buried', I might have thought that it refers to both dedications, since the Rabbis also deal with both forms of dedication.

(26) And I should have known that he refers only to dedications for the repairs of the Temple, since the Mishnah is not concerned with dedications for the altar, whether as regards their redemption or their burial.

(27) To what kind of dedication the Rabbis alluded.

(28) That the dedication requires to be presented and appraised.

(29) And therefore they are buried.

(30) As these are not included in the law of being presented and appraised.

(31) Lev. XXVII, 11.

(32) Ibid. 27.

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How therefore do I explain the text: And if it be any unclean beast of which they may not bring an offering unto the Lord?¹ It refers to blemished animals [which were redeemed]. One might think that they may be redeemed on account of a transitory blemish. The text, however, states: 'Of which they may not bring an offering', thus referring to a sacrifice which is not offered at all,² to the exclusion of this³ which is not offered to-day but to-morrow [maybe]. And the Divine Law says the sacrifice requires to be presented and appraised.⁴

R. Giddal reported in the name of Rab: What is the reason of Resh Lakish in saying that according to the Rabbis dedications for the altar are included in the law of being presented and appraised, whereas dedications for the repairs of the Temple are not included in the law of being presented and appraised? Because Scripture says: And the priest shall value it whether it be good or bad.⁵ Now what is the kind of dedication where there is no difference between 'good' [an unblemished animal] and 'bad' [a blemished animal]? You must admit that it is dedications for the repairs of the Temple and Scripture says 'it', thus excluding dedications for the altar.⁶ And what will the text 'it' exclude according to the opinion of R. Johanan? — It excludes an animal blemished from the beginning.⁷ And according to the Tanna of the School of Levi who says that even an animal blemished from the beginning is included in the law of being presented and appraised — for Levi taught: All sacrifices are included in the law of being presented and appraised, even an animal blemished from the beginning. And Levi himself taught the same in his Baraitha:⁸ Even a beast and even birds⁹ — [what then does the word 'it' exclude?]¹⁰ — It is indeed a question.

Rab Judah reported in the name of Rab: What is the reason of R. Simeon in saying that dedications for the altar are included in the law of being presented and appraised, whereas dedications for the repairs of the Temple are not? Because Scripture says: 'And the priest shall value it whether it be good or bad'.¹¹ Now what is the kind of dedication in which there is a difference between 'good' [an unblemished animal] and 'bad' [a blemished one]? You must admit it is dedications for the altar, and Scripture says, 'it', thus excluding the case of dedications for the repairs of the Temple. If so,¹² the text should read 'between good and bad'?¹³ — This remains a difficulty.

An objection was raised: If they die unblemished they are buried,¹⁴ if blemished they are redeemed. This refers only to dedications for the altar.¹⁵ But dedications for repairs of the Temple,¹⁶ whether they are unblemished or blemished, are buried. R. Simeon, however, says: In the case of both dedication for the altar and dedication for the repairs of the Temple, if unblemished they are buried,¹⁷ if blemished they are redeemed. Shall we say that this refutes R. Johanan from the first clause?¹⁸ — R. Johanan can answer you: We are dealing here with an animal which became blemished from the beginning.¹⁹ It also stands to reason.²⁰ For if you say that the case is where their dedication preceded their blemish,²¹ why does not R. Simeon dispute in that connection?²² Hence you must [must you not] say that the case here is of an animal blemished from the beginning.²³ But then are we to say that this refutes Resh Lakish?²⁴ Resh Lakish will explain [the Baraitha]²⁵ as dealing with a case where their dedication was prior to their blemish.²⁶ If so, let R. Simeon dispute with reference to it?²⁷ — Resh Lakish reverses [the names of the authorities in the Baraitha] and asks a question from another Baraitha²⁸ [as follows]: If they die, whether unblemished or blemished, they are buried. This applies²⁹ to dedications for the repairs of the Temple, but dedications for the altar are redeemed.³⁰ R. Simeon says: If [they died] unblemished they are buried, if blemished they are redeemed.³¹ Shall we say that R. Johanan can be refuted from the latter clause of the teaching [of the former Tanna]?³² — R. Johanan can answer you: We are dealing here with an animal blemished from the beginning.³³ It stands to reason.³⁴ For if you say that it is a case of where their dedication preceded the blemish, why does not R. Simeon dispute with reference to it?³⁵ Shall we say that this

refutes Resh Lakish?³⁶ — Resh Lakish will answer you: We are dealing here with a case where their dedication preceded their blemish.³⁷ But why does not R. Simeon differ with reference to it?³⁸ — Resh Lakish can answer you: R. Simeon does indeed differ.³⁹

Said R. Jeremiah to R. Zera: According to Resh Lakish, who says that according to the Rabbis dedications for the altar are not included in the law of being presented and appraised, since [the Baraitha above] states with reference to dedications for the altar

(1) The reading in Tosaf.

(2) I.e., an animal with a permanent blemish.

(3) An animal with a transitory blemish.

(4) Since immediately after Scripture says: 'Then he shall present it before the priest and the priest shall value it'. And this text certainly refers to dedications for the altar, since a permanent blemish is required for redemption, for if it refers to dedications for the repairs of the Temple, what difference is there between an unblemished and a blemished animal, as even an unblemished animal is redeemed in such circumstances? Consequently we see that dedications for the altar are also included in the law of being presented and appraised according to the view of the Rabbis in the Mishnah. For this Baraitha is the opinion of the Rabbis and an anonymous view in the Sifra is that of R. Judah, the disputant of R. Simeon. Thus the Baraitha will be according to the opinion of R. Johanan alone. Now from here we learn the law of dedications for the altar, according to the Rabbis, and from the Mishnah we learn the law of dedications for the repairs of the Temple. For since R. Simeon said in the Mishnah that dedications for repairs of the Temple are redeemed, this implies that according to the Rabbis they are buried (Rashi).

(5) Lev. XXVII, 12. Implying both unblemished and blemished as being on a par.

(6) And the text, 'And the priest shall value it' will not therefore refer to the previous v. 12, since the latter deals with dedications for the altar.

(7) Prior to the dedication. R. Johanan certainly holds that the text, 'Whether it be good or bad' refers to dedications for the repairs of the Temple. Nevertheless the text, 'And the priest shall value it' refers both to the text, 'Of which they do not offer', which we explained above as dealing with dedications for the altar and to the later text, 'Whether it be good etc.', which deals with dedications for the repairs of the Temple. And the text 'it' excludes an animal blemished from the beginning from being dedicated for the altar. And, according to Resh Lakish, there is no need to exclude the case of an animal blemished from the beginning from the law of being presented and appraised, since according to his opinion, the Rabbis hold that dedications for the altar are not, included in the law of being presented and appraised, even if the dedication preceded the blemish, and how much more so is this the case with an animal blemished from the beginning.

(8) Levi compiled a collection of Baraithas.

(9) E.g., geese and hens which are not fit for the altar (Rashi). He causes them to be invested with the holiness of the repairs for the Temple, as they have not any bodily holiness for the altar (Tosaf.).

(10) Inserted with Sh. Mek.

(11) V. n. 4, p. 241.

(12) If the text deals with the dedications for the altar.

(13) Which would have implied that there is a difference between good and bad. The text, Whether it be good or bad, however, implies that whether blemished or unblemished they are both alike.

(14) Even those which are not included in the law of being presented and appraised. Where they died unblemished, the Rabbis gave them an advantage, since they were fit for the altar.

(15) Presumably because they are not included in the law of being presented and appraised.

(16) Which are included in the law of being presented and appraised.

(17) Since they possessed the advantage of being fit for the altar.

(18) Of this Baraitha, which states that according to the Rabbis dedications for the altar are redeemed.

(19) And therefore they are redeemed, whereas in the case of dedications for the repairs of the Temple, they are buried since there is no difference between an animal blemished before dedication or after dedication.

(20) That the Baraitha is dealing with an animal blemished from the beginning.

(21) And the Baraitha says, according to the Rabbis, that they are redeemed, the reason being as Resh Lakish explains, because dedications for the altar are not included in the law of being presented and appraised.

(22) And say: Dedications for the altar are buried, since according to R. Simeon it is the opinion of all that dedications

for the altar are included in the law of being presented and appraised (R. Gershom).

(23) Since therefore R. Simeon does not dispute on this point we can infer that the Baraitha is dealing with an animal blemished from the beginning, and therefore according to the Rabbis, dedications for the altar are redeemed and dedications for the repairs of the Temple are buried, and according to R. Simeon, even dedications for the repairs of the Temple are also redeemed, since these are not included in the law of being presented and appraised.

(24) We see that the Baraitha deals with the case of an animal blemished from the beginning and we can therefore say that the reason why the Rabbis hold that the animals are redeemed is because the blemish preceded the dedication, but if the dedication preceded the blemish, then even the Rabbis will hold that they are buried. This would be unlike the opinion of Resh Lakish who holds that dedications for the altar are not included in the law of being presented and appraised.

(25) Where the Rabbis say: And blemished animals are redeemed.

(26) And the reason of the Rabbis is because dedications for the altar were not included in the law of being presented and appraised.

(27) I.e., dedications for the altar, and say that they are burnt according to the view of Resh Lakish? Why then does R. Simeon say that dedications for the altar as well as dedications for the repair of the Temple are redeemed?

(28) Heb. Mekilta, the name by which the Halachic Midrash on Exodus is now known.

(29) The teaching of the former Tanna that blemished animals are buried.

(30) Not being included in the law of being presented and appraised.

(31) Referring to dedications for the altar, concerning which the first Tanna says that they are buried.

(32) Where he says: But dedications for the altar are redeemed, whereas according to R. Johanan, since being presented and appraised are required, they are buried.

(33) Which is not included in the law of being presented and appraised, and therefore is redeemed. And dedications for the repairs of the Temple are buried, since in that case there is no difference whether a blemish occurred previous to dedication or after.

(34) That the case is as explained.

(35) And say two things: Dedications for the repairs of the Temple are redeemed and dedications for the altar are buried. Since therefore he only differs as regards dedications for the repairs of the Temple, holding that they are redeemed, and is silent with regard to dedications for the altar which according to the Rabbis are redeemed, this proves that we are dealing with animals blemished from the beginning, i.e., before dedication (Rashi).

(36) Since if we interpret the Baraitha as dealing with animals blemished from the beginning, we can infer from the words of the Rabbis that where the blemish occurred after dedication, dedications for the altar are buried, whereas according to Resh Lakish, the Rabbis hold that the dedications for the altar are not included in the law of being presented and appraised, and therefore should be redeemed.

(37) And therefore the Rabbis say that dedications for the altar are redeemed.

(38) And say that dedications for the altar are buried.

(39) R. Simeon not only differs with the Rabbis with reference to dedications for the repairs of the Temple, maintaining that they are redeemed, but also with reference to dedications for the altar, holding that they are buried, since they require being presented and appraised in accordance with the interpretation of Resh Lakish.

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that blemished animals are redeemed and we explained this [as being a case] where dedications preceded their blemish, may we infer from here that we may redeem [disqualified] dedicated animals in order to give them for food to dogs?¹ — [No,] the case here² is where he transgressed and killed them [before redemption]³ as it has been taught: As regards animals in which a blemish occurred and which he killed, R. Meir says: They shall be buried,⁴ whereas the Sages say they are redeemed.⁵

Said R. Jeremiah to R. Zera: According to R. Simeon, who says that dedications for the repairs of the Temple were not included in the law of being presented and appraised, why are unblemished dedicated animals buried?⁶ — It is because they are fit to be offered,⁷ as it has been taught: If one caused unblemished animals to be invested [with the holiness of] dedications for the repairs of the Temple, when they are redeemed [for their value] they can only be redeemed in order to be used on

the altar, since everything which is fit for use on the altar is never released from the lien of the altar.

Said R. Papa to Abaye [or according to another version, to Raba]: According to R. Johanan who explains [the Baraitha above] as dealing with the case of an animal blemished from the beginning,⁸ which would imply that all the authorities [in the Baraitha] hold that an animal blemished from the beginning is not included in the law of being presented and appraised — is it indeed not [included]? Have we not learnt: All dedicated animals whose permanent blemish preceded their dedication, if redeemed are subject to the law of the firstling and the priestly gifts;⁹ they become hullin to be shorn and worked after their dedication; their issue and milk are permitted after their dedication;¹⁰ if one kills them without [the Temple court] he does not incur any guilt; they do not effect exchange; and if they die, they are redeemed.¹¹ And Rab Judah reported in the name of Rab:¹² This¹³ is the teaching of R. Simeon who says that dedications for the altar are included in the law of being presented and appraised, whereas dedications for the repairs of the Temple are not,¹⁴ as we have learnt: R. Simeon says, Animals dedicated for the repairs of the Temple, if they die are redeemed; but R. Simeon admits that a dedicated animal blemished from the beginning is redeemed. What is the reason? Scripture says, 'it',¹⁵ the word 'it' excluding the case of a dedicated animal blemished from the beginning. The Sages, however, say: Even a dedicated animal blemished from the beginning is also included in the law of being presented and appraised!¹⁶ — He [Abaye]¹⁷ said to him [R, Papa]: Whose opinion do the Sages represent? That of the Tanna of the School of Levi.¹⁸ If so, why does Rab say above: 'This is the opinion of R. Simeon' and nothing more? Should he not have said: This is the opinion of R. Simeon and [the Rabbis] who differ from him?¹⁹ — He [Abaye] answered him: The reason why he [Rab] does not state this is because he holds the opinion of Resh Lakish who says that, according to the Rabbis, dedications for the repairs of the Temple are included in the law of being presented and appraised, whereas dedications for the altar are not,²⁰ the first clause [of the cited Mishnah] saying: And if they die they are redeemed;²¹ while the latter clause [of the Mishnah says]: If they²² die they are buried.²³ And if you prefer [another solution] I may say: Rab holds the opinion of R. Johanan;²⁴ and as for your difficulty that [Rab] should have stated: 'This is the teaching of R. Simeon and [the Rabbis] who differ from him', read here: This is the opinion of R. Simeon and the Rabbis who differ from him.²⁵

MISHNAH. AND THE FOLLOWING ARE THE THINGS WHICH ARE TO BE BURIED:²⁶ IF A DEDICATED ANIMAL HAD AN UNTIMELY BIRTH IT IS TO BE BURIED;²⁷ IF A DEDICATED ANIMAL HAD AN AFTERBIRTH IT²⁸ IS TO BE BURIED.²⁹ AN OX WHICH WAS CONDEMNED TO BE STONED;³⁰ THE HEIFER WHOSE NECK WAS BROKEN; THE BIRDS [BROUGHT IN CONNECTION WITH THE PURIFICATION] OF A LEPPER;³¹ THE HAIR OF A NAZIRITE;³² THE FIRSTBIRTH OF AN ASS;³³ [A MIXTURE OF] MEAT AND MILK; AND HULLIN WHICH WERE KILLED IN THE TEMPLE COURT. R. SIMEON HOWEVER SAYS: HULLIN WHICH WERE KILLED IN THE TEMPLE COURT ARE TO BE BURNT.³⁴ AND LIKEWISE [SAYS R. SIMEON] AN ANIMAL OF CHASE WHICH WAS KILLED IN THE TEMPLE COURT [IS ALSO BURNT].³⁵ AND THE FOLLOWING ARE TO BE BURNT: LEAVENED BREAD ON PASSOVER IS TO BE BURNT; UNCLEAN TERUMAH; 'ORLAH;³⁶ MIXED SEEDS IN THE VINEYARD;³⁷ THAT³⁸ WHICH IT IS CUSTOMARY TO BURN³⁹ IS TO BE BURNT AND THAT WHICH IT IS CUSTOMARY TO BURY⁴⁰ IS TO BE BURIED. WE MAY BURN⁴¹ THE BREAD AND OIL OF [UNCLEAN] TERUMAH.⁴² ALL DEDICATED ANIMALS WHICH WERE KILLED [WITH THE INTENTION OF BEING EATEN] BEYOND THE ALLOTTED TIME OR BEYOND THE ALLOTTED PLACE⁴³ ARE TO BE BURNT.

(1) For since we say that dead animals which are not fit for an Israelite to eat are redeemed, we can only infer that the redemption is meant for dogs. Now according to R. Johanan who explains the Baraitha as referring to a case of an animal blemished from the beginning, before dedication, it does not matter to us if the animal is redeemed for dogs to eat, as no physical holiness is possessed by an animal in such circumstances.

- (2) In the Baraitha which says: 'If they died'. This does not actually mean that they died and thus became unfit for Jewish consumption.
- (3) They are therefore redeemed and are fit to be eaten.
- (4) In accordance with the opinion of R. Simeon who says that dedications for the altar are included in the law of presentation and valuation, and since this cannot be carried out now, after being killed, the animal is buried.
- (5) Since they were not included in the law of presentation and valuation.
- (6) For since the law of being presented etc. does not apply to them, they should be redeemed.
- (7) And therefore a greater stringency was imposed on them.
- (8) And for this reason R. Simeon does not differ from the Rabbis in the Baraitha, agreeing that dedications for the altar are redeemed.
- (9) The shoulder, cheeks and maw.
- (10) Even if the pregnancy took place before their redemption and they were born after the redemption.
- (11) Bek. 14a.
- (12) With reference to the Mishnah just cited.
- (13) The statement that they are redeemed.
- (14) And a dedicated animal blemished from the beginning is like an animal dedicated for the repairs of the Temple.
- (15) Contained in a Scriptural verse (Lev. XXVII, 12) and the priest shall value it, etc.
- (16) We see therefore that, according to the Sages, a dedicated animal blemished from the beginning is included in the law of presentation and valuation, contrary to the opinion of R. Johanan. This creates no difficulty according to Resh Lakish, since he explains the Baraitha above as dealing with a case of an unblemished animal which became blemished after dedication. We can therefore say that a dedicated animal blemished from the outset is on a par with a dedication for the repairs of the Temple, for although he dedicated it for the altar, nevertheless it is like a dedication for the repairs of the Temple, being holy only for its value and it is included in the law of presentation and valuation according to the Rabbis (Rashi).
- (17) Or, according to the other version, Raba.
- (18) but not of the Rabbis who differ from R. Simeon.
- (19) Since the Rabbis who dispute with him also agree that a dedicated animal blemished from the beginning, is not included in the law of presentation and valuation.
- (20) And therefore the whole Mishnah from Bek. could not have been explained as representing the views of the Rabbis.
- (21) And this opinion will be held even by the Rabbis, since the case dealt with there is of an animal which was blemished from the beginning.
- (22) Viz., dedicated animals whose dedication preceded their blemish.
- (23) This opinion, according to Resh Lakish, would not be held by the Rabbis. The Mishnah thus will not be altogether the opinion of the Rabbis and therefore Rab could not have taught: This is the opinion of R. Simeon and those who differ with him.
- (24) That both dedications for the altar and dedications for the repairs of the Temple require to be presented and appraised, except for the case of an animal blemished from the outset, and both the first and second clauses of the Mishnah in Bek. will thus represent the opinion of the Rabbis as well as of R. Simeon.
- (25) So Sh. Mek.; cur. edd., 'say indeed so'.
- (26) Because they are forbidden to be used in any way.
- (27) Viz., the untimely birth.
- (28) The afterbirth.
- (29) Because we maintain that there can be no afterbirth without an embryo.
- (30) For killing a man.
- (31) This refers to the bird which was killed for purification, but the other bird after being sent away, may even be eaten.
- (32) Who became ritually unclean and had to commence afresh to count the period of his Nazirite vow. But the hair of a clean Nazirite who completed the period of his vow is burnt under the pot where his sacrifices boiled.
- (33) Whether its body or its hair.
- (34) For if we say that they are buried, there is a danger that since one cannot tell whether they are holy or hullin, it may be said that in all cases of disqualified dedications it is permissible to bury them, whereas the law is that disqualified dedications are burnt.
- (35) For although one cannot mistake such an animal for a consecrated animal, as it cannot be dedicated for the altar, we

- still burn it if it was killed in the Temple court on account of an animal of hullin which is burnt in similar circumstances.
- (36) The fruit of a tree during the first three years after its planting is called 'orlah (uncircumcision), and the law of burying is inferred from kil'ayim (v. Rashi).
- (37) V. Deut. XXII, 9.
- (38) This sentence refers to 'orlah and the mixture of seeds in a vineyard.
- (39) I.e., foods.
- (40) I.e., liquids.
- (41) To derive a benefit therefrom.
- (42) Although the case of unclean terumah is mentioned above together with homes, leavened bread on Passover, as being burnt, the Mishnah informs us here that in the case of terumah we may derive a benefit from it.
- (43) Or if the blood was intended to be received or sprinkled beyond the allotted time etc.

Talmud - Mas. T'murah 34a

A GUILT-OFFERING OFFERED BY ONE IN DOUBT [AS TO WHETHER HE HAS COMMITTED A SINFUL ACT] IS TO BE BURNT.¹ R. JUDAH, HOWEVER, SAYS: IT IS TO BE BURIED. A SIN-OFFERING OF A BIRD THAT IS BROUGHT FOR A DOUBT² IS BURNT.³ R. JUDAH, HOWEVER, SAYS: IT IS CAST INTO THE SEWER.⁴ ALL THINGS REQUIRING TO BE BURIED MUST NOT BE BURNT, AND ALL THINGS WHICH REQUIRE TO BE BURNT MUST NOT BE BURIED.⁵ R. JUDAH SAYS: IF ONE WISHES TO BE STRINGENT WITH HIMSELF, TO BURN THINGS WHICH ARE BURIED, HE IS PERMITTED TO DO SO. THEY SAID TO HIM: IT IS NOT ALLOWED TO CHANGE.

GEMARA. Tob⁶ raised an objection to R. Nahman: We have learnt: THE HAIR OF A NAZIRITE IS BURIED. This contradicts the following: If one weaves the size of a sit⁷ from the wool of a firstling animal⁸ in a garment, the garment is to be burnt; [if one weaves] from the hair of a Nazirite and [from the hair of the] firstbirth of an ass in a sack,⁹ the sack is to be burnt¹⁰ — He [R. Nahman] said to him [Tobi]: Here,¹¹ we are dealing with a [ritually] unclean Nazirite,¹² and there,¹³ we are dealing with a [ritually] clean Nazirite.¹⁴ He [Tobi] said to him [R. Nahman]: You have accounted for the disagreement between the case of [the hair of] a Nazirite [mentioned in our Mishnah] and the case of [the hair of] a Nazirite [mentioned in the other]. But you have still to account for the difference between the teaching concerning the firstbirth of an ass [in our Mishnah] and the teaching concerning the firstbirth of an ass [mentioned in the other]? He [R. Nahman] was [at first] silent and said nothing at all to him, but [thereupon] he said to him: Have you heard something with reference to this matter? — He [Tobi] replied to him: Thus said R. Shesheth: Here,¹⁵ we are dealing with a sack,¹⁶ and there,¹⁷ with hair.¹⁸ It has also been stated: Said R. Jose son of R. Hanina: Here we are dealing with a sack and there we are dealing with hair. R. Eleazar says: Here¹⁹ we are dealing with a [ritually] clean Nazirite²⁰ and there²¹ we are dealing with a [ritually] unclean Nazirite.²² He [R. Nahman] asked him: Why should not the forbidden hair be neutralized in the larger size of the sack?²³ — Said R. Papa: We suppose that he wove [the figure of] a bird.²⁴ If [he indeed wove the figure of] a bird, why cannot he pull out [the forbidden hair]?²⁵ — Said R. Jeremiah: [The cited Mishnah] represents²⁶ the view of R. Judah, who holds that if one wishes to be stringent with himself so as to burn the things which only require to be buried, he is permitted to do so. He said to him: We ask why you should not pull out [the forbidden hairs] from the sack²⁷ and you explain [the cited Mishnah] as representing the view of R. Judah!²⁸ — This is what I mean: If it is possible to pull out [the forbidden hair] it is better,²⁹ but if not,³⁰ [the cited Mishnah]³¹ may be explained as representing the opinion of R. Judah who says that if he wishes to be stringent with himself so as to burn things which only require to be buried, he is permitted to do so.

AND THE FOLLOWING ARE TO BE BURNT. The Master said: LEAVENED BREAD ON PASSOVER IS BURNT. The Tanna [of our Mishnah] states here anonymously the opinion of R. Judah who said: The removal of unleavened bread is only through fire.

UNCLEAN TERUMAH, 'ORLAH, MIXED SEEDS IN THE VINEYARD. [THAT WHICH IT IS CUSTOMARY etc.]. How is this explained? Food for burning and liquids for burial.³²

A SIN-OFFERING OF A BIRD etc. It has been taught: Said R. Judah, A sin-offering of a bird which is brought in virtue of a doubt, is cast into the sewer. He cuts it, limb by limb, and throws it into the sewer and it rolls and goes down to the Brook of Kidron.

ALL THINGS WHICH ARE BURIED MUST NOT BE BURNT etc. What is the reason?³³ Because the ashes of things which are buried are forbidden [to be used], whereas the ashes of things which are burnt are permitted [to be used].³⁴ But are the ashes of things which are buried forbidden [to be used]? Has it not been taught: The blood of a niddah³⁵ and the flesh of a corpse which has crumbled³⁶ are ritually clean? Now does this not mean 'clean' and permitted [to be used]?³⁷ — No, it means 'clean' but forbidden [to be used].

R. Phinehas raised an objection: The crop and the plumage of the burnt-offering of a bird whose blood has been squeezed³⁸ are not subject to the law of sacrilege.³⁹ Now does this not mean that they are not subject to the law of sacrilege and are permitted [to be used]?⁴⁰ — No, it means that they are not subject to the law of sacrilege but are forbidden to be used. But are the ashes of things consecrated permitted to be used? Has it not been taught: The ashes of all things which are burnt⁴¹ are permitted to be used⁴² save the ashes of asherah,⁴³ and the ashes of consecrated objects are always forbidden. (And the reason⁴⁴ why the Tanna in the Baraitha here does not state both cases together⁴⁵ is because asherah can be made void by a heathen⁴⁶ whereas consecrated objects can never be made void.) At any rate the Baraitha states that the ashes of consecrated objects are always forbidden? — Said Rami b. Hama: The case here⁴⁷ is where e.g., a fire broke out [of itself] among consecrated wood, seeing⁴⁸ that there was nobody who could be guilty of sacrilege for the ashes to become hullin.⁴⁹ R. Shmaya says: The Baraitha⁵⁰ above refers to the ashes which are separated⁵¹ and which are always forbidden [to be used]. For it has been taught: [Scripture says:] And he shall put it,⁵² meaning 'he shall put it' quietly;⁵³ 'he shall put it'⁵⁴ — the whole of it [the handful]: and 'he shall put it' — that he must not scatter it.⁵⁵

(1) If he killed it, and before the sprinkling of the blood it became known to him that he had not sinned. It is therefore like a disqualified sacrifice, the law of which is that it is to be burnt. But if he did not become aware that he had not sinned, it may be eaten, as is the case with other guilt-offerings (Rashi).

(2) As to whether the embryo of a woman who had an untimely birth was of such a nature as to require her to bring the usual sin-offering after childbirth. For, since the sin-offering of a woman after childbirth is a bird, she can bring it even if there is a doubt concerning the untimely birth, as it does not matter if the sprinkling is performed on behalf of a doubtful case, since in any case the sin-offering is not eaten for fear that the untimely birth was not a genuine embryo and therefore the bird would be hullin, which by reason of the pinching of its neck, has become nebelah (v. Glos.).

(3) As is the case with other disqualified dedications.

(4) For since the bird is tender it decays and the flow of the water in the sewer is not obstructed.

(5) Lest one might find them and forget the reason for their burial and eat them.

(6) For reading v. Sh. Mek.

(7) The distance between the tip of the thumb and that of the index finger when held apart.

(8) Which is forbidden to be used, being from a dedicated animal.

(9) In connection with wool, the Baraitha uses the word 'garment' and in connection with hair, it uses the word 'sack', which in both cases are the appropriate terms.

(10) 'Orlah III, 3. This is contrary to our Mishnah.

(11) Our Mishnah which speaks of burying the hair of a Nazirite.

(12) Rashi says here that the reason is because Scripture does not mention that burial is required in the case of the hair of an unclean Nazirite, as it does with reference to a clean Nazirite. Tosaf., however, (Nazir 45a) raises the question how we know that the hair of an unclean Nazirite is buried.

- (13) In 'Orlah.
- (14) Since Scripture mentions burning: And put it in the fire (Num. VI, 18).
- (15) The Mishnah which speaks of burning.
- (16) Where he wove the hair of a Nazirite or of the firstbirth of an ass into a sack. Now if you say the sack is only buried, someone may come and derive benefit therefrom, seeing that it is not destroyed until after a time.
- (17) Our Mishnah which speaks of burying.
- (18) Where the hair was not woven into any article. And both Mishnahs refer either to an unclean or clean Nazirite.
- (19) In 'Orlah.
- (20) And therefore the hair is burnt as Scripture enjoins in Num. VI, 18.
- (21) Our Mishnah.
- (22) And therefore the hair of a Nazirite is buried. And in both cases we are dealing with the weaving of the forbidden hair in the sack (Rashi).
- (23) Since the statement: 'If one weaves the hair of a Nazirite into a sack' implies something small in a large thing.
- (24) From the forbidden hair of the Nazirite in the sack, thus making the sack more valuable by decorating it. The hair is therefore not neutralized in the larger size of the sack and the sack is consequently burnt.
- (25) And why not therefore bury the sack and not burn it?
- (26) We assume for the moment that we adopt a stringent attitude and for this reason the Mishnah says that the sack is burnt (Rashi).
- (27) Since there is here a remedy.
- (28) Where there is a way out, does R. Judah hold that one may burn things which only require burial?
- (29) That the sack should not be burnt (R. Gershom). Tosaf. comments here that the passage does not refer at all to the question of neutralizing the forbidden hair, but has reference to the incongruity between the Mishnah in 'Orlah and our Mishnah above.
- (30) The Wilna Gaon Glosses have the version **וְאֵשׁוֹרְלָהּ** which in an abbreviated form is **וְאֵשׁוֹ** 'but I tell you'.
- (31) Which speaks of burning, contrary to our Mishnah above.
- (32) As liquids cannot be burnt.
- (33) That things which are buried must not be burnt.
- (34) If therefore he burns things which are to be buried, he might use the ashes which are forbidden.
- (35) A menstruant woman.
- (36) And became dust. Now these things require to be buried.
- (37) We therefore see that the ashes of things which are buried are permitted to be used.
- (38) On the wall of the altar, the ritual in connection with a burnt-offering having been carried out.
- (39) These are things which are buried.
- (40) So that one may directly dig them up and use them. We therefore see that the ashes of buried things are permitted.
- (41) E.g., leaven on passover, 'orlah, etc.
- (42) In order to wash clothes therewith (Rashi).
- (43) Trees used as objects of idolatry.
- (44) The Gemara proceeds to explain the Baraitha just quoted before completing the question.
- (45) Those of asherah and consecrated objects by saying: Save for the ashes of asherah and consecrated objects, instead of: 'Save for the ashes of asherah, and the ashes of etc.', seeing that both are forbidden.
- (46) A heathen can nullify objects of idolatry belonging to a heathen.
- (47) In the Baraitha where it says that the ashes of consecrated objects are forbidden.
- (48) For reading v. sh. Mek.
- (49) But if a man deliberately burnt consecrated wood, the ashes became hullin, by the unlawful use of consecrated property.
- (50) The Baraitha which says that the ashes of consecrated objects are forbidden.
- (51) The handful of ashes taken away by the priest every morning and which he puts near the altar.
- (52) Le., VI, 3.
- (53) I.e., not throw the ashes but put them near the altar, in an orderly manner, since Scripture does not say 'he shall cast it'.
- (54) Since the Torah could have said: 'And he shall put' without the objective suffix 'it' (R. Gershom).

(55) This is an obvious inference, after the previous interpretations. We therefore see that these ashes require to be hidden away and, this being the case, it is forbidden to benefit from them. But other ashes of consecrated objects are permitted to be used.

Talmud - Mas. K'rithoth 2a

CHAPTER I

MISHNAH. THERE ARE IN THE TORAH THIRTY-SIX [TRANSGRESSIONS WHICH ARE PUNISHABLE¹ WITH] EXTINCTION:² WHEN ONE HAS INTERCOURSE WITH HIS MOTHER,³ HIS FATHER'S WIFE OR HIS DAUGHTER-IN-LAW; WHEN A MAN HAS CONNECTION WITH A MALE, OR COVERS A BEAST, OR WHEN A WOMAN ALLOWS HERSELF TO BE COVERED BY A BEAST; WHEN ONE HAS INTERCOURSE WITH A WOMAN AND HER DAUGHTER,⁴ WITH A MARRIED WOMAN, WITH HIS SISTER, WITH HIS FATHER'S SISTER, HIS MOTHER'S SISTER, HIS WIFE'S SISTER,⁵ HIS BROTHER'S WIFE,⁶ THE WIFE OF HIS FATHER'S BROTHER,⁷ OR WITH A MENSTRUOUS WOMAN; WHEN ONE BLASPHEMES [THE LORD].⁸ SERVES IDOLS,⁹ DEDICATES OF HIS CHILDREN TO MOLECH¹⁰ OR HAS A FAMILIAR SPIRIT,¹¹ OR DESECRATES THE SABBATH;¹² . WHEN AN UNCLEAN PERSON EATS OF SACRIFICIAL FOOD,¹³ OR WHEN ONE ENTERS THE PRECINCTS OF THE TEMPLE IN AN UNCLEAN STATE;¹⁴ WHEN ONE EATS HELEB,¹⁵ BLOOD,¹⁶ NOTHAR¹⁷ OR PIGGUL;¹⁸ WHEN ONE SLAUGHTERS OR OFFERS UP¹⁹ [A CONSECRATED ANIMAL] OUTSIDE [THE TEMPLE PRECINCTS]; WHEN ONE EATS ANYTHING LEAVENED ON PASSOVER;²⁰ WHEN ONE EATS OR WORKS ON THE DAY OF ATONEMENT;²¹ WHEN ONE COMPOUNDS OIL [OF ANOINTING]²² OR COMPOUNDS INCENSE,²³ OR USES [UNLAWFULLY] OIL OF ANOINTING;²⁴ AND [WHEN ONE TRANSGRESSES THE LAWS OF] THE PASCHAL OFFERING²⁵ , AND CIRCUMCISION²⁶ — FROM AMONG POSITIVE COMMANDMENTS. FOR THESE [TRANSGRESSIONS] ONE IS LIABLE TO EXTINCTION IF COMMITTED WILFULLY,²⁷ AND IF IN ERROR TO A SIN-OFFERING,²⁸ AND IF THERE IS A DOUBT WHETHER HE HAD COMMITTED THE TRANSGRESSION TO A SUSPENSIVE GUILT-OFFERING, EXCEPT IN THE CASE OF ONE WHO DEFILED THE TEMPLE OR ITS CONSECRATED THINGS,²⁹ SINCE ONE IS LIABLE IN THIS CASE TO A SLIDING-SCALE SACRIFICE.³⁰ THUS R. MEIR, WHILE THE SAGES SAY: ALSO THE BLASPHEMER [IS AN EXCEPTION],³¹ FOR IT SAYS: YE SHALL HAVE ONE LAW FOR HIM THAT DOETH AUGHT IN ERROR;³² THIS IS TO EXCLUDE THE BLASPHEMER³³ WHO PERFORMS NO ACTION.³⁴ [

(1) If committed wilfully, but without due warning by two witnesses of the punishments they involve. If committed after such warning, the penalties vary between flagellation and the death sentence.

(2) Heb. kareth, 'cutting off'; i.e., the perpetrator's life is cut short by Providence (v. Glos.): M.K. 28a.

(3) This law as well as the other laws in the Mishnah relating to incestuous or other immoral connections are enumerated in Lev. XVIII. A notable omission from the list of incestuous relations is a daughter, both legitimate and illegitimate. The prohibition relating to her is taken to be self-evident from the explicit prohibition of intercourse with a woman and her daughter, or implied in the law regarding a grand-daughter. Cf. Yeb. 3a; Rashi ad loc.

(4) Or for that purpose also a grand-daughter.

(5) This prohibition holds good only while his wife is alive even though divorced.

(6) An exception is the case of levirate marriage, Deut. XXV, 5f.

(7) In some edd. 'the wife of his mother's brother' is added here.

(8) Num. XV, 30.

(9) Ibid. 31, which is understood to refer to idolatry.

(10) Lev. XVIII, 21.

(11) Ibid. XX, 6; cf. Sanh. VII, 6.

(12) Ex. XXXI, 14.

(13) Lev. XXII, 3.

(14) Num. XIX, 20.

(15) Certain portions of the abdominal fat of cattle which may not be eaten, Lev. VII, 25.

(16) Ibid. XVII, 14.

- (17) Sacrificial portions left over beyond the prescribed time; these have to be burnt, *ibid.* XIX, 6-8. V. Glos.
- (18) The flesh of an offering which became unfit by reason of an improper intention in the mind of those officiating. *ibid.* VII, 18; XIX, 7-8; v. Glos.
- (19) *Ibid.* XVII, 9.
- (20) Ex. XII, 19.
- (21) Lev. XXIII, 29-30.
- (22) In the exact quantities prescribed in Ex. XXX, 23-33.
- (23) In the proportions prescribed in *ibid.* 34-38.
- (24) *Ibid.* 32.
- (25) Num. IX, 13.
- (26) Gen. XVII, 14.
- (27) But without legal warning; v.n. 1 p. 1.
- (28) Referring to the prohibitory laws only. No sin-offering is required for sins of omission. 'Error' denotes ignorance of the nature of the object at the time of transgression; but in case of complete ignorance of the law, no offering is brought; thus Rashi against Maim. Shegagoth II, 6.
- (29) I.e., one is exempt from an offering in case of doubt.
- (30) I.e., the sacrifice varies according to the means of the transgressor, Lev. V, 6, 7, 11. The rule is that a suspensive guilt-offering is brought only in cases where, if in error, one is liable to a fixed sin-offering and not to one that varied according to circumstances, cf. *infra* 25a.
- (31) V. Gemara.
- (32) Num. XV, 29.
- (33) The verse deals with those who must bring a sin-offering; v. *ibid.* 27.
- (34) I.e., whose offence consists of words.

Talmud - Mas. K'rithoth 2b

GEMARA. Why has a number been mentioned [in the Mishnah]? — Said R. Johanan: [To tell you] that if one commits all [these transgressions] in one spell of unawareness he is liable [to a sacrifice] for each of them.¹ Again, as to that which we have learnt: 'There are thirty-nine principal categories of work prohibited on the Sabbath',² why has a number been mentioned there? [To tell you] that if one does them all in one spell of unawareness he is liable to a sacrifice for each of them. Again, as to that which we have learnt: 'There are four who require an act of atonement',³ — why has a number been mentioned there? — To exclude the view of R. Eliezer b. Jacob, who holds that there are five, as we have learnt: 'R. Eliezer b. Jacob says: A proselyte [too] requires atonement [and may not eat of sacred things] until the blood [of the sacrifice] has been sprinkled'. This is why the number 'four' has been mentioned. Again, as to that which we have learnt: 'In four instances one brings the same sacrifice for wilful transgression as for transgression in error',⁴ — why has a number been mentioned there? — To exclude the view of R. Simeon. For it has been taught: 'R. Simeon holds, that in the case of a false oath concerning a deposit⁵ wilful transgression is not expiable by a sacrifice'.⁶ This is why the number 'four' has been mentioned there. Again, as to that which we have learnt: 'There are five instances where one sacrifice is brought for several transgressions',⁷ — why has a number been mentioned? — Because it wishes to state in the sequel, 'And a nazirite who became unclean several times'. Now this is rendered possible if he became defiled on the seventh [clean] day⁸ and then again on the seventh day,⁹ and in accordance with the view of R. Jose son of R. Judah, who maintains that the 'Naziriteship of Cleanness'¹⁰ begins to operate from the seventh day.¹¹ For according to Rabbi, who holds that the 'Naziriteship of Cleanness' does not become operative before the eighth day, how is this rendered possible? If he was defiled on the seventh day and then again on the seventh, the whole is one protracted period of uncleanness;¹² and if he was defiled on the eighth day and then again on the eighth, since he had passed the time when the sacrifice became due, he should be liable to a separate offering for each defilement? It is thus proved that that [Mishnah] is in accordance with R. Jose son of R. Judah.¹³ Where is the dispute between Rabbi and R. Jose son of R. Judah? — As it has been taught: 'And he shall hallow his head the same

day¹⁴ refers to the day of the bringing of the sacrifice, says Rabbi; R. Jose son of R. Judah says: To the day of the cutting of his hair',¹⁵ Again, as to that which we have learnt: 'Five must bring a sliding-scale offering' — why has a number been mentioned there?¹⁶ — Because it says in the sequel:¹⁷ 'The same applies to the ruler'.¹⁸ He thus mentions the number 'five' to exclude the view of R. Eliezer who holds¹⁹ that a ruler brings a goat as an offering.²⁰ Again, as to that which we have learnt: 'There are four principal categories of damage',²¹ — why has a number been mentioned there? — To exclude the view of R. Oshaia, who holds there are thirteen such categories.²² But then why has R. Oshaia mentioned a number? — To exclude the view of R. Hiyya, who holds that there are twenty-four such categories.²³ But then why has R. Hiyya mentioned a number? — To exclude an informer and one who renders a sacrifice piggul.²⁴

The Master said: 'If one commits all these transgressions in one spell of unawareness, one is liable [to a sacrifice] for each of them'. It is well that you could not declare him exempted altogether, for it is written: For whosoever shall do any of these abominations [even the souls that do them] shall be cut off.²⁵ But why not say, if he commits one transgression of these he is liable to one sacrifice, if he transgresses them all in one spell of unawareness he is still liable only to one offering? — Replied R. Johanan: It is for this reason that [the penalty of] kareth has been specially mentioned in connection with 'his sister',²⁶ to intimate that each of them requires a separate atonement.²⁷ R. Bibi b. Abaye demurred to this: Why not say, in the case of 'his sister', which Scripture has singled out, a separate offering is required, but as to the other transgressions there should be but one sacrifice [for them all] since they have been committed under one spell of unawareness?²⁸ But as to R. Bibi b. Abaye, does he not accept [the general principle] which has been taught: 'If a law has been included in a class and has then been singled out for some specification, this specification applies not only to that law but to the whole class',²⁹ for instance [Scripture reads]: And the soul that eateth of the flesh [of the sacrifice of peace-offering. . .].³⁰ Now, was not the peace-offering included in the general class of consecrated things,³¹ why has it been singled out? To make [consecrated things]³² analogous [for the purpose of this law] to the peace-offerings: As the peace-offerings are dedications to the altar, and for this reason one is liable on their account to kareth, so also whatever are dedications to the altar, one is liable on account thereof to kareth; this excludes dedications for the Temple Repair [Fund]!³³ — R. Bibi might reply: From this very [Baraita one can prove the contrary]. Did you not say that dedications for the Temple Repair [Fund] were to be excluded? Likewise here [argue in a similar manner]: Just as 'his sister' is distinguished in that it is a relation which can never be permitted in the lifetime of the man who renders her forbidden,³⁴ so must the others³⁵ be such relatives as cannot be permitted in the lifetime of those who render them forbidden; this excludes the married woman, who can be permitted during the lifetime of him who renders her forbidden!³⁶ — Said R. Jonah, or as some say, R. Huna the son of R. Joshua, Scripture says: For whosoever shall do any of these abominations etc.;³⁷ all other forbidden relations are thus made analogous to 'his sister': Just as in the case of 'his sister' one is liable on her account to a separate offering, so also in all other cases one is liable to a separate offering for each [transgression]. But according to R. Isaac who holds,³⁸ All transgressions³⁹ liable to kareth have been comprised in a general statement,⁴⁰ and the reason that kareth has been singled out in the case of 'his sister' is to render [the offence] subject to the penalty of kareth and not lashes,⁴¹ — wherefrom does he then derive that separate offerings have to be brought for each transgression? — He derives it from: And thou shalt not approach unto a woman while she is a niddah⁴² by her uncleanness;⁴³ a separate offering is brought for each woman.⁴⁴ But as to the Rabbis,⁴⁵ let them derive the law [relating to separate offerings] from: 'Unto a woman while she is a niddah by her uncleanness'? — Indeed they do. And for which purpose then has the penalty of kareth been mentioned in the case of 'his sister'? — [To teach] that separate sacrifices be brought for intercourse with 'his sister', 'his father's sister' and 'his mother's sister'. But is [a text] necessary to separate these [various offences],⁴⁶ are these [transgressions] not of different denominations and [committed with] different persons? — Rather, say that [three] separate sacrifices be required in the case of intercourse with 'his sister' who is at the same time his father's sister and his mother's sister.⁴⁷ And whence will R. Isaac derive this? — He will derive it from the latter part of the verse:

He hath uncovered his sister's nakedness.⁴⁸ And for which purpose do the Rabbis apply 'his sister' in the latter part of the verse? — They apply it

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- (1) The mention of the number indicates that each transgression preserves its identity even if committed in conjunction with other transgressions.
 - (2) Shab. VII, 2.
 - (3) Before they may partake of sacred things.
 - (4) V. infra 9a where no number is mentioned.
 - (5) Which is one of the four instances mentioned in that Mishnah. According to him there are, then, only three such instances.
 - (6) Sheb. 34b.
 - (7) V. infra 9a.
 - (8) A nazirite who is defiled during the period of his naziriteship has to count seven clean days and bring an offering on the eighth day. He has then to observe again his vow of naziriteship for the period stipulated, v. Num. VI, 9f. If he is defiled on the seventh of the clean days, he has to start again this period of cleanness, etc.
 - (9) Viz., after the new defilement which interrupted the resumed count of naziriteship.
 - (10) I.e., the new count of naziriteship.
 - (11) His new defilement on the seventh day is therefore to be considered independent of that which preceded it.
 - (12) Its inclusion as a case where one is liable to one offering for several transgressions is then not justified.
 - (13) The number has thus been mentioned to include the nazirite and thus to teach that the Mishnah is in accordance with R. Jose and not Rabbi.
 - (14) Num. VI, 11. The continuation of this text prescribes the resumption of his naziriteship.
 - (15) I.e., the seventh day (ibid. g); v. infra 9b.
 - (16) V. infra 9a.
 - (17) Viz., of the Mishnah in Hor. 8b.
 - (18) I.e., he too is exempted altogether from any sacrifice in all cases where an ordinary person would have to bring a sliding-scale offering.
 - (19) Ibid. 9a.
 - (20) I.e., the number has been mentioned to stress that in the instances of these five transgressions enumerated in the Mishnah, infra 9a, none but a sliding-scale sacrifice can be brought and consequently a ruler brings in such cases no offering at all, in accordance with the general rule that a ruler is altogether exempt whenever the prescribed offering is not fixed.
 - (21) B.K. 2a.
 - (22) B. K 4b.
 - (23) Ibid.
 - (24) V. Glos. I.e., these two are exempted from paying indemnity; v. B.K. 5a.
 - (25) Lev. XVIII, 29.
 - (26) Ibid. XX, 17; although this penalty is already implied in the collective statement in Lev. XVIII, 29. The superfluous mention of kareth in a single instance is to indicate that this penalty is prescribed for each transgression separately even when committed in conjunction with others.
 - (27) Lit., 'to divide'.
 - (28) I.e., one sacrifice should be offered for incestuous relations with a sister and one for the rest of transgressions collectively.
 - (29) One of the famous thirteen hermeneutic rules of R. Ishmael.
 - (30) Ibid. VII, 20 dealing with the prohibition for an unclean person to eat sacred food.
 - (31) Ibid. XXII, 3.
 - (32) To which the statement in Lev. XXII, 3 is meant to apply.
 - (33) And here likewise all cases of incestuous relationships ought to be derived from 'his sister'.
 - (34) I.e., she always remains forbidden to the brother.
 - (35) For the purpose of liability to a separate offering.
 - (36) I.e., she may remarry on divorce even in the lifetime of him who had hitherto rendered her forbidden, i.e., her husband. One might thus argue that one should not be liable to a separate offering for having relations with a married

woman, if the transgression was committed together with other transgressions relating to forbidden relations, in one spell of unawareness.

(37) Lev. XVIII, 29.

(38) V. Mak. 13b, 23b. R. Isaac employs the previously mentioned analogy for a different purpose.

(39) Referring to forbidden marriages.

(40) Lev. *ibid.*

(41) I.e., his sin is not expiated by the infliction of lashes upon him.

(42) I.e., a menstruant woman.

(43) Lev. XVIII, 19.

(44) The word 'woman' is considered superfluous; it should read, 'not approach a niddah'.

(45) I.e., the opponents of R. Isaac, who hold that lashes effect expiation where kareth is predicated. The law referring to separate offerings seems according to them to be derived from 'his sister'.

(46) To teach that each must be atoned for separately.

(47) V. *infra* 25a.

(48) *Ibid.* XX, 17. The word 'sister' is considered superfluous. It should read 'her nakedness'.

Talmud - Mas. K'rithoth 3a

to 'his sister' who is his father's daughter and his mother's daughter,¹ and to teach you that the trespass of a law deduced *ad majus* is not punishable. R. Isaac on the other hand holds that it is punishable. Or, if you will, I can say he will derive [the inclusion of the full sister in the pronouncement of] punishment from [its inclusion in the pronouncement of] prohibition.²

Said R. Eleazar in the name of R. Hoshai: Wherever two negative commands are combined in one [collective pronouncement of the penalty of] kareth, separate sin-offerings are to be brought for each of them.³ Where is this exemplified? — In the instances of one who compounds or uses the sacred oil of anointment, for it is written: Upon the flesh of man shall it not be poured [neither shall ye make any like it], according to the composition thereof;⁴ whilst as to the one [pronouncement of] kareth, it is written: Whosoever compoundeth any like it, or whosoever putteth any of it upon a stranger, he shall be cut off from his people.⁵ Now, [according to this rule] since there is a separate negative command for each of the forbidden relations, why was it necessary [to single out in the Torah the] kareth [penalty] in the case of 'his sister'?⁶ — According to R. Isaac it is as we have explained above; whilst as to the Rabbis, [they employ the text] to let us know that a law derived by the conclusion *ad majus* is not punishable.⁷ Said R. Nahman son of Isaac: We have also learnt to this effect: WHEN ONE COMPOUNDS OIL [OF ANOINTING] OR COMPOUNDS INCENSE, OR USES OIL OF ANOINTING. Why has [the law concerning] one who compounds incense been placed between [the other two laws]⁸ if not to let us know: As [the law concerning] incense is a separate prohibition and one is liable on account thereof to a separate sin-offering, so also where one compounds oil of anointment and uses it, since they are the subject of separate prohibitions, one is liable on account of them to separate sin-offerings.³ And if you argue [that the reason of this order in the Mishnah is] because the instances concerning compounding had to be stated together, [then I would argue] that [the Tanna] should have reversed the order and stated as follows: When one compounds incense, or compounds the oil, or uses the oil [of anointment]; wherefore has he separated [the laws relating to] oil one from the other, if not to let us know that separate sin-offerings are to be brought for them? This proves it.

WHEN A MAN HAS CONNECTION WITH A MALE. Whom has the Tanna in mind?⁹ If a male, then you must omit the instance of the woman that is covered by a beast, and you are one short;¹⁰ if a woman, you must omit the instances of the man who has connection with a male or covers a beast, and you are short of two. — Said R. Johanan: Indeed the Tanna refers to a male, but read thus: When a male has connection with a male or causes a male to have connection with him; and [the Mishnah] is in accordance with R. Ishmael, who holds¹¹ that one is liable to two

sin-offerings.¹² But since the case of the blasphemer is stated in the latter clause of the Mishnah and has been explained in accordance with R. Akiba,¹³ have we not to assume that also the earlier clause is in accordance with R. Akiba? And if you should argue that [the Mishnah] is indeed according to R. Akiba, but that he himself agrees with R. Ishmael's view in the case dealt with in the earlier clause, [I would retort,] did not R. Abbahu say: If a man has connection with a man or causes a man to have connection with him, on the view of R. Ishmael, who derives these [prohibitions] from two different texts, viz., Thou shalt not lie with mankind,¹⁴ and Neither shall there be a sodomite of the sons of Israel,¹⁵ he is liable to two sin-offerings; but according to R. Akiba he is liable to one sin-offering, since he derives both [prohibitions] from one and the same text, viz., 'Thou shalt not lie with mankind', Interpreting this: Thou shalt not cause [mankind] to lie [with thee]?¹⁶ Rather [you must say]: The first clause is according to R. Ishmael, but in the case of the blasphemer he agrees with R. Akiba. If so, the Mishnah should have also stated: When a man covers a beast or causes a beast to cover him? — Surely Abaye said: If a man covers a beast and causes a beast to cover him, even according to R. Ishmael, he is liable to one offering only, because the Scriptural text refers to human males only! R. Eleazar in the name of Rab said:¹⁷ The Tanna of our Mishnah meant to imply the possibility of one person¹⁸ bringing thirty-three sin-offerings,¹⁹ and he mentions the other three instances²⁰ in order to complete the list of sins punishable with kareth. For it reads in the concluding clause: [WHEN ONE TRANSGRESSES THE LAWS OF] THE PASCHAL OFFERING AND CIRCUMCISION — FROM AMONG POSITIVE COMMANDMENTS. Now, wherefore have [the laws concerning the] paschal lamb and circumcision been enumerated? Should you say to intimate that one has to offer a sacrifice on their account?²¹ But does one bring a sacrifice on their account? Has it not been taught: All the laws of the Torah have been brought into analogy with idolatry,²² viz., Ye shall have one law for him that doeth ought in error,²³ and But the person that doeth aught with a high hand:²⁴ Just as the law concerning idolatry is the subject of a prohibition, so have all other transgressions to be the subjects of a prohibition?²⁵ This, therefore, proves that the Tanna speaks of thirty-three transgressions committed in error, and that the other three cases have been mentioned only for the purpose of completing the list of sins punishable with kareth. This proves it.

WHEN ONE DESECRATES THE SABBATH. It was remarked: Are there not thirty-nine different classes of work on Sabbath?²⁶ — Said R. Johanan: Our Tanna speaks of the case [where one was] in error in respect of the Sabbath, but aware of [the prohibition of the various kinds] of work [thereon],²⁷ in which case one is liable to one sacrifice only. For it has been taught:²⁸ How is 'these' resulting in 'one':²⁹ If one is in error in respect of the Sabbath but aware of the prohibition of [various kinds of] work! But why does not the Tanna speak of the case where one was aware of the Sabbath and in error in respect to the prohibition of the various kinds of labour, making him then liable to thirty-nine [sin-offerings]? For has it not been taught:³⁰ . . . and shall do any one of these [transgressions]? Sometimes one is liable to one offering for all transgressions and sometimes to an offering for each of them? [How is] 'one' resulting in 'these': If he was aware of the Sabbath and in error in respect of the work? — Our Tanna prefers to state the instance of the error in respect of the Sabbath and awareness [of the prohibition] of the various kinds of work to let us know that one is not altogether exempted from a sin-offering in such a case.³¹ And you must likewise explain the instance of idolatry of which our Mishnah speaks as referring to an error in respect of the idol but with an awareness of the prohibition of the forms of [idolatrous] worship. How is error in respect of the idol' to be understood? Shall I say that he stood in a house of idolatry and, thinking it was a synagogue, prostrated himself? But then his heart was directed towards Heaven. Again, if he saw a statue and prostrated himself to it, then if he accepted it as a deity, he is subject to stoning; on the other hand, if he did not acknowledge it as a deity, what has he done? Rather he served idols out of love or fear [of a fellow-man].³² That is right according to Abaye who holds³³ one is liable [in such a case!, but according to Raba who says that one is exempted, how is it to be understood?

(1) The text, Lev. XVIII, 9, mentions his father's daughter or his mother's daughter. The full sister, though not explicitly stated, can be derived by the conclusion ad majus. On the basis of this conclusion, however, no penalty is imposed

- according to the Rabbis. In Lev. XX, 17, however, the full sister is taken to be implied because sister is mentioned there without qualification.
- (2) For the latter part she is assumed to be implied in the general term, 'she is thy sister' of Lev. XVIII, 11. Cf. Mak. 5b.
- (3) Viz., in case of their transgression in one spell of unawareness.
- (4) Ex. XXX, 32.
- (5) Ibid. 33.
- (6) V. the preceding discussion. R. Isaac employs this special mention of kareth for the derivation of the rule that separate offerings are to be brought for each transgression, whilst the Rabbis derive this rule from another text. According to the Rabbis, the question here will similarly be that that other text is now superfluous.
- (7) In cur. edd. the following text is inserted here: 'According to R. Isaac, he derives from this that one is liable in the case of "his sister" who is at the same time his father's sister and his mother's sister. The Rabbis, however, will derive this from "his sister" of the former text; while R. Isaac holds that "his sister" in the former text is essential in the context and derives the rule of separate offerings from the word "his sister" in the latter text: that separate offerings be brought in the case of "his sister" who is at the same time his father's sister and his mother's sister'. This insertion is struck out by Rashi and others.
- (8) Which refer to oil and should therefore be stated together.
- (9) Viz., with his implication expounded above by R. Johanan that if a person transgresses them all in one spell of unawareness, he is liable to an offering for each trespass.
- (10) Of the full total of thirty-four sin-offerings involved for all the transgressions enumerated in the Mishnah. The transgressions relating to the paschal lamb and circumcision involve no sin-offering.
- (11) V. Sanh. 54b.
- (12) If committing these two offences in one spell of unawareness.
- (13) V. infra 7a.
- (14) Lev. XVIII, 22.
- (15) Deut. XXIII, 18. This refers to the passive agent.
- (16) The kal תשכב is read as the hiphil תשכיב.
- (17) In answer to the original query as to whether the Tanna refers to a man or woman.
- (18) Viz., a male.
- (19) And not thirty-four as hitherto assumed.
- (20) I.e., the one which does not apply equally to man and woman and those transgressions relating to the paschal lamb and circumcision.
- (21) I.e., that they be included in the statement of the Mishnah regarding the bringing of a sin-offering in the case of transgression in error.
- (22) Mak. 13b.
- (23) Num. XV, 29.
- (24) Ibid. 30. The latter text refers to idolatry. The juxtaposition of the texts effects the analogy.
- (25) In order to involve a sin-offering.
- (26) V. Shab. VII, 1. Our Mishnah should therefore, on the view of R. Johanan, have enumerated seventy-four transgressions for the commission of which one would be liable to many sin-offerings.
- (27) I.e., he did not know that the day was Sabbath, though he knew that work was prohibited on the Sabbath Day.
- (28) Shab. 70b.
- (29) The twofold partitive prefix in מאחת מהנה, Lev. IV, 2 is an unusual construction. Both prefixes are regarded as significant, to be used separately: firstly as מהנה אחת 'one out of these', indicating that several prohibited acts may be counted as one transgression, namely when they result from one error; secondly as מאחת הנה 'these out of one', implying that one law e.g., Sabbath, may lead to several transgressions, namely when the various acts originate in different errors. The former implication is expressed in the Gemara in the terms that 'these' results in 'one', and the latter that 'one' results in 'these'.
- (30) Sanh. 62a.
- (31) Contrary to the possible assumption that since he was aware that the work was prohibited he is to be regarded as having sinned with presumption.
- (32) Thinking that with this motive worship was not forbidden.
- (33) V. Sanh. 61b.

Talmud - Mas. K'rithoth 3b

— Rather [it is to be understood] where he thought that the worship of idols was permitted. For Raba's question to R. Nahman¹ was whether one is liable to one offering or to two;² that one should be exempted altogether was never suggested by him.³ R. Papa said: It is possible⁴ where one had been captured as a child by heathens, he would know that idolatry was forbidden,⁵ but not that these particular idols were forbidden. Or if you wish, I may say that they can occur also with an adult,⁶ where e.g., he erred in the interpretation of the verse, Ye shall not make with the gods of silver or gods of gold, etc.⁷ and assumed that only the prostration before idols of gold or silver was forbidden, but not of any other material. This would then be a case of error in respect of the idol and awareness of the prohibition of the forms of worship. R. Aha the son of R. Ika said in the name of R. Bibi:⁸ Our Tanna enumerates Sabbath as a class and idolatry as a class.⁹ Whence [do we know this]? — It says, WITH A WOMAN AND HER DAUGHTER, OR WITH A MARRIED WOMAN. Now there is still the case of his daughter from a woman outraged by him, which is not mentioned in the Mishnah.¹⁰ [But] I might retort [the reason of this omission is that] the laws written in the Torah are mentioned, the laws not written in the Torah are not mentioned!¹¹ — Surely there are still the instances of his wife's daughter, her daughter's daughter and her son's daughter, which are written in the Torah¹² and yet not mentioned in our Mishnah. You are thus obliged to say that the whole class of woman and daughter is meant to be implied in the Mishnah; similarly interpret the Mishnah as referring to the class of Sabbath and the class of idolatry. R. Aha the son of R. Ika found that he [R. Bibi] contradicted himself. For how could R. Bibi b. Abaye say here, 'Our Tanna enumerates the Sabbath as a class and idolatry as a class'; was it not stated: 'If one offered up [the sacrificial] limbs [of an offering] slaughtered inside the Temple precincts outside the Temple court, one is liable; similarly, if he offered up outside limbs [of an offering that was slaughtered] outside [the Temple precincts] he is liable'?¹³ And in connection with this R. Bibi b. Abaye himself raised the difficulty: If so, how does the Mishnah state, THERE ARE IN THE TORAH THIRTY-SIX TRANSGRESSIONS PUNISHABLE WITH EXTINCTION? Are there not thirty-seven such transgressions, since there are the two cases of one offering up [outside] sacrificial portions. Now, what is his difficulty, since one can retort that the Tanna states the offering up as a class? What comparison is there? The laws of Sabbath and of idolatry are stated [elsewhere] in their proper place [in a Mishnah];¹⁴ when being mentioned here again in connection with kareth, it suffices to enumerate Sabbath and idolatry as types. But as to the laws of offering up, where is the place [in a Mishnah] that they have been stated,¹⁵ that you could reply in the same manner?

R. Jeremiah put the following query before R. Zera: What is the ruling when two separate pronouncements of kareth are attended by only one negative command?¹⁶ — He replied: You refer, I suppose, to 'slaughtering' and 'offering up' [outside the Temple precincts],¹⁷ but are there not in this case two negative commands?¹⁸ For according to him who derives 'slaughtering' from a gezerah shawah¹⁹ based upon the common term haba'ah²⁰ mentioned [in connection with 'slaughtering' and 'offering up'], just as in the latter [the text] did not pronounce punishment without having expressed a warning,²¹ so also in the former it has not pronounced punishment without an attended [implicit] warning; and according to him who derives it from a hekkesh,¹⁹ the verse says: There thou shalt offer [thy burnt-offerings] and there thou shalt do [all that I command thee];²² Scripture has thus compared 'slaughtering' and 'offering up', just as in the case of 'offering up' it has not pronounced punishment without having expressed a warning, so also with 'slaughtering' it did not pronounce punishment without an attended [implicit] warning. Your query is, perhaps, in regard to two separate pronouncements of the death penalty attended by only one negative command, as is the case with the ob and yidde'oni.²³ — He replied: On this there is a dispute between R. Johanan and Resh Lakish. For among the transgressions punishable by stoning we find enumerated²⁴ both the ba'al ob and yidde'oni, and the question was raised: Why was yidde'oni mentioned in connection with 'stoning' but omitted in connection with kareth? Whereupon R. Johanan replied: Because they were both

under one negative command,²⁵ and the reason why ba'al ob and not yidde'oni was chosen, is that in Scripture ba'al ob is mentioned first; while Resh Lakish said that it is because [the offence of] yidde'oni involves no action.²⁶ Why did not Resh Lakish say as R. Johanan — Said R. Papa: Because he holds these two laws are after all stated separately in respect of the pronouncement of the death penalty,²⁷ while R. Johanan maintains that only where there are separate negative commands are there separate offerings, but separate pronouncements in respect of the death penalty do not involve separate offerings. And why does not R. Johanan say as Resh Lakish? — Because he holds that the Mishnah relating to kareth is according to R. Akiba,²⁸ who holds that action is not essential [for the liability to a sin-offering]. And Resh Lakish? [He maintains that] although R. Akiba does not require a weighty action, he still considers it essential that some slight action be performed. What action is there in connection with ob? — The clapping of the arms²⁹ is regarded as an action. What action is performed by the blasphemer? — The curving of the lips³⁰ is considered an action.

On the assumption that the clapping of the arms is considered a slight action even according to the Rabbis,³¹ the following objection was raised: It was taught: In the case of idolatry one is liable only for an action such as sacrificing, the offering of incense or libation, or prostration;³² and when the difficulty was pointed out that prostration was not an action, Resh Lakish replied that this ruling was in accordance with R. Akiba who held that [weighty] action was not essential; while R. Johanan said: The ruling might conform even to the view of the Rabbis, for the bending of stature³³ was to be considered as an action. It thus appears that in the opinion of Resh Lakish³⁴ the Rabbis do not consider the 'bending of stature' an action. How then can the clapping of the arms³⁵ be regarded as an action? — What, then, will you maintain that when Resh Lakish stated that the clapping of the arms is considered an action it was made on the view of R. Akiba, but that according to the Rabbis it was not to be considered an action;³⁶ why in this case [does the Mishnah] state, THIS IS TO EXCLUDE THE BLASPHEMER WHO PERFORMS NO ACTION? It should have stated, This is to exclude the blasphemer and the ba'al ob! — [The Mishnah mentions] one of two [as an example].³⁷ But then let it mention ba'al ob³⁸ instead of the blasphemer? — [The explicit exclusion of] the blasphemer was necessary, for I might otherwise have thought that, since the pronouncement of kareth in his case is in juxtaposition to laws relating to offerings,³⁹ the Rabbis agreed with R. Akiba with regard to the blasphemer. Therefore [the Mishnah] teaches us that this is not so. 'Ulla said: Ba'al ob mentioned in the Mishnah means the offering of incense⁴⁰ to the Prince of the Demons.⁴¹ Raba demurred to this: If this is so, is not this idolatry?⁴² Rather Raba explained: [It means,] He offers incense to a demon in order to exorcise him.⁴³ Abaye demurred to this: If so, is this not identical with 'one who charms'?⁴⁴ — He replied: The Torah has said that one who charms after this manner [is liable to death] by stoning. And what kind of charm, then, is subject to a mere negative command?⁴⁵ — He replied: As has been taught:⁴⁶ And one who indeed charms,⁴⁷ implies both the charmer of large and of small animals; even the charmer of a snake or scorpion is guilty.

Said Abaye: It is prohibited to cast a spell over a wasp and a scorpion,⁴⁸ but if they follow him, it is permitted. According to R. Johanan, who holds that the bending of stature is regarded as an action, why should not also the curving

(1) Ibid. 70b.

(2) Where one was unmindful of the main offence as well as of its applications.

(3) And likewise here, although by thinking that idolatry is permitted the error would be alike in respect of the idol and the forms of worship, there is still liability to one sin-offering.

(4) To find a case where one was in error in respect of the idol but not in respect of the prohibition of the forms of worship.

(5) I.e., knowing which forms of worship were forbidden.

(6) Should read 'one who was not captured by heathens as a child'.

(7) Ex. XX, 20.

(8) With reference to the question at the beginning of this discussion, 'are there not thirty-nine classes of work on

Sabbath?'

- (9) Even though there are several transgressions under the heading of Sabbath or of idolatry, since the penalties are inflicted under the order of the one law they count as one.
- (10) The reason of this omission is assumed to be that this case is included in the denomination of 'woman and daughter'. This would prove that a whole category count as one.
- (11) Cf. Hag. 11b as to the source of the law concerning the daughter of an outraged woman. It is at all events not explicitly mentioned in the Torah.
- (12) Lev. XVIII, 17.
- (13) Zeb. 107a.
- (14) Viz., in Shab. 73a and Sanh. 60b.
- (15) The law relating to the two types of offering up mentioned above is nowhere mentioned in a Mishnah but emanates from the School of Amoraim.
- (16) I.e., how many offerings are to be brought if such two laws are broken in one spell of unawareness?
- (17) Kareth is mentioned in Lev. XVII, 4 and 9 and the negative command in Deut. XII, 13.
- (18) Though one of them is not explicit.
- (19) V. Glos.
- (20) Lit., 'bringing' mentioned in connection with 'slaughtering', Lev. XVII, 4 and in connection with 'offering up' *ibid.* v. 9.
- (21) I.e., a negative command. The negative command in connection with offering up is in Deut. XII, 13.
- (22) *Ibid.*, 14.
- (23) 'One that divineth by a ghost or a familiar spirit', v. Lev. XX,27, where the death penalty is laid down for these offences, and for the attendant negative command, *ibid.* XIX, 31. The disjunctive particle 'or' in Lev. XX, 27 in connection with the death penalty serves to attach the death penalty to each of these two offences and it is regarded as if two separate pronouncements of the death penalty were made, whereas the negative command *ibid.* XIX, 31 is general in its implication, serving as a single warning for all the offences enumerated there, and thus the query is whether the fact that there are two pronouncements of death, although there is only one attendant warning, makes one liable to two sin-offerings for committing these two offences in one spell of unawareness?
- (24) Sanh. 53a, 65a. In the latter place the whole discussion that follows is to be found.
- (25) And are subject accordingly to one sacrifice if committed under the one spell of unawareness. Only one could therefore be mentioned in our Mishnah, on the explanation given by R. Johanan for the number stated, as the representative of the class of necromancy.
- (26) It consists of a mere sound made by means of a certain bone put in the mouth, v. Sanh. 65b. There is accordingly no sin-offering, whereas *ob* involved an action; v. *infra*.
- (27) And but for the fact that *yidde'oni* involves no action it would be in his opinion subject to a separate offering when committed together with *ob*.
- (28) Who holds that, though his act involves no action, the blasphemer is liable to an offering; v. *infra* 7a.
- (29) One of the movements of this form of divination, v. Sanh. 65a.
- (30) When uttering the blasphemies.
- (31) Who differ in our Mishnah from R. Akiba with regard to the blasphemer and hold that he brings no offering because blasphemy involves no action. As they do not seem to disagree in the law relating to *ob*, it may be assumed that they consider this involving an action.
- (32) Tosef. Sanh. X.
- (33) When prostrating.
- (34) Whose deviation from R. Johanan is traced back to his disagreement on this point. In Resh Lakish's view the bending of stature is sufficient action only according to R. Akiba.
- (35) Whereby the body remains unmoved.
- (36) *Ba'al ob* should accordingly not be subject to an offering.
- (37) From the exclusion of one we can derive the exclusion of the other since the reason is the same in both.
- (38) Which is mentioned first in the Mishnah.
- (39) The law concerning the blasphemer is contained in Num. XV, 30 in conjunction with prescriptions relating to offerings. I might have thought that this juxtaposition was to indicate that there is to be an offering in the case of blasphemy even against the otherwise valid rule that no sacrifice is offered except for a sin which involves an action.

- (40) Which is undoubtedly an action.
- (41) This is Rashi's version; while cur. edd. read only 'demon'.
- (42) Already mentioned in the Mishnah.
- (43) I.e., that he should help him in his witchcraft, and not an act of worship.
- (44) Which comes under a different prohibition, viz., Deut XVIII, 12 and does not involve kareth.
- (45) I.e., to flagellation only.
- (46) Sanh. 65a. It is these instances as enumerated in Sanh. that are the subject of a negative command only, while the exorcising of a demon is subject also to kareth.
- (47) Deut. ibid. Lit. 'and he who charms a charm'. The repetition of the term is to indicate that there are two kinds of charm.
- (48) Although they are a source of danger to the public. When they follow him it is permitted by reason of the danger to his person.

Talmud - Mas. K'rithoth 4a

of the lips be considered an action?¹ — Said Raba: Different it is with the blasphemer, for it is the disposition of his heart² [that effects the sin]. But elsewhere the curving of the lips would be considered an action. R. Zera demurred to this: [We have learnt:] Zomemim³ witnesses are exempt [from an offering] because they have done no action,⁴ Why is this so? Is it not written in connection with them: By the mouth of two witnesses?⁵ — Said Raba: Zomemim witness, too, are an exception, because the basis of evidence is seeing.⁶

WHEN ONE EATS HELEB. Our Rabbis taught: The text, Ye shall eat no heleb of ox, or sheep or goat,⁷ [intimates] that one is liable [to a separate flagellation] for each kind [of heleb].⁸ Thus R. Ishmael. But the Sages say: One is liable only once. Shall we say that this difference of opinion is based on the following principle: R. Ishmael holds one is liable to [a separate] flagellation for [each specification of] a collective prohibition,⁹ while the Rabbis hold that one is not liable to [a separate] flagellation? — No, R. Ishmael indeed holds that one is ordinarily not liable [separately] for [each specification of] a collective prohibition, but our case is an exception, because the text is superfluous; for it should read, 'Ye shall not eat any heleb', why specify 'of ox, or sheep or goat', if not for the purpose of establishing a separate [prohibition for each of them]? And the Rabbis? — [They argue.] If 'ox, or sheep or goat' were not mentioned, I might have said that also the heleb of a beast of chase is included. It is for this reason that 'ox, or sheep or goat' was written, to tell us that only the heleb of ox, sheep or goat is forbidden, but that of the beast of chase is permitted. The Rabbis thus argue well, do they not? — Rather, this is the reason of R. Ishmael: He holds that if it were [as the Rabbis say] Scripture should have written: 'Ye shall eat no heleb of an ox', why have 'sheep' and 'goat' been mentioned, if not for the purpose of establishing a separate prohibition [for each of them]? The Rabbis, on the other hand, argue that if the Divine Law wrote, 'no heleb of an ox', I might have thought that the term 'ox' here was to be analogous to ox mentioned in connection with Sabbath:¹⁰ As in the case of Sabbath the beast of chase and the fowl were included, so also in connection with the eating of heleb the beast of chase and fowl are included. It is for this reason that 'ox, or sheep or goat' were enumerated, to teach us that only the heleb of these is forbidden, but that of the beast of chase and the fowl is permitted. The Rabbis thus argue well? Rather, this is the reason [of R. Ishmael]: He holds [Scripture] should have written: 'Ye shall eat no heleb of sheep' or 'Ye shall eat no heleb of goat'; why enumerate 'ox, or sheep or goat', if not in order to establish a separate [prohibition for each of them]. The Rabbis, on the other hand, argue: Had [Scripture] mentioned only 'no heleb of sheep',¹¹ might have assumed that only the heleb of sheep was forbidden, but that of ox and goat was permitted. And if you were to ask, why should sheep be an exception, [the retort would be] because it was singled out in that its fat-tail is offered upon the altar, even as R. Hanania taught:¹¹ Why has [Scripture] enumerated separately the emurim¹² of the ox, and the emurim of the sheep and the emurim of the goat, as it is written:¹³ But the firstling of an ox, etc.¹⁴ It is necessary; for if 'ox' alone was written, I would not have derived 'sheep' and 'goat' from

it, for I might object that 'ox' was an exception, since it is singled out with regard to libations.¹⁵ Had the Divine Law written only 'sheep', so that 'ox' and 'goat' should be derived from it, I might object that 'sheep' was an exception, since it was singled out in that its fat-tail [is offered upon the altar].¹⁶ Had the Divine Law written only 'goat', so that 'ox' and 'sheep' should be derived from it, I might object that 'goat' was an exception, since it was singled out [as the offering] for idolatry.¹⁷ We thus cannot derive from any single one the other two. But why did not Scripture mention two and we might have derived the third from them? — Which one? Shall we derive 'ox' from 'sheep' and 'goat'? I might object that 'sheep' and 'goat' were an exception, since they were both singled out to be offered as a paschal sacrifice.¹⁸ If [Scripture] would not have written 'sheep', leaving us to derive it from 'ox' and 'goat', [I would have objected] that 'ox' and 'goat' were an exception, since they were both singled out as offerings for idolatry.¹⁹ If it would not have written 'goat', leaving us to derive it from 'ox' and 'sheep' [I would have objected] that 'ox' and 'sheep' were exceptions in that they were both singled out in some aspect [regarding the altar].²⁰ Hence they cannot be derived one from the other. Did not then the Rabbis argue well? — Rather, the reason of R. Ishmael is indeed as has been said at the outset: [viz.,] that if it were so [Scripture] should have written: '[Ye shall eat] no heleb', and no more; and as to your objection that the mention of 'ox', 'sheep' and 'goat' was necessary to teach that the heleb of the beast of chase was permitted, surely the text [in question] occurs in connection with a similar text which relates to consecrated animals,²¹ and a law is always illuminated by its context.²² This implies [does it not] that the Rabbis do not hold that a law is illuminated by its context?²³ — No, all agree that a law is illuminated by its context but here they differ in the following: R. Ishmael holds that such [a law which is the subject of] a mere negative command is illuminated [by its context] whether [the latter is likewise the subject] of a mere negative command or of one involving kareth;²⁴ while the Rabbis hold that [a law which is the subject of] a mere negative command is illuminated [by its context] which is [the subject of a mere] negative command, but a law which is [the subject of] a mere negative command is not illuminated by [a context which is] the subject of [a negative command involving] kareth.²⁵ Or, if you wish, I can say that the reason of the Rabbis is [that the enumeration of the various kinds of fat was necessary to teach] that which is intimated in a question of R. Mari to R. Zebid: 'If so, why should not the fat-tail of non-consecrated animals be altogether forbidden'?²⁶ He replied: 'It is to provide against an argument such as yours that Scripture specifies, All heleb of ox, sheep or goat, to teach us that only those portions of fat which these three animals have in common are forbidden, to the exclusion [of the fat-tail].'²⁷ The enumeration of 'ox', 'sheep' and 'goat' is thus for the purpose of permitting for use the fat-tail of unconsecrated animals. R. Ishmael, on the other hand, will argue: If for this reason, Scripture should have said: 'No heleb of ox and sheep'. Therefore when 'goat' was added, it was for the purpose of establishing a separate prohibition for each of them.

Said R. Hanina: R. Ishmael, however, agrees that with regard to offerings only one sin-offering is brought [for the several kinds of heleb]. What is the reason? Because this prohibition is not like that relating to incestuous relations.²⁸

Our Sages have taught: [It is written:] And [he] shall do any one [sin], and also, And shall do these;²⁹ this is to render one liable for each transgression separately, so that if one ate [e.g.] two portions of heleb of the same designation under two separate spells of unawareness, he is liable to two offerings; [similarly] if the portions were of two different designations,³⁰ though they were consumed under one spell of unawareness, one is liable to two offerings. Said Rami son of Hama to R. Hisda: It is right that where the portions were of one designation but consumed under two spells of unawareness one should be liable to two offerings, because [the break in] the spell of unawareness effected a division [between the two meals], but why should one be liable to two offerings in the case where the portions were of different designations and consumed under one spell of unawareness? Surely we need a break in the spell of unawareness to effect a division, which is not the case here? — He replied: Here we deal with the case where he ate heleb of nothar,³¹ when he is liable on account of nothar and on account of heleb. Said he to him: If so, he should be liable also on

account of the consecrated flesh?³² — Rather, said R. Shesheth: It refers to one who ate the heleb of a consecrated animal and it is in accordance with R. Judah.³³ For it has been taught: If one eats heleb of nebelah,³⁴ or heleb of consecrated animals, one is liable on two counts. R. Judah holds, in the case of heleb of a consecrated animal, one is liable on three counts.³⁵ In Palestine³⁶ this answer was ridiculed; [for they argued] why did we not explain it as referring to portions of heleb from an ox, sheep and goat, and in accordance with R. Ishmael who maintained that one was then liable on three counts?

(1) Why then is blasphemy excluded by the Sages?

(2) His utterance is only proof of his disposition, while in the case of idolatry worship, I.e., action is an integral part of the transgression.

(3) V. Glos.

(4) Sanh. *ibid.*

(5) Deut. XVII, 6 implying that the speech is the essence of evidence.

(6) The knowledge of facts makes them into witnesses; the utterance of the evidence is only a means of conveying their knowledge to others. Perception by the senses is considered no action.

(7) Lev. VII, 23.

(8) When eaten after one collective warning.

(9) The term **לאו שבכפלות** which occurs also in Pes. 41b, Naz. 35b, B.M. 115b, Sanh. 63a and Tem. 7a seems to have a double connotation. Firstly, a prohibition which is not explicit but implied in the text, such as in Num. VI, 4 as expounded in Pes. 41b; secondly, as it is used here, a law which is joined in the text with others in one prohibitory commandment. In the first instance the question is whether one is liable to flagellation at all, in the second whether one is liable separately for each specification, if several of them were perpetrated together.

(10) Ex. XXIII, 22; cf. B.K. 54b. Thus Rashi's version and MSS. Cur. edd. read Mount Sinai instead of Sabbath.

(11) Bek. 5b. There the author of this dictum is given as R. Jose son of R. Hanina.

(12) I.e., those sacrificial portions offered upon the altar; v. Glos.

(13) Num. XVIII, 17. This question is not precisely formulated; not the term *emurim* is repeated, but the term 'firstling': 'The firstling of an ox, or the firstling of a sheep, or the firstling of a goat'; v. Bek. *ibid.*

(14) The end of this passage is: Thou shalt make their fat smoke for an offering made by fire.

(15) With the sacrifice of an ox half a hin of wine is offered up on the altar, with a sheep and goat only a quarter of a hin; cf. Num. XXVIII, 14.

(16) V. Lev. III, 9.

(17) Cf. *ibid.* IV, 27-28. This is explained with reference to idolatry by an individual, v. Hor. 8a.

(18) Cf. Ex. XII, 5.

(19) The ox for idolatry committed by the public, cf. Lev. IV. 13f.

(20) V. Bek. 5b. The respective distinctions of 'ox' and of 'sheep' as mentioned above are in reference to the altar.

(21) Lev. VII, 25. Which must of necessity exclude beasts of chase, since no such animals may be consecrated for the altar.

(22) Viz., that also the prohibition of heleb does not apply to beasts of chase.

(23) Surely they cannot disregard this hermeneutic principle.

(24) In cur. edd. the following text, which is obviously out of place here and is also considered by Rashi as a faulty version, is inserted here: (For the negative command,) any heleb of ox, sheep or goat, you shall not eat, (Lev. VII, 23) is illuminated by the negative command, It shall be a statute throughout your generations in all your dwellings that ye shall eat neither heleb nor blood (Lev. III, 17) which is written in connection with consecrated animals; and since the beast of chase is excluded from the category of consecrated animals, there would be no doubt as to the exclusion of beasts of chase, even if heleb unqualified was mentioned in the text. The enumeration of 'ox', 'sheep' and 'goat' is thus for the purpose of establishing a separate offering for each of them. Then, the mere negative command, 'Ye shall eat no heleb' and the one contained in the verse of 'it shall be a perpetual statute' may be derived from one to which *kareth* is attached, in the text, For whosoever eateth the heleb of the beast of which men present an offering (Lev. VII, 25). As the latter intimates a division of the offerings, so also the former.

(25) V. Lev. VII, 25. The penalty of *kareth* is mentioned in connection with heleb of consecrated animals.

(26) Since it is called heleb in Scripture, v. Lev. III, 9.

(27) V. Hul. 117a.

(28) Where a separate negative command is attached to each offence.

(29) Referring to Lev. IV, 2: If any one shall sin through error, in any of the things which the Lord hath commanded not to be done, and shall do any one of them. The construction in Heb. **מֵאַחַת מֵהֵנָּה** is unusual. The juxtaposition of 'one' and 'these' is therefore taken to indicate that there is a plurality which bears the character of oneness, and a oneness which bears the character of a plurality, v. Sanh. 62a. This exposition is expressed here in the terminology of the Gemara, that the predicate shall do relates on the one hand to 'one' and on the other to 'these'. V. p. 11, n. 3.

(30) E.g., the heleb of the kidneys and that of the bowels.

(31) I.e., sacrificial portions left over beyond the prescribed time. V. Glos.

(32) As a non-priest.

(33) I.e., the second instance of the dictum of the Sages refers in fact to the eating of one portion of heleb, and 'of two designations' means of a kind that is subject to a twofold prohibition, for according to R. Judah, there are two prohibitory laws in the case of sacred heleb.

(34) I.e., an animal not slaughtered in the prescribed manner. V. Glos.

(35) Because eating heleb of consecrated animals, as will be shown later, involves a twofold transgression, and as a non-priest eating sacred flesh, he is guilty of a third prohibition.

(36) Lit., 'in the West'; v. Sanh. 17b.

Talmud - Mas. K'rithoth 4b

Why then was it not explained in accordance with R. Ishmael? Obviously because R. Hanina said that R. Ishmael admitted that in so far as offerings were concerned one was liable only to one¹ — for the same reason you cannot explain it in accordance with R. Judah; for R. Eleazar said: R. Judah, too, agreed that with regard to offerings one is liable only to one. Therefore, said Resh Lakish on behalf of Bar Tutani: It deals with one who ate two portions of heleb in two different dishes, and is in accordance with R. Joshua, who holds that the separation of dishes effects a division with regard to offerings.

[Stated] the text [above]: 'If one eats heleb of nebelah, one is liable on two counts, [similarly] if one eats heleb of consecrated animals one is liable on two counts. R. Judah holds, in the case of heleb of consecrated animals, one is liable on three counts'. Said R. Shizbi to Raba: It is well on the view of R. Judah; for this reason are written three verses: It shall be a perpetual statute etc., Ye shall eat no heleb of an ox, or sheep or goat, and There shall no common man eat of the holy things;² constituting three negative commands. But what is the reason of the Rabbis? — They hold, The negative command, 'It shall be a perpetual statute [etc.]' deals with consecrated animals, and the negative command, '[No] heleb of an ox . . . ' deals with unconsecrated animals. And both texts were necessary, for if the Divine Law had written only that of consecrated animals, I might have said that only the heleb of consecrated animals was forbidden by reason of their stringency, but that of unconsecrated animals was not [included in the prohibition]. Therefore the Divine Law wrote: 'No heleb of an ox . . .'. And if only 'no heleb of an ox' was written, I might have thought that only the heleb of unconsecrated animals was forbidden, because it has not been excluded from the general prohibition;³ I might have thought that since it is thus excluded, their fat is permitted;⁴ therefore both texts are necessary. R. Judah, on the other hand, holds that when 'no heleb of an ox' is written⁵ it relates also to consecrated animals.⁶ This implies [does it not] that the Rabbis hold that a law is not illuminated by its context? — No, all agree that a law is illuminated by its context, but they differ in the following: R. Judah holds that a law which is the subject of a mere negative command is illuminated by its context, whether the latter is likewise the subject of a mere negative command or of one involving kareth; while the Rabbis hold that a law which is the subject of a mere negative command is illuminated by its context which is also the subject of a mere negative command, but a law which is the subject of a mere negative command is not illuminated by its context which is the subject of a native command involving kareth.⁷

It has been taught: [From the text,] ‘Ye shall eat neither heleb nor blood’, [we learn:] Just as for heleb one is liable to a twofold flagellation’ so also for blood. Thus the view of R. Judah; while the Sages say: There is only one prohibition.⁸ But why is heleb different in that one is liable for it to a twofold flagellation, even though there is no hekkesh⁹ [to support it]? Obviously because there is written in Scripture concerning it two texts: ‘Ye shall eat neither heleb nor blood’, and ‘[Ye shall eat no] heleb of an ox or sheep’; then similarly in the case of blood even without the hekkesh,¹⁰ one should be liable to a twofold flagellation,¹¹ since Scripture has written in connection therewith two texts: ‘Ye shall eat neither heleb nor blood’ and ‘Ye shall eat no manner of blood, whether it be of fowl or of beast, in any of your dwellings’?¹² — Rather read thus: Just as for heleb¹³ one is liable to a threefold flagellation, so also for blood¹³ one is liable to a threefold flagellation. But why is heleb different in that one is liable for it to a threefold flagellation? Obviously because there is written in connection therewith the two negative commands mentioned above, and because of the negative command [relating to the eating of holy things by] a non-priest,¹⁴ making altogether three; then the same applies to blood!¹⁵ — [The hekkesh] is necessary, for I might otherwise have thought, since blood is excluded from the law of sacrilege,¹⁶ it is also excluded from the law concerning the [eating of holy things by a] non-priest. It is for this reason that the hekkesh is necessary. And as to the Rabbis,¹⁷ what is the purpose of the hekkesh? — It is required for what has been taught: ‘Ye shall eat neither heleb nor blood’; just as heleb is singled out in that it is distinct from its flesh,¹⁸ and thus does not combine with the latter,¹⁹ so also with blood, [it does not combine with the flesh] whenever it is distinct from its flesh,²⁰ to the exclusion of the blood of a reptile:²¹ since the blood of the reptile is not distinct from its flesh, the two combine.²² But is this law²³ derived from here, is it not rather derived from the following: The text, And these are they which are unclean unto you,²⁴ teaches that the blood of a reptile and its flesh combine with one another?²⁵ — If it were not for the hekkesh I might have thought [the law referred] to defilement,²⁶ but not to eating; the hekkesh therefore informs us that [the law refers] also to eating. Said Rabina: Consequently the blood of a snake²⁷ and its flesh²⁸ combine one with the other. Is this not obvious; it is just [the conclusion drawn from] the hekkesh? I might have thought that with the case of other reptiles,²⁹ since the law applies in respect of uncleanness, it applies also in respect of eating; but in the case of a snake, since it does not apply in respect of defilement, it does not apply also in respect of eating; therefore he³⁰ lets us know that the hekkesh is to comprise everything in which the blood is not distinct from its flesh.

Said Raba: Wherefore has kareth been pronounced three times³¹ in connection with blood? One [pronouncement] refers to blood of unconsecrated animals, the other to blood of consecrated animals, and the third to the dripping blood.³² This is right according to R. Judah, for it has been taught: The dripping blood is the subject of a mere prohibition; R. Judah says it involves kareth. But according to the Rabbis,³³ what is the purpose [of the third pronouncement]? And even according to R. Judah, is not the application of kareth³⁴ rather derived from the term ‘all blood’? For it has been taught: ‘R. Judah said, [The word] ‘blood’ [would suffice in the text],³⁵ why does it read ‘all blood’? I might have thought that only the blood of consecrated animals, and that only with which life departs, was meant, because this blood brings about atonement;³⁶ whence do we know then blood of unconsecrated animals and dripping blood? It is for this reason that ‘all blood’ was written’! — Rather say thus: One [pronouncement] refers to blood of unconsecrated animals, the other to blood of consecrated animals, and the third to blood that has been covered.³⁷

Raba also said, Wherefore have five negative commandments been mentioned in connection with blood?³⁸ One for blood of unconsecrated animals, the other for blood of consecrated animals, the third for covered blood, the fourth for blood left in the limbs and the fifth for the dripping blood.

R. Ela said: If one eats³⁹ of the [second] tithe of corn, of wine and of oil, one is liable to a threefold flagellation. But are [separate] lashes administered for [each specification of] a collective prohibition? This case is an exception for the text is redundant. Consider: The Divine Law states,

And thou shalt eat before the Lord thy God [in the place which He shall choose to cause His name to dwell there], the tithe of thy corn, of thy wine and of thine oil,⁴⁰ [from which we may infer that these shall be consumed] within [the precincts of Jerusalem] and not without; wherefore does the Divine Law repeat: Thou mayest not eat within thy gates the tithe of thy corn, of thy wine and of thine oil,⁴¹ if not for the purpose of establishing separate [prohibitions for each specification]? But [it may be retorted], if [I had] the first text [only to go by], I would say it is the subject only of a positive command, but not of a negative command.⁴² It was thus essential

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- (1) I.e., though several negative commandments are transgressed, and the administration of lashes is therefore accordingly repeated, with reference to expiation by sacrifice they are regarded as one.
- (2) Lev. III, 17; VII, 23 and XXII, 10.
- (3) It is permissible to the altar.
- (4) V. Sh. Mek. for this reading.
- (5) V. Lev. VII, 23-25.
- (6) So that there are two negative commands concerning heleb of consecrated animals.
- (7) For notes v. supra 4a. In cur. edd. the following faulty text (v. Rashi) is inserted here: 'But according to R. Judah for what purpose does Scripture mention the passage, Ye shall eat neither heleb nor blood (Lev. III, 17)? — To establish an analogy'.
- (8) And consequently there can be only one administration of lashes.
- (9) v. Glos.
- (10) The textual analogy comparing blood to heleb.
- (11) I.e., the mere repetition of the negative command is sufficient to establish a twofold flagellation. The fact of the juxtaposition of heleb and blood in the text is thus unaccounted for.
- (12) Lev. VII, 26.
- (13) Viz., of a consecrated animal.
- (14) Ibid. XXII, 10. comprising apparently heleb as well as blood.
- (15) What need is there then for the analogy.
- (16) Thus the version of Rashi. Cur. edd. read 'uncleanness'. Cf. Hul. 117a.
- (17) According to whom blood of a consecrated animal is excluded from the law concerning the non-priest.
- (18) The law of heleb singles out a certain portion of the animal and forbids it for use, while the rest of the body is permitted.
- (19) Viz., to make up the requisite quantity sc. of an olive-size. I.e., if one eats a fraction of an olive of heleb and the supplementary fraction of flesh, one is not liable to lashes, for the flesh is not forbidden.
- (20) Whereas the penalty of kareth attaches to the blood, the flesh of an unclean animal does not carry such a penalty, and consequently blood and flesh do not combine not even with regard to uncleanness.
- (21) Which is not prohibited as blood but as part of the reptile, cf. infra 21b.
- (22) Viz., with reference to uncleanness and eating.
- (23) Viz., the one relating to reptiles.
- (24) Lev. XI, 29.
- (25) V. Me'il. 17a.
- (26) I.e., the combination of blood and flesh is adopted only with reference to defilement which is more stringent, in so far as the standard quantity is a lentil, while for eating an olive-size is required.
- (27) Which does not cause defilement, but is forbidden for eating.
- (28) I.e., now that we know that the rule concerning the combination of flesh and blood applies also to eating.
- (29) Viz., the eight reptiles that are unclean.
- (30) Viz., Rabina.
- (31) Lev. VII, 27; XVII, 10 and 14.
- (32) I.e., the blood which, after a while, flows gently from the cut artery, in opposition to the blood which gushes forth immediately after the cut has been made, and with which life is considered to depart; cf. infra 22a.
- (33) Those who dispute with R. Judah.
- (34) Viz., to dripping blood.
- (35) Lev. XVII, 10, which deals with the prohibition of blood.

(36) This gushing blood alone may be used for sprinkling, cf. Pes. 65a. This restriction of the law to blood suitable for atonement might have found a support in the following passage: And I have given it to you upon the altar to make atonement for your souls (ibid. 11).

(37) The blood of fowls and beasts has to be covered, cf. Lev. XVII, 13. This blood is prohibited even though it has been mixed with dust. This answer complies with the view of the Rabbis, for according to R. Judah blood of unconsecrated animals is derived by implication from 'all blood'.

(38) Viz., Ibid. III, 17; VII, 26; XVII, 14; Deut. XII, 16 and 23.

(39) Viz., outside Jerusalem. Second tithe or its equivalent has to be consumed in Jerusalem; cf. Deut. XIV, 22f. In v. 23 corn, wine and oil are enumerated as specifications of the general law.

(40) Deut. XIV, 23.

(41) Ibid. XII, 17.

(42) Lashes are inflicted only for the transgression of a prohibitory law and not for the omission of a positive injunction. The prohibition derived by implication from a positive commandment bears in this respect the status of a positive commandment.

Talmud - Mas. K'rithoth 5a

that the Divine Law should write, 'Thou mayest not [eat] . . .' in order to make it the subject of a negative command. [The question thus] still [stands]. Is it not a collective prohibition? — If it were so, Scripture should have said, 'Thou mayest not eat them within thy gates', why specify, 'the tithe of thy corn, thy wine and thine oil', if not in order to establish separate prohibitions for each of them?

Said R. Isaac: if one eats of the bread, of the parched corn and of the fresh ears,¹ one is liable to a threefold flagellation. But are [separate] lashes administered for [each specification of] a collective prohibition? — This is an exception, as the text is redundant; for Scripture should have stated only 'bread', and 'parched corn' and 'fresh ears' would have been derived therefrom. But one might in this case have objected: 'Bread' is different because it is subject to hallah?² — Then 'parched corn' alone should have been written omitting 'bread',³ and we would derive the others therefrom! — But 'bread' could not be derived from 'parched corn', because 'parched corn' is a produce in its natural state, while 'bread' is not in its natural state; similarly 'fresh ears' could not be derived from 'parched corn', because 'parched corn' is distinguished in that it is fit for meal-offerings,⁴ while 'fresh ears' are not fit for meal-offerings? — Then 'fresh ears' alone should have been written, and we could derive 'bread' and 'parched corn' therefrom! But, then, I would object, 'fresh ears' were different in that they retain their original character. It is thus established that from any single one the other two cannot be derived; but let us derive one from two? — Now, if 'bread' was not written, leaving it to be derived from 'parched corn' and 'fresh ears', I might object, these two were distinguished in that they are in their natural form. If 'fresh ears' was not written, leaving them to be derived from 'bread' and 'parched corn', I might object that these two were distinguished in that they are included in the law of meal-offering?⁵ — R. Isaac will tell you: [Scripture] should not have written 'parched corn', leaving it to be derived from 'bread' and 'fresh ears. For what objection could then be raised? If you argued: 'Bread' was exceptional in that it is subject to hallah, 'fresh ears' will prove the contrary; and if that 'fresh ears' were exceptional because they retain their original character, 'bread' will prove the contrary. It is from this superfluous text that we learn that separate lashes are inflicted [for each specification]. But why not say then, that 'parched corn', the mention of which is superfluous, is singled out for flagellation,⁶ but if one eats them all, one is still liable only once to flagellation? — If this were so, Scripture should read in this order: 'Bread!', 'fresh ears' and 'parched corn', or 'parched corn', 'bread' and 'fresh ears'; why is 'parched corn' placed between the other two, apparently that we may understand it thus: For 'bread' just as for parched corn' one is liable [to a separate flagellation], and for 'fresh ears just as for 'parched corn' one is liable [to a separate flagellation].

Said R. Jannai: Never treat a gezerah shawah⁷ lightly, for behold the law of piggul,⁷ which is one of the essential precepts of the Torah,⁸ has been derived through a gezerah shawah; even as R. Johanan said: Zabda son of Levi taught: Elsewhere we read, Everyone that eateth it shall bear his iniquity,⁹ and here we read, And the soul that eateth of it shall bear his iniquity;¹⁰ as there¹¹ the penalty prescribed is kareth, so also here it is kareth.

Said R. Simai: Never treat a gezerah shawah lightly, for behold the law concerning nothar,¹² which is one of the essential precepts of the Torah,¹³ has only been derived through a gezerah shawah. What is [the gezerah shawah]? — The derivation of kodesh [holy] from kodesh [in the following texts]: Everyone that eateth it shall bear his iniquity, because he hath profaned the holy thing of the Lord,¹⁴ and Thou shalt burn the nothar with fire, [it shall not be eaten] because it is holy.¹⁵

Said Abaye: Never treat a gezerah shawah lightly, for behold the law concerning a man's daughter from an outraged woman is one of the essential precepts¹⁶ of the Torah, and yet it has been derived only through a gezerah shawah,' as Raba said: R. Isaac son of Abdimi told me: As to the prohibition, this law is derived from the similarity of the expression hennah,¹⁷ and with regard to the penalty of burning from the similarity of the expression zimmah.¹⁸

Said R. Ashi: Never treat a gezerah shawah lightly, for death by stoning [as a penalty for many transgressions] is an essential regulation of the Torah, and yet [in several cases] it has been derived only through a gezerah shawah, as it has been taught:¹⁹ We find here²⁰ the expression demehem bam²¹ and we find the same expression in connection with ob and yidde'oni.²² As in the latter case the penalty prescribed is stoning, so also in the former case it is stoning.

WHEN ONE COMPOUNDS OIL [OF ANOINTING] . . . Our Rabbis have taught: If one compounds oil [of anointing] for experimenting or with the intention to hand it over to the community, he is not culpable; if for anointment he is culpable, though the person that anoints himself therewith is exempt, because the transgression concerning the use of the oil is limited to the oil of anointment which Moses himself compounded.²³ The Master said: 'If for experimenting or with the intention to hand it over to the community, he is not culpable'. Whence do we know this? — It is derived by means of the common expression mathkunto²⁴ mentioned here and in connection with incense. And with reference to incense it is written, Ye shall not make unto yourselves,²⁵ which implies that one is culpable only if compounded for oneself, but not with the intention to hand it over to the community; similarly with regard to the oil, if it is compounded with the intention to hand it over to the community, one is exempted. But why not then again derive incense from the oil: Just as in the case of the oil one is exempted if one compounded half the prescribed quantity, so also with incense, he should be exempted if he compounded half the prescribed quantity; why then did Raba say:²⁶ If one compounds incense in half the quantity prescribed, he is culpable, but if one compounds oil in half the quantity, he is exempt? — Raba will reply: In connection with oil it is written, Ye shall not make any like it according to the composition thereof' 'Like it' it is prohibited, but in half the prescribed quantity it is permitted; but in connection with incense, it is written, And the incense which thou shalt make:²⁷ All compounding of incense [is forbidden], for one can offer up half the quantity in the morning and half in the evening.²⁸

Our Rabbis have taught: [The composition of the] oil of anointment is [as follows]: Five hundred shekels of flowing myrrh, five hundred of cassia, five hundred of sweet cinnamon and two hundred and fifty of sweet calamus, together one thousand seven hundred and fifty shekels. Was it necessary for the Tanna to state the sum total? — To obviate the following assumption,²⁹ for one might say, Sweet calamus was like sweet cinnamon: as with sweet cinnamon the figure two hundred and fifty [mentioned in the text] is half the prescribed quantity, so also with reference to sweet calamus,³⁰ in which case the total weight would be two thousand. And indeed why not say so? Then it should have

written: 'Sweet cinnamon and sweet calamus, half so much of each, even two hundred and fifty shekels'.

R. Papa asked Abaye: When one weighs [the incense],³¹ does one weigh it with 'overweight or exactly? — He replied: The Divine Law has written, 'Of each shall there be a like weight',³² and you say that there shall be an overweight. But did not Rab Judah say, The Holy One, blessed be He, takes note of overweight [in incense],³³ which obviously implies that it had an overweight? — Rather, said R. Judah: Why are the five hundred shekels of sweet cinnamon taken in two portions of two hundred and fifty each? Since the total quantity is five hundred, why not bring the whole at a time?³⁴ From the fact that sweet cinnamon is brought in two portions we may infer that there was an overweight each time,³⁵ and [to be sure] the Holy One, blessed be He, takes note of overweight. And what is the meaning of, 'Of each shall there be a like weight'? — Said Rabina: That one should not weigh first with the weight and use afterwards the weighed amount as a weight for the others.

The Rabbis have taught: The oil [of anointment] which Moses compounded in the wilderness was boiled with the roots [of the spices],³⁶ thus the view of R. Judah. Said to him R. Jose: Surely the oil³⁷ would not suffice even for smearing the roots;³⁸ what then did he do? He boiled³⁹ the roots in water,⁴⁰ poured over them the oil, which thus absorbed the scent, and wiped off [the oil from the roots].⁴¹ R. Judah said to him:

(1) Viz., of the new crop, prior to the offering of the 'Omer sacrifice, Lev. XXIII, 10f.

(2) V. Glos.

(3) As well as 'fresh ears'.

(4) Viz., the 'Omer meal-offering, cf. Lev. II, 14 and Men. 66b. Rashi indeed reads here: 'the meal-offering of the 'Omer'.

(5) Bread is offered on Pentecost. Since then all the three specifications are necessary, whence does R. Isaac derive his ruling?

(6) I.e., that one is liable to lashes if one has eaten parched corn alone. The redundant text is to teach us that the flagellation is not conditional in every case upon the eating of the three enumerated products together.

(7) V. Glos.

(8) Viz., the fact that kareth is attached to it. Although the penalty of kareth is mentioned in the text relating to piggul, Lev. XIX, 8, the Gemara's exposition in Zeb. 28a of this passage is that the pronouncement of kareth refers to an offering disqualified by the improper intention to offer it outside the Temple precincts, and not to piggul in the narrower sense, viz., a sacrifice disqualified by the thought of eating its flesh beyond the prescribed time.

(9) Ibid. Lev.

(10) Ibid. VII, 18, understood to relate to piggul in the narrower sense.

(11) Which deals with disqualification by an improper intention relating to the place of offering, and where kareth is explicitly mentioned.

(12) V. Glos.

(13) Viz., the fact that kareth is attached to it.

(14) Lev. XIX, 8; the penalty of kareth follows.

(15) Ex. XXIX, 34.

(16) Viz., that this form of incest is subject to death by burning.

(17) Lit., 'they are', an expression used twice in connection with incest; firstly in Lev. XVIII, 17 dealing with the prohibition of intercourse with a woman and her daughter, both married unto him or not; and then in v. 10 relating to the prohibition of intercourse with one's grand-daughter. The latter text is interpreted in Yeb. 97a as referring to the grand-daughter from an outraged woman, and not of one legally married to him. We thus find explicitly that one's grand-daughter from an outraged woman is forbidden. The daughter of an outraged woman is not explicitly mentioned, but the gezerah shawah establishes an analogy between a married woman (v. 17) and an outraged woman (v. 20): as in the first instance daughter and grand-daughter are on the same footing, so also in the latter.

(18) Lit., 'lewdness', mentioned in Lev. XVIII, 17 and XX, 14 where the prescribed penalty is burning, v. Sanh. 51a.

(19) Sanh. 54a.

- (20) Referring to the four laws where this term is found: Lev. XX, 11, 12, 13, 16.
- (21) Tr. 'Their blood shall be upon them'.
- (22) V. Glos.; v. ibid. 27.
- (23) Tosef. Mak. III, 1.
- (24) 'According to its composition' mentioned in Ex. XXX, 32 in correction with oil of anointing, and in v. 37 relating to incense.
- (25) Ibid. 'Unto yourselves' is taken in a restrictive sense.
- (26) V. infra 6b.
- (27) Ibid. vv. 32 and 37.
- (28) V. Lev. VI, 13ff.
- (29) Lit., 'this is his difficulty'.
- (30) I.e., that the qualification 'half' in the text referred both to sweet cinnamon and to sweet calamus.
- (31) I.e., its components.
- (32) Ex. XXX, 34.
- (33) And rewards accordingly. V. Sh. Mek.
- (34) As with the first two species.
- (35) The division was for the purpose of adding a greater overweight of cinnamon.
- (36) Hor. 11b.
- (37) Altogether there were only twelve logs.
- (38) How much less to have the species boiled therein!
- (39) The version in Hor. and of Rashi here is 'soaked'.
- (40) So that they were saturated with liquid and did not absorb much of the oil when it was poured over them.
- (41) And placed it in the flask.

Talmud - Mas. K'rithoth 5b

Is this the only miracle that occurred in connection with the oil of anointment? Was it not attended by many miracles from beginning to end! There were only twelve logs of oil and yet with it were anointed the Tabernacle and its vessels, Aaron and his sons throughout the seven days of the consecration, and the high priest and kings, and yet it remained whole for the days to come, as it is written: This shall be a holy anointing oil unto Me throughout your generations.¹ [The numerical value of] Zeh [this] is twelve, meaning that this quantity was preserved.

Our Rabbis taught: And Moses took the anointing oil and anointed the tabernacle.² R. Judah said: Many miracles attended from the beginning to the end the anointing oil which Moses made in the wilderness. There were originally only twelve logs; [consider] how much of it must have been absorbed in the boiler, how much in the roots of the spices, and how much of it was burnt by the fire, and yet with it were anointed the Tabernacle and its vessels, Aaron and his sons throughout the seven days of the consecration, and the high priests and kings. Even a high priest who is the son of a high priest requires anointing, though a king who is the son of a king does not require anointing. And if you ask, Why then was Solomon anointed?³ Because Adoniah disputed his right of succession; similarly Jehoshaphat [was anointed]⁴ by reason of Athaliah's [claim to the throne], and Jehoahaz⁵ by reason [of the claim to the throne] of his brother Jehoiakim who was two years⁶ his senior.⁷

The Master said: 'Even the high priest who is the son of a high priest requires anointing'. Whence do we know this? — It is written: And the anointed priest that shall be in his stead from among his sons.⁸ The text should have stated: 'And the priest that shall be in his stead from among his sons', why [add] 'anointed', if not to let us know that even from among his sons only the one that is anointed can be high priest, but he who is not anointed cannot be high priest.

The Master said: 'A king who is the son of a king does not require anointing'. Whence do we know this? — Said R. Abba b. Jacob: It is written, That he may prolong his days in his kingdom, he

and his children, for all days;⁹ it is an inheritance.

‘Why then was Solomon anointed? Because Adoniah disputed his right of succession’. ‘Whence do we know that in a case of dispute anointing is required, and that it does not suffice that the king entrusts his kingdom to whomsoever he chooses? — Said R. Papa: It is written there, In the midst of Israel; only if there is peace in Israel [is it an inheritance].¹⁰

A Tanna taught: Also Jehu son of Nimshi was anointed only by reason of the claim to the throne by Joram son of Ahab. Was it indeed for this reason? ‘Was he not the first king of the dynasty? — The text is incomplete and should read thus: Kings from the House of David were anointed but not the kings of Israel. And if you ask: ‘Why then was Jehu son of Nimshi anointed? Because of the dispute of Joram son of Ahab.

The Master said: ‘Kings from the House of David were anointed, but not the kings of Israel’. ‘Whence do we know this? — It is written: Arise, about him, for this is he:¹¹ This one¹² requires anointing but not others.

The Master said: ‘By reason of the claim to the throne by Joram’. Were we indeed justified to commit sacrilege¹³ with the oil of anointing solely by reason of the claim to the throne by Joram son of Ahab? — As R. Papa replied elsewhere: It was done with pure balm; so here too: It was done with pure balm.¹⁴

‘And Jehoahaz by reason of the claim to the throne by his brother Jehoiakim who was two years his senior’. ‘Was he indeed older, is it not written: And the sons of Josiah: the first-born Johanan, the second Jehoiakim, the third Zedekiah and the fourth Shallum;¹⁵ upon which R. Johanan remarked that Johanan was identical with Jehoahaz and Zedekiah with Shallum!¹⁶ — Jehoiakim was indeed older, and [the other] was called first-born, because he was first in succession. But is it permitted to install the younger son in preference to the older? Is it not written: And the kingdom he gave to Jehoram for he was the first-born?¹⁷ — That one followed in his forefather's footsteps.¹⁸

The Master said: ‘Shallum is identical with Zedekiah’. But are not the sons enumerated in numerical order?¹⁹ — He [Zedekiah] is called ‘the third’, because he was the third among the sons, and he is called ‘the fourth’, because he was the fourth to reign, for Jeconiah reigned before him: Jehoahaz was the first successor, then followed Jehoiakim, then Jeconiah and then Zedekiah.

Our Rabbis taught: Shallum is identical with Zedekiah; and why was he called Shallum? Because he was perfect [‘shalem’] in his deeds; or according to another explanation, because the kingdom of the House of David ended [shalem]²⁰ in his days. ‘What was his real name? — Mattaniah, as it is written, And the king of Babylon made Mattaniah his father's brother king in his stead, and changed his name to Zedekiah,²¹ for the king [Nebuchadnezzar] said to him, God may deal severely²² with thee, if thou wilt rebel against me, as it is written, And he brought him to Babylon,²³ and also, And He also rebelled against king Nebuchadnezzar who had made him swear by the Lord.²⁴ But was there any oil of anointing at that time?²⁵ Has it not been taught: ‘When the holy ark was hidden there disappeared with it the jar of manna,²⁶ the flask of the oil of anointing, the rod of Aaron together with its almonds and blossoms,²⁷ and the coffer which the Philistines had sent as a present to the God of Israel, as it is written: And put the jewels of gold, which ye return Him for a guilt-offering, in a coffer by the side thereof.²⁸ ‘Who hid it? Josiah, king of Judah, hid it, as it is written: And he said, put the holy ark [in the house which Solomon the son of David did build: there shall no more be a burden upon your shoulders].²⁹ [As to the other articles:] R. Eleazar said: [Their disappearance is] inferred by the common expressions of sham, doroeth and mishmereth.³⁰ Replied R. Papa: It was done with pure balm.

Our Rabbis have taught: In anointing kings one draws the figure of a crown,³¹ and with priests in the shape of the letter chi. Said R. Menashia: The Greek-[letter] chi is meant. One [Tanna] teaches: The oil was first poured over the head and then smeared between the eye-lids; whereas another [Tanna] teaches: The oil was first smeared between the eye-lids and then poured over the head.³² [On this point there is] a dispute of Tannaim: One holds that the anointing³³ has preference; the other holds that the pouring has preference. What is the reason of him who holds that the pouring has preference? He derives it from: And he poured from the anointing oil upon Aaron's head [and anointed him to sanctify him].³⁴ And he who maintains anointing has preference holds [his view] because this was the method employed in connection with the vessels of ministry.³⁵ But is it not written first: 'And he poured', and then, 'and anointed'? — This is what it means: 'Wherefore did he pour the oil, because he had already anointed him to sanctify him.

Our Rabbis have taught: It is like the precious oil upon the head [coming down upon the beard, even Aaron's beard].³⁶ Two drops of the oil were hanging down like pearls from Aaron's beard. Said R. Kahana; It was taught, 'When he [Aaron] spoke, the drops moved upwards and rested by the roots of his beard. This caused anxiety to Moses. Perhaps, Heaven forbid, [he said] I have committed sacrilege with the oil of anointing!³⁷ But a heavenly voice was heard, saying: Like the dew of the Hermon, that cometh down upon the mountains of Zion;³⁸ as the dew is not subject to sacrilege, so the oil that cometh down upon the beard of Aaron is not subject to sacrilege. Yet Aaron was still worried: 'Although Moses did not commit sacrilege, I myself am guilty of sacrilege'. Thereupon the heavenly voice pronounced: Behold how good and how pleasant it is for brethren to dwell together in unity:³⁹ As Moses is not guilty of sacrilege, so thou too art not guilty of sacrilege.

Our Rabbis have taught: Kings are anointed only by the side of a spring, so that their rule be prolonged,⁴⁰ as it is written: And the king said unto them . . . and bring him down to Gihon . . . and anoint him there.⁴¹ Said R. Ammi: 'When one wishes to know whether he will survive the coming year or not, let him take a burning lamp during the ten days between New Year and the Day of Atonement and place it in a house where there is no draught; if the lamp burns out to the end, he will know that he will survive the year. And if one is about to engage in business and wishes to know whether he will succeed or not, let him get a cock and feed it; if it grows fat and handsome, he will know that he will succeed. When one is about to go on a journey and wishes to know whether he will return home, let him enter a darkened room;⁴² if he can perceive

(1) Ex. XXX, 31.

(2) Lev. VIII, 10.

(3) V. I Kings I, 39.

(4) V. II Kings XI, 12.

(5) V. *ibid.* XXIII, 30.

(6) V. II Chron. XXIII, 31 and 36.

(7) In Hor. the text continues: And yet that oil remained whole for the days to come.

(8) Lev. VI, 15.

(9) Deut. XVII, 20 where instead of the last three words, it reads: In the midst of Israel. In Hor. this copyist's error is not to be found.

(10) But if there is dissension concerning the throne, the successor has to be specially sanctified and anointed.

(11) I Sam. XVI, 12.

(12) Or such a one i.e., one belonging to this dynasty.

(13) In using the oil for the anointing of a king, who does not require this according to the Torah, we transgressed the law of sacrilege.

(14) And not with the proper oil of anointing.

(15) I Chron. III, 15.

(16) Thus the version of Rashi. The text thus states that Jehoahaz was the firstborn.

(17) II Chron. XXI, 3.

- (18) I.e., he (Jehoram) was like his father a pious man, at the time of succession. He became corrupted later on. Jehoiakim, on the other hand, did not follow, in his father's ways and could not therefore exercise his right as firstborn.
- (19) Obviously implying that they were not identical.
- (20) Both 'perfect' and 'ended' may be conveyed by the term 'shalem'.
- (21) 11 Kings XXIV, 17.
- (22) From the root zedek', strict justice.
- (23) II Chron. XXXVI, 10. This phrase actually refers to Jehoiakim. The latter part of the verse is meant: And he appointed Zedekiah his brother king over Judah and Jerusalem.
- (24) Ibid. v. 13.
- (25) Viz., the time of Jehoahaz, whose anointment is mentioned above.
- (26) Cf. Ex. XVI, 33.
- (27) Num. XVII, 23.
- (28) I Sam. VI, 8. This implies that the coffer had to be by the side of the ark. With the disappearance of the ark also the coffer had gone
- (29) II Chron. XXXV, 3. Cf. J. Shek. I, 1 where the latter part of the passage is understood to imply that after the removal of the ark from the Temple at the time of the exile, it shall not be restored again to its place.
- (30) Sham ('there') is mentioned in connection with the ark in Ex. XXX, 36 and with the manna in XVI, 33. Doroth ('generations') in connection with the manna ibid. and with the sacred oil, ibid. XXX, 31. Mishmereth ('guard') in connection with the manna ibid, and with Aaron's rod in Num. XVII, 25. Manna is thus derived from the ark; and the other two articles from manna. At all events, we learn therefrom that there was no oil of anointing at the time of Jehoahaz.
- (31) I.e., a circle round the head.
- (32) These two centres of oil are joined with one another and extended to the neck, Rashi.
- (33) I.e., the smearing of the forehead.
- (34) Lev. VIII, 12. Pouring is mentioned first.
- (35) Lev. VIII vv. 10-11.
- (36) Ps. CXXXIII, 2.
- (37) By using too much of it.
- (38) Ibid. v. 3.
- (39) Ibid. v. 1.
- (40) Like the spring of water.
- (41) I Kings 1, 32-34.
- (42) Some versions here and in Hor. 12a read 'house of his neighbour' instead of 'darkened room.

Talmud - Mas. K'rithoth 6a

the reflection of his shadow, he will know that he will return home. But it is not the proper thing [to make these tests], for one might be discouraged and mar his fortune. Said Abaye: Since you hold that symbols are meaningful, every man should make it a habit to eat on New Year pumpkin, fenugreek, leek, beet and dates.¹

R. Mesharsheya said to his sons: 'When you wish to come before your teacher to learn, revise at first your Mishnah and then go to your teacher; and when you are sitting before your teacher look at the mouth of your teacher, as it is written: But thine eyes shall see thy teacher;² and when you study any teaching, do so by the side of water, for as the water is drawn out, so your learning may be prolonged. Be on the dustheaps of Matha Mehasia rather than in the palaces of Pumpeditha.³ Eat a stinking fish rather than cutha⁴ that breaks rocks.

And Hannah prayed and said: my heart exulteth in the Lord, my horn is exalted.⁵ It says, 'my horn is exalted', but not 'my jar is exalted'. David and Solomon were anointed from a horn,⁶ and therefore their rule was prolonged; Saul and Jehu, however, were anointed from a jar,⁷ and their rule⁸ was not prolonged.

WHEN ONE COMPOUNDS INCENSE. Our Rabbis have taught: 'When one compounds incense for experimenting or in order to hand it over to the community, he is culpable; if in order to smell of it, he is guilty. He who smells it⁹ is not culpable,¹⁰ but he is guilty of sacrilege.¹¹ But is smelling subject to the law of sacrilege? Has not R. Simeon son of Pazzi stated in the name of R. Joshua son of Levi on behalf of Bar Kappara: Hearing, seeing and smelling¹² are not subject to the law of sacrilege?¹³ — The reference to smelling means, after the pillar of the [incense] smoke has ascended,¹⁴ in which case it is not subject to the law of sacrilege, for nothing is subject to the law of sacrilege, after the prescribed command has been performed therewith. Is this indeed so? Behold the separation of the ashes¹⁵ is subject to the law of sacrilege, although the prescribed, command has been performed therewith. — The law concerning the separation of the ashes and that of the garments of the High Priest¹⁶ are two texts teaching the same thing, and where two texts teach the same thing no inference may be made [from them].¹⁷ This is right according to the Rabbis, but what is to be said according to R. Dosa? For it has been taught: And he shall place them [the garments] there,¹⁸ [means] that they have to be hidden.¹⁹ R. Dosa holds: They may be used by an ordinary priest, and 'he shall place them there' means that he [the high priest] shall not use it again on another Day of Atonement.²⁰ — The law concerning the separation of the ashes and that of the heifer whose neck is broken are two texts teaching the same thing, and where two texts teach the same thing no inference may be made [from them for other instances]. 'What is the case of the separation of the ashes? — It has been taught: He shall place it by the side of the altar;²¹ this teaches that it has to be hidden. 'What is the case of the heifer whose neck is broken? — It has been taught: And shall break the heifer's neck there in the valley,²² this teaches that it has to be buried. And even according to him who holds, one may infer for other instances where two texts teach the same thing, here indeed no inference can be made because there are two limitations. In connection with the separation of the ashes, it is written: 'He shall place it': It, and not anything else; in connection with the heifer whose neck is broken, it is written: Whose neck is broken,²³ only the one whose neck is broken and not anything else.

Our Rabbis have taught: The compound of incense consisted of balm, onycha, galbanum and frankincense, each in the quantity of seventy manehs;²⁴ of myrrh, cassia, spikenard and saffron, each sixteen manehs by weight; of costus twelve, of aromatic rind three, and of cinnamon nine manehs; of lye obtained from leek nine kabs;²⁴ of Cyprus wine three se'ahs²⁴ and three kabs, though if Cyprus wine is not available, old white wine may be used instead; of salt of Sodom²⁵ the fourth of a kab, and of ma'aleh 'ashan²⁶ a minute quantity. R. Nathan says: Also of Jordan resin a minute quantity. If, however, honey is added, the incense is rendered unfit; while if one omits one of the ingredients,²⁷ he is liable to the penalty of death.²⁸ R. Simeon son of Gamaliel said: Balm is nothing but a resin which exudes from the wood of the balsam-tree; the lye obtained from leek was rubbed over the onycha in order to render it beautiful, and in the Cyprus wine the onycha was steeped that its odour might be intensified. In fact urine might well serve this purpose, but urine may not be brought within the precincts of the Temple. This²⁹ supports R. Jose son of R. Hanina, who says: It is holy and it shall be holy unto you,³⁰ implies that all work in connection therewith must be performed within the sacred precincts.

An objection was raised: If one dedicates his possessions to the Temple³¹ and there are among them things fit for communal offerings, they shall be given to the [Temple] craftsmen as wages.³² Now what is meant by 'things fit [for communal offerings]'? If cattle or beast,³³ this has already been taught;³⁴ if wine, oil or fine flour, this has already been taught; hence It must refer to incense.³⁵ — Said R. Oshaia: [It refers to] that which is given to the craftsmen as their wages;³⁶ for we learnt: 'What was done with the remnant of the frankincense? They set apart [an amount equivalent to the craftsmen's] wages [from the Temple Treasury], the remnant was then exchanged against this money, handed over to the craftsmen as their wages and then bought back again from them with the money of the new levy.³⁷ To this R. Joseph demurred: Surely in connection with all remnants it teaches:

‘And then it is bought back again from the new levy’; whereas in connection with this teaching,³⁸ this is not stated.³⁹ — Rather, said R. Joseph: It refers to one of the ingredients of the frankincense.⁴⁰

Our Rabbis have taught: The frankincense consisted of three hundred and sixty-eight manehs,⁴¹ three hundred and sixty-five⁴² corresponding to the days of the solar year, and of the three remaining manehs the high priest took his hands full [into the holy of holies] on the Day of Atonement,⁴³ while the remnant was given to the craftsmen for their wages, as we have learnt: What was done with the remnant of the frankincense? They set apart an amount equivalent to the craftsmen's wages [from the Temple Treasury], the remnant was then exchanged against this money, handed over to the craftsmen as their wages and then bought back again from them, with the money of the Temple Chamber.⁴⁴

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- (1) These are regarded as symbols of fertility, abundance and quick growth.
 - (2) Isa. XXX, 20.
 - (3) A town which was reputed for violence and dishonesty; v. Hor. 12a (Sonc. ed.) for further notes on this passage.
 - (4) Cutha is a dish containing milk, breadcrumbs and salt. It is described in Pes. 42a as one which is harmful alike to body and spirit. Even when it is as hot and as hard so as to break rocks, one should not eat it.
 - (5) I Sam. II, 1.
 - (6) Cf. *ibid.* XVI, 13 and I Kings 1, 39. מִשַׁךְ ‘to blow’, used with the ‘horn’ connotes at the same time to prolong.
 - (7) Cf. I Sam. X, 1 and II Kings IX, 1, 3.
 - (8) I.e., their dynasty.
 - (9) I.e., the incense of the community.
 - (10) I.e., is not subject to kareth. Kareth is only prescribed for the manufacture of incense with the purpose to smell of it.
 - (11) Tosef. Mak. III, 1.
 - (12) Viz., of things belonging to Temple property, e.g., the smelling of incense.
 - (13) Because these are considered immaterial forms of use. V. pes. 26a.
 - (14) I.e., after it had been burnt.
 - (15) I.e., the ashes separated from the altar and placed by the side of it. Cf. Lev. VI, 3 and Me'il. 11b.
 - (16) Used on the Day of Atonement, cf. Lev. XVI, 23f.
 - (17) Or rather, the fact that the same law is applied in the text to two instances is taken to exclude its application to others.
 - (18) *Ibid.*
 - (19) Viz., so as not to be used again. They are thus subject to sacrilege even after their use.
 - (20) Hul. 117a.
 - (21) Lev. VI, 3.
 - (22) Deut. XXI, 4. ‘There’ is superfluous, and is taken to imply that it shall remain there for ever and must not be used.
 - (23) Deut. XXI, 6. The article in the word הָעֵרֹפָה is superfluous and is understood in a restrictive sense.
 - (24) V. Glos.
 - (25) Or sea-salt. Cf. B.B. 20b.
 - (26) Lit., ‘smoke-raiser’, i.e., a herb which makes the smoke of the frankincense rise.
 - (27) Viz., the high priest who enters the Holy of Holies with the unfit incense (Rashi). It may also refer to the manufacturer of the incense.
 - (28) By the hand of heaven.
 - (29) The last passage.
 - (30) Ex. XXX, 32.
 - (31) Without specification, in which case the possessions go to the Temple repair fund; but the things suitable for the altar must not be used for the repair fund. Objects fit for communal offerings cannot be offered, however, for the community, because such offerings must be brought out of communal funds.
 - (32) Shek. IV, 6.
 - (33) This is a standing phrase, not precise in this instance, as a beast of chase is not fit for the altar.
 - (34) Shek. IV, 6.
 - (35) We thus find that the frankincense may be compounded as profane goods and then dedicated to the Temple.

(36) I.e., the remnant of frankincense, left over from the past year; cf. R. H. 7a. At the beginning of Nisan the taxes for communal offerings were collected. The frankincense bought with the money of the previous levy was not allowed to be used in the new year. It was therefore necessary to resort to the device mentioned below, in order to make the use of the remnant in the new year possible.

(37) Ibid. IV, 5; cf. also Me'il. 14b where this Baraitha is expounded.

(38) Sc. Shek. IV, 6.

(39) It accordingly cannot refer to a remnant.

(40) Before the mixing, and not to the prepared incense.

(41) This is the total weight of the ingredients of incense, as expounded above.

(42) This is the average length also of the Jewish year, if the leap years are taken into consideration.

(43) V. Lev. XVI, 12.

(44) The version above of the same Mishnah reads 'new levy' instead of 'Temple Chamber' which is the same thing.

Talmud - Mas. K'rithoth 6b

Our Rabbis have taught: [By reason of] the remnants of frankincense once in sixty or seventy years only half the quantity was manufactured.¹ Therefore, if a stranger compounds half the quantity, he is culpable.² Thus the view of Rabban Simeon son of Gamaliel, who said this in the name of the Segan;³ while there is no tradition that a third or a fourth of the quantity was ever compounded.⁴ The Sages hold: He prepared frankincense each day⁵ according to its composition and offered it up. This supports Raba; for Raba said: If one compounds half the quantity of frankincense,⁶ he is capable, for it is written: And the incense which thou shalt make etc.⁷; whatever [quantity] you make, and it is possible for one to prepare half [a maneh] in the morning and half in the evening.

Our Rabbis have taught: Twice in the course of the year is the incense put back into the mortar.⁸ During the summer it is scattered, so that it does not rot away; during the winter it is heaped together, so that its fragrance may not escape. While it is being beaten, he⁹ calls out: 'Pound well, well pound'. These are the words of Abba Jose b. Johanan. The three remaining manehs of which the high priest on the Day of Atonement separates his handfuls, are put back in the mortar on the eve of the Day of Atonement and pounded very thoroughly, so that the incense is of the very finest, as it has been taught:¹⁰ 'Wherefore is beaten small¹¹ stated, since it is written already: And thou shalt beat some of it very small?¹² That it has to be the very finest.

The Master said: "While it is being beaten, he calls out: "Pound well, well pound".' This supports R. Johanan; for R. Johanan said: Just as speech¹³ is harmful to wine, so it is beneficial to spices.

Said R. Johanan: Eleven kinds of spices¹⁴ were named to Moses at Sinai. Said R. Huna: 'Where is the text? Take unto thee sweet spices, at least two; stacte, and onycha, and galbanum, that makes together five; 'sweet spices' means another five, that makes together ten; 'with pure frankincense', which is one, that is together eleven. 'Why not say, 'sweet spices' [at the beginning] is a general statement, stacte, and onycha, and galbanum' a specification, and 'sweet spices' [at the end] is again a general statement! ['We have thus, a generalization followed by a specification and then by a generalisation, [in which case] only things sharing the qualities of the specification may be derived. Just as the [items of the] specification are things whose smoke ascends upwards and whose fragrance spreads, so include all things whose smoke ascends upwards and whose fragrance spreads. And should you say in this case only one [item of] specification should have been mentioned, [I would answer] No, all are necessary; for if 'stacte' alone was written, I might have said: Only things from the tree [are to be taken], but not things growing on the ground. It was thus necessary to state 'onycha'. And if 'onycha' alone was written, I might have said: Only things from the ground, but not from the tree. It was thus necessary to state 'stacte'. As to 'galbanum', its mention is necessary for its own sake, for its odour is unpleasant¹⁵ if so,¹⁶ it could have been derived from: Take unto thee.¹⁷ But perhaps say: 'The sweet spices' in the latter part [of the verse] mean two, as 'the sweet spices' in

the former part?¹⁸ Then it should have written the two expressions ‘sweet spices’ next to one another, and then write ‘stacte, and onycha, and galbanum’. In the School of R. Ishmael it was taught thus: ‘Sweet spices’ is a generalisation, ‘stacte, and onycha, and galbanum’ is a specification, ‘sweet spices’ again is a generalisation, and from a generalisation followed by a specification and then by another generalisation one can derive only things sharing the qualities of the specification. As the [items in the] specification are things whose smoke ascends upwards and whose fragrance spreads, so all things whose smoke ascends upwards and whose fragrance spreads.¹⁹ Perhaps this is not so; but take the generalisation with the first generalisation, the specification with the first specification?²⁰ — Say: This cannot be; hence you must not expound according to the latter version but according to the former.

The Master said: ‘Perhaps this is not so, but take the generalisation with the first generalisation and the specification with the first specification? — Say: This cannot be, hence you cannot expound . . . ‘What is the question? — This is his difficulty: Let the ‘sweet spices’ in the latter part [of the verse] mean two like ‘sweet spices’ in the former.²¹ Whereupon he replied as was answered before: Then it should have written, ‘Sweet spices, sweet spices, stacte, onycha and galbanum’. What is the meaning of ‘and the specification with the first specification’? — This is his difficulty: Things of the tree are derived from ‘stacte’, and things of the ground from ‘onycha’; why not then derive from ‘pure frankincense’ all things which have one quality in common with it [viz.] that their fragrance spreads, though their smoke does not ascend upwards?²² Whereupon he replied: If this was so, ‘pure frankincense’ should have been written among the others,²³ so that you could derive therefrom. But if ‘pure frankincense’ was written among the others, we would have twelve spices.²⁴ — ‘Pure frankincense’ should have been written among the others and ‘galbanum’ at the end. Resh Lakish says: From the word itself it can be inferred; for ketoreth²⁵ [frankincense] means something whose smoke ascends upwards.

Said R. Hana b. Bizna in the name of R. Hisda the pious: A fast in which none of the sinners of Israel participate is no fast;²⁶ for behold the odour of galbanum is unpleasant and yet it was included among the spices for the incense. Abaye says: ‘We learn this from the text: And hath founded his vault upon the earth.’²⁷

OR USES OIL OF ANOINTING. Our Rabbis have taught: He who pours the oil of anointing over cattle or vessels is not guilty; if over heathens or the dead, he is not guilty. The law relating to cattle and vessels is right, for it is written: Upon the flesh of man [adam] shall it not be poured;²⁸ and cattle and vessels are not man. Also with regard to the dead, [it is plausible] that he is exempt, since after death one is called corpse and not man. But why is one exempt in the case of heathens; are they not in the category of adam? — No, it is written: And ye my sheep, the sheep of my pasture, are adam [man].²⁹ Ye are called adam but heathens are not called ‘adam. But is it not written: And the persons [adam] were sixteen thousand?³⁰ — Because it is used in opposition to cattle.³¹ But is it not written: And should I not have pity on Nineveh [that great city, wherein are more than six score thousand persons [adam]]?³² — This too is used in opposition to cattle.³³ Or, if you wish, I might explain it in the light of what a Tanna recited before R. Eleazar: Whosoever is subject to the prohibition ‘he shall not pour’ is subject to [the law] ‘it shall not be poured [over him]’; but he who is not subject to ‘he shall not pour’ is not subject to ‘it shall not be poured [over him]’.³⁴

Another [Baraita] taught: If one anoints with the oil of anointing cattle, vessels, heathens and the dead, he is not culpable; if kings and priests, R. Meir holds he is culpable and R. Judah that he is exempt. How much has one to put in order to be culpable? R. Meir says: Any quantity; R. Judah says: As much as that of the bulk of an olive. But did not R. Judah say that one is exempt? — R. Judah exempts only in the case of kings and priests,³⁵ but in the case of laymen he declares one culpable. What is the ground of dispute between R. Meir and R. Judah? — Said R. Joseph: They dispute in this: R. Meir holds, It is written: Upon the flesh of man shall it not be poured;³⁶ and it is

also written: Or whosoever putteth of it upon a stranger:³⁷ As the [prohibition of] anointing applies to any quantity,³⁸ so also the [prohibition of] putting [upon a stranger];³⁹ while R. Judah holds, The [implication of] ‘putting upon a stranger’ is derived from ‘giving’ elsewhere: as ‘giving’ implies at least an olive size,⁴⁰ so also the ‘putting upon a stranger at least an olive size; but with regard to the pouring for the anointing of kings and priests both agree that any quantity suffices. Then said R. Joseph: ‘Whereupon rests the dispute between R. Meir and R. Judah with reference to kings and priests?’⁴¹ R. Meir holds: It is written: ‘Or whosoever putteth of it upon a stranger’, and king and priest are now to be regarded as strangers;⁴² while R. Judah maintains [to involve culpability] it is essential that one is a ‘stranger’ from beginning to end; but kings and priests were not considered [always] strangers.⁴³ Said R. Ika the son of R. Ammi: They⁴⁴ follow their own reasoning elsewhere; for we have learnt:⁴⁵

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- (1) As the handfuls of the high priest on the Day of Atonement amounted approximately to half a maneh, the remnant each year was about two and a half manehs. During a period of between sixty and seventy years the remnants accumulated to half the yearly quantity. When this was reached only a supplementary half was newly manufactured.
 - (2) This transgression applies only to quantities otherwise manufactured for the Temple.
 - (3) The deputy high priest.
 - (4) I.e., that two-thirds or three-quarters were allowed to be accumulated.
 - (5) Viz., one maneh. A stranger is accordingly guilty for the manufacture of one maneh.
 - (6) Or even less, as is proved from the text. In cur. edd. oil of anointing stands in place of frankincense, but in supra 5a whence this quotation is taken, frankincense is the version.
 - (7) Ex. XXX, 37.
 - (8) To induce fragrance.
 - (9) The superintendent calls to him who pounds the incense.
 - (10) Yoma 45a.
 - (11) Lev. XVI, 12 referring to the handfuls on the Day of Atonement.
 - (12) Ex. XXX, 36.
 - (13) I.e., speaking while it is being prepared.
 - (14) Only four are mentioned in Ex. XXX, 34.
 - (15) Had it not been explicitly mentioned, I would not have included it.
 - (16) If the purpose of the numeration of the items is for the sake of expounding the verse by the principle of generalisation and specification etc. and not to indicate the precise number.
 - (17) Which would have served as a generalisation without the addition of ‘spices’.
 - (18) And not five.
 - (19) R. Ishmael's School resorts both to the principle of generalisation etc. and to the exposition of R. Huna, the former teaching that it must be of a kind whose smoke ascends and fragrance spreads, and the latter indicating the number.
 - (20) This last question and the answer are obscure, and will be explained immediately.
 - (21) This then is the meaning: perhaps the second generalisation (sweet spices) has the same connotation as the first and implies no more than ‘two’; whence then is the number eleven derived?
 - (22) And thus the question is, perhaps the last specification is to be taken in conjunction with the first and the others that precede the second generalisation?
 - (23) I.e., among the specifications enclosed by the two generalisations, ‘sweet spices’.
 - (24) For the latter expression ‘sweet spices’ doubles the number of spices enumerated before, which in this case would be six.
 - (25) The root קטר means ‘to rise in circles’.
 - (26) The sinners should not be excluded as unworthy of joining their fellow-Jews in prayer.
 - (27) Amos IX, 6. The root אגד of ואגודתו ‘his vault’ means to bind together. Only when all his creatures are bound together is this creation on earth founded.
 - (28) Ex. XXX, 32.
 - (29) Ezek. XXXIV, 31. The passage continues: And I am your God, saith the Lord God. It is thus clear that the term אדם in this sentence does not denote ‘man’ but Israelite. The term adam is used to denote man made in the image of God (v. Gen. IX, 6, for in the image of God He made adam) and heathens by their idolatry and idolatrous conduct mar

this divine image and forfeit the designation adam (v. B.M. Sonc. ed. p. 651, n. 7). There is therefore a possibility that also oil used in Ex. XXX, 32 is to be understood in this restrictive sense, particularly as the distinction between holy and profane made in the text (it reads there, 'it is holy and it shall be holy unto you') is meaningful only to one who believes in the ideal of the holy.

(30) Num. XXXI, 40 referring to the heathen Midianites.

(31) V. the context.

(32) Jonah IV, 11.

(33) V. the end of the passage.

(34) The prohibition of using sacred oil for profane purposes is thus binding for the Israelites only.

(35) After they had been anointed. Rashi reads, high priests.

(36) Ex. XXX, 32.

(37) Ibid. v. 33. Lit., 'whosoever giveth'. The analogy later between putting and giving is based upon this literal translation.

(38) Since there the term 'anointing' implies any quantity however small.

(39) Although elsewhere 'putting' (lit., 'giving') implies at least the bulk of an olive.

(40) Cf. Pes. 32b where this fact is derived from Lev. XXII, 14.

(41) Viz., when unlawfully anointed.

(42) For anointing after their first anointment is no longer prescribed for them.

(43) For there was a time when they were required to be anointed, and were not strangers.

(44) I.e., R. Meir and R. Judah.

(45) Ter. VII, 2.

Talmud - Mas. K'rithoth 7a

If the daughter of a priest married to an Israelite has eaten terumah,¹ she has to pay the principal but not the additional fifth, and her punishment² is death by burning. If she is married to one of those disqualified [for priesthood], she has to pay the principal as well as the additional fifth, and her punishment is death by strangulation.³ Thus the view of R. Meir; but the Sages hold: In either case she has to pay the principal but not the fifth, and is punished by burning.⁴

Said R. Joseph: The dispute [between R. Meir and R. Judah] is only with reference to the putting of the oil of anointing, and as we have explained above;⁵ but elsewhere⁶ all agree that 'giving' implies at least an olive size.

[To turn to] the main text: A Tanna recited before R. Eleazar: Whosoever is subject to [the prohibition] 'he shall not pour' is subject to [the law] 'it shall not be poured [over him]'; but he who is not subject to 'he shall not pour' is not subject to 'it shall not be poured [over him]'. The latter said to him: You speak well: it is written, 'It shall not be poured' [yisak], read 'he shall not pour' [yasik].⁷

R. Hananiah recited before Raba: If a high priest has taken from the oil of anointing that is upon his head and rubbed it upon his stomach, whence do we know that he is culpable? It says: Upon the flesh of man shall it not be poured'.⁸ Said R. Aha the son of Raba to R. Ashi: 'Why is this different from that which has been taught:⁹ A priest who is anointed with oil of terumah may without scruple allow [e.g.,] his Israelite grandson¹⁰ to roll against him?¹¹ — He replied: In that connection it is written: And die therein, if they profane it;¹² once it is profaned¹³ it remains profane; but in connection with the oil of anointing it says: For the consecration of the anointing oil of his God is upon him;¹⁴ the Divine Law [still] calls it oil of anointing, so that even when it is 'upon him' it does not become profane.

FOR THESE [TRANSGRESSIONS] ONE IS LIABLE TO EXTINCTION IF COMMITTED WILFULLY etc. It states EXCEPT IN THE CASE OF ONE WHO DEFILED THE TEMPLE OR

ITS CONSECRATED THINGS. Excluded from what? — Read thus: Excluded is he who defiles the sanctuary or sacred things in that he does not bring a suspensive guilt-offering.¹⁵ Why not also state: Excluded is one from a suspensive guilt-offering where the Day of Atonement has passed by in the meantime?¹⁶ — Replied Resh Lakish: He mentions only cases where a sin-offering is [prescribed],¹⁷ but the Divine Law has pronounced exemption [from a suspensive guilt-offering in case of a doubt]; but where the Day of Atonement had passed by, there is no sin-offering prescribed, for [the sin] had already been atoned. R. Johanan said: [The Mishnah] refers to a rebellious person,¹⁸ [that is] who says that the Day of Atonement brings no forgiveness; if then he repents after the Day of Atonement, he is liable to a suspensive guilt-offering.¹⁹ But Resh Lakish holds that the Day of Atonement effects forgiveness even to a rebellious person. Their dispute is similar to the following: If one says, My sin-offering shall effect no atonement for me, Abaye says: It does not effect atonement; Raba says: It does effect atonement. If he said, It shall not be offered, all agree that it does not effect atonement, for it is written: He shall bring it with the consent;²⁰ where they differ is when he said: It should be offered but should not effect atonement. Abaye holds that it does not effect atonement, for he said: It should not atone. Raba holds that it does effect atonement, since he ordered that it should be offered, atonement comes as a matter of course. Raba, however, has retracted his view, as it has been taught: I might assume that the Day of Atonement atones alike for them who repent and them who do not repent.²¹ But is there not an argument [to the contrary]: Sin- and guilt-offerings effect atonement, and the Day of Atonement effects atonement. Just as sin- and guilt-offerings atone only for them that repent, so shall also the Day of Atonement atone only for them that repent? No, [this is not conclusive]. You can rightly say that such is the case of sin- and guilt-offerings, since they do not atone for wilful sins as they do for those in error; will you apply the same to the Day of Atonement which atones alike for wilful sins as well as for those in error? I might therefore have thought since the Day of Atonement atones for wilful sins as well as those in error, so it would atone for them that repent as well as them that do not repent, therefore it is written, ‘howbeit’,²² to establish a distinction [between them that repent and them that do not repent]. ‘What is meant by ‘them that repent’ and ‘them that do not repent’?²³ Does ‘them that repent’ mean that the sin has been committed in error, and ‘them that do not repent’ that the sin has been committed wilfully? But then, does it not state: No, you can rightly say that such is the case of sin- and guilt-offerings, since they do not atone for wilful sins, etc.²⁴ — Rather [explain in the light of] what ‘Ulla said in the name of R. Johanan:²⁵ If a man ate heleb²⁶ and separated a sacrifice, and then he apostatized but retracted afterwards, [the sacrifice may not be offered] for since it has once been rejected it remains rejected.²⁷ But although this [particular] sacrifice is rejected, the person, however, is fit for atonement?²⁸ — Hence [you must say] that ‘them that repent’ refers to one who says: My sin-offering shall effect atonement for me; and ‘them that do not repent’ to one who says: My sin-offering shall effect no atonement for me. This proves it.²⁹

The following contradiction was raised: I might think that the Day of Atonement atoned only for him who afflicted himself and did no work on it, and called it a holy convocation;³⁰ but if one did not afflict himself or did work on it or did not call it a holy convocation, I might think that the Day of Atonement does not atone for him; therefore it is stated: It is the Day of Atonement:³¹ in all circumstances [does it atone]. Now, these two statements³² are both given anonymously³³ in the Sifra³⁴ and so they contradict each other! — Replied Abaye: There is no difficulty; the former teaching is that of Rabbi on the view of R. Judah, the latter that of Rabbi himself; as it has been taught: Rabbi says, For all the sins of the Torah, whether one has repented or not, the Day of Atonement atones, except for throwing off the yoke,³⁵ interpreting the Torah in opposition to the halachah,³⁶ and making void the covenant of the flesh,³⁷ where if one has repented the Day of Atonement effects atonement, but if not, the Day of Atonement effects no atonement.

Raba said: Both teachings represent Rabbi's own view, but Rabbi agrees that the transgressions against the sanctity of the Day of Atonement itself are not atoned for.³⁸ For if this was not so, how could, according to Rabbi, the penalty of kareth for offending against the laws of the Day of

Atonement ever take effect, since there is on that day continuous atonement. This would offer no difficulty; [it might take effect] when one did work during the night and died at dawn, so that he had no day³⁹ to atone for him. This is right only as far as sins committed by night are concerned, how can kareth take effect for sins committed by day?⁴⁰ — This is no difficulty. [It might take effect] when one while partaking of a meal⁴¹ was choked by a lump of meat and died, so that there was no time during the day for the atonement to atone for him;⁴² or when he was working just before sunset; or when while working he cut off his thigh with the axe and died, so that there was no time during the day to atone for him.

THE SAGES SAY: ALSO ONE WHO BLASPHEMES etc. What is the meaning of 'also one who blasphemes'?⁴³ — The Rabbis heard that R. Akiba⁴⁴ included⁴⁵ ob but not yidde'oni;⁴⁶ so they said to him: The reason why there is no offering in the latter instance is because it involves no action,⁴⁶ the blasphemer, too, performs no action.

Our Rabbis have taught: He who blasphemes is liable to an offering, for kareth is written in connection with him; thus the view of R. Akiba. And it further says: He will bear his iniquity.⁴⁷ But is it a rule that wherever kareth is written, one has to bring an offering [in case of error]? Surely there are the cases of Passover and circumcision in connection with which kareth is written, and yet these involve no offerings? —

(1) V. Glos. By marrying an Israelite she becomes disqualified from eating terumah. She is, however, exempted from the payment of the fine of an extra fifth of the value (cf. Lev. V, 16), because she might return to her original status of priesthood on her husband's childless death.

(2) In case of infidelity; cf. Lev. XXI, 9.

(3) Like any other unfaithful wife. By this marriage she herself has become disqualified for priesthood. Even after her husband's death she is not fit to eat terumah.

(4) R. Meir does not take into consideration the fact that she was once fit for priesthood; while the Sages, identified with R. Judah, hold she has still the status of a priest's daughter by reason of her former inclusion in the tribe. The arguments are thus similar to those underlying the previous dispute.

(5) Viz., that the term 'putting' (i.e., giving) of oil is to be compared with that of 'pouring'.

(6) E.g., when frankincense is put upon the meal-offering, cf. Men. 59b.

(7) The fact that the word **יָדוּ** is understood, by reason of the two yods, both in the active and in the passive voice is taken to imply that there is an interdependence between him who uses the oil and him upon whom it is used.

(8) This is all inclusive.

(9) Tosef. Ter. IX, 8, with slight variants.

(10) The son of his daughter who married an Israelite.

(11) Although his body may be smeared with the oil of terumah, which is prohibited to an Israelite.

(12) Lev. XXII, 9.

(13) I.e., once it has been used.

(14) Ibid. XXI, 12. It is called a 'consecration' even after it is poured over his head.

(15) V. Mishnah. The reason given is that such a guilt-offering is offered only in cases where by certain yet unwitting transgression a fixed sin-offering is prescribed. For the defilement, however, of the sanctuary or sacred things, a sacrifice of higher or lesser value is prescribed.

(16) In which case the Day of Atonement effects atonement for the doubtful sins.

(17) Viz., when the transgression is certain though committed in error.

(18) Lit., 'one who kicks'.

(19) And for this reason the Mishnah does not exclude this case.

(20) Lev. I, 3.

(21) Shebu. 13a.

(22) Lev. XXIII, 27 which is a restrictive expression.

(23) Mentioned above in connection with sin- and guilt-offerings.

(24) This passage would then be a repetition of the previous.

- (25) Sanh. 47a.
- (26) V. Glos. The eating was in error, in which case he is liable to a sin-offering.
- (27) An apostate's sacrifice may not be offered upon the altar. In accordance with this dictum 'them that do not repent' signifies people who have apostatized between the separation of the sacrifice and its offering up.
- (28) After the revocation of his apostasy such a person is regarded as a full Israelite and surely participates in the forgiveness of the Day of Atonement.
- (29) That where one says, 'My sin-offering shall effect no atonement for me' it does not atone.
- (30) I.e., participated in the service of the day (Rashi).
- (31) Lev. XXIII, 27. The article is considered superfluous and is understood as an amplification.
- (32) Viz., this one and the one above stating that the Day of Atonement atones only for them that repent and comply with the laws concerning the Day of Atonement.
- (33) Being anonymous both teachings emanate from the same authority.
- (34) Halachic Midrash on Leviticus.
- (35) I.e., unbelief in God.
- (36) Rejecting thereby the oral law.
- (37) I.e., circumcision. On these phrases v. Sanh. (Sonc. ed.) p. 672 and notes.
- (38) I.e., that if one does not afflict himself on the Day of Atonement that day does not atone for this sin except after repentance, while other sins perpetrated throughout the year are atoned for even without repentance. The former statement is thus confined to sins against the holiness of the Day of Atonement itself.
- (39) Atonement is granted during day-time, although the sanctity of the festival commences on the previous evening as is the case of all Jewish festivals. Although the sinner is now dead, kareth can still take effect thereafter. V. Glos on kareth.
- (40) The text Lev. XXIII, 28 explicitly mentions the day: Ye shall do no manner of work in that same day.
- (41) Lit., 'eating bread'. The parallel passage in Shebu. 13b reads: While eating a lump of meat.
- (42) Sin and death were simultaneous.
- (43) It can have no reference to the immediately preceding passage, which deals with suspensive guilt-offerings for doubtful sins.
- (44) As is later on explained, the anonymous view in our Mishnah, to whom the Sages retort, represents R. Akiba's opinion.
- (45) Viz., in the category of sins enumerated in the Mishnah liable to a sin-offering where committed in error.
- (46) V. supra 3b.
- (47) Lev. XXIV, 15.

Talmud - Mas. K'rithoth 7b

This is the meaning: One who blasphemes brings an offering,¹ because [the penalty of] kareth stands in this case in conjunction with offerings.² This is the view of R. Akiba. He holds that since kareth in this instance could have been mentioned independently, but is in fact mentioned in conjunction with offerings, this proves that [he who blasphemes] brings an offering. And it further says, 'he shall bear his iniquity'; this is quoted on the view of the Sages. And thus did the Rabbis say to R. Akiba: You maintain that the blasphemer [megaddef] is liable to an offering because kareth in this instance is mentioned in conjunction with offerings. You thus assume that the term 'megaddef' of the Holy Writ³ denotes one who blasphemes the Name of the Lord. [This is not so;] 'Megaddef' denotes one who worships idols.⁴ And as to the text of the Mishnah: AND THE SAGES SAY, ALSO ONE WHO BLASPHEMES [megaddef],⁵ it is to be understood thus: Also he who blasphemes the Name which you designate as megaddef⁶ etc. . . And whence do you know that kareth applies to one who blasphemes the Name?⁷ — In connection with blasphemy we read: 'He shall bear his iniquity',⁸ and also in connection with the second Passover we read: 'He shall bear his iniquity':⁹ As in the latter instance kareth is the penalty, so also in the former the penalty is kareth.¹⁰

Our Rabbis taught: The same blasphemeth [megaddef] the Lord;¹¹ Issi b. Judah explains [the term gadaf] in the sense of a man who says to his neighbour: Thou hast scraped [garef]¹² the dish and

impaired it;¹³ he holds 'megaddef' denotes one who blasphemes the Name. R. Eleazar b. Azariah explains it in the sense of a man who says to his neighbour: Thou hast scraped the dish but hast not impaired it; he holds 'megaddef' denotes one who worships idols. Another [Baraita] teaches: 'The same blasphemeth the Lord': R. Eleazar b. Azariah says: The text speaks of one who worships idols; while the Sages say: The text intends only to pronounce kareth for him who blasphemes the Name.¹⁴

MISHNAH. SOME [WOMEN AFTER CONFINEMENT] BRING AN OFFERING¹⁵ WHICH IS EATEN; SOME BRING ONE WHICH IS NOT EATEN, AND SOME BRING NO OFFERING AT ALL. SOME BRING AN OFFERING WHICH IS EATEN: IF A WOMAN BEARS AN ABORTION WHICH IS IN THE SHAPE OF CATTLE, OR A BEAST OF CHASE OR A BIRD — [THUS THE VIEW OF R. MEIR; WHILE THE SAGES HOLD: ONLY IF IT HAS A HUMAN SHAPE], OR IF A WOMAN DISCHARGES A SANDAL-LIKE FOETUS OR A PLACENTA OR A DEVELOPED FOETUS,¹⁶ OR A YOUNG THAT CAME OUT IN PIECES; SIMILARLY, IF A WOMAN-SLAVE¹⁷ MISCARRIES, SHE BRINGS AN OFFERING WHICH IS EATEN. THE FOLLOWING BRING AN OFFERING WHICH IS NOT EATEN: A WOMAN WHO BEARS AN ABORTION BUT DOES NOT KNOW WHAT THE ABORTION WAS,¹⁸ OR IF OF TWO WOMEN THE ONE HAD AN ABORTION OF A KIND WHICH DID NOT RENDER HER LIABLE [TO AN OFFERING], AND THE OTHER OF A KIND TO MAKE HER LIABLE [TO AN OFFERING].¹⁹ R. JOSE SAID: THIS APPLIES ONLY IF THE ONE WENT TOWARDS THE EAST AND THE OTHER TOWARDS THE WEST,²⁰ BUT IF BOTH REMAINED TOGETHER THEY BRING [TOGETHER] ONE OFFERING WHICH IS EATEN. THE FOLLOWING BRING NO OFFERING AT ALL: THE WOMAN WHO DISCHARGES A FOETUS FILLED WITH WATER OR WITH BLOOD OR WITH A MANY-COLOURED SUBSTANCE; OR IF THE ABORTION WAS IN THE SHAPE OF FISH, LOCUST, UNCLEAN ANIMALS OR REPTILES; OR IF THE MISCARRIAGE TOOK PLACE ON THE FORTIETH DAY [AFTER THE CONCEPTION],²¹ OR IF IT WAS EXTRACTED BY MEANS OF A CAESAREAN SECTION. R. SIMEON DECLARES HER LIABLE [TO AN OFFERING] IN THE CASE OF A CAESAREAN SECTION. GEMARA. 'Whence do we know [the law concerning] the woman-slave? — For our Rabbis taught: [Speak unto] the children of Israel,²² from this I only know that [the law] applies to the children of Israel, whence do we know [its application to] a woman-proselyte and to a woman-slave? The text therefore states: [If] a woman.²³ Why state, SIMILARLY IF A WOMAN-SLAVE?²⁴ — I might have thought that the rule that all commandments which are binding upon a woman apply also to a slave holds good only in respect of laws which are applicable both to men and woman; but as to the laws concerning the woman after confinement, which are applicable to women only and not to men, I might have thought that the woman-slave is not included. Therefore a woman-slave is mentioned [in the Mishnah].

THE FOLLOWING BRING AN OFFERING etc. How shall they proceed?²⁵ They bring [each] a certain [burnt]-offering and [together] a doubtful sin-offering of a bird and stipulate.²⁶ But does R. Jose indeed admit that one can stipulate? Have we not learnt: R. Simeon holds, They together bring one sin-offering; R. Jose holds, Two persons cannot bring one sin-offering?²⁷ Does this not prove that R. Jose does not agree with the principle of making a stipulation?²⁸ — Said Raba: R. Jose agrees in the case of one who requires atonement.²⁹ Also when Rabin came [from Palestine], he said in the name of R. Johanan: R. Jose agrees in the case of one who requires atonement. 'What is the difference? — There,³⁰ it is essential that the offender be conscious of his sin, as it is written: If his sin be known to him;³¹ therefore the offering cannot be brought conditionally. But here, the women bring offerings only in order to be permitted to partake of holy things, even as we have learnt in the concluding clause of that [same Mishnah], R. Jose says: No sin-offering that is brought for the expiation of sin can be offered by two persons.

THE FOLLOWING BRING NO OFFERING . . . R. SIMEON DECLARES HER LIABLE IN THE CASE OF A CAESAREAN SECTION. What is the reason of R. Simeon? — Said Resh

Lakish: It is written, And if she bear a maid-child,³² to include another kind of bearing, namely by means of a caesarean section. And what is the reason of the Rabbis? — Said R. Mani b. Pattish: It is written, If a woman conceive seed and bear;³³ only when the birth takes place through the seat of conception.³⁴

MISHNAH. IF A WOMAN BRINGS FORTH AN ABORTION ON THE EVE OF THE EIGHTY-FIRST DAY,³⁵ BETH SHAMMAI SAY: SHE IS EXEMPTED FROM AN OFFERING,³⁶ WHILE BETH HILLEL SAY: SHE IS LIABLE. SAID BETH HILLEL TO BETH SHAMMAI: WHAT IS THE DIFFERENCE BETWEEN THE EVE OF THE EIGHTY-FIRST DAY AND THE EIGHTY-FIRST DAY ITSELF? SINCE THESE ARE CONSIDERED EQUAL WITH REGARD TO UNCLEANNESS,³⁷ WHY SHOULD THEY NOT BE CONSIDERED EQUAL ALSO WITH REFERENCE TO THE OFFERINGS? ANSWERED BETH SHAMMAI TO THEM: NO; IF YOU WILL MAINTAIN THIS³⁸ IN THE CASE WHERE SHE BEARS AN ABORTION ON THE EIGHTY-FIRST DAY WHERE IT³⁹ OCCURRED AT A TIME WHEN SHE WAS FIT TO BRING AN OFFERING, CAN YOU MAINTAIN THIS WHERE SHE BEARS AN ABORTION ON THE EVE OF THE EIGHTY-FIRST DAY, SEEING THAT IT DID NOT OCCUR AT A TIME WHEN SHE WAS FIT TO BRING AN OFFERING?⁴⁰ SAID BETH HILLEL AGAIN TO THEM: THE CASE OF AN ABORTION ON THE EIGHTY-FIRST DAY WHICH FELL ON A SABBATH SHALL PROVE IT, WHERE THE ABORTION TOOK PLACE AT A TIME WHEN SHE WAS UNFIT TO BRING AN OFFERING AND YET SHE IS LIABLE TO BRING A [NEW] OFFERING. REPLIED BETH SHAMMAI TO THEM: NO; IF YOU WILL MAINTAIN THIS OF THE EIGHTY-FIRST DAY WHICH FELL ON A SABBATH WHICH, THOUGH INDEED NOT FIT FOR OFFERINGS OF AN INDIVIDUAL, IS AT LEAST FIT FOR COMMUNAL OFFERINGS, WOULD YOU MAINTAIN THIS OF AN ABORTION ON THE EVE OF THE EIGHTY-FIRST DAY, SEEING THAT THE NIGHT IS FIT NEITHER FOR OFFERINGS OF THE INDIVIDUAL NOR FOR COMMUNAL OFFERINGS? AS TO [YOUR ARGUMENT OF THE UNCLEANNESS OF] THE BLOOD,⁴¹ IT PROVES NOTHING, FOR ALSO WHEN THE ABORTION TOOK PLACE WITHIN THE PERIOD OF CLEANNESS IS THE BLOOD⁴² UNCLEAN, AND YET SHE IS EXEMPTED FROM AN OFFERING.⁴³

(1) Although he performs no action.

(2) Cf. Num. XV, 30 and the context.

(3) Viz., of Num. XV, 30.

(4) So that blasphemy which is accordingly mentioned only in Lev. XXIV, 15-16 does not stand in conjunction with offerings. R. Akiba's view is thus robbed of its foundation.

(5) Thus admitting that 'megaddef' denotes the blasphemer.

(6) I.e., the Sages use here the term 'megaddef' in the language of R. Akiba to whom they address themselves.

(7) Since the text in Num. XV, 30 where kareth is mentioned refers to idolatry.

(8) Lev. XXIV, 15.

(9) Num. IX, 13.

(10) Thus Rashi's version. Cur. edd., whose text is not quite clear, read thus: . . . on the view of the Rabbis. R. Akiba argues thus with the Rabbis: You maintain the blasphemer (megaddef) performs no action; but in fact 'megaddef' is one who blasphemes the Name. And for what purpose has kareth been mentioned? They said to him: He who curses the Lord is liable to kareth, for it is written in connection with cursing, 'That man shall bear his iniquity' and it is written in conjunction with the second passover, 'He shall bear his iniquity': as in the latter instance there is kareth, so also in the former there is kareth.

(11) Num. XV, 30.

(12) מַגְדֵּף is thus turned into מַגְרֵף by reason of the similarity of the two letters ט and ק.

(13) I.e., not only hast thou robbed the vessel of its contents, thou hast also damaged the vessel itself. The allusion is as follows: Though worshipping idols, the work of God's creation, one may still believe and recognise the supremacy of the Creator Himself, however unsound this attitude may be. With blasphemy one turns against the Creator Himself.

(14) In Lev. XXIV, 14 the death penalty is pronounced for the blasphemer of the Name. This text of Num. XV, 30

pronounces the penalty of kareth in case of wilful transgression in the absence of two witnesses or without due warning.

(15) Or rather offerings, cf. Lev. XII, 6-8.

(16) I.e., with the articulate parts of the body.

(17) Viz., an heathen bondwoman.

(18) I.e., she is in doubt whether it was of a human shape making her liable to offerings, or not. Of the two offerings she has to bring (viz., the burnt-offering and the sin-offering) the first is brought with the stipulation that should she be exempted from offerings, it should be regarded as a freewill burnt-offering. With the latter this stipulation cannot be made, since there is no freewill sin-offering.

(19) It is not known which of the two is liable and which is exempted, therefore each of them brings a set of offerings.

(20) I.e., they have separated one from the other so that they cannot make the stipulation expounded in the Gemara.

(21) The development of the embryo begins to take shape after the fortieth day.

(22) Lev. XII, 2f., where the offerings of a woman after confinement are mentioned.

(23) Ibid. implying any woman.

(24) Is it not obvious, since slaves are subject to all laws to which women are subject?

(25) The question refers to R. Jose who holds that both women bring together one offering.

(26) The law prescribes two offerings, a burnt-offering and a sin-offering. A burnt-offering can also be brought in a doubtful case with the stipulation that the offering should be a freewill burnt-offering should the person in fact be exempted from the offerings. In this instance of the two women, each of them brings therefore a burnt-offering and stipulates that her burnt-offering should be a freewill sacrifice should the other woman be the one that is liable to the offering by law. This method cannot be used in connection with the sin-offering, for there is no freewill sin-offering. The women are therefore asked to bring together one sin-offering and each stipulates that her portion of the offering should belong to her friend, should the latter be the one that is liable by law to the offering.

(27) Infra 23a. The case in question is that two pieces of fat, one forbidden and the other permitted, were eaten by two people, and it is not known who ate the forbidden and who the permitted fat.

(28) Or else he would suggest a solution similar to that of our Mishnah.

(29) I.e., the instance of our Mishnah where the object of the offerings is to complete the atonement; v. infra 8b.

(30) In the Mishnah infra 23a.

(31) Lev. IV, 28. The offering is to expiate a certain sin of a certain person.

(32) Lev. XII, 5. It sufficed to state, 'and if it be a maid-child'.

(33) Ibid. 2.

(34) . I.e., only in the case of a normal birth are offerings prescribed.

(35) After the birth of a girl, cf. Lev. XII, 5. These eighty days are a period of cleanness, during which the woman does not become unclean through the discharge of blood. On the eighty-first day special offerings are to be offered. If another birth takes place before the expiration of this period, no new offerings are required; if on or after the eighty-first day, she is liable. The query arises, if the second birth was on the eve of the eighty-first day. Although the night is generally reckoned as part of the following day, as the sacrifices may not be offered until day-time of the eighty-first day, it is doubtful whether the abortion is to be covered by these sacrifices or not.

(36) For the second birth.

(37) The period of cleanness undoubtedly ends with sunset. It is assumed by Beth Hillel that the exemption from new offerings in the case of abortion within the period of cleanness is based upon the fact that the blood discharged thereby is clean. If accordingly the abortion took place after this period has passed, new offerings are required.

(38) Viz., the law that if the second birth takes place on or after the eighty-first day, a new set of offerings is required.

(39) Viz., the abortion.

(40) Sacrifices may not be offered during the night. Although the period of cleanness is over, since the sacrifices may not be offered until the following morning, the birth on the eve of the eighty-first day is to be covered by these offerings.

(41) Viz., the first objection of Beth Hillel: 'SINCE THESE ARE CONSIDERED EQUAL WITH REGARD TO UNCLEANNESSE etc.'

(42) Discharged at the abortion.

(43) I.e., according to Beth Shammai the exemption from offering in the case of abortion within the period of cleanness is not the outcome of the fact that the blood discharged thereby is clean, which in fact it is not, but because it is covered by the first set of offerings.

Talmud - Mas. K'rithoth 8a

GEMARA. It has been taught: Beth Hillel said to Beth Shammai: Lo, it says, 'or for a daughter',¹ to include the eve of the eighty-first day.

R. Hoshaia was a frequent visitor to Bar Kappara; he then left him and joined R. Hiyya. One day he met [Bar Kappara] and asked him: If a zab had three [new] issues during the night of the eighth day,² what would be the view of Beth Hillel in this case?³ Is the reason of Beth Hillel in the case of an abortion on the night [of the eighty-first day] because it is written, 'or for a daughter', but in the case of a zab there will be no sacrifice, since there is no superfluous text in connection therewith; or perhaps there is no difference [between these two cases]? — Replied to him Bar Kappara: What did the Babylonian⁴ say in this matter? R. Hoshaia was silent and said nothing. Then Bar Kappara said to him: 'We have still to depend upon the words of Iyya!⁵

Let us return to that which has been said before. 'Lo, it says, or for a daughter, to include the eve of the eighty-first day'. Are we to say that this is a point of dispute between Tannaim? If a zab had three issues in the night of the eighth day, one [Baraita] teaches, He has to bring an offering, whereas another [Baraita] teaches, He is exempted. Now, do they not differ in the following: The one which teaches that he is liable holds that the night does not render a period wanting in time;⁶ and the one which teaches that he is exempt holds that the night renders a period wanting in time!⁷ — Said R. Huna b. Aha in the name of R. Eleazar: These Tannaim [indeed] hold that the night renders a period wanting in time, but the one which teaches that he is liable, deals with a zab of two issues,⁸ and the one which teaches that he is exempt deals with a zab of three issues.⁹ But need the case of a zab of two issues be stated?¹⁰ — This is what we are informed: Only when he perceives [three issues] on the night of the eighth day; but if on the day of the seventh, he is not liable; for he holds that an issue which disturbs [the period of cleanness]¹¹ does not render one liable to an offering.

Said Raba: You have explained the teaching that one is exempted from an offering as referring to a zab of three issues; why then has this law not been stated in conjunction with the [Mishnah]: 'Five who bring one sacrifice for many transgressions'?¹² — Because this law is not absolute;¹³ for R. Johanan said: If he perceived one issue in the night¹⁴ and two during the day,¹⁵ he is liable; two in the night and one during the day, he is not liable. Said R. Joseph: You can prove that one is liable if one [was perceived] by night and two during the day, for the first issue is regarded as a mere discharge of semen,¹⁶ and yet if two more issues are perceived, they combine one with the other. [Against this] said R. Shesheth son of R. Idi: What argument is this? The first issue of a zab took place at a time fit for offerings, but in the instance of 'one by night', where the issue was at a time not fit for offerings, had not R. Johanan taught us that they combine with one another, I would have thought that they do not combine. But does R. Johanan hold that the night renders a period wanting in time?¹⁷ Did not Hezekiah say:¹⁸ If he [the nazirite] became unclean during the eighth day,¹⁹ he has to bring a [second] offering; if on the night [of the eighth day], he does not bring [an offering]; while R. Johanan holds, Even on the night [of the eighth day] he has to bring?²⁰ — When R. Johanan said if [he perceived] two by night and one during the day he has to bring [an offering], it was according to him who holds [that the night] renders a period wanting in time. But according to him is not this obvious? — [The case] of one by night and two during the day was necessary [to be mentioned]; for I might have thought, since the one issue was not at a time fit for offerings, there is no combination. Therefore we are told [that this is not so].

MISHNAH. IF A WOMAN HAD FIVE DOUBTFUL BIRTHS²¹ OR FIVE DOUBTFUL ISSUES,²² SHE NEED BRING BUT ONE OFFERING,²³ AND MAY THEN PARTAKE OF SACRIFICIAL FLESH, AND SHE IS NOT BOUND TO BRING THE OTHER [OFFERINGS]. IF SHE HAD FIVE CERTAIN ISSUES, OR FIVE CERTAIN BIRTHS, SHE BRINGS ONE OFFERING AND MAY THEN PARTAKE OF SACRIFICIAL FLESH; BUT IT IS STILL HER

DUTY TO BRING THE OTHER OFFERINGS. IT ONCE HAPPENED IN JERUSALEM THAT THE PRICE OF A PAIR OF DOVES²⁴ ROSE TO A GOLDEN DENAR. SAID R. SIMEON B. GAMALIEL, BY THIS SANCTUARY, I SHALL NOT GO TO SLEEP TO-NIGHT BEFORE THEY COST BUT A [SILVER] DENAR! THEN HE ENTERED THE BETH DIN AND TAUGHT: IF A WOMAN HAD FIVE CERTAIN BIRTHS OR FIVE CERTAIN ISSUES SHE NEED BRING BUT ONE OFFERING, AND MAY THEN PARTAKE OF SACRIFICIAL FLESH, AND SHE IS NOT BOUND TO BRING THE OTHER [OFFERINGS]. THEREUPON THE PRICE OF A PAIR OF BIRDS STOOD AT A QUARTER OF A [SILVER] DENAR EACH.

GEMARA. Our Rabbis taught: If she had five certain births and five doubtful ones, or five certain issues and five doubtful ones, she brings two pairs of birds, one for the certain and one for the doubtful cases. The one offered for the certain cases may be eaten, and it is still incumbent upon her to bring the remaining offerings; that offered for the doubtful cases is not eaten,²⁵ and the woman is not bound to bring any more offerings. R. Johanan b. Nuri said: For the certain cases she shall say, The offering is for the last occurrence,²⁶ and she will be exempted; but for the doubtful cases, if there is a certain one among them,²⁷ she shall say that the offering is for the one that is not in doubt, and she is exempted; if not, she says that the offering is for any one of the occurrences and she is exempted. R. Akiba said: Both in the instance of the certain cases and in that of the doubtful ones she shall say that the offering is for any one of the occurrences and she is exempted. Said R. Nahman b. Isaac to R. Papa: I shall tell you in the name of Raba in which point these Tannaim differ: R. Johanan b. Nuri compares these instances to those of sin-offerings: Just as when one is liable to five sin-offerings, he is not atoned for before all have been offered, the same is the ruling in our case. R. Akiba on the other hand compares them to immersions;²⁸ for if one requires five immersions, as soon as he has immersed once he is clean; the same is the ruling in our case. Said R. Papa to him: If it was to be assumed that R. Johanan b. Nuri compared our instances to those of sin-offerings, why does he maintain that for doubtful cases she shall say the offering is for any one of them, and she is exempted? Suppose one was liable

(1) Lev. XII, 6. The whole phrase 'for a son or for a daughter' is superfluous.

(2) Cf. Lev. XV, 14. After three issues he is unclean so as to require seven clean days, and an offering on the eighth.

(3) I.e., is he liable to another offering for the second set of issues?

(4) Viz., R. Hiyya, cf. Suk. 20a.

(5) Derisive pronunciation of Hiyya, who as a Babylonian could not utter gutturals; v. M.K. 16a. The text, however, is not clear.

(6) I.e., whenever a certain period has been fixed after the elapse of which one is liable to a certain duty, e.g., the offering of a sacrifice, and there is only a night intervening, the period may be regarded as accomplished. The new issues therefore involve a new offering.

(7) The new issues are regarded as falling within the period of seven days resulting from the former uncleanness. No new offering is therefore required. Yet in the case of the abortions dealt with in our Mishnah there is liability in the view of Beth Hillel to a new set of offerings, on account of the text, 'or for a daughter'.

(8) Such a person is unclean and must count seven days, but is not liable to a sacrifice. If on the night of the eighth day he perceives three issues, these render him liable to an offering.

(9) For which he was already liable to a sacrifice; and the subsequent issues do not render him liable to bring a second offering.

(10) It is self-evident that he is liable to an offering.

(11) The issue on the seventh day destroys the period of cleanness of seven days, and they must be started again.

(12) Infra 9a. Here, too, one is liable to one offering although more than three issues were perceived.

(13) I.e., there are instances when one is liable even for issues on the night of the eighth day. viz., if two issues were perceived on the eighth day, the issue of the previous night combines with these, and he is liable to a new offering.

(14) Viz., the night of the eighth day.

(15) Viz., the eighth day.

(16) Rendering one unclean only for one day, and not liable to an offering.

- (17) For he holds, for two issues during the night and one during the day, he is exempted.
- (18) Hag. 9b.
- (19) A nazirite who becomes unclean has to count seven clean days, bring an offering on the eighth day and begin to count again his period of naziriteship.
- (20) Obviously this opinion cannot agree with the principle that the night renders the period wanting in time.
- (21) Such as enumerated in the last but one Mishnah.
- (22) I.e., it was doubtful whether the issues took place during the period of menstruation, in which case the uncleanness does not require offerings, or outside that period; v. Lev. XV, 25.
- (23) For all the five cases. The sacrifice is offered out of doubt in order to enable the woman to partake afterwards of sacrificial flesh.
- (24) A pair of pigeons or a pair of doves was the prescribed offering in the instances of the Mishnah. Rashi: two pairs, i.e. four birds, cost two golden denars, thus one golden denar (i.e. twenty-five silver denars) the pair.
- (25) It is brought only in order to enable her to partake of sacrificial flesh.
- (26) For if it was offered for one of the previous occurrences, those following would appear unatoned for, and this could lead to misunderstanding in that on future similar occasions the woman would assume that offerings were not essential.
- (27) V. Rashi.
- (28) E.g., if one contracted uncleanness five times.

Talmud - Mas. K'rithoth 8b

to five suspensive guilt-offerings, would he indeed be exempted if he offered only one? Has it not been taught: This is the general rule: Whenever there is a division¹ with regard to sin-offerings, there is also a division with reference to guilt-offerings?² — In fact, both compare our instances to that of immersion, and they differ as to whether we apprehend negligence. R. Johanan b. Nuri holds, It might lead to negligence;³ R. Akiba holds, We do not apprehend negligence.

CHAPTER II

MISHNAH. THERE ARE FOUR PERSONS WHO REQUIRE A CEREMONY OF ATONEMENT,⁴ AND FOUR WHO BRING A SACRIFICE FOR WILFUL AS WELL AS FOR INADVERTENT TRANSGRESSION.⁵ THE FOLLOWING ARE THOSE WHO REQUIRE A CEREMONY OF ATONEMENT: THE ZAB,⁶ THE ZABAH,⁶ THE WOMAN AFTER CONFINEMENT⁷ AND THE LEPER.⁸ R. ELIEZER B. JACOB SAID, ALSO A PROSELYTE IS REGARDED AS A PERSON WHO STILL REQUIRES A CEREMONY OF ATONEMENT UNTIL THE BLOOD HAS BEEN SPRINKLED FOR HIM;⁹ THE SAME APPLIES TO THE NAZIRITE WITH REFERENCE TO WINE, HAIRCUTTING AND UNCLEANNESS.¹⁰

GEMARA. Why are zab and zabah enumerated as two separate instances? Apparently because they differ as to their uncleanness: for the zab is not unclean through discharge by accident,¹¹ and the zabah is not rendered unclean through issues but through days;¹² for it has been taught: Out of his flesh,¹³ but not by accident. A man is also unclean through issues as well as through days, as it has been taught: The text¹⁴ has made the uncleanness of the male dependent upon discharge and that of the female upon days. A zabah on the other hand is unclean through issue by accident and is not unclean through issue as through days. Now are not the leprous man and the leprous woman also different with regard to their uncleanness? For the leprous man is required to rend his clothes and to let his hair grow loose, as it is written: His clothes shall be rent and the hair of his head shall go loose,¹⁵ and he is forbidden marital intercourse; while the leprous woman is not required to rend her clothes and to let her hair grow loose, as it has been taught: I know only the law concerning a man,¹⁶ whence do I know its application to a woman? When the text reads, and the leper,¹⁷ both are included. Wherefore then is 'man' mentioned? The Writ removed him from the [application of the] earlier passage to the latter one,¹⁸ to teach us that only a man is required to rend his clothes and to let his hair grow loose, but not a woman. Also the woman is permitted marital intercourse, as it is

written: And he shall dwell outside his tent seven days,¹⁹ but not [she] outside her tent. Why then have they²⁰ not been enumerated as two separate instances? — The zab and the zabah are essentially different with regard to the source of uncleanness;²¹ whereas the leprous man and the leprous woman are not essentially different in their source of uncleanness, for the standard size of both is a bean.

R. ELIEZER B. JACOB SAID, ALSO A PROSELYTE IS REGARDED AS A PERSON WHO STILL REQUIRES etc. And why has the first Tanna not mentioned the proselyte? — He mentions only instances where the offering is to effect the permission of eating consecrated things, while in the case of the proselyte the offering is brought in order to qualify him to enter the congregation.²² And why has he not mentioned the nazirite? After all, when the nazirite brings an offering it is in order that he may be permitted to drink unconsecrated wine.²³ And R. Eliezer, who has mentioned the nazirite in reference to his qualification,²⁴ why has he not stated also the instance of the unclean nazirite?²⁵ — The latter offers his sacrifice only to qualify for naziriteship in cleanness.

Our Rabbis have taught: A proselyte is prevented from partaking of consecrated things before he has offered his sacrificial birds. If he has offered one single pigeon in the morning, he is permitted to partake of consecrated things in the evening.²⁶ All sacrifices of birds consist of one sin-offering and one burnt-offering; in this case²⁷ both are burnt-offerings. If he has offered his obligatory sacrifice²⁸ from the cattle, he has done his duty; if he has offered a burnt-offering and a peace-offering, he has done his duty; if a meal — and a peace-offering he has not fulfilled his duty. The prescription of birds as sacrifices is, as it were, to be regarded only as a rule towards greater leniency.²⁹ Now, why do not a meal- and a peace-offering exempt him from his duty? Apparently because it is written: As ye do, so he shall do;³⁰ As ye [Israelites] offer a burnt-offering and a peace-offering, so shall also the proselyte offer a burnt-offering and a peace-offering. Similarly then it should not suffice for him to offer his obligatory sacrifice from the cattle, because it is written: 'As ye do, so he shall do'? — Said R. papa. Argue thus: As he is included regarding the offering of a bird,³¹ should he not the more so be included regarding the burnt-offering of the cattle? If so, a meal-offering should also exempt him! — The text has excluded it by the word 'so'.³² And whence do we know that he is included regarding the offering of a bird? — For our Rabbis taught: [It is written.] 'As ye do, so shall he do': As ye offer a burnt- and a peace-offering, so shall also he offer a burnt- and a peace-offering, as it is indeed confirmed in the text, As ye are, so shall the stranger be.³³ Whence do we know that he is included concerning the offering of a bird? It is written, An offering made by fire, of a sweet savour unto the Lord,³⁴ which is the offering that is wholly unto the Lord? You must say, This is the burnt-offering of the bird.³⁵

(1) I.e., that separate sacrifices are to be offered.

(2) *Infra* 15b.

(3) The stipulation that the sacrifice is for the last of the occurrences is essential in order to make it clear that all the occurrences are to be covered by this one offering. Were this stipulation omitted so that the sacrifice might be assumed to refer to one of the early occurrences, it would lead to the misunderstanding that it is not necessary to bring a sacrifice for every birth or issue. The sacrifice might then be omitted altogether on future occasions.

(4) I.e., a sacrifice. This sacrifice is not offered for the expiation of a sin, but in order to enable its owner to partake of consecrated things.

(5) These are exceptions, for the rule is that offerings are brought only for inadvertent transgression. The enumeration is found in the following Mishnah.

(6) *Lev.* XV, 2-33; v. Glos.

(7) *Ibid* XII, 2-8.

(8) *Ibid* XIV, 2-32.

(9) The first, anonymous Tanna holds that a proselyte may partake of sacred things even before the offering has been brought.

(10) I.e., he may not drink wine, cut his hair and render himself unclean by contact with the dead before the requisite offerings have been brought. The first Tanna also agrees on this point, but has omitted it because he has confined himself

to the instances referring to the eating of sacred things.

(11) He is unclean only if the discharge was natural.

(12) Only when the three discharges were on three consecutive days is she unclean so as to require an offering.

(13) Lev. XV, 2. I.e., by reason of his flesh's lust.

(14) Cf. Lev. XV, 2-3 dealing with a man, and XV, 25 which deals with a woman.

(15) Lev. XIII, 45.

(16) It refers to Lev. XIII, 44 where it says that the priest shall declare the leprous man unclean.

(17) Lev. XIII, 45. 'The lever' is taken to include the woman though the word **והצרוע** is in the masculine, because it is altogether superfluous.

(18) I.e., from verse 44 to 45.

(19) Lev. XIV, 8. 'Tent' is a symbolic expression of matrimonial life.

(20) Viz., the leprous man and the leprous woman.

(21) In that in the case of a woman uncleanness is effected only through three issues on three consecutive days.

(22) I.e., to permit his marriage to a Jewess.

(23) And his offering is not particularly for the purpose of partaking of consecrated things.

(24) Viz., for secular things.

(25) I.e., a nazirite whose naziriteship has been interrupted by defilement. He is then required to bring an offering and to commence anew the period of naziriteship he originally vowed.

(26) Although it is still incumbent upon him to bring the other.

(27) I.e., in the instance of the proselyte.

(28) I.e., one burnt-offering of the cattle can take the place of two birds.

(29) I.e., as a concession to the poor who cannot afford a sacrifice of cattle, which of course is permissible.

(30) Num. XV, 14. Of the Israelites it reads (Ex. XXIV, 5) that when they consecrated themselves to the service of God they offered burnt- and peace-offerings.

(31) I.e., since we have learnt that sacrifices of the bird suffice for the proselyte as for the Israelite (as is soon shown), is it not logical that a sacrifice of the cattle should the more so suffice?

(32) Num. XV, 14. So and not otherwise.

(33) Ibid. XV, 15.

(34) Ibid v. 13.

(35) Of the burnt-offerings of the cattle the skin is left for the priests; while the burnt-offering of the bird is wholly burnt.

Talmud - Mas. K'rithoth 9a

I might then include also the meal-offering; therefore it reads 'so'.

Another [Baraitha] teaches: [From the text,] 'and will offer an offering made by fire, of a sweet savour unto the Lord', I might derive everything that is offered up by fire, including a meal-offering; therefore it is written, 'As ye do, so shall he do': As ye offer blood sacrifices, so they¹ too blood sacrifices. I might then conclude: As ye offer a burnt- and a peace-offering, so shall they also offer a burnt-offering and a peace-offering;² it is therefore written, 'As ye are, so shall the stranger be': He is compared to you, but not wholly concerning your offerings.³ Rabbi says: 'As ye' means as your forefathers: As your forefathers entered into the covenant only by circumcision, immersion and the sprinkling of the blood,⁴ so shall they enter the Covenant only by circumcision, immersion and the sprinkling of the blood.

The offering of one pigeon does not suffice, for we do not find anywhere in the Torah [such an offering]; and the prescription of birds as sacrifices is only a rule towards greater leniency. Is this indeed so?⁵ Has it not been taught: What is the meaning of, and he shall offer it?⁶ It reads concerning turtle-doves, 'he shall offer',⁷ and I might argue therefrom that if a man vows to offer a burnt-offering of a bird he shall offer no less than two pigeons,⁸ therefore it is written, 'and he shall offer it'.⁹ Even one pigeon! — After all, we do not find an obligatory offering of this kind. But is there not the case of the woman after confinement who offers one young pigeon or one turtle-dove as

a sin-offering? There a lamb is offered in addition. The Master said: 'As your forefathers entered into the Covenant only etc.'. It is right concerning circumcision, for it is written, For all the people that came out were circumcised,¹⁰ alternatively. And when I passed by thee, and saw thee wallowing in thy blood, I said unto thee: In thy blood, live, etc.;¹¹ as to the sprinkling of the blood, it is mentioned in the text, And he sent the young men of the children of Israel [who offered burnt-offerings and sacrificed peace offerings];¹² but whence do we know the immersion? — It is written, And Moses took the blood, and sprinkled it on the people,¹³ and there can be no sprinkling without immersion.¹⁴ If so, we should nowadays not receive any proselytes, since there are no sacrifices to-day? — Said R. Aha son of Jacob: It is written, And if a stranger sojourn with you, or whosoever may be among you, etc.¹⁵

Our Rabbis taught: A proselyte in these days has to put aside a fourth [of a denar]¹⁶ for his sacrifice of birds.¹⁷ Said R. Simeon: R. Johanan b. Zakkai held a vote on this rule and abolished it for fear of misuse.¹⁸ Said R. Idi b. Gershom in the name of R. Adda son of Ahaba, The decision is according to R. Simeon. Some report the latter statement with reference to that which has been taught: A resident alien¹⁹ may do work for himself on the Sabbath in the same measure as an Israelite may do on the intermediate days of the festivals.²⁰ R. Akiba says as an Israelite on the festival.²¹ R. Jose says: A resident alien may do work for himself on the Sabbath in the same measure as an Israelite on week-days.²² R. Simeon says: Both a resident alien and a male or female sojourning heathen slave may do work for themselves in the same measure as an Israelite may do on week-days.

MISHNAH. THE FOLLOWING OFFER A SACRIFICE FOR WILFUL AS WELL AS FOR INADVERTENT TRANSGRESSION: ONE WHO HAS INTERCOURSE WITH A HANDMAID,²³ A NAZIRITE WHO HAS BECOME UNCLEAN,²⁴ [ONE WHO SWORE FALSELY] THE OATH CONCERNING EVIDENCE²⁵ OR THE OATH CONCERNING A DEPOSIT.²⁶ THERE ARE FIVE PERSONS WHO BRING ONE SACRIFICE FOR SEVERAL TRANSGRESSIONS, AND FIVE WHO BRING A SACRIFICE OF HIGHER OR LESSER VALUE.²⁷ THE FOLLOWING BRING ONE SACRIFICE FOR SEVERAL TRANSGRESSIONS: ONE WHO HAS INTERCOURSE WITH A HANDMAID²³ SEVERAL TIMES, AND A NAZIRITE WHO BECAME UNCLEAN SEVERAL TIMES.²⁸

GEMARA. Whence do we know the law concerning the handmaid? — Our Rabbis taught: And the priest shall make atonement for him with the ram of the guilt-offering for his sin which he hath sinned;²⁹ this teaches that one may bring one offering for several sins; and he shall be forgiven for his sin which he hath sinned:³⁰ that wilful transgression is equal to transgression in error. A NAZIRITE WHO HAS BECOME UNCLEAN. Whence do we know this? — It is written, And if any man die in sudden [be-fetha'] unawareness [pithe'om] beside him:³¹ fetha' means unintentionally, for thus it is written: But if he thrust him unintentionally [be-fetha'] without enmity;³² pithe'om means unexpectedly, and thus it is written: And the Lord spoke suddenly [pithe'om] unto Moses.³³ Another [Baraitha] taught: Pithe'om means intentionally, and thus it is written: A prudent man seeth the evil, and hideth himself; but the simple [petha'im] pass on, and are punished.³⁴ Why has the text not written just pithe'om, which denotes error, intention and accident at the same time: intention and accident as has been explained before; it denotes, however, also error, as it is written: The thoughtless [pethi] believeth every word?³⁵ Why then mention befetha'? — If pithe'om alone was mentioned, which denotes both error and intention and accident, I might have thought that an offering nevertheless was brought only for transgression in error, as is the case with all the laws of the Torah, but not in the case of accidental or wilful transgression; therefore the Divine Law mentions also befetha', which denotes error only, to indicate that pithe'om shall denote accident and wilfulness, so that also in these circumstances the Divine Law enjoins an offering.

THE OATH CONCERNING EVIDENCE. Whence do we know this? — Our Rabbis have

taught:³⁶ In connection with the other laws³⁷ the term it being hidden [from him] is used;³⁸ in connection with this law³⁹ this term is not used, to indicate that he is liable to an offering for wilful as well as for inadvertent transgression.

THE OATH CONCERNING A DEPOSIT. Whence do we know this? — It is derived from the oath concerning evidence through the common term sinneth [teheta].⁴⁰

THERE ARE FIVE PERSONS WHO BRING ONE SACRIFICE FOR SEVERAL TRANSGRESSIONS. It is stated ONE WHO HAS INTERCOURSE WITH A HANDMAID SEVERAL TIMES; whence do we know this? — Our Rabbis have taught: And the priest shall make atonement for him with the ram of the guilt-offering for his sin which he hath sinned':⁴¹ this teaches that one may bring one offering for several sins; 'and he shall be forgiven for his sin which he hath sinned': that wilful transgression is equal to transgression in error. But does not the text deal with the wilful transgression? — Rather say: that transgression in error be equal to wilful transgression.

R. Hanina of Tirna'ah⁴² put the following query to R. Johanan: If one had intercourse with five designated handmaids⁴³ in one spell of unawareness,⁴⁴ is he liable to a sacrifice for each of them or altogether only to one sacrifice? — The latter replied: He is guilty for each of them. And why, the former asked, is this case different from one who had intercourse five times with one handmaid in different spells of unawareness? — He replied: In the case of one handmaid one cannot argue that there were different bodies; in the instance of the five handmaids there were different bodies.⁴⁵ And whence do we know that the argument of different bodies holds good in the case of the handmaid? — He replied: Did you not say⁴⁶ with reference to forbidden relations that the word 'and a woman'⁴⁷ implies that one is guilty for each woman? Also in connection with the handmaid it is written: And whosoever lieth carnally with a woman

(1) Should be, 'he too'.

(2) I.e., he shall not be exempted by burnt-offerings alone.

(3) I.e., he is not to be equal to you in every respect appertaining to offerings: he does not fulfil his duty by a meal-offering.

(4) I.e., the offering of sacrifices, cf. Ex XXIV, 5ff.

(5) Referring to the former part of the passage.

(6) Lev. I, 15 dealing with freewill-offerings.

(7) Ibid v. 14.

(8) I.e., a complete offering.

(9) The singular 'it' implies that also one pigeon may be offered.

(10) Josh. V, 5.

(11) Ezek. XVI, 6. According to the supposition of the Zohar to Lev. XXII, 27 this passage refers to the blood of circumcision.

(12) Ex. XXIV, 5.

(13) Ibid v. 8.

(14) The parallel text in Yeb. 46b reads: 'and there is a tradition that there is no sprinkling . . . '.

(15) Num. XV, 14. The text continues: throughout your generations, i.e., at all times.

(16) This according to the Mishnah on 8a seems to be the minimum one could spend on it.

(17) And keep it ready in case the Temple be re-built.

(18) I.e., that he may not make unlawful use of it.

(19) A stranger who has renounced idolatry and has taken up residence among the Jews.

(20) I.e., he may work on things that would otherwise perish.

(21) I.e., he may do all that is necessary for the preparation of food.

(22) I.e., he may do all kinds of work.

(23) Designated by her master to be the wife of one chosen by him. Cf. Lev. XIX, 20-22.

(24) Num. VI, 2ff. The offering is brought irrespective of whether the uncleanness was in error or wilful.

- (25) I.e., he swore falsely that he had no evidence to give, cf. Lev. V, 1.
- (26) Ibid v. 21.
- (27) Viz., according to their means; cf. Lev. V, 6ff.
- (28) The enumerations continue in the following Mishnah.
- (29) Lev. XIX, 22 which deals with the designated handmaid. Which he hath sinned is regarded as superfluous, to include a multitude of sins.
- (30) Ibid. Here, too, the words 'which he hath sinned' are regarded as superfluous.
- (31) Num. VI, 9.
- (32) Ibid. XXXV, 22.
- (33) Ibid XII, 4.
- (34) Prov. XXII, 3. The comparison of these two words פתאם and פתאים is based on their similarity in appearance and sound. The latter word conveys a weakling who cannot control himself, yet commits his follies with intention.
- (35) Ibid. XIV, 15.
- (36) Shebu. 31b.
- (37) Viz., all other laws, whereby an offering of higher or lesser value is prescribed, which are enumerated in that paragraph, Lev. V, 1ff.
- (38) Implying that the transgression was committed in error.
- (39) Lev. V, 1.
- (40) Occurring in Lev. V, 1 and V, 21.
- (41) V. p. 68, n. 10.
- (42) This place appears in the Talmud (Ned. 57b, 59b) in a variety of forms.
- (43) I.e., slaves who have been designated by the master to become the wives of people chosen by him.
- (44) I.e., without becoming conscious of the sin between one transgression and the other.
- (45) This effects separate offerings for each transgression.
- (46) V. supra 2b.
- (47) Lev. XVIII, 19. The correct quotation is 'and unto a woman'.

Talmud - Mas. K'rithoth 9b

that is a bondmaid, etc.,¹ to enjoin separate offerings for each handmaid.

A NAZIRITE WHO BECAME UNCLEAN SEVERAL TIMES. Whose view does this represent? — Said R. Hisda, That of R. Jose son of R. Judah who holds that the naziriteship of cleanness counts from the seventh day,² and the instance of our Mishnah is realised if he became unclean on the seventh day and then again on the seventh; since the time for the offering was not reached, he is liable only to one sacrifice. [How can the instance of the Mishnah be realised] according to Rabbi who holds that the naziriteship of cleanness does not count before the eighth day? If he became unclean on the seventh day and again on the [following] seventh day, is this not one long period of uncleanness?³ If he became unclean on the eighth day and again on the [following] eighth day, since the time of the offering has been reached,⁴ he should be liable to an offering for each uncleanness? It is thus proved that the Mishnah is in accordance with R. Jose son of R. Judah. And where do we find R. Jose's view? — It has been taught: And he shall hallow his head that same day,⁵ refers to the day on which the sacrifices are offered;⁶ thus the words of Rabbi. R. Jose son of R. Judah says, On the day of the cutting of his hair.⁷

MISHNAH. ONE⁸ WHO WARNS HIS WIFE⁹ IN REGARD TO SEVERAL MEN,¹⁰ AND A LEPER WHO HAS CONTRACTED A LEP ROUS DISEASE SEVERAL TIMES.¹¹ IF HE HAS OFFERED THE BIRDS AND THEN BECOMES LEPROUS AGAIN, THEY DO NOT COUNT FOR HIM UNTIL HE HAS OFFERED HIS SIN-OFFERING.¹² R. JUDAH SAYS, UNTIL HE HAS OFFERED HIS GUILT-OFFERING.

GEMARA. Whence do we know the law concerning this?¹³ — It is written: This is the law concerning jealousies:¹⁴ One law for several warnings.

A LEPER WHO HAS CONTRACTED A LEPROUS DISEASE SEVERAL TIMES. Whence do we know this? — It is written: This is the law of the leper:¹⁵ one law for several cases of leprosy.

IF HE HAS OFFERED THE BIRDS AND THEN BECOMES LEPROUS AGAIN, THEY DO NOT COUNT FOR HIM UNTIL HE HAS OFFERED HIS SIN-OFFERING. R. JUDAH SAYS: UNTIL HE HAS OFFERED HIS GUILT-OFFERING. But did you not say he offers only one sacrifice?¹⁶ — The text is incomplete, and should read thus: If he has offered the birds and then becomes leprous again, he offers but one set of sacrifices. The decision whether the sacrifices be those of the poor person or of the rich person¹⁷ is not taken until the sin-offering is brought.¹⁸ R. Judah says: Until the guilt-offering is brought.

We have learnt there:¹⁹ If a leper became rich after he had offered his guilt-offering, you go by his pecuniary status at the time of the offering of the sin-offering.²⁰ Thus R. Simeon. R. Judah says: At the time of the offering of the guilt-offering.²¹ It has been taught: R. Eliezer b. Jacob says, At the time of the offering of the birds. Said Rab Judah in the name of Rab: All the three [Rabbis] derive their respective views from the same passage, Whose means suffice not for that which pertaineth to his cleansing.²² R. Simeon holds: The offering that effects atonement [is decisive]; R. Judah holds: That which effects his qualification²³ [to partake of holy things]; R. Eliezer b. Jacob holds: That which effects cleanness, namely, the birds.

MISHNAH. A WOMAN²⁴ WHO HAS UNDERGONE SEVERAL CONFINEMENTS, E.G., IF SHE PRODUCED A FEMALE ABORTION WITHIN EIGHTY DAYS OF THE BIRTH OF A GIRL,²⁵ AND THEN SHE PRODUCED AGAIN A FEMALE ABORTION WITHIN EIGHTY DAYS OF THE FIRST; OR IF SHE PRODUCED A MULTIPLE OF ABORTIONS.²⁶ R. JUDAH SAYS: SHE BRINGS AN OFFERING FOR THE FIRST BIRTH AND NOT FOR THE SECOND, FOR THE THIRD AGAIN BUT NOT FOR THE FOURTH.²⁷ GEMARA. Whence do we know this? — A Tanna recited before R. Shesheth: This is the law for her that beareth, whether a male or a female,²⁸ teaches that she offers but one offering for several births. I might perhaps assume then that also for a birth and a discharge of gonorrhoea²⁹ only one offering is brought, therefore it is written, 'this'.³⁰ It states, 'I might perhaps assume then that also for a birth and a discharge of gonorrhoea only one offering is brought'. If so,³¹ she should also bring but one offering if she ate blood and gave birth to a child? — Read thus: I might assume that she also brings but one offering [for two births if] one was before the period of cleanness had expired and the other after it had expired;³² therefore it is written, 'this'.

IF SHE PRODUCED WITHIN EIGHTY DAYS etc. If you will assume that according to R. Judah the first birth causes the offering, and the period of uncleanness is counted from the first birth,³³ then according to the Rabbis³⁴ the second birth causes the offering and the second, because there is no period of cleanness attached to the latter, since it fell within the period of cleanness of the first. An offering has therefore to be brought for the third birth which covers also the fourth that took place within the former's period of cleanness. period of uncleanness is counted from the second birth. You say, 'If you will assume'; is it not obvious?³⁵ — It has to be stated for the sake of its inclusion of the instance of the 'multiple of abortions'. I might have thought that in the case of the multiple of abortions R. Judah agrees with the Rabbis; therefore we are informed [that it is not so].

The following query was put forward:

(1) Lev. XIX, 20.

(2) A nazirite who becomes unclean has to count seven clean days and bring an offering on the eighth day. He has then

to observe again his vow of naziriteship for the period stipulated, which is called the naziriteship of cleanness. According to R. Jose the new period commences on the seventh day. If the nazirite becomes unclean again on this day, it is considered a new state of uncleanness and yet he is liable only to one sacrifice because the offering is due only on the eighth. At the end of another spell of seven days he will then bring one sacrifice for two different occurrences of uncleanness.

(3) The Mishnah would then not be justified in regarding this as a case where one offering is brought for several separate transgressions or occurrences.

(4) I.e., the offering became due for the first uncleanness and thus designated for it.

(5) Num. VI, 11. I.e., he shall commence the new period of naziriteship, as the text continues, And he shall consecrate unto the Lord the days of his naziriteship.

(6) I.e., the eighth day; v. Num. VI, 10.

(7) I.e., the seventh day; v. *ibid* v. 9.

(8) This is a continuation of the enumeration in the previous Mishnah of laws where one is liable to one sacrifice for several transgressions.

(9) Not to have any relations with certain men; cf. *Sot.* 2a.

(10) Cf. Num. V, 15f. The jealous husband brings a meal-offering of barley.

(11) A leper when declared healed and clean by the priest, offers two birds, cf. Lev. XIV, 4-7, and after seven days other offerings, cf. v. 10ff. If before the offering of the latter sacrifices he contracts again a leprous disease, he is not liable to new sacrifices.

(12) After the seven days he offers three sacrifices: a sin-, a guilt- and a burnt-offering. For the explanation of this passage v. *infra* Gemara.

(13) With reference to the first instance in the Mishnah.

(14) Num. V, 29. The use of the plural implies this law.

(15) Lev. XIV, 2. The article is regarded as superfluous, and is taken to have been used for the sake of this implication.

(16) While the text of the Mishnah seems to imply that he has to offer birds again.

(17) The rich person brings three lambs as his sacrifices; the poor person offers a lamb as a guilt-offering and then two pigeons or turtle-doves, one for a sin-offering and one for a burnt-offering.

(18) I.e., it is the pecuniary position of the leper at the time of the offering of the sin-offering that is decisive, and not at the time of the offering of the birds.

(19) *Neg.* XIV, 11.

(20) The sin- and burnt-offering are offered after the guilt-offering.

(21) I.e., in spite of the fact that he is rich now, he offers but pigeons for the sin- and burnt-offerings, since he was poor at the moment when the guilt-offering was brought.

(22) Lev. XIV, 32. 'To his cleansing' is taken to indicate that the moment of cleansing is decisive, and the three scholars differ as to what is meant by this cleansing: cleansing of sins, cleansing of the impediment to partake of holy things, or that which introduces the ceremony of purification.

(23) *Viz.*, the smearing of the blood of the guilt-offering upon the thumb.

(24) This, too, is a continuation of the enumeration in the second Mishnah of this chapter of laws where one is liable to one sacrifice for several transgressions.

(25) Cf. Lev. XII, 5. After the birth of a girl the woman counts eighty days of cleanness and offers then a sacrifice. The abortion within this period is thus covered by the sacrifice for the first birth.

(26) *Lit.* 'twins'. Each abortion was brought forth before the period of cleanness for the previous abortion had expired.

(27) An abortion involves a sacrifice only if it takes place at least forty days after the conception. The first abortion took place within eighty days of the proper birth, but the second must of necessity have taken place after that period. It is therefore not covered by the offering brought for the proper birth. The third birth, i.e., the second abortion, cannot be regarded as exempted on account of the fact that it took place within eighty days of the

(28) Lev. XII, 7. The text is taken to suggest that there is one law, i.e., one offering, for several instances.

(29) Which preceded the birth.

(30) 'This' is restrictive: only in the instance of births is the allowance regarding the offering made.

(31) *Viz.*, that according to your assumption, one offering should suffice for two instances that are not connected one with the other. The argument is then led *ad absurdum*.

(32) Or rather, if the second birth took place after the period of cleanness of the first.

(33) I.e., whenever a birth takes place within the period of cleanness of another, in which case one sacrifice is offered for both, it is the first for which the offering is brought and the second is merely covered by it. The period of cleanness is counted from the first birth, so that there is no such period provided for the second; v. p. 73. n. 8.

(34) I.e., the anonymous view of the Mishnah which maintains that she is liable only to one sacrifice for all the four births, holding that whenever a birth takes place within the period of cleanness of another, it is the second for which the offering is brought while the first becomes exempted owing to the fact that its period of cleanness was interrupted. In the instance of the Mishnah, therefore, the second birth takes the place of the first, the third the place of the second, etc. ad infinitum, and the offering is brought for the last of the sequence of births. cf. also Mishnah 7b.

(35) And therefore superfluous.

Talmud - Mas. K'rithoth 10a

What is R. Judah's view with reference to uncleanness?¹ Shall we say, R. Judah holds that the second birth is not taken into account only with regard to offerings, because it took place before the offering for the first birth was due, and consequently the second birth is not taken into account; but with reference to cleanness and uncleanness, I might say that the second birth is taken into account in that the period of impurity² thereof interrupts [the period of cleanness of the first], and that the latter period is afterwards completed and the period of cleanness of the second birth commences thereafter? Or does R. Judah uphold his view only if it leads to greater stringency,³ but here,⁴ since it leads to greater leniency,⁵ he does not uphold his view? — Said R. Huna of Sura, Come and hear: For a woman after confinement, one may slaughter the Paschal Lamb and sprinkle the blood on the fortieth day after the birth of a male, and on the eightieth day after the birth of a girl?⁶ [Whereon it was asked,] Is she not still unclean?⁷ and R. Hisda answered: This is in accordance with R. Judah, who holds that the second birth is not taken into account.⁸ Now, if you assume that with reference to uncleanness R. Judah agrees that the second birth is taken into account, how can the Paschal Sacrifice be slaughtered for her on the fortieth day, seeing that even in the evening she will not be permitted to partake of it? You must, therefore, conclude that also with reference to cleanness and uncleanness does R. Judah hold that the second birth is not taken into account! — No, I may still maintain that with reference to cleanness and uncleanness R. Judah agrees that the second birth is taken into account, but that law refers to a Paschal Lamb that is offered in uncleanness.⁹ But is she then permitted to partake of it, have we not learnt: A Paschal Lamb that is offered in uncleanness may not be eaten by a :zab or a zabah, or by menstruant women or by a woman after confinement?¹⁰ — These may not eat if they have not immersed; the law, however, which states that one may slaughter and sprinkle for her refers to a woman who has immersed.¹¹ If so,¹² she is fit for the Paschal Lamb from the eighth day onward!¹³ — She is not fit from the eighth day onward, for it is held that a zab who immersed by day has still the status of a zab.¹⁴ If so, she is unfit even on the fortieth day! — No, on the fortieth day she is regarded fit, for it is held that a zab who lacks but offerings¹⁵ is not considered a zab. But what will be your answer according to Raba who holds that a zab who lacks but offerings is still considered a zab? — Said R. Ashi: Raba will interpret the law as referring to the fortieth day of the conception of a male and the eightieth day of the conception of a female,¹⁶ and as being in accordance with R. Ishmael who holds¹⁷ the limit for a male to be forty-one days and for a female eighty-one days.¹⁸ But is she not, after all, unclean as a menstruant woman?¹⁹ — It deals with a dry birth.²⁰ If so, is the law not obvious? — I might have thought that the opening of the uterus cannot take place without discharge of blood;²¹ therefore he lets us know that the uterus can open without a discharge of blood.

R. Shema'iah said, Come and hear: 'Sixty'²² may convey both a connected and a disconnected²³ spell of time; therefore it is written 'days':²⁴ as the day is a connected spell of time, so also the sixty days. With whom does this conform? Shall I say with the Rabbis? Surely, according to them, a disconnected spell of time is an impossibility!²⁵ It must thus be in accordance with R. Judah; and since it is stated that the time must be connected, we are led to decide that he upholds his view only if it leads to greater stringency but not if it leads to greater leniency!²⁶ — No, it may conform with

the view of the Rabbis, but it refers to a woman who brought forth a male abortion within the eighty days of a female birth.²⁷ But, then, after all, is it not so that the days of the first birth finish before those of the second²⁸ and the Rabbis hold that the second birth is taken into account?²⁹ According to the Rabbis the law can be realised in the case of a birth of twins, a female first and a male afterwards, and where the male was, e.g., born after twenty days of the period of cleanness had passed,³⁰ so that she must keep of the days relating to the female birth seven days of impurity. The discussion, then, is thus: I might think that when twins are born, the female first and the male afterwards, the days of impurity of the latter cause an interruption³¹ so that the sixty-six days are counted disjointedly; therefore it is written 'days': as the day is a connected spell of time, so also the sixty days must be connected.³² Abaye said: Come and hear, 'Thirty'³³ may convey both a connected and a disconnected spell of time,³⁴ therefore it is written, 'days':³⁵ as the day is a connected spell of time, so also the thirty days. With whom does this conform? Shall I say with the Rabbis? Surely, according to the Rabbis

(1) I.e., whether a period of cleanness, during which the discharge of blood does not render unclean, is provided for the second birth or not.

(2) I.e., the first seven days after the birth of a male and fourteen days after the birth of a female, during which she is regarded as unclean; cf. Lev. XII, 2 and 5.

(3) As in the Mishnah where two offerings are imposed.

(4) I.e., with reference to uncleanness.

(5) In that the period of cleanness is extended.

(6) Tosef. Pes. VII, 4.

(7) The offering is not brought until the forty-first or eighty-first day.

(8) I.e., this law refers to a woman who gave birth to twins on two consecutive days. The fortieth day of the second birth is thus the forty-first day of the first. On this day she may join the Passover celebration, because the time is due for the offerings which will effect her purification, although they have not been offered yet. The Paschal Lamb is consumed in the evening and the offerings of purification may still be offered. This holds good only according to R. Judah, who says the second birth is not taken into account, for according to the Sages it being the fortieth day of the second birth she would still be unfit for the Paschal Lamb.

(9) When the majority of the community are unclean the Paschal Lamb may, contrary to the general rule, be offered also for the unclean people. With this reply we depart from R. Hisda's interpretation.

(10) Pes. 95b.

(11) For the immersion takes place after the seven days of impurity that follow the birth.

(12) That the immersion is decisive and not the completion of the period.

(13) Why state 'the fortieth day'?

(14) In order to achieve complete cleanness he must immerse and wait till sunset. If the immersion has taken place, but the required spell of time has not passed, he is, according to this view, still unclean. Similarly, if the woman has immersed after the eighth day and has to wait for the completion of the forty days in order to offer the sacrifice, she is still regarded as unfit for sacred things.

(15) I.e., one who has even completed the requisite time but has not offered his sacrifices. Similarly, the woman is considered fit for the Paschal Lamb on the fortieth day.

(16) The law does not refer, as hitherto assumed, to the forty days of the period of cleanness, but to an abortion which took place forty or eighty days respectively after the conception. She is permitted to join the Passover celebration because the embryo is considered too immature to cause uncleanness.

(17) Nid. 30a.

(18) I.e., the formation of a male embryo lasts forty-one days and that of a female eighty-one days.

(19) The blood discharged at birth renders her a menstruant woman. How then is she permitted to be counted for a Paschal Lamb?

(20) Without any discharge of blood.

(21) So that the woman is unclean even if nobody has actually perceived any blood, for it is assumed that the blood is hidden.

(22) Lev. XII, 5. It refers to the sixty-six days of cleanness which follow the fourteen days of uncleanness after the birth

of a female.

(23) Viz., by another birth within the eighty days.

(24) The text reads, sixty days and six days; the repetition of the word 'days' and the fact that the first time it is actually used in the singular implies that the period is to be like one day.

(25) For the Rabbis hold that in the case of an abortion within eighty days of a birth the period of cleanness of the birth is regarded as annulled and a new period is to start. According to R. Judah on the other hand the period of the first birth still holds good.

(26) For according to the first alternative of the query above there is a case of a disconnected spell of time, as described in the query.

(27) So that the forty days of the male, namely seven days of impurity and thirty-three days of cleanness, finish before the eighty days of the female. In this case even the Rabbis admit that the second, shorter period of cleanness does not abolish the first, longer one, which is to be resumed. The text conveys that the seven days of impurity caused by the abortion are not to be made up after the eighty days have passed.

(28) Intercourse could not have taken place before the first fourteen days of impurity have passed, during which she is not allowed to her husband. As the embryo must be at least forty days old, the abortion cannot have taken place before the fifty-fourth day after the birth of the female, so that the forty days of the second birth must of necessity end after the eighty days of the first.

(29) The period of cleanness will continue beyond the eighty days of the first birth. This instance can therefore no longer be regarded as an example of a disjointed period of eighty days, mentioned in the statement quoted.

(30) Even the Rabbis who hold the second birth is decisive agree here that the period of cleanness of the first birth is not abolished by that of the second, since the latter finishes before the former.

(31) I.e., the seven days of impurity caused by the second of the twins were to be made up after the eighty days of the first birth

(32) I.e., the seven days of impurity do not cause an interruption of the period of cleanness of the first birth, though the woman is indeed unclean during these seven days.

(33) Lev. XII, 5. It refers to the thirty-three days of cleanness which follow the seven days of impurity after the birth of a male.

(34) I.e., if two male twins were born one, say, thirty days after the other, so that the seven days of impurity of the second supersede seven of the days of cleanness of the first birth. If we said that these seven days are to be made up, we should find the period of cleanness of the first birth disconnected. The text lets us know that the seven days are not to be made up.

(35) V. p. 77, n.9.

Talmud - Mas. K'rithoth 10b

a disconnected spell of time is an impossibility, for they hold that it is the second birth that is of avail.¹ It must, therefore, be in accordance with the view of R. Judah; and it proves that he upholds his view only if it leads to greater stringency, but not if it leads to greater leniency.² R. Ashi, too, said: Come and hear: 'Six days' may mean both a connected and disconnected spell of time;³ therefore it is written 'sixty': as the sixty days are connected, so also the six. With whom does this conform? Shall I say with the Rabbis? Surely, according to the Rabbis a disconnected spell of time is an impossibility, for they hold it is the second birth that is of avail. It must therefore be according to R. Judah, and this proves that he upholds his view only if it leads to greater stringency but not if it leads to greater leniency. This is indeed proved.

MISHNAH. THE FOLLOWING PERSONS BRING AN OFFERING OF HIGHER OR LESSER VALUE:⁴ ONE WHO REFUSES TO GIVE EVIDENCE,⁵ ONE WHO HAS BROKEN THE WORD OF HIS LIPS [SUPPORTED BY AN OATH],⁶ ONE WHO WHILE UNCLEAN HAS ENTERED THE SANCTUARY OR HAS PARTAKEN OF HOLY THINGS,⁷ A WOMAN AFTER CONFINEMENT⁸ AND A LEPER.⁹

GEMARA. Our Rabbis taught: Some bring the offering of the poor and of the rich, some of the

poor, and some of the poorest. A woman after confinement brings the offering of the poor and of the rich,¹⁰ a leper that of the poor,¹¹ while one who refuses to give evidence, or breaks his word, or defiles the Sanctuary or holy things offers the offering of the poor and of the poorest.¹²

Another [Baraita] taught: Sometimes one offering replaces¹³ one, sometimes two replace two, sometimes two replace one and sometimes one replaces two; this teaches that the tenth of an ephah¹⁴ is worth a perutah.¹⁵ The woman after confinement offers one instead of one, namely a single bird in the place of the lamb¹⁶; a leper offers two birds in the place of two lambs; one who refuses to give evidence or one who breaks his word or one who defiles the Sanctuary or holy things offers two birds instead of one lamb, and in the case of direst poverty one tenth of an ephah in the place of two birds.

It says, 'This teaches that the tenth of an ephah is worth a perutah'. Whence do we know this? — Our Rabbis have taught: If one says, I vow an offering for the altar worth a sela', he offers a lamb, for no offering can be offered for a sela' but a lamb. Whence do we know this? — Since the Divine Law stated that the ram of the guilt-offering is valued at two shekels,¹⁷ from this we learn that a one-year old lamb is valued at one sela',¹⁸ for it is said, A lamb of the first year,¹⁹ [from which follows that] a ram is of the second year.²⁰ Then we have learnt:²¹ 'The pair of sacrificial birds on that day stood at a quarter [of a denar]'.²² We thus see that the Divine Law has spared the poor and has fixed their sacrifice at the sixteenth part of that of the rich; we may then assume that the sacrifice of the poorest is to be the sixteenth part of that of the poor. Consequently the offering of the poor is worth a quarter of a denar. Since a quarter of a denar has forty-eight perutahs, a sixteenth thereof would be three perutahs, while it has been stated: 'This teaches that the tenth of an ephah is worth a perutah'. Why a perutah? Did you not say the tenth of an ephah is the offering of the poorest and that this offering is worth one sixteenth part of that of the poor, which we found was three perutahs? — The Tanna derives his proportions from the instance of the woman after confinement, who offers in the place of a lamb one bird, the value of which²³ is one thirty-second part of that of a lamb. But is not the offering of the poorest still the sixteenth part of the poor,²⁴ as it is inferred from the comparison of the lamb and the ram?²⁵ The ephah should then be valued at a perutah and a half!²⁶ — Said Raba, All is derived from the instance of the woman after confinement in the following manner: Since the Divine Law has spared the poor and has fixed their sacrifice at one thirty-second part of that of the rich, as we find in the instance of the woman after confinement, so we assume that the Divine Law has spared the poorest in fixing their sacrifice at the thirty-second part of that of the poor. If so, the ephah should be valued at three-quarters of a perutah! — Indeed, so it is, except that it is not becoming to offer to the Lord less than a perutah.

MISHNAH. WHAT IS THE DIFFERENCE BETWEEN THE HANDMAID²⁷ AND THE FORBIDDEN CONNECTIONS²⁸ FROM WHOM SHE DEVIATES BOTH IN REGARD TO THE PENALTY AND THE OFFERING? IN THE CASE OF ALL OTHER FORBIDDEN CONNECTIONS A SIN-OFFERING IS BROUGHT, IN THAT OF A HANDMAID A GUILT-OFFERING; IN THE CASE OF THE OTHER FORBIDDEN CONNECTIONS A FEMALE ANIMAL IS OFFERED, IN THAT OF THE HANDMAID A MALE; IN THE CASE OF THE OTHER FORBIDDEN CONNECTIONS MAN AND WOMAN ARE ALIKE IN RESPECT OF LASHES AND THE SACRIFICE,²⁹ IN THAT OF THE HANDMAID THE MAN IS UNLIKE THE WOMAN REGARDING THE LASHES, AND THE WOMAN IS UNLIKE THE MAN REGARDING THE SACRIFICE;³⁰ IN THE CASE OF ALL OTHER FORBIDDEN CONNECTIONS SEXUAL CONTACT³¹ IS PUNISHABLE AS WELL AS CONSUMMATED CONNECTION, AND ONE IS GUILTY FOR EACH CONNECTION SEPARATELY;³² FINALLY THE CASE OF THE HANDMAID IS MORE STRINGENT

(1) She will thus have to count the forty days from the second birth and the period of cleanness of the first is completely abolished.

- (2) V. p. 77, n. 11.
- (3) I.e., if an abortion took place e.g., on the seventy-seventh day of the birth of a female, so that the days of impurity of the second birth supersede three of the days of the period of cleanness of the first birth. The question is again whether these three days are to be made up or not. The rest of the discussion is similar to that of the two previous ones.
- (4) I.e., one which varies according to the pecuniary position of the owners; a rich person offers a lamb or goat, a poor person pigeons or turtle-doves, and a very poor person a meal-offering.
- (5) Lit. 'one who heard the call (of an oath).' A person who refuses to give evidence, though called upon to do so by oath, or swearing falsely himself that he does not know the facts; Lev. V, 1.
- (6) Lit., 'utterance of lips'; viz., a promise with reference to his own person, such as to fast, or an assurance of facts of the past, also with reference to his own person, e.g., that he fasted; Lev. V, 4.
- (7) Ibid. vv. 2-3. The transgression was committed in error. That an offering of higher or lesser value is offered in these three instances is stated in the text, v. 6ff. A rich person offers one lamb, a poor person two doves, a very poor person a meal-offering.
- (8) Lev. XII, 6-8. A rich person offers one lamb and one dove, a poor person two doves.
- (9) Lev. XIV, 10ff. A rich person offers three lambs, a poor person one lamb and two doves.
- (10) Viz., one lamb and one dove.
- (11) Viz., two birds, prior to the other sacrifices.
- (12) In these three cases the provision is made that the poorest offer but a meal-offering
- (13) In case of poverty.
- (14) Ephah is a measure. A tenth thereof is the quantity of the meal-offering offered by the poorest; Lev. V, 11.
- (15) V. Glos. V. infra.
- (16) For her burnt-offering. As for her sin-offering a woman after confinement always brought a dove or a pigeon.
- (17) Lev. V, 15. The text uses shekels, plural; i.e., at least two.
- (18) A Biblical shekel is identical with a sela'.
- (19) Num. VI, 12.
- (20) A ram is more mature. It is assumed that the price has doubled with the doubling of the age.
- (21) V. supra 8a.
- (22) One denar is the fourth of a sela'.
- (23) Viz., the eighth of a denar.
- (24) The offering of the poorest is not provided in the instance of the woman after confinement but only in the cases of refused evidence, broken promise and defilement of the Sanctuary and holy things. In these instances two birds replace one lamb. The proportion of the offering of the rich and that of the poor is sixteen to one. The same proportion must then hold good with reference to the offering of the poorest towards that of the poor.
- (25) From which we learn that a lamb is valued at a sela'.
- (26) The offering of the poor being the thirty-second part of that of the rich and sixteen times the value of that of the poorest, is thus worth one and a half perutahs.
- (27) A bondwoman who is designated to a man chosen by her master; cf. Lev. XIX, 20.
- (28) Enumerated in Lev. XVIII.
- (29) I.e., both partners are liable to lashes in the case of wilful transgression and to an offering in the case of transgression in error.
- (30) I.e., the man is liable to a guilt-offering and the handmaid to lashes.
- (31) I.e., the mere contact of the sexual organs is punishable, even though the connection was not consummated.
- (32) While in the case of the handmaid only a consummated connection is subject to the law, and one is not liable for each connection separately.

Talmud - Mas. K'rithoth 11a

IN THAT WILFUL TRANSGRESSION¹ IS OF THE SAME STATUS AS TRANSGRESSION IN ERROR. TO WHICH HANDMAID DOES THIS REFER? TO ONE WHO IS HALF A SLAVE AND HALF A FREE PERSON,² AS IT IS WRITTEN: AND NOT AT ALL REDEEMED.³ THUS THE VIEW OF R. AKIBA. R. ISHMAEL SAYS: TO A SLAVE PROPER. R. ELIEZER B. JACOB⁴ SAYS: OF ALL OTHER FORBIDDEN CONNECTIONS IT IS EXPLICITLY STATED

[THAT THEY ARE WHOLLY FREE PEOPLE], THERE IS THUS LEFT THE INSTANCE OF ONE WHO IS HALF A SLAVE AND HALF A FREE PERSON.⁵

GEMARA. Whence do we know that she is liable to lashes but not he? — Our Rabbis taught: There shall be inquisition [bikkoreth],⁶ conveys that she is liable to lashes. I might still think that both are liable to lashes, therefore it is written ‘shall be’;⁷ she is liable but not he. And whence do we know that the term bikkoreth implies lashes? — Said R. Isaac: It denotes, it shall be read for her,⁸ as it has been taught: The head of the judges reads, the second counts and the third says, beat him. R. Ashi says: It denotes, she shall be examined,⁹ as we have learnt: They do not estimate the number of lashes he can bear except in a multiple of three.¹⁰

Our Rabbis taught: Whenever the woman is subject to lashes the man is liable to a sacrifice, and when she is free from lashes,¹¹ he is exempted from a sacrifice. Whence do we know this? — Said Raba: It is written, And if a man lieth carnally with a woman, that is a bondmaid, designated for a man, and not at all redeemed, nor was freedom given her.¹² Now consider: the text deals hitherto with the man, it should therefore have proceeded immediately with the words, And he shall bring his guilt-offering unto the Lord, and then continue, There shall be inquisition.¹³ Why has the text stated first, ‘There shall be inquisition’ and only afterwards ‘And he shall bring his guilt-offering unto the Lord’? This then is meant: If there is an inquisition regarding the woman, he shall bring a guilt-offering unto the Lord, and if there is no inquisition he shall not bring his guilt-offering. But perhaps he has been exempted [from lashes], she however is liable to lashes as well as to a sacrifice?¹⁴ — It reads: And he shall bring his guilt-offering unto the Lord.¹⁵

R. Isaac said: One is liable only in the case of a possessed handmaid, as it is written, ‘That is a bondmaid, designated for a man’. And where do we find that the term ‘designated’ [neherefeth] implies that a change has taken place?¹⁶ — It is written, And strewed groats [harifoth] thereon.¹⁷ Or as it is written, Though thou shouldest bray a fool in a mortar with a pestle among groats [harifoth].¹⁸

And they gave their hand that they would put away their wives; and being guilty, they offered a ram of the flock for their guilt;¹⁹ said R. Hisda: This teaches that they had all had intercourse with designated handmaids.²⁰

TO WHICH HANDMAID DOES THIS REFER etc. Our Rabbis taught: ‘Redeemed’ might convey altogether free, therefore it continues, ‘she is not [redeemed]’. This on the other hand might convey not at all redeemed, therefore it reads ‘redeemed’. How is this possible? She is redeemed yet not wholly redeemed, viz., one who is half a slave and half a free person and is betrothed to a Hebrew slave. Thus the view of R. Akiba. R. Ishmael says: The text refers to a heathen bondmaid who is betrothed unto a Hebrew slave; while the phrase ‘redeemed, she is not [redeemed]’ is used in accordance with the language of men.²¹ R. Eleazar b. Azariah says: Of all for bidden connections it is explicitly stated [that they are free people], there is thus left the instance of one who is half a slave and half a free person and is betrothed unto a Hebrew slave. Others²² say, ‘They shall not be put to death, because she was not free’, indicates that the text refers to a heathen bondmaid who is betrothed unto a heathen slave. As to R. Ishmael, it is plausible that ‘redeemed, she is not [redeemed]’ may be interpreted as a common parlance, but whence do we learn that she was betrothed to a Hebrew slave? — It is written, For she was not free; he, however, was free.²³ Is not the view of R. Eleazar b. Azariah identical with that of R. Akiba? — He [R. Eleazar] retorts to R. Ishmael: I agree with you in general that the Torah uses the language of men, but this case is different, for the text states, ‘for she was not free’, why add ‘redeemed, she is not [redeemed]’? To learn therefrom that it refers to one who is half a slave and half a free person. As to others, it is plausible that ‘redeemed, she is not [redeemed]’ may be interpreted as a common parlance, but whence do we learn that she was betrothed to a heathen slave? — The text reads, ‘for she was not

free'; since this is superfluous with reference to her,²⁴ it is taken to refer to him.

MISHNAH. IN THE CASE OF ALL FORBIDDEN CONNECTIONS, IF ONE PARTNER WAS A MAJOR AND THE OTHER A MINOR, THE LATTER IS EXEMPTED; IF ONE IS AWAKE AND THE OTHER ASLEEP, THE LATTER IS EXEMPTED; FINALLY, IF ONE IS AN INADVERTENT AND THE OTHER A WILFUL TRANSGRESSOR, THE FORMER IS LIABLE TO A SIN-OFFERING, THE LATTER TO KARETH.²⁵

GEMARA. Is indeed in our instance²⁶ a minor guilty? — Said Rab Judah: This is meant: In the case of all forbidden connections, if one was a major and the other a minor, the latter is exempted and the former guilty; In our instance also the major is exempted, because both partners depend upon one another.²⁷

IF ONE IS AWAKE AND THE OTHER ASLEEP, THE LATTER IS EXEMPTED. Is indeed In our instance a sleeping person guilty? Said Rab Judah in the name of Rab: This is meant: In the case of all forbidden connections, if one is awake and the other asleep, the latter is exempted and the former guilty, in our instance even the one awake is exempted, because they depend upon one another.

A Tanna recited before R. Shesheth: They have placed on an equal footing a consummated connection with a mere sexual contact, an intentional connection with an unintentional, a natural connection with a perverse one, and one performed while awake with one performed in sleep. He retorted: How is this meant? If it refers to a designated bondmaid, how does a consummated connection equal a mere sexual contact? In fact, a consummated connection is in the case of a designated bondmaid subject to the law, but a mere sexual contact is not. Similarly the statement that intentional connection equals unintentional [is wrong], for one is guilty only in the case of intentional connection but not otherwise. Similarly the statement that natural connection equals perverse [is wrong], for with the designated bondmaid one is guilty only in the case of natural connection but not in the case of perverse connection, because it is written 'carnally'. And then what is the meaning of the statement that a wakeful person equals a sleeping person? If on the other hand this dictum refers to other forbidden connections, how does it state consummated connection equals a mere sexual contact

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- (1) Viz., of the man. If her trespass, however, was inadvertent there is no offering for the man either.
 - (2) E.g., a slave belonging to two partners one of whom has set her free. The maid is betrothed to a Hebrew slave; her betrothal is only partly valid by reason of her slavery.
 - (3) Lev. XIX, 20. Lit., 'redeemed, she is not redeemed', i.e., she is not altogether redeemed.
 - (4) Gemara infra, 'son of Azariah'.
 - (5) Therefore interpret the law in Lev. XIX, 20f, as referring to this category.
 - (6) Ibid.
 - (7) Shall be, being in the feminine, is referred to the maid.
 - (8) During the administration of lashes, the text of Deut. XXVIII, 58f; cf. Mak. 22b. **בְּקֶרֶת**, is thus derived from **קָרָה**, to read.
 - (9) Before the administration of lashes the delinquent is examined as to how many lashes he can stand.
 - (10) Mak. 22b.
 - (11) E.g., on account of her minority.
 - (12) Lev. XIX, 20.
 - (13) Which has just been interpreted as conveying her penalty of lashes.
 - (14) Whence does the Mishnah know that only the man is liable to a guilt-offering but not the woman?
 - (15) 'He' is restrictive. He brings a guilt-offering, but not she.
 - (16) I.e., that a bodily change has taken place with her in that she is no longer a virgin.
 - (17) II Sam. XVII, 19. Groats, i.e., grain which has experienced a change through grinding.

(18) Prov. XXVII, 22.

(19) Ezra X, 19.

(20) For which a guilt-offering is brought, as mentioned in the text.

(21) I.e., as a common parlance. The repetition of the verb 'redeem' is only an emphasis, and is not to imply any law.

(22) R. Meir is quoted under this name; cf. Hor. 13b.

(23) The Hebrew was not the perpetual possession of his master; he is to be freed after six years.

(24) For it is already stated that she was not redeemed.

(25) The Gemara enlarges upon it and states what the law would be in the case of a bondmaid.

(26) I.e., in the case of the bondmaid.

(27) As stated supra; whenever she is exempted from lashes he is also free from a guilt-offering.

Talmud - Mas. K'rithoth 11b

; the comparison, should be in the reverse direction! Said the former: Shall I cancel the dictum? — He replied: No, this is meant: A consummated perverse connection with a designated bondmaid equals a natural sexual contact, when one is exempted because it is written, 'carnally'; intentional perverse connection with a bondmaid equals unintentional connection, when one is exempted, because it is written, 'carnally'; perverse connection with a bondmaid while awake equals connection while asleep, when one is exempted because it is written, 'carnally'. We thus find that intentional sexual contact in the case of a bondmaid equals unintentional connection in the case of other forbidden relations; that natural contact in sleep in the case of the bondmaid equals connection in sleep in the case of other forbidden relations; that perverse connection with the bondmaid while awake¹ equals connection in sleep in the case of other forbidden relations.

CHAPTER III

MISHNAH. IF THEY² SAY TO A PERSON, THOU HAST EATEN³ HELEB,⁴ HE IS LIABLE TO A SIN-OFFERING;⁵ IF ONE WITNESS SAYS, HE HAS EATEN, AND ANOTHER SAYS, HE HAS NOT EATEN, OR IF ONE WOMAN⁶ SAYS, HE HAS EATEN, AND ANOTHER SAYS, HE HAS NOT EATEN, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; IF ONE WITNESS SAYS, HE HAS EATEN, AND HE HIMSELF SAYS, I HAVE NOT EATEN, HE IS EXEMPTED; IF TWO [WITNESSES] SAY, HE HAS EATEN, AND HE HIMSELF SAYS, I HAVE NOT EATEN, R. MEIR DECLARES HIM LIABLE [TO AN OFFERING]. SAID R. MEIR: IF TWO WITNESSES ARE CAPABLE OF INFLECTING THE SEVERE PENALTY OF DEATH,⁷ SHOULD THEY NOT IMPOSE THE LESS SEVERE PUNISHMENT OF A SACRIFICE? THEY⁸ REPLIED: SUPPOSE HE SAID, I WAS A WILFUL TRANSGRESSOR, WOULD HE NOT BE EXEMPTED?⁹ IF ONE ATE TWICE HELEB IN ONE SPELL OF UNAWARENESS, HE IS LIABLE TO BUT ONE OFFERING; IF ONE ATE HELEB, BLOOD, PIGGUL⁴ AND NOTHAR⁴ IN ONE SPELL OF UNAWARENESS, HE IS LIABLE FOR EACH KIND OF FOOD. THIS IS AN INSTANCE WHERE DIFFERENT KINDS [OF FOOD] ARE MORE STRINGENT THAN ONE KIND; IN THE FOLLOWING INSTANCE, HOWEVER, ONE KIND [OF FOOD] IS MORE STRINGENT THAN SEVERAL KINDS: IF ONE ATE HALF AN OLIVE-SIZE¹⁰ AND THEN AGAIN HALF AN OLIVE-SIZE, BOTH IN ONE SPELL OF UNAWARENESS, IF OF ONE KIND HE IS LIABLE, IF OF TWO KINDS, HE IS EXEMPTED.

GEMARA. It is stated, IF THEY SAY TO A PERSON, THOU HAST EATEN HELEB, HE IS LIABLE TO A SIN-OFFERING. 'THEY SAY' implies [at least] two; and what does he maintain? If you assume that he was silent and did not contradict them, it would then follow that only silence in response to two witnesses evokes a sin-offering, but not in response to one. Now read the middle clause: IF ONE WITNESS SAYS, HE HAS EATEN AND HE HIMSELF SAYS, I HAVE NOT EATEN [HE IS EXEMPTED]. Now the reason [that he is exempted] is because he contradicts them, but if he did not deny the charge he would be guilty; and how much more so if there were two

witnesses! Rather you must assume that he contradicts the witness, and the law is in accordance with R. Meir, who holds a contradiction of two witnesses is of no avail; but according to the Rabbis, he would indeed be exempted. But, then, why has this clause at all been mentioned, we know the law from the concluding clause?¹¹ — This is what he lets us know, that this is a point of dispute between R. Meir and the Rabbis.¹² Some there are who say: ‘THEY SAY’ may well refer to a single person, as we have learnt: If a man has gone overseas and they come and tell his wife that he is dead, whereupon she marries again. if the husband returns alive she has to leave both men.¹³ And it has been established that this law refers also to one witness. Whence do we infer this? From that which has been stated in the latter clause: If she has married again without authority, she may return to her husband. Now, what does ‘without authority’ mean? Without the authority of the court but upon the evidence of witnesses;¹⁴ from this we infer that in the former clause it was done with the authority of the court, but upon the evidence of one witness. We thus find that ‘they say’ is used of one witness; similarly, when it states ‘THEY SAY’ it refers to one witness. And what does he [the offender] say? If he contradicts, he should be exempted; for we have learnt in the middle clause: IF ONE WITNESS SAYS, HE HAS EATEN AND HE HIMSELF SAYS, I HAVE NOT EATEN, HE IS EXEMPTED! Again if you say, he is silent; surely we know this law already from the middle clause, IF ONE WITNESS SAYS etc., from which is inferred that he is exempted only when he contradicts, but when he is silent he is indeed liable to an offering! Indeed, he does not contradict, and understand the Mishnah thus: IF THEY SAY TO A PERSON, THOU HAST EATEN HELEB. HE IS LIABLE TO A SIN-OFFERING, namely if he is silent, but . . . when HE HIMSELF SAYS, I HAVE NOT EATEN, HE IS EXEMPTED.¹⁵

Where do we find in the Torah that a person is liable to an offering if he does not contradict the evidence of others? — Our Rabbis taught: If his sin be known to him . . . he shall bring his offering];¹⁶ but not if others make it known to him.¹⁷ I might then think he is exempted even if he does not contradict, it is therefore written, ‘if it be known to him’: in whatever manner.¹⁸ Now to which case does this refer? Shall I say to one in which two witnesses gave evidence? Do we in such a case need a text?¹⁹

(1) no note.

(2) Viz., two witnesses, v. infra Gemara.

(3) Viz., without being conscious of the transgression.

(4) V. Glos.

(5) Provided the person does not deny the charge. Also one witness would suffice in this case.

(6) A woman is as a rule not qualified to act as a witness.

(7) E.g., if they testify to murder.

(8) Viz., the Sages who hold there is no sacrifice in any case of denial by the perpetrator.

(9) V. infra Gemara as to the interpretation of this passage.

(10) An olive is the standard size of these prohibited foods.

(11) Viz., the one wherein R. Meir and the Rabbis differ.

(12) The latter clause explains the former, that the anonymous view of the former clause declaring him liable to a sin-offering is in fact the opinion of R. Meir only, while the Rabbis disagree.

(13) I.e., she has to be divorced from both her husbands; v. Yeb. 87b.

(14) Since her second marriage was founded upon the evidence of two qualified witnesses, although the court did not give their consent, she is not to be penalised and may therefore return to her first husband. The former clause, where it states that she is punished and has to leave both men, must therefore refer to a case where there were not two witnesses but one only. The court has accepted the evidence of the one witness but with the understanding that she continues her inquiries as to her husband's fate. The fact that her husband has returned alive proves that her inquiries were not satisfactory, and she is therefore penalised.

(15) I.e., the middle clause is the counterpart of the first clause.

(16) Lev. IV, 23.

(17) I.e., if the facts are established by outside evidence.

(18) It should read, 'if he remembers'. The text thus suggests that he is guilty, even if his 'know. ledge' for silence is taken as consent — is provoked from outside.

(19) That he is then liable to an offering is obvious.

Talmud - Mas. K'rithoth 12a

It must thus refer to one witness giving evidence; and yet it says that if there is no contradiction his evidence is valid.¹ We have thus proved it.

SAID R. MEIR, etc. The question was asked: What is the reason of the Rabbis? Is it that they hold that regarding oneself² a man is believed more than a hundred witnesses, or perhaps that we adopt the argument of miggo:³ for if he said, I transgressed willfully, he would certainly have been exempted, so if he says, I did not eat at all, he is to be believed, and is therefore exempted? And in which way is this question of avail? With reference to the application of the law to uncleanness.⁴ If you say the reason of the Rabbis is that regarding oneself a man is believed more than a hundred witnesses, there will be no difference between the old and fresh uncleanness;⁵ but if you say the reason of the Rabbis is that we adopt the argument of miggo, they would exempt him in the case of old uncleanness but declare him liable in the case of new uncleanness.⁶ For what reason? For in the case of old uncleanness, if he wanted, he could have said, I have already immersed, and be exempt; he is therefore exempt also when he says, I have not become unclean,⁷ since it can be said that what he meant [when he said,] 'I have not become unclean' is 'I did not remain unclean, for I have immersed'. In the case of fresh uncleanness, however, he is liable. For what reason? For even if he asserted, I have immersed, he would be guilty,⁸ since the witnesses maintain that he has just become unclean. How is it? — Come and hear: If one witness says to a person. Thou art unclean, and he himself says, I am not unclean, he is exempted.⁹ I might assume [this holds good] also in the case of two witnesses, but, says R. Meir, against this there is an a fortiori argument: since two witnesses are capable of inflicting the severe penalty of death, how much more can they impose the less severe punishment of a sacrifice! The Rabbis say: Regarding oneself a man is believed more than a hundred witnesses. It thus seems that the argument of the Rabbis is that regarding oneself a man is believed more than a hundred witnesses! — Said R. Ammi: Indeed the argument of the Rabbis is the conclusion of miggo; and understand their reasoning thus: As he could, if he wanted, have said, I did not remain unclean,¹⁰ and would then be exempted, therefore regarding himself he is to be believed more than a hundred witnesses. If so, is not this instance identical with that concerning heleb?¹¹ — I might have thought, in the case of heleb I may assume that he explains his words:¹² I did not eat in error, but wilfully. But [when he is told], Thou art unclean, and he replies, I am not unclean, I might think his words are not capable of explanation; therefore he lets us know that also in this instance we interpret his words as conveying, I have not remained unclean for I have immersed.

Come and hear: And he shall confess,¹³ [implies that] if he confesses he is liable to an offering, if he does not confess he is exempted. If, therefore, a witness says to him, Thou art unclean, and he says, I am not unclean, he is exempted. I might think this holds good even in the case where he contradicts two witnesses, but says R. Meir, since two witnesses are capable of inflicting the severe penalty of death, how much more can they impose the less severe punishment of a sacrifice! R. Judah says: Regarding oneself a man is believed more than a hundred witnesses. The Rabbis, however, agree with R. Judah in regard to heleb and the entering of the Temple precincts.¹⁴ but not in regard to uncleanness.¹⁵ Now, to which [uncleanness] does this refer? Shall I say

(1) So that he has to bring an offering.

(2) I.e., in matters relating to the salvation of his soul, for the sacrifice is to bring about his propitiation and conciliation with the Lord.

(3) I.e., a logical rule that a man's statement is to be accepted as true whenever another credible and more advantageous assertion could have been made; for it is argued, that had he intended to lie he would have invented the more

advantageous statement.

(4) I.e., if two people say e.g., you have entered the Temple precincts while unclean.

(5) Fresh uncleanness is one contracted on the same day; old uncleanness one contracted on previous days. In the first instance the witnesses say the contraction of the uncleanness and the entering of the Temple precincts were both on the same day, in the latter on different days.

(6) In the case of fresh uncleanness there has not yet been an opportunity of becoming clean again, for immersion alone is not sufficient; one has to wait till sunset to be clean. In the instance of old uncleanness one may well assert one's cleanness by saying, I have immersed.

(7) The actual statement is capable of an interpretation similar in sense to the assertion that might have been made.

(8) If he enters the precincts of the Temple before sunset, even after immersion, he is guilty.

(9) Toh. V, 9.

(10) I.e., I immersed.

(11) And therefore superfluous.

(12) I.e., he may give you a wider meaning to his words, so that the assertion he actually makes harmonises with the one he could have made.

(13) Lev. V, 5.

(14) I.e., when the question is whether he has eaten heleb, or whether he has entered the Temple while unclean, for in these two instances the argument is that he might have said the transgression was wilful, and the assertions actually made, viz., 'I did not eat heleb' and 'I did not enter the Temple', may be interpreted as being in harmony with the assertion he could have made thus: 'I did not eat heleb and I did not enter the Temple in a manner which would make me liable to an offering'.

(15) I.e., when the question is whether he has at all become unclean. The miggo that he might have said, I did it wilfully, is no longer valid.

Talmud - Mas. K'rithoth 12b

[it refers] to old uncleanness, why do the Rabbis agree with R. Judah only with regard to heleb and the entering of the Temple precincts because he might have said, I did it wilfully? Also in the instance of old uncleanness he could have interpreted his words and say, if he wanted, I did not remain unclean but immersed!¹ — Said Rabina: It refers in fact to old uncleanness,² but to a case where the witnesses said to him, Thou hast eaten sacred food while thy body was unclean,³ and his reply was, I was not unclean; his words are then not open to an explanation, for we cannot say he meant, I did not remain unclean but immersed, for this would convey, I immersed and indeed did eat, which statement would contradict the first assertion⁴ at least in respect of the uncleanness through contact.⁵

Said R. Nahman: The halachah is according to R. Judah. Said R. Joseph: He holds [that he is clean] only in private⁶ and when appertaining to himself.⁷

Said Resh Lakish: R. Meir agrees with the Rabbis that if two witnesses say to a person, Thou hast had intercourse with a designated bondmaid,⁸ and he maintains that he has had no intercourse, he is to be trusted, for he could, if he wishes, have answered them, I did not complete the act of cohabitation.⁹

Said R. Shesheth: R. Meir agrees with the Rabbis with regard to the uncleanness of a nazirite, that if two witnesses say to him, Thou art unclean, and he replies, I am not unclean, he is exempted,¹⁰ because he could, if he wanted, have replied, I am absolved from the vow of naziriteship.¹¹

Said Abaye: R. Meir agrees with the Rabbis that if two witnesses say to a person, Thou knowest evidence against a certain man,¹² and he says, I do not know, he is exempted, because he could, if he wanted, have said, I was not intent upon giving evidence.

IF ONE ATE TWICE HELEB IN ONE SPELL OF UNAWARENESS etc. To this R. Zera demurred: Why is he liable to only one sin-offering? Has he not eaten two olive-sizes of heleb? — Replied to him Abaye: It is the different spells of unawareness that effect separate offerings, but in our instance there was but one spell of unawareness. Some raise the difficulty in the following version: The reason [that he is liable only to one offering], is that there was only one spell of unawareness; if, however, there were two spells of unawareness he would indeed be liable to two offerings; but why? Were not both meals of the same denomination of heleb? — Replied to him Abaye: Different spells of unawareness effect separate offerings.

IF ONE ATE HELEB, BLOOD, PIGGUL AND NOTHAR etc. [It is stated,] IF OF ONE KIND HE IS LIABLE; is this not obvious? — Said Resh Lakish in the name of Bar Tutini:¹³ We suppose it was eaten in two different dishes, and this law is in conformity with the view of R. Joshua who [generally] holds that different dishes do not combine with one another.¹⁴ Now I might have thought that R. Joshua upholds his opinion no matter whether greater leniency or greater stringency result from it; therefore we are taught that he is liable [to an offering], implying that he upholds his view only when it leads to greater stringency, but not when it leads to greater leniency. Some refer the discussion to the latter part of the passage: IF OF TWO KINDS, HE IS EXEMPTED; is this not obvious? — Said Resh Lakish in the name of Bar Tutini: We suppose they were eaten in two different dishes and this law is in accordance with R. Joshua who holds different dishes do not combine with one another. Now I might have thought that R. Joshua upholds his rule only if it leads to greater stringency but not if greater leniency results from it; therefore we are taught: IF OF TWO KINDS, HE IS EXEMPTED: ‘Two kinds’ means in fact ‘one kind’;¹⁵ it is called ‘two kinds’ because the eating was in two different dishes; and as it is stated that he is then exempted, hence we may conclude that R. Joshua upholds his rule both if it leads to greater leniency and if it results in greater stringency. Now, since the latter part of the passage¹⁶ deals with one kind consumed in two dishes, the former part must, as its contrast, refer to one kind consumed in one dish. Is not the law then obvious? — Said Rabina: It refers to a case where he became aware [of his sin] in between,¹⁷ and the law is in accordance with Rabban Gamaliel, who holds awareness is of no avail with regard to half-sizes;¹⁸ as we have learnt:¹⁹ If one writes two letters in two different spells of unawareness, one in the morning and the other in the evening, Rabban Gamaliel holds he is guilty, but the Rabbis exempt him. Rabban Gamaliel holds awareness is of no avail with regard to half-sizes, whereas the Rabbis maintain it is of avail.

MISHNAH. WITHIN WHAT TIME MUST HE EAT THEM?²⁰ [THE TIME HE WOULD NEED] IF HE ATE A LIKE BULK OF PARCHED GRAINS OF CORN.²¹ THUS THE VIEW OF R. MEIR; BUT THE RABBIS SAY, HE MUST TAKE FROM THE BEGINNING TO THE END NO MORE TIME THAN IS REQUIRED FOR THE EATING OF A PERAS,²² TO BECOME LIABLE. IF ONE EATS UNCLEAN EDIBLES OR DRINKS UNCLEAN DRINKS,²³ OR IF [A PRIEST] DRINKS A QUARTER [OF A LOG] OF WINE AND THEN ENTERS THE TEMPLE,²⁴ IF NO MORE TIME HAS ELAPSED THAN IS REQUIRED FOR THE EATING OF A PERAS, HE IS LIABLE. R. ELEAZAR SAYS: IF THE DRINKING WAS INTERRUPTED OR THE WINE DILUTED WITH WATER OF THE SMALLEST QUANTITY, HE IS EXEMPTED.²⁵ GEMARA. They asked: Is R. Meir's statement in the direction of stringency or of leniency? Is it in the direction of stringency, and this is what he means: [THE TIME HE WOULD NEED] IF HE ATE OF PARCHED GRAINS OF CORN, though lasting the whole day.²⁶ Thus even though the time that elapsed between the beginning and the end of the meal was longer than is required for the eating of a peras, yet since it was one protracted meal, he is liable; while the Rabbis retorted: If no more time has elapsed than is required for the eating of a peras, he is guilty, if more he is exempted? Or is it in the direction of leniency, and this is what he means: [THE TIME HE WOULD NEED] IF HE ATE OF PARCHED GRAINS OF CORN, provided it was without interruption,²⁷ but if with interruption he is exempted even though the time that elapsed between the beginning and the end of the meal is within that required for the eating of a peras; while the Rabbis retorted: Since the time elapsed

between the beginning and the end of the meal was within that required for the eating of a peras, he is guilty? — Come and hear: BUT THE SAGES SAY, HE MUST TAKE FROM THE BEGINNING TO THE END NO MORE TIME THAN IS REQUIRED FOR THE EATING OF A PERAS.

(1) We must therefore assume that the Baraita refers to fresh uncleanness, in which case there is no miggo. It seems at all events to be implicitly accepted that the reason of the Sages' view is based upon the conclusion of miggo, while R. Judah who holds that even in the case of fresh uncleanness he is exempted, bases his view obviously upon the rule that regarding oneself a man is at all events believed more than a hundred witnesses. The query set forth at the outset of the discussion is thus resolved: R. Judah, who as the opponent of R. Meir is often quoted anonymously, bases his view upon the first argument of the query, the Sages upon the second.

(2) And both R. Judah and the Sages may base their arguments in the instance of heleb upon the rule of miggo, but this case is such that the Sages hold miggo is not applicable to it.

(3) This statement contains a twofold assertion: That he was unclean and that he ate sacred things. Were his contradiction, I did not eat, we might have understood it in the sense, I did not transgress for I had immersed before. His reply, I am not unclean, is taken to imply, I did not come into contact with an unclean object, and this is in open contradiction to the evidence of the witnesses, wherefore his statement is not accepted and he is liable to an offering.

(4) I.e., the assertion of the witnesses.

(5) For his words imply, he did not come into contact with an unclean object.

(6) He is not permitted to partake of sacred food in the presence of others, for this might be interpreted as neglectful treatment of the laws of purity.

(7) He is not believed with reference to other people. If he has come into contact with sacred things they are regarded as unclean for others. The trust put in him when he says he is not unclean is subjective, because we believe him in matters appertaining to his own conscience and salvation.

(8) I.e., a maidservant designated by her master for marriage to one chosen by him; Lev. XIX, 20.

(9) V. 11b, where the completion of the act is an essential condition of the transgression.

(10) From an offering at the end of seven days; v. Num. VI, 9f.

(11) Absolution can be granted from a vow by a scholar if there are good reasons to assume that the consequences of the vow were not foreseen.

(12) The refusal to give evidence if adjured to do so is punishable with an offering; v. Lev. V, 1.

(13) Supra 4b quoted as Bar Tutani.

(14) Viz., to make up the requisite standard size of an olive. The non-combination of the two half-olives brings about his exemption from an offering. If on the other hand one has, e.g., eaten two full quantities in two dishes the non-combination leads to greater stringency of the law, for he is then liable to two offerings.

(15) I.e., two pieces of heleb, e.g., each of the size of half an olive, eaten in two meals.

(16) Viz., IF OF TWO KINDS etc.

(17) Between the two meals he learnt, e.g., that the first piece of fat was heleb.

(18) I.e., half-sizes may be combined one with the other even if eaten in two spells of unawareness.

(19) Shab. 105a. Only when one writes two letters is a sacrifice prescribed.

(20) We have learnt in the previous Mishnah that if one eats two half-sizes of prohibited food, he is guilty because the two meals combine to make up the requisite size. What time may pass between the two meals to be still considered as one?

(21) I.e., the time it takes to eat an olive-size of food crumbled into small pieces of the size of parched ears, eaten one after the other.

(22) Lit., 'portion' or 'half'; viz., half a loaf; v. also 'Er. 83a.

(23) If one eats unclean food of the size of half a peras, or drinks of an unclean drink the quantity of a fourth of a log, he is regarded as unfit to eat sacred food until he has taken an immersion.

(24) To perform his service.

(25) R. Eliezer refers to the last instance.

(26) The criterion of R. Meir is then to indicate that the meal may be interrupted.

(27) The time required for the eating of an olive-size of parched corn without interruption is less than that required for the eating of a peras.

Talmud - Mas. K'rithoth 13a

Now, if you say that R. Meir's view is in the direction of stringency,¹ it is right that it reads: HE MUST TAKE . . . NO MORE, meaning that he is not liable unless he takes no more time than is required for the eating of a peras; but if you say R. Meir's view is in the direction of leniency, it should have read 'But the Rabbis say: If he has taken as much time as is required . . .'. It is thus proved that R. Meir's view is in the direction of stringency. It is indeed proved.

Said Rabanai in the name of Samuel: For heleb and nebelah² he must take from the beginning to the end [of the meal]³ no more time than is required for the eating of a peras; for unclean food, reptiles and unclean drinks,⁴ he may take even the whole day, as much as is required for the eating of a peras. What does this mean? — Said R. Papa, thus: Even the whole day so long as he ate an olive-size within the time required for the eating of a peras.⁵

An objection was raised: All kinds of food combine one with the other to half a peras to render the body unfit.⁶ Now does this not mean that he has to eat the half-peras within the time required for the eating of a peras? — No, he has to eat an olive-size within the time required for a peras.

An objection was raised: All kinds of food combine one with the other to a half-peras, consumed within the time required for a peras, in order to render the body unfit. How is this? If he ate and then ate again, if from the beginning of the first meal to the end of the last no more time has passed than is required for the eating of a peras, they combine with one another; if more they do not combine. It is not permitted to one who ate less than the requisite quantity to immerse;⁷ if he did immerse and then ate the complementary quantity to the standard size, the meals combine one with the other. A pregnant woman is permitted to eat a quantity⁸ smaller than the standard size, because of her serious position. All kinds of beverage combine one with the other to a quarter [of a log], consumed within the time required for the eating of a peras, in order to render the body unfit. How is this? If he drank and then drank again, if from the beginning of the first drink to the end of the last no more time has passed than is required for the eating of a peras, they combine with one another; if more they do not. [She] who has been in contact with one unclean by a dead body is permitted to nurse her baby, and the baby remains clean. It states at all events, 'If from the beginning of the first meal to the end of the last no more time has passed than is required for the eating of a peras, they combine with one another'. Is this not in contradiction to Rabanai's statement? — Indeed it is.⁹

The Master says: 'It is not permitted to one who ate less than the requisite quantity to immerse'. What does this mean?¹⁰ — Said Rab Judah: This is what it means: If one ate less than the requisite quantity, he is not permitted to immerse, for if he should eat afterwards the complementary quantity, which combines with the first, he might assume that the preceding immersion is of avail, not knowing that an immersion is valid only at the end.

It is stated, 'A pregnant woman is permitted to eat a quantity smaller than the standard size, because of her serious position'. If by reason of her serious position, she should be permitted to eat even more!¹¹ — Said R. Papa: Read thus, A pregnant woman is permitted to eat even more, yet in quantities smaller than the standard size, because of her serious position.

It says, '[She] who has been in contact with one unclean by a dead body is permitted to nurse her baby, and the baby remains clean.' Why is it clean? Since it has sucked in milk it should be unclean through the milk.¹² And should you say it was not prepared,¹³ [I would reply,] It is prepared by the drop which moistens the nipple!¹⁴ — Answered R. Nahman in the name of Rabbah b. Abbuha: It sucked with great pull so that no drop was formed to moisten the nipple. Said Raba: I have two objections to raise: firstly we see that a child's mouth is filled with milk,¹⁵ and then, the milk-source has the status of a 'well',¹⁶ as we have learnt: The milk of a woman renders things unclean whether

[it was drawn] purposely or unintentionally, while the milk of a cow renders things unclean only when brought forth intentionally.¹⁷ Now does not ‘unintentionally’ mean that the child has no pleasure in it; and yet it says that it renders things unclean!¹⁸ — Rather said Raba: The reason why the child remains clean is that it is doubtful whether it has sucked in the requisite quantity or not; and even if it did, it is still doubtful whether it was done within the time required for the eating of a peras or during a longer period. But how can Raba maintain that the milk-source has the status of a ‘well’? Have we not learnt: If milk drips from the breast of a [menstruant] woman and falls upon an oven, the oven is unclean?¹⁹ Whereupon it was asked, wherewith has the milk become ‘prepared’ for uncleanness? and R. Johanan replied: By the drop with which the nipple is moistened.²⁰ And if you say that Raba disagrees with R. Johanan, has it not been taught: ‘It is thus found that there are nine kinds of liquids of a gonorrhoea-ridden person: sweat, ill-smelling discharge²¹ and secretion, are altogether clean;²² the tears of his eyes, the blood of his wound

(1) I.e., the time-limit suggested by R. Meir is less than that laid down by the Rabbis, so that the Rabbis in their retort to R. Meir demand a prolongation of the time-limit.

(2) V. Glos.

(3) E.g., if he ate two half olive-sizes of heleb.

(4) Half a peras or a quarter of a log respectively renders him who ate it unfit to eat sacred food.

(5) I.e., each olive-size of the standard quantity of half a peras has been eaten within the time required for a peras.

(6) Me'il. 17b.

(7) This is soon explained.

(8) I.e., unclean food; v. Tosaf.

(9) Rabanai's view is thus refuted.

(10) Why should he not be permitted to immerse, even though the immersion is in vain?

(11) For it is permitted to break the law of the Torah in the case of danger to life.

(12) The milk is unclean of the second degree; it is therefore not capable of rendering persons unclean through contact, but he who drinks thereof a half-peras is unfit to partake of sacred food.

(13) All foodstuffs must be ‘prepared’, i.e., rendered fit for uncleanness, by being moistened with certain liquids. The milk coming from the body is considered foodstuff, and in the absence of such preparation should be clean.

(14) The drop with which the nipple is moistened is not regarded as food, since it is not destined to be consumed, and can therefore act as a liquid to ‘prepare’ the rest of the milk for uncleanness.

(15) One drop at least must have adhered to the nipple.

(16) The milk has not the status of ordinary food or drink, but that of a secretion from the body, and forms part thereof. When the body is unclean, the milk is ipso facto unclean too. No ‘preparation’ is thus necessary. ‘Well’ means here a secreting organ.

(17) Maksh. VI, 8. Things are regarded as ‘prepared’ for uncleanness by being moistened with a liquid only if the moistening was to the satisfaction of the owner or worker.

(18) As we learn here that the milk of a woman is unclean and conveys its uncleanness to other things even if it came forth not to the satisfaction of the owner or worker (here the child), it cannot bear the status of ordinary food that requires ‘preparation’. It must thus possess the character of a secretion from the body.

(19) Kel. VIII, 11.

(20) We thus see that in contradiction to Raba ‘preparation’ is needed.

(21) Such as pus.

(22) They do not cause uncleanness through contact.

Talmud - Mas. K'rithoth 13b

and the milk of a woman, in the quantity of a fourth of a log contract uncleanness as a liquid;¹ saliva, flux and urine contract the more severe uncleanness² in the smallest quantity’? Now, if it was true, as you say, that the milk-source has the status of a ‘well’, milk too should contract the more severe uncleanness in the smallest quantity, like flux and saliva. It is thus proved that the milk-source of a woman has not the status of a ‘well’. But, then, what of the contradiction between this Baraita and

[the Mishnah quoted by] Raba [that the milk of a woman] 'renders things unclean whether drawn purposely or unintentionally'?³ — Do you indeed think, as has hitherto been assumed, that 'unintentionally' means that the child had no pleasure in it? No, 'unintentionally' means 'generally', for it is accepted that the child has its mind upon the milk; but if the child indicates that he has no pleasure in it, it is indeed clean.

IF ONE EATS UNCLEAN EDIBLES etc. Why is it conditional upon the elapse of a certain time,⁴ as it reads, IF . . . TIME HAS ELAPSED? — Said Rab Judah: Thus it is to be understood: If one eats unclean edibles or drinks unclean drinks, or if [a priest] drinks a quarter of a log of wine, spending thereon the time required for the eating of a peras, and then enters the Temple precincts, he is guilty.

R. ELEAZAR SAYS etc. Our Rabbis taught: Drink no wine nor strong drink,⁵ I might think any quantity, and even if taken from the vat,⁶ therefore the text states 'strong drink'; he is guilty only if the quantity suffices to make him drunk.⁷ Which is the quantity capable of causing intoxication? A fourth of a log of wine of forty days' standing. Why then has 'wine' been mentioned? To tell you that one is cautioned in regard to the smallest quantity, and one is cautioned also in regard to [wine] drawn from the vat.⁸ R. Judah says: It reads 'wine'; from here we know only 'wine', whence do we know other intoxicating drinks? It therefore reads 'and strong drink'. If so, why has 'wine' been stated? Wine involves the death penalty, other drinks involve only [the disregard of] a warning. R. Eleazar says: Drink no wine and [drink no] strong drink: Drink it not in the manner which causes intoxication; if, however, he interrupts or dilutes it with any quantity of water, he is not guilty. Wherein do they differ? — The first Tanna holds: We draw an inference from the nazirite by the common expression 'strong drink';⁹ R. Judah does not hold this inference; while R. Eleazar holds that what 'strong drink' implies is something intoxicating. With whom does the following dictum comply: 'If one eats pressed figs from Keilah,¹⁰ or drinks honey or milk, and then enters the Sanctuary and performs the Temple service, he is liable to lashes'? With R. Judah.¹¹ Said R. Judah son of Ahotai: The halachah is in accordance with R. Eleazar. Also Rab spoke of R. Eleazar as the most distinguished of the Sages.

R. Aha of Huzal had a vow in regard to his wife.¹² He came before R. Ashi.¹³ Said the latter to him: Go now and come back to-morrow, for Rab appointed no interpreter¹⁴ from the commencement of the festival till the end of the following day,¹⁵ on account of intoxication. Replied the former: But did not Rab say, The halachah is according to R. Eleazar,¹⁶ while you dilute your wine with water? — Said he, There is no difficulty: his saying refers to a fourth of a log exactly, while I had more than a fourth.

Our Rabbis have taught: And that ye may put difference between the holy and the common,¹⁷ refers to vows of worth, or vows of valuation,¹⁸ or to things devoted¹⁹ or consecrated;²⁰ between the unclean and the clean¹⁷ refers to the laws of uncleanness and purity; that ye may teach²¹ refers to decisions [concerning forbidden things]; all the statutes²¹ refers to the expositions of the Law; which the Lord hath spoken²¹ refers to traditions passed on [from Sinai]; by the hand of Moses²¹ refers to the Gemara. I might include also the Mishnah, therefore it reads 'that ye may teach'.²² R. Jose b. Judah says: I might include also the Gemara,²³ therefore it reads, 'that ye may teach'. According to whom is that which has been taught: 'Excluded is the decision that a [dead] reptile is unclean and a [dead] frog clean,²⁴ which may be given also by one who is intoxicated with wine'? May we assume that it conforms with R. Jose b. Judah's view and not with that of the Rabbis? — No, it may conform also with the view of the Rabbis, but this problem is so simple that one may say, go read it at school.²⁵ Said Rab: The halachah is in accordance with R. Jose b. Judah.²⁶ But surely Rab did not appoint an interpreter from the commencement of a festival to the end of the following day on account of intoxication?²⁷ — Different it is with Rab who gave also decisions: But then why not appoint the interpreter and lay down the rule that no decisions be given? — Where Rab sat it was impossible to avoid giving decisions.²⁸ MISHNAH. ONE MAY BY ONE ACT OF EATING

BECOME LIABLE TO FOUR SIN-OFFERINGS AND ONE GUILT-OFFERING; VIZ., IF ANY UNCLEAN PERSON EATS HELEB WHICH WAS AT THE SAME TIME THE NOTHAR OF AN OFFERING, AND [IT WAS ON] THE DAY OF ATONEMENT.²⁹ R. MEIR SAYS: IF IT WAS THE SABBATH AND HE CARRIED IT OUT³⁰ [OF PRIVATE POSSESSION], HE IS LIABLE [TO YET ANOTHER SIN-OFFERING].³¹ BUT THEY SAID TO HIM: THIS IS OF A DIFFERENT DENOMINATION.³²

- (1) I.e., to convey uncleanness only to food and liquids.
- (2) I.e., to defile human beings and vessels.
- (3) If we say that the milk is unclean even when brought forth against the child's interest in contradiction to the laws ruling the 'preparation' for uncleanness of liquids, we are obliged to infer therefrom that the milk has the status of a 'well' and not of a liquid. The right interpretation is, however, that even when the child does not express its pleasure at the bringing forth of the milk, it is unclean, for it is assumed that it is nevertheless done to its satisfaction.
- (4) The condition concerning the time is mentioned in the Mishnah text after the entering of the Sanctuary. It is therefore assumed that it implies that it is necessary for the priest to stay in the Temple precincts for a time required for the eating of a peras. This is, of course, against the accepted law.
- (5) Lev. X, 9 with reference to priests.
- (6) I.e., before the fermentation is completed.
- (7) The literal translation of שכר 'strong drink' is 'intoxicating drink'.
- (8) But not punishable with death. 'Death' here denotes death at the hands of Heaven.
- (9) A textual analogy is drawn on the basis of the word 'strong drink' which occurs in connection with the priest, Lev. X, 9 and the nazirite, Num. VI, 3, where the produce of the vine only is prohibited.
- (10) In Judea; v. I Sam. XXIII, 1.
- (11) In Naz. 4a this dictum is explicitly mentioned in the name of R. Judah.
- (12) He vowed not to derive any benefit from her.
- (13) To ask for the absolution of the vow.
- (14) The interpreter's task was to expound at length that which the Tanna taught in brief; v. Glos. s.v. Amora.
- (15) I.e., from the termination of the first meal on the eve of the festival to the end of the following day. His meals on holy days were accompanied by wine, and Rab therefore refused to give any legal decision. R. Aha appeared before R. Ashi on a festival.
- (16) Who holds only pure wine is prohibited.
- (17) Lev. X, 10. This passage follows immediately upon the prohibition for the priest to drink wine. It is therefore assumed to imply that to give a decision in a state of intoxication is forbidden.
- (18) V. 'Ar. 2a.
- (19) Lit., excommunicated'; i.e., a form of renouncing one's rights upon property and assigning it for the use of the Temple or the priests.
- (20) I.e., all the valuations in connection therewith must not be undertaken in a state of intoxication.
- (21) Ibid. 11.
- (22) Or, that ye may decide. As the Mishnah does not always contain the last word of the law, decisions are based upon the discussions in the Gemara rather than the Mishnah.
- (23) Viz., the study of the Talmud. Only the actual giving of judgment in a state of intoxication is punishable, but not the mere preoccupation with the law.
- (24) These decisions are so obvious, being explicitly mentioned in the Torah, that an error is not feared.
- (25) I.e., even youngsters who study only the Pentateuch should know it; v. Sanh. 33b.
- (26) Viz., that to study in a state of intoxication is permitted.
- (27) This proves that even to lecture on the law is forbidden.
- (28) Rab was an authority recognised everywhere, and questions came before him at all times.
- (29) He is liable to a sin-offering each for eating sacred food in a state of uncleanness, for eating keleb, for eating nothar and for partaking of food on the Day of Atonement. The guilt-offering is to atone for the sacrilegious use of Temple property. Nothar is the portion of a sacrifice left over beyond the prescribed time, which has to be burnt.
- (30) Viz., in his mouth.
- (31) To carry on the Sabbath from private property to the public thoroughfare or vice versa is subject to an offering.

(32) The transgression is not caused by eating.

Talmud - Mas. K'rithoth 14a

GEMARA. May we infer that R. Meir holds that a prohibition may take hold of something already prohibited?¹ — [No,] although he may hold that a prohibition cannot take hold where another prohibition exists, he holds that a prohibition that is more comprehensive² or more extensive³ can take hold [of an already existing prohibition]. To a clean person only heleb is prohibited; when he becomes unclean, since the other parts [of the animal] become forbidden to him, this more comprehensive prohibition embraces also heleb. Then heleb is forbidden for consumption only; when consecrated, since it becomes prohibited for all use, this more extensive prohibition takes hold of heleb. It is still, then, forbidden to laymen only but not for the altar;⁴ when it becomes nothar, since it becomes forbidden also for the altar, this more extensive prohibition applies also in respect of laymen. Again, if it occurred on the Day of Atonement, since there is added an injunction which is more comprehensive in that it applies also to common food, it applies also to the things dedicated to the altar. But then why not instance five sin-offerings, namely when he ate an olive-size of piggul?⁵ — He speaks of one animal and not of two, and the meat of one and the same animal cannot be nothar and piggul at the same time.⁶ But why not? Is it not possible where, e.g., a limb of piggul was [wrongly] offered upon the altar, in which case its disqualification of piggul is lifted,⁷ and it can thus become nothar, as 'Ulla said: If the fistful of an offering, rendered piggul, has been offered upon the altar its piggul disqualification ceases, and it may then become nothar?⁸ — He speaks of one limb and not of two limbs, and one and the same limb cannot be nothar and piggul at the same time. But why not? Is it not possible where, e.g., a limb of piggul was offered upon the altar, partly resting upon the altar and partly protruding,⁹ so that the portion [which rested] upon the altar loses its piggul disqualification and may become nothar, in accordance with 'Ulla, who said: 'If the fistful of an offering, rendered piggul, has been offered upon the altar its disqualification ceases, and it may become nothar?' — He replied: It is not possible, for if the major portion rests upon the altar, the whole is reckoned as being on the altar; if the major portion is protruding, the whole is reckoned as being outside. But then you could decide therefrom¹⁰ the query of Rami son of Hama as to whether one goes by the majority in regard to sacrificial limbs or not!¹¹ — He speaks of one olive-size and not of two.¹² But is this indeed so? Does he not deal with the Day of Atonement, where the requisite standard quantity is the size of a date, and a date corresponds to two olive-sizes? — Said R. Zera: He ate of a kidney together with the heleb attached thereto.¹³ R. Papa said: He supplemented the heleb with dates.¹⁴ R. Adda son of Aha indeed reads [in the Mishnah] 'five sin-offerings' and explains it [as dealing with the case] where he ate an olive-size of piggul,¹⁵ rejecting the other explanations given. But then why not state six sin-offerings', and explain it [as dealing with the case] where he ate in addition an olive-size of blood? — [The Mishnah] speaks of one act of eating and not of two, and the Rabbis have calculated that the gullet cannot hold more than two olive-sizes at a time.

R. MEIR SAYS, etc. Why did he not simply state, 'If he carried it out [of private possession], he is liable¹⁶ . . .'; wherefore does he state, IF IT WAS THE SABBATH'? — Said Rafram: This proves that the laws concerning 'erub¹⁷ and transport¹⁸ apply to the Sabbath and do not apply to the Day of Atonement.¹⁹ How is this proved? Maybe the laws concerning 'erub and transport apply also to the Day of Atonement, and the Mishnah text is to be understood thus: If it was the Sabbath and he carried it out [of private possession], he is liable by reason of the Sabbath as well as the Day of Atonement!²⁰ — Rather say, If the statement of Rafram was made, it was with reference to the following: It has been taught, And he shall send him away by the hand of an appointed man;²¹ 'man' implies that also a non-priest is qualified; 'appointed' implies even if he is unclean and even on the Sabbath;²² 'appointed' means designated for it. Now it is here stated: "Appointed" implies even on the Sabbath', whereupon Rafram remarked, This proves that the laws concerning 'erub and transport apply to the Sabbath and do not apply to the Day of Atonement. How is this proved? Maybe the scapegoat is an exception, for its whole validity is bound up with the Day of Atonement!²³ — The

dictum of Rafram is indeed void.²⁴

MISHNAH. ONE MAY BY ONE ACT OF INCESTUOUS CONNECTION BECOME LIABLE TO SIX SIN-OFFERINGS: VIZ., IF ONE HAD INTERCOURSE WITH HIS DAUGHTER.²⁵ HE IS GUILTY OF INCEST WITH HIS DAUGHTER, HIS SISTER, HIS BROTHER'S WIFE, THE WIFE OF HIS FATHER'S BROTHER, AND OF INTERCOURSE WITH A MARRIED WOMAN AND A MENSTRUOUS WOMAN.

(1) I.e., that a prohibition can apply to something which is forbidden already by reason of another injunction, as exemplified in R. Meir's statement where the law of Sabbath takes hold of prohibited food.

(2) I.e., the range of application of the new prohibition is wider than that of the original. The new prohibition is thus at all events effective with regard to those objects not covered by the original; it is therefore considered of avail also in respect of those articles already prohibited by the original injunction, and an additional offering is prescribed.

(3) I.e., the additional prohibition is more stringent than the original one; e.g., if according to the original law only the eating of the prohibited food is punishable while the superadded prohibition law forbids also any benefit to be derived therefrom. The new prohibition is thus at all events effective where use is made of the food other than eating it; it is therefore regarded of avail also in case of eating, and evokes an additional offering. The following discussion expounds the instance of the Mishnah proving that each additional prohibition thereof is either more comprehensive or more extensive than those already existing.

(4) Or, for that matter, the priests.

(5) V. Glos. I.e., where the meat was, in addition, piggul which, too' is subject to a sin-offering.

(6) The sacrifice is rendered piggul at the beginning of the service, namely during the preparation and performance of the sprinkling of the blood. Once piggul it is disqualified for altar and priest alike and cannot come within the range of nothar.

(7) Even if the limb is removed from the altar, before it is completely burnt, it retains the sanctity re-gained through contact with the altar and may become nothar. If one eats therefore a piece of the limb that has become nothar, under the conditions enumerated in the Mishnah and in addition thereto an olive-size of meat of the rest of the same sacrifice, which has remained piggul, one is liable to five sin-offerings.

(8) V. Zeb. 43a.

(9) And he ate from both portions of the limb.

(10) Viz., from the fact that the instance of five sin-offerings has not been stated for the reasons mentioned.

(11) V. Hul. 70a where this query is put forward by Raba and left unanswered.

(12) And with one olive-size one cannot evoke more than four sin-offerings, as enumerated in the Mishnah.

(13) I.e., he ate one olive-size of the kidney and another olive-size of the heleb. For the latter he is, under the conditions mentioned in the Mishnah, liable to three sin-offerings and a guilt-offering; when followed by an olive-size of the kidney he complements the date-size required for the transgression of the Day of Atonement, which provokes the fourth sin-offering. R. Zera's view is that the Tanna of the Mishnah wishes to confine himself to the eating of one olive-size of heleb, while in the combination of piggul and nothar it would be necessary to assume that two olive-sizes of heleb have been consumed (Rashi).

(14) I.e., his meal consisted of one olive-size of heleb and small dates to make up the requisite standard of a date. There was at any rate but one olive-size of meat.

(15) From a different sacrifice in addition to the olive-size of heleb as instanced in the Mishnah.

(16) For carrying it out on the Day of Atonement.

(17) V. Glos.

(18) I.e., the transport from private property to a public thoroughfare and vice versa.

(19) Although the Day of Atonement bears otherwise all the stringency of the Sabbath, these two laws may be characteristic of the Sabbath only.

(20) I.e., he is liable twice for the transport: for the transgression of the Sabbath and for the transgression of the Day of Atonement.

(21) Lev. XVI, 21, relating to the scapegoat.

(22) I.e., also on the Sabbath may the scapegoat be transported to its place of offering, thus trespassing the laws regarding 'erub and transport.

(23) I.e., the Torah has explicitly permitted work essential for the service of the day.

(24) V. Yoma 66b.

(25) The multitude of interrelationships between father and daughter is established thus: the daughter was born from his incestuous contact with his own mother. She then married his brother and after the latter's death, his father's brother. She was in addition menstruant at the time of the intercourse. This monstrous and complicated combination has been chosen to exemplify various prohibitions each of which is more comprehensive than the previous.

Talmud - Mas. K'rithoth 14b

GEMARA. But does not R. Meir hold, a prohibition cannot take hold of something already forbidden?¹ — Although he generally holds that a prohibition cannot take hold where another prohibition exists, he admits that a prohibition which is more comprehensive or more extensive can take hold [of an already existing prohibition].² [Our instance is then to be understood thus:] He had intercourse with his mother who bore him a daughter, so that the latter becomes prohibited to him simultaneously as his daughter and his sister. When she marries his brother, since she becomes prohibited also to his other brothers,³ this comprehensive prohibition becomes operative also with reference to himself. When she then⁴ marries his father's brother, since she becomes prohibited to the other brothers of his father, this comprehensive prohibition becomes operative also with reference to himself. In her capacity now as a married woman, since she becomes prohibited to the whole world, this comprehensive prohibition becomes operative also with regard to himself. Finally as a menstruant woman, since she becomes forbidden even to her own husband, this comprehensive prohibition become operative also with reference to himself.

MISHNAH. IF ONE HAD INTERCOURSE WITH HIS DAUGHTER'S DAUGHTER HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS DAUGHTER'S DAUGHTER, HIS DAUGHTER-IN-LAW, HIS BROTHER'S WIFE, THE WIFE OF HIS FATHER'S BROTHER, HIS WIFE'S SISTER, A MARRIED WOMAN, AND FINALLY A MENSTRUANT WOMAN.⁵ R. JOSE REMARKED: IF THE GRANDFATHER HAD COMMITTED TRANSGRESSION AND MARRIED HER FIRST, HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS FATHER'S WIFE. SO TOO, IF ONE HAD CONNECTION WITH HIS WIFE'S DAUGHTER OR HER DAUGHTER'S DAUGHTER.

GEMARA. It is stated: HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS FATHER'S WIFE. Was she then permitted to him?⁶ — Replied R. Johanan: The case is met if she fell unto him in levirate marriage.⁷ If so, what means: HAD COMMITTED TRANSGRESSION? — He committed transgression in that she was his son's daughter-in-law, which is a forbidden relation in the second degree,⁸ as has been taught:⁹ A daughter-in-law is an incestuous relation [by law of the Torah], the daughter-in-law of a son is forbidden [as a relation] in the second degree. The same distinction is made between the daughter of a son and the daughter of a son's son etc. to the end of all generations.¹⁰

But does R. Jose indeed hold that a prohibition can take hold of something already forbidden, have we not learnt:¹¹ If one has committed a sin which involves two death penalties,¹² he is condemned to the more stringent [of the two forms of execution]. R. Jose, however, maintains he is sentenced for the sin that took hold first. And it was taught: How is R. Jose's ruling, that he is sentenced for the sin that took hold first, to be understood? If, e.g., she was forbidden to him first as his mother-in-law and then as a married woman,¹³ he is sentenced for intercourse with a mother-in-law; if she was forbidden to him first as a married woman and then as a mother-in-law, he is sentenced for connection with a married woman! — Answered R. Abbahu: R. Jose admits [an exception to the rule] when the new prohibition is more comprehensive.¹⁴ Also when Rabin came¹⁵ he said in the name of R. Johanan: R. Jose admitted when the new prohibition was more comprehensive. But in which respect is it more comprehensive here?¹⁶ — When the grandfather had

another son;¹⁷ as the new prohibition comprises also the other son, it becomes operative with regard to [the offender] himself.

MISHNAH. IF ONE HAD INTERCOURSE WITH HIS MOTHER-IN-LAW HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS MOTHER-IN-LAW, HIS DAUGHTER-IN-LAW, HIS BROTHER'S WIFE, THE WIFE OF HIS FATHER'S BROTHER, HIS WIFE'S SISTER, A MARRIED WOMAN, AND FINALLY A MENSTRUANT WOMAN.¹⁸ AND SO TOO, IF ONE HAD INTERCOURSE WITH THE MOTHER OF HIS FATHER-IN-LAW OR OF HIS MOTHER-IN-LAW. R. JOHANAN B. NURI REMARKED: IF ONE HAD INTERCOURSE WITH HIS MOTHER-IN-LAW HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS MOTHER-IN-LAW, THE MOTHER OF HIS MOTHER-IN-LAW, AND THE MOTHER OF HIS FATHER-IN-LAW.¹⁹ THEY SAID TO HIM: ALL THESE THREE ARE OF ONE DENOMINATION.²⁰

GEMARA. Said R. Eleazar in the name of R. Hoshaia: R. Johanan b. Nuri and Symmachus adhere to the same rule.²¹ R. Johanan b. Nuri as stated above.²² As to Symmachus, we have learnt:²³

(1) V. supra 14a. I.e., the latter five prohibitions should not become operative and only one sacrifice should be offered. Although the Mishnah is anonymous, it is, according to a general rule, assumed that R. Meir's view is represented therein.

(2) V. p. 104, nn. 6 and 7.

(3) Viz., his half-brothers of a common father. Before her marriage to one of them she was permitted to all of them, except her own father.

(4) I.e., after the brother's death.

(5) The inter-relationships between the man and his grand-daughter were manifold so that seven prohibitions were simultaneously broken in one act, viz., the grand-daughter, now a married woman, had previously wedded one of his sons and after his death the offender's brother and later, after the latter's death, the brother of the offender's father. The offender was at the same time married to his grand-daughter's half-sister, i.e., another daughter of his granddaughter's husband from another wife. The grand-daughter was, in addition, menstruant at the time of contact.

(6) As she was forbidden to the father as his brother's wife the marriage was invalid and she cannot be regarded as 'his father's wife'.

(7) When the offender's uncle died, he left no children behind, so that his father was permitted and even obliged to marry her according to the law of levirate marriage, Deut. XXV, 5f.

(8) I.e., one enacted by rabbinical law.

(9) Yeb. 21b.

(10) I.e., ad infinitum. The daughter of any of his male descendants that stands at the end of a chain of male offsprings is forbidden to him by rabbinical enactment.

(11) Sanh. 81a.

(12) I.e., if the woman was forbidden to him because of their twofold inter-relation. As to the scale of the various forms of execution, cf. Sanh. 49b.

(13) E.g., if she was a widow or divorced at the time he married her daughter and then married again. The sentence in the case of a married woman is death by strangulation and in that of a mother-in-law death by burning. We learn herefrom, at any rate, that R. Jose holds a new prohibition cannot take hold where another exists.

(14) V. p. 104, nn. 6 and 7. If the new prohibition is more comprehensive it supersedes the first one. The reason why R. Jose, in the quoted Mishnah, nevertheless holds that only the prohibition which is first established is of avail, (although in the first of the examples the second prohibition, viz., the one concerning a married woman, which applied to all men, is more comprehensive than the first) is because the penalty of the first transgression is more stringent than that of the second (Rashi).

(15) I.e., when he arrived from Palestine to Babylonia.

(16) I.e., the case mentioned by R. Jose in our Mishnah, and with reference to the prohibition concerning the father's wife. This prohibition does not add to those already in existence.

(17) Before the transgressor's father married the grand-daughter she was permitted to his son. Now she is forbidden also

to him as his father's wife.

(18) This case is met by the following inter-relations between the transgressor and his mother-in-law: The mother-in-law, now a married woman, had previously married his son and after the latter's death his brother, and then his father's brother. The offender himself had also been married to his mother-in-law's sister. If the mother-in-law was menstruant at the time of the union, we find that in one act he transgressed the seven prohibitions enumerated in the Mishnah.

(19) Viz., if in addition to the above inter-relations he had also been married to her daughter's daughter and her son's daughter, so that she was also his mother-in-law's mother and his father-in-law's mother.

(20) I.e., they are of the same class and intimated in the text (Lev. XVIII, 17) in one single prohibition, so that no separate offering is to be brought for each offence.

(21) Viz., that if a manifold prohibition of the same denomination has been transgressed, several offerings are required.

(22) Viz., in our Mishnah, where he requires a separate offering for the mother-in-law and her mother although both come under the same designation.

(23) Hul. 82b.

Talmud - Mas. K'rithoth 15a

If one slaughtered an animal together with its young's calf, and then the young itself,¹ he is liable to forty lashes. Symmachus said in the name of R. Meir: To eighty.² Said Raba: There is, perhaps, no comparison. Maybe R. Johanan b. Nuri maintains his view only in the instance of our Mishnah, because the prohibitions are at least of different designations; for she may be described as his mother-in-law and also as the mother of his mother-in-law and the mother of his father-in-law. In the instance, however, concerning the killing of a mother-animal and its young, where there is only one designation, and all such cases are known by the one name, maybe his ruling will not hold good. R. Nahman b. Isaac raised his doubt [in the opposite direction]. Maybe Symmachus maintains his view only in the case of the law concerning the killing of mother and young, because the objects are different;³ in the instance of our Mishnah, however, where there is only one object,⁴ I might perhaps argue that he [Symmachus] held with the ruling of R. Abbahu delivered in the name of R. Johanan. For R. Abbahu said in the name of R. Johanan: In the expression, They are near kinswomen; it is wickedness,⁵ Scripture indicates that they are all one kind of wickedness.

MISHNAH. SAID R. AKIBA: I ASKED RABBAN GAMALIEL AND R. JOSHUA AT THE MEAT-MARKET OF EMMAUS, WHITHER THEY WENT TO BUY A BEAST FOR THE WEDDING FEAST OF RABBAN GAMALIEL'S SON, WHAT [IS THE LAW] IF A MAN HAD INTERCOURSE [INADVERTENTLY] WITH HIS SISTER, HIS FATHER'S SISTER AND HIS MOTHER'S SISTER;⁶ IS HE LIABLE TO ONE OFFERING FOR ALL THE TRESPASSES, OR TO ONE [SEPARATE OFFERING] FOR EACH OF THEM? THEY REPLIED: WE HAVE HEARD NOTHING [ABOUT THIS], BUT WE HAVE HEARD THAT IF ONE HAD INTERCOURSE WITH HIS FIVE WIVES, WHILE THEY WERE MENSTRUANT, IN ONE SPELL OF UNAWARENESS, HE IS LIABLE TO A SACRIFICE FOR EACH [ACT], AND IT SEEMS TO US THAT THE CASE [YOU STATE] MAY BE DERIVED THEREFROM BY AN A FORTIORI CONCLUSION.⁷

GEMARA. How is the query to be understood? If as is stated,⁸ what question is there, seeing that the prohibitions as well as the persons involved are distinct!⁹ — This is rather what it means to state: What [is the law] if one had intercourse with a sister who is at the same time his father's sister and his mother's sister; is he liable to one sacrifice for all the trespasses, or to one [separate] sacrifice for each of them? Do we argue that here are diverse prohibitions,¹⁰ or do we argue [from the fact] that the persons are not diverse?¹¹ They replied: We have heard nothing about this, but we have heard that if one had intercourse together¹² with his five wives, while they were menstruant, whereby only one prohibition has been transgressed, he is liable to a sacrifice for each act of transgressing the law concerning menstruant women; and it seems to us that the case [you state] may be derived therefrom

by an a fortiori conclusion [thus]: If one is liable to separate offerings in the case of intercourse together with his five menstruant wives, whereby only one prohibition has been transgressed, how much more should one be liable to separate offerings in the case of the sister who is at the same time his father's sister and his mother's sister, whereby three different prohibitions have been transgressed! But [against this conclusion] one may object: the case of the five menstruant women [is rightly more stringent] because several persons [are involved]? [The ruling¹³ must] rather be derived from the Scriptural verse which says, He has uncovered the nakedness of his sister,¹⁴ indicating that one is liable [to separate offerings] in the case of a sister who is at the same time his father's sister and his mother's sister. Said R. Adda b. Ahaba: This¹⁵ can arise in the case of a wicked man the son of a wicked man;¹⁶ [viz.] if a man had connection with his mother who bore him two daughters, and then had connection with one of these [daughters] who bore him a son; this son¹⁷ then had connection with his mother's sister who is at the same time his sister and his father's sister. He is indeed a wicked man the son of a wicked man.

Our Rabbis taught: If one had intercourse [inadvertently with one of the incestuous relations] and then again and then again,¹⁸ he is liable [to an offering] for each act. These are the words of R. Eliezer. But the Sages say, He is liable only once. The Sages, however, agree with R. Eliezer that if a man had intercourse at the same time¹⁹ with his five menstruant wives, that he is liable for each act, since he caused them liability to separate offerings.²⁰ Raba said to R. Nahman: Do we say [as an argument] since he caused them [liability to separate offerings]; surely it has been taught: 'If the man [committed several acts]²¹ in one spell of unawareness, and she in five separate spells of unawareness,²² he is liable to one offering only and she to one for each act'?²³ — Say rather: Since the persons²⁴ were different.

The query was raised: If one cut plants²⁵ [on the Sabbath] and then cut again, what would be the law according to R. Eliezer?²⁶ Is R. Eliezer's reason in the previous case because two acts were committed, and that was why he ruled that he was liable for each act, so here also since he committed two acts [he is liable for each act]; or perhaps R. Eliezer's reason in the previous case is because the acts could not be united,²⁷ and therefore R. Eliezer said that he was liable for each act; in the instance, however, of a man cutting a plant of the size of a dried fig²⁸ and then cutting again a plant of the size of a dried fig, both in one spell of unawareness, since the two dried fig-sizes could have been united in one act of cutting, he should be liable to one sacrifice only? How is it? — Rabbah answered: R. Eliezer's reason is because two acts were performed, and here also two acts were performed. R. Joseph said: R. Eliezer's reason is because the acts could not be united, but whenever the acts could have been united one is liable to one offering only.

Abaye raised an objection against Rabbah: [It has been taught:] R. Eliezer declares one culpable for derivatives²⁹ even when performed together with their respective principal acts [of work]. [From this we infer that if,] however, the same principal act was performed twice in one spell of unawareness, he is exempt.³⁰ Now, should you be right in saying that R. Eliezer's reason is because two acts were performed, why should he be exempt here! — Said Mar the son of Rabana: I and Rab Nihumi b. Zechariah have explained this: Here³¹ we deal with a branch of a vine which was overhanging a fig-tree, and he cut off both [branches] at one time.³² R. Eliezer therefore declares him culpable, since both the denominations³³ and the objects³⁴ were different. In what circumstances, then, would a man be exempt [according to R. Eliezer] when cutting a plant twice? — Only if he cut off two plants of a dried fig's size in one stroke. But if he cut off one plant of a dried fig's size and then another of a dried fig's size, he is indeed liable [to two offerings].³⁵

MISHNAH. R. AKIBA FURTHER ASKED: IF A LIMB HANGS LOOSE FROM THE BODY OF A LIVING BEAST, WHAT IS THE LAW?³⁶ THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS, BUT WE HAVE HEARD ABOUT A LIMB HANGING LOOSE FROM THE BODY OF A MAN THAT IT IS CLEAN. AND THUS

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- (1) This refers to the law concerning the killing on the same day of a young together with its mother, Lev. XXII, 28. By killing a beast after its mother as well as its own young had previously been slaughtered on the same day, an act not yet punishable, he committed a double sin, or rather he transgressed the prohibition twice in one act.
- (2) Forty lashes means actually one set of thirty-nine strokes. 'Forty' is a term adopted from the text (Deut. XXV, 3). Eighty lashes means twofold flagellation.
- (3) The twofold flagellation was caused by the mother of the last-killed animal as well as by its young.
- (4) There is only one person who happens to be inter-related with him in several ways.
- (5) Lev. XVIII, 17. שְׂאֵרָה is in the singular, to indicate that even if several inter-relations are combined in one woman she is still a kinswoman singly, and subject to one sacrifice only.
- (6) Here in some versions is added: 'in one spell of unawareness', suggesting that the query referred to three different women; v. Gemara.
- (7) Since in the latter instance the sin is each time the same.
- (8) Viz., that it referred to three different women, each falling under a different prohibition, though the three sins were committed in one spell of unawareness.
- (9) Lit. 'the names are distinct and the bodies are distinct'.
- (10) Consequently three offerings are to be brought.
- (11) And therefore only one offering must be brought.
- (12) I.e. in one spell of unawareness.
- (13) On R. Akiba's query.
- (14) Lev. XX, 17. The phrase is regarded as superfluous. V. also supra 2b.
- (15) Viz., that a sister should be at the same time the father's sister and the mother's sister.
- (16) I.e. this case can be construed only if the father of the offender had committed incest on two occasions, from which connections this woman as well as the man resulted.
- (17) Sc. the offender referred to in the Mishnah.
- (18) Without being conscious in the meantime of his sin.
- (19) I.e. under one spell of unawareness. Rashi omits: 'at the same time'.
- (20) I.e. the women who have also transgressed the same prohibition, have each to bring a separate sacrifice. A division has thus been established between the acts.
- (21) Viz., with the same incestuous relation. Rashi mentions also the version that it refers to five different women.
- (22) I.e. after each connection the woman became aware of her transgression.
- (23) We thus see that although the woman is liable to separate offerings, this is no reason why the man should be similarly liable.
- (24) I.e. in the case relating to the menstruant women different persons were involved and for this reason he is liable to five separate offerings.
- (25) Lit. 'reaps'.
- (26) Viz., in one spell of unawareness. Cutting plants or reaping corn is one of the principal acts of work prohibited on the Sabbath; Shab. VII, 2.
- (27) The various sexual connections are of necessity separate performances.
- (28) The legal minimum involving the desecration of the Sabbath is the size of a dried fig.
- (29) There are altogether thirty-nine principal acts of work prohibited on the Sabbath. Each of them is the head of a series of acts of work similar to it and derived from it — the derivatives. If a principal act has been performed together with some of its derivatives in one spell of unawareness, he is liable, according to R. Eliezer, for each act. From the fact that R. Eliezer did not go a step further in stating that even if the same principal act had been performed several times he is liable for each act, we derive that in the latter case he is only liable to one sacrifice.
- (30) He is liable to bring only one offering and is exempt from the second.
- (31) Viz., the statement of R. Eliezer that one is guilty for a derivative when performed with its principal act.
- (32) With one movement he cut off the vine branch, which he needed for fuel, as well as a twig of the fig-tree, which he wanted for its fruit. The first act is a derivative, since it was not done for the sake of its fruit; the second is a principal act. R. Eliezer holds that he is liable to two offerings even though one action only was performed. The inference made above, that R. Eliezer would not declare him guilty twice if the same principal act of work was performed twice on separate occasions but under one spell of unawareness, is no longer logical, for in this instance two different actions

were done.

(33) I.e. the one was a principal act, the other its derivative.

(34) I.e. the trees.

(35) In accordance with Rabbah's interpretation of R. Eliezer's opinion.

(36) The question is whether it is unclean. The limb of a living animal completely detached from the body has the status of nebelah (see Glos.) and is unclean. In our instance it was not wholly detached from the body, but its connections were mainly severed.

Talmud - Mas. K'rithoth 15b

THOSE THAT WERE AFFLICTED WITH BOILS USED TO DO IN JERUSALEM:¹ THE AFFLICTED PERSON WOULD GO ON THE EVE OF PASSOVER TO THE PHYSICIAN, AND HE WOULD CUT THE LIMB UNTIL ONLY CONTACT OF A HAIRBREADTH WAS LEFT;² HE THEN STUCK IT ON A THORN AND THEN TORE HIMSELF AWAY FROM IT.³ IN THIS MANNER BOTH THAT MAN AND THE PHYSICIAN COULD PARTICIPATE IN THE PASSOVER OFFERING. AND IT SEEMS TO US THAT YOUR CASE MAY BE DERIVED FROM THIS BY AN A FORTIORI CONCLUSION.⁴

GEMARA. We have learnt elsewhere.⁵ If one scrapes liquid from off a leek, or wrings his hair [with a cloth],⁶ the liquid which remained within does not render foodstuffs susceptible to uncleanness; that which came forth does render them susceptible.⁷ Remarked Samuel: The leek itself is now susceptible to uncleanness,⁸ because when its liquid emerged the leek became susceptible. But surely we have learnt: THE AFFLICTED PERSON WOULD GO ON THE EVE OF PASSOVER etc. Now, if you are to assert that 'when its liquid emerged the leek became susceptible', why should not the same apply to the loosened limb; at the moment of severance it should render the man unclean? — [It is] as Rab Joseph stated elsewhere that 'it was removed with great force', so say also here that the afflicted person tore himself away with great force.⁹

And where was that statement of Rab Joseph made? — In connection with the following: 'If a zab¹⁰ or one rendered unclean through contact with a dead body was walking while the rain fell upon him, though the water was squeezed by him from the upper towards the lower part [of his clothes], it is regarded as clean, for it is of no consequence so long as it is not wholly removed from the clothes.¹¹ If, however, it is wholly removed from the clothes, it renders foodstuffs susceptible to uncleanness, for it is of consequence only after its complete removal from the body',¹² [In connection with this] Rab Joseph said: It had been removed with great force.¹³

MISHNAH. FURTHERMORE R. AKIBA ASKED: IF A MAN SLAUGHTERED IN ONE SPELL OF UNAWARENESS FIVE SACRIFICES OUTSIDE [THE TEMPLE PRECINCTS], WHAT IS THE LAW? IS HE LIABLE TO A SEPARATE OFFERING FOR EACH ACT OR ONLY TO ONE FOR THEM ALL? THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS. SAID R. JOSHUA: I HAVE HEARD THAT IF ONE EATS OF AN OFFERING¹⁴ FROM FIVE DIFFERENT DISHES IN ONE SPELL OF UNAWARENESS, HE IS GUILTY OF THE TRANSGRESSION OF THE LAW OF SACRILEGE FOR EACH OF THEM; AND IT SEEMS TO ME THAT THE CASE IN QUESTION MAY BE INFERRED FROM THIS BY AN A FORTIORI CONCLUSION.¹⁵ SAID R. SIMEON, NOT OF SUCH A CASE DID R. AKIBA ASK, BUT OF ONE WHO ATE OF THE NOTHAR¹⁶ OF FIVE SACRIFICES IN ONE SPELL OF UNAWARENESS — WHAT IS THE LAW? IS HE LIABLE ONLY TO ONE [OFFERING] FOR ALL OF THEM, OR IS HE LIABLE TO A SEPARATE ONE FOR EACH OF THEM? THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS. SAID R. JOSHUA: I HAVE HEARD THAT IF ONE ATE, IN ONE SPELL OF UNAWARENESS, OF ONE SACRIFICE FROM FIVE DIFFERENT DISHES, HE IS GUILTY OF THE TRANSGRESSION OF THE LAW OF SACRILEGE FOR EACH OF THEM; AND IT SEEMS TO ME THAT THE CASE IN QUESTION

MAY BE DERIVED THEREFROM BY AN A FORTIORI CONCLUSION.¹⁷ RETORTED TO HIM R. AKIBA: IF THIS¹⁸ IS AN AUTHENTIC TRADITION WE SHALL ACCEPT IT; BUT IF IT IS ONLY A LOGICAL DEDUCTION, THERE IS A REBUTTAL. SAID [R. ELIEZER]: REBUT IT. HE REPLIED: IT CANNOT BE. YOU MAY HOLD THE [STRICT] VIEW IN THE LAW OF SACRILEGE,¹⁹ SINCE IN CONNECTION WITH IT THE PERSON WHO GIVES OTHERS TO EAT [OF HOLY THINGS] IS AS GUILTY AS THE CONSUMER HIMSELF,²⁰ AND THE PERSON WHO CAUSES OTHERS TO DERIVE A BENEFIT FROM THEM IS AS GUILTY AS THE PERSON WHO HIMSELF MADE USE OF THEM; FURTHERMORE, [SMALL QUANTITIES ARE] RECKONED TOGETHER IN THE CASE OF SACRILEGE EVEN AFTER THE LAPSE OF A LONG PERIOD.²¹ WHILST NOT ONE OF THESE RULINGS APPLIES TO THE CASE OF NOTHAR.

GEMARA. What objection had R. Simeon?²² — This was his objection: How can you prove the case of slaughtering from that of eating?²³ Maybe the ruling holds good only in the case of eating, since the offender derived enjoyment! Therefore, what he asked them was this: If one ate of the nothar of five sacrifices in one spell of unawareness, what is the law? Is he liable [to a separate offering] for each of them, or only to one [offering] for all of them? They replied: We have heard nothing about this. Said R. Joshua: I have heard that if one ate, in one spell of unawareness, of a sacrifice from five different dishes, he is guilty of the transgression of the law of sacrilege for each of them; and it seems to me that the case in question may be derived therefrom by an a fortiori conclusion. Thus, if [when one eats five different dishes] from one sacrifice, where there are not distinct bodies, he is liable for each [dish] because there were separate dishes, how much more would one be liable for each [eating] in the case of the five sacrifices where there are distinct bodies! (SAID R. SIMEON: NOT OF SUCH A CASE DID R. AKIBA ASK, BUT OF ONE WHO ATE OF THE NOTHAR OF FIVE SACRIFICES IN ONE SPELL OF UNAWARENESS; WHAT IS THE LAW? IS HE LIABLE ONLY TO ONE [OFFERING] FOR ALL OF THEM, OR IS HE LIABLE TO A SEPARATE [OFFERING] FOR EACH OF THEM? THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS. SAID R. JOSHUA: I HAVE HEARD THAT IF ONE ATE, IN ONE SPELL OF UNAWARENESS, OF ONE SACRIFICE FROM FIVE DIFFERENT DISHES, HE IS GUILTY OF THE TRANSGRESSION OF THE LAW OF SACRILEGE FOR EACH OF THEM; AND IT SEEMS TO ME THAT THE CASE IN QUESTION MAY BE DERIVED THEREFROM BY AN A FORTIORI CONCLUSION.)²⁴

RETORTED TO HIM R. AKIBA: IF THIS IS AN AUTHENTIC TRADITION WE SHALL ACCEPT IT etc. Did R. Joshua give way to R. Akiba's objection, or not?²⁵ — Come and hear: It has been taught, 'If one ate five portions of the nothar of one sacrifice from five dishes but in one spell of unawareness, he is liable to but one sin-offering, and in case of doubt,²⁶ to but one suspensive guilt-offering; if from five dishes and in five different spells of unawareness,²⁷ he is liable to a sin-offering for each portion, and in case of doubt, to a suspensive guilt-offering for each portion; if the portions were from five sacrifices, though consumed in one spell of unawareness, he is liable for each of them. R. Jose son of R. Judah holds: Even if he ate, in one spell of unawareness, five portions from five different sacrifices, he brings but one sin-offering, and in case of doubt, but one suspensive guilt-offering. The general rule is: whenever there is a plurality of sin-offerings,²⁸ there is also correspondingly a plurality of suspensive guilt-offerings. If he ate five portions, from five dishes, of the meat of one sacrifice prior to the sprinkling of its blood,²⁹ even if [he did it] in one spell of unawareness, he is guilty of the trespass of the law of sacrilege for each of them'.

(1) An unclean person cannot participate in the Passover Feast. If the afflicted person had to have one of his limbs amputated on the eve of Passover and wished that both he and the physician should not become unclean by handling the amputated limb which is unclean, he adopted the method described in the Mishnah.

(2) So long as the limb is not completely detached from the body it is clean.

(3) None came thus into contact with the unclean limb.

- (4) Viz., since the limb is considered clean in the case of a man who is susceptible to uncleanness even while still alive, then surely it is so in the case of an animal which is not subject to uncleanness while alive.
- (5) Maksh. I, 5. V. ad loc.
- (6) Thus the version in the Mishnah and in Rashi and Maim. Cur. edd. read here: 'wrings his hair or his cloth'.
- (7) Lit. 'behold if water be put on (v. Lev. XI, 38) applies'. Foodstuffs are susceptible to uncleanness only after contact with liquid, but this contact must be with the desire, explicit or assumed, of the owner. The juice left in the leek which afterwards emerges of its own and comes into contact with foodstuffs does not, therefore, render them susceptible to uncleanness.
- (8) Even though there was no new contact after the separation of the juice from the leek.
- (9) So that there was no contact between the man and the limb for one moment, either during or after the severance of the limb. In the case of the leek, however, the juice emerges slowly.
- (10) V. Glos.
- (11) The water running down the clothes gathers in the hem and evaporates. It is therefore regarded as unsubstantial to be the carrier of defilement, unless it had been purposely removed from the clothes.
- (12) Thus in Tosef. Maksh. I, 3. Rashi strikes out the last clause. We learn, in any case, that though the liquid, is able to qualify foodstuffs for defilement, it is not unclean itself though it touched the unclean clothes.
- (13) Sc. that there was no contact with the clothes.
- (14) Before the sprinkling of the blood of the offering.
- (15) V. Gemara.
- (16) V. Glos.
- (17) V. Gemara.
- (18) Viz., the ruling that he is liable to five offerings in the instance relating to nothar.
- (19) But one cannot derive other cases from it.
- (20) By giving of holy things to others he alienates them from Temple property. Similarly it is forbidden to cause other people to derive a benefit from sacred objects.
- (21) Viz., in order to make up the requisite value of a perutah (see Glos.).
- (22) Viz., to the first version of R. Akiba's query.
- (23) Viz., the dictum of R. Joshua.
- (24) The text in brackets is simply a superfluous repetition of the previous. Its inclusion seems to be a copyist's error. It is omitted in MSS.
- (25) I.e., does R. Joshua still maintain that different dishes involve separate sacrifices not only in the case of sacrilege but also in the case of nothar?
- (26) A sin-offering is brought for the expiation of a transgression of the sinfulness of which the perpetrator was not conscious at the time of action, but which is definitely established. If there is doubt as to the transgression, then a suspensive guilt-offering is brought.
- (27) I.e., between the various meals he became each time conscious of the transgression perpetrated.
- (28) Lit. 'wherever they are divided in regard to sin-offerings'. I.e. that separate sin-offerings are required for each act.
- (29) Sacrificial meat is subject to the law of sacrilege only until the sprinkling of the blood, v. Men. 47b.

Talmud - Mas. K'rithoth 16a

Now [in the last instance] it does not continue, 'And in case of doubt, he is liable to a suspensive guilt-offering'! Now whose view does this statement¹ follow? Shall I say R. Akiba's? Then it should have stated in the latter clause, 'And in case of doubt, he is liable to a suspensive guilt-offering'; for we have learnt: 'R. Akiba prescribes a suspensive guilt-offering in the case of doubtful sacrilege'.² It must therefore follow R. Joshua's view, and yet we read, 'If . . . in five different spells of unawareness, he is liable to five sin-offerings'.³ We thus learn that R. Joshua gave way to his [R. Akiba's] objection. But cannot the opposite also be proved from one of the latter clauses which reads, 'If the portions were from five offerings,⁴ though consumed in one spell of unawareness, he is liable for each of them'; thus proving that he did not accept his objection? Hence you are compelled [to assume] that we have [here the views of two different] Tannaim:⁵ according to one Tanna, he [R. Joshua] gave way; according to another he did not give way [to R. Akiba's objection]; then you

might also answer that R. Akiba's view is followed,⁶ but that the [anonymous] Tanna accepts his one opinion and rejects the other; thus, he agrees with him [R. Akiba] in the rules relating to unawareness of sin, but disagrees with regard to sacrilege.

How is one guilty fivefold of the law of sacrilege?⁷ — Said Samuel: As we have learnt,⁸ 'Five things in a burnt-offering can combine one with the other:⁹ the meat, the fat, the wine, the fine flour and the oil'.¹⁰ Hezekiah said, If he ate of five different limbs. Resh Lakish said, You may even say [that he ate] of one limb, yet [the fivefold sacrilege] can arise in the case of the fore-limb.¹¹ R. Isaac the Smith said, If he ate it with five different dishes.¹² R. Johanan said, If he ate it in five different preparations.¹³

MISHNAH. SAID R. AKIBA: I ASKED R. ELIEZER, IF ONE PERFORMED MANY ACTS OF WORK OF THE SAME CATEGORY¹⁴ ON DIFFERENT SABBATHS¹⁵ BUT IN ONE SPELL OF UNAWARENESS, WHAT IS THE LAW? IS HE LIABLE TO ONE [OFFERING] ONLY FOR ALL OF THEM, OR TO A SEPARATE ONE FOR EACH OF THEM? HE REPLIED TO ME: HE IS LIABLE FOR EACH OF THEM; AND THIS CAN BE DERIVED BY AN A FORTIORI CONCLUSION: IF FOR INTERCOURSE WITH MENSTRUANT WOMEN,¹⁶ IN WHICH PROHIBITION THERE ARE NEITHER MANY CATEGORIES NOR MANY WAYS OF SINNING,¹⁷ ONE IS LIABLE FOR EACH ACT, HOW MUCH MORE MUST ONE BE LIABLE TO SEPARATE OFFERINGS IN THE CASE OF THE SABBATH, IN CONNECTION WITH WHICH THERE ARE MANY CATEGORIES [OF WORK] AND MANY WAYS OF SINNING!¹⁸ I RETORTED TO HIM: NO, YOU MAY HOLD THIS VIEW¹⁹ IN THE CASE OF THE MENSTRUANT WOMEN, SINCE THEREIN THERE IS A TWOFOLD PROHIBITION: THE MAN IS CAUTIONED AGAINST CONNECTION WITH A MENSTRUANT WOMAN, AND THE MENSTRUANT WOMAN IS CAUTIONED AGAINST CONNECTION WITH A MAN;²⁰ BUT CAN YOU HOLD THE SAME IN THE CASE OF THE SABBATH WHERE THERE IS ONLY ONE PROHIBITION? HE SAID TO ME: LET THEN THE CASE OF INTERCOURSE WITH [MENSTRUANT] MINORS SERVE AS YOUR PREMISE, WHERE THERE IS BUT ONE PROHIBITION,²¹ AND YET ONE IS LIABLE FOR EACH ACT. I RETORTED TO HIM: YOU MAY HOLD THIS VIEW IN THE CASE OF MINORS BECAUSE, ALTHOUGH NO PROHIBITION NOW APPLIES, IT WILL APPLY AFTER A TIME;²² BUT CAN YOU HOLD THE SAME OF THE SABBATH WHERE NEITHER NOW NOR AFTER A TIME [IS THE PROHIBITION WAIVED]? HE SAID TO ME: THEN LET THE LAW CONCERNING COPULATION WITH A BEAST SERVE AS YOUR PREMISE.²³ I REPLIED TO HIM: THE LAW CONCERNING COPULATION WITH A BEAST IS INDEED COMPARABLE TO [THAT CONCERNING] SABBATH.²⁴

GEMARA. What was his²⁵ query? If his query was whether separate Sabbaths were comparable to separate objects,²⁶ then he should have put the question thus: [What is the law] if one performed the same act of work on different Sabbaths?²⁷ And if his query was whether secondary acts of work were on a par with principal acts of work,²⁸ then he should have put the question thus: [What is the law] if one performed on one Sabbath several [secondary] acts of the same [principal] class? — Replied Raba: In the school of Rab they explained that the two questions were put. He asked whether [different] Sabbaths were comparable to different objects, and he also asked whether secondary acts of work were on a par with principal acts of work.

Now as to the Sabbaths what was his query?²⁹ [Are we to say that, where a man performed an act of work on several Sabbaths] in ignorance of the Sabbath, though knowing full well that that act was prohibited, [Rabbi Akiba] had no doubt at all that the intervening week-days effected a knowledge to separate [the occasions];³⁰ and his question was only where [he performed the act] knowing full well [on each occasion] that it was Sabbath but not knowing that it was a prohibited act, [the query being] whether different Sabbaths were comparable to different objects or not?³¹ Or [rather that, where a

man performed an act of work on several Sabbaths] with knowledge of the Sabbath [on each occasion] but in ignorance of its prohibition, [R. Akiba] had no doubt at all that the different Sabbaths were comparable to different objects; and his question was only where [he performed the act] in ignorance of the Sabbaths, though knowing full well that that act was prohibited, [his query being] whether the intervening week-days effected a knowledge to separate the occasions or not? — Said Rabbah:

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- (1) I.e., the group of rules quoted anonymously in the Baraita.
 - (2) *Infra* 22a.
 - (3) Lit., 'he is liable to a sin-offering for each portion'. From this we infer that only awareness in between the acts involves separate offerings. We thus learn that R. Joshua, whose view is represented and accepted in the Baraita, agrees that the multiplicity of dishes does not involve separate sacrifices in the instance of *nothar*.
 - (4) It is assumed that the law would be the same if the meat was taken from five dishes, thus intimating that R. Joshua maintains his view regarding *nothar*.
 - (5) I.e., the statement is not uniform; the second and the third clauses of the above statement, from which contradictory conclusions have just been derived, follow different teachers.
 - (6) The only difficulty that presents itself then is the omission in the last clause of the reference to suspensive guilt-offerings for doubtful sins, which, according to an utterance from R. Akiba elsewhere, should have been added.
 - (7) When eating five separate dishes.
 - (8) *Me'il.* 15b.
 - (9) To make up an olive's bulk so that the prohibition of offering outside the Temple might apply; or to make up the requisite value of a *perutah* in the case of sacrilege.
 - (10) The last three ingredients are of the meal-offering accompanying the burnt-offering.
 - (11) Which has several distinct sections.
 - (12) E.g. he ate the meal once with cabbage, again with onions and then with leeks etc. (Rashi).
 - (13) Lit. 'tastes'. E.g. roasted, cooked, grilled etc. So Rashi but see *Tosaf.*
 - (14) I.e., several secondary acts forbidden on the Sabbath, all being the derivatives of one principal work.
 - (15) I.e., the same labours were performed on various Sabbaths.
 - (16) V. R. Eliezer's statement *supra* 15a.
 - (17) I.e., there is no variety of transgression in connection therewith, such as principal acts and derivatives, and the sin-offering is brought always for the same act, viz., sexual intercourse.
 - (18) Thus the version in the *Mishnah* edd. and in *MSS*; cur. edd. read instead, 'death penalties'.
 - (19) That one is liable for each act.
 - (20) V. *Lev.* XX, 18, where for the woman too *kareth* is the penalty. In the instance of Sabbath, however, there is but one transgressor.
 - (21) The minor herself is not subject to any penalty, for she does not come within the prohibition.
 - (22) I.e., when she grows up.
 - (23) Though the beast is killed (v. *ibid.* 15) no prohibition can, of course, be said to apply to it. Its stoning is due to the fact that it was the cause of a man's downfall and would be pointed at by people. cf. *Sanh.* 54a.
 - (24) What applies to the one applies to the other. This answer still leaves the matter in doubt.
 - (25) R. Akiba's.
 - (26) Lit. 'bodies'. I.e., if the same act of work was committed several times on different Sabbaths, is he liable to several offerings, just as though he had committed different acts on the Sabbath or not?
 - (27) This would be a simple case expressing unmistakably the point of his query. The expression in the *Mishnah* 'MANY ACTS OF WORK', involving principal and secondary acts is thus an unnecessary complication.
 - (28) I.e., whether one is liable to several offerings for performing several secondary labours of one and the same category.
 - (29) I.e., under what conditions was the Sabbath law unwittingly transgressed on the various Sabbath days. The question whether separate Sabbaths render one liable to separate offerings may, as it were, be conceived in two ways: firstly with reference to the error that caused the transgression and secondly with regard to the forbidden act: i.e., the question may be whether the fact that the error was made on different Sabbaths causes us to regard it as if several errors were made, or whether the fact that the work was done on separate Sabbaths causes us to consider it as if different kinds of work were

performed. In the first instance the error must necessarily lie in unawareness of the Sabbath, though the fact that the labours were forbidden was known to the transgressor; in the second instance the mistake lies in his ignorance that the works he did were forbidden on the Sabbath, but knowing that that day was Sabbath.

(30) The six week-days are a long period during which the trespasser ought to have learnt when Sabbath was. His repeated unawareness of the Sabbath is, therefore, to be regarded each time as a new error involving a separate offering.

(31) Sins committed on different days but in one spell of unawareness are generally regarded as one protracted transgression in error and involve but one sacrifice; but in the case of Sabbath it may be said that each day is a separate entity, and therefore acts of work done on different Sabbaths are not regarded as one protracted transgression.

Talmud - Mas. K'rithoth 16b

It is reasonable to assume that in the case of the act being performed in ignorance of the Sabbaths and with knowledge of its prohibition he had no doubt at all that the intervening week-days effected separateness, and that his question was only when the act was performed with the knowledge of the Sabbaths but in ignorance of its prohibition, [the point in doubt being] whether different Sabbaths are like different objects or not. His¹ reply was that in the case of the act being done with knowledge of the Sabbaths but in ignorance of its prohibition the different Sabbaths were like different objects. This reply, however, he [R. Akiba] did not accept. He then proved that secondary acts of work were on a par with principal acts of work, but this too he rejected.

Said Rabbah: Whence do I derive this?² From that which we have learnt:³ 'A great general rule has been laid down with regard to Sabbath: He who was altogether oblivious of the principle of Sabbath and performed many acts of work on many Sabbaths, is liable to one offering only. If he knew the principle of Sabbath⁴ and did many acts of work on many Sabbaths, he is liable for each Sabbath. If he knew each time that the day was Sabbath,⁵ and did many acts of work on many Sabbaths, he is liable for each principal act of work'. Now, it does not say,⁶ 'he is liable for each principal act of work and for each Sabbath'.⁷ Whom does [the Mishnah] follow? Shall I say R. Eliezer? Read then the latter clause:⁸ 'If he did many [secondary] acts of work of the same [principal] class, he is liable only to one offering'; but according to R. Eliezer he should be liable for each of the secondary acts of work as if they were principal acts of work! Hence it is clear [that this Mishnah, then, represents] R. Akiba's view, and it is hereby proved that he had no doubt at all that in the case of an act being done in ignorance of the Sabbath and with knowledge of its prohibition the intervening week-days effected separateness, and that his question was only when the act was performed with knowledge of the Sabbath but in ignorance of its prohibition, the point being whether different Sabbaths are like different objects or not. The other's solution⁹ was that they were like different objects, and that secondary acts were on a par with principal acts of work; but both answers were rejected by him. Said Abaye to him:¹⁰ Indeed I maintain that R. Akiba had no doubt that different Sabbaths were not comparable to different objects in the case where an act was done with knowledge of the Sabbath but in ignorance of its prohibition;¹¹ and his question was only in the case where an act was done in ignorance of the Sabbath but with knowledge of its prohibition, [the query being] whether the intervening week-days effected separateness or not. The solution offered was that the intervening week-days effected separateness, and this was accepted by him;¹² he also ruled that secondary acts of work were on a par with principal acts of work, but this was rejected by him.

Rab Hisda said:¹³ In the case of an act being done with knowledge of the Sabbath but in ignorance of its prohibition even R. Akiba agrees that the different Sabbath days are like different objects; but his query was whether the intervening week-days effected separateness in the case where an act was done in ignorance of the Sabbath but with knowledge of its prohibition. The other's solution was that the intervening week-days effected separateness; and this was accepted by him. He also ruled that secondary acts of work were on a par with principal acts of work, but this was rejected by him.

Said Rab Hisda: Whence do I derive this? From that which has been taught:¹⁴ 'If one wrote [on Sabbath] two letters¹⁵ in one spell of unawareness, he is liable [to an offering]; if in separate spells of unawareness,¹⁶ Rabban Gamaliel says: He is liable; and the Sages say: He is not. Rabban Gamaliel, however, admits that if he wrote one letter on one Sabbath and the other on another, he is exempt'.¹⁷ Whereas in another [Baraita] it has been taught: 'If one wrote two letters on two different Sabbaths, one on one Sabbath and the other on another, Rabban Gamaliel declares him liable, and the Sages declare him not liable'.¹⁸ On the assumption that Rabban Gamaliel followed R. Akiba's opinion, [Rab Hisda argued thus:] According to me, who hold that in the case of an act being performed with knowledge of the Sabbath but in ignorance of its prohibition even R. Akiba agrees that the different Sabbath days are like different objects, there is no contradiction, for that which taught that he is exempt¹⁹ refers to a case where the letters were written with knowledge of the Sabbath but in ignorance of the prohibition,²⁰ in which case the different Sabbaths are like different objects²¹

(1) Viz., R. Eliezer's reply in the Mishnah.

(2) Viz., that R. Akiba's query is to be understood in the first alternative as Rabbah suggested above.

(3) Shab. 67b.

(4) But was unconscious that that day was Sabbath.

(5) But not that those works were forbidden.

(6) Viz., in the third instance.

(7) The fact that he is not declared liable in this instance for each Sabbath separately proves that this Mishnah, which, it is argued, follows R. Akiba's view, maintains either that work repeatedly performed on different Sabbaths in uninterrupted unawareness is not to be regarded as if several acts of work of different classes were performed, and therefore involving several offerings; or at least that there is doubt on this point. The second alternative is assumed by Rabbah to be the case; this being the very point of R. Akiba's query. The second clause of the quoted Mishnah, on the other hand, unmistakably states that if the error has been caused by the ignorance of the Sabbath, he is liable for each Sabbath, presumably because the intervening week-days effect a division. We thus see that Rabbah's interpretation of R. Akiba's query is borne out by that Mishnah.

(8) This is the very last clause of that Mishnah, not quoted above.

(9) I.e., R. Eliezer's answer.

(10) I.e., to Rabbah.

(11) As is indeed proved by the third clause of the Mishnah, where he is not liable for each Sabbath, which Abaye considers an absolute statement and not one about which there is doubt.

(12) The second clause of that Mishnah from Sabbath indicates the acceptance by R. Akiba of R. Eliezer's reply.

(13) Rab Hisda differs from Abaye and Rabbah in that he maintains that in the end R. Akiba decided that different Sabbath days were comparable to different objects. The third clause of the quoted Mishnah, which seemingly contradicts him in that it does not state that the transgressor is also liable for each Sabbath, is indeed interpreted by him as implying that there is liability for each Sabbath.

(14) This quotation is a combination from two Mishnahs, Shab 104b and 105a.

(15) The writing of a word of two characters is one of the principal labours.

(16) E.g., one character in the morning, the other in the afternoon of the same Sabbath day.

(17) The latter sentence seems to be an inference rather than a quotation, for it is not found in connection with the quoted Mishnahs.

(18) There is thus a seeming contradiction in the two Baraitas with regard to R. Gamaliel's opinion.

(19) According to R. Gamaliel.

(20) That writing is forbidden on the Sabbath.

(21) I.e., the two letters can therefore not combine. It is as if one did on two different Sabbaths each time a portion of a different act.

Talmud - Mas. K'rithoth 17a

; and that which taught that he is liable refers to a case where the letters were written in ignorance of the Sabbath but with knowledge of their prohibition, [the liability arising] in pursuance of the rule that awareness is of no consequence with regard to half-sizes.¹ But how is it according to Rabbah who says that R. Akiba considers different Sabbaths as one object? It is true that that which taught, 'he is liable', may be met either by the case where the letters were written with knowledge of the Sabbath but in ignorance of their prohibition, when it is held that the Sabbaths are considered as one object,² or by the case where the letters were written in ignorance of the Sabbath but with knowledge of their prohibition, when it is held that awareness is of no consequence with regard to half-sizes,³ But of which case speaks the statement that he is exempt; neither the one nor the other suits! — Rabbah may retort: Rabban Gamaliel follows R. Eliezer's opinion, who holds different Sabbaths are as different objects.⁴

But since it states 'Rabban Gamaliel, however, admits . . .' It follows that they disagree in the other cases. Now, if we say that he holds with R. Akiba,⁵ it is well, for then their dispute⁶ is [in the case where the letters were written] in ignorance of the Sabbath but with knowledge of their prohibition,⁷ Rabban Gamaliel holding awareness is of no consequence with regard to half-sizes;⁸ he admits, however, that he is exempt [in the case where the letters were written] with knowledge of the Sabbath but in ignorance of their prohibition, because [in that case he holds the view that] different Sabbaths are regarded as different objects. But if, as you say that Rabban Gamaliel follows R. Eliezer, [since the phrase 'Rabban Gamaliel, however, admits...'] implies that they⁹ disagree [in some cases], then [it will be asked], which is the case wherein they differ? If it is in [the case where the letters were written] in ignorance of the Sabbath but with knowledge of their prohibition; but [in that case] even R. Eliezer agrees with Rabban Gamaliel that awareness is of no consequence with regard to half-sizes, as has been taught: 'If one wrote two letters on two Sabbaths, one letter on the one Sabbath and the other on the other Sabbath, R. Eliezer holds he is liable'.¹⁰ Neither [can it be in the law] concerning the weaving of one thread on to a web,¹¹ for he declares him liable in that case, as we have learnt:¹² 'R. Eliezer holds, that if one wove [on the Sabbath] three threads at the beginning [of a web] or added one thread on to [an existing] web, he is liable'. Said Raba: [The phrase 'Rabban Gamaliel, however, admits...'] implying that elsewhere they disagree, is with [reference to the following] one case. For it has been taught:¹³ 'If one carried out [on the Sabbath the bulk of] half a dried fig¹⁴ and then again [the bulk of] half a dried fig, if in one spell of unawareness, he is liable; if in two spells of unawareness, he is exempt. R. Jose said: If in one spell of unawareness and also into the same domain,¹⁵ he is liable; if in different domains, he is exempt'. Rabban Gamaliel thus follows the view of the first Tanna and R. Eliezer that of R. Jose.¹⁶

Come and hear: HE REPLIED TO ME, HE IS LIABLE FOR EACH OF THEM; AND THIS CAN BE DERIVED BY AN A FORTIORI CONCLUSION: IF FOR INTERCOURSE WITH MENSTRUANT WOMEN, IN WHICH PROHIBITION THERE ARE NEITHER MANY CATEGORIES etc. Now, it is well according to R. Hisda who explained that his query [referred to the case where the act was performed] in ignorance of the Sabbath but with knowledge of its prohibition, [and that the question was] whether the intervening week-days effected a division or not, for then it is right why the answer [in the Mishnah] speaks of 'A MENSTRUANT WOMAN',¹⁷ But according to Rabbah who explained that his query [referred to the case where the act was performed] with knowledge of the Sabbath but in ignorance of its prohibition, [and that the question was] whether different Sabbaths were regarded as different objects, the answer should speak of 'menstruant women'.¹⁸ — Rabbah can tell you: Read indeed 'menstruant women'.¹⁹ Samuel read: 'A menstruant woman . Rab Adda b. Ahaba also read: 'A menstruant woman'. R. Nathan b. Oshaia read: 'Menstruant women'. But according to Rab Hisda, who explained that his query [referred to the case where the act was performed] in ignorance of the Sabbath but with knowledge of its prohibition, [and that the question was] whether the intervening week-days effected a division or not,

how [can such a query as to] whether the intervening days effect a division or not apply to one menstruant woman? — Raba answered: For instance, he united with her [the menstruant] and she then immersed herself; she again became unclean²⁰ and he united with her once more and she then immersed; and again she became unclean and he united with her once more,²¹ etc.; the immersions thus correspond to the intervening week-days [in the case relating to Sabbath].

Come and hear: LET THEN THE CASE OF INTERCOURSE WITH MENSTRUANT MINORS SERVE AS YOUR PREMISE. Now according to Rabbah it is well that it speaks of ‘minors’; but why does it speak of ‘minors’ according to Rab Hisda?²² — It speaks of ‘minors’ in a general way.²³

Our Mishnah is not in accordance with the following Tanna.²⁴ For it has been taught: R. Simeon son of Eleazar said, Not so was the question of R. Akiba to R. Eliezer, but thus: If one united with his menstruant wife and then united with her again, in one spell of unawareness, what is the law? Is he liable to one [offering] for all the acts, or to [separate offerings] for each act? He replied, He is liable for each act, and this is derived [from the law of Sabbath] by an a fortiori conclusion: If in the instance of Sabbath, where there is but one prohibition, in that man is cautioned against [profaning] the Sabbath but the Sabbath is not cautioned against him, one is liable for each act, how much more should he be liable for each act in the instance of a menstruant woman, where the prohibition is twofold, in that a man is cautioned against connection with a menstruant woman, and a menstruant woman is cautioned against connection with a man! He [R. Akiba] retorted: No. You may hold this view in the case of the Sabbath, because there are concerning it many categories [of work] and many ways of sinning; but can you hold the same in the case of the menstruant woman where there are neither many categories nor many ways of sinning? He [R. Eliezer] replied: Let the case of intercourse with [menstruant] minors serve as your premise, where there are neither many categories nor many ways of sinning, and yet one is liable for each act. He [R. Akiba] retorted: No. You may hold thus in the case of [menstruant] minors since they are different bodies. He [R. Eliezer] replied: Let the law concerning copulation with a beast serve as your premise, where there are not different bodies, and one is nevertheless liable for each act. He [R. Akiba] retorted: [The law concerning copulation²⁵ with] a beast is indeed comparable to [that of] the menstruant woman.

CHAPTER IV

MISHNAH. IF [A PERSON WAS] IN DOUBT²⁶ WHETHER HE HAD EATEN HELEB²⁷ OR NOT, OR EVEN IF HE HAD CERTAINLY EATEN [OF IT] BUT [WAS] IN DOUBT AS TO WHETHER IT HAD THE REQUISITE QUANTITY,²⁸

(1) I.e., although the intervening week-days effect, in similar circumstances, a division as if the transgressor had learnt in the meantime of his trespass, this instance is different, because awareness with regard to half-sizes is ineffective, i.e., if one becomes conscious of sin in between incomplete forbidden acts such as the writing of one letter on Sabbath, one has not segregated the acts one from the other. Awareness in between different forbidden acts brings about a separation of the acts, because it immediately imposes upon the transgressor a sacrifice, which is to serve the expiation of the known act, and its realm cannot afterwards be extended to include also other sins. This does not apply to incomplete acts which do not involve a sacrifice.

(2) For R. Akiba did not accept R. Eliezer's ruling.

(3) The two letters, written on two different Sabbaths, are therefore not divided one from the other as if they were parts of different acts, but united to form one complete act by the fact that they were written in one spell of unawareness of sin.

(4) The version that he is exempt can now be explained as R. Hisda did.

(5) I.e., his admission in the first Baraitha is addressed to R. Akiba. The dispute in the first instance is accordingly also between R. Gamaliel and R. Akiba.

(6) I.e., that between Rabban Gamaliel and R. Akiba, who holds with the Sages.

(7) In the whole Baraitha it is then assumed that the two letters were written on different Sabbaths.

- (8) Whilst R. Akiba differs from him on this point, maintaining that awareness in between incomplete acts is also effective.
- (9) I.e. Rabban Gamaliel and R. Eliezer. For it must now be assumed that in the first Baraita the Sages present R. Eliezer's view.
- (10) R. Eliezer conforms thus to Rabban Gamaliel's view in the second Baraita.
- (11) The required minimum of threads with regard to weaving is two. If, however, one increases an already existing web by weaving thereinto one more thread, there is a difference of opinion as to whether he is liable or not. This case is somewhat related to that of doing an incomplete act with which R. Gamaliel deals. Furthermore, the Mishnah concerning weaving and that concerning writing are next to one another. There is thus a reasonable assumption that the term 'Rabban Gamaliel admits' refers also to this instance of weaving.
- (12) Shab. 105a.
- (13) B. B. 55b.
- (14) The carrying from private property into a public thoroughfare, or vice versa, of the size of a dried fig, is one of the principal acts of work.
- (15) I.e., in both instances he carried the objects into the same kind of domain. The first Tanna does not recognise this restriction.
- (16) 'Rabban Gamaliel admits' is to be understood thus: Although he disagrees with R. Eliezer (or R. Jose) in the case of carrying and holds that different domains do not effect a separation between two incomplete acts, he admits that different Sabbaths do effect such a separation in reference to writing.
- (17) The cases are similar, for also in the instance of the menstruant woman the reason for the multitude of sacrifices is the fact, as will further on be explained, that the time in between the menstruations brought about a division of the acts.
- (18) Thus being a case of different persons or objects and therefore corresponding with the case of different Sabbaths which are held to be on the same footing as different persons.
- (19) I.e., the example quoted refers indeed to a person having had intercourse with several menstruant women, a case which is comparable to the one in question, as expounded by Rabbah.
- (20) Lit. 'she saw' sc. blood.
- (21) I.e., the fact of her cleansing herself in between the various connections brings about a division as if it was with a different woman each time.
- (22) It should speak of 'a minor, i.e. one person.
- (23) It does not refer to one such case, but in a general way to cases of this kind; but in each case there was indeed but one minor.
- (24) According to this Tanna the discussion in the Mishnah is in the reverse sense. The object of the query becomes the known factor, and the known factor of the Mishnah becomes the theme of the question. The rest of the discussion is *mutatis mutandis* to be explained as in the Mishnah.
- (25) no note.
- (26) The doubt arises only afterwards, when he is told, or remembers that there was good reason to doubt whether the food he ate was permitted. At the time of eating, however, he felt sure that the food was allowed. In all the instances of the Mishnah it must be laid down that at the time of action the offender was under the impression that the legitimacy of his act was beyond question. It is only afterwards that he learns that there was some doubt as to the permissibility of his act. For if the doubtfulness of the case was known to him from the beginning it would be his duty to refrain from his act; and if he did not do so, he would be considered a wilful transgressor, and as such no offering would be acceptable for the expiation of his sin.
- (27) Forbidden fat. V. Glos.
- (28) Viz., an olive-size.

Talmud - Mas. K'rithoth 17b

OR LESS; OR [IF THERE WERE] BEFORE HIM PERMITTED FAT AS WELL AS HELEB, AND HE ATE OF ONE OF THEM¹ AND DOES NOT KNOW OF WHICH OF THEM HE ATE; OR IF HIS WIFE AND HIS SISTER WERE WITH HIM IN THE ROOM AND HE UNWITTINGLY UNITED WITH ONE OF THEM² AND DOES NOT KNOW WITH WHICH OF THEM HE UNWITTINGLY UNITED; OR IF HE DID FORBIDDEN LABOUR³ AND DOES NOT

KNOW WHETHER IT WAS ON THE SABBATH OR ON A WEEK-DAY, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING. JUST AS A PERSON WHO ATE HELEB TWICE IN ONE SPELL OF UNAWARENESS IS LIABLE ONLY TO ONE SIN-OFFERING,⁴ SO, TOO, WHEN THE TRANSGRESSION IS IN DOUBT, HE IS ONLY LIABLE TO ONE SUSPENSIVE GUILT OFFERING. IF IN THE MEANTIME HE BECAME AWARE [OF THE POSSIBLE TRESPASS].⁵ HE IS LIABLE TO A SEPARATE SUSPENSIVE GUILT-OFFERING FOR EACH ACT, JUST AS HE WOULD [IN SIMILAR CIRCUMSTANCES] BE LIABLE TO A SEPARATE SIN-OFFERING FOR EACH ACT.⁶ JUST AS ONE IS LIABLE TO SEPARATE SIN-OFFERINGS IF HE ATE, IN ONE SPELL OF UNAWARENESS, HELEB AND BLOOD AND PIGGUL⁷ AND NOTHAR,⁷ SO, TOO, WHEN THE TRANSGRESSION IS IN DOUBT, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING FOR EACH ACT.

GEMARA. It was stated: Rab Assi said, [The first case of the Mishnah] refers to one piece about which there was a doubt whether it was heleb or permissible fat; Hiyya b. Rab said: It refers to one of two pieces.⁸ What is the basis of their dispute? Rab Assi holds that the traditional spelling of the text is authoritative, and [in Scripture] it is written: 'A commandment'⁹; while Hiyya b. Rab holds that the reading of the text is authoritative, and we read, 'commandments'.⁹ R. Huna raised an objection to Rab Assi, — others say: Hiyya b. Rab raised the objection to Rab Assi: [It reads in the Mishnah] '[IF THERE WERE] BEFORE HIM PERMITTED FAT AS WELL AS HELEB AND HE ATE OF ONE OF THEM . . .'. May we not infer therefrom that as this latter clause refers to two pieces, so does also the first clause¹⁰ refer to two pieces? — Replied Rab: Do not draw conclusions from something which may be interpreted in the opposite direction.¹¹ I can answer you that the latter clause deals with two pieces and the former with one piece. But, if so, may we not argue: If one is liable [to an offering] in the case of one piece, how much more so in the case of two pieces!¹² — [The statement of the Mishnah is after the pattern of] 'this and needless to say also this'.¹³ Now according to Hiyya b. Rab who holds: As the latter clause refers to two pieces so does also the former refer to two pieces, why this repetition? — [The latter clause is] an explanation [of the former]: IF [A PERSON WAS] IN DOUBT WHETHER HE HAD EATEN HELEB OR NOT . . . HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; and how does such a case arise? [IF THERE WERE] BEFORE HIM PERMITTED FAT AS WELL AS HELEB.

Said Rab Judah in the name of Rab: If there were before a person two pieces, one of permitted fat and the other of heleb, and he ate of one of them and does not know of which of them he ate, he is liable; [if there was] one piece [before him] about which [there was] a doubt whether it was permitted fat or heleb, and he ate of it, he is exempt. Said Raba: What is the reason for Rab's view? It is that Scripture says, And will do one of the commandments of the Lord, in error;¹⁴ — the error must be produced by two objects, for although the spelling is 'a commandment', we read 'commandments'.¹⁵ Abaye raised an objection to him: [It has been taught:] R. Eliezer says, [If one eats of the heleb of] a koy,¹⁶ he is liable to a suspensive guilt-offering!¹⁷ — He replied: R. Eliezer holds that the spelling is authoritative, and the spelling is 'a commandment'.

He raised another objection: [We have learnt:]¹⁸ If it is doubtful whether [what is born] is a nine-months' child of the first husband or a seven-months' child of the second,¹⁹ he²⁰ must put her away,²¹ and the child is [deemed] legitimate, but each²² is liable²³ to a suspensive guilt-offering!²⁴ This, too, follows R. Eliezer's view.

He raised a further objection: [We have learnt:]²⁵ If [the stain] was found on his [cloth]²⁶, they are both unclean and liable to an offering; if upon hers and immediately [after the coition],²⁷ they are unclean and liable to an offering, but if upon hers some time after, they must regard themselves unclean by reason of the doubt, but are exempt from offerings. And upon this it was taught: They²⁸ are nevertheless liable to suspensive guilt-offerings.²⁹ — This, too, follows R. Eliezer's view.

Said R. Hiyya³⁰ in the name of Rab: If there were before a person two pieces, one heleb and the other permitted fat, and he ate of one of them and does not know of which he ate, he is liable; if [there was only] one piece about which there was a doubt whether it was permitted fat or heleb, and he ate it, he is exempt. Said R. Zera: What is Rab's reason? He is of the opinion that in the case of two pieces it is possible to determine the transgression,³¹ in the case of one piece it is not possible to determine the transgression. What is the difference between the reason [offered above] by Raba and that of R. Zera? — [If there were] one and a half olive-sizes.³² According to Raba [he is exempt, for] there are not two pieces;³³ according to R. Zera, however, there is the possibility of determining the transgression.

R. Jeremiah raised an objection to R. Zera: 'R. Eliezer says, '[If one eats of the heleb of] a koy, he is liable to a suspensive guilt-offering!'³⁴ — The latter replied: R. Eliezer, to be sure, holds that the possibility of determining the transgression is not an essential condition [for the bringing of a suspensive guilt-offering].

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- (1) The offender did not know that heleb was also before him on the table.
 - (2) I.e., under the impression that it was his wife.
 - (3) I.e., labour forbidden on the Sabbath. At the time of action he was sure that it was a weekday.
 - (4) A sin-offering is brought for inadvertent but certain transgression; viz., when it is afterwards established that the deed performed was definitely forbidden though the offender was at the time unaware of it.
 - (5) I.e., he learnt that a doubt arose as to the permissibility of the act he had committed.
 - (6) I.e., if he transgressed different prohibitions.
 - (7) v. Glos.
 - (8) I.e., he ate one of two pieces that lay before him, one of which was certainly permissible and the other certainly heleb, which were mixed up one with the other.
 - (9) Many words of the Hebrew text of the Bible, which was originally written down vowelless, permit of various readings according to the vowels which are attached to them. In particular we find sometimes that by the omission of a letter, which in accordance with grammatical rule is expected there, the reading becomes equivocal. One School regards the fact of such spelling as indicative of a special intimation besides the one conveyed by the traditional reading of the word. They regard, in Talmudical terminology, 'the traditional spelling as authoritative' for the interpretation of the text. The other School takes only the reading version of the word into account when interpreting the text; v. Sanh. Sonc. ed. p. 4a and notes. Now in Lev. V, 17-19. which is the source of the law concerning the suspensive guilt-offering, it reads, And will do one of all the commandments of the Lord. The Hebrew for commandments is in this text מצות instead of the regular מצוות; it may, therefore, be read also as מצות the construct form of מצוה in the singular. This is to indicate, according to Rab Assi, that also when the doubt is produced by one object, e.g., when it is doubtful whether a piece of fat is permissible or is heleb, one is liable to such a guilt-offering. Whilst Hiyya gives consideration only to the reading version מצות in the plural, and insists therefore that one is liable to a suspensive guilt-offering only in the case where the doubtfulness is produced by the mixing up of two objects, one of which is certainly permitted and the other certainly forbidden. But in the case of one object where the presence of anything forbidden is altogether questioned, he holds that no suspensive guilt-offering is required.
 - (10) IF (A PERSON WAS) IN DOUBT WHETHER HE HAD EATEN HELEB etc.
 - (11) Thus Rashi, Keth. 48b.
 - (12) The second clause of our Mishnah is then superfluous.
 - (13) I.e., one is liable to a suspensive guilt-offering in the instance of one piece and needless to say, the Mishnah adds, in the case of two pieces.
 - (14) Lev. V, 17. 'In error' is not part of the text which, however, continues 'though he know it not'.
 - (15) V. p. 134, n. 5.
 - (16) A koy is a cross between a goat and a gazelle, and the Sages were in doubt whether it belongs to the genus of cattle and its heleb is forbidden, or to the genus of beasts of chase whose heleb is permitted. We learn, at all events, that one is liable to a guilt-offering even where the doubt arises in connection with one object.
 - (17) Tosef. Bik. II, 1.
 - (18) Kid. 18b.

(19) This refers to a woman whose husband had died childless and who married thereupon his brother, according to the law of levirate marriage, Deut. XXV, 5-10. Contrary to the law she married him before the prescribed three months had elapsed from the time of her husband's death, and after seven months she gave birth to a child. The paternity of the child raises doubts whether it was a premature birth and the child is of the second husband, or a normal birth and it is of the first. In the latter case she may not continue to live with her brother-in-law, for the law of levirate marriage would not apply and her past relations with him were incestuous.

(20) I.e., the second husband.

(21) To avoid the possible transgression of one of the laws of incest.

(22) The woman as well as the man.

(23) The text reads in the sing. 'he is liable', but it is obvious that both are liable; cf. Nid. 14b.

(24) From this we learn that the suspensive guilt-offering is brought even when the doubt rests upon one object, viz., here the woman.

(25) Nid. 14a.

(26) Both husband and wife are recommended to use a piece of cloth after coitus to ascertain whether she was indeed in a condition of cleanness. Connection with a menstruant woman is subject to kareth in case of wilfulness and to a sin-offering in case of error.

(27) Text אֹתִיוֹם, the Greek word GR.** meaning 'forthwith'. Cf. Nid. 14b as to the length of this spell.

(28) V. p. 136, n. 9.

(29) V. p. 136, n. 10.

(30) Read with Sh. Mek 'R. Zera'.

(31) One might ascertain later whether the consumed piece was heleb or not. In the case of one piece which was consumed, such retrogressive determination is impossible. The doubt is perpetual, and for such doubt there is no liability for a suspensive guilt-offering.

(32) There were two pieces, one of the size of an olive and the other of the size of half an olive, and he ate the olive's size. It is therefore doubtful whether there was at all heleb of the prescribed minimum quantity. This case is therefore according to Raba to be compared to the one where only one piece was available, for the remaining half an olive's bulk is negligible. Not so according to R. Zera, for here, too, determination may still be possible.

(33) Lit. 'commandments'. There are not two pieces of the prescribed minimum size.

(34) V. supra p. 136, n. 2. Although there is no possibility of ever determining the transgression.

Talmud - Mas. K'rithoth 18a

He raised [another] objection: [We have learnt:] 'If it is doubtful whether [what is born] is a nine-months' child of the first husband or a seven-months' child of the second, he must put her away and the child is [deemed] legitimate, but each is liable to a suspensive guilt-offering!'¹ — This, too, is according to R. Eliezer. He raised a [further] objection: [We have learnt:] 'If [the stain] was found upon her cloth and immediately [after the coition], they are unclean and liable to sin-offerings; if upon hers some time after, they must regard themselves unclean by reason of the doubt, but are exempt from offerings. And upon this it was taught: They are nevertheless liable to suspensive guilt-offerings!'¹ — This, too, is according to R. Eliezer.

Rab Nahman said in the name of Rabbah b. Abbuha, who delivered it in the name of Rab: If there were before a person two pieces, one heleb and the other permitted fat, and he ate of one of them and does not know of which he ate, he is liable; if there was only one piece about which there was a doubt whether it was heleb or permitted fat, and he ate it, he is exempt. Said Rab Nahman: Rab's reason is that in the case of two pieces [the presence of] the forbidden substance is established, in the case of one piece [the presence of] the forbidden substance is not established. What is the practical difference between this reason that the forbidden substance is established and the one stated above that it is possible to determine the transgression? — A difference will arise in the case of two pieces, one heleb and the other permitted fat, and a gentile first ate one piece and then an Israelite the other. According to Raba [he is exempt, for] there were not two pieces at the time when the Israelite ate his. According to R. Zera, too, [he is exempt, for] it is not possible to determine the transgression.

But according to Rab Nahman [he is liable, for] the presence of the forbidden substance was established.

Raba raised an objection to Rab Nahman: 'R. Eliezer says, [If one eats of the heleb of] a koy, he is liable to a suspensive guilt-offering!'² — R. Eliezer does not hold that [the presence of] the forbidden substance must be established. He raised [another] objection: [We have learnt:] 'If it is doubtful whether [what is born] is a nine-months' child of the first husband or a seven-months' child of the second, he must put her away and the child is [deemed] legitimate, but each is liable to a suspensive guilt-offering!'³ — This, too, is according to R. Eliezer. He raised a [further] objection: [We have learnt:] 'If [the stain] was found on his cloth, they are both unclean and liable to offerings; if upon hers and immediately [after the coition], they are unclean and liable to offerings, but if upon hers some time after, they must regard themselves as unclean by reason of the doubt, but are exempt from offerings'. And upon this it was taught: They are nevertheless liable to suspensive guilt-offerings!'³ [To this objection] he remained silent. When the former⁴ had left, he said to himself: Why did I not reply that this law represents the view of R. Meir, who holds that the presence of the forbidden substance need not be established? As has been taught: If one slaughtered a suspensive guilt-offering outside [the Temple precincts], R. Meir holds him liable [to a sin-offering]. The Sages declare him exempt!⁵ But why did he not say: I might have retorted that that teaching represented R. Eliezer's view? — To indicate at the same time that R. Meir follows R. Eliezer regarding this law.

Said Rabbah b. Abbuha in the name of Rab: The case where one ate a piece of fat about which there was a doubt whether it was heleb or permitted fat forms the subject of a dispute between R. Eliezer and the Sages.⁶ But why assume [the case] that he ate it, even if he did not eat it he may offer such a guilt-offering according to R. Eliezer, as we have learnt:⁷ R. Eliezer says, A man may freely offer every day a suspensive guilt-offering!⁸ — Said R. Ashi: R. Eliezer follows here the view of Baba b. Buta,⁹ of whom we have learnt:¹⁰ But they said unto him, Wait until you come into a state of doubt.

Our Rabbis taught: If a person had before him two pieces, one permitted fat and the other heleb, and an Israelite first came and ate one piece and then a gentile came and ate the second piece, he is liable;¹¹ this holds good also if the second piece was eaten by a dog or by a raven. If a gentile first came and ate one piece and then an Israelite came and ate the second, he is exempt; but Rabbi declares him liable.¹² If he ate the first unwittingly and the second deliberately,¹³ he is liable; if the first deliberately and the second unwittingly, he is exempt;¹⁴ but Rabbi declares him liable. If he ate both pieces deliberately, he is altogether exempt.¹⁵ If two ate the two pieces, both unwittingly, they are both liable [to suspensive guilt-offerings], though the second is not liable by law,¹⁶ but rather because if you said that he was exempt, you would thereby establish a sin-offering for the first.¹⁷ Now whose view does the last clause follow? If Rabbi's, then the second should surely be liable by law.¹⁸ If that of the Sages, then [the question arises] how can we order the second [to bring a sacrifice], thereby causing a secular animal to be brought into the Temple precincts,¹⁹ merely on the ground that otherwise a sin-offering would be established for the first?²⁰ Said Rab Ashi:

(1) V. supra p. 136.

(2) Although the presence of a prohibited thing is not certain.

(3) V. p. 136.

(4) Viz., Raba.

(5) The Sages differentiate between this class of guilt-offerings and all other sacrifices. For it may be that this sacrifice was offered unnecessarily, i.e., that no law had in fact been transgressed, and the animal therefore bore a secular character, so that its slaughtering outside the Temple precincts would involve no guilt. R. Meir, on the other hand, holds that in order to be liable to an offering it is not necessary to establish with certainty the trespass of a law, or even the certain presence of a prohibited thing. This guilt-offering is therefore at all events sacred, and he who slaughters it

outside the Temple precincts is liable to a sin-offering.

(6) For R. Eliezer, in agreement with R. Meir, holds that one brings a suspensive guilt-offering even when the presence of something forbidden is not established.

(7) *Infra* 25a.

(8) For sins that he might have committed unwittingly, even though he knows of no act of his that might have given rise even to a transgression in doubt.

(9) *Baba b. Buta* used to offer a suspensive guilt-offering every day. On the day following the Day of Atonement, however, it was not accepted, because it was thought unlikely that he needed expiation immediately after the atonement of his sins on that Holy Day. We thus see that there must be a probability of trespass before a suspensive guilt-offering may be brought. On account of this view the case stated above assumes that he ate something.

(10) *Infra* 25a.

(11) The Israelite is liable, for at the time of his eating there were two pieces.

(12) In Rabbi's view there is no need for the presence of two pieces to establish doubt.

(13) Deliberate transgression is not expiated by a sacrifice. For the first piece, however, he is liable to a suspensive guilt-offering, for at that time there were two pieces before him.

(14) For the first he is exempt because it was consumed deliberately, and for the second because there was but one piece at the time of eating.

(15) Because there is no sacrifice for deliberate transgression.

(16) The text seems to be in disorder; read: 'if both of them unwittingly, he is liable (i.e. to a sin-offering); if two ate etc'. See Emden's glosses.

(17) The exemption of the second may be taken to imply that the first definitely ate the *heleb*, who should therefore be liable to a sin-offering.

(18) For Rabbi does not require the certain presence of something forbidden at the time of eating.

(19) If the offering is brought needlessly it retains its secular nature.

(20) I.e., how can we impose an offering which may result in a grave sin solely in order to avoid a possible misrepresentation?

Talmud - Mas. K'rithoth 18b

It follows R. Eliezer's opinion, who holds that a man may freely offer every day a suspensive guilt-offering.¹ We therefore advise the second to bring a suspensive guilt-offering and to stipulate thus: if the first ate the permitted fat, and therefore he the *heleb*, let it be an expiatory offering,² otherwise let it be a freewill-offering.

Our Rabbis taught: If one ate doubtful *heleb* and came to know of it,³ then again ate doubtful *heleb* and came to know of it, Rabbi says: I hold, just as he would be liable to bring separate sin-offerings,⁴ so is he also liable to bring separate suspensive guilt-offerings. R. Jose son of R. Judah, R. Eliezer and R. Simeon⁵ hold: He is only liable to one suspensive guilt-offering, for it says, For his error which he erred;⁶ even in the case of many errors, he is liable to only one [offering].

Said R. Zera: Rabbi has here taught that the awareness of the doubt separates [the acts] for sin-offerings.⁷ Raba said: Awareness of the doubt does not separate [the acts] for sin-offerings; but this is what he [Rabbi] meant to teach: Just as he would be liable to separate sin-offerings if he became aware [after each act] that the transgression was certain, so he is also liable to separate suspensive guilt-offerings, if he became each time aware of the doubt. Said Abaye to him [Raba]: And are you not of the opinion that awareness of the doubt separates [the acts] for sin-offerings? But surely if you were to assume that awareness of the doubt does not separate [the acts] for sin-offerings, so that he brings only one sin-offering, then why should he bring a [separate] suspensive guilt-offering for each? Has it not been taught:⁸ This is the general rule. Wherever a separation is effected with regard to sin-offerings there also a separation is effected with regard to suspensive guilt-offerings!⁹ Said Raba b. Hanan to Abaye: Also according to you, who hold that the awareness of the doubt separates the acts for sin-offerings, it should follow that if one ate an olive's

bulk of heleb before the Day of Atonement and again an olive's bulk of heleb after the Day of Atonement — since the Day of Atonement is equivalent to a suspensive guilt-offering — he should have to bring two sin-offerings; but this cannot be, for he ate [at both times] in one spell of unawareness!¹⁰ — Abaye replied: Who says that the Day of Atonement atones even when the sin remained unknown, perhaps only when he is aware of it?¹¹ — Said Raba to him: We have explicitly learnt: [The Day of Atonement atones . . .] both for known and unknown sins.¹²

According to another version, Raba b. Hanan said thus to Abaye: What if one ate an olive's bulk of heleb in the morning of the Day of Atonement and another in the afternoon of the Day of Atonement, would he also be liable to two sin-offerings?¹³ — Retorted Abaye: Who says that every moment of the Day of Atonement atones, perhaps only the day as a whole atones, from the evening?¹⁴ — Said to him Raba b. Hanan: Simpleton have we not learnt: If one committed a doubtful sin on the Day of Atonement, even if it was already twilight, he is exempt¹⁵ for the whole day effects atonement?¹⁶

R. Idi son of Abin raised an objection: [We have learnt:] If one ate and drank [on the Day of Atonement] in one spell of unawareness,¹⁷ he is liable to one sin-offering only.¹⁸ Now, it is hardly possible that between the eating and the drinking there was not an interval, during which he might become aware [that it was the Day of Atonement],¹⁹ so that [that interval of the Day of Atonement] effected atonement for him, [in accordance with the rule that] the Day of Atonement has the same effect as a suspensive guilt-offering. Yet it states that he is liable to one sin-offering only. Now, if it is true that the awareness of the doubt separates [the acts] for sin-offerings, he should be liable to two sin-offerings!²⁰ — Say: R. Zera only interpreted Rabbi's view, whilst this follows that of the Rabbis.²¹ But is not the latter clause [in the cited Mishnah] in pursuance of Rabbi's opinion? For it teaches: If he drank brine or pickle-juice, he is exempt;²² from which it may be inferred that if vinegar he is liable, and this is in accordance with Rabbi, for it has been taught: Vinegar is not a refreshing drink;²³ Rabbi says, It is.²⁴ Now, as the latter clause follows Rabbi, have we not to assume that also the first is in accordance with his view? — Say: the latter clause follows Rabbi, but the former follows the Rabbis.²¹

Raba raised an objection [to R. Zera]: If one²⁵ ate [of holy things] on one day and then again on the following day, or made use thereof on one day and again on the following day, or ate thereof on one day and made use thereof on the following day, or made use thereof on one day and ate thereof on the following day, or even when a period of three years intervened,²⁶ whence do we know that they combine one with the other?²⁷ The text tells us: If anyone trespasses a trespass,²⁸ to include [every trespass]. Now, why should he be liable? Has not the intervening Day of Atonement atoned for it? — Say: The Day of Atonement effects atonement for the transgression of a prohibition, but not for [the misappropriation of] money. Or you could say: The Day of Atonement effects atonement for transgressions involving full standard measure, but not for half-measures.

Resh Lakish also said: Rabbi has here taught that the awareness of the doubt separates [the acts] for sin-offerings. But R. Johanan said: The awareness of the doubt does not separate [the acts] for sin-offerings; and what he [Rabbi] meant to teach is this: Just as he would be liable to separate sin-offerings if he became aware [in between the acts of the transgression] of a definite sin, so he is also liable to separate suspensive guilt-offerings if he became each time aware of the doubtful sin. Now according to R. Johanan it is right that the guilt-offering is dependent upon the sin-offering,²⁹ but according to Resh Lakish the sin-offering should be made dependent upon the guilt-offering!³⁰ This is indeed a difficulty.

Now one can point out a contradiction between the statements of R. Johanan and also a contradiction between the statements of Resh Lakish. For it was taught: If there were two roads, one unclean and the other clean,³¹ and a person passed through one of them and did not enter [the

Temple precincts], and then through the other and entered [the Temple precincts], he is liable; if he passed through one and entered [the Temple precincts], he is exempt; if he then passed through the other and entered [the Temple precincts], he is liable; if he passed through one and entered [the Temple precincts], and was sprinkled upon once and also a second time and immersed himself,³² and then he passed through the other and entered [the Temple precincts], he is liable.³³

- (1) The offering of the second cannot therefore be said to be needless.
- (2) Viz., a suspensive guilt-offering; for a sin-offering can be brought only when the transgression is established.
- (3) At the time of eating he assumed it was permitted fat, but later learnt that there was some doubt about it.
- (4) I.e. if he learnt ultimately that what he ate was undoubtedly heleb, he would be liable to sin-offerings for each offence.
- (5) In Shebu. 19b this second view is delivered in the name of other Sages.
- (6) Lev. V, 18. The text is redundant for 'which he erred' is superfluous. The repetition of **אִשֶּׁר שָׁגָג** serves to indicate that several errors may be covered by one guilt-offering.
- (7) R. Zera understands Rabbi's exposition above thus, that the offender would be liable to separate sin-offerings if he learnt ultimately, i.e., after all the meals, that the food was certainly heleb, although the intervening spells of awareness which separated the acts, acquainted him each time only of the fact that there was reason to doubt the permissibility of the food he had taken. Raba, on the other hand, understands Rabbi's ruling, that the offender is liable to separate sin-offerings, as applying only to the case where the intervening spells of awareness related each time to the certainty of having eaten forbidden food.
- (8) Supra 15b. This rule is assumed to work both ways, i.e. that the negative proposition is also true; thus in conflict with Rabbi.
- (9) Viz., that sin-offerings and suspensive guilt-offerings follow the same rules with regard to division.
- (10) The Day of Atonement atones for doubtful trespasses (v. infra 25a), and one is exempt from a suspensive guilt-offering for transgressions committed before that day. If each olive's bulk in our instance was of doubtful heleb, he is only liable but once, viz., for the second; yet taking into consideration the intervening Day of Atonement, which has the effect of a suspensive guilt-offering, it is as if he offered two such guilt-offerings. According to the quoted rule he should in the corresponding case of certain heleb be liable to two sin-offerings, which is untenable, because both sins were committed in one spell of unawareness. The rule is thus proved to be incorrect. V. Tosaf. s.v. **אִשֶּׁר**.
- (11) In the corresponding case of certain heleb, he will then rightly be liable to two sin-offerings, because of the interruption in the unawareness of sin.
- (12) Shebu. 2b. Abaye's proposition is thus refuted.
- (13) For had it been doubtful heleb, the Day of Atonement would twice have effected atonement, as if two suspensive guilt-offerings were brought. In the corresponding case of certain heleb it would follow that he would be liable to two sin-offerings, which is, of course, absurd.
- (14) A sin committed during the day would accordingly not be atoned for.
- (15) From a suspensive guilt-offering.
- (16) Infra 25a.
- (17) That it was the Day of Atonement.
- (18) Yoma 81a.
- (19) See Rashi. Since there was an interval in between eating and drinking during which he could become aware of his sin, that length of time of the Day of Atonement would have atoned for his first act before the second was committed.
- (20) The interval which atones for the first act in the case of doubtful transgression is, in effect, comparable to an act of awareness of doubtful sins; it should, according to Abaye, separate the acts for sin-offerings, i.e., even in the case of certain heleb.
- (21) R. Jose and R. Eliezer.
- (22) Because these liquids are unpalatable beverages; Yoma, ibid.
- (23) One is therefore exempt when one drinks it on the Day of Atonement.
- (24) V. Yoma 81a.
- (25) Viz., each time only a portion of the requisite value of a perutah.
- (26) The several acts were committed in one spell of unawareness.
- (27) Viz., to make up the required value to involve a guilt-offering for sacrilege.

(28) Lev. V, 15. 'A trespass' is regarded as redundant.

(29) The fact that awareness of certain sins effects a division with regard to sin-offerings may rightly be taken for granted, and a similar law regarding guilt-offerings is derived therefrom.

(30) For the awareness is that of doubtful sins, as must be assumed according to Resh Lakish, and its effectiveness with regard to suspensive guilt-offerings is established in the Torah. By analogy it is extended to apply also to sin-offerings. The sin-offering should therefore be dependent upon the guilt-offering.

(31) It is not established which is the unclean road. The uncleanness was so situated in the road that a person passing through it perforce became unclean and therefore unfit to enter the sacred precincts of the Temple. In the first and third instances he is liable, because after the second act there is no doubt that he entered the Temple precincts in a state of uncleanness. In connection with the law concerning the defilement of Temple precincts it is an essential condition that the offender had at one time been aware of his uncleanness, though unconscious of it at the time of entering the Temple precincts. In these two cases there was a moment when he was in no doubt as to his state of certain uncleanness. He is therefore liable to an offering.

(32) An unclean person is sprinkled upon with the water of purification on the third and seventh day of his uncleanness, and then has to immerse himself in order to become clean.

(33) In this instance, too, the person most certainly entered the Temple precincts in a state of uncleanness. Although the offender had at no time been certain that he was unclean, for the first possible uncleanness was annulled before passing through the second road, nevertheless he had been aware of doubtful uncleanness, and this is regarded as sufficient by the Sages, who therefore declare him liable. R. Simeon, on the other hand, holds that awareness of doubtful uncleanness is not sufficient.

Talmud - Mas. K'rithoth 19a

R. Simeon holds he is exempt in the latter instance. R. Simeon b. Judah maintains in the name of R. Simeon that he is exempt in all instances.¹ Even in the former?² — Said Raba: Here we are dealing with the case of one who passed through one road, and when passing through the other he forgot that he had passed through the first. And they differ in this: The first Tanna holds, A partial knowledge is like a complete knowledge;³ while R. Simeon maintains, A partial knowledge is not like a complete knowledge.

The Master said: 'If he passed through one and entered [the Temple precincts], and was sprinkled upon once and also a second time, and immersed himself; and then he passed through the other and entered [the Temple precincts], he is liable'. Why should he be liable? There had at no time been [definite] knowledge [of uncleanness]! — Answered Resh Lakish: This statement follows R. Ishmael's view that knowledge at the beginning is not essential. R. Johanan answered: It may conform to the view of the Sages, but here they made doubtful knowledge [of uncleanness] like [definite] knowledge. Now it is assumed that 'here they made', and the same holds good in all the laws of the Torah. There is thus a contradiction between the two expositions of R. Johanan, and also a contradiction between the two expositions of Resh Lakish.⁴ It will be granted that there is no contradiction between the two expositions of R. Johanan, for [we may say that he meant] only here they made [doubtful knowledge like definite knowledge] but not everywhere in the whole Torah did they do so, the reason being that in the case of uncleanness it is written: It being hidden from him that he is unclean,⁵ [indicating that] even [if there is some] uncertainty in connection with his knowledge, Scripture still renders him liable; but regarding the other laws of the Torah, it is written: If his sin be known to him;⁶ that is to say, only if he has definite knowledge is he liable. But with Resh Lakish there is a difficulty; why does he establish [the Baraita] in accordance with R. Ishmael's view? Let him establish it as being in accordance with Rabbi's view! — He wished to let us know that R. Ishmael, too, does not require knowledge at the beginning. But is this not already the contents of a Mishnah? As we have learnt: R. Ishmael said, Scripture mentions twice 'and it be hidden',⁷ to teach us that one is liable both for forgetfulness of the uncleanness and for forgetfulness of the Temple.⁸ — It is necessary, for I might have thought that although he [R. Ishmael] does not derive the rule from the text, he yet accepts it as a tradition. Therefore he [Resh Lakish] informs us

[that this is not the case].

MISHNAH. [IF BOTH] HELEB AND NOTHAR LAY BEFORE A PERSON AND HE ATE ONE OF THEM BUT DOES NOT KNOW WHICH, OR IF HIS MENSTRUANT WIFE AND HIS SISTER WERE WITH HIM IN HIS HOUSE AND HE UNITED, IN ERROR,⁹ WITH ONE OF THEM AND DOES NOT KNOW WITH WHICH, OR IF SABBATH AND THE DAY OF ATONEMENT [FOLLOWED EACH OTHER]¹⁰ AND HE DID FORBIDDEN WORK AT TWILIGHT AND DOES NOT KNOW ON WHICH DAY: R. ELIEZER DECLARES HIM LIABLE TO A SIN-OFFERING, BUT R. JOSHUA DECLARES HIM EXEMPT. REMARKED R. JOSE: THEY DID NOT DISPUTE ABOUT WHETHER HE THAT DID WORK AT TWILIGHT WAS EXEMPT, FOR I MAY ASSUME THAT PART OF THE WORK WAS DONE ON THE ONE DAY AND PART ON THE FOLLOWING DAY.¹¹ ABOUT WHAT DID THEY DISPUTE? ABOUT ONE WHO DID WORK DURING THE DAY ITSELF BUT HE DID NOT KNOW WHETHER HE DID IT ON THE SABBATH OR ON THE DAY OF ATONEMENT, OR IF HE DID WORK AND DID NOT KNOW WHAT MANNER OF WORK HE DID:¹² R. ELIEZER DECLARES HIM LIABLE TO A SIN-OFFERING, AND R. JOSHUA DECLARES HIM EXEMPT. SAID R. JUDAH: R. JOSHUA EXEMPTS HIM EVEN FROM A SUSPENSIVE GUILT-OFFERING. R. SIMEON AND R. SIMEON SHEZURI SAID: THEY DID NOT DISPUTE REGARDING TRANSGRESSION OF THE SAME DENOMINATION¹³ WHEN [IT IS AGREED THAT] HE IS LIABLE. ABOUT WHAT DID THEY DISPUTE? ABOUT TRANSGRESSIONS OF DIFFERENT DENOMINATIONS: R. ELIEZER DECLARES HIM LIABLE TO A SIN-OFFERING, AND R. JOSHUA DECLARES HIM EXEMPT. SAID R. JUDAH: EVEN IF HE INTENDED TO PICK FIGS AND HE PICKED GRAPES, OR GRAPES AND HE PICKED FIGS, WHITE [GRAPES] AND HE PICKED BLACK ONES, OR BLACK AND HE PICKED WHITE ONES, R. ELIEZER DECLARES HIM LIABLE AND R. JOSHUA DECLARES HIM EXEMPT. SAID R. SIMEON: I WONDER WHETHER R. JOSHUA INDEED DECLARED HIM EXEMPT IN SUCH A CASE. BUT THEN¹⁴ WHY IS IT WRITTEN, WHEREIN HE HATH SINNED?¹⁵ TO EXCLUDE UNPURPOSED ACTION.¹⁶ GEMARA. It has been taught: R. Eliezer argued, In any event [he has transgressed]; if it was the heleb he ate he is liable, if the nothar he is liable; if it was his menstruant wife with whom he united he is liable, if his sister he is liable; if it was Sabbath when he did the work he is liable, if the Day of Atonement he is liable! Replied to him R. Joshua: It says, 'wherein he hath sinned':¹⁷ it must be known to him wherein he sinned. And for what purpose does R. Eliezer employ the word 'wherein'? — To exclude unpurposed action.

(1) Tosef. Toh. VI, 5.

(2) I.e., in the first and third instances, where there is no reason whatsoever to exempt him from a sacrifice.

(3) Since he passed through both roads he is definitely unclean, but his knowledge is incomplete, for when walking in the second road he had forgotten about the first. Yet he is liable, for incomplete knowledge is like complete knowledge.

(4) For R. Johanan maintains above that consciousness of doubtful sins is not valid and here he states that the Sages, i.e., the accepted authority hold it is of avail with regard to all the laws of the Torah. And Resh Lakish maintains above that Rabbi, the author of the Mishnah, holds that consciousness of doubtful sins is of no avail, whilst he feels compelled to quote R. Ishmael as the author of this view.

(5) Lev. V, 2.

(6) Ibid. IV, 28.

(7) Heb. **ונעלם** *ibid.* V, 2 and 3.

(8) Shebu. 14b. The term 'hidden' is the source of the rule that knowledge at one time of the uncleanness is essential, cf. Shebu. 4a. As R. Ishmael uses this expression to derive another law, it may be assumed that he disagrees with that rule, and does not require knowledge in the beginning.

(9) I.e., thinking it was his wife and that she was clean. In all these instances the fact that he committed a trespass is afterwards established beyond doubt, though the transgressor was unaware of it at the time of action, but it is unknown which law was broken.

(10) I.e., when the Day of Atonement fell upon Friday or Sunday.

(11) Viz., each time less than the requisite standard.

(12) I.e., he is sure that his work was a forbidden act, but does not remember, e.g., whether he ploughed or sowed.

(13) I.e., of the same category, e.g., if he picked a certain fruit but did not know from which tree.

(14) I.e., if R. Joshua indeed agrees that he is liable in the last instance, even though his intention had not been realised, because he was after all set upon a forbidden act.

(15) Lev. IV, 23. The word 'wherein' is considered superfluous, to imply that in that particular act lay his intention.

(16) Heb. **מתעסק**, lit. 'occupy oneself'; the transgression resulting from his act was not purposed, for his intention was to do what was permitted. V. Gemara.

(17) V. p. 148, n. 5.

Talmud - Mas. K'rithoth 19b

To what kind of unpurposed action does he refer? If concerning heleb or incestuous intercourse,¹ surely he is liable! For Rab Nahman said in the name of Samuel: Unpurposed eating of heleb or unpurposed incestuous intercourse is subject [to an offering] because [the offender] has after all derived a benefit thereby! — It rather refers to unpurposed labour on Sabbath, when he is exempt, because the Torah has forbidden [on the Sabbath] only purposive work. According to Raba the case would arise when one intended, e.g., to cut something detached from the ground and he cut something that was attached;² and according to Abaye, when one intended to lift up something detached from the ground and he cut something that was attached. For it has been stated: If one intended to lift up something detached from the ground and he cut something that was attached, he is exempt, because no cutting was at all intended. If he intended to cut something detached from the ground and he cut something that was attached, Abaye says: He is liable because the act of cutting was intended; Raba says: He is exempt for it was not his intention to cut what was forbidden [to be cut].

REMARKED R. JOSE: THEY DID NOT DISPUTE etc. It has been taught: R. Jose said to them, 'You are most particular with me'.³ What did they say to him that he remarked, 'You are most particular with me'? — Thus they said to him: What if one, e.g., lifted up an article at twilight?⁴ Thereupon he said: You are most particular with me. But why did he not retort: part of the lifting up might have been done on the one day and the rest on the following day?⁵ — This is indeed what he meant by saying: 'You are most particular with me', but 'you could not get the best of me'.⁶ But would R. Jose hold that for the conclusion of an act one is, according to R. Eliezer, exempt? Surely we know that he declares him liable! For we have learnt: R. Eliezer says: If a person wove three threads at the start [of the web] or added one thread on to a woven piece, he is liable.⁷ — Said Rab Joseph: R. Jose in his exposition of R. Eliezer's view reads [that Mishnah] as follows: 'R. Eliezer says: If a person wove three threads at the start or added two threads to a woven piece he is liable'.

SAID R. JUDAH: R. JOSHUA EXEMPTS HIM EVEN FROM A SUSPENSIVE GUILT-OFFERING. It has been taught: Said R. Judah: R. Joshua exempts him even from a suspensive guilt-offering, because it says, If [anyone] sin . . . though he know it not;⁸ excluded is this case, where he knew that he sinned.⁹ Said to him R. Simeon: It is just such a case when a suspensive guilt-offering should be brought, for it reads: And do . . . though he know it not;⁸ and in this instance he in fact did not know wherein he did [the wrong]. As to [the case of one being in] doubt whether he did eat heleb or not, go forth and enquire¹⁰ whether he is then liable to a suspensive guilt-offering or not. What was the decision? — Come and hear: [It has been stated:] If one committed a sin and does not know wherein, or if he is in doubt whether he did sin or not, he is liable to a suspensive guilt-offering. Now, who is it that maintains that if one committed a sin and does not know wherein, he is liable to a suspensive guilt-offering? Obviously R. Simeon; and yet it is stated, 'If he is in doubt whether he did sin or not, he is liable to a suspensive guilt-offering'. This proves that R. Simeon holds that if one is in doubt whether he did sin or not, he is liable to a suspensive guilt-offering.

R. SIMEON SHEZURI AND R. SIMEON SAID: THEY DID NOT DISPUTE . . . BUT THEN WHY IS IT WRITTEN, WHEREIN HE HATH SINNED? TO EXCLUDE UNPURPOSED ACTION. Said Rab Nahman in the name of Samuel: Unpurposed eating of heleb or [unpurposed] Incestuous intercourse Is subject [to an offering], because the offender has after all derived a benefit thereby; unpurposed labour on the Sabbath is exempt, because the Torah has forbidden only purposive work. Said Raba to Rab Nahman: Surely the case concerning [the circumcision of] boys is comparable to unpurposed action, and yet we have learnt regarding it: If there were two boys, one who was due to be circumcised on the Sabbath and another who was due to be circumcised after the Sabbath, and a person in error circumcised on the Sabbath the one who was due to be circumcised after the Sabbath,¹¹ R. Eliezer declares him liable to a sin-offering; R. Joshua holds: He is exempt. Now R. Joshua declares him exempt only because he maintains that for [a transgression committed in] error in the course of the [intended] performance of a commandment, even though the commandment was not in fact performed, one is exempt; if, however, one performed an unpurposed act which was not in the course of the performance of a commandment he would be liable even according to R. Joshua.¹² — He replied to him: Leave the case concerning the [circumcision of] boys alone. Since [it is exceptional in that] one is liable although the wound is an act of damage;¹³ so too, for unpurposed wounding one is also liable.

Rab Judah raised an objection to Samuel: [We have learnt:] SAID R. JUDAH: EVEN IF HE INTENDED TO PICK FIGS AND HE PICKED GRAPES, OR GRAPES AND HE PICKED FIGS, WHITE GRAPES AND HE PICKED BLACK ONES, OR BLACK AND HE PICKED WHITE ONES, R. ELIEZER DECLARES HIM LIABLE AND R. JOSHUA DECLARES HIM EXEMPT. Now, is not this a case of unpurposed action, and yet [it seems that] R. Joshua declared him exempt solely because different kinds [of fruit are involved];¹⁴ but if one kind only [was involved], even R. Joshua would declare him liable?¹⁵ — He replied: Thou keen thinker,¹⁶ leave this Mishnah and follow me, for here it refers to a gatherer whose intention escaped his mind!¹⁷ He set out to gather grapes and forgot about it, and thinking that he wanted figs, his hand unwittingly reached for the grapes. R. Eliezer argues: His purpose was after all achieved. R. Joshua argues: His purpose and design were not realized.¹⁸

(1) E.g., if heleb and permitted fat lay before a person and he intended to eat the latter, but his hand unconsciously took hold of the heleb and he ate it. Similarly in the case of incest, if through carelessness he united with the forbidden relation whilst his intention was directed to his wife.

(2) The cutting or plucking of plants from the ground on the Sabbath is a forbidden work, falling within the category of harvesting.

(3) Now this is understood to mean that ‘You got the better of me’.

(4) I.e., to transport it from one domain to another on the Sabbath. This might be done very simply by the man standing in one domain and stretching out his hand and depositing an article in the other domain. Such work is of very little duration, and R. Jose's assumption that invariably in the case of work at twilight one part of the action is performed on the one day and another on the following day seems untenable.

(5) For after all the change from one day to another is instantaneous.

(6) Lit. ‘you did not bring up in your hand anything’. V. p. 149, n. 4.

(7) Shab. 105a. Although the minimum number of threads required for the labour of weaving is two, here one is sufficient, because it is interwoven with a ready-made cloth. The addition of the one thread to the web is like the conclusion of an act.

(8) Lev. V. 17, in connection with the suspensive guilt-offering.

(9) What he did not know was which particular transgression he violated.

(10) I.e., search for statements by R. Simeon which will intimate his view on this point.

(11) Circumcision in its proper time, i.e., the eighth day, supersedes the law of Sabbath; if not in its proper time its performance on the Sabbath is forbidden. The circumcision of the second boy on the assumption that it was the first, is an unpurposed action.

(12) This is in contradiction to the second clause of Rab Nahman's dictum.

- (13) The rule regarding Sabbath is that for an act of damage one is not liable except for wounding and burning.
- (14) The fruit that he intended to pick was of a different kind from that which he actually picked.
- (15) Whilst according to Samuel one is always exempt in the case of unpurposed work on the Sabbath, whatever the circumstances.
- (16) Shinena; lit. 'sharp one'. Alit. (a) 'long-toothed', denoting a facial characteristic. (b) 'translator', V. B.K. (Sonc. ed.) p. 60. n. 2.
- (17) I.e., the case of the Mishnah is not one of unpurposed action where the intention of the doer is in the end unrealized, but is of a different class.
- (18) His purpose was indeed realized in that he gathered grapes, but at the time of gathering his design was for figs, and this was not realized.

Talmud - Mas. K'rithoth 20a

R. Oshaia raised an objection: [We have learnt:] R. SIMEON SHEZURI AND R. SIMEON SAID: THEY DID NOT DISPUTE REGARDING TRANSGRESSIONS OF THE SAME DENOMINATION, WHEN [IT IS AGREED THAT] HE IS LIABLE. ABOUT WHAT DID THEY DISPUTE? ABOUT TRANSGRESSIONS OF DIFFERENT DENOMINATIONS: R. ELIEZER DECLARES HIM LIABLE TO A SIN-OFFERING, AND R. JOSHUA DECLARES HIM EXEMPT. And what did R. Judah [in the Mishnah] say? That their dispute was in the case of a person who intended to pick grapes and he picked figs, or black [grapes] and he gathered white ones. Now, are not figs and grapes, or black grapes and white grapes, of two different denominations? Is this not, then, identical with [the views of] R. Simeon and R. Simeon Shezuri? What then does R. Judah come to teach us? Hence you must say that they differ concerning unpurposed action, R. Judah holding that one is liable for unpurposed action; whereas R. Simeon and R. Simeon Shezuri hold that one is exempt for unpurposed action!¹ — No; all agree that for unpurposed action one is exempt; they differ rather in this point: R. Simeon Shezuri holds that if the purpose escaped the gatherer's mind [and he erred] in respect of the same denomination, all agree that he is liable, and that their dispute is in the case [where the error related to] two different denominations; whilst R. Judah maintains that they differ both in the instance of one denomination and in that of two denominations.

Raba said, They differ in the matter of sequence.² As it has been taught: If there were before a person [on the Sabbath] two burning [or extinguished]³ candles and he intended to extinguish the one but extinguished the other, or to kindle the one but kindled the other, he is exempt;⁴ if he intended first to kindle the one and then to extinguish the other, and he first extinguished and then kindled,⁵ if with one breath⁶ he is liable, if with two breaths he is exempt. But is this not obvious? — I might have thought that since his design was not realized, seeing that he wanted first to kindle and then to extinguish, but in his act [we might regard it as if] the extinguishing was done first and then the kindling, he should accordingly be exempt; therefore we are told [that this is not so]; for although [the kindling] did not precede [the extinguishing], neither did it follow.⁷

Our Rabbis taught: If one removed coals [from a burning pile] on the Sabbath, he is liable to a sin-offering; R. Simeon b. Eleazar says in the name of R. Eliezer son of R. Zadok: He is liable to two [offerings], because he extinguished the upper coals and kindled the lower ones.⁸ How is this case to be understood? If he intended to extinguish as well as to kindle, what is the reason of the one who exempts him [from the second offering]? And if he did not intend to kindle, what is the reason of the one who holds him liable to two? — R. Eleazar and R. Hanina both explained the case as follows: He intended to extinguish the upper coals knowing that this would set the lower ones ablaze.⁹ The first Tanna holds that one is exempt for any kindling which is to his disadvantage;¹⁰ while R. Eliezer son of R. Zadok holds him liable. R. Johanan also said: It speaks of a blacksmith. Said R. Johanan: Until now the reason for this law has not been found.¹¹ Ammi b. Abin and R. Hanania b. Abin both explained [the case as follows:]

(1) R. Simeon expounded that the dispute in the Mishnah was concerning the case where the original purpose had been forgotten, implying, however, that for unpurposed action all agree that one was exempt. R. Judah, on the other hand was of the view that the dispute was in the case of unpurposed action concerning different kinds of fruit, but that concerning the same kind all would agree that he is liable. R. Judah is thus in contradiction to Samuel.

(2) I.e., when the error was concerning the order of two acts; he intended to pick first the one fruit and then the other, but did it in the reverse order.

(3) So Sh. Mek.

(4) He had forgotten that the day was the Sabbath, or that such acts were prohibited on the Sabbath.

(5) I.e., there were before him two candles, one lit and the other unlit. His intention was first to light the one and then to extinguish the other, but he did it in the reverse order.

(6) I.e., the candles stood close to one another. The same breath that extinguished the one transferred the flame to the other.

(7) I.e., in fact both acts were simultaneous.

(8) By transferring live coals from a burning pile into a container, those that were lying on top of the pile are now at the bottom of the container and cool off, but those at the bottom of the pile flare up. His action therefore involves both extinguishing and kindling.

(9) The man was a blacksmith and his aim was to extinguish the upper coals before their consumption so as to provide big coal lumps for his smithy. The burning of the lower coals was not to his advantage at all.

(10) Lit. 'destructive'. As distinct from other acts of work which involve no liability unless they are constructive. V. Shab. 106a.

(11) Read with Rabbenu Gershom: 'Said R. Jeremiah, Until now (i.e. until R. Johanan explained it to refer to a blacksmith) the reason etc.'

Talmud - Mas. K'rithoth 20b

He intended to extinguish as well as to kindle. The first Tanna follows R. Jose's view, who holds,¹ that kindling was singled out [in Scripture]² in order to establish for it a prohibition;³ while R. Eliezer son of R. Zadok holds with R. Nathan, who maintains that kindling was singled out to establish separate [acts of work].⁴ Raba explained: They differ in the matter of the sequence.⁵ Rab Ashi explained: He intended to extinguish and the kindling followed of its own accord; the first Tanna agrees with R. Simeon who maintains that one is exempt for an unintentional act;⁶ whilst R. Eliezer son of R. Zadok follows R. Judah who holds that one is liable for an unintentional act.

Our Rabbis taught: If a man removed coals on the Sabbath in order to warm himself therewith, and they flared up of their own accord — one [Baraita] teaches that he is liable, but another teaches that he is exempt. That which teaches that he is liable adopts the view that one is liable for an act of work which is not required for its own sake;⁷ and that which teaches that he is exempt adopts the view that one is not liable for an act of work which is not required for its own sake.

CHAPTER V

MISHNAH. IF ONE ATE [AN OLIVE'S BULK] OF THE BLOOD OF SLAUGHTERED⁸ CATTLE, BEASTS OR FOWL, EITHER CLEAN OR UNCLEAN, OR OF THE BLOOD OF A STABBED ANIMAL, OR OF THE BLOOD OF MUTILATION,⁹ OR OF THE BLOOD OF THE ARTERIES WHEREBY LIFE ESCAPES,¹⁰ HE IS LIABLE;¹¹ BUT OF THE BLOOD OF THE SPLEEN OR OF THE HEART, OR OF THE BLOOD FOUND IN EGGS, OR OF THE BLOOD OF LOCUSTS, OR OF THE SECONDARY BLOOD,¹² HE IS NOT LIABLE. R. JUDAH HOLDS: HE IS LIABLE FOR SECONDARY BLOOD.

GEMARA. Our Rabbis taught: [From the text:] Ye shall eat no manner of blood,¹³ I might infer that even the blood of those that walk on two legs,¹⁴ and the blood found in eggs, and the blood of locusts and of fish were included; therefore the text teaches, whether it be of fowl or of beast:¹³ as

fowl and beast are characterised in that they are subject both to light¹⁵ and weighty uncleanness, and are [at times] forbidden and permitted,¹⁶ and are of the category of flesh, so all are included that are subject to light and weighty uncleanness; I must therefore exclude the blood of those that walk on two legs, for they are subject to weighty uncleanness and not to light uncleanness;¹⁷

(1) V. Shab. 70a.

(2) Exod. XXXV, 3.

(3) I.e. that this act of work is subject to a mere prohibition and not to the death penalty in the case of wilful transgression. There is therefore no offering incurred in the case of transgression in error.

(4) I.e. that for each act of work on the Sabbath one is separately liable. Kindling, however, is still subject to the death penalty.

(5) His intention was e.g. to kindle first the one and then extinguish the other, but in fact both acts were done simultaneously. The first Tanna insists that the work must be performed in the intended sequence and therefore declares him liable only for the kindling which after all was done at the initial stage; whereas R. Eliezer pays no heed to the intended sequence, and consequently declares him liable for both acts. See commentaries.

(6) Shab. 41b.

(7) Ibid. 105b. The burning of the coals is not done for its sake i.e. to consume the coal, but in order to obtain heat.

(8) I.e., the blood that comes forth at the slaughtering of animals in the manner prescribed.

(9) I.e., the blood that comes forth through the tearing away of the main arteries of the neck, i.e. the windpipe and the gullet.

(10) I.e., the blood that gushes forth with force immediately after the cutting of the arteries for the purpose of blood-letting; v. Gemara.

(11) To kareth. V. Glos.

(12) Lit. 'that is squeezed'. I.e., blood that oozes out from the arteries after the first splashing blood 'whereby life escapes'.

(13) Lev. VII, 26.

(14) I.e., man.

(15) Light uncleanness is identical with food uncleanness, i.e. the foodstuff has no inherent uncleanness but can contract uncleanness from a source of uncleanness, and if of an egg's bulk in quantity, can transmit its uncleanness to other foodstuffs. Weighty uncleanness is that which is inherently unclean, e.g. a carcass, and can transmit uncleanness by carrying.

(16) I.e., they are forbidden prior to their slaughtering in the prescribed manner, and permitted for use after that.

(17) For an unclean person transmits his uncleanness always through contact.

Talmud - Mas. K'rithoth 21a

I must also exclude the blood of reptiles, for they are not subject to weighty uncleanness;¹ I must further exclude the blood found in eggs, for they are not of the category of flesh, and the blood of fish and of locusts, for they are always permitted.² 'Whether it be of fowl or of beast';³ if 'fowl' [alone was mentioned, I might have said], as this is not subject to kil'ayim,⁴ so should be included only those animals that are not subject to kil'ayim;⁵ therefore 'beast' is added. If 'beast' [alone was mentioned, I might have said], as this is not subject to the law concerning the mother and its young,⁶ so should be included only those fowl that are not subject to the law concerning the mother and its young.⁷ Therefore both 'fowl' and 'beast' had to be stated.

But why not argue thus: 'Any manner of blood' is a generalisation, 'whether it be fowl or beast' is a specification; and whenever a generalisation is followed by a specification it is meant to comprise only the instances of the specification; consequently fowl and beast are included but no other things?⁸ 'Whosoever eateth any blood'⁹ represents a second generalisation; and whenever a generalisation is followed by a specification and then again by a generalisation, all things similar to the specification are to be included.¹⁰ But is not the last generalisation different from the first, in that the first contains a mere prohibition whilst the last comprises the penalty of kareth?¹¹ — This Tanna

agrees with the School of R. Ishmael, who apply the rules relating to generalisations and specifications even though the last generalisation is unlike the first.¹²

The Master said: '[Here we have] a generalisation followed by a specification and then again by a generalisation, [in which case] all things similar to the specification are to be included; just as the instances of the specification are characterised in that they are subject both to light and to weighty uncleanness, and are [at times] forbidden and [at times] permitted, and are of the category of flesh, so all are included which are subject to light and to weighty uncleanness, etc.'. What does the term 'all' serve to include? — Said Rab Adda b. Abin: It includes the blood of a koy.¹³ What is his opinion [with regard to the koy]? If he holds that the koy is a doubtful creature, do we need a special text to forbid [the blood of an animal] about which there is doubt?¹⁴ — He holds that the koy is a [class of] animal of its own. We have now learnt about its blood, whence do we know that its heleb [is forbidden]? — From the text, 'all heleb'.¹⁵ Whence that its nebelah¹⁶ [is forbidden]? — From the text, 'all nebelah',¹⁷ Whence that its gid ha-nasheh¹⁸ [is forbidden]? — The Divine Law defines it as [the sinew] 'upon the hollow of the thigh', and this, too, has a 'hollow of the thigh',¹⁹ Whence do we know that [its nebelah] causes uncleanness, and that it requires slaughtering? — This stands to reason; since the Divine Law has placed it on the same footing as cattle in respect of all other laws, it is also like cattle in regard to uncleanness and slaughtering.

The Master said: 'I must therefore exclude the blood of those that walk on two legs, for they are subject to weighty uncleanness and not to light uncleanness'. A contradiction was pointed out. [We have learnt:]²⁰ [The flesh which] one cut from off a man requires both intention and preparation.²¹ Upon this the question was raised: 'Wherefore does it require intention? Let the cutting express his intention!'²² And Resh Lakish replied: He cut it for the use of a dog, and such a purpose is not a proper intention. Is this indeed so? Surely we have learnt: They laid down this general rule concerning uncleanness: Everything that serves as food for man [and became unclean] remains unclean until it becomes unfit to be food for dogs!²³ — This ruling relates to the annulment of existing uncleanness, [the argument being,] since it was at one time fit for man its uncleanness does not depart unless it has become unfit for a dog; that other instance, however, relates to the state in which it can receive uncleanness; [we therefore say,] if it is fit for man it is fit for a dog; if it is unfit for a man it is unfit for a dog. It states, at all events, that [with flesh of man] intention is required; though intention is essential only for light uncleanness!²⁴ — This is so [while the man is] alive, but after death there is indeed weighty uncleanness only.²⁵ But, then, the corresponding dictum relating to cattle must, accordingly, also refer to the time after death. Now, if the flesh is meant, it surely conveys weighty uncleanness; if the blood, it too conveys weighty uncleanness,²⁶ as we have learnt: The blood of a dead animal is clean, according to Beth Shammai; Beth Hillel say: It is unclean!²⁷ — It speaks of an instance similar to that which we have learnt [in a Mishnah:] The carcass of an unclean beast anywhere and the carcass of a clean bird in the villages require intention and not preparation.²⁸ Rab remarked thereupon to R. Hiyya: Wherefore is an intention required to qualify it for light uncleanness, is it not already unclean?²⁹ — The latter replied: It is a case where there was less than an olive's bulk of nebelah³⁰ joined to another edible, which was less than an egg's bulk, but together they made up an egg's bulk.³¹ But, then, preparation should also be required, for the School of R. Ishmael have taught: The text, [If aught of their carcass fall] upon any sowing seed, which is to be sown,³² implies: as seed is characterised in that it will at no time convey weighty uncleanness and requires preparation, so everything that will at no time convey weighty uncleanness requires preparation! — He replied: This holds good in cases where the edibles have not joined to them less than an olive's bulk of nebelah; in our instance, however, the food has joined to it less than an olive's bulk of nebelah, and since it would require no preparation if it [the nebelah] was made up to a full olive's bulk, [so it requires no preparation even now].

(1) Though a person is rendered unclean when coming into contact with a reptile, he does not transmit this uncleanness to his clothes.

- (2) I.e., they do not require slaughtering.
- (3) The question is implied: Why two specifications.
- (4) Heb. **קַלְיָיִם** i.e., the prohibition of wearing a material of a mixture of wool and linen. V. Lev. XIX, 19. The fluff of the fowl is not subject to this law.
- (5) I.e., cattle and goat, whose hair, too, is not subject to that law. Sheep would be excluded, for its wool is subject to the law of kil'ayim.
- (6) Deut. XXII, 6f. This law applies only to clean fowl.
- (7) Viz., unclean fowls.
- (8) On the hermeneutical rule of generalisation and specification, v. Shabu. (Sonc. ed) p. 12, n. 3.
- (9) Lev. VII, 27.
- (10) I.e., those possessing the same characteristics as the instances of the specifications, as expounded above in connection with the law of blood.
- (11) V. Glos.
- (12) V. B.K. 64a and Zeb. 4b.
- (13) I.e., a cross between a goat and a gazelle, about which the Sages were in doubt whether it belonged to the category of 'cattle' or of 'beast of chase'; v. Glos.
- (14) Surely not. The Divine law is not in doubt as to the status of the koy.
- (15) Lev. VII, 23.
- (16) I.e., a carcass of an unslaughtered or non-ritually slaughtered animal. V. Glos.
- (17) Deut XIV, 21.
- (18) I.e., the nervus ischiadicus, forbidden in accordance with Gen. XXXII, 33.
- (19) Thus every animal is included, for this law is to remind us of the incident of the text. For the exclusion of birds, however, v. Hul. 92b.
- (20) 'Uk. III, 2.
- (21) The flesh is susceptible to uncleanness only if it had been cut off with the express intention of using it as food, and after it had been 'prepared', i.e. moistened by a liquid which renders it susceptible to uncleanness.
- (22) And by that act alone it should be susceptible to uncleanness.
- (23) Toh. VIII, 6.
- (24) We thus learn that also the flesh of man is capable of light uncleanness, contrary to the above conclusion.
- (25) The discussion above relates, therefore, to the flesh of a dead man, when no light uncleanness is possible.
- (26) Thus cattle, too, are subject to weighty uncleanness only.
- (27) 'Ed. V, 1. The decision is in accordance with Beth Hillel, that the blood of a carcass is, like its flesh, contaminated with weighty uncleanness.
- (28) 'Uk. III, 3. Intention to use the flesh as food is required whenever it is normally not eaten by the people. The carcass of unclean cattle is eaten neither in town nor in villages. That of a clean bird is not likely to find a consumer in a village. Some add here the second sentence of the quoted Mishnah: 'The carcass of a clean beast anywhere and that of a clean bird or the heleb (of cattle) in the markets require neither intention nor preparation.
- (29) Since it is nebelah.
- (30) The minimum quantity for nebelah uncleanness is an olive's bulk.
- (31) There was not the requisite quantity of nebelah. It is, therefore, not in itself unclean, but the portion of nebelah may combine with the other edible to the requisite size of an egg's bulk, which is the standard for food uncleanness. The intention is therefore essential to render the morsel of nebelah an edible, and thus capable of combination with the other food.
- (32) Lev. XI, 37. This text lays down the law that foodstuffs must first be made wet by a liquid in order to be susceptible to uncleanness. Seed is the specified instance in the Torah, and seed is at no time capable of weighty uncleanness. Moreover, the morsel of nebelah cannot defile with weighty uncleanness, since it is less than an olive's bulk.

Talmud - Mas. K'rithoth 21b

An exception, however, is the flesh of a dead man, for even though it is joined [to a foodstuff to make up the requisite egg's bulk] it does not convey food uncleanness, for his view is set aside by general opinion.¹

R. Hanania said: You may also say that there was a whole olive's bulk [of nebelah], but in this case it was entirely covered with dough.² If so, it should also require preparation!³ — This holds good only with regard to other foodstuffs, which transmit uncleanness neither by contact nor by carrying;⁴ in this instance, however, granted that it does not transmit uncleanness by contact, because it is covered with dough;⁵ it may nevertheless transmit uncleanness by carrying, for it is after all carried. An exception, however, is the flesh of a dead man, for even though it is covered with dough it will convey weighty uncleanness, for its uncleanness breaks through and rises and breaks through and descends.⁶

The Master said: 'I must exclude the blood of fish and of locusts, for they are always permitted'. What is the meaning of 'always permitted'?⁷ If that their heleb is permitted? Behold also the heleb of a beast of chase is permitted and yet its blood is forbidden! If that the prohibition of the gid ha-nasheh is not applicable to them? Behold also the fowl is not subject to the law of gid ha-nasheh, and yet its blood is forbidden! — 'Always permitted' means rather that they do not require slaughtering.

The Master said: 'If "fowl" [alone was mentioned, I might have said], as this is not subject to kil'ayim, so should be included only those animals [that are not subject to kil'ayim]; therefore the text teaches "beast".' Which kind of kil'ayim [is meant]?⁸ If that relating to breeding diverse kinds or to ploughing with diverse kinds, have we not learnt: Beasts and fowl are subject to similar laws?⁹ Said Abaye: It refers to its fluff which is not subject to the law of kil'ayim.¹⁰

Said Rab Judah in the name of Rab: For an olive's bulk of the blood of reptiles one incurs the penalty of stripes. An objection was raised: [It has been taught:] The blood of the spleen, or of the heart or of the kidneys, or of any other limb is subject to a prohibition;¹¹ the blood of those that walk on two legs or that of reptiles and creeping creatures is forbidden, but one is not liable for it.¹² What does 'but one is not liable for it' mean?¹³ This cannot mean [that one is not liable for it] to kareth, but only to a prohibition,¹¹ for in the first place this would be identical with the ruling of the first clause,¹⁴ and secondly the Tanna expressly excludes it even from a prohibition, as we have learnt: I must exclude the blood of reptiles for they are not subject to weighty uncleanness!¹⁵ — Replied R. Zera: If the warning related to reptiles, he incurs stripes; if to blood, he is exempt.¹⁶

Said Rab: The blood of fish collected [in a vessel] is forbidden.¹⁷ An objection was raised: [It has been taught:] The blood of fish and locust may deliberately be eaten!¹⁸ This is when it is not collected;¹⁹ whilst Rab speaks of collected blood. Then the clause relating to those that walk on two legs would likewise refer to uncollected blood; but is such blood at all forbidden; has it not been taught: The blood found on a loaf of bread must be scraped away and the loaf may be eaten; that between the teeth may be sucked and swallowed without hesitation? — In the instance of that Baraitha [the blood] contained [fish] scales; Rab, on the other hand, who rules that it is forbidden, refers to a case where there were no [fish] scales.²⁰

Said Rab Shesheth: In the case of human blood one is not even enjoined to refrain from it.²¹ An objection was raised: [It was taught:] The blood of the spleen, or of the heart or of the kidneys or of any other limb is subject to a prohibition; the blood of those that walk on two legs or that of reptiles and creeping things is forbidden, but one is not liable for it! — The ruling of the Baraitha that it is forbidden refers to the case

(1) A morsel less than an olive's bulk of nebelah is potentially liable to weighty uncleanness and therefore not on the same footing as seed. It, therefore, does not require moistening. Moreover, as an edible, it is also subject to light uncleanness if joined together with other food. The flesh of a man, however, is not capable of being regarded as food even if the person concerned expressed that intention, for it is against the natural conception of society to lend to it the

character of food.

(2) The dough itself was less than an egg's bulk but together with the olive's bulk of nebelah the whole amounted to an egg's bulk. This quantity can now convey food uncleanness.

(3) For it will at no time convey weighty uncleanness. It therefore requires preparation, I.e. moistening, according to the rule of the School of R. Ishmael.

(4) Unclean foodstuffs cannot render a person unclean, either by contact or by carrying.

(5) Direct contact with the nebelah is thus impossible.

(6) Even though the morsel of the corpse is buried or covered up it still transmits uncleanness to whatsoever is above or below it. The fact that it is wrapped in dough is therefore no hindrance in the transmission of its uncleanness. Some edd. add here: 'The Master said, "I must exclude reptiles for they are not subject to (weighty) uncleanness". But does not a reptile transmit uncleanness by contact? — It does not, however, by carrying'. This addition is struck out by Rashi.

(7) Heb. **כּוּלוֹ הֵיטֵר**, which may denote 'wholly permitted' as well as 'always permitted'.

(8) The Torah forbids four types of kil'ayim or 'diverse kinds': (a) sowing a vineyard with diverse kinds or a field with diverse kinds of seed; (b) allowing cattle to gender with diverse kinds; (c) ploughing with diverse kinds of beasts; and (d) wearing a garment wherein wool and linen are mingled together. V. Lev. XIX, 19, and Deut. XXII, 9 — 11.

(9) B.K. 54b. Among the laws enumerated as applying equally to cattle, beasts and fowl, is expressly mentioned the law of kil'ayim.

(10) The fluff of fowl may be woven together with linen.

(11) Lit. 'thou shalt not do'; involving the penalty of stripes.

(12) Tosef. Ker. II; v. infra 22a.

(13) The Talmudic text is in slight disorder, but the sense is as given.

(14) The text, however, makes it clear that a different ruling is given in the second clause.

(15) I.e., the blood of reptiles is excluded from the text that contains the prohibition of blood, viz., Lev. VII, 23.

(16) The blood of a reptile is prohibited as being part of the flesh, cf. supra 4b; as blood, however, it is not subject to a special prohibition. It therefore depends on the warning, which has to be precise and comprehensive, that was administered to the transgressor at the time of eating, as to whether he incurs stripes or not.

(17) When alone in a vessel it might be mistaken for the blood of cattle; it is therefore forbidden for appearance sake.

(18) Lit. 'is permitted even in the first instance'.

(19) It is still in the flesh of the fish, so that no misunderstanding is possible.

(20) I.e., the Baraitha speaks in fact of collected blood throughout. It is therefore right that the blood of man in these circumstances is forbidden. In the instance relating to the blood of fish it is permitted, because there were still scales in the blood which clearly indicated its origin, and no misunderstanding is possible.

(21) I.e., one may, as we have learnt above, deliberately swallow it.

Talmud - Mas. K'rithoth 22a

where it had been separated,¹ whilst in the instance of Rab it had not been separated; as it has been taught: The blood found on a loaf of bread must be scraped away and the loaf may be eaten; that between the teeth may be sucked and swallowed without hesitation.

Some there are who report the statement of Rab Shesheth with reference to that which has been taught: I might have thought that he who drinks human milk transgresses a prohibition, and this might be supported by the following a fortiori conclusion: if the milk of an unclean animal is forbidden, although with regard to uncleanness by contact it follows the lenient ruling,² how much more should the milk of those that walk on two legs, who follow the stringent view regarding uncleanness by contact, be forbidden! The text therefore teaches, This is unclean unto you:³ this is unclean; human milk, however, is not unclean but clean. I might exclude only milk in relation to which the law is not constant,⁴ but not blood in relation to which the law is constant, therefore the text teaches, 'This is unclean unto you': this is unclean; human blood, however, is not unclean but clean. Upon this remarked Rab Shesheth: 'One is not even enjoined to refrain from it'.

We have learnt elsewhere: The heart must be torn and its blood removed; if he had not torn it, he

has nevertheless not transgressed.⁵ Said R. Zera in the name of Rab: This holds good only with regard to the heart of a fowl which is not as big as an olive's bulk in all; the heart of a beast, however, which comprises an olive's bulk, is forbidden and [whoso eats it] incurs the penalty of kareth.

An objection was raised: [It has been taught:] The blood of the spleen or of the heart or of the kidneys, or of any other limb is subject to a prohibition; the blood of those that walk on two legs or that of reptiles and creeping things is forbidden, but one is not liable for it!⁶ — That which is there taught⁷ refers to the blood within;⁸ Rab, however, refers to blood that came from elsewhere.⁹ But is not the blood within identical With the blood of a limb?¹⁰ — And even according to you, is not the blood of the kidneys mentioned in addition to the blood of a limb? You must thus admit that the one is stated and then the other;¹¹ then say here, too, that the one is stated and then the other. [It says:] 'From elsewhere' — From where? — Said R. Zera: It absorbs it with the last breath.¹²

...OF THE BLOOD [OF THE ARTERIES] WHEREBY LIFE ESCAPES, HE IS LIABLE. It has been stated: What is the definition of 'the blood of arteries upon which life depends'?¹³ R. Johanan says: That which gushes forth; Resh Lakish says: From the black drop onward.¹⁴

An objection was raised: Which is the blood of arteries whereby life escapes? That which gushes forth, to the exclusion of secondary blood, because it flows gently.¹⁵ May we not assume that the first as well as the last blood that flow gently¹⁶ are regarded as secondary blood; and this is then in contradiction to Resh Lakish? — No, only the blackened blood is excluded, but the first and the last blood, though flowing gently, are regarded as life blood.¹⁷

An objection was raised: Which is regarded as life blood?¹⁸ That which gushes forth, to the exclusion of the first and last blood, which flow gently. This is in contradiction to Resh Lakish! — He might retort: Tannaim differ on this point, as has been taught: Which is regarded as life blood? That which gushes forth. This is the view of R. Eliezer. R. Simeon holds: From the black drop onward. The School of R. Ishmael taught: The text 'And drink the blood of the slain':¹⁹ excludes the gushing blood from rendering plants susceptible to uncleanness.

R. Jeremiah put the following query before R. Zera: What is the law if one drew blood from an animal and received it in two vessels? For [the blood which is] in the first vessel, according to all views one is liable;²⁰ but what of that in the second; is one liable for it or not? — He replied: Therein differ R. Johanan and Resh Lakish, as has been stated: If one drew blood from an animal and received it in two vessels, Resh Lakish says: He is liable to two sin-offerings;²¹ R. Johanan says: He is liable to one sin-offering only.

R. JUDAH HOLDS, HE IS LIABLE FOR SECONDARY BLOOD. Said R. Eleazar: R. Judah admits, however, with reference to atonement, for it is written: For it is the blood that maketh atonement by reason of the life:²² the blood whereby life escapes causes atonement, the blood whereby life does not escape does not cause atonement. Said Rab Nahman b. Isaac: We have also learnt in confirmation thereof, for it has been taught: [It would have sufficed had the text stated,] Blood, why does it say, Any manner of blood?²³ Because Scripture reads: 'For it is the blood that maketh atonement by reason of the life'; from this we only learn that the blood of consecrated animals whereby life escapes and which makes atonement, [is forbidden], whence do we know that blood of unconsecrated animals and secondary blood [are forbidden]? Because it reads: 'Any manner of blood'. And [it is established that] an anonymous [tradition in the] Sifra²⁴ represents the view of R. Judah.²⁵ MISHNAH. FOR DOUBTFUL MISAPPROPRIATION OF SACRED PROPERTY R. AKIBA DECLARES ONE LIABLE TO A SUSPENSIVE GUILT-OFFERING; WHILE THE SAGES DECLARE HIM EXEMPT.²⁶ R. AKIBA, HOWEVER, ADMITS THAT HE NEED NOT MAKE RESTITUTION²⁷ UNTIL HE BECOMES AWARE [OF HIS TRESPASS], WHEN HE

MUST BRING WITH IT AN UNCONDITIONAL GUILT-OFFERING. SAID R. TARFON: WHEREFORE SHOULD HE BRING TWO GUILT-OFFERINGS?²⁸ LET HIM RATHER RESTORE THE CAPITAL TOGETHER WITH THE FIFTH, OFFER A GUILT-OFFERING OF THE VALUE OF TWO SELA'S²⁹ AND STIPULATE: IF I DID COMMIT SACRILEGE, HERE IS MY RESTITUTION AND THIS MY GUILT-OFFERING; AND IF THE SACRILEGE WAS DOUBTFUL, LET THE MONEY BE A FREEWILL GIFT AND THE [OFFERING A] SUSPENSIVE GUILT-OFFERING; SINCE THAT WHICH IS OFFERED FOR A KNOWN [TRESPASS] IS OF THE SAME KIND AS THAT OFFERED FOR A DOUBTFUL ONE.³⁰ SAID R. AKIBA: HIS³¹ WORDS SEEM PLAUSIBLE IN THE CASE OF A MINOR MISAPPROPRIATION; BUT IF HIS DOUBT RELATED TO THE MISAPPROPRIATION OF A HUNDRED MANEHS, WOULD IT NOT BE MORE ADVANTAGEOUS FOR HIM TO BRING A GUILT-OFFERING³² FOR TWO SELA'S RATHER THAN RESTORE OUT OF DOUBT THE SUM OF A HUNDRED MANEHS? R. AKIBA INDEED AGREES WITH R. TARFON IN THE CASE OF A MINOR MISAPPROPRIATION.

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- (1) Blood that had parted from the body and was collected in a vessel or was found on a loaf, may not be eaten; that which is still within the body may deliberately be consumed.
- (2) A living animal can never cause uncleanness, either itself or by any kind of secretion from it, whilst a woman is unclean through menstruation or gonorrhoea, and transmits the uncleanness to other objects.
- (3) Lev. XI, 29. The verse refers to unclean creeping things.
- (4) Lit. 'is not alike in all (cases)'. Viz., the milk of a clean animal is permitted, but that of an unclean one is forbidden. Blood, however, is forbidden in all cases.
- (5) I.e., he has not transgressed the law relating to blood by eating the heart whole; Hul. 109a.
- (6) V. supra 21b. This is in contradiction to Rab, for it states that the blood of the heart — and it obviously speaks of cattle—is subject to a prohibition, whilst Rab holds it is subject to kareth.
- (7) Thus the version of Tosaf.; cur. edd. add here: 'That one is not liable for it'. This version seems incorrect for this expression is used in the second clause and not in relation to the blood of the heart.
- (8) I.e., the blood which is contained in the walls of the heart.
- (9) And is now collected in the heart chambers.
- (10) Its enumeration is thus superfluous.
- (11) Even though one is redundant.
- (12) The last beat of the heart before the animal's death fills the chambers of the heart with blood from the arteries.
- (13) This is identical with the expression 'the blood whereby life escapes' used in our Mishnah.
- (14) Thus literally. Rashi explains that when the arteries are cut the escaping blood is at first dark and then red. In its second stage it begins after a while to gush forth with force and when the pressure had ceased the stream weakens and the blood oozes gently. There is thus at the beginning as well as the end a period when the blood escapes in a gentle flow. According to R. Johanan, only the blood that escapes with force is considered the life blood; according to Resh Lakish it is all blood that escapes after the last black drop even when flowing gently.
- (15) Tosef. Zeb. VIII.
- (16) Even though it escaped after the last black drop. The first and the last blood means that which flows out gently before and after the gushing blood.
- (17) 'Life blood' and 'the blood whereby life escapes' are identical expressions.
- (18) Thus in MS; cur. edd. read erroneously 'first blood'.
- (19) Num. XXIII, 24. The text implies that the blood that issues from persons already slain (dead) may be regarded as a liquid with regard to qualification for uncleanness; 'life blood', however, does not qualify.
- (20) For it contains blood which streamed out with force.
- (21) One for each vessel, provided it was consumed in two different spells of unawareness of sin.
- (22) Lev. XVII, 11. 'By reason of the life' is interpreted as referring to life blood.
- (23) Ibid. v. 10 which deals with the prohibition of blood. As the following sentence makes reference to the blood of sacrifices, which causes atonement, I might have thought that the whole prohibition was confined to such blood.
- (24) V. Glos.
- (25) Cf. 'Er. 96b. We thus find that R. Judah admits that only the blood that gushes forth with force brings about

atonement.

(26) The Sages hold that only those transgressions that are subject to a sin-offering in the case of certain offences involve a suspensive guilt-offering in the case of doubt. Sacrilege, however, is subject to an ordinary guilt-offering.

(27) V. Lev. V, 15-16.

(28) I.e., at first a suspensive guilt-offering and then, should the trespass be established, an ordinary guilt-offering.

(29) Two silver shekels is the minimum amount to be spent for the offering, because the text (Lev. V, 15) speaks of silver shekels in the plural.

(30) I.e., in both instances a ram is to be offered.

(31) R. Tarfon's.

(32) Viz., one for doubtful sins; and should it afterwards be established that the trespass was certain, he will bring another ordinary guilt-offering. The risk amounts to two sela's only, whilst according to R. Tarfon he might lose a hundred muneh2.

Talmud - Mas. K'rithoth 22b

GEMARA. It has been taught: The expression And if any one¹ intimates that one is liable to a suspensive guilt-offering in the case of doubtful sacrilege; thus the view of R. Akiba. The Sages declare him exempt.² May we assume that they differ in the following point: R. Akiba holds, we may derive the law above³ from the law below, while the [other] Rabbis hold, we may not derive the law above from the law below? — Said R. Papa: All agree that we may derive the law above from the law below, otherwise we should not find [a basis for the law] that a bullock has to be slaughtered on the north side of the altar;⁴ but the reason why the Rabbis here declare him exempt, lies in the textual analogy to a sin-offering based on the common term mitzwoth:⁵ as [that text] there⁶ speaks of an offence for which one is liable to kareth in the case of wilful transgression, to a sin-offering in the case of erroneous transgression, and to a suspensive guilt-offering in the case of doubt, so for all other offences, for which one is liable to kareth in the case of wilful transgression, and to a sin-offering in the case of erroneous transgression, one is liable to a suspensive guilt-offering in the case of doubt; this excludes sacrilege, since for the wilful transgression thereof one is not liable to kareth, as has been taught: If one committed sacrilege wilfully, Rabbi says, He is liable to the death penalty;⁷ the Sages say, [He has merely transgressed] a prohibition. And R. Akiba? — He maintains that the textual analogy regarding the sin-offering for heleb,⁸ based upon the common term mitzwoth, is to be applied only for the following purpose: as that text relates to a fixed sacrifice, so must all be fixed sacrifices, thus excluding sacrifices of higher or lesser value.⁹ And the Rabbis? — They hold, a gezerah shawah cannot be applied partially.¹⁰ Are we, then, to conclude that R. Akiba holds that one may apply a gezerah shawah partially?¹¹ — Say, rather, all agree that a gezerah shawah cannot be applied partially; but this is the reason of R. Akiba. The text says, And if any one: 'And' implies an addition to the foregoing, so we therefore derive the law above from the law below.¹² And the Rabbis? — They hold [that the inference is in the reverse direction], and we must derive the law below from the law above regarding silver shekels for guilt-offerings.¹³ And R. Akiba? — He holds, a hekkesh cannot be applied partially.¹⁴ Are we, then, to conclude that the Rabbis hold that a hekkesh can be applied partially? Is it not definitely established that a hekkesh cannot be applied partially? — All agree that a hekkesh cannot be applied partially, but here the Rabbis maintain that the textual analogy founded upon the common term 'mitzwoth' supersedes the hekkesh. And R. Akiba? — The law regarding silver shekels for guilt-offerings he derives from: This is the law of the guilt-offering:¹⁵ there is one law for all guilt-offerings, which includes the silver shekels.

And the Rabbis?¹⁶ — Although it is written, 'This is the law of the guilt-offering', there is still need for the phrase, 'and if any one', the 'and' implying an addition to the foregoing, and thereby deriving the law below from the law above. For as to [the passage], 'This is the law of the guilt-offering', from which is derived that one law rules all guilt-offerings, it might be said to apply to unconditional guilt-offerings only [and not to suspensive guilt-offerings]; for since the suspensive

guilt-offering is brought [e.g.] for [the eating of] doubtful heleb, I might have argued that doubtful transgression should not be more stringent than certain transgression; and as in the case of certain transgression a sin-offering of the value of a danka¹⁷ suffices, so also in the case of doubtful transgression a guilt-offering of the value of a danka should suffice. It is for this reason that the Divine Law wrote, 'And if any one', the 'and' implying an addition to the foregoing.¹⁸ The above [conclusion of R. Akiba] is valid according to him who holds¹⁹ that an inference may be made from [the text], 'This is the law of the guilt-offering'; but according to him who holds that one cannot make any inference from, 'This is the law of the guilt-offering', what can be said? — The law²⁰ will then be derived from that relating to the guilt-offering of sacrilege by a textual analogy based upon the common term be'erkeka;²¹ whilst regarding the guilt-offering of the designated bondmaid,²² in connection with which be'erkeka is not mentioned, the law will be derived by an analogy based upon the common term ayil.²³

R. AKIBA, HOWEVER, ADMITS etc. What is the meaning of **AND IF THE SACRILEGE WAS DOUBTFUL?**²⁴ — Said Raba: Read, 'And if the doubt remains for ever, it shall be a suspensive guilt-offering, since that which is offered for a known [trespass] is of the same kind as that offered for a doubtful one'. But has he not, after all, to bring an unconditional guilt-offering when he becomes aware of the transgression?²⁵ — Said Raba: From this ruling of both²⁶ we learn that knowledge at the outset is not essential with regard to an unconditional guilt-offering.²⁷

MISHNAH. IF A WOMAN BROUGHT A SIN-OFFERING OF A BIRD BY REASON OF A DOUBT,²⁸ **AND PRIOR TO THE PINCHING OF ITS NECK SHE LEARNT THAT THE BIRTH WAS A CERTAINTY, SHE SHALL OFFER IT AS FOR A CERTAINTY,**²⁹ **FOR THAT WHICH SHE OFFERS IN THE CASE OF CERTAINTY IS OF THE SAME KIND AS THAT WHICH SHE OFFERS IN THE CASE OF DOUBT.**³⁰ **[IF THERE WAS] A PIECE OF UNCONSECRATED FOOD AND A PIECE OF CONSECRATED FOOD, AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH OF THEM HE ATE, HE IS EXEMPT. R. AKIBA DECLARES HIM LIABLE TO A SUSPENSIVE GUILT-OFFERING.**³¹ **IF HE THEN ATE THE SECOND [PIECE], HE IS LIABLE TO AN UNCONDITIONAL GUILT-OFFERING.**³² **IF HE ATE THE ONE [PIECE] AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; THIS IS THE VIEW OF R. AKIBA. R. SIMEON SAYS: THEY TOGETHER BRING ONE GUILT-OFFERING.**³³ **SAID R. JOSE**

(1) Lev. V, 15. The 'and' connects it with the previous paragraph which speaks of the guilt-offering for sacrilege. This is taken to indicate that also this transgression is to be included in the law relating to doubtful sins.

(2) V. Zeb. 48a.

(3) The law above is that relating to sacrilege, the law below that of the suspensive guilt-offering.

(4) Cf. Zeb. 48a where this ruling is derived from the fact that the text relating to bullock-offerings (Lev. I, 3f) precedes that relating to small cattle (ibid. 10f) which explicitly mentions the north side as the place of slaughtering.

(5) I.e., the expression 'commandments', which occurs in connection with the sin-offering (Lev. IV, 27) and also with the suspensive guilt-offering (ibid. V, 27). Such an analogy is known as a *gezerah shawah*.

(6) Viz., Lev. IV, 27, which deals with the sin-offering.

(7) I.e. death at the hands of Heaven.

(8) The eating of heleb is mentioned as the prototype of a transgression which is subject to a sin-offering, because the law relating to it (Lev. III, 27) immediately precedes the chapter containing the laws of the sin-offering.

(9) I.e., sacrifices which vary according to the pecuniary position of the transgressor; cf. Lev. V, 1-13.

(10) The deduction by such an analogy must take into consideration all qualities. R. Akiba, however, considers only the fact of the fixed sacrifice and disregards the fact of the penalty of *kareth*.

(11) Which would be in contradiction to a generally accepted rule.

(12) I.e., because of the connection established by the 'and', this inference is to be made in spite of the deduction by *gezerah shawah* to the contrary. This analogy based on the inner or logical connection between laws is known as a *hekkesh*.

(13) I.e., that the suspensive guilt-offering contained in the later text has also to be at least two silver shekels in value, just as the sacrifice of the preceding paragraph, where this is expressly indicated in Lev. V, 15. Rashi omits the following four passages and continues here: And whence does It. Akiba derive the law concerning silver shekels for guilt-offerings? — From ‘this is the law of the guilt-offering, etc.’.

(14) I.e., in one direction only.

(15) Lev. VII, 1.

(16) They, too, could infer the rule relating to the cost of a guilt-offering from the passage in Lev. VII, 1, and therefore the hekkesh based upon ‘and if any one’ would be superfluous.

(17) A small coin, the sixth of a denar.

(18) This comparison of laws, as explained above, teaches that the value of a guilt-offering for doubtful sins, too, must be two sela's.

(19) Cf. Men. 3b. The text in question there is ‘this is the law of the meal-offering’; but the principle involved is the same as in our text.

(20) Viz., that the minimum cost of the suspensive guilt-offering must be two sela's.

(21) Tr. ‘according to thy valuation’, which occurs in Lev. V, 15 and *ibid.* v. 18.

(22) Lev. XIX, 20-21.

(23) Tr. ‘ram’, occurring in Lev. V, 15 and XIX, 22.

(24) There is no ‘if’ here, for we are speaking of a doubtful transgression.

(25) For the sacrifice offered at the time when there was still doubt as to the trespass cannot expiate for the sin that afterwards becomes certain.

(26) I.e., R. Akiba and R. Tarfon who agree in the instance of minor misappropriation that the sacrifice is valid even when the sin becomes known.

(27) I.e., it is not necessary for the sinner to be aware of the sin at the time of its commission.

(28) A woman after confinement must offer a lamb as a burnt-offering and a dove as a sin-offering; v. Lev. XII, 6f. If there is doubt whether a normal birth took place (cf. Nid. III) she offers the burnt-offering with the stipulation that it shall be a freewill-offering in case of her being exempt, and the sin-offering she offers out of doubt without any stipulation. For the sin-offering of a bird the form of slaughter is the pinching of its neck, cf. Lev. V, 8.

(29) And the bird may be eaten by the priests.

(30) I.e., in either case birds are offered.

(31) Misappropriation of sacred property is subject to a guilt-offering, and the Sages and R. Akiba differ in the previous Mishnah as to whether a suspensive guilt-offering is brought in case of doubtful sacrilege.

(32) As prescribed in Lev. V, 15. For he ate at all events of sacred food.

(33) With the stipulation that the one who is exempt makes a gift to the other of his portion of the sacrifice.

Talmud - Mas. K'rithoth 23a

: TWO PERSONS CANNOT BRING ONE GUILT-OFFERING.¹ IF THERE WAS A PIECE OF HELEB AND A PIECE OF UNCONSECRATED [PERMITTED FAT], AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; IF HE THEN ATE THE SECOND PIECE, HE IS LIABLE TO A SIN-OFFERING. IF HE ATE THE ONE [PIECE] AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM IS LIABLE TO A SUSPENSIVE GUILT-OFFERING. R. SIMEON SAYS: THEY TOGETHER BRING ONE SIN-OFFERING.² SAID R. JOSE: TWO PERSONS CANNOT BRING ONE SIN-OFFERING. IF THERE WAS A PIECE OF HELEB AND A PIECE OF CONSECRATED [PERMITTED FAT], AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; IF HE THEN ATE THE SECOND PIECE, HE IS LIABLE TO A SIN-OFFERING AND AN UNCONDITIONAL GUILT-OFFERING.³ IF HE ATE THE ONE PIECE AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM BRINGS A SUSPENSIVE GUILT-OFFERING. R. SIMEON HOLDS: THEY TOGETHER BRING A SIN-OFFERING AND A GUILT-OFFERING.² SAID R. JOSE: TWO PERSONS CANNOT TOGETHER BRING ONE SIN-OFFERING AND ONE GUILT-OFFERING. IF THERE WAS A PIECE OF UNCONSECRATED HELEB AND A PIECE

OF CONSECRATED HELEB,⁴ AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH, HE IS LIABLE TO A SIN-OFFERING. R. AKIBA SAID: ALSO TO A SUSPENSIVE GUILT-OFFERING. IF HE THEN ATE THE SECOND PIECE, HE IS LIABLE TO TWO SIN-OFFERINGS⁵ AND ONE UNCONDITIONAL GUILT-OFFERING. IF HE ATE THE ONE PIECE AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM IS LIABLE TO A SIN-OFFERING.’ R. AKIBA SAYS: EACH OF THEM BRINGS [IN ADDITION] A SUSPENSIVE GUILT-OFFERING. R. SIMEON HOLDS: EACH OF THEM BRINGS A SIN-OFFERING AND TOGETHER THEY BRING ONE GUILT-OFFERING. SAID R. JOSE: TWO PERSONS CANNOT BRING ONE GUILT-OFFERING. IF THERE WAS A PIECE OF HELEB AND A PIECE OF HELEB [WHICH WAS AT THE SAME TIME] NOTHAR, AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH, HE IS LIABLE TO A SIN-OFFERING AND TO A SUSPENSIVE GUILT-OFFERING;⁶ IF HE THEN ATE THE SECOND PIECE, HE IS LIABLE TO THREE SIN-OFFERINGS.⁷ IF HE ATE THE ONE PIECE AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM BRINGS A SIN-OFFERING AND A SUSPENSIVE GUILT-OFFERING. R. SIMEON HOLDS: EACH OF THEM BRINGS A SIN-OFFERING AND TOGETHER THEY BRING A SIN-OFFERING. SAID R. JOSE: NO SIN-OFFERING THAT IS BROUGHT FOR THE EXPIATION OF SIN⁸ CAN BE OFFERED BY TWO PERSONS.

GEMARA. Said Raba to R. Nahman: According to R. Jose it is only a sin-offering that cannot be brought by two persons, but a suspensive guilt-offering can be brought by two persons. Is this, then, not identical with the view of the first Tanna? And should you say they differ as to whether one out of two pieces is required,⁹ [I would reply,] has it not been taught: R. Jose holds that each of them¹⁰ brings a suspensive guilt offering? He replied: What he wishes to let us know is that the first Tanna is R. Jose.

IF A PIECE OF HELEB AND A PIECE OF CONSECRATED [PERMITTED FAT]..., A PIECE OF UNCONSECRATED HELEB AND A PIECE OF CONSECRATED HELEB..., A PIECE OF HELEB AND A PIECE OF HELEB [WHICH WAS AT THE SAME TIME] NOTHAR etc. Said Raba to Rab Nahman: Let him also bring an unconditional guilt-offering, for the nothar is at the same time consecrated [food]? — He replied: [It is a case where] the food was not worth a perutah.¹¹ But do not the preceding instances¹² relate to food worth a perutah, for it is stated, HE MUST BRING AN UNCONDITIONAL GUILT-OFFERING? — He replied: In that instance since it was not nothar, it was worth a perutah.¹³ But what [of the Mishnah] ‘One may by one act of eating ...’¹⁴ which speaks of nothar as one of the trespasses involved, nevertheless it states that he is liable to four sin-offerings and one guilt-offering? — That [Mishnah] refers to a large meal, ours to a scanty meal; alternatively that [Mishnah] relates to the winter season and ours to the summer season.¹⁵

IF ONE PERSON ATE ONE PIECE etc. Said Raba to Rab Nahman: And does R. Simeon indeed hold that a prohibition can take effect on an existing prohibition;¹⁶ has it not been taught: R. Simeon says, He who eats nebelah on the Day of Atonement is exempt?¹⁷ — Said R. Shesheth son of Idi: [Our Mishnah] refers to one who ate the kidney with the heleb attached thereto.¹⁸ But even in the case of the kidney with the heleb attached thereto is it not subject to prohibition relating to things offered [upon the altar]?¹⁹ How, then, can the prohibition regarding nothar take effect on it? And should you argue that R. Simeon maintains that the prohibition relating to nothar is a stringent²⁰ one and therefore takes effect on the existing lighter prohibition regarding things offered [upon the altar], [I might retort], behold the prohibition of nebelah is light and that of the Day of Atonement is stringent, and yet the latter does not take effect on the former! — One must say that in connection with consecrated things the Divine Law has revealed that one prohibition can take effect on an existing prohibition,

(1) He holds no conditions may be attached to a sacrifice.

(2) V. p. 171, n. 9.

(3) For the first piece he would be liable to a sin-offering, and for the second, which is not heleb, to a guilt-offering; in the case of doubt he brings a suspensive guilt-offering even according to the Sages, because of the doubt relating to the first piece.

(4) The first is subject to a sin-offering, the second to a sin-offering as well as a guilt-offering by reason of its sacred character.

(5) Provided the two pieces were not eaten in one spell of unawareness, otherwise he would be liable to but one sin-offering, viz., for the eating of heleb.

(6) The first is subject to a sin-offering, the second to two sin-offerings, for the law of nothar is more comprehensive than that of heleb, although it was forbidden before it became nothar. For nothar v. Glos. In case of doubt as to which of them he ate, he brings a sin-offering, to which he is at all events liable, and a suspensive guilt-offering by reason of the doubt relating to nothar.

(7) V. p. 172, n. 5.

(8) Excluded from this rule are the sin-offerings which are not brought as the outcome of a certain sin, such as the one offered by a woman after confinement, v. supra 7b.

(9) V. supra 16b. The first Tanna will hold that if the two pieces were eaten by two persons both will be liable to a suspensive guilt-offering, although when the second one ate his piece the presence of something forbidden was not established; R. Jose will hold that only the first is liable, because of the two pieces before him one was definitely forbidden, but the second is exempt.

(10) Obviously also the second is liable.

(11) The standard value for the trespass of the law of sacrilege is a perutah, the smallest coin.

(12) In the third instance of the Mishnah it is stated that if one ate both pieces he is liable to a sin-offering (by reason of the heleb present) and to a guilt-offering to expiate the sacrilege he committed. The second piece must, accordingly, have been worth a perutah; why should we not assume the same in the concluding instance?

(13) The meat of the nothar is usually inferior and cheaper because of its staleness.

(14) V. supra 13b. One of the sin-offerings is brought for the transgression of the law of nothar, whilst the guilt-offering is to expiate the trespass of sacrilege. The piece of nothar must of necessity have been worth a perutah.

(15) I.e., the meat referred to there was either of a bigger quantity or better preserved, by reason of the cold of the winter.

(16) R. Simeon holds in the last instance of the Mishnah that a second sin-offering is to be brought because of the trespass of the law of nothar. Now, before it became nothar it was already forbidden as heleb; how can the second prohibition take effect upon something already prohibited?

(17) The nebelah (v. Glos.) was forbidden even before the Day of Atonement; he is therefore exempt from the sin of eating on the Day of Atonement, for this prohibition cannot take effect.

(18) That part of the kidney which is not heleb is at all events subject to nothar. By eating them together he has made himself liable to the prohibition of heleb as well as nothar, the first by reason of the heleb, the second because of the kidney.

(19) Both the kidney and the heleb of an offering are burnt upon the altar and are therefore forbidden for use.

(20) Nothar and eating on the Day of Atonement involve the penalty of kareth, nebelah and the portions offered on the altar are only subject to a mere prohibition.

Talmud - Mas. K'rithoth 23b

as has been taught: [The expression] Which pertain unto the Lord¹ includes the sacrificial portions [destined for the altar]. Now these portions are subject to the prohibition relating to things offered [upon the the altar], moreover the heleb thereof is subject to a prohibition involving kareth, and yet the prohibition regarding uncleanness takes effect on them. A further proof that this is so:² Behold, Rabbi is of the opinion that one prohibition can take effect on another, provided it is a stringent prohibition being applied to an existing light one, and not a light one to a stringent one, yet in the matter of consecrated things he maintains that even a light prohibition can take effect on a stringent one. For the prohibition of sacrilege is light, being subject to death,³ whereas the prohibition relating to [the eating of] consecrated things is stringent, involving kareth, yet the prohibition involving death takes effect on the prohibition involving kareth, as has been taught: Rabbi says, [The text] All fat is

the Lord's⁴ includes the sacrificial portions of offerings of a lower degree of holiness destined for the altar as being subject to the law of sacrilege. Now, sacrilege is a prohibition involving death³ and yet it takes effect on the prohibition of heleb which involves kareth. This proves that Scripture revealed a special case with regard to consecrated things. But has it not been taught elsewhere: R. Simeon says, Neither the law of piggul⁵ nor that of nothar applies to things that are offered upon the altar? — There are two [contradictory] tannaitic [traditions] in the name of R. Simeon; some there are who hold that in relation to consecrated things a prohibition can take effect on an existing prohibition, but others hold that even in relation to consecrated things a prohibition cannot take effect on an existing prohibition. And for what purpose will they who hold that also in relation to consecrated things one prohibition cannot take effect on another, employ [the text], 'All fat is the Lord's'?⁶ — They will employ it for the young⁷ of consecrated animals, for they hold that the young of consecrated animals are sacred only from birth,⁸ so that both [prohibitions]⁹ come into force simultaneously.

CHAPTER VI

MISHNAH. IF A PERSON BROUGHT A SUSPENSIVE GUILT-OFFERING AND LEARNT AFTERWARDS THAT HE DID NOT SIN,¹⁰ IF IT WAS BEFORE THE ANIMAL WAS SLAUGHTERED, IT MAY GO OUT TO PASTURE AMONG THE FLOCK;¹¹ THUS THE VIEW OF R. MEIR. THE SAGES SAY: IT SHALL BE LEFT TO PASTURE UNTIL IT BECOMES BLEMISHED¹² AND THEN SOLD, AND ITS PRICE GOES TO [THE TEMPLE FUND FOR] FREEWILL-OFFERINGS.¹³ R. ELIEZER SAYS: IT SHALL BE OFFERED UP, FOR IF IT DOES NOT EXPIATE THIS SIN, IT WILL EXPIATE ANOTHER SIN.¹⁴ IF HE LEARNS OF IT AFTER IT WAS SLAUGHTERED, THE BLOOD SHALL BE Poured OUT AND THE FLESH IS REMOVED TO THE PLACE OF BURNING.¹⁵ IF THE BLOOD HAD ALREADY BEEN TOSSED, THE FLESH MAY BE EATEN.¹⁶ R. JOSE SAYS: EVEN IF THE BLOOD IS STILL IN THE VESSEL, IT SHOULD BE TOSSED AND THE FLESH THEN EATEN.¹⁷ THE LAW, HOWEVER, IS DIFFERENT WITH AN UNCONDITIONAL GUILT-OFFERING: IF¹⁸ BEFORE THE ANIMAL WAS SLAUGHTERED, IT MAY GO OUT TO PASTURE AMONG THE FLOCK; IF AFTER IT WAS SLAUGHTERED, IT SHALL BE BURIED; IF AFTER THE SPRINKLING OF THE BLOOD, THE FLESH MUST BE REMOVED TO THE PLACE OF BURNING. THE LAW IS ALSO DIFFERENT REGARDING AN OX TO BE STONED:¹⁹ IF BEFORE IT WAS STONED,²⁰ IT MAY GO OUT TO PASTURE AMONG THE FLOCK; IF AFTER IT WAS STONED, IT IS PERMITTED FOR USE. THE LAW IS ALSO DIFFERENT REGARDING THE HEIFER WHOSE NECK IS TO BE BROKEN:²¹ IF BEFORE ITS NECK WAS BROKEN,²² IT MAY GO OUT TO PASTURE AMONG THE FLOCK; IF AFTER ITS NECK WAS BROKEN, IT SHALL BE BURIED ON THE SPOT,²³ FOR IT WAS FROM THE OUTSET BROUGHT IN A MATTER OF DOUBT, IT HAS ATONED FOR THE DOUBT, AND SO HAS SERVED ITS PURPOSE.

GEMARA. Wherein do they differ? — R. Meir reasons, As he no longer requires the offering he does not dedicate it;²⁴ the [other] Rabbis hold, Because of his troubled conscience²⁵ he resolved to dedicate it. A Tanna [taught]: Whether he learnt that he did sin²⁶ or learnt that he did not sin, R. Meir and the Rabbis differ. In the case where he learnt that he did sin, [the dispute is taught] to present the force of R. Meir's view: Although he is now aware of his sin, since he did not know this when the sacrifice was set aside, it may therefore go out to pasture among the flock. And in the case where he learnt that he did not sin, [the dispute is taught] to present the force of the view of the Rabbis: Although he is now aware that he did not sin, since he did not know this when the sacrifice was set aside, his conscience troubled him and so resolved to dedicate it absolutely.

Said Rab Shesheth: R. Meir concedes to the Rabbis

(1) Lev. VII, 21, which states the law that if an unclean person eats of the flesh of sacrifices, he is liable to kareth. The

expression 'which pertain unto the Lord' is apparently superfluous, and serves to teach us that also the portions destined for the altar are subject to this prohibition.

(2) That in connection with consecrated things one prohibition can take effect on another.

(3) Not the death penalty by human hands but as a heavenly punishment. This penalty is less stringent than kareth; cf. M.K. 28a.

(4) Lev. III, 16.

(5) V. Glos.

(6) From this text we derived above that the law of sacrilege takes effect upon the prohibition concerning heleb.

(7) Or rather to the sacrificial portions destined for the altar of the young of consecrated animals. Rashi reads explicitly 'the sacrificial portions of the young ones'.

(8) Lit. on coming into being', i.e. at birth.

(9) Viz., that concerning sacrilege and that relating to the use of things offered upon the altar. These two prohibitions take effect simultaneously, from the moment of birth. There is thus no question of one prohibition applying to the other.

(10) E.g., it is afterwards established that the portion left over was the heleb and the one he had eaten the permitted fat.

(11) I.e., it loses its sacred character and becomes again a profane animal.

(12) So that it is unfit for the altar. Only then may a consecrated animal be sold to a private person.

(13) I.e., a fund which provided freewill-offerings whenever the altar was empty.

(14) This is consistent with R. Eliezer's view in the following Mishnah that such a guilt-offering may be brought without reference to a specific doubtful sin.

(15) I.e., it shall be burnt outside the Temple precincts, like all disqualified sacrifices.

(16) Since the ceremony of expiation was performed, it is to be treated as a valid offering.

(17) Because the blood was ready for tossing.

(18) I.e., if he discovers that the certain sin for which the sacrifice was brought did not take place after all; v. Gemara.

(19) An ox that killed a person must be stoned and no benefit or use may be derived from it. V. Exod. XXI, 28.

(20) It was found out that the judgment passed upon it was wrong.

(21) Deut. XXI, 1ff.

(22) The murderer was found.

(23) I.e., it is to be treated as if it was valid, for its purpose was to atone for the congregation who may have borne some guilt in the murder, and at the time that the heifer had its neck broken this doubt still existed.

(24) I.e., his dedication of the offering was not absolute, but rather that it should be sacred so long as the doubt existed. Now that the doubt has been solved the animal is again profane.

(25) Lit., 'his heart knocks him'; at the time of dedication he resolved to bring an offering unconditionally.

(26) When a sin-offering is due. Even then R. Meir holds that the suspensive guilt-offering loses its sacred character, and becomes profane.

Talmud - Mas. K'rithoth 24a

in the case of a person who dedicated two guilt-offerings as a surety¹ and was atoned for by one of them, that the second shall be left to pasture until it becomes blemished and then sold, and its price goes to the fund for freewill-offerings.² What is the reason? — R. Meir disagrees with the Rabbis only in the case where the offerer had given no proof that his conscience troubled him; in this instance, however, behold only one sacrifice was required of him, for what reason then did he separate two sacrifices? [Obviously] because he thought. 'Should one be lost, I shall be atoned for by the other'. Now since he has proved that his conscience troubled him, we therefore assume that his dedication was absolute.

Said Rab Judah in the name of Rab: The Rabbis concede to R. Meir in the case of a suspensive guilt-offering [which was brought on the strength of] the evidence of witnesses who were subsequently proved to be 'plotters',³ that it shall go out to pasture among the flock. What is the reason? — The Rabbis disagree with R. Meir only in the case where the offerer brought the sacrifice of his own accord, when we may assume that his conscience troubled him; but when he brought it on the strength of the evidence of two witnesses, he did not [entirely] rely on the witnesses, thinking

that perhaps others might come and prove them 'plotters'. Raba raised an objection: THE LAW IS ALSO DIFFERENT REGARDING AN OX TO BE STONED: IF BEFORE IT WAS STONED, IT MAY GO OUT TO PASTURE AMONG THE FLOCK. What were the circumstances?⁴ If two witnesses came and said [the ox] killed a person, and two others [then came and] said, it did not kill, why should we accept the latter and not the former? It must therefore be a case of plotting witnesses, and correspondingly in the matter concerning the suspensive guilt-offering it is also a case of plotting witnesses, and yet [we see that] they differ therein! — Abaye replied to him: [The case of] the ox to be stoned⁵ may be that the person [alleged to have been] killed came forward on his own feet; correspondingly in the matter concerning the suspensive guilt-offering, the case is that the remaining piece was [eventually] recognised.⁶ But when the suspensive guilt-offering was brought on the strength of the evidence of two witnesses, the law may indeed be different.⁷

[This is also] the subject of a dispute [between the following]. If a suspensive guilt-offering was brought on the strength of the evidence of witnesses and they were subsequently proved to be 'plotters'. R. Eleazar⁸ says, It is [treated] like the meal-offering of jealousy,⁹ of which it was taught that if the witnesses against the woman were proved to be 'plotters', it [the meal-offering] reverts to its profane character; but R. Johanan holds: It shall be left to pasture until it becomes blemished and then sold, and its price goes to the fund for freewill-offerings. And why does not R. Johanan compare it to the meal-offering of jealousy? — They are not comparable [one to another]; the meal-offering of jealousy is not offered for atonement but to ascertain her guilt; the suspensive guilt-offering, however, is offered for atonement, and since [we assume] that his conscience troubled him he resolved to dedicate it absolutely.

R. Kerespedai said in the name of R. Johanan: If an ox was condemned to be stoned and the witnesses were proved to be 'plotters'. whosoever takes possession of it is its legal owner.¹⁰ Said Raba: R. Johanan's view is plausible in the case where the witnesses testified that his beast was abused,¹¹ but if they asserted that he himself abused his beast, since he is certain that he did not abuse it, he certainly does not renounce his ownership of it, but will take pains to find witnesses [to disprove the charge]. But in what respect does [this case] differ from that which Rabbah b. Ithi taught in the name of Resh Lakish: In the case of a beguiled city¹² whose witnesses were proved to be 'plotters', whosoever takes hold of the property thereof is its legal owner? — In the beguiled city there are a multitude of people and each of them thinks, even though I did not sin others might have sinned,¹³ and he therefore renounces the ownership of his property; in our instance, however, the matter rests with him alone; as he knows that he did not abuse the animal he does not renounce his ownership of it, but rather endeavours to find witnesses [to disprove the charge].

Resh Lakish said: If a person offers a gift to his fellow, and the latter says. 'I do not want it', whosoever takes hold of it becomes its legal owner.¹⁴ But in what respect does this differ from that which Rabbah b. Aibu said in the name of Rab Shesheth, or as some report. R. Abbahu in the name of Rab Shesheth: If the recipient of a gift declared after it had come into his possession. 'Let this gift be annulled', or 'It is to be annulled', or 'I do not want it', his words have effect;¹⁵ if he said, 'It is annulled' or 'It is no gift', his words are of no effect.

(1) I.e., should the one die or be lost, the other shall be offered instead.

(2) I.e., that the second remains sacred property, because the dedication thereof is assumed to have been absolute.

(3) Zomemim, v. Glos. I.e., two witnesses gave evidence that he did something which was a doubtful sin, whereupon he is obliged to offer a suspensive guilt-offering. As it was not his conscience which prompted him to seek expiation, it is thought that he offered the sacrifice with reservation. The witnesses were then, before the slaughtering of the animal, proved to be 'plotters' by reason of their absence from the scene of the alleged offence; v. Deut. XIX, 18f and Mak. I, 1ff. The law distinguishes between witnesses who are contradicted and witnesses who have been proved to be 'plotters'. In the former instance the subject matter of the evidence is contradicted by two other witnesses. Neither testimony is then accepted. In the latter instance evidence is brought against the credibility of the first witnesses by proving that at the

time when the alleged act was supposed to have taken place the witnesses were seen in a different place. V. Mak. 2ff.

(4) I.e., how was it established that the sentence passed on the ox was wrong?

(5) An example of the charge being unfounded in the case of the 'ox to be stoned'.

(6) Viz., as being the forbidden fat.

(7) Lit. 'no'.

(8) Some texts read: Resh Lakish.

(9) V. Num. V, 12ff. The offering is brought on the basis of evidence that she retired with a man after having been forewarned by the husband not to do so. Its purpose is not the expiation of a sin, but rather to prove her fidelity or otherwise.

(10) The ox is regarded as ownerless, for it is assumed that the owner has abandoned all his rights in it, since it is forbidden to derive therefrom any kind of benefit.

(11) I.e. that some person had committed an offence upon the beast. V. Lev. XX, 15. Such an animal belongs to the category of an 'ox to be stoned'.

(12) v. Deut. XIII, 13-18. The whole city is to be destroyed. It is therefore assumed that every inhabitant has implicitly relinquished the ownership of his property.

(13) I.e., although he was sure that he did not sin the city might still be destroyed because of the other inhabitants. V. Sanh. IIIb.

(14) It is regarded as ownerless, for both the donor and the beneficiary have renounced their rights in the gift.

(15) This dictum has a different version in Git. 32b; cf. Tosaf. a.l. According to our version, the recipient's declaration is valid if it is clothed in terms of the future, for it is then equal to a renunciation of ownership, and invalid if clothed in terms of the present, for his words are then in contradiction to his action, viz., his taking possession of the gift. Rashi here prefers the text of the version as quoted in Git. l.c.

Talmud - Mas. K'rithoth 24b

Does not the ruling 'his words have effect' imply that it returns to the original owner?¹ — No, 'his words have effect' implies that he, too, has not acquired it, but whoever takes hold of it becomes its legal owner.

An objection was raised: If a person says to his partner, 'I have neither right nor claim on this field', or 'I have no concern in it', or 'I entirely dissociate myself from it', his words are of no effect. Now, the expression 'I entirely dissociate myself from it' corresponds to 'I do not want it', and yet we learn here that his words are of no effect! — This case is different; for what he meant was that he dissociates himself from all rights and claims, but not from the real [ownership of the] field.²

An objection was raised: If a [dying] man assigned his possessions, in writing, to another, and there were among them slaves, and the other said, 'I do not want them', if the second master was a priest,³ they may eat of terumah.³ R. Simeon b. Gamaliel says: As soon as that other said, 'I do not want them', the heirs at once become their legal owners.⁴ Now according to R. Simeon b. Gamaliel it is well, for he argues: When a man bestows a gift it is with the understanding that it be accepted; and if it is not accepted, it [automatically] returns to its original owner. But what of the first Tanna? If [it is right to say⁵ that] whenever a beneficiary says, 'I do not want it', whoever takes hold of the property becomes its legal owner, here since the second master said, 'I do not want them', the slaves should be 'strangers',⁶ and how can 'strangers' eat terumah?⁷ — He holds: If a man renounces the ownership of his slave, the latter is free but still requires a bill of emancipation from his master; and he also maintains that one who awaits a bill of emancipation may still eat of terumah.⁸

R. ELIEZER SAYS: IT SHALL BE OFFERED UP etc. Why does R. Eliezer state [that IT WILL EXPIATE ANOTHER] SIN? Does not R. Eliezer hold that a suspensive guilt-offering may be brought [at any time] as a freewill-offering, as we have learnt:⁹ R. Eliezer says. A man may freely offer a suspensive guilt-offering every day? — Replied Rab Ashi: R. Eliezer takes here into consideration what they [the Sages] said to him,¹⁰ as we have learnt:⁹ But they said unto me, Wait

until you fall into a state of doubt .¹¹

IF HE LEARNS OF IT AFTER IT WAS SLAUGHTERED etc. [It is stated here:] THE FLESH IS REMOVED TO THE PLACE OF BURNING, from which it follows that non-consecrated animals that were slaughtered in the [Temple] court are to be burnt, whilst [we read later] in contradiction thereto: THE LAW, HOWEVER, IS DIFFERENT WITH AN UNCONDITIONAL GUILT-OFFERING: IF BEFORE THE ANIMAL WAS SLAUGHTERED, IT MAY GO OUT TO PASTURE AMONG THE FLOCK; IF AFTER IT WAS SLAUGHTERED, IT SHALL BE BURIED.¹² — Replied R. Eleazar: The contradiction is obvious;¹³ he who taught the one clause cannot have taught the other.¹⁴ Rabbah said: Do you point out a contradiction between the unconditional guilt-offering and the suspensive guilt-offering? As to the unconditional guilt-offering, since it is no longer required we may assume that its owner has not dedicated it; but as to the suspensive guilt-offering, since his conscience troubled him, we may assume that he has dedicated it absolutely.¹⁵

There is, however, a contradiction between two statements relating to the unconditional guilt-offering itself; for here we learn: IT SHALL BE BURIED, whilst the concluding clause reads: THE FLESH IS REMOVED TO THE PLACE OF BURNING! — This is doubtlessly a contradiction; he who taught the one clause cannot have taught the other. Rab Ashi said: Because it has the appearance of a disqualified offering.¹⁶

IF THE BLOOD HAD ALREADY BEEN TOSSED, THE FLESH MAY BE EATEN. Why? Has he not [in the meantime] reached a state of certainty?¹⁷ — Replied Raba: The text says, Though he knew it not, and he shall be forgiven;¹⁸ and this man was in doubt during the ceremony of forgiving.

R. JOSE SAYS, EVEN IF THE BLOOD IS STILL IN THE VESSEL etc. How can R. Jose maintain that the blood should be tossed? Has he not arrived at a condition of certainty at the time of the ceremony of forgiving? — Replied Raba: R. Jose follows R. Simeon who holds, Whatever is ready to be tossed is to be regarded as if it had already been tossed. But perhaps R. Simeon maintains his view only with regard to things that are indeed ready to be tossed,¹⁹ whilst this is not ready to be tossed!²⁰ — In the West²¹ they replied: R. Jose holds that the vessels of ministry render fit for offering that which is disqualified from the outset.²²

THE LAW, HOWEVER, IS DIFFERENT WITH AN UNCONDITIONAL GUILT-OFFERING etc. It was stated: When does the heifer whose neck is to be broken become forbidden [for use]? R. Hamnuna says: In its lifetime; Raba says: After the breaking of the neck. Now Raba's opinion is clear, for it is from the time that an act was done to it; but from what specific time according to R. Hamnuna?

(1) I.e., it is not ownerless. This is in contradiction to Resh Lakish.

(2) The term **דין ודברים אין לי** . lit., 'I have no lawsuit and words', is now understood to convey the declaration that he does not expect to have to go to court to establish his title to the field, for this is undisputed.

(3) The slave of a priest may also eat of terumah (v. Glos.). Here the slave may eat terumah, for the declaration of the beneficiary, his second master, is void.

(4) V. B. B. 138a.

(5) As Resh Lakish maintains.

(6) I.e. non-priests. The slaves are declared ownerless and therefore take possession of themselves, so to speak.

(7) For no non-priest may eat of terumah.

(8) So long as he does not possess this bill he is still attached to his master. And if his master is a priest he may still eat terumah.

(9) Infra 25a.

(10) Viz., to Baba b. Buta; cf a.l.

(11) R. Eliezer corrected his view in conformity with this reply, according to which it is not advisable to offer a suspensive guilt-offering without some suggestion of sin. It was therefore necessary for R. Eliezer to offer a reason in the Mishnah for his opinion.

(12) The contradiction is that in one clause burial is prescribed, whilst in the other burning.

(13) Or, 'a division must be made'.

(14) I.e., the Mishnah is self-contradictory in combining two views which are at variance with one another. The views, however, are derived from different Schools.

(15) I.e., with a sacrifice for a certain sin we presuppose that it was offered only because the offerer wished to atone for his guilt. When it is found out that he did not commit the sin after all, the offering is proved to be an error and reverts to its profane status. As a profane animal, which was slaughtered in the Temple court, it has to be buried. In the case of doubt, however, the offerer himself had at all times to admit the possibility that he did not sin. By offering the sacrifice whilst he was still in a state of doubt, he manifested that he was particularly anxious to free himself from all uncertainty, and he therefore resolved to offer a sacrifice of atonement unqualifiedly. The offering remains sacred even after the doubt has been solved, and is to be treated like a disqualified offering, which is designated for burning.

(16) I.e., the unconditional guilt-offering is in fact not regarded as sacred, and this is why in the first clause we read that it shall be buried, just as a profane animal slaughtered in the Temple precincts. The reason why the concluding clause states that it is to be burnt if the blood had already been tossed, is that the offering has then the appearance of a valid sacrifice which had gone through many stages of the ceremony and was then rendered unfit for the altar. It is therefore to be treated like a disqualified sacrifice, which is to be burnt. The translation follows Rashi's version. Some edd. read: 'Rab Ashi said: The former clause which states of the suspensive guilt-offering that the flesh is removed to the place of burning offers no difficulty. because it has the appearance of a disqualified offering'.

(17) The sacrifice is thus rendered unfit, and the flesh should be forbidden for use, for it was brought in a matter of doubt and there is no longer any doubt.

(18) Lev. V, 18. The text conveys that the status during the ceremony of forgiving, i.e. tossing the blood, is decisive. If at that time he was still in doubt, the guilt-offering is valid.

(19) And will be tossed later.

(20) For in the meantime he has learnt that the doubtful sin was really a permitted act, so that the offering reverts to its profane status.

(21) I.e., Palestine.

(22) The fact that the blood to be tossed is already in the sacred vessel of ministry preserves the sacred character of the offering.

Talmud - Mas. K'rithoth 25a

— Said R. Jannai: I had heard a time limit regarding it, but it has escaped my memory. His colleagues, however, suggested:¹ Its conveyance to the 'rough valley'² renders it unfit for use.

Said R. Hamnuna: Whence do I derive this [my opinion]? From that which we have learnt:³ If a person slaughtered the heifer of purification⁴ or an ox condemned to be stoned or the heifer whose neck is to be broken, R. Simeon declares him exempt; the Sages declare him guilty. Now, according to me who hold it is forbidden 'in its lifetime', [the meaning] is clear, for the dispute between R. Simeon and the Sages lies in this: R. Simeon holds that ineffective slaughtering⁵ is no slaughtering, while the Sages hold that ineffective slaughtering is regarded as slaughtering; but according to you who hold [it is forbidden] 'after the breaking of the neck', why does R. Simeon exempt him? The slaughtering is indeed effective!⁶ Should you say, however, that R. Simeon considers slaughtering valid in the case of the heifer [whose neck is to be broken],⁷ surely we have learnt: That which is valid with the [red] heifer is invalid with the heifer whose neck is to be broken, and that which is invalid with the [red] heifer is valid with the heifer whose neck is to be broken: With the [red] heifer slaughtering is valid and the breaking of the neck invalid, and with the heifer [whose neck is to be broken] the breaking of the neck is valid and slaughtering invalid!⁸ — Thereupon he⁹ was silent. After the former had left, he said: Why did I not retort: R. Simeon is nevertheless of the opinion that slaughtering is valid with the heifer [whose neck is to be broken]? R. Hamnuna, on the other hand,

might then have objected: The Tanna should not have failed to mention the view that slaughtering is valid with the heifer [whose neck is to be broken], when you might have said, it represents R. Simeon's opinion.¹⁰

Raba said: Whence do I derive this [my view]? From that which we have learnt: THE LAW IS ALSO DIFFERENT REGARDING THE HEIFER WHOSE NECK IS TO BE BROKEN: IF BEFORE ITS NECK WAS BROKEN, IT MAY GO OUT TO PASTURE AMONG THE FLOCK.¹¹ Now, if it were forbidden in its lifetime, how could it go out to pasture among the flock; surely it was forbidden while still alive?¹² — Read: 'If before it was ready for the breaking of the neck...'¹³ Then read the following clause: IF AFTER ITS NECK WAS BROKEN. IT SHALL BE BURIED ON THE SPOT.¹⁴ — Read: 'If after it was ready for the breaking of the neck'. If so, read the concluding clause: FOR IT WAS FROM THE OUTSET BROUGHT IN A MATTER OF DOUBT, IT HAS ATONED FOR THE DOUBT, AND SO HAS SERVED ITS PURPOSE. Now, if [it were forbidden] while still alive, then it has not yet atoned for the doubt!¹⁵ — [On this point there is] a dispute between Tannaim, as had been taught:¹⁶ Qualifying¹⁷ and atoning¹⁷ sacrifices are mentioned within [the Temple], and qualifying and atoning sacrifices are mentioned without.¹⁸ just as with the qualifying and atoning sacrifices mentioned within [the Temple], the qualifying sacrifices are in all respects like the atoning sacrifices, so with the qualifying and atoning sacrifices mentioned without, the qualifying sacrifices are to be like the atoning sacrifices in all respects.¹⁹ MISHNAH. R. ELIEZER SAYS: A MAN MAY FREELY OFFER A SUSPENSIVE GUILT-OFFERING ON ANY DAY AND AT ANY TIME HE PLEASES.²⁰ SUCH A SACRIFICE WAS KNOWN AS THE GUILT-OFFERING OF THE PIOUS. IT IS SAID OF BABA B. BUT A THAT HE USED TO FREELY OFFER A SUSPENSIVE GUILT-OFFERING EVERY DAY, EXCEPT ON THE DAY FOLLOWING THE DAY OF ATONEMENT.²¹ HE DECLARED: BY THIS TEMPLE! HAD THEY ALLOWED ME, I WOULD HAVE OFFERED ONE EVEN THEN, BUT THEY SAID UNTO ME, WAIT UNTIL YOU HAVE COME TO A STATE OF DOUBT.²² THE SAGES, ON THE OTHER HAND, HOLD THAT ONE MAY NOT BRING A SUSPENSIVE GUILT-OFFERING EXCEPT FOR A [PARTICULAR] SIN. THE WILFUL TRANSGRESSION OF WHICH IS SUBJECT TO KARETH AND THE INADVERTENT TRANSGRESSION OF WHICH IS SUBJECT TO A SIN-OFFERING. THEY THAT ARE LIABLE TO SIN-OFFERINGS OR TO UNCONDITIONAL GUILT-OFFERINGS AND THE DAY OF ATONEMENT HAD INTERVENED, ARE STILL BOUND TO OFFER THEM AFTER THE DAY OF ATONEMENT.²³ THEY THAT ARE LIABLE TO SUSPENSIVE GUILT-OFFERINGS ARE EXEMPT.²⁴ HE WHO HAS COMMITTED²⁵ A DOUBTFUL SIN ON THE DAY OF ATONEMENT, EVEN AT TWILIGHT, IS EXEMPT, BECAUSE THE WHOLE OF THE DAY²⁶ EFFECTS ATONEMENT. A WOMAN WHO IS LIABLE TO A SIN-OFFERING OF A BIRD FOR A DOUBT.²⁷ AND THE DAY OF ATONEMENT HAD INTERVENED, IS STILL BOUND TO OFFER IT AFTER THE DAY OF ATONEMENT. BECAUSE IT RENDERS HER FIT TO PARTAKE OF SACRIFICIAL FLESH.²⁸ IF A SIN-OFFERING OF A BIRD WAS BROUGHT FOR A MATTER OF DOUBT AND, AFTER THE PINCHING OF ITS NECK,²⁹ IT BECAME KNOWN [THAT THERE WAS NO NEED FOR IT], IT MUST BE BURIED.

GEMARA. What is the reason for R. Eliezer's view? — Were it³⁰ obligatory, why is he to bring a sin-offering when the sin becomes known?³¹ This proves that it is voluntary.³² The [other] Rabbis on the other hand say: Burnt-offerings and peace-offerings may be brought either in fulfilment of a vow or as freewill sacrifices,³³ but sin-offerings and guilt-offerings only as obligatory sacrifices; and the reason why one brings at all a suspensive sin-offering, although the sin is uncertain, is to afford him protection, because the Torah has compassion upon the lives of Israel.³⁴ Said Rab Aha the son of Raba to Rab Ashi: May it not be that the suspensive guilt-offering is analogous to burnt-offerings and peace-offerings; as burnt-offerings and peace-offerings are brought either by free will or by obligation, so may suspensive guilt-offerings be brought either by free will or by obligation? — He replied: Burnt-offerings and peace-offerings are mentioned in Scripture mainly as freewill sacrifices,

suspensive guilt-offerings mainly as obligatory sacrifices.³⁵

R. Hiyya³⁶ recited before Raba

(1) Lit. 'took to say'.

(2) V. Deut. XXI. 4.

(3) Hul. 81b. This Mishnah deals with the prohibition of slaughtering the young with its mother on the same day (Lev. XXII, 28). The three types of animals enumerated in this Mishnah are such as are forbidden for use. Their ritual slaughtering, therefore, does not produce its normal effect, viz., of rendering the flesh permitted to be eaten. It is therefore questionable whether the slaughtering of such animals is subject to the prohibition of, 'It and its young', since the text there speaks of **תִּשְׁחַטּוּ**, which denotes slaughtering for the purpose of rendering the flesh fit for food.

(4) I.e., the red heifer, Num. XIX.

(5) I.e., slaughtering which does not render the flesh fit for use. According to R. Hamnuna, the heifer whose neck is to be broken is forbidden when still alive, and its slaughtering is indeed of no avail with regard to rendering the flesh fit for use. R. Simeon holds that such slaughtering does not come within the scope of the prohibition of Lev. XXII, 28, whilst the Sages hold that it does.

(6) Through the slaughtering it becomes unfit as a sacrifice but suitable for ordinary purposes.

(7) I.e., slaughtering may take the place of breaking the neck. The animal thereby becomes forbidden, so that the slaughtering is ineffective.

(8) Hul. 23b.

(9) Sc. Raba

(10) I.e., if this view were tenable it would have been mentioned in the Mishnah.

(11) I.e., it becomes a profane animal, permitted for use.

(12) I.e., how can it revert to its profane status after it had been brought down to the 'rough valley' as the heifer whose neck was to be broken and so unfit for use.

(13) I.e., before it was brought to the 'rough valley', while it was indeed still permitted.

(14) This implied that the preceding clause refers to the time prior to the breaking of the neck, even though the sacrifice was already in the 'rough valley'.

(15) I.e., if the second clause was to be interpreted that the heifer should be buried if the murderer was found after it had been brought to the 'rough valley' even though it was still alive, the argument for this ruling would be meaningless, since the ceremony of atonement, i.e., the breaking of the neck, had not yet taken place.

(16) Some edd. quote this ruling in the name of the School of R. Ishmael.

(17) Qualifying sacrifices are those which are offered to render a person fit or clean for the Temple or the community, such as the guilt-offering of the leper after recovery which is offered in the Temple; atoning sacrifices are those which procure atonement for sin, such as ordinary sin- and guilt-offerings.

(18) A qualifying sacrifice which is offered outside the Temple is that of the bird of the leper which after the ceremony is set free (V. Lev. XIV, 7). An atoning sacrifice performed outside the Temple is the heifer whose neck is to be broken and also the scapegoat (v. ibid. XVI, 21).

(19) In respect of the moment of their prohibition: as the bird of the leper is forbidden for use in its lifetime, so also is the heifer whose neck is to be broken. This Tanna thus holds with R. Hamnuna, whilst our Mishnah has been proved to agree with Raba's view.

(20) He is of the opinion that such a guilt-offering is essentially a voluntary sacrifice, primarily offered for the appeasement of a troubled conscience, not necessarily with reference to a particular sin. The Sages, on the other hand, hold it is an obligatory sacrifice for the expiation of a particular sin.

(21) The Day of Atonement expiated all doubtful sins of the past, and it is unlikely that in this short spell of one day he was guilty anew of any sin.

(22) I.e., until you have reason to assume that you might have committed a doubtful sin.

(23) Definite sins known to the transgressor are not atoned for by the Day of Atonement.

(24) Doubtful sins are forgiven on the Day of Atonement.

(25) Lit. 'there came to his hand'.

(26) Or rather, any moment of the day.

(27) E.g., a woman after confinement who is in doubt whether the birth was normal and so is liable to an offering.

- (28) The sacrifice is not expiatory, but serves to render her fit again to partake of holy things, after the period of uncleanness caused by the birth.
- (29) The prescribed form of killing a bird-offering.
- (30) Viz., the suspensive guilt-offering.
- (31) If the suspensive guilt-offering is an expiatory sacrifice, i.e., atoning for the sin that might have been committed, why then is a new sacrifice to be offered when the sin becomes known? Has it not already been atoned for?
- (32) I.e., he who is troubled by his conscience, that he might have committed a sin, is enjoined to offer a freewill-offering. The actual sin, however, if such there was, is not expiated.
- (33) Heb. neder or nedabah. In the latter a particular animal is dedicated, in the former a sacrifice generally is vowed.
- (34) Viz., to spare the trespasser punishment.
- (35) I.e., burnt-offerings and peace-offerings are chiefly prescribed as thanksgiving, festival and communal sacrifices; the guilt-offering is always the outcome of a sinful action.
- (36) Read with Sh. Mek.: Rab Hanina.

Talmud - Mas. K'rithoth 25b

: Nebelah¹ is subject to a suspensive guilt-offering. Said the latter to him: Have we not learnt, THE SAGES HOLD THAT ONE MAY NOT BRING A SUSPENSIVE GUILT-OFFERING EXCEPT FOR A [PARTICULAR] SIN. THE WILFUL TRANSGRESSION OF WHICH IS SUBJECT TO KARETH AND THE INADVERTENT TRANSGRESSION OF WHICH IS SUBJECT TO A SIN-OFFERING? And should you follow R. Eliezer's view, behold he maintains that it may be offered as a freewill sacrifice!² — Replied the former: Why do you not study [thoroughly]? Many a time I put this question before the Master, namely Rabbah, and he replied: This represents the view of R. Eliezer as [suggested] by 'those who spoke to him',³ as we have learnt: BUT THEY SAID UNTO ME, WAIT UNTIL YOU HAVE COME TO A STATE OF DOUBT. Said Raba, What is the reason of 'those that spoke to him?' — The text reads. And [doeth] through error [any one of all the things] which [the Lord his God hath commanded] not to be done, and is guilty.⁴

Raba also said: What is the reason of the Rabbis who maintain that one may not bring a suspensive guilt-offering except for a [particular] sin the wilful transgression of which is subject to kareth and the inadvertent transgression of which is subject to a sin-offering? They derive [their ruling] from the sin-offering for heleb⁵ by the analogy based upon the common term mitzwoth.⁶ As in that instance⁷ [it is brought] for a sin that is subject to kareth in the case of wilfulness and to a sin-offering in the case of error, so also in our instance,⁸ [it is brought] for such sins as are subject to kareth in the case of wilfulness and to a sin-offering in the case of error.

Our Rabbis taught: The five guilt-offering⁹ effect [complete] atonement; the suspensive guilt-offering does not effect complete atonement. How is this to be understood? — Said Rab Joseph. As follows: The five guilt-offerings effect complete atonement,¹⁰ the suspensive guilt-offering does not effect complete atonement;¹¹ thus dissenting from R. Eliezer, who holds that nebelah is subject to a suspensive guilt-offering.¹² Rabina said: It is to be understood thus: In respect of the five guilt-offerings nothing else can take their place to effect atonement, for when it is known to him he must still bring it;¹³ with reference to the suspensive guilt-offering. however, something else can take its place to effect atonement, for when it is known to him he does not bring it;¹⁴ as we have learnt: THEY THAT ARE LIABLE TO SIN-OFFERINGS OR TO UNCONDITIONAL GUILT-OFFERINGS AND THE DAY OF ATONEMENT HAD INTERVENED, ARE STILL BOUND TO OFFER THEM AFTER THE DAY OF ATONEMENT; THEY THAT ARE LIABLE TO SUSPENSIVE GUILT-OFFERINGS ARE EXEMPT.

THEY THAT ARE LIABLE TO SIN-OFFERINGS OR TO UNCONDITIONAL GUILT-OFFERINGS etc. It is stated, THEY THAT ARE LIABLE TO SIN-OFFERINGS OR TO UNCONDITIONAL GUILT-OFFERINGS AND THE DAY OF ATONEMENT HAD

INTERVENED, ARE STILL BOUND TO OFFER THEM AFTER THE DAY OF ATONEMENT; THEY THAT ARE LIABLE TO SUSPENSIVE GUILT OFFERINGS ARE EXEMPT. Whence do we know this? — When Rab Dimi arrived,¹⁵ he said in the name of R. Ammi, who reported it in the name of R. Hanina. The verse reads, And he shall make atonement for the holy place, because of the uncleanness of the children of Israel, and because of their transgressions, even all their sins;¹⁶ ‘sins’ are analogous to ‘transgressions’: as ‘transgressions’¹⁷ are not subject to a sacrifice, so also only those ‘sins’ which are not subject to a sacrifice are atoned for [by the Day of Atonement]; ‘sins’, however, which are subject to a sacrifice are not atoned for.¹⁸ Said Abaye to him: But this verse refers to the goat that is offered up within,¹⁹ which does not atone for the conscious transgression of a law; the scapegoat, however, which does atone for the conscious transgression of a law, I may say will atone also for sins that are subject to a sacrifice! Rather said Abaye: It is derived from the following [text]: And he shall confess over him all the iniquities of the children of Israel, and all their transgressions, even all their sins;²⁰ ‘sins’ are analogous to transgressions: as transgressions’ are not subject to a sacrifice, so also only those ‘sins’ which are not subject to a sacrifice are atoned for [by the Day of Atonement]; ‘sins’, however, which are subject to a sacrifice are not atoned for by it. Scripture has thus suggested a limitation [in the text] relating to the ‘scapegoat’, to teach us that it does not atone for sins that are subject to a sacrifice. Said to him Rab Dimi: Whence do you know that the ‘transgressions’ referred to are those that are not subject to a sacrifice? Perhaps they are those that are subject to a sacrifice; as we have learnt: Four persons offer a sacrifice for wilful as for inadvertent transgression!²¹ In confirmation of his [Abaye's] view it was stated: When Rabin arrived,²² he said in the name of R. Jose, who reported it in the name of Resh Lakish: ‘And he shall confess over him all the iniquities of the children of Israel, and all their sins; sins are analogous to ‘transgressions’: as ‘transgressions’ are not subject to a sacrifice, and are atoned for [by the Day of Atonement], so also only those ‘sins’ which are not subject to a sacrifice are atoned for by it; ‘sins’, however, which are subject to a sacrifice are not atoned for by it. Remarked Abaye: I, too, derived it from this text, but Rab Dimi objected: Whence do we know that the ‘transgressions’ referred to are those that are not subject to a sacrifice; perhaps they are those that are subject to a sacrifice, as we have learnt: Four persons offer a sacrifice for wilful as for inadvertent transgression? — Replied Rabin to him: The majority of ‘transgressions’ are not subject to a sacrifice.²³ Said the other to him: Does the passage mention ‘majority’? — Rather, said Abaye: [The proof comes] from the beginning of this same verse: And he shall confess over him all the iniquities of the children of Israel. And it was taught: ‘Iniquities’ denote wilful transgressions, and so it is written, His iniquity shall be upon him.²⁴ Now, why did the verse add, ‘and all their transgressions, even all their sins’;²⁵ to establish an analogy to ‘transgressions’: as transgressions’ are not subject to a sacrifice, so also only those ‘sins’ are implied which are not subject to a sacrifice; ‘sins’, however, which are subject to a sacrifice are not atoned for [by the Day of Atonement].

THEY THAT ARE LIABLE TO SUSPENSIVE GUILT-OFFERINGS etc. Whence do we learn this?²⁶ — Said R. Eleazar: The Scriptural text reads, From all your sins [shall ye be clean] before the Lord.²⁷ The Day of Atonement expiates sins that are known to the Lord alone. Said Rab Tahlifa, the father of Rab Huna, in the name of Raba: Also the preceding instance²⁸ need no longer

(1) V. Glos. Nebelah is subject to a prohibition involving only the penalty of stripes but not kareth. Its transgression in error is, therefore, not subject to a sin-offering

(2) It is, accordingly, superfluous to state that it may be offered for a prohibition.

(3) The reference is to the reply made by the Rabbis to Baba b. Buta in our Mishnah. According to them, one is not advised to bring a suspensive guilt-offering except with reference to a specific sin. R. Hiyya lets us know that this sin may be a prohibition which involves stripes and not kareth.

(4) This text does not literally occur in connection with the suspensive guilt-offering (Lev. V, 17-19). but in IV, 22 with reference to the sin-offering of the prince. It should rather read here: Which (the Lord hath commanded) not to be done, though he know it not, yet he is guilty, of Lev. V, 17 (v. Rabbenu Gershom). This passage suggests that that guilt-offering is offered only for a particular transgression prohibited by the Lord.

- (5) The eating of heleb is the prototype of a sin which involves a sin-offering. For heleb v. Glos.
- (6) 'Commandments'; occurring in Lev. IV, 27 with reference to the sin-offering and in V, 17 with reference to the suspensive guilt-offering; v. also supra 22b.
- (7) Sc. the sin-offering.
- (8) Sc. the suspensive guilt-offering.
- (9) The ordinary guilt-offering is prescribed in five instances: for sacrilege (Lev. V, 15f). for robbery (ibid. 21f.), for the leper (ibid. XIV, 12), for connection with a designated bondmaid (ibid. XIX, 20f.) and for the nazirite (Num. VI, 12).
- (10) I.e., no other expiation is ever required.
- (11) If the sin becomes known after the offering of this guilt-offering, an additional sin-offering is required.
- (12) Nebelah is not subject to a sin-offering in the case of certain transgression; the suspensive guilt-offering brought for the doubt is thus its final expiation.
- (13) Even though the Day of Atonement had intervened.
- (14) I.e., the suspensive guilt-offering is no longer required, for the Day of Atonement atones for uncertain sins, though not for certain sins liable to a sin-offering.
- (15) Viz., in Babylon from Palestine. He was the bearer of many a Palestinian tradition.
- (16) Lev. XVI, 16, referring to the High Priest's atonement of the people's transgressions effected by the goat of atonement, which was offered upon the inner altar of the Temple on the Day of Atonement. In addition, the scapegoat', i.e., the goat that was removed, or made to 'escape' into the wilderness, symbolizing the removal of the guilt of the community, was also offered on this day.
- (17) Heb. פשעים . 'transgressions', denotes wilful rebellious action. Such an act of apostasy is too grave to be expiated by a sacrifice. חטאים , 'sins', on the other hand, denotes unintentional deviation from the law.
- (18) Viz., by the Day of Atonement. The Mishnah, therefore, states that the sacrifices are still due. The suspensive guilt-offering is an exception for reasons that will be explained further on.
- (19) Viz., within the Temple, upon the inner altar. This sacrifice expiates only unconscious transgressions; v. Shebu. 22.
- (20) Ibid. v. 21. referring to the 'scapegoat'.
- (21) Supra 9a. The text may allude to these four exceptional instances, thus implying that also transgressions liable to a sacrifice are expiated on the Day of Atonement.
- (22) V. p. 192, n. 1.
- (23) These four instances are exceptions, and it is therefore unlikely that the text alludes to them.
- (24) Num. XV, 31. The beginning of the sentence reads, He hath despised the word of the Lord, suggesting a wilful departure from the law of God.
- (25) 'Transgressions' is regarded as superfluous as it is included in 'iniquities'. Its mention is to indicate the analogy.
- (26) Viz., that the Day of Atonement expiates doubtful sins.
- (27) Lev. XVI, 30. 'Before the Lord' is interpreted as a phrase qualifying 'sins' intimating that man is cleansed of all sins of which he is unaware by reason of their doubtfulness.
- (28) Viz., that relating to sacrifices for certain sins, which has been expounded in the discussion preceding this paragraph by Abaya and R. Dimi. These expositions are regarded as unsatisfactory by reason of the above objections that were raised against them.

Talmud - Mas. K'rithoth 26a

be expounded in the manner of Rab Dimi and Abaye, but it may be derived from this argument: 'The Day of Atonement expiates sins that are known to the Lord alone;' from which it follows that the Day of Atonement expiates only sins known to the Lord alone, but it does not expiate sins of which the transgressor himself is conscious.

Furthermore said Rab Tahlifa, father of Rab Huna, in the name of Raba: They that are liable to stripes and the Day of Atonement had intervened, are still liable thereto. Is this not obvious? for wherein does it differ from the instance relating to sin-offerings and unconditional guilt-offerings? — I might have argued: There money only is involved;¹ in this instance, however, since his person is involved, I might say that it is not so. He, therefore, teaches us [that the law is the same]. But have we not learnt:² Known as well as unknown [sins], positive as well as negative commandments?³ This

is no contradiction; in the one instance the transgressor was warned, in the other he was not warned.⁴

But if this is so,⁵ (Mnemonic: A woman after confinement; a leper; a nazirite; a woman suspected of infidelity; the heifer) a woman after a doubtful confinement, if the Day of Atonement had intervened, should also not [bring her offering],⁶ for the Day of Atonement had effected atonement, since the sin is one known to the Lord alone'! — Said R. Hoshaia: [It reads.] 'Even all their sins'; but not all their uncleanness.⁷ But according to R. Simeon son of Yohai, who holds that a woman in confinement is a sinner,⁸ what can be said? — The sacrifice that she brings is, nevertheless, for the purpose of permitting her to partake of consecrated food, and is not expiatory.⁹ Remarked Rab Ashi: We have also learnt likewise: A WOMAN WHO IS LIABLE TO A SIN-OFFERING OF A BIRD FOR A DOUBT, AND THE DAY OF ATONEMENT HAD INTERVENED, IS STILL BOUND TO OFFER IT AFTER THE DAY OF ATONEMENT, BECAUSE IT RENDERS HER FIT TO PARTAKE OF SACRIFICIAL FLESH.

Then a doubtful leper, if the Day of Atonement had intervened, should not [bring his offering], for the Day of Atonement had effected atonement, since the sin is one 'known to the Lord alone'! — Said Rab Oshaia: [It reads:] 'Even all their sins'; but not all their uncleanness. But did not R. Samuel b. Nahmani say in the name of R. Jonathan: For seven sins leprosy afflicts man?¹⁰ — The leper when bringing his offering does so, not for the purpose of expiation,¹¹ but in order to render him fit to partake of consecrated food.

Then a nazirite in doubt,¹² if the Day of Atonement had intervened, should not bring an offering, for the Day of Atonement had effected atonement, since the sin is one 'known to the Lord alone'! — Said Rab Oshaia: [It reads:] 'Even all their sins'; but not all their uncleanness. But according to R. Eleazar b. ha-Kappar, who holds that the nazirite is a sinner,¹³ what can be said? — The nazirite when bringing his offering does so, not for the purpose of expiation, but in order to enable him to resume his naziriteship in a state of cleanness.¹⁴

Then a woman suspected of doubtful infidelity,¹⁵ if the Day of Atonement had intervened, should not bring her offering, for the Day of Atonement had effected atonement, since the sin is one 'known to the Lord alone'! — Said Rab Oshaia: [It reads:] 'Even all their sins'; but not all their uncleanness.¹⁶ Abaye said: The adulterer is aware¹⁷ [of the sin]. Raba said: The woman suspected of infidelity, in bringing [the sacrifice] does so for the purpose of ascertaining her guilt.¹⁸

Then the heifer whose neck is to be broken,¹⁹ if the Day of Atonement had intervened, [should not be offered]! — Said Abaye: The murderer is aware [of the sin]. Raba said: Scripture reads, And no expiation can be made for the land for the blood that is shed therein, etc.²⁰ R. Papa said: Scripture reads, Forgive Thy people Israel, etc.,²¹ this atonement was applicable even to those who went out from Egypt.

Now that you have established that a sin known to the Lord alone is atoned for by the Day of Atonement, then I might say that when one becomes aware [of the sin] after the Day of Atonement he should not need to bring a sin-offering!²² — Said R. Ze'ira: You cannot say so, for Scripture states 'knowledge' in connection with the sin-offering [of the individual] and also with that of the prince and of the congregation.²³ But is it not necessary [with each of these]? For if it was only mentioned in connection with the ordinary individual, I should have said that the others could not be derived from the ordinary individual because of this objection: It is so with the ordinary individual, since his offering is invariably female.²⁴ Then let it be stated in connection with the prince alone, and I should derive the others from the case of the prince! — The case of the individual cannot be derived from that of the prince, for it can be objected to: It is so with the prince, since he is not included in the law regarding the refusal of evidence;²⁵ but can you say so of the individual who is included in this law? Similarly the instance of the congregation cannot be derived from that of the

prince, for I might object: It is so with the prince since his offering may at times be female.²⁶ Then let it be stated only in connection with the congregation, and I should derive the case of the individual and of the prince from it! — I can object: It is so with the congregation since they are liable only when ignorance of the law is followed by action in error.²⁷

From the mention of ‘knowledge’ in any one case you cannot indeed derive the others, but from its mention in two instances you might derive the third. Let ‘knowledge’ be omitted in connection with the ordinary individual, and let it be derived from ‘knowledge’ mentioned in connection with the prince and the congregation! — I might object: It is so with the prince and the congregation since they are not subject to the law regarding the refusal of evidence;²⁸ but can you say so of the individual who is subject to this law? Let then ‘knowledge’ be omitted in connection with the congregation and let it be derived from ‘knowledge’ mentioned with the individual and the prince! — I might object: It is so with the individual and the prince since their sacrifice may at times be female;²⁹ but can you say so of the congregation whose sacrifice can never be female? Let, then, ‘knowledge’ be omitted in connection with the prince and let it be derived from ‘knowledge’ mentioned in connection with the individual and the congregation! For what argument can be raised in objection thereto? If the fact that the sacrifice is offered only where ignorance of the law [is followed by action in error],³⁰ the individual proves [the opposite]; and if that the sacrifice is at all times a female, the congregation prove [the opposite],³¹ for they never offer a female and are nevertheless liable only when aware of the sin. Wherefore, then, was, ‘knowledge’ mentioned in connection with the prince? As it is not required for its own purpose, since it may be derived from that of the individual and the congregation, apply it to the case where the transgressor becomes aware [of his sin] after the Day of Atonement,³² to the effect that he must bring a sin-offering. Abaye said: If ‘knowledge’ were omitted in the text relating to the prince I should not have derived it from the cases of the individual and the congregation. for I might object: It is so with the individual and the congregation since they cannot change their status; can you say so

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- (1) His obligation, which is ruled to be unaffected by the Day of Atonement, binds him only to the extra expenditure of a sacrifice. In our instance, however, bodily chastisement is involved.
 - (2) With reference to the transgressions expiated by the Day of Atonement.
 - (3) Shebu. 2b. A negative commandment usually involves the penalty of stripes, yet it is stated that the Day of Atonement atones for it, thus in contradiction to Rab Tahlifa's ruling.
 - (4) That Mishnah of Shebu. refers to a case where no stripes are administered, because there was no legal warning. When, however, this penalty is due, the Day of Atonement does not effect its remission.
 - (5) I.e., if Rab Tahlifa was right.
 - (6) In contradiction to our Mishnah.
 - (7) The sin-offering of the woman after confinement is, he holds, brought by reason of her uncleanness and not of her sin; whilst Rab Tahlifa's ruling implies only the expiation of doubtful sins by the Day of Atonement.
 - (8) V. Nid. 31a. While in travail she swears not to unite again with her husband, and breaks this oath.
 - (9) The labour pains have expiated the sin.
 - (10) ‘Ar. 16a. Leprosy is thus the result of sin, and the sacrifice is therefore expiatory. The text adds as a mnemonic: G.G.G. Sh. Sh. L.Z., which are the initial letters of the Hebrew words for the seven sins, viz., Immorality, arrogance, robbery, bloodshed, false oath, slander, and meanness.’
 - (11) The sin has been expiated by the pain suffered in the illness.
 - (12) I.e., a nazirite who is in doubt whether his naziriteship has been interrupted through uncleanness. V. Num. VI, 9f.
 - (13) Ta'an. 11a. His vow of abstention is regarded as a sin.
 - (14) The sin, however, is expiated by the disgrace to which he submits himself in not having his hair cut (Rashi).
 - (15) Num. V, 12ff. Every case of a woman suspected of infidelity is obviously one of doubt, and that is what is referred to in this question (Rashi).
 - (16) Infidelity is expressed in the Bible as uncleanness; v. *ibid.* v. 13.
 - (17) The sin is thus not one known to the Lord alone, and is therefore not atoned for by the Day of Atonement.
 - (18) And not as an expiation; cf. Num. V, 19ff.

(19) Deut. XXI, 1ff.

(20) Num. XXXV, 33; this passage implies that there is no other means to achieve expiation except by the execution of the murderer; or, if the murderer is unknown, through the offering of the heifer.

(21) Deut. XXI, 8. The continuation is: 'Whom Thou has redeemed'. This is taken to indicate that even those who came out of Egypt would be liable to bring a heifer, although many a Day of Atonement had intervened in the meantime, because the Day of Atonement does not expiate a case of unidentified murder.

(22) For the sin is already atoned for.

(23) The text uses the term, 'If (the sin) be known' on three occasions: Lev. IV, 28 relating to an ordinary individual who commits a sin liable to a sin-offering; *ibid.* v. 23 referring to the prince; and *ibid.* v. 14 with reference to the congregation. This expression, the threefold repetition of which is unnecessary for the context, as will be explained later, is taken to intimate that whenever the sin becomes known a sin-offering is required. even though the Day of Atonement has intervened.

(24) V. *ibid.* v. 28. A female animal offering is of lesser importance, and the sin of the ordinary individual might be regarded as of lesser severity. I might therefore have thought that only this individual brings a sin-offering when aware of the sin; the others, however, are liable even in the case of doubt. Therefore the restrictive term 'if be known' is used also with the others.

(25) Lit., 'the hearing of the voice', i.e., the summons to give evidence, which was disregarded. v. Lev. V, 1. Such refusal to give evidence incurs a guilt-offering, but only in the case of an ordinary individual. A prince, on the other hand, cannot give evidence; cf. Sanh. 18a.

(26) In the case of idolatry both prince and commoner are liable to a female sin-offering.

(27) I.e., when the religious authorities wrongfully permitted an act which is forbidden by law, and which the congregation thereupon committed in error.

(28) Regarding the prince (v. p. 197. n. 4).As to the congregation. its liability lies only in active transgression. not in acts of omission.

(29) V. p. 197. n. 5.

(30) I.e., should you argue that the fact, that the sacrifice is offered after an erroneous judgement, is decisive for the ruling that no sin-offering is brought except where there is awareness of sin, I should reply, the individual disproves this, for his transgression is not the outcome of an erroneous decision and he is nevertheless subject to the same ruling concerning awareness of sin.

(31) I.e., should you argue that the fact, that the sacrifice is at all times a female, is decisive for our ruling and that therefore the prince, who at times offers a male, is not subject thereto, I should reply that the case of the congregation disproves this, which is always liable to a male offering and yet is subject to our ruling.

(32) The expression 'if be known' then conveys that whenever the sin be known, even after the passing of the Day of Atonement, a sin-offering is due.

Talmud - Mas. K'rithoth 26b

of the prince whose status is liable to change?¹ Abaye, therefore, said: [The law² is rather inferred] from the following: Since the common term 'mitzwoth' has established between them a textual analogy,³ thus rendering them analogous one to the other, why then was 'knowledge' mentioned thrice [i.e.] in connection with the commoner, the prince and the congregation? As it is not required for their own cases, for they can be inferred from each other, by reason of the analogy based upon the common term 'mitzwoth', apply it to the case where the transgressor becomes aware [of his sin] after the Day of Atonement ' to the effect that he must bring a sin-offering. But why not argue thus: Granted that when the transgressor becomes aware of his sin after the Day of Atonement he must still bring a sin-offering, because the Day of Atonement does not apply to this specific sin;⁴ but in the case of the suspensive guilt-offering, since the offering is brought for the specific sin, he thereby receives atonement, so that when he becomes aware of his sin, after he had offered the suspensive guilt-offering, he need not bring a sin-offering! — Raba replied: Scripture reads, 'If [the sin] be known to him'; at all events.⁵ Now that it is established that when he becomes aware of the sin he must still bring a sin-offering, what purpose did the suspensive guilt-offering serve? — Answered R. Zera, [It had the effect] that if he died, he died without sin. Raba demurred: But if he died, death

purged him!⁶ Raba, therefore, answered: [It had the effect] of guarding him from chastisement.⁷

IF A SIN-OFFERING OF A BIRD WAS BROUGHT FOR A MATTER OF DOUBT etc. said Rab: It nevertheless effected atonement.⁸ If so, why must it be buried? — Because it was not guarded.⁹ When was it not guarded? If at the beginning,¹⁰ was it not alive?¹¹ If at the end,¹² does he¹³ not guard it? — The Mishnah speaks rather of the case where the woman became aware that she did not give birth.¹⁴ And by law, therefore, it should be permitted for use; but why must it be buried? It is a Rabbinical enactment.¹⁵ Rab's remark, however, was stated in connection with the following: If a woman brought a sin-offering of a bird by reason of a doubt, and prior to the pinching of its neck she learnt that the birth was a certainty, she shall offer it for a certainty, for that which she offers in the case of doubt is of the same kind as that which she offers in the case of certainty.¹⁶ But if she learnt after the pinching of the neck that the birth was normal, then Rab says: The blood is sprinkled and drained out, atonement is effected, and [the bird] is permitted to be eaten. R. Johanan says: It is forbidden to be eaten as a precautionary measure lest it be said that a sin-offering of a bird in a matter of doubt may be eaten.

Levi taught in support of Rab: In the case of a sin-offering of a bird brought by reason of a doubt, if it is learnt after the pinching of the neck that the birth was normal, the blood is sprinkled and drained out, atonement is effected, and it is permitted to be eaten. It was taught [in a Baraita] in support of R. Johanan: In the case of a sin-offering of a bird brought by reason of a doubt, if it is learnt prior to the pinching of the neck that the birth did not take place, the bird reverts to its profane status or it may be sold to a fellowwoman;¹⁷ if it is learnt prior to the pinching of the neck that the birth was certain, it is offered as a certain sacrifice, for that which she offers in the case of doubt is of the same kind as that which she offers in the case of certainty; if it is learnt after the pinching of the neck that the birth did take place, the offering is forbidden even for all use,¹⁸ for it was offered from the outset for a doubt, it has atoned for the doubt, and so has served its purpose.¹⁹

MISHNAH. IF A MAN SET APART TWO SELA'S²⁰ FOR A GUILT-OFFERING AND BROUGHT THEREWITH TWO RAMS FOR A GUILT-OFFERING, IF ONE WAS OF THE VALUE OF TWO SELA'S,²¹ IT MAY BE OFFERED FOR HIS GUILT-OFFERING, AND THE OTHER MUST BE LEFT TO PASTURE²² UNTIL IT BECOMES BLEMISHED WHEN IT IS SOLD AND ITS PRICE GOES TO THE FUND FOR FREEWILL-OFFERINGS. IF HE HAD BOUGHT WITH THE MONEY TWO RAMS FOR ORDINARY USE,²³ ONE WORTH TWO SELA'S AND THE OTHER WORTH TEN ZUZ,²⁴ THAT WHICH IS WORTH TWO SELA'S SHALL BE OFFERED FOR HIS GUILT-OFFERING²⁵ AND THE OTHER FOR HIS TRESPASS.²⁶ [IF HE HAD BOUGHT WITH THE MONEY] ONE [RAM] FOR A GUILT-OFFERING AND THE OTHER FOR ORDINARY USE,²⁷ IF THAT FOR THE GUILT-OFFERING WAS WORTH TWO SELA'S IT SHALL BE OFFERED FOR HIS GUILT-OFFERING²⁸ AND THE OTHER FOR HIS TRESPASS,²⁹ AND WITH IT HE SHALL BRING A SELA' AND ITS FIFTH.³⁰

GEMARA. What means HIS TRESPASS³¹ which is stated in the first clause: AND THE OTHER FOR HIS TRESPASS? Shall I say it means the ram for the [Sacrilege] guilt-offering? But can it be said that the fifth is brought together with the ram [for the guilt-offering]? Bold it is written: And he shall make restitution for that which he hath done amiss in the holy thing, and shall add the fifth part thereto;³² whence we see that it is brought together with [the restitution of] his misappropriation! Moreover, the last clause states: [IF HE HAD BOUGHT WITH THE MONEY] ONE [RAM] FOR A GUILT-OFFERING, AND THE OTHER FOR ORDINARY USE, IF THAT FOR THE GUILT-OFFERING WAS WORTH TWO SELA'S, IT SHALL BE OFFERED FOR HIS GUILT-OFFERING, AND THE OTHER FOR HIS TRESPASS, AND WITH IT HE SHALL BRING A SELA' AND ITS FIFTH. From this too we see that the fifth is brought together with [the restitution of] his misappropriation! — Rather, HIS TRESPASS means the value he had benefitted

from the Sanctuary, which is the amount of the two sela's he had originally set apart for a guilt-offering, and with which he bought two rams for ordinary use. So that the one which is worth two sela's he brings as the ram for his guilt-offering, and the other which is worth ten zuz he gives as restitution for what he had benefitted from the Sanctuary, which exactly equals the amount of his misappropriation plus one fifth. And HIS TRESPASS means his misappropriation.

Now how did you interpret HIS TRESPASS stated in the first clause? His misappropriation? Then read the last clause: [IF HE HAD BOUGHT WITH THE MONEY] ONE [RAM] FOR A GUILT-OFFERING, AND THE OTHER FOR ORDINARY USE, IF THAT FOR THE GUILT-OFFERING WAS WORTH TWO SELA'S IT SHALL BE OFFERED FOR HIS GUILT-OFFERING, AND THE OTHER FOR HIS TRESPASS, AND WITH IT HE SHALL BRING A SELA'S AND ITS FIFTH; whence we see that HIS TRESPASS means the ram for the [Sacrilege] guilt-offering. Accordingly in the first clause HIS TRESPASS means his misappropriation,

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- (1) Viz., the prince may be deposed and reverted to the status of a commoner.
 - (2) Viz., that a sin-offering is brought when the transgressor becomes aware of the sin after the Day of Atonement.
 - (3) The term 'mitzwoth', ('commandment') occurs in connection with the congregation, Lev. IV, 13, the prince. v. 22, and the commoner, v. 27. This analogy includes that they all follow the same ruling also with regard to the Day of Atonement.
 - (4) The Day of Atonement atones for sins in general.
 - (5) I.e., whenever the sin becomes a certainty a sin-offering is due.
 - (6) For death expiates all sins with but few exceptions.
 - (7) During all that period that he was in doubt.
 - (8) Rab interprets this case of the Mishnah that the woman learnt afterwards that the birth was normal. He maintains that she is not liable to a fresh sacrifice.
 - (9) By reason of its doubtfulness, the sacrifice might not have been guarded properly from contact with unclean persons or objects.
 - (10) I.e., before the killing of the bird.
 - (11) And a living animal cannot contract uncleanness.
 - (12) After it was killed.
 - (13) Viz., the priest.
 - (14) The certainty was in the negative direction. She is exempt entirely from a sacrifice, and the offering she dedicated should by law revert to its secular status and be permitted for use.
 - (15) The Rabbis have ordered its destruction as a precautionary measure lest it be said that sin-offerings in a matter of doubt may be freely used.
 - (16) Supra 22b.
 - (17) I.e., any woman after confinement who would require such an offering.
 - (18) By reason of its doubtful status, it may neither be eaten nor made use of. On the one hand it may be a non-consecrated animal slaughtered in a manner contrary to law and thus forbidden for eating as nebelah; on the other hand, it may be consecrated flesh that may not be eaten, and as such is forbidden to be put to any use.
 - (19) I.e., it does not definitely revert to its original non-consecrated character.
 - (20) This is the price of a guilt-offering as prescribed in Lev. V, 15. The sela', identical with the Biblical shekel, equals four zuz.
 - (21) I.e., he bought it at a reduced price; v. Gemara.
 - (22) It was bought with money set apart for a guilt-offering, hence it cannot be used for ordinary purposes even though it is no longer needed for a guilt-offering.
 - (23) He has thus committed sacrilege by misappropriating consecrated money to the value of two sela's and must now bring a guilt-offering on this account and make restitution.
 - (24) I.e. two sela's and one half.
 - (25) Incurred by his present misappropriation of consecrated money.
 - (26) The animal that is worth ten zuz is to be given as restitution, which exactly equals the amount misappropriated plus

a fifth, cf. Lev. V, 16. It must be pointed out that the additional fifth is calculated as one quarter of the original value, so that what is added is a fifth of the repayment.

(27) The misappropriation therefore was of the value of one sela' only.

(28) Which he was liable to bring at the outset and for which he had originally set apart the money.

(29) I.e. the guilt-offering which he has incurred by the present misappropriation.

(30) As restitution.

(31) The Heb. word **מעילה** may mean the guilt-offering that must be brought for the misappropriation of consecrated property as well as the act of misappropriation itself.

(32) Lev. V, 16.

Talmud - Mas. K'rithoth 27a

while in the last clause HIS TRESPASS means the ram for his [Sacrilege] guilt-offering!¹ — In the first clause where the ram which he bought² is exactly equal to the principal and its fifth, the Tanna implies by HIS TRESPASS his misappropriation; in the last clause, however, where the ram which he bought is not equal to the principal and its fifth, the Tanna implies by HIS TRESPASS the ram for his [Sacrilege] guilt-offering, but he must bring with it a sela' and its fifth [as restitution].

R. Menashia b. Gadda raised the question: Can a man obtain atonement with an accumulation of fifths?³ If you will say [that it is held] that a man can obtain atonement with the increase of consecrated property,⁴ but surely that is because he troubled himself with it,⁵ whereas here, since he took no trouble with it, he cannot obtain atonement therewith. Or, perhaps, even if you will say that [it is held that] a man cannot obtain atonement with the increase of consecrated property, but surely that is because he did not set it apart,⁶ whereas here in the case of the accumulation of fifths, since he did set it apart.⁷ I might say that he can obtain atonement therewith? For the question was raised [in general]: Can a man obtain atonement with the increase of consecrated property or not?

Come and hear: [We have learnt:] IF A MAN SET APART TWO SELA'S FOR A GUILT-OFFERING AND BOUGHT THEREWITH TWO RAMS FOR A GUILT-OFFERING, IF ONE WAS OF THE VALUE OF TWO SELA'S IT MAY BE OFFERED FOR HIS GUILT-OFFERING, AND THE OTHER MUST BE LEFT TO PASTURE UNTIL IT BECOMES BLEMISHED WHEN IT IS SOLD AND ITS PRICE GOES TO THE FUND FOR FREEWILL-OFFERINGS. Surely the case is, is it not, that he bought it⁸ for four [zuz]⁹ and improved it so that it is now worth eight [zuz]? We thus see that a man can obtain atonement with the increase of consecrated property!¹⁰ — No, here we are dealing with the case where the shepherd sold it to him at a reduced price.¹¹

Come and hear: If a man bought a ram for one sela' and he fattened it so that it is now worth two sela's, it is valid [for a guilt-offering]. Does not this prove that a man can obtain atonement with the increase of consecrated property? — No, it is different where he fattened it, for it actually cost him eight [zuz].¹²

Come and hear: If a man bought a ram for one sela' and it is now worth two [sela's], it is valid [for a guilt-offering]. — Here, too, he fattened it. If so, is not this identical with the previous case? — In the first case he bought it for four [zuz] and improved it with four [zuz] more, so that [in fact] it cost him [in all] eight [zuz]; in the second case he bought the ram for four [zuz] and improved it with three [zuz] more and now it is worth eight [zuz]. If so, read the last clause: But he must pay one sela' [to the Sanctuary]. [Why so?] Has it not cost him seven [zuz]?¹³ — What he must pay is what is wanting to make up the [second] sela'. Now if you say that a man cannot obtain atonement with the increase of consecrated property, then even if he pays [one zuz] to make up the sela', what then? Surely we require a ram costing two sela's, and it is not so here! — Rather, the Tanna holds that a man can obtain atonement with the increase of consecrated property. If so, he should not have to

make up the sela'? — This is the reason that he has to make up the sela'; it is a precautionary measure lest people say that a ram worth less than two sela's can make atonement.

What is the decision? — Come and hear: If at the time [the ram] was set apart it was worth one sela', but at the time of atonement it was worth two sela's, he has fulfilled his obligation.¹⁴

R. Eleazar raised the question: Can a man obtain atonement with the increase of consecrated property or not?¹⁵ Thereupon R. Johanan exclaimed: How many years is it that this one has been¹⁶ in our midst and has not heard this law from me? It would seem then that R. Johanan actually gave a ruling on this? — Indeed yes, and he stated it in connection with the following which we learnt: The young of a thank-offering, or the substitutes [of a thank-offering], or if a man set aside [an animal for] his thank-offering and it was lost, and he then set aside another in its stead, [and later the original animal was found] — these do not require the loaves.¹⁷ And R. Hananiah sent¹⁸ this ruling in the name of R. Johanan: They taught so¹⁹ only after atonement had been effected,²⁰ but before atonement had been effected it would require the loaves.²¹ Thus we see that R. Johanan holds that a man can obtain atonement with the increase of consecrated property.

R. Eleazar raised the question: Can living animals be rejected or not?²² Thereupon R. Johanan exclaimed: How many years is it that this one has been in our midst and has not heard this law from me? It would seem then that R. Johanan actually gave a ruling on this? — Indeed yes. for R. Johanan said: In the case of an animal belonging to two partners, if one dedicated his half²³ and later bought up the other's half and also dedicated it, the animal is holy but cannot be offered [as a sacrifice],²⁴ moreover it can make [another animal holy as its] substitute, and the substitute is like itself. We learn from this three rulings: we learn that living animals can be rejected; and we learn that what is consecrated only for its value can cause rejection; and we also learn that the law of rejection applies also to what is consecrated only for its value.²⁵

R. Eleazar raised the question: What is the law if in the whole world lambs became cheap?²⁶ Do we say that we require your choice vows,²⁷ which is the case here; or do we require [two] silver shekels,²⁸ which is not the case here? Thereupon R. Johanan exclaimed: Many years have we spent²⁹ in the Beth Hammidrash but we have not heard this law! 'We have not?' Behold R. Johanan said in the name of R. Simeon b. Yohai: Why did not the Torah fix a value for [the animal-offerings brought by] those lacking atonement?³⁰ Because it might happen that lambs would become cheap [in the whole world] and these would never be rendered fit to partake of consecrated food!³¹ — Say: We have not taught this law. But was not R. Hiyya b. Abba³² in the habit of revising all his studies every month before him [R. Johanan]?³³ — Say, rather: This law was not sought from us in the Beth Hammidrash.

The [above] text [stated]: 'R. Johanan said in the name of R. Simeon b. Yohai: Why did not the Torah fix a value for [the animal-offerings brought by] those lacking atonement? Because it might happen that lambs would become cheap [throughout the world] and these would never be rendered fit to partake of consecrated food.' Abaye demurred: In that case the sin-offering for [eating] forbidden fat³⁴ should have a fixed value, since it is brought for atonement and not to render one fit to eat consecrated food! Raba also demurred: In that case the guilt-offering of the nazirite should have a fixed value since it is brought for no apparent reason!³⁵ For R. Johanan said in the name of R. Simeon b. Yohai: The only offering that is brought for no reason is the guilt-offering of the nazirite! — This is indeed a difficulty.

(1) It is indeed strange that the Tanna in one Mishnah should employ the same term for the two conceptions.

(2) All printed texts have here רובן 'their majority' which makes no sense. The commentators unanimously emend to דזבן 'which he bought', which has been adopted here.

(3) E.g. a man wrongfully made profane use of two sela's which had been dedicated for an offering. He thereupon paid to

the Sanctuary the two sela's plus one fifth (as prescribed), in all a sum of ten zuz. Then again he made profane use of the two sela's, indeed he did so four times, and on each occasion he returned the two sela's plus one fifth (i.e. two zuz). The extra fifths now mount up to two sela's (eight zuz) which is the price of a guilt-offering for sacrilege. The question that is raised is, can these two sela's, the accumulation of the fifths of the four occasions, be used for one of the four guilt-offerings for sacrilege that he has incurred? V., however, Sh. Mek.

(4) If e.g. a man bought a ram for a guilt-offering for one sela' and improved it and fattened it, or in the meantime the price of rams had gone up, and it is now worth two sela's and therefore eligible now for a guilt-offering.

(5) He expended time and money on improving the animal.

(6) He did not actually set aside any more money beyond the original sela'.

(7) After each misappropriation he set apart an extra two zuz.

(8) Each ram.

(9) I.e. one sela'.

(10) Since one of the rams may be offered for a guilt-offering.

(11) The reduction was a personal favour to the purchaser, hence it is not considered as increase in consecrated property'.

(12) Four zuz the cost of purchase and four zuz the cost of fattening.

(13) At most he should have to pay to the Sanctuary one zuz.

(14) This clearly proves that a man can obtain atonement with the increase of consecrated property. The precise wording of this Baraitha precludes the possibility that the increase was due to fattening. V. Sh. Mek. It must be observed that R. Gershom reads in the Baraitha: 'he has not fulfilled his obligation', and the proof is therefore the reverse, that a man cannot obtain atonement with the increase of consecrated property.

(15) R. Eleazar apparently had not heard of the last Baraitha quoted.

(16) Lit. 'has grown up'. (5) The substitute of an offering is holy like the offering itself; v. Lev. XXVII, 33.

(17) Which must accompany the thank-offering; v. Lev. VII, 12, 13. V. Men. 79b.

(18) From Palestine to Babylon.

(19) 'That the young of a thank-offering does not require the loaves'. These words appearing incur. edd. are obviously a gloss. V. Sh. Mek.

(20) With the offering of the mother animal.

(21) And the young may be offered as the thank-offering in fulfillment of his obligation. This is an obvious case of increase in consecrated property, and it is taught that one may use 'the increase' in fulfillment of one's obligation.

(22) If an animal consecrated for an offering was for some cause rendered ineligible for offering, and later the disqualifying cause was removed, can it now be offered or is it permanently rejected?

(23) At this stage it is ineligible for a sacrifice since only half of it is holy. The animal is consecrated only as to its money value, i.e. it must be sold and half the proceeds to be used for a sacrifice.

(24) Its original rejection is permanent even though now the whole animal is consecrated.

(25) This and the preceding ruling amount to the same thing (Rashi). There are several variants of the text here, v. Sh. Mek., and the parallel passages in Kid. 7a and b, Zeb. 12a, and Tem. 26a and b. V. infra 28a top.

(26) So that no lambs cost as much as two shekels.

(27) Deut. XII, 11. By bringing a choice animal one has surely fulfilled one's obligation, especially as no animal can be bought for two shekels.

(28) Lev. V, 15.

(29) Lit. 'grown up'.

(30) A zab, a zabah (v. Glos.), a woman after childbirth, and a leper, even after the completion of their period of uncleanness are still debarred from partaking of consecrated food until their prescribed offerings were brought.

(31) It follows from this that where the Torah did fix the price of the offering that condition is indispensable in all circumstances.

(32) Cur. edd. R. Zera b. Adda; but cf. Ber. 38b. and Hul. 86b.

(33) Then surely R. Johanan must have taught his pupil this ruling.

(34) A typical example of a sin involving a sin-offering.

(35) Lit. 'in vain'. The nazirite whose period of consecration was profaned by uncleanness was obliged, before resuming his period afresh, to bring two doves, one for a sin-offering and the other for a burnt-offering, as well as a lamb for a guilt-offering. Now his sin-offering atoned for his involuntary defilement, his burnt-offering for his sinful thoughts,

whereas the sprinkling with water of purification on the third and the seventh days of his uncleanness rendered him fit to partake of consecrated food. The guilt-offering, however, seems entirely superfluous and no reason can be adduced for its offering. V. however Ned. 10a.

Talmud - Mas. K'rithoth 27b

MISHNAH. IF A MAN SET APART HIS SIN-OFFERING AND THEN DIED. HIS SON MAY NOT OFFER IT AFTER HIM.¹ A MAN MAY NOT OFFER [WHAT WAS SET APART] FOR ONE SIN IN RESPECT OF ANOTHER SIN; MOREOVER. EVEN IF HE HAD SET APART [THE SIN-OFFERING] FOR FORBIDDEN FAT THAT HE HAD EATEN YESTERDAY, HE MAY NOT OFFER IT FOR FORBIDDEN FAT THAT HE HAS EATEN TO-DAY, FOR IT IS WRITTEN, HIS OFFERING ... FOR HIS SIN;² THE OFFERING MUST BE FOR THAT PARTICULAR SIN [FOR WHICH IT WAS SET APART].

GEMARA. Whence do we know this? — For our Rabbis taught:³ His offering⁴ [implies that] he fulfils his obligation with his own offering but not with that of his father. I might think that this means that he does not fulfil [his obligation] in respect of a serious offence⁵ with his father's offering which had been set apart for a light offence⁶ or vice versa, but he does fulfil [his obligation] in respect of a light offence with [what his father had set apart also for] a light offence, or his obligation in respect of a serious offence with [what his father had set apart also for] a serious offence. Therefore Scripture states, [once again,] His offering, [to show that] he fulfils [his obligation] with his own offering [only] but not with that of his father. Again I might think that he does not fulfil [his obligation] in respect of either a light or serious offence with the animal which his father had set apart also for an offence of a similar degree of gravity, since [it is established that] a man cannot make use of his [nazirite] father's animal for his own nazirite offerings,⁷ but he does fulfil [his obligation] with money which his father had set apart, and even transfer what was assigned for a light offence to a serious offence, and vice versa, since [it is established that] a man may make use of his [nazirite] father's money for his own nazirite offerings, provided that it was unspecified money and not ear-marked.⁸ Therefore Scripture states [a third time], His offering, [to show that] he fulfils [his obligation] with his own offering [only] but not with that of his father. I might further think that he does not fulfil [his obligation] even with money which his father had set apart, albeit for an offence of equal gravity, but he does fulfil [his obligation] with an offering which he himself had set apart, even transferring what was set apart for a serious offence to a light offence, or vice versa. Scripture therefore states, 'His offering ... for his sin', [to show that] the offering must be for the particular sin [for which the animal was set apart]. I might further think that he does not fulfil [his obligation] with an animal which he had set apart for himself, albeit for an offence of equal gravity, since [we know that] if he set apart an animal as an offering for his eating forbidden fat and brought it as an offering for his eating blood, or vice versa, he has thereby not been guilty of misappropriation⁹ and he has not received atonement therewith, but he does fulfil [his obligation] with money which he had set apart for himself, whether or not there is a change in the gravity of the offence, since [we know that] if he set apart for himself money for [an offering for his eating] forbidden fat and used it for [an offering for his eating] blood, or vice versa, he has thereby become guilty of misappropriation and he receives atonement therewith. Therefore Scripture states, His offering ... for his sin, [to show that] the offering must be for the particular sin [for which the money was assigned].

What is meant by 'he has thereby not been guilty of misappropriation and he has not received atonement therewith'? — Rab Samuel b. Shimi explained it before Rab Papa: It means, since he cannot possibly thereby become guilty of misappropriation,¹⁰ consequently he cannot receive atonement therewith; and this being so, he obviously cannot use it¹¹ [the animal] for something else. In the case of money, however, [which was set apart for one purpose,] since if he used it for something else he has thereby become guilty of misappropriation,¹² and must bring a guilt-offering

for his misappropriation. I might think that he may bring [another offering] even at the outset,¹³ we are therefore informed [that he may not do so].¹⁴

MISHNAH. ONE MAY BRING WITH [MONEY] DEDICATED TO BUY A LAMB [FOR A SIN-OFFERING] A GOAT, OR WITH [WHAT WAS] DEDICATED TO BUY A GOAT [ONE MAY BRING] A LAMB; OR WITH [WHAT WAS] DEDICATED TO BUY A LAMB OR A GOAT [ONE MAY BRING] TURTLE-DOVES OR YOUNG PIGEONS;¹⁵ OR WITH [WHAT WAS] DEDICATED TO BUY TURTLE-DOVES OR YOUNG PIGEONS [ONE MAY BRING] THE TENTH OF AN EPHAH.¹⁶ HOW IS THIS? THUS IF A MAN SET APART [MONEY] FOR A LAMB OR A GOAT AND HE BECAME POOR, HE MAY BRING A BIRD-OFFERING;¹⁷ IF HE BECAME STILL POORER HE MAY BRING THE TENTH OF AN EPHAH. IF A MAN SET APART [MONEY] FOR THE TENTH OF AN EPHAH AND HE BECAME RICH, HE MUST BRING A BIRD-OFFERING;¹⁸ IF HE BECAME STILL RICHER HE MUST BRING A LAMB OR A GOAT. IF¹⁹ A MAN SET APART A LAMB OR A GOAT AND THEY SUFFERED A BLEMISH,²⁰ HE MAY IF HE SO WISHES²¹ BRING WITH THEIR PRICE A BIRD-OFFERING; BUT IF HE SET APART A BIRD-OFFERING AND IT SUFFERED A BLEMISH,²² HE MAY NOT BRING WITH ITS PRICE THE TENTH OF AN EPHAH. SINCE A BIRD-OFFERING CANNOT BE REDEEMED.²³

GEMARA. Whence do we know this? — For our Rabbis taught: Wherefore does Scripture state: ‘From his sin-offering’. ‘From his sin-offering’, and ‘To his sin-offering’.²⁴ Whence do you know to say that one may bring with [money] dedicated to buy a lamb [for a sin-offering] a goat, or with [what was] dedicated to buy a goat [one may bring] a lamb; or with [what was] dedicated to buy a lamb or a goat [one may bring] turtle-doves or young pigeons; or with [what was] dedicated to buy turtle-doves or young pigeons [one may bring] the tenth of an ephah? How is this? Thus if a man set apart [money] for a lamb or a goat and he became poor, he may bring with it a bird-offering; if he became still poorer he may bring the tenth of an ephah. If a man set apart [money] for the tenth of an ephah and he became rich, he must bring a bird-offering; if he became still richer he must bring a lamb or a goat. If a man set apart a lamb or a goat and they suffered a blemish, he may if he so wishes bring with their price a bird-offering; but if he set apart a bird-offering and it suffered a blemish he may not bring with its price the tenth of an ephah, since a bird-offering cannot be redeemed. Therefore Scripture states, ‘From his sin-offering’, and ‘To his sin-offering’. And it is necessary for Scripture to state ‘from his sin-offering’ in connection with a lamb or a goat as well as in connection with a bird-offering. For if the expression had only been stated in connection with [money] set apart for a lamb or a goat, then I might have said that if he set apart [money] for a lamb or a goat and he became poor, [part] of that money may be applied²⁵ to a bird-offering, and he brings a bird-offering, since a lamb and a bird-offering are both blood offerings, but as for the tenth of an ephah, since it is not a blood offering, I might have said, had not the expression ‘from his sin-offering’ been stated in connection with the bird-offering, that if he set apart money for a pair of birds²⁶ and he became poor, he may not bring with it the tenth of an ephah, for it is not a blood offering, but he must bring the tenth of an ephah from his house, whilst that money which he had set apart shall fall to the fund for freewill-offerings. Therefore Scripture also stated ‘from his sin-offering’ in connection with the bird-offering to teach you that with [the money] dedicated to buy a bird-offering he may also bring the tenth of an ephah. And why is the expression ‘to his sin-offering’ stated in connection with the tenth of an ephah?²⁷ To teach you that if a man set apart money for the tenth of an ephah and before he brought the offering he became rich he must add [more money] to it and bring a bird-offering, and if he became still richer he must add [further money] to it and bring a lamb or a goat. And why is the expression ‘to his sin-offering’ stated in connection with the tenth of an ephah [and not in connection with the bird-offering]? If the expression ‘to his sin-offering’ were stated in connection with the bird-offering, I might have said that only if he had set apart money for a pair of birds and he became rich may he add [more money] to it and bring a lamb or a goat, since they are both blood offerings; but if he set apart money for the

tenth of an ephah and he became rich, then if he did not become very rich he must bring [from his house] a bird-offering, and if he became very rich he must bring [from his house] a lamb or a goat, whilst that money which he had [originally] set apart shall fall to the fund for freewill-offerings. Therefore Scripture stated the expressions 'from his sin-offering' in connection with [the offering brought by a man] when rich and also in connection with [the offering brought by a man] when poor, and the expression 'to his sin-offering' in connection with [the offering brought by a man] when very poor to teach you [the expositions] as we have stated above.²⁸

R. Eleazar said in the name of R. Oshaia: If a rich man who defiled the Sanctuary²⁹ had set apart a pair of birds

(1) If the son was liable to bring a sin-offering he may not make use of his deceased father's animal, for it is an established law (Tem. IV, 1) that if the owner of a sin-offering died the animal must be left to die. The son can certainly not offer this sin-offering on behalf of his father, for atonement cannot be effected after death.

(2) Lev. IV, 28.

(3) V. Naz. 27b. where the entire passage is taught.

(4) This expression is used three times in Lev. IV, once with reference to the sacrifice brought by a prince who sinned in error (v. 23); the second time with reference to the goat (v. 28) and the third time with reference to the lamb (v. 32) brought by one of the common people who sinned in error.

(5) E.g. the sin-offering brought for inadvertently profaning the Sabbath. This offence is regarded 'serious' in that the wilful commission thereof involves the death penalty.

(6) E.g. the sin-offering brought for inadvertently eating forbidden fat. This offence is regarded 'light' in that the wilful commission thereof involves the penalty of kareth (v. Glos.) only, but not death.

(7) Lit. 'he may not shave his naziriteship with the animal which his father (also a nazirite) had set apart'. The reference is to the sacrifice incumbent upon the nazirite at the end of the period of his consecration, when he must shave his head at the Sanctuary. V. Num. VI, 13-18.

(8) The money was not specified by the father for the particular offering, either for his sin-offering or his burnt-offering. V. Nazir 30a.

(9) V. infra, next paragraph and notes.

(10) The proposed change of using an animal assigned for a sin-offering, say, in respect of an offence relating to forbidden fat for an offence relating to blood is ineffectual (v. our Mishnah), and the animal remains in its former assignation. Moreover, an animal intended for the altar cannot be transferred from its sacred to a profane status, so that under no circumstances can the animal become his again, consequently no guilt of misappropriation is applicable.

(11) Lit. 'he cannot change it'.

(12) For any proposed change in the use of money set aside for a particular offering renders the money non-holy, even though the money is intended for another consecrated purpose; consequently the guilt of misappropriation is applicable, involving a guilt-offering.

(13) I.e. that he is permitted to make such a change even in the first instance.

(14) Because Scripture says, for his sin; thus no change is allowed in the first instance.

(15) I.e. if he became poor and could not afford the animal-offering. This is explained anon in the Mishnah.

(16) The prescribed quantity of fine flour for a meal-offering.

(17) The surplus of the money would become non-holy and remains for his own use.

(18) By adding to the money he had originally set apart.

(19) This sentence is not found in the cur. edd. but it is found in the separate Mishnah collections. Moreover Rashi comments on it, thus indicating that he had the passage before him in his text. V. Sh. M., and marg. gloss.

(20) For a consecrated animal may be redeemed only after it had suffered a blemish.

(21) I.e. if he became poor. V. Gemara.

(22) Not the ordinary kind of blemish which disqualifies an animal-offering, for that does not disqualify a bird, but a major blemish such as the loss of a limb.

(23) The law concerning the redemption of blemished consecrated animals is stated in connection with animal-offerings but not with birds.

(24) Lev. V, 6, 10, 13. This is the literal translation of these expressions; E.V. render: 'as concerning his sin' 'as

concerning his sin' and 'as touching his sin' respectively. These expressions are found in connection with the sin-offering brought for certain transgressions which varies according to the financial circumstances of the sinner: if he is rich he must bring a female lamb or a female goat for his sin-offering, if poor he must bring either two turtle-doves or two young pigeons, and if he is very poor he must bring the tenth part of an ephah as a meal-offering. It should be observed that in the first two texts the preposition מן 'from' is used, indicating that from a larger sum of money assigned for the sin-offering some is taken for the offering and the remainder is non-holy, while in the last text the preposition אל 'to' is used, signifying that in certain circumstances money must be added to the sum originally assigned.

(25) The word used in the text is unusual and would seem to mean 'they shall be redeemed', thus implying that the entire money becomes non-holy except for the value of the bird-offering.

(26) Lit. 'his nest'. The bird offering prescribed in the Torah always consists of two birds, a pair of turtle-doves or a pair of young pigeons, one for a sin-offering and the other for a burnt-offering.

(27) Emended text by Sh. Mek.

(28) The text of this entire passage is diffuse and hangs together loosely. The corrections of Sh. Mek. and Bah have been adopted generally.

(29) I.e. he entered the Sanctuary or ate consecrated flesh whilst in a state of uncleanness. He is bound to bring a sin-offering for atonement; the offering, however, varies according to the financial circumstances of the sinner; v. Lev. V, 2ff.

Talmud - Mas. K'rithoth 28a

instead of his lamb [that he was due to bring] and he became poor, since the offering was rejected it remains rejected.¹ Said Rab Huna the son of R. Joshua: From this we learn three things:² we learn that living animals can be rejected, that what is consecrated only for its money value can cause rejection,³ and that what was rejected [be it even] at the very outset remains rejected permanently.⁴

R. 'Ukba b. Hanna raised an objection: If a man set apart before the Passover⁵ a female lamb⁶ for his Passover-offering, it must be left to pasture until it suffers a blemish when it must be sold and with the price thereof he may bring a Passover-offering. If it gave birth to a male, it⁷ must be left to pasture until it suffers a blemish when it is sold and with the price thereof he may bring a Passover-offering. R. Simeon says: It itself may be brought as a Passover-offering. We thus learn [from the opinion of R. Simeon] that living animals are not rejected! — R. Oshaia replied:⁸ I stated [my view] in accordance with the opinion of the Rabbis, for it is [only] R. Simeon who holds that living animals are not rejected.⁹ For it was taught: If one of the two [goats] died he may bring another without [further] casting of lots;¹⁰ this is the opinion of R. Simeon. We thus see that he holds that living animals are not rejected, neither is the casting of lots indispensable.

Rab Hisda said: Bird-offerings are designated¹¹ only at the time of purchase by the owner or at the time of offering by the priest.¹² Said Rab Shimi b. Ashi: What is the reason for Rab Hisda's view? Because it is written, And she shall take two turtle-doves¹³ etc. and also, And the priest shall offer¹⁴ etc. thereby indicating [that the designation is made] either at the time of purchase by the owner or at the time of offering by the priest.

An objection was raised: [And Aaron shall present the goat upon which the lot fell for the Lord,] and make it a sin-offering;¹⁵ this implies, that the lot makes it a sin-offering but designation does not make it a sin-offering.¹⁶ For [without this text] I would have argued [the reverse] by a fortiori reasoning thus: if in a case where the lot does not sanctify¹⁷ designation does, then surely where the lot sanctifies designation does so all the more! Therefore Scripture stated, 'And make it a sin-offering', to intimate that the lot [only] makes it a sin offering but designation does not make it a sin-offering. Now [in the argument] designation was equated with the lot; and as the lot is [effective] not [necessarily] at the time of purchase or at the time of offering,¹⁸ so designation is [effective] not [necessarily] at the time of purchase or at the time of offering!¹⁹ Rabbah answered: This was the argument: if in a case where the lot does not sanctify even [when cast] at the time of purchase or at

the time of offering, designation does sanctify [if made] either at the time of purchase or at the time of offering,²⁰ then surely where the lot sanctifies outside the time of purchase or the time of offering, designation sanctifies all the more either at the time of purchase or at the time of offering! Therefore Scripture stated, 'And make it a sin-offering', to intimate that the lot [only] makes it a sin-offering but designation does not make it a sin-offering.

An objection was raised: If a poor man who defiled the Sanctuary had set apart money for his bird-offering, and he became rich,²¹ and afterwards²² said: 'This [money] shall be for my sin-offering and this for my burnt-offering', he may add to the money assigned for his [bird] sin-offering and bring therewith his obligation,²³ but he may not add to the money assigned for his [bird] burnt-offering and bring therewith his obligation.²⁴ Now here [the designation was made] neither at the time of purchase nor at the time of offering,²⁵ and yet it states that he may bring his obligation from the money assigned for his sin-offering but not from that assigned for his burnt-offering.²⁶ — Thereupon Rab Shesheth said: And do you think that the Baraitha is in order? [It surely is not,] for it says, 'And he became rich and afterwards said', whereas R. Eleazar said in the name of R. Oshaia that if a rich man who defiled the Sanctuary brought a poor man's offering he has not fulfilled his obligation!²⁷ But you must rather say that he had already designated it when he was still poor;²⁸ then here,²⁹ too, [we will say that] he had already designated it when he set apart [the money]³⁰. But according to R. Hagga who said in the name of R. Oshaia³¹ that he thereby fulfilled his obligation,³² what can be said?³³ — Read [in the Baraitha]: And afterwards he bought and said.³⁴

An objection was raised: If a poor leper brought the offerings of a rich leper he has fulfilled his obligation; if a rich leper brought the offerings of a poor leper he has not fulfilled his obligation. Is not this a refutation of R. Hagga's ruling in the name of R. Oshaia?³⁵ — He can reply: It is different in the case of a leper, for the Divine Law imposed there a limitation by the word 'this'.³⁶ If so, then even a poor leper who brought the offerings of a rich leper should not thereby fulfil his obligation? — How could this be? Surely this case was included by the expression 'the law'!³⁷ And so it was taught: The expression 'the law' includes the case of a poor leper who brought a rich leper's offering that he has-thereby fulfilled his obligation. I might think, however, that even where a rich leper brought a poor leper's offering he has also fulfilled his obligation; therefore Scripture added: 'this'. Let us then infer from it!³⁸ — Scripture states, And if he be poor and his means suffice not.³⁹ signifying that only 'he', the leper, when rich does not fulfil his obligation with a poor man's offering, but a rich man who defiled the Sanctuary and who brought a poor man's offering has thereby fulfilled his obligation.

MISHNAH. R. SIMEON SAYS: LAMBS COME BEFORE GOATS IN ALL PLACES.⁴⁰ YOU MIGHT THINK THAT IT IS BECAUSE THEY ARE CHOICER,⁴¹ THEREFORE SCRIPTURE STATED, AND IF HE BRING A LAMB AS HIS OFFERING,⁴² TO TEACH THAT BOTH ARE EQUAL. TURTLE-DOVES COME BEFORE YOUNG PIGEONS IN ALL PLACES. YOU MIGHT THINK THAT IT IS BECAUSE THEY ARE CHOICER. THEREFORE SCRIPTURE STATED, A YOUNG PIGEON OR A TURTLE-DOVE FOR A SIN-OFFERING,⁴³ TO TEACH THAT BOTH ARE EQUAL. THE FATHER COMES BEFORE THE MOTHER IN ALL PLACES. YOU MIGHT THINK THAT IT IS BECAUSE THE HONOUR DUE TO THE FATHER EXCEEDS THE HONOUR DUE TO THE MOTHER, THEREFORE SCRIPTURE STATED, YE SHALL FEAR EVERY MAN HIS MOTHER AND HIS FATHER,⁴⁴ TO TEACH THAT BOTH ARE EQUAL.⁴⁵ BUT THE SAGES HAVE SAID: THE FATHER COMES BEFORE THE MOTHER IN ALL PLACES, BECAUSE BOTH A MAN AND HIS MOTHER ARE BOUND TO HONOUR THE FATHER. AND SO IT IS ALSO WITH THE STUDY OF THE LAW; IF THE SON HAS BEEN WORTHY [TO SIT] BEFORE THE TEACHER, THE TEACHER COMES BEFORE THE FATHER IN ALL PLACES,⁴⁶ BECAUSE BOTH A MAN AND HIS FATHER ARE BOUND TO HONOUR THE TEACHER.

GEMARA. Our Rabbis taught:⁴⁷ Four cries did the Temple Court cry out. The first cry: Cause the sons of Eli, Hophni and Phinehas, to depart hence for they defiled the Temple.⁴⁸ The second cry: Open. O ye gates, and let Johanan the son of Nidbai, the disciple of Pinkai, enter and fill his stomach with the Divine sacrifices. It was said of the son of Nidbai that he used to eat four seah⁴⁹ of young birds

(1) Being a rich man the offering of a pair of birds which he set apart was ineligible for sacrifice, and once the offering had become ineligible it remains so for all times, even though in this case the man's circumstances deteriorated and he is now by law entitled to bring a bird-offering.

(2) V. supra 27a.

(3) The bird-offering which had been set apart by this man could not have been intended for the altar, since he was rich at the time, so that it was consecrated only for the value it would fetch — it would have to be sold and with the money realized the proper sacrifice would be offered. These actual birds, however, can under no circumstances be utilized for an offering even though now, by reason of the change in his circumstances, he is permitted to bring a bird-offering.

(4) And how much more so if its rejection followed its previous state of fitness!

(5) This is unnecessarily stated (Rashi). It is omitted in MS. M.

(6) This is contrary to law, for the Passover-offering must be a male, v. Ex. XII. 5.

(7) The young.

(8) In cur. edd. 'The school of R. Oshaia would say'.

(9) In cur. edd. there is added: 'neither is the casting of lots indispensable'. This has no bearing on the argument and is deleted by Sh. Mek.; it is omitted in MS. M.

(10) On the Day of Atonement two goats were brought and lots were cast over them, one as an offering to the Lord and the other as the Scapegoat; v. Lev. XVI, 8. If one of the goats died after the decision of the lots, another goat may be brought to replace it, according to R. Simeon, neither is there any need for a second ceremony of casting lots. Now the surviving goat was temporarily rejected by reason of the death of the other, yet it becomes now eligible for offering, thus proving that living animals are not permanently rejected.

(11) Which shall be a sin-offering and which a burnt-offering.

(12) Wherever the Torah prescribes a bird-offering, e.g. in the case of a woman after childbirth, two turtle-doves or two young pigeons must be brought, one to be a sin-offering and the other a burnt-offering. The allocation of the birds for the particular offering, we are here told, may be made at two periods only, either when the owner purchases them or when the priest is about to offer them. The designation of the birds at these two periods is final and cannot be altered; if made at any other time the designation is not decisive and it may be altered.

(13) Lev. XII, 8. The verse continues: or two young pigeons: the one for a burnt-offering and the other for a sin-offering. This indicates that the woman after confinement designates the birds for the particular kind of offering at the time when she takes, i.e. purchases, them.

(14) Ibid. XV, 30. In this verse the designation is left to the priest at the time when he prepares the birds for sacrifice.

(15) Ibid. XVI, 9, with reference to sacrifices of the Day of Atonement.

(16) If the High Priest, therefore, did not cast lots over the two goats but merely named them for their specific purposes, one for the Lord and the other as the Scapegoat, they are not thereby finally determined but may be interchanged.

(17) In the case where a pair of birds is prescribed, the casting of lots to determine which shall be the sin-offering and which the burnt-offering is not decisive, and they may be interchanged, for the casting of lots is prescribed as a rite only for the two goats of the Day of Atonement.

(18) For the casting of the lots over the goats may be done at any time on the Day of Atonement but not necessarily at these two specified periods.

(19) Thus contradicting Rab Hisda's statement.

(20) In accordance with Rab Hisda's dictum.

(21) He is now bound to bring an animal for a sin-offering, so that his subsequent designation of the money for the respective bird-offerings was in error and unnecessary.

(22) This word is deleted by Sh. Mek.; it is also omitted in MS. M.

(23) I.e. his animal sin-offering.

(24) For the designation, though unnecessary, was effective, and whatsoever is allocated for a burnt-offering may never be used for a sin-offering.

- (25) The designation was made some time after he had set apart the money.
- (26) Thus proving that the designation is effective even when made at other times contrary to Rab Hisda.
- (27) Since he does not fulfil his obligation with the poor man's offering of birds then surely his designation was of no effect, consequently he should be permitted to use the entire money as he pleases.
- (28) I.e. the designation was made before he became rich when he was still subject to a poor man's offering and therefore the designation is effective. The Baraitha must be corrected accordingly.
- (29) I.e. the interpretation of the Baraitha according to Rab Hisda.
- (30) According to Rab Hisda the Baraitha required a further correction to imply that the designation was made not only before this man became rich but actually at the very moment when the money was set apart. This period is equivalent to the time of purchase, and therefore the designation is effective in accordance with Rab Hisda's ruling.
- (31) Sh. Mek. emends: R. Josiah. So in the parallel passage in Yoma 41a.
- (32) In the case where a rich man who had defiled the Sanctuary brought a poor man's offering.
- (33) Accordingly the original text of the Baraitha is correct and does not require any emendation; how then will Rab Hisda reconcile this Baraitha with his view?
- (34) The word 'bought' must be inserted. In this way the designation was made at the time of purchase, and it is therefore effective, in accordance with Rab Hisda's view.
- (35) Who ruled that in the case where a rich man who had defiled the Sanctuary and brought a poor man's offering he has fulfilled his obligation.
- (36) Lev. XIV, 2: This shall be the law of the leper. The word 'this' suggests strict adherence to the offerings prescribed.
- (37) Ibid. The expression 'the law' indicates that ultimately there is one law for all lepers. Lit. 'the verse reverted him (to the general law)'.
- (38) That a rich man who defiled the Sanctuary cannot obtain atonement by a poor man's offering, just as a rich leper cannot discharge his obligation with the offering of a poor leper.
- (39) Ibid. 21.
- (40) Throughout Scripture where a choice of animals is given for an offering Scripture always mentions lambs before goats.
- (41) And should therefore be given preference in setting aside an animal for offering.
- (42) Lev. IV, 32. This offering is stated as an alternative to the goat prescribed earlier in this chapter, in v. 28. In this passage the goat is stated before the lamb, and it serves to signify that both are equal in regard to sacrifices.
- (43) Ibid. XII, 6.
- (44) Lev. XIX, 3.
- (45) The reward for honouring the mother is as great as for honouring the father (R. Gershom).
- (46) V. B.M. 33a.
- (47) V. Pes. 57a. where this same passage is taught with much textual variation.
- (48) V. I Sam. II, 17, 22.
- (49) V. Glos. Rashi in Pes. l.c. explains this as a compliment to his hospitality that many were invited to share his table, hence the excessive amount of food consumed.

Talmud - Mas. K'rithoth 28b

as a dessert for his meal. It was said that as long as he lived never was there nothar¹ in the Temple. The third cry: Lift up your heads, O ye gates. and let Elishama the son of Pikai,² the disciple of Phinehas,³ enter and serve in the [office of the] High Priesthood. The fourth cry: Open, O ye gates, and cause Issachar of Kefar Barkai to depart hence, for he honours himself and treats with contempt the Divine sacrifices. What used he to do? He used to wrap silk over his hands and thus perform the service.⁴ What was his fate?⁵ Once king Jannai and his queen were sitting [at a meal]. The king said, 'Goat's flesh is best', but the queen said, 'Lamb is best'. They said, 'Let us ask Issachar of Kefar Barkai, who is the High Priest and offers sacrifices daily; so he ought to know'.⁶ They [called him and] asked him; whereupon he replied. 'If goat's flesh were best let it be offered for the daily sacrifice'.⁷ As he spoke he waved his hand [in contempt]. Then said the king, 'Since he waved his hand [in contempt of our royal persons] let his right hand be cut off'. He, however, gave a bribe and they cut off his left hand. When the king heard this he said, 'Cut off his right hand too'. Rab Joseph

said: Blessed be the Merciful One who paid out to Issachar of Kefar Barkai his due [in this world]!

Rab Ashi said: He⁸ had not studied the Mishnah, for we have learnt: LAMBS COME BEFORE GOATS IN ALL PLACES. YOU MIGHT THINK THAT IT IS BECAUSE THEY ARE CHOICER, THEREFORE SCRIPTURE STATED, AND IF HE BRING A LAMB AS HIS SIN-OFFERING, TO TEACH THAT BOTH ARE EQUAL. Rabina said: He had not studied even Scripture, for it is written, If [he brings] a lamb ... And if [his offering be] a goat.⁹

R. Eleazar said in the name of R. Hanina:¹⁰ The disciples of the Sages increase peace in the world, as it is said, And all thy children shall be taught of the Lord; and great shall be the peace of thy children¹¹. Read not 'thy children' [banayik], but 'thy builders'¹² [bonayik].

(1) V. Glos.

(2) In Pes. l.c. the name is given as: Ishmael the son of Phabi.

(3) In his zeal for God, cf. Num. XXV, 11.

(4) The service must be performed with the bare hand, and any covering on the hand disqualifies the service. His action showed contempt for the Divine sacrifices.

(5) Lit. 'what came to him?'

(6) This follows the text of Sh. Mek. and MS. M.

(7) Whereas the daily sacrifices were lambs only; v. Num. XXVIII, 3.

(8) Issachar of Kefar Barkai.

(9) Lev. III, 7, 12. These verses indicate that neither is preferable, and one may offer whichever one pleases. On the whole passage see Pes. (Sonc. ed) pp. 285-6 and notes.

(10) This passage is also found at the conclusion of three other tractates viz. Berakoth, Yebamoth, and Nazir.

(11) Isai. LIV. 13.

(12) Scholars are the true builders of the world and by their dissemination of knowledge and enlightenment they preserve the peace of the world.

Talmud - Mas. Megilah 2a

CHAPTER I

MISHNAH. THE MEGILLAH¹ IS READ ON THE ELEVENTH, THE TWELFTH, THE THIRTEENTH, THE FOURTEENTH, AND THE FIFTEENTH [OF ADAR], NEVER EARLIER AND NEVER LATER.² CITIES³ WHICH HAVE BEEN WALLED SINCE THE DAYS OF JOSHUA SON OF NUN⁴ READ ON THE FIFTEENTH; VILLAGES AND LARGE TOWNS⁵ READ ON THE FOURTEENTH. THE VILLAGES, HOWEVER, MAY [SOMETIMES] PUSH THE READING FORWARD TO THE COURT DAY.⁶ HOW DOES THIS WORK OUT? IF [THE FOURTEENTH OF ADAR] FALLS ON MONDAY,⁷ THE VILLAGES AND LARGE TOWNS READ ON THAT DAY AND THE WALLED PLACES ON THE NEXT DAY: IF IT FALLS ON TUESDAY OR ON WEDNESDAY, THE VILLAGES PUSH THE READING FORWARD TO THE COURT DAY,⁸ THE LARGE TOWNS READ ON THE DAY ITSELF, AND THE WALLED PLACES ON THE NEXT DAY. IF [THE FOURTEENTH FALLS] ON THURSDAY, THE VILLAGES AND LARGE TOWNS READ ON THAT DAY AND THE WALLED PLACES ON THE NEXT DAY: IF IT FALLS ON FRIDAY, THE VILLAGES PUSH THE READING FORWARD TO THE COURT DAY⁹ AND THE LARGE TOWNS AND WALLED PLACES READ ON THE DAY ITSELF.¹⁰ IF IT FALLS ON SABBATH, THE VILLAGES AND LARGE TOWNS PUSH THE READING FORWARD TO THE COURT DAY.⁹ AND THE WALLED PLACES READ ON THE NEXT DAY.¹¹ IF IT FALLS ON SUNDAY, THE VILLAGES PUSH THE READING FORWARD TO THE COURT DAY,⁹ THE LARGE TOWNS READ ON THE SAME DAY, AND THE WALLED CITIES ON THE DAY FOLLOWING.

GEMARA. THE MEGILLAH IS READ ON THE ELEVENTH. Whence is this derived? — [How can you ask,] ‘Whence is this derived’? Surely it is as we state further on,¹² ‘The Sages made a concession to the villages, allowing them to push the reading forward to the Court day, so that [they should have leisure to] supply food and water for their brethren in the large towns’? — What we mean [by our question] is this: Let us see now. All these dates were laid down by the Men of the Great Assembly.¹³ For if you should [deny this and affirm] that the Men of the Great Assembly laid down only the fourteenth and fifteenth, [is it possible that] the [later] Rabbis should have come and annulled a regulation made by the Men of the Great Assembly, seeing that we have learnt, ‘One Beth din cannot annul the ordinances of another unless it is superior to it in number¹⁴ and in wisdom’?¹⁵ Obviously, therefore, all these days must have been laid down by the Men of the Great Assembly, [and we ask therefore], where are they hinted [in the Scripture]? — R. Shaman b. Abba replied in the name of R. Johanan: Scripture says, To confirm these days of Purim in their times.¹⁶ [which indicates that] they laid down many ‘times’ for them. But this text is required for its literal meaning?¹⁷ — If that were all, Scripture could say simply ‘at the [appointed] time’. What then is implied by ‘their times’? A large number of ‘times’! But still I may say that [the expression ‘their times’] is required to indicate that the time of one is not the same as the time of the other?¹⁸ — In that case, Scripture should say [simply], ‘their time’. Why does it say ‘their times’? So that you may infer from this all of them. But cannot I say that ‘their times’ means ‘numerous times’?¹⁹ — The expression ‘their times’ is to be interpreted in the same way as we should interpret ‘their time’: just as ‘their time’ would indicate two [days], so ‘their times’ indicates two [in addition].²⁰ But why not make these the twelfth and thirteenth? — For the reason given [elsewhere] by R. Samuel b. Isaac, that the thirteenth is a time of assembly for all,²¹ and no special indication is required for it in the text; so we may say here that the thirteenth day is a time of assembly and no special indication is required for it in the text. But why not say that the sixteenth and seventeenth are meant? — It is written, and it shall not pass.²²

R. Samuel b. Nahmani, however, explained thus. Scripture says. As the days wherein the Jews had rest from their enemies.²³ [The expression] ‘the days’ [would have sufficed] and we have ‘as the

days', to include the eleventh and the twelfth. But cannot I say rather the twelfth and thirteenth? — R. Samuel b. Isaac said: The thirteenth is a time of assembly for all, and does not require special indication. But cannot I say the sixteenth and the seventeenth? — It is written, 'and it shall not pass'.

Why did R. Samuel b. Nahmani not derive the rule from the expression 'in their times'? — He does not accept the distinction [made above between] 'time', 'their time' and 'their times'. And why did R. Shaman b. Abba not derive the rule from the expression 'as the days'? — He can say to you: This is meant to make the rule apply to future generations.

Rabbah b. Bar Hanah said in the name of R. Johanan: This [rule stated in the Mishnah] is the ruling of R. Akiba the anonymous authority,²⁴ who draws the distinction between 'time', 'their time' and 'their times', but according to the Sages the Megillah is to be read only on the proper day.²⁵ The following was adduced in refutation of this: 'R. Judah said, When does this rule hold good? When the years are properly fixed²⁶ and Israel reside upon their own soil. But in these days, since people reckon from it,²⁷ the Megillah is to be read only on the proper day'. Now which authority is R. Judah here following? Shall I say, R. Akiba? This cannot be, because [according to him] the regulation²⁸ is in force in these days also. It must be then that he follows the Rabbis, and [even according to them] we read [on the other days] at any rate when the years are properly fixed and Israel reside on their own soil! Is not this a refutation of R. Johanan? — It is.

Some report as follows. Rabbah b. Bar Hanah said in the name of R. Johanan: This rule follows the ruling of R. Akiba the anonymous authority, but the Sages held that in these days, since people reckon from it, we read it only on the proper day. It has been taught to the same effect: 'R. Judah said: When does this rule hold good? When the years are properly fixed and Israel reside upon their own soil, but in these days, since people reckon from it, it is read only on the proper day.'²⁹

R. Ashi noted a contradiction between two statements of R. Judah

(1) Lit., 'scroll'. The scroll of the Book of Esther is meant (v. Introduction).

(2) Lit., 'neither less nor more'.

(3) כרכין (Sing. כרך). This word is generally applied to large centres of population with a more or less metropolitan character. In Mishnah Megillah, (cf. 19a), however, it seems to be used exclusively of walled towns, whatever their size.

(4) The Gemara infra discusses what is meant by this.

(5) כפרים ועירות גדולות. The expression 'villages and large towns' in the Mishnah here seems to be merely a periphrasis for 'other places', since, as appears from the Gemara, the distinction here is between places which were walled in the days of Joshua and places which were not. The epithet 'large' is added because the word עיר (or עירה) is also often used of a small place, hardly distinguishable from a village.

(6) Lit., 'the day of assembly', i.e. Monday or Thursday, when the Beth din sat in the towns, and the people came in from the villages. They were allowed to read the Megillah then because they were more likely to find someone who could read to them in the town than in their own village (Rashi). Another reason is also given in the Gemara infra.

(7) Lit., 'the second (day of the week)'. In the Talmud the days of the week are distinguished by the ordinal numbers.

(8) I.e., the previous Monday.

(9) I.e., the preceding Thursday.

(10) Reading on the Sabbath was prohibited, for fear the scroll might be carried from place to place. V. infra.

(11) On the Sunday.

(12) V. infra p. 116.

(13) Or 'synagogue'. A name given to Ezra and his Beth din and their successors, up to the time of Simon the Just. V. Aboth, Sonc. ed. p. 1, n. 5. According to the Talmud, the Book of Esther was composed by or under the direction of the Men of the Great Assembly.

(14) Of the members of the Beth din.

(15) Cf. M.K. 3b; Git. 36a.

(16) Esth. IX, 31. E.V. 'their appointed times'. The plural form 'times' is stressed.

- (17) Lit., 'for itself'; viz., the 14th and 15th mentioned in the text.
- (18) Viz., the time for the villages is not the same as that for the walled towns.
- (19) E.g., five or six.
- (20) To the fourteenth and fifteenth, viz., the eleventh and twelfth.
- (21) Rashi explains this to refer to the statement in the Scripture that on the thirteenth the Jews assembled and defended themselves. Asheri, however, points out that this has nothing to do with the reading of the Megillah, which was instituted to commemorate the resting, and he therefore prefers the explanation of R. Tam, that on the thirteenth the Jews assemble to observe the fast of Esther.
- (22) Ibid. 27. These words are interpreted to mean, 'the observance shall not pass beyond the fifteenth day'. E.V., and it shall not fail.
- (23) Ibid. 22.
- (24) So called because Rabbi in compiling the Mishnah usually followed R Akiba when he mentioned no authority.
- (25) Viz., the fourteenth and fifteenth of Adar.
- (26) I.e., when there is a Beth din which fixes new moons and leap years as occasion arises.
- (27) I.e. count thirty days from Purim to Passover, since the new moon of Nisan will not be promulgated by the Beth din
- (28) That the Megillah may be read on the eleventh, twelfth, or thirteenth.
- (29) And there is now no contradiction between R. Johanan and Rabbi Judah.

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, and therefore attributed the statement in the Baraitha to R. Jose son of R. Judah. [He said]: Can R. Judah really have said that in these days, since people reckon from it, it is read only on the proper day? To this may be opposed the following:¹ R. Judah said, When [do they push forward the reading]? In places where the villagers go to town² on Monday and Thursday; but in places where they do not go to town on Monday and Thursday, it is read only on the proper day. But at any rate in places where they do go to town on Monday and Thursday it is read [on the earlier dates] even in these times'? He accordingly ascribed the statement in the Baraitha³ to R. Jose son of R. Judah. And because he finds a contradiction between two statements of R. Judah, is he entitled to ascribe the one in the Baraitha to R. Jose son of R. Judah? — R. Ashi had heard some report the statement in the name of R. Judah and some report it in the name of R. Jose son of R. Judah, and to avoid making R. Judah contradict himself he said that the one who ascribed the statement to R. Judah was not [reporting] accurately, while the one who ascribed it to R. Jose son of Judah was [reporting] accurately.

CITIES WHICH HAVE BEEN WALLED SINCE THE DAYS OF JOSHUA SON OF NUN READ ON THE FIFTEENTH. Whence is this ruling derived? — Raba replied: Because Scripture says, Therefore do the Jews of the villages that dwell in the unwalled towns,⁴ etc. Since the villages [are to read] on the fourteenth, the walled towns [must read] on the fifteenth. But why not say that the villages [should read] on the fourteenth, and those in walled towns not at all?⁵ — But are they not also Israelites? And moreover is it not written, From India into Ethiopia?⁶ But why not say that the villages [should read] on the fourteenth and those in walled towns on both the fourteenth and fifteenth, as it is written, that they should keep the fourteenth day of the month of Adar and the fifteenth day of the same yearly?⁷ — If the text had said, 'the fourteenth day and [we] the fifteenth', you would have been right. Now, however, that it is written 'the fourteenth day and [we-eth] the fifteenth — the eth⁸ comes and makes a distinction, so that the one set is on the fourteenth and the other set on the fifteenth. But why not say that the villages are on the fourteenth, and those surrounded [by a wall] can [celebrate] if they like on the fourteenth or if they like on the fifteenth? — The text says, in their seasons,⁹ the season of one is not the same as the season of the other. But why not say that they¹⁰ should celebrate on the thirteenth? — [They must do] as Susa [did].

We have accounted for the celebration [of Purim]; how do we know that the recital¹¹ [of the Megillah must be on these days]? — The text says, that these days should be remembered and

kept;¹² ‘remembering’ is put on the same footing as ‘keeping’.

Our Mishnah does not take the same view as the following Tanna, as it has been taught: ‘R. Joshua b. Korha says: Cities which have been walled since the days of Ahasuerus read on the fifteenth’. What is the reason of R. Joshua b. Korha? — [They must be] like Susa: just as Susa has been walled since the days of Ahasuerus and reads on the fifteenth, so every city that has been walled since the days of Ahasuerus reads on the fifteenth. What then is the reason of our Tanna? — He draws an analogy between the two occurrences of the word perazi [villagers]. It is written here, Therefore the Jews of the villages [ha — perazim],¹³ and it is written in another place, beside the unwalled [ha — perazi] towns, a great many;¹⁴ just as there the reference is to towns which were [not] walled in the days of Joshua son of Nun, so here the reference is to towns which were [not] walled in the days of Joshua son of Nun.¹⁵

I can understand why R. Joshua b. Korha did not adopt the view of our Tanna; he does not accept the analogy of perazi and perazi.¹⁶ But why does not our Tanna accept the view of R. Joshua b. Korha? — [You ask] why does he not? Why, because he draws the analogy of perazi with perazi, of course! What the questioner meant was this: [On the view of our Tanna], whom did Susa follow?¹⁷ It followed neither the villages nor the walled towns!¹⁸ — Raba, or, as some say, Kadi,¹⁹ replied: Susa was an exception, because a miracle was performed in it.²⁰

We can understand according to the view of our Tanna why the text should say, city and city, town and town;²¹ ‘city and city’²² to make a distinction between those which were walled in the days of Joshua son of Nun and those which were walled in the days of Ahasuerus; ‘town and town’ likewise to distinguish between Susa and other towns.²³ But according to R. Joshua b. Korha, it is true we can account for ‘city and city’, as being intended to distinguish between Susa and other cities,²⁴ but what is the purpose of ‘town and town’? — R. Joshua b. Korha can answer: And can our Tanna explain the words satisfactorily? Since he draws the analogy between perazi and perazi,²⁵ why do we require the words ‘city and city’? The truth is that the text is inserted for a homiletical purpose, and to teach the rule laid down by R. Joshua b. Levi. For R. Joshua b. Levi said: ‘A city²⁶ and all that adjoins it and all that is taken in by the eye with it is reckoned as city’.²⁷ Up to what distance? — R. Jeremiah, or you may also say R. Hiyya b. Abba, said: As far as from Hamthan²⁸ to Tiberias, which is a mil. Why not say [simply] a mil? — We learn from this what is the extent of a mil, namely, as far as from Hamthan to Tiberias.

R. Jeremiah — or you may also say R. Hiyya b. Abba — also said: The [alternative forms of the] letters M'N'Z'P'K²⁹ were prescribed³⁰ by the Watchmen.³¹ Do you really think so? Is it not written, These are the commandments,³² which implies that no prophet is at liberty to introduce anything new³³ henceforward? And further, R. Hisda has said: The Men and the Samek in the tablets

(1) *Infra* n. 4.

(2) Lit., ‘assemble’.

(3) The former of the statements quoted.

(4) *Esth.* IX, 19.

(5) Since no mention is made of walled towns in the context.

(6) These words occur in *Esth.* I, 1, and are used here loosely instead of the words in *Esth.* IX, 30. and he (Mordecai) sent letters to . . . the hundred and twenty — seven provinces of the kingdom of Ahasuerus.

(7) *Ibid.* 21.

(8) *Eth* is a sign of the accusative, and as its use is optional, it is usually interpreted as indicating something not specified in the text. The interpretation placed upon it here is rather unusual.

(9) *Ibid.* 31.

(10) Those in the walled towns.

(11) Lit., ‘remembrance’.

- (12) Ibid. 28.
- (13) Ibid. 19.
- (14) Deut. III, 5, referring to the territory of Sihon conquered by the Israelites in the time of Moses.
- (15) The word 'not' is not in the text of the original here, but is necessary for the sense. Rashi greatly simplifies the text by reading: 'Just as there (the villages were such) from the days of Joshua, so here, (the villages must have been such) from the days of Joshua'.
- (16) I.e., he had not learnt this particular gezerah shawah from his teacher, and therefore could not reply upon it.
- (17) Since there is no evidence that it was walled in the days of Joshua.
- (18) These last words make no satisfactory sense, and seem to be interpolated. [They do not occur in MS.M.]
- (19) Aliter: 'an unknown authority', v. B.M., Sonc. ed. p. 3, n. 1.]
- (20) Since they were allowed to continue slaying their enemies on the fourteenth and did not rest till the fifteenth, they were allowed to celebrate that day (Rashi).
- (21) Esth. IX, 28. The word medinah which the Talmud here takes as equivalent to כרך is translated in E.V. by 'province'.
- (22) As much as to say, 'Some cities one way and some another'.
- (23) Susa also having been an unwalled town till the time of Ahasuerus.
- (24) Rashi here reads, 'to distinguish between those which were walled from the days of Ahasuerus and those which were not yet walled in the days of Ahasuerus', and this seems to be required by the sense.
- (25) That the wall must have been in existence since the days of Joshua.
- (26) כרך v. supra p. 1, n. 3.
- (27) For purposes of reading the Megillah on the fifteenth.
- (28) [The Hammath mentioned in Josh. XIX, 35.]
- (29) The five letters of the Hebrew alphabet, mem, nun, zadi, pe, and kaf, which have two forms — a middle and final form, the latter being more closed than the former. In the case of mem the final is completely closed מ, with the other the final form is distinguished by the shaft being drawn straight down as distinct from the middle form where it is bent round towards the left פ(צ)ת(פ)ת(כ)ך
- (30) Lit., said'.
- (31) A name applied to the prophets who flourished towards the end of the period of the first Temple. There is a play on the words zophim (watchmen) and Manzepak. [Perhaps to be read Min Zofeka 'from thy watcher' v. G.K. (1910) p. 27, n. 1.]
- (32) Lev. XXVII, 34.
- (33) I.e., to make any alteration in the written Torah, whether in the wording or the writing.

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remained in place by a miracle.¹ — That is so; they were in use, but people did not know which form came in the middle of a word and which one at the end, and the Watchmen came and ordained that the open forms should be in the middle of a word and the closed forms at the end. But when all is said and done, [we have the text] 'these are the commandments', which implies that no prophet was destined ever to introduce an innovation hereafter?² — What we must say therefore is that they were forgotten³ and the Watchmen established them again.

R. Jeremiah — or some say R. Hiyya b. Abba — also said: The Targum⁴ of the Pentateuch was composed by Onkelos the proselyte under the guidance⁵ of R. Eleazar and R. Joshua.⁶ The Targum of the Prophets was composed by Jonathan ben Uzziel under the guidance of Haggai, Zechariah and Malachi,⁷ and the land of Israel [thereupon] quaked over an area of four hundred parasangs by four hundred parasangs, and a Bath Kol⁸ came forth and exclaimed, Who is this that has revealed My secrets to mankind?⁹ Jonathan b. Uzziel thereupon arose and said, It is I who have revealed Thy secrets to mankind. It is fully known to Thee that I have not done this for my own honour or for the honour of my father's house, but for Thy honour I have done it, that dissension may not increase in Israel.¹⁰ He further sought to reveal [by] a targum [the inner meaning] of the Hagiographa, but a Bath Kol went forth and said, Enough! What was the reason? — Because the date¹¹ of the Messiah is

foretold in it.¹²

But did Onkelos the proselyte compose the targum to the Pentateuch? Has not R. Ika said in the name of R. Hananel who had it from Rab: What is meant by the text, And they read in the book, in the law of God, with an interpretation. and they gave the sense, and caused them to understand the reading?¹³ ‘And they read in the book, in the law of God’: this indicates the [Hebrew] text; ‘with an interpretation’: this indicates the targum,¹⁴ ‘and they gave the sense’: this indicates the verse stops; ‘and caused them to understand the reading’: this indicates the accentuation,¹⁵ or, according to another version, the massoretic notes?¹⁶ — These had been forgotten, and were now established again.

How was it that the land did not quake because of the [translation of the] Pentateuch, while it did quake because of that of the prophets? — The meaning of the Pentateuch is expressed clearly, but the meaning of the prophets is in some things expressed clearly and in others enigmatically. [For instance,] it is written, In that day shall there be a great mourning in Jerusalem, as the mourning of Hadadrimmon in the valley of Megiddon,¹⁷ and R. Joseph [commenting on this] said: Were it not for the targum of this verse, we should not know what it means.¹⁸ [It runs as follows]: ‘On that day shall there be great mourning in Jerusalem like the mourning of Ahab son of Omri who was killed by Hadadrimmon son of Rimmon in Ramoth Gilead¹⁹ and like the mourning of Josiah son of Ammon who was killed by Pharaoh the Lame in the plain of Megiddo’.²⁰

And I, Daniel, alone saw the vision; for the men that were with me saw not the vision; but a great quaking fell upon them, and they fled to hide themselves.²¹ Who were these ‘men’ — R. Jeremiah — or some say, R. Hiyya b. Abba — said: These were Haggai, Zechariah, and Malachi. They were superior to him [in one way], and he was superior to them [in another]. They were superior to him, because they were prophets and he was not a prophet.²² He was superior to them, because he saw [on this occasion] and they did not see. But if they did not see, why were they frightened? — Although they themselves did not see, their star saw.²³ Rabina said: We learn from this that if a man is seized with fright though he sees nothing, [the reason is that] his star sees. What is his remedy? He should recite the shema’.²⁴ If he is in a place which is foul,²⁵ he should move away from it four cubits. If he cannot do this, he should say this formula: ‘The goat at the butcher's is fatter than I am’.²⁶

Now that you have decided that the words ‘city and city’ have a homiletical purpose, what is the purpose of the words ‘family and family’ [in the same verse]? — R. Jose b. Hanina replied: This contains a reference to the families of the Priests and Levites, [and indicates] that they should desist from their [Temple] service in order to come and hear the reading of the Megillah. For so said Rab Judah in the name of Rab: The Priests at their [Temple] service, the Levites on their platform,²⁷ the lay Israelites at their station²⁸ — all desist from their service in order to hear the reading of the Megillah. It has been taught to the same effect: Priests at their [Temple] service, Levites on their platform, lay Israelites at their station — all desist from their service in order to come and hear the reading of the Megillah. It was in reliance on this dictum that the members of the house of Rabbi²⁹ were wont to desist from the study of the Torah in order to come and hear the reading of the Megillah. They argued a fortiori from the case of the [Temple] service. If the service, which is so important, may be abandoned, how much more the study of the Torah?

But is the [Temple] service more important than the study of the Torah? Surely it is written, And it came to pass when Joshua was by Jericho, that he lifted up his eyes and looked, and behold there stood a man over against him, . . . (and he fell on his face.³⁰ Now how could he do such a thing, seeing that R. Joshua b. Levi has said that it is forbidden to a man to greet another by night, for fear that he is a demon? — It was different there, because he said to him, ‘I am captain of the host of the Lord’. But perhaps he was lying? — We take it for granted³¹ that they do not utter the name of heaven vainly).³² He said to him: This evening you neglected the regular afternoon sacrifice, and

now you have neglected the study of the Torah.³³ Joshua replied: In regard to which of them have you come? He answered, 'I have come now'.³⁴ Straightway, Joshua tarried that night in the midst of the valley [ha-emek],³⁵ and R. Johanan said:

- (1) According to tradition, the letters on the tablets of Moses were cut completely through the stone, and therefore a letter which was wholly closed could keep in place only by a miracle. Hence the mem to which R. Hisda refers must have been wholly enclosed; which shows that such a mem must have been used already by Moses. This objection against R. Jeremiah is valid only if we suppose him to have been speaking of the closed forms of the letters, which is not necessarily the case. Cf. Shab. 104.
- (2) And the determining which letters should go in which place (in the Sefer Torah) was an innovation.
- (3) Viz., the correct place of each.
- (4) Apparently what is meant is the official Aramaic version of the Pentateuch used in the synagogue.
- (5) Lit., 'from the mouth of'.
- (6) We know on good authority that a Greek translation of the Bible was composed under the guidance of R. Eleazar and R. Joshua by a proselyte named Aquilas. The Aramaic Targum probably took shape about the same time, but there is no authority except this passage for connecting it with anyone of the name of Onkelos. We may surmise therefore that we have here some confusion between the two translations. For the discussion and literature on the subject v. J.E. s.v. Targum, and Silverstone, E.A. Aquila and Onkelos.
- (7) Jonathan b. Uzziel was a disciple of Hillel, so he can hardly have had any direct contact with the prophets mentioned. He may, however, have had traditions handed down from them (Maharsha).
- (8) V. Glos.
- (9) The Targum of Jonathan b. Uzziel is very paraphrastic, and applies many of the prophetic verses to the Messianic age.
- (10) Through different interpretations being placed on the prophetic allusions.
- (11) Lit., 'end'.
- (12) The reference is probably to the Book of Daniel.
- (13) Neh. VIII, 8.
- (14) Which shows that the targum dates back to the time of Ezra.
- (15) פִּיִּסוּק טַעֲמִים. V. Ned., Sonc. ed. p. 113, n. 5.
- (16) For notes v. Ned., Sonc. ed. p. 116.
- (17) Zech. XII, 11.
- (18) Because there is no mourning for Hadadrimmon mentioned in the Scripture.
- (19) V. I Kings XXII.
- (20) v. II Kings XXIII. It is difficult to see what 'mystery' is here revealed that should have caused the land to quake.
- (21) Dan. X, 7.
- (22) Although he had visions, he did not admonish or exhort the people.
- (23) Or 'guardian angel' or 'spirit'. The Hebrew mazzal here seems to mean something corresponding to the Roman genius.
- (24) V. Glos.
- (25) And where the shema' may not be recited.
- (26) Go to them for a victim.
- (27) On which they stood to chant the daily psalm.
- (28) A number of lay Israelites were always appointed to be present at the offering of the daily sacrifices, which they accompanied with certain prayers. V. Ta'an. 26a; and Glos. s.v. ma'amad.
- (29) R. Judah I, the Prince.
- (30) Josh. V, 13f.
- (31) Lit., 'we have learnt by tradition'.
- (32) The passage in brackets (from 'and he fell') is parenthetical, and has nothing to do with the argument.
- (33) It is not clear what indication there is of this in the text. V. Tosaf., s.v. שָׁמַע.
- (34) I.e., on account of the study of the Torah which you are neglecting now.
- (35) This seems to be an alternative reading of Joshua VIII, 13. which in our text reads, And Joshua went that night in the midst of the valley. Cf. Tosaf., s.v.

Talmud - Mas. Megilah 3b

This shows that he tarried in the depths [‘umkah] of the halachah.¹ And R. Samuel b. Unia also said: The study of the Torah is greater than the offering of the daily sacrifices, as it says. ‘I have come now’ — There is no contradiction; in the one case² [the study] of an individual is meant, in the other³ that of the whole people.⁴ But is that of an individual unimportant? Have we not learnt: Women [when mourning] on a festival make a dirge⁵ but do not beat the breast. R. Ishmael says: If they are near the bier,⁶ they can beat the breast. On New Moon, Hanukkah and Purim they may make a dirge and beat the breast, but on neither the one nor the other do they wail;⁷ and in reference to this, Rabbah b. Huna said: The festival involves no restrictions in the case of a scholar, still less Hanukkah and Purim? — You are speaking of the honour to be paid to the Torah. The honour to be paid to the learning of an individual is important, the study of an individual is [comparatively] unimportant.

Raba said: There is no question in my mind that, as between the Temple service and the reading of the Megillah, the reading of the Megillah takes priority, for the reason given by R. Jose b. Hanina.⁸ As between the study of the Torah and the reading of the Megillah, the reading of the Megillah takes priority, since the members of the house of Rabbi based themselves [on the dictum of R. Jose].⁸ As between the study of the Torah and attending to a meth mizwah,⁹ attending to a meth mizwah takes precedence, since it has been taught: The study of the Torah may be neglected in order to perform the last rites or to bring a bride to the canopy. As between the Temple service and attending to a meth mizwah, attending to a meth mizwah takes precedence, as we learn from the text or for his sister,¹⁰ as it has been taught: ‘Or for his sister. What is the point of these words? Suppose he was on his way to kill his Paschal lamb or to circumcise his son, and he heard that a near relative had died,¹¹ shall I assume that he should defile himself? You must say, he should not defile himself. Shall I assume then that, just as he does not defile himself for his sister, so he should not defile himself for a meth mizwah?’¹² It says significantly, ‘or for his sister,’ it is for his sister that he may not defile himself, but he may defile himself for a meth mizwah.¹³ Raba propounded the question: As between the reading of the Megillah and [attending to] a meth mizwah, which takes precedence? Shall I say that the reading of the Megillah takes precedence in order to proclaim the miracle, or does perhaps [the burying of] the meth mizwah take precedence because of the respect due to human beings? — After propounding the question, he himself answered it saying, [Burying] the meth mizwah takes precedence, since a Master has said: Great is the [obligation to pay due] respect to human beings, since it overrides a negative precept of the Torah.¹⁴

The text [above states]: ‘R. Joshua b. Levi said: A city¹⁵ and all that adjoins it and all that is taken in by the eye with it is reckoned as city’. A Tanna commented: Adjoining, even if it is not visible, and visible even if it is not adjoining. Now we understand what is meant by ‘visible even though not adjoining’: this can occur for instance with a city situated on the top of a hill. But how can there be ‘adjoining but not visible’? — R. Jeremiah replied: If it is situated in a valley.

R. Joshua b. Levi further said: A city which was first settled and then walled is reckoned as a village.¹⁶ What is the reason? Because it is written, And if a man sell a dwelling house of a walled city,¹⁷ one, [that is,] which was first walled and then settled, but not first settled and then walled.

R. Joshua b. Levi also said: A city in which there are not ten men of leisure¹⁸ is reckoned as a village. What does he tell us? We have already learnt this: ‘What is a large town? One in which there are ten men of leisure. If there are less than this, it is reckoned as a village’. — He had to point out that the rule applies to a city,¹⁹ even though [leisured] people come there from outside.²⁰ R. Joshua b. Levi also said: A city which has been laid waste and afterwards settled is reckoned as a city. What is meant by ‘laid waste’? Shall I say, that its walls have been destroyed, in which case if it became

settled²¹ it is reckoned as a city but otherwise not? [How can this be], seeing that it has been taught: R. Eleazar son of R. Jose says: [The text says], which has a wall;²² [which implies that it is to be reckoned as a city] even though it has not a wall now, provided it had one previously?²³ What then is meant by 'laid waste'? Laid waste of its ten men of leisure.

R. Joshua b. Levi further said:

- (1) This shows that the study of the Torah is superior to the Temple service.
- (2) That of the household of Rabbi.
- (3) That of Joshua.
- (4) Lit., 'many'.
- (5) Heb. **מענות**, all raising their voices in unison.
- (6) Lit., 'bed'.
- (7) Heb. **מקוננות** one chanting and the others responding.
- (8) V. supra P. 11
- (9) Heb. **מת מצוה** strictly speaking, a body which there is no-one else to bury and the burial of which is a religious duty. V. Glos. Meth Mizwah.
- (10) Num. VI, 7, in reference to the Nazirite.
- (11) Lit., 'that a dead one had died for him'.
- (12) Nazir 48b.
- (13) Although Scripture says 'If thou seest the ox of thy neighbour falling by the way, thou shalt not hide thyself' (Deut. XXII, 4), the Rabbis said that a man of eminence for whom it would be undignified to help may hide himself.
- (14) V. p. 13, n. 7.
- (15) **כרך**. V. supra p. 1, n. 3.
- (16) It is not clear whether this means for purposes of reading the Megillah on the fourteenth or the fifteenth, or for purposes of restoring a house to its original owner at the Jubilee. Rashi takes the latter view, Tosaf. the former. V. Tosaf. s.v. **כרך**.
- (17) V. Rashi. E.V. 'in a walled city'. Lev. XXV, 29.
- (18) Who always have time to attend synagogue. V. infra 5a.
- (19) [A **כרך** which is distinguished from a **עיר גדולה** in that it is a marketing centre to which are drawn people from all parts.]
- (20) Lit., 'from the world'. These are only a floating population, and we require ten men who are always available.
- (21) I.e., its walls were raised anew.
- (22) Lev. XXV, 30.
- (23) The lesson is derived from the curious spelling of the word in the Hebrew text, which may imply either that it has or has not a wall.

Talmud - Mas. Megilah 4a

Lod and Ono and Ge Haharashim¹ were walled in the days of Joshua son of Nun. But did Joshua build these? Was it not Elpaal who built them, as it is written, And the sons of Elpaal Eber and Misham and Shemed, who built Ono and Lod, with the towns there of?² — But on your showing³ Asa built them, as it is written, And he built fenced cities in Judah?⁴ — R. Eleazar replied: These places were walled in the days of Joshua son of Nun. They were laid waste in the days of the concubine of Gibeon,⁵ and Elpaal came and rebuilt them. They again fell, and Asa came and repaired them. There is an indication of this in the text also, as it is written, For he said unto Judah, Let us build these cities.⁶ From this we can infer that they had already been towns beforehand; and this may be taken as proved.⁷

R. Joshua b. Levi also said: Women are under obligation to read the Megillah, since they also profited by the miracle then wrought.⁸ R. Joshua b. Levi further said: If Purim falls on a Sabbath, discussions and discourses are held on the subject of the day. Why mention Purim? The same rule

applies to festivals also,⁹ as it has been taught: Moses laid down a rule for the Israelites that they should discuss and discourse on the subject of the day — the laws of Passover on Passover, the laws of Pentecost on Pentecost, and the laws of Tabernacles on Tabernacles! — It was necessary to state the rule [separately] in the case of Purim. For you might suggest that we should forbid this for fear of breaking the rule of Rabbah.¹⁰ We are therefore told that this is not so.

R. Joshua b. Levi further said: It is the duty of a man to read the Megillah in the evening and to repeat it in the day, as it is written, O my God, I cry in the daytime, but thou answerest not, and in the night season and am not silent.¹¹ The students took this to mean that the [Megillah] should be read at night, and the Mishnah relating to it should be learnt in the morning.¹² R. Jeremiah, however, said to them: It has been explained to me by R. Hiyya b. Abba [that the word ‘repeat’ here has the same meaning] as when, for instance, men say, I will go through this section and repeat it. It has also been stated: R. Helbo said in the name of ‘Ulla of Biri:¹³ It is a man's duty to recite the Megillah at night and to repeat it the next day, as it says, To the end that my glory may sing praise to thee [by day], and not be silent [by night]. O Lord, my God, I will give thanks to thee for ever.¹⁴

THE VILLAGES, HOWEVER, MAY PUSH THE READING FORWARD TO THE COURT DAY. R. Hanina said: The Sages made a concession to the villages by allowing them to push the reading forward to the Court day, in order that they might furnish food and water to their brethren in the cities.

(1) Three towns in the territory of Benjamin.

(2) I Chron. VIII, 12.

(3) I.e., if you appeal to the Book of Chronicles.

(4) II Chron. XIV, 6. ‘Judah’ is here apparently taken by the Talmud to include Benjamin, which was ruled by the kings of Judah.

(5) When the territory of Benjamin was laid waste. Jud. XX.

(6) II Chron. XIV, 6.

(7) [The text of this paragraph is in disorder. According to a Gaonic responsum (v. B.M.) Lewin **אוצר הגאונים** a.l. the passages, ‘But on your showing. . . in Judah’ and ‘There is an indication . . . taken as proved’ are later interpolations. For other readings v. Aruch s.v. **שפי**.]

(8) Lit., ‘for also these were (included) in that miracle’. Since Haman plotted to destroy the women also. Esth. III, 13.

(9) Although they are discussed for thirty days beforehand, so that the rule should apply all the more to Purim. V. Tosaf. s.v. **מאי**.

(10) Not to read the Megillah on Sabbath, since this might lead to its being carried from place to place, v. infra p. 19.

(11) Ps XXII, 3. This Psalm is supposed by the Talmud to refer to Esther. V. Yoma 29a.

(12) They took the word **לשנותה** (‘to repeat it’) used by R. Joshua b. Levi in the sense of ‘learning the Mishnah’.

(13) [Either Bira, S.E. or Kefar Birim, N.W. of Gush Halab, v. Klein N.B. p. 39.]

(14) Ps. XXX, 13. This Psalm was also applied by the Rabbis to Mordecai and Esther.

Talmud - Mas. Megilah 4b

This would show [would it not] that the regulation is for the benefit of the cities; but we have learnt: ‘If Purim falls on Monday, the villages and large towns read on that day’. Now if it is as you say, they should push the reading forward to the [previous] Court day? — This would bring it to the tenth, and the Sages did not fix the tenth [as a possible day].

Come and hear: ‘If it falls on Thursday, the villages and large towns read on that same day’. Now if it is as you say, they should push the reading forward to the [previous] Court day which is the eleventh? — We do not shift it from one Court day to another. Come and hear [again]: ‘R. Judah says: When [is the reading pushed forward]? In places where the villagers come into town on Mondays and Thursdays, but in places where they do not come into town on Mondays and

Thursdays it is read only on the proper day'. Now if you assume that the regulation is for the benefit of the cities, because they do not come into town on Mondays and Thursdays; are the cities to be deprived of the benefit? — Do not read [in the dictum of R. Hanina] 'in order that they may furnish food and water', but read, 'because they furnish food and water to their brethren in the cities'.¹

HOW [DOES THIS WORK OUT]? IF IT FALLS ON MONDAY, VILLAGES AND LARGER TOWNS READ ON THAT SAME DAY etc. How is it that in the first clause of the Mishnah² the dates of the month are mentioned and in the second³ the days of the week?⁴ — Since (in the second clause) the dates of the month would have to go backwards,⁵ the Mishnah prefers to mention the days.⁶ IF IT FALLS ON FRIDAY etc. Which authority does our Mishnah follow? — [You may say], either Rabbi or R. Jose. How Rabbi? — As it has been taught: 'If it falls on Friday, villages and large towns push the reading forward to the Court day, and walled cities react on the day itself. Rabbi said: I maintain that towns should not have to shift their date,⁷ but both one and the other read on the day itself'. What is the reason of the First Tanna? — Because it is written, every year:⁸ just as every year towns read before cities, so in this case towns should read before cities. But why not argue thus: 'Every year': just as every year towns have not to shift their date, so here towns should not have to shift their date? — There is a special reason [for not reasoning thus here] since this is impracticable.⁹ What is Rabbi's reason? — [It is written], 'every year': just as in most years the towns have not to shift their date, so here they should not have to shift their date. But why not reason thus: 'every year': just as in most years towns read before walled cities, so here towns should read before walled cities? — There is a special reason [for not arguing thus here], because this is impracticable.¹⁰

How R. Jose? — As it has been taught: 'If it falls on Friday, walled cities and villages push the reading forward to the Court day, and large towns read on the day itself. R. Jose said: Walled cities do not read before towns, but both read on the day itself'. What is the reason of the First Tanna? — Because it is written, every year': just as in most years towns react on the fourteenth and their time is not the same as the time of the walled cities, so here towns should read on the fourteenth and their time should not be the same as the time of the walled cities. But why not reason thus: 'Every year': just as in most years walled cities do not read before towns, so here walled cities should not read before towns? — Here the case is different, because it cannot be avoided. What is R. Jose's reason? — [It says], 'every year': just as in most years walled cities do not read before towns, so here walled cities should not read before towns. But why not reason thus: 'Every year': just as in most years the time of one is not the same as the time of the other, so here the time of one should not be the same as the time of the other? — Here the case is different, because it cannot be avoided.

But did Rabbi really hold that towns should not shift their time to the Court day? Has it not been taught: 'If it falls on Sabbath, villages push the reading forward to the Court day, and large towns read on Friday and walled cities on Sunday. Rabbi said: My view is that, since the towns have to shift their time, they may as well shift it to the Court day'?¹¹ — Are the two cases parallel? In this last case, the proper time is Sabbath, and since they must shift they can shift [further]; but in our case the proper time is Friday.

Whose authority is followed in this dictum enunciated by R. Helbo in the name of R. Huna: 'If Purim falls on Sabbath, all shift the reading to the Court day'? 'All shift their reading', do you say? [How can this be] seeing that we have the walled cities which read on the Sunday? — What we should say is, 'All who are shifted are shifted to the Court day'. Which authority, [you ask]? — Rabbi.

But at any rate all agree that the Megillah is not to be read on Sabbath. What is the reason? — Rabbah replied: All are under obligation to read the Megillah, but not all are competent to read it, and there is therefore a danger that one may take the scroll in his hand and go to an expert to be

instructed and [in doing so] convey it four cubits in a public domain. This is also the reason for [not blowing] the shofar on Sabbath and [for not carrying] the lulab.¹² R. Joseph said: It is because the poor are anxiously awaiting the reading of the Megillah.¹³ It has been taught to the same effect: 'Although it has been laid down that villages push the reading forward to the Court day, contributions are collected and distributed on the same day'. 'Although it has been laid down'! On the contrary, it is because it has been laid down!¹⁴ — Read therefore: Since it has been laid down that villages push the reading forward to the Court day, contributions are collected and distributed on the same day, because the poor are waiting anxiously for the reading of the Megillah, but

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- (1) The concession was therefore made to them as a reward, but if they do not come into town there would be no concession in allowing them to read earlier.
 - (2) THE MEGILLAH IS READ ON THE ELEVENTH, THE TWELFTH etc.
 - (3) IF IT FALL, ON MONDAY etc.
 - (4) Lit., 'in the first clause he (the Tanna) takes the order of the months and in the second the order of the days'.
 - (5) If he specified the dates of the month instead of the days of the week, he would have to begin with the reading on the fourteenth, and then take the thirteenth and so on.
 - (6) Because as these go in regular order, it is easier to remember, and there is less danger of the Tanna making a mistake.
 - (7) Lit., 'towns should not be shifted from their place'.
 - (8) Esth. IX, 27.
 - (9) It is impracticable for towns to retain this date and also to read before the walled cities.
 - (10) It is impracticable for the towns to read before the walled cities and yet not shift their date.
 - (11) Lit., 'since they are shifted, let them be shifted to etc.'
 - (12) V. Glos.
 - (13) Because they expect to receive gifts immediately afterwards, and on Sabbath these could not be given.
 - (14) As otherwise they would receive them on the actual day of Purim.

Talmud - Mas. Megillah 5a

rejoicing¹ is kept only at the proper season.

Rab said: On the actual day of Purim the Megillah can be read even by an individual, but on the alternative days² it should be read only in a company of ten. R. Assi, however, said: Whether on the actual day or on the alternative days, it should be read only in a company of ten. In a case which actually occurred, Rab gave weight to the opinion of R. Assi.³ But could Rab actually have said this?⁴ — Did not Rab Judah the son of R. Samuel b. Shilath say in the name of Rab: 'If Purim falls on Sabbath, Friday is the proper time'? — Friday the proper time! Surely Sabbath is the proper time! What Rab must have meant therefore is this: The alternative time is like the proper time.⁵ Just as at the proper time [the Megillah may be read] by an individual, so at the alternative time [it may be read] by an individual. — No. For the reading of the Megillah⁶ Rab requires ten. What then did he mean by saying 'Friday is the proper time'? His intention was to reject the opinion of Rabbi, who said that since the towns had to shift their time they might as well shift to the Court day. Here, therefore, Rab informs us that Friday is the proper day [to which they should shift].

MISHNAH. WHAT IS RECKONED A LARGE TOWN? ONE WHICH HAS IN IT TEN MEN OF LEISURE.⁷ ONE THAT HAS FEWER IS RECKONED A VILLAGE. IN RESPECT OF THESE⁸ IT WAS LAID DOWN THAT THEY SHOULD BE PUSHED FORWARD BUT NOT POSTPONED. THE TIME, HOWEVER, OF BRINGING THE WOOD FOR THE PRIESTS,⁹ OF KEEPING THE [FAST OF] THE NINTH OF AB,¹⁰ OF OFFERING THE FESTIVAL SACRIFICE,¹¹ AND OF ASSEMBLING THE PEOPLE¹² IS TO BE POSTPONED¹³ [TILL AFTER SABBATH] BUT NOT PUSHED FORWARD. ALTHOUGH IT WAS LAID DOWN THAT THE TIMES [OF READING THE MEGILLAH] ARE TO BE PUSHED FORWARD BUT NOT POSTPONED, IT IS PERMISSIBLE ON THESE [ALTERNATIVE] DAYS¹⁴ TO MOURN,

TO FAST, AND TO DISTRIBUTE GIFTS TO THE POOR. R. JUDAH SAID: WHEN IS THIS?¹⁵ IN PLACES WHERE PEOPLE COME TO TOWN ON MONDAYS AND THURSDAYS. IN PLACES, HOWEVER, WHERE THEY DO NOT COME TO TOWN EITHER ON MONDAYS OR THURSDAYS, THE MEGILLAH IS READ ONLY ON ITS PROPER DAY.

GEMARA. [TEN MEN OF LEISURE]: A Tanna taught: The ten unoccupied men who attend synagogue.¹⁶

IN RESPECT OF THESE IT WAS LAID DOWN THAT THEY SHOULD BE PUSHED FORWARD BUT NOT POSTPONED. What is the reason? — R. Abba said in the name of Samuel: The text says, and he shall not go further.¹⁷ R. Abba further said in the name of Samuel: Whence do we know that years are not to be counted by days?¹⁸ Because it says, [It is the first to you] of the months of the year,¹⁹ [which implies] that you reckon a year by months but not by days. The Rabbis of Caesarea said in the name of R. Abba: How do we know that a month is not reckoned by its hours?²⁰ Because it says, until a month of days:²¹ you reckon a month by days, but you do not reckon a month by hours.²²

THE TIME, HOWEVER, OF BRINGING THE WOOD FOR THE PRIESTS, OF KEEPING [THE FAST OF] THE NINTH OF AB, OF OFFERING THE FESTIVAL SACRIFICE AND OF ASSEMBLING THE PEOPLE IS POSTPONED BUT NOT PUSHED FORWARD. [The reason for the Fast of] the ninth of Ab is that we do not hasten the approach of trouble. [The reason for] the festival sacrifice and the assembling of the people is that the time for their performance has not yet arrived.²³

A Tanna taught: ‘The festival sacrifice and all the period of the festival sacrifice is to be postponed’. We understand what is meant by the festival sacrifice, namely, that if its day happens to be Sabbath we postpone it till after the Sabbath. But what is meant by the ‘period of the festival sacrifice’? — R. Oshaia replied: What is meant is this: The festival sacrifice [is postponed if its time] occurs on Sabbath, and the ‘burnt-offering of appearance’²⁴ is postponed even till after the festival day which is the proper time for a festival sacrifice.²⁵ Which authority does this follow? Beth Shammai, as we have learnt: ‘Beth Shammai say, Peace-offerings may be brought on the festival, but without laying on of hands; not, however, burnt-offerings; while Beth Hillel say, Both burnt-offerings and peace-offerings may be brought, and hands may be laid on’.²⁶ Raba said: [The meaning is]: The festival sacrifice may be postponed for the whole period of the festival sacrifice,²⁷ but not more, as we have learnt: ‘If one did not bring a festival sacrifice on the first day of the festival, he may go on to do so throughout the festival, including the last day. If the festival terminated without his having brought the festival sacrifice, he need not bring another in compensation’.²⁸ R. Ashi said: [It means that] the festival sacrifice may be postponed for the whole period of the festival sacrifice,²⁹ and even on Pentecost which is only one day it may be postponed [for seven days], as we have learnt: [Beth Hillel] agree that if Pentecost falls on Sabbath, the day for killing [the sacrifice] is after the Sabbath’.³⁰

R. Eleazar said in the name of R. Hanina: Rabbi planted a shoot on Purim,

(1) I.e., feasting.

(2) Lit., ‘not in its proper time’.

(3) And put himself out to assemble ten persons.

(4) That on the alternative days it can only be read before ten.

(5) ‘Friday is the proper time’ means, ‘Friday is regarded as the proper time’.

(6) On the alternative days.

(7) Heb. batlanim (idle men), v. supra, p. 14, n. 5.

(8) The times when the Megillah is to be read.

- (9) It was usual for certain families to undertake to bring to Jerusalem on a certain day of the year a certain quantity of wood for the fire on the altar. V. Ta'an. 28a.
- (10) In commemoration of the destruction of the first and second Temples, v. Glos.
- (11) The hagigah, an optional peace-offering brought by individuals in honour of the festival, usually on the first day of the festival.
- (12) On the Feast of Tabernacles in the first year of the Septennate, to hear the Law read. V. Deut. XXXI, 10-13.
- (13) If it happens to fall on Sabbath.
- (14) On which the Megillah is actually read.
- (15) That a concession is made to villagers to read on the alternate days.
- (16) Lit. , 'Who are in the synagogue'. I.e., who are always available to attend synagogue if required. Cf. supra. [According to Rashi: These were men specially maintained for the purpose from the communal fund. Aliter: men of ample means who freely devoted their time to the service of the community. V. Aruch s.v. **בטל**]
- (17) Esth. IX, 27. V. supra 2a.
- (18) Lit., that we do not count days (to make up) years. I.e., 'a year' without further specification does not mean three hundred and sixty-five days but twelve (lunar) months.
- (19) Ex. XII, 2.
- (20) I.e. , if the month is defective, we reckon it as twenty-nine days, and 'a month' without further specification means (if it is defective) twenty-nine days and not twenty-nine and a half, which is the real interval between one new moon and the next.
- (21) Num. XI, 20. E.V. 'a full month'.
- (22) V. Nazir, Sonc. ed. p. 20 notes.
- (23) And so with the wood for the priests, since none of these things can be done on Sabbath. The same, however, cannot be said of the Megillah, the purpose of which is to serve as a reminder.
- (24) **עולת ראיה** A burnt-offering which was brought to fulfil the injunction of 'they shall not appear before the Lord empty, (Deut. XVI, 16). This was regarded as obligatory.
- (25) I.e., even if the first day is not a Sabbath, and a
- (26) V. Bez. 19a.
- (27) I.e., the whole seven days of Passover or Tabernacles.
- (28) Lit., 'he is not responsible for it'.
- (29) [So MS.M.; cur. ed. 'The festival sacrifice and all the period of the festival sacrifice'.]
- (30) Beth Hillel differed from Beth Shammai in the case where Pentecost fell on Friday, but in this case they also agreed that both the festival sacrifice (hagigah) and the 'burnt-offering of appearance' could be killed after the festival, since they could not be offered on Sabbath. V. Hag. 17a.

Talmud - Mas. Megilah 5b

and bathed in the [bathhouse of the] marketplace¹ of Sepphoris on the seventeenth of Tammuz² and sought to abolish the fast of the ninth of Ab, but his colleagues would not consent. R. Abba b. Zabda ventured to remark:³ Rabbi, this was not the case. What happened was that the fast of Ab [on that year] fell on Sabbath, and they postponed it till after Sabbath, and he said to them, Since it has been postponed, let it be postponed altogether, but the Sages would not agree. He

festival peace-sacrifice (hagigah) may be brought, this offering is not brought till the intermediate days. [R. ELeazar] thereupon applied to himself the verse, Better are two than one.⁴

But how could Rabbi have planted a shoot on Purim seeing that R. Joseph has learnt: [We read in connection with Purim] gladness and feasting and a good day;⁵ 'gladness': this teaches that it is forbidden on these days to mourn; 'feasting': this teaches that it is forbidden on them to fast; 'a good day': this teaches that it is forbidden on them to do work? — The fact is that Rabbi belonged to a place which kept Purim on the fourteenth, and when he planted, it was on the fifteenth. Is this so?⁶ Was not Rabbi in Tiberias, and Tiberias was walled in the days of Joshua son of Nun? — The fact is that Rabbi was in a place which kept on the fifteenth, and when he planted it was the fourteenth. But

was he certain that Tiberias was walled in the days of Joshua son of Nun, seeing that Hezekiah read the Megillah in Tiberias both on the fourteenth and on the fifteenth, being uncertain whether it had been walled in the days of Joshua son of Nun or not? Hezekiah was in doubt, but Rabbi was certain. But even supposing he was certain, was he permitted to do this, seeing that it is written in Megillath Ta'anith,⁷ 'The fourteenth day and the fifteenth day are the days of Purim on which there is to be no mourning', and Raba said, The only purpose of mentioning these days [in Megillath Ta'anith]⁸ was to make whatever is forbidden on the one forbidden on the other also? — This applies only to mourning and fasting, but for abstention from work one day and no more is prescribed. Is that so? Did not Rab see a man sowing flax on Purim, and curse him, so that the flax did not grow? — There he [the man] was doing it on the day which he ought to have kept. Rabbah the son of Raba said. You may even say [that Rabbi planted] on the day [which he ought to have kept]: [the Jews] bound themselves [in the days of Esther] to abstain from mourning and fasting, but not from work, since first it is written, 'gladness and feasting and a good day', but afterwards it is written, that they should make them days of feasting and gladness',⁹ and 'a good day' is not mentioned. Why then did Rab curse that man? — It was a case of 'things which are permitted but others make a practice of abstaining from them'; but in Rabbi's place this¹⁰ was not the practice. Or if you like I can say that they did in fact make a practice of this, and Rabbi planted a festive shoot, as we have learnt:¹¹ If these days¹² pass and they are still not answered, they abstain to a certain extent from business, from building and from planting, from betrothing and from marrying,¹³ and a Tanna taught: 'Building' here means festive building; 'planting' means festive planting. What is festive building? If one builds a wedding residence for his son [on the occasion of his marriage]. What is a festive planting? If one plants a royal abarnaki.¹⁴

The text [above state]: 'Hezekiah read in Tiberias on the fourteenth and on the fifteenth, being doubtful whether it had been walled in the days of Joshua son of Nun or not'. But could he have been in doubt about Tiberias, seeing that it is written, And the fortified cities were Ziddim-zer and Hamath and Rakath and Kinnereth,¹⁵ and it is generally agreed that Rakath is Tiberias? — The reason why he was doubtful was because one side is bounded by the lake.¹⁶ If so, why was he in doubt? It certainly was not walled, as it has been taught : Which has a wall,¹⁷ and not merely a fence of houses.¹⁸ Round about:¹⁹ this excludes Tiberias, the lake forming its wall!²⁰ In respect of the houses of a walled town he was not in doubt; where he was in doubt was in respect of reading the Megillah. [He asked]: What constitutes the difference between villages and walled towns which are mentioned in connection with the reading of the Megillah? Is it that the former are exposed and the latter are not exposed, [in which case] Tiberias [belongs to the former] being also exposed, or is it that the latter are protected and the former are not protected, [in which case] Tiberias [belongs to the latter], being protected? That was why he was in doubt.

R. Assi read the Megillah in Huzal²¹ on the fourteenth and on the fifteenth, being in doubt whether it had been walled in the days of Joshua son of Nun or not. According to another report, R. Assi said: Huzal of the house of Benjamin was walled in the days of Joshua son of Nun.

R. Johanan said: When I was a boy, I made a statement about which I afterwards questioned the old men,

(1) Heb. קרונה, a place where wagons were stationed on market.day (Rashi). [Alter: 'spring' from Gk. **. V. Aruch and Krauss T.A. 1. 212.]

(2) One of the four public fasts. V. R. H. 18.

(3) Lit., 'said in his (R. Eleazar's) presence'.

(4) Eccl. IV, 9. He was glad to be corrected.

(5) Esth. IX, 19.

(6) This is not so

(7) V. Glos.

- (8) We know already from the Scripture that 'mourning is forbidden on these days.
- (9) Esth. IX, 22
- (10) To abstain from work.
- (11) That there is a planting of a festive kind.
- (12) Of fasting for rain.
- (13) V. Ta'an 12b.
- (14) The correct form according to Levy and Jast. is achvarnaki, a Persian word for a spreading tree in a garden under which banquets could be held.
- (15) Josh. XIX, 35.
- (16) Of Galilee. Rakath therefore was not fortified on this side, and the question arises whether it should be accounted a 'walled city' for religious purposes.
- (17) Lev. XXV, 30. In a town with a wall houses could be sold permanently.
- (18) Lit., 'wall of roofs', though this is also a barricade.
- (19) Ibid. 31.
- (20) I.e., the lake being where the wall ought to be.
- (21) [In Babylonia between Nehardea and Sura. It was called 'of the House of Benjamin' (v. infra) probably because its early settlers hailed from Benjamin (v. Obermeyer pp. 299ff). There was also a Huzal in Palestine. V. Keth., Sonc. ed. p. 716, n. 7.]

Talmud - Mas. Megilah 6a

and it was found that I was right: [I said:] Hamath is Tiberias. And why was it called Hamath? On account of the hot springs [hamme] of Tiberias. Rakath is Sepphoris, And why was it called Rakath? Because it slopes down like the bank [raktha] of a river. Kinnereth is Gennesaret. And why was it called Kinnereth? Because its fruits are sweet like the music of a harp [kinnor].¹ Raba said: Is there anyone who can maintain that Rakath is not Tiberias, seeing that when a man dies here [in Babylonia] they mourn for him there [in Tiberias] as follows: 'Great was he in Sheshach² and he has a name in Rakath',³ and when the coffin is taken there they mourn for him thus: 'Ye lovers of the remnants,⁴ dwellers in Rakath, go forth and receive the slaughtered of the depths'.⁵ When R. Zera departed, a certain mourner opened his dirge thus: 'The land of Shinar⁶ conceived and bore him, the beautiful land⁷ brought up her delight. Woe to me, saith Rakath, for her precious instrument is lost'!⁸ No, said Raba. Hamath is the hot springs of Gerar; Rakath is Tiberias; and Kinnereth is Gennesaret. Why is it called Rakath? Because even the least worthy⁹ of its inhabitants are full of religious performances like a pomegranate. R. Jeremiah said: Rakath is its proper name. And why is it called Tiberias? Because it is situated in the very centre¹⁰ of the land of Israel. Rabbah said: Rakath is its name. And why is it called Tiberias? Because its aspect is good.¹¹

Zeira said: Kitron is Sepphoris. And why is it called Sepphoris? Because it is perched on the top of a mountain like a bird [zippor]. But is Kitron Sepphoris? Now Kitron was in the territory of Zebulun, as it is written, Zebulun drove not out the inhabitants of Kitron nor the inhabitants of Nahalol.¹² Now Zebulun complained of his portion, as it says, Zebulun was a people which shamed his soul to death.¹³ Why? Because Naphtali was on the high places of the field.¹⁴ Zebulun complained to the Holy One, blessed be he, saying: Sovereign of the Universe, to my brethren Thou hast given fields and vineyards and to me Thou hast given hills and mountains; to my brethren Thou hast given lands, and to me Thou hast given lakes and rivers. [God] replied: They will all require thee for the hilazon,¹⁵ as it says, and the hidden treasures of the sand,¹⁶ and R. Joseph learnt: 'Hidden' indicates the hilazon; 'treasures' indicates the tunny fish;¹⁷ 'sand' indicates white glass.¹⁸ Zebulun then said: Sovereign of the Universe, who will inform me?¹⁹ He replied: There they shall offer sacrifices of righteousness.²⁰ This shall be thy sign: whoever takes of thee without payment will not prosper in his business. Now if you assume that Kitron is Sepphoris, why did Zebulun complain of his portion, seeing that Sepphoris is an excellent spot? Nor can you say that it is not 'flowing with milk and honey'. For Resh Lakish has said: I have myself seen the trail of milk and

honey²¹ round Sepphoris, and it is sixteen miles by sixteen miles. Nor can you say that [even so] his is not as good as his brothers, since Rabbah b. Bar Hanah said in the name of R. Johanan: I have myself seen the trail of milk and honey of the whole land of Israel, and it extends [altogether] about as far as from Be Kubi²² to the Fort of Tulbanke, twenty-two parasangs in length and six parasangs in breadth?²³ Even so, he preferred fields and vineyards. This is also indicated by the language of the text, as it says, 'Naphtali upon the high places of the field'. This is a proof.

R. Abbahu said: [It is written], Ekron shall be rooted up,²⁴ this is Kisri the daughter of Edom,²⁵ which is situated among the sands, and which was a thorn in the side of Israel²⁶ in the days of the Greeks. When the House of the Hasmoneans grew powerful and conquered them, they called it 'the capture of the tower of Shir'.²⁷

R. Jose b. Hanina said: What is meant by the text, And I will take away his blood out of his mouth and his detestable things from between his teeth, and he also shall be a remnant for our God?²⁸ 'And I will take away his blood out of his mouth': this refers to their sacrificial shrines.²⁹ 'And his detestable things from between his teeth': this refers to their oracles.³⁰ 'And he also shall be a remnant for our God': these are the synagogues and houses of learning in Edom.³¹ And he shall be as a chief in Judah, and Ekron as a Jebusite:³² these are the theatres and circuses³³ in Edom in which one day the chieftains of Judah shall publicly teach the Torah. R. Isaac said: Leshem is Pamias.³⁴ Ekron shall be rooted out: this is Caesarea, the daughter of Edom, which was a metropolis³⁵ of kings. Some say that this means that kings were brought up there, and others that kings were appointed from there. Caesarea³⁶ and Jerusalem [are rivals]. If one says to you that both are destroyed, do not believe him; if he says that both are flourishing, do not believe him; if he says that Caesarea is waste and Jerusalem is flourishing, or that Jerusalem is waste and Caesarea is flourishing, you may believe him, as it says, I shall be filled, she is laid waste,³⁷ if this one is filled, that one is laid waste, and if that one is filled, this one is laid waste. R. Nahman b. Isaac derived the same lesson from here: and the one people shall be stronger than the other people.³⁸ R. Isaac also said: What is the meaning of the verse, Let favour be shown to the wicked, yet will he not learn righteousness?³⁹ Isaac said in the presence of the Holy One, blessed be He: Sovereign of the Universe, let mercy be shown to Esau. He replied: He is wicked. He said to Him; He has not learnt righteousness.⁴⁰ He replied: In the land of uprightness⁴¹ will he deal wrongfully.⁴² He said: If so, let him not behold the majesty of the Lord.⁴²

R. Isaac also said: What is meant by the verse, Grant not, O Lord, the desires of the wicked, draw not out his bit,⁴³ so that they exalt themselves, selah?⁴⁴ Jacob said before the Holy One, blessed be He: Sovereign of the Universe, grant not to Esau the wicked the desire of his heart, draw not out his bit:

(1) A more probable reason is that Kinnereth is shaped like a harp.

(2) A name given to Babylon in Jer. XXV, 26; LI, 41.

(3) Tiberias was for many centuries a great centre of Jewish learning, especially in the field of Biblical study.

(4) שרירים 'left', 'escaped'. A name given to Israel, after Jer. XXXI, 1.

(5) Babylon, so called because it was low-lying.

(6) Babylonia.

(7) The land of Israel, so called after Dan. XI, 16.

(8) Which shows that all are agreed that Rakath is Tiberias.

(9) Heb. rekanin, lit., 'empty ones'.

(10) Heb. tibbur, lit., 'navel'.

(11) Heb. Tobah Re'Iathah.

(12) Jud. I, 30.

(13) Ibid. V, 18. E.V. jeopardised their lives to the death'.

(14) Ibid.

(15) A small shell-fish from which was extracted the purple colour used for the fringes.

- (16) Deut. XXXIII, 19.
- (17) Much used for salting or pickling and an important article of commerce in ancient Palestine.
- (18) Which was made from the sand of Zebulun. [This was a source of wealth owing to the difficulty of the process for producing colourless glass among the ancients. V. Krauss T.A. II, 286.]
- (19) If they are cheating me.
- (20) Ibid.
- (21) Left by the goats after eating dates.
- (22) [Near Pumbeditha. The parallel passage (Keth. 112a) has Be Mikse (cf. also בִּי נִסִּי in MS.M. a.l.). On the geographical names v. Keth., Sonc. ed. p. 724 notes.]
- (23) As a parasang was four miles, this would be about eight times the extent of Zebulun's trail.
- (24) Zeph. II, 4.
- (25) [Caesarea by the Sea is designated 'the daughter of Edom' because it was an outpost of the Roman Empire, Edom being in Rabbinic literature the prototype of Imperial Rome.]
- (26) Lit. 'a peg driven into Israel'.
- (27) This seems to be a mistake for Zor (Tyre) which is the reading of MS.M. The Aruk reads Shed, lit., 'demons'. [The reference is probably to the conquest of Caesarea by Alexander Jannaeus, v. Josephus Ant. XIII, 15, n. Cf. also Meg. Ta'an. III. The old name of Caesarea was Strato's Tower, after the Phoenician king Strato, its founder. The reading 'shed' (demon) contains perhaps an allusion to the worship of Astarte by the original inhabitants. On the other readings v. Hildesheimer, H. Beitrage z. Geographie Palastinas, pp. 4ff]
- (28) Zech. IX, 7.
- (29) Beth Banya. Lit., 'house of high places'.
- (30) Beth Galya. Lit., 'house of revelation'. [These terms are taken by others as names of idolatrous shrines, the former being identified with Dajr al Banat and the latter with Bait Galia, both in the neighbourhood of Bethlehem. V. Horowitz S. Palestine, pp. 126 and 129.]
- (31) I.e., the Roman Empire.
- (32) Zech. IX, 7.
- (33) Where the Roman Games took place.
- (34) More correctly Panias, Caesarea Philippi, the modern Baniyas, a place near the source of the Jordan.
- (35) This may mean either that it was a capital of Palestine or that some of its Roman Governors became Emperors.
- (36) Probably Rome is meant.
- (37) Ezek. XXVI, 2, of Tyre and Jerusalem.
- (38) Gen. XXV, 23.
- (39) Isa. XXVI, 10.
- (40) Rashi renders: 'Can not one find a plea on his behalf'.
- (41) I.e., the land of Israel.
- (42) Ibid.
- (43) E.V., 'further not his evil device'.
- (44) Ps, CXL, 9.

Talmud - Mas. Megilah 6b

this refers to Germamia of Edom,¹ for should they but go forth they would destroy the whole world. R. Hama b. Hanina said: There are three hundred crowned heads in Germamia of Edom and three hundred and sixty-five chieftains in Rome,² and every day one set go forth to meet the other and one of them is killed, and they have all the trouble of appointing a king again.

R. Isaac also said: If a man says to you, I have laboured and not found, do not believe him. If he says, I have not laboured but still have found, do not believe him. If he says, I have laboured and found, you may believe him. This is true in respect of words of Torah,³ but in respect of business, all depends on the assistance of heaven. And even for words of Torah this is true only of penetrating to the meaning,⁴ but for remembering what one has learnt, all depends on the assistance of heaven.

R. Isaac also said: If you see a wicked man being favoured by fortune,⁵ do not contend with him, as it says, Do not contend with evildoers.⁶ Nor is this all, but he may even prosper in his undertakings, as it says, His ways prosper at all times.⁷ Nor is this all, but he may even be declared right, as it says, Thy judgments are far above out of his sight.⁸ Nor is this all, but he may even triumph over his enemies, as it says, As for all his adversaries, he puffeth at them.⁸ Is this so? Has not R. Johanan said in the name of R. Simeon b. Yohai: It is permitted to contend with the wicked in this world, as it says, They that forsake the law praise the wicked, but such as keep the law contend with them.⁹ Also it has been taught: R. Dosethai b. Mathon says: It is permitted to contend with the wicked in this world. And if one should whisper to you saying, [As for the text] Do not contend with evildoers, neither be thou envious against them that work unrighteousness, one whose conscience smites him speaks thus, and the meaning is, Do not contend with the evildoer to be like evildoers, neither be envious of such as work unrighteousness; and so it says also, Let not thy heart envy sinners?¹⁰ — There is no contradiction; the one [piece of advice] refers to one's own affairs the other to religious matters.¹¹ Or if you like I may say that both refer to one's own affairs, and still there is no contradiction: the one is addressed to a man who is wholly righteous, and the other to one who is not wholly righteous,¹² as R. Huna said: What is the meaning of the verse, Wherefore lookest thou when they deal treacherously, and holdest thy peace when the wicked swalloweth up the man that is more righteous than he?¹³ He can swallow up one that is more righteous than himself, he cannot swallow up one that is completely righteous. Or if you like I can say that when fortune is smiling on him, the case is different.

'Ulla said: 'Greek Italy'¹⁴ is the great city of Rome,¹⁵ which covers an area of three hundred parasangs by three hundred. It has three hundred markets corresponding to the number of days of the solar year. The smallest of them is that of the poultry sellers, which is sixteen mil by sixteen. The king dines every day in one of them. Everyone who resides in the city, even if he was not born there, receives a regular portion of food from the king's household,¹⁶ and so does everyone who was born there, even if he does not reside there. There are three thousand baths in it, and five hundred windows the smoke from which goes outside the wall.¹⁷ One side of it is bounded by the sea, one side by hills and mountains, one side by a barrier of iron, and one side by pebbly ground and swamp.¹⁸

MISHNAH. IF THE MEGILLAH HAS BEEN READ IN THE FIRST ADAR AND THE YEAR HAS SUBSEQUENTLY BEEN PROLONGED,¹⁹ IT IS READ AGAIN IN THE SECOND ADAR. THERE IS NO DIFFERENCE BETWEEN THE FIRST ADAR AND THE SECOND ADAR SAVE ONLY IN THE READING OF THE MEGILLAH AND THE DISTRIBUTION OF GIFTS TO THE POOR.²⁰

GEMARA. This [last statement] implies that in respect of the series of special portions²¹ they are on the same footing.²² Which authority does the Mishnah follow? [It would seem], neither the First Tanna nor R. Eliezer son of R. Jose nor R. Simon b. Gamaliel [in the following Baraita], as it has been taught: 'If the Megillah has been read in the first Adar and the year has then been prolonged, it is read in the second Adar, since all the precepts which are to be performed in the second Adar can be performed in the first,²³ except the reading of the Megillah'. R. Eliezer son of R. Jose says that it is not to be read [again] in the second Adar, because all precepts that are to be performed in the second Adar may be performed in the first. R. Simon b. Gamaliel says in the name of R. Jose that it is to be read again in the second, because precepts which are to be performed in the second Adar may not be performed in the first. They all however agree in regard to mourning and fasting, that they are forbidden on [the fourteenth and fifteenth of] both. Does not R. Simon b. Gamaliel here repeat the First Tanna? — R. Papa replied: They differ on the question of the series of special portions — the First Tanna holding that these should in the first instance be read in the second [Adar], but if they have been read in the first, this suffices. [But he also] excludes from this ruling the reading of the Megillah, [holding that], even though it has been read in the first [Adar], it must be

read again in the second. R. Eliezer son of R. Jose on the other hand held that even the Megillah may in the first instance be read in the first [Adar], and R. Simon b. Gamaliel held that even the series of special portions, if they have been read in the first [Adar], must be read again in the second. Which authority then [does our Mishnah follow]? If [you say] the First Tanna, there is the difficulty of gifts.²⁴ If [you say] R. Eliezer son of R. Jose, there is the difficulty of the reading of the Megillah also. If [you say] R. Simon b. Gamaliel, there is the difficulty of the series of special portions! — In fact it is the First Tanna, and when he mentioned the reading of the Megillah, we suppose the same to apply to the gifts of the poor, since one depends on the other. Or if you like, I can say that in fact it is R. Simon b. Gamaliel, and there is an omission²⁵ in our Mishnah and what it means is this: ‘There is no difference between the fourteenth of the first Adar and the fourteenth of the second Adar save in the matter of reading the Megillah and gifts to the poor’. from which we infer that in regard to mourning and fasting they are on the same footing, while in regard to the special portions no ruling is given.²⁶ R. Hiyya b. Abin said in the name of R. Johanan: The halachah²⁷ is as laid down by R. Simon b. Gamaliel, who gave it in the name of R. Jose. R. Johanan said: Both of them [R. Simon and R. Eliezer son of R. Jose] based their opinions on the same text, in every year.²⁸ R. Eliezer son of Jose reasoned: ‘In every year’; just as in most years [we think of] Adar as the month which adjoins Shebat, so here [we keep the precepts] in the Adar which adjoins Shebat. R. Simon b. Gamaliel again reasoned: Just as in most years [we think of] Adar as adjoining Nisan, so here [we keep the precepts] in the Adar which adjoins Nisan. Now we understand R. Eliezer son of R. Jose taking the view he did, because it is inherently probable, it being a rule that we do not postpone the performance of religious precepts.²⁹ But what is the reason of R. Simon b. Gamaliel? — R. Tabi said: The reason of R. Simon b. Gamaliel is that more weight is to be attached to bringing one period of redemption close to another.³⁰ R. Eleazar said: The reason of R. Simon b. Gamaliel is derived from this verse: to confirm this second letter of Purim.³¹ And it was necessary for the text to write

(1) There was another Germamia which was probably the land of the Cimmerians. [Rieger, P. (MGWJ. LXXX, p. 455) identifies it with Carminia, the Persian Kerman.]

(2) This word seems to be an interpolation.

(3) I.e., of the effort to gain enlightenment from the Torah.

(4) Lit., ‘sharpening’ (the understanding).

(5) Lit., ‘on whom the hour smiles’.

(6) Ps. XXXVII, 1. E.V. ‘fret not thyself because of evildoers’.

(7) Ps. X, 5.

(8) Ibid.

(9) Prov. XXVIII,4.

(10) Prov. XXIII, 17. R. Johanan and R. Dosethai say that it is not permissible to contend with the wicked, which contradicts R. Isaac.

(11) In regard to which it is permissible to contend with the wicked.

(12) For whom it is not safe to contend with the wicked.

(13) Hab. I, 13.

(14) ‘Ulla probably had in mind the saying quoted in the Midrash of Cant. that when Jeroboam made the golden calf (according to another version, when Manasseh brought the image into the Temple), the angel Gabriel stuck a pole in the sea, and a dry place was formed on which subsequently Rome was built.

(15) [home is so designated on account of the great influence of the Greek civilization on the Roman, v. Bacher, REJ, XXXIII, p. 190.]

(16) [Alluding to the regular distribution of corn and money in Rome.]

(17) The windows being higher than the wall of the city. Another reading is: ‘Each one of them has five hundred windows, the smoke, etc.’ [The allusion is to the famous thermal baths constructed by Diocletian (284-304).]

(18) [The reference is respectively to the Tiber, the wall erected by the Emperor Aurelius (271-276) and to the Ostian Marshes (stagno di ostia). For the other allusions in this hyperbolic description of Rome, v. Bacher, op. cit. pp. 190ff.]

(19) By the intercalation of a second Adar.

(20) This statement is immediately discussed in the Gemara.

(21) The special portions of Shekalim (Ex. XXX, 11-16), Zakor (Deut. XXV, 17-19), Parah (Num. XIX, 1-22) and ha-Hodesh (Ex. XII, 1-20) read in the synagogue between the Sabbath preceding the first of Adar and the first of Nisan. V. infra 29a.

(22) I.e., if they had been read in the first of Adar and the year is then proclaimed a leap year, they need not be read again in the second.

(23) I.e., if they have been performed in the first and the year is then prolonged, they need not be performed again.

(24) Since, as he does not mention gifts, we presume that he allows these to be made in the first Adar.

(25) These words are out of place here and seem not to have been read by Rashi. If we omit them we translate: 'and the meaning of the Mishnah is as follows'. The omission in fact, as will be seen, is not in the Mishnah but in the Gemara which immediately follows it.

(26) It is this last clause which was omitted from the Gemara above.

(27) [הלכה] So MSS.; cur. edd. [הדכתא.]

(28) Esth. IX, 27.

(29) I.e., we perform them at the first opportunity, even though it is also permissible to perform them later.

(30) Viz., Purim to Passover.

(31) Ibid. 29.

Talmud - Mas. Megillah 7a

'the second' and also to write 'in every year'. For if I had to base the rule on 'every year', I could raise the difficulty stated above: therefore it is written 'second'.¹ And if I had been told only 'second', I might say that the Megillah is properly to be read both in the first and in the second. Therefore it says, in every year.² And what does R. Eliezer son of R. Jose make of this second? — He requires it for the statement enunciated by R. Samuel b. Judah. For R. Samuel b. Judah said: At first they [Mordecai and Esther] decreed the observance of Purim only in Susa, but afterwards³ throughout the world.

R. Samuel b. Judah said: Esther sent to the Wise Men saying, Commemorate me⁴ for future generations. They replied, You will incite the ill will of the nations against us.⁵ She sent back reply: I am already recorded in the chronicles of the kings of Media and Persia. Rab and R. Hanina and R. Johanan and R. Habiba record [the above statement in this form]: (in the whole of the Order Mo'ed, wherever this set of Rabbis is mentioned, R. Johanan is replaced by R. Jonathan).⁶ Esther sent to the Wise Men saying, Write an account of me for posterity. They sent back answer, Have I not written for thee three times⁷ — three times and not four?⁸ [And they refused] until they found a verse written in the Torah, Write this a memorial in a book,⁹ [which they expounded as follows]: 'Write this', namely, what is written here and in Deuteronomy;¹⁰ 'for a memorial', namely, what is written in the Prophets;¹¹ 'in a book', namely, what is written in the Megillah. The difference [between the first and second of these opinions] is also found between two Tannaim. 'Write this', what is written here.¹² 'For a memorial', namely, what is written in Deuteronomy. 'In a book', namely, what is written in the Prophets. So R. Joshua.¹³ R. Eliezer of Modi'im says: Write this', namely, what is written here and in Deuteronomy; for a memorial', namely, what is written in the Prophets; 'in a book', namely, what is written in the Megillah.

Rab Judah said in the name of Samuel; [The scroll] of Esther does not make the hands unclean.¹⁴ Are we to infer from this that Samuel was of opinion that Esther was not composed¹⁵ under the inspiration of the holy spirit? How can this be, Seeing that Samuel has said that Esther was composed under the inspiration of the holy spirit? — It was composed to be recited [by heart], but not to be written. The following objection was raised: 'R. Meir says that [the scroll of] Koheleth¹⁶ does not render the hands unclean, and that about the Song of Songs there is a difference of opinion. R. Jose says that the Song of Songs renders the hands unclean, and about Koheleth there is a difference of opinion. R. Simeon says that Koheleth is one of those matters in regard to which Beth Shammai were more lenient and Beth Hillel more stringent, but Ruth and the Song of Songs and

Esther [certainly] make the hands unclean'! — Samuel concurred with R. Joshua.¹⁷

It has been taught: R. Simeon b. Menasia said: Koheleth does not render the hands unclean because it contains only the wisdom of Solomon.¹⁸ They said to him], Was this then all that he composed? Is it not stated elsewhere, And he spoke three thousand proverbs,¹⁹ and it further says, Add thou not unto his words.²⁰ Why this further quotation? — In case you might object that he composed very much, and what it pleased him to write he wrote and what it did not please him he did not write. Therefore it says,²¹ Add thou not to his words.²²

It has been taught: R. Eleazar said: Esther was composed under the inspiration of the holy spirit, as it says, And Haman said in his heart.²³ R. Akiba says: Esther was composed under the inspiration of the holy spirit, as it says, And Esther obtained favour in the eyes of all that looked upon her.²⁴ R. Meir says: Esther was composed under the inspiration of the holy spirit, as it says, And the thing became known to Mordecai.²⁵ R. Jose b. Durmaskith said: Esther was composed under the inspiration of the holy spirit, as it says, But on the spoil they laid not their hands,²⁶ Said Samuel: Had I been there,²⁷ I would have given a proof superior to all, namely, that it says, They confirmed and took upon them,²⁸ [which means] they confirmed above²⁹ what they took upon themselves below. Raba said: All the proofs can be confuted except that of Samuel, which cannot be confuted. [Thus,] against that of R. Eleazar it may be objected that it is reasonable to suppose that Haman would think so, because there was no one who was so high in the esteem of the king as he was, and that when he spoke at length,³⁰ he was only expressing the thought concerning himself. Against the proof of R. Akiba it may be objected that perhaps the fact is as stated by R. Eleazar, who said that these words show that to every man she appeared to belong to his own nation.³¹ Against R. Meir it may be objected that perhaps the fact is as stated by R. Hiyya b. Abba who said that Bigthan and Teresh were two men from Tarsis.³² Against the proof of R. Jose b. Durmaskith it may be objected that perhaps they³³ sent messengers. Against the proof of Samuel certainly no decisive objection can be brought. Said Rabina: This bears out the popular saying, Better is one grain of sharp pepper than a basket full of pumpkins. R. Joseph said: It³⁴ can be proved from here: And these days of Purim shall not fail from among the Jews.³⁵ R. Nahman b. Isaac said, From here: Nor the memorial of them perish from their seed.³⁶

AND GIFTS TO THE POOR. R. Joseph learnt: And sending portions one to another³⁷ that means two portions³⁸ for one man. And gifts to the poor³⁹ that means two gifts to two men.⁴⁰ R. Judah Nesi'ah⁴¹ sent to R. Oshaia the leg of a third-born calf⁴² and a barrel of wine. He sent him back word saying,

(1) To show that it must be the Adar adjoining Nisan.

(2) To show that it is to be read only once even in leap years.

(3) By means of this second letter.

(4) Lit., 'fix me', by means of a book and a festival.

(5) Who will accuse the Jews of rejoicing at their downfall and celebrating it.

(6) This is evidently a gloss made by a later commentator.

(7) Prov. XXII, 20. (E. V. 'have I not written unto thee excellent things'.) The meaning is, Is not the war of Israel against Amalek mentioned three times in Scripture.

(8) The three times are (i) Ex. XVII, 8-16; (ii) Deut. XXV, 17-19; (iii) I Sam. XV.

(9) Ex. XVII, 14, referring to the war against Amalek.

(10) Which, being both in the Pentateuch, are counted as one.

(11) Viz., the Book of Samuel.

(12) In Ex. XVII.

(13) Who thus holds that the Megillah was not meant to be written.

(14) Like the scrolls of other books of the Scripture. V. Shab. 14.

(15) Lit., 'said'.

- (16) Ecclesiastes.
 (17) That the Megillah was not meant to be written.
 (18) And not inspired wisdom.
 (19) I Kings, V, 12. Since these were not written and Ecclesiastes was, we may conclude that the latter was inspired.
 (20) Prov. XXX, 6.
 (21) Lit., 'come and hear'.
 (22) Which shows that whatever he wrote down was inspired.
 (23) Esth. VI, 6. How could the author know this if he was not inspired?
 (24) Ibid. II, 15. Cf. previous note.
 (25) Ibid. 22. Who revealed it to him if not the holy spirit?
 (26) Ibid. IX, 10. Cf. note 8.
 (27) among the Tannaim who discussed this matter.
 (28) Ibid. 27.
 (29) In heaven.
 (30) 'As for the man whom the king delighteth to honour' etc.
 (31) V. infra 13a.
 (32) V. infra 13b.
 (33) Those in the more distant parts.
 (34) That Esther was written under the inspiration of the holy spirit.
 (35) Esth. IX, 28.
 (36) Ibid. R. Nahman prefers the second half of the verse, because the first half might refer only to that generation.
 (37) Ibid. 22.
 (38) The minimum number of 'portions' being two.
 (39) Ibid.
 (40) The minimum number of the plural אביונים 'poor' being two. Or it may mean that a gift is twice as big as a portion (Maharsha).
 (41) R. Judah, the Prince II.
 (42) So Rashi. Aliter: 'a third grown'; 'in the third year' — which was supposed to be specially good.

Talmud - Mas. Megillah 7b

You have fulfilled in our person, O our teacher, the words, and sending portions one to another.¹ Rabbah sent to Mari b. Mar by Abaye a sackful of dates and a cupful of roasted ears of corn. Said Abaye to him: Mari will now say, 'If a countryman becomes a king, he does not take his basket off his neck'.² The other [Mari] sent him [Rabbah] back a sackful of ginger and a cup full of long-stalked pepper. Said Abaye: Now the Master [Rabbah] will say, I sent him sweet and he sends me bitter. Abaye said: When I went out of the Master's [Rabbah's] house, I was already full, but when I reached the other place³ they set before me sixty dishes of sixty different preparations, and I had sixty pieces from them. The last preparation was called pot-roast, and [I liked it so much that] I wanted to lick the dish after it. Said Abaye: This bears out the popular saying, The poor man is hungry and does not know it,⁴ or the other saying, There is always room for sweet things. Abaye b. Abin and R. Hananiah b. Abin used to exchange their meals with one another.⁵

Raba said: It is the duty of a man to mellow himself [with wine] on Purim until he cannot tell the difference between cursed be Haman' and 'blessed be Mordecai'.⁶

Rabbah and R. Zera joined together in a Purim feast. They became mellow, and Rabbah arose and cut R. Zera's throat.⁷ On the next day he prayed on his behalf and revived him. Next year he said, Will your honour come and we will have the Purim feast together. He replied: A miracle does not take place on every occasion. Raba said: If one eats his Purim feast on the night [of the fourteenth], he does not thereby fulfil his obligation. What is the reason? It is written, days of feasting and gladness.⁸ R. Ashi was sitting before R. Kahana. It grew late, and still the Rabbis did not arrive. He

said to him, Why have not the Rabbis come? Perhaps they are busy with the Purim feast. He said to him: Could they not have had it last night? He replied: Is your honour not acquainted with the diction of Raba, 'If one eats his Purim feast on the night [of the fourteenth], he does not thereby fulfil his obligation'? He said to him; Did Raba really say so? (He replied Yes).⁹ He then repeated it after him forty times, until he had safely stored it in his mind.¹⁰

MISHNAH. THERE IS NO DIFFERENCE BETWEEN FESTIVALS AND SABBATH SAVE ONLY IN THE MATTER OF [PREPARING] FOOD.¹¹

GEMARA . We can infer from this that in the matter of preliminaries for preparing food¹² they are on the same footing. The Mishnah then does not agree with R. Judah, as it has been taught: 'There is no difference between festivals and Sabbath save in the matter of [preparing] food'. R. Judah, however, permits [on the festivals] the preliminaries for preparing food.¹² What is the reason of the First Tanna? The Scripture says: [Save that which every man must eat], that only [shall be prepared]:¹³ that and not its preliminaries. R. Judah, on the other hand, stresses the word for you:¹⁴ for you, which means, for all your requirements. Why then does not the other also admit this, seeing that it is written, 'for you'? — [This, he says, means], 'for you' and not for non-Jews; 'for you' and not for dogs. And [why does not] the other [adopt this view], seeing that it is written, 'that only'? [He replies]: It is written, 'that only', and it is written, 'for you'; we apply the one to preliminaries which can be attended to on the day before the festival, and the other to preliminaries which cannot be attended to on the day before the festival.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN SABBATH AND THE DAY OF ATONEMENT SAVE ONLY THAT THE DELIBERATE VIOLATION OF THE ONE IS PUNISHED BY A HUMAN COURT AND THE DELIBERATE VIOLATION OF THE OTHER BY KARETH.¹⁵

GEMARA. It is to be inferred from this that in respect of compensation¹⁶ they are on the same footing. Whose view does the Mishnah follow? — That of R. Nehunia b. ha-Kaneh, as it has been taught: R. Nehunia b. ha-Kaneh used to put the Day of Atonement on the same footing as Sabbath in respect of compensation: just as [one who deliberately breaks] Sabbath forfeits his life but is released from the obligation to make compensation,¹⁷ so [one who deliberately breaks] the Day of Atonement forfeits his life but is released from the obligation to make compensation.

We have learnt elsewhere: If any who have incurred the penalty of kareth are flogged — they become quit of their kareth, as it says, Then thy brother should be dishonoured in thine eyes;¹⁸ once he has been flogged, he is like thy brother.¹⁹ So R. Hananiah b. Gamaliel. Said R. Johanan: The colleagues of R. Hananiah b. Gamaliel joined issue with him on this point. Raba said, They said in the school of Rab: We have [also] learnt [this]:²⁰ There is no difference between the Day of Atonement and Sabbath save that he who breaks the one is punished by a human court, while he who breaks the other is punished with kareth. Now if [R. Hananiah's opinion] is correct, then both are punished by the human court?²¹ — R. Nahman replied: Whose view is this?²² That of R. Isaac, who said that lashes are never inflicted on those who have incurred kareth, as it has been taught: Those who have incurred kareth are included in the general statement.²³ Why then is kareth specially mentioned in the case of [one who lies with] his sister?²⁴ To show that she is punished with kareth and not with lashes.²⁵ R. Ashi said: You may even say that it²⁶ is the view of the Rabbis:²⁷ in the case of the one [the breaker of Sabbath], the essential [punishment for] his presumption is inflicted by the human court, but in the case of the other, the essential punishment for his presumption consists in 'being cut off'.²⁸

(1) [Cur. ed. add: and 'gifts to the poor'].

(2) As much as to say, Although you have become head of the Academy (in Pumbeditha), you send very ordinary gifts.

- (3) The house of Mari.
- (4) Till the food is actually set before him.
- (5) According to Rashi, this means that one provided the feast one year and the other the next. More naturally it could mean that they sent their meals to one another and thereby fulfilled the obligation of 'sending portions to one another' (Maharsha).
- (6) [The two phases have the same numerical value, 502.]
- (7) Apparently without actually killing them But cf. Maharsha.
- (8) Esth. IX, 22.
- (9) These words are bracketed in the text.
- (10) Lit., 'and he was (then) like one who had put it in his purse'.
- (11) Lit., 'food of the person'. I.e., that food for the day may be cooked on festivals but not on Sabbath.
- (12) E.g., the sharpening of a knife.
- (13) Ex. XII, 16; relating to the Passover.
- (14) Ibid.
- (15) I.e., by the hand of heaven. V. Lev. XXIII, 30 and Glos.
- (16) For damage done by the act of transgression.
- (17) The lesser penalty being merged in the larger penalty.
- (18) Deut. XXV, 3.
- (19) Which shows that he is not 'cut off'.
- (20) That there is a difference of opinion.
- (21) And the one who is flogged for breaking Yom Kippur becomes quit of kareth.
- (22) That of our Mishnah. (9) And not of the colleagues of R. Hananiah.
- (23) Of the punishment for incest. Lev. XVIII, 29.
- (24) In Lev. XX, 17.
- (25) And the same applies to all other cases punishable by kareth. V. Mak. 13b.
- (26) Our Mishnah.
- (27) And still there is no difference between them and R. Hananiah.
- (28) הכרת cf. Num. XV, 31; though lashes may also be inflicted.

Talmud - Mas. Megilah 8a

MISHNAH. THERE IS NO DIFFERENCE BETWEEN ONE WHO IS INTERDICTED BY VOW TO HAVE NO BENEFIT FROM HIS NEIGHBOUR AND ONE WHO IS INTERDICTED BY VOW FROM HIS FOOD, SAVE IN THE MATTER OF SETTING FOOT [ON HIS PROPERTY] AND OF UTENSILS WHICH ARE NOT USED FOR [PREPARING] FOOD.¹

GEMARA. It is to be inferred from this that in the matter of utensils which are used for preparing food they are on the same footing.

SETTING FOOT. But people are not particular about this?² — Raba said: Whose view is this? R. Eleazar's, who said that [even] a thing which is usually excused³ is forbidden to one who vows to have no benefit.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN VOWS AND FREEWILL-OFFERINGS SAVE THAT VOWED OFFERINGS HAVE TO BE REPLACED⁴ BUT FREEWILL-OFFERINGS NEED NOT BE REPLACED.

GEMARA. It is to be inferred from this that in respect of 'not delaying'⁵ they are on the same footing.

We have learnt in another place: What is a vow? Where a man says, I take upon me the obligation to bring a burnt-offering. What is a freewill-offering? Where a man says, Behold this is [to be] a

burnt-offering. What then is the [practical] difference between vows and freewill-offerings? — If vowed animals die or are stolen or lost, the one who offered is under obligation to replace them;⁶ if freewill-offerings die or are stolen or lost, he is not under obligation to replace them.⁷ Whence is this rule derived? — As our Rabbis have taught: And it shall be accepted for him to make atonement upon him:⁸ R. Simeon says: That which is ‘upon him’⁹ he is under obligation to replace.¹⁰ How is it implied [that this substitute is upon him’]? — R. Isaac b. Abdini replied: Since he has said ‘[I take] upon me’, it is as if he had taken it upon his shoulder.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN ONE SUFFERING FROM AN ISSUE WHO MAKES TWO OBSERVATIONS¹¹ AND ONE WHO MAKES THREE,¹² SAVE IN THE MATTER OF BRINGING A SACRIFICE.¹³

GEMARA. From this it is to be inferred that in the matter of [defiling] a bed or a seat¹⁴ and counting seven days¹⁵ they are on the same footing. Whence is this rule derived? — As our Rabbis have taught: ‘R. Simai says: The text specified two [observations]¹⁶ and designated the man as unclean, and also specified three¹⁷ and designated him as unclean’. How do we explain this? Two bring uncleanness but do not entail a sacrifice, three entail a sacrifice. But cannot I say that two bring uncleanness but do not entail a sacrifice, while three entail a sacrifice but no uncleanness?¹⁸ — To this you may answer that before he has three observations he must have two.¹⁹ Let me say then that two observations entail a sacrifice but not uncleanness,¹⁸ whereas three bring uncleanness also? — Do not imagine such a thing, since it has been taught: And the priest shall make atonement for him before the Lord from his issue;²⁰ this implies that some persons with an issue bring a sacrifice and some do not.²¹ How is this? if he has three observations, he brings a sacrifice, if only two, he does not bring. Or shall we expound differently and say that if he has two he brings the sacrifice, but if three he does not? — You can reply to this that before he has three he must have had two.²² And both the exposition of R. Simai and the text ‘from his issue’ are necessary [to prove this point]. For if I had only the dictum of R. Simai, I could raise against it the objection mentioned, and therefore I have recourse to ‘from his issue’. And if I had only ‘from his issue’, I should not know how many observations [are necessary for a sacrifice]; therefore I have the dictum of R. Simai.²³

Now, however, that you have assumed that the words ‘from his issue are to be used for a special exposition,²⁴ [I may ask], what lesson do you derive from the words and when he that hath an issue is cleansed from his issue?²⁵ That is required for the following lesson, as it has been taught: ‘And when he that hath an issue is cleansed’: that is to say, when the issue ceases.²⁶ ‘From his issue’: that is to say from his issue [only], and not from both his issue and his leprosy.²⁷ ‘Then he shall number’: this teaches us that one with an issue who has had two observations must count seven days [without issue]. But cannot this be deduced logically [as follows]?²⁸ If he defiles bed and seat, shall he not [all the more] be required to count seven days?

(1) The latter may take these liberties, the former may not.

(2) And therefore if one takes this liberty, he cannot be said to be deriving any benefit.

(3) **וְיָתוּר** Aliter: ‘The (retailer's customary) addition (to exact measure)’, and the accenting of which is not counted as receiving a benefit.

(4) Lit., one is responsible for them’. V. infra.

(5) To fulfil the undertaking, in accordance with Deut. XXIII, 22.

(6) Because the vow still stands.

(7) Because the undertaking applied only to that particular animal.

(8) So lit. E.V, ‘for him’. Lev. I, 4.

(9) I.e., the vow.

(10) Apparently R. Simeon renders: ‘Any animal will be accepted so long as it is "upon him"’.

(11) On a single day or two successive days.

(12) On one day or three successive days or two on one day and one on the next.

- (13) V. Lev. XV, 13-15.
- (14) Ibid. 4-6.
- (15) For his cleansing, after the cessation of the issue. Ibid.13.
- (16) Lev. XV, 2: When a man hath an issue out of his flesh, his issue is unclean.
- (17) Ibid. 3: And this shall be his uncleanness in his issue: whether his flesh run with his issue, or his flesh be stopped from his issue, it is his uncleanness,
- (18) Viz., the stringent uncleanness of one with an issue (cf. nn. 3-4), but only the lighter uncleanness resulting from a discharge of semen. V. Deut. XXIII, 11-12.
- (19) And is already unclean as a zab.
- (20) Ibid. 15.
- (21) The proposition 'from' is stressed, as implying only part of these who have an issue.
- (22) And so already become liable for the sacrifice.
- (23) To show that it is three.
- (24) I.e., for some lesson not contained in the literal meaning of the words.
- (25) Ibid. 13.
- (26) V. next note.
- (27) If the one with an issue was also a leper, he need not wait for his counting till he is healed of his leprosy.
- (28) And why therefore is a text required?

Talmud - Mas. Megilah 8b

— This argument can be confuted by the case of the woman who is keeping day for day,¹ for such a one defiles bed and seat² but does not count seven days. And thus do not be surprised that this one also, although he defiles bed and seat, should not be obliged to count seven days. Therefore it says, 'from his issue, and he shall number', which implies that after part of his issue³ he shall number; this teache² with regard to one with an issue who has had two observations that he is required to count seven days.

R. Papa said to Abaye: Why do we use the one text 'from his issue' to include⁴ one with an issue who has had two observations, and the other text 'from his issue' to exclude⁵ one with an issue who has had two observations? — He replied: If you should assume that the former text⁶ is for the purpose of excluding, then the text could simply omit the word. And should you say, we could then derive the rule [that he is to count seven days] by a logical deduction, such a deduction could be confuted by the case of the woman who counts day for day. And should you say that this word is required to show that the text refers to one who is cleansed of his issue [only] and not [of his issue and] his leprosy, — in that case the text should say, 'and when he that hath an issue is cleansed', and no more. Why do I require, 'from his issue'? This teaches that one with an issue who has two observations is required to count seven days.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN A LEPER WHO IS UNDER OBSERVATION⁷ AND ONE DEFINITELY DECLARED SUCH⁸ SAVE IN THE MATTER OF LEAVING THE HAIR LOOSE⁹ AND RENDING THE GARMENTS.¹⁰ THERE IS NO DIFFERENCE BETWEEN A LEPER WHO HAS BEEN DECLARED CLEAN⁸ AFTER BEING UNDER OBSERVATION¹¹ AND ONE WHO HAS BEEN DECLARED CLEAN⁸ AFTER HAVING BEEN DEFINITELY DECLARED A LEPER SAVE IN THE MATTER OF SHAVING AND [OFFERING] THE BIRDS.¹²

GEMARA. From this it is to be inferred that in the matter of being sent outside [the camp]¹³ and uncleanness¹⁴ they are on the same footing. Whence is this rule¹⁵ derived? — As R. Samuel b. Isaac taught before R. Huna: Then the priest shall pronounce him clean; it is a scab; and he shall wash his clothes and be clean;¹⁶ which implies that he shall already have been [in a sense] clean¹⁷ from the first, not having been liable to rending the garments and loosening the hair. Said Raba to him. If that

is so, then in regard to one with an issue, of whom it is written, and he shall wash his garments and be clean,¹⁸ how is it possible to say that he shall have been clean from the start? What it means then is, ‘clean now so far as not to defile earthenware vessels by moving them’,¹⁹ so that, even if he observes an issue again, he does not defile them retrospectively. So here, [the meaning is that] the leper is clean now to the extent of not defiling retrospectively by his entrance!²⁰ The fact is, said Raba, that we learn it from here: And the leper in whom the plague is;²¹ [that means] one whose leprosy is due to the state of his body, excluding this one²² whose leprosy is due to days.²³ Said Abaye to him: If that is so, then when it says, All the days wherein the plague is in him he shall be unclean,²⁴ are we to say that one whose leprosy is due to his state of body is required to be sent out of the camp, but one whose leprosy is not due to his state of body is not to be sent out of the camp? And should you reply that that is so, [how can this be] seeing that it states, THERE IS NO DIFFERENCE BETWEEN A LEPER UNDER OBSERVATION AND ONE DEFINITELY DECLARED SUCH SAVE IN THE MATTER OF LOOSENING THE HAIR AND RENDING THE GARMENTS, from which it may be inferred that in the matter of being sent out [of the camp] and defiling by entrance they are on the same footing? — [The text might have said simply] ‘the days’, and it says, ‘all the days’, to bring a leper under observation within the rule of sending out [of the camp]. If that is the case, what is the reason that he is not required to shave and offer birds [which is not the case], as it states: THERE IS NO DIFFERENCE BETWEEN A LEPER UNDER OBSERVATION AND ONE DEFINITELY DECLARED SUCH SAVE IN THE MATTER OF SHAVING AND OFFERING BIRDS? — Abaye replied: Scripture says: And the priest shall go forth out of the camp, and behold the plague of leprosy is healed in the leper;²⁵ this means, one whose leprosy is such because it requires healing,²⁶ and excludes one whose leprosy is such in virtue not of [requiring] healing but of days [of isolation].

MISHNAH. THERE IS NO DIFFERENCE BETWEEN BOOKS [OF THE SCRIPTURE]²⁷ AND TEFILLIN AND MEZUZAH²⁸ SAVE THAT THE BOOKS MAY BE WRITTEN IN ANY LANGUAGE²⁹ WHEREAS TEFILLIN AND MEZUZAH²⁸ MAY BE WRITTEN ONLY IN ASSYRIAN.³⁰ R. SIMEON B. GAMALIEL SAYS THAT BOOKS [OF THE SCRIPTURE] ALSO WERE PERMITTED [BY THE SAGES] TO BE WRITTEN ONLY IN GREEK.

GEMARA. [From this we infer] that for requiring [the sheets] to be stitched with sinews³¹ and for defiling the hands³² both are on the same footing.

BOOKS MAY BE WRITTEN IN ANY LANGUAGE. The following seems to conflict with this: ‘[A Scriptural scroll containing] a Hebrew text written³³ in Aramaic or an Aramaic text written in Hebrew,³⁴ or [either] in Hebraic script,³⁵ does not defile the hands;³⁶ [it does not do so] until it is written in Assyrian script upon a scroll and in ink’! — Raba replied: There is no contradiction;

(1) If a niddah (v. Glos.) who is counting her eleven days between the menses sees blood on one or two of the days, she need not count seven clean days but becomes clean after ablution on the evening of the following day. V. Sanh., Sonc. ed. p. 577, n. 2.

(2) V. Nid. 72b.

(3) Cf. p. 43. n. 10.

(4) Under the obligation to count seven days.

(5) From the obligation to bring a sacrifice.

(6) Lev. XV, 13.

(7) מוסגר Lit., ‘shut up’. V. Lev. XIII, 4.

(8) מוחלט Lit., ‘confirmed’; by the priest. Ibid. v. 11.

(9) Or ‘let his hair grow wild’, v. M.K 15a.

(10) Which is incumbent on the latter but not on the former. Ibid. 45.

(11) I.e., one in whom the suspicious signs did not develop into actual leprosy

(12) Which was incumbent on the latter. Lev. XIV, 2-7.

- (13) V. Num. V, 2.
- (14) The stringent laws of uncleanness to which lepers are subjected.
- (15) That the leper under observation need not loosen his hair and rend his garments.
- (16) Lev. XIII, 6, of the suspect in whom the signs do not develop.
- (17) The Hebrew word being **וטהור** in the present tense (as if to say: 'and he was already clean'), where the future **ויתהור** might have been used.
- (18) Lev. XV, 13. Here again he present tense **וטהור** is used.
- (19) Without touching them. Such a defilement is termed **היסט**.
- (20) The rule was that a leper by entering a room defiled persons and things within it. The question thus remains, Whence is this rule (v. p. 45, n. 9) derived?
- (21) Lev. XIII, 45.
- (22) The leper under observation.
- (23) It is the seven days of his observation that cause him to be designated a leper, for should there be no change in the leper at the end of the seven days he is pronounced clean.
- (24) Ibid. 46.
- (25) Lev. XIV, 3.
- (26) I.e., who has been declared definitely a leper. Only such a one has to shave and bring birds.
- (27) This means apparently, scrolls of the Scriptural books.
- (28) V. Glos.
- (29) Apparently what is meant is that official translations for use in the synagogue may be made in any language. We know actually of two such — the Aramaic translation known as Targum Onkelos, and the Greek translation of Aquilas made under the supervision of R. Eleazar and R. Joshua.
- (30) 'Assyrian is used as the equivalent of Hebrew written in the square characters used for religious writings. This script was called 'Assyrian', the reason being that it came into common use after the return of the Jews from the Babylonian exile; v. Sanh. 21b, Sonc. ed. pp. 119ff and notes.
- (31) And not merely with flax thread.
- (32) V. supra p. 35, n. 11.
- (33) I.e., translated into.
- (34) E.g., the Chaldaic parts of Daniel and Ezra.
- (35) **כתב עברי**. The ancient Hebrew script (as found e.g., in the Siloam and Moabite inscriptions and old Jewish coins, and in modified form in Samaritan writing) which was in common use before the Exile. V. Sanh. ibid.
- (36) Whereas the Mishnah seems to imply that they do.

Talmud - Mas. Megillah 9a

the one statement [that of the Mishnah] speaks of [books written in] our script,¹ the other of [books written in] their script.² Said Abaye to him: How have you explained the other statement [that of the Baraitha]? As referring to their script. [If so], why should it say, 'A Hebrew text written in Aramaic or an Aramaic text written in Hebrew'? The same would apply even to a Hebrew text which is written in Hebrew or an Aramaic text which is written in Aramaic, since it goes on to say. 'till it is written in Assyrian on a scroll in ink'³ No. [What you must say is], there is no contradiction: the one statement [in the Mishnah] represents the view of the Rabbis, the other that of R. Simeon b. Gamaliel. But if it is the view of R. Simeon b. Gamaliel, what about Greek?⁴ — No. What you must say is, there is no contradiction; the one statement [in the Mishnah] refers to scrolls, the other to tefillin and mezuzahs. What is the reason [why] tefillin, and mezuzahs [must be written in Assyrian]? — Because in reference to them it is written, and they shall be,⁵ which implies, they shall be as they originally were. What cases are there of Aramaic which can be written in Hebrew? I grant you we find in the Torah yegar sahadutha;⁶ but here [in the case of tefillin, and mezuzoth] what Aramaic is there? — No. What you must say is, there is no contradiction; the one statement [in the Baraitha] refers to the Megillah, the other to the other books [of the Scripture]. What is the reason in the case of the Megillah? — Because it is written In regard to it, according to their writing and according to their language.⁷ What case of Aramaic being written in Hebrew is possible here? — R.

Papa said: And the king's pithgam⁸ shall be published;⁹ R. Nahman b. Isaac said: And all the wives shall give yekar¹⁰ to their husbands.¹¹ R. Ashi said: That statement [in the Baraitha] was made in reference to other books [of the Scripture], and it follows the view of R. Judah, as it has been taught: 'Tefillin and mezuzahs are to be written only in Assyrian, but our Rabbis allowed them to be written in Greek also'.¹² But is it not written, and they shall be? I must say therefore, 'Scrolls of the Scripture may be written in any language, and our Rabbis permitted them to be written in Greek'.¹³ They permitted! This would imply that the First Tanna forbade it! What I must say therefore is, 'Our Rabbis permitted them to be written only in Greek'. And it goes on to state, 'R. Judah said: When our teachers permitted Greek, they permitted it only for a scroll of the Torah'.¹⁴ This was on account of the incident related in connection with King Ptolemy,¹⁵ as it has been taught: 'It is related of King Ptolemy that he brought together seventy-two elders and placed them in seventy-two [separate] rooms, without telling them why he had brought them together, and he went in to each one of them and said to him, Translate¹⁶ for me the Torah of Moses your master.¹⁷ God then prompted each one of them and they all conceived the same idea and wrote for him, God created in the beginning,¹⁸ I shall make man in image and likeness,¹⁹ And he finished on the sixth day, and rested on the seventh day,²⁰ Male and female he created him²¹ [but they did not write 'created them'],²² Come let me descend and confound their tongues,²³ And Sarah laughed among her relatives,²⁴ For in their anger they slew an ox and in their wrath they digged up a stall,²⁵ And Moses took his wife and his children, and made them ride on a carrier of men;²⁶ And the abode of the children of Israel which they stayed in Egypt and in other lands was four hundred years,²⁷ And he sent the elect of the children of Israel,²⁸ And against the elect of the children of Israel he put not forth his hand;²⁹

(1) Even though in another language.

(2) The Scriptural text was transliterated into the characters of a foreign language.

(3) This shows, according to Abaye, that the Baraitha is speaking of the language independently of the script.

(4) According to Abaye the Baraitha, in saying, 'till it is written in Assyrian' forbids even Greek, which is allowed by R. Simeon.

(5) Deut. VI, 8.

(6) Gen. XXXI, 47.

(7) Esth. VIII, 9.

(8) Aramaic for the Heb. *dabar*, 'decree'.

(9) Ibid. I, 20.

(10) Aramaic for the Heb. *kabod*, 'honour'.

(11) Ibid.

(12) The quotation is here interrupted.

(13) The quotation is again interrupted.

(14) Thus R. Judah forbade other books of the Scripture to be written save in the original language.

(15) It seems to be an historical fact that a Greek translation of the Pentateuch was made in the time of King Ptolemy Philadelphus of Egypt (285-247), but many regard this as apocryphal; cf, The Letter of Aristeas.

(16) Lit., 'write'.

(17) Here follow a number of cases in which the translation of the Elders did not follow the Massoretic text. We do not find all these variants in our texts of the Septuagint.

(18) Instead of 'In the beginning God created'. The purpose of this change was apparently to prevent the idea of Two Powers being read into the text, i.e., 'In the beginning' and 'God'. V. Rashi and Tosaf. a.I.

(19) Gen. 1, 26, instead of 'Let us make', for the same reason.

(20) Ibid. II, 2, instead of 'and he finished on the seventh day', which might be taken to imply that some work was done on the seventh day.

(21) Ibid. V, 2.

(22) Which might be taken to mean that they were separate from the first.

(23) Ibid. XI, 7: 'me' instead of 'us'. V. n. 7.

(24) Ibid. XVIII, 12: instead of 'in herself', in order to make a distinction between Sarah and Abraham, who also laughed inwardly.

(25) Ibid. XLIX, 6: 'ox' instead of 'man', to save the name of Jacob's sons.

(26) Ex. IV, 20: carrier of men' instead of 'ass', to save the dignity of Moses.

(27) Ibid. XII, 40. The words 'and in other lands' are inserted because, according to the Biblical record, the Israelites were at the utmost 210 years in Egypt.

(28) Ibid. XXIV, 5: 'elect' instead of 'young men', which is regarded as not suitable to the context.

(29) Ibid. 11 : 'elect' instead of 'nobles'.

Talmud - Mas. Megilah 9b

I have taken not one valuable of theirs;¹ Which the Lord thy God distributed to give light to all the peoples;² And he went and served other gods which I commanded should not be served.³ They also wrote for him 'the beast with small legs' and they did not write 'the hare',⁴ because the name of Ptolemy's wife was hare,⁵ lest he should say, The Jews have jibed at me and put the name of my wife in the Torah.

R. SIMEON B. GAMALIEL SAYS THAT BOOKS [OF THE SCRIPTURE] ALSO ARE PERMITTED TO BE WRITTEN ONLY IN GREEK. R. Abbahu said in the name of R. Johanan: The halachah follows R. Simeon b. Gamaliel. R. Johanan further said: What is the reason of R. Simeon b. Gamaliel? Scripture says, God enlarge Japheth, and he shall dwell in the tents of Shem;⁶ [this means] that the words of Japheth⁷ shall be in the tents of Shem. But why not say [the words of] Gomer and Magog?⁸ — R. Hiyya b. Abba replied: The real reason is because it is written, Let God enlarge [yaft] Japheth: implying, let the chief beauty [yafyuth] of Japheth⁹ be in the tents of Shem.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN A PRIEST ANOINTED WITH THE OIL OF ANOINTMENT AND ONE WHO [ONLY] WEARS THE ADDITIONAL GARMENTS¹⁰ SAVE IN THE MATTER OF THE BULLOCK WHICH IS OFFERED FOR THE [UNWITTING BREAKING OF] ANY OF THE COMMANDMENTS.¹¹ THERE IS NO DIFFERENCE BETWEEN A REGULAR¹² [HIGH] PRIEST AND ONE WHO HAS PASSED THROUGH [THE OFFICE]¹³ SAVE IN RESPECT OF THE BULLOCK OF THE DAY OF ATONEMENT AND THE TENTH OF THE EPHAH.¹⁴

GEMARA. [BETWEEN THE PRIEST ANOINTED etc.]. From this we infer that in the matter of the bullock of the Day of Atonement and the tenth of the ephah they are on the same footing. The Mishnah, it appears, does not concur with R. Meir; for with regard to the view of R. Meir, it has been taught: 'One who wears the additional garments [without having been anointed] brings the bullock which is offered [by the High Priest] for the [unwitting breaking of] any of the precepts'. So R. Meir. The Sages, however, say that he does not offer it. What is the reason of R. Meir? — As it has been taught: [If the] anointed [priest shall sin]:¹⁵ this tells me only of one anointed with the oil of anointment. How do I know that it applies also to one who [merely] wears the additional garments? — Because it says, the 'anointed'.¹⁶ How have you explained [the Mishnah]? As not concurring with R. Meir. Look now at the next clause: THERE IS NO DIFFERENCE BETWEEN A REGULAR HIGH PRIEST AND ONE WHO HAS PASSED THROUGH THE OFFICE SAVE IN THE MATTER OF THE BULLOCK OF THE DAY OF ATONEMENT AND THE TENTH OF THE EPHAH. We infer from this that in all other matters they are on the same footing; and so we come round to the view of R. Meir, as it has been taught: 'If something happened to disqualify him and another priest was appointed to take his place, when the first returns to his service the second is still liable to all the obligations of the high priesthood'.¹⁷ So R. Meir. R. Jose said: The first returns to his service whereas the second is qualified to act neither as a high priest nor as an ordinary priest. R. Jose further said: it happened with R. Jose b. Ulam¹⁸ from Sephoris that a disqualification occurred to the high priest and they appointed him in his place, and the case eventually came before the Sages and they said: The first returns to his service. The second is qualified to act neither as a high priest nor as an ordinary priest: as a high priest, so as not to create enmity,¹⁹ as an ordinary priest, because

we can raise to a higher grade of holiness but we never put down to a lower.²⁰ Are we then to say that the first clause [of the Mishnah] follows the Sages and the second R. Meir? — Said R. Hisda: Yes; the first clause follows the Sages and the second R. Meir. R. Joseph said: The whole gives the opinion of Rabbi, who combined the views of²¹ differing Tannaim.²²

MISHNAH. THERE IS NO DIFFERENCE²³ BETWEEN A GREAT HIGH PLACE²⁴ AND A SMALL ONE²⁵ SAVE IN THE MATTER OF THE PASCHAL LAMB OFFERING.²⁶ THIS IS THE GENERAL PRINCIPLE: ANY ANIMAL WHICH IS THE OBJECT OF A VOW OR A FREEWILL-OFFERING MAY BE BROUGHT ON A [SMALL] HIGH PLACE, ANY ANIMAL WHICH IS NOT THE OBJECT OF A VOW OR A FREEWILL-OFFERING MAY NOT BE BROUGHT ON A [SMALL] HIGH PLACE.

GEMARA. THE PASCHAL LAMB and nothing else?²⁷ — We should say, things like the paschal lamb.²⁸ Whose view is this? — R. Simeon's, as it has been taught: 'The congregation also did not offer [on the large high place] anything save paschal lambs and obligatory sacrifices for which there is a fixed time; but obligatory sacrifices for which there is no fixed time²⁹ were not offered either on the one or the other'.

MISHNAH. THERE IS NO DIFFERENCE BETWEEN SHILOH³⁰ AND JERUSALEM SAVE THAT IN SHILOH SACRIFICES OF LESSER SANCTITY³¹ AND SECOND TITHE³² COULD BE EATEN ANYWHERE WITHIN SIGHT [OF THE TOWN], WHEREAS IN JERUSALEM THEY HAD TO BE CONSUMED WITHIN THE WALLS. IN BOTH PLACES THE MOST HOLY SACRIFICES³³ WERE EATEN WITHIN THE CURTAINS.³⁴ AFTER THE SANCTIFICATION OF SHILOH

(1) Num. XVI, 15: 'valuable' for 'ass'.

(2) Deut. IV, 19. The words 'to give light' are inserted, to guard against misunderstanding.

(3) Ibid. XVII, 3. The words 'should be served' are inserted, to avoid misunderstanding.

(4) In Lev. XI, 6.

(5) In fact, it was Ptolemy's father who was named 'hare' (**).

(6) Gen. IX, 27.

(7) Javan (Greece) is reckoned among the sons of Japheth in Gen. X, 2.

(8) Who are also reckoned among the sons of Japheth, loc. cit.

(9) I.e., the Greek language.

(10) I.e., the robe, the breastplate, the mitre and the plate, which were worn by the high priest but not by ordinary priests. High priests, according to tradition, ceased to be anointed from the days of Josiah.

(11) Lev. IV, 3.

(12) Lit., 'officiating'.

(13) And who retired; i.e., one who was appointed to take the place of a High Priest while the latter is temporarily disqualified. When the disqualification is removed the High Priest returns to his duties while his substitute retires. V. infra.

(14) The daily offering of the High Priest. Lev. VI, 13-15. Only one person could make these two offerings.

(15) Lev. IV, 3.

(16) The definite article is regarded as adding something.

(17) E.g., to minister only in eight garments, not to mourn etc.

(18) [Or Ailim; Joseph b. Ellimus mentioned in Josephus. V. Hor., Sonc. ed. p. 89, n. 5.]

(19) Between him and the original High priest.

(20) Hence, having served as a High Priest, he can never revert to the status of an ordinary one.

(21) Lit., 'who took it according to'.

(22) For further notes on the whole passage v. Hor., Sonc. ed. pp. 88ff.

(23) In the period when the high places (Bamoth, sing. Bamah) were permitted, i.e., when there was no sanctuary at Shiloh or Jerusalem.

- (24) Those at Nob and Gibeon, where the altar made by Moses was used for public services.
- (25) Erected by any individual for private sacrifices.
- (26) Which could be offered only on the large one.
- (27) This seems to contradict the next clause, which implies that congregational sacrifices were brought on the large high places.
- (28) As explained presently.
- (29) E.g., the bullock offered in atonement for a sin committed unwittingly by the whole congregation.
- (30) Shiloh was made the religious centre of the people in the time of Joshua (Josh. XVIII, 1), and remained such till the time of Samuel, when it seems to have been laid waste by the Philistines (cf. Jer. XXVI, 6, 9).
- (31) Viz., peace-offerings, firstlings and tithes of cattle.
- (32) Set aside on the first, second, fourth and fifth years of the seven-year cycle after the dues to the priests and levites had been paid. Their second tithe or redemption money was taken to Jerusalem and there consumed by the owners. V. Deut. XIV, 22ff.
- (33) Viz., sin- and guilt-offerings, and congregational peace-offerings.
- (34) This expression applies strictly only to the Tabernacle at Shiloh. The corresponding place in the Temple at Jerusalem was the space within the walls of the Temple court.

Talmud - Mas. Megilah 10a

THE HIGH PLACES COULD AGAIN BECOME PERMITTED, BUT AFTER THE SANCTIFICATION OF JERUSALEM THERE CAN BE NO SUCH PERMISSION.

GEMARA. R. Isaac said: I have heard that sacrifices may be offered in the Temple of Onias¹ at the present day.² He was of opinion that the Temple of Onias is not an idolatrous shrine, and that the first holiness [of Jerusalem] was conferred on it for the time being but not for all time,³ as it is written, For ye are not as yet come to the rest and to the inheritance.⁴ 'Rest' here means Shiloh and 'inheritance' means Jerusalem, and 'inheritance' is put on the same footing as 'rest', [to show that] just as after the [destruction of the] 'rest' the high places were again permitted, so after the [destruction of the] 'inheritance' they will be permitted. They said to him: Do you really say so? He replied, No. Said Raba: By God! he did say it and I learnt it from him. Why then did he retract? On account of the difficulty raised by R. Mari. For R. Mari adduced the following in confutation: AFTER THE SANCTIFICATION OF SHILOH HIGH PLACES CAN AGAIN BE PERMITTED, BUT AFTER THE SANCTIFICATION OF JERUSALEM THERE CAN BE NO SUCH PERMISSION. We have also learnt further: After they [the Israelites] occupied Jerusalem, the high places were forbidden, and they were never permitted again, and it was the 'inheritance'. — There is a difference of Tannaim on this point, as we have learnt. 'R. Eliezer said: I have heard that when they were building the hekal⁵ [in the second Temple] they made curtains for the hekal and for the courtyard,⁵ the difference being that in the hekal they built [the walls] outside [the curtains]⁶ and in the courtyard they built [the walls] within [the curtains]. And R. Joshua said: I have heard that sacrifices may be brought even though there is no temple; that the most holy foods may be eaten, even though there are no curtains; and that foods of lesser sanctity and second tithe may be eaten even though there is no wall, because the first holiness was conferred on Jerusalem⁷ both for the time being and for all time.'⁷ We infer from this⁸ that R. Eliezer was of opinion that it was not [at first] sanctified for all time.⁹ Said Rabina to R. Ashi: How can we draw this inference? Perhaps all agree that the first holiness was conferred upon it for the time being and for all time, and one Master reported what he had heard and the other what he had heard. Should you ask, In that case, why were curtains needed according to R. Eliezer, we can answer that they were merely for privacy. Rather it is the following Tannaim who differ on this point as it has been taught: 'R. Ishmael son of R. Jose said: Why did the Sages enumerate these?¹⁰ Because when the exiles returned they found these cities [still walled] and sanctified them;¹¹ the others,¹² however, lost their privilege when the land lost its sanctity'. This shows that he was of opinion that the first holiness was conferred for the time being and not for the future. And a contradiction was pointed out with the following: 'R. Ishmael son of R.

Jose said: Were these all? Do we not find it said, Sixty cities, all the region of Argob,¹³ and it is written, All these were fortified cities with high walls?¹⁴ Why then did the Sages enumerate these? Because when the exiles returned, they found these [still walled] and sanctified them'.¹⁵ They sanctified then,

(1) A shrine built at Leontopolis in Egypt by Onias IV, a high priest who fled from Jerusalem. c. 154 B.C.E., v. Josephus, Ant. XIII, iii, 1ff and Men. 109b.

(2) This must refer to the period of the originator of the dictum, as the Temple of Onias did not exist any longer in the time of R. Isaac.

(3) Lit., 'for the future to come'. Hence after its destruction the high places would again be permitted.

(4) Deut. XII, 9.

(5) We assume for the present that the reason for the curtains was to invest the place with holiness enabling sacrifices to be offered and eaten pending the construction of the walls.

(6) [To prevent the builders from either penetrating into the hekal or gazing into it whilst engaged in their work. V. Rashi a.I. and Shebu. 16a.]

(7) V. 'Ed. VIII, 7 and Zeb. 107b.

(8) From the fact that curtains were required to confer holiness.

(9) This shows that Tannaim differ on this point.

(10) Nine cities enumerated in Tractate Arakin 32b as having been walled in the time of Joshua.

(11) I.e. gave them the status of 'walled towns'.

(12) Lit., 'the earlier ones, i.e., all the others which had previously been walled.

(13) Deut. III, 4.

(14) Ibid. 4f.

(15) The quotation is here interrupted.

Talmud - Mas. Megilah 10b

now, [say you]! Do we not say that they did not require to be sanctified?¹ What [you should say is], they found these and enumerated them. And not only in these alone, but in every one in regard to which you shall find a tradition from your ancestors that it was walled from the days of Joshua son of Nun, all these precepts² are to be observed, because the first holiness was conferred for the time being and for all future time. There is thus a contradiction between two statements of R. Ishmael! — Two Tannaim report R. Ishmael son of R. Jose differently. Or if you like, I can say that the latter dictum emanates from R. Eleazar b. Jose, as it has been taught: 'R. Eleazar b. Jose says: That has [no] wall;³ even though it has not now, but it had in previous times.'

And it came to pass in the days of Ahasuerus⁴ R. Levi, or some say R. Jonathan said: The following remark is a tradition handed down to us from the Men of the Great Assembly:⁵ wherever in the Scripture we find the term wa-yehi [and it was, and it came to pass], it indicates [the approach of] trouble.⁶ Thus, and it came to pass in the days of Ahasuerus — there was Haman. And it came to pass in the days when the Judges judged⁷ — 'there was a famine'. And it came to pass when man began to multiply⁸ — then 'God Saw that the wickedness of man was great'. And it came to pass, as they journeyed east⁹ — then 'they said, come let us build a city'. And it came to pass in the days of Amrafel¹⁰ — then 'they made war'. And it came to pass when Joshua was in Jericho¹¹ — then 'his [the angel's] sword was drawn in his hand'.¹² And the Lord was [wa-yehi] with Joshua¹³ — then, 'the children of Israel committed a trespass', And there was a certain man of Ramathaim-Zophim¹⁴ — then, for he loved Hannah but the Lord had shut up her womb'. And it came to pass when Samuel was old¹⁵ — then, 'his sons walked not in his ways'. And David had [wa-yehi] great success in all his ways¹⁶ — then, 'And Saul eyed David'.¹⁷ And it came to pass when the king dwelt in his house¹⁸ — then, 'Nevertheless thou shalt not build the house'.¹⁹ But is it not written, — And it came to pass on the eighth day,²⁰ and it has been taught, 'On that day there was joy before the Holy One, blessed be He, as on the day when heaven and earth were created. For it is written, And it came to pass

[wa-yehi] on the eighth day, and it is written in the other place, And there was [wa-yehi] one day'?²¹ Nadab and Abihu died on that day. But is it not written, And it came to pass in the four hundred and eightieth year,²² And it came to pass when Jacob saw Rachel,²³ and it is also written, And there there was evening and there was morning one day, and there is the second day and the third, and there are many other cases? — R. Ashi replied: The fact is that 'wa-yehi' sometimes has this signification and sometimes not, but the expression 'and it came to pass in the days of' always indicated trouble. Five times we find the expression 'and it came to pass in the days of'; viz., 'And it came to pass in the days when the Judges judged', 'and it came to pass in the days of Amrafel', 'and it came to pass in the days of Ahaz',²⁴ 'and it came to pass in the days of Jehoiakim'.²⁵

R. Levi further said: The following is a tradition that we have from our ancestors, that Amoz²⁶ and Amaziah²⁷ were brothers. What does this tell us?²⁸ — It confirms what was said by R. Samuel b. Nahmani in the name of R. Jonathan: Every bride who is modest in the house of her father-in-law is rewarded by having kings and prophets among her descendants. How do we prove this? From Tamar, as it is written, And Judah saw her and thought her to be a harlot; for she had covered her face.²⁹ Now because she had covered her face did he think her to be a harlot? Rather, what it means is that because she had covered her face in the house of her father-in-law and he did not know her, she was rewarded by having among her descendants kings and prophets; kings from David, and prophets — as R. Levi said, 'It is a tradition handed down to us from our ancestors that Amoz and Amaziah were brothers', and it is written, The vision of Isaiah son of Amoz.³⁰

R. Levi further said: We have a tradition from our ancestors that the ark took up no room.³¹ It has been taught to the same effect: 'The ark which Moses made had round it an [empty] space of ten cubits on every side'. Now it is written, And in front of the Sanctuary was twenty cubits in length [and twenty cubits in breadth],³² and it is also written, And the wing of the one cherub was ten cubits and the wing of the other cherub was ten cubits.³³ Where then was the ark itself? We must therefore conclude that it stood by a miracle [without occupying any room].³⁴

R. Jonathan prefaced his discourse on this section³⁵ with the text,³⁶ And I will rise against them, saith the Lord, and cut off from Babylon name and remnant', and offshoot and offspring, saith the Lord,³⁷ [which he expounded as follows]: 'Name' means script; 'remnant is language';³⁸ 'offshoot' is kingdom, and 'offspring' is Vashti.

R. Samuel b. Nahmani introduced his discourse on this section with the following text: Instead of the thorn shall come up the cypress, and instead of the brier shall come up the myrtle:³⁹ 'Instead of the thorn': instead of the wicked Haman who put himself up as an object of worship, as it is written, and upon all thorns and upon all brambles⁴⁰ 'shall come up the cypress': this is Mordecai who was called the chief of all spices, as it is said, And do thou take to thee the chief spices, flowing myrrh,⁴¹ which [last words] we translate [in Aramaic], mar deki.⁴² 'Instead of the brier': instead of the wicked Vashti, the daughter of the wicked Nebuchadnezzar who burnt the ceiling of the house of the Lord; as it is written, its top was gold,⁴³ 'the myrtle shall come up': this is the virtuous Esther who is called Hadassah,⁴⁴ as it is said, And he brought up Hadassah.⁴⁵ 'And it shall be to the Lord for a name': this is the reading of the Megillah; 'and for an everlasting sign which shall not be cut off': these are the days of Purim.

R. Joshua b. Levi introduced his discourse on this section with the following text: And it shall come to pass that as the Lord rejoiced over you to do you good, so the Lord will rejoice over you to cause you to perish.⁴⁶ Now does the Holy One, blessed be He, rejoice in the downfall of the wicked? Is it not written, as they went out before the army, and say, Give thanks unto the Lord, for his mercy endureth for ever',⁴⁷ and R. Johanan said, Why are the words 'for he is good' omitted from this thanksgiving? Because the Holy One, blessed be He, does not rejoice in the downfall of the wicked? And R. Johanan further said, What is the meaning of the verse, And one came not near the other all

the night?⁴⁸ The ministering angels wanted to chant their hymns, but the Holy One, blessed be He, said, The work of my hands is being drowned in the sea, and shall you chant hymns? — R. Eleazar replied: He himself does not rejoice, but he makes others rejoice. This is indicated also by the text, which writes *yasis* and not *yasus*;⁴⁹ which proves [what we said].

R. Abba b. Kahana introduced his discourse on this section with the following text: For to the man that is good in his sight he giveth wisdom, and knowledge and joy.⁵⁰ This, he said, is the righteous Mordecai. But to the sinner He giveth the task, to gather and to heap up;⁵⁰ this is Haman. That he may leave it to him, that is good in the sight of God;⁵⁰ this refers to Mordecai and Esther, as it is written, And Esther set Mordecai over the house of Haman.⁵¹

Rabbah b. 'Ofra introduced his discourse on this section with the following text: And I will set my throne in Elam, and will destroy from thence king and princes.⁵² 'King' indicates Vashti, and 'princes' indicates Haman and his ten sons.

R. Dimi b. Isaac introduced his discourse on this section with the following text:

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- (1) As it says presently, that all which are traditionally known to have been walled are sanctified.
 - (2) Of sending out a leper and reading the Megillah on the fifteenth and restoring a house to a vendor at the end of a year.
 - (3) Lev. XXV, 31. The *kere* means which has a wall' and the *kethib* 'which has no wall', and R. Eleazar combines both meanings, he being of the opinion that the first holiness is retained for all times, in contradistinction to R. Ishmael. These then are the two Tannaim who differ on this point.
 - (4) Esth. I, 1.
 - (5) V. p. 2, n. 5.
 - (6) *Wa-yehi* being read as *wai, hi* (woe and sorrow). V.infra.
 - (7) Ruth I, I.
 - (8) Gen. VI, I
 - (9) Ibid. XI, 2.
 - (10) Ibid. XIV, I.
 - (11) Josh. V, 13.
 - (12) Ibid.
 - (13) ,Ibid. VI,27.
 - (14) I Sam.I, 1.
 - (15) Ibid. VIII, 1.
 - (16) Ibid. XVIII, 14.
 - (17) This is in fact mentioned before the other, in v. 9 of the same chapter.
 - (18) II Sam VII, 1.
 - (19) This is in fact found in I Kings VIII, 19. In II Sam. VII the expression is, 'Shalt thou build a house'.
 - (20) Lev. IX, 1 of the setting up of the Tabernacle.
 - (21) Gen. I, 5.
 - (22) I Kings VI, 1 of the building of the Temple.
 - (23) Gen. XXIX, 10.
 - (24) Isa. VII, 1.
 - (25) Jer. I, 3.
 - (26) The father of Isaiah. V. infra.
 - (27) The king of Judah.
 - (28) I.e., what homiletical lesson does it convey.
 - (29) Gen. XXXVIII, 15.
 - (30) Isa. I, 1.
 - (31) Lit., 'the place of the ark was not included in the measurements'.
 - (32) I Kings VI, 20.

- (33) This is the sense but not the exact wording of I Kings VI, 24, 25.
- (34) V. Yoma 21a and B.B. 99a.
- (35) The Book of Esther.
- (36) Lit., 'from here'.
- (37) Isa. XIV, 22.
- (38) The connection between 'name' and 'script' and between 'remnant' and 'language' is not very clear. But v. Maharsha.
- (39) Isa. LV, 13.
- (40) Ibid. VII, 19. The proof is not clear. Cf. Maharsha.
- (41) Ex. XXX, 23.
- (42) 'Pure myrrh' a popular etymology of Mordecai.
- (43) Cant. III, 10. There is here a play on the words sirpad (brier), and refidah (top).
- (44) The Aramaic for myrtle.
- (45) Esth. 11, 7.
- (46) Deut. XXVIII, 63.
- (47) II Chron. XX, 21, of the army of Jehoshaphat marching against the Moabites.
- (48) Ex. XIV, 20, of Pharaoh and the Israelites at the Red Sea.
- (49) Yasis is a hif'il form, and should properly mean 'cause to rejoice', though it is often used as equivalent to the kal, yasus rejoice'.
- (50) Eccl. II, 26.
- (51) Esth. VIII, 2.
- (52) Jer. XLIX, 38.

Talmud - Mas. Megilah 11a

For we are bondmen; yet hath God not forsaken us in our bondage, but hath extended mercy unto us in the sight of the kings of Persia.¹ When was this? In the time of Haman. R. Hanina b. Papa introduced his discourse on this section with the following text: Thou hast caused men to ride over our heads, we went through fire and through water:² through fire in the days of the wicked Nebuchadnezzar, and through water in the days of Pharaoh. But thou didst bring us out into abundance,² in the days of Haman.

R. Johanan introduced his discourse on this section with the following text: He hath remembered his mercy and his faithfulness to the house of Israel, all the ends of the earth have seen the salvation of our Lord.³ When did all the ends of the earth see the salvation of our Lord? In the days of Mordecai and Esther.⁴

Resh Lakish introduced his discourse on this section with the following text: As a roaring lion and a ravenous bear, so is a wicked ruler over a poor people.⁵ 'A roaring lion': this is the wicked Nebuchadnezzar, of whom it is written, A lion is gone up from his thicket.⁶ 'A ravenous bear': this is Ahasuerus, of whom it is written, And behold another beast, a second, like to a bear',⁷ and R. Joseph learnt: These are the Persians, who eat and drink like bears, and are coated with flesh like bears, and are hairy like bears, and can never keep still like bears.⁸ 'A wicked ruler': this is Haman. 'Over a poor people': this is Israel, who are poor in [the observance of] precepts.

R. Eleazar introduced his discourse on this with the following text: By slothfulness he that lays beams⁹ becomes poor [yimak], and through idleness of the hands the house leaketh.¹⁰ Through the slothfulness in which Israel indulged, not busying themselves with the Torah, the enemy of¹¹ the Holy One, blessed be He, became poor. The meaning of 'mak' is poor, as it says, And if he is too mak for thy valuation,¹² and mekoreh means only the Holy One, blessed be He, as it says, Who layest the beams [ha-mekareh] of thy upper chambers in the waters.¹³

R. Nahman b. Isaac introduced his discourse on this section with the following text: A Song of Ascents: If it had not been for the Lord who was for us, let Israel now say If it had not been the Lord who was for us when a man¹⁴ rose up against us¹⁵ — ‘a man’ and not a king.¹⁶

Raba introduced his discourse on this section from here: When the righteous are increased the people rejoice, but when the wicked beareth rule the people sigh.¹⁷ ‘When the righteous are increased the people rejoice’ — this is illustrated by Mordecai and Esther, as it is written, and the city of Shushan shouted and was glad.¹⁸ ‘But when the wicked beareth rule the people sigh’ — this is illustrated by Haman, as it is written, but the city of Shushan was perplexed.¹⁹ R. Mattenah made his introduction²⁰ from this verse: For what great nation is there that hath God so nigh to them.²¹ R. Ashi made it from this verse: Or hath God assayed etc.²²

And it came to pass [wa-yehi] in the days of Ahasuerus²³ etc. Rab said, [The word wa-yehi is equivalent to] ‘wai and hi’ [woe and mourning]. With reference to this it is written, and there ye shall sell yourselves unto your enemies for bondmen and for bondwomen, and no man shall buy you.²⁴

Samuel quoted: I did not reject them, neither did I abhor them to destroy them utterly.²⁵ ‘I did not reject them’ in the days of the Greeks; ‘neither did I abhor them’ — in the days of Nebuchadnezzar;²⁶ ‘to destroy them utterly’ — in the days of Haman; ‘and to break my covenant with them’ — in the days of the Persians;²⁷ ‘for I am the Lord their God’ — in the days of Gog and Magog.²⁸ In a Baraitha It was taught: ‘I have not rejected them’ — in the days of the Chaldeans, when I raised up for them Daniel, Hananiah, Mishael and Azariah; ‘neither did I abhor them’ — in the days of the Greeks, when I raised up for them Simeon the Righteous and Hasmonai and his sons, and Mattathias the High Priest;²⁹ ‘to destroy them utterly’ — in the days of Haman, when I raised up for them Mordecai and Esther; ‘to break my covenant with them’ — in the days of the Persians,³⁰ when I raised up for them the members of the house of Rabbi and the Sages of the various generations. ‘For I am the Lord their God’ — in the time to come, when no nation or people³¹ will be able to subject them.

R. Levi introduced [his discourse] from this verse: But if ye will not drive out the inhabitants of the land before you.³² R. Hiyya introduced [his discourse] from this verse: And it shall come to pass that as I thought to do unto them, so will I do unto you.³³

Ahasuerus: Rab said: He was [as his name implies], the brother of the head³⁴ and the counterpart of the head — ‘The brother of the head’: the brother of Nebuchadnezzar the wicked who was called head, as it is written, Thou art the head of gold.³⁵ ‘The counterpart of the head’: the one slew, the other sought to slay; the one laid waste, the other sought to lay waste, as it is written, And in the reign of Ahasuerus, in the beginning of his reign, wrote they an accusation against the inhabitants of Judah and Jerusalem.³⁶ Samuel said that [as his name indicates], the face of Israel was blackened³⁷ in his days like the sides of a pot. R. Johanan said that [his name indicates that] everyone who thought of him said ‘alas for my head’.³⁸ R. Hanina said, [it indicates that] all became poor³⁹ in his days, as it says, And the king Ahasuerus laid a tribute.⁴⁰

That [hu] is Ahasuerus. — [this means that] he persisted in his wickedness from beginning to end — [Similarly] this is [hu] Esau:⁴¹ the same in his wickedness from beginning to end. [Similarly], These are that [hu] Dathan and Abiram:⁴² the same in their wickedness from the beginning to the end. [Similarly], this same [hu] king Ahaz:⁴³ the same in his wickedness from the beginning to the end. [Similarly], Abram, the same [hu] is Abraham:⁴⁴ the same in his righteousness from the beginning to the end. [Similarly], These are that [hu] Aaron and Moses:⁴⁵ the same in their righteousness from the beginning to the end. [Similarly], And David, he was [hu] the smallest;⁴⁶ he persisted in his humility⁴⁷ from the beginning to the end; just as in his youth he humbled himself

before anyone who was his superior in Torah, so in his kingship he humbled himself before anyone who was his superior in wisdom.

Who reigned: Rab said: this indicates that he raised himself to the throne.⁴⁸ Some interpret this to his credit, and some to his discredit. Some interpret it to his credit, holding that there was no other man equally fitted for the throne. Others interpret it to his discredit, holding that he was not fitted for the throne, but that he was very wealthy, and by means of lavish distribution of money rose to the throne.

From Hodu to Cush.⁴⁹ Rab and Samuel gave different interpretations of this. One said that Hodu is at one end of the world and Cush at the other, and the other said that Hodu and Cush adjoin one another, and that [the meaning is that] as he ruled over Hodu and Cush, so he ruled from one end of the world to the other. A similar difference occurs with reference to the words, For he had dominion over all the region on this side of the River, from Tiphseh even unto Gaza.⁵⁰ Here again Rab and Samuel interpreted differently. One said that Tiphseh is at one end of the world and Gaza at the other, and the other said that Tiphseh and Gaza are near one another [and that what is meant is that] as he [Solomon] ruled over Tiphseh and over Gaza, so he ruled over the whole world.⁵¹ Seven and twenty and a hundred provinces. R. Hisda said: At first he ruled over seven, then over twenty [more], and finally over a hundred [more]. But if you interpret thus, what of the verse, And the years of the life of Amram were seven and thirty and a hundred years?⁵² What lesson will you derive from that? — There is a difference here, because the whole text is superfluous. See now: it is written, from Hodu to Cush. Why then do I require, seven and twenty and a hundred provinces? You must conclude that it is for a special lesson .

Our Rabbis taught: Three [potentates] ruled over the whole globe,⁵³ namely, Ahab, Ahasuerus and Nebuchadnezzar.⁵⁴ Ahab, as it is written, As the Lord thy God liveth, there is no nation or kingdom whither my lord hath not sent to seek thee etc.⁵⁵ Now if he was not king over them, how could he make them take an oath? Nebuchadnezzar, as it is written: And it shall come to pass that the nation and the kingdom which will not serve the same Nebuchadnezzar king of Babylon and will not put their neck under the yoke of the King of Babylon.⁵⁶ Ahasuerus, as we have pointed out above

(1) Ezra IX, 9.

(2) Ps. LXVI, 12.

(3) Ps. XCVIII, 3.

(4) Since letters were sent to all the provinces of the Persian Empire.

(5) Prov. XXVIII, 15.

(6) Jer. IV, 7.

(7) Dan. VII, 5.

(8) V. A.Z. 2b.

(9) Heb. **המקרה** E.V. 'the rafters sink in'.

(10) Eccl. X, 18.

(11) Euphemism.

(12) Lev. XXVII, 8.

(13) Ps. CIV, 3.

(14) E.V. 'men'.

(15) Ps. CXXIV, 1, 2.

(16) Referring to Haman.

(17) Prov. XXIX, 2.

(18) Esth. VIII, 15

(19) Ibid. III, 15.

(20) Lit., 'said'.

(21) Deut. IV, 7.

- (22) Ibid. 34.
- (23) Esth. I, 1.
- (24) Deut. XXVIII, 68.
- (25) Lev. XXVI, 44.
- (26) [The order followed here differs from that in the parallel passage in the Yalkut a.I. which is the more chronological. V. Maharsha.]
- (27) Read with MS.M. 'Romans', v. Wilna Gaon Glosses.
- (28) I.e., the days of the Messiah. V. Ezek. XXXVIII, XXXIX.
- (29) Mattathias is usually identified with Hasmonai. [MS.M. omits 'Hasmonai and his sons'.]
- (30) Here also read with MS.M. 'Romans', v. Wilna Gaon Glosses.
- (31) Lit., 'tongue, language'
- (32) Num. XXXIII, 55.
- (33) Ibid. 56.
- (34) Heb. ahiw shel rosh.
- (35) Dan. II, 38.
- (36) Ezra IV, 6.
- (37) Heb. hushharu.
- (38) Heb.ah le-rosho.
- (39) Heb.rashin.
- (40) Esth.X, 1.
- (41) Gen.XXXVI,43.
- (42) Num. XXVI, 9.
- (43) II Chron. XXVIII, 22.
- (44) I Chron. I, 27.
- (45) Ex. VI, 26.
- (46) I Sam. XVII,14. E.V. youngest'.
- (47) The Heb. katan means both 'young' and 'humble'.
- (48) Because it does not say 'who was king'.
- (49) E.V. 'from India to Ethiopia'.
- (50) I Kings V, 4.
- (51) V. Sanh., Sonc. ed. p. 110, nn. 5-6.
- (52) Ex. VI, 20.
- (53) Heb. כִּיפּוֹה. Lit., 'arch', the space beneath the vault of the heaven.
- (54) Only those mentioned in Scripture are reckoned (Tosaf.).
- (55) I Kings XVIII, 10. The text continues, and when they said, he is not here, he took an oath, etc.
- (56) Jer. XXVII, 8.

Talmud - Mas. Megilah 11b

(Mnemonic: Sh'S'D'K')¹ But are there no more? Is there not Solomon? — He did not retain his kingdom [till his death]. This is a sufficient answer for the one who holds that he was first a king and then a subject.² But for the one who holds that he was first a king, then a subject, and then a king again, what can we reply? — Solomon was in a different category, because he ruled over the denizens of the upper world³ as well as of the lower, as it says, And Solomon sat upon the throne of the Lord.⁴

But was there not Sennacherib, as it is written, Who are they among all the gods of these countries that have delivered their country out of my hand.⁵ — There was Jerusalem which he had not subdued.

But was there not Darius, as it is written, Then king Darius wrote unto all the peoples, nations and languages that dwell in all the earth, Peace be multiplied unto you?⁶ — There were the seven over which he did not rule, as it is written, It pleased Darius to set over the kingdom a hundred and twenty satraps.⁷ But there was Cyrus, of whom it is written, Thus saith Cyrus king of Persia, All the kingdom of the earth hath the Lord given me?⁸ — There he was merely indulging in a boast.

In those days, when the king sat [on his throne].⁹ [How can this be] seeing that it says just afterwards, in the third year of his reign? — Raba said: What is meant by ‘when he sat’? After he began to feel secure. He reasoned thus: ‘Belshazar calculated and made a mistake; I have calculated and made no mistake’ — What is the meaning of this? — It is written, After seventy years are accomplished for Babylon I will remember you,¹⁰ and it is written, That He would accomplish for the desolations of Jerusalem seventy years.¹¹ He reckoned forty-five years of Nebuchadnezzar and twenty-three of Evilmerodach and two of his own, making seventy in all. He then brought out the vessels of the Temple and used them. And how do we know that Nebuchadnezzar reigned forty-five years? — As a Master has said: ‘They went into exile in the seventh year and they went into exile in the eighth year; they went into exile in the eighteenth year and they went into exile in the nineteenth year’ — [That is to say], in the seventh year after the subjection of Jehoiakim¹² they underwent the exile of Jeconiah, this being the eighth year of Nebuchadnezzar.¹³ In the eighteenth year from the subjection of Jehoiakim¹⁴ they underwent the exile of Zedekiah, this being the nineteenth year of Nebuchadnezzar,¹⁵ as a Master has said, In the first year [of his reign] he [Nebuchadnezzar] overthrew Nineveh; in the second year he conquered Jehoiakim¹⁶ and it is written, And it came to pass in the seven and thirtieth year of the captivity of Jehoiachin king of Judah, in the twelfth month in the seven and twentieth day of the month, that Evilmerodach King of Babylon, in the year of his reign, lifted up the head of Jehoiachin king of Judah and brought him forth out of prison.¹⁷ Eight and thirty-seven make forty-five of Nebuchadnezzar. The twenty-three of Evilmerodach we know from tradition. These with two of his own¹⁸ make seventy. He [Belshazar] said to himself, Now of a surety they will not be redeemed. So he brought out the vessels of the Temple and used them. Hence it was that Daniel said to him, but thou hast lifted up thyself against the Lord of heaven, and they have brought the vessels of his house before thee.¹⁹ It is further written, In that night Belshazar the Chaldean king was slain,²⁰ and it is written, And Darius the Mede received the kingdom, being about threescore and two years old.²¹ He [Ahasuerus] said: He calculated and made a mistake,²² I will calculate and make no mistake. Is it written, ‘seventy years for the kingdom of Babylon?’²³ It is written, seventy years for Babylon. What is meant by Babylon? The exile of Babylon — How many years [is this reckoning] less [than the other]? Eight.²⁴ So in place of them he inserted one of Belshazar,²⁵ five of Darius and Cyrus,²⁶ and two of his own, which made seventy — When he saw that seventy had been completed and they were not redeemed, he brought out the vessels of the Temple and used them — Then the Satan came and danced among them and slew Vashti.

But he reckoned correctly? — He also made a mistake, since he ought to have reckoned from the destruction of Jerusalem.²⁷ Granted all this, how many years are short? Eleven. How long did he reign? Fourteen.²⁸ Consequently in the fourteenth year of his reign he ought to have rebuilt the Temple. Why then is it written, Then ceased the work of the house of God which is at Jerusalem?²⁹ — Raba replied: The years were not full ones.³⁰

(1) Sh=Solomon (Shelomoh);S = Sennacherib; D = Darius; K = Koresh (Cyrus).

(2) Cf. Git. 68b.

(3) The demons.

(4) 1 Chron. XXIX, 23.

(5) Isa. XXXVI, 20.

(6) Dan. VI, 26.

(7) Ibid. 2.

(8) Ezra 1, 2.

- (9) Esth. I, 2. Which would naturally mean, immediately after his accession.
- (10) Jer. XXIX, 10.
- (11) Dan. IX, 2.
- (12) By Nebuchadnezzar, as explained infra. V. Jer. LII, 28: This is the people whom Nebuchadnezzar carried away captive: in the seventh year etc.
- (13) V. II Kings XXIV, 12: And Jehoiachin (Jeconiah) the king of Judah went out to the king of Babylon . . . and he took him in the eighth year of his reign.
- (14) Jer. LII, 29.
- (15) V. II Kings XXV, 8.
- (16) Jehoiakim served Nebuchadnezzar three years (II Kings XXIV, 1), and according to the Seder Olam, he was in rebellion for three years. (This is based on Daniel I, 1. In the third year of the reign of Jehoiakim, Nebuchadnezzar came to Jerusalem, etc. which is interpreted to mean, the third year of his rebellion. V. Rashi.) In the same year he was deposed and Jeconiah went into exile, and as this was the eighth of Nebuchadnezzar (v. supra), his subjection must have commenced in the second or third year of Nebuchadnezzar.
- (17) II Kings XXV, 27.
- (18) It was in the third year of his reign that he gave his feast.
- (19) Dan. V, 23.
- (20) Ibid. 30.
- (21) Ibid. VI, 1.
- (22) In thinking that the prophecy had already been falsified.
- (23) I.e., from the accession of Nebuchadnezzar.
- (24) Because the exile of Jeconiah took place in the eighth year of Nebuchadnezzar. V. supra
- (25) I.e., the third year of Belshazar, which he himself did not reckon.
- (26) According to the Talmudic chronology, the Darius mentioned in Daniel VI was succeeded by the Cyrus who gave permission for the building of the Temple. On what authority they are supposed to have reigned five years is not clear.
- (27) Which took place eleven years after the exile of Jehoiachin.
- (28) Haman cast lots in the twelfth year (Esth. III, 7). The deliverance took place in the next year, and the second letter of Esther (v. Esth. IX, 29) is supposed to have been sent out in the next.
- (29) Until the second year of Darius who succeeded Ahasuerus. Ezra IV, 24.
- (30) I.e., the five years of Darius I and Cyrus were really only four, and a year may also have been added to the reigns of Nebuchadnezzar and Evilmerodach, so that the seventy years were really not completed till the second year of Darius II.

Talmud - Mas. Megilah 12a

It has been taught to the same effect: There was yet another year left to Babylon,¹ and Darius arose and completed it.

Raba said: Daniel also made a mistake in this calculation, as it is written, In the first year of his reign, I Daniel meditated in the books [etc.].² From his use of the words 'I meditated' we can infer that he [at first] made a mistake.

All the same, there is a contradiction between the texts [is there not]? It is written [in one], when there are accomplished for Babylon,³ and it is written [in the other], for the desolations of Jerusalem? — Raba replied: [The first term] was for visitation [pekidah] only, and this was fulfilled, as it is written, Thus saith Cyrus king of Persia, All the kingdoms of the earth hath the Lord, the God of the heavens, given to me, and he hath charged [pakad] me to build him a house in Jerusalem.⁴

R. Nahman son of R. Hisda gave the following exposition. What is the meaning of the verse, Thus saith the Lord to his anointed to Cyrus, whose right hand I have holden.⁵ Now was Cyrus the Messiah? Rather what it means is: The Holy One, blessed be He, said to the Messiah: I have a complaint on thy behalf against Cyrus.⁶ I said, He shall build my house and gather my exiles,⁷ and he [merely] said, Whosoever there is among you of all his people, let him go up.

The army of Persia and Media, the nobles. And elsewhere it is written, [The chronicles] of the kings of Media and Persia.⁸ [How is this]? — Raba replied: They [the Medes and Persians] made a stipulation with one another, saying, if we supply the kings, you will supply the Governors, and if you supply the kings we will supply the Governors.

When he showed the riches of his glorious [tif'ereh] kingdom. R. Jose b. Hanina said: This shows that he arrayed himself in priestly robes. It is written here, 'the riches of his glorious [tif'ereh] kingdom', and it is written elsewhere [in connection with the priestly garments], for splendour and for glory, [tif'ereh].⁹

And when these days were fulfilled.¹⁰ Rab and Samuel interpreted this differently. One said he was a clever king, and the other said that he was a foolish king. The one who held he was a clever king said that he did well in entertaining¹¹ his distant subjects first, because he could win over the inhabitants of his own city any time he wished. The one who held that he was foolish says that he ought to have entertained the inhabitants of his metropolis first, so that if the others rebelled against him, these would have supported him.

R. Simon b. Yohai was asked by his disciples, Why were the enemies of Israel¹² in that generation deserving of extermination? He said to them: Do you answer. They said: Because they partook of the feast of that wicked one.¹³ [He said to them]: If so, those in Susa should have been killed, not those in other parts?¹⁴ They then said, Give your answer. He said to them: It was because they bowed down to the image.¹⁵ They said to him, Did God then show them favouritism?¹⁶ He replied: They only pretended to worship,¹⁷ and He also only pretended to exterminate them; and so it is written, For he afflicted not from his heart.¹⁸ In the court of the garden of the king's palace.¹⁹ Rab and Samuel gave different interpretations of this — One said that those who had the entree²⁰ of the court were [entertained] in the court, and those who had the entree of the garden in the garden, and those who had the entree of the palace in the palace. The other said: He first put them in the court, and it did not hold them — Then he took them into the garden and it did not hold them; and finally he had to take them into the palace, and he found room for them. In a Baraitha it was taught: He took them into the court and opened two doors for them, one into the garden and one into the palace.

White [hur], fine cotton [karpas] and blue.²¹ What is hur? — Rab said, fine lace-work. Samuel said: He spread for them, carpets of white silk. Karpas: R. Jose b. Haninah said: [this means] cushions of velvet.²²

Upon silver rods and pillars of marble; the couches were of gold and silver.²¹ It has been taught: R. Judah said: Silver for some and gold for others, according to their degree. Said R. Nehemiah to him: If that were so, there would have been²³ jealousy at the banquet! No; the couches themselves were of silver and their feet of gold.

Green [bahat] and white marble.²¹ R. Assi said: [This means] stones that flash back at their owner;²⁴ and so it says, as the stones of a crown, glittering over his land.²⁵

And shell [dar] and onyx marble [sohareh].²¹ Rab said: This means rows [dari] upon rows.²⁶ Samuel says: There is a precious stone in the seaports called darah. He put it in the midst of the guests, and it lit up the place as at midday [Sahara].²⁷ In the school of R. Ishmael it was taught: It means that he gave a remission of taxes [deror] to all who dealt in merchandise [sehorah].

And they gave them drink in vessels of gold, the vessels being diverse [shonim] one from another.²⁸ It should have said, in different vessels? — Raba said: A bath kol²⁹ went forth and said to them, Your predecessors³⁰ met their end on account of vessels, and yet you use them again

[shonim]?³¹

And royal wine in abundance.²⁸ Rab said: This teaches that each one was given to drink wine older³² than himself.

And the drinking was according to law.³³ What is meant by ‘according to law’? — R. Hanan said in the name of R. Meir: According to the law of the Torah. Just as according to the law of the Torah the [quantity of] food exceeds the drink,³⁴ so in the feast of that wicked one there was more food than drink.

None did compel.³³ R. Eleazar said: This teaches that each one was given to drink from the wine of his own country.³⁵

That they should do according to every man's [ish, ish] pleasure.³³ Raba said: This means that they should do according to the will of Mordecai and Haman.³⁶ Mordecai [is called ‘man’] as it is written, A Jewish man;³⁷ and Haman, [as it is written], a man, an adversary and an enemy.³⁸

Also Vashti the queen made a feast for the women in the royal house.³⁹ It should have said, ‘the women's house’? — Raba said: Both of them [Ahasuerus and Vashti] had an immoral purpose. This bears out the popular saying, He with large pumpkins and his wife

(1) I.e., when Belshazar was killed, according to Seder Olam, only sixty-nine years had passed since Nebuchadnezzar had subdued Jehoiakim, and not seventy as reckoned above.

(2) Dan. IX, 2. Heb. **בִּינּוּתִי**, which conveys the idea of calculating and revising.

(3) Ibid. I.e., from the rise of Nebuchadnezzar.

(4) Ezra I, 2. But the actual building was commenced some years later.

(5) Isa. XLV, 1.

(6) And we translate: ‘God said to his anointed regarding Cyrus’.

(7) Ibid. 13.

(8) Esth. X, 2. Here ‘kings’ is put next to Media, not next to Persia as in the case of the ‘nobles’ in the earlier passage.

(9) Ex. XXVIII, 2.

(10) Esth. 1,5.

(11) Lit., ‘bringing near’.

(12) Euphemism for ‘Israel’.

(13) Ahasuerus.

(14) As only those in Susa were invited.

(15) Set up by Nebuchadnezzar.

(16) By delivering them, since they really deserved to be exterminated.

(17) Lit., ‘they did only for appearance’.

(18) Lam. III, 33. **מִלְבּוֹן** is rendered ‘without heart’, **ל** being taken as partitive: God does not afflict him who sins without intent (Maharsha).]

(19) Esth. I, 5.

(20) Lit., ‘he who was worthy’.

(21) Esth. I, 6.

(22) These interpretations are based on similarities in sound to the words hur and Karpas.

(23) Lit., ‘you cast’.

(24) **מִתְחַוָּטוּת** play on **בְּהַט** (‘green marble’). [Aliter: much sought after by their owners (v. Rashi).]

(25) **מִתְנוּסָמוֹת** Zech. IX, 16. [On Rashi's interpretation the verse is to be rendered as ‘stones of a crown obtainable only after many trials (**נִסְיוֹנוֹת**)’.]

(26) Possibly mosaics are meant (Jastrow).

(27) V. Rashi.

(28) Esth. I, 7

- (29) V. Glos.
 (30) Belshazar and his company.
 (31) Lit., 'repeat'.
 (32) The word rab (in abundance) being taken in its other sense of 'older'.
 (33) Ibid. 8.
 (34) E.g., the meal-offering for a bullock was three tenth deals, and the wine-offering only half a hin.
 (35) Which did not easily intoxicate him.
 (36) [Both served as butlers at the banquet (Rashi).]
 (37) Ibid. II, 5.
 (38) Ibid. VII, 6.
 (39) Ibid. I, 9.

Talmud - Mas. Megilah 12b

with small pumpkins.

On the seventh day, where the king's heart was merry with wine.¹ Was then his heart not merry with wine until then? — Rab said: The seventh day was Sabbath, when Israel eat and drink. They begin with discourse on the Torah and with words of thanksgiving [to God]. But the nations of the world, the idolaters, when they eat and drink only begin with words of frivolity. And so at the feast of that wicked one. Some said, The Median women are the most beautiful, and others said, The Persian women are the most beautiful. Said Ahasuerus to them, The vessel that I use is neither Median nor Persian, but Chaldean. Would you like to see her? They said, Yes, but it must be naked — (For man receives measure for measure.² This [remark] teaches you that the wicked Vashti used to take the daughters of Israel and strip them naked and make them work on Sabbath.³ So it is written, After these things when the wrath of the king Ahasuerus abated, he remembered Vashti and what she had done and what was decided against her.⁴ As she had done so it was decreed against her.)

And the queen Vashti refused.⁵ Let us see. She was immodest, as the Master said above, that both of them had an immoral purpose. Why then would she not come? — R. Jose b. Hanina said: This teaches that leprosy broke out on her. In a Baraitha it was taught that Gabriel came and fixed a tail on her.⁶

And the king was very angry,⁵ Why was he so enraged? — Raba said: She sent him back answer: Thou son of my father's steward,⁷ my father drank wine in the presence of a thousand,⁸ and did not get drunk, and that man has become senseless with his wine. Straightway, his wrath burnt within him.⁵

And the king said to the wise men.⁹ Who are the wise men? — The Rabbis. Who knew the times:⁹ that is, who knew how to intercalate years and fix new moons. He said to them: Try her for me. They said [to themselves]: What shall we do? If we tell him to put her to death, to-morrow he will become sober¹⁰ again and he will require her from us. Shall we tell him to let her go? She will lose all her respect for royalty. So they said to him: From the day when the Temple was destroyed and we were exiled from our land, counsel has been taken from us and we do not know how to judge capital cases. Go to Ammon and Moab¹¹ who have remained in their places like wine that has settled on its lees. They spoke to him thus with good reason, since it is written, Moab hath been at ease from his youth, and he hath settled on his lees, and hath not been emptied from vessel to vessel, neither hath he gone into captivity. Therefore his taste remaineth in him, and his scent is not changed.¹² Straightway [he did so, as we read], and the next unto him was Carshena, Shethar, Admatha, Tarshish [etc.].¹³ R. Levi said: Every name in this verse contains a reference to the sacrifices. Thus, Carshena: the ministering angels said to the Holy One, blessed be He: Sovereign of the Universe, did

they ever offer before thee lambs of the first year [karim bene shanah] as Israel offered before Thee? Shethar: did they ever offer before Thee two pigeons [shte torim]? Admatha: did they ever build before Thee an altar of earth [adamah]? Tarshish: did they ever minister before Thee in the priestly garments, of which it is written [that they contained] a beryl [tarshish], an onyx and a jasper?¹⁴ Meres: did they ever stir [mersu] the blood [of the sacrifice] before Thee? Marsena: did they ever stir [mersu] the meal-offerings before Thee? Memucan: did they ever prepare [hekinu] a table before Thee?

And Memucan said.¹⁵ A Tanna taught: Memucan is the same as Haman, And why was he called Memucan? Because he was destined [mukan] for punishment. R. Kahana said: From here we see that an ordinary man always pushes¹⁶ himself in front.¹⁷

That every man should bear rule in his house.¹⁸ Raba said: Had it not been for these first letters, there would have been left no shred or remnant of the enemies of Israel.¹⁹ People said: What does he mean by sending us word that every man should bear rule in his own house? Of course he should! Even a weaver in his own house must be commander!²⁰

And let the king appoint officers.²¹ Rabbi said: What is the meaning of the verse, Even prudent man dealeth with forethought, but a fool unfoldeth folly?²² 'Every prudent man dealeth with forethought': this applies to David, of whom, it is written, Wherefore his servants said unto him, Let there be sought for my lord the king a young virgin:²³ every one who had a daughter brought her.²⁴ But a fool unfoldeth folly': this applies to Ahasuerus, of whom it is written, and let the king appoint officers: whoever had a daughter hid her.²⁵

There was a certain Jew in Shushan the castle, etc. a Benjamite.²⁶ What is the point of this verse? If it is to give the pedigree of Mordecai, it should trace it right back to Benjamin!²⁷ [Why then were only these specified?] — A Tanna taught: All of them are designations [of Mordecai]. 'The son of Jair' means, the son who enlightened [he'ir] the eyes of Israel by his prayer. 'The son of Shimei means, the son to whose prayer God hearkened [shama']. 'The son of Kish' indicates that he knocked [hikkish] at the gates of mercy and they were opened to him. He is called 'a Jew' [yehudi] which implies that he came from [the tribe of] Judah, and he is called 'a Benjamite', which implies that he came from Benjamin. [How is this]? — R. Nahman said: He was a man of distinguished character.²⁸ Rabbah b. Bar Hanah said in the name of R. Joshua b. Levi: His father was from Benjamin and his mother from Judah. The Rabbis, however, said: The tribes competed with one another [for him]. The tribe of Judah said: I am responsible for the birth of Mordecai, because David did not kill Shimei the son of Gera, and the tribe of Benjamin said: He is actually descended from me. Raba said: The community of Israel explained [the two designations] in the opposite²⁹ sense: 'See what a Judean did to me and how a Benjamite repaid me!' What a Judean did to me

(1) Ibid. 10.

(2) Lit., 'for with the measure with which a man measures they measure to him'.

(3) [Add with MS.M.: 'Therefore was it decreed that she should be killed naked on Sabbath'.]

(4) Esth. II, 1.

(5) Ibid. I, 12.

(6) [זנב] does not necessarily mean a 'tail' but any projection or growth, v. Aruch s.v. זנב.]

(7) [Var. lec., 'Thou steward of my father'. Ahasuerus was said to have been the steward of Belshazar, the father of Vashti.]

(8) V. Dan. V, 1.

(9) Esth. I, 13.

(10) Lit., 'his wine will pass off'.

(11) According to Tosaf., 'Ammon' here should be omitted, as the Ammonites were carried into exile by Nebuchadnezzar.

- (12) Jer. XLVIII, 11.
 (13) Esth. I, 14.
 (14) Ex. XXVIII, 20.
 (15) Esth. I, 16.
 (16) Lit., 'jumps'.
 (17) Memucan is mentioned last of the seven princes, and yet it was he who spoke first.
 (18) Ibid. 22.
 (19) Euphemism for Israel. Had the people not seen from this letter how foolish the king was, when the next letter was sent out for the destruction of the Jews, they would not have waited till the appointed day.
 (20) Pardashca: a Persian word meaning 'policeman' or 'officer'.
 (21) Esth. II, 3.
 (22) Prov. XIII, 16.
 (23) I Kings I, 2.
 (24) Since only one was to be tried.
 (25) Because all were to be tried, though only one was to be closed.
 (26) Esth. II, 5.
 (27) And not mention three names only.
 (28) Lit., 'crowned with his nimus'. The word nimus means in the Talmud 'manner', or 'way' (**), hence bearing, character. Rashi translates 'with his names' (as just explained) as if 'nimus' here = Greek **. [Var. lec. add 'as an ornament', כְּעֵדִי. V. Aruch who explains: He was adorned with the precepts of the Law as with an ornament. Yehudi as applied to Mordecai then does not denote a tribal name but is an epithet of distinction.]
 (29) I.e., derogatory.

Talmud - Mas. Megilah 13a

viz., that David did not kill Shimei from whom was descended Mordecai who provoked Haman. 'And how a Benjamite repaid me', viz., that Saul did not slay Agag from whom was descended Haman who oppressed Israel. R. Johanan said: He did indeed come from Benjamin. Why then was he called 'a Jew'? Because he repudiated idolatry. For anyone who repudiates idolatry is called 'a Jew', as it is written, There are certain Jews¹ etc.

R. Simon b. Pazzi once introduced an exposition of the Book of Chronicles as follows: 'All thy words are one,² and we know how to find their inner meaning'. [It is written], And his wife the Jewess bore Jered the father of Gedor, and Heber the father of Socho, and Jekuthiel the father of Zanoah, and these are the sons of Bithya the daughter of Pharaoh, whom Mered took.³ Why was she [the daughter of Pharaoh] called a Jewess? Because she repudiated idolatry, as it is written, And the daughter of Pharaoh went down to bathe in the river,⁴ and R. Johanan, [commenting on this,] said that she went down to cleanse herself⁵ from the idols of her father's house. 'Bore': But she only brought him [Moses] up? — This tells us that if anyone brings up an orphan boy or girl in his house, the Scripture accounts it as if he had begotten him. 'Jered': this is Moses. Why was he called Jered? Because manna came down [yarad] for Israel in his days.⁶ 'Gedor': [he was so called] because he fenced in [gadar] the breaches of Israel. 'Heber', because he joined [hiber] Israel to their Father in heaven. 'Socho', because he was like a sheltering booth [sukkah] for Israel. 'Jekuthiel', because Israel trusted in God [kiwu le'el] in his days. 'Zanoah', because he made Israel abandon [hizniah] their iniquities. 'Father of', 'father of', 'father of': he was a father in Torah, a father in wisdom, a father in prophecy. 'These are the sons of Bithya whom Mered took'. Was Mered his name? Was not Caleb his name?⁷ — The Holy One, blessed be He, said: Let Caleb who rebelled [marad] against the plan of the spies come and take the daughter of Pharaoh who rebelled against the idols of her father's house.

Who had been carried away from Jerusalem.⁸ Raba said: [We understand this to mean] that he went into exile of his own accord.⁹

And he brought up Hadassah.¹⁰ She is called Hadassah¹¹ and she is called Esther. It has been taught: Esther was her proper name. Why then was she called Hadassah? After the designation of the righteous who are called myrtles,¹² for so it says, And he stood among the myrtle trees.¹³ R. Judah says: Hadassah was her name — Why then was she called Esther? Because she concealed [mastereth] the facts about herself, as it says, Ester did not make known her people or her kindred.¹⁴ R. Nehemiah says: Hadassah was her name. Why then was she called Esther? All peoples called her so after Istahar.¹⁵ Ben ‘Azzai said: Esther was neither too tall nor too short, but of medium size, like a myrtle. R. Joshua b. Korha said: Esther was sallow,¹⁶ but endowed with great charm.¹⁷

For she had neither father nor mother. [And it continues] and when her father and mother died.¹⁰ Why these last words?¹⁸ — R. Aha said: When her mother became pregnant with her, her father died; when she was born, her mother died.

And when her father and mother died, Mordecai took her for his own daughter.¹⁹ A Tanna taught in the name of R. Meir: Read not ‘for a daughter’ [le-bath], but ‘for a house’ [le-bayith].²⁰ Similarly it says: But the poor man had nothing save one little ewe lamb, which he had brought up and reared; and it grew up together with him, and with his children; it did eat of his own morsel, and drank of his own cup, and lay in his bosom, and was unto him as a daughter.²¹ Because it lay in his bosom, was it like a daughter to him? Rather what it means is like a wife; so here, it means a wife.

And the seven maidens who were meet to be given to her.²² Raba said: [They were seven so that] she could count the days of the week by them.

And he changed²³ her and her maidens. Rab said: [This means that] he gave her Jewish food to eat. Samuel, however, said, it means that he gave her chinses of pork²⁴ while R. Johanan said that he gave her pulse, and so it says, So the steward took away their food and gave them pulse.²⁵

Six months with the oil of myrrh.²⁶ What is the oil of myrrh? R. Hiyya b. Abba said, Satchet;²⁷ R. Huna said, Oil from olives not a third grown. It has been taught: R. Judah says that anpikinun²⁸ is oil of olives not a third grown. Why is it used for smearing? Because it removes hair and makes the skin soft.

In the evening she went and on the morrow she returned.²⁹ From the discreditable account of that wicked man we can learn something to his credit, namely, that he did not perform his marital office by day.

And Esther obtained favour.³⁰ R. Eleazar said: This informs us that every man took her for a member of his own people.

So Esther was taken unto king Ahasuerus into his house royal in the tenth month, which is the month Tebeth:³¹ the month when body warms up body.³² And the king loved Esther above all the women, and she obtained grace and favour in his sight more than all the virgins.³³ Rab said: If he wanted to find in her the taste of a virgin he found it; if the taste of a married woman, he found it.

Then the king made a great feast.³⁴ He made a feast for her, and she did not tell him [who she was]. He remitted taxes,³⁵ and she did not tell him. He sent gifts,³⁶ and she [still] did not tell him.

And when the virgins were gathered together the second time, etc.³⁷ He went and took counsel of Mordecai who said, The way to rouse a woman is to make her jealous;³⁸ and even so she did not tell.

R. Eleazar said: What is the meaning of the verse,

- (1) Dan. III, 12. Though Hananiah, Mishael and Azariah to whom he refers were not of the tribe of Judah. V. Sanh. 93 b (Tosaf.).
- (2) I.e., numerous names in the Book of Chronicles refer to the same person.
- (3) I Chron. IV, 18.
- (4) Ex. II, 5.
- (5) By means of the tebillah or ceremonial bath taken by a proselyte.
- (6) According to Wilna Gaon the correct reading is, 'because he brought down the Torah (from Heaven) for Israel'.
- (7) As stated in I Chron. IV, 15.
- (8) Esth. II, 6.
- (9) The ground of this inference is not clear. Possibly Raba is stressing the word עִם, as meaning 'in company with', 'on a footing of equality with', instead of אִתּוֹ, which would have meant 'taken along with as subsidiary'.
- (10) Ibid. 7.
- (11) Lit., 'myrtle'.
- (12) V. Sanh. 93a.
- (13) Zech. I, 8.
- (14) Esth. II, 20.
- (15) The planet Venus (Jast.).
- (16) Lit., 'greenish', like a myrtle leaf.
- (17) Lit., 'a thread of grace was drawn about her'.
- (18) Which seem superfluous.
- (19) Esth. II, 7.
- (20) I.e., a wife.
- (21) II Sam. XII,3.
- (22) Esth. II, 9.
- (23) E.V., 'advanced'.
- (24) קִדְלֵי דַחֲזִירֵי. Not that she necessarily ate them (Tosaf.). [Var. lec. קִדְלֵי דַחֲזִירֵי 'heads of radish' — a delicatessen, v. Aruch.]
- (25) Dan. I, 16; of Daniel and his companions.
- (26) Esth. II, 12.
- (27) Heb. סִטְכַת=**.
- (28) **, a kind of oil that was not allowed to be used for sacrifices.
- (29) Ibid. 14.
- (30) Ibid. 15.
- (31) Ibid. 16.
- (32) The season being midwinter.
- (33) Esth. II, 17.
- (34) Ibid. 18.
- (35) As it says here, 'and he made a release to the provinces'.
- (36) As it says, 'and gave gifts, according to the bounty of the king'.
- (37) Ibid. 19
- (38) Lit., 'a woman is only jealous of the thigh of another'.

Talmud - Mas. Megilah 13b

He withdraweth not his eyes from the righteous?¹ In reward for the modesty displayed by Rachel, she was granted to number among her descendants Saul; and in reward for the modesty displayed by Saul, he was granted to number among his descendants Esther.² What was the modesty displayed by Rachel? — As it is written: And Jacob told Rachel that he was her father's brother.³ Now was he her father's brother? Was he not the son of her father's sister? What it means is this: He said to her, Will you marry me? She replied, Yes, but my father is a trickster, and he will outwit you.⁴ He replied, I am his brother in trickery. She said to him, Is it permitted to the righteous to indulge in trickery? He

replied. Yes: with the pure thou dost show thyself pure and with the crooked thou dost show thyself subtle.⁵ He said to her, What is his trickery? She replied : I have a sister older than I am , and he will not let me marry before her. So he gave her certain tokens. When night came, she said to herself, Now my sister will be put to shame. So she handed over the tokens to her. So it is written, And it came to pass in the morning that, behold, it was Leah.⁶ Are we to infer from this that up to now she was not Leah? What it means is that on account of the tokens which Rachel gave to Leah he did not know till then. Therefore she was rewarded by having Saul among her descendants — What modesty did Saul display? — As it is written, But concerning the matter of the kingdom whereof Samuel spoke he told him not.⁷ He was therefore rewarded by having Esther among his descendants.

R. Eleazar further said: When the Holy One, blessed be He, assigns greatness to a man, he assigns it to his sons and his sons' sons for all generations, as it says, [With kings on the throne;] He setteth them for ever and they are exalted.⁸ If, however, he becomes arrogant, God humiliates him, as it says. And if they be bound in fetters etc.⁹

For Esther did the commandment of Mordecai.¹⁰ R. Jeremiah said: [This means] that she used to show the blood of her impurity to the Sages.

Like as when she was brought up with him.¹⁰ Rabbah b. Lema said in the name of Rab: [This means] that she used to rise from the lap of Ahasuerus and bathe and sit in the lap of Mordecai.¹¹

In those days, while Mordecai sat in the king's gate, Bigthan and Teresh were wroth.¹² R. Hiyya b. Abba said in the name of R. Johanan: The Holy One, blessed be He, [once] caused a master to be wroth with his servants in order to fulfil the desire of a righteous man, namely Joseph, as it says, And there was with us there a young man, a Hebrew, etc.;¹³ and servants with their master in order to perform a miracle for a righteous man, namely, Mordecai, as it is written, 'And the thing was known to Mordecai etc. ' R. Johanan said: Bigthan and Teresh were two Tarseans¹⁴ and conversed in the Tarsean language. They said: From the day this woman came we have been able to get no sleep.¹⁵ Come, let us put poison in the dish so that he will die. They did not know that Mordecai was one of those who had seats in the Chamber of Hewn Stone,¹⁶ and that he understood seventy languages.¹⁷ Said the other to him, But are not my post and your post different?¹⁸ He replied: I will keep guard at my post and at yours. So it is written, And when inquisition was made, he was found,¹⁹ that is to say, they were not [both] found at their posts.

After these things.²⁰ After what? — Raba said: After God had created a healing for the blow [which was about to fall]. For Resh Lakish has said: The Holy One, blessed be He, does not smite Israel unless He has created for them a healing beforehand, as it says . When I have healed Israel, then is the iniquity of Ephraim uncovered.²¹ Not so, however, with the other nations: He smites them first, and then creates for them a healing, as it says: The Lord will smite Egypt, smiting and healing.²²

But it seemed contemptible in his eyes to lay hands on Mordecai alone.²³ At first he aimed at 'Mordecai alone', then at 'the people of Mordecai' — and who are these? The Rabbis; and finally at 'all the Jews'.

They cast pur, that is the lot.²⁴ A Tanna taught: When the lot fell on the month of Adar, he rejoiced greatly. saying, The lot has fallen for me on the month in which Moses died. He did not know, however, that Moses died on the seventh of Adar and was born on the sixth of Adar.

There is one people.²⁵ Raba said: There never was a traducer so skillful as Haman. He said to Ahasuerus, Come, let us destroy them. He replied: I am afraid of their God, lest He do to me as He did to my predecessors. He replied: They are 'negligent'²⁶ of the precepts. He said, There are Rabbis

among them.²⁷ He replied. They are ‘one people’.²⁸ Should you say that I will make a void²⁹ in your kingdom, [I reply], they are ‘scattered abroad among the peoples’. Should you say. There is some profit in them, I reply, ‘they are dispersed’ [nifredu], like an isolated bough [peridah] that does not bear fruit. Should you say that they occupy one province, I reply, ‘they are in all the provinces of thy kingdom’. ‘Their laws are diverse from those of every other people’: they do not eat of our food, nor do they marry our women nor give us theirs in marriage, ‘Neither keep they the king's laws’, since they evade taxes the whole year³⁰ by their loitering and sauntering.³¹ ‘Therefore it profiteth not the king to suffer them’, because they eat and drink and despise the throne. For if a fly falls into the cup of one of them, he throws it out and drinks the wine, but if my lord the king were to touch his cup, he would dash it on the ground and not drink from it. ‘If it please the king, let it be written that they be destroyed, and I will pay ten thousand talents of silver’: Resh Lakish said: It was well known beforehand to Him at whose word the world came into being that Haman would one day pay shekels for the destruction of Israel. Therefore He anticipated his shekels with those of Israel. And so we have learnt: ‘On the first of Adar³² proclamation is made regarding the shekalim³³ and the mixed seeds’.³⁴

And the king said to Haman, The silver is given to thee and the people also, to do with them as it seemeth good to thee.³⁵ R. Abba said:

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- (1) Job XXXVI, 7.
 - (2) There seems to be no authority in the Scripture for this statement. V. Rashi
 - (3) Gen. XXIX, 12.
 - (4) Lit., ‘you will not be able to deal with him’.
 - (5) II Sam. XXII, 27.
 - (6) Gen. XXIX, 25.
 - (7) I Sam. X, 16.
 - (8) Job XXXVI, 7.
 - (9) Ibid. 8. How the text implies this is not clear. V. Maharsha.
 - (10) Esth. II, 20.
 - (11) As wife. The word **באמנה** (brought up) means literally ‘nursing’.
 - (12) Ibid. 21.
 - (13) Gen. XLI, 12.
 - (14) There was a Tarsus in Cilicia and in Cappodocia and it is not certain which is referred to.
 - (15) Having always to dance attendance on Ahasuerus.
 - (16) **לשכת הגזית**. The meeting place of the Sanhedrin in the Temple at Jerusalem.
 - (17) V. Sanh. 17a.
 - (18) So that neither of us can do duty for both.
 - (19) E.V., ‘it was found’.
 - (20) Esth. III, 1.
 - (21) Hos. VII, 1. E.V., ‘when I would heal’.
 - (22) Isa. XIX, 22.
 - (23) Esth. III, 6.
 - (24) Ibid. 7.
 - (25) Ibid. 8. E.V. ‘a certain people’.
 - (26) **ישנים**, lit., ‘asleep’ from a play on the word **ישנו** (there is).
 - (27) Who keep the precepts.
 - (28) And all hang together.
 - (29) Lit., ‘baldness’.
 - (30) Lit., ‘they bring out the whole year with’.
 - (31) Heb. **שהי פהי**, which may also be an abbreviation for **שבת היום פסח היום** ‘To-day is Sabbath, to-day is Passover’.
 - (32) I.e. , fourteen days before the date fixed by Haman.

(33) For the repair of the Temple.

(34) Which it is now time to uproot. V. Shek. I, 1.

(35) Esth. III, 11.

Talmud - Mas. Megillah 14a

To what can we compare Ahasuerus and Haman at this point? To two men one of whom had a mound in the middle of his field and the other a ditch in the middle of his field. The owner of the ditch said, I wish I could buy that mound, and the owner of the mound said, I wish I could buy that ditch. One day they met, and the owner of the ditch said, Sell me your mound, whereupon the other replied, Take it for nothing, and I shall be only too glad.¹

And the king removed his ring.² R. Abba b. Kahana said: This removal of the ring was more efficacious than forty-eight prophets³ and seven prophetesses⁴ who prophesied to Israel; for all these were not able to turn Israel to better courses, and the removal of the ring did turn them to better courses.⁵

Our Rabbis taught: 'Forty-eight prophets and seven prophetesses prophesied to Israel, and they neither took away from nor added aught to what is written in the Torah save only the reading of the Megillah'. How did they derive it [from the Torah]? — R. Hiyya b. Abin said in the name of R. Joshua b. Korha: If for being delivered from slavery to freedom we chant a hymn of praise, should we not do so all the more for being delivered from death to life? If that is the reason we should say Hallel⁶ also? — [We do not do so] because Hallel is not said for a miracle which occurred outside of the land of Israel. How then do we come to say it for the Exodus from Egypt which was a miracle which occurred outside the land of Israel? — As it has been taught: 'Until they entered the land of Israel, all lands were counted as proper for chanting a hymn of praise [for miracles done in them] — After they had entered the land, other countries were not counted as proper for chanting a hymn of praise [for miracles done in them]. R. Nahman said: The reading of the Megillah is equivalent to Hallel. Raba said:⁷ There is a good reason in that case [of the Exodus from Egypt] because it says [in the Hallel], Praise ye O servants of the Lord, who are no longer servants of Pharaoh — But can we say in this case, Praise ye, servants of the Lord and not servants of Ahasuerus? We are still servants of Ahasuerus! Whether on the view of Raba⁸ or on the view of R. Nahman,⁹ there is a difficulty in what has been taught [above], that 'after they had entered the land, other countries were not counted as proper for chanting a hymn of praise [for miracles done in them]'? — When the people went into exile, the other countries became proper as at first.

Were there no more prophets than these [forty-eight]? — Is it not written, How there was a man from Ramathaim-Zophim,¹⁰ [which we interpret], one of two hundred prophets [zophim]¹¹ who prophesied to Israel? — There were actually very many, as it has been taught, 'Many prophets arose for Israel, double the number of [the Israelites] who came out of Egypt', only the prophecy which contained a lesson for¹² future generations was written down, and that which did not contain such a lesson was not written.

R. Samuel b. Nahmani said: This [Ramathaim-Zophim] means, a man who came from two heights which faced one another.¹³ R. Hanin said: It means, a man who came from ancestors of the most exalted position.¹⁴ And who were they? The sons of Korah, as it says, And the sons of Korah did not die.¹⁵ A Tanna taught in the name of our Teacher:¹⁶ A special place was assigned¹⁷ to them in Gehinnom and they stood on it.

'Seven prophetesses'. Who were these? — Sarah, Miriam, Deborah, Hannah, Abigail, Hulda and Esther. 'Sarah', as it is written, The father of Milkah and the father of Yiscah',¹⁸ and R. Isaac said [on this]. Yiscah is Sarah; and why was she called Yiscah? Because she discerned [sakethah] by

means of the holy spirit, as it is said, In all that Sarah saith unto thee, hearken to her voice.¹⁹ Another explanation is: because all gazed [sakin] at her beauty. ‘Miriam’, as it is written, And Miriam the prophetess the sister of Aaron.²⁰ Was she only the sister of Aaron and not the sister of Moses? — R. Nahman said in the name of Rab: [She was so called] because she prophesied when she was the sister of Aaron [only]²¹ and said, My mother is destined to bear a son who will save Israel. When he was born the whole house was filled with light, and her father arose and kissed her on the head, saying, My daughter, thy prophecy has been fulfilled. But when they threw him into the river her father arose and tapped her on the head, saying, Daughter, where is thy prophecy? So it is written, And his sister stood afar off to know;²² to know, [that is,] what would be with the latter part of her prophecy. ‘Deborah’, as it is written, Now Deborah a prophetess, the wife of Lapidoth.²³ What is meant by a woman of flames²³ ? [She was so called] because she used to make wicks for the Sanctuary. And she sat under a palm tree²⁴ Why just a palm tree? — R. Simeon b. Abishalom said: [To avoid] privacy.²⁵ Another explanation is: Just as a palm tree has only one heart, so Israel in that generation had only one heart devoted to their Father in heaven. ‘Hannah’, as it is written, And Hannah prayed and said, My heart exulteth in the Lord, my horn is exalted in the Lord.²⁶ [She said], my horn is exalted’, and not, my cruse is exalted’, thus implying that the royalty of [the hour of] David and Solomon, who were anointed from a horn,²⁷ would be prolonged,²⁸ but the royalty of [the house of] Saul and Jehu,²⁹ who were anointed with a cruse, would not be prolonged.

There is none holy as the Lord, for there is none beside thee.³⁰ R. Judah b. Menashia said: Read not bilteka, ‘beside thee’], but read lebalotheka [‘to survive thee’]. For the nature of the Holy One, blessed be He, is not like that of flesh and blood. It is the nature of flesh and blood to be survived by its works, but God survives His works. Neither is there any rock [zur] like our God.³⁰ There is no artist [zayyar] like our God. A man draws a figure on a wall, but is unable to endow it with breath and spirit, inward parts and intestines. But the Holy One, blessed be He, fashions a form within a form and endows it with breath and spirit, inward parts and intestines.

‘Abigail’, as it is written, And it was so, as she rode on her ass and came down by the covert of the mountain.³¹ ‘By the covert [sether] of the mountain’? It should say from the mountain’! — Rabbah b. Samuel said: It means that she came with reference to blood that came from the hidden parts [setharim]. She brought some blood and showed it to him.³² He said to her: Is blood to be shown by night? She replied: Are capital cases tried at night?³³ He said to her:

(1) Lit., ‘would it were so’. So Ahasuerus was as eager to get rid of the Jews as Haman.

(2) Ibid. 10.

(3) These are enumerated in Rashi (s.v. נְבוֹאָה) and Seder Olam XX-XXI.

(4) V. infra.

(5) As it says, fasting³ and weeping and mourning, many put on sackcloth and ashes. Esth. IV,3.

(6) V. Glos.

(7) The Bah. reads: Raba demurred to this, saying.

(8) Who holds that Hallel would be said were we not servants of Ahasuerus.

(9) Who holds that the Megillah is equivalent to Hallel.

(10) I Sam. I, 1.

(11) Lit., ‘watchers’. V. supra.

(12) Lit., ‘was required for’.

(13) The literal meaning.

(14) Lit., ‘height of the world’.

(15) Num. XXVI, 11.

(16) Rab (?).

(17) Lit., ‘fenced in’.

(18) Gen. XI, 29.

(19) Ibid. XXI. 12.

- (20) Ex. XV, 20.
 (21) I.e., before the birth of Moses.
 (22) Ex. II, 4.
 (23) Jud. IV,4. 'Lapidoth' means literally 'flames'.
 (24) Ibid. 5.
 (25) And the possibility of scandal, a palm tree not being leafy.
 (26) I Sam. II, 1.
 (27) V. I Sam. XVI, 13 (David); I Kings I, 39 (Solomon).
 (28) As symbolized by a horn.
 (29) V. I Sam. X, 1 (Saul); II Kings IX. 1 (Jehu).
 (30) I Sam. II, 2.
 (31) Ibid. XXV, 20.
 (32) David was supposed to have been an authority on the Torah, v. Ber. 4a.
 (33) And yet you are condemning Nabal to death.

Talmud - Mas. Megilah 14b

He [Nabal] is a rebel against the king and no trial is necessary for him.¹ She replied; Saul is still alive, and your fame is not yet spread abroad in the world. Then he said to her: Blessed be thy discretion and blessed be thou, that hast kept me this day from bloodguiltiness.² The word damim [bloodguiltiness] is plural, to indicate two kinds of blood.³ The passage teaches that she bared her thigh⁴ and he went three parasangs by the light of it.⁵ He said, Listen to me. She replied, Let not this be a stumbling-block to thee.⁶ The word 'this' implies that something else would be, and what was that? The incident of Bathsheba; and so it was eventually.⁷ The soul of thy lord shall be bound up in the bundle of life.⁸ When she left him she said to him, and when the Lord shall have done good to my lord . . . then remember thy handmaid.⁹ R. Nahman said: This bears out the popular saying, While a woman talks she spins.¹⁰ Some adduce the saying: The goose stoops as it goes along, but its eyes peer afar.

'Hulda, as it is written, So Hilkiyah the priest and Ahikam and Achbor etc.¹¹ But if Jeremiah was there,¹² how could she prophesy? — It was said in the school of Rab in the name of Rab: Hulda was a near relative of Jeremiah, and he did not object to her doing so. But how could Josiah himself pass over Jeremiah and send to her? — The members of the school of R. Shila replied, Because women are tender-hearted.¹³ R. Johanan said: Jeremiah was not there, as he had gone to bring back the ten tribes. Whence do we know that they returned? — Because it is written, For the seller shall not return to that which is sold.¹⁴ Now is it possible that after the Jubilee had ceased¹⁵ the prophet should prophesy that it will cease? The fact is that it teaches that Jeremiah brought them back.¹⁶ Josiah the son of Amon ruled over them, as it says, Then he said, What monument is that which I see? And the men of the city told him, It is the sepulchre of the man of God who came from Judah, and proclaimed these things that thou hast done against the altar in Beth-el.¹⁷ Now what connection is there between Josiah and the altar in Bethel?¹⁸ What it teaches therefore is that Josiah reigned over them. R. Nahman said: We learn it from here: Also, O Judah, there is a harvest appointed for thee, when I would turn the captivity of my people.¹⁹

'Esther,' as it is written, Now it came to pass on the third day that Esther clothed herself in royalty.²⁰ Surely it should say, 'royal apparel'? What it shows is that the holy spirit clothed her. It is written here, 'and she clothed', and it is written in another place. Then the spirit clothed Amasai, etc.²¹

R. Nahman said: Haughtiness does not befit women. There were two haughty women, and their names are hateful, one being called a hornet²² and the other a weasel.²³ Of the hornet it is written, And she sent and called Barak,²⁴ instead of going to him. Of the weasel it is written, Say to the

man,²⁵ instead of ‘say to the king’.

R. Nahman said: Hulda was a descendant of Joshua. It is written here [in connection with Hulda]. The son of Harhas,²⁶ and it is written in another place [in connection with Joshua], In Timnath-Heres.²⁷ R. ‘Ena Saba cited the following in objection to R. Nahman: ‘Eight prophets who were also priests were descended from Rahab the harlot, namely, Neriah, Baruch, Serayah, Mahseyah, Jeremiah, Hilkiah, Hanamel and Shallum.’ R. Judah says: Hulda the prophetess was also one of the descendants of Rahab the harlot. [We know this] because it is written here ‘the son of Tikvah’ and it is written elsewhere [in connection with Rahab]. ‘the line [tikvath] of scarlet thread’!²⁸ — He replied: ‘Ena Saba’²⁹ — or, according to another report. ‘Black bowl’,³⁰ — the truth can be found by combining my statement and yours’.³¹ We must suppose that she became a proselyte and Joshua married her. But had Joshua any children? Is it not written, Nun his son, Joshua his son?³² — He had no sons, but he had daughters.

(1) I.e., he can be condemned at night. V. Tosaf.

(2) I Sam. XXV, 33.

(3) Of uncleanness and capital punishment.

(4) Not necessarily in his presence. V. Maharsha.

(5) I.e., through desire for her. V. Tosaf.

(6) Ibid. 31.

(7) This shows that she was a prophetess.

(8) Ibid. 29. This sentence seems to be an interpolation and should be omitted (Maharsha).

(9) Ibid. 30, 31.

(10) Ibid. So Abigail, while speaking about Nabal, put in a word for herself, proposing that David should marry her should Nabal die (Rashi).

(11) II Kings XXII, 14.

(12) Jeremiah began to prophesy in the thirteenth year of Josiah (Jer. I, 2) and this happened in the eighteenth year of Josiah.

(13) And she would pray for them (Maharsha).

(14) Ezek. VII, 13. Ezekiel prophesied in the period between the exiles of Jeconiah and Zedekiah.

(15) The Jubilee was to be kept only when all Israel were in the land, and therefore ceased as soon as the tribes across the Jordan were deported (Rashi).

(16) So that in that year they commenced counting again for the Jubilee.

(17) II Kings XXIII, 17.

(18) Which was in the kingdom of Ephraim.

(19) Hos. VI, 11. ‘Harvest’ here is supposed to have the sense of ‘power’ or ‘greatness’ (Rashi).

(20) Esth. V, 1.

(21) I Chron. XII, 19.

(22) The literal meaning of Deborah.

(23) The literal meaning of Hulda.

(24) Jud. IV, 6.

(25) II Kings XXII, 15.

(26) Ibid. 14.

(27) Jud. II, 9. This is interpreted as ‘Timnath belonging to Heres’, who is identified with Harhas.

(28) Josh. II, 18.

(29) Lit., ‘old eye’.

(30) Alluding perhaps to his ugliness (Maharsha).

(31) Lit., ‘from me and thee is the matter concluded’.

(32) I Chron. VII, 27. The genealogy stops at this point; from which it is inferred that Joshua had no sons.

Talmud - Mas. Megilah 15a

We admit that [some of] those [eight] mentioned above are expressly described [as prophets],¹ but how do we know that their fathers² [were prophets]? — From the dictum of ‘Ulla; for ‘Ulla said: Wherever a man's name is given along with that of his father as the author of a prophecy³ we know that he was a prophet son of a prophet. Where his own name is given but not that of his father, we know that he was a prophet but not the son of a prophet. Where his name and the name of his town are specified, we know that he came from that town — Where his name is given but not that of his town, we know that he was from Jerusalem — In a Baraita it was stated: If nothing is known about the character of a man or of his ancestors,⁴ and the Scripture mentions any one of them in connection with a praiseworthy action, as for instance, The word of the Lord which came to Zephaniah son of Cushi son of Gedaliah,⁵ we may know that he was a righteous man son of a righteous man; and wherever the Scripture mentions any one of them in connection with a reprehensible action, as for instance, And it came to pass in the seventh month that Ishmael the son...of Elishama came,⁶ we may know that he was a wicked man son of a wicked man.

R. Nahman⁷ said: Malachi is the same as Mordecai. Why was he called Malachi? Because he was next to the king.⁸ The following was cited in objection to this: ‘Baruch the son of Neriah and Serayah the son of Mahseyah and Daniel and Mordecai, Bilshan, Haggai, Zechariah and Malachi all prophesied in the second year of Darius’! — This is a refutation.

It has been taught: R. Joshua b. Korha said: Malachi is the same as Ezra, and the Sages say that Malachi was his proper name. R. Nahman said: There is good ground for accepting the view that Malachi was the same as Ezra. For it is written in the prophecy of Malachi, Judah hath dealt treacherously and an abomination is committed in Israel and in Jerusalem, for Judah hath profaned the holiness of the Lord which he loveth and hath married the daughter of a strange God.⁹ And who was it that put away the strange women? Ezra, as it is written, And Shechaniah the son of Jehiel, one of the sons of Elam answered and said unto Ezra: We have broken faith with our God and have married foreign women.¹⁰

The Rabbis taught: There have been four women of surpassing beauty in the world — Sarah, Rahab, Abigail and Esther. According to the one who says that Esther was sallow,¹¹ Vashti should be inserted in place of Esther.

Our Rabbis taught: Rahab inspired lust by her name; Jael by her voice; Abigail by her memory; Mical daughter of Saul by her appearance. R. Isaac said: Whoever says. ‘Rahab, Rahab’, at once has an issue. Said R. Nahman to him: I say Rahab, Rahab, and nothing happens to me! He replied: I was speaking of one who knows her and is intimate with her.

Now when Mordecai knew all that was done¹² [etc.]. What [was his cry]? — Rab said: He said, ‘Haman has raised himself above Ahasuerus’; Samuel said, ‘The upper king has prevailed over the lower king’.¹³

And the queen was exceedingly pained [wa-tithhalhal].¹⁴ What is the meaning of wa-tithhalhal?¹⁵ — Rab said: It means that she became menstruous; R. Jeremiah said that her bowels were loosened.

And Esther called Hatach.¹⁶ Rab said: Hatach is the same as Daniel. Why was he called Hatach? Because he was degraded [hataku-hu] from his position.¹⁷ Samuel said, Because all affairs of state were decided [nehtakim] by his voice.

To know what this was and why this was.¹⁶ R. Isaac said: She sent to him saying. Perhaps Israel have transgressed the five books of the Torah, in which is written, On this side and on this they were written.¹⁸

And they told Mordecai Esther's words.¹⁹ But Hatach did not go to him on this occasion.²⁰ This shows us that a recalcitrant answer²¹ need not be taken back [by the messenger].²²

Go, gather together all the Jews . . . which is not according to the custom.²³ R. Abba said: It will not be [she said] according to the custom of every other day. Till now [I have associated with Ahasuerus] under compulsion, but now I will do so of my own will.

And if I perish, I perish.²³ As I am lost to my father's house so I shall be lost to thee.²⁴

And Mordecai passed [wa-ya'abor]²⁵ Rab said: This indicates that he made the first day of Passover pass²⁶ as a fast day. Samuel said: It indicates that he crossed a stream [on that day].²⁷ Now it came to pass on the third day that Esther put on royalty.²⁸ Surely it should say, 'royal apparel'? — R. Eleazar said in the name of R. Hanina: This tells us that the holy spirit clothed her. It is written here, 'and she put on', and it is written elsewhere, And a spirit clothed Amasai.²⁹

R. Eleazar b. Hanina also said: Let not the blessing of an ordinary man be lightly esteemed in thine eyes, for two men great in their generation received from ordinary men blessings which were fulfilled in them. They were, David and Daniel. David was blessed by Araunah, as it is written, And Araunah said unto the king, The Lord thy God accept thee.³⁰ Daniel was blessed by Darius, as it is written 'Thy God whom thou servest continually, He will deliver thee.'³¹ R. Eleazar further said in the name of R. Hanina: Let not the curse of an ordinary man be lightly esteemed in thine eyes, because Abimelech cursed Sarah, saying, Behold he is to thee a covering of the eyes,³² and this was fulfilled in her seed, [as it says], And it came to pass that when Isaac was old his eyes were dim.³³

R. Eleazar further said in the name of R. Hanina: Come and observe that the way of the Holy One, blessed be He, is not like the way of flesh and blood — The way of flesh and blood is that a man places a pot on the fire and then pours water into it, but God first puts in the water and then fixes the pot, to fulfil what is written, At the sound of his giving a multitude of waters in the heavens.³⁴

R. Eleazar further said in the name of R. Hanina: Whoever reports a saying in the name of its originator brings deliverance to the world, as it says, And Esther told the king in the name of Mordecai.³⁵

R. Eleazar further said in the name of R. Hanina: When a righteous man dies, he dies only for his own generation.³⁶ It is with him as with a man who loses a pearl. Wherever it is, it remains a pearl,³⁷ and is lost only to its owner.

Yet all this availeth me nothing.³⁸ R. Eleazar said in the name of R. Hanina: Because he saw Mordecai sitting in the king's gate, was this any reason why he should say, 'All this availeth me nothing'? The explanation is in the dictum of R. Hisda; for R. Hisda said: The one came [to the court] as a counsellor³⁹ and the other

(1) Viz., Jeremiah and Hanamel (Jer. XXXII) and also Baruch and Serayah, who were disciples of Jeremiah and therefore presumably prophets also (Rashi).

(2) Viz., Hilkiyah, Shallum, Neriah and Mahseyah.

(3) Lit., 'in prophecy'.

(4) Lit., 'where his actions and those of his ancestors are not defined'.

(5) Zeph. I, 1.

(6) Jer. XLI, 1. They came to murder Gedaliah.

(7) According to a better reading, Rab. V infra.

(8) V. Esth. X, 3. 'And he was looked on as an angel (mal'ak)'. (Maharsha).

(9) Mal. II, 11.

- (10) Ezra X, 2.
 (11) V. supra p.75.
 (12) Esth. IV, 1.
 (13) Euphemistically, meaning the opposite. Or it may be taken literally, as a kind of prayer (Maharsha).
 (14) Esth. IV 4.
 (15) Lit., 'became full of hollows'.
 (16) Ibid. 5.
 (17) Which he held in the reigns of Belshazar, Darius and Cyrus.
 (18) Ex. XXXII, 15.
 (19) Esth. IV, 12.
 (20) As, if so, it would say he told.
 (21) E.g., Esther's reluctance to petition the king.
 (22) And Mordecai must have learnt from some other source.
 (23) Ibid. 16.
 (24) [By submitting voluntarily to Ahasuerus she would be for ever forbidden to Mordecai who was (v. p. 78, n. 5) her legitimate husband, according to the law which forbids a wife to her husband where she had relations of her own free will with another man.]
 (25) Ibid. 17.
 (26) A play on the word he'ebir which means, 'to prolong a month by adding an extra day', [or in the sense of 'transgressed', cf. Targum a.I.: 'and he transgressed the joy of the feast of Passover'.] The order for the destruction of the Jews was given in Susa on the thirteenth day of Nisan, and the Jews fasted the next three days.
 (27) To inform the Jews on the other side. [The Jewish quarter in Susa was separated from the main city by a small tributary of the Tigris. V. Obermeyer, p. 214.]
 (28) Esth. V, 1.
 (29) I Chron. XII, 19.
 (30) II Sam. XXIV, 23.
 (31) Dan. VI, 17.
 (32) Gen. XX, 16.
 (33) Ibid. XXVII, 1. V. supra.
 (34) Jer. X, 13. The text continues, when he causeth the vapours to ascend, like steam from a boiling pot.
 (35) Esth. II, 22.
 (36) And his name, or his soul, survives.
 (37) Lit., 'its name is pearl'.
 (38) This verse from the Book of Esther (V. 13) is here commented on out of its place, in order to introduce another dictum of R. Eleazar in the name of R. Hanina.
 (39) Heb. פרוזבולי apparently = **.

Talmud - Mas. Megilah 15b

as an envoy.¹ R. Papa said: They also called him, The slave that was sold for loaves of bread .²

Yet all this availeth me nought. This tells us that all the treasures of that wretch were engraved on his heart, and when he saw Mordecai sitting in the king's gate he said, Yet all this³ availeth me nought.

R. Eleazar further said in the name of R. Hanina: God will in the time to come be a crown on the head of every righteous man, as it is said, In that day shall the Lord of Hosts be for a crown of glory⁴ etc. What is meant by a 'crown of glory' [zebi] and a 'diadem [zefirath] of beauty'? For them that do his will [zibyono] and who await [mezapin] his glory. Shall He be so to all? [Not so]. since it says, 'unto the residue of [lish'ar] his people': that is, to whoever makes of himself a mere residue [shirayim]. 'And for a spirit of judgment': this indicates one who brings his inclination to trial.⁵ 'To him that sitteth in judgment': this indicates one who gives a true verdict on true evidence.⁶ 'And for

strength': this indicates one who subdues his evil passions.⁷ 'That turn back the battle': this indicates those who thrust and parry⁸ in the war of the Torah. 'At the gate': these are the disciples of the wise who are early and late in synagogues and houses of study. Said the Attribute of Justice⁹ before the Holy One, blessed be He: Why this difference between these and the others? The Holy One, blessed be He, said to him: Israel busy themselves with the Torah, the other nations do not busy themselves with the Torah — He replied to Him, But these also reel through wine, and stagger through strong drink, they totter in judgment¹⁰ [paku pelilyah]; and 'paku' contains a reference to Gehinnom, as it says, that this shall be no stumbling-block [pukah] to thee;¹¹ and 'pelilyah' contains a reference to the judges, as it says. and he shall pay as the judges determine [bi-felilim].¹²

And stood in the inner court of the king's house.¹³ R. Levi said: When she reached the chamber of the idols, the Divine Presence left her. She said, My God, My God, why hast thou forsaken me.¹⁴ Dost thou perchance punish the inadvertent offence¹⁵ like the presumptuous one, or one done under compulsion like one done willingly? Or is it because I called him 'dog', as it says. Deliver my soul from the sword, mine only one from the power of the dog?¹⁶ She straightway retracted and called him lion, as it says. Save me from the lion's mouth.¹⁷

And it was so when the king saw Esther the queen.¹⁸ R. Johanan said: Three ministering angels were appointed to help her at that moment; one to make her head¹⁹ erect, a second to endow her with charm²⁰ and a third to stretch the golden sceptre. How much [was it stretched]? — R. Jeremiah said: It was two cubits long and he made it twelve cubits — Some say, sixteen, and some again twenty-four. In a Baraitha it was stated, sixty. So too you find with the arm of the daughter of Pharaoh,²¹ and so you find with the teeth of the wicked, as it is written, Thou hast broken [shibarta] the teeth of the wicked,²² and Resh Lakish said in regard to this, Read not shibarta but shirbapta [Thou hast prolonged]. Rabbah b. 'Ofra said in the name of R. Eleazar who had it from his teacher, who had it from his teacher, [that the sceptre was stretched] two hundred [cubits].

And the king said to her, What wilt thou, queen Esther? For whatever thy request, even to the half of the kingdom, it shall be given thee.²³ 'Half the kingdom', but not the whole kingdom. and not a thing which would divide the kingdom.²⁴ What could that be? The building of the Temple.

Let the king and Haman come unto the banquet.²⁵ Our Rabbis taught: What was Esther's reason for inviting Haman? — R. Eleazar said, She set a trap for him, as it says. Let their table before them become a snare.²⁶ R. Joshua said: She learnt to do so from her father's house, as it says. If thine enemy be hungry give him bread to eat, etc.²⁷ R. Meir said, So that he should not form a conspiracy²⁸ and rebel. R. Judah said: So that they should not discover that she was a Jewess.²⁹ R. Nehemiah said: So that Israel should not say, We have a sister in the palace, and so should neglect³⁰ [to pray for] mercy. R. Jose said: So that he should always be at hand for her.³¹ R. Simeon b. Menassiah said: [She said], Perhaps the Omnipresent will notice³² and do a miracle for us. R. Joshua b. Korha said: [She said], I will encourage him so that he may be killed, both he and I.³³ Rabban Gamaliel said: [She said]. Ahasuerus is a changeable king.³⁴ Said R. Gamaliel: We still require the Modean,³⁵ as it has been taught: R. Eliezer of Modi'im says, She made the king jealous of him and she made the princes jealous of him. Rabbah said: [She said], Pride goeth before destruction.³⁶ Abaye and Raba gave the same reason, saying: [She said], With their poison I will prepare their feast.³⁷ Rabbah b. Abbuha came across Elijah and said to him, Which of these reasons prompted Esther to act as she did? He replied: [All] the reasons given by all the Tannaim and all the Amoraim.

And Haman recounted unto them the glory of his riches and the multitude of his children.³⁸ How many are indicated by 'the multitude of his children'? — Rab said: Thirty. Ten died, ten were hung, and ten were reduced to beggary. The Rabbis, however, said: Those who were reduced to beggary numbered seventy, as it says, They that were full [sebe'im] have hired themselves out for bread.³⁹ Read not sebe'im, but shib'im [seventy]. Rami b. Abba said: In all they were two hundred and eight,

as it says, And the multitude [we-rob] of his sons. But we-rob in gematria⁴⁰ is two hundred and fourteen?⁴¹ — R. Nahman b. Isaac said: The word is written defectively.⁴²

On that night the sleep of the king was disturbed.⁴³ R. Tanhun said: The sleep of the King of the Universe was disturbed. The Rabbis, however, say: Those above⁴⁴ were disturbed and those below⁴⁵ were disturbed. Raba said: It means literally ‘the sleep of king Ahasuerus. A thought occurred to him: What is the meaning of Esther inviting Haman? Perhaps they are conspiring⁴⁶ against me to kill me? He thought again: If that is so, is there no man who is my friend and who would tell me? Then he thought again: Perhaps there is some man who has done me a good turn and I have not rewarded him; and therefore men refrain from informing me. Straightway, he commanded to bring the book of records of the chronicles.⁴³

And they were read.⁴³ This [form of expression]⁴⁷ indicates that they were read of themselves.

And it was found [being] written.⁴⁸ It should say, a writing [kethab] was found? — This shows

(1) Heb. פרוזבוטי apparently = ** There was a tradition that Mordecai once went with a deputation to the king of Persia to ask permission for the Jews to rebuild the Temple, v. Jast. [Rashi: One (Mordecai) came as a rich man, the other (Haman) as a debtor. Haman according to the legend had sold himself during one of the wars as a slave to Mordecai for a loaf of bread.]

(2) V. previous note.

(3) Pointing to it (Maharsha).

(4) Isa. XXVIII, 5f.

(5) And forces himself to repent (Rashi).

(6) Lit., ‘true to its own truth’.

(7) Avoids sin.

(8) Lit., ‘take and give’, i.e., ‘argue’, ‘debate’.

(9) The qualities assigned to God in Ex. XXXIV, 6,7 are called in the Talmud the divine Attributes (middoth, lit., ‘measures’). and those of Justice and Mercy are often personified.

(10) Isa. XXVIII, 7.

(11) I Sam. XXV, 31.

(12) Ex. XXI, 22.

(13) Esth. V, 2.

(14) Ps. XXII, 2.

(15) In associating with Ahasuerus.

(16) Ibid. 21.

(17) Ibid. 22.

(18) Esth. V, 2.

(19) Lit., ‘neck’.

(20) Lit., ‘to draw a thread of grace over her’.

(21) In Ex. II, 5 the words ותשלח את אמתה are translated by the Rabbis ‘and she put forth her arm’ (E.V., ‘she sent her handmaid’)

(22) Ps. III, 8. Cf. Ber.

(23) Esth. V, 3.

(24) By setting up a rival power.

(25) Ibid. 4.

(26) Ps. LXIX, 23.

(27) Prov. XXV, 21. The next verse continues, ‘for thou heapest coals of fire upon his head’.

(28) Lit., ‘take counsel’.

(29) Since she was willing to eat with Haman.

(30) Lit., ‘discuss their mind’.

(31) If she wanted to accuse him.

- (32) To what straits I am brought.
- (33) Lit., 'she'.
- (34) And I may persuade him to alter his mind while Haman is with us, so that he will not have time to change again.
- (35) To explain why Haman alone was invited (Maharsha).
- (36) Prov. XVI, 18.
- (37) Jer. LI, 39.
- (38) Esth. V, 11.
- (39) I Sam. II, 5.
- (40) V. Glos.
- (41) Viz., W = 6; R = 200; W = 6; B = 2.
- (42) I.e., without the middle waw.
- (43) Esth. VI, 1.
- (44) The angels.
- (45) Israel.
- (46) Lit., 'taking counsel'.
- (47) Instead of 'and they read them'.
- (48) Ibid. 2.

Talmud - Mas. Megilah 16a

that Shamshai¹ kept on erasing and Gabriel kept on writing. R. Assi said: R. Shila, a man of Kefar Temarta,² drew a lesson from this, saying: If a writing on earth which is for the benefit of Israel cannot be erased, how much less a writing in heaven!³

There is nothing done for him.⁴ Raba said: [They answered him thus] not because they loved Mordecai but because they hated Haman.

He had prepared for him.⁵ A Tanna stated: [This means], he had prepared for himself.⁶

And do even so to Mordecai etc.⁷ Haman said to him: Who is Mordecai? He said to him: 'The Jew'. He said: There are many Mordecais among the Jews. He replied: 'The one who sits in the king's gate'. Said Haman to him: For him [the tribute] of one village or one river is sufficient! Said Ahasuerus: Give him that too; 'let nothing fail of all that thou hast spoken'.

Then took Haman the apparel and the horse.⁸ He went and found [Mordecai with] the Rabbis sitting before him while he showed them the rules of the 'handful'.⁹ When Mordecai saw him approaching and leading the horse, he became frightened and said to the Rabbis, This villain is coming to kill me. Get out of his way so that you should not get into trouble with him.¹⁰ Mordecai thereupon drew his robe round him and stood up to pray. Haman came up and sat down before them and waited till Mordecai had finished his prayer. He said to him: What have you been discussing? He replied: When the Temple stood, if a man brought a meal-offering he used to offer a handful of fine flour and make atonement therewith. Said Haman to them: Your handful of fine flour has come and displaced my ten thousand talents of silver. Said Mordecai to him: Wretch, if a slave acquires property, whose is the slave and whose is the property?¹¹ Haman then said to him: Arise and put on this apparel and ride on this horse, for so the king desires you to do. He replied: I cannot do so until I have gone into the bath and trimmed my hair, for it would not be good manners to use the king's apparel in this state. Now Esther had sent and closed all the baths and all the barbers' shops. So Haman himself took him into the bath and washed him, and then went and brought scissors from his house and trimmed his hair. While he was doing so, he sighed and groaned. Said Mordecai to him: Why do you sigh? He replied: The man who was esteemed by the king above all his nobles is now made a bath attendant and a barber. Said Mordecai to him: Wretch, and were you not once a barber in Kefar Karzum?¹² (For so a Tanna stated: Haman was a barber in Kefar Karzum twenty-two

years.) After he had trimmed his hair he put the garments on him, and said to him, Mount and ride. He replied: I am not able, as I am weak from the days of fasting. So Haman stooped down and he mounted [on his back]. When he was up he kicked him. He said to him: Is it not written in your books,¹³ Rejoice not when thine enemy faileth?¹⁴ He replied: That refers to an Israelite, but in regard to you [folk] it is written, And thou shalt tread upon their high places.¹⁵

And proclaimed before him, This shall be done to the man whom the king delighted to honour.¹⁶ As he was leading him through the street where Haman lived, his daughter who was standing on the roof saw him. She thought that the man on the horse was her father and the man walking before him was Mordecai. So she took a chamber pot and emptied it on the head of her father. He looked up at her and when she saw that it was her father, she threw herself from the roof to the ground and killed herself. Hence it is written . . .¹⁷

And Mordecai returned to the king's gate. R. Shesheth said: This indicates that he returned to his sackcloth and fasting. But Haman hastened to his house, mourning and having his head covered; mourning for his daughter, and with his head covered on account of what had happened to him.

And Haman recounted unto Zeresh his wife and all his friends, etc. They are first called 'his friends' and then they are called 'his wise men'. R. Johanan said: Whoever says a wise thing even if he is a non-Jew¹⁸ is called 'wise'.

If Mordecai be of the seed of the Jews. They said to him: If he comes from the other tribes, you can prevail over him, but if he is from the tribe of Judah or of Benjamin, Ephraim or Manasseh, you will not prevail over him. 'Judah', as it is written, Thy hand shall be on the neck of thine enemies.¹⁹ The others, because it is written of them, Before Ephraim and Benjamin and Manasseh stir up thy might.²⁰

But falling thou shalt fall.²¹ R. Judah b. Ila'i drew a lesson from this verse, Saying: Why are two fallings mentioned here? Haman's friends said to him: This people is likened to the dust and it is likened to the stars. When they go down, they go down to the dust, and when they rise they rise to the stars. Came the king's chamberlains and hastened [wa-yabhilu] to bring Haman.²² The use of this word [wa-yabhilu]²³ tells us that they brought him all in confusion [behalah].

For we are sold, I and my people etc . . . For the adversary care²⁴ not that the king is endamaged.²⁵ She said to him: This adversary cares not for the damage of the king. He was angry with Vashti and killed her,²⁶ and he is angry with me and wants to kill me.

Then said the king Ahasuerus, and he said to Esther the queen.²⁷ Why 'said' and again 'said'? R. Abbahu replied: He first spoke to her through an intermediary.²⁸ When she told him that she came from the house of Saul,²⁹ forthwith, 'he said to Esther the queen'.

And Esther said, An adversary and an enemy, even this wicked Haman.³⁰ R. Eleazar said: This informs us that she was pointing to Ahasuerus and an angel came and pushed her hand so as to point to Haman.³¹

And the king rose in his wrath...and the king returned out of the palace garden.³² His returning is put on the same footing as his arising. Just as the arising was in wrath, so the returning was in wrath. For he went and found ministering angels in the form of men who were uprooting trees from the garden. He said to them, What are you doing? They replied: Haman has ordered us. He came into the house, and there 'Haman was falling³³ upon the couch'. 'Falling'? It should say. 'had fallen'? — R. Eleazar said: This informs us that an angel came and made him fall on it. Ahasuerus then exclaimed: Trouble³⁴ inside, trouble outside!

‘Then said the king, Will he even force the queen before me in the house? Then said Harbonah, etc.’ R. Eleazar said: Harbonah also was a wicked man and implicated in that plot.³⁵ When he saw that his plan was not succeeding, he at once fled, and so it is written, And he cast upon him and did not pity, from his hand he surely fleeth.³⁶

Then the king's wrath was assuaged.³⁷ Why are there two assuagings here?³⁸ — One of the [wrath of the] King of the Universe,³⁹ and the other of Ahasuerus. Others say, one [of the wrath] on account of Esther and the other on account of Vashti.

To all of them he gave to each man changes of raiment but to Benjamin he gave five changes of raiment.⁴⁰ Is it possible that that righteous man⁴¹ should fall into the very mistake from which he himself had suffered?

(1) A scribe, mentioned in the book of Ezra (IV, 8) as an enemy of the Jews. According to tradition he was a son of Haman.

(2) [Tamara, south of Kabul, v. E.J. s.v.]

(3) Seeing that Gabriel is already there (Maharsha).

(4) Esth. VI, 3.

(5) Ibid. 4.

(6) As otherwise the words ‘for him,’ are superfluous.

(7) Ibid. 10.

(8) Ibid. 11.

(9) V. Lev. II, 2 and infra.

(10) Lit., ‘that you be not burnt with his coal’.

(11) How then can you, being the slave of Ahasuerus, talk of your ten talents of silver. [Aliter: Haman had sold himself to Mordecai as slave. V. supra p. 90. n. 4.]

(12) [MS.M. קרינום, Kefar Karnayim in Transjordan, cf. Josephus, Ant. XII, 8,4; v. however, Romanoff, P. Amer. Acad. for Jewish Research, VII, pp. 58ff].

(13) Lit., ‘for you’.

(14) Prov. XXIV, 17.

(15) Deut. XXXIII, 29.

(16) Esth. VI, 11.

(17) These words connect with the sentence after the next, ‘but Haman hastened’ etc.

(18) Lit., ‘of the nations of the world’.

(19) Gen. XLIX, 8.

(20) Ps. LXXX, 3.

(21) So lit. E.V. Shalt surely fall.

(22) Esth. VI, 14.

(23) Instead of the more usual וימהרו.

(24) E.V., ‘is not worthy’.

(25) Esth. VII, 4.

(26) V. supra 12b.

(27) Ibid. 5.

(28) Heb. turgeman; lit., ‘interpreter’.

(29) I.e., that she was of royal descent.

(30) Ibid. 6.

(31) She meant the words ‘adversary and enemy’ to apply to Ahasuerus himself.

(32) Esth. VII, 7f.

(33) Heb. נפל.

(34) Lit., ‘woe!’.

(35) To hang Mordecai. [Otherwise how would he have known the exact measurements of the gallows.]

(36) Job XXVII, 22.

(37) Esth. VII, 10.

(38) The Hebrew is שִׁכְכָהּ, where שָׁכָה might have been used.

(39) Against Israel for bowing down to the image; supra 12a.

(40) Gen. XLV, 22.

(41) Joseph.

Talmud - Mas. Megilah 16b

For Raba b. Mehasia said in the name of R. Hami b. Guria, who said it in the name of Rab: Through two sela's weight of fine silk which Jacob gave to Joseph over what he gave to his brothers, a ball was set rolling and our ancestors eventually went down to Egypt! — R. Benjamin b. Japhet said: He gave him a hint that a descendant would issue from him who would go forth before a king in five royal garments, as it says, And Mordecai went forth from the presence of the king in royal apparel of blue etc.¹

And he fell upon his brother Benjamin's neck.² How many necks³ had Benjamin? — R. Eleazar said: He wept for the two Temples which were destined to be in the territory of Benjamin⁴ and to be destroyed. And Benjamin wept upon his neck:² he wept for the tabernacle of Shiloh which was destined to be in the territory of Joseph and to be destroyed.

And behold your eyes see and the eyes of my brother Benjamin.⁵ R. Eleazar said: He said to them: Just as I bear no malice against my brother Benjamin who had no part in my selling, so I have no malice against you.

That it is my mouth that speaketh unto you. As my mouth is, so is my heart.

And to his father he sent in like manner ten asses laden with the good things of Egypt.⁶ What are 'the good things of Egypt'? R. Benjamin b. Japhet said in the name of R. Eleazar: He sent him [old] wine which old men find very comforting.⁷

And his brethren also went and fell down before him.⁸ R. Benjamin b. Japhet said in the name of R. Eleazar: This bears out the popular saying, A fox in its hour — bow down to it. [You compare Joseph to] a fox! Where was his inferiority to his brothers? Rather if this was said [by R. Eleazar] it was applied as follows: And Israel bowed down upon the bed's head.⁹ R. Benjamin b. Japhet said in the name of R. Eleazar; A fox in its hour — bow down to it.¹⁰

And he comforted them and spoke kindly to them.¹¹ R. Benjamin b. Japhet said in the name of R. Eleazar: This tells us that he spoke to them words which greatly reassured them,¹² [saying], If ten lights were not able to put out one, how can one light put out ten?

The Jews had light and gladness and joy and honour.¹³ Rab Judah said: 'Light' means the Torah,¹⁴ and so it says. For the commandment is a lamp and the Torah is a light.¹⁵ 'Gladness' means a feast day; and so it says, And thou shalt be glad in thy feast.¹⁶ 'Joy' means circumcision; and so it says, I rejoice at thy word.¹⁷ 'Honour' means the phylacteries, and so it says, And all the peoples of the earth shall see that the name of the Lord is called upon thee, and they shall be afraid of thee;¹⁸ and it has been taught: R. Eleazar the Great says that this refers to the phylactery of the head.

And Parshandatha . . . the ten sons of Haman.¹⁹ R. Adda from Joppa said: The ten sons of Haman and the word 'ten' [which follows] should be said²⁰ in one breath. What is the reason? Because their souls all departed together. R. Johanan said: The waw of waizatha must be lengthened like a boat-pole of the river Libruth.²¹ What is the reason? Because they were all strung on one pole. R.

Shila, a man of Kefar Temarta, drew a lesson from this saying, All the songs [in Scripture] are written in the form of a half brick over a whole brick,²² and a whole brick²² over a half brick,²³ with the exception of this one and the list of the kings of Canaan²⁴ which are written in the form of a half brick over a half brick and a whole brick over a whole brick.²⁵ What is the reason? So that they should never rise again from their downfall.

And the king said to the queen, In Shushan the castle the Jews have slain . . .²⁶ The mode of expression informs us that an angel came and slapped him on his mouth.²⁷

But when she came before the king, he said along with the letter.²⁸ ‘He said’? It should be, ‘she said’! — R. Johanan said: She said, Let there be said by word of mouth what is written in the letter.²⁹

Words of peace and truth.³⁰ R. Tanhum said: [or, according to some, R. Assi]: This shows that the Megillah requires to be written on ruled lines, like the true essence of the Torah.³¹ And the ordinance of Esther confirmed.³² Only the ordinance of Esther and not the words of the fastings? — R. Johanan said: We must read thus: The words of the fastings [and their cry] and the ordinance of Esther confirmed these matters of Purim.³³

For Mordecai the Jew was next unto king Ahasuerus, and great among the Jews and accepted of the majority of his brethren.³⁴ Of the majority of his brethren but not of all his brethren; this informs us that some members of the Sanhedrin separated from him.³⁵

R. Joseph said: The study of the Torah is superior to the saving of life. For at first Mordecai was reckoned next after four, but afterwards next after five. At first it is written, Who came with Zerubabel, [namely] Jeshua, Nehemiah, Seraiah, Reelaiah, Mordecai, Bilshan,³⁶ and subsequently it is written, Who came with Zerubabel, Jeshua, Nehemiah, Azariah, Raamiah, Nahamani, Mordecai, Bilshan.³⁷

Rab — or, some say. R. Samuel b. Martha — said: The study of the Torah is superior to the building of the Temple, for as long as Baruch b. Neriah was alive Ezra would not leave him to go up to the land of Israel.³⁸ Rabbah said in the name of R. Isaac b. Samuel b. Martha: The study of the Torah is superior to the honouring of father and mother. For, for the fourteen years that Jacob spent in the house of Eber, he was not punished, since a Master has said:

(1) Esth. VIII, 15.

(2) Gen. XLV, 14.

(3) The Heb. צוֹאֲרֵי can also be taken as a plural. [Rashi omits this question. He did not regard the exposition that follows as being based upon the supposed difference in the grammatical form. the neck is simply taken as allusion to the Temple.]

(4) On the Temple Mount in Jerusalem.

(5) Gen. XLV, 12.

(6) Ibid. 23.

(7) Lit., ‘in which the mind of old will take delight’.

(8) Ibid. L, 18.

(9) Ibid. XLVII, 31.

(10) By comparison with his father there would be no disrespect in referring to Joseph as a fox.

(11) Lit., ‘upon their heart’.

(12) Lit., ‘which were received upon the heart’.

(13) Esth. VIII, 16.

(14) I.e., they resumed the study of the Torah without hindrance; and so with circumcision and phylacteries.

(15) Prov. VI, 23.

- (16) Deut. XVI, 14.
- (17) Ps. CXIX, 162. The word **לֵאמֹר** (saying) here is taken to refer to circumcision because God said (**אָמַר**) to Abraham that he should circumcise his son, Gen. XVII, 9.
- (18) Deut. XXVIII, 10.
- (19) Esth. IX, 7-10.
- (20) By one reading the Megillah.
- (21) Not identified, v. B.M., Sonc. ed. p. 503, n. 10.
- (22) Al. 'blank space'.
- (23) The words in each line must be spaced in such a way as to present this appearance, the space of the half-brick being occupied in each case by the writing.
- (24) In Joshua XII.
- (25) **אִם־פִּתְאָא־וָאֵת־דְּלִפּוֹן־וָאֵת־פִּרְשְׁנֵי־דְתַּא־וָאֵת־** etc.
- (26) Esth. IX, 12.
- (27) Because he commenced as if in anger and then proceeded and what is thy request etc.
- (28) Ibid. 25.
- (29) Rashi omits here the words, 'she said', and explains that R. Johanan is here laying down the rule that the Megillah (which is called 'letter') should be read aloud. How he derives this lesson from the text is not clear.
- (30) Ibid. 30.
- (31) I.e., the Pentateuch, v. Git. 6b.
- (32) Ibid. 32.
- (33) Ibid. 31.
- (34) Ibid. X, 3.
- (35) Because when he rose to power he neglected the study of the Torah.
- (36) Ezra II, 2.
- (37) Neh. VII, 7. The list in Ezra is given in connection with the first return from Babylon, the list in Nehemiah in connection with the dedication of the Temple which is reckoned by the Talmud to have taken place twenty-four years later (v. Rashi); and the incident of Purim is supposed to have taken place in the interval.
- (38) I.e., but for Baruch, Ezra would have come back with the first of the returning exiles.

Talmud - Mas. Megilah 17a

Why are the years of Ishmael mentioned? So as to reckon by them the years of Jacob, as it is written, And these are the years of the life of Ishmael, a hundred and thirty and seven years.¹ How much older was Ishmael than Isaac? Fourteen years, as it is written, And Abram was fourscore and six years old when Hagar bore Ishmael to Abram,² and it is also written, And Abraham was a hundred years old when his son Isaac was born to him,³ and it is written, And Isaac was threescore years old when she bore them.⁴ How old then was Ishmael when Jacob was born? Seventy-four. How many years were left of his life? Sixty-three; and it has been taught: Jacob our father at the time when he was blessed by his father was sixty-three years old. It was just at that time that Ishmael died, as it is written, Now Esau saw that Isaac had blessed Jacob...so Esau went unto Ishmael and took Mahlath the daughter of Ishmael Abraham's son the sister of Nebaioth.⁵ Now once it has been said, 'Ishmael's daughter' do I not know that she was the sister of Nebaioth? This tells us then that Ishmael affianced her and then died, and Nebaioth her brother gave her in marriage.⁶ Sixty-three and fourteen till Joseph was born⁷ make seventy-seven, and it is written, And Joseph was thirty years old when he stood before Pharaoh.⁸ This makes a hundred and seven. Add seven years of plenty and two of famine,⁹ and we have a hundred and sixteen, and it is written, And Pharaoh said unto Jacob, How many are the days of the years of thy life? And Jacob said unto Pharaoh, The days of the years of my sojournings are a hundred and thirty years.¹⁰ But [we have just seen that] they were only a hundred and sixteen? We must conclude therefore that he spent fourteen years in the house of Eber,¹¹ as it has been taught: 'After Jacob our father had left for Aram Naharaim two years.¹² Eber died'. He then went forth from where he was¹³ and came to Aram Naharaim. From this¹⁴ it follows that when he stood by the well he was seventy-seven years old. And how do we know that he was not punished [for these fourteen years]? As it has been taught: 'We find that Joseph was away from his father twenty-two years.¹⁵ just as Jacob our father was absent from his father'. But Jacob's absence was thirty-six years?¹⁶ It must be then that the fourteen years which he was in the house of Eber are not reckoned. But when all is said and done, the time he spent in the house of Laban was only twenty years?¹⁷ — The fact is that [he was also punished] because he spent two years on the way, as it has been taught: He left Aram Naharaim and came to Succoth and spent there eighteen months, as it says, And Jacob journeyed to Succoth, and built him a house, and made booths for his cattle;¹⁸ and in Bethel he spent six months and brought there sacrifices.

CHAPTER II

MISHNAH. IF ONE READS THE MEGILLAH BACKWARDS,¹⁹ HE HAS NOT PERFORMED HIS OBLIGATION. IF HE READS IT BY HEART, IF HE READS IT IN A TRANSLATION [TARGUM] IN ANY LANGUAGE,²⁰ HE HAS NOT PERFORMED HIS OBLIGATION. IT MAY, HOWEVER, BE READ TO THOSE WHO DO NOT UNDERSTAND HEBREW²¹ IN A LANGUAGE OTHER THAN HEBREW. IF ONE WHO DOES NOT UNDERSTAND HEBREW HEARS IT READ IN HEBREW, HE HAS PERFORMED HIS OBLIGATION. IF ONE READS IT WITH BREAKS,²² OR WHILE HALF-ASLEEP, HE HAS PERFORMED HIS OBLIGATION. IF HE WAS COPYING IT, CORRECTING IT OR EXPOUNDING IT, THEN IF [IN DOING SO] HE PUT HIS MIND [ALSO TO THE READING] OF IT HE HAS PERFORMED HIS OBLIGATION, BUT OTHERWISE NOT. IF [THE COPY FROM WHICH HE READS] IS WRITTEN WITH SAM, WITH SIKRA, WITH KUMUS, OR WITH KANKANTUM,²³ OR ON NEYAR OR DIFTERA,²³ HE HAS NOT PERFORMED HIS OBLIGATION; IT MUST BE WRITTEN IN HEBREW²⁴ ON PARCHMENT²⁵ AND IN INK.

GEMARA. Whence is this rule [not to read backward] derived? — Raba said: The text says, according to the writing thereof and according to the appointed time thereof:²⁶ just as the appointed time cannot be backward,²⁷ so the [reading from the] writing must not be backward. But does the text speak here of reading? It speaks of keeping, as it is written, that they would keep these two

days? — The truth is that we derive the rule from here, as it is written: And that these days should be remembered and kept.²⁸ ‘Remembering’ is here put on the same footing as ‘keeping’: just as keeping cannot be in the wrong order, so remembering also.

A Tanna stated: The same rule applies to Hallel,²⁹ to the recital of the Shema’,²⁹ and to the ‘Amidah²⁹ prayer. Whence do we derive the rule as regards Hallel? — Rabbah said: Because it is written, From the rising of the sun unto the going down thereof [the Lord's name is to be praised].³⁰ R. Joseph said, [from here]: This is the day which the Lord hath made.³¹ R. Awia said: Let the name of the Lord be blessed.³² R. Nahman b. Isaac — or you may also say, R. Aha b Jacob — said, It is from here: From this time forth and for ever.³³

‘To the recital of the Shema’’, as it has been taught: The Shema’ must be recited as it is written.³⁴ So Rabbi. The Sages, however, say: It may be recited in any language. What is Rabbi's reason? Scripture says

(1) Gen. XXV, 17.

(2) Ibid. XVI, 16.

(3) Ibid. XXI, 5.

(4) Ibid. XXV, 26.

(5) Ibid. XXVIII, 6-9.

(6) Which shows that Ishmael died just about the time that Isaac blessed Jacob.

(7) It is reckoned by the Talmud that Jacob had been with Laban fourteen years when Joseph was born. V. Gen. XXXI, 41.

(8) Ibid. XLI, 46.

(9) V. Ibid. XLV, 6.

(10) Ibid. XLVII, 8,9.

(11) [So Rashi: cur. edd., ‘the fourteen years he spent . . . are not reckoned’.]

(12) [So Rashi: cur. edd. introduce passage with: ‘Jacob lay hidden in the house of Eber for fourteen years’.]

(13) This is the reading here of the Bah. The reading of the text is unintelligible.

(14) [By calculating the years Eber lived, v. Gen. XI, 17.]

(15) He left when he was seventeen, he was thirty when he stood before Pharaoh, and seven years of plenty and two of famine passed before he saw his father.

(16) He left when he was sixty-three and returned when he was ninety-nine.

(17) V. Gen. XXXI, 41.

(18) Gen. XXXIII, 17: a ‘house’ for one summer, and two ‘booths’ for two winters.

(19) [Perhaps as a magical incantation for driving away demons. V. Blau Das altjudische Zauberwesen pp. 146ff.]

(20) [MS.M. If he read it in Targum (Aramaic); if he read it in any other language. The text of cur. edd. can also bear this interpretation, v. Rashi 18a s.v. קראה].

(21) לעויות people speaking a foreign (לעז) language.

(22) I.e., reads a part and then waits some time before resuming v. Gemara.

(23) Because these materials fade. A similar rule was laid down with regard to the Get. For the meaning of these terms, v. infra in the Gemara.

(24) Lit., ‘Assyrian’ characters; v. supra 8b.

(25) Lit., ‘on the book’. [Var lec. ‘on skin’.]

(26) Esth. IX, 27.

(27) I.e., the fifteenth cannot come before the fourteenth.

(28) Esth. IX, 28. The Hebrew word זכירה means both ‘remembering’ and ‘mentioning’.

(29) V. Glos.

(30) Ps. CXIII, 3. Just as the sun never goes backward from West to East, so the praise of the Lord should not be recited backward.

(31) Ibid. CXVIII, 24. The day also cannot go backward.

(32) Ibid. CXIII, 2.

(33) Ibid.

(34) I.e., in the original language.

Talmud - Mas. Megilah 17b

, [And these words] shall be,¹ which implies, they shall be kept as they are. And what is the reason of the Rabbis? — Because Scripture says, Hear,² which implies, in any language which you understand. How then can Rabbi [hold otherwise], seeing that it is written, ‘hear’? — He requires that word for the injunction, ‘Let thine ear hear what thou utterest with thy mouth’. The Rabbis, however, concurred with the authority who said that if one recites the Shema’ without making it audible, he has performed his obligation. But the Rabbis too — [how can they hold as they do], seeing that it is written, ‘And they shall be’? — They require this for the injunction that it should not be recited backwards. Whence does Rabbi derive the rule that it should not be recited backwards? From [the use of the expression] ‘the words’, where ‘words’ [would have been sufficient]. The Rabbis, however, do not accept this distinction between ‘the words’ and ‘words’.

May we say that Rabbi was of opinion that the whole of the Torah has been ordained [to be recited] in any language?³ For should you assume that it has been ordained [to be recited] only in the holy tongue, why should the words ‘and they shall be’ be inserted [in reference to the Shema’]? — These were necessary. For it might have occurred to me to understand ‘hear’ in the same sense as the Rabbis:⁴ therefore the All-Merciful wrote ‘and they shall be’. May we then say that the Rabbis were of opinion that the whole of the Torah was ordained [to be recited] only in the holy tongue, since, should you assume that it was ordained to be recited in any language, [I might ask], why should ‘hear’ be inserted [in reference to the Shema’]? — This word is necessary. For it might occur to me to understand ‘and they shall be’ in the same sense as Rabbi. Therefore the All-Merciful wrote, ‘hear’.

‘To the ‘Amidah prayer’. Whence is this derived? — As it has been taught: ‘Simeon the Pakulite⁵ formulated eighteen blessings in the presence of Rabban Gamaliel in the proper⁶ order in Jabneh.⁷ R. Johanan said (others report, it was stated in a Baraitha): A hundred and twenty elders, among whom were many prophets, drew up eighteen blessings in a fixed order’.

Our Rabbis taught: Whence do we derive that the blessing of the Patriarchs⁸ should be said? Because it says, Ascribe unto the Lord, O ye sons of might.⁹ And whence that we say the blessing of mighty deeds?¹⁰ Because it says, Ascribe unto the Lord glory and strength.¹¹ And whence that we say sanctifications?¹² Because it says, Ascribe unto the Lord the glory due unto His name, worship the Lord in the beauty of holiness.¹³ What reason had they for mentioning understanding¹⁴ after holiness? Because it says, They shall sanctify the Holy One of Jacob and shall stand in awe of the God of Israel,¹⁵ and next to this, They also that err in spirit shall come to understanding. What reason had they for mentioning repentance¹⁶ after understanding? Because it is written, Lest they, understanding with their heart, return and be healed.¹⁷ If that is the reason, healing should be mentioned next to repentance?¹⁸ — Do not imagine such a thing, since it is written, And let him return unto the Lord and He will have compassion upon him, and to our God, for he will abundantly pardon.¹⁹ But why should you rely upon this verse? Rely rather on the other! — There is written another verse, Who forgiveth all thine iniquity, who healeth all thy diseases, who redeemeth thy life from the pit,²⁰ which implies that redemption and healing come after forgiveness. But it is written, ‘Lest they return and be healed’? That refers not to the healing of sickness but to the healing [power] of forgiveness. What was their reason for mentioning redemption in the seventh blessing?²¹ Raba replied: Because they [Israel] are destined to be redeemed in the seventh year [of the coming of the Messiah],²² therefore the mention of redemption was placed in the seventh blessing. But a Master has said, ‘In the sixth year will be thunderings, in the seventh wars, at the end of the seventh the son of David will come’? — War is also the beginning of redemption. What was their reason for

mentioning healing in the eighth blessing? — R. Aha said: Because circumcision which requires healing is appointed for the eighth day, therefore it was placed in the eighth blessing. What was their reason for placing the [prayer for the] blessing of the years ninth? R. Alexandri said: This was directed against those who raise the market price [of foodstuffs], as it is written, Break thou the arm of the wicked; and when David said this, he said it in the ninth Psalm.²³

What was their reason for mentioning the gathering of the exiles after the blessing of the years? — Because it is written, But ye, O mountains of Israel, ye shall shoot forth your branches and yield your fruit to thy people Israel, for they are at hand to come.²⁴ And when the exiles are assembled, judgment will be visited on the wicked, as it says, And I will turn my hand upon thee and purge away thy dross as with lye,²⁵ and it is written further, And I will restore thy judges as at the first.²⁶ And when judgment is visited on the wicked, transgressors cease,²⁷ and presumptuous sinners²⁸ are included with them, as it is written, But the destruction of the transgressors and of the sinners shall be together, and they that forsake the Lord shall be consumed.²⁹ And when the transgressors have disappeared, the horn of the righteous is exalted,³⁰ as it is written, All the horns of the wicked also will I cut off, but the horns of the righteous shall be lifted up.³¹ And ‘proselytes of righteousness’³² are included with the righteous, as it says, thou shalt rise up before the hoary head and honour the face of the old man,³³ and the text goes on, And if a stranger sojourn with thee. And where is the horn of the righteous exalted? In Jerusalem,³⁴ as it says, Pray for the peace of Jerusalem, may they prosper that love thee.³⁵ And when Jerusalem is built, David³⁶ will come, as it says.

(1) Deut. VI, 6.

(2) Ibid. 4. The word **שמע** means both ‘hear’ and ‘understand’.

(3) According to Tosaf., this refers only to those passages of the Scripture which were to be recited on special occasions, e.g., the passage relating to the first-fruit, the declaration of halizah etc.

(4) Viz., in any language.

(5) Possibly this means ‘cotton dealer’ (Rashi).

(6) I.e. one based on Scriptural texts, as explained infra.

(7) V. Ber. 28b.

(8) The first blessing, containing the words, the God of Abraham, the God of Isaac, and the God of Jacob’. For the ‘Amidah prayer v. P.B. pp. 44ff.

(9) Ps. XXIX, 1. ‘Sons of might’ is taken as a description of the Patriarchs. The Talmud renders: ‘Mention before the Lord the sons of might’, i.e., the Patriarchs.

(10) The second blessing, mentioning the ‘mighty deed’ of the resurrection.

(11) Ps. XXIX, 1.

(12) The third blessing beginning, ‘Thou art holy’.

(13) Ibid. 2.

(14) In the fourth blessing, beginning, ‘Thou grantest to man understanding’.

(15) Isa. XXIX, 23f.

(16) In the fifth blessing, commencing, ‘Bring us back, O Father’.

(17) Ibid. VI, 10.

(18) Whereas in fact it comes in the next blessing but one, ‘redemption’ being interposed.

(19) Ibid. LV, 7.

(20) Ps. CIII, 3f.

(21) Concluding, ‘Blessed art thou, O Lord, who redeemest Israel’.

(22) V. Sanh. 97a.

(23) In our books it is the tenth (v. 15), but the Talmud apparently reckoned the first and second Psalms as one.

(24) Ezek. XXXVI, 8.

(25) Isa. I, 25.

(26) Ibid. 26. The next blessing proceeds, ‘Restore our judges’. etc.

(27) MS. M. minim (plur. of min v. Glos.).

(28) Mentioned in the next blessing. This, however, was not one of the original eighteen, v. Ber. 28b.

(29) Ibid. 28.

(30) The next blessing concludes, 'the support and trust of the righteous'.

(31) Ps. LXXV, II.

(32) Mentioned in the same blessing. 'Proselytes of Righteousness' are converts who completely accept the Jewish creed and life.

(33) Lev. XIX, 32.

(34) Mentioned in the next blessing.

(35) Ps. CXXII, 6.

(36) Mentioned in the next blessing, which commences, 'Cause to sprout quickly the shoot of David'.

Talmud - Mas. Megilah 18a

Afterwards shall the children of Israel return and seek the Lord their God, and David their king.¹ And when David comes, prayer² will come, as it says. Even then will I bring to my holy mountain, and make them joyful in my house of prayer.³ And when prayer has come, the Temple service⁴ will come, as it says, Their burnt-offerings and their sacrifices shall be acceptable upon mine altar.⁵ And when the service comes, thanksgiving⁶ will come, as it says. Whoso offereth the sacrifice of thanksgiving honoureth me.⁷ What was their reason for inserting the priestly benediction after thanksgiving? Because it is written, And Aaron lifted up his hands toward the people and he came down from offering the sin-offering and the burnt-offering and the peace-offerings.⁸ But cannot I say that he did this before the service? — Do not imagine such a thing. For it is written, 'and he came down from offering'. Is it written 'to offer'? It is written, 'from offering'.⁹ Why not then say it [the priestly benediction] after the [blessing of] the Temple service? — Do not imagine such a thing, since it is written, whoso offereth the sacrifice of thanksgiving.¹⁰ Why base yourself upon this verse? Why not upon the other? — It is reasonable to regard service and thanksgiving as one. What was their reason for having 'give peace' said after the priestly benediction? — Because it is written, So they [the priests] shall put my name upon the children of Israel, and [then] I shall bless them;¹¹ and the blessing of the Holy One, blessed be He, is peace, as it says, The Lord shall bless his people with peace.¹²

Seeing now that a hundred and twenty elders, among whom were many prophets. drew up the prayers in the proper order, why did Simeon the Pakulite formulate them? — They were forgotten, and he formulated them afresh. Beyond this it is forbidden to declare the praise of the Holy One, blessed be He.¹³ For R. Eleazar said: What is the meaning of the verse, Who can express the mighty acts of the Lord, or make all his praise to be heard?¹⁴ For whom is it fitting to express the mighty acts of the Lord? For one who can make all his praise to be heard. Rabbah b. Bar Hanah said in the name of R. Johanan: One who descants upon the praises of the Holy One, blessed be He, to excess is uprooted from the world, as it says, Shall it be told to him that I should speak? Should a man [try to] say, surely he would be swallowed up.¹⁵ R. Judah a man of Kefar Gibboraya,¹⁶ or, as some say, of Kefar Gibbor Hayil,¹⁷ gave the following homily: What is meant by the verse, For thee silence is praise?¹⁸ The best medicine of all is silence. When R. Dimi came, he said: In the West¹⁹ they say: A word is worth a sela', silence two sela's.

IF ONE READS IT BY HEART, HE HAS NOT PERFORMED HIS OBLIGATION. Whence this rule? — Raba said: We explain the expression zekirah²⁰ in one passage from its use in another. It is written here, And these days shall be nizkarim²¹ [remembered] and it is written elsewhere, Write this le-zikaron [for a memorial] in the book.²² Just as there it was to be in a book, so here it must be in a book. But how do we know that this 'nizkarim' implies 'uttering'? Perhaps it means mere reading with the eyes? — Do not imagine such a thing, since it has been taught: 'Remember' [zakor].²³ Am I to say, this means only with the mind? When the text says, thou shalt not forget, the injunction against mental forgetfulness is already given. What then am I to make of 'remember'? This must mean, by utterance.²⁴

IF ONE READS IT IN A TRANSLATION, HE HAS NOT PERFORMED HIS OBLIGATION. How are we to understand this? Are we to suppose that it is written in Hebrew and he reads it in a translation? This is the same as reading by heart! — It is required for the case where it is written in a translation and he reads it in a translation.

IT MAY, HOWEVER, BE READ TO THOSE WHO DO NOT SPEAK HEBREW IN A LANGUAGE OTHER THAN HEBREW. But you have just said, IF ONE READS IT IN ANY [OTHER] LANGUAGE HE HAS NOT PERFORMER HIS OBLIGATION? — Rab and Samuel both answered that what is referred to here is the Greek vernacular. How are we to understand this? Shall we say that it is written in Hebrew and he reads it in Greek? This is the same as saying by heart? — R. Aha said in the name of R. Eleazar: What is referred to is where it is written in the Greek vernacular.

(R. Aha also said in the name of R. Eleazar: How do we know that the Holy One, blessed be He, called Jacob El [God]²⁵ Because it says, And the God of Israel called him [Jacob] El.²⁶ For should you suppose that [what the text means is that] Jacob called the altar El, then it should be written, 'And Jacob called it'. But [as it is not written so], we must translate, 'He called Jacob El'. And who called him so? The God of Israel).

An objection was brought [against the dictum of Rab and Samuel] from the following: 'If one reads it in Coptic,²⁷ in Hebraic,²⁸ in Elamean, in Median, in Greek, he has not performed his obligation'! — This [statement]²⁹ means only in the same sense as the following: 'If one reads it in Coptic to the Copts,³⁰ in Hebrew to the Hebrews, in Elamean to the Elameans, in Greek to the Greeks, he has performed his obligation'. If that is the case, why do Rab and Samuel explain the Mishnah to refer to the Greek vernacular? Let them make it refer to any vernacular? — The fact is that the Mishnah agrees with the Baraitha,³¹ and the statement of Rab and Samuel was meant to be a general one [thus]: Rab and Samuel both say that the Greek vernacular is good for all peoples. But it is stated, '[He may read] in Greek for the Greeks' — for the Greeks, that is, he may, but for others not? — They [Rab and Samuel] concurred with Rabban Simeon b. Gamaliel, as we have learnt: 'Rabban Simeon b. Gamaliel says: Scrolls of the Scripture also were allowed to be written only in Greek'.³² Let them then say, The halachah is as stated by Rabban Simeon b. Gamaliel? — Had they said, The halachah is as stated by Rabban Simeon b. Gamaliel, I should have understood them to mean that this is the case with other books of the Scriptures but not with the Megillah, of which it is written, according to the writing thereof.³³ Therefore we are told [that this is not so].

IF ONE WHO DOES NOT UNDERSTAND HEBREW HEARD IT READ IN HEBREW, HE HAS PERFORMED HIS OBLIGATION. But he does not know what they are saying? — he is on the same footing as women and ignorant people. Rabina strongly demurred to this saying;³⁴ And do we know the meaning of ha-ahashteranim bene ha-ramakim?³⁵ But all the same we perform the precept of reading the Megillah and proclaiming the miracle. So they too perform the precept of reading the Megillah and proclaiming the miracle.³⁶

IF ONE READS IT WITH BREAKS [SERUGIN], HE HAS PERFORMED HIS OBLIGATION. The Rabbis did not know what was meant by serugin,³⁷ until one day they heard the maidservant of Rabbi's household, on seeing the Rabbis enter at intervals, say to them, How long are you going to come in by serugin?

The Rabbis did not know what was meant by haluglugoth, till one day they heard the handmaid of the household of Rabbi, on seeing a man peeling portulaks, say to him, How long will you be peeling your haluglugoth?

The Rabbis did not know what was meant by, *salseleah* and it shall exalt thee.³⁸ One day they heard the handmaid of the house of Rabbi say to a man who was curling his hair, How long will you be *mesalsel* with your hair?³⁹

The Rabbis did not know what was meant by, Cast upon the Lord thy *yehab* and he shall sustain thee.⁴⁰ Said Rabbah b. Bar Hanah: One day I was travelling with a certain Arab⁴¹ and was carrying a load, and he said to me, Lift up your *yehab* and put it on [one of] the camels.

The Rabbis did not know what was meant by, *we-tetethia bematate* of destruction,⁴² till one day they heard the handmaid of the household of Rabbi say to her companion, Take the *tatitha* [broom] and *tati* [sweep] the house.

Our Rabbis taught: If one reads it with breaks, he has performed his obligation;

(1) Hos. III, 5.

(2) Mentioned in the next blessing, which commences, 'Hear our voice .

(3) Isa. LVI, 7.

(4) The next blessing contains the words, 'Restore the service'.

(5) Ibid.

(6) The next blessing commences, 'We give thanks to Thee'.

(7) Ps. L, 23.

(8) Lev. IX, 22.

(9) [Omit with MS.M.: 'For it is written . . . to offer'?).

(10) Which shows that sacrifice is followed immediately by thanksgiving.

(11) Num. VI, 27.

(12) Ps. XXIX, 11.

(13) I.e., it is forbidden to add any more blessings.

(14) Ps. CVI, 2.

(15) Job XXXVII, 20. E.V., 'Or should a man wish that he were swallowed up'.

(16) Lit., 'village of warriors'.

(17) Lit., 'village of a mighty warrior'. [MS.M. has 'Kefar Naburya' and 'Kefar Napor Hayil. The former is identified with en-Nebraten in Upper Galilee, v. Keth., Sonc. ed. p. 391, n. 11].

(18) Ps. LXV, 2. E.V., 'Praise waiteth for thee'.

(19) Palestine.

(20) Which means both 'remembering' and 'mentioning'.

(21) Esth. IX, 28.

(22) Ex. XVII, 14.

(23) Deut. XXV, 17.

(24) Lit., 'with the mouth'. So here, the days of Purim must be 'remembered' by utterance.

(25) Generally rendered 'God'; literally, 'Mighty'.

(26) Gen. XXXIII, 20. E.V., and called it El-Elohe-Israel'.

(27) The language of the Egyptians.

(28) Apparently the reference is to a kind of Aramaic spoken by the Bene Eber, or 'on the other side' (*be'eber*) of the Euphrates.

(29) The last clause of our Mishnah.

(30) I.e., the Coptic-speaking Jews.

(31) That it may be read in a vernacular only for those who speak that vernacular.

(32) Supra 8b.

(33) Esth. IX, 27.

(34) [Read with MS.M.: 'For should you not say thus' omitting 'Rabina strongly demurred to this'].

(35) Ibid. VIII, 10. E.V., 'that were used in the king's service, bred of the stud'. The words are obviously Persian.

(36) Because they enquire and are told.

- (37) The whole of this passage, down to 'house' is repeated in R.H. 26b.
 (38) Prov. IV, 8. E.V., 'extol her'.
 (39) Which shows that salseleah means 'turn it about and about'.
 (40) Ps. LV, 23. E.V., 'thy burden'.
 (41) [Taya, name of Arab tribe which was applied to all Arabs as a part to a whole].
 (42) Isa. XIV, 23. E.V., 'I will sweep it with the besom of destruction'.

Talmud - Mas. Megilah 18b

if with omissions,¹ he has not performed it. R. Muna said in the name of R. Judah: Even with breaks, if he stops long enough to finish the whole of it, he must go back to the beginning. R. Joseph said: The halachah is as stated by R. Muna in the name of R. Judah. Abaye inquired of R. Joseph: [When it says] 'long enough to finish the whole of it', does it mean from where he is to the end, or from the beginning to the end? He replied: It means from the beginning to the end, as otherwise there would be no fixed standard.² R. Abba said in the name of R. Jeremiah b. Abba who said it in the name of Rab: The halachah is as stated by R. Muna. Samuel, however, said: The halachah is not as stated by R. Muna. This is the version given in Sura. In Pumbeditha the following version is given: R. Kahana said in the name of Rab: The halachah is as stated by R. Muna, but Samuel said that the halachah does not follow R. Muna. R. Bibi reverses the statement, [making] Rab say that the halachah does not follow R. Muna and Samuel that it does follow R. Muna. R. Joseph said: Adopt³ the version of R. Bibi, since it is Samuel who takes note of the view of an individual authority,⁴ as we have learnt: 'If a woman was waiting for the levir [to make his decision], and a [younger] brother of his became affianced to her sister, the rule was laid down in the name of R. Judah b. Bathyra that the Beth din say to him, Wait till your elder brother acts [one way or the other];⁵ and Samuel said, The halachah is as stated by R. Judah b. Bathyra'.⁶

Our Rabbis taught: If the scribe had omitted letters or verses and the reader read them like the translator when he is translating,⁷ he has performed his obligation. The following was cited in objection to this: 'If letters in it [the scroll] are partially effaced or torn, if they are still legible, it may be used, but otherwise it may not be used'! — There is no contradiction: the one statement⁸ refers to the whole of it, the other⁹ to part of it.

Our Rabbis taught: If the reader omitted one verse, he must not say, I will finish reading it [the Megillah] and I will then read that verse, but he must read [again] from that verse. If a man enters the synagogue and finds that the congregation has read half, he must not say, I will read half with the congregation and then I will read the other half, but he must read it from the beginning to the end.

IF HE WAS HALF-ASLEEP, HE HAS PERFORMED HIS OBLIGATION. What is meant by 'half-asleep'?¹⁰ — R. Ashi said: He is asleep and not asleep, awake and not awake; if he is called he responds, but he cannot give a rational answer, though if he is reminded [of what has been said] he remembers.

IF ONE WAS WRITING IT, EXPOUNDING IT, OR CORRECTING IT, IF HE PUT HIS MIND TO IT etc. How are we to understand this? If he was conning each verse and then writing it, what does it matter if he did put his mind to it? He is writing by heart! We must suppose therefore that he writes each verse and then recites it. But does he thereby perform his obligation? Has not R. Helbo said in the name of R. Hama b. Guria who said it in the name of Rab, The halachah follows the view of him who says that all of it [must be recited],¹¹ and even according to the one who says that it is sufficient [to recite] from 'A Jew was', it is necessary that the whole should be [already] written? We must suppose therefore that a Megillah lies before him and he reads from it, verse by verse, and then writes. Shall we then¹² say that this supports Rabbah b. Bar Hanah, for Rabbah b. Bar Hanah said in the name of R. Johanan. It is forbidden to write one letter [of the Megillah], save from a copy?

Perhaps [the Mishnah speaks only of a case] where he just happened [to have a copy before him].¹³

The text [above states]: ‘Rabbah b. Bar Hanah said in the name of R. Johanan, It is forbidden to write one letter save from a copy’. The following was cited in opposition to this: ‘It happened once that R. Meir went to prolong the year¹⁴ in Assia,¹⁵ and there was no Megillah there and he wrote one out by heart’! — R. Abbahu said: R. Meir is different, because to him could be applied the verse, Thine eyelids shall look straight before thee.¹⁶ Rami b. Hama asked R. Jeremiah from Difti:¹⁷ What is the meaning of ‘thine eyelids [‘af’apeka] shall look straight before thee’? — He replied: This refers to the words of the Torah, of which it is written, Wilt thou direct [ta’if] thine eyes from it? it is gone.¹⁸ And even so, R. Meir could produce them correctly. R. Hisda found R. Hananel writing scrolls without a copy. He said to him: You are quite qualified to write the whole Torah by heart,¹⁹ but thus have the Sages ruled: It is forbidden to write one letter save from a copy. Seeing that he said, ‘You are qualified to write the whole Torah by heart’, we may conclude that he could produce them correctly, and we see that R. Meir actually did write?²⁰ — In case of emergency it is different — Abaye allowed the members of the household of Bar Habu²¹ to write tefillin and mezuzoth²² without a copy. What authority did he follow? — The following Tanna, as it has been taught: R. Jeremiah says in the name of our Teacher:²³ Tefillin and mezuzoth may be written out without a copy, and do not require to be written upon ruled lines. The law, however, is that tefillin do not require lines,²⁴ but mezuzoth do require lines, and both may be written without a copy. What is the reason? — They are well known by heart.

IF IT WAS WRITTEN WITH SAM²⁵ etc. SAM: this is paint. SIKRA: this is vermilion. Rabbah b. Bar Hanah said: It is what we call sekarta [vermilion]. KUMUS: this is gum

(1) So Asheri. Rashi: ‘Backwards’.

(2) Lit., ‘you place your rule at the mercy of different measurements’, according to the amount that still remains to be read.

(3) Lit., ‘take hold of in your hand’.

(4) When he differs from the majority.

(5) I.e., decides either to marry the sister-in-law or to take halizah from her. Otherwise, since the levirate obligation also devolves on the younger brother, he must not marry the sister.

(6) Although the majority of the Rabbis did not agree with him. V. Yeb. 18b.

(7) The Pentateuch into Aramaic in the synagogue, which is done by heart (Rashi). [R. Hananel: Like the translator who paraphrases and adds matter which is not in the text].

(8) That it may not be used.

(9) That it may be read if letters are omitted.

(10) Lit., ‘nodding’.

(11) Infra 19a.

(12) Since the Mishnah cannot be explained in any other way.

(13) And would not insist on the rule laid down by Rabbah b. Bar Hanah.

(14) By intercalating a second Adar.

(15) Probably one of the cities of Asia Minor is meant, v. Sanh., Sonc. ed. p. 151, n. 1.

(16) Prov. IV, 25.

(17) Dibtha below the Tigris S.E. of Babylonia.

(18) I.e. if one turns his eyes a moment away from the Torah, he forgets it. Prov. XXIII, 5 E.V., ‘wilt thou set thine eyes upon it’.

(19) Lit., ‘the whole Torah is fitted to be written at thy mouth’.

(20) Then why could not he also?

(21) A vendor of tefillin, v. B.M. 29b.

(22) V. Glos.

(23) Rabbi(?)

(24) V. supra p. 16b.

(25) For this passage. cf. Git., Sonc. ed. p. 70 notes.

Talmud - Mas. Megilah 19a

. KANKANTUM: this is bootmakers' blacking. DIFTERA: this is a skin which has been salted and put in flour but not treated with gall nuts. NEYAR: this is paper.¹

IT MUST BE WRITTEN IN HEBREW. As it is written, according to the writing² thereof, and according to the appointed time thereof.²

ON PARCHMENT AND IN INK. Whence this rule? — We explain writing' in one place by the use of the term in another. It is written here, And Esther the queen wrote,³ and it is written in another place, then Baruch answered them, He pronounced all these words unto me with his mouth, and I wrote them with ink in the book.⁴

MISHNAH. A RESIDENT OF A TOWN WHO HAS GONE TO A WALLED CITY⁵ OR OF A WALLED CITY WHO HAS GONE TO A TOWN, IF HE IS LIKELY TO RETURN TO HIS OWN PLACE⁶ READS ACCORDING TO THE RULE OF HIS OWN PLACE,⁷ AND OTHERWISE READS WITH THE REST. FROM WHERE MUST A MAN READ THE MEGILLAH SO AS TO FULFIL HIS OBLIGATION? R. MEIR SAYS, [HE MUST READ] THE WHOLE OF IT; RABBI JUDAH SAYS, [HE MUST READ] FROM 'THERE WAS A JEW';⁸ R. JOSE SAYS, FROM 'AFTER THESE THINGS'.⁹

GEMARA. Raba said: This rule applies only if he¹⁰ intends to return on the night of the fourteenth; but if he does not mean to return on the night of the fourteenth, he reads with the rest. Said Raba: Whence do I derive this ruling? Because it is written, Therefore do the Jews of the villages that dwell in the unwalled towns.¹¹ See now. It is written, 'the Jews of the villages'. Why then should it be further written, 'that dwell in the unwalled towns'? This teaches us that one who is a villager for one day is called¹² a villager. We have proved this for a villager. How do we know that it applies also to inhabitants of walled towns? — It is reasonable to suppose that since a villager of one day is called a villager, a walled-city-dweller of one day is called a walled-city-dweller.

Raba also said: A villager who has gone to a town reads with the rest in any case. What is the reason? By rights he ought to read at the same time as the townspeople — and it is the Rabbis who made a concession to the villagers so that they might supply food and drink to their brethren in the large cities.¹³ Now this applies only so long as they are in their own place, but when they are in the town, they must read like the townspeople. Abaye raised an objection to this from the following: 'If a resident of a walled city has gone to a town, in any case he reads according to the custom of his own place'. 'A resident of a walled city', do you say? His rule depends on whether he means to return!¹⁴ What you must read, then, is 'a villager'.¹⁵ — But must you not [in any case] explain [the passage]?¹⁶ Read, [then] 'reads with the rest'.

FROM WHERE MUST A MAN READ THE MEGILLAH etc. It has been taught: R. Simeon b. Yohai says, from 'On that night'.¹⁷ R. Johanan said: All these authorities derived their lesson from the same verse, viz., Then Esther the queen and Mordecai the Jew wrote all the acts of power.¹⁸ He who says that the whole Megillah must be read refers this to the power of Ahasuerus;¹⁹ he who says it must be read from 'there was a Jew', to the power of Mordecai; he who says from 'after these things', to the power of Haman; and he who says, from 'on that night', to the power of the miracle. R. Huna said: They derived it from here: And what did they see? For this reason. And what came upon them?²⁰ He who says that the whole of it must be read [interprets thus]: What had Ahasuerus seen to make him use the vessels of the Temple? It was for this reason, that he reckoned seventy years and they had not yet been redeemed;²¹ And what came upon them? that he put Vashti to death.

He who says that it should be read from 'there was a Jew' [interprets thus]: What had Mordecai seen that he picked a quarrel with Haman? It was for this reason, that he made himself an object of worship. 'And what came upon them'? that a miracle was performed [for him]. He who says that it is to be read from 'after these things', [interprets thus]: What did Haman see to make him pick a quarrel with all the Jews? It was for this reason, that Mordecai did not bow down or prostrate himself; 'and what came upon him'? They hung him and his sons on the tree. He who says that it is to be read from 'on that night' interprets thus: What did Ahasuerus see to make him order the book of chronicles to be brought? It was for this reason that Esther invited Haman with him. 'And what came upon them'? A miracle was performed for them.

R. Helbo said in the name of R. Hama b. Guria, who said it in the name of Rab: The halachah follows the view of him who says that the whole of it must be read; and even according to him who says that it need be read only from 'There was a Jew', it must all be written before him.²²

R. Hama b. Guria said in the name of Rab: The Megillah is called 'book'²³ and it is also called 'letter'.²⁴ It is called 'book' to show that if it is stitched with threads of flax,²⁵ it is not fit for use; and it is called 'letter' to show that if it is stitched with three threads of sinew, it may be used. R. Nahman said: This is only on condition that they are evenly spaced.²⁶

Rab Judah said in the name of Samuel: If one reads the Megillah from a volume containing the rest of the Scriptures,²⁷ he has not performed his obligation.²⁸ Raba said: This is the case only if it is not a little shorter or longer than the rest, but if it is a little shorter or longer than the rest,²⁹ there is no objection to it. Levi b. Samuel was reading before Rab Judah in a Megillah

(1) Made from papyrus stalk.

(2) Esth. IX, 27.

(3) Ibid. 29.

(4) Jer. XXXVI, 18.

(5) רבך. V. supra p. 1 n. 3.

(6) This is explained in the Gemara.

(7) I.e., on the fourteenth if he belongs to a town, on the fifteenth if to a city.

(8) Esth. II, 5.

(9) Ibid. III, 1.

(10) According to Rashi, this applies only to the man from the walled city who went to a town; but according to Asheri, even if a man from a town went to a walled city and stayed there over the night of the fourteenth, even if he returns to his own place on the fourteenth, he reads on the fifteenth and not on the fourteenth.

(11) Ibid. IX, 19.

(12) I.e., comes under the rule of.

(13) V. supra. 2a.

(14) As laid down explicitly in the Mishnah.

(15) And this would contradict the statement of Raba.

(16) By showing that the reading should be changed.

(17) Esth. VI,1

(18) Ibid. IX, 29.

(19) Who is mentioned at the very beginning.

(20) Ibid. 26. I.e., this is the subject-matter of the Megillah, as explained presently. E.V., 'And of that which they had seen concerning the matter'.

(21) V. supra 11b.

(22) I.e., he must have a complete copy, even if he does not read the whole of it.

(23) Esth. IX, 32.

(24) Ibid. 26.

(25) According to one authority in Mak. 11a a sefer torah must be stitched with sinews.

(26) Lit., 'trebled', i.e., placed at equal distances from one another and from the top and bottom.

(27) Lit., 'written among the writings'.

(28) Because he does not thereby sufficiently proclaim the miracle.

(29) So that it is recognizable as a separate book.

Talmud - Mas. Megillah 19b

which was included in a volume of the Scriptures. He said to him: [I must tell you that] they have said: 'If one reads the Megillah from a volume containing the rest of the Scriptures, he has not fulfilled his obligation'.

R. Hiyya b. Abba said in the name of R. Johanan: 'If one reads the Megillah in a volume containing the rest of the Scriptures, he has not fulfilled his obligation'; and he at once qualified this remark¹ by adding, 'in a congregation'.

R. Hiyya b. Abba also said in the name of R. Johanan: It is a rule deriving from Moses at Sinai that a space should be left unstitched [in the sefer torah];² and he at once qualified the remark by saying, 'this rule was laid down³ only so that it should not be torn'.⁴

R. Hiyya b. Abba also said in the name of R. Johanan: Had there been in the cave in which Moses and Elijah stood⁵ a chink no bigger than the eye of a fine needle, they would not have been able to endure the light, as it says, for man shall not see me and live.⁶

R. Hiyya b. Abba also said in the name of R. Johanan: What is the meaning of the verse, And on them was written according to all the words which the Lord spoke with you in the mount?⁷ It teaches us that the Holy One, blessed be He, showed Moses the minutiae of the Torah,⁸ and the minutiae of the Scribes,⁹ and the innovations which would be introduced by the Scribes; and what are these? The reading of the Megillah.¹⁰

MISHNAH. ALL ARE QUALIFIED TO READ THE MEGILLAH EXCEPT A DEAF PERSON,¹¹ AN IMBECILE AND A MINOR.¹² R. JUDAH DECLARES A MINOR QUALIFIED.

GEMARA. Who is the Tanna that maintains that [even if] the deaf person has read, it does not count?¹³ — R. Mattenah said: It is R. Jose, as we have learnt: 'If one reads the Shema' inaudibly, he has performed his obligation. R. Jose, however, says that he has not performed his obligation'. But why should we say that [our Mishnah] follows R. Jose and [lays down that] even if the deaf man has read, it does not count? Perhaps it follows R. Judah, and [what it means is that] the deaf man may not read in the first instance, but if he has read, his reading is accepted? — Do not imagine such a thing. For a deaf man is mentioned in the same category as an imbecile and a minor; just as the reading of an imbecile and a minor is not accepted, so the reading of a deaf man is not accepted. But perhaps there is one rule for the one and another rule for the other? — Since it states in the final clause that R. Judah declares a minor qualified, we may conclude that the first clause does not state the opinion of R. Judah. (But perhaps the whole of the Mishnah states the opinions of R. Judah? — Is it possible that he should disqualify in the first and permit in the second?)¹⁴ But perhaps the whole [of the Mishnah] gives the views of R. Judah, and he speaks of two kinds of minor, and there is an omission in the Mishnah, and it should run this: 'All are qualified to read the Megillah, except a deaf man, an imbecile and a minor. Of what kind of minor are we speaking? Of one who is not old enough to be trained in the performance of religious duties. But a minor who is old enough to be trained in religious duties¹⁵ may read even in the first instance, since R. Judah declares a minor qualified! — How then have you explained [the first clause of the Mishnah]? As following R. Judah and applying to an action already performed. What then of this statement made by Judah the son of R. Simeon b. Pazzi: 'One who can speak but not hear may set aside terumah in the first instance.'¹⁶ Whose view is

this? If you say R. Judah's. [this cannot be, because] he would say, his blessing [once made] is a blessing, but he may not say it in the first instance. If you say R. Jose, this also cannot be, since he disallows the action even if already performed! What then will you say? That it follows R. Judah, and that he allows it even in the first instance?¹⁷ What then of this which has been taught: 'A man should not say the grace after food in his heart,¹⁸ but if he does do so, he has performed his obligation'. Whose opinion is this? It is neither that of R. Judah¹⁹ nor that of R. Jose. For if it were to follow R. Judah, it would allow this even in the first instance, and if R. Jose, it would disallow it even when performed! —

(1) Lit., 'he struck it on the head'.

(2) I.e., the parchment sheets of which the scroll is composed should not be stitched together right to the top and right to the bottom.

(3) Lit., 'they said', i.e., the Sages. It was not derived from Moses at Sinai.

(4) Since if it is pulled violently it will give a little and the sheets will not come asunder.

(5) According to tradition, the cave in which Elijah stood when the Lord passed before him was the same as that in which Moses had stood on a similar occasion.

(6) Ex. XXXIII, 20.

(7) Deut. IX, 10.

(8) Minute indications upon which homiletical lessons are based, e.g., the words **סך** and **קך**.

(9) Inferences drawn by the Scribes from minute indications in the earlier Mishnahs.

(10) The 'men of the Great Synagogue' who are supposed to have written the Megillah are also numbered among the 'Scribes' (Soferim) by the Talmud.

(11) Because it is necessary for one who reads the Megillah to hear what he is saying.

(12) One under thirteen years of age.

(13) Lit., 'not even if (the thing) is done'.

(14) The passage in brackets is omitted by Rashi as breaking the connection.

(15) I.e., nine or ten years old, v. Yoma 82a.

(16) Although he has to say a blessing which he cannot hear.

(17) And the Mishnah does not follow R. Judah.

(18) I.e., inaudibly.

(19) According to the latest version of his opinion.

Talmud - Mas. Megillah 20a

In fact it follows R. Judah,¹ and he holds that the act may be done even in the first instance, and there is no difficulty: in the first quotation² he is giving his own opinion, in the second³ that of his teacher, as it has been taught: 'R. Judah says in the name of R. Eleazar b. Azariah: One who recites the Shema' must do so audibly, as it says, Hear, O Israel, the Lord our God is One,⁴ which implies. 'Let thine ear hear what thy mouth utters'. R. Meir says: [It says], which I command thee this day upon thy heart:⁵ according to the concentration of the mind, so is the value of the words. Now that you have come so far as this,⁶ you may even say that R. Judah was of the same opinion as his teacher, and the statement made by Judah the son of R. Simeon b. Pazzi follows R. Meir.

R. JUDAH DECLARES A MINOR QUALIFIED. It has been taught: 'R. Judah said: When I was a boy, I read it [the Megillah] before R. Tarfon and the elders in Lydda. They said to him: A proof cannot be adduced from a recollection of boyhood'.⁷ It has been taught: 'Rabbi said: When a boy, I read it before R. Judah. They said to him: A proof cannot be adduced from the very authority who allows [the act]'.⁸ Why did they not say to him, A proof cannot be adduced from recollections of boyhood? They gave him a double answer.⁹ For one thing, they said, you were a boy and besides, even had you been grown up, proof cannot be brought from the very authority who allows.

MISHNAH. THE MEGILLAH SHOULD NOT BE READ, NEITHER SHOULD

CIRCUMCISION BE PERFORMED, NOR A RITUAL BATH BE TAKEN,¹⁰ NOR SPRINKLING¹¹ BE PERFORMED, AND SIMILARLY A WOMAN KEEPING DAY FOR DAY¹² SHOULD NOT TAKE A RITUAL BATH UNTIL THE SUN HAS RISEN. BUT IF ANY OF THESE THINGS IS DONE AFTER DAWN HAS APPEARED,¹³ IT COUNTS AS DONE.

GEMARA. Whence this rule [about the Megillah]? — Because the Scripture says, and these days should be remembered [mentioned] and kept,¹⁴ which implies, that they are to be so by day, but not by night. Shall we say that this is a refutation of R. Joshua b. Levi; for R. Joshua b. Levi said: It is a man's duty to read the Megillah by night and a second time by day? — When the Mishnah makes this statement it is referring to the day reading.

NEITHER SHOULD CIRCUMCISION BE PERFORMED. Because it is written, And on the eighth day he shall be circumcised.¹⁵

NEITHER SHOULD A RITUAL BATH BE TAKEN NOR SPRINKLING BE PERFORMED. Because it is written, And the clean person shall sprinkle on the unclean . . . and on the seventh day:¹⁶ and bathing¹⁷ is put on the same footing as sprinkling.

AND SIMILARLY A WOMAN WHO IS KEEPING DAY FOR DAY SHOULD NOT TAKE A RITUAL BATH TILL THE SUN HAS RISEN. This is obvious! Why should a woman keeping day for day be different from all others who are under obligation to take ritual baths?¹⁸ — Her case had to be mentioned. For you might suppose that she should be on the same footing as the first observation of one with an issue, and the first observation of one with an issue has been put on the same footing as one with a seminal issue, as it is written, This is the law of him that hath an issue and of him from whom the flow of seed goeth out:¹⁹ just as one with a seminal issue takes his bath by day, so this one also should take his bath on the same day. This woman, however, cannot bathe on the day, because it is written, all the days of the issue of her uncleanness she shall be as in the days of her impurity;²⁰ so [you might say], by night at least she might keep watch for a short time²¹ and then bathe; therefore we are told that [she must not do this], because she requires to count [day for day];²²

(1) And our Mishnah in the first clause follows R. Jose.

(2) Referring to the blessing over terumah.

(3) Referring to grace after meals

(4) Deut. VI, 4.

(5) Ibid. 6.

(6) To inform us of the difference between R. Judah and R. Meir.

(7) Lit., 'from a boy'.

(8) Seeing that the majority disagree with him.

(9) Lit., 'they answered him (in the form of) one thing and yet another'.

(10) For defilement through a dead body (Num. XIX, 17ff) or through an issue (Lev. XV, 15). So Rashi. Tosaf., however, points out that, according to other passages in the Talmud, it is very doubtful if this is the rule, and therefore renders, 'the hyssop (for sprinkling) should not be dipped', v. Num. XIX, 11-12.

(11) Of the waters of purification on one who has touched a dead body.

(12) V. supra p. 44, n. 4.

(13) [Lit.. 'after the going up of the pillar of the morning'; the first streaks of light visible about 1 1/5 hours before sunrise, v. Maim. Commentary on Ber. I. 1].

(14) Esth. IX, 28.

(15) Lev. XII, 3.

(16) Num. XIX, 19.

(17) V. n. 1.

(18) If we accept the explanation of Tosaf. we must suppose this to refer not to the Mishnah but to mean, 'why should

this one be specified rather than any others who have to take ritual baths and who must bathe by day'.

(19) Lev. XV, 32.

(20) Ibid. 25. This shows that she must wait till the day is over. The verse refers to a woman who is keeping day for day.

(21) To make sure that she has no further issue.

(22) Cf. notes supra 3 and 11.

Talmud - Mas. Megilah 20b

and counting must be by day.¹

IF ANY OF THESE THINGS IS DONE AFTER DAWN HAS APPEARED, IT COUNTS AS DONE. Whence is this rule derived? — Raba said: Because the Scripture says, And God called the light day;² that which gradually becomes light He called day.³ But according to this, [when it says] and the darkness He called night,⁴ [are we to explain] that which gradually becomes dark He called night? Is it not generally agreed that till the stars come out it is not night? No, said R. Zera; we derive it from here: So we wrought in the work; and half of them held the spears from the rising of the morning till the stars appeared;⁵ and it says further, that in the night they may be a guard to us, and may labour in the day.⁶ What is the point of the second quotation?⁷ — You might say that from the time of the first rising of the dawn it is not yet day, though from the time the sun begins to set it is already night and they were early and late.⁸ Therefore come and hear: that in the night they may be a guard to us, and may labour in the day.⁹ MISHNAH. THE WHOLE OF THE DAY IS A PROPER TIME FOR THE READING OF THE MEGILLAH AND FOR THE RECITING OF HALLEL¹⁰ AND FOR THE BLOWING OF THE SHOFAR¹⁰ AND FOR TAKING UP THE LULAB¹⁰ AND FOR THE MUSAF¹⁰ PRAYER AND FOR THE ADDITIONAL SACRIFICES¹¹ AND FOR CONFESSION OVER THE OXEN¹² AND FOR THE ACKNOWLEDGMENT MADE OVER THE TITHE¹³ AND FOR THE CONFESSION OF SINS ON THE DAY OF ATONEMENT,¹⁴ FOR LAYING ON OF HANDS,¹⁵ FOR SLAUGHTERING [THE SACRIFICES], FOR WAVING,¹⁶ FOR BRINGING NEAR [THE VESSEL WITH THE MEAL-OFFERING TO THE ALTAR], FOR TAKING A HANDFUL, AND FOR PLACING IT ON THE FIRE,¹⁷ FOR PINCHING OFF [THE HEAD OF A BIRD-OFFERING]¹⁸ AND FOR RECEIVING THE BLOOD,¹⁹ AND FOR SPRINKLING,²⁰ AND FOR MAKING THE UNFAITHFUL WIFE DRINK²¹ AND FOR BREAKING THE NECK OF THE HEIFER²² AND FOR PURIFYING THE LEPER.²³ THE WHOLE OF THE NIGHT IS PROPER TIME FOR REAPING THE OMER,²⁴ AND FOR BURNING FAT AND LIMBS [ON THE ALTAR].²⁵ THIS IS THE GENERAL PRINCIPLE: ANY COMMANDMENT WHICH IS TO BE PERFORMED BY DAY MAY BE PERFORMED DURING THE WHOLE OF THE DAY, AND ANY COMMANDMENT WHICH IS TO BE PERFORMED BY NIGHT MAY BE PERFORMED DURING THE WHOLE OF THE NIGHT.

GEMARA. Whence this rule [about the Megillah]? — Because the Scripture says, And these days shall be mentioned and kept.²⁶

FOR READING THE HALLEL: as it is written, From the rising of the sun to its going down.²⁷ R. Joseph says: Because it is written, this is the day on which the Lord hath wrought.²⁸

FOR THE TAKING UP OF THE LULAB: as it is written, And ye shall take you on the first day.²⁹

FOR THE BLOWING OF THE SHOFAR, as it is written, it is a day of blowing the horn unto you.³⁰

FOR THE ADDITIONAL SACRIFICES, as it is written, each on its own day.³¹

AND FOR THE MUSAF PRAYER: because the Rabbis put this on the same footing as the additional sacrifices.

AND FOR THE CONFESSION MADE OVER THE OXEN, an analogy being drawn between the 'atonement' mentioned in this connection and that mentioned in connection with the Day of Atonement, as it has been taught in reference to the Day of Atonement: 'And he shall make atonement for himself and for his house:³² the text speaks of atonement made by words. And atonement is by day, as it is written, For on this day shall atonement be made for you.³³

AND FOR THE ACKNOWLEDGMENT MADE OVER THE TITHE: as it is written, And thou shalt say before the Lord thy God, I have put away the hallowed things out of my house,³⁴ and in the same context it says, This day the Lord thy God commandeth thee.³⁵

FOR LAYING ON OF HANDS AND FOR SLAUGHTERING: as it is written, and he shall lay his hand . . . and he shall kill,³⁶ and it is written in connection with killing, on the same day that ye sacrifice.³⁷

AND FOR WAVING: as it is written, and in the day when ye wave the sheaf.³⁸

AND FOR BRINGING NEAR; because this is compared to waving, as it is written, And the priest shall take the meal-offering of jealousy out of the woman's hand, and shall wave the meal-offering . . . and bring it near³⁹ [to the altar].

AND FOR PINCHING AND FOR TAKING A HANDFUL AND FOR BURNING AND FOR SPRINKLING, as it is written, in the day that he commanded the children of Israel [to present their offerings].⁴⁰

AND FOR MAKING THE UNFAITHFUL WIFE DRINK: The word 'law' which occurs in this connection is explained by its use in another.⁴¹ It is written here, and the priest shall execute upon her all this law,⁴² and it is written elsewhere, According to the law which they shall teach thee and according to the judgement⁴³

(1) As it says, And she shall count seven days. Ibid. 28.

(2) Gen. I, 5.

(3) Which shows that from dawn may be called day.

(4) Ibid.

(5) Neh. IV, 15.

(6) Ibid. 16.

(7) Lit., 'what is "and it says"'.
(8) I.e., started before day and finished after nightfall.

(8) I.e., started before day and finished after nightfall.

(9) Which shows that all the time during which they laboured was called day.

(10) V. Glos.

(11) On Sabbath or Festivals. V. Num. XXVIII-IX.

(12) Brought as a sin-offering for a sin committed unwittingly by the High Priest or by the congregation. V. Lev. IV.

(13) V. Deut. XXVI, 12-15.

(14) V. Lev. XVI.

(15) V. e.g., Lev. I, 4, III, 2.

(16) E.g., the breast of the peace-offering. V. Lev. VII, 30.

(17) From the meal-offering. V. Lev. II, 2.

(18) V. Lev. I, 15.

(19) Of the slaughtered animal in a vessel.

(20) The blood on the altar.

- (21) The bitter waters. V. Num. V, 24.
 (22) As atonement for an unpunished murder. V. Deut. XXI, 1-9.
 (23) V. Lev. XIV.
 (24) Lev. XXIII, 10-11.
 (25) V. Lev VI, 2.
 (26) Esth. IX, 28.
 (27) Ps. CXIII, 3.
 (28) Ibid. CXVIII, 24.
 (29) Lev. XXIII, 40.
 (30) Num. XXIX, 1.
 (31) Lev. XXIII, 37.
 (32) Ibid. XVI, 6.
 (33) Ibid. 30.
 (34) Deut. XXVI, 13.
 (35) Ibid. 16.
 (36) Lev. I, 4, 5.
 (37) Ibid. XIX, 6.
 (38) Ibid. XXIII, 12.
 (39) Num. V, 25.
 (40) Lev. VII, 38. and all these ceremonies constitute the presenting of the offering.
 (41) Lit., "There comes along "law", "law".
 (42) Num. V, 30.
 (43) Deut. XVII, 11.

Talmud - Mas. Megilah 21a

: just as judgement is by day,¹ so here it must be by day.

AND FOR BREAKING THE NECK OF THE HEIFER. In the school of R. Jannai it was said: [The word] 'atonement' is applied to it² as to holy things.

AND FOR THE PURIFICATION OF THE LEPER: as it is written, This shall be the law of the leper in the day of his cleansing.³

THE WHOLE NIGHT IS A PROPER TIME FOR REAPING THE 'OMER. Since a Master has said that reaping and counting are to be performed by night and the bringing by day.⁴

AND FOR BURNING FAT AND LIMBS: as it is written, All the night till the morning.⁵

THIS IS THE GENERAL PRINCIPLE: ANY COMMANDMENT THAT IS TO BE PERFORMED BY DAY CAN BE PERFORMED DURING THE WHOLE OF THE DAY. [The words] 'this is the general principle' are inserted to add what? — To add the setting of the cup⁶ and the removal of the cups, and in agreement with R. Jose, as it has been taught: 'R. Jose says: If he removed the old [shew-bread] in the morning and set the new one in the evening, there is no harm.⁷ What then do I make of the verse, before me continually?⁸ [This is to show that] the table of the Lord should not be without bread.⁹

A COMMANDMENT WHICH IS TO BE PERFORMED BY NIGHT MAY BE PERFORMED DURING THE WHOLE OF THE NIGHT. What does this add? — It adds the consumption of the paschal lamb, thus differing from R. Eleazar b. Azariah, as it has been taught: And they shall eat the flesh on that night:¹⁰ R. Eleazar b. Azariah said: It says here, on that night, and it says elsewhere, And I shall pass through the land of Egypt on that night:¹¹ just as there up to midnight [is meant], so

here up to midnight [is meant].

CHAPTER III

MISHNAH. HE WHO READS THE MEGILLAH MAY DO SO EITHER STANDING OR SITTING. WHETHER ONE READS IT OR TWO READ IT [TOGETHER] THEY [THE CONGREGATION] HAVE PERFORMED THEIR OBLIGATION. IN PLACES WHERE IT IS THE CUSTOM TO SAY A BLESSING,¹² IT SHOULD BE SAID, AND WHERE IT IS NOT THE CUSTOM IT NEED NOT BE SAID.

ON MONDAYS AND THURSDAYS AND ON SABBATH AT MINHAH,¹³ THREE READ FROM THE TORAH, NEITHER MORE NOR LESS, NOR IS A HAFTARAH¹⁴ READ FROM A PROPHET. THE ONE WHO READS¹⁵ FIRST IN THE TORAH¹⁶ AND THE ONE WHO READS LAST¹⁷ MAKE [RESPECTIVELY] A BLESSING BEFORE READING AND AFTER.¹⁸ ON NEW MOONS AND ON THE INTERMEDIATE DAYS OF FESTIVALS FOUR READ, NEITHER MORE NOR LESS, AND THERE IS NO HAFTARAH FROM A PROPHET. THE ONE WHO READS FIRST AND THE ONE WHO READS LAST IN THE TORAH MAKE A BLESSING BEFORE AND AFTER. THIS IS THE GENERAL RULE: ON ANY DAY WHICH HAS A MUSAF¹⁶ AND IS NOT A FESTIVAL FOUR READ; ON A FESTIVAL FIVE READ; ON THE DAY OF ATONEMENT SIX READ; ON SABBATH SEVEN READ; THIS NUMBER MAY NOT BE DIMINISHED BUT IT MAY BE ADDED TO, AND A HAFTARAH IS READ FROM A PROPHET. THE ONE WHO READS FIRST AND THE ONE WHO READS LAST IN THE TORAH MAKE A BLESSING BEFORE AND AFTER. GEMARA. A Tanna stated: 'This [that one may read sitting] is not the case with the Torah'.¹⁹ Whence this rule? — R. Abbahu said: Because Scripture says, But as for thee, stand thou here by me.²⁰ R. Abbahu also said: Were it not written in the Scripture, it would be impossible for us to say it: as it were, the Holy One, blessed be He, also was standing.²¹

R. Abbahu further said: How do we know that the master should not sit on a couch and teach his disciples while they sit on the ground? Because it says, 'But as for thee, do thou stand here by me.'²²

Our Rabbis taught: From the days of Moses up to Rabban Gamaliel, the Torah was learnt only standing. When Rabban Gamaliel died, feebleness descended on the world, and they learnt the Torah sitting; and so we have learnt that 'from the time that Rabban Gamaliel died, [full] honour ceased to be paid to the Torah'.

One verse says, And I sat [wa-esheb] in the mount,²³ and another verse says, And I stood in the mount.²⁴ — Rab says: He [Moses] stood when he learnt and sat while he went over [what he had learnt]. R. Hanina said: He was neither sitting nor standing, but stooping. R. Johanan said: 'Sitting' [yosheb] here means only 'staying', as it says, And ye stayed [teshbu] in Kadesh many days.²⁵ Raba said: The easy things [he learnt] standing and the hard ones sitting.

WHETHER ONE READS IT OR TWO READ IT, THEY HAVE PERFORMED THEIR OBLIGATION.

(1) V. Sanh. 34b.

(2) 'And the blood shall be atoned unto them'. Deut. XXI, 8.

(3) Lev. XIV, 2.

(4) This is deduced from scriptural texts in Men. 66a.

(5) Ibid. VI, 2.

(6) Containing the frankincense for the shewbread.

(7) [Rashi reads, 'also this is (termed) 'continually'].

- (8) Lev. XXIV, 3.
 (9) [Var lec. 'Should not be overnight without bread'.]
 (10) Ex. XII, 8.
 (11) Ibid. 12.
 (12) After the reading. V. infra.
 (13) V. Glos. On these three occasions the first section of the Sedra (portion) of the following Sabbath is read.
 (14) V. Glos. [Lit., 'we do not dismiss (the public) with (a reading from) a prophet', the haftarah having originally formed the concluding part of the morning service Saturdays and Festivals when the worshippers were dismissed to their homes. V. Buchler JQR VI, p. 7].
 (15) Lit., 'he who opens', 'begins'.
 (16) V. Glos.
 (17) Lit., 'he who seals', 'closes'.
 (18) V. infra p. 130.
 (19) Referring to the public reading of the Law.
 (20) Deut. V, 28.
 (21) Because it says, by (lit., 'with') me.
 (22) And God was to Moses in the relation of master to pupil.
 (23) Deut. IX, 9; v. Sot. 49a.
 (24) Ibid. X, 10.
 (25) Ibid. I, 46.

Talmud - Mas. Megilah 21b

A Tanna stated: This is not the case with [the public reading of] the Torah.

Our Rabbis taught: As regards the Torah, one reads and one translates,¹ and in no case must one read and two translate [together]. As regards the Prophets, one reads and two may translate, but in no case may two read and two translate. As regards Hallel and the Megillah,² even ten may read [and ten may translate].³ What is the reason? Since the people like it,⁴ they pay attention and hear.⁵

WHERE IT IS THE CUSTOM TO SAY A BLESSING, IT SHOULD BE SAID. Abaye said: This rule applies only to the blessing after the reading, but before the reading it is a religious duty to say a blessing, since Rab Judah said in the name of Samuel: 'Over the performance of all religious precepts a blessing is said as one passes on [‘ober] to perform them'. How can you prove that this 'passing on means 'just in front of'? — R. Nahman b. Isaac said: Scripture says, Then Ahimaaz ran by way of the plain and overran [wa-ya'abor] the Cushite.⁶ Abaye said: We prove it from here: And he himself passed over before them.⁷ Or, if you prefer, I can prove it from here: And their king is passed on before them and the Lord at the head of them.⁸

What blessing is said before the reading of the Megillah? — R. Shesheth from Kateriza happened [once to read] in the presence of R. Ashi, and he made the blessings M'N'H'.⁹ What blessing is said after it? — 'Blessed art thou, O Lord our God, king of the universe, [the God]¹⁰ who espoused our quarrel and vindicated our cause and executed our vengeance and punished our adversaries for us and visited retribution on all the enemies of our soul. Blessed art thou, O Lord, who avenges Israel on all their enemies'. Raba Says: [The concluding words are], 'The God who saves. R. Papa said: Therefore we should say both: 'Blessed art thou, O Lord, who avenges Israel on all their enemies, the God who saves'.

ON MONDAYS AND THURSDAYS AND ON SABBATH AT MINHAH THREE READ. What do these three represent? — R. Assi said: The Pentateuch, the Prophets and the Hagiographa. Raba said: Priests, Levites, and lay Israelites. But now, in the statement of R. Shimi, 'Not less than ten verses [of the Torah] should be read in the synagogue, the verse 'and [God] spoke to [Moses saying]'

being counted as one',¹¹ — what do these ten represent? — R. Joshua b. Levi said: The ten men of leisure in the synagogue.¹² R. Joseph said: The ten commandments which were given to Moses on Sinai. (R. Levi said: The ten times hallel [praise] which David uttered in the book of Psalms.)¹³ R. Johanan said: The ten utterances with which the world was created.¹⁴ What are these? The expressions 'And [God] said' in the first chapter of Genesis.¹⁵ But there are only nine? — The words 'In the beginning' are also a [creative] utterance, since it is written, By the word of the Lord the heavens were made, and all the host of them by the breath of his mouth.¹⁶

Raba said: If the first reads four verses¹⁷ he is to be commended; if the second reads four verses¹⁸ he is to be commended; if the third reads four verses he is to be commended. 'If the first reads four verses he is to be commended', as we have learnt: 'There were three bags holding three se'ahs¹⁹ each, in which the priests take up the money-offerings out of the [shekel] chamber,²⁰ and they were labelled Aleph, Beth, Gimel,²¹ so as to show which was taken out first, so that sacrifices could be brought from that one first, since it is a religious duty to offer from the first. 'If the middle one reads four verses, he is to be commended', as it has been taught: '[The seven lamps] shall give light in front of the candlestick;²² this teaches that they were made to face the western lamp²³ and the western lamp faced the Shechinah; and R. Johanan said: This shows that the middle one is specially prized'. 'If the last reads four verses he is to be commended': because of the principle that 'in dealing with holy things we promote but never degrade'.²⁴ R. Papa was once in the synagogue of Abe Gobar,²⁵ when the first one [who was called up] read four verses, and R. Papa commended him.

NEITHER LESS NOR MORE [etc.]. A Tanna stated: The one who reads first makes a blessing before the reading, and the one who reads last makes a blessing after it. Nowadays that all make a blessing both before and after the reading, the reason is that the Rabbis ordained this to avoid error on the part of people entering and leaving synagogue.²⁶

ON NEW MOONS AND ON THE INTERMEDIATE DAYS OF THE FESTIVAL FOUR READ. 'Ulla b. Rab enquired of Raba: How is the portion of New Moon²⁷ to be divided? [The paragraph commencing] 'command the children of Israel and say to them'²⁸ has eight verses. How are we to deal with them? Shall two persons read three verses each? Then two verses will be left [to the end of the paragraph], and it is not proper to leave over less than three verses to the end of the paragraph.²⁹ Shall two read four verses each? Then seven verses will be left altogether, [the paragraph beginning] 'and on the sabbath day'³⁰ being two, and [the paragraph beginning] 'and on your new moons'³¹ being five. How are we to do? Shall we read [as one portion] two from one paragraph and one from the next?

(1) I.e., reads the Aramaic Targum.

(2) V. Glos.

(3) Rashi omits these words on the ground that there is no Targum to the Hagiographa. Tosaf., however, points out that there is such a Targum, though it is not attributed to Jonathan b. Uzziel; v. supra 3a.

(4) Lit., 'it is beloved'.

(5) Even though many are speaking together.

(6) II Sam. XVIII, 23.

(7) Gen. XXXIII, 3, of Jacob and his family before Esau.

(8) Micah II, 13.

(9) M = Mikra (or Megillah), over the reading of the Megillah; N = Nissim, the blessing for miracles; H = she-heheyanu (or Hayyim, life) 'who has kept us alive to this day'.

(10) This word is omitted by Alfasi and Asheri.

(11) Although it is a recurring introductory formula.

(12) Every community was required to have ten men who had leisure always to attend synagogue when required. V. supra p. 21, n. 9.

(13) This is bracketed in the text, and is omitted by Bah and MS.M. [This number is exceeded many times in the Book of

Psalms and applies to Psalm CL by itself (v. R.H. 32a) hence, the omission].

(14) V. Aboth V, 1.

(15) Lit., "in "In the beginning"".

(16) Ps. XXXIII, 6. The creation of 'Heavens' and 'the host of them' (the earth) is mentioned in the first verse of Genesis.

(17) Out of the obligatory ten read on weekdays.

(18) If the first has read only three, or even if he has read four.

(19) V. Glos.

(20) Shekels brought by the public for purchasing the congregational sacrifices.

(21) V. Shek. 5a.

(22) Num. VIII, 2.

(23) According to one opinion, this was the middle lamp of the candlestick; according to another, the one second from the western end. R. Johanan evidently adopted the first opinion.

(24) Hence the religious service of the last should be at least equal to that of those who preceded him.

(25) [Or, Be Gobar, near Mahuza, v. Obermeyer p. 178. This synagogue is also mentioned in Ber. 50a and Ta'an. 26a].

(26) People who come in after the reading has commenced, on seeing a fresh person commence to read without saying a blessing, might think that no blessing is necessary before the reading. Similarly, those who leave before the reading is concluded might think that no blessing at all is necessary after the reading.

(27) Which consists of three paragraphs of eight, two and five verses. Num. XXVIII, 1-15.

(28) Ibid. 1-8.

(29) V. infra. פְּרִשָּׁה A 'paragraph' is a section at the end of which a blank space is left in the Scroll.

(30) Ibid. 9, 10.

(31) Ibid. 11-15.

Talmud - Mas. Megilah 22a

[This is not right], since we do not read less than three verses together at the beginning of a paragraph.¹ Shall the reader read two from one and three from the other? Then only two verses are left [to the end of the second paragraph]! — He replied: On this point I have not heard [any pronouncement], but I have learnt the rule in a somewhat similar case, as we have learnt: 'On Sundays, [the ma'amad² read the paragraph] "In the beginning" and "let there be a firmament",³ and to this a gloss was added, "In the beginning" is read by two and "let there be a firmament" by one', and we were somewhat perplexed by this. For that [the paragraph] 'let there be a firmament' can be read by one we understand, since it has three verses, but how can 'In the beginning, be read by two, seeing that it has only five verses, and it has been taught, 'He who reads in the Torah should not read less than three verses'? And it was stated [in answer] to this [question] that Rab says he should repeat,⁴ and Samuel says he should divide a verse. Rab said he should repeat. Why should he not say 'divide'? — He was of opinion that any verse which Moses had not divided, we may not divide, whereas Samuel held that we may divide. But surely, R. Hananiah the Bible teacher⁵ said, I was in great pain in the house of R. Hanina the great, and he would not allow me to make [additional verse] divisions save for the school children, because they are there to be taught? — Now what was the reason there [why he was allowed to make divisions]? Because it could not be avoided; here⁶ too it cannot be avoided. Samuel said that he divides. Why did he not say that he repeats? It is a precaution to prevent error on the part of those coming in and going out.⁷

An objection [against both these views]⁸ was brought from the following: 'A section of six verses may be read by two persons, a section of five verses must be read by one. If the first reads three verses, the second reads the remaining two from this section and one from the next; some, however, say that he reads three from the next, because not less than three verses should be read at the beginning of a section'.⁹ Now if it is as you said,¹⁰ then according to the one who says he should repeat, let him repeat, and according to the one who says he should divide, let him divide? — It is different here,¹¹ because this method is open to him.¹²

R. Tanhum, said in the name of R. Joshua b. Levi: The halachah follows the alternative opinion¹³ mentioned.

R. Tanhum also said in the name of R. Joshua b. Levi: Just as at the beginning of a section not less than three verses should be read, so at the end of a section not less than three verses should be left. Surely this is obvious! Seeing that in regard to the beginning of a section where the First Tanna is not so strict the alternative opinion is strict, is it not certain that in regard to the verses left [at the end of the section] where the First Tanna is strict the alternative opinion will also be strict? — You might argue that it is usual for people to come in [to synagogue during the reading of the law],¹⁴ but it is not usual for them to go out and leave the scroll of the law while it is being read;¹⁵ therefore we are told [that we do not argue thus]. But now with regard to the First Tanna: Why does he forbid [less than three verses] to be left [at the end of the section]? On account of people going out of synagogue,¹⁶ is it not? Then with regard to the beginning also he should take precautions on account of people coming in? — I can answer that a person coming in enquires [how much has been read].¹⁷

Rabbah the son of Raba sent to enquire of R. Joseph: What is the law?¹⁸ He sent him back word: The law is that the verse is repeated, and it is a middle reader¹⁹ who repeats.

THIS IS THE GENERAL RULE: WHENEVER THERE IS A MUSAF etc. The question was raised: How many read on a public fast day?²⁰ Shall we say that on New Moon and the intermediate days of the festival when there is an additional sacrifice four read, but here where there is no additional sacrifice this is not the case? Or shall we argue that here also there is an additional prayer?²¹ — Come and hear: ON NEW MOONS AND ON THE INTERMEDIATE DAYS OF FESTIVALS FOUR READ', from which we conclude that on public fasts only three read. Look now at the preceding clause: 'ON MONDAYS AND THURSDAYS AND ON SABBATH AT MINHAH THREE READ', from which we may conclude that on a public fast four read! The truth is that we cannot decide from here.

Come then and hear [this]: 'Rab happened to be at Babylon²² during a public fast. He came forward and read in the scroll of the law. Before commencing he made a blessing but after finishing he made no blessing. The whole congregation [afterwards] fell on their faces,²³ but Rab did not fall on his face'. Let us now see. Rab read as a lay Israelite.²⁴ Why then did he say no blessing after finishing? Was it not because another was to read after him? — No. Rab read as kohen,²⁵ for R. Huna also read as kohen.²⁶ I can understand R. Huna reading as kohen, because even R. Assi and R. Ammi who were distinguished kohanim of Eretz Israel showed deference to R. Huna.²⁷ But as to Rab there was Samuel [his Babylonian contemporary] who was a kohen and who took precedence of him?²⁸ — Samuel also showed deference to Rab, and it was Rab²⁹ who of his own accord paid him special honour³⁰ and this he did only in his presence, but not when he was not present. It is reasonable also to assume that Rab read as kohen, because if you presume that he read as a layman, why did he say a blessing before reading? — It was after the regulation³¹ had been made. If so, he should have said a blessing after reading also? — Where Rab was present there was a difference, because people came in [late]

(1) V. infra.

(2) V. Glos.

(3) Gen. I, 1-5, and 6-8; v. Ta'an. 26a.

(4) The last verse read by the predecessor. Lit., 'skip', 'go back'.

(5) Heb. **סֵרֵף**, a Bible teacher who appears to have been also a professional reader of the Scripture, with proper vowels, stops and accents, as the tanna (v. Glos. s.v.) was a professional memorizer of the Mishnah or Baraitha.

(6) In the readings of the ma'amad.

(7) V. supra p. 132, n. 3.

- (8) Of Rab and Samuel.
- (9) V. Ta'an 27b.
- (10) That he either divides or repeats.
- (11) Which deals with the Biblical reading on Mondays and Thursdays.
- (12) Whereas on New Moon the next paragraph deals with a different subject and therefore cannot be read.
- (13) Lit., 'the "some say"'; viz., that three verses are read from the next paragraph.
- (14) And therefore, if they hear only the first verse of a section read, may not know that at least three verses have been read.
- (15) And therefore, even if only one verse of a section is left, they will see that three are read.
- (16) Who might think that if two verses to the end of a section had been left by a reader at the point when he went out, only those two will have been read by the next reader. Cf. n. 7.
- (17) Supposing he finds when he comes in that someone reads three verses beginning from the third verse of a paragraph, he inquires whether the previous reader read only the preceding two verses or more.
- (18) With respect to the reading by the ma'amad and on the New Moon readings.
- (19) I.e., not the one who reads last.
- (20) Other than the day of Atonement.
- (21) Inserted in the Amidah — the prayer ענינו, v. P. B. p. 47.
- (22) [Babylon stands here, as in other places in the Talmud, for Sura which was in the neighbourhood of the old great city of Babylon, and in contradistinction to Nehardea where Samuel had his seat, v. Obermeyer p. 306].
- (23) To say propitiatory prayers — tahanun, v. P.B. p. 62.
- (24) I.e., third, being neither kohen nor Levite.
- (25) I.e., first.
- (26) Although only a lay Israelite.
- (27) Cf. Git. 59b.
- (28) V. B.K. 80a.
- (29) In giving him precedence.
- (30) V. Shab. 108a.
- (31) That a blessing should be said both before and after each reading. V. supra, p. 132.

Talmud - Mas. Megilah 22b

but did not go out [during the reading of the law].¹

Come and hear: 'The general principle is that wherever the people would be hindered from their work, as on a public fast and on the month of Ab, three read, and where the people would not be hindered from their work, as on New Moons and the intermediate days of festivals,² four read'. This settles the question. Said R. Ashi: But we have learnt differently, viz., THIS IS THE GENERAL RULE: WHEREVER THERE IS A MUSAF BUT NOT A FESTIVAL FOUR READ: Now what is added [by the words 'THIS IS THE GENERAL RULE']? Is it not a public fast and the month of Ab? But according to R. Ashi,³ whose view then is recorded in the Mishnah? It is neither that of the First Tanna nor of R. Jose, as it has been taught: 'If it [the month of Ab] falls on Monday or Thursday, three read and one [of them] says a haftarah. If on Tuesday or Wednesday, one reads and [the same] one says the haftarah. R. Jose, however, says that in all cases three read and one [of them] says the haftarah'. But still⁴ the words 'THIS IS THE GENERAL RULE are difficult! — No. They add New Moon and the intermediate days. But as these are stated explicitly: ON NEW MOONS AND THE INTERMEDIATE DAYS FOUR READ? — [The Mishnah]⁵ is merely giving an indication that you should not say that the festivals and the intermediate days have the same rule, but you should take this as a general principle, that for every additional distinguishing mark an additional person reads. Hence on New Moon and the intermediate days, when there is an additional sacrifice, four read; on festivals, when [in addition] work is prohibited, five read; on the Day of Atonement when [in addition] there is a penalty of kareth, six read; on Sabbath when there is a penalty of stoning, seven read.

The text [above stated]: ‘Rab happened to be in Babylon on a public fast. He came forward and read in the scroll. He made a blessing before commencing, but made no blessing after finishing. The whole congregation [subsequently] fell on their faces, but Rab did not fall on his face’. Why did not Rab fall on his face? There was a stone pavement there and it has been taught: ‘Neither shall ye place any figured stone in your land to bow down upon it:⁶ upon it ye may not bow down in your land, but you may prostrate yourselves on the stones in the Temple’, this teaching is in accord with the opinion of ‘Ulla, who said: The Torah [here] is forbidding only a pavement of stone. If that is the case, why is only Rab mentioned? All the rest should equally have abstained? — It was in front of Rab. But could he not have gone among the congregation and fallen on his face? — He did not want to trouble the congregation.⁷ Or if you like I can say that Rab usually spread out his hands and feet [when he fell on his face], and he followed the opinion of ‘Ulla, who said, The Torah forbade only the spreading out of the hands and feet. But could he not have fallen on his face without spreading out his hands and feet? — He did not care to change his custom. Or if you like I can say that for a distinguished man the rule is different, as laid down by R. Eleazar; for R. Eleazar said: A man of eminence is not permitted to fall on his face⁸ unless he is [sure of being] answered like Joshua son of Nun, as it is written, Wherefore now art thou fallen upon thy face.⁹

Our Rabbis have taught: Kidah means falling upon the face, as it says, Then Bathsheba bowed [wa-tikod] with her face to the earth.¹⁰ Keri'ah means going down upon the knees, and so it says, [Solomon arose] from kneeling [mi-kroa'] on his knees.¹¹ Hishtahawa'ah is spreading out of the hands and feet, as it says, Shall I and thy mother and thy brethren come to prostrate ourselves [lehishtahawoth] before thee to the earth.¹²

Levi displayed a kidah¹³ in the presence of Rabbi and became lame.¹⁴ But was this the cause of his accident? Did not R. Eleazar Say: ‘A man should never complain against heaven, because a great man complained against heaven and he became lame; and who was he? Levi’?¹⁵ — Both things caused it. R. Hiyya b. Abin said: I saw Abaye

(1) Hence the reason for saying a blessing after did not apply.

(2) On the intermediate days only work which could not be left over without serious loss was allowed to be done. On New Moon it was the custom for women to abstain from work. V. Rashi and Tosaf. [In ancient times as long as the Temple stood New Moon was marked by a cessation of work; cf. Pseudo-Jonathan on I Sam. XX, 19; v. Halevy, Doroth, I, p. 330ff].

(3) That the Mishnah means to include a public fast and the month of Ab among the days on which four read.

(4) Viz., if we do not accept R. Ashi's explanation.

(5) In mentioning explicitly new moons and the intermediate days, although these are already implied in THIS IS THE GENERAL RULE.

(6) Lev. XXVI, 1. E.V., ‘to it’.

(7) Who would all have risen.

(8) In public.

(9) Josh. VII, 10. So that Rab never fell on his face for the propitiatory prayer.

(10) I Kings I, 31.

(11) Ibid. VIII, 54.

(12) Gen. XXXVII, 10.

(13) V. Suk. 53a.

(14) In getting up.

(15) V. Ta'an.

Talmud - Mas. Megilah 23a

and Raba bend over to one side.¹

ON FESTIVALS FIVE READ, ON THE DAY OF ATONEMENT SIX etc. Whose view does the Mishnah embody? It is neither that of R. Ishmael nor of R. Akiba, as it has been taught: 'On festivals five read, on the Day of Atonement six, and on Sabbath seven. This number may neither be increased nor diminished. So R. Ishmael. R. Akiba says: On festivals five read, on the Day of Atonement seven and on Sabbath six. This number may not be diminished but it may be increased'. Whom [does the Mishnah follow]? If R. Ishmael, it conflicts with him over the additional number, if R. Akiba, it conflicts with him over the question of six and seven! — Raba said: The view is that of a Tanna of the school of R. Ishmael, since in the school of R. Ishmael it was stated: 'On festivals five, on the Day of Atonement six, on Sabbath seven; this number may not be diminished but it may be increased. So R. Ishmael.' R. Ishmael is now in conflict with himself! — Two Tannaim report R. Ishmael differently.

Who is responsible for the statement which has been taught: 'On festivals people come late to synagogue and leave early.'² On the Day of Atonement they come early and leave late. On Sabbath they come early and leave early'³ Shall I say it is R. Akiba who makes an extra man [read on the Day of Atonement]? — You may also say it is R. Ishmael, [his reason being that] the order [of the service] of the day is very long.

What do these three, five and seven represent? — Different answers were given by R. Isaac b. Nahmani and one who was with him, namely, R. Simeon b. Pazzi, or, according to others, by R. Simeon b. Pazzi and one who was with him, namely, R. Isaac b. Nahmani, or according to others, R. Samuel b. Nahmani. One said that [these represent] the [respective number of Hebrew words in the three verses of the] Priestly benedictions,⁴ while the other said 'the three keepers of the door'.⁵ [The five represent] 'five of them that saw the king's face'⁶ [and the seven] 'seven men of them that saw the king's face'.⁷ R. Joseph learnt: Three, five and seven: 'three keepers of the door', five of them that saw the king's face', and 'seven that saw the king's face'. Said Abaye to him: Until to-day your honour never explained the reason to us, he replied: I never knew that you wanted to know. Did you ever ask me anything which I did not tell you?

Jacob the Mir⁸ asked R. Judah: What do the six of the Day of Atonement represent? — He replied: The six who stood at the right of Ezra and the six who stood at his left, as it says, And Ezra the scribe stood upon a pulpit of wood which they had made for the purpose, and beside him stood Mattithiah, Shema and Anaiah and Uriah and Hilkiah and Maaseiah, on his right hand; and on his left hand, Pedaiah, and Mishael and Malchijah and Hashum and Hashbaddanah, Zechariah, Meshullam.⁹ But these last are seven? — Zechariah is the same as Meshullam. And why is he called Meshullam? Because he was blameless [mishlam] in his conduct.

Our Rabbis taught: All are qualified to be among the seven [who read], even a minor and a woman, only the Sages said that a woman should not read in the Torah out of respect for the congregation.

The question was raised: Should the Maftir¹⁰ be counted among the seven? — R. Huna and R. Jeremiah b. Abba answered differently. One said that he does count and the other that he does not count. The one who says he does count points to the fact that he actually reads [from the Torah also], while the one who says he does not count relies on the dictum of 'Ulla, who said: Why is it proper for the one who reads the haftarah from the Prophet to read in the Torah first? To show respect for the Torah.¹¹ Since then he reads [only] out of respect for the Torah,¹² he should not be counted to make up the seven.

The following was cited in objection to this: 'He who says the haftarah from the Prophet should read not less than twenty-one verses, corresponding to [those read by] the seven who have read in

the Torah'. Now if it is as you say,¹³ there are twenty-four? — Since it is only out of respect for the Torah [that he reads],

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- (1) Because as men of eminence they were not permitted to fall right on their faces.
 - (2) They come late because they have been busy preparing the festival meal, and they leave early to enjoy the festival.
 - (3) They come early because their food is already prepared, and they leave early to enjoy Sabbath.
 - (4) Num. VI, 24-26.
 - (5) Mentioned in II Kings XXV, 18, among those taken captive from Jerusalem by Nebuzaradon.
 - (6) Mentioned *ibid.* 19.
 - (7) Mentioned in the corresponding account in Jer. LII, 25.
 - (8) V. Glos. Probably a Christian.
 - (9) Neh. VIII, 4.
 - (10) The one who reads the haftarah.
 - (11) I.e., by not putting the Prophet on the same level as the Torah.
 - (12) And not because an extra one is required to read.
 - (13) That the Maftir is not one of the seven.

Talmud - Mas. Megilah 23b

no corresponding verses [to those read by him] are required [in the prophetic reading]. Raba strongly demurred to this: There is, he said, [the haftarah of] 'Add your burnt-offerings'¹ in which there are not twenty-one verses, and yet we read it! — The case is different there, because the subject is completed [before twenty-one verses]. But where the subject is not completed, do we then not [read less than twenty-one]? Has not R. Samuel b. Abba said: Many times I stood before R. Johanan, and when I had read ten verses he said,² 'Stop [both of] you'? — In a place where there is a translator³ it is different, since R. Tahlifa b. Samuel has taught: This rule was laid down only for a place where there is no translator, but where there is a translator a stop may be made [earlier].

MISHNAH. THE INTRODUCTION TO THE SHEMA IS NOT REPEATED,⁴ NOR DOES ONE PASS BEFORE THE ARK,⁵ NOR DO [THE PRIESTS] LIFT THEIR HANDS,⁶ NOR IS THE TORAH READ [PUBLICLY] NOR THE HAFTARAH READ FROM THE PROPHET,⁷ NOR ARE HALTS MADE [AT FUNERALS],⁸ NOR IS THE BLESSING FOR MOURNERS SAID,⁹ NOR THE COMFORT OF MOURNERS,¹⁰ NOR THE BLESSING OF THE BRIDEGROOMS,¹¹ NOR IS THE NAME [OF GOD] MENTIONED IN THE INVITATION TO SAY GRACE,¹² SAVE IN THE PRESENCE OF TEN. FOR REDEEMING SANCTIFIED PROPERTIES¹³ NINE AND A PRIEST [ARE SUFFICIENT], AND SIMILARLY WITH HUMAN BEINGS.

GEMARA. Whence these rules?¹⁴ — R. Hiyya b. Abba said in the name of R. Johanan: Because Scripture says, But I will be hallowed among the children of Israel:¹⁵ every act of sanctification requires not less than ten. How does the verse denote this? — As R. Hiyya taught: We explain the word 'among' here by reference to its use in another place. It is written here, 'But I will be hallowed among the children of Israel', and it is written elsewhere, Separate yourselves from among this congregation;¹⁶ and we further explain the word 'congregation' here by reference to what is written in another place, How long shall I bear with this evil congregation.¹⁷ Just as there ten are indicated,¹⁸ so here.

NOR ARE HALTS MADE [AT FUNERALS]. Since [the conductor of the funeral] requires to say, 'stand, dear friends, stand; sit, dear friends, sit',¹⁹ it is not proper²⁰ [to have less than ten].

NOR IS THE BLESSING OF MOURNERS NOR THE BLESSING OF BRIDEGROOMS SAID etc. What is the blessing of mourners? The blessing of the public square,²¹ since²² R. Isaac said in the name of R. Johanan: The blessing of mourners requires the presence of ten, the mourners not

being counted; the blessing of bridegrooms requires the presence of ten, the bridegroom being counted.

THE NAME [OF GOD] IS NOT MENTIONED IN THE INVITATION TO SAY GRACE WITH LESS THAN TEN. Since the one who invites has to say, 'Let us bless our God', it is not seemly to do so with less than ten.

FOR REDEEMING PROPERTIES NINE AND A PRIEST. Whence is this rule derived? — Samuel said: Ten priests are mentioned in the section [dealing with sanctifications],²³ one for the actual priest required (and [the first] one [after] to limit),²⁴ and the rest constitute a limitation after a limitation, and a limitation after a limitation has the force of an addition, to include, namely, nine Israelites and one priest.²⁵ But cannot I [rather] say five priests and five Israelites?²⁶ — This is indeed a difficulty.

AND SIMILARLY WITH HUMAN BEINGS. But can a human being become sanctified?²⁷ — R. Abbahu said: It refers to one who says, 'My money [value] be upon me', as it has been taught: 'If a man says, My money [value] be upon me, we estimate his value as we would that of a slave'. And a slave is put on the same footing as landed property, as it is written, And ye may make them an inheritance for your children after you, to hold for a possession.²⁸

MISHNAH. ONE WHO READS THE TORAH [IN SYNAGOGUE] SHOULD READ NOT LESS THAN THREE VERSES, AND HE SHOULD NOT READ TO THE TRANSLATOR MORE THAN ONE VERSE [AT A TIME].²⁹

(1) Jer. VII, 21, the Maftir to section Zaw (Lev. VI, I to VIII, 36).

(2) To him and to the translator.

(3) Who repeats each verse, in the Aramaic Targum.

(4) פורסין על שמע lit., 'they do not divide over the Shema' (v. Glos.). According to Rashi this means that if a number of persons (not less than ten, or seven, or six, or three, according to various opinions, v. Tosaf. and Asheri) come into synagogue after the Shema' has been said, it is allowable for the congregation to repeat the kaddish and bareku and the first blessing before the Shema' for their benefit. From the context one would say that it means here more simply 'say the Shema' with its attendant blessings'. V. P.B. pp. 37ff. V. Rabbinowitz Mishnah Megillah, ad loc. [Kohler (The Origin of the Synagogue and the Church; p. 58) explains the phrase: 'The lifting up the hands towards heaven at the recital of the Shema' — In continuation of the old practice of the Hasidim'. Krauss (Israel-Theol. Lehranstalt, Wien, Bericht, 1933 p. 53): The stepping forward of the reader to recite the Shema'].

(5) To lead the congregation in the Amidah.

(6) To say the priestly blessing, Num. VI, 24-26.

(7) V. supra p. 140.

(8) Lit., 'they do not make a halting and sitting'. It was the custom on the return from a funeral to have seven pauses during which lamentation was made in honour of the dead. V. infra.

(9) V. infra.

(10) The formal words of consolation addressed to the mourners on passing between the two rows formed by friends after the funeral; v. Keth. 8b and Sanh. 19a. Some texts omit 'NOR COMFORT OF MOURNERS'.

(11) V. Keth. 7b and 8a and P.B. p. 299.

(12) Said by one of those present at table to the rest of the company.

(13) V. Lev. XXVII, 16-23.

(14) Relating to the synagogue.

(15) Lev. XXII, 32.

(16) Num. XVI, 21.

(17) Ibid. XIV, 27.

(18) The twelve spies without Joshua and Caleb; v. Sanh. 2a.

(19) V. B.B. 100b.

(20) Lit., 'the way of the world'.

(21) **ברכת רחבה** A blessing of consolation pronounced in the open air on the mourners return from the burial; v. Keth., Sonc. ed. p. 41, n. 5.

(22) [To be omitted with MS.M. 'R. Isaac said etc.' beginning a new sentence v. Tosaf. s.v. **ואמר**].

(23) In Lev. XXVII, three times in connection with personal valuations v. 8, three in connection with the valuation of animals vv. 11-13, four with sanctification of property vv. 14, 18, 23; v. 21 is not included as the word priest is not mentioned there in connection with the act of 'valuation'.

(24) These words are bracketed in the text.

(25) V. Sanh., Sonc. ed. p. 71 notes.

(26) The second mention adding an Israelite, the third going back to a priest, the fourth adding an Israelite and so on.

(27) Since all Israelite could not be sold in the market like a slave. (V. Tosaf.).

(28) Lev. XXV, 46.

(29) So that the translator (who had no book) should not become confused.

Talmud - Mas. Megilah 24a

IN A PROPHET, HOWEVER, [HE MAY GIVE HIM] THREE AT A TIME.¹ IF THE THREE VERSES CONSTITUTE THREE SEPARATE PARAGRAPHS,² HE MUST READ THEM [TO THE TRANSLATOR] ONE BY ONE. THE READER MAY SKIP [FROM PLACE TO PLACE] IN A PROPHET BUT NOT IN THE TORAH. HOW FAR MAY HE SKIP? [ONLY] SO FAR THAT THE TRANSLATOR WILL NOT HAVE STOPPED³ [BEFORE HE FINDS HIS PLACE].⁴

GEMARA. What do these three verses represent? — R. Assi said: The Pentateuch, the Prophets, and the Hagiographa.

HE SHOULD NOT READ TO THE TRANSLATOR MORE THAN ONE VERSE. IN A PROPHET, HOWEVER, HE MAY READ THREE. IF THE THREE VERSES CONSTITUTE THREE PARAGRAPHS, HE MUST READ THEM ONE BY ONE. For instance, [the three verses], For thus saith the Lord, ye were sold for nought; For thus saith the Lord God, my people went down aforetime to Egypt; Now therefore what do I here, saith the Lord.⁵

THE READER MAY SKIP IN A PROPHET BUT NOT IN THE TORAH. A contradiction was pointed out [between this and the following]: 'He [the High Priest] reads [on the Day of Atonement] "after the death"⁶ and "only on the tenth day".⁷ But he is skipping? — Abaye replied: There is no contradiction; in the one case the translator will have come to a stop [before the place is found] in the other case he will not have come to a stop.⁸ But it states in connection with this. THE READER MAY SKIP IN THE PROPHET BUT HE MAY NOT SKIP IN THE TORAH. AND HOW FAR MAY HE SKIP? SO FAR THAT THE TRANSLATOR WILL NOT HAVE STOPPED. From this we infer that in the Torah he may not skip at all? — The truth is, said Abaye, that there is no contradiction. In the one case [the reader deals] with one subject, in the other case with two; and in fact it has been taught: 'The reader may skip in the Torah [provided he keeps] to one subject, and in a Prophet even if he goes on to another subject'; and in both cases only so far that the translator will not have stopped [before he finds the place]. It has been taught in another place: 'The reader may not skip from one prophet to another. In the Twelve Minor Prophets he may skip,⁹ provided only that he does not skip from the end of the book to the beginning.'¹⁰

MISHNAH. THE ONE WHO SAYS THE HAFTARAH FROM THE PROPHET REPEATS ALSO THE BLESSINGS BEFORE THE SHEMA,¹¹ AND PASSES BEFORE THE ARK¹² AND LIFTS UP HIS HANDS.¹³ IF HE IS A CHILD,¹⁴ HIS FATHER OR HIS TEACHER PASSES BEFORE THE ARK IN HIS PLACE. A CHILD MAY READ IN THE TORAH AND TRANSLATE, BUT HE MAY NOT PASS BEFORE THE ARK NOR LIFT UP HIS HANDS. A PERSON IN RAGS¹⁵ MAY REPEAT THE BLESSINGS BEFORE THE SHEMA AND

TRANSLATE, BUT HE MAY NOT READ IN THE TORAH NOR PASS BEFORE THE ARK NOR LIFT UP HIS HANDS. A BLIND MAN MAY REPEAT THE BLESSINGS BEFORE THE SHEMA AND TRANSLATE. R. JUDAH SAYS: ONE WHO HAS NEVER SEEN THE LIGHT FROM HIS BIRTH MAY NOT RECITE THE BLESSINGS BEFORE THE SHEMA'.¹⁶

GEMARA. What is the reason [why the one who says the haftarah has this privilege]? — R. Papa said: As a mark of honour;¹⁷ R. Shimi said: Because otherwise quarrels might arise.¹⁸ What difference is there in practice between them? — There is a difference, in the case of one who reads gratis.¹⁹

We learn: IF HE IS A CHILD, HIS FATHER OR HIS TEACHER PASSES BEFORE THE ARK IN HIS PLACE. If now you say it is to avoid quarrels, will a child pick a quarrel? What then? It is a mark of respect? Does a child receive marks of respect? What you must say is, out of respect for his father and his teacher.

(1) Because if he makes a mistake, it does not matter so much.

(2) V. infra.

(3) Lit., 'so that the translator shall not (have to) pause'.

(4) I.e., he must not have much to unroll in the scroll.

(5) Isa. LII, 3, 4 and 5.

(6) Lev. XVI, 1ff.

(7) Ibid. XXIII, 26ff.

(8) Because the passages read by the High Priest are not far apart.

(9) As these were all written in one scroll,

(10) I.e., go backwards.

(11) V. supra. Sof. XIV, 8 refers this to the Shema' recited at the taking out of the law from the Ark; v. P.B. p. 145.

(12) To read the 'Amidah, and especially the kedushah.

(13) To say the priestly blessing. Why the maftir should have these privileges is not at all clear, and the 'lifting up of hands' certainly was the privilege of every priest. V. Rabinowitz, op. cit. MS.M. omits: 'AND LIFTS UP HIS HANDS.

(14) Under thirteen.

(15) So that most of his body is exposed.

(16) Which include a prayer of thanksgiving for the creation of light.

(17) I.e., as a kind of reward for having consented to read the haftarah.

(18) Between persons eager to act as reader.

(19) In which case there will not be such competition for the honour, and so there is no need to give the one who says the haftarah priority.

Talmud - Mas. Megilah 24b

So here too, there is the question of quarrels, involving him or his teacher.

A PERSON IN RAGS MAY REPEAT etc. 'Ulla b. Rab enquired of Abaye: Is a child in rags allowed to read in the Torah?¹ He replied: You might as well ask about a naked one. Why is one without any clothes not allowed? Out of respect for the congregation. So here, [he is not allowed] out of respect for the congregation.

A BLIND MAN MAY REPEAT THE BLESSINGS etc. It has been taught: They said to R. Judah: Many have discerned sufficiently [with their mind's eye] to expound the Chariot,² and yet they never saw it? — What says R. Judah to this? — There [he can reply], all depends on the discernment of the heart, and the expounder by concentrating his mind can know, but here one reads for the benefit which he derives therefrom,³ and this one derives no benefit.⁴ The Rabbis, however, hold that he does derive a benefit, for the reason given by R. Jose, as it has been taught: R. Jose said: I was long

perplexed by this verse, And thou shalt grope at noonday as the blind gropeth in darkness.⁵ Now what difference [I asked] does it make to a blind man whether it is dark or light? [Nor did I find the answer] until the following incident occurred. I was once walking on a pitch black night when I saw a blind man walking in the road with a torch in his hand. I said to him, My son, why do you carry this torch? He replied: As long as I have this torch in my hand, people see me and save me from the holes and the thorns and briars.⁶

MISHNAH. A PRIEST WHOSE HANDS ARE DEFORMED SHOULD NOT LIFT UP HIS HANDS [TO SAY THE PRIESTLY BLESSING]. R. JUDAH SAYS: ALSO ONE WHOSE HANDS ARE DISCOLOURED WITH WOAD⁷ SHOULD NOT LIFT UP HIS HANDS, BECAUSE [THIS MAKES] THE CONGREGATION LOOK AT HIM.⁸

GEMARA. A Tanna stated: The deformities which were laid down [as disqualifying] are on the face, the hands and the feet.⁹ R. Joshua b. Levi said: If his hands are spotted¹⁰ he should not lift up his hands. It has been taught similarly: 'If his hands are spotted, he should not lift up his hands. If they are curved inwards or bent sideways, he should not lift up his hands'.

R. Assi said: A priest from Haifa or Beth Shean¹¹ should not lift up his hands. It has been taught to the same effect: 'We do not allow to pass before the ark either men from Beth Shean or from Haifa or from Tib'onim,¹² because they pronounce alif as 'ayin and 'ayin as alif'.¹³

Said R. Hiyya to R. Simeon b. Rabbi: If you were a Levite, you would not be qualified to chant,¹⁴ because your voice is thick. He went and told his father who said to him: Go and say to him, When you come to the verse, And I will wait [we-hikethi] for the Lord,¹⁵ will you not be a reviler and blasphemer?¹⁶

R. Huna said: A man whose eyes run should not lift up his hands. But was there not one in the neighbourhood of R. Huna who used to spread forth his hands? — The townspeople had become accustomed to him.¹⁷ It has been taught to the same effect: 'A man whose eyes run should not lift up his hands, but if the townspeople are accustomed to him, he is permitted'. R. Johanan said: A man blind in one eye should not lift up his hands. But was not there one in the neighbourhood of R. Johanan who used to lift up his hands? — The townspeople were accustomed to him. It has been taught to the same effect: 'A man blind in one eye should not lift up his hands, but if the townspeople are accustomed to him, he is permitted'.

R. JUDAH SAYS: A MAN WHOSE HANDS ARE DISCOLOURED SHOULD NOT LIFT UP HIS HANDS. A Tanna stated: If most of the men of the town follow the same occupation it is permitted.

MISHNAH. IF ONE SAYS, I WILL NOT PASS BEFORE THE ARK [TO ACT AS READER] IN COLOURED ROBES, HE MUST NOT PASS BEFORE IT IN WHITE ROBES EITHER. [IF HE SAYS], I WILL NOT PASS BEFORE IT IN SHOES, HE MUST NOT PASS BEFORE IT BAREFOOT EITHER. A PHYLACTERY [FOR THE HEAD] WHICH IS MADE ROUND¹⁸ IS DANGEROUS¹⁹ AND HAS NO RELIGIOUS VALUE. TO PUT THEM ON THE FOREHEAD OR ON THE PALM OF THE HAND²⁰ IN THE MANNER OF THE HERESY,²¹ TO OVERLAY THEM WITH GOLD OR PUT [THE ONE FOR THE HAND] ON ONE'S SLEEVE IS THE MANNER OF THE OUTSIDERS.²²

GEMARA. [IN COLOURED ROBES]. What is the reason [why he must not act as reader]? We are apprehensive that he has a leaning towards minuth.²³

TO MAKE ONE'S PHYLACTERY ROUND IS DANGEROUS AND HAS NO RELIGIOUS

VALUE. May we say that our Mishnah teaches here the same as our Rabbis taught: 'That phylacteries should be square is a law set down by Moses at Sinai', and Raba explained [this to mean] in their seam and in their diagonal?²⁴ — R. Papa said: The Mishnah is speaking only of those which are made as round as a nut.²⁵

MISHNAH. IF ONE SAYS

- (1) A child not being forbidden to expose himself.
- (2) The first chapter of Ezekiel.
- (3) Viz., the light.
- (4) He does not enjoy the benefit of light.
- (5) Deut. XXVIII, 29.
- (6) So although blind, he does benefit by the light.
- (7) [Var. lec. add: 'or madder', a red dye].
- (8) And it is forbidden to look at the priests while saying the blessing, v. Hag. 16.
- (9) The priest said the blessing barefoot, v. Sot. 40a.
- (10) With white pustules. The deformity apparently is the same as that referred to in Lev. XIII, 39.
- (11) Towns in Palestine.
- (12) More correctly Tibe'on, perhaps the same as modern Tubun, W. of Sephoris.
- (13) V. Glos.
- (14) Lit., 'for the platform', on which the Levites stood while chanting.
- (15) Isa. VIII, 17.
- (16) Because he could not pronounce a heth and would say we-hikethi, which would mean 'And I shall smite'.
- (17) Lit. 'he had become familiar to the townspeople'.
- (18) Instead of cube-shaped.
- (19) [The capsule might penetrate his head during prostration at tahanun (supra p. 135 n. 6). V. Rashi and R. Hananel]. R. Tam takes this to mean that it will not avail him in time of danger. V. Shab. 49a.
- (20) According to the literal meaning of the text, and thou shalt bind them for a sign upon thy hand and they shall be phylacteries between thine eyes. Deut. VI, 8.
- (21) Minuth (v. Glos. s.v. Min) Maim.: Sadducees. The reading 'Karaites' in some texts is a censor's variant.
- (22) This term apparently designates persons who followed the Rabbis only partially. According to the Rabbis, the phylacteries had to be made wholly of the skin of a clean animal and to be placed directly on the flesh.
- (23) Probably Judeo-Christianity, the Christians being particular about this. For other suggestions v. Rabinowitz, op. cit. a.l.
- (24) Apparently this means 'both in their base and in their height'.
- (25) But the shape of an egg or of a bean might be permitted (Rashi).

Talmud - Mas. Megilah 25a

'MAY THE GOOD BLESS THEE', THIS IS A CUSTOM OF HERESY.¹ [IF HE SAYS], 'MAY THY MERCIES REACH THE NEST OF A BIRD', 'MAY THY NAME BE MENTIONED FOR WELL-DOING', 'WE GIVE THANKS, WE GIVE THANKS',² HE IS SILENCED. IF HE INTRODUCES EUPHEMISMS INTO THE PORTION DEALING WITH FORBIDDEN MARRIAGES,³ HE IS SILENCED. IF HE SAYS, [INSTEAD OF] 'AND THOU SHALT NOT GIVE ANY OF THY SEED TO SET THEM APART TO MOLOCH', 'THOU SHALT NOT GIVE TO TRANSFER IT TO A GENTILE WOMAN',⁴ HE IS BOTH SILENCED AND REBUKED.⁵

GEMARA. We understand the prohibition of saying 'WE GIVE THANKS, WE GIVE THANKS', because he seems to be addressing two Powers;⁶ also of 'THY NAME BE MENTIONED FOR WELL-DOING', because this implies, for good, yes, for evil, no, and we have learnt, 'It is the duty of a man to bless [God] for evil in the same way as he blesses for good'.⁷ But what is the reason for prohibiting, 'MAY THY MERCIES REACH THE NEST OF A BIRD'?⁸ —

Different answers were given by two Amoraim in the West [Palestine], R. Jose b. Abin and R. Jose b. Zebida. One said, it is because he creates jealousy in the work of the creation,⁹ and the other says it is because he makes the commands¹⁰ of the Holy One, blessed be He, acts of grace, whereas they are only decrees.¹¹ A certain man went down [before the ark] in the presence of Rabbah and said, 'Thou hast shown pity to the nest of a bird, do thou have pity and mercy on us'; (Thou hast shown pity to an animal and its young,¹² do thou have pity and mercy on us). Said Rabbah: How well this Rabbi knows how to placate his Master! Said Abaye to him: But we have learnt, HE IS SILENCED? — Rabbah only wanted to sharpen Abaye's wits.

A certain [reader] went down before the ark in the presence of R. Hanina and said, 'The great, the mighty, the terrible, the majestic, the strong, the powerful God'. He said to him: Have you finished the praises of your Master? Even the first three, had it not been that Moses wrote them in the Law¹³ and the Men of the Great Synagogue came and ordained them,¹⁴ we should not recite; and you say all this! It is as if a man had thousands of thousands of denarii of gold and people to praise his wealth would say he had a thousand. Would it not be an insult to him?

R. Hanina said: Everything is in the hands of heaven except the fear of heaven¹⁵ as it says, And now, Israel, what doth the Lord thy God ask of thee but to fear.¹⁶ Are we to infer from this that fear is a small thing? — Yes; for Moses our teacher it was a small thing. In the same way, if a man is asked for a big article and he has it, it seems to him only small, but if he is asked for a small article and he has it not, it seems big to him.

R. Zera said: For one to say, 'Hear, Hear',¹⁷ is like saying, 'We give thanks, we give thanks'. The following was cited in objection to this: 'He who recites the Shema' and repeats is reprehensible'. He is only reprehensible, but we do not silence him? — There is no contradiction. In the one case we suppose he repeats each word as he says it,¹⁸ in the other that he repeats a whole sentence.¹⁹ Said R. Papa to him: But perhaps [the reason why he repeats] is because at first he was not thinking of what he said, and now he does think? — He replied: Is he to treat heaven like an ordinary acquaintance?²⁰ If he does not think of what he is saying, I will hit him with a hammer till he does think.

IF HE INTRODUCES EUPHEMISMS INTO THE PASSAGE DEALING WITH FORBIDDEN MARRIAGES, HE IS SILENCED. R. Joseph learned: [If, for example, he says] 'the shame of his father, the shame of his mother'.²¹

IF ONE SAYS, AND THOU SHALT NOT GIVE ANY OF THY SEED TO SET THEM APART etc. In the school of R. Ishmael it was stated: The text speaks of an Israelite who has intercourse with a Cuthean woman and begets from her a son for idolatry.²²

MISHNAH. THE INCIDENT OF REUBEN IS READ IN SYNAGOGUE BUT NOT TRANSLATED.²³ THE STORY OF TAMAR²⁴ IS READ AND TRANSLATED. THE FIRST ACCOUNT OF THE INCIDENT OF THE GOLDEN CALF²⁵ IS BOTH READ AND TRANSLATED, THE SECOND²⁶ IS READ BUT NOT TRANSLATED. THE BLESSING OF THE PRIESTS²⁷ IS READ BUT NOT TRANSLATED. THE STORIES OF DAVID²⁸ AND AMNON²⁹ ARE READ BUT NOT TRANSLATED. THE PORTION OF THE CHARIOT³⁰ IS NOT READ AS A HAFTARAH, BUT R. JUDAH PERMITS THIS. R. ELEAZAR SAYS: THE PORTION, MAKE KNOWN TO JERUSALEM',³¹ IS NOT READ AS A HAFTARAH.

GEMARA. Our Rabbis taught: Some portions [of the Scripture] are both read and translated, some are read but not translated, [and some are neither read nor translated].³² The following are both read and translated: (Mnemonic: B'L'T' 'E'K'N' N'SHP'H').³³ The account of the creation³⁴ is both read and translated. Certainly! — You might think that [through hearing it] people are led to inquire what is above and what is below,

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- (1) Minuth (v. supra note 4); implying that only the good are invited to bless God (Rashi).
- (2) In the 'Amidah prayer.
- (3) Lev, ch. XVIII.
- (4) I.e., beget children from a Gentile woman. Aliter: 'To render pregnant a Gentile woman'. Either version is a departure from the text which is an injunction against Moloch worship. [Aruch (s.v. מלך): 'Thou shalt not give any of thy seed to the Arameans to set them apart to Moloch', implying that the prohibition applies only to the Moloch worship of a particular nation. Albeck Ch., Bericht Hochschule, Berlin 1930 p. 55 renders it: thou shalt not give thy seed to pass to heathendom, viz., to introduce them to the knowledge of heathen culture and custom.]
- (5) All this is explained in the Gemara.
- (6) V. Ber. 54a.
- (7) [The dualism of the Persians — the god of darkness and of light.]
- (8) With reference to the prohibition of taking both a bird and its nestlings. Deut. XXII, 6. 7.
- (9) As though God had mercy on birds and not on beasts.
- (10) Lit., 'his attributes'. [Herford sees in this a protest against the Pauline antithesis of Law and Grace, v. Christianity in Talmud and Midrash pp. 202ff.]
- (11) Which must be obeyed whether they are merciful or not.
- (12) V. Lev. XXII, 28. This sentence is bracketed in the text.
- (13) Deut. X, 17.
- (14) V. Neh. IX, 32.
- (15) It is left to the free choice of man whether to be Godfearing or not.
- (16) Deut. X, 12.
- (17) In reciting the Shema'.
- (18) I.e., he says, 'Hear, hear, Israel, Israel' which is only a stupidity.
- (19) I.e., he says, 'We give thanks to thee, we give thanks to thee', as if he were addressing two Powers.
- (20) Lit., 'Intimacy towards heaven!'
- (21) From prudery, instead of 'the nakedness'; Lev. XVIII, 7. [Maim: instead 'of thy father', 'of thy mother'].
- (22) Cf. Pseudo-Jonathan a.l. Apparently this is in flat contradiction with the Mishnah. Possibly R. Ishmael means to explain the words of the Mishnah which are somewhat obscure (Rashi). [According to Aruch's and Albeck's explanations (v. p. 149, n. 3) the Mishnah does not denounce R. Ishmael's version.]
- (23) Gen. XXXV, 22.
- (24) Ibid. XXXVIII.
- (25) Ex. XXXII, 1-20.
- (26) Ibid. 21-25. (So Maim).
- (27) Num. VI, 24-27.
- (28) II Sam. XI, 2-17.
- (29) Ibid. XIII, 1-4.
- (30) Ezek. I and X.
- (31) Ibid. XVI.
- (32) Wilna Gaon omits the words in brackets.
- (33) B = Bereshith (creation); L = Lot; T = Tamar; E = 'Egel (Calf); K = Kelaloth (curses); N = 'Oneshin (penalties); N = Amnon; Sh = Abshalom, P = Pilegesh (concubine); H = hoda' (make known).
- (34) Gen. I.

Talmud - Mas. Megilah 25b

and what is before and what is after.¹ Therefore we are told [that this is no objection]. The story of Lot and his two daughters² is both read and translated. Certainly! — You might think that [we should forbear] out of respect for Abraham. Therefore we are told [that this is no objection]. The story of Tamar and Judah is both read and translated. Certainly! — We might think that [we should forbear] out of respect for Judah. Therefore we are told [that this is no objection]; [the passage] really redounds to his credit, because [it records that] he confessed.³ The first account of the making

of the Calf is both read and translated. Certainly! — You might think that [we should forbear] out of respect for Israel. Therefore we are told [that this is no objection]; on the contrary, it is agreeable to them,⁴ because it was followed by atonement.⁵ The curses and blessings⁶ are both read and translated. Certainly! — You might think that [we should forbear] lest the congregation should become disheartened; therefore we are told [that this is no objection]. Warnings and penalties are both read and translated. Certainly! — You might think that [we should forbear] for fear that they may come to keep the commandments out of fear;⁷ therefore we are told [that this is no objection]. The story of Amnon and Tamar is both read and translated. Certainly! — You might think that [we should forbear] out of respect for David. Therefore we are told [that this is no objection]. The story of the concubine in Gibeath⁸ is both read and translated. Certainly! — You might think [that we should forbear] out of respect for Benjamin. Therefore we are told [that this is no objection]. The passage commencing ‘Make known to Jerusalem her abominations’ is both read and translated. Certainly! — This is stated to exclude the view of R. Eleazar, as it has been taught: ‘On one occasion a man read in the presence⁹ of R. Eleazar ‘Make known to Jerusalem her abominations’. He said to him, While you are investigating the abominations of Jerusalem, go and investigate the abominations of your own mother. Inquiries were made into his birth, and he was found to be illegitimate.

Mnemonic: R'E'B'D'N').¹⁰ The incident of Reuben is read but not translated. On one occasion R. Hanina b. Gamaliel went to Kabul,¹¹ and the reader of the congregation read, ‘And it came to pass when Israel abode’,¹² and he said to the translator, Translate only the latter part of the verse, and the Sages commended his action. The second account of the Calf is read but not translated. What is the second account of the Calf? — From ‘And Moses said’ up to ‘and Moses saw’.¹³ It has been taught: A man should always be careful in wording his answers, because on the ground of the answer which Aaron made to Moses the unbelievers were able to deny [God], as it says, And I cast it into the fire and this calf came forth.¹⁴

The priestly blessing is read but not translated. What is the reason? — Because it contains the words, May he lift up.¹⁵

The accounts of David and Amnon are neither read nor translated.¹⁶ But you just said that the story of Amnon and Tamar is both read and translated? — There is no contradiction; the former statement refers to where it says ‘Amnon son of David’,¹⁷ the latter to where it says ‘Amnon’ simply.

Our Rabbis taught: Wherever an indelicate expression is written in the text, we substitute a more polite one in reading.¹⁸ [Thus for] yishgalenah¹⁹ [we read] yishkabenah;²⁰ [for] ba'apolim²¹ [we read] ba-tehorim;²² [for] hiryonim²³ [we read] dibyonim;²⁴ [for] le-ekol eth horehem we-lishtoth eth meme shinehem²⁵ [we read] le-ekol eth zo'atham we-lishtoth eth meme raglehem;²⁶ [for] la-mahara'oth²⁷ [we read] lemoza'oth.²⁸ R. Joshua b. Korha, however, says that the actual word la-mahara'oth²⁷ [is read] because it is a term of opprobrium for idolatry. R. Nahman said: All gibing²⁹ is forbidden save gibing at idolatry, which is permitted, as it is written, Bel boweth down, Nebo stoopeth³⁰ and the text goes on, They stoop, they bow down together, they cannot deliver the burden, etc. R. Jannai learns the same lesson from here: The inhabitants of Samaria shall be in dread for the calves of Beth Aven, for the people thereof shall mourn over it and the Priests thereof shall tremble for it, for its glory, because it is departed from it.³¹ Read not ‘its glory’ [kebedo], but ‘its burden’ [kebedo]. R. Huna b. Manoah said in the name of R. Aha the son of R. Ika: It is permitted to an Israelite to say to a Cuthean, Take your idol and put it in your shin tof.³² R. Ashi said: It is permissible to abuse a person of ill fame³³ with the term gimel shin.³⁴ It is permissible to praise a person of good report and if one does praise him, ‘blessings shall rest upon his head’.

CHAPTER IV

MISHNAH. IF THE TOWNSPEOPLE³⁵ SELL THE TOWN SQUARE,³⁶ THEY MAY BUY WITH THE PROCEEDS A SYNAGOGUE;³⁷ [IF THEY SELL] A SYNAGOGUE, THEY MAY BUY WITH THE PROCEEDS AN ARK;³⁸ [IF THEY SELL] AN ARK THEY MAY BUY WRAPPINGS [FOR SCROLLS]; [IF THEY SELL] WRAPPINGS

- (1) I.e., before the creation and after the end of the world. Cf. Hag. 11b.
- (2) Gen. XIX, 31-38.
- (3) Ibid. XXXVIII, 26.
- (4) To have the story recounted.
- (5) [MS.M. so that there may be (by the recounting of the lapse) an atonement unto them].
- (6) Lev. XXVI; Deut. XXVII.
- (7) Rashi apparently makes this the reason for reading the curses and blessings, and reads 'out of love and fear', i.e., desire for the blessings and fear of the curses, while he transfers to this place the clause in the previous sentence, 'lest the congregation should become disheartened'. But. v. Maharsha.
- (8) Jud. XIX, XX.
- (9) [Lit., 'above', the reader in public occupying a raised position].
- (10) R = Reuben; E= 'Egel (calf); B = berakah (blessing); D = David; N = Amnon.
- (11) S.E. of Akko.
- (12) Gen. XXXV, 22.
- (13) Ex. XXXII, 21-25.
- (14) Which seems to be an admission that the calf had divine powers.
- (15) Which seems to imply favouritism for Israel.
- (16) According to R. Bezalel Ronsburg, the proper reading is 'The accounts of David and Amnon are read but not translated'.
- (17) I.e. the first verse of the chapter.
- (18) Lit., 'wherever the text is written indelicately, we read it delicately'.
- (19) ישגלנה 'ravish'.
- (20) ישכבנה Deut. XXVIII, 30. E.V. 'shall lie with her'.
- (21) בעפולים 'posteriors'.
- (22) במחורים I Sam. V, 5. E.V. 'emeralds'.
- (23) הריונים 'dove's dung'. So E.V.
- (24) דביונים II Kings VI, 25. E.V. 'decayed leaves'.
- (25) חוריהם עץמימי שיניהם 'excrement . . . urine.
- (26) צואתם עץמימי רגליהם Ibid. XVIII, 27. E.V. 'deposit . . . water of his feet'
- (27) למהראות 'privies'.
- (28) למוצאות Ibid. X, 27, 'retreats'. E.V. 'draughthouse'.
- (29) The reference apparently is to obscenity.
- (30) Isa. XLVI, 1.
- (31) Hos. X, 5.
- (32) שת. Fundament.
- (33) I.e., suspected of adultery.
- (34) According to Rashi, = gala shaita (adulterer, madman). Another reading is beth gimel = bar girtha (son of a harlot).
- (35) Lit., 'sons of the town': probably the general assembly of residents of over twelve months' standing. V. Rabbinowitz, op. cit.
- (36) Lit., 'broad place'. Where at times religious ceremonies were performed.
- (37) On the principle that we may use for a more holy purpose but not for a less holy'; and so with the rest.
- (38) In which to place the Scrolls of the Law.

Talmud - Mas. Megilah 26a

THEY MAY BUY SCROLLS;¹ [IF THEY SELL] SCROLLS THEY MAY BUY A [SEFER] TORAH. BUT IF THEY SELL A [SEFER] TORAH THEY MAY NOT BUY WITH THE

PROCEEDS SCROLLS; IF [THEY SELL] SCROLLS THEY MAY NOT BUY WRAPPINGS; IF [THEY SELL] WRAPPINGS THEY MAY NOT BUY AN ARK; IF [THEY SELL] AN ARK THEY MAY NOT BUY A SYNAGOGUE; IF [THEY SELL] A SYNAGOGUE THEY MAY NOT BUY A TOWN SQUARE. THE SAME APPLIES TO ANY MONEY LEFT OVER.²

GEMARA. IF THE TOWNSPEOPLE SELL THE TOWN SQUARE. Rabbah b. Bar Hanah said in the name of R. Johanan: This is the view of R. Menahem b. Jose the anonymous author,³ but the Sages say that no sanctity attaches to the square. What is the reason of R. Menahem b. Jose? — Because the people pray in it on fast days⁴ and at gatherings of the ma'amad.⁵ What say the Rabbis to this? — That happens only exceptionally. IF [THEY SELL] THE SYNAGOGUE THEY MAY BUY AN ARK. R. Samuel b. Nahmani said in the name of R. Jonathan: This rule applies only to a synagogue in a village, but a synagogue in a large town, since people from all parts come to it,⁶ may not be sold, it being regarded as belonging to a wider public. Said R. Ashi: As for this synagogue in Matha Mehasia,⁷ although people come to it from all parts, since they come at my discretion,⁸ I can if I like sell it. An objection was raised: 'R. Judah says: It is recorded of the synagogue of the coppersmiths⁹ in Jerusalem that they sold it to R. Eliezer and he used it for his own purposes'. And yet that was one in a large town? — That was a very small synagogue, and they themselves had made it.

The following was further raised in objection: 'In a house of the land of your possession:¹⁰ your possession is defiled by leprosy, but Jerusalem is not defiled by leprosy'.¹¹ R. Judah said: I have not heard this laid down save with respect to the area of the Sanctuary alone. We thus see that [according to R. Judah] synagogues and houses of study are defiled; and yet why [according to you] should this be, seeing that they belong to the town?¹² — I would emend [the above statement to read]: 'R. Judah says: I have not heard this rule laid down save in relation to a sanctified place only'.¹³

On what point do these [two authorities] join issue? — The First Tanna is of opinion that Jerusalem was not apportioned to [any of] the tribes,¹⁴ while R. Judah was of opinion that it was apportioned to [certain of] the tribes; and their difference is the same as that of the following Tannaim, as it has been taught: What [part of Jerusalem] was in the portion of Judah?¹⁵ The Temple mountain,¹⁶ the priestly chambers,¹⁷ and the courts.¹⁸ And what was in the portion of Benjamin? The hall¹⁹ and the sanctuary²⁰ and the holy of holies.²¹ A strip projected from the portion of Judah into the portion of Benjamin, and in it the altar [of sacrifice] was built, and every day the righteous Benjamin fretted over it, desiring to swallow it up, as it says, Crouching over it all the day.²² Therefore Benjamin was privileged to become the host of the Shechinah'.²³ The following Tanna, however, held that Jerusalem was not apportioned to any of the tribes, as it has been taught: 'People cannot let out houses²⁴ in Jerusalem as they do not belong to them. R. Eleazar b. Zadok says: They may not hire out beds either.²⁵ Therefore householders [who took in guests] would seize the skins of [visitors'] sacrifices forcibly'.²⁶ Abaye remarked: We may see from this that it is good manners for a man to leave his [empty] wine-flask and his skin-rug at his guest-house.

Raba said: This rule²⁷ was meant to apply only where the seven 'good men' of the town²⁸ did not sell in the assembly of the townspeople. But if the seven 'good men' of the town sold in the assembly of the townspeople, even

(1) Of the Scriptural books other than the Pentateuch.

(2) From any of these purchases.

(3) I.e., whose opinions are usually quoted without mention of his name. Cf. supra p. 4, n. 1.

(4) V. Ta'an. 15a. Apparently the square was usually in front of the synagogue.

(5) V. Glos. The ma'amad did not in fact pray in the square but in the synagogue, and this word is omitted by many authorities, v. Rashi.

(6) And are regarded as having contributed to it, or may actually have contributed to it.

- (7) A suburb of Sura.
- (8) I.e., since they have contributed on condition that I may do as I please with the money (Tosaf.). Cf. B.B. 3b.
- (9) **טורסיים** (Tarsians), or 'filigree workers'. [We find a synagogue of Tarsians also in Tiberias and Lydda, and in Krauss, *Synagogale Altertumer*, p. 201, they are identical with the synagogue of Alexandrians (cf. the parallel passage in the Jerusalem Talmud Megillah III, 1) who had brought over with them to Palestine the industry in Tarsian carpets — an industry which flourished greatly in Egypt; v. also T.A. II, 625].
- (10) Lev. XIV, 34; of leprosy of houses.
- (11) V. infra.
- (12) And so cannot be called 'your possession'. (V. Tosaf. s.v. **אמני**).
- (13) Including also synagogues and houses of study.
- (14) But remained the possession of all of them jointly.
- (15) Jerusalem was on the border between the territories of Judah and Benjamin.
- (16) On the east of the city.
- (17) The rooms used by the priests for various purposes.
- (18) The Court of Women, the Israelites' Court, and the Priests' Court.
- (19) Ulam. Leading to the interior of the Temple.
- (20) Containing the candlestick and table and altar of incense.
- (21) Containing the Ark.
- (22) As if to swallow it. Deut. XXXIII, 12. E. V. 'He covereth him all the day'.
- (23) Through the Holy of Holies. V. Yoma 12a.
- (24) To the pilgrims who come to Jerusalem for the three Festivals (Rashi).
- (25) Because the ground on which they rested did not belong to them (Tosaf).
- (26) In lieu of payment for lodging.
- (27) That the proceeds of the sale could not be used for purchasing something less holy, and that the thing sold itself retained its holiness.
- (28) Seven men who acted as representatives of the town in communal matters — *optimates*.

Talmud - Mas. Megilah 26b

if it was for a drinking place,¹ the transaction holds good. Rabina had the ground of a dismantled synagogue. He applied to R. Ashi to know whether he could plant seeds there. He replied: Go and buy it from the seven 'good men' of the town in the assembly of the townspeople, and you may then sow it.

Rami b. Abba was building a synagogue. There was a certain old synagogue which he wanted to pull down, so as to take bricks and beams from it and use them for the other. He was doubtful, however, how to interpret the dictum of R. Hisda; for R. Hisda² said: A man should not pull down a synagogue until he has built another [to take its place]. The reason there, [he knew] was so that there should be no negligence.³ But what was the rule in such a case as this?⁴ He applied to R. Papa, who forbade him; to R. Huna, and he also forbade him.

Raba said: A synagogue may be exchanged or sold [for secular purposes], but may not be hired or pledged. What is the reason?

[In the latter case] its holiness is still adhering to it.⁵ Its bricks also, may be exchanged or sold [for secular purposes], but not lent. This rule applies only to old ones,⁶ but in the case of new ones there is no objection.⁷ And even if we adopt the view that the mere intention [to use a thing for a certain purpose] has a certain force, this would be the case, for instance, with one who weaves a shroud for a dead body,⁸ but in this case [the objects in question] are like thread which has still to be woven into cloth, and no authority says [that in such a case there is force in mere intention].

[With regard to a synagogue which has been made] a gift, there is a difference of opinion between

R. Aha and Rabina, one forbidding [it to be used for secular purposes] and one permitting. The one who forbade did so on the ground that there is nothing to which its holiness is transferred,⁹ while the one who permitted it argued that if he [the giver] did not derive some benefit from the act¹⁰ he would not give it, so that in the end the gift is equivalent to a sale.

Our Rabbis taught: ‘Accessories of religious observances [when disused] are to be thrown away; accessories of holiness are to be stored away. The following are accessories of religious observances: a sukkah, a lulab, a shofar,¹¹ fringes. The following are accessories of holiness: large sacks for keeping scrolls of the Scripture in, tefillin and mezuzoth,¹¹ a mantle for a sefer torah,¹¹ and a tefillin bag and tefillin straps’. Raba said: At first I used to think that the stand [on which the sefer torah is placed] is an accessory to an accessory and that it is permitted.¹² When, however, I saw that the sefer torah is placed actually on it,¹³ I came to the conclusion that it is all accessory of holiness and is forbidden. Raba further said: At first I used to think that the curtain¹⁴ is an accessory of an accessory. When, however, I observed that it is folded over and a scroll is placed on it, I came to the conclusion that it is itself an accessory of holiness, and forbidden.

Raba further said: When an ark is falling asunder, to make it into a smaller ark is permitted, but to make it into a stand¹⁵ is forbidden. Raba further said: When a curtain is worn out, to make it into a mantle for a [whole] scroll of the Law is permitted, but for a single humash¹¹ is forbidden. Raba further said: These bags for humashim and boxes for scrolls¹⁶ are accessories of holiness and must be stored away [when disused]. Is not this obvious? — You might think that these are used not out of respect [for the scrolls] but merely for protection. Therefore we are told [that this is not so].

There was a synagogue of the Roman Jews¹⁷ which opened out into a room where a dead body was deposited.¹⁸ The kohanim¹⁹ wanted to go in there to pray, and they came and asked Raba [what they should do]. He said: Take the ark and put it down there,²⁰ since it is a wooden vessel which is meant to be stationary, and every wooden vessel which is meant to be stationary is immune from defilement and forms a partition to prevent the passage of defilement. Said the Rabbis to Raba: But sometimes it is moved while a scroll of the law is resting on it, and thus it becomes a vessel which is moved both when full and when empty? If that is so [he said], there is no remedy.

Mar Zutra said: Wrappings of scrolls which are worn out may be used for making shrouds for a meth mizwah;²¹ and this act constitutes their ‘storing away’.

Raba also said: A scroll of the law which is worn out may be buried by the side of a talmid hakam,¹⁹ even though he be one who only repeats halachoth.²² R. Aha b. Jacob said: It should be put in an earthenware vessel, as it says, And put them in an earthen vessel that they may continue many days.²³

R. Papi said in the name of Raba: To turn a synagogue into a college²⁴ is permitted; to turn a college into a synagogue is forbidden. R. Papa, however, also reporting Raba, states the opposite. R. Aha said:

(1) Bah. adds: ‘or for spreading out fruit’.

(2) B.B. 3b.

(3) To build the new one after the old one had been pulled down.

(4) Where the object of pulling down the old one was to obtain building material for the new one.

(5) But if it is sold or exchanged, its holiness is transferred to the money or to its equivalent.

(6) I.e., bricks in an old synagogue.

(7) Because they have not yet become holy.

(8) The shroud being ready for use for the purpose for which it is intended.

(9) Lit., ‘(asked) to what is its holiness transferred’, reading **במאי** with Alfasi; or, ‘why should its holiness be lost’,

reading אָמַי with Asheri; cur. edd. בְּהַאי 'with this'.

(10) I.e., receive some return from the recipient, which acquires the sanctity of the synagogue.

(11) V. Glos.

(12) 'To use it for secular purposes when it is worn out'.

(13) And not on a cloth spread over it.

(14) Hung over the Ark in synagogue.

(15) On which to place the sefer torah when read.

(16) Of the Prophets or Hagiographa.

(17) יהודאי רומאי. Who had settled in Mahuza (Rashi). Probably Syrian Jews are meant, not Roman. [Obermeyer (p. 179): Jews of Rumae, the Persian Rumakan, near Mahuza, the seat of Raba].

(18) Before being taken to the cemetery, and its uncleanness spread from the room to the synagogue. V. B.B. 20a.

(19) V. Glos.

(20) Just between the room and the synagogue.

(21) Lit., 'an obligatory corpse': a dead body found by the wayside which it is obligatory on passers-by to bury if the relatives cannot be found; v. Glos.

(22) I.e., he knew only Mishnahs and Baraitas, not the Gemara also (Rashi).

(23) Jer. XXXII, 14.

(24) Lit., 'House of Rabbis'.

Talmud - Mas. Megilah 27a

The statement of R. Papi is the more probable, since R. Joshua b. Levi said: It is permissible to make a synagogue into a beth hamidrash. This seems conclusive.

Bar Kappara gave the following exposition. 'What is the meaning of the verse, And he burnt the house of the Lord and the king's house and all the houses of Jerusalem even every great man's house burnt he with fire?'¹ 'The house of the Lord': this is the Temple. 'The king's house': this is the royal palace. 'All the houses of Jerusalem': literally. 'Even every great man's house burnt he with fire':² R. Johanan and R. Joshua b. Levi gave different interpretations of this. One said, it means the place where the Torah is magnified; the other, the place where a prayer is magnified. The one who says Torah bases himself on the verse, The Lord was pleased, for his righteousness' sake to make the torah great and glorious.³ The one who says prayer bases himself on the verse, Tell me, I pray thee, the great things that Elisha has done;⁴ and what Elisha did, he did by means of prayer. It may be presumed that it was R. Joshua b. Levi who said, 'the place where Torah is magnified', since R. Joshua b. Levi said that a synagogue may be turned into a beth ha-midrash; which is a clear indication.

BUT IF THEY SELL A [SEFER] TORAH THEY MAY NOT BUY SCROLLS. The question was raised: What is the rule about selling an old sefer torah to buy a new one? Do we say that since we do not thus go to higher grade [in the use of the money] it is forbidden, or are we to say that since there is no higher grade to go to, there is no objection? Come and hear: **BUT IF THEY SELL, A [SEFER] TORAH THEY MAY NOT BUY SCROLLS;** it is scrolls that they may not buy, but to buy a [sefer] torah with the money of a [sefer] torah is unobjectionable! [No.] But the Mishnah speaks of some thing already done, we ask whether it may be done in the first instance? — Come and hear: A sefer torah may be rolled up in the wrappings of a humash, or a humash in the wrappings of a scroll of prophets and hagiographa, but prophets and hagiographa may not be rolled up in the wrappings of a humash, nor a humash in the wrappings of a sefer torah.⁵ Now it states here at any rate that a sefer torah may be rolled up in the wrappings of a humash; [as much as to say], in the wrappings of a humash it may be, but in those of [another] sefer torah it may not be?⁶ — Look at the succeeding clause: 'But a humash may not be rolled up in the wrappings of a sefer torah', which would imply that there is no objection against wrapping a sefer torah in those of another sefer torah? — The fact is that from this statement no conclusion can be drawn.

Come and hear: 'A [sefer] torah may be laid on another [sefer] torah, and a [sefer] torah on separate humashim, and separate humashim on scrolls of the prophets and hagiographa, but scrolls of the prophets and hagiographa may not be placed on humashim, nor humashim on a [sefer] torah'! — You speak here of laying; laying is different, because it is impossible to avoid it; for if you do not suppose this, [we may ask,] how are we allowed to roll up the scrolls, seeing that in so doing we lay one sheet on another? The fact is that since this cannot be avoided, it is permitted; and so here also, since it cannot be avoided,⁷ it is permitted.

Come and hear, since Rabbah b. Bar Hanah said in the name of R. Johanan, who had it from Rabban Simeon b. Gamaliel: A man should not sell an old [sefer] torah in order to buy a new one with the proceeds! — There the reason is lest he should [afterwards] neglect to do so; here we speak of a case where the new one is written and waiting to be paid for. What is the rule [in such a case]? — Come and hear, since R. Johanan said in the name of R. Meir: A man should not sell a sefer torah save in order to study the Torah and to marry a wife. From this we may conclude [may we not] that there is no objection against buying one sefer torah with the proceeds of another? — Perhaps study comes under a different rule, since study leads on to practice. Marrying also [is permitted because it says], He created it not a waste, he formed it to be inhabited,⁸ but to buy a sefer torah with the proceeds of another is still not permitted.

Come and hear: 'A man should not sell a sefer torah even though he does not require it. Rabban Simeon b. Gamaliel went further and said: Even if a man has no food and he sells a sefer torah or his daughter, he will never have any luck⁹ [from that money]'.

THE SAME APPLIES TO ANY MONEY LEFT OVER. Raba said: This is the rule only if they had money left over from a sale; but if they had money left over from a collection, it is permitted [to use it for any purpose]. Abaye cited the following in objection to this: 'When does this rule apply? If they made no stipulation; but if they made a stipulation, they may even give it to the duchsusia'.¹⁰ Now how are we to understand this? Shall we say that they [the seven good men] sold [a holy article] and had money left over [after purchasing a new one]? Then even if they made a stipulation [that they could do what they liked with it], what does it avail?¹¹ We must say therefore that they collected money and had some left over, and the reason is given that 'they made a stipulation', but if they made no stipulation they cannot? — I still maintain that [what is meant is] that they sold and had something left, and the statement should run thus: 'When does this rule apply? When the seven "good men" of the town did not make any stipulation in the assembly of the townspeople; but if the seven good men of the town made a stipulation in the assembly of the townspeople, it may be used even for paying a duchsusia'.

Abaye said to a Rabbinical student who used to repeat¹² the Mishnah in the presence of R. Shesheth: Have you ever heard from R. Shesheth what is meant by duchsusia? — He replied: This is what R. Shesheth said: The town horseman.¹³ Abaye thereupon observed: This shows that a Rabbinical student who has heard something of which he does not know the meaning should ask one who is frequently in the company of the Rabbis, since he is almost certain to have heard the answer from some great man.

R. Johanan said in the name of R. Meir: If the representatives of one town¹⁴ go [on a visit] to another town and they are there rated for a charity contribution, they should pay it and on leaving they should bring the money with them¹⁵ to assist with it the poor of their own town. It has been taught to the same effect: 'If the men of one town go to another town and are there rated for a charity contribution, they should pay it, and when they leave they should bring the money back with them. If an individual, however, goes to another town and is there rated for a charity contribution, it is given to the poor of that town

R. Huna once proclaimed a fast day. R. Hana b. Hanilai and all the [leading] men of his place happened to visit him [on that day], and they were called upon for a charity contribution, and they gave it. When they were about to leave, they said to him [R. Huna], Kindly return it to us so that we may go and assist with it the poor of our own town. He replied to them: We have learnt: ‘When does this rule apply? When there is no

(1) II Kings XXV, 9.

(2) These words are apparently superfluous and therefore lend themselves to a homiletical exposition.

(3) Isa. XLII, 21.

(4) II Kings VIII, 4.

(5) Because this brings the wrappings to a lower stage of holiness.

(6) And we infer that similarly one sefer torah may not be bought from the proceeds of another.

(7) In point of fact it is now avoided in the synagogue by the device of letting someone hold one sefer torah while another is being read from.

(8) Isa. XLV, 18.

(9) Lit., ‘he will never see a sign of blessing’.

(10) V. infra.

(11) Since the Mishnah expressly says that it is on the same footing as purchase money.

(12) Lit., ‘arrange’.

(13) Whose function it was to take urgent messages to the authorities on behalf of the town.

(14) Lit., ‘Sons of the town, v. supra p. 155, n. 1. [Aliter: ‘a group of people of the same town’ — not necessarily representatives; v. Maim. Mat. ‘Aniyim VII, 14].

(15) I.e., secure repayment.

Talmud - Mas. Megilah 27b

town scholar¹ in charge there; but if there is a scholar in control there, it should be given to the town scholar, and all the more so in this case, seeing that both my poor and your poor depend upon me.

MISHNAH. [A SYNAGOGUE² BELONGING TO A COMMUNITY³ SHOULD NOT BE SOLD TO A PRIVATE PERSON BECAUSE ITS SANCTITY IS [THEREBY] LOWERED. SO R. MEIR. THEY SAID TO HIM: IF SO, IT SHOULD NOT BE ALLOWED TO SELL FROM A LARGER TOWN TO A SMALLER ONE.

GEMARA. That was a sound objection raised by the Rabbis against R. Meir, [was it not]? What says R. Meir to this? — [To sell] from a large town to a small one [is unobjectionable], because if it was holy to begin with, it is still holy now. But if it passes from a community to an individual, there is no holiness left.⁴ [And what is the reply of] the Rabbis [to this]? — If that raises a scruple [in this case], in the other case also it raised a scruple, because ‘in the multitude of people is the king’s glory’.⁵

MISHNAH. A SYNAGOGUE MAY NOT BE SOLD SAVE WITH THE STIPULATION THAT IT MAY BE BOUGHT BACK [BY THE SELLERS] WHENEVER THEY DESIRE. SO R. MEIR. THE SAGES, HOWEVER, SAY THAT IT MAY BE SOLD IN PERPETUITY, SAVE FOR FOUR PURPOSES-FOR A BATH, FOR A TANNERY, FOR A RITUAL BATH, OR FOR A LAUNDRY. R. JUDAH SAYS: IT MAY BE SOLD FOR [TURNING INTO] A COURTYARD, AND THE PURCHASER MAY DO WHAT HE LIKES WITH IT.

GEMARA. On R. Meir’s ruling, how do people live in it? [The rent they pay] would be interest!⁶ — R. Johanan replied: R. Meir gave this ruling on the basis of the view of R. Judah, who said that interest which is only contingent⁷ is permitted, as it has been taught:⁸ ‘If a man lent another a maneh

and the latter made a [conditional] sale to him of his field,⁹ if the vendor takes¹⁰ the produce, this is permitted, but if the purchaser takes the produce, it is forbidden.¹¹ R. Judah said that even if the purchaser takes the produce it is permitted. Said R. Judah further: It happened once that Boethus b. Zunin made a sale of his field with the permission of R. Eleazar b. Azariah, and the purchaser took the produce. They said to him: Do you cite that as a proof? It was in fact the vendor who took the produce and not the purchaser'. On what point of principle did they differ? — On the question of contingent interest; one authority [R. Judah] held that contingent interest is permitted, and the other held that it is forbidden. Raba said: All authorities agree that contingent interest is forbidden, and the point at issue is the taking of interest on condition of returning it. One authority [R. Judah] held that to take interest on condition of returning it [when the principal is returned] is permitted,¹² while the other held that it is forbidden.

THE SAGES SAY HE MAY SELL IT IN PERPETUITY etc. Rab Judah said in the name of Samuel: It is permitted to a man to make water within four cubits of where prayers have been said. Said R. Joseph: What has he told us? We have already learnt it: R. JUDAH SAYS: IT MAY BE SOLD FOR USE AS A COURTYARD, AND THE PURCHASER MAY DO WHAT HE LIKES IN IT; And even the Rabbis did not forbid save in the synagogue itself, since its sanctity is permanent, but for the four adjoining cubits, the sanctity of which is not permanent,¹³ they did not make such a rule.

A tanna recited in the presence of R. Nahman: One who has just said prayers may go a distance of four cubits and make water, and one who has made water may go a distance of four cubits and pray. He said to him: I grant you that one who has made water may go four cubits and pray; this we have learnt:¹⁴ 'How far should he remove from it and from excrement? Four cubits'. But why should one who has prayed remove four cubits before making water? If that is the rule, you have sanctified all the streets of Nehardea!¹⁵ Say, 'should wait' [the time it takes to go four cubits]. [Is that so?] I grant you that one who has made water should wait till he can go four cubits, on account of drippings [on his clothes]. But why should one who has just prayed wait long enough to go four cubits? — R. Ashi replied: Because for the time it takes to go four cubits his mouth is still full of his prayer¹⁶ and his lips are still muttering it. (Mnemonic Z'L'P'N').¹⁷ R. Zaccai was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I made water within four cubits of a place where prayers have been said, nor have I given an opprobrious epithet to my fellow, nor have I omitted [to perform] the sanctification of the [Sabbath] day.¹⁸ I had a grandmother who once sold her headdress so as to bring me [wine for] the sanctification of the day. It was taught: When she died she left him three hundred barrels of wine, and when he died he left his sons three thousand barrels.

R. Huna once came before Rab girded with a string. He said to him, What is the meaning of this? He replied: I had no [wine for] sanctification, and I pledged my girdle so as to get some. He said: May it be the will of heaven that you be [one day] smothered in robes of silk. On the day when Rabbah his son was married, R. Huna, who was a short man, was lying on a bed and his daughters and daughters-in-law stripped [clothes] from themselves and threw them on him until he was smothered in silks. When Rab heard he was chagrined and said, Why when I blessed you did you not say, The same to you, Sir?¹⁹

R. Eleazar b. Shammua' was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I made a short²⁰ cut through a synagogue, nor have I stepped upon the heads of the holy people,²¹ nor have I lifted my hands [to say the priestly blessing] without reciting a blessing.²²

R. Peridah was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I allowed anyone to be before me at the house of study

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- (1) **חבר עיר**. A Rabbi who took a leading part in the town affairs. [Others vocalize **חבר** 'a group' denoting either a town council similar to the Roman Collegia (Krauss) or an official communal religious or charity organization, v. Krauss, *Synagogale Altertumer* pp. 20ff and Weinberg, M. Jeschurun, 1929 pp. 240ff and 1930, 269ff].
- (2) V. Rashi s.v. **ורבנן**.
- (3) Lit., 'to many'.
- (4) Since a quorum of at least ten is required for any act of sanctification (v. supra p. 142) — Rashi.
- (5) Prov. XIV, 28. The meaning is that the more worshippers, the greater the glory of God.
- (6) I.e., it becomes interest when the place is bought back and the first purchaser recovers his capital.
- (7) Lit., 'one side in interest'
- (8) B.M. 63a.
- (9) I.e., saying, 'the field is sold from now if I do not repay'.
- (10) Lit., 'consumes'.
- (11) Because if the loan is repaid, this will appear like interest on his maneh.
- (12) According to R. Judah, when the loan is repaid, any profit that has been made out of the field in the interval is to be given up. The Rabbis, however, forbid even this since the lender does after all enjoy interest for the time being on the loan. V. B.M., Sonc. ed. p. 376, n. 8.
- (13) But it lasts only while prayers are actually being said.
- (14) Ber. 22.
- (15) For there is no space of four cubits in them in which prayers have not been said by somebody.
- (16) Lit., 'his prayer is ordered in his mouth'.
- (17) Z = Zaccai; L = Eleazar; P = Peridah; N = Nehunia.
- (18) Kiddush, v. P.B. p. 142.
- (19) Because that might also have been fulfilled.
- (20) V. infra p. 171, n. 2.
- (21) I.e., pushed the disciples out of the way in order to get to his place in the beth ha-midrash. It was the custom there to sit on the ground.
- (22) 'Blessed art thou . . . who hast sanctified us with the sanctity of Aaron', v. Sot. 39a.

Talmud - Mas. Megilah 28a

, nor have I said grace before a kohen,¹ nor have I eaten of a beast from which the priestly dues² have not been given,³ as R. Isaac said in the name of R. Johanan: It is forbidden to eat from an animal from which the priestly dues have not been given; and R. Isaac further said: To eat from an animal from which the priestly dues have not been given is like eating tebel.⁴ The law, however, is not as stated by him. 'Nor did I say grace before a kohen'. This implies that this is a meritorious action. But has not R. Johanan said: 'If a talmid hakam allows even a high priest who is all ignoramus to say grace before him, that talmid hakam commits a mortal offence,⁵ as it says, All that hate me [mesanne'ai] love death;⁶ read not mesanne'ai [that hate me], but masni'ai [that make me hated]?'⁷ — When R. Johanan made this remark, he was thinking of equals.⁸

R. Nehunia b. ha-Kaneh was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I sought respect through the degradation of my fellow, nor has the curse of my fellow gone up with me upon my bed, and I have been generous with my money.⁹ 'I have not sought respect through the degradation of my fellow', as illustrated by R. Huna who once was carrying a spade on his shoulder when R. Hana b. Hanilai wanted to take it from him, but he said to him, If you are accustomed to carry in your own town, take it, but if not, I do not want to be paid respect through your degradation. 'Nor did the curse of my fellow go up on my bed with me'. This is illustrated by Mar Zutra, who, when he climbed into his bed said, I forgive all who have vexed me. 'I have been generous with my money', as a Master has said, 'Job was generous with his money; he used to leave with the shopkeeper a perutah¹⁰ of his change'. R. Akiba asked R. Nehunia the great: In virtue of what have you reached such a good old age? His attendants came and

beat him,¹¹ so he went and sat on the top of a date tree, and said to him: Rabbi, seeing that it says ‘a lamb’, why does it also say ‘one’?¹² Thereupon he [R. Nehunia] said, He is a rabbinical student, leave him alone. He then answered his question, saying, ‘One’ means ‘unique in its flock’. Then he said to him: Never in my life have I accepted presents, nor have I insisted on retribution [when wronged],¹³ and I have been generous with my money. ‘I have not accepted presents’, as illustrated by R. Eleazar, who, when presents were sent to him from the Prince would not accept them and when he was invited there would not go. He said to them: Do you not want me to live, since it says, He that hateth gifts shall live?¹⁴ R. Zera, when presents were sent to him from the Prince, would not accept them, but when he was invited there he used to go, saying, They derive honour from my presence. ‘Nor did I insist on retribution’, as Raba said: ‘He who waives his right to retribution¹⁵ is forgiven all his sins, as it says, that pardoneth iniquity and passeth by transgression.¹⁶ Whose iniquity is forgiven? The iniquity of him who passes by transgression.

Rabbi asked R. Joshua b. Korha: In virtue of what have you reached such a good old age? He said to him: Do you begrudge me my life?¹⁷ Said Rabbi to him: This is [a point of] Torah, and it is important for me to learn. He replied: Never in my life have I gazed at the countenance¹⁸ of a wicked man; for so R. Johanan said: It is forbidden to a man to gaze at the form of the countenance¹⁹ of a wicked man, as it says, Were it not that I regard the presence of Jehoshaphat the king of Judah, I would not look toward thee nor see thee.²⁰ R. Eleazar said: His eyes become dim, as it says, And it came to pass that when Isaac was old that his eyes were dim, so that he could not see;²¹ because he used to gaze at the wicked Esau. But was that the cause? Has not R. Isaac said: Let not the curse of an ordinary person ever seem of small account to thee, for Abimelech cursed Sarah, and it was fulfilled in her seed, as it says, Behold he is for thee a covering [kesuth] of the eyes.²² Read not ‘kesuth’ but ‘kesiyath’ [blinding]? — Both caused the affliction. Raba said. We learn it from here, It is not good to respect the person of the wicked.²³ When he was about to depart life, Rabbi said to him, Bless me. He said to him: May it be heaven's will that you attain to half my days. Not to their whole length [he exclaimed]? Shall those who succeed you,²⁴ [he replied] pasture cattle?²⁵

Abbuha b. Ihi and Minyamin b. Ihi [both left sayings on this subject]. One said: May I be rewarded²⁶ because I have never gazed at a Cuthean, and the other said, May I be rewarded because I have never gone into partnership with a Cuthean.

R. Zera was asked by his disciples: In virtue of what have you reached such a good old age? He replied: Never in my life have I been harsh with my household, nor have I stepped in front of one greater than myself, nor have I meditated on the Torah in filthy alleys,²⁷ nor have I gone four cubits without Torah²⁸ and tefillin,²⁹ nor have I slept in the beth ha-midrash,²⁹ either a long or a short sleep,³⁰ nor have I rejoiced in the downfall of my fellow, nor have I called my fellow by his nickname, (or, as some report, ‘family nickname’).³¹

MISHNAH. R. JUDAH SAID FURTHER:³² IF A SYNAGOGUE HAS FALLEN INTO RUINS, IT IS NOT RIGHT TO DELIVER FUNERAL ORATIONS THEREIN NOR TO WIND ROPES³³ NOR TO SPREAD NETS NOR TO LAY OUT PRODUCE ON THE ROOF [TO DRY] NOR TO USE IT AS A SHORT CUT,³⁴ AS IT SAYS, AND I WILL BRING YOUR SANCTUARIES UNTO DESOLATION,³⁵ [WHICH IMPLIES THAT] THEIR HOLINESS REMAINS EVEN WHEN THEY ARE DESOLATE. IF GRASS COMES UP IN THEM, IT SHOULD NOT BE PLUCKED, SO AS TO EXCITE COMPASSION.³⁶

GEMARA. Our Rabbis taught: ‘Synagogues must not be treated disrespectfully. It is not right to eat or to drink in them

(1) But invariably gave him precedence, v. Git. 59b.

(2) The shoulder, the two cheeks and the maw. Deut. XVIII, 3.

- (3) Bah. reverses the order of the two last clauses.
- (4) Produce from which the priestly and levitical dues have not been separated.
- (5) [Lit., 'deserves death', a recurring rabbinic phrase not to be taken literally but merely as expressing strong indignation].
- (6) Prov. VIII, 36. Wisdom is speaking.
- (7) The talmid hakam makes wisdom hated by allowing the ignoramus to have precedence.
- (8) I.e., where the priest is also a talmid hakam, even though not of equal standing (Tosaf.).
- (9) Lit., 'ready to excuse with my money'.
- (10) V. Glos.
- (11) For asking such a question, v. infra.
- (12) Num. XXVIII, 4, of the daily sacrifice: one lamb in the evening where 'a lamb' would have been sufficient.
- (13) Lit., 'insisted on my measures'.
- (14) Prov. XV, 27.
- (15) Lit., 'passes by his measures'.
- (16) Micah VII, 18.
- (17) That you ask me such a question.
- (18) Lit., 'likeness', with reference to Gen. I, 26.
- (19) Lit., 'image of the likeness V. ibid.
- (20) II Kings III, 14. Spoken by Elisha to Jehoram.
- (21) Gen. XXVII, 1.
- (22) Ibid. XX, 16.
- (23) Prov. XVIII, 5.
- (24) Your children (Rashi).
- (25) They will also be scholars, and if you live too long, they will not enjoy a position of dignity.
- (26) Lit., 'let it come to me'.
- (27) V. Ber. 24b.
- (28) I.e., without conning words of Torah.
- (29) V. Glos.
- (30) Lit., 'a fixed or an accidental sleep'.
- (31) So Rashi. According to Maharsha the reading should be 'my nickname, i.e., a name of reproach which he himself would reject. [According to some edd. there is no difference in the meaning but in the Hebrew word used to express 'nickname', in the former version it is hakinah, in the latter hanikah].
- (32) The point of the word 'further' is not clear, as R. Judah was the most lenient of the authorities quoted in the last Mishnah, and this Mishnah contains restrictions. V. Tosaf.
- (33) This is taken as typical of any kind of rough work which needs a great deal of room such as a synagogue would provide (Rashi).
- (34) קפנדריא, compendiaria, sc. via.
- (35) Lev. XXVI, 31.
- (36) In the beholders, and make them pray for the restoration of the holy place.

Talmud - Mas. Megilah 28b

, nor to dress up in them, nor to stroll about in them, nor to go into them in summer to escape the heat and in the rainy season to escape the rain, nor to deliver a private funeral address¹ in them. But it is right to read [the Scriptures] in them and to repeat the Mishnah and to deliver public funeral addresses.² R. Judah said: When is this? When they are still in use; but when they are abandoned, grass is allowed to grow in them, and it should not be plucked, so as to excite compassion'. Who was speaking about grass? — There is an omission, and the statement should read thus: 'They should be swept and watered so that grass should not grow in them. R. Judah said: When is this? When they are in use; but when they are abandoned, grass is allowed to grow in them; if grass does grow, it is not plucked, so that it may excite compassion

R. Assi said: The synagogues of Babylon have been built with a stipulation,³ and even so they must not be treated disrespectfully. What [for instance] is this? — Doing calculations [for business purposes] in them. R. Assi said: A synagogue in which people make calculations is used for keeping a dead body in over night. You actually think it is used for keeping a dead body in? — Is there no way otherwise? But [say] in the end a meth mizwah⁴ will be kept there over night.

‘Nor to dress up in it’. Raba said: The Sages and their disciples are permitted — since R. Joshua b. Levi has said: What is the meaning of ‘Be Rabbanan’?⁵ The Rabbis’ house.

‘Nor to go into them in summer to escape the heat and in the rainy season to escape the rain’. For instance, Rabina and R. Ada b. Mattenah were once standing and asking questions of Raba when a shower of rain came on. They went into the synagogue, saying, Why we have gone into the synagogue is not because of the rain, but because the discussion of a legal point requires clarity, like a clear day.⁶

R. Aha the son of Raba asked R. Ashi: If a man has occasion to call another out of synagogue, what is he to do? He replied: If he is a rabbinical student, let him say some halachah; if he is a tanna,⁷ let him repeat a Mishnah; if he is a Kara,⁸ let him say a verse of Scripture; if none of these, let him say to a child, ‘Repeat me the last verse you have learnt’; or else let him stay a little while and then get up.

‘To deliver public funeral addresses⁹ in them’. What is meant by a public funeral address? — R. Hisda gave as an example, For instance, a funeral address at which R. Shesheth is present.¹⁰ R. Shesheth mentioned as an example: For instance, a funeral address at which R. Hisda is present.¹¹ Rafram had a funeral address delivered for his daughter-in-law in the synagogue, saying, To pay honour to me and to the dead¹² all the people will come.¹³

R. Zera delivered a funeral address for a certain rabbinical student in the synagogue, saying, Whether to pay honour to me or to pay honour to the dead, all the public will come.

Resh Lakish delivered a funeral address for a certain rabbinical student who frequented the Land of Israel and who used to repeat halachoth¹⁴ before twenty-four rows [of disciples]. He said: Alas! The Land of Israel has lost a great man. [On the other hand] there was a certain man who used to repeat halachoth, Sifra and Sifre and Tosefta,¹⁵ and when he died they came and said to R. Nahman, Sir, will you deliver a funeral oration for him, and he said, How are we to deliver over him an address: Alas! A bag full of books has been lost!¹⁶ Observe now the difference between the rigorous scholars of the Land of Israel and the saints of Babylon.¹⁷

We have learnt in another place:¹⁸ ‘Whoever makes use of a crown, passeth away [from the world]’ and Resh Lakish commented: This applies to one who accepts service from one who can repeat halachoth, and ‘Ulla said: A man may accept service from one who can repeat the four [orders of the Mishnah]¹⁹ but not from one who can [also] teach²⁰ them. This is illustrated by the following story of Resh Lakish, he was once traveling along a road when he came to a pool of water, and a man came up and put him on his shoulders and began taking him across. He said to the man: Can you read²⁰ the Scriptures? He answered, I can. Can you repeat the Mishnah? [He replied], I can repeat four orders of the Mishnah. Resh Lakish thereupon said: You have hewn four rocks, and you carry Resh Lakish on your shoulder? Throw the son of Lakisha into the water! He replied: I would sooner that your honour tell me something.²¹ If so, he replied, learn from me this dictum which was enunciated by R. Zera: ‘The daughters of Israel imposed spontaneously upon themselves the restriction that if they saw [on their garments] a spot of blood no bigger than a mustard seed, they waited for seven days without issue [before taking a ritual bath].²²

It was taught in the Tanna debe Eliyyahu:²³ 'Whoever repeats halachoth may rest assured that he is destined for the future world, as it says, His goings [halikoth] are to eternity.²⁴ Read not halikoth but halachoth'.

Our Rabbis taught:

- (1) I.e., one not attended by the general public.
- (2) V. infra.
- (3) That they may be used for various purposes.
- (4) As punishment many will die and there will be no near relatives found to attend to their burial. V. Glos.
- (5) Lit., 'at the Rabbis', the common name for the College, exactly equivalent to the French chez les Rabbins, be being a contraction of beth (the house of).
- (6) Lit., 'a day of the north wind'. They could not think clearly in the rain.
- (7) V. Glos. s.v. (b).
- (8) Lit., 'reader'; one who could recite correctly the Scriptures by heart; v. Supra p. 133, n. 5.
- (9) Heb. hesped. This was an address in honour of the dead designed to evoke lamentation and mourning, and often delivered by a professional orator called a safdan.
- (10) Lit., 'a hesped at which R. Shesheth stands'. (V. Maharsha).
- (11) R. Shesheth and R. Hisda desired to pay compliments to one another.
- (12) Rashi reads: Whether to pay honour to me or to the dead.
- (13) This makes it a public funeral address.
- (14) Traditional teachings.
- (15) Sifra is the halachah midrash on Leviticus; Sifre the halachic midrash on Num. V to the end of Deuteronomy; Tosefta the Baraitha of R. Hiyya; v. Sanh. Sonc. ed., p. 567, n. 1.
- (16) As much as to say, that would not redound to his praise: he could only repeat these books parrot-like, but did not know what they meant.
- (17) Resh Lakish was from Palestine, R. Nahman from Babylon. On the rigour of the former v. Yoma 9b; on the saintliness of the latter v. Sot. 49b.
- (18) Ab. I.
- (19) Apparently the Orders of Zera'im and Toharoth were not considered so necessary as no longer having practical application (V. Maharsha).
- (20) I.e., explain.
- (21) So that he might be indebted to Resh Lakish and be allowed to perform service for him.
- (22) Whereas the law demanded this only if an issue was observed three days running, during the eleven days between the menses, v. supra P. 44, n. 4.
- (23) I.e., in a Baraitha attributed to Elijah; v. Keth., Sonc. ed. p. 680, n. 2.
- (24) Hab. III, 6. E.V. 'as of old'.

Talmud - Mas. Megilah 29a

The study of the Torah may be suspended for escorting a dead body to the burying place and a bride to the canopy. It was recorded of R. Judah b. Ila'i that he used to suspend the study of the Torah for escorting a dead body to the burying place and a bride to the canopy. When does this rule [regarding the dead] apply? When there are not present sufficient numbers [to pay him due honour]; but if sufficient numbers are available, [the study of the Torah] is not suspended. What numbers are sufficient?—R. Samuel b. Inia said in the name of Rab: Twelve thousand and [in addition] six thousand trumpets, or, as according to another version, twelve thousand men of whom six thousand have trumpets. Ulla said: Enough to make a procession extending from the burying ground to the town gate. R. Shesheth said: The withdrawal of the Torah¹ should correspond to its delivery:² as its delivery was in the presence of sixty myriads, so its withdrawal should be accompanied by sixty myriads. This applies to one who knew by heart Scripture and Mishnah; but for one who [also] taught the Mishnah there is no limit.³

It has been taught: R. Simon b. Yohai said: Come and see how beloved are Israel in the sight of God, in that to every place to which they were exiled the Shechinah went with them. They were exiled to Egypt and the Shechinah was with them, as it says, Did I reveal myself unto the house of thy father when they were in Egypt.⁴ They were exiled to Babylon, and the Shechinah was with them, as it says, for your sake I was sent to Babylon.⁵ And when they will be redeemed in the future, the Shechinah will be with them, as it says, Then the Lord thy God will return [with] thy captivity.⁶ It does not say here we-heshib [and he shall bring back] but we-shab [and he shall return]. This teaches us that the Holy One, blessed be He, will return with them from the places of exile.

Where [is the Shechinah] in Babylon?-Abaye said: In the synagogue of Huza⁷ and in the synagogue of Shaf-weyathib⁸ in Nehardea. Do not, however, imagine that it is in both places,⁹ but it is sometimes in one and sometimes in the other. Said Abaye: May I be rewarded¹⁰ because whenever I am within a parasang¹¹ I go in and pray there.

The father of Samuel and Levi were sitting in the synagogue which 'moved and settled' in Nehardea. The Shechinah came and they heard a sound of tumult and rose and went out. R. Shesheth was once sitting in the synagogue which 'moved and settled' in Nehardea, when the Shechinah came. He did not go out, and the ministering angels came and threatened him. He turned to him and said: Sovereign of the Universe, if one is afflicted¹² and one is not afflicted, who gives way to whom? God thereupon said to them: Leave him.

Yet have I been to them as a little sanctuary.¹³ R. Isaac said: This refers to the synagogue and houses of learning in Babylon. R. Eleazar says: This refers to the house of our teacher¹⁴ in Babylon.

Raba gave the following exposition: What is the meaning of the verse, Lord, thou hast been our dwelling [ma'on] place?¹⁵ This refers to synagogues and houses of learning. Abaye said: Formerly I used to study at home and pray in the synagogue, but when I noticed¹⁶ the words of David, O Lord, I love the habitation [me'on] of thy house,¹⁷ I began to study also in the synagogue.

It has been taught: R. Eleazar ha-Kappar says: The synagogues and houses of learning in Babylon will in time to come be planted in Eretz Israel, as it says, For as Tabor among the mountains and as Carmel by the sea came.¹⁸ Now can we not draw an inference here a fortiori: Seeing that Carmel and Tabor which came only on a single occasion to learn the Torah are implanted in Eretz Israel, how much more must this be the case with the synagogues and houses of learning where the Torah is read and expounded!¹⁹

Bar Kappara gave the following exposition: What is the meaning of the verse, Why look ye askance [terazedun], ye mountains of peaks.²⁰ A bath kol²¹ went forth and said to them: Why do ye desire litigation [tirzu din] with Sinai? Ye are all full of blemishes as compared with Sinai. It is written here gabnunim [with peaks], and it is written elsewhere or crookbacked [gibben] or a dwarf.²² R. Ashi observed: You can learn from this that if a man is arrogant, this is a blemish in him.

IT SHOULD NOT BE USED AS A SHORT CUT [KAPANDRIA]. What is kapandria?²³ Raba said: Kapandria is as its name implies. What does its name imply? As if one were to say, Instead of going round the block ['makifna adare], I will go through here. R. Abbahu said: If a road passed through there originally,²⁴ it is permitted. R. Nahman b. Isaac said: If one goes in without any intention of using it as a short cut, he may afterwards use it as a short cut. And R. Helbo said in the name of R. Huna: If one enters a synagogue to pray, he may²⁵ afterwards use it as a short cut, as it says, But when, the people of the land shall come before the Lord at the appointed seasons, he that entereth by way of the north gate to worship shall go forth by way of the south gate.²⁶

IF GRASS HAS GROWN IN IT, IT SHOULD NOT BE PLUCKED, SO AS TO EXCITE COMPASSION. But it has been taught: 'It should not be plucked and given as food [to cattle], but it may be plucked and left there'? — The statement in our Mishnah also refers to plucking and giving for food.

Our Rabbis taught: 'Burying grounds must not be treated disrespectfully. Cattle should not be fed in them, nor should a watercourse be turned through them, nor should grass be plucked in them, and if it is plucked, it should be burnt on the spot, out of respect for the dead'. To what do these last words apply? Shall I say, to the last clause? If it is burnt on the spot, what respect does this show for the dead? It must be then to the preceding clauses.

MISHNAH. IF THE NEW MOON OF ADAR FALLS ON SABBATH, THE PORTION OF SHEKALIM²⁷ IS READ [ON THAT DAY]. IF IT FALLS IN THE MIDDLE OF THE WEEK, IT IS READ ON THE SABBATH BEFORE, AND ON THE NEXT SABBATH THERE IS A BREAK.²⁸ ON THE SECOND [OF THE SPECIAL SABBATHS] ZAKOR²⁹ IS READ, ON THE THIRD THE PORTION OF THE RED HEIFER,³⁰ ON THE FOURTH THIS MONTH SHALL BE TO YOU.³¹ ON THE FIFTH THE REGULAR ORDER³² IS RESUMED. [THE REGULAR READING]³³ IS INTERRUPTED FOR ANY SPECIAL OCCASION: FOR NEW MOONS, FOR HANUKKAH, FOR PURIM, FOR FASTS, FOR MA'AMADOTH,³⁴ AND FOR THE DAY OF ATONEMENT.³⁵

GEMARA. We have learnt in another place: 'On the first of Adar proclamation is made with regard to the shekels'³⁶

(1) I.e., the burial of a learned man.

(2) At Mount Sinai.

(3) V. Keth. 17a.

(4) I Sam. II, 27. This is taken to mean that God revealed himself to Aaron in Egypt even before Moses came.

(5) Isa. XLIII, 14. E.V. (incorrectly) 'have sent'.

(6) Deut. XXX, 3.

(7) V. supra p. 26 n. 1. Sherira Gaon, in his Epistle (ed. Lewin p. 73) locates it 'near the Beth Hamidrash of Ezra the Scribe, below Nehardea'.

(8) **שָׁף וַיִּתֵּיב** Lit., 'that moved and settled'. The name for a synagogue in Nehardea which according to tradition was built with materials brought by King Jeconiah and his companions from Jerusalem at the time of the first captivity. [For this tradition v. Sherira Gaon op. cit. p. 72-3, where the passage is also found with variants: Rab said in the synagogue of Huzal, Samuel said in the synagogue of Shaf-weyathib in Nehardea. The name is also spelled **שְׁפִיתִיב** and is regarded by some as being a name of a place, v. Krauss, Synagogale Altertumer pp. 214ff and Obermeyer pp. 299ff].

(9) Lit., 'here and there'. [Sherira Gaon: 'here and not there'].

(10) Lit., 'may it come to me'.

(11) Of either of these synagogues.

(12) R. Shesheth was blind.

(13) Ezek. XI, 16.

(14) Rab. [The reference is to the venerable old Synagogue founded by Rab in Sura of which there is frequent mention in the Geonic Responsa; v. Krauss, Synagogale, Altertumer, p. 221 and Ginzberg, Geonica, p. 41].

(15) Ps. XC, 1.

(16) Lit., 'heard' or 'understood'. This means apparently that his attention was called to them by the exposition of Raba.

(17) Ibid. XXVI, 8.

(18) Jer. XLVI, 18. E.V. 'As Tabor... he shall come'. According to tradition these two mountains (or their angelic guardians) came to Sinai at the giving of the Law.

(19) Lit., 'spread (learning among many)'.

(20) Ps. LXVIII, 17. According to tradition, all the mountains were jealous of Sinai.

(21) V. Glos.

- (22) Lev. XXI, 20.
- (23) V. supra p. 171, n. 2.
- (24) I.e., before the synagogue was built.
- (25) According to Asheri, this is not only permitted but is a duty.
- (26) Ezek. XLVI, 9.
- (27) The Gemara discusses what this is.
- (28) In the series of four special Sabbaths; v. supra p. 32, n. 5.
- (29) Deut. XXV, 17-19; on account of Purim.
- (30) Num. XIX, calling the people's attention to the need of ritual cleanness for participating in the Paschal lamb soon to be offered.
- (31) Ex. XII; on account of the proximity of Passover.
- (32) V. Gemara infra.
- (33) The Pentateuch is divided into a number of portions (sidra), one to be read on each Sabbath of the year, commencing with the Sabbath after Tabernacles. The opening verses of each weekly portion are also read on Sabbath afternoon, and in the morning service on the Monday and Thursday of that week. It is the weekday reading that is here primarily referred to.
- (34) V. Glos.
- (35) In the Minhah service, even when it falls on Sabbath (v. Tosaf.).
- (36) The so-called *terumath halishkah*, contributions to the shekel chamber to provide the daily sacrifices for the coming year.

Talmud - Mas. Megilah 29b

and with regard to diverse seeds.¹ I can understand it being made for diverse seeds, because it is the time for sowing.² But what is the ground for making it for the shekels? — R. Tabi said in the name of R. Josiah: Because Scripture says, This is the burnt-offering of each new moon in its renewal.³ The Torah herein says to us: As you renew the month, bring an offering from the new contributions. And since it is in Nisan that we have to bring from the new contributions,⁴ we read beforehand on the first of Adar so that shekels should be brought [in time] to the Sanctuary. With whose view does this accord? Not with that of R. Simeon b. Gamaliel. For if you take the view of R. Simeon b. Gamaliel, he requires [only] two weeks' [notice], as it has been taught: 'Moot points in the law of Passover are considered⁵ from thirty days before Passover; R. Simeon b. Gamaliel, however, says, from two weeks before'. You may even say it accords with the view of R. Simeon b. Gamaliel. For since a Master has said that 'on the fifteenth of this month [Adar] tables⁶ are set up in the provinces and on the twenty-fifth in the Sanctuary',⁷ On account of the tables we read beforehand [on the first of Adar].⁸

What is the portion of Shekalim? — Rab said, Commanded the children of Israel and say unto them My food which is presented unto me,⁹ Samuel said, When thou takest.¹⁰ We call well see how, according to the one who says the portion is 'When thou takest', it is called the portion of Shekalim, because shekalim are mentioned in it. But according to the one who says it is 'My food which is presented to me', — are shekels mentioned there? — Yes; the reason is based on the dictum of R. Tabi.¹¹ I can well understand [the reason of] the one who says that 'Command the children of Israel' [should be read], because sacrifices are mentioned in it. But according to the one who says that 'When thou takest' should be read, are sacrifices mentioned there? It is the shekels for the sockets that are mentioned there!¹² — [The reason is] as R. Joseph learnt: 'There were three contributions;¹³ of the altar for the altar,¹⁴ of the sockets for the sockets, and of the repair of the House for the repair of the House'.¹⁵ There is a justification for the one who says that 'When thou takest' should be read, because he thus makes a difference between this New Moon and other New Moons. But the one who says that 'Command the children of Israel' should be read — what difference does he make?¹⁶ — He does make a difference, because on other New Moons¹⁷ six read in the portion of the day¹⁸ and one that of New Moon, whereas on this occasion all read in that of New Moon. This is a good answer for

one who says that [when the Mishnah says that the 'REGULAR ORDER' IS RESUMED it means] 'the regular order of portions'; but according to the one who says that [what it means is that] the order of haftarahs¹⁹ is resumed [and the order of Pentateuch portions has not been interrupted], what difference is there [between this New Moon and others]? — There is a difference, because on other New Moons six read in the portion of the day¹⁸ and one the special portion for New Moon, whereas on this occasion three read in the portion of the day and four in that of New Moon.

On objection was raised:²⁰ 'When the New Moon of Adar falls on Sabbath, the portion of Shekalim is read, and the chapter of Jehoiada the Priest²¹ is said as haftarah'. Now according to the one who says that 'When thou takest' should be said, there is a good reason for reading Jehoiada the Priest as haftarah because it is similar in subject,²² as it is written [there], the money of the persons for whom each man is rated.²³ But according to the one who says that 'My food which is presented to me' is read, is there any similarity? — There is, on the basis of R. Tabi's dictum.²⁴

The following was then cited in objection: 'If it [the New Moon of Adar] falls on the portion next to it [the portion of Shekalim], whether before or after, they read it and repeat it'. Now this creates no difficulty for one who holds that 'When thou takest' is read because [the regular portion containing this passage] falls about that time.²⁵ But according to the one who says that 'My food which is presented to me' is read — does [the portion containing that passage] fall about that time?²⁶ — Yes, for the people of Palestine, who complete the reading of the Pentateuch in three years.²⁷

It has been taught in agreement with Samuel: 'When the New Moon of Adar falls on Sabbath, the portion 'When thou takest' is read, and the haftarah is about 'Jehoiada the Priest'.

R. Isaac Nappaha said: When the New Moon of Adar falls on Sabbath, three scrolls of the Law are taken out [of the Ark], and read out of — from one the portion of the day, from one the portion of New Moon,²⁸ and from one 'When thou takest'. R. Isaac b. Nappaha also said: When the New Moon of Tebeth falls on Sabbath, three scrolls of the Law are brought and read out of; from one the regular portion, from a second the portion of New Moon, and from the third that of Hanukkah.²⁹ Both statements are required. For if only the latter had been given, [I might think that] in this case R. Isaac required [three scrolls], but in the other case he followed the view of Rab who said that the portion of Shekalim is 'My food which is presented to me', and therefore two would be enough. Therefore we are told that this is not so. But why not state the former [only] and the other would not need to be stated? — One was inferred from the other.³⁰

It was stated: If the New Moon of Tebeth falls on a weekday, R. Isaac [Nappaha] says that three read the portion of New Moon and one the portion of Hanukkah. R. Dimi from Haifa, however, says that three read the portion of Hanukkah and one that of New Moon. Said R. Mani: The opinion of R. Isaac Nappaha is the more probable, because when it is a question between the regular and the intermittent, the regular takes precedence.³¹ R. Abin, however, said: The opinion of R. Dimi is the more probable. For what is it that causes a fourth man to read?³² The New Moon. Therefore the fourth ought to read the portion of the New Moon. What do we decide? — R. Joseph said: We take no notice of New Moon,³³ while Rabbah said, We take no notice of Hanukkah. The law, however, is that we take no notice of Hanukkah,' and New Moon is the main consideration.

It was stated: 'If it [the Sabbath of Shekalim] falls when the portion 'And thou shalt command'³⁴ is read, then six persons read from 'And thou shalt command' to 'When thou takest', and one from 'When thou takest' to 'Thou shalt also make'.³⁵ Abaye remarked:

(1) That it is time to pluck them up, if any have appeared, v. Shek. I, 1.

(2) More precisely, sprouting (v. Tosaf.).

- (3) Num. XXVIII, 14.
- (4) This is derived in R.H. 7a from the words 'for the months of the year' in this text.
- (5) Lit., 'one asks concerning the laws of Passover'.
- (6) For changing smaller coins into shekels.
- (7) Shek. I, 3.
- (8) The two weeks before the tables are set up.
- (9) Num. XXVIII, 2. This is the portion always read on New Moon.
- (10) Ex. XXX, 12ff
- (11) Who said that shekels are to be brought in Adar for the congregational sacrifices.
- (12) As we learn from Ex. XXXVIII, 26-28.
- (13) The word *terumah* occurs three times in Ex. XXX, 12ff.
- (14) For the purchase of congregational sacrifices for the altar.
- (15) So that congregational sacrifices are also referred to in Ex. XXX, 12ff.
- (16) Since this is the portion actually read on every other new moon.
- (17) That fall on Sabbath.
- (18) The Pentateuchal portion of the particular week cf. p. 178, n. 6.
- (19) V. Glos. The special feature of the reading is that the one who is called up *maftir* reads a special portion appropriate for the day instead of the one in the sequence of the weeks.
- (20) Against the view that the portion of Shekalim is from Num. XXVIII.
- (21) 11 Kings XII.
- (22) The prophetic reading (*haftarah*) must always have some resemblance in subject matter to the Pentateuchal lesson of the day.
- (23) *Ibid.* 5.
- (24) V. p. 179, n. 7.
- (25) The portion *Ki Thisa* in which this passage occurs usually falls on a Sabbath about the beginning of Adar.
- (26) This passage is in the portion *Pinhas*, which usually falls about the middle of Tammuz.
- (27) This is known as the Triennial Cycle.
- (28) Num. XXVIII, 1-15.
- (29) In Num. VII. Hanukkah lasts from Kislev 25 to Tebeth 2 or 3.
- (30) I.e., the statement about Hanukkah was given not as a tradition but as an inference.
- (31) New Moon comes every month, Hanukkah only every twelve months.
- (32) On the other days of Hanukkah only three read.
- (33) I.e., we do not make it the first consideration.
- (34) The portion *Tezaweh* from Ex. XXVII, 20 to XXX, 10, which is followed by the portion *Ki Thissa*.
- (35) *Ibid.* XXX, 11-16. I.e., six read the portion of *Tezaweh* and one the portion of *Shekalim* which immediately follows.

Talmud - Mas. Megilah 30a

If that is done, people will say that that is where they stop.¹ No, said Abaye; six read from 'And thou shalt command' to 'Thou shalt also make', and one repeats and reads from 'When thou takest' to 'Thou shalt also make'.

The following was cited in objection to this: 'If it [the Sabbath of Shekalim] falls on the Sabbath of the portion adjoining it, whether just before or just after,² it is read and repeated'. Now if we accept the view of Abaye, this is quite in harmony with it; but on the view of R. Isaac Nappaha, it does conflict with it,³ [does it not]? — R. Isaac Nappaha can answer you: And on the view of Abaye does it create no difficulty? We may allow the Sabbath before it, but if it falls on the Sabbath after, where do you find a repetition? What you have to say in fact is that [according to Abaye] this portion [of Shekalim] is read on two successive Sabbaths;⁴ so I too can answer that it is read on two successive Sabbaths.

If it falls on the portion of 'When thou takest' itself, R. Isaac Nappaha says that six read from

‘Thou shalt also make’ to ‘And Moses assembled’,⁵ and one from ‘When thou takest’ to ‘Thou shalt also make’. Abaye strongly demurred to this, saying, Now people will say that we are reading backwards!⁶ No, said Abaye; Six read to ‘And Moses assembled’, and one repeats from ‘When thou takest’ to ‘Thou shalt also make’. It has been taught in agreement with Abaye: ‘If it falls on [the Sabbath of] ‘When thou takest itself, it is read on the Sabbath before’.

It was stated: ‘If the new moon of Adar falls on Friday, Rab says that [the portion of Shekalim] is read on the Sabbath before, while Samuel says that it is read on the Sabbath after’. Rab says it is read before, because otherwise there will be a shortage in the days of the tables.⁷ Samuel says it is read after, because after all the fifteenth day [from the new moon] falls on a Friday, and the tables will not be taken out till the Sunday; therefore we delay the reading [of the portion of Shekalim].

We have learnt: IF IT FALLS IN THE MIDDLE OF THE WEEK, IT IS READ ON THE SABBATH BEFORE, AND ON THE NEXT SABBATH THERE IS A BREAK. Does not this rule apply even where it falls on Friday? — No; only if it falls actually in the middle part of the week.

Come and hear: ‘Which is the first Sabbath [of the series]? That in the week succeeding which the new moon of Adar falls, even if it is on the Friday’. Now do not the words ‘even on Friday’ here [put Friday] on the same footing as the middle of the week, so that just as when it falls in the middle of the week we read before, so when it falls on Friday we read before? — Said Samuel: [The words ‘in the middle’ here mean], ‘on it’.⁸ So too a Tanna of the school of Samuel taught: ‘On it’. The same difference of opinion is found between Tannaim: ‘An interruption can be made [in the series] of Sabbaths. This is the ruling of R. Judah the Prince.⁹ R. Simeon b. Eleazar says: No interruption is made. Said R. Simeon b. Eleazar: When do I rule that no interruption may be made? When it [new moon] falls on Friday;¹⁰ but if it falls in the middle of the week, it [the portion of Shekalim] is read on the Sabbath before, even though that is still in Shebat’.¹¹

ON THE SECOND ZAKOR etc. It was stated: If Purim falls on Friday, Rab says that the portion of Zakor is read on the Sabbath before, while Samuel says it is read on the Sabbath after. Rab says it is read on the Sabbath before, so that the celebration [of Purim] should not precede the commemoration [of the miracle]. Samuel says on the Sabbath after; he can argue that since there are the walled cities which celebrate on the fifteenth, celebration and commemoration come together.

We learnt: ON THE SECOND ZAKOR. Now when the new moon [of Adar] is on Sabbath, Purim falls on Friday, and he states ON THE SECOND ZAKOR?¹² — R. Papa replied: What is meant by ‘second’ here? The second to the break.¹³

Come and hear: ‘Which is the second Sabbath? That in the week following which Purim falls, even if on Friday’. Now is not the Friday here mentioned meant to be on the same footing as the middle of the week, so that just as when it falls in the middle of the week we read before, so when it falls on Friday we read before? Said Samuel: [The proper reading is] ‘on it’;¹⁴ and so a Tanna of the school of Samuel taught, ‘On it’.

If it falls on Sabbath itself. R. Huna said, All authorities concur that the portion of Zakor is not read on the Sabbath before, whereas R. Nahman said, There is a difference of opinion on this point also. It was also stated: ‘R. Hiyya b. Abba said in the name of R. Abba, who had it from Rab: If Purim falls on Sabbath, Zakor is read on the Sabbath before’.

ON THE THIRD THE PORTION OF THE RED HEIFER etc. Our Rabbis taught: Which is the third Sabbath? The one which follows Purim. It was stated: R. Hama b. Hanina said: The Sabbath next to the new moon of Nisan. There is no conflict [between these two statements]; the one refers to where the new moon of Nisan falls on Sabbath,¹⁵ and the other to where it falls in the middle of the

week.¹⁶

ON THE FOURTH, THIS MONTH SHALL BE TO YOU. Our Rabbis taught: If the new moon of Adar falls on Sabbath, we read Ki Thissa¹⁷ and [the account of] Jehoiada as haftarah. Which is the first Sabbath? The one in the week following which the new moon of Adar falls, even if on Friday. On the second Sabbath Zakor is read, and for haftarah, I have visited.¹⁸ Which is the second Sabbath? The one in the week following which Purim falls, even if on Friday. On the third Sabbath the portion of the Red Heifer is read, and for haftarah, And I shall sprinkle on you.¹⁹ Which is the third Sabbath? The one which follows Purim. On the fourth 'This month'²⁰ is read, and for haftarah, Thus saith the Lord God, in the first month on the first of the month.²¹

(1) I.e., that the portion of Tezaweh extends to XXX, 16.

(2) I.e., the portion of Tezaweh or that of Wa-yakhel.

(3) Because there is no doubling according to R. Isaac Nappaha.

(4) Lit., 'he doubles it on Sabbaths'. Once qua Shekalim, and once as part of Ki Thissa; and this is the meaning of the word 'repeated' in the Baraita quoted.

(5) The beginning of the portion next to Ki Thissa — the portion Wa-yakhel. I. e., the whole portion Ki Thissa, commencing from Ex. XXX, 17 up to XXXIV, 35.

(6) Because the first verses of the portion (11-16) are read last.

(7) I.e., two full weeks will not elapse between the proclamation of the Shekalim and the setting of the tables on Adar 15.

(8) Viz., on the Sabbath itself.

(9) I.e., his version of the statement in the Mishnah was, 'Which is the first Sabbath? That on which etc.

(10) In which case even if it is read on the Sabbath after it would not affect the 'tables' as stated supra.

(11) The month preceding Adar.

(12) 'Second' being taken to mean the second Sabbath of the month.

(13) I.e., the Sabbath after the one on which there is no special portion.

(14) V. supra.

(15) In which case the 'portion of the red heifer' is read on the Sabbath preceding it.

(16) In which case the 'portion of the month' is read on the Sabbath preceding it.

(17) I.e., the portion of Shekalim.

(18) 1 Sam. XV.

(19) Ezek. XXXVI, 22ff

(20) Ex. XII, 1-20.

(21) Ezek. XLV, 18.

Talmud - Mas. Megilah 30b

Which is the fourth Sabbath? — The one immediately preceding the week in which the new moon of Nisan falls, even if on Friday.

ON THE FIFTH THE REGULAR ORDER IS RESUMED. What order? — R. Ammi said: The order of weekly portions: R. Jeremiah said, The order of haftarahs is resumed. Said Abaye: The opinion of R. Ammi is the more probable, Since we learnt: THE REGULAR READING IS INTERRUPTED FOR ANY SPECIAL OCCASION FOR NEW MOONS, FOR HANUKKAH, FOR PURIM, FOR FASTS, FOR MA'AMADOTH AND FOR THE DAY OF ATONEMENT. This accords well with the opinion of the one who says that the order of weekly portions is resumed,¹ seeing that a portion [of the Law] is read on weekdays.² But on the view of him who says that the order of haftarahs is resumed — is there any haftarah on [ordinary] weekdays?³ [What says] the other to this? — The one rule holds where it applies, and the other where it applies.⁴ But on fast days [according to R. Jeremiah], why should there be an interruption [of the regular portion]? Let us read in the morning from the portion of the week and at Minhah on the subject of the fast? — [R.

Jeremiah's ruling] supports R. Huna; for R. Huna said: 'In the morning of fast days there is a public assembly'.⁵ How do we act? Abaye said: From the morning to midday we examine the affairs of the town;⁶ from midday to evening, for a quarter of the day we read the portion of the Law and the haftarah, and for a quarter we offer up supplications as it says, And they read in the book of the law of their Lord a fourth part of the day, and another part they confessed and prostrated themselves before the Lord their God.⁷ But cannot I interpret this in the reverse way?⁸ — Do not imagine such a thing, since it is written, Then were assembled unto me every one that trembled at the words of the God of Israel because of the faithlessness of them of the captivity and I sat appalled unto the evening offering;⁹ and it goes on, And at the evening offering I arose up from my fasting.¹⁰

MISHNAH. ON PASSOVER WE READ FROM THE SECTION OF THE FESTIVALS IN LEVITICUS.¹¹ ON PENTECOST, 'SEVEN WEEKS'¹² ON NEW YEAR, 'ON THE SEVENTH DAY ON THE FIRST OF THE MONTH';¹³ ON THE DAY OF ATONEMENT, 'AFTER THE DEATH';¹⁴ ON THE FIRST DAY OF TABERNACLES WE READ FROM THE SECTION OF THE FESTIVALS IN LEVITICUS, AND ON THE OTHER DAYS OF TABERNACLES THE SECTION OF THE OFFERINGS OF THE FESTIVAL.¹⁵ ON HANUKKAH WE READ THE SECTION OF [THE DEDICATION OF THE ALTAR BY] THE PRINCES;¹⁶ ON PURIM, 'AND AMALEK CAME';¹⁷ ON NEW MOONS, 'AND ON YOUR NEW MOONS';¹⁸ ON MA'AMADOTH,¹⁹ THE ACCOUNT OF THE CREATION,²⁰ ON FAST DAYS,²¹

(1) R. Ammi held that on Sabbaths a special portion was substituted for the regular one on special occasions, cf. supra p. 180.

(2) On which the ma'amadot met for prayer and a fast could be held.

(3) Though there is on fast days. V. infra.

(4) I.e., the order of haftarahs is resumed on Sabbaths and of portions on other days.

(5) And so there is no time to read the Law; v. Ta'an 12b.

(6) I.e., the conduct of the inhabitants.

(7) Neh. IX, 3.

(8) That the reading of the Law was in the morning.

(9) Ezra IX, 4.

(10) Ibid. 5.

(11) I.e., Lev. XXIII. Heb. Torath Kohanim, (lit., 'law of the priests'), the name given by the Rabbis to Leviticus.

(12) Deut. XVI, 9ff.

(13) Lev. XXIII, 23ff.

(14) Lev. XVI.

(15) Num. XXIX, 12ff.

(16) Num. VII.

(17) Ex. XVII, 8ff.

(18) Num. XXVIII, 11ff.

(19) V. Glos.

(20) Because the heaven and earth are preserved on account of the sacrifices. V. Ta'an 26a.

(21) [According to Geonic authorities the reference here is to fasts for rain. v. Lewin, Ozar ha-Geonim, Megillah p. 60].

Talmud - Mas. Megillah 31a

THE SECTION OF BLESSINGS AND CURSES.¹ THE SECTION OF CURSES MUST NOT BE BROKEN UP, BUT MUST ALL BE READ BY ONE PERSON. ON MONDAY AND THURSDAY AND ON SABBATH AT MINHAH THE REGULAR PORTION OF THE WEEK IS READ, AND THIS IS NOT RECKONED AS PART OF THE READING [FOR THE SUCCEEDING SABBATH],² AS IT SAYS,³ AND MOSES DECLARED UNTO THE CHILDREN OF ISRAEL. THE APPOINTED SEASONS OF THE LORD;⁴ WHICH IMPLIES THAT IT IS PART OF THEIR ORDINANCE THAT EACH SHOULD BE READ IN ITS SEASON.

GEMARA. Our Rabbis taught: ‘On Passover we read from the section of the festivals⁵ and for haftarah the account of the Passover of Gilgal’.⁶ Now⁷ that we keep two days Passover, the haftarah of the first day is the account of the Passover in Gilgal and of the second day that of the Passover of Josiah.⁸ ‘On the other days of the Passover the various passages in the Torah relating to Passover are read’⁹ What are these? — R. Papa said: The mnemonic is M'A'P'U'.¹⁰ ‘On the last day of Passover we read, And it came to pass when God sent,¹¹ and as haftarah, And David spoke’.¹² On the next day we read, All the firstborn,¹³ and for haftarah, This very day.¹⁴ Abaye said: Nowadays the communities are accustomed to read ‘Draw the ox’, ‘Sanctify with money’, ‘Hew in the wilderness’, and ‘Send the firstborn’.¹⁵ ‘On Pentecost, we read Seven weeks,¹⁶ and for haftarah a chapter from Habakuk.¹⁷ According to others, we read In the third month,¹⁸ and for haftarah the account of the Divine Chariot’.¹⁹ Nowadays that we keep two days, we follow both courses, but in the reverse order.²⁰ On New Year we read On the seventh month,²¹ and for haftarah, Is Ephraim a darling son unto me.’²² According to others, we read And the Lord remembered Sarah²³ and for haftarah the story of Hannah.²⁴ Nowadays that we keep two days, on the first day we follow the ruling of the other authority, and on the next day we say, And God tried Abraham,²⁵ with ‘Is Ephraim a darling son to me’ for haftarah. On the Day of Atonement we read After the death²⁶ and for haftarah, For thus saith the high and lofty one.²⁷ At minhah we read the section of forbidden marriages²⁸ and for haftarah the book of Jonah.²⁹

R. Johanan said:³⁰ Wherever you find [mentioned in the Scriptures] the power of the Holy One, blessed be He, you also find his gentleness mentioned. This fact is stated in the Torah, repeated In the Prophets, and stated a third time in the [Sacred] Writings. It is written in the Torah, For the Lord your God, he is the God of gods and Lord of lords,³¹ and it says immediately afterwards, He doth execute justice for the fatherless and widow. It is repeated in the Prophets: For thus saith the High and Lofty One, that inhabiteth eternity whose name is holy,³² and it says immediately afterwards, [I dwell] with him that is of a contrite and humble spirit. It is stated a third time in the [Sacred] Writings, as it is written: Extol him that rideth upon the skies, whose name is the Lord,³³ and immediately afterwards it is written, A father of the fatherless and a judge of the widows.

‘On³⁴ the first day of Tabernacles we read the section of the festivals in Leviticus, and for haftarah, Behold a day cometh for the Lord’.³⁵ Nowadays that we keep two days, on the next day we read the same Section from the Torah, but what do we read for haftarah.? — And all the men of Israel assembled unto King Solomon.³⁶ On the other days of the festival we read the section of the offerings of the festival.³⁷ On the last festival day we read, ‘All the firstlings’, with the commandments and statutes [which precede it],³⁸ and for haftarah, ‘And it was so that when Solomon had made an end’.³⁹ On the next day we read, ‘And this is the blessing’,⁴⁰ and for haftarah, ‘And Solomon stood’.⁴¹

R. Huna said in the name of R. Shesheth: On the Sabbath which falls in the intermediate days of the festival, whether Passover or Tabernacles, the passage we read from the Torah is ‘See, Thou [sayest unto me]’⁴² and for haftarah on Passover the passage of the ‘dry bones’,⁴³ and on Tabernacles, ‘In that day when Gog shall come’.⁴⁴ On Hanukkah we read the section of the Princes⁴⁵ and for haftarah [on Sabbath] that of the lights in Zechariah.⁴⁶ Should there fall two Sabbaths in Hanukkah, on the first we read [for haftarah] the passage of the lights in Zechariah and on the second that of the lights of Solomon.⁴⁷ On Purim we read ‘And Amalek came’.⁴⁸ On New Moon, ‘On your new moons’.⁴⁹ If New Moon falls on a Sabbath, the haftarah is [the passage concluding] ‘And it shall come to pass that from one new moon to another’.⁵⁰ If it falls on a Sunday, on the day before the haftarah is, ‘And Jonathan said to him, tomorrow is the new moon’.⁵¹ R. Huna said:

(1) Lev. XXVI.

(2) And must be repeated on the Sabbath.

- (3) This refers to all the previous part of the Mishnah.
- (4) Lev. XXIII, 44.
- (5) Lev. XXIII.
- (6) Josh. V.
- (7) This is an interpolation in the Baraitha inserted by an Amora who lived In Babylon and gives the practice of the Galuth.
- (8) II Kings XXIII.
- (9) Lit., 'he collects and reads of the subject of the day'.
- (10) M=mishku (Draw and take you lambs, Ex. XII, 21); A=im (If thou lend money to any of my people, Ibid. XXII, 24); P = pesol (Hew thee two tables of stone, Ex. XXXIV, 1); U = wayedaber (And God spoke, Num. IX, 1). All these passages go on to speak of Passover.
- (11) Ex. XII, 17 relating to the passage of the Red Sea which is supposed to have taken place on the seventh day.
- (12) David's song of deliverance in II Sam. XXII.
- (13) Deut. XV, 19.
- (14) Isa. X, 32 referring to the overthrow of Sennacherib which is supposed to have taken place on Passover.
- (15) A mnemonic of the key words in the passages following the order: Ex. Xli, 21; Lev. XXII, 27; Ex. XIII; Ex. XXII, 24; Ex. XXXIV, 1; Num. IX, I; Ex. XIII, 17; Deut. XV, 19. Cf. Tosaf.
- (16) Deut. XVI, 9.
- (17) Hab. III, which describes the giving of the Law, commemorated (according to the Rabbis) by Pentecost.
- (18) Ex. XIX.
- (19) Ezek. I, describing the heavenly hosts who also are supposed to have appeared on Mount Sinai.
- (20) I.e., Ex. XIX on the first day.
- (21) Num. XXIX, 1.
- (22) Jer. XXXI, 20. The text proceeds, 'For I shall surely remember him', which is suitable to the day of memorial.
- (23) Gen. XXI, in order that the merit of Isaac may be remembered.
- (24) I Sam. I, because Hannah was supposed to have been visited on New Year.
- (25) Gen. XXII.
- (26) Lev. XVI.
- (27) Isa. LVII, 15, which goes on to speak of repentance.
- (28) Lev. XVIII. Apparently this section is chosen because the temptation to sexual offences is particularly strong (Rashi). Cf. Tosaf.
- (29) Which speaks of repentance.
- (30) The reference to Isa. LVII leads to the introduction of the passage which follows.
- (31) Deut. X, 17.
- (32) Isa. LVII, 15.
- (33) Ps. LXVIII, 5.
- (34) The Baraitha is here resumed.
- (35) Zech. XIV, in which the festival of Tabernacles is mentioned.
- (36) I Kings VIII, 2. The verse continues, 'on the festival in the seventh month'.
- (37) Num. XXIX, 12-34.
- (38) The 'commandments and statutes' are those contained in Deut. XIV, 22-XV, 18, after which follows 'all the firstling,'. A better reading is: 'We read commandments and statutes and all the firstling.
- (39) I Kings, VIII, 54.
- (40) Deut. XXXIII; the conclusion of the Torah.
- (41) I Kings VIII, 22.
- (42) Ex. XXXIII, 12. The festivals are mentioned in the sequel.
- (43) Ezek. XXXVII. The 'dry bones' are supposed to have been those of the Israelites who tried to break out of Egypt before the time (Rashi).
- (44) Ezek. XXXVIII, 18. The subject of this chapter is supposed to be the same as that of the chapter of Zechariah read on the first day of Tabernacles (Rashi).
- (45) The dedication of the altar in Num. VII.
- (46) Zech. IV. .

(47) 1 Kings VII, 40-50.

(48) Ex. XVII, 8ff.

(49) Num. XXVIII, 11.

(50) Isa. LXVI, 23.

(51) I Sam. XX, 18.

Talmud - Mas. Megilah 31b

If the new moon of Ab falls on a Sabbath the haftarah is [the passage with the verse] 'Your new moons and your appointed seasons my soul hateth, they are a burden unto me'.¹ What is the meaning of 'they are a burden unto me'? God said: 'It is not enough for Israel that they sin before Me, but they impose on Me the burden of considering what punishment² I shall bring upon them'. On the Ninth of Ab itself what is the haftarah? — Rab said: '[The passage containing], How is she become a harlot'.³ What is the section from the Torah? — It has been taught: Others say, 'But if ye will not hearken unto me';⁴ R. Nathan b. Joseph says, 'How long will this people despise me';⁵ and some say, 'How long shall I bear with this evil congregation'.⁶ Abaye said: Nowadays the custom has been adopted of reading [from the Torah] 'When thou shalt beget children',⁷ and for haftarah, 'I will utterly consume them'.⁸

ON MA'AMADOTH THE ACCOUNT OF THE CREATION. Whence is this rule derived? — Said R. Ammi: But for the ma'amadoth, the heaven and earth would not be firmly established, as it says, But for My covenant [which continues] day and night, I had not set the statutes of heaven and earth,⁹ and it is written, And he said, O Lord God, Whereby shall I know that I shall inherit it.¹⁰ Said Abraham before the Holy One, blessed be He: Sovereign of the Universe, perhaps God forbid, Israel will sin before Thee and Thou wilt do to them as Thou didst to the generation of the Flood and the generation of the Division?¹¹ He answered, Not so. He then said before Him: Sovereign of the Universe, by what shall I know this? He said: Take me a heifer of three years old¹² etc. He then said before Him: Sovereign of the Universe, This is very well for the time when the Temple will be standing, but in the time when there will be no Temple what will befall them? He replied to him: I have already fixed for them the order of the sacrifices. Whenever they will read the section dealing with them, I will reckon it as if they were bringing me an offering, and forgive all their iniquities.

ON FAST DAYS [THE PORTION OF] BLESSINGS AND CURSES IS READ, AND THERE MUST BE NO BREAK IN [THE READING OF] THE CURSES. Whence is this rule derived? — R. Hiyya b. Gamda replied in the name of R. Assi: Because Scripture says, My son, despise not the chastening of the Lord.¹³ Resh Lakish said: It is because a blessing¹⁴ should not be said for chastisement. How then is the reader to do? A Tanna taught: He commences his reading with a verse¹⁵ before them and concludes it with a verse after them. Said Abaye: This rule was laid down only for the curses in Leviticus, but in the curses in Deuteronomy a break may be made. What is the reason? — In the former Israel are addressed in the plural number and Moses uttered them on behalf of the Almighty;¹⁶ in the latter Israel are addressed in the singular, and Moses uttered them in his own name.¹⁷ Levi b. Buti was once reading the curses [in Deuteronomy] in the presence of R. Huna hesitatingly. Said R. Huna to him: Do just as you please, the rule [against making a break] applies only to the curses in Leviticus, but in those in Deuteronomy a break may be made.

It has been taught: R. Simeon b. Eleazar says: Ezra made a regulation for Israel that they should read the curses in Leviticus before Pentecost and those in Deuteronomy before New Year. What is the reason? — Abaye — or you may also say Resh Lakish said: So that the year may end along with its curses. I grant you that in regard to the curses in Deuteronomy you can say, 'so that the year should end along with its curses'. But as regards those in Leviticus — is Pentecost a New Year? — Yes; Pentecost is also a New Year, as we have learnt: 'On Pentecost is the new year for [fruit of] the tree'.¹⁸

It has been taught: R. Simeon b. Eleazar says: If old men say to you, 'throw down', and young men say to you 'build up' throw down and do not build up, because destruction by old men is construction, and construction by boys is destruction; and the example is Rehoboam son of Solomon.¹⁹

Our Rabbis taught: The place [in the Torah] where they leave off in the morning service on Sabbath is the place where they begin at Minhah; the place where they leave off at Minhah [on Sabbath] is the place where they begin on Monday; the place where they leave off on Monday is the place where they begin on Thursday; the place where they leave off on Thursday is the place where they begin on the next Sabbath. This is the ruling of R. Meir. R. Judah, however, says that the place where they leave off in the morning service on Sabbath is the place where they begin on [Sabbath] Minhah, on Monday, on Thursday, and on the next Sabbath. R. Zera said: The halachah is that the place where they leave off in the morning service on Sabbath is the place where they begin at Minhah, on Monday, on Thursday and on the next Sabbath. Why does he not say, 'the halachah follows Rabbi Judah'? —

(1) Isa. I, 14.

(2) Lit. 'harsh decree'.

(3) Ibid. 21.

(4) Lev. XXVI, 14ff.

(5) Num. XIV, 11.

(6) Ibid. 27.

(7) Deut. IV, 25.

(8) Jer. VIII, 13.

(9) Jer. XXXIII, 25.

(10) Gen. XV, 8.

(11) The division of tongues at the Tower of Babel.

(12) Indicating that Israel would obtain forgiveness through the sacrifices.

(13) Prov. III, 11. As much as to say, Do not treat the portion of the curses disrespectfully by giving the impression that you do not wish to continue with the reading of it.

(14) The blessing said over the reading of the Torah.

(15) More strictly, a few verses, because the curses commence a new paragraph.

(16) 'If ye shall not hearken unto me etc.'.

(17) 'If thou shalt not hearken unto the voice of the Lord thy God etc.'

(18) R.H. 16a.

(19) Who destroyed his power by following the advice of the young men which was intended to strengthen it; v. Ned. 50a.

Talmud - Mas. Megilah 32a

Because [the names] might be reversed.¹

Our Rabbis taught: [The one who reads] opens the scroll and sees [the place], then rolls it together and says the blessing, then opens it again and reads. So R. Meir. R. Judah says: He opens and looks and says the blessing, and reads. What is R. Meir's reason? — It is similar to that of 'Ulla [in a parallel case]; for 'Ulla said: Why did they lay down that he who reads from the Torah should not prompt the translator? So that people should not say that the translation is written in the Torah. So here [R. Meir's reason is], so that they should not say that the blessings are written in the Torah. And [what says] R. Judah [to this]? — With regard to translation a mistake might be made, but no mistake will be made with regard to the blessings.² R. Zera said in the name of R. Mattenah: The halachah is that he opens and looks, then says the blessing and reads. Why not say, 'The halachah follows R. Judah'? Because the names might be reversed.³

R. Zera said in the name of R. Mattenah. No sanctity attaches to the boards and to the platforms.⁴

R. Shefatiah said in the name of R. Johanan: When one rolls up a scroll of the Torah, he should make it close at a seam.⁵

R. Shefatiah further said in the name of R. Johanan: One who rolls together a sefer torah should roll it from without and should not roll it from within,⁶ and when he fastens it he should fasten it from within and should not fasten it from without.⁷

R. Shefatiah further said in the name of R. Johanan: If ten have had a reading of the Torah, the senior among them rolls up the sefer torah. He who rolls it up receives the reward of all of them, since R. Joshua b. Levi said: If ten have had a reading of the Torah, the one who rolls it up receives the reward of all of them. The reward of all of them, think you? No; say rather, he receives a reward equal to that of all of them.

R. Shefatiah further said in the name of R. Johanan: Whence do we know that we may avail ourselves of a chance utterance⁸ [as an omen]?⁹ Because it says, And thine ears shall hear a word behind thee saying.¹⁰ This applies, however, only if one hears the voice of a man in town and of a woman in the country,¹¹ and Only if it says, yes, yes, or no.¹²

R. Shefatiah further said in the name of R. Johanan: If one reads the Scripture without a melody¹³ or repeats the Mishnah without a tune,¹⁴ of him the Scripture Says, Wherefore I gave them also statutes that were not good etc.¹⁵ Abaye strongly demurred to this, saying, Because he cannot sing agreeably, are you to apply to him the verse, 'ordinances whereby they shall not live'? No; this verse is to be applied as by R. Mesharshia, who said: If two scholars live in the same town and do not treat one another's halachic pronouncements respectfully, of them the verse says, I gave them also statutes that were not good and ordinances whereby they should not live.

R. Parnak said in the name of R. Johanan: Whoever takes hold of a scroll of the Torah without a covering¹⁶ is buried without a covering. Without a covering, think you? — Say rather, without the covering protection of religious performances. Without religious performances, think you? — No, said Abaye; he is buried without the covering protection of that religious performance.¹⁷

R. Jannai the son of the old R. Jannai said in the name of the great R. Jannai: It is better that the covering [of the scroll] should be rolled up [with the scroll] and not that the scroll of the Torah should be rolled up [inside the covering].¹⁸

And Moses declared unto the children of Israel the appointed seasons of the Lord.¹⁹ It is part of their observance that [the section relating to] each one of them should be read in its season.

Our Rabbis taught: Moses laid down a rule for the Israelites that they should enquire and give expositions concerning the subject of the day — the laws of Passover on Passover, the laws of Pentecost on Pentecost, and the laws of Tabernacles on Tabernacles.

(1) I. e., the opinion of R. Judah might be assigned to R. Meir and vice versa.

(2) For everyone knows that they are not written in the Torah.

(3) V. p. 192, n. 3.

(4) **הַלְּוָחֹת וְהַבִּימוֹת**. Opinions are divided as to what is meant by these two terms. We should naturally suppose 'boards' to mean a kind of noticeboard in the synagogue and 'platforms' the stand from which the Torah is read. But there is good authority for supposing that both words are technical terms for parts of the scroll of the Torah, 'boards' being the side margins and 'platforms' the upper margins, and the meaning will be that no sanctity attaches to these if they have been cut away from the scroll (v. Tosaf.) [J. Meg. III, 1 reads **בִּימָה וְלְוָחִין**; this leads Krauss (Synagogale Altertümer, p. 388) to render, 'the reading desk (made of boards, on which the Torah was read) and the platform (on which it stood)'. In a word, the almemor].

(5) So that if it is accidentally pulled, it should come asunder easily without being torn.

(6) I. e., he should have the written side of the scroll facing him (Asheri).

(7) I. e., the wrapping should be fastened in such a way that he will not need to turn the scroll over when he comes to open it again (Asheri). Rashi explains this passage differently.

(8) **בַּת קוֹל** 'a reverberating sound', 'echoing', — as it were — a thought in one's mind (Rashi).

(9) In spite of the prohibition of divination (Deut. XVIII, 11).

(10) Isa. XXX, 21.

(11) I. e., in an unusual place.

(12) I. e., says the word twice.

(13) As indicated by the singing accents.

(14) To aid the memory (Tosaf.).

(15) Ezek. XX, 25.

(16) Lit., 'naked'.

(17) I. e., the precept of reading or rolling up the scroll which he performed at that time is not accounted to him as a merit (Tosaf.).

(18) [Aliter: It is better that the covering (of the scroll) should be rolled up (round the scroll) than that the scroll of the Torah (itself) should be rolled up. MS.M. reads, The covering should be rolled (round the scroll) but not the scroll itself (without a covering); v. R. Hananel and D.S. It may however mean: It is better that the covering should be rolled round the scroll than that the scroll should be wrapped up by being rolled along the scroll].

(19) Lev. XXIII, 44.

Talmud - Mas. Tamid 25b

CHAPTER I

MISHNAH .¹ IN THREE PLACES THE PRIESTS KEEP WATCH IN THE TEMPLE,² IN THE CHAMBER OF ABTINAS,³ IN THE CHAMBER OF THE SPARK,⁴ AND IN THE FIRE CHAMBER.⁵ IN THE CHAMBER OF ABTINAS AND IN THE CHAMBER OF THE SPARK THERE WERE UPPER CHAMBERS WHERE THE YOUTHS⁶ KEPT WATCH. THE FIRE CHAMBER WAS VAULTED.⁷ IT WAS A LARGE ROOM SURROUNDED WITH STONE PROJECTIONS,⁸ AND THE ELDERS OF THE BETH AB⁹ USED TO SLEEP THERE,¹⁰ HAVING WITH THEM THE KEYS OF THE AZARAH. THE PRIESTLY NOVITIATES¹¹ USED TO PLACE EACH ONE HIS PILLOW¹² ON THE GROUND.¹³ THEY DID NOT SLEEP IN THEIR SACRED GARMENTS, BUT THEY USED TO TAKE THEM OFF [AND FOLD THEM]¹⁴ AND PLACE THEM UNDER THEIR HEADS AND COVER THEMSELVES WITH THEIR OWN ORDINARY CLOTHES. IF AN ACCIDENT¹⁵ HAPPENED TO ONE OF THEM, HE USED TO GO OUT AND TAKE HIS WAY

(1) In current editions the pagination of the Tractate begins with 25b in continuation of Kinnim which follows on the Tractate Me'ilah.

(2) Not that the Temple or its contents needing guarding, according to the belief of the Sages. but as a mark of honour.

(3) Abtinas (== E**) is mentioned elsewhere (Yoma, 38a) as the head of the family which had the secret of making the incense, and apparently it was made in this chamber, which was on the south-east of the Azarah, or altar court.

(4) The reason of this name is not known for certain. Asheri suggests that it was so called because it was open to the rays of the sun. Another suggestion is, because a glimpse of the altar fire could be caught from it.

(5) So called because a fire was kept burning in it for the benefit of the priests who had to minister barefooted on the stone floor and wearing only one linen garment. These two rooms were on the north-west of the Azarah.

(6) Who were not yet quite old enough to minister. They were, however, allowed to keep watch.

(7) For this reason it had no upper chamber over it.

(8) Which could serve as steps to mount the wall,

(9) Lit., 'the father's house'. The priests were divided into family groups of 'fathers' houses' which ministered in rotation. The 'father's house' mentioned here is the one which was to minister next day.

(10) On these ledges or projections. They were not allowed to sleep inside, which would be consecrated ground.

(11) Lit., 'flowers of the priesthood'; young priests who had just commenced to minister.

(12) V. infra p. 5, n. 1.

(13) And not on beds.

(14) Reading as in the Mishnayoth.

(15) Euphemism for a seminal issue.

Talmud - Mas. Tamid 26a

DOWN THE WINDING STAIR¹ WHICH WENT UNDER THE BIRAH,² AND WHICH WAS LIT BY LIGHTS ON EACH SIDE UNTIL HE REACHED THE BATHING PLACE. THERE WAS A FIRE CLOSE BY AND A SUPERIOR PRIVY. ITS SUPERIORITY LAY IN THIS: IF HE FOUND IT LOCKED, HE KNEW THERE WAS SOMEONE THERE; IF IT WAS OPEN, HE KNEW THERE WAS NO ONE THERE. HE WOULD GO DOWN AND BATHE AND THEN COME UP AND DRY HIMSELF AND WARM HIMSELF IN FRONT OF THE FIRE, AND THEN GO AND TAKE HIS SEAT NEXT TO HIS BROTHER PRIESTS UNTIL THE GATES WERE OPENED, WHEN HE WOULD TAKE HIS DEPARTURE.³ ANYONE WHO DESIRED TO REMOVE THE ASHES FROM THE ALTAR USED TO RISE EARLY AND BATHE BEFORE THE SUPERINTENDENT⁴ CAME. AT WHAT TIME DID THE SUPERINTENDENT COME? HE DID NOT ALWAYS COME AT THE SAME TIME; SOMETIMES HE CAME JUST AT COCK-CROW, SOMETIMES A LITTLE BEFORE OR A LITTLE AFTER. THE

SUPERINTENDENT WOULD COME AND KNOCK AND THEY WOULD OPEN FOR HIM, AND HE WOULD SAY TO THEM, LET ALL WHO HAVE BATHED COME AND DRAW LOTS. SO THEY DREW LOTS, AND ONE OR OTHER WAS SUCCESSFUL.⁵

GEMARA. Whence [in the Scripture] is this rule derived?⁶ — Abaye replied: Scripture says, And those that were to pitch before the tabernacle eastward, before the tent of meeting toward the sunrising, were Moses and Aaron and his sons, keeping the charge of the sanctuary, even the charge for the children of Israel.⁷ We say, Yes; we have found a basis for the rule of watching, and that it requires priests and Levites. But the Mishnah states:⁸ The priests keep watch in three places and the Levites in twenty-one; [furthermore] whereas Scripture places priests and Levites⁹ together the Mishnah places them separately. — We reply: What it means is this: ‘Those that were to pitch before the tabernacle eastward, before the tent of meeting toward the sunrising, were Moses’; and then, ‘Aaron and his sons keeping the charge of the sanctuary — Aaron in one place and his sons in two places.’¹⁰ Whence do you learn [that priests and Levites are separate]? — Because it is written ‘those that were to pitch’ and it is written ‘keeping’ which implies, that those who pitched and those who kept were separate. But I may still say that all [of those who kept] were in one place? — Do not imagine such a thing. Just as Moses was in one place by himself, so Aaron and his sons were each in one place by themselves. R. Ashi said: This can be learnt from the latter part of the verse, [from the words] keeping the charge . . . even the charge.¹¹

(1) Heb. mesibbah, something winding. Perhaps only a gangway is meant, not a stair.

(2) Lit., ‘palace’ or ‘fortress’, some part of the Temple buildings, the exact nature of which is not known. The word is sometimes used to designate the whole of the Temple, but it does not seem to have that meaning here. V. Yoma 2a.

(3) Because although he had bathed he did not become really clean and consequently not allowed to enter the Azarah, until sunset.

(4) Memunneh, lit., ‘the appointed one’, v. Sanh. (Sonc. ed.) p. 91, n. 11.

(5) Only one was required to remove the ashes.

(6) That the priests should keep watch.

(7) Num. III, 38. Moses here represents the Levites and Aaron the priests.

(8) Mid. ad init.

(9) Moses representing the Levites.

(10) This is a second lesson to be derived from the text.

(11) The repetition of the word ‘charge’ shows that the watching was to be in several places.

Talmud - Mas. Tamid 26b

In regard to the Chamber of Abtinas and the Chamber of the Spark, the question was asked in the Academy. Were they actually upper chambers¹ or were they perhaps simply raised like upper chambers?² — Come and hear; for we have learnt:³ In the north was the Chamber of the Spark, built like a veranda,⁴ and there was an upper chamber on top of it, and the priests kept watch above and the Levites below,⁵ and it had a doorway to the non-sacred part. Whence is this rule⁶ derived? — Because our Rabbis have taught: That they [the Levites] may be joined unto thee [Aaron] and minister unto thee.⁷ The text speaks of thy [Aaron's] service.⁸ You say, The text speaks of thy service. May it not perhaps be of their service?⁹ When it says, And they shall bejoined unto thee and keep the charge of the tent of meeting,¹⁰ this disposes of their service. What then do I make of That they may be joined unto thee and minister unto thee? The text must speak of thy service. How is this to be carried out? The priests watch above and the Levites below. THE FIRE CHAMBER WAS VAULTED AND IT WAS A LARGE ROOM. But was there only one watch kept in the Fire Chamber? This is opposed to [the following statement]: There were two gates in the Fire Chamber, one opening on to the Hel and one opening on to the Azarah. R. Judah said: In the doorway opening on to the Azarah there was a small wicket through which they used to go in to inspect the Azarah?¹¹ Abaye said: Since the gates were close to one another,¹² one watchman was sufficient, as he could

glance from one to the other. [IT WAS] SURROUNDED WITH STONE PROJECTIONS. What were these projections? — They were the hewn slabs of the projections by which they used to climb up to the projections.¹³ But were there any hewn stones there, seeing that it is written, For the house when it was in building was built of stone made ready etc.?¹⁴ — Abaye replied: They were brought ready prepared. smaller stones and larger stones, as it says, Stones of ten cubits and stones of eight cubits.¹⁵ THE ELDERS OF THE BETH AB SLEPT THERE. Why so? Why could they not take in beds? — Abaye replied: It would not be respectful to take beds into the Temple. THE PRIESTLY NOVITIATES PUT EACH HIS PILLOW¹⁶ ON THE GROUND. Why are they first called ‘youths’ and then

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- (1) This seems to show that the proper reading in the Mishnah is not, In the Chamber of Abtinah . . . were upper stories, but The Chamber . . . were upper stories; v. Sh. Mek. on the Mishnah.
- (2) The meaning of the question is, Did they have actual chambers below them, or were they simply raised some way above the ground, like upper chambers?
- (3) Mid. ad init.
- (4) Open on one or more sides.
- (5) This shows that it was actually an upper chamber.
- (6) That the priests watch above and the Levites below.
- (7) Num. XVIII, 2.
- (8) E.g. watching, which was primarily a function of the priests.
- (9) Viz., carrying the sacred vessels’
- (10) Ib. 4.
- (11) The superintendent went through to see that no one was asleep in the Azarah. v. Mid. 1, 7. And since there were two gates, presumably there were two watchers!
- (12) Being both near the junction of the Azarah and the Hel in the eastern wall. Or perhaps he means that they exactly faced one another in opposite walls.
- (13) The elders used to sleep on projections let into the wall, to which they climbed up by means of the slabs.
- (14) I Kings, VI, 7.
- (15) Ibid VII, 10.
- (16) It is doubtful whether the correct reading is kesutha (his garment) as here, or kisto (his pillow) as above in the Mishnah.

Talmud - Mas. Tamid 27a

novitiates’? — They replied: That is quite right. In the first passage, which speaks of those who have not yet become qualified to minister,¹ they are called ‘youths’; in the second clause which speaks of those who have become qualified to minister, they are called ‘novitiates’. We have learnt elsewhere:² In three places the priests keep watch in the Temple — in the Chamber of Abtinah, in the Chamber of the Spark, and in the Fire Chamber, and the Levites in twenty one places — five at the five gates of the Temple Mount, four at its four corners, on the inside, five at the five gates of the Azarah and four at its four corners on the outside, one in the Offering Chamber, one in the Chamber of the Veil, and one behind the place of the Mercy Seat. On what Scriptural text was this practice based? — Rab Judah from Sura replied — according to others, it is taught in a Baraitha: Because it is written: Eastward were six Levites, northward four a day, southward four a day, and for the Storehouse [asuppim] two and two. For the Precinct [Parbar] westward four at the causeway and two at the Precinct.³ But, it was observed, that makes twenty-four? — Abaye replied: We must understand thus: For the two asuppim⁴ there were two. That still leaves twenty-two? — At the parbar there was properly only one watchman, and the other merely went and sat by him for company, because he was far outside.⁵ What is the meaning of parbar? — Rabbah, son of R. Shilah replied: It is as if one said, Towards the outside [clape bar]. If you like I can say that there were really twenty-four places, as stated in the text, three of them for priests and twenty-one for Levites. But the text says here ‘Levites’? This is explained by R. Joshua b. Levi; for R. Joshua b. Levi said: In twenty-four places

‘priests’ are called Levites, and this is one of them,⁶ viz., But the priests the Levites, the sons of Zadok.⁷ ‘Five at the five gates of the Temple Mount and four at its four corners on the inside, five at the five gates of the Azarah and four at its four corners on the outside’. Why in the case of the Temple Mount are they placed on the inside and in the case of the Azarah on the outside? — They replied: On the Temple Mount,⁸ if the watchman feels tired and wants to sit down, he may sit, and therefore he is placed on the inside, but in the Azarah, if he feels tired and wants to sit down he may not sit, since a Master has said that sitting is not allowed in the Azarah save only to kings of the House of David; therefore they are Placed on the outside. The Master said: ‘Five at the five gates of the Azarah’. Were there then only five gates in the Azarah? This seems to contradict the following:⁹ There were seven gates in the Azarah, three on the north, three on the south, and one on the east! — Abaye said: Two of them did not require to be watched.¹⁰ Raba said: There is a difference of Tannaim on this point, as it has been taught:¹¹ There must not be less than thirteen treasurers [attached to the Azarah] and seven supervisors. R. Nathan said: There must be not less than thirteen treasurers corresponding to the thirteen gates. Subtract five for the Temple Mount, and eight are left for the Azarah. We see therefore that there is a Tanna who says there were eight, and one who says there were seven, and one who says there were five. **THEY DID NOT SLEEP IN THEIR SACRED GARMENTS** etc. It was sleeping which was forbidden, but they used to walk about in them. You may infer from this that the priestly garments could be made general¹² use of! — It was replied: In fact walking about in them was also forbidden, and the reason why the Mishnah says simply that they did not sleep in them was because it was going to say subsequently, **BUT THEY TAKE THEM OFF AND FOLD THEM AND PLACE THEM UNDER THEIR HEADS**. Therefore it says in the first clause also **THEY DID NOT SLEEP IN THEM**. But your explanation itself involves a difficulty. **THEY PLACE THEM UNDER THEIR HEADS**: this shows that general use may be made of the priestly garments? — Read, Opposite their heads. R. Papa said: We may infer from this that it is allowed to place tefillin at one's side [when sleeping] and we are not afraid that perhaps one will roll over and fall on them. It is reasonable to suppose that what is meant is opposite the head. For if you say ‘under the head’ even granting that they may be made general use of, it should still be forbidden on the ground of mixed kinds.¹³

(1) Having not yet reached the age of puberty.

(2) Mid. ad init.

(3) I Chron. Xxvi, 17, 18.

(4) It is doubtful how Abaye understood this word: perhaps ‘extra chambers’ from the root asaf to add, v. Asheri.

(5) I.e., at a distance from the Azarah.

(6) I.e. the clearest of them.

(7) Ezek. XLIV, 15.

(8) The precincts of the Temple outside of the Courts.

(9) Mid. I, 4.

(10) This apparently refers to the gates in the Chamber of the Spark and the Fire Chamber which were guarded by priest.

(11) Shek. V, 2.

(12) V. Yoma 69a.

(13) Contained in the priestly garments. It is forbidden to lie on such.

Talmud - Mas. Tamid 27b

. This argument is valid for one who says that the girdle of the high priest was not the same as the girdle of the ordinary priest.¹ But if one holds that the girdle of the ordinary priest is the same as that of the high priest, what is there to say? And should you allege that mixed kinds are forbidden only for putting over and putting on, but there is no objection to folding them under one, has it not been taught: Neither shall there come upon thee [a garment of two kinds of stuff];² you may, however, spread it under you. The Sages, however, said that it is forbidden to do this, for fear that a thread may wind itself round his body. And should you argue that there is something separating, behold, R.

Simeon has said in the name of Joshua b. Levi who had it from R. Jose b. Saul in the name of the holy congregation in Jerusalem, that even if there are ten coverings one on top of another and mixed kinds under them, it is forbidden to sleep on them. We must then conclude that what is meant is opposite the head. Alternatively, I may say that the Mishnah speaks of those garments in which there are no mixed kinds. R. Ashi said: The priestly garments were hard;³ since R. Huna the son of R. Joshua said: This hard fabric made in Naresh⁴ is permitted.⁵ (Come and hear: It is forbidden to go out into the town in priestly garments, but it is permissible to walk about in them in the Temple whether at the time of service or otherwise, since the priestly garments may be made general use of. This is conclusive. But not in the town? Has it not been taught: ‘On the twenty-first of this month is the day of Mount Gerizim on which it is forbidden to mourn, as we find in Yoma⁶ in the section ‘The High priest used to come’ etc. up to ‘If you like I can say they are fit for the priestly garments’.⁶ Or if you like I can say ‘When it is a time to act for the Lord they break Thy Law’).⁷ IF AN ACCIDENT HAPPENED TO ONE OF THEM etc. This supports the view of R. Johanan who said that the subterranean passage possessed no sanctity, and that a baal kerī⁸ is sent out of two camps.⁹ WITH LIGHTS BURNING ON EACH SIDE etc. R. Safra was once sitting in a privy when R. Abba came and gave a cough,¹⁰ whereupon R. Safra said, pray, enter, Sir. When he came out, R. Abba said to him: Though you have not got as far as a he-goat¹¹ you have learnt the manners of a he-goat. Have we not learnt as follows: IF HE FOUND IT LOCKED, HE KNEW THAT THERE WAS SOMEONE INSIDE? This was to signify that he ought not to have gone in.¹² R. Safra, however, thought that perhaps it would be dangerous for him to wait, as it has been taught: R. Simeon b. Gamaliel says: To hold back faeces brings on dropsy; to hold back urine brings on jaundice. Rab said to his son Hiyya — and so also said R. Huna to his son Raba — attend to your needs at nightfall and before daybreak,¹³ so that you shall not need to go a long way.¹⁴ Sit first and then Uncover, and cover first and then rise. Wipe [the cup] before drinking and wipe again before putting it down; and when you drink water, pour out some before giving [the cup] to your disciple,¹⁵ as it has been taught: A man should not drink water and hand [the cup] to his disciple unless he first pours some out. It happened once that a man drank some water and without pouring any out gave [the cup] to his disciple. The disciple was squeamish and did not like to drink, and he died of thirst. There and then they laid down a rule that a man should not drink and give [the cup] to his disciple without pouring some out. R. Ashi said: Consequently if a disciple pours out in front of his teacher, this shows no disrespect. Do not spit anything out in front of your teacher except pumpkin and leek, for they are like molten lead.¹⁶ We have learnt elsewhere:¹⁷ The officer of the Temple Mount used to go round to every watch with torches burning before him, and if any watchman did not rise and say, Officer,

(1) The girdle of the high priest contained both wool and linen. Another reading is: The girdle of the high priest was the same etc. The reference will then be to the girdle worn by the high priest on the Day of Atonement which was of linen only; v. Yoma 69a.

(2) Lev. XIX, 19.

(3) And therefore it was permitted to lie on them.

(4) Near Sura.

(5) Because there is no danger of a thread coming loose.

(6) 69a, from which this whole discussion is taken.

(7) The passage in brackets is obviously a marginal gloss which has crept into the text.

(8) V. Glos.

(9) Viz., of the Shechinah and of the Levites. This second statement of R. Johanan is quite independent of the first, and has no connection with the present passage.

(10) So as to ascertain if anyone was inside.

(11) Lit. ‘gone up to a he-goat’ (or perhaps ‘satyr’). V. Ber. (Sonc. ed.) 62b, p. 391, n. 12.

(12) But R. Safra ought to have coughed as a warning to him to stay outside.

(13) When there are no people about.

(14) To the privies in the fields.

(15) So as to cleanse the rim. In the case of wine it would be wasteful to pour out.

(16) Lit., 'a wick of lead'. I.e., the spittle formed by them, if swallowed, burns the inside.

(17) Mid. I, 2.

Talmud - Mas. Tamid 28a

I greet you, it was a proof that he was asleep,¹ and he would beat him with his stick. He was also permitted to burn his clothes. The others would say, What noise is that in the Azarah? It is the cry of a Levite who is being beaten and whose garments are being burnt because he was asleep at his post. R. Eliezer b. Jacob said: Once they found my mother's brother asleep and they burnt his clothes. R. Hiyya b. Abba said: When R. Johanan came to this Mishnah he used to say: Happy were the former generations who punished even for being overpowered by sleep; how much more then when there was no overpowering as of sleep!² It has been taught: Rabbi says: Which is a right way that a man should choose? Let him love reproof, since as long as there is reproof in the world ease of mind comes to the world, good and blessing come the world, and evil departs from the world, as it says, But to them that are reproved shall come delight; and a good blessing shall come upon them.³ Some say: Let him have scrupulous honesty,⁴ as it says, Mine eyes are upon the faithful of the land that they may dwell with me,⁵ etc. R. Samuel b. Nahmani said in the name of R. Jonathan: Whoever reproves his neighbour for a purely religious motive⁶ is deemed worthy to be in the portion of the Holy One, blessed be He,⁷ as it says, He that rebuketh a man is after Me.⁸ Not only so, but a thread of favour shall twine about him, as it says, He shall find more favour than he that flattereth with the tongue.⁹ IF HE FOUND IT LOCKED HE KNEW etc. . . . WHOEVER WANTED TO REMOVE THE ASHES FROM THE ALTAR etc. This statement contains a contradiction. You say first: WHOEVER WANTS TO REMOVE THE ASHES FROM THE ALTAR RISES EARLY AND BATHES BEFORE THE SUPERINTENDENT COMES, which would show that the matter does not depend on drawing of lots, and then it states, LET HIM COME AND DRAW LOTS, which shows that it does depend on the casting of lots?-Abaye replied: There is no contradiction. The first statement refers to the period before the regulation, the second to the period after the regulation, as we have learnt:¹⁰ At first whoever desired to remove the ashes from the altar used to do so. When there were several of them they used to run and go up the Ascent¹¹ and whoever was first in the last four cubits had the privilege. If two were level, the superintendent said to them, put your fingers out. They put out the one or two fingers, but they did not put out the thumb in the Temple. It happened once that two were running level up the Ascent and one of them pushed the other and he broke his leg, and when the Beth din saw that they were endangering themselves, they ordained that the task of removing the ashes should be assigned only by lot. Raba said: Both statements refer to the period after the regulation, and what it means is this: Whoever wanted to come and draw lots used to rise early and bathe before the superintendent came. MISHNAH. HE TOOK THE KEY¹² AND OPENED THE SMALL DOOR AND WENT FROM THE FIRE CHAMBER INTO THE AZARAH, AND THE PRIESTS WENT IN AFTER HIM CARRYING TWO LIGHTED TORCHES. THEY DIVIDED INTO TWO GROUPS, ONE OF WHICH WENT ALONG THE PORTICO¹³ TO THE EAST, WHILE THE OTHER WENT ALONG IT TO THE WEST. THEY WENT ALONG INSPECTING¹⁴ UNTIL THEY CAME TO THE PLACE WHERE THE GRIDDLE-CAKES¹⁵ WERE MADE.¹⁶ THERE THE TWO GROUPS MET AND SAID, IS IT WELL? ALL IS WELL.¹⁷ THEY THEN APPOINTED HIM THAT MADE THE GRIDDLE-CAKES TO MAKE GRIDDLE-CAKES. THE ONE ON WHOM THE LOT HAD FALLEN TO CLEAR THE ASHES FROM THE ALTAR MADE READY TO DO SO. THEY SAID TO HIM: 'BE CAREFUL NOT TO TOUCH ANY VESSEL UNTIL YOU HAVE WASHED YOUR HANDS AND FEET FROM THE LAVER. SEE, THE FIREPAN IS IN THE CORNER BETWEEN THE ASCENT AND THE ALTAR ON THE WEST OF THE ASCENT'. NO ONE ENTERED WITH HIM,¹⁸ NOR DID HE CARRY ANY LIGHT¹⁹ BUT HE WALKED BY THE LIGHT OF THE ALTAR FIRE. NO-ONE SAW HIM²⁰

(1) For an alternative rendering, v. Mid. (Sonc. ed). pp. 1 and 2, trans. and notes.

- (2) For transgressions committed not under constraint.
- (3) Prov. XXIV, 25. E.V., But to them that decide.
- (4) So Rashi. Lit., 'abundant faithfulness'.
- (5) Ps. CI, 6.
- (6) Lit., 'in the name of Heaven'.
- (7) I.e., in the inner circle of the righteous in heaven.
- (8) Prov. XXVIII, 23. E.V. shall in the end find more favour.
- (9) Ibid.
- (10) Yoma, 22a.
- (11) The sloping board which led from the pavement of the Azarah to the altar. It was 32 cubits long, v. Mid.Ili, 3.
- (12) Mid. I, 9.
- (13) Which ran right round the Azarah, and where various vessels were kept.
- (14) To see if all the vessels were in order.
- (15) Which were offered every day by the High Priest. V. Lev. VI, 12-15.
- (16) The south-east corner of the Temple court, v. Mid. I,14.
- (17) I.e., the vessels are all in order.
- (18) Because no-one was allowed in the Azarah save for purposes of service.
- (19) Because he needed to have both hands free.
- (20) Because he was hidden by the ascent.

Talmud - Mas. Tamid 28b

OR HEARD A SOUND FROM HIM UNTIL THEY HEARD THE NOISE OF THE WOODEN MACHINE WHICH BEN KATIN MADE FOR HAULING UP THE LAVER,¹ WHEN THEY SAID, THE TIME HAS COME. HE WASHED HIS HANDS AND FEET FROM THE LAVER, THEN TOOK THE SILVER FIREPAN AND WENT UP TO THE TOP OF THE ALTAR AND CLEARED AWAY THE CINDERS² ON EITHER SIDE AND SCOOPED UP THE ASHES³ IN THE CENTRE. HE THEN DESCENDED AND WHEN HE REACHED THE PAVEMENT⁴ HE TURNED HIS FACE TO THE NORTH⁵ AND WENT ALONG THE EAST SIDE OF THE ASCENT FOR ABOUT TEN CUBITS, AND HE THEN MADE A HEAP OF THE CINDERS ON THE PAVEMENT THREE HANDBREADTHS AWAY FROM THE ASCENT, IN THE PLACE WHERE THEY USED TO PUT THE CROP OF THE BIRDS⁶ AND THE ASHES FROM THE INNER ALTAR⁷ AND THE ASH FROM THE CANDLESTICK. GEMARA. But were there porticoes in the Azarah? Has it not been taught: R. Eliezer b. Jacob says: Whence do we learn that porticoes [of wood] are not made in the Azarah? Because it says: Thou shalt not plant thee an Asherah or any kind of tree beside the altar of the Lord thy God,⁸ the meaning of which is this: Thou shalt not plant thee an Asherah; nor shalt thou plant thee any kind of tree beside the altar of the Lord thy God?-R. Hisda replied: [It is permitted] with porticoes of stone.⁹ THEY WENT ALONG INSPECTING. . . . TO MAKE GRIDDLE CAKES. This would imply that the griddle cakes were the first thing offered. But it has been taught: Whence do we know that nothing preceded the regular morning offering? It says: And he shall lay the burnt-offering in order upon it,¹⁰ and Rabbah said, 'the burnt-offering' [implies that] it goes up first?¹¹ Rab Judah replied: He is appointed to prepare hot water for the soaking.¹²

CHAPTER II

MISHNAH. WHEN HIS BRETHREN SAW THAT HE HAD DESCENDED [FROM THE ASCENT]. THEY CAME RUNNING AND HASTENED TO WASH THEIR HANDS AND FEET IN THE LAVER. THEY THEN TOOK THE SHOVELS AND THE FORKS¹³ AND WENT UP TO THE TOP OF THE ALTAR. SUCH LIMBS AND PIECES OF FAT AS HAD NOT BEEN CONSUMED SINCE THE EVENING THEY REMOVED TO THE SIDES OF THE ALTAR.¹⁴ IF THERE WAS NOT ROOM ON THE SIDES THEY ARRANGED THEM ON THE SURROUND¹⁵

AND ON THE ASCENT.¹⁶ THEY THEN BEGAN TO THROW THE ASHES ON TO THE HEAP.¹⁷ THIS HEAP WAS IN THE MIDDLE OF THE ALTAR, AND SOMETIMES THERE WAS AS MUCH AS THREE HUNDRED KOR ON IT. ON FESTIVALS THEY DID NOT USE TO CLEAR AWAY THE ASH BECAUSE IT WAS RECKONED AN ORNAMENT TO THE ALTAR.¹⁸ IT NEVER HAPPENED THAT

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- (1) The laver was sunk underground in the evening so that its waters should not become disqualified by being exposed throughout the night, but it was hauled up by a pulley.
- (2) Which would be more on the side of the altar, where the heat was not so intense. The top of the altar was 28 cubits square. V. Mid. III, 1.
- (3) Lit., 'the consumed'; the fuel more in the centre which had been completely reduced to ashes.
- (4) The floor of the Azarah which was of stone.
- (5) I.e., turned back and faced the altar.
- (6) V. Lev. I, 16. It was reckoned that the priest standing at the altar would cast the crop behind him about twenty cubits.
- (7) The altar of incense.
- (8) Deut. XVI, 21.
- (9) Lit., 'of building', i.e., supported on stone pillars.
- (10) Lev. VI, 5.
- (11) V. Zeb. 103a.
- (12) V. Lev. VI, 14.
- (13) To collect the ashes and to turn the limbs.
- (14) With the intention of replacing them after the fire had been lit. Once the pieces had left the altar, it would not have been permitted to replace them, since they were reckoned as nothar.
- (15) The ledge running round the altar half way up. V. Mid. III, 1.
- (16) Which was counted as part of the altar. The 'and' is not in the text, but seems necessary for the sense, v. Sh. Mek. Var. lec. 'or on the Ascent'.
- (17) Lit., 'apple'.
- (18) Showing that a large number of sacrifices had been brought.

Talmud - Mas. Tamid 29a

THE PRIEST WAS NEGLECTFUL¹ IN TAKING OUT THE ASHES.² THEY THEN BEGAN TO TAKE UP THE LOGS³ TO LAY THE FIRE. WERE ALL KINDS OF WOOD SUITABLE FOR THE FIRE? ALL KINDS OF WOOD WERE SUITABLE FOR THE FIRE EXCEPT VINE AND OLIVE WOOD. O WHAT THEY MOSTLY USED, HOWEVER, WERE BOUGHS OF FIG TREES AND OF NUT TREES AND OF OIL TREES: HE⁴ THEN ARRANGED THE GREAT PILE⁵ ON THE EAST SIDE OF THE ALTAR WITH ITS OPEN SIDE⁶ ON THE EAST,⁷ WHILE THE INNER ENDS OF THE [SELECTED] LOGS TOUCHED THE CENTRAL HEAP. SPACES WERE LEFT BETWEEN THE LOGS IN WHICH THEY KINDLED THE BRUSHWOOD.⁸ THEY PICKED OUT FROM THERE SOME SPECIALLY GOOD FIG-TREE BRANCHES AND WITH THESE HE LAID A SECOND FIRE FOR THE INCENSE⁹ NEAR THE SOUTH-WESTERN CORNER SOME FOUR CUBITS TO THE NORTH OF IT,¹⁰ USING AS MUCH WOOD AS HE JUDGED SUFFICIENT TO FORM FIVE SE'AHs OF CINDERS, AND ON SABBATH AS MUCH AS HE THOUGHT WOULD MAKE EIGHT SE'AHs OF CINDERS, BECAUSE FROM THERE THEY USED TO TAKE FIRE FOR THE TWO DISHES OF FRANKINCENSE FOR THE SHEW-BREAD. THE LIMBS AND THE PIECES OF FAT WHICH HAD NOT BEEN CONSUMED OVER NIGHT WERE PUT BACK ON THE WOOD WHICH HAD BEEN LAID.¹¹ THEY THEN KINDLED THE TWO FIRES AND DESCENDED AND WENT TO THE CHAMBER OF HEWN STONE.¹² GEMARA. Said Raba: This¹³ is an exaggeration. [Similarly with regard to the statement]. 'They made the beast for the daily offering drink from a gold cup'.¹⁴ Raba said: This is an exaggeration. R. Ammi said: The Torah used hyperbole, the prophets used hyperbole, the Sages used hyperbole. The Torah used hyperbole, as where it is written, The cities are

great and fortified up to heaven.¹⁵ Up to heaven, think you? No; but it is an exaggeration. ‘The Sages Used hyperbole’, in the cases we have just mentioned — the heap and the giving the sacrifice beast to drink from a gold cup. ‘The prophets used hyperbole’, as it is written, And the people piped with pipes. . . . so that the earth rent with the sound of them.¹⁶ R. Jannai b. Nahmani said in the name of Samuel; In three places the Sages used the language of hyperbole, namely, in connection with the heap, the vine and the veil.¹⁷ This excludes the case cited by Raba, where we have learnt, ‘They made the beast for the daily sacrifice drink from a gold cup’, and Raba said, This is an exaggeration. This teaches us that this is true of the other cases, but not of this one, because in the abode of wealth no sign of poverty is allowed.¹⁸ [The exaggeration in the case of] the heap is as stated. In the case of the wine it is as has been taught:¹⁹ A gold vine used to stand at the door of the inner temple, trailed on poles, and anyone who offered a leaf

(1) I.e., if the ashes were left, it was not through neglect.

(2) Outside the camp, when there was a large quantity on the altar.

(3) Special large blocks of wood, well smoothed. (10) The reason is explained in the Gemara.

(4) The one who was chosen to clear away the ashes.

(5) So called by contrast with the other mentioned later.

(6) Lit., ‘transparency’. The open side from which it was touched, the other side was blocked by the central heap.

(7) So that there should be a draught from the door of the Azarah.

(8) To start the fire.

(9) I.e., to obtain coals for kindling the incense. For this it was reckoned a mark of respect to have a special fire.

(10) These five cubits of the altar faced the doorway of the Hekal, and could therefore be described as being ‘before the Lord’, and it was considered meritorious to obtain the coals for the incense from this space. The fifth cubit had to be used because four were taken up by the projections of the altar.

(11) It is not clear if this was before or after the daily offering was kindled.

(12) To cast further lots, half of this chamber being in unconsecrated ground. The Chamber of Hewn Stone was the Hall wherein the Great Sanhedrin used to sit. Schurer II, p. 264 identifies it with the Chamber ‘close to the Xystus’ on the western border of the Temple Mount, v. J. E. XII, 576.

(13) The statement that there were three hundred kor of ashes on the altar.

(14) *Infra*, 30a.

(15) Deut. I, 28. This is hardly a proof, as the Torah is here quoting the language of the spies.

(16) I Kings, I, 40.

(17) v. *infra*.

(18) I.e. no expense was to be spared in the Temple service.

(19) *Mid. III*, 8.

Talmud - Mas. Tamid 29b

or a single grape or a cluster used to bring it and hang it thereon. Said R. Eleazar son of R. Zadok: On one occasion three hundred priests were commissioned to clear it. The case of the veil as has been taught:¹ We have learnt: R. Simeon b. Gamaliel says: The thickness of the veil² was a handbreadth. It was formed of seventy-two strands, and each was made up of twenty-four threads.³ Its length was forty cubits and its breadth was twenty cubits, and it was made by eighty-two young girls,⁴ and two were made every year,⁵ and it took three hundred priests to immerse it.⁶ THEY BEGAN TO TAKE UP THE LOGS TO LAY THE FIRE. . . . EXCEPT VINE AND OLIVE WOOD. Why were these excepted? — R. Papa said: Because they have knots.⁷ R. Aha b. Jacob said: Because of the amenities of the Land of Israel.⁸ The following was cited in objection [to R. papa]: upon the wood that is on the fire which is upon the altar;⁹ this implies wood which rapidly becomes fire.¹⁰ Which kind is that? Thin boughs like spits which do not form knots, that is, that do not become knotted inwardly.¹¹ Are all kinds of wood suitable for the altar fire? All kinds are suitable excepts olive and vine, but what were mostly used were boughs of fig trees and nut trees and oil trees. R. Eleazar adds [as not suitable]: also wood from the matish¹² and the oak and the date tree

and the carob and sycamore. There is no difficulty here for the one who says that it is because they are knotted. The difference according to him is that one authority holds that although they are not knotted on the inside, yet since they are knotted on the outside we do not use them,¹³ while the other holds that since they are not knotted on the inside, although they are knotted on the outside we still bring them. But to the one who says, it is because of the amenities of the Land of Israel, we can object, does not the date tree contribute to the amenities of the Land of Israel? — He can reply to you: By the same reasoning does not the fig tree contribute to the amenities of the Land of Israel? But what do you answer to this? That we speak of a fig tree which does not produce fruit. Similarly we speak of a date tree which does not produce fruit. But are there fig trees which do not produce fruit? Yes, as stated by Rahabah. For Rahabah said: They bring white fig trees

(1) Shek. 12b.

(2) Between the Hekal and the Holy of Holies.

(3) Of gold, purple, etc.

(4) Var. lec. It cost eighty-two thousand denars.

(5) In the second temple there were two veils with a cubit space between them, to take the place of the wall which was in the First Temple.

(6) Like all holy things, it was immersed in water before being used. The 'three hundred' is the exaggeration.

(7) Which retain moisture and so prevent the wood from catching.

(8) Lit., 'the Settlement of the Land of Israel'. To which vines and olive trees were held to contribute in a high degree.

(9) Lev. I, 8.

(10) Lit. 'which is dissolved to become fire'.

(11) It is only in this case that moisture forms.

(12) An unknown kind of hardwood tree.

(13) Since even so there is sufficient moisture to disqualify them.

Talmud - Mas. Tamid 30a

and scrape them with a rope of date tree bark on which seed is smeared,¹ and they are then planted in alluvial soil, and they produce trunks but no fruit, and three branches of one will break down a bridge. HE THEN ARRANGED THE GREAT PILE etc. What is the reason [for the opening]? R. Huna and R. Hisda [gave different reasons]. One said, it was in order that a draught might blow on it, the other said it was in order that they might kindle the brushwood from there. The following was cited in objection [to the latter opinion]: SPACES WERE LEFT BETWEEN THE LOGS IN WHICH THEY KINDLED THE BRUSHWOOD. He can reply: [Brushwood] was put in several places.²

CHAPTER III

MISHNAH. THE SUPERINTENDENT THEN SAID TO THEM: COME AND CAST LOTS, TO SEE WHO IS TO SLAUGHTER THE ANIMAL,³ AND WHO IS TO SPRINKLE THE BLOOD, AND WHO IS TO CLEAR THE ASHES FROM THE INNER ALTAR,⁴ AND WHO IS TO CLEAR THE ASH FROM THE CANDLESTICK, AND WHO IS TO LIFT THE LIMBS ON TO THE ASCENT, [NAMELY] THE HEAD, THE RIGHT LEG, THE BREAST AND THE NECK AND THE TWO FLANKS WITH THE ENTRAILS, ALSO THE FINE FLOUR⁵ AND THE GRIDDLE CAKES⁶ AND THE WINE.⁷ THEY CAST LOTS AND ONE OR OTHER WAS SUCCESSFUL. HE THEN SAID TO THEM: GO OUT AND SEE IF IT IS YET TIME FOR THE SLAUGHTER. IF IT ACTUALLY WAS TIME, THE OBSERVER⁸ SAID, THERE ARE FLASHES.⁹ MATTITHIA B. SAMUEL SAYS: [HE USED TO SAY]¹⁰ THE WHOLE OF THE EAST [OF THE SKY] HAS LIT UP. [THEY WOULD ASK] AS FAR AS HEBRON? AND HE [THE OBSERVER] WOULD ANSWER YES. HE SAID TO THEM, GO OUT AND BRING A LAMB FROM THE LAMBS CHAMBER. NOW THE LAMBS CHAMBER WAS IN THE

NORTH-WESTERN CORNER.¹¹ THERE WERE FOUR CHAMBERS THERE¹² — THE LAMBS' CHAMBER, THE CHAMBER OF THE SEALS,¹³ THE CHAMBER OF THE FIRE-ROOM¹⁴ AND THE CHAMBER WHERE THE SHEWBREAD WAS PREPARED. THEY WENT INTO THE CHAMBER OF THE VESSELS AND BROUGHT OUT FROM THERE NINETY-THREE VESSELS OF SILVER AND GOLD. THEY GAVE THE ANIMAL FOR THE DAILY SACRIFICE A DRINK FROM A CUP

(1) This was supposed to spoil the seed of the tree itself.

(2) I.e., both between the logs and in the opening.

(3) The lamb of daily sacrifice.

(4) The altar of incense.

(5) For the mealoffering.

(6) The daily offering of the High Priest. V. Lev. VI, 15.

(7) For the drink-offering.

(8) A priest stationed for the purpose on the roof.

(9) The first Bashes of dawn.

(10) Alifer: Mattithiah b. Samuel used to say etc., v. Yoma, (Sonc. ed.) p. 131 and notes.

(11) Of the Fire Room. In Mid. I, 6, this room is called the Chamber of Offering (al. Chamber of the Lamb(s) of Offering), and is said to have been in the south-west of the Fire Room; in Yoma 16a it is explained that this is the opinion of R. Eleaiar b. Jacob.

(12) Attached to the Fire Room; V. Mid, I, 7.

(13) V. Shek. V, 3.

(14) In Mid. l.c., this is said to have been the room from which they went down to the bathing-place. Perhaps the fire burnt in this side room, so that it gave its name to the whole chamber.

Talmud - Mas. Tamid 30b

OF GOLD.¹ ALTHOUGH IT HAD BEEN EXAMINED ON THE PREVIOUS EVENING IT WAS NOW EXAMINED AGAIN BY TORCHLIGHT. THOSE ON WHOM THE LOT HAD FALLEN TO CLEAR THE ASH FROM THE INNER ALTAR AND FROM THE CANDLESTICK WENT ON IN FRONT WITH FOUR VESSELS IN THEIR HANDS — THE TENI² AND THE KUZ³ AND TWO KEYS. THE TENI RESEMBLED A TIRKAB⁴ OF GOLD AND HELD TWO KABS AND A HALF. THE KUZ RESEMBLED A LARGE GOLD PITCHER. WITH ONE OF THE TWO KEYS HE HAD TO REACH DOWN AS FAR AS HIS ARMPIT⁵ AND WITH THE OTHER HE OPENED IN FRONT OF HIM.⁶ HE THEN CAME TO THE SMALL DOOR ON THE NORTH. THE GREAT GATE HAD TWO SMALL WICKETS LET IN, ONE ON THE NORTH AND ONE ON THE SOUTH. NO ONE EVER WENT IN BY THE DOOR ON THE SOUTH, IN ACCORDANCE WITH THE DISTINCT STATEMENT IN EZEKIEL, NAMELY, AND THE LORD SAID UNTO ME, THIS GATE SHALL BE CLOSED, IT SHALL NOT BE OPENED, AND NO MAN SHALL ENTER BY IT, FOR THE LORD GOD OF ISRAEL HAS ENTERED BY IT.⁷ HE TOOK THE KEY AND OPENED THE SMALL DOOR AND WENT IN TO THE APARTMENT⁸ AND FROM THE APARTMENT TO THE HEKAL, [WHICH HE TRAVERSED] UNTIL HE REACHED THE GREAT GATE. WHEN HE REACHED THE GREAT GATE HE DREW BACK THE BOLT AND THE LATCHES⁹ AND OPENED IT. THE SLAUGHTERER DID NOT KILL TILL HE HEARD THE SOUND OF THE GREAT GATE BEING OPENED. FROM JERICHO¹⁰ THEY HEARD THE SOUND OF THE GREAT GATE BEING OPENED. FROM JERICHO THEY HEARD THE SOUND OF THE 'SHOVEL'.¹¹ FROM JERICHO THEY HEARD THE SOUND OF THE SINGING [OF THE LEVITES].¹² FROM JERICHO THEY USED TO HEAR THE SOUND OF BEN ARZA CLASHING THE CYMBALS. FROM JERICHO THEY USED TO HEAR THE SOUND OF THE PIPES. FROM JERICHO THEY COULD HEAR THE VOICE OF GABIN THE HERALD.¹³ FROM JERICHO THEY HEARD THE NOISE OF THE WOODEN PULLEY WHICH BEN KATIN MADE FOR THE LAVER.¹⁴ FROM JERICHO THEY

HEARD THE SOUND OF THE SINGING [OF THE LEVITES]. FROM JERICHO THEY HEARD THE SOUND OF THE SHOFAR;¹⁵ SOME SAY ALSO OF THE HIGH PRIEST WHEN HE PRONOUNCED THE DIVINE NAME ON THE DAY OF ATONEMENT. FROM JERICHO THEY COULD SMELL THE ODOUR OF THE COMPOUNDING OF INCENSE. R. ELEAZAR B. DIGLAI SAID: MY FATHER HAD SOME GOATS IN THE TOWNS OF MICHVAR,¹⁶ AND THEY USED TO SNEEZE FROM THE SMELL OF THE INCENSE. THE PRIEST WHO HAD BEEN CHOSEN TO KILL THE DAILY OFFERING TOOK IT ALONG WITH HIM TO THE SLAUGHTER HOUSE, ACCOMPANIED BY THOSE WHO HAD BEEN CHOSEN TO HAND UP THE LIMBS. THE SLAUGHTER HOUSE WAS TO THE NORTH OF THE ALTAR.¹⁷ BY IT WERE EIGHT DWARF PILLARS ON TOP OF WHICH WERE BLOCKS OF CEDAR WOOD, IN WHICH WERE FIXED HOOKS OF IRON, THREE ROWS IN EACH.¹⁸ THE ANIMALS WERE HUNG ON THESE AND FLAYED OVER TABLES OF MARBLE BETWEEN THE PILLARS. THE ONE WHO HAD BEEN CHOSEN FOR CLEARING THE INNER ALTAR WENT IN CARRYING THE TENI WHICH HE SET DOWN IN FRONT OF IT, AND HE SCOOPED UP THE ASH IN HIS FISTS AND PUT IT INSIDE, AND IN THE END HE SWEEPED UP WHAT WAS LEFT INTO IT, AND THEN HE LEFT IT THERE AND WENT OUT. THE ONE WHO HAD BEEN CHOSEN TO CLEAR THE CANDLESTICK WENT IN, AND IF HE FOUND THE TWO WESTERN LIGHTS BURNING,¹⁹ HE CLEARED THE ASH FROM THE REST AND LEFT THESE TWO BURNING. IF HE²⁰ FOUND THAT THESE TWO HAD GONE OUT, HE CLEARED AWAY THEIR ASH AND KINDLED THEM FROM THOSE WHICH WERE STILL ALIGHT AND THEN HE CLEARED THE ASH FROM THE REST. THERE WAS A STONE IN FRONT OF THE CANDLESTICK²¹ WITH THREE STEPS ON WHICH THE PRIEST STOOD IN ORDER TO TRIM THE LIGHTS. HE LEFT THE KUZ ON THE SECOND STEP AND WENT OUT.

CHAPTER IV

MISHNAH. THEY DID NOT USE TO TIE UP²² THE LAMB BUT THEY STRUNG ITS LEGS TOGETHER.²³ THOSE ON WHOM THE LOT FELL FOR THE LIMBS TOOK HOLD OF IT. IT WAS STRUNG UP IN SUCH A WAY THAT ITS HEAD WAS TO THE SOUTH WHILE ITS FACE WAS TURNED TO THE WEST,²⁴ AND THE SLAUGHTERER STOOD TO THE EAST OF IT WITH HIS FACE TURNED TO THE WEST. THE MORNING SACRIFICE WAS KILLED BY THE NORTH-WESTERN CORNER OF THE ALTAR AT THE SECOND RING,²⁵ WHILE THE EVENING SACRIFICE WAS KILLED BY THE NORTH-EASTERN CORNER AT THE SECOND RING. WHILE ONE SLAUGHTERED ANOTHER RECEIVED THE BLOOD. THE LATTER PROCEEDED TO THE NORTH-EASTERN CORNER²⁶ AND CAST THE BLOOD ON THE EASTERN AND NORTHERN SIDES; HE THEN PROCEEDED TO THE SOUTHWESTERN CORNER AND CAST THE BLOOD ON THE WESTERN AND SOUTHERN SIDES. THE REMNANT OF THE BLOOD HE Poured OUT AT THE SOUTHERN BASE OF THE ALTAR.

(1) Cf. supra, 29a.

(2) Lit., 'basket'. The receptacle for the ash from the altar.

(3) Lit., 'pitcher', the receptacle for the ashes from the candlestick.

(4) *;*;. A measure holding three kabs.

(5) Because the bolt was fixed in a socket in the ground.

(6) Because it was on a level with him.

(7) Ezek. XLIV, 2. Ezekiel is speaking of the outer gate, and we do not know by what authority the Rabbis applied his words to this door. The statement is repeated in Mid. IV, 1.

(8) Heb. to, a kind of cell let into the wall of the Hekal, V. Mid. IV, 3.

(9) Apparently the 'bolt' was fixed in a socket in the ground, and the 'latches' were cross-bars level with his own height.

(10) About twenty miles from Jerusalem. For this passage cf. Yoma 39b.

- (11) Magrepah. A musical instrument shaped like a shovel. V. 'Ar. 10b.
- (12) These words are here out of place, and are repeated lower down.
- (13) Summoning the priests and Levites to their duties before the dawn. Shek. V, 1.
- (14) V. supra 28b.
- (15) Blown every day over the sacrifices.
- (16) A district of Peraea, beyond the Dead Sea.
- (17) On this passage cf. Mid. IV, 4.
- (18) So as to be adapted for animals of different sizes.
- (19) These had more oil than the others.
- (20) Apparently this refers not to this priest. but to the Priest who came in later, as explained infra VI, 1.
- (21) Which was eighteen hand-breadths high-about a man's height.
- (22) I.e., all four legs together, or the two fore legs and the two hind legs.
- (23) Tying together a fore leg and a hind leg.
- (24) The side of the Shechinah.
- (25) Near the altar were a number of rows of semi-circular hoops fixed in the ground under the which the head of the animal was put to keep it in place. The second row was chosen as not being in the shade of the altar; V. Gemara infra.
- (26) He started from the ascent which was on the south side and began going round to the right, passing by the south-eastern corner because it had no foundation. On this passage cf. Yoma, 14b.

Talmud - Mas. Tamid 31a

. HE DID NOT USE TO BREAK THE LEG,¹ BUT HE MADE A HOLE IN IT² AT THE JOINT AND SUSPENDED IT FROM THERE. HE THEN BEGAN TO FLAY IT AND WENT ON UNTIL HE CAME TO THE BREAST.³ WHEN HE CAME TO THE BREAST HE CUT OFF THE HEAD AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN. HE THEN CUT OFF THE LEGS AND GAVE THEM TO THE ONE TO WHOSE LOT THEY HAD FALLEN. ON COMPLETING THE Flaying HE TORE OUT THE HEART AND SQUEEZED OUT THE BLOOD IN IT.⁴ HE THEN CUT OFF THE FORE LEGS AND GAVE THEM TO THE ONE TO WHOSE LOT THEY HAD FALLEN. HE THEN WENT BACK TO THE RIGHT LEG AND CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN, AND THE TWO TESTICLES WITH IT. HE THEN TORE OPEN THE CARCASS SO THAT IT WAS ALL EXPOSED BEFORE HIM. HE TOOK THE FAT AND PUT IT ON TOP OF THE PLACE WHERE THE HEAD HAD BEEN SEVERED. HE TOOK THE INNARDS AND GAVE THEM TO THE ONE TO WHOSE LOT THEY HAD FALLEN TO WASH THEM. THE STOMACH WAS WASHED VERY THOROUGHLY IN THE WASHING CHAMBER, WHILE THE ENTRAILS WERE WASHED AT LEAST⁵ THREE TIMES ON MARBLE TABLES WHICH STOOD BETWEEN THE PILLARS.⁶ HE THEN TOOK A KNIFE AND SEPARATED THE LUNG FROM THE LIVER⁷ AND THE FINGER OF THE LIVER⁸ FROM THE LIVER,⁹ BUT WITHOUT REMOVING IT FROM ITS PLACE. HE HOLLOWED OUT THE BREAST¹⁰ AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN. HE CAME TO THE RIGHT FLANK AND CUT INTO IT AS FAR AS THE SPINE, WITHOUT HOWEVER TOUCHING THE SPINE, UNTIL HE CAME TO THE PLACE BETWEEN TWO SMALL RIBS. HE CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN, WITH THE LIVER ATTACHED TO IT. HE THEN CAME TO THE NECK, AND LEAVING TWO RIBS ON EACH SIDE OF IT¹¹ HE CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN, WITH THE WINDPIPE AND THE HEART AND THE LUNG ATTACHED TO IT. HE THEN CAME TO THE LEFT FLANK IN WHICH HE LEFT TWO THIN RIBS ABOVE AND TWO THIN RIBS BELOW;¹² AND HE HAD DONE SIMILARLY WITH THE OTHER FLANK. THUS HE LEFT TWO ON EACH SIDE ABOVE AND TWO ON EACH SIDE BELOW. HE CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN, AND THE SPINE WITH IT AND THE MILT ATTACHED TO IT. THIS WAS REALLY THE LARGEST PIECE, BUT THE RIGHT FLANK WAS CALLED THE LARGEST, BECAUSE THE LIVER WAS ATTACHED TO IT. HE THEN CAME TO THE

TAIL BONE, WHICH HE CUT OFF AND GAVE TO THE ONE TO WHOSE LOT IT HAD FALLEN, ALONG WITH THE TAIL, THE FINGER OF THE LIVER AND THE TWO KIDNEYS. HE THEN TOOK THE LEFT LEG AND CUT IT OFF AND GAVE IT TO THE ONE TO WHOSE LOT IT HAD FALLEN. BY THIS TIME THEY WERE ALL STANDING IN A ROW WITH THE LIMBS IN THEIR HANDS

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- (1) In order to suspend it for laying, after the usual manner of butchers.
 - (2) The object being that the body should not fall to the ground when the leg was cut off.
 - (3) I.e., until the flaying was completed.
 - (4) The animal usually draws back some blood to the heart at the time of slaughter. This sentence seems to be out of place and should follow the word 'breast' above.
 - (5) Aliter: 'in a vessel' used for preserving olives. Var. lec. 'on the smallest of the tables'.
 - (6) V. supra 30b.
 - (7) Because the lung was offered with the neck and the liver with the flank.
 - (8) A small projection from the liver.
 - (9) Because this finger was offered with the tail.
 - (10) I.e., he cut a piece out of the breast, making a hollow through which he could reach inside the body.
 - (11) I.e., the two ribs attached to each of the two flanks.
 - (12) I.e., two by the tail bone and two by the breast.

Talmud - Mas. Tamid 31b

. THE FIRST HAD THE HEAD AND THE [RIGHT] HIND LEG. THE HEAD WAS IN HIS RIGHT HAND WITH ITS NOSE TOWARDS HIS ARM, ITS HORNS BETWEEN HIS FINGERS, AND THE PLACE WHERE IT WAS SEVERED TURNED UPWARDS WITH THE FAT COVERING IT. THE RIGHT LEG WAS IN HIS LEFT HAND WITH THE PLACE WHERE THE FLAYING COMMENCED AWAY FROM HIM.¹ THE SECOND HAD THE TWO FORE LEGS, THE RIGHT LEG IN HIS RIGHT HAND AND THE LEFT LEG IN HIS LEFT HAND, THE PLACE WHERE THE FLAYING COMMENCED BEING TURNED AWAY FROM HIM. THE THIRD HAD THE TAIL BONE AND THE OTHER HIND LEG, THE TAIL BONE IN HIS RIGHT HAND WITH THE TAIL HANGING BETWEEN HIS FINGERS AND THE FINGER OF THE LIVER AND THE TWO KIDNEYS WITH IT, AND THE LEFT HIND LEG IN HIS LEFT HAND WITH THE PLACE WHERE THE FLAYING COMMENCED AWAY FROM HIM. THE FOURTH HAD THE BREAST AND THE NECK, THE BREAST IN HIS RIGHT HAND AND THE NECK IN HIS LEFT HAND, ITS RIBS BEING BETWEEN TWO OF HIS FINGERS. THE FIFTH HAD THE TWO FLANKS, THE RIGHT ONE IN HIS RIGHT HAND, AND THE LEFT ONE IN HIS LEFT HAND, WITH THE PLACE WHERE THE FLAYING COMMENCED AWAY FROM HIM. THE SIXTH HAD THE INNARDS ON A PLATTER² WITH THE KNEES ON TOP OF THEM. THE SEVENTH HAD THE FINE FLOUR,³ THE EIGHTH THE GRIDDLE CAKES,⁴ THE NINTH THE WINE.⁵ THEY WENT AND PLACED THEM ON THE LOWER HALF OF THE ASCENT⁶ ON ITS WESTERN SIDE, AND SALTED THEM⁷ AND CAME DOWN AND WENT TO THE CHAMBER OF HEWN STONE TO RECITE THE SHEMA'.⁸ GEMARA. One taught: The fore leg and the hind leg [tied together] like the binding of Isaac the son of Abraham. THEY DID NOT TIE UP THE LAMB. What was the reason? — R. Huna and R. Hisda gave different answers. One said it was to avoid showing disrespect to holy things. while the other said it was to avoid walking in the statutes of the other peoples.⁹ What practical difference is there between them?¹⁰ — In the case where it was tied with silk or with gold thread.¹¹ We have learnt elsewhere:¹² There were thirteen tables in the Temple.¹³ There were eight of marble in the slaughter house on which they used to wash the innards; two to the west of the ascent, one of marble and one of silver — on the marble one they used to put the limbs and on the silver one vessels of service,¹⁴ two in the Porch on the inner side by the door of the Sanctuary, one of silver and one of gold — on the silver one they used to place the Shewbread when it was first brought in,¹⁵ and on the gold one when it was

taken out, because with holy things we always go a step higher and not a step lower; and one of gold in the inner place on which the Shewbread always rested. Now let us see. There must be no sign of poverty in the abode of wealth.¹⁶ Why then was the table¹⁷ made of marble? It should have been made of silver or even of gold! R. Hinnena answered in the name of R. Assi, and R. Assi in the name of R. Samuel b. R. Isaac: Because [the metal] would heat the flesh.¹⁸ THE MORNING SACRIFICE WAS KILLED BY THE NORTHWESTERN CORNER [etc.]. Whence is derived this rule? — R. Hisda replied: Because Scriptures says. Two to the day,¹⁹ implying [that they should be killed] towards the day[light].²⁰ It has been taught to the same effect: Two to the day: this means, towards the day [light]. You say it means, towards the day[light]. Or perhaps it is not so, but it means, the obligation of each day? When the text says. The one lamb shalt thou offer in the morning and the other lamb shalt thou offer at dusk,²¹ this states the obligation of the day. What then do I make of the words Two to the day? This must mean, towards the day [light]. How is this effected? The morning daily sacrifice was killed by the north-western corner by the second ring, and the evening daily sacrifice by the north-eastern corner by the second ring.²² Alexander of Macedon put ten questions to the elders of the south country.²³ He asked:

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- (1) I.e., exposed to the public, while the place where it was severed was in his hand.
 - (2) Being loose they could not be held in the hand.
 - (3) For the meal-offering.
 - (4) The daily offering of the High Priest, which was brought at the same time as the daily burnt-offering.
 - (5) For the drink-offering.
 - (6) The reason was apparently to make rather more ceremonious the actual bringing to the altar which took place later.
 - (7) In accordance with the injunction in Lev. II, 13.
 - (8) And pray for the acceptance of the sacrifice.
 - (9) Who used to bind their sacrifices in this way.
 - (10) Since each reason is in itself sufficient, why did not the later authority accept that given by the earlier?
 - (11) In this case there is no disrespect to holy things.
 - (12) Shek. 15b.
 - (13) Ten in the Azarah, and three others in the Sanctuary.
 - (14) The ninety-three vessels mentioned in our Mishnah.
 - (15) It was not taken directly to the table of gold. According to some it was brought in on Friday evening, though not placed on the table till the next day.
 - (16) A maxim frequently quoted in the Talmud: cf. supra.
 - (17) On which the limbs were put.
 - (18) Causing it to putrefy.
 - (19) Num. XXVIII, 3. E.V., 'two day by day'.
 - (20) I.e., towards the rise of the sun, hence in the west, facing east.
 - (21) Ibid. 4.
 - (22) V. supra at the beginning of the chapter and notes.
 - (23) This passage is inserted here because Alexander's first question had reference to the sun.

Talmud - Mas. Tamid 32a

Which is further, from heaven to earth or from east to west? They replied: From east to west. The proof is that when the sun is in the east all can look at it, and when it is in the west all can look at it, but when the sun is in the middle of the sky no — one can look at it.¹ The Sages, however, say: The distance in both cases is the same, as it says, For as the heaven is high above the earth [so great is His mercy towards them that fear Him]; as far as the east is from the west, [so far hath He removed our transgressions from us].² Now if one of these distances is greater, the text should not write both but only the one which is the greater. What then is the reason why no — one can look at the sun when it is in the middle of the sky? Because it is absolutely clear and nothing obstructs the view.³ He said to them: Were heavens created first or the earth? They replied: The heavens were created first,

as it says. In the beginning God created the heaven and the earth.⁴ He said to them: Was light created first, or darkness? They replied: This question cannot be solved. Why did they not reply that darkness was created first, since it is written, Now the earth was unformed and void and darkness,⁵ and after that, And God said, Let there be light, and there was light?⁶ — They thought to themselves: perhaps he will go on to ask what is above and what is below, what is before and what is after.⁷ If that is the case, they should not have answered his question about the heaven either? — At first they thought that he just happened to ask that question, but when they saw that he pursued the same subject, they bethought themselves not to answer him lest he should go on to ask what was above and what was below what was before and what was after. He said to them: Who is called wise? They replied: Who is wise? He who discerns what is about to come to pass.⁸ He said to them: Who is called a mighty man? They replied: Who is a mighty man? He who subdues his evil passions. He said to them: Who is called a rich man? They replied: Who is rich? He who rejoices in his lot. He said to them: What shall a man do to live? They replied: Let him mortify himself.⁹ What should a man do to kill himself? They replied: Let him keep himself alive.¹⁰ He said to them: What should a man do to make himself popular? They replied: Let him hate sovereignty and authority. He said to them: I have a better answer than yours: let him love sovereignty and authority and confer favours on mankind. He said to them: Is it better to dwell on sea or on dry land? They replied, It is better to dwell on dry land, because those who set out to sea are never free from anxiety till they reach dry land again. He said to them: Which among you is the wisest? They replied: We are all equal, because we have all concurred in the same answers to your questions. He said to them: Why do you resist me?¹¹ They replied: The Satan is too powerful.¹² He said to them: Behold I will slay you by royal decree. They replied: power is in the hands of the king, but it beseems not a king to be false.¹³ Forthwith he clothed them with garments of purple and put chains of gold on their necks. He said to them: I want to go to the country of Africa. They said to him: You cannot get there, because the Mountains of Darkness are in the Way. He said to them: That will not stop me from going. Was it for that I asked you? But tell me what I am to do.¹⁴ They said to him: Take Libyan asses that can travel in the dark and take coils of rope and fix them at the side [of the road] so that when you return you can guide yourself by them and reach your destination. He did so and set forth. He came to a place where there were only women. He wanted to make war with them, but they said to him, If you slay us, people will say that he killed women, and if we slay you they will call you the king who was killed by women. He said to them: Bring me bread. They brought him gold bread on a gold table.

(1) The reason, presumably, being that it is nearer.

(2) Ps. CIII, II, 12.

(3) But on the east and west hills and mountains are in the way.

(4) Gen. I, 1.

(5) Ibid 2.

(6) Ibid 3.

(7) V. Hag. 11b.

(8) V. Aboth, IV, 1.

(9) Lit., 'kill himself', with study and hard work.

(10) I.e., indulge in luxuries.

(11) In keeping with your own religion.

(12) A double entendre. What they meant was that his power was due to the Satan, and was only given to him to try them.

(13) He had apparently given them a safe-conduct.

(14) What I want you to tell me is how to get there.

Talmud - Mas. Tamid 32b

. He said to them: Do people here eat gold bread? They replied: If you wanted bread, had you no bread in your own place to eat that you should have journeyed here? When he left the place he wrote

on the gate of the city: 'I, Alexander of Macedon, was a fool until I came to the city of women in Africa and I learnt counsel from the women'. As he was journeying he sat by a well and began to eat. He had with him some salted fish, and as they were being washed they gave off a sweet odour. He said: This shows that this well comes from the Garden of Eden. Some say that he took some of the water and washed his face with it; others say that he went alongside of it until he came to the door of the Garden of Eden. He cried out, Open the door for me. They replied, This is the gate of the Lord, [the righteous shall enter into it].¹ He replied: I too am a king; I am also of some account, give me something. They gave him an eyeball. He went and weighed all his silver and gold against it, and it was not equal to it. He said to the Rabbis: How is this? They replied: It is the eyeball of a human being, which is never satisfied. He said to them: How can you prove that this is so? They took a little dust and covered it, and immediately it was weighed down; and so it is written, The nether world and Destruction are never satiated; [so the eyes of man are never satiated].² The Tanna de-be Eliyahu taught: Gehinnom is above the firmament; some, however, say that is behind the Mountains of Darkness. R. Hiyya taught: If one studies the Torah at night, the Divine presence faces him, as it says, Arise, cry out in the night, at the beginning of the watches; pour out thy heart like water before the face of the Lord.³ R. Eliezer b. Azariah said: The disciples of the wise increase peace in the world, as it says, And all thy children shall be taught of the Lord, and great shall be the peace of thy children.⁴ Read not banayik, [thy children], but bonayik [thy builders].

CHAPTER V

MISHNAH. THE SUPERINTENDENT SAID TO THEM, PRONOUNCE ONE BLESSING,⁵ AND THEY DID SO: THEY THEN RECITED THE TEN COMMANDMENTS,⁶ AND THE FIRST, SECOND AND THIRD SECTIONS OF THE SHEMA', AND THEY BLESSED THE PEOPLE WITH THREE BENEDICTIONS,⁷ NAMELY, TRUE AND FIRM,⁸ AND ABODAH,⁹ AND THE PRIESTLY BENEDICTION.¹⁰ ON SABBATH THEY ADDED A BENEDICTION TO BE SAID BY THE WATCH WHICH WAS LEAVING.¹¹

MISHNAH . HE SAID TO THEM, THOSE WHO ARE FRESH TO THE INCENSE COME AND DRAW LOTS,¹² AND ONE OR OTHER WAS SUCCESSFUL. HE THEN SAID, NEW AND OLD, COME AND DRAW LOTS TO SEE WHO SHALL TAKE UP THE LIMBS FROM THE ASCENT TO THE ALTAR.¹³ R. ELIEZER B. JACOB SAYS, THE ONE WHO LIFTS THE LIMBS ON TO THE ASCENT ALSO TAKES THEM UP TO THE ALTAR.¹⁴

MISHNAH . HE THEN HANDED THEM OVER TO THE ATTENDANTS, WHO STRIPPED THEM OF THEIR GARMENTS,¹⁵ LEAVING ON THEM ONLY THE BREECHES.¹⁶ THERE WERE WINDOWS THERE¹⁷ ON WHICH WAS INSCRIBED THE NAME OF THE GARMENT TO WHICH EACH WAS ASSIGNED.¹⁸

MISHNAH. THE ONE WHO HAD BEEN SELECTED TO OFFER THE INCENSE TOOK UP THE SPOON, WHICH WAS IN SHAPE LIKE A BIG TIRKAB¹⁹ OF GOLD. IT HELD THREE KABS, AND THE [SMALL] DISH²⁰ WAS IN THE MIDDLE OF IT,

(1) Ps. CXVIII, 20.

(2) Prov. XXVII, 20.

(3) Lam. II, 19.

(4) Isa. LIV, 13.

(5) There is a difference of opinion in Br. 11b as to whether this was 'Who fashionest light' or 'Great love' (P. B. p. 39). This and the succeeding prayers were said in the Chamber of Hewn Stone.

(6) V. Br. 12a.

(7) Since they had not time to say all the eighteen benedictions.

(8) The blessing following the Shema.

- (9) The last but two of the eighteen benedictions.
- (10) The last of the eighteen.
- (11) They blessed the incoming watch. V. Ber. 12a.
- (12) The incense was supposed to bring prosperity. and therefore a fresh priest was given the privilege of burning it every time.
- (13) V. supra. p. 25.
- (14) I.e., each one takes up to the altar the limb which he placed on the ascent.
- (15) There is a difference of opinion in Yoma 24b, as to whether they cast lots in holy or in everyday garments. If the former, then those who were unsuccessful changed into everyday garments: if the latter, then those who were successful changed into holy garments.
- (16) These they removed for themselves after changing into the other garments.
- (17) In the wall of the Chamber of Hewn Stone.
- (18) I.e., all garments of the same kind were kept in the same window space.
- (19) A measure of capacity holding three kaba.
- (20) Wherewith to scoop up the incense.

Talmud - Mas. Tamid 33a

HEAPED UP WITH INCENSE;¹ THIS HAD A COVERING, OVER WHICH WAS SPREAD A KIND OF JACKET.²

MISHNAH . THE ONE WHO HAD BEEN ASSIGNED THE SHOVELLING,³ TOOK THE SILVER FIREPAN AND ASCENDED TO THE TOP OF THE ALTAR AND CLEARED AWAY THE LIVE COALS TO THIS SIDE AND THAT [AND SWEEPED AWAY SOME OF THE ASH AT THE BOTTOM]⁴ AND THEN WENT DOWN AND EMPTIED THEM INTO A GOLD [FIREPAN]. ABOUT A KAB OF THE COALS WAS SPILT,⁵ AND THESE HE SWEEPED INTO THE SEWER⁶ , ON SABBATH⁷ HE USED TO PUT AN OVERTURNED POT⁸ ON THEM. THIS POT WAS A LARGE VESSEL HOLDING A LETHEK.⁹ IT HAD TWO CHAINS; WITH ONE HE USED TO DRAW IT DOWN,¹⁰ AND WITH THE OTHER HE USED TO HOLD IT ABOVE SO THAT IT SHOULD NOT ROLL OVER.¹¹ IT WAS USED FOR THREE PURPOSES — FOR PLACING OVER LIVE COALS, AND OVER A [DEAD] CREEPING THING ON SABBATH,¹² AND FOR DRAWING DOWN THE ASHES FROM THE TOP OF THE ALTAR.

MISHNAH . WHEN THEY¹³ CAME BETWEEN THE PORCH AND THE ALTAR, ONE TOOK THE 'SHOVEL'¹⁴ AND THREW IT BETWEEN THE PORCH AND THE ALTAR. PEOPLE COULD NOT HEAR ONE ANOTHER SPEAK IN JERUSALEM FROM THE NOISE OF THE SHOVEL. IT SERVED THREE PURPOSES. WHEN A PRIEST HEARD THE SOUND OF IT HE KNEW THAT HIS BROTHER PRIESTS WERE GOING IN TO PROSTRATE THEMSELVES,¹⁵ AND HE WOULD RUN TO JOIN THEM. WHEN A LEVITE HEARD THE NOISE OF IT HE KNEW THAT HIS BROTHER LEVITES WERE GOING IN TO CHANT,¹⁶ AND HE WOULD RUN TO JOIN THEM. AND THE HEAD OF THE MA'AMAD¹⁷ USED TO MAKE THE UNCLEAN STAND IN THE EAST GATE.¹⁸

CHAPTER VI

MISHNAH . THEY¹⁹ COMMENCED TO ASCEND THE STEPS OF THE PORCH.²⁰ THOSE WHO HAD BEEN CHOSEN TO CLEAR THE ASHES FROM THE INNER ALTAR²¹ AND FROM THE CANDLESTICK LED THE WAY.²² THE ONE WHO HAD BEEN CHOSEN TO CLEAR THE INNER ALTAR WENT IN AND TOOK THE TENI AND PROSTRATED HIMSELF AND WENT OUT AGAIN. THE ONE WHO HAD BEEN CHOSEN TO CLEAR THE CANDLESTICK WENT IN, AND IF HE FOUND THE TWO WESTERN LIGHTS²³ STILL BURNING HE CLEARED OUT THE EASTERN ONE²⁴ AND LEFT THE WESTERN ONE

BURNING,²⁵ SINCE FROM IT HE LIT THE CANDLESTICK FOR THE EVENING. IF HE FOUND THAT THIS ONE HAD GONE OUT, HE CLEARED THE ASH AWAY AND LIT IT FROM THE ALTAR OF BURNT-OFFERING. HE THEN TOOK THE KUZ FROM THE SECOND STEP²⁶ AND PROSTRATED HIMSELF AND WENT OUT.

MISHNAH . THE ONE WHO HAD BEEN CHOSEN FOR THE FIREPAN MADE A HEAP OF THE CINDERS ON THE TOP OF THE ALTAR AND THEN SPREAD THEM ABOUT WITH THE END OF THE FIREPAN²⁷ AND PROSTRATED HIMSELF AND WENT OUT. MISHNAH. THE ONE WHO HAD BEEN CHOSEN FOR THE INCENSE TO OK THE DISH FROM THE MIDDLE OF THE SPOON AND GAVE IT²⁸ TO HIS FRIEND OR HIS RELATIVE. IF SOME OF IT WAS SPILT INTO THE SPOON, HE WOULD PUT IT INTO HIS HANDS. THEY USED TO INSTRUCT HIM²⁹ SAYING, BE CAREFUL NOT TO BEGIN IMMEDIATELY IN FRONT OF YOU OR ELSE YOU MAY BURN YOURSELF.³⁰ HE THEN COMMENCED TO SCATTER THE INCENSE AND [AFTER FINISHING] WENT OUT. THE ONE WHO BURNT THE INCENSE DID NOT DO SO UNTIL THE SUPERINTENDENT SAID TO HIM, BURN THE INCENSE. IF IT WAS THE HIGH PRIEST WHO BURNT, HE WOULD SAY TO HIM, SIR,³¹ PRAY BURN THE INCENSE. THE PEOPLE³² LEFT AND HE BURNT THE CENSE AND PROSTRATED HIMSELF AND WENT OUT.

CHAPTER VII

MISHNAH .

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- (1) And if any was spilt, it would fall into the spoon.
 - (2) Made of cloth or leather, to prevent the fragrance from escaping.
 - (3) Lit., 'the firepan'. Of the cinders from the altar.
 - (4) These words are obviously a gloss inserted incorrectly from the Mishnah 28a dealing with the clearing away of the ashes.
 - (5) Because the silver firepan would hold four kabs and the gold one only three.
 - (6) V. Mid. III, 2 and Yoma 43b.
 - (7) When it was not permissible to sweep the cinders away.
 - (8) **, 'a wine cooler'.
 - (9) Fifteen se'aha.
 - (10) From the top of the altar pile of ashes, v. infra.
 - (11) Because it was round-bottomed.
 - (12) When it was not permissible to remove it.
 - (13) Those who had been chosen for the firepan and the incense.
 - (14) Magrepah. V. supra p. 20, n. 2. Whether it is identical with the vessel mentioned there is difficult to say.
 - (15) After the offering of the incense.
 - (16) When the libation of wine was offered.
 - (17) Hore the word seems to mean the section of the priests on duty, elsewhere designated Mishmar. Maimonides, however, takes it in its usual sense (v. G]os. s.v.) and supposes that the unclean persons mentioned in the next sentence are lepers awaiting the sprinkling of the blood.
 - (18) All the priests of the beth ab (v. supra p. I, n. 9) which was on duty had to turn up, whether clean or unclean. The reason is given in Pes. 82a.
 - (19) Those who had been chosen for the incense and the firepan.
 - (20) There were twelve steps between the altar and the Porch. V. Mid. III, 6.
 - (21) The altar of incense.
 - (22) In order to remove the teni and the kuz which had been left there. V. Jupra, end of Ch. III.
 - (23) Those which he had left at the first clearance. V. Ch. III.
 - (24) He removed the wick and the oil and cleared out the socket and put in a fresh wick and oil.
 - (25) I.e., he poured in oil without putting it out first.

- (26) Where it had been left when he trimmed the lights. V. supra end of Ch. III.
- (27) So as to sprinkle the incense over them.
- (28) The spoon.
- (29) Since the burning of the incense was always assigned to a priest who had never had this privilege before. V. supra IV, 2.
- (30) Because he would have to put his hand over the smoke to reach the further cinders.
- (31) Lit., 'My sir, the High Priest'.
- (32) I.e., the priests between the court and the altar.

Talmud - Mas. Tamid 33b

WHEN THE HIGH PRIEST WENT IN¹ TO PROSTRATE HIMSELF,² THREE PRIESTS SUPPORTED HIM, ONE BY HIS RIGHT AND ONE BY HIS LEFT AND ONE BY THE PRECIOUS STONES.³ WHEN THE SUPERINTENDENT HEARD THE SOUND OF THE FOOTSTEPS OF THE HIGH PRIEST AS HE WAS ABOUT TO ISSUE [FROM THE HEKAL], HE RAISED THE CURTAIN FOR HIM. HE WENT IN, PROSTRATED HIMSELF AND WENT OUT, AND THEN HIS BROTHER PRIESTS WENT IN AND PROSTRATED THEMSELVES AND WENT OUT.

MISHNAH . THEY⁴ WENT AND STOOD ON THE STEPS OF THE PORCH. THE FIRST SET⁵ STOOD AT THE SOUTH SIDE OF THEIR BROTHER PRIESTS HOLDING FIVE VESSELS; ONE HELD THE TENI, A SECOND THE KUZ, A THIRD THE FIREPAN, A FOURTH THE DISH, AND THE FIFTH THE SPOON AND ITS COVERING. THEY BLESSED THE PEOPLE WITH A SINGLE BENEDICTION;⁶ IN THE COUNTRY THEY RECITED IT AS THREE BLESSINGS,⁷ IN THE SANCTUARY AS ONE.⁸ IN THE TEMPLE THEY PRONOUNCED THE DIVINE NAME AS IT IS WRITTEN,⁹ BUT IN THE COUNTRY BY ITS SUBSTITUTE.¹⁰ IN THE COUNTRY THE PRIESTS RAISED THEIR HANDS AS HIGH AS THEIR SHOULDERS, BUT IN THE TEMPLE RIGHT ABOVE THEIR HEADS, ALL EXCEPT THE HIGH PRIEST, WHO DID NOT RAISE HIS HANDS ABOVE THE PLATE.¹¹ R. JUDAH SAYS THAT THE HIGH PRIEST ALSO RAISED HIS HANDS ABOVE THE PLATE, SINCE IT SAYS, AND AARON LIFTED UP HIS HANDS TOWARD THE PEOPLE AND BLESSED THEM.¹²

MISHNAH . WHEN THE HIGH PRIEST DESIRED TO BURN THE OFFERINGS,¹³ HE USED TO GO UP THE ASCENT WITH THE DEPUTY HIGH PRIEST¹⁴ AT HIS RIGHT HAND, AND WHEN HE REACHED THE MIDDLE OF THE ASCENT THE DEPUTY TOOK HOLD OF HIS RIGHT HAND AND HELPED HIM UP. THE FIRST [OF THE OFFICIATING PRIESTS] THEN HANDED TO HIM THE HEAD AND THE FOOT OF THE SACRIFICE AND HE LAID HIS HANDS ON THEM¹⁵ AND THREW THEM [ON THE ALTAR FIRE]. THE SECOND THEN HANDED TO THE FIRST THE TWO FORE LEGS. AND HE HANDED THEM TO THE HIGH PRIEST WHO LAID HIS HANDS ON THEM AND THREW THEM [ON TO THE ALTAR]. THE SECOND THEN SLIPPED AWAY. IN THE SAME WAY ALL THE OTHER LIMBS WERE HANDED TO HIM AND HE LAID HANDS ON THEM AND THREW THEM [ON TO THE ALTAR FIRE]. IF HE PREFERRED, HE COULD LAY ON HANDS AND LET OTHERS THROW ON THE FIRE. WHEN HE CAME TO GO ROUND THE ALTAR¹⁶ FROM WHERE DID HE COMMENCE? FROM THE SOUTH-EASTERN CORNER; FROM THERE HE WENT TO THE NORTH-EASTERN, THEN TO THE NORTH-WESTERN AND THEN TO THE SOUTH-WESTERN. THEY THERE HANDED TO HIM WINE FOR LIBATION. THE DEPUTY HIGH PRIEST STOOD ON THE HORN OF THE ALTAR¹⁷ WITH THE FLAGS IN HIS HAND, AND TWO PRIESTS ON THE TABLE OF THE FAT¹⁸ WITH TWO TRUMPETS IN THEIR HANDS. THEY BLEW A TEK'AH, A TERU'AH AND A TEK'AH,¹⁹ AND THEN WENT AND STOOD BY BEN ARZA,²⁰ ONE ON HIS RIGHT HAND AND ONE ON HIS LEFT. WHEN HE

BENT DOWN TO MAKE THE LIBATION THE DEPUTY HIGH PRIEST WAVED THE FLAGS AND BEN ARZA STRUCK THE CYMBALS AND THE LEVITES CHANTED THE PSALM. WHEN THEY CAME TO A PAUSE²¹ A TERIAH WAS BLOWN, AND THE PUBLIC PROSTRATED THEMSELVES; AT EVERY PAUSE THERE WAS A TEKIAH AND AT EVERY TEKIAH A PROSTRATION. THIS WAS THE ORDER OF THE REGULAR DAILY SACRIFICE FOR THE SERVICE OF THE HOUSE OF OUR GOD. MAY IT BE GOD'S WILL THAT IT BE BUILT SPEEDILY IN OUR DAYS, AMEN.

MISHNAH . THE FOLLOWING ARE THE PSALMS THAT WERE CHANTED IN THE TEMPLE. ON THE FIRST DAY THEY USED TO SAY, THE EARTH IS THE LORD'S AND THE FULNESS THEREOF, THE WORLD AND THEY THAT DWELL THEREIN.²² ON THE SECOND DAY THEY USED TO SAY, GREAT IS THE LORD AND HIGHLY TO BE PRAISED, IN THE CITY OF OUR GOD. HIS HOLY MOUNTAIN.²³ ON THE THIRD DAY THEY USED TO SAY, GOD STANDETH IN THE CONGREGATION OF GOD, IN THE MIDST OF THE JUDGES HE JUDGETH.²⁴ ON THE FOURTH DAY THEY USED TO SAY, O LORD, THOU GOD TO WHOM VENGEANCE BELONGETH, THOU GOD TO WHOM VENGEANCE BELONGETH, SHINE FORTH.²⁵ ON THE FIFTH DAY THEY USED TO SAY, SING ALOUD UNTO GOD OUR STRENGTH, SHOUT UNTO THE GOD OF JACOB.²⁶ ON THE SIXTH DAY THEY USED TO SAY, THE LORD REIGNETH, HE IS CLOTHED IN MAJESTY, THE LORD IS CLOTHED, HE HATH GIRDED HIMSELF WITH STRENGTH.²⁷ ON SABBATH THEY USED TO SAY, A PSALM, A SONG FOR THE SABBATH DAY:²⁸ A PSALM, A SONG FOR THE TIME TO COME, FOR THE DAY THAT WILL BE ALL SABBATH AND REST FOR EVERLASTING LIFE.

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- (1) To the Hekal.
 - (2) After the offering of the incense.
 - (3) On the shoulder pieces of the ephod.
 - (4) All the priests who had officiated.
 - (5) The five particularly mentioned above, who had cleared the ashes from the inner altar and the candlestick.
 - (6) The priestly benediction, 'The Lord bless thee and preserve thee etc.' Num. VI, 24-26.
 - (7) Allowing the public to say Amen after each verse.
 - (8) Because Amen was not said in the Temple.
 - (9) YHVH.
 - (10) Adonai.
 - (11) Because the name of God was inscribed on it.
 - (12) Lev. IX, 22. Which shows that the priestly benediction must be said with raised hands. Tosaf. Yom Tob.
 - (13) The High Priest had the privilege of performing any service he wished without the formality of the lot.
 - (14) Selan
 - (15) This was not the regulation laying on of hands, which was performed when the animal was still alive, but a special mark of distinction for the High Priest.
 - (16) The ascent was on the south side of the altar and the place of libation was at the south-western corner, but as it was the rule for the officiating priest to move to the right, he had to go right round the altar to get to it.
 - (17) The horn was a cubit square.
 - (18) The marble table on which the limbs were put. V. supra.
 - (19) On these terms, v. Glos.
 - (20) V. Shek. V, 1.
 - (21) In the palm.
 - (22) Ps. XXIV.
 - (23) Ibid XLVIII.
 - (24) Ibid LXXXII.
 - (25) Ibid XCIV.
 - (26) Ibid LXXXI.

(27) Ibid. XCIII.

(28) Ibid XCII. The reasons why these Psalms were chosen are given in R.H. 31a.

Mishna - Mas. Middoth Chapter 1

MISHNAH 1. IN THREE PLACES PRIESTS KEEP WATCH¹ IN THE TEMPLE² — IN THE CHAMBER OF ABTINAS, IN THE FLASH CHAMBER AND IN THE FIRE CHAMBER.³ THE LEVITES KEEP WATCH IN TWENTY-ONE PLACES — FIVE AT THE FIVE GATES⁴ OF THE TEMPLE MOUNT,⁵ FOUR AT ITS FOUR CORNERS ON THE INSIDE, FIVE AT THE⁶ FIVE GATES OF THE AZARAH.⁷ FOUR AT ITS FOUR CORNERS ON THE OUTSIDE,⁸ ONE AT THE OFFERING CHAMBER,⁹ ONE AT THE CHAMBER OF THE VEIL,¹⁰ AND ONE BEHIND THE PLACE OF THE MERCY SEAT.¹¹

MISHNAH 2. THE OFFICER OF THE TEMPLE MOUNT USED TO GO ROUND TO EVERY WATCH, WITH LIGHTED TORCHES BEFORE HIM, AND IF ANY WATCHER DID NOT RISE [AT HIS APPROACH] AND SAY TO HIM, PEACE BE TO THEE, SUPERVISOR OF THE TEMPLE MOUNT, IT WAS OBVIOUS THAT HE WAS ASLEEP,¹² AND HE USED TO BELABOUR HIM WITH HIS STICK, AND HE WAS ALSO AT LIBERTY TO BURN HIS CLOTHES, AND THE OTHERS USED TO SAY, WHAT IS THE NOISE IN THE AZARAH? IT IS THE CRY OF A LEVITE WHO IS BEING BEATEN AND WHOSE CLOTHES ARE BEING BURNT, BECAUSE HE WAS ASLEEP AT HIS POST. R. ELIEZER B. JACOB SAID: ONCE THEY FOUND MY MOTHER'S BROTHER ASLEEP, AND THEY BURNT HIS CLOTHES.

MISHNAH 3. THERE WERE FIVE GATES TO THE TEMPLE MOUNT-THE TWO GATES OF HULDAH¹³ ON THE SOUTH WHICH WERE USED BOTH FOR ENTRANCE AND EXIT, THE GATE OF KIPONUS¹⁴ ON THE WEST WHICH WAS USED BOTH FOR ENTRANCE AND EXIT, THE GATE OF TADDI¹⁵ ON THE NORTH WHICH WAS NOT USED [BY THE PUBLIC] AT ALL,¹⁶ AND THE EASTERN GATE OVER WHICH WAS A REPRESENTATION OF THE PALACE OF SUSA¹⁷ AND THROUGH WHICH THE HIGH PRIEST¹⁸ WHO BURNT THE RED HEIFER AND ALL WHO ASSISTED WITH IT¹⁹ USED TO GO FORTH TO THE MOUNT OF OLIVES.²⁰

MISHNAH 4. THERE WERE THREE GATES IN THE AZARAH,²¹ THREE IN THE NORTH AND THREE IN THE SOUTH AND ONE IN THE EAST. IN THE SOUTH THERE WAS FIRST THE GATE OF KINDLING,²² THEN THE GATE OF OFFERING,²³ THEN THE WATER GATE.²⁴ IN THE EAST THERE WAS THE GATE OF NICANOR²⁵ WHICH HAD TWO ROOMS ATTACHED, ONE ON ITS RIGHT AND ONE ON ITS LEFT, ONE THE ROOM OF PHINEAS THE DRESSER²⁶ AND ONE THE ROOM OF THE GRIDDLE CAKE MAKERS.²⁷

MISHNAH 5. ON THE NORTH WAS THE GATE OF THE FLASH²⁸ WHICH WAS SHAPED LIKE A VERANDAH.²⁹ IT HAD AN UPPER CHAMBER BUILT ON IT, AND THE PRIESTS USED TO KEEP WATCH ABOVE AND THE LEVITES BELOW, AND IT HAD A DOOR OPENING INTO THE HEL.³⁰ NEXT³¹ TO IT WAS THE GATE OF OFFERING AND NEXT TO THAT THE FIRE CHAMBER.

MISHNAH 6. THERE WERE FOUR SIDE CHAMBERS TO THE FIRE ROOM LIKE ALCOVES OPENING INTO A HALL, TWO IN SACRED GROUND AND TWO IN NON-SACRED,³² AND THERE WAS A ROW OF STONES³³ SEPARATING THE HOLY FROM THE PROFANE. FOR WHAT WERE THEY USED? THE ONE ON THE SOUTH-WEST WAS THE CHAMBER OF OFFERING,³⁴ THE ONE ON THE SOUTH-EAST WAS THE CHAMBER OF THE SHEWBREAD. IN THE ONE TO THE NORTH-EAST THE HASMONEANS DEPOSITED THE STONES OF THE ALTAR WHICH THE KINGS OF GREECE HAD DEFILED.³⁵ THROUGH THE ONE ON THE NORTHWEST THEY³⁶ USED TO GO DOWN TO THE BATHING PLACE.

MISHNAH 7. THE FIRE ROOM HAD TWO GATES, ONE OPENING ON TO THE HEL AND ONE ON TO THE AZARAH. R. JUDAH SAYS: THE ONE THAT OPENED ON TO THE AZARAH HAD A SMALL LATTICE GATE THROUGH WHICH THEY WENT IN TO SEARCH THE AZARAH.³⁷

MISHNAH 8. THE FIRE ROOM WAS VAULTED. IT WAS A LARGE ROOM SURROUNDED³⁸ WITH STONE SLABS.³⁹ ON THESE THE ELDERS OF THE FATHERS' HOUSE⁴⁰ [ON DUTY] USED TO SLEEP HAVING WITH THEM THE KEYS OF THE AZARAH, WHILE THE PRIESTLY NOVITIATES⁴¹ SLEPT EACH ON HIS GARMENT⁴² ON THE GROUND.

MISHNAH 9. THERE WAS A PLACE THERE ONE CUBIT SQUARE ON WHICH WAS A SLAB OF MARBLE. IN THIS WAS FIXED A RING AND A CHAIN [UNDERNEATH] ON WHICH THE KEYS WERE HUNG. WHEN CLOSING TIME CAME, THE PRIEST WOULD RAISE THE SLAB BY THE RING AND TAKE THE KEYS FROM THE CHAIN. THEN THE PRIEST WOULD LOCK UP⁴³ WITHIN WHILE THE LEVITE WAS SLEEPING WITHOUT.⁴⁴ WHEN HE HAD FINISHED LOCKING UP, HE WOULD REPLACE THE KEYS ON THE CHAIN AND THE SLAB IN ITS PLACE AND LAY HIS GARMENT ON IT AND SLEEP THERE. IF A SEMINAL EMISSION HAPPENED TO ONE OF THEM, HE WOULD GO OUT BY THE WINDING STAIR⁴⁵ WHICH WENT UNDER THE BIRAH,⁴⁶ AND WHICH WAS LIGHTED WITH LAMPS ON BOTH SIDES, UNTIL HE REACHED THE BATHING PLACE. R. ELIEZER B. JACOB SAYS: HE DESCENDED BY THE WINDING STAIR WHICH WENT UNDER THE HEL AND HE WENT OUT BY THE TADDI GATE.

(1) At night time. For the rule that there should be twenty-four watches, v. Tamid, 27a.

(2) Heb. Beth ha-Mikdash. 'House of the Sanctuary', a term covering the whole space round the Temple buildings which a person in a higher degree of ritual uncleanness was forbidden to enter, and the measurements of which are given in this Tractate.

(3) For the explanation of these names, v. Tamid, ad. init. (Sonc. ed.) and notes. These three rooms adjoined the priestly Azarah or court in which was the altar of sacrifice.

(4) Enumerated below in Mishnah 3.

(5) The name given to the outer wall of the Sanctuary. though it is also used to designate the space enclosed by the wall.

(6) In Mishnah 4 it says that there were seven gates to the Azarah, and in Tamid 27a we find a difference of opinion on the question, so it is doubtful whether we should translate here 'the five' or simply 'five'.

(7) Temple court, v. infra p. 2. n. 10.

(8) Because it was not permitted to sit down in the Azarah, and they were not required to stand the whole time.

(9) This may be the same as the Lamb Chamber mentioned in Tamid 27a as being one of four rooms opening out from the Flash Chamber.

(10) Where the new veils for the Holy of Holies were woven. V. Tamid, l.c. These two rooms were apparently under the places where the priests watched. V. infra 5 and Tamid 26b.

(11) The Holy of Holies retained this name in the second Temple, although it contained no Ark. The western part of the Azarah wall ran a short distance behind it.

(12) Var. lec.: If any watcher did not rise . . . the officer would say to him, Peace be to thee, and if it was obvious that he was asleep, he would belabour him etc., v. Tamid 27b.

(13) It is not known whether these had any connection with Huldah the prophetess mentioned in II Kings, XXII, 14.

(14) A certain Koponius succeeded Archelaus as procurator of Judea and Samaria, A.D. 6-7 (Josephus, Ant. XVIII, 2 and 29). Possibly this gate was called after him.

(15) Or perhaps Todi = GR. **. The origin of this name is not known.

(16) But it was used for other purposes, as explained at the end of the section.

(17) According to Jewish tradition, this was in commemoration of the permission to rebuild the Temple given by the kings of Persia. Cf. Men. 98a.

(18) This follows the opinion of R. Meir. According to the Rabbis, any priest was competent to perform the ceremony.

Parah IV, 1.

(19) Maim. renders 'all its appurtenances'.

(20) On the east of Jerusalem, where the heifer was burnt.

(21) The term here includes the whole of the area extending inward² from the Court of the Israelites, in which the Temple services were carried out. It was evidently surrounded by a wall.

(22) So called because the wood for the fire was brought in by it.

(23) Perhaps the sacrificial animals were brought in by this gate. V. infra 5. Another reading is 'gate of the firstborn'.

(24) V. infra, II, 6.

(25) For a tradition concerning this Nicanor, v. Yoma, 38a.

(26) I.e. it was called after a certain Phineas who used to robe the High Priest. V. Shek. V, I.

(27) Where the wafers were made for the High Priest's daily offering.

(28) Apparently the same as the 'flash chamber' mentioned above in Mishnah I.

(29) I.e., it was open on one side, giving, perhaps a glimpse of the altar fire, whence its name.

(30) I.e., the back of it led out into the Hel, or outer circuit, v. infra II, 3.

(31) I.e., a little further south. The gate of the spark was near the north-west corner.

(32) The two former were to the south adjoining the Azarah and the other two to the north, adjoining the Hel.

(33) Lit., 'heads of pebbles', perhaps level with the floor but of a different colour.

(34) V. supra, Mishnah I. Var. lec.: the lambs for the offering.

(35) This incident is referred to in I Macc., I, 46, 59. IV, 36. 46.

(36) Priests who had become defiled.

(37) To see that nothing had been left there. V. Tamid, 28a.

(38) On the outside.

(39) Let into the wall.

(40) The priests were divided into family groups of 'fathers' houses', which ministered in rotation.

(41) Lit., 'flowers of the priesthood', young priests who had just commenced to minister.

(42) Var. lec. pillow.

(43) The gates of the Temple were always closed at nightfall.

(44) The point of this remark is not at all clear. Perhaps it means that the Levite was sleeping until it was time for him to rise and go on night duty.

(45) Heb. mesibbah. Lit., 'circuit'. Hollis thinks perhaps it was only a gangway, not a stair.

(46) Lit., 'palace' or 'fortress', some building adjoining the Sanctuary on the north-west. V. Yoma 2a. For further notes on the passage v. Tamid (Sonc. ed.) p. 2.

Mishna - Mas. Middoth Chapter 2

MISHNAH 1. THE TEMPLE MOUNT WAS FIVE HUNDRED CUBITS BY FIVE HUNDRED.¹ THE GREATER PART OF IT² WAS ON THE SOUTH; NEXT TO THAT ON THE EAST; NEXT TO THAT ON THE NORTH; AND THE SMALLEST PART ON THE WEST. THE PART WHICH WAS MOST EXTENSIVE WAS THE PART MOST USED.³

MISHNAH 2. ALL WHO ENTERED THE TEMPLE MOUNT ENTERED BY THE RIGHT⁴ AND WENT ROUND [TO THE RIGHT] AND WENT OUT BY THE LEFT, SAVE FOR ONE TO WHOM SOMETHING UNTOWARD HAD HAPPENED, WHO ENTERED AND WENT ROUND TO THE LEFT. [IF HE WAS ASKED], WHY DO YOU GO ROUND TO THE LEFT, [AND HE ANSWERED] BECAUSE I AM A MOURNER, [THEY SAID TO HIM], MAY HE WHO DWELLS IN THIS HOUSE COMFORT THEE. [IF HE SAID] BECAUSE I AM EXCOMMUNICATED. [THEY SAID] MAY HE WHO DWELLS IN THIS HOUSE INSPIRE THEM TO BEFRIEND THEE⁵ AGAIN. SO R. MEIR. SAID R. JOSE TO HIM: YOU MAKE IT SEEM THAT THEY TREATED HIM UNJUSTLY.⁶ WHAT THEN SHOULD THEY SAY? MAY HE WHO DWELLS IN THIS HOUSE INSPIRE THEE TO LISTEN TO THE WORDS OF THY COLLEAGUES⁷ SO THAT THEY MAY BEFRIEND THEE AGAIN.

MISHNAH 3. WITHIN IT⁸ WAS THE SOREG⁹ TEN HANDBREADTHS HIGH. THERE WERE THIRTEEN BREACHES IN IT; THESE HAD BEEN ORIGINALLY MADE BY THE KINGS OF GREECE,¹⁰ AND WHEN THEY REPAIRED THEM THEY ENACTED THAT THIRTEEN PROSTRATIONS SHOULD BE MADE FACING THEM.¹¹ WITHIN THIS WAS THE HEL,¹² WHICH WAS TEN CUBITS [BROAD]. THERE WERE TWELVE STEPS THERE.¹³ THE HEIGHT OF EACH STEP WAS HALF A CUBIT AND ITS TREAD WAS HALF A CUBIT. ALL THE STEPS IN THE TEMPLE WERE HALF A CUBIT HIGH WITH A TREAD OF HALF A CUBIT, EXCEPT THOSE OF THE PORCH.¹⁴ ALL THE DOORWAYS IN THE TEMPLE WERE TWENTY CUBITS HIGH AND TEN CUBITS BROAD EXCEPT THOSE OF THE PORCH.¹⁵ ALL THE DOORWAYS THERE HAD DOORS IN THEM EXCEPT THOSE OF THE PORCH. ALL THE GATES THERE HAD LINTELS EXCEPT THAT OF TADDI WHICH HAD TWO STONES INCLINED TO ONE ANOTHER.¹⁶ ALL THE ORIGINAL GATES WERE CHANGED FOR GATES OF GOLD EXCEPT THE GATES OF NICANOR, BECAUSE A MIRACLE WAS WROUGHT TO THEM;¹⁷ SOME SAY, HOWEVER, IT WAS BECAUSE THE COPPER OF THEM GLEAMED [LIKE GOLD].

MISHNAH 4. ALL THE WALLS OF THE TEMPLE WERE HIGH EXCEPT THE EASTERN WALL, SO THAT THE PRIEST WHO BURNT THE RED HEIFER MIGHT WHILE STANDING ON THE TOP OF THE MOUNT OF OLIVES BY DIRECTING HIS GAZE CAREFULLY SEE THE DOOR OF THE HEKAL AT THE TIME OF THE SPRINKLING OF THE BLOOD.¹⁸

MISHNAH 5. THE WOMEN'S AZARAH¹⁹ WAS A HUNDRED AND THIRTY-FIVE CUBITS LONG BY A HUNDRED AND THIRTY-FIVE BROAD. IT HAD FOUR CHAMBERS IN ITS FOUR CORNERS,²⁰ EACH OF FORTY CUBITS.²¹ THEY WERE NOT ROOFED, AND SO THEY WILL BE IN THE TIME TO COME, AS IT SAYS, THEN HE BROUGHT ME FORTH INTO THE OUTER COURT, AND CAUSED ME TO PASS BY THE FOUR CORNERS OF THE COURT, AND BEHOLD IN EVERY CORNER OF THE COURT THERE WAS A COURT. IN THE FOUR CORNERS OF THE COURT THERE WERE SMOKED²² COURTS;²³ AND SMOKED²⁴ MEANS ONLY THAT THEY WERE NOT ROOFED. FOR WHAT WERE THEY USED? THE SOUTHEASTERN ONE WAS THE CHAMBER OF THE NAZIRITES WHERE THE NAZIRITES USED TO BOIL THEIR PEACE-OFFERINGS AND POLL THEIR HAIR AND THROW IT UNDER THE POT.²⁵ THE NORTH-EASTERN ONE WAS THE WOOD CHAMBER WHERE PRIESTS WITH A PHYSICAL DEFECT USED TO PICK OUT THE WOOD WHICH HAD WORMS, EVERY PIECE WITH A WORM IN IT BEING UNFIT FOR USE ON THE ALTAR. THE NORTH-WESTERN ONE WAS THE CHAMBER OF THE LEPERS.²⁶ AS FOR THE SOUTHWESTERN ONE, A. ELIEZER B. JACOB SAID: I FORGET WHAT IT WAS USED FOR. ABBA SAUL SAYS: THEY USED TO STORE THERE WINE AND OIL, AND IT WAS CALLED THE OIL STORAGE ROOM.²⁷ IT [THE WOMEN'S AZARAH] HAD ORIGINALLY BEEN QUITE BARE BUT SUBSEQUENTLY THEY SURROUNDED IT WITH A BALCONY SO THAT THE WOMEN COULD LOOK ON FROM ABOVE WHILE THE MEN WERE BELOW, AND THEY SHOULD NOT MIX TOGETHER.²⁸ FIFTEEN STEPS LED UP FROM IT TO THE AZARAH OF ISRAEL, CORRESPONDING TO THE FIFTEEN [SONGS OF] ASCENTS MENTIONED IN THE BOOK OF PSALMS.²⁹ THE LEVITES USED TO CHANT PSALMS ON THESE.²⁸ THEY WERE NOT RECTANGULAR BUT CIRCULAR LIKE THE HALF OF A THRESHING FLOOR.

MISHNAH 6. THERE WERE CHAMBERS UNDERNEATH THE COURT OF ISRAEL WHICH OPENED INTO THE COURT OF WOMEN, WHERE THE LEVITES USED TO KEEP LYRES AND LUTES AND CYMBALS AND ALL KINDS OF MUSICAL INSTRUMENTS. THE COURT OF ISRAEL WAS A HUNDRED AND THIRTY-FIVE CUBITS IN LENGTH BY ELEVEN IN BREADTH. SIMILARLY THE COURT OF THE PRIESTS WAS A HUNDRED AND THIRTY-FIVE CUBITS IN LENGTH³⁰ BY ELEVEN IN BREADTH, AND A ROW OF

STONES³¹ SEPARATED THE COURT OF ISRAEL FROM THE COURT OF THE PRIESTS. A. ELIEZER B. JACOB SAYS: THERE WAS A STEP A CUBIT HIGH ON WHICH WAS PLACED A PLATFORM,³² AND THIS HAD THREE STEPS EACH OF HALF A CUBIT. IN THIS WAY THE COURT OF THE PRIESTS WAS MADE TWO AND A HALF CUBITS HIGHER THAN THAT OF ISRAEL. THE WHOLE OF THE AZARAH³³ WAS A HUNDRED AND EIGHTY-SEVEN CUBITS IN LENGTH BY A HUNDRED AND THIRTY-FIVE IN BREADTH, AND THIRTEEN PROSTRATIONS WERE MADE THERE.³⁴ ABBA JOSE B. HANAN SAYS: THEY WERE MADE FACING THIRTEEN GATES.³⁵ ON THE SOUTH ADJOINING THE WEST THERE WERE THE UPPER GATE, THE GATE OF BURNING, THE GATE OF THE FIRSTBORN,³⁶ AND THE WATER GATE.³⁷ (WHY WAS IT CALLED THE WATER GATE? BECAUSE THEY BROUGHT IN THROUGH IT THE PITCHER OF WATER FOR LIBATION ON THE FESTIVAL. R. ELIEZER B. JACOB SAYS: IN IT THE WATER WELLED UP, AND IN THE TIME TO COME THEY WILL ISSUE FROM UNDER THE THRESHOLD OF THE TEMPLE).³⁸ CORRESPONDING TO THEM IN THE NORTH ADJOINING THE WEST WERE THE GATE OF JECONIAH, THE GATE OF THE OFFERING,³⁹ THE WOMEN'S GATE,⁴⁰ THE GATE OF SONG.⁴¹ WHY WAS IT CALLED THE GATE OF JECONIAH? BECAUSE JECONIAH WENT FORTH INTO CAPTIVITY⁴² THROUGH IT.⁴³ ON THE EAST WAS THE GATE OF NICANOR; IT HAD TWO WICKETS,⁴⁴ ONE ON ITS RIGHT AND ONE ON ITS LEFT. THERE WERE FURTHER TWO GATES IN THE WEST WHICH HAD NO SPECIAL NAME.

(1) By 'Temple Mount' is apparently meant all that part of the temple area which lay outside of the Azarah, between the wall of the Azarah and the outer wall. This area was not actually consecrated but it had to be treated with a certain respect; thus one was not supposed to enter it with stick and wallet, to use it for a short cut etc. (Ber. 54a). According to Hollis, the corresponding areas in the present Haram-esh-Sherif are found by measurement to be 255,000 sq. feet on the southern side, 150,000 on the east, 92,900 on the north and 90,600 on the west, a total of 488,500 sq. ft., which reckoning a cubit at 12/2 feet, is nearly 500 cubits square.

(2) V. previous note.

(3) I.e. the majority of people entered from the south.

(4) I.e., on entering they turned to the right, even if their immediate objective was to the left, so that they had to make a circuit to reach it.

(5) Lit., 'bring thee back'.

(6) So that it was necessary for them to alter their mind.

(7) Excommunication was usually inflicted on an elder who would not conform to the ruling of the majority.

(8) Viz., the wall of the Temple Mount.

(9) According to the Jewish commentators, this was a kind of lattice work, the root sarag meaning 'to entwine'. Josephus, however, says It was of stone. Its exact purpose is not known as there was no higher degree of holiness till the Hel was reached.

(10) Cf. I Macc. IX, 54, 55.

(11) By worshippers in the Azarah. V. infra 6.

(12) A level promenade running right round the Azarah.

(13) Leading up from the Hel to the Court of Women. Apparently these steps ran the whole length of the Hel on its southern side.

(14) Which had a tread of a cubit.

(15) Which were forty cubits high and twenty broad.

(16) Hollis (p. 267) supposes this to mean that the two sides of the gate converged not in the vertical plane (which would have been unsafe), but in the horizontal, so that it was narrower on the outside than on the inside, and required no lintel. It is doubtful, however, if the Hebrew will bear this meaning.

(17) V. Yoma 38a.

(18) In accordance with the biblical injunction, And he shall sprinkle facing (E. V. toward) the front of the tent of meeting, Num. XIX. 4. There were three walls between the Mount of Olives and the door of the Hekal — the outer wall of the Temple Mount, the wall of the Women's Azarah, and the wall between the Court of Women and the Court of

Israel. As the ground level of the outer wall was much lower than that of the Hekal — over 22 cubits — this wall would have had to be very high to obstruct the view from the Mount of Olives, and Hollis therefore (p. 273) thinks that it is the inner wall, separating the Court of Women from the Court of Israel, which is referred to.

(19) V. Yoma 16a.

(20) It is not certain whether these rooms were in the court or adjoining it on the outside.

(21) It is not clear whether this means forty cubits square.

(22) E. V. inclosed.

(23) Ezek. XLVI, 21, 22.

(24) The Hebrew word is keturoth, which is connected by the Mishnah with the root katar, to send up smoke, and is taken to mean that the smoke was allowed to ascend without impediment.

(25) V. Num. VI, 18.

(26) Where they bathed on purification before the blood of the offering was placed on their thumb; v. Neg. XIV, 8-9.

(27) Lit., 'room of the house of oils'.

(28) At the festival of the drawing of water. V. Suk. 51b.

(29) Ps. CXX-CXXXIV.

(30) Running alongside of the Women's Court. The longer side of any area is called by the Talmud its length.

(31) V. supra, p. 3. n. 12.

(32) From which the priests blessed the people. Perhaps it was really a movable pulpit.

(33) The whole of the sanctified area of the Temple from the Court of Israel to the Holy of Holies.

(34) By worshippers in the Azarah. According to the Rabbis, they were made towards the thirteen breaches in the soreg (v. supra), but Abba Jose b. Hanan differs.

(35) These were not all necessarily in the outer wall.

(36) Through which firstlings of flock and cattle were led to be offered, v. supra, p. 3, n. 2.

(37) These last three are mentioned in I, 4.

(38) V. Ezek. XLVII, 1, and Yoma 77b.

(39) Mentioned in I, 5. It is hard to say what was the relation of the other gates mentioned here to the 'Room of the Flash', and the Fire Chamber mentioned there.

(40) Which serves, perhaps, as exit for women.

(41) Through which, perhaps, the Levites brought in their instruments.

(42) V. II Kings XXIV, 8-16.

(43) After paying his last visit to the Temple.

(44) Not in it but adjoining it, and therefore reckoned as two separate gates.

Mishna - Mas. Middoth Chapter 3

MISHNAH 1. THE ALTAR¹ WAS THIRTY-TWO CUBITS BY THIRTY-TWO.² IT ROSE A CUBIT AND WENT IN A CUBIT, AND THIS FORMED THE FOUNDATION,³ LEAVING THIRTY CUBITS BY THIRTY. IT THEN ROSE FIVE CUBITS AND WENT IN ONE CUBIT, AND THIS FORMED THE SURROUND, LEAVING TWENTY-EIGHT CUBITS BY TWENTY-EIGHT.⁴ THE HORNS EXTENDED A CUBIT IN EACH DIRECTION,⁵ THUS LEAVING TWENTY-SIX BY TWENTY-SIX.⁶ A CUBIT ON EVERY SIDE WAS ALLOWED FOR THE PRIESTS TO GO ROUND, THUS LEAVING TWENTY-FOUR BY TWENTY-FOUR AS THE PLACE OF THE WOOD PILE [FOR THE ALTAR FIRE].

R. JOSE SAID: ORIGINALLY THE COMPLETE AREA [OCCUPIED BY THE ALTAR] WAS ONLY TWENTY-EIGHT CUBITS BY TWENTY-EIGHT, AND IT ROSE WITH THE DIMENSIONS MENTIONED⁷ UNTIL THE SPACE LEFT FOR THE ALTAR PILE WAS ONLY TWENTY BY TWENTY. WHEN, HOWEVER, THEY RETURNED FROM THE CAPTIVITY,⁸ THEY ADDED FOUR CUBITS ON THE NORTH,⁹ AND FOUR ON THE WEST LIKE A GAMMA,¹⁰ SINCE IT IS SAID: AND THE HEARTH¹¹ SHALL BE TWELVE CUBITS LONG BY TWELVE BROAD, SQUARE.¹² AM I TO SUPPOSE THAT IT WAS ONLY TWELVE CUBITS BY TWELVE? WHEN IT SAYS, IN THE FOUR SIDES THEREOF,¹³ THIS SHOWS

THAT HE WAS MEASURING FROM THE MIDDLE, TWELVE CUBITS IN EVERY DIRECTION.

A LINE OF RED PAINT RAN ROUND IT IN THE MIDDLE¹⁴ TO DIVIDE BETWEEN THE UPPER AND THE LOWER BLOOD.¹⁵ THE FOUNDATION RAN THE WHOLE LENGTH OF THE NORTH AND OF THE WEST SIDES, BUT IT LEFT OPEN¹⁶ ONE CUBIT ON THE SOUTH AND ONE ON THE EAST.¹⁷

MISHNAH 2. AT THE SOUTH-WESTERN CORNER [OF THE FOUNDATION] THERE WERE TWO OPENINGS LIKE TWO FINE NOSTRILS THROUGH WHICH THE BLOOD WHICH WAS Poured ON THE WESTERN SIDE OF THE FOUNDATION AND ON THE SOUTHERN SIDE¹⁸ FLOWED DOWN TILL THE TWO STREAMS BECAME MINGLED IN THE CHANNEL,¹⁹ THROUGH WHICH THEY MADE THEIR WAY OUT TO THE BROOK OF KIDRON.

MISHNAH 3. ON THE PAVEMENT BENEATH AT THAT CORNER THERE WAS A PLACE A CUBIT SQUARE ON WHICH WAS A MARBLE SLAB WITH A RING FIXED IN IT,²⁰ AND THROUGH THIS THEY²¹ USED TO GO DOWN TO THE PIT²² TO CLEAN IT OUT.²³ THERE WAS AN ASCENT ON THE SOUTH SIDE OF THE ALTAR, THIRTY-TWO CUBITS [LONG] BY SIXTEEN BROAD. IT HAD A CAVITY IN ITS WESTERN SIDE WHERE REJECTED SIN-OFFERINGS OF BIRDS WERE PLACED.²⁴

MISHNAH 4. THE STONES BOTH OF THE ASCENT AND OF THE ALTAR WERE TAKEN FROM THE VALLEY OF BETH KEREM.²⁵ THEY DUG²⁶ INTO VIRGIN SOIL²⁷ AND BROUGHT FROM THERE WHOLE STONES ON WHICH NO IRON HAD BEEN LIFTED, SINCE IRON DISQUALIFIES BY MERE TOUCH, THOUGH A SCRATCH MADE BY ANYTHING COULD DISQUALIFY. IF ONE OF THEM RECEIVED A SCRATCH, IT WAS DISQUALIFIED, BUT THE REST WERE NOT. THEY WERE WHITEWASHED TWICE A YEAR, ONCE AT PASSOVER AND ONCE AT TABERNACLES, AND THE HEKAL WAS WHITEWASHED ONCE A YEAR, AT PASSOVER. RABBI SAYS: THEY WERE WHITEWASHED EVERY FRIDAY WITH A CLOTH ON ACCOUNT OF THE BLOOD STAINS. THE PLASTER WAS NOT LAID ON WITH A TROWEL OF IRON, FOR FEAR THAT IT MIGHT TOUCH AND DISQUALIFY, SINCE IRON WAS CREATED TO SHORTEN MAN'S DAYS AND THE ALTAR WAS CREATED TO PROLONG MAN'S DAYS, AND IT IS NOT RIGHT THEREFORE THAT THAT WHICH SHORTENS SHOULD BE LIFTED AGAINST THAT WHICH PROLONGS.

MISHNAH 5. THERE WERE RINGS²⁸ TO THE NORTH OF THE ALTAR, SIX ROWS OF FOUR EACH, OR, ACCORDING TO SOME, FOUR ROWS OF SIX EACH, AT WHICH THEY USED TO SLAUGHTER THE SACRIFICIAL ANIMALS. THE SLAUGHTERERS SHED WAS AT THE NORTH OF THE ALTAR. THERE WERE EIGHT DWARF PILLARS THERE, ON WHICH WERE BLOCKS OF CEDAR-WOOD. IN THESE WERE FIXED HOOKS OF IRON, THREE ROWS IN EACH, ON WHICH THEY HUNG THE CARCASSES, AND FLAYED THEM OVER TABLES OF MARBLE BETWEEN THE PILLARS.²⁹

MISHNAH 6. THE LAVER³⁰ WAS BETWEEN THE PORCH AND THE ALTAR, A LITTLE TO THE SOUTH. THE SPACE BETWEEN THE PORCH AND THE ALTAR WAS TWENTY-TWO CUBITS. THERE WERE TWELVE STEPS THERE, EACH STEP BEING HALF A CUBIT HIGH AND A CUBIT BROAD. THERE WAS A CUBIT, A CUBIT AND A LEVEL SPACE OF THREE CUBITS,³¹ THEN A CUBIT, A CUBIT AND A LEVEL SPACE OF THREE CUBITS, THEN AT THE TOP A CUBIT, A CUBIT AND A LEVEL SPACE OF FOUR CUBITS. R. JUDAH SAYS THAT AT THE TOP THERE WAS A CUBIT, A CUBIT AND A LEVEL

SPACE OF FIVE CUBITS.³²

MISHNAH 7. THE DOORWAY OF THE PORCH WAS FORTY CUBITS HIGH AND ITS BREADTH WAS TWENTY CUBITS. OVER IT WERE FIVE MAIN BEAMS OF CEDAR. THE LOWEST PROJECTED A CUBIT ON EACH SIDE BEYOND THE DOORWAY. THE ONE ABOVE PROJECTED BEYOND THIS ONE A CUBIT ON EACH SIDE. THUS THE TOPMOST ONE WAS THIRTY CUBITS LONG. THERE WAS A LAYER OF STONES BETWEEN EACH ONE AND THE NEXT.

MISHNAH 8. THERE WERE CROSS BARS OF STONE³³ STRETCHING FROM THE WALL OF THE HEKAL TO THE WALL OF THE PORCH TO PREVENT IT FROM BULGING.³⁴ THERE WERE CHAINS OF GOLD FIXED IN THE ROOF BEAMS OF THE PORCH BY WHICH THE PRIESTLY NOVITIATES³⁵ USED TO ASCEND AND SEE THE CROWNS,³⁶ AS IT SAYS, AND THE CROWNS SHALL BE TO HELEM AND TO TOBIJAH AND TO JEDAI AH AND TO HEN THE SON OF ZEPHANIAH AS A MEMORIAL IN THE TEMPLE OF THE LORD.³⁷ A GOLDEN VINE STOOD AT THE DOOR OF THE HEKAL TRAINED ON POLES, AND ANYONE WHO OFFERED A LEAF OR A GRAPE OR A BUNCH USED TO BRING IT AND HANG IT THEREON. R. ELIEZER SON OF R. ZADOK SAID: ON ONE OCCASION THREE HUNDRED PRIESTS WERE COMMISSIONED [TO CLEAR IT].

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- (1) For a description of the altar, cf. Zeb. 54a.
 - (2) At its base.
 - (3) Which was thus a kind of step one cubit high and one wide going right round the altar.
 - (4) The Mishnah here does not mention that from the surround the altar rose three cubits, as this is known from the statement of Scripture, and the height thereof shall be three cubits (Ex. XXVII, 1).
 - (5) They were also one cubit high, so that the whole height of the altar was ten cubits.
 - (6) Quite clear of the horns.
 - (7) I.e., one for the foundation and five for the surround.
 - (8) Lit., 'when the children of the exile came up'.
 - (9) So the text. The proper reading, however, is 'south' as appears from Zeb. 61b.
 - (10) I.e., two sides of a square.
 - (11) I.e., the place of the altar fire.
 - (12) Ezek. XLIII, 16.
 - (13) Ezek. XLIII, 16.
 - (14) Maim. calculates that this 'middle' was 26 handbreadths from the ground.
 - (15) The blood of animals brought as sin-offerings and of birds brought as burnt-offerings was sprinkled above the line, of other sacrifices below the line.
 - (16) Lit. 'consumed'.
 - (17) I.e., the south-east corner. So Maim. Asheri, however, explains that it ran only one cubit on the south and on the east side. The reason is given in Zeb. 53b.
 - (18) The blood of the offerings which was left after the sprinkling.
 - (19) A channel which flowed through the Azarah into the brook of Kidron.
 - (20) In order to lift it.
 - (21) Young priests detailed for the task.
 - (22) Into which the wine of the libations flowed.
 - (23) According to Suk. 49a, this was done only once in seventy years.
 - (24) Until they became unrecognisable, when they were taken out and burnt. Birds were killed at the altar, and therefore if a disqualification was subsequently found in the bodies they could not be taken away.
 - (25) Mentioned in Jer. VI, 1. It was not far from Jerusalem.
 - (26) With wooden spades.
 - (27) So that it was certain that no plough had touched them.
 - (28) Hoops fixed round the necks of the animals to keep them in place. V. Tamid IV, 1.

(29) V. Tam. III, 5, (Sonc. ed.) notes.

(30) V. Ex. XXX, 18.

(31) This is taken by Asheri to mean that there were four steps each half a cubit high and each a cubit broad, which with level pavement of three cubits would make seven cubits. Then came four more steps and a level of three cubits, making another seven cubits, and then four more steps and a level space of four cubits, making eight cubits. Thus altogether between the altar and the porch there were twelve steps and twenty-two cubits. It is not clear on this explanation why it should say, 'a cubit, a cubit' and not 'two cubits' or 'four steps'. Maim. takes the whole statement to refer to the wall of the porch and to mean that after every two cubits there was a projection issuing from the wall. Certainly the word *robed* which Asheri takes to mean 'level pavement is used for 'projection' in Tamid I, 1, but it is much more natural to take the passage here as referring to the steps. The reading is uncertain.

(32) R. Judah (according to Asheri) must suppose that one of the previous level spaces was only two cubits.

(33) Var. lec.: 'cedar'.

(34) On account of its great height.

(35) Lit., 'flowers of the Priesthood'. v. supra. I, 8.

(36) Which were placed as ornaments in the windows of the upper chambers of the Porch. According to Asheri, the young priests climbed up to see if they were in good order, not merely for pleasure, which was forbidden.

(37) Zech. VI, 14.

Mishna - Mas. Middoth Chapter 4

MISHNAH 1. THE DOORWAY OF THE HEKAL¹ WAS TWENTY CUBITS HIGH AND TEN BROAD.² IT HAD FOUR DOORS, TWO ON THE INNER SIDE,³ AND TWO ON THE OUTER, AS IT SAYS, AND THE TEMPLE AND THE SANCTUARY HAD TWO DOORS.⁴ THE OUTER ONES OPENED INTO THE INTERIOR OF THE DOORWAY SO AS TO COVER THE THICKNESS OF THE WALL, WHILE THE INNER ONES OPENED INTO THE TEMPLE SO AS TO COVER THE SPACE BEHIND THE DOORS,⁵ BECAUSE THE WHOLE OF THE TEMPLE WAS OVERLAID WITH GOLD EXCEPT THE SPACE BEHIND THE DOORS. R. JUDAH SAYS: THE DOORS⁶ WERE PLACED WITHIN THE DOORWAY,⁷ AND THEY RESEMBLED FOLDING DOORS,⁸ ONE HALF COVERING TWO CUBITS AND A HALF [OF THE WALL] AND THE OTHER HALF COVERING TWO CUBITS AND A HALF, LEAVING HALF A CUBIT AND A DOORPOST AT THE ONE END AND HALF A CUBIT AND A DOORPOST AT THE OTHER END, AS IT SAYS: AND THE DOORS HAD TWO LEAVES APIECE, TWO TURNING LEAVES, TWO LEAVES FOR THE ONE DOOR AND TWO LEAVES FOR THE OTHER.⁹

MISHNAH 2. THE GREAT GATE¹⁰ HAD TWO WICKETS, ONE TO THE NORTH AND ONE TO THE SOUTH. BY THE ONE TO THE SOUTH NO MAN EVER WENT IN, AND CONCERNING THIS THE RULE WAS DISTINCTLY LAID DOWN BY THE MOUTH OF EZEKIEL, AS IT SAYS, AND THE LORD SAID UNTO ME: THIS GATE SHALL BE SHUT, IT SHALL NOT BE OPENED, NEITHER SHALL ANY MAN ENTER IN BY IT, FOR THE LORD GOD OF ISRAEL HATH ENTERED IN BY IT; THEREFORE IT SHALL BE SHUT.¹¹ HE [THE PRIEST] TOOK THE KEY AND OPENED THE [NORTHERN] WICKET AND WENT IN TO THE CELL,¹² AND FROM THE CELL HE WENT IN TO THE HEKAL. R. JUDAH SAYS: HE USED TO WALK ALONG IN THE THICKNESS OF THE WALL¹³ UNTIL HE CAME TO THE SPACE BETWEEN THE TWO GATES.¹⁴ HE USED TO OPEN THE OUTER DOORS FROM WITHIN AND THE INNER DOORS FROM WITHOUT.¹⁵

MISHNAH 3. THERE WERE THIRTY-EIGHT CELLS THERE,¹⁶ FIFTEEN ON THE NORTH, FIFTEEN ON THE SOUTH, AND EIGHT ON THE WEST. ON THE NORTH AND ON THE SOUTH THERE WERE FIVE OVER FIVE AND FIVE AGAIN OVER THESE;¹⁷ ON THE WEST THERE WERE THREE OVER THREE AND TWO OVER THESE. EACH HAD THREE OPENINGS,¹⁸ ONE TO THE CELL ON THE RIGHT AND ONE TO THE CELL ON THE LEFT

AND ONE TO THE CELL ABOVE. IN THE [ONE AT THE] NORTHEASTERN CORNER THERE WERE FIVE OPENINGS, ONE TO THE CELL ON THE Right,¹⁹ ONE TO THE CELL ABOVE, ONE TO THE MESIBBAH,²⁰ ONE TO THE WICKET,²¹ AND ONE TO THE HEKAL.²²

MISHNAH 4. THE LOWEST STOREY CHAMBER WAS FIVE CUBITS WIDE WITH A CEILING OF SIX CUBITS;²³ THE MIDDLE STOREY CHAMBER WAS SIX CUBITS WIDE WITH A CEILING OF SEVEN; THE TOP STOREY CHAMBER WAS SEVEN CUBITS WIDE, AS IT SAYS, THE NETHERMOST STOREY OF THE SIDE-STRUCTURE WAS FIVE CUBITS BROAD, AND THE MIDDLE WAS SIX CUBITS BROAD, AND THE THIRD WAS SEVEN CUBITS BROAD.²⁴

MISHNAH 5. A WINDING PASSAGE²⁵ WENT UP FROM THE NORTH-EAST CORNER TO THE NORTH-WEST CORNER BY WHICH THEY USED TO MOUNT TO THE ROOFS OF THE CELLS. ONE ASCENDED THE PASSAGE FACING THE WEST, AND TRAVERSED THE WHOLE OF THE NORTHERN SIDE TILL HE REACHED THE WEST. WHEN HE REACHED THE WEST HE TURNED TO FACE SOUTH. HE THEN TRAVERSED THE WEST SIDE²⁶ TILL HE REACHED THE SOUTH. WHEN HE REACHED THE SOUTH HE TURNED TO FACE EASTWARDS. HE THEN TRAVERSED THE SOUTH SIDE TILL HE REACHED THE DOOR OF THE UPPER CHAMBER,²⁷ SINCE THE DOOR OF THE UPPER CHAMBER OPENED TO THE SOUTH. IN THE DOORWAY OF THE UPPER CHAMBER WERE TWO COLUMNS OF CEDAR BY WHICH THEY USED TO CLIMB²⁸ UP TO THE ROOF OF THE UPPER CHAMBER, AND AT THE TOP OF THEM WAS A ROW OF STONES²⁹ SHOWING THE DIVISION IN THE UPPER CHAMBER BETWEEN THE HOLY PART AND THE HOLY OF HOLIES.³⁰ THERE WERE TRAP DOORS IN THE UPPER CHAMBER OPENING INTO THE HOLY OF HOLIES BY WHICH THE WORKMEN WERE LET DOWN IN BASKETS SO THAT THEY SHOULD NOT FEED THEIR GAZE ON THE HOLY OF HOLIES.³¹

MISHNAH 6. THE HEKAL³² WAS A HUNDRED CUBITS BY A HUNDRED³³ WITH A HEIGHT OF A HUNDRED. THE SUBSTRUCTURE³⁴ WAS SIX CUBITS, THEN IT ROSE FORTY, THEN A CUBIT FOR THE ORNAMENTATION, TWO CUBITS FOR THE GUTTERING,³⁵ A CUBIT FOR THE ROOF AND A CUBIT FOR THE PLASTERING. THE HEIGHT OF THE UPPER CHAMBER WAS FORTY CUBITS, THERE WAS A CUBIT FOR ITS ORNAMENTATION,³⁶ TWO CUBITS FOR THE GUTTERING, A CUBIT FOR THE CEILING, A CUBIT FOR THE PLASTERING, THREE CUBITS FOR THE PARAPET AND A CUBIT FOR THE SPIKES.³⁷ R. JUDAH SAYS THE SPIKES WERE NOT INCLUDED IN THE MEASUREMENT, THE PARAPET BEING FOUR CUBITS.

MISHNAH 7. FROM EAST TO WEST WAS A HUNDRED CUBITS — THE WALL OF THE PORCH FIVE CUBITS, THE PORCH ITSELF ELEVEN, THE WALL OF THE HEKAL SIX CUBITS AND ITS INTERIOR FORTY, A CUBIT FOR THE PARTITION³⁸ AND TWENTY CUBITS FOR THE HOLY OF HOLIES, THE WALL OF THE HEKAL SIX CUBITS,³⁹ THE CELL⁴⁰ SIX CUBITS AND THE WALL OF THE CELL FIVE. FROM NORTH TO SOUTH WAS SEVENTY CUBITS — THE WALL OF THE MESIBBAH FIVE CUBITS, THE MESIBBAH ITSELF THREE, THE WALL OF THE CELL FIVE AND THE CELL ITSELF SIX, THE WALL OF THE HEKAL SIX CUBITS AND ITS INTERIOR TWENTY, THEN THE WALL OF THE HEKAL AGAIN SIX AND THE CELL SIX AND ITS WALL FIVE, THEN THE PLACE OF THE WATER DESCENT⁴¹ THREE CUBITS AND ITS WALL FIVE CUBITS. THE PORCH EXTENDED BEYOND THIS FIFTEEN CUBITS ON THE NORTH AND FIFTEEN CUBITS ON THE SOUTH, AND THIS SPACE WAS CALLED THE KNIFE-HOUSE WHERE THEY USED TO STORE THE [SLAUGHTERERS'] KNIVES.⁴² THUS THE HEKAL WAS NARROW BEHIND AND BROAD IN FRONT, RESEMBLING A LION, AS IT SAYS, AH, ARIEL, ARIEL, THE CITY WHERE DAVID ENCAMPED.⁴³ JUST AS A LION IS NARROW BEHIND AND

BROAD IN FRONT, SO THE HEKAL WAS NARROW BEHIND AND BROAD IN FRONT.

- (1) The Temple proper exclusive both of the Holy of Holies and the Porch.
- (2) It was also six cubits thick.
- (3) Towards the Hekal.
- (4) Ezek. XLI, 23.
- (5) Thus the outer doors were drawn back a right angle, the inner ones a full half circle.
- (6) I.e., the outer doors.
- (7) Drawn back a little from the edge of the wall.
- (8) They consisted of two leaves joined by hinges. R. Judah does not differ from the First Tanna, but adds a new detail.
- (9) Ibid. 24.
- (10) So the doorway of the Hekal is now called.
- (11) Ezek. XLIV, 2.
- (12) Heb. ta, a small apartment let into the wall. V. infra, 3.
- (13) Parallel to the direction of the wall, back towards the gateway.
- (14) I.e., between the two ends of the great gateway.
- (15) The terms 'within' and 'without' here are used relatively to the Hekal. According to R. Judah, the priest did not enter directly from the cell into the Hekal.
- (16) Surrounding the Temple.
- (17) I.e., three stories of five each.
- (18) This was the general rule, but some must have had more and some less.
- (19) Of one looking towards the Hekal.
- (20) V. infra. 5.
- (21) V. supra. 2.
- (22) This follows the view of the First Tanna above in 1. According to R. Judah, one door opened not into the Hekal, but into the great gateway.
- (23) When the wall of the Hekal rose as high as the top of the lowest storey chambers, it narrowed one cubit, and this space was used for extending the ceiling beams of the chamber.
- (24) I Kings VI, 6.
- (25) Lit., 'circuit', an ascent running from the foot of the chambers on the north-east to the roof and then the whole length of the north side to the roof of the north-west.
- (26) On the roofs of the chambers.
- (27) This must have been a chamber adjoining the Holy of Holies and part of it must have projected over the Holy of Holies.
- (28) By rungs or by hooks.
- (29) V. supra p. 3, n. 12.
- (30) I.e., the stones were exactly over the dividing partition. cf. n. 5.
- (31) V. Pes. 26a.
- (32) Including the Porch and the Holy of Holies.
- (33) In front; behind it was narrow, as is explained infra.
- (34) The lower blocks or packed earth on which the weight of the whole rested.
- (35) Affording protection against a leak in the upper roof (Maim.).
- (36) A panel ornamented with carvings and figures.
- (37) Lit., 'consuming the raven', the object of the spikes being to keep birds from settling on the roof.
- (38) The two curtains with one cubit space between them dividing the Hekal and the Sanctuary. V. Yoma 51b.
- (39) The western wall of the Hekal embracing also the Holy of Holies.
- (40) V. supra Mish. 4.
- (41) This was really a continuation of the mesibbah on the south side, and it was called thus because it contained a conduit leading water to the brazen sea.
- (42) Maim.: which had become disqualified.
- (43) Isa. XXIX, I. 'Ariel', the lion of God.

Mishna - Mas. Middoth Chapter 5

MISHNAH 1. THE WHOLE OF THE AZARAH¹ WAS A HUNDRED AND EIGHTY-SEVEN CUBITS LONG BY A HUNDRED AND THIRTY-FIVE BROAD. FROM EAST TO WEST IT WAS A HUNDRED AND EIGHTY-SEVEN. THE SPACE TO WHICH THE ISRAELITES² HAD ACCESS WAS ELEVEN CUBITS. THE SPACE TO WHICH THE PRIESTS HAD ACCESS WAS ELEVEN CUBITS. THE ALTAR TOOK UP THIRTY-TWO. BETWEEN THE PORCH AND THE ALTAR WAS TWENTY-TWO CUBITS. THE HEKAL TOOK UP A HUNDRED CUBITS, AND THERE WERE ELEVEN CUBITS BEHIND THE MERCY SEAT.³

MISHNAH 2. FROM NORTH TO SOUTH WAS A HUNDRED AND THIRTY-FIVE CUBITS. THE ASCENT AND THE ALTAR TOOK UP SIXTY-TWO;⁴ FROM THE ALTAR TO THE RINGS WAS EIGHT CUBITS. THE RINGS TOOK UP TWENTY-FOUR CUBITS. FROM THE RINGS TO THE TABLES WAS FOUR CUBITS, FROM THE TABLES TO THE DWARF PILLARS FOUR, AND FROM THE DWARF PILLARS TO THE WALL OF THE AZARAH EIGHT CUBITS, AND THE REMAINDER⁵ WAS BETWEEN THE ASCENT AND THE WALL⁶ AND THE SPACE OCCUPIED BY THE PILLARS.⁷

MISHNAH 3. THERE WERE SIX CHAMBERS IN THE AZARAH, THREE ON THE NORTH AND THREE ON THE SOUTH. ON THE NORTH WERE THE SALT CHAMBER, THE PARWAH⁸ CHAMBER AND THE WASHERS CHAMBER. IN THE SALT CHAMBER THEY USED TO KEEP THE SALT FOR THE OFFERINGS. IN THE PARWAH CHAMBER THEY USED TO SALT THE SKINS OF THE ANIMAL-OFFERINGS. ON ITS ROOF WAS THE BATH USED BY THE HIGH PRIEST ON THE DAY OF ATONEMENT.⁹ IN THE WASHERS' CHAMBER THEY USED TO WASH THE ENTRAILS OF THE SACRIFICIAL ANIMALS, AND FROM IT A WINDING ASCENT WENT UP TO THE ROOF OF THE PARWAH CHAMBER.

MISHNAH 4. ON THE SOUTH WERE THE WOOD CHAMBER, THE CHAMBER OF THE CAPTIVITY AND THE CHAMBER OF HEWN STONES. WITH REGARD TO THE WOOD CHAMBER, R. ELIEZER B. JACOB SAYS: I FORGET WHAT IT WAS USED FOR. ABBA SAUL SAYS:¹⁰ THE CHAMBER OF THE HIGH PRIEST¹¹ WAS BEHIND TWO OF THEM, AND ONE ROOF COVERED ALL THREE. IN THE CHAMBER OF THE CAPTIVITY THERE WAS A FIXED CISTERN¹² WITH A WHEEL OVER IT, AND FROM THERE WATER WAS PROVIDED FOR ALL THE AZARAH. IN THE CHAMBER OF HEWN STONE¹³ THE GREAT SANHEDRIN OF ISRAEL USED TO SIT AND JUDGE [AMONG OTHER THINGS THE APPLICANTS, FOR PRIESTHOOD. A PRIEST IN WHOM WAS FOUND A DISQUALIFICATION¹⁴ USED TO PUT ON BLACK UNDER GARMENTS AND WRAP HIMSELF IN BLACK AND CLEAR AWAY. ONE IN WHOM NO DISQUALIFICATION WAS FOUND USED TO PUT ON WHITE UNDER GARMENTS AND WRAP HIMSELF IN WHITE AND GO IN AND MINISTER ALONG WITH HIS BROTHER PRIESTS. THEY USED TO MAKE A FEAST BECAUSE NO BLEMISH HAD BEEN FOUND IN THE SEED OF AARON THE PRIEST, AND THEY USED TO SAY THUS: BLESSED IS THE OMNIPRESENT,¹⁵ BLESSED IS HE, BECAUSE NO BLEMISH HAS BEEN FOUND IN THE SEED OF AARON. BLESSED IS HE WHO CHOSE AARON AND HIS SONS TO STAND TO MINISTER BEFORE THE LORD IN THE HOLY OF HOLIES.

(1) The Temple Court. The space which was called 'the camp of the divine presence'.

(2) Lit. 'place of the treading of the feet of the Israelites'.

(3) More precisely behind the western wall of the Hekal. V. supra p. 1, n. 11.

(4) Cf. supra III, 3. Apparently the base of the ascent was thirty cubits.

(5) Of the hundred and thirty-five cubits.

(6) I.e., the southern wall.

- (7) We must also suppose the space occupied by the tables to be included, although strangely enough this is not mentioned.
- (8) Supposed to have been so called after a man named Parwah. V. Yoma, 35a. Or it may be connected with parim, bulls.
- (9) V. Yoma 30a.
- (10) Abba Saul's remark has nothing to do with R. Eliezer's.
- (11) This apparently is the 'Chamber of Parhedrin' mentioned at the beginning of Tractate Yoma.
- (12) Supposed to have been dug by the returned exiles.
- (13) V. Tam. (Sonc. ed.) p. 14, n. 9.
- (14) E.g., that his mother had been a divorced woman.
- (15) Heb. Ha-makom, lit., 'the Place'.

Mishna - Mas. Kinim Chapter 1

MISHNAH 1. THE [SPRINKLING OF THE BLOOD OF A] SIN-OFFERING OF THE BIRD¹ IS PERFORMED BELOW,² BUT THAT OF A BEAST, ABOVE.³ THE BURNT-OFFERING OF THE BIRD IS PERFORMED ABOVE,⁴ BUT THE BURNT-OFFERING OF A BEAST, BELOW.⁵ SHOULD ONE VARY THIS PROCEDURE WITH EITHER, THEN THE OFFERING IS DISQUALIFIED.⁶ THE PRESCRIBED RITUAL IN THE CASE OF KINNIM⁷ WAS AS FOLLOWS: IN THE CASE OF OBLIGATORY OFFERINGS,⁸ ONE [BIRD] IS A SIN-OFFERING⁹ AND ONE A BURNT-OFFERING.¹⁰ IN RESPECT OF VOWS AND FREEWILL OBLIGATIONS, HOWEVER, ALL ARE BURNT-OFFERINGS.¹¹ WHAT CONSTITUTES A VOW-OFFERING? WHEN ONE SAYS: 'IT IS INCUMBENT UPON ME TO BRING A BURNT-OFFERING'.¹² AND WHAT CONSTITUTES A FREEWILL-OFFERING? WHEN ONE SAYS: BEHOLD, THIS SHALL SERVE AS A BURNT-OFFERING'.¹³ WHAT IS THE [PRACTICAL] DIFFERENCE BETWEEN VOWED AND FREEWILL OBLIGATIONS? IN THE CASE OF VOWS, ONE IS RESPONSIBLE FOR THEIR REPLACEMENT IN THE EVENT OF THEIR DEATH, OR THEIR HAVING BEEN STOLEN; BUT IN THE CASE OF FREEWILL OBLIGATIONS, ONE IS NOT HELD RESPONSIBLE FOR THEIR REPLACEMENT.

MISHNAH 2. IF A SIN-OFFERING BECOMES MIXED UP WITH BURNT-OFFERINGS,¹⁴ OR BURNT-OFFERINGS WITH SIN-OFFERINGS, WERE IT EVEN ONE IN TEN THOUSAND, ALL MUST BE LEFT TO DIE.¹⁵ IF [BIRDS ASSIGNED AS] SIN-OFFERINGS¹⁶ BECOME MIXED UP WITH [UNASSIGNED] OBLIGATORY OFFERINGS,¹⁷ THEN THOSE VALID CORRESPOND TO THE NUMBER OF SIN-OFFERINGS AMONG THE OBLIGATORY OFFERINGS;¹⁸ SIMILARLY, IF [BIRDS ASSIGNED AS] BURNT-OFFERINGS BECOME MIXED UP WITH [UNASSIGNED] OBLIGATORY OFFERINGS,¹⁹ THE NUMBER VALID IS IN PROPORTION TO THE NUMBER OF BURNT-OFFERINGS AMONG OBLIGATORY OFFERINGS.²⁰ [THIS RULE HOLDS GOOD] WHETHER THE [UNASSIGNED] OBLIGATORY OFFERINGS ARE IN THE MAJORITY AND THE FREEWILL-OFFERINGS IN THE MINORITY, OR THE FREEWILL-OFFERINGS ARE IN THE MAJORITY AND AND THOSE THAT ARE OBLIGATORY IN THE MINORITY,²¹ OR WHETHER THEY ARE BOTH EQUAL IN NUMBER.²²

MISHNAH 3. WHEN IS THIS SO?²³ WHEN OBLIGATORY OFFERINGS [GET MIXED UP] WITH VOLUNTARY OFFERINGS.²⁴ WHEN, HOWEVER, OBLIGATORY OFFERINGS GET MIXED UP ONE WITH ANOTHER,²⁵ WITH ONE [PAIR] BELONGING TO ONE [WOMAN] AND THE OTHER PAIR TO ANOTHER [WOMAN],²⁶ OR TWO [PAIRS] BELONGING TO ONE AND TWO [PAIRS] TO ANOTHER, OR THREE [PAIRS] TO ONE AND THREE [PAIRS] TO ANOTHER,²⁷ THEN HALF OF THESE ARE VALID AND THE OTHER HALF DISQUALIFIED.²⁸ IF, HOWEVER, ONE [PAIR] BELONGS TO ONE [WOMAN] AND TWO PAIRS TO ANOTHER, OR THREE PAIRS TO ANOTHER, OR TEN PAIRS TO ANOTHER OR A HUNDRED TO ANOTHER, ONLY THE LESSER NUMBER REMAINS VALID.²⁹ [THIS IS IRRESPECTIVE OF] WHETHER [THE PAIRS] ARE OF THE SAME DENOMINATION³⁰ OR OF TWO DENOMINATIONS,³¹ OR WHETHER THEY BELONG TO ONE WOMAN OR TO TWO.

MISHNAH 4. WHAT IS MEANT BY ONE 'DENOMINATION'?³² [WHEN BOTH PAIRS ARE] FOR TWO BIRTHS,³³ OR FOR TWO ISSUES;³⁴ [SUCH A CASE] CONSTITUTES ONE DENOMINATION.³⁵ AND 'TWO DENOMINATIONS'? [WHEN ONE PAIR IS BROUGHT] FOR A BIRTH, [AND THE OTHER] FOR AN ISSUE. WHAT IS MEANT BY 'TWO WOMEN'? [WHEN] ONE [WOMAN] BRINGS [HER OFFERING] FOR A BIRTH AND THE OTHER FOR A BIRTH, OR [WHEN ONE BRINGS] AFTER AN ISSUE AND THE OTHER AFTER AN ISSUE, THIS ALSO CONSTITUTES 'OF ONE DENOMINATION'. AND A CASE 'OF TWO

DENOMINATIONS'? WHEN ONE BRINGS HER PAIR AS A RESULT OF A BIRTH AND THE OTHER AS A RESULT OF AN ISSUE. R. JOSE SAYS: WHEN TWO WOMEN PURCHASE THEIR KINNIM IN PARTNERSHIP,³⁶ OR GIVE THE PRICE OF THEIR KINNIM TO THE PRIEST [FOR HIM TO PURCHASE THEM], THEN THE PRIEST CAN OFFER WHICH ONE HE PLEASURES AS A SIN-OFFERING OR AS A BURNT-OFFERING, IRRESPECTIVE OF THE FACT WHETHER THEY BELONG TO ONE DENOMINATION OR TO TWO.³⁷

(1) All the instances for which the Bible prescribes the offering of a couple of birds are cited in the Introduction heading this Tractate. One of these birds was regarded as a sin-offering (**הטאת**) and the other as a burnt-offering (**עולה**). V. Lev. V, 9-10. The Mishnah (Zeb. 53a) records that the **הטאת** was eaten by the males of the priesthood within the hangings of the Court on the same day and evening until midnight; whereas the **עולה** , which belongs to the holiest class of sacrifices (**קדשי קדשים**) has to be flayed, dismembered and totally consumed by fire.

(2) V. Mid. III, 1 for a graphic description of the altar. A red line, right across the centre of the altar, served to distinguish its upper part from the lower part thereof, a distinction necessary for the proper fulfilment of the blood-sprinkling attached to the various sacrifices. Our Mishnah refers to Lev. V, 9: 'And he shall sprinkle the blood of the sin-offering upon the side of the altar; and the rest of the blood shall be drained at the base of the altar: it is a sin-offering'. In the case of the **הטאת** 'the side of the altar' was that part below the red line, v. Zeb. 64b.

(3) V. Lev. IV, 30.

(4) Lev. I, 15: 'And the priest shall bring it upon the altar and pinch off its head and make it smoke on the altar, the blood thereof shall be drained on the side of the altar'. Since the draining (**ונמצה**) occurs side by side with the smoke of the sacrifices (**והקטיר**), which must refer to the top of the altar, the deducted inference is that the sprinkling of the **עולה** is also performed above.

(5) In the case of all burnt-offerings of beasts the sprinkling is done below the line, the Bible always using the words 'at the base of the altar', v. Zeb. 57a.

(6) I.e., in the sprinkling, or in the case of the 'burnt-offering of a bird' which had no sprinkling, in the draining of the blood.

(7) The Mishnah proper begins here, hitherto being merely introductory of the cases of confusion dealt with in this Tractate. The **הטאת** is mentioned first here, according to the order found in the Bible. **קנים** is pl. of **קן** (cf. Deut. XXII, 6; XXXII, 11), and always refers to the pair of sacrificial birds, whereas **פרידה** is used of a single bird (v. infra III, 6).

(8) V. Introduction. Though 'Kinnim' was the poor man's offering, yet in the case of a man or woman suffering a flux (**זב וזבה**), it sufficed even for the opulent.

(9) The blood-sprinkling taking place below the red line. In the case of the 'Kinnim' brought by the proselyte, both birds were regarded as burnt-offerings; not being so common an instance, the Mishnah does not deal with it. In Temple times, the new proselyte had to bring the silver equivalent of the 'Kinnim' (Tosef. Shek. IV, 22 and Baraita R.H. 31b).

(10) With the blood-sprinkling above.

(11) Freewill-offerings consisted only of burnt- or peace-offerings; but as birds were ruled out from being offered as peace-offerings, they could, therefore, only serve as burnt-offerings. Peace-offerings could only be brought from the herd and from sheep and goats.

(12) Since he pledged himself the vow is not fulfilled until the replacement of the sacrifice (cf. R.H. 6a, Meg. 8a, Hul. 139a).

(13) No replacement is required, since he pledged the animal and that animal is now non-existent; cf. 'Arak. 20b.

(14) All the nouns in this Mishnah, though in the singular, are used in a collective sense.

(15) Since we have already been told in the preceding Mishnah that the slightest variation in the blood-sprinkling disqualifies the offering, what greater variations can there be than in the confusion here instanced? In the case of living creatures, the rule of 'majority' does not apply, on the ground that anything of outstanding importance cannot be declared 'non est'. To avoid the risk of their being unwittingly offered up by another, they had to be secluded in a special place, where they would ultimately perish.

(16) I.e., doves or pigeons already designated for this purpose (**מפורשות**).

(17) Not yet defined as to which should be a **הטאת** and which an **עולה** .

(18) An example will make this clearer. If one bird, specified as a sin-offering, gets confused with two pairs of birds brought as obligatory offerings but not yet specified (**סתומות**), then none of the five birds can be offered as a

burnt-offering, since one is definitely a **הטאת**. To offer up three as sin-offerings is also not permissible, lest all the three may belong to the two 'kinnim' brought as obligatory offerings, of which not more than two are sin-offerings. Only two out of the five can be offered as sin-offerings, corresponding to the number of sin-offerings in the obligatory offerings. This only holds good if the two unspecified 'kinnim' belong to the same woman and were brought for similar causes, as for a past and present confinement, in which case they consist of two burnt-offerings and two sin-offerings.

(19) As above, a bird specified as a burnt-offering gets confused with two 'kinnim' still unspecified.

(20) V. supra n. 2; the example there given applies equally to this case. He cannot offer even one bird as a sin-offering, but only two as burnt-offerings.

(21) Freewill-offerings could only consist of burnt-offerings, whereas obligatory offerings consisted of an **עולה** and a **הטאת**. The Mishnah refers to obligatory offerings that have not been specified; in all these instances, the rule is that only that number is valid which corresponds to the number of burnt-offerings among the obligatory offerings.

(22) If two burnt-offerings or two specified sin-offerings get mixed up with an unassigned pair of birds, the rule applied is always the same.

(23) Lit., 'when are these words said?' Namely, that those valid correspond to the number of sin-offerings or burnt-offerings among the obligatory offerings. This Mishnah explains the preceding.

(24) That is when offerings comprising both burnt- and sin-offerings get mixed up with burnt-offerings.

(25) If unassigned kinnim brought by a woman after child-birth or a flux get confused with the kinnim of another brought for a similar cause.

(26) The word **לזו** is in the fem., as all the instances in this treatise refer to women, who brought these offerings more often (child-birth being only applicable to them and also because they have the flux more often).

(27) Each bringing an equal number, without yet specifying what offering each bird should be.

(28) Ct. III, 2 infra. Of the two kinnim that got confused, only one bird can be offered as a **הטאת** and the other as an **עולה**; more than this number cannot be offered as either offering, lest the two birds offered, for instance, as burnt-offerings belong to the pair of one woman, of which only one is an **עולה**. This ruling equally applies to any number of kinnim that get confused. When the priest sacrifices the half that are valid, he must stipulate that they are on behalf of the woman who has specified them for this purpose. In addition, the two women must bring another offering in partnership and state that each allows the other to offer up the part belonging to herself. This was done in order to make the offering perfectly valid.

(29) Hitherto the examples quoted were of the women each with an equal number of kinnim. The Mishnah now discusses the case when one woman only brings one pair and the other two, three, ten or a hundred pairs. In this case, only two birds can be sacrificed, one as a **הטאת** and the other as an **עולה**. Similarly, if ten kinnim get confused with a hundred belonging to another woman, only ten kinnim can be sacrificed, half of them as burnt-offerings and half as sin-offerings. Maim. in his Pesule ha-Mukdashim VIII, 6 gives a somewhat different interpretation; v. the Kesef Mishneh a.l.

(30) Each woman being after child-birth or after having seen a flux; v. infra I, 4.

(31) That is, either when each woman brings two kinnim, each for a different cause, or when one brings her sacrificial pair after child-birth and the other after suffering a flux. The same rule applies — only the lesser number brought by one woman is valid. In the case, however, of one woman bringing two different kinnim for the same cause, say for a present child-birth and for one gone by, for which no offering had yet been brought, then all the birds are valid, provided that they were unspecified. Two birds are offered as sin-offerings and two as burnt-offerings.

(32) This Mishnah explains the one above.

(33) Lit., 'for a birth and a birth'. Lev. XII, 8.

(34) Lev. XV. 29.

(35) And the law stated in the preceding Mishnah applies (**המועט כשר**).

(36) Without specifying which pair belonged to one, or which to another.

(37) Because the actual specification of the birds can take place either at the time of purchase or at the time of their offering by the priest, any intervening specification being of no effect (Yoma 41a). R. Jose's statement gave rise to much Talmudic discussion: v. 'Er. 37a and especially Rashi's commentary a.l. The question arose: If the women had specified the nature of their offerings at the time of purchase or when they gave the money to the priest, but forgot them later, or had not specified at all — then how could the latter perform the sacrifice? Might he not offer up a burnt-offering for Rachel when she intended it for a sin-offering, since it is an established principle that 'the Torah considers not of legal effect a retrospective assignment of things previously undefined as to their purpose'? (Cf. Bz. 38a; Hul. 14b). To solve

these difficulties, the explanation arrived at by Rashi is as follows: When the women bought the birds or gave the purchase money to the priest, they left to the priest the option to offer them up as he thought fit, thus removing the difficulty of retrospective selection (ברירה). V. Tosaf. ibid. s.v. כשהתנו .

Mishna - Mas. Kinim Chapter 2

MISHNAH 1. IF A SINGLE PIGEON FROM AN UNASSIGNED PAIR OF BIRDS¹ ESCAPED INTO THE OPEN AIR, OR FLEW AMONG BIRDS THAT HAD BEEN LEFT TO DIE,² OR IF IT ITSELF DIED, THEN MUST A MATE BE SUPPLIED FOR THE SECOND ONE.³ IF IT FLEW AMONG BIRDS THAT ARE TO BE OFFERED UP,⁴ IT BECOMES INVALID⁵ AND INVALIDATES ALSO ANOTHER BIRD AS ITS COUNTERPART [IN THE PAIR];⁶ FOR THE PIGEON THAT FLEW AWAY BECOMES INVALID AND INVALIDATES ANOTHER BIRD AS ITS COUNTERPART [IN THE PAIR].⁷

MISHNAH 2. FOR EXAMPLE⁸ TWO WOMEN⁹ — EACH WITH HER TWO PAIRS,¹⁰ AND ONE BIRD FLIES FROM THE [PAIR OF] ONE TO ANOTHER [WOMAN'S PAIR]. THEN IT DISQUALIFIES BY ITS ESCAPE ONE [OF THE BIRDS FROM WHICH IT FLEW].¹¹ IF IT RETURNED, IT DISQUALIFIES YET ANOTHER¹² BY ITS RETURN.¹³ IF IT FLEW AWAY AGAIN AND THEN RETURNED, AND YET AGAIN FLEW AWAY AND RETURNED, NO FURTHER LOSS IS INCURRED,¹⁴ SINCE EVEN IF THEY HAD ALL BECOME MIXED TOGETHER, NOT LESS THAN TWO [PAIRS WOULD STILL BE VALID].¹⁵

MISHNAH 3. IF ONE [WOMAN] HAD ONE PAIR, ANOTHER TWO, ANOTHER THREE, ANOTHER FOUR, ANOTHER FIVE, ANOTHER SIX AND ANOTHER SEVEN PAIRS,¹⁶ AND ONE BIRD FLEW FROM THE FIRST TO THE SECOND PAIR,¹⁷ [AND THEN A BIRD FLEW FROM THERE] TO THE THIRD, [AND THEN A BIRD FLEW FROM THERE] TO THE FOURTH, [AND FROM THERE A BIRD FLEW] TO THE FIFTH. [AND FROM THERE FLEW ONE] TO THE SIXTH, [AND ONE FROM THERE FLEW] TO THE SEVENTH, AND THEN A BIRD RETURNS [IN THE SAME ORDER].¹⁸ IT DISQUALIFIES A BIRD AT EACH FLIGHT AND RETURN.¹⁹ UNTO THE FIRST AND SECOND [WOMEN] THERE ARE NONE LEFT,²⁰ UNTO THE THIRD THERE IS ONE PAIR,²¹ UNTO THE FOURTH TWO, UNTO THE FIFTH THREE, UNTO THE SIXTH FOUR, AND UNTO THE SEVENTH SIX PAIRS.²² IF AGAIN [ONE FROM EACH GROUP] FLEW AWAY AND RETURNED [IN LIKE ORDER].²³ IT DISQUALIFIES A BIRD BY ITS FLIGHT AND RETURN; [IN WHICH CASE] THE THIRD AND FOURTH WOMAN WILL HAVE NONE LEFT,²⁴ THE FIFTH WILL HAVE ONE PAIR,²⁵ THE SIXTH TWO PAIRS,²⁶ AND THE SEVENTH WOMAN FIVE PAIRS.²⁷ IF AGAIN ONE [FROM EACH GROUP] FLEW AWAY AND RETURNED,²⁸ IT DISQUALIFIES A BIRD BY ITS FLIGHT AND RETURN; IN WHICH CASE, THE FIFTH AND SIXTH WOMEN HAVE NONE LEFT,²⁹ AND THE SEVENTH HAS FOUR PAIRS.³⁰ BUT SOME SAY THAT THE SEVENTH WOMAN HAS THEREBY LOST NOTHING.³¹ IF [A BIRD] FROM THOSE THAT ARE LEFT TO DIE³² ESCAPED TO ANY OF ALL THE GROUPS, THEN ALL MUST BE LEFT TO DIE.³³

MISHNAH 4. IF [THERE ARE TWO PAIRS], ONE UNASSIGNED³⁴ AND THE OTHER ASSIGNED,³⁵ AND ONE BIRD FROM THE UNASSIGNED [PAIR] FLEW OVER TO THE ASSIGNED [PAIR], THEN A MATE MUST BE TAKEN FOR THE SECOND [BIRD].³⁶ IF ONE BIRD FLEW BACK,³⁷ OR IF, IN THE FIRST PLACE, A BIRD FROM THE ASSIGNED PAIR FLEW [AMONG THE OTHER PAIR].³⁸ THEN ALL MUST BE LEFT TO DIE.³⁹

MISHNAH 5. IF THERE ARE SIN-OFFERING⁴⁰ ON ONE SIDE, BURNT-OFFERING ON THE OTHER AND UNASSIGNED [PAIR] IN THE CENTRE, AND FROM THE CENTRE THERE FLEW A BIRD TO EACH SIDE, ONE HERE AND THE OTHER THERE, THEN NO LOSS ACCRUES, BUT HE [THE PRIEST] SAYS THAT THE BIRD THAT FLEW [FROM THE

CENTRE] TOWARDS THE SIN-OFFERING IS A SIN-OFFERING AND THE BIRD THAT FLEW TOWARDS THE BURNT-OFFERING IS A BURNT-OFFERING.⁴¹ IF ONE [FROM EACH SIDE] RETURNS TO THE CENTRE, THEN [ALL] THOSE IN THE CENTRE MUST BE LEFT TO DIE, BUT THOSE [LEFT ON EITHER SIDE] CAN BE OFFERED UP AS SIN-OFFERINGS OR AS BURNT-OFFERINGS RESPECTIVELY.⁴² IF AGAIN A BIRD [FROM THE CENTRE] RETURNED OR FLEW AWAY TO THE SIDES,⁴³ THEN ALL MUST BE LEFT TO DIE.⁴⁴

ONE CANNOT PAIR TURTLE-DOVES WITH PIGEONS OR PIGEONS WITH TURTLE-DOVES.⁴⁵ FOR EXAMPLE? IF A WOMAN HAS BROUGHT A TURTLE-DOVE AS HER SIN-OFFERING AND A PIGEON AS HER BURNT-OFFERING, SHE MUST THEN BRING ANOTHER TURTLE-DOVE AS HER BURNT-OFFERING; IF HER BURNT-OFFERING HAD BEEN A TURTLE-DOVE AND HER SIN-OFFERING A PIGEON, THEN SHE MUST BRING ANOTHER PIGEON AS HER BURNT-OFFERING.⁴⁶ BEN 'AZZAI SAYS: ONE IS GUIDED BY WHAT WAS THE FIRST [OFFERING].⁴⁷ IF A WOMAN BROUGHT HER SIN-OFFERING AND THEN DIED, HER HEIRS MUST BRING HER BURNT-OFFERING;⁴⁸ [BUT IF SHE FIRST BROUGHT] HER BURNT-OFFERING AND THEN DIED, HER HEIRS NEED NOT BRING HER SIN-OFFERING.⁴⁹

(1) The word **סתומה** points to the undesignated state of each bird; its opposite (**מפורשת**) is used of a pair of birds that have been specified as to which was to be offered as a sin-offering and which as a burnt-offering (B.B. 71a; Nazir 12a).

(2) Supra I, 2. Should this unassigned pair get confused with birds specified as sin-offerings, all may then be offered as sin-offerings and the bird still remaining of the unassigned pair is brought as a burnt-offering. (V. Rashi on Nazir 12a).

(3) We do not condemn it to exposure to die, but it is still fit to be offered up either as a **הטאת** or an **עולה**, once it has been supplied with a partner. If the bird escapes from a specified pair, this rule all the more applies.

(4) That have also not yet been specified. Our Mishnah speaks of **סתומה**; for if a bird from a **קן מפורשת** gets confused with unassigned birds, the law is that of I, 2 supra. Moreover, if the nature of the escaped bird from the specified pair be unknown, then it would disqualify not only itself and one of the birds of the group into which it had flown, but also the bird remaining of the specified pair; v. infra II, 3.

(5) I.e., of the confused birds one remains invalid and not fit to be offered as representing the bird that had flown into them.

(6) Being unassigned, it can only disqualify its counterpart in the pair from which it flew (infra II, 4). The other birds can be offered up according to the number of sin- and burnt-offerings that were there before the confusion occurred.

(7) We expected a reason and get instead a repetition of the statement. Besides, these words refer only to the last case but not to the first instances quoted in the Mishnah. The stress, however, here is that the escaped bird can only disqualify both the one left behind and one of those into whose midst it flies. We do not apply here the principle of **כל דפריש מרובא פריש**, 'that whatever proceeds from a mixed multitude has the legal status of the majority'. since it may easily be that the bird offered up is the one that remained stationary (kabua), and the principle is that the majority rule is not applicable. (For a discussion v. Zeb. 73b.)

(8) A fuller illustration of the principle clearly stated in the preceding Mishnah.

(9) Again women, for it is they who have more frequent occasion to bring bird-offerings.

(10) Still unassigned. Two pairs are cited, for if each had brought only one pair, the bird remaining would have become invalid even prior to the return of its escaped companion. In the case of one bringing one pair and the other woman several, the rule of 'only the lesser number remains valid' (supra I, 3) would apply here too.

(11) When a bird escapes from the four birds of one to the four of another, then three are left in one group and five in the other. Of the three one can be offered as a **הטאת** and the other as an **עולה** for were he to offer up two as burnt-offerings, both the third bird and the one that escaped would thereby be classed as sin-offerings. The result would then be that of the five birds he would be able to offer only two sin-offerings in accordance with the principle of supra I, 2. After having sacrificed two of the three birds, the third must be left to die; for were it brought as a sin-offering, the fear is lest its mate that swelled the other group to five also be offered as a **הטאת**. The result would then be that one pair would yield two sin-offerings. 'quod impossibile est'. Similarly, not more than four of the five birds are valid, two as

sin-offerings and two as burnt-offerings. For were three birds offered as either kind of sacrifice, it is possible that they were of the two pairs brought by the same woman, of which only two are sin-offerings and only two are burnt-offerings. It thus stands to reason that the bird that escapes disqualifies itself and a bird from each of the groups from which it has flown and to which it escapes. (As in all other cases, the women, in order to fulfil their obligation meticulously, had to subscribe jointly for another pair and give each other full rights in the pair brought.)

(12) Of the birds from which it now flew.

(13) If one of the five birds flew towards the three. Once again there are two equal groups of four birds each, but of each group only one can be offered as a **הטאת** and one as an **עולה** since it might easily be that the bird that now escapes towards the three is not the bird that originally belonged to that group, so that we would now have three birds belonging to one woman and one to another, and as explained in n. 4 supra, only two birds of each group can be offered as a **הטאת** and an **עולה** respectively.

(14) Even with endless flying and returning at least two pairs remain valid.

(15) Of these two pairs only two can be offered as sin-offerings and two as burnt-offerings. The sole fear stressed in this Mishnah is lest if three be offered as either sacrifice, the three birds may belong to the two pairs of one woman.

(16) The pairs being yet unassigned.

(17) The bird left to her, who only brought one pair, becomes disqualified; v. supra land II n. 4.

(18) A bird from the seven kinnim flies towards the six kinnim, and from there another bird flies towards the five kinnim, and so on in reverse order. The result of this backward flight is that the women finish up each with the number with which they at first began.

(19) On account of the uncertainty of identity. V. Bertinoro s.v.

(20) The pair of the first is invalid, for one bird is disqualified at the first flight and the other remaining bird by the return of another bird. Similarly, of the four birds belonging to the second woman, two get disqualified by the first flight and two by the return flight.

(21) More she cannot offer, for four have become disqualified by the flight and return. Hence, the fourth, fifth and sixth women can offer their kinnim minus four as these may be of those belonging to the first and second, whose offerings are now invalid.

(22) Since only one bird escaped from her group when the birds began to fly back in reverse order; for at the first flight, her birds were not affected at all. In all cases the fear is lest more sin-offerings and burnt-offerings than originally existed in each of the groups be sacrificed.

(23) This return can only refer to the groups commencing with the third woman onwards; for should a bird escape from the kinnim of the first two women that have been invalidated, and, therefore, condemned to die, then the concluding rule of our Mishnah IF A (BIRD) FLEW FROM THOSE THAT ARE LEFT TO DIE would be applicable. Some commentators (notably Asheri) do not agree that the disqualified kinnim of the first two women are to be left to die, and aver that if these disqualified birds again get mixed up with those about to be sacrificed, they would be rendered valid on the principle of (**דפּק דפּיקא**) double doubt. The return of the bird must be understood as taking place in the same order as the flight. Only reversed; e.g., from the seventh to the sixth, from the sixth to the fifth, and so on.

(24) Three comings and goings have now taken place from each group, and of the six birds belonging to the third woman, three have gone. The fear is lest these three departed birds be offered up either as sin-offerings or as **עולות**, and if in addition, we allow her to offer up even one pair, we would find four sacrifices of each kind offered from a possible three. A similar reasoning is applicable to the fourth woman of whose eight birds six have become invalid by the three movements from and into the kinnim (v. Tif. Israel).

(25) Of her original ten birds, four are deemed to have escaped. These might be offered up later as four sin-offerings or as four burnt-offerings; so by allowing the fifth woman more than one valid pair, the same situation as the one described above would arise—more sacrifices would be brought from her kinnim than possibly existed when she first brought them. Some commentators (Tif. Israel) question this ruling: since the third and fourth cannot offer up their kinnim at all, and since they are set aside, then why should not the fifth be allowed to offer up three pairs? But the fear is lest the fourth woman, whose remaining two birds have been disqualified on account of a preventive measure, might offer up those birds again after they had become mixed up with the others, in which case they would be rendered valid, as aforementioned, on account of **דפּק דפּיקא** (a double doubt).

(26) For the reasons above given; four birds have escaped and more than two pairs would increase the possible number of her offering.

(27) Hers is the least loss, since her kinnim have been affected Only at each return and not, as in the other cases, at each

flight also. Were she allowed more than five pairs, the same impossible situation referred to in the above notes would arise.

(28) Since the kinnim of the first four women have become invalid, we must interpret this flight to be from the kinnim of the fifth downwards and the return, in reverse order, from the seventh to the sixth, and the sixth to the fifth.

(29) For the same reason as that given in the case of the third and fourth woman in p. 10, n. 2 supra.

(30) Since only three birds have been affected, she loses only three pairs, each fleeing and returning bird disqualifying a corresponding bird. To the question, why she be not allowed to offer more, since the kinnim of all the others have been disqualified, the same answer as that given in p. 10, n. 3 supra can be cited.

(31) This does not mean that she can offer up all her seven pairs, but simply that the third flight does not affect her and she may still offer up five pairs, as after the second flight. Wilna Gaon contends that **HAS THEREBY LOST NOTHING** means that all the seven pairs can be offered up since there is no fear of more than the possible sin- and burnt-offerings being brought, as all the other kinnim have been declared invalid. The Bertinoro disagrees on the contention that the third flight would thus qualify even those birds that had become invalid after the second flight, when the seventh was allowed to bring only five pairs.

(32) These may either be those birds our Mishnah disqualifies, or birds of owners who had died or had been forgiven before the sacrifice could take place.

(33) On the ground that living things are too important for the majority rule to be applied to them. Neither can the principle of **נכבשנהו דניידי** 'let us force them to scatter' (v. Zeb. 73b) or of **כל דפריש מרובא פריש** 'whatever comes out of a mixed multitude presumably comes from the majority' be applied, since the birds to be offered up may quite easily be of those that remained stationary, and the principle is that 'if there be anything stationary the whole is treated as equally divided'. Cf. supra II, 1 (n. 7).

(34) The owners or the priest had not yet specified the kind of offering each bird should be.

(35) The owners at the time of purchase designated each bird, but can no longer identify which is for the sin-offering and which for the burnt-offering.

(36) This cannot be taken from the three birds now all mixed up with the assigned pair, since none of these can now be offered up. V. supra II. 1.

(37) From the three, back to the bird that had been left alone.

(38) Without knowing whether it was a **חטאת** or an **עולה**.

(39) Since the specific nature of each had been fixed, the present uncertainty disqualifies them from the altar.

(40) The sing. is used in a collective sense. The offerings in the two sides have already been specified.

(41) I.e., the priest, at the time of the sacrifice, declares the kind of offering the unassigned bird should be.

(42) Those in the centre are invalid, because they have become confused with the assigned offerings from each side, whereas those on either side are still valid, since we know the nature of the offerings.

(43) If birds from an assigned pair in the centre flew, a bird to each side, without knowing precisely which.

(44) On account of the confusion of sacrifices not only in the centre but also at the sides. Asheri reads **חזר ופרה** for **חזר או שפרה**. Maim. translates this statement of **חזר או שפרה** thus: 'a bird flies from the centre to one of the sides, and from that side the same, or another bird, flies to the other side'. The translation in our Mishnah is that given by R. Zerahia ha-Levy; Bertinoro simplifies the text by omitting **OR FLEW AWAY**.

(45) An introduction to the next chapter which deals with this subject.

(46) The sin-offering is mentioned first, on account of its pre-eminence in the Bible; cf. Lev. V, 8. The point stressed is that the pair of birds she brings must both be the same, either two pigeons or two turtle-doves, and when she brings one of each kind, she must bring another bird of the kind she had designated as a sin-offering, since that is the most important.

(47) Regardless whether this be a sin-offering or a burnt-offering.

(48) For the Temple authorities could claim from the heirs promises unredeemed by the death of the owner; v. Kid. 13b, Zeb. 5a and Men. 4b.

(49) Though as stated in n. 2 supra, the **חטאת** had to precede the **עולה** yet a reversal of this order by no means invalidated the offering. The point here stressed is that whereas a burnt-offering had to be brought by the heirs, a sin-offering had not to be brought, since death atones for any sin; cf. Ter. IV, 1.

Mishna - Mas. Kinim Chapter 3

MISHNAH 1. WHEN ARE THESE WORDS SAID?¹ WHEN THE PRIEST ASKS ADVICE;² BUT IN THE CASE OF A PRIEST WHO DOES NOT SEEK ADVICE, AND ONE [PAIR] BELONGS TO ONE [WOMAN] AND ONE TO ANOTHER, OR TWO [PAIRS] TO ONE AND TWO TO ANOTHER, OR THREE [PAIRS] TO ONE AND THREE TO ANOTHER,³ AND HE OFFERED⁴ ALL OF THEM ABOVE [THE RED LINE]. THEN HALF ARE VALID AND HALF INVALID.⁵ [SIMILARLY], IF [HE OFFERED] ALL OF THEM BELOW, HALF ARE VALID AND HALF ARE INVALID. IF [HE OFFERED] HALF OF THEM ABOVE AND HALF OF THEM BELOW,⁶ THEN OF THOSE [OFFERED] ABOVE, HALF ARE VALID AND HALF ARE INVALID, AND ALSO OF THOSE [OFFERED] BELOW, HALF ARE VALID AND HALF ARE INVALID.⁷

MISHNAH 2. IF ONE [PAIR] BELONGED TO ONE WOMAN AND TWO [PAIRS] TO ANOTHER, OR [EVEN] THREE [PAIRS] TO ANOTHER, OR [TEN] PAIRS TO ANOTHER OR A HUNDRED TO ANOTHER,⁸ AND HE OFFERED ALL OF THEM ABOVE, THEN HALF ARE VALID AND HALF ARE INVALID. [SIMILARLY], IF HE OFFERED ALL OF THEM BELOW, HALF ARE VALID AND HALF ARE INVALID.⁹ [IF HE OFFERED] HALF OF THEM ABOVE AND HALF BELOW, THEN THE [NUMBER OF BIRDS AS THERE IS IN THE] LARGER PART ARE VALID.¹⁰ THIS IS THE GENERAL PRINCIPLE: WHENEVER YOU CAN SO DIVIDE THE PAIRS [OF THE BIRDS] SO THAT THOSE BELONGING TO ONE WOMAN NEED NOT HAVE PART OF THEM [OFFERED] ABOVE AND PART [OFFERED] BELOW,¹¹ THEN HALF OF THEM ARE VALID AND HALF ARE INVALID;¹² BUT WHENEVER YOU CANNOT SO DIVIDE THE PAIRS [OF BIRDS] WITHOUT SOME OF THOSE BELONGING TO ONE WOMAN BEING [OFFERED] ABOVE AND SOME BELOW,¹³ THEN [THE NUMBER AS THERE IS IN] THE LARGER PART ARE VALID.¹⁴

MISHNAH 3. IF THE SIN-OFFERINGS BELONGED TO ONE AND THE BURNT-OFFERINGS TO ANOTHER,¹⁵ AND THE PRIEST OFFERED THEM ALL ABOVE, THEN HALF ARE VALID AND HALF DISQUALIFIED.¹⁶ IF HE OFFERED THEM ALL BELOW, HALF ARE VALID AND HALF DISQUALIFIED. IF HE OFFERED HALF OF THEM ABOVE AND HALF BELOW, THEN BOTH OF THEM ARE DISQUALIFIED, BECAUSE I CAN ARGUE THAT THE SIN-OFFERINGS WERE OFFERED ABOVE AND THE BURNT-OFFERINGS BELOW.¹⁷

MISHNAH 4. IF A SIN-OFFERING, A BURNT-OFFERING, AN UNASSIGNED PAIR OF BIRDS AND AN ASSIGNED¹⁸ PAIR [BECAME MIXED UP], AND HE OFFERED THEM ALL ABOVE, THEN HALF ARE VALID AND HALF ARE INVALID;¹⁹ [ALSO] IF ALL OF THEM BELOW, HALF ARE VALID AND HALF INVALID. IF HE OFFERED HALF OF THEM ABOVE AND HALF BELOW, NONE IS VALID EXCEPT THE UNASSIGNED PAIR,²⁰ AND THAT MUST BE DIVIDED BETWEEN THEM.²¹

MISHNAH 5. IF [BIRDS ASSIGNED AS] SIN-OFFERINGS WERE CONFUSED WITH [UNASSIGNED BIRDS THAT WERE] OBLIGATORY OFFERINGS, THEN ONLY THE NUMBER OF SIN-OFFERINGS AMONG THE OBLIGATORY OFFERINGS ARE VALID.²² IF THE [UNASSIGNED] OBLIGATORY OFFERINGS BE TWICE AS MANY AS THE SIN-OFFERINGS,²³ THEN HALF ARE VALID AND HALF INVALID;²⁴ BUT IF THE SIN-OFFERINGS BE TWICE AS MANY AS THE [UNASSIGNED] OBLIGATORY OFFERINGS,²⁵ THEN THE NUMBER [OF SIN-OFFERINGS] AMONG THE OBLIGATORY OFFERINGS ARE VALID.²⁶ SO, TOO, IF [BIRDS ASSIGNED AS] BURNT-OFFERINGS WERE MIXED UP WITH [UNASSIGNED] OBLIGATORY OFFERINGS, ONLY THE NUMBER OF BURNT-OFFERINGS AMONG THE OBLIGATORY OFFERINGS ARE VALID,²⁷ IF THE [UNASSIGNED] OBLIGATORY OFFERINGS ARE TWICE AS MANY AS THE BURNT-OFFERINGS,²⁸ THEN HALF ARE VALID AND HALF DISQUALIFIED,²⁹ BUT IF THE BURNT-OFFERINGS ARE TWICE THE NUMBER OF [UNASSIGNED] OBLIGATORY

OFFERINGS, THEN THE NUMBER [OF BURNT-OFFERINGS] AMONG THE OBLIGATORY OFFERINGS ARE VALID.³⁰

MISHNAH 6. IF A WOMAN SAYS: 'I VOW A PAIR OF BIRDS IF I GIVE BIRTH TO A MALE CHILD';³¹ AND SHE DOES GIVE BIRTH TO A MALE CHILD, THEN SHE MUST OFFER UP TWO PAIRS — ONE FOR HER VOW AND ONE FOR HER OBLIGATION.³² IF [BEFORE SHE ASSIGNED THEM] SHE GAVE THEM TO THE PRIEST,³³ AND THE PRIEST WHO OUGHT TO OFFER THREE BIRDS ABOVE AND ONE BELOW³⁴ DOES NOT DO SO, BUT OFFERS TWO ABOVE AND TWO BELOW, AND DOES NOT SEEK GUIDANCE,³⁵ THEN MUST SHE BRING ANOTHER BIRD [OF THE SAME KIND]³⁶ AND OFFER THAT ABOVE.³⁷ [THIS IS IF THE BIRDS SHE BROUGHT] ARE OF ONE KIND. IF THEY WERE OF TWO KINDS, THEN MUST SHE BRING TWO OTHERS.³⁸ IF SHE HAD EXPRESSLY DEFINED HER VOW.³⁹ THEN MUST SHE BRING THREE OTHER BIRDS.⁴⁰ [THIS IS IF THE BIRDS SHE BROUGHT] ARE OF ONE KIND, FOR WERE THEY OF TWO KINDS, SHE MUST BRING FOUR OTHERS.⁴¹ IF SHE MADE A DEFINITE FIXTURE AT THE TIME OF HER VOW,⁴² THEN MUST SHE BRING ANOTHER FIVE BIRDS — [THAT IS, IF THOSE SHE ORIGINALLY BROUGHT] WERE OF ONE KIND.⁴³ IF THEY WERE OF TWO KINDS, THEN MUST SHE BRING SIX OTHERS.⁴⁴ IF SHE GAVE THEM TO THE PRIEST AND IT BE NOT KNOWN WHAT SHE GAVE,⁴⁵ AND THE PRIEST PERFORMED THE SACRIFICE, BUT KNOWS NOT NOW HOW HE PERFORMED IT,⁴⁶ THEN MUST SHE BRING FOUR OTHER BIRDS FOR HER VOW,⁴⁷ AND TWO FOR HER OBLIGATION⁴⁸ AND ONE FOR HER SIN-OFFERING.⁴⁹ BEN 'AZZAI SAYS: [SHE MUST BRING] TWO SIN-OFFERINGS.⁵⁰ R. JOSHUA SAID: TO THIS APPLIES WHAT [THE SAGES] HAVE SAID: 'WHEN [THE BEAST] IS ALIVE IT POSSESSES ONE SOUND, BUT WHEN IT IS DEAD ITS SOUND IS SEVENFOLD'.⁵¹ IN WHAT WAY IS ITS SOUND SEVENFOLD? ITS TWO HORNS [ARE MADE INTO] TWO TRUMPETS,⁵² ITS TWO LEG-BONES INTO TWO FLUTES, ITS HIDE INTO A DRUM, ITS ENTRAILS FOR LYRES AND ITS LARGE INTESTINES FOR HARP STRINGS; AND THERE ARE SOME WHO ADD THAT ITS WOOL IS USED FOR THE BLUE [POMEGRANATES].⁵³ R. SIMEON B. AKASHIAH SAYS: UNINSTRUCTED PERSONS, THE OLDER THEY BECOME, THE MORE THEIR INTELLECT GETS DISTRACTED, AS IT IS SAID: HE REMOVETH THE SPEECH OF MEN OF TRUST AND TAKETH AWAY THE SENSE OF THE ELDERS';⁵⁴ WHEREAS OF AGED SCHOLARS, IT IS NOT SO. ON THE CONTRARY, THE OLDER THEY GET, THE MORE THEIR MIND BECOMES COMPOSED, AS IT IS SAID: 'WITH AGED MEN THERE IS WISDOM, AND UNDERSTANDING IN LENGTH OF DAYS'.⁵⁵

(1) A reference back to the principles enumerated in I, 2 — 3 supra, that in the case of a sin-offering getting mixed up with a burnt-offering, or vice versa, both must be left to die; or that if one pair belonging to one woman gets confused with ten pairs or one hundred pairs belonging to another, only the lesser number of the two groups confused is valid.

(2) The passages above quoted speak of a case where the priest comes to consult the Sanhedrin as to the procedure ('de jure') in such cases of confusion; this chapter deals with cases of 'de facto' where the priest acts on his own initiative. Acc. to Maim. נמלך refers to the priest asking the woman which bird she had specified as the sin or burnt-offering; but from Zeb. 73b it would appear that this view is incorrect. V. Kesef. Mishneh, Maim. Pesule ha-Mukdashim.

(3) As indicated supra I, 3 these birds are unspecified, and accordingly of the half that are valid, half can be brought as sin-offerings and half as burnt-offerings.

(4) I.e., sprinkled the blood.

(5) Since only half of the half that are valid can be offered above as burnt-offerings, and half below as sin-offerings,

(6) The case is of detached birds that had become confused and which the priest now takes to offer up half as sin-offerings and half as burnt-offerings; for had the birds of each pair been bound together and then got mixed up with other pairs, and then offered up one bird as a **הטאת** and the other as an **עולה**, all would still have been valid. V. next note.

(7) The main fear is lest the priest offer up all the pairs of one woman above and all those of another below; and though this fear may be too extreme, yet the principle is 'any doubt concerning a Biblical command is to be interpreted

rigorously', Bez. 3b, Hul. 9b. Since only half of the birds are valid and these are mixed up, so that one knows not whether they belong to one woman or another, the two women are advised to bring another pair of birds in joint-ownership, and make the condition that these be the birds for the woman whose sacrifice has not been offered up. If the priest had separated the birds, offering up half as sin-offerings and half as burnt-offerings (instead of a whole pair together above the red line) all the birds would have been valid on the plea that the priest, when he begins to sacrifice the unassigned birds, has the right to define the kind of sacrifice intended.

(8) Though we were told supra I, 3 that only the lesser number in such a case is valid, our present chapter deals with 'de facto' cases, in which the priest sacrifices without consulting as to the procedure.

(9) For in both cases half of the birds had been sacrificed in their proper places.

(10) In all such cases, where half are disqualified, the women, to fulfil their obligation, must bring other kinnim in partnership, and condition these as the sacrifices of her whose kinnim have been disqualified. An illustration will clarify the statement (THE NUMBER OF BIRDS AS THERE IS IN THE) LARGER PART ARE VALID. If the one pair belonging to A gets confused with the two pairs belonging to B, altogether six birds, and the priest offered three above and three below, then four birds are valid. For if we are to assume that all the three birds that were offered above belonged to B, then two of them are valid; and if on the other hand, we are to assume that two of the three offered above belonged to A, then these two birds are also valid, and the same applies to the three birds offered below, so that we have four birds, corresponding to the number belonging to B, valid. And the same applies to the case where the confusion arose among the pairs belonging to a larger number of women. If the one pair belonging to A gets confused with the two pairs belonging to B, and then with three other pairs, or ten pairs or a hundred other pairs belonging to others — a hundred and sixteen pairs altogether — and the priest offered up half of these birds above and half below the red line, then a hundred pairs are valid and sixteen pairs invalid. Why? If the one hundred and sixteen birds offered above belong to her who brought a hundred pairs, then a hundred birds are valid above, and sixteen invalid; but even if thirty-two of these hundred and sixteen belong to the other women, who brought these between them (one plus two plus three plus ten pairs), eighty-four birds are still valid since they belong to her who brought a hundred pairs, and of the thirty-two birds belonging to the others, sixteen would be valid above and sixteen below, thus still leaving a hundred birds valid, whether offered up above or below. This Mishnah differs from that previous in the fact that whereas the former cited the case of two women bringing an equal number of birds, the reference here is to women bringing each more than the other, the last one even bringing more than all the others put together.

(11) Since the priest offers up half of all the birds confused above and half below, it may be possible that all those birds offered up above belonged to one woman, or some to one and some to another. Here is an illustration: If A brings one pair, and B two pairs and C three pairs (together six pairs), and the priest offers half above, it is possible that either the six birds belong to A, B, or all to C. In this case, the priest may not have offered up half of the kinnim belonging to each woman above and half below.

(12) Whenever the number of the kinnim brought can be divided equally, as in the instance cited in a former note of A bringing one pair, B two pairs and C three pairs. In which case one plus two is three; or in the case of one, two, four or five pairs being brought, when one plus four is five, and the priest offers half of all the confused birds above and half below, then half are valid and half are not.

(13) If one pair gets confused with two pairs, and then with four pairs (together seven pairs), the kinnim cannot so be divided as to make any of them equal the largest number brought; as a result, it is possible that the priest offers some of the birds of one woman above and some below. Even in the case of three plus four plus five kinnim that get mixed up. though the total of twelve kinnim can be divided equally into two parts, yet of the numbers of the birds themselves no division can be made without one of the birds of a pair being above and the other below. Similarly, though the total number is a hundred and sixteen kinnim (v. n. 3, p. 15) one plus two plus three plus ten plus a hundred, yet the numbers cannot so be arranged as to make any equal the greatest number, with the result that the priest may be offering up part of the birds of one woman above and part below.

(14) Thus if one pair gets confused with two or four pairs, then four pairs are valid, to be offered up half above and half below. The numbers one plus two plus four cannot be so divided as to make any of the smaller numbers equal the larger number. So also of the numbers mentioned in n. 3, p. 15 (one plus two plus three plus ten plus a hundred), of which the smaller only combine to make sixteen. Thus the principle here stressed is that the greatest number brought (if more than all the other kinnim put together), is the number still valid after the mixing has taken place.

(15) This Mishnah further elucidates the principle stated supra I, 2. When do we say that 'if a sin-offering gets confused with a burnt-offering, then all must be left to die'? Only 'de jure', that is when the priest seeks guidance on the

procedure. This chapter, however, deals with 'Post facto' cases (בלא נמלך), in which case half of those he sacrificed above and below the red line are valid.

(16) Evidently the number of sin-offerings equals that of burnt-offerings and, moreover, the birds have all been designated as to the nature of their offering (מפורשות); hence half must be valid.

(17) Since the birds had been designated, it may easily be that he just offered up the wrong ones above or below.

(18) An amplification of the previous Mishnah. Rashi (Zeb. 67b), followed by Asheri and Bertinoro explains that the case here is of two women, one of whom brings two sin-offerings and one burnt-offering and the other two burnt-offerings and one sin-offering. These three kinnim they bring in partnership. One pair they specify at the time of purchase that one bird should act as the עולה for the one and as the חטאת for the other. Concerning the other pair they stipulated nothing whilst the third pair they again condition which should be a sin-offering and which a burnt-offering, but without specifying on whose behalf the respective sacrifice be made. The priest then offers up the three kinnim, unaware of the nature of each in the manner above narrated. The burnt-offering and the sin-offering have to be brought in the name of the owner, but the priest could 'de facto' do so without this knowledge. The same ruling would have applied to the case of an assigned pair with an unassigned pair only, without further mention of a חטאת ועולה : (v. Tosaf. Zeb. 67b s.v. חטאת). Concerning these last three Mishnahs of our Chapter, all commentators (v. the Tif. Israel) agree that they are the most difficult in the whole Talmud, since they not only deal with a most complicated subject, but they also demand a knowledge of permutation. i.e., the variation of the order of a set of things lineally arranged.

(19) Let A be the specified sin-offering of Rachel and B the burnt-offering of Leah, and let CC stand for the unspecified pair (each bird being called C), and let D and E symbolize the sin-offering and burnt-offering respectively in the third pair, which differs from the first pair in that though the sacrifice be specified, yet it be not known on whose behalf it is offered. Each pair is then tied together separately, thus AB, CC, DE. The priest, under the impression that all are unspecified, offers up from each pair one bird above and one bird below the red line.

(20) A and B are invalid, since it is not known which was offered above and which below, and for the same reason, D and E are invalid; only CC are valid, since it is within the power of the officiating priest to specify the nature of the offering.

(21) D and E being disqualified, it is for the women to arrange between them which bird in the unspecified pair (that is valid) should act as a substitute for each of their offerings that had been rendered invalid as a result of their offerings getting mixed up. Rachel must further bring another sin-offering in lieu of A that was disqualified and Leah another burnt-offering in lieu of B that was disqualified.

(22) An explanation of supra I, 2. Whether the birds unassigned equal or double the number of those assigned, only the number of unspecified sin-offerings among the obligatory offerings are valid. This rule is in the case of a priest who comes to consult the Beth din; for a 'de facto' case v. supra I, 4.

(23) For instance, if four unspecified birds, of which half are sin-offerings and half are burnt-offerings get confused with two others which are designated sin-offerings, and the priest offers up half above and half below.

(24) That is two sin-offerings and one burnt-offering. Of the three birds offered below, two are valid for both in the two assigned and in the two unassigned kinnim there must be two sin-offerings; and of the three offered above, one is still valid as a burnt-offering. since if two were sin-offerings. the third is a burnt-offering. (Some commentators will not have these two sin-offerings and one burnt-offering sacrificed, though not actually disqualified, lest the priest eventually offer them for a purpose other than that originally intended.) Tosaf. Yom Tob somewhat differs from the explanation of the Bertinoro given above. His illustration of our passage is of eight sin-offerings getting confused with eight others, of which four are burnt-offerings and four are sin-offerings. — a total of twelve sin-offerings and four burnt-offerings. Of these sixteen birds, the priest unwittingly offers up half above and half below the red line; as a result, those above are unfit, lest all be sin-offerings, but of the eight offered up below, four are valid, since the majority are sin-offerings and also that number being the number of sin-offerings among obligatory offerings. To illustrate the case of sin-offerings being twice as many as the unassigned obligatory offerings, the Bertinoro cites the example of sixteen sin-offerings getting confused with eight obligatory offerings, of which half are burnt-offerings and half sin-offerings. The priest offers up twelve birds above and twelve below the red line, with the result that all those offered above are invalid, whereas of the twelve offered below, only four are invalid, lest they be burnt-offerings.

(25) Four sin-offerings get confused with two unspecified obligatory offerings.

(26) Only two are valid as sin-offerings. Why? The three offered above are invalid lest they be of the four specified sin-offerings; but two of the three offered below are valid, either because they may all be or because even if two of the

three birds be the unspecified obligatory offerings, two are still valid as sin-offerings, since one bird is a sin-offering in any case. The number thus valid corresponds to the number of sin-offerings among the unspecified obligatory offerings. The same principle holds good in all cases where the number of unspecified obligatory offerings is double the number of sin-offerings. Should, however, the number of specified sin-offerings double that of the unspecified offerings, then instead of half being valid and half not, only a third of all the birds confused are still valid, that is, the amount corresponding to the number among the unspecified pairs. The Bertinoro cites this example: The woman can only offer one sin-offering of her two kinnim. She cannot offer two as burnt-offerings, lest they be the two sin-offerings that became confused; neither can she offer two as sin-offerings, lest one be the specified **עולה**. Accordingly, less than half are valid, that is, according to the least number among the obligatory offerings.

(27) Elaborating supra I, 2: IF BURNT-OFFERINGS BECAME MIXED UP WITH OBLIGATORY OFFERINGS; but whereas the first chapter deals with cases where the priest comes to ask advice, this chapter deals with 'de facto' cases.

(28) I.e., if four unspecified obligatory offerings get confused with two burnt-offerings, and the priest offers three birds above and three below the red line.

(29) Of the three offered above (as burnt-offerings) at least two are valid, even if all the three were unspecified; and of the three offered below (as sin-offerings) one is valid, since there are only two specified burnt-offerings. Thus only half of the birds are disqualified.

(30) The following example can serve as an illustration: Four burnt-offerings get confused with two unspecified birds and the priest offers up half above and half below, then all those offered up below are invalid, lest they be of the four burnt-offerings; whereas of those offered above, at least two are valid, whether all the three birds be of the burnt-offerings or only one be of the specified burnt-offerings and the other two of the unspecified, of which one must be a burnt-offering. Thus of all the six birds, only two are valid — according to the number of burnt-offerings among the obligatory offerings.

(31) The two birds brought as a result of her vow must both be burnt-offerings since a voluntary offering cannot consist of a sin-offering. Our instance is of a poor woman, for a rich woman was required to bring a lamb as her burnt-offering and a bird as her sin-offering. (The reason why a woman is more eager to have a male child is, according to some commentators, the belief that the pangs of birth are less than those for a daughter. v. Nid. 31a. More satisfactory is the reason cited by the **רשב"י**, and that is, because a son is referred to in the Talmud (Keth. 64a) as 'a staff for her old age', a support. But this ascendancy of the male was not regarded with unanimity, for in B.B. 141a the preference is given to the birth of a girl, especially if she be the first child, since she will be a help to her mother in looking after the other children.)

(32) 'And when the days of her purification are fulfilled, for a son or a daughter, she shall bring a lamb of the first year for a burnt-offering and a young pigeon or a turtle-dove for a sin offering, unto the door of the tent of meeting, unto the priest' (Lev. XII, 6). The point to be noted is that whereas her obligatory offering had to be brought at the end of forty days for a male, and eighty days for a female child, her vow-offering had to be brought immediately at birth.

(33) Of these two pairs, three birds are burnt-offerings and one a sin-offering; the priest offers the four birds up as if they were two pairs of obligatory offerings.

(34) As already stated, no voluntary offering can consist of a sin-offering, whereas the obligatory offering consists of a sin-offering and a burnt-offering.

(35) Under the impression that these two kinnim represent two obligatory offerings.

(36) A turtle-dove if the others had been turtle-doves, or a pigeon if the others had been pigeons.

(37) Since of the four birds, three were burnt-offerings and the priest only offers up two above, another bird of the same kind to which the four belonged must be brought as a burnt-offering. (V. Rashi to Zeb. 67b-68a for a detailed commentary on our Mishnah.)

(38) I.e., one turtle-dove and one pigeon; since one kind cannot be substituted for another (supra II, 5) and the two pairs consisted of a pair of pigeons and a pair of turtle-doves, a bird of each kind must be brought and offered, as an **עולה**, to replace the one burnt-offering that was disqualified. In such cases the birds brought to replace those disqualified are regarded as her vow-offering, though, as already stated, the 'vow' had to be brought at child-birth and her obligatory offering at the expiration of her period of purification.

(39) **פירשה**. At the time of the vow or even later, she had made clear the kind she would bring as her vow-offering, and after child-birth she brought two pairs of birds of the same kind, and the priest, without any investigation, offers two birds above and two birds below, and the woman does not recollect now of which kind she had specified for her vow-offering.

(40) Two of the birds already offered are treated as her obligation offering, consisting of one sin-offering and one burnt-offering. Of the second pair, brought in fulfilment of her vow, one is invalid since it was treated as a sin-offering. Besides substituting for this disqualified bird, two others must be brought as burnt-offerings, lest the two offered be not of the kind she had defined in her vow. The Mishnah deals with the more common case.

(41) She brought each pair of a different kind, but has forgotten the kind she vowed to bring for each offering. Accordingly, two birds became disqualified, lest they be not of the kind specified in her vow, and two birds must now be brought of each kind as burnt-offerings. with the stipulation that the two birds which are of a different kind to her original vow must be considered as voluntary offerings. Tif. Israel.

(42) **קבעה**. At the time of her vow, she had planned to bring both her offerings of the same kind and at the same time. This she did, but did not tell the priest the circumstances. and as a result he offers two birds above and two below. The woman had now forgotten the kind she had defined as her vow-offering, only remembering of what kind she had brought the two pairs (Tif. Israel). According to the Bertinoro, **פירשה** means that the woman does not define the kind of bird at the time of her vow, but at the time of the actual bringing of her offering declares: 'These birds shall serve as my vow-offering'; and **קבעה** means that this definition is made at the actual moment of her vow. Rashi, however, draws no such distinction between the two terms, both being the same, with the only difference that **קבעה** means that she declares to bring both her offerings at the same time. (V. also Men. 103a.) According to Wilna Gaon **קבעה** means that she defines at the time of the actual bringing of the pairs the kind she had stipulated at the time of her vow (**פירשה**), but which she had now forgotten.

(43) Though the birds she brought are all of one kind, the fear is lest those she had vowed were of a different kind; consequently, the two birds in fulfilment of her vow are invalid. Again, since she had vowed to bring both her offerings at the same time, and one of the offerings became invalid, her vow remains unfulfilled. Accordingly, she must now bring another two pairs of both kinds, and yet another bird of the same kind as that already offered as a sin-offering in fulfilment of her obligatory offering. These five birds must be sacrificed together. The principle behind all this is the rule laid down in Nazir V, 1 that any votive offering surrounded by doubt cannot be considered as a valid sacrifice.

(44) Four birds to fulfil her vow — since she has forgotten which kind had been offered — and two others to fulfil her obligation.

(45) She had forgotten the kind she had defined at the time of her vow and also the kind she had brought to the priest, and the latter also was unaware of the kind she had offered; accordingly, she must now bring seven other birds — four for her vow (two of each kind), two for her obligation offering and one as an additional sin-offering in case the other had been offered above. This would satisfy all doubts, since the slightest doubt concerning a sacrifice does not avail to render it valid.

(46) Did he offer all above or all below, or two above and two below? Accordingly, the woman cannot be said to have fulfilled any of her obligations.

(47) For she may have vowed all birds to be of one kind, whereas she has brought of two kinds, or the reverse. To allay doubt, let her bring a sacrificial pair of each kind.

(48) One of each kind, both of which must be offered as burnt-offerings, lest all the four birds had been offered below. The **עולה** of her obligatory offering must be of the same kind as her **הטאת**, the kind itself being immaterial.

(49) This can be of any kind she wishes, for she can pair the sin-offering to any burnt-offering she wishes to bring with it and she brings the burnt-offerings of both kinds.

(50) True to his principle that one is guided by what was first, supra II, 5. Since all the four birds may have been offered above, she has fulfilled the **עולה** of her obligation and she must now only bring the **הטאת** of the same kind as the burnt-offering; but the kind being unknown, two birds of different kind must be offered up as sin-offerings. The birds offered as sin-offerings, whether according to the first Tanna or Ben 'Azzai, cannot be eaten, lest she had already offered her sin-offering and a sin-offering cannot be brought as a voluntary offering. Ben 'Azzai, it would seem, prescribes that two sin-offerings be brought in all cases where the first Tanna of the Mishnah prescribes one to be brought.

(51) Symbolic of the number of additional birds prescribed by the Tanna of our Mishnah in consequence of the many doubts that have arisen. Thus one sacrifice is magnified sevenfold, and according to Ben 'Azzai, even eightfold. This Mishnaic parable is especially apt according to Rash (loc. cit.), who interprets the dispute between Ben 'Azzai and the first Tanna only as to seven or eight birds; other commentators would have it that Ben 'Assai requires two sin-offerings wherever the first Tanna prescribes only one.

(52) Another name for Shofar is, **הצוצרה**, Suk. 34a. Those used by the priests were of silver, whereas those used by the Levites were of horn.

(53) Attached to the robes of the High priest, Ex. XXVIII, 33.

(54) Job XII, 20 refers to the ignorant in the Torah, as can be seen from v. 24 of the same chapter. (Cf. also Shab. 152a.) The verses of the Bible are cited lest it be thought that the Rabbis are just praising themselves at the expense of the ignorant. The Torah becomes 'wisdom' with the very aged and 'understanding' with those still blessed with years to come.

(55) Job. XII, 12. This forms a fitting conclusion to the whole Order of Kodashim ('Hallowed Things'), of which Kinnim is the last Tractate, since the Talmud (Shab. 31a) refers to Kodashim as 'Wisdom'. Though this verse occurs earlier in the Biblical text than the one cited first, the compiler of the Mishnah thought it better to conclude with a statement on the scholar, the policy of Bible and Talmud being to conclude any prophecy or discussion on a joyful and optimistic note.

CHAPTER I

MISHNAH. . SHAMMAI RULED: FOR ALL WOMEN¹ IT SUFFICES [TO RECKON] THEIR [PERIOD OF UNCLEANNESS FROM THE] TIME [OF THEIR DISCOVERING THE FLOW].² HILLEL RULED: [THEIR PERIOD OF UNCLEANNESS IS TO BE RECKONED RETROSPECTIVELY] FROM THE [PREVIOUS] EXAMINATION TO THE [LAST] EXAMINATION,³ EVEN [IF THE INTERVAL EXTENDED] FOR MANY DAYS. THE SAGES, HOWEVER, RULED: [THE LAW IS] NEITHER IN AGREEMENT WITH THE OPINION OF THE FORMER⁴ NOR IN AGREEMENT WITH THAT OF THE LATTER,⁵ BUT [THE WOMEN ARE DEEMED TO HAVE BEEN UNCLEAN] DURING [THE PRECEDING] TWENTY-FOUR HOURS⁶ WHEN THIS⁷ LESSENS THE PERIOD FROM THE [PREVIOUS] EXAMINATION TO THE [LAST] EXAMINATION, AND DURING THE PERIOD FROM THE [PREVIOUS] EXAMINATION TO THE [LAST] EXAMINATION WHEN THIS⁸ LESSENS THE PERIOD OF TWENTY-FOUR HOURS.

FOR ANY WOMAN WHO HAS A SETTLED PERIOD IT SUFFICES [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME SHE DISCOVERS THE FLOW: AND IF A WOMAN USES TESTING-RAGS WHEN⁹ SHE HAS MARITAL INTERCOURSE, THIS IS INDEED¹⁰ LIKE AN EXAMINATION WHICH LESSENS EITHER THE PERIOD OF THE [PAST] TWENTY-FOUR HOURS OR THE PERIOD FROM THE [PREVIOUS] EXAMINATION TO THE [LAST] EXAMINATION. HOW [IS ONE TO UNDERSTAND THE RULING THAT]¹¹ IT SUFFICES [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME SHE DISCOVERS THE FLOW'? IF SHE WAS SITTING ON A BED AND WAS OCCUPIED WITH RITUALLY CLEAN OBJECTS¹² AND, HAVING LEFT THEM, OBSERVED A FLOW, SHE IS RITUALLY UNCLEAN WHILE THE OBJECTS¹³ REMAIN RITUALLY CLEAN.

ALTHOUGH THEY¹⁴ HAVE LAID DOWN THAT SHE¹⁵ CONVEYS UNCLEANNESS FOR A PERIOD OF TWENTY-FOUR HOURS [RETROSPECTIVELY]¹⁶ SHE COUNTS [THE SEVEN DAYS OF HER MENSTRUATION]¹⁷ ONLY FROM THE TIME SHE OBSERVED THE FLOW.

GEMARA. What is Shammai's reason?¹⁸ — He is of the opinion that a woman¹⁹ should be presumed to enjoy²⁰ her usual status, and the status of the woman²¹ was one of cleanness.²² And Hillel?²³ — When is it said that an object is presumed to possess its usual status? Only when the unfavourable condition²⁴ is not internal;²⁵ but as regards a woman,

(1) In respect of menstrual uncleanness.

(2) It being assumed that up to that moment there was no vestige of blood even in the ante-chamber (cf. Mishnah infra 40a). Hence only objects that were touched by the woman after the discovery become ritually unclean. All objects touched prior to that moment remain clean.

(3) When she discovered the discharge. If the last, for instance, took place at 5 p.m. on a Thursday and the previous one at 8 a.m. on the preceding Sunday, all objects touched since the Sunday examination are deemed to be ritually unclean because it is assumed that some blood, prevented from leaving the body by the walls of the womb, may have made its way into the ante-chamber immediately after that examination.

(4) Shammai, whose ruling is too lenient.

(5) Hillel, who is too restrictive, since blood could not well be retained in the ante-chamber for a very long time.

(6) Me'eth le'eth, lit., 'from time to time'.

(7) An interval of more than twenty-four hours having intervened between the two examinations.

(8) The two examinations having taken place within twenty-four hours.

(9) Before and after.

(10) Lit., 'behold this'.

- (11) In the case of 'ANY WOMAN WHO HAS A SETTLED PERIOD (supra).
- (12) In the preparation, for instance, of foodstuffs.
- (13) The bed, and the foodstuffs which she handled.
- (14) The Sages.
- (15) A woman who had no settled period.
- (16) From the time she observed the flow.
- (17) Prescribed in Lev. XV, 19.
- (18) For his ruling in the first clause of our Mishnah.
- (19) About whom it is uncertain when her flow began.
- (20) Lit., 'cause to stand . . . upon'.
- (21) Spoken of in our Mishnah.
- (22) Since she was occupied with ritually clean things.
- (23) How, in view of Shammai's reason, can he maintain his ruling.
- (24) Which might impair its status.
- (25) But is due to some external cause. MS.M. adds, 'as, for instance, when it is doubtful whether one did, or did not touch (an unclean object)'.

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since what she observes [is a discharge] from her own body, it cannot be held that she is presumed to have her usual status.

Wherein, however, does this¹ essentially differ² from that of a ritual bath of which we learnt: If a ritual bath³ was measured and found lacking, all purifications that have heretofore been effected through it, whether it was in a public⁴ or in a private domain,⁵ are regarded⁶ as unclean?⁷ According to Shammai⁸ the difficulty arises from 'heretofore'; while according to Hillel the difficulty arises, does it not, from the certainty; for, whereas in the case of the twenty-four hours' period⁹ of the menstruant [any terumah¹⁰ she touched] is only held in suspense, it being neither eaten nor burned,¹¹ here¹² the uncleanness is regarded as a certainty?¹³ — The reason¹⁴ there¹⁵ is that it may be postulated that the unclean person shall be regarded as being in his presumptive status¹⁶ and assumed¹⁷ not to have performed proper immersion.¹⁸ On the contrary! Why not postulate that the ritual bath shall be regarded as being in its presumptive status of validity and assume that it was not lacking?¹⁹ — Surely a lacking [bath] is before you. But in this case also,²⁰ is not blood before you? — She has only just now observed it.²¹ In that case²² too, is it not²³ lacking only just now?²⁴ — What a comparison!²⁵ In that case²² it might well be presumed that the water was gradually diminishing,²⁶ but can it here also be presumed that she was gradually observing the flow?²⁷ — What an objection is this! Is it not possible that she observed the blood only when it was coming in profusion?²⁸ — In the former case²⁹ there are two unfavourable factors³⁰ while in the latter³¹ there is only one unfavourable factor.³² Wherein, however,³³ does this³¹ differ from the case of the jug concerning which we have learnt:³⁴ If one tested³⁵ a wine jug for the purpose of periodically taking from it terumah [for wine kept in other jugs]³⁶ and, subsequently,³⁷ it was found to contain vinegar,³⁸ all³⁹ three days it is certain,⁴⁰ and after that it is doubtful.⁴¹ Now does not this⁴² present an objection against Shammai?⁴³ — The reason there⁴⁴ is that it can be postulated that the tebel⁴⁵ shall be regarded as having its presumptive status, and then it may be presumed that it had not been ritually prepared.⁴⁶ On the contrary! Why not postulate that the wine be regarded as having its presumptive status⁴⁷ and then it might be assumed that it had not become sour? — Surely it stands sour before you. But in that case also⁴⁸ is there not blood before you? — She has only just now observed it. But in that case too⁴⁹ is it not sour only just now? — What a comparison! In the latter case⁴⁹ it might well be presumed that the wine turned sour by degrees,⁵⁰ but can it also be said in the former case⁴⁸ that she observed the flow by degrees?⁵¹ — What an objection is this! Is it not possible that she observed the blood only when it came in profusion? — In the former case⁴⁹ there are two unfavourable factors⁵² while in the latter⁴⁸ there is only one such factor.⁵³

An incongruity, however, was pointed out between the case of the jug⁵⁴ and that of the ritual bath:⁵⁵ Wherein lies the essential difference between the two⁵⁶ that in the latter case⁵⁷ [the retrospective uncleanness is regarded as] a certainty while in that of the former⁵⁸ [the uncleanness of the terumah is deemed] doubtful? — R. Hanina of Sura replied: Who is the author [of the ruling concerning the] jug? R. Simeon, who in respect of a ritual bath also regards [the retrospective uncleanness] as a matter of doubt; for it was taught:⁵⁹ If a ritual bath was measured and found lacking all purifications heretofore effected through it whether it was in a public or in a private domain, are regarded as unclean.⁶⁰ R. Simeon ruled: In a public domain they are regarded as clean but in a private domain they are regarded as being in suspense.⁶¹

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- (1) The case of the menstruant.
 - (2) Both according to Shammai and Hillel.
 - (3) Which must contain a minimum of forty se'ah of water.
 - (4) Where a case of doubtful uncleanness is elsewhere regarded as clean.
 - (5) Where a doubtful case is regarded as unclean (cf. prev. n.).
 - (6) Since the bath is now ritually invalid.
 - (7) Mik. II, 2.
 - (8) Who ruled that the period of uncleanness of menstruant women begins FROM THE TIME OF THEIR DISCOVERY OF THE FLOW and not retrospectively.
 - (9) According to the Sages; or the interval between her last and previous examinations according to Hillel (v. our Mishnah).
 - (10) V. Glos.
 - (11) As explained infra 6a.
 - (12) In the case of the ritual bath, where it is categorically stated 'are retrospectively unclean'.
 - (13) And the terumah must be burned.
 - (14) For the restrictions.
 - (15) The case of the ritual bath.
 - (16) Of uncleanness, which before valid immersion is a certainty.
 - (17) On account of the discovered invalidity of the ritual bath he used.
 - (18) Since the invalidity may have begun at the time the immersion took place.
 - (19) At the time of the immersion.
 - (20) That of the menstruant.
 - (21) Hence there is no need to assume that the flow began any earlier.
 - (22) Ritual bath.
 - (23) As far as is known.
 - (24) Why then should it be assumed to have been lacking earlier?
 - (25) Lit., 'thus, now'.
 - (26) So that the presumptive state of validity has long ago been impaired. And since it is not known when the process began the restrictive ruling given is well justified.
 - (27) Obviously not. Hence it may well be assumed that the flow began only at the moment when it was discovered.
 - (28) While in fact a particle of it which is quite sufficient to cause uncleanness (cf. infra 40) may have been in the antechamber long before she was aware of any flow.
 - (29) That of the ritual bath.
 - (30) The assumption that the unclean person was in his confirmed status of uncleanness and the lacking condition of the bath.
 - (31) The case of the menstruant.
 - (32) The present observation of the blood. Since against this factor there is the favourable one of the woman's previous condition of confirmed cleanness it may well be assumed that the flow began not earlier than the moment when it was observed.
 - (33) According to Shammai.
 - (34) What follows is a Baraita (Tosef. Ter. IV) and is quoted here as Mishnah. This is not an isolated instance. V.

Higger Ozar ha Beraitoth, pp. 37ff.

(35) Either by tasting some of its contents (Rashi) the terumah and tithe having been duly taken from it (Rashb. B.B. 96a) or by smelling it (Tosaf. l.c.).

(36) In order that he might be allowed to use the wine in the other jugs he keeps this one jug for the purpose of taking from it daily, or whenever required, the appropriate quantity of wine as terumah or tithe for the wine in the other jugs.

(37) After a month or two, for instance.

(38) A liquid which (according to Rabbi, B.B. 84b) may not be used as terumah for wine.

(39) So MS.M. and Rashal. Cur. edd. in parenthesis insert 'the first'.

(40) V. following note.

(41) Tosef. Ter. IV. The meaning according to R. Johanan (B.B. 96a) is that during the first three days after the test the contents of the jug are regarded as 'certain' wine because in less than three days wine cannot turn into vinegar. Even if it be assumed that it began to turn sour immediately after the test it could not be called 'vinegar' until full three days had elapsed. The terumah given within these three days must inevitably have been wine and consequently have exempted the wine in the other jugs. After three days the contents are regarded as 'doubtful wine' since it is possible that the wine began to deteriorate only three days before it was found to be vinegar, into which it may have turned just at that moment. As the terumah is accordingly of a doubtful nature another portion must be set aside for the purpose. The meaning according to R. Joshua b. Levi (ibid.) is that during the last three days prior to the discovery that it had turned into vinegar, it is regarded as 'certain' vinegar because, in his opinion, the contents are deemed to be vinegar as soon as the wine begins to deteriorate in odour though its taste may still be that of wine. Since it is now proper vinegar the deterioration must have commenced at least three days earlier. Prior to the three days it is regarded as 'doubtful' because it is unknown when the deterioration had set in.

(42) The ruling in the Baraita cited according to which where unfavourable factors exist restrictions are applied retrospectively.

(43) Who ruled in our Mishnah that menstruants are not deemed to have been unclean for any length of time retrospectively, but reckon their period of uncleanness only from the moment OF THEIR DISCOVERING THE FLOW.

(44) In the Baraita cited.

(45) The untithed wine, v. Glos.

(46) Sc. that the priestly and levitical dues have not been duly set aside for it.

(47) Of being wine.

(48) That of the menstruant.

(49) That of the jug of wine.

(50) So that it lost its status long before it completely turned into vinegar.

(51) Of course not. Hence the assumption that the flow began the moment it was discovered.

(52) The confirmed status of the wine as tebel and its present sour condition.

(53) The present observation of the blood.

(54) Cited supra from Tosef. Ter. IV.

(55) Mik. II, 2, also cited supra.

(56) In both of which (as stated supra) there are equally two unfavourable factors.

(57) Mik. II, 2.

(58) Cited supra from Tosef. Ter. IV.

(59) So marg. gl. Cur. edd. 'we learnt'.

(60) Supra q.v. notes.

(61) Tosef. Mik. I; the reason is discussed infra.

Talmud - Mas. Nidah 3a

And both¹ deduced it² from no other law than that of sotah.³ The Rabbis⁴ hold [that the law of the ritual bath is the same] as that of sotah; as [the offence of] the sotah is a matter of doubt and is regarded as a certainty⁵ so here also⁶ [where the uncleanness is] a matter of doubt it is regarded as a certainty. If [the inference, however, is made] from the sotah might it not be argued: It is like the sotah in this respect, viz., that as the sotah is clean [if she is suspected of an offence] in a public domain⁷ so should [all the purifications effected in] this case also⁶ be regarded as clean [if the bath

was] in a public domain? — What a comparison!⁸ There⁹ the cause¹⁰ is seclusion¹¹ but seclusion in a public domain is impossible,¹² but here,⁶ the cause¹³ being the deficiency,¹⁴ what matters it whether the deficiency takes place in a public, or in a private domain?¹⁵ And should you argue: Is not every doubtful case of ritual uncleanness in a public domain regarded as clean [it could be retorted:] Since [in the case of the bath] there are two unfavourable factors¹⁶ it is regarded as certain uncleanness. R. Simeon, however, holds [that the law of the ritual bath is the same as that of sotah [in this respect]: As the sotah is regarded as clean [where she is suspected of an offence] in a public domain so also here¹⁷ [are all the purifications effected regarded as] clean [if the bath was] In a public domain. If [the inference, however, is made] from the sotah, might it not be argued: It is like the sotah in this respect viz., that as the sotah [if suspected of the offence] in a private domain is regarded as definitely unclean so should also [all purifications effected in this case] be deemed to be definitely unclean [where the bath was] in a private domain? — What a comparison!¹⁸ In that case¹⁹ there is some basis for the suspicion,²⁰ seeing that he²¹ had warned her and she had secluded herself with the stranger; what basis for uncleanness,²⁰ however, is there here?²²

And if you prefer I might say that this is R. Simeon's reason:²³ He infers the law of the termination of uncleanness²⁴ from that of the inception of uncleanness,²⁵ as with the inception of uncleanness if it is doubtful whether an object has or has not touched an uncleanness in a public domain it is deemed to be clean, so also with the termination of uncleanness, if it is doubtful whether an object had been duly immersed or not, in a public domain it is deemed to be clean. And the Rabbis?²⁶ — What an inference!²⁷ There,²⁸ since the man is in the presumptive status of ritual cleanness, we cannot on account of a doubt transfer him to a state of uncleanness, but here,²⁹ seeing that the man is in the presumptive status of uncleanness, we cannot on account of a doubt release him from his uncleanness.

Wherein, however, does this³⁰ essentially differ³¹ from the case of an alley of which we learnt: If a dead creeping thing was found in an alley it causes ritual uncleanness retrospectively³² to such time as one can testify, 'I examined this alley and there was no creeping thing in it',³³ or to such time as it was last swept?³⁴ — There³⁵ also, since there are creeping things from the alley itself and also creeping things that make their way into it from the outside world, the case is the same as one that has two unfavourable factors. And if you prefer I might reply,³⁶ This is Shammai's reason:³⁷ Because a woman is herself conscious [when she suffers a flow].³⁸ And Hillel?³⁹ — She might have thought that the sensation⁴⁰ was that of urine. As to Shammai, is there not [the possibility of suffering a flow while] asleep?⁴¹ — A woman asleep too would⁴² awake on account of the pain,⁴³ as is the case where one feels a discharge of urine.⁴⁴ But is there not the case of an imbecile?⁴⁵ — Shammai agrees⁴⁶ in the case of an imbecile. But did he not state, ALL WOMEN?⁴⁷ — [He meant:] All sensible women. Then why did he not merely state WOMEN?⁴⁸ — He intended to indicate that the law is not in agreement with R. Eliezer; for R. Eliezer mentioned 'Four classes of women'⁴⁹ and no more, hence he⁵⁰ informed us [that the law applies to] ALL WOMEN. But is there not the case of stains?⁵¹ Must we then⁵² assume that we learnt the Mishnah about stains⁵³ in disagreement with Shammai? — Abaye replied: Shammai agrees⁵⁴ in the case of stains. What is the reason? — Since she was neither handling a slaughtered bird nor was she passing through the butchers' market, whence could that blood have come?⁵⁵ And⁵⁶ if you prefer I might reply, This is Shammai's reason: If in fact any blood were there⁵⁷ it would have flowed out earlier.⁵⁸ And Hillel?⁵⁹ — The walls of the womb may have held it back.⁶⁰ And Shammai?⁶¹ — The walls of the womb do not hold blood back. But what can be said for a woman⁶² who⁶³ uses an absorbent in her marital intercourse?⁶⁴ — Abaye replied: Shammai agrees⁶⁵ in the case of one who uses an absorbent,⁶⁶ Raba replied: An absorbent too [does not affect Shammai's ruling, since] perspiration causes it to shrink.⁶⁷ Raba, however, agrees⁶⁸ in the case of a tightly packed absorbent.⁶⁹

What, however, is the practical difference between the latter explanation?⁷⁰ and the former explanation?⁷¹

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- (1) R. Simeon and the first Tanna.
 - (2) Each his respective rulings in the Baraita just cited.
 - (3) V. Glos., in connection with whom Scripture speaks of uncleanness or defilement (cf. Num. V, 13).
 - (4) Sc. the first Tanna (cf. supra n. 7).
 - (5) A sotah, until her innocence is proved by the test (cf. Num. V, 15-28), being definitely forbidden to her husband.
 - (6) The case of the ritual bath under discussion.
 - (7) Where no privacy is possible.
 - (8) Lit., 'thus, now'.
 - (9) Sotah.
 - (10) Of the woman's uncleanness or prohibition to her husband.
 - (11) Of the woman with the suspected stranger.
 - (12) Hence the ruling that in such a case the woman is deemed clean.
 - (13) Of uncleanness.
 - (14) Of the water in the bath.
 - (15) Nothing. Hence the Rabbis' ruling that all purifications effected, irrespective of domain, are deemed to be unclean.
 - (16) As pointed out supra 2b.
 - (17) The case of the ritual bath under discussion.
 - (18) Lit., 'thus, now'.
 - (19) Sotah.
 - (20) Lit., 'there are feet for the thing'
 - (21) Her husband.
 - (22) In the case of the bath. As there is no basis whatever for the assumption that this deficiency occurred before the purifications had been effected it may well be assumed that it occurred afterwards immediately before the bath was measured. It has thus been shown, as R. Hanina replied supra, that according to R. Simeon all cases of doubtful uncleanness in a private domain where there is no basis for the affirmation of the uncleanness, are regarded as being in suspense.
 - (23) For holding doubtful cases of uncleanness in a public domain to be clean.
 - (24) Sc. ritual immersion which takes place when the period of uncleanness is concluded.
 - (25) I.e., uncleanness contracted from coming in contact with an unclean object.
 - (26) How, in view of R. Simeon's inference, could they maintain (v. supra 2b ad fin.) that 'all purifications . . . whether it was in a public or in a private domain, are unclean'?
 - (27) Lit., 'thus, now'.
 - (28) The case of the inception of uncleanness.
 - (29) In a case of termination of uncleanness.
 - (30) The case of the menstruant in our Mishnah.
 - (31) According to Shammai.
 - (32) To all clean objects that were in the alley prior to its discovery.
 - (33) Sc. only clean objects that were in the alley prior to that examination are ritually clean since the examination has established that during that time there was no creeping thing in the alley.
 - (34) Infra 56a; and no creeping thing was found. The sweeping, which is presumably accompanied by a search for any unclean things, has the same force as a direct examination. Hence (cf. prev. n.) only objects that were in the alley prior to the sweeping are clean while those that were there after the sweeping, since a creeping thing may have fallen into the alley immediately after the sweeping was over, are regarded as unclean. Now seeing that here uncleanness in a doubtful case is caused retrospectively, why does Shammai in our Mishnah restrict the period of uncleanness to the time of THEIR DISCOVERING only?
 - (35) The case of the alley in the Mishnah just cited.
 - (36) To the objection raised against Shammai.
 - (37) For his ruling that menstruants begin their period of uncleanness from the time OF THEIR DISCOVERING OF THE FLOW only and not, as in the case of the alley, retrospectively.
 - (38) As she did not feel any prior to her present discovery it may be safely assumed that previously there had not been any.

- (39) How, in view of this argument, can he maintain that a menstruant's uncleanness is RECKONED RETROSPECTIVELY?
- (40) Of the menstrual flow.
- (41) When the woman is unconscious of it. As this is quite possible, why does not Shammai extend the period of uncleanness retrospectively?
- (42) In Shammai's opinion.
- (43) Of the flow.
- (44) As she did not awake, it may well be presumed that the flow began just before its discovery.
- (45) Who is incapable of distinguishing the first appearance of a flow.
- (46) That the period of uncleanness extends retrospectively.
- (47) Which presumably includes the imbecile also.
- (48) Omitting 'ALL'.
- (49) Infra 7a.
- (50) Shammai.
- (51) Of menstrual blood, which (v. infra 56a) cause uncleanness retrospectively, though prior to the moment of its discharge the woman was unaware of any flow.
- (52) Since Shammai does not extend the unclean period retrospectively, maintaining that a woman is invariably aware when her flow first appears.
- (53) Where it was ruled that a stain causes uncleanness even where the woman had felt no flow whatever.
- (54) That the menstruant's uncleanness is extended retrospectively.
- (55) Hence it must be assumed to have come from the woman's menstrual flow.
- (56) So Bah. Cur. edd. omit 'and'.
- (57) Sc. prior to its discovery.
- (58) As none flowed out it may well be assumed that the flow began only just before it had been discovered.
- (59) Sc. how can he maintain his ruling in view of the argument here advanced for Shammai?
- (60) As, however, it might have made its way to the ante-chamber the period of uncleanness must extend from that time onwards.
- (61) Cf. prev. n. but one mut. mut.
- (62) Of the three classes enumerated infra 45a.
- (63) To prevent conception.
- (64) As the material used would also absorb any menstrual blood, there could be no proof that the discharge did not begin prior to the discovery. How then could Shammai rule that the menstrual uncleanness begins only at 'THE TIME OF THEIR DISCOVERING THE FLOW'?
- (65) That menstrual uncleanness is reckoned retrospectively.
- (66) Cf. prev. n. but one.
- (67) Lit., 'on account of perspiration it inevitably shrinks' and consequently, enables the blood to pass out. As no blood appeared prior to the discovery Shammai may well maintain that the uncleanness does not begin prior to the DISCOVERING OF THE FLOW.
- (68) With Abaye.
- (69) Since the blood cannot pass through it.
- (70) That (a) 'a woman feels' and (b) 'it would have flowed out earlier' (supra).
- (71) Supra 2a, 'a woman should be presumed to enjoy her usual status'.

Talmud - Mas. Nidah 3b

— The practical difference between them is the possibility of pointing out an incongruity [between the ruling in our Mishnah and the rulings concerning] the jug, the ritual bath and the alley:¹ According to the former explanation such an incongruity may justifiably be pointed out¹ while according to the latter explanations such an incongruity does not exist. But what practical difference is there [in the case of the latter] between the one and the other explanation? — According to Abaye² there is the case of the absorbent,³ and according to Raba² there is the case of the absorbent tightly packed.⁴ It was taught in agreement with that explanation that 'if in fact any blood were there it

would have flowed out earlier': Hillel said to Shammai, 'Do you not agree that in the case of a basket one corner of which was used for levitically clean objects while in another corner was found⁵ a dead creeping thing, the objects that were formerly clean are regarded as unclean retrospectively?'⁶ — 'Indeed', the other replied. 'Then [Hillel rejoined] what is the difference between the one case and the other?'⁷ — 'The one⁸ [Shammai replied] has a bottom,⁹ the other¹⁰ has none.'¹¹ Raba stated: Shammai's reason¹² is to avoid¹³ neglect of marital life.¹⁴ So it was also taught: Shammai said to Hillel, 'If so,¹⁵ you cause the daughters of Israel the neglect of marital life'.¹⁶ Now according to him¹⁷ who taught this explanation¹⁸ [it may be objected:] Was it not taught,¹⁹ in agreement with the former explanation,¹⁸ that 'if in fact any blood were there it would have flowed out earlier'? — There¹⁹ it was Hillel who erred. He thought that Shammai's reason was that if any blood had been there it would have flowed out earlier and, therefore, he raised an objection against him from the case of the basket,²⁰ but Shammai answered him, 'My reason is the avoidance of the neglect of marital life; and as regards your erroneous assumption too, in consequence of which you raised an objection from the case of the basket, the latter has a bottom while the former has none.'²¹

But according to him who taught²² the first explanation²³ [it may be objected:] Was it not in fact taught, in agreement with the latter version, that the reason is to avoid the neglect of propagation? It is this that Hillel in fact said to Shammai, 'Even if you give as your reason that "if in fact any blood were there it would have flowed out earlier," you must nevertheless make a fence²⁴ for your ruling, for why should this law be different from all the Torah for which a fence is made?' To this the other replied, 'If so,²⁵ you would cause the daughters of Israel to neglect marital life'.²⁶ And Hillel?²⁷ — 'Do I [he can reply] speak of marital life?²⁸ I only speak of levitical cleanness'. And Shammai?²⁹ — [Restrictions, he holds, must] not [be imposed] even as regards levitical cleanness, since otherwise³⁰ the man might have scruples³¹ and keep away altogether.³²

(Mnemonic:³³ Bottom examined covered in a corner.)

It was stated: If one corner of a basket was used for levitically clean objects and a dead creeping thing was found in another corner, Hezekiah ruled that the objects that were formerly³⁴ clean remain clean. R. Johanan ruled: The objects that were formerly³⁵ clean are now regarded as retrospectively unclean. But do not Shammai³⁶ and Hillel in fact agree³⁷ in the case of a basket that the objects that were formerly clean are deemed to be retrospectively unclean?³⁸ — Shammai and Hillel agree³⁹ only in the case of a basket that had a bottom,⁴⁰ while Hezekiah and R. Johanan differ in that of a basket that had no bottom.⁴¹ But if the basket had no bottom what could be R. Johanan's reason?⁴² — It had no bottom, but it had⁴³ a rim.⁴⁴ But surely, it was taught:⁴⁵ 'If a man drew⁴⁶ ten buckets of water one after the other⁴⁷ and a creeping thing was found in one of them, this one⁴⁸ is unclean and all the others⁴⁹ remain clean',⁵⁰ and in connection with this Resh Lakish citing R. Jannai stated, 'This⁵¹ was taught only in a case where the bucket had no rim⁵² but if it had a rim⁵³ all the buckets of water are deemed to be unclean.' Now must it be assumed that Hezekiah⁵⁴ does not adopt the view of R. Jannai?⁵⁵ — [No, since] water⁵⁶ glides⁵⁷ while fruits⁵⁸ do not glide,⁵⁹ or else [it may be replied] one is not particular with water⁶⁰ but with fruit one is particular.⁶¹ And if you prefer I might reply: Shammai and Hillel agree⁶² only in respect of a basket that was not [previously]⁶³ examined⁶⁴

(1) Supra 2b and 3a.

(2) Supra 3a ad fin.

(3) If the explanation is that 'a woman feels' the period of menstrual uncleanness would begin at the time of the discovery of the blood even where a woman used an absorbent, while if the explanation is that 'it would have flowed out earlier' uncleanness would begin retrospectively since the discharge might have begun earlier but was soaked up by the absorbent.

(4) Cf. prev. note.

(5) After the clean objects had been removed from the basket.

(6) Lit., 'the former clean are unclean', because it is possible that the creeping thing was in the basket before the objects

had been removed and that it consequently imparted uncleanness to the basket from which it was conveyed to the objects. If the creeping thing, it may be added, had been found in the same corner in which the objects were previously kept there could be no question that the latter remain clean, since it may be regarded as certain that they had been removed before the creeping thing had fallen into the basket. For if it had been there earlier it would have been discovered at the time the objects were being removed.

(7) Sc. why is the uncleanness deemed to be retrospective in the case of the basket and not in that of the menstruant?

(8) The basket.

(9) Where the creeping thing may well have rested quite unobserved by the person who removed the objects.

(10) The menstruant.

(11) Sc. had any blood found its way to the ante-chamber it would inevitably have flowed out.

(12) For his ruling in the first clause of our Mishnah that the uncleanness is not retrospective.

(13) Lit., 'on account of'.

(14) Lit., 'propagation'. Were it to be assumed that blood can make its way to the vagina even when the woman is unconscious of it, men would abstain from all marital intercourse in order to avoid possible complications of uncleanness.

(15) That menstrual uncleanness is to be retrospective (v. our Mishnah).

(16) Cf. note 10.

(17) Raba.

(18) Of Shammai's reason.

(19) Supra.

(20) Where it is not assumed (on the analogy of the blood of the menstruant) that if a creeping thing had been there it would have come out together with the objects when the basket had been cleared.

(21) Cf. notes supra.

(22) Supra.

(23) That Shammai's reason is that if any blood had been in the vagina it would have flowed out earlier.

(24) I.e., add some restriction (retrospective uncleanness) in order to avoid possible transgression of the law itself.

(25) That menstrual uncleanness is to be retrospective (v. our Mishnah).

(26) V. supra p. 11 n. 10.

(27) How, in view of this reply, could he maintain his ruling.

(28) No. He did not say that any marital relations were to be affected.

(29) Cf. note 8 mut. mut.

(30) Lit., 'for if so', were retrospective uncleanness to be imposed.

(31) Owing to the possibility of some flow of blood in the vagina.

(32) Lit., 'his heart beats him and he separates (from his wife)'.

(33) Containing striking words or phrases from each of the four following explanations of the points on which Shammai and Hillel on the one hand and Hezekiah and R. Johanan on the other differ.

(34) Lit., 'the first'.

(35) Lit., 'the first'.

(36) So Bah and MS.M. Cur. edd. in parenthesis insert 'Beth'.

(37) Supra. — MS.M. reads, 'Does not Shammai agree with Hillel'.

(38) How then can Hezekiah differ from the unanimous ruling of both?

(39) Var. lec. 'Shammai agrees with Hillel' (MS.M.).

(40) And the objects were removed through the open top, so that it was quite possible for the creeping thing to be at the time of the removal at the bottom of the basket and thus to have escaped observation.

(41) And that was used while it was lying on its side. In such circumstances the objects would be removed by inverting the basket in which case all its contents, including any creeping thing that might have been there, would fall out.

(42) For treating the objects as unclean.

(43) Near the position of the bottom.

(44) Turning inwards, so that the creeping thing might have been caught by it and there remained unobserved.

(45) Var. lec., 'we learnt' (Bah citing Toh. IV, 4, which, however, differs slightly from the version here cited).

(46) With the same bucket.

(47) All of which were poured into one large tank.

- (48) In which the creeping thing was found.
- (49) Since no creeping thing was observed to be in them when they were being emptied into the tank.
- (50) It being assumed that the creeping thing had not fallen into the bucket until it was filled for the last time.
- (51) That all the others remain clean.
- (52) Turning inwards so that the creeping thing could not possibly have remained in the bucket when it was tipped over the tank.
- (53) On which the creeping thing might have been caught and remained unobserved at the time.
- (54) Who, as explained supra in the case of the basket, holds the objects to be clean even where the basket had a rim.
- (55) Is it likely, however, that Hezekiah would differ from such an authority?
- (56) When the bucket is tipped.
- (57) Hence it is not necessary to incline the bucket at too great an angle when it is being emptied. The creeping thing might, therefore, well have remained within the bucket, held by the rim and unobserved.
- (58) From a basket.
- (59) If the basket is only slightly inclined. As it must consequently be turned upside down before all the fruit it contains can be emptied it is quite impossible for the creeping thing to have remained within. If, therefore, one was subsequently found in the basket it may be safely assumed that it fell in after the clean objects had been removed.
- (60) And does not mind if some of it remains in the bucket. Hence one does not tip the bucket very much, and the creeping thing might consequently have remained within the bucket behind the rim.
- (61) And turns the bucket upside down in order to get out even the last fruit (cf. prev. n. but one mut. mut.).
- (62) Var. lec. 'Shammai agrees with Hillel' (MS.M.).
- (63) Before the clean objects were put into it.
- (64) Hence it cannot be regarded as having a presumptive state of cleanness.

Talmud - Mas. Nidah 4a

while Hezekiah and R. Johanan differ in the case of a basket that had been examined. One Master¹ holds [the objects to be clean because the basket] surely had been examined,² and the other Master³ [holds them to be unclean, since] it might be assumed that the creeping thing fell in just when the man⁴ removed his hand.⁵ But [the case of the basket,]⁶ surely, was taught in the same manner as that of the woman,⁷ and is not a woman⁸ deemed to be duly examined?⁹ Since the flow of blood from her body is a regular occurrence she is regarded as unexamined.¹⁰ And if you prefer I might reply:¹¹ Shammai and Hillel agree¹² only in respect of a basket that¹³ is uncovered,¹⁴ while Hezekiah and R. Johanan differ in respect of a covered basket.¹⁵ 'Covered'! Then how [could the creeping thing]¹⁶ have fallen into it? — [This is possible when] for instance, the way of using it was by [opening and closing] its cover.¹⁷ But [the case of the basket] surely, was taught in the same manner as that of the woman,¹⁸ and is not a woman¹⁹ in the condition of being covered?²⁰ — Since the flow of blood from her body is a regular occurrence she is regarded as being in an uncovered condition.²¹ And if you prefer I might reply:²² Shammai and Hillel agree²³ only in respect of the corner of a basket, while Hezekiah and R. Johanan differ in that of the corner of a room.²⁴ But was not a 'basket' spoken of?²⁵ — It is this that was meant:²⁵ If a basket was used for clean objects in one corner of a room and, when it was moved into another corner,²⁶ a creeping thing was found [in it while it was] in that other corner, Hezekiah holds that we do not presume the uncleanness found in one place²⁷ to apply to another place,²⁸ while R. Johanan holds that we do presume.²⁹ But do we²⁹ apply the rule of presumptive uncleanness? Have we not learnt: 'If a man touched someone in the night and he did not know whether it [was a person who was] alive or [one that was] dead, and in the morning when he got up he found him to be dead, R. Meir declares [the man] clean, but the Sages declare [him] to be unclean because all questions of uncleanness are determined by [the condition of the objects at] the time they are found',³⁰ and in connection with this it was taught, 'As at the time they are found and in accordance with the place in which they are found'?'³¹ And should you reply that this³² holds good only³³ in respect of the law of burning³⁴ but that in respect of the law of suspense it is well applied,³⁵ have we not learnt, [it could be retorted,] If a needle³⁶ was found³⁷ full of rust or broken³⁸ it is regarded as clean³⁹ because all questions of uncleanness are determined by [the condition of the

objects at] the time they are found?⁴⁰ Now why should this be so?⁴¹ Why should it not rather be assumed that this needle was formerly⁴² in a sound condition⁴³ and that it produced the rust just now?⁴⁴ Furthermore, have we not learnt: If a burnt creeping thing was found upon olives and so also if a tattered⁴⁵ rag⁴⁶ was found upon them it is clean,⁴⁷ because all [questions of] uncleanness are determined by [the conditions of the objects at] the time they are found?⁴⁸ And should you reply that [the uncleanness is determined] in accordance with [the condition of the objects at] the time they are found, irrespective of whether the result is a relaxation⁴⁹ or a restriction of the law,⁵⁰ only in the place where they⁵¹ are found, but [if the doubt arises] in regard to the place in which they⁵¹ were not found⁵² the objects⁵³ are not to be burned but are nevertheless to be held in suspense,⁵⁴ was it not in fact taught,⁵⁵ [it could be retorted,] If a loaf of bread was lying on a shelf under which⁵⁶ lay an object of a minor degree of uncleanness,⁵⁷ [the loaf,]⁵⁸ although if it had fallen down it would have been impossible for it not to touch the unclean object,⁵⁹ is clean, because it is assumed that a clean person entered there and removed it,⁶⁰ unless one can testify, ‘I am certain that no one entered there’,⁶¹ in connection with which R. Eleazar stated: This assumption⁶² was required only in the case of a sloping shelf?⁶³ — There⁶⁴ the reason⁶⁵ is as stated,⁶⁶

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- (1) Hezekiah.
 - (2) And since at the time it contained no unclean objects a presumptive state of cleanness has been established.
 - (3) R. Johanan.
 - (4) Who conducted the examination.
 - (5) And the clean objects were still in the basket.
 - (6) On which Shammai and Hillel differ.
 - (7) Hillel having asked (supra 3b) ‘what is the difference between the one case and the other?’
 - (8) Whose duty it is to examine herself every morning and evening.
 - (9) Apparently she is. Hence the basket also, which is in a similar condition (cf. prev. n. but one), must be deemed to be duly examined. Now since it was stated that the objects that were in the basket were regarded as retrospectively unclean an objection arises against Hezekiah.
 - (10) And so also the basket. Hence the justification for Hezekiah's ruling.
 - (11) To the difficulty raised supra 3b ad fin on the apparent contradiction between the joint ruling of Shammai and Hillel and the view of Hezekiah.
 - (12) MS.M. ‘Shammai agrees with Hillel’.
 - (13) Though examined.
 - (14) So that the creeping thing might well have fallen in as soon as the examiner has removed his hand.
 - (15) Into which nothing could fall in by accident. Hence the justification for Hezekiah's ruling that the objects are clean.
 - (16) Which was actually found in it.
 - (17) Hezekiah is of the opinion that as long as clean objects are in the basket one is careful to keep it closed in order to prevent any unclean object from falling into it, but when the basket is empty care is no longer exercised and it is quite possible, therefore, for the creeping thing to have fallen in then. R. Johanan, however, holds that it is possible for the creeping thing to have fallen in unobserved, even while the clean objects were still in the basket, at a moment when the latter was opened in the ordinary course of use.
 - (18) Hillel having asked (supra 3b) ‘what is the difference between the one case and the other?’
 - (19) Since no blood from the outside can flow into her body.
 - (20) Cf. supra p. 14, n. 19, mut. mut.
 - (21) And so also the basket. Hence the justification for Hezekiah's ruling.
 - (22) V. supra p. 14, n. 21.
 - (23) MS.M., ‘Shammai agrees with Hillel’.
 - (24) This is explained presently. Lit., ‘house’.
 - (25) In the statement, supra 3b ad fin, under discussion.
 - (26) After the objects had been taken out.
 - (27) If the unclean object was first discovered in the second place.
 - (28) It is rather assumed that the creeping thing fell into the basket when it was already in the second place after the objects had been removed from it.

- (29) Even in such a case.
- (30) Lit., 'as the time of their finding', Toh. V, 7.
- (31) Sc. if in the morning the person was found dead in the place where he was touched in the night the man who touched him is unclean, but if he was found dead in a different place he remains clean. Thus it follows that we do not presume uncleanness found in one place to apply to another. How then could R. Johanan maintain that the rule is applied even in such a case?
- (32) That the rule that we do not presume uncleanness found in one place to apply to another.
- (33) Since the uncleanness is not a matter of certainty.
- (34) If it was *terumah*; sc. the *terumah* need not be burned on account of the doubtful nature (cf. prev. n.) of its uncleanness.
- (35) Lit., 'to suspend we suspend', i.e., the uncleanness of the objects thus affected is treated as a matter of doubt, and R. Johanan's ruling might be given the same interpretation and may thus be reconciled with that of the Mishnah just cited.
- (36) That was known to be unclean.
- (37) In contact with clean objects.
- (38) Conditions which render it useless as a 'vessel'. Only a proper vessel contracts and conveys uncleanness.
- (39) I.e., it (cf. prev. n.) conveys no uncleanness whatsoever to the objects with which it was found in contact.
- (40) Toh. III, 5. Hence it is assumed that the objects and the needle came in contact after the latter had lost the status of 'vessel' when it was no longer able to convey any uncleanness.
- (41) That the objects should be regarded as absolutely clean and their uncleanness should not be regarded even as doubtful.
- (42) When it first came in contact with the objects under discussion.
- (43) When it duly conveyed its uncleanness to the objects.
- (44) Since, however, the assumption is not made and the objects are not subjected either to a certain or to a suspended condition of uncleanness, even, presumably, where there was a change of place, how could R. Johanan maintain, even only in respect of a condition of suspense, that the rule of presumptive uncleanness is applied?
- (45) *Aliter*: scorched.
- (46) That was cut off from the unclean garment of a *zab* (v. *Glos.*).
- (47) Sc. it is assumed that the creeping thing or the rag did not come in contact with the olives until after it had lost its uncleanness (the former by the burning and the latter by becoming tattered or scorched) and was unable to convey any.
- (48) Toh. IX, 9. Now since the olives are not subjected even to the status of suspended uncleanness (as the categorical rule 'it is clean' implies) it follows that presumptive uncleanness does not apply when there was a change of time and so also, presumably, where there was a change of place. How then could R. Johanan maintain his ruling?
- (49) As in the case of the needle and the rag (cited from Toh. III, 5 and IX, 9) where the objects are declared clean.
- (50) Where a man touched some person in the night (cited from Toh. V, 7) in which case the man, according to the Sages, is decidedly unclean.
- (51) The objects about which the doubt had arisen.
- (52) I.e., whence the objects have been removed, as is the case with the basket with which R. Johanan was concerned.
- (53) *Terumah*, for instance.
- (54) And the same interpretation might also be given to R. Johanan's ruling which would thus be reconciled with the one cited from Toh. IX, 9.
- (55) V. marg. glos. Cur. edd. 'we learnt'.
- (56) On the ground.
- (57) *Middaf*. This is now assumed to be an object (a garment, for instance) which, though not subject to *midras* (v. *Glos.*) uncleanness (which could convey uncleanness to both man and vessels) conveys nevertheless uncleanness to foodstuffs and the like, *Pentateuchally*.
- (58) Found on the ground away from the unclean object.
- (59) Which would have conveyed uncleanness to it.
- (60) From the shelf, and placed it on the ground where it was found.
- (61) *Tosef.* Toh. IV.
- (62) 'That a clean person entered etc.'
- (63) From which the loaf is most likely to slide down and fall on the unclean object below. Now, since even in such a case it is not presumed that the loaf fell upon the unclean object and contracted uncleanness before it rolled away to its

present position, it follows that the rule of presumptive uncleanness is not applied when two different places are involved. How then could R. Johanan rule supra (3b ad fin.) that presumptive uncleanness is applied even (as in the case of the basket and the creeping thing) where two places are involved?

(64) In the Baraitha just cited.

(65) Why the rule of presumptive uncleanness is not applied to the loaf.

(66) Lit. — ‘as he learned the reason’.

Talmud - Mas. Nidah 4b

‘Because it is assumed that a clean person entered there and removed it’.¹ But why should it not be assumed here also² that a raven came and dropped [the creeping thing into the basket]?³ — In the case of a man who acts⁴ with intention such an assumption⁵ is made, but in that of a raven which⁶ does not act with intention such an assumption⁷ is not made. But consider: The loaf⁸ is a case of doubtful uncleanness in a private domain. Now is not any case of doubtful uncleanness in a private domain regarded as unclean?⁹ — [The loaf is deemed to be unclean] because it is a thing that possesses no intelligence to answer questions,¹⁰ and any thing that possesses no intelligence to answer questions, irrespective of whether it was in a public or in a private domain, is in any doubtful case of uncleanness regarded as clean.¹¹ And if you prefer I might reply: Here¹² we are dealing with a Rabbinical uncleanness.¹³ A deduction [from the wording]¹⁴ also supports this view, for the expression used is ‘middaf’¹⁵ which is analogous to the Scriptural phrase, ‘a driven [niddaf] leaf’.¹⁶

THE SAGES, HOWEVER, RULED: [THE LAW IS] NEITHER IN AGREEMENT WITH THE OPINION OF THE FORMER NOR IN AGREEMENT WITH THAT OF THE LATTER etc. Our Rabbis taught: And the Sages ruled, [The law is] neither in agreement with the opinion of the former nor in agreement with that of the latter, neither [that is] in agreement with the opinion of Shammai who¹⁷ provided no fence for his ruling¹⁸ nor in agreement with the opinion of Hillel who¹⁹ restricted far too much,²⁰ but [the women are deemed to be unclean] during the preceding twenty-four hours when this lessens the period from the [previous] examination to the [last] examination, and during the period from the [previous] examination to the [last] examination when this lessens the period of twenty-four hours. ‘[The women are deemed to be unclean] during the preceding twenty-four hours when this lessens the period from the [previous] examination to the [last] examination’. How is this to be understood? If a woman examined her body on a Sunday²¹ and found herself to be clean and then she spent Monday and Tuesday without holding any examination while on Wednesday she examined herself and found that she was unclean, it is not ruled that she should be deemed to be unclean retrospectively from the previous examination to the last examination but only [that she should be deemed to be unclean] during the preceding twenty-four hours. ‘And during the period from the [previous] examination to the [last] examination when this lessens the period of twenty-four hours’. How is this to be understood? If the woman examined her body during the first hour of the day and found herself to be clean and then she spent the second and the third hour without holding any examination while in the fourth hour she examined herself and found that she was unclean, it is not ruled that she should be deemed to be unclean retrospectively for a period of twenty-four hours but only during the period from the previous examination to the last examination. But is it not obvious that, since she has examined herself during the first hour and found that she was clean, she is not to be deemed unclean retrospectively for twenty-four hours?²² — As it was taught, ‘during the preceding twenty-four hours when this lessens the period from the [previous] examination to the [last] examination’²³ it also stated,²⁴ ‘during the period from the [previous] examination to the [last] examination when this lessens the period of twenty-four hours’.

Rabbah stated: What is the reason of the Rabbis?²⁵ Because a woman well feels herself.²⁶ Said Abaye to him: If so,²⁷ [a period of uncleanness from] the time of her observation of the flow should suffice!²⁸ And Rabbah?²⁹ — He only wished to exercise Abaye's wits.³⁰ What then is the reason of the Rabbis?³¹ — It is one such as that which Rab Judah gave in the name of Samuel: The Sages have

ordained for the daughters of Israel that they should examine themselves in the morning and in the evening; 'in the morning', in order to verify the cleanness of objects they handled during the previous night,³² 'and in the evening' in order to verify the cleanness of objects they handled during the previous day;³³ but this woman,³⁴ since she did not [regularly] examine her body,³⁵ has³⁶ lost one 'onah.³⁷ But what could be meant by 'one 'onah'?³⁸ — One additional 'onah.³⁹ Said R. Papa to Raba: But would you not sometimes find that there are three 'onahs in twenty-four hours?⁴⁰ — The Sages have laid down a uniform limit⁴¹ in order that there shall be no variations in the twenty-four hours' period. And⁴² if you prefer I might reply:⁴³ [the period extends to three 'onahs] in order that the sinner⁴⁴ shall not⁴⁵ be at an advantage.⁴⁶ What is the practical difference between them?⁴⁷ — The practical difference between them is the case of a woman who was the victim of circumstances and in consequence of which she did not hold her examination.⁴⁸

FOR ANY WOMAN WHO HAS A SETTLED PERIOD etc. Must it be conceded that our Mishnah represents the view of R. Dosa and not that of the Rabbis seeing that it was taught:⁴⁹ R. Eliezer ruled, For four classes of women it suffices [to reckon the period of their uncleanness from the time they discovered the discharge,] viz., a virgin,⁵⁰ a pregnant woman, a woman that gives suck and an old woman; and R. Dosa ruled, For any woman who has a settled period it suffices [to reckon her period of uncleanness from] the time she discovered the discharge?⁵¹ — It may even be held [that our Mishnah represents the view of] the Rabbis, for the Rabbis differ from R. Dosa only [in respect of a flow] that did not occur at the woman's set time⁵² but [in the case of one that did occur] at her set time they might agree with him; and our Mishnah deals with a flow that occurred at the woman's set time and it, therefore, represents the view of both.⁵³ Thus⁵⁴ it follows that R. Dosa maintains his view even where a flow did not occur at the woman's set time. Who then is the author of the following which the Rabbis taught: Though a woman has a settled period her bloodstain⁵⁵ is deemed to be unclean retrospectively,⁵⁶ for were she to observe a flow when it is not her set time she would be unclean retrospectively for a period of twenty-four hours?⁵⁷ Must it be conceded⁵⁸ to be the Rabbis only and not R. Dosa?⁵⁹ — It may be said to be even R. Dosa; for R. Dosa may disagree with the Rabbis only in the case where the flow occurred at the woman's set time but where it occurred when it was not her set time he agrees with them,⁶⁰ and our Mishnah deals with one that occurred at her set time and it is, therefore, in agreement with the opinion of R. Dosa

(1) This assumption cannot, of course, be made in the case of the basket, with which R. Johanan deals, since the unclean object (the dead creeping thing) was actually found in it, and when it was found it was still in its state of uncleanness.

(2) In the case of the basket and the creeping thing.

(3) After the clean objects had been removed from it and after it had been moved into its new position.

(4) When he removed the loaf from the sloping shelf.

(5) That the man entered and moved the loaf to its present safer place.

(6) Even if it were to drop the creeping thing into the basket.

(7) That the raven dropped the thing after the clean objects had been removed etc. (cf. supra n. 11).

(8) Since (a) it is uncertain whether it touched the unclean object or not and (b) it was found within a house.

(9) The answer being in the affirmative, the difficulty arises, why is the loaf deemed to be clean?

(10) Lit., 'to be asked', whether it came in contact with the unclean object or not.

(11) Because the rule that doubtful uncleanness in a private domain is deemed to be unclean is deduced from that of sotah (v. Glos.) and consequently only rational beings like the sotah herself (who is able to answer whether she was or was not defiled) are subject to the same restrictions.

(12) In the case of the loaf.

(13) One, for instance, of those enumerated in Hag. 18b and 20b. A doubtful case of Rabbinical uncleanness is regarded as clean even in a private domain.

(14) Of the Tosef. Toh. IV cited.

(15) Rendered (supra 4a) 'an object of a minor degree of uncleanness'.

(16) Lev. XXVI, 36; the rt. of niddaf, and so also that of middaf implying something 'light', 'of minor importance', hence a 'minor degree of or Rabbinical uncleanness'.

- (17) Having laid down that the period of uncleanness begins only 'FROM THE TIME OF THEIR DISCOVERING OF THE FLOW'.
- (18) I.e., made no restriction whatever against the possible infringement of the actual law.
- (19) Laying down that the period of uncleanness 'IS TO BE RECKONED RETROSPECTIVELY FROM THE PREVIOUS EXAMINATION'.
- (20) Lit., 'who broke through beyond his measures.'
- (21) Lit., 'on the first of the week'.
- (22) Of course it is. Why then should such an obvious ruling have to be stated?
- (23) A ruling that had to be enunciated, since otherwise it could have been argued that the flow began on the Sunday immediately after the examination.
- (24) As a kind of antithesis.
- (25) For fixing a twenty-four hours' period of uncleanness. The reason for Hillel's period, 'from examination to examination' (cf. our Mishnah), is quite intelligible since the flow may well have begun as soon as the previous examination was concluded, but the twenty-four hours' period appears to have no logical justification whatsoever.
- (26) Any flow. Had it begun immediately after the conclusion of her previous examination she would have been aware of it.
- (27) That a woman is aware of the flow as soon as it begins.
- (28) It being obvious that the flow began only at that moment, for if it had begun earlier she (cf. prev. n.) would have been aware of the fact. Why then should her period of uncleanness extend backwards for twenty-four hours? An objection against Rabbah.
- (29) Sc., why did he take up such an untenable position?
- (30) Lit., 'to sharpen (the mind) of Abaye'. Rabbah advanced the reason merely to afford an opportunity for Abaye, whose guardian and teacher he was, to prove it to be wrong.
- (31) Cf. p. 20. n. 5.
- (32) If a woman finds herself on examination to be clean it is thereby verified that all clean objects she handled during the previous night are to be regarded as clean; and should she discover any flow later at the evening examination the doubtful uncleanness would extend only to objects she handled during the day.
- (33) Cf. prev. n. mut. mut.
- (34) Spoken of in our Mishnah, and in the Baraita cited.
- (35) In defiance of the ordinance of the Rabbis.
- (36) As a penalty.
- (37) Lit., 'a time' or 'a period' of one day or night, sc. her uncleanness begins retrospectively one 'onah earlier.
- (38) Seeing that the uncleanness extends backwards for twenty-four hours which represent two 'onahs.
- (39) I.e., in addition to the 'onah immediately preceding the one in which her last examination was held (during which she is in any case unclean owing to the doubt as to when the flow began), she must suffer the penalty of being treated as unclean retrospectively even during the 'onah that preceded that one.
- (40) When, for instance, the first examination after a number of days without an examination took place at midday. If the uncleanness extended backwards for a period of twenty-four hours it would cover
- (41) the 'onah of the day of the examination,
- (42) the 'onah of the preceding night and
- (43) the 'onah of the day preceding that night. Now since the penalty imposed was only one additional 'onah why should it in this case be increased to two 'onahs? (1) Lit., 'made their measures equal', i.e., the period of twenty-four hours has been fixed, irrespective of whether it covers two 'onahs or three. (2) So Bah. Cur. edd. omit. (3) To the objection why in the case mentioned (cf. supra p. 21, n. 15) the uncleanness should extend over three 'onahs.
- (44) The woman who, not only failed to examine her body regularly in accordance with the ordinance of the Sages but also delayed her last examination from the morning hour to noon.
- (45) By having her period of uncleanness reduced to less than twenty-four hours.
- (46) Over one in a similar position who held her examination in the early morning and whose period of uncleanness is extended retrospectively for a full period of twenty-four hours to the previous morning.
- (47) The two replies offered.
- (48) According to the first reply she would be subject to uncleanness for a full period of twenty-four hours, while according to the second reply, since in this case she is no sinner, the period would be reduced to two 'onahs and her

uncleanness would be reckoned from the beginning of the previous evening only.

(49) What follows, with the exception of R. Dosa's ruling occurs also in the Mishnah infra 7a.

(50) I.e., one, whether married or unmarried, who suffered a flow for the first time in her life.

(51) Now, since the Rabbis elsewhere differ from R. Dosa's ruling, must it be conceded that our Mishnah represents his view only?

(52) As the appearance is obviously irregular it may well be suspected that one occurred earlier also.

(53) Lit., 'and the words of all', those of the Rabbis as well those of R. Dosa.

(54) Since the dispute between R. Dosa and the Rabbis has been limited to a flow that did not occur at the set time.

(55) Sc. one on a garment of hers.

(56) From the time it had been washed.

(57) As in this case, despite the woman's settled period, the uncleanness is deemed to be retrospective so it is retrospective in the case of the stain also.

(58) Since, from what has been said, it is only the Rabbis who impose retrospective uncleanness in the case of a woman who, though having a settled period, suffered a flow before or after that time.

(59) Is it likely, however, that R. Dosa would differ from an anonymous Baraitha?

(60) That the uncleanness is retrospective.

Talmud - Mas. Nidah 5a

while the Baraitha¹ is in agreement with both.² But why should not the final assumption be³ reversed?⁴ — As it is possible to adopt an explanation that leads to a relaxation of the law⁵ and one that leads to a restriction of it⁶ we adopt the one that leads to the restriction.

Now it was just taught,⁷ 'For were she to observe a flow when it is not her set time she would be unclean retrospectively for a period of twenty-four hours' — [If this⁸ is] the reason⁹ [it follows] that only in the case of a woman who has a settled period do the Rabbis draw a distinction between her stain and her observation¹⁰ [of a flow],¹¹ but in the case of the other women¹² concerning whom the Sages ruled that it sufficed for them to reckon their uncleanness from the time they discovered the flow¹³ [the extent of the uncleanness of] their stains is like that of their observation of a flow.¹⁴ Now whose view is this? — It is that of R. Hanina b. Antigonus; for Rab Judah citing Samuel who had it from R. Hanina b. Antigonus stated, In the case of all women their stains cause uncleanness retrospectively but in that of the women¹² concerning whom the Sages ruled that it sufficed for them to reckon their uncleanness from the time they discovered the flow [the extent of the uncleanness of] their stains is like that of their observation of a flow,¹⁴ the exception being a child who has not yet attained the age of the suffering of a flow of whom, though her sheets are soiled with blood,¹⁵ no notice is to be taken.¹⁶ But does R. Hanina at all uphold¹⁷ the law of the uncleanness of a stain?¹⁸ Was it not taught: In the case of all women their stains are unclean and also in the case of the women concerning whom the Sages ruled that it sufficed for them to reckon their period of uncleanness from the time they discovered the flow their stains are unclean; while R. Hanina b. Antigonus ruled, The women concerning whom the Sages ruled that it sufficed for them to reckon their uncleanness from the time they discovered the flow are not subject to the law of uncleanness of the stain? Now does not this mean that they are not subject at all to the law of uncleanness of the stain?¹⁹ — No, it means that they are not subject to the law of the uncleanness of the stain retrospectively but they are well subject to it from now²⁰ onwards. Does this²¹ then imply that the first Tanna²² is of the opinion that their uncleanness is even retrospective? — Yes; it²³ being the view of R. Meir who restricts the law in respect of stains. For it was taught: In the case of all women their stains are unclean retrospectively and also in the case of the women concerning whom the Sages ruled that it sufficed for them to reckon their period of uncleanness from the time they discovered the flow their stains are unclean retrospectively; so R. Meir. R. Hanina b. Antigonus ruled, In the case of the women concerning whom the Sages ruled that it sufficed for them to reckon their period of uncleanness from the time they discovered the flow [the uncleanness of] their stains is like that of their observation [of their flow]; and a child who has attained the age of suffering a flow is subject to the law of the

uncleanness of the stain while one who has not attained that age is not subject to the uncleanness of a stain, and when does she attain the age of suffering a flow? When she attains her maidenhood.²⁴

AND IF A WOMAN USES TESTING-RAGS WHEN SHE HAS MARITAL INTERCOURSE etc. Rab Judah citing Samuel ruled: A testing-rag used before²⁵ marital intercourse does not reduce [the doubtful period²⁶ of retrospective uncleanness] as an examination. What is the reason? — R. Kattina replied: Because the woman is in a hurry to do her marital duty.²⁷ But what matters it even if she is in a hurry to do her marital duty? — Since she is in a hurry to do it she does not insert the testing-rag into depressions and folds.²⁸

We learnt: IF A WOMAN USES TESTING-RAGS WHEN SHE HAS MARITAL INTERCOURSE, THIS IS INDEED LIKE AN EXAMINATION. Does not this mean that she uses one before intercourse and one after it?²⁹ — No, the one as well as the other is used after intercourse but³⁰ one is for the man³¹ and the other is for her; as we learnt: It is the custom of the daughters of Israel when having marital intercourse to use two testing-rags, one for the man and the other for herself.³² What a comparison!³³ If you concede that one is used before intercourse and the other after it one can well understand the necessity for the ruling.³⁴ As it might have been presumed that on account of her being in a hurry to do her marital duty she does not properly perform her test we were informed that THIS IS INDEED LIKE AN EXAMINATION. If you maintain, however, that the one testing-rag as well as the other is used after marital intercourse, is not the ruling obvious?³⁵ — It might have been presumed [that the test should be ineffective]³⁶ on account of the possibility of the appearance of a drop of blood of the size of a mustard seed³⁷ which semen might cover up,³⁸ hence we were informed [that such a remote possibility need not be considered]. And if you prefer I might reply: The Rabbis required a woman to perform two tests, one before intercourse and one after it,³⁹ and in stating ‘THIS IS INDEED LIKE AN EXAMINATION’ the reference is to the one after the intercourse. But was it not stated, IF A WOMAN USES etc.?⁴⁰ — Read: And a woman shall use.⁴¹

LESSENS EITHER THE PERIOD OF THE PAST TWENTY-FOUR HOURS. Now that you stated that it⁴² lessens THE PERIOD OF THE PAST TWENTY-FOUR HOURS⁴³

(1) Just cited, dealing with the bloodstain.

(2) Cf. supra n. 3.

(3) Lit., ‘and let him make it stand’.

(4) As has been suggested at first, that our Mishnah represents the view of the Rabbis as well as that of R. Dosa while the Baraitha represents only that of the Rabbis.

(5) As has been previously suggested: That a flow at the set time causes no retrospective uncleanness in accordance with the general opinion, while one occurring at any other time is subject to retrospective uncleanness only in accordance with the view of the Rabbis.

(6) The one finally adopted: That a flow at the set time causes retrospective uncleanness according to the Rabbis at least, while one at any other time causes retrospective uncleanness even according to R. Dosa.

(7) In the Baraitha supra 4b ad fin.

(8) ‘For were she to observe etc.’.

(9) Why a stain causes retrospective uncleanness, sc. though a stain cannot be subject to greater restrictions than a discharge it causes uncleanness retrospectively, since a flow that occurred at any time other than the set time also causes retrospective uncleanness.

(10) At the set time.

(11) Sc. while in the latter case the uncleanness is not retrospective in the former, for the reason stated (cf. prev. n.) it is.

(12) The four classes, for instance, mentioned supra 4b and infra 7a.

(13) So that in their case the law of retrospective uncleanness never applies.

(14) Sc. both are not retrospective.

(15) It being unknown whether it came from her body or from elsewhere.

(16) It being assumed, though the assumption might be most unlikely, that she passed through a butcher's market and

soiled her sheets there. In no case is it assumed that the blood came from her own body because the law of uncleanness, as far as stains are concerned, is merely Rabbinical, and in the case of a minor no Rabbinical measure was enacted.

(17) In the case of the four classes of women mentioned.

(18) Even after it had been discovered.

(19) How then could it be said supra that R. Hanina does uphold the law of the uncleanness of the stain?

(20) The time of discovery.

(21) The explanation according to which R. Hanina agrees with the first Tanna as regards the uncleanness of stains from the time they are discovered onwards, and that he only differs from him in rejecting their retrospective uncleanness.

(22) Whose opinion is stated in the first clause of the Baraitha cited.

(23) The first clause (cf. prev. n.).

(24) The age when she assumes the status of na'arah (v. Glos.), i.e., the age when she grows two pubic hairs or (she has no pubic hairs) when she is twelve years and one day old.

(25) I.e., only before but not after (cf. relevant note on our Mishnah).

(26) Either that of the twenty-four hours or the one between the previous and the last examination.

(27) Lit., 'she is in a state of excitement about her house'.

(28) The examination, therefore, is not a proper one.

(29) Which shows that the test before intercourse, despite R. Kattina's argument, is deemed to be a proper one.

(30) In reply to the objection, why two rags.

(31) For wiping.

(32) Infra 14a.

(33) Lit., 'that, what'.

(34) In our Mishnah, that the test is effective.

(35) And why should an obvious ruling be enunciated?

(36) Even though it took place after intercourse.

(37) That is sufficient to cause uncleanness.

(38) Thus rendering the test useless.

(39) Hence the mention of RAGS in the plural.

(40) Emphasis on IF which implies that there is no obligation. How then could it be maintained that 'the Rabbis required her etc.'?

(41) Sc. the clause is to be divided into two separate rulings, (a) that a woman shall use two testing-rags, one before intercourse and the other after it and (b) the second test is indeed like an examination.

(42) The testing-rag examination.

(43) Though it is a comparatively long period extending as it does to the previous day.

Talmud - Mas. Nidah 5b

was it also necessary to state that it lessens THE PERIOD FROM THE PREVIOUS EXAMINATION TO THE LAST EXAMINATION?¹ — As it might have been presumed that only in the case of the twenty-four hours' period did the Rabbis² take into consideration the possible loss of clean things³ but not in that of the period from the previous examination to the last examination,⁴ we were informed [that both periods are equally reduced].

HOW [IS ONE TO UNDERSTAND THE RULING THAT] 'IT SUFFICES [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME SHE DISCOVERS THE FLOW' etc. What need was there⁵ for stating, IF SHE WAS SITTING ON A BED AND WAS OCCUPIED WITH RITUALLY CLEAN OBJECTS, when it should rather have been stated,⁶ IF SHE WAS OCCUPIED⁷ WITH RITUALLY CLEAN OBJECTS AND HAVING LEFT THEM, OBSERVED A FLOW? — It is this that we were informed:⁸ The reason [why the bed is regarded as clean is] because [in the case of that woman]⁹ it suffices [for her to reckon] her [period of uncleanness from the] time [of her discovery of the flow] but¹⁰ [where the uncleanness extends backwards over] twenty-four hours the bed also is regarded as unclean.¹¹ This provides support for Ze'iri, for Ze'iri ruled: [A woman¹² during] the twenty-four hours preceding her discovery of a menstrual flow causes

bed and seat¹³ to convey uncleanness to a man who in turn conveys it to his clothes.¹⁴ But consider: This bed is a thing that has no sense to answer questions,¹⁵ and is not doubtful uncleanness¹⁶ in the case of an object that has no sense to answer questions regarded as clean?¹⁷ Ze'iri explained: [This¹⁸ refers to a case] where her friends were carrying her in the bed so that the latter may be regarded as the hand of her friends.¹⁹ Now, however, that R. Johanan ruled that in the case of doubtful uncleanness conveyed through a human agency²⁰ the object in doubt,²¹ though lying on the ground, is deemed to be capable of answering questions as if it had been a human being who has the sense to answer questions²² [this²³ holds good] even though her friends were not carrying her in the bed.

[Reverting to] the [above] text, 'R. Johanan ruled: In the case of doubtful uncleanness conveyed through a human agency the object in doubt, though lying on the ground, is deemed to be capable of answering questions as if it had been a human being who has the sense to answer questions'.²⁴ An objection was raised: If a man was wrapping himself in his cloak while clean or unclean objects were at his side²⁵ or above his head and it is doubtful whether there was contact²⁶ or not, they²⁷ are deemed to be clean,²⁸ but if it was impossible [for the cloak and the other objects] not to have come in contact they²⁹ are regarded as unclean. R. Simeon b. Gamaliel ruled: The man is told, 'Do it again'³⁰ and he does it again.³¹ They,³² however, said to him: No repetition [test³³ is recognized] in questions of cleanness.³⁴ Now why [should they³⁵ be clean]³⁶ seeing that this is a case of uncleanness that is conveyed through a human agency?³⁷ — This is beside the point,³⁸ for R. Hoshaia learnt: In a private domain [such a case of] doubtful uncleanness³⁹ is regarded as unclean, and in a public domain it is regarded as clean.⁴⁰

[Reverting to] the [above] text, 'Ze'iri ruled: [A woman during] the twenty-four hours preceding her discovery of a menstrual flow causes bed and seat to convey uncleanness to a man who in turn conveys it to his clothes'.⁴¹ But, surely, this cannot be correct.⁴² For did not Abimi from Be Hozai⁴³ when he came bring with him⁴⁴ a Baraitha which stated, 'During the twenty-four hours preceding the discovery of her menstrual flow a woman's bed and seat are [as unclean] as the object she touches', which means, does it not, that as an object she touches does not convey uncleanness to a human being⁴⁵ so also does not her bed convey uncleanness to a human being?⁴⁶ — Raba retorted: And do you understand this ruling⁴⁷ seeing that it [may be refuted by an inference] a minori ad majus: If an earthen vessel that was covered with a tight fitting lid, which is protected from uncleanness in a corpse's tent,⁴⁸ is yet not so protected [from the uncleanness] of the twenty-four hours preceding the discovery of a menstrual flow,⁴⁹ is it not logical that the beds and seats [of a menstruant], which are not protected from uncleanness in a corpse's tent, should not be protected from the uncleanness of the twenty-four hours preceding the discovery of a menstrual flow?⁵⁰ — But did not Abimi of Be Hozai quote a Baraitha?⁵¹ — Read:⁵² A woman's bed and seat⁵³

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- (1) Which is a much shorter one (cf. prev. n.) being confined to the limits of the same day.
 - (2) By enacting that the test is effective and reduces it.
 - (3) Which the woman may have handled during this comparatively long time.
 - (4) A shorter period (cf. supra n. 10) during which not many things could have been handled and a much lesser loss is consequently involved.
 - (5) Lit., 'wherefore to me'.
 - (6) Lit., 'let him teach'.
 - (7) Omitting the apparently superfluous 'WAS SITTING ON A BED'.
 - (8) By the additional words (cf. prev. n.).
 - (9) Who has a settled period.
 - (10) In the case of a woman whose periods were not regular.
 - (11) As the bed of a confirmed menstruant (cf. Lev. XV, 21) which conveys uncleanness to the man that touches it as well as to the clothes he wears though the latter did not come in direct contact with it.
 - (12) Cf. prev. n. but one.
 - (13) On which she lay or sat.

- (14) Cf. supra n. 6.
- (15) Lit., 'to be asked'.
- (16) Such as that caused by the woman in question during the twenty-four hours preceding the time she observed the flow.
- (17) Of course it is, since the law of treating doubtful uncleanness as unclean is deduced from that of the sotah (v. Glos.) who is able to answer questions.
- (18) The ruling in our Mishnah, which does regard (by implication) the bed on which the woman sat as unclean.
- (19) The hand, being part of a human being who is well able to answer questions, is justly compared to the sotah whose doubtful uncleanness is regarded as unclean. It is for a similar reason (that things handled by a human being are regarded as his hand), it may be added, that the things the woman handled when sitting on the bed are regarded as unclean even where the bed was resting on the ground, and this explains why the objection supra was raised in connection with the bed and not in connection with the things the woman has handled.
- (20) As in that of the bed and the menstruant during the twenty-four hours preceding the observation of the flow or in that of a dead creeping thing that was carried by a man and a doubt arose as to whether it came in contact with a certain clean object.
- (21) Since the uncleanness, if any, was brought to it by a human agency.
- (22) And in a private domain is regarded as unclean. Only when the inanimate object in doubt was near an unclean one that was also inanimate, and 'no human agency was involved, is it regarded as clean.
- (23) V. p. 28, n. 14.
- (24) Supra q.v. notes.
- (25) He being either unclean (in the former case) or clean (in the latter one).
- (26) Between the cloak and the objects in its vicinity. If there was contact, the cloak that (in the former case) contracted uncleanness from its wearer would convey uncleanness to the clean objects, or the unclean objects (in the latter case) would convey uncleanness to the cloak.
- (27) The objects in the vicinity (in the former case) and the cloak (in the latter case).
- (28) Even, it is now assumed, in a private domain, because the cloak as well as the objects in its vicinity are incapable of answering questions.
- (29) The objects in the vicinity (in the former case) and the cloak (in the latter case).
- (30) Sc. to wrap himself again in his cloak in the same place and position in which he did it first.
- (31) In this manner it is ascertained whether the cloak and the other objects have or have not come in contact.
- (32) The Rabbis who disagreed with him.
- (33) Since it may not exactly reproduce the former conditions.
- (34) Tosef. Toh. IV which, however, has the following variation: 'R. Dosa ruled, He is told, "Do it again" ... They, however, said to him, No repetition . . . R. Simeon b. Gamaliel ruled, He sometimes does it again'.
- (35) V. p. 29, n. 10.
- (36) According to the first Tanna.
- (37) Which according to R. Johanan is unclean.
- (38) Lit., 'outside of that'.
- (39) One involving conveyance through a human agency.
- (40) No objection, therefore, may be raised from the Tosef. cited which may be explained to refer to a case in a public domain.
- (41) Supra q.v. notes.
- (42) Lit., 'I am not'.
- (43) The Khuzistan.
- (44) Lit., 'came and brought'.
- (45) Only a primary uncleanness can do that. An object touched by a menstruant assumes only the status of a first grade of uncleanness which conveys uncleanness to objects but not to a human being.
- (46) The answer apparently being in the affirmative, the difficulty arises: How could Ze'iri maintain that the woman causes bed and seat to convey uncleanness to a man who in turn etc.?'?
- (47) Which seems to reduce the uncleanness of the bed and seat of the menstruant in question to a lower degree than that of earthenware.
- (48) Only when uncovered does it contract uncleanness (cf. Num. XIX, 15).

(49) If it was touched by the woman during the twenty-four hours (cf. *infra* 6a)

(50) As the soundness of this argument cannot be questioned Abimi's ruling is obviously untenable and may well be disregarded.

(51) Which is an authoritative utterance.

(52) The ruling in the Baraitha.

(53) During the twenty-four hours preceding her discovery of a menstrual flow.

Talmud - Mas. Nidah 6a

are [as unclean] as that which touches the body of the menstruant herself; just as the touching of her body causes the uncleanness of a human being who in turn causes the uncleanness of the clothes he wears¹ so does the touching of her bed or seat cause the uncleanness of a human being who in turn causes the uncleanness of the clothes he wears.

It was taught in agreement with Raba: A woman who observed a bloodstain² conveys uncleanness retrospectively.³ And what are the things to which she conveys the uncleanness?⁴ Foodstuffs and drinks,⁵ beds and seats,⁶ as well as any earthen vessel, even though it was covered with a tightly fitting lid,⁷ and her counting⁸ is⁹ disturbed,¹⁰ and she conveys¹¹ uncleanness to the man who cohabited with her retrospectively. R. Akiba¹² ruled: She conveys uncleanness to the man who cohabited with her but begins her counting¹³ from the time only of her observing a flow. If she observed a flow of blood,¹⁴ she conveys uncleanness retrospectively for twenty-four hours.¹⁵ And what are the things to which she conveys uncleanness?¹⁶ Foodstuffs and drinks,¹⁷ beds and seats¹⁸ as well as any earthen vessel, though it was covered with a tightly fitting lid,¹⁹ her counting²⁰ is not²¹ disturbed and she does not convey²² uncleanness to the man who cohabited with her.²³ In either case, however,²⁴ the uncleanness²⁵ is held in suspense [and any consecrated foodstuffs touched] must neither be eaten nor burned.²⁶ As to Raba, however,²⁷ if he heard of the Baraitha,²⁸ why did he not say [that his ruling is derived from] a Baraitha? And if he did not hear of the Baraitha, whence did he [derive the law for his inference] a *minori ad majus*? — The fact is that he heard of the Baraitha, but²⁹ were he to derive his ruling from the Baraitha it could have been objected [that the uncleanness³⁰ is conveyed] either to the man or to his clothes³¹ but not to the man as well as to the clothes he wears,³² hence he had recourse to his inference a *minori ad majus*.³³

R. Huna ruled: [The retrospective uncleanness during] the twenty-four hours [preceding the observation] of a menstrual flow is conveyed only to hallowed things but not to *terumah*. But if so, should not this law have been mentioned together with those of the other grades [of sanctity]?³⁴ — Only cases that involve definite uncleanness are enumerated but any in which no definite uncleanness is involved³⁵ is not mentioned.

An objection was raised: What are the things to which she conveys uncleanness? Foodstuffs and drinks.³⁶ Does not this³⁷ mean those that are hallowed as well as those that are *terumah*? — No, only those that are hallowed.³⁸

Come and hear: R. Judah ruled [that priestly women must examine their bodies] even after they have concluded a meal³⁹ of *terumah*,⁴⁰ and the point raised, 'Is not the consumed meal a matter of the past?'⁴¹ [And to this] R. Hisda replied: This⁴² was necessary only for the sake of ensuring the fitness of the remnants before her?⁴³ — R. Huna reads:⁴⁴ 'To burn the remnants that were in her hands',⁴⁵ the examination being held immediately after⁴⁶ [the meal].⁴⁷

Come and hear: It once happened that Rabbi acted⁴⁸ in accordance with the ruling of R. Eliezer,⁴⁹ and after he reminded himself⁵⁰ he observed, 'R. Eliezer deserves to be relied upon

(1) Torath kohanim on Lev. XV, 19.

- (2) So Bah and MS.M. Cur. edd. 'blood'.
- (3) Cf. prev. n. (Cur. edd. read 'twenty-four hours'), from the time the garment was last washed, it being unknown how soon after this the stain was made.
- (4) During the period mentioned (cf. prev. n.).
- (5) Which she touched (cf. foll. n.).
- (6) On which she lay or sat. (Cur. edd. reverse the order.)
- (7) Provided the woman shook the vessel and did not merely touch it.
- (8) Of the 'eleven days' following the seven days of a menstrual period.
- (9) Cur. edd. 'is not'.
- (10) So MS.M and Rashi; because it is unknown when the flow actually appeared and the limits of the menstruation period cannot consequently be determined.
- (11) Cur. edd. 'does not convey'.
- (12) MS.M inserts R. Akiba's ruling infra before 'In either case, however'.
- (13) Of the seven days of menstruation.
- (14) So Bah and MS.M. Cur. edd., 'stain'.
- (15) Bah and MS.M. Cur. edd. omit 'for twenty-four hours'.
- (16) During the period mentioned.
- (17) Which she touched.
- (18) On which she lay and sat.
- (19) Provided the woman shook the vessel and did not merely touch it.
- (20) Of the 'eleven days' following the seven days of a menstrual period.
- (21) Cf. Rashi and MS.M. Cur. edd. omit 'not'.
- (22) So MS.M. Cur. edd., 'she conveys'.
- (23) Cur. edd. add, 'but begins her counting from the time only of her observing of the flow'.
- (24) Whether there was only a stain or a flow.
- (25) During the period mentioned.
- (26) Thus it has been shown that, in agreement with Raba, the Baraitha tacitly assumes that the beds and seats under discussion convey uncleanness not only to the man who came in contact with them but also to the clothes he wears (cf. Tosaf. Asheri a.l.).
- (27) Who (supra 5b ad fin.) took the law of the uncleanness of an earthen vessel for granted and deduced from it that of the bed.
- (28) That was just cited, in which the law of the earthen vessel is explicitly enunciated.
- (29) As to the reason why he did not quote it.
- (30) Of the bed or seat.
- (31) Whichever of them came in contact with the unclean object.
- (32) Which did not come in direct contact with the seat or the bed.
- (33) From an earthenware vessel.
- (34) In Hag. 20b where are enumerated the restrictions that are applicable to hallowed things and not to terumah and vice versa.
- (35) Such as that of the twenty-four hours' period under discussion where the uncleanness is merely a preventive measure.
- (36) Supra, in the Baraitha last cited.
- (37) 'Foodstuffs and drinks'.
- (38) The oil of a meal-offering, for instance, or the wine of libation.
- (39) Lit., 'at the time of their passing away from eating'.
- (40) Infra 11a.
- (41) Lit., 'what has been, has been', sc. what is the use of an examination after the meal has been consumed when nothing can be done even if the woman were to be found unclean.
- (42) The examination.
- (43) Should a woman, for instance, discover a flow later in the day the examination after her morning meal would ensure the cleanness of the terumah that remained from that meal. Thus it follows that in the absence of an examination the terumah would be deemed to be unclean retrospectively. How, then, could R. Huna maintain that the uncleanness is

conveyed to hallowed things only?

(44) In place of R. Hisda's version of R. Judah's meaning.

(45) Sc., if she finds herself on examination to be unclean the remnants of her meal, since she touched them, are deemed to be unclean and, as unclean terumah must be burned.

(46) Heb. Keshi'ur weseth (v. Rashi). Evthion (Tosaf. Asheri) **, 'forthwith' (cf. Jast.).

(47) So that it may be taken for granted that the terumah she had just handled had come in contact with a confirmed menstruant. Where, however, the woman held no examination immediately after her meal, a subsequent discovery of a place causes no retrospective uncleanness to the terumah she handled.

(48) In the case of a young woman who did not suffer a flow during three consecutive periods (of thirty days each).

(49) That the period of uncleanness is to be reckoned from the discovery of the flow and not retrospectively. The Rabbis who differ from R. Eliezer hold this ruling to apply to an old woman only (whose senility might be assumed to be the cause of the irregularity) but not to a young one (cf. prev. n.).

(50) This is discussed presently.

Talmud - Mas. Nidah 6b

in an emergency'.¹ And the point was raised, What could be the meaning of 'after he reminded himself'? If it be explained, 'After he remembered that the halachah was not in agreement with R. Eliezer but in agreement with the Rabbis', [the difficulty would arise:] How could he act according to the former's ruling² even in an emergency? Hence,³ [it means after he recalled] that it was not stated whether the law was in agreement with the one Master or with the other Master, and having recalled that it was not an individual that differed from him⁴ but that many differ from him he observed, 'R. Eliezer deserves to be relied upon in an emergency'.¹ Now if it is granted [that retrospective uncleanness applies also] to terumah⁵ one can well understand the incident⁶ since terumah was in existence in the days of Rabbi, but if it is maintained [that retrospective uncleanness is applicable only] to hallowed things⁷ [the objection would arise:] Were there hallowed things in the days of Rabbi?⁸ — [This may be explained] on the lines of a statement of 'Ullah. As 'Ulla stated, 'The Associates'⁹ in Galilee¹⁰ keep their things¹¹ in levitical cleanness';¹² so they may have done it in the days of Rabbi.

Come and hear: It once happened that R. Gamaliel's¹³ maid was baking bread loaves of terumah and after each¹⁴ she rinsed her hands with water and held an examination. After the last one when she held the examination she found herself to be unclean and she came and asked R. Gamaliel who told her that they were all unclean.¹⁵ 'Master', she said to him, 'did I not hold an examination after each one'?¹⁴ 'If so', he told her, 'the last¹⁶ is unclean¹⁷ while all the others are clean'. At all events was it not here stated, 'bread loaves of terumah'?¹⁸ — By terumah was meant¹⁹ the bread loaves²⁰ of a thanksgiving-offering.²¹ But how does it come about that the loaves of a thanksgiving-offering²² should require to be baked?²³ This is a case where they²⁴ were set aside²⁵ while they were being kneaded,²⁶ this being in line with what R. Tobi b. Kattina²⁷ ruled: 'If a man baked the loaves of a thanksgiving-offering in four loaves²⁸ he has performed his duty'. [For when] the objection was raised, 'Do we not require forty loaves',²⁹ [the reply was that] this³⁰ is just a religious requirement.³¹ But, surely, [it was asked,] is it not necessary to separate terumah²⁵ from each?³² And should you reply that one might break off a piece from each³³ [it could be retorted that:] The All Merciful said, one³⁴ which implies that one must not break off a piece.²⁵ [To this] it was replied that 'they were set aside while they were being kneaded',³⁵ so here also³⁶ it may be explained that they were separated while they were being kneaded.³⁷

Come and hear: Another incident took place when R. Gamaliel's maid was sealing wine jars with clay that after each she rinsed her hands with water and held an examination. After the last one when she held the examination and found herself to be unclean she came and asked R. Gamaliel who told her that they were all unclean. 'But, surely', she said to him, 'I held an examination after each one'. 'If so', he told her, 'the last³⁸ is unclean while all the others are clean'. Now if it is conceded that one

incident³⁹ concerned hallowed things and the other terumah, it can be well understood why she asked a second time, but if it is contended that the former as well as the latter concerned hallowed things, why should she have asked him a second time? — [Each] incident occurred with a different maid.⁴⁰

Another version: R. Huna ruled, [The retrospective uncleanness during] the twenty-four hours [preceding the observation] of a menstrual flow is conveyed both to hallowed things and to terumah. Whence is this⁴¹ inferred? From its omission in the enumeration of⁴² the various grades [of sanctity].⁴³ Said R. Nahman to him: Surely, a Tanna⁴⁴ recited [that the retrospective uncleanness]⁴⁵ applies only to hallowed things and not to terumah. R. Samuel son of R. Isaac accepted this [teaching]⁴⁶ from him [and explained it] as applying to common food that was prepared under conditions of hallowed things and not to common food that was prepared in conditions of terumah.⁴⁷ We learnt elsewhere: If a question of doubtful uncleanness has arisen about a dough⁴⁸ before it was rolled⁴⁹ it may be prepared in uncleanness,⁵⁰ [but if the doubt has arisen] after it had been rolled⁵¹ it must be prepared in cleanness.⁵² ‘Before it was rolled it may be prepared in uncleanness’, because it is common food and it is permitted to cause uncleanness to common food in Erez Israel. ‘After it had been rolled it must be prepared in cleanness’, because common food that is in a condition of *tebel*⁵³ in respect of the dough-offering is regarded as dough-offering, and it is forbidden to cause uncleanness to the dough-offering. A Tanna taught:

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- (1) *Infra* 9b. Lit., ‘in the time of pressure’. For the nature of the emergency cf. Tosaf. contra Rashi.
 - (2) Which is contrary to the halachah.
 - (3) Cur. edd. in parenthesis insert ‘not’.
 - (4) R. Eliezer.
 - (5) Contrary to the view of R. Huna (*supra* 6a).
 - (6) That occurred in Rabbi's time.
 - (7) As R. Huna laid down (cf. prev. n. but one).
 - (8) Surely not, since the Temple was no longer in existence at that time!
 - (9) *Habraiya* pl. of *haber* (v. Glos.).
 - (10) In their hope and expectation that the Temple might at any moment be rebuilt.
 - (11) Wine, for instance, which was used in the Temple for libation or oil that was used for the meal-offerings.
 - (12) Sc. bestow upon them the same care as if they were hallowed things. V. Hag., Sonc. ed., p. 157 notes.
 - (13) R. Gamaliel the Elder (Rashb.), prob. R. Gamaliel of Jamnia (Tosaf.).
 - (14) Lit., ‘between each one and one’.
 - (15) On account of the twenty-four hours of her retrospective uncleanness.
 - (16) Lit., ‘it’.
 - (17) Owing to retrospective uncleanness from the previous examination to the last examination.
 - (18) And yet the law of retrospective uncleanness was applied (cf. prev. n.). How then could R. Huna maintain (*supra* 6a) that it applies only to hallowed things?
 - (19) Lit., ‘what terumah?’
 - (20) Sc. the four loaves (one from each of the four kinds) which are given to the priest and are subject to the restrictions of hallowed things though they are called terumah (cf. Lev. VII, 14).
 - (21) Cf. Lev. VII, 11ff.
 - (22) I.e., the four that (cf. prev. n. but one) are given to the priest, which are to be taken from the forty (cf. Men. 76a) baked loaves of the offering.
 - (23) After they have been hallowed by having been given to the priest.
 - (24) The four loaves.
 - (25) For the priest.
 - (26) Hence the baking after they have been hallowed (cf. *supra* n. 10).
 - (27) Var. lec. ‘b. R. Kisna’.
 - (28) I.e., of the dough of each of the four kinds he made only one loaf instead of the prescribed ten (cf. Men. 76a).
 - (29) How then can four suffice?

- (30) The number of forty.
- (31) But no sine qua non.
- (32) Of the four kinds, one from each.
- (33) Of the four big loaves.
- (34) Lev. VII, 14, 'and . . . shall offer one', 'one' implying a whole one. (Men. 77b.)
- (35) One loaf from each kind was set aside for the priest while nine of each were left for the owner, and subsequently each of the four small and the four large (representing nine small) loaves were duly baked.
- (36) In the case of R. Gamaliel's maid.
- (37) The maid having been engaged in the baking of the priest's share.
- (38) Lit., 'it'.
- (39) Of the two in which the maid figured.
- (40) Lit., 'it was with two maids'.
- (41) That the uncleanness mentioned is equally applicable to terumah and hallowed things.
- (42) Lit., 'since he does not teach it at'.
- (43) Hag. 20b where the restrictions that apply to hallowed things and not to terumah and vice versa are enumerated.
- (44) V. Glos. s.v. (b).
- (45) During the twenty-four hours preceding the observation of a flow.
- (46) Reported by R. Nahman in the name of a Tanna.
- (47) It does not, however, apply to
- (48) Lit., 'was produced about it'.
- (49) So that it was not yet subject to the dough-offering. Only after it had been rolled is a dough regarded as ready and, therefore, subject to the dough-offering.
- (50) Because owing to its doubtful state of uncleanness it may not be eaten in any case.
- (51) When it is already subject to the obligation of the offering (cf. prev. n. but one) and when consequently part of it is virtually hallowed.
- (52) Hal. III, 2; since it is forbidden to cause uncleanness to a hallowed thing (cf. Bek. 34a) though the dough in question could not in any case be eaten on account of its doubtful condition of uncleanness.
- (53) V. Glos.

Talmud - Mas. Nidah 7a

Its dough-offering¹ is in a suspended condition² and it may neither be eaten nor burned. In respect of what doubt did they³ give this ruling?⁴ In respect of a doubt applicable to the dough-offering.⁵ What is meant by 'a doubt applicable to the dough-offering'? — Both Abaye and Raba explained: That one should not assume that the ruling⁶ applies only to⁷ a case of likely uncleanness⁸ such as that of the two paths,⁹ for in that case even mere common food contracts uncleanness;¹⁰ but that it applies also in the case

actual terumah which is subject to the same restrictions as hallowed things where only 'leaning' might be assumed;¹¹ for we learnt: If a zab¹² and a clean person were unloading an ass or loading it, if the load was heavy¹³ [the latter] is unclean; if it was light¹⁴ he is clean and in either case¹⁵ he is regarded as clean¹⁶ [even if he is] of the members of the Synagogue¹⁷ but as unclean¹⁸ in respect of terumah,¹⁹ and 'unconsecrated food that is in a condition of tebel in respect of the dough-offering' is regarded as dough-offering.²⁰ But have we not learnt:²¹ A woman who is a tebulath yom²² may²³ knead her dough and cut off from it its dough-offering²⁴ and put it on an inverted basket of palm-twigs or on a board,²⁵ and then²⁶ bring it close [to the major portion of the dough] and designate it [as dough-offering;²⁷ this procedure being permitted] because the uncleanness of the dough²⁸ is only of the third grade,²⁹ and the third grade is regarded as clean in common food.³⁰ Now if you were to maintain that 'common food that is in a condition of tebel in respect of the dough-offering is regarded as dough-offering' [the objection would arise:] Did she not in fact convey uncleanness to it?³¹ — Said Abaye: In regard to any object,³² that conveys certain uncleanness to common food, uncleanness has been imposed as a preventive measure, even in a doubtful case,

where common food that is in a condition of *tebel* in respect of the dough-offering is concerned,³³ but in regard to the woman who is a *tebulath yom*, since she does not convey certain uncleanness to common food,³⁴ no uncleanness has been imposed as a preventive measure in a doubtful case where common food that is in a condition of *tebel* in respect of the dough-offering is concerned.³³ But is there not the case of the retrospective uncleanness of the twenty-four hours [preceding the observation] of a menstrual flow which³⁵ conveys certain uncleanness to common food and in connection with which, nevertheless, no uncleanness has been imposed as a preventive measure in a case of doubt³⁶ where common food that is in a condition of *tebel* in respect of the dough-offering is concerned;³³ for has not the Master said, ‘R. Samuel son of R. Isaac accepted from him this [teaching, and explained it] as applying to common food that was prepared under conditions of hallowed things and not to common food that was prepared in conditions of *terumah*’?³⁷ — In the former case³⁸ no *terumah* is kneaded up with the common food³⁹ but in the latter case *terumah*⁴⁰ is kneaded up with the dough.⁴¹ And if you prefer I might reply: Leave out of the question the retrospective uncleanness of the twenty-four hours, since it is merely a Rabbinical measure.

MISHNAH. R. ELIEZER RULED: IN THE CASE OF FOUR CLASSES OF WOMEN IT SUFFICES [FOR THEM TO RECKON] THEIR [PERIOD OF UNCLEANNESS FROM] THE TIME [OF THEIR DISCOVERING OF THE FLOW]: A VIRGIN,⁴² A WOMAN IN PREGNANCY,⁴² A NURSING WOMAN,⁴² AND AN OLD WOMAN.⁴² R. JOSHUA SAID: I HAVE ONLY HEARD [THE RULING⁴³ APPLIED TO] A VIRGIN.⁴⁴

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- (1) Though it was prepared in cleanness.
 - (2) On account of the doubt that had arisen earlier before the offering had been set aside.
 - (3) The Rabbis.
 - (4) That the dough-offering is in a suspended state of uncleanness.
 - (5) And not to common food, *hullin* (v. *Glos.*). This is explained presently.
 - (6) Concerning the uncleanness of the dough.
 - (7) Lit., ‘we learnt’.
 - (8) Lit., ‘evidences’.
 - (9) One of which was clean and the other unclean, and a person walked through one of them and it is unknown which one it was (Rashi). For a different interpretation cf. *Tosaf.*
 - (10) And is applicable to common food which is prepared under conditions of levitical purity. Much more then would this uncleanness apply to the common food from which dough-offering must be, set aside, and the ruling would be superfluous.
 - (11) Sc. (cf. next n. but one) where the likelihood of uncleanness is rather remote and not applicable to common food prepared under conditions of levitical purity.
 - (12) V. *Glos.*
 - (13) Since it is possible that on account of its heavy weight one of the men leaned on the other and was thus shaken by him, ‘shaking’ (*hesset*) being a means of conveying the uncleanness of a *zab* (cf. Rashi and *Tosaf. Asheri*).
 - (14) Cf. prev. n. *mut. mut.*
 - (15) Lit., ‘and all of them’, i.e., even in the case of a heavy load (Rashi); a light load (*Tosaf.*).
 - (16) Since (a) there might have been no shaking at all and (b) if there was it could not obviously have been a proper shaking.
 - (17) Who observe levitical cleanness in common food also.
 - (18) Rabbinically.
 - (19) *Zabin III, 2.* Similarly in the case of the dough-offering under discussion the expression ‘a doubt applicable to the dough-offering’ means a doubtful uncleanness that does not apply to members of the Synagogue in respect of common food but applies to common food from which the dough-offering has to be taken.
 - (20) Which is in the same category as *terumah* and consequently subject to uncleanness arising from doubtful leaning.
 - (21) So *MS.M* and *marg. n. Cur. edd.*, ‘it was taught’.
 - (22) *Fem. of tebul yom* (v. *Glos.*).
 - (23) Though she, as cleanness could not be completely attained before sunset, is still subject to an uncleanness of the

second grade.

(24) Without designating it as such, so that it still retains its status of common food.

(25) Sc. on an object that is not susceptible to ritual uncleanness. Neither the board, nor the basket in its inverted position, has a receptacle, and it is only 'vessels' with proper receptacles that are susceptible to uncleanness.

(26) Since the dough-offering when being set aside must be close to the dough for which it is offered.

(27) By that time the uncleanness of the woman can no longer be imparted to it since the object on which it rests (cf. prev. n. but one) intervenes.

(28) Lit., 'it'; that had been touched by the woman who (v. supra) is of the second grade of uncleanness.

(29) A clean object touched by an unclean one being always (with some exceptions) subject to a grade of uncleanness that is by one grade lower than the latter.

(30) T.Y. IV, 2; such as the dough is presumably before the dough-offering had been taken from it.

(31) When she first touched it. What then was the use of the entire procedure and precaution after that?

(32) Such, e.g., as the load carried by a zab.

(33) Lit., 'on account of'.

(34) A third grade of uncleanness, as stated supra, being regarded as clean.

(35) During the actual period of the flow.

(36) I.e., during the twenty-four hours preceding the observation of the flow when the uncleanness is only doubtful.

(37) Supra 6b ad fin. 'Common food that was prepared in conditions of terumah' being presumably in an analogous position to 'common food that is in a condition of tebel in respect of the dough-offering' both should be subject to the same restrictions. Why then was the former exempted from the restriction while the latter was subjected to it?

(38) Cf. prev. n. Lit., 'there'.

(39) Lit., 'in them'.

(40) Sc. the dough-offering.

(41) The latter must consequently be subject to greater restrictions.

(42) This is explained presently.

(43) Of R. Eliezer that IT SUFFICES etc.

(44) But not to the other three classes.

Talmud - Mas. Nidah 7b

THE HALACHAH, HOWEVER, IS IN AGREEMENT WITH R. ELIEZER.

WHO IS REGARDED AS 'VIRGIN'? ANY WOMAN, EVEN THOUGH SHE IS MARRIED, WHO HAS NEVER YET OBSERVED A FLOW. 'A WOMAN IN PREGNANCY'? ONE WHOSE EMBRYO CAN BE DISCERNED. 'A NURSING WOMAN'? A WOMAN BEFORE SHE HAS WEANED HER CHILD. IF SHE GAVE HER CHILD TO A NURSING WOMAN, IF SHE WEANED IT, OR IF IT DIED, R. MEIR RULED: SHE CONVEYS UNCLEANNESS RETROSPECTIVELY FOR TWENTY-FOUR HOURS;¹ BUT THE SAGES RULED: IT SUFFICES FOR HER² [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME OF HER [OBSERVATION OF THE FLOW]. WHO IS REGARDED AS 'AN OLD WOMAN'? ANY WOMAN OVER WHOM THREE 'ONAHs³ HAVE PASSED⁴ NEAR THE TIME OF HER OLD AGE.⁵ R. ELIEZER⁶ RULED: FOR ANY WOMAN⁷ OVER WHOM HAVE PASSED⁴ THREE 'ONAHs IT SUFFICES [TO RECKON HER PERIOD OF UNCLEANNESS FROM] THE TIME OF HER [OBSERVING OF A FLOW]. R. JOSE RULED: FOR A WOMAN IN PREGNANCY AND A NURSING WOMAN OVER WHOM THREE 'ONAHs HAVE PASSED⁸ IT SUFFICES [TO RECKON THEIR PERIOD OF UNCLEANNESS FROM] THE TIME OF THEIR [OBSERVATION OF THE FLOW].⁹

AND OF WHAT DID THEY¹⁰ SPEAK¹¹ WHEN THEY LAID DOWN¹² THAT 'IT SUFFICES [FOR THEM TO RECKON] THEIR PERIOD OF UNCLEANNESS FROM THE TIME [OF THEIR DISCOVERING OF THE FLOW]'? OF A FIRST OBSERVATION,¹³ BUT AT A SUBSEQUENT OBSERVATION¹⁴ SHE CONVEYS UNCLEANNESS RETROSPECTIVELY

FOR A PERIOD OF TWENTY-FOUR HOURS. IF, HOWEVER, SHE SUFFERED THE FIRST FLOW ON ACCOUNT OF AN ACCIDENT¹⁵ IT SUFFICES FOR HER EVEN AT A SUBSEQUENT OBSERVATION [TO RECKON HER UNCLEANNESS FROM] THE TIME OF HER [OBSERVING OF THE FLOW].

GEMARA. It was taught: R. Eliezer said to R. Joshua, ‘You have not heard¹⁶ but¹⁷ I have heard; you have only heard one tradition but I have heard many;¹⁸ people do not ask him who has not seen the new moon to come and tender evidence¹⁹ but only him who has seen it.’ Throughout the lifetime of²⁰ R. Eliezer the people acted in accordance with the ruling of R. Joshua, but after the passing away of R. Eliezer, R. Joshua re-introduced the earlier practice.²¹ Why did he²² not follow R. Eliezer during his lifetime? — Because R. Eliezer was a disciple of Shammai²³ and he²⁴ felt that if they²⁵ would act in agreement with his ruling in one matter²⁶ they²⁵ would act in agreement with his rulings in other matters also²⁷ and that out of respect for R. Eliezer no one could interfere²⁸ with them; but after the passing away of R. Eliezer, when the people²⁹ could well be interfered with, he²⁴ re-introduced the original practice.

Rab Judah citing Samuel ruled: The halachah is in agreement with R. Eliezer in four cases. One is that which has just been mentioned.³⁰ The other is that about a woman who was in a hard travail³¹ [concerning whom it was stated:] For how long must she be relieved from pain³² so as to be regarded a zabah?³³ Twenty-four hours;³⁴ so R. Eliezer.³⁵ And the halachah is in agreement with his view.³⁶ And the third³⁷ is the following: If a zab and a zabah³⁸ examined themselves on the first day³⁹ and found themselves clean and on the seventh day also⁴⁰ and found themselves clean, but did not examine themselves during the other days,⁴¹ R. Eliezer ruled: Behold these⁴² are in a presumptive condition of cleanness,⁴³ and R. Joshua ruled: They are entitled [to reckon as clean] only the first day and the seventh day,⁴⁴ while R. Akiba ruled: They are entitled [to reckon as clean] the seventh day alone,⁴⁵ and it was taught: R. Simeon and R. Jose stated, ‘The view of R. Eliezer⁴⁶ is more feasible than that of R. Joshua,⁴⁷ while that of R. Akiba is more feasible than those of both,⁴⁸ but the halachah agrees with that of R. Eliezer’.⁴⁹ And the fourth is the following.⁵⁰ For we have learnt: If the outer sides⁵¹ of vessels were rendered unclean⁵² by liquids,⁵³ R. Eliezer ruled, they convey uncleanness⁵² to other liquids⁵⁴ but they⁵⁵ do not render foodstuffs unfit.⁵⁶ ‘They convey uncleanness to liquids’ even where the latter are common, but they ‘do not render foodstuffs unfit’, even where the latter are terumah. R. Joshua ruled: They convey uncleanness to liquids and also render foodstuffs unfit.⁵⁷ Said R. Joshua: This may be inferred a minori ad majus: If a tebul yom who⁵⁸ does not convey uncleanness to a common liquid,⁵⁹ nevertheless renders foodstuffs of terumah unfit how much more then should the outsides of vessels which do convey uncleanness to an unconsecrated liquid render foodstuffs of terumah unfit. And R. Eliezer?⁶⁰ — The uncleanness of the outsides of vessels⁶¹ is only Rabbinical⁶² while that of a tebul yom⁶³ is pentateuchal;⁶⁴ and, where it is a question of deducing a Rabbinical from a Pentateuchal law, no inference a minori ad majus can be applied.⁶⁵ For in accordance with Pentateuchal law no foodstuff conveys uncleanness to a vessel and no liquid conveys uncleanness to a vessel, and it is only the Rabbis that have ordained such uncleanness as a preventive measure against possible laxity in the case of the fluid⁶⁶ of a zab or a zabah;⁶⁷ hence it is only in the case of liquids, which are prone to contract uncleanness, that the Rabbis have enacted a preventive measure, but in that of foodstuffs, since they are not prone to contract uncleanness, the Rabbis enacted no preventive measure. What, however, is the reason for the mention of the outsides of vessels?⁶⁸ — Because their restrictions are lighter.⁶⁹ For we have learnt: If the outside of a vessel came in contact with unclean liquids,⁷⁰ its outside becomes unclean while its inside, its hanger,⁷¹ its rim and its handles remain clean, but if its inside has become unclean all of it is unclean.⁷²

But what does Samuel teach us,⁷³ seeing that in all these cases we learnt that the law [was in agreement with R. Eliezer]? And should you reply that he mainly informed us about the ‘outsides of vessels’ concerning which we did not learn [elsewhere what the law was], why [it could be retorted]

did he not simply state, 'The halachah is in agreement with R. Eliezer in the case of the outsides of vessels'? — The fact is that it is this that he informed us:⁷⁴ That the halachah may not be derived from a theoretical statement.⁷⁵

But are there no more [than the four rulings]?⁷⁶ Is there not in fact another, since we have learnt: R. Eliezer ruled,

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- (1) Preceding the time of her observation of the flow.
 - (2) During the twenty-four months after the child's birth throughout which she is expected to suckle it (v. Gemara infra).
 - (3) 'Periods'. This is explained in the Gemara infra.
 - (4) Without her observing of a flow.
 - (5) This is explained in the Gemara infra.
 - (6) Var. lec., 'Eleazar'.
 - (7) Even a young one.
 - (8) Without her observing of a flow.
 - (9) If three consecutive 'onahs, however, have not passed, there applies the law of retrospective uncleanness, contrary to the view of R. Eliezer and the first Tanna supra.
 - (10) The Rabbis, supra.
 - (11) So Bah. Cur. edd. 'he spoke'.
 - (12) Supra in the case of the CLASSES OF WOMEN. This is discussed in the Gemara infra.
 - (13) After the three 'onahs have passed over the virgin, the woman in pregnancy or the old woman.
 - (14) Lit., 'at the second', since her natural proneness to the flow is re-established.
 - (15) So that it cannot be ascribed to the woman's natural disposition (cf. prev. n.).
 - (16) Cf. R. Joshua's statement in our Mishnah.
 - (17) Cf. Bah. Cur. edd. omit the waw.
 - (18) Reading *harbeh*. Var. lec. *arba* ('four') sc. women, cf. Bah.
 - (19) That he has seen it. Such evidence was essential to enable the Great Beth-din in Jerusalem (who regulated the lengths of the months and the fixation of the festival dates) to proclaim the beginning of a new month.
 - (20) Lit., 'all his days'.
 - (21) Lit., 'restored the thing to its old (state)', when the practice was in agreement with the view of R. Eliezer.
 - (22) R. Joshua.
 - (23) So R. Tam and Rashb. (contra Rashi who, referring to B.M. 59b, renders *shamuthi* 'one placed under the ban'). Wherever Beth Hillel differed from Beth Shammai the law (with a very few exceptions) is always in agreement with the former.
 - (24) R. Joshua.
 - (25) Lit., 'we'.
 - (26) I.e., the one mentioned in our Mishnah where the law in fact is in agreement with his view.
 - (27) Sc. even in those where the law is in agreement with Beth Hillel.
 - (28) Lit., 'we are not able to prevent'.
 - (29) If they were to follow R. Eliezer in other matters (cf. prev. n. but one) also.
 - (30) Cf. supra n. 6.
 - (31) For three days (during the 'eleven days' between the menstrual periods) on each of which there was a discharge of blood. If the discharge was not due to the travail she, having observed the blood on three consecutive days, would be subject to the restrictions of a zabah; but if it was due to travail she would be exempt from these restrictions. If a zabah she would have to count after childbirth seven days (as a zabah) in addition to the number of days prescribed for a woman after childbirth, and she would also have to bring two sacrifices one as a zabah and the other as one after childbirth.
 - (32) After the three days mentioned (cf. prev. n.) and before the birth of the child.
 - (33) Retrospectively, on account of the discharges on the three days. If the pain had continued until delivery it would have been obvious that the discharge on the three days mentioned was also due to the same cause, but if it ceased some considerable time before birth it may well be concluded that that discharge had no connection with the childbearing and the woman would consequently come within the category of zabah (cf. prev. n. but one).

- (34) If such a period has intervened it is obvious that the discharge mentioned was in no way due to travail.
- (35) *Infra* 36b.
- (36) Though R. Joshua differs from him.
- (37) Lit., 'and the other'.
- (38) Sc. the same law applies to either.
- (39) After the flux had ceased.
- (40) Cf. prev. n. Seven days without any discharge must pass before a zab or a zabah can attain cleanness.
- (41) The intermediate five.
- (42) Since on the first and the last day they were definitely clean.
- (43) And on performing immersion at the close of the seventh day they became clean.
- (44) Sc. two days only. As the cleanness of the intermediate days is a matter of doubt they must count another five days to make up the prescribed number of seven. In the case of a certain discharge on any of the days all the prescribed seven days must, of course, be counted all over again.
- (45) *Infra* 68b; since it is possible that there was a discharge on the sixth day, when there was no examination (cf. prev. n. last clause).
- (46) Who is consistent in disregarding completely the possibility of a discharge on any of the five days that intervened between the first and last clean ones. Cf. following n.
- (47) Who (cf. prev. n.) is inconsistent, seeing that he assumes the possibility of a discharge during the intermediate days and at the same time allows counting the first day as one of the seven clean days.
- (48) A possible, like a certain discharge (cf. *supra* n. 11, last clause) on the sixth day might quite reasonably be regarded as sufficient ground for cancelling all the previous days counted, including the first.
- (49) *Infra* 68b.
- (50) Lit., 'and the other'.
- (51) In a case where the insides are not affected (as explained *infra*) lit., 'backs'.
- (52) Rabbiniically (cf. following two notes).
- (53) Through contracting uncleanness from a dead creeping thing. The latter being a primary uncleanness causes the liquids to be an uncleanness of the first grade which (though Pentateuchally, since their uncleanness is not a primary one, it cannot, as explained in *Pes.* 18a, convey uncleanness to vessels) renders the vessels unclean Rabbiniically. As the uncleanness that is conveyed to vessels by liquids is merely Rabbinical, and as it was desired to make a distinction between Pentateuchal and Rabbinical uncleanness, it was enacted that, in such a case, only the outsides of vessels and not their insides shall contract the uncleanness.
- (54) Because liquids are prone to uncleanness. In consequence they contract from the vessels a first grade of uncleanness, the same grade as that of the outer sides of the vessels themselves.
- (55) Since Pentateuchally (cf. prev. n. but one) they are deemed to be clean.
- (56) *Toh.* VIII, 7; much less do they render them unclean. (This is explained presently.)
- (57) *Toh.* VIII, 7.
- (58) Being subject to a secondary grade of uncleanness only (v. following n.).
- (59) As explained in *Pes.* 14b.
- (60) How in view of this inference can he maintain his ruling?
- (61) Contracted from liquids.
- (62) Cf. *supra* n. 3.
- (63) In respect of conveying uncleanness to foodstuffs of *terumah*.
- (64) As deduced from Scripture in *Yeb.* 74b.
- (65) Since it is obvious that Pentateuchal uncleanness should be subject to greater restrictions.
- (66) E.g., spittle.
- (67) Which is a primary uncleanness Pentateuchally (cf. *Lev.* XV, 8).
- (68) Lit., 'wherein is the difference . . . that he took up', sc. why should not the Mishnah equally speak of the insides of vessels that similarly contracted from liquids Rabbinical uncleanness?
- (69) Than those that govern the insides of vessels. In the latter case R. Eliezer agrees that *terumah* is rendered invalid.
- (70) Lit., 'a vessel whose back became unclean by liquids'.
- (71) Lit., 'its ear'.
- (72) *Kelim* XXV, 6.

(73) By stating supra that 'the halachah is in agreement with R. Eliezer in four cases'.

(74) By laying down the halachah (cf. prev. n.) in the case of rulings where a similar statement was actually embodied in the Mishnah.

(75) Talmud, lit., 'learning'. All statements as to what is the halachah added by a Tanna to a ruling in a Mishnah or a Baraita must be regarded as a mere opinion or theory which a disciple expressed with reference to a ruling of his master. It is only the carefully considered decisions of the later Amoras that, being based on a minute examination and thorough analysis of their predecessor's views that may be relied upon as authoritative in determining the halachah (cf. Rashi).

(76) Referred to supra by Rab Judah in the name of Samuel, concerning which the halachah is in agreement with R. Eliezer.

Talmud - Mas. Nidah 8a

'A minor¹ is to be instructed² to exercise her right of mi'un against him'³ and in connection with this Rab Judah citing Samuel stated, 'The halachah is in agreement with R. Eliezer'⁴ — When Samuel stated 'the halachah is in agreement with R. Eliezer in four cases he referred to rulings in the Order of Toharoth,⁵ but in the other Orders there are many such rulings. This⁶ also stands to reason, for we learnt: R. Eliezer ruled, Also in the case of one who shovels out loaves of bread⁷ from an oven and puts them into a basket,⁸ the basket causes them to be combined in respect of their liability to the dough-offering',⁹ and in connection with this Rab Judah citing Samuel stated, 'The halachah is in agreement with R. Eliezer.'¹⁰ This is conclusive. But why is the latter¹¹ a more valid proof¹² than the former?¹³ — Because in the former case R. Eleazar takes up the same standpoint as he,¹⁴ for we learnt: R. Eleazar ruled, The minor is to be instructed¹⁵ to exercise her right of mi'un against him.¹⁶ But does he¹⁷ take up the same standpoint?¹⁸ Have we not in fact shown¹⁹ that both²⁰ were required because they are not like one another?²¹ — Rather say, Because R. Judah b. Baba takes up the same position as he,²² for we learnt,²³ 'R. Judah b. Baba testified concerning five things: That minors are urged to exercise their right of mi'un,²⁴ that a woman²⁵ is allowed to remarry on the evidence of one witness,²⁶ that a cock was stoned²⁷ in Jerusalem because it had killed a person,²⁸ that²⁹ wine which was only forty days old³⁰ was poured as a drink-offering upon the altar, and that²⁹ the continual morning sacrifice was offered³¹ [as late as] at the fourth hour [of the day]'.³² Now does not the expression 'minors'³³ imply³⁴ the one of which R. Eleazar and the one of which R. Eliezer spoke?³⁵ — No; by the expression³⁶ 'minors' minors in general³⁷ were meant.³⁸ If so,³⁹ should it not have been stated, in the case of the woman⁴⁰ also, 'women', meaning thereby⁴¹ women in general?⁴² As in the latter case,⁴³ however, it was stated 'woman',⁴⁴ and in the former 'minors',⁴⁵ it may be concluded that the expressions are to be taken literally.⁴⁶ This is conclusive.

R. Eleazar⁴⁷ also⁴⁸ stated, 'The halachah is in agreement with R. Eliezer in four things'. But are there no more of such rulings?⁴⁹ Have we not in fact learnt, 'R. Eliezer ruled, The minor is to be instructed to exercise her right of mi'un against him'⁵⁰ and R. Eleazar stated, 'The halachah is in agreement with R. Eliezer'⁵¹ And were you to reply that when R. Eleazar stated, 'The halachah is in agreement with R. Eliezer in four things' he referred to the rulings in the Order of Toharoth, but that in the other Orders there are many more such rulings⁴⁹ [it could be retorted:] But are there any such? Have we not in fact learnt, 'The rose, henna,⁵² lotus⁵³ and balsam as well as their proceeds are subject to the laws of the Sabbatical year⁵⁴ and they and their proceeds are also subject to the law of removal,⁵⁵ in connection with which R. Pedath⁵⁶ is observed, 'Who taught⁵⁷ that balsam is a fruit?⁵⁸ R. Eliezer'; and R. Zera replied, 'I see that between⁵⁹ you and your father you will cause balsam to be permitted to the world,⁶⁰ since you said, "Who taught that balsam is a fruit? R. Eliezer" and your father said, "The halachah is in agreement with R. Eliezer in four things"'.⁶¹ Now, if it were so,⁶² why did he⁶³ not reply to him,⁶⁴ 'When my father said, "The halachah is in agreement with R. Eliezer in four things" he referred only to rulings in the Order of Toharoth but in other Orders there are many more'⁶⁵ — But then,⁶⁶ does not the previous difficulty⁶⁷ arise? — [In the case of mi'un⁶⁸ the halachah is in agreement with R. Eliezer] because R. Eleazar [b. Shammua'] takes up the same

standpoint as he; for we have learnt: R. Eleazar ruled, The minor is to be instructed to exercise her right of mi'un against him.⁶⁹ But does he⁷⁰ take up the same standpoint? Have we not in fact shown that both⁷¹ were required because they are not like one another?⁷² — Rather say: Because R. Judah b. Baba takes up the same standpoint as he.⁷⁰ But are there no more such rulings?⁷³

Have we not in fact learnt: 'R. Akiba ruled, One says it⁷⁴ as an independent benediction;⁷⁵ R. Eliezer ruled, One includes it in the benediction of thanksgiving';⁷⁶ and in connection with this R. Eleazar⁷⁷ stated,⁷⁸ 'The halachah is in agreement with R. Eliezer'? — R. Abba replied: [The halachah agrees with him] in that case because he [may have] said it in the name of R. Hanina b. Gamaliel, for it was taught: R. Akiba ruled, One says it⁷⁹ as an independent benediction;⁷⁵ R. Hanina b. Gamaliel ruled, One includes it in the benediction of thanksgiving.

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- (1) Who was fatherless and was given in marriage by her mother or brothers (so that her marriage is only Rabbinically valid) and who had a sister that was of age and was married to the minor's husband's brother who died without issue. In accordance with the laws of the levirate marriage the surviving brother must marry the widow, but such marriage cannot take place in this case on account of the prohibition to marry a wife's sister. The minor, furthermore, is now forbidden to live with her husband (whose marriage with her is only Rabbinically valid) on account of the levirate bond between him and her sister (which is Pentateuchal). Rashi speaks here of two 'orphan' sisters, but the Mishnah in Yeb, speaks of 'deaf' sisters.
 - (2) In order to avoid (cf. prev. n.) the difficulties mentioned.
 - (3) Her husband. In virtue of mi'un (v. Glos.) she annuls her marriage and sets her husband free to perform the Pentateuchal law of the levirate marriage. Yeb. 109a.
 - (4) Yeb. 110a.
 - (5) The sixth, and last order of the Talmud in which the tractate of Niddah is included.
 - (6) That Samuel referred to the Order of Toharoth alone.
 - (7) That were made of quantities of dough each of which was never greater than five kab. Only when dough is no less than five kab in bulk is it subject to the dough-offering.
 - (8) And in their total they amounted to no less than five kab.
 - (9) Hal. II, 4.
 - (10) Which shows that outside the Order of Toharoth there are other rulings concerning which the halachah is in agreement with R. Eliezer.
 - (11) Hal. II, 4.
 - (12) In support of the explanation given (cf. n. 10).
 - (13) The ruling cited from Yeb. Lit., 'and what is the strength of that from that?'
 - (14) R. Eliezer.
 - (15) In certain cases enumerated in Yeb. 111a.
 - (16) Yeb. 111a, a ruling that is analogous to that of R. Eliezer in Yeb. 109a, and it might have been assumed that only in this case, since R. Eliezer is supported by the authority of R. Eleazar, is the halachah in agreement with the former but not in other cases where he has no such support; hence the citation from Hal, where the halachah is in agreement with R. Eliezer even though his ruling has his own authority alone.
 - (17) R. Eleazar.
 - (18) As R. Eliezer.
 - (19) Yeb. 111b.
 - (20) Statements of Samuel, that the halachah is in agreement with (a) R. Eliezer and (b) R. Eleazar.
 - (21) How then could it be suggested here that R. Eleazar's ruling provides support for that of R. Eliezer?
 - (22) R. Eliezer.
 - (23) So MS.M. Cur. edd. 'it was taught'.
 - (24) Cf. notes on the similar ruling of R. Eliezer (cited from Yeb. 109a supra).
 - (25) Whose husband left for a country overseas.
 - (26) Who testifies that her husband was dead.
 - (27) In accordance with Ex. XXI, 28 (as expounded in B.K. 54b), though the text speaks only of an ox.
 - (28) It pecked out the brain of a child.

- (29) Lit., 'and about'.
- (30) One that is less than forty days old is invalid as 'wine from the vat', which is too new (cf. B.B. 97a, Sonc. ed. p. 405).
- (31) On one occasion, during the Syrian Greek siege of Jerusalem, when no sacrifice could be secured.
- (32) 'Ed. VI, 1.
- (33) Sc. the use of the plural form.
- (34) Lit., 'what minors? Not?' etc.
- (35) The answer being presumably in the affirmative it follows that R. Eliezer's ruling is supported by the authority of R. Judah b. Baba.
- (36) Lit., 'what'.
- (37) Of the class spoken of by R. Eleazar.
- (38) Excluding the one spoken of by R. Eliezer who, consequently, stands unsupported.
- (39) That the plural form in this context is used to indicate the class.
- (40) 'That a woman is allowed etc.'
- (41) Lit., 'and let us say'.
- (42) Obviously it should.
- (43) Lit., 'since here' (cf. supra p. 47, n. 25).
- (44) In the sing., though the whole class is included.
- (45) In the plural.
- (46) Lit., 'he learns exactly', sc. that 'minors' in the plural refers to the two classes of minor, the one dealt with by R. Eleazar and the one spoken of by R. Eliezer.
- (47) I.e., R. Eleazar b. Pedath who was an Amora. R. Eleazar who laid down the rule of mi'un is a Tanna and was b. Shammua'.
- (48) Like Rab Judah who cited Samuel supra 7b.
- (49) In regard to which the halachah is in agreement with R. Eliezer.
- (50) Supra q.v. notes.
- (51) Yeb. 110a.
- (52) Or 'cyprus flower'.
- (53) Or 'gum-mastich'.
- (54) Shebi. VII, 6: sc. during that year they must be treated as hefker (v. Glos.) and no trade may be carried on with them.
- (55) Sc., as soon as none of these products respectively remained in the field the owner must remove from his house all that he had previously gathered in. The last quoted part, 'and they . . . removal' is wanting in the Mishnah.
- (56) The son of R. Eleazar b. Pedath.
- (57) In the Mishnah cited from Sheb.
- (58) Were it no fruit it would not have been subject to the laws of the Sabbatical Year.
- (59) Lit., 'from'.
- (60) During the Sabbatical Year, i.e., to be exempt from its restrictions.
- (61) But no more. R. Eliezer's restrictive law concerning balsam, since it is not included in the four, must consequently be against the halachah and must, therefore, be disregarded.
- (62) That outside the Order of Toharoth there are other rulings of R. Eliezer in agreement with the halachah.
- (63) R. Pedath.
- (64) R. Zera.
- (65) And R. Zera's objection would thus have been met. Since R. Pedath, however, gave no such reply it follows that R. Eleazar's statement that 'the halachah is in agreement with R. Eliezer in four things' applies to all the Orders of the Talmud.
- (66) Cf. prev. n.
- (67) How is it that in the case of mi'un (which is not included in the four) the halachah is also in agreement with R. Eliezer?
- (68) Though it is not one of the four (cf. prev. n.).
- (69) Supra q.v. notes.
- (70) R. Eleazar [b. Shammua']].

(71) The rulings of R. Eliezer and R. Eleazar respectively.

(72) Supra q.v. notes.

(73) Concerning which the halachah is in agreement with R. Eliezer.

(74) The benediction of habdalah in the evening service at the conclusion of the Sabbath (cf. P.B., p. 46).

(75) Sc. it is not to be included in any of the statutory benedictions.

(76) Ber. 29a, 33a. Cf. P.B., p. 51.

(77) b. Pedath (cf. supra).

(78) M. J. Ber. (Tosaf).

(79) The benediction of habdalah in the evening service at the conclusion of the Sabbath (cf. P.B., p. 46).

Talmud - Mas. Nidah 8b

But was he¹ not much older than he?² — Rather say:³ Because R. Hanina b. Gamaliel took up⁴ the same line as he, But did he⁵ take it up? Was it not in fact taught: On the night of the Day of Atonement⁶ one recites in his prayers seven benedictions and makes confession; in the morning⁶ one recites seven benedictions and makes confession; during the additional prayer⁷ one recites seven benedictions and makes confession; in the afternoon prayer one recites seven benedictions and makes confession; In the concluding prayer⁸ one recites seven benedictions and makes confession, and in the evening⁹ one recites seven benedictions embodying the substance of the Eighteen;¹⁰ and R. Hanina b. Gamaliel in the name of his ancestors ruled: One must recite in his prayers¹¹ all the eighteen benedictions because it is necessary to include habdalah¹² in 'who favourest man with knowledge'?¹³ — R. Nahman b. Isaac replied: He cited it¹⁴ in the name of his ancestors but he himself¹⁵ does not uphold it.

Said R. Jeremiah to R. Zera:¹⁶ But do you not yourself hold that he who taught that balsam was a fruit is R. Eliezer, seeing that we have learnt: R. Eliezer ruled, Milk curdled with the sap of 'orlah is forbidden?¹⁷ — This¹⁸ might be said to agree even with the view of the Rabbis, since they differed from R. Eliezer only in respect of the sap of the tree but in the case of the sap of the fruit they agree with him, for we have learnt: R. Joshua stated, I have explicitly heard that milk curdled with the sap of the leaves or with the sap of the roots is permitted, but if it was curdled with the sap of unripe figs it is forbidden because the latter is regarded as a proper fruit.¹⁹ And if you prefer I might reply: The Rabbis differ from R. Eliezer only in respect of a fruit producing tree but in the case of a tree that does not produce fruit they agree that its sap is regarded as its fruit, for we have learnt: R. Simeon ruled, Balsam is not subject to the laws of the Sabbatical Year²⁰ and the Sages ruled, Balsam is subject to the laws of the Sabbatical Year because the sap of the tree is regarded as its fruit.²¹ Now who are the Sages? Are they not in fact the Rabbis who differ²² from R. Eliezer?²³ — Thus, a certain elder replied to him, said R. Johanan, 'Who are the "Sages"? R. Eliezer who ruled that its balsam is its fruit'. But if by the 'Sages' R. Eliezer was meant what was the point in speaking of a tree that does not produce fruit seeing that even where a tree produces fruit its sap is regarded as its fruit? — He²⁴ spoke to them²⁵ according to the view of the Rabbis. 'According to my view' [he said in effect,] 'even in the case of a fruit producing tree its sap is regarded as its fruit, but according to your view²⁶ agree with me at least in this case of a tree that produces no fruit that its sap is its fruit. But the Rabbis told him: No difference is made.'²⁷

WHO IS REGARDED AS A 'VIRGIN'? ANY WOMAN WHO HAS NOT YET OBSERVED etc. Our Rabbis taught: [If a virgin] married and observed a discharge of blood that was due to the marriage, or if when she bore a child she observed a discharge of blood that was due to the birth, she is still called a 'virgin', because the virgin of whom the Rabbis spoke is one that is a virgin as regards menstrual blood but not one who is so in regard to the blood of virginity.²⁸ Can this, however, be correct?²⁹ Has not R. Kahana in fact stated, 'A Tanna taught: There are three kinds of virgin, the human virgin, the soil virgin and the sycamore virgin. The "human virgin" is one that never³⁰ had any sexual intercourse, the practical issue³¹ being her eligibility to marry a High Priest³²

or else her claim to a kethubah of two hundred zuz;³³ the "virgin soil" is one that had never³⁰ been cultivated, the practical issue³¹ being its designation as "a rough valley"³⁴ or else its legal status as regards purchase and sale;³⁵ the "virgin sycamore" is one that has never³⁶ been cut,³⁷ the practical issue³⁸ being its legal status as regards purchase and sale³⁹ or else the permissibility to cut it³⁷ in the Sabbatical Year, as we have learnt: A virgin sycamore may not be cut in the Sabbatical Year because such cutting is regarded as cultivation'.⁴⁰ Now if this⁴¹ were correct why did he⁴² not mention this one also? — R. Nahman b. Isaac replied: He only mentioned such as has no special⁴³ name⁴⁴ but one which bears a special⁴³ name⁴⁵ he does not mention. R. Shesheth son of R. Idi replied: He⁴⁶ only mentioned those, the loss of whose virginity⁴⁷ is dependent on an act⁴⁸ but one the loss of whose virginity⁴⁷ is not dependent on an act⁴⁹ he does not mention. R. Hanina son of R. Ika replied: He⁴⁶ only mentioned those⁴⁷ which do not change⁵⁰ into their original condition⁵¹ but one which does change to its original condition⁵² he does not mention. Rabina replied: He⁵³ only mentioned that to which a purchaser is likely to object⁵⁴ but that to which a purchaser is not likely to object⁵⁵ he does not mention. But do not people object?⁵⁶ Was it not in fact taught, 'R. Hiyya stated: As leaven is wholesome for the dough so is menstrual blood wholesome for a woman'⁵⁷ and it was also taught in the name of R. Meir, 'Every woman who has an abundance of menstrual blood has many children'⁵⁷ — Rather say: He⁵³ only mentioned that which a purchaser is anxious to acquire⁵⁸ but that⁵⁹ which a purchaser is not anxious to acquire⁶⁰ he does not mention.

Our Rabbis taught: What is meant by a virgin soil? One which⁶¹ turns up clods⁶² and whose earth is not loose. If⁶¹ a potsherd is found in it, it may be known that it had once been cultivated;⁶³ if flint, it is undoubtedly⁶⁴ virgin soil.

'A WOMAN IN PREGNANCY'? ONE WHOSE EMBRYO 'CAN BE DISCERNED. At what stage⁶⁵ is the embryo discernible? — Symmachus citing R. Meir replied: Three months after conception. And though there is no actual proof for this statement there is an allusion⁶⁶ to it, for it is said in Scripture, And it came to pass about three months after⁶⁷ etc. 'An allusion to it' [you say], is not this a text of Scripture and a most reliable⁶⁸ proof? — [It can only be regarded as an allusion] because some women⁶⁹ give birth after nine months and others after seven months.⁷⁰

Our Rabbis taught: If a woman was⁷¹ in a condition of presumptive pregnancy and after observing a discharge of blood she miscarried an inflated object⁷² or any other object which had no vitality⁷³ she⁷⁴ is still deemed to be⁷⁵ in the condition of her presumptive pregnancy and it suffices for her to reckon her period of menstrual uncleanness from the time of her observation of the discharge.⁷⁶ And though there is no actual proof for this ruling⁷⁷ there is an allusion⁷⁸ to it, for it is said in Scripture, We have been with child, we have been in pain, we have as it were brought forth wind.⁷⁹ But why only 'an allusion to it' seeing that the text provides actual⁸⁰ proof? — That text was in fact written about males.⁸¹

I would, however, point out an incongruity: If a woman was in hard labour⁸² for two days⁸³ and on the third day⁸⁴ she miscarried an inflated object or any thing that had no vitality, she⁸⁵ is regarded as bearing in the condition of a zabah.⁸⁶ Now if you maintain that such miscarriage is a proper birth

(1) R. Eliezer, a contemporary and brother-in-law of R. Gamaliel the son of Simeon who was one of the 'Ten Royal Martyrs' (Rashi).

(2) Hanina, who was a son of R. Gamaliel of Jamnia (v. Tosaf.). Now is it likely that an older scholar would quote a tradition on the authority of a younger one?

(3) In explanation why the halachah is in agreement with R. Eliezer in this particular case.

(4) At a later date. Lit., 'stands'.

(5) R. Hanina.

(6) The 'Day' extending over a night and the following day.

(7) Musaf, which on Sabbaths and festivals is recited after the morning service.

- (8) Ne'ilah, the last prayer before sunset on the Day of Atonement.
- (9) That follows the solemn day.
- (10) I.e., instead of all the 'eighteen (now nineteen) benedictions' that are to be recited at ordinary weekday services (cf. P.B., p. 44ff) one recites on this occasion only the first three and the last three benedictions, and inserts between a shortened prayer embracing the salient features of the intermediate ones (cf. P.B., p. 55).
- (11) Even on the evening mentioned.
- (12) The prayer added to the service at the conclusion of Sabbaths and festival days (cf. P.B., p. 46).
- (13) Yoma 87b, Pes. 3a. Cf. P.B., i.e. In the shortened prayer, where this benediction is reduced to a few words, this cannot be done. Now, since R. Hanina here states that habdalah is to be included in the benediction 'who favourest etc.' how could it be said supra that he adopts the same line as R. Eliezer who requires it to be included in the benediction of thanksgiving?
- (14) The last quoted ruling.
- (15) Who is in agreement with R. Eliezer.
- (16) Who objected (supra 8a) to R. Pedath's assertion as to the authorship of the ruling on balsam.
- (17) 'Orlah I, 7; because the sap is considered a fruit to which the prohibitions of 'orlah apply. Balsam also being a sap, must not the ruling that balsam is a fruit obviously be that of R. Eliezer?
- (18) The ruling just cited.
- (19) 'Orlah I, 7.
- (20) 'Because it is not regarded as a fruit', Sheb. VII, 6.
- (21) This quotation does not actually occur in the Mishnah cited (cf. prev. n.) but is implied from the ruling of the first Tanna *ibid*.
- (22) In the case of other trees.
- (23) Presumably they are. Thus it follows, as R. Zera submitted, that in the case of balsam the Rabbis are of the same opinion as R. Eliezer and that there is no need, therefore, to attribute to him the ruling which is in agreement with the halachah.
- (24) R. Eliezer.
- (25) Those who differed from him.
- (26) Which does not regard the sap of a fruit bearing tree as fruit.
- (27) Between the two kinds of tree. In neither case can sap be regarded as fruit.
- (28) Or birth.
- (29) Lit., 'I am not'.
- (30) Lit., 'all the time that she (had) not'.
- (31) Between being regarded as a virgin or not.
- (32) Cf. Lev. XXI, 13.
- (33) Only a virgin is entitled to that sum. One who is no virgin is entitled to one hundred zuz only.
- (34) Deut. XXI, 4, in the case where a murdered man was found in a field and his murderers cannot be discovered when a heifer is brought into a rough valley and a prescribed ceremonial is performed (v. *ibid*. 1ff).
- (35) If a plot of land has been sold or bought as 'virgin soil' it must be one that has never before been cultivated.
- (36) Lit., 'all the time that she (had) not'.
- (37) Since the cutting causes new growth.
- (38) Between being regarded as a virgin or not.
- (39) Cf. supra n. 10 *mut. mut*.
- (40) Which is forbidden (cf. Lev. XXV, 4); Sheb. IV, 5.
- (41) That there is also a virginity as regards menstrual blood.
- (42) R. Kahana who only spoke of three kinds of virgin.
- (43) Lit., 'attached', 'accompanying'.
- (44) 'Virgin' alone being sufficient.
- (45) Such as the 'virgin in respect of menstrual blood' whom 'virgin' alone would not sufficiently describe.
- (46) R. Kahana who only spoke of three kinds.
- (47) Lit., 'a thing that'.
- (48) Such as intercourse, cultivation or cutting.
- (49) As is the case with a discharge of menstrual blood which is a natural and involuntary process.

- (50) After intercourse, cultivation and cutting respectively.
- (51) Lit., 'to its creation', neither the woman nor the soil nor the sycamore can (cf. prev. n.) change into her or its original condition.
- (52) A woman in old age loses her flow and changes, in this respect, into a condition similar to her original virginity.
- (53) R. Kahana who only spoke of three kinds.
- (54) No one who could help it would be likely to marry a non-virgin or to buy land that was already exploited or a sycamore that was cut.
- (55) One who marries a virgin does not care whether or not she ever had her menstrual flow.
- (56) Cf. prev. n.
- (57) Keth. 10b.
- (58) Lit., 'that . . . jumps on it', people are anxious to marry a virgin, to buy a plot of land that was never before exploited and a sycamore that was never before cut.
- (59) A virgin who has no menstrual flow.
- (60) For the reasons indicated by R. Hiyya and R. Meir supra.
- (61) On being broken up.
- (62) That need crushing.
- (63) How else could the potsherd have found its way into it?
- (64) Lit., 'behold this'.
- (65) Lit., 'and how much'.
- (66) Lit., 'remembrance'.
- (67) That it was told . . . she is with child, Gen, XXXVIII, 24.
- (68) Lit., 'great'.
- (69) Lit., 'there is'.
- (70) And it might have been assumed that the three months of the text (representing a third of nine) applied to the former only while in the case of the latter the stage of recognition begins after $7/3 = 2 \frac{1}{3}$, months.
- (71) Lit., 'behold she was'.
- (72) Lit., 'wind'.
- (73) Lit., 'existence'.
- (74) Despite the fact that her pregnancy, as is now evident, was not natural.
- (75) As regards retrospective uncleanness.
- (76) Not twenty-four hours retrospectively as is the case with one who is not pregnant.
- (77) That an inflated object (cf. supra n. 12) is regarded as a viable embryo in respect of pregnancy.
- (78) Lit., 'remembrance'.
- (79) Emphasis on the last word. Isa. XXVI, 18. Tosef. Nid. I.
- (80) Lit., 'great'.
- (81) In whose case conception and birth are mere metaphorical expressions.
- (82) Accompanied by a flow of blood.
- (83) During the eleven days in which she is susceptible to the uncleanness of a zabah (v. foll. nn.).
- (84) After a further discharge of blood, so that (cf. prev. n. but one) her bleeding and pain extended over three consecutive days.
- (85) Since there was no proper birth though she had no relief from her pain between the time of the discharge and the miscarriage.
- (86) V. Glos. Sc. she must count seven days and bring the sacrifice prescribed for a zabah before she can attain cleanness.

Talmud - Mas. Nidah 9a

did not the All Merciful [it may be objected] ordain that [a flow of blood in] painful labour immediately before birth¹ is regarded as clean?² — R. Papi replied: Leave alone the question of the twenty-four hours retrospective uncleanness³ which only involves a Rabbinical enactment.⁴ R. Papa replied: The actual reason⁵ is that the woman⁶ feels a heaviness in her head and limbs;⁷ well then, here also⁸ she feels a heaviness in her head and in her limbs.⁹

R. Jeremiah enquired of R. Zera: What is the ruling¹⁰ where a woman observed a flow and immediately after her pregnancy was discerned? Is she retrospectively unclean because her pregnancy was not known at the time she observed the flow or is she not retrospectively unclean since she observed it immediately before she became aware of her pregnancy? — The other replied: The sole reason¹¹ is that she¹² feels a heaviness in her head and limbs¹³ but¹⁴ at the time she observed the flow she felt no heaviness either in her head or in her limbs.¹⁵

A certain old man asked R. Johanan: ‘What is the ruling if, when the time of her fixed period had come during the days of her pregnancy and she did not examine herself? I am raising this question on the view of the authority who laid down [that a woman's duty to hold an examination on the arrival of her] fixed periods is an ordinance of the Torah.¹⁶ What is the ruling [I ask]? Must she¹⁷ examine herself since [the duty of holding an examination on the arrival of] the fixed periods is an ordinance of the Torah¹⁶ or is it possible that since¹⁸ her menstrual blood is suspended,¹⁹ she requires no examination’?²⁰ — The other²¹ replied, You have learnt it: R. Meir ruled, If a woman was in a hiding-place²² when the time of her fixed period arrived and she did not examine herself she is nevertheless clean because fear suspends the menstrual flow.²³ Now the reason is²⁴ that there was fear, but if there had been no fear and the time of her fixed period had arrived and she did not examine herself she would have been deemed unclean. It is thus clear²⁵ [that a woman's duty to examine herself at the time of the arrival of her] fixed periods is an ordinance of the Torah and that, nevertheless, since there was fear, her menstrual blood is deemed to be suspended and she requires no exemption; so also here,²⁶ since her menstrual blood is suspended she requires no examination.

‘A NURSING WOMAN’? A WOMAN BEFORE SHE HAS WEANED etc. Our Rabbis taught: A nursing mother whose child died within twenty-four months²⁷ is in exactly the same position as all other women²⁸ and causes retrospective uncleanness for a period of twenty-four hours or from the previous to the last examination. If, therefore,²⁹ she continued to suck it for four or five years it suffices for her to reckon her period of uncleanness from the time she has observed the flow; so R. Meir. R. Judah, R. Jose and R. Simeon ruled: Only during the twenty-four months³⁰ does it suffice for women to reckon their uncleanness from the time they have observed a flow.³¹ Therefore,³² even if she suckled it for four or five years she causes uncleanness retrospectively for twenty-four hours or from the previous to the last examination.³³ Now if you will carefully consider [the views just expressed] you will find that³⁴ according to the view of R. Meir the menstrual blood is decomposed and turns into milk while according to the view of R. Jose, R. Judah and R. Simeon the woman's limbs³⁵ are disjointed and her natural vigour³⁶ does not return before the lapse of twenty-four months. Why the necessity for the ‘therefore’³⁷ of R. Meir?³⁸ — On account of the ‘therefore’³⁹ of R. Jose. But why the necessity for the ‘therefore’ of R. Jose?⁴⁰ — It might have been assumed that R. Jose maintains that⁴¹ there are two [causes];⁴² hence we were informed⁴³ [that he upholds the one cause only].⁴⁴ So it was also taught: The menstrual blood⁴⁵ is decomposed and turns into milk; so R. Meir. R. Jose stated: Her limbs⁴⁶ are disjointed and her natural strength does not return before twenty-four months.⁴⁷ R. Elai explained: What is R. Meir's reason?⁴⁸ That it is written, Who can bring a clean thing⁴⁹ from out of an unclean?⁵⁰ Is it not the Only One?⁵¹ And the Rabbis?⁵² — R. Johanan replied: The reference⁵³ is to semen which is unclean, while the man who is created from it is clean; and R. Eleazar replied: The reference⁵³ is to the water of sprinkling⁵⁴ in the case of which the man who sprinkles it as well as the man upon whom it is sprinkled is clean while he who touches it is unclean. But is the man who sprinkles it clean? Is it not in fact written, And he that sprinkleth the water of sprinkling shall wash his clothes?⁵⁵ — What is meant by ‘He that sprinkleth’? He that touches it. But is it not actually written, ‘He that sprinkleth’⁵⁵ and also ‘He that toucheth’?⁵⁵ Furthermore, is not ‘He that sprinkleth’ required to wash his clothes⁵⁵ while ‘He that toucheth’ is not required to do so?⁵⁵ — Rather say: What is meant by ‘He that sprinkleth’? He that carries.⁵⁶ Then why was it not written, ‘He that carries’? — We were informed⁵⁷ that uncleanness is not contracted unless one carried the minimum quantity prescribed for sprinkling. This is a satisfactory explanation

according to him who holds⁵⁸ that sprinkling must be performed with a prescribed minimum of the water⁵⁹. What, however, can be said according to him who holds that no prescribed minimum is required?⁵⁸ — Even according to him who holds that no prescribed quantity is required the ruling refers only to the quantity applied to the body of the man but as regards that which is in the vessel a prescribed quantity is required; as we have learnt: What must be the quantity of water⁵⁹ that it shall suffice for a sprinkling? As much as suffices for both the dipping therein of the tops of the stalks and for the sprinkling.⁶⁰ It is, in fact, in view of such laws⁶¹ that Solomon observed, I said: 'I will get wisdom'; but it was far from me.⁶²

WHO IS REGARDED 'AN OLD WOMAN'? ANY WOMAN OVER WHOM THREE ONAHS HAVE PASSED NEAR THE TIME OF HER OLD AGE. What is to be understood by NEAR THE TIME OF HER OLD AGE? — Rab Judah replied: The age when her women friends speak of her as an old woman; and R. Simeon⁶³ replied:

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- (1) The woman having had no relief from her pain between the appearance of the flow and birth (cf. prev. n. but one).
 - (2) V. infra 37b. Why then should the woman here be treated as a zabah?
 - (3) With which the first of the apparently contradictory Baraithas deals.
 - (4) And could, therefore, be relaxed even in the case of a pregnancy that ended in a miscarriage. As regards the pentateuchal uncleanness of a zabah, however, a miscarriage of the nature spoken of in the last cited Baraitha cannot be regarded as a proper birth.
 - (5) Why a pregnant woman is to reckon her menstrual uncleanness from the very moment she has observed a discharge and not retrospectively.
 - (6) During her pregnancy.
 - (7) Sc. she is suffering from a malady which causes her menstrual flow to disappear.
 - (8) In the case of a pregnancy that ended in a miscarriage spoken of in the first of the Baraithas under discussion.
 - (9) It is obvious, therefore, that she also suffers from the same malady (cf. prev. n. but one) in consequence of which she is entitled to the same privileges (cf. supra n. 10).
 - (10) In respect of the twenty-four hours retrospective uncleanness.
 - (11) V. p. 55, n. 10.
 - (12) During her pregnancy.
 - (13) V. p. 55, n. 12.
 - (14) In the case about which R. Jeremiah enquired.
 - (15) She cannot, therefore, be regarded as a pregnant woman, and her uncleanness is retrospective.
 - (16) Sc. a traditional halachah handed down from the time of Moses (Rashi), so that since the flow may be expected to make its appearance on the regular day, a woman who did not examine herself at such a period, must be regarded as unclean (v. infra 16a).
 - (17) If she is to be regarded as clean.
 - (18) During pregnancy.
 - (19) And the regular appearance of her menstrual blood need not be expected.
 - (20) I.e., she is deemed to be clean even if she did not examine herself.
 - (21) R. Johanan.
 - (22) In fear of her life.
 - (23) Infra 39a.
 - (24) Why in this particular case the woman is regarded as clean.
 - (25) Since in the absence of fear the woman is deemed to be unclean.
 - (26) The case of the pregnant woman referred to in the old man's enquiry.
 - (27) After birth. This is the normal period a mother is expected to suckle her child.
 - (28) Who are not pregnant or nursing; because the menstrual flow is suspended only on account of its transformation into the mother's milk, but when the child dies and the milk is no longer used the blood changes into its original condition.
 - (29) Since the cleanness of the woman is entirely due to her suckling (cf. prev. n.).
 - (30) Irrespective of whether the child is suckled or not.

- (31) The suspension of the menstrual blood for twenty-four months being due in their opinion to the physical disturbance caused by the process of childbearing.
- (32) Since it is the process of bearing and not the suckling of the child (cf. prev. n.) that causes the suspension of the blood and since that suspension does not continue longer than twenty-four months.
- (33) Cf. Tosef. Nid. II where, however, 'R. Judah' is omitted.
- (34) Lit., 'as you will find to say'.
- (35) When she is in childbirth.
- (36) Manifested by her menstrual flow.
- (37) 'If, therefore, she continued etc.' supra.
- (38) Sc. since R. Meir ruled that the death of the child causes its mother to resume the status of an ordinary non-nursing woman it obviously follows that the main cause of her former exemption from retrospective uncleanness was her suckling of the child, what need then was there to specify an inference (cf. prev. n.) which is all too obvious?
- (39) 'Therefore, even if she suckled etc.', supra.
- (40) Cf. prev. n. but one mut. mut.
- (41) For the suspension of the menstrual flow.
- (42) (a) The blood turns into milk and (b) the woman's limbs are disjointed on account of (b) the woman is exempt from retrospective uncleanness during the twenty-four months following her childbearing, irrespective of whether the child is suckled or not, while on account of (a) she should be similarly exempt throughout the time she is suckling the child.
- (43) By the addition of 'Therefore' (cf. supra n. 14).
- (44) That 'the woman's limbs are disjointed'.
- (45) Of a nursing woman.
- (46) Those of a woman in childbirth.
- (47) Bek. 6b.
- (48) For holding that the menstrual blood turns into milk.
- (49) Milk.
- (50) Menstrual blood.
- (51) Job XIV, 4; E. V. 'not one'.
- (52) Sc. how do they, who differ from R. Meir, in maintaining that the blood does not turn into milk, explain the text cited?
- (53) In Job XIV, 4 cited.
- (54) Cf. Num. XIX, 9.
- (55) Ibid. 21.
- (56) The water of sprinkling.
- (57) By the expression, 'He that sprinkleth' instead of 'he that carries'.
- (58) Cf. Zeb. 80a.
- (59) The water of sprinkling.
- (60) Parah XII, 5.
- (61) Which are apparently paradoxical: The man who sprinkles the water or is sprinkled upon is clean while he who merely touched it is unclean.
- (62) Eccl. VII, 23.
- (63) MS.M. adds 'b. Lakish'.

Talmud - Mas. Nidah 9b

when people call her mother in her presence¹ and she does not blush. R. Zera and R. Samuel b. Isaac differ:² One says, '[When she is called mother] and³ she does not mind,' and the other says, 'And³ she does not blush' — What is the practical difference between them? — The practical difference between them is the case of one who blushes but does not mind.

What is the length of an 'onah? — Resh Lakish citing R. Judah Nesi'ah⁴ replied: A normal 'onah is thirty days; but Raba, citing R. Hisda, replied: Twenty days. In fact, however, there is no difference of opinion between them. One Master⁵ reckons both the clean and the unclean days⁶ while

the other Master⁷ does not reckon the unclean days.⁸

Our Rabbis taught: If over an old woman have passed three 'onahs⁹ and then she observed a flow, it suffices for her to reckon her period of uncleanness from the time she observed the flow; if another three 'onahs have passed⁹ and then she observed a flow, it again suffices for her to reckon her uncleanness from the time she observed it. If, however, another three 'onahs have passed⁹ and then she observed a flow she is regarded¹⁰ as all other women and causes uncleanness retrospectively for twenty-four hours or from the previous examination to the last examination. This¹¹ is the case not only¹² where she observed the flow at perfectly regular intervals¹³ but even where she observed it at successively decreasing intervals or¹⁴ increasing intervals.¹⁵ [You say,] 'Even¹⁶ where she observed it at successively decreasing intervals'. It thus follows¹⁷ that there is no need to mention that this law¹¹ applies where she observed the flow at perfectly regular ones. But should not the law be reversed, seeing that where she observes a flow at perfectly regular intervals she thereby establishes for herself a fixed period and it should, therefore, suffice for her to reckon her period of uncleanness from the time she observed the flow? And should you reply that this¹⁸ represents the view of the Rabbis who differ from R. Dosa in maintaining that even a woman who has a fixed period causes retrospective uncleanness for twenty-four hours,¹⁹ [it could be objected:] Should not the order²⁰ have been reversed to read as follows: Not only where she observed the flow at successively decreasing intervals or increasing intervals²¹ but even where she observed it at perfectly regular ones?²² — Read: Not only where she observed the flow at successively decreasing intervals or increasing intervals²¹ but even where she observed it at perfectly regular ones.²³ And if you prefer I might reply, It is this that was meant: This²⁴ does not apply where a woman observed the flow at perfectly regular intervals but only where she observed it at successively decreasing or increasing ones. Where, however, she observed it at perfectly regular intervals she thereby establishes for herself a fixed period and it suffices for her to reckon her uncleanness from the time she has observed the flow. And whose view does this represent? That of R. Dosa.¹⁹

R. ELIEZER RULED: FOR ANY WOMAN OVER WHOM HAVE PASSED etc. It was taught: R. Eliezer said to the Sages. It once happened to a young woman at Haitalu²⁵ that her menstrual flow was interrupted for three 'onahs, and when the matter was submitted to the Sages they ruled that it sufficed for her to reckon her uncleanness from the time she observed the flow. They replied: A time of emergency is no proof. What was the emergency? — Some say, It was a time of dearth,²⁶ while others say, The quantity of foodstuffs the woman had prepared²⁷ was rather large and the Rabbis took into consideration the desirability of avoiding the loss of the levitically clean things.

Our Rabbis taught: It once happened that Rabbi acted in agreement with the ruling of R. Eliezer, and after he reminded himself observed, 'R. Eliezer deserves to be relied upon in an emergency'. What could be the meaning of 'after he reminded himself'? If it be explained: After he reminded himself that the halachah was not in agreement with R. Eliezer but in agreement with the Rabbis [the difficulty would arise:] How could he act according to the former's ruling even in an emergency? — The fact is that it was not stated whether the law was in agreement with the one Master or with the other Master. Then what is meant by 'after he reminded himself'? — After he reminded himself that it was not an individual that differed from him but that many differed from him, he observed 'R. Eliezer deserves to be relied upon in an emergency'.

Our Rabbis taught: If a young girl who had not yet attained the age of menstruation²⁸ observed a discharge, after the first time it suffices for her to reckon her uncleanness from the time she observed it; after the second time also²⁹ it suffices for her to reckon her uncleanness from the time she observed it, but after the third time³⁰ she is in the same position as all other women³¹ and³² causes uncleanness retrospectively³³ for twenty-four hours or from her previous examination to her last examination. If subsequently three 'onahs have passed over her³⁴ and then she again observed a discharge it suffices for her³⁵ to reckon her uncleanness from the time she observed it.³⁶ If another

three 'onahs have passed over her³⁴ and then again she observed a discharge it suffices for her to reckon her uncleanness from the time she observed it. But if another three 'onahs have passed over her³⁷ and she again observed a discharge she is in the same position as all other women³⁸ and causes uncleanness retrospectively for twenty-four hours or from her previous examination to her last one.³⁹ When, however, a girl had attained the age of menstruation,⁴⁰ after the first observation it suffices for her to reckon her uncleanness from the time she observed the discharge, while after the second time she causes uncleanness retrospectively for twenty-four hours or from her previous examination to her last examination.⁴¹ If subsequently three 'onahs have passed over her⁴² and then she again observed a discharge, it suffices for her to reckon her uncleanness from the time she observed it.⁴³

The Master said,⁴⁴ 'If subsequently three 'onahs have passed over her and then she again observed a discharge, it suffices for her to reckon her uncleanness from the time she observed it'.

(1) So MS.M. Cur. edd. 'mother, mother'.

(2) On what was meant by 'near old age'.

(3) Lit., 'all that'.

(4) The Prince, Judah II.

(5) Resh Lakish.

(6) I.e., the interval between one period and another which is thirty days.

(7) Raba.

(8) Which number ten (seven as menstruant and three as zabah) leaving (thirty minus ten are) twenty clean days (Rashi. Cf., however, Tosaf.).

(9) Without her observing any flow during all this time.

(10) Lit., 'behold she'; since the appearance of the flow for the third time establishes the fact that her menstrual flow had not yet ceased and that only the length of the intervals between its periodic appearances has changed.

(11) That after a third appearance the woman's uncleanness begins twenty-four hours retrospectively.

(12) Cf. MS.M and marg. n. Cur. edd. 'and it is not necessary (to state)', the word 'necessary' appearing in parenthesis.

(13) I.e., if each interval was, for instance, exactly ninety days.

(14) Cur. edd. in parenthesis. 'and even'.

(15) Sc. irrespective of whether (a) the first interval extended over ninety-three days, the second over ninety-two and the third only over ninety or (b) the first extended over ninety-one days, the second over ninety-two and the third over ninety-three days.

(16) Emphasis on this word.

(17) Since the expression 'even' is used (cf. prev. n.).

(18) That the woman is unclean retrospectively even when she has a fixed period.

(19) Supra 4b.

(20) Of the Baraita under discussion.

(21) Is her uncleanness retrospective for twenty-four hours.

(22) Where it might have been presumed that she has thereby established for herself a fixed period.

(23) Cf. prev. n. but one; the ruling representing the view of the Rabbis (supra 4b).

(24) That after a third appearance the woman's uncleanness begins twenty-four hours retrospectively.

(25) [Babylonian form for Aitalu, modern Aiterun, N.W. of Kadish. V. S. Klein, Beitrage, p. 47.]

(26) When a decision to regard all the foodstuffs the woman had touched during the preceding twenty-four hours as unclean would have involved a serious loss and undue hardship.

(27) During the preceding twenty-four hours.

(28) Lit., 'whose time to see (the menses) has not arrived'.

(29) Since presumptive menstruation like any other condition of presumption cannot be established by one occurrence.

(30) Since according to Rabbi (with whose view, as shown infra, this Baraita agrees) two occurrences suffice to establish a condition of presumption.

(31) Who are in a condition of presumptive menstruation.

(32) In accordance with Rabbinic law.

(33) As a preventive measure enacted in the case of all such women (cf. prev. n. but one).

- (34) Without her observing any discharge.
- (35) Since the complete absence of the flow for three 'onahs is regarded as the cessation of the flow.
- (36) In agreement with R. Eliezer (cf. our Mishnah).
- (37) Without her observing any discharge.
- (38) Who are in a condition of presumptive menstruation.
- (39) Because the appearance of the discharge for the third time proved that her flow had not ceased and that only the intervals between the discharges had been lengthened.
- (40) This being the case spoken of in our Mishnah: AND OF WHAT DID THEY SPEAK . . . OF A FIRST OBSERVATION.
- (41) Cf. our Mishnah: BUT AT A SUBSEQUENT OBSERVATION . . . HOURS.
- (42) Without her observing any discharge.
- (43) In agreement with R. Eliezer (cf. our Mishnah).
- (44) Supra; in regard to a young girl who had not yet attained the age of menstruation and who observed a discharge at the end of each of three consecutive 'onahs.

Talmud - Mas. Nidah 10a

What is the ruling where¹ she again observes discharges at the end of subsequent single 'onahs?² — R. Giddal citing Rab replied: After the first time and after the second time it suffices for her to reckon her uncleanness from the time of her observation of the discharge, but after the third time she causes uncleanness retrospectively for twenty-four hours or from her previous examination to her last examination.

'If another three 'onahs have passed over her and then again she observed a discharge it suffices for her to reckon her uncleanness from the time she observed it'. What is the ruling where she again observes discharges at the end of single 'onahs?³ — R. Kahana citing R. Giddal who had it from Rab replied: After the first time it suffices for her to reckon her uncleanness from the time she observed the discharge but after the second time she causes uncleanness retrospectively for twenty-four hours or from her previous examination to her last examination. Whose view does this⁴ represent? That of Rabbi who laid down that if a thing has occurred twice presumption is established.⁵ Read then the final clause:⁶ 'If subsequently three 'onahs have passed over her and then she again observed a discharge, it suffices for her to reckon her uncleanness from the time she observed it'. Does not this agree only with the view of R. Eliezer?⁷ And should you reply that it in fact represents the view of Rabbi but that in the case of [an interval of three] 'onahs he holds the same view as R. Eliezer, [it could be retorted]: Does he indeed hold the same view seeing that it was stated, 'After he reminded himself'⁸ — The fact is that it represents the view of R. Eliezer but⁹ [in respect of presumption in the case of] menstrual periods he is of the same opinion as Rabbi.¹⁰

A stain [discovered by one who had not yet reached the age of menstruation] between her first and second [observation of a discharge] is regarded as clean,¹¹ but as regards one discovered between her second and third observation, Hezekiah ruled: It is unclean, while R. Johanan ruled: It is clean. 'Hezekiah ruled: It is unclean', since, when she observed [a discharge for the third time] she becomes unclean [retrospectively],¹² her stain also¹³ causes her to be unclean; 'while R. Johanan ruled: It is clean,' for this reason: Since¹⁴ she was not yet confirmed in the condition of presumptive menstruation¹⁵ she cannot be regarded as unclean on account of her stain.

(1) After the one discharge at the end of the three 'onahs respectively.

(2) Sc. does it suffice for her to reckon her uncleanness from the time she observes the discharge or is her uncleanness to be retrospective? The reasons for and against are discussed in Rashi.

(3) V. p. 63, n. 10.

(4) The ruling that after the second time she is already in a condition of presumptive menstruation.

(5) Infra 64a, Keth. 43b, Yeb. 26a.

- (6) The case of one who 'had attained the age of menstruation'.
- (7) Who ruled in our Mishnah: FOR ANY WOMAN OVER WHOM HAVE PASSED THREE 'ONAH'S IT SUFFICES . . . TO RECKON FROM THE TIME SHE OBSERVED IT.
- (8) Supra 9b q.v., from which it is evident that only after much hesitation and reluctance did he follow R. Eliezer's view.
- (9) As regards the difficulty of establishing presumption after two occurrences.
- (10) Who in all cases holds that two occurrences constitute presumption.
- (11) I.e., it is not deemed to be due to menstrual blood. Cf. supra 5a.
- (12) Which shows that her presumptive menstruation begins after her second discharge.
- (13) Since it appeared at a period of (cf. prev. n.) presumptive menstruation.
- (14) At the time the stain was discovered.
- (15) This condition being established retrospectively only after the appearance of a third discharge.

Talmud - Mas. Nidah 10b

R. Elai demurred:¹ But what is the difference between this class of woman and a virgin [just married] whose blood is clean?² — R. Zera replied: In the case of the latter her secretion³ is frequent⁴ but in that of the former her secretion is not frequent.⁵

'Ulla stated: R. Johanan who had it from R. Simeon b. Jehozadak⁶ ruled, 'If a young girl who had not yet attained the age of menstruation observed a discharge, her spittle or her midras- uncleanness in the street⁷ after a first discharge and after a second discharge is clean,⁸ and her stain is also clean'; but I do not know [whether the last ruling]⁹ was his own or his Master's.¹⁰ In what practical issue could this matter? — In respect of establishing the ruling¹¹ to be the view of one authority¹¹ against two authorities.¹² When Rabin and all the other seafarers came¹³ they stated that the ruling was in agreement with the view of R. Simeon b. Jehozadak.

R. Hilkiyah b. Tobi ruled: In the case of a young girl who had not yet reached the age of menstruation¹⁴ a discharge of menstrual blood, even if it continued¹⁵ throughout all the seven days,¹⁶ is regarded as a single observation.¹⁷ [Since you say,] 'Even¹⁸ if it continued'¹⁵ it follows that there is no necessity to state that the law is so¹⁹ where there was a break.²⁰ But is not this contrary to reason, seeing that a break would cause the discharge to be like two separate observations? — Rather read: In the case of a young girl who had not yet reached the age of menstruation,¹⁴ a discharge of menstrual blood that²¹ continued throughout all the seven days²² is regarded as a single observation. R. Shimi b. Hiyya ruled: Dripping is not like an observation.²³ is But does not the woman in fact observe it?²⁴ — Read: It is not like a continuous discharge but like one broken up.²⁵ Does this²⁶ then imply that the continuous discharge²⁷ was one like²⁸ a river?²⁹ — Rather read: It is only like a continuous discharge.³⁰

Our Rabbis taught: It is established that the daughters of Israel before reaching the age of puberty are definitely³¹ in a condition of presumptive cleanness and the [elder] women need not examine them. When they have reached the age of puberty they are definitely³¹ in a condition of presumptive uncleanness and [elder] women must examine them. R. Judah ruled: They must not examine them with their fingers³² because they might corrupt them,³³ but they dab them with oil within and wipe it off from without and they are thus self examined.³⁴

R. JOSE RULED: FOR A WOMAN IN PREGNANCY etc. A Tanna recited in the presence of R. Eleazar, 'R. Jose ruled: As for a woman in pregnancy and a nursing woman over whom three onahs have passed it suffices for her³⁵ [to reckon her³⁵ period of uncleanness from] the time of her [observation of the flow]'. 'You', the other remarked, 'began with two³⁶ and finished with one;³⁷ do you perchance mean: A pregnant woman who was also³⁸ a nurse,³⁹ and this⁴⁰ teaches us incidentally the law that [in respect of an interval of three 'onahs]⁴¹ the days of a woman's pregnancy supplement those of her nursing and those of her nursing supplement those of her pregnancy? As it was taught:

‘The days of her pregnancy supplement those of her nursing and the days of her nursing supplement those of her pregnancy. In what manner? If there was a break⁴² of two ‘onahs during her pregnancy and of one during her nursing, or of two during her nursing and one during her pregnancy, or of one and a half during her pregnancy and one and a half during her nursing, they are all combined into a series of three ‘onahs’.⁴³ One can well understand the ruling that ‘the days of her pregnancy supplement those of her nursing’ since this is possible where a woman became pregnant while she was still continuing her nursing. But how is it possible that ‘the days of her nursing⁴⁴ supplement those of her pregnancy’?⁴⁵ — If you wish I might reply: This is possible in the case of a dry birth.⁴⁶ And if you prefer I might reply: Menstrual blood is one thing and birth blood is another thing.⁴⁷ And if you prefer I might reply: Read the first clause only.⁴⁸

OF WHAT DID THEY SPEAK WHEN THEY LAID DOWN THAT IT SUFFICES [FOR THEM TO RECKON] THEIR [PERIOD OF UNCLEANNESS FROM] THE TIME [OF THEIR DISCOVERY OF THE FLOW]’? etc. Rab stated: This⁴⁹ refers to all of them,⁵⁰ and Samuel stated: This⁴⁹ was learnt only in respect of a virgin⁵¹ and an old woman⁵² but for pregnant or nursing women⁵³ it suffices for them, throughout all the days of their pregnancy and throughout all the days of their nursing respectively to reckon their uncleanness from the time of their observing a flow. In the same manner R. Simeon b. Lakish stated: This⁵⁴ refers to all of them; while R. Johanan stated: This was learnt only in respect of a virgin and an old woman but for pregnant or nursing women it suffices throughout all the days of their pregnancy and throughout all the days of their nursing respectively to reckon their uncleanness from the time of their observing the flow. This dispute⁵⁵ is analogous to one between Tannas. [For it was taught]: If pregnant or nursing women were

(1) Against Hezekiah.

(2) In the case of the latter the blood is assumed to be that of the wound caused by a first intercourse which is exempt from the laws of uncleanness. If on the following day, however, the colour of the discharge changed the woman becomes unclean, but a bloodstain discovered after intercourse (cf. infra 60a) is nevertheless clean. Why then should a stain in the former case be unclean on account of the subsequent discharge? (V. Tosaf.).

(3) The discharge of the wound (cf. prev. n.).

(4) So that there is a double reason why the stain should be regarded as clean. For (a) it might be attributed to blood that issued from a foreign body and (b) even if it is to be attributed to blood of the woman's own body that blood might have been the secretion of the wound (v. Tosaf.).

(5) And if the stain is due to blood that originated from the woman's body it could not be other than menstrual which causes uncleanness.

(6) This is not the scholar of the same name mentioned in Sanh. 26a who was spoken of disparagingly in the presence of R. Johanan (R. Tam.). The one here mentioned was a teacher of R. Johanan whose honour the latter would have protected had anything derogatory been said against him in his presence.

(7) I.e., if it was discovered in a public place and it is uncertain whether the girl was a menstruant at that time.

(8) As presumptive menstruation had not yet been established uncleanness cannot be imposed in a doubtful case (cf. prev. n.).

(9) Concerning the stain.

(10) R. Simeon b. Jehozadak's.

(11) Of Hezekiah (supra 10a).

(12) R. Johanan and R. Simeon b. Jehozadak; and the law would accordingly be in agreement with the majority. If R. Johanan, however, gave the ruling in his own name alone Hezekiah is opposed by one authority only and the law need not necessarily be against him.

(13) From Palestine to Babylon.

(14) Lit., ‘whose time to see (the menses) has not arrived’.

(15) Lit., ‘she pours’.

(16) The normal period of menstruation.

(17) Sc. until there were two more observations her period of uncleanness does not begin retrospectively but from the time she observes the discharge.

- (18) Emphasis on this word.
- (19) That the discharge 'throughout all the seven days is regarded as a single observation'.
- (20) Though it was followed by a renewal of the discharge.
- (21) Omitting 'even' (cf. supra n. 9) used in the first version supra.
- (22) The normal period of menstruation.
- (23) Lit., 'one who drips is not like one who sees'. This is now assumed to mean that dripping is not regarded even as a single observation.
- (24) The dripping. How then can it be maintained that it is not regarded even as one observation (cf. prev. n.)?
- (25) I.e., like a number of separate observations. By the time the dripping ceases completely the woman is deemed to be in a confirmed condition of presumptive menstruation and any subsequent discharge causes her uncleanness to be retrospective.
- (26) The distinction drawn between 'dripping' and a 'continual discharge'.
- (27) Since it is regarded as a single observation.
- (28) Cur. edd. in parenthesis, 'also'.
- (29) Sc. without a stop. But is this likely? No woman surely could survive a discharge of blood that was continuous for seven days.
- (30) It is regarded as one observation and the girl is not subject to retrospective uncleanness before she has experienced two more menstrual discharges.
- (31) Lit., 'behold they'.
- (32) Lit., 'with the hand'.
- (33) By teaching them unnatural gratification (Jast.). Aliter: They might injure them with their nails (Rashi).
- (34) Since at puberty an application of oil induces the menstrual flow.
- (35) The use of the sing, for the plural is discussed presently.
- (36) 'A woman in pregnancy and a nursing woman'.
- (37) By using the sing. (cf. prev. n. but one).
- (38) Rendering the waw as 'who' instead of 'and'.
- (39) A woman, for instance, (v. infra) who became pregnant while she was still nursing her last-born child.
- (40) Since the same law applies also to one who is pregnant only.
- (41) Which exempts a woman from retrospective uncleanness.
- (42) In the menses.
- (43) Infra 36a.
- (44) Between which and pregnancy there must be the childbirth and consequent bleeding.
- (45) Would not the bleeding at childbirth interrupt the bloodless interval of the three 'onahs'?
- (46) So that there is no bleeding (cf. prev. n. but one) to interrupt the three 'onahs'.
- (47) I.e., the latter does not in any way interrupt the interval of the former.
- (48) Lit., 'one', viz., 'the days of her pregnancy supplement those of her nursing', omitting the final clause, 'the days of her nursing . . . pregnancy'.
- (49) The statement just quoted the conclusion of which is that 'AT A SUBSEQUENT OBSERVATION SHE CONVEYS UNCLEANNESS RETROSPECTIVELY FOR A PERIOD OF TWENTY-FOUR HOURS'.
- (50) Sc. the four classes enumerated earlier in our Mishnah.
- (51) Who, after two observations, may well be deemed to have reached the age of presumptive menstruation.
- (52) Who also, since after the interruption she had her menses twice, may be assumed to be reverting to her former status of presumptive menstruation while the interruption might be attributed to a mere delay in the appearance of the discharge.
- (53) Whose menstrual flow must normally cease and any discharge of blood on whose part, however often that may occur (cf. Tosaf.), can only be regarded as an irregular and passing phase.
- (54) For notes on the statements of R. Simeon b. Lakish and R. Johanan cf. those on the statements of Rab and Samuel supra.
- (55) Between the Amoras mentioned regarding a pregnant and a nursing woman.

bleeding profusely it suffices for them, throughout all the days of their pregnancy and throughout all the days of their nursing respectively, to reckon their uncleanness from the time of their observing their flow; so R. Meir. R. Jose and R. Judah and R. Simeon, however, ruled: Only after a first observation did [the Sages] rule that it suffices for them¹ to reckon their uncleanness from the time of their observing the flow but after a second observation they cause uncleanness retrospectively for twenty-four hours or from their previous examination to their last examination.

IF, HOWEVER, SHE SUFFERED THE FIRST FLOW etc. R. Huna ruled: If on three occasions she jumped and suffered a flow she² has thereby established for herself a fixed period.³ In what respect?⁴ If it be suggested, In respect of certain days,⁵ could it not be objected that on any day on which she did not jump she observed no flow?⁶ — Rather, [the fixation meant is in respect] of jumps.⁷ But surely it was taught: ‘Any regular discharge established as a result of an accident, even though it had been repeated many times, does not establish a fixed period’. Does not this mean that no fixed period whatsoever⁸ is established? — No, it means that no fixed period is established in respect of days alone⁹ or jumps alone,¹⁰ but as regards days and jumps jointly¹¹ a fixed period is well established.¹² But ‘is it not obvious¹³ [that no fixed period can be established] in respect of days alone?¹⁴ — R. Ashi replied: [This¹⁵ was necessary in a case] for instance, where the woman jumped on two Sundays and suffered a flow while on a Sabbath¹⁶ she jumped and suffered no flow but on the Sunday following she observed one without jumping. As it might have been presumed that it had now become known retrospectively that¹⁷ it was the day¹⁸ and not the jumping¹⁹ that had caused the flow,²⁰ we were informed²¹ that it was the jump of the previous day¹⁶ ‘that was the cause²² and that the reason why the woman did not observe it was because the jump was premature.’²³

Another reading:²⁴ R. Huna’ ruled: If on three occasions she jumped and suffered a flow she has thereby established for herself a fixed period in respect of days but not in respect of jumps. In what circumstances?²⁵ — R. Ashi replied: If a woman jumped on two Sundays and on each occasion suffered a flow while²⁶ on one²⁷ Sunday she suffered one without jumping where it is obvious that it is the day²⁸ that is the cause.²⁹

MISHNAH. ALTHOUGH [THE SAGES] HAVE LAID DOWN THAT [FOR A WOMAN WHO HAS A SETTLED PERIOD] IT SUFFICES TO RECKON HER PERIOD OF UNCLEANNESS FROM THE TIME SHE OBSERVED THE FLOW, SHE MUST NEVERTHELESS EXAMINE HERSELF [REGULARLY],³⁰ EXCEPT WHERE SHE IS A MENSTRUANT³¹ OR³² IS CONTINUING IN THE BLOOD OF PURIFICATION.³³ SHE³⁴ MUST ALSO USE TESTING-RAGS WHEN³⁵ SHE HAS MARITAL INTERCOURSE EXCEPT WHEN SHE CONTINUES IN THE BLOOD OF PURIFICATION³³ OR WHEN SHE IS A VIRGIN³⁶ WHOSE BLOOD IS CLEAN.³⁷ AND TWICE [DAILY] MUST SHE³⁴ EXAMINE HERSELF: IN THE MORNING³⁸ AND AT THE [EVENING] TWILIGHT,³⁹ AND ALSO WHEN SHE IS ABOUT⁴⁰ TO PERFORM HER MARITAL DUTY.⁴¹ PRIESTLY WOMEN ARE SUBJECT TO AN ADDITIONAL RESTRICTION [IN HAVING TO MAKE EXAMINATION] WHEN THEY ARE ABOUT TO EAT TERUMAH. R. JUDAH RULED: [THESE MUST EXAMINE THEMSELVES] ALSO AFTER THEY HAVE CONCLUDED A MEAL⁴² OF TERUMAH.

GEMARA. EXCEPT WHEN SHE IS A MENSTRUANT, because during the days of her menstruation she needs no examination.⁴³ This⁴⁴ is quite satisfactory according to R. Simeon b. Lakish who ruled, ‘A woman may establish for herself a settled period during the days of her zibah⁴⁵ but not during the days of her menstruation’,⁴⁶ [since the discarding of an examination would be] well justified.⁴⁷ According to R. Johanan, however, who ruled, ‘A woman may establish for herself a settled period during the days of her menstruation’, why should she not examine herself seeing that it is possible that she had established for herself a settled period?⁴⁸ — R. Johanan can answer you: I only spoke of a case where the woman observed the flow issuing⁴⁹ from a previously closed source,⁵⁰ but I did not speak of one where she observed it issuing⁵¹ from an already open source.⁵²

OR IS CONTINUING IN THE BLOOD OF PURIFICATION. It was assumed that the reference is to one who is only desirous of continuing in the blood of purification.⁵³ Now this⁵⁴ is quite satisfactory according to Rab who holds that 'it⁵⁵ all emanates from the same source which the Torah declared to be unclean [during a certain period]⁵⁶ and clean [during another period]'⁵⁷ [since the discarding of an examination would be] well justified;⁵⁸ but according to Levi who holds that 'it⁵⁵ emanates from two different sources'⁵⁹ why should she not examine herself, seeing that it is possible⁶⁰ that the unclean source had not yet ceased to flow?⁶¹ — Levi can answer you: This⁶² is in agreement with⁶³

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- (1) Pregnant and nursing women.
 - (2) Though a flow resulting from a jump is obviously an accident.
 - (3) This is explained presently.
 - (4) Is the period fixed.
 - (5) I.e., if the jump and resulting flow took place, for instance, on three Sundays, every subsequent Sunday is regarded as the fixed day so that even in the absence of a jump, if on examination she discovered a flow, her uncleanness is not retrospective, while if she failed to examine herself she is deemed to be unclean on the presumption that the flow had appeared at the fixed time.
 - (6) Which proves that the day itself is not the fixed period. How then could a Sunday on which she does not jump (cf. prev. n.) be regarded as the fixed period?
 - (7) Sc. on any day she jumped she is presumed to be unclean unless on examination she found herself to be clean.
 - (8) Even in respect of jumps.
 - (9) The Sundays, for instance, (cf. supra, p. 69, n. 7) on which she did not jump.
 - (10) On any day other than a Sunday.
 - (11) I.e., a Sunday on which she jumped.
 - (12) If she jumped on any Sunday that day is deemed to be her fixed period.
 - (13) Since each discharge was preceded by a jump.
 - (14) The answer being in the affirmative the difficulty arises: What need was there to teach the obvious?
 - (15) The ruling that no fixed period is established in respect of days alone.
 - (16) Saturday.
 - (17) As on the Saturday on which she jumped she suffered no flow while on the Sunday following on which she did not jump she observed one.
 - (18) The Sunday, since it was the third on which she observed a flow.
 - (19) Cf. prev. n. but one.
 - (20) And Sunday might consequently be regarded as her fixed period irrespective of whether she jumped on it or not.
 - (21) By the ruling under discussion (cf. supra n. 10).
 - (22) Of the discharge on the Sunday.
 - (23) Lit., 'the time of jumping had not yet arrived'. Her fixed period, therefore, is only a Sunday (not any other day of the week) on which she jumped (and no Sunday on which she did not jump).
 - (24) Cf. nn. on first reading supra, mut. mut.
 - (25) Lit., 'how is this to be imagined?'
 - (26) Cur. edd. in parenthesis, 'and on the Sabbath (Saturday) she jumped and did not observe (a flow)'. Cf. Elijah Wilna's glosses.
 - (27) Cur. edd. insert 'another' in parenthesis.
 - (28) In this case the Sunday.
 - (29) Of the discharge. Hence the ruling that a fixed period has been established 'in respect of days'.
 - (30) Morning and evening; in order to make sure that there was no discharge whatsoever.
 - (31) Who, having suffered a flow, is unclean for seven days irrespective of whether she had a flow or not on any of the last six days.
 - (32) After a childbirth.
 - (33) Cf. Lev. XII, 4. The examination would be purposeless since even the appearance of blood would not affect her cleanness.

(34) WHO HAS A FIXED PERIOD.

(35) Before or after.

(36) Newly married

(37) During the first four nights (cf. supra n. 9).

(38) To make sure that the objects she handled during the previous night are clean.

(39) Cf. prev. n. mut. mut.

(40) Lit., 'passes'.

(41) Lit., 'to serve her house'.

(42) Lit., 'at the time of their passing away from eating'.

(43) Cf. relevant n. on our Mishnah.

(44) That no examination is necessary.

(45) I.e., during the eleven days between the periods of menstruation. If, for instance, she suffered a menstrual flow on the first day of two consecutive months and also on the fifteenth day (which is one of the eleven days of zibah) of the same months, while on the first of the third month she had no menstrual flow and on the fifteenth of that month she again observed a flow she (on account of the three observations on the fifteenth) establishes for herself a settled period on the fifteenth of the subsequent months though the first two observations had taken place during the eleven days of zibah.

(46) If, for instance, she suffered a flow on the first and on the fifth day of one month and again on the fifth of the two subsequent months no settled period is thereby established for the fifth of the month, because during menstruation, a woman normally bleeds and a recurrent discharge proves no settled habit.

(47) Lit., 'beautiful', 'right'. Such an examination could serve no useful purpose whatsoever. It cannot serve the purpose of ascertaining whether she is clean (since she is in any case unclean even in the absence of a discharge) and it cannot serve the purpose of enabling her to establish a settled period (since no settled period can be established during the seven days of menstruation).

(48) Cf. prev. n. but one mut. mut.

(49) On each of the three occasions.

(50) If, e.g., the flow made its first appearance (cf. infra 39b) on the first day of three consecutive months as well on the twenty-fifth of the second month. In this case the first day of each subsequent month is regarded as the settled period, because the first two of the three discharges originated from a closed source (there having been no flow before) while the last (though it appeared after the menstruation had begun on the twenty-fifth of the previous months) is also regarded as originating from a closed source since the discharge on the twenty-fifth which originated from a closed source is deemed to be the commencement of the flow on the first of the following month that followed it.

(51) Even on one of the three occasions.

(52) As is the case spoken of in our Mishnah where even the first observation would be made during menstruation where the source is already open.

(53) But had not yet commenced then, i.e., a woman after childbirth who concluded the seven unclean days for a male or the fourteen unclean days for a female (cf. Lev. XII, 1-5).

(54) The ruling that no examination is necessary on the seventh or fourteenth day (cf. prev. n.).

(55) The blood discharged within forty or eighty days respectively after childbirth (cf. Lev. XII, 1-5).

(56) Cf. supra, n. 3.

(57) The thirty-three days after the seven for a male and the sixty-six days after the fourteen for a female (cf. Lev. XII, 4f).

(58) Lit., 'beautiful', 'right'. Such an examination would be purposeless since after the seventh and the fourteenth day respectively the woman would in any case be clean irrespective of whether there was any discharge or not.

(59) The unclean source being open during the first seven and fourteen days respectively and after the forty and eighty days respectively when the clean one is closed, while the latter is open during the thirty-three and sixty-six days respectively when the former is closed.

(60) Where there was a continuous issue from the unclean period into the clean one (cf. infra 35b).

(61) Unless there was an examination and it had been ascertained that there was a definite break in the flow at the end of the seven and the fourteen days respectively the woman might still be unclean even though the unclean period prescribed had passed. Why then should no examination be necessary?

(62) The ruling that the menstruant needs no examination.

(63) Lit., 'whose'.

Talmud - Mas. Nidah 11b

Beth Shammai who hold that 'it¹ all emanates from the same source'.² But would the Tanna teach an anonymous Mishnah³ in agreement with the view of Beth Shammai?⁴ — This is an anonymous ruling that is followed by a divergence of opinion, and wherever an anonymous ruling is followed by a dispute the halachah does not agree with the anonymous ruling. And if you prefer I might reply: Was it stated,⁵ 'desirous of CONTINUING'?⁶ It was only stated, 'CONTINUING'.⁷ But if the woman was already 'continuing'⁷ what was the purpose of stating the ruling?⁸ — It might have been assumed that she should examine herself in case she establishes for herself⁹ a settled period, hence we were informed [that no examination is necessary] because no settled period can be established [by the regularity of a discharge from] a clean source for that of an unclean one. This is satisfactory according to Levi who stated that there are two sources,¹⁰ but according to Rab who stated that there was only one source¹⁰ why should she not examine herself seeing that she might have established for herself⁹ a settled period? — Even in that case she cannot establish a settled period in the clean days for the unclean ones.

SHE MUST ALSO USE TESTING-RAGS WHEN SHE HAS MARITAL INTERCOURSE etc. We have learnt elsewhere: If a young girl, whose age of menstruation¹¹ had not yet arrived, married, Beth Shammai ruled: She is allowed¹² four nights,¹³ and Beth Hillel ruled: Until the wound is healed.¹⁴ R. Giddal citing Samuel stated: They¹⁵ learnt this¹⁶ only in the case where bleeding through intercourse had not ceased, though she subsequently observed a discharge that may not have been due to intercourse;¹⁷ but if bleeding through intercourse had ceased¹⁸ and then she observed a discharge¹⁹ she²⁰ is unclean.²¹ If one night has passed without intercourse and then she observed a discharge she is unclean. If the colour of her blood changed²² she is unclean.

R. Jonah raised an objection:²³ **OR WHEN SHE IS A VIRGIN WHOSE BLOOD IS CLEAN** [she need not use testing-rags]. But why should she not rather use testing-rags²⁴ seeing that it is possible that the colour of her blood had changed? — Raba replied, Read the first clause: **EXCEPT WHERE SHE IS A MENSTRUANT OR IS CONTINUING IN THE BLOOD OF PURIFICATION**, from which it follows that only in those cases no examination is required but that a virgin whose blood is clean does require one.²⁵ But, then, are not the two rulings²⁶ mutually contradictory? — The former²⁷ refers to one who had marital intercourse, where it might well be assumed that the membrum was the cause of the change;²⁸ while the latter²⁹ refers to one who had no marital intercourse.³⁰ So it was also taught: This³¹ applies only in the case where 'bleeding through intercourse had not ceased, though she subsequently observed a discharge that may not have been due to intercourse, but if bleeding through intercourse had ceased and then she observed a discharge she is unclean. If one night has passed without intercourse and then she observed a discharge she is unclean. If the colour of her blood has changed she is unclean.'³²

TWICE [DAILY] MUST SHE etc. Rab Judah citing Samuel stated: They learnt this³³ only in respect of clean things, but to her husband she is permitted.³⁴ Is not this³⁵ obvious, seeing that we learnt, **IN THE MORNING**?³⁶ — Rather, if the statement³⁷ was at all made it was in connection with the final clause: **AND**³⁸ **ALSO WHEN SHE IS ABOUT TO PERFORM HER MARITAL DUTY**; Rab Judah citing Samuel stated, They learnt this only as regards a woman who was handling clean things, who, since it is necessary that she examine herself³⁹ for the sake of the clean things,⁴⁰ must also examine herself⁴¹ for the sake of her husband, but if a woman was not handling clean things she requires no examination. But what new point does he⁴² teach us, seeing that we have learnt: All women are in a condition of presumptive cleanness for their husbands?⁴³ — If the ruling were to be derived from the Mishnah⁴³ it might have been presumed that the ruling applied only to a woman who had a settled period but that a woman who had no settled period does require examination.⁴⁴ But does not our Mishnah⁴⁵ deal with one who has a settled period?⁴⁶ — Our Mishnah deals with

both one who had a settled period, and one who had no settled period,⁴⁷ and it is this that was meant,⁴⁸ that although she had a settled period, since she must be examined for the sake of the clean things she handled she must also be examined for the sake of her husband. But did not Samuel state this⁴⁹ once, for R. Zera citing R. Abba b. Jeremiah who had it from Samuel stated, 'A woman who had no settled period may not perform marital intercourse before she has examined herself'⁵⁰ and it has been explained⁵⁰ to refer to one who was engaged in the handling of clean things?⁵¹ — The one statement⁵² was inferred from the other.⁵³ So it was also taught: This⁵⁴ applies only to clean things⁵⁵ but to her husband she is permitted.⁵⁶ This,⁵⁷ however, applies only where he left her in a state of presumptive cleanness, but if he left her in one of presumptive uncleanness she remains for ever in her uncleanness until she tells him, 'I am clean'.

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- (1) The blood discharged within the forty or eighty days respectively after childbirth (cf. Lev. XII, 1-5).
 - (2) *Infra* 35b.
 - (3) Which, as a rule, represents the halachah.
 - (4) Whose rulings generally are contrary to the halachah which is in agreement with those of Beth Hillel.
 - (5) As has been arbitrarily assumed *supra*.
 - (6) Certainly not.
 - (7) *Sc.* the clean days had already begun.
 - (8) That no examination is necessary. Is it not obvious that an examination in such circumstances could serve no purpose whatsoever?
 - (9) During the period of clean days, by a discharge at regular intervals.
 - (10) *Supra* 11a.
 - (11) *Lit.*, 'her time to see'.
 - (12) After the first intercourse.
 - (13) In which intercourse with her husband is permitted despite the flow of blood, it being assumed that the flow is not due to menstruation (as is the case with one who married after attaining the age of menstruation) but to the wound that had been caused by the first intercourse.
 - (14) *Keth.* 6a. Cf. *prev.* two nn. *mut. mut.*
 - (15) Beth Hillel.
 - (16) 'Until the wound is healed'.
 - (17) As intercourse invariably caused the wound to bleed, any discharge of blood before the wound is healed is attributed to the same cause.
 - (18) Even if only on one occasion.
 - (19) Irrespective of whether it occurred during intercourse or at any other time.
 - (20) Since during one intercourse at least there was no bleeding and the wound may consequently be presumed to have been healed.
 - (21) The discharge being attributed to menstruation.
 - (22) From that of the blood at the first intercourse.
 - (23) Against the last ruling, 'If the colour etc.'.
 - (24) Before and after intercourse.
 - (25) As R. Jonah expected.
 - (26) The one referred to by R. Jonah and the inference from the first clause of our Mishnah cited by Raba.
 - (27) *Lit.*, 'here', the ruling referred to by R. Jonah.
 - (28) *Lit.*, 'the attendant (euphemism) disturbed them', so that the test after the intercourse would prove nothing: and since no test is to be made after intercourse none is required before it (*v.* Rashi).
 - (29) The inference of Raba.
 - (30) And a change of colour would be a clear indication that the wound is healed and the blood is that of menstruation.
 - (31) For notes *v.* those on R. Giddal's statement *supra*.
 - (32) For notes *v.* those on R. Giddal's statement *supra*.
 - (33) That there must be an examination (*v.* our Mishnah).
 - (34) Even without an examination.
 - (35) That the ruling had no reference to the woman's permissibility to her husband.

- (36) When no marital intercourse is permitted.
- (37) Of Samuel, 'They learnt this only etc.'
- (38) She must examine herself.
- (39) After intercourse.
- (40) It being possible that intercourse was the cause of some menstrual discharge.
- (41) Before intercourse.
- (42) Samuel, by the statement cited.
- (43) *Infra* 15a.
- (44) Hence the necessity for Samuel's ruling that even such a woman requires no examination in respect of her husband.
- (45) Which begins, ALTHOUGH . . . A WOMAN WHO HAS A SETTLED PERIOD and to which Samuel referred.
- (46) How then could it have been maintained that Samuel applied the law to one who had no settled period?
- (47) Since (as has explicitly been stated) the former requires examination it is self-evident that the latter also requires it.
- (48) By our Mishnah.
- (49) That even a woman who had no settled period need not be examined as far as her husband is concerned unless she was also in the habit of handling clean things.
- (50) *Infra* 12b.
- (51) But not to one who was not so engaged.
- (52) Cited in the name of Samuel.
- (53) Samuel himself having made one statement only.
- (54) That examination is required.
- (55) *Sc.* to ascertain whether the things the woman has handled are clean.
- (56) Even without an examination.
- (57) That to her husband she is permitted even without an examination.

Talmud - Mas. Nidah 12a

R. Zera enquired of Rab Judah: Should¹ a wife examine herself² for her husband? — The other replied: She should not examine herself. But [why should she not] examine herself, seeing that none could be the worse for it?³ If [she were to do] so her husband would be uneasy in his mind⁴ and he would keep away from her.

R. Abba enquired of R. Huna: Must⁵ a woman examine herself immediately [after intercourse] in order to make her husband liable to a sin-offering?⁶ The other replied: Is it at all possible for an examination to take place immediately [after intercourse], seeing that it was taught: 'What is meant by "immediately"?' This may be illustrated by the parable of an attendant⁷ and the witness⁸ who stand at the side of the lintel⁹ where the witness enters immediately after the attendant goes out, this being the interval which the Rabbis allowed as regards wiping off¹⁰ but not as regards examination?¹¹ — The question rather is whether she must wipe herself.¹² Some there are who say that it was this that he¹³ enquired of him:¹⁴ Must a woman examine herself [after intercourse]¹⁵ in order to make her husband liable¹⁶ to a suspended guilt-offering?¹⁷ — The other replied: She should not examine herself. But [why should she not] examine herself, seeing that none could be the worse for it?¹⁸ — If [she were to do] so¹⁹ her husband would be uncertain in his mind²⁰ and he would keep away from her.

AND ALSO WHEN SHE IS ABOUT etc. R. Ammi citing R. Jannai remarked: And this is the test²¹ of virtuous women.²² Said R. Abba b. Memel to R. Ammi: The Tanna learnt MUST,²³ [how then could] you learn 'virtuous women'?²² — The other replied: Because I maintain that whosoever observes the enactments of the Sages may be described as²⁴ virtuous.²⁵ Said Raba: Would then²⁶ one who does not observe the enactments of the Sages merely lose the designation of²⁷ virtuous man but would not be called wicked? Rather, said Raba, as for virtuous women the testing-rag, with which they have examined themselves before one intercourse, they do not use it before any other intercourse, but those who are not virtuous use it and do not mind.

[Reverting to] the main text,²⁸ ‘R. Zera citing R. Abba b. Jeremiah who had it from Samuel stated: A woman who has no settled period may not perform marital intercourse before she has examined herself’. Said R. Zera to R. Abba b. Jeremiah: Is it²⁹ only one who has no settled period that must have an examination while a woman who has a settled period requires no examination?³⁰ — The other replied: A woman who has a settled period must have an examination³¹ only when she is awake³² but not when she is asleep;³³ while a woman who has no settled period must have an examination whether she is awake or asleep. Raba observed: Could he³⁴ not reply³⁵ that a woman who had a settled period must be examined³⁶ in respect of clean things³⁷ but not in respect of her husband [alone]³⁸ while a woman who had no settled period must have an examination even in respect of her husband [alone]?³⁹ As, however, he did not give such a reply it may be inferred that Samuel holds the view that in respect of her husband alone³⁸ a woman⁴⁰ needs no examination.⁴¹

Our Rabbis taught: The wives of ass-drivers,⁴² labourers⁴³ and people coming from a house of mourning⁴³ or a house of feasting⁴⁴ are in respect of their husbands⁴⁵ deemed to be in a state of presumptive cleanness and the latter may, therefore, come and stay with them whether they are asleep or awake. This, however, applies only where the men⁴⁶ left the woman in a state of presumptive cleanness but if they left them in a state of presumptive uncleanness each woman is forever regarded as unclean until she announces to her husband ‘I am clean’. But how does Samuel⁴⁷ explain this case?⁴⁸ If it refers to a woman who has a settled period, does not a difficulty arise from the case where she is awake?⁴⁹ And if it refers to one who has no settled period, does not a difficulty arise both from the case where she is awake and from that where she is asleep?⁵⁰ — As a matter of fact it refers to one who had a settled period⁵¹ but⁵² as the husband had solicited her⁵³ there can be no more reliable⁵⁴ examination than this.⁵⁵

R. Papa asked Raba: May one⁵⁶ act in accordance with that Baraita?⁵⁷

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- (1) Lit., what is it (the ruling)’.
 - (2) Before intercourse.
 - (3) Lit., ‘and what is there in it’.
 - (4) Lit., ‘his heart beats him’.
 - (5) Lit., ‘what is it (the ruling)’.
 - (6) Should any trace of blood be found. If any blood is discovered immediately after intercourse the discharge is presumed to have begun before or during intercourse and the man is liable to a sin-offering (cf. infra 14a.).
 - (7) Euphemism, ‘the membrum’.
 - (8) The testing-rag. The consonants of the Hebrew equivalent may be rendered ‘witness’ as well as ‘testing-rag’.
 - (9) Euphemism.
 - (10) Externally.
 - (11) Infra 14b; which requires a longer interval. How then could it happen that an examination should be carried out ‘immediately’?
 - (12) Immediately after intercourse, so as to ascertain (cf. supra p. 77, n. 17) whether her husband is liable to a sin-offering.
 - (13) R. Abba.
 - (14) R. Huna.
 - (15) After the lapse of the interval defined supra as ‘immediately’.
 - (16) Should any blood be discovered.
 - (17) Which is incurred in the case of a doubtful transgression. The discovery of blood (cf. prev. n.) is no proof that the discharge began before or during the intercourse as it may have begun after.
 - (18) Lit., ‘and what is there in it’.
 - (19) Even if only after intercourse.
 - (20) Lit., ‘his heart beats him’.
 - (21) Lit., ‘their time’ or ‘testing-rag’.

- (22) Ordinary women, however, examine themselves only morning and evening (cf. Mishnah infra 14a).
- (23) Implying that every woman is subject to the obligation.
- (24) Lit., 'is called'.
- (25) Sc. it is the duty of every woman who desires to live in accordance with Rabbinic law to examine herself on each of the occasions specified in our Mishnah.
- (26) If R. Ammi's submission is correct.
- (27) Lit., 'would not be called'.
- (28) Quoted supra 11b ad fin.
- (29) Since Samuel spoke only of a woman 'who has no settled period'.
- (30) But how could this assumption be upheld in view of our Mishnah which prescribes an examination though it speaks of a woman who had a settled period?
- (31) Before intercourse is permitted.
- (32) Because (a) as she is then able to handle clean things and would have to be examined for the purpose she must also be examined for the sake of her husband: and (b) an examination when one is awake does not involve undue inconvenience.
- (33) When (a) she is unable to handle clean things and (b) an examination would mean much inconvenience (cf. prev. n. mut. mut.).
- (34) R. Abba b. Jeremiah.
- (35) To R. Zera.
- (36) For the sake of her husband also.
- (37) Sc. if she handled such objects. As she must be examined on account of the latter she must also be examined on account of the former.
- (38) If she handled no clean things.
- (39) Sc. even if no clean things had been handled by her.
- (40) Even if she has no settled period.
- (41) Samuel's statement supra that 'a woman . . . may not . . . before she examined herself' refers, therefore, to one who was engaged in the handling of clean things.
- (42) Sc. people whose occupations take them away from their homes for considerable periods.
- (43) Cf. prev. n.
- (44) Beth ha-mishteh, usually a wedding feast.
- (45) When these return home.
- (46) On departing.
- (47) Who, according to R. Abba b. Jeremiah, holds that (a) one who has a settled period must be examined when awake but not when asleep, while (b) one who has no settled period must be examined even when asleep.
- (48) In the Baraitha just cited.
- (49) Of course it does. According to this Baraitha no examination is required while according to Samuel (cf. (a) note 6) an examination is required.
- (50) In both cases (even when the woman is awake), no examination is expected, while according to Samuel (cf. (b) note 6) an examination must be held even when she is asleep.
- (51) Hence the ruling that no examination is necessary when she is asleep (cf. note 6).
- (52) In reply to the objection why no examination is required when she is awake.
- (53) And she consented.
- (54) Lit., 'great'.
- (55) Had she not ascertained beforehand that she was clean she would not have consented. Samuel's ruling, however, which ordains an examination applies only to husbands whose occupations do not take them away from their homes, and not to such (of whom the Baraitha speaks) as returned home after a considerable absence (cf. Tosaf. and Tosaf. Asheri).
- (56) Lit., 'what is it'.
- (57) Of the ass- drivers etc., i.e., (cf. Tosaf. contra Rashi) that no examination is necessary, as far as the husband is concerned, where the woman is half asleep (v. Tosaf, s.v. ב"י).

Talmud - Mas. Nidah 12b

— The other replied: Brewer,¹ no; because [otherwise]² she would become repulsive to him.

R. Kahana stated, 'I asked the women folk of the house of R. Papa and of R. Huna son of R. Joshua, "Do the Rabbis on coming home from the schoolhouse require you to undergo an examination"? And they answered me in the negative'. But why did he³ not ask⁴ the Rabbis themselves? — Because it is possible that they imposed additional restrictions upon themselves.⁵

Our Rabbis taught: A woman who has no settled period is forbidden marital intercourse and is entitled neither to a kethubah⁶ nor to a usufruct⁷ nor to maintenance,⁸ nor to her worn-out clothes.⁹ Her husband, furthermore, must divorce her and may never marry her again; so R. Meir. R. Hanina b. Antigonus ruled: She must use two testing-rags when she has marital intercourse; they render her unfit¹⁰ and they also render her fit.¹¹ In the name of Abba Hanan it was stated: Woe to her husband.¹² 'She is forbidden marital intercourse', because she might¹³ cause him moral injury. 'And is entitled neither to a kethubah', since she is unfit for cohabitation she is not entitled to a kethubah. 'Nor to usufruct nor to maintenance nor to her worn-out clothes' because the provisions¹⁴ embodied in the agreed terms of a kethubah are subject to the same laws as the kethubah itself.¹⁵ 'Her husband, furthermore, must divorce her and may never marry her again'. Is not this obvious?¹⁶ — It was necessary in the case where she was subsequently cured.¹⁷ As it might have been presumed that [in such a case] he may remarry her we were informed [that this is forbidden], because it may sometimes happen that having proceeded to marry another man she would be cured and [her first husband] would then say, 'Had I known that to be the case I would not have divorced her even if you had given me a hundred maneh', and the get would thus be annulled and her children would be bastards.¹⁸

'In the name of Abba Hanan it was stated: Woe to her husband'. Some explain: He said this in opposition to R. Meir,¹⁹ because [Abba Hanan maintains that] she must be allowed to collect her kethubah. Others there are who explain: He said it in opposition to R. Hanina b. Antigonus,²⁰ because [Abba Hanan maintains that intercourse is always forbidden] since thereby she might²¹ cause her husband to sin.

Rab Judah citing Samuel stated: The halachah is in agreement with R. Hanina b. Antigonus. But in what case? If it is one where the woman is engaged in the handling of clean things, has not Samuel [it may be objected] said it once?²² And if it is one where she was not engaged in the handling of clean things, did he not say [it may again be objected] that as far as her husband is concerned she requires no examination, for did not R. Zera in fact state in the name of R. Abba b. Jeremiah who had it from Samuel, 'A woman who had no settled period may not perform marital intercourse before she examines herself', and it has been explained to refer to one who was engaged in the handling of clean things?²³ — He who taught the one did not teach the other.²⁴ [

(1) Sodani, reference to R. Papa's occupation. (Cf. B.M. 65a). Aliter: 'Learned' or 'wise man' (v. Rashi).

(2) I.e., (cf. Tosaf.) if it had been necessary for the husband to rouse her and to wait until she has collected her thoughts and was in a condition to reply (contra Rashi).

(3) R. Kahana.

(4) What the law was.

(5) And this could be ascertained only by enquiring from the women. Had the enquiry been addressed to the Rabbis themselves they might have given the lenient ruling which applied to all, while R. Kahana was anxious to adopt any additional restrictions which the Rabbis may have imposed upon themselves.

(6) Sc. the fixed amount that is due to her from her husband on divorce or when he dies (v. Glos.).

(7) Of the melog (v. Glos.) property which she brought to her husband. Her husband is entitled to the usufruct despite the fact that she is deprived of her kethubah.

(8) Sc. if her husband before divorcing her went abroad the court does not authorize her to collect her maintenance expenses from his estate.

- (9) Though a woman as a rule is entitled to take with her when divorced whatever is left of the clothes she brought to her husband on marriage as melog property (cf. Keth. 79b).
- (10) If any blood is observed on them.
- (11) If they remained clean.
- (12) This is explained infra.
- (13) Should a discharge occur during intercourse.
- (14) Such as are the benefits mentioned.
- (15) As she cannot claim her kethubah she cannot claim these benefits either.
- (16) Why then should an obvious ruling have to be enunciated?
- (17) I.e., acquired a settled period.
- (18) Hence the ruling that he may never again marry her, even if she subsequently acquired a settled period. On the basis of this ruling the husband is duly cautioned when divorce is arranged that his act is definite and final and, consequently, any subsequent plea of his 'Had I known etc.' has no validity whatsoever (cf. Git. 46a).
- (19) Who ruled that she is not entitled to her kethubah from her husband.
- (20) Who holds that if she uses testing-rags she may have intercourse.
- (21) Were a discharge to occur during intercourse.
- (22) Cf. supra 11b ad fin. and infra.
- (23) Supra l.c.
- (24) It refers indeed to the case where the woman was engaged in handling clean things: but Samuel having given his ruling only once, Rab Judah applied it to the ruling of R. Hanina b. Antigonus, while R. Abba quoted it as an independent ruling.

Talmud - Mas. Nidah 13a

CHAPTER II

MISHNAH. EVERY HAND THAT MAKES FREQUENT EXAMINATION IS IN THE CASE OF WOMEN PRAISEWORTHY,¹ BUT IN THE CASE OF MEN IT OUGHT TO BE CUT OFF.²

GEMARA. Wherein [in this respect]³ do women differ from men?⁴ — Women [in this matter] are not sensitive,⁵ hence they are praiseworthy,¹ but in the case of men who are highly sensitive [their hands] ought to be cut off.² But, if so,² what was the point in saying 'MAKES FREQUENT' [seeing that the same reason² applies] also where [the examinations are] infrequent? — When 'MAKES FREQUENT' was mentioned it was intended to refer to women only.⁶

One taught: This⁷ applies only to the emission of semen but as regards flux⁸ a man also is as praiseworthy as the women;⁹ and even in regard to the emission of semen, if he desires to make the examination with a splinter or with a potsherd¹⁰ he may do so. May he not, however, do it with a rag, seeing that it was taught: A man may examine himself with a rag or with any other thing he wishes? — As Abaye stated elsewhere: 'With a thick rag'.¹⁰ so also here¹¹ it may be explained: With a thick rag.¹⁰ And in what connection was Abaye's statement made? In connection with the following: If a priest, while eating terumah, felt a shiver run through his body¹² he takes hold of his membrum¹³ and swallows the terumah.¹⁴ 'Takes hold'! But has it not been taught: R. Eliezer said, 'Whoever holds his membrum when he makes water is as though he had brought a flood on the world'?¹⁵ To this Abaye replied. 'With a thick rag'.¹⁶ Raba replied: It¹⁷ may even be said to apply to a soft rag for once the semen has been detached the subsequent touch does no longer matter.¹⁸ And Abaye?¹⁹ — He made provision against the possibility of an additional discharge.²⁰ And Raba? — He does not consider the possibility of any additional discharges. But does he not, seeing that it was taught, 'To what may this²¹ be compared? To the putting of a finger upon the eye where, as long as the finger remains on it, the eye continues to tear'?²² Now Raba?²³ — It is quite uncommon for one to get heated twice in immediate succession.²⁴

[Reverting to] the main text: 'R. Eliezer said, Whoever holds his membrum when he makes water is as though he had brought a flood on the world'. But, they said to R. Eliezer, would not the spray bespatter his feet and he would appear to be maimed in his privy parts so that he²⁵ would be the cause of casting upon his children the reflection of being illegitimate? — It is preferable, he answered them, that a man should be the cause of casting upon his children the reflection of being illegitimate than that he should make himself a wicked man, even for a while, before the Omnipresent. Another [Baraitha] taught: R. Eliezer replied to the Sages. It is possible for a man to stand on a raised spot and to make water or to make water in loose earth and thus to avoid making himself wicked, even for a while, before the Omnipresent. Which²⁶ did he²⁷ tell them²⁸ first? If it be suggested that it was the first mentioned statement that he gave them first [is it likely, it may be objected], that after he spoke to them of a prohibition²⁹ he would merely offer a remedy?³⁰ — The fact is that it was the last mentioned statement³¹ that he gave them first, and when they asked him, 'What is he to do when he can find no raised spot or loose earth', he answered them, 'It is preferable that a man should be the cause of casting upon his children the reflection of being illegitimate than that he should make himself a wicked man, even for a while, before the Omnipresent'.

But why all these precautions?³² — Because otherwise one might emit semen in vain, and R. Johanan stated: Whosoever emits semen in vain deserves death, for it is said in Scripture. And the thing³³ which he did³³ was evil in the sight of the Lord, and He slew him also.³⁴ R. Isaac and R. Ammi said. He³⁵ is as though he shed blood, for it is said in Scripture. Ye that inflame yourselves among the terebinths, under every leafy tree, that slay the children in the valleys under the clefts of the rocks;³⁶ read not 'that slay'³⁷ but 'that press out'.³⁸ R. Assi said: He³⁹ is like one who worships idols; for here³⁶ it is written, 'Under every leafy tree' and elsewhere⁴⁰ it is written, upon the high mountains . . . and under every leafy tree.⁴¹

Rab Judah and Samuel once stood upon the roof of the Synagogue of Shaf-weyathil⁴² in Nehardea. Said Rab Judah to Samuel 'I must make water'. 'Shinena',⁴³ the other replied, 'take hold of your membrum⁴⁴ and make the water outside [the roof]'. But how could he⁴⁵ do so, seeing that it was taught: R. Eliezer said, Whoever holds his membrum when he makes water is as though he brought a flood on the world? — Abaye replied: He treated this case as that of a reconnoitering troop, concerning which we learnt, 'If a reconnoitering troop has entered a town in time of peace the open wine jars are forbidden⁴⁶ and the closed ones are permitted,⁴⁷ but in times of war the former as well as the latter are permitted because the troops have no time to offer libations'.⁴⁸ Thus it clearly follows that owing to their being in a state of fear they do not think⁴⁹ of offering libations, and so also in this case, since he⁴⁵ was in a state of fear he would not think of lustful matters. But what fear could there be here? — If you wish I might reply: The fear of the night and of the roof.⁵⁰ If you prefer I might reply: The fear of his Master.⁵¹ If you prefer I might say: The fear of the Shechinah.⁵² If you prefer I might say: The fear of the Lord that was⁵³ upon him,⁵⁴ for Samuel once remarked of him⁵⁵ 'This man is no mortal being'.⁵⁵ If you prefer I might say: He was a married man, and concerning such R. Nahman ruled, 'If a man was married, this is permitted'. If you prefer I might say: It was this that he taught him, viz., that which R. Abba the son of R. Benjamin b. Hiyya learnt: But he may support the testicles from below. And if you prefer I might say: It was this that he taught them, viz., that which R. Abbahu stated in the name of R. Johanan: It has a limit; from the corona downward [touch] is permitted

(1) Since both husband and wife are thereby saved either from doubtful uncleanness or from certain transgression.

(2) Because of masturbation.

(3) FREQUENT EXAMINATION.

(4) Sc. why is the hand of the former PRAISEWORTHY while that of the latter OUGHT TO BE CUT OFF?

(5) I.e., the examination does not unduly excite their passions.

(6) Cf. n. 1.

(7) The culpability of men who make such examinations.

- (8) I.e., when a man is suffering from gonorrhoea and is desirous of ascertaining the number of attacks he had (v. next n.).
- (9) Since it is necessary to ascertain whether the attack occurred only twice or three times. In the former case the man is only unclean while in the latter he must also bring a sacrifice.
- (10) Avoiding masturbation.
- (11) In the Baraita just cited.
- (12) Lit., 'that his limbs trembled', an indication of the imminent emission of semen.
- (13) To restrain the emission. Uncleanness does not set in until the semen has actually left the body.
- (14) Infra 40a.
- (15) Shab. 41a, infra 43a. The generation of the flood were guilty of such offences (cf. R.H. 12a). Now how, in view of R. Eliezer's statement, could one be allowed to commit an offence even for the sake of terumah?
- (16) Avoiding masturbation.
- (17) In the Baraita just cited.
- (18) Lit., 'since it was uprooted it was uprooted', no more semen would be emitted despite the heat engendered.
- (19) Why, in view of Raba's explanation, does he restrict the application to a thick rag only?
- (20) Of semen.
- (21) The touching of the membrum after an emission.
- (22) Infra 43a. Lit. 'tears and tears again'.
- (23) How could he differ from this Baraita?
- (24) Lit., 'any being heated and being heated again in its time'. Hence the ruling in the Mishnah infra 40a. The Baraita infra 43a, on the other hand, refers to one who practised self-abuse.
- (25) Being assumed to be incapable of procreation.
- (26) Of the two statements cited.
- (27) R. Eliezer.
- (28) The Sages.
- (29) Which applies in all cases.
- (30) Implying that where the remedy is inapplicable the prohibition may be disregarded.
- (31) Lit., 'that'.
- (32) Lit., 'and all such, why'.
- (33) 'He spilled it on the ground' (Gen. XXXVIII, 9).
- (34) Gen. XXXVIII, 10.
- (35) Who emits semen in vain.
- (36) Isa. LVII, 5.
- (37) שוהטי.
- (38) מוהטי interchange of the sibilants shin and sin.
- (39) Who emits semen in vain.
- (40) In reference to idolatry.
- (41) Deut. XII, 2; an inference by analogy.
- (42) The name of a man or place. v. Meg. (Sonc. ed.) p. 175, n. 5.
- (43) 'Keen-witted', 'long-toothed' (denoting some facial characteristic) or 'man of iron endurance', cf. B.B. (Sonc. ed.) p. 561, n. 14.
- (44) To prevent the water from falling on the roof.
- (45) Rab Judah.
- (46) Because the troops may have offered them as libation to their idols.
- (47) It being assumed that the troops who have at their disposal the open jars would not meddle with the closed ones.
- (48) Keth. 27a, A.Z., 70b.
- (49) Lit., 'come'.
- (50) Standing on its edge in the darkness of the night he is afraid of falling off.
- (51) Samuel.
- (52) Which abides in the Synagogue.
- (53) Always, even when not on a roof or in the darkness of night.
- (54) So that no impure thoughts would occur to him even at any other time or place.

(55) Lit., 'born of woman'.

Talmud - Mas. Nidah 13b

but from the corona upwards¹ it is forbidden.

Rab stated: 'A man who wilfully causes erection should be placed² under the ban'. But why did he³ not say, 'This is forbidden'? Because the man⁴ merely incites his evil inclination against himself.⁵ R. Ammi, however, stated: He⁴ is called a renegade, because such is the art of the evil inclination: To-day it incites man to do one wrong thing,⁶ and to-morrow⁷ it incites him to worship idols and he proceeds to worship them.

There are others who read: R. Ammi⁸ stated, He who excites himself by lustful thoughts will not be allowed to enter the division of the Holy One, blessed be He. For here it is written, Was evil in the sight of the Lord,⁹ and elsewhere it is written, For Thou art not a God that hath pleasure in wickedness; evil shall not sojourn with Thee.¹⁰

R.¹¹ Eleazar stated: Who are referred to¹² in the Scriptural text, Your hands are full of blood?¹³ Those that commit masturbation with their hands.

It was taught at the school of R. Ishmael, Thou shalt not commit adultery¹⁴ implies, Thou shalt not practise masturbation either with hand or with foot.

Our Rabbis taught: 'proselytes and those that play with children delay the advent of the Messiah'. The statement about proselytes may be understood on the lines of the view of R. Helbo, for R. Helbo said, 'proselytes are as hard for Israel to endure as a sore',¹⁵ what, however, could be meant by 'those that play with children'?¹⁶ If it be suggested: Those that practise pederasty [it could well be objected]: Are not such people subject to stoning?¹⁷ If, however, it be suggested: Those that practise onanism through external contact¹⁸ [it could be objected]: Are not such deserving destruction by flood?¹⁷ — The meaning rather is: Those that marry minors who are not capable of bearing children, for R. Jose¹⁹ stated: The Son of David²⁰ will not come before all the souls in Guf²¹ will have been disposed of, since it is said, For the spirit that enwrappeth itself is from Me, and the souls which I have made.²² BUT IN THE CASE OF MEN IT OUGHT TO BE CUT OFF. The question was raised: Have we here²³ learnt a law or merely an execration? 'Have we here learnt a law' as in the case where R. Huna cut off one's hand;²⁴ 'or merely an execration'? — Come and hear what was taught: R. Tarfon said, 'If his hand touched the membrum let his hand be cut off upon his belly'. 'But', they said to him,²⁵ 'would not his belly be split'? 'It is preferable', he replied, 'that his belly shall be split rather than that he should go down into the pit of destruction'.²⁶ Now if you concede that we have here²⁷ learnt a law²⁸ one can well understand why they said, 'Would not his belly be split'; but if you maintain that we have only learnt of an execration,²⁹ what could be meant by [the question] 'His belly be split'? — What then would you suggest, that we have learnt here a law, would it not suffice, [it may be objected, that the cutting off shall] not be done on his belly? — The fact, however, is that it was this that R. Tarfon meant: Whosoever puts his hand below his belly that hand shall be cut off. They said to R. Tarfon, 'If a thorn stuck in his belly, should he not remove it'? 'No', he replied. 'But [they said] would not his belly be split'?³⁰ 'It is preferable', he replied, 'that his belly shall be split rather than that he should go down to the pit of destruction'.²⁶ MISHNAH. IN THE CASE OF A DEAF,³¹ AN IMBECILE, A BLIND OR AN INSANE³² WOMAN, IF OTHER WOMEN OF SOUND SENSES ARE AVAILABLE³³ THEY ATTEND TO HER,³⁴ AND SHE MAY THEN EAT TERUMAH.

GEMARA. Why should not a DEAF woman make her own examination, seeing that it was taught: Rabbi stated, A deaf woman was living in our neighbourhood and not only³⁵ did she examine herself

but her friends also on observing a discharge would show it to her?³⁶ — There it was a woman who could speak but not hear while here the reference is to one who can neither speak nor hear; as we have learnt: The deaf person of whom the Sages spoke is always³⁷ one who can neither hear nor speak.³⁸

A BLIND. Why should she not make her own examination and show the testing-rag to her friend? — R. Jose son of R. Hanina replied: The ‘blind’ is no part of the Mishnah.³⁹

OR AN INSANE WOMAN. Is not this exactly the same as IMBECILE?⁴⁰ This refers to one whose mind was deranged owing to a disease.

Our Rabbis taught: A priest who is an imbecile may be ritually immersed and then fed with *terumah*⁴¹ in the evening.⁴² He must also be watched that he does not fall asleep.⁴³ If he falls asleep he is deemed unclean⁴⁴ and if he does not fall asleep he remains clean. R. Eliezer son of R. Zadok ruled: He should be provided with a leather bag.⁴⁵ The Rabbis said to him: ‘Would not this cause heat all the more?’ ‘According to your view’, he replied, ‘should an imbecile have no remedy?’ ‘According to our view’, they retorted, ‘only if he falls asleep⁴⁶ is he deemed unclean but if he does not fall asleep he remains clean, while according to your view there is the possibility that he might discharge a drop of blood of the size of a mustard seed and this would be absorbed in the bag’.⁴⁷

A Tanna taught: It was stated in the name of R. Eleazar, The imbecile is to be provided with a metal bag. Abaye explained: It must be one of copper, as we have learnt.⁴⁸ R. Judah ruled, Those buds of hyssop⁴⁹ are regarded⁵⁰ as if they had been made of copper.⁵¹

R. Papa remarked: From this⁵² it may be inferred that breeches⁵³ are forbidden. But is it not written in Scripture, And thou shalt make them linen breeches to cover the flesh of their nakedness?⁵⁴ — That may be explained as it was taught: To what were the breeches of the priests like? They were like the knee breeches of horsemen, reaching upwards to the loins and downwards to the thighs. They also had laces but had no padding either back or front.⁵⁵

Abaye stated:

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- (1) In the direction of the body.
 - (2) Cf. Tosaf.
 - (3) Rab.
 - (4) Who indulges in the reprehensible practice.
 - (5) The practice, therefore, could only be condemned but not forbidden.
 - (6) Lit., ‘tells him: Do so’.
 - (7) Lit., ‘and on the morrow’.
 - (8) MS.M., ‘Assi’.
 - (9) Gen. XXXVIII, 10.
 - (10) Ps. V, 5. analogy between the two expressions of ‘evil’. Alfasi (Shab. XIV) inserts, ‘R. Eleazar said, What is meant by evil shall not sojourn with thee? The evil (minded) man shall not sojourn in Thy dwelling’.
 - (11) So MS.M. and Bah. Cur. edd. and Alfasi, ‘and R.’
 - (12) Lit., ‘what’.
 - (13) Isa. I, 15.
 - (14) Ex. XX, 13.
 - (15) V. Yeb. 47b.
 - (16) Who apparently commit no crime at all.
 - (17) They are; while here they are merely described as delaying the advent of the Messiah.
 - (18) Lit., ‘by way of limbs’.
 - (19) Var. lec. ‘Assi’ (Yeb. 62a) ‘Joseph’ (MS.M.).

- (20) The Messiah.
- (21) Lit., 'Body', the region inhabited by the souls of the unborn.
- (22) Isa. LVII, 16.
- (23) In the expression of 'OUGHT TO BE CUT OFF'.
- (24) Though the same expression (cf. prev. n.) was used. Sanh. 58b.
- (25) Cur. edd. in parenthesis, 'If a thorn stuck in his belly should he not remove it? He said to them: No'.
- (26) Gehenna.
- (27) In the expression of 'OUGHT TO BE CUT OFF'.
- (28) So that R. Tarfon's statement is to be taken literally.
- (29) The 'cutting off' being a mere figure of speech.
- (30) By the thorn.
- (31) I.e., deaf-mute (v. Gemara infra).
- (32) Lit., 'whose mind was deranged'.
- (33) Lit., 'they have'.
- (34) Lit., 'they prepare them', i.e., make the necessary examination and supervise the prescribed ritual immersion.
- (35) Lit., 'it was not enough'.
- (36) Who was an authority on the subject, in order to obtain her opinion on the colour whether it was that of clean or of unclean blood.
- (37) Lit., 'in every place'.
- (38) Hag. 2b.
- (39) It is a spurious addition.
- (40) Apparently it is; why then the repetition?
- (41) Which is forbidden to an unclean priest.
- (42) Since after due immersion one attains to cleanness at nightfall.
- (43) In his sleep under his bedclothes heat might be engendered and this would cause him to emit semen which would render him unclean and, therefore, unfit to eat terumah.
- (44) Cf. prev. n.
- (45) Which can be examined for traces of semen before any terumah is given to him.
- (46) After immersion and after nightfall.
- (47) Tosef. Nid. II. As it would thus be lost to sight the priest would be regarded as clean and terumah would, as a result, be eaten by one who is in fact unclean; and consequently an offence that is punishable by death (at the hand of God) would unconsciously be committed.
- (48) MS.M. and marg. n. Cur. edd., 'as it was taught'.
- (49) Used in connection with the water of purification.
- (50) When the water is measured to ascertain whether it contained sufficient for a sprinkling (cf. supra 9a).
- (51) Parah Xli, 5. Sc. as if they did not absorb any water at all; from which it follows, in support of Abaye's explanation, that copper is a non-absorbent.
- (52) The prohibition of a bag supra on account of the heat it engenders.
- (53) Such as engender heat, v. infra.
- (54) Ex. XXVIII, 42.
- (55) Hanging loosely round the organ the breeches could engender no heat.

Talmud - Mas. Nidah 14a

Camel riders¹ are forbidden to eat terumah.² So it was also taught: All camel-drivers are wicked,³ all sailors are righteous,⁴ but among the ass-drivers some are wicked and others righteous. Some say: The latter are those who use a saddle⁵ and the former are those who use no saddle;⁶ while others say: The former are those who ride astraddle⁷ and the latter are those who do not ride astraddle.⁸

R. Joshua b. Levi cursed the man who sleeps on his back.⁹ But this, surely, is not correct,¹⁰ for did not R. Joseph rule that one lying on his back should not read the shema',¹¹ from which it follows, does it not, that it is only the shema' that he must' not read but that he may well sleep in this

manner? — As regards sleeping on one's back this is quite proper if one slightly inclines sideways, but as regards the reading of the shema' even if one inclines sideways this is forbidden.¹² But did not R. Johanan turn slightly on his side and read the shema'? — R. Johanan was different [from other people] because he was corpulent.¹³

MISHNAH. IT IS THE CUSTOM OF THE DAUGHTERS OF ISRAEL WHEN HAVING MARITAL INTERCOURSE TO USE TWO TESTING-RAGS, ONE FOR THE MAN AND THE OTHER FOR HERSELF,¹⁴ AND VIRTUOUS WOMEN PREPARE ALSO A THIRD RAG WHEREBY TO MAKE THEMSELVES FIT FOR MARITAL DUTY.¹⁵ IF A VESTIGE OF BLOOD IS FOUND ON HIS RAG¹⁶ THEY ARE BOTH UNCLEAN¹⁷ AND ARE ALSO UNDER THE OBLIGATION OF BRINGING A SACRIFICE.¹⁸ IF ANY BLOOD IS FOUND ON HER RAG IMMEDIATELY AFTER THEIR INTERCOURSE THEY ARE BOTH UNCLEAN AND ARE ALSO UNDER THE OBLIGATION OF BRINGING A SACRIFICE. IF, HOWEVER, ANY BLOOD IS FOUND ON HER RAG AFTER A TIME THEY ARE UNCLEAN¹⁹ BY REASON OF DOUBT²⁰ BUT EXEMPT FROM THE SACRIFICE. WHAT IS MEANT BY 'AFTER A TIME'? WITHIN AN INTERVAL IN WHICH SHE CAN DESCEND FROM THE BED AND WASH HER FACE.²¹ BUT [IF BLOOD WAS FOUND SOME TIME] AFTER SUCH AN INTERVAL SHE CAUSES UNCLEANNESS RETROSPECTIVELY²² FOR A PERIOD OF TWENTY-FOUR HOURS²³ BUT SHE DOES NOT CAUSE THE MAN WHO HAD INTERCOURSE WITH HER TO BE UNCLEAN.²⁴ R. AKIBA RULED: SHE²⁵ ALSO CAUSES THE MAN WHO HAD INTERCOURSE WITH HER TO BE UNCLEAN.²⁶ THE SAGES, HOWEVER, AGREE WITH R. AKIBA THAT ONE WHO OBSERVED A BLOODSTAIN CONVEYS UNCLEANNESS TO THE MAN WHO HAD INTERCOURSE WITH HER.

GEMARA. But²⁷ why should not the possibility be considered that the blood might be that of a louse?²⁸ — R. Zera replied that place is presumed to be tested as far as a louse is concerned. There are others, however, who reply: It is too narrow for a louse. What is the practical difference between them?²⁹ — The practical difference between them is the case where a crushed louse was found.³⁰ According to the reply³¹ that the place is presumed to be tested, this must have come from somewhere else,³² but according to the reply³¹ that the place is too narrow it might be presumed that the attendant³³ has crushed it.³⁴

It was stated: If a woman examined herself with a rag that she had previously examined,³⁵ and then she pressed it against her thigh on which she found blood on the following day, Rab ruled: She³⁶ is subject to the uncleanness of a menstruant.³⁷ Said R. Shimi b. Hiyya to him: But, surely, you told us, 'She has only to take the possibility³⁸ into consideration'. It was also stated: Samuel ruled: She is subject to the uncleanness of a menstruant.³⁷ And so they also ruled at the schoolhouse: She is subject to the uncleanness of a menstruant.

It was stated: If a woman examined herself with a rag which she had not previously examined and having put it into a box she found upon it, on the following day, some blood,³⁹ R. Joseph stated: Throughout all his lifetime R. Hiyya regarded [her] as unclean but in his old age he ruled that [she] was clean. The question was raised: What⁴⁰ does he⁴¹ mean: That throughout all his⁴² lifetime he regarded [her] as menstrually unclean⁴³ and in his old age he ruled that [she] was clean as far as menstruation is concerned but unclean on account of the bloodstain,⁴⁴ or it is possible that throughout his lifetime he regarded [her] as unclean on account of the stain⁴⁴ and in his old age he ruled that [she] was absolutely⁴⁵ clean? — Come and hear what was taught: If a woman examined herself with a rag which she had not previously examined and having put it into a box she found upon it, on the following day, some blood, Rabbi ruled: She is regarded as menstrually unclean,⁴⁶ and R. Hiyya ruled: She is regarded as unclean on account of the bloodstain.⁴⁷

(1) Though priests.

- (2) The friction is apt to engender heat resulting in an emission of semen which renders them unclean and therefore unfit to eat terumah.
- (3) Cf. prev. n.
- (4) Because, though most of their life is spent on the perilous seas, they nevertheless remain constant in their ancestral faith.
- (5) When riding. Hence no heat is engendered (v. foll. n.).
- (6) Cf. prev. n. Contact with the animal's bare back engenders heat, as in the case of the camel-riders who never use a saddle.
- (7) Which is a cause of friction.
- (8) Holding both legs on one side.
- (9) Since this causes erection.
- (10) Lit., 'I am not'.
- (11) Cf. P. B., p. 40ff.
- (12) One must either sit or lie fully on his side.
- (13) It would have been too great a strain for him to lie on his side.
- (14) Supra 5a q.v. notes.
- (15) By examining themselves before intercourse. On the difference between the practice of the virtuous and that of the ordinary women cf. supra 12a.
- (16) Even though he made use of it some considerable time after intercourse.
- (17) Since it is obvious that the blood was due to a menstrual discharge during intercourse. As the woman is unclean the man also is unclean (cf. Lev. XV, 24).
- (18) For the sin of intercourse during uncleanness.
- (19) For seven days.
- (20) Anything they touched is, therefore, in a suspended state of uncleanness.
- (21) Euphemism.
- (22) According to Rabbinic, but not Pentateuchal law.
- (23) Both to objects and human beings, their uncleanness lasting until the evening.
- (24) For seven days. He is unclean, however, on the same day until evening in accordance with Rabbinic law (cf. prev. two nn.).
- (25) On account of the doubt.
- (26) For seven days (cf. supra 6a).
- (27) With reference to the ruling that IF A VESTIGE OF BLOOD IS FOUND . . . THEY ARE BOTH UNCLEAN . . . AND ARE ALSO UNDER THE OBLIGATION OF BRINGING A SACRIFICE.
- (28) As this is not impossible the uncleanness should only be one of a doubtful nature, so that if any terumah is involved it should not be burned but only kept in suspense, and the sacrifice also should be one for doubtful (asham talui) and not one for certain trespass (asham waddai).
- (29) The two replies.
- (30) On the testing-rag at some distance from the blood mark.
- (31) Lit., 'that expression which says'.
- (32) The blood must, therefore, be assumed to be that of menstruation.
- (33) Euphemism.
- (34) During intercourse, and the blood may consequently be attributed to it.
- (35) And ascertained that it was clean.
- (36) Since the rag was examined by her before use and found to be clean, and the blood that was transferred from it to her thigh must consequently be that of menstruation.
- (37) Sc. her uncleanness is definitely established. It is not regarded as one of a doubtful nature despite the possibility that the blood on her thigh may have come from some object other than the rag.
- (38) That the blood was that of menstruation.
- (39) And it is uncertain whether the blood was that of menstruation or of some other source with which the rag may have come in contact before the woman had used it.
- (40) Lit., 'how'.
- (41) R. Joseph.

- (42) R. Hiyya's.
 (43) I.e., certain uncleanness.
 (44) I.e., uncleanness of a doubtful nature.
 (45) Lit., 'from nothing'.
 (46) I.e., certain uncleanness.
 (47) I.e., uncleanness of a doubtful nature.

Talmud - Mas. Nidah 14b

Said R. Hiyya to him: 'Do you not agree that it¹ must be slightly bigger than the size of a bean?'² 'Indeed', the other replied. 'If so',³ the first retorted, 'you also regard it as a stain'.⁴ Rabbi, however, holds the opinion that it is necessary for the stain to be slightly bigger than the size of a bean in order to exclude the possibility of its being the blood of a louse, but as soon as this possibility is ruled out the blood must undoubtedly have come from her body. Now did not this occur⁵ when he was in his old age but when he was young he regarded it⁶ as menstrually unclean?⁷ This is conclusive.

Rabbi was commending R. Hama b. Bisa to R. Ishmael son of R. Jose as a great man, when the latter said to him, 'If you come across him⁸ bring him to me'. When he⁹ came he¹⁰ said to him, 'Ask me something'. 'What is the ruling', the other asked, 'if a woman examined herself with a rag which she had not previously examined and having put it into a box she found some blood upon it on the following day?' 'Shall I give you,' the first answered, 'the ruling according to the views of my father¹¹ or shall I rather give it to you according to the views of Rabbi?'¹² 'Tell me,' the other said, 'the ruling according to Rabbi'. 'Is this the person', R. Ishmael exclaimed, 'of whom it is said that he is a great man! How could one ignore¹³ the views of the Master¹⁴ and listen to those of the disciple?'¹⁵ R. Hama b. Bisa, however, was of the opinion that since Rabbi was the head of the college and the Rabbis were frequently in his company his traditions were more reliable.¹⁶ What is the view of Rabbi [that has just been referred to] and what is that of R. Jose? — R. Adda b. Mattana replied: — A Tanna taught, Rabbi declares her¹⁷ unclean and R. Jose declares her clean. In connection with this R. Zera stated: When Rabbi declared her unclean he did so in agreement with the ruling of R. Meir, but when R. Jose declared her clean he did so in accordance with his own view. For we learnt:¹⁸ If a woman when attending to her needs¹⁹ observed a discharge of blood, R. Meir ruled: If she was standing at the time she is unclean but if she was sitting she is clean. R. Jose ruled: In either case she is regarded as clean.²⁰ Said R. Aha son of Raba to R. Ashi: But did not R. Jose the son of R. Hanina state that when R. Meir ruled that the woman was unclean he did so only on account of the bloodstain,²¹ whereas Rabbi regarded her as unclean by reason of menstruation?²² — The other replied, What we maintain is this: When that ruling²³ was stated it was that the uncleanness was due to menstruation.²⁴

IF ANY BLOOD IS FOUND ON HER RAG IMMEDIATELY AFTER HER INTERCOURSE THEY ARE BOTH UNCLEAN etc. Our Rabbis taught:²⁵ What is meant by 'immediately'? This may be illustrated by the parable of the attendant and the witness who stood at the side of the lintel where the witness enters immediately after the attendant goes out, this being the interval which the Rabbis allowed as regards wiping off,²⁶ but not as regards an examination.²⁷

IF, HOWEVER, ANY BLOOD IS FOUND ON HER RAG AFTER A TIME etc. A Tanna taught: They²⁸ do incur the obligation of bringing a suspensive guilt-offering. But what is the reason of our Tanna?²⁹ — It is essential³⁰ [that the doubt shall be of the same nature as in the case of the consumption of] one piece of two pieces.³¹

WHAT IS MEANT BY 'AFTER A TIME'? etc. Is not, however, this³² incongruous with the following: What is meant by 'after a time'? R. Eleazar³³ son of R. Zadok explained: Within an interval in which³⁴ she can stretch out her hand, put it under the cushion or bolster, take out a

testing-rag and make examination with it?³⁵ — R. Hisda replied: By AFTER is meant the interval following this interval.³⁶ But was it not stated in connection with this,³⁷ IF, HOWEVER, ANY BLOOD IS FOUND ON HER RAG AFTER A TIME THEY ARE UNCLEAN, BY REASON OF THE DOUBT BUT EXEMPT FROM THE SACRIFICE. WHAT IS MEANT BY ‘AFTER A TIME’? WITHIN AN INTERVAL IN WHICH SHE CAN DESCEND FROM THE BED AND WASH HER FACE?³⁸ — It is this that was implied.³⁹ WHAT IS MEANT BY ‘AFTER A TIME’? Within an interval in which she can stretch out her hand, put it under the cushion or bolster, take out a testing-rag and make examination with it; and WITHIN AN INTERVAL IN WHICH SHE CAN DESCEND FROM THE BED AND WASH HER FACE [the question of uncleanness is subject to] a divergence of view between R. Akiba and the Sages. But was it not stated,⁴⁰ AFTER SUCH AN INTERVAL?⁴¹ — It is this that was meant: And this is the interval concerning which R. Akiba and the Sages are at variance.

R. Ashi replied: The former and the latter⁴² represent the same length of time; when she has the testing-rag in her hand the time IS WITHIN AN INTERVAL IN WHICH SHE CAN DESCEND FROM THE BED AND WASH HER FACE, but if she has not the rag in her hand the time is limited to ‘within an interval in which she can stretch out her hand, put it under the cushion or bolster, take out a testing-rag and make examination with it’.

An objection was raised: What is meant by ‘after a time’? This question was submitted by R. Eleazar son of R. Zadok to the Sages at Usha when he asked them,

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- (1) The bloodmark on the rag.
 - (2) Lit., ‘like a bean and more’. If it is smaller it may be presumed to be that of a louse (cf. infra 58b).
 - (3) That the stain must be no less than a certain minimum.
 - (4) Cf. supra n. 2. Had it been regarded as menstrual blood the smallest speck of it would have sufficed to cause certain uncleanness (cf. infra 40a)
 - (5) Lit., ‘he stood’.
 - (6) In agreement with Rabbi.
 - (7) Obviously he did, since in his youth he would not have ventured to differ from Rabbi who was his master (Rashi). Aliter: In his youth he would not have addressed Rabbi in the second person (cf. B.B. 158b) but as ‘the Master’ (Tosaf.).
 - (8) Lit., ‘when he comes to your hand’.
 - (9) R. Hama.
 - (10) R. Ishmael.
 - (11) R. Jose.
 - (12) These views are stated infra.
 - (13) Lit., ‘put down’.
 - (14) R. Jose.
 - (15) Rabbi.
 - (16) Lit., ‘sharpened’.
 - (17) The woman referred to in R. Bisa's question.
 - (18) So MS.M. and marg. gl. Cur. edd., ‘it was taught’.
 - (19) Making water.
 - (20) Mishnah infra 59b q.v. notes.
 - (21) I.e., doubtful uncleanness.
 - (22) Certain uncleanness. How then could R. Zera maintain that Rabbi followed the view of R. Meir?
 - (23) Of R. Jose b. Hanina.
 - (24) Cf. prev. n. but one mut. mut.
 - (25) Supra 12a, q.v. notes.
 - (26) Externally, which takes place instantly after intercourse.
 - (27) Internally, which must inevitably take place after a longer interval than the one allowed had elapsed. In the former case the uncleanness is certain and the sacrifice incurred is a sin-offering, while in the latter case the uncleanness is of a

doubtful nature and the sacrifice incurred is a suspensive guilt-offering.

(28) Husband and wife, contrary to the ruling of the Tanna of our Mishnah that they are EXEMPT FROM THE SACRIFICE.

(29) Cf. prev. n.

(30) If a suspensive guilt-offering is to be incurred.

(31) One of which was e.g., permitted fat and the other was forbidden fat, and it is not known which of the two pieces the person in question had consumed. Only in such a case of doubt is a suspensive guilt-offering incurred (cf. Ker. 17b). Where, however, the doubt involves only one object or person (as is the case under discussion where only one woman is concerned) no suspensive guilt-offering can be incurred.

(32) The definition of 'AFTER A TIME'

(33) So Bah. Cur. edd. 'Eliezer'.

(34) While still in bed.

(35) This interval (cf. prev. n.) being shorter than the one IN WHICH SHE CAN DESCEND FROM THE BED etc., it follows that, according to this Baraitha, during the longer interval the woman does not convey uncleanness to her husband and is only subject to the lesser restrictions of the twenty-four hours' period of retrospective uncleanness. How then are the two rulings to be reconciled?

(36) Defined in our Baraitha. Lit., 'after the after'. During the interval as defined in the Baraitha both husband and wife are subject to doubtful uncleanness but after that interval, and during the one defined in our Mishnah, the woman, according to the Rabbis, as stated in the next clause of the Mishnah, does not convey any uncleanness to her husband.

(37) The interval defined in our Mishnah.

(38) Which clearly shows, does it not, that during the interval spoken of in our Mishnah the woman does carry uncleanness to her husband?

(39) Sc. some words are missing from our Mishnah and are to be regarded as inserted.

(40) In connection with the dispute between R. Akiba and the Sages.

(41) Sc. after the one defined in our Mishnah; from which it follows that during this interval both agree that the woman does carry uncleanness to her husband.

(42) The interval defined in our Mishnah and the one defined in the Baraitha.

Talmud - Mas. Nidah 15a

'Are you perchance of the same opinion as R. Akiba that the woman¹ carries uncleanness to the man who had intercourse with her?'² 'We', they answered him, 'have not heard his ruling'.³ 'Thus', he said to them, 'did the Sages at Jamnia enunciate the ruling: If the woman did not delay more than the time in which she can descend from the bed and wash her face,⁴ this⁵ is regarded as 'within the time limit' and both are unclean on account of the doubt,⁶ and exempt from bringing a sacrifice but they are subject to the obligation of a suspensive guilt-offering. If she delayed for such a time during which she could descend from the bed and wash her face,⁷ this⁸ is regarded as being 'after the time',⁹ Similarly if she delayed¹⁰ for twenty-four hours¹¹ or for a period between her previous and her present examination,¹² the man who had intercourse with her is unclean on account of his contact,¹³ but not on account of his intercourse.¹⁴ R. Akiba ruled: He also contracts uncleanness on the ground of his intercourse.¹⁵ R. Judah son of R. Johanan b. Zakkai ruled: Her husband may enter the Temple and burn incense.¹⁶ Now according to R. Hisda¹⁷ one can well see why the Rabbis declare the man clean, but according to R. Ashi¹⁸ why do the Rabbis declare him clean? And should you reply that this is a case where she did not have the rag in her hand¹⁹ [it could be retorted:] Should not then²⁰ a distinction have been made explicitly between the case where the woman had a rag in her hand and where she had no rag in her hand?²¹ — This is a difficulty.

'R. Judah son of R. Johanan b. Zakkai ruled: Her husband may enter the Temple and burn incense'. But why should not a prohibition be imposed²² on the ground that the man came in contact with a menstruant during the twenty-four hours of her retrospective uncleanness? — He²³ holds the same view as Shammai who ruled: For all women it suffices to reckon their period of uncleanness from the time of their discovering the flow.²⁴ But should not a prohibition be imposed²¹ on the

ground that the man has experienced an emission of semen? — This is a case where his intercourse was not consummated.²⁵

THE SAGES, HOWEVER, AGREE WITH R. AKIBA THAT ONE WHO OBSERVED A BLOODSTAIN. Rab explained: [She conveys UNCLEANNES] retrospectively and the ruling is that of R. Meir.²⁶ Samuel, however, explained: [She conveys UNCLEANNES] from now²⁷ onwards and the ruling is that of the Rabbis. 'From now onwards'! Would not this²⁸ be obvious? — It might have been presumed that, since retrospective uncleanness for a period of twenty-four hours is only a Rabbinical measure and the uncleanness of bloodstains at all times²⁹ is also only a Rabbinical measure, as during the twenty-four hours' period a woman does not convey uncleanness to the man who had intercourse with her so also in the case of a stain²⁹ does she not convey uncleanness to the man who had intercourse with her, hence we were informed [that she does convey uncleanness to the man]. Might it not, however, be suggested that the law is so indeed?³⁰ — [No, since] in the former case there is no slaughtered ox in your presence³¹ but here there is a slaughtered ox in your presence.³² Resh Lakish also explained in the same way³³ [that uncleanness is conveyed] retrospectively and that the ruling is that of R. Meir. R. Johanan explained: [The uncleanness is conveyed] from now onwards and the ruling is that of the Rabbis.

MISHNAH. ALL WOMEN ARE IN THE CONDITION OF PRESUMPTIVE CLEANNESS FOR THEIR HUSBANDS.³⁴ FOR THOSE WHO RETURN FROM A JOURNEY THEIR WIVES ARE IN THE CONDITION OF PRESUMPTIVE CLEANNESS.

GEMARA. What need was there³⁵ to state,³⁶ THOSE THAT RETURN FROM A JOURNEY? — It might have been presumed that this³⁷ applies only to a husband who was in the town, since in such a case the woman thinks of her duties³⁸ and duly examines herself, but not to a husband who was not in town since the question of [marital] duty does not occur to her, hence we were informed [that the law applies to the latter case also). Resh Lakish in the name of R. Judah Nesi'ah³⁹ observed: But this⁴⁰ applies only where the husband came and found her within her usually clean period.⁴¹ R. Huna observed: This⁴¹ was learnt only of a woman who had no settled period, but if she had a settled period intercourse with her is forbidden.⁴² Topsy turvy!⁴³ Does not, on the contrary, the reverse stand to reason, since in the case of a woman who has no settled period it might well be assumed that she experienced a discharge, but where she has a settled period [she should be presumed to be clean] since her period was fixed? — Rather, if the statement was at all made it was made in the following terms: R. Huna said, This⁴⁴ was learnt only in the case of a woman the time of whose settled period had not arrived⁴⁵ but if that time had arrived⁴⁵ she is forbidden,⁴² for he⁴⁶ is of the opinion that [the laws of] settled periods⁴⁷ are Pentateuchal. Rabbah b. Bar Hana said: Even if the time of her settled period has arrived she is also permitted,⁴⁸ for he is of the opinion that [the laws relating to] settled period are only Rabbinical.⁴⁹ R. Ashi reported thus: R. Huna said,

(1) For a period of twenty-four hours retrospectively.

(2) This (cf. prev. n.) being the only time limit recognized.

(3) Sc. his time limit. Consequently they could not possibly have adopted it.

(4) Sc. the time elapsed was no longer than that during which she can examine herself while still in bed.

(5) The discovery of a discharge within that space of time (cf. prev. n.).

(6) In agreement with R. Hisda supra.

(7) A period of time which is longer than the former (cf. supra n. 1).

(8) The discharge discovered after the period mentioned (cf. prev. n.).

(9) I.e., 'the interval following this interval' as R. Hisda explained (supra 14b).

(10) Longer than the periods mentioned.

(11) After intercourse.

(12) When the discharge was discovered.

(13) With the woman. Such a contact with a menstruant within the twenty-four hours' period only subjects him to one

day's uncleanness until nightfall and the uncleanness is only Rabbinical and of an uncertain character.

(14) With a menstruant; sc. the uncleanness, even in its uncertain character, does not extend over seven days as would have been the case with one who had intercourse with a confirmed menstruant.

(15) Cf. prev. n. mut. mut.

(16) This is explained infra.

(17) Who explained supra that the interval within which SHE CAN DESCEND FROM THE BED is regarded as the 'interval after this interval'.

(18) Who maintained supra that 'the former and the latter represent the same length of time'.

(19) So that after she descended from the bed she spent some more time in taking up the rag.

(20) In order to avoid the possible mistake that even within the shorter interval, when the woman had the rag in her hand, the Rabbis hold the man to be clean.

(21) Of course it should. Since no such distinction, however, is made it is obvious, is it not, that the Rabbis hold the man to be clean even if the discharge was discovered after the interval in which the woman can descend from the bed with the rag in her hand?

(22) Lit., 'and let (the prohibition) be inferred'.

(23) R. Judah.

(24) Supra 2a.

(25) R. Akiba, however, maintains that the first stage of intercourse with a menstruant is regarded as its consummation, and consequently uncleanness is conveyed even in such a case (Rashi).

(26) Who in regard to bloodstains adopts (supra 5a and infra 52b) the more restrictive view.

(27) The time of the discovery of the stain.

(28) That the Rabbis agree she conveys uncleanness after the discovery of a stain (cf. prev. n.).

(29) Even after discovery.

(30) That she does not convey uncleanness to the one who had intercourse with her after the discovery of a bloodstain just as she does not render him unclean retrospectively during the twenty-four hours prior to her having observed a discharge.

(31) Metaphor. Within the twenty-four hours prior to her having observed a discharge.

(32) Sc. the bloodstain had actually been discovered.

(33) As Rab supra.

(34) In respect of intercourse; sc. no examination is required for the purpose. It is necessary only for determining the condition of any clean objects the woman may have handled.

(35) Lit., 'wherefore to me'.

(36) After the ruling in the first clause which applies to all husbands.

(37) The ruling in the first clause.

(38) Lit., 'she throws upon herself' —

(39) The Prince, R. Judah II.

(40) The ruling in the final clause.

(41) I.e., within thirty days after her last observation of a discharge. After the thirty days, since most women have monthly periods, intercourse must be preceded by an examination. (12) That 'within her usually clean period' no examination is required.

(42) Unless there was previous examination.

(43) Lit., 'towards where' or towards the tail' (cf. B.B. (Sonc. ed.) p. 435, n. 17).

(44) That 'within her usually clean period' no examination is required.

(45) During the husband's absence from town.

(46) R. Huna.

(47) Sc. that when the date of a settled period arrives the woman is presumed to be in a state of doubtful uncleanness.

(48) No previous examination being required.

(49) Sc. the Rabbis required a woman to examine herself when the date of her settled period arrives in order to ascertain whether there was a discharge or not. If, however, her husband was out of town and on his return it was unknown to him whether she did or did not examine herself she is not to be regarded as being in a condition of doubtful uncleanness.

Talmud - Mas. Nidah 15b

Talmud - Mas. Nidah 15b

This¹ was learnt only of a woman who had no settled period that was determinable by days alone but one that was determinable by both days and leaps, so that since the period depends on some specific act it might well be presumed, that she did not leap and that, therefore, did not observe any discharge. Where, however, she has a settled period that was determinable by the days alone, she must have no intercourse, for he is of the opinion that the restrictions relating to settled periods are Pentateuchal. Rabbah b. Bar Hana ruled: Even if she has a settled period that was determined by the days alone, she is permitted intercourse, for he holds the opinion that [the restrictions relating to] settled periods are only Rabbinical.

R. Samuel citing R. Johanan ruled: If a woman has a settled period, her husband² may³ calculate the days of that period and⁴ come in unto her.⁵ Said R. Samuel b. Yeba to R. Abba: Did R. Johanan refer also to a young wife who⁶ is too shy to perform immersion? — The other replied: Did then R. Johanan speak of one who had actually⁷ observed a discharge? It may [in fact be held] that R. Johanan spoke⁸ only of a case where it is doubtful whether or not the woman did observe a discharge and where, [so that] even if some reason could be found for assuming that she did observe one, it may also be assumed that she had since performed immersions,⁹ but in a case where it is certain that she had observed a discharge, who could say that she had since performed immersion? And, seeing that it is a question of a doubt¹⁰ being opposed by a certainty¹¹ [she must be deemed unclean] since a doubt cannot take one out of a certainty. But does it not? Was it not in fact taught: If a haber¹² died and left a store-room full of fruits, even if they were only then due to be tithed,¹³ they are presumed to have been properly prepared.¹⁴ Now here it is a case of certain tebel¹⁵ and there is only the doubt as to whether or not it was tithed, and the doubt nevertheless sets aside the certainty? — No, there it is a case of a certainty against a certainty, in agreement with a statement of R. Hanina of Hozae,¹⁶ for R. Hanina of Hozae said: It is presumed with a haber that he does not allow anything to pass out of his control unless it has been duly prepared. And if you prefer I might say: It is a case of doubt against doubt, since [the man might have acted] in accordance with a suggestion of R. Oshaia, for R. Oshaia said: A man¹⁷ may resort to a device with his produce and store it¹⁸ together with its chaff¹⁹ so that²⁰ his cattle may eat of it²¹ and it is exempt from the tithe.²²

But does not a doubt set aside a certainty? Surely it has been taught: It once happened that the handmaid of a certain tax-collector in Rimmon²³ threw the body of a premature child into a pit, and a priest²⁴ came and gazed into it to ascertain whether it was male or female,²⁵ and when the matter came before the Sages²⁶ they pronounced him clean because weasels and martens are commonly found there.²⁷ Now here, surely, it is a certainty that the woman had thrown a premature child into the pit and a doubt whether they had dragged it away or not, and yet does not the doubt set aside the certainty? — Do not read, 'Threw the body of a premature child into a pit' but

(1) That the woman is presumed to be clean even if the date of her settled period had already arrived.

(2) Having been out of town for seven days after that period.

(3) On returning home during the days in which she had the opportunity of performing immersion and attain cleanness.

(4) Without asking her whether she had made use of her opportunity (cf. prev. n.).

(5) On the assumption that she had duly performed immersion and is now clean.

(6) Unless urged by her husband.

(7) Lit., 'certainly'.

(8) That the woman need not be asked.

(9) And since R. Johanan's ruling is based on the existence of these doubts there can be no distinction between a younger and an older woman.

(10) As to whether there was immersion in consequence of which she would be clean.

(11) Of a discharge which renders her unclean.

(12) V. Glos.

(13) Lit., 'sons of their day'.

- (14) A.Z. 41b; i.e., that the priestly and levitical dues have been duly set aside for them.
- (15) V. Glos. Since the fruit had reached a stage when it was liable to the dues (cf. prev. n.).
- (16) A district on the eastern side of the Tigris.
- (17) Desirous of avoiding tithes.
- (18) Lit., 'and brings it in'.
- (19) Only corn that had been winnowed before it was brought into the store-room within the house is liable to tithe.
- (20) Since it was brought in unwinnowed (cf. prev. n.).
- (21) Even after its subsequent winnowing. A human being, though permitted to eat it in accordance with Pentateuchal law, may not do so in accordance with a Rabbinic measure.
- (22) Even Rabbinically. Now since it is possible that the produce was taken to the store-room in accordance with R. Oshaia's suggestion (a case of doubtful tebel) and it is also possible that it had been duly tithed, we have here a case of doubt against doubt. As a haber is presumed not to allow anything to pass out of his hand unless it had been duly prepared the Rabbis in this case waived aside their restriction and allowed a human being also to eat of the produce.
- (23) A town near Jerusalem.
- (24) Who was ignorant of the laws of uncleanness (cf. Rashi's fourth interpretation and Tosaf.) and unaware that by bending over the pit just above the embryo he would contract uncleanness.
- (25) The period of a woman's uncleanness after childbirth is twice as long in the case of the latter as in that of the former (cf. Lev. XII, 2ff).
- (26) To decide whether the priest contracted uncleanness by bending over the pit and thus 'overshadowing' the dead body.
- (27) In pits. Tosef. Oh. XVI. These creatures might be presumed to have devoured or dragged away the body so that there was no 'overshadowing' on the part of the priest.

Talmud - Mas. Nidah 16a

'a kind of premature child'.¹ But was it not stated, 'To ascertain whether it was male or female'?² — It is this that was meant: And a priest came and gazed into it to ascertain whether she had aborted an inflated object or a premature child and, if some ground could be found for assuming that she aborted a premature child, to ascertain whether it was male or female. And if you prefer I might reply: Since weasels and martens are commonly found there they had certainly dragged it away.³

An enquiry was addressed to⁴ R. Nahman: [Is the examination at] regular menstrual periods Pentateuchal⁵ or only Rabbinical?⁶ The latter replied: Since our colleague Huna citing Rab ruled, If a woman who has a settled period did not make an examination when that period arrived but later on⁷ observed a discharge, she must take into consideration the possibility [of a discharge] on the date of the settled period,⁸ and also the possibility of [twenty-four hours retrospective uncleanness] on account of her observation.⁹ Thus¹⁰ it clearly follows that [the examination at] regular menstrual periods is Pentateuchal. There are others who say that he¹¹ replied thus: The reason then¹² is that she had 'observed a discharge,'¹³ but if she had not observed one the possibility¹⁴ need not be taken into consideration. Thus¹⁵ it follows clearly that [the examination at] regular menstrual periods is only Rabbinical.

It was stated: If a woman had a settled period, and when the time of that period arrived she did not make the examination and later she did make one, Rab ruled: If on examination she found that she was unclean she is unclean but if she found that she was clean she remains clean. Samuel, however, ruled, Even if on examination she found herself clean she is deemed unclean, since the guest¹⁶ comes at the usual time. Must it be assumed that they¹⁷ differ on [the question of the necessity for an examination at] regular menstrual periods, one Master¹⁸ holding that it is Pentateuchal¹⁹ and the other Master²⁰ maintaining that it is only Rabbinical?²¹ R. Zera replied: Both¹⁷ may agree that²² [the examination at] regular menstrual periods is Pentateuchal, but²³ one ruling²⁴ refers to a woman who examined herself within the period of the duration of her menstruation²⁵ while the other²⁶ refers to a woman who did not examine herself within the period of the duration of her menstruation.²⁷ R.

Nahman b. Isaac maintained: They¹⁷ differ on the very question of [the necessity for an examination at] the regular menstrual periods, one Master²⁸ holding that it is Pentateuchal²⁹ while the other Master³⁰ maintains that it is only Rabbinical.

R. Shesheth observed: [The discussion here] is analogous to that of the following Tannas: [For it was taught:] R. Eliezer³¹ ruled, She³² is to be regarded as menstrually unclean,³³ while R. Joshua³⁴ ruled: Let her be examined.³⁵ And these Tannas³⁶ differ on the same principle as the following Tannas. For it was taught: R. Meir ruled, She³⁷ is to be regarded as menstrually unclean,³⁸ while the Sages³⁴ ruled, Let her be examined.³⁵ Abaye observed, We also learnt to the same effect. For we learnt: R. Meir ruled, If a woman was in a hiding place³⁹ when the time of her regular period arrived and she did not examine herself, she is nevertheless clean, because fear suspends the menstrual flow.⁴⁰ The reason then⁴¹ is that there was fear, but if there had been no fear she would have been deemed unclean. Thus it clearly follows [that the necessity for an examination at] regular periods is Pentateuchal. May it be assumed that the following Tannas also differ on the same principle? For it was taught: If a woman observed some blood [that might be] due to a wound,⁴² even if this occurred during her usual period of menstruation, she is deemed to be clean;⁴³ so R. Simeon b. Gamaliel. Rabbi ruled: If she has a regular period⁴⁴ she⁴⁵ must take her period into consideration.⁴⁶ Now do they not differ on this principle, one Master⁴⁷ holding that [the examinations at] the regular periods are Pentateuchal, while the other Master⁴⁸ holds that they are only Rabbinical? — Rabina replied: No; both may agree that [the examinations at] the regular periods are only Rabbinical, but it is on the question whether the interior of the uterus is unclean⁴⁹ that they differ. R. Simeon b. Gamaliel holds that the woman is clean⁵⁰ but the blood⁵¹ is unclean because it comes through the uterus,⁵² and Rabbi⁵³ in effect said to him: If⁵⁴ you take into consideration the possibility of her usual menstrual flow, the woman also should be unclean,⁵⁵ and if⁵⁶ you do not take into consideration the possibility of her usual menstrual flow, [the blood also should be clean since] the interior of the uterus⁵⁷ is clean.

MISHNAH. BETH SHAMMAI RULED: A WOMAN NEEDS TWO⁵⁸ TESTING-RAGS FOR EVERY INTERCOURSE,⁵⁹ OR SHE MUST PERFORM IT IN THE LIGHT OF A LAMP.⁶⁰ BETH HILLEL RULED: TWO TESTING-RAGS⁶¹ SUFFICE HER FOR THE WHOLE NIGHT.⁶² [

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- (1) Sc. it was not certain whether it was a child at all. Hence it is here also a case of doubt against doubt.
 - (2) Implying that it was definitely a child and that the only doubt was as to its sex.
 - (3) Hence it is a case of a certainty against a certainty.
 - (4) Var. lec., 'Raba enquired of' (MS.M. and Asheri).
 - (5) So that if a woman failed to make the examination at the proper time she is deemed to be unclean (on the ground that the discharge had appeared at its usual time) even though she observed no blood when she examined herself some time later (since it might have dropped on the ground and been lost).
 - (6) Hence if she failed to make the examination at the proper time she is regarded as clean.
 - (7) Sc. at the first examination after the settled period.
 - (8) If it was due prior to the period of twenty-four hours immediately preceding the observation. Her uncleanness in such a case extends backward to the time of the settled period.
 - (9) If less than twenty-four hours intervened between the time of the settled period and the observation.
 - (10) Since the possibility of a discharge at the time of the settled period is taken into consideration presumably even where no subsequent discharge had been observed. It is now assumed that 'discharge' was mentioned only on account of the second clause, 'the possibility . . . on account of her observation'.
 - (11) R. Nahman.
 - (12) Why 'she must take into consideration . . . the date of the settled period'.
 - (13) It being assumed that as she discovered a discharge on examination she might also have discovered one if she had made an examination at the time of her settled period.
 - (14) Cf. prev. n. but one.
 - (15) Since in the absence of an examination she is regarded as clean.

- (16) Euphemism, sc. the regular menstrual discharge.
- (17) Rab and Samuel.
- (18) Samuel.
- (19) Hence the woman's uncleanness in the absence of one.
- (20) Rab.
- (21) Cf. prev. n. but one mut. mut. But how could this be reconciled with the first version of R. Nahman supra according to which Rab is of the opinion that the examination is Pentateuchal?
- (22) Lit., 'that all the world'.
- (23) As to the difficulty raised (v. supra n. 11).
- (24) The last cited.
- (25) As she nevertheless discovered no discharge, it may safely be assumed that there was none even earlier when the regular menstruation period had begun.
- (26) The first version of R. Nahman.
- (27) But did so later on. As it is quite likely that earlier, during the period of menstruation, there was a discharge, the woman must well be deemed unclean. An old ed. inserts here: 'And there are others who say that one Master spoke of one particular case and the other spoke of another particular case and there is in fact no difference of opinion between them' (v. Maharsha and marginal gloss).
- (28) Samuel.
- (29) Hence the woman's uncleanness in the absence of one.
- (30) Rab.
- (31) Maintaining that the examination is Pentateuchal.
- (32) A woman who failed to make the examination at the time of her regular period.
- (33) From the time her regular period was due to commence.
- (34) Holding that the examination is only Rabbinical.
- (35) Even though her period of menstruation had passed. If on examination she finds herself to be clean she is regarded as clean (despite the possibility of an earlier discharge) and if she finds herself unclean, the uncleanness is retrospective from the time her settled period was due.
- (36) R. Eliezer and R. Joshua.
- (37) A woman who failed to make the examination at the time of her regular period.
- (38) From the time her regular period was due to commence.
- (39) Sheltering from robbers or raiders.
- (40) Infra 39a.
- (41) Why she is regarded as clean.
- (42) In her womb.
- (43) The blood being attributed to the wound.
- (44) If she has no regular period Rabbi, for the reason given in prev. n., agrees with R. Simeon b. Gamaliel.
- (45) If the blood was observed on the day the period was due to commence.
- (46) Sc. she is regarded as unclean, since it is possible that some particle of menstrual blood was mixed up with that of the wound.
- (47) Rabbi.
- (48) R. Simeon b. Gamaliel.
- (49) Lit. 'as to the source, the place thereof is unclean'. And, therefore, capable of imparting uncleanness to any clean blood that passes through it.
- (50) Sc. she is not subject to the major uncleanness of menstruation which extends over seven days.
- (51) Though coming from a wound.
- (52) Where it contracts an uncleanness (a 'father of uncleanness') which causes it to impart a one day's uncleanness to a human being, so that any object touched by the woman on that day becomes unclean.
- (53) Relaxing the law.
- (54) By regarding the blood as unclean.
- (55) For seven days, as any other menstruant.
- (56) Since you exempt the woman from menstrual uncleanness.
- (57) Lit., 'the source of its place'.

(58) Previously unused.

(59) One is used before, and the other after and both are preserved until the morning when they are to be examined in daylight.

(60) So that the testing-rag may be immediately examined.

(61) One of which is used prior to the first intercourse and the other after the last.

(62) This being sufficient to determine whether she is menstrually unclean and whether she is to convey uncleanness to any clean object she may have handled. (So Rashi; cf., however, Tosaf. and Tosaf. Asheri for a different interpretation.)

Talmud - Mas. Nidah 16b

GEMARA. Our Rabbis taught: Although [the Sages] have said, 'He who has intercourse in the light of a lamp is contemptible',¹ Beth Shammai ruled: A woman needs two² testing-rags for every intercourse³ or she must perform it in the light of a lamp, but Beth Hillel ruled: Two testing-rags suffice for her for the whole night.

It was taught: Beth Shammai said to Beth Hillel, 'According to your view⁴ is there no need to provide against the possibility that she might emit⁵ a drop of blood of the size of a mustard seed in the course of the first act and this would be covered up with semen during the second act?'⁶ 'But', replied Beth Hillel, even according to your view⁷ is there no need to provide against the possibility that the spittle,⁸ while still in the mouth,⁹ was crushed out of existence?'¹⁰ '[We maintain our view,] the former retorted, 'because what is crushed once is not the same as that which is crushed twice'.

It was taught: R. Joshua stated, 'I approve⁵ of the view of Beth Shammai'.⁷ 'Master', said his disciples to him, 'what an extension [of the restrictions] you have imposed upon us!' 'It is a good thing', he replied, 'that I should impose extensive restrictions upon you in this world in order that your days may be prolonged in the world to come.

R. Zera remarked: From the words of all these authorities¹¹ we may infer¹² that a conscientious man should not indulge in intercourse twice in succession.¹³ Raba said: One may indulge in intercourse twice in succession, for that ruling¹⁴ was taught only in respect of clean objects.¹⁵ So it was also taught: This¹⁶ applies only to clean objects¹⁵ but to her husband she is permitted.¹⁷ This,¹⁸ however, applies only where he had left her in a state of presumptive cleanness, but if he left her in a state of presumptive uncleanness she is presumed to be in that state forever until she tells him, 'I am clean'.

R. Abba citing R. Hiyya b. Ashi who had it from Rab ruled: If a woman¹⁹ examined herself with a testing-rag which was subsequently lost she is forbidden intercourse until she had reexamined herself. R. Ela demurred: If it had not been lost²⁰ would she not²¹ have been allowed intercourse even though she is unaware [whether there was or there was not a discharge], why then should she not now also²² be allowed intercourse? — Raba replied: In the former case her proof is in existence,²³ but in the latter case²² her proof is not in existence.²⁴

R. Johanan stated: It is forbidden to perform one's marital duty in the day-time.²⁵ What is the Scriptural proof? That it is said, Let the day perish wherein I was born, and the night wherein it was said: 'A man-child is brought forth'.²⁶ The night is thus set aside²⁷ for conception but the day is not set aside for conception. Resh Lakish stated: [The proof is] from here: But he that despiseth His ways²⁸ shall die.²⁹ As to Resh Lakish, how does he expound R. Johanan's text?²⁶ — He requires it for the same exposition as that made by R. Hanina b. Papa. For R. Hanina b. Papa made the following exposition: The name of the angel who is in charge of conception is 'Night', and he takes up a drop and places it in the presence of the Holy One, blessed be He, saying, 'Sovereign of the universe, what shall be the fate of this drop? Shall it produce a strong man or a weak man, a wise man or a fool, a rich man or a poor man?' Whereas 'wicked man' or 'righteous one' he does not

mention, in agreement with the view of R. Hanina. For R. Hanina stated: Everything is in the hands of heaven except the fear of God, as it is said, And now, Israel, what doth the Lord thy God require of thee, but to fear etc.³⁰ And R. Johanan?³¹ — If that were the only meaning,³² Scripture should have written,³³ ‘A man-child is brought forth’³⁴ why then was it stated, ‘was brought forth a man-child’?³⁵ To indicate that the night³⁶ is set aside for conception³⁶ but the day is not set aside for conception. As to R. Johanan how does he expound the text of Resh Lakish?²⁹ — He requires it for [an application to the same types] as those described in the Book of Ben Sira:³⁷ ‘There are three [types] that I hate, yea, four that I do not love: A Scholar³⁸ who frequents wine-shops³⁹ [or, as others say, a scholar that is a gossip],⁴⁰ a person who sets up a college in the high parts of a town,⁴¹ one who holds the membrum when making water and one who enters his friend's house suddenly’.⁴² R. Johanan observed:⁴³ Even his own house.

R. Simeon b. Yohai observed: There are four [types]⁴⁴ which the Holy One, blessed be He, hates, and as for me, I do not love them: The man who enters his house suddenly and much more so [if he so enters] his friend's house, the man who holds the membrum when he makes water,

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- (1) The reason is given infra.
 - (2) Previously unused.
 - (3) V. supra p. 108, n. 16.
 - (4) That there is no need for a testing-rag after every act.
 - (5) Lit., ‘see’.
 - (6) So that the test after that act would not reveal it.
 - (7) That testing-rags must be used after each act.
 - (8) Sc. a drop of blood.
 - (9) Euphemism; the uterus; i.e., during the first intercourse.
 - (10) So that the test after that act would not reveal it.
 - (11) Lit., ‘all of them’, even Beth Hillel who requires only one test after the last act.
 - (12) Since intercourse is presumed to be the possible cause of a discharge.
 - (13) If there was no examination after the first act.
 - (14) That each or, at least, the last intercourse must be followed by an examination.
 - (15) Sc. to make sure that the woman did not convey to them uncleanness when handling them. As regards intercourse, however, when a woman is in a presumptive state of cleanness no examination is necessary.
 - (16) That each or, at least, the last intercourse must be followed by an examination.
 - (17) Even in the absence of an examination.
 - (18) That as regards her husband no examination is required.
 - (19) At night, before intercourse.
 - (20) Lit., ‘it is’.
 - (21) Since the examination of the rags, according to Beth Hillel, is never to take place before the following morning and, even according to Beth Shammai, no lamp is required at night and the examination is equally postponed until the morning whenever two rags are used for each act.
 - (22) Where the rag is lost.
 - (23) And it may well be examined in the morning to ascertain, regarding clean objects the woman had handled, whether she is clean or unclean. As regards intercourse too, should it be found that her uncleanness began prior to the act, she could bring a sin-offering.
 - (24) Were intercourse to be allowed in such a case there would be no possible means of ascertaining the condition of the woman any more than if there had been no examination at all. Hence Rab's prohibition.
 - (25) Cur. edd. insert in parenthesis, ‘said R. Hamnuna. MS.M. reads for ‘Hamnuna’ ‘Huna’.
 - (26) Job III, 3.
 - (27) Lit., ‘given’.
 - (28) Sc. has intercourse at an improper time.
 - (29) Prov. XIX, 16.
 - (30) Deut. X, 12.

- (31) Since Job III, 3 is required for the exposition of R. Hanina, whence does he derive his rulings?
- (32) Lit., 'if so'.
- (33) As E.V. in fact renders the Heb.
- (34) Sc. the word gaber (male-child) should have preceded horoh (brought forth).
- (35) Horoh (cf. prev. n.) preceding gaber and thus standing close to the word 'night'.
- (36) Cf. prev. n.
- (37) Cf. Ecclesiasticus XXI, 23.
- (38) Lit., 'chief'.
- (39) Lit., 'a house of drinkings'.
- (40) Cur. edd. in parenthesis insert 'and others say, an excitable scholar'.
- (41) A manifestation of arrogance.
- (42) It was to types like these that Prov. XIX, 16 alluded.
- (43) Not only 'his friend's house'.
- (44) Lit., 'things'.

Talmud - Mas. Nidah 17a

the man who when naked makes water in front of his bed, and the man who has intercourse in the presence of any living creature. 'Even', said Rab Judah to Samuel, 'in the presence of mice?' 'Shinena',¹ the other replied, 'no; but [the reference is to] a house like that of So and so where they have intercourse in the presence of their men-servants and maidservants.² But what was the exposition they made? — Abide ye here with³ the ass,⁴ implies: peoples that are like an ass. Rabbah son of R. Huna used to chase away the wasps from his curtained bed.⁵ Abaye drove away the flies.⁶ Rabba⁷ chased away the mosquitoes.⁶

R. Simeon b. Yohai stated, There are five things which [cause the man] who does them to forfeit his life and his blood is upon his own head: Eating⁸ peeled garlic, a peeled onion or a peeled egg, or drinking diluted liquids that⁹ were kept over night; spending a night in a graveyard; removing one's nails and throwing them away in a public thoroughfare; and blood-letting followed immediately by intercourse.

'Eating peeled garlic etc.' Even though they are deposited in a basket and tied up and sealed, an evil spirit rests upon them. This, however, has been said only where their roots or peel did not remain¹⁰ with them, but if their roots or peel remained with them there can be no objection.¹¹ 'And drinking diluted liquids that were kept over night'. Rab Judah citing Samuel explained: This applies only where they were kept over night in a metal vessel. R. Papa stated: Vessels made of alum crystals are the same in this respect as vessels made of metal. So also said R. Johanan: This applies only where they were kept in a metal vessel; and vessels made of alum crystals are the same in this respect as vessels made of metal.

'Spending a night in a graveyard', in order that a spirit of uncleanness may rest upon him.¹² [This should not be done] since in consequence he might sometimes be exposed to danger.

'Removing one's nails and throwing them away in a public thoroughfare'. [This is dangerous] because a pregnant woman passing over them would miscarry. This, however, has been said only of a case where one removes them with a pair of scissors. Furthermore, this has been said only of a case where one removes the nails of both hands and feet. Furthermore, this has been said only in the case where one did not cut anything immediately after cutting them but if something was cut immediately after they were cut there can be no danger.¹³ This, however, is not [to be relied upon]. One should be on his guard in all the cases mentioned.¹⁴

Our Rabbis taught: Three things have been said about the disposal of nails: He who burns them is a pious man, he who buries them is a righteous man, and he who throws them away is a wicked man.¹⁵

'And blood-letting followed immediately by intercourse'. [This should be avoided] because a Master said: If a man has intercourse immediately after being bled, he will have feeble¹⁶ children; and if intercourse took place after both husband and wife have been bled, they will have children afflicted with ra'athan.¹⁷ Rab¹⁸ stated: This has been said only in the case where nothing was tasted after the bleeding but if something was tasted after it there can be no harm.¹⁹

R. Hisda ruled: A man is forbidden to perform his marital duty in the day-time, for it is said, But thou shalt love thy neighbour as thyself.²⁰ But what is the proof? — Abaye replied: He might observe something repulsive in her and she would thereby become loathsome to him.

R. Huna said, Israel are holy and do not perform their marital duties in the day-time. Raba said, But in²¹ a dark house this is permitted; and a scholar²² may darken a room with his cloak and

perform his marital duty. [But] we have learnt, OR SHE MUST PERFORM IT IN THE LIGHT OF A LAMP? — Read: SHE MUST examine IT IN THE LIGHT OF A LAMP.

Come and hear: Although [the Sages] have said, He who has intercourse in the light of a lamp is loathsome [etc.]?²³ — Read: He who examines his bed²⁴ in the light of a lamp is loathsome.²⁵

Come and hear: And the people of the house of Monobaz²⁶ did three things, and on account of these they were honourably mentioned: They performed their marital duties in the day-time, they examined their beds with cotton,²⁷ and they observed the rules of uncleanness and cleanness in the case of snow. At all events, was it not here stated, ‘They performed their marital duties in the day-time’? Read: They examined their beds in the day-time. This may also be supported by logical argument. For if one were to imagine [that the reading is] ‘performed their marital duties’, would they have been ‘honourably mentioned’? — Yes, indeed,²⁸ because owing to the prevalence²⁹ of sleep³⁰ she is likely to become repulsive to him.

‘They examined their beds with cotton.’ This provides support for a ruling of Samuel. For Samuel ruled: The bed³¹ may be examined only with cotton tufts or with clean and soft wool. Rab observed: This explains what they said in Palestine³² on Sabbath eves,³³ when I was there, ‘Who requires cotton tufts for his bread’,³¹ and I did not understand at the time what they meant.

Raba stated: Old flax garments are admirably suited for examination purposes. But can this be correct,³⁴ seeing that the school of Manasseh taught: The bed³¹ may not be examined either with a red rag or with a black one or with flax,³⁵ but only with cotton tufts or with clean and soft wool?³⁶ This is no difficulty, since the latter refers to flax while the former refers to garments of flax. And if you prefer I might reply: Both refer to garments of flax but the latter deals with new ones while the former deals with old ones.³⁷

‘They observed the rules of uncleanness and cleanness in the case of snow.’ We learnt elsewhere: Snow is neither a food nor a drink. Though one intended to use it as food it is not subject to the laws of the uncleanness of foodstuffs,³⁸ [but if one intended to use it] as a drink it is subject to the laws of the uncleanness of drinks. If a part of it contracted uncleanness all of it does not become unclean,³⁹ but if a part of it became clean⁴⁰ all of it becomes clean. Now is not this self contradictory? You first said, ‘If a part of it contracted uncleanness all of it does not become unclean’, and then you said, ‘If a part of it became clean all of it becomes clean’, which implies, does it not, that all of it was previously unclean?⁴¹ — Abaye replied: This is a case, for instance, where it⁴² was carried across the air-space of an oven,⁴³ [in which case all the snow is unclean] because the Torah testified concerning an earthen vessel⁴⁴ that

(1) Cf. n. supra 13a.

(2) Who were heathens.

(3) The Heb. equivalent may be read both ‘im (with) and ‘am (a people).

(4) Gen. XXII, 5.

(5) So Aruch. V. Tosaf. contra Rashi.

(6) So that no living creature should be near.

(7) Var. lec. ‘R. Papa’ (MS.M and ‘En Jacob).

(8) Lit., ‘he who eats’.

(9) The adjectival clause qualifies all the foodstuffs mentioned.

(10) Lit., ‘he did not leave’.

(11) Lit., ‘we have nothing against it’.

(12) ‘To enable him to foretell the future’, cf. Sanh. (Sonc. ed.) p. 446.

(13) Lit., ‘we have nothing against it’.

(14) Lit., ‘we fear for all the thing’.

- (15) V. M.K. 18a.
- (16) Or 'nervous'.
- (17) Ra'athan is one of the skin diseases causing extreme debility and nervous trembling. Cf. Keth. (Sonc. ed.) p. 486f.
- (18) The parallel passage in Keth. 77b has 'R. Papa'.
- (19) Lit., 'we have nothing against it'.
- (20) Lev. XIX, 18.
- (21) Lit., 'and if there was'.
- (22) Who may be relied upon properly to darken the place.
- (23) V. supra 16b. Emphasis on the last word, implying that there is no actual prohibition.
- (24) Euphemism.
- (25) Since no proper examination can be made in its dim light.
- (26) King of Adiabene, whose family embraced Judaism.
- (27) Or 'clean and soft wool', on which the smallest particle of blood could be detected. Lit., 'wool of Parhaba' (Probably a geographical name), v. Jast.
- (28) Lit., 'thus also'.
- (29) In the night-time.
- (30) Which numbs the passions.
- (31) Euphemism.
- (32) Lit., 'there'.
- (33) Fridays. Friday night is the time appointed for scholars.
- (34) Lit., 'I am not'.
- (35) Which is not white enough to show up a small speck of blood.
- (36) An objection against Raba.
- (37) The more they are washed the more suitable they are for the purpose.
- (38) Since it is more like a drink than a food.
- (39) Because each particle of snow is regarded as a separate entity; and only that entity that had directly been touched by the unclean object contracts the uncleanness.
- (40) By coming in contact with the water of a ritual bath (v. Bez. 17b).
- (41) But how is it possible for an uncleanness to have come in contact with all of it?
- (42) The snow.
- (43) In which there was a dead creeping thing.
- (44) Such as the oven spoken of.

Talmud - Mas. Nidah 17b

even if it was full of mustard seed¹ [all within it is unclean].²

MISHNAH. THE SAGES SPOKE OF A WOMAN IN METAPHOR: [THERE IS IN HER] CHAMBER³ AN ANTE-CHAMBER⁴ AND AN UPPER CHAMBER.⁵ THE BLOOD OF THE CHAMBER⁶ IS UNCLEAN, THAT OF THE UPPER CHAMBER⁷ IS CLEAN. IF BLOOD IS FOUND IN THE ANTE-CHAMBER, AND THERE ARISES A DOUBT ABOUT ITS CHARACTER,⁸ IT IS DEEMED UNCLEAN, BECAUSE IT IS PRESUMED TO HAVE COME FROM THE SOURCE.³

GEMARA. Rami b. Samuel and R. Isaac son of Rab Judah learnt the tractate of Niddah at R. Huna's. Rabba son of R. Huna once found them while they were sitting at their studies and saying: The chamber is within, the ante-chamber is without and the upper chamber is built above them,⁹ and a duct communicates between the upper chamber and the ante-chamber.¹⁰ If blood is found anywhere from the duct inwards, and there is any doubt about its character,⁸ it is deemed unclean¹¹ but if it is found anywhere from the duct outwards, and there is a doubt about its character,⁸ it is deemed clean.¹² He¹³ thereupon proceeded to his father and said to him, 'You told them, Master,¹⁴ that "if there is any doubt about its character¹⁵ it is deemed unclean", but have we not learnt:

BECAUSE IT IS PRESUMED TO HAVE COME FROM THE SOURCE?'¹⁶ 'I', the other replied, 'meant this: [Blood found anywhere] from the duct inwards is¹⁷ undoubtedly unclean,¹⁸ [but if it was found anywhere] from the duct outwards, it is deemed to be doubtfully unclean'.¹⁹ Said Abaye: Why is²⁰ it [that if blood is found anywhere] from the duct outwards it is deemed to be doubtfully unclean?²¹ Obviously because it is possible that she bowed down and the blood flowed thither from the chamber. [But, then, why in the case where blood is found anywhere] from the duct inwards, is it not also assumed that she might have staggered backwards²² and the blood originated from the upper chamber?²³ Rather, said Abaye, if you follow possibilities²⁴ the uncleanness is doubtful in either case²⁵ and if you follow presumption [blood found anywhere] from the duct inwards is undoubtedly unclean,²⁶ [but if it was found anywhere] from the duct outwards it is undoubtedly clean.²⁷

R. Hiyya taught: Blood found in the ante-chambre²⁸ renders [the woman] liable [for a sin-offering] if she enters the Sanctuary,²⁹ and terumah³⁰ must be burnt on its account.²⁹ R. Kattina, however, ruled: No sin-offering³¹ is incurred if she enters the Sanctuary,³² and terumah³⁰ is not burnt on its account.³² According to the first alternative³³ which Abaye mentioned, viz., 'If you follow possibilities',³⁴ support is available for the ruling of R. Kattina³⁵ but³⁶ a divergence of view is presented against R. Hiyya. According to the second alternative³³ you mentioned, viz., 'If you follow presumption'³⁷ support is provided for the ruling of R. Hiyya³⁸

(1) So that only those seeds that are actually round the sides of the oven could possibly come into direct contact with the oven.

(2) V. Hul. 24b. Which proves that, in the case of an earthenware oven, uncleanness is conveyed to objects within it, even though these had not come in direct contact with it.

(3) The uterus.

(4) Vagina.

(5) The urinary bladder (from the point of view of a woman lying on her back).

(6) Being menstrual.

(7) Being due to some internal wound.

(8) Sc. whether it originated in the uterus or urinary bladder.

(9) Cf. supra n. 7.

(10) So that blood from the former may trickle down into the latter.

(11) Since it is obvious that it came from the chamber. Had it come from the upper chamber it could not in the natural course have made its way backwards to the spot where it was discovered.

(12) Because it is presumed to have originated from the upper chamber.

(13) Rabbah b. R. Huna.

(14) So MS.M. Cur. edd., 'you told us, Master'.

(15) The expression of 'doubt' obviously implying that there was no proof whatsoever that the blood originated in the chamber.

(16) Emphasis on PRESUMED. If it is presumed to originate from the source (sc. the chamber) the uncleanness could not be described as a matter of 'doubt' but as one of certainty.

(17) In agreement with our Mishnah.

(18) V. supra p. 216, n. 13.

(19) It being impossible to decide whether it originated in the chamber or in the upper chamber.

(20) Lit., 'what is the difference'.

(21) Though, since on that spot it is most likely to have come from the upper chamber, one might well have expected it to be clean.

(22) And thus caused the blood to flow inwards.

(23) Since this is obviously a possibility the uncleanness should only be a matter of doubt and not, as R. Huna asserted, a certainty.

(24) Bending forward or staggering backwards.

(25) Whether the blood is found on the one or on the other side of the duct, since in either case two possibilities (cf. prev. n.) may be equally assumed.

(26) Since it may well be presumed to have originated in the chamber. Had it originated in the upper chamber it would have made its way to the outer side of the duct only. Our Mishnah's ruling, IT IS DEEMED UNCLEAN etc. may thus refer to such a case.

(27) Since in that place it is presumed to have come from the upper chamber, and the possibility of bending forward is disregarded.

(28) It is explained infra on which side of the duct.

(29) Because the blood is certainly unclean.

(30) That was touched by the woman.

(31) Though the entry is forbidden.

(32) Since the character of her blood cannot be determined with any degree of certainty.

(33) Lit., 'that expression'.

(34) Sc. that the uncleanness is merely a matter of doubt.

(35) Who also regards the uncleanness as doubtful. R. Kattina might thus refer to both cases, where the blood was found on the one, or on the other side of the duct.

(36) Since no certain uncleanness is recognized.

(37) In accordance with which a distinction is drawn between blood found from the duct inwards or outwards.

(38) Whose ruling would thus refer to blood found from the duct inwards.

Talmud - Mas. Nidah 18a

but¹ a divergence of view is presented against R. Kattina.² According to the ruling of R. Huna³ neither of them differs from the other,⁴ since one⁵ might deal with blood found anywhere from the duct inwards while the other⁶ might deal with such as was found anywhere from the duct outwards. According to Rami b. Samuel and R. Isaac the son of Rab Judah, however, who ruled, 'From the duct outwards, and there is a doubt about its character, it is deemed clean' and 'from the duct inwards, and there is a doubt about its character, it is deemed unclean', how are these rulings⁷ to be explained? Obviously [as referring⁸ to blood found] anywhere from the duct inwards.⁹ Must it then be assumed¹⁰ that their ruling differs from that of R. Hiyya?¹¹ — This is no difficulty, since one¹² refers to blood found on the floor of the ante-chamber¹³ while the others¹⁴ refer to blood found on the roof of the ante-chamber.¹⁵

R. Johanan stated: In three instances¹⁶ did the Sages follow the majority rule¹⁷ and treated them as certainties, viz., the 'source', the 'placenta' and the 'piece'. The 'source'? The case already spoken of.¹⁸ The 'placenta'? Concerning which we have learnt: If a placenta¹⁹ is within a house, the house is unclean;²⁰ and this is so not because a placenta is regarded as a child but because generally there is no placenta without a child in it.²¹ R. Simeon said, The child might have been mashed²² before it came forth.²³ A 'piece'? For it was taught:²⁴ If a woman aborted a shaped²⁵ hand or a shaped foot she²⁶ is subject to the uncleanness of birth,²⁷ and there is no need to consider the possibility²⁸ that it might have come from a shapeless body.²⁹ But are there³⁰ no others?³¹ Is there not in fact the case of nine shops³² concerning which it was taught: If there were nine shops³² all of which were selling ritually killed meat and one shop that was selling nebelah³³ meat and a man bought some meat in one of them and he does not know in which of them he bought it, the meat is forbidden on account of the doubt;³⁴ but if³⁵ meat is found,³⁶ the majority rule is to be followed?³⁷ — We³⁸ speak of uncleanness;³⁹ we do not discuss the question of a prohibition.⁴⁰ But is there not the case of the nine [dead] frogs among which there was one [dead] creeping thing⁴¹ and a man touched one of them and he does not know which one it was that he touched, where he is unclean on account of the doubt if this occurred in a private domain,⁴² but if it occurred in a public domain such a doubtful case is regarded as clean; and if one⁴³ was found⁴⁴ the majority rule is to be followed?⁴⁵ — We⁴⁶ deal with the uncleanness of a woman; we do not discuss general questions of uncleanness. But is there not the following case of which R. Joshua b. Levi spoke: If a woman crossed a river

(1) As no doubtful uncleanness is recognized.

- (2) Who does recognize it (cf. prev. n.).
- (3) Who told his son that blood on the inward side of the duct is unclean and on its outward side is clean.
- (4) Neither R. Hiyya and R. Kattina differ from each other nor either of them from him.
- (5) R. Hiyya.
- (6) R. Kattina.
- (7) Of R. Hiyya and R. Kattina.
- (8) In agreement with R. Kattina.
- (9) Since blood found on its outward side is deemed to be clean and the woman is not only exempt from a sin-offering if she enters the Sanctuary, but is not even forbidden to enter it.
- (10) Since in no case do they recognize certain uncleanness.
- (11) Who does recognize certain uncleanness. Is it likely, however, that they would both differ from him?
- (12) R. Hiyya, in ruling that the blood is definitely unclean.
- (13) Which is the natural passage for blood issuing from the chamber.
- (14) Rami and R. Isaac, who regard the blood as only doubtfully unclean.
- (15) Which is nearer to the upper chamber.
- (16) Lit., 'places', where doubts existed.
- (17) Sc. the majority of the respective cases concerning which no doubt exists.
- (18) In the last clause of our Mishnah, and in the ruling of R. Hiyya (supra 17b), from which it is obvious that, since mostly the blood in question issues from the source, any blood in the ante-chamber is assumed to originate from that source.
- (19) About which it is unknown whether it did or did not contain a dead embryo.
- (20) As overshadowing a corpse, though it is unknown (cf. prev. n.) whether the placenta contained one.
- (21) From which it is obvious that the uncleanness of the placenta is regarded as a certainty by the majority rule, since most placentas contain embryos.
- (22) And mixed up with the blood of birth which, representing the greater part of the mixture, neutralizes it.
- (23) Infra 26a.
- (24) Cf. marg. gl. Cur. edd., 'we learnt'.
- (25) Lit., 'cut'.
- (26) Lit., 'its mother'.
- (27) And, since it is unknown whether it was that of a male or a female, the restrictions of both are imposed upon her.
- (28) Which (cf. infra 24a) would exempt her from the certainty of uncleanness.
- (29) Infra 24a, which proves that by the majority rule, the doubtful case is regarded as a certainty because the majority of births (which are normal) is followed.
- (30) Beside the three instances mentioned by R. Johanan.
- (31) Where the majority rule is followed.
- (32) In a market in which there were ten such shops.
- (33) V. Glos.
- (34) Because the shop with the prohibited meat, being a fixed place, has the same status as half the number of all the shops in the market; and, consequently, the majority rule does not apply.
- (35) On the floor of the market in which the ten shops were situated.
- (36) So that the meat did not come from a fixed place.
- (37) V. Hul. 95a; and, since the majority of the shops sold meat that was ritually killed, the meat found is also regarded as ritually fit. Now since this provides another instance of a doubtful case that, by reason of the majority rule, is regarded as a certainty, why did R. Johanan mention three instances only?
- (38) Sc. R. Johanan in mentioning the three instances.
- (39) With which all the three instances deal.
- (40) To which the last case cited refers.
- (41) The latter conveys uncleanness but not the former (cf. Lev. XI, 29).
- (42) Since the creeping thing was in a fixed place which is equal in status to half of all the animals in the place.
- (43) Of the ten creatures mentioned.
- (44) Sc. the man touched an isolated animal which had no fixed place.
- (45) Tosef. Toh. VI. As the majority are frogs the man is clean. Now why was not this case of doubtful uncleanness

mentioned by R. Johanan?

(46) Sc. R. Johanan in mentioning the three instances.

Talmud - Mas. Nidah 18b

and miscarried¹ in it, she must bring a sacrifice which may be eaten, since we follow the majority of women, and the majority of women bear normal children?² — We spoke of Tannaitic rulings;³ we did not discuss reported traditions.⁴ But, surely, when Rabin came⁵ he stated, ‘R. Jose son of R. Hanina raised an objection [against R. Joshua b. Levi from a Baraitha dealing with] a forgetful woman,⁶ but I do not know what objection it was’,⁷ Does not this mean that it⁸ presented no objection but rather provided support?⁹ — No; it is possible [that he meant that it] neither presented an objection nor provided any support.

What does it¹⁰ exclude?¹¹ If it be suggested that it¹⁰ was intended to exclude the case¹² where the majority rule is opposed by the rule of presumption¹³ so that in such a case *terumah*¹⁴ may not be burnt on its account,¹⁵ surely [it could be retorted] did not R. Johanan once say this,¹⁶ for we learnt, ‘If a child is found at the side of dough, with a piece of dough in his hand, R. Meir declares the dough clean, but the Sages declare it unclean because it is the nature of a child to slap¹⁷ [dough]’,¹⁸ and when it was asked, ‘What is R. Meir's reason’ [the answer given was that] he holds the view that though most children slap dough a minority of them do not, and since this dough stands in the presumption of cleanness,¹⁹ you combine the status of the minority²⁰ with the rule of presumption²¹ and the majority rule²² is impaired,²³ while the Rabbis [regard] the minority as non-existent, and, where the majority rule is opposed by that of presumption, the majority rule takes precedence; and in connection with this Resh Lakish citing R. Oshaia stated: This is a presumption²⁴ on the strength of which *terumah* is burnt,²⁵ while R. Johanan stated, This²⁶ is not a presumption on the strength of which *terumah* is burnt?²⁷ — It²⁸ was rather intended to exclude the rule of majority of which R. Judah spoke.²⁹ For we learnt: If a woman aborted a shapeless object,³⁰ if there was blood with it she is unclean³¹ otherwise she is clean; R. Judah ruled: In either case she is unclean.³² And in connection with this Rab Judah citing Samuel stated: R. Judah declared the woman unclean only where the shapeless object had the colour of one of the four kinds of blood,³³ but if it had that of any other kinds of blood³⁴ the woman is clean, while R. Johanan stated: [If it had the colour] of one of the four kinds of blood³⁵ all³⁶ agree that she is unclean, and if it had that of any other kinds of blood all agree that she is clean; they³⁷ differ only in the case where she aborted something

(1) In consequence of which it is unknown whether or not the miscarriage was a developed child.

(2) *Infra* 29a. Now since her sacrifice, a bird sin-offering (the method of whose killing by pinching would have caused an unconsecrated, or doubtfully consecrated bird to be *nebelah*), may be eaten, it follows that the bird is deemed to be duly consecrated because, by reason of the majority rule, the woman's doubtful birth is regarded as a certain birth of a normal child. Why then did not R. Johanan mention this case which concerns a woman's uncleanness?

(3) Lit., ‘our Mishnah’, sc. rulings occurring in a Mishnah or a Baraitha.

(4) Of *Amoras*. R. Joshua b. Levi was an *Amora*.

(5) From Palestine to Babylon.

(6) Lit., ‘mistaken’, one who cannot tell the date on which she bore her child.

(7) *Infra* 29a.

(8) The Baraitha dealing with the forgetful woman.

(9) For R. Joshua b. Levi's ruling. Since the answer is presumably in the affirmative the ruling given here in the name of R. Joshua b. Levi has its origin in a Baraitha. Why then, since it is a case of the uncleanness of a woman and is also a Tannaitic ruling, was it not included among those cited *supra* by R. Johanan?

(10) R. Johanan's limitation of the instances *supra* to three.

(11) I.e., what other doubtful instance is there that, despite the majority rule, is not treated as a certainty?

(12) Of a woman's uncleanness.

(13) Lit., ‘there . . . with it’.

- (14) Being doubtfully unclean.
- (15) Sc. on account of the doubtful uncleanness.
- (16) Explicitly, in other cases of uncleanness. Why then should he repeat it here by implication?
- (17) Toh. III, 8.
- (18) In consequence of which he imparts to it the uncleanness which he is presumed to have contracted from menstrual women who cuddle him or play with him (R. Tam.). Aliter (Rashi): 'To dabble in the rubbish heap', where he contracts uncleanness from dead creeping things. His contact with the dough is regarded as a certainty (cf. Tosaf.).
- (19) As is any dough, unless the contrary is proved.
- (20) Of children who do not slap dough and, therefore, cannot impart to it their uncleanness (so according to Tosaf.). Aliter: Who do not dabble in the rubbish heap and, therefore, contract no uncleanness (according to Rashi).
- (21) The dough is presumed to be clean (cf. prev. n. but one).
- (22) That 'most children slap dough' or 'dabble in the rubbish heap'.
- (23) By the major force of two to one.
- (24) Sc. that it is a child's nature to slap dough (Rashi). The term 'presumption' is here used loosely and really denotes 'majority'.
- (25) Sc. the majority rule by which it is offered has been given the force of a certainty.
- (26) Since 'the presumption of uncleanness' is here opposed by 'majority'.
- (27) Because it has not the force of a certainty. Now, since R. Johanan made here this explicit statement on the relative importance of the majority rule and that of presumption, what need was there to repeat it implicitly supra?
- (28) R. Johanan's limitation supra to three instances.
- (29) Sc. that in that case the uncleanness which is dependent on the majority rule is not regarded as a certainty. It is only one of a doubtful character and, in consequence, terumah that is subject to such uncleanness may not be burnt.
- (30) Lit., 'piece'.
- (31) As a menstruant. Since the abortion cannot be regarded as a child she is exempt from the uncleanness of childbirth.
- (32) Infra 21a. It is impossible in his opinion for an abortion to be free from all blood, though the latter might sometimes escape attention.
- (33) Described in the Mishnah infra 19a, as unclean. Black and red blood are here regarded as of the same colour, the latter being a deteriorated form of the former. The Mishnah treating them as two gives the total number of kinds of unclean blood as five. In R. Judah's opinion the colour of unclean blood is proof that the entire mass is a piece of clotted blood. Hence the woman's menstrual uncleanness. The Rabbis, however, do not regard it as blood but as a shapeless piece of flesh.
- (34) Green or white, for instance.
- (35) Cf. prev. n. but one.
- (36) Even the Rabbis.
- (37) The Rabbis and R. Judah.

Talmud - Mas. Nidah 19a

and she does not know what she has aborted.¹ [In such a case,] R. Judah holds, one must be guided by the nature of most of such shapeless objects, and most such objects have the colour of one of the four kinds of blood, while the Rabbis hold that we do not say that one must be guided by the nature of most such objects.²

MISHNAH. FIVE KINDS OF BLOOD IN A WOMAN ARE UNCLEAR: RED, BLACK, A COLOUR LIKE BRIGHT CROCUS, OR LIKE EARTHY WATER OR LIKE DILUTED WINE.³ BETH SHAMMAI RULED: ALSO A COLOUR LIKE THAT OF FENUGREEK WATER OR THE JUICE OF ROASTED MEAT; BUT BETH HILLEL DECLARE THESE CLEAN. ONE THAT IS YELLOW, AKABIA B. MAHALALEL DECLARES UNCLEAR AND THE SAGES DECLARE CLEAN. R. MEIR SAID: EVEN IF IT DOES NOT CONVEY UNCLEARNESS AS A BLOODSTAIN IT CONVEYS UNCLEARNESS AS A LIQUID.⁴ R. JOSE RULED: IT DOES NEITHER THE ONE NOR THE OTHER.⁵

WHAT COLOUR IS REGARDED AS 'RED'? ONE LIKE THE BLOOD OF A WOUND.⁴ 'BLACK'? LIKE THE SEDIMENT OF INK; IF IT IS DARKER IT IS UNCLEAN AND IF LIGHTER IT IS CLEAN. BRIGHT CROCUS COLOUR'? LIKE THE BRIGHTEST SHADE IN IT.⁴ 'A COLOUR LIKE EARTHY WATER'? EARTH FROM THE VALLEY OF BETH KEREM⁶ OVER WHICH WATER IS MADE TO FLOAT. 'ONE LIKE DILUTED WINE'? TWO PARTS OF WATER AND ONE OF WINE OF THE WINE OF SHARON.

GEMARA. Whence is it deduced that there is clean discharge of blood in a woman? Is it not possible that all blood that issues from her is unclean? — R. Hama b. Joseph citing R. Oshaia⁷ replied: Scripture says, If there arise a matter too hard for thee in judgment, between blood and blood,⁸ which implies between clean blood and unclean blood. But then, would the expression 'between a leprous stroke and a leprous stroke'⁸ also mean between an unclean stroke and a clean one? And should you reply: This is so indeed, [it could be retorted:] Is there at all a leprous stroke that is clean? And should you reply, 'It is all turned white; he is clean',⁹ [it could be retorted:] That is called a white scurf!¹⁰ Consequently it must mean: Between human leprosy and the leprosy of houses and the leprosy of garments, all of which are unclean; why then should it not be said here also that the distinction implied is that between the blood of a menstruant and that of one suffering from gonorrhoea both of which are unclean?¹¹ — What a comparison! There¹² [the controversy¹³ is well justified¹⁴ since] a difference of opinion might arise in the case of human leprosy on the lines of that between R. Joshua and the Rabbis. For we have learnt: If the bright spot¹⁵ preceded the white hair, he¹⁶ is unclean; if the reverse was the case, he is clean. If [the order of appearance is] a matter of doubt he is unclean; but R. Joshua said: It is as though darkened,¹⁷ and in connection with this Rabbah explained: It is as though [the spot] darkened¹⁸ and he is therefore clean.¹⁹ As regards leprosy in houses the point at issue²⁰ may be the one between R. Eleazar son of R. Simeon and the Rabbis. For we have learnt: R. Eleazar son of R. Simeon ruled: A house never becomes unclean unless the leprosy appears in the size of two beans on two stones,²¹ in two walls,²¹ at a corner,²² and it must be two beans in length and one bean in breadth.²³ What is R. Eleazar son of R. Simeon's reason? — It is written²⁴ wall²⁵ and it is also written walls,²⁶ now what wall is it that is like two walls? Admit that that is a corner.²⁷ As regards leprosy in garments the divergence of opinion²⁸ may be the one between R. Jonathan b. Abtolemos and the Rabbis. For it was taught: R. Jonathan²⁹ b. Abtolemos stated, Whence is it deduced that leprosy that is spread over entire garments is clean? Since karahath³⁰ and gabahath³¹ are mentioned in respect of garments, and karahath³² and gabahath³³ are also mentioned in the case of human beings, as in the latter case if the leprosy spread over the whole body, he is clean so also in the former case if it spread over the whole garment it is clean.³⁴ Here,³⁵ however, if clean blood does not exist, what could be the point at issue between them?³⁶ But whence is it inferred that these kinds of blood are clean and the others are unclean?³⁷ — R. Abbahu replied: Since Scripture says, And the Moabites saw the water as red as blood,³⁸ which indicates that blood is red.³⁹ Might it not be suggested that only red blood⁴⁰ is unclean but no other?⁴¹ — R. Abbahu replied: Scripture says; Her blood,⁴² Her blood⁴³ implying four kinds.⁴⁴ But have we not learnt, FIVE KINDS? — R. Hanina replied: Black blood is really red [blood] that had deteriorated.⁴⁵ So it was also taught: Black blood is like the sediment of ink; if it is dark it is unclean, and if lighter, even though it has the colour of stibium, it is clean. And black blood is not black originally. It⁴⁶ assumes the black colour only after it is discharged, like the blood of a wound which becomes black after it had been discharged from it.

BETH SHAMMAI RULED: ALSO A COLOUR LIKE THAT OF FENUGREEK. But do not Beth Shammai uphold the deduction from, Her blood,⁴² her blood⁴³ which imply four kinds?⁴⁴ — If you wish I may reply that they do not uphold it — And if you prefer I may reply that they do uphold it, but⁴⁷ did not R. Hanina explain, 'Black blood is really red [blood] that had deteriorated'?⁴⁸ Well, here also⁴⁹ it may be explained that [the blood]⁵⁰ had merely deteriorated.

BUT BETH HILLEL DECLARE THESE CLEAN. Is not this ruling identical with that of the first

Tanna?⁵¹ — The practical difference between them is

- (1) The object having been lost.
- (2) Because they do not agree that most such objects have one or other of the colours of the unclean kinds of blood. R. Johanan, by his limitation to three (supra 18a) of the cases in which the majority rule is given the force of a certainty, has implicitly indicated that, in the case dealt with by R. Judah, the uncleanness of the woman, which is entirely dependent on the majority rule, is not one of certainty but one of a doubtful nature. Consequently *terumah* that had been touched by the woman may not be burnt.
- (3) Mazug, wine mixed with water.
- (4) This is explained in the Gemara *infra*.
- (5) Lit., 'neither so nor so'.
- (6) V. Nid. III, 4.
- (7) MS.M., 'Joshua'.
- (8) Deut. XVII, 8.
- (9) Lev. XIII, 13.
- (10) Not a leprous stroke.
- (11) An objection against R. Oshaia's reply.
- (12) In the case of leprosy.
- (13) Implied in Deut. XVII, 8.
- (14) Though all leprosy is unclean.
- (15) In leprosy. Cf. Lev. XIII, 2-4.
- (16) The man affected.
- (17) Neg. IV, II.
- (18) Cf. If the plague be dim (or dark) . . . then the priest shall pronounce him clean (Lev. XIII, 6).
- (19) The dispute implied in Deut. XVII, 8, may consequently be analogous to the one between R. Joshua and the Rabbis.
- (20) Implied in Deut. XVII, 8.
- (21) The size of one bean on each.
- (22) Where the walls meet.
- (23) Neg. Xli, 3; so that each stone is covered by leprosy of the size of one bean by one bean, which is the minimum required for effecting uncleanness.
- (24) In respect of leprosy.
- (25) Lev. XIV, 37.
- (26) *Ibid*.
- (27) The divergence of view implied in Deut. XVII, 8, may consequently be one analogous to that between R. Eleazar son of R. Simeon and the Rabbis.
- (28) Referred to in Deut. XVII, 8.
- (29) Var. lec. 'Nathan' (v. Zeb. 49b).
- (30) E.V., within, Lev. XIII, 55.
- (31) E.V., without, *ibid*.
- (32) E.V., bald head, *ibid*. 42.
- (33) E.V. bold forehead, *ibid*.
- (34) Sanh. 87b, Zeb. 44b. The dispute implied in Deut. XVII, 8, may consequently be the one between R. Jonathan b. Abtolemos and the Rabbis.
- (35) In the case of a divergence of view in respect of blood.
- (36) The authorities in dispute regarding blood referred to in Deut. XVII, 8. Consequently it must be conceded that clean blood also exists.
- (37) Cf. our Mishnah.
- (38) II Kings III, 22.
- (39) As red is the usual colour of blood, all blood which has one of the five colours enumerated in our Mishnah (all of which are shades of red) is unclean.
- (40) But if so, why does our Mishnah declare the others also to be unclean?
- (41) One like that of a wound.

- (42) Dameha, the plural form, Lev. Xli, 7.
 (43) Ibid. XX, 18 (cf. prev. n.).
 (44) Twice two (cf. prev. two notes).
 (45) The two colours may, therefore, be treated as one.
 (46) Being originally red.
 (47) As to the objection from the limitation of the number to five.
 (48) Supra. Of course he did.
 (49) Blood of the colour of fenugreek.
 (50) Being originally red.
 (51) In the first clause of our Mishnah.

Talmud - Mas. Nidah 19b

the question of suspense.¹

ONE THAT IS YELLOW, AKABIA B. MAHALALEL DECLARES UNCLEAR. But does not Akabia uphold the deduction from 'Her blood, her blood', which imply four kinds?² — If you wish I may reply: He does not uphold it. And if you prefer I may reply: He does uphold it; but did not R. Hanina explain, 'Black blood is really red [blood] that had deteriorated'? Well, here also it may be explained that [the blood] had merely deteriorated.²

AND THE SAGES DECLARE IT CLEAN. Is not this ruling identical with that of the first Tanna?³ — The practical difference between them is the question of suspense.⁴

R. MEIR SAID: EVEN IF IT DOES NOT CONVEY UNCLEANNESS AS A BLOODSTAIN etc. R. Johanan stated: R. Meir took up⁵ the line of Akabia b. Mahalalel and declared it⁶ unclean;⁷ and it is this that he in effect said to the Rabbis, 'Granted that where a woman finds a yellow bloodstain on her garment you do not regard her as unclean;⁸ where she observed a discharge of yellow blood from her body⁹ she must be deemed unclean'. If so, instead of saying, EVEN IF IT DOES NOT CONVEY UNCLEANNESS AS A BLOODSTAIN IT CONVEYS UNCLEANNESS AS A LIQUID, should he not have said 'on account of her observation'?¹⁰ — Rather, it is this that he in effect said to them, 'Granted that where the woman observed yellow blood at the outset you do not¹¹ regard her as unclean;¹² where she observed first red blood¹³ and then a yellow discharge the latter also must be deemed unclean,¹⁴ since it is something like the liquids¹⁵ of a zab or a zabah'.¹⁶ And the Rabbis?¹⁷ — [An unclean liquid must be] similar to spittle; as spittle is formed in globules when it is discharged so must any other unclean liquid be one that is formed in globules when it is discharged; that liquid¹⁸ is therefore excluded since it is not formed in globules when discharged. If so, do not the Rabbis indeed give R. Meir a most satisfactory answer?¹⁹ — It is rather this that he said to them in effect: 'It¹⁸ should have the status of a liquid in respect of rendering seed susceptible to uncleanness'.²⁰ And the Rabbis?²¹ — [For such a purpose] it is necessary that it shall be like the blood of the slain,²² which is not the case here. If so, did not the Rabbis indeed answer R. Meir well?¹⁹ — It is rather this that he in effect said to them: 'Deduce this²³ by gezeira shawah;²⁴ here²⁵ it is written, Thy shoots²⁶ are a park of pomegranates²⁷ and elsewhere it is written, And sendeth²⁸ water upon the fields.²⁹ And the Rabbis?³⁰ A man may infer a ruling a minori ad majus on his own but he may not infer on his own one that is derived from a gezeira shawah.³¹

R. JOSE RULED: IT DOES NEITHER THE ONE NOR THE OTHER etc. Is not this ruling identical with that of the first Tanna?³² — It is this that we were informed: Who is the first Tanna? R. Jose; for he who repeats a thing in the name of him who said it brings deliverance into the world.³³

WHAT COLOUR IS REGARDED AS RED? ONE LIKE THE BLOOD OF A WOUND. What is

meant by LIKE THE BLOOD OF A WOUND? — Rab Judah citing Samuel replied: Like the blood of a slaughtered ox.³⁴ Why then was it not stated, ‘Like the blood of slaughtering’? — If it had been stated, ‘Like the blood of slaughtering’ it might have been presumed to mean like the blood during the entire process of slaughtering,³⁵ hence we were told, LIKE THE BLOOD OF A WOUND, meaning like that caused by the first stroke of the knife. ‘Ulla replied:³⁶ Like the blood of [a wound inflicted on] a live bird. The question was raised: Does ‘live’³⁷ exclude a slaughtered bird or does it possibly exclude an emaciated one? — This is undecided.³⁸ Ze’iri citing R. Hanina replied:³⁶ Like the blood of a head louse. An objection was raised: If she³⁹ killed a louse she may attribute the stain to it.⁴⁰ Does not this refer to a louse of any part of the body? — No, to one of her head. Ammi of Wardina⁴¹ citing R. Abbahu replied:³⁶ Like the blood of the little finger of the hand that was wounded and healed and wounded again. Furthermore, it does not mean that of any person but only that of a young unmarried man. And up to what age? — Up to that of twenty.

An objection was raised: She³⁹ may attribute it to her son⁴² or to her husband.⁴² [Now the attribution] to her son is quite reasonable since it is possible [that he was unmarried],⁴³ but how is this possible in the case of her husband?⁴⁴ — R. Nahman b. Isaac replied: Where, for instance, the woman entered the bridal chamber but had no intercourse.⁴⁵ R. Nahman replied:⁴⁶ Like the blood of the arteries.⁴⁷

An objection was raised: It once happened that R. Meir attributed it⁴⁸

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- (1) I.e., whether blood of a colour other than those of the five enumerated is (a) absolutely clean or (b) only doubtfully so. Beth Hillel are in agreement with (a) and the first Tanna agrees with (b).
- (2) Cf. nn. on previous paragraph but one.
- (3) In the first clause of our Mishnah.
- (4) Cf. prev. n. but one mut. mut.
- (5) Lit., ‘descended’.
- (6) A yellow discharge.
- (7) As menstrual blood.
- (8) Being yellow (an unusual colour for blood) it might well be presumed to have originated from some source other than her body.
- (9) So that its origin is certain.
- (10) Of an actual discharge.
- (11) Despite the observation.
- (12) Because yellow is not the colour of blood; UNCLEANNES AS A BLOODSTAIN meaning: As other blood whose stain conveys uncleanness.
- (13) Which causes her to be definitely unclean.
- (14) Sc. in respect of conveying uncleanness to man or object that comes in contact with it.
- (15) Spittle, for instance.
- (16) Which, though they are no blood, convey uncleanness.
- (17) How, in view of this argument, could they maintain that a yellow discharge is clean in all circumstances?
- (18) A yellow discharge.
- (19) How then could R. Meir still maintain his view?
- (20) Cf. Lev. XI, 38.
- (21) Cf. supra n. 3.
- (22) Num. XXIII, 24, sc. blood on which life depends (cf. Pes. 16a).
- (23) That a yellow discharge renders seed susceptible to uncleanness.
- (24) V. Glos.
- (25) In respect of menstrual discharges.
- (26) Shelahayik (rt. **שלהי**) euphemism (cf. prev. n.).
- (27) Cant. IV, 13.
- (28) Wesholeah (rt. **שלהי**).

- (29) Job V, 10. Analogy between the two words of the same root: As the water referred to in Job renders seed susceptible to uncleanness so does a woman's discharge alluded to in Cant.
- (30) How can they maintain their view in opposition to the *gezera shawah*?
- (31) Which must be traditional if it is to be valid. As R. Meir drew the analogy on his own the Rabbis could well disregard it.
- (32) In the first clause of our Mishnah. Why then the repetition?
- (33) Cf. Ab. VI, 6.
- (34) The true colour of red. Cf. Yoma 56b.
- (35) During which the colours change.
- (36) To the question supra, what is meant by LIKE THE BLOOD OF A WOUND?
- (37) Heb. hai (fem. haiyah) may mean both 'live' and 'sound', 'healthy'.
- (38) Teku.
- (39) A woman who discovered a bloodstain.
- (40) Infra 58b.
- (41) Place name (cf. 'Er. 49a). Wardina or Barada on the eastern bank of the Tigris was two hours distance from the north of Bagdad (cf. 'Er. (Sonc. ed.) p. 340, n. 11). Aliter: 'The fragrant (werad = rose) Ammi' (cf. Rashi).
- (42) If either of them was afflicted with a wound. Infra 58b.
- (43) And the blood of his wound satisfies, therefore, all the conditions laid down by R. Abbahu.
- (44) Who must be a married man (cf. prev. n. mut. mut.).
- (45) So that the blood is in reality that of an unmarried man (cf. prev. n. but one).
- (46) To the question, supra, what is meant by 'LIKE THE BLOOD OF A WOUND'?
- (47) Hakazah, lit., 'blood letting'.
- (48) A stain.

Talmud - Mas. Nidah 20a

to collyrium¹ and Rabbi attributed it to the sap of a sycamore.² Now did not these cases³ deal with the question of red blood?⁴ — No; with that of other kinds of blood.

Amemar and Mar Zutra and R. Ashi once sat before a cupper,⁵ and when the first cupping-horn was taken off Amemar he saw it and said to the others, 'The red⁶ of which we have learnt⁷ is a shade like this'. When the second one was taken off from him, he said to them, 'This has a different shade'. 'One like myself', observed R. Ashi, 'Who does not know the difference between the one and the other must not act as an examiner of blood'.

'BLACK? LIKE THE SEDIMENT [OF INK]. Rabbah son of R. Huna stated: The HERETH⁸ of which the Rabbis spoke⁷ is ink. So it was also taught: Black⁹ is a colour like hereth and the 'black' of which the Rabbis spoke⁹ is the colour of ink. Then why was it not directly stated, 'Ink'? — If 'ink' had been stated, it might have been presumed to refer to the watery part of the ink,¹⁰ hence we were informed that the colour is like that of the sediment of the ink. The question was raised: Is the reference to liquid, or to dry ink? — Come and hear of [the practice of] R. Ammi who used to split a grain of dry ink and with its aid performed the necessary examination.

Rab Judah citing Samuel ruled: [If a woman's discharge has a colour] like that of black wax, black ink or a black grape she is unclean; and it is this that was meant by what we learnt: IF IT IS DARKER IT IS UNCLEAN.

R. Eleazar ruled: [A discharge that has a colour] like that of a black olive, pitch or a raven is clean; and it is this that was alluded to in what we have learnt: IF LIGHTER IT IS CLEAN.

'Ulla explained:¹¹ One like a Siwa¹² cloak. 'Ulla once visited Pumbeditha when he noticed an Arab merchant who was wearing a black cloak. 'The black of which we have learnt',¹³ he told them,

‘is a colour like this’. They pulled it off him in bits¹⁴ and paid him for it four hundred zuz.

R. Johanan explained:¹¹ [One of the colour of] those court¹⁵ clothes that are imported from courtiers beyond the sea. This then implies that such clothes are black, but did not R. Jannai address the following request to his sons: ‘My children, do not bury me either in black shrouds or white shrouds; "either in black", peradventure I may be worthy [of a place in paradise] and I would be like a mourner among bridegrooms;¹⁶ "or in white", peradventure I might not be worthy and would be like a bridegroom among mourners;¹⁷ but [bury me] only in court¹⁵ clothes that are imported from countries beyond the sea’, which clearly proves, does it not, that these are not black?¹⁸ — This is no difficulty, the latter¹⁹ referring to wrappers,²⁰ while the former²¹ refers to clothes worn²² at table.²³

Rab Judah citing Samuel ruled: And all these²⁴ must be tested only on a white strip of cloth. R. Isaac b. Abudemi ruled: But black blood may be tested on a red strip of cloth. R. Jeremiah of Difti observed: There is really no difference of opinion between them,²⁵ since the latter speaks only of black blood while the former refers to the other kinds of blood. R. Ashi demurred: If so, why did not Samuel say, ‘With the exception of black’? Rather, said R. Ashi, they²⁶ differ on the very question of black itself.

‘Ulla ruled: In the case of all these²⁷ if the discharge is darker²⁸ it is unclean and if it is lighter²⁸ it is clean, as is the case with black.²⁹ Then why did it mention only black? — As it might have been presumed that, since R. Hanina stated, ‘Black [blood] is really red blood that had deteriorated’, it should, therefore, be unclean even if it is lighter, hence we were informed [that IF LIGHTER IT IS CLEAN].

R. Ammi b. Abba ruled: In the case of all these²⁷ if the discharge is darker²⁸ it is unclean and if it is lighter it is also unclean, the only exception being black.³⁰ What then³¹ was the use of the standard shade laid down by the Rabbis? — To exclude³² one that was extremely faint.³³ There are others who read: Rami b. Abba ruled: In the case of all these³⁴ if the discharge is darker³⁵ it is clean and if it is lighter it is also clean, the only exception being black;³⁰ and it is in this case that the Rabbinical standard is of use.

Bar Kappara ruled: In the case of all these³⁴ if the discharge is darker it is unclean and if lighter it is clean, the exception being [the colour of] diluted wine in which a darker shade is clean and a lighter one is also clean. Bar Kappara was shown a lighter shade³⁶ and he declared it clean, and when he was shown a darker shade³⁶ he also declared it clean. ‘How great is the man’, exclaimed R. Hanina, ‘who in practice acts³⁷ in agreement with his view.

A COLOUR LIKE BRIGHT CROCUS. A Tanna taught: Fresh crocus and not dry one. One [Baraita] taught: Like the lower leaf³⁸ but not like the upper one, and another [Baraita] taught: Like the upper leaf but not like the lower one, while a third [Baraita] taught: Like the upper leaf and much more so like the lower one, and a fourth [Baraita] taught: Like the lower leaf and much more so like the upper one!³⁹ — Abaye replied: The crocus has three rows of leaves⁴⁰ and there are three leaves in each row; keep⁴¹ to the middle row⁴² and the middle leaf of that row.⁴³ When they came before R. Abbahu he told them: What we learnt [about the colour of the crocus refers to such as are still] attached to their clods.⁴⁴

OR LIKE EARTHY WATER. Our Rabbis taught: Like earthy water — one brings fertile soil from the valley of Beth Kerem over which he causes water to float; so R. Meir. R. Judah⁴⁵ said: From the valley of Jotapata.⁴⁶ R. Jose said: From the valley of Sikni.⁴⁷ R. Simeon said: Also from the valley of Gennesaret⁴⁸ and similar soil. Another [Baraita] taught: And like earthy water — one brings fertile soil from the valley of Beth Kerem and over it he causes water to float until it forms a layer as thin as the husk of garlic; and no quantity has been prescribed for the water since none has

been prescribed for the earth.⁴⁹ The water, furthermore, is not to be examined when it is clean but when turbid. If they become clear they must be stirred up again;⁵⁰ and when they are stirred one must not do it with the hand but with a vessel. The question was raised: [Does the expression,] 'One must not do it with the hand but with a vessel' mean that a man must not put it in his hand and stir it in it but that where it is in a vessel it is quite proper for him to stir it with his hand, or is it possible that the meaning is that one must not stir it with his hand⁵¹ but with an instrument?⁵² — Come and hear: When he examines it⁵³ he must do it in a cup only.⁵⁴ But does not the question yet remain: If the examination must be in a cup, wherewith must the stirring be done? — This is undecided.⁵⁵

When they came before Rabba b. Abbuha he told them: What we learnt [about the earth refers to such as is] in its own place.⁵⁶

R. Hanina used to break up a piece of potter's clay and thereby performed the examination. R. Ishmael son of R. Jose cursed with croup any other person who adopts such a method

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- (1) ** a reddish eyesalve, which the woman had handled that day.
 - (2) Infra 58b, Cf. prev. n. mut. mut.
 - (3) From which it follows that colours like that of collyrium or sycamore sap that are not intensely red are regarded as similar to that of menstrual blood.
 - (4) But, if so, how could the authorities (supra 19b) maintain that menstrual blood is intensely red like that, for instance, of a young unmarried man?
 - (5) For an operation of blood drawing with cupping horns.
 - (6) In respect of menstrual blood.
 - (7) In our Mishnah.
 - (8) Rendered in our Mishnah SEDIMENT OF INK.
 - (9) In respect of a woman's discharge.
 - (10) I.e., the upper part above the sediment. This is not so black as the lower part.
 - (11) The unclean black in our Mishnah.
 - (12) A place where dark clothes were manufactured. Aliter: Dirty-dark.
 - (13) In our Mishnah.
 - (14) To be preserved as models of the standard black.
 - (15) Aliter: bathing attendants.
 - (16) The righteous who are clad in white.
 - (17) The wicked in Gehenna.
 - (18) Is not this then contradictory to R. Johanan's view?
 - (19) Spoken of by R. Jannai.
 - (20) Which are red.
 - (21) R. Johanan's statement.
 - (22) Or 'cloths used'.
 - (23) Which are black.
 - (24) Five kinds of blood (v. our Mishnah).
 - (25) Samuel and R. Isaac b. Abudemi.
 - (26) Samuel and R. Isaac b. Abudemi.
 - (27) Five kinds of blood (v. our Mishnah).
 - (28) Than the standard shade.
 - (29) Concerning which the limitations are specifically laid down in our Mishnah.
 - (30) Which IF LIGHTER IT IS CLEAN.
 - (31) In the case of the colours other than black which, as has just been stated, not only a darker, but also a lighter shade is unclean.
 - (32) From uncleanness.
 - (33) Lit., 'lighter of lighter'. Such a shade is clean.
 - (34) Five kinds of blood (v. our Mishnah).

- (35) Than the standard shade.
- (36) Of a discharge of the colour of diluted wine.
- (37) So Maharsha. Cur. edd., 'whose heart'.
- (38) Of the crocus.
- (39) How are the four contradictory statements to be reconciled?
- (40) One below the other.
- (41) As the most correct standard for the blood test.
- (42) Which has the 'lower leaf' as compared with the top row (first Baraitha) and the 'upper leaf' as compared with the lowest row (second Baraitha). V. foll. n.
- (43) Though the other leaves in that row may also be taken as the standard. The middle leaf is the 'lower one' as compared with the one above it (third Baraitha) and the 'upper one' as compared with the one below it (fourth Baraitha).
- (44) Of earth. Their colour then is much brighter than that of the detached plant which may not be used as a standard.
- (45) So MS.M. and Elijah Wilna. Cur. edd., 'Akiba'.
- (46) A fortress in Galilee.
- (47) Or Siknin, on the north of Jotapata.
- (48) In Lower Galilee on the banks of the lake of the same name.
- (49) The more the earth the more the water and vice versa.
- (50) To mix up the earth with it.
- (51) Even when it is in a vessel.
- (52) The Heb. Keli may bear both significations.
- (53) The earthy water.
- (54) Which proves that no examination may be performed with the water and the earth in one's hand.
- (55) Teku (v. Glos.).
- (56) Exported earth changes its colour.

Talmud - Mas. Nidah 20b

for R. Hanina was wise enough;¹ all others are not so wise. R. Johanan remarked: The wisdom of R. Hanina caused me not to examine any blood, for when I declared any unclean he declared it clean and when I declared it clean he declared it unclean. R. Eleazar remarked: R. Hanina's modesty is the cause of my examining blood. [For I felt] if R. Hanina who was modest allowed himself to be involved in doubt and examined blood, should not I examine it? R. Zera remarked: The Babylonian coinage was the cause of my refusing to examine blood; for I thought: If I do not understand the coinage system would I understand the nature of blood? This then implies that capability to examine blood depends on an understanding of the coinage; but did not Rabbah in fact understand the coinage system and yet did not understand the qualities of blood? — He was really drawing an inference a minori ad majus: If Rabbah who understood the coinage system refused to examine blood, should I² examine it?

'Ulla once visited Pumbeditha³ and when some blood was brought to him for examination he refused to see it. If, he said, R. Eleazar who was the supreme authority in the Land of Israel⁴ refused to see blood whenever he visited the place of R. Judah, should I see it?⁵ And why was he described as the supreme authority in the Land of Israel? — Because a woman once brought some blood before R. Eleazar when R. Ammi sat in his presence. Having smelt it he⁶ told her, 'This is blood of lust'.⁷ After she went out R. Ammi joined her and she told him, 'My husband was away on a journey but I felt an intense longing for him'. Thereupon he⁸ applied to him⁶ the text, The counsel of the Lord is with them that fear Him.⁹

Ifra Hormiz,¹⁰ the mother of King Shapur, once sent some blood to Raba when R. Obadiah was sitting in his presence. Having smelt it he said to him, 'This is blood of lust'.⁷ 'Come and see', she remarked to her¹¹ son, 'how wise the Jews are'. 'It is quite possible', he replied, 'that he¹² hit upon it like a blind man on a window'. Thereupon she sent to him¹² sixty different kinds of blood and he

identified them all but the last one which was lice blood with which he was not acquainted. Luckily,¹³ however, he sent her¹⁴ a comb that exterminates lice. 'O, you Jews', she exclaimed, you seem to live in the inner chamber of one's heart'.¹⁵

Rab Judah stated: 'At first I used to examine blood, but since the mother of my son Isaac told me, "We do not bring the first drop to the Rabbis because it is dirty", I refuse to see it.¹⁶ [An examination, however, for the purpose of distinguishing] between the blood of uncleanness and cleanness¹⁷ I certainly do perform'.¹⁸

Yaltha¹⁹ once brought some blood to Rabbah b. Bar Hana who informed her that it was unclean. She then took it to R. Isaac the son of Rab Judah who told her that it was clean. But how could he act in this manner, seeing that it was taught: If a Sage declared [aught] unclean another Sage²⁰ may not declare it clean; if he forbade anything his colleague may not permit it?²¹ — At first he²² informed her indeed that it was unclean,²³ but when she told him that on every other occasion he²⁴ declared such blood as clean, but that on the last occasion he had a pain in his eye, he gave her his ruling that it was clean. But are women believed in such circumstances? — Yes, and so it was also taught: A woman²⁵ is believed when she says, 'I saw a kind of blood like this one²⁶ but I have lost it.'²⁷

The question was raised: What is the law [where a woman says], A kind of blood like this²⁸ has been declared clean by such and such a Sage?²⁹ — Come and hear: A woman²⁵ is believed when she says, 'I saw a kind of blood like this one²⁶ but I have lost it.'³⁰ But is not that case³¹ different, since the blood is not available?³² — Come and hear the case of Yaltha: She once brought some blood to Rabbah b. Bar Hana who informed her that it was unclean. She then took it³³ to R. Isaac the son of Rab Judah who told her that it was clean. But how could he act in this manner, seeing that it was taught: If a Sage declared [a person or an article] unclean no other Sage³⁴ may declare it clean etc. And we explained that at first he²² informed her indeed that it was unclean, but when she told him that on every other occasion he²⁴ declared such blood as clean but that on that day he had a pain in his eye, he changed his view and gave her his ruling that it was clean.³⁵ Now this proves quite clearly, does it not, that a woman is believed? — R. Isaac b. Judah may have relied on his own traditions and experience.³⁶

Rabbi once examined some blood at night and declared it unclean but when he examined it in the day time he declared it clean. Then he waited a while and again declared it unclean. 'Woe to me', he said, 'I may have made a mistake'.³⁷ 'I may have made a mistake'! Has he not in fact made a mistake, seeing that it was taught: A Sage must not say,³⁸ 'If it had been moist it would undoubtedly have been unclean'; he must rather say, 'The judge must be guided only by what his eyes see'? — At first³⁹ he presumed it to be definitely unclean, but when he observed in the morning that its colour had changed⁴⁰ he said⁴¹ that it was undoubtedly clean but that at night it could not be seen properly. When, however, he observed that the colour had changed again⁴² he said, 'It must be unclean blood but the colour is steadily fading away.

Rabbi examined blood in the light of a lamp. R. Ishmael son of R. Joseph⁴³ examined it even on a cloudy day between the pillars.⁴⁴ R. Ammi b. Samuel ruled: All kinds of blood must be examined only between the sunshine and the shade. R. Nahman citing Rabbah b. Abbuha ruled: The examination may be performed in the sunshine under the shadow of one's hand.⁴⁵ 'ONE LIKE DILUTED WINE'? TWO PARTS etc. A Tanna taught:

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- (1) And was, therefore, capable of using the method.
 - (2) Who do not understand the coinage system.
 - (3) Which was under the jurisdiction of Rab Judah (cf. Sanh. 17b).
 - (4) V. Git. 19b.
 - (5) Cf. prev. n.

- (6) R. Eleazar.
 (7) A discharge due to sexual desire.
 (8) R. Ammi.
 (9) Ps. XXV, 14.
 (10) A gentile woman who observed some of the Jewish ritual (cf. also Zeb. 116b).
 (11) So Emden, Cur. edd. 'his'.
 (12) Raba.
 (13) Lit., 'the matter came to assistance'.
 (14) As a gift.
 (15) Nothing is hidden from them.
 (16) Because the colour changes and though the second drop may be one of clean blood it could not establish a woman's cleanness if the first drop, which she did not present for examination, was one of unclean blood.
 (17) At the end of the period of cleanness after a childbirth which is the fortieth day for a male and the eightieth for a female (cf. Lev. XII, 1-5).
 (18) The blood in such circumstances being free from dirt a woman submits for examination the first drop she sees.
 (19) R. Nahman's wife.
 (20) Lit., 'his colleague'.
 (21) Hul. 44b.
 (22) R. Isaac.
 (23) Out of respect for Rabbah b. Bar Hana (v. infra).
 (24) Rabbah.
 (25) Who does not submit the original blood.
 (26) Which she produces.
 (27) And if the blood she submits is clean she may be declared clean.
 (28) Which a friend of hers showed her.
 (29) May her judgment, it is asked, on the exact similarity of the two kinds be relied upon by her friend or not.
 (30) Which proves that a woman's judgment in such cases (cf. prev. n.) is relied upon.
 (31) Just cited.
 (32) Lit., 'it is not before her'.
 (33) So Bah. Cur. edd. omit the last four words.
 (34) Lit., 'his colleagues'.
 (35) Supra.
 (36) Not on Yaltha's evidence. The reason why he at first declared the blood as unclean was merely to show his respect to Rabbah b. Bar Hana.
 (37) In finally declaring the blood unclean, since the colour now was of a clean kind.
 (38) When examining a dry stain.
 (39) At the night examination.
 (40) It assumed a lighter shade.
 (41) So Emden. Cur. edd. in parenthesis 'to him'.
 (42) To a still lighter shade,
 (43) MS.M. 'Jose'.
 (44) Of the schoolhouse where the light was never too bright.
 (45) Held between the sun and the object.

Talmud - Mas. Nidah 21a

Sharon wine¹ [diluted] is regarded² as the Carmel wine in its natural undiluted state when it is new.³ R. Isaac b. Abudemi ruled: All these⁴ must be examined only in a plain Tiberian cup.⁵ What is the reason? — Abaye replied: Generally⁶ a cup that contains a log is made of a maneh⁷ and one that contains two log is made of two hundred zuz, but the plain Tiberian cup, even if it contains two log, is made of one maneh, and since it is so thin [the colour of the wine can] be recognized better [than in any other kind of cup].

CHAPTER III

MISHNAH. IF A WOMAN ABORTED A SHAPELESS OBJECT,⁸ IF THERE WAS BLOOD WITH IT, SHE IS UNCLEAR,⁹ OTHERWISE SHE IS CLEAN¹⁰ . R. JUDAH RULED: IN EITHER CASE SHE IS UNCLEAR.¹¹

IF A WOMAN ABORTED AN OBJECT THAT WAS LIKE A RIND, LIKE A HAIR, LIKE EARTH, LIKE RED FLIES, LET HER PUT IT IN WATER AND IF IT DISSOLVES¹² SHE IS UNCLEAR,⁹ BUT IF IT DOES NOT SHE IS CLEAN.¹³

IF AN ABORTION WAS IN THE SHAPE OF FISHES, LOCUSTS, OR ANY FORBIDDEN ANIMALS OR CREEPING THINGS, IF THERE WAS BLOOD WITH THEM SHE IS UNCLEAR,⁹ OTHERWISE SHE IS CLEAN.¹³

IF AN ABORTION HAD THE SHAPE OF A BEAST, A WILD ANIMAL OR A BIRD, WHETHER CLEAN OR UNCLEAR,¹⁴ IF IT WAS A MALE SHE MUST CONTINUE [IN UNCLEANNESS AND SUBSEQUENT CLEANNESS FOR THE PERIODS PRESCRIBED] FOR A MALE,¹⁵ AND IF IT WAS A FEMALE SHE MUST CONTINUE [IN UNCLEANNESS AND SUBSEQUENT CLEANNESS FOR THE PERIODS PRESCRIBED] FOR A FEMALE,¹⁶ BUT IF THE SEX IS UNKNOWN SHE MUST CONTINUE [IN UNCLEANNESS AND SUBSEQUENT CLEANNESS FOR THE PERIODS PRESCRIBED] FOR BOTH MALE AND FEMALE;¹⁷ SO R. MEIR. THE SAGES, HOWEVER, RULED: ANYTHING THAT HAS NOT THE SHAPE OF A HUMAN BEING CANNOT BE REGARDED AS A HUMAN CHILD.

GEMARA. Rab Judah citing Samuel stated: R. Judah declared the woman¹⁸ unclean only where the object had the colour of one of the four kinds of blood,¹⁹ but if it had that of any of the other kinds of blood²⁰ she is clean.²¹ R. Johanan, however, stated: [If the object had the colour] of one of the four kinds of blood²² all²³ agree that the woman is unclean and if it had the colour of any of the other kinds of blood all²⁴ agree that she is clean; they²⁵ differ only in the case where she aborted something and she does not know what she aborted.²⁶ [In such a case.] R. Judah holds, one must be guided by the nature of most of shapeless objects, and most shapeless objects have the colour of one of the four kinds of blood, while the Rabbis hold that we do not say, 'most shapeless objects have the colour of one of the four kinds of blood'. But is this correct?²⁷ Surely when R. Hoshia arrived from Nehardea he came [to the schoolhouse] and brought with him a Baraita: If a woman aborted a shapeless object that was red, black, green or white,²⁸ if there was blood with it, she is unclean, otherwise she is clean. R. Judah ruled: In either case she is unclean. Now does not this present a difficulty against Samuel in one respect and against R. Johanan in two respects? 'Against Samuel in one respect, since Samuel stated, 'R. Judah declared the woman unclean only where the shapeless object had the colour of one of the four kinds of blood' whereas here 'green and white'²⁹ were mentioned and R. Judah nevertheless disagrees.³⁰ And were you to reply that R. Judah differs only in respect of red and black but not in that of green or white [the question would arise:] For whose benefit then was green and white mentioned? If it be suggested: For that of the Rabbis,³¹ [it could be retorted:] Since the Rabbis declared the woman clean even in the case of red and black blood,³² was it any longer necessary to state that the same law applies also to green and white?²⁹ Must it not then be conceded that these³³ were mentioned for the benefit of R. Judah³⁴ who, it thus follows, does differ.³⁵ Furthermore, according to R. Johanan³⁶ who also stated, '[If it had the colour] of one of the four kinds of blood all agree that she is unclean', [the additional difficulty arises:] Were not red and black also mentioned and the Rabbis nevertheless differ.³⁷ And should you reply that the Rabbis differ only in regard to green and white but not in that of red and black [the difficulty would arise:] For whose benefit, then, were red and black mentioned? If it be suggested: For that of R. Judah [it could be retorted:] Since green and white are regarded as unclean, was it at all necessary to mention

red and black? Must it not then be conceded that these were mentioned for the benefit of the Rabbis who, it follows, do differ?³⁷ — Rather, explained R. Nahman b. Isaac: The point at issue between them³⁸ is the question whether it is possible for the uterus³⁹ to open⁴⁰ without bleeding.⁴¹ They³⁸ thus differ on the same principle as that on which the following Tannas differ. For it was taught: If a woman was in hard labour for two days⁴² and on the third she aborted and⁴³ does not know what she had aborted⁴⁴

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- (1) Composed of one part of wine and two parts of water (cf. our Mishnah).
 - (2) In respect of its colour.
 - (3) Lit., 'new and not old'. According to an interpretation of Maimonides and Semag (cf. Maharsha) the Sharon wine, when used in an examination of blood, must first be new and undiluted and then mixed expressly for the purpose of the examination with two parts of water.
 - (4) Kinds of wine.
 - (5) Which is made of thin and transparent glass.
 - (6) Lit., 'of all the world'.
 - (7) The weight of one hundred zuz.
 - (8) Lit., 'piece'.
 - (9) As a menstruant.
 - (10) Because, in the absence of blood, she cannot be regarded as a menstruant, and, since a shapeless object is no proper birth, she cannot be regarded as a woman in childbirth.
 - (11) This is explained in the Gemara infra.
 - (12) Into liquid blood.
 - (13) Cf. supra n. 3 mut. mut.
 - (14) Cf. Lev. XI.
 - (15) Cf. Lev. XII, 2-4.
 - (16) Cf. ibid. 5.
 - (17) Sc. she is subject to the restrictions of both: The period of her uncleanness is fourteen days (as for a female) and not seven (as for a male) while the subsequent period of her cleanness terminates on the fortieth day (as for a male) and not on the eightieth (as for a female).
 - (18) Who ABORTED A SHAPELESS OBJECT.
 - (19) Described in the Mishnah supra 19a as unclean. (Black and red which in the Mishnah are regarded as two different colours and, therefore, bring the total number of unclean colours to five, are here regarded as one colour since the former is but a deterioration of the latter). R. Judah holds that the shapeless object is but a piece of clotted blood. Hence, if its colour is that of unclean blood, the woman, though not in childbirth, must be deemed unclean as a menstruant.
 - (20) White or green, for instance.
 - (21) Since she is neither in childbirth nor a menstruant.
 - (22) Cf. supra n. 2.
 - (23) Even the Rabbis.
 - (24) Even R. Judah.
 - (25) The Rabbis and R. Judah (cf. prev. two nn.).
 - (26) The object having been lost.
 - (27) Lit., 'I am not'.
 - (28) The first two are of the unclean colours while the last two are among the clean ones (cf. supra 19a).
 - (29) Which are not of the four unclean kinds.
 - (30) With the Rabbis, maintaining that the woman is unclean.
 - (31) I.e., to indicate that the Rabbis regard the woman in such cases as clean.
 - (32) Which are among the four unclean colours.
 - (33) Green and white.
 - (34) Viz., that even with such colours R. Judah regards the woman as unclean.
 - (35) From the Rabbis. How then could Samuel maintain that in such cases R. Judah regards the woman as clean?
 - (36) Against whom, since he stated that in the case of the other kinds of blood 'all agree that she is clean', the difficulty just pointed out against Samuel equally applies.

(37) From R. Judah and declare it clean.

(38) R. Judah and the Rabbis.

(39) Lit., 'grave'.

(40) When an embryo or any other object passes out.

(41) Blood of labour. Both R. Judah and the Rabbis regard the shapeless object as a piece of flesh, and not as a mass of congealed blood. Hence whatever its colour the woman cannot be regarded as a menstruant. R. Judah, however, maintains that the uterus never opens without some bleeding though this may sometimes escape observation. The woman is, therefore, unclean on account of the inevitable discharge of the blood of labour even though the object was green or white and no blood whatsoever had been observed. The Rabbis, on the other hand, maintain that the uterus sometimes opens without any accompanying bleeding and the woman is, therefore, clean whenever no discharge is observed.

(42) Within the eleven days' period intervening between the menstrual periods.

(43) Besides being uncertain whether the abortion was accompanied by bleeding.

(44) Sc. whether it was an embryo or a mere lump of flesh.

Talmud - Mas. Nidah 21b

her case is one of doubtful childbirth and doubtful zibah, and¹ she must, therefore, bring a sacrifice² which may not be eaten.³ R. Joshua ruled: She must bring a sacrifice and it may be eaten, since it is impossible for the uterus to open without some bleeding.⁴

Another version reads as follows. Rab Judah citing Samuel stated: R. Judah declared the woman unclean only where the object had the colour of one of the four kinds of blood, but if it had that of any of the other kinds of blood she is clean. But is this correct? Surely when R. Hoshia arrived from Nehardea he came [to the schoolhouse] and brought with him a Baraitha: If a woman aborted a shapeless object that was red, black, green or white, if there was blood with it, she is unclean, otherwise she is clean; but R. Judah ruled: In either case she is unclean. Now here red, black, green and white were mentioned and R. Judah nevertheless disagrees.⁵ And should you reply that R. Judah differs only in respect of red and black but not in that of green and white [the question would arise]: For⁶ whose benefit then was green and white mentioned? If it be suggested: For that of the Rabbis [it could be retorted]: Since the Rabbis declared the woman clean even in the case of red and black blood, was it any longer necessary to state that the same law applies also to green and white? Must it not then be conceded that these were mentioned for the benefit of R. Judah who,⁷ it thus follows, does differ?⁸ — Rather, said R. Johanan,⁹ the point at issue between them is the question whether it is possible for the uterus to open without bleeding.⁵ They thus differ on the same principle as that on which the following Tannas differ. For it was taught: If a woman was in hard labour for two days and on the third she aborted and she does not know what she had aborted, her case is one of doubtful childbirth and doubtful zibah, and she must, therefore, bring a sacrifice which may not be eaten. R. Joshua ruled: She must bring a sacrifice, and it may be eaten, since it is impossible for the uterus to open without some bleeding.⁵

Our Rabbis taught: If a woman aborted a shapeless object. Symmachus ruled in the name of R. Meir, and R. Simeon b. Menasia likewise gave the same ruling: It must be split, and if there was blood in it the woman is unclean and if there is none in it she is clean. This is in agreement with the Rabbis but also more restrictive than the ruling of the Rabbis. It is 'in agreement with the Rabbis' who ruled that it was possible for the uterus to open without bleeding; but it is 'also more restrictive than the ruling of the Rabbis', since they hold that only where the blood was with it¹⁰ is the woman unclean¹¹ but not where it was only within it,¹² while Symmachus holds that [the woman is unclean] even if the blood was only within it.¹² Another [Baraitha] taught: If a woman aborted a shapeless object. R. Aha ruled: It must be split, and if its interior shows red,¹³ the woman is unclean, otherwise she is clean. This is in agreement with Symmachus,¹⁴ but also more restrictive than the ruling of Symmachus.¹⁵ Again another [Baraitha] taught: If a woman aborted a shapeless object, R. Benjamin ruled: It must be split, and if there was a bone in it, its mother is unclean by reason of childbirth.¹⁶ R.

Hisda explained: This applies only to a white object.¹⁷ So also when a pair [of scholars]¹⁸ from Adiabene arrived they came [into the schoolhouse] and brought with them the following Baraita: If a woman aborted a white shapeless object it must be split and if there was a bone in it the mother is unclean by reason of childbirth.¹⁶

R. Johanan citing R. Simeon b. Yohai ruled: If a woman aborted a shapeless object it must be split, and if it contained a quantity of accumulated blood she is unclean, otherwise¹⁹ she is clean. This is in agreement with Symmachus²⁰ but is also the most lenient of all the previous rulings.²¹

R. Jeremiah enquired of R. Zera: What is the ruling where a woman observed a discharge of blood in a tube?²² Since the All Merciful has said, In her flesh²³ He implied: But not in a tube,²⁴ or is it possible that the text, 'In her flesh', was required for the deduction that it²⁵ causes uncleanness within²⁶ as well as without?²⁷ — The other replied: The All Merciful said, In her flesh²³ implying: But not in a tube; for if the expression 'In her flesh' had been required for the deduction that it²⁵ causes uncleanness within as well as without, Scripture should have said, Her flesh,²⁸ why then did it say, 'In her flesh'? Both rulings may, therefore, be deduced. But did not R. Johanan rule in the name of R. Simeon b. Yohai: If a woman aborted a shapeless object it must be split, and if there was in it a quantity of accumulated blood she is unclean, otherwise she is clean?²⁹ — What a comparison!³⁰ In that case it is usual for a woman to observe blood in a shapeless abortion,³¹ but in this case it is not usual for a woman to observe blood in a tube.³²

May it be suggested that the question of blood in a tube is a point at issue between Tanna? For it was taught: If a woman aborted a shapeless object, even though it is full of blood, it is only where there was a discharge of blood with it³³ that the woman is unclean; otherwise she is clean. R. Eliezer ruled: 'In her flesh'²³ implies: But not [where the blood was] within a sac or within any shapeless abortion. (Is not R. Eliezer's ruling identical with that of the first Tanna?³⁴ — Read: For R. Eliezer ruled, 'In her flesh' implies: But not [where the blood was] within a sac or within any shapeless abortion). But the Sages ruled: This is not menstrual blood but the blood of a shapeless object.³⁵ Now does not the first Tanna also declare her clean?³⁶ But the fact is that the difference between them is the case where the abortion was chapped. The first Tanna is of the opinion that 'In her flesh' implies: But not [where the blood was] in a sac or in a shapeless object,³⁷ and the same applies also to a tube.³⁷ This, however, holds good only where it³⁸ was smooth,³⁹ but if it was chapped⁴⁰ the woman is unclean. What is his reason? It may be described as 'In her flesh'.⁴¹ Thereupon the Rabbis came to declare: Although it³⁸ was chapped [the woman is clean since] the discharge is not menstrual but that of the shapeless object.⁴² Menstrual blood, however, is undoubtedly a cause of uncleanness⁴³ even if it was in a tube!⁴⁴ — Abaye replied: As regards a tube all⁴⁵ agree that the woman is clean,⁴⁶

(1) Since it is not known whether (a) the abortion was an embryo in consequence of which, whether there was bleeding or not, she is to bring the sacrifice prescribed for a woman in childbirth; or (b) a mere lump of flesh, in which case, if there was no bleeding, no such sacrifice is due; or (c) there was a discharge of blood with (b) in which case (being that of a discharge on three consecutive days) she must bring the sacrifice prescribed for zibah.

(2) To provide (cf. prev. n.) against the possibility of (a) or (c).

(3) Since it is possible, as explained in note 3(b). that she is neither in the position of one in childbirth nor in that of one in zibah, in consequence of which she is not liable to either sacrifice, and the bird that she brought as a sin-offering, having had its head pinched off in accordance with the ritual prescribed for such a sacrifice, is (owing to the possibility that it is no sacrifice at all and that it is, therefore, subject to the rules of slaughter appertaining to unconsecrated animals) thus forbidden to be eaten as the flesh of nebelah.

(4) So that a sacrifice is due in either case: If she gave birth to an embryo she has to bring the sacrifice prescribed for one in childbirth, and if she merely aborted a lump of flesh, since this was inevitably accompanied by bleeding, she (cf. supra n. 4) is regarded as a zabah and is liable to bring the one prescribed for zibah.

(5) Cf. notes on prev. version.

- (6) Cf. Bah.
- (7) Since he ruled, 'In either case she is unclean'.
- (8) From the Rabbis who declared the woman clean. How then could Samuel maintain that 'if it had that of any of the other kinds of blood she is clean'?
- (9) Cf. Rashal. Cur. edd. in parenthesis, 'Rab Judah'.
- (10) Externally, sc. the passing out of the abortion was accompanied by bleeding.
- (11) Lit., 'yes'.
- (12) The object.
- (13) Though it contained no collected blood
- (14) Who laid down supra that blood in the interior of the object causes the same uncleanness as external blood that was discharged with it.
- (15) He required accumulated blood while here mere redness is regarded as a cause of uncleanness.
- (16) And she is subject to the restrictions of the laws of the prescribed days of both uncleanness and cleanness. Her period of uncleanness extends over fourteen days (prescribed for the birth of a female, and not seven as for a male) while her period of cleanness terminates on the fortieth day (prescribed for a male and not on the eightieth prescribed for a female).
- (17) Which is regarded as a kind of flesh.
- (18) Zuga. Var. lec. 'Zuza' and 'Zuwa'. (prop. noun).
- (19) Sc. if the blood is not accumulated in a considerable quantity.
- (20) Who ruled that blood in the interior is a cause of menstrual uncleanness as external blood.
- (21) Since according to it blood that is not accumulated (contrary to Symmachus) and a red interior (contrary to R. Aha) are no causes of uncleanness.
- (22) That was inserted in the uterus.
- (23) Lev. XV, 19, dealing with the menstruant.
- (24) The woman is consequently clean.
- (25) Menstrual blood.
- (26) In the vagina after it had left the uterus.
- (27) Sc. when it had completely left the body. In the case of zibah and the emission of semen there can be no uncleanness before the discharge had left the body.
- (28) V. marg. gl. Cur. edd. in parenthesis 'in flesh'.
- (29) Supra. Now if the blood in the abortion causes uncleanness why should not also blood in a tube?
- (30) Lit., 'thus, now'.
- (31) It comes, therefore, under the description 'in her flesh'; hence the woman's uncleanness.
- (32) Hence R. Zera's ruling that the woman is clean.
- (33) When it passed out.
- (34) Obviously it is. Why then should R. Eliezer merely repeat another authority's statement?
- (35) The woman is consequently clean.
- (36) Cf. prev. n. What then is the difference between their respective views?
- (37) Since in these cases there is an interposition between the woman's body ('her flesh') and the blood.
- (38) The abortion.
- (39) So that all the blood within it is completely separated from the woman's body.
- (40) In consequence of which some of the blood and the woman's body come in direct contact.
- (41) It being a Pentateuchal ordinance that when the blood was in direct contact with the woman's body uncleanness is caused.
- (42) As it is not menstrual at all it matters little whether it did, or did not come in contact with the body of the woman who, consequently, is in either case regarded as clean.
- (43) Since the discharge came from the uterus.
- (44) It thus follows that R. Zera's view is that of the first Tanna while the Rabbis opposed this view. Is it likely, however, that R. Zera adopted the view of the first Tanna, an individual, when it was opposed by the Rabbis who were in the majority?
- (45) Even the Rabbis.
- (46) Since the Scriptural text 'In her flesh' cannot be applied to it (Rashal).

Talmud - Mas. Nidah 22a

and they only differ in the case of a shapeless object.¹ One Master² holds that it is usual for a woman to observe blood in a shapeless object³ and the Masters⁴ hold that it is not usual for a woman to observe blood in such an object.⁵ Raba replied that all⁶ agreed that it is not usual for a woman to observe blood in a shapeless object, but it is on the question whether the woman is clean⁷ and the interior of the uterus is unclean⁸ that they differ, R. Eliezer being of the opinion that though the woman is clean⁹ the blood is unclean since it comes through the uterus,¹⁰ while the Rabbis hold the opinion that the woman is clean and the interior of the uterus is also clean.¹¹

Rabba required of R. Huna: What is the ruling where one observed semen on a splinter?¹² Did the Divine Law say, From him¹³ to indicate that the man is unclean only when it¹⁴ issued naturally from his body but not when it was brought out by means of a splinter, or is it possible that the expression 'from him' implies [that the man is unclean] only when his uncleanness¹² has come out of his body, in which case [he is unclean] even though that was effected by means of a splinter? — The other replied: You can infer the ruling [from the fact] that the man himself¹⁵ becomes unclean only when the quantity of semen emitted suffices to close up the orifice of the membrum.¹⁶ This then¹⁷ implies that the man¹⁸ is regarded as having touched the semen.¹⁹ But, then, this²⁰ should not cause [the counting of the clean days] after a zibah to be void.²¹ Why then was it taught: This is the law of him that hath an issue,²² and of him from whom the flow of seed²³ goeth out,²⁴ as zibah²⁵ causes [the counting of the clean days] to be void²⁶ so does semen? — The other replied: As regards counting again, this is the reason why the previous counting is void: because it is impossible for semen to be emitted²⁷ without an admixture of some particles of zibah.²⁸ Now then,²⁹ this should cause the counting of all the seven days³⁰ to be void,³¹ why then was it taught: 'This is the law of him that hath an issue etc.', as zibah causes the clean days to be counted again so does semen? But in case you should assume that as zibah causes the counting of all the seven days³⁰ to be void so does semen also, it was expressly stated, So that he is unclean thereby;²⁴ you can apply to it³² only that which had been said about it,³³ hence it causes the counting of one day only to be void?³⁴ — The other³⁵ replied: It is a decree of Scripture that an absolute zibah in which no semen is mixed causes the counting of all seven days to be void, but particles of zibah in which semen is mixed cause only the counting of one day³⁶ to be void.

R. Jose son of R. Hanina enquired of R. Eleazar: What is the ruling in the case of dry blood?³⁷ Did the Divine Law say, Have an issue³⁸ of her blood³⁹ to indicate that it must be actually flowing,⁴⁰ hence it refers only to fluid blood but not to dry, or is it possible that the expression, 'have all issue of her blood'⁴¹ was used merely because blood usually flows, but the same law in fact applies to dry blood also? — The other replied: You have learnt it: The blood of a menstruant and the flesh of a corpse convey uncleanness when fresh or when dry.⁴² Said he [R. Jose] to him, 'Where the blood was first fresh and then it dried up, I have no question to ask; my question arises only where it was originally dry'.⁴³ 'This also', the other replied, 'you have learnt: IF A WOMAN ABORTED AN OBJECT THAT WAS LIKE A RIND, LIKE A HAIR, LIKE EARTH, LIKE RED FLIES, LET HER PUT IT IN WATER

(1) That was chapped.

(2) The first Tanna.

(3) The woman is, therefore, unclean. Only when the abortion is smooth, and the blood contained within it does not come in contact with the woman's body, the text, 'In her flesh' cannot, be applied to it.

(4) The Rabbis.

(5) And if she does observe any it is no menstrual blood and she consequently remains clean.

(6) Even the first Tanna.

(7) Because the blood was not menstrual.

- (8) And so conveys uncleanness to any blood that passes through it.
- (9) Because the blood was not menstrual.
- (10) Cf. prev. n. The blood consequently conveys uncleanness to any object with which it comes in contact and also to the woman herself to the extent that her uncleanness lasts until sunset.
- (11) So that the blood remains clean even after it had passed through the uterus.
- (12) After it had been inserted into the membrum.
- (13) And if any man's seed of copulation go out from him (A.V. Lev. XV, 16).
- (14) The semen.
- (15) Even where there was a natural discharge of semen.
- (16) Since the splinter used is inevitably smaller than the orifice, the quantity of semen extracted by it must obviously be less than the prescribed minimum.
- (17) Since (as in the case of nebelah for instance) a minimum has been prescribed, below which semen conveys no uncleanness.
- (18) Who is deemed unclean on account of the semen.
- (19) Had the uncleanness been conveyed to him on account of his observation of it, no minimum would have been prescribed, as none was prescribed for menstrual blood (a case of uncleanness through observation) and where the smallest drop of blood suffices to cause uncleanness.
- (20) The man's contact (cf. prev. nn.) with the semen, as his contact with a dead creeping thing, for instance, whose uncleanness also is conveyed through contact.
- (21) As is the case where there was such contact with a dead creeping thing.
- (22) Sc. zibah.
- (23) Semen.
- (24) Lev. XV, 32.
- (25) That occurs during the counting of the seven clean days after the termination of a previous zibah.
- (26) And, before ritual cleanness is attained seven clean days must be counted again.
- (27) During the days following a period of zibah.
- (28) It is the zibah, and not the semen, that causes the necessity for a new counting of the seven clean days.
- (29) Since (cf. prev. n.) the zibah is the cause.
- (30) If the discharge was discovered on the seventh day.
- (31) As is the case with a discharge of zibah.
- (32) Semen, which causes uncleanness for one day only.
- (33) Sc. (cf. prev. n.) it cannot be expected to cause a recount of seven days when it never causes uncleanness for more than one day.
- (34) How then could R. Huna maintain that zibah is the cause of the recount?
- (35) R. Huna.
- (36) The last, on which it was discovered.
- (37) Sc. does it, or does it not convey uncleanness?
- (38) Lit., 'will flow a flowing' (v. infra).
- (39) Lev. XV, 25.
- (40) Cf. prev. n. but one.
- (41) Lev. XV, 25.
- (42) Infra 54b.
- (43) Sc. the abortion was a piece of dry blood.

Talmud - Mas. Nidah 22b

AND IF IT DISSOLVES SHE IS UNCLEAN.¹ But if so,² [should not uncleanness be caused] even if the object was not dissolved? — Rabbah replied: If it is not dissolved it is an independent creature.³ But is there such a phenomenon?⁴ Yes; and so it was taught: R. Eleazar son of R. Zadok stated, A report of the following two incidents was brought up by my father from Tib'in⁵ to Jamnia. It once happened that a woman was aborting objects like pieces of red rind and the people came and asked my father, and my father asked the Sages, and the Sages asked the physicians who explained

to them that that woman had an internal sore [the crust] of which she cast out in the shape of the pieces of red rind. [It was ruled that] she should put them in water and if they dissolved she should be declared unclean. And yet another incident occurred when a woman was aborting objects like red hairs, and she came and asked my father, and my father asked the Sages, and the Sages asked the physicians who explained to them that the woman had a wart⁶ in her internal organs and that that was the cause of her aborting objects like red hairs.⁷

LET⁸ HER PUT IT IN WATER AND IF IT DISSOLVES SHE IS UNCLEAN. Resh Lakish ruled: And [this must be done] with lukewarm water.⁹ So it was also taught: Let her put it in water, viz., in lukewarm water. R. Simeon b. Gamaliel ruled: She [must attempt to] crush it with spittle on her nail. What is the practical difference between them?¹⁰ — Rabina replied: The practical difference between them is [an abortion that can be] crushed by the exercise of pressure.¹¹

Elsewhere we have learnt: How long must they¹² be soaked in the lukewarm water?¹³ Twenty-four hours.¹⁴ Now in this case,¹⁵ what length of time is required? Do we require a period of twenty-four hours or not?¹⁶ Is it only in regard to a creeping thing and carrion, which are tough, that a twenty-four hours' soaking is required but not in that of blood, which is soft, or is it possible that there is no difference? — This is undecided.¹⁷

IF AN ABORTION WAS IN THE SHAPE OF FISHES. But why does not R. Judah¹⁸ disagree¹⁹ in this case also?²⁰ — Resh Lakish replied: This²¹ was indeed learnt as a controversial ruling,²² and it²¹ represents only the opinion of the Rabbis. R. Johanan, however, replied: It²³ may even be said to agree with R. Judah,²⁴ for R. Judah gave his ruling²⁵ only there, in the case of a SHAPELESS OBJECT, since it is the nature of blood to congeal and to assume the form of a shapeless object,²⁶ but [not here,²⁷ since] it²⁸ can never assume the form of a creature.²⁹ According, however, to that version in which R. Johanan stated that 'the point at issue between them is the question whether it is possible for the uterus to open without bleedings',³⁰ should not R. Judah³¹ have disagreed in this case also? — He who learnt that version³² reads here: Both R. Johanan and Resh Lakish replied: This³³ was learnt as a controversial ruling,³⁴ and it³³ represents only the view of the Rabbis.

IF AN ABORTION HAD THE SHAPE OF A BEAST etc. Rab Judah citing Samuel stated: What is the reason of R. Meir? Since in their case³⁵ an expression of forming³⁶ is used as in that of man.³⁷ Now then, if an abortion was in the likeness of a sea-monster³⁸ would its mother be unclean by reason of child-birth, since an expression of forming was used in its case as in that of man, it having been said, And God created³⁹ the great sea-monsters?⁴⁰ — I can answer: An expression of forming⁴¹ may be deduced from another expression of forming⁴² but one of creating⁴³ may not be deduced from one of forming.⁴⁴ But where lies the practical difference between the two expressions? Surely the School of R. Ishmael taught: And the priest shall return,⁴⁵ and the priest shall come,⁴⁶ 'returning' and 'coming' are the same thing!⁴⁷ Furthermore, why should not one expression of 'creating'⁴³ be deduced from another expression of 'creating', it being written, And God created man in His own image?⁴⁸ — I can answer: 'And . . . created'⁴⁸ is required for its own context while 'and . . . formed' is available for deduction, hence it is that the expression of 'forming'⁴⁹ may be deduced from the similar one of 'forming'.⁴⁴ On the contrary [might it not be submitted that] 'And... formed'⁴⁴ was required for its own context while 'and . . . created'⁴⁸ is available for deduction, hence the expression of 'creating'⁴³ may be deduced from 'creating'?⁴⁸ — The fact is that the expression 'And . . . formed' is available for deduction on the two sides: It is available in the case of man⁵⁰ and it is also available in that of beast;⁵¹ but the expression of 'And . . . created' is available for deduction only in the case of man⁵² but it is not available for the purpose in that of sea-monsters.⁵³ But why is it⁵⁴ regarded available for deduction in the case of beast? If it be suggested because it is written, And God made the beast of the earth⁵⁵ and it is also written, And out of the ground the Lord God formed every beast of the field,⁵⁶ is not a similar expression [it may be retorted] also available for deduction in the case of a sea-monster, since it is written, And God made . . . and every thing that creepeth

upon the ground,⁵⁷ and it is also written, And God created the great seamonsters?⁵⁸ — ‘Every thing that creepeth’ that was written in the previously mentioned verse refers to those on the dry land. What, however, is the practical difference between an expression that is available for deduction on one side and one that is available for deduction on two sides?⁵⁹ — The practical difference is the statement Rab Judah made in the name of Samuel who had it from R. Ishmael:⁶⁰ From any gezerah shawah⁶¹ neither of whose terms is available for deduction⁶² no deduction may be made;⁶³ if one of the terms is available for the purpose, then according to R. Ishmael, a deduction may be made and no refutation may be offered, while according to the Rabbis deduction may be made⁶⁴ but a refutation⁶⁵ may be offered; and if both terms are available for deduction, all⁶⁶ agree that deduction may be made and no refutation may be offered. As to R. Ishmael, however, what is the practical difference between a gezerah shawah one of whose terms only is available for deduction and one both of whose terms are available for the purpose? — The practical difference is that where there is one of which one term only is available for deduction and another both of which both terms are available for deduction we must leave the former

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- (1) Because it is regarded as unclean blood though when she first observed the object it was as dry, for instance, as earth.
 - (2) That dry blood also causes uncleanness.
 - (3) And cannot be regarded as congealed blood.
 - (4) An abortion LIKE A RIND OR LIKE A HAIR.
 - (5) In Galilee west of Sepphoris.
 - (6) From which grew hairs.
 - (7) Tosef. Nid. IV.
 - (8) Cf. Bomb. ed. Cur. edd. do not indicate that this is a quotation from our Mishnah.
 - (9) Resistance to which is proof that it is no mass of congealed blood. Resistance to cold water alone is no proof that it is not congealed blood, since it is possible that it would dissolve in lukewarm water and the woman, therefore, cannot be declared clean.
 - (10) R. Simeon b. Gamaliel and the first Tanna.
 - (11) But cannot be dissolved by mere immersion in lukewarm water. According to the first Tanna, since lukewarm water cannot dissolve it, it cannot be regarded as blood, while according to R. Simeon b. Gamaliel, since it may be squashed by pressure, it must be regarded as blood.
 - (12) Unclean things such, for instance, as a dead creeping thing and carrion which have become dry.
 - (13) To restore them to their original condition of freshness. These (as stated infra) convey uncleanness only when fresh but not when dry.
 - (14) Infra 54b.
 - (15) RIND, HAIR, EARTH etc. spoken of in our Mishnah.
 - (16) Sc. even a lesser period suffices to establish that they are masses of congealed blood.
 - (17) Teku.
 - (18) Who in an earlier clause of our Mishnah ruled, IN EITHER CASE SHE IS UNCLEAN.
 - (19) With the ruling that, OTHERWISE SHE IS CLEAN.
 - (20) Sc. why does he not here also maintain that the woman is unclean in either case?
 - (21) The anonymous ruling under discussion.
 - (22) R. Judah and the Rabbis being in disagreement on it.
 - (23) The anonymous ruling under discussion.
 - (24) Who in this case is of the same opinion as the Rabbis.
 - (25) That IN EITHER CASE SHE IS UNCLEAN.
 - (26) Hence his ruling (cf. prev. n.) whenever the object had the colour of one of the four kinds of unclean blood. His ruling is thus entirely independent of the question whether the uterus does or does not open without bleeding.
 - (27) In the case of an abortion of FISHES, LOCUSTS etc.
 - (28) Blood.
 - (29) And since the abortion under discussion did assume the form of a creature, R. Judah agrees with the Rabbis that OTHERWISE SHE IS CLEAN.
 - (30) Supra 21b.

- (31) Since the character of the abortion itself is of no consequence.
- (32) The one just referred to.
- (33) The anonymous ruling under discussion.
- (34) R. Judah and the Rabbis being in disagreement on it.
- (35) Beasts and birds.
- (36) And . . . the Lord God formed every beast . . . and every fowl (Gen. II, 19).
- (37) Then the Lord God formed man (ibid. 7).
- (38) Which may be classed as a kind of fish.
- (39) This is now assumed to be analogous to an expression of 'forming'.
- (40) Gen. I, 21. The answer being presumably in the affirmative, how could our Mishnah rule that IF AN ABORTION WAS IN THE SHAPE OF FISHES . . . SHE IS CLEAN?
- (41) And . . . the Lord God formed every beast . . . and every fowl (Gen. II, 19).
- (42) Then the Lord God formed man (ibid. 7).
- (43) Used about sea-monsters in Gen. I, 21.
- (44) Then the Lord God formed man (ibid. II, 7).
- (45) Lev. XIV, 39.
- (46) Ibid. 44.
- (47) And an analogy between them may be drawn, though they are derived from different roots, v. Hul. 85a. Why then should no analogy be drawn between 'forming' and 'creating'?
- (48) Gen. I, 27.
- (49) And . . . the Lord God formed every beast . . . and every fowl (Gen. II, 19).
- (50) Since the expression of 'creating' (Gen. I, 27) has also been used about him.
- (51) As will be explained presently.
- (52) Concerning whom there is also the expression of 'forming' (Gen. II, 7).
- (53) Since Scripture contains no other similar expression about them.
- (54) The expression of 'forming'.
- (55) Gen. I, 25; an expression of 'making'.
- (56) Ibid. II, 19; expression of 'forming'.
- (57) Ibid. I, 25, an expression of 'making' which presumably includes the sea-monsters.
- (58) Gen. I, 21, an expression of 'creating' which is superfluous in view of that of 'making' (cf. prev. n.) and, therefore, available for deduction.
- (59) I.e., why is deduction in the latter case preferable to the former?
- (60) The last six words apparently require emendation.
- (61) V. Glos.
- (62) Lit., 'that is not vacant at all'.
- (63) Even where no refutation can be offered.
- (64) If no refutation can be offered against it.
- (65) If one can be suggested.
- (66) Even the Rabbis.

Talmud - Mas. Nidah 23a

and make the deduction from the latter. And it is for this reason¹ that in the case of beast the All Merciful made both terms available for deduction: In order that no deduction shall be made from one of which one term only is available for deduction.²

R. Aha son of Raba taught this³ in the name of R. Eleazar in the direction of leniency. From any *gezerah shawah* none of whose terms is available for deduction, one may make the deduction and one may also offer a refutation; if one of its terms only is available for the purpose, deduction, according to R. Ishmael, may be made and no refutation may be offered, while according to the Rabbis deduction may be made and a refutation may be offered; and if two of its terms are available for deduction, all agree that deduction may be made and no refutation may be offered. But according

to the Rabbis⁴ what is the practical difference between one whose one term is available for deduction and one none of whose terms is available for deduction? — The practical difference between them is the case where you find a gezerah shawah one of whose terms is available for deduction and another none of whose terms is available for the purpose, and neither the one nor the other can be refuted, in such a case we must leave the one neither of whose terms is available and make deduction from the one of which one term is available. But what refutation is there in this case?⁵ — One might object:⁶ A man is different⁷ since he contracts uncleanness⁸ even when he is alive.⁹

R. Hiyya b. Abba citing R. Johanan also stated,¹⁰ This is the reason of R. Meir: Since the expression of ‘forming’ has been used in its case as in that of man. Said R. Ammi to him: Now then, If an abortion was in the shape of a mountain would the woman who aborted it¹¹ be unclean by reason of the birth because it is said, For, lo, He that formeth¹² the mountains and createth the wind?¹³ — The other replied: Does she ever abort a mountain? She can only abort something in the shape of a stone, and that can only be described as a lump.¹⁴ But then, if the abortion was some inflated object would the woman who aborted it¹¹ be unclean by reason of the birth because the expression of ‘creating’ has been used about it as about man, since it is written, And createth¹⁵ the wind?¹³ And should you reply: it¹⁶ is not available for deduction,¹⁷ [it could be retorted:] Since it could have been written, ‘Formeth the mountains and the wind’, and yet it was written ‘And createth the wind’ it may be inferred, may it not, that it¹⁶ was intended to be made available for deduction? — The other replied: An analogy for legal purposes may be drawn between words that occur in the Pentateuch¹⁸ but no analogy may be drawn between words that occur respectively in the Pentateuch and in the post-Pentateuchal books.¹⁹

Rabba²⁰ b. Bar Hana citing R. Johanan stated, This is the reason of R. Meir: Because [the pupils²¹ of] their²² eyes are similar to those of human beings. Now then, if an abortion was in the likeness of a serpent would the woman who aborted it¹¹ be unclean on account of the birth since its eye-ball is round like that of a human eye? And should you suggest that the law is so indeed [it could be retorted]: Why then was not the serpent mentioned?²³ — If the serpent had been mentioned²³ it might have been presumed that only in the case of the serpent do the Rabbis disagree with R. Meir, since the expression of ‘forming’ was not written about it but that in the case of a beast or a wild animal they do not differ from him since the expression of ‘forming’ had been written about it.²⁴ But was it not stated in regard to blemishes,²⁵ ‘One whose eyeball is like that of a man’?²⁶ — This is no difficulty, the one²⁷ refers to the black of the eye²⁸ while the other refers to the slit.²⁹

R. Jannai stated, This is the reason of R. Meir: Because their³⁰ eyes are fixed in the front of their heads³¹ like those of men. But what about³² a bird whose eyes are not fixed in the front of its head and R. Meir nevertheless ruled that it is a cause of uncleanness? — Abaye replied: This³³ applies only to the kadia³⁴ and the kipufa.³⁵ It³³ does not then apply to other birds! An objection was raised: R. Hanina b. Gamaliel³⁶ stated, I approve of the view of R. Meir in regard to beasts and wild animals and that of the Sages in regard to birds. Now what did he mean by ‘birds’? If it be suggested: kadia³⁴ and kipufa³⁵ [the difficulty would arise]: Wherein do beasts and wild animals differ [from other creatures]? [Obviously in that] that their eyes are fixed in front of their heads like those of men. Now are not those of the kadia³⁴ and the kipufa³⁵ fixed in the same position?³⁷ Consequently³⁸ he must have meant other birds. Thus it may be implied, may it not, that R. Meir differs from the Rabbis in regard to the other birds?³⁹ — Some part is missing⁴⁰ and this is the correct reading: R. Hanina b. Gamaliel³⁶ stated, I approve of the view of R. Meir in regard to beasts and wild animals, this applying also to the kadia and the kipufa; and that of the Sages in regard to other birds; for even R. Meir disagreed with them only in regard to the kadia and the kipufa, but in the case of other birds he agrees with them. And so it was also taught: R. Eliezer son of R. Zadok stated: An abortion that had the shape of a beast or a wild animal is, according to the view of R. Meir, regarded as a valid birth, but according to the view of the Sages it is no valid birth; and in the case of birds an examination should take place. Now according to whose view should an examination take place? Obviously⁴¹

according to that of R. Meir who ruled that the law⁴² applied⁴³ to the kadia and the kipufa and not to the other birds! R. Aha son of R. Ika retorted: No; the examination should take place according to the Rabbis who ruled that kadia and kipufa are regarded as valid births⁴³ but not other birds. But wherein does the kadia or the kipufa in this respect differ from beasts and wild animals?⁴⁴ — In that they have jaws like those of men.⁴⁵

R. Jeremiah enquired of R. Zera: According to R. Meir who ruled: 'A beast that was in a woman's body is a valid birth', what is the law where its father⁴⁶ received for it a token of betrothal?⁴⁷ — In what respect could this⁴⁸ ever matter? — In respect of causing its sister to be forbidden.⁴⁹ This then presumes⁵⁰ that it is viable! But did not Rab Judah citing Rab state: R. Meir gave his ruling⁵¹ only because in the case of its own species⁵² it is viable?⁵³ Said R. Aha b. Jacob: 'To such an extent did R. Jeremiah try⁵⁴ to make R. Zera laugh; but the latter did not laugh'.⁵⁵

[Reverting to] the [previous] text, 'Rab Judah citing Rab stated: R. Meir gave his ruling only because in the case of its own species it is viable.' Said R. Jeremiah of Difti:

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- (1) According to the Rabbis.
 - (2) Since such a gezerah shawah, as stated supra, could be refuted.
 - (3) The statement cited supra by Rab Judah.
 - (4) Who maintain that whether one, or none of the terms is available for deduction both deduction and refutation are admissible.
 - (5) The analogy (supra 22b) with man. Sc. since, as was explained supra, the only reason why deduction is made from a gezerah shawah both of whose terms are available for the purpose in preference to one of which one term only is available is the consideration that while the latter can be refuted when a logical refutation is offered the former cannot be refuted even in such a case, it follows that where no refutation can be offered it is immaterial whether the deduction is made from the one or the other. And since R. Meir (supra 22b) preferred the gezerah shawah between man and beast (both of whose terms are available) to that of man and sea-monsters (whose one term only is available) he must have intended to avoid thereby a refutation that had suggested itself to him. Now what was that refutation?
 - (6) Lit., 'because there is (an argument) to refute'.
 - (7) From other creatures.
 - (8) From a dead creeping thing, for instance.
 - (9) Other creatures, however, while alive can never become unclean. It could, therefore, have been argued that man who is subject to the one restriction of uncleanness may also be a cause of uncleanness to his mother when he is born, but any other creature which is not subject to the former restriction is also exempt from the latter.
 - (10) Like Rab Judah, supra 22b.
 - (11) Lit., 'its mother'.
 - (12) An expression of 'forming' like that used of man.
 - (13) Amos IV, 13.
 - (14) To which the term 'mountain' cannot apply.
 - (15) An expression of 'creating' like that used of man.
 - (16) Cf. prev. n.
 - (17) I.e., it is required for its own context.
 - (18) Torah, in its restrictive connotation.
 - (19) Kabbalah, lit., 'acceptance', 'tradition' as distinct from Torah. (Cf. prev. n.).
 - (20) Cur. edd. in parenthesis 'he said'.
 - (21) V. Rashi and infra.
 - (22) Beasts.
 - (23) In our Mishnah, among the shapes of creatures that cause the woman's uncleanness.
 - (24) Hence the omission of the serpent.
 - (25) Which disqualify a beast.
 - (26) Bek. 40a. Now since such likeness is regarded as a blemish it is obvious that the normal eye of a beast is different from the human one. How then could R. Johanan maintain that a beast's eyes are like human eyes?

- (27) R. Johanan's statement.
- (28) The pupil, which has the same round shape in man and beasts.
- (29) In which the eye is fixed. This is not so round in the eye of a beast as in the human eye.
- (30) Beasts'.
- (31) Lit., 'go before them'. Those of fishes and serpents are fixed in the sides of their heads.
- (32) Lit., 'and behold'.
- (33) R. Meir's ruling just cited.
- (34) Or (as cur. edd.) 'karia', a species of owls.
- (35) Also a species of owls.
- (36) Cf. Tosaf. supra 8b. s.v. **סתי**. Cur. edd. in parenthesis, 'Antigonus'.
- (37) Of course they are. Consequently they should have been subject to the same law as beasts and wild animals.
- (38) Since he made them subject to a different law.
- (39) If he had not differed, there would have been no point in R. Hanina's statement, 'I would approve . . . that of the Sages'.
- (40) In R. Hanina's statement.
- (41) Lit., 'not?'
- (42) That the birth is regarded as valid.
- (43) Lit., 'yes'.
- (44) Who also have their eyes in the sides of their heads. If according to the Rabbis an abortion of the former causes uncleanness why should not also the latter?
- (45) Which beasts and wild animals have not.
- (46) Who is entitled to effect the betrothal of his daughter while she is a minor.
- (47) Which is a valid kinyan (v. Glos.) in the case of a normal child.
- (48) Such an absurd betrothal.
- (49) To marry the man who betrothed it. It is forbidden to marry a wife's sister.
- (50) Since a wife's sister is forbidden to a man only during the lifetime of his wife.
- (51) That an abortion of a beast or wild animal is regarded as a valid birth.
- (52) Beast born from beast or wild animal from wild animal.
- (53) But not when a woman aborted such creatures. The question of wife's sisters, consequently, could never arise in such a case. What then was the point in R. Jeremiah's peculiar enquiry?
- (54) By his absurd enquiries.
- (55) It is forbidden to indulge in laughter in this world (cf. Ber. 31a).

Talmud - Mas. Nidah 23b

We also learnt the same thing:¹ An abortion in the shape of a beast, wild animal or bird [is regarded as a valid birth];² so R. Meir. And the Sages ruled: [It is no valid birth]³ unless it has the features of a human being. But if the abortion was a sandal,⁴ a placenta or a foetus with some articulated shape, or if a child issued cut up in pieces, the son born after it is regarded as the firstborn in respect of inheritance but he is no firstborn as far as the priest is concerned.⁵ Now if one could imagine that such an abortion is viable, would the son born after it be regarded as the firstborn in regard to inheritance?⁶ Said Raba: It may well be maintained that it is viable but the case there⁷ is different [from what might have been expected]⁸ since Scripture said, The first of his mourning⁹ which refers to the one for whom¹⁰ his¹¹ heart aches, and thus excludes an abortion for which¹² his heart does not ache.¹³

R. Adda b. Ahaba enquired of Abaye: According to R. Meir who ruled that a beast that was in the bowels of a woman is a valid birth, what is the ruling where a human child was in the bowels of a beast?¹⁴ — In what respect does this matter? — In that of permitting it to be eaten.¹⁵ But why can you not solve this question from the following ruling of R. Johanan; for R. Johanan ruled: If one slaughtered a beast and found in it an object of the shape of a dove it¹⁶ is forbidden to be eaten?¹⁷ — What a comparison! In that case¹⁶ there are neither cloven feet nor hoofs, but in this case, granted

that there are no cloven feet, there is at least some thing like a hoof.¹⁸

THE SAGES, HOWEVER, RULED: ANYTHING THAT HAS NOT etc. R. Jeremiah b. Abba citing Rab stated: All¹⁹ agree that if its body was that of a he-goat and its face that of a human being it is regarded as a human child;²⁰ if its body was that of a human being and its face that of a he-goat it is no valid birth.²⁰ They¹⁹ differ only where it had the face of a human being but was so created that one of its eyes was like that of a beast, since R. Meir holds that it²¹ need only have some of the features of a human face²² while the Sages hold that it²¹ must have all the features of a human face. They²³ said to R. Jeremiah b. Abba, Was not the reverse taught: R. Meir said, 'It must have all the features of a human face'²⁴ while the Sages said, 'It need only have some of the features of a human face'²⁴ — He answered them: If this was taught so you may well rely on it.²⁵

R. Jeremiah b. Abba citing R. Johanan ruled:²⁶ The forehead, the eyebrows, the eyes, the cheeks and the chin must all be present at the same time.²⁷ Raba, however, citing Hasa ruled:²⁶ The forehead, the eyebrow, the eye, the cheek and the chin must all be present at the same time.²⁷ These, however,²⁸ do not differ in principle from one another, since the former ruled according to him who said that²⁷ 'it must have all the features of a human face'. while the latter ruled according to him who stated, 'it need only have some of the features of a human face'.

An objection was raised: By the 'shape of the face' of which the Sages spoke²⁹ was meant the presence of even only one of the features of the face,³⁰ except the ear.³¹ This shows, does it not, that a single feature suffices?³² — Abaye replied: That³³ was taught only to indicate what constitutes a hindrance,³⁴ and it³³ is in agreement with him who stated [that the reading]³⁵ was 'it must have all the features of a human face'. And if you prefer I might say: It³³ is in fact in agreement with him who stated that the reading³⁵ was it need only have one of the features of a human face' but³⁶ the meaning³⁷ of 'one'³⁸ is one of each.³⁹

Raba ruled: If a foetus was created with one eye and one thigh, the woman who gives birth to it⁴⁰ is unclean⁴¹ if these were on the side,⁴² but if they were in the middle⁴³ she is clean.⁴⁴ Raba further ruled: If a child's gullet is perforated⁴⁵ his mother is unclean,⁴⁶ but if his gullet is closed up⁴⁷ she is clean.⁴⁸

Our Rabbis taught: If a woman aborted a stumped body she is not unclean by reason of such a birth. And what is meant by a stumped body? — Rabbi replied: One short of a part which if taken from a live person would cause him to die. And what is the extent of the part that if taken from a live person would cause him to die? — R. Zakkai replied:

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- (1) That an abortion of a beast or wild animal is not viable.
 - (2) In regard to the birthright. If a son is born after such an abortion, though he is entitled to a double share in his father's estate (as a firstborn son, since the abortion is not viable) he (unlike an actual firstborn son) need not be redeemed from the priest. The words in square brackets are wanting in the Mishnah Bek. 46a and appear in cur. edd. here in parenthesis.
 - (3) Even (cf. prev. n.) as regards the exemption from redemption of the son born after it.
 - (4) Flat, fish-shaped.
 - (5) Bek. 46a. Cf. supra n. 2.
 - (6) Of course not. Since, however, he is so regarded in respect of inheritance it is obvious that an abortion of the nature described is not viable.
 - (7) Inheritance.
 - (8) From its viability.
 - (9) Deut. XXI, 17. E.V., The first of his strength.
 - (10) If he dies.
 - (11) The father's.
 - (12) Cf. prev. n. but one.

- (13) Hence it is that an abortion cannot be treated as 'firstborn' and the privilege is, therefore, passed on to the next child if it is a son.
- (14) And was discovered after the beast had been slain.
- (15) Like the beast in which it was found.
- (16) The dove-like object.
- (17) Hul. 69a.
- (18) The two cases cannot consequently be compared, and the fanciful question must remain unsolved.
- (19) R. Meir and the Sages.
- (20) The face being the determining factor.
- (21) To be a valid birth.
- (22) One human eye, therefore, suffices.
- (23) So Bomb. ed. and marg. gl. Cur. edd. 'he'.
- (24) For a justification of the rendering cf. Tosaf.
- (25) Lit., 'it was taught', sc. while he was certain that what he reported had behind it the weighty authority of Rab, it was quite legitimate for them, since they had a tradition to the contrary, to follow their own tradition.
- (26) According to the Rabbis (v. infra).
- (27) If the abortion is to be regarded as a valid birth.
- (28) R. Johanan and Hasa, though with the exception of the forehead, the former speaks in the plural and the latter in the singular.
- (29) As a determining factor whether an abortion is a valid birth.
- (30) One eye or the forehead, for instance.
- (31) Tosef. Nid. IV. Though the ear has the human shape the abortion is no valid birth if the other features are like those of a beast.
- (32) To determine that a birth is valid. How then could it be said supra that all the features must be human?
- (33) The Baraitha just cited as an objection.
- (34) Sc. that even the presence of one feature that was not human causes the abortion, according to the Rabbis, to be regarded as an invalid birth.
- (35) According to the Rabbis.
- (36) In justification of Hasa's ruling.
- (37) Lit., 'and what (is the meaning of)'.
- (38) 'One of the features of the face', in the Baraitha cited.
- (39) Of the double features; as Hasa in fact stated.
- (40) Lit., 'its mother'.
- (41) As one who bore a normal child.
- (42) Of the face and body respectively. sc. in their normal position.
- (43) Cf. prev. n. mut. mut.
- (44) Since such an abortion is no valid birth.
- (45) When it is born.
- (46) Because, the child being viable, the birth is valid.
- (47) So that the child is not viable.
- (48) Such a birth being invalid.

Talmud - Mas. Nidah 24a

To the top of the knee joint.¹ R. Jannai replied: To his lower orifices.² R. Johanan citing R. Jose b. Joshua replied: To the position of his navel. The point at issue between R. Zakkai and R. Jannai is whether a trefah³ animal⁴ can survive.⁵ The latter holds that a trefah animal can survive⁶ while the former holds that it cannot survive.⁷ The point at issue between R. Jannai and R. Johanan⁸ is a ruling of R. Eleazar; for R. Eleazar ruled: If the haunch and its hollow were removed the animal is nebelah.⁹ R. Papa stated: The dispute¹⁰ refers only to cases where the lower part of the body is affected¹¹ but if the upper part is affected,¹² even if the missing part is ever so small the woman is clean.¹³ So also said R. Giddal in the name of R. Johanan: If a woman aborted a foetus whose skull

is a shapeless lump she¹⁴ is clean.¹³ R. Giddal citing R. Johanan further stated: If a woman aborted a foetus shaped like the ramification of a palmtree¹⁵ she is clean.¹³

It was stated: If a woman aborted a foetus whose face was mashed,¹⁶ R. Johanan ruled: She¹⁴ is unclean; and Resh Lakish ruled: She is clean. R. Johanan raised an objection against Resh Lakish: If a woman aborted a shaped¹⁷ hand or a shaped foot she¹⁴ is subject to the uncleanness of birth¹⁸ and there is no need to consider the possibility¹⁹ that it might have come from a shapeless body.²⁰ Now if it were so,²¹ should it not have been stated, 'The possibility that it might have come from a shapeless body or from a foetus whose face was mashed'?²²

R. Papi stated:²³ Where its²⁴ face was mashed no one²⁵ disputes the ruling that the woman is unclean. They only differ where its face was entirely covered over,²⁶ and the statement²⁷ was made in the reverse order: R. Johanan ruled: His mother is clean; and Resh Lakish ruled: His mother is unclean. Should not then²⁸ Resh Lakish raise an objection against R. Johanan from that [Baraita]?²⁹ — Because the latter could have answered him: 'A stumped body' and 'a foetus whose face was entirely covered over are identical terms.'³⁰

The sons of R. Hiyya once toured the countryside. When they appeared before their father he asked them, 'Has any case been submitted for your consideration?' 'The case of a foetus whose face was entirely covered over', they told him 'has been submitted to us, and we decided that the woman was unclean'. 'Go back', he said to them, 'and declare as clean that which you have declared unclean. For what did you think?³¹ That you are restricting the law;³² but this is a restriction that results in a relaxation, for thereby³³ you also allow her³⁴ the days of cleanness'.³⁵

It was stated: If one aborted a creature that had two backs and two spinal columns, Rab ruled: In the case of a woman it is no valid birth³⁶ and in that of a beast it is forbidden to be eaten;³⁷ but Samuel ruled: In the case of a woman it is a valid birth³⁸ and in that of a beast it is permitted to be eaten.³⁹ On what principle do they⁴⁰ differ? — On that of R. Hanin b. Abba; for R. Hanin b. Abba stated, 'The cloven'⁴¹ is a creature that has two backs and two spinal columns'.⁴² Rab maintains that such a creature exists nowhere in the world, and that when the All Merciful taught Moses about it⁴³ he must have taught him about one that was still in her dam's bowels, while Samuel maintains that such a creature does exist in the world so that when the All Merciful taught Moses about it⁴³ he taught him about the species in general,⁴⁴ but one that is still in its dam's bowels is well permitted to be eaten.⁴⁵ R. Shimi b. Hiyya pointed out an objection to Rab: R. Hanina b. Antigonus stated, Any [firstling of beasts] that had two backs and two spinal columns is unfit for the Temple service;⁴⁶ from which⁴⁷ it is obvious, is it not, that it is viable?⁴⁸ — 'Is it you, Shimi?' the other⁴⁹ replied, 'this⁵⁰ refers to a case where its spinal column was only crooked'.⁵¹

An objection was raised: Among embryos⁵² there are some that are forbidden⁵³ viz, a four monthly embryo among small cattle, and an eight monthly one among large cattle, and one that is younger⁵⁴ is equally forbidden. From this is excluded one that had two backs and two spinal columns. Now what is meant by 'is excluded'? Obviously that it⁵⁵ is excluded from the category of embryos⁵⁶ in that it is forbidden to be eaten even while still in its dam's body?⁵⁷ — Rab⁵⁸ explains in accordance with his own view, and Samuel⁵⁹ explains it in accordance with his view. 'Rab explains in accordance with his own view', thus: A four monthly embryo among small cattle and an eighth monthly one among large cattle, and one that is younger is equally forbidden. This applies only where it saw the light⁶⁰ but while it is still in its dam's bowels it is permitted; but from this is excluded one that has two backs and two spinal columns which, even while still in its dam's bowels, is also forbidden.

(1) Inclusive; from the foot upwards. A person cannot live after such an amputation (v. infra).

(2) Of the intestines and the urethra. Cf. prev. n. second clause.

- (3) V. Glos.
- (4) Including man.
- (5) V. Hul 42a.
- (6) Hence his ruling that the birth is valid unless the missing part of the body extended as high as the lower orifices.
- (7) The birth is consequently invalid even if the missing part extended as far as the knee joint only.
- (8) Both of whom agree that a fatally wounded animal can survive.
- (9) V. Glos. Hul. 21a, 32b.
- (10) On the extent of the missing part of the body that renders a birth invalid and causes the woman to remain clean.
- (11) Lit., 'from below to above'.
- (12) Lit., 'from above to below'; if a part of the skull, for instance, is missing.
- (13) Since such a child is not viable and his birth is no valid one.
- (14) Lit., 'his mother'.
- (15) Sc. the lower part of his body was shapeless while his limbs branched out from its upper part.
- (16) But its features were not entirely indistinguishable.
- (17) Lit., 'cut'.
- (18) Sc. since it is unknown whether the abortion was a male or a female the restrictions of both are imposed upon her.
- (19) Which would exempt her from the certainty of uncleanness.
- (20) Supra 18a, infra 28a.
- (21) That, as Resh Lakish maintains, the birth of a foetus with a mashed face causes no uncleanness to its mother.
- (22) Since both these possibilities would be causes of the woman's cleanness. Why then was only the former possibility mentioned?
- (23) In accordance with a tradition he received from his teacher (v. Rashi).
- (24) A foetus'.
- (25) Not even Resh Lakish.
- (26) Sc. none of the features was distinguishable.
- (27) Of the dispute.
- (28) Since it is now R. Johanan who declared the woman clean.
- (29) From which the latter raised an objection supra against the former; thus: Why did not the Baraita add 'the possibility that it may have come . . . from a foetus whose face was entirely covered over'?
- (30) Both indicating an abortion none of whose features are distinguishable. This could not be given as a reply in the case of a mashed face where some of the features are not altogether indistinguishable.
- (31) When declaring the woman unclean.
- (32) Since it was unknown whether the foetus was male or female the woman, having been declared unclean, would have to remain in her uncleanness for a period of fourteen days (as for a female) and not only for seven days (as for a male).
- (33) By regarding the abortion as a valid birth.
- (34) As a woman after childbirth.
- (35) Which even in the case of a male, are no less than thirty-three. Any discharge of blood within this period would consequently be regarded as clean, whereas if the abortion had not been declared to be a valid birth the discharge would have imposed upon the woman the uncleanness of a menstruant.
- (36) And she remains, therefore, clean.
- (37) Even if it was found in the ritually slaughtered body of its dam, and much more so if it was aborted.
- (38) And the woman is consequently subject to the laws of uncleanness prescribed for one after childbirth.
- (39) As deduced from Scripture in Hul. 69b.
- (40) Rab and Samuel.
- (41) Ha-Shesu'ah, Deut. XIV, 7.
- (42) Hul. 60b.
- (43) That it must not be eaten.
- (44) Lit., 'in the world'.
- (45) Wherever the dam is of the clean beasts and was ritually slain.
- (46) Bek. 43b; because these are regarded as blemishes.
- (47) Since it is only forbidden as a sacrifice and is presumably permitted for consumption in the case of unconsecrated

animals.

(48) If it had not been viable it could not have been permitted to be eaten. The permissibility to eat the creature, even after it was born, thus raises an objection against both Rab (who ruled that it was always forbidden) and against Samuel (who permitted it only when it was in its dam's bowels). V. Marginal Gloss. Cur. edd. in parenthesis add 'and this is a difficulty against Rab'.

(49) Rab, who was his grandfather.

(50) R. Hanina's ruling from which it follows that a double-backed creature is viable.

(51) And consequently had the appearance of two backs. Such a creature is viable.

(52) Of clean beasts.

(53) To be eaten, as nebelah, even after their birth.

(54) Lit., 'from it and below'.

(55) The beast with the two backs and the two spinal columns.

(56) Which are permitted if found in their dam's body.

(57) How then could Samuel maintain that even while it is in its dam's body it is permitted?

(58) Against whom no objection was raised from the last cited Baraita but who nevertheless finds a difficulty in its present form in reconciling its first and last clauses. As the first clause deals with those who saw the light the last one (double-backed creatures) also deals obviously with one who saw the light. But its permissibility would be contrary to the ruling of Rab.

(59) Who has to explain the objection raised against him (cf. prev. n. but one).

(60) Lit., 'went out to the air of the world'.

Talmud - Mas. Nidah 24b

Samuel also 'explains it in accordance with his view', thus: A four monthly embryo among small cattle, and an eight monthly one among large cattle, and one that is younger is equally forbidden. This, however, applies only to one whose period of pregnancy¹ had not ended, but if the period has ended it is permitted; and from this is excluded one who had two backs and two spinal columns which, even though its period of pregnancy had ended, it is forbidden if it saw the light² but permitted when still in its dam's body.³

A Tanna recited before Rab: As it might have been assumed that if an abortion was a creature with a shapeless body or with a shapeless head its mother is unclean by reason of its birth, it was explicitly stated in Scripture, If a woman be delivered, and bear a man-child etc.⁴ And in the eighth day the flesh of his foreskin shall be circumcised etc.,⁵ thus implying⁶ that only a child that is fit for the covenant of the eight days⁷ [causes uncleanness to his mother] but these⁸ are excluded, since they are not fit for the covenant of the eight days. 'And', said Rab to him, 'conclude your statement thus:⁹ And one who had two backs and two spinal columns'.

R. Jeremiah b. Abba intended to give a practical decision¹⁰ in agreement with the view of Samuel,¹¹ but R. Huna said to him: 'What have you in your mind? To impose a restriction?'¹² But this is a restriction that results in a relaxation, since you must in consequence¹³ allow her also a period of clean blood.¹⁴ Act rather in accordance with the view of Rab, since we have an established rule that in ritual matters the law is in agreement with Rab irrespective of whether this leads to a relaxation or a restriction.

Raba said: It has been stated that a woman may bear¹⁵ at nine months¹⁶ and also at seven months.¹⁶ Can [then] large cattle who bear¹⁷ at nine months also bear¹⁷ at seven months or not? — R. Nahman b. Isaac replied, Come and hear: 'One that is younger is equally forbidden'.¹⁸ Does not this also refer to the large cattle?¹⁹ — No, it may only refer to the small cattle.²⁰ What an argument this is! If you grant that the reference²¹ was to the large cattle also, one can well see the necessity for it. For it might have been presumed that since [a seven monthly] is viable in the case of a woman it is also viable in that of cattle, we were informed that it is not viable; but if you maintain that reference

was made to small cattle only, this would be obvious, for can a three monthly abortion live?²² — It²³ was necessary: As it might have been presumed that anyone [born within] less than two months [before the conclusion of the normal conception] can survive,²⁴ hence we were informed that it²⁵ was not viable.

Rab Judah citing Samuel ruled: If an abortion had the likeness of Lilith²⁶ its mother is unclean by reason of the birth, for it is a child, but it has wings. So it was also taught: R. Jose stated, It once happened at Simoni²⁷ that a woman aborted the likeness of Lilith, and when the case came up for a decision before the Sages they ruled that it was a child but that it also had wings. If an abortion had the likeness of a serpent, Hanina the son of R. Joshua's brother ruled: Its mother is unclean by reason of the birth. R. Joseph proceeded to report the ruling to R. Gamaliel when the latter sent word [to]²⁸ R. Joshua, 'Take charge of²⁹ your nephew and come with him to me'. As they were going, Hanina's³⁰ daughter-in-law came out to meet R. Joshua.³¹ 'Master', she said to him, 'what is your ruling where an abortion had the likeness of a serpent?' 'Its mother', he replied, 'is clean'. 'But', she retorted, 'was it not in your name that my mother-in-law told me that its mother was unclean?' 'And', he asked her, 'on what ground?' 'Since [she told him] its eye-ball is round like that of a human being'. As a result of her statements R. Joshua recollected his ruling and sent the following message to R. Gamaliel: 'Hanina gave his ruling on my authority'.³² Abaye observed: From this incident it may be learnt that when a scholar gives a ruling he should also indicate his reason so that when he is ever reminded of it he would recollect it.

MISHNAH. IF A WOMAN ABORTED A SAC FULL OF WATER, FULL OF BLOOD, OR FULL OF MATTER OF VARIOUS COLOURS, SHE NEED NOT TAKE INTO CONSIDERATION THE POSSIBILITY OF ITS BEING A VALID BIRTH; BUT IF ITS LIMBS WERE FASHIONED SHE MUST CONTINUE [IN UNCLEANNES AND SUBSEQUENT CLEANNESS FOR THE PERIODS PRESCRIBED] FOR BOTH MALE AND FEMALE.³³ IF SHE ABORTED A SANDAL OR A PLACENTA SHE MUST ALSO CONTINUE [IN UNCLEANNES AND CLEANNESS AS] FOR BOTH MALE AND FEMALE.³³

GEMARA. One can well understand why BLOOD or WATER³⁴ [constitutes no valid birth, since in this respect] it is of no consequence,³⁵ but as regards MATTER OF VARIOUS COLOURS,³⁶ why should not the possibility be taken into consideration that it had originally been a child that was now squashed? — Abaye replied: How much of undiluted wine must the mother of this thing have drunk that her embryo should be squashed within her bowels!³⁷ Raba replied: We have learnt, FULL OF, and if it were the case that the embryo had been squashed something would have been missing.³⁸ R. Adda b. Ahaba replied: We have learnt, MATTER OF VARIOUS COLOURS, and if it were the case that an embryo had been squashed it would all have been reduced to the same colour.

It was taught: Abba Saul stated, I was once a grave-digger³⁹ when I made a practice of carefully observing the bones of the dead. The bones of one who drinks undiluted wine are burned; those of one who drinks wine excessively diluted are dry;⁴⁰ and those of one who drinks wine properly mixed are full of marrow.⁴¹ The bones of a person whose drinking exceeds his eating are burned; those of one whose eating exceeds his drinking are dry,⁴⁰ and those of one who eats and drinks in a proper manner are full of marrow.⁴¹

It was taught: Abba Saul (or, as some say, R. Johanan stated): I was once a grave-digger.³⁹ On one occasion, when pursuing a deer, I entered the thigh-bone of a corpse, and pursued it for three parasangs but did neither reach the deer nor the end of the thigh-bone.⁴² When I returned I was told that it was the thigh-bone of Og, King of Bashan.⁴³

It was taught: Abba Saul stated, I was once a grave-digger³⁹ and on one occasion there was opened a cave under me and I stood in the eye-ball of a corpse up to my nose. When I returned I was

told that it was the eye of Absalom. And should you suggest that Abba Saul was a dwarf [it may be mentioned that] Abba Saul was the tallest man in his generation, and R. Tarfon reached to his shoulder and that R. Tarfon was the tallest man in his generation and R. Meir reached to his shoulder. R. Meir was the tallest man in his generation and Rabbi reached to his shoulder. Rabbi was the tallest man in his generation and R. Hiyya reached to his shoulder, and R. Hiyya was the tallest in his generation and Rab reached to his shoulder. Rab was the tallest man in his generation and Rab Judah reached to his shoulder, and Rab Judah was the tallest man in his generation and his waiter Adda reached to his shoulder.

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- (1) Lit., 'its months'.
 - (2) Not being viable it is forbidden as nebelah.
 - (3) As part of that beast which was a clean one and ritually slaughtered.
 - (4) She shall be unclean. Lev. XII, 2.
 - (5) Ibid. 3.
 - (6) By the juxtaposition of the texts.
 - (7) The covenant of circumcision.
 - (8) Which are not viable.
 - (9) I.e., insert between 'these' and are excluded'.
 - (10) In the case of an abortion without bleeding of a two-backed foetus.
 - (11) That the woman is unclean by reason of the birth which he regards as valid.
 - (12) By treating the woman as unclean.
 - (13) 'Of your regarding the birth as valid'.
 - (14) From the seventh to the fortieth day for a male, and from the fourteenth to the eightieth day for a female. Should there be a discharge of blood within these periods respectively the woman could not be subjected to menstrual uncleanness.
 - (15) A viable child.
 - (16) After conception.
 - (17) Viable young.
 - (18) Supra 24a.
 - (19) Mentioned earlier in the Baraitha (supra 24a) immediately after the 'small cattle', and in whose case an 'eight monthly' was spoken of. 'One that is younger' would consequently include a seven monthly abortion also who would thus be 'equally forbidden'.
 - (20) In whose case (cf. prev. n.) only a 'four monthly' abortion was spoken of. The question of a seven monthly abortion cannot, therefore, be solved from this Baraitha.
 - (21) 'One that is younger is equally forbidden'.
 - (22) Of course not; and there would have been no necessity to mention it.
 - (23) The reference to small cattle.
 - (24) Sc. as in the case of man and large cattle one born at seven months after conception (two months before the normal period of nine months) is viable (though one born at eight months is not viable) so also in the case of small cattle (though one born at four months is not viable) one born at three months after conception (also two months before the normal period of five months) is viable.
 - (25) A three monthly abortion.
 - (26) A female demon of the night, reputed to have wings and a human face.
 - (27) Semunige in Lower Galilee.
 - (28) So MS.M. Cur. edd. omit.
 - (29) Lit., 'lead'.
 - (30) Curr. edd. in parenthesis insert 'R'.
 - (31) So Rashi, Cur. edd. reading 'to meet him' omit 'R. Joshua'.
 - (32) Lit., 'from my mouth'.
 - (33) Cf. Lev. XII, 2-5.
 - (34) In a SAC.
 - (35) Lit., 'nothing'.

(36) Being neither water nor blood.

(37) Fabulous quantities, of course, which no woman could possibly be suspected of doing. The suggestion that a normal embryo was squashed is, therefore, untenable.

(38) From the sac.

(39) Lit., 'one who buries the dead'.

(40) Aliter: Black; aliter: Transparent.

(41) Lit., 'anointed', 'oiled'.

(42) Lit., 'and the thigh-bone did not end'.

(43) A Biblical giant (cf. Deut. III, 11).

Talmud - Mas. Nidah 25a

Pushtabna¹ of Pumbeditha reached to² half the height of the waiter Adda, while everybody else reached only to the loins of Pushtabna of Pumbeditha.

A question was raised in the presence of Rabbi: What is the ruling where a woman aborted a sac full of flesh? 'I did not hear of such a law', he answered them. 'Thus', announced R. Ishmael son of R. Jose before him, 'said my father: If it was full of blood the woman is unclean as a menstruant, but if it was full of flesh she is unclean as a woman after childbirth'. The other said to him: Had you told us something new in the name of your father we would have listened to you; but now, since his first ruling³ was given in accordance with the view of an individual, viz., in agreement with Symmachus who cited R. Meir,⁴ his second ruling also⁵ might be one given in accordance with the view of R. Joshua;⁶ but the halachah is not in agreement with R. Joshua. For it was taught: If an abortion was a sac with no fashioned limbs, R. Joshua ruled: It⁷ is regarded as a valid birth⁸ but the Sages ruled, it is no valid birth.⁹

R. Simeon b. Lakish citing R. Oshaia stated: The dispute¹⁰ refers only to a sac that was turbid¹¹ but if it was clear¹² all agree that it is no valid birth. R. Joshua b. Levi, however, stated: The dispute¹⁰ refers to the case of a clear sac. The question was raised:¹³ Do they differ only in the case of a clear sac but in that of a turbid one all agree that it is a valid birth or is it possible that they differ about the one as well as about the other? — This stands undecided.¹⁴ An objection was raised: This exposition was made by R. Joshua b. Hananiah: And the Lord God made for Adam and for his wife garments of skins, and clothed them¹⁵ teaches that the Holy One, blessed be He, makes no skin for man before¹⁶ he is formed. Thus it is clearly proved that a valid birth¹⁷ depends on the skin irrespective of whether the sac was turbid or clear. Now if you grant¹⁸ that the dispute¹⁹ refers to the case of a clear sac there is full justification for his²⁰ need for a Scriptural text;²¹ but if you maintain²² that the dispute refers only to a turbid sac,²³ what need was there for a Scriptural text seeing that the reason²⁴ is a matter of logic? Consequently it may be inferred that the dispute refers also to a clear sac.²⁵ This is conclusive.

R. Nahman citing Rabbah b. Abbuha also²⁶ stated: They²⁷ differ only in regard to a turbid sac but as regards a clear one all agree that it is no valid birth. Raba raised an objection against R. Nahman: But they ruled: The token of a valid birth²⁸ in small cattle is a discharge from the womb,²⁹ in large cattle the placenta,³⁰ and in a woman the sac or placenta,³¹ but, it follows, the abortion of a sac in cattle provides no exemption.³² Now, if you grant that they²⁷ differ in the case of a clear sac, one can well see the reason why only a woman whose case Scripture specifically included,³³ was granted exemption in respect of a sac³¹ while cattle whose case Scripture did not include no exemption was granted in respect of a sac, but if you maintain that the dispute concerns only a turbid sac consider! [The question of the validity of the birth being dependent] on a logical reason³⁴ what difference in this respect could there be between a woman and cattle?³⁵ — You think that R. Joshua was quite certain [of the nature of the sac],³⁶ but the fact is that R. Joshua was rather doubtful on the matter and, therefore, he followed a restrictive course in both cases.³⁷ [Only the question of the firstborn

son] of³⁸ a woman, which is a mere monetary matter,³⁹ [did he rule that the abortion of a sac constitutes a valid birth,⁴⁰ because] in a case of doubt in monetary matters a lenient course⁴¹ is followed.⁴² On the question of the firstling of cattle, however, which involves a ritual prohibition of shearing⁴³ and of work⁴⁴ [he ruled the abortion of a sac to be an invalid birth,⁴⁵ because] in case of doubt in a ritual prohibition a restrictive course must be followed; and so also [on the question of the uncleanness] of a woman [the abortion of a sac is deemed to be a valid birth,⁴⁶ because] in a case of doubtful uncleanness⁴⁷ a restrictive course must be followed. But was he⁴⁸ in doubt?⁴⁹ Did he not, in fact, quote a Scriptural text?⁵⁰ — The ruling is only Rabbinical⁵¹ and the Scriptural text is a mere prop.⁵²

Said R. Hanina b. Shelemya to Rab: We have⁵³ the statements of⁵⁴ Rabbi,⁵⁵ of⁵⁴ R. Ishmael son of R. Jose,⁵⁶ of R. Oshaia⁵⁷ and of R. Joshua b. Levi;⁵⁸ with whose view does the Master agree? — I maintain, the other replied, that in neither case⁵⁹ need she take into consideration the possibility of a valid birth. Samuel, however, ruled: In either case⁶⁰ must she consider the possibility of a valid birth.⁶¹ Samuel in this ruling follows his previously expressed view. For R. Dimi when he came⁶² stated: Never at Nehardea⁶³ did they declare [one who aborted] a sac⁶⁴ to be clean⁶⁵ except in the case of a certain sac that was submitted to Samuel on which a hair that lay on one side could be seen through the other side when he said: If it were in fact an embryo it would not have been so transparent.

BUT IF ITS LIMBS WERE FASHIONED etc. Our Rabbis taught: What is meant by a sac the limbs of which are fashioned? Abba Saul explained: A foetus which in its primary stage resembles a locust,⁶⁶ and its two eyes are like two drippings⁶⁷ of a fly. R. Hiyya taught: They are far removed from one another. Its two nostrils are like two drippings of a fly. R. Hiyya taught: They are near one to another. Its mouth is as narrow as a stretched hair,⁶⁸ its membrum⁶⁹ is of the size of a lentil⁷⁰ and in the case of a female [the organ] has the appearance of the longitudinal [slit]⁷¹ of a barley grain; but it has no shaped hands or feet.⁷² Of such a foetus there is this description in the post-Pentateuchal Scriptures:⁷³ Hast thou not poured me out as milk, and curdled me like cheese? Thou hast clothed me with skin and flesh and knit me together with bones and sinews. Thou hast granted me life and favor, and Thy providence hath preserved my spirit.⁷⁴ It⁷⁵ must not be examined in water because water is hard⁷⁶

(1) Or (with Aruk) Pashtikna. Cur. edd., Parshtabina. One of the tallest men.

(2) Lit., 'stood to him'.

(3) A sac filled with blood.

(4) Supra 21b.

(5) On a sac filled with flesh.

(6) Also an individual.

(7) Even if it was filled with flesh only.

(8) And the woman is unclean by reason of childbirth.

(9) Cf. prev. two notes. Since the Sages who are the majority differ from R. Joshua the halachah cannot be in agreement with his view.

(10) Between R. Joshua and the Sages.

(11) In which case it may well be assumed that the foetus in it had been crushed.

(12) Filled with clear water.

(13) On R. Joshua b. Levi's statement.

(14) Teku.

(15) Gen. III, 21.

(16) Lit., 'but if so', 'unless'.

(17) Lit., 'thing'.

(18) As R. Joshua b. Levi submitted.

(19) Between R. Joshua and the Sages.

- (20) R. Joshua's.
- (21) Since by showing that skin alone proves the existence of an embryo he can support his view against that of the Sages.
- (22) As Resh Lakish does.
- (23) The reason for his view being not the presence of skin but the possibility that the embryo had been crushed.
- (24) For being regarded as a valid birth.
- (25) An objection thus remains against Resh Lakish.
- (26) Like R. Oshaia.
- (27) R. Joshua and the Rabbis.
- (28) In respect of exempting the one born after it from the obligations of 'firstling' or 'first-born son'.
- (29) After a conception.
- (30) The young born after such a birth is not regarded as a firstling
- (31) Bek. 19a. A son born after such an abortion is no 'first-born son.
- (32) Of the next born young from the restrictions of a firstling.
- (33) As deduced supra by R. Joshua b. Hananiah.
- (34) And not on a Scriptural text which specially refers to the human species.
- (35) If the foetus may be assumed to have been crushed in the one case why may it not be so assumed in the other?
- (36) That its abortion constitutes a valid birth.
- (37) In that of a firstling of cattle and in that of a woman's uncleanness (as will be explained presently).
- (38) Lit., 'at'.
- (39) A first-born son must be redeemed by the payment of five shekels to the priest.
- (40) And the son born subsequently is no firstborn, and no redemption money on his behalf need be paid to the priest.
- (41) In favour of the possessor of the money.
- (42) The priest, therefore, cannot claim the redemption money (cf. prev. n. but one).
- (43) Its wool.
- (44) With the animal. It is forbidden to do any work with a firstling or to shear its wool (cf. Deut. XV, 19).
- (45) Thus imposing the restrictions of a firstling on the next born young.
- (46) Which imposes uncleanness upon the woman.
- (47) Also a ritual matter.
- (48) R. Joshua.
- (49) Whether the abortion of a sac is a valid birth.
- (50) Gen. III, 21, supra, in support of his view, which proves that his ruling is Pentateuchal and definite.
- (51) Based, on account of the doubt, on the principle quoted supra.
- (52) In support of the Rabbinical ruling.
- (53) Supra.
- (54) Lit., 'that'.
- (55) Who said (supra) 'I did not hear of such a law'.
- (56) Who said, 'If it was full of flesh she is unclean'.
- (57) Who said, 'The dispute refers only to a sac that was turbid'.
- (58) Who said, 'The dispute refers to the case of a clear sac'.
- (59) Neither in that of a turbid sac nor in that of a clear one.
- (60) Cf. prev. n. mut. mut.
- (61) Sc. she must remain unclean for the prescribed period of childbirth uncleanness, but is not entitled to the privilege of the subsequent period of clean days.
- (62) From Palestine to Babylon.
- (63) The principal town under Samuel's jurisdiction.
- (64) Even if there was no bleeding with the abortion.
- (65) I.e., to be exempt from the period of uncleanness prescribed for a woman after childbirth.
- (66) Reading (with R. Han. and R. Tam) kerashom (cf. Aruk.) Cur. edd. 'from its head'.
- (67) Cf. Jast. 'Eyes' (Rashi).
- (68) Lit., 'stretched as a hair thread'.
- (69) When sex is distinguishable.

(70) The case spoken of in our Mishnah (q.v.) is one of doubtful sex.

(71) Cf. the reading of 'En Jacob and infra 25b.

(72) Sc. fingers and toes are not yet articulated.

(73) Lit., 'acceptance', 'tradition'.

(74) Job X, 10-12.

(75) A foetus in the conditions described.

(76) Lit., 'strong'.

Talmud - Mas. Nidah 25b

and disturbs its shape. It must rather be examined in oil because oil is mild and makes it clear. Furthermore, it must be examined in sunlight only. How is it to be examined? 'How is it to be examined' [you ask]! Of course as has just been described. — Rather, wherewith is it to be examined in order to ascertain whether it was male or female? — Abba Saul b. Nashor, as others say, Abba Saul b. Ramash replied: One brings a splinter with a smooth top and moves it [in an upward direction] in that place.¹ If it is caught it will be known that the foetus is a male,² and if not it will be known to be a female. R. Nahman citing Rabbah b. Abbuha stated: This³ was learnt only of a movement in an upward direction,² but if sideways [it is no reliable test, since] it may be assumed [that the obstruction] was caused by the sides of the womb. R. Adda b. Ahaba stated: A Tanna taught, If the foetus was a female the organ has the appearance of the [longitudinal] slit of a barley grain.⁴ R. Nahman demurred: Is it not possible that it⁵ is merely the depression between⁶ the testes? — Abaye replied: Since the testes themselves are indistinguishable, would the depression between them be distinguishable?⁷

R. Amram stated: A Tanna taught, 'Its⁸ two thighs are like two silk threads', and in connection with this R. Amram explained: Like those of the woof;⁹ 'and its two arms are like two threads of silk', in connection with which R. Amram explained: Like those of the warp.⁹

Samuel said to Rab Judah: Shinena,¹⁰ give no practical decision [on the validity of a birth] unless the embryo has hair [on its head]. But could Samuel have said such a thing, seeing that he ruled, 'In either case must she consider the possibility of a valid birth'? — R. Ammi b. Samuel replied: This was explained to me by the Master Samuel: She must indeed take into consideration the possibility of a valid birth;¹¹ but she is not allowed the privilege of the clean days¹² unless the embryo had hair [on its head]. This then implies that Samuel was doubtful on the point.¹³ But is it not a fact that when a certain sac was submitted to the Master Samuel he said, 'This is forty-one days old', but on calculating the time since the woman had gone to perform her ritual immersion¹⁴ until that day and finding that there were no more than forty days he declared, 'This man¹⁵ must have had marital intercourse during her menstrual period' and having been arrested¹⁶ he confessed?¹⁷ — Samuel was different from other people because his knowledge was exceptional.¹⁸

IF SHE ABORTED A SANDAL etc. Our Rabbis taught: A sandal is like a sea-fish [of the same name].¹⁹ At first it is a normal foetus but later it is crushed. R. Simeon b. Gamaliel said: A sandal resembles the tongue of a big ox. In the name of our Masters it was testified: A sandal²⁰ must have the facial features.²¹ Rab Judah citing Samuel stated: The halachah is that a sandal²⁰ must have the facial features. R. Adda citing R. Joseph who had it from R. Isaac ruled: A sandal²⁰ must have the facial features even if only at the back, this being a case similar to that of a man who slapped his fellow and caused his face to turn backwards.

In the days of R. Jannai it was desired to declare [the mother of] a sandal that had no facial features as clean.²² Said R. Jannai to them: You would declare [the mother of newly born] children²³ as clean!²⁴ — But was it not taught, 'In the name of our Masters it was testified: A sandal²⁵ must have the facial features'?²⁶ — R. Bibi b. Abaye citing R. Johanan replied: It was on the evidence of

R. Nehunya²⁷ that this ruling²⁸ was learnt.²⁹ R. Ze'ira observed: R. Bibi was lucky [to be the first] with his reported traditions, for both I and he were sitting in the presence of R. Johanan when he discoursed upon this tradition, but he³⁰ forestalled me and, reporting it first, gained the advantage.

Why was a sandal³¹ at all mentioned, seeing that there can be no birth of a sandal without that of an embryo with it?³² — If a female child were to be born with it this would be so indeed,³³ but here we are dealing with one with which a male was born.³⁴ As it might have been presumed that, since R. Isaac b. Ammi stated, 'If the woman is first to emit the semen she bears a male child and if the male is first to do it she bears a female child', the one³⁵ is a male as well as the other is a male,³⁶ hence we were informed [that no such assumption is made, for] it might equally be assumed that both emitted their semen simultaneously so that one might be a male while the other³⁵ is a female.³⁷ Another explanation:³⁸ [Sandal³⁹ was mentioned] in order that if a woman bore a female child before sunset and a sandal after sunset⁴⁰ she must count the beginning of her period of menstruation in accordance with the first birth and in accordance with the second birth.⁴¹

As regards the sandal that we learnt

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- (1) Euphemism.
 - (2) The obstruction being attributed to the membrum.
 - (3) The splinter test.
 - (4) Cf. the reading supra 25a, ad fin. The latter reading adds 'slit' which is wanting in the original of the former.
 - (5) The presumed female organ.
 - (6) Lit., 'thread of'.
 - (7) Obviously not.
 - (8) Referring to the foetus in its early stages.
 - (9) The threads of the woof are thicker than those of the warp.
 - (10) Keen witted (rt. **שני** 'to sharpen'); long-toothed (**שן**, 'tooth'): or man of iron.
 - (11) Sc. to remain unclean for fourteen days.
 - (12) After the conclusion of the unclean ones.
 - (13) The stages in the development of a foetus.
 - (14) Following the conclusion of her menstrual period.
 - (15) The husband of the woman.
 - (16) Lit., 'he bound him'.
 - (17) An incident which shows Samuel's remarkable and accurate knowledge of the nature of a foetus.
 - (18) Lit., 'because his strength is great'. Other people, however, whose physiological knowledge is not so great must adopt a cautious course and take into consideration the possibility suggested.
 - (19) Cf. Rashi.
 - (20) If it is to be deemed a valid birth.
 - (21) Tosef. Nid. IV.
 - (22) Regarding it as no valid birth.
 - (23) A sandal being regarded as a valid birth.
 - (24) Contrary to Pentateuchal law.
 - (25) If it is to be deemed a valid birth.
 - (26) Tosef. Nid. IV.
 - (27) An individual authority.
 - (28) Lit., 'teaching', the ruling that a sandal that is to be deemed a valid birth must have the facial features.
 - (29) Hence (cf. prev. n. but one) it may well be disregarded.
 - (30) R. Bebai.
 - (31) The law that it causes a woman's uncleanness (cf. our Mishnah).
 - (32) So that the woman would be unclean even in the absence of a sandal.
 - (33) There would have been no necessity at all to mention the sandal (cf. prev. n. but one), since it could add no uncleanness, whatever its sex: If it is a female it would subject the woman to the very same uncleanness as the female

that was born with it, and if it is a male, the period of uncleanness it causes is a lesser one than that of the female.

(34) So that if the sandal were a female the period of the woman's uncleanness would extend over a longer period.

(35) The sandal.

(36) In consequence of which the woman's uncleanness would be that of a male birth only.

(37) Hence the law of the sandal which imposes the restrictions of a female birth (fourteen unclean days instead of seven) as well as those of a male birth (thirty-three days of cleanness instead of sixty-six).

(38) Which justifies the necessity for the law of sandal even where a female was born.

(39) The law that it causes a woman's uncleanness (cf. our Mishnah).

(40) The day concluding at sunset, when another day begins, and the sandal being thus born a day later than the female child.

(41) I.e., the restrictions of both are imposed upon her: As the sandal might be a male the eighty-first day from the female birth (if there was a discharge) is regarded as the first day of menstruation though that day is still the eightieth from the sandal's birth which in the case of a female is one (the last) of the clean days. The seventh day after the eightieth again is not regarded as the termination of the seven days of menstruation (which began on the eightieth day) since it is possible that the sandal was a female whose eightieth day coincided with the eighty-first of the female child and in accordance with which the woman's seven days of menstruation began a day later (the eighty-second day after the first birth) and consequently terminated a day later.

Talmud - Mas. Nidah 26a

in the laws of the firstborn,¹ what practical law² is thereby taught?³ — That the son who follows it⁴ is regarded as a firstborn son in respect of inheritance⁵ but not [in regard to his redemption] from the priest.⁶ What practical law is taught by that of the sandal of which we learnt in the case of those who incur the penalty of kareth?⁷ — That if the embryo⁸ is born from her side,⁹ and the sandal from her womb she¹⁰ must bring a sacrifice on account of the sandal. But according to R. Simeon who ruled that 'a foetus born from the side constitutes a valid birth',¹¹ what can be said?¹² — R. Jeremiah replied: That if a woman bears the child while she is an idolatress and the sandal after she has been converted [to Judaism] she¹³ must bring a sacrifice on account of the sandal.

The following was said by the Rabbis before R. Papa: But are all these answers¹⁴ tenable? Was it not in fact taught, 'When they¹⁵ issue they do so only while clinging to one another'?¹⁶ — R. Papa replied: From this¹⁷ it may be inferred that the embryo clings to the sandal at the middle of the latter¹⁸ which lies across the head of the former.¹⁹ Consequently, as regards the law of the firstborn, [the reference is to a case], for instance, where the embryo²⁰ issued with its head first²¹ so that the sandal²² issued first.²³ As regards the law concerning those punishable by kareth it is a case where they²⁴ issued with their feet first so that the embryo was born first.²⁵ R. Huna b. Tahlifa citing Raba explained: It may even be said that they²⁶ cling together side by side, but reverse the previous statement:²⁷ As regards the law of the firstborn [the reference is to a case] where they²⁶ issued with their feet first; so that the embryo, being animated hangs on and does not easily come out; while the sandal, not being animated, glides and comes speedily out. As regards the law concerning those subject to the penalty of kareth [the reference is to a case] where they issued with their heads first, so that the embryo, being animated is deemed to have consummated its birth as soon as its head came out; while the sandal [being inanimated cannot be deemed to have been born] until its greater part came out.

MISHNAH. IF A PLACENTA IS WITHIN A HOUSE, THE HOUSE IS UNCLEAR,²⁸ NOT BECAUSE A PLACENTA IS A CHILD BUT BECAUSE GENERALLY THERE CAN BE NO PLACENTA WITHOUT A CHILD. R. SIMEON SAID, THE CHILD MIGHT HAVE BEEN MASHED²⁹ BEFORE IT CAME FORTH.³⁰

GEMARA. Our Rabbis taught: The placenta in its first stage resembles a thread of the woof and in its final stage it resembles a lupine. It is hollow like a trumpet; and no placenta is smaller than a

handbreadth. R. Simeon b. Gamaliel stated: The placenta resembles the craw of a hen³¹ out of which the small bowels issue.³²

R. Oshaia, the youngest of the fellowship,³³ taught:³⁴ Five things have a prescribed minimum of a handbreadth, and they are the following. A placenta, a shofar, a spine, a sukkah wall and a bundle of hyssop. As to the placenta there is the ruling just mentioned.³⁵ 'Shofar'?³⁶ For it was taught: What must be the size of a shofar?³⁷ R. Simeon b. Gamaliel explained: It must be of such a size as can be held in one's hand and be seen at either end, viz.,³⁸ a handbreadth.³⁹ What is meant by 'spine'? The ruling which R. Parnak laid down in the name of R. Johanan: The spine of the lulab must be long enough to project a handbreadth above the myrtle.⁴⁰ 'The Sukkah⁴¹ wall'? As it was taught: Two walls⁴² must be proper ones but the third is valid even if it is only one handbreadth wide. 'Hyssop'? As R. Hiyya taught: The bundle of hyssop⁴³ must be a handbreadth long.

R. Hanina b. Papa stated: Shila of the village of Tamartha discoursed on three Baraithas and two reported traditions dealing with the prescribed size of a handbreadth. 'Two'⁴⁴ [you say]; is it not only one?⁴⁵ — Abaye replied, read:⁴⁶ R. Hiyya stated,⁴⁷ 'The bundle of hyssop must be a handbreadth long'. But are there no others?⁴⁸ Is there not in fact [the law that an enclosed space of] one handbreadth square and one handbreadth in height, forming a cube⁴⁹ conveys uncleanness⁵⁰ and constitutes a screen⁵¹ against uncleanness?⁵² — We spoke of the size of 'a handbreadth'; we did not speak of 'a handbreadth square'. But is there not the law concerning a stone that projected one handbreadth from an oven⁵³ or three fingerbreadths from a double stove⁵⁴ in which case it serves as a connecting link?⁵⁵ We spoke only of cases where the size of less than a handbreadth is invalid, but here the law would apply all the more to such a case where the size is of less than a handbreadth and it is a handle of the oven. But is there not

(1) Bek. 46a.

(2) In respect of the child born after it.

(3) Sc. since the birth of a sandal is always accompanied by the birth of an embryo how could the former's presence any more than its absence affect the birthright of a subsequently born son whose status would in any case be determined by that of the embryo.

(4) Sc. the embryo accompanying it if it was a male and was born after it.

(5) He is entitled to a double portion in his deceased father's estate (cf. Deut. XXI, 17).

(6) Cf. Num. XVIII, 15-16.

(7) Supra 7b in respect of the duty of bringing a sacrifice. Cf. supra n. 6 mut. mut.

(8) That accompanied the sandal.

(9) Extracted by means of the Caesarean cut.

(10) Though on account of the embryo, since it was not born from the normal place, she incurs no sacrifice of childbirth.

(11) Infra 40a; so that a sacrifice is incurred in any case.

(12) In reply to the objection: 'What practical law is taught by that of the sandal?'

(13) Who incurs no obligation of a sacrifice on account of the child, since she was still an idolatress when it was born.

(14) Just given, in reply to the objections as to what practical purpose was served by the law of the sandal.

(15) Sandal and embryo.

(16) How then is it possible, for instance, that a woman should be converted between the birth of the child and the birth of the sandal which are simultaneous processes or for one to be born by Caesarean section and the other by natural birth?

(17) From (a) the law relating to those incurring the penalty of kareth which presumes the embryo to precede the sandal and (b) the law of the firstborn which presumes the sandal to precede the embryo and (c) the statement that embryo and sandal issue while clinging to one another.

(18) Sc. the head of the embryo is in contact with the centre part of the sandal.

(19) But does not come in contact with the lower part of its body.

(20) The sandal and embryo clinging to one another in the manner described.

(21) Lit., 'by way of their heads'.

(22) Lying across the embryo's head.

- (23) Sc. before the birth of the embryo was consummated. As the sandal was the first to issue the embryo cannot be regarded as a firstborn son to be subject to the obligation of redemption from the priest.
- (24) Clinging to one another in the manner described.
- (25) Hence the obligation to bring the sacrifice prescribed for a woman in childbirth.
- (26) Sandal and embryo.
- (27) The one made by R. Papa.
- (28) As if overshadowed by an actual corpse.
- (29) And having been mixed up with the blood of childbearing which was the greater quantity became neutralized in it.
- (30) Hence it can no longer convey any uncleanness.
- (31) Lit., 'hens'.
- (32) Tosef. Nid. IV.
- (33) [Aliter: Oshaia Zeira of Haberya a village in the Hawram district; v. Horowitz, Palestine p. 263].
- (34) Cf. Bomb. ed. and MS.M. Cur. edd., 'it was taught'.
- (35) In the citation from Tosef. Nid. IV
- (36) Cf. MS.M.
- (37) Ram's horn used on the two days of the New Year festival (cf. Lev. XXIII, 24, Num. XXIX, 1).
- (38) Cf. Tosaf. Asheri.
- (39) A handbreadth is equal to the size of four thumbs which equals that of four fingers plus. Hence the prescription that when 'held in one's hand', sc. with the four fingers, it must 'be seen at either end', i.e., it must slightly project to make up the required size.
- (40) With which it is bound to form with the willows the Tabernacles festive wreath (cf. Lev. XXIII, 40).
- (41) V. Glos.
- (42) Of a sukkah (cf. Lev. XXIII, 42).
- (43) Cf. Lev. XIV, 4.
- (44) 'Two reported traditions'.
- (45) That on the spine of the lulab cited in the name of R. Johanan. All the others are Baraithas.
- (46) Instead of 'R. Hiyya taught'.
- (47) As an Amora. R. Hiyya lived at the end of the period of the Tannas and the beginning of that of the Amoras. When he 'taught' he was citing a Baraitha but when he 'stated' or 'said' he was speaking only as an Amora.
- (48) Whose prescribed size is a handbreadth.
- (49) Thus constituting a 'tent' of minimum size.
- (50) By overshadowing. If an unclean object and a clean one were overshadowed by it the latter becomes unclean even though it had not come in direct contact with the former.
- (51) Where the clean object was above, and the unclean one under such a 'tent'.
- (52) Oh. III, 7.
- (53) So that it can be used as its handle.
- (54) Cf. prev. n. On the rendering of 'double stove' cf. Tosaf. 26b, s.v. **בפלוגתא**, contra Rashi.
- (55) Kel. V, 2. Between an object on the stone and the oven or stove. If the object was unclean its uncleanness is conveyed to the oven or stove and if one of the latter was unclean its uncleanness is conveyed to the object.

Talmud - Mas. Nidah 26b

the law of ovens of the size of one handbreadth?¹ For we learnt:² — An oven [if it is to be susceptible to uncleanness must] ab initio³ be no less than four handbreadths high, and what remains of it⁴ must⁵ be no less than four handbreadths high; so R. Meir. But the Sages ruled: This applies only to a big oven but if it is a small one [it is susceptible to uncleanness] ab initio, after its manufacture is completed, whatever its size, and what is left of it [remains unclean] if it was the greater part of it.⁶ And [to the question] what is meant by 'whatever its size', R. Jannai replied: One handbreadth, since ovens of the height of one handbreadth are made!⁷ — He⁸ did not speak of laws about which a divergence of view exists.⁹ Now that you have arrived at this argument that law¹⁰ [it may be explained]¹¹ is also one in dispute, for in the final clause it was stated: R. Judah said, They spoke of the length of a handbreadth only between the oven and the wall.¹² But is there not also a

border of a handbreadth?¹³ — He does not deal with sizes that are prescribed in Scripture. But is there not the ark-cover that was one handbreadth thick?¹⁴ — He⁸ does not discuss holy things. But is there not [the following law]: It suffices for a cross-beam¹⁵ to be one handbreadth wide?¹⁶ — He¹⁷ does not discuss Rabbinical laws.¹⁸ [He was concerned only] with such as are prescribed in Scripture and in connection with which no sizes¹⁹ have been specified.

R. Isaac b. Samuel b. Martha once sat at his studies before R. Kahana and in the course of the session he observed: Rab Judah citing Rab laid down that throughout the first three days²⁰ the placenta²¹ is attributed to the child,²² but henceforth the possibility of the birth of a second child²³ must be considered.²⁴ Said the other to him: But could Rab have said such a thing? Did not Rab in fact state, ‘One child is not detained at all after the other [had been born]’?²⁵ The first remained silent. Said the other to him: Is it not possible that one statement²⁶ referred to an abortion, while the other²⁷ referred to a child that was viable? — You, the first²⁸ answered, have indeed stated Rab’s actual rulings, for Rab has explicitly made the following statement: If a woman aborted an embryo and after that she aborted a placenta, if this occurred within three days²⁹ the placenta is attributed to the embryo, but if it occurred at any subsequent time the possibility of the abortion of a second embryo must be taken into consideration. If, however, she gave birth to a normal child and subsequently aborted a placenta, even if that occurred between that moment and ten days later,³⁰ the possibility of the abortion of a second child³¹ need not be considered at all.

Samuel and the disciples of Rab and Rab Judah³² were once sitting at their studies when R. Joseph the son of R. Menashya of Dewil passed along in great haste. ‘There comes towards us’, he exclaimed, ‘a man whom we can throw down with a piece of straw³³ and he would allow himself to be thrown down and pushed out’.³⁴ In the meanwhile he approached them. What, said Samuel to him, did Rab rule in regard to a placenta? — Thus, the other replied, said Rab: The placenta may be attributed only to a child that is viable.³⁵ Samuel then put the question to all the disciples of Rab and they told him the same thing. Thereupon he turned round and looked at Rab Judah with displeasure.³⁶

R. Jose b. Saul enquired of Rabbi: What is the law where there was an abortion in the shape of a raven and [this was followed by] a placenta?³⁷ — The other replied: We can attribute a placenta only to an embryo in whose species³⁸ the placenta is [one of their organs].³⁹ What is the law where the placenta is tied to it?⁴⁰ — You, the other replied, have asked a question about that which does not exist. He raised an objection against him: If a woman aborted something in the shape of a beast, a wild animal or a bird, and a placenta with them, whenever the placenta is attached to it there is no need to take into consideration the possibility of the existence of a second embryo, but if no placenta is attached to it the possibility of the existence of a second embryo⁴¹ must be considered, and one⁴² must [impose on the woman] on account of them⁴³

(1) Used as toys (cf. Rashi and Gold.)

(2) Cf. MS.M. Cur. edd., ‘for it was taught’.

(3) When its manufacture is completed.

(4) Sc. of a big oven that contracted uncleanness and was then broken.

(5) If its uncleanness is to be retained.

(6) Kel. V, 1. For a fuller explanation cf. Hul. 124a.

(7) Now why was not this law included among the five enumerated by R. Oshaia supra?

(8) R. Oshaia.

(9) The size of the handbreadth in this case being disputed by R. Meir.

(10) About the stone that projected from an oven cited supra from Kel. V, 2.

(11) As a reason why it was not mentioned by R. Oshaia.

(12) Near which the oven is placed. Where a stone is of greater length it prevents the oven from being brought up to the wall and is removed in consequence. Only in such a case is the size restricted to a handbreadth. Where, however, the

stone projects on another side, since it would not be removed, it is regarded as a handle.

(13) Ex. XXV, 25.

(14) Cf. Ex. XXV, 17, as explained in Suk. 4b.

(15) Placed above the entrance to a blind alley in connection with the permissibility of the movement of objects on the Sabbath.

(16) 'Er. 13b.

(17) R. Oshaia.

(18) Ali the Sabbath laws in connection with an alley are merely Rabbinical.

(19) Lit., 'their sizes'.

(20) After the birth of a child.

(21) That issued after the childbirth.

(22) That was born. The days of the woman's uncleanness and cleanness are consequently reckoned from the day of the child's birth and not from the latter day on which the placenta issued.

(23) Who was crushed within the placenta and who might have been a female.

(24) And the restrictions of a female birth (fourteen unclean days instead of seven, for instance,) are imposed.

(25) How then could he have ruled that after three days had passed the placenta might still be attributed to a second child?

(26) According to which a second child might be born three or more days after the birth of the first one.

(27) 'One child is not detained at all after the other'.

(28) Who, thanks to R. Kahana's suggestion, recollected Rab's actual words and as a result was grateful and complimentary (cf. R. Gershom, contra Rashi).

(29) After the abortion of the embryo.

(30) Lit., 'from here and onwards'.

(31) That may have been crushed in the placenta.

(32) Who was a former disciple of Rab and joined Samuel's academy for some time after Rab's death.

(33) Lit., 'straw of the wheat'. Metaphor: The man could be upset by the simplest of arguments. Aliter: On whom we may throw wheat-chaff, i.e., embarrass with petty questions (Jast.).

(34) Cf. prev. n. He would not be able to open his mouth in defence of his views.

(35) As suggested supra by R. Kahana and confirmed by R. Isaac.

(36) 'He considered it a discourtesy on the part of Rab Judah (cf. supra n. 3) not to have informed him earlier of such an important ruling of Rab.

(37) Is the placenta, it is asked, attributed to the raven-shaped embryo or is it attributed to a human embryo that may have been crushed in it?

(38) Man and beast.

(39) Birds are, therefore, excluded.

(40) The raven-shaped object.

(41) That may have been crushed within the placenta.

(42) Lit., 'behold I'.

(43) The two embryos.

Talmud - Mas. Nidah 27a

the restrictions of the two births;¹ for it is assumed² that the foetus of the placenta may have been crushed³ and that the placenta of the foetus⁴ was also crushed.⁵ This is indeed a refutation.

Rabbah b. Shila citing R. Mattena who had it from Samuel stated: It once happened that a placenta was attributed to an embryo as late as⁶ ten days [after the latter's birth].⁷ [The law, however, that it] is to be attributed [to the existing embryo] applies only⁸ where the expulsion of the placenta followed the birth of the embryo.⁹ Rabbah b. Bar Hana citing R. Johanan stated: It once happened that a placenta was attributed to an embryo as late as¹⁰ twenty-three days [after the birth of the latter]. 'You once told us', said R. Joseph to him, 'as late as twenty-four days'. R. Aha son of 'Awira citing R. Johanan¹¹ stated: It once happened that the birth of an embryo was delayed for thirty-three

days after that of its predecessor. 'You', said R. Joseph to him, 'have in fact told us thirty-four days.' [Such an incident may be explained] satisfactorily according to him who holds that a woman who bears at nine months does not necessarily complete the full number,¹² since in such circumstances it is possible that the features of one embryo were completed at the end¹³ of seven months¹⁴ and those of the other at the beginning¹³ of the ninth month,¹⁵ but according to him who maintains that a woman who bears at nine months does complete the full number,¹² what can be said [in explanation of the incident]?¹⁶ — Reverse the statements:¹⁷ Thirty-three days in the case of the placenta¹⁸ and twenty-three days in that of the embryo.¹⁹

R. Abin b. R. Adda citing R. Menahem of Kefar She'arim or, as some say, Beth She'arim, stated: It once happened that a child was born three months later than its predecessor and lo, both sit before us in the schoolhouse. And who are they? — Judah and Hezekiah the sons of R. Hiyya. But did not a Master say that a woman in conception cannot conceive again?²⁰ — Abaye replied: It was the same drop but it was divided in two sections; the features of one of these were completed at the beginning of the seventh month and those of the other were completed at the end of the ninth month.

IF A PLACENTA IS WITHIN A HOUSE, THE HOUSE IS UNCLEAN. Our Rabbis taught: If a placenta is in a house, the house is unclean; not because a placenta is a child but because generally there can be no placenta with which there is no child; so R. Meir. R. Jose, R. Judah and R. Simeon regard [the house] as clean. 'Do you not agree', they said to R. Meir, 'that if it had been carried out in a bowl into an outer room it would be clean?' 'Indeed', he replied. 'But why?'²¹ 'Because it²² is no longer in existence'. 'As', they retorted, 'it is not in existence in the outer room so is it not in existence in the inner room'.²³ 'What was mashed once', he replied, 'is not like that which was mashed twice.'²⁴ R. Papa once sat behind R. Bubi in the presence of R. Hamnuna and in the course of the session he observed: What is R. Simeon's reason?²⁵ He is of the opinion that any uncleanness with which anything of a different kind of uncleanness has been mixed is neutralized. Said R. Papa to them: 'Is this also the reason of R. Judah and R. Jose?'²⁶ They laughed at him. 'Is not this obvious', they said, 'why should there be any difference?'²⁷ — 'Even such a question',²⁸ said R. Papa, 'a man should submit to his Master²⁹ and not be content with silence;³⁰ for it is said, If thou hast done foolishly³¹ thou art³² lifting up thyself;³³ but³⁴ if thou hast planned devices,³⁵ lay thy hand upon thy mouth.'³⁶

R. Simeon³⁷ follows the view he expressed elsewhere. For it was taught: If some earth fell into a ladleful of corpse-mould [the latter remains] unclean, but R. Simeon holds it to be clean. What is R. Simeon's reason? — Raba³⁸ replied: 'I met the Rabbis of the schoolhouse while they were sitting at their studies and explaining that³⁹ it is impossible that [somewhere in the mixture] two particles of earth to one of the corpse-mould should not represent the larger portion, so that⁴⁰ something is missing',⁴¹ and I said to them, 'On the contrary! It is impossible that [somewhere in the mixture] two particles of the corpse-mould should not represent a part greater than

(1) If, for instance, the embryo aborted was a male, the placenta is presumed to contain the crushed embryo of a female, and the woman must, therefore, count fourteen unclean days (as for a female) and not only seven (as prescribed for a male). According to the Rabbis (who do not regard a bird or a beast as a valid birth) the restriction imposed would be to regard 'neither birth as valid and to deprive the woman in consequence of the advantage of the clean days prescribed for a woman after a childbirth.

(2) Lit., 'for I say'.

(3) So that the placenta belonged to that foetus and not to the one in existence.

(4) That is in existence.

(5) And lost. Hul. 77a. It is thus shown that a placenta is sometimes attached to the foetus. How then could Rabbi maintain (supra 26b ad fin.) that such a thing 'does not exist'?

(6) Lit., 'until'.

(7) Despite the long interval between the birth of the embryo and the expulsion of the placenta no assumption was made

that the placenta of the embryo in existence was lost and that the placenta in existence belonged to a second embryo that was crushed.

(8) Lit., 'and they only said'.

(9) If, however, it preceded it the possibility must be taken into consideration that it belonged to another embryo that had been crushed; and consequently the restrictions applying to the two embryos must be imposed.

(10) Lit., 'until'.

(11) So Bah. Cur. edd., 'R. Isaac'.

(12) Of the nine months. Limekuta'in (from a rt. meaning 'to lop off').

(13) Within a day or two.

(14) In consequence of which it is viable.

(15) The eighth month consisting of twenty-nine or thirty days together with the odd days of the seventh and the ninth months (cf. prev. n. but one) making up the interval of thirty-three days.

(16) Apparently nothing whatever. If the first was born in the seventh month (even if on the last day) and the second in the ninth month the interval would not be one of thirty-three days but one of no less than two months. If they were both born in the seventh month the interval would inevitably be less than thirty-three days (since a Hebrew month never contains more than thirty days). If again, one was born in the seventh and the other in the eighth month the latter could not be viable, whereas the incident which speaks of a welad ('child') and not of nefel ('abortion') seems to refer to two viable children.

(17) Of R. Johanan.

(18) The first incident described supra.

(19) The second of the incidents supra. This is quite possible where both embryos were born in the seventh month, since all agree that a child may be viable even if the full number of seven months was not completed.

(20) Lit., 'a woman does not conceive and conceive again'. How then was it possible for a child to be born three months after its predecessor.

(21) Should then the first house be unclean.

(22) Having been mashed in the water.

(23) Since it was mashed in the placenta.

(24) 'There is no comparison between one presumption that the embryo was mashed and two such suppositions (that the placenta of one embryo and the embryo of another placenta were mashed)'. Jast.

(25) Sc. granted that the embryo was mashed, does not a mashed corpse convey uncleanness?

(26) Who are of the same opinion as R. Simeon supra.

(27) None whatever (cf. prev. n.).

(28) Which might cause one to be an object of ridicule.

(29) To make sure of his tradition.

(30) By relying on his own intelligence.

(31) Sc. asked what might appear to be a ridiculous question.

(32) E.V., 'in'.

(33) One's knowledge is of the highest order and first hand.

(34) E.V., 'or'.

(35) In seeking to escape possible ridicule.

(36) Prov. XXX, 32; he will not be able to give an authoritative answer when a question on the subject is addressed to him.

(37) In his ruling supra that 'Any uncleanness with which anything of a different kind . . . has been mixed is neutralized'.

(38) So MS.M. and Bah. Cur. edd., 'Rabbah'.

(39) Though the earth is much less than the corpse-mould.

(40) Since in that part of the mixture, at least, the corpse-mould is neutralized and loses its uncleanness.

(41) From the prescribed minimum of a ladleful. The whole mixture is consequently clean.

Talmud - Mas. Nidah 27b

one particle of earth,¹ so that² the quantity is increased'.³ The fact, however, is, said Raba,⁴ that this is the reason of R. Simeon: Its final stage⁵ is treated as its first stage.⁶ As in its first stage any other

matter⁷ becomes its antidote⁸ so also in its final stage⁵ any other matter⁹ becomes its antidote,⁸ What is that law?¹⁰ — It was taught: In what circumstances is a corpse subject to the uncleanness of¹¹ corpse-mould and in what circumstances is a corpse not subject to the uncleanness of corpse-mould? If a corpse was buried naked in a marble sarcophagus or on a stone floor¹² it is one that is subject to the uncleanness of corpse-mould. And in what circumstances is a corpse not subject to the uncleanness of corpse-mould? If it was buried in its shroud,¹³ or in a wooden coffin,¹⁴ or on a brick floor¹⁴ it is one that is not subject to the uncleanness of corpse-mould.¹⁵ And [the Sages] spoke of the uncleanness of corpse-mould only in the case of one who died, thus excluding a killed person who¹⁶ is not [subject to this law].¹⁷

[To turn to] the main text, ‘If some earth fell into a ladleful of corpse-mould [the latter remains] unclean, but R. Simeon holds it to be clean. If a ladleful of corpse-mould was scattered in a house the house is unclean,¹⁸ but R. Simeon holds it to be clean’.¹⁹ And both these rulings were required. For if we had been informed of the first one only²⁰ it might have been presumed that only in that case do the Rabbis maintain their view,²¹ since it²² is collected together but that where it was scattered they agree with R. Simeon, since a succession of incomplete overshadowings²³ is of no consequence.²⁴ And if we had been informed of the latter only²⁵ it might have been presumed that only in that case does R. Simeon maintain his view,²⁶ since a succession of incomplete overshadowings²³ is of no consequence,²⁷ but that in the former case²⁸ he agrees with the Rabbis.²¹ Hence both were required.

Elsewhere we learnt.²⁹ A ladleful and more of the earth of a graveyard³⁰ is unclean,³¹ but R. Simeon regards it as clean.³² What is the reason of the Rabbis? — Because it is impossible to have ‘a ladleful³³ and more’ of the earth of a graveyard in which there is not contained a ladleful of corpse-mould.³⁴

Now that you have explained that R. Simeon's reason is because ‘its final stage is treated as its first stage’,³⁵ what could be his reason in the case of a PLACENTA?³⁶ — R. Johanan replied: Because the law of neutralization in the larger quantity³⁷ has been applied to it.³⁸ R. Johanan in fact follows here³⁹ a view he expressed elsewhere. For R. Johanan stated: R. Simeon and R. Eliezer b. Jacob laid down the same ruling.⁴⁰ R. Simeon laid down the ruling we have just spoken of.⁴¹ R. Eliezer [also laid down the same ruling] for we learnt.⁴² R. Eliezer b. Jacob ruled, If a beast⁴³ of the class of large cattle discharged a clot of blood, this⁴⁴ shall be buried⁴⁵ and [the beast] is exempt from the law of the firstling;⁴⁶ and in connection with this R. Hiyya taught: It⁴⁴ does not convey uncleanness either through touch or through carriage.⁴⁷ But since it conveys no uncleanness either through touch or through carriage⁴⁸ why⁴⁹ should it be buried? — In order to publish the fact that [the beast] is exempt from the law of the firstling. It thus clearly follows that it⁴⁴ is deemed to be a proper embryo,⁵⁰ then why did R. Hiyya teach, ‘It does not convey uncleanness either through touch or through carriage’? — R. Johanan replied: Because the law of neutralization in the larger quantity⁵¹ has been applied to it,⁵²

R. Ammi citing R. Johanan stated: R. Simeon, however,⁵³ agrees that its mother is unclean by reason of childbirth. Said a certain old man to R. Ammi: ‘I will explain to you R. Johanan's reason:⁵⁴ For Scripture says, If a woman conceived seed⁵⁵ and bore a man-child etc.,⁵⁶ which implies: Even if she bore in the same manner only as she ‘conceived seed’⁵⁷ she is unclean by reason of childbirth.

Resh Lakish ruled: A sac that was beaten up in its fluid assumes the same status as a corpse whose shape was destroyed.⁵⁸ Said R. Johanan to Resh Lakish: Whence do we infer that a corpse whose shape had been destroyed is clean? If it be suggested, From the following statement which R. Shabthai cited in the name of R. Isaac of Magdala or, as others say, R. Isaac of Magdala cited in the name of R. Shabthai, ‘If a corpse has been burnt but its shape remained⁵⁹ it is unclean. It once happened that on account of such a corpse⁶⁰ the big⁶¹ doors⁶² were declared unclean⁶³

- (1) With which they are mixed in that particular section.
- (2) The earth also becoming unclean on account of the greater part of the corpse-mould with which it is mixed.
- (3) We-nafish (cf. marg. n. and Bomb. ed.) Cur. edd., we-nafil (and it falls).
- (4) So MS.M., Cur. edd. 'Rabbah'.
- (5) When a corpse is already converted into corpse-mould.
- (6) When the corpse is buried.
- (7) That is mixed up with the decaying corpse.
- (8) Cf. Rashi. Gingilon (or gilgilon, cf. Tosaf.), lit., 'belt' (cf. cingulum); sc. the smallest piece of material buried with a corpse neutralizes the uncleanness of its mould.
- (9) That mixed with the mould.
- (10) About the first stage just referred to.
- (11) Lit., 'which is the corpse that has'.
- (12) So that there is no foreign matter in the vicinity of the corpse that is likely to be mixed up with its mould.
- (13) Which on decaying would naturally be mixed up with the decaying matter of the corpse.
- (14) Which would moulder (cf. prev. n.).
- (15) Since the foreign matter that mixes with the decaying matter of the corpse neutralizes it and liberates the corpse-mould from its uncleanness.
- (16) Being regarded as a defective corpse (cf. Naz. 51b) on account of the blood he lost.
- (17) Tosef. Nid. II, Naz. 51a.
- (18) On account of ohel or overshadowing.
- (19) Oh. III, 2.
- (20) Earth mixed with corpse-mould.
- (21) That the mould remains unclean.
- (22) The corpse-mould.
- (23) Sc. one part of the roof does not overshadow the prescribed minimum of corpse-mould but one part of it overshadows one part of the minimum while another part overshadows another part of it.
- (24) Lit., 'that one does not make a tent and make a tent again', and the room, therefore, remains clean.
- (25) Corpse-mould scattered.
- (26) That the house is clean.
- (27) Cf. prev. n. but two mut. mut.
- (28) Earth mixed with corpse-mould.
- (29) V. marg. gl. Cur. edd. 'in another Baraitha it was taught'.
- (30) Which consists of a mixture of corpse-mould and earth.
- (31) The reason is explained presently.
- (32) The reason is given supra by Raba.
- (33) Lit., 'to fill a ladle'.
- (34) The required minimum.
- (35) Cf. prev. n. but two.
- (36) Where this comparison cannot be made.
- (37) There is more blood of labour than mashed embryo.
- (38) Lit., 'they touched it'. As the blood of labour which is the larger quantity is clean, the lesser quantity of the mashed embryo is neutralized in it, and is, therefore, clean.
- (39) In the answer just given.
- (40) That a mashed embryo is neutralized in the larger quantity of the blood of labour.
- (41) An embryo mashed in a placenta causes no uncleanness.
- (42) Cf. marg. gl. and Bomb. ed. Cur. edd., 'for it was taught'.
- (43) Which had never before born any young.
- (44) The clot.
- (45) It being possible that it contained a mashed firstling which is sacred.
- (46) Bek. 21b; sc. its next born young is not regarded as a firstling and need not be given to the priest.
- (47) Not being regarded as nebelah (v. Glos.) the man who touches or carries it remains clean.
- (48) From which it follows that it is not regarded as an embryo.

- (49) Since it is consequently no firstling.
- (50) Had it not had that status the beast would not have been exempt from the law of the firstling.
- (51) There being more blood of labour than mashed embryo.
- (52) The mashed embryo is consequently neutralized and is, therefore, clean.
- (53) Though he ruled in our Mishnah that the house is clean because THE CHILD MIGHT HAVE BEEN MASHED etc.
- (54) For subjecting the woman to the uncleanness of childbirth even when the embryo is mashed.
- (55) So according to A.V, and R.V. and the exposition that follows. J.T., 'be delivered'.
- (56) Lev. XII, 2.
- (57) Sc. the former was in a fluid state like the latter.
- (58) Sc. burned and scattered. Such human remains convey no uncleanness.
- (59) I.e., its ashes still kept together so that the body appears whole.
- (60) Lit., 'for him'.
- (61) No less than four handbreadths wide.
- (62) Of the house in which it lay.
- (63) Since the corpse can be carried intact through them.

Talmud - Mas. Nidah 28a

but the small doors¹ were declared clean'; from which you infer that the reason [why the big doors were declared unclean is] because its shape is still intact but had it not been in such a condition they² would have been clean; on the contrary [it could be retorted] draw from this the following inference:³ Only when its shape is intact were the small doors declared clean but otherwise the small doors also are unclean, since everyone of them is fit for carrying through it one limb at a time.⁴ Said Rabina to R. Ashi: [Do you know] in agreement with whose view R. Johanan made his statement?⁵ In agreement with that of R. Eliezer, For we learnt: The ashes of burnt corpses, R. Eliezer ruled, [convey uncleanness] if they are a quarter of a kab in quantity.⁶ How is one to imagine a corpse that was burnt but whose shape remained intact? — Abaye replied: In such a case, for instance, as where it was burnt on a leather spread.⁷ Raba replied: In such a case, for instance, as where it was burnt on a hard cemented substance.⁸ Rabina replied: Where, for instance, it was only charred.⁹

Our Rabbis taught: If a woman aborted a shaped¹⁰ hand or a shaped¹¹ foot she¹² is subject to the uncleanness of childbirth and there is no need to consider the possibility that it might have come from a shapeless body.¹³ Both R. Hisda and Rabbah b. R. Huna ruled: She¹⁴ is not allowed the days of cleanness.¹⁵ What is the reason? — It might be assumed that¹⁶ her bearing took place long ago.¹⁷ R. Joseph raised an objection: If a woman aborted an embryo and¹⁸ it is unknown what [was the sex of the embryo] she aborted she must continue [her periods of uncleanness and cleanness as] for both a male child and a female child.¹⁹ Now if it is to be upheld²⁰ that in any such case²¹ it might be assumed that her bearing took place long ago,²² why²³ was it not also stated, 'and as for menstruation'?²⁴ — Abaye replied: If 'as for menstruation' had been mentioned it might have been presumed that²⁵ she brings a sacrifice²⁶ which²⁷ may not be eaten; hence we were informed²⁸ that it may be eaten.²⁹

R. Huna ruled: If an embryo put forth its hand and then drew it back its mother is unclean on account of childbirth; for it is said, And it came to pass, when she bore,³⁰ that one put out a hand.³¹ Rab Judah raised an objection: If an embryo put forth its hand its mother need not consider the possibility of any restriction!³² — R. Nahman replied: This was explained to me by R. Huna that the woman must indeed consider the possibility [that it is a valid birth],³³ but we do not allow her the privilege of the clean days³⁴ unless the greater part of the embryo has issued forth. But was it not stated 'Its mother need not consider the possibility of any restriction'? — Abaye replied: Pentateuchally she need not consider the possibility of any restriction, but it is Rabbinically that she must take into consideration the possibility [that it might have constituted a valid birth]. But did he³⁵ not quote a Scriptural text?³⁶ — The restriction is Rabbinical, and the Scriptural text is a mere

prop.³⁷

MISHNAH. IF A WOMAN ABORTED A TUMTUM OR AN ANDROGINOS,³⁸ SHE MUST CONTINUE [IN HER UNCLEANNESS AND CLEANNESS AS] FOR BOTH A MALE³⁹ AND A FEMALE,⁴⁰ IF SHE GAVE BIRTH TO A TUMTUM AND A MALE, OR TO AN ANDROGINOS AND A MALE, SHE MUST ALSO CONTINUE [IN UNCLEANNESS AND CLEANNESS AS] FOR BOTH A MALE³⁹ AND A FEMALE.⁴⁰ IF SHE HAVE A TUMTUM AND A FEMALE OR AN ANDROGINOS AND A FEMALE, SHE NEED CONTINUE [IN UNCLEANNESS AS] FOR A FEMALE ONLY.⁴¹ IF THE EMBRYO ISSUED IN PIECES⁴² OR IN A REVERSED POSITION⁴³ IT IS DEEMED BORN AS SOON AS ITS GREATER PART ISSUED FORTH. IF IT CAME FORTH IN THE NORMAL WAY [IT IS NOT DEEMED BORN] UNTIL THE GREATER PART OF ITS HEAD ISSUED FORTH. AND WHAT IS MEANT [BY THE ISSUE OF] THE 'GREATER PART OF ITS HEAD'? THE ISSUE⁴⁴ OF ITS FOREHEAD.

GEMARA. Now that it has been laid down that for a TUMTUM alone or for an ANDROGINOS alone SHE MUST CONTINUE [IN HER UNCLEANNESS AND CLEANNESS AS] FOR BOTH A MALE AND A FEMALE, why should it again be necessary [to state that the same law applies where she gave birth to] A TUMTUM AND A MALE OR TO AN ANDROGINOS AND A MALE? — This was necessary: As it might have been suggested that since R. Isaac had stated, 'If the woman emits her semen first she bears a male and if the man emits his first she bears a female',⁴⁵ it should be assumed that since the one is a male the other⁴⁶ also is a male, hence we were informed [that no such assumption is made, since] it might equally be assumed that both⁴⁷ emitted their semen simultaneously, the one resulting in a male and the other in a female.⁴⁸ R. Nahman citing Rab ruled: If a tumtum or an androginos observed a white,⁴⁹ or a red⁵⁰ discharge he⁵¹ does not incur the obligation of an offering for entering the Sanctuary⁵² nor is terumah⁵³ to be burnt on his account.⁵⁴ If he⁵¹ observed a simultaneous discharge of white and red,⁵⁵ he incurs indeed no obligation of an offering for entering the Sanctuary⁵⁶ but terumah⁵³ must be burnt on his account;⁵⁷ for⁵⁸ it is said, Both male and female

(1) Less than four handbreadths in width, through which, owing to the availability of larger doors, the corpse would not be carried.

(2) The big doors,

(3) Lit., 'to that side'.

(4) From which it would follow that 'a corpse whose shape had been destroyed' is also unclean; contrary to the view of Resh Lakish (supra 27b, ad fin.).

(5) That a corpse whose shape had been destroyed is also unclean (cf. prev. n.).

(6) Oh. II, 2.

(7) Katabela, cf. K** (Jast.); a skin boiled and hardened which is not consumed when the corpse is burnt (v. Rashi) and moulded in the shape of a human body (Tosaf.) so that the burned remains are kept together.

(8) Or 'over the dung on a cemented stable-floor' (Jast.); marble (Rashi); providing a mould for the corpse (cf. prev. n.).

(9) In which case the body is kept together without any external aid.

(10) Lit., cut', sc. with fingers well defined.

(11) Cf. prev. n. mut. mut.

(12) Lit., 'his mother'.

(13) Which has not the status of a child.

(14) Though subject to the uncleanness of a normal birth.

(15) Which, in the case of a normal birth, follow the period of uncleanness.

(16) Since the embryo was aborted in parts and it is unknown when the birth of the greater part of it occurred.

(17) And by the time the hand or foot in question was aborted the prescribed period of uncleanness may have passed.

(18) Having been aborted in fractions.

(19) Infra 29a; sc. the restrictions of both are imposed upon her.

(20) Lit., 'it goes up to your mind'.

- (21) Abortion in parts.
- (22) Cf. p. 190, n. 14.
- (23) Since in this case also it is not known when the birth of the greater part of the embryo took place.
- (24) I.e., the uncleanness should not only extend over fourteen days (prescribed for the birth of a female child) irrespective of whether blood was or was not observed, but even any subsequent discharge of blood, which in the case of a normal birth is clean, should (since her period of clean days may have already passed) be regarded as that of menstruation. (On the mention of male child v. infra 30a).
- (25) Since the ruling that the woman is subject to the restrictions of menstruation implies that it is not certain whether the embryo is, or is not to be regarded as a normal child.
- (26) Prescribed for a woman after a childbirth.
- (27) As the embryo possibly may not have the status of a normal child (cf. prev. n. but one).
- (28) By the omission of 'as for menstruation' which indicates that there is no doubt whatever that the embryo is in this respect regarded as a normal child, and that it was only its sex that was in doubt.
- (29) As any other valid sacrifice brought by a woman after a childbirth.
- (30) E. V., 'she travailed'.
- (31) Gen. XXXVIII, 28; emphasis on bore and hand which shows that the issue of a hand alone is described as a 'birth'.
- (32) How then could R. Huna maintain that a woman in such circumstances is subject to the uncleanness of childbirth?
- (33) Sc. she must continue in the days of uncleanness as after a normal childbirth.
- (34) That normally follow those of uncleanness.
- (35) R. Huna.
- (36) How then could the restriction be said to be Rabbinical only?
- (37) Asmakta.
- (38) Hermaphrodite.
- (39) In respect of the period of cleanness, thirty-three days instead of the sixty-six prescribed for a female birth.
- (40) Fourteen unclean days instead of the seven prescribed for the birth of a male.
- (41) Since even if the tumtum were a male, the unclean period prescribed for the birth of a male is completely absorbed by the longer one prescribed for the birth of a female (cf. prev. n.); and the same applies also to the clean period (cf. prev. n. but one).
- (42) Lit., 'cut'.
- (43) With its feet first.
- (44) Lit., 'as soon as . . . issued'.
- (45) Supra 25b.
- (46) The tumtum or the androgynos.
- (47) Husband and wife.
- (48) That other being the tumtum.
- (49) Which resembles semen; a discharge that causes no uncleanness in a woman.
- (50) Resembling menstrual blood, a discharge that causes no uncleanness in a man.
- (51) The Heb. uses the plural throughout the passage.
- (52) Since his uncleanness is a matter of doubt (cf. prev. two notes) and his sacrifice in connection with it would consequently be an unconsecrated beast which is forbidden to be offered on the altar.
- (53) Which he touched.
- (54) It must only be kept in suspense owing to the doubtful nature of its uncleanness.
- (55) So that he is inevitably unclean whatever his sex.
- (56) For the reason explained presently.
- (57) Cf. prev. n. but one.
- (58) This is a reason for the first ruling, why 'he incurs no guilt for entering the Sanctuary'.

Talmud - Mas. Nidah 28b

shall ye put out,¹ only a confirmed male or a confirmed female [shall ye put out], but not a tumtum or an androgynos. May it be suggested that the following provides support for his² view? [For it was taught:] 'If a tumtum or an androgynos observed a white,³ or a red discharge, he incurs no obligation

of an offering for entering the Sanctuary nor is terumah to be burnt on his account. If he observed a simultaneous discharge of white and red he incurs indeed no obligation of an offering for entering the Sanctuary but terumah must be burnt on his account'. Now is not the reason⁴ because it is said, Both male and female shall ye put out,⁵ which implies only a confirmed male and a confirmed female [shall ye put out] but not a tumtum or an androgynos?⁶ — 'Ulla replied: No; this may represent the view of⁷ R. Eliezer.⁸ For we learnt: R. Eliezer stated, [It is written, If any one touch . . . the carcass of] unclean swarming things and . . . it being hidden from him,⁹ one incurs the obligation of an offering only when the unclean swarming thing is hidden from him¹⁰ but no offering is incurred when the Sanctuary is hidden from him.¹¹ R. Akiba stated, [Scripture says:] It being hidden from him that he is unclean,⁹ one incurs the obligation of an offering only when it is 'hidden from him that he is unclean'¹⁰ but no offering is incurred when the Sanctuary is hidden from him.¹² And when it was asked, 'What is the practical difference between them?'¹³ Hezekiah replied: The practical difference between them is [the case of a man who is uncertain whether he touched] a dead creeping thing or the carcass of a beast, R. Eliezer¹⁴ holding that it is necessary¹⁵ that a person shall know¹⁶ whether he had contracted uncleanness through a creeping thing or through the carcass of a beast, while R. Akiba¹⁷ maintains that this is not necessary.¹⁸ Now did not R. Eliezer state there¹⁸ that 'it is necessary that a person should know whether he contracted uncleanness through a creeping thing or the carcass of a beast'?¹⁹ Well here also²⁰ it is necessary²¹ that the person²² should know whether he became unclean on account of the white discharge or an account of the red one; but according to R. Akiba who stated that a person incurs the obligation of an offering on account of uncleanness²³ an offering would be incurred here²⁰ also on account of the uncleanness.²³ But, according to Rab, why is it that they²² incur no offering for entering the Sanctuary? Because [you say] it is written, Both male and female shall ye put out,²⁴ which implies that only a confirmed male and a confirmed female [must be put out] but not a tumtum or an androgynos. But, if so, terumah²⁵ also should not be burnt, since it is written, And of them that have an issue, whether it be a man, or a woman,²⁶ which implies²⁷ does it not, that only a confirmed male and a confirmed female [is subject to the restrictions]²⁸ but not a tumtum or an androgynos?²⁹ — That text²⁶ is required for an exposition like the one made by R. Isaac; for R. Isaac stated: 'whether it be a man'²⁶ includes³⁰ a male leper as regards his sources,³¹ 'or a woman'²⁶ includes a female leper as regards her sources.³² But is not that text³³ also required [for a deduction that the injunction³⁴ applies only] to that which may attain cleanness in a ritual bath,³⁵ thus excluding an earthenware vessel;³⁶ so R. Jose?³⁷ — If so³⁸ the All Merciful should have written, 'man'.³⁹ And should you retort that if the All Merciful had only written 'man' it might have been presumed that a metal vessel need not be sent out⁴⁰ [it may be pointed out that this⁴¹ could have been] deduced from Whatsoever⁴² is unclean by the dead,⁴³ what need then was there for the specification of 'male and female'? Obviously to deduce the same ruling as Rab did. Might it not then be suggested that the entire text served the same purpose as that to which Rab applied it?⁴⁴ — If that were the case⁴⁵ it should have been written, 'male and female' why then the expression 'both male and female'?⁴⁶ 'Both',⁴⁷ consequently includes all objects that attain cleanness in a ritual bath. But if so,⁴⁸ even if he⁴⁹ became unclean through any other cause of uncleanness,⁵⁰ he should not be sent out, should he?⁵¹ — Scripture said, 'from⁵² male' [implying that the text deals only with] an uncleanness that is discharged from the male.⁵³ Does, however, any Scriptural expression of 'both male and female' serve to exclude the tumtum and the androgynos? Surely in the case of valuations it is written, 'The male',⁵⁴ and it was taught: 'The male'⁵⁴ but no tumtum or androgynos. As it might have been presumed that he is not subject to the valuation of a man but is subject to that of a woman it was explicitly stated. 'The male'⁵⁵ . . . And if it be a female'⁵⁶ implying:⁵⁷ Only a confirmed male and a confirmed female⁵⁸ but no tumtum or androgynos.⁵⁹ Is not then the reason [for the exclusion]⁶⁰ that it was written, 'The male'⁵⁵ . . . And if it be a female',⁵⁶ but from the expression of 'male and female' alone neither⁶¹ could have been excluded?⁶² — That text⁶³ is required

(1) Num. V, 3, a reference to the sending out of unclean persons from the Sanctuary (v. Rashi).

(2) Rab's.

- (3) For notes v. supra on Rab's statement.
- (4) For the first ruling (cf. supra n. 14). Lit., 'what is the reason? Not?'
- (5) V. p. 193, n. 15.
- (6) Does this then provide support for Rab's view?
- (7) Lit., 'this, whose?'
- (8) Who is of the opinion that no offering in connection with an uncleanness may be brought unless the person affected is fully aware of the actual cause of his uncleanness? Similarly in the case cited, since the actual cause of uncleanness is unknown to the tumtum or to the androgynos, no obligation of an offering is incurred. The Rabbis, however, who differ from R. Eliezer in subjecting one to the obligation of an offering even where the actual cause of the uncleanness is unknown, would equally subject the tumtum and the androgynos to the obligation of an offering in the case cited. As the halachah is in agreement with the Rabbis who are in the majority, no authoritative support for Rab's statement is forthcoming from this Baraita.
- (9) Lev. V, 2.
- (10) Sc. when entering the Sanctuary the man forgot that he was unclean.
- (11) Sc. he well remembered when entering the Sanctuary that he was unclean but forgot that it was the Sanctuary that he was entering.
- (12) Shebu. 14b. Cf. prev. n.
- (13) R. Eliezer and R. Akiba.
- (14) Who explicitly mentioned 'unclean swarming thing'.
- (15) If an offering is to be incurred.
- (16) At the time he became unclean.
- (17) Who merely speaks of uncleanness in general.
- (18) Shebu. 18b.
- (19) Of course he did.
- (20) The case of a simultaneous discharge of red and white.
- (21) If an offering is to be incurred.
- (22) The tumtum or the androgynos.
- (23) Though the actual cause of it is unknown to him.
- (24) Num. V, 3.
- (25) Which they touched.
- (26) Lev. XV, 33.
- (27) As does the expression 'male and female' in Num. V, 3.
- (28) Of the laws spoken of in the text.
- (29) But this is, of course, absurd.
- (30) Since the expression is not required for the context which spoke previously in general terms in the same verse 'of them that have an issue'.
- (31) His mouth, for instance. Sc. not only is his body a primary uncleanness but, as the zab of which the text explicitly speaks, his spittle also is a primary uncleanness and may, therefore, impart uncleanness of the first grade to man and articles.
- (32) Cf. prev. n. No further deduction, therefore, can be made from the same expression.
- (33) Num. V, 3, from which deduction is made in the Mishnah cited from Shebu. 14b supra.
- (34) To send out from the Temple court.
- (35) As 'a male and female' may.
- (36) Which cannot attain cleanness by immersion.
- (37) 'Er. 104b. How then can Rab deduce his ruling from the very same text?'
- (38) That only the deduction just quoted was to be made.
- (39) Heb. adam, which would have included both sexes and implied the deduction.
- (40) And that it is for this reason that Scripture specified 'both male and female' in order to indicate (by the specific mention of the two sexes) that the deduction must have a reference to a law that applied to both sexes viz., the attainment of cleanness in a ritual bath, so that metal vessels also should be included.
- (41) The law that an unclean metal vessel must also be sent out of the Temple court.
- (42) E.V. 'whosoever'.

- (43) Num. V, 2, emphasis on the first three words which include metal vessels also. The use of 'man', therefore, would inevitably have excluded earthen vessels.
- (44) But, if so, whence is the deduction made that the same law applies to all that attain cleanness in a ritual bath?
- (45) That only Rab's ruling is to be deduced.
- (46) Lit., 'from male until female'.
- (47) Heb, 'ad, lit. 'until'.
- (48) That, as Rab laid down (supra 28a), a tumtum or an androgynos who observed a red and a white discharge is exempt from the law requiring an unclean person to be sent out from the Temple court since he is neither a confirmed male nor a confirmed female.
- (49) A tumtum or an androgynos.
- (50) By coming in contact with a corpse, for instance.
- (51) But this surely is contrary to the accepted law.
- (52) E.V., 'both'.
- (53) Thus excluding one contracted from a foreign body.
- (54) Lev. XXVII, 3.
- (55) Cf. prev. n., emphasis on 'the'.
- (56) Lev. XXVII, 4, emphasis on 'if'.
- (57) By the additional 'the' and 'if' (cf. prev. nn.).
- (58) Are subject to the valuations given.
- (59) 'Ar 4b.
- (60) Of the tumtum and the androgynos from the valuations laid down.
- (61) Cf. prev. n.
- (62) How then could it be implied supra that 'any Scriptural expression of "both male and female" serves to exclude the tumtum etc.'?
- (63) 'Male' and 'female' in the section of valuations.

Talmud - Mas. Nidah 29a

to indicate a distinction between the valuation of a man and the valuation of a woman.¹

IF THE EMBRYO ISSUED IN PIECES OR IN A REVERSED CONDITION etc. R. Eleazar ruled: Even if the head was with them;² but R. Johanan ruled: This³ was learnt only in a case where the head was not with them but where the head was with them the embryo is deemed born.⁴ May it be suggested that they⁵ differ on a principle of Samuel for Samuel has laid down: The head⁶ does not exempt⁷ in the case of miscarriages?⁸ — Where it⁹ is whole there is no difference of opinion whatever;¹⁰ they only differ in a case where it⁹ issued in pieces, one Master¹¹ holding the opinion that the head is of importance¹² only where the miscarriage is whole but where it is in pieces it is of no importance, while the other Master¹² holds that even where it⁹ is in pieces the head is of importance.¹³ There¹⁴ are some who teach this passage as an independent discussion:¹⁵ R. Eleazar ruled, The head¹⁶ has not the status of the greater part of the limbs¹⁷ but R. Johanan ruled: The head has the same status as the greater part of the limbs. They thus differ on the validity of Samuel's principle.¹⁸

We learnt: IF THE EMBRYO ISSUED IN PIECES OR IN A REVERSED POSITION IT IS DEEMED BORN AS SOON AS ITS GREATER PART ISSUED FORTH. Now since 'OR¹⁹ IN A REVERSED POSITION' was specifically stated it follows that 'IN PIECES' refers to one that issued in a normal position,²⁰ and yet it was stated, IT IS DEEMED BORN AS SOON AS ITS GREATER PART ISSUED. Does not this then present an objection against R. Johanan? — R. Johanan can answer you: Read, ISSUED IN PIECES and IN A REVERSED POSITION. But was it not stated 'OR'?²¹ It is this that was meant: IF THE EMBRYO ISSUED IN PIECES OR whole, but in either case, IN A REVERSED POSITION, IT IS DEEMED BORN AS SOON AS ITS GREATER PART ISSUED FORTH. R. Papa stated, [This²² is] a matter of dispute between the

following Tannas: ‘If an embryo issued in pieces or in a reversed position it is deemed born as soon as its greater part issued forth. R. Jose ruled: Only when it issued in the normal way’. What does he²³ mean? — R. Papa replied: It is this that was meant.²⁴ If the embryo issued in pieces and in a reversed position²⁵ it is deemed born as soon as its greater part issued forth, but [it follows] if it issued in the normal way²⁰ the head alone²⁶ causes exemption.²⁷ R. Jose ruled: Only where its greater part issued in the normal manner.²⁸ R. Zebid demurred:²⁹ Thus it follows³⁰ that where the embryo issued in a reversed position³¹ even the issue of its greater part causes no exemption,³⁰ but surely, have we not an established rule that the greater part³² counts as the whole? Rather, said R. Zebid, it is this that was meant.³³ If the embryo issued in pieces and in a reversed position it is deemed born as soon as its greater part issued forth, but [it follows] if it issued in the normal way the head alone causes exemption.²⁷ R. Jose³⁴ ruled: Only³⁵ where it issued in the normal manner in a condition of viability.³⁶ So it was also taught: If the embryo issued in pieces and³⁷ in a reversed position it is deemed born as soon as its greater part issued forth, but, it follows, if it issued in the normal way the head alone causes exemption. R. Jose ruled: Only when it issued in the normal manner in a condition of viability. And what is ‘the normal manner in a condition of viability’? The issue³⁸ of the greater part of its head. And what is meant by ‘the greater part of its head’? R. Jose³⁹ said: The issue of its temples. Abba Hanan citing R. Joshua said: The issue of its forehead; and some say: The appearance⁴⁰ of the corners of its head.⁴¹

MISHNAH. IF A WOMAN ABORTED AND⁴² IT IS UNKNOWN WHAT WAS [THE SEX OF THE EMBRYO] SHE MUST CONTINUE [HER PERIODS OF UNCLEANNES AND CLEANNESS AS] FOR BOTH A MALE CHILD⁴³ AND A FEMALE CHILD.⁴⁴ IF IT IS UNKNOWN WHETHER IT WAS A CHILD OR NOT, SHE MUST CONTINUE [HER PERIODS OF CLEANNESS AND UNCLEANNES AS] FOR A MALE AND A FEMALE⁴⁵ AND AS A MENSTRUANT.⁴⁶

GEMARA. R. Joshua b. Levi ruled: If a woman crossed a river and miscarried in it, she⁴⁷ must bring a sacrifice which may ‘be eaten, since we are guided by the nature of⁴⁸ the majority of women and the majority of women bear normal children.

We learnt: IF IT IS UNKNOWN WHETHER IT WAS A CHILD OR NOT, SHE MUST CONTINUE [HER PERIODS OF CLEANNESS AND UNCLEANNES AS] FOR A MALE AND A FEMALE AND AS A MENSTRUANT. But⁴⁹ why should she continue as a menstruant. Why should it not be said, ‘Be guided by the nature of the majority of women and the majority of women bear normal children’.⁵⁰ — Our Mishnah deals with a case where there was no presumption of the existence of an embryo,⁵¹ while R. Joshua b. Levi spoke of one where there was such presumption.

Come and hear: ‘If a beast went out⁵² full⁵³ and returned⁵⁴ empty, the young that is born subsequently is deemed to be a firstling of a doubtful nature’.⁵⁵ But⁴⁹ why [should its nature be a matter of doubt]? [Why not] be guided by the majority of beasts and, since the majority of beasts bear normal young, this one also⁵⁶ must be an ordinary beast?⁵⁷ — Rabina replied, Because it may be said: Most beasts bear young that are exempt from the law of the firstling⁵⁸ and a minority of them bear young that are not exempt from the law of the firstling but all that bear secrete,⁵⁹ and in the case of this beast, since it did not secrete, the majority rule has been impaired. If, however, all that bear secrete, must not the young, since this beast did not secrete, be a valid firstling?⁶⁰ — Rather say: Most of those that bear secrete, and in the case of this beast, since it did not secrete, the majority rule is impaired. When Rabin came⁶¹ he stated: ‘R. Jose b. Hanina raised an objection⁶² [from a Baraitha dealing with] a forgetful woman,⁶³ but I do not know what objection it was’. What was it? — It was taught:

(1) Hence the necessity for the additional ‘the’ and ‘if’ which serve the purpose of the deduction. In the text of Num. V, 3, however, the full expression of ‘male and female’, which could well have been condensed to ‘man’, clearly suggests

the deduction made by Rab.

(2) With some of the pieces; sc. even in such a case the embryo is not deemed born unless ITS GREATER PART ISSUED FORTH.

(3) Cf. prev. n.

(4) V. marg. gl. Cur. edd. in parenthesis, 'the head exempts'.

(5) R. Eleazar and R. Johanan.

(6) Of a twin, if it was drawn back after it had been put out.

(7) The other twin (that was born first) from the duty of redemption (cf. Num. XVIII, 15, 16) even if it was viable.

(8) Bek. 46b. Does then R. Eleazar adopt Samuel's principle?

(9) The miscarriage.

(10) Both R. Eleazar and R. Johanan agree that the issue of the head alone suffices to constitute birth.

(11) R. Eleazar.

(12) Constituting birth. (22) R. Johanan.

(13) Constituting birth.

(14) Cur. edd. in parenthesis add; 'Another reading: The reason then is that it issued in pieces or in a reversed condition but if it issued in the normal manner the (putting out of the) head would have caused exemption. (Thus) both do not uphold Samuel's ruling, for Samuel said, The head does not exempt in the case of miscarriages'.

(15) Sc. not in connection with our Mishnah.

(16) Of a miscarriage.

(17) Its issue, therefore, constitutes no birth.

(18) R. Eleazar agreeing with Samuel while R. Johanan differs from him. According to the former version (which attaches the dispute to our Mishnah) it might be maintained (as has been submitted supra) that R. Eleazar also differs from him.

(19) Cf. Bah. Cur. edd. omit.

(20) Head first.

(21) How can 'or' be understood as 'and'?

(22) R. Johanan's ruling.

(23) R. Jose.

(24) By both the first Tanna and R. Jose.

(25) Feet foremost.

(26) Even if the body issued in pieces.

(27) Cf. n. supra, sc. the embryo is deemed to have been born, in agreement with the view of R. Johanan.

(28) Only then is the embryo deemed to have been born. According to R. Jose the issue of the greater part of the body (but with its feet first) or the lesser part (head first) constitutes no valid birth, since, wherever an embryo issued in pieces, both conditions are essential.

(29) Against R. Papa's explanation.

(30) Cf. prev. n. but one.

(31) Feet foremost.

(32) Or 'its majority'.

(33) By both the first Tanna and R. Jose.

(34) Objecting to the last clause (the inference).

(35) Only then does the issue of the head cause exemption.

(36) But not where the embryo issued in pieces when it cannot possibly live. In such a case the issue of the head constitutes no valid birth.

(37) So MS.M. Cur: edd. in parenthesis 'or'.

(38) Lit., 'when it went out'.

(39) MS.M., 'Nathan'.

(40) Lit., 'since they will appear'.

(41) The projection of the head above the neck (Rashi).

(42) Being known that the abortion was a child.

(43) In respect of cleanness: Only thirty-three days instead of sixty-six.

(44) Fourteen unclean days instead of seven.

(45) Cf. prev. two notes.

(46) Sc. if she observes a discharge of blood even during the 'thirty-three clean' days, she must be regarded as menstrually unclean, since it is possible that the abortion was no child at all in consequence of which she is not entitled to any of the privileges of childbirth.

(47) Though the abortion was lost in the water and it is unknown whether it was an embryo or a mere inflated sac.

(48) Lit., 'follow'.

(49) If R. Joshua b. Levi's argument is tenable.

(50) And consequently she ought to be entitled, at least, to the thirty-three clean days prescribed for a male birth (during which she is exempt from all menstrual uncleanness).

(51) The rule of the majority is consequently inapplicable.

(52) To the pasture.

(53) Pregnant.

(54) On the same day.

(55) Since it is unknown whether it followed the birth of a developed embryo, in which case it is no firstling, or the abortion of an inflated sac, in which case it is a valid firstling. A doubtful firstling may be eaten by its owner after it had contracted a blemish and the priest has no claim upon it.

(56) Having thus been born after the birth of a normal one.

(57) Not even a doubtful firstling, and its owner should consequently be allowed to eat it even if it had no blemish.

(58) Since each beast can only bear one firstling.

(59) A day prior to their delivery.

(60) Why then was it described as one of a doubtful nature?

(61) From Palestine to Babylon.

(62) Against R. Joshua b. Levi.

(63) Lit., 'erring', a woman who does not remember the time of her delivery; v. supra 18b.

Talmud - Mas. Nidah 29b

If a woman who departed in a condition of pregnancy¹ and returned² without child³ spent, within our cognizance,⁴ three clean weeks⁵ and another ten weeks which were alternately unclean⁶ and clean,⁷ she may perform her marital duty on the night preceding the thirty-fifth day⁸ and she is ordered to undergo ninety-five ritual immersions;⁹ so Beth Shammai. But Beth Hillel ruled: Thirty-five immersions.¹⁰ R. Jose son of R. Judah ruled: It suffices if one immersion is performed after the final [period of uncleanness]. Now¹¹ one can well understand why the woman may not perform her marital duty during the first week,¹² since she might be presumed to have given birth¹³ to a male child.¹⁴ During the second week she might be presumed to have given birth¹³ to a female child.¹⁵ During the third week she might be presumed to have given birth¹³ to a female child while she was in the condition of a zabah.¹⁶ But¹⁷ why should she¹⁸ not be permitted to perform her marital duty in the fourth week though she had observed a discharge of blood seeing that it is clean blood?¹⁹ Must it not then be admitted that the reason²⁰ is because we are not guided here by the majority rule?²¹ — What then²² [is the justification for the statement] 'I do not know what objection it was'? — It might be presumed that her delivery took place a long time ago.²³ But why should she not be allowed to perform her marital duty during the fifth week²⁴ which²⁵ is a clean one? — In the case of the fourth week²⁶ every day might be regarded as being possibly the conclusion of [the clean days prescribed for] a childbirth and the beginning of the period of menstruation, so that the twenty-eighth day itself²⁷ might be presumed to be the first day of the menstrual period and she must consequently continue [her uncleanness for] seven days in respect of her menstruation.²⁸ But why should she not be permitted to perform her marital duty on the twenty-first day?²⁹ — This³⁰ is in agreement with the view of R. Simeon who ruled: It is forbidden to do so³¹ since, thereby, she³² might be involved in a doubtful uncleanness.³³ But³⁴ why should she not be permitted intercourse in the evening?³⁵ — This is a case where she observed the discharge in the evening.³⁶ 'And she is ordered to undergo ninety-five ritual immersions: During the first week³⁷ she is ordered immersion every night, since it might be presumed that she gave birth³⁸ to a male child.³⁹ During the second week she is ordered

immersion every night,⁴⁰ since it might be presumed that she gave birth⁴¹ to a female child;³⁹ and every day, since it might also be presumed that she gave birth to a male child while she was in a condition of zibah.⁴² During the third week she is ordered immersion every day, since it might be presumed that she gave birth to a female child while she was in a state of zibah;⁴³ and every night, because Beth Shammai follow the view they expressed elsewhere that one who performed immersion on a long day⁴⁴ must again perform immersion [at its conclusion].⁴⁵

(1) Lit., 'who went out full'.

(2) After some considerable time.

(3) Lit., 'empty'; and she was unaware when birth took place.

(4) Lit., 'and she brought before us'.

(5) Sc. having arrived in the day-time she experienced no discharge from the moment of her arrival for three weeks.

(6) I.e., experiencing a discharge on each of the seven days of the first alternate weeks.

(7) I.e., she experienced no discharge on any of the seven days of the second alternate weeks.

(8) Of her arrival, viz., the last night of the fifth week. After that night, however, as will be explained presently, no cohabitation can be allowed.

(9) One after each period of uncleanness as will be explained presently.

(10) Cf. prev. n. mut. mut.

(11) Here begins the 'objection' to which Rabin referred (*supra* 29a ad fin.).

(12) After her return. 'First week' includes the day of her return.

(13) During her absence and immediately before her return.

(14) So that everyone of the first seven days might be one of the seven unclean days prescribed for a woman after a male childbirth.

(15) The period of uncleanness after whose birth is two weeks (cf. prev. n. mut. mut.).

(16) I.e., during the 'eleven days' that intervene between the menstrual periods. Since it is possible that she experienced painless discharges on three consecutive days during this period she must, in addition to the fourteen days (cf. prev. n.), wait a period of another seven clean days (irrespective of whether she did, or did not observe any discharge during the fourteen days) before she can attain to cleanness.

(17) If R. Joshua b. Levi's rule, that most women bear normal children, is tenable.

(18) Who was known to be pregnant before her departure (v. *supra*), and who must, therefore, (cf. prev. n.) be presumed to have given birth to a normal child.

(19) Since the fourth week is inevitably excluded from the unclean periods (seven days for a male and fourteen for a female) that follow childbirth, and included in the thirty-three clean days prescribed for a male birth.

(20) Why the woman is treated as unclean even during the fourth week.

(21) So that there is no presumption of the birth of any child and no consequent allowance of any period of clean blood. How then could R. Joshua b. Levi, contrary to this Baraita, maintain that in such cases the majority rule is followed?

(22) In view of the forceful objection just advanced.

(23) And her clean blood period also has terminated long before the fourth week. The Baraita would consequently present no objection against R. Joshua b. Levi, since the tenability of his majority rule in no way affects the uncleanness of the fourth week, while, as regards the imposition upon the woman of the obligation of the sacrifice prescribed for one after childbirth, the rule is in fact upheld even in this case.

(24) I.e., on any of its seven days and not only (as laid down *supra*) on the night preceding the last one (the thirty-fifth day).

(25) Since the ten weeks were alternately unclean and clean.

(26) On every day of which she suffered a discharge.

(27) The last day of the fourth week.

(28) Which, beginning on the last day of the fourth week, terminates on the sixth day of the fifth week. Hence the permissibility of marital duty (after due ritual immersion) on the night following that day (the one preceding the thirty-fifth day of her return). During the weeks that follow all intercourse would be forbidden, since each alternate 'clean' week might be regarded as the period of seven days that must be allowed to elapse after the zibah of the previous 'unclean' week before cleanness is attained.

(29) Of her return. This day (the last one of the third week) must inevitably be a clean one. For even if the woman had

been delivered on the very day of her return her period of childbirth uncleanness would have terminated (even in the case of a female child) on the fourteenth day, while the seven days following could be counted as the prescribed seven days following a period of zibah on the last of which she is permitted to perform ritual immersion at any time of the day and to attain to a state of cleanness (cf. Yoma 6a) for the rest of that day.

(30) The prohibition of intercourse on the twenty-first day.

(31) To have intercourse on the seventh day after the termination of a zibah even though ritual immersion had been performed.

(32) If she happened to suffer a discharge later in the day after intercourse.

(33) Of zibah. A discharge on the seventh day following the termination of zibah renders void all the previous counting, since the seven clean days must be complete.

(34) Since on the twenty-first day she was still clean and her first discharge in the following (fourth) week occurred presumably on the twenty-second day.

(35) Following the twenty-first day.

(36) Cf. prev. n. And similarly in the case of all the alternate unclean weeks the discharges occurred in the evenings.

(37) After her return.

(38) Seven days previously.

(39) So that each day of the first week might possibly be the first one after the termination of the unclean days and it is a religious duty to perform ritual immersion immediately after the unclean days had terminated.

(40) Cf. Bah for a different reading.

(41) Fourteen days previously.

(42) So that each day of the first week counted as the sixth of the clean days after zibah which (cf. supra n. 5) must be immediately followed (during the day-time of the following day) by ritual immersion.

(43) Cf. prev. n. mut. mut.

(44) The fourteen unclean days (after which the woman performs immersion) and the sixty-six clean days that follow (during which she is forbidden to eat terumah) are regarded as one long day on which immersion had been performed and sunset is awaited (sunset being represented by that of the eightieth day after childbirth) to complete and terminate all traces of uncleanness.

(45) Sc. on the night following the eightieth day and preceding the eighty-first one. As every day of the third week might possibly be the eightieth, immersion must be performed on every night of that week. The same reason could, of course, be given for the necessity for immersion in the previous weeks had there been no other reasons to justify it.

Talmud - Mas. Nidah 30a

Consider! How many¹ are the days of cleanness?² Sixty-six.³ Deduct⁴ the third week⁵ in which the woman was required to perform [nightly] immersions⁶ there remain sixty minus one. Now, sixty minus one and thirty-five⁷ are ninety-four, how then is the number of ninety-five obtained?⁸ — R. Jeremiah of Difti replied: This is a case, for instance, where the woman⁹ made her appearance before us at twilight,¹⁰ so that¹¹ we impose upon her an additional immersion.¹² According to Beth Hillel, however, who maintain that one who performed immersion on a long day¹³ requires no immersion [at the conclusion]¹⁴ how is the number thirty-five obtained?⁸ — Twenty-eight, as has been explained,¹⁵ while during the fifth week we require the woman to undergo immersion every night, since¹⁶ it might be assumed [that each day¹⁷ is the] last of the days of her menstruation.¹⁸ What need was there for the mention of ten weeks¹⁹ seeing that eight and a half²⁰ would suffice?²¹ — Since he had to mention half a week he mentioned all of it, and since he had to mention an unclean week²² he also mentioned a clean one.²³ But are there [not also the additional] immersions²⁴ due to the possibility of the woman's being a zabah?²⁵ They²⁶ only count the immersions before intercourse²⁷ but not those that follow. But according to Beth Shammai who²⁸ count also the immersions that follow intercourse, why was no mention made of the immersions that are due to the possibility of the woman's being a zabah? — They²⁹ only deal with immersions that are occasioned by childbirth but do not discuss those that are due to zibah. Is there then [no mention of the possibility that the woman might have] given birth to a child while she was in a condition of zibah?³⁰ — They do take note of the 'possibility of a birth in a condition of zibah, but no note is taken of zibah alone. Why should not

the woman perform immersion in the day-time of each of the days of the first week after she appeared before us, seeing that it is possible that her counting³¹ ended on that day?³² — This is in agreement with³³ R. Akiba who ruled: It is required that the counting³¹ shall take place within our cognizance.³⁴ But why should she not perform immersion at the end of the first week?³⁵ — They do not discuss one day of a week. But why should she not perform immersion on the first day she comes to us, seeing that it is possible that she is awaiting a day for a day?³⁶ — They deal with a major zabah³⁷ but not with a minor one.³⁸ Three rulings may thus be inferred: It may be inferred that it was R. Akiba who ruled that the counting³⁹ must take place within our cognizance; and it may be inferred that it was R. Simeon who stated, ‘The Sages have truly laid down that it is forbidden to do so since thereby she might be involved in a doubtful uncleanness’;⁴⁰ and it may also be inferred that it is a religious duty to perform immersion at the proper time.⁴¹ R. Jose son of R. Judah, however, ruled: It suffices if one immersion is performed after the final [period of uncleanness], and we do not uphold the view that it is a religious act to perform immersion at the proper time.⁴¹

MISHNAH. IF A WOMAN MISCARRIED ON THE FORTIETH DAY,⁴² SHE NEED NOT TAKE INTO CONSIDERATION THE POSSIBILITY OF A VALID CHILDBIRTH; BUT IF ON THE FORTY-FIRST DAY,⁴² SHE MUST CONTINUE [HER PERIODS OF UNCLEANNESS AND CLEANNES AS] FOR BOTH A MALE AND A FEMALE⁴³ AND AS FOR A MENSTRUANT.⁴⁴ R. ISHMAEL RULED: [IF SHE MISCARRIED ON] THE FORTY-FIRST DAY⁴² SHE CONTINUES [HER PERIODS OF UNCLEANNESS AND CLEANNES AS] FOR A MALE⁴⁵ AND AS FOR A MENSTRUANT, BUT IF ON THE EIGHTY-FIRST DAY SHE MUST CONTINUE [THESE PERIODS AS] FOR A MALE AND A FEMALE AND A MENSTRUANT; BECAUSE A MALE IS FULLY FASHIONED⁴⁶ ON THE FORTY-FIRST DAY AND A FEMALE ON THE EIGHTY-FIRST DAY. THE SAGES, HOWEVER, MAINTAIN THAT BOTH THE FASHIONING⁴⁷ OF THE MALE AND THE FASHIONING⁴⁷ OF THE FEMALE TAKE THE SAME COURSE, EACH LASTING FORTY-ONE DAYS. GEMARA. Why was MALE mentioned?⁴⁸ If in respect of the days of uncleanness, FEMALE was mentioned;⁴⁹ and if in respect of the days of cleanness,⁵⁰

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- (1) On the assumption that the birth was that of a female child.
 - (2) That follow the fourteen days of uncleanness, and the last day of which might be presumed to coincide with any of the days under discussion.
 - (3) So that during the presumed days of cleanness no more than sixty-six immersions can be expected owing to the presumption that each might possibly be the eightieth day.
 - (4) From these sixty-six days.
 - (5) Which comprises the first seven of these.
 - (6) On account of the same possibility that each was the eightieth day (in addition to her daily immersions necessitated by the possibility of her bearing in the condition of zibah).
 - (7) Seven during the first week and fourteen during the second as well as during the third week ($7 + 2 \times 14 = 7 + 28 = 35$).
 - (8) Lit., ‘what is their doing’.
 - (9) On her return.
 - (10) Of the day preceding the one from which the counting begins. As twilight is a time of doubtful day and doubtful night it cannot be definitely regarded as either.
 - (11) Owing to the doubt.
 - (12) Immediately after her appearance. That day, however, owing to the doubtful nature of twilight (cf. prev. n. but one) cannot be counted among the days and nights under discussion.
 - (13) Cf. p. 204, n. 10.
 - (14) So that in the third week (cf. supra 29b ad fin.) only seven immersions are to be performed, and these together with the fourteen of the second week and the seven of the first week only amount to twenty-eight.
 - (15) Cf. prev. n.
 - (16) Owing to her ‘daily discharge during the fourth week.

- (17) Of the fifth week.
- (18) Which may have begun on any of the days of the fourth week each of which might have been preceded by the last of the days of cleanness.
- (19) Supra 29b ab init.
- (20) In addition to the three clean weeks.
- (21) To make up the number 80: $3 + 8 \frac{1}{2} \text{ weeks} = 11 \frac{1}{2} \text{ weeks} = 11 \times 7 + 3 = 80 \text{ days}$.
- (22) The ninth; the first of each pair of alternate weeks, commencing with the first, being assumed (cf. supra 29b ab init.) to be an unclean one.
- (23) The tenth; being second of the last pair.
- (24) Every day after the fourth week.
- (25) During the preceding unclean week. Only in the case of the fourth week which has been preceded by clean weeks could no such immersions be expected.
- (26) Beth Hillel. Lit., 'he'.
- (27) On the night preceding the thirty-fifth day.
- (28) Giving the number as ninety-five.
- (29) Beth Shammai.
- (30) Of course there is. How then could it be maintained that immersions due to zibah are not discussed?
- (31) Of the seven days of menstruation.
- (32) Why then was it stated (supra 29b ad fin.) that she performs immersion in the nights only?
- (33) Lit., 'this whose?'
- (34) No valid counting, therefore, is possible before a week had passed from the date of her return.
- (35) The seventh day after her return, when the counting did take place within our cognizance.
- (36) A clean day for an unclean one, sc. she might be within the period of the eleven days of zibah that intervene between the menstrual periods, during which she must perform immersion on the clean day following the one on which she experienced a discharge.
- (37) The result of discharges on three consecutive days within the eleven days period (cf. prev. n.).
- (38) Due to a discharge on one or two days only.
- (39) Of the seven days of menstruation.
- (40) Supra 29b ad fin. q. v. notes.
- (41) I.e., at the earliest possible moment.
- (42) After presumed conception.
- (43) I.e., since it is possible that the abortion was the embryo of a child either male or female, the restrictions of both are imposed upon her but none of the relaxations of either.
- (44) It being possible that the embryo was neither male nor female so that there was no valid childbirth.
- (45) I.e., seven days of uncleanness even if there was no bleeding at the miscarriage.
- (46) Lit., 'finished'.
- (47) Lit., 'creation'.
- (48) In the ruling, FOR BOTH A MALE AND A FEMALE AND AS FOR A MENSTRUANT.
- (49) Whose fourteen days of uncleanness obviously absorb the seven unclean days of a male birth.
- (50) Sc. that she is only entitled to the thirty-three clean days of the male and not to the sixty-six days of the female.

Talmud - Mas. Nidah 30b

was not menstruant mentioned?¹ — In order that if the woman observed a discharge on the thirty-fourth day² and then observed one on the forty-first day³ she⁴ shall remain unclean⁵ until the forty-eighth day.⁶ And so also in respect [of the possible birth of] a female⁷ [the last word had to be mentioned] so that if she observed any blood on the seventy-fourth day and these again on the eighty-first day she shall remain unclean until the eighty-eighth day.⁸

R. ISHMAEL RULED: [IF SHE MISCARRIED ON] THE FORTY-FIRST DAY SHE CONTINUES [HER PERIODS OF UNCLEANNESS AND CLEANNESSES AS] FOR A MALE AND AS FOR A MENSTRUANT etc. It was taught: R. Ishmael stated, Scripture prescribed uncleanness⁹

and cleanness¹⁰ in respect of a male¹¹ and it also prescribed uncleanness¹² and cleanness¹³ in respect of a female,¹⁴ as in the case of the former¹⁵ his fashioning period¹⁶ corresponds to his unclean and clean periods¹⁷ so also in the case of the latter¹⁸ her fashioning period¹⁹ corresponds to her unclean and clean periods.¹⁷ They²⁰ replied: The duration of the fashioning period cannot be derived from that of uncleanness. Furthermore, they said to R. Ishmael, A story is told of Cleopatra the queen of Alexandria²¹ that when her handmaids were sentenced to death by royal decree they²² were subjected to a test²³ and it was found that both [a male and a female embryo] were fully fashioned on the forty-first day. He replied: I bring you proof from the Torah and you bring proof from some fools! But what was his 'proof from the Torah'? If it was the argument, 'Scripture prescribed uncleanness and cleanness in respect of a male and it also prescribed uncleanness and cleanness in respect of a female etc.', have they not already replied, 'The duration of the fashioning period cannot be derived from that of uncleanness'? — The Scriptural text says, She bear,²⁴ Scripture thus²⁵ doubles the ante-natal period²⁶ in the case of a female.²⁷ But why [should the test spoken of by the Rabbis be described as] 'proof from some fools'? — It might be suggested that the conception of the female preceded that of the male by forty days.²⁸ And the Rabbis?²⁹ — They³⁰ were made to drink³¹ a scattering drug³² And R. Ishmael?³³ — Some constitution is insusceptible³⁴ to a drug.³⁵ Then said R. Ishmael to them:³⁶ A story is told of Cleopatra the Grecian³⁷ queen that when her handmaids were sentenced to death under a government order they were subjected to a test and it was found that a male embryo was fully fashioned on the forty-first day³⁸ and a female embryo on the eighty-first day. They replied: No one adduces proof from fools. What is the reason?³⁹ — It is possible that the handmaid with the female delayed⁴⁰ [intercourse] for forty days and that it was only then that conception occurred.⁴¹ And R. Ishmael?⁴² — They were placed in the charge of a warden.⁴³ And the Rabbis?⁴⁴ — There is no guardian against unchastity;⁴⁵ and the warden himself might have intercourse with them. But⁴⁶ is it not possible that if a surgical operation had been performed on the forty-first day the female embryo also might have been found in a fully fashioned condition like the male?⁴⁷ — Abaye replied: They⁴⁸ were equal as far as these distinguishing marks were concerned.⁴⁹

THE SAGES, HOWEVER, MAINTAIN THAT BOTH THE FASHIONING OF THE MALE AND THE FASHIONING OF THE FEMALE etc. Is not the ruling of the Sages identical with that of the first Tanna?⁵⁰ And should you reply that the object⁵¹ was to indicate that the anonymous Mishnah represented the view of the Rabbis because when an individual is opposed by many the halachah is in agreement with the many, is not this⁵² obvious?⁵³ — It might have been presumed that R. Ishmael's reason is acceptable since it is also supported by a Scriptural text,⁵⁴ hence we were informed⁵⁵ [that the halachah is in agreement with the Sages].⁵⁶

R. Simlai delivered the following discourse: What does an embryo resemble when it is in the bowels of its mother? Folded writing tablets.⁵⁷ Its hands rest on its two temples respectively, its two elbows on its two legs and its two heels against its buttocks. Its head lies between its knees, its mouth is closed and its navel is open, and it eats what its mother eats and drinks what its mother drinks, but produces no excrements because otherwise it might kill its mother. As soon, however, as it sees the light⁵⁸ the closed organ⁵⁹ opens and the open one⁶⁰ closes, for if that had not happened the embryo could not live even one single hour. A light burns above its head and it looks and sees from one end of the world to the other, as it is said, then his lamp shined above my head, and by His light I walked through darkness.⁶¹ And do not be astonished at this, for a person sleeping here⁶² might see a dream in Spain. And there is no time in which a man enjoys greater happiness than in those days,⁶³ for it is said, O that I were as the months of old, as in the days when God watched over me,⁶⁴ now which are the days' that make up 'months'⁶⁵ and do not make up years? The months of pregnancy of course.⁶⁶ It is also taught all the Torah from beginning to end,⁶⁷ for it is said, And he taught me, and said unto me: 'Let thy heart hold fast my words, keep my commandments and live',⁶⁸ and it is also said, When the converse of God was upon my tent.⁶⁹ Why the addition of⁷⁰ 'and it is also said'? — In case you might say that it was only the prophet who said that,⁷¹ come and hear 'when the converse of God was upon my tent.⁶⁹ As soon as it, sees the light an angel approaches, slaps it on its

mouth and causes it to forget all the Torah completely,⁶⁷ as it is said, Sin coucheth at the door.⁷² It does not emerge from there before it is made to take an oath,⁷³ as it is said, That unto Me every knee shall bow, every tongue shall swear;⁷⁴ 'That unto Me every knee shall bow' refers to the day of dying of which it is said All they that go down to the dust shall kneel before Him;⁷⁵ 'Every tongue shall swear' refers to the day of birth of which it is said, He that hath clean hands, and a pure heart, who hath not taken My name⁷⁶ in vain, and hath not sworn deceitfully.⁷⁷ What is the nature of the oath that it is made to take? Be righteous, and be never wicked; and even if all the world tells you, You are righteous', consider yourself wicked.⁷⁸ Always bear in mind⁷⁹ that the Holy One, blessed be He, is pure, that his ministers are pure and that the soul which He gave you is pure; if you preserve it in purity, well and good, but if not, I will take it away from you. The school of R. Ishmael taught: This may be compared to the case of a priest who handled over some terumah to an 'am ha-arez and told him, 'If you preserve it under conditions of cleanness, well and good, but if not, I will burn it in your presence'. R. Eleazar

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- (1) Whose discharges of blood are invariably unclean whatever the day.
 - (2) When she is held to be unclean on account of possible menstruation, though the day is only $(34 - 7 = 27)$ the twenty-seventh of the thirty-three clean days prescribed for a male birth.
 - (3) Which is the eighth day after the discharge on the thirty-fourth.
 - (4) Despite the previous assumption of menstruation on the thirty-fourth day, which would put the forty-first day outside the seven days of the menstruation period (when the observation of a discharge necessitates the waiting of no more than one single day).
 - (5) Lit., 'damaged'.
 - (6) It being assumed that the miscarriage was a male and that the thirty-fourth day was therefore still within the thirty-three clean days prescribed for a male birth, so that the second discharge on the forty-first day was the first menstrual one after the completion of the thirty-three clean days in consequence of which she must wait another seven days to complete the menstruation period. Her ritual immersion, therefore, cannot take place before $(41 + 7 = 48)$ the forty-eighth day.
 - (7) I.e., the restrictions on account of this possibility imposed in our Mishnah.
 - (8) Cf. prev. nn. mut. mut.
 - (9) Seven days (Lev. XII, 2).
 - (10) Thirty-three days (ibid. 4).
 - (11) Making a total of forty days.
 - (12) Fourteen days (Lev. XII, 5).
 - (13) Sixty-six days (ibid.).
 - (14) A total of eighty days.
 - (15) Lit., 'when it prescribed uncleanness and cleanness in respect of the male'.
 - (16) Forty days.
 - (17) Lit., 'similarly'.
 - (18) Cf. prev. n. but two mut. mut.
 - (19) Eighty days.
 - (20) The Rabbis at the schoolhouse.
 - (21) Cur. edd. 'Alexandrus' (cf. Jast.). The following incident may have its origin in a legend that Cleopatra (68-30 B.C.E.) before committing suicide attempted various forms of execution on her slaves (cf. Golds.).
 - (22) Having forfeited their lives and being at her mercy.
 - (23) Fertilization and subsequent operation.
 - (24) Lev. XII, 5.
 - (25) By the superfluous expression of 'she bear' the omission of which could in no way have affected the sense of the text.
 - (26) In which the embryo is fashioned. Lit., 'added to her . . . another birth', sc. forty days in addition to the forty days during which a male embryo is fashioned.
 - (27) Which proves that the fashioning period of a female embryo is $(40 + 40 =)$ 80 days.
 - (28) And that this was the reason why in the Cleopatra test both were found to be fully fashioned.

- (29) How could they rely upon such inconclusive evidence?
- (30) Cleopatra's handmaids.
- (31) Before they were experimented on.
- (32) I.e., destroying the semen in the womb.
- (33) What objection then could he have put forward against the proof of the Rabbis?
- (34) Lit., 'does not receive'.
- (35) It was quite possible, therefore, that despite the drug the conception of the female took place forty days prior to that of the male.
- (36) The Rabbis.
- (37) Egypt in Cleopatra's reign was under the influence of Greek institutions and Greek culture.
- (38) After conception.
- (39) Why the incident cited should not be accepted as proof. MS.M. reads: 'What is the reason why no proof is adduced from fools?'
- (40) Cf. Bah.
- (41) The 'eighty-first day' was, therefore, in reality the forty-first one.
- (42) How in view of this possibility can he maintain that the incident provides the required proof?
- (43) Whose duty it was to prevent all intercourse except on one particular day.
- (44) How in view of this safeguard could it be suggested that the conception of the female was delayed for forty days?
- (45) Popular proverb.
- (46) Since the test in respect of the female took place on the eighty-first day.
- (47) An objection against R. Ishmael.
- (48) The male and the female.
- (49) Those of the male embryo on the fortieth day were like those of the female on the eighty-first.
- (50) Who earlier in the Mishnah ruled that 'IF ON THE FORTY-FIRST DAY SHE MUST CONTINUE . . . FOR BOTH A MALE AND A FEMALE AND FOR A MENSTRUANT' from which it follows that a female also is fully fashioned on the forty-first day.
- (51) Of repeating in the name of the Sages an earlier anonymous ruling.
- (52) That the anonymous ruling is the view of the Rabbis.
- (53) Of course it is, since all anonymous rulings generally represent the views of the majority of Sages and the halachah is in agreement with them.
- (54) As quoted by R. Ishmael supra.
- (55) By repeating the anonymous Mishnah in the name of the Sages.
- (56) Despite R. Ishmael's argument and text.
- (57) Pinkas, cf. **.
- (58) Lit., 'went out to the air space of the world'.
- (59) Its mouth.
- (60) Navel.
- (61) Job XXIX, 3.
- (62) Babylon.
- (63) Lit., 'and you have no days in which a man dwells in more happiness than in these days'.
- (64) Job XXIX, 2.
- (65) Lit., 'in which there are the months' (of bearing).
- (66) Lit., 'be saying, these are the months of bearing'.
- (67) Lit., 'all of it'.
- (68) Prov. IV, 4.
- (69) Job XXIX, 4.
- (70) Lit., 'what'.
- (71) So that it does not apply to other men.
- (72) Gen. IV, 7.
- (73) Its nature is described presently.
- (74) Isa. XLV, 23.
- (75) Ps. XXII, 30.

(76) So the kre. The kethib is 'his name.

(77) Ps. XXIV, 4.

(78) Lit., 'be in your eyes like a wicked man'.

(79) Lit., 'be knowing'.

Talmud - Mas. Nidah 31a

observed: What is the Scriptural proof?¹ From my mother's womb Thou art gozi.² What is the proof that 'gozi' implies 'swearing'? — Because it is written, Swear [gozi] concerning thy naziriteship and cast away.³

R. Eleazar further stated: What does an embryo resemble when it is in its mother's bowels? A nut floating in a bowl of water. Should someone put his finger upon it, it would sink on the one side or on the other.

Our Rabbis taught: During the first three months⁴ the embryo occupies the lowest chamber, during the middle ones it occupies the middle chamber and during the last months it occupies the uppermost chamber; and when its time to emerge arrives it turns over and then emerges, and this is the cause of the woman's pains.⁵ This also agrees with what was taught:⁶ The pains of a female birth are more intense than those of a male birth. R. Eleazar further observed, 'What is the Scriptural proof for this?'⁷ When I was made in secret, and curiously wrought in the lowest parts of the earth;⁸ it does not say 'dwelt' but 'curiously wrought'.⁹ Why are the pains of a female birth greater than those of a male birth? — The female emerges in the position she assumes during intercourse and the male emerges in the position he assumes during intercourse. The former, therefore, turns her face upwards¹⁰ while the latter¹¹ need not turn his face.

Our Rabbis taught: During the first three months⁴ marital intercourse is injurious to the woman and it is also injurious to the child. During the middle ones it is injurious to the woman but beneficial for the child. During the last months it is beneficial for both the woman and the child, since on account of it the child becomes well-formed and of strong vitality.

One taught: He who indulges in marital intercourse on the ninetieth day⁴ is as though he had shed blood. But whence could one know this?¹² — Rather, said Abaye, one carries on marital intercourse in the usual manner and the Lord preserveth the simple.¹³

Our Rabbis taught: There are three partners in man, the Holy One, blessed be He, his father and his mother. His father supplies the semen of the white substance out of which are formed the child's bones, sinews, nails, the brain in his head and the white in his eye; his mother supplies the semen of the red substance out of which is formed his skin, flesh, hair, blood¹⁴ and the black of his eye; and the Holy One, blessed be He, gives him the spirit and the breath,¹⁵ beauty of features, eyesight, the power of hearing¹⁶ and the ability to speak¹⁷ and to walk,¹⁸ understanding and discernment. When his time to depart from the world approaches the Holy One, blessed be He, takes away his share and leaves the shares of his father and his mother with them. R. Papa observed: It is this that people have in mind when they say, 'Shake off the salt¹⁹ and cast the flesh to the dog'.²⁰

R. Hinena b. Papa gave the following exposition: What is the purport of the Scriptural text, 'Who doeth great things past finding out,' yea, marvellous things without number?²¹ Come and see the contrast between the potency of the Holy One, blessed be He, and that of mortal man.²² A man might put his things²³ in a skin bottle²⁴ [whose holes²⁵ are] tied up and whose orifice is turned upwards and yet it is doubtful whether [the things] would be preserved or not, whereas the Holy One, blessed be He, fashions the embryo in a woman's internal organ that is open and whose orifice is turned downwards and yet it is preserved. Another exposition: If a man puts his things on the scale of a

balance, the heavier they are the lower the scale descends, whereas the Holy One, blessed be He, [fashioned the woman in such a manner that] the heavier the embryo the higher it rises.²⁶

R. Jose the Galilean gave the following exposition: What is the purport of the Scriptural text, I will give thanks unto Thee, for I am fearfully and wonderfully made; wonderful are Thy works; and that my soul knoweth right well?²⁷ Come and see the contrast between the potency of the Holy One, blessed be He, and that of mortal man.²⁸ If a man²⁹ puts different seeds in a bed each grows in the manner of its own particular species, whereas the Holy One, blessed be He, fashions the embryo in the woman's bowels in such a manner that all³⁰ grow into one and the same kind. Another exposition: If a dyer puts different ingredients into a boiler they all unite into one colour, whereas the Holy One, blessed be He, fashions the embryo in a woman's bowels in a manner that each element develops in its own natural way.³¹

R. Joseph gave the following exposition: What is the purport of the Scriptural text, I will give thanks unto Thee, O Lord; for though Thou wast angry with me, Thine anger is turned away, and Thou comfortest me.³² The text alludes to³³ two men who set out on a trading expedition when a thorn got into [the foot of] one of them who³⁴ began to blaspheme and to revile. After a time, however, when he heard that his friend's ship had sunk into the sea he³⁵ began to laud and praise. Hence it is written, 'Thine anger is turned away, and Thou comfortest me'. This is indeed in line with what R. Eleazar stated: What is implied by the Scriptural text, Who doeth wondrous things alone;³⁶ and blessed be His glorious name for ever?³⁷ Even the person for whom a miracle is performed³⁸ is unaware of the miracle.³⁹

R. Hanina b. Papa made the following exposition: What is the implication of the Scriptural text, Thou measurest my going about and my lying down, and art acquainted with all my ways?⁴⁰ It⁴¹ teaches that man is not fashioned from all the drop but only from its purest part. The school of R. Ishmael taught: This is analogous to the action of one who, winnowing⁴² in threshing floors, takes up the edible part and leaves the refuse. This is in agreement with an exposition of R. Abbahu. For R. Abbahu pointed out an incongruity: It is written, For Thou hast winnowed me from⁴³ strength⁴⁴ and it is also written,⁴⁵ The God that girdeth me with strength!⁴⁶ David in effect said to the Holy One, blessed be He, 'Sovereign of the world, Thou hast winnowed me⁴⁷ and Thou hast girded me with strength'.

R. Abbahu also gave this exposition: What is the implication of the Scriptural text, Who hath counted the dust of Jacob, or numbered the stock of Israel?⁴⁸ It teaches that the Holy One, blessed be He, sits and counts the stock of Israel. 'When [He wonders] will appear the drop from which a righteous man could be fashioned'? Moreover, it is for this reason that the eye of the wicked Balaam was blinded. He said, 'Would He who is pure and holy and whose ministers are pure and holy look upon such a thing?' His eye was forthwith blinded, for it is written, And the saying of the man whose eye is closed.⁴⁹ This is in line with what R. Johanan stated: What is the implication of the Scriptural text, And he lay with her in that night?⁵⁰ It teaches that the Holy One, blessed be He, assisted in that matter. For it is said, Issachar is a large-boned ass;⁵¹ it is the ass⁵² that has caused⁵³ the birth of Issachar.

R. Isaac citing R. Ammi⁵⁴ stated: If the woman emits her semen first she bears a male child; if the man emits his semen first she bears a female child; for it is said, If a woman emits semen⁵⁵ and bear a man-child.⁵⁶

Our Rabbis taught: At first it used to be said that 'if the woman emits her semen first she will bear a male, and if the man emits his semen first she will bear a female', but the Sages did not explain the reason, until R. Zadok came and explained it: These are the sons of Leah, whom she bore unto Jacob in Paddan-aram, with his daughter Dinah,⁵⁷ Scripture thus ascribes the males to the females⁵⁸ and

the females to the males.⁵⁹

And the sons of Ulam were mighty men of valour, archers; and had many sons, and sons' sons.⁶⁰ Now is it within the power of man to increase⁶¹ the number of 'sons and sons' sons'? But the fact is that because

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- (1) That an oath is taken on the day of one's birth.
 - (2) Ps. LXXI, 6; E.V., Thou art He that took me out of my mother's womb.
 - (3) Jer. VII, 29; E.V., Cut off thy hair, and cast it away. .
 - (4) Of pregnancy.
 - (5) At a childbirth.
 - (6) So Bomb. ed. Cur. edd. 'we learnt'.
 - (7) That the embryo first occupies the lowest chamber.
 - (8) Ps. CXXXIX, 15.
 - (9) Implying the inception of the embryo; and this is stated to be 'in the lowest parts'.
 - (10) The turning intensifying the pains.
 - (11) Since the embryo is all the time lying face downwards.
 - (12) When the ninetieth day is.
 - (13) Ps. CXVI, 6; those who are unable to protect themselves.
 - (14) So MS.M. and Elijah Wilna. Cur. edd. omit.
 - (15) Or 'soul'.
 - (16) Lit., 'of the ear'.
 - (17) Lit., 'of the mouth'.
 - (18) Lit., 'walking of the feet'.
 - (19) Metaph. for the soul, 'the preserver of the human body'.
 - (20) Proverb. The lifeless body is of little more value.
 - (21) Job IX, 10.
 - (22) Lit., 'that not like the measure of . . . is the measure of flesh and blood'.
 - (23) Cf. MS.M. Cur. edd., 'the measure of flesh and blood he puts a thing'.
 - (24) Hemeth, a skin drawn off the body of the animal in such a manner as not to damage it except for the cuts at the tail and legs.
 - (25) Cf. prev. n.
 - (26) Beginning in the lowest chamber at conception it rises steadily to the highest, as stated supra.
 - (27) Ps. CXXXIX, 14.
 - (28) V. p. 214, n. 10.
 - (29) Cf. MS.M. Cur. edd. add, 'the measure of flesh and blood'.
 - (30) The semen of both parents.
 - (31) The one develops into bones, sinews, nails etc. while the other develops into skin, flesh etc., as stated supra.
 - (32) Isa. XII, 1.
 - (33) Lit., 'of what does Scripture speak? Of'.
 - (34) Having been compelled by the accident to interrupt his journey.
 - (35) Being gratified at the turn of events which prevented him from embarking on the disastrous expedition.
 - (36) Emphasis on 'alone'. E.V., Who only . . . things.
 - (37) Ps. LXXII, 18f.
 - (38) Lit., 'master of the miracle'.
 - (39) Only God alone knows it. Cf. prev. n. but two.
 - (40) Ps. CXXXIX, 3.
 - (41) The expression of zeritha ('Thou measurcth') which coming from the root זרית, may be rendered, 'thou winnowest'.
 - (42) Cf. prev. n.
 - (43) E.V., 'girded me with'.
 - (44) II Sam. XXII, 40.

- (45) In the corresponding passage.
- (46) Ps. XVIII, 33.
- (47) Cf. supra n. 2.
- (48) Num. XXIII, 10.
- (49) Ibid. XXIV, 3. E.V., 'is opened'.
- (50) Gen. XXX, 16; emphasis on **סני**.
- (51) Ibid. XLIX, 14.
- (52) On which Jacob rode and which stopped at Leah's tent.
- (53) Garem ('large-boned') is derived from a root which in Aramaic signifies also 'to cause'. The consonants may be vocalized as garam. Hamor garam, 'the ass was the cause'.
- (54) Var. lec. Assi ('En Jacob).
- (55) E.V., 'be delivered'.
- (56) Lev. XII, 2.
- (57) Gen. XLVI, 15.
- (58) 'Sons of Leah'.
- (59) 'His daughter Dinah'.
- (60) I Chron. VIII, 40.
- (61) The Heb. for 'had many' is the Hif. of **רבה** which may be rendered 'cause to increase'.

Talmud - Mas. Nidah 31b

they contained themselves during intercourse¹ in order that their wives should emit their semen first so that their children shall be males, Scripture attributes to them the same merit as if they had themselves caused the increase of the number of their sons and sons' sons. This explains what R. Kattina said, 'I could make all my children to be males'. Raba stated: One who desires all his children to be males should cohabit twice in succession.

R. Isaac citing R. Amm² further stated: A woman conceives only immediately before her menstrual period, for it is said, Behold I was brought forth in iniquity;³ but R. Johanan stated: A woman conceives only immediately after her ritual immersion, for it is said, And in cleansing⁴ did my mother conceive me.⁵ What is the proof that 'het'⁶ bears the meaning of cleansing? — Since it is written 'we-hitte⁷ the house'⁸ and this is translated,⁹ 'And so shall he cleanse the house'. And if you prefer I might reply: The proof is derived from the following: Purge¹⁰ me with hyssop and I shall be clean.¹¹

R. Isaac citing R. Ammi further stated: As soon as a male comes into the world peace comes into the world, for it is said, Send ye a gift¹² for the ruler of the land¹³ [and the Hebrew for] male¹⁴ [is composed of the consonants of the 'words for] 'this is a gift'.¹⁵

R. Isaac citing¹⁶ R. Ammi further stated: When a male comes into the world his provision comes with him, [the Hebrew for] male [zakar, being composed of the consonants of the words for] 'this is provision [zeh kar]', for it is written, And he prepared a great provision [kera] for them.¹⁷ A female has nothing with her, [the Hebrew for] female [nekebah] implying 'she comes with nothing' [nekiyyah ba'ah]. Unless she demands her food nothing is given to her, for it is written, Demand [nakebah]¹⁸ from¹⁹ me thy wages and I will give it.²⁰

R. Simeon b. Yohai was asked by his disciples: Why did the Torah ordain that a woman after childbirth should bring a sacrifice? He replied: When she kneels in bearing she swears impetuously that she will have no intercourse with her husband. The Torah, therefore, ordained that she should bring a sacrifice. (R. Joseph demurred: Does she not²¹ act presumptuously²² in which case the absolution of the oath²³ depends on her regretting it?²⁴ Furthermore, she should²⁵ have brought a sacrifice prescribed for an oath!)¹⁶ And why did the Torah ordain that in the case of a male [the

woman is clean] after seven days and in that of a female after fourteen days? [On the birth of a] male with whom all rejoice she regrets her oath after seven days, [but on the birth of a female] about whom everybody is upset she regrets her oath after fourteen days. And why did the Torah ordain circumcision on the eighth day?²⁶ In order that the guests²⁷ shall not enjoy themselves²⁸ while his father and mother are not in the mood for it.²⁹ It was taught: R. Meir used to say, Why did the Torah ordain that the uncleanness of menstruation should continue for seven days? Because being in constant contact with his wife³⁰ [a husband might] develop a loathing towards her. The Torah, therefore, ordained: Let her³¹ be unclean for seven days³² in order that³³ she shall be beloved by her husband as at the time of her first entry into the bridal chamber.

R. Dostai son of R. Jannai was asked by his disciples: Why³⁴ does a man go in search of a woman and no woman goes in search of a man? This is analogous to the case of a man who lost something. Who goes in search of what? He who lost the thing goes in search of what he lost.³⁵ And why does the man lie face downwards and the woman face upwards towards the man? He [faces the elements] from which he was created³⁶ and she [faces the man] from whom she was created.³⁷ And why is a man easily pacified and a woman is not easily pacified? He [derives his nature] from the place from which he was created³⁸ and she [derives hers] from the place from which she was created.³⁹ Why is a woman's voice sweet and a man's voice is not sweet? He [derives his] from the place from which he was created⁴⁰ and she [derives hers] from the place from which she was created.⁴¹ Thus it is said, For sweet is thy voice, and thy countenance is comely.⁴²

CHAPTER IV

MISHNAH. THE DAUGHTERS OF THE SAMARITAN⁴³ ARE REGARDED AS MENSTRUANTS FROM THEIR CRADLE;⁴⁴ AND THE SAMARITANS IMPART UNCLEANNESS TO A COUCH UNDERNEATH AS TO A COVER ABOVE,⁴⁴ SINCE THEY COHABIT WITH MENSTRUANTS BECAUSE [THEIR WIVES] CONTINUE [UNCLEAN FOR SEVEN DAYS] ON ACCOUNT OF A DISCHARGE OF ANY BLOOD.⁴⁵ ON ACCOUNT OF THEIR [UNCLEANNESS,]⁴⁶ HOWEVER, NO OBLIGATION⁴⁷ IS INCURRED FOR ENTRANCE INTO THE TEMPLE NOR IS TERUMAH⁴⁸ BURNT ON THEIR ACCOUNT, SINCE THEIR UNCLEANNESS⁴⁹ IS ONLY OF A DOUBTFUL NATURE.⁵⁰

GEMARA. How is thi⁵¹ to be imagined? If they⁵² observed a discharge, then⁵³ even our daughters also [should in such circumstances be regarded as unclean]; and if they⁵⁴ have not observed any discharge, their daughters also should not be regarded as unclean, should they? — Raba son of R. Aha son of R. Huna citing R. Shesheth replied: Here we are dealing with cases of which nothing definite is known, but since a minority exists that experience discharges, the possibility of such a discharge is taken into consideration. And who is the Tanna that⁵⁵ takes a minority into consideration?

(1) Lit., in the belly'.

(2) Var. lec. Assi ('En Jacob).

(3) Ps. LI, 7. The last word is taken as an allusion to the menstruation period when intercourse is an iniquity' and the prefixed beth ('in') is rendered 'near'.

(4) E.V., 'sin'.

(5) Ps. LI, 7.

(6) The Heb. word here rendered 'cleansing' (E.V., 'sin').

(7) Of the same rt. as het.

(8) Lev. XIV, 52.

(9) I.e., by the Targum Onkelos.

(10) Tehate'eni (cf. prev. n. but one).

(11) Ps. LI, 9.

- (12) Kar; E.V. 'lambs'.
- (13) Isa. XVI, 1.
- (14) Zakar.
- (15) Zeh kar. Gifts foster peace.
- (16) V. marg. gl. Cur. edd., 'the school of'.
- (17) II Kings VI, 23.
- (18) The same consonants as those for female (nekebah).
- (19) E.V., 'appoint'.
- (20) Gen. XXX, 28.
- (21) When swearing.
- (22) Of course she does.
- (23) Lit., 'the thing'.
- (24) It does. Now in such a case it is only a Sage who, after satisfying himself of the sincerity of her plea, may absolve her. A sacrifice, however, has no place here at all.
- (25) Instead of the sacrifice of a bird prescribed for a woman after a confinement. (17) A lamb or a goat.
- (26) After birth, and not on the seventh which is the last day of uncleanness
- (27) Lit., 'all.'
- (28) At the festive meal given in honour of the circumcision.
- (29) Lit., 'sad', on account of the prohibition of intercourse which remains in force until the conclusion of the seventh day.
- (30) Lit., 'with her'.
- (31) Even after the least discharge of blood.
- (32) When intimate intercourse is forbidden.
- (33) By being deprived of her intimacy for certain recurrent periods.
- (34) In matrimony.
- (35) The rib from which Eve was built was taken from Adam.
- (36) The earth.
- (37) Cf. prev. n. but one.
- (38) Earth, which yields.
- (39) The unyielding bone of a rib.
- (40) A beat upon the earth produces no note.
- (41) A bone can be made to produce certain notes.
- (42) Cant. II, 14.
- (43) Kuthim, the people of Cutha and other places of Assyria who were transported to Samaria after the destruction of the northern kingdom and who combined their former idol-worship with a belief in the God of Israel (II Kings XVII, 24ff). Their descendants were for a time regarded as suspected Israelites and finally were entirely excluded from the community.
- (44) This is explained in the Gemara infra.
- (45) Even blood that is clean. Should a discharge of clean blood on one day be followed by one of unclean on the following day, the Samaritan woman would count the seven days of uncleanness from the first day, regarding the second discharge as having occurred within the seven days of menstruation, so that on the eighth day she regards herself as clean, while as a matter of fact her uncleanness began on the second day and continues for seven days, the last of which is the eighth from the first discharge on which she is still menstrually unclean.
- (46) If a person, for instance, covered himself with the unclean articles mentioned.
- (47) Of a sacrifice.
- (48) That came in contact with these articles (cf. prev. n. but one).
- (49) Though Rabbinically valid as a preventive measure.
- (50) While a sacrifice and terumah are Pentateuchal. A Rabbinical rule can have no force where its observance involves interference with a Pentateuchal ordinance.
- (51) The first clause of our Mishnah.
- (52) THE DAUGHTERS OF THE SAMARITANS.
- (53) Since menstruation may begin at the earliest stage of life (v. infra 32a).

(54) THE DAUGHTERS OF THE SAMARITANS.

(55) In respect of restriction.

Talmud - Mas. Nidah 32a

— It is R. Meir. For it was taught: A minor, whether male or female, may neither perform, nor submit to halizah, nor contract levirate marriage; so R. Meir. They¹ said to R. Meir: You spoke well when you ruled that they ‘may neither perform, nor submit to halizah’, since in the Pentateuchal section² man³ was written, and we draw a comparison between woman and man.⁴ What, however, is the reason why they may not contract levirate marriage? He replied: Because a minor male might be found to be a saris;⁵ a minor female might be found to be incapable of procreation,⁶ and thus the law of incest⁷ would be violated where no religious act⁸ is thereby performed. And the Rabbis?⁹ — Follow the majority of minor males and the majority of minors are no sarisim; follow the majority of minor females, and the majority of minor females are not incapable of procreation.¹⁰ Might it not be suggested that R. Meir was heard [to take a minority into consideration only where that] minority is frequent; was he, however, heard [to maintain his view in regard to] an infrequent minority? — This also is a frequent minority, for it was taught: R. Jose stated, It happened at ‘En Bol¹¹ that the infant was made to undergo ritual immersion¹² before her mother;¹³ and Rabbi stated, It once happened at Beth She’arim that the infant was made to undergo ritual immersion¹² before her mother;¹³ and R. Joseph stated, It once happened at Pumbeditha that the infant was made to undergo ritual immersion¹² before her mother;¹³ One can well understand the incidents spoken of by R. Joseph and Rabbi¹⁴ since [immersion was necessary as a protection for] the terumah¹⁵ of Palestine; but why was that necessary¹⁶ in the case spoken of by R. Joseph,¹⁷ seeing that Samuel had laid down: The terumah of a country outside the Land of Israel is not forbidden unless [it came in contact] with a person whose uncleanness emanated from his body,¹⁸ and this applies only to eating but not to contact?¹⁹ — Mar Zutra replied: This²⁰ was required only in regard to anointing her with the oil of terumah;²¹ for it was taught: And they shall not profane the holy things of the children of Israel, which they set apart unto the Lord²² includes²³ one who anoints oneself or drinks.²⁴ But what need was there for a Scriptural text [for inclusion in the prohibition of] one who drinks, seeing that drinking is included in eating?²⁵ — Rather [say that the text²² was intended] to include one who anoints oneself [in the same prohibition] as one who drinks.²⁶ And if you prefer I might reply, The prohibition²⁷ is derived from here: And it is come into his inward parts like water, and like oil into his bones.²⁸ But if so²⁹ should not our daughters also [be unclean from their cradle]? — For us who make a deduction of the use of ‘and if a woman’³⁰ instead of ‘a woman’ and [our daughters,] when observing any discharge are kept away,³¹ the Rabbis enacted no preventive measure; but as regards the Samaritans³² who do not make any deduction from the use of ‘and if a woman’³⁰ instead of ‘a woman’, and [their daughters] when observing any discharge are not kept away,³¹ the Rabbis enacted the preventive measure. What is the exposition of ‘a woman’, ‘and if a woman’? — It was taught: [If it had been written,]³³ ‘A woman’, I would only know that a woman [is subject to the restrictions of menstrual uncleanness], whence could it be deduced that an infant one day old is also subject to the restrictions of menstruation? Hence it was explicitly stated, ‘And if a woman’.³³ Thus it is evident that in including a child Scripture included even one who is one day old. May not, however, an incongruity be pointed out: [If Scripture had only written,]³⁴ ‘the woman’ I would only know [that the restriction applies to] a woman, whence could it be derived that a child who is three years and one day old [is equally under the restrictions] in respect of cohabitation? Hence it was explicitly stated, ‘The woman also’?³⁴ — Raba replied: These³⁵ are traditional laws but the Rabbis tacked them on to Scriptural texts. Which one [can be deduced from] the Scriptural text and which is only a traditional law?³⁶ If it be suggested that the law relating to an infant one day old is traditional and that the one relating to such as is three years and one day old is deduced from a Scriptural text, is not the text [it may be retorted] written in general terms?³⁷ — Rather say: The law relating to one who is three years and one day old is traditional and the one derived from the text is that concerning an infant who is one day old. But since the former law is traditional, what was the purpose of the Scriptural text?³⁸

(1) The Rabbis who disagreed with him.

- (2) That deals with halizah.
- (3) . Deut. XXV, 7; thus excluding the minor.
- (4) As the latter must be a grown-up man so must the former be a grown-up woman.
- (5) One wanting in generative powers. Only one capable of having a child to succeed in the name of his brother (Deut. XXV, 6) is subject to the duty of the levirate marriage.
- (6) Cf. prev. n.
- (7) Marriage with a brother's wife.
- (8) Cf. prev. n. but two.
- (9) How in view of R. Meir's reason can they maintain their view?
- (10) Yeb. 61b.
- (11) [Ain Ibl, north west of Safed, v. Klein S.. N. B. p. 41.]
- (12) To protect any terumah which may come in contact with her.
- (13) Whose immersion is performed on the fourteenth day. That of the menstruant takes place on the seventh.
- (14) Both of which occurred in Palestinian towns.
- (15) Which is rendered unfit through contact with a menstruant (cf. prev. n. but two).
- (16) Lit., 'wherefore to me'.
- (17) Which occurred in a Babylonian town.
- (18) A zab, for instance, or a menstruant.
- (19) Bek. 27a.
- (20) The immersion of the infant spoken of by R. Joseph.
- (21) Anointing being forbidden like eating.
- (22) Lev. XXII, 15, in the section dealing with persons unclean for terumah.
- (23) In the prohibition.
- (24) Which proves that anointing is forbidden like eating.
- (25) Cf. Shebu. 22b; and since eating was forbidden drinking also was obviously forbidden.
- (26) Reading כשנתה instead of וזאת השותה.
- (27) Of anointing.
- (28) Ps. CIX, 18.
- (29) That in imposing a restriction a minority also must be taken into consideration.
- (30) Lev. XV, 19, from which it is inferred infra that uncleanness may begin at infancy.
- (31) From holy things, during the prescribed unclean period.
- (32) Lit., 'they'.
- (33) In Lev. XV, 19.
- (34) Ibid. 18, dealing with uncleanness through cohabitation.
- (35) The two restrictions under discussion.
- (36) Sc. since Scripture uses the same expression we-ishah (rendered 'and if a woman' in Lev. XV, 19 and 'the woman also' ibid. 18) in both verses what age exactly was implied?
- (37) And, since there is no reason why the age of three years and one day should be meant rather than that of two or of four years, the lowest possible age. vis., that of one day, should obviously be the one intended.
- (38) Sc. why the additional waw in we-ishah?

Talmud - Mas. Nidah 32b

— To exclude a man from the uncleanness of a red discharge.¹ But consider the following Baraitha:² From the term of 'woman'³ I would only infer that a woman [is subject to the restriction of zibah], whence, however, could it be deduced that a female child that is ten days old⁴ is also subject to the restrictions of zibah? Hence it was explicitly stated, And if a woman.³ Now, what need was there for this text,⁵ seeing that the law could have been inferred from that of menstruation?⁶ — It was necessary. For if the All Merciful had written the law in regard to a menstruant only it might have been presumed that it applied only to the menstruant, since even if she observed a discharge on one day only she must continue unclean for seven days, but not to a zabah for whom, if she observed a discharge⁷ on one day, it suffices to wait only one day corresponding to it;⁸ hence the necessity for

the second text. Then why should not the All Merciful write the law in regard to a zabah and there would be no need to give it again in regard to a menstruant, since one knows that there can be no zabah unless she was previously a menstruant? — That is so indeed. Then what was the need for the Scriptural text?⁹ — To exclude a man from the uncleanness of a red discharge.¹⁰ But was he not already once excluded?¹¹ — One text serves to exclude him from the uncleanness of a discharge of red semen and the other from that of blood.

The same law¹² applies also to males. For it was taught:¹³ ‘A man, a man’,¹⁴ what need was there for the repetition of ‘man’? To include a male child one day old who also is to be subject to the uncleanness of zibah; so R. Judah. R. Ishmael son of R. Johanan b. Beroka said: This¹⁵ is not necessary, for, surely, Scripture says, Whether it be a man or a woman,¹⁶ ‘whether it be a man’ implies any one who is man, whether adult or infant; ‘or a woman’ implies any one who is a female irrespective of whether she is adult or minor. If so, why was it expressly stated, ‘a man, a man’?¹⁷ The Torah used an ordinary form of speech.¹⁸ Thus it is evident that in including a child Scripture included even an infant one day old. Does not, however, an incongruity arise: [If Scripture had only written]¹⁹ ‘a man’ I would only know [that the law applied to] a man, whence could it be derived that it also applies to a child who is nine years and one day old? Hence it was explicitly stated, And a man?¹⁹ — Raba replied: These²⁰ are traditional laws but the Rabbis found props for them in Scriptural texts. Which one is only a traditional law and which can be deduced from the Scriptural text? If it be suggested that the law relating to an infant one day old is traditional and that relating to a child who is nine years and one day old is deduced from a Scriptural text, is not the text [it could be objected] written in general terms?²¹ — Rather say: The law relating to a child who is nine years and one day old is traditional and the one relating to an infant one day old is derived from the Scriptural text. But, since the former is a traditional law, what was the purpose of the Scriptural text? — To exclude a woman from the uncleanness of a white discharge. What need was there for Scripture to write [an additional word²² and letter]²³ as regards males and females respectively?²⁴ — These were necessary. For if the All Merciful had written the law in respect of males only it might have been presumed that it applied to them alone since they become unclean by [three] observations²⁵ [on the same day] as by [three observations on three successive] days,²⁶ but not to females who do not become unclean by [three] observations [on the same day] as by [three observations on three successive] days. And if the All Merciful had written the law in respect of females alone, it might have been presumed to apply to them only, since they become unclean even if a discharge was due to a mishap but not to males who do not become unclean when a discharge is due to a mishap.²⁷ [The additional letters and words were, therefore,] necessary.

THE SAMARITANS IMPART UNCLEANNESS TO A COUCH UNDERNEATH AS TO A COVER ABOVE, What is meant by A COUCH UNDERNEATH AS A COVER ABOVE? If it be suggested to mean that if there were ten spreads²⁸ and he sat upon them they all become unclean, is not this [it could be retorted] obvious seeing that he exercised pressure upon them?²⁹ — The meaning rather is that a couch underneath one who had intercourse with a menstruant is subject to the same law of uncleanness as the cover above a zab.³⁰ As the cover above a zab imparts uncleanness to foods and drinks only so does the couch underneath one who had intercourse with a menstruant impart uncleanness to foods and drinks only. Whence is the law concerning the cover above a zab deduced? — From the Scriptural text, And whosoever toucheth any thing that was under him shall be unclean.³¹ For what could be the meaning of ‘under him’?

(1) Of semen (v. infra) which is similar in nature to the discharge dealt with in the text under discussion. Only a woman's is subject to uncleanness but not that of a man.

(2) Lit., ‘and that which was taught’.

(3) Lev. XV, 25, dealing with zibah.

(4) One younger than ten days cannot possibly be subject to this form of uncleanness since one cannot be a confirmed zabah before the elapse of seven days of menstruation and three subsequent days on each of which a discharge is

observed.

(5) Lit., 'wherefore to me'.

(6) Sc. since, as has been shown supra, an infant of one day is subject to the uncleanness of menstruation it naturally follows that on her tenth day (cf. prev. n. but one) she is also subject to that of zibah.

(7) After the seven days of menstruation.

(8) And if she observed a discharge on the second day also, she need only wait one day, after which she is clean. Only a discharge that continued for three consecutive days would subject her to the uncleanness of a confirmed zabah.

(9) The additional waw in the case of the menstruant.

(10) The text implying that only a woman is subject to the uncleanness of a red discharge but not a man.

(11) Supra.

(12) That a child one day old is subject to the uncleanness of a discharge as an adult.

(13) 'Ar. 3a.

(14) Lev. XV, 2, dealing with the laws of a zab. E.V., 'any man'.

(15) The exposition of Lev. XV, 2 (v. prev. n.).

(16) Lev. XV, 33.

(17) Lev. XV, 2 dealing with the laws of a zab. E.V., 'any man'.

(18) Lit., 'spoke as is the language of man'.

(19) Lev. XV, 16, in regard to the emission of semen.

(20) The law of zibah in respect of an infant one day old and the law of the emission of semen in regard to a boy who is nine years and one day old.

(21) Cf. supra p. 223, n. 8 mut. mut.

(22) Man.

(23) Waw ('and') in we-ishah.

(24) Sc. why could not the same ages of the male and of the female be derived from one another?

(25) Of discharges.

(26) Cf. B.K. 24a.

(27) Infra 36b.

(28) One above the other.

(29) Midras (v. Glos.) is one of the means whereby a zab conveys uncleanness.

(30) And not as the couch under him which imparts uncleanness to human beings also.

(31) Lev. XV, 10.

Talmud - Mas. Nidah 33a

If it be suggested: Under the zab [it could be objected: This]¹ is derived from, And whosoever toucheth his bed.² Consequently it must mean: Whosoever toucheth any thing under which the zab was',³ and this is⁴ the cover above the zab,⁵ Scripture⁶ segregated it from a grave uncleanness⁷ and transferred it to a lighter uncleanness in order to tell you that it imparts uncleanness to foods and drinks only.⁸ Might it not be suggested that Scripture segregated it from the grave uncleanness only in order that it shall not impart uncleanness to a man⁹ and thereby also impart uncleanness to his clothes, but that it does impart uncleanness to a man⁹ or to clothes?¹⁰ — Scripture said: Shall be unclean,¹¹ which implies¹² an uncleanness of a lighter character, And whence is the law concerning the couch beneath one who had intercourse with a menstruant deduced? — From what was taught: And her impurity be upon him.¹³ As it might have been presumed that he is released from his uncleanness as soon as he is released,¹⁴ it was explicitly stated, He shall be unclean seven days.¹³ Then why was it explicitly stated, 'And her impurity be upon him'? As it might have been presumed that he imparts no uncleanness to man or earthenware, it was explicitly stated, 'And her impurity be upon him',¹³ as she imparts uncleanness to man¹⁵ and to earthenware¹⁶ so does he impart uncleanness to man¹⁵ and earthenware.¹⁶ In case it might be suggested:¹⁷ As she causes a couch or a seat to become unclean so as to impart uncleanness to a man and thereby also impart uncleanness to his clothes, so does he also cause his couch and seat to impart uncleanness to man and thereby impart uncleanness to his clothes, it was explicitly stated: And every bed whereon he lieth shall be

unclean.¹⁸ For¹⁹ it should not have been stated. ‘and every bed on which he lieth shall be unclean’, then why was it written, ‘And every bed on which etc.’? Scripture has, thereby, segregated it from a grave uncleanness²⁰ and transferred it to a lighter uncleanness, to tell you that it imparts uncleanness to foods and drinks only. R. Ahai demurred: Might it not be suggested that Scripture had segregated it from a grave uncleanness and transferred it to a lighter uncleanness only in order that it shall not impart uncleanness to a man and thereby also convey it to his clothes, but that it does impart uncleanness to a man²¹ or to clothes?²² — R. Assi replied: Shall be unclean²³ implies²⁴ an uncleanness of a lighter nature. Might it not be argued: ‘And her impurity be upon him’¹⁸ is a generalization, ‘and every bed’¹⁸ is a specification²⁵ and, since the scope of a generalization when followed by a specialization already comprehended in it is limited by the thing specified, only²⁶ a bed and a seat, but no other thing should convey uncleanness? — Abaye replied: ‘He shall be unclean for seven days’¹⁸ makes a break in the context, so that this is a case of a generalization and a specification that are distant from one another and whenever a generalization and a specification are distant from one another the rule of generalization and specification does not apply. Raba replied: The rule²⁷ in fact does apply, but the expression of ‘and every’¹⁸ is an extension.²⁸ R. Jacob demurred: Might it not be argued that he²⁹ is³⁰ subject to the same uncleanness as she in this respect: As in her case no distinction is made between her touch and her bed as regards the conveyance of uncleanness to a person and to his clothes, thus adopting the stricter course,³¹ so also in his case no distinction should be made between his touch and his bed as regards the conveyance of uncleanness to a person and to his clothes, the lenient course being adopted?³² — Raba replied:³³ ‘Upon him’ implies: To put a load upon him.³⁴

SINCE THEY COHABIT WITH MENSTRUANTS etc. Do they all³⁵ cohabit with menstruants? — R. Isaac of Magdala replied: This was learnt about married persons only.

BECAUSE [THEIR WIVES] CONTINUE [UNCLEAN FOR SEVEN DAYS] ON ACCOUNT OF A DISCHARGE OF ANY BLOOD etc. It was taught: R. Meir stated, If they continue [unclean for seven days] on account of a discharge of any blood,³⁶ is not this³⁷ rather an important safeguard for them? But the fact is that when they observe a discharge of red blood they treat it as supplementary to a previous discharge of yellow blood.³⁸ Another explanation: She includes the day on which her discharge ceases³⁹ in the number of the seven days.⁴⁰ Rami b. Hama demurred: Why indeed should she not count it,⁴¹ and why should not we also count it,⁴¹ seeing that we have an established rule that part of a day is regarded as the whole of it? — Raba retorted: If so,⁴² how could it be possible for an emission of semen to cause the counting⁴³ after a zibah to be void seeing that a part of the day is to be counted as the whole of it?⁴⁴ If one had observed the discharge in the middle of the day the law might indeed be so,⁴⁵ but here we might be dealing with one who observed the discharge near sunset?⁴⁶ — Could it then definitely be assumed that⁴⁷ the Scriptural text was written only [in regard to a discharge] near sunset? — Yes; you must indeed allow the text to be so explained, for it⁴⁸ forces this interpretation upon itself.

Rami b. Hama enquired: If a woman⁴⁹ ejected some semen;⁵⁰ does she cause her counting⁵¹ after a zibah to be void? Is she regarded as one who observed an emission of semen and causes, therefore, the counting⁵¹ to be void

(1) Since it is midras (cf. Prev. n. but two).

(2) Lev. XV, 5.

(3) The Heb, yiheyeh tahtaw may be rendered as E.V. ‘that was under him’ as well as ‘under which he (the zab) was’.

(4) Lit., ‘and what is it’.

(5) Cf. Rashal and Rashi. Cur. edd. in parenthesis add: ‘And he who carries shall also be unclean; and what is that? What is being carried. What is the reason? It is written: And that which is carried’.

(6) By separating the law of touching from that of carrying with the expression of ‘shall be unclean’.

(7) Carrying which imparts uncleanness to a person as well as to his clothes.

- (8) But not to a person.
- (9) Who touches it.
- (10) That came in direct contact with it.
- (11) Lev. XV, 10.
- (12) Since the washing of garments was not mentioned in that part of the verse.
- (13) Lev. XV, 24.
- (14) Lit., 'he shall go up at her foot'. sc. if, for instance, on the sixth day of her uncleanness he became unclean through her he should become clean on the following day (which is her seventh day) on which she is released from her uncleanness.
- (15) And to the clothes he wears.
- (16) By heset (v. Glos.).
- (17) Lit., 'if'.
- (18) Lev, XV, 24.
- (19) Since it was written, 'and her impurity be upon him' and about her it is written, that one who touches her bed must wash his garments.
- (20) That of the couch of the menstruant which imparts uncleanness to a person as well as to the clothes he wears.
- (21) Who touches it.
- (22) That came in direct contact with it.
- (23) Lev. XV, 10.
- (24) Since the washing of garments was not mentioned in that part of the verse.
- (25) Of the same general rule.
- (26) Lit., 'yes'.
- (27) Of generalization followed by a specification.
- (28) Of the general rule. The rule of generalization and specification does not, therefore, apply here.
- (29) Who cohabits with a menstruant.
- (30) Since the man and the woman were compared.
- (31) Sc. that both the person and his clothes are unclean.
- (32) Viz., that neither his person nor his clothes contract uncleanness.
- (33) Var. lec. Scripture said.
- (34) I.e., in his case too the stricter course must be adopted.
- (35) Sc. married and unmarried men.
- (36) Whether clean or unclean.
- (37) The counting of seven days after each discharge whose colour differed from the previous one.
- (38) Cf. relevant n. on our Mishnah.
- (39) Sc. the third day of three consecutive days (after the termination of her period of menstruation) on each of which she experienced a discharge and in consequence of which, she is a confirmed zabah.
- (40) While in the case of a zabah the law requires seven full days clear of any discharge whatsoever.
- (41) As one of the seven clean days.
- (42) That as regards the counting of the clean days after zibah a part of a day could be regarded as the whole of it.
- (43) Of any one of the seven days (cf. supra 22a).
- (44) And a part of the day presumably remains after the emission.
- (45) The remaining part of the day being counted as a full day and the counting of the seven days is in no way interrupted.
- (46) So that no part of the day remained,
- (47) Lit., 'and let him arise and say to him to'.
- (48) In view of the accepted rule that part of a day counts as the whole of it.
- (49) Who had intercourse during her zibah.
- (50) While she was counting her clean days after her zibah had terminated.
- (51) Of the one day on which the ejection occurred.

Talmud - Mas. Nidah 33b

or is she rather regarded as one who merely touched it and, therefore, she does not cause the counting to be void? — Raba replied, His error is as deep as his subtlety: Granted that she causes her counting to be void, how many days could be affected? Should it be suggested that the counting of all the seven days should be void [it could be objected]: Is it not enough that she is treated like the man who had the intercourse with her?¹ Should it be suggested that she should cause the counting of one day to be void [it could be retorted:] Did not the All Merciful say, And after that she shall be clean,² ‘after’ means after all of them, implying that no uncleanness³ may intervene between them? — But according to your view, how could a zab himself cause the counting of one day to be void seeing that the All Merciful said, He shall number to himself seven days for his cleansing.⁴ which implies that no uncleanness must intervene between them?⁵ What then have you to say in reply? That the meaning is that only the uncleanness of zibah must not intervene between them;⁶ well, here also it may be explained that the meaning is that only the uncleanness of zibah must not intervene between them.⁷

ON ACCOUNT OF THEIR [UNCLEANNESS]. HOWEVER, NO OBLIGATION IS INCURRED FOR ENTRANCE INTO THE TEMPLE etc. R. Papa once visited Tuak⁸ when he remarked, ‘If there lives a scholar in this place I would go and pay him my respects’.⁹ ‘A scholar lives here’, said an old woman to him, ‘and his name is R. Samuel and he learns Tannaitic traditions. May it be God’s will that you be like him’. ‘Since’, he thought, ‘she blesses me by him I can gather¹⁰ that he is a God¹¹ -fearing man’. He thereupon visited him when the latter treated him to¹² a bull; and he also treated him to an incongruity¹³ between Tannaitic teachings: We have learnt, ON ACCOUNT OF THEIR [UNCLEANNESS]. HOWEVER, NO OBLIGATION IS INCURRED FOR ENTRANCE INTO THE TEMPLE NOR IS TERUMAH BURNT ON THEIR ACCOUNT, SINCE THEIR¹⁴ UNCLEANNESS IS ONLY OF A DOUBTFUL NATURE, from which it is evident that terumah is not burnt in a case of doubt. But have we not learnt to the contrary: In six doubtful cases of uncleanness is terumah burnt [and one of them is] the doubtful uncleanness of the clothes of an ‘am ha-arez?¹⁵ — ‘May it be God’s will’, exclaimed R. Papa, ‘that this bull shall be eaten in peace’.¹⁶ Here¹⁷ we are dealing with the case of a Samaritan who was a haber’.¹⁸ ‘But would you presume¹⁹ [the other retorted] that a Samaritan who is a haber had intercourse with a menstruant?’ When he left him²⁰ and came to R. Shimi b. Ashi the latter said to him: Why did you not answer him [that our Mishnah²¹ deals] with the case of a Samaritan who, having performed ritual immersion, came up and trod upon the clothes²² of a haber and the clothes²² of this haber then came in contact with terumah,²³ so that if [the terumah were to be treated as unclean] on account of the uncleanness of the ‘am ha-arez [it could be objected]: He has, surely, performed ritual immersion.²⁴ And if the uncleanness were to be attributed to his likely intercourse with a menstruant [it could be objected]: It is doubtful whether he had his intercourse recently or some time ago.²⁵ And even if you were to find some ground for assuming that his intercourse took place recently there is still the doubt whether she had completed her period of cleanness for yellow blood or not.²⁶ This then is a case of double doubt,²⁷ and no terumah may be burnt on account of a doubly doubtful uncleanness. But why should not the uncleanness of the terumah be established²⁸ on account of its contact with the clothes of an ‘am ha-arez, a Master having stated: The clothes of an ‘am ha-arez are like midras uncleanness²⁹ to Pharisees?³⁰ — The other replied: This is a case of a naked Samaritan.

MISHNAH. THE DAUGHTERS OF THE SADDUCEES, SO LONG AS THEY ARE IN THE HABIT OF WALKING IN THE PATHS OF THEIR FATHERS, ARE TO BE REGARDED AS SAMARITAN WOMEN, IF THEY LEFT THOSE PATHS³¹ TO ‘WALK IN THE PATHS OF ISRAEL. THEY ARE TO BE REGARDED AS ISRAELITISH WOMEN. R. JOSE RULED: THEY ARE ALWAYS REGARDED AS ISRAELITISH WOMEN UNLESS THEY LEAVE THE PATHS OF ISRAEL TO WALK IN THE PATHS OF THEIR FATHERS.

GEMARA. The question was raised: What is the law³² where their attitude is unknown?³³ — Come and hear: THE DAUGHTERS OF THE SADDUCEES, SO LONG AS THEY ARE IN THE

HABIT OF WALKING IN THE PATHS OF THEIR FATHERS, ARE TO BE REGARDED AS SAMARITAN WOMEN; from which it follows that if their attitude is unknown they are like Israelitish women. Read then the final clause: IF THEY LEFT THESE PATHS TO WALK IN THE PATHS OF ISRAEL, THEY ARE TO BE REGARDED AS ISRAELITISH WOMEN; from which it follows that if their attitude is unknown they are like Samaritan women! But the fact is that no inference may be drawn from this [Mishnah].

Come and hear what we have learnt: R. JOSE RULED, THEY ARE ALWAYS REGARDED AS ISRAELITISH WOMEN UNLESS THEY LEAVE THE PATHS OF ISRAEL TO WALK IN THE PATHS OF THEIR FATHERS. Thus it follows that the first Tanna³⁴ holds that when their attitude is unknown they are to be regarded as Samaritan women. This is conclusive.

Our Rabbis taught: It once happened that a Sadducee was conversing with a High Priest in the market place when some spittle was squirted from his mouth and fell on the clothes of the High Priest. The face of the High Priest³⁵ turned yellow and he hurried to his³⁶ wife³⁷ who assured him that although they were wives of Sadducees they paid homage to the Pharisees and showed their blood to the Sages.³⁸ R. Jose observed: We³⁹ know them better than anybody else [and can testify] that they show their menstrual blood to the Sages. There was only one exception, a woman who lived in our neighbourhood who did not show her blood to the Sages but she died. But why was he⁴⁰ not concerned about the uncleanness⁴¹ that is occasioned by the spittle of an 'am ha-arez?⁴² — Abaye replied: This was a case of a Sadducee who was a haber.⁴³ Said Raba: Is a Sadducee who is a haber presumed⁴⁴ to have intercourse with a menstruant? Rather, said Raba:

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- (1) If a man who was a zab emitted semen on one of the seven clean days following a zibah he loses that day only.
 - (2) Lev, XV, 28.
 - (3) Even that of one day.
 - (4) Lev. XV, 13.
 - (5) The seven days. How then is he allowed to interrupt his seven days by the exclusion of the day on which he emitted semen?
 - (6) Sc. if there was such an intervention, all the days counted are void and another seven days must be counted.
 - (7) The uncleanness of an emission of semen, however, is not regarded as an intervention.
 - (8) Near Naresh, the home of R. Papa not far from Sura, v. Obermeyer. p. 208.
 - (9) Lit., 'I will receive his countenance'.
 - (10) Lit., 'infer from it'.
 - (11) Lit., 'heaven'.
 - (12) Lit., 'cast down for him', sc. had it slaughtered to prepare a feast in his honour.
 - (13) Lit., 'cast for him', (cf. prev. n.).
 - (14) So our Mishnah. The reading here is 'her'.
 - (15) That came in contact with the terumah; Toh. IV, 5. As a Samaritan is presumably in the same category why is the terumah spoken of in our Mishnah not to be burnt?
 - (16) Sc. that the feast shall not be disturbed by his inability to reconcile the apparent contradiction.
 - (17) In our Mishnah.
 - (18) Whose clothes could not be suspected of any uncleanness.
 - (19) Lit., 'make'.
 - (20) Rashi: He left his host because he embarrassed him.
 - (21) According to which terumah is not burnt on account of its contact with a couch that was underneath a Samaritan.
 - (22) Sc. the bed clothes, a couch.
 - (23) The terumah thus coming in contact with midras uncleanness.
 - (24) Whereby his uncleanness came to an end.
 - (25) In the latter case his uncleanness may have terminated before he performed the immersion and he is now clean.
 - (26) It is quite possible that she counted her clean days after a discharge of unclean blood.
 - (27) Lit., 'a doubt of a doubt',

- (28) Lit., 'and let it go out for him'.
- (29) As midras conveys uncleanness to man and clothes so do the clothes of an 'am ha-arez.
- (30) Who were meticulous in the observance of the laws of cleanness, Hag. 18b.
- (31) Lit., 'they separated'.
- (32) According to the first Tanna who ruled: IF THEY ARE IN THE HABIT OF WALKING IN THE PATHS OF THEIR FATHERS THEY ARE TO BE REGARDED AS SAMARITAN WOMEN and IF THEY LEFT THESE PATHS for THE PATHS OF ISRAEL THEY ARE TO BE REGARDED AS ISRAELITISH WOMEN.
- (33) Are they then regarded as Samaritan, or as Israelitish women?
- (34) Who obviously differs from R. Jose.
- (35) Who was afraid that the Sadducee may have been unclean owing to intercourse with his menstruant wife and that his spittle consequently conveyed uncleanness to the clothes on which it fell.
- (36) The Sadducee's.
- (37) To ascertain whether she observed the laws of menstruation and knew the distinction between clean and unclean blood.
- (38) Who gave their decisions in accordance with the rulings of the Pharisees.
- (39) Who live in their neighbourhood.
- (40) The High Priest.
- (41) Lit., 'and let it go out to him'.
- (42) Even if he is not suspected of intercourse with a menstruant.
- (43) V. Glos.
- (44) Lit., 'you make',

Talmud - Mas. Nidah 34a

The incident occurred during a festival and the uncleanness of an 'am ha-arez¹ during a festival the Rabbis treated as clean; for it is written, So all the men of Israel were gathered again against the city, knit together² as one man,³ the text thus treated them all⁴ as haberim.⁵

MISHNAH. THE BLOOD⁶ OF AN IDOLATRESS AND THE CLEAN BLOOD⁷ OF A LEPROUS WOMAN, BETH SHAMMAI DECLARE CLEAN⁸ AND BETH HILLEL HOLD THAT IT IS LIKE HER SPITTLE OR HER URINE,⁹ THE BLOOD OF A WOMAN AFTER CHILDBIRTH WHO DID NOT¹⁰ UNDERGO RITUAL IMMERSION, BETH SHAMMAI RULED, IS LIKE HER SPITTLE OR HER URINE,⁹ BUT BETH HILLEL RULED: IT CONVEYS UNCLEANNESSE BOTH WHEN WET AND WHEN DRY, THEY¹¹ AGREE, HOWEVER, THAT IF SHE GAVE BIRTH WHILE IN ZIBAH, IT CONVEYS UNCLEANNESSE BOTH WHEN WET AND WHEN DRY.

GEMARA. But do not Beth Shammai uphold the tradition: Speak unto the children of Israel, and say unto them, when any man hath an issue,¹² only the children of Israel convey uncleanness by zibah and idolaters do not convey uncleanness by zibah, but a preventive measure has been enacted against them that they should be regarded as zabim in all respects?¹³ — Beth Shammai can answer you:¹⁴ How should it act? If it were to convey uncleanness both when wet and when dry, you would treat it as a Pentateuchal uncleanness.¹⁵ If it were to convey uncleanness only when wet and not when dry, you might also make the same distinction in a Pentateuchal uncleanness.¹⁶ If so, should not the same provision¹⁷ be made in the case of her spittle and her urine also?¹⁸ — Since a distinguishing rule has been laid down in regard to her blood¹⁹ it is sufficiently known that her spittle and her urine are only Rabbinically unclean. And why should no distinguishing rule be laid down in respect of her spittle or her urine while her blood should be ruled to be unclean? — Concerning her spittle and her urine, since they are frequently discharged, the Rabbis have enacted a preventive measure, but concerning her blood which is not frequently discharged the Rabbis have enacted no preventive measure.

Raba ruled: His²⁰ discharge' in zibah is unclean²¹ even according to Beth Shammai²² and his discharge of semen is clean even according to Beth Hillel.²³ 'His discharge in zibah is unclean even according to Beth Shammai' since a distinguishing rule²⁴ can be made in connection with the discharge of his semen. 'His discharge of semen is clean even according to Beth Hillel', since the Rabbis have enacted a distinguishing rule²⁴ in order that terumah or other holy things shall not be burnt on its account.²⁵ But why should not the distinguishing rule be enacted in regard to his discharge in zibah while his discharge of semen should be declared unclean? — Concerning his discharge in zibah which is not dependent on an act of his the Rabbis have enacted a preventive measure, but concerning a discharge of his semen which does depend on an act of his²⁶ the Rabbis enacted no preventive measure.

May it be suggested that the following provides support to his²⁷ ruling: If an idolatress discharged the semen of an Israelite, it is unclean; but if the daughter of an Israelite discharged the semen of an idolater, it is clean.²⁸ Now does not this mean that it is completely clean?²⁹ — No; clean Pentateuchally but unclean Rabbinically. Come and hear: It thus follows³⁰ that the semen of an Israelite is unclean everywhere,

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- (1) Who was no Sadducee and whose wife as a rule properly observed the laws of menstruation.
 - (2) Haberim, plural of haber.
 - (3) Judges XX, 11.
 - (4) When assembled together. as is also the case on a festival.
 - (5) Cf. prev. n. but two. Haberim meticulously observe all the laws of uncleanness.
 - (6) Cf. Lev. XV, 19 and 25.
 - (7) The blood of purification (Lev. XII, 5).
 - (8) This is discussed in the Gemara infra.
 - (9) Which conveys uncleanness when wet but not when dry.
 - (10) Seven days after the birth of a male child or fourteen days after that of a female child (cf. Lev. XII, 2, 5).
 - (11) Beth Shammai.
 - (12) Lev, XV, 2.
 - (13) Shab. 83a; how then could Beth Shammai in our Mishnah declare their blood clean?
 - (14) So Maharsha and old edd. Cur. edd. insert in parenthesis 'that was stated about males, for if about females'.
 - (15) And this might lead to the erroneous assumption that it also causes the burning of terumah and other sacred things.
 - (16) That of an Israelite woman. By ruling that it is clean such erroneous conclusions are avoided.
 - (17) To regard it as clean.
 - (18) Since otherwise the same erroneous conclusion might be drawn.
 - (19) By imposing upon it an uncleanness that is less restrictive than that of Pentateuchal uncleanness.
 - (20) An idolater's.
 - (21) Conveying it by contact.
 - (22) Who in our Mishnah relax the law in regard to an idolatrous woman.
 - (23) Cf. prev. n. mut. mut.
 - (24) Whereby it is indicated that the uncleanness of an idolater is merely Rabbinical.
 - (25) In the absence of the distinction it might have been presumed that the uncleanness is Pentateuchal and that, therefore, even terumah and other holy things must be burnt if they came in contact with it.
 - (26) Sexual excitement.
 - (27) Raba's.
 - (28) Mik. VIII, 4.
 - (29) In agreement with Raba.
 - (30) Lit., 'you are found saying'.

Talmud - Mas. Nidah 34b

even in the bowels of an idolatress,¹ while that of an idolater is clean everywhere, even in the bowels

of an Israelitish woman, with the exception of any urine of hers that is mixed up with it.² And should you argue that here also it is only Pentateuchally clean but unclean Rabbinically, [it could be retorted:] Does then her urine convey uncleanness Pentateuchally?³ Consequently it may be inferred that it⁴ is clean even Rabbinically. This is conclusive.

The Master said, 'The semen of an Israelite is unclean everywhere, even in the bowels of an idolatress'. May you not thereby solve a question of R. Papa; for R. Papa enquired. 'What is the law regarding the semen of an Israelite in the bowels of an idolatress?' [Concerning a discharge] within three days⁵ R. Papa raised no questions. His enquiry related only to one after three days.⁶ What, he asked, is the law? Is it only in the case of Israelites, who are anxious to observe the commandments, that their bodies engender heat and the semen decomposes⁷ but in the case of idolaters, who are not anxious to observe the commandments, their bodies engender no heat and their [semen] therefore does not decompose, or is it possible that on account of their consumption of forbidden animals and reptiles their bodies also engender heat and their semen also decomposes? — This remains undecided.

THE CLEAN BLOOD OF A LEPROUS WOMAN, BETH SHAMMAI etc. What is Beth Hillel's reason? — R. Isaac replied: 'Whether it be a man'⁸ includes⁹ a male leper as regards his sources;¹⁰ 'or a woman'⁸ includes⁹ a female leper as regards her sources. Now what could be meant by 'her sources'? If it be suggested: Her other sources¹¹ [the objection could be made that the uncleanness of these] could be inferred from that of the male.¹² The reference consequently must be to [the uncleanness of] her blood,¹³ to declare her 'CLEAN BLOOD' unclean. And Beth Shammai?¹⁴ — [The uncleanness of] a female could not be deduced from that of a male, for it can be objected: The position of the male is different¹⁵ since he is also required¹⁶ to uncover his head and to rend his clothes¹⁷ and he is also forbidden cohabitation; [how then could his uncleanness] be compared to that of a female¹⁸ who is not [subject to his restrictions]?¹⁹ And Beth Hillel?²⁰ — The All Merciful could have written down the restrictions in regard to the female and there would have been no need to repeat them in regard to the male; for it could have been argued: If in the case of a female,¹⁸ who is not required to uncover her head or to rend her clothes and who is not forbidden cohabitation either, the All Merciful included her sources²¹ how much more then should this be the rule¹⁸ in the case of the male.²² Now since the text serves no purpose in regard to the male,²³ apply it to the female; and since it can serve no purpose as far as her other sources²⁴ are concerned,²⁵ apply it to her blood, to declare her 'CLEAN BLOOD' unclean. And Beth Shammai?²⁶ — The uncleanness of a male cannot be deduced from that of a female, for it can be objected: The position of a female is different,²⁷ since she becomes unclean²⁸ even as a result of a mishap; [how then could her uncleanness] be compared to that of a male who is not [subject to such a restriction]? And Beth Hillel?²⁶ — The subject dealt with is the position of²⁹ the leper, how can they raise an objection against it from that of the zab?³⁰ And Beth Shammai?²⁶ — They raise objections from any form of uncleanness. And if you prefer I might reply that Beth Shammai can answer you: The expression³⁰ 'whether it be a man'³¹ is required for the following exposition: 'Whether it be a man' whosoever is a man irrespective of whether he is of age or only a minor.³² And Beth Hillel?³³ — They derive this ruling from 'This is the law of him that hath an issue'³⁴ which implies, whether he be of age or a minor.

R. Joseph stated: When R. Simeon b. Lakish discoursed on the zab he raised the following question.³⁵ Does the first observation³⁶ of a zab who was a minor convey uncleanness by contact? The All Merciful having said, This is the law of him that hath an issue and of him from whom the flow of seed goeth out,³⁷ therefore only if his 'flow of seed' causes uncleanness does his first observation also cause uncleanness, but the minor,³⁸ since his 'flow of seed' conveys no uncleanness, his first observation also conveys no uncleanness; or is it possible that it is unclean, since if he observed two discharges the two are combined?³⁹ — Raba replied. Come and hear: This is the law of him that have an issue,³⁷ implies, whether he is of age or a minor; as in the case of an

adult a first observation conveys uncleanness so also in that of a minor a first observation conveys uncleanness.

R. Joseph enquired: Does the blood of a first observation of a leper convey uncleanness by contact? Is the place of the zibah a source and, therefore, conveys uncleanness,⁴⁰ or is it possible that it is no source and, therefore, conveys no uncleanness?⁴¹ — Raba replied, Come and hear: His issue is unclean,⁴² this teaches concerning an issue of a zab that it is unclean.⁴³ Now of what kind of person has this been said? If it be suggested: Of one who is only a zab⁴⁴

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- (1) If she discharged it on a garment.
 - (2) As the idolater's semen is here ruled to be clean everywhere, support is adduced for Raba's ruling.
 - (3) Of course not. Its uncleanness is only Rabbinical.
 - (4) An idolater's semen.
 - (5) After intercourse.
 - (6) Which in the case of an Israelitish woman is clean.
 - (7) After three days, and in consequence of this it is regarded as clean.
 - (8) Lev. XV, 33.
 - (9) Since the expression is not required for its context that previously in the same verse dealt in general terms 'of him that have an issue'.
 - (10) His mouth, for instance. Sc. not only is his body a primary uncleanness but, as the zab of which the text explicitly speaks, his spittle also is a primary uncleanness and may, therefore, impart uncleanness of the first degree to man and articles.
 - (11) Those that do not discharge blood but spittle or urine.
 - (12) As these sources of the male are unclean, so are the similar sources of the female.
 - (13) Which does not apply to the male.
 - (14) How can they maintain their ruling in view of this argument?
 - (15) From that of a female.
 - (16) When leprous.
 - (17) Cf. Lev. XIII, 45.
 - (18) When leprous.
 - (19) Cf. Ker. 8b.
 - (20) V. p. 237. n. 10.
 - (21) As regards uncleanness,
 - (22) Who is subject to these restrictions.
 - (23) Whose case, as has just been shown, could well have been deduced from that of the female.
 - (24) Those that do not discharge blood but spittle or urine.
 - (25) These having been deduced supra from 'or a woman',
 - (26) How can they maintain their ruling in view of this argument?
 - (27) From that of a male.
 - (28) In the case of zibah.
 - (29) Lit., 'stand at',
 - (30) Lit., 'that'.
 - (31) Lev. XV, 33.
 - (32) In either case is he subject to the uncleanness of zibah. Now since the text is required for this exposition it cannot also serve the purpose for which Beth Hillel seek to employ it.
 - (33) Having used the text for their ruling in our Mishnah whence do they derive this ruling?
 - (34) Lev. XV, 32.
 - (35) Lit., 'enquired thus'.
 - (36) Of a discharge.
 - (37) Lev. XV, 32.
 - (38) Lit., 'that'.
 - (39) Constituting him a confirmed zab in respect of the uncleanness of seven days, as an adult zab.

(40) As the other sources of a leper.

(41) Except by contact.

(42) Lev. XV, 2, referring (since the root meaning 'issue' is repeated) to a second discharge.

(43) And conveys it not only by contact but also by carriage (cf. infra 55a).

(44) But no leper.

Talmud - Mas. Nidah 35a

[the difficulty would arise:] If it¹ causes the uncleanness of others,² is it not obvious that it causes that of the man himself?³ It is consequently obvious that this has been said of a zab who is a leper.⁴ And since a Scriptural text was required to include him in the category of uncleanness after a second observation,⁵ it may be inferred that the place of the zibah is no source.⁶ Said Rab Judah of Diskarta⁷ to Raba: What is the proof?⁸ Is it not still possible to maintain that the text deals with one who is only a zab;⁹ and as to your objection 'If it causes the uncleanness of others, is it not obvious that it causes that of the man himself?' [It can be retorted:] The case of the scapegoat¹⁰ proves [the invalidity of your argument], for it causes uncleanness to others¹¹ while it is itself clean.¹² Abaye observed: Why did he¹³ at all raise such a question, seeing that he himself stated, 'This is the law of him that hath an issue,¹⁴ implies, whether he is of age or a minor', and since this law¹⁵ has been deduced by him from that text,¹⁴ the expression of 'whether it be a man'¹⁶ remains free for the purpose of including a leper in regard to his source and 'or a woman' serves to include a female leper in regard to her sources; and the All Merciful has compared¹⁷ the leper to the confirmed zab:¹⁸ As the confirmed zab conveys uncleanness through carriage so does the first discharge of a leper convey uncleanness by carriage.

R. Huna ruled: The first observed discharge of a zab conveys uncleanness¹⁹ even in the case of a mishap; for it is said, This is the law of him that hath an issue, and of him from whom the flow of seed goeth out;¹⁴ as 'the flow of seed' conveys uncleanness even in the case of a mishap so does the first observed discharge of a zab convey uncleanness even in the case of a mishap. Come and hear: If he observed a first discharge, he must be examined.²⁰ Is not this done to determine his²¹ uncleanness?²² — No; in regard to a sacrifice.²³ Come and hear: At the second observation of a discharge he must be examined.²⁰ Now for what purpose? If it be suggested: For that of a sacrifice but not for that of uncleanness²⁴ [it could be retorted:] Apply here the Scriptural text 'out of his flesh'.²⁵ which implies, but not as a result of a mishap.²⁶ Consequently it must be for the purpose of uncleanness. And since the final clause refers to an examination in regard to uncleanness must not the first clause also refer to one for uncleanness?²⁷ — What an argument! Each might refer to an examination for different purposes.²⁸ Come and hear: R. Eliezer ruled: Even at the third observation he must be examined on account of the sacrifice.' From which it follows, does it not, that the first Tanna requires it²⁹ on account of the uncleanness?²² — No; all may require it²⁹ on account of the sacrifice, but here they³⁰ differ on the exposition of the eth³¹ particles. The Rabbis base no exposition on the eth particles and R. Eliezer does. 'The Rabbis base no exposition on the eth particles': 'He that hath an issue'³² represents one discharge, 'his issue'³³ represents a second one; so far 'for the man';³⁴ while at the third discharge the All Merciful compared him to the woman.³⁵ 'And R. Eliezer does': 'He that hath an issue'³⁶ represents one discharge, 'eth'³⁷ represents a second one, 'his issue'³⁸ represents a third one, while at the fourth discharge the All Merciful compared him to the woman.³⁹

Come and hear: R. Isaac said, A zab, surely, was included in the same law of uncleanness as one who emitted semen,⁴⁰ why then was he excluded?⁴¹ In order to relax the law for him in one respect and to restrict it for him in another respect. 'To relax the law for him' in that he does not become unclean in case of a mishap; and to restrict it for him'

(1) The issue of a zab.

- (2) Anything that the zab carries is unclean.
- (3) What need then is there to mention the obvious?
- (4) To whom, being unclean on account of his leprosy, the inference a minori ad majus cannot be applied.
- (5) Thus implying that a first issue is clean.
- (6) And, therefore, causes no uncleanness by carriage. Had it been a source the first discharge would have been unclean and there would have been no need to include in the uncleanness a second one.
- (7) [Deskarah, sixteen parasangs N.E. of Bagdad. v. Obermeyer. p. 146].
- (8) Lit., 'from what'.
- (9) While the discharge of a leper requires no Scriptural text to tell of its uncleanness since even a first one is unclean by reason of its issue from a leper's source.
- (10) Cf. Lev, XVI, 5ff.
- (11) The man who carries it to Azazel (cf. Lev. XVI, 8, 26).
- (12) As any other live beast.
- (13) R. Joseph.
- (14) Lev. XV, 32.
- (15) The uncleanness of a minor.
- (16) Lev. XV, 33, from which it was deduced supra that the first discharge of a minor is unclean.
- (17) By including the expression of 'whether it be a man' (applied to the leper) in the text dealing with the zab.
- (18) One who observed two discharges (for the proof cf. Rashi).
- (19) Of a light nature: Only by contact and for the duration of one day; and only when it was followed by a second discharge does the person become a confirmed zab in respect of the counting of the seven days of uncleanness.
- (20) Zabim II, 2.
- (21) Lit., 'what, not to'.
- (22) By ascertaining whether the discharge was or was not due to a mishap. In the former case it would be deemed clean. An objection against R. Huna.
- (23) Which must be brought after three observed discharges. In case of a mishap the discharge is not reckoned as one of the three.
- (24) Sc. the major uncleanness.
- (25) Lev. XV, 2, dealing with one who observed two discharges.
- (26) How then could it be held that no examination is required for this purpose?
- (27) Cf. supra n. 3,
- (28) Lit., 'that as it is and that as it is'. sc. while the latter examination serves the purposes of ascertaining the person's subjection to uncleanness, the former (as stated supra) may serve that of ascertaining whether he is liable to a sacrifice.
- (29) The examination.
- (30) R. Eliezer and the first Tanna.
- (31) Grammatically the sign of the defined accusative.
- (32) Lev. XV. 33. V. following n.
- (33) Ibid. E.V.. Of them that have an issue,
- (34) Ibid. (E.V.. whether it be a man). Sc. in the case of a mishap it is not subject to uncleanness.
- (35) Ibid. (E.V. or a woman). Sc. even in the case of a mishap it is subject to uncleanness (cf. infra 36b) and also the obligation of a sacrifice.
- (36) Lev. XV, 33. V. infra n. 3.
- (37) Grammatically the sign of the defined accusative.
- (38) Ibid. E.V., Of them that have an issue.
- (39) Cf. prev. nn. In this case, however, the comparison is restricted to the case of a mishap. viz., if such a discharge occurred after some of the seven days have been counted all the counting is void. Uncleanness sets in after two discharges while a sacrifice is incurred after the third discharge.
- (40) As will be shown infra.
- (41) In being given a special section to himself.

Talmud - Mas. Nidah 35b

in that he causes a couch and a seat to be unclean.¹ Now when [does this ruling apply]? If it be suggested: When a second discharge was observed [the objection would arise]: How could he then be included in 'the same law of uncleanness as one who emitted semen'? It is consequently obvious [that is was meant to apply] when a first discharge was observed;² and yet it was stated, was it not, 'To relax the law for him in that he does not become unclean in case of a mishap'?³ — But how do you understand this: 'To restrict it for him in that he causes a couch and a seat to be unclean'; is he capable⁴ after a first observation to cause a couch and a seat to be unclean? But the fact is that it is this that was meant: 'R. Isaac said, A zab after his first observation was surely included in the same law of uncleanness as one who emitted semen, why then was he in the case of a second observation excluded? In order to relax the law for him in one respect and to restrict it for him in another respect. "To relax the law for him" in that he does not become unclean in case of a mishap; "and to restrict it for him" in that he causes a couch and a bed to be unclean'.⁵

R. Huna stated: The discharge of a zab resembles the dough water of barley. The discharge of the zab issues from dead flesh while semen issues from live flesh. The former is watery and resembles the white of a crushed egg while the latter is viscous and resembles the white of a sound egg.

THE BLOOD OF A WOMAN AFTER CHILDBIRTH WHO DID NOT UNDERGO RITUAL IMMERSION etc. It was taught: Beth Hillel said to Beth Shammai, Do you not agree that if a menstruant who did not undergo ritual Immersion observed some blood she is unclean?⁶ Said Beth Shammai to them: [This is] no [comparison]. If you apply this law⁷ to a menstruant who, even after she had undergone immersion, is unclean if she observed a discharge, would you also apply it to a woman after childbirth who, if she had undergone immersion and then observed a discharge, is clean? The former retorted: The case of one who gave birth during zibah proves our case; for if such a woman had undergone ritual immersion⁸ and observed a discharge after the counted days she is clean⁹ while if she did not undergo immersion and observed a discharge she is unclean. The latter replied: The same law¹⁰ applies,¹¹ and this is our reply. This then implies that they¹² are in disagreement.¹³ But have we not learnt: THEY¹² AGREE, HOWEVER, THAT IF SHE GAVE BIRTH WHILE IN ZIBAH, IT CONVEYS UNCLEANNESS BOTH WHEN WET AND WHEN DRY? — This is no difficulty, since the latter¹⁴ refers to one who already counted the prescribed days while the former¹⁵ refers to one who did not count them.¹⁶ And so it was also taught: If a woman who gave birth during zibah had counted the prescribed number of clean days but did not undergo ritual immersion and then observed a discharge. Beth Shammai gave their ruling¹⁷ in accordance with their own view¹⁸ and Beth Hillel ruled in accordance with their own view.¹⁹

It was stated: Rab said, [the blood discharge²⁰ emanates²¹ from] one and the same source; but it is the Torah that declared it unclean during one period²² and clean during another.²³ Levi, however, said, It emanates from two different sources. When the unclean one is closed²⁴ the clean one opens, and when the clean one closes,²⁵ the unclean one opens. What is the practical difference between them?²⁶ — The practical difference between them is the case of a continuous discharge from within the seven days into the period following these seven days, or from within the fourteen days into the period after the fourteenth, or from within the forty days to the period after the forty days or from within the eighty days into the period following eighty days. According to Rab the law is to be relaxed in the first case²⁷ and restricted in the latter;²⁸ but according to Levi the law is to be restricted in the first case²⁹ and relaxed in the latter.³⁰

An objection was raised: THE BLOOD OF A WOMAN AFTER CHILDBIRTH WHO DID NOT UNDERGO RITUAL IMMERSION, BETH SHAMMAI RULED, IS LIKE HER SPITTLE AND HER URINE, BUT BETH HILLEL RULED: IT CONVEYS UNCLEANNESS BOTH WHEN WET AND WHEN DRY, It was now presumed that this is a case where³¹ there was a break.³² This then is satisfactory according to Rab who said that the discharge emanates from one and the same source,³³ for this reason it conveys uncleanness both when wet and dry.³⁴ But according to Levi who said that

it emanated from two different sources why³⁵ should it convey uncleanness both when wet and when dry? — Levi can answer you: We are here dealing with the case of a woman whose discharge was continuous.³⁶ But if the discharge was continuous, what is Beth Shammai's reason? — Beth Shammai are of the opinion that there exists only once source. According to Levi³⁷ one can quite well see the point that divides Beth Shammai from Beth Hillel;³⁸ but, according to Rab,³⁹ what⁴⁰ is the point that divides them?⁴¹ — The point that divides them in the question whether⁴² both the termination of the prescribed number of days and also ritual immersion are required; Beth Shammai holding that the All Merciful made the cleanness dependent on the days alone while Beth Hillel hold that⁴³ it is dependent on both the days and immersion.⁴⁴

Come and hear: THEY AGREE, HOWEVER, THAT IF SHE GAVE BIRTH WHILE IN ZIBAH, IT CONVEYS UNCLEANNESS BOTH WHEN WET AND WHEN DRY. It was now assumed that here also⁴⁵ it is a case where there was a break.⁴⁶ Now, according to Rab who stated that there exists only one source one can quite well see the reason why the discharge conveys UNCLEANNESS BOTH WHEN WET AND WHEN DRY;⁴⁷ but according to Levi who stated that the sources are two why does the discharge⁴⁸ CONVEY UNCLEANNESS BOTH WHEN WET AND WHEN DRY?⁴⁹ — He can answer you: Here also it is a case of a continuous discharge. But if the discharge was continuous, what was the need of stating the law?⁵⁰ — It was necessary to state it for the sake of Beth Shammai: Although Beth Shammai maintain that there is only one source and that the All Merciful had ordained the uncleanness to be dependent entirely on the lapse of the prescribed number of days,⁵¹ this applies only to a woman in normal⁵² childbirth, the prescribed number of whose unclean days had passed,⁵³ but not to a woman who gave birth in zibah who is required also to count seven clean days.⁵⁴

Come and hear: Her sickness shall be unclean⁵⁵ includes⁵⁶ the man who had intercourse with her;⁵⁷ 'her sickness shall be unclean'⁵⁵ includes⁵⁸ the nights;⁵⁹ 'her sickness shall she be unclean'⁶⁰ includes⁵⁸ a woman who gave birth while in zibah who remains in her uncleanness⁶¹ until seven clean days have passed.⁶² This⁶³ is quite intelligible according to Rab who said that there exists only one source, since it is for this reason that she⁶⁴ requires seven clean days,⁶⁵

(1) As a 'father of uncleanness'.

(2) When (cf. supra 34b ad fin.) he may well be compared to one who emitted semen.

(3) An objection against R. Huna.

(4) Lit., 'a son of'.

(5) As a 'father of uncleanness'.

(6) If they do in this case, why do they differ in that of a WOMAN AFTER CHILDBIRTH?

(7) Of uncleanness.

(8) After counting the seven clean days in addition to the unclean days of childbirth.

(9) Because it is clean blood.

(10) That is applicable to a woman after childbirth in the absence of zibah.

(11) To a childbirth in zibah: sc. the latter also is clean, if the discharge occurred after the unclean days of childbirth and the seven clean days after zibah had been counted, though she had undergone no immersion.

(12) Beth Shammai and Beth Hillel.

(13) On the uncleanness of one who was in childbirth during zibah.

(14) The Baraitha.

(15) Our Mishnah.

(16) Sc. the discharge occurred before the lapse of seven clean days after the zibah. As she is then still a zibah her discharge (unlike that of a woman in childbirth in the absence of zibah that is unclean only when wet) is unclean whether wet or dry.

(17) Lit., 'went'.

(18) Expressed in the case of a childbirth that was free from zibah, viz., that even prior to immersion the discharge is clean if the prescribed number of clean days had been duly counted.

- (19) That cleanness cannot be attained unless there was immersion as well as the due counting of the clean days.
- (20) After childbirth.
- (21) During the prescribed unclean and clean days.
- (22) For seven days after the birth of a male child and for fourteen days after the birth of a female child.
- (23) For thirty-three days after the seven in the case of the birth of a male and for sixty-six days after the fourteen in the case of the birth of a female.
- (24) At the end of seven and the fourteen days respectively (cf. prev. n. but one).
- (25) At the termination (cf. prev. n. but one) of the forty and the eighty days respectively.
- (26) Rab and Levi.
- (27) From within the seven and the fourteen days to the respective periods following them. Though the discharge was continuous it becomes clean, in accordance with the ordinance of the Torah, after the seventh and the fourteenth day respectively.
- (28) From within the forty and the eighty days to the respective periods following them. Cf. prev. n. mut. mut.
- (29) Cf. prev. n. but one. Since the discharge was continuous it must be assumed that the unclean source had not yet closed.
- (30) Cf. prev. n. mut. mut.
- (31) At the termination of the unclean days.
- (32) In the continuity of the discharge.
- (33) And that it is only an ordinance of the Torah that brings about the distinction.
- (34) As the woman had not yet undergone ritual immersion the source must remain unclean and the discharge continues to convey uncleanness whether it is wet or dry.
- (35) Since at the termination of the unclean days the clean source opens.
- (36) Sc. there was no break in it when the unclean period had ended, which is an indication that the unclean source had not yet been closed.
- (37) Who stated that according to Beth Hillel there are two different sources.
- (38) According to the latter, since the sources are two, and since the unclean one had not yet closed, the discharge must be unclean; while according to the former, since there is only one source and the Torah ordained that after the unclean days prescribed it becomes clean, the discharge must be clean.
- (39) Who stated that there is only one source.
- (40) If Beth Hillel uphold this view.
- (41) Beth Shammai from Beth Hillel, seeing that both agree that there is only one source for the clean and the unclean blood.
- (42) To enable the woman to attain cleanness.
- (43) Irrespective of whether the discharge was continuous or ceased for a time at the termination of the unclean days.
- (44) One without the other does not suffice for the attainment of cleanness.
- (45) Where, as was explained supra, the days prescribed for a childbirth had passed but the seven clean days that are to follow zibah had not yet been counted.
- (46) In the continuity of the discharge, at the conclusion of the unclean period.
- (47) The reason being that the Torah ordained the blood to be regarded as unclean until the seven clean days that must follow zibah had passed.
- (48) Which after the unclean period emanates from the clean source.
- (49) Sc. while, by reason of its emanating from the source of a zab, it is rightly unclean when wet, why should it also be unclean when dry?
- (50) That it CONVEYS UNCLEANNESS BOTH etc.
- (51) Sc. that the discharge after these unclean days have passed becomes naturally clean.
- (52) Lit., 'alone'.
- (53) Lit., 'completed'.
- (54) After the zibah. So long as she had not counted these days she remains subject to the uncleanness of zibah.
- (55) Lev. XII, 2.
- (56) Since otherwise the text is superfluous after the previous statement 'then she shall be unclean seven days as in the days of impurity' (ibid.).
- (57) Sc. that he becomes as unclean as she.

(58) V. p. 246. n. 12.

(59) I.e., that the uncleanness is not restricted to the days, though 'days' only were spoken of in the context.

(60) Lev. XII, 2.

(61) After all discharge had ceased.

(62) Infra 37b.

(63) The last mentioned ruling.

(64) To attain cleanness.

(65) The discharge emanating from the same source as the unclean blood, the Torah (by its insertion of the superfluous text mentioned) ordained that cleanness cannot be attained before the woman had counted seven clean days.

Talmud - Mas. Nidah 36a

but according to Levi, who said that the sources were two, why should it be necessary to count seven days, seeing that the slightest [break]¹ should suffice?² — It is this that was meant: It is necessary for her that³ there shall be a slight [break]⁴ in order that [the following days] shall be counted as her seven clean ones.

Come and hear: The days of her pregnancy supplement those of her nursing,⁵ and the days of her nursing supplement those of her pregnancy. In what manner? If there was a break of two 'onahs during her pregnancy and of one during her nursing, or of two during her nursing and of one during her pregnancy, or of one and a half during her pregnancy and of one and a half during her nursing, they are all combined into a series of three 'onahs.⁶ Now according to Rab who said that there was only one source this ruling is quite justified, for it is for this reason⁷ that there must be a break of three 'onahs,⁸ but according to Levi who said that there were two sources why⁹ should a break of three 'onahs be required, seeing that the slightest [break] should suffice?¹⁰ — It is this that was meant: It is necessary for her that there shall be a slight [break] in order that [the following days] shall be counted for her¹¹ as three 'onahs.

Come and hear: Both,¹² however, are of the same opinion that where a woman observed a discharge after her clean blood period¹³ it suffices for her to reckon her uncleanness from the time of her observation. Now according to Levi who said that there exist two sources one may well concede this ruling since it is for this reason¹⁴ that¹⁵ it suffices for her to reckon her uncleanness from the time of her observation,¹⁶ but according to Rab who said that there existed only one source, why should it suffice for her to reckon her uncleanness from the time of her observation seeing that¹⁷ she should have become unclean for twenty-four hours retrospectively? — This is a case where there was not time enough.¹⁸ But why should she not be unclean from her previous examination to her last examination?¹⁹ — As there was no interval of twenty-four hours²⁰ the Rabbis enacted no preventive measure even in regard to uncleanness from the previous examination to the last examination.

Come and hear: If a woman who was in childbirth during zibah had counted the prescribed number of clean days but did not undergo ritual immersion, and then observed a discharge, Beth Shammai gave their ruling in accordance with their own view and Beth Hillel ruled in accordance with their own view.²¹ Now according to Rab who said that there was only one source this ruling is quite justified, since it is for this reason²² that²³ the discharge causes uncleanness both when wet and when dry; but according to Levi who said that there were two sources, why²⁴ does the discharge cause uncleanness both when wet and when dry? — Levi can answer you: I maintain the same view as the Tanna who stated that 'both, however, are of the same opinion'.²⁵ And if you prefer I might reply that here we are dealing with one whose discharge is continuous. But was it not stated that she had counted?²⁶ — Here we are dealing with one who gave birth to a female child while in zibah and whose discharge ceased during the first week²⁷ but continued again²⁸ in the second week,²⁷ he being of the opinion that the unclean days of childbirth in which no discharge is observed are counted among the clean days of one's zibah.²⁹ Rabina said to R. Ashi: R. Shamen of Sikara³⁰ told us, 'Mar

Zutra once visited our place when he delivered a discourse In which he laid down: The law is to be restricted in agreement with Rab³¹ and it is also to be restricted in agreement with Levi'.³² R. Ashi stated: The law is in agreement with Rab both in his relaxations³³ and his restrictions.³⁴ Meremar in his discourse laid down: The law is in agreement with Rab both in his relaxations³³ and restrictions.³¹ And the law is in agreement with Rab both in his relaxations³³ and restrictions.³¹

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- (1) At the termination of the unclean period.
 - (2) For the closing up of the unclean source. As all the blood that is discharged subsequently emanates from the clean source it should suffice for the woman to wait after the unclean period no more than seven days and attain cleanness at their termination, irrespective of whether she observed any discharge during these days or not.
 - (3) At the termination of the unclean period.
 - (4) An indication that the unclean source had been closed.
 - (5) As regards the establishment of a regular period.
 - (6) Supra 10b q.v. notes.
 - (7) That there is only one source.
 - (8) In the absence of such a break the discharge cannot be regarded as having ceased.
 - (9) Since the blood after the unclean period emanates from the clean source, while the unclean one is closed.
 - (10) Cf. supra p. 247. n. 11 mut. mut.
 - (11) Even if she observed a discharge.
 - (12) Shammai and Hillel who differ on the question of twenty-four hours retrospective uncleanness.
 - (13) This is now presumed to mean even if a considerable time after, on the eighty-third or ninetieth day after child-birth, for instance.
 - (14) That there exist two sources.
 - (15) The blood from the unclean source having ceased for many days.
 - (16) Which (cf. prev. n.) is rightly regarded as a first discharge after many days from the unclean source. A first discharge in the case of a nursing-woman, as in that of another three categories of woman, does not cause any retrospective uncleanness.
 - (17) Since that source has also been discharging during the clean period and the present discharge cannot be regarded as a first one.
 - (18) Sc. less than a twenty-four hours interval has elapsed between the end of the clean period and the observation of the discharge. Hence even if the blood discharged had been in the outer chamber twenty-four hours previously the woman (since her blood at that time was still clean) could not be deemed unclean.
 - (19) If, for instance, on examining herself in the morning she observed a discharge, her uncleanness should be retrospective and all objects she handled during the night should be regarded as unclean. The previous answer that 'there was not time enough' cannot be given here, since in such a case there would have been no necessity whatsoever to state, what is so obvious, that in such a case it suffices to reckon the uncleanness from the time of observation.
 - (20) Cf. prev. n. but one.
 - (21) That before ritual immersion the discharge is unclean both when wet and when dry.
 - (22) That there existed only one source.
 - (23) In the absence of ritual immersion.
 - (24) Seeing that the required number of days had been counted and the unclean source must have been stopped.
 - (25) That if there was a discharge after the termination of the clean blood period, even though (as explained supra) more than twenty-four hours intervened, it suffices for the woman to be unclean from the time she observed a discharge; which shows that he also holds that there exist two sources.
 - (26) It does. Now, if the flow of blood had not ceased, how could she even begin to count?
 - (27) Of the two unclean weeks prescribed for a woman after the birth of a female.
 - (28) Lit., 'did not cease', 'break off'.
 - (29) Hence the statement that 'she had counted'. As in the second week, however, the discharge began again and continued into the third week, it conveys uncleanness, according to Beth Hillel, both when wet and when dry, since it emanates from an unclean source which the Torah did not regard as clean before the prescribed number of days had been counted and immersion had been performed.
 - (30) On the Tigris near Mahoza.

(31) That if the discharge was continuous from within the clean period into the unclean one following, it conveys uncleanness as if it had emanated from an unclean source.

(32) That where a discharge continued from within the clean days period into the clean one that follows, it is not regarded as clean blood since the continuous discharge is an indication that the unclean source had not yet closed up.

(33) That where the discharge continued from within the unclean period into the clean one following, it is regarded as clean after the last unclean day, despite its continuity.

(34) This is explained in the Gemara infra.

Talmud - Mas. Nidah 36b

MISHNAH. A WOMAN IN PROTRACTED LABOUR IS REGARDED AS A MENSTRUANT. IF HAVING BEEN IN LABOUR¹ FOR THREE DAYS OF THE ELEVEN DAYS,² SHE WAS RELIEVED FROM HER PAINS FOR TWENTY-FOUR HOURS AND THEN GAVE BIRTH, SHE IS REGARDED AS HAVING GIVEN BIRTH IN A ZIBAH;³ SO R. ELIEZER. R. JOSHUA RULED: THE RELIEF FROM PAIN⁴ MUST HAVE CONTINUED FOR A NIGHT AND A DAY,⁵ AS THE NIGHT AND THE DAY OF THE SABBATH.⁶ THE RELIEF [SPOKEN OF IS ONE] FROM PAIN, NOT FROM BLEEDING.⁷ HOW LONG MAY PROTRACTED LABOUR CONTINUE?⁸ R. MEIR RULED: 'EVEN FORTY OR FIFTY DAYS.'⁹ R. JUDAH RULED: HER [NINTH] MONTH SUFFICES FOR HER.¹⁰ R. JOSE AND R. SIMEON RULED: PROTRACTED LABOUR CANNOT CONTINUE⁸ FOR MORE THAN TWO WEEKS.

GEMARA. Is thei¹¹ every woman IN PROTRACTED LABOUR REGARDED AS A MENSTRUANT?¹² — Rab replied : She¹³ is deemed to be a menstruant for one day.¹⁴ Samuel, however, ruled: The possibility must be taken into consideration¹⁵ that she might be relieved from her pain,¹⁶ while R. Isaac ruled: A discharge on the part of a woman in labour¹⁷ is of no consequence.¹⁸ But was it not stated, A WOMAN IN PROTRACTED LABOUR IS REGARDED AS A MENSTRUANT? — Raba replied: During the days of her menstruation¹⁹ SHE²⁰ IS DEEMED TO BE A MENSTRUANT,²¹ but during the days of zibah²² she is clean. And so it was also taught: If a woman is in protracted labour during the days of her menstruation¹⁹ she is deemed to be a menstruant,²⁰ but if this occurred during the days of her zibah²² she is clean. In what circumstances? If she was in labour for one day and had relief from pains for two days, or if she was in labour for two days and had relief from pain for one day,²³ or if she was relieved from pains and then was again in labour and then was again relieved from pain,²³ such a woman is regarded as having given birth in zibah; but if she was relieved from pain for one day and then was in labour for two days, or if she was relieved for two days and then was in labour for one day, or if she was in labour and then was relieved and then was again in labour, such a woman is not regarded as having given birth in zibah; the general rule being that where the pains of labour immediately precede²⁴ birth the woman is not regarded as having given birth in zibah, but if release from pain immediately precedes²⁴ birth the woman²⁵ must be regarded as having given birth in zibah.²⁶ Hananiah the son of R. Joshua's brother ruled: Provided her pains of labour were experienced²⁷ on her third day.²⁸ even though she had relief during the rest of that day, she²⁹ is not regarded as having given birth in zibah. What does the expression 'The general rule' include? — It includes the ruling of Hananiah.

Whence is this³⁰ deduced? — Our³¹ Rabbis taught: Her blood³² refers to blood that is normally discharged,³³ but not to such as is due to childbirth.³⁴ You say. '[Not to such as is] due to childbirth'; is it not possible that only that blood is excluded³⁵ which is due to an accident?³⁴ As it was said, And if a woman have an issue of her blood,³⁶ a discharge that is due to an accident is included;³⁷ to what then could one apply the limitation of 'her blood'?³⁶ Obviously to this: "Her blood" refers to blood that is normally discharged but not to such as is due to childbirth'. But³⁸ what reason do you see for holding the blood of childbirth clean and that which is due to an accident unclean? I hold that which is due to childbirth clean since it is followed by cleanness,³⁹ but hold that which is due to an accident unclean since it is not followed by cleanness. On the contrary! That which is due to an accident

should be held clean since a discharge from a zab that is due to an accident is clean? — Now at all events we are dealing with the case of a woman, and we do not find that in the case of a woman blood due to an accident is ever clean. And if you prefer I might reply: What opinion do you hold? Is it to regard a discharge that is due to an accident clean and one that is due to childbirth unclean? Surely you cannot point to any occurrence that is more in the nature of an accident⁴⁰ than this.⁴¹ If so,⁴² why should it not be said in the case of a menstruant also: Her issue⁴³ refers to an issue that is normally discharged but not to such as is due to childbirth?⁴⁴ You say, '[not to such as is due to] childbirth'; is it not possible that only that blood is excluded³⁴ which is due to an accident?³⁴ As it was said, And if a woman have an issue,⁴³ a discharge that is due to an accident is included;⁴⁵ to what then could one apply the limitation of 'her issue'?⁴⁶ Obviously to this: 'Her issue' refers to an issue that is normally discharged but not to such as is due to childbirth!⁴⁷ — Resh Lakish answered: Scripture said, She shall continue⁴⁸ which implies:⁴⁹ You have another continuation which is of the same nature as this one;⁵⁰ and which is it?⁵¹ It is that of protracted labour during the days of her zibah. Might it not be suggested that this refers to protracted labour during the days of her menstruation? — Rather, said Samuel's father, Scripture said, Then she shall be unclean two weeks, as in her menstruation,⁴⁹ [implying] but not 'as in her zibah', from which it may be inferred that her zibah is clean; and which is it?⁵¹ It is that of protracted labour during the days of her zibah. Now, however, that it is written, Then she shall be unclean two weeks as in her menstruation,⁵² what need was there for the expression of 'her blood'?⁵³ — If not for the expression 'her blood' it might have been presumed that the deduction 'as in her menstruation'⁵² and not 'as in her zibah' implies that the discharge is clean even where the woman was relieved from pain,⁵⁴ hence we were informed⁵⁵ [that the discharge is clean only where it is due to childbirth].⁵⁶

Shila b. Abina gave a practical decision in agreement with the view of Rab.⁵⁷ When Rab's soul was about to depart to its eternal rest he⁵⁸ said to R. Assi, 'Go and restrain him,⁵⁹ and if he does not listen to you try to convince him'.⁶⁰ The other thought that he was told, 'put him under the ban'.⁶¹ After Rab's soul came to its eternal rest he⁶² said to him,⁶³ 'Retract, for Rab has retracted'. 'If', the other retorted, 'he had retracted he would have told me so'.⁶⁴ As he⁶³ did not listen to him' the latter put him under the ban. 'Is not the Master', the other⁶³ asked him, 'afraid of the fire?'⁶⁵ 'I', the former replied, 'am Issi b. Judah⁶⁶ who is Issi b. Gur-aryeh⁶⁷ who is Issi b. Gamaliel who is Issi b. Mahalalel, a brazen mortar⁶⁸ over which rust has no power'. 'And I', the other retorted, 'am Shila b. Abina, an iron pestle that breaks the brazen mortar Thereupon R. Assi fell ill and they had to put him in hot [blankets] to relieve him from chills and in cold [compresses] to relieve him from heat,⁶⁹ and his soul departed to its eternal rest.

(1) And bleeding.

(2) That intervene between the menstrual periods and during which a discharge of blood is ordinarily attributed to zibah.

(3) As the pains ceased before birth it is evident that the previous discharge (cf. prev. n. but one) was not due to the labour but to zibah. Had the pains continued until birth all the previous bleeding would have been attributed to that of the labour which is Pentateuchally clean.

(4) As result of which the bleeding must be regarded as zibah and is not to be attributed to the labour.

(5) Not merely for twenty-four hours that began and ended at any time of the day or the night.

(6) Which begins at sunset of Friday and terminates at that of Saturday.

(7) I.e., even if she was bleeding, the relief from pain alone suffices to subject her to the uncleanness of zibah.

(8) In respect of exempting the woman from zibah (cf. supra p. 250. n. 8) even if she bled.

(9) Prior to childbirth; provided only that there was no period of relief from pain (as defined supra) before birth.

(10) Sc. only blood discharged during that month may be attributed to labour. Should the discharge begin during the 'eleven days' of the previous month and continue for three days she is deemed a zabah (on account of the discharge on these three days) even though the bleeding continued throughout the ninth month also.

(11) Since our Mishnah seems to lay down a general rule.

(12) But this, surely, is absurd. During the eleven days of zibah the woman could not be regarded as a MENSTRUANT but as a zabah.

- (13) Even if the discharge in the course of her labour occurred during the eleven days of zibah.
- (14) And on undergoing immersion in the evening she attains to cleanness. A woman who was not in labour, if she had such a discharge, must allow another day (free from any discharge) to pass before she can attain to cleanness.
- (15) In accordance with Rabbinic law, though Pentateuchally this is not necessary.
- (16) Before childbirth. As a result it would be evident that the discharge was one of zibah and the man cohabiting with the woman would be subject to kareth in Pentateuchal law. The woman, like any other who observed a discharge during the eleven days of zibah, must consequently remain unclean until another day, that was free from any further discharge, had passed.
- (17) Even during the 'eleven days' of zibah.
- (18) Sc. it is regarded as the blood of labour and the woman is deemed to be clean even on the same day.
- (19) Sc. the period during which a discharge is deemed to be menstrual.
- (20) Though in labour.
- (21) The reason is given infra.
- (22) Cf. prev. n. but one mut. mut.
- (23) While still bleeding.
- (24) Lit., 'near'.
- (25) Where her discharge continued for three days.
- (26) The release from pain serving as proof that the previous discharge was not due to childbirth but to zibah.
- (27) Even if only for a short while.
- (28) Ordinarily it is the discharge on the third day that causes a woman to be a confirmed or major zabah. A discharge on not more than one or two days only causes her to be a minor zabah.
- (29) Since on the third day her relief did not extend over the whole night and the whole day.
- (30) That the blood of labour is clean.
- (31) Lit., 'for our'.
- (32) Lev. XV, 25.
- (33) Lit., 'on account of herself'.
- (34) The latter being clean.
- (35) Lit., 'or it is not but'.
- (36) Lev. XV, 25.
- (37) Since the text draws no distinctions.
- (38) Seeing that the text does not specifically mention either the blood of childbirth or that which is due to an accident.
- (39) The period of unclean blood after a childbirth (seven days for a male and fourteen days for a female) is followed by one of clean blood (thirty-three days for a male and sixty-six days for a female).
- (40) Sc. that is not dependent on the woman's will.
- (41) If then blood that is due to an accident (cf. prev. n.) is clean that which is due to childbirth must equally be clean.
- (42) If the deduction just discussed is tenable.
- (43) Lev. XV, 19. in the section dealing with a menstruant.
- (44) But if that exposition is upheld how could it be said supra that blood of labour discharged during the menstrual period is unclean?
- (45) Since the text draws no distinctions.
- (46) Lev. XV, 19, in the section dealing with a menstruant.
- (47) V. p. 253. n. 11.
- (48) Lev. XII, 4, referring to clean blood.
- (49) Since the expression could well have been omitted without destroying the general meaning of the text.
- (50) Sc. in both cases the discharge is clean.
- (51) I.e., how could zibah be clean?
- (52) Lev. XII, 5. E.V., 'as in her impurity'.
- (53) From which the same deductions, that a discharge of blood that was due to childbirth is clean, was made supra.
- (54) Before the birth of the child.
- (55) By the additional expression of 'her blood'.
- (56) Relief from pain is an indication that the previous discharge was not due to childbirth and is therefore, unclean.
- (57) That a woman who was in labour during the eleven days of zibah and discharged some blood is unclean for that day

(v. supra).

(58) Having changed his former view.

(59) From acting in the same manner.

(60) Garyeh, lit., 'attract him'.

(61) Gadyeh, lit., 'cut him off'.

(62) R. Assi.

(63) Shila.

(64) He was a disciple of Rab.

(65) Sc. that he would suffer for his high handed action.

(66) [He probably meant that his name Assi bore resemblance to that of Assi b. Judah who bore a variety of names, v. Pes., Sonc. ed., p. 585. n. 6.].

(67) Lit., 'lion's whelp' (cf. Gen. XLIX. 9).

(68) Assitha, play upon 'Assi' or 'Issi'.

(69) Aliter: They got him hot to relieve him from chills; they got him cold to relieve him from fever (Jast.).

Talmud - Mas. Nidah 37a

Shila proceeded to his wife and said to her, 'prepare for me my shroud in order that he have no opportunity of going to Rab and saying things about me'. She prepared his shroud for him; and when the soul of Shila came to its eternal rest people saw a myrtle¹ flying from the one bier to the other. 'We may conclude', they said, 'that the Rabbis have been reconciled.'

Raba enquired: Does labour² render all previous counting in zibah³ void? Does any discharge that causes uncleanness render all previous counting void and, therefore, this also [does it, since] it causes uncleanness like the days of menstruation; or is it possible that only that which⁴ causes the uncleanness of zibah that renders all the previous counting void, and this, therefore, [does not do it, since] it is no cause of such uncleanness? — Abaye replied: A zibah that is due to an accident provides the answer,⁵ for this is no cause of the uncleanness of zibah⁶ and yet renders all previous counting void.⁷ The other retorted: Indeed, this⁸ also is a cause of the uncleanness of zibah, for we have learnt: If he observed a first discharge he must be examined, if he observed a second discharge he must be examined, but if he observed a third he need not be examined.⁹ But according to R. Eliezer who ruled, 'Even after a third discharge he must be examined'¹⁰ would you also maintain that, since it is no cause of the uncleanness of zibah, it does not render the previous counting void? — The other replied: According to R. Eliezer the law is so indeed.

Come and hear: R. Eliezer ruled, Even after a third discharge he must be examined, but after a fourth one he need not be examined.¹¹ Does not this refer to the rendering of previous counting void?¹² — No, to the imposition on that drop of an uncleanness that may be conveyed through carriage.

Come and hear: After a third discharge. R. Eliezer ruled, he must be examined; after a fourth one he need not be examined; and it is in regard to a sacrifice that I said this¹³ but not in regard to the rendering void of all previous counting.¹⁴ But the fact is that¹⁵ according to R. Eliezer you may well solve from here that even that which causes no uncleanness of zibah renders all previous counting void. What, however, [it is asked], is the solution of the problem according to the Rabbis? — Come and hear what the father of R. Abin learnt: 'What had his zibah caused him? Seven days.¹⁶ Hence it renders void the counting of seven days. What had his emission of semen caused him? The [uncleanness of] one day. Hence it renders void the counting of one day'. Now what is meant by 'seven days'? If it be suggested that it causes him to be unclean for seven days, [the objection would arise that] in that case it should have been said: As on account of his zibah he is unclean for seven days. Consequently¹⁷ it follows, that only that which causes the uncleanness of zibah renders void the counting of the seven days, but that which does not cause the uncleanness of zibah does not

render void all previous counting. This is conclusive. Abaye stated: We have an accepted tradition that labour does not render void all previous counting in zibah; and should you find a Tanna who said that it did render the counting void, that must be R. Eliezer.¹⁸

It was taught: R. Marinus ruled, A birth does not render void the previous counting after a zibah.¹⁹ The question was raised: Is it included in the counting?²⁰ — Abaye replied: It neither renders void the days that were previously counted²¹ nor is it counted in the prescribed days.²¹ Raba replied: It does not render void the days counted and it is counted among the prescribed days.²² Whence, said Raba, do I derive this? From what was taught: And after that she shall be clean,²³ ‘after’ means after all of them, implying that no uncleanness may intervene between them.²⁴ Now if you agree that [these days]²⁵ are included one can well see the justification for saying that no uncleanness may intervene between them, but if you contend that these days²⁵ are not included the birth, surely, would cause a break between them. And Abaye?²⁶ — He can answer you: The meaning is that the uncleanness of zibah shall not intervene between them.²⁷ Whence, said Raba, do I derive this? From what was taught: Of her issue,²³ ‘of her issue’ implies but not of her leprosy,²⁸ ‘of her issue’ but not of her childbirth.²⁹ And Abaye?³⁰ — He can answer you: Deduce once ‘Of her issue’³¹ but not of her leprosy’ and do not deduce again, ‘but not of her childbirth’. And Raba?³² — What an argument is this!³³ If you agree that ‘of her issue’³¹ implies ‘but not of her childbirth’ one can well justify the text; for since it was required for the deduction about childbirth, leprosy also was mentioned on account of childbirth; but if you contend that ‘of her issue’ implies only ‘but not of her leprosy’, [the objection would arise] that this could be deduced from And when he that hath an issue is cleansed of his issue,³⁴ which implies ‘of his issue’ and not of his leprosy. And Abaye?³⁰ — One³⁵ refers to a zab and the other to a zabah, both being necessary. For if the All Merciful had only written

(1) It was customary to lay a myrtle on a bier (Rashi).

(2) That was accompanied by bleeding.

(3) The prescribed seven days.

(4) By appearing on three days.

(5) Lit., ‘proves’.

(6) As was stated supra.

(7) V. infra.

(8) Zibah that is due to an accident.

(9) Zabim II, 2. Thus it is shown that a third discharge, even if it was due to an accident, provided the first two discharges were not due to such a cause, renders a person a confirmed or major zab.

(10) Zabim I.c., which proves that zibah that is due to an accident never causes a person to be a confirmed zab.

(11) Cf. supra 35a, Naz. 65b.

(12) An objection against Raba, who laid down that that which is no cause of the uncleanness of zibah does not render void the previous counting.

(13) That an examination is necessary.

(14) The counting being always void and is in no way dependent on an examination. Now does not this then prove that even that which causes no uncleanness of zibah renders the counting void?

(15) Contrary to what has been explained before.

(16) This is explained presently.

(17) Since the expression used was ‘caused’.

(18) Who holds that zibah due to an accident, though it causes no zibah uncleanness, renders void all previous counting.

(19) If the counting was interrupted by a birth it may be continued after the birth had taken place.

(20) Sc. if the birth took place during the seven days following a zibah, and the days following it were free from all discharge, are these days counted as clean ones and make up the required number of seven?

(21) The counting must be resumed after the clean days of birth have passed.

(22) If the days after birth were free from all discharge.

(23) Lev. XV. 28.

(24) Supra 33b.

(25) That follow a birth.

(26) How in view of this argument can he maintain his view?

(27) That of childbirth does not matter.

(28) Sc. as soon as she counted the days prescribed for zibah (cf. Lev. XV, 28) she brings the required sacrifice, and attains cleanness from zibah irrespective of whether she was or was not still afflicted with leprosy.

(29) As soon as she is free from her zibah she begins to count the seven days and need not wait until the unclean days of childbirth had passed. It is thus obvious that a birth during the days of zibah does not render void the previous counting and that the days following birth are included in the counting.

(30) How in view of this argument can he maintain his view?

(31) Lev. XV, 28.

(32) How can he make two deductions from the same expression?

(33) Lit., that, what'.

(34) Lev. XV, 13.

(35) Of the two texts cited.

Talmud - Mas. Nidah 37b

of a zab it might have been presumed to apply to him only, since he does not become unclean through a discharge that is due to an accident, but not to a zabah who becomes unclean even through a discharge that is due to an accident. Hence the necessity for the text about the zabah. And if the All Merciful had written only of a zabah, it might have been presumed to apply only to her, since she does not become unclean through observations [on less than three days] as on [three] days,¹ but not to a zab who becomes unclean through [three] observations² as [through observations on three] days.³ Hence both texts were required.

Said Abaye: Whence do I derive this?⁴ From what was taught: Her sickness shall she be unclean,⁵ includes the man who had intercourse with her; 'her sickness shall she be unclean' includes the nights,⁶ 'her sickness shall she be unclean' includes a woman who gave birth in zibah who is required to continue in her uncleanness until seven clean days have passed. Now does not this mean: Clean from the uncleanness of birth?⁷ — No, clean from that of blood.⁸

Abaye further stated, Whence do I derive this?⁹ From what was taught: As are the days of her menstruation so are the days of her bearing. As the days of her menstruation are not suitable [for counting as the days] after her zibah¹⁰ and they cannot be included in the counting of the prescribed seven days, so also the days following her bearing which¹¹ are not suitable [for counting as the days] after her zibah may not¹² be included in the counting of the seven prescribed days. And Raba? — This is in agreement with¹³ R. Eliezer who ruled: It¹⁴ also renders void all previous counting.¹⁵ But may an inference be drawn from the impossible¹⁶ for the possible?¹⁷ R. Ahadboy b. Ammi replied: This is the view of R. Eliezer who holds that the possible may be inferred from the impossible.¹⁸ R. Shesheth, however, replied: Scripture has perforce compared them¹⁹ to one another.²⁰

There are some who say: R. Ahadboy b. Ammi citing R. Shesheth replied. This represents the view of R. Eliezer who holds that the possible may be deduced from the impossible; but R. Papa replied: Scripture has perforce compared them to one another.

IF HAVING BEEN IN LABOUR FOR THREE DAYS etc. The question was raised: What is the ruling where she was relieved from both?²¹ — R. Hisda replied: She is unclean.²² R. Hanina replied: She is clean.²³ R. Hanina explained: This may be compared to a king who, when going on a tour, is preceded²⁴ by his troops and it is known that they are the king's troops.²⁵ But R. Hisda, said: [Immediately before his arrival] he would require even more troops.²⁶

We learnt: R. JOSHUA RULED, THE RELIEF FROM PAIN MUST HAVE CONTINUED FOR

A NIGHT AND A DAY. AS THE NIGHT AND THE DAY OF THE SABBATH. THE RELIEF [SPOKEN OF IS ONE] FROM PAIN, NOT FROM BLEEDING. The reason then²⁷ is because [she had relief] FROM PAIN and NOT FROM BLEEDING, but if she had relief from both²¹ she is clean. Does not this present an objection against R. Hisda? — R. Hisda can answer you: There was no need to state that, if she had relief from both, she is unclean, since [metaphorically] the troops completely disappeared; but even where she had relief from pain and not from bleeding where it might have been presumed that as she had not ceased to bleed she has not ceased to labour either and that it was merely stupor that seized her. Hence we were informed [that even in this case she is unclean].

We learnt: IF HAVING BEEN IN LABOUR FOR THREE DAYS OF THE ELEVEN DAYS, SHE WAS RELIEVED FROM HER PAINS FOR TWENTY-FOUR HOURS AND THEN GAVE BIRTH. SHE IS REGARDED AS HAVING GIVEN BIRTH IN ZIBAH. Now, how are we to imagine the circumstances? If it be suggested: As it was stated,²⁸ [the objection would arise:] What need was there to mention THREE seeing that it suffices²⁹ if the labour lasted two days and the relief³⁰ one day? Consequently it must be this that was meant: IF HAVING BEEN IN LABOUR FOR THREE DAYS she was relieved from both,³¹ or if having been in labour for two days, SHE WAS RELIEVED FROM HER PAINS FOR TWENTY-FOUR HOURS, SHE IS REGARDED AS HAVING GIVEN BIRTH IN ZIBAH, and this presents, does it not, an objection against R. Hanina? — R. Hanina can answer you: No; the circumstances may in fact be as stated,³² but it is this that we were informed, that although the labour continued³³ [for a part only] of the third day and she was relieved from her pains for twenty-four hours³⁴ she is nevertheless unclean, contrary to the view³⁵ of R. Hanina.³⁶

HOW LONG MAY PROTRACTED LABOUR CONTINUE? R. MEIR RULED etc. Now since protracted labour may continue for FIFTY DAYS is there any necessity to mention FORTY? — R. Hisda replied: This is no difficulty. the one³⁷ referring to an ailing woman and the other³⁸ to a woman in good health.

R. Levi ruled: [The birth of] a child is a cause of the cleanness of those days only in which a woman may normally become a zabah,³⁹ but Rab ruled: Even in the days that are suitable for the counting prescribed for a zabah.⁴⁰ Said R. Adda b. Ahabah: And according to Rab's view⁴¹

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- (1) Only a discharge that made its appearance on three successive days causes her uncleanness.
 - (2) Even on the same day.
 - (3) Cf. B.K. 24a.
 - (4) His ruling supra 37a.
 - (5) Lev. XII, 2.
 - (6) Though the text speaks only of days.
 - (7) Sc. that no birth must intervene; from which it follows that if it did intervene the days following it may not be included in the prescribed seven days.
 - (8) Only those days on which a discharge occurred may not be included in the counting, but where the birth was free from bleeding the days following it may well be included.
 - (9) His ruling supra 37a.
 - (10) Since the zibah period follows that of menstruation and not vice versa, while a subsequent menstruation period cannot begin before seven clean days have passed after the zibah had ceased.
 - (11) Like those of menstruation.
 - (12) If birth took place during the counting.
 - (13) Lit., 'this whose'.
 - (14) Childbirth.
 - (15) From which it is self-evident that the days following it cannot be included in the counting of the seven days. According to the Rabbis, however, whose view Raba follows, birth does not render void all previous counting and the days following, it may well be included in the prescribed seven days.

- (16) Menstruation during zibah.
- (17) Birth, which may well occur during a zibah period.
- (18) Cf. Men. 82b.
- (19) Birth and menstruation.
- (20) Only a *gezerah shawah* (v. Glos.) may be questioned, but not a comparison made in the Biblical text itself (*hekkesh*) despite any argument that might be raised against it.
- (21) Pain and bleeding.
- (22) Since at any rate she had relief from pain it is obvious that the previous bleeding was not due to childbirth.
- (23) The relief from both is an indication that the bleeding also was due to childbirth. Only where the bleeding continued and the pain ceased is it manifest that the former was not due to the labour.
- (24) By a day or two.
- (25) Similarly the pains and bleeding that precede childbirth must be ascribed to it despite the interval (cf. prev. n.) between them.
- (26) As the bleeding ceased it must be obvious that the childbirth had no connection with it.
- (27) Why the woman is unclean.
- (28) LABOUR FOR THREE DAYS, relief FOR TWENTY-FOUR HOURS, and bleeding all the time.
- (29) For the woman to be unclean.
- (30) From pain but not from bleeding.
- (31) Pain and bleeding.
- (32) LABOUR FOR THREE DAYS, relief FOR TWENTY-FOUR HOURS, and bleeding all the time.
- (33) Cf. *Rashal. Cur. edd.* 'began'.
- (34) And not for a full night and a full day.
- (35) Lit., 'to take out'.
- (36) Sc. Hananiah the son of the brother of R. Joshua who stated (*supra* 36b), 'Provided her pains of labour were experienced on her third day . . . she is not regarded as having given birth in zibah'.
- (37) Lit., 'here', the number fifty.
- (38) Forty.
- (39) I.e., the eleven days between the menstruation periods. If a birth, however, takes place after these 'days the woman becomes unclean as a menstruant (as stated *supra*).
- (40) Sc. if labour began during the eleven days of zibah not only are these days clean but also the seven days that follow them. Only when the bleeding continued beyond these seven days does the woman become unclean as a menstruant.
- (41) That even the days following the zibah period are clean if the labour began during the zibah days.

Talmud - Mas. Nidah 38a

even the days that are suitable for counting after the previous counting had been rendered void¹ are also clean.²

We have learnt: HOW LONG MAY PROTRACTED LABOUR CONTINUE? R. MEIR RULED: EVEN FORTY OR FIFTY DAYS. Now this might quite possibly happen according to Rab on R. Adda b. Ahabah's interpretation,³ but according to Levi⁴ does not this present a difficulty?⁵ — Levi can answer you: Was it stated that she was clean throughout all these days?⁶ [No; if the birth occurs] in the days of menstruation⁷ she is regarded as a menstruant and only when it occurs in the days of her zibah⁷ is she clean.⁸

Another reading. R. Levi ruled: [The birth of] a child is a cause of cleanness⁹ in those days only in which a woman may normally become a major zabah.¹⁰ What is the reason? It is written in Scripture,¹¹ Her blood many days.¹² Abba Saul in the name of Rab¹³ ruled: Even in the days in which she may normally become a minor zabah. What is the reason? Days¹⁴ and All the days¹⁴ are written in the context.¹⁵

We have learnt: HOW LONG MAY PROTRACTED LABOUR CONTINUE? R. MEIR RULED:

EVEN FORTY OR FIFTY DAYS. Does not this present a difficulty against both of them?¹⁶ — Was it stated that she was clean throughout all of them?¹⁷ [No;] if she was in labour during the days of her menstruation she is regarded a menstruant and only where this occurred during the days of her zibah¹⁸ is she clean.

It was taught: R. Meir used to say. A woman may sometimes bleed¹⁹ for a hundred and fifty days²⁰ without becoming a major zabah.²¹ How? The two days²² preceding the period of her menstruation,²³ the seven days of menstruation, two days after menstruation,²⁴ fifty days²⁵ which childbirth causes to be clean, eighty days²⁶ prescribed for a female birth,²⁷ seven days of menstruation²⁸ and the two days²⁹ after the menstruation.³⁰ If so,³¹ they³² said to him, might not a woman bleed all the days of her life and no major zibah would occur in them?³³ — He replied: ‘What is it that you have in mind? Is it the possibility of frequent abortions? The law of protracted labour³⁴ does not apply to abortions’.³⁵

Our Rabbis taught: A woman may sometimes³⁶ observe a discharge on a hundred days and yet no major zibah would result from it. How? The two days³⁷ prior to the time of menstruation,³⁸ the seven days of menstruation, two days after menstruation,³⁹ eighty days following the birth of a female child,⁴⁰ seven days of menstruation and the two days³⁹ after menstruation. What new law does this⁴¹ teach us? — That the law differs⁴² from him who ruled that it was impossible for the uterus to open without some bleeding, [since thereby]⁴³ we were informed that it is possible for the uterus to open without previous bleeding.⁴⁴

R. JUDAH RULED: . . . SUFFICES FOR HER etc. It was taught: R. Judah citing R. Tarfon ruled, Her [ninth] month suffices for her⁴⁵ and in this there is one aspect of a relaxation of the law⁴⁶ and one of restriction.⁴⁷ How? If she was in labour for two days at the end of the eighth month and for one day at the beginning of the ninth month, even though she gave birth to the child at the beginning of the ninth month, she is regarded as having born it in zibah;⁴⁸ but if she was in labour for one day at the end of the eighth month and for two days at the beginning of the ninth, even though she bore the child at the end of the ninth month,⁴⁹ she is not regarded as having given birth in zibah.⁵⁰ Said R. Adda b. Ahabah: From this⁵¹ it may be inferred that R. Judah holds that it is the shofar⁵² that is the cause.⁵³ But could this⁵⁴ be right,⁵⁵ seeing that Samuel stated: A woman can conceive and bear only on the two hundred and seventy-first day⁵⁶ or on the two hundred and seventy-second day⁵⁷ or on the two hundred and seventy-third day?⁵⁷ He⁵⁸ follows the view of the pious men of old; for it was taught: The pious men of old performed their marital duty on a Wednesday only, in order that their wives⁵⁹ should not be led to⁶⁰

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- (1) I.e., for ever, since any seven days following a discharge that occurred within any seven days counted after a previous discharge are suitable for counting.
 - (2) Once labour began within the eleven days of zibah all subsequent days are clean unless the woman was relieved from her pain for the prescribed period, prior to the birth of the child.
 - (3) Since the counting of the days may sometimes continue for a very long time (cf. prev. n. but one).
 - (4) Who restricts the labour and birth to the eleven days of zibah.
 - (5) Sc. how is it possible for a woman to be clean when labour is protracted for forty or fifty days?
 - (6) The forty or fifty days.
 - (7) After the protracted labour.
 - (8) The purport of R. Meir's ruling being that there is no obligation to bring a sacrifice or to count the prescribed number of clean days even though labour continued for forty or fifty days; but the woman remains clean only where the birth occurred in the days of zibah. If it occurs, however, in the days of menstruation she becomes unclean.
 - (9) Exempting the woman from a sacrifice and from the counting of seven clean days.
 - (10) I.e., where she experienced a discharge on three consecutive days in the course of the eleven days' period. If the discharge, however, appeared only on one day. she need not wait more than one clean day corresponding to the one unclean day.

- (11) In the text from which it was derived that a birth in zibah is a cause of cleanness.
- (12) Lev. XV. 25, 'many days' implying a major zabah (cf. prev. n. but one).
- (13) Var. lec. Rabbi (Ronsburg).
- (14) Lev. XV, 25; instead of 'days' the text has 'all the days' and from this is derived (infra 73a) the law of a minor zabah.
- (15) Cf. supra p. 262, n. 12.
- (16) Rab and Levi both of whom confined the period of cleanness within the eleven days of zibah.
- (17) The forty or fifty days.
- (18) After the third day according to Levi, and after the first or second one according to Rab.
- (19) Lit., 'be in protracted labour', labour extending over a part of the period.
- (20) In succession.
- (21) Lit., 'and zibah does not rise among them'.
- (22) The last of the eleven days of the zibah period.
- (23) As zibah is not established unless a discharge appeared on three consecutive days in the zibah period, and as the third day was already one of the menstruation period, none of the days can be counted as one of a major zibah.
- (24) These two days which begin a new zibah period are not sufficient to establish a major zibah (cf. prev. n. mut. mut).
- (25) Of protracted labour on the part of an ailing woman (cf. supra 37b ad fin).
- (26) The child having been born on the day following the $(2 + 7 + 2 + 50 =)$ 61st day.
- (27) During which there can be no zibah.
- (28) Following the $(61 + 80 =)$ 141st day.
- (29) V. supra n. 11.
- (30) $2 + 7 + 141$ (cf. prev. nn.) = 150.
- (31) That such a long period may pass without zibah.
- (32) The Rabbis who disagreed with him.
- (33) Owing to frequent abortions.
- (34) Sc. that childbirth at their termination renders them all clean.
- (35) Only a viable child confers the privilege.
- (36) In the absence of protracted labour.
- (37) The last of the eleven days.
- (38) V. p. 263. n. 10.
- (39) V. p. 263. n. 11.
- (40) During which there can be no zibah.
- (41) Which is self-evident.
- (42) Lit., 'to exclude'.
- (43) By implying that a birth on the day following the first two days of the zibah period on each of which a discharge was observed, does not cause zibah.
- (44) Had there been bleeding it would have been regarded, in the absence of the pains of labour, as a discharge on the third day (cf. prev. n.) which turns the woman into a confirmed or major zabah.
- (45) Cf. relevant n. on our Mishnah.
- (46) A month and one day being sometimes regarded as clean.
- (47) The cleanness sometimes does not extend even to one day.
- (48) Since the greater part of the duration of the labour (two days out of three) was in the eighth month when labour is no cause of cleanness.
- (49) During all of which, with the exception of the first two days, she had complete relief from pain.
- (50) Provided only that there was no bleeding during the time she was free from pain. The reason follows.
- (51) The ruling that two days of labour in the ninth month are a cause of uncleanness.
- (52) The trumpet that announces the beginning of a new month.
- (53) Of the birth of the child; sc. as soon as the ninth month begins the process of bearing begins with it, irrespective of the moment when birth actually took place. Hence all the blood of labour in that month must be attributed to the child, however long the interval of relief may have lasted.
- (54) That birth should take place at the beginning of the ninth month.
- (55) Lit., 'I am not'.

(56) Full nine months (of thirty days each) plus one day after intercourse.

(57) Conception being sometimes delayed one or two days (cf. prev. n.).

(58) Samuel, in differing from R. Judah.

(59) By bearing on a weekday. 271, 272 and 273 days make up 38 weeks and 5, 6 and 7 days respectively, so that a conception on a Wednesday results in a birth on a Sunday, Monday or Tuesday.

(60) Lit., 'come into the hand of', by bearing on the Saturday.

Talmud - Mas. Nidah 38b

a desecration of the Sabbath.¹ 'On a Wednesday', but not later?² — Read: From Wednesday onwards.³ Mar Zutra stated: What was the reason of the pious men of old? — Because it is written, And the Lord gave her conception [herayon],⁴ and the numerical value of herayon⁵ is two hundred and seventy-one.⁶

Mar Zutra further stated: Even according to him who holds that a woman who bears at nine months does not give birth before the full number of months has been completed,⁷ a woman who bears at seven months may give birth before the full number of months has been completed, for it is stated in Scripture. And it came to pass, after the cycles of days⁸ that Hannah conceived, and bore a son,⁹ the minimum of 'cycles'¹⁰ is two,¹¹ and the minimum of 'days'¹⁰ is two.¹²

R. JOSE AND R. SIMEON RULED: PROTRACTED LABOUR CANNOT CONTINUE FOR MORE THAN TWO WEEKS. Samuel stated: What is the reason of the Rabbis? Because it is written in Scripture. Then she shall be unclean two weeks, as in her menstruation,¹³ which implies: Only 'as in her menstruation' but not as in her zibah; from which it follows that her zibah is clean for¹⁴ 'two weeks'.

Our Rabbis taught: A woman may sometimes be in labour¹⁵ for twenty-five days and no major zibah would intervene.¹⁶ How? Two days preceding her menstruation period;¹⁷ seven days of menstruation, two days following menstruation and the fourteen days which¹⁸ the childbirth causes to be clean. It is impossible, however, for her to be in labour for twenty-six days, where there is no child,¹⁹ without giving birth to it in zibah.²⁰ But if there was no child would not²¹ three days suffice?²² — R. Shesheth replied. Read: Where there is a child. Said Raba to him: But was it not stated 'where there is no child'? Rather, said Raba, it is this that was meant: It is impossible for her to be in labour for twenty-six days, where there is a child, without giving birth to it in zibah; and where there is no child but an abortion she is a zabah even after three days. What is the reason? — The law of protracted labour²³ does not apply to abortions. MISHNAH. IF A WOMAN WAS IN PROTRACTED LABOUR DURING THE EIGHTY DAYS²⁴ PRESCRIBED FOR THE BIRTH OF A FEMALE, ALL KINDS OF BLOOD THAT SHE MAY OBSERVE²⁵ ARE CLEAN,²⁶ UNTIL THE CHILD IS BORN, BUT R. ELIEZER HOLDS THEM TO BE UNCLEAN.²⁷ THEY SAID TO R. ELIEZER: IF IN A CASE WHERE THE LAW WAS RESTRICTED IN REGARD TO BLOOD DISCHARGED IN THE ABSENCE OF PAIN,²⁸ IT WAS NEVERTHELESS RELAXED.²⁹ IN REGARD TO BLOOD DISCHARGED DURING PROTRACTED LABOUR, IS THERE NOT EVEN MORE REASON TO RELAX THE LAW³⁰ IN REGARD TO THE BLOOD OF LABOUR IN A CASE WHERE³¹ IT WAS RELAXED³² EVEN IN REGARD TO A DISCHARGE IN THE ABSENCE OF PAIN?²⁶ HE REPLIED: IT IS ENOUGH THAT THE CASE INFERRED³³ SHALL BE TREATED IN THE SAME MANNER AS THE ONE³⁴ FROM WHICH IT IS INFERRED. FOR IN WHAT RESPECT WAS THE LAW RELAXED FOR A WOMAN IN THE LATTER CASE?³⁵ IN THAT OF THE UNCLEANNESS OF ZIBAH³⁶ ONLY; WHILE SHE IS STILL SUBJECT TO THE UNCLEANNESS OF THE MENSTRUANT.

GEMARA. Our Rabbis taught: She shall continue [in the blood of her purification],³⁷ includes a woman who was in protracted labour during the eighty days²⁴ prescribed for the birth of a female,

viz., that all kinds of blood that she may observe are clean, until the embryo is born,³⁸ but R. Eliezer holds them to be unclean. They said to R. Eliezer: If in the case where the law was restricted in regard to blood discharged in the absence of pain before the child was born,³⁹ it was nevertheless relaxed in regard to blood discharged in the absence of pain after the child was born,⁴⁰ is there not even more reason to relax the law in regard to the blood of labour after the child was born⁴⁰ in a case where it was relaxed in regard to the blood of labour before the child was born? He replied: It is enough that the case inferred⁴¹ shall be treated in the same manner as the ones from which it is inferred. For in what respect was the law relaxed for a woman in the latter case?⁴² In that of the uncleanness of zibah only, while she is still subject to the uncleanness of the menstruant. They said to him, We would submit to you an objection in a different form: If in the case where the law was restricted in regard to blood discharged in the absence of pain before the child was born,³⁹ it was nevertheless relaxed in regard to blood discharged at such a time⁴³ in protracted labour, is there not even more reason that, where 'the law was relaxed in regard to blood discharged in the absence of pain after the child was born,⁴⁴ the law should be relaxed in regard to blood discharged at such a time⁴³ during protracted labour? He replied: Even if you were to offer objections all day long it must be enough that the case inferred⁴⁴ shall be treated in the same manner as the one⁴² from which it is inferred. For in what respect was the law relaxed for a woman in the latter case?⁴² In that of the uncleanness of zibah only, while she is still subject to the uncleanness of the menstruant. Raba observed, R. Eliezer could successfully have offered the Rabbis the following reply: Did you not explain Her blood⁴⁵ thus: 'Her blood' refers to blood that is normally discharged, but not to such as is due to childbirth?⁴⁶ Well, here also, it may be explained: And she shall be cleansed from the fountain of her blood,⁴⁷ 'her blood' refers to blood that is normally discharged but not to such as is due to childbirth.⁴⁸ But might it not be suggested⁴⁹ [that if a discharge occurred] during the days of menstruation she is a menstruant, [while if it occurred] during the days of zibah she is clean? — Scripture said, She shall continue,⁵⁰ which implies: One form of continuation throughout all these days.⁵¹

MISHNAH. THROUGHOUT ALL THE ELEVEN DAYS⁵² A WOMAN IS IN A PRESUMPTIVE STATE OF CLEANNESS.⁵³

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- (1) Childbirth would necessitate the performance of certain work (e.g., making a fire, boiling hot water) which is otherwise forbidden on the Sabbath.
 - (2) But why not, seeing that conception on a Thursday, Friday or Saturday would equally result in a birth on a weekday?
 - (3) But not on the nights preceding (and ritually belonging to) Sunday, Monday and Tuesday, since conception on any of these might result in a birth on a Sabbath which is the two hundred and seventy-third from a Sunday, the two hundred and seventy-second from a Monday and the two hundred and seventy-first from a Tuesday.
 - (4) Ruth IV, 13.
 - (5) ה'ר"ן .
 - (6) ה' = 5, ר = 200, י = 10, ל = 6, ך = 50.
 - (7) Limekuta'in, 'incompleted (number)'.
 - (8) E.V., When the time was come about.
 - (9) I Sam. I, 20.
 - (10) The plural number.
 - (11) Each cycle (tekufah) consisting of three months (the year being divided into four cycles) and two cycles consisting, therefore, of six months.
 - (12) As the text speaks of Hannah's conception and birth of Samuel it follows that a viable child may be born in the seventh month after the short pregnancy of six months and two days.
 - (13) Lev. XII, 5, E.V., impurity.
 - (14) Lit., 'and how much'.
 - (15) Either with or without pains.
 - (16) Prior to birth.
 - (17) For notes v. supra 38a.

- (18) According to R. Jose and R. Simeon.
- (19) This is discussed presently.
- (20) Since a child causes the cleanness of fourteen days only (that immediately precede its birth), thus leaving twelve days at the beginning of the period of twenty-six days, there remain three days (between the first seven days of menstruation and the last fourteen) in the course of which she becomes a major zabah.
- (21) In the zabah period.
- (22) To render her a major zabah.
- (23) Sc. the law that a discharge in such circumstances is clean.
- (24) The fourteen unclean and sixty-six clean ones (cf. Lev. XII, 5).
- (25) During the sixty-six clean days. Within the fourteen days (cf. prev. n.) labour is, of course, impossible.
- (26) During the sixty-six days the blood is regarded (cf. Lev. XII, 5) as invariably clean.
- (27) If the birth took place during the period of menstruation. During the sixty-six days (cf. prev. n. but one) she is only free from the uncleanness of zibah but not from that of menstruation.
- (28) A woman who gave birth to a child after she had experienced a discharge without pain on three consecutive days is regarded as having given birth in zibah.
- (29) The woman being exempt from zibah.
- (30) To exempt the woman from all forms of uncleanness.
- (31) As in the case of a woman who gave birth during the sixty-six clean days (cf. supra n. 1).
- (32) To exempt the woman from all forms of uncleanness.
- (33) A discharge during labour in the sixty-six days.
- (34) Protracted labour at any other time.
- (35) Cf. prev. n. Lit., 'from what did he make it lighter for her'.
- (36) Cf. supra n. 8.
- (37) Lev. XII, 4.
- (38) When she becomes unclean by reason of the birth.
- (39) V. supra p. 267, n. 5.
- (40) During the sixty-six days.
- (41) Protracted labour after the birth of a previous child.
- (42) Protracted labour before a birth.
- (43) Lit., 'which is with it'.
- (44) A discharge during labour in the sixty-six days.
- (45) Lev. XV, 25.
- (46) Supra 36b, q.v. notes.
- (47) Lev. XII, 7.
- (48) Only the former is clean, but not the latter.
- (49) According to R. Eliezer.
- (50) Lev. XII, 4.
- (51) They are either all clean or all unclean. No distinction can, therefore, be made between the periods of zibah and menstruation.
- (52) That follow the seven days' period of menstruation.
- (53) This is discussed in the Gemara infra.

Talmud - Mas. Nidah 39a

IF SHE NEGLECTED TO¹ EXAMINE HERSELF, IRRESPECTIVE OF WHETHER THE NEGLECT² WAS UNWITTING, UNDER CONSTRAINT OR WILFUL, SHE IS CLEAN. IF THE TIME OF HER REGULAR PERIOD HAS ARRIVED AND SHE FAILED TO EXAMINE HERSELF SHE IS DEFINITELY UNCLEAN.³ R. MEIR RULED: IF A WOMAN WAS IN A HIDING-PLACE⁴ WHEN THE TIME OF HER REGULAR PERIOD ARRIVED AND SHE FAILED TO EXAMINE HERSELF SHE IS DEFINITELY CLEAN, BECAUSE FEAR SUSPENDS THE FLOW OF BLOOD. BUT THE DAYS PRESCRIBED FOR A ZAB OR A ZABAH⁵ OR FOR ONE WHO AWAITS DAY AGAINST DAY⁶ ARE⁷ PRESUMED TO BE UNCLEAN.⁸

GEMARA. In respect of what laws had this⁹ to be stated? — Rab Judah replied: In order to lay down that no examination¹⁰ is required.¹¹ But since it was stated in the final clause, IF SHE NEGLECTED TO EXAMINE HERSELF,¹² it follows, does it not, that at the outset an examination is required? — The final clause applies to the days of the menstruation period; and it is this that was meant: THROUGHOUT ALL THE ELEVEN DAYS A WOMAN IS IN A PRESUMPTIVE STATE OF CLEANNESS¹³ and no examination is necessary, but during the days of her menstruation period¹⁴ an examination¹⁵ is required;¹⁶ but IF SHE NEGLECTED TO EXAMINE HERSELF, IRRESPECTIVE OF WHETHER THE NEGLECT WAS UNWITTING, UNDER CONSTRAINT OR WILFUL, SHE IS CLEAN.¹⁷

R. Hisda replied: This¹⁸ was only required to indicate that R. Meir's ruling that¹⁹ a woman who has no regular period is forbidden marital intercourse,²⁰ applies only to the days of her menstruation period, but during the days of her zibah she enjoys²¹ A PRESUMPTIVE STATE OF CLEANNESS. If so,²² why did R. Meir rule: He must divorce her and never remarry her?²⁰ — Since it is possible to be tempted²³ to improper conduct during the days of the menstruation period. But since it was stated in the final clause. IF THE TIME OF HER REGULAR PERIOD HAS ARRIVED AND SHE FAILED TO EXAMINE HERSELF, may it not be concluded that we are here dealing with one who had a REGULAR PERIOD? — The Mishnah is defective and the proper reading is this: THROUGHOUT ALL THE ELEVEN DAYS A WOMAN IS IN A PRESUMPTIVE STATE OF CLEANNESS and is, therefore, permitted to her husband, but during the days of her menstruation period she is forbidden to him. This, however, applies only to a woman who has no regular period, but if she has a regular period she is permitted to him and only an examination is necessary. IF SHE NEGLECTED TO EXAMINE HERSELF, IRRESPECTIVE OF WHETHER THE NEGLECT WAS UNWITTING, UNDER CONSTRAINT OR WILFUL, SHE IS CLEAN. IF THE TIME OF HER REGULAR PERIOD HAS ARRIVED AND SHE FAILED TO EXAMINE HERSELF SHE IS DEFINITELY UNCLEAN. But, since the final clause is the view of R. Meir,²⁴ the first one is not that of R. Meir, is it? — All the Mishnah represents the view of R. Meir and this is the proper reading: If she was not in a hiding place and the time of her regular period has arrived and she did not examine herself she is unclean, for R. MEIR RULED: IF A WOMAN WAS IN A HIDING PLACE WHEN THE TIME OF HER REGULAR PERIOD ARRIVED AND SHE FAILED TO EXAMINE HERSELF SHE IS CLEAN, BECAUSE FEAR SUSPENDS THE FLOW OF THE BLOOD.

Raba replied: Thi²⁵ is to tell that she²⁶ does not²⁷ cause twenty-four hours retrospective uncleanness. An objection was raised: A menstruant,²⁸ a zabah,²⁸ and a woman who awaits day against day²⁹ or who is in childbirth³⁰ cause twenty-four hours retrospective uncleanness! — This is indeed a refutation.

R. Huna b. Hiyya³¹ citing Samuel replied: This²⁵ is to tell that she cannot establish for herself a regular period during the days of her zibah.³²

R. Joseph³³ remarked: I have not heard this traditional explanation.³⁴ Said Abaye³⁵ to him, You yourself have told it to us,³⁶ and it was in connection with the following that you told it to us: If she was accustomed to observe a flow of menstrual blood on the fifteenth day,³⁷ and this was changed³⁸ to the twentieth day,³⁷ marital intercourse is forbidden³⁹ on both dates.⁴⁰ If this was changed twice to the twentieth day,⁴¹ marital intercourse is again forbidden on both dates. And in connection with this you have told us: Rab Judah citing Samuel explained. This⁴² was learnt only [when she was accustomed to observe a flow] on the fifteenth day after her ritual immersion⁴³ which is the twenty-second day⁴⁴ after her observation of her discharge, since on such a day⁴⁵ she is already within the days of her menstruation period,⁴⁶ but the fifteenth day after her observation, on which she is still within the days of her zibah period,⁴⁷ cannot be established as a regular period. R. Papa

stated: I recited this tradition before R. Judah of Diskarta [and asked:] Granted that she cannot establish thereby⁴⁸ a regular period,⁴⁹ must we take into consideration the possibility of such a regular period?⁵⁰ The latter remained silent and said nothing at all. Said R. Papa: Let us look into the matter ourselves. [It has been laid down that] if she was accustomed to observe a flow of menstrual blood on the fifteenth day and this was changed to the twentieth day, marital intercourse is forbidden on both days.⁵¹

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- (1) Lit., 'she sat and did not'.
 - (2) Lit., 'and she did not examine'.
 - (3) It being presumed that the discharge had made its appearance at the regular time.
 - (4) Taking refuge from raiders or brigands.
 - (5) The seven clean days that must be counted after a confirmed zibah before cleanness is attained.
 - (6) One clean day for one unclean one, where the discharge appeared on no more than two days.
 - (7) Though within the ELEVEN DAYS.
 - (8) Unless the contrary was proved by an examination.
 - (9) The first clause of our Mishnah.
 - (10) Morning and evening (cf. supra 11a).
 - (11) After the eleven days such examination must be resumed.
 - (12) This presumably referring to the eleven days of the zibah period.
 - (13) Since her flow of blood had come to an end during menstruation.
 - (14) Following the conclusion of the eleven days of zibah.
 - (15) Morning and evening (cf. supra 11a).
 - (16) Ab initio.
 - (17) ONLY WHEN THE TIME OF HER REGULAR PERIOD HAS ARRIVED AND SHE FAILED TO EXAMINE HERSELF IS SHE UNCLEAN.
 - (18) The first clause of our Mishnah.
 - (19) Lit., 'but according to R. Meir who said'.
 - (20) Supra 12b.
 - (21) Lit., 'stands'.
 - (22) That during the eleven days of zibah intercourse is permitted.
 - (23) Lit., 'come'.
 - (24) His name having been given explicitly.
 - (25) The first clause of our Mishnah.
 - (26) As the flow of her blood is suspended.
 - (27) After the first discharge during these days.
 - (28) On the first day of her observing a discharge.
 - (29) Cf. prev. n. After three observations she also would, of course, become a zabah.
 - (30) As soon as the uterus opened.
 - (31) Var. lec. Hiyyah b. R. Huna (Bomb. ed. and Rashi).
 - (32) Though menstruation began on the same day in three successive months.
 - (33) A disciple of Rab Judah who was the disciple of both Rab and Samuel.
 - (34) Attributed to Samuel.
 - (35) A disciple of R. Joseph who was often reminding his Master of traditions he had forgotten owing to a serious illness (cf. Ned. 41a).
 - (36) 'Before your illness'.
 - (37) After undergoing ritual immersion, as will be explained infra.
 - (38) Once.
 - (39) In the next two months.
 - (40) It is forbidden on the fifteenth which is the date of her regular period, and it is also forbidden on the twentieth since it is possible that henceforth that day would become her regular period. If in the third month also she experiences the discharge on the twentieth, she establishes thereby a new regular period and henceforth only the twentieth is forbidden while the fifteenth becomes permitted.

(41) V. p. 271, n. 14.

(42) That the fifteenth day is regarded as a regular period that cannot be altered unless the discharge appeared three times in three consecutive months respectively on a different date.

(43) Which is performed at the conclusion of the seven days' period of menstruation.

(44) The seven days of menstruation (cf. prev. n.) plus the fifteen days.

(45) Lit., 'for there'.

(46) Which begins after eighteen days (i.e., the seven days of menstruation plus the eleven, the days of the zibah period) have passed since the first day of the discharge, and continues for seven days.

(47) Cf. prev. n.

(48) By observing a discharge for three months on the same date during zibah.

(49) That could not be abolished by less than three observations on a different date in three consecutive months respectively.

(50) So that where a woman observed a discharge on the fifteenth day in each of three consecutive months intercourse on that day should be forbidden in the fourth months on the ground that, despite the zibah period in which the fifteenth day occurs, a regular period may have been established and the discharge would again appear on that date.

(51) Supra q.v. notes.

Talmud - Mas. Nidah 39b

And in connection with this Rab Judah citing Samuel stated: This¹ was learnt only [when she was accustomed to observe a flow] on the fifteenth day after her ritual immersion,² which is the twenty-second day³ after her observation of her discharge, and it was changed to the twenty-seventh day⁴ so that when the twenty-second day⁵ comes round again she is well within the days of her zibah period,⁶ and yet it was stated that intercourse was forbidden on both days. It is thus clear that the possibility of a regular period⁷ must be taken into consideration.⁸ R. Papa is thus⁹ of the opinion that the twenty-two days¹⁰ are reckoned from the twenty-second day¹¹ while the beginning of the menstruation and zibah period¹² is reckoned from the twenty-seventh day.¹³ Said R. Huna son of R. Joshua to R. Papa: Whence do you draw your ruling? Is it not possible that the twenty-second day also is reckoned from the twenty-seventh day,¹⁴ so that when the twenty-second day comes round again the woman is within the days of her menstruation period?¹⁵ And this¹⁶ is also logical. For if you do not admit this,¹⁶ consider the case of a¹⁷ hen that laid eggs on alternate days¹⁸ and once ceased laying for two days and again laid on the following day. When it reverts to its former habit,¹⁹ does it do so in accordance with the present²⁰ or in accordance with the past?²¹ You have no alternative but to admit that it would do it in accordance with the present.²² Said R. Papa to him: With reference, however, to what Resh Lakish ruled, 'A woman may establish for herself a settled period during the days of her zibah but not during the days of her menstruation' and to what R. Johanan ruled, 'A woman may establish for herself a settled period during the days of her menstruation', is not one to understand this as being a case,²³ for instance, where she observed a discharge on the first day of the month, on the fifth of the month and again on the first of the second month and on the fifth of that month, and finally²⁴ she observed a discharge on the fifth of the month while on the first of that month she observed none? And yet it was stated that 'a woman may establish for herself a settled period during the days of her menstruation'. It thus clearly follows²⁵ that we reckon the days from the first day of the month?²⁶ — No, the other replied, it is this that R. Johanan meant: A woman, for instance, who observed a discharge on the first day of the month, on the first day of the next month and on the twenty-fifth of that month, and on the first day of the following month, in which case we presume that²⁷ she experienced an influx of additional blood.²⁸ So also Rabin and all seafarers, when they came,²⁹ reported the tradition³⁰ in agreement with the explanation of R. Huna son of R. Joshua. [

(1) V. supra p. 272, n. 4.

(2) Which is performed at the conclusion of the seven days' period of menstruation.

(3) The seven days of menstruation (cf. prev. n.) plus the fifteen days.

- (4) After her discharge.
- (5) Since the day on which the discharge should have appeared.
- (6) There being only (22 — 5 =) 17 days since her last discharge on the twenty-seventh. The seventeenth day, (the last of the seven days of menstruation and the ten of the eleven days of zibah) is obviously within the zibah period.
- (7) Even on a day in the zibah period.
- (8) V. supra p. 272, n. 12.
- (9) Since he regards the twenty-second day as one of the days of the zibah period.
- (10) On which intercourse was forbidden.
- (11) Sc. the days on which formerly the discharge usually made its appearance and not from the twenty-seventh day.
- (12) At the conclusion of the menstruation period, seven days later.
- (13) The day on which the discharge last appeared. The twenty-second day after the twenty-second is only the seventeenth day after the twenty-seventh (cf. prev. n. but five).
- (14) On which the discharge last appeared.
- (15) The twenty-two days consisting of 7 (menstruation) + 11 (zibah) + 4 (of the seven of the present menstruation period) days.
- (16) That the reckoning should begin from the day of the last discharge rather than from the day on which the discharge should have appeared.
- (17) Lit., '(what about) that'.
- (18) Lit., 'that lays on a day and holds back on (the next) day' (bis).
- (19) Laying on alternate days.
- (20) Lit., 'as before it', i.e., laying on alternate days beginning with the last day (the sixth in the case submitted) refraining on the seventh and laying again on the eighth, and so on.
- (21) Lit., 'as originally', i.e., alternating with the day on which laying should have taken place (the fifth in the case submitted), thus laying on both the seventh as well as the sixth.
- (22) Since alternation with the day on which laying should have taken place would only result (cf. prev. n.) in a new disturbance of the regularity (laying on two consecutive days). Similarly, in the case of the woman, a reversion to her regular periods can only be effected by counting the days from the one on which her discharge last appeared, viz., from the twenty-seventh day.
- (23) Lit., 'how is one to imagine, not?'
- (24) Lit., 'and now'.
- (25) Since the fifth day of the month is regarded as of the 'days of her menstruation'.
- (26) Though on that day no discharge had appeared. From which it follows that the counting of the days begins from the day on which the discharge should have appeared and not from that on which it appeared the last time.
- (27) The reason why the discharge made its appearance on the twenty-fifth day of the second month and not on the first day of the following month.
- (28) And, as a result, the discharge whose regular time of appearance was still the first of the month made its appearance a little earlier. The first day of the month being within seven days from the twenty-fifth of the previous month (on which the discharge appeared) may well be described as within the days of menstruation.
- (29) From Palestine to Babylon.
- (30) Of R. Johanan.

Talmud - Mas. Nidah 40a

CHAPTER V

MISHNAH. FOR A FOETUS BORN FROM ITS MOTHER'S SIDE¹ THERE IS NO NEED² TO SPEND³ THE PRESCRIBED DAYS OF UNCLEANNESS⁴ OR THE DAYS OF CLEANNESS;⁵ NOR DOES ONE INCUR ON ITS ACCOUNT THE OBLIGATION TO BRING A SACRIFICE.⁶ R. SIMEON RULED: IT IS REGARDED AS A VALID BIRTH. ALL WOMEN ARE SUBJECT TO UNCLEANNESS⁷ [IF BLOOD APPEARED] IN THE OUTER CHAMBER,⁸ FOR IT IS SAID IN SCRIPTURE, HER ISSUE IN HER FLESH BE BLOOD;⁹ BUT A ZAB AND ONE WHO EMITTED SEMEN CONVEY NO UNCLEANNESS UNLESS THE DISCHARGE¹⁰ CAME OUT

OF THE BODY. IF A MAN WAS EATING TERUMAH WHEN HE FELT THAT HIS LIMBS SHIVERED,¹¹ HE TAKES HOLD OF HIS MEMBRUM¹² AND SWALLOWS THE TERUMAH. AND THE DISCHARGES CONVEY UNCLEANNESS, HOWEVER SMALL THE QUANTITY, EVEN IF IT IS ONLY OF THE SIZE OF A MUSTARD SEED OR LESS.

GEMARA. R. Mani b. Pattish stated: What is the Rabbis' reason?¹³ Scripture said, If a woman have conceived seed and born¹⁴ a man child,¹⁵ implying:¹⁶ Only if she bears where she conceives.¹⁷ And R. Simeon?¹⁸ — That text¹⁹ implies that even if she bore in the same manner only as she conceived²⁰ she²¹ is unclean by reason of childbirth.²² What, however, is R. Simeon's reason?²³ — Resh Lakish replied: Scripture said, She bear,²⁴ to include²⁵ A FOETUS BORN FROM ITS MOTHER'S SIDE. And the Rabbis?²⁶ — That text²⁴ is required to include²⁷ a tumtum²⁸ and an hermaphrodite. Since it might have been presumed that as it is written man child²⁹ and maid child³⁰ [the laws in the context apply only to] one who is undoubtedly male or undoubtedly female but not to a tumtum or an hermaphrodite, hence we were informed that the law applies to the latter also. And R. Simeon?³¹ — He deduces it³² from a teaching of Bar Liwai; for Bar Liwai taught. For a son,³³ implies: For any son, whatsoever his nature; For a daughter,³³ for any daughter, whatsoever her nature. And the Rabbis?³⁴ — They require this text for the deduction that a separate sacrifice is due for each son and for each daughter.³⁵ And R. Simeon?³¹ — He deduced it³² from the following which a Tanna recited before R. Shesheth: This is the law for her that beareth³⁶ teaches³⁷ that a woman brings one sacrifice for many children. It might be presumed that she brings only one sacrifice for a birth and for a zibah . . . But would then one sacrifice suffice for a woman after childbirth who ate blood or for one after childbirth who ate forbidden fat? — Rather say: It might be presumed that a woman brings only one sacrifice for a birth that took place before the completion of her clean days and for one that took place after their completion.³⁸ Therefore it was expressly written, 'This'.³⁹ And the Rabbis?⁴⁰ — Although 'this'⁴¹ was written it was also necessary to have the text, 'For a son or for a daughter'.⁴² For it might have been presumed that this law⁴³ applies only to two distinct conceptions⁴⁴ but⁴⁵ that in the case of a simultaneous conception as, for instance, that of Judah and Hezekiah the sons of R. Hiyya,⁴⁶ one sacrifice suffices,⁴⁷ hence we were informed [that even in such a case separate sacrifices are required for each birth].

R. Johanan stated: R. Simeon, however, agrees that in the case of consecrated beasts [the body of the young extracted by means of a caesarean cut] is not sacred.⁴⁸ What is the reason? He deduces the expression of 'birth' here⁴⁹ from that of 'birth' in the case of the firstling:⁵⁰ As in the latter case⁵¹ the reference is to one that openeth the womb⁵² so here also it is only to one that 'openeth the womb'. But why should not the expression of 'birth' here⁴⁹ be deduced from that of 'birth' in the case of a human being:⁵³ As in the latter case⁵⁴ a foetus extracted from its mother's side is included⁵⁵ so here also the young extracted from its mother's side should be included? — It stands to reason that the deduction should be made from the firstling, since 'the dam'⁵⁶ might also be deduced from 'the dam'.⁵⁷ On the contrary! Should not the deduction be made from the expression used of the human being, since thereby an ordinary birth⁵⁸ would be deduced from an ordinary birth?⁵⁹ But the fact is that the deduction was properly to be made from the firstling since in both cases⁶⁰ the expression 'dam'⁶¹ is used, both are sacred beasts and both are subject to the laws of piggul, nothar⁶² and uncleanness.⁶³ On the contrary! Should not the deduction be made from the expression used of the human being since both cases⁶⁴ are those of ordinary birth,⁶⁵ neither is restricted to the male sex,⁶⁶ neither⁶⁷ is naturally sacred,⁶⁸ and neither⁶⁹ is a priestly gift?⁷⁰ The former⁷¹ are more in number.⁷²

R. Hiyya son of R. Huna citing Raba observed, A Baraita was taught which provides support for the statement of R. Johanan:⁷³ R. Judah stated, This is the law of the burnt-offering, it is that which goeth up,⁷⁴ behold these⁷⁵ are three limitations

(1) By means of the caesarean operation. Lit., 'goes out of a wall'.

(2) For its mother.

- (3) Lit., '(women) do not sit for it'.
- (4) Seven for a male and fourteen for a female (v. Lev. XII, 2,5).
- (5) Thirty-three days after the seven (cf. prev. n.) for a male and sixty-six days after the fourteen for a female (v. Lev. XII, 4f).
- (6) Prescribed for a woman after childbirth (v. Lev. XII, 6ff).
- (7) Of menstruation.
- (8) The vagina; though it did not flow out beyond it.
- (9) Lev. XV, 19; emphasis on 'in her flesh' implying: Even if the discharge did not flow out of her body.
- (10) Lit., 'uncleanness'.
- (11) A symptom of the imminent discharge of semen.
- (12) To prevent outflow.
- (13) For their ruling in the first clause of our Mishnah.
- (14) So A.V. The A.J.V. reads, 'be delivered and bear'.
- (15) Lev. XII, 2, dealing with the laws of cleanness and uncleanness and the prescribed sacrifice after childbirth.
- (16) By the juxtaposition of 'conceived' and 'born'.
- (17) Only then do the laws (cf. prev. n.) apply, but not where a caesarean operation had to be performed.
- (18) How in view of this exposition can he differ from the Rabbis?
- (19) V. p. 276. n. 15.
- (20) A mashed foetus (cf. supra 26a, 27b).
- (21) Lit., 'his mother'.
- (22) The Rabbis, however, require no text for this ruling since in their opinion (cf. supra 26a) the presence of the placenta alone is a sufficient cause of uncleanness.
- (23) For his ruling in our Mishnah.
- (24) But if she bear a maid-child, Lev. XII, 5.
- (25) By the superfluity of the expression, since it would have sufficed to state 'but if a maid-child'.
- (26) How can they maintain their ruling in view of this exposition?
- (27) Among those who subject their mothers to the laws prescribed in the context.
- (28) V. Glos.
- (29) Lev. XII, 2.
- (30) Lev. XII, 5.
- (31) Whence does he deduce the last mentioned law?
- (32) Cf. prev. n.
- (33) Lev. XII, 6.
- (34) What deduction do they make from this text?
- (35) Though conception of the latter took place before the completion of the clean days of the former.
- (36) Lev. XII, 7.
- (37) Since 'beareth' is not restricted to one child only.
- (38) If a child is born after the completion of the eighty days (fourteen unclean and sixty-six clean ones) prescribed for the birth of a female child, the former was obviously born 'before their completion'.
- (39) Lev. XII, 7, implying, This birth alone requires a sacrifice, but an additional birth requires an additional sacrifice.
- (40) In view of this text what need was there for that of Lev. XII, 6?
- (41) V. supra note 2.
- (42) Lev. XII, 6.
- (43) That one birth 'before the completion' of the eighty days and one 'after their completion' require two separate sacrifices.
- (44) The second one having begun during the eighty days that followed the first, and its birth having occurred after the completion of these days.
- (45) Cf. Rashal. Cur. edd. in parenthesis insert: 'One of which was an abortion'.
- (46) The second of whom was born three months after the former (supra 27a).
- (47) Lit., 'with one sacrifice it is sufficient for her'.
- (48) Like other beasts whose blemish preceded their consecration, its value only is consecrated. It may, therefore, be sold, when it loses its sanctity and may be used for shearing or work, while its price is used for the purchase of valid

sacrifices.

- (49) When a bullock, or a sheep, or a goat, is born (E.V. brought forth) in the context dealing with consecrated beasts (Lev. XXII, 27).
- (50) All the firstling males that are born (Deut. XV, 19).
- (51) Lit., 'there'.
- (52) Ex. XXXIV, 19.
- (53) If a woman be delivered and bear a man-child (Lev. XII, 2).
- (54) Lit., 'there'.
- (55) As R. Simeon laid down in our Mishnah.
- (56) It shall be seven days under the dam (Lev. XXII, 27) about consecrated beasts.
- (57) It shall be with its dam (Ex. XXII, 29) about the firstling.
- (58) I.e., a beast that is not a firstling.
- (59) I.e., a child that is not a firstborn son, the text (Lev. XII, 2) speaking of any child whether a firstborn or not.
- (60) The consecrated beast and the firstling.
- (61) Cf. supra nn. 3 and 4.
- (62) On these terms v. Glos.
- (63) To a human being none of these applies.
- (64) Those of the child and the consecrated beast.
- (65) Cf. supra nn. 5 and 6.
- (66) While only a male is subject to the law of a firstling.
- (67) Unlike the firstling that is sacred from birth.
- (68) The consecration of the beast is entirely due to a human act.
- (69) Unlike the firstling which is the priest's due.
- (70) A peace-offering, for instance, remains the property of its owner. A burnt-offering is completely burnt on the altar.
- (71) The five points of likeness between the consecrated beast and the firstling.
- (72) Than the four points of likeness between the beast and a human being.
- (73) Supra, that R. Simeon agrees in the case of consecrated beasts that the body of the young extracted from one by means of a caesarean cut is not sacred.
- (74) Lev. VI, 2.
- (75) The expressions, 'this', 'it', 'which goes up'.

Talmud - Mas. Nidah 40b

excluding¹ a sacrifice that was slain in the night, whose blood was poured out,² or whose blood was taken outside the hangings,³ which, even though it was placed upon the altar, must be taken down.⁴ R. Simeon stated: From the term 'burnt-offering'⁵ I would only know that the law applied to⁶ a valid burnt-offering; whence, however, the inference for including⁷ one that was slain in the night, whose blood was poured out,⁸ whose blood was taken outside the hangings³ or was kept overnight, that was taken out,⁹ that was unclean, nothar,¹⁰ one slain with the intention of eating it later than its permitted time limit or beyond its permitted place limits, whose blood was received or sprinkled by disqualified men,¹¹ those sacrifices whose blood is to be sprinkled above¹² and was sprinkled below,¹² those whose blood is to be sprinkled below¹² and was sprinkled above,¹² those whose blood is to be applied within¹³ and was applied without,¹⁴ and a paschal lamb and a sin-offering that had not been slain as such?¹⁵ Whence, I ask, is the inference? Since it was explicitly said in Scripture, This is the law of the burnt-offering,¹⁶ the scope of the law is widened: One law for all that are placed upon the altar, so that once they have been put up they must not be taken down. As one might presume that I also include⁷ a beast that covered¹⁷ or was covered,¹⁸ that was set aside¹⁹ for an idolatrous purpose, that was worshipped, the hire of a harlot, the price of a dog, kil'ayim, trefah²⁰ and one that had been extracted by means of a caesarean operation, it was explicitly stated, 'This'.²¹ But what reason do you see for including²² the former and for excluding the latter?

(1) From the scope of the law in the context that once a sacrifice had been placed upon the altar it must never be

removed from it.

(2) So that the essential service of sprinkling upon the altar could not be performed with it.

(3) Sc. the enclosure around the Temple that corresponded to the hangings of the court of the Tabernacle of Moses in the wilderness.

(4) Only the other disqualified sacrifices, enumerated infra in R. Simeon's ruling, must not, according to R. Judah also, be taken down from the altar once they have been put upon it (cf. Zeb. 84b).

(5) Lev. VI, 2.

(6) Lit., 'I have not but'.

(7) In the scope of the law.

(8) So that the essential service of sprinkling upon the altar could not be performed with it.

(9) Sc. the flesh of a burnt-offering that was taken out and then brought back and placed upon the altar.

(10) Sacrificial meat that was kept beyond the time allowed for its consumption.

(11) Priests who had a blemish, for instance.

(12) The red line around the altar's sides.

(13) Sc. the inner altar that was placed within the Hekal.

(14) On the altar in the Temple court.

(15) Lit., 'not for their name', the man intending them at the time to serve respectively as different kinds of sacrifices.

(16) Lev. VI, 2, emphasis on 'law'.

(17) A woman.

(18) By a man.

(19) In a special place.

(20) On these terms v. Glos.

(21) Which implies a limitation.

(22) In the scope of the law.

Talmud - Mas. Nidah 41a

Since Scripture both widened and limited the scope of the law, you might rightly say:¹ I include the former whose disqualification arose within the Sanctuary and exclude the latter whose disqualification did not arise within the Sanctuary.² At all events, it was here taught that the young extracted by means of a caesarean operation is not included in the scope of the law,³ and this refers, does it not, to the young that were so extracted in the case of a consecrated beast?⁴ — R. Huna son of R. Nathan replied: No, the reference is to one so extracted in the case of a firstling. But is not the law of the firstling⁵ deduced from the expression of openeth the womb.⁶ What then do you suggest? That the reference is to one of the consecrated beasts? Is not⁷ this [it could be retorted] inferred from a deduction of 'the dam' from 'the dam'?⁸ — What a comparison!⁹ If you grant that the reference is to a consecrated beast one can well understand the necessity for two Scriptural texts:¹⁰ One¹¹ to exclude¹² the young of an unconsecrated beast born by way of a caesarean cut and then consecrated, and the other,¹³ to exclude¹⁴ the young of a consecrated beast¹⁵ born by way of the caesarean cut,¹⁶ he being of the opinion that the young of consecrated beasts become sacred only after they come into a visible existence,¹⁷ but if you maintain that the reference is to a firstling [the objection would arise:] Is not this¹⁸ deduced from the expression openeth the womb?¹⁹ This²⁰ may also be supported by reason. For 'a beast that covered or was covered, that was set aside for an idolatrous purpose, that was worshipped and kil'ayim' were mentioned.²¹ Now is the law concerning these deduced from this text?²² Is it not in fact deduced from a different text:²² Of the cattle²³ excludes²⁴ a beast that covered or was covered, Of the herd²³ excludes²⁴ a beast that was worshipped, Of the flock²³ excludes²⁴ one that was set aside for an idolatrous purpose, Or of the flock²³ excludes²⁵ one that gores?²⁶ And, furthermore, is the law concerning kil'ayim²⁷ deduced from here? Is it not in fact deduced from a different text: When a bullock, or a sheep, or a goat, is brought forth;²⁸ 'a bullock' excludes kil'ayim, 'or a goat' excludes one that²⁹ only resembles it?³⁰ But the fact is that two series of texts were required there: One in connection with an unconsecrated beast³¹ and the other in connection with a consecrated beast; well then, in this case also two texts were similarly required.

Our Rabbis taught: If a woman was in protracted labour³² for three days,³³ but the embryo was born by way of a caesarean cut, she is to be regarded as having given birth in zibah.³⁴ R. Simeon, however,³⁵ ruled: A woman in such circumstances is not regarded as³⁶ having given birth in zibah. The blood, furthermore, that issues from that place³⁷ is unclean, but R. Simeon declared it clean. The first clause may be well understood, since R. Simeon follows his known view³⁸ and the Rabbis follow theirs; on what principle, however, do they differ in the final clause?³⁹ — Rabina replied: This is a case where, for instance, the embryo was born through the side

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- (1) By recourse to a process of reasoning.
 - (2) V. Zeb. 27b.
 - (3) So that it is obviously not regarded as sacred.
 - (4) In agreement with R. Johanan's interpretation of R. Simeon's view.
 - (5) Viz., that a firstling extracted by means of a caesarean cut is not subject to the restrictions and sanctity of a firstling.
 - (6) Ex. XXXIV, 19; emphasis on the last word. Now since it is not sacred it is obviously to be treated like an ordinary beast and must be removed from the altar even after it had been placed upon it; what need then was there to exclude it by the text of Lev. VI, 2.
 - (7) That the one so extracted is not sacred.
 - (8) Supra 40a ad fin.
 - (9) Lit., 'that, what'.
 - (10) 'This' and 'the dam'.
 - (11) 'The dam'.
 - (12) From sanctity, in consequence of which it must be removed from the altar even after it had been placed on it.
 - (13) 'This'.
 - (14) From the law that requires a sacrifice that was once upon the altar never to be taken down.
 - (15) Though the dam is sacred.
 - (16) Since the disqualification arose without the Sanctuary.
 - (17) Sc. on being born, but no earlier; and when the young was born it was already disqualified. Rashi deletes 'he being . . . existence'.
 - (18) V. supra p. 281, n. 8.
 - (19) Of course it is. Hence the conclusion that the reference must be to a consecrated beast.
 - (20) That all the disqualifications enumerated supra, including the young born by way of the caesarean cut, apply only to consecrated beasts and to their young.
 - (21) Supra 40b.
 - (22) Lit., 'from there'.
 - (23) Lev. I, 2.
 - (24) 'Of' implying a limitation.
 - (25) By the use of the redundant 'or'.
 - (26) And killed a human being. The last three classes (covered, was covered and gores) are such whose status was determined on the evidence of only one witness or their owner. Hence they are only forbidden as sacrifices but permitted for ordinary use; but if their status is determined on the evidence of two witnesses they are forbidden for ordinary use also.
 - (27) In beasts; a cross-breed between a goat and a sheep.
 - (28) Lev. XXII, 27.
 - (29) Being born from a goat and having the appearance of a lamb.
 - (30) The goat. Now, since it follows from these texts that the beasts are not sacred, what need was there for an additional text from which to deduce that even though they have already been put upon the altar they must be taken down from it?
 - (31) Which a man consecrated.
 - (32) Accompanied by bleeding.
 - (33) During her zibah period; the discharge having made its appearance on each of the three days.
 - (34) Sc. she is subject to the restrictions of a confirmed or major zabah. Only in the case of normal birth is the blood during the labour preceding it exempt from the uncleanness of zibah.

(35) Being of the opinion (v. our Mishnah) that such a birth is valid.

(36) Lit., 'this is not'.

(37) This is explained infra.

(38) Expressed in our Mishnah (cf. prev. n. but two).

(39) If the blood issued through the caesarean cut the opinions should have been reversed: According to R. Simeon, who regards the birth as valid, the blood should be unclean while according to the Rabbis it should be clean.

Talmud - Mas. Nidah 41b

while the blood issued¹ through the womb; and R. Simeon follows his view while the Rabbis follow theirs.² R. Joseph demurred: Firstly, is not then the final clause identical with the first?³ And, furthermore, 'from that place' means, does it not, the place of birth?⁴ Rather, said R. Joseph, this is a case, where, for instance, both the embryo and the blood issued through the side,⁵ and the point at issue between them⁶ is whether the interior of the uterus is unclean. The Masters hold that the interior of the uterus is unclean,⁷ while the Master holds that the interior of the uterus is clean.⁸

Resh Lakish stated: According to him who holds the blood to be unclean the woman also⁹ is unclean¹⁰ and according to him who holds the blood to be clean the woman also is clean. R. Johanan, however, stated: Even according to him who holds the blood to be unclean the woman is clean. In this R. Johanan follows a view he previously expressed. For R. Johanan citing R. Simeon b. Yohai stated: Whence is it deduced that a woman is not unclean¹¹ unless the discharge issues through its normal channel? From Scripture which says, And if a man shall lie with a woman having her sickness,¹² and shall uncover her nakedness — he hath made naked her fountain,¹³ which teaches that a woman is not unclean¹¹ unless the discharge of her sickness issues through its normal channel.

Resh Lakish citing R. Judah Nesi'ah¹⁴ ruled: If the uterus¹⁵ became detached and dropped upon the ground the woman is unclean, for it is said, Because thy filthiness¹⁶ was poured out,¹⁷ and thy nakedness¹⁸ uncovered.¹⁹ In what respect?²⁰ If it be suggested: In that of an uncleanness for seven days¹¹ [the objection would arise:] Did not the All Merciful speak of blood and not of a solid piece? — As a matter of fact the reference is to the uncleanness until evening.²¹

R. Johanan ruled: If the uterus produced a discharge that was²² like two pearl drops²³ the woman is unclean. In what respect? Should it be suggested: In respect of an uncleanness for seven days¹¹ [it might be objected:] Are there not just five unclean kinds of the blood for a woman, and no more? — The fact is that the reference is to the uncleanness until evening.²⁴ This, however, applies only to two drops but if there was only one drop it may be assumed that it originated elsewhere.²⁵

ALL WOMEN ARE SUBJECT TO UNCLEANNES [IF BLOOD APPEARED] IN THE OUTER CHAMBER. Which is the OUTER CHAMBER? — Resh Lakish replied: All that part which, when a child sits, is exposed. Said R. Johanan to him: Is not that place deemed exposed as regards contact with a dead creeping thing?²⁶ Rather, said R. Johanan, as far as the glands.²⁷ The question was raised: Is the region between the glands regarded as internal or as external? — Come and hear what R. Zakkai taught: The region up to the glands and that between the glands is regarded as internal. In a Baraitha it was taught: As far as the threshing-place. What is meant by threshing-place? — Rab Judah replied: The place where the attendant threshes.²⁸

Our Rabbis taught: In her flesh²⁹ teaches that she³⁰ contracts uncleanness internally as externally. But from this text I would only know of the menstruant, whence the deduction that the same law applies to a zabah? It was explicitly stated, Her issue³¹ in her flesh.²⁹ Whence the proof that the same law applies also to one who emitted semen? It was explicitly stated, Be.³² R. Simeon, however, ruled: It is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her. As he is not subject to uncleanness unless the unclean discharge issued forth, so

is she not subject to uncleanness unless her unclean discharge issued forth. But could R. Simeon maintain that 'it is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her'? Was it not in fact taught: 'They shall both bathe themselves in water, and be unclean until the even.'³³ What, said R. Simeon, does this³⁴ come to teach us? If that it applies also to one who came in contact with semen³⁵ [it could be retorted:] Was it not in fact³⁶ stated below, Or from whomsoever [the flow of seed goeth out]?³⁷ But [this is the purpose of the text:] Since the uncleanness arises in a concealed region³⁸ and since an uncleanness in a concealed region is elsewhere ineffective, a special Scriptural ordinance was required³⁹ [to give it effect in this particular case]⁴⁰ — This is no difficulty: The latter deals with one who received the semen at intercourse,⁴¹ while the former refers to one who ejected it subsequently.⁴² 'Ejected'! Should not her uncleanness be due⁴³ to her preceding intercourse?⁴⁴ — This is a case where she had undergone ritual immersion in respect of her intercourse.⁴⁵ This then⁴⁶ says that for one who had intercourse it suffices to be unclean only until the evening. But did not Raba rule: A woman who had intercourse is forbidden to eat terumah for three days since it is impossible that she should not eject some semen during that time?⁴⁷ — Here⁴⁸ we are dealing with one who was immersed⁴⁹ with her bed.⁵⁰ It may thus⁵¹ be inferred that Raba⁵² spoke of a woman⁵³ who went herself on foot and performed immersion, but then is it not possible that she had ejected the semen while she was walking?⁵⁴

(1) During the three days of labour, that preceded the birth.

(2) Cf. supra no. 2.

(3) It is; why then the needless repetition?

(4) How then could Rabina explain this as 'the womb'?

(5) The clause thus differing from the first one which deals with an issue of blood from the normal place during labour.

(6) R. Simeon and the Rabbis.

(7) The blood that comes in contact with the uterus causes, therefore, uncleanness for a day until the evening, though, having finally issued through the caesarean cut, it cannot be regarded as a menstrual discharge to subject the woman to an uncleanness of seven days.

(8) The blood that issued through the caesarean cut, though it passed through the uterus, is, therefore, regarded as the blood of a mere wound which conveys no uncleanness. Should the blood issue through the womb, provided there was no relief from pain prior to the birth, the blood, as that of labour, would also, during the zibah period, be clean on account of the birth of the child despite its emergence by way of a caesarean cut.

(9) Though the birth was from her side.

(10) Seven days, as a menstruant.

(11) As a menstruant.

(12) Dawah, applied to the menstrual discharge.

(13) Lev. XX, 18.

(14) The Prince, Judah II.

(15) Or a part of it. Lit., source.

(16) Nehushtek, applied to the uterus.

(17) Sc. 'dropped upon the ground'.

(18) Erwatek, synonymous with uncleanness.

(19) Ezek. XVI, 36; which shows that a uterus dropped out is as unclean as when it is in its place; hence the uncleanness.

(20) Is the uncleanness caused.

(21) On account of the woman's external contact with the unclean uterus.

(22) Lit., 'perspired'.

(23) White and clear.

(24) The discharge having been in contact with the uterus which is in contact with the woman.

(25) Lit., 'came from the world', not from the uterus, and is consequently clean.

(26) Sc. if the latter came in contact with that place uncleanness is conveyed to the woman though contact with an internal organ conveys no uncleanness. Now since the place is deemed to be exposed, how can Resh Lakish apply to it the expression 'in her flesh' (cf. infra) and regard it as internal?

(27) Of the vagina.

- (28) Euphemism.
- (29) Lev. XV, 19.
- (30) A menstruant of whom the text speaks.
- (31) A Heb. word of the same root as zabah.
- (32) Her issue in her flesh be etc. (Lev. XV, 19).
- (33) Lev. XV, 18.
- (34) The repetition of the law of bathing which, as far as the man is concerned, was already stated earlier in Lev. XV, 16.
- (35) Sc. the woman.
- (36) Lit., 'already'.
- (37) Lev. XXII, 4, and this was explained (infra 43b) to apply to a woman who came in external contact with semen virile. Why then the repetition?
- (38) Of the body, where internal contact with the semen virile takes place.
- (39) Lit., 'it is'.
- (40) From which it is evident that, according to R. Simeon, though a man is not subject to an uncleanness arising in an unexposed region of the body, a woman is subject to such an uncleanness. How then could it be maintained that according to R. Simeon 'it is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her'?
- (41) Whose uncleanness is due to a special Scriptural ordinance.
- (42) And for whose uncleanness it is enough to be as stringent as that of the man.
- (43) Lit., 'let it go out for him'.
- (44) Cf. prev. n. but two.
- (45) The ejection having taken place after the immersion.
- (46) Since, as has been explained, the law subjecting the woman to 'be unclean until the even' (Lev. XV, 18) applies to one who had intercourse.
- (47) After three days the semen becomes vapid and conveys uncleanness no longer. Now since during the three days the woman invariably remains unclean, how, according to Raba, could R. Simeon rule that the woman is clean if she had undergone ritual immersion before the three days have passed?
- (48) In R. Simeon's ruling (cf. prev. n.).
- (49) After intercourse.
- (50) As she herself did not move her body it is quite possible for her to avoid ejection.
- (51) Since R. Simeon's rule, according to which the uncleanness terminates at evening, refers only to a woman who was carried in a bed.
- (52) Who holds the woman to be unclean for three days after intercourse.
- (53) Lit., 'that when Raba said'.
- (54) So that her subsequent immersion should render her completely free from both the uncleanness of intercourse and that of the ejection. How then could Raba maintain that she is unclean for three days?

Talmud - Mas. Nidah 42a

And should you reply: It is possible that¹ some remained² [the objection would arise]: If so, should not the expression used have been:³ We take into consideration the possibility that some might have remained? — The fact, however, is that according to Raba also this is a case where the woman was immersed with her bed, but there is no difficulty since one ruling⁴ deals with a woman who⁵ turned over⁶ while the other⁷ deals with one who⁵ did not turn over;⁸ and Raba⁹ interpreted the Scriptural text in this manner:¹⁰ When Scripture wrote, They shall both bathe themselves in water and be unclean until the even,¹¹ it referred to a woman who did not turn over but one who did turn over is forbidden to eat terumah for three days since it is impossible that she should not eject some semen during this time.

R. Samuel b. Bisna enquired of Abaye: 'Is a woman ejecting semen¹² regarded as observing a discharge or as coming in contact with one?'¹³ The practical issue¹⁴ is the question of rendering¹⁵ any previous counting¹⁶ void,¹⁷ and of conveying uncleanness by means of the smallest quantity¹⁷ and of

conveying uncleanness internally as well as externally'.¹⁷ But what is the question?¹⁸ If he¹⁹ heard of the Baraithas [he should have known that] according to the Rabbis she is regarded as observing a discharge while according to R. Simeon she is regarded as coming in contact with one; and if he¹⁹ did not hear of the Baraitha,²⁰ is it not logical that²¹ she should be regarded as coming in contact with one?²² — Indeed he may well have heard of the Baraitha and, as far as the Rabbis are concerned, he had no question at all;²³ what he did ask concerned only the view of R. Simeon. Furthermore, he had no question²⁴ as to whether uncleanness is conveyed internally as externally;²⁵ what he did ask was whether any previous counting is rendered void and whether uncleanness is conveyed by means of the smallest quantity. When [he asked in effect] R. Simeon ruled that 'it is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her' he meant it only in respect of conveying uncleanness internally as externally²⁶ but as regards rendering any previous counting void and conveying uncleanness by means of the smallest quantity she is regarded as one observing a discharge, or is it possible that²⁷ there is no difference?²⁸ There are others who read: Indeed he¹⁹ may never have heard of the Baraitha,²⁹ but³⁰ it is this that he asked in effect: Since the All Merciful has considered it proper to impose a restriction³¹ at Sinai on those who emitted semen,³² she must be regarded as one who observed a discharge, or is it possible that no inference may be drawn from Sinai, since it was placed under an anomalous law, seeing that zabs and lepers who are elsewhere subject to major restrictions were not subjected by the All Merciful to that restriction?³¹ — The other³³ replied: She is regarded as one who has observed a discharge. He³⁴ then came to Raba³⁵ and put the question to him. The latter replied: She is regarded as one who observed a discharge. He thereupon came to R. Joseph who also told him: She is regarded as one who observed a discharge. He³⁴ then returned to Abaye and said to him: 'You all spit the same thing',³⁶ 'We', the other replied, 'only gave you the right answer. For when R. Simeon ruled that "it is enough that she be subject to the same stringency of uncleanness as the man who had intercourse with her" it was only in respect of conveying uncleanness internally as externally,³⁷ but in respect of rendering any previous counting void and in respect of conveying uncleanness by means of the smallest quantity she is regarded as one who observed a discharge.³⁸

Our Rabbis taught: A menstruant,³⁹ a zabah,⁴⁰ one who awaits a day for a day⁴⁰ and a woman after childbirth⁴¹ contract uncleanness internally⁴² as well as externally. Now, the enumeration of three of these cases⁴³ may well be justified, but how is one to explain the mention of the woman after childbirth? If the birth⁴⁴ occurred during her menstruation period she is a menstruant,⁴⁵ and if it occurred during her zibah period she is a zabah?⁴⁵ — The mention⁴⁶ was necessary only in the case of one who went down⁴⁷ to perform ritual immersion in order to pass out thereby from the period of uncleanness to that of cleanness;⁴⁸ and this⁴⁹ is in agreement with a ruling given by R. Zera citing R. Hiyya b. Ashi who had it from Rab: If a woman after childbirth went down⁴⁷ to perform ritual immersion in order to pass out thereby from her period of uncleanness to that of cleanness,⁴⁸ and some blood was detached from her body,⁵⁰ while she was going down,⁵¹ she is unclean,⁵² but if it occurred while she was going up, she is clean.⁵³ Said R. Jeremiah to R. Zera: Why should she be unclean if this occurred 'while she was going down'? Is not the blood merely an absorbed uncleanness?⁵⁴ — Go, the other replied, and ask it of R. Abin to whom I have explained the point at the schoolhouse and who nodded to me with his head.⁵⁵ He went and asked him [the question], and the latter replied: This was treated like the carcass of a clean bird which⁵⁶ conveys uncleanness to garments⁵⁷ while it is still passing through the oesophagus.⁵⁸ But are the two cases at all similar

(1) Even after the ejection.

(2) And that the uncleanness of which Raba spoke is due to this possibility.

(3) Instead of the statement, 'it is impossible that she should not eject'.

(4) Raba's.

(5) After the immersion.

(6) Hence 'it is impossible that she etc.'.

(7) R. Simeon's.

- (8) Her uncleanness, therefore, terminates at evening.
- (9) In his ruling.
- (10) Lit., 'took his stand on the text and thus he said'.
- (11) Lev. XV, 18.
- (12) After she had undergone ritual immersion and was freed thereby from the uncleanness of intercourse to which she was subject (as stated supra) under a specific Scriptural ordinance.
- (13) Externally. Internal contact, being within a concealed region, is (as stated supra 41b) of no consequence.
- (14) Between uncleanness through (a) observation and (b) contact.
- (15) During the eleven days of zibah.
- (16) Of the prescribed seven days.
- (17) Which is the case with an observation but not with contact.
- (18) Lit., 'what is your desire?'
- (19) R. Samuel who raised the question.
- (20) Supra 41b, where the Rabbis ruled that the ejection of semen conveys uncleanness internally as well as externally, while R. Simeon ruled that it is enough for the woman to be as unclean as the man who had intercourse with her. For the reading 'Baraitha' cf. Bomb. ed. Cur. edd. 'our Mishnah'.
- (21) Since the discharge does not originate from the woman's own body.
- (22) Of course it is. Why then did R. Samuel raise the question at all?
- (23) Since the Rabbis ruled that uncleanness is conveyed internally as well as externally it is obvious that the woman is regarded as one observing a discharge, and is, therefore, subject all the more to the other restrictions.
- (24) Even according to R. Simeon.
- (25) Well knowing that no internal uncleanness is conveyed (cf. supra n. 6).
- (26) Sc. as the man is free from internal uncleanness so is she.
- (27) Since he regarded her only as one coming in contact with a discharge.
- (28) And she is in all respects to be treated as such.
- (29) V. supra p. 288 n. 5.
- (30) In reply to the objection, 'Is it not logical that she should be regarded as coming in contact with one?'
- (31) Not to approach the mountain.
- (32) V. Ex. XIX, 15. 'Come not near a woman'. This shows that the emission of semen is subject to a higher degree of uncleanness than contact with a dead creeping thing, which did not subject a person to the restriction.
- (33) Abaye.
- (34) R. Samuel b. Bisna.
- (35) Var. lec. Rabbah (Bah).
- (36) Lit., 'spittle', i.e., your opinions are all traceable to the same source.
- (37) Sc. as the man is free from internal uncleanness so is she.
- (38) Since in the case of the man also (to whose degree of uncleanness hers is compared) any previous counting is rendered void and the smallest quantity conveys uncleanness.
- (39) After one observation during her menstrual period.
- (40) Cf. prev. n. mut. mut. If this single observation is followed by two other observations the woman is a confirmed zabah and must count seven days before she attains to cleanness, but if no other observation followed she only awaits one clean day for the unclean one.
- (41) This is explained presently.
- (42) Sc. as soon as the discharge made its way into the vagina.
- (43) Lit 'almost) all of them'.
- (44) And the discharge observed.
- (45) Who was already specifically enumerated among the first three cases.
- (46) Of the woman after childbirth.
- (47) After the seven or fourteen days of uncleanness following the birth of a male and a female respectively.
- (48) The period of thirty-three clean days after the seven, and the sixty-six clean days after the fourteen (cf. prev. n.).
- (49) The ruling that a woman in such circumstances contracts uncleanness internally.
- (50) In the vagina, where it remained for a day or two.
- (51) Since the mere passing of the seven or fourteen days does not restore the woman to cleanness unless immersion had

been performed (cf. supra 35b). When the unclean blood (cf. next n.) is completely discharged from the body a second immersion is required since no cleanness had been attained by the first.

(52) While the blood is retained in the vagina, on account of her carriage of, or contact with the detached blood in it.

(53) When, owing to the immersion, her clean period had already begun and the blood is clean. It has thus been shown that the Baraita under discussion is in agreement with the first case, 'while she was going down, she is unclean' of R. Zera.

(54) Which (cf. Hul. 71a) cannot convey uncleanness either through contact or through carriage. Granted that a menstrual, or a zibah discharge causes a woman's uncleanness even while it is still absorbed in the vagina (as deduced supra from a Scriptural text), how can this blood, which is neither menstrual nor one of zibah and which (if it had come in external contact with the woman) could only have caused one day's uncleanness convey to the woman any uncleanness at all while still absorbed?

(55) As a mark of approval.

(56) Though it conveys no uncleanness to the garments of the man who comes in contact with it.

(57) Those of the man who eats of it.

(58) An 'absorbed uncleanness'.

Talmud - Mas. Nidah 42b

seeing that in the latter case no uncleanness is conveyed by external contact¹ while here uncleanness would be conveyed when it emerges from the body?² — Here also it is a case where the discharge emerged from the body.³ But if it emerged from the body, what need was there to mention such a case?⁴ — It might have been presumed that as the immersion is effective in respect of blood that is internal it is also effective in respect of the other,⁵ hence we were informed [that in the latter case the immersion is of no avail]. The difficulty about our cited tradition⁶ is well solved; but as regards the woman after childbirth⁷ [the difficulty arises again]: If the birth occurred during her menstruation period she is a menstruant, and if it occurred during her zibah period she is a zabah?⁸ — Here we are dealing with the case of a dry birth.⁹ But in the case of a dry birth,¹⁰ what point is there in the statement that uncleanness is contracted internally as well as externally?¹¹ — The statement is justified in a case for instance, where the embryo put its head out of the ante-chamber;¹² and this¹³ is in agreement with R. Oshaia, for R. Oshaia stated, 'This¹⁴ is a preventive measure¹⁵ against the possibility that the embryo might put its head out of the ante-chamber';¹⁶ and this¹⁷ is also in line with the following ruling: A certain person once came before Raba and asked him, 'Is it permissible to perform a circumcision on the Sabbath?' 'This', the other replied, 'is quite in order'. After that person went out Raba considered: Is it likely that this man did not know that it was permissible to perform a circumcision on the Sabbath? He thereupon followed him and said to him, 'Pray tell me all the circumstance of the case'.¹⁸ 'I', the other told him, 'heard the child cry late on the Sabbath eve but it was not born until the Sabbath'. 'This is a case', the first explained to him, 'of a child¹⁹ who put his head out of the ante-chamber²⁰ and consequently his circumcision²¹ is one that does not take place at the proper time,²² and on account of a circumcision that does not take place at the proper time the Sabbath may not be desecrated.'²³ The question was raised: Is that region in a woman²⁴ regarded as an absorbed place or as a concealed one? — In what respect could this matter? — In the case, for instance, where her friend inserted in her in that region a piece of nebelah of the size of an olive. If you say that it is regarded as an absorbed place, this nebelah being now an absorbed uncleanness²⁵ would convey no uncleanness to the woman,²⁶ but if you say that it is a concealed place, granted that no uncleanness could be conveyed by means of contact²⁷ uncleanness would be conveyed by means of carriage?²⁸ — Abaye replied: It is regarded as an absorbed place. Raba replied: It is regarded as a concealed one. Said Raba: Whence do I derive this? From what was taught: Since the uncleanness arises in a concealed region, and since an uncleanness in a concealed region is elsewhere ineffective, a special Scriptural ordinance was required [to give it effect in this particular case].²⁹ And Abaye?³⁰ — The meaning³¹ is this: There is one reason and there is yet another.³² In the first place the woman should be clean since the uncleanness is an absorbed one; and, furthermore, even if you were to find some ground for saying that it is a concealed uncleanness

and an uncleanness in a concealed region is ineffective, this³³ is a specific Scriptural ordinance.

The question was raised: Is the region through which the nebelah of a clean bird conveys uncleanness to a human being³⁴ regarded as an absorbed place or as a concealed one? In what respect can this matter? — In a case, for instance, where his friend pushed a piece of nebelah of the size of an olive into his mouth.³⁵ If you regard it as an absorbent place, this nebelah being now an absorbed uncleanness would convey no uncleanness, but if³⁶ you say that it is a concealed one, granted that no uncleanness is conveyed by means of contact,³⁷ uncleanness would be conveyed by means of carriage?³⁸ — Abaye replied: It is an absorbed place, but Raba replied: It is a concealed one. Whence, said Abaye, do I derive this? From what was taught: As it might have been presumed that the nebelah of a beast conveys uncleanness to a person's garments by way of his oesophagus,³⁹ it was explicitly stated in Scripture, That which dieth of itself,⁴⁰ or is torn of beasts, he shall not eat to defile himself therewith,⁴¹ which implies: Only that⁴² which has no other form of uncleanness but that which is conveyed through the eating thereof⁴² [conveys uncleanness by way of the oesophagus],³⁹ but this⁴³ is excluded since it conveys uncleanness even before one had eaten of it. But why should not this⁴⁴ be inferred a minori ad majus from the nebelah of a clean bird: If the nebelah of a clean bird which is not subject to uncleanness externally is subject to uncleanness internally³⁹ how much more then should this,⁴³ which is subject to uncleanness externally, be subject to uncleanness internally? — Scripture said, 'therewith'⁴¹ which implies: Only therewith⁴⁵ but not with any other.⁴³ If so, why was it stated in Scripture, And he that eateth?⁴⁶ To prescribe for one who touches or carries it the same size as that which was prescribed for one who eats of it: As one who eats of it incurs guilt on consuming the full size of an olive so also one who touches or carries it contracts uncleanness only if it is of the size of an olive.

Raba ruled: A man holding a dead creeping thing in a fold of his body⁴⁷ is clean, but if he holds nebelah in a fold of his body he is unclean. 'A man holding a dead creeping thing in a fold of his body is clean', since a dead creeping thing conveys uncleanness by means of touch, while a concealed region of the body⁴⁷ is not susceptible to the uncleanness of touch. 'If he holds nebelah in a fold of his body he is unclean' for, granted that he contracts no uncleanness through touch, he contracts it, at any rate, through carriage. If a man held a dead creeping thing in the fold of his body⁴⁸ and he thus brought it into the air spaces⁴⁹ of an oven⁵⁰ the latter is unclean. Is not this obvious?⁵¹ — It might have been presumed that the All Merciful said, Into the inside of which,⁵² implying:

(1) Cf. prev. n. but two.

(2) From which it is evident that it is rather like other kinds of uncleanness. Why then should it be different from those in conveying uncleanness even while in an absorbed condition?

(3) Sc. if the blood was detached before the immersion the woman becomes unclean after, but not before its complete emergence.

(4) Apparently none, since it is obvious that unclean blood conveys uncleanness when it emerges from the body.

(5) That was detached and remained for a time within the vagina.

(6) R. Zera's ruling.

(7) Included in the Baraita under discussion, which can now no longer be compared with the ruling of R. Zera.

(8) Cf. relevant notes supra 42a ad fin.

(9) And one that was free from bleeding: so that the question of menstrual, or zibah blood does not arise.

(10) Where there is no detached blood either within or without.

(11) How can there be uncleanness in the absence of all blood?

(12) And then draw it back (cf. Strashun). Although the head is now within (internal) the woman is unclean as if the embryo had actually been born (external).

(13) The ruling that the projection of the head of the embryo without the ante-chamber is regarded as birth.

(14) That a midwife is unclean for seven days if she touched a dead embryo before it was extracted, though its mother remains clean until extraction had been effected.

- (15) Enacted by the Rabbis. Pentateuchally the embryo, being at the time an 'absorbed uncleanness', would convey no uncleanness at all.
- (16) Hul. 72a; and the midwife would then touch it when, having touched a corpse, her uncleanness would be Pentateuchal. Thus it follows that according to R. Oshaia the projection of the embryo's head without the ante-chamber is regarded as the actual birth. Similarly in the case under discussion, as soon as the embryo had put its head out of the ante-chamber its mother is subject to the uncleanness of birth as if the birth had taken place.
- (17) V. supra n. 2.
- (18) Lit., 'how was the body of the incident?'
- (19) Whose cry could be heard.
- (20) On the Friday, when he was heard crying.
- (21) On any day after the following Friday which is the eighth day of his virtual birth.
- (22) Circumcision being due on the eighth day of birth.
- (23) The circumcision must, therefore, be postponed until the Sunday. At all events, Raba's ruling shows that the projection of the embryo's head without the ante-chamber is regarded as birth (cf. supra n. 2).
- (24) Euphemism.
- (25) And, therefore, regarded as non-existent.
- (26) Either through contact or carriage (cf. prev. n.).
- (27) The uncleanness by contact not applying to a concealed region of the body.
- (28) Since the woman was carrying the nebelah.
- (29) Supra 41b q.v. notes.
- (30) How can he maintain his view in contradiction to Raba's citation?
- (31) Of the cited statement.
- (32) Lit., 'one and more he says'.
- (33) The woman's uncleanness (cf. supra n. 5).
- (34) Sc. the oesophagus. Only by swallowing it does the nebelah of a clean bird convey uncleanness to man.
- (35) So that he himself did not touch it with his hands.
- (36) Cur. ed. insert the last two words in parenthesis, and marg. n. substitutes 'what would you say'.
- (37) The uncleanness by contact not applying to a concealed region of the body.
- (38) The man having carried the nebelah in his mouth.
- (39) Sc. by swallowing it.
- (40) Heb. nebelah.
- (41) Lev. XXII, 8.
- (42) The nebelah of a clean bird.
- (43) Nebelah of a beast.
- (44) That the nebelah of a beast conveys uncleanness by way of the oesophagus.
- (45) Sc. only if a person swallowed the nebelah of a clean bird do his garments become unclean.
- (46) Lev. XI, 40, in respect of the nebelah of a beast.
- (47) Under his arm-pit, for instance.
- (48) Under his arm-pit, for instance.
- (49) Without touching its sides.
- (50) Of earthenware.
- (51) Apparently it is, since all earthen vessels contract uncleanness from a dead creeping thing within their air spaces though there was no direct contact between it and the creeping thing.
- (52) E.V., 'whereinto'; Every earthen vessel whereinto any of them falleth (Lev. XI, 33).

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But not the inside of its inside,¹ hence we were informed [that the oven is unclean].²

Resh Lakish ruled: If a reed was held in a fold of the body of a zab and he shook therewith a clean person the latter remains clean.³ If a reed was held in the fold of the body of a clean person and he shook therewith a zab the former is unclean.⁴ What is the reason?⁵ Because Scripture said, And

whomsoever he that hath issue⁶ toucheth, without having rinsed his hands in water,⁷ and this⁸ refers to the shaking of a zab, a form of conveyance of uncleanness the like of which we do not find anywhere in all the Torah; and the All Merciful expressed this in the term of touching,⁹ in order to tell that shaking and touching must be performed with a part of the body which is like one's hands; as one's hands are exposed¹⁰ so must any other part of the body¹¹ be exposed.

BUT A ZAB AND ONE WHO EMITTED SEMEN CONVEY NO UNCLEANNESS etc. A ZAB, because it is written in Scripture, When any man hath an issue out of his flesh,¹² [which implies that no uncleanness is conveyed] unless his issue emerged 'out of his flesh'; ONE WHO EMITTED SEMEN, because It is written, And if the flow of seed go out from a man.¹³

IF A MAN WAS EATING TERUMAH WHEN HE FELT etc. Was it not, however, taught: R. Eliezer stated, whoever holds his membrum when he makes water is as though he had brought a flood on the world?¹⁴ — Abaye replied: One does it with a thick rag.¹⁵ Raba stated: It may even be done with a soft rag, for once the semen has been detached the subsequent touch is of no consequence.¹⁶ And Abaye?¹⁷ — He takes into consideration the possibility of an additional discharge. And Raba? — He does not consider the possibility of an additional discharge. But does he not?¹⁸ Was it not in fact taught: 'To what may this be compared? To the putting of a finger upon the eye when, so long as the finger remains on it, the eye continues to tear'? Now Raba?¹⁹ — It is unusual to get heated twice in immediate succession.²⁰

Samuel ruled, Any semen the emission of which is not felt throughout one's body causes no uncleanness. What is the reason? — The All Merciful has said, The flow of seed,²¹ implying that the text²² deals only with such as is fit to produce seed. An objection was raised: If a man was troubled with unchaste thoughts in the night and when he rose up he found his flesh heated, he is unclean!²³ — R. Huna explained this to apply to a man who dreamt of indulging in sexual intercourse, it being impossible to indulge in the act without experiencing the sensation. Another rendering: Samuel ruled, Any semen which does not shoot forth like an arrow causes no uncleanness. What is the practical difference between the latter reading and the former reading? — The practical difference between them is the case where the detachment of the semen was perceived but the emergence was not felt.²⁴ Now this ruling which was quite obvious to Samuel was a matter of enquiry for Raba. For Raba enquired: What is the law where the detachment of the semen was perceived but its emergence was not felt?²⁵ — Come and hear: If a man who emitted semen performed immersion²⁶ before he had made water, his uncleanness is resumed when he makes water!²⁷ — There it is different, since the emergence of most of the semen was perceived. Others have a different reading: Samuel ruled, Any semen which does not shoot forth like an arrow causes no fructification. It is only fructification that it does not cause but it does cause uncleanness, for it is said in Scripture. If there be among you any man, that is not clean by reason of that which chanceth him,²⁸ which implies: Even a chance emission²⁹ whatever its nature.³⁰

Raba enquired: What is the law where an idolater indulged in sexual thoughts,³¹ and then³² he went down and performed ritual immersion?³³ If you were to find some case where we follow the time of detachment³⁴ [the question would arise]. Does this apply only where the law is thereby restricted,³⁵ but not here³⁶ where the law would thereby be relaxed,³⁷ or is it possible that no distinction is made? — This is undecided.

Raba enquired: What is the ruling where the urine of a zabah had been detached from the source³⁸ and then she went down and performed ritual immersion?³⁹ If you were to find some case where we follow the time of the detachment [the question would arise], Does this apply only to semen, since it cannot be restrained,⁴⁰ but not to her urine which she is able to restrain,⁴¹ or is it possible that no distinction is made? — This is undecided.

Raba enquired: What is the law where the urine of an idolatress⁴² who was a zabah had been detached

- (1) Inside, for instance, an arm-pit which is inside the oven.
- (2) The implication, 'but not the inside of its inside' excludes only the case where a creeping thing was within a vessel whose rim and mouth projected above the vessel in which it was contained.
- (3) The reason is given presently.
- (4) Since he 'carried' the zab. The carrying of a zab as the carrying 'of his couch conveys uncleanness to the carrier (cf. Lev. XV, 10).
- (5) Why a person who was shaken by a reed held in the fold of the body of a zab remains clean.
- (6) Heb. zab.
- (7) Lev. XV, 11.
- (8) Since the text cannot refer to direct touch which was already dealt with in Lev. XV, 7.
- (9) 'Toucheth'.
- (10) Lit., 'as there from outside'.
- (11) If it is to convey uncleanness.
- (12) Lev. XV, 2, emphasis on 'out'.
- (13) Ibid. 16. Cf. prev. n.
- (14) Supra 13a.
- (15) Which intercepts the warmth of one's hand.
- (16) Lit., 'since it uprooted it uprooted'.
- (17) Why, in view of Raba's explanation, does he insist on a thick rag?
- (18) So with Bah. Cur. edd. omit.
- (19) What has he to say to this?
- (20) Lit., 'any being heated and being heated again at the time is not usual'. The comparison with the eye holds good only when a discharge was originally due to friction.
- (21) Lev. XV, 16, emphasis on the last word.
- (22) Then he shall . . . be unclean (ibid.).
- (23) Mik. VIII, 3; because he might also have emitted some semen. As this would presumably occur without his being aware of it, an objection arises against Samuel.
- (24) According to the first reading uncleanness would, and according to the latter reading would not be caused.
- (25) Is uncleanness thereby conveyed or not?
- (26) Which frees him from his uncleanness.
- (27) Mik. VIII, 4 (cur. edd. '3', is an error). Now here there was obviously no perception, and yet uncleanness is nevertheless conveyed. An objection against Samuel.
- (28) Deut. XXIII, 11, mikreh of the rt. קרה (v. foll. n.).
- (29) Keri of the rt. קרי (cf. prev. n.).
- (30) Lit., 'in the world'.
- (31) As a result of which semen had been detached but did not emerge.
- (32) For the purpose of his conversion to Judaism.
- (33) Subsequent to which the semen emerged.
- (34) Sc. that, in the case of an Israelite, uncleanness is caused where the detachment was perceived even though the emergence was not felt.
- (35) Uncleanness is caused.
- (36) The case of the idolater.
- (37) Since at the time of the detachment the man was still an idolater and free from the laws of uncleanness.
- (38) Which is a 'father of uncleanness'.
- (39) Whereby she is freed from her uncleanness; and then she made the water. Is she, it is asked, unclean because at the time of the detachment she was unclean or is she clean because the emergence took place when she was already in a condition of cleanness?
- (40) In consequence of which detachment must be regarded as virtual emergence.
- (41) So that the emergence is a separate process which, having taken place after immersion, causes no uncleanness.

(42) Which is Rabbinically unclean.

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from the source, and then she¹ went down and performed ritual immersion? If you were to find a case² where we follow the time of the detachment even where the woman can restrain the discharge [the question would arise], Does this apply only to the Israelitish woman who is Pentateuchally unclean but not to an idolatress who was a zabah, since she is only Rabbinically unclean,³ or is it possible that no difference is made between them? — This is undecided.

AND THE DISCHARGES CONVEY UNCLEANNESS HOWEVER SMALL THE QUANTITY. Samuel ruled: [the discharge of] a zab⁴ must be such a quantity as would stop the orifice of the membrum, for it is said in Scriptures Or his flesh be stopped from his issue.⁵ But have we not learnt: AND THE DISCHARGES CONVEY UNCLEANNESS, HOWEVER SMALL THE QUANTITY? — He⁶ maintains the same view as R. Nathan. For it was taught: R. Nathan citing R. Ishmael ruled, [the discharge of] a zab⁴ must be such a quantity as would stop the orifice of the membrum; but [the Rabbis] did not agree with him.⁷ What is R. Ishmael's reason? — Because Scripture said, Or his flesh be stopped from his issue.⁵ And the Rabbis?⁸ — That text⁹ is required for the inference that the discharge conveys uncleanness only when in a state of fluidity¹⁰ but not when it is dry.¹¹ And R. Ishmael?¹² — That¹³ is inferred from run.¹⁴ And the Rabbis?¹⁵ — That text¹⁴ serves the purpose of indicating the number:¹⁶ His issue,⁹ implies once; His flesh run,⁹ implies twice; With his issue,⁹ implies three times; thus it was taught that a zab who observed three discharges is under an obligation to bring a sacrifice; Or his flesh be stopped from his issue, it is his uncleanness,⁹ implies that he is unclean even on account of a part of the number of his issues,¹⁷ this teaches that a zab who observed only two discharges conveys uncleanness to his couch and seat. As to R. Ishmael, however,¹⁸ whence does he deduce the number required?¹⁹ — He derives it from an exposition of R. Simai; for it was taught: R. Simai stated, Scripture enumerated two issues and described the man as unclean²⁰ and it also enumerated three issues and described the man as unclean,²¹ how is this to be reconciled? Two observations subject a man to the restrictions of uncleanness, and three observations render him liable to bring a sacrifice. But according to the Rabbis²² who deduced both numbers from 'This shall be his uncleanness in his issue',²³ what deduction do they make from the text 'when any man hath an issue out of his flesh'?²⁴ — They require it for the deduction that uncleanness does not begin until the discharge emerged from one's flesh. What need, however, was there for 'His issue be unclean'?²⁴ — 'This teaches that the issue itself²⁵ is unclean.

R. Hanilai citing R. Eliezer son of R. Simeon ruled: Semen conveys uncleanness to the man who emitted it,²⁶ however small its quantity, but as regards the man who touched it its quantity must be of the bulk of a lentil.²⁷ But did we not learn, AND THE DISCHARGES CONVEY UNCLEANNESS, HOWEVER SMALL THE QUANTITY, which applies, does it not, to the case of one who touched semen? — No, it applies only to one who emitted it.²⁶

Come and hear: In one respect the law of semen is more restrictive than that of a dead creeping thing while in another respect the law of a dead creeping thing is more restrictive than that of semen. 'The law of a dead creeping thing is more restrictive' in that no distinction [of age] is made about its uncleanness,²⁸ which is not the case with semen.²⁹ 'The law of semen is more restrictive' in that uncleanness is conveyed by its smallest quantity, which is not the case with a creeping thing.³⁰ Now does not this apply to one who touched the semen?³¹ — No, it applies only to one who emitted it.³² But was it not taught as being on a par with the creeping thing: As the latter is a case of touching so also the former?³¹ — R. Adda b. Ahabah replied: The ruling referred to a creeping thing in general³³ and to semen in general.³⁴ But does a creeping thing convey no uncleanness even when it is of the smallest bulk? Have we not in fact learnt: Members of the body³⁵ have³⁶ no prescribed minimum size [and uncleanness is, therefore, conveyed] by less than the size of an olive of corpse,³⁷ by less

than the size of an olive of nebelah or by less than the size of a lentil of a dead creeping thing?³⁸ — It is different with a member of the body³⁹ since the whole of it takes the place of the size of a lentil; for were any part of it⁴⁰ missing,⁴¹ would the member⁴² have conveyed any uncleanness?⁴³ What is meant by the ‘distinction in uncleanness’ in the case of semen? If it be suggested: The distinction between the semen of an Israelite and that of foreigners [it could be objected]: Is there not in this case also⁴⁴ a distinction between a sea-mouse and a land-mouse?⁴⁵ — The distinction rather is that between a minor and an adult.⁴⁶

R. Papa stated: This ruling⁴⁷ is a point at issue between Tannas:⁴⁸ [For it was taught] whence do we derive the inclusion in uncleanness of one who touched semen? From Scripture which explicitly stated, Or whosoever;⁴⁹ and elsewhere Tannas differ on a relevant point,⁵⁰ for there are those who hold that a deduction is carried through in all respects⁵¹ while others hold that a deduction is limited by its original basis.⁵² Now according to those who hold that a deduction is carried through in all respects⁵¹ it follows that as a dead creeping thing⁵³ conveys uncleanness through touch so does semen convey uncleanness by touch and, consequently,⁵⁴ as a dead creeping thing conveys uncleanness only when it is of the bulk of a lentil so does semen convey uncleanness only when it is of the bulk of a lentil; while according to him who maintained that a deduction is limited by its original basis⁵⁵ it also follows that as a dead creeping thing conveys uncleanness through touch so does semen convey uncleanness through touch, but then, limiting it to its original basis, as semen conveys uncleanness to the man who emitted it, however small its quantity, so does it also convey uncleanness to the man who touched it, however small its quantity.⁵⁶ Said⁵⁷ R. Huna son of R. Nathan to R. Papa: Whence the proof that the inclusion in uncleanness of one who touched semen is deduced from the expression of ‘Or whosoever occurring in the context dealing with the creeping thing?’⁵⁸ Is it not possible that the inclusion is derived from the expression of ‘Or from whomsoever the flow of seed goeth out,’⁵⁹ and⁶⁰ all may be of the opinion that a deduction is to be carried through in all respects?⁶¹ The Tannas⁶² were asked⁶³ Some recited as R. Papa while others recited in agreement with R. Huna son of R. Nathan.

MISHNAH. A GIRL ONE DAY OLD IS SUBJECT TO THE UNCLEANNESS OF MENSTRUATION. ONE WHO IS TEN DAYS OLD IS SUBJECT TO THE UNCLEANNESS OF ZIBAH. A BOY ONE DAY OLD IS SUBJECT TO THE UNCLEANNESS OF ZIBAH, AND TO THE UNCLEANNESS OF LEPROSY AND THAT OF CORPSEUNCLEANNESS; HE SUBJECTS [HIS DECEASED BROTHER'S WIDOW] TO THE DUTY OF LEVIRATE MARRIAGE;⁶⁴ HE EXEMPTS [HIS MOTHER] FROM THE LEVIRATE MARRIAGE,⁶⁵ HE ENABLES HER⁶⁶ TO EAT TERUMAH AND HE ALSO CAUSES HER TO BE DISQUALIFIED FROM EATING TERUMAH;⁶⁷

(1) For the purpose of her conversion to Judaism.

(2) In respect of an Israelitish woman.

(3) Cf. supra n. 5.

(4) If it is to convey uncleanness.

(5) Lev. XV, 3.

(6) Samuel.

(7) Pes. 67b.

(8) How can they maintain their ruling in view of this text?

(9) Lev. XV, 3.

(10) Lit., ‘wet’, when the orifice can ‘be stopped’ by it.

(11) When it crumbles away and is incapable of adhesion.

(12) How, in view of this explanation, can he still maintain his ruling?

(13) That a discharge conveys uncleanness only when in a state of fluidity.

(14) Run with his issue (Lev. XV, 3).

(15) How can they maintain their ruling in view of this text?

- (16) Of issues that determine the various grades of uncleanness.
- (17) 'From his issues' (emphasis on 'from') implying 'a part'.
- (18) Who requires the expression of 'run with his issue' for the inference he mentioned supra.
- (19) As just indicated according to the Rabbis.
- (20) When any man hath an issue out of his flesh (Lev. XV, 2), counts as one; his issue be unclean (ibid), counts as a second.
- (21) This shall be his uncleanness in his issue (Lev. XV, 3) counts as one; His flesh run with his issue (ibid.) counts as a second; or his flesh be stopped from his issue (ibid.) counts as a third.
- (22) Lit., 'him'.
- (23) Supra.
- (24) Cf. supra n. 12.
- (25) And not only the man who suffered from it.
- (26) Lit., 'to the one who observes'.
- (27) A lesser quantity, as is the case with a dead creeping thing, conveys no uncleanness.
- (28) Young and old are equally unclean.
- (29) The uncleanness on account of an emission of semen being restricted to one who is over nine years of age.
- (30) Tosef. Kel. I. Cf. supra n. 2.
- (31) But this would present an objection against R. Hanilai's ruling.
- (32) Lit., 'to the one who observes'.
- (33) Lit., 'the name of' or 'any'.
- (34) Sc. it referred to the form of uncleanness appropriate to each. A dead creeping thing can never convey uncleanness unless its bulk is of the prescribed size, while semen, when it concerns the man who had emitted it, may convey uncleanness, however small its quantity.
- (35) Sc. any part of it which consists of flesh, sinews and bones (v. Bertinoro).
- (36) In regard to the conveyance of uncleanness.
- (37) Cf. prev. n. but one.
- (38) Oh. I, 7, which shows that a dead creeping thing conveys uncleanness, however small its bulk.
- (39) V. p. 300, n. 10.
- (40) Lit., 'a portion'.
- (41) Cf. supra p. 300, n. 10.
- (42) That was smaller than a lentil.
- (43) Obviously not; which shows that it is only on account of its importance that the force of conveying uncleanness (as a piece of the prescribed size) was imparted to it. Any other part of the body, however, is subject to the prescribed minimum.
- (44) That of a creeping thing.
- (45) Of course there is! A sea-mouse (cf. Hul. 126b) conveys no uncleanness.
- (46) No uncleanness is conveyed by that of a child under nine years of age.
- (47) Of R. Hanilai, that semen less in quantity than the bulk of a lentil conveys no uncleanness by means of touch.
- (48) Lit., 'like Tannas'.
- (49) This is now presumed to refer to Lev. XXII, 5, which deals with the uncleanness of a creeping thing.
- (50) Which (as will be shown presently) has a bearing on this deduction:
- (51) Lit., 'judge from it and (again) from it', i.e., all that applies to the case from which deduction is made is also applicable to the case deduced
- (52) Lit., 'judge from it and set it in its (original) place', i.e., the rules applicable to the case deduced limit the scope of the deduction.
- (53) From the law of which that of semen had presumably been deduced (cf. n. 12).
- (54) Lit., 'and from it', since 'a deduction is carried through in all respects.'
- (55) V. p. 301, n. 15.
- (56) It has thus been shown that R. Hanilai's ruling is a point at issue between Tannas. Is it likely, however, that R. Hanilai would differ from the Tannas who presumably hold a different view?
- (57) In an attempt to remove the difficulty (cf. prev. n. second clause).
- (58) Lev. XXII, 5, as presumed by R. Papa supra.

(59) Lev. XXII, 4.

(60) Since the deduction is not made from the contact of the creeping thing.

(61) Sc. even if all were to uphold this view, uncleanness would nevertheless be conveyed by the touch of the smallest quantity of semen, since the inference is made, not from the uncleanness of the creeping thing but from that of the emission of semen which is conveyed by the smallest quantity.

(62) Those who recited Mishnahs and Baraitas at the college; v. Glos. s.v. (b).

(63) To give a decision as to whether R. Papa or R. Huna was in the right.

(64) Provided he was born prior to his brother's death.

(65) If he was born after his father's death though he only lived for a short while.

(66) His mother, the daughter of an Israelite, who was married to a priest, though the latter was dead when the child was born.

(67) This is now presumed to refer to a priest's daughter who was married to an Israelite who died and was survived by a son one day old (v. Gemara infra.)

Talmud - Mas. Nidah 44a

HE INHERITS AND TRANSMITS;¹ HE WHO KILLS HIM IS GUILTY OF MURDER, AND HE COUNTS TO HIS FATHER, TO HIS MOTHER AND TO ALL HIS RELATIVES AS¹ A FULLY GROWN MAN.²

GEMARA. Whence is this ruling³ deduced? — [From the following]. For our Rabbis taught: From the term woman⁴ I would only know that the laws⁵ are applicable to a grown-up woman, whence, however, the inference that a girl one day old is also subject to the uncleanness of menstruation? Since it was explicitly stated, And a woman.⁶

ONE WHO IS TEN DAYS OLD IS SUBJECT TO THE UNCLEANNES OF ZIBAH. Whence is this ruling deduced? [From the following]. For our Rabbis taught: From the term woman⁷ I would only know that the laws are applicable to a grown-up woman, whence, however, the inference that a girl who is ten days old is also subject to the uncleanness of zibah? Since it was explicitly stated, And a woman.⁸

A BOY ONE DAY OLD etc. Whence is this ruling deduced? — [From the following Scriptural text]. For the Rabbis taught: When any man,⁹ what was the object of stating, 'When any man'?¹⁰ To include a boy one day old in the restrictions of the uncleanness of zibah; so R. Judah. R. Ishmael son of R. Johanan b. Beroka said, This deduction is not necessary, for surely it is stated in Scripture, And of them that have an issue, whether it be a man or a woman;¹¹ 'whether it be a man' means one of any age, whether adult or minor, 'or a woman means one of any age, whether an adult or minor. But if so¹² what need was there to state, 'When any man'?¹³ The Torah employed ordinary phraseology.¹⁴

[IS SUBJECT TO . . .] THE UNCLEANNES OF LEPROSY, since it is written, When a man shall have in the skin of his flesh,¹⁵ implying a man of any age.

[IS SUBJECT TO . . .] THAT OF CORPSE-UNCLEANNES, because it is written, And upon the persons that were there,¹⁶ implying a person of any age.

HE SUBJECTS [HIS DECEASED BROTHER'S WIDOW] TO THE DUTY OF LEVIRATE MARRIAGE, for it is written, If brethren dwell together,¹⁷ implying brothers who are contemporaries.¹⁸

HE EXEMPTS [HIS MOTHER] FROM THE LEVIRATE MARRIAGE, for the All Merciful has said, And have no child,¹⁷ but this man has one.

HE ENABLES HER TO EAT TERUMAH, for it is written, And such as are born in his house, they may eat¹⁹ of his bread,²⁰ read it as, 'Shall cause to eat²¹ of his bread'.

AND HE ALSO CAUSES HER TO BE DISQUALIFIED FROM EATING TERUMAH. For the All Merciful has said, And have no child,²² but she has one. But what was the point of speaking of a 'child' seeing that the same applies even to an embryo, for it is written,²³ As in her youth,²² which excludes²⁴ one who is pregnant?²⁵ Both texts were required. For if the All Merciful had only written, 'And have no child' [it might have been presumed that the law²⁶ applied to that case] because originally there was but one body and now there are two bodies,²⁷ but that in this case,²⁸ where there was originally one body and now also there is only one body, it may be held that the woman may eat terumah, hence the All Merciful has written, 'As in her youth'.²⁹ And if the All Merciful has only written, 'As in her youth' [it might have been presumed that the law³⁰ applied to that case alone] since originally the woman's body was empty and now it is a full one, but that in this case,³¹ where her body was originally empty and is now also empty, the woman may well eat terumah. Hence the necessity for both texts. Now, the Scriptural texts have been well explained, but as regards our Mishnah, why just A BOY ONE DAY OLD, seeing³² that even an embryo also disqualifies its mother? — R. Shesheth replied: We are here dealing with the case of a priest who had two wives, one who had previously been a divorced woman³³ and the other was not a divorced woman,³⁴ and he had sons from the latter³⁵ and one son from the former,³⁶ so that the latter³⁷ causes the slaves of his father³⁸ to be disqualified from eating terumah;³⁹ thus indicating that the law is contrary to the view⁴⁰ of R. Jose. He having laid down that an embryo⁴¹ also causes disqualification we were informed here that only A BOY ONE DAY OLD causes disqualification but not an embryo.⁴²

HE INHERITS AND TRANSMITS. From whom does he INHERIT? Obviously from his father; and to whom does he TRANSMIT? Obviously to his paternal brothers;⁴³ but could not these if they wished inherit from their father and, if they preferred, inherit from him?⁴⁴ — R. Shesheth replied: The meaning is, He⁴⁵ inherits the estate of his mother to transmit it⁴⁶ to his paternal brothers;⁴⁷ hence only then when he is ONE DAY OLD but not when he is an embryo. What is the reason? — Because it⁴⁸ dies first,⁴⁹ and no son may inherit from his mother

(1) This is explained in the Gemara.

(2) Lit., 'bridegroom'.

(3) That A GIRL ONE DAY OLD etc.

(4) Lev. XV, 19, which deals with the laws of the menstruant.

(5) Cf. prev. n.

(6) Lev. XV, 19. E.V. and if a woman.

(7) Cf. prev. n. but two. The exposition now is based on what follows in the Scriptural text: Her issue...be blood.

(8) Cf. prev. two notes.

(9) Lev. XV, 2. Lit. 'a man, a man'.

(10) Sc. it would have sufficed if one 'man' (cf. prev. n.) had been omitted, the rendering being, 'when a man'.

(11) Lev. XV, 33.

(12) That the law has been enunciated in Lev. XV, 33.

(13) Lev. XV, 2. Lit., 'a man, a man'.

(14) Lit., 'spoke in the language of men', who are in the habit of repeating their words. No inference, therefore, may be drawn from the repetition of 'a man'.

(15) Lev. XIII, 2.

(16) Num. XIX, 18, in the context dealing with corpse-uncleanness.

(17) Deut. XXV, 5, in the context of the law of levirate marriage and halizah.

(18) Lit., 'who had one (and the same) sitting in the world'.

(19) יָקֵלֻ, yokelu (kal).

(20) Lev. XXII, 11.

- (21) יאכילו, ya'akilu (hif.).
- (22) Lev. XXII, 13.
- (23) In the same context.
- (24) From the privilege of eating terumah.
- (25) Sc. if an embryo causes its mother to be disqualified from eating terumah it is self-evident that a child does it, what need then was there for the text, 'and have no child'?
- (26) Of disqualification (cf. p. 304, n. 14).
- (27) Mother and born child.
- (28) Lit., 'here', that of a pregnant woman.
- (29) To indicate that even a pregnant woman is disqualified.
- (30) Of disqualification (cf. supra p. 304, n. 14).
- (31) Where the child was already born.
- (32) As has just been shown.
- (33) Whom a priest is forbidden to marry and whose children from a priestly marriage are disqualified priests and are themselves forbidden to eat terumah and, of course, have no right to confer the privilege of eating it upon their slaves.
- (34) And whose sons from her marriage with the priest are qualified priests who also confer upon their slaves the right of eating terumah.
- (35) Cf. prev. n.
- (36) Cf. supra n. 8.
- (37) After the death of his father, the priest.
- (38) Whom he and his brothers jointly inherit from their deceased father.
- (39) On account of his share in them; it being impossible to distinguish which of the slaves are his and which are his brothers'.
- (40) Lit., 'to bring out'.
- (41) From a forbidden marriage (cf. supra n. 8).
- (42) The disqualification spoken of in our Mishnah thus referring to the slaves and not, as has previously been assumed, to the child's mother, the difficulty raised supra is now solved.
- (43) Since only paternal relatives are entitled to inherit one's estate.
- (44) Of course they could, since the child's estate would in any case revert on his death to his father from whom they would inherit it. What meaning then could be assigned to the law that he TRANSMITS?
- (45) A BOY ONE DAY OLD.
- (46) When he dies.
- (47) Who were born from the same father but not from the same mother.
- (48) The embryo, when its mother dies.
- (49) Sc. before its mother.

Talmud - Mas. Nidah 44b

in the grave¹ to transmit the inheritance to his paternal brothers. But, surely, this² is not? so, for was there not a case where an embryo made three convulsive movements?³ — Mar son of R. Ashi replied: [Those were only reflexive movements] like those of the tail of the lizard which moves convulsively [even after it has been cut off].⁴

Mar son of R. Joseph citing Raba explained: This⁵ means to say that he causes a diminution in the portion of the birthright.⁶ Mar son of R. Joseph citing Raba further ruled: A son born after the death of his father causes no diminution in the portion of the birthright.⁷ What is the reason?⁸ It is required that They shall have born to him.⁹ Thus¹⁰ it was taught at Sura; but at Pumbeditha it was taught as follows: Mar son of R. Joseph citing Raba ruled, A firstborn son that was born after the death of his father¹¹ does not receive a double portion. What is the reason? It is necessary that He shall acknowledge,¹² and ['he',] surely, is not [there to acknowledge]. And the law is in agreement with all those versions which Mar son of R. Joseph cited in the name of Raba.

HE WHO KILLS HIM IS GUILTY OF MURDER, since it is written, And he that smiteth any man mortally,¹³ implying, whatever the age.¹⁴

AND HE COUNTS TO HIS FATHER, TO HIS MOTHER AND TO ALL HIS RELATIVES AS A FULLY GROWN MAN, In respect of what law? — R. Papa replied: In respect of that of mourning. In agreement with whose view [is our Mishnah]?¹⁵ It cannot be, can it, in agreement with¹⁶ R. Simeon b. Gamaliel who ruled: Any human¹⁷ child¹⁸ that survived for thirty days cannot be, regarded as a miscarriage,¹⁹ from which it follows that if he had not lived so long he would have been a doubtful case?²⁰ — Here²¹ we are dealing with the case of a child concerning whom it is established that the months of his pregnancy were duly fulfilled.²²

MISHNAH. A GIRL OF THE AGE OF THREE YEARS AND ONE DAY MAY BE BETROTHED²³ BY INTERCOURSE; IF THE YABAM²⁴ HAD INTERCOURSE WITH HER, HE ACQUIRES HER THEREBY;²⁵ THE GUILT²⁶ OF ADULTERY²⁷ MAY BE INCURRED THROUGH HER,²⁸ AND SHE²⁹ CAUSES UNCLEANNESS TO THE MAN WHO HAD INTERCOURSE WITH HER SO THAT HE IN TURN CONVEYS UNCLEANNESS TO THAT UPON WHICH HE LIES,³⁰ AS TO A GARMENT WHICH HAS LAIN UPON [A ZAB].³¹ IF SHE WAS MARRIED TO A PRIEST, SHE MAY EAT TERUMAH. IF ANY OF THE INELIGIBLE PERSONS³² COHABITED WITH HER HE DISQUALIFIES HER FROM THE PRIESTHOOD.³³ IF ANY OF THE FORBIDDEN DEGREES ENUMERATED IN THE TORAH COHABITED WITH HER HE IS TO BE EXECUTED ON HER ACCOUNT, BUT SHE³⁴ IS EXEMPT [FROM THE PENALTY]. IF ONE WAS YOUNGER THAN THIS AGE INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE.

GEMARA. Our Rabbis taught: A girl of the age of three years may be betrothed by intercourse; so R. Meir. But the Sages say: Only one who is three years and one day old. What is the practical difference between them? — The school of R. Jannai replied: The practical difference between them is the day preceding the first day of the fourth year.³⁵ R. Johanan, however, replied: The practical difference between them is the rule that thirty days of a year are counted as the full year.³⁶

An objection was raised: A girl of the age of three years and even one of the age of two years and one day may be betrothed by intercourse; so R. Meir. But the Sages say: Only one who is three years and one day old.

(1) Sc. after his death.

(2) That an embryo dies before its mother.

(3) After its mother was dead.

(4) But are no signs of life.

(5) The law that A BOY ONE DAY OLD... TRANSMITS.

(6) If, for instance, there were two brothers other than the boy in question, and one of them was the firstborn, the estate is divided, not into three portions (two for the ordinary portions of the two brothers and one for the birthright), but into four portions. Each brother, including the young child, receives one such portion and the firstborn receives the additional fourth portion as his birthright. The firstborn thus receives, as the portion of his birthright, a quarter of the estate, and not (as would have been the case if the child were excluded) a third.

(7) Though he receives his due portion in the estate. In the case mentioned as an instance in the prev. n. the estate would first be divided into three portions (as if the embryo did not exist) and the firstborn would receive, as his birthright, one of these, which represents a third of the estate. The remaining two thirds would then be divided into three equal shares, each of the three brothers receiving one, I.e., two ninths of the estate. The full portion of the firstborn would accordingly amount to $(1/3 + 2/9 = 5/9)$ five ninths of the estate, while, where the child was one day old, the firstborn's full portion would only amount to half the estate, i.e., $(5/9 - 1/2 = 1/18)$ one eighteenth less.

(8) That a born child does, and an embryo does not cause a diminution in the portion of the birthright.

(9) Deut. XXI, 15, emphasis on 'him', sc. while the father is alive. An embryo cannot come within the category of 'have

born'.

(10) The version just given.

(11) In the case, for instance, where his widow bore twins, or where he was survived by two widows and both bore sons and one of these was the firstborn.

(12) Deut. XXI, 17.

(13) Lev. XXIV, 17.

(14) Lit., 'from any place'.

(15) Which, treating an infant one day old in the various laws embodied in it as a grown-up man, obviously assumes him to be viable.

(16) Lit., 'that not as'.

(17) Opp. to cattle where the period is only eight days.

(18) Of doubtful premature birth.

(19) Thirty days being a period that suffices to establish the viability of a child.

(20) Now since according to our Mishnah a child may be regarded as viable on the first day of its life (cf. p. 307, n. 9) its view must differ from that of R. Simeon b. Gamaliel, must it not?

(21) In our Mishnah.

(22) Lit., 'whose months have ended'. The child's viability is beyond question even according to R. Simeon b. Gamaliel who (cf. p. 307, n. 12) referred only to a doubtful premature birth.

(23) Subject to her father's approval.

(24) The brother of her deceased childless husband, whose duty it is to contract the levirate marriage with her.

(25) In consequence of which he gains possession of his deceased brother's estate, is entitled if she dies to inherit her own estate and even if he is a priest, he may defile himself to her as to a legally married wife.

(26) Punishable by death.

(27) Lit., 'on account of the wife of a man'.

(28) If, for instance, her father betrothed her to one man and another cohabited with her.

(29) When a menstruant.

(30) Lit., 'lower couch'.

(31) Lit., 'like the upper'.

(32) A bastard or a slave, for instance.

(33) Sc. if she was the daughter of a priest she loses the privilege of eating terumah.

(34) Being a minor.

(35) Lit., 'the eve of the beginning of the year'. According to R. Meir she attains the prescribed age on that day while according to the Rabbis she does not attain it until the following day.

(36) According to R. Meir the prescribed age is attained as soon as thirty days of the third year have passed, while according to the Rabbis it is not attained until the first day of the fourth year.

Talmud - Mas. Nidah 45a

Now, all is well according to R. Johanan, for just as there is a Tanna¹ who holds² that one day of a year is counted as a year so there may also be a Tanna who holds³ that thirty days of a year are counted as a full year; but, according to R. Jannai,⁴ does not this⁵ present a difficulty? — This is a difficulty.

IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE. It was asked, Do the features of virginity⁶ disappear⁷ and reappear again⁸ or is it possible that they cannot be completely destroyed until after the third year of her age? In what practical respect could this matter? — In one, for instance, where her husband had intercourse with her before the age of⁹ three and found blood, and when he had intercourse after the age of three he found no blood. If you grant that they disappear and reappear again [it might well be assumed]¹⁰ that¹¹ there 'was not sufficient time for their reappearance, but if you maintain that they cannot be destroyed until after the age of three years it would be obvious that¹² a stranger cohabited with her.¹³ Now what is your decision? — R. Hiyya son of R. Ika demurred: But who can tell us that a wound

inflicted within the three years is not healed¹⁴ forthwith, seeing it is possible that it is immediately healed and it would thus be obvious¹² that a stranger had cohabited with her?¹³ Rather the practical difference is the case, for instance, where her husband had intercourse with her while she was under¹⁵ three years of age and found blood and when he had intercourse after the age of three he also found blood. If you grant that the features disappear and reappear again the blood might well be treated as that of virginity, but if you maintain that they cannot be destroyed until after the age of three years, that¹⁶ must be the blood of menstruation. Now what is your decision? — R. Hisda replied, Come and hear: IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS LIKE PUTTING A FINGER IN THE EYE; what need was there to state, LIKE PUTTING A FINGER IN THE EYE' instead of merely saying: IF ONE WAS YOUNGER THAN THIS AGE, INTERCOURSE WITH HER IS of no consequence'? Does not this then teach us that as the eye tears and tears again so do the features of virginity disappear and reappear again.

Our Rabbis taught: It is related of Justinia¹⁷ the daughter of 'Aseverus son of Antonius that she once appeared before Rabbi 'Master', she laid to him, 'at what age may a woman marry?'. 'At the age of three years and one day', he told her. 'And at what age is she capable of conception?' 'At the age of twelve years and one day', he replied. 'I', she said to him, 'married at the age of six and bore a child at the age of seven; alas for the three years that I have lost at my father's house'. But can a woman conceive at the age of six years? Did not R. Bibi recite in the presence of R. Nahman: Three classes of woman may use an absorbent¹⁸ in their marital intercourse:¹⁹ A minor, and an expectant and a nursing mother. The minor,²⁰ because otherwise she might become pregnant and die. An expectant mother,²⁰ because otherwise she might cause her foetus to degenerate into a sandal.²¹ A nursing mother,²⁰ because otherwise she might have to wean her child prematurely,²² and this would result in his death. And what is the age of such a 'minor'?²³ From the age of eleven years and one day to the age of twelve years and one day. One who is under²⁴ or over this age²⁵ must carry on her marital intercourse in a normal manner; so R. Meir. But the Sages ruled: The one as well as the other carries on her marital intercourse in a normal manner and mercy²⁶ will be vouchsafed from heaven, for it is said in Scripture, The Lord preserveth the simple?²⁷ — If you wish I might reply: Whose flesh is as the flesh of asses.²⁸ And if you prefer I might reply: Whose mouth speaketh falsehood, and their right hand is a right hand of lying.²⁹

Our Rabbis taught: A story is told of a certain woman who came before R. Akiba and said to him, 'Master, intercourse has been forced upon me³⁰ when I was under³¹ three years of age; what is my position towards the priesthood?'³² 'You are fit for the priesthood',³³ he replied. 'Master', she continued, 'I will give you a comparison; to what may the incident be compared? To a babe whose finger was submerged³⁴ in honey. The first time and the second time he cries about it, but the third time he sucks it'.³⁵ 'If so', he replied, 'you are unfit for the priesthood'.³⁶ Observing that the students were looking at each other,³⁷ he said to them, 'Why do you find the ruling difficult?'³⁸ 'Because', they replied, 'as all the Torah is a tradition that was handed to Moses at Sinai so is the law that a girl under the age of three years³⁹ is fit for the priesthood one that was handed to Moses at Sinai'. R. Akiba too made his statement⁴⁰ only for the purpose of exercising the wits of⁴¹ the students.⁴²

MISHNAH. IF A BOY OF THE AGE OF NINE YEARS AND ONE DAY COHABITED WITH HIS CHILDLESS BROTHER'S WIDOW, HE⁴³ ACQUIRES HER THEREBY,⁴⁴ BUT⁴⁵ HE CANNOT DIVORCE HER UNTIL HE ATTAINS HIS MAJORITY. HE CONTRACTS UNCLEANNESS THROUGH INTERCOURSE WITH A MENSTRUANT AND HE IN TURN CONVEYS THE SAME DEGREE OF UNCLEANNESS TO THAT UPON WHICH HE LIES AS [DOES A ZAB] TO THAT WHICH HAS LAIN UPON HIM.⁴⁶ HE⁴⁷ DISQUALIFIES A WOMAN FROM THE PRIESTHOOD,⁴⁸ BUT⁴⁹ CANNOT CONFER UPON ONE⁵⁰ THE RIGHT TO EAT TERUMAH.⁵¹ HE RENDERS A BEAST⁵² INVALID FOR THE ALTAR, AND IT IS STONED ON HIS ACCOUNT.⁵³ IF HE HAD INTERCOURSE WITH ANY OF THE FORBIDDEN

DEGREES THAT ARE ENUMERATED IN THE TORAH, SHE IS TO BE EXECUTED ON HIS ACCOUNT, THOUGH HE⁵⁴ IS EXEMPT FROM PUNISHMENT.

GEMARA. But when HE ATTAINS HIS MAJORITY, is⁵⁵ a divorce alone sufficient? Was it not taught: The cohabitation of a boy of nine years⁵⁶ of age was given the same validity as that of a ma'amar⁵⁷ by an adult; as a ma'amar by an adult requires⁵⁸ a divorce in respect of his ma'amar and halizah in respect of his marital bond so does the cohabitation of a boy of nine years of age⁵⁶ require⁵⁸ a divorce in respect of his ma'amar⁵⁹ and halizah in respect of his marital bond?⁶⁰ — Rab replied: It is this that was meant.⁶¹

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- (1) In the Baraitha just cited.
 - (2) As evidenced by his ruling, 'Even one of the age of two years and one day'.
 - (3) As R. Johanan submitted supra according to R. Meir.
 - (4) Sc. the school of R. Jannai who submitted supra that even R. Meir does not regard the part of the third year as a full year.
 - (5) Cf prev. n. but two.
 - (6) Of one under three years of age.
 - (7) As a result of intercourse.
 - (8) Lit., 'going do they go and come'.
 - (9) Lit., 'within'.
 - (10) As a reason for the absence of blood.
 - (11) Owing to his continued intercourse.
 - (12) Lit., 'surely', since the husband found no traces of bleeding.
 - (13) After she had attained the age of three. She would consequently be subjected to the disqualifications of a harlot.
 - (14) Lit., 'returns'.
 - (15) Lit., 'within'.
 - (16) The blood found while she was under three.
 - (17) For a different reading and a biographical note v. Golds.
 - (18) Muk, flax or hackled wool.
 - (19) To avoid conception.
 - (20) Is permitted the use of the absorbent.
 - (21) A fish-shaped abortion. Lit., 'flat-fish'.
 - (22) On account of her second conception which causes the deterioration of her breast milk.
 - (23) Of whom it has been said that she is capable of conception but is thereby exposed to fatal consequences.
 - (24) When conception is impossible.
 - (25) When conception involves no danger.
 - (26) To protect them from harm.
 - (27) Ps. CXVI, 6; sc. those who are unable to protect themselves. At any rate it was here stated that a minor under eleven years of age is incapable of conception. How then is Justinia's story to be reconciled with this statement?
 - (28) Ezek. XXIII, 20.
 - (29) Ps. CXLIV, 8.
 - (30) By a disqualified person.
 - (31) Lit., 'within'.
 - (32) Sc. is she permitted to marry a priest?
 - (33) Cf. prev. n.
 - (34) Lit., 'they hid for him'.
 - (35) Sc. he ultimately enjoyed the experience.
 - (36) Cf. prev. n.
 - (37) Amazed or perplexed.
 - (38) Lit., 'why is the thing difficult in your eyes'.
 - (39) Who had intercourse.
 - (40) 'If so, you are unfit etc.'

- (41) Lit., 'to sharpen'.
- (42) By affording them the opportunity of questioning his ruling.
- (43) Since his marriage with the widow is Pentateuchally ordained.
- (44) And in consequence gains possession of his deceased brother's estate, though elsewhere a minor cannot acquire possession.
- (45) Since his deceased brother's marriage was fully valid and his own bond with the widow is consequently equally valid, while his divorce, being merely that of a minor, has no validity.
- (46) Lit., 'the lower couch as the upper'.
- (47) If he is a disqualified person, a bastard, for instance, or a slave.
- (48) If she was the daughter of a priest she loses her right to the eating of terumah.
- (49) Though a priest.
- (50) If, for instance, he had intercourse with his childless brother's widow.
- (51) Though he acquires her as his wife.
- (52) If he covered it, though his act was seen by one witness only.
- (53) If his act (cf. prev. n.) was observed by two witnesses.
- (54) On account of his minority.
- (55) As our Mishnah seems to imply.
- (56) And one day.
- (57) V. Glos.
- (58) If the parties have agreed upon a divorce.
- (59) Which corresponds to intercourse which is another form of kinyan (v. Glos.) Alfasi reads: in respect of his intercourse.
- (60) How then could it be ruled here that a divorce alone suffices?
- (61) By our Mishnah.

Talmud - Mas. Nidah 45b

when HE ATTAINS HIS MAJORITY he shall cohabit with her¹ and give her a divorce.²

MISHNAH. THE VOWS OF A GIRL OF THE AGE OF ELEVEN YEARS AND ONE DAY MUST BE EXAMINED;³ THE VOWS OF ONE WHO IS OF THE AGE OF TWELVE YEARS AND ONE DAY ARE VALID;⁴ AND THROUGHOUT THE TWELFTH YEAR THEY ARE TO BE EXAMINED.³ THE VOWS OF A BOY OF THE AGE OF TWELVE YEARS AND ONE DAY MUST BE EXAMINED;⁵ THE VOWS OF ONE WHO IS OF THE AGE OF THIRTEEN YEARS AND ONE DAY ARE VALID; AND THROUGHOUT THE THIRTEENTH YEAR THEY ARE TO BE EXAMINED.⁵ PRIOR TO THIS AGE,⁶ EVEN THOUGH THEY SAID, 'WE KNOW IN HONOUR OF WHOSE NAME WE HAVE MADE OUR VOW' OR 'IN HONOUR OF WHOSE NAME WE HAVE MADE OUR DEDICATION', THEIR VOW⁷ IS NO VALID VOW AND THEIR DEDICATION IS NO VALID DEDICATION. SUBSEQUENT TO THIS AGE,⁸ EVEN THOUGH THEY SAID, 'WE DO NOT KNOW IN THE HONOUR OF WHOSE NAME WE HAVE MADE OUR VOW' OR 'IN HONOUR OF WHOSE NAME WE HAVE MADE OUR DEDICATION', THEIR VOW IS A VALID VOW AND THEIR DEDICATION IS A VALID DEDICATION.

GEMARA. But since it was stated, THE VOWS OF A GIRL OF THE AGE OF ELEVEN YEARS AND ONE DAY MUST BE EXAMINED,⁹ what need was there for stating, THE VOWS OF ONE WHO IS OF THE AGE OF TWELVE YEARS AND ONE DAY ARE VALID? — It might have been presumed that henceforth they must always be examined,¹⁰ hence we were informed that after the age of twelve years and a day the vows are invariably valid. But since it was stated, THE VOWS OF ONE WHO IS OF THE AGE OF TWELVE YEARS AND ONE DAY ARE VALID,¹¹ what need was there for stating, AND THROUGHOUT THE TWELFTH YEAR THEY ARE TO BE EXAMINED?¹² — It might have been presumed that, since a Master has laid down that

‘Thirty days of a year are counted as a full year’, where we examined her vows during a period of thirty days¹³ and she knew not how to express their significance,¹⁴ no further examinations¹⁵ should be held¹⁶ hence we were informed that her vows are to be examined all through the twelfth year. Then let the last two cases be stated, THE VOWS OF ONE WHO IS OF THE AGE OF TWELVE YEARS AND ONE DAY ARE VALID, AND THROUGHOUT THE TWELFTH YEAR THEY ARE TO BE EXAMINED, but¹⁷ what was the need for the statement, THE VOWS OF A GIRL OF THE AGE OF ELEVEN YEARS AND ONE DAY MUST BE EXAMINED? — It was required: Since it might have been suggested that as a rule examination was necessary in the twelfth year and unnecessary in the eleventh year, but that where we see that the girl is particularly bright she might also be examined in the eleventh year,¹⁸ we were informed that the period of examination invariably begins at the age of eleven years and one day. What was the need¹⁹ for stating, PRIOR TO THIS AGE and SUBSEQUENT TO THIS AGE? — It might have been presumed that the previous rulings²⁰ applied only where the children themselves spontaneously say nothing²¹ but that where they do assert spontaneous opinion²² we may rely upon them, hence we were informed that even their own assertions do not affect the age limits.

Our Rabbis taught: These²³ are the rulings of Rabbi. R. Simeon b. Eleazar stated, The age limits that were assigned to the girl apply to the boy while those assigned to the boy apply to the girl.²⁴ R. Hisda stated: What is Rabbi’s reason? Because it is written in Scripture, And the Lord God built²⁵ the rib²⁶ which teaches that the Holy One, blessed be He, endowed the woman with more understanding²⁷ than the man. And the other²⁸ — He requires that text²⁵ for the same deduction as the one made by Resh Lakish, for Resh Lakish citing R. Simeon b. Menasya stated, And the lord God built the rib which he took from the man into a woman, and he brought her unto the man,²⁹ teaches that the Holy One, blessed be He, plaited Eve’s hair and then brought her to Adam, for in the sea-towns they describe net-work as binyatha.³⁰ But what is R. Simeon b. Eleazar’s reason? — R. Samuel son of R. Isaac replied: As a boy frequents the house of his teacher his subtlety³¹ develops earlier.³²

It was asked: Is the intervening period³³ regarded as that of under, or of over age?³⁴ — In respect of what law could this matter: If in that of vows, it is neither regarded as that of under age nor as that of over age?³⁵ — Rather in respect of punishments.³⁶ Now what is the ruling? — Both Rab and R. Hanina replied: The intervening period is regarded as that of under age.³⁷ Both R. Johanan and R. Joshua b. Levi replied: The intervening period is regarded as that of over age. Said R. Nahman b. Isaac: Your mnemonic³⁸ is: Now this was the custom in former time in Israel.³⁹

R. Hamnuna raised an objection.⁴⁰ SUBSEQUENT TO THIS AGE, EVEN THOUGH THEY SAID, WE DO NOT KNOW IN HONOUR OF WHOSE NAME WE HAVE MADE OUR VOW’ OR ‘IN HONOUR OF WHOSE NAME WE HAVE MADE OUR DEDICATION’ THEIR VOW IS A VALID VOW AND THEIR DEDICATION IS A VALID DEDICATION. Thus⁴¹ it follows, does it not, that the intervening period is regarded as that of under age? Said Raba to him, Read then the first clause: PRIOR TO THIS AGE, EVEN THOUGH THEY SAID, ‘WE KNEW IN HONOUR OF WHOSE NAME WE HAVE MADE OUR VOW’ OR ‘IN HONOUR OF WHOSE NAME WE HAVE MADE OUR DEDICATION’, THEIR VOW IS NO VALID VOW AND THEIR DEDICATION IS NO VALID DEDICATION. Thus⁴² it follows, does it not, that the intervening period is regarded as that of over age? — This, however, is no argument, Raba having laboured under a misapprehension. He thought that R. Hamnuna drew his inference from a Mishnah redundancy,⁴³ [hence he argued that] instead of drawing an inference from the final clause he might as well have drawn one from the first clause; but this was not the case. R. Hamnuna in fact drew his inference from the very wording⁴⁴ of our Mishnah. How [he reasoned] is one to understand the expression of ‘SUBSEQUENT TO THAT AGE’? If by that time one had not yet grown two hairs, one would, surely, still be a minor.⁴⁵ Consequently it must refer to one who had grown two hairs,

- (1) Thus, being of age, affecting valid kinyan of marriage.
- (2) Being now in all respects her lawful husband, halizah is no longer necessary.
- (3) To ascertain whether the girl was aware of their significance.
- (4) No examination being necessary.
- (5) Cf. prev. n. but one, mut. mut.
- (6) The first day of the twelfth year in the case of a girl and the first day of the thirteenth year in that of a boy.
- (7) Since they are still minors.
- (8) Twelve years and a day in the case of a girl and thirteen years and a day in that of a boy when they respectively attain their majority.
- (9) From which it might well be inferred that at a later age her vows are valid and no examination is necessary.
- (10) And that the age of eleven years and one day is only the limit below which even an examination does not establish the validity of a vow.
- (11) And it has previously been stated that from the age of eleven years and one day vows must be examined.
- (12) A ruling which evidently follows (cf. prev. n.) from the previous statements.
- (13) The first of the twelfth year.
- (14) Thus revealing her mental incapacity.
- (15) During the remaining months of that year.
- (16) On the assumption that the examinations during the thirty days have established for the rest of that year that her mental state was that of a minor.
- (17) In view of the explicit statement that examinations are conducted throughout the twelfth year.
- (18) And if she shows sufficient mental development her vows are valid even at that early age.
- (19) In view of the earlier statements.
- (20) On the limits of minority and majority.
- (21) Sc. they do not claim 'we know' when they are under the age limit or 'we do not know' when they are above the limit.
- (22) Cf. Prev. n. mut. mut.
- (23) The statements on the respective age limits of a boy and a girl, according to which the latter matures earlier than the former.
- (24) The boy, in his opinion, maturing earlier.
- (25) Wa-yiben.
- (26) Gen. II, 22. E.V., And the rib...made He.
- (27) Binah, of a root that is analogous to that of wa-yiben (prev. n. but one).
- (28) R. Simeon b. Eleazar; how in view of this deduction can he maintain his view?
- (29) Gen. II, 22. E.V., And the rib . . . made He.
- (30) 'Building'.
- (31) Or 'shrewdness'.
- (32) Lit., 'enters into him first'.
- (33) From the age of eleven years and a day to that of twelve years and a day and from twelve years and a day to thirteen years and a day in the case of a girl and a boy respectively.
- (34) Lit., 'as before time or as after time'.
- (35) As stated supra.
- (36) And in the case where the boy or the girl had grown two pubic hairs. In the absence of these, even one of age is exempt from punishments.
- (37) And exempt from punishment.
- (38) An aid to the recollection of the respective authorship of the two views just expressed.
- (39) R. Joshua b. Levi was a Levite, whilst Rab and R. Hanina were Israelites; and those who were 'in Israel' (Israelites) gave former time' which recalls 'before time' ('under age') as their ruling (Tosaf. Asheri).
- (40) Against R. Johanan and R. Joshua b. Levi.
- (41) Emphasizing SUBSEQUENT.
- (42) Emphasis on PRIOR.
- (43) Sc. the apparent superfluity of the rulings PRIOR TO THIS AGE etc. and SUBSEQUENT TO etc. discussed and explained supra.

(44) Lit., 'from the body'.

(45) How then could it be ruled, THEIR VOW IS VALID etc.

Talmud - Mas. Nidah 46a

the reason for the ruling¹ being that one was over age, when all requirements² were satisfied.³ Thus it follows, does it not, that the intervening period⁴ is regarded as that of under age?⁵ A further objection was [also] raised by R. Zera: When . . . man . . . shall clearly utter a vow, the vow of . . .⁶ What was the purpose of stating 'man'? To include in the scope of the law a boy of the age of thirteen years and one day whose vows are valid, though he is unable to 'utter clearly'. Now how is this to be understood? If it be suggested that the reference is to a boy who had not yet grown two hairs, [the objection could be raised:] Such a boy would still have the status of a minor.⁷ The reference consequently must be to one who had grown two hairs, the reason being that he is thirteen years and one day old, when he is regarded as a 'man'. Thus⁸ it follows, does it not, that the intervening period is regarded as that of under age?⁹ — This is indeed a refutation.

R. Nahman stated, The question¹⁰ is a point at issue between Tannas:¹¹ [For it was taught:] If a boy of the age of seven years grew two hairs they are attributed to a mole;¹² from the age of nine years to that of twelve years and one day they are also to be attributed to a mole,¹² but R. Jose son of R. Judah ruled: They¹³ are a sign of puberty; at the age of thirteen years and one day, all agree that they are a sign of puberty.¹⁴ Now is not this self-contradictory: You said, 'From the age of nine years to that of twelve years and one day they are also to be attributed to a mole', from which it follows that at the actual age of thirteen years they are a sign of puberty; but then it is stated, 'At the age of thirteen years and one day . . . they are a sign of puberty', from which it follows, does it not, that at the actual age of thirteen years they are to be attributed to a mole? Must you not concede then that this question¹⁵ is a point at issue between the Tannas, one Master¹⁶ holding that the intervening period is regarded as that of over age while the other Master maintains that the intervening period is regarded as that of under age?¹⁷ No; all may agree that the intervening period is regarded as that under age, but both clauses refer to a girl the first¹⁸ supporting the view of Rabbi¹⁹ while the latter²⁰ represents that of R. Simeon b. Eleazar.²¹ And if you prefer I²² might reply: Both clauses refer to a boy, and the first represents the view of R. Simeon b. Eleazar while the latter represents the view of Rabbi.²³ And if you prefer I²⁴ might reply: Both clauses are the view of Rabbi, but one²⁵ refers to a boy while the other²⁶ refers to a girl. And if you prefer I²⁴ might say: Both clauses are the view of R. Simeon b. Eleazar, but the one²⁶ refers to a boy while the other²⁵ refers to a girl.

'R. Jose son of R. Judah ruled: They are a sign of puberty.' R. Kerespedai son of R. Shabbethai explained: This applies only where they²⁷ are still on him.²⁸ So it was also taught: If a boy of the age of nine years and one day had grown two hairs they are to be attributed to a mole; from the age of nine years to that of twelve years and one day, though the hairs are still on him, they are to be attributed to a mole. R. Jose son of R. Judah ruled: They are a sign of puberty.

Raba stated: The law is that the intervening period is regarded as that of under age. R. Samuel b. Zutra taught Raba's tradition in the following form:²⁹ Raba stated, A minor all through her twelfth year may make a declaration of mi'un³⁰ and go away,³¹ but from that age upwards she may not make a declaration of mi'un³² but³³ she may not submit to halizah.³⁴ Is not this statement, however, self-contradictory? You said, 'she may not make a declaration of mi'un' from which it is evident that³⁵ she is regarded as one of age; but if she is of age why may she not submit to halizah? And were you to reply that he³⁶ was in doubt,³⁷ [it could be retorted:] Was he in doubt? Did not Raba in fact rule: A minor on attaining the age of majority need not be examined³⁸ since there is presumption that she has grown the signs of puberty? — This³⁹ applies only to general cases, but not here where an examination was held and no hairs were found. If so,⁴⁰ why should she not be allowed to make a declaration of mi'un? The possibility is taken into consideration that they might have fallen off. This

would be a satisfactory explanation according to him who holds that such a possibility is taken into consideration, but what explanation can be offered according to him who holds that such a possibility need not be taken into consideration? Was it not stated: R. Kahana⁴¹ ruled, There is no need to consider the possibility that they may have fallen off and R. Papi ruled, The possibility must be considered? — This⁴² applies only to the matter of halizah,⁴³ but as regards mi'un the possibility is taken into consideration.⁴⁴ Thus it follows that according to him who holds that the possibility⁴⁵ is taken into consideration she may submit to halizah; but [it may be objected:] Did he not merely say that the possibility⁴⁶ is taken into consideration?⁴⁷ The fact is that this⁴⁸ is a case where she was not examined,⁴⁹ but the possibility⁵⁰ is taken into consideration as regards halizah,⁵¹ and when Raba stated 'There is presumption' he meant it in regard to mi'un,⁵² but in regard to halizah⁵³ an examination⁵⁴ is a pre-requisite. R. Dimi of Nehardea stated: The law is that the possibility that the hairs may have fallen off is taken into consideration.⁵⁵ This,⁵⁶ however, applies only where one had betrothed her⁵⁷ during the intervening period and cohabited after that period, since a Pentateuchal doubt is thereby involved,⁵⁸ but not to the original betrothal alone.⁵⁹

R. Huna ruled: If [a child]⁶⁰ dedicated some food and then ate it, he⁶¹ is subject to flogging, for it is said in Scripture, When... man . . . shall clearly utter a vow,⁶² and He shall not break his word,⁶³ which⁶⁴ implies that whosoever is able to 'utter clearly'⁶⁵ is subject to the prohibition of 'he shall not break his word'⁶⁶ and only he who is not able to 'utter clearly' is not subject to the injunction of 'he shall not break his word'. R. Huna b. Judah addressed an objection to⁶⁷ Raba⁶⁸ in support of R. Huna:

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- (1) Cf. prev. n.
 - (2) Age and external marks of puberty.
 - (3) Lit., 'when the thing was completed'.
 - (4) When the prescribed age limit had not yet been reached.
 - (5) An objection against R. Johanan, and R. Joshua b. Levi.
 - (6) Num. VI, 2.
 - (7) How then could his vow be valid?
 - (8) Since the law is applicable only to one who is above the age of thirteen years and a day.
 - (9) An objection against R. Johanan. and R. Joshua b. Levi.
 - (10) To which age the intervening period belongs.
 - (11) Lit., 'as Tanna'.
 - (12) From which hair grows; and they are, therefore, no evidence of puberty.
 - (13) In the latter case, from nine years to twelve years and a day.
 - (14) Kid. 16b.
 - (15) To which age the intervening period belongs.
 - (16) The first Tanna.
 - (17) Which proves R. Nahman's contention.
 - (18) According to which the growth of the hairs at the age of thirteen years is sufficient evidence.
 - (19) Who stated supra that in the case of a girl the age of thirteen years is regarded as over the prescribed age.
 - (20) From which it is inferred that the growth of hairs at the age of thirteen is attributed to a mole.
 - (21) Who, as stated supra, regards a girl at the age of thirteen years as being under the age prescribed.
 - (22) Still maintaining that the intervening period is regarded as that of under age.
 - (23) V. supra 45b.
 - (24) Still maintaining that the intervening period is regarded as that of under age.
 - (25) The last clause.
 - (26) The first clause.
 - (27) The two hairs.
 - (28) When he attained his majority. If by that time they have fallen off it is obvious that their growth was merely due to a mole.
 - (29) From which also it may be inferred that the intervening period is regarded as that of under age.

(30) V. Glos.

(31) And there is no need to consider the possibility that she may have grown two hairs. If any hairs had grown they must be attributed to a mole. It thus follows that the intervening period is regarded as that of under age.

(32) Since at this age the possibility must be considered that she may have grown two hairs.

(33) If her husband died childless.

(34) Because her majority is not yet established.

(35) If she has grown two hairs.

(36) Raba.

(37) Whether a girl at such an age had, or had not grown pubic hairs; and consequently he forbade mi'un in case she was already of age, and forbade halizah in case she was still a minor.

(38) For the presence of hairs.

(39) Raba's ruling just cited.

(40) That an examination has established the absence of hairs.

(41) So MS.M. and marg. gl. Cur. edd. 'Papa'.

(42) That where no hairs were found there is no need to consider the possibility that they may have fallen off.

(43) Since by forbidding it the law is thereby restricted.

(44) And mi'un is, therefore, forbidden and (cf. prev. n. mut. mut.) only a proper divorce can dissolve the marriage.

(45) That the hairs may have fallen off.

(46) Emphasis on this word.

(47) Of course he said. How then can he allow halizah when the question of majority is still a matter of doubt?

(48) Raba's ruling just cited.

(49) And as she has attained the age of majority, when she might be presumed to have grown pubic hairs, she must be forbidden mi'un and subjected to the restrictions of divorce.

(50) That she never grew pubic hairs.

(51) And he cannot submit to halizah in order to be exempt from divorce. Since the law must always be restricted.

(52) Cf. prev. n. but two.

(53) Sc. to allow her to submit to halizah and be exempt from divorce (cf. prev. n. but one).

(54) To establish the presence of hair.

(55) Once she has attained the age of majority, though on examination no hairs are found, she may no longer exercise the right of mi'un.

(56) Cf. prev. n.

(57) With the approval of her mother or brothers.

(58) Cohabitation, which is a Pentateuchal form of 'acquisition' in marriage, having taken place at an age when she may well be presumed to have attained her majority.

(59) That was not followed by cohabitation after the age of majority had been attained. As the betrothal of a minor (if it was not effected through her father) has only Rabbinical sanction, the Rabbis did not insist on the restrictions of a divorce where her majority was in doubt. Where, however, hairs have grown, though betrothal took place during her minority, the Rabbis forbade mi'un and insisted on the restrictions of a divorce as a preventive measure against the possibility of allowing mi'un to one with whom cohabitation took place after majority had been attained.

(60) Who understands the significance of dedications and vows.

(61) Though exempt from penalties in other cases.

(62) Num. VI, 2, from which it is deduced that a minor approaching manhood (or womanhood), viz., a boy in his thirteenth year (or a girl in her twelfth), provided he (or she) understands the significance of vows and dedications, is regarded as a man (or woman).

(63) Num. XXX, 3.

(64) By analogy.

(65) Sc. understands the significance of vows.

(66) A negative precept punishable by flogging.

(67) Not 'against'.

(68) MS.M. and Maharsha delete the last two words the Heb. for which in cur. edd. is enclosed in parenthesis. [The objection is against those who hold infra that others who ate it are subject to flagellation but not the child. V. Maharsha].

Talmud - Mas. Nidah 46b

Since we find that Scripture has put a minor on a par with an adult¹ as regards a presumptuous oath, a self-imposed prohibition² and [the injunction] not to break his word, it might have been presumed that he should also incur the liability of a sacrifice for eating that which he had dedicated, hence it was explicitly stated,³ This is the thing.⁴ At any rate, was it not here stated that guilt was incurred for infringing a self imposed prohibition or [the injunction] not to break one's word?⁵ Read: The prohibition⁶ not to break his word.⁷ [You say,] 'The prohibition not to break his word'! Whatever your assumption may be [a difficulty arises]. If an intelligent minor⁸ approaching manhood is Pentateuchally forbidden to break his word, he should also incur the penalty of flogging;⁹ and if an intelligent minor approaching manhood is not Pentateuchally forbidden to do it, there should not be¹⁰ even a mere prohibition?¹¹ — The prohibition¹² applies to those who are responsible for him.¹³ May it then be inferred from this ruling¹⁴ that if a minor eats nebelah¹⁵ it is the duty of Beth din to take it away from him?¹⁶ Here we may be dealing with a case, for instance, where the minor dedicated the food and others¹⁷ ate it.¹⁸ This explanation is quite satisfactory according to him who laid down that if a minor dedicated some food and others¹⁷ ate it the latter are to be flogged, but what can be said in explanation according to him who ruled that they were not to be flogged; for it was stated: If a minor dedicated some food and others ate it, R. Kahana ruled, They are not to be flogged, while both R. Johanan and Resh Lakish ruled, They are to be flogged? — The prohibition¹⁹ is²⁰ merely Rabbinical²¹ and the Scriptural text²² serves as a mere prop.

[Reverting to] the above text, 'If a minor dedicated some food and others ate it, R. Kahana ruled, They are not to be flogged, while both R. Johanan and Resh Lakish ruled, They are to be flogged'. On what principle do they differ? — The Masters²³ are of the opinion that an intelligent minor approaching manhood is under a Pentateuchal obligation²⁴ while the Master²⁵ is of the opinion that an intelligent minor approaching manhood is only under a Rabbinical obligation.²⁴ R. Jeremiah raised an objection: If a fatherless girl²⁶ made a vow, her husband may disallow it for her. Now if you grant that an intelligent minor approaching manhood is only under a Rabbinical obligation²⁴ one can well justify the ruling,²⁷ since the force of a Rabbinical marriage²⁸ may well annul a Rabbinical vow, but if you maintain that the obligation²⁴ is Pentateuchal, could [it may be objected] the force of a Rabbinical marriage²⁹ annul a Pentateuchal vow? — R. Judah citing Samuel replied: Her husband may disallow her vow for her whatever your assumption might be. If the minor's obligation²⁴ is Rabbinical, the whole matter is a Rabbinical affair; and if the obligation is Pentateuchal, it is a case of a minor who eats nebelah³⁰ where it is not the duty of the Beth din to take it away from him. But would she not be eating, in reliance upon the first disallowance,³¹ even when she attains her majority?³² — Rabbah b. Liwai replied: Her husband disallows her vow for her every now and then.³³ This,³⁴ however, applies only to one who cohabited with her.³⁵ But, surely, no husband may disallow vows made prior to marriage?³⁶ — This³⁷ is in agreement with R. Phinehas who cited Raba,³⁸ for R. Phinehas citing Raba stated: Any woman who vows acts in reliance on the opinion of her husband.³⁹

Said Abaye, Come and hear: If a minor has not yet grown two hairs, R. Judah ruled, his terumah is not⁴⁰ valid; while R. Jose ruled, Before reaching the age when his vows are valid⁴¹ his terumah is not valid, but after reaching the age when his vows are valid⁴² his terumah is valid.⁴³ Assuming⁴⁴ that R. Jose is of the opinion that terumah at the present time is a Pentateuchal institution, his ruling would be well justified if you grant that an intelligent minor approaching manhood is under a Pentateuchal obligation,⁴⁵ since a man under a Pentateuchal obligation may well render fit⁴⁶ Pentateuchal tebel,⁴⁷ but if you maintain that he is only under a Rabbinical obligation,⁴⁸ could a man under a Rabbinical obligation render fit Pentateuchal tebel?⁴⁹ — No, R. Jose is of the opinion that terumah at the present time is only a Rabbinical institution. But does R. Jose hold that terumah at the present time is only Rabbinical? Was it not in fact taught in Seder Olam:⁵⁰ 'Which thy fathers possessed and thou shalt possess it,⁵¹ they had a first,⁵² and a second⁵³ possession⁵⁴ but they had no need for a third one',⁵⁵

and R. Johanan stated, 'Who is the author of Seder Olam? R. Jose?'⁵⁶ — R. Jose may well be its compiler⁵⁷ but he himself does not uphold this view.⁵⁸ This⁵⁹ may also be supported by a process of reasoning. For it was taught: A dough⁶⁰ that had become subject to the restrictions of terumah⁶¹ or became sour through a leaven of terumah,

(1) Cf. supra n. 9.

(2) V. Num. XXX, 3.

(3) In the same context as the oath and a self-imposed prohibition.

(4) Num. XXX, 2, emphasis on 'this', sc. but no other.

(5) Evidently it was; but since such a negative precept is punishable by flogging, R. Huna's ruling evidently finds support in the citation.

(6) Issur instead of issar ('bond', self-imposed prohibition).

(7) Without incurring a flogging.

(8) Sc. one understanding the significance of vows and dedications.

(9) As in the case of all Pentateuchal prohibitions.

(10) Since the Rabbis do not subject minors to preventive measures.

(11) Issur (cf. prev. n. but three).

(12) Spoken of supra, which is in fact only Rabbinical.

(13) Not to the minor himself (cf. prev. n. but two).

(14) According to which those responsible for a minor must prevent him from encroaching even on that which is only Rabbinically forbidden.

(15) Symbolic of any religious transgression.

(16) But if so why (cf. Yeb. 114a) was there a divergence of view on this question?

(17) Adults.

(18) The original reading, 'prohibition and [the injunction] not to break', may, therefore, be retained and yet no support would be forthcoming for R. Huna since the penalty of flogging does not apply to the minor but to the adults who ate that which he has dedicated.

(19) Sc. 'the prohibition not to break his vow'.

(20) According to R. Kahana.

(21) As was first suggested supra.

(22) From which deduction was made supra 46a ad fin.

(23) R. Johanan and Resh Lakish.

(24) To observe the laws of vows and dedications.

(25) R. Kahana.

(26) A minor whose marriage was contracted by her mother or brothers.

(27) The husband's right by virtue of his marriage with the minor (cf. prev. n.) to disallow her vows.

(28) The marriage of a minor contracted in the absence of her father has only Rabbinical sanction.

(29) Cf. prev. n.

(30) Cf. supra p. 322, n. 14.

(31) Which has only Rabbinical validity.

(32) When she is subject to Pentateuchal prohibitions.

(33) Even after she has attained her majority.

(34) That the disallowance has Pentateuchal force.

(35) After she had attained majority. Cohabitation at that age having the Pentateuchal force of 'acquisition' the marriage which thus has Pentateuchal sanction may well enable the husband to disallow a vow that has Pentateuchal sanction.

(36) How then can he disallow here a vow that was made by a minor before her subsequent Pentateuchally valid marriage?

(37) The ruling that the husband may disallow the minor's vow though when she comes of age her vow would assume Pentateuchal validity.

(38) Sc. there is no need to explain, as presumably suggested, that the husband 'disallows the vow every now and then', for even though he only disallowed it during her minority, there is no need to disallow it again when she attains her majority.

- (39) As the minor was at least Rabbinically married when her vow was made, its validity is entirely dependent on her husband's pleasure. Only where a woman was not married at all at the time her vow was made is her subsequently married husband precluded from disallowing it.
- (40) In the separate edd. of the Mishnah this word is missing.
- (41) V. foll. n.
- (42) Sc. an intelligent minor approaching manhood whose vows are to be examined.
- (43) Ter. I, 3.
- (44) Lit., 'they (the Rabbis of the college) thought'.
- (45) In regard to his vows and dedications and consequently also in regard to his terumah.
- (46) By separating terumah from it.
- (47) Sc. produce the separation of terumah from which is Pentateuchally ordained, v. Glos.
- (48) As R. Kahana maintains.
- (49) An objection against R. Kahana.
- (50) 'Order of the World', a chronological compilation by R. Jose b. Halafta in the first half of the second century.
- (51) Deut. XXX, 5, repetition of the verb 'to possess'.
- (52) After the conquest of Joshua'.
- (53) In the days of Ezra.
- (54) Sc. the sanctity of the Land of Israel having ceased with the destruction of the first Temple and the Babylonian exile, a second 'possession' (sc. sanctification) was necessary.
- (55) Since the second sanctification (as the Scriptural text implies) remained for all time. As the land remained sacred the Pentateuchal obligation of terumah also obviously remained in force.
- (56) How then (cf. prev. n.) could it be maintained here that R. Jose holds the institution of terumah at the present time to be merely Rabbinical?
- (57) Lit., 'taught it'.
- (58) That the second sanctification remained for all time. He may well be of the opinion that it ceased with the destruction of the second Temple and the Roman exile and that terumah at the present time is merely a Rabbinical institution.
- (59) Cf. prev. n.
- (60) Ordinary and unconsecrated.
- (61) Where for instance, some terumah fell into a dough that was less than a hundred times the quantity of the former. Rabbinically, terumah cannot be neutralized unless it was mixed up with unconsecrated commodities that exceeded its quantity a hundredfold.

Talmud - Mas. Nidah 47a

is subject to the obligation of the dough-offering¹ and² does not become unfit through contact with a tebul yom;³ so R. Meir and R. Judah, but R. Jose and R. Simeon exempt it from the obligation of the dough-offering. Assuming⁴ that he who holds that the institution of terumah⁵ is Pentateuchal also holds that of the dough-offering⁵ to be Pentateuchal and that he who holds that terumah⁵ is Rabbinical also holds the dough-offering⁵ to be Rabbinical, the ruling would be well justified if you grant that R. Jose⁶ is of the opinion that the dough offering at the present time is only Rabbinical, since the Rabbinic law which subjects the dough to the restrictions of terumah may well override the Rabbinical law of the dough-offering, but if you maintain that the institution of the dough-offering⁷ is Pentateuchal,⁸ could the Rabbinic law which subjects the dough to the restrictions of terumah override the institution of the dough offering which is Pentateuchal?⁹ — But is it not possible that R. Jose holds that terumah at the present time is a Pentateuchal institution while the dough offering is only a Rabbinical one, as in fact R. Huna son of R. Joshua stated in a reply?¹⁰ For R. Huna son of R. Joshua stated, I found the Rabbis of the college sitting at their studies and saying, ‘Even according to him who holds that terumah at the present time is a Rabbinical institution, the dough offering is a Pentateuchal one, for during the seven years in which they¹¹ conquered Canaan and during the seven years in which they divided it¹² they were under the obligation of the dough offering though they were under no obligation to give tithe’; and I told them, ‘Even according to him who holds that terumah at the present time is Pentateuchal, the dough offering is only Rabbinical, for it was taught: If Scripture had written, "when you come"¹³ it might have been presumed [that the obligation of the dough-offering should come into force] as soon as two or three spies had entered, hence it is said, In your coming,¹⁴ I have spoken¹⁵ only of the coming of all of you and not of the coming of a portion of you; but when Ezra brought them up not all of them went up with him.’¹⁶

MISHNAH. THE SAGES SPOKE OF [THE PHYSICAL DEVELOPMENT OF] A WOMAN IN FIGURATIVE SPEECH: AN UNRIPE FIG, A FIG IN ITS EARLY RIPENING STAGE AND A RIPE FIG. SHE IS LIKE AN UNRIPE FIG’ WHILE SHE IS YET A CHILD; A FIG IN ITS EARLY RIPENING STAGE’ WHEN SHE IS IN THE AGE OF¹⁷ HER MAIDENHOOD. DURING BOTH THE LATTER AND THE FORMER AGES,¹⁸ THEY¹⁹ RULED, HER FATHER IS ENTITLED TO ANYTHING SHE FINDS AND TO HER HANDIWORK AND TO THE RIGHT OF INVALIDATING HER VOWS. ‘A RIPE FIG’ — AS SOON AS SHE BECOMES A BOGERETH, AND HER FATHER HAS NO LONGER ANY RIGHT OVER HER.

WHAT ARE THE MARKS [OF A BOGERETH]? R. JOSE THE GALILEAN SAYS: THE APPEARANCE OF²⁰ THE WRINKLE BENEATH THE BREAST. R. AKIBA SAYS: THE HANGING DOWN OF²¹ THE BREASTS. BEN AZZAI SAYS: THE DARKENING OF THE RING AROUND THE NIPPLE. R. JOSE SAYS: [THE DEVELOPMENT OF THE BREAST TO A STAGE] WHEN ONE’S HAND BEING PUT ON THE NIPPLE IT SINKS AND ONLY SLOWLY RISES AGAIN.

GEMARA. SHE IS LIKE ‘AN UNRIPE FIG’²² WHILE SHE IS YET A CHILD, as it is written in Scripture, The fig-tree putteth forth her green figs.²³

‘A FIG IN ITS EARLY RIPENING STAGE’²⁴ WHEN SHE IS IN THE AGE OF HER MAIDENHOOD, as we have learnt: Figs [become subject to tithe] as soon as they reach an early stage of ripening²⁵ and Rabbah b. Bar Hana explained this to mean: As soon as their tips grow white. And if you prefer I might say that the meaning²⁶ is derived from the following: For my soul became impatient of them, and their soul also loathed²⁷ me.²⁸

A RIPE FIG’²⁹ as one would say, ‘It has come forth complete.’³⁰

WHAT ARE THE MARKS [OF A BOGERETH]? R. JOSE THE GALILEAN SAYS: THE APPEARANCE OF THE WRINKLE. Samuel explained: Not the actual appearance of the wrinkle, but it suffices if, when putting her hands behind her, the wrinkle beneath the breast seems to appear. Samuel³¹ examined his slave and paid her four zuz compensation for the indignity. Samuel thereby followed his principle, for Samuel stated: Of them³² may ye make bondmen³³ for ever,³⁴ I have given them to you for work³⁵ but not to be subjected to indignities. Samuel assigned his female slaves to individual husbands.³⁶ R. Nahman interchanged them.³⁷ R. Shesheth entrusted them to Arabs³⁸ but told them 'Be careful to have no intercourse with an Israelite'.

R. JOSE SAYS etc. What is the meaning of ukaz?³⁹ — Samuel replied: The nipple of the breast.

Our Rabbis taught: What are the marks of bagruth? R. Eleazar son of R. Zadok stated, When the breasts begin to shake.⁴⁰ R. Johanan b. Beroka stated, When the top of the nose⁴¹ grows white. But is not a woman when this grows white already old? — Rather said R. Ashi, when the top of the nose splits.⁴² R. Jose stated, When a ring is formed around the nipple. R. Simeon stated, When the mons veneris grows lower.

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- (1) Though terumah proper is exempt.
 - (2) Cf. prev. n. mut. mut.
 - (3) V. Glos.
 - (4) Lit., 'they thought' (cf. supra p. 324, n. 12).
 - (5) At the present time.
 - (6) Who exempts the dough under discussion from the dough-offering.
 - (7) At the present time.
 - (8) And that, consequently, terumah at the present time is also Pentateuchal.
 - (9) Of course not. A Rabbinical enactment could not override a Pentateuchal law. Consequently it must be admitted (as stated supra 46b ad fin.) that R. Jose holds terumah at the present time to be merely a Rabbinical institution.
 - (10) Of course it is possible. Hence the Baraitha cited provides no proof for the contention supra that the view that R. Jose holds terumah at the present time to be Rabbinical 'may be supported by a process of reasoning'.
 - (11) The Israelites in the days of Joshua.
 - (12) Years that may well be compared to the 'present time'.
 - (13) Ki thabo'u, so MS.M. Cur. edd., bebo'akem.
 - (14) Num. XV, 18, in the context of the dough-offering; Heb. bebo'a'kem, emphasis on kem 'your'.
 - (15) Of the obligation of the dough-offering.
 - (16) Since that time, therefore, there could be no Pentateuchal obligation; and the dough offering of the present time must consequently be a mere Rabbinical institution.
 - (17) Lit., 'these are the days of'.
 - (18) Childhood and maidenhood.
 - (19) The Sages.
 - (20) Lit., 'when it rises'.
 - (21) Lit., 'when they incline'.
 - (22) Paggah (v. foll. n.).
 - (23) Cant. II, 13, paggeha, the noun absolute being paggah (with the pron. suff. of the third sing. fem. and the omission of the dagesh in the pe owing to a preceding he) which proves that the term is applied to the earliest stage of growth.
 - (24) Bohal (v. foll. n.).
 - (25) Misheyibahalu, of the same root as bohal.
 - (26) Of bohal.
 - (27) Bahalah, of the same rt. as bohal.
 - (28) Zech. XI, 8; loathing is an early stage in the 'rising' of the food.
 - (29) צמל Zemel.
 - (30) Phonetic etymology. יצתה מלאה, yazetha mele'ah containing the letters of צמל.
 - (31) In his investigations on the applicability of R. Jose's ruling.

- (32) Canaanitish slaves.
- (33) Ta'abodu, lit., 'you may cause them to work'.
- (34) Lev. XXV, 46.
- (35) Cf. Prev. n. but one.
- (36) Lit., 'he appointed for them', sc. he did not allow promiscuous intercourse among his slaves. To each female slave was assigned one particular male slave.
- (37) Unlike Samuel he did not mind promiscuity among his slaves.
- (38) Their morality, he held, was not his concern.
- (39) Rendered supra 'nipple'.
- (40) In walking. Aliter: 'to become stiff' (v. Jast.).
- (41) The central circle of the oblate part of the breast (Jast.).
- (42) Aliter (Jast.). When the skin of the central circle of the oblate part of the breast appears wrinkled.

Talmud - Mas. Nidah 47b

So also did R. Simeon¹ state: The Sages have indicated in [the physical development of] a woman three marks below and corresponding ones above. If, namely, she is like an unripe fig above, it may be taken for granted² that she has not yet grown two hairs. If she is above like a fig in its early ripening, it may be taken for granted² that she has already grown two hairs. If she is like a ripe fig above it may be taken for granted that the mons veneris has grown lower. What is meant by mons veneris? — R. Huna replied: There is a rounded eminence above that place,³ and as the girl grows in age it steadily grows lower.

Rabbi was asked:⁴ In agreement with whose view is the halachah? He sent word in reply: In agreement with all so as to restrict⁵ the law.⁶ R. Papa and R. Hinena son of R. Ika differ. One taught it⁷ in connection with this,⁸ while the other taught it in connection with the law of the Tyrian courtyard. For we have learnt: Which courtyard⁹ imposes the obligations of tithe?¹⁰ R. Simeon¹¹ ruled: A Tyrian courtyard in which objects are safely kept.¹² (Why is this described as a Tyrian courtyard? — Rabbah b. Bar Hana citing R. Johanan replied: Since in Tyre they put a watchman at the door of a courtyard.) R. Akiba ruled: Any courtyard which one may open and another close¹³ is exempt from tithe.¹⁴ R. Nehemiah ruled: Any courtyard in which no one is ashamed to eat is subject to tithe.¹⁵ R. Jose ruled: Any courtyard into which people may enter and none is asked, 'What do you want?' is exempt.¹⁴ R. Judah ruled: If there were two courtyards, one within the other, the inner one is subject to tithe¹⁵ while the outer one is exempt.¹⁴ Rabbi was asked: In agreement with whose view is the halachah? He replied: The halachah is in agreement with all of them so as to restrict the law.¹⁶

MISHNAH. IF A WOMAN AT THE AGE OF TWENTY DID NOT PRODUCE TWO HAIRS,¹⁷ SHE MUST BRING EVIDENCE THAT SHE IS TWENTY YEARS OF AGE AND SHE BECOMES CONFIRMED AS A WOMAN WHO IS INCAPABLE OF PROCREATION AND NEITHER PERFORMS HALIZAH NOR IS TAKEN IN LEVIRATE MARRIAGE. IF A MAN OF THE AGE OF TWENTY YEARS DID NOT PRODUCE TWO HAIRS,¹⁷ THEY¹⁸ MUST BRING EVIDENCE THAT HE IS TWENTY YEARS OLD AND HE BECOMES CONFIRMED¹⁹ AS A SARIS²⁰ AND NEITHER SUBMITS TO HALIZAH NOR PERFORMS THE LEVIRATE MARRIAGE; SO BETH HILLEL. BETH SHAMMAI RULED: WITH THE ONE AS WELL AS WITH THE OTHER [THIS TAKES PLACE AT] THE AGE OF EIGHTEEN. R. ELIEZER RULED IN THE CASE OF THE MALE, IN AGREEMENT WITH BETH HILLEL, WHILE IN THAT OF THE FEMALE, IN AGREEMENT WITH BETH SHAMMAI, SINCE A WOMAN MATURES EARLIER THAN A MAN. GEMARA. But I would point out an incongruity: The same law applies whether one is²¹ of the age of nine years and one day or whether one is of the age of twenty years but had not produced two hairs!²² — R. Samuel son of R. Isaac citing Rab replied: This law²³ applies only where other symptoms of a saris²⁴ also appeared on him. Raba observed: This²⁵ may also be arrived at by a deduction. For it was stated, AND HE BECOMES CONFIRMED AS A

SARIS.²⁶ This is conclusive.

Where, however, no other symptoms of a saris had developed, how long [is one²⁷ regarded as a minor]? — R. Hiyya taught: Until he has passed middle age.²⁸ Wherever people come with such a case²⁹ before R. Hiyya,³⁰ he used to tell them, if the youth was emaciated, 'Let him first be fattened'; and if he was stout, he used to tell them, 'Let him first be made to lose weight';³¹ for these symptoms³² appear³³ sometimes as a result of emaciation and sometimes they appear as a result of stoutness.

Rab stated: It is the law throughout this chapter that age is calculated from one point of time to another point of time;³⁴ but 'Ulla stated: This is the case only where we have explicitly learnt it.³⁵ According to 'Ulla all is well since there is a satisfactory reason why in one case it was stated³⁶ 'one day' while in the other this was not stated; but according to Rab, why was not this³⁷ stated in all cases?³⁸ Furthermore, it was taught: R. Jose b. Kipper stated in the name of R. Eliezer, If thirty days of the twentieth year have passed it is exactly the same as if the entire year had passed;³⁹ and so also Rabbi at Lydda ruled, If thirty days of the eighteenth year have passed it is exactly the same as if the entire year had passed.⁴⁰ Now one may well agree that there is no difficulty [as regards the contradiction between the ruling] of Rabbi and that of R. Jose b. Kipper, since the former⁴¹ is in agreement with Beth Shammai⁴² while the latter⁴³ is in agreement with Beth Hillel,⁴² but does not this⁴⁴ present a difficulty against Rab?⁴⁵ — This⁴⁶ is a question in dispute between Tannas.⁴⁷ For it was taught: The year that is mentioned in connection with consecrated things;⁴⁸ the year that is mentioned in connection with houses in walled cities;⁴⁹ the two years⁵⁰ in connection with a field of one's possession;⁵¹ the six years in connection with a Hebrew servant,⁵² and so also the years in the age of a son and a daughter⁵³ are all to be calculated from one point of time to another point of time.⁵⁴ Whence do we deduce the duration of the year that was mentioned in connection with consecrated things? R. Aha b. Jacob replied: Scripture said, A lamb of its⁵⁵ year,⁵⁶ which implies, Its own year and not a calendar year.⁵⁷ Whence do we deduce the duration of the year that was mentioned in connection with the houses in walled cities? — Scripture said, Until the end of his year of sale⁵⁸ which implies, Only his year of sale but not a calendar year.⁵⁷ Whence do we deduce the duration of the two years in connection with a field of one's possession? — Scripture said, According unto the number of

(1) Cur. edd. in parenthesis add 'b. Yohai'.

(2) Lit., 'it is known'.

(3) Euphemism.

(4) With reference to the various views given supra on the marks of bogereth.

(5) Sc. whichever of the marks appears the girl is regarded as a bogereth and her father has no longer the right to annul her vows. Aliter: Even if only the earliest of the marks has appeared she enters a doubtful state of bogereth and if her father received on her behalf a token of betrothal from one man and she received a similar token from another she must be properly divorced from both. She must be divorced from the latter in case she is already a bogereth when her father's act cannot annul hers; and she must be divorced from the former in case she is not a bogereth before all the tokens have appeared.

(6) MS.M., Alfasi and Asheri add, 'R. Johanan and Sabya say: the halachah is in agreement with all of them so as to restrict the law'.

(7) Rabbi's reply.

(8) The marks of a bogereth.

(9) So MS.M. and sep. edd. of the Mishnah. Cur. edd. read, 'Tyrian courtyard'.

(10) On produce that was brought into it (cf. Bezah 34b).

(11) Var. lec. Ishmael (v. separate edd. of the Mishnah).

(12) Ma'as. III, 5. Such may be treated for the purpose of tithes as a house and consequently it imposes the obligations of tithe on any produce that is brought into it.

(13) Sc. there is no one man responsible for both the opening and the closing.

- (14) Sc. produce brought into it does not become subject to tithe, since such a courtyard cannot be regarded as a suitable place for the safe keeping of objects.
- (15) V. p. 329, n. 11.
- (16) I.e., if it is in any one of the conditions mentioned it subjects to tithe any produce brought into it.
- (17) The marks of puberty.
- (18) The relatives of the widow who desire her to be exempt from the duties of halizah and the levirate marriage.
- (19) By a display of the prescribed symptoms.
- (20) A eunuch.
- (21) Lit., 'it is one (and the same) to me'.
- (22) Yeb. 96b. So long as the pubic hairs have not appeared a person retains the status of a minor. How then is this to be reconciled with our Mishnah which assigns a new legal status at the age of eighteen or twenty?
- (23) Of our Mishnah (cf. prev. n.).
- (24) Described in Yeb. 80b.
- (25) That before one is regarded a saris other symptoms, besides the absence of pubic hairs, must also have made their appearance.
- (26) Which implies that other independent symptoms of a saris had already developed earlier.
- (27) If two pubic hairs did not appear.
- (28) Lit., 'most of his years'.
- (29) Of one who attained the age of twenty without having grown two hairs.
- (30) Var. lec. 'Raba' (cf. Yeb. 97a).
- (31) Lit., 'cause him to be lean'.
- (32) Described in Yeb. 80b.
- (33) The reading in Yeb. 97a is 'disappear'.
- (34) The age of twenty, for instance, is deemed to have been attained at the completion of full twenty years of life and not merely at the beginning of the twentieth calendar year.
- (35) Lit., 'where we learnt we learnt' etc., sc. only where the years and the first day of the year following were specifically mentioned as, for instance, 'three years and one day' (supra 44b), 'eleven years and one day' (supra 45b). Where, however, (as in our Mishnah) the years only are given one day of the twentieth calendar year is regarded as the whole of that year and the person is deemed to be twenty years of age from that day.
- (36) Lit., 'that is it that it was stated here'.
- (37) 'And one day'.
- (38) Lit., 'let him teach'.
- (39) Lit., 'behold it is like the twentieth year in all its matters'.
- (40) Cf. prev. n.
- (41) Eighteen years.
- (42) V. our Mishnah.
- (43) Twenty years.
- (44) The view accepted by both authorities cited that the part of a year is regarded as the whole of it.
- (45) Who stated supra that the years must be complete.
- (46) Whether the part of a year is regarded as the entire one.
- (47) One of whom, as will be shown presently, holds the same view as Rab.
- (48) Sc. that certain beasts for sacrifices must be one year old.
- (49) Cf., If a man sell a dwelling house in a walled city, he may redeem it within a whole year (Lev. XXV, 29).
- (50) This is deduced infra.
- (51) Cf. Lev. XXV, 14ff.
- (52) Cf., If thou buy a Hebrew servant, six years shall he serve (Ex. XXI, 2).
- (53) Which (so it is now presumed) were discussed in our Mishnah.
- (54) Cf. p. 331, n. 14 supra.
- (55) E.V., 'the first'.
- (56) Lev. XII, 6.
- (57) Lit., 'the year of the number of the world'.
- (58) Lev. XXV, 29, E.V., Within a whole year after it is sold.

Talmud - Mas. Nidah 48a

years of the crops he shall sell unto thee,¹ which implies² that one may sometimes sell three crops in two years.³ Whence do we deduce the duration of the six years in connection with a Hebrew servant? — Scripture said, Six years he shall serve, and in the seventh,⁴ which implies that in the seventh [calendar] year also he shall serve.⁵ In regard to what law was mention made of 'the years in the age of a son and a daughter'?⁶ — R. Giddal citing Rab replied: In regard to valuations.⁷ R. Joseph, however, replied: In regard to the ages⁸ given in our chapter of 'For a foetus born from its mother's side'.⁹ Said Abaye to him,¹⁰ 'Are you in disagreement?'¹¹ — 'No', the other replied, 'he made one statement and I made another statement but there is no essential difference between us'. This is also logically right; for if it could be imagined that there is a radical difference between them and that the one¹² who replied, 'In regard to valuations' does not accept the reply, 'In regard to our present chapter'¹³ [the difficulty would arise:] Did not Rab in fact state, 'It is the law throughout this chapter that age is calculated from one point of time to another point of time'?¹⁴ But, then, why did not the one¹⁵ who replied, 'In regard to valuations' also add, In regard to our chapter?¹⁶ — [The reference¹⁷ must be to cases] similar to those previously enumerated: As those¹⁸ were recorded in the Scriptures so must these¹⁷ be such as were recorded in the Scriptures.¹⁹ And the other?²⁰ — [If that were so] it should have been said,¹⁷ instead of 'the age of a son and a daughter', the age of a male and a female.²¹

R. Isaac b. Nahmani citing R. Eleazar²² stated: The halachah is in agreement with the ruling which R. Jose b. Kipper cited in the name of R. Eliezer.²³ R. Zera observed: May I be worthy to go up²⁴ and to learn the tradition²⁵ from the Master's mouth. When he went up²⁴ he met R. Eleazar and asked him, 'Did you say: The halachah is in agreement with R. Jose b. Kipper?' — 'What I said was', the other replied, 'that it seemed to be reasonable. For since, throughout the chapter, "one day" was explicitly added²⁶ while in this case²⁷ it was not mentioned it may well be inferred that it seems reasonable [that the halachah is] in agreement with him'.

CHAPTER VI

MISHNAH. IF THE LOWER MARK²⁸ APPEARED BEFORE THE UPPER ONE²⁹ HAD YET MADE ITS APPEARANCE, SHE MAY PERFORM HALIZAH OR CONTRACT LEVIRATE MARRIAGE.³⁰ IF THE UPPER MARK²⁹ APPEARED BEFORE THE LOWER ONE²⁸ HAD MADE ITS APPEARANCE, THOUGH THIS IS IMPOSSIBLE,³¹ R. MEIR RULED, SHE MAY NEITHER PERFORM HALIZAH NOR CONTRACT THE LEVIRATE MARRIAGE; BUT THE SAGES RULED, SHE MAY EITHER PERFORM HALIZAH OR CONTRACT THE LEVIRATE MARRIAGE, BECAUSE THEY MAINTAIN: IT IS POSSIBLE FOR THE LOWER MARK TO APPEAR BEFORE THE UPPER ONE HAD YET MADE ITS APPEARANCE, BUT IT IS IMPOSSIBLE FOR THE UPPER MARK TO APPEAR BEFORE THE LOWER ONE HAD MADE ITS APPEARANCE.³²

GEMARA. 'THOUGH THIS IS IMPOSSIBLE'! But has it not in fact APPEARED:³³ — 'APPEARED', according to R. Meir;³⁴ 'THOUGH THIS IS IMPOSSIBLE' according to the Rabbis.³⁵ Why then was it not stated: 'If the upper mark appeared, R. Meir ruled, She may neither perform halizah nor contract levirate marriage but the Sages ruled, She may either perform halizah or contract levirate marriage'. and I would well have known that their reason is that it is impossible?³⁶ — If 'THOUGH THIS IS IMPOSSIBLE' had not been stated, It might have been presumed that in most women the lower mark appears first and in that of a minority the upper mark appears first, and that R. Meir³⁷ is guided by his principle according to which he takes even a minority into consideration,³⁸ while the Rabbis³⁹ are guided by their principle according to which they do not take a minority into consideration;⁴⁰ and that this⁴¹ applies only to a general case, but where an

examination was held and no [lower mark] was found the Rabbis, it might have been assumed, agree with R. Meir³⁷ since the upper mark has appeared first, hence we were informed that this IS IMPOSSIBLE and that the lower mark⁴² had undoubtedly appeared earlier but merely fell off. According to R. Meir⁴³ one may well justify the Scriptural text, Thy breasts⁴⁴ were fashioned, and thy hair⁴⁵ was grown,⁴⁶ but according to the Rabbis,⁴⁷ should not the order have been reversed?⁴⁸ — It is this that was meant: As soon as the ‘breasts are fashioned’ it is known that ‘thy hair was grown’. According to R. Meir⁴⁹ one can well see the justification for the order of the Scriptural text, When they from Egypt bruised thy breasts⁴⁴ for the bosom⁴⁵ of thy youth.⁵⁰ but according to the Rabbis,⁴⁷ should not the order have been reversed?⁴⁸ — It is this that was meant: As soon as ‘thy breasts’ appeared it is known that thy youth⁴⁵ had appeared. And if you prefer I might reply: As to the meaning of⁵¹ shede,⁵² all the clause was written with regard to the breasts; and it is this that the Holy One, blessed be He, said in effect to Israel:

(1) Lev. XXV, 15.

(2) Since the minimum of ‘years’ (plural) is two, and the plural ‘crops’ denotes all the crops which can be produced in two years.

(3) And this is only possible in two complete years, or a full period of twenty-four months, where the sale took place before the produce of the first calendar year had been harvested. In two calendar years there can be no more than two crops.

(4) Ex. XXI, 2.

(5) But this is possible only if one serves six full years from the date of purchase which took place in the middle of a calendar year. The end of the sixth full year would in such a case coincide with the middle of the seventh calendar year.

(6) Supra 47b ad fin.

(7) Which differ with the ages of the persons valued (cf. Lev. XXVII, 2ff). The ruling here serves the purpose of indicating that, even where the Scriptural text provides no clear guidance on the point, the years mentioned throughout the context are full periods each of twelve months duration.

(8) Even where ‘and a day’ does not follow the number of years.

(9) Sc. the present Chapter V which begins with these words.

(10) R. Joseph.

(11) With Rab.

(12) Rab.

(13) Lit., ‘for a foetus born from its mother's side’ (cf. p. 333, n. 11).

(14) Supra 47b. Of course he did. Consequently it must be admitted that Rab and R. Joseph are essentially of the same opinion.

(15) Rab.

(16) Lit., ‘for a foetus born from its mothers’ side’ (cf. prev. n. but one).

(17) In the expression, ‘the years in the age of a son and a daughter’ (supra 47b).

(18) Consecrated things, houses in wall cities, etc.

(19) Hence his reply that the reference was to valuations (which are also recorded in the Scriptures) though he fully agrees that the same principle applies also to the years in the ages dealt with in the present chapter (which are not Scriptural but merely traditional).

(20) R. Joseph; why does he not add, ‘In regard to valuation’?

(21) Which are the expressions of the Scriptures in the context of valuations (cf. Lev. XXVII, 3f.).

(22) R. Eleazar b. Pedath, the famous Palestinian Amora.

(23) Supra 27b.

(24) To Palestine (cf. prev. n. but one).

(25) Cited by R. Isaac b. Nahmani.

(26) Lit., ‘learned’, after the number of the years.

(27) A man of the age of twenty years (cf. our Mishnah).

(28) Two pubic hairs.

(29) ‘A fig in its early ripening’ (v. Mishnah supra 47a).

(30) Because she is deemed to have attained her majority.

- (31) The apparent contradiction is described in the Gemara infra.
- (32) Though it cannot be discovered the hairs may be presumed to have fallen off.
- (33) Of course it had; since it was explicitly stated, IF THE UPPER MARK APPEARED BEFORE THE LOWER ONE.
- (34) Who ruled that SHE MAY NEITHER PERFORM HALIZAH etc., thus regarding her as a minor because, obviously, the upper mark may appear though the lower one had not yet made its appearance.
- (35) THE SAGES, who in either case (v. our Mishnah) regard her as of age.
- (36) And this would avoid the insertion of the ambiguous clause, 'THOUGH THIS IS IMPOSSIBLE'.
- (37) In regarding the girl as a minor.
- (38) And since a minority have the upper before the lower mark, every girl producing the upper mark alone must be regarded as a minor in case she belonged to the minority.
- (39) THE SAGES, who in either case (v. our Mishnah) regard her as of age.
- (40) As soon, therefore, as the upper mark appeared it may be taken for granted that the lower one had appeared previously.
- (41) The ruling of the Sages, which is dependent on the principle of following the majority.
- (42) Cf. Bah, wanting in cur. edd.
- (43) Who maintains that the upper mark sometimes appears first.
- (44) The upper mark.
- (45) The lower one.
- (46) Ezek. XVI, 7, since the marks do sometimes appear in this order.
- (47) Who hold that the upper mark can never appear first.
- (48) Hair first and breasts afterwards.
- (49) Who maintains that the upper mark sometimes appears first.
- (50) Ezek. XXIII, 21.
- (51) Lit., 'what'.
- (52) The word rendered supra 'bosom'.

Talmud - Mas. Nidah 48b

'Thy breasts were swollen, yet thou didst not repent; yea, thy breasts were dried up, yet thou didst not repent'.¹ All² at any rate agree that³ we rely on the lower mark; whence do we deduce this? — Rab Judah citing Rab replied and so it was taught at the school of R. Ishmael: Scripture said, When a man or a woman shall commit any sin that men commit,⁴ Scripture⁵ compared the 'woman' to the 'man' in respect of all the punishments in the Torah; as a man is subject to punishments on the appearance of the one mark⁶ so is also a woman subject to punishments on the appearance of the one mark. Might it not be suggested: Either the one or the other?⁷ — Like the man: As with the man [the determining factor] is the lower mark and not the upper one so also with the woman it is the lower one that determines majority but not the upper one. So⁸ it was also taught: R. Eliezer son of R. Zadok stated, Thus did they explain and promulgate at Jamnia: As soon as the lower mark makes its appearance no attention need any longer be paid to the upper one.

It was taught: R. Simeon b. Gamaliel stated, Among towns-women the lower mark appears earlier because they are in the habit of taking baths; among village women the upper mark appears earlier because they grind with millstones.⁹ R. Simeon b. Eleazar stated: Among the daughters of the rich the right hand side develops earlier because it rubs against their scarves;¹⁰ among the daughters of the poor the left side develops earlier because they carry¹¹ jars of water on them. And if you prefer I might say, Because they carry their brothers on their sides.

Our Rabbis taught: The left side develops earlier than the right side. R. Hanina the son of the brother of R. Joshua stated: The left side never developed earlier than the right side except in the case of one woman who lived in our neighbourhood whose left side developed earlier than the right one which later regained its normal strength.

Our Rabbis taught: All girls to be examined must be examined by women. So also R. Eliezer entrusted the examination to his wife, and R. Ishmael entrusted it to his mother. R. Judah ruled: Before the period¹² and after the period,¹³ women examine them.¹⁴ During the period¹⁵ no woman may examine them, since in doubtful cases¹⁶ no woman is allowed to marry¹⁷ on the evidence of women. R. Simeon ruled, Even during the period¹⁵ women examine them. And a woman may be relied upon when by her evidence the law is restricted but not when it is relaxed thereby. How so? [She may be relied upon when she states: ‘The girl] is of age’, so that the latter should thereby be denied the right of mi'un, or ‘She is a minor’, so that she should thereby be denied the right of performing halizah; but she is not trusted when asserting, ‘She is a minor’, so that she should have the right of exercising mi'un, or ‘She is of age’, so that she should be entitled to perform halizah.

The Master said, ‘R. Judah ruled: Before the period and after the period women examine them’. One can well concede that before the period an examination is required, for should [the same hairs]¹⁸ be found after the period they would be regarded as a mole;¹⁹ but what need could there be for an examination after the period seeing that Raba has laid down that a minor who has attained the age of her majority need not be examined since there is presumption that she had by that time produced the marks of puberty? — When Raba stated, ‘there is presumption’, he meant it in respect of mi'un,²⁰ but as regards halizah²¹ an examination is still required.²² ‘During the period no women may examine them’, because he is of the opinion [that the presence of hairs] during the period [is a mark of majority] as after the period;²³ but after the period, when Raba's presumption is applicable, we rely upon women who may, therefore, conduct the examination,²² while during the period, when Raba's presumption is not applicable, we cannot rely upon women, and women, therefore, may not conduct the examination. ‘R. Simeon ruled, Even during the period women examine them’, for he is of the opinion [that the presence of hairs] during the period [is no more a mark of puberty] than it is before the period; and an examination is, therefore, required so that if [the same hairs]²⁴ should be found after the period they would be regarded as a mole.²⁵ ‘And a woman may be relied upon when by her evidence the law is restricted but not when it is relaxed thereby.’ Who taught this? — If you wish I might say: R. Judah, and [the reference is to evidence] during the period.²⁶

(1) Aliter (Jast.) and cf. Rashi's first interpretation: Thy breasts began to develop, yet thou didst not repent, thy breasts were fully developed, yet etc.

(2) Lit., ‘that all the world’. R. Meir and the Sages.

(3) In determining whether a girl is of age.

(4) Num. V, 6.

(5) By placing the two nouns in juxtaposition.

(6) The lower one, which is the only mark he possesses.

(7) The analogy between ‘man’ and ‘woman’ extending only as far as a single mark is concerned, sc. that one mark (upper or lower) suffices to establish the majority of a woman as one mark (the lower) establishes the majority of a man.

(8) That the lower mark alone is the determining factor.

(9) The constant exercise of their arms distends their breasts.

(10) Which are worn on the right side.

(11) So with a certain reading. Cur. edd. ‘draw’.

(12) Sc. before the age of eleven years and a day.

(13) After the age of twelve years and a day.

(14) But, whether they report the presence of hair or their absence, the girls in the former case (a time when hairs are regarded as a mere ‘mole’) are treated as minors. In the latter case (a time when pubic hairs and maturity may well be expected) the girls are deemed to be of age if the women report the presence of hairs; but even if they report their absence, the girls cannot be treated as minors (since the hairs may have fallen off) and they are consequently deprived of the right of mi'un (v. Glos.).

(15) From the age of eleven years and one day to that of twelve years and one day, when their status is a matter of doubt and is entirely dependent on the presence or absence of the hairs.

(16) Cf. prev. n. In the first two cases (cf. prev. n. but one) a doubt hardly exists.

- (17) If the women were to report the presence of hairs the girls would have to be allowed to contract levirate marriage.
- (18) And no others.
- (19) And the girl would still be deemed a minor and denied the right of performing halizah.
- (20) Sc. to impose the restriction of denying her the right of mi'un.
- (21) I.e., to relax the law by allowing the performance of the rite.
- (22) A woman's evidence being in such a case relied upon, since a girl at the age mentioned usually has all the mark of puberty.
- (23) Cur. edd. in parenthesis insert 'like'.
- (24) And no others.
- (25) And the girl would still be deemed a minor and denied the right of performing halizah.
- (26) His opinion being that hairs discovered during the period are evidence of puberty as are hairs discovered after the period. If the women report the presence of hairs as a result of which the girl is deprived of the right of mi'un they are relied upon since the law is thereby restricted. Their evidence, however, is not relied upon as regards entitling her to perform halizah since thereby the law would be relaxed.

Talmud - Mas. Nidah 49a

And if you prefer I might say: R. Simeon, and [the reference is to evidence] after the period,¹ for he does not uphold the principle of Raba's presumption.

BECAUSE THEY MAINTAIN: IT IS POSSIBLE etc. What need again was there for this statement, seeing that it was already taught in the earlier clause? And were you to reply: Because it was desired to lay down an anonymous statement² in agreement with the Rabbis [it could be objected:] Is not this obvious, since in a dispute between an individual authority and a number of authorities the halachah is in agreement with the majority? — It might have been presumed that R. Meir's reason is more acceptable because Scriptural texts³ provide support for his view, hence we were informed⁴ [that the halachah is in agreement with the view of the Rabbis]. And if you prefer I might reply: Because it was desired to state,⁵ 'Similarly'.⁶

MISHNAH. SIMILARLY⁷ ANY [HOLE IN] AN EARTHEN VESSEL THAT LETS IN A LIQUID⁸ WILL⁹ LET IT OUT,¹⁰ BUT THERE MAY BE ONE THAT WILL LET IT OUT AND WILL NOT LET IT IN.¹¹ ANY LIMB¹² THAT GROWS A NAIL HAS ALSO A BONE IN IT¹³ BUT THERE MAY BE ONE THAT HAS A BONE IN IT BUT GROWS NO NAIL.¹⁴ WHATEVER CONTRACTS MIDRAS-UNCLEANNES¹⁵ ALSO CONTRACTS CORPSE-UNCLEANNES¹⁶ BUT THERE ARE SUCH AS CONTRACT CORPSE UNCLEANNES¹⁷ AND DO NOT CONTRACT MIDRAS-UNCLEANNES.¹⁸

GEMARA. A vessel with a hole THAT LETS IN A LIQUID is unfit for the water of purification¹⁹ and is [even more so] unfit²⁰ as a defective vessel;²¹ one with a hole THAT WILL LET IT OUT²² is fit for the water of purification²³ but unfit as a defective vessel.²⁴

R. Assi stated, It was learnt,²⁵ The minimum size [of a hole to render] an earthen vessel [unfit for the consecration of the water of purification] is one that will let a liquid in;²⁶ and one that will let a liquid out²² was mentioned only in respect of a defective vessel.²⁴ What is the reason?²⁷ — Mar Zutra son of R. Nahman replied: Because people do not say,²⁸ 'Bring a defective vessel for another defective vessel'.²⁹

Our Rabbis taught: How is an earthen vessel to be tested in order to ascertain whether its perforation is big enough to admit a liquid or not? One brings a tub full of water and puts the pot³⁰ into it. If it absorbs any of the liquid, it may be taken for granted that it lets liquids in; and if not, it may be taken for granted that it only lets liquids out.

- (1) And even then women's evidence is accepted only in so far as to impose restrictions (denial of the right of mi'un). It is not accepted, however, for the purpose of relaxing the law (allowing the performance of halizah).
- (2) Which, as a rule, is the accepted law.
- (3) From Ezekiel XVI and XXIII (supra 48a).
- (4) By the anonymous statement, BECAUSE THEY MAINTAIN etc. (cf. prev. n. but one).
- (5) In the next Mishnah.
- (6) Introducing similar cases where one process follows or is the result of another though the reverse is impossible.
- (7) Cf. prev. n.
- (8) In which the vessel stands,
- (9) If the liquid was within the vessel.
- (10) A lesser hole in fact being required for the latter process than for the former.
- (11) Cf. prev. n. mut. mut. The legal purpose of this statement is discussed in the Gemara infra.
- (12) Sc. a redundant finger.
- (13) And is, therefore, regarded as a proper limb which (cf. supra 43b) conveys uncleanness by overshadowing even though it is smaller than the minimum prescribed for the flesh of a corpse.
- (14) In such a case, if the limb is a redundant one, the conveyance of uncleanness (cf. prev. n.) is subject to the prescribed minimum.
- (15) Of a zab, to be a 'father of uncleanness' (v. Glos.).
- (16) Of the same grade (cf. prev. n.) since whatever object is suitable as midras for a zab has the status of a 'vessel' and is, therefore, subject to corpse-uncleanness also.
- (17) Having the status of a vessel in respect of susceptibility to all forms of uncleanness including that of 'father of uncleanness' if it came in contact with a corpse.
- (18) Sc. to become a 'father of uncleanness' through the midras of a zab. This is further discussed infra in the Gemara.
- (19) Which (cf. Num. XIX, 17) must be consecrated in a sound vessel.
- (20) To contract uncleanness.
- (21) Defective vessels which are still suitable for certain uses are, under given conditions, susceptible to uncleanness (cf. Hul. 54b) but when they have a hole of the nature mentioned they lose even the status of a defective vessel and, like broken sherds, are immune from all forms of uncleanness.
- (22) But will not let it in, sc. a smaller hole.
- (23) Such a small hole being disregarded in the case of an otherwise sound vessel.
- (24) Being already defective the smallest hole deprives it altogether of its status (cf. prev. n. but two).
- (25) Shonin Sc. as an oral tradition handed down to Moses from Sinai (Rashi).
- (26) If the hole is smaller the vessel retains in all respects the status of a sound one (cf. Shab. 95b.).
- (27) For the last ruling.
- (28) When there is a leak in a defective vessel.
- (29) That the former should receive the leakage from the latter. A defective vessel may be so used under an otherwise sound one, since the latter is not discarded on account of a very small hole. When such a hole, however, occurs in a defective vessel it is completely discarded and, therefore, loses its status (cf. supra n. 10).
- (30) That is to be tested.

Talmud - Mas. Nidah 49b

R. Judah¹ said: One inverts the handles of the pot into the tub² and allows water to float over it. If it then absorbs any, it may be taken for granted that it will let liquids in; but if not, it may be taken for granted that it only lets liquids out. Or else, it³ may be put upon a fire. If the fire stops the leakage it is certain that the pot will only let liquids out; but if not it is certain that it also lets liquids in. R. Jose said: One does not put it upon the actual⁴ fire since the fire stops it,⁵ but it is put upon embers. If the embers stop it, it is certain that it only lets liquids out, but if not, it is certain that it also lets liquids in. If it drips drop after drop⁶ it is certain that it lets liquids in. What is the practical difference between the first Tanna⁷ and R. Judah? — 'Ulla replied: The practical difference between them is a case of absorption under pressure.⁸

ANY LIMB THAT GROWS A NAIL etc. If it grows a nail⁹ it¹⁰ conveys uncleanness¹¹ by means of touch, carriage and overshadowing. If it contains a bone but grows no nail it conveys uncleanness¹² by means of touch and carriage but does not convey it by means of overshadowing.¹³

R. Hisda stated: The following was said by our great Master,¹⁴ may the Omnipresent be his help. A redundant finger that contains a bone but grows no nail conveys uncleanness¹² by means of touch and carriage but does not convey it by means of overshadowing. Rabbah b. Bar Hana explained: This is the case only when it¹⁵ is not counted in [the row of the fingers of] the hand.¹⁶

WHATEVER CONTRACTS MIDRAS — UNCLEANNESS etc. Whatever object is fit for midras contracts corpse-uncleanness, but there are such as contract corpse-uncleanness and do not contract midras-uncleanness. What is this rule intended to include? — It is intended to include a se'ah measure and a tarkab;¹⁷ for it was taught: And he that sitteth on any thing;¹⁸ as it might have been presumed that if the zab inverted a se'ah measure and sat upon it or a tarkab measure and sat upon it, it shall be unclean,¹⁹ it was explicitly stated, Whereon he that hath the issue sat,¹⁸ implying²⁰ that the text refers only to a thing that is appointed for sitting;²¹ but this one²² is excluded, since people would tell him, 'Get up that we may do our work with it'.²³

MISHNAH. WHOSOEVER IS FIT TO TRY CAPITAL CASES IS ALSO FIT TO TRY MONETARY SUITS, BUT ONE MAY BE FIT TO TRY MONETARY SUITS AND YET BE UNFIT TO TRY CAPITAL CASES.

GEMARA. Rab Judah stated: This²⁴ was meant to include a bastard.²⁵ Have we not, however, learnt this once before: 'All are eligible to try monetary suits but not all eligible to try capital cases',²⁶ and when the question was raised, 'What was this intended to include?' Rab Judah replied, 'It was intended to include a bastard'.²⁷ — One statement was intended to include a proselyte and the other to include a bastard. And both statements were necessary. For if we had been informed of the proselyte only it might have been presumed that it applied to him alone because he is eligible to enter the Assembly²⁸ but not to a bastard who is not eligible to enter the Assembly.²⁹ And if we had been informed of the bastard only it might have been presumed to apply to him alone because he issues from an eligible source³⁰ but not to a proselyte who issues from an ineligible source.³¹ Hence the necessity for both rulings.

MISHNAH. WHOSOEVER IS ELIGIBLE TO ACT AS JUDGE IS³² ELIGIBLE TO ACT AS WITNESS, BUT ONE MAY BE ELIGIBLE TO ACT AS WITNESS AND NOT AS JUDGE.

GEMARA. What [was this³³ intended] to include? — R. Johanan replied: To include one who is blind in one eye,³⁴ and who is the author?

(1) Objecting to the previous test which, since the bottom of the pot is inevitably pressed against the water, would cause the latter to penetrate even through the smallest of holes.

(2) Lit., 'into it', while it is still empty.

(3) The pot to be tested, with water in it.

(4) Lit., 'even not'.

(5) Even if the hole is big.

(6) This is another test, independent of the former.

(7) Supra 49a ad fin.

(8) According to the first Tanna this also is proof that the vessel lets liquids in, while according to R. Judah this is no proof (cf. supra n. 2).

(9) Though the limb is a redundant one, a sixth finger for instance.

(10) Being regarded as a proper limb (cf. relevant n. on our Mishnah).

(11) However small its bulk.

- (12) If the bone is not smaller than a barley-grain.
- (13) Unless the bulk of the flesh was no less than that of an olive.
- (14) Rab.
- (15) Being situated outside the row of the normal fingers.
- (16) A normal finger, or even a redundant one in the normal row, conveys uncleanness by overshadowing, however small in bulk it may be, as any proper limb.
- (17) A measure of capacity containing two kabs; Aliter: ** = three kabs or half a se'ah, a dry measure.
- (18) Lev. XV, 6.
- (19) Midras-uncleanness that is conveyed to men and objects which become thereby a 'father of uncleanness'.
- (20) Emphasis on 'sat' (v. Hag. Sonc. ed., p. 149, n. 2).
- (21) Such an object only is subject to the major grade of uncleanness (cf. prev. n. but two).
- (22) An inverted measure.
- (23) Hence they contract from a zab the uncleanness of touch only and this subjects them only to the uncleanness of the first grade, while through contact with a corpse they become a 'father of uncleanness'.
- (24) The second clause of our Mishnah.
- (25) Who is a fit person to act as judge in monetary suits but not in capital cases (cf. Sanh. 36b).
- (26) Sanh. 32a.
- (27) That he is fit to adjudicate in indictory cases. Ibid. 36b. Why then the repetition.
- (28) Sc. to marry the daughter of an Israelite.
- (29) Cf. Deut. XXIII, 3.
- (30) Lit., 'a fit drop', sc. pure Israelite origin.
- (31) Heathen origin. Cf. prev. n. mut. mut.
- (32) Much more so.
- (33) The second rule in our Mishnah.
- (34) Such a person is eligible as witness but not as judge. One blind in both eyes is ineligible even as witness.

Talmud - Mas. Nidah 50a

— R. Meir.¹ For it was taught: R. Meir used to say, What was the purport of the Scriptural text, According to their word shall every controversy and every leprosy be?² What connection could controversies have with leprosy? But³ controversies were compared to leprosy, as leprosy must be examined by day, since it is written, And in the day when . . . appeareth in him,⁴ so must controversies be tried by day; and⁵ as leprosy is not to be examined by a blind man,⁶ since it is written, Wherever the priest looketh,⁷ so are controversies not to be tried by a blind man.⁶ And⁸ leprosy is further compared to controversies: As controversies are not to be tried by relatives, so are leprosy not to be examined by relatives. In case [one were to argue:] 'As controversies must be tried by three men so must leprosy also be examined by three men, this being logically arrived at a minori ad majus: If controversies affecting one's wealth must be tried by three men, how much more so matters affecting one's body', it was explicitly stated, When he shall be brought unto Aaron the priest or unto one of his sons the priests.⁹ Thus you have learnt that even a single¹⁰ priest may examine leprosy.¹¹

A certain blind man who lived in the neighbourhood of R. Johanan used to try lawsuits and the latter¹² told him nothing against it. But how could he¹² act in this manner, seeing that R. Johanan actually stated, 'The halachah is in agreement with an anonymous Mishnah', and we have learnt,¹³ WHOSOEVER IS ELIGIBLE TO ACT AS JUDGE IS ELIGIBLE TO ACT AS WITNESS, BUT ONE MAY BE ELIGIBLE TO ACT AS WITNESS AND NOT AS JUDGE, and when the question was raised, 'What was this intended to include?' R. Johanan replied, 'To include one who is blind in one eye'?¹⁴ — R. Johanan found another anonymous Mishnah.¹⁵ For we have learnt, Monetary suits must be tried by day and may be concluded by night.¹⁶ But why should this anonymous Mishnah¹⁷ be deemed more authoritative than the former?¹⁸ If you wish I might reply: An anonymous Mishnah which represents the view of a majority¹⁹ is preferable. And if you prefer I might reply: Because it²⁰

was taught among the laws of legal procedure.²¹

MISHNAH. WHATSOEVER IS SUBJECT TO TITHES IS SUSCEPTIBLE TO FOOD-UNCLEANNES;²² BUT THERE IS A KIND OF FOODSTUFF²³ THAT IS SUSCEPTIBLE TO FOOD-UNCLEANNES AND IS NOT SUBJECT TO TITHES.

GEMARA. What was this²⁴ intended to include? — To include flesh, fish and eggs.²⁵

MISHNAH. WHATSOEVER IS SUBJECT TO THE OBLIGATION OF PE'AH²⁶ IS ALSO SUBJECT TO THAT OF TITHES; BUT THERE IS A KIND OF PRODUCE WHICH IS SUBJECT TO THE OBLIGATION OF TITHES AND IS NOT SUBJECT TO THAT OF PE'AH.

GEMARA. What was this²⁴ intended to include? — To include the fig-tree and vegetables, which are not subject to the obligation of pe'ah.²⁷ For we have learnt: They²⁸ have laid down a general rule concerning pe'ah. Whatsoever is a foodstuff, is kept under watch, grows²⁹ from the ground, is all harvested at the same time, and is taken in for storage, is subject to pe'ah.³⁰ 'A foodstuff', excludes the after-growths of woad and madder;³¹ 'is kept under watch', excludes hefker; 'grows³² from the ground', excludes morils and truffles;³³ 'is all harvested at the same time', excludes the fig-tree;³⁴ and is taken in for storage', excludes vegetables. As regards tithes, however, we have learnt: Whatsoever is a foodstuff, is kept under watch and grows from the ground is subject to the obligation of tithes;³⁵ whereas 'is all harvested at the same time³⁶ and is taken in for storage'³⁷ was not mentioned.³⁸ But if garlic or onions³⁹ grew among them⁴⁰ they are subject [to pe'ah]. For we have learnt: As regards plots of onions between other vegetables, R. Jose ruled, Pe'ah must be left from each⁴¹ and the Sages ruled, From one for all.⁴²

Rabbah b. Bar Hana citing R. Johanan ruled: If endives were originally sown for cattle-food and then [the owner] changed his mind⁴³ to use them for human food,

(1) Who disqualifies a man blind in one eye from acting as judge.

(2) Deut. XXI, 5.

(3) Owing to juxtaposition.

(4) Lev. XIII, 14, emphasis on 'day'. (E.V. 'whensoever' for 'in the day when').

(5) By a further analogy (cf. prev. n. but one).

(6) Even by one who is blind in one eye only.

(7) Lev. XIII, 12 emphasis on the last word.

(8) Owing to juxtaposition.

(9) Lev. XIII, 2 emphasis on 'Aaron' and 'one'.

(10) Cf. prev. n.

(11) At any rate it follows, as was stated above, that according to R. Meir a blind man (even if in one eye only) is eligible as judge. Our Mishnah, therefore, represents his view.

(12) R. Johanan.

(13) As an anonymous Mishnah.

(14) Which clearly shows that according to R. Johanan no blind man is eligible to act as judge. Why then did he raise no objection against the blind man's conduct?

(15) Which allows a blind man to act as judge.

(16) Sanh. 32a; which shows that, according to this Mishnah, 'controversies' were not compared to 'leprosy' for though the latter may not be examined by night the trying of the former may well be concluded by night. And since the two were not compared in this respect they were not compared as regards the ineligibility of a blind man either.

(17) The latter, cited from Sanh.

(18) Our Mishnah. Lit., 'and what is the strength of that anonymous etc.'

(19) As does the one from Sanh. Our Mishnah, as was explained supra, represents the view of R. Meir alone.

(20) The latter, cited from Sanh.

- (21) With which the tractate of Sanh. deals. A law occurring in a tractate that is devoted to similar laws is more reliable than one occurring in a tractate that is mainly devoted to a totally different subject.
- (22) Since only foodstuffs are subject to tithe.
- (23) This is presently explained in the Gemara.
- (24) The second clause of our Mishnah.
- (25) Only foodstuffs that grow from the ground are subject to tithe.
- (26) Lit., 'corner'. Cf. When ye reap the harvest . . . thou shalt not wholly reap the corner of thy field . . . thou shalt leave them for the poor (Lev. XIX, 9f).
- (27) But are liable to tithes.
- (28) The Rabbis.
- (29) Var. lec. 'draws its nourishment' (v. Tosaf.).
- (30) Pe'ah I, 4.
- (31) Plants used only in dyeing which are unsuitable as food.
- (32) Var. lec. 'draws its nourishment' (v. Tosaf.).
- (33) Which are not planted Aliter: Which (cf. prev. n.) do not draw their nourishment from the ground.
- (34) And similar trees whose fruit ripens at different times.
- (35) Ma'as. I, 1.
- (36) Which would have excluded the fig-tree and the like.
- (37) Which would have excluded vegetables.
- (38) It thus follows that figs and vegetables are liable to tithes though exempt from pe'ah. The tithe mentioned is, of course, only Rabbinical, since Pentateuchally only corn, wine and oil are subject to the obligations of tithe.
- (39) Vegetables that are taken in for storage.
- (40) The other vegetables.
- (41) Since the other vegetables form a division between one plot and another.
- (42) The intervening vegetables being disregarded, Pe'ah III, 4.
- (43) While they were still attached to the ground.

Talmud - Mas. Nidah 50b

it is necessary¹ that he should intend them for the purpose² after they had been detached; he being of the opinion that intention² concerning attached [produce] is no valid intention. Raba observed: We also have learnt a rule to the same effect: Thirteen things have been said about the carrion of a clean bird, (and the following is one of them).³ It is necessary⁴ that it should be intended for food but there is no need for it to be rendered⁵ susceptible to uncleanness.⁶ Thus it is clearly evident that⁷ an intention concerning a live being is no valid intention; so also here⁸ it must be said, that an intention concerning attached [produce]⁹ is no valid intention.¹⁰ R. Zera said:¹¹ We are dealing here¹² with a [flying] pigeon that dropped from on high, so that it was not before us¹³ to enable one to have any intentions about it.¹⁴ Said Abaye to him:¹⁵ What can be said about the [case of the] hen of Jamnia?¹⁶ — That, the other¹⁵ replied, was a wild cock.¹⁷ They laughed at him: A wild cock is an unclean bird and an unclean bird does not convey uncleanness!¹⁸ — 'When a great man', Abaye told them, 'said something, do not laugh at him. This was a case of a hen that ran away;¹⁹ and as to the meaning²⁰ of "wild", it turned wild as far as its master was concerned'.²¹ R. Papa said: It was a field-hen.²² R. Papa thus followed his known view. For R. Papa ruled, A field-cock is forbidden and a field-hen is permitted; and your mnemonic is 'A male Ammonite²³ but not a female Ammonite'. Amemar laid down in his discourse that a field-hen is forbidden.²⁴ The Rabbis observed that it stamps on its prey²⁵ when eating it;²⁶ and it is this bird that is known as girutha.²⁷

Our Rabbis taught: If a pigeon²⁸ fell into a winepress²⁹ and it was intended to pick it up for a Samaritan,³⁰ it is unclean;³¹ but if it was intended for a dog it is clean,³² R. Johanan b. Nuri³³ ruled, Even if intended for a dog it is unclean.³¹ R. Johanan b. Nuri argued: This is arrived at a *minori ad majus*. If it³⁴ conveys a major uncleanness,³⁵ though there was no intention,³⁶ should it not convey a minor uncleanness³⁷ though there was no intention? They answered him: No; if you maintain your

view in the case of a major uncleanness, which never descends to that,³⁸ would you also maintain it in the case of a minor uncleanness which does descend to that?³⁸ He replied: the hen of Jamnia proves my contention, for it descends to that and, though there was no intention, it was declared unclean. 'From there', they retorted, 'is your proof? In that place there were Samaritans and it was intended that they shall eat it.' Now with what case are we dealing here? If it be suggested with big cities [the objection would arise]: What need was there for intention, seeing that we have learnt: The carcass of a clean beast anywhere³⁹ and the carcass of a clean bird and forbidden fat in large towns⁴⁰ require neither intention nor to be rendered susceptible.⁴¹ If, however, it is suggested: Of villages, [the difficulty arises:] Is there any authority who maintains that in this case no intention is required, seeing that we have learnt: The carcass of an unclean beast⁴² anywhere⁴³ and the carcass of a clean bird in villages⁴⁴ require⁴⁵ intention⁴⁶ but need not be rendered susceptible?⁴⁷ — R. Ze'ira b. Hanina replied: We are in fact dealing with an incident in a big city, but⁴⁸ the winepress caused it⁴⁹ to be objectionable⁵⁰ and thus caused the town to be regarded as a village.

'R. Johanan b. Nuri argued: This is arrived at a *minori ad majus*. If it conveys a major uncleanness, though there was no intention, should it not convey a minor uncleanness though there was no intention? They answered him: No; if you maintain your view in the case of a major uncleanness which never descends to that.' What is meant by 'it never descends to that'? — Raba replied: It is this that they⁵¹ in effect said to him,⁵² 'No; if you maintain your view

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- (1) If they are to be rendered susceptible to food-uncleanness as human food.
 - (2) To be used as human food.
 - (3) The bracketed words are not in the cited Mishnah.
 - (4) Cf. prev. n. but one mut. mut.
 - (5) By intentionally wetting it.
 - (6) As is the case with other dry foodstuffs which must come in contact with liquids before they can be capable of contracting uncleanness. Toh. I, 1.
 - (7) Since intention is required when it is already carrion though a live bird is usually intended for food.
 - (8) R. Johanan's ruling.
 - (9) Which, analogous to a live animal, is not susceptible to uncleanness.
 - (10) Support is thus adduced for R. Johanan's ruling.
 - (11) The cited Mishnah affords no support to R. Johanan.
 - (12) The Mishnah of Toh. cited.
 - (13) While it was yet alive.
 - (14) Hence the ruling that 'it is necessary that it should be intended for food' after it was carrion. Where, however, a live animal was intended to be used in due course as food no further intention is necessary after it had been killed,
 - (15) R. Zera.
 - (16) Which (v. infra) was in its owner's possession before it died and yet was regarded as a food for the sole reason that the Samaritans living there intended it as such after it was dead.
 - (17) Not usually intended for food. Hence the necessity for intention after its death.
 - (18) Through one's oesophagus, v. Hul. 100b. Now since the uncleanness of the hen at Jamnia was conveyed through the oesophagus (sc. by the swallowing of it) it could not possibly have been a wild cock.
 - (19) Lit., 'rebelled', and thus was not before us while alive and for this reason intention would be necessary after it died. It was one of the young of this hen that dropped at Jamnia and gave rise to the discussion.
 - (20) Lit., 'and what',
 - (21) Lit., 'from its master'. As the bird in question was consequently a clean one it may well have conveyed uncleanness (as stated) through the oesophagus.
 - (22) Or 'a hen of the marshes', which in his opinion (v. infra) is a clean bird.
 - (23) Is forbidden to enter the Assembly (cf. Deut. XXIII, 4).
 - (24) As food.
 - (25) In the manner of birds of prey.
 - (26) No clean birds eat in this manner.

- (27) Presumably the moor-hen. The girutha is an unclean bird (cf. Hul. 109b).
- (28) A clean bird.
- (29) Where it got crushed and died, becoming repulsive for eating.
- (30) To give it to him to eat.
- (31) Food-uncleanness. It conveys uncleanness to other foodstuffs through contact, without being rendered susceptible.
- (32) Such an intention being invalid.
- (33) Holding that no intention is required (v. infra).
- (34) The pigeon.
- (35) The uncleanness of the person and the clothes worn by him when he ate it.
- (36) When, for instance, the man was unaware that he was eating that particular pigeon.
- (37) That of food and drink by means of contact.
- (38) This is explained presently.
- (39) Even in a village where there are not many consumers.
- (40) Where consumers are many and any sort of food finds buyers.
- (41) 'Uk. III, 3; since a clean beast is usually intended for food both in town and in villages while the carcass of a clean bird and forbidden fat would find consumers in large towns only but not in villages (cf. prev. two notes). Intention, therefore, is required in the latter case but not in the former.
- (42) Which is not usually eaten.
- (43) Even in large towns,
- (44) Where consumers are few.
- (45) Since they are not usually eaten.
- (46) To enable them to convey uncleanness. In the case of the former, uncleanness is conveyed even in the absence of intention provided its bulk was no less than that of an olive. The intention, however, avails where the bulk of carcass was less than that of an olive and that of other food was less than the bulk of an egg. In such a case the two quantities combine to form together the prescribed bulk of an egg which contracts uncleanness through contact with a dead creeping thing.
- (47) Since they would eventually be subject to a major uncleanness.
- (48) The reason why the Rabbis require intention.
- (49) The pigeon.
- (50) So that it is not so very suitable for consumption.
- (51) The Rabbis.
- (52) R. Johanan b. Nuri.

Talmud - Mas. Nidah 51a

in the case of a major uncleanness which never causes an uncleanness of the same grade,¹ would you also maintain it in the case of a minor uncleanness which does cause an uncleanness of the same grade?'² Said Abaye to him: [Should not this³ apply to the latter] with even more reason: If a major uncleanness, concerning which the law has been relaxed in that it does not cause an uncleanness of the same grade,⁴ conveys uncleanness in the absence of intention, how much more then should a minor uncleanness, concerning which the law has been restricted in that it does cause uncleanness of the same grade,⁵ convey uncleanness even where there was no intention? — Rather, said R. Shesheth, It is this that they⁶ implied: 'No; if you maintain your view⁷ in the case of a major uncleanness, which need not be rendered susceptible,⁸ would you also maintain it⁷ in the case of a minor uncleanness which does require to be rendered susceptible?' But is it required to be rendered susceptible? Have we not in fact learnt:⁹ Three¹⁰ things have been said about the carrion of a clean bird,¹¹ it is necessary that it should be intended for food, it conveys uncleanness through the oesophagus only,¹² and there is no need for it to be rendered susceptible?¹³ — Granted that it is not required that a dead creeping thing shall render it susceptible,¹⁴ it is nevertheless necessary that it shall be rendered susceptible¹⁵ by means of water.¹⁶ Why¹⁷ is it not required that a dead creeping thing shall render it susceptible? In agreement with what the school of R. Ishmael taught. But then there should be no need for it to be rendered susceptible by means of water also in agreement with

what the school of R. Ishmael taught; for the school of R. Ishmael taught: Upon any sowing seed which is to be sown,¹⁸ as seeds¹⁵ which do not eventually contract a major uncleanness¹⁹ must²⁰ be rendered susceptible so must any other thing which does not eventually contract a major uncleanness be rendered susceptible; the carcass of a clean bird is excluded, in that it need not be rendered susceptible, since it eventually contracts a major uncleanness?²¹ — Rather, replied Raba, or as some say R. Papa, [the reference²² is to] a major uncleanness in general and to a minor uncleanness in general.²³

Raba stated: R. Johanan,²⁴ however, agrees in regard to tithe that intention²⁵ concerning attached [produce] is a valid intention.²⁶ Raba explained, Whence do I derive this? From what we learnt: Savory,²⁷ hyssop and calamint²⁸ that are grown in a courtyard, if they are kept under watch,²⁹ are subject to tithe.³⁰ Now how are we to imagine the circumstances?³¹ If it be suggested that these herbs were originally sown for human consumption [the difficulty would arise]: Was it at all necessary to enunciate such a law?³² Consequently the circumstances must be such, must they not, that the herbs were originally sown for cattle food; and yet it was stated, ‘if they are kept under watch’³³ they ‘are subject to tithe’.³⁴ R. Ashi retorted: Here³⁰ we are dealing with a courtyard in which the herbs grew spontaneously³⁵ so that as a rule they are destined for human consumption, and³⁶ it is this that was meant: If the courtyard affords protection for the produce it grows³⁷ the herbs are subject to tithe; otherwise they are exempt.³⁸

R. Ashi objected:³⁹ Whatsoever is subject to tithes is susceptible to food uncleanness.⁴⁰ Now if that were so,⁴¹ would there not be the case of these⁴² which are liable to tithe⁴³ and yet⁴⁴ do not become susceptible to the uncleanness of food?⁴⁵ — The fact is, said Raba, that it is this that was meant: Any species that is liable to tithe is susceptible to food uncleanness. This⁴⁶ is also logically sound. For in the final clause⁴⁷ it was stated, Whatsoever is subject to the law of the first of the fleece⁴⁸ is also subject to that of the priestly gifts⁴⁹ but there may be a beast⁵⁰ that is subject to the law of the priestly gifts and is not subject to that of the first of the fleece.⁵¹ Now if it were so⁵² [the objection would arise]: Is there not also the case of the terefah which is subject to the law of the first of the fleece and yet is not subject to that of the priestly gifts?⁵³ — Rabina retorted: This⁵⁴ represents the view of⁵⁵ R. Simeon. For it was taught:⁵⁶ R. Simeon exempts the terefah from the law of the first of the fleece.⁵⁷ R. Shimi b. Ashi replied,⁵⁸ Come and hear: If a man declared his vineyard hefker⁵⁹ and, rising early in the morning, he cut its grapes, he is liable⁶⁰ to peret,⁶¹ ‘oleloth,⁶² the forgotten sheaf⁶³ and pe'ah⁶⁴ but⁶⁵ is exempt from tithe.⁶⁶ But have we not learnt: WHATSOEVER IS SUBJECT TO THE OBLIGATION OF PE'AH IS ALSO SUBJECT TO THAT OF TITHES?⁶⁷ Must you not then infer from this⁶⁸ that the reference⁶⁹ was⁷⁰ to the whole species?⁷¹ This is conclusive.

Elsewhere we have learnt:⁷² The Sages agree with R. Akiba that if a man sowed dill or mustard seed in two or three different spots he must allow pe'ah from each.⁷³

(1) When a carcass (a ‘father of uncleanness’), for instance, imparted uncleanness to a person the latter cannot impart it to another person, since only a ‘father of uncleanness’ can carry uncleanness to persons.

(2) Foodstuffs, for instance, that contracted an uncleanness may (Rabbinically) convey the same uncleanness to other foodstuffs.

(3) The view that no intention is necessary.

(4) Cf. p. 350, n. 12.

(5) V. p. 350, n. 13.

(6) The Rabbis.

(7) The view that no intention is necessary.

(8) A carcass, for instance, is unclean irrespective of whether it had been rendered susceptible by liquids or not.

(9) MS.M., ‘was it not taught?’

(10) In the Mishnah citation supra the reading for ‘three’ is ‘thirteen’ (cf. prev. n.)

- (11) A minor uncleanness.
- (12) Sc. only when it is being swallowed is uncleanness conveyed to the person and to his clothes.
- (13) Cf. supra 50b q.v. notes.
- (14) Sc. that it shall cause it to become unclean.
- (15) Like any other foodstuffs.
- (16) Only after it had been purposely wetted is it susceptible to uncleanness.
- (17) Lit., 'wherein the difference?'
- (18) Lev. XI, 37.
- (19) Sc. they can never convey uncleanness to a person.
- (20) If they are to contract any uncleanness.
- (21) How then could it be maintained that it is 'necessary that it shall be rendered susceptible by means of water'?
- (22) In the argument of the Rabbis.
- (23) In the case of the former susceptibility is never required; hence it is that no intention is required either. In the case of the latter susceptibility is usually (though not in the particular case of a bird) required; hence it is that intention also is necessary.
- (24) Though he stated (supra 50b) that in regard to uncleanness intention concerning an attached plant is no valid intention.
- (25) To use the produce as food for men.
- (26) And it is in consequence subject to tithe.
- (27) Satureia Thymbra.
- (28) Or 'thyme'.
- (29) For the purpose, so it is now assumed, of using them for human consumption.
- (30) Ma'as. III, 9.
- (31) In which the law mentioned applies.
- (32) Of course not. The law is too obvious to be stated.
- (33) For the purpose, so it is now assumed, of using them for human consumption.
- (34) Which shows that intention regarding the use of attached produce in the case of tithe is valid.
- (35) Sc. they were never intended to be used as cattle food.
- (36) In reply to the objection: What need was there for enunciating a law that was too obvious?
- (37) In consequence of which the herbs cannot be regarded as hefker (v. Glos.).
- (38) Hefker being exempt from tithe.
- (39) Against Raba.
- (40) Supra 50a.
- (41) That intention to use attached produce for human consumption is valid enough as regards liability to tithe.
- (42) Endives sown for the purpose of producing cattle food concerning which the grower changed his mind, while they were still attached to the ground, and decided to use the crop as food for human consumption.
- (43) Since intention in this respect (cf. prev. n. but one) is valid.
- (44) Intention regarding attached produce being invalid in respect of susceptibility to uncleanness.
- (45) How then is Raba's statement to be reconciled with the Mishnah cited?
- (46) Raba's interpretation just given.
- (47) The Mishnah infra 51b which is the continuation of the previous Mishnah.
- (48) Cf. Deut, XVIII, 4.
- (49) The shoulder, the two cheeks and the maw given from slaughtered cattle (cf. ibid. 3).
- (50) An ox or a goat.
- (51) Infra 51b.
- (52) That a general statement like 'whatsoever etc.' includes every individual case.
- (53) Hul. 136b. Must it not consequently be admitted, as Raba explained, that by the general rule (cf. prev. n.) the whole species was meant?
- (54) The Mishnah just cited.
- (55) Lit., 'that whose? It is'.
- (56) V. marg. gl. Cur. edd. 'for we learnt'.
- (57) No proof, therefore, may be adduced from this Mishnah that a general rule refers to the entire species.

- (58) Justifying Raba's submission (cf. prev. n. but four).
- (59) V. Glos.
- (60) For the reason cf. B.K. 94a.
- (61) Single grapes dropped during the cutting (cf. Lev. XIX, 10) which must be left for the poor.
- (62) 'Gleanings' of the vineyards or a small single bunch of grapes on a single branch 'which are the portion of the poor (cf. Lev. XIX, 10 and Deut. XXIV, 21).
- (63) Which had to be left for the poor (cf. Deut. XXIV, 19).
- (64) V. Glos. Cf. Lev. XIX, 9.
- (65) Since the vineyard is hefker.
- (66) Ned. 44b. B.K, 94a.
- (67) How then are the two Tannaitic statements to be reconciled?
- (68) Cf. prev. n.
- (69) In the general rule, 'Whatsoever etc.'.
- (70) Not to each individual case.
- (71) Of course one must. Raba's submission is thus confirmed.
- (72) This is quoted here because an objection against it is raised from our Mishnah.
- (73) Pe'ah III, 2.

Talmud - Mas. Nidah 51b

Now dill, surely, since it is liable to pe'ah is also liable¹ to tithe, for we have learnt, **WHATSOEVER IS SUBJECT TO THE OBLIGATION OF PE'AH IS ALSO SUBJECT TO THAT OF TITHES**; and since it is liable to tithe it is also susceptible to food uncleanness. It is accordingly evident that anything that is used as a flavouring is susceptible to food uncleanness, since dill is used as a flavouring. But is not this incongruous with the following: 'Castus,² amomum,³ and the principal spices, crowfoot, asafoetida, pepper and lozenges of bastard safron may be bought with second tithe money but they are not susceptible to food uncleanness; so R. Akiba. Said R. Johanan b. Nuri to him: If they may be bought with second tithe money why are they not susceptible to food uncleanness? And if they are not susceptible,⁴ they⁵ should not be bought with second tithe money',⁶ and in connection with this R. Johanan b. Nuri stated, 'A vote was taken and they decided that these are not to be bought with second tithe money and that they are not susceptible to food uncleanness'⁷ — R. Hisda replied: When that Mishnah⁸ was taught the reference was to dill intended as an ingredient⁹ of kamak.¹⁰ R. Ashi stated, I submitted the following argument before R. Kahana:¹¹ Do not say, 'The reference was to dill intended¹² as an ingredient of kamak', from which it would follow that generally¹³ it is used as flavouring matter,¹⁴ but rather that dill is generally intended as an ingredient of kamak.¹⁵ For we have learnt: Dill,¹⁶ as soon as it has imparted some flavour to a dish, is no longer subject to the restrictions of terumah¹⁷ and it is no longer susceptible to food uncleanness.¹⁸ From which it follows that before it had imparted any flavour to a dish it is subject to the restrictions of terumah and is susceptible to food uncleanness.¹⁹ Now if you were to imagine that as a rule it is used for flavouring¹⁴ [the difficulty would arise]: Even if it had not imparted any flavour to a dish [should it not be free from the restrictions of food since] as a rule it is used for flavouring?²⁰ Must you not then infer from this²¹ that generally it is used as an ingredient of kamak?¹⁵ This is conclusive.

MISHNAH. WHATSOEVER IS SUBJECT TO THE LAW OF THE FIRST OF THE FLEECE²² IS ALSO SUBJECT TO THAT OF THE PRIESTLY GIFTS,²³ BUT THERE MAY BE [A BEAST]²⁴ THAT IS SUBJECT TO THE LAW OF THE PRIESTLY GIFTS AND NOT TO THAT OF THE FIRST OF THE FLEECE. WHATSOEVER IS SUBJECT TO THE LAW OF REMOVAL²⁵ IS ALSO SUBJECT TO THE RESTRICTIONS OF THE SABBATICAL YEAR,²⁶ BUT THERE IS [A KIND OR PRODUCE] THAT IS SUBJECT TO THE RESTRICTIONS OF THE SABBATICAL YEAR²⁶ AND IS NOT SUBJECT TO THE LAW OF REMOVAL.²⁵

GEMARA. As, for instance, the leaves of arum and of miltwaste.²⁷

THERE IS A KIND OF PRODUCE THAT IS SUBJECT TO THE RESTRICTIONS OF THE SABBATICAL YEAR AND IS NOT SUBJECT TO THE LAW OF REMOVAL, the root of the arum and the root of miltwaste, since it is written in Scripture, And for thy cattle and for the beasts that are in thy land, shall all the increase thereof be for food,²⁸ as long as 'the beasts' eat²⁹ from the field you may feed 'thy cattle' in the house, but when the produce comes to an end for 'the beasts' in the field you must bring it to an end for 'thy cattle' which are in the house; but these,³⁰ surely, have not come to an end.

MISHNAH. WHATSOEVER³¹ HAS SCALES HAS FINS BUT THERE ARE SOME THAT HAVE FINS AND NO SCALES. WHATSOEVER³² HAS HORNS HAS HOOFS BUT THERE ARE SOME THAT HAVE HOOFS AND NO HORNS.

GEMARA. WHATSOEVER HAS SCALES [etc.] [viz.] a clean fish,³³ THERE ARE SOME THAT HAVE FINS AND NO SCALES, refers to an unclean fish.³⁴ Now consider: Since we³⁵ rely on the scales,³⁶ what need then was there for the All Merciful to mention³⁷ fins?³⁸ — If the All Merciful had not written fins it might have been presumed that the written word *kaskeseth*³⁹ meant⁴⁰ fins and that even an unclean fish [is, therefore, permitted]. Hence has the All Merciful written 'fins' and 'scales'.⁴¹ But now that the All Merciful has written both 'fins' and 'scales', whence is it deduced that *kaskeseth*³⁹ means the covering? Because it is written, And he was clad with a coat of mail.⁴² Then why⁴³ did not the All Merciful write *kaskeseth*³⁹ and there would be no need for the mention of fins?⁴⁴ — R. Abbahu replied and so it was also taught at the school of R. Ishmael: To make the teaching great and glorious.⁴⁵

MISHNAH. WHATSOEVER REQUIRES A BENEDICTION AFTER IT REQUIRES ONE BEFORE IT, BUT THERE ARE THINGS THAT REQUIRE A BENEDICTION BEFORE THEM AND NOT AFTER THEM.

GEMARA. [What was the last clause⁴⁶ intended] to include? — To include vegetables. But according to R. Isaac who did say a benediction⁴⁷ after the eating of vegetables, what was this⁴⁶ intended to include? — To include water. But according to R. Papa who said a benediction⁴⁷ after he drank water, what was it⁴⁶ intended to include? — To include the performance of commandments.⁴⁸ But according to the Palestinians⁴⁹ who after removing their tefillin say the benediction of ' . . . who hath sanctified us by his commandments, and hath commanded us to keep his statutes', what does this⁵⁰ include? — It includes

(1) V. Bah,

(2) **, a fragrant root,

(3) Cf. **, a spice indigenous to India and Syria.

(4) To food uncleanness, which is evidence that they are not regarded as a foodstuff.

(5) Since only foodstuffs may be bought with second tithe money.

(6) 'Uk. III, 5.

(7) Now how is this Mishnah (from which it follows that flavouring spices are not susceptible to food uncleanness) to be reconciled with the inference drawn supra from the Mishnah of Pe'ah III, 2?

(8) Of Pe'ah, from which it was inferred that dill is regarded as food.

(9) Not as a mere flavouring.

(10) A milk sauce. Such dill is rightly regarded as a foodstuff and is consequently susceptible to food uncleanness.

(11) Cur. edd. in parenthesis add, 'he said'.

(12) Emphasis on this word.

(13) Where the owner's intention has not been expressed.

(14) Lit., 'for (the flavouring of) the dish', and should, therefore, be exempt from food uncleanness.

(15) And so subject to all the laws of a foodstuff.

- (16) Of terumah.
- (17) Should the root subsequently fall into a dish of ordinary food no complications would arise.
- (18) 'Uk. III, 4; it being regarded as mere flavouring matter.
- (19) I.e., it is regarded as food.
- (20) Of course it should. Why then was its exemption from the restrictions made dependent on the imparting of some flavour to a dish?
- (21) Cf. Prev. n,
- (22) Cf. Deut. XVIII, 4.
- (23) Sc. the shoulder, the two cheeks and the maw that are due to the priest from slaughtered cattle (cf. Deut. XVIII, 3).
- (24) An ox or a goat.
- (25) In the Sabbatical year. When no produce is left in the field for the beasts the owner must remove all stored produce from his house into the field (cf. Deut. XXVI, 13).
- (26) Cf. Lev. XXV, 2ff.
- (27) These and similar products are SUBJECT TO THE LAW OF REMOVAL since (cf. infra) their supply is exhausted before the end of the year, and also TO THE RESTRICTIONS OF THE SABBATICAL YEAR.
- (28) Lev. XXV, 7.
- (29) Okeleth of the same rt. as le'ekol (rendered supra, for food').
- (30) The roots of the herbs mentioned.
- (31) Among fishes.
- (32) Among animals.
- (33) Sc. one that may be eaten.
- (34) Cf. prev. n. mut. mut.
- (35) In determining whether a fish is clean or unclean.
- (36) As has been stated in our Mishnah, WHATSOEVER HAS SCALES HAS FINS.
- (37) As one of the marks of a clean fish in Lev. XI, 9ff.
- (38) Lit., fins which the All Merciful has written, wherefore to me'.
- (39) The word rendered scales'.
- (40) Lit., 'what kaskeseth that is written.'
- (41) Thus indicating that each is a distinctive mark.
- (42) Kaskasim (of the same rt. as kaskeseth). I Sam. XVII, 5.
- (43) Since the meaning of kaskeseth is definitely established and cannot be mistaken for that of fins.
- (44) Since WHATSOEVER HAS SCALES HAS FINS.
- (45) Isa. XLII, 21. Even an apparently superfluous word adds to the greatness and glory of the Torah.
- (46) BUT THERE ARE etc.
- (47) '... who create many living beings' (cf. P. B. p. 290).
- (48) Those, for instance, of lulab, shofar, zizith and tefillin which require a benediction only before and not after they are performed.
- (49) Lit., 'the sons of the west'. Palestine lay to the west of Babylon where the discussion took place.
- (50) BUT THERE ARE etc.

Talmud - Mas. Nidah 52a

fragrant odours.¹

MISHNAH. IF A GIRL² HAS GROWN TWO PUBIC HAIRS SHE³ MAY EITHER PERFORM HALIZAH OR CONTRACT LEVIRATE MARRIAGE, AND SHE IS UNDER AN OBLIGATION TO PERFORM ALL THE COMMANDMENTS THAT ARE ENUMERATED IN THE TORAH. SO ALSO A BOY, IF HE HAS GROWN TWO PUBIC HAIRS, IS UNDER AN OBLIGATION TO PERFORM ALL THE COMMANDMENTS ENUMERATED IN THE TORAH. HE IS FURTHERMORE LIABLE TO THE PENALTY OF A STUBBORN AND REBELLIOUS SON⁴ AS SOON AS HE HAS GROWN TWO HAIRS UNTIL THE TIME WHEN HIS BEARD FORMS A CIRCLE.⁵ (THIS REFERS TO THE LOWER, AND NOT TO THE UPPER ONE, BUT⁶ THE

SAGES USED A EUPHEMISM,)⁷ A GIRL WHO HAS GROWN TWO HAIRS⁸ MAY NO LONGER EXERCISE THE RIGHT OF MI'UN. R. JUDAH RULED: MI'UN MAY BE EXERCISED UNTIL THE BLACK⁹ PREDOMINATES.¹⁰

GEMARA. But since we have learnt, SHE IS UNDER AN OBLIGATION TO PERFORM ALL THE COMMANDMENTS THAT ARE ENUMERATED IN THE TORAH, what need was there for stating, SHE MAY EITHER PERFORM HALIZAH OR CONTRACT LEVIRATE MARRIAGE?¹¹ — To exclude a ruling of R. Jose who stated, 'In the Biblical section¹² it is written man,¹³ but as regards a woman there is no difference between a major and a minor'.¹⁴ Hence we were informed that¹⁵ if she has grown two hairs she may perform halizah,¹⁶ but otherwise she may not. What is the reason? A woman is to be compared to man.¹⁷

But since it was stated, SO ALSO A BOY, IF HE HAS GROWN TWO PUBIC HAIRS,¹⁸ what need was there for stating, HE IS UNDER AN OBLIGATION TO PERFORM ALL THE COMMANDMENTS ENUMERATED IN THE TORAH? And should you reply: Because it was desired to teach, HE IS FURTHERMORE LIABLE TO THE PENALTY OF A STUBBORN AND REBELLIOUS SON [the objection would arise]: Have we not learnt this once: 'When does one become liable to the penalty of a stubborn and rebellious son? As soon as one grows two hairs until the time the beard forms a circle. (By this was meant the lower, and not the upper one, but the Sages used a euphemism)'? — This is so indeed; only because details were specified about the girl those relating to the boy were also specified.

IF A GIRL HAS GROWN etc. R. Abbahu citing R. Eleazar stated, The halachah is in agreement with R. JUDAH. R. Judah, however, agrees that if she was subjected to cohabitation after she had grown two hairs,¹⁹ she may no longer exercise the right of mi'un.²⁰ The colleagues of R. Kahana desired to give a practical decision²¹ in agreement with the ruling of R. Judah, although intercourse had taken place, but R. Kahana addressed them as follows: Did not such an incident happen with the daughter of R. Ishmael?²² She, namely, came to the schoolhouse to exercise the right of mi'un while her son was riding on her shoulder; and on that day were the views of R. Ishmael mentioned at the schoolhouse; and the Rabbis wept bitterly²³ saying, 'Over a ruling which that righteous man²⁴ had laid down should his offspring stumble!' For Rab Judah citing Samuel who had it from R. Ishmael stated: And she be not seized,²⁵ [then only]²⁶ is she forbidden,²⁷ but if she was seized she is permitted. There is, however, another class of woman who is permitted²⁷ even if she was not seized. And who is that? A woman whose betrothal was a mistaken one,²⁸ and who, even if her son sits riding on her shoulder, may exercise the right of mi'un and go away.²⁹ Thereupon they took a vote and decided: Up to what age may a girl³⁰ exercise the right of mi'un? Until that at which she grows two hairs. [On hearing this incident] they³¹ abstained and did not act as they first intended.³²

R. Isaac and the disciples of R. Hanina gave a practical decision in agreement with R. Judah, though the girl had been subjected to intercourse. R. Shamin b. Abba proceeded to tell it in the presence of R. Johanan; R. Johanan proceeded to tell it in the presence of R. Judah Nesi'ah³³ and the latter sent a constable³⁴ who took her away.³⁵

R. Hisda citing Mar Ukba stated: The meaning³⁶ is not that the black must actually predominate but that it shall be such as, when two hairs lie flat, has the appearance³⁷ of the black predominating over the white,³⁸ Raba stated: Two hairs that reach from rim to rim.

R. Helbo citing R. Huna stated: The two hairs of which the Rabbis spoke³⁹ must⁴⁰ have follicles at their roots. R. Malkio citing R. Adda b. Ahabah ruled: Follicles suffice even in the absence of hairs. Said R. Hanina the son of R. Ika: The rulings concerning a spit,⁴¹ bondwomen⁴² and follicles⁴³ were laid down by R. Malkio, but those concerning a forelock,⁴⁴ wood-ash⁴⁵ and cheese⁴⁶ were laid down by R. Malkia. R. Papa, however, stated: If the statement was made on a Mishnah or a Baraita the

author is R. Malkia but if on reported traditions⁴⁷ the author is R. Malkio. And the mnemonic⁴⁸ is, 'The mathnitha⁴⁹ is queen'.⁵⁰ What is the practical difference between them?⁵¹ — The practical difference between them is the statement on bondwomen.⁵² R. Ashi stated, Mar Zutra told me that R. Hanina of Sura felt about this the following difficulty: Would not a single Tanna⁵³ go out of his way to teach⁵⁴ us the law of the follicles? — If one⁵⁵ had informed us of the law of the follicles it might have been presumed that [puberty is not established] unless there were two hairs in two follicles respectively, hence we were informed⁵⁶ that even two hairs in one follicle are sufficient. But is there such a phenomenon?⁵⁷ Is it not in fact written in Scripture, He that would break me with a tempest, and multiply my wounds without cause⁵⁸ in connection with which Raba⁵⁹ remarked: Job blasphemed with the mention of tempest and he was answered with a tempest. He 'blasphemed with the mention of tempest', saying to Him, 'Sovereign of the world, perhaps a tempest has passed before Thee, and caused Thee to confuse "Job"⁶⁰ with "enemy"?'⁶¹ 'He was answered with a tempest': Then the Lord answered

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- (1) Before the smelling of which, but not after, a benediction (cf. P.B. p. 290) is said.
 - (2) Being twelve years and one day old.
 - (3) If her husband died childless.
 - (4) Cf. Deut. XXI, 18ff and Sanh. 68b.
 - (5) When he is regarded as an adult who is no longer subject to this law.
 - (6) In speaking in vague terms.
 - (7) Lit., 'spoke in clean language'.
 - (8) Having thus passed out of her minority.
 - (9) The pubic hair.
 - (10) The growth of no more than two hairs does not suffice in his opinion to deprive her of the right of mi'un (cf. Gemara infra).
 - (11) Which are rites already included in the general rule.
 - (12) Of halizah.
 - (13) Deut. XXV, 7; 'man', excluding the woman, implies that only the male must be of age.
 - (14) Sc. a minor also may perform halizah.
 - (15) In the case of a girl also.
 - (16) Lit., 'yes'.
 - (17) Cf. Yeb. 105b, B.B. 156a.
 - (18) A statement which brings the boy under the same obligations as the girl.
 - (19) So that there was a valid marriage kinyan (cf. Kid, 2a) after she had attained her majority.
 - (20) Only where no intercourse had taken place after two hairs have grown does R. Judah maintain his view (cf. relevant n. on our Mishnah). The first Tanna, however, maintains that, even if she allowed only one moment to pass after the growth of two hairs, irrespective of whether intercourse did or did not take place, her right to mi'un is lost.
 - (21) Lit., 'to do a deed'.
 - (22) Who, after her father's death, while she was in her minority was given in marriage by her mother.
 - (23) Lit., 'a great weeping'. For the reading cf. MS.M. Cur. edd. 'and she wept . . . in the schoolhouse and they said'.
 - (24) R. Ishmael.
 - (25) Num, V, 13. E. V. neither she be taken in the act.
 - (26) Sc. if she did not act under compulsion but willingly.
 - (27) To her husband.
 - (28) If, for instance, a condition was attached to it and the condition remained unfulfilled, or if the marriage was with a minor (in the absence of her father) whose act (even with the consent of her mother) has no validity. In such a case the woman may leave her husband without a letter of divorce and she has the status of a feme sole who had never before been married.
 - (29) Since the marriage had no validity.
 - (30) Lit., 'the daughter'.
 - (31) R. Kahana's colleagues.
 - (32) Lit., 'and did not do the deed'.

- (33) The Prince, Judah II.
- (34) Or 'a detachment of police. Lit., 'searcher'.
- (35) From her second husband who had married her in reliance on her mi'un.
- (36) Of R. Judah's ruling on our Mishnah.
- (37) Owing to the length of the hairs.
- (38) The skin.
- (39) V. our Mishnah.
- (40) If they are to be taken as a mark of puberty.
- (41) That has been used on a festival for the roasting of meat, may, by an indirect movement, be made to slip into a corner, though direct movement is forbidden (v. Bezah 28b).
- (42) Brought by a woman to her husband at her marriage (v. Keth. 59b).
- (43) The law cited here.
- (44) The law that an Israelite who trims the hairs of a heathen must withdraw his hand at a distance of three fingers' breadth on every side of the forelock (v. A.Z. 29a).
- (45) Forbidden to be spread on a wound because it gives it the appearance of an incised imprint (v. Mak. 21a).
- (46) If made by a heathen is forbidden to be eaten on account of the lard that he smears over it.
- (47) Shemathatha, those not recorded in a Mishnah or a Baraitha.
- (48) To help one to recollect which of the statements mentioned were made by R. Malkio and R. Malkia respectively.
- (49) Mathnitha, a general term for both Mishnah and Baraitha as opposed to shemathatha (cf. prev. n. but one).
- (50) Sc. more authoritative than a reported statement. Malkia (מלכיא) whose name closely resembles מלכתא (queen) is to be associated with the Mishnah and the Baraitha that are designated 'queen'.
- (51) R. Hanina and R. Papa.
- (52) Which is recorded in a Mishnah. According to R. Papa the comment on it must be that of R. Malkia (cf. prev. n. but one) while according to R. Hanina it is one of the rulings attributed to R. Malkio,
- (53) If follicles alone, in the absence of hairs, sufficed to establish puberty.
- (54) Anywhere in the Mishnah.
- (55) Tanna.
- (56) By the mention of two hairs only.
- (57) Two hairs in one follicle.
- (58) Job IX, 17.
- (59) Var. lec. Rabbah (cf. B.B. 16a).
- (60) אִיּוֹב (Iyob).
- (61) אִיּוֹב (Oyeb).

Talmud - Mas. Nidah 52b

Job out of the whirlwind, and said¹ to him, 'Most foolish man,² I have created many hairs³ in a man's head and for every hair I have created a separate follicle, so that two should not suck from the same follicle, for if two were to suck from the same follicle they would impair the sight of man. I did not confuse one follicle with another, would I confuse "Job" and "enemy"?'⁴ — This is no difficulty since one⁵ refers to the body while the other⁶ refers to the head.

Rab Judah citing Samuel ruled: The two hairs of which they spoke [establish puberty] even if one is on the crest and the other on the testes. So it was also taught: The two hairs of which they spoke [establish puberty] even if one grows on her back and the other on her belly, one on the joints of the fingers of her hand and the other on the joints of her toes; so R. Simeon b. Judah of Kefar Akko who cited it in the name of R. Ishmael.⁷ But Rab citing R. Assi ruled: puberty is not established unless two hairs grow in the same spot.

Our Rabbis taught: Up to what age may a girl exercise the right of mi'un? Until she grows two hairs; so R. Meir. R. Judah ruled: Until the black predominates.⁸ R. Jose ruled: Until a ring is formed around the nipple. Ben Shelakoth ruled: Until she grows her hair in profusion.⁹ In connection with

this R. Simeon stated: Hanina b. Hakinai once met me at Zidon and said to me,¹⁰ 'When you arrive at R. Akiba's ask him "until what age may a girl exercise the right of mi'un". If he tells you, "Until she grows two hairs", ask him this: Did not Ben Shelakoth testify in the presence of all of you at Jamnia, "Until she grows her hair in profusion", and you did not say to him a word to the contrary?' When I arrived at R. Akiba's the latter told me, 'I do not know anything about the growing of hair in profusion, and I do not know Ben Shelakoth; a girl may exercise the right of mi'un until the age when she grows two hairs'.

MISHNAH. THE TWO HAIRS SPOKEN OF IN REGARD TO THE RED HEIFER¹¹ AND IN REGARD TO LEPROSY¹² AS WELL AS THOSE SPOKEN OF ANYWHERE ELSE¹³ MUST BE LONG ENOUGH FOR THEIR TIPS TO BE BENT TO THEIR ROOTS; SO R. ISHMAEL. R. ELIEZER RULED: LONG ENOUGH TO BE GRASPED BY A FINGER-NAIL, R. AKIBA RULED: LONG ENOUGH TO BE TAKEN OFF WITH SCISSORS.

GEMARA. R. Hisda citing Mar Ukba stated: The halachah is in agreement with the views of all these in that the law is thereby invariably restricted.¹⁴

MISHNAH. A WOMAN WHO OBSERVED A BLOOD-STAIN¹⁵ IS IN AN UNSETTLED CONDITION¹⁶ AND MUST¹⁷ TAKE INTO CONSIDERATION THE POSSIBILITY THAT IT WAS DUE TO ZIBAH; SO R. MEIR. BUT THE SAGES RULED: IN THE CASE OF BLOOD-STAINS THERE IS NO [NEED TO CONSIDER THE POSSIBILITY OF THEIR BEING] DUE TO ZIBAH.

GEMARA. Who are THE SAGES? — R. Hanina b. Antigonus. For it was taught: R. Hanina b. Antigonus ruled, In the case of blood-stains there is no [need to consider the possibility of their being] due to zibah, but sometimes blood-stains do lead to zibah. How so? If a woman¹⁸ put on three shirts that she had previously examined and then found a blood-stain on each of them, or if she¹⁹ observed a discharge²⁰ on two days and [a blood-stain on] one shirt,²¹ these are the blood-stains that lead to zibah. But since in the case of three shirts, where she observed no direct discharge from her body, the possibility of zibah is taken into consideration, why was it necessary to mention²² that of 'two days and one shirt'? — It might have been presumed²³ that in any instance like this²⁴ the woman brings a sacrifice which may be eaten,²⁵ hence we were informed [that only the possibility²⁶ of zibah is taken into consideration].²⁷ Raba observed: In this matter R. Hanina b. Antigonus vindicated his case against the Rabbis. For why is it [that when a bloodstain] less than three beans in size is in one spot we do not take into consideration the possibility of zibah? [presumably] because we assume that it is the result of observations on two days.²⁸ But then why should we not, even if a stain of the size of three beans was in one spot, similarly assume that only to the extent of the size of two and a half beans the discharge was from her body while the rest is the blood of a louse due to the filth?²⁹ — And the Rabbis?³⁰ — Since the stain³¹ can be divided up into parts of the size of a bean and over for each day³² we do not ascribe it to any external cause. As to R. Hanina b. Antigonus, is it³³ only when a stain of the size of three beans in one spot that we do not take the possibility of zibah into consideration, but if it is in three different places³⁴ the possibility is taken into consideration? But did you not say³⁵ that this³⁶ applies only to stains on³⁷ three shirts,³⁸ from which it follows that it does not apply to stains³⁹ in three spots?⁴⁰ — He⁴¹ spoke to them on the line of the view of the Rabbis. As far as I am concerned, he said in effect, it⁴² applies only to three shirts³⁸ and not to three spots;⁴⁰ but according to your view, agree with me at least that, where she had observed a stain of the size of three beans in one spot, we assume that to the extent of two and a half beans the discharge came from her body while the rest is the blood of a louse due to the filth. And the Rabbis? — Since the stain⁴³ can be divided up into parts of the size of a little more than a bean for each day,⁴⁴ we do not ascribe it to any external cause,

Our Rabbis taught: If a woman observed a blood-stain, if it is big enough⁴³ to be divided into parts

corresponding respectively to three beans, each of which being slightly bigger than the size of a bean, she must take into consideration the possibility of zibah; otherwise, she need not take this possibility into consideration. R. Judah b. Agra citing R. Jose ruled: In the one case and in the other⁴⁵ the possibility must be taken into consideration.⁴⁶

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- (1) Job XXXVIII, 1.
 - (2) Lit., 'fool that (you are) in the world'.
 - (3) The Heb. word for tempest, 'se'arah', may also be rendered 'hair'.
 - (4) From which it is obvious that two hairs can never grow from the same follicle. How then could it be maintained (supra 52a) that two hairs may sometimes grow from the same follicle?
 - (5) The case of the hairs mentioned in our Mishnah.
 - (6) The hairs mentioned in connection with Job,
 - (7) The reading to 'ruled' is that of MS.M. Cur. edd. read, 'And the Rabbis [what is their view]? R. Hisda replied'. Bah substitutes 'Ashi' for 'Hisda'.
 - (8) Cf. relevant n. on our Mishnah,
 - (9) Cf. Tosaf.
 - (10) So MS.M.
 - (11) Cf. A.Z. 24a and Parah II, 5.
 - (12) Cf. Neg. I, 5.
 - (13) In regard to the marks of puberty.
 - (14) Sc. as soon as the hairs grow to the smallest length mentioned in our Mishnah she is no longer regarded as minor and the right of mi'un is denied to her, while halizah may not be performed until the hairs grew to the maximum of the lengths mentioned, when her majority is beyond all doubt.
 - (15) On her underclothing.
 - (16) Lit., 'damaged', sc. the calculations (that enable her to determine in which days she is liable to menstruation and in which she is susceptible to zibah) are upset since she is unable to ascertain when exactly the discharge (of which the blood-stain is the result) had occurred.
 - (17) Under certain circumstances (cf. Gemara infra).
 - (18) On three consecutive days respectively during the period in which she is susceptible to zibah,
 - (19) In the zibah period (cf. prev. n.).
 - (20) An actual flow of blood.
 - (21) That was previously duly examined.
 - (22) That zibah must be taken into consideration.
 - (23) If the latter case had not been mentioned.
 - (24) Two actual discharges and one blood-stain.
 - (25) Sc. that the sacrifice is deemed to be valid as in the case of certain zibah.
 - (26) But not the certainty.
 - (27) So that the sacrifice is of a doubtful nature. As the method of killing that is prescribed for a bird sacrifice renders an unconsecrated bird nebelah and forbidden to be eaten, the bird sacrifice offered in this case must (on account of its doubtful nature) be forbidden to be eaten.
 - (28) While zibah cannot be established unless discharges occurred on three consecutive days.
 - (29) Of menstruation; so that (cf. prev. n.) there was no zibah at all.
 - (30) How can they maintain their ruling in view of this argument?
 - (31) Being of generous dimensions and rather larger than the size of three beans.
 - (32) So that on each day there may have been a new stain of the size prescribed.
 - (33) As Raba's statement seems to suggest.
 - (34) Though on the same shirt.
 - (35) In the Baraita supra.
 - (36) That the possibility of zibah is taken into consideration.
 - (37) Lit., 'yes'.
 - (38) One stain on each.
 - (39) Lit., 'not'.

- (40) On the same shirt.
- (41) R. Hanina according to Raba's submission.
- (42) That the possibility of zibah is taken into consideration.
- (43) Being of generous dimensions and rather larger than the size of three beans.
- (44) So that on each day there may have been a new stain of the size prescribed.
- (45) Sc. even if the stain was no bigger than the size of two beans.
- (46) Since it is possible that at least one of the stains was due to a discharge at twilight which counts as two (v. infra).

Talmud - Mas. Nidah 53a

Rabbi stated: R. Judah b. Agra's ruling is acceptable where she did not examine¹ and the ruling of the Sages where she did examine. What is meant by 'she did examine' and by 'she did not examine'? — Raba replied: I found the Rabbis of the schoolhouse sitting at their studies and discoursing thus: 'Here² we are dealing with the case of a woman who examined herself,³ but did not examine her shirt;⁴ and even her own body was examined by her only at the twilight of R. Judah,⁵ while at the twilight of R. Jose⁶ she did not examine herself. In such a case, the Rabbis being of the opinion that at the twilight of R. Jose it is already night, [the question of zibah does not arise] since she had examined herself at the twilight of R. Judah,⁷ and R. Jose follows his own view, he having stated that twilight is a doubtful time'.⁸ But I said to him: 'Had her hands been kept in her eyes⁹ throughout the twilight¹⁰ you would¹¹ have spoken well,¹² but now,¹³ is it not possible that she experienced a discharge¹⁴ as soon as she had removed her hands?'¹⁵ They then told me, 'We only spoke of a case where the woman had her hands in her eyes⁹ throughout the twilight'.

'Rabbi stated: R. Judah b. Agra's ruling¹⁶ is acceptable where she did not examine'. Now¹⁷ what is meant by 'she did not examine'? If it be suggested that she examined herself in the twilight of R. Judah but did not examine herself in the twilight of R. Jose [the difficulty would arise]: From this¹⁸ it follows that R. Judah holds¹⁹ that even where she examined herself both times,²⁰ the possibility of zibah must be considered; [but why should this be so] seeing that she did examine herself?²¹ It is obvious then [that the meaning²² is] that she did not examine herself either in the twilight of R. Judah or in that of R. Jose;²³ but if she had examined herself in R. Judah's twilight²⁴ and did not examine herself in R. Jose's²⁵ there is no need for her to consider the possibility [of zibah].²⁶ It is thus clear that the twilight of R. Jose is according to Rabbi²⁷ regarded as night.²⁸ Now read the final clause: 'And the ruling of the Sages where she did examine' — What is meant by 'she did examine'? If it be suggested that she examined herself in the twilight of R. Judah but did not examine herself in that of R. Jose,²⁹ it would follow³⁰ that the Rabbis are of the opinion that even if she did not examine herself in either³¹ there is no need to consider the possibility of zibah [but why should this be so] seeing that she did not examine herself?³² It is obvious then that [the meaning³³ is] that she examined herself both in the twilight of R. Judah and in that of R. Jose, but that if she had examined herself in the twilight of R. Judah and not in that of R. Jose the possibility of zibah³⁴ must be considered.³⁵ It is thus clear that the twilight of R. Jose is according to Rabbi³⁶ regarded as doubtful time.³⁷ Does not this then present a contradiction between two statements of Rabbi?³⁸ — It is this that he³⁹ meant: The view of R. Judah b. Agra⁴⁰ is acceptable to the Rabbis⁴¹ when she did not examine herself at all either in R. Judah's twilight or in that of R. Jose's, for even the Sages differed from him⁴² only when she has examined herself in R. Judah's twilight⁴³ and did not examine herself in that of R. Jose,⁴⁴ but where she did not examine herself at all they agree with him,⁴⁵ But does not the following show incongruity?⁴⁶ [For it was taught:] If a woman observed a bloodstain, the observation being one of a large one,⁴⁷ she must take into consideration the possibility of a discharge at twilight,⁴⁸ but if the observation was one of a small stain⁴⁹ she should not take the possibility into consideration. This is the ruling of R. Judah b. Agra who cited it in the name of R. Jose. Said Rabbi: I heard from him⁵⁰ that in both cases must the possibility be taken into consideration; 'and', he said to me, 'it is for this reason: What if she had been a menstruant who did not⁵¹ make sure of her cleanness⁵² from the minha time⁵³ and onwards, would she not⁵⁴ have been regarded as being in a

presumptive state of uncleanness?⁵⁵ And his ruling is acceptable to me where she has examined herself. Now what is meant by 'she has examined herself'? If it be suggested that she has examined herself in the twilight of R. Judah and did not examine herself in that of R. Jose, it would follow that R. Judah b. Agra holds that even though she did not examine herself either in the twilight of R. Judah or in that of R. Jose the possibility need not be considered; but why should this be so seeing that she did not examine herself? It must be obvious then that she did examine herself both in the twilight of R. Judah and in that of R. Jose. Thus it follows that R. Judah b. Agra holds that if she examined herself in the twilight of R. Judah and not in that of R. Jose she need not consider the possibility. It is thus clear that the twilight of R. Jose is according to R. Judah b. Agra regarded as night. Does not this then present a contradiction between two rulings of R. Judah b. Agra?⁵⁶ In the absence of Rabbi's interpretations⁵⁷ there would well be no difficulty, since the former ruling might refer to a case where she has examined herself in R. Judah's twilight and not in that of R. Jose while here it is a case where she has examined herself in R. Jose's twilight as in that of R. Judah's; but with Rabbi's interpretations⁵⁸ does not the contradiction arise? — Two Tannas expressed different views as to the opinion of R. Judah b. Agra. The first Tanna holds that the twilight of R. Judah ends first

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- (1) This is discussed presently.
 - (2) In the dispute between R. Judah b. Agra and the Rabbis,
 - (3) Each day at twilight.
 - (4) Which was examined for the first time on the third day when a stain of the size of two beans was discovered. As it is thus unknown when the stain was made, the possibility must be taken into consideration that there may have been a discharge at the twilight of each, or at least one, of the two days; and, since a discharge at twilight counts as two (one for the passing and one for the coming day), that she had experienced no less than three discharges on three consecutive days.
 - (5) Which extends after sunset for a time during which one can walk a distance of a thousand cubits.
 - (6) Which lasts no longer than a 'wink of the eye', beginning and ending later than R. Judah's twilight.
 - (7) When she had ascertained that on that day she was clean, Any subsequent discharge at the twilight of R. Jose could only be counted as one for the following day. The total of her discharges cannot consequently have been more than two.
 - (8) Cf. prev. n. but one, As it is possible that there was a discharge at that time (which counts as both possible day and possible night) the woman must be treated as if she experienced two discharges (one on the passing, and one on the incoming day) in addition to the discharge on the other day in question, thus making a total of three discharges.
 - (9) Euphemism.
 - (10) Of R. Judah.
 - (11) As far as the Rabbis are concerned.
 - (12) Since it would have been definitely established that during the passing day no discharge had occurred.
 - (13) That a general statement was made that the discharge is always ascribed to one day only.
 - (14) During the twilight of R. Judah.
 - (15) And this would count as two.
 - (16) That the possibility of zibah is to be considered even where a stain is not big enough to be divided into three parts, each of the prescribed minimum.
 - (17) Since Rabbi stated that only in this case he accepted the ruling of R. Judah b. Agra, it follows that where she did examine herself he does not accept his ruling though R. Judah himself maintains that the possibility of zibah must be considered even in the latter case.
 - (18) Since 'no examination' only means the absence of one in R. Jose's twilight though one did take place in R. Judah's twilight.
 - (19) Cf. prev. n. but one.
 - (20) The twilight of R. Judah and the twilight of R. Jose.
 - (21) Making sure that on that day there was no discharge. How then could one subsequent possible discharge in the night be counted as two?
 - (22) Of the expression 'she did not examine',
 - (23) So that the possibility must be considered that she may have experienced a discharge in R. Judah's twilight.
 - (24) Thus ascertaining that she was clean on that day.

- (25) Which is regarded as night.
- (26) Since one discharge in the night cannot possibly be counted as two discharges.
- (27) Who on this point disagrees with R. Judah.
- (28) Cf. prev. n. but two
- (29) And it is in this case only that Rabbi stated that the ruling of the Sages is acceptable but, it follows, where she examined herself in neither, though the Rabbis still maintain that the possibility of zibah need not be considered he holds that it must be taken into consideration.
- (30) Cf. prev. n.
- (31) Lit., 'in the two'. The twilights of R. Judah and R. Jose respectively.
- (32) In consequence of which she may have experienced a discharge at twilight when the one discharge is counted as two. How then could the possibility of zibah be ruled out?
- (33) Of the expression 'she did examine', in Rabbi's approval of the ruling of the Sages.
- (34) According to Rabbi who in this case disagrees with the Sages' ruling.
- (35) It being possible that she experienced a discharge in R. Jose's twilight when one discharge is counted as two.
- (36) Who on this point disagrees with the Sages.
- (37) Cf. prev. n. but one.
- (38) Lit., 'a difficulty of Rabbi on Rabbi'. According to the inference from the first clause R. Jose's twilight is regarded by him as right while according to the inference from the final clause it is doubtful whether it is day or night.
- (39) Rabbi.
- (40) That the possibility of a discharge at twilight is to be considered.
- (41) Not to himself; sc. Rabbi did not express any opinion as to what view he accepted and with whom he agreed (as was previously assumed when the contradiction was pointed out) but merely explained the extent and limits of the dispute between the Sages and R. Judah b. Agra.
- (42) In maintaining that the possibility (cf. p. 368, n. 14) may be disregarded.
- (43) Thus ascertaining that there was no discharge at twilight.
- (44) Which in their opinion is regarded as night.
- (45) Cf. p. 368 n. 14. R. Jose, however, who holds his twilight to be a doubtful time, takes into consideration the possibility of a discharge in his twilight which would be regarded as two, one of which must be attributed to the passing, and the other to the incoming day.
- (46) With what had been said supra that according to R. Judah b. Agra it is not certain whether the twilight of R. Jose is night or day.
- (47) One that can be divided into three stains each of which is slightly bigger than the size of a bean.
- (48) Which counts as two.
- (49) Sc. one not bigger than a little more than the size of two beans, so that it can only be divided into two stains of the prescribed minimum.
- (50) R. Jose.
- (51) On the seventh day after menstruation.
- (52) Lit., 'separated in cleanness'.
- (53) Two and a half seasonal hours before nightfall.
- (54) Though in the morning she made sure of her cleanness.
- (55) Of course she would, and in consequence she would not be allowed to undergo immersion in the evening. Thus it follows that in the absence of an examination, the possibility of a discharge is considered. Similarly in the case of the stain under discussion, since no examination was held at twilight, the possibility of a discharge that must be counted as two must be taken into consideration.
- (56) According to his first ruling supra the twilight of R. Jose is only a doubtful time while according to his present ruling it is definitely night.
- (57) Both here and supra.
- (58) Which inevitably lead to the conclusion (as stated supra) that, according to the first ruling, R. Judah b. Agra holds R. Jose's twilight to be a doubtful time, while according to his second ruling, it is definitely night.

and then begins the twilight of R. Jose,¹ while the second Tanna holds that the twilight of R. Jose is absorbed in that of R. Judah.²

Our Rabbis taught: A woman who observes a bloodstain causes uncleanness to herself³ and to consecrated things retrospectively;⁴ so Rabbi. R. Simeon b. Eleazar ruled: She causes uncleanness⁵ to consecrated things but does not cause uncleanness to herself, since her bloodstain cannot be subject to greater restrictions than her observation.⁶ But⁷ do we not find that her bloodstain is subject to greater restrictions in regard to consecrated things? — Read rather thus: R. Simeon b. Eleazar ruled, Even to consecrated things she conveys no uncleanness,⁸ since her bloodstain should in no case be subject to greater restrictions than her observation.⁶

Our Rabbis taught: If a woman observed first a bloodstain and then⁹ she observed a discharge of blood she may for a period of twenty-four hours ascribe her stain to her observation;¹⁰ so Rabbi. R. Simeon b. Eleazar ruled: Only during the same day.¹¹ Said Rabbi: His view seems more acceptable than mine, since he improves¹² her position while I make it worse. ‘He improves it’! Does he not in fact¹³ make it worse? — Rabina replied: Reverse the statement,¹⁴ R. Nahman said: You need not really reverse it, [the meaning being:] Since he improves her position in regard to the laws of zibah while I make her position worse as regards the laws of zibah.¹⁵

R. Zera enquired of R. Assi: Do stains¹⁶ necessitate an interval of cleanness¹⁷ or not? The other remained silent, answering him nothing at all. Once he¹⁸ found him¹⁹ as he was sitting at his studies and discoursing as follows: ‘She may for twenty-four hours ascribe her stain to her observation. This is the ruling of Rabbi. In connection with this Resh Lakish explained that it applied only where she has examined herself,²⁰ while R. Johanan explained: Even though she did not examine herself’.²¹ ‘Thus it follows’, he¹⁸ said to him,¹⁹ ‘that²² stains necessitate an interval of cleanness’. ‘Yes’, the other¹⁹ replied. ‘But did I not ask you this question many a time and you gave me no answer at all? It is likely that you recalled the tradition²³ in the rapidity of your reviewing?’²⁴ — ‘Yes’, the other replied, ‘in the rapidity of my reviewing I recalled it’.

MISHNAH. IF A WOMAN OBSERVED A DISCHARGE OF BLOOD ON THE ELEVENTH DAY²⁵ AT TWILIGHT,²⁶ AT THE BEGINNING OF A MENSTRUATION PERIOD AND AT THE END OF A MENSTRUATION PERIOD,²⁷ AT THE BEGINNING OF A ZIBAH PERIOD AND AT THE END OF A ZIBAH PERIOD,²⁷ ON THE FORTIETH DAY AFTER THE BIRTH OF A MALE²⁸ OR ON THE EIGHTIETH DAY AFTER THE BIRTH OF A FEMALE,²⁹ [THE DISCHARGE HAVING BEEN OBSERVED] AT TWILIGHT IN ALL THESE CASES,³⁰ BEHOLD WOMEN IN SUCH CIRCUMSTANCES³¹ ARE IN A STATE OF PERPLEXITY.³² SAID R. JOSHUA: BEFORE YOU MAKE PROVISION FOR THE FOOLISH WOMEN³³ COME AND MAKE PROVISION FOR THE WISE ONES.³⁴

GEMARA. AT THE BEGINNING OF A MENSTRUATION PERIOD AND AT THE END OF A MENSTRUATION PERIOD! Is it³⁵ not rather the beginning of a menstruation period and the end of a zibah period?³⁶ — R. Hisda replied: It is this that was meant: IF A WOMAN OBSERVED A DISCHARGE OF BLOOD ON THE ELEVENTH DAY AT TWILIGHT a time which is THE BEGINNING OF A MENSTRUATION PERIOD AND THE END OF A ZIBAH PERIOD, or on the seventh day of her menstruation when it is THE END OF A MENSTRUATION PERIOD AND THE BEGINNING OF A ZIBAH PERIOD.

SAID R. JOSHUA: BEFORE YOU MAKE PROVISION FOR THE FOOLISH WOMEN etc. But are these

(1) Hence it is uncertain whether it still belongs to the day or to the following night.

(2) And since in his opinion the examination must extend over all the twilight of the latter it obviously covers also the

twilight of the former, so that the examination took place in both twilights.

(3) Sc. if she was in the process of counting her clean days she must start anew (Tosaf.).

(4) To the time the article on which the stain was found had been washed.

(5) Retrospectively.

(6) In the latter case the uncleanness is retrospective for twenty-four hours only, while in the former it would go back to the time the article had been washed.

(7) Since R. Simeon b. Eleazar agrees with Rabbi in the case of consecrated things.

(8) Retrospectively.

(9) Within twenty-four hours.

(10) Sc. her uncleanness does not extend retrospectively to the time the article had been washed but begins at the time the stain was found.

(11) Sc. only where the stain was observed on the same day as the discharge of the blood may the former be ascribed to the latter (cf. prev. n.); but if the stain was discovered in the daytime while the blood was not observed until after sunset, though this took place within twenty-four hours, the former cannot be ascribed to the latter.

(12) This is discussed presently.

(13) By reducing the period of twenty-four hours.

(14) Reading, 'my view seems more acceptable etc.'.

(15) According to Rabbi who for a period of twenty-four hours ascribes the stain to the observation of the blood the woman is deemed to have been unclean on the day of her observation as well as on the previous day. If, therefore, she were to observe some blood on the next day following she would be regarded as a confirmed zabah, while according to R. Simeon who ascribes a stain to blood observed during the same day only the woman would be deemed unclean on one day only and could not become a confirmed zabah unless blood was observed on the two following days also (R. Han.).

(16) According to Rabbi who attributes a stain to an observation of blood if the latter took place within twenty-four hours, and does not regard the woman's uncleanness as having begun at the time the article (on which the stain was found) had been washed,

(17) Sc. must the woman have examined herself between the time the article had been washed and the discovery of the stain? (Tosaf.).

(18) R. Zera.

(19) R. Assi.

(20) Near the time of discovering the stain, within twenty-four hours; but if twenty-four hours have passed between the examination and the discovery of the stain the woman is deemed unclean retrospectively from the time of the examination (Tosaf.).

(21) Sc. near the examination between which and the discovery of the stain an interval of twenty-four hours had been allowed to pass. Despite this interval the woman's uncleanness is not retrospective since less than twenty-four hours have passed between the time the article had been washed and the discovery on it of the stain. As the uncleanness in such a case is not retrospective to the time of the washing of the article, it is equally not retrospective over the twenty-four hours' period (Tosaf.). Cf. Tosaf. Asheri.

(22) According to both Resh Lakish and R. Johanan.

(23) Lit., 'it came to thee'.

(24) Cf. Jast,

(25) After the termination of a menstruation period. Any issue of blood within the eleven days is deemed to be zibah.

(26) A time which is neither certain day nor certain night, so that it is doubtful whether the issue was one of zibah or one of menstruation. If the time were certain day the issue (cf. prev. n.) would be zibah and if it were certain night (when a new menstruation period commences) it would be menstrual.

(27) This is discussed in the Gemara infra.

(28) All discharges of blood from the eighth to the fortieth day after the birth of a male is regarded as clean and after that begins the menstruation period of seven days followed by the zibah one of eleven days.

(29) From the fifteenth to the eightieth day after the birth of a female all discharges of blood are clean and after the eightieth day the menstruation period followed by that of zibah (cf. prev. n.) begins.

(30) Cf. prev. n. but three.

(31) Lit., 'these'.

(32) Lit., 'erring', as regards the counting of the clean and unclean days prescribed in the various cases mentioned; because they are unable to determine on which of the 'two days involved they had observed the discharge.

(33) Those of the type just mentioned.

(34) Women who observed their discharges in the day or the night when no doubt arises. This is further explained in a Baraitha cited infra.

(35) The twilight of THE ELEVENTH DAY.

(36) Since the zibah period which began after the seventh day of the menstruation period terminated at the conclusion of the eleventh day when a second menstruation period begins.

Talmud - Mas. Nidah 54a

FOOLISH WOMEN? Are they not merely IN A STATE OF PERPLEXITY?¹ — Rather read: Women who are in a state of perplexity. For² it was taught: [If a woman is alternately] unclean on one day and clean on the next,³ she may perform her marital duty⁴ on the eighth day,⁵ the night following being included,⁶ and on four nights out of every eighteen days.⁷ If, however, she observed any issue in the evening,⁸ she performs her marital duty on the eighth day⁹ only.¹⁰ [If she is alternately] unclean¹¹ for two days and clean for two days, she may perform her marital duty on the eighth,¹² the twelfth,¹³ the sixteenth¹⁴ and the twentieth.¹⁵ But why is she not allowed to perform her marital duty on the nineteenth?¹⁶ — R. Shesheth replied: This¹⁷ proves that the 'gluttony'¹⁸ of which we have learnt¹⁹ is forbidden. R. Ashi²⁰ replied: Granted that the eleventh day²¹ requires no safeguard,²² the tenth day²³ at any rate does require a safeguard.²⁴ If she is alternately unclean for three days and clean for three days, she may perform her marital duty on two days²⁵ and may never again perform it.²⁶ If she is alternately unclean for four days and clean for four days she performs her marital duty on one day,²⁷ and may never again perform it.²⁸ If she is alternately unclean for five days and clean for five days, she performs her marital duty on three days²⁹ and may never again perform it.²⁸ If she is alternately unclean for six days and clean for six days she performs her marital duty on five days³⁰ and may never again perform it.²⁸ If she is alternately unclean for seven days and clean for seven days, she may perform her marital duty during a quarter of her lifetime, [seven days]³¹ out of each twenty-eight days.³² If she is alternately unclean for eight days and clean for eight days, she may perform her marital duty on fifteen days³³ out of every forty-eight days.³⁴ But is not the number³⁵ fourteen?³⁶ — R. Adda b. Isaac replied: This proves that the days of her menstruation in which she observes no discharge³⁷ are reckoned in the counting³⁸ prescribed for her zibah;³⁹ for the question was raised:

(1) V. supra p. 373, n. 6.

(2) The following series of rules applies to the WISE ONES of which R. Joshua spoke.

(3) Sc. is discharging blood every alternate day.

(4) If the discharge never occurs in the night.

(5) Counting from the one on which her first discharge was observed. On the eighth day her cleanness is established beyond any possible doubt since her unclean period of menstruation terminated with the seventh, and the eighth is one of her alternate clean days.

(6) Lit., 'and its night with it', since (cf. Prev. n. but one) she never discharges any blood in the night.

(7) Again counting from the day of the first discharge (cf. prev. n. but one). As she never discharges on three consecutive days she can never become a major zabah (who must allow seven clean days to pass before she can attain cleanness). When she discharges on the ninth day (one of the alternate unclean days) she, as a minor zabah (the discharge having taken place within the eleven days of the zibah period which began on the eighth), must allow one clean day (the tenth) to pass and may perform her marital duty in the night following it. Observing a discharge on the eleventh day (one of the alternate unclean days) she allows the twelfth day to pass and performs her duty in the night that follows. Similarly she may perform her marital duty on the nights following respectively the fourteenth and the sixteenth. By the time eighteen days have passed with the sunset of the eighteenth day she has, in addition to the eighth day and night following it, the four nights that follow respectively the tenth, twelfth, fourteenth and sixteenth day. The night following the eighteenth day is again one in which performance of marital duty is permitted, but it belongs to the

next cycle. On the nineteenth, the seven days of menstruation begin again and the cycle is repeated.

(8) Of the alternate unclean days.

(9) After her first discharge, sc. the day and the night preceding it. On the day she is definitely clean since her discharge does not appear until evening, and in the previous night she is also clean since with the day preceding it (the seventh) her unclean menstruation period had come to an end.

(10) During the first seven days she is unclean as a menstruant and in the night following the eighth (one of the alternate unclean nights) she is unclean as a minor zabah (the zibah period having commenced on the eighth) and must consequently allow one day, the ninth, to pass. On the night following the ninth (another of the alternate unclean nights) she is again unclean as a minor zabah and must again allow a day, the tenth, to pass, and so on until the termination of eighteen days when a new cycle of the same number of days begins in which again she is allowed marital duty on the eighth day and the night preceding it only.

(11) The discharge making its appearance (as is also the case in all the following rulings) in the evenings.

(12) Which (with the night preceding) is the second of the two alternating clean days and (unlike the first of these two days) follows the immersion on the seventh day of the unclean seven days of the menstruation period.

(13) The preceding night included, On the ninth and the tenth (two of the alternating unclean days) she is (since these days are within her zibah period) a minor zabah and must in consequence allow the eleventh also to pass, performing immersion in the evening of that day and thus attaining cleanness on the twelfth.

(14) Including also the night preceding it. On the thirteenth and fourteenth (cf. prev. n. mut. mut.) she is a minor zabah, the fifteenth is the day she must allow to pass and in the evening of which she performs immersion and attains cleanness by the sixteenth.

(15) Cf. prev. n. mut. mut. The uncleanness on the twenty-first and twenty-second is already part of a menstruation period and belongs to the next cycle.

(16) The day following the eleventh day of the zibah period, which (as stated infra 72b) need not be passed before cleanness is attained.

(17) The prohibition of marital intercourse on the nineteenth.

(18) Lit., 'glutton'.

(19) Infra 72a: If a woman observed a discharge on the eleventh day of her zibah period, and performed immersion on the twelfth, and, after intercourse, again observed a discharge, her husband (who had not the patience to allow the twelfth day to pass) is described by Beth Hillel as a glutton.

(20) Maintaining that 'gluttony' is not forbidden,

(21) Of the zibah period (the eighteenth in the cycle).

(22) Sc. allowing one clean day to pass after it before cleanness is attained.

(23) The seventeenth in the cycle which is also one of the two alternating unclean days.

(24) Cf. prev. n. but one. As the day following it (the eleventh of zibah or the eighteenth in the cycle) is an unclean one, the next clean day (the nineteenth in the cycle) must be allowed to pass as a safeguard. Hence it is that marital intercourse cannot in this case be permitted before the twentieth.

(25) The eleventh and twelfth after her first discharge. On the first seven days she is unclean as a menstruant, on the eighth and the ninth (two of the alternating three unclean days) being within the eleven days of the zibah period, she is unclean as a minor zabah, and the tenth must be allowed to pass as a safeguard against these days.

(26) Since after the twelfth day she will never attain cleanness. The thirteenth, fourteenth and fifteenth (three of the alternating three unclean days) will be unclean days within her zibah period that subject her to the restrictions of a major zabah who cannot attain cleanness before seven clean days have passed, but (owing to these three alternating unclean days) she will never experience a full period of seven clean days.

(27) The eighth, the first day after her first unclean menstruation period, which is the last of the second group of four clean days.

(28) Cf. prev. n, but one mut. mut.

(29) The eighth, ninth and tenth (immediately following the first menstruation period) being the last three of the first group of five clean days.

(30) The eighth to twelfth. Cf. prev. n. mut. mut.

(31) That follow the unclean seven days of the menstruation period.

(32) Made up as follows: Seven unclean days of menstruation, seven days of cleanness (in which marital intercourse is permitted), seven days of uncleanness in which the woman becomes a major zabah and seven days that must be counted

after the confirmed zibah; and so on with each cycle of twenty-eight days.

(33) The tenth to the sixteenth (seven days), the twenty-sixth to the thirty-second (seven days) and the forty-eighth ($7 + 7 + 1 = 15$ days). Cf. foll. n.

(34) Composed as follows: Eight unclean days (the last of which being the first of the eleven days of zibah turns the woman into a minor zabah); one day (the first of the second group of eight days) that must be allowed to pass by a minor zabah before cleanness is attained, and seven clean days in which marital intercourse is permitted; two days (the first of the third group of eight days) of zibah (being the last two of the eleven days of the first zibah period) and six days of the second menstruation period; one day (the first of the fourth group of eight days) completing the seventh day of menstruation, and seven days in which marital intercourse is permitted; eight days of uncleanness (the fifth group of eight days during the first three of which she becomes a major zabah); seven days (the first of the sixth group) that serve as the number of days prescribed for a major zabah and one day (the last of the sixth group and the forty-eighth day in the cycle) in which marital intercourse is permitted.

(35) Lit. 'behold they are', the days on which marital intercourse is permitted.

(36) Since the forty-eighth day should be excluded. It is now assumed that in the sixth group of eight days five clean days only are available for the prescribed counting, since the first three days of the group completed a menstruation period that began on the fifth day of the fifth group, and, since seven clean days have not yet passed, the forty-eighth, as the day following it, should be equally forbidden for marital intercourse.

(37) As is the case with the first three days of the sixth group in which she was clean.

(38) Sc. of the seven days.

(39) Since the counting thus begins with the first day of the sixth group of eight days it terminates (cf. prev. n.) on the seventh. On the eighth day, the forty-eighth of the cycle, the woman having attained cleanness and undergone immersion on the preceding night, marital intercourse is permitted.

Talmud - Mas. Nidah 54b

May the days succeeding childbirth¹ on which the woman observes no discharge² be reckoned in the counting prescribed for her zibah?³ R. Kahana replied, Come and hear: If a woman⁴ observed a discharge on two days, and on the third day she miscarried but was unaware what she miscarried, behold this is a case of doubtful zibah and doubtful birth⁵ and⁶ she must bring a sacrifice⁷ which may not be eaten⁸ while the days succeeding her childbirth⁹ on which she observes no discharge are reckoned in the counting prescribed for her zibah.¹⁰ R. Papa retorted: There¹¹ the case is quite different,¹² since it might be assumed¹¹ that she gave birth to a male child,¹³ so that all the extra seven days that we impose upon her¹⁴ may well be reckoned in the counting prescribed for her zibah.¹⁵ Said R. Huna son of R. Joshua to R. Papa: Is there¹¹ only the doubt of having given birth to a male child, and is there no doubt as to the possibility of the birth of a female child?¹⁶ But the fact is that¹⁷ you may well infer from here that they¹⁸ may be reckoned.¹⁹ This is conclusive.

If a woman is alternately unclean for nine days and clean for nine days she may have marital intercourse on eight days out of every eighteen days.²⁰ If she is alternately unclean for ten days and clean for ten days, the days in which she is permitted marital intercourse are the same in number as the days of her zibah.²¹ And the same²² applies to cycles of a hundred²³ and so also to cycles of a thousand.²⁴

CHAPTER VII

MISHNAH. THE BLOOD OF A MENSTRUANT AND THE FLESH OF A CORPSE CONVEY UNCLEANNESS WHEN WET AND WHEN DRY. BUT THE ISSUE, PHLEGM AND SPITTLE OF A ZAB, A DEAD CREEPING THING, A CARCASS AND SEMEN CONVEY UNCLEANNESS WHEN WET BUT NOT WHEN DRY. IF, HOWEVER, ON BEING SOAKED, THEY ARE CAPABLE OF REVERTING TO THEIR ORIGINAL CONDITION THEY CONVEY UNCLEANNESS WHEN WET AND WHEN DRY. AND WHAT IS THE DURATION²⁵ OF THEIR SOAKING?²⁶ TWENTY-FOUR HOURS IN LUKEWARM WATER.²⁷ R. JOSE RULED:

IF THE FLESH OF A CORPSE IS DRY, AND ON BEING SOAKED CANNOT REVERT TO ITS ORIGINAL CONDITION, IT IS CLEAN.²⁸

GEMARA. Whence are these rulings²⁹ deduced? — Hezekiah replied: From Scripture which says, And of her that is sick with her impurity,³⁰ her impurity³¹ is like herself, as she conveys her uncleanness so does her impurity convey similar uncleanness. Thus we find the law concerning wet blood,³² whence the deduction concerning dry blood? — R. Isaac replied: Scripture said, Be,³³ it shall retain its original force.³⁴ But might it not be suggested that this³⁵ applies only to blood that was wet and then dried up; whence, however, the deduction that it applies also to blood that was originally³⁶ dry? And, furthermore, with reference to what we have learnt, 'If a woman aborted an object that was like a rind, like earth, like a hair, like red flies, let her put it in water and if it dissolves she is unclean', whence is this³⁷ deduced? — 'Be'³⁸ is an inclusive statement.³⁹ If [it be argued:] As she causes couch and seat to convey uncleanness to man and to his garments⁴⁰ so should her blood also cause couch and garment to convey uncleanness to man and his garments. [it can be retorted:] Is then her blood capable of using a couch or a seat?⁴¹ — But according to your argument⁴² [it could also be objected]: Is a leprous stone⁴³ capable of using a couch or a seat that a text should be required to exclude it?⁴⁴ For it was taught. 'It might have been presumed that a leprous stone should cause a couch and a seat to convey uncleanness to man and to his garments, this being arrived at logically, for if a zab who does not convey uncleanness by means of entry⁴⁵ causes couch and seat to convey uncleanness to man and to his garments, how much more then should a leprous stone, which does convey uncleanness by means of entry,⁴⁶ convey uncleanness to couch and seat to convey it to man and his garments, hence it was specifically stated, He that hath the issue,⁴⁷ implying only 'he that hath the issue' [is subject to the restriction]⁴⁸ but not a leprous stone'. Now the reason⁴⁹ is that Scripture has excluded it, but if that had not been the case it would have conveyed the uncleanness, would it not?⁵⁰ — A reply may indeed be forthcoming from this very statement,⁵¹ for did you not say. 'He that hath the issue⁵² [is subject to the restriction] but not a leprous stone'? Well here also Scripture said, Whereon she sitteth,⁵³ only she but not her blood.

(1) Which took place in zibah that immediately ceased.

(2) But is nevertheless Pentateuchally unclean.

(3) So that at the conclusion of seven days, and the due performance of immersion, she is exempt from the restrictions that are imposed upon a zabah.

(4) During the eleven days of her zibah period.

(5) Since it is possible that she gave birth to a proper child and that no bleeding accompanied it, in which case it is a valid birth and no zibah. It is equally possible that the birth was not that of a proper child and that it was accompanied by a flow of blood, in which case it is a proper zibah and no valid birth. It is also possible that the birth was a proper one and that it was accompanied by bleeding in which case it is both a valid birth and a proper zibah. It is equally possible that there was neither proper birth nor bleeding so that there was neither zibah nor valid birth.

(6) Adopting the most restrictive course in order to meet all possible circumstances,

(7) In case the birth was a valid one.

(8) Since it is possible that the birth was not valid, that in consequence no sacrifice was required, and that the bird that was mistakenly killed in the manner prescribed for a sacrifice was, therefore, nebelah,

(9) During the first fourteen days of which, since it is possible that the birth was that of a female, the woman is unclean even though no discharge was observed,

(10) To the restrictions of which she is subject on account of the possibility that the miscarriage was accompanied by bleeding. Thus it has been shown that the days succeeding childbirth on which no discharge is observed are reckoned in the counting prescribed for a zabah.

(11) In the case just cited by R. Kahana where uncertainties exist,

(12) From that discussed supra 54a where no doubtful factor is involved,

(13) After the birth of whom a woman is unclean for seven days only.

(14) A total of fourteen days as a precaution against the possibility that the birth was that of a female child.

(15) Had it, however, been certain that the birth was that of a female child (similar to the certainty supra 54a) the days

succeeding birth could not be reckoned in the counting prescribed for a zabah.

(16) Of course there is. The birth of the latter is as possible as the birth of the former and the possibility, therefore, exists that the woman is unclean for fourteen days.

(17) Lit., 'but not'.

(18) The days succeeding a childbirth during which no discharge is observed.

(19) In the seven days prescribed for a zabah.

(20) In the first group of nine days she is a menstruant during the first seven days and a minor zabah on the last two days; and in the second group of nine days she allows the first day to pass (as prescribed for a minor zabah) while in the remaining eight days, being fully clean, she is permitted marital intercourse. The same process is repeated in every cycle of eighteen day.

(21) During the first ten days she is a menstruant for seven days and a zabah during the last three days, while during the second group of ten days she counts the prescribed seven days and has three days left in which she is clean and permitted marital intercourse. The three latter days are thus equal in number to the three days of her zibah.

(22) That the number of days in which marital intercourse is permitted is equal to the number of the days of zibah.

(23) The woman is menstrual during the first seven days of the first hundred and is a zabah during the remaining ninety-three days, while the first seven days of the second hundred are counted as the days prescribed after the zibah and in the remaining ninety-three days she is permitted marital intercourse.

(24) Cf. prev. n. mut. mut.

(25) Sc. the maximum time.

(26) To cause them to be regarded as CAPABLE OF REVERTING TO THEIR ORIGINAL CONDITION.

(27) But if they do not resume their original freshness unless soaked for a longer time or in warmer water they convey uncleanness when wet only.

(28) V. Gemara.

(29) That the blood of menstruation conveys uncleanness by contact and carriage.

(30) Lev. XV, 33, emphasis on 'her' and 'impurity'.

(31) Sc. menstrual blood.

(32) Which is its natural state when discharged from the body.

(33) Her issue . . . be blood (Lev. XV, 19).

(34) Lit., 'in its being it shall be'.

(35) Retention of its original force.

(36) Sc. when it was discovered. Cf. the cited Mishnah that follows.

(37) That subsequent solution renders the originally dry object unclean.

(38) Her issue . . . be blood (Lev. XV, 29).

(39) Covering all the objects mentioned.

(40) Sc. she does not merely convey to them an uncleanness of a degree next to, and lower than her own but one, that of 'father of uncleanness', which is on a par with hers. Only a 'father of uncleanness' can effect the uncleanness of a man.

(41) Of course not. The analogy, therefore, cannot be drawn.

(42) That since blood cannot use a couch or a seat it cannot cause it to be a 'father of uncleanness'.

(43) Cf. Lev. XIV, 34ff.

(44) From the restriction of causing a couch and a seat to become 'fathers of uncleanness'.

(45) If a clean person enters with a zab into the same house the former does not thereby become unclean.

(46) Cf. Lev. XIV, 46.

(47) Lev. XV, 4.

(48) Of causing couch and seat to convey uncleanness to man and his garments.

(49) Why a leprous stone was excluded from the restriction (cf. prev. n.).

(50) Though it is not capable of using couch or seat.

(51) Lit., 'and from it'.

(52) Lev. XV, 4.

(53) Lev. XV. 23. emphasis on 'she'.

Talmud - Mas. Nidah 55a

But might it not be suggested that¹ as she conveys uncleanness to objects under a heavy stone² so does her blood also convey uncleanness to objects under a heavy stone? — R. Ashi replied: Scripture said, And he that beareth those things,³ implying⁴ an exclusion.⁵

AND THE FLESH OF A CORPSE. Whence is this deduced? — Resh Lakish replied: Scripture said, Whatsoever uncleanness he hath,⁶ implying all forms of uncleanness⁷ that emanate from him.⁸ R. Johanan replied: Or a bone of a man, or a grave,⁹ ‘a man’ is¹⁰ on a par with ‘a bone’; as a bone [conveys uncleanness when] dry so does a man.¹¹ What is the practical difference between them?¹² — The practical difference between them is the case of flesh that¹³ crumbles.¹⁴

An objection was raised: The flesh of a corpse that was crumbled is clean?¹⁵ — There it is a case where it was pulverised and turned into dust.

An objection was raised:¹⁶ Every part of a corpse conveys uncleanness except the teeth, the hair and the nails, but while they are attached [to the corpse] they are all unclean?¹⁷ — R. Adda b. Ahabah replied: It¹⁸ must be exactly like a bone; as a bone was created simultaneously with it¹⁹ so must every other part²⁰ be such as was created with it.²¹ But are there not the hair and nails that were created with it¹⁹ and they are nevertheless clean? — Rather, said R. Adda b. Ahabah, It²⁰ must be exactly like a bone; as a bone was created simultaneously with it¹⁹ and when cut²² does not grow again²³ so must every other part²⁰ be such as was created with it and when cut²² does not grow again. The teeth are, therefore, excluded since they were not created with it,¹⁹ and the hair and nails were excluded since, though they were created with it, they²² grow again. But skin surely [is a part of the body] that²² grows again, for²⁴ we have learnt: A skinned animal,²⁵ R. Meir declares, is ritually fit,²⁶ and only the Sages declare it to be unfit.²⁷ And even the Rabbis declare it to be unfit only because in the meantime²⁸ the air affects it and it would die, but the skin²⁹ would, as a matter of fact, grow again;³⁰ and yet have we not learnt: In the case of the following their skins are on a par with their flesh,³¹ viz., the skin of a human being?³² — Surely in connection with this ruling it was stated: ‘Ulla said, ‘Pentateuchally the skin of a human being is clean, and what is the reason why they ruled it to be unclean? It is a preventive measure against the possibility that a person might use the skins of his father and mother as spreads for an ass.’

Others there are who read: Skin, surely, [is a part of the body] that³³ does not grow again, for³⁴ we have learnt: And the Sages declare it to be unfit.³⁵ And even R. Meir declares it to be fit only because its flesh hardens and the animal recovers its health but it does not, as a matter of fact, grow again,³⁶ and yet did not ‘Ulla state, ‘Pentateuchally the skin of a man is clean’? — When ‘Ulla’s statement was made it had reference to the final clause³⁷ only: But all these,³⁸ if they were dressed or trodden upon sufficiently to render them fit for dressing, are clean³⁹ with the exception of a human skin.⁴⁰ And it was in connection with this ruling that ‘Ulla stated, ‘Pentateuchally the human skin is clean if it had been dressed; and what is the reason why they ruled it to be unclean? It is a preventive measure against the possibility that a person might use the skins of his father and mother as spreads’. But does not flesh grow again and yet it is unclean? — Mar son of R. Ashi replied: The place of missing flesh becomes a scar.⁴¹

BUT THE ISSUE. Whence is this⁴² deduced? — It was taught: His issue is unclean,⁴³ teaches concerning an issue of a zab that it is unclean.⁴⁴ But cannot this be arrived at by a process of reasoning: If it⁴⁵ causes uncleanness to others⁴⁶ would it not, with more reason, cause uncleanness to itself?⁴⁷ The case of the scapegoat proves the contrary, since it causes uncleanness to others⁴⁸ while it is itself clean. You also should not, therefore, be surprised in this case⁴⁹ where, though the issue carries uncleanness to others,⁴⁶ it is itself⁴⁹ clean. Hence it was specifically stated, ‘His issue is unclean’⁴³ teaching thereby that the issue is unclean. But might it not be suggested that this⁵⁰ applies only to contact [uncleanness] but not to carriage, this being a case similar to that of a dead creeping thing?⁵¹ — R. Bibi b. Abaye replied: There was no need for a Scriptural text as far as contact is

concerned, since it⁵⁰ is not inferior⁵² to semen,

(1) Lit., 'if'.

(2) On which she sits; though her weight can hardly exercise any tangible pressure on the objects (Tosaf.). Lit., 'a stone (used) for closing (a pit)'. V. Shab., Sonc. ed., p. 394, n. 2.

(3) Lev. XV, 10, dealing with the couch of a zab which (as explained in Torath Kohanim) when carried on a heavy stone conveys uncleanness to objects under the stone.

(4) Emphasis on 'those'.

(5) Sc. only those but not blood.

(6) Lev. XXII, 5.

(7) Whether wet or dry.

(8) Lit., 'separate'.

(9) Num. XIX, 16.

(10) By analogy.

(11) Sc. his corpse.

(12) R. Johanan and Resh Lakish.

(13) Owing to its extreme dryness.

(14) While according to Resh Lakish it would still be unclean since it emanates from a corpse, it would lose its uncleanness according to R. Johanan since it is not one solid piece like a bone.

(15) An objection against Resh Lakish.

(16) Both against Resh Lakish and R. Johanan.

(17) Oh. III.3. Now teeth are on a par with bones and yet it was stated that when detached from the corpse they are clean (cf. prev. n.).

(18) To convey uncleanness.

(19) The body.

(20) To convey uncleanness.

(21) Teeth grow later.

(22) Lit., 'its stem'.

(23) Lit., 'changes', sc. once a bone has been removed no other will grow in its place.

(24) So MS.M. and marg. note. Cur. edd., 'and'.

(25) One whose skin has worn away owing to scabs or excessive work.

(26) For consumption, sc. it is not forbidden as terefah, since the skin grows again.

(27) Hul. 54a.

(28) Before a new skin has grown.

(29) Lit., 'its stem'.

(30) So that according to R. Adda b. Ahabah the skin should be clean.

(31) Sc. the former are as unclean as the latter.

(32) Hul. 122a.

(33) Lit., 'whose root'.

(34) So MS.M. and marg. note. Cur. edd., 'and'.

(35) Hul. 54a; because it does not grow again.

(36) The skin should consequently have been unclean.

(37) Of the Mishnah, beginning 'In the case of the following their skins etc.' cited supra.

(38) The skins which the Sages ruled to be unclean.

(39) Since they have lost all resemblance to flesh.

(40) Hul. 122a, Pes. 46a.

(41) Sc. it does not grow again to its original shape as is the case with hair or nails.

(42) That the issue of a zab is unclean.

(43) Lev. XV, 2.

(44) Supra 34b.

(45) The issue.

(46) Sc. the zab.

- (47) What need then was there for the text of Lev. XV, 2?
 (48) The man who carries it away (cf. Lev. XVI, 26).
 (49) Zibah.
 (50) The conveyance of uncleanness by an issue.
 (51) Which also conveys uncleanness by means of contact but not by carriage.
 (52) In its uncleanness.

Talmud - Mas. Nidah 55b

so that if a Scriptural text was required it was only in respect of carriage. But might it not be suggested that by means of carriage it conveys uncleanness to both man and his garments, while by means of contact it conveys uncleanness to man but not to his garments, this being a case similar to that of contact with a carcass?¹ — This cannot be entertained, for it was taught: Others² Say, Of them that have an issue, whether it be a man, or a woman,³ his 'issue' is compared⁴ to himself;⁵ as in his case you make no distinction between his contact and his carriage as regards the conveyance of uncleanness to man and to his garments,⁶ so also in that of his issue. But now that the law⁷ is deduced from 'Of them that have an issue',³ what need is there for 'His issue is unclean'?⁸ — R. Judah of Daskarta⁹ replied: It was required; since¹⁰ it might have been presumed that the case of the scapegoat proves the contrary,¹¹ for it causes uncleanness to others¹² while it itself is clean; and as to the deduction from¹³ 'Of them that have an issue' [it might have been explained that] it serves the purpose of indicating the number,¹⁴ viz., 'issue', one; 'his issue',¹⁵ two; while after the third issue the All Merciful compared him to the 'woman',¹⁶ hence the All Merciful has written, 'His issue is unclean'. And now that the All Merciful has also written, 'His issue is unclean'¹⁷ you may apply to the other text¹⁸ this exposition¹⁹ also.

AND SPITTLE. Whence do we deduce [the uncleanness of] spittle? — It was taught And if he²⁰ . . . spit.²¹ As this might be presumed to apply even if the spittle did not touch,²² it was explicitly stated, upon him that is clean,²¹ only if it touched him that is clean.²³ Thus I know the law concerning his spittle only,²⁴ whence could I deduce the uncleanness of his mucus, phlegm and nasal discharge? From the explicit statement, And²⁵ if he . . . spit.²⁶

The Master said, 'As this might be presumed to apply even if the spittle did not touch',²⁷ but whence could this uncleanness²⁸ be deduced? — It might have been presumed that the expression of 'spit' here²⁶ may be inferred from that of 'spit'²⁹ mentioned in the case of a yebamah, as there the act³⁰ is valid though the spittle does not touch [the yabam] so is the act³¹ valid here also even though the spittle did not touch the clean person, hence we were informed [that actual contact is essential]. But might it not be suggested that this³¹ applies only to touch³² but not to carriage, the law being similar to that of a dead creeping thing?³³ — Resh Lakish replied: The school of R. Ishmael taught, Scripture said, 'upon that³⁴ which is with the clean',²⁶ implying, whatever is in the hand of him that is clean,³⁵ I have declared it to be unclean to you.³⁶ But might it not be suggested that by carriage it conveys uncleanness to the man and his garments while by contact it conveys uncleanness to man only but not to his garments, this law being similar to that of the touch of nebelah? — Resh Lakish replied and so it was also taught at the school of R. Ishmael: Scripture said, 'upon that which is with the clean'³⁷ implying that that which I have declared to you as clean elsewhere I have declared to you as unclean here, and what is this? It is the touch of nebelah.³⁸ But might it not be suggested that this³⁹ refers to⁴⁰ the carrying of a dead creeping thing?⁴¹ — If that were so, Scripture should have written, 'upon that which is with a man',⁴² why then did it write 'upon that which is with the clean'?⁴³ Consequently the two deductions may be made.⁴⁴

'And nasal discharge'. What [uncleanness] is [there in a] nasal discharge?⁴⁵ — Rab replied: This is the case where it was drawn and discharged through the mouth,⁴⁶ since in the circumstances it is impossible for the nasal secretion to be free from particles of spittle. R. Johanan, however, stated that

it is unclean even if it is drawn and discharged through the nose. It is thus clear that he is of the opinion that the nose is a source,⁴⁷ the All Merciful⁴⁸ having included it.⁴⁹ As to Rab,⁵⁰ why should not the tears of a zab's eyes⁵¹ be enumerated?⁵² For⁵³ has not Rab stated, He who wishes to blind his eye shall have it painted by an idolater,⁵⁴ and Levi stated, He who wishes to die shall have his eyes painted by an idolater, and in connection with this R. Hiyya b. Gorias explained, 'What is Rab's reason for not saying "He who wishes to die [etc.]"? Because one might sniff them up and discharge them, through the mouth'.⁵⁵ Now⁵⁶ what is Rab's explanation?⁵⁷ — Granted that the poison is discharged,⁵⁸ the tears themselves are not so discharged.

Come and hear: 'There are nine fluids of⁵⁹ a zab. His sweat, foul secretion and excrement are free from all uncleanness of zibah; the tears of his eye, the blood of his wound and the milk of a woman convey the uncleanness of liquids⁶⁰ if they consist of a minimum quantity of a quarter of a log; but his zibah, his spittle and his urine⁶¹ convey major uncleanness';⁶² but nasal discharge was not mentioned. Now according to Rab⁶³ one can well see why this was not mentioned, since it was not definite enough to be mentioned, for it is only sometimes that it is discharged through the mouth while at other times it is discharged through the nose,⁶⁴ but according to R. Johanan⁶⁵ why was it not mentioned? — But according to your view,⁶⁶ was his mucus and phlegm⁶⁷ mentioned?⁶⁸ But the fact is that spittle was mentioned and the same law applies to all other secretions the law of whose uncleanness was derived from the Pentateuchal amplification,⁶⁹ and so also here⁷⁰ spittle was mentioned and all other secretions the law of whose uncleanness was derived from the amplification are also included. 'The tears of his eye' [is legally a fluid] since it is written in Scripture, And given them tears to drink in large measure,⁷¹ 'the blood of his wound', since it is written, And drink the blood of the slain,⁷² and there is no difference⁷³ between striking one down outright or striking one down in part;⁷⁴ 'the milk of a woman', since it is written, And she opened a bottle of milk, and gave him drink.⁷⁵ Whence do we derive the law that 'his urine' [is legally a fluid]? — It was taught: His issue is unclean, and this⁷⁶ includes his urine in respect of uncleanness. But may not this⁷⁷ be arrived at by a logical argument? If spittle, that emanates from a region of cleanness, is unclean how much more so his urine that emanates

(1) Cf. Lev. XI, 39, 40.

(2) Sc. R. Meir.

(3) Lev. XV, 33.

(4) By juxtaposition and analogy.

(5) The zab.

(6) Cf. Lev. XV, 7, 10. The latter verse speaks of the zab's couch and seat and applies with greater force to the zab himself.

(7) That the issue of a zab conveys uncleanness by contact and carriage.

(8) Lev. XV, 2.

(9) Darkarah, 16 parasangs N.E. of Bagdad.

(10) If the text of Lev. XV, 2, had not been available.

(11) Of what is deduced from Lev. XV, 33.

(12) The man who carries it away (cf. Lev. XVI, 26).

(13) Lit., 'and if on account of'.

(14) Lit., 'it is for the number that it came'.

(15) E.V., 'of them that have'.

(16) Who becomes unclean even in a case of an accidental issue. After no more than two issues a man does not become unclean unless they were intentional.

(17) From which the principle of the uncleanness of an issue is deduced.

(18) From which the prescribed number of issues had already been deduced.

(19) That no distinction is to be made between contact and carriage.

(20) A zab.

(21) Lev. XV, 8.

- (22) The clean person in whose direction it was thrown.
- (23) Only then is he unclean.
- (24) Lit., 'I have not but'.
- (25) Emphasis on 'and' which might well have been omitted.
- (26) Lev. XV, 8.
- (27) The clean person in whose direction it was thrown.
- (28) Cf. prev. n.
- (29) Deut. XXV, 9.
- (30) Halizah.
- (31) The conveyance of uncleanness by the zab's spittle.
- (32) Sc. only if it came in contact with the clean person does it convey uncleanness to him.
- (33) Which also conveys uncleanness by contact but not through carriage if an object intervened between it and the person.
- (34) E.V. Upon him that is clean, Sc. within his hand.
- (35) Sc. even if the spittle has fallen on an object that was merely carried by the clean person, so that the spittle did not come in direct contact with the man.
- (36) Sc. that it conveys uncleanness to the person.
- (37) Emphasis on 'clean'.
- (38) Which causes the uncleanness of the man alone who touched it while his garments remain clean. In the case of the spittle of a zab, however, its touch by a clean man conveys uncleanness to his garments also.
- (39) The deduction just made (cf. MS.M.).
- (40) Cur. edd. 'like'.
- (41) Sc. the garments which remain clean in the case of the carrying of a dead creeping thing are unclean in this case (cf. p. 386, n. 15). Whence, however, the proof that touch in this case is not like the touch of nebelah which causes the uncleanness of the man only and not that of his garments?
- (42) From which (cf. supra p. 386, nn. 11 and 12) the deduction ('whatever is in the hand etc.') could well have been made.
- (43) Emphasis on 'clean'.
- (44) Cf. supra p. 386, n. 15 (second clause) and supra n. 2 (first clause).
- (45) Seeing that Scripture speaks of spittle only.
- (46) The uncleanness being due to the spittle.
- (47) In the case of a zab whose sources are unclean.
- (48) By the use of the expression *ki yarok* (E.V., if he spit) which (by change of vowels) may be read as one word, *kerok*, 'like spittle', Sc. any thing that is similar to spittle is subject to the same uncleanness.
- (49) Among the sources of a zab.
- (50) Who does not regard the nose as a source and attributes the uncleanness of a discharge from it to the particles of spittle that get mixed up with it when it passes through the mouth.
- (51) Which might also pass through his mouth and collect particles of spittle.
- (52) Among the unclean discharges.
- (53) The following is evidence that Rab agrees that tears may be made to pass through the mouth.
- (54) Who may well be suspected of mixing poisonous drugs in the eye paint.
- (55) And thus avoid swallowing them.
- (56) Cf. prev. n. but two.
- (57) Of the omission of tears of the eye (cf. supra p. 387, nn. 11 and 12) from the list of unclean discharges.
- (58) Through the mouth.
- (59) Cf. MS.M. and Bomb. ed.
- (60) Sc. cause the uncleanness of food and drink (as other unclean liquids) but not that of man and garments.
- (61) Being sources.
- (62) I.e., that of man and garments. Ker. 13a.
- (63) V. supra p. 387, n. 11.
- (64) When it is free from uncleanness. Hence it could not be included among those discharges that are invariably unclean.

- (65) Who ruled that it is always unclean, irrespective of the channel through which it passed.
- (66) That a discharge that is always unclean should have been mentioned among the others.
- (67) Which are undoubtedly as unclean as his spittle.
- (68) Of course not.
- (69) V. supra p. 387, n. 9.
- (70) The Baraita cited from Ker. 13a.
- (71) Ps. LXXX, 6; emphasis on 'drink'.
- (72) Num. XXIII, 24, cf. prev. n.
- (73) In respect of the blood.
- (74) Lit., 'what (difference is there) to me (whether) he killed all of him . . . his half'.
- (75) Judges IV, 19, cf. p. 388, n. 14
- (76) Lev. XV, 2f, emphasis on 'and this', sc. and another fluid also is unclean.
- (77) The uncleanness of urine.

Talmud - Mas. Nidah 56a

from an unclean region?¹ — The blood that issues from the orifice of the membrum² could prove the contrary, for though it issues from an unclean region it is nevertheless clean; you also need not, therefore, be surprised at this that, though it issues from an unclean region, it should be clean. Hence it was explicitly stated, 'His issue is unclean and this', to include his urine in respect of uncleanness. Whence is it deduced that the blood that issues from the orifice of the membrum² is clean? — From what was taught It might have been assumed that blood that issues from his² mouth or from the orifice of the membrum is unclean,³ hence it was explicitly stated, As to his issue it is unclean,⁴ only 'it' is unclean, but blood that issues from his mouth or from his membrum is not unclean but clean.⁵ But might I not reverse the deductions?⁶ — R. Johanan citing R. Simeon b. Yohai replied: It⁷ must be similar to spittle; as spittle is formed in globules when it is discharged so must any other unclean fluid be one that is formed in globules when it is discharged; blood is, therefore, excluded since it is not formed in globules when it is discharged. But is not a woman's milk formed in globules when it is discharged and the Master nevertheless stated that 'a woman's milk conveys the uncleanness of liquids' which implies: Only⁸ the uncleanness of liquids but not major uncleanness? — Rather said R. Johanan citing R. Simeon b. Yohai: It⁷ must be similar to spittle, as spittle is formed in globules when discharged but⁹ may be re-absorbed, so must any other unclean fluid be one that is formed in globules when discharged and that¹⁰ may be re-absorbed; blood is, therefore, excluded since it is not formed in globules when it is discharged, and a woman's milk is excluded since, though it is formed in globules when discharged, it cannot be re-absorbed. But why should not deduction be made from the zab's issue: As his issue which is not formed in globules when it is discharged causes uncleanness so does any other fluid?¹¹ — Raba replied: One cannot make a deduction from his issue, since it also causes uncleanness to others.¹²

A DEAD CREEPING THING. Resh Lakish ruled: A dead creeping thing that dried up but whose shape was retained is unclean. But have we not learnt that they CONVEY UNCLEANNESS WHEN WET BUT NOT WHEN DRY? — R. Zera replied: This is no difficulty since the former¹³ refers to a whole¹⁴ while the latter¹⁵ refers to a part;¹⁶ for it was taught: R. Isaac son of R. Bisna citing R. Simeon b. Yohai stated, In them,¹⁷ one might presume that it is necessary¹⁸ to touch a whole, hence it was explicitly stated, Of them.¹⁹ If only 'Of them' had been written it might have been presumed that it suffices¹⁸ to touch a part, hence it was explicitly stated 'In them'.¹⁷ How then are the two to be reconciled? The one²⁰ refers to a wet creeping thing while the other²¹ refers to a dry one. Raba ruled: The lizards of Mahuza,²² if their shapes are retained, are unclean.

Resh Lakish further stated: If a dead creeping thing was burnt while its shape was retained it is unclean. An objection was raised: If a burnt creeping thing was found upon olives and so also if a tattered rag²³ was found upon them they are clean, because all questions of uncleanness are

determined by the condition of the objects at the time they are found!²⁴ — R. Zera replied: This is no difficulty since the former²⁵ refers to a whole²⁶ while the latter²⁷ refers to a part; for it was taught: R. Isaac son of R. Bisna citing R. Simeon b. Yohai stated, In them',²⁸ one might presume that it is necessary²⁹ to touch a whole, hence it was explicitly stated, Of them.³⁰ If only 'of them' had been written it might have been presumed that it suffices²⁹ to touch a part, hence it was explicitly stated, 'in them'. How then are the two to be reconciled? The one³¹ refers to a burnt creeping thing while the other refers to one that is not burnt.

CONVEY UNCLEANNESS WHEN WET. The ISSUE?³² Because it is written, His flesh run.³³ His mucus, PHLEGM AND SPITTLE?³² Because it is written, If he that hath the issue spit³⁴ implying³⁵ any fluid like spittle. A DEAD CREEPING THING?³² The All Merciful said, When they are dead,³⁶ implying when they have the appearance of being dead.³⁷ SEMEN?³² Since it must be capable of causing fertilization. A CARCASS?³² Since it is written, If . . . die³⁸ implying when they have the appearance of being dead.³⁷

IF, HOWEVER, ON BEING SOAKED THEY ARE CAPABLE. R. Jeremiah enquired: Is the soaking to be from beginning to end³⁹ in LUKEWARM WATER,⁴⁰ or only at the beginning although it is not so at the end?⁴¹ — Come and hear what was taught: For how long must they be soaked in lukewarm water? Judah b. Nakosa replied, For twenty-four hours, being lukewarm at the beginning though not at the end. R. Simeon b. Gamaliel replied, They must be lukewarm throughout the twenty-four hours.

R. JOSE RULED: THE FLESH OF A CORPSE etc. Samuel explained: It is CLEAN in so far only as not to convey uncleanness if it is of the bulk of an olive, but it does convey the uncleanness of corpse mould.⁴² So it was also taught: R. Jose ruled, The flesh of a corpse that is dry and, on being soaked, cannot return to its original condition is clean in so far only as not to convey uncleanness if it is of the bulk of an olive but it is subject to the uncleanness of corpse-mould.⁴²

MISHNAH. IF A DEAD CREEPING THING WAS FOUND IN AN ALLEY IT CAUSES UNCLEANNESS RETROSPECTIVELY TO SUCH TIME AS ONE CAN TESTIFY, 'I EXAMINED THIS ALLEY AND THERE WAS NO CREEPING THING IN IT', OR TO SUCH TIME AS IT WAS LAST SWEEPED. SO ALSO A BLOODSTAIN, IF IT WAS FOUND ON A SHIRT, CAUSES UNCLEANNESS RETROSPECTIVELY TO SUCH TIME AS ONE CAN TESTIFY, 'I EXAMINED THIS SHIRT AND THERE WAS NO STAIN ON IT' OR TO SUCH TIME AS IT WAS LAST WASHED. AND IT⁴³ CONVEYS UNCLEANNESS⁴⁴ IRRESPECTIVE OF WHETHER IT IS WET OR DRY.⁴⁵ R. SIMEON RULED: IF IT IS DRY⁴⁵ IT CAUSES UNCLEANNESS RETROSPECTIVELY,⁴⁶ BUT IF IT IS WET⁴⁵ IT CAUSES UNCLEANNESS ONLY TO A TIME WHEN IT COULD STILL HAVE BEEN WET.⁴⁷

GEMARA. The question was raised: Is the alley TO SUCH TIME AS IT WAS LAST SWEEPED in the presumptive state of having been duly examined,⁴⁸ or is it possible that it is in the presumptive state of having been properly swept?⁴⁹ And in what case could this⁵⁰ matter? — In that where a person declared that he had swept the alley but did not examine it.⁵¹ If you say that 'it is in the presumptive state of having been duly examined'⁴⁸ surely, he had not examined it;⁵² but if you say, 'it is in the presumptive state of having been properly swept'⁴⁹ surely, at that time⁵³ it was properly swept.⁵⁴

(1) Whence actual zibah comes.

(2) Of a confirmed zab.

(3) As his spittle and issue respectively are unclean.

(4) Lev. XV, 2.

(5) Yeb. 105a.

- (6) 'And this' including blood that issues from his mouth or membrum, and 'as to his issue etc.' excluding urine.
- (7) A fluid that is to be included in the same law of uncleanness as spittle.
- (8) Lit., 'yes'.
- (9) If it is not ejected.
- (10) If it is not ejected.
- (11) Though it is not formed in globules when discharged.
- (12) Sc. the zab himself.
- (13) The ruling of Resh Lakish.
- (14) Such is unclean even when dry.
- (15) Our Mishnah.
- (16) Cf. MS.M. Cur. edd., 'in all of them . . . in their part'.
- (17) Lev. XI, 31. E.V. 'them'.
- (18) In order to become unclean.
- (19) Lev. XI, 32; emphasis on 'of', sc. a part.
- (20) Uncleanness through contact with a part.
- (21) Requiring contact with a whole.
- (22) Which are discovered dry.
- (23) Which is no longer subject to uncleanness.
- (24) Toh. IX, 9; thus the burnt creeping thing, like the tattered rag, is regarded as clean: how then could Resh Lakish maintain that it is unclean?
- (25) The ruling of Resh Lakish.
- (26) Which is unclean even if burnt.
- (27) The Mishnah cited.
- (28) Lev. XI, 31 E.V., 'them'.
- (29) In order to become unclean.
- (30) Lev. XI, 32; emphasis on 'of', sc. a part.
- (31) Requiring contact with a whole.
- (32) Conveys uncleanness when wet.
- (33) Lev. XV, 3.
- (34) Lev. XV, 8, Heb.; ki yarak (v. next note).
- (35) Since ki yarak by change of vowels might be made to read kerok, 'like spittle'.
- (36) Lev. XI, 31.
- (37) Sc. while still moist.
- (38) Lev. XI, 39.
- (39) 'Sc. throughout the TWENTY-FOUR HOURS.
- (40) I.e., even if they resume their original moist condition only after soaking in lukewarm water for the full period of twenty-four hours they are unclean.
- (41) Sc. they are regarded as clean if they have not resumed their original condition after being soaked in water that was at first lukewarm and then turned cold, though they would have resumed that condition if they had been soaked all the time in lukewarm water.
- (42) Sc. a ladleful of it conveys uncleanness by means of touch, carriage and overshadowing.
- (43) The dead creeping thing as well as the bloodstain.
- (44) RETROSPECTIVELY to the times indicated.
- (45) When discovered.
- (46) To the times previously indicated, since it is possible that the creeping thing or stain may have been there soon after the alley had been swept or the shirt washed.
- (47) And not to the times previously indicated if they are earlier. For if it had been there since the earlier times it would have been dry by now.
- (48) By the person who swept it who had thus definitely ascertained that there was no unclean object in it at the time.
- (49) So that if any unclean object had been there at the time it would have been swept away.
- (50) The assumption of the former or of the latter.
- (51) To ascertain whether any unclean object remained after the sweeping.

(52) And the uncleanness would be retrospective to the time before the sweeping.

(53) Though no examination took place.

(54) And no unclean object could have remained. Hence the uncleanness could be retrospective only to the time of the sweeping.

Talmud - Mas. Nidah 56b

Or also in the case where the creeping thing was found in a hole.¹ If you say that 'it is in the presumptive state of having been duly examined', any one who examines the alley examines also any hole in it; but if you say that 'it is in the presumptive state of having been properly swept', a hole is not usually swept.²

SO ALSO A BLOODSTAIN etc. The question was raised: Is the shirt TO SUCH TIME AS IT WAS LAST WASHED in the presumptive state of having been duly examined,³ or is it possible that it is in the presumptive state of having been properly washed?⁴ And in what case could this⁵ matter? — In that where a person declared that he had washed the shirt but did not examine it — If you say that 'it is in the presumptive state of having been duly examined', surely, he had not examined it,⁶ but if you say that 'it is in the presumptive state of having been properly washed', surely, it had been properly washed.⁷ Or also in the case where the stain was discovered in a fold.⁸ If you say that 'it is in the presumptive state of having been duly examined', anyone engaged in an examination examines also the folds,⁹ but if you say that 'it is in the presumptive state of having been properly washed', a stain in a fold may not have been washed out.¹⁰ Now what is the decision? — Come and hear: For it was taught: R. Meir stated, Why did they¹¹ rule that if a dead creeping thing was found in an alley it causes uncleanness retrospectively to such time as one can testify, 'I examined this alley and there was no creeping thing in it', or to such time as it was last swept?¹² Because there is presumption that the children of Israel examine their alleys at the time they are swept; but if they did not examine them, they impaired its presumptive cleanness retrospectively.¹³ And why did they¹¹ rule that a bloodstain, if found on a shirt, causes uncleanness retrospectively to such time as one can testify, 'I examined this shirt and there was no stain on it', or to such time as it was last washed?¹⁴ Because there is presumption that the daughters of Israel examine their shirts at the time they are washing them; but if they did not examine them, they impair its presumptive cleanness retrospectively.¹⁵ R. Aha ruled: Let her¹⁶ wash it again. If its colour fades¹⁷ it may be taken for granted¹⁸ that it was made after the previous washing,¹⁹ but if it does not fade it may be taken for granted¹⁸ that it was made before the previous washing. Rabbi said, A stain after its washing is not like a stain before it had been washed, for the former penetrates into the material while the latter remains clotted on its surface. Thus it may be inferred²⁰ that²¹ there is presumption that it was duly examined. This is conclusive.

AND IT CAUSES UNCLEANNESS IRRESPECTIVE OF WHETHER IT IS WET etc. R. Eleazar explained: This²² was learnt only concerning the dead creeping thing, but a wet bloodstain also causes uncleanness retrospectively,²³ for it might be assumed that it was already dry but water had fallen upon it. But can it not be assumed in the case of a dead creeping thing also that it was already dry but water had fallen upon it? — If that were the case it would have been completely dismembered.²⁴

MISHNAH. ALL BLOODSTAINS²⁵ THAT COME FROM REKEM²⁶ ARE CLEAN.²⁷ R. JUDAH DECLARES THEM UNCLEAN, BECAUSE THE PEOPLE WHO LIVE THERE ARE PROSELYTES²⁸ THOUGH MISGUIDED.²⁹ THOSE³⁰ THAT COME FROM THE HEATHENS³¹ ARE CLEAN.³² THOSE THAT COME FROM ISRAELITES OR FROM SAMARITANS, R. MEIR DECLARES, ARE UNCLEAN, BUT THE SAGES DECLARED THEM CLEAN³³ BECAUSE THEY ARE UNDER NO SUSPICION³³ IN REGARD TO THEIR STAINS.

GEMARA. Since the statement³⁴ was made categorically³⁵ it follows, does it not, that it applies even to those from Tarmod?³⁶ — R. Johanan replied: This proves that proselytes may be accepted from Tarmod.³⁷ But can this be right³⁸ seeing that both R. Johanan and Sabya ruled, No proselytes may be accepted from Tarmod? And should you reply that R. Johanan only said, ‘This’,³⁹ but he himself⁴⁰ does not hold this view [it could be retorted]: Did not R. Johanan lay down, ‘The halachah is in accordance with an anonymous Mishnah’?⁴¹ — It is a question in dispute between Amoras as to what was actually R. Johanan's view.

FROM ISRAELITES etc. As to the Rabbis,⁴² if they declare the menstrual blood of Israelites clean, whose do they hold to be unclean? — Some words are missing from our Mishnah, this being the correct reading: FROM ISRAELITES are unclean, FROM SAMARITANS, R. MEIR DECLARES, ARE UNCLEAR, since Samaritans are true proselytes,⁴³ BUT THE SAGES DECLARED THEM CLEAN because, in their opinion, Samaritans are merely lion-proselytes.⁴⁴ If so, instead of saying, BECAUSE THEY ARE UNDER NO SUSPICION IN REGARD TO THEIR STAINS, It should have been said, Because they are lion-proselytes? — The fact rather is that it is this that was meant: FROM ISRAELITES OR FROM SAMARITANS they are unclean, since Samaritans are true proselytes; those that are found in Israelite cities⁴⁵ are clean since they are not suspected of leaving their stains exposed, for they rather keep them in privacy; and those that are found⁴⁵ in Samaritan cities, R. MEIR DECLARES, ARE UNCLEAR because they are suspected of leaving their stains exposed, BUT THE SAGES DECLARED THEM CLEAN BECAUSE THEY⁴⁶ ARE UNDER NO SUSPICION IN REGARD TO THEIR STAINS.

MISHNAH. ALL BLOODSTAINS, WHERESOEVER THEY ARE FOUND,⁴⁷ ARE CLEAN, EXCEPT THOSE THAT ARE FOUND INDOORS⁴⁸ OR ROUND ABOUT A CHAMBER FOR⁴⁹ UNCLEAR WOMEN.⁵⁰ A CHAMBER FOR⁴⁹ UNCLEAR SAMARITAN WOMEN CONVEYS UNCLEARNESS BY OVERSHADOWING⁵¹ BECAUSE THEY BURY MISCARRIAGES THERE. R. JUDAH STATED, THEY DID NOT BURY THEM BUT THREW THEM AWAY AND THE WILD BEASTS DRAGGED THEM OFF. THEY⁵² ARE BELIEVED WHEN THEY DECLARE, ‘WE BURIED MISCARRIAGES THERE’, OR ‘WE DID NOT BURY THEM’. THEY⁵² ARE BELIEVED WHEN THEY DECLARE CONCERNING — A BEAST WHETHER IT HAD GIVEN BIRTH TO A FIRSTLING⁵³ OR HAD NOT GIVEN BIRTH TO ONE. THEY⁵² ARE BELIEVED WHEN GIVING INFORMATION ON THE MARKING OF GRAVES,⁵⁴ BUT THEY ARE NOT BELIEVED EITHER IN REGARD TO OVERHANGING BRANCHES,⁵⁵ OR PROTRUDING STONES⁵⁵ OR A BETH HA-PERAS.⁵⁵ THIS IS THE GENERAL RULE: IN ANY MATTER WHERE THEY ARE UNDER SUSPICION THEY ARE NOT BELIEVED.

(1) And the sweeper made no declaration at all.

(2) And the creeping thing may have been lying in that hole long before the alley had been swept (cf. n. 5).

(3) At the time it was washed, when it was definitely ascertained that there was then no stain on it.

(4) When any stain that may have been on it would have been washed out.

(5) Our assumption of the former or of the latter.

(6) The uncleanness would, therefore, be retrospective to the time before the washing.

(7) And the uncleanness could be retrospective to the time of washing only.

(8) . Lit., ‘side’, ‘border’; and the washer did not make any declaration.

(9) V. p. 393, n. 14.

(10) V. p. 393, n. 13.

(11) The Rabbis.

(12) Sc. why does not the uncleanness begin prior to the sweeping?

(13) To the time prior to the sweeping.

(14) Sc. why does not the uncleanness begin before the washing?

(15) The uncleanness beginning prior to the washing.

(16) Who did not examine her shirt when she washed it and subsequently found a bloodstain on it, and it is unknown

whether that stain was there before the washing or was made subsequently.

(17) As a result of the last washing.

(18) Lit., 'it is known'.

(19) For if it had been there before the previous washing it would have faded in the course of that washing. Hence the uncleanness is retrospective to the time of the previous washing only.

(20) From R. Meir's ruling.

(21) When nothing to the contrary is definitely known.

(22) R. Simeon b. Gamaliel's ruling.

(23) To the time it had last been washed.

(24) The assumption can, therefore, be applied to a bloodstain only.

(25) On women's garments.

(26) V. Yeb., Sonc. ed., p. 88, n. 10.

(27) Because no Israelites of pure stock live there. The menstrual blood of heathens is levitically clean.

(28) Whose menstrual blood is unclean like that of Israelites proper.

(29) Sc. though they no longer observed the religious laws of Israel.

(30) Bloodstains.

(31) Sc. from places where no Israelites live.

(32) Cf. n. 6.

(33) This is discussed in the Gemara infra.

(34) THOSE THAT CAME FROM THE HEATHENS ARE CLEAN.

(35) Lit., 'he decided and teaches'.

(36) Whose inhabitants were reputed to have an admixture of Jewish blood. But how could this be reconciled with the law that Jewish menstrual blood is unclean?

(37) Palmyra: the inhabitants being regarded in all respects as heathens and not as a mixed breed of bastards from whom no proselytes may be accepted.

(38) Lit., 'I am not.

(39) Sc. 'this proves etc.'

(40) Maintaining that no proselytes may be accepted from Tadmor.

(41) From which, as shown supra, it follows that proselytes may be accepted from the Tarmodites.

(42) THE SAGES.

(43) Whose menstrual blood is, therefore, as unclean as that of a proper Israelite.

(44) Sc. proselytes who were converted to Judaism not out of religious convictions but out of fear of the lions that attacked them (cf. II Kings XVII, 25).

(45) In an open place.

(46) Keeping them in privacy.

(47) In an Israelite locality.

(48) Lit., 'in rooms', it being assumed that, since they are kept in privacy, they must be menstrual.

(49) Lit., 'a house of'.

(50) Sc. a chamber used by menstruants.

(51) Sc. any person who enters into the chamber.

(52) Samaritans.

(53) So that the next birth is free from the restrictions imposed on a firstling.

(54) Sc. any place not so marked may be treated as clean.

(55) This is explained in the Gemara infra.

Talmud - Mas. Nidah 57a

GEMARA. What exposition did they rely upon?¹ — Thou shalt not remove thy neighbour's landmark,² which they of old time have set, in thine inheritance,³ whosoever has an 'inheritance'⁴ has also a 'landmark',² but whosoever has no inheritance⁵ has no landmark.²

THEY ARE BELIEVED WHEN THEY SAY, 'WE BURIED . . .' But,⁶ surely, they do not

uphold, do they, the exposition of the injunction, Nor put a stumbling-block before the blind?⁷ — R. Abbahu replied: This⁸ is a case where a [Samaritan] priest stood there.⁹ But is it not possible that the priest was unclean?¹⁰ — It is a case where he holds terumah in his hand.¹¹ But is it not possible that the terumah was unclean?¹⁰ — It is a case where he was eating of it.¹² If so,¹³ what was the need of stating it?¹⁴ — It might have been presumed that they are not acquainted with the stages of formation,¹⁵ hence we were informed [that we do rely upon them].¹⁶

THEY ARE BELIEVED WHEN THEY DECLARE CONCERNING A BEAST etc. But, surely, they do not uphold, the exposition of the injunction, Nor put a stumbling-block before the blind, do they?¹⁷ — R. Hiyya b. Abba citing R. Johanan replied: It is the case of a beast that is shorn and engaged in work.¹⁸ If so, what was the need of stating such a law?¹⁴ — It might have been presumed that they are not acquainted with the nature of a discharge [from the womb],¹⁹ hence we were informed [that they are to be believed].

THEY ARE BELIEVED WHEN GIVING INFORMATION ON THE MARKING OF etc. Although this²⁰ is only a Rabbinical institution²¹ they are careful to observe it, since it is mentioned in Scripture. For it is written, And any seeth a man's bone, then shall he set up a sign by it.²²

BUT THEY ARE NOT BELIEVED EITHER IN REGARD TO OVERHANGING BRANCHES etc. 'OVERHANGING BRANCHES', as we have learnt: The following are regarded as overhanging branches. The foliage of a tree that affords a covering over the ground.²³

PROTRUDING STONES, as we have learnt: protruding stones that project from a wall.²⁴

BETH HA-PERAS. Rab Judah citing Samuel ruled: A man²⁵ may²⁶ blow away the earth in a beth ha-peras²⁷ and²⁸ continue on his way. R. Judah b. Ammi citing Rab Judah ruled: A beth peras that had been trodden out is clean.²⁹ One further taught: If one ploughs a graveyard he forms thereby a beth ha-peras.³⁰ And to what extent does he form it? To that of a full length of a furrow of a hundred cubit [squared, which covers an area of] four beth se'ah.³¹ R. Jose ruled: Five beth se'ah. But are they³² not believed?³³ Was it not in fact taught, 'Concerning a field in which a grave was lost³⁴ a Samaritan is believed when he stated, "There is no grave there",³⁵ since he gives his evidence only about the grave itself;³⁶ concerning a tree whose foliage affords a covering over the ground³⁷ he is believed when he stated, "There is no grave under it",³⁸ since he renders evidence only about the grave itself'?³⁶ — R. Johanan replied: This³⁹ is a case where he walks backward and forward throughout all its area.⁴⁰ If so,⁴¹ what was the need of stating it?⁴² — It might have been presumed that a narrow strip jutted out,⁴³ hence we were informed that⁴⁴ he is believed.⁴⁵

THIS IS THE GENERAL RULE etc. What is the expression THIS IS THE GENERAL RULE intended to include? — To include Sabbath boundaries⁴⁶ and wine of libation.⁴⁷ [

(1) In not burying their miscarriages (v. our Mishnah.).

(2) Sc. his ancestral grave-yard (Sifri).

(3) Deut. XIX, 14.

(4) Sc. a normal child.

(5) A miscarriage.

(6) How can they be relied upon?

(7) Lev. XIX, 14, which is homiletically applied to the supply of misleading information which leads the unwary into sin. As the Samaritans do not mind misleading in such matters, how could their evidence on the cleanness or uncleanness of a place be acted upon?

(8) The law that Samaritans may be relied upon when they declare 'WE DID NOT BURY THEM'.

(9) Had there been a grave in that place the priest would not have been there.

(10) So that he has nothing to lose by remaining in the unclean place.

- (11) He would not have held the terumah there if the place had been unclean.
- (12) A certain proof that the terumah was clean. Unclean terumah is forbidden to a clean, and much more so to an unclean priest.
- (13) Cf. prev. n.
- (14) A law that is self-evident.
- (15) Sc. of the embryo; so that a mature one might be mistaken by them for an abortion and, in consequence, they would declare a place to be free from graves when in fact it is not clean.
- (16) Because they are well capable of distinguishing between an abortion and a normal child.
- (17) Cf. supra p. 397, nn. 15f mut. mut.
- (18) In the case of a firstling both these are forbidden and the Samaritan would not have ventured to shear it or to work with it.
- (19) Which in the case of small cattle is an indication of a birth that exempts the next from the restrictions of a firstling (cf. Bek. 21b); sc. they might mistake an ordinary discharge for one of abortion and thus erroneously regard the next birth as free from the restrictions of a firstling.
- (20) The marking of graves.
- (21) Which Samaritans usually disregard.
- (22) Ezek. XXXIX, 15.
- (23) Oh. VIII, 2. If one of the branches overshadowed a grave, uncleanness is conveyed only to a person under it but not to one under any of the other branches; but when the exact spot of the grave is unknown all the area overshadowed by the foliage is on account of the doubt subject to the same restriction. A Samaritan who is lax in the observance of uncleanness in a doubtful case, is not to be relied upon when he states that the grave was overshadowed by a particular branch or branches and that the others did not overshadow it.
- (24) Cf. prev. n. mut. mut.
- (25) Who desires to remain clean while making his way through a beth peras.
- (26) Since no flesh of the corpse need be expected, while the bones which the plough crushed (v. infra) to fractions convey uncleanness (if they are no smaller than a barley-grain) only by means of touch or carriage.
- (27) A grave area, v. Hag., Sonc. ed., p. 160, n. 1.
- (28) By thus making sure that his feet would touch no bone.
- (29) Because the bones are crushed and scattered by the constant treading and no bone of the prescribed minimum bulk (cf. prev. n. but one) remains.
- (30) Peras is derived from a root meaning 'to crush' the bones being crushed by the plough. Aliter: 'Peras' means a 'half', the extent of the unclean area being half a furrow in each direction from the grave. Aliter: 'Peras' is derived from a root meaning 'to extend', the uncleanness being extended to an area larger than that of the grave.
- (31) Which means a hundred times a hundred cubits.
- (32) The Samaritans.
- (33) About a beth ha-peras.
- (34) And which also, like a field in which a grave was ploughed, is subject to the uncleanness of a beth ha-peras (cf. M.K. 5b).
- (35) Sc. in any particular spot in the field.
- (36) Which is subject to Pentateuchal uncleanness which Samaritans observe. As his evidence amounts to an assertion that no Pentateuchal uncleanness is involved in that particular place he may well be relied upon. How then is this to be reconciled with our Mishnah?
- (37) Cf. supra p. 399, n. 2.
- (38) Under any particular branch.
- (39) The cited Baraita according to which a Samaritan is relied upon.
- (40) Which may well be taken as reliable evidence that there was no grave there. Our Mishnah, however, refers to a case where the Samaritan walks only across a part of the field. As he omits the other part there is reason to suspect that he knows it to contain a grave and that his evidence on the doubtful part of the field is intended to mislead Israelites so that they become subject to an uncleanness in which he himself does not believe. Hence the ruling of our Mishnah.
- (41) That the Samaritan walked throughout the suspected area.
- (42) A rule that is self evident. As a grave was known to have been in the field and the Samaritan nevertheless walked through all its area, it must be obvious that he knew that the corpse had been removed.

(43) From the field; and that he assumed the grave to be located within that strip. As the rest of the field is still a suspected area the doubtful uncleanness of which Samaritans disregard his evidence ought not to be relied upon.

(44) Since he walked across its four sides.

(45) The possibility of a narrow strip jutting out not being taken into consideration.

(46) Which are a Rabbinical institution. Samaritans who reject it are not trusted when they state where the limit is.

(47) Yen nesek, wine touched by an idolater and suspected of having been dedicated by him to idolatry. Samaritans do not regard such wine as forbidden and their evidence in such a case cannot, therefore, be trusted.

Talmud - Mas. Nidah 57b

CHAPTER VIII

MISHNAH. IF A WOMAN OBSERVED A BLOODSTAIN ON HER BODY,¹ IF IT WAS NEAR THE PUDENDA SHE IS UNCLEAN² BUT IF IT WAS NOT NEAR THE PUDENDA SHE REMAINS CLEAN. IF³ IT WAS ON HER HEEL OR ON THE TIP OF HER GREAT TOE, SHE IS UNCLEAN.⁴ ON HER THIGH OR ON HER FEET, IF ON THE INNER SIDE, SHE IS UNCLEAN; IF ON THEIR OUTER SIDE, SHE REMAINS CLEAN; AND IF ON THE FRONT AND BACK SIDES⁵ SHE REMAINS CLEAN. IF SHE OBSERVED IT ON HER SHIRT BELOW THE BELT, SHE IS UNCLEAN,² BUT IF ABOVE THE BELT, SHE REMAINS CLEAN. IF SHE OBSERVED IT ON THE SLEEVE OF HER SHIRT, SHE IS UNCLEAN IF IT⁶ CAN REACH AS LOW AS THE PUDENDA,² BUT IF IT CANNOT, SHE REMAINS CLEAN. IF SHE TAKES IT OFF AND COVERS HERSELF WITH IT IN THE NIGHT, SHE IS UNCLEAN WHEREVER THE STAIN IS FOUND,⁷ SINCE IT CAN TURN ABOUT.⁸ AND THE SAME LAW⁹ APPLIES TO A PALLIUM.¹⁰

GEMARA. Samuel ruled: If a woman examined the ground¹¹ and after sitting on it, found on it some blood, she remains clean, for it is said, In her flesh,¹² implying that she is not unclean unless she feels¹³ in her flesh. But the expression¹⁴ 'in her flesh' is required for the deduction that she conveys uncleanness within¹⁵ as without?¹⁶ — If so,¹⁷ Scripture could have said, 'In flesh', why then did it say 'in her flesh'? It may, therefore, be deduced that she is not unclean 'unless she feels¹⁸ in her flesh'. But still, is not the expression required for the deduction, 'In her flesh, but not within a sac or within a lump of flesh'?¹⁹ — Both deductions may be made from it.

Come and hear: If a woman while attending to her needs²⁰ observed a discharge of blood, R. Meir ruled: If she was standing at the time she is unclean,²¹ but if she was then sitting she remains clean.²² Now how is one to imagine the circumstance?²³ If she felt the discharge, why should she be clean where she was sitting? Consequently this must be a case where she did not feel a discharge, and yet it was taught, was it not, that she was unclean?²⁴ — This may in fact be a case where she did feel a discharge but²⁵ it might be assumed that the feeling was that of the ejection of the urine. When she stands, the urine might well return to the interior of her womb²⁶ and then carry out some blood with it, but if she sits,²⁷ she remains clean.

Come and hear: If on a testing rag that was placed under a pillow some blood was found, it is regarded as clean if it²⁸ was round,²⁹ but if it was elongated it is unclean. Now how are we to understand the circumstances? If she felt a discharge, why should it be clean when round? Consequently it must be a case where she felt no discharge, and yet it was stated, was it not, that if it was elongated it is unclean?³⁰ — No, it may in fact be a case where³¹ she felt the discharge, but it might be assumed that it was the feeling of the testing rag. Hence if it is elongated it must certainly have issued from her body.³² but if it is round³³ it is clean.³⁴

Come and hear: If a vestige of blood is found on his rag they are both unclean and are also under the obligation of bringing a sacrifice. If any blood is found on her rag immediately after their

intercourse they are both unclean and are also under the obligation of bringing a sacrifice. If, however, any blood is found on her rag after a time they are both unclean by reason of the doubt but exempt from the sacrifice.³⁵ Now how are we to imagine the circumstance? If she has felt a discharge, why should they be exempt from the sacrifice where the blood is found after a time? Must it not then be a case where she did not feel any discharge, and yet it was taught, was it not, that ‘if any blood is found on her rag immediately after their intercourse they are both unclean and are also under the obligation of bringing a sacrifice’?³⁰ — No, she may in fact have felt the discharge, but it might be assumed that it was the feeling of the attendant.³⁶

Come and hear: You are thus in a position³⁷ to say that three forms of doubt appertain to a woman. A bloodstain on her body, concerning which there is doubt whether it is unclean and clean, is regarded as unclean;³⁸ on her shirt, when it is doubtful whether it is unclean or clean, is regarded as clean;³⁸ and in regard to the laws of the uncleanness of contact and *heset*³⁹ you follow the majority. Now what is meant by ‘you follow the majority’? Is it not that if on most days she is unclean⁴⁰ this is a cause of uncleanness⁴¹ even when she felt no discharge?³⁰ — No, the meaning is that if on most days her observation of the blood is accompanied by a feeling of the discharge she is unclean since it might be assumed that she had felt it this time also but did not pay any attention to it.

The Master said, ‘A bloodstain on her body, concerning which there is doubt whether it is unclean or clean, is regarded as unclean; on her shirt, when it is doubtful whether it is unclean or clean, is regarded as clean’. How is one to understand the circumstances? If it⁴² was below her belt, why, when on her shirt, is it regarded as clean seeing that we have learnt, **BELOW THE BELT, SHE IS UNCLEAN**; and if it was above her belt, why, when on her body is it regarded as unclean, seeing that we have learnt that if she observed blood on her body, **IF IT WAS NOT NEAR THE PUDENDA, SHE REMAINS CLEAN**? — If you wish I could reply that the stain was below the belt; and if you prefer I might reply that it was above the belt. ‘If you wish I could reply that the stain was below the belt’, in a case, for instance, where she passed through a butchers’ market. If the stain was on her body it must have emanated from herself, for if it had emanated from an external source⁴³ it should have been found on her shirt; but if it is found on her shirt, it must have emanated from an external source,⁴³ for if it had emanated from herself it should have been found on her body. ‘And if you prefer I might reply that it was above her belt’, in a case, for instance, where she jumped backwards. If the stain is on her body it must undoubtedly have emanated from herself, for if it had emanated from an external source⁴³ it should have been found on her shirt; but if it is found on her shirt, it must have emanated from an external source,⁴³ for if it had emanated from herself, it should have been found on her body. At all events, it was stated, was it not, ‘A bloodstain on her body, concerning which there is doubt whether it is unclean or clean, is regarded as clean’, presumably even if she did not feel any discharge?⁴⁴ Furthermore, we have learnt, **IF A WOMAN OBSERVED A BLOODSTAIN ON HER BODY. IF IT WAS NEAR THE PUDENDA, SHE IS UNCLEAN**. Does not this imply even where she did not feel any discharge?⁴⁵ — R. Jeremiah of Difti replied: Samuel agrees that⁴⁶ she is unclean

(1) Lit., ‘flesh’.

(2) Since it may be attributed to menstruation.

(3) The following illustrates the previous general rule.

(4) The reason follows *infra* in the Gemara.

(5) Lit., ‘and on the sides from here and from here’.

(6) The place of the stain.

(7) Sc. even if it is on a part which when worn cannot reach as low as the pudenda.

(8) And the upper part then comes in contact with the lower parts of the body.

(9) That she is UNCLEAN WHEREVER THE STAIN IS FOUND.

(10) ** a square sheet used as a cloak and as a bed cover. When used as a cover the upper part might well turn about (cf. prev. n. but one).

- (11) Lit., 'floor of the world'.
- (12) Lev. XV, 19.
- (13) The discharge.
- (14) Lit. 'that'.
- (15) Sc. while the blood is still within her body.
- (16) Supra 21b q.v. nn. How then can Samuel's deduction be made from the same expression?
- (17) That only the latter deduction is to be made.
- (18) The discharge.
- (19) Sc. if blood is found within any of these abortions, but not on the woman's person, she remains clean (supra 21b).
- (20) Making water.
- (21) Since owing to the narrowness of the passage occasioned by her standing position, her urine may have returned to the interior of her womb whence it gathered up some menstrual blood.
- (22) Infra 59b, supra 14a, the blood being attributed to a wound in the bladder.
- (23) In which R. Meir's rule applies.
- (24) An objection against Samuel.
- (25) As to the reason why she remains clean.
- (26) Lit., 'source'.
- (27) A position which does not block the passage.
- (28) The blood mark.
- (29) Because it cannot be the result of the test which would produce an elongated patch.
- (30) An objection against Samuel.
- (31) In the course of the test.
- (32) This being the shape that a blood mark would assume on a testing rag.
- (33) And, therefore, likely to be the result of some wound.
- (34) Because it cannot be the result of the test which would produce an elongated patch.
- (35) Mishnah supra 14a q.v. notes.
- (36) Euphemism.
- (37) Lit., 'thou art found'.
- (38) This is explained infra.
- (39) V. Glos.
- (40) Cf. Rashi and Tosaf. for different illustrations of this uncleanness.
- (41) Lit., 'unclean'.
- (42) The stain.
- (43) Lit., 'from the world'.
- (44) An objection against Samuel.
- (45) An objection against Samuel.
- (46) Since it is possible that she was so much pre-occupied at the time of the discharge that she was unconscious of her sensation.

Talmud - Mas. Nidah 58a

according to Rabbinic law.¹ R. Ashi² replied: Samuel gave his ruling in accordance with the view of R. Nehemiah. For we learnt: R. Nehemiah ruled, Any thing that is not susceptible to uncleanness is not susceptible to stains.³ According to R. Ashi one can well see the reason why he⁴ mentioned 'ground',⁵ but according to R. Jeremiah of Difti,⁶ what was the point of mentioning 'ground', seeing that even in the case of a cloak⁷ the woman is subject to the same law? — This is a case of an implied climax:⁸ There is no question [that the woman is clean where she sat on] a cloak since it cannot be thoroughly examined and one may, therefore, well assume [that the stain] emanated from an external source,⁹ but even [where she sat on] the ground which can well be thoroughly examined,⁹ and where¹⁰ it might justifiably be assumed that it emanated from her body, she is nevertheless regarded as clean.

ON HER HEEL OR ON THE TIP OF HER GREAT TOE. SHE IS UNCLEAN etc. One can well concede that HER HEEL¹¹ is likely¹² to come in contact with that place,¹³ but what is the reason for the uncleanness in the case of a stain on THE TIP OF HER GREAT TOE? And should you reply: It might sometimes touch her heel [the objection would arise]: Do we [as regards] uncleanness presume transfer from place to place? Was it not in fact taught: If she¹⁴ had a wound on her neck in a position to which the blood stain might be attributed,¹⁵ she may so attribute it;¹⁶ if it was on her shoulder, in which case she cannot so attribute it,¹⁷ she must not so attribute it; and we do not suggest that it is possible that she had taken it¹⁸ with her hand and transferred it there?¹⁹ — The fact rather is that THE TIP OF HER TOE is in a different category.²⁰ because [direct dropping of blood] might occur while she is walking. But do we not [as regards] uncleanness presume transfer from place to place? Was it not in fact taught: If it²¹ was found on her finger joints.²² she is unclean, because hands are active.²³ Now what is the reason?²⁴ Is it not this: That we assume that she had examined herself with one hand²⁵ and then touched it with her other hand?²⁶ — No, her hand is different²⁰ since all of it might come in direct contact²⁷ [with the menstrual source].

ON HER THIGH OR ON HER FEET, IF ON THEIR INNER SIDE etc. How far²⁸ ON THEIR INNER SIDE?²⁹ — The school of R. Jannai replied: As far as the place of hebek.³⁰ The question was asked: Is the place of the hebek.³¹ regarded as the inner, or as the outer side? — Come and hear what R. Kattina learnt: As far as the place of the hebek, and the hebek itself is regarded as the inner side. R. Hiyya son of R. Iwya taught this³² explicitly: The School of R. Jannai ruled, As far as the place of the hebek and the hebek itself is regarded as in the inner side.

R. Jeremiah enquired: What is the ruling³³ where a bloodstain had the shape of a ring, of a straight line of drops,³⁴ or of a splash of drops.³⁵ or where it runs across the breadth of her thigh? — Come and hear: ‘A bloodstain on her body concerning which there is doubt whether it is unclean or clean, is regarded as unclean’. Now does not ‘on her body’ imply stains of such shapes? — No, it might only refer to one that is shaped like a stripe.³⁶

A woman once found blood on her web. When she came to R. Jannai³⁷ he told her to experiment by repeating³⁸ her forward and backward movements.³⁹ But was it not taught: No repetition [test is recognized] in questions of cleanness?⁴⁰ — We say that no repetition test is recognized only⁴¹ where the law would thereby⁴² be relaxed, but where it is thereby restricted we do recognize a test of repetition.⁴³

IF SHE TAKES IT OFF etc. It was taught: R. Eleazar son of R. Jose stated, In such a case⁴⁴ I gave a ruling in the city of Rome imposing a prohibition,⁴⁵ and when I came to the Sages of the South they said to me, ‘You have given the right decision.

Our Rabbis taught: Where a tall woman put on the shirt⁴⁶ of a short woman or if a short one put on the shirt⁴⁶ of a tall one, if [a blood stain]⁴⁷ corresponds to the position of the pudenda of the tall one, they are both unclean, but if it does not correspond to it,⁴⁸ the tall one is clean while the short one is unclean. Another Baraitha taught: If a woman examined her shirt⁴⁹ and then⁵⁰ lent it to her friend,⁵¹ she is clean, but her friend may attribute it⁵² to her. R. Shesheth explained: This⁵³ was learnt only in regard to the civil law,⁵⁴ but as regards the law of uncleanness the lender is clean while her friend is unclean.

(1) The ruling cited in objection to Samuel being also Rabbinical only. Samuel's ruling, however, was concerned with the Pentateuchal law.

(2) Maintaining that Samuel's ruling is not at all based on the principle that the woman must feel the discharge.

(3) *Infra* 59b, sc. a stain found on such an object is no cause of uncleanness to the person in whom it may possibly have originated. As the ground on which the woman sat is not susceptible to uncleanness the woman also, despite the stain found, remains clean. All the rulings cited in objection to Samuel based on the principle of ‘feeling’, are, therefore,

irrelevant.

(4) Samuel.

(5) Since the ground is not susceptible to uncleanness.

(6) Who, as appears from his reply, accepted the view that Samuel based his ruling on the absence of sensation.

(7) If, while sitting on it, the woman experienced no sensation of a discharge.

(8) Lit., 'there is no question, he implied'.

(9) Before the woman sat on it.

(10) Since no stain was noticed before she sat down but was found after she rose.

(11) When she sits with her legs folded under her body in eastern fashion.

(12) Lit., 'does'.

(13) Euphemism. Hence the uncleanness.

(14) A woman who discovered a bloodstain near her pudenda.

(15) Sc. if the position of the wound was such that when the woman bends down some blood might drop from it on to the spot where the stain was discovered.

(16) And remain clean.

(17) Because even when she bends her head low the blood from the shoulder would not fall on the spot (cf. prev. n. but two) where the stain was discovered.

(18) The blood from the shoulder wound.

(19) How then could it be suggested here that the blood might have been transferred from the heel to the toe?

(20) From the shoulder.

(21) A bloodstain.

(22) On the back of her hand.

(23) And might, though the woman was not conscious of the fact, have touched menstrual blood.

(24) That blood on the back of the hand (cf. prev. n. but one), which one would not expect to come in contact with the menstrual source, even in the course of an examination, should be regarded as unclean.

(25) The palm of which became soiled in the process.

(26) Which proves, does it not, that we do presume transfer as regards uncleanness?

(27) Lit., 'does that it touches'.

(28) From their front and back.

(29) Sc. at what distance from their front and back is a stain regarded as being on their inner side.

(30) The sinews that connect the thigh and the leg. The part of the leg beneath this junction and the part of the thigh above it are regarded as the INNER SIDE (cf. Rashi and Tosaf. Asheri). Aliter: The place where the leg meets the thigh when the woman squats (Aruk); the part of the leg to the place where the (ankle) loop sits (Jast.).

(31) Sc. the sinews themselves (cf. Rashi and Tosaf. Asheri). Aliter: The ankle itself (Jast.).

(32) The ruling that was just given in the form of a question and answer.

(33) As regards menstrual uncleanness.

(34) Cf. Tosaf. and Tosaf. Asheri.

(35) Lit., 'drops, drops'.

(36) Running downwards, which is the natural shape that may be expected if the blood was menstrual.

(37) To enquire whether the stain was to be regarded as menstrual.

(38) At the loom.

(39) Lit., 'let her go and come'. By repeating the process several times she would be able to ascertain whether the web comes sometimes in contact with the menstrual source.

(40) Supra 5b q.v. notes.

(41) Lit., when do we say'.

(42) By sanctioning the test.

(43) Because here, since it was found neither on her body nor shirt, in the absence of evidence we assume her to be clean.

(44) Lit., 'this thing', a shirt that a woman used at night as a covering (v. our Mishnah).

(45) Sc. that the blood is regarded as menstrual and that the woman is consequently unclean.

(46) Without previously examining it.

(47) Discovered subsequently.

(48) Not reaching so low.

(49) Var. lec., 'herself and her shirt' (v. Bah.).

(50) Having made sure that it was clean.

(51) And subsequently a stain was found on it.

(52) The stain.

(53) That the borrower may attribute the stain to the lender.

(54) Sc. the lender, having no valid proof that the shirt was clean when she had lent it to the other, has no legal claim on the other for the cost of washing.

Talmud - Mas. Nidah 58b

But why is this case different from the following where it was taught: If two women were engaged in the preparation of one bird which contained no more than one sela' of blood, and then a stain of the size of a sela' was found on each, they are both unclean?¹ — There² the law is different since there was an additional sela'.³

Our Rabbis taught: Where a woman put on three shirts⁴ that she had previously examined⁵ [and then found blood on one of them]. if she is in a position to attribute [the blood to an external source]⁶ she may do so even though [the blood was found] on the lowest shirt, but if she is not in a position to attribute [it to an external cause]⁶ she may not do so even though [the blood was found] on the uppermost shirt. How so? If she passed through a butchers' market she may attribute the blood to it even though it was found on the lowest shirt, but if she did not pass through a butchers' market she may not attribute the blood to it even if it was found on the uppermost.

MISHNAH. [A WOMAN] MAY ATTRIBUTE [A BLOODSTAIN] TO ANY [EXTERNAL] CAUSE TO WHICH SHE CAN POSSIBLY ATTRIBUTE IT.⁷ IF [FOR INSTANCE] SHE HAD SLAIN A DOMESTIC BEAST, A WILD ANIMAL OR A BIRD, IF SHE WAS HANDLING BLOODSTAINS OR SAT BESIDE THOSE WHO HANDLED THEM. OR IF SHE KILLED A LOUSE. SHE MAY ATTRIBUTE THE BLOODSTAIN TO IT. HOW LARGE A STAIN MAY BE ATTRIBUTED TO A LOUSE?⁸ R. HANINA B. ANTIGONUS REPLIED: ONE UP TO THE SIZE⁹ OF A SPLIT BEAN; [AND IT MAY BE ATTRIBUTED TO A LOUSE] EVEN THOUGH SHE DID NOT KILL IT.¹⁰ SHE MAY ALSO ATTRIBUTE IT TO HER SON OR TO HER HUSBAND.¹¹ IF SHE HERSELF HAD A WOUND THAT¹² COULD OPEN AGAIN AND BLEED SHE MAY ATTRIBUTE IT TO IT. A WOMAN ONCE CAME TO R. AKIBA AND SAID TO HIM: I HAVE OBSERVED A BLOODSTAIN'. 'HAD YOU PERHAPS', HE SAID TO HER. 'A WOUND?' YES'. SHE REPLIED, 'BUT IT HAS HEALED'. IS IT POSSIBLE HE AGAIN ASKED HER, THAT IT COULD OPEN AGAIN AND BLEED?' 'YES', SHE REPLIED; AND R. AKIBA DECLARED HER CLEAN. OBSERVING THAT HIS DISCIPLES LOOKED AT EACH OTHER IN ASTONISHMENT. HE SAID TO THEM, ' WHY DO YOU FIND THIS DIFFICULT, SEEING THAT THE SAGES DID NOT LAY DOWN THE RULE¹³ IN ORDER TO IMPOSE RESTRICTIONS BUT RATHER TO RELAX THEM, FOR IT IS SAID IN SCRIPTURE, AND IF A WOMAN HAVE AN ISSUE, AND HER ISSUE IN HER FLESH BE BLOOD.¹⁴ ONLY BLOOD¹⁵ BUT NOT A BLOODSTAIN. IF ON A TESTING RAG THAT WAS PLACED UNDER A PILLOW SOME BLOOD WAS FOUND, IF THE STAIN IS ROUND IT IS CLEAN BUT IF IT IS ELONGATED IT IS UNCLEAN; SO R. ELIEZER SON OF R. ZADOK.

GEMARA. Thus we have here¹⁶ learnt what our Rabbis taught elsewhere: It once happened that R. Meir attributed it to collyrium, and Rabbi attributed it to the sap of a sycamore.¹⁷

OR SAT. Only where SHE SAT¹⁸ but not [where she believes that] she did not sit.¹⁹ Thus²⁰ we have here learnt what our Rabbis taught elsewhere: If a woman passed through a butchers' market, and it is a matter of doubt whether any blood was or was not squirted on her she may attribute [any

bloodstain on her to a possible contingency]; but if it is doubtful whether she did or did not pass the market she²¹ is unclean.²²

IF SHE KILLED A LOUSE. Only where SHE KILLED¹⁸ but not where she did not kill any. Whose view then does our Mishnah²³ represent? — That of R. Simeon b. Gamaliel. For it was taught: If she killed a louse she may attribute a bloodstain to it, but if she did not kill any she may not so attribute it; so R. Simeon b. Gamaliel. But the Sages ruled: In either case she may attribute the one to the other. Said R. Simeon b. Gamaliel: According to my view there is no limit²⁴ and according to the view of my colleagues there is no end.²⁴ ‘According to my view there is no limit’ since you could hardly find²⁵ a woman who could be regarded as clean for her husband, seeing that there is hardly²⁵ a bed that does not contain ever so many drops of louse blood.²⁶ ‘According to the view of my colleagues there is no end’, since there is hardly²⁵ a woman who could be regarded as unclean for her husband, seeing that there is hardly a sheet on which there are not ever so many drops of blood;²⁷ but the view of R. Hanina b. Antigonus is more feasible than mine and theirs, for he has laid down, ‘How large a stain may be attributed to a louse? One not bigger than the size of a split bean’,²⁸ and we rule in agreement with his view.²⁹ But according to the Rabbis who ruled, SHE MAY ATTRIBUTE,³⁰ how large may be the stain?³¹ — R. Nahman b. Isaac replied: She may attribute it to a bed-bug even if it is as big as a lupine.³²

Our Rabbis taught: A³³ bed-bug is of the same length and breadth and the taste of it is like its odour. Whosoever crushes it cannot help³⁴ smelling it. It was stated to be of ‘the same length and breadth’ in regard to bloodstains.³⁵ ‘The taste of it is like its odour’ has been stated in regard to terumah.³⁶ For we have learnt: ‘Or if he tasted the flavour of a bed-bug in his mouth he must spit it out.’³⁷ But how could he know this?³⁸ Because ‘the taste of it is like its odour’. But still, whence could he know this?³⁹ [Because] ‘whosoever crushes it cannot help³⁴ smelling it’.

R. Ashi ruled: In a town in which there are pigs there is no need to consider the possibility of menstrual bloodstains.⁴⁰ R. Nahman b. Isaac stated: The condition of⁴¹ Dokereth⁴² is⁴³ like that of a town in which there are pigs.⁴⁴

HOW LARGE A STAIN MAY BE ATTRIBUTED etc. R. Huna explained: If the stain is equal in size to a split bean it may not be attributed to a louse; if it is smaller in size than a split bean it may be attributed to it. R. Hisda, however, explained: If it was of the same size as a split bean it may be attributed to it, but if it was bigger than the size of a split bean it may not be attributed to it. Must it be assumed that they⁴⁵ differ on the question whether UP TO’ is meant to include the terminus,⁴⁶ R. Huna⁴⁷ holding the opinion that ‘up to’ does not include the terminus⁴⁸ while R. Hisda⁴⁹ holds that ‘up to’ is inclusive of the terminus?⁵⁰ — R. Huna can answer you: ‘Up to’ may sometimes include the terminus and sometimes exclude it, but in either case⁵¹ the meaning must be one that leads to a restriction,⁵² while R. Hisda can answer you: Elsewhere I agree with you⁵³ that we adopt a meaning that leads to a restriction and not one that leads to a relaxation, but here the meaning must be in agreement with a ruling of R. Abbahu, R. Abbahu having ruled: All prescribed minima of the Sages are intended to impose restrictions, except the prescribed size of a split bean in the case of bloodstains which is intended to relax the law.⁵⁴ There are others who give this tradition⁵⁵ as an independent statement:⁵⁶ R. Huna ruled, A bloodstain of the size of a split bean is treated as one bigger than the size of a split bean;⁵⁷ while R. Hisda ruled, One of the size of a split bean is treated as one that is less than the size of a split bean;⁵⁸ but they differ on the interpretation of UP TO here, as has just been explained.⁵⁹

An objection was raised:

(1) Sc. as in this case, though one stain could well be attributed to the bird, both women are unclean, so also in the former case, since it is possible that the lender did not properly examine her shirt, both lender and borrower should be

unclean.

(2) The latter case.

(3) Which cannot possibly be attributed to the bird. As the stain of one woman at least must be an unclean one, and since it cannot be ascertained which one it is, uncleanness must be imposed on both women. In the former case, however, where one woman examined the shirt and the other did not, uncleanness may well be imposed on the latter only.

(4) One on the top of the other.

(5) Lit., 'that are examined to her'.

(6) This is explained presently.

(7) And thus regard herself as clean.

(8) Lit., 'until how much may she attribute?'

(9) This is discussed infra in the Gemara.

(10) Contrary to the view of the Rabbis.

(11) If any of them had a wound.

(12) Though it is already dry.

(13) About bloodstains.

(14) Lev. XV, 19.

(15) Causes uncleanness.

(16) In our Mishnah.

(17) Supra 19b f q.v. notes.

(18) Does the law apply. Lit., 'yes'.

(19) Though it might well be possible that she did sit there without being conscious of the fact (cf. Rashi and Tosaf. Asheri).

(20) Since the possibility of an unconscious act is here disregarded.

(21) If any bloodstain was found on her.

(22) Cf. prev. n. but two mut. mut.

(23) Sc. the anonymous ruling which is contrary to the view of R. Hanina b. Antigonus.

(24) This is explained presently.

(25) Lit., 'since you have not'.

(26) So that the woman, unless she was certain that she killed one, would always be unclean, however minute the speck of blood.

(27) And these can be attributed to lice, however big the stain.

(28) Even if she killed nothing; while if it is bigger it is unclean even though a louse was killed.

(29) So Elijah Wilna. Cf. MS.M. Cur. edd., 'and we agree with his view'.

(30) Even if she is not aware of killing anything.

(31) To be regarded as clean. If it is very big it could not obviously be attributed to a louse.

(32) Cf. prev. n.

(33) Lit., 'this'.

(34) Lit., 'a covenant is made for it'. sc. a protection for its preservation.

(35) A stain, though bigger than a split bean, may be regarded as clean if its length is equal to its breadth since it may be attributed to a bug.

(36) And the same applies to unconsecrated produce. Terumah was mentioned because the Mishnah of Ter. cited happens to deal with terumah.

(37) Ter. VIII, 2.

(38) The taste of vermin.

(39) Its odour.

(40) Since the pigs, eating all sorts of creeping things and vermin, scatter about their blood.

(41) Lit., 'and that of'.

(42) Darankat on the Tigris. v. Obermeyer p. 197.

(43) Since it had many butchers' shops and swarmed with dung hills and vermin.

(44) Cf. prev. n. but three.

(45) R. Huna and R. Hisda.

(46) Lit., 'until and until included'.

- (47) Who holds that a stain that is equal in size to a split bean may not be attributed to vermin.
- (48) Which is (cf. our Mishnah) 'THE SIZE OF A SPLIT BEAN'.
- (49) Who maintains that a stain of the size of a split bean may be attributed to vermin.
- (50) But if so how could each respectively reconcile his view with (cf. Hul. 55a) the cases to the contrary?
- (51) Lit., 'and here . . . and here'.
- (52) As in the case of stains here under discussion the law is restricted by excluding the terminus, he justifiably maintains that the stain of the size of a split bean is excluded.
- (53) Lit., 'In the world I will tell you'.
- (54) Hence the inclusion of the terminus in the ruling of our Mishnah.
- (55) The dispute between R. Huna and R. Hisda.
- (56) Sc. not as an explanation of our Mishnah.
- (57) Sc. is regarded as unclean.
- (58) Is regarded as clean.
- (59) R. Huna, here as elsewhere, adopting the meaning that leads to a restriction while R. Hisda regards the meaning here as an exception in agreement with R. Abbahu's ruling.

Talmud - Mas. Nidah 59a

If a woman had drops of blood on her body below her belt¹ and drops of blood above it, she may attribute [the former to the blood that is assumed to be the cause of the drops] on the latter² up to the size of a split bean. Now does not this³ mean a stain of the size of a split bean below her belt?⁴ — No, a stain of the size of a split bean above the belt.⁵

It was stated: If on the body of a woman⁶ was found a stain of the size of a split bean plus some addition,⁷ and to that addition clung a louse, R. Hanina ruled: She is unclean;⁸ and R. Jannai ruled: She is clean.⁹ 'R. Hanina ruled: She is unclean', since she may attribute a stain to a louse only where the former is of the size of a split bean but not where it is of the size of a split bean plus. 'R. Jannai ruled: She is clean', since this restriction¹⁰ applies only where no louse clings to the addition, but where a louse clings to it, it is quite evident that the addition is the blood of a louse, so that only a stain of the size of a split bean remains;¹¹ and since such a size may elsewhere¹² be attributed to a louse it may also here be so attributed.

R. Jeremiah enquired: What is the ruling where a woman handled some blood of the bulk of a split bean but on her body was found a bloodstain of the size of a split bean and a little more? This question arises according to R. Hanina and it also arises according to R. Jannai. 'This question arises according to R. Hanina', since R. Hanina may have maintained his view there¹³ that the woman was unclean, only because she did not handle any blood, but here, where she did handle some, she may well attribute [the stain to an extraneous cause].¹⁴ or is it possible that, even according to R. Jannai who ruled¹³ that she was clean, the ruling applies only where a louse clings to the stain, but where no louse clings to it, the stain may not be attributed to it? — Come and hear: If she was handling red stuff she may not attribute to it a black stain; if she was handling a small quantity¹⁵ she may not attribute to it a large stain. Now how is one to imagine the circumstances?¹⁶ Would you not agree that they were of the same nature?¹⁷ — No, this¹⁶ might be a case, for instance, where she handled a quantity of blood of the bulk of a split bean while on her body was found a stain of the size of two split beans and a little more in excess.¹⁸ But if so,¹⁹ what was the need of mentioning it?²⁰ — It might have been presumed that one takes the part of the stain²¹ that may be attributed to the blood of the bird²² to be in the middle²³ so that there remains less than the prescribed minimum on either of its sides,²⁴ hence we were informed [that the stain cannot be attributed to it²⁵ at all].

Raba ruled: If one kind of material²⁶ was found upon a woman²⁷ she may attribute to it any kind of stain.²⁸ It was objected: If she was handling red stuff she may not attribute to it a black stain!²⁹ — A case where she had handled the stuff is different.³⁰ There are some who say: Raba ruled, If a

woman was handling one kind of material, she may attribute to it any kinds of stain.²⁸ It was objected: If she was handling red stuff she may not attribute to it a black stain!³¹ — When Raba laid down his ruling he referred to a woman who was handling a hen which contains several kinds of blood.

A WOMAN ONCE etc. But was it not taught: Seeing that the Sages did not lay down the rule in order to relax the law but rather to restrict it?³² — Rabina replied: The meaning is that they did not lay down the rule to relax Pentateuchal laws,³³ but rather to add restrictions to them;³⁴ but the uncleanness of bloodstains is altogether a Rabbinical enactment.³⁵

IF ON A TESTING RAG THAT WAS PLACED. The question was raised: Do the Rabbis differ from R. Eliezer son of R. Zadok or not? — Come and hear: A long stain is counted³⁶ but scattered drops are not combined.³⁷ Now whose view does this represent? If it be suggested: That of R. Eliezer son of R. Zadok [the difficulty would arise:] Why was there need³⁸ for the combination, seeing that he ruled that even a stain that was only slightly elongated is unclean. Must we not then conclude that it represents the view of the Rabbis? Thus it follows, does it not, that they differ from his view? — No, this may indeed represent the view of R. Eliezer son of R. Zadok, for he laid down the law³⁹ in regard to a testing rag⁴⁰ but not in regard to a bloodstain.⁴¹

Come and hear⁴² what Rab Judah citing Samuel stated: ‘The halachah is in agreement with R. Eliezer son of R. Zadok’. Now since the halachah had to be declared it follows that they⁴³ differ from him.⁴⁴ This is conclusive. [

(1) So Tosaf. and Tosaf. Asheri, (contra Rashi) whose interpretation is here followed.

(2) Lit., ‘on the upper’. As the drops above the belt may be attributed to blood from a source external to her body so may also the drops below it.

(3) The prescribed ‘size of a split bean’.

(4) But if so, it would follow that only where there are bloodstains above the belt are stains of the size of a split bean below it regarded as originating from the same extraneous source as those above and, therefore, treated as clean, but that where there are no drops of blood above the belt, even a stain of the size of a split bean below it is regarded as unclean. An objection against R. Hisda who ruled that a stain of such size is invariably attributed to vermin and is, therefore, clean.

(5) Sc. so long as the stain above is not smaller than the size of a split bean the stain below, though bigger than the size of a split bean, may be attributed to the same cause as that of the stain above. When the stain below, however, is no bigger than the size of a split bean, it is invariably clean irrespective of whether the body above was or was not stained with drops of blood.

(6) Lit., ‘upon her’.

(7) Lit., ‘and more’.

(8) It being regarded as due to menstrual blood.

(9) Sc. it is not attributed to blood of menstruation.

(10) That only a stain no bigger than a split bean is attributed to a louse.

(11) In doubt as to its origin.

(12) Where there is no addition to it.

(13) In the statement just cited.

(14) One part of the stain, to the extent of the size of a bean, might be attributed to the blood of the same quantity that she had previously handled while the remainder might be attributed to some vermin.

(15) Of the blood of a bird (cf. infra).

(16) In the latter case.

(17) As the case submitted by R. Jeremiah. Would then a solution be forthcoming from here?

(18) As the excess over the size of a split bean amounts to more than a split bean, it cannot possibly be attributed to vermin. Hence the uncleanness.

(19) Cf. prev. n.

- (20) A ruling that is self-evident.
- (21) The size of one split bean.
- (22) Cf. supra n. 5.
- (23) Lit., 'take like the size of a split bean; threw it in the middle' of the stained area.
- (24) Lit., 'go here there is no prescribed size (bis)'. As the stain is thus smaller than the size prescribed it might have been presumed to be clean.
- (25) The blood of the bird.
- (26) Collyrium or sap, for instance, which leaves a stain after it is removed.
- (27) Lit., 'upon her'.
- (28) That she subsequently discovers; though the latter is not of the same colour as the material to which it is attributed.
- (29) How then can Raba maintain that a stain of any colour may be attributed to any stuff that was previously found on the woman?
- (30) From where, unknown to herself, something had clung to her body. In this latter case, since she was unaware of the particular stuff that clung to her, she may well be presumed to have been unaware also of the presence upon her of the substance from which the stain had originated. In the former case, however, where she had handled a red substance and was fully aware of it no ground for such an assumption exists.
- (31) Cf. prev. n. but one mut. mut.
- (32) An objection against R. Akiba.
- (33) Regarding menstruation.
- (34) Sc. by declaring certain stains (which are Pentateuchally clean) to be unclean they have added restrictions to the Pentateuchal laws.
- (35) Hence wherever it is possible to attribute one to a cause that would exempt it from uncleanness the lenient course must be followed.
- (36) Lit., 'combined', sc. is regarded as compact in respect of the prescribed size of a split bean.
- (37) Cf. prev. n. mut. mut.
- (38) in the case of a long stain.
- (39) That even a stain that is only slightly elongated is unclean.
- (40) An elongated stain on which is obviously the natural shape of one obtained in the course of the test.
- (41) Which he does not regard as unclean unless it was no less in size than a split bean.
- (42) In reply to the question whether the Rabbis differ from R. Eliezer son of R. Zadok.
- (43) The Rabbis.
- (44) Had they been in agreement with him the question of the halachah would not have arisen.

Talmud - Mas. Nidah 59b

CHAPTER IX

MISHNAH. IF A WOMAN WHEN ATTENDING TO HER NEEDS¹ OBSERVED AN ISSUE OF BLOOD, R. MEIR RULED: IF SHE WAS STANDING SHE IS UNCLEAN² BUT IF SHE WAS SITTING SHE REMAINS CLEAN. R. JOSE RULED: IN EITHER CASE SHE REMAINS CLEAN. IF A MAN AND A WOMAN ATTENDED TO THEIR NEEDS¹ IN THE SAME BOWL AND BLOOD WAS FOUND ON THE WATER, R. JOSE³ RULED THAT IT WAS CLEAN,⁴ WHILE R. SIMEON RULED THAT IT WAS UNCLEAN, SINCE IT IS NOT USUAL FOR A MAN TO DISCHARGE BLOOD, BUT THE PRESUMPTION IS THAT BLOOD ISSUES FROM THE WOMAN.

GEMARA. Wherein does the case where the woman WAS STANDING differ [from that of sitting]? [Obviously] in that we presume that the urine had returned to the source⁵ and brought back blood with it. But then, even where SHE WAS SITTING why should it not also be assumed that the urine had returned to the source and brought back blood with it? — Samuel replied: The reference is to a woman who discharges in a gush.⁶ But even where a discharge is gushing is it not possible that⁷ the blood issued⁸ after the water had ceased to flow?⁹ — R. Abba replied. The reference is to a

woman who sat on the rim of a bowl, discharging into the bowl, and blood was found within the bowl, [in which case it is obvious] that if the blood had issued after the water had ceased to flow it¹⁰ should have been found on the rim of the bowl.¹¹ Samuel ruled or, as some say, Rab Judah citing Samuel ruled: The halachah is in agreement with R. Jose; and also R. Abba gave a ruling to Kala.¹² The halachah is in agreement with R. Jose.

IF A MAN AND A WOMAN etc. The question was asked: Where both the man and the woman were standing.¹³ what, pray tell me, is the ruling of¹⁴ R. Meir?¹⁵ Did R. Meir maintain his view¹⁶ only where one doubt¹⁷ is involved, but where a double doubt¹⁸ is involved he does not hold the woman to be unclean, or is it possible that there is no difference? — Resh Lakish replied: His ruling¹⁹ is the same in both. Whence is this²⁰ inferred? — Since it was not stated:²¹ R. Meir and R. Jose²² ruled that she remains clean'. If so,²³ [the difficulty arises:] Now that R. Meir holds the woman to be unclean where a double doubt is involved,²⁴ was there any need for his ruling²⁵ where only one doubt is involved?²⁶ — Yes, in order to inform you how far reaching is the ruling²⁷ of R. Jose who laid down that the woman is clean even where only one doubt is involved. But, instead of disputing about such a case involving only one doubt in order to inform you how far reaching is the ruling of R. Jose, why should they not dispute about a case involving a double doubt in order to inform you how far reaching is the ruling of R. Meir?²⁸ The power of a lenient view²⁹ is preferred.³⁰ R. Johanan, however, replied: R. Meir gave his ruling³¹ only where one doubt is involved, but where a double doubt is involved³² he did not maintain his view. But if so,³³ why was it not stated:³⁴ R. Meir and R. Jose³⁵ ruled that she remains clean? — This should indeed have been done,³⁶ but since he had just left R. Jose³⁷ he also began³⁸ With R. Jose. As to R. Jose, however, since he holds the woman clean where only one doubt is involved,³⁹ was there any need for his ruling where a double doubt is involved?⁴⁰ — As it might have been presumed that his ruling applied only ex post facto⁴¹ but not ab initio,⁴² we were informed⁴³ that the ruling applied even ab initio. It was taught in agreement with R. Johanan: If a man and a woman attended to their needs in the same bowl and blood was found on the water, R. Meir and R. Jose declared it clean and R. Simeon declared it unclean.

The question was raised: Where a woman⁴⁴ was sitting,⁴⁵ what, pray tell me, is the ruling of⁴⁶ R. Simeon? Did R. Simeon maintain his view only where she is standing, since her passage is then compressed.⁴⁷ but not where she was sitting;⁴⁸ or is it possible that there is no difference? — Come and hear what was taught: If she was sitting she may attribute [any discharge of blood to an internal wound], but if she was standing she may not attribute [it to it]; so R. Meir. R. Jose ruled: In either case she may attribute [it to it]. R. Simeon ruled: In either case she may not attribute [it to it].

The question was raised: Where a man and a woman were sitting.⁴⁹ what, pray tell me, is the ruling of⁴⁶ R. Simeon? Did R. Simeon maintain his view only where the woman was standing, since her passage is then compressed,⁵⁰ or where she was sitting, since only one doubt is involved, but not where a double doubt is involved;⁵¹ or is it possible that there is no difference? — Come and hear: Since R. Simeon ruled, THE PRESUMPTION IS THAT BLOOD ISSUES FROM THE WOMAN,⁵² no distinction is to be made between an issue when they⁵³ were standing and one when they were sitting.

MISHNAH. IF SHE LENT HER SHIRT TO A GENTILE WOMAN OR TO A MENSTRUANT SHE MAY ATTRIBUTE A STAIN⁵⁴ TO EITHER.⁵⁵ IF THREE WOMEN HAD WORN THE SAME SHIRT OR HAD SAT ON THE SAME WOODEN BENCH AND SUBSEQUENTLY BLOOD WAS FOUND ON IT, ALL ARE REGARDED AS UNCLEAR.⁵⁶ IF THEY HAD SAT ON A STONE BENCH⁵⁷ OR ON THE PROJECTION WITHIN THE COLONNADE OF A BATH HOUSE,⁵⁷ R. NEHEMIAH RULES THAT THEY ARE CLEAN;⁵⁸ FOR R. NEHEMIAH HAS LAID DOWN: ANY THING THAT IS NOT SUSCEPTIBLE TO UNCLEANNES IS NOT SUSCEPTIBLE TO STAINS.⁵⁹

GEMARA. Rab explained: The reference⁶⁰ is to a GENTILE WOMAN

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- (1) Making water.
 - (2) This is discussed in the Gemara infra.
 - (3) Who regards the blood as clean even where, as in the first clause, only one doubt is involved, viz., whether the blood originated in the menstrual source or in a wound in the bladder.
 - (4) Since in addition to the doubt mentioned (cf. prev. n.) there is also the one whether the blood issued from the woman or from the man. The necessity for this ruling will be discussed infra in the Gemara.
 - (5) Whence the menstrual blood issues.
 - (6) Sc. in the natural manner, no strain being involved in the process. Only when a strain is involved (as where the woman is standing or where the discharge is slow) is it likely for the urine to return to the source and to re-issue mixed with blood, but not where the discharge is flowing normally and easily.
 - (7) Though the urine does not return to the source.
 - (8) From the menstrual source, independently of the other discharge.
 - (9) Why then is the woman regarded as clean?
 - (10) Since the discharge of blood is not bow-shaped.
 - (11) As, however, it was found within the bowl it must be assumed to have found its way there together with the water.
 - (12) A person who sought 'his opinion on the question.
 - (13) When attending to their needs; and blood was found in the bowl.
 - (14) Lit. 'what, to me, said'.
 - (15) Who (v. our Mishnah) regards a woman as unclean if she was standing alone.
 - (16) cf. prev. n.
 - (17) Whether the blood emanated from the menstrual source or from a wound in the bladder.
 - (18) Lit., 'doubt of a doubt'. Firstly there is the doubt whether the blood emanated from the woman or from the man; and secondly, even if it emanated from the woman, there remains the doubt previously mentioned (cf. prev. n.).
 - (19) That the woman is unclean.
 - (20) Resh Lakish's statement.
 - (21) In our Mishnah in the case where A MAN AND A WOMAN ATTENDED etc.
 - (22) Instead of the latter name alone.
 - (23) That even in the latter case, where a double doubt is involved (cf. n. 11). R. Meir holds the woman to be unclean.
 - (24) Cf. prev. n.
 - (25) In the first clause of our Mishnah.
 - (26) Apparently not. For if the woman is unclean in the case of a double doubt it is obvious that she is unclean in the case of one doubt. Why then was R. Meir's ruling given in the first clause, from which the second cannot be derived, instead of in the second clause from which the first would be self-evident?
 - (27) Lit., 'the power'.
 - (28) Who even in such a case regards the woman as unclean.
 - (29) As is that of R. Jose who holds the woman to be clean.
 - (30) To that which is more restrictive. While the former must be the result of careful study and conviction the latter may be due to mere indecision and doubt.
 - (31) That the woman is unclean.
 - (32) As in the case of A MAN AND A WOMAN etc.
 - (33) That in the latter case (cf. prev. n.). R. Meir is of the same opinion as R. Jose that the woman is clean.
 - (34) In our Mishnah in the case where A MAN AND A WOMAN ATTENDED etc.
 - (35) Instead of the latter name alone.
 - (36) Lit., 'yes, thus also'.
 - (37) At the conclusion of the preceding clause.
 - (38) The clause under discussion.
 - (39) In the first clause of our Mishnah.
 - (40) Cf. supra p. 418, n. 11.
 - (41) Where the woman, for instance, had already handled clean things.

- (42) Sc. if she had not yet come in contact with clean things she is to be ordered to keep away from them.
- (43) By the additional and apparently superfluous clause.
- (44) Alone.
- (45) When attending to her needs; and blood was found in the bowl.
- (46) Lit., 'what, to me, said'.
- (47) Lit., 'the world is pressed for her'. As a result of the narrowness of the passage blood from the menstrual source might well be presumed to issue together with the returned urine, and since this presumption almost amounts to a certainty there remains no more than one doubt, as to whether the blood emanated from the man or the woman, which well justifies R. Simeon's ruling that the blood is unclean.
- (48) And the passage allowed of the free movement of the urine. Any blood discharged in this case might well be attributed to a wound in the bladder, and, therefore, regarded as clean.
- (49) When attending to their needs; and blood was found in the bowl.
- (50) And the presumption that the blood emanated from the menstrual source is then so strong that, despite the double doubt involved, R. Simeon, disregarding one of the doubts, maintains his view.
- (51) Whether (a) the blood issued from the woman or the man and (b) if from the woman whether from the menstrual source or from some internal wound.
- (52) Which clearly indicates that he never attributes it to the man.
- (53) The man and the woman.
- (54) That was found on it after she herself had worn it.
- (55) Lit., 'on her'; and she remains clean. Such a presumption is permitted since neither the gentile woman nor the menstruant is thereby placed at a disadvantage, the former being free from the restrictions in any case while the latter is already in a state of uncleanness.
- (56) Since each one might be presumed to have been the cause.
- (57) Which, unlike a wooden one, is not susceptible to uncleanness.
- (58) [The same applies to one woman sitting on a stone bench etc. The plural is used here in continuation of the preceding clause. v. Strashun].
- (59) Sc. no uncleanness of the person is assumed by reason of a stain that was found on it. This is further explained in the Gemara infra.
- (60) In our Mishnah.

Talmud - Mas. Nidah 60a

who once experienced a discharge.¹ Whence is this derived? From the fact that she is placed on a par with A MENSTRUANT. As the menstruant is a woman who experienced a discharge¹ so must the GENTILE WOMAN be one who experienced a discharge.¹ R. Shesheth remarked, Rab must have made this statement when he was lying down and about to doze, for it was taught: 'She may attribute it² to the gentile woman.³ R. Meir said, To the gentile woman who is capable of a menstrual discharge',⁴ Now even R. Meir⁵ only spoke of one who is 'capable of a menstrual discharge' but did not require one who actually experienced a discharge.⁶ Raba retorted: But do you understand R. Meir to restrict the law?⁷ R. Meir in fact relaxes it. For it was taught: 'She may not attribute it⁸ to the gentile woman. R. Meir ruled: She may attribute it to her'.⁹ But, then, does not a difficulty arise¹⁰ from the former?¹¹ — Explain thus:¹² Only when she¹³ experienced a discharge once before; and R. Meir said, If she is capable of a menstrual discharge even though she never yet experienced one.¹⁴

Our Rabbis taught: A woman may attribute a stain¹⁵ to another woman¹⁶ who was awaiting a day for a day, if it¹⁷ was the latter's second day,¹⁸ and¹⁹ to a woman¹⁶ who counted seven days²⁰ before she had performed ritual immersion.²¹ Hence she is at an advantage²² while her friend is at a disadvantage;²³ so R. Simeon b. Gamaliel. Rabbi ruled, She²⁴ may not so attribute it.²⁵ Hence both are at a disadvantage. They²⁶ agree, however, that she may attribute a stain to a woman who was awaiting a day for a day if it²⁷ was the latter's first day,²⁸ and to a woman who was abiding in her clean blood,²⁹ and to a virgin whose blood is clean.³⁰ Why was it necessary to state the 'hence' of R. Simeon b. Gamaliel?³¹ — On account of the ruling of Rabbi.³² Why was it necessary to state the

‘hence’ of Rabbi?³³ — It might have been presumed that only the woman on whom the stain was found shall be at a disadvantage while the other shall not be disadvantaged, hence we were informed that both are at a disadvantage.

R. Hisda stated: If a clean and an unclean person walked respectively in two paths one of which was clean and the other unclean,³⁴ we arrive at the dispute between Rabbi and R. Simeon b. Gamaliel.³⁵ R. Adda demurred: Rabbi may have maintained his view only³⁶ there, because both are in similar conditions,³⁷ but what difference [to the unclean person in this case] could our assumption make?³⁸ And R. Hisda?³⁹ — After all⁴⁰ she has yet to perform the immersion.⁴¹ It was stated:⁴² R. Jose son of R. Hanina ruled, If a clean and an unclean person, and even if a clean, and a doubtfully clean person walked respectively in two paths one of which was unclean and the other clean, it may be assumed, according to the opinion of all,⁴³ that the unclean path was taken by the doubtfully clean person and the clean path by the clean one.

R. Johanan enquired of R. Judah b. Liwai: May a stain⁴⁴ be attributed to [another woman⁴⁵ who was unclean on account of] a stain? So far as Rabbi's view is concerned the question does not arise; for, since in that case⁴⁶ where the woman had observed a discharge from her own body⁴⁷ you said [that the other woman's stain] may not be attributed [to her], how much less then may this be done in this case where the stain may have originated from an external cause.⁴⁸ The question arises only in connection with the view of R. Simeon b. Gamaliel: Is it only in that case,⁴⁶ where the woman had observed a discharge from her own body,⁴⁷ that the other woman's stain may be attributed to her, but here, where the stain may have originated from an external cause,⁴⁸ she may not so attribute it,⁴⁹ or is it possible that no difference is made between the two cases? — The other replied: One may not so attribute it. What is the reason? — Because [there is a tradition that]⁵⁰ one may not so attribute it.⁵¹

He pointed out to him the following objection: ‘Is it not permissible to attribute a stain⁵² to [another woman⁵³ who was unclean on account of] a stain. If a woman⁵⁴ had lent her shirt to a gentile woman or to one who continued unclean by reason of a stain, she may attribute its to her⁵⁵. (But is not this Baraitha self contradictory: In the first clause you stated, ‘it is not permissible to attribute’ while in the final clause you stated that it was permissible to attribute? — This is no difficulty: The former is the view of Rabbi while the latter is that of R. Simeon b. Gamaliel. There are some who read: The latter as well as the former represents the view of Rabbi, but⁵⁶ the latter⁵⁷ applies to her first day⁵⁸ while the former⁵⁹ applies to her second day.⁶⁰ R. Ashi replied: The former⁶¹ as well as the latter⁵⁷ represents the view of R; Simeon b. Gamaliel and yet there is no difficulty,

(1) Lit., ‘who sees’.

(2) A stain found on her shirt.

(3) And thus remain clean.

(4) Sc. one of mature age.

(5) Who seems to be more restrictive than the first Tanna.

(6) Much less (cf. prev. n.) would the Rabbis (the first Tanna) require that the gentile woman should be one who actually experienced a discharge once before.

(7) More than the Rabbis. V. p. 421, nn. 12,13.

(8) A stain found on her shirt.

(9) And since the first Tanna restricts the law he may well uphold also the restriction imposed by Rab.

(10) Against the Baraitha cited by Raba from which it is evident that R. Meir is more lenient than the Rabbis.

(11) Lit., ‘that’, the Baraitha cited by R. Shesheth from which it appears that R. Meir is more restrictive.

(12) The Baraitha cited by R. Shesheth, according to which the first Tanna ruled that ‘she may attribute it to a gentile woman’.

(13) The gentile woman.

(14) Similarly the Baraitha cited by Raba is to be explained that the first Tanna holds that ‘she may not attribute it to the

gentile woman' unless the latter had experienced a discharge once before, while R. Meir maintains that it may be attributed to her even if she is only capable of a discharge, though she had not experienced one. Both Baraitas thus give the same rulings in different words, and Rab's view is upheld by that of the first Tanna in each.

(15) Found on her underclothing.

(16) To whom she had previously lent it.

(17) The day on which the latter had worn it.

(18) Sc. the day during a zibah period following the one on which she observed a discharge, though on that day none had been observed. This assumption in favour of the former is permitted (despite the slight disadvantage to the latter of having to wait another day) because of the latter's known condition of uncleanness.

(19) For a similar reason (cf. prev. n. second clause).

(20) After an established zibah.

(21) Though the latter would in consequence have to count again a new period of seven days.

(22) Lit., 'repaired', 'sound', sc. she remains clean.

(23) Lit., 'spoil', 'damaged'; the one having to wait an additional day (cf. supra n. 12) and the other to count another seven days (cf. prev. n. but one).

(24) Since her attribution would be a disadvantage to her friend.

(25) Though she herself would in consequence be regarded as unclean.

(26) Rabbi and R. Simeon b. Gamaliel.

(27) The day on which the latter had worn it.

(28) When the assumption that the stain was due to her would impose no additional uncleanness upon her.

(29) From the eighth to the fortieth day after the birth of a male child and from the fifteenth to the eightieth after the birth of a female child. Cf. prev. n.

(30) Cf. supra 10b and prev. n. but one.

(31) Sc. in view of his specific statement that the stain may be attributed to the other woman who was already in a state of uncleanness, is it not obvious that the former is at an advantage while the latter is at a disadvantage?

(32) According to which both women are at a disadvantage.

(33) Cf. prev. n. but one mut. mut.

(34) And it is unknown who walked in which.

(35) According to the latter, who ruled that a stain found on a clean woman may be attributed by her to a woman who was known to be unclean while she herself remains clean, it may be here assumed that the clean person walked in the clean path and the unclean walked in the unclean one; while according to Rabbi no such assumption could be allowed and both persons must be regarded as unclean.

(36) Lit., 'until here Rabbi only said'.

(37) Since even the woman who was hitherto unclean could, by performing immersion, attain cleanness on the day the stain was found. The assumption would consequently place her at an undeserved disadvantage.

(38) None; since whatever the assumption he is unclean. As the assumption would not place him under any disadvantage Rabbi in this case may well agree with R. Simeon b. Gamaliel.

(39) How in view of this argument could he maintain his statement?

(40) Granted the woman could attain to cleanness by immersion.

(41) Before doing which she is still unclean in all respects. As Rabbi nevertheless rules out the assumption that the stain was due to her, it is obvious that he would equally rule out the assumption that it was the unclean person who walked in the unclean path.

(42) In agreement with R. Adda's view that even according to Rabbi it may be assumed that the clean person walked in the clean path and the unclean person in the unclean one.

(43) Sc. even according to Rabbi.

(44) Found on the under garment of a woman who was known to be clean.

(45) Who had previously worn that garment.

(46) Discussed supra. Lit., 'there'.

(47) A case of certain uncleanness.

(48) Lit., 'where it came from the world'; a case of doubtful uncleanness.

(49) And both women are, therefore, unclean.

(50) Since the uncleanness that is due to a stain is merely of a doubtful nature, it being possible that the stain originated

from an external cause, and the woman cannot in consequence be regarded as prone to a discharge.

(51) And both women are, therefore, unclean.

(52) Found on the under garment of a woman who was known to be clean.

(53) Who had previously worn that garment.

(54) Who discovered the stain.

(55) The stain she discovered.

(56) As to the apparent contradiction.

(57) 'It is permissible to attribute'.

(58) Sc. the stain was discovered by the woman on the same day on which the other (to whom the garment had been lent) had found a stain on an under garment of hers which caused her to be unclean on that day and also imposed upon her the restriction of remaining unclean until a second day (a day for a day) had passed. Since she has in any case to lose a second day, the attribution does not cause her any disadvantage.

(59) Which does not allow the attribution.

(60) When the attribution would place her under a disadvantage by extending her uncleanness to the third day.

(61) Which does not allow the attribution.

Talmud - Mas. Nidah 60b

for the former applies to retrospective uncleanness¹ while the latter applies to future uncleanness.)² At all events does not a difficulty arise?³ — Rabina replied: This is no difficulty for it is this that was meant:⁴ If she had lent her shirt to a gentile woman,⁵ she who discovered⁶ the stain⁷ may attribute it to her.⁸ But was it not stated, 'or to one who continued unclean by reason of a stain'?⁹ — It is this that was meant: Or to one who continued clean owing to clean blood,¹⁰ she who discovered¹¹ the stain may attribute it to her.¹²

IF THREE WOMEN HAD WORN etc. FOR R. NEHEMIAH HAS etc. R. Mattenah stated: What is R. Nehemiah's reason? That it is written, And clean¹³ she shall sit upon the ground,¹⁴ provided she sat on the ground she is clean.¹⁵ R. Huna citing R. Hanina stated: R. Nehemiah rules that they are clean if they sat even on the back of an earthenware vessel. But is not this obvious?¹⁶ — It might have been presumed that a restriction shall be imposed on its back as a preventive measure against the possible relaxation of the law in regard to its inside,¹⁷ hence we were informed that on the back of an earthenware vessel they are clean. Abaye stated: R. Nehemiah holds them to be clean if they sat on strips of cloth that were less than three by three fingerbreadths, since such are unsuitable for use either by the poor or the rich.¹⁸

R. Hiyya son of R. Mattenah citing Rab stated in his discourse: The halachah is in agreement with R. Nehemiah. Said R. Nahman to him: Abba¹⁹ learnt, 'A case was once submitted to the Sages and they declared the woman concerned to be unclean' and you state, 'the halachah is in agreement with R. Nehemiah'? — What was that case? — The one concerning which it was taught: If two women were grinding with a hand mill and blood was found under the inner one,²⁰ both are unclean.²¹ If it was found under the outer one,²² the outer one is unclean²³ but the inner one remains clean.²⁴ If it was found between the two, both are unclean.²⁵ It once happened that blood was found on the edge of a bath,²⁶ and on an olive leaf while they were making a fire in an oven, and when the case was submitted to the Sages they declared them to be unclean.²⁷ This²⁸ is a point at issue between Tannas. For it was taught: R. Jacob²⁹ ruled that they were unclean and R. Nehemiah ruled that they were clean, and the Sages³⁰ ruled in agreement with R. Nehemiah.

MISHNAH. IF THREE WOMEN SLEPT IN ONE BED AND BLOOD WAS FOUND UNDER ONE OF THEM, THEY ARE ALL UNCLEAR. IF ONE OF THEM EXAMINED HERSELF AND WAS FOUND TO BE UNCLEAR, SHE ALONE IS UNCLEAR WHILE THE TWO OTHERS ARE CLEAR. THEY MAY ALSO ATTRIBUTE THE BLOOD TO ONE ANOTHER.³¹ AND IF THEY WERE NOT LIKELY³² TO OBSERVE A DISCHARGE,³¹ THEY MUST BE REGARDED

AS THOUGH THEY WERE LIKELY TO OBSERVE ONE.

GEMARA. Rab Judah citing Rab explained: But this³³ applies only where she examined herself immediately [after the discovery of the blood],³⁴ He is of the same opinion as Bar Pada who laid down: Whenever her husband is liable to a sin-offering,³⁵ her clean things³⁶ are³⁷ to be unclean,³⁸ where her husband is liable to a suspensive guilt-offering,³⁹ her clean things⁴⁰ are regarded as being in a suspended state of uncleanness;⁴¹ and where her husband is exempt,⁴² her clean things⁴³ remain clean. But R. Oshaia⁴⁴ ruled: Even where her husband is liable to a sin-offering,⁴⁵ her clean things are⁴⁶ deemed to be in a suspended state.⁴⁷ One can see the reason⁴⁸ there, since it might well be assumed that the waiter⁴⁹ had caused the obstruction of the blood; but, in this case,⁵⁰ if it were a fact that the blood was there,⁵¹ what could have caused its obstruction?⁵² R. Jeremiah observed: As to R. Oshaia's metaphor⁵³ to what may this be compared? To an old man and a child who were walking together on a road. While they are underway the child restrains his gait.⁵⁴ but after they enter the town⁵⁵ the child accelerates his pace.⁵⁶ Abaye on the other hand observed: As to the metaphor of R. Oshaia, to what may this be compared? To a man who puts his finger on his eye. While the finger is on the eye the tears are held back, but as soon as the finger is removed the tears quickly come forth.⁵⁶

THEY MAY ALSO ATTRIBUTE THE BLOOD TO ONE ANOTHER. Our Rabbis taught: In what manner do they attribute it to one another? If one was a pregnant woman⁵⁴ and the other was not pregnant, the former may attribute the blood to the latter. If one was a nursing woman⁵⁷ and the other was not a nursing woman, the former may attribute the blood to the latter. If one was an old woman⁵⁷ and the other was not an old woman, the former may attribute the blood to the latter. If one was a virgin⁵⁸ and the other was no virgin, the former may attribute the blood to the latter. If both were pregnant, nursing, old or virgins — it is [a case like] this concerning which we have learnt, IF THEY WERE NOT LIKELY TO OBSERVE A DISCHARGE, THEY MUST BE REGARDED

(1) Sc. to a case where the owner of the shirt discovered the stain on it before the other to whom she had lent it had discovered the stain on her own under garment, Though the other subsequently discovered the stain, she cannot be regarded as unclean retrospectively (from the time the owner of the shirt had discovered the stain) since at that time she was still in a condition of cleanness (cf. Tosaf. and Tosaf. Asheri, contra Rashi).

(2) The stain on the lent shirt having been discovered after the woman who borrowed it had discovered hers (cf. prev. n.).

(3) Apparently it does; for since, according to the Baraita cited, R. Simeon b. Gamaliel allows the attribution how could R. Judah b. Liwai maintain that he does not.

(4) By the Baraita under discussion.

(5) Who experienced a discharge.

(6) Lit., 'the owner of'.

(7) Sc. the Israelitish woman.

(8) The gentile, who loses thereby nothing, while the Israelitish woman remains clean.

(9) Of course it was. Now if the reference is to the woman who just discovered the stain, how could the expression 'continued' (which implies that the counting of the clean days had already begun) be used?

(10) I.e., either to a gentile woman who is free from the restrictions of uncleanness or to an Israelitish woman who for the reason stated is exempt from uncleanness.

(11) Lit., 'the owner of'.

(12) Since neither would thereby be adversely affected while she remains clean in consequence.

(13) E.V., utterly bereft.

(14) Isa. III, 26.

(15) I.e., a stain found on the ground does not render her unclean.

(16) Apparently it is, since like a stone bench, the back of an earthenware vessel is not susceptible to uncleanness.

(17) Which is susceptible to uncleanness, and a stain on which would in accordance with Rabbinic law subject a woman to uncleanness.

- (18) And hence unsusceptible to uncleanness.
- (19) Abba Arika or Rab. 'My father' (Golds.), MS.M., 'ana' ('I').
- (20) The one nearer to the mill.
- (21) Since the other who sits behind her would naturally shift her position towards the mill and, assuming sometimes the same position as the inner one, would be as likely as she to be the cause of the stain in that spot. As it is thus uncertain which of the two was the cause both must be regarded as unclean.
- (22) A position which the inner one would never occupy, the tendency being to come up as close as possible to the mill.
- (23) Since she may have been the cause of the stain.
- (24) Cf. prev. n. but one.
- (25) Because either might have been the cause.
- (26) Which two women were using.
- (27) Now an olive leaf is not susceptible to uncleanness and yet the Sages (the majority) ruled that a stain on it causes uncleanness. How then could it be said that the halachah agrees with R. Nehemiah who was only an individual?
- (28) Whether R. Nehemiah is opposed by an individual authority or by a majority.
- (29) An individual.
- (30) The majority.
- (31) This is explained in the Gemara infra.
- (32) Lit., 'suitable'.
- (33) That IF ONE OF THEM EXAMINED HERSELF . . . SHE ALONE IS UNCLEAN WHILE THE TWO OTHERS ARE CLEAN.
- (34) If, however, her examination had been delayed the others too are unclean.
- (35) In the case, for instance, where she discovered menstrual blood immediately after their intercourse, when it is assumed that the discharge had occurred during intercourse.
- (36) Terumah, for instance, which may be eaten only when clean.
- (37) If she discovered menstrual blood immediately after her contact with them.
- (38) It being assumed (cf. prev. n. but two) that the discharge occurred while she was still handling the clean things. In such a case the uncleanness is regarded as certain and the things she handled must be burnt.
- (39) This is the case where she discovered the blood after an interval had elapsed during which she could descend from the bed and wash her genitals it being doubtful whether the discharge had occurred during or after intercourse.
- (40) If she discovered the blood after such an interval (cf. prev. n.) had passed since she handled them.
- (41) Sc. they may be neither eaten nor burnt.
- (42) In the case where the longer interval (cf. prev. n. but two) had passed before the blood was discovered, when it is regarded as certain that the discharge occurred after intercourse.
- (43) If a similar interval (cf. prev. n.) had elapsed between the time she has handled them and the discovery of the blood.
- (44) Maintaining that even if a discovery of blood was made immediately after she handled the clean things one cannot be sure that the discharge had occurred earlier when she was still handling them.
- (45) V. supra n. 2.
- (46) On account of the doubt.
- (47) Thus it follows that our Mishnah which ruled that only the woman who found herself on examination to be unclean is regarded as the cause of the blood while the two others remain clean, upholds the opinion of Bar Pada who, where the examination took place immediately after the clean things had been handled, regards the things as definitely unclean. It must be contrary to the view of R. Oshaia who, even in such a case (an examination after the shortest interval), regards the clean things as being merely in a suspected state.
- (48) Why it may be assumed that the discharge occurred earlier during intercourse.
- (49) Euphemism.
- (50) The handling of clean things.
- (51) Sc. that the discharge occurred earlier.
- (52) Obviously nothing. Hence it is only in the case of intercourse (where the assumption is possible) that the husband becomes liable for a sin-offering, but in the case of clean things (where no such assumption is possible) no certain uncleanness may be presumed and only that of a doubtful nature may be imposed upon them Rabbinically for twenty-four hours retrospectively.
- (53) 'The waiter had caused the obstruction of the blood'.

(54) Lit., 'delays to come', waiting for the lead of the old man.

(55) When they walk in different directions to their own respective homes.

(56) Lit., 'hastens to come'.

(57) Who usually loses her menstrual flow.

(58) Sc. a young woman (whether unmarried or married) who had not yet experienced any menstrual discharge (cf. supra 8b).

Talmud - Mas. Nidah 61a

AS THOUGH THEY WERE LIKELY TO OBSERVE ONE. MISHNAH. IF THREE WOMEN SLEPT IN ONE BED, AND BLOOD WAS FOUND UNDER THE MIDDLE ONE, THEY ARE ALL UNCLEAN. IF IT WAS FOUND UNDER THE INNER ONE,¹ THE TWO INNER ONES² ARE UNCLEAN WHILE THE OUTER ONE IS CLEAN. IF IT WAS FOUND UNDER THE OUTER ONE,³ THE TWO OUTER ONES⁴ ARE UNCLEAN WHILE THE INNER ONE⁵ IS CLEAN. WHEN⁶ IS THIS THE CASE?⁷ WHEN THEY PASSED⁸ BY WAY OF THE FOOT OF THE BED,⁹ BUT IF THEY PASSED ACROSS IT,¹⁰ THEY ARE ALL UNCLEAN.¹¹ IF ONE OF THEM EXAMINED HERSELF AND WAS FOUND CLEAN, SHE REMAINS CLEAN WHILE THE TWO OTHERS ARE UNCLEAN. IF TWO, EXAMINED THEMSELVES AND WERE FOUND TO BE CLEAN THEY REMAIN CLEAN WHILE THE THIRD IS UNCLEAN. IF THE THREE EXAMINED THEMSELVES AND WERE FOUND TO BE CLEAN, THEY ARE ALL UNCLEAN. TO WHAT MAY THIS BE COMPARED? TO AN UNCLEAN HEAP¹² THAT WAS MIXED UP WITH TWO CLEAN HEAPS, WHERE, IF THEY EXAMINED ONE OF THEM AND FOUND IT TO BE CLEAN, IT IS CLEAN WHILE THE TWO OTHERS ARE UNCLEAN; IF THEY EXAMINED TWO OF THE HEAPS AND FOUND THEM TO BE CLEAN, THEY ARE CLEAN WHILE THE THIRD ONE IS UNCLEAN; AND IF THEY EXAMINED THE THREE AND THEY WERE FOUND TO BE CLEAN, THEY ARE ALL UNCLEAN; SO R. MEIR, FOR R. MEIR RULED: ANY OBJECT THAT IS IN A PRESUMPTIVE STATE OF UNCLEANNESS ALWAYS REMAINS UNCLEAN UNTIL IT IS KNOWN TO YOU WHERE THE UNCLEANNESS IS. BUT THE SAGES RULED: ONE CONTINUES THE EXAMINATION OF THE HEAP UNTIL ONE REACHES BEDROCK OR VIRGIN SOIL.¹³

GEMARA. Why is it that in the first clause¹⁴ no distinction is made¹⁵ while in the final clause¹⁶ a distinction is made? — R. Ammi replied: The former is a case where the women were interlocked.¹⁷

IF ONE OF THEM EXAMINED HERSELF etc. What need was there for stating, 'TO WHAT MAY THIS BE COMPARED'? — It is this that R. Meir in effect said to the Rabbis: Why is it that in the case of blood you do not differ from me¹⁸ while in that of a heap you differ?¹⁹ — And the Rabbis?²⁰ — There [the heap may be regarded as clean] since it might well be assumed that a raven had carried away the piece of corpse, but here, whence²¹ could the blood have come?²²

It was taught: R. Meir stated, It once happened that a sycamore tree at Kefar Saba, held to be in a presumptive state of uncleanness, was examined and no object of uncleanness was found. After a time the wind blew upon it and uprooted it when the skull of a corpse was found stuck in its root.²³ They²⁴ answered him: 'Do you adduce proof from there? It might be suggested that the examination was not thorough enough'.²⁵

It was taught: R. Jose stated, It once happened that a cave at Shihin, held to be in a presumptive state of uncleanness, was examined until ground, that was as smooth as a finger nail²⁶ was reached, but no unclean object was found. After a time labourers entered it to shelter from²⁷ rain, and chopping with their axes found a mortar full of bones.²⁸ They²⁹ answered him: 'Do you adduce proof from there? It might be suggested that the examination was not thorough enough'.³⁰

It was taught: Abba Saul stated, It once happened that a clod at Beth Horon was held in a presumptive state of uncleanness, and the Sages could not properly examine it because its area was extensive.³¹ But there was an old man in the place³² whose name was R. Joshua b. Hananiah and he said to them, 'Bring me some sheets'. They brought to him sheets and he soaked them in water and then spread them over the clod.³³ The clean area³⁴ remained dry while the unclean area³⁵ became moist. And, having examined the latter, they found a large pit full of bones. One taught: That was the pit which Ishmael the son of Nethaniah had filled with slain bodies, as it is written, Now the pit wherein Ishmael cast all the dead bodies of the men whom he had slain by the hand³⁶ of Gedaliah.³⁷ But was it Gedaliah that killed them? Was it not in fact Ishmael that killed them?³⁸ — But owing to the fact that he³⁹ should have taken note of the advice of Johanan the son of Kareah⁴⁰ and did not do so Scripture regards him as though he had killed them.

Raba observed: As to slander, though one should not believe⁴¹ it one should nevertheless take note of it. There were certain Galileans about whom a rumour was spread that they killed a person. They came to R. Tarfon and said to him, 'Will the Master hide us?' 'How', he replied, 'should I act? Should I not hide you, they⁴² would see you.⁴³ Should I hide you, I would be acting contrary to the statement of the Rabbis,⁴⁴ "As to slander, though one should not believe⁴⁵ it, one should take note of it".⁴⁶ Go you and hide yourselves'.

And the Lord said unto Moses: Fear him not'.⁴⁷ Consider: Sihon and Og were brothers, for a Master stated, 'Sihon and Og were the sons of Ahijah the son of Shamhazai',⁴⁸ then why was it that he feared Og while he did not fear Sihon? R. Johanan citing R. Simeon b. Yohai replied: From the answer that was given⁴⁹ to⁵⁰ that righteous man⁵¹ you may understand what was in his mind.⁵² He thought: Peradventure the merit of our father Abraham will stand him⁵³ by, for it is said, And there came one that had escaped, and told Abram the Hebrew,⁵⁴ in connection with which R. Johanan explained: This refers to Og who escaped the fate of the generation of the flood.⁵⁵

Our Rabbis taught:⁵⁶ If a [woman's] bloodstain was lost in a garment⁵⁷ one must apply to it⁵⁸ seven substances⁵⁹ and thus neutralize it. R. Simeon b. Eleazar ruled:

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- (1) The woman that was nearest to the wall.
 - (2) Sc. the one under whom the blood was found (cf. prev. n.) and the middle one.
 - (3) The woman furthest from the wall.
 - (4) The one mentioned and the middle one.
 - (5) The woman that was nearest to the wall.
 - (6) Sep. edd. of the Mishnah read, 'R. Judah said, When'.
 - (7) That IF IT WAS FOUND UNDER THE OUTER ONE. . . THE INNER ONE IS CLEAN.
 - (8) On entering the bed.
 - (9) So that the inner one never passed the spot where the blood was found.
 - (10) Lit., 'the way over it'. The inner two thus passing over the place of the outer one.
 - (11) Even the middle and the inner one, since it is possible that either discharged the blood when she was passing over that spot.
 - (12) One that contained a piece of corpse of the minimum size of an olive.
 - (13) And if no uncleanness can be found even there, it may be presumed that the heap is clean.
 - (14) The previous Mishnah, supra 60b.
 - (15) Between blood found under the middle, the inner or the outer woman.
 - (16) Our Mishnah.
 - (17) As they were so close to each other it is quite possible for the blood of the one to be found under the other.
 - (18) Agreeing that if the three women examined themselves and were found to be clean, they are all unclean.
 - (19) Maintaining that, if the examination was continued down to bedrock or virgin soil and no trace of corpse was found, the heap may be regarded as clean despite the presumptive existence of a piece of corpse in one of the heaps.
 - (20) On what ground do they maintain their view?

- (21) If all the women are clean.
- (22) Hence the ruling that they are all unclean.
- (23) This, in the opinion of R. Meir, proves that an examination that revealed no unclean object is no evidence of cleanness.
- (24) The Rabbis who disagreed with him.
- (25) Lit., 'they did not examine all its requirement'.
- (26) Sc. that was never cultivated.
- (27) Lit., 'on account of'.
- (28) Cf. supra p. 431, n. II mut. mut.
- (29) The Rabbis who disagreed with him.
- (30) Lit., 'they did not examine all its requirement'.
- (31) Lit., 'much'.
- (32) Lit., 'there'.
- (33) Lit., 'them'.
- (34) The soil of which had never been dug and was, therefore, hard and impervious to the moisture from the sheets.
- (35) Which contained corpses and which, having been dug, consisted of loose earth that absorbed the moisture.
- (36) E.V., 'side'.
- (37) Jer. XLI, 9.
- (38) Why then was it stated, 'By the hand of Gedaliah'?
- (39) Gedaliah.
- (40) Who told him that Simeon b. Nethaniah wished to kill him. V. Jer. XL, 13ff.
- (41) Lit., 'accept'.
- (42) The avengers of the blood.
- (43) And execute vengeance.
- (44) Lit., 'surely the Rabbis said'.
- (45) Lit., 'accept'.
- (46) And in case the report about you is true, I have no right to shield you.
- (47) Num. XXI, 34.
- (48) One of the fallen angels referred to in Gen. VI, 2, 4 as 'sons of God' or 'Nephilim'.
- (49) By God.
- (50) Lit., 'of'.
- (51) Moses.
- (52) Lit., 'heart'.
- (53) Og.
- (54) Gen. XIV, 13.
- (55) Cf. Zeb. 113b.
- (56) The following Baraitas have been suggested to the compiler by the law supra concerning heaps in which an unclean object had been lost beyond recovery.
- (57) By falling, for instance, into water or was soiled with the blood of an animal.
- (58) Lit., causes to pass'.
- (59) Enumerated in next Mishnah.

Talmud - Mas. Nidah 61b

One must examine it in small sections.¹ If semen was lost in it, when new it should be examined with a needle,² and when worn out it should be examined in sunlight.³ One taught: No section need be smaller than three fingerbreadths.

Our Rabbis taught: A garment in which kil'ayim⁴ was lost⁵ may not be sold to an idolater,⁶ nor may one make of it a packsaddle for an ass, but it may be made into⁷ a shroud for a corpse. R. Joseph observed: This⁸ implies that the commandments will be abolished in the Hereafter.⁹ Said Abaye (or as some say R. Dimi) to him: But did not R. Manni¹⁰ in the name of R. Jannai state, 'This⁸ was

learnt only in regard to the time of the lamentations¹¹ but for burial¹² this is forbidden'?¹³ — The other replied: But was it not stated in connection with it, 'R. Johanan ruled: Even for burial'? And thereby R. Johanan followed his previously expressed view, for R. Johanan stated: 'What is the purport of the Scriptural text, Free¹⁴ among the dead?'¹⁵ As soon as a man dies he is free from the commandments'.

Rafram b. Papa citing R. Hisda ruled: A garment in which kil'ayim was lost may be dyed¹⁶ and¹⁷ it is then permitted to be worn.¹⁸ Said Raba to Rafram b. Papa: Whence does the old man derive this?¹⁹ The other replied: It is in our Mishnah, for we have learnt, ONE CONTINUES THE EXAMINATION OF THE HEAP UNTIL ONE REACHES BEDROCK; and if it²⁰ is not there, it is obviously assumed that a raven had carried it away. Here too, dye does not have the same effect on wool and flax and, since no [difference could be] discerned,²¹ it may well be assumed [that the compromising threads] had dropped out.

R. Aha son of R. Yeba citing Mar Zutra ruled: If a man inserted flaxen threads in his woollen garment and then pulled them out but is not sure whether he pulled them [all] out or not, it is quite proper [for him to wear the garment]. What is the reason? — Pentateuchally, since it is written sha'atnez²² the prohibition does not apply unless the material was hackled, spun and woven,²³ but it is only the Rabbis who imposed a prohibition on it,²⁴ and since the man is not quite sure about the pulling out of the threads the garment is permitted. R. Ashi demurred: Might it not be suggested that it²⁵ must be either hackled or spun or woven? — The law, however, is in agreement with Mar Zutra, because the All Merciful expressed them in one word.²³

Our Rabbis taught: A dyed garment is susceptible to the uncleanness of a bloodstain. R. Nathan b. Joseph ruled: It is not susceptible to the uncleanness of a stain, for dyed garments were ordained for women only in order to relax the law in regard to their bloodstains. 'Were ordained'! Who²⁶ ordained them? — Rather read: For dyed garments were permitted to women only in order to relax the law in regard to their bloodstains. 'Were permitted'! Does this then imply that they were once forbidden? — Yes, for we have learnt: At the time of the Vespasian invasion they²⁷ prohibited the wearing of garlands by bridegrooms and the beating of drums at weddings. They also desired to prohibit dyed garments, but felt that it was better not to do so,²⁸ in order to relax the law in regard to their bloodstains.

MISHNAH. SEVEN SUBSTANCES MUST BE APPLIED TO A STAIN²⁹ TASTELESS SPITTLE,³⁰ THE LIQUID OF CRUSHED BEANS, URINE, NATRON, LYE

(1) The size of each section is given presently.

(2) Dried up semen offers some resistance to its penetration.

(3) When holding up the garment to the light the place of the semen appears darker than the rest of it. A new garment, however, whose texture is close would not show up such a stain even in front of the light.

(4) V. Glos.

(5) Sc. it was known that a thread of wool had been woven into a garment of flax or a thread of flax into a garment of wool but the thread could not be traced so as to be extracted.

(6) Since he might re-sell it to an Israelite.

(7) Lit., 'makes of it'.

(8) The permissibility to use kil'ayim for a shroud.

(9) At the resurrection. Had they remained in force the revived dead (cf. prev. n) would be transgressing the law of kil'ayim.

(10) Var. lec., Ammi.

(11) Lit., 'to lament for him'.

(12) Lit., 'to bury him'.

(13) How then can R. Joseph derive from this ruling that 'the commandments will be abolished in the Hereafter'?

- (14) E.V., 'set apart'.
- (15) Ps. LXXXVIII, 6.
- (16) As the colour effect of dye on wool is different from that on flax the one could be distinguished and separated from the other.
- (17) If the same shade of colour is shown throughout.
- (18) The assumption being that the threads of the other kind have somehow dropped out of the texture.
- (19) Cf. prev. n.
- (20) The unclean object.
- (21) Even after the dye had been applied.
- (22) Deut. XXII, 11. E.V., 'mingled stuff'.
- (23) Shu'a, tawui and nuz, three words Rabbinically assumed to make up the word sha'atnez.
- (24) On a material that does not satisfy all the three requirements.
- (25) A material that is to be forbidden as Kil'ayim.
- (26) Lit., 'what'.
- (27) The Rabbis.
- (28) Lit., 'they said that was better'.
- (29) If it is desired to ascertain whether it is blood or dye.
- (30) This is explained presently.

Talmud - Mas. Nidah 62a

, CIMOLIAN EARTH, AND LION'S LEAF. IF ONE IMMERSED IT¹ AND, HAVING HANDLED CLEAN THINGS ON IT, APPLIED TO IT THE SEVEN SUBSTANCES AND THE STAIN DID NOT FADE AWAY IT MUST BE A DYE; AND THE CLEAN THINGS REMAIN CLEAN AND THERE IS NO NEED TO IMMERSER IT² AGAIN. IF THE STAIN FADED AWAY OR GREW FAINTER,³ IT MUST BE A BLOODSTAIN AND THE CLEAN THINGS ARE UNCLEAN AND IT IS NECESSARY⁴ TO PERFORM IMMERSION AGAIN.⁵ WHAT IS MEANT BY TASTELESS SPITTLE'? THAT OF A MAN WHO ON THAT DAY⁶ TASTED NOTHING. THE LIQUID OF CRUSHED BEANS'? PASTE MADE OF CRUSHED BEANS THAT WERE NATURALLY⁷ PEELED OFF. URINE'? THIS REFERS TO SUCH AS HAS FERMENTED. ONE MUST SCOUR THE STAIN THREE TIMES WITH EACH OF THE SUBSTANCES. IF THEY WERE NOT APPLIED IN THE PRESCRIBED ORDER, OR IF THE SEVEN SUBSTANCES WERE APPLIED SIMULTANEOUSLY, NOTHING USEFUL HAS THEREBY BEEN DONE.⁸

GEMARA. One taught:⁹ The Alexandrian natron and not the Antipatrian one.

BORITH.¹⁰ Rab Judah stated: This means ahala.¹¹ But was it not taught: The borith and the ahal?¹² — The fact is that borith means sulphur. An incongruity was pointed out: They¹³ added to them¹⁴ the bulb of ornithogalum¹⁵ and garden-orache,¹⁶ the borith and the ahal. Now if 'borith' means sulphur [the objection would arise:] Is it subject to the restrictions of the Sabbatical year, seeing that it was taught:¹⁷ This is the general rule, Whatsoever has a root¹⁸ is subject to the restrictions of the Sabbatical year and whatsoever has no root is not subject to the restrictions of the Sabbatical year? — What then do you suggest: That borith means ahala? But was it not taught: 'The borith and the ahal'?¹⁹ — There are two kinds of ahala.

KIMONIA.²⁰ Rab Judah explained: Shelof-do²¹ And eshlag.²² Samuel stated: I enquired of the seamen and they told me that its name was eshлага, that it was to be found between the cracks of pearls and that it was extracted with an iron nail.

IF ONE IMMERSED IT AND, HAVING HANDLED etc. Our Rabbis taught: If one applied to it²³ the seven substances²⁴ and it did not fade away and then applied to it soap and it disappeared, one's clean things are unclean.²⁵ But does not soap remove dye also?²⁶ — Rather read: If one applied to it²³ six of the substances and it did not fade away and when soap had been applied it disappeared, his clean things are unclean, since it is possible that if one had first applied to it the seventh substance it might also have disappeared.²⁷ Another [Baraita] taught: If one applied to it²³ the seven substances and it did not fade away but when one applied them a second time it disappeared, one's clean things remain clean.²⁸ R. Zera stated: This²⁹ was taught only in regard to clean things that were handled between the first and the second wash;²⁹ but the clean things that were handled after the second wash³⁰ are unclean, since the person was particular about it³¹ and it had disappeared.³²

(1) The garment with the suspicious stain.

(2) The garment with the suspicious stain.

(3) As a result of the application of the seven substances.

(4) Now that the stain had disappeared.

(5) The first immersion when the stain was still on the garment being of no avail.

(6) Lit., 'all who'. This is discussed in the Gemara infra.

(7) Sc. not by human hands.

(8) Lit., 'he did not do anything'.

(9) With reference to NATRON in our Mishnah.

(10) Rendered supra LYE.

(11) An alcalic plant used as soap.

- (12) Ahal and ahala being the same, how could Rab Judah maintain that ahala is synonymous with borith seeing that the latter is placed in juxtaposition with ahal?
- (13) The Rabbis.
- (14) The fruits that are subject to the restrictions of the Sabbatical year.
- (15) Or 'Bethlehem-star'.
- (16) Or 'orach'.
- (17) V. marg. gl. Cur. edd., 'We learnt'.
- (18) By means of which it draws its nourishment from the ground.
- (19) V. p. 436, n. 11.
- (20) Rendered supra CIMOLIAN EARTH.
- (21) Lit., 'pull out, stick in', the popular name for Cimolian earth.
- (22) Rendered LION'S LEAF supra.
- (23) A stain on a woman's garment.
- (24) Enumerated in our Mishnah.
- (25) Because the disappearance of the stain under the application is evidence that it was one of blood.
- (26) It does. What proof then is there that the stain was not one of dye?
- (27) And any stain that disappears under an application of the seven substances can only be a bloodstain.
- (28) Since the stain must be one of dye. Had it been a bloodstain it would have disappeared after the first application.
- (29) That 'the clean things remain clean'.
- (30) Sc. the application of the substances.
- (31) The stain; as is evidenced by his second attempt to remove it.
- (32) As a result of the second application, which brings it within the category of bloodstains that disappear under the application of the seven substances.

Talmud - Mas. Nidah 62b

Said R. Abba to R. Ashi: Does then the uncleanness¹ depend on whether one is particular? — Yes, the other replied, for it was taught, 'R. Hiyya ruled: To that which is certain menstrual blood one may apply the seven substances and² thereby³ neutralize it'.⁴ But why should this be so,⁵ seeing that it is menstrual blood? It is obvious then⁶ that uncleanness¹ depends⁷ on whether one is particular. Here also⁸ then uncleanness¹ may depend on whether one is particular.

Elsewhere we learnt: If potsherds which a zab has used⁹ absorbed liquids and then fell into the air-space of an oven,¹⁰ and the oven¹¹ was heated, the oven becomes unclean, because the liquid¹² would¹³ ultimately emerge.¹⁴ Resh Lakish stated: This¹⁵ was learnt only in regard to liquids of a minor uncleanness¹⁶ but in the case of liquids of a major uncleanness¹⁷ the oven becomes unclean even though it was not heated.¹⁸ R. Johanan stated: Whether the liquids were subject to a minor or a major uncleanness the oven is unclean only if it was heated but not otherwise.¹⁹

R. Johanan raised an objection against Resh Lakish: IF ONE IMMERSED IT AND, HAVING HANDLED CLEAN THINGS ON IT, APPLIED TO IT THE SEVEN SUBSTANCES AND THE STAIN DID NOT FADE AWAY, IT MUST BE A DYE; AND THE CLEAN THINGS REMAIN CLEAN AND THERE IS NO NEED TO IMMERSE IT AGAIN.²⁰ The other replied: Leave alone the laws of stains²¹ which are merely Rabbinical.²² But [R. Johanan objected] did not R. Hiyya teach, 'To that which is certain menstrual blood one may apply the seven substances and thereby neutralize it'?²³ — The other replied: If Rabbi²⁴ has not taught²⁵ it,²⁶ whence could R. Hiyya²⁷ know it?²⁸

R. Johanan pointed out another objection against Resh Lakish: 'If a quarter of a log of blood²⁹ was absorbed in the floor of a house [all³⁰ that is in] the house becomes unclean,³¹ but others say: [All that is in] the house remains clean. These two versions, however, do not essentially differ, since the former refers to vessels that were there originally³² while the latter refers to vessels that were

brought in subsequently.³³ Where 'blood was absorbed in a garment, and on being washed, a quarter of a log of blood would emerge from it, it is unclean, but otherwise it is clean!³⁴ — R. Kahana replied: Here they have learnt some of the more lenient rulings concerning quarters of a log [both referring to a mixture of clean and unclean blood]; [and the law of] mixed blood³⁵ is different³⁶ since it³⁷ is only Rabbinical.³⁸ Resh Lakish raised an objection against R. Johanan: Any absorbed uncleanness that cannot emerge is regarded as clean.³⁹ Thus it follows, does it not, that if it can emerge it is unclean even though it had not yet emerged?⁴⁰ — R. Papa replied: Wherever it⁴¹ cannot emerge⁴² and the owner did not mind absorption,⁴³ all agree that it is regarded as clean. If it can emerge and the owner does mind the absorption, all agree that it is unclean. They only differ where it can emerge but the owner does not mind its absorption. One Master⁴⁴ holds the view that since it can emerge [it is unclean], though the owner did not mind its absorption;⁴⁵ and the other Master⁴⁶ holds that although it can emerge

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- (1) Lit., 'thing'.
 - (2) Though the stain is still slightly visible.
 - (3) Since the application of the substances destroys its natural and original appearance.
 - (4) Since no one minds such a faint stain it becomes clean.
 - (5) Cf. prev. n.
 - (6) From the fact that it is regarded as clean.
 - (7) In this case of R. Hiyya.
 - (8) The case supra 62a ad fin.
 - (9) And thus rendered unclean.
 - (10) Without touching the oven itself.
 - (11) Which was an earthen vessel, that contracts uncleanness through its air-space.
 - (12) Which has contracted uncleanness from the unclean potsherd into which it was absorbed.
 - (13) Owing to the heat of the oven which warms up the potsherds.
 - (14) Into the air-space and thus convey uncleanness to the oven. Cf. Kel. IX, 5, where this Mishnah occurs with some variations.
 - (15) That uncleanness is conveyed to the oven only where it was heated, but if it was not heated the absorbed liquids convey no uncleanness to it.
 - (16) Sc. that are not 'father of uncleanness' as for instance, a zab's tears. Since the uncleanness that such liquids convey to a vessel is only Rabbinical the oven remains clean when the liquids are in an absorbed state.
 - (17) Which convey uncleanness to a vessel even according to Pentateuchal law.
 - (18) And no liquid has emerged. Since heat causes it to emerge the liquid cannot be regarded as an absorbed uncleanness.
 - (19) Lit., 'if the oven was heated yes; if not, not', since an absorbed uncleanness (cf. Hul. 71a) conveys no uncleanness.
 - (20) Now if it be granted (with R. Johanan) that an absorbed uncleanness, though it emerges under certain special conditions, is treated as clean, the assumption here that the stain was one of dye and, therefore, clean is well justified; for even though it was blood it would (being absorbed) convey no uncleanness. But if it is maintained (with Resh Lakish) that even an absorbed uncleanness, wherever it would emerge under certain conditions, conveys uncleanness, how could the law be relaxed in this case where the possibility of blood cannot be ruled out?
 - (21) With which our Mishnah deals.
 - (22) And may be relaxed. Pentateuchally no uncleanness is involved unless blood was found on the woman's body.
 - (23) Supra q.v. notes. This shows that even actual blood, if it is in an absorbed state, though it would emerge under an application of soap, is regarded as clean. How then could Resh Lakish maintain that where the oven was not heated, uncleanness is conveyed by the absorbed liquids?
 - (24) The compiler of the Mishnah.
 - (25) In his authoritative compilation.
 - (26) R. Hiyya's ruling.
 - (27) Who was the disciple of Rabbi.
 - (28) It is obvious that he could not. The Baraitha cited must, therefore, be treated as spurious.
 - (29) Of a corpse.

- (30) That is susceptible to uncleanness.
- (31) Because the blood of a corpse of the quantity prescribed conveys uncleanness by overshadowing as the corpse itself.
- (32) Before the blood was absorbed, and thus contracted uncleanness by overshadowing.
- (33) After the blood had been absorbed, when it conveys uncleanness no longer.
- (34) Oh. III, 2; though a full quarter of a log of blood is absorbed in it. Those two rulings prove that an absorbed uncleanness, though it would emerge under special conditions, is regarded as clean. An objection against Resh Lakish.
- (35) Dam tebusah (defined infra 71a) whose uncleanness is doubtful.
- (36) From blood that is definitely unclean.
- (37) Even in an unabsorbed condition.
- (38) Hence 'the relaxation of the law when it is absorbed.
- (39) Oh. III, 2.
- (40) How then could R. Johanan maintain in the case of the potsherd that the oven is unclean only when the liquids emerged?
- (41) The unclean substance.
- (42) From the object that absorbed it.
- (43) MS.M., Maharsha, and some old edd. omit the last eight words.
- (44) Resh Lakish.
- (45) Hence his ruling in the case of the potsherd where the liquid would emerge if the oven were heated.
- (46) R. Johanan.

Talmud - Mas. Nidah 63a

it is unclean only if the owner minds the absorption, but not otherwise.¹

WHAT IS MEANT BY 'TASTELESS SPITTLE'. One taught:² That of a man who tasted nothing since the previous evening. R. Papa intended to explain before Raba [that this bears the same meaning] as when one says that he had tasted nothing in the evening.³ But Raba⁴ pointed out to him: Does it say 'in the evening'?³ It only says, 'Since the previous evening',⁵ thus excluding only the case of one who got up early⁶ and ate.⁷ Rabbah b. Bar Hana citing R. Johanan stated: What is meant by tasteless spittle? [That of a person] who spent half a night in sleep.⁸ This then implies that the quality of spittle⁹ depends on sleep. But have we not learnt:¹⁰ If a man slept all day his is no tasteless spittle and if he was awake all night it is tasteless spittle?¹¹ — There¹² it is a case, where one was in a state of drowsiness.¹³ What state of drowsiness is hereby to be understood? — R. Ashi replied: Where a man is half asleep and half awake;¹⁴ when addressed he answers but is unable to give any rational reply, and when he is reminded of any thing he can recall it.

One taught: If a man rose up early in the morning and studied his lesson, his is no tasteless spittle.¹⁵ But for how long?¹⁶ — R. Judah b. Shila citing R. Ashi who had it from R. Eleazar replied: For a period during 'which'¹⁷ can be uttered the greater part of one's usual talk in the course of three hours.

THE LIQUID OF CRUSHED BEANS? — PASTE MADE OF CRUSHED BEANS etc. May it be suggested that this¹⁸ provides support for Resh Lakish; for Resh Lakish said: There must be tasteless spittle with each of the substances? — It is possible that the heat of one's mouth suffices.¹⁹ Our Mishnah²⁰ is not in agreement with R. Judah. For it was taught: R. Judah explained,²¹ Boiling liquid of crushed beans before ['ober] salt is put into it.²² What is the proof that the expression²³ 'ober' means 'before'? — R. Nahman b. Isaac replied: Since Scripture says, Then Ahimaaz ran by way of the plain, and overran [wa-ya'abor]²⁴ the Cushite.²⁵ Abaye replied, The proof comes from here: And he himself passed over ['abar]²⁴ before them.²⁶ And if you prefer I might reply that the proof comes from here: And their king is passed on [wa-ya'abor]²⁴ before them, and the Lord before them.²⁷

URINE? THIS REFERS TO SUCH AS HAS FERMENTED. One taught: What must be the duration of²⁸ their fermentation? Three days. R. Johanan observed, All the standards of the Sages in respect of bloodstains need additional standards to define them:²⁹ [Is the urine that] of a child or of an old man,³⁰ of a man or of a woman,³⁰ covered³⁰ or uncovered, of the summer season³⁰ or of the winter season?

ONE MUST SCOUR THE STAIN THREE TIMES. R. Jeremiah enquired: Does the forward and backward movement³¹ count as one or is it possible that it counts as two? Now what is the decision? — This stands undecided.³²

IF THEY WERE NOT APPLIED IN THE PRESCRIBED ORDER. Our Rabbis taught: If the latter³³ were applied before the former,³⁴ one Baraitha teaches, ‘The latter³⁵ are counted³⁶ and the former³⁷ are not counted,’³⁸ while another [Baraitha] teaches, ‘The former are counted and the latter are not counted’!³⁹ — Abaye replied: According to both statements the latter³⁵ are counted, and the former⁴⁰ are not; but ‘former’⁴¹ refers to those that are⁴² first in the prescribed order⁴³ though second in the process of application.

MISHNAH. FOR EVERY WOMAN THAT HAS A SETTLED PERIOD IT SUFFICES [TO RECKON HER PERIOD OF UNCLEANNESS FROM] HER SET TIME. AND THESE ARE THE SYMPTOMS OF SETTLED PERIODS: [IF THE WOMAN]⁴⁴ YAWNS, SNEEZES, FEELS PAIN AT THE TOP OF⁴⁵ HER STOMACH OR THE BOTTOM OF HER BOWELS, DISCHARGES,⁴⁶ OR IS SEIZED BY A KIND OF SHIVERING, OR ANY OTHER SIMILAR SYMPTOMS.⁴⁶ ANY WOMAN WHO ESTABLISHED FOR HERSELF [ONE OF THE SYMPTOMS]⁴⁴ THREE TIMES MAY BE DEEMED TO HAVE⁴⁷ A SETTLED PERIOD.

GEMARA. Have we not learnt once before, ‘For any woman who has a settled period it suffices [to reckon her period of uncleanness from] her set time’?⁴⁸ — There the reference is to settled periods [that are determined by the number] of days⁴⁹ while here the reference is to settled periods [that are determined by conditions] of the body; as it was actually taught, ‘The following are the symptoms of settled periods: If a woman yawns, sneezes, feels pain at the top of her stomach or the bottom of her bowels or discharges’. ‘Discharges’! Is she not then⁵⁰ constantly discharging?⁵¹ — ‘Ulla son of R. Elai replied:

(1) Lit., ‘yes; if not, not’. The inference from the Mishnah cited by Resh Lakish, from which it follows that ‘if it can emerge it is unclean even though it had not yet emerged’, applies to a case where the owner minded the absorption.

(2) In explanation of TASTELESS SPITTLE.

(3) Sc. had nothing to eat since sunset of the previous day.

(4) MS.M., Rabina.

(5) Sc. a part of the night.

(6) Before day-break.

(7) Since the food sweetens the spittle and causes it to lose its strength. The food, however, that one eats in the early evening before going to bed has no such weakening effect.

(8) Lit., over whom half a night has passed, and in sleep’.

(9) Lit., ‘thing’.

(10) Emden reads, ‘was it not taught’.

(11) Which shows that it is the night and not sleep that is the determining factor.

(12) The statement, ‘If he was awake etc.’

(13) Not fully awake. Two conditions are necessary for spittle to be tasteless: Sleep or dozing and night. Sleep in the day-time (after one has had some food which sweetens the spittle) or night without sleep (when the effect of the food has not passed) is not enough.

(14) Lit., ‘asleep and not asleep, awake and not awake’.

(15) Speech also takes away its edge

- (16) Must his study have extended. Lit., 'and unto how much?'
- (17) Lit., 'all'.
- (18) The ruling in our Mishnah that the beans must be crushed into a paste that is presumably mixed with spittle.
- (19) To make the paste. Lit., 'avails'.
- (20) In its definition of the liquid of crushed beans.
- (21) Cf. prev. n.
- (22) Since salt would weaken it.
- (23) Lit., 'that'.
- (24) Of the same root as "ober" .
- (25) II Sam. XVIII, 23.
- (26) Gen. XXXIII, 3.
- (27) Micah II, 13.
- (28) Lit., 'how long'.
- (29) Lit., 'a standard to their standard' .
- (30) This is stronger and more effective.
- (31) Lit., 'carrying out and bringing in' of the hand in the process of scouring .
- (32) Teku; v. Glos.
- (33) The last four of the seven substances enumerated in our Mishnah.
- (34) The first three.
- (35) Sc. those applied last (first mentioned in our Mishnah).
- (36) Lit., 'went up for him' .
- (37) Sc. the substances (last mentioned in our Mishnah) that were applied first.
- (38) So that, if the four substances last mentioned in our Mishnah are subsequently applied again, the prescribed order of application is duly complied with.
- (39) Now how are the two apparently contradictory rulings to be reconciled?
- (40) V. p. 442, n. 16.
- (41) In the second Baraitha.
- (42) Lit., 'and what' .
- (43) In our Mishnah.
- (44) Before experiencing a menstrual discharge.
- (45) Lit., 'mouth' .
- (46) This is discussed in the Gemara.
- (47) Lit., 'behold this' .
- (48) Mishnah supra 2a.
- (49) Every fifth or tenth day of the month, for instance.
- (50) Since every menstrual discharge is preceded by another discharge.
- (51) And since no symptom precedes the first discharge, which is presumably also an unclean one, how could a settled period ever be established?

Talmud - Mas. Nidah 63b

This is a case where she discharges unclean blood as a result of a discharge¹ of clean blood.²

OR . . A KIND OF SHIVERING etc. What was the expression, OR ANY OTHER SIMILAR SYMPTOMS, intended to include? — Rabbah b. 'Ullah replied: To include a woman who feels a heaviness in her head³ or a heaviness in her limbs, who shivers or belches. R. Huna b. Hiyya citing Samuel observed: Behold [the Sages] have ruled that 'for settled periods [that are determined by the number] of days two [occurrences are required],⁴ for settled periods [that are determined by the condition] of the body one occurrence suffices,⁵ for settled periods [that are determined by conditions] which the Sages did not enumerate three occurrences are required;⁶ But [I do not know] what the expression, 'for settled periods that are determined by conditions which the Sages did not enumerate intended to include? — R. Joseph replied: To include a woman who feels a heaviness in

the head,³ a heaviness in her limbs, who shivers or belches. Said Abaye to him:⁷ What does he teach us thereby,⁸ seeing that this is actually a ruling in our Mishnah,⁹ Rabbah b. 'Ulla having thus¹⁰ explained it? — Rather, said Abaye, it⁸ was intended to include one who ate garlic and observed a discharge, one who ate onions and observed a discharge, and one who chewed pepper and observed a discharge. R. Joseph observed: I have not heard this tradition.¹¹ Said Abaye to him: You yourself have told it to us, and it was in connection with the following that you told it to us:¹² If a woman was in the habit of observing a discharge on the fifteenth day of the month and this was changed to the twentieth day, intercourse is forbidden to her on both days.¹³ If she observed a discharge on three consecutive months¹⁴ on the twentieth day, intercourse on the fifteenth becomes permitted¹⁵ and she establishes the twentieth day as her settled period: for no woman can establish for herself a settled period unless the discharge had appeared three times on the same date.¹⁶ And in connection with this you told us: Rab Judah citing Samuel stated, This is the view of R. Gamaliel son of Rabbi who cited it in the name of R. Simeon b. Gamaliel,¹⁷ but the Sages ruled: If she observed a discharge once¹⁸ she need not¹⁹ repeat it a second time and a third time. And when we asked you, 'Since you said, "She need not repeat it a second time" was there any need to state that she need not repeat it a third time'? you replied 'She need not repeat it a second time in the case of settled periods [that are determined by the condition] of her body and she need not repeat it a third time in the case of settled periods [determined by the number] of days. But why did he not simply say, 'This is the view of R. Simeon b. Gamaliel'?¹⁷ — It is this that Samuel informed us: That R. Gamaliel the son of Rabbi holds the same view as R. Simeon b. Gamaliel.

MISHNAH. IF A WOMAN HAD THE HABIT OF OBSERVING HER MENSTRUAL DISCHARGES AT THE ONSET OF THE SYMPTOMS²⁰ OF HER SETTLED PERIODS, ALL CLEAN THINGS²¹ THAT SHE HANDLED WHILE THE SYMPTOMS WERE IN PROGRESS²² ARE UNCLEAN; BUT IF SHE HAD THE HABIT OF OBSERVING THEM AT THE END OF THE SYMPTOMS, ALL CLEAN THINGS²¹ THAT SHE HANDLED WHILE THE SYMPTOMS LASTED²² REMAIN CLEAN. R. JOSE RULED: SETTLED PERIODS MAY ALSO BE DETERMINED BY DAYS AND HOURS.²³ IF²⁴ SHE HAD THE HABIT OF OBSERVING HER MENSTRUAL DISCHARGES AT SUNRISE SHE IS FORBIDDEN INTERCOURSE AT SUNRISE ONLY.²⁵ R. JUDAH RULED: SHE²⁶ IS PERMITTED IT DURING ALL THAT DAY.²⁷

GEMARA. One taught: What²⁸ did R. Jose mean by 'Settled periods may also be determined by days and hours'? If a woman had the habit of observing her discharge on the twentieth day of the month²⁹ and at the sixth hour of the day,³⁰ and the twentieth day arrived and she observed no discharge, she is forbidden intercourse during all the first six hours;³¹ so R. Judah. R. Jose, however, permits it until the beginning of the sixth hour³² but during the sixth hour she must take into consideration [the possibility of a discharge].³³ If the sixth hour has passed and she observed no discharge, she is still forbidden intercourse all that day; so R. Judah, R. Jose, however, permits it from the time of the afternoon service³⁴ onwards.

IF SHE HAD THE HABIT [etc.]. But was it not taught: R. Judah ruled, She³⁵ is permitted intercourse all night?³⁶ — This is no contradiction. The Baraitha deals with the case of³⁷ one who had the habit of observing the discharge at the beginning of the day³⁸ while the Mishnah deals with one who had the habit of observing the discharge at the end of the night.³⁹

One [Baraitha] taught: R. Judah forbids intercourse before her settled period, and permits it after the period while another [Baraitha] taught: [R. Judah] forbids it after her settled period and permits it before the period. This,⁴⁰ however, represents no difficulty, since the former is a case where she usually observes her discharge at the end of the night while the latter is a case where she usually observes it at the beginning of the day.⁴¹

Raba stated: The halachah is in agreement with R. Judah. But could Raba have said this, seeing

that it was taught: Thus shall ye separate the children of Israel from their uncleanness;⁴² from this, R. Jeremiah⁴³ observed, follows a warning to the children of Israel that they shall separate from their wives near their periods. And for how long? Raba⁴⁴ replied: One 'onah.⁴⁵ Now does not this mean: An additional 'onah?⁴⁶ — No; the same 'onah. But then, what need is there for the two statements?⁴⁷ — Both are required. For, if he had informed us of the former statement only, it might have been presumed that it applied only to the law relating to clean things but not to that relating to a woman's permissibility to her husband. Hence we were informed [of the latter statement]. And if [our information were to be derived] from the latter statement only it might have been presumed that near her settled period an additional 'onah is required, hence we were informed that only one 'onah is necessary.

MISHNAH. IF SHE WAS ACCUSTOMED TO OBSERVE A FLOW OF MENSTRUAL BLOOD ON THE FIFTEENTH DAY⁴⁸ AND THIS WAS CHANGED⁴⁹ TO THE TWENTIETH DAY,⁴⁸ MARITAL INTERCOURSE IS FORBIDDEN ON BOTH DAYS.⁵⁰ IF THIS WAS TWICE CHANGED TO THE TWENTIETH INTERCOURSE IS AGAIN FORBIDDEN ON BOTH DAYS.⁵⁰ IF THIS WAS CHANGED THREE TIMES TO THE TWENTIETH DAY, INTERCOURSE IS NOW PERMITTED ON THE FIFTEENTH⁵¹ AND THE TWENTIETH IS ESTABLISHED AS HER SETTLED PERIOD. FOR A WOMAN MAY NOT REGARD HER MENSTRUAL PERIODS AS SETTLED UNLESS THE RECURRENCE HAS BEEN REGULAR THREE TIMES; NOR IS SHE RELEASED FROM THE RESTRICTIONS OF A SETTLED PERIOD UNLESS IT HAS VARIED⁵² THREE TIMES.

(1) Lit., 'from the midst'.

(2) That is not menstrual, as can be ascertained by an examination of its colour. A settled period is established where menstrual discharge is preceded by one of clean blood, v. infra.

(3) Lit., 'whose head is heavy upon her'.

(4) Lit., 'for days two'; sc. if the discharge appeared twice on the same day of the month, that day is established as a settled period.

(5) To establish a settled period (cf. prev. n. mut. mut.).

(6) cf. prev. n. but one mut. mut.

(7) R. Joseph.

(8) By the addition, 'for settled periods...did not enumerate'.

(9) OR ANY OTHER SIMILAR etc.

(10) As R. Joseph.

(11) Just cited in the name of Samuel.

(12) R. Joseph, as a result of a serious illness, had lost his memory and had very often to be reminded of the traditions he himself had reported.

(13) Lit., 'this and this is forbidden', both the fifteenth (in case her first settled period is re-established) and the twentieth (since this date might form now or become her settled period).

(14) Lit., 'three times'.

(15) Since a new settled period has been established.

(16) Lit., 'until she will fix it three times'.

(17) Who holds that presumption cannot be established unless an occurrence was repeated three times (cf. Yeb. 64b).

(18) On a certain date.

(19) In order to establish a settled period.

(20) In the condition of her body (cf. prev. Mishnah).

(21) Terumah, for instance, or any other foodstuffs that may be eaten only when clean.

(22) Lit., 'within (the symptoms of) the settled period'.

(23) This is explained in the Gemara infra.

(24) This is a continuation of R. Jose's ruling.

(25) But is permitted it during the preceding night and, if no discharge appeared at sunrise, during all that day also.

(26) If no discharge was observed at sunrise.

- (27) Lit., 'all the day is hers', but, contrary to the view of R. Jose, not the preceding night.
- (28) Lit., 'how'.
- (29) Lit., 'from the twentieth day to the twentieth day'.
- (30) Lit., 'and from six hours to six hours'.
- (31) Since in his opinion a discharge that usually occurs in the day time causes intercourse to be forbidden all day and one that usually occurs in the night causes it to be forbidden all night.
- (32) Because the discharge is not due earlier. In his opinion intercourse is forbidden only at the hour the discharge usually occurs, neither earlier nor later.
- (33) And consequently abstain from intercourse during all that hour.
- (34) Sc. from midday (v. Rashi. Cf., however, Tosaf.).
- (35) A woman who had the habit of observing her discharge at sunrise.
- (36) Lit., 'all the night is hers'. How then is this to be reconciled with R. Judah's ruling in our Mishnah that SHE IS PERMITTED IT ALL DAY'?
- (37) Lit., 'that'.
- (38) Hence intercourse is forbidden in the day time only but not during the preceding night.
- (39) This being the meaning of the phrase AT SUNRISE in our Mishnah. Intercourse is, therefore, forbidden in the night only but not during the following day.
- (40) Apparent contradiction.
- (41) cf. supra p. 446, n. 7.
- (42) Lev. XV, 31.
- (43) Var. lec. 'Josiah'. Cf. Bomb. ed. and Shebu. 18b.
- (44) Marg. gl. 'Rabbah'.
- (45) A period. Sc. a day or a night.
- (46) Sc. if the discharge occurs during day time the prohibition extends over that day and the previous night, and if it occurs during the night the prohibition extends over that night and the previous day. But, if so, would not this be contradictory to what Raba said here?
- (47) Of Raba.
- (48) Of the month.
- (49) Lit., 'and she changed to be seeing'.
- (50) Lit., 'this and this (the fifteenth and the twentieth) are forbidden.'
- (51) As was the case before that day had been established as a settled period.
- (52) Lit., 'that it shall be rooted out from her'.

Talmud - Mas. Nidah 64a

GEMARA. It was stated: If a woman observed a discharge on the fifteenth day of one month, on the sixteenth of the next month and on the seventeenth of the third month, Rab ruled: She has thereby established for herself a settled period in arithmetical progression,¹ but Samuel ruled: No settled period can be established unless the progression is repeated three times.² Must it be conceded that Rab and Samuel differ on the same principle as that on which Rabbi and R. Simeon b. Gamaliel differ? For it was taught: If a woman was married to one man who died and to a second one who also died, she may not be married to a third one; so Rabbi. R. Simeon b. Gamaliel ruled: She may be married to a third but may not be married to a fourth?³ — No, all⁴ may concede that the law is in agreement with R. Simeon b. Gamaliel but it is this principle on which they⁵ differ here: Rab holds that the fifteenth day is included in the number while Samuel holds that the fifteenth, since the observation on it was not in arithmetic progression, is not included in the number.⁶

He raised an objection against him: If a woman had been accustomed to observe her discharge on the fifteenth day⁷ and this was changed⁸ to the sixteenth, intercourse is forbidden⁹ on both days.¹⁰ If this was changed¹¹ to the seventeenth day, intercourse¹² on the sixteenth is again permitted¹³ but on the fifteenth¹⁴ and the seventeenth¹⁵ it is forbidden. If¹² this was changed to the eighteenth intercourse¹² is again permitted on all the former dates;¹⁶ and¹⁷ is forbidden only on the day after¹⁸

the eighteenth and onwards.¹⁹ Now does not this²⁰ present an objection against Rab?²¹ — Rab can answer you: Where a woman was accustomed to observe her discharge on a certain date²² the law is different.²³ But as to him who raised the objection, on what possible ground did he raise it?²⁴ — [He assumed that the case of] one who was accustomed to a settled period had to be stated.²⁵ As it might have been presumed that since she was accustomed to observe her discharge on a settled date and this was changed, the change is effective²⁶ even if this²⁷ occurred only twice, hence we had to be informed [that²⁸ the change must have recurred three times].

An objection was raised: If she observed a discharge on the twenty-first day of one²⁹ month, on the twenty-second of the next month and on the twenty-third of the third month, she has thereby established for herself a settled period. If she skipped over³⁰ to the twenty-fourth³¹ day of the month, she has not established for herself a settled period.³² Does not this³³ present an objection against Samuel?³⁴ — Samuel can answer you: Here we are dealing with the case of a woman, for instance, who was accustomed to observe her discharge on the twentieth day and this³⁵ was changed to the twenty-first.³⁶ An inference from the wording also justifies this view,³⁷ for the twentieth day was left out³⁸ and the twenty-first was mentioned.³⁹ This is conclusive.

FOR A WOMAN MAY NOT REGARD HER MENSTRUAL PERIOD AS SETTLED UNLESS THE RECURRENCE HAS BEEN REGULAR etc. R. Papa explained: This⁴⁰ was said only in regard to the establishment of a settled period,⁴¹ but as regards taking the possibility of a discharge into consideration⁴² one occurrence suffices.⁴³ But what⁴⁴ does he⁴⁵ teach us, seeing that we have learnt: IF SHE WAS ACCUSTOMED TO OBSERVE A FLOW OF MENSTRUAL BLOOD ON THE FIFTEENTH DAY AND THIS WAS CHANGED TO THE TWENTIETH DAY, MARITAL INTERCOURSE IS FORBIDDEN ON BOTH DAYS?⁴⁶ — If the inference had to be made from there,⁴⁷ it might have been presumed that the ruling⁴⁸ applied only where the woman was still⁴⁹ within her menstruation period,⁵⁰ but where she is not within her menstruation period⁵¹ she⁵² need not consider the possibility of a discharge,⁵³ hence we were informed⁵⁴ [that even in the latter case the possibility of a discharge must be taken into consideration].

NOR IS SHE RELEASED FROM THE RESTRICTIONS OF A SETTLED PERIOD etc. R. Papa explained: This, that it is necessary for the change to recur three times before a settled period can be abolished, was said only where a settled period had been established by three regular occurrences, but one that was established by two recurrences only may be abolished by one change. But what⁵⁵ does he⁵⁶ teach us, seeing that we learnt: A WOMAN MAY NOT REGARD HER MENSTRUAL PERIODS AS SETTLED UNLESS THE RECURRENCE HAS BEEN REGULAR THREE TIMES?⁵⁷ — It might have been presumed⁵⁸ that one occurrence⁵⁹ is required for the abolition of one,⁶⁰ two⁶¹ for two⁶² and three⁶¹ for three,⁶² hence we were informed⁶³ [that even for two occurrences⁶⁴ only ones is required].⁶⁵ It was taught in agreement with R. Papa.⁶⁶ If a woman had a habit of observing her menstrual discharge on the twentieth day,⁶⁷ and this was changed to the thirtieth, intercourse is forbidden⁶⁸ on both days. If the twentieth day⁶⁸ arrived and she observed no discharge, she is permitted intercourse until the thirtieth but must consider the possibility of a discharge on the thirtieth day itself.⁶⁹ If the thirtieth day arrived and she observed a discharge, the twentieth⁶⁸ arrived and she observed none, the thirtieth arrived and she observed none and the twentieth⁶⁸ arrived and she observed one, the thirtieth⁶⁸ becomes a permitted day⁷⁰

(1) Lit., 'in skipping'. The eighteenth day of the fourth month, the nineteenth of the fifth and so on are consequently forbidden days.

(2) Sc. only if in the intercourse given, the discharge had actually appeared on the eighteenth of the fourth month. The appearance on the fifteenth is not counted since it was the first of the series when the process of progression had not yet been apparent (v. infra).

(3) Is the case of the husbands, it is asked, analogous to that of the periods, so that Rab's view coincides with that of Rabbi and the view of Samuel with that of R. Simeon b. Gamaliel? But, if so, why should the same principle be

discussed twice?

(4) Even Rab.

(5) Rab and Samuel.

(6) Cf. prev. n. but three.

(7) Of the month.

(8) In a subsequent month.

(9) In the month following that in which the discharge appeared on the sixteenth.

(10) The fifteenth and sixteenth.

(11) In the month following that in which the discharge appeared on the sixteenth.

(12) In the month following.

(13) As a discharge appeared on it once only, the prohibition on it also is abolished by one change.

(14) Which was the day of her established settled period.

(15) The day on which her discharge was last observed.

(16) It is permitted on the sixteenth and seventeenth for the reason given supra (prev. n. but two); and on the fifteenth it is permitted because in three consecutive months the discharge appeared on days (sixteenth, seventeenth and eighteenth) other than the fifteenth which, in consequence, can no longer be regarded as the settled period.

(17) Since the discharge appeared three times on days that represent an arithmetical progression.

(18) Lit., 'from'.

(19) Sc. on the nineteenth of the next month, the twentieth of the one following it, and so on in arithmetical progression in each succeeding month.

(20) From which it is obvious that, since only three occurrences cause the abolition of the old, and the establishment of a new settled period, the first occurrence is not counted.

(21) Who ruled that even a change on two dates in arithmetical progression abolishes the old, and establishes a new settled period.

(22) As is the case in the Baraita cited.

(23) From that dealt with by Rab. In the former case, the first of the dates under discussion might well be added to the similar dates in the previous months and hence could not be counted as the first in the arithmetical progression. In the case dealt with by Rab, however, either the first of the dates under discussion was one on which the woman observed a discharge for the very first time, or the woman was one who had never before had a settled period or one whose settled period was on a day other than the first of those under discussion. The first day, therefore, may well be counted as one of the three days that establish a settled period.

(24) Sc. did he not know of the difference between a settled and an unsettled period?

(25) Though the same law applies to one who had no settled period.

(26) Sc. the first date is no longer regarded as a settled period.

(27) The change from the date mentioned.

(28) If a new settled period is to be established.

(29) Lit., 'this'.

(30) From the twenty-second.

(31) Instead of the twenty-third.

(32) Since the difference between the dates of the first and the second month was only one day while that between the second and the third was two days.

(33) The first case where three observations, including the first one, establish a settled period.

(34) Who maintains that no settled period in arithmetical progression can be established unless the discharge appeared on three dates exclusive of the first.

(35) The first discharge mentioned.

(36) So that the change actually occurred three times (on the twenty-first, twenty-second and twenty-third) on dates in arithmetical progression exclusive of the first date which was the twentieth.

(37) That we are here dealing with a case where the woman 'was accustomed to observe her discharge on the twentieth'.

(38) From the three dates given.

(39) Had not the woman had the habit of observing her discharge on the twentieth, that date (which is simpler than the twenty-first) would have been taken as an example of the first of the three dates, and the twenty-first and twenty-second would have been taken as examples of the subsequent dates.

- (40) That the occurrence must be repeated three times.
- (41) Sc. that the uncleanness should begin just at the time of the period and not earlier; and that the settled period should not be abolished unless a change occurred three times.
- (42) Sc. to treat the date on which a discharge appeared in one month as one on which intercourse is forbidden in the next month.
- (43) Lit., 'in one time she fears'. If, for instance, she observed a discharge on the fifteenth of one month intercourse is forbidden on the same date in the next month.
- (44) That we did not know before.
- (45) R. Papa.
- (46) A ruling which embodies that of R. Papa.
- (47) Our Mishnah.
- (48) As enumerated by R. Papa.
- (49) When the discharge appeared.
- (50) As is the case in our Mishnah where the discharge occurred on the fifteenth day after immersion, which is the fourth day (11 days of zibah + 4 days of the 7 of menstruation = 15) of a menstruation period. Hence the restriction when the next fifteenth day (also within the menstruation period) arrives.
- (51) But in the zibah period; where, for instance, her discharge appeared on the tenth day after immersion, which is still within the eleven days of a zibah period that follows that of the seven days of menstruation.
- (52) Since the zibah period is one during which a discharge is unusual.
- (53) And intercourse should, therefore, be permitted when the next similar date arrives.
- (54) By R. Papa.
- (55) That we did not know before.
- (56) R. Papa.
- (57) And since this is followed by NOR IS SHE RELEASED . . . UNLESS IT HAS VARIED THREE TIMES it is obvious that the three occurrences for the abolition of a settled period (the latter case) are necessary only where there were three occurrences for its establishment (the first case). What need then was there for R. Papa's ruling?
- (58) If only our Mishnah were available and not R. Papa's ruling.
- (59) A change of date
- (60) Discharge on a certain date.
- (61) Changes.
- (62) Discharges on similar dates.
- (63) By R. Papa.
- (64) Discharges on similar dates.
- (65) To release a woman from the restrictions of a settled period.
- (66) That one change of date suffices to release a woman from the restrictions of a settled period that had been established by two occurrences.
- (67) Of a month.
- (68) In the next month.
- (69) And must consequently abstain from intercourse.
- (70) Because, though in the course of two months a discharge appeared on it, there was none, in the third one, and one change suffices to release the woman from its restrictions (cf. prev. n. but three).

Talmud - Mas. Nidah 64b

and the twentieth¹ becomes a forbidden one, because the guest² comes in his usual time. MISHNAH. WOMEN IN REGARD TO THEIR VIRGINITY ARE LIKE VINES. ONE VINE MAY HAVE RED WINE³ WHILE ANOTHER HAS BLACK WINE, ONE VINE MAY YIELD MUCH WINE WHILE ANOTHER YIELDS LITTLE.⁴ R. JUDAH STATED: EVERY NORMAL VINE YIELDS⁵ WINE,⁶ AND ONE THAT YIELDS NO WINE IS BUT A DORKETAI.⁷

GEMARA. One taught:⁸ A generation cut off.⁹ R. Hiyya taught: As leaven is wholesome for the dough so is [menstrual] blood wholesome for a woman. One taught in the name of R. Meir: Every

woman who has an abundance of [menstrual] blood has many children.

CHAPTER X

MISHNAH. IF A YOUNG GIRL, WHOSE AGE OF MENSTRUATION¹⁰ HAS NOT ARRIVED, MARRIED, BETH SHAMMAI RULED: SHE IS ALLOWED¹¹ FOUR NIGHTS,¹² AND BETH HILLEL RULED: UNTIL THE WOUND IS HEALED.¹³ IF THE AGE OF HER MENSTRUATION HAS ARRIVED¹⁴ AND SHE MARRIED, BETH SHAMMAI RULED: SHE IS ALLOWED¹¹ THE FIRST NIGHT, AND BETH HILLEL RULED: FOUR NIGHTS, UNTIL THE EXIT OF THE SABBATH.¹⁵ IF SHE HAD OBSERVED A DISCHARGE WHILE SHE WAS STILL IN HER FATHER'S HOUSE,¹⁶ BETH SHAMMAI RULED: SHE IS ONLY ALLOWED THE OBLIGATORY MARITAL INTERCOURSE,¹⁷ AND BETH HILLEL RULED: ALL THAT¹⁸ NIGHT.

GEMARA. R. Nahman b. Isaac explained:¹⁹ Even if she already observed a discharge.²⁰ Whence is this inferred? — Since in the final clause²¹ a distinction is drawn between one who did and one who did not observe a discharge it follows that in the case in the first clause no distinction is made between the one and the other.²² So it was also taught: Beth Hillel ruled: Intercourse is allowed until the wound is healed irrespective of whether she already²³ did or did not observe a discharge.

UNTIL THE WOUND IS HEALED. For how long?²⁴ — Rab Judah replied: Rab said, 'So long as it discharges matter', but when I mentioned this in the presence of Samuel the latter said to me, 'I do not know what that "discharging" exactly means; rather explain.'²⁵ So long as spittle is engendered in the mouth²⁶ on account of intercourse'.²⁷ How is one to understand the 'discharging' of which Rab spoke? — R. Samuel son of R. Isaac replied. This was explained to me by Rab: If when standing she observes a discharge and when sitting she does not observe one, it may be known that the wound has not healed; if when lying on the ground she observes a discharge and when lying on cushions and bolsters she does not observe one, it may be known that the wound had not healed; and if when lying on any of these she either observes a discharge or does not observe one, it may be known that the wound is healed.

IF THE AGE OF HER MENSTRUATION HAS ARRIVED etc. It was stated: If she had intercourse in the day time,²⁸ Rab ruled, She has not lost thereby the right to intercourse during the nights. but Levi ruled, She has thereby lost the right to intercourse in the nights. Rab ruled, 'She has not lost thereby the right to intercourse during the nights', because we learnt, UNTIL THE EXIT OF THE SABBATH.²⁹ 'But Levi ruled, She has thereby lost the right to intercourse in the nights', for the meaning of³⁰ FOUR NIGHTS mentioned is four 'onahs'.³¹ But according to Rab³² what was the purpose of mentioning FOUR NIGHTS? — We were thereby informed of what is regarded as good manners, viz., that intercourse should take place at night.³³ But according to Levi³⁴ it should only have been stated FOUR NIGHTS, what was the purpose of saying, UNTIL THE EXIT OF THE SABBATH? — It is this that we were informed:³⁵ That it is permitted to perform the first marital intercourse³⁶ on the Sabbath,³⁷ in agreement with a ruling of Samuel; for Samuel ruled: It is permissible to enter through a narrow breach³⁸ on the Sabbath although one causes pebbles to fall.³⁹

It was stated: If a man had marital intercourse⁴⁰ and found no blood but, having repeated the act,⁴¹ he found blood, R. Hanina ruled: The woman is unclean;⁴² but R. Assi ruled: She is clean. 'R. Hanina ruled: The woman is unclean', for if it were the case that the blood was that of virginity it would have issued on the first occasion. 'But R. Assi ruled: She is clean', because it is possible that something unusual may have happened to her, in accordance with a statement of Samuel; for Samuel stated, 'I could perform a number of acts of intercourse without causing any bleeding'. And the other?⁴³ — Samuel is different from ordinary people since his capability⁴⁴ was great.

Rab stated: A woman who has reached her maturity⁴⁵ is⁴⁶ allowed⁴⁷ all the first night.⁴⁸ But this applies only to a woman who had never yet observed a discharge, but if she did observe one she is permitted the obligatory act of intercourse only and no more. An objection was raised: It once happened that Rabbi allowed a woman intercourse on four nights in twelve months.⁴⁹ Now how is one to understand his ruling? If it be suggested that he allowed her all these nights⁵⁰ during the period of her minority

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- (1) The established settled period which was changed to the thirtieth no more than twice. (The absence of a discharge on the twentieth in the month in which there was none on the thirtieth is not counted as a deviation from the established habit since there was no discharge whatever in that month.)
 - (2) The established period that re-appeared on the twentieth.
 - (3) Lit., 'there is a vine whose wine is red'.
 - (4) Similarly with the blood of virginity. It may be red or black, much or little.
 - (5) Lit., 'has'.
 - (6) Every normal woman has the blood of virginity.
 - (7) Cf. ** a grape that yields no wine and is used for eating only. Aliter: Dorketai dor katu'a. This is explained presently.
 - (8) In explanation of DORKETAI.
 - (9) Cf. prev. two notes. A woman who has no blood of virginity cannot have many children.
 - (10) Lit., 'her time to see'.
 - (11) For marital intercourse.
 - (12) Though blood appeared, it is assumed to be that of injured virginity which, unlike menstrual blood, is clean.
 - (13) This is explained in the Gemara infra.
 - (14) But she experienced no discharge.
 - (15) Saturday night. A virgin's marriage takes place usually on a Wednesday, v. Keth. 2a.
 - (16) Sc. before her marriage.
 - (17) But no more, since the blood may possibly be that of menstruation.
 - (18) The first.
 - (19) The ruling of Beth Hillel in the first clause of our Mishnah.
 - (20) Before marriage, when she was still in her father's house. Even in such a case, since the age of menstruation had not yet arrived, Beth Hillel allow intercourse UNTIL THE WOUND IS HEALED.
 - (21) Dealing with one whose age of menstruation had arrived.
 - (22) Lit., 'no difference whether thus and no difference (whether) thus', sc. whether she did or did not observe any menstrual discharge before her marriage.
 - (23) Before her marriage.
 - (24) Is the wound regarded as unhealed.
 - (25) The statement, UNTIL THE WOUND etc.
 - (26) Euphemism.
 - (27) Sc. when intercourse is accompanied by bleeding.
 - (28) Lit., 'in the days', the four days following marriage.
 - (29) Implying both the intervening days and the intervening nights.
 - (30) Lit., 'what'.
 - (31) An 'onah (period) being either a day or a night.
 - (32) Who allows intercourse during both the days and the nights.
 - (33) Lit., 'that the way of . . . in the nights'.
 - (34) Who allows no more than four 'onahs.
 - (35) By the statement mentioned, from which it follows that if intercourse had taken place on two weekday 'onahs only the night and the day of the Sabbath are also permitted 'onahs.
 - (36) Sc. the one before virginity is finally removed.
 - (37) Though virginity is injured in the process.
 - (38) Euphemism. After the two acts of intercourse the opening is still narrow.
 - (39) Injures virginity.
 - (40) With a virgin, for the first time.

- (41) Within the following four nights.
- (42) The blood being deemed to be menstrual.
- (43) R. Hanina. How in view of Samuel's statement can he maintain that the blood must be menstrual?
- (44) Lit., 'his strength'.
- (45) Bogereth, v. Glos.
- (46) Even according to Beth Hillel.
- (47) For intercourse despite the possibility of bleeding.
- (48) Of her married life.
- (49) The husband having departed for three months after each of the first three acts of intercourse every one of which has been accompanied by bleeding. Despite the length of time Rabbi regarded the bleeding to be due to virginity.
- (50) Lit., 'all of them'.

Talmud - Mas. Nidah 65a

the objection would arise: Have we not learnt, UNTIL THE WOUND IS HEALED?¹ If, however, it is suggested that he allowed her all the nights during the period of her na'aruth² the difficulty would arise: Does na'aruth ever extend over twelve months, seeing that Samuel had stated: The period intervening between the commencement of na'aruth and maturity is only six months? And should you suggest that the meaning is that the period is not shorter but may be longer³ it could be retorted: Did he not in fact state 'only'?⁴ If, however, it is suggested that he allowed her two nights during the days of her minority and two during her na'aruth, the difficulty would arise: Did not R. Hinena b. Shelemya once ask Rab, 'what is the ruling where her age of menstruation arrived when she was already under the authority of her husband?' and the other replied: All acts of intercourse which one performs⁵ are regarded as one act only and the other⁶ make up the four nights?⁷ Consequently this must be a case where he allowed her one night during her minority, two nights during her na'aruth period and one night during the days of her maturity. Now if you grant that a woman of mature age generally is allowed⁸ more than one night⁹ one can well see the justification for the ruling;¹⁰ for, as intercourse during minority has the effect of reducing one night¹¹ during her na'aruth period, so intercourse during the na'aruth period has the effect of reducing one night¹² during her maturity;¹³ but if you maintain¹⁴ that a woman of mature age generally⁸ is not allowed more than one night, should he¹⁵ not have allowed her¹⁶ but one act of the obligatory marital intercourse and no more?¹⁷ — The fact is that he¹⁵ allowed her one night during her minority and three nights during her na'aruth period,¹⁸ but¹⁹ it was not as you think²⁰ that every three months represented a period; every two months rather represented a period.

Menjamin of Saksanah was embarking on a journey²¹ to the locality of Samuel where he intended to act²² according to the ruling of Rab,²³ even where the woman had observed a discharge, assuming that Rab drew no distinction between one who did and one who did not observe a discharge, but he died while he was underway. Samuel accordingly applied to Rab²⁴ the Scriptural text, There shall no mischief befall the righteous.²⁵

R. Hinena b. Shelemya observed: As soon as a person's teeth fall out²⁶ his means²⁷ of a livelihood are reduced; for it is said: And I also have given you cleanness of teeth²⁶ in all your cities, and want of bread in all your places.²⁸

IF SHE OBSERVED A DISCHARGE WHILE SHE WAS STILL etc. Our Rabbis taught: If a girl observed a discharge while she was still in her father's house, Beth Hillel ruled: She is permitted marital intercourse all the night²⁹ and, moreover, she is allowed a full 'onah. And how long is a full 'onah?³⁰ — R. Simeon b. Gamaliel explained: A night and half a day. But do we require an 'onah to be so long?³¹ Is not [such a requirement] rather incongruous with the following: If a person's winepresses or oil-presses were unclean and he desired to prepare his wine and oil respectively³² in conditions of cleanness, how is he to proceed? He rinses the boards,³³ the twigs³⁴ and the troughs;

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- (1) Why then 'four nights'?
- (2) V. Glos.
- (3) Lit., 'less than this only there is not, but there is more'.
- (4) He did, thus implying that the period cannot be longer than six months.
- (5) During her minority.
- (6) Performed subsequently.
- (7) Why then did Rabbi allow only two (instead of three) nights during her na'aruth period?
- (8) If she married after attaining the age of maturity.
- (9) Sc. two nights at least.
- (10) Of Rabbi who allowed, as just explained, one night during the woman's maturity period.
- (11) Of the four.
- (12) Of the two (cf. prev. n. but two).
- (13) Hence Rabbi's ruling (cf. prev. n. but two).
- (14) As Rab did (supra 64b ad fin.).
- (15) Rabbi.
- (16) The woman who, as explained, had been allowed some nights during her minority and na'aruth periods.
- (17) How then could he ignore completely all previous intercourse and allow her a full night?
- (18) So that the question of maturity does not arise at all.
- (19) As to the objection, How is it possible for three three-monthly periods to be included in the one six-monthly period of na'aruth?
- (20) Lit., 'do you think?'
- (21) Lit., 'took and went'.
- (22) Lit., 'to do a deed'.
- (23) That one of mature age is allowed all the first night (supra 64b ad fin.).
- (24) Whose ruling was misinterpreted by Menjamin.
- (25) Prov. XII, 21. Rab was spared the mischief that would have ensued if Menjamin had acted in accordance with his erroneous interpretation (cf. prev. n.).
- (26) Metaph. for old age.
- (27) Lit., 'his foods'.
- (28) Amos IV, 6.
- (29) That follows her marriage. Lit., 'all the night is hers'.
- (30) A period,
- (31) Lit., all this'.
- (32) Lit., 'to do them'.
- (33) That are placed on the grapes or the olives.
- (34) Wherewith the presses are swept and cleaned.

Talmud - Mas. Nidah 65b

and as for the wickerwork, if it is made of willows and hemp it must be scoured, and if of bast or reeds it must remain unused;¹ and for how long must they remain unused? For twelve months. R. Simeon b. Gamaliel ruled: One must leave them from one period of wine-pressing to another² and from one period of oil-pressing to another.² (But is not this ruling³ identical with that of the first Tanna?⁴ — The practical difference between them arises in the case of early or late ripening fruit.)⁵ R. Jose stated: If a person desires to obtain cleanness forthwith he pours over them boiling water or scalds them with olive water. R. Simeon b. Gamaliel citing R. Jose ruled: He puts them under a pipe through which runs a continuous stream of water or in a fountain with flowing water. And for how long? For one 'onah. (As these provisions were applied to yen nesek so were they applied to matters of cleanness. But is not the order⁶ reversed, seeing that we are here dealing with the laws of cleanness? — Rather say: As these provisions were applied to matters of cleanness so were they applied to yen nesek.) And how long is an 'onah? R. Hiyya b. Abba citing R. Johanan replied: Either

a day or a night. R. Hana She'una or, as some say, R. Hana b. She'una citing Rabbah b. Bar Hana who had it from R. Johanan replied: Half a day and half a night. And in connection with this R. Samuel b. R. Isaac explained: There is no real difference between them,⁷ the former referring to the spring and autumn equinoxes⁸ and the latter to the summer and winter solstices?⁹ — Here also, in the case of the menstruant woman,¹⁰ read: Half a day and half a night. But did he not say 'a night and half a day'? — Rather say: Either 'a night' in the spring or autumn equinox or 'half a day and half a night' in the winter or summer solstice. And if you prefer I might reply: The case involving a kethubah¹¹ is different¹² since protracted negotiations take place¹³ before it is signed.¹⁴

Both Rab and Samuel laid down: The halachah is that¹⁵ one performs the obligatory marital act and withdraws forthwith. R. Hisda raised an objection: It once happened that Rabbi allowed a woman intercourse on four nights in twelve months!¹⁶ — Said Rabbah¹⁷ to him: What need have you¹⁸ for repeating the same objection? Rather raise one from our Mishnah?¹⁹ — But he was of the opinion that a practical decision²⁰ is weightier.²¹ At all events,²² does not a difficulty arise against Rab and Samuel?²³ They acted in agreement with our Masters; for it was taught: Our Masters decided by a second count of votes²⁴ that one only performs the obligatory marital act and withdraws forthwith.

'Ulla stated: When R. Johanan and Resh Lakish were engaged in the discussions of the chapter on the 'Young Girl'²⁵ they carried away from it only what a fox carries away from a ploughed field,²⁶ and concluded it²⁷ with this statement: One performs the obligatory marital act and withdraws forthwith. Said R. Abba to R. Ashi: Now then,²⁸ should a scrupulous man²⁹ not even finish his act? — The other replied: If that were to be the rule³⁰ one would be ill at ease³¹ and would withdraw altogether.

Our Rabbis taught: But all these women if they³² were continually discharging blood during³³ the four nights and after the four nights or³⁴ during the night and after it, must without exception³⁵ examine themselves;³⁶ and in the case of all these R. Meir imposes restrictions in agreement with the view of Beth Shammai.³⁷ In regard, however, to other observations of blood,³⁸ concerning which a difference of opinion exists between Beth Shammai³⁹ and Beth Hillel,⁴⁰ he is guided⁴¹ by the colour of the blood; for R. Meir ruled: The colours of the various kinds of blood are different from one another. In what manner? Menstrual blood is red, the blood of virginity is not so red; menstrual blood is turbid, the blood of virginity is not turbid; menstrual blood issues from the source, the blood of virginity issues from the sides. R. Isaac son of R. Jose citing R. Johanan stated: This is the ruling of R. Meir alone, but the Sages maintain: All the colours of the various kinds of blood are the same.

Our Rabbis taught: A woman who observes a discharge of blood⁴² as a result of marital intercourse may perform her marital duty the first, second and third time. Henceforward,⁴³ however, she may not perform it until she is divorced

(1) Lit., 'causes them to be old'.

(2) Presumably twelve months.

(3) Of R. Simeon b. Gamaliel.

(4) Apparently (cf. prev. n. but one) it is.

(5) Where the period intervening between the pressing seasons of two succeeding years is sometimes less, and sometimes more than twelve months.

(6) That compares the laws of cleanness to those of *yen nesek v. Glos*.

(7) R. Hiyya and Rabbah b. Bar Hana.

(8) Lit., 'in the cycle of Nisan and of Tishri'. When the days and the nights are equal an *onah* of twelve hours is either a day or a night.

(9) Lit., 'in the cycle of Tammuz and Tebeth'. Since the days and the nights are unequal an 'onah of twelve hours is half a day and half a night. Now in view of this definition and explanation, how could R. Simeon b. Gamaliel maintain (*supra*

65a ad fin.) that an 'onah is 'a night and half a day'?

(10) Sc. the case dealt with by R. Simeon b. Gamaliel which bears on the laws of menstruation.

(11) Cf. prev. n. mut. mut.

(12) From that of cleanness.

(13) On its terms.

(14) Hence it was necessary to extend the 'onah to a full night and half a day.

(15) Irrespective of whether the girl's age of menstruation has, or has not been reached.

(16) Supra 64b, ad fin.; q.v. notes.

(17) V. marg. gl. Cur. edd., 'Raba'.

(18) So MS.M. Cur. edd., 'I'.

(19) Which also allows more than one marital act.

(20) As was that of Rabbi.

(21) Than a mere theoretical ruling.

(22) Whether from Rabbi's decision or from our Mishnah.

(23) Who allow no more than one marital act. How could they differ from a Tannaitic ruling?

(24) Lit., 'they were counted again'.

(25) Sc. the present (the tenth) chapter of Niddah, which begins, IF A YOUNG GIRL.

(26) I.e., nothing. They completely disregarded its rulings.

(27) In agreement with 'our Masters'.

(28) Since one must withdraw immediately after the act, in order to avoid possible blood of menstruation.

(29) Lit., 'the master of a soul'.

(30) Lit., 'if so'.

(31) Lit., 'his heart beats him'.

(32) Being in the category of such as observed no discharge while still in their father's homes.

(33) Lit., 'from the midst of'.

(34) In the case of those who did observe a discharge in the homes of their fathers.

(35) Lit., 'all of them'.

(36) In order that it may be ascertained (from the colour of the blood) whether the bleeding was due to injured virginity or to menstruation.

(37) Thus, a minor is allowed four nights and she must, therefore, examine herself if the bleeding continued beyond the fourth night while a na'arah who is allowed one night must examine herself if the bleeding continued after the first night.

(38) Where bleeding did not continue after the four nights in the case of the minor or after the first night in that of the na'arah.

(39) Who hold the blood to be unclean irrespective of whether its colour did, or did not change.

(40) Who maintain that the blood is clean even if its colour had changed.

(41) In deciding whether the blood is clean or unclean. Lit., 'go'.

(42) Of menstruation.

(43) If she observed a discharge three times as a result of intercourse.

Talmud - Mas. Nidah 66a

and marries another man.¹ If she was married to another man and again observed a discharge of blood as a result of her marital intercourse, she may perform her marital duty the first, second and third time. Henceforward, however, she may not perform it until she is divorced and marries another man. If she was married to another man and again observed a discharge of blood as a result of her intercourse she may perform her marital duty the first, second and third time. Henceforward, however, she may not perform it unless she first examines herself. How does she examine herself? She inserts a tube within which rests a painting stick to the top of which is attached an absorbent. If blood is found on the top of the absorbent it may be known that it² emanated from the source³ and if no blood is found on the top, it may be known that it² emanated from the sides.⁴ If, however, she has a wound in that place she may attribute the blood to her wound.⁴ If she has a fixed period⁵ she may attribute it to her fixed period,⁶ but if the nature of the blood of her wound is different from that of

the blood of her observation she may not so attribute it. A woman, furthermore, is believed when she says, 'I have a wound in the source from which blood is discharged';⁴ so Rabbi.⁷ R. Simeon b. Gamaliel ruled: The blood of a wound that is discharged through the source is unclean. Our Masters, however, testified that the blood of a wound that is discharged through the source is clean. What is the point at issue between them?⁸ — 'Ulla replied: The point at issue between them is the question whether the interior of the uterus is unclean.⁹ Would not a tube¹⁰ bruise her?¹¹ — Samuel replied: The examination is performed with a leaden tube whose edge¹² is bent inwards. But, said Resh Lakish to R. Johanan, why should she not¹³ examine herself¹⁴ after the third intercourse with her first husband?¹⁵ — The other replied: Because not all fingers¹⁶ are alike.¹⁷ But, the former said, why should she not¹⁸ have to examine herself¹⁴ after the first intercourse with her third husband? — Because not all ejections¹⁹ are of equal force.²⁰

A certain woman once came to Rabbi [with such a complaint].²¹ Go, he said to Abdan, and frighten her. As the latter approached and frightened her a clot of blood dropped from her. This woman, Rabbi exclaimed, is now cured. A certain woman [with a similar complaint]²¹ once came to the Master Samuel. Go, he said to R. Dimi b. Joseph, and frighten her. The latter approached and frightened her but nothing dropped from her. This woman, Samuel pronounced, is one full of blood which she scatters,²² and any woman who is full of blood which she scatters²² has no cure. Once there came to R. Johanan a certain woman who, whenever she emerged from her ritual immersion, observed a discharge of blood. It is possible, he said to her, that the gossip of your townspeople²³ has caused the affliction;²⁴ arrange²⁵ for your intercourse with him to take place near the river side.²⁶ There is one who says: He²⁷ said to her, Reveal your affliction to your friends so that, as they were astounded in one way,²⁸ they may also be astounded in the other.²⁹ There is also one who says: He³⁰ said to her, Announce your trouble to your friends so that they may offer prayers for mercy to be vouchsafed to you. For it was taught: And shall cry, 'Unclean, unclean',³¹ he must announce his trouble to the public so that they may pray for mercy to be vouchsafed to him. R. Joseph stated: Such an incident once occurred at Pumbeditha and the woman was cured.

R. Joseph citing Rab Judah who had it from Rab stated: Rabbi ordained at Sadoth,³² If a woman observed a discharge on one day she³³ must wait³⁴ six days in addition to it.³⁵ If she observed discharges on two days she³³ must wait³⁴ six days in addition to these.³⁶ If she observed a discharge on three days she³³ must wait³⁴ seven clean days.³⁷ R. Zera stated: The daughters of Israel have imposed upon themselves the restriction that even if they observe a drop of blood of the size of a mustard seed they wait on account of it seven clean days.

Raba took R. Samuel out for a walk³⁸ when he discoursed as follows: If a woman³⁹ was in protracted labour⁴⁰ for two days and on the third she miscarried she must wait seven clean days; he being of the opinion that the law relating to protracted labour⁴¹ does not apply to miscarriages and that it is impossible for the uterus⁴² to open without bleeding. Said R. Papa to Raba: What is the point in speaking of one who was in protracted labour for two days seeing that the same applies even where there was the minutest discharge, since R. Zera stated, The daughters of Israel have imposed upon themselves the restriction that even where they observe only a drop of blood of the size of a mustard seed they wait on account of it seven clean days? — The other replied: I am speaking to you of a prohibition,⁴³ and you talk of a custom which applies only where the restriction has been adopted.⁴⁴

(Mnemonic. Had an offer, natron, In warm water, to perform immersion, folds upon a haven.)⁴⁵ Raba stated: If a woman had an offer of marriage and she accepted it she⁴⁶ must allow seven clean days to pass.⁴⁷

Rabina was engaged in preparations for the marriage of his son at R. Hanina's.⁴⁸ 'Does the Master', the latter said to him, 'intend writing the kethubah four days hence?' 'Yes', the other

replied; but when the fourth day arrived he waited for another four days and thus caused a delay of seven days after the day in question.⁴⁹ 'Why', the first asked, 'all this delay?'⁵⁰ 'Does not the Master', the other replied, 'hold the opinion of Raba, Raba having ruled: If a woman had an offer of marriage and she accepted she must allow seven clean days to pass?' 'It is possible', the first suggested, that Raba spoke only of one of mature age who is likely to discharge menstrual blood,⁵¹ but did he speak of a minor who is unlikely to discharge menstrual blood?' 'Raba', the other replied, 'has explicitly stated: There is no difference between one of mature age and a minor. For what is the reason why one of mature age is subject to the restriction? Because her passions are excited;⁵² well, those of a minor also are excited.

Raba ruled: A woman

- (1) The reason is explained infra.
- (2) The blood.
- (3) The uterus; and is unclean.
- (4) And it is clean.
- (5) During which intercourse causes her to bleed.
- (6) And is consequently permitted intercourse at other times without previous examination.
- (7) This refers to the last ruling only. All the previous rulings in the Baraita, however, represent the view of R. Simeon.
- (8) Rabbi and our Masters on the one hand and R. Simeon on the other.
- (9) Lit., 'the source, its place is unclean'.
- (10) Presumably a reed.
- (11) Why then is she expected to carry out her examination with it?
- (12) Lit., and its mouth'.
- (13) Instead of being divorced.
- (14) Before each subsequent intercourse.
- (15) And thus continue to live with him.
- (16) Euphemism.
- (17) Sc. the husband might have been the cause. It is preferable, therefore, that she marries another man with whom she can lead a normal life than continue to live with one in an abnormal condition.
- (18) Since a repetition of the occurrence with three husbands establishes presumption.
- (19) Lit., 'forces'.
- (20) Hence it is necessary for the occurrence to be repeated three times with the third husband before presumption is established.
- (21) Bleeding occasioned by intercourse.
- (22) As a result of intercourse.
- (23) Sc. their 'evil eye'; jealousy at the affection between her and her husband.
- (24) Lit., 'went up on thee'.
- (25) Lit., 'go'.
- (26) Thus avoiding the town's gossip.
- (27) R. Johanan.
- (28) Lit., 'side'; at her husband's affection (cf. prev. n. but four).
- (29) At her affliction. They would in consequence no longer envy her and the influence of their 'evil eye' would disappear.
- (30) R. Johanan.
- (31) Lev. XIII, 45.
- (32) A place that was inhabited by unlettered people who were incapable of calculating the dates of the menstrual, and the zibah periods.
- (33) Before she attains cleanness.
- (34) Lit., 'she shall sit'.
- (35) Sc. seven days, the number prescribed for a menstruant, since (cf. prev. n. but two) it is possible that the discharge occurred during a menstruation period.

- (36) Since it is possible that the first of the two days was the last of a zibah period while the second was the first of a menstruation one.
- (37) It being possible that the discharge occurred in a period of zibah.
- (38) **אֲדַבְרֶיהָ** V. Ta'an., (Sonc. ed.), p. 60 n. 5.
- (39) In her zibah period.
- (40) Accompanied by bleeding.
- (41) Which regards accompanying bleeding as exempt from uncleanness.
- (42) Lit., 'the grave'.
- (43) Which is Pentateuchally applicable to all.
- (44) Lit., 'where it was restricted it was restricted; where it was not etc.'
- (45) Words or phrases occurring in the following rulings of Raba. 'Folds' should be inserted before 'to perform' to correspond with the order of the rulings in cur. edd.
- (46) Since the excitement of the proposal and its acceptance may have produced some menstrual discharge.
- (47) Before she may regard herself as clean.
- (48) Var. lec. Habiba (MS.M. and Bah.)
- (49) Lit., 'that day', on which the proposal was made to the girl.
- (50) Lit., 'what that'.
- (51) Lit., 'who sees blood'.
- (52) Lit., 'that she covets'.

Talmud - Mas. Nidah 66b

must not wash her head either with natron or with ohal.¹ 'With natron', because it plucks out the hair;² and 'with ohal' because it causes the hairs to cling to one another.³

Amemar also citing Raba ruled: A woman⁴ must wash her head in warm water only and she may do it even with such as was warmed by the sun⁵ but not with cold water. Why not with cold water? — Because cold water⁶ loosens⁷ the hair.⁸

Raba further ruled: A man should always give instructions to his household that a woman⁹ should wash the folds of her body¹⁰ with water. An objection was raised: It is not necessary for the water¹¹ to penetrate into the folds of the body¹² or to its concealed parts!¹³ — Granted that it is not necessary for the water to penetrate,¹⁴ it is necessary nevertheless that it be capable of penetration to every part;¹⁵ in agreement with a ruling of R. Zera. For R. Zera ruled: Wherever proper mingling¹⁶ is possible actual mingling is not essential,¹⁷ but where proper mingling is not possible¹⁸ the actual mingling is indispensable.¹⁹

Rabin son of R. Adda citing R. Isaac stated: It once happened that a bondmaid of Rabbi performed immersion and when she ascended [from the water] a bone constituting an interposition was found between her teeth, and²⁰ Rabbi required her to perform a second immersion.²¹

Raba further ruled: If a woman performed immersion, and when she ascended [from the water] an object that caused an interposition was found upon her, she need not wash her head or perform immersion again if her immersion was performed immediately after the washing of her head;²² otherwise, she must wash her head and perform immersion again. There are others who say: If she performed her immersion on the same day on which she washed her head, she need not wash her head or perform immersion again, otherwise she must wash her head and perform immersion again. What is the practical difference between them?²³ — The practical difference between them is the question whether immersion must follow immediately upon the washing of the head,²⁴ and whether a woman may wash her head during the day and perform her immersion at night.

Raba ruled: A woman may not stand upon an earthenware when she is to perform ritual

immersion. R. Kahana intended to say, 'What is the reason? Because a preventive measure has been enacted against the possibility of using²⁵ bath-houses,²⁶ but that it is quite proper to stand upon a block of wood'. Said R. Hanan of Nehardea to him, 'What is the reason²⁷ there?²⁸ Because she is frightened;²⁹ on a chip of wood she is also frightened'.²⁹

R. Samuel b. R. Isaac ruled: A woman shall not perform immersion

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- (1) An alcalic plant. So Aruk, Alfasi and Asheri. Cur. edd. 'sand'.
 - (2) Which, remaining on the head, form an interception between the water of the ritual bath and the body.
 - (3) Cf. prev. n. mut. mut.
 - (4) Before ritual immersion.
 - (5) For the sequence of the rulings cf. MS.M., Bah and Asheri.
 - (6) Cf. Bah.
 - (7) Aliter: hardens.
 - (8) Cf. prev. n. but five mut. mut.
 - (9) Before performing ritual immersion.
 - (10) Her armpits for instance.
 - (11) Of a ritual bath.
 - (12) Lit., 'the house of folds'.
 - (13) How then could Raba maintain that the folds must be washed?
 - (14) Into the folds.
 - (15) Lit., 'a place that is suitable for the entry of the water we require'.
 - (16) Of the flour and the oil of a meal-offering. Perfect mingling is effected with one log of oil to sixty 'esronim of flour in one pan; v. Men. 103b.
 - (17) The meal-offering being acceptable even if no mingling took place.
 - (18) If, for instance, the proportions were less than a log of oil to sixty 'esronim of flour.
 - (19) Similarly in the case of ritual immersion, though the water need not penetrate to all parts of the body, the immersion is invalid if owing to dirt or some other interception the water cannot penetrate everywhere.
 - (20) Though it is not necessary for the water to come in contact with the teeth.
 - (21) In agreement with R. Zera's rule.
 - (22) It being assumed in such a case that the interposition became attached to the body after the immersion.
 - (23) The two readings.
 - (24) According to the first reading it must.
 - (25) For ritual immersion.
 - (26) Where the benches on which people stand when bathing are made of earth and are thus similar to earthenware. Were a woman to be allowed to stand on earthenware when performing ritual immersion in a ritually valid bath she might assume that ritual immersion is also valid when she stands on an earthen bench in a bath-house.
 - (27) Why a woman must not stand on earthenware.
 - (28) Where immersion is performed in a ritual bath.
 - (29) That she might fall; and in consequence might not perform the immersion in a proper manner.

Talmud - Mas. Nidah 67a

in a harbour;¹ although there may be no [mud]² now³ it may well be assumed that it had fallen off with the drippings.⁴ Samuel's father made ritual baths for his daughters in the days of Nisan⁵ and mats⁶ in the days of Tishri.⁷

R. Giddal citing Rab ruled: If a woman gave to her child some cooked food and then performed her ritual immersion and ascended from the water,⁸ her immersion has no validity,⁹ because, though there may be no food¹⁰ now,¹¹ it may well be assumed that it had fallen off with the drippings.¹²

Rami b. Abba¹³ ruled: Scars¹⁴ constitute no interposition¹⁵ during the first¹⁶ three days;¹⁷

henceforth they constitute an interposition.

Mar Ukba ruled: Pus within the eye constitutes no interposition when it is moist, but when it is dry it constitutes one. When is it called 'dry'? — From the time it begins to turn yellow.

Samuel ruled: Stibium within the eye constitutes no interposition but on the outside of the eye it constitutes one. If a woman's eyes were twitching it constitutes no interposition even if it is on the outside of the eye.¹⁸

R. Johanan ruled: If a woman¹⁹ opened her eyes too wide²⁰ or shut them too closely,²¹ her immersion has no validity.

Resh Lakish ruled: A woman must perform immersion only when standing in her natural position;²² as we have learnt:²³ A man²⁴ is inspected²⁵ in the same position as when he hoes²⁶ or²⁷ gathers olives;²⁸ and a woman²⁴ is inspected²⁵ in the same position as when she weaves²⁹ or²⁷ suckles her child.²⁸

Rabbah b. R. Huna³⁰ stated, 'One knotted hair constitutes an interposition,³¹

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- (1) Where mud, stirred up by the incoming and outgoing ships, might cling to her body and constitute an interposition between it and the water.
 - (2) On the woman's body.
 - (3) After she has emerged from the water.
 - (4) Beridyoni. Aliter: Into the stream.
 - (5) When the flowing river, swollen by rainwater, could not be used for the purpose since no ritual immersion may be performed in rainwater that is not collected and stationary.
 - (6) To spread under the feet of the bathers so as to protect them from the river mud which might cling to their feet and constitute an interposition. Aliter: He hung up mats on the river shore, to serve as screens for the bathers. Aliter: He put up reed tents; v. Ned., (Sonc. ed.), p. 129 notes.
 - (7) When the river contained its normal flow (cf. prev. n. but one mut. mut.).
 - (8) With nothing of the food clinging to it.
 - (9) Lit., 'did not go up for her', since it is possible that some of the food clung to her body during the immersion when it constitutes an interposition.
 - (10) On the woman's body.
 - (11) After she has emerged from the water.
 - (12) Beridyoni. Aliter: Into the stream.
 - (13) MS.M. Hama.
 - (14) Lit., 'the patches of the lancet', 'the marks of the punctures'.
 - (15) In ritual immersion.
 - (16) Lit., 'until'
 - (17) Following the bleeding. Being tender they are regarded as a part of the body.
 - (18) Because the frequent movement of the eye-lids prevents the accumulation of the matter and no interposition can be formed.
 - (19) When performing immersion.
 - (20) Thus forming above the eye a fold that prevents the water from penetrating to every part of that region.
 - (21) Forming a fold below the eye (cf. prev. n.).
 - (22) Sc. she must neither press her arms to her body nor her legs or feet to each other, since thereby she prevents the water from reaching parts that are normally exposed; nor need she stretch any natural fold or expose any concealed part to enable the water to reach every part of it, since these regions are normally concealed.
 - (23) Neg. II, 4.
 - (24) Afflicted with leprosy.
 - (25) By the examining priest.

- (26) Sc. if the eruption is high in his arm-pit there is no need for the man to raise his arm higher than he does when hoeing. If, as a result, the priest cannot see it the man must be declared clean.
- (27) In the case of an eruption in the concealed region of the genitals.
- (28) When one does not bend too low (cf. prev. n. but one mut. mut.).
- (29) In the case of an eruption in her arm-pit (cf. prev. n. but five mut. mut.).
- (30) The reading in the parallel passage in Suk. 6a is 'b. Bar Hana'.
- (31) Since it is possible to tie it so closely that no water could penetrate to all its parts.

Talmud - Mas. Nidah 67b

three hairs¹ constitute no interposition;² but I do not know the ruling in the case of two'. R. Johanan, however, stated, 'We have only this one principle: R. Isaac said, According to traditional law³ an interposition on its⁴ major part⁵ to which a man objects constitutes an interposition but one which he does not mind constitutes no interposition; but the Rabbis ruled that an interposition on its⁴ greater part shall constitute an interposition, even when the man does not mind it, as a preventive measure against the possibility of allowing an interposition on its major part to which the man does object; and they also ruled that an interposition on its minor part to which a man objects shall constitute an interposition as a preventive measure against the possibility of allowing an interposition on its major part to which a man objects.⁶ But why should no prohibition be enacted also against an interposition on its lesser part, to which one does not object, as a preventive measure against the possibility of allowing an interposition over the lesser part to which one does object?⁷ — This ruling itself⁸ is but a preventive measure, shall we go so far⁹ as to institute a preventive measure against the possibility of infringing a preventive measure?¹⁰

Rab ruled: If a menstruant performs immersion at 'the proper time'¹¹ she may do it only at night¹² but if she performs it after the proper time¹³ she may do it either in the day time or at night.¹⁴ R. Johanan ruled: Whether at the proper time or after the proper time a menstruant may perform immersion only at night, on account of the possibility of her daughter's following her lead.¹⁵ Rab, moreover, also withdrew his ruling; for R. Hiyya b. Ashi citing Rab laid down: Whether at the proper time or after the proper time¹³ a menstruant may perform immersion only at night on account of the possibility of her daughter's following her lead.¹⁵ R. Idi ordained at Narash that immersion shall be performed on the eighth day¹⁶ on account of lions.¹⁷ R. Aha b. Jacob issued a similar ordinance at Papunia on account of thieves.¹⁷ Rab Judah did the same at Pumbeditha on account of the cold. Rabbah¹⁸ acted similarly at Mahoza on account of the guards of the city gates.¹⁹ Said R. Papa²⁰ to Raba,²¹ Consider: At the present time the Rabbis have put all menstruants on the same level as zabahs,²² why then should they not allow them²³ to perform immersion in the daytime of the seventh day?²⁴ — This cannot be allowed on account of the following ruling of R. Simeon. For it was taught: After that she shall be clean,²⁵ 'after' means after all of them, implying that no uncleanness may intervene between them; but R. Simeon stated: After that she shall be clean²⁴ implies that after the act²⁶ she shall²⁷ be clean, but the Sages have ruled that it was forbidden to do so in case she might thereby land in a doubtful situation.²⁸

R. Huna ruled: A woman²⁹ may wash her head on a Sunday³⁰ and perform immersion on the following Tuesday,³¹ since similarly she³² is allowed to wash her head³³ on a Friday³⁴ and undergo immersion on the following Saturday night.³⁵ A woman may wash her head on a Sunday and undergo immersion on the following Wednesday, since similarly she³⁶ is allowed to wash her head³⁷ on a Friday³⁴ and undergo immersion in the night following a festival that occurred on a Sunday. A woman may wash her head on a Sunday and undergo immersion on the following Thursday, since similarly she may wash her head on a Friday and undergo immersion in the night following the two festival days of the New Year that happened to fall immediately after a Saturday. R. Hisda, however, stated: In all these cases³⁸ we rule as mentioned³⁹ but we do not draw the inference of 'since similarly'; for where [the avoidance of an interval] is possible an interval must be avoided,⁴⁰ and

only where this is impossible⁴¹ may an interval be allowed.⁴² R. Yemar, however, stated: We may even draw the inferences of 'since similarly'⁴³ except in the case where a woman is permitted to wash her head on a Sunday and undergo immersion on the following Thursday, for the parallel of the night following the two festival days of the New Year that happened to fall immediately after a Saturday does not hold, since it is possible for the woman to wash her head and undergo immersion in the same night.⁴⁴ Meremar in his discourse laid down: The law is in agreement with R. Hisda⁴⁵ but⁴⁶ in accordance with the interpretation of R. Yemar.⁴⁷

The question was raised: May a woman wash her head at night⁴⁸ and perform immersion the same night?⁴⁹ — Mar Zutra forbids this, but R. Hinena of Sura permits it. Said R. Adda to R. Hinena of Sura:⁵⁰ Did not the following incident⁵¹ actually occur⁵² to the wife of the exilarch Abba Mari? She having had some quarrel⁵³ R. Nahman b. Isaac proceeded to pacify her, and when she said to him, 'What is the hurry now?'⁵⁴

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- (1) Which cannot be tied very closely.
 - (2) Though they were knotted.
 - (3) Debar Torah, lit., 'the word of the (oral) law'.
 - (4) One's hair.
 - (5) When each single hair is knotted.
 - (6) Sc. while traditional law restricts a disqualifying interposition to (a) its extension over the major part of one's hair and (b) the man's objection to it, the Rabbis regard (a) without (b) or (b) without (a) also as a disqualifying interposition.
 - (7) Both cases involving a lesser part.
 - (8) The one forbidding an interposition over the lesser part to which one objects.
 - (9) Lit., 'we shall arise
 - (10) Certainly not.
 - (11) On the seventh day.
 - (12) Before nightfall the seven prescribed unclean days have not been completed.
 - (13) On the eighth day.
 - (14) Cf. prev. n. but one mut. mut.
 - (15) Not knowing the difference between an immersion on the seventh and one on the eighth she, following the example of her mother on an eighth day, would perform immersion in the day time on a seventh also.
 - (16) Instead of the night following the seventh day.
 - (17) That the woman might encounter at night.
 - (18) So with old edd. and Maharsha. Cur. edd., Raba.
 - (19) Who were men of doubtful morality. Aliter: Dangerous caverns on the road to the ritual bath.
 - (20) MS.M., Papi.
 - (21) So with Alfasi and Bomb, ed. Cur. edd. insert 'and to Abaye'.
 - (22) Who must allow seven clean days to pass before they can attain cleanness,
 - (23) As in the case of a zabah
 - (24) And should one happen to be no zabah but a menstruant her uncleanness had in fact terminated seven days earlier.
 - (25) Lev. XV, 28.
 - (26) Of counting the seventh day, even before the day had ended.
 - (27) On performing immersion.
 - (28) Of cleanness. She might have intercourse on that day and experience a discharge subsequently before its termination, in which case her counting as well as her immersion must be deemed invalid, and her intercourse has thus taken place during a period of doubtful cleanness.
 - (29) About to undergo immersion.
 - (30) Lit., 'on the first day of the week'.
 - (31) Sc. an interval of a day may be allowed between the washing of her head and her immersion.
 - (32) Whose immersion is due on a Saturday night.
 - (33) An act forbidden on a Saturday which is the Sabbath day. This question is asked on the view that the washing of the head may not be performed on the same night as the immersion, v. infra.

- (34) Lit., 'Sabbath eve'.
- (35) Lit., at the goings out of the Sabbath'. As an interval of one day must inevitably be allowed in this case (cf. prev. mn.) it is also allowed where the interval is merely a matter of the woman's convenience.
- (36) Whose immersion is due on the termination of a festival day that fell on a Sunday.
- (37) An act forbidden on a festival day.
- (38) Where immersion is due on a night that followed a Sabbath or a festival day on which the washing of one's head is forbidden.
- (39) That an interval of a day or more is permitted between the time of the washing of the head and immersion.
- (40) Lit., 'possible'.
- (41) As in the cases where the days preceding the nights of immersion are ones on which the washing of the head is forbidden.
- (42) Lit., 'it is not possible'.
- (43) Sc. an interval may be allowed even on account of a woman's personal convenience, since she is allowed a similar interval when the day preceding the night of her immersion is one on which it is forbidden to wash one's head.
- (44) The one following the second festival day of the New Year. Had she been allowed to wash her head on the preceding Friday the interval between the washing and the immersion would have been too long; hence it is preferable that the washing be done in the same night as the immersion. As a long interval of three day is not allowed even in such a case, where the washing of the head on the day preceding the night of the immersion is impossible, it cannot be allowed, with much more reason, where the interval is no necessity but a matter of convenience.
- (45) That 'we do not draw the inference of since similarly' and that, consequently, no interval for the sake of a woman's personal convenience may be allowed between the washing of her head and her immersion.
- (46) Though R. Hisda allows an interval where the day preceding the immersion is one on which labour is forbidden.
- (47) Who allows the interval only in the first two cases but not in the third case where the immersion is due on the termination of the New Year festival that happened to fall on a Sunday and a Monday.
- (48) The night in which her immersion is due.
- (49) Is she, it is asked, likely to pay scant attention to the former on account of her hurry to get through with her immersion?
- (50) Var. lec., R. Adda of Sura to Mar Zutra (Bah).
- (51) Which proves that washing the head and immersion may take place the same night.
- (52) Lit., 'was not thus the incident'.
- (53) With her husband, as a result of which she refused to perform immersion.
- (54) At night.

Talmud - Mas. Nidah 68a

There will be time enough to-morrow', he understood what she meant¹ and retorted, 'Are you short of kettles? Are you short of buckets?² Are you short of servants?''³

Raba delivered the following discourse: A woman may wash her head on the Sabbath eve⁴ and perform immersion at the termination of the Sabbath.⁵ Said R. Papa to Raba: But did not Rabin send in his letter the message that 'a woman must not wash her head on the Sabbath eve and perform immersion at the termination of the Sabbath'? And, furthermore, is it not surprising to yourself that a woman should be allowed to⁶ wash her head in the day time and perform immersion at night seeing that it is required that immersion should follow immediately after the washing of the head, which is not the case here? Raba subsequently appointed an amora⁷ in connection with this matter and delivered the following discourse: The statement I made to you is an erroneous one,⁸ but in fact it was this that was reported in the name of R. Johanan, 'A woman may not wash her head on the Sabbath eve and perform immersion at the termination of the Sabbath'; and, furthermore, it would be surprising that a woman should be allowed to⁶ wash her head in the day time and perform immersion at night seeing that it is required that immersion should closely follow the washing of the head, which would not be the case here. But the law is that a woman may wash her head in the day time and perform immersion at night. And the law is that a woman may wash her head at night only.⁹ But

does not a contradiction arise between the one law and the other? — There is no contradiction: The former refers to a case where washing in the day time is possible while the latter refers to one where this is impossible.¹⁰

MISHNAH. IF A MENSTRUANT EXAMINED HERSELF ON THE SEVENTH DAY¹¹ IN THE MORNING AND FOUND HERSELF TO BE CLEAN, AND AT TWILIGHT¹² SHE DID NOT ASCERTAIN HER SEPARATION,¹³ AND AFTER SOME DAYS SHE EXAMINED HERSELF AND FOUND THAT SHE WAS UNCLEAN, BEHOLD SHE IS¹⁴ IN A PRESUMPTIVE STATE OF CLEANNES.¹⁵ IF SHE EXAMINED HERSELF ON THE SEVENTH DAY¹⁶ IN THE MORNING AND FOUND THAT SHE WAS UNCLEAN, AND AT TWILIGHT¹⁷ SHE DID NOT ASCERTAIN HER SEPARATION,¹³ AND AFTER A TIME SHE EXAMINED HERSELF AND FOUND THAT SHE WAS CLEAN, BEHOLD SHE IS¹⁴ IN A PRESUMPTIVE STATE OF UNCLEANNES.¹⁸ SHE¹⁹ CONVEYS, HOWEVER, UNCLEANNES FOR TWENTY-FOUR HOURS RETROSPECTIVELY OR DURING THE TIME BETWEEN THE LAST AND THE PREVIOUS EXAMINATION, BUT IF SHE HAD A SETTLED PERIOD, IT SUFFICES FOR HER TO BE DEEMED UNCLEAN FROM THE TIME OF HER DISCHARGE. R.²⁰ JUDAH RULED: ANY WOMAN WHO DID NOT,²¹ FOLLOWING THE AFTERNOON, ASCERTAIN HER SEPARATION TO A STATE OF CLEANNES IS REGARDED AS BEING IN A PRESUMPTIVE STATE OF UNCLEANNES.²² BUT THE SAGES RULED: EVEN IF SHE EXAMINED HERSELF ON THE SECOND DAY OF HER MENSTRUATION AND FOUND THAT SHE WAS CLEAN, AND AT TWILIGHT SHE DID NOT ASCERTAIN HER SEPARATION, AND AFTER A TIME SHE EXAMINED HERSELF AND FOUND THAT SHE WAS UNCLEAN, SHE IS REGARDED AS BEING IN A PRESUMPTIVE STATE OF CLEANNES.²³

GEMARA. It was stated: Rab ruled: She²⁴ is a certain zabah, but Levi ruled: She is a doubtful zabah. What do they refer to? If it be suggested: To the first clause [it could be objected]: Was it not stated, BEHOLD SHE IS IN A PRESUMPTIVE STATE OF CLEANNES? If, on the other hand, they refer²⁵ to the final clause,²⁶ one can well see the logic of regarding the woman²⁷ as a doubtful zabah,²⁸ but why also²⁹ a certain zabah seeing that she has examined herself and found that she was clean?³⁰ The fact is that when the statements of Rab and Levi were made they were given as independent rulings:³¹ If a menstruant examined herself on the seventh day in the morning and found that she was unclean, and at twilight she did not ascertain her separation, and after some days she examined herself and found that she was unclean, Rab ruled: She is a certain zabah, but Levi ruled: She is a doubtful zabah. ‘Rab ruled: she is a certain zabah’, since she was previously found to be unclean and now also she was found to be unclean, she must be definitely unclean. ‘But Levi ruled: She is a doubtful zabah’, because it might be assumed that the discharge may have been discontinued in the intervening time.

(1) Viz., that she had not washed her head before nightfall.

(2) Tashteke. Aliter: Bath chairs. Aliter: Combs.

(3) To bring, and warm up the water. This proves that the washing of the head may take place the same night.

(4) Friday.

(5) Saturday night.

(6) Lit., ‘and wonder at yourself how’.

(7) To expound and clarify his discourse to the public.

(8) Lit., ‘they ate an error in my hand’.

(9) Sc. immediately before immersion.

(10) Where, for instance, immersion is due on a night that follows a Sabbath or a festival day.

(11) After her first discharge, sc. on the last day of her seven days period of menstruation.

(12) When the prescribed menstruation period terminates.

(13) Lit., ‘she did not separate’, sc. did not examine herself to make sure of the separation of her clean, from her unclean

days.

(14) In regard to the days intervening between the seventh and the one on which she found herself unclean.

(15) It being assumed that the discharge did not occur before the moment she had discovered it. All clean things which she handled between the time of her immersion (on the night following the seventh day) and the time of her last examination are consequently regarded as clean.

(16) After her first discharge, sc. on the last day of her seven days' period of menstruation.

(17) When the prescribed menstruation period terminates.

(18) Since she was known to be unclean on the seventh day and at its twilight she did not ascertain that the discharge had ceased.

(19) In the case dealt with in the first clause.

(20) V. margl. gl. Cur. edd., 'and R.'

(21) On the seventh day.

(22) Even though she examined herself earlier in the day and found that she was clean.

(23) The examination on the second day being sufficient to establish a presumptive cleanness.

(24) This is explained presently.

(25) Lit., 'but'.

(26) SHE EXAMINED HERSELF . . . IN THE MORNING AND FOUND THAT SHE WAS UNCLEAN AND AT TWILIGHT SHE DID NOT ASCERTAIN HER SEPARATION.

(27) According to Levi.

(28) Since on the seventh day in the morning she was still unclean and since at twilight of that day it was not ascertained that she was clean, it may well be suspected that there was a discharge on the eighth, ninth and tenth in consequence of which she would become a zabah.

(29) According to Rab.

(30) In consequence of which it might justifiably be assumed that as she was now found clean she was also clean previously.

(31) Not in connection with our Mishnah.

Talmud - Mas. Nidah 68b

Levi also taught the same ruling in a Baraita: After these days¹ irrespective of whether she examined herself and found that she was clean or whether she examined herself and found that she was unclean, behold she is to be regarded as a doubtful zabah.

SHE CONVEYS, HOWEVER, UNCLEANNESS FOR TWENTY-FOUR HOURS RETROSPECTIVELY. Must it be conceded that this² represents an objection against a view of Raba, since Raba stated: This³ tells that⁴ a woman during the days of her zibah does not⁵ cause twenty-four hours retrospective uncleanness? — But was not an objection against Raba raised once before?⁶ - It is this that we meant: Must it be conceded that an objection may be raised against Raba from this Mishnah also? — Raba can answer you: When it was stated, SHE CONVEYS, HOWEVER, UNCLEANNESS FOR TWENTY-FOUR HOURS RETROSPECTIVELY, the reference was to the beginning of this chapter, viz., to a girl who observed a discharge while she was still in her father's house.⁷ As it might have been presumed that, since clean days intervened, the discharge should be regarded as one at the beginning of her menstruation and she⁸ should in consequence convey no retrospective uncleanness for twenty-four hours, hence we were informed [that she does].

BUT IF SHE HAS A SETTLED PERIOD. Must it be conceded that this⁹ presents an objection against the view of R. Huna b. Hiyya cited in the name of Samuel, since R. Huna b. Hiyya citing Samuel stated: This¹⁰ tells that a woman cannot establish for herself a regular period¹¹ during the days of her zibah? — R. Huna b. Hiyya can answer you: When we ruled that 'a woman cannot establish for herself a regular period during the days of her zibah' we meant that it is not necessary for her¹² to have a change of period three times for the purpose of abolishing a settled period because

we maintain that her blood is suspended; and, since her blood is suspended, IT SUFFICES FOR HER TO BE DEEMED UNCLEAN FROM THE TIME OF HER DISCHARGE.

R. JUDAH RULED. It was taught: They said to R. Judah, Had her hands been lying in her eyes¹³ throughout twilight you would have spoken well, but now, since it might be assumed that she experienced a discharge as soon as she removed her hands, what practical difference is there between the case where she ascertained her separation to a state of cleanness on the seventh day following the afternoon and that where she has ascertained her separation to a state of cleanness on the first day? 'On the first day'! Is there any authority who holds such a view?¹⁴ — Yes; and so it was taught: Rabbi stated, 'I once asked R. Jose and R. Simeon when they were underway: What is the law where a menstruant examined herself on the seventh day in the morning and found that she was clean, and at twilight she did not ascertain her separation,¹⁵ and after some days she examined herself and found that she was unclean? And they replied:¹⁶ Behold such a woman is in a presumptive state of cleanness. What, I asked, is the law where she examined herself on the sixth, fifth, fourth, third or second? And they replied: There is no difference. As regards an examination on the first day I did not ask, but it was a mistake on my part that I did not ask. For is she not on all these days in a state of presumptive uncleanness and yet as soon as the discharge ceased it is deemed to have completely ceased, so also in regard to the first day as soon as the discharge ceased it may be deemed to have ceased completely'.¹⁷ What view, however, did he¹⁸ hold at first?¹⁹ — [That the woman is unclean] since there is²⁰ the presumption of an open source.

MISHNAH. IF A ZAB AND A ZABAH²¹ EXAMINED THEMSELVES ON THE FIRST DAY²² AND FOUND THEMSELVES CLEAN AND ON THE SEVENTH DAY²² ALSO AND FOUND THEMSELVES CLEAN, BUT DID NOT EXAMINE THEMSELVES DURING THE OTHER, INTERVENING, DAYS, R. ELIEZER RULED: BEHOLD THESE ARE IN A PRESUMPTIVE CONDITION OF CLEANNES. R. JOSHUA RULED: THEY ARE ENTITLED [TO RECKON AS CLEAN] ONLY THE FIRST DAY AND THE SEVENTH DAY. R. AKIBA RULED: THEY ARE ENTITLED TO RECKON AS CLEAN THE SEVENTH DAY ALONE.²³

GEMARA. It was taught: Said R. Eliezer to R. Joshua, According to your view²⁴ you would be counting with interruptions; but did not the Torah state, After that she shall be clean,²⁵ 'after' meaning 'after all of them', implying that no uncleanness may intervene between them?²⁶ — Said R. Joshua to him: But do you not agree that a zab who²⁷ observed an emission of semen²⁸ or a nazirite who²⁹ walked under overshadowing branches or mural projections³⁰ counts with interruptions though the Torah said,³¹ But the former days shall be void?³² And R. Eliezer?³³ — All is well there³⁴ since the All Merciful has said,³⁵ So that he is unclean thereby,³⁶ implying that it renders void one day only.³⁷ And if the imposition of a restriction³⁸ be suggested, on account of the possibility of mistaking one uncleanness for another,³⁹ it could be retorted: A zab would not be mistaken for one who emitted semen. All is also well⁴⁰ with a nazirite who walked under overshadowing branches or mural projections, since Pentateuchally it is necessary⁴¹ that the [overshadowing] tent shall be a proper one and it is only the Rabbis who enacted the ruling⁴² as a preventive measure, and no one would mistake a Rabbinic law for a Pentateuchal one; but here,⁴³ if we were to take into consideration the possibility of a doubtful observation,⁴⁴ one might mistake this case for one of a certain observation.⁴⁵

It was taught: R. Jose and R. Simeon stated, The view of R. Eliezer is more feasible than that of R. Joshua, and the view of R. Akiba is more acceptable than those of all of them, but the halachah is in agreement with R. Eliezer.

The question was raised: If a zab or a zabah examined themselves on the first day⁴⁶ and on the eighth day⁴⁷ and found that they were clean while on the other days they did not examine themselves,

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- (1) Referred to in the second clause of our Mishnah (cf. prev. n. but five).
 - (2) The ruling that if after the passing of her menstruation period a woman found that she was unclean (the first clause in our' Mishnah) her uncleanness is retrospective for twenty-four hours (the third clause of our Mishnah which, as explained supra, is an interpretation of the first).
 - (3) The first clause of the second Mishnah supra 38b: Throughout all the eleven days a woman is in a presumptive state of cleanness.
 - (4) Since during the zibah period the menstrual flow is suspended.
 - (5) After the first discharge.
 - (6) Of course it was, supra 39a where the objection remained unsolved.
 - (7) Supra 64b. In such a case Beth Hillel ruled that intercourse is permitted all night, and to this our Mishnah adds that if the woman found subsequently that she was unclean, her uncleanness is retrospective for twenty-four hours.
 - (8) As a virgin who experienced a discharge for the first time.
 - (9) That IF SHE HAS A SETTLED PERIOD and she observed a discharge at that period in the days of her zibah, IT SUFFICES FOR HER TO BE DEEMED UNCLEAN FROM THE TIME OF HER DISCHARGE, It is now assumed that this ruling of our Mishnah referred to the case where AFTER SOME DAYS (viz., after the termination of the menstruation period and during one of zibah) SHE EXAMINED HERSELF AND FOUND THAT SHE WAS UNCLEAN.
 - (10) The first clause of the second Mishnah supra 38b: Throughout all the eleven days a woman is in a presumptive state of cleanness.
 - (11) Though menstruation began on the same date in three consecutive months.
 - (12) In the days of her zibah.
 - (13) Euphemism.
 - (14) That an examination whereby uncleanness was established on the first day has the same validity as one on the seventh day.
 - (15) From her state of uncleanness to that of cleanness.
 - (16) Lit., 'they said to me' (Emden). Cur. edd. 'they said to him'.
 - (17) A question as to the first day might consequently have elicited the same reply as the one concerning the other days mentioned.
 - (18) Rabbi.
 - (19) When he was reluctant to put the question to them.
 - (20) On the first day.
 - (21) Whose discharge has ceased.
 - (22) Of the prescribed seven days.
 - (23) Since it is possible that during the intervening days they have experienced a discharge which caused the counting of the previous days to be null and void.
 - (24) That the first and the seventh days are counted,
 - (25) Lev, XV, 28.
 - (26) How then could the five days that are presumably unclean be allowed to intervene?
 - (27) While he was counting, after the termination of his zibah, the prescribed number of seven days.
 - (28) Which renders him unclean for one day while on the following day he resumes his counting from the interrupted number.
 - (29) While counting the thirty days prescribed for him.
 - (30) Under which lay parts of a corpse. As the branches and the projections have the character of a doubtful 'tent' the nazirite is subject to uncleanness for one day only, and on the following one he continues his interrupted counting.
 - (31) Where a longer uncleanness interrupted the counting.
 - (32) Num, VI, 12.
 - (33) How in view of this argument of R. Joshua can he maintain his ruling?
 - (34) The case of a zab who emitted semen where an interrupted counting is allowed.
 - (35) About such an uncleanness.
 - (36) Lev. XV, 32, emphasis on the last word.
 - (37) Lit., 'its day'.

- (38) That interrupted counting should not be allowed,
 (39) And, as a result, such interrupted counting would also be allowed in the case of a discharge of zibah.
 (40) With the permission for interrupted counting.
 (41) If corpse uncleanness is to be conveyed by overshadowing.
 (42) That even an imperfect 'tent' conveyed uncleanness for one day.
 (43) The case discussed by R. Eliezer and R. Joshua.
 (44) On the days on which no examination took place; and, in consequence, those days would not be counted,
 (45) And, assuming that on the uncounted days the woman was definitely unclean, one would also allow interrupted counting in the case of the intervention of a certain uncleanness.
 (46) Of the seven that must be counted after a zibah before cleanness is attained.
 (47) Cf. prev. n. The eighth day is the one that follows the period of the seven prescribed days in which obviously it is not included.

Talmud - Mas. Nidah 69a

what is the law according to R. Eliezer.¹ Is it necessary² that an examination should take place both at the beginning and at the end of the prescribed days³ [hence this case is excluded]⁴ since there was one at the beginning only⁵ but not at the end,⁶ or is it possible that an examination at the beginning⁵ suffices although there was none at the end?⁶ — Rab replied: The law is the same in either case,⁷ an examination at the beginning sufficing although there was none at the end. R. Hanina, however, replied: It is necessary² that there be an examination both at the beginning and at the end⁸ [hence this case is excluded] since there was one at the beginning only but not at the end.

An objection was raised: But both hold the same opinion,⁹ where a zab and a zabah examined themselves on the first day and on the eighth day and found themselves clean, that they may count the eighth day only as clean.¹⁰ Now who are referred to in the expression 'both hold the same opinion'? Is it not R. Eliezer and R. Joshua?¹¹ — No; R. Joshua and R. Akiba.¹²

R. Shesheth citing R. Jeremiah b. Abba who had it from Rab stated: If a menstruant has ascertained her separation to a state of cleanness on her third day,¹³ she may count it in the number of the seven clean days.¹⁴ 'A menstruant'! What need has she for counting?¹⁵ — Rather read: If a zabah has ascertained her separation to a state of cleanness on her third day,¹³ she may count it in the number of the seven clean days.¹⁴ Said R. Shesheth to R. Jeremiah b. Abba: Did then Rab pronounce his ruling in agreement with the view of the Samaritans who ruled that the day on which a woman ceases to have her discharge may be counted by her in the number of the prescribed seven days?¹⁶ — When Rab spoke he meant: Exclusive of the third day.¹⁷ But if 'exclusive of the third day' is not the ruling obvious? — The ruling was necessary only in a case, for instance, where the woman¹⁸ did not examine herself until the seventh day,¹⁹ so that²⁰ we were informed there²¹ that an examination at the beginning²² suffices although there was none at the end,²³ while here²⁴ we were informed that an examination at the end²³ suffices²⁵ even though there was none at the beginning.²² As it might have been presumed that only where there was an examination at the beginning,²² though there was none at the end,²³ do we assume [the days to be clean], because we regard them as remaining in their presumptive state,²⁶ but not where the examination was held at their conclusion²³ and²⁷ not at their beginning,²² hence we were informed [that in either case the days are regarded as clean]. But can this²⁸ be correct seeing that²⁹ when Rabin came³⁰ he stated, 'R. Jose b. Hanina raised an objection [from a Baraitha dealing with] a forgetful³¹ woman but I do not know what his objection was', and³² we have an established rule that during the first week of her appearance before us we require her to undergo immersion in the nights³³ but we do not require her to undergo immersion in the day time. Now if it could be entertained that it is not necessary that the days³⁴ be counted in our presence, she³⁵ should have been made to undergo immersion in the day time also, since it is possible that she gave birth during a zibah period and had completed the counting on that day. Must it not consequently be inferred from the ruling that it is necessary for the counting to take place in our

presence?³⁶ — But have we not explained this ruling to be in agreement with the view of R. Akiba who ruled that it was necessary for the counting to take place in our presence?³⁷ — And whence do you infer that according to the Rabbis it is not necessary for the counting to take place in our presence? — From what was taught:³⁸ ‘If a forgetful³⁹ woman stated, "I observed some uncleanness on a certain day",⁴⁰ she⁴¹ is expected to undergo nine immersions, seven⁴² in respect of menstruation⁴³ and two⁴⁴ in respect of zibah.⁴⁵ If she states, "I observed some uncleanness at twilight", she is to undergo eleven immersions’. ‘Eleven’! For what purpose?⁴⁶ — R. Jeremiah of Difti replied: This is a case, for instance, where the woman⁴⁷ actually appeared before us at twilight,⁴⁸ so that provision has to be made for⁴⁹ eight immersions in respect of menstruation⁵⁰ and for three in respect of zibah.⁵¹ ‘If she states, "I observed no discharge whatsoever", she is to undergo fifteen immersions’.⁵² Raba observed: ‘This kind of law that is a negation of all reason⁵³ is in vogue at Galhi where there is a law that one who owns a bull must feed the town's cattle one day while one who owns no bull must feed them on two days. Once they had occasion to deal with⁵⁴ an orphan the son of a widow. Having been entrusted with the bulls [to feed] he proceeded to kill them, saying to the people, "He who owned a bull shall receive one hide and he who owned no bull shall receive two hides". "What", they said to him, "is this that you say?" "The conclusion of this process", he answered them, "follows the same principle as the beginning of the process. Was it not the case with the beginning of this process that one who owned nothing was better off? Well, at the conclusion of the process too, one who owned nothing is better off". Here also: If where a woman states, "I observed a discharge", it suffices for her to undergo either nine immersions or eleven immersions,⁵⁵ should it be necessary for her, where she states, "I observed no discharge whatsoever", to undergo fifteen immersions?’ — Rather read thus: If she states, ‘I observed a discharge and I do not know how long it continued⁵⁶ and whether I observed it during a menstruation period or a zibah one’, she is to undergo fifteen immersions. For if she appeared before us in the day-time we allow her seven days in respect of menstruation⁵⁵

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- (1) Who, in the case of an examination on the first and the seventh, regards all the seven days as clean.
 - (2) If the seven days are to be regarded as clean.
 - (3) Lit., ‘their beginning and their end’.
 - (4) And the days are regarded as unclean,
 - (5) On the first of the seven days.
 - (6) On the seventh day, the examination having taken place on the eighth.
 - (7) Lit., ‘it it’, the seven days are regarded as clean in both cases.
 - (8) Lit., ‘their beginning and their end’.
 - (9) Lit., ‘and equal’.
 - (10) Lit., ‘that they have only the eighth day’.
 - (11) Who agree in this case with R. Akiba though they differ from him where the examination took place on the first and the seventh. How then could Rab maintain his view on the ruling of R. Eliezer?
 - (12) But R. Eliezer maintains, as Rab stated, that since the examination on the first day proved the person to be clean all the seven days also are regarded as clean.
 - (13) Since her discharge first appeared.
 - (14) Sc. the clean days may begin to be counted from that day.
 - (15) None, since a menstruant becomes clean after seven days irrespective of whether these were clean or not.
 - (16) Supra 33a.
 - (17) The counting beginning from the following day.
 - (18) Though her discharge ceased on the third day.
 - (19) So that the beginning of the counting was not in a condition of ascertained cleanness.
 - (20) Rab adopting two relaxations of the law.
 - (21) Where Rab stated that R. Eliezer holds the woman clean if she examined herself on the first and the eighth.
 - (22) On the first day.
 - (23) On the seventh.
 - (24) In the last cited ruling of Rab.

- (25) To justify the assumption that all the six preceding days were also clean,
- (26) Which, owing to the examination, was known to be one of cleanness.
- (27) Lit., 'although'.
- (28) Rab's ruling that it is not necessary to make sure that each of the seven days individually has been a clean one,
- (29) Lit., 'I am not, for surely'.
- (30) From Palestine to Babylon,
- (31) Lit., 'erring'.
- (32) So with Bah. Cur. edd. 'for'.
- (33) Since of each night it might be said that it is the one following the seventh day of the period of uncleanness prescribed after the birth of a male child.
- (34) Following zibah.
- (35) Since a zabah undergoes immersion on her seventh clean day.
- (36) Apparently it must; and thus an objection arises against Rab.
- (37) And, since the Rabbis differ from R. Akiba, Rab may follow their view.
- (38) V. marg. glos. Cur. edd., 'for we learnt'.
- (39) Lit., 'erring'.
- (40) But she is unable to say whether it happened on the same, or on any other day, or whether that day was one of the days of her menstruation or of her zibah.
- (41) In order to perform the precept of immersion at the proper time and at the earliest possible moment.
- (42) On the following seven nights, if she arrived in the day time.
- (43) V. supra p. 482, n. 12.
- (44) In the day time.
- (45) On the first day of her arrival she must undergo immersion since it is possible that the previous day was one of her zibah period and her discharge appeared that day (a woman who experienced a discharge on one of the days of her zibah period awaits one day, viz., the following one, and on that day she undergoes immersion in the day time). On the second day of her arrival she again undergoes immersion for a similar reason, since it is possible that the day on which her discharge had appeared was not the previous one but the day of her arrival. On the third day no immersion is necessary since it is certain that on the second there was no discharge.
- (46) Sc. why should more immersions be required in this case, where she states that her discharge took place at twilight, than in the former where she does not specify the time of day.
- (47) Who did not merely state during the day that her discharge took place at twilight.
- (48) And stated that her discharge occurred either earlier or possibly at that very moment when it is doubtful whether it was day or night.
- (49) Lit., 'and they are'.
- (50) In addition to the seven immersions as in the former case (beginning on the night that followed the twilight at which she arrived) there must be one on the eighth night because it is possible that her discharge took place actually at the twilight of her arrival which was part of the following night, so that the menstruation period did not terminate until the seven following days have passed and her cleanness is attained by her immersion on the last, which is the eighth night after her arrival.
- (51) She performs the first two immersions for the same reason as in the former case, since it is possible that her discharge in zibah took place on the day prior to her arrival (so that immersion must be performed immediately at the twilight when she arrived) or on that day (so that immersion has to be performed on the following day). She must also undergo immersion on the third day since it is possible that the discharge occurred at the twilight at which she arrived and that that time was a part of the night, so that she was unclean on the day following, and having waited the second day she becomes clean on the third when the immersion is performed.
- (52) This is discussed presently.
- (53) Lit., 'this law that is no law'.
- (54) Lit., 'it happened to them'.
- (55) As explained supra.
- (56) Sc. whether it appeared on one day only or on three days.

Talmud - Mas. Nidah 69b

and eight in respect of zibah;¹ and if she appeared before us at night we allow her eight in respect of menstruation² and seven in respect of zibah.³ But does not menstruation require eight days?⁴ — Rather say: In either case⁵ seven in respect of menstruation and eight in respect of zibah. But if she appeared at night, does she not require⁴ eight in respect of menstruation?⁶ — In respect of zibah where the number of immersions is fixed, since it does not vary whether she appeared before us in the day time or at night, [the eighth immersion] was counted, but in respect of menstruation where the number is not fixed, for only where she appeared before us at night does she require eight immersions while if she appeared before us in the day time she does not require eight [the eighth immersion] was not counted. Now, if it could be entertained that it is necessary for all the counting to take place in our presence, what need is there⁷ for all these immersions?⁸ Should she not rather count the seven days and then undergo immersion?⁹ Consequently it may be inferred from here that¹⁰ it is the Rabbis¹¹ who hold that it is not necessary for the counting to take place in our presence.¹² Said R. Aha son of R. Joseph to R. Ashi, Have we not had recourse to explanations of this ruling?¹³ Explain it then in the following manner and read thus: If a woman states, ‘I counted¹⁴ and know not how many days I counted and whether I counted them during the period of menstruation or during that of zibah’, she is to undergo fifteen immersions.¹⁵ But if she stated, ‘I counted and know not how many days I counted’, it is at any rate impossible that she should not have counted one day, at least, is she then not short of one immersion?¹⁶ Rather read: If she states, ‘I know not whether I did or did not count’.¹⁷

MISHNAH. IF A ZAB, A ZABAH, A MENSTRUANT, A WOMAN AFTER CHILDBIRTH OR A LEPPER HAVE DIED [THEIR CORPSES] CONVEY UNCLEANNES BY CARRIAGE¹⁸ UNTIL THE FLESH HAS DECAYED. IF AN IDOLATER HAS DIED HE CONVEYS NO UNCLEANNES.¹⁹ BETH SHAMMAI RULED: ALL WOMEN DIE AS MENSTRUANTS;¹⁸ BUT BETH HILLEL RULED: A WOMAN²⁰ CANNOT BE REGARDED AS A MENSTRUANT UNLESS SHE DIED WHILE SHE WAS IN MENSTRUATION.

GEMARA. What is the meaning of BY CARRIAGE? If it be suggested: By actual carriage, [the objection would arise:] Does not in fact every corpse convey uncleanness by carriage?²¹ — Rather say that BY CARRIAGE means²² through a heavy²³ stone,²⁴ for²⁵ it is written, And a stone was brought, and laid²⁶ upon the mouth of the den.²⁷ What is the reason?²⁸ — Rab replied: This²⁹ is a preventive measure against the case where they³⁰ swoon.³¹ One taught: In the name of R. Eliezer it was stated, This possibility must be taken into consideration until his stomach bursts.

IF AN IDOLATER HAS DIED etc. It was taught: Rabbi stated, On what ground did they rule that if an idolater has died he conveys no uncleanness by carriage? Because his uncleanness when alive³² is not Pentateuchal, but Rabbinical.

Our Rabbis taught: Twelve questions did the Alexandrians address to R. Joshua b. Hananiah.³³ Three were of a scientific nature,³⁴ three were matters of aggada, three were mere nonsense and three were matters of conduct.³⁵

‘Three were of a scientific nature’: If a zab, a zabah, a menstruant, a woman after childbirth or a leper have died, how long do their corpses convey uncleanness by carriage? He replied: Until the flesh has decayed. Is the daughter of a woman that was divorced and remarried by her first husband³⁶ allowed to marry a priest? Do we say that this might be inferred a minori ad majus: If the son of a widow who was married to a High priest, who is not forbidden to all,³⁷ is nevertheless tainted,³⁸ how much more so the offspring of her³⁹ who is forbidden to all;⁴⁰ or is it possible to refute the argument, thus: The case of a widow married to a High Priest is different because she herself is profaned?⁴¹ He replied:

- (1) Because each of the eight days might be the last of the seven clean days that followed a zibah discharge that had extended over three days. No immersion is necessary on the ninth day because even if the very day of the woman's arrival had been the last of the three days on which her zibah discharge had been making its appearance seven clean days have elapsed since that day.
- (2) On the first night of her arrival and on the following six nights immersion is necessary because each might be the night following the seventh day, while on the eighth immersion is required on account of the possibility of the discharge having appeared on the very night of her arrival which caused the day following to be regarded as the first of the prescribed seven days of menstruation.
- (3) This is discussed presently.
- (4) As explained supra.
- (5) Whether the woman arrived at night or in the day time.
- (6) Of course she does.
- (7) In respect of zibah,
- (8) That the woman is expected to perform in the day time.
- (9) But not before; since even if her seven clean days have terminated she, owing to her neglect of examining herself, is not fit for immersion,
- (10) As submitted supra 69a.
- (11) Who differ from R. Akiba.
- (12) And Rab in his ruling supra follows their view.
- (13) We had; since in the absence of explanations it bristles with difficulties,
- (14) Sc. she examined herself on certain days and ascertained that she was then clean.
- (15) As explained supra.
- (16) Obviously she is; why then was the number given fifteen and not fourteen?
- (17) So that it is possible that she did not count even one clean day.
- (18) This is discussed in the Gemara infra.
- (19) Lit., 'clean from causing uncleanness'.
- (20) Who died.
- (21) Of course it does; why then did our Mishnah restrict it to the classes specified?
- (22) Lit., 'but what by carriage'.
- (23) Mesamma, lit., 'closing' (cf. foll. n.).
- (24) One used for closing up a pit. If the corpse lay on such a heavy stone, and certain objects rested under it, the latter contract the uncleanness though the weight of the corpse can hardly be perceptible.
- (25) The following explains the etymology of mesamma ('heavy').
- (26) Wesumath, a word of a sound similar to mesamma (v. prev. n. but two).
- (27) Dan. VI, 18.
- (28) Why the corpses enumerated in our Mishnah convey uncleanness through the stone mentioned while others do not.
- (29) The enactment that the corpses enumerated in our Mishnah shall convey uncleanness even through a heavy stone.
- (30) The persons mentioned.
- (31) As such persons when alive, if they sit on such a stone, convey uncleanness to objects under it, in accordance with Pentateuchal law, a Rabbinic enactment has imposed a similar restriction when they are dead in case they might be merely in a swoon and mistaken for a corpse. Were the objects to be deemed clean in 'the case of a corpse they might erroneously be deemed clean even when the person is alive.
- (32) Through zibah, for instance.
- (33) V. marg. glos. and Bomb. ed. Cur. edd., 'Hinena'.
- (34) Halachah,
- (35) Lit., 'the way of the earth', worldly affairs.
- (36) After she had been married and divorced by a second husband. Such a marriage is forbidden according to Deut. XXIV, 1-4.
- (37) A widow being forbidden to a High Priest only (v. Lev. XXI, 14).
- (38) Though not actually a bastard he would be, if of priestly stock, disqualified from the priesthood.
- (39) A remarried divorcee after she had been married and divorced by another man.
- (40) Non-priests as well as priests.

(41) If the High Priest to whom she was unlawfully married dies she may not marry even a common priest, and if she was a priest's daughter she is henceforth forbidden to eat terumah. No such restrictions are imposed on the woman who was remarried after her divorcement.

Talmud - Mas. Nidah 70a

She is an abomination,¹ but her children are no abomination. If the sacrifices of two lepers were mixed up and after the sacrifice of one of them was offered² one of them died, what is to be done about the other?³ He replied: He assigns⁴ his possessions to others so that he becomes a poor man and then⁵ brings a bird sin-offering which may be brought⁶ even in a case of doubt. But is there not also a guilt-offering?⁷ — Samuel replied: This⁸ applies only where his guilt-offering had been duly offered.⁹ R. Shesheth observed: A great man like Samuel should say such a thing! In agreement with whose view [could his answer¹⁰ have been given]? If in agreement with that of R. Judah¹¹ [the difficulty arises:] Did he not state that¹² the guilt-offering¹³ determines a person's status,¹⁴ so that since the guilt-offering determined for him¹⁵ a status of wealth he could no longer bring a sin-offering in the state of poverty? For we have learnt, 'If a leper brought the sacrifice of a poor man¹⁶ and then¹⁷ became rich or if he brought that of a rich man¹⁸ and became poor, all depends¹⁹ on²⁰ the sin-offering;²¹ so R. Simeon. R.²² Judah ruled: All depends on the guilt-offering.²³ R. Eliezer b. Jacob ruled: All depends on the birds'.²⁴ And if [Samuel has given his answer] in agreement with the view of R. Simeon who ruled that the sin-offering²⁵ determines the man's status,²⁶ why should he not bring another sacrifice²⁷ even where the guilt-offering had not been offered,²⁸ for, surely, we have heard R. Simeon say, 'Let him bring one and make his stipulation'; for it was taught: R. Simeon ruled,²⁹ On the morrow³⁰ he brings his guilt-offering and its log³¹ with it, places it at the Nikanor gate³² and pronounces over it the following stipulation: If he is a leper, behold his guilt-offering and its log³¹ with it, and if he is not, let this guilt-offering be a freewill peace-offering. Now this guilt-offering³³ is

(1) Deut. XXIV, 4, dealing with a remarried divorcee. Emphasis on 'she'

(2) It being unknown whose sacrifice it was.

(3) The survivor. Sc. how is he to attain cleanness? He cannot bring the second sacrifice, since it may possibly be the one that belonged to the dead man and a sin-offering whose owner is dead may not be offered upon the altar; and he cannot bring a new sacrifice, since it is possible that the one that was already offered was his so that he is now exempt from bringing any other sacrifice and the new one he would bring would have no sanctity and, as an unconsecrated animal, is forbidden to be brought into the Temple court.

(4) Lit., 'writes'.

(5) Exercising the privilege of the poor.

(6) Into the Temple.

(7) Which a leper whether rich or poor, must bring. Of course there is. Now since the sacrifice (presumably both the sin- and the guilt-offerings) were mixed up, how can he bring an animal as a guilt-offering in a case of doubt?

(8) R. Joshua's ruling.

(9) Before the other leper died.

(10) 'Where his guilt-offering had been duly offered'

(11) Who, holding that a guilt-offering may not be brought conditionally, could find no remedy for the leper if his guilt-offering had not been offered up before.

(12) Cf. marg. n., Rashi and Bomb. ed. Cur. edd., 'for he said'.

(13) The first of the three sacrifices which a leper must bring at the termination of his uncleanness.

(14) Sc. if at that time he was rich or poor his other two sacrifices must be those prescribed for a rich or poor man respectively, irrespective of whether at the time he brings the latter his condition has changed from wealth to poverty or from poverty to wealth.

(15) Lit., 'for itself', dative of advantage.

(16) A bird.

(17) Before bringing his burnt-offering, the last of the prescribed sacrifices.

- (18) A ewe-lamb.
- (19) As regards the burnt-offering.
- (20) Lit., 'follows'.
- (21) Cf. p. 488, n. 15 mut. mut.
- (22) V. marg. n. Cur. edd. 'and R.'
- (23) Cf. p. 488, n. 15.
- (24) Which the leper brings seven days before the ritual cutting of his hair. His financial condition at that time determines whether the sacrifices he is to bring later are to be those of a rich man or of a poor man.
- (25) And not the guilt-offering.
- (26) So that even though the guilt-offering was brought when the man was rich he may still bring a poor man's sin-offering if he subsequently became poor.
- (27) As a conditional guilt-offering (v. infra).
- (28) And the adoption of this procedure would remove the necessity for Samuel to limit the case supra to one who had already brought his guilt-offering.
- (29) In the case of a doubtful leprosy.
- (30) The day following immersion on which the sacrifices have to be brought.
- (31) Of oil,
- (32) Of the Temple court. A leper is not permitted to enter into the court.
- (33) Being subject to the requirements of both guilt-offerings and peace-offerings.

Talmud - Mas. Nidah 70b

to be slain¹ in the north² and is subject to the requirements of application¹ in the thumbs,³ leaning,⁴ drink-offerings, waving⁵ and the presentation of the breast and shoulder to the priest.⁵ It may also be eaten by the priestly males on the same day and the following night;¹ but the Sages did not agree with R. Simeon because⁶ one might⁷ cause holy things⁸ to be brought into the place of disqualified sacrifices.⁹ — Samuel may hold the same view as R. Simeon in one respect¹⁰ while differing from him in another.¹¹

'Three were matters of aggada'; One verse says, For I have no pleasure in the death of him that dieth,¹² but another verse says, Because the Lord would slay them?¹³ — The former refers to those who are penitents while the latter refers to those who are not penitent. One verse says, who regardeth not persons,¹⁴ nor taketh reward,¹⁵ but another verse says, The Lord lift up his countenance upon thee?¹⁶ — The former refers to the time before sentence is passed while the latter refers to the time after the sentence has been passed. One verse says, For the Lord hath chosen Zion,¹⁷ but another verse says, For this city¹⁸ hath been to me a provocation of Mine anger and of My fury from the day that they built it even unto this day?¹⁹ The former applied to the time before Solomon married the daughter of Pharaoh while the latter applied to the time after Solomon married the daughter of Pharaoh.

'Three were mere nonsense': Does the wife of Lot²⁰ convey uncleanness? He replied: A corpse conveys uncleanness but no pillar of salt conveys uncleanness. Does the son of the Shunamite²¹ convey uncleanness?²² He replied: A corpse conveys uncleanness but no live person conveys uncleanness. Will the dead in the hereafter²³ require to be sprinkled upon²⁴ on the third and the seventh²⁵ or will they not require it? He replied: When they will be resurrected we shall go into the matter.²⁶ Others say: When our Master Moses will come with them.

'Three were concerned with matters of conduct': What must a man do that he may become wise? He replied: Let him engage much in study²⁷ and a little in business. Did not many, they said, do so and it was of no avail to them? — Rather, let them pray for mercy from Him to whom is the wisdom, for it is said, For the Lord giveth wisdom, out of His mouth cometh knowledge and discernment.²⁸ R. Hiyya taught: This²⁹ may be compared to the action of a mortal king who prepared for his

servants a banquet but to his friends he sent from that which he had before himself. What then³⁰ does he³¹ teach us?³² That one without the other³³ does not suffice. What must a man do that he may become rich? He replied: Let him engage much in business³⁴ and deal honestly. Did not many, they said to him, do so but it was of no avail to them? — Rather, let him pray for mercy from Him to whom are the riches, for it is said, Mine is the silver, and Mine the gold.³⁵ What then³⁶ does he³⁷ teach us?³⁸ — That one without the other³⁹ does not suffice. What must a man do that he may have male children? He replied: He shall marry a wife that is worthy of him

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- (1) As a guilt-offering.
 - (2) Of the altar.
 - (3) Cf. Lev, XIV, 17.
 - (4) As a peace-offering (cf. Lev. III, 2).
 - (5) As peace-offerings.
 - (6) By restricting the time of consumption to a day and a night.
 - (7) If some of the sacrificial meat remained after the day and the night (cf. prev. n.) have passed.
 - (8) Sc. this sacrifice which, in case the man was no leper, is a peace-offering that may be eaten on two days.
 - (9) Lit., 'the house of disqualification', the enclosure where disqualified sacrificial meat was burnt. Now since Samuel follows R. Simeon and the latter allows a conditional sacrifice why was it necessary for the former to explain (supra 70a) that the guilt-offering had been offered while the man was rich?
 - (10) That the guilt-offering of a leper does not determine his financial condition in regard to his other two sacrifices,
 - (11) Maintaining, contrary to R. Simeon's view, that a guilt-offering may not be offered up conditionally.
 - (12) Ezek. XVIII, 32.
 - (13) I Sam, II, 25.
 - (14) Heb. lo yissa panim, lit., 'shall not lift up the countenance',
 - (15) Deut. X, 17.
 - (16) Num. VI, 26.
 - (17) Ps. CXXXII, 13.
 - (18) Zion.
 - (19) Jer. XXXII, 31.
 - (20) Who became a pillar of salt (Gen. XIX, 26.).
 - (21) "Whom Elisha restored to life (II Kings IV, 35).
 - (22) As if he were still dead.
 - (23) At the resurrection.
 - (24) As is the case with one who was in contact with a corpse.
 - (25) Of the seven days that are to be counted after one had contracted corpse uncleanness.
 - (26) Lit., 'we shall be wise about them'.
 - (27) Lit., 'in sitting (in the schoolhouse)'.
 - (28) Prov. II, 6.
 - (29) The knowledge that is given 'out of His mouth'.
 - (30) Seeing that one has in any case to pray for mercy.
 - (31) Samuel who stated, 'Let him engage much' etc.
 - (32) Sc. what is the use of study if mercy from heaven must in any case be sought?
 - (33) Study without prayer and vice-versa.
 - (34) 'Engage . . . business' is deleted by Elijah Wilna.
 - (35) Hag. II, 8.
 - (36) Seeing that one has in any case to pray for mercy.
 - (37) Samuel who stated, 'Let him engage much' etc.
 - (38) Cf. prev. n. but five mut. mut.
 - (39) Honest dealing without prayer and vice versa.

and conduct himself in modesty¹ at the time of marital intercourse. Did not many, they said to him, act in this manner but it did not avail them? — Rather, let him pray for mercy from Him to whom are the children, for it is said, Lo, children are a heritage of the Lord; the fruit of the womb is a reward.² What then³ does he teach us? That one without the other does not suffice. What is exactly meant by ‘the fruit of the womb is a reward’? — R. Hama son of R. Hanina replied: As a reward for containing oneself during intercourse in the womb, in order that one's wife may emit the semen first, the Holy One, blessed be He, gives one the reward of the fruit of the womb.

BETH SHAMMAI RULED etc. What is Beth Shammai's reason? If it be suggested: Because it is written, And the queen was exceedingly pained,⁴ and Rab explained, ‘This teaches that she had experienced a menstrual discharge’, so that here also,⁵ owing to the fright of the angel of death, she experiences a discharge [it could be retorted]: Have we not in fact learnt that fear causes blood to disappear?⁶ — This is no difficulty since fear⁶ detains it while sudden fright⁷ loosens it. But [then what of] that which was taught,⁸ ‘Beth Shammai stated: All men die as zabs and Beth Hillel stated: No dying man is deemed to be a zab unless he died when he was actually one’, why⁹ should not one apply here¹⁰ the text, Out of his flesh¹¹ but not on account of a mishap?¹² — Beth Shammai's reason is rather as it was taught: Formerly they were wont to subject to ritual immersion all utensils that had been used by dying menstruants,¹³ but as living menstruants felt ashamed in consequence¹⁴ it was enacted that utensils used by all dying women should be subject to immersion,¹⁵ out of a deference to the living menstruants. Formerly they were wont to subject to ritual immersion utensils used by dying zabs,¹⁶ but as living zabs felt ashamed in consequence it was enacted that utensils used by all dying men¹⁷ should be subject to ritual immersion, out of deference to the living zabs.¹⁸

MISHNAH. IF A WOMAN DIED AND A QUARTER OF A LOG OF BLOOD ISSUED FROM HER, IT¹⁹ CONVEYS UNCLEANNESS AS A BLOODSTAIN²⁰ AND IT²¹ ALSO CONVEYS UNCLEANNESS BY OVERSHADOWING.²² R. JUDAH RULED: IT DOES NOT CONVEY UNCLEANNESS AS A STAIN, SINCE IT WAS DETACHED AFTER SHE HAD DIED.²³ R. JUDAH, HOWEVER, AGREES THAT WHERE A WOMAN SITTING ON THE TRAVAILING STOOL DIED AND A QUARTER OF A LOG OF BLOOD ISSUED FROM HER, IT²⁴ CONVEYS UNCLEANNESS AS A BLOODSTAIN.²⁰ R. JOSE RULED: HENCE²⁴ IT CONVEYS NO UNCLEANNESS BY OVERSHADOWING.²⁵

GEMARA. Does it then follow²⁶ that the first Tanna²⁷ holds that even though blood was detached after she died²⁸ it conveys uncleanness as a bloodstain?²⁹ — Ze'iri³⁰ replied: The difference between them³¹ is³² the question whether the interior of the uterus is unclean.³³ R. JUDAH, HOWEVER, AGREES. Does it then follow that the first Tanna³⁴ holds that it conveys uncleanness by overshadowing also?³⁵ — Rab Judah replied: The difference between them³⁶ is³⁷ the question of mingled blood,³⁸ for it was taught: What is meant by ‘mingled blood’?³⁹ R. Eleazar son of R. Judah explained: If blood issued from a slain man both while he was still alive and when he was dead and it is doubtful whether [a full quarter of a log] issued while he was still alive or when he was already dead or whether it partly issued while he was alive and partly while he was dead, such is mingled blood.³⁹ But the Sages⁴⁰ ruled: In a private domain such a case of doubt is unclean while in a public domain such a case of doubt is clean. What then is meant by ‘mingled blood’?³⁹ If a quarter of a log of blood issued from a slain man both while he was still alive and when he was dead and the flow had not yet ceased⁴¹ and⁴² it is doubtful whether the greater part⁴³ issued while he was alive and the lesser part when he was dead or whether the lesser part issued while he was alive and the greater part when he was dead, such is mingled blood.⁴⁴ R. Judah ruled: The blood of a slain man, from whom a quarter of a log of blood issued while he was lying in a bed with his blood dripping into a hole, is unclean, because the drop of death is mingled with it, but the Sages hold it to be clean⁴⁵ because⁴⁶

(1) Cf. Rashi. Lit., ‘and sanctify himself’.

(2) Ps. CXXVII, 3.

- (3) Seeing that one has in any case to pray for mercy.
- (4) Est. IV, 4,
- (5) The case of dying women spoken of in our Mishnah.
- (6) Supra 39a, Sot. 20b.
- (7) As was the case with Esther or with a dying woman who sees the angel of death.
- (8) So MS.M. Cur. edd., 'we have learnt'.
- (9) According to Beth Shammai, if in their opinion the discharge is due to the fright of the angel of death.
- (10) The discharge of a dying man.
- (11) Lev. XV, 2; only in that case is the man unclean.
- (12) In which case he is clean; and since a discharge that is due to the fright of the angel of death is evidently a mishap, why should the man be unclean?
- (13) Since uncleanness is conveyed from the person to the utensils.
- (14) For being differentiated from all other women even when dying.
- (15) Even though they did not come in contact with them after death.
- (16) V. p. 492, n. 12.
- (17) V. p. 492, n. 14.
- (18) Tosef. Nid. IX, M.K. 27b; from which it follows that the reason for the uncleanness of the utensils any dying person had used is a Rabbinical enactment instituted in deference to the feeling of living menstruants and zabs. This reason is also that of Beth Shammai in our Mishnah.
- (19) Sc. the minutest drop of the blood.
- (20) Of a menstrual discharge. As the blood of a corpse it could convey no uncleanness unless it consisted of no less a quantity than a quarter of a log.
- (21) If all the quarter-log is accumulated.
- (22) As the blood of a corpse.
- (23) When menstrual uncleanness does not apply.
- (24) Since it was detached while the woman was still alive.
- (25) Only a corpse or the prescribed minimum of a part of it conveys uncleanness in this manner.
- (26) From R. Judah's ruling.
- (27) From whom R. Judah obviously differs.
- (28) When menstrual uncleanness does not apply.
- (29) But on what ground could such a view be justified?.
- (30) So MS.M. Cur. edd. in parenthesis add, 'R.'
- (31) R. Judah and the first Tanna.
- (32) Not the point whether the blood is menstrual or not.
- (33) According to the first Tanna it is unclean, hence the uncleanness of the blood that was within it when the woman was alive though when it emerged the woman was dead and no longer subject to the uncleanness of menstruation. According to R. Judah it is clean.
- (34) With whom R. Judah agrees only on the one point mentioned. Rashi and Meharsha read 'R. Jose' for 'the first Tanna'.
- (35) But how could uncleanness be conveyed in this manner, seeing that the blood issued when the woman was still alive?
- (36) R. Judah and the first Tanna.
- (37) Not, as has been assumed, the question whether the blood is subject to corpse uncleanness.
- (38) Sc. the blood of a corpse mingled with that of a living person. According to R. Judah, since it is doubtful whether all the blood was detached while the woman was still alive or whether part of it was detached after she died, it is regarded as mingled blood which Rabbinically conveys uncleanness by overshadowing (though Pentateuchally it cannot do so unless the prescribed minimum had been detached after death), while the first Tanna (or R. Jose according to Rashi and Meharsha) maintains that, since the woman was in travail, all the blood that issued may be presumed to have been detached while she was alive so that the question of mingled blood does not arise.
- (39) The corpse uncleanness of which is Rabbinic, and is conveyed by overshadowing.
- (40) Maintaining that in such a case, since one must take into account the possibility that all the quarter of a log may have issued after death, a possible Pentateuchal uncleanness is involved.

(41) So that it is yet possible for the quantity of blood to increase to the prescribed minimum of a quarter of a log. Where the flow ceased, so that it is certain that the blood issuing after death will never make up the prescribed minimum, not even a Rabbinical prohibition is imposed (cf. Tosaf. Asheri).

(42) Though it is certain that a full quarter of a log of blood did not issue after death.

(43) Of the quarter.

(44) V. p. 494, n. 6.

(45) Even if the greater part issued after his death.

(46) Since the blood did not emerge in a continuous flow but in single drops.

Talmud - Mas. Nidah 71b

each single drop¹ is detached from the other.² But did not the Rabbis speak well to R. Judah?³ — R. Judah follows his own principle, for he laid down that no blood can neutralize other blood.⁴ R. Simeon ruled: If the blood of a man crucified upon the beam was flowing slowly⁵ to the ground, and a quarter of a log of blood was found under him, it is unclean.⁶ R. Judah declared it clean, since it might be held⁷ that the drop of death remained on the beam. But why should not R. Judah say to himself⁸ ‘Since it might be held⁷ that the drop of death remained on the bed’? — [The case of blood] in a bed is different⁹ since it percolates.¹⁰

MISHNAH. FORMERLY IT WAS RULED: A WOMAN WHO ABIDES IN CLEAN BLOOD¹¹ MAY POUR OUT¹² WATER¹³ FOR [WASHING OF] THE PASCHAL LAMB.¹⁴ SUBSEQUENTLY THEY CHANGED THEIR VIEW: IN RESPECT OF CONSECRATED FOOD SHE IS LIKE ONE WHO CAME IN CONTACT WITH A PERSON THAT WAS SUBJECT TO CORPSE UNCLEANNES.¹⁵ THIS ACCORDING TO THE VIEW OF BETH HILLEL. BETH SHAMMAI RULED: EVEN AS ONE WHO IS SUBJECT TO CORPSE UNCLEANNES.¹⁶

GEMARA. ‘SHE MAY POUR OUT’ only, but may not touch it.¹⁷ It is thus evident¹⁸ that unconsecrated foodstuffs prepared in conditions of holiness¹⁹ are treated as holy. But then read the final clause: SUBSEQUENTLY THEY CHANGED THEIR VIEW: IN RESPECT OF CONSECRATED FOOD SHE IS LIKE ONE WHO CAME IN CONTACT WITH A PERSON THAT WAS SUBJECT TO CORPSE UNCLEANNES. Thus only²⁰ IN RESPECT OF CONSECRATED FOOD but not in respect of unconsecrated food.²¹ It is thus evident, is it not, that unconsecrated foodstuffs prepared in conditions of holiness¹⁹ are not treated as holy? — Who is the author of our Mishnah?²² It is Abba Saul; for it was taught: Abba Saul ruled, A tebul yom is unclean in the first grade in respect of consecrated food to cause two further grades of uncleanness²³ and one grade of disqualification.²⁴

MISHNAH. BUT THEY²⁵ AGREE THAT SHE²⁶ MAY EAT²⁷ SECOND TITHE; SHE MAY SET ASIDE HER²⁸ DOUGH-OFFERING,²⁹ BRING IT NEAR³⁰ TO THE DOUGH³¹ AND DESIGNATE IT AS SUCH;³² AND THAT IF ANY OF HER SPITTLE OR OF THE BLOOD OF HER PURIFICATION³³ FELL ON A LOAF OF TERUMAH THE LATTER REMAINS CLEAN. BETH SHAMMAI RULED: SHE REQUIRES IMMERSION AT THE END [OF HER DAYS OF PURIFICATION],³⁴ AND BETH HILLEL RULED: SHE REQUIRES NO IMMERSION AT THE END.

GEMARA. Because³⁵ a Master ruled: If a person performed immersion and came up [from his bathing] he may³⁶ eat of second tithe.

SHE MAY SET ASIDE HER DOUGH-OFFERING. For unconsecrated dough that is tebel³⁷ in respect of the dough-offering³⁸ is not treated like the dough-offering.³⁹

BRING IT NEAR. Because a Master stated: It is a religious duty to set aside the offering from

dough that is in close proximity to that for which it is set aside.

AND DESIGNATE IT AS SUCH. Since it might have been presumed that this should be forbidden as a preventive measure against the possibility of her touching the dough⁴⁰ from the outside,⁴¹ we were informed [that this is permitted].

AND IF ANY OF HER SPITTLE . . . FELL. For we have learnt: The liquid [issues] of a tebul yom⁴² are like the liquids that he touches, neither of them conveying uncleanness. The exception is the liquid issue of a zab⁴³ which is a father of uncleanness.

BETH SHAMMAI. What is the point at issue between them?⁴⁴ — R. Kattina replied: The point at issue between them is the necessity for immersion⁴⁵ at the end of a long day.⁴⁶

MISHNAH. IF A WOMAN OBSERVED A DISCHARGE ON THE ELEVENTH DAY⁴⁷ AND PERFORMED IMMERSION IN THE EVENING AND THEN HAD MARITAL INTERCOURSE, BETH SHAMMAI RULED: THEY⁴⁸ CONVEY UNCLEANNESS⁴⁹ TO COUCH AND SEAT⁵⁰ AND THEY ARE LIABLE TO A SACRIFICE,⁵¹

(1) Lit., 'first first'.

(2) And so soon as it drops into the hole it becomes neutralized in the clean blood that issued while the man was still alive. Only where the flow of the blood is continuous and the man lies on the ground, so that there is no mingling of the two kinds of blood, is corpse uncleanness imposed by the Rabbis where the greater part issued after death.

(3) They did. How then (cf. prev. n.) can R. Judah maintain his view?

(4) V. Zeb. 78a.

(5) In a continuous stream. Had it been falling in drops each drop would have been neutralized as it fell into the clean blood that issued earlier while the man was still alive.

(6) Since the blood that issued after death and that could not be neutralized (cf. prev. n.) is subject to corpse uncleanness.

(7) Lit., 'because I say'.

(8) In the case of his previous ruling about a slain man lying in a bed (supra 71a ad fin.) where R. Judah ruled that the blood is unclean.

(9) From that on the beam.

(10) Through the bed to the ground.

(11) Sc. from the eighth to the fortieth, and from the fifteenth to the eightieth day after the birth of a male and female child respectively (cf. Lev. XII, 2ff).

(12) Lit., 'was pouring out'.

(13) From one vessel into another, the water itself not being touched by her (v. next n. final clause).

(14) Sc. she is subject to the second grade of uncleanness like a tebul yom (v. Glos.), since her immersion was performed at the end of the seven, and the fourteen days respectively, and the sunset prior to the first day of her complete cleanness will not occur before the fortieth and eightieth day respectively. One who is subject to second grade of uncleanness conveys a third grade of uncleanness to foodstuffs only but not to vessels.

(15) Sc. her uncleanness in this respect is of the first grade. In regard to unconsecrated things, however, she is still subject to the second grade of uncleanness only.

(16) Who is a 'father of uncleanness' and conveys an uncleanness of the first grade to vessels also.

(17) The water.

(18) Since she may not touch the water itself.

(19) As in the case of the water under discussion which was being prepared for the washing of the paschal lamb.

(20) Lit., 'yes'.

(21) So that the woman may touch the water itself.

(22) Sc. of the final clause.

(23) The consecrated food that comes in contact with him is unclean in the second grade and that which comes in contact with this food is unclean in the third grade.

(24) If terumah, for instance, came in contact with the food that is unclean in the third grade (cf. prev. n.) it becomes

disqualified but cannot convey any uncleanness to other foodstuffs.

(25) Beth Shammai and Beth Hillel.

(26) Cf. prev. Mishnah.

(27) Like a tebul yom.

(28) Lit., 'for herself'.

(29) Before she designates it as such.

(30) In the vessel in which she has put it.

(31) Since the dough-offering must be close to the dough for which it is taken when it is named as the offering for it.

(32) After which, of course, she must not touch it (cf. prev. n. but one).

(33) Cf. supra p. 496, n. 1.

(34) After the fortieth and eightieth day respectively.

(35) A reason for the first ruling in our Mishnah.

(36) Even before sunset.

(37) V. Glos.

(38) Sc. from which the dough-offering had not been taken.

(39) A tebul yom (as one subject to the second grade of uncleanness) cannot, therefore, impart any uncleanness to it.

(40) Lit., 'it', after it had been designated as dough offering.

(41) Sc. she might put her hand across the sides of the vessel in which the dough-offering is kept, and so impart uncleanness to the offering.

(42) 'The liquids that issue from him' is added in cur. edd., in parenthesis.

(43) The passage from here to the end of the sentence is deleted by Elijah Wilna.

(44) Beth Shammai and Beth Hillel.

(45) If earlier in that day immersion had already been performed.

(46) That terminated a period of uncleanness. The forty as well as the eighty days (cf. supra p. 496, n. 1) are regarded as one long day in the course of which (on the seventh and the fourteenth day respectively) immersion had already been performed.

(47) Sc. the last day of a zibah period which is followed by the first day of the next menstruation period.

(48) The woman and her husband.

(49) As a woman under the obligation of allowing a clean day to pass after a day of uncleanness and as the man who had intercourse with such a woman respectively.

(50) I.e., to any object on which they lie or sit, which in turn conveys uncleanness to foodstuffs and drinks.

(51) Prescribed for a woman and a man who had intercourse in such circumstances (cf. prev. n. but one).

Talmud - Mas. Nidah 72a

BUT BETH Hillel¹ RULED: THEY ARE EXEMPT FROM THE SACRIFICE.² IF SHE PERFORMED IMMERSION ON THE NEXT DAY³ AND THEN HAD MARITAL INTERCOURSE AND AFTER THAT OBSERVED A DISCHARGE, BETH SHAMMAI RULED: THEY⁴ CONVEY UNCLEANNESS⁵ TO COUCH AND SEAT⁶ AND ARE EXEMPT FROM THE SACRIFICE,⁷ BUT BETH HILLEL RULED: SUCH A PERSON⁸ IS A GLUTTON,⁹ THEY¹⁰ AGREE, HOWEVER, THAT, WHERE A WOMAN OBSERVED A DISCHARGE DURING THE ELEVEN DAYS¹¹ AND PERFORMED IMMERSION IN THE EVENING AND THEN HAD INTERCOURSE, BOTH¹² CONVEY UNCLEANNESS TO COUCH AND SEAT¹³ AND ARE LIABLE TO A SACRIFICE.¹⁴ IF SHE PERFORMED IMMERSION ON THE NEXT DAY¹⁵ AND THEN HAD INTERCOURSE, SUCH AN ACT IS IMPROPER¹⁶ CONDUCT,¹⁷ BUT THE UNCLEANNESS OF THEIR TOUCH AND THEIR LIABILITY TO A SACRIFICE ON ACCOUNT OF THEIR INTERCOURSE ARE IN SUSPENSE.¹⁸ GEMARA. Our Rabbis taught: And both¹⁹ agree²⁰ that if a woman performs immersion at night after a zibah²¹ the immersion is invalid, for both agree that if a woman who observed a discharge during the eleven days²¹ and performed immersion in the evening and then had intercourse she conveys uncleanness to couch and seat and both are liable to a sacrifice. They¹⁹ only differ where a discharge occurred on the eleventh day in which case Beth Shammai ruled: They²² convey uncleanness to couch and seat and are liable

to a sacrifice, and Beth Hillel exempt them from the sacrifice. Said Beth Shammai to Beth Hillel: Why should in this respect the eleventh day differ from one of the intermediate of the eleven days; seeing that the former is like the latter in regard to uncleanness, why should it not also be like it in regard to the sacrifice? Beth Hillel answered Beth Shammai: No; if you ruled that a sacrifice is due after a discharge in the intermediate of the eleven days because the following day²³ combines with it in regard to zibah, would you also maintain the same ruling in regard to the eleventh day which²⁴ is not followed by one that we could combine with it in regard to zibah? Said Beth Shammai to them: You must be consistent;²⁵ if the one is like the other in regard to uncleanness it should also be like it in regard to the sacrifice, and if it is not like it in regard to the sacrifice it should not be like it in regard to uncleanness either. Said Beth Hillel to them: If we impose upon a man²⁶ uncleanness in order to restrict the law²⁷ we cannot on that ground impose upon him the obligation of a sacrifice which might²⁸ lead to a relaxation of the law.²⁹ And, furthermore, you stand refuted³⁰ Out of your own rulings. For, since you rule that if she performed immersion on the next day and having had intercourse she observed a discharge, uncleanness is conveyed to couch and seat and she is exempt from a sacrifice, you also must be consistent.³¹ If the one is like the other in regard to uncleanness it should also be like it in regard to the sacrifice and if it is not like it in regard to the sacrifice it should not be like it in regard to uncleanness either. The fact, however, is that they are like one another only where the law is thereby restricted but not where it would thereby be relaxed; well, here also, they are like one another where the law is thereby restricted but not where it is thereby relaxed.

R. Huna stated: Couches and seats³² which she occupies on the second day³³ are held to be unclean³⁴ by Beth Shammai even though she performed immersion³⁵ and even though she observed no discharge.³⁵ What is the reason? — Because if she had observed a discharge she would have been unclean,³⁶ she is therefore now³⁷ also unclean.³⁴ Said R. Joseph: What new law does he³⁸ teach us,³⁹ seeing that we have learnt, IF SHE PERFORMED IMMERSION ON THE NEXT DAY⁴⁰ AND THEN HAD MARITAL INTERCOURSE AND AFTER THAT OBSERVED A DISCHARGE, BETH SHAMMAI RULED: THEY⁴¹ CONVEY UNCLEANNESS TO COUCH AND SEAT⁴² AND ARE⁴¹ EXEMPT FROM THE SACRIFICE?⁴³ R. Kahana objected:⁴⁴ Where she observed a discharge⁴⁵ the case is different.⁴⁶ Said R. Joseph: But what matters it that she observed a discharge⁴⁷ seeing that it is one of menstruation?⁴⁸ — Abaye answered R. Joseph: R. Kahana⁴⁹ had this difficulty: Where the woman did observe a discharge one can well see the reason why uncleanness has been imposed since⁵⁰ an observation of menstruation had to be declared unclean as a preventive measure against the possibility of an observation of a discharge of zibah, but where one observed no discharge⁵¹ what possibility was there to be provided against? And, furthermore, we have learnt:⁵² If a man observed one discharge of zibah, Beth Shammai ruled: He is like a woman who waits a day for a day⁵³ and Beth Hillel ruled: Like a man who emitted semen,⁵⁴

(1) Maintaining that a woman who observed a discharge on the eleventh day of her zibah period need not allow a clean day to pass before cleanness can be established.

(2) But, in accordance with a Rabbinical enactment, are subject to uncleanness, as a preventive measure against a discharge during the eleven days (other than the last) in which case the uncleanness is Pentateuchal unless a portion at least of the following day had passed in cleanness.

(3) The day following the zibah period (which is the first day of that of menstruation), a portion of that day having passed in cleanness.

(4) The woman and her husband.

(5) Rabbinically as a preventive measure (cf. p. 498, n. 14).

(6) V. p. 498, n. 11.

(7) Since a portion of the day at least, has passed in cleanness. The discharge observed later in the day has no bearing on zibah since that day belonged to the menstruation period.

(8) Lit., 'behold this', the person who is in such a hurry as not to allow even one clean day to pass after a zibah discharge.

(9) Sexually. Such hurry is indecent, since it might lead one to act similarly in the case of a discharge in the intermediate

days of the zibah period when a Pentateuchal prohibition might be infringed. The uncleanness of zibah, however, does not apply.

(10) Beth Shammai and Beth Hillel.

(11) Other than the last.

(12) Husband and wife.

(13) Though no discharge appeared on the following day.

(14) Since, as a minor zabah (one who experienced a discharge on one of the days of a zibah period) she must allow one clean day to pass before she can regard herself as clean.

(15) So that a part of the day at least had passed in cleanness.

(16) Lit., 'bad'.

(17) Because a discharge that might possibly occur later in the day would continue and extend the uncleanness of the previous day and render the immersion invalid.

(18) Until the evening. If later in the day she experienced a discharge their touch conveys the uncleanness of zibah and they are liable to bring the prescribed sacrifice; but if no discharge appeared the touch conveys no uncleanness and no liability to a sacrifice is incurred.

(19) Beth Shammai and Beth Hillel.

(20) Though Beth Hillel hold that, where a discharge appeared on the eleventh day and immersion was performed in the evening, intercourse in that night does not involve the bringing of a sacrifice.

(21) Sc. on any day other than the eleventh.

(22) Husband and wife.

(23) Which is also one of the days of the zibah period.

(24) Being the last of the zibah days and followed by the first of those of menstruation.

(25) Lit., 'make your measures equal'.

(26) Lit., 'we brought him'.

(27) Rabbinically.

(28) In case the sacrifice is not obligatory.

(29) Offering on the altar an unconsecrated beast.

(30) Noshekin, lit., 'you bite'. Golds. suggests the reading *mushabin*, 'you are answered'.

(31) Lit., 'make your measures equal'.

(32) So MS.M. and Rashi. Cur. edd. 'her couch and seat'.

(33) Sc. the day following one of the intermediate days of the zibah period on which she experienced a discharge.

(34) Rabbinically.

(35) On the second day.

(36) Retrospectively, in accordance with Pentateuchal law, since the discharge on the second day is joined to that on the first to constitute a continuous zibah.

(37) As a preventive measure.

(38) R. Huna.

(39) By his statement.

(40) The day following the eleventh of a zibah period, which is the first of the following menstruation period, and a discharge on which cannot be treated as a continuation of the zibah discharge of the previous day.

(41) Cur. edd. use here the fem. sing.

(42) In cur. edd., the plural is here used.

(43) Now, since a discharge on the twelfth day cannot be treated as a continuation of that on the eleventh (cf. prev. n. but two) and since it does not invalidate the immersion on that day, that discharge, as far as zibah is concerned, might well be regarded as if it had never occurred. The case is consequently similar to that of R. Huna where a discharge on an intermediate day in the zibah period was followed by a day on which none had occurred. As in the Mishnah, where the second discharge occurred on the twelfth, uncleanness has been imposed Rabbinically as a preventive measure against the possibility of a second discharge occurring on the eleventh so also in the case of R. Huna uncleanness must be imposed where no discharge occurred on the second day as a preventive measure against the possibility of a discharge occurring on the second day. What need then was there for R. Huna to make a statement which is implicit in the ruling of our Mishnah?

(44) Against R. Huna.

- (45) The case dealt with in our Mishnah though that discharge could not be attributed to zibah.
- (46) From one where there was no discharge at all. How then could R. Huna maintain his statement?
- (47) The case in our Mishnah.
- (48) Which cannot be attributed to zibah; and consequently (cf. p. 501, n. 13) might be regarded (as in the case of R. Huna) as if no discharge had taken place. What then is the basis of R. Kahana's objection?
- (49) Who advanced the opinion that 'where she observed a discharge the case is different'.
- (50) The ruling concerning one discharge being likely to be misunderstood for that of another discharge.
- (51) And since the absence of a discharge is not likely to be misunderstood for a discharge.
- (52) Contrary to the view of R. Huna.
- (53) Sc. who must allow one clean day to pass for every day on which she experienced a discharge before she may be regarded as clean. As the uncleanness of the touch of such a woman on the second day after she performed immersion is left in suspense to provide against the possibility of a discharge appearing later in the day, so must also be the uncleanness of such a person if after experiencing the discharge he performed immersion. If, e.g., he touches the tithe its uncleanness must remain in suspense in case he observes a second discharge which would continue his former zibah.
- (54) Sc. he is clean in regard to tithe immediately after his immersion. At all events it was here stated that, according to Beth Shammai, a woman who waits a day for a day is on a par with a man who experienced a first discharge of zibah.

Talmud - Mas. Nidah 72b

and it was taught:¹ If a man² caused the shaking of the [first] observed discharge, Beth Shammai ruled: The man must be held in suspense,³ and Beth Hillel declared him clean.⁴ As to couches and seats occupied between a first and a second discharge, Beth Shammai hold them in suspense and Beth Hillel declare them clean. Now in the first clause it was stated, 'If a man observed one discharge of zibah, Beth Shammai ruled: He is like a woman who waits a day for a day', from which it is evident, is it not, that in the case of a woman who waits a day for a day the uncleanness is held in suspense?⁵ — Do not read, 'A woman who waits a day for a day' but read: Like a man who had intercourse with one who waits a day for a day.⁶ But why is it that he⁷ does not convey uncleanness to couch and seat,⁸ while she does convey uncleanness to them?⁹ — About him, since he does not usually bleed, the Rabbis enacted no preventive measure,¹⁰ but in her case, since she does usually bleed, the Rabbis enacted a preventive measure. But¹¹ why is it that she conveys uncleanness to couch and seat and does not convey uncleanness to the man who had intercourse with her? — To couch and seat which are in common use she conveys uncleanness but to the man who had intercourse, which in such circumstances is an unusual occurrence, no uncleanness is conveyed.

We learnt, IF SHE PERFORMED IMMERSION ON THE NEXT DAY AND THEN HAD INTERCOURSE, SUCH AN ACT IS IMPROPER CONDUCT, BUT THE UNCLEANNESS OF THEIR TOUCH AND THEIR LIABILITY TO A SACRIFICE ON ACCOUNT OF THEIR INTERCOURSE ARE IN SUSPENSE. Does not this represent the general view?¹² — No, it is only the view of Beth Hillel. For it was taught: Said R. Judah to Beth Hillel: Do you then call such an act improper conduct, seeing that this man only intended to have intercourse with a menstruant? — 'A menstruant'! How could such an idea be entertained? — Rather read: To have intercourse with a zabah. 'A zabah'! How could this idea be entertained? — Rather read: To have intercourse with one who waits a day for a day.

It was stated: As to the tenth day,¹³ R. Johanan ruled, The tenth is on a par with the ninth; as the ninth¹⁴ must be followed¹⁵ by observation¹⁶ so must the tenth¹⁷ be followed by observation.¹⁸ Resh Lakish ruled: The tenth is on a par with the eleventh; as the eleventh¹⁹ need not be followed by observation²⁰ so the tenth need not be followed by observation.

Some there are who teach this²¹ in connection with the following. R. Eleazar b. 'Azariah said to R. Akiba, Even if you were all day to draw inferences from²² the repetition of 'with oil'²³ I would not listen to you, the fact being that the prescribed quantities of half a log of oil for a

thanksgiving-offering, and a quarter of a log of wine for a nazirite, and the eleven days that intervene between one menstruation period and the next are the halachah of Moses handed down from Sinai. What is the 'halachah' referred to? — R. Johanan replied: The one halachah applicable to the eleventh day.²⁴ Resh Lakish replied: The halachahs²⁵ applicable to the eleventh day. 'R. Johanan replied: The one halachah applicable to the eleventh day' i.e., the eleventh day²⁶ only need not be followed²⁷ by a day of observation²⁸ but for the other days²⁹ it³⁰ does serve as a day of observation. But 'Resh Lakish replied: The halachahs applicable to the eleventh day', i.e., neither need the eleventh be followed by one of observation nor does it serve as one of observation for the tenth.³¹ But are these³² halachahs? Are they not in fact derived from Scriptural texts? For it was taught: As it might have been presumed that if a woman observes a discharge on three consecutive days at the beginning of a menstruation period she shall be a zabah,³³ and that the text³⁴ 'If a woman have an issue and her issue in her flesh be blood'³⁵ applies³⁶ to one who observed a discharge on one day only³⁷ it was, therefore, explicitly stated,

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- (1) Regarding a zab who experienced one discharge.
 - (2) Who was clean.
 - (3) Until evening. If the zab experienced a second discharge on that day he becomes a confirmed zab retrospectively and the man who shook the discharge becomes unclean.
 - (4) As is the case with one who caused the shaking of semen who remains clean.
 - (5) And if she experiences no second discharge she is clean.
 - (6) Because R. Huna agrees in the case of the man that, if the intercourse took place on the second day after the woman's immersion, the question of his uncleanness must be held in suspense and that before a second discharge appears he is even Rabbinically free from certain uncleanness.
 - (7) The man who had the intercourse.
 - (8) Which he alone occupied.
 - (9) To couch and seat that have been occupied by her.
 - (10) That, even where the woman observed no discharge after their intercourse, he shall convey uncleanness to couch and seat.
 - (11) Since a preventive measure was enacted in her case on account of her tendency to bleed.
 - (12) Even that of Beth Shammai who accordingly hold that on the day following a discharge during the intermediate days of the zibah period the woman's touch causes only a suspended uncleanness. An objection thus arises against R. Huna who maintained that according to Beth Shammai couch and seat in such circumstances are held to be unclean.
 - (13) Sc. a first discharge on the tenth day of the zibah period. Such a discharge can never develop into a major zibah (by being repeated on three consecutive days) since the tenth day is followed by one day only of the zibah period (the eleventh) the twelfth being the first of the next menstruation period.
 - (14) Since a discharge on it may develop (if it is repeated on the tenth and the eleventh) into a major zibah.
 - (15) Lit., 'requires'.
 - (16) On the next day.
 - (17) If it was the first day in the zibah period on which a discharge appeared.
 - (18) On the eleventh; though a repeated discharge on the latter day would not constitute a major zibah.
 - (19) Which is the last day of the zibah period.
 - (20) According to Beth Hillel the day following being one of menstruation.
 - (21) The dispute between R. Johanan and Resh Lakish.
 - (22) Lit., increase, i.e., to regard every Scriptural mention of 'with oil', in connection with the thanksgiving-offering, as implying an addition to the quantity specified. Any two additions imply a reduction (cf. Zeb. 82a, 89a).
 - (23) Lit., 'with oil, with oil,' (cf. Rashal and Bah).
 - (24) Of a zibah period.
 - (25) Two.
 - (26) If a discharge was observed on it.
 - (27) As any other of the eleven days must.
 - (28) Since the next day is the first of the menstruation period.
 - (29) The tenth.

(30) The eleventh.

(31) This is the Pentateuchal law. Rabbinically, however, even the eleventh day must be followed by one of observation before the woman may be regarded as clean.

(32) The rules regarding the eleventh day.

(33) Requiring a count of seven days after the third, and a sacrifice at the end of the counting.

(34) Lit., and what do I establish', sc, what is derived from.

(35) Lev. XV, 19, which implies that neither the counting of seven days nor any sacrifice is required.

(36) Cf. prev. n. but one.

(37) Cf. Rashal. Cur. edd. in parenthesis, 'but she who observes on three days at the beginning shall be a zabah'.

Talmud - Mas. Nidah 73a

Not in the time of her menstruation,¹ implying,² close to the time of her menstruation.³ Thus I only know about⁴ the three days that immediately follow⁵ the period of her menstruation, whence is it deduced that the same restrictions apply where the three days are separated from the period of her menstruation by one day? It was explicitly stated, Or if she have an issue.⁶ Thus I only know about an interval of one day, whence is it deduced that the restrictions extend [where the day or the days on which the discharge appeared were] separated [from the menstruation period] by two, three, four, five, six, seven, eight, nine or ten days? You may reason thus: As we find in the case of the fourth day⁷ that⁸ it is suitable for the counting⁹ and¹⁰ is also appropriate as one for zibah¹¹ so may I also introduce¹² the tenth day¹³ since it is both suitable for the prescribed counting¹⁴ and appropriate as one for zibah.¹⁵ But whence is it deduced that the eleventh day¹⁶ is also included?¹⁷ It was explicitly stated, Not in the time of her menstruation.¹⁸ Might I also¹⁹ include¹⁷ the twelfth day?⁷ You must admit that this cannot be done.²⁰ But what reason do you see for including¹⁷ the eleventh and for excluding the twelfth? I include the eleventh since it is suitable for being counted [as one of the seven clean days following the one²¹ that is deduced²² from] 'or if she have an issue'²³ and I exclude the twelfth since it is not suitable for being counted as one of the seven clean days following the one that is deduced from 'or if she have an issue'.²⁴ But so far I only know that zibah²⁵ is established after a discharge on²⁶ three days, whence is it deduced that the restrictions apply to a discharge on two days? It was explicitly stated, Days.²⁷ Whence the deduction that the same applies also to a discharge on one day? It was explicitly stated, All the days.²⁷ 'Unclean',²⁷ implies that she conveys uncleanness to the man who had intercourse with her like a menstruant. 'She',²⁷ implies that only she conveys uncleanness to the man who had intercourse with her but that the zab conveys no uncleanness to the woman with whom he had intercourse. But is there not an argument [a minori ad majus]: If she, who does not contract uncleanness on account of observation²⁸ as on account of days,²⁹ does convey uncleanness to the man who had intercourse with her, is there not more reason that the man who does contract uncleanness on account of observation as on account of days³⁰ should convey uncleanness to the woman with whom he had intercourse? It was expressly stated, 'she',²⁷ implying that only she conveys uncleanness to the man who had intercourse with her but that a zab does not convey uncleanness to the woman with whom he had intercourse. But whence is it deduced that he conveys uncleanness to couch and seat? It was expressly stated, As the bed of her menstruation.³¹ From this,³¹ however, I would only know the case of a man who experienced a discharge on three days, whence the deduction that the restrictions apply to a discharge on two days? It was explicitly stated, 'Days'. But whence the deduction that the same applies to a discharge on one day? It was stated, 'All the days' — And whence do we infer that the woman must count one day to correspond to one day?³² It was stated, She shall be.³³ As it might have been presumed that she should count seven days after a discharge has appeared on two days only, this being arrived at by the following argument, 'If the man who does not count one day to correspond to one day³⁴ counts seven days after a discharge on two days, how much more reason is there that she who does count one day to correspond to one day³² should count seven days after a discharge on two days', it was explicitly stated, She shall be,³³ implying that she counts one day only. It is thus evident,³⁵ is it not, that these³⁶ are derived from Scriptural texts?³⁷ — According to R. Akiba they are derived from

Scriptural texts, but according to R. Eleazar b. 'Azariah they are traditional halachahs.

Said R. Shemaiah³⁸ to R. Abba:³⁹ Might it be suggested that on account of a discharge in the day time⁴⁰ a woman is a zabah, and that on account of one in the night⁴¹ she is a menstruant? — For your sake,⁴² the other replied, Scripture stated, By⁴³ the time of her menstruation,⁴⁴ implying⁴⁵ a discharge close to the time of her menstruation. Now which is a discharge that is close to the time of her menstruation? One that occurred in the night;⁴⁶ and yet Scripture called her a zabah.⁴⁷

The Tanna debe Eliyahu⁴⁸ [teaches]: Whoever repeats⁴⁹ halachahs every day may rest assured that he will be a denizen of the world to come, for it is said, Halikoth — the world is his;⁵⁰ read not halikoth⁵¹ but halakoth.⁵²

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(1) Lev. XV, 25. E.V., 'of her impurity'.

(2) Cur. edd. in parenthesis, 'beyond the time of her menstruation'.

(3) Sc. the three consecutive days on which a discharge appears and which subject the woman to the restrictions of a major zabah must be close to (not within) the seven days of the menstruation period, viz., the first three days of the period of zibah.

(4) Lit., 'and I have not but'.

(5) Lit., 'near to'.

(6) Lev. XV, 25.

(7) After the menstruation period.

(8) Where the discharge appeared on the first three days following menstruation and then ceased.

(9) Of the prescribed seven days beginning with it.

(10) As has just been deduced from Lev. XV, 25: Or if she have an issue.

(11) If the discharge first appeared on the second day following menstruation and was repeated on the third and fourth.

(12) Under the zibah restrictions.

(13) And, much more so, the other days enumerated.

(14) Where the discharge appeared on the first three days after menstruation.

(15) If the discharge occurred on it as well as on the preceding two days.

(16) Which, if the discharge appeared on the first three days, cannot be counted among the seven days prescribed.

(17) In the restrictions, so that if a discharge appeared on it and on the preceding two days zibah is established.

(18) Lev. XV, 25. E.V. 'of her impurity'.

(19) As a deduction from the text just cited.

(20) A discharge on the twelfth being regarded as one of menstruation that cannot be added to the zibah.

(21) The fourth day.

(22) Supra.

(23) The seven days following a discharge on the fourth terminating on the eleventh.

(24) It being the first day of menstruation.

(25) That conveys uncleanness to couch and seat.

(26) Lit., 'and I have not but'.

(27) Lev. XV, 25.

(28) If, e.g., she experienced three discharges on one day she is not regarded as a major zabah (v. foll. n.) to incur the obligation of a sacrifice.

(29) A discharge that appeared on three consecutive days confirms a woman as a major zabah (cf. prev. n.).

(30) A man is confirmed as a zab irrespective of whether he observed three discharges on three consecutive days respectively or all the three discharges on the same day (cf. B.K. 24a).

- (31) Lev. XV, 16.
- (32) Sc. if she experienced a discharge on one day she must allow one clean day to pass before she may be regarded as clean.
- (33) Lit., 'shall be to her', Lev. XV, 25.
- (34) After one discharge on one day he performs immersion in the evening and resumes his cleanness.
- (35) The argument begun on 72b ad fin. is now resumed and concluded.
- (36) The laws regarding the intervals between the menstruation periods, viz., that each interval extends over eleven days; that a discharge on three consecutive days of these eleven subjects the woman to the restrictions of a major zabah; that after a discharge on only one or two of these days no more than one clean day need be allowed to pass; that after the eleven days' period the menstruation period begins, and that a discharge on the first of these causes the woman to be unclean on that day and on the following six days.
- (37) How then could it be stated supra that these laws were halachahs?
- (38) Var. lec., Isaiah (Yalkut).
- (39) Var. lec., Raba (MS.M.).
- (40) Since the text from which the laws of zibah are derived (Lev. XV, 25) speaks of days.
- (41) When (cf. prev. n.) she cannot be regarded a zabah.
- (42) Sc. in order to avert the possibility of his deduction.
- (43) 'Al, E.V. 'beyond'.
- (44) Lev. XV, 25. E.V. 'her impurity'.
- (45) By the use of 'al ('by').
- (46) Since the menstruation period comes to an end at the sunset of the seventh day.
- (47) The verb rendered by 'have an issue' (Lev. XV, 25) being derived from the same root as zabah.
- (48) A treatise bearing this name is mentioned in Keth., (Sonc. ed.,) p. 680, n. 2
- (49) Or 'learns'.
- (50) Hab. III, 6. E.V. 'his goings are of old'.
- (51) 'Goings out'.
- (52) Or 'halachahs' (the Mishnah, Baraitha, and the oral laws that were handed down through Moses from Sinai). If a man studies these 'halachahs, the world (to come) is his'.

Mishna - Mas. Kelim Chapter 1

MISHNAH 1. THE FATHERS OF UNCLEANNESS¹ ARE A [DEAD] CREEPING THING,² SEMEN VIRILE, [AN ISRAELITE] WHO HAS CONTRACTED CORPSE UNCLEANNESS, A LEPER DURING THE DAYS OF HIS COUNTING³ AND THE WATERS OF PURIFICATION⁴ WHOSE QUANTITY IS LESS THAN THE MINIMUM PRESCRIBED FOR SPRINKLING.⁵ BEHOLD, THESE CONVEY UNCLEANNESS TO MEN AND VESSELS BY CONTACT AND TO EARTHENWARE BY PRESENCE WITHIN THEIR AIRSPACE,⁶ BUT⁷ THEY CANNOT CONVEY UNCLEANNESS BY CARRIAGE.

MISHNAH 2. ON A HIGHER PLANE⁸ THAN THESE⁹ ARE CARRION AND WATERS OF PURIFICATION WHOSE QUANTITY IS SUFFICIENT TO BE SPRINKLED, FOR THESE CONVEY UNCLEANNESS TO MAN BY CARRIAGE,¹⁰ SO THAT HE IN TURN¹¹ CONVEYS UNCLEANNESS TO CLOTHING BY CONTACT.¹² CLOTHING, HOWEVER,¹³ IS FREE FROM UNCLEANNESS WHERE THERE WAS¹⁴ CONTACT ALONE.¹⁵

MISHNAH 3. ON A HIGHER PLANE¹⁶ IS THE MAN WHO HAD INTERCOURSE WITH A MENSTRUANT, FOR HE CONVEYS TO THAT ON WHICH HE LIES¹⁷ THE SAME UNCLEANNESS AS [A ZAB¹⁸ CONVEYS] TO THAT¹⁹ WHICH LIES ABOVE HIM.²⁰ ON A HIGHER PLANE¹⁶ THAN THESE ARE THE ISSUE OF A ZAB, HIS SPITTLE, HIS SEMEN AND HIS URINE, AND THE BLOOD OF A MENSTRUANT, FOR THEY CONVEY UNCLEANNESS²¹ BOTH BY CONTACT AND BY CARRIAGE.²² ON A HIGHER PLANE¹⁶ THAN THESE IS AN OBJECT ON WHICH ONE CAN RIDE,²³ FOR IT CONVEYS UNCLEANNESS EVEN WHEN IT LIES UNDER A HEAVY STONE.²⁴ ON A HIGHER PLANE¹⁶ THAN THE OBJECT ON WHICH ONE CAN RIDE IS THAT ON WHICH ONE CAN LIE, FOR IN THE LATTER CASE UNCLEANNESS²⁵ IS CONVEYED BY CONTACT AS BY CARRIAGE.²⁶ ON A HIGHER PLANE¹⁶ THAN THE OBJECT ON WHICH ONE CAN LIE IS THE ZAB, FOR A ZAB CONVEYS UNCLEANNESS TO THE OBJECT ON WHICH HE LIES²⁷ WHILE THE OBJECT ON WHICH HE LIES²⁸ CANNOT CONVEY THE SAME UNCLEANNESS²³ TO THAT UPON WHICH IT LIES.²⁹

MISHNAH 4. ON A HIGHER PLANE¹⁶ THAN THE ZAB IS THE ZABAH,³⁰ FOR SHE CONVEYS UNCLEANNESS³¹ TO THE MAN WHO HAS INTERCOURSE WITH HER.³² ON A HIGHER PLANE THAN THE ZABAH IS THE LEPER, FOR HE CONVEYS UNCLEANNESS³³ BY ENTERING INTO A HOUSE.³⁴ ON A HIGHER PLANE THAN THE LEPER IS A BONE³⁵ OF THE SIZE OF A BARLEY GRAIN, FOR IT³⁶ CONVEYS AN UNCLEANNESS OF SEVEN DAYS. MORE RESTRICTIVE THAN ALL THESE IS A CORPSE, FOR IT CONVEYS UNCLEANNESS BY OHEL³⁷ WHEREBY ALL THE OTHERS CONVEY NO UNCLEANNESS.³⁸

MISHNAH 5. TEN GRADES OF UNCLEANNESS³⁹ EMANATE FROM MEN: A MAN⁴⁰ BEFORE THE OFFERING OF HIS OBLIGATORY SACRIFICES⁴¹ IS FORBIDDEN TO EAT HOLY THINGS BUT PERMITTED TO EAT TERUMAH AND [SECOND] TITHE. IF HE IS⁴² A TEBUL YOM⁴³ HE IS FORBIDDEN TO EAT HOLY THINGS AND TERUMAH BUT PERMITTED THE EATING OF [SECOND] TITHE. IF HE⁴² EMITTED SEMEN⁴⁴ HE IS FORBIDDEN TO EAT ANY OF THE THREE. IF HE⁴² HAD INTERCOURSE WITH A MENSTRUANT HE CONVEYS THE SAME UNCLEANNESS TO THAT ON WHICH HE LIES AS [A ZAB CONVEYS] TO THAT WHICH LIES ABOVE HIM.⁴⁵ IF HE IS⁴² A ZAB WHO HAS OBSERVED TWO DISCHARGES HE CONVEYS UNCLEANNESS TO THAT ON WHICH HE LIES OR SITS AND IS REQUIRED TO UNDERGO IMMERSION IN RUNNING WATER,⁴⁶ BUT IS EXEMPT FROM THE SACRIFICE.⁴⁷ IF HE OBSERVED THREE DISCHARGES HE MUST BRING THE SACRIFICE.⁴⁸ IF HE⁴⁹ IS A LEPER THAT WAS ONLY SHUT UP⁵⁰ HE

CONVEYS UNCLEANNESS⁵¹ BY ENTRY⁵² BUT IS EXEMPT FROM LOOSENING HIS HAIR,⁵³ FROM RENDING HIS CLOTHES,⁵³ FROM SHAVING⁵⁴ AND FROM THE BIRDS OFFERING,⁵⁵ BUT IF HE WAS A CONFIRMED LEPPER⁵⁶, HE IS LIABLE TO ALL THESE. IF A LIMB ON WHICH THERE WAS NOT THE PROPER QUANTITY OF FLESH⁵⁷ WAS SEVERED FROM A PERSON, IT CONVEYS UNCLEANNESS BY CONTACT AND BY CARRIAGE BUT NOT BY OHEL; BUT IF IT BEARS THE PROPER QUANTITY OF FLESH IT CONVEYS UNCLEANNESS BY CONTACT, BY CARRIAGE AND BY OHEL. A 'PROPER QUANTITY OF FLESH' IS SUCH AS IS CAPABLE OF HEALING. R. JUDAH EXPLAINED: IF IN ONE PLACE IT⁵⁸ HAS FLESH SUFFICIENT TO SURROUND IT⁵⁸ WITH [THE THICKNESS OF] A THREAD OF THE WOOF⁵⁹ IT IS CAPABLE OF HEALING.

MISHNAH 6. THERE ARE TEN GRADES OF HOLINESS: THE LAND OF ISRAEL IS HOLIER THAN ALL OTHER LANDS. AND WHAT IS THE NATURE OF ITS HOLINESS? THAT FROM IT ARE BROUGHT THE 'OMER,⁶⁰ THE FIRSTFRUITS⁶¹ AND THE TWO LOAVES,⁶² WHICH MAY NOT BE BROUGHT FROM ANY OF THE OTHER LANDS.

MISHNAH 7. CITIES⁶³ THAT ARE WALLED⁶⁴ ARE HOLIER,⁶⁵ FOR LEPERS MUST BE SENT OUT OF THEM AND A CORPSE, THOUGH IT MAY BE CARRIED ABOUT WITHIN THEM AS LONG AS IT IS DESIRED,⁶⁶ MAY NOT BE BROUGHT BACK ONCE IT HAS BEEN TAKEN OUT.

MISHNAH 8. THE AREA WITHIN THE WALL⁶⁷ IS HOLIER, FOR IT IS THERE⁶⁸ THAT HOLY THINGS OF A MINOR DEGREE AND SECOND TITHE MAY BE EATEN. THE TEMPLE MOUNT⁶⁹ IS HOLIER, FOR NEITHER ZABS NOR ZABAHS NOR MENSTRUANTS NOR WOMEN AFTER CHILDBIRTH MAY ENTER IT. THE RAMPART⁷⁰ IS HOLIER, FOR NEITHER IDOLATERS NOR ONE WHO CONTRACTED CORPSE UNCLEANNESS MAY ENTER IT. THE COURT OF WOMEN⁷¹ IS HOLIER, FOR NO TEBUL YOM⁷² MAY ENTER IT, THOUGH NO SIN-OFFERING IS THEREBY INCURRED. THE COURT OF THE ISRAELITES⁷³ IS HOLIER, FOR A MAN WHO HAS NOT YET OFFERED HIS OBLIGATORY SACRIFICES⁷⁴ MAY NOT ENTER IT, AND IF HE ENTERS HE INCURS THEREBY A SIN-OFFERING. THE COURT OF THE PRIESTS⁷⁵ IS HOLIER, FOR NO ISRAELITES MAY ENTER IT EXCEPT WHEN THEY ARE REQUIRED TO DO SO⁷⁶ IN CONNECTION WITH THE LAYING ON OF HANDS,⁷⁷ SLAYING OR WAVING.⁷⁸

MISHNAH 9. THE AREA BETWEEN THE ULAM⁷⁹ AND THE ALTAR IS HOLIER,⁸⁰ FOR MEN AFFLICTED WITH BLEMISHES OR WITH A WILD GROWTH OF HAIR MAY NOT ENTER IT. THE HEKAL IS HOLIER, FOR NO ONE WHOSE HANDS OR FEET ARE UNWASHED MAY ENTER IT. THE HOLY OF HOLIES IS HOLIER, FOR ONLY THE HIGH PRIEST, ON THE DAY OF ATONEMENT, AT THE SERVICE,⁸¹ MAY ENTER IT.⁸² R. JOSE STATED: IN FIVE RESPECTS IS THE AREA BETWEEN THE ULAM AND THE ALTAR ON A PAR WITH THE HEKAL, FOR THOSE AFFLICTED WITH BLEMISHES OR WITH A WILD GROWTH OF HAIR, OR WHO HAVE DRUNK WINE OR WHOSE HANDS OR FEET ARE UNWASHED MAY NOT ENTER THERE,⁸³ AND THE PEOPLE MUST KEEP AWAY FROM THE AREA BETWEEN THE ULAM AND THE ALTAR⁸⁴ WHEN THE INCENSE IS BEING BURNED.⁸⁵

(1) Sc. those that convey uncleanness to both men and vessels. An 'offspring of uncleanness' conveys uncleanness to foodstuffs and liquids but not to men and vessels.

(2) Any of the eight classes enumerated in Lev. XI, 29f.

(3) V. Lev. XIV, 8f.

(4) V. Num. XIX.

(5) V. Parah XII, 5.

- (6) Even if there was no contact with the vessel. Through the external side of such a vessel, however, no uncleanness can be conveyed even by direct contact.
- (7) In the absence of direct contact with them.
- (8) In the intensity of uncleanness.
- (9) The 'fathers of uncleanness' enumerated in the previous Mishnah.
- (10) Even in the absence of direct contact between them and the man.
- (11) While he is still carrying one of the uncleannesses mentioned.
- (12) With any part of his body.
- (13) Though it came in contact with the unclean man.
- (14) Between the man and the 'father of uncleanness'.
- (15) Only where the man was carrying the 'father of uncleanness' at the time he came in contact with the clothing is uncleanness conveyed to the latter.
- (16) In the intensity of uncleanness.
- (17) Lit., 'the lower couch'.
- (18) A male who has a flux.
- (19) Whether he came in direct contact with it or not.
- (20) Sc. the former like the latter is subject only to the first grade of uncleanness. That on which a zab lies becomes a 'father of uncleanness'.
- (21) To clothes or vessels (other than earthenware).
- (22) Sc. not only by the latter but also by the former.
- (23) So Maim. Lit., 'a riding seat'.
- (24) On which the zab sat; though, owing to the heavy weight of the stone, the zab's weight could make no appreciable impression on the object. The unclean riding object under the stone has uncleanness conveyed to it by the zab sitting on the stone and conveys uncleanness to any clean person who sits upon the stone, v. Tosaf. Y T.
- (25) To the person and the clothes he wears.
- (26) In the former case uncleanness is conveyed through carriage only.
- (27) Causing it to be a 'father of uncleanness'.
- (28) Even after it contracted the uncleanness of the zab (cf. prev. n.).
- (29) The latter contracting a first grade of uncleanness only.
- (30) A woman who has a flux.
- (31) Of zibah (a 'father of uncleanness').
- (32) A zab, however, by intercourse, conveys to a woman a minor form of uncleanness which lasts until sunset only.
- (33) To men and vessels.
- (34) If they (cf. prev. n.) were under the same roof.
- (35) Of a corpse.
- (36) Unlike the former where uncleanness terminates at sunset.
- (37) 'Overshadowing' (v. Glos.). Irrespective of (a) whether, for instance, the whole body of the clean person was within the ohel (tent) or only a part of it, and (b) whether there was a partition in the ohel between the corpse and the clean person or not, and (c) whether or not the corpse or the clean person was stationary or moving.
- (38) Even a leper conveys uncleanness by ohel only where (a) his entire body was within it, (b) there was no partition between the leper and the clean person and (c) the leper was not on the move.
- (39) One more restrictive than the other.
- (40) Such as a confirmed leper or a zab, or a zabah, whose restoration to cleanness depends on the offering of the prescribed sacrifice.
- (41) Lit., 'lacking atonement'.
- (42) Lit., 'he returned to be'.
- (43) One who immersed himself on the selfsame day (v. Glos.).
- (44) Lit., 'master (or subject) of a mishap'.
- (45) Cf. supra p. 8, n. 4.
- (46) Unlike the others whose immersion may be performed in a ritual bath of standing water.
- (47) Prescribed only for a zab who experienced three discharges (v. infra).
- (48) Cf. prev. n.

- (49) V. p. 9, n. 11.
- (50) V. Lev. XIII, 4f.
- (51) To men and objects in a house.
- (52) Into that house.
- (53) V. Lev. Xlii, 45.
- (54) V. Lev. XIV, 8.
- (55) V. Lev. XIV, 4.
- (56) One whom the priest declared to be unclean.
- (57) As prescribed infra.
- (58) The limb.
- (59) Which is twice as thick as that of the warp.
- (60) V. Lev. XXIII, 10f.
- (61) V. Deut. XXVI, 2ff.
- (62) V. Lev. XXIII, 17.
- (63) In the Land of Israel.
- (64) Since the time of Joshua the son of Nun.
- (65) Than the other parts of the Land.
- (66) In connection with its funeral or burial arrangements.
- (67) Of Jerusalem.
- (68) And not without the wall.
- (69) An area of five hundred by five hundred cubits in which the Temple buildings were situated.
- (70) The Hel. A causeway ten cubits wide surrounding the inner precincts of the Temple (cf. Mid. II, 3).
- (71) Situated within the Rampart.
- (72) V. Glos.
- (73) This was situated within the Court of the Women from which it was approached by an ascent of fifteen steps (cf. Mid. II, 5).
- (74) Cf. supra p. 9, n. 9.
- (75) Cf. Mid. II, 6.
- (76) Lit., 'their requirements'.
- (77) On a sacrifice (v. Lev. III, 2).
- (78) Cf. Lev. VII, 30.
- (79) The Porch, the Hall leading into the Hekal, the Sanctuary.
- (80) In accordance with Pentateuchal (Maim.) or only Rabbinical (v. Bert. and L.) law.
- (81) In the Temple.
- (82) Four times: To burn incense, to sprinkle the blood of the bullock, to sprinkle the blood of the he-goat and to take out the spoon and the pan; v. Lev. XVI, 2ff.
- (83) Except when necessary in connection with the Temple services (L.).
- (84) And, much more so, from the Hekal.
- (85) In the Holy of Holies or on the golden altar.

Mishna - Mas. Kelim Chapter 2

MISHNAH 1. VESSELS OF WOOD, VESSELS OF LEATHER, VESSELS OF BONE OR VESSELS OF GLASS THAT ARE FLAT ARE CLEAN¹ AND THOSE THAT FORM A RECEPTACLE ARE UNCLEAN.² IF THEY WERE BROKEN THEY BECOME CLEAN¹ AGAIN. IF ONE REMADE THEM INTO VESSELS THEY ARE SUSCEPTIBLE TO UNCLEANNESS HENCEFORTH.³ EARTHEN VESSELS AND VESSELS OF ALUM-CRYSTALS ARE ON A PAR IN RESPECT OF UNCLEANNESS: THEY CONTRACT AND CONVEY⁴ UNCLEANNESS THROUGH THEIR AIR-SPACE,⁵ THEY CONTRACT UNCLEANNESS⁶ THROUGH THEIR [CONCAVE] BOTTOMS BUT NOT⁷ THROUGH THEIR BACKS,⁸ AND WHEN BROKEN⁹ THEY BECOME CLEAN.¹

MISHNAH 2. AS REGARDS THE SMALLEST EARTHEN VESSELS, AND THE BOTTOMS AND SIDES [OF THE LARGER BUT BROKEN VESSELS] THAT CAN STAND¹⁰ UNSUPPORTED,¹¹ THE PRESCRIBED SIZE¹² IS A CAPACITY TO HOLD OIL SUFFICIENT FOR THE ANOINTING OF A LITTLE FINGER OF A CHILD IF¹³ THEIR FORMER CAPACITY¹⁴ WAS THAT OF¹⁵ A LOG. IF¹³ THEIR FORMER CAPACITY¹⁴ WAS FROM ONE LOG TO SE'AH THEIR PRESENT CAPACITY¹² MUST BE A QUARTER OF A LOG; IF IT WAS¹⁴ FROM A SE'AH TO TWO SE'AH IT MUST BE¹⁶ HALF A LOG; IF¹⁷ FROM TWO SE'AH TO THREE SE'AH OR AS MUCH AS FIVE SE'AH IT MUST BE¹⁸ A LOG; SO R. ISHMAEL. R. AKIBA STATED: I DO NOT PRESCRIBE ANY SIZE FOR THE UNBROKEN VESSELS,¹⁹ BUT²⁰ THIS IS THE RULE: AS REGARDS THE SMALLEST EARTHEN VESSELS, AND THE BOTTOMS AND SIDES [OF LARGER BUT BROKEN ONES] THAT CAN STAND²¹ UNSUPPORTED,²² THE PRESCRIBED SIZE²³ IS A CAPACITY TO HOLD ENOUGH OIL TO ANOINT THE LITTLE FINGER OF A CHILD. [THIS SIZE IS PRESCRIBED FOR POTS] THAT ARE NOT BIGGER THAN²⁴ THE SMALL COOKING-POTS. FOR SMALL COOKING-POTS AND FOR THOSE BETWEEN THESE AND THE LYDDA JARS THE PRESCRIBED CAPACITY²³ IS A QUARTER OF A LOG. FOR THOSE WHICH HAVE A SIZE BETWEEN THAT OF LYDDA JARS AND THE BETHLEHEM JARS THE CAPACITY²³ MUST BE THAT OF HALF A LOG. FOR THOSE BETWEEN THE BETHLEHEM JARS AND LARGE STONE JARS THE CAPACITY²³ MUST BE THAT OF A LOG. R. JOHANAN B. ZAKKAI RULED: THE PRESCRIBED CAPACITY²³ FOR THE FRAGMENTS OF LARGE STONE JARS IS TWO LOGS, AND THAT FOR THE BOTTOMS OF BROKEN GALILEAN CRUSES AND SMALL JARS IS ANY WHATSOEVER, BUT THE FRAGMENTS OF THEIR SIDES ARE IN NO CASE SUSCEPTIBLE TO UNCLEANNESS.

MISHNAH 3. THE FOLLOWING²⁵ ARE NOT SUSCEPTIBLE TO UNCLEANNESS AMONG EARTHEN VESSELS: A TRAY WITHOUT A RIM, A FIRE-PAN WITH BROKEN SIDES, A TUBE FOR ROASTING CORN, GUTTERS EVEN IF THEY ARE BENT²⁶ AND EVEN IF THEY HAVE²⁷ SOME FORM OF RECEPTACLE,²⁸ A BASKET-COVER²⁹ THAT WAS TURNED INTO A BREAD-BASKET,²⁶ A PITCHER³⁰ THAT HAS BEEN ADAPTED³¹ AS A COVER FOR GRAPES,³² A JAR³⁰ FOR SWIMMERS,³³ A SMALL JAR³⁰ FIXED TO THE SIDES OF A LADLE,³⁴ A BED, A STOOL, A BENCH, A TABLE, A SHIP,³⁵ AND AN EARTHEN LAMP, BEHOLD THESE ARE INSUSCEPTIBLE TO UNCLEANNESS. THE FOLLOWING IS A GENERAL RULE:³⁶ ANY AMONG EARTHEN VESSELS THAT HAS NO INNER PART IS NOT SUSCEPTIBLE TO UNCLEANNESS ON ITS OUTER SIDES.³⁷

MISHNAH 4. A LANTERN THAT HAS A RECEPTACLE FOR OIL IS SUSCEPTIBLE TO UNCLEANNESS, BUT ONE THAT HAS NONE IS INSUSCEPTIBLE. A POTTER'S MOULD ON WHICH ONE BEGINS TO SHAPE THE CLAY IS INSUSCEPTIBLE TO UNCLEANNESS,³⁸ BUT THAT ON WHICH ONE FINISHES IT IS SUSCEPTIBLE.³⁹ A FUNNEL FOR HOME USE⁴⁰ IS INSUSCEPTIBLE TO UNCLEANNESS,³⁸ BUT THAT OF PEDLARS IS SUSCEPTIBLE BECAUSE⁴¹ IT ALSO SERVES AS A MEASURE;⁴² SO R. JUDAH B. BATHYRA. R. AKIBA SAID: BECAUSE ONE PUTS IT ON ITS SIDE⁴³ SO AS TO LET THE BUYER SMELL IT.⁴⁴

MISHNAH 5. THE COVERS OF WINE JARS AND OIL JARS AND THE COVERS OF PAPYRUS⁴⁵ JARS⁴⁶ ARE INSUSCEPTIBLE TO UNCLEANNESS, BUT IF THEY WERE ADAPTED FOR USE AS RECEPTACLES THEY ARE SUSCEPTIBLE. THE COVER OF A STEW-POT IS NOT SUSCEPTIBLE TO UNCLEANNESS WHEN IT HAS A HOLE⁴⁷ OR A POINTED TOP,⁴⁸ BUT IF IT HAS NEITHER HOLE NOR POINTED TOP IT IS SUSCEPTIBLE BECAUSE SHE⁴⁹ DRAINS THE VEGETABLES INTO IT. R. ELIEZER B. ZADOK SAID: BECAUSE SHE TURNS OUT THE CONTENTS [OF THE POT] ON TO IT.

MISHNAH 6. IF A DAMAGED JAR⁵⁰ WAS FOUND IN A FURNACE,⁵¹ BEFORE ITS MANUFACTURE WAS COMPLETE⁵² IT IS NOT SUSCEPTIBLE TO UNCLEANNESS,⁵³ BUT IF AFTER ITS MANUFACTURE WAS COMPLETE⁵⁴ IT IS SUSCEPTIBLE.⁵⁵ AS TO A SPRINKLER,⁵⁶ R. ELIEZER B. ZADOK HOLDS IT TO BE INSUSCEPTIBLE TO UNCLEANNESS; BUT R. JOSE HOLDS IT TO BE SUSCEPTIBLE BECAUSE IT LETS THE LIQUID OUT IN DROPS ONLY.⁵⁷

MISHNAH 7. THE FOLLOWING AMONG EARTHEN VESSELS ARE SUSCEPTIBLE TO UNCLEANNESS: A TRAY WITH A RIM, AN UNBROKEN FIRE-PAN, AND A TRAY MADE UP OF⁵⁸ DISHES. IF ONE OF THEM⁵⁹ CONTRACTED UNCLEANNESS FROM A [DEAD] CREEPING THING⁶⁰ THEY DO NOT ALL BECOME UNCLEAR, BUT IF THE TRAY HAD A RIM THAT PROJECTED ABOVE THE RIMS OF THE DISHES AND ONE OF THEM⁶¹ CONTRACTED UNCLEANNESS ALL ARE RENDERED UNCLEAR.⁶² SIMILARLY WITH AN EARTHEN SPICE-POT⁶³ AND A DOUBLE INK-POT.⁶⁴ BUT IF ONE CONTAINER OF A WOODEN SPICE-BOX⁶³ CONTRACTED UNCLEANNESS FROM A LIQUID,⁶⁵ THE OTHER IS NOT RENDERED UNCLEAR.⁶⁶ R. JOHANAN B. NURI RULED: ITS THICKNESS⁶⁷ IS DEEMED TO BE DIVIDED⁶⁸ AND THAT SIDE WHICH SERVES THE UNCLEAR ONE IS UNCLEAR WHILE THAT WHICH SERVES THE CLEAR ONE REMAINS CLEAR. IF ITS RIM PROJECTS ABOVE THE OTHERS AND ONE OF THEM⁶⁹ CONTRACTED UNCLEANNESS THE OTHER ALSO IS RENDERED UNCLEAR.

MISHNAH 8. A TORCI⁷⁰ IS SUSCEPTIBLE TO UNCLEANNESS,⁷¹ AND THE RESERVOIR⁷² OF A LAMP CONTRACTS UNCLEANNESS⁷³ THROUGH ITS AIR- SPACE.⁷⁴ THE COMB⁷⁵ OF A COOLER,⁷⁶ R. ELIEZER RULED, IS NOT SUSCEPTIBLE TO UNCLEANNESS,⁷⁷ BUT THE SAGES RULED THAT IT WAS SUSCEPTIBLE.⁷⁸

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- (1) Sc. they are not susceptible to uncleanness.
 - (2) Cf. prev. n. mut. mut.
 - (3) They do not, however, resume their former uncleanness as metal vessels do.
 - (4) To foodstuffs and liquids.
 - (5) Even in the absence of contact with the vessel.
 - (6) By contact; but not through their air-space.
 - (7) Even if there was contact between the vessel and the uncleanness.
 - (8) Their outer flat or convex sides.
 - (9) But not by immersion as is the case with vessels made of other materials.
 - (10) When filled with liquid.
 - (11) Without shedding their contents.
 - (12) That renders them susceptible to uncleanness.
 - (13) In the case of broken vessels.
 - (14) While they were whole.
 - (15) Lit., 'and until'.
 - (16) If it is to be susceptible to uncleanness.
 - (17) V. p. 13, n. 14.
 - (18) V. p. 13, n. 16.
 - (19) Lit., 'in them'.
 - (20) The susceptibility to uncleanness being determined by the shape and place of origin of the vessel.
 - (21) V. p. 13, n. 10.
 - (22) V. p. 13, n. 11.
 - (23) V. p. 13, n. 12.
 - (24) V. p. 13, n. 15.
 - (25) Having no proper concave receptacle.
 - (26) Because the receptacle is an imperfect one.

- (27) As a result of excavation by constantly dripping water.
- (28) Since the cavity was not made for the purpose of serving as such.
- (29) Shaped somewhat in the form of a receptacle but not originally intended to hold anything within it.
- (30) Though it has a proper receptacle.
- (31) By some alteration in its shape.
- (32) In consequence of which it is no longer used as a receptacle.
- (33) Being permanently stopped up on both sides it can no longer be regarded as having a proper receptacle (cf. prev. n.).
- (34) To serve as its handle so as to facilitate its use (cf. supra n. 3).
- (35) A ship's insusceptibility to uncleanness, despite its shape and use as a receptacle, is a Pentateuchal ordinance.
- (36) That has some, though only an indirect, bearing on the preceding laws.
- (37) Only when it has an inner part may uncleanness be imparted to its outer sides. The inner part of an earthen vessel contracts uncleanness through its inner air-space only. It can never contract uncleanness through its outer sides.
- (38) Because it has no receptacle.
- (39) Since it has a receptacle.
- (40) Lit., 'of householders'.
- (41) By closing up the narrower hole of the funnel with a finger when filling it and removing the finger when holding the funnel over the buyer's utensil.
- (42) And may, therefore, be regarded as a proper receptacle.
- (43) To take up some of the liquid.
- (44) A funnel is consequently susceptible to uncleanness even if it contains less than any known measure. According to the first Tanna, however, only when a funnel is capable of containing a known measure is it susceptible to uncleanness.
- (45) Neyaroth. Some regard this word as a place name.
- (46) Var. lec., 'and the papyrus (covers of jars)' .
- (47) In consequence of which it cannot be used as a receptacle.
- (48) Which prevents it from being inverted and placed with its cavity upwards (cf. prev. n.).
- (49) Sc. the housewife.
- (50) Gastra, **; v. infra IV, 2-3.
- (51) In which earthen vessels are baked.
- (52) So that the defect occurred before the jar assumed the status of a 'vessel'.
- (53) Since only 'vessels' are susceptible.
- (54) Cf. n. mut. mut.
- (55) Because it is used as a receptacle for drops falling from a jar.
- (56) Consisting of a perforated sieve-like receptacle in which the liquid is held by the closing up with the finger of a hole above.
- (57) Such small holes do not allow a liquid to be taken in, and it is only the bigger kind of holes that destroy the status of a vessel.
- (58) Lit., 'full'.
- (59) The dishes in the last mentioned tray.
- (60) And much more so from liquids.
- (61) V. p. 16, n. 15.
- (62) Since the creeping thing, when it is in the air-space of any of the dishes, is also within the air-space of the rim of the tray which encompasses all its constituents.
- (63) That was made up of several containers.
- (64) In their cases too the uncleanness of one container or pot does not affect the others unless a rim running round the whole contrivance projects above the rims of the constituents.
- (65) Only a liquid. In the case of a dead creeping thing the entire contrivance becomes unclean.
- (66) Since the uncleanness of the one container could be conveyed to the other only, by way of the adjoining sides, and the uncleanness of liquids cannot be conveyed, even Rabbinically, through the outside of a vessel.
- (67) Of the side which separates the clean from the unclean container.
- (68) Where one of them only came in contact with unclean liquids.
- (69) The constituent containers.

- (70) Consisting of an earthen bowl fixed to a pole and filled with wicks and oil.
- (71) Though on account of its pointed bottom (which fits into the pole) it cannot stand unsupported.
- (72) Lit., 'the house of its sinking'.
- (73) As any other earthen vessel that is shaped as a receptacle.
- (74) Though it does not serve as a proper receptacle for the lamp which is only partly inserted into it.
- (75) Projections around the rim in the shape of the teeth of a comb.
- (76) Made of earthenware.
- (77) Sc. an uncleanness on the comb is not regarded as one within the air-space of the cooler.
- (78) Cf. prev. n. mut. mut.

Mishna - Mas. Kelim Chapter 3

MISHNAH 1. THE SIZE OF A HOLE THAT RENDERS AN EARTHEN VESSEL CLEAN¹ IS THE FOLLOWING: IF THE VESSEL WAS USED FOR FOODSTUFFS THE HOLE MUST BE BIG ENOUGH FOR OLIVES [TO FALL THROUGH],² IF IT WAS USED FOR LIQUIDS IT SUFFICES FOR THE HOLE TO BE BIG ENOUGH FOR LIQUIDS [TO BE ADMITTED THROUGH IT],³ AND IF IT WAS USED FOR BOTH IT IS SUBJECTED TO THE GREATER RESTRICTION, VIZ., THAT THE HOLE MUST BE BIG ENOUGH FOR OLIVES [TO FALL THROUGH].⁴

MISHNAH 2. AS REGARDS A JAR THE SIZE OF THE HOLE⁵ MUST BE SUCH THAT A DRIED FIG [WILL FALL THROUGH];⁴ SO R. SIMEON. R. JUDAH SAID: WALNUTS.⁶ R. MEIR SAID: OLIVES.⁶ THE SIZE OF A HOLE⁵ IN A STEW-POT OR A COOKING POT MUST BE SUCH THAT OLIVES [WILL FALL THROUGH]; IN A CRUSE AND A PITCHER, SUCH THAT OIL [WILL PENETRATE THROUGH IT];⁷ AND IN A COOLER, SUCH THAT WATER [WILL PENETRATE THROUGH IT].⁷ R. SIMEON RULED: THE SIZE OF THE HOLE IN THE CASE OF ALL THREE GROUPS⁸ MUST BE SUCH THAT SEED [WILL FALL THROUGH IT]. IN A LAMP THE SIZE OF THE HOLE⁵ MUST BE SUCH THAT OIL [WILL PENETRATE THROUGH IT].⁷ R. ELIEZER SAID: SUCH THAT A SMALL PERUTAH [WILL DROP OUT THROUGH IT].⁹ A LAMP¹⁰ WHOSE NOZZLE HAS BEEN REMOVED IS CLEAN;¹¹ AND ONE MADE OF EARTH¹² WHOSE NOZZLE HAS BEEN BURNT BY THE WICK IS ALSO CLEAN.¹¹

MISHNAH 3. IF A JAR¹³ THAT HAD A HOLE¹⁴ WAS MENDED WITH PITCH¹⁵ AND THEN WAS BROKEN AGAIN,¹⁶ IF THE FRAGMENT THAT WAS MENDED WITH THE PITCH CAN CONTAIN A QUARTER OF A LOG¹⁷ IT IS UNCLEAN, SINCE THE DESIGNATION OF VESSEL HAS NEVER CEASED TO BE APPLIED TO IT. IF A POTSHERD HAD A HOLE THAT WAS MENDED WITH PITCH, IT IS CLEAN THOUGH IT CAN CONTAIN A QUARTER OF A LOG, BECAUSE THE DESIGNATION OF VESSEL HAS CEASED TO BE APPLIED TO IT.

MISHNAH 4. IF A JAR WAS CRACKED¹⁸ BUT¹⁹, WAS LINED WITH CATTLE DUNG, ALTHOUGH THE POTSHERDS WOULD FALL APART WERE THE DUNG TO BE REMOVED,²⁰ IT IS UNCLEAN,²¹ BECAUSE²² IT NEVER CEASED TO BEAR THE NAME OF VESSEL. IF IT WAS BROKEN²³ AND SOME OF ITS SHERDS WERE STUCK TOGETHER AGAIN,²⁴ OR IF SOME POTTER'S CLAY WAS BROUGHT FOR THE PURPOSE²⁵ FROM ELSEWHERE, AND²⁶ IT WAS ALSO LINED WITH CATTLE DUNG, EVEN THOUGH THE POTSHERDS HOLD TOGETHER WHEN THE DUNG IS REMOVED, IT IS CLEAN,²⁷ BECAUSE IT²⁸ CEASED TO BEAR THE NAME OF VESSEL. IF IT²⁹ CONTAINED ONE SHERD THAT COULD HOLD³⁰ A QUARTER OF A LOG,³¹ ALL ITS²⁹ PARTS³² CONTRACT UNCLEANNESS BY CONTACT,³³ BUT THAT SHERD³⁴ CONTRACTS UNCLEANNESS THROUGH ITS AIR-SPACE.

MISHNAH 5. IF A SOUND VESSEL WAS LINED, R. MEIR AND R. SIMEON RULED: THE LINING³⁵ CONTRACTS UNCLEANNESS;³⁶ BUT THE SAGES RULED: A LINING OVER A SOUND VESSEL IS INSUSCEPTIBLE TO UNCLEANNESS,³⁷ , AND ONLY ONE OVER A CRACKED VESSEL IS SUSCEPTIBLE.³⁸ AND THE SAME DISPUTE³⁹ APPLIES TO THE HOOP⁴⁰ OF A PUMPKIN SHELL.⁴¹

MISHNAH 6. AS TO SCUTCHGRASS WHEREWITH THE LARGEST JARS⁴² ARE LINED, ANY ONE THAT TOUCHES IT⁴³ BECOMES UNCLEAR.⁴⁴ THE PLUG OF A JAR⁴⁵ IS NOT REGARDED AS CONNECTED.⁴⁶ THAT⁴⁷ , WHICH TOUCHES THE LINING OF AN OVEN⁴⁸ IS UNCLEAR.⁴⁹

MISHNAH 7. IF A CAULDRON⁵⁰ WAS LINED WITH MORTAR AND WITH POTTER'S CLAY, THAT WHICH TOUCHES THE MORTAR IS UNCLEAR⁵¹ BUT THAT WHICH TOUCHES THE POTTER'S CLAY⁵² IS CLEAN.⁵³ IF A KETTLE⁵⁴ WAS PUNCTURED AND THE HOLE WAS STOPPED WITH PITCH, R. JOSE RULES THAT IT IS CLEAN SINCE IT CANNOT HOLD HOT WATER⁵⁵ AS COLD.⁵⁶ THE SAME RULING HE ALSO GAVE⁵⁷ CONCERNING VESSELS MADE OF PITCH. IF COPPER VESSELS WERE LINED WITH PITCH THE LINING⁵⁸ IS CLEAN,⁵⁹ BUT IF THEY ARE USED FOR WINE⁶⁰ , IT IS UNCLEAR.⁶¹

MISHNAH 8. IF A JAR WAS PERFORATED AND THE HOLE WAS STOPPED UP WITH MORE PITCH⁶² THAN WAS NECESSARY, THAT⁶³ WHICH TOUCHES THE NEEDED PORTION IS UNCLEAR, BUT THAT WHICH TOUCHES THE UNNEEDED PORTION⁶⁴ IS CLEAN. IF PITCH DRIPPED UPON A JAR,⁶⁵ WHAT TOUCHES THE FORMER⁶⁶ REMAINS CLEAN. IF A WOODEN OR EARTHEN FUNNEL WAS STOPPED UP WITH PITCH, R. ELEAZAR B. AZARIAH RULES THAT IT IS UNCLEAR.⁶⁷ R. AKIBA RULES THAT IT IS UNCLEAR WHERE IT IS OF WOOD⁶⁸ AND CLEAN WHERE IT IS OF EARTHENWARE.⁶⁹ R. JOSE RULES THAT BOTH ARE CLEAN.⁷⁰

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- (1) If (a) it was previously unclean; and if it was clean (b) insusceptible to all future uncleanness.
 - (2) If it was smaller, the vessel (cf. prev. n.) remains (a) unclean or (b) susceptible to future uncleanness, since it can still be used for foodstuffs. Only a vessel that can no longer serve its former purpose is exempt from all uncleanness.
 - (3) When the vessel is placed in a liquid. Such a hole is bigger than one which only allows a liquid within the vessel to flow out.
 - (4) Cf. n. 2 mut. mut.
 - (5) That renders the vessel (a) clean or (b) insusceptible to uncleanness.
 - (6) A smaller size than the previous one.
 - (7) Cf. supra n. 3 mut. mut.
 - (8) Stew-pot and cooking pot; cruse and pitcher; and cooler.
 - (9) A bigger size than the previous one.
 - (10) Of baked earthenware.
 - (11) V. p. 18, n. 1.
 - (12) That was unbaked.
 - (13) Whose capacity was from one log to a se'ah.
 - (14) Of the prescribed size (cf. prev. Mishnah) and in consequence of which the jar becomes clean.
 - (15) The jar thus resuming the status of a vessel and the susceptibility to uncleanness.
 - (16) Into fragments.
 - (17) And can also stand unsupported.
 - (18) To such an extent that, were it to be moved about while half a kab of dried figs were in it, it would collapse.
 - (19) In order to keep its parts together.
 - (20) So that the mainstay of the jar is the cattle dung which is insusceptible to uncleanness.

- (21) If it was unclean before; and if it was clean it is susceptible to uncleanness.
- (22) Though cracked.
- (23) Its potsherds falling apart.
- (24) With any adhesive substance.
- (25) Of sticking the potsherds together.
- (26) To provide further strength.
- (27) Cf. p. 19 n. 3 mut. mut.
- (28) When it was broken in pieces.
- (29) The reconstructed vessel.
- (30) Independently of the others.
- (31) Of liquids.
- (32) Which may be regarded as a handle to the biggest part.
- (33) But not through their air-space, since a handle contracts uncleanness through contact only.
- (34) That can hold a quarter of a log. Lit., 'and opposite it'.
- (35) Which is now a part of the vessel.
- (36) If the vessel contracted any through its air-space. Foodstuffs and liquids that come in contact with such a lining consequently contract uncleanness.
- (37) Since the parts of the vessel are held together without the aid of the lining the latter cannot be regarded as an integral part of the former.
- (38) Cf. prev. n. mut. mut.
- (39) Between R. Meir and R. Simeon on the one hand and the Sages on the other.
- (40) Made of wood or iron.
- (41) Which, when dry and hollow, was used for the drawing of water. The hoop in relation to the pumpkin is in the same position as the lining in relation to the vessel.
- (42) Pitesin, sing. pitos cf. **.
- (43) When the jar is unclean.
- (44) Even according to the Rabbis (cf. prev. Mishnah). As the lining serves the purpose of preventing leakage of the wine it must be regarded as an integral part of the jar that is subject to the same uncleanness as the jar itself.
- (45) Since it is movable.
- (46) With the jar. If one contracted an uncleanness it does not convey it to the other.
- (47) Foodstuffs.
- (48) That was unclean.
- (49) As the lining helps to preserve the heat of the oven it is regarded as an integral part of it.
- (50) V. p. 20, n. 22.
- (51) Since the mortar adheres thoroughly to the cauldron it is regarded as part of it and consequently contracts its uncleanness.
- (52) Which crumbles and falls away.
- (53) Cf. n. 2 mut mut.
- (54) Which, unlike the cauldron mentioned before, is not used for the boiling of water.
- (55) Which would melt the pitch.
- (56) Much more so does this apply to a cauldron which is placed over a fire.
- (57) For a similar reason.
- (58) Since it is likely to be removed.
- (59) Even where the vessels have contracted an uncleanness.
- (60) Which is not kept hot.
- (61) Because the lining is regarded as a part of the vessel.
- (62) In thickness or extent.
- (63) Foodstuffs or drinks.
- (64) Lit., 'more than its need'.
- (65) That was unclean.
- (66) Though it was only a drop and might have been presumed to lose itself in the identity of the jar.
- (67) Since it can now hold liquids.

(68) To which pitch thoroughly adheres.

(69) From which the pitch falls away.

(70) A funnel in his opinion cannot be regarded as a proper receptacle even if it was stopped up.

Mishna - Mas. Kelim Chapter 4

MISHNAH 1. A POTSHERD¹ THAT CANNOT STAND UNSUPPORTED ON ACCOUNT OF ITS HANDLE,² OR A POTSHERD WHOSE BOTTOM IS POINTED AND THAT POINT CAUSES IT TO OVERBALANCE, IS CLEAN.³ IF THE HANDLE WAS REMOVED OR THE POINT WAS BROKEN OFF IT IS STILL CLEAN.⁴ R. JUDAH RULES THAT IT IS UNCLEAN.⁵ IF A JAR WAS BROKEN⁶ BUT IS STILL CAPABLE OF HOLDING SOMETHING IN ITS SIDES, OR IF IT WAS SPLIT INTO A KIND OF TWO TROUGHS, R. JUDAH DECLARES IT CLEAN³ BUT THE SAGES DECLARE IT TO BE UNCLEAN.⁵

MISHNAH 2. IF A JAR WAS CRACKED AND CANNOT BE MOVED ABOUT WITH HALF A KAB OF DRIED FIGS IN IT, IT IS CLEAN.⁷ IF A DAMAGED VESSEL⁸ WAS CRACKED AND IT CANNOT HOLD ANY LIQUID, EVEN THOUGH IT CAN HOLD FOODSTUFFS, IT IS CLEAN,³ SINCE ONE REMNANT⁹ IS NOT USED FOR THE SAKE OF ANOTHER REMNANT.¹⁰

MISHNAH 3. WHAT IS MEANT BY A 'DAMAGED VESSEL'?¹¹ ONE WHOSE HANDLES WERE REMOVED.¹² IF SHARP ENDS PROJECTED FROM IT,¹³ ANY PART OF IT WHICH CAN CONTAIN OLIVES¹⁴ CONTRACTS UNCLEANNESS BY CONTACT, WHILE ANY UNCLEANNESS OPPOSITE AN END¹⁵ CONVEYS UNCLEANNESS TO THE VESSEL THROUGH ITS AIR-SPACE, BUT ANY PART OF IT WHICH CANNOT CONTAIN OLIVES¹⁶ CONTRACTS UNCLEANNESS BY CONTACT. WHILE AN UNCLEANNESS OPPOSITE AN END¹⁵ DOES NOT CONVEY UNCLEANNESS TO THE VESSEL THROUGH ITS AIR-SPACE. IF IT¹⁷ WAS LEANING ON ITS SIDE¹⁸ LIKE A KIND OF CATHEDRA,¹⁹ ANY PART OF IT WHICH CAN CONTAIN OLIVES¹⁴ CONTRACTS UNCLEANNESS BY CONTACT, WHILE ANY UNCLEANNESS OPPOSITE AN END CONVEYS UNCLEANNESS TO THE VESSEL THROUGH ITS AIR-SPACE, BUT ANY PART OF IT WHICH CANNOT CONTAIN OLIVES¹⁶ CONTRACTS UNCLEANNESS BY CONTACT, WHILE AN UNCLEANNESS OPPOSITE AN END DOES NOT CONVEY UNCLEANNESS TO THE VESSEL THROUGH ITS AIR-SPACE.²⁰ BOWLS WITH KORFIAN²¹ [BOTTOMS]²², AND CUPS WITH ZIDONIAN²¹ BOTTOMS,²³ ALTHOUGH THEY CANNOT STAND UNSUPPORTED, ARE SUSCEPTIBLE TO UNCLEANNESS, BECAUSE THEY WERE ORIGINALLY FASHIONED IN THIS MANNER.

MISHNAH 4. AS REGARDS AN EARTHEN VESSEL THAT HAS THREE RIMS, IF THE INNERMOST ONE PROJECTS ABOVE THE OTHERS ALL OUTSIDE IT IS NOT SUSCEPTIBLE TO UNCLEANNESS;²⁴ IF THE OUTERMOST ONE PROJECTS ABOVE THE OTHERS ALL WITHIN IT IS SUSCEPTIBLE TO UNCLEANNESS;²⁵ AND IF THE MIDDLE ONE PROJECTS ABOVE THE OTHERS, THAT WHICH IS WITHIN IT IS SUSCEPTIBLE TO UNCLEANNESS,²⁵ WHILE THAT WHICH IS WITHOUT IT IS NOT SUSCEPTIBLE TO UNCLEANNESS.²⁴ IF THEY²⁶ WERE EQUAL IN HEIGHT, R. JUDAH RULED: THE MIDDLE ONE IS DEEMED TO BE DIVIDED.²⁷ BUT THE SAGES RULED: ALL²⁸ IS INSUSCEPTIBLE TO UNCLEANNESS.²⁴ WHEN²⁹ DO EARTHEN VESSELS BECOME SUSCEPTIBLE TO UNCLEANNESS? AS SOON AS THEY ARE BAKED IN THE FURNACE, THAT BEING THE COMPLETION OF THEIR MANUFACTURE.³⁰

(1) Broken from a vessel.

(2) Lit., 'ear'; sc. the handle of the vessel (that happened to be attached to the sherd in question) which overbalances it.

(3) If it was previously unclean. If it was clean it is insusceptible to future uncleanness.

- (4) Because once a damaged earthen vessel becomes clean it remains so for all time.
- (5) Cf. n. 3 mut. mut.
- (6) In its bottom.
- (7) Since it is regarded as a broken vessel.
- (8) Gastra, v. supra II, 6, n. 6.
- (9) A damaged vessel is a 'remnant' of a sound one.
- (10) Sc. though one might well use a damaged vessel ('a remnant') for the purpose of collecting a liquid dripping from a tiny crack in an otherwise sound vessel (which is no remnant and one does not like to discard on account of so slight a crack) no one would so use a damaged vessel ('a remnant') when a crack occurs in a vessel that is already broken or seriously damaged (which is also 'a remnant').
- (11) Which is rendered clean by the smallest hole that allows a liquid within it to flow out though the hole is not big enough to allow an olive to pass through it; cf. prev. Mishnah.
- (12) Though it is otherwise sound.
- (13) At the top where it was broken.
- (14) Sc. where the sharp ends are to that extent close together.
- (15) Cf. L.
- (16) Cf. n. 3 mut. mut.
- (17) A vessel half of which was broken away.
- (18) Being incapable of standing on its bottom.
- (19) **, a seat with a back; and that back had sharp broken ends.
- (20) The point in this law is that, though the broken vessel cannot stand on its bottom (cf. n. 7), it is nevertheless on a par with the damaged one spoken of previously.
- (21) Place name. Aliter: 'pointed'.
- (22) Which are pointed. Lit., 'the bottoms of the Karfians'.
- (23) Cf. prev. n. Lit., 'the bottoms of the Zidonian cups'.
- (24) Because it is regarded as the outside of the vessel which is not susceptible to uncleanness.
- (25) As the inside of the vessel.
- (26) The three rims.
- (27) In its thickness, so that the outer part of it as well as all that is without it is regarded as the outside of the vessel and is insusceptible to uncleanness while its inner part and all within it is regarded as the inside of the vessel and is susceptible to uncleanness.
- (28) That is without the innermost rim (Elijah Wilna).
- (29) In the course of their manufacture.
- (30) Though they have not yet passed the process of polishing.

Mishna - Mas. Kelim Chapter 5

MISHNAH 1. THE ORIGINAL HEIGHT OF A BAKING-OVEN¹ MUST BE NO LESS THAN FOUR HANDBREADTHS² AND WHAT IS LEFT OF IT³ FOUR HANDBREADTHS;⁴ SO R. MEIR. BUT THE SAGES RULED: THIS APPLIES ONLY TO A LARGE OVEN BUT IN THE CASE OF A SMALL ONE¹ ANY HEIGHT SUFFICES FOR ITS ORIGINAL BUILD⁵ AND³ THE GREATER PART OF THIS FOR WHAT IS LEFT OF IT.⁴ [SUSCEPTIBILITY TO UNCLEANNESS⁶ BEGINS] AS SOON AS THE OVEN'S MANUFACTURE IS COMPLETED.⁷ WHAT IS REGARDED AS THE COMPLETION OF ITS MANUFACTURE? WHEN IT IS HEATED TO A DEGREE THAT SUFFICES FOR THE BAKING OF SPONGY CAKES.⁸ R. JUDAH⁹ RULED: WHEN A NEW OVEN¹⁰ HAS BEEN HEATED TO A DEGREE THAT SUFFICED FOR THE BAKING OF SPONGY CAKES IN AN OLD ONE.¹¹

MISHNAH 2. AS REGARDS A DOUBLE STOVE¹² ITS ORIGINAL HEIGHT¹³ MUST BE NO LESS THAN THREE FINGERBREADTHS AND WHAT IS LEFT OF IT¹⁴ THREE FINGERBREADTHS.¹⁵ [ITS SUSCEPTIBILITY TO UNCLEANNESS BEGINS] AS SOON AS ITS MANUFACTURE IS COMPLETED.¹⁶ WHAT IS REGARDED AS THE COMPLETION OF

ITS MANUFACTURE? WHEN IT IS HEATED TO A DEGREE THAT SUFFICES FOR THE COOKING ON IT OF THE LIGHTEST OF EGGS WHEN BROKEN AND PUT IN A SAUCEPAN. AS REGARDS A SINGLE STOVE,¹⁷ IF IT WAS MADE FOR BAKING ITS PRESCRIBED SIZE¹⁸ IS THE SAME AS THAT FOR A BAKING-OVEN,¹⁹ AND IF IT WAS MADE FOR COOKING ITS PRESCRIBED SIZE¹⁸ IS THE SAME AS THAT FOR A DOUBLE STOVE.²⁰ A STONE THAT PROJECTS ONE HANDBREADTH FROM A BAKING-OVEN²¹ OR THREE FINGERBREADTHS FROM A DOUBLE STOVE²⁰ IS CONSIDERED A CONNECTION.²² FOR ONE THAT PROJECTS FROM A SINGLE STOVE, IF THE LATTER WAS MADE FOR BAKING, THE PRESCRIBED SIZE²³ IS THE SAME AS THAT FOR A BAKING-OVEN, AND IF IT IS MADE FOR COOKING THE PRESCRIBED SIZE IS THE SAME AS THAT FOR A DOUBLE STOVE. SAID R. JUDAH: THEY²⁴ SPOKE OF A 'HANDBREADTH'²⁵ ONLY WHERE THE PROJECTION WAS BETWEEN THE OVEN²⁶ AND A WALL.²⁷ IF TWO OVENS WERE ADJACENT TO ONE ANOTHER²⁸ ONE HANDBREADTH²³ IS ALLOWED TO THE ONE AND ANOTHER²⁹ TO THE OTHER WHILE THE REMAINDER³⁰ REMAINS CLEAN.³¹

MISHNAH 3. THE CROWN³² OF A DOUBLE STOVE IS CLEAN.³³ AS TO THE FENDER AROUND AN OVEN, WHEN IT IS FOUR HANDBREADTHS HIGH IT CONTRACTS UNCLEANNESS BY CONTACT AND THROUGH ITS AIR-SPACE,³⁴ BUT IF IT WAS LOWER IT IS CLEAN.³⁵ IF IT³⁶ WAS JOINED TO IT,³⁷ EVEN IF ONLY BY THREE STONES,³⁸ IT IS UNCLEAN.³⁹ THE SOCKETS [ON THE STOVE]⁴⁰ FOR THE OIL CRUSE, THE SPICE-POT, AND THE LAMP CONTRACT UNCLEANNESS BY CONTACT⁴¹ BUT NOT THROUGH THEIR AIR-SPACE;⁴² SO R. MEIR. R. ISHMAEL⁴³ RULES THAT THEY ARE CLEAN.⁴⁴

MISHNAH 4. AN OVEN THAT WAS HEATED FROM WITHOUT,⁴⁵ OR ONE THAT WAS HEATED⁴⁶ WITHOUT THE OWNER'S KNOWLEDGE, OR ONE THAT WAS HEATED WHILE STILL IN THE CRAFTSMAN'S HOUSE⁴⁷ IS SUSCEPTIBLE TO UNCLEANNESS. IT ONCE HAPPENED THAT A FIRE BROKE OUT AMONG THE OVENS OF KEFAR SIGNAH,⁴⁸ AND WHEN THE CASE WAS BROUGHT UP AT JABNEH RABBAN GAMALIEL RULED THAT THEY WERE UNCLEAN.⁴⁹

MISHNAH 5. THE CHIMNEY-PIECE⁵⁰ ON A HOUSEHOLDER'S OVEN IS CLEAN,⁵¹ BUT THAT OF BAKERS IS UNCLEAN BECAUSE ONE RESTS ON IT THE ROASTING SPIT.⁵² R. JOHANAN HASANDELAR⁵³ SAID: BECAUSE ONE BAKES ON IT WHEN PRESSED [FOR SPACE].⁵² SIMILARLY THE RIM⁵⁰ OF A BOILER USED BY OLIVE SEETHERS IS SUSCEPTIBLE TO UNCLEANNESS,⁵⁴ BUT THAT OF ONE USED BY DYERS⁵⁵ IS NOT SUSCEPTIBLE.

MISHNAH 6. IF AN OVEN WAS HALF FILLED WITH EARTH,⁵⁶ THE PART FROM THE EARTH DOWNWARDS CONTRACTS UNCLEANNESS BY CONTACT ONLY⁵⁷ WHILE THE PART FROM THE EARTH UPWARDS CONTRACTS UNCLEANNESS FROM ITS AIR-SPACE ALSO.⁵⁸ IF AN OVEN WAS PLACED OVER THE MOUTH OF A CISTERN OR OVER THAT OF A CELLAR AND A STONE WAS INSERTED AT ITS SIDE,⁵⁹ R. JUDAH RULED: IF WHEN HEATED BELOW⁶⁰ IT BECOMES ALSO HEATED ABOVE⁶¹ IT⁶² IS SUSCEPTIBLE TO UNCLEANNESS.⁶³ BUT THE SAGES RULED: SINCE IT WAS HEATED, NO MATTER HOW,⁶⁴ IT IS SUSCEPTIBLE TO UNCLEANNESS.⁶⁵

MISHNAH 7. IF AN OVEN CONTRACTED UNCLEANNESS HOW IS IT TO BE CLEANSED? IT MUST BE DIVIDED INTO THREE PARTS⁶⁶ AND THE PLASTERING⁶⁷ MUST BE SCRAPED OFF SO THAT [THE OVEN] TOUCHES THE GROUND.⁶⁸ R. MEIR RULED: IT IS NOT NECESSARY TO SCRAPE OFF THE PLASTERING NOR IS IT NECESSARY FOR [THE OVEN] TO TOUCH THE GROUND, BUT IT⁶⁹ NEED ONLY BE

REDUCED WITHIN⁷⁰ TO A HEIGHT OF LESS THAN FOUR HANDBREADTHS. R. SIMEON RULED: IT⁷¹ MUST ALSO BE MOVED [FROM ITS POSITION]. IF IT WAS DIVIDED INTO TWO PARTS, ONE LARGE AND THE OTHER SMALL, THE LARGER REMAINS UNCLEAN AND THE SMALLER BECOMES CLEAN. IF IT WAS DIVIDED INTO THREE PARTS ONE OF WHICH WAS AS BIG AS THE OTHER TWO TOGETHER, THE BIG ONE REMAINS UNCLEAN AND THE TWO SMALL ONES BECOME CLEAN.

MISHNAH 8. IF AN OVEN WAS CUT UP BREADTHWISE INTO RINGS THAT ARE EACH LESS THAN FOUR HANDBREADTHS IN HEIGHT, IT IS CLEAN. IF IT WAS SUBSEQUENTLY⁷² PLASTERED OVER WITH CLAY, IT BECOMES SUSCEPTIBLE TO UNCLEANNESS WHEN⁷³ IT IS HEATED TO A DEGREE THAT SUFFICES FOR THE BAKING OF SPONGY CAKES. IF THE PLASTERING WAS REMOVED,⁷⁴ AND SAND OR GRAVEL WAS PUT BETWEEN IT AND THE OVEN SIDES — OF SUCH AN OVEN IT HAS BEEN SAID, ‘A MENSTRUANT AS WELL AS A CLEAN WOMAN MAY BAKE IN IT AND IT REMAINS CLEAN’.⁷⁵

MISHNAH 9. IF AN OVEN CAME IN SECTIONS⁷⁶ FROM THE CRAFTSMAN'S HOUSE AND HOOPS WERE PREPARED FOR IT AND PUT UPON IT⁷⁷ WHILE IT WAS CLEAN, AND WHEN⁷⁸ IT CONTRACTED AN UNCLEANNESS ITS HOOPS WERE REMOVED, IT IS AGAIN CLEAN.⁷⁹ EVEN IF THEY ARE PUT ON AGAIN THE OVEN REMAINS CLEAN.⁸⁰ IF, HOWEVER, IT WAS⁸¹ PLASTERED WITH CLAY, IT BECOMES SUSCEPTIBLE TO UNCLEANNESS AND THERE IS NO NEED TO HEAT IT SINCE IT⁸² WAS ONCE HEATED.

MISHNAH 10. IF AN OVEN WAS CUT UP⁸³ INTO RINGS, AND SAND WAS INSERTED BETWEEN EACH PAIR OF RINGS,⁸⁴ R. ELIEZER RULES: IT IS CLEAN;⁸⁵ BUT THE SAGES RULE: IT IS UNCLEAN.⁸⁶ SUCH AN OVEN IS KNOWN AS THE OVEN OF AKNAI.⁸⁷ AS REGARDS THE ARABIAN POTS, WHICH ARE HOLES DUG IN THE GROUND AND PLASTERED WITH CLAY, IF THE PLASTERING CAN STAND OF ITSELF IT IS SUSCEPTIBLE TO UNCLEANNESS;⁸⁸ OTHERWISE IT IS NOT SUSCEPTIBLE. AND THIS KIND OF OVEN IS KNOWN AS THE OVEN OF BEN DINAI.⁸⁹

MISHNAH 11. AN OVEN OF STONE OR OF METAL IS CLEAN,⁹⁰ BUT THE LATTER IS UNCLEAN AS A METAL VESSEL.⁹¹ IF A HOLE WAS MADE IN IT, OR IF IT WAS DAMAGED OR CRACKED, AND IT WAS PROVIDED WITH A LINING OF PLASTER OR WITH A RIM OF CLAY, IT IS UNCLEAN.⁹² WHAT MUST BE THE SIZE OF THE HOLE?⁹³ IT MUST BE BIG ENOUGH FOR THE FLAME TO COME THROUGH. THE SAME APPLIES ALSO TO A STOVE. A STOVE OF STONE OR OF METAL IS CLEAN,⁹⁴ BUT THE LATTER IS UNCLEAN AS A METAL VESSEL.⁹⁵ IF A HOLE WAS MADE IN IT OR IF IT WAS DAMAGED OR CRACKED BUT WAS PROVIDED WITH PROPS⁹⁶ IT IS UNCLEAN. IF IT WAS LINED WITH CLAY, WHETHER INSIDE OR OUTSIDE, IT REMAINS CLEAN. R. JUDAH RULED: IF [THE LINING WAS] INSIDE IT IS UNCLEAN BUT IF OUTSIDE IT REMAINS CLEAN.

(1) If it is to be susceptible to uncleanness.

(2) Baking-ovens were made of clay in the shape of a truncated cone, the wider side being attached with clay to the ground which constituted its bottom. Though such an oven has no bottom of its own it is regarded as a vessel and is susceptible to uncleanness if it conforms to the conditions laid down in our Mishnah.

(3) After it had contracted an uncleanness and was broken.

(4) If a lesser height remained it is clean.

(5) Since it is only used as a child's toy.

(6) In the case of either oven.

(7) But not earlier.

- (8) These require less heat than cakes made of stiffer dough.
- (9) Restricting the Law.
- (10) Which needs more heating than an old one.
- (11) Though it would not be sufficient for baking them in the new oven.
- (12) A kind of box-shaped earthen vessel, hollow within and having two holes on top. The fire is kept within, while the cooking utensils are set over the holes or, sometimes, inside direct on the coals.
- (13) If the stove is to be susceptible to uncleanness.
- (14) After it had contracted an uncleanness and was broken.
- (15) If a lesser height remained it is clean.
- (16) But not earlier.
- (17) Sc. a stove (cf. p. 25 n. 12) with one hole.
- (18) And degree of heating.
- (19) Supra Mishnah I, q.v.
- (20) Supra.
- (21) In which case the stone may be regarded as a handle of the oven. If it was longer it cannot be so regarded because it would most likely be cut away.
- (22) Sc. if the oven or stove contracted an uncleanness it is passed on to the stone; and if an object of uncleanness came in contact with the stone the oven or stove also contracts it.
- (23) Of the stone.
- (24) The Rabbis whose ruling has just been cited.
- (25) In the case of an oven; and of 'three fingerbreadths' in that of a double stove. Sc. that the projection is considered a connection only where it is not longer than a handbreadth and three fingerbreadths respectively.
- (26) Or double stove (cf. prev. n.).
- (27) In such a case a longer projection would most likely be cut off in order that the oven should not be too far removed from the wall. Where, however, the stone projected in another direction it is not likely to be cut off and may well be regarded as a handle, and, therefore, as a proper connection.
- (28) And a stone joined them together.
- (29) On the other side of the stone nearest to the other oven.
- (30) The length of stone between the two handbreadths which (cf. foll. n.) cannot be regarded as a handle to either oven.
- (31) In agreement with the first Tanna and contrary to the view of R. Judah.
- (32) A kind of detachable rim around the top of a stove which helps to preserve its heat.
- (33) Even where the stove had contracted an uncleanness; because it is not considered a proper connection.
- (34) If a dead creeping thing was suspended within its air-space the oven also becomes unclean.
- (35) Since it is not considered a proper connection.
- (36) The fender.
- (37) The oven.
- (38) Sc. by an imperfect connection (cf. Bert.). Aliter: Joined on three sides but not on the fourth (L.).
- (39) Because it is regarded as a proper connection.
- (40) On the top.
- (41) Whether the uncleanness came into contact with any of them or with the stove all become unclean.
- (42) Sc. an uncleanness suspended within the air-space of one of these or of the oven imparts no uncleanness to any of the others, though the uncleanness is imparted to that in whose air-space it was suspended.
- (43) Var. lec. 'Simeon' or 'and R. Simeon'.
- (44) Always, even where there was contact with one of them. Only that one is unclean that came in contact with the uncleanness.
- (45) Lit., 'from its back'.
- (46) Within.
- (47) Sc. before its manufacture was completed.
- (48) In Galilee.
- (49) The fire was regarded by him as that of a furnace; the baking in which is the completion of their manufacture.
- (50) Lit., 'addition', 'attachment'.
- (51) Even where the oven is unclean, because it is not considered a connection.

- (52) So that it forms an integral part of the oven.
- (53) The Sandal-maker.
- (54) Because they make use of the rim also.
- (55) Who do not use the rim.
- (56) So that its lower half had no longer any cavity as an air-space.
- (57) If a dead creeping thing was embedded within the earth but did not touch the sides of the oven no uncleanness is imparted.
- (58) And the uncleanness extends over the entire oven (L.) or only to that part which is above the earth (Bert.).
- (59) Lit., 'there', between the oven and the wall to lessen the space and thus to keep the oven in position.
- (60) From the cistern or cellar.
- (61) The heat passing up through the bottom of the oven.
- (62) The oven, on being heated for the first time (which constitutes the completion of its manufacture).
- (63) For then it is deemed as joined to the ground and susceptible to uncleanness according to Lev. XI, 35 in the normal way (cf. supra Mishnah I). If the oven, however, can be heated from above only the heating from below does not render it susceptible to uncleanness.
- (64) Even if it is entirely detached from the ground.
- (65) The divergence of view between R. Judah and the Sages whether or not the oven to become susceptible to uncleanness must be attached to the ground depends on the interpretation of the Pentateuchal expression in Lev. XI, 35.
- (66) Being cut perpendicularly.
- (67) Which attaches the oven to the ground.
- (68) So Maim.
- (69) The plastering.
- (70) Within the oven.
- (71) The oven, sc. each of the three parts into which it is divided.
- (72) The rings having been set up again and the oven resumed its original shape.
- (73) Like a new oven (supra Mishnah 1).
- (74) From the sides of the oven.
- (75) Since it is insusceptible to uncleanness on account of the sand or gravel which prevents the plaster from adhering to the re-set oven.
- (76) Lit., 'cut'.
- (77) To hold the sections together.
- (78) Subsequently.
- (79) Since the sections are no longer held together the oven must be regarded as a broken one that is not susceptible to uncleanness.
- (80) Because it is no longer considered a whole vessel. Only when the new sections come for the first time from the craftsman's house do the hoops unite them into one whole.
- (81) After the sections were re-set.
- (82) When it came in sections from the craftsman.
- (83) Breadthwise.
- (84) And plastered over.
- (85) Because the sand is deemed to break up the oven into isolated fragments.
- (86) Since the plaster over the sand joins the rings into one whole.
- (87) Probably the name of a manufacturer of this kind of oven; v. B.M. 59a.
- (88) After it had been duly heated to the prescribed degree.
- (89) The name of a person (a robber) who designed or made this kind of oven; v. Sot. 47a. and Josephus. Ant. XX, 6, 1
- (90) The former is not even susceptible to uncleanness while the latter is cleansed by ritual immersion. Neither contracts uncleanness through its air-space.
- (91) So that if it is not attached to the ground it contracts uncleanness from its outside and it may also become a 'father of the father of uncleanness'.
- (92) Sc. it is susceptible to uncleanness like an oven made of clay.
- (93) For an oven to be regarded as broken and clean.
- (94) V. p. 30, n. 15.

(95) V. p. 30, n. 16.

(96) Three clay props on the top of the stove on which the cooking pot is set (Elijah Wilna).

Mishna - Mas. Kelim Chapter 6

MISHNAH 1. IF THREE PROPS¹ WERE PUT UPON THE GROUND² AND JOINED TOGETHER WITH CLAY³ SO THAT A POT COULD BE SET ON THEM, [THE STRUCTURE] IS SUSCEPTIBLE TO UNCLEANNESS.⁴ IF THREE NAILS WERE FIXED IN THE GROUND² SO THAT A POT COULD BE SET ON THEM, EVEN THOUGH A PLACE WAS MADE ON THE TOP⁵ WHEREON A POT COULD REST, [THE STRUCTURE] IS INSUSCEPTIBLE TO UNCLEANNESS.⁶ IF ONE MADE A STOVE OF TWO STONES, JOINING THEM TOGETHER WITH CLAY, IT IS SUSCEPTIBLE TO UNCLEANNESS.⁴ R. JUDAH RULES THAT IT IS INSUSCEPTIBLE TO UNCLEANNESS,⁷ UNLESS A THIRD STONE IS ADDED OR [THE STRUCTURE] IS PLACED NEAR A WALL.⁸ IF ONE STONE WAS JOINED TO THE OTHER WITH CLAY AND THE THIRD WAS NOT JOINED TO IT WITH CLAY, [THE STRUCTURE] IS INSUSCEPTIBLE TO UNCLEANNESS.⁹

MISHNAH 2. A STONE¹⁰ ON WHICH A POT IS SET, [RESTING IT ON IT] AND ON AN OVEN, OR ON A DOUBLE STOVE, OR ON A STOVE,¹¹ IS SUSCEPTIBLE TO UNCLEANNESS. IF THE POT RESTED ON THE STONE¹⁰ AND ON ANOTHER STONE,¹² ON A ROCK¹³ OR ON A WALL,¹⁴ [SUCH STOVE] IS INSUSCEPTIBLE TO UNCLEANNESS;¹⁵ AND SUCH¹⁶ WAS THE STOVE OF THE NAZIRITES IN JERUSALEM¹⁷ WHICH WAS SET UP AGAINST A ROCK. AS REGARDS THE STOVE OF THE BUTCHERS,¹⁸ WHENEVER THE STONES ARE PLACED SIDE BY SIDE,¹⁹ IF ONE OF THE STOVES CONTRACTED UNCLEANNESS ALL THE OTHERS DO NOT BECOME UNCLEAN.²⁰

MISHNAH 3. IF ONE MADE OF THREE STONES TWO STOVES²¹ AND ONE OF THE OUTER ONES CONTRACTED AN UNCLEANNESS THE HALF OF THE MIDDLE ONE THAT SERVES THE UNCLEAN ONE²² IS UNCLEAN BUT THE HALF OF IT THAT SERVES THE CLEAN ONE REMAINS CLEAN. IF THE CLEAN ONE WAS REMOVED, THE MIDDLE ONE IS REGARDED AS COMPLETELY TRANSFERRED TO THE UNCLEAN ONE.²³ IF THE UNCLEAN ONE WAS REMOVED, THE MIDDLE ONE IS REGARDED AS COMPLETELY TRANSFERRED TO THE CLEAN ONE. SHOULD THE TWO OUTER ONES CONTRACT UNCLEANNESS, IF THE MIDDLE STONE WAS LARGE EACH OUTER STONE IS ALLOWED SUCH A PART OF IT AS SUFFICES FOR THE SUPPORT OF A POT²² AND THE REMAINDER IS CLEAN. BUT IF IT WAS SMALL ALL OF IT IS UNCLEAN. SHOULD THE MIDDLE STONE BE REMOVED, IF A BIG KETTLE CAN BE SET ON THE TWO OUTER STONES²⁴ THEY ARE UNCLEAN. IF THE MIDDLE STONE IS RESTORED ALL BECOMES CLEAN AGAIN.²⁵ IF IT WAS PLASTERED WITH CLAY²⁶ IT BECOMES SUSCEPTIBLE TO UNCLEANNESS WHEN²⁷ IT IS HEATED TO A DEGREE THAT SUFFICES FOR THE COOKING OF AN EGG.²⁸

MISHNAH 4. IF TWO STONES WERE MADE INTO A STOVE AND THEY CONTRACTED AN UNCLEANNESS, AND A STONE WAS SET UP NEAR THE OUTER SIDE²⁹ OF THE ONE AND ANOTHER STONE NEAR THE OUTER SIDE OF THE OTHER,³⁰ [THE INNER HALF] OF EACH [INNER STONES]³¹ REMAINS UNCLEAN³² WHILE [THE OUTER] HALF OF EACH [OF THESE STONES]³³ IS CLEAN. IF THE CLEAN STONES³⁴ ARE REMOVED THE OTHERS³⁵ REVERT TO THEIR UNCLEANNESS.

(1) Of clay.

(2) In a tripod arrangement.

(3) To form a stand.

- (4) Sc. like an earthen vessel it contracts uncleanness through its air-space.
- (5) Sc. each nail was provided at its top with a coating of clay (Tosaf. Y.T.)
- (6) Like a metal vessel that is fixed to the ground.
- (7) Because on two stones a pot cannot properly be set.
- (8) On which one side of the pot could be supported.
- (9) According to R. Judah (cf. n. 7).
- (10) That was fixed to the ground with clay.
- (11) The pot being supported both on the stone and on one of these earthen vessels.
- (12) That was not fixed to the ground.
- (13) In its primordial condition.
- (14) All of which are insusceptible to uncleanness.
- (15) Because to such a stove the prescription shall be broken in pieces (Lev. XI, 35) does not apply.
- (16) A stone fixed to the ground.
- (17) On which they cooked their peace-offerings (cf. Mid. II, 5).
- (18) Who sold cooked meat and used a stove for the purpose.
- (19) Each one being fixed to the ground with clay but separated from the others, and each pair serving as one stove on which a cooking pot could rest.
- (20) Since each stove may be regarded as an isolated entity.
- (21) The cooking pots resting on either Of the outer stones and the adjacent part of the middle one.
- (22) Cf. prev. n.
- (23) And it becomes unclean.
- (24) I.e., if their distance from one another was not so great as to prevent the opposite sides of the kettle from resting on the two stones respectively.
- (25) The stone restored being deemed to have broken the larger stove in two.
- (26) And thus fixed to the ground.
- (27) Like a new oven.
- (28) As explained supra V, 2.
- (29) Lit., 'from here'.
- (30) The four stones now forming three stoves.
- (31) Which serves as part of the middle stove.
- (32) As it was originally.
- (33) Which is now forming a new stove with the outer stone adjacent to it.
- (34) The outer ones that have been added to the original stove.
- (35) The two stones that constituted the original stove.

Mishna - Mas. Kelim Chapter 7

MISHNAH 1. IF A DOMESTIC¹ FIRE-BASKET² WAS HOLLOWED OUT³ TO A DEPTH OF LESS THAN THREE HANDBREADTHS,⁴ IT REMAINS SUSCEPTIBLE TO UNCLEANNESS, BECAUSE WHEN IT IS HEATED FROM BELOW³ A POT ABOVE WOULD STILL BOIL. IF, HOWEVER, IT WAS HOLLOWED OUT³ TO A LOWER DEPTH IT IS INSUSCEPTIBLE TO UNCLEANNESS.⁵ IF SUBSEQUENTLY A STONE OR GRAVEL WAS PUT INTO IT,⁶ IT IS STILL INSUSCEPTIBLE TO UNCLEANNESS.⁷ IF IT WAS PLASTERED OVER⁸ WITH CLAY, IT MAY CONTRACT UNCLEANNESS HENCEFORWARD.⁹ THIS WAS R. JUDAH'S REPLY¹⁰ IN CONNECTION WITH THE OVEN THAT WAS PLACED OVER THE MOUTH OF A CISTERN OR OVER THAT OF A CELLAR.¹¹

MISHNAH 2. A HOB¹² THAT HAS A RECEPTACLE FOR POTS¹³ IS CLEAN AS A STOVE¹⁴ BUT UNCLEAN AS A RECEPTACLE.¹⁵ AS TO ITS¹⁶ SIDES,¹⁷ WHATEVER TOUCHES THEM DOES NOT BECOME UNCLEAN AS IF THE HOB HAD BEEN A STOVE,¹⁸ BUT AS REGARDS ITS WIDE SIDE,¹⁹ R. MEIR HOLDS IT TO BE CLEAN²⁰ WHILE R. JUDAH HOLDS IT TO BE UNCLEAN.²¹ THE SAME LAW²² APPLIES ALSO WHERE A BASKET WAS

INVERTED AND A STOVE WAS PUT UPON IT.²³

MISHNAH 3. IF A DOUBLE STOVE WAS SPLIT INTO TWO PARTS LONGITUDINALLY IT BECOMES INSUSCEPTIBLE TO UNCLEANNESS.²⁴ BUT IF CROSSWISE²⁵ IT REMAINS SUSCEPTIBLE TO UNCLEANNESS. IF A SINGLE STOVE WAS SPLIT INTO TWO PARTS, WHETHER LONGITUDINALLY OR CROSSWISE, IT BECOMES INSUSCEPTIBLE TO UNCLEANNESS.²⁶ AS TO THE FENDER AROUND A STOVE,²⁷ WHENEVER IT²⁸ IS THREE FINGERBREADTHS HIGH IT CONTRACTS UNCLEANNESS BY CONTACT AND ALSO THROUGH ITS AIR-SPACE, BUT IF IT IS LESS IT CONTRACTS UNCLEANNESS THROUGH CONTACT AND NOT THROUGH ITS AIR-SPACE.²⁹ HOW³⁰ IS THE AIR-SPACE³¹ DETERMINED?³² R. ISHMAEL SAYS: A SPIT³³ IS INCLINED FROM ABOVE³⁴ DOWNWARDS³⁵ AND ALL BELOW IT³⁶ IS THE AIR-SPACE³⁷ THROUGH WHICH UNCLEANNESS IS IMPARTED. R. ELIEZER B. JACOB RULED: IF THE STOVE CONTRACTED UNCLEANNESS THE FENDER³⁸ ALSO BECOMES UNCLEAR, BUT IF THE FENDER CONTRACTS UNCLEANNESS THE STOVE DOES NOT BECOME UNCLEAR.

MISHNAH 4. IF THE FENDER WAS DETACHED FROM THE STOVE, WHENEVER IT WAS THREE FINGERBREADTHS HIGH IT CONTRACTS UNCLEANNESS BY CONTACT AND THROUGH ITS AIR-SPACE, BUT IF IT WAS LOWER OR IF THE FENDER WAS FLAT³⁹ IT IS CLEAN.⁴⁰ IF THREE PROPS⁴¹ ON A STOVE WERE THREE FINGERBREADTHS HIGH, THEY CONTRACT UNCLEANNESS BY CONTACT AND THROUGH THEIR AIR-SPACE. IF THEY WERE LOWER THEY CONTRACT UNCLEANNESS ALL THE MORE,⁴² EVEN WHERE THEY WERE FOUR IN NUMBER.⁴³

MISHNAH 5. IF ONE OF THEM⁴⁴ WAS REMOVED, THE REMAINING ONES CONTRACT UNCLEANNESS BY CONTACT BUT NOT THROUGH THEIR AIR-SPACE;⁴⁵ SO R. MEIR. R. SIMEON RULES THAT THEY REMAIN CLEAN. IF ORIGINALLY ONLY TWO PROPS WERE MADE, ONE OPPOSITE THE OTHER,⁴⁶ THEY CONTRACT UNCLEANNESS BY CONTACT AND THROUGH THEIR AIR-SPACE; SO R. MEIR. R. SIMEON RULES THAT THEY ARE CLEAN. IF THEY WERE MORE THAN THREE FINGERBREADTHS HIGH, THE PARTS THAT ARE THREE FINGERBREADTHS HIGH AND DOWNWARDS⁴⁷ CONTRACT UNCLEANNESS BY CONTACT AND THROUGH THEIR AIR-SPACE BUT THE PARTS THAT ARE MORE THAN THREE FINGERBREADTHS HIGH CONTRACT UNCLEANNESS BY CONTACT AND NOT THROUGH THEIR AIR-SPACE; SO R. MEIR. R. SIMEON RULES THAT THEY⁴⁸ ARE CLEAN. IF THEY WERE WITHDRAWN FROM THE RIM,⁴⁹ THE PARTS WHICH ARE WITHIN THREE FINGERBREADTHS⁴⁹ CONTRACT UNCLEANNESS BY CONTACT AND THROUGH THEIR AIR-SPACE, AND THOSE PARTS THAT ARE REMOVED MORE THAN THREE FINGERBREADTHS⁴⁹ CONTRACT UNCLEANNESS BY CONTACT BUT NOT THROUGH THEIR AIR-SPACE; SO R. MEIR. R. SIMEON RULES THAT THEY ARE CLEAN.

MISHNAH 6. HOW IS THEIR AIR-SPACE⁵⁰ MEASURED?⁵¹ R. SIMEON B. GAMALIEL SAYS: THE MEASURING-ROD⁵² IS PLACED BETWEEN THEM,⁵³ AND ANY PART THAT IS OUTSIDE THE MEASURING-ROD IS CLEAN WHILE ANY PART INSIDE THE MEASURING-ROD, INCLUDING THE PLACE OF THE MEASURING-ROD ITSELF, IS UNCLEAR.

(1) Lit., 'of householders'.

(2) **. A movable earthen stove, open above (where the pot is set) and closed below with a thick bottom (on which the coals rest).

(3) In its bottom.

(4) Lowering by so much the level of the fire.

- (5) Because, on account of the distance of the fire from its top, it can no longer be used as a stove.
- (6) To fill up the hollowed part.
- (7) Since a movable object cannot be regarded as a valid part of the stove.
- (8) Above the stone or gravel.
- (9) Cf. n. 7 mut. mut.
- (10) To the Sages who differed from him (supra V, 6).
- (11) As here it is essential that the heat below shall suffice for the boiling of a pot above so, R. Judah maintained, it is also essential there.
- (12) Dakon or (with MS.M.) Dikon, a projection from a stove (triangular in shape, the base of which and the stove have a common side) on which pots are placed to keep them warm. Aliter: An oblong chest filled with hot ashes on the top of which are holes for pots.
- (13) Cf. prev. n.
- (14) Sc. it is (a) insusceptible to uncleanness if it was fixed to the ground and (b) though the stove contracted an uncleanness the hob remains clean.
- (15) Sc. if it was detached from the ground it becomes susceptible to uncleanness like any other earthen vessel.
- (16) The hob's.
- (17) That are not common to it and the stove.
- (18) Even though the stove was unclean at the time.
- (19) That which is common to it and the stove.
- (20) Because, in his opinion, even the wide side is not wholly regarded as a part of the stove, their common side being considered as a mere stone intervening between two stoves which is deemed to be divided into two halves, that facing the hob remaining clean.
- (21) Sc. if an uncleanness touched the hob it is as unclean as if the stove itself had been touched.
- (22) That is applicable to the hob.
- (23) The part of the basket that projects round about the oven and on which pots are placed to keep them warm, are subject to the same laws as the hob.
- (24) Since neither part is capable of holding a pot.
- (25) So that each stove is still capable of holding a pot on the unbroken hole on its top.
- (26) Cf. n. 10. mut. mut.
- (27) Lit., 'court', a flat foundation of clay with a rim around it.
- (28) Cf. prev. n.
- (29) Since it is only regarded as a 'handle' of the stove.
- (30) In the case where the rim of the fender is three fingerbreadths high.
- (31) Of the fender.
- (32) In view of the fact that the stove is much higher than the rim of the fender.
- (33) Or a similar rod.
- (34) From the edge of the stove.
- (35) To the rim of the fender.
- (36) Lit., 'and opposite it'.
- (37) V. p. 36. n. 17.
- (38) Which is merely an adjunct to it.
- (39) Lit., 'smooth', sc. there was no rim at all.
- (40) Though the stove was unclean; since it was completely detached from it.
- (41) Of clay on which pots are set.
- (42) Since they are definitely a part of the stove.
- (43) When one of them is superfluous, since a pot could well be set on three props.
- (44) Of the three props spoken of in the previous Mishnah.
- (45) Since they are regarded as a mere 'handle' of the stove.
- (46) So that the two, being capable of supporting a pot, are in the same condition as two stones of which a stove was made (v. supra VI, 1).
- (47) Towards the stove.
- (48) The parts that are more than three fingerbreadths high. Aliter: The entire height of the props.

- (49) Of the stove or (with another commentary) the mouth of the stove, the props having been bent outwards.
(50) Lit., 'them', the props (v. prev. Mishnah).
(51) Sc. how is it determined which air-space is within the parts of the props that are 'within three fingerbreadths'.
(52) With which the three fingerbreadths have been measured.
(53) Each pair of props in turn, at a distance of three fingerbreadths (cf. n. 2).

Mishna - Mas. Kelim Chapter 8

MISHNAH 1. IF WITHIN AN OVEN¹ A PARTITION OF BOARDS OR HANGINGS² WAS PUT UP AND A [DEAD] CREEPING THING WAS FOUND IN ONE COMPARTMENT ALL THE OVEN BECOMES UNCLEAN.³ IF A HIVE THAT WAS BROKEN THROUGH⁴ AND ITS GAP WAS STOPPED UP WITH STRAW⁵ WAS SUSPENDED WITHIN THE AIR-SPACE OF AN OVEN⁶ WHILE A [DEAD] CREEPING THING WAS WITHIN IT, THE OVEN BECOMES UNCLEAN.⁷ IF A [DEAD] CREEPING THING WAS WITHIN THE OVEN, ANY FOODSTUFFS WITHIN THE HIVE BECOME UNCLEAN;⁸ BUT R. ELIEZER RULES THAT THEY ARE CLEAN. R. ELIEZER ARGUED: IF SUCH A HIVE AFFORDS PROTECTION IN THE CASE OF A CORPSE⁹ WHICH IS SUBJECT TO THE GREATER RESTRICTIONS,¹⁰ SHOULD IT NOT AFFORD PROTECTION IN THE CASE OF AN EARTHENWARE WHICH IS SUBJECT TO LIGHTER RESTRICTIONS?¹⁰ THEY ANSWERED HIM: IF IT AFFORDS PROTECTION IN THE CASE OF CORPSE UNCLEANNESS (THOUGH IT IS SUBJECT TO GREATER RESTRICTIONS) ON ACCOUNT OF THE FACT THAT TENTS MAY BE DULY DIVIDED,¹¹ SHOULD IT ALSO AFFORD PROTECTION IN THE CASE OF AN EARTHENWARE (THOUGH IT IS SUBJECT TO LIGHTER RESTRICTIONS) WHERE TENTS CANNOT BE USEFULLY DIVIDED?¹²

MISHNAH 2. IF A HIVE WAS IN A SOUND CONDITION, AND SO TOO IN THE CASE OF A HAMPER OR A SKIN-BOTTLE, AND A [DEAD] CREEPING THING WAS WITHIN IT¹³ THE OVEN REMAINS CLEAN.¹⁴ IF THE [DEAD] CREEPING THING WAS IN THE OVEN, ANY FOODSTUFFS IN THE HIVE REMAIN CLEAN.¹⁴ IF IT¹⁵ WAS PERFORATED, A VESSEL THAT IS USED FOR FOODSTUFFS MUST¹⁶ HAVE A HOLE THAT IS LARGE ENOUGH FOR OLIVES TO FALL THROUGH, IF IT IS USED FOR LIQUIDS THE HOLE MUST BE LARGE ENOUGH FOR LIQUIDS TO PASS INTO IT,¹⁷ AND IF IT IS USED FOR EITHER IT IS SUBJECTED TO THE GREATER RESTRICTION, VIZ., THE HOLE NEED ONLY BE LARGE ENOUGH FOR LIQUIDS TO PASS INTO IT.¹⁸

MISHNAH 3. IF A COLANDER¹⁹ PLACED OVER THE MOUTH OF AN OVEN WAS SLIGHTLY SINKING INTO IT,²⁰ AND IT HAD NO RIMS,²¹ AND A [DEAD] CREEPING THING WAS IN IT THE OVEN BECOMES UNCLEAN, AND IF THE CREEPING THING WAS IN THE OVEN, FOODSTUFFS IN THE COLANDER BECOME UNCLEAN, SINCE ONLY VESSELS²² AFFORD PROTECTION AGAINST AN UNCLEANNESS IN AN EARTHEN VESSEL.²³ IF A JAR THAT WAS FULL OF CLEAN LIQUIDS²⁴ WAS PLACED BENEATH THE BOTTOM OF AN OVEN, AND A [DEAD] CREEPING THING WAS IN THE OVEN, THE JAR AND THE LIQUIDS REMAIN CLEAN.²⁵ IF IT²⁶ WAS INVERTED, WITH ITS MOUTH PROJECTING INTO THE AIR-SPACE OF THE OVEN, AND A DEAD CREEPING THING WAS IN THE OVEN, THE LIQUID THAT CLINGS TO²⁷ THE BOTTOM OF THE JAR REMAINS CLEAN.²⁸

MISHNAH 4. IF A POT WAS PLACED IN AN OVEN AND A [DEAD] CREEPING THING WAS IN THE OVEN, THE POT REMAINS CLEAN SINCE NO EARTHEN VESSEL²⁹ IMPARTS UNCLEANNESS TO VESSELS. IF IT³⁰ CONTAINED DRIPPING LIQUID, THE LATTER CONTRACTS UNCLEANNESS AND THE POT ALSO BECOMES UNCLEAN.³¹ THIS³² MIGHT WELL SAY,³³ 'THAT³⁴ WHICH MADE YOU UNCLEAN DID NOT MAKE ME

UNCLEAN, BUT YOU HAVE MADE ME UNCLEAN’.

MISHNAH 5. IF A COCK THAT SWALLOWED A CREEPING THING FELL³⁵ WITHIN THE AIR-SPACE OF AN OVEN, THE OVEN REMAINS CLEAN;³⁶ BUT IF THE COCK DIED,³⁷ THE OVEN BECOMES UNCLEAN.³⁸ IF A [DEAD] CREEPING THING WAS FOUND IN AN OVEN, ANY BREAD IN IT CONTRACTS A SECOND GRADE OF UNCLEANNESS SINCE THE OVEN³⁹ IS OF THE FIRST GRADE.⁴⁰

MISHNAH 6. IF A LEAVEN POT⁴¹ THAT HAD A TIGHTLY FITTING LID⁴² WAS PUT WITHIN AN OVEN, AND THERE WAS SOME LEAVEN AND A [DEAD] CREEPING THING WITHIN THE POT, BUT THERE WAS A PARTITION⁴³ BETWEEN THEM,⁴⁴ THE OVEN IS UNCLEAN⁴⁵ BUT THE LEAVEN⁴⁶ IS CLEAN. BUT IF IT⁴⁷ WAS AN OLIVES BULK OF CORPSE,⁴⁸ BOTH THE OVEN AND THE HOUSE⁴⁹ BECOME UNCLEAN,⁵⁰ BUT THE LEAVEN⁴⁶ REMAINS CLEAN. IF, HOWEVER, THERE WAS IN THE PARTITION⁴³ AN APERTURE ONE HANDBREADTH SQUARE,⁵¹ ALL⁵² BECOME UNCLEAN.

MISHNAH 7. IF A [DEAD] CREEPING THING WAS FOUND IN THE OUTLET⁵³ OF AN OVEN OR OF A DOUBLE STOVE OR OF A SINGLE STOVE OUTSIDE THE INNER EDGE,⁵⁴ IT⁵⁵ REMAINS CLEAN.⁵⁶ IF IT⁵⁵ WAS IN THE OPEN AIR,⁵⁷ EVEN THOUGH AN OLIVE'S BULK OF CORPSE WAS FOUND IN THE OUTLET, IT⁵⁵ REMAINS CLEAN.⁵⁸ IF, HOWEVER, THERE WAS IN THE OUTLET AN OPENING OF ONE HANDBREADTH,⁵⁹ ALL⁶⁰ BECOME UNCLEAN.⁵¹

MISHNAH 8. IF A [DEAD] CREEPING THING WAS FOUND IN THE APERTURE⁶¹ THROUGH WHICH WOOD IS PUT IN, R. JUDAH RULED: IF IT⁶² WAS WITHIN THE OUTER EDGE OF THE APERTURE THE STOVE BECOMES UNCLEAN.⁶³ BUT THE SAGES RULED: IF IT⁶² WAS WITHOUT THE INNER EDGE THE OVEN REMAINS CLEAN.⁶⁴ R. JOSE RULED: IF IT⁶² WAS FOUND BENEATH THE SPOT WHERE THE POT IS SET, INWARDS, THE STOVE BECOMES UNCLEAN, BUT IF BENEATH THE SPOT WHERE THE POT IS SET, OUTWARDS, IT REMAINS CLEAN. IF IT⁶² WAS FOUND ON THE PLACE⁶⁵ WHERE THE BATH-KEEPER⁶⁶ SITS, OR WHERE THE DYER SITS, OR WHERE THE OLIVE SEETHERS SIT, THE STOVE REMAINS CLEAN. THE STOVE BECOMES UNCLEAN⁶⁷ ONLY WHEN THE CREEPING THING IS FOUND WITHIN AND BEYOND THAT OPENING WHICH IS BLOCKED UP BY THE POT.⁶⁸

MISHNAH 9. A PIT⁶⁹ WHICH HAS A PLACE ON WHICH A POT MAY BE SET IS UNCLEAN;⁷⁰ AND SO ALSO AN OVEN OF GLASS-BLOWERS. IF IT HAS A PLACE ON WHICH A POT MAY BE SET, IS UNCLEAN.⁷⁰ THE FURNACE OF LIME-BURNERS, OR OF GLAZIERS, OR OF POTTERS IS CLEAN. A LARGE SIZED BAKING-OVEN⁷¹, IF IT HAS A RIM,⁷² IS UNCLEAN.⁷³ R. JUDAH RULED:⁷⁴ IF IT HAS A PERFORATED ROOF.⁷⁵ R. GAMALIEL RULED:⁷⁴ IF IT HAS A BORDER.⁷⁶

MISHNAH 10. IF A MAN WHO CAME IN CONTACT WITH ONE WHO HAS CONTRACTED CORPSE UNCLEANNESS⁷⁷ HAD FOODSTUFFS OR LIQUIDS IN HIS MOUTH AND HE PUT HIS HEAD INTO THE AIR-SPACE OF AN OVEN THAT WAS CLEAN, THEY⁷⁸ CAUSE THE OVEN TO BE UNCLEAN.⁷⁹ IF A MAN WHO WAS CLEAN HAD FOODSTUFFS OR LIQUIDS IN HIS MOUTH AND HE PUT HIS HEAD INTO THE AIR-SPACE OF AN OVEN THAT WAS UNCLEAN, THEY⁸⁰ BECOME UNCLEAN.⁸¹ IF A MAN WAS EATING A PRESSED FIG⁸² WITH SOILED HANDS⁸³ AND HE PUT HIS HAND INTO HIS MOUTH TO REMOVE A SMALL STONE,⁸⁴ R. MEIR DECLARES THE FIG TO BE UNCLEAN⁸⁵ AND R. JUDAH REGARDS IT AS CLEAN.⁸⁶ R. JOSE RULED: IF HE⁸⁷ TURNED IT OVER⁸⁸ THE FIG IS UNCLEAN⁸⁵ BUT IF HE DID NOT TURN IT OVER⁸⁸ THE FIG

REMAINS CLEAN.⁸⁹ IF THE MAN HAD A PONDION⁹⁰ IN HIS MOUTH, R. JOSE RULED: IF HE KEPT IT THERE TO RELIEVE HIS THIRST IT BECOMES UNCLEAN.⁹¹

MISHNAH 11. IF MILK THAT DRIPPED FROM A WOMAN'S BREASTS⁹² FELL INTO THE AIR-SPACE OF AN OVEN, THE OVEN BECOMES UNCLEAN,⁹³ SINCE A LIQUID⁹⁴ CONVEYS UNCLEANNESS IRRESPECTIVE OF WHETHER [ITS PRESENCE] IS ACCEPTABLE OR NOT ACCEPTABLE. IF SHE⁹⁵ WAS SWEEPING IT⁹⁶ OUT WHEN A THORN PRICKED HER AND SHE BLED, OR IF SHE BURNT HERSELF AND PUT HER FINGER INTO HER MOUTH, THE OVEN BECOMES UNCLEAN.⁹⁷

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- (1) Of earthenware.
 - (2) Dividing it up from top to bottom.
 - (3) The partition being completely disregarded.
 - (4) In consequence of which it ceased to be a valid vessel.
 - (5) And much more so if it was not stopped up (cf. prev. n.).
 - (6) Though its mouth was above that of the oven.
 - (7) Only where a dead creeping thing was within a sound vessel in the oven does the vessel protect the oven from the uncleanness within it.
 - (8) Having lost the status of a vessel (cf. supra n. 4) it cannot prevent uncleanness from penetrating either from itself into the oven or vice versa.
 - (9) No corpse uncleanness in a house can penetrate such a hive to any foodstuffs that it contains.
 - (10) Corpse uncleanness extends, for instance, over seven days and affects both men and vessels while that of an earthenware can be imparted to foodstuffs and liquids only.
 - (11) A partition in a tent or a house prevents any corpse uncleanness in that tent or house from penetrating through it into the other part.
 - (12) No partition (as stated supra n. 3 in the case of the oven) affords protection in an earthenware.
 - (13) While it was suspended within an oven with its mouth above, or on a level with, but not lower than, that of the oven.
 - (14) Because the uncleanness cannot penetrate through a sound vessel either into another vessel or from another vessel into it (cf. prev. n.).
 - (15) The hive, the hamper or the skin bottle that with foodstuffs in it was suspended in the oven that contained a dead creeping thing.
 - (16) If it is to lose the status of vessel and allow the uncleanness in the oven to penetrate through it.
 - (17) It is not enough if it only allows liquids to pass out.
 - (18) Even such a small hole destroys the status of the vessel and the uncleanness penetrates through it.
 - (19) A tablet with perforations made of earthenware. Aliter: An earthenware slab with no cavity that is used for kneading.
 - (20) Though its upper surface was above the mouth of the oven.
 - (21) In consequence of which it cannot be regarded as a valid 'vessel'.
 - (22) Cf. prev. n.
 - (23) In which they are put.
 - (24) Much more so if it was full of foodstuffs, which, unlike liquids, can never impart uncleanness to a vessel.
 - (25) Even though the open bottom of the oven projected into the jar.
 - (26) The jar.
 - (27) Lit., 'moistens'.
 - (28) Since it is without the cavity of the oven; nor does the jar contract uncleanness since no vessel contracts uncleanness through the air-space of an earthen vessel.
 - (29) Such as the oven in question.
 - (30) The pot.
 - (31) Through its contact with the liquids.
 - (32) The pot.
 - (33) To the liquid.

- (34) The oven.
- (35) Alive.
- (36) As if the creeping thing within the body of the cock had been within a tightly closed vessel.
- (37) And its carcass fell within the air-space of the oven before the creeping thing could be digested, viz., within twenty-four hours from the time it had been swallowed.
- (38) A carcass cannot be regarded as a tightly closed vessel and the dead creeping thing is thus virtually within the air-space of the oven.
- (39) Which contracted its uncleanness from the dead creeping thing that is a 'father of uncleanness'.
- (40) And a first grade imparts only a second grade of uncleanness.
- (41) Of earthenware.
- (42) Which affords protection against uncleanness to any thing within it; v. infra X, 2.
- (43) Dividing up the pot from top to bottom into two compartments.
- (44) The creeping thing and the leaven.
- (45) On account of the dead creeping thing. A tightly fitting lid only prevents the ingress, but not the egress of an uncleanness.
- (46) Which in its compartment is protected by the tightly fitting lid.
- (47) The unclean object in one of the compartments of the leaven pot.
- (48) Instead of a creeping thing.
- (49) By ohel (v. Glos.).
- (50) From the corpse.
- (51) The minimum size of an opening that affords passage to corpse uncleanness.
- (52) Even the leaven.
- (53) Lit., 'eye', a hole for the admission of air or the escape of smoke.
- (54) Of the outlet.
- (55) The oven etc.
- (56) Since the outlet, which is usually closed when the oven etc. is used (to preserve the heat), is not regarded as an integral part of the vessel.
- (57) Where the law of ohel does not apply.
- (58) Since the uncleanness cannot penetrate through the outlet which is smaller than the prescribed minimum.
- (59) In length, breadth and height.
- (60) The outlet and the oven etc.
- (61) Of a stove.
- (62) The creeping thing.
- (63) Because the thickness of the oven sides is regarded as the inside of the oven.
- (64) The thickness of the sides being regarded by them as the outside of the oven (cf. prev. n.).
- (65) On a stove.
- (66) Or 'attendant'.
- (67) Through its air-space.
- (68) By contact, however, uncleanness is conveyed whatever the spot on which the creeping thing fell.
- (69) Bor, a hole in the ground lined with clay in a manner that the lining can stand of itself, such as the oven of Ben Dinai (supra V, 10). Var. lec., Kur. 'a crucible'.
- (70) Sc. it is susceptible to uncleanness.
- (71) Made of clay and having a door in its side.
- (72) So that it is not attached to the ground and can be moved about.
- (73) If, however, it has no rim, so that it is fixed to the ground, it is clean.
- (74) It is unclean.
- (75) **. Alter: An outlet for the smoke. Aliter: Mouldings. In either of these cases the oven would not be attached to the ground and, being movable, is susceptible to uncleanness. Only an oven whose opening is at its top is susceptible to uncleanness even when attached to the ground.
- (76) Cf. prev. n. mut. mut.
- (77) So that he contracted an uncleanness of the first grade. A corpse is the 'father of the father of uncleanness', the man who contracted corpse uncleanness becomes a 'father of uncleanness', and the man who came in contact with him

contracts an uncleanness of the first grade.

(78) The liquids that become unclean by contact with the man.

(79) This is a Rabbinical ordinance applicable to liquids only. In the absence of liquids an oven or any other vessel can contract uncleanness from a 'father of uncleanness' only.

(80) The liquids, despite their concealed condition in the closed mouth of the man.

(81) A closed mouth is not regarded as a vessel with a tightly fitting cover (cf. infra X, 1).

(82) Of terumah.

(83) Sc. 'unwashed'. These are subject to the second grade of uncleanness and consequently convey the third grade of uncleanness to the terumah with which they come in contact.

(84) And so touched the fig with his moistened hand.

(85) Because the spittle (a liquid) by moistening the fig rendered it susceptible to uncleanness. The hands that are unclean in the second grade convey to the spittle an uncleanness of the first grade (since whatever conveys uncleanness to terumah causes liquids to be unclean in the first grade) and the spittle conveys to the terumah an uncleanness of the second grade.

(86) Spittle while in one's mouth, he maintains, is deemed to be a part of the body and cannot, therefore, be regarded as a liquid that renders food susceptible to uncleanness.

(87) With the spittle in his mouth.

(88) In his mouth.

(89) Cf. 'Er. 99a where the names of R. Judah and R. Jose are transposed.

(90) A coin = 16 perutahs.

(91) Since the spittle that is generated on account of the coin is regarded as a liquid which renders the fig susceptible to uncleanness.

(92) While she was unclean.

(93) Though the milk dropped against the woman's wish.

(94) That is unclean, as is the milk which contracted uncleanness.

(95) Being clean.

(96) The oven.

(97) From the spittle or the blood which is a liquid and which, contracting uncleanness from the woman's unwashed hands, becomes unclean in the first grade (as stated supra) and renders the oven unclean in the second grade.

Mishna - Mas. Kelim Chapter 9

MISHNAH 1. IF A NEEDLE¹ OR A RING¹ WAS FOUND [EMBEDDED] IN THE BOTTOM OF AN OVEN,² AND IT³ WAS VISIBLE BUT DID NOT PROJECT,⁴ THE OVEN IS UNCLEAN IF, WHEN IN BAKING, THE DOUGH WOULD TOUCH IT.⁵ OF WHAT KIND OF 'DOUGH' DID THEY⁶ SPEAK? OF ONE OF MEDIUM CONSISTENCY.⁷ IF IT⁵ WAS³ FOUND IN THE PLASTERING OF THE OVEN⁸ AND THE LATTER HAD A TIGHTLY FITTING COVER, IT³ IS UNCLEAN WHERE THE OVEN IS UNCLEAN⁹ AND CLEAN WHERE THE OVEN IS CLEAN.¹⁰ IF IT³ WAS FOUND IN THE [CLAY] STOPPER OF A JAR, IT IS UNCLEAN¹¹ IF IT WAS AT ITS SIDES,¹² AND CLEAN IF IT WAS OPPOSITE THE JAR'S MOUTH.¹³ THOUGH IT¹⁴ WAS VISIBLE FROM WITHIN. BUT DID NOT PROJECT INTO THE AIR-SPACE OF THE JAR¹⁵ IT IS CLEAN. IF IT¹⁴ WAS SUNK INTO [THE AIR-SPACE OF THE JAR] BUT THERE WAS UNDER IT¹⁶ SOME CLAY, THOUGH THIN AS GARLIC PEEL, IT IS CLEAN.¹⁷

MISHNAH 2. IF A JAR¹⁸ THAT WAS FULL OF CLEAN LIQUIDS, WITH A SIPHON¹⁹ WITHIN IT, HAD A TIGHTLY FITTING COVER AND WAS PUT IN A TENT²⁰ IN WHICH THERE WAS A CORPSE, BETH SHAMMAI RULED: BOTH THE JAR AND THE LIQUIDS ARE CLEAN²¹ BUT THE SIPHON¹⁹ IS UNCLEAN,²² AND BETH HILLEL RULED: THE SIPHON ALSO IS CLEAN. SUBSEQUENTLY²³ BETH HILLEL, CHANGING THEIR VIEW, RULED IN AGREEMENT WITH THAT OF BETH SHAMMAI.

MISHNAH 3. IF A DEAD CREEPING THING WAS FOUND BENEATH THE BOTTOM OF

AN OVEN,²⁴ THE OVEN REMAINS CLEAN, FOR I PRESUME²⁵ THAT IT FELL²⁶ WHILE IT WAS STILL ALIVE²⁷ AND THAT IT DIED ONLY NOW.²⁸ IF A NEEDLE OR A RING²⁹ WAS FOUND BENEATH THE BOTTOM OF AN OVEN,³⁰ THE OVEN REMAINS CLEAN, FOR IT MAY BE PRESUMED THAT THEY WERE THERE BEFORE THE OVEN ARRIVED. IF IT³¹ WAS FOUND IN THE WOOD ASHES,³² THE OVEN IS UNCLEAN SINCE ONE HAS NO GROUND ON WHICH TO BASE AN ASSUMPTION OF CLEANNESS.³³

MISHNAH 4. IF A SPONGE HAD ABSORBED UNCLEAN LIQUIDS AND ITS OUTER SURFACE BECAME DRY AND IT FELL INTO THE AIR-SPACE OF AN OVEN, THE OVEN BECOMES UNCLEAN, FOR THE LIQUID³⁴ WOULD ULTIMATELY EMERGE. AND THE SAME APPLIES TO A PIECE OF TURNIP³⁵ OR REED GRASS.³⁵ R. SIMEON RULES: THE OVEN IS CLEAN IN BOTH THESE CASES.

MISHNAH 5. IF POTSHERDS THAT HAD BEEN USED FOR UNCLEAN LIQUIDS FELL INTO THE AIR-SPACE OF AN OVEN, AND THE OVEN WAS HEATED, IT BECOMES UNCLEAN, FOR THE LIQUID³⁶ WOULD³⁷ ULTIMATELY EMERGE.³⁸ AND THE SAME APPLIES TO FRESH OLIVE PEAT; BUT IF IT WAS OLD,³⁹ THE OVEN REMAINS CLEAN. IF, HOWEVER, IT WAS KNOWN THAT LIQUID EMERGES, EVEN AFTER THE LAPSE OF THREE YEARS,⁴⁰ THE OVEN BECOMES UNCLEAN.

MISHNAH 6. IF OLIVE PEAT OR GRAPE SKINS HAD BEEN PREPARED IN CONDITIONS OF CLEANNESS, AND UNCLEAN PERSONS TROD UPON THEM AND, AS A RESULT,⁴¹ LIQUID EMERGED FROM THEM, THEY REMAIN CLEAN,⁴² SINCE THEY HAD ORIGINALLY BEEN PREPARED IN CONDITIONS OF CLEANNESS.⁴³ IF A SPINDLE HOOK WAS SUNK⁴⁴ INTO THE SPINDLE, OR THE IRON POINT INTO THE OX GOAD, OR A RING INTO A BRICK, AND ALL THESE⁴⁵ WERE CLEAN, AND THEN THEY WERE BROUGHT INTO A TENT⁴⁶ IN WHICH WAS A CORPSE, THEY⁴⁷ BECOME UNCLEAN.⁴⁸ IF A ZAB CAUSED THEM TO SHAKE⁴⁹ THEY BECOME UNCLEAN.⁵⁰ IF THEY THEN FELL INTO THE AIR-SPACE OF A CLEAN OVEN, THEY CAUSE IT TO BE UNCLEAN.⁵⁰ IF A LOAF OF TERUMAH CAME IN CONTACT WITH THEM, IT REMAINS CLEAN.⁵¹

MISHNAH 7. IF A COLANDER⁵² WAS FIXED OVER THE MOUTH OF AN OVEN, FORMING A TIGHTLY FITTING COVER, AND A SPLIT APPEARED BETWEEN THE OVEN AND THE COLANDER, THE MINIMUM SIZE⁵³ IS THAT OF THE CIRCUMFERENCE⁵⁴ OF THE TIP OF AN OX GOAD THAT CANNOT ACTUALLY ENTER IT.⁵⁵ R. JUDAH RULED: IT MUST BE ONE INTO WHICH THE TIP CAN ENTER.⁵⁶ IF A SPLIT APPEARED IN THE COLANDER, THE MINIMUM SIZE⁵⁷ IS THE CIRCUMFERENCE OF THE TIP OF AN OX GOAD THAT CAN ENTER IT.⁵⁶ R. JUDAH RULED: EVEN IF IT CANNOT ENTER.⁵⁸ IF THE SPLIT WAS CURVED⁵⁹ IT MUST NOT BE REGARDED AS STRAIGHT,⁶⁰ BUT INVARIABLY THE MINIMUM SIZE MUST BE THE CIRCUMFERENCE OF THE TIP OF AN OX GOAD THAT CAN ACTUALLY ENTER.⁵⁶

MISHNAH 8. IF A HOLE APPEARED IN THE SEALED OUTLET⁶¹ OF AN OVEN. THE MINIMUM SIZE⁶² MUST BE THAT OF THE CIRCUMFERENCE OF A BURNING SPINDLE STAFF THAT CAN ENTER IT AND COME OUT.⁶³ R. JUDAH RULED: ONE THAT IS NOT BURNING.⁶⁴ IF THE HOLE APPEARED AT ITS⁶⁵ SIDE, THE MINIMUM SIZE⁶² MUST BE THAT OF THE CIRCUMFERENCE OF A SPINDLE STAFF THAT CAN ENTER AND COME OUT WHILE IT IS NOT BURNING.⁶⁴ R. JUDAH RULED: WHILE BURNING.⁶⁶ R. SIMEON RULED: IF THE HOLE IS IN THE MIDDLE⁶⁵ ITS SIZE MUST BE SUCH THAT A SPINDLE STAFF CAN ENTER IT, BUT IF IT WAS AT THE SIDE IT NEED ONLY BE SUCH AS THE SPINDLE STAFF CANNOT ACTUALLY ENTER. AND SO HE USED TO RULE CONCERNING THE STOPPER OF A JAR IN WHICH A HOLE APPEARED: THE

PRESCRIBED SIZE⁶² IS THE CIRCUMFERENCE⁶⁷ OF THE SECOND KNOT IN AN OAT STALK, BUT IF THE HOLE WAS IN THE MIDDLE THE STALK SHOULD BE ABLE TO ENTER, AND IF AT THE SIDE IT NEED NOT BE ABLE TO ENTER. SO HE USED ALSO TO RULE CONCERNING LARGE STONE JARS IN THE STOPPERS OF WHICH APPEARED A HOLE. THE PRESCRIBED SIZE⁵⁷ IS THE CIRCUMFERENCE OF THE SECOND KNOT IN A REED, BUT IF THE HOLE WAS IN THE MIDDLE⁶⁸ THE REED MUST BE ABLE TO ENTER IT, AND IF IT WAS AT THE SIDE THE REED NEED NOT BE ABLE TO ENTER IT. THIS, HOWEVER, APPLIES ONLY WHERE THE JARS WERE MADE TO STORE WINE,⁶⁹ BUT IF THEY WERE MADE TO STORE OTHER LIQUIDS, EVEN THOUGH THE HOLE WAS EVER SO SMALL,⁷⁰ THEY CONTRACT UNCLEANNESS.⁷¹ THIS, FURTHERMORE, APPLIES ONLY WHERE THE HOLES WERE NOT MADE INTENTIONALLY,⁷² BUT IF THEY WERE MADE INTENTIONALLY, EVEN THOUGH THEY WERE EVER SO SMALL,⁷³ [THE JARS] CONTRACT UNCLEANNESS.⁷⁴ IF A HOLE APPEARED IN THE VESSEL ITSELF, ITS PRESCRIBED SIZE⁷⁵ IS AS FOLLOWS: IF THE VESSEL WAS USED FOR FOODSTUFFS, [THE HOLE MUST BE ONE] THROUGH WHICH OLIVES CAN FALL OUT; IF FOR LIQUIDS, ONE THAT ADMITS LIQUIDS; IF FOR EITHER, THE GREATER RESTRICTION IS IMPOSED, VIZ., THERE MUST BE A TIGHTLY FITTING COVER AND [THE SIZE OF THE HOLE⁷⁵ NEED ONLY BE] ONE THAT ADMITS A LIQUID.

(1) Which has come in contact with a corpse, becoming thereby a 'father of uncleanness' and thus imparting in turn to earthenware an uncleanness of the first grade (Bert.).

(2) Sc. in the ground on which the oven is fixed.

(3) The Heb. here as throughout the Mishnah is in the plural.

(4) Into the air-space of the oven.

(5) The needle or the ring. Since this very slight projection is actually within the air-space of the oven, uncleanness is duly imparted. This, however, applies only where the oven was put in its position after the object had been embedded in the ground. If the oven was there first, the object, by falling through the oven's air-space to its bottom, imparts uncleanness to the oven even before it reached its bottom.

(6) The Rabbis of this Mishnah.

(7) One that is neither too soft (which would run into the smallest crevices) nor too hard (which would not cling to the oven's sides).

(8) Which joins the oven to the ground; and both the oven and the metal object were clean, but were with a corpse under the same roof.

(9) Sc. where the cover was not properly tight and fitting.

(10) Sc. where the cover was tightly fitting. The needle or the ring, being embedded in the plastering, loses its independent existence and, being deemed to constitute an integral part of the oven, shares its fate; otherwise as metal vessels they would not be protected by a tightly-fitting cover.

(11) By overshadowing (cf. supra n. 8).

(12) I.e., the part of the stopper that was not opposite the mouth of the jar. (The plug was cone-shaped and thrust its narrow end down into the jar's mouth.) Since the clay in that part of the stopper serves no purpose it is deemed to be non-existent and the needle or ring receives no protection from the tightly fitting cover and is thus exposed to the uncleanness of the corpse under the same roof.

(13) And the cover was tightly fitting (cf. p. 46, n. 12 mut. mut.).

(14) V. p. 46, n. 3.

(15) Being completely sunk into the stopper.

(16) Between it and the air-space of the jar.

(17) Since it loses its identity in the stopper.

(18) Of earthenware, belonging to an 'am ha-arez (v. Glos.).

(19) Of metal.

(20) I.e., under the same roof.

(21) Sc. the 'am ha-arez may continue to use them, no restriction of uncleanness as a precaution against their use by a haber (v. Glos.) having been imposed upon them, since no haber would ever borrow from an 'am ha-arez an earthenware

or a liquid which cannot attain cleanness through immersion in a ritual bath.

(22) As it can attain cleanness by immersion in a ritual bath, a haber might sometimes borrow it and, being unaware that it was under the same roof as a corpse (which renders it unclean for seven days, on the third and seventh of which sprinkling is required), would treat it as an ordinary metal utensil of an 'am ha-arez which becomes clean on the same day after ritual immersion and sunset. A tightly fitting cover affords protection to earthenware, foodstuffs and liquids only, but not to metal vessels.

(23) Having learned of Beth Shammai's reason as just explained; v. 'Ed. I, 14.

(24) Sc. embedded in the ground on which the oven is fixed and which serves as its bottom.

(25) Even where the creeping thing is in a condition indicating recent death and cannot be presumed to have been buried in the ground before the oven was brought there.

(26) Through the air-space of the oven.

(27) So that no uncleanness could be conveyed to the oven through its air- space at that time.

(28) When it was no longer within the oven.

(29) Which comes under the category of metal vessels which, when found by chance, are Rabbinically unclean.

(30) Sc. embedded in the ground on which the oven is fixed and which serves as its bottom.

(31) The needle or the ring.

(32) Which are within the air-space of the oven.

(33) Lit., 'for he has not (a peg) to hang on'.

(34) That is now absorbed.

(35) That absorbed unclean liquids and was dry on its surface etc.

(36) That is now absorbed.

(37) As a result of the heating.

(38) Hence the uncleanness even in a case where one does not mind its emergence. Where one does mind it, uncleanness is conveyed even before the oven had been heated.

(39) Sc. older than twelve months.

(40) Sc. the peat was more than three years old.

(41) Cf. L. Lit., 'and after that'.

(42) They themselves, as dry refuse, cannot contract any uncleanness from the unclean persons, while the liquid, since it was neither intentionally pressed out nor was it acceptable, cannot render them susceptible.

(43) Had they not been prepared in such conditions the liquid that then emerged and was acceptable would have become unclean and on emerging after they had been re-absorbed they would obviously be unclean liquids.

(44) Completely.

(45) Metal objects.

(46) Sc. under the same roof.

(47) Though completely absorbed.

(48) Since such an absorption, unlike that within an earthen vessel with a tightly fitting cover, affords no protection against uncleanness.

(49) Though he did not touch them.

(50) Cf. n. 8 mut. mut.

(51) As the metal object cannot be extracted without breaking the wood or clay in which it is embedded the latter cannot be regarded as a valid receptacle and, therefore, constitute an interposition between the unclean metal and the loaf.

(52) V. supra VIII, 3.

(53) Of the split that would cause the colander to be no longer regarded as a tightly fitting cover.

(54) Lit., 'fulness of'.

(55) Sc. it must be no less but need not be more than the actual circumference of the tip, which is one third of a handbreadth in diameter.

(56) I.e., the split must be slightly bigger than the circumference of the tip.

(57) V. p. 49, n. 13.

(58) V. p. 49, n. 15.

(59) In its passage from the upper to the inner surface so that the tip of an ox goad cannot pass through it (cf. T.Y.T.).

(60) Lit., 'long'.

(61) Lit., 'from its eye'.

- (62) Of the hole (cf p. 49, n. 13).
- (63) Sc. considerably bigger than the spindle staff.
- (64) It need be only slightly bigger (cf. prev. n.).
- (65) The outlet's.
- (66) Sc. considerably bigger than the spindle staffs.
- (67) Lit., 'fulness of'.
- (68) Of the stopper.
- (69) In which case they would be continued in use after a small hole had appeared.
- (70) Provided only that it admits a liquid in which it is placed.
- (71) Sc. the hole deprives the contents from the protection against uncleanness which a tightly fitting cover affords.
- (72) Lit., 'by the hands of man'.
- (73) Provided only that they admit a liquid in which the jar is placed.
- (74) Sc. the hole deprives the contents from the protection against uncleanness which a tightly fitting cover affords.
- (75) That deprives the contents of the vessel from the protection afforded by a tightly fitting cover.

Mishna - Mas. Kelim Chapter 10

MISHNAH 1. THE FOLLOWING VESSELS¹ PROTECT THEIR CONTENTS² WHEN THEY HAVE A TIGHTLY FITTING COVER:³ THOSE MADE OF CATTLE DUNG, OF STONE, OF CLAY,⁴ OF EARTHENWARE,⁵ OF ALUM-CRYSTAL, OF THE BONES OF A FISH OR OF ITS SKIN, OR OF THE BONES OF ANY ANIMAL OF THE SEA OR OF ITS SKIN, AND SUCH WOODEN VESSELS AS⁶ ARE ALWAYS CLEAN. THESE AFFORD PROTECTION WHETHER THE COVERS CLOSE THEIR MOUTHS OR THEIR SIDES,⁷ WHETHER THEY STAND ON THEIR BOTTOMS OR LEAN ON THEIR SIDES. IF THEY WERE INVERTED WITH THEIR MOUTHS DOWNWARDS THEY⁸ AFFORD PROTECTION TO ALL THAT IS BENEATH THEM TO THE NETHERMOST DEEP. R. ELIEZER RULES THAT THIS⁹ IS UNCLEAN. THESE¹⁰ PROTECT EVERYTHING, EXCEPT THAT AN EARTHEN VESSEL AFFORDS PROTECTION ONLY TO FOODSTUFFS, LIQUIDS AND EARTHEN VESSELS.¹¹

MISHNAH 2. WHEREWITH MAY A VESSEL BE TIGHTLY COVERED?¹² WITH LIME OR GYPSUM, PITCH OR WAX, MUD OR EXCREMENT, CRUDE CLAY OR POTTER'S CLAY, OR ANY SUBSTANCE THAT IS USED FOR PLASTERING. ONE MAY NOT MAKE A TIGHTLY FITTING COVER¹² WITH TIN OR WITH LEAD BECAUSE THOUGH IT IS A COVERING, IT IS NOT TIGHTLY FITTING. ONE MAY NOT MAKE A TIGHTLY FITTING COVER¹³ WITH SWOLLEN FIG-CAKES¹⁴ OR WITH DOUGH THAT WAS KNEADED WITH FRUIT JUICE,¹⁴ SINCE¹⁵ IT MIGHT¹⁶ CAUSE IT TO BECOME UNFIT.¹⁷ IF, HOWEVER, A TIGHTLY FITTING COVER HAD BEEN MADE OF IT¹⁸ PROTECTION FROM UNCLEANNESS IS AFFORDED.¹⁹

MISHNAH 3. A STOPPER OF A JAR THAT IS LOOSE BUT DOES NOT FALL OUT, R. JUDAH RULED, AFFORDS PROTECTION;²⁰ BUT THE SAGES RULED: IT DOES NOT AFFORD PROTECTION. IF ITS FINGER-HOLD²¹ WAS SUNK WITHIN THE JAR AND A DEAD CREEPING THING WAS IN IT,²² THE JAR BECOMES UNCLEAN,²³ AND IF THE CREEPING THING WAS IN THE JAR, ANY FOODSTUFFS IN IT,²² BECOME UNCLEAN.²⁴

MISHNAH 4. IF A BALL OR COIL OF REED GRASS WAS PLACED OVER THE MOUTH OF A JAR, AND ONLY ITS SIDES²⁵ WERE PLASTERED, NO PROTECTION IS AFFORDED UNLESS IT WAS ALSO PLASTERED ABOVE²⁶ OR²⁷ BELOW.²⁶ THE SAME LAW APPLIES TO A PATCH OF CLOTH.²⁸ IF THE STOPPER WAS ONE OF PAPER²⁹ OR LEATHER³⁰ AND BOUND³¹ WITH A CORD, PROTECTION IS AFFORDED IF IT WAS PLASTERED AT THE SIDES ONLY.³²

MISHNAH 5. IF [THE EARTHENWARE OF] A JAR³³ HAD SCALED OFF WHILE ITS PITCH [LINING]³⁴ REMAINED INTACT,³⁵ AND SO ALSO IF POTS OF FISH BRINE WERE STOPPED UP WITH GYPSUM AT A LEVEL WITH THE BRIM,³⁶ R. JUDAH RULED: THEY AFFORD NO PROTECTION; BUT THE SAGES RULED: THEY AFFORD PROTECTION.³⁷

MISHNAH 6. IF A JAR HAD A HOLE IN IT AND WINE LEES BLOCKED IT UP, THEY AFFORD PROTECTION.³⁸ IF IT WAS STOPPED UP WITH A VINE SHOOT [IT AFFORDS NO PROTECTION] UNLESS IT WAS PLASTERED AT THE SIDES.³⁹ IF THERE WERE⁴⁰ TWO VINE SHOOTS, [NO PROTECTION IS AFFORDED] UNLESS THEY WERE PLASTERED AT THE SIDES³⁹ AND ALSO BETWEEN THE ONE SHOOT AND THE OTHER. IF A BOARD⁴¹ IS PLACED OVER THE MOUTH OF AN OVEN,⁴² PROTECTION IS AFFORDED IF IT WAS PLASTERED AT THE SIDES.³⁹ IF THERE WERE TWO BOARDS NO PROTECTION IS AFFORDED UNLESS THESE ARE PLASTERED AT THE SIDES³⁹ AND ALSO BETWEEN THE ONE BOARD AND THE OTHER. IF, HOWEVER, THEY⁴³ WERE FASTENED TOGETHER WITH PEGS OR JOINTS THERE IS NO NEED FOR THEM TO BE PLASTERED IN THE MIDDLE.

MISHNAH 7. IF⁴⁴ AN OLD OVEN⁴⁵ WAS WITHIN A NEW ONE⁴⁶ AND A COLANDER⁴⁷ RESTED OVER THE MOUTH OF THE OLD OVEN⁴⁸ IN A MANNER THAT IF THE OLD ONE WERE TO BE REMOVED THE COLANDER WOULD DROP,⁴⁹ ALL BECOME UNCLEAN,⁵⁰ BUT IF IT WOULD NOT DROP,⁵¹ ALL REMAIN CLEAN.⁵² IF A NEW OVEN WAS WITHIN AN OLD ONE AND A COLANDER RESTED ON THE MOUTH OF THE OLD OVEN, AND THERE WAS NOT A HANDBREADTH OF SPACE BETWEEN THE NEW OVEN AND THE COLANDER,⁵³ ALL THE CONTENTS OF THE NEW ONE REMAIN CLEAN.⁵²

MISHNAH 8. IF [EARTHEN] SAUCEPANS WERE PLACED ONE WITHIN THE OTHER BUT THEIR RIMS WERE ON THE SAME LEVEL, AND THERE WAS A [DEAD] CREEPING THING IN THE UPPERMOST ONE OR IN THE LOWEST ONE, THAT PAN ALONE⁵⁴ BECOMES UNCLEAN BUT ALL THE OTHERS REMAIN CLEAN.⁵⁵ IF [THEY WERE PERFORATED] TO THE EXTENT OF ADMITTING⁵⁶ A LIQUID,⁵⁷ AND THE CREEPING THING WAS IN THE UPPERMOST ONE, ALL BECOME UNCLEAN;⁵⁸ BUT IF IT WAS IN THE LOWEST ONE, THAT ALONE IS UNCLEAN WHILE ALL THE OTHERS REMAIN CLEAN.⁵⁹ IF⁶⁰ THE CREEPING THING WAS IN THE UPPERMOST ONE AND THE LOWEST PROJECTED ABOVE IT,⁶¹ BOTH⁶² BECOME UNCLEAN.⁶³ IF THE CREEPING THING WAS IN THE UPPERMOST ONE AND THE LOWEST PROJECTED ABOVE IT,⁶¹ ANY OF THE INTERVENING ONES THAT CONTAINED DRIPPING LIQUID BECOMES⁶⁴ UNCLEAN.⁶⁵

(1) Since they are not susceptible to uncleanness even Rabbinically.

(2) Against corpse uncleanness under the same roof.

(3) V. Num. XIX, 15.

(4) That was unburnt in the furnace.

(5) Duly burnt.

(6) On account of their huge size, holding no less than forty se'ah (cf. infra XV, 1).

(7) If an aperture was there.

(8) If they were duly attached with clay to the ground.

(9) Anything under an inverted vessel.

(10) All the vessels enumerated, if they were provided with a tightly fitting cover.

(11) Within it. Objects that can attain cleanness by ritual immersion are not protected (cf. supra IX, 2, notes).

(12) That its contents be thereby protected in accordance with Num. XIX, 15.

(13) V. p. 52, n. 12.

(14) Though if it had never been moistened it is insusceptible to uncleanness.

(15) Should any liquid fall upon it it would be susceptible to uncleanness, and consequently unclean once it is

overshadowed by a corpse.

(16) On contracting an uncleanness.

(17) To afford protection as a tightly fitting cover. Such a cover must be one that would remain clean in all circumstances.

(18) Any of the foodstuffs mentioned.

(19) So long as the cover has not become susceptible to uncleanness.

(20) Like a tightly fitting cover.

(21) A depression in a stopper wherein the fingers are inserted to facilitate the drawing out of the stopper.

(22) The finger-hold.

(23) The stopper being regarded as one with the jar.

(24) Since the stopper cannot be considered a valid vessel that affords protection to its contents.

(25) Where they came in contact with the jar.

(26) To stop up the air-spaces in the ball or coil.

(27) Cf. L.

(28) That was less than three by three finger-breadths in size (and, therefore, insusceptible to uncleanness) and rolled up in a ball to serve as a stopper.

(29) Papyrus, which is not susceptible to uncleanness.

(30) Of a size that is less than the prescribed minimum for susceptibility to uncleanness.

(31) Round the jar.

(32) Since, unlike a ball of reed-grass or cloth, neither paper nor leather contains holes large enough for an uncleanness to penetrate through them.

(33) That had a tightly fitting cover.

(34) On which the cover rests.

(35) Lit., 'stands'.

(36) Cf. L.

(37) The point at issue is the interpretation of 'alaw ('upon it') in Num. XIX, 15. According to R. Judah the word is to be taken literally and the stopper must, therefore, rest 'upon' the edge of the vessel, while according to the Sages it is not to be taken literally and the stopper may, therefore, rest slightly above (on the pitch) or on a level with the brim of the vessel.

(38) Though the lees are only on a level with the hole, in agreement with the Sages supra.

(39) Where the stopper meets the jar.

(40) In the hole, serving as a stopper.

(41) Which is a 'flat vessel' that is not susceptible to uncleanness (Bert.) or 'no vessel at all' (L.).

(42) Of earthenware.

(43) The two boards.

(44) Under the same roof as a corpse.

(45) That had been duly heated and was consequently susceptible to uncleanness.

(46) Which, not having been yet properly heated, is insusceptible to uncleanness and may, therefore, serve as a protection for the old one.

(47) That was not 'tightly fitting', not having been joined with plaster to the oven.

(48) Closing at the same time the mouth of the new one also, the brims of both having been on the same level.

(49) Sc. if the colander was entirely supported by the old oven and was just filling up the mouth of the new one.

(50) From the corpse's uncleanness; because the old oven had no tightly fitting cover (cf. supra n. 4) and the new one (since the colander rests entirely on the old one) is not sufficiently closed to afford the protection of a vessel with a tightly fitting cover.

(51) The colander having rested partly on the new oven.

(52) Because the new oven, which has not yet been properly heated, is not regarded as a valid vessel that cannot afford protection without a tightly fitting cover. Any cover, even one that is not tightly fitting, serves it as a proper covering to constitute it a valid partition between the uncleanness and the old oven.

(53) Cf. supra n. 4 mut. mut.

(54) In which the unclean object was found.

(55) Not only are the saucepans clean, (because a vessel does not contract uncleanness through the air.space of another

earthen vessel) but even foodstuffs or liquids in them remain clean (since it is only to and from the inside of an exposed vessel that uncleanness is conveyed but not to or from the inside of one that is within another vessel).

(56) From their outsides.

(57) In which they are placed.

(58) Two restrictions are here imposed: In regard to itself the saucepan is still considered a valid vessel because the hole in it is not big enough for olives to fall through, and it is consequently susceptible to uncleanness; while in relation to the saucepans in which it stands it is considered (on account of the small hole in it) to have lost the status of vessel and thus to be virtually non-existent and incapable of preventing the uncleanness from spreading to the insides of the other saucepans.

(59) Since a vessel cannot contract uncleanness from the air-space of an earthen vessel.

(60) In the case of undamaged saucepans.

(61) The brim of the latter being higher than that of the former.

(62) Lit., 'it and the lowest'.

(63) The uppermost is unclean because it contained the creeping thing and the lowest is unclean because on account of its projection above the other, the uncleanness is deemed virtually to be contained directly within itself. The intervening saucepans remain clean as explained *supra* n. 3.

(64) Since they are all sound vessels.

(65) From the liquid which contracted its uncleanness from the lowest saucepan (*cf.* n. 7).

Mishna - Mas. Kelim Chapter 11

MISHNAH 1. METAL VESSELS, WHETHER THEY ARE FLAT OR FORM A RECEPTACLE, ARE SUSCEPTIBLE TO UNCLEANNESS. ON BEING BROKEN THEY BECOME CLEAN.¹ IF THEY WERE RE-MADE INTO VESSELS THEY REVERT² TO THEIR FORMER UNCLEANNESS. RABBAN SIMEON B. GAMALIEL RULED: THIS³ DOES NOT APPLY TO EVERY FORM OF UNCLEANNESS BUT ONLY TO THAT CONTRACTED FROM A CORPSE.

MISHNAH 2. EVERY METAL VESSEL⁴ THAT HAS A NAME OF ITS OWN⁵ IS SUSCEPTIBLE TO UNCLEANNESS, EXCEPTING A DOOR, A BOLT, A LOCK, A SOCKET UNDER A HINGE, A HINGE, A CLAPPER, AND THE [THRESHOLD] GROOVE UNDER A DOOR POST, SINCE THESE ARE INTENDED TO BE ATTACHED TO THE GROUND.⁶

MISHNAH 3. IF VESSELS ARE MADE FROM IRON ORE, FROM SMELTED IRON, FROM THE HOOP⁷ OF A WHEEL, FROM SHEETS,⁷ FROM PLATING,⁷ FROM THE BASES, RIMS OR HANDLES OF VESSELS, FROM CHIPPINGS OR FILINGS, THEY ARE CLEAN.¹ R. JOHANAN B. NURI RULED: THIS⁸ APPLIES ALSO TO THOSE MADE OF SHATTERED VESSELS. [VESSELS THAT ARE MADE] OF FRAGMENTS OF VESSELS, FROM SMALL WARE, OR FROM NAILS THAT WERE KNOWN TO HAVE BEEN MADE FROM VESSELS, ARE UNCLEAN.⁹ [IF THEY WERE MADE] FROM ORDINARY NAILS,¹⁰ BETH SHAMMAI RULE THAT THEY ARE UNCLEAN,¹¹ AND BETH HILLEL¹² RULE THAT THEY ARE CLEAN.

MISHNAH 4. IF UNCLEAN IRON¹³ WAS SMELTED TOGETHER WITH CLEAN IRON AND THE GREATER PART WAS FROM THE UNCLEAN ONE, [THE VESSEL MADE OF THE COMPOSITION] IS UNCLEAN;¹⁴ BUT IF THE GREATER PART WAS FROM THE CLEAN IRON THE VESSEL IS CLEAN. IF EACH REPRESENTED A HALF IT IS UNCLEAN.¹⁴ THE SAME LAW ALSO APPLIES TO A MIXTURE OF CEMENT¹⁵ AND CATTLE DUNG.¹⁶ A DOOR BOLT¹⁷ IS SUSCEPTIBLE TO UNCLEANNESS, BUT [ONE OF WOOD] THAT IS ONLY PLATED WITH METAL IS NOT SUSCEPTIBLE TO UNCLEANNESS.¹⁸ THE CLUTCH AND THE CROSSPIECE [OF A LOCK] ARE SUSCEPTIBLE TO UNCLEANNESS. AS REGARDS A DOOR-BOLT, R. JOSHUA RULED: IT MAY BE DRAWN OFF ONE DOOR AND¹⁹ HUNG ON ANOTHER ON THE SABBATH. R. TARFON RULED: IT IS LIKE ALL OTHER VESSELS AND MAY BE CARRIED ABOUT IN A COURTYARD.

MISHNAH 5. THE SCORPION [-SHAPED] BIT OF A BRIDLE IS SUSCEPTIBLE TO UNCLEANNESS, BUT THE CHEEK-PIECES ARE CLEAN.²⁰ R. ELIEZER RULES THAT THE CHEEK-PIECES ARE SUSCEPTIBLE TO UNCLEANNESS, AND THE SAGES HOLD THAT THE SCORPION BIT ALONE IS SUSCEPTIBLE TO UNCLEANNESS, BUT WHILE THEY²¹ ARE JOINED TOGETHER THE WHOLE IS SUSCEPTIBLE TO UNCLEANNESS.

MISHNAH 6. A METAL SPINDLE-KNOB, R. AKIBA DECLARES TO BE SUSCEPTIBLE TO UNCLEANNESS BUT THE SAGES DECLARE IT INSUSCEPTIBLE.²² IF IT²³ WAS ONLY PLATED [WITH METAL] IT IS CLEAN.²⁴ A SPINDLE, A DISTAFF, A ROD, A DOUBLE FLUTE AND A PIPE ARE SUSCEPTIBLE TO UNCLEANNESS IF THEY ARE OF METAL, BUT IF THEY ARE ONLY PLATED [WITH METAL] THEY ARE CLEAN. IF A DOUBLE FLUTE HAS A RECEPTACLE FOR THE WINGS²⁵ IT IS SUSCEPTIBLE TO UNCLEANNESS IN EITHER CASE.²⁶

MISHNAH 7. A CURVED HORN²⁷ IS SUSCEPTIBLE TO UNCLEANNESS²⁸ AND A STRAIGHT ONE²⁹ IS CLEAN. IF ITS MOUTHPIECE WAS OF METAL IT³⁰ IS UNCLEAN. ITS WIDE SIDE³¹ R. TARFON DECLARES TO BE SUSCEPTIBLE TO UNCLEANNESS AND THE

SAGES DECLARE IT CLEAN. WHILE THEY ARE JOINED TOGETHER THE WHOLE INSTRUMENT IS SUSCEPTIBLE TO UNCLEANNESS. SIMILARLY THE BRANCHES OF A CANDLESTICK ARE CLEAN AND THE CUPS AND THE BASE ARE SUSCEPTIBLE TO UNCLEANNESS, BUT WHILE THEY ARE JOINED TOGETHER THE WHOLE CANDLESTICK IS SUSCEPTIBLE TO UNCLEANNESS.

MISHNAH 8. A HELMET IS SUSCEPTIBLE TO UNCLEANNESS AND THE CHEEK-PIECES ARE CLEAN, BUT IF THE LATTER HAVE A RECEPTACLE FOR WATER³² THEY ARE SUSCEPTIBLE TO UNCLEANNESS. ALL WEAPONS OF WAR ARE SUSCEPTIBLE TO UNCLEANNESS: A JAVELIN. A SPEAR-HEAD, GREAVES, AND BREASTPLATE ARE SUSCEPTIBLE TO UNCLEANNESS. ALL WOMEN'S ORNAMENTS ARE SUSCEPTIBLE TO UNCLEANNESS: A GOLDEN CITY,³³ A NECKLACE, EAR-RINGS, FINGER-RINGS (WHETHER THE RING IS WITH A SEAL OR WITHOUT ONE) AND NOSE-RINGS. IF A NECKLACE HAS METAL BEADS ON A THREAD OF FLAX OR WOOL AND THE THREAD BROKE, THE BEADS ARE STILL SUSCEPTIBLE TO UNCLEANNESS, SINCE EACH ONE IS A VESSEL IN ITSELF. IF THE THREAD WAS OF METAL AND THE BEADS WERE OF PRECIOUS STONES OR PEARLS OR GLASS, AND THE BEADS WERE BROKEN WHILE THE THREAD ALONE REMAINED, IT IS STILL SUSCEPTIBLE TO UNCLEANNESS. THE REMNANT OF A NECKLACE LONG ENOUGH FOR THE NECK OF A LITTLE GIRL, IS SUSCEPTIBLE TO UNCLEANNESS. R. ELIEZER RULED: EVEN IF ONLY ONE RING REMAINED IT IS UNCLEAN, SINCE IT ALSO IS HUNG AROUND THE NECK.

MISHNAH 9. IF AN EAR-RING WAS SHAPED LIKE A POT³⁴ AT ITS BOTTOM AND LIKE A LENTIL AT THE TOP AND THE SECTIONS FELL APART, THE POT-SHAPED SECTION³⁵ IS SUSCEPTIBLE TO UNCLEANNESS AS A RECEPTACLE, WHILE THE LENTIL SHAPED SECTION IS SUSCEPTIBLE TO UNCLEANNESS IN ITSELF.³⁶ THE HOOKLET³⁷ IS CLEAN. IF THE SECTIONS OF AN EAR-RING THAT WAS IN THE SHAPE OF A CLUSTER OF GRAPES FELL APART, THEY³⁵ ARE CLEAN.

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- (1) Even if they have been formerly unclean.
 - (2) Rabbinically, though not Pentateuchally.
 - (3) The reversion to uncleanness.
 - (4) Though it does not form a receptacle.
 - (5) Sc. is not merely a part of another vessel.
 - (6) Hence they are insusceptible to uncleanness even before they have been attached.
 - (7) Of metal.
 - (8) The insusceptibility to uncleanness.
 - (9) Since the material may have formed a part of an unclean vessel. whose uncleanness is revived when the material is made into a new one.
 - (10) About which it is unknown whether they were made from old vessels or from unshaped iron.
 - (11) As a preventive measure. They may possibly have been made from a vessel.
 - (12) Holding that no preventive measure is necessary in this case.
 - (13) Sc. one that was known to have formed a part of an old vessel.
 - (14) The former uncleanness passes on to the new vessel.
 - (15) A vessel of which is susceptible to uncleanness as earthenware.
 - (16) Vessels from which are insusceptible to uncleanness.
 - (17) Of metal, which is sometimes used as a pestle.
 - (18) Since the metal plating is a mere attachment, the main part of the bolt being wood which is insusceptible to uncleanness.
 - (19) Dragging it on, without removing it from the ground. Not being a valid vessel, it is forbidden to be carried from place to place on the Sabbath.
 - (20) Serving as mere ornaments they are not susceptible to uncleanness.

- (21) The bit, the bridle and the cheek-pieces.
- (22) Since the knob has no independent name or existence it is like a piece of metal that serves a flat piece of wood which is insusceptible to uncleanness.
- (23) The knob.
- (24) Even according to R. Akiba.
- (25) A bagpipe.
- (26) Whether it is made of metal, or only plated with it.
- (27) A musical pipe made up of links of horn
- (28) Since it may be regarded as having a receptacle.
- (29) Which forms no receptacle.
- (30) Even a straight horn.
- (31) If made of metal.
- (32) From which one drinks in the course of a battle.
- (33) A golden tiara shaped like, or engraven with the city of Jerusalem.
- (34) Wide and hollow.
- (35) Which can no longer be worn as an ornament.
- (36) As an ornament, since it is still worn as such.
- (37) Of an ear-ring.

Mishna - Mas. Kelim Chapter 12

MISHNAH 1. A FINGER-RING FOR A MAN IS¹ SUSCEPTIBLE TO UNCLEANNESS. A RING FOR CATTLE OR FOR VESSELS AND ALL OTHER RINGS ARE CLEAN.² A BEAM³ FOR ARROWS IS SUSCEPTIBLE TO UNCLEANNESS,⁴ BUT ONE FOR PRISONERS⁵ IS CLEAN.⁶ A NECK-IRON⁷ IS SUSCEPTIBLE TO UNCLEANNESS. A CHAIN THAT HAS A LOCK-PIECE IS SUSCEPTIBLE TO UNCLEANNESS,⁸ BUT ONE USED FOR TYING ON CATTLE IS CLEAN. THE CHAIN OF WHOLESALE PROVISION DEALERS⁹ IS SUSCEPTIBLE TO UNCLEANNESS.⁸ BUT THAT OF HOUSEHOLDERS¹⁰ IS CLEAN.¹¹ R. JOSE EXPLAINED: THIS APPLIES ONLY WHERE¹² IT¹³ CONSISTS OF ONE LINK, BUT IF IT CONSISTED OF TWO LINKS OR IF IT HAD A SLUG [-SHAPED] PIECE AT ITS END¹⁴ IT IS SUSCEPTIBLE TO UNCLEANNESS.¹⁵

MISHNAH 2. THE BEAM OF THE WOOL-COMBERS' BALANCE IS SUSCEPTIBLE TO UNCLEANNESS¹⁶ ON ACCOUNT OF THE HOOKS;¹⁷ AND THAT OF THE HOUSEHOLDER, IF IT HAS HOOKS IS ALSO SUSCEPTIBLE TO UNCLEANNESS. THE LADING HOOKS OF PORTERS ARE CLEAN BUT THOSE OF PEDLARS¹⁸ ARE SUSCEPTIBLE TO UNCLEANNESS.¹⁹ R. JUDAH RULED: IN THE CASE OF THAT OF THE PEDLARS THE HOOK THAT IS IN FRONT IS SUSCEPTIBLE TO UNCLEANNESS¹⁹ BUT THAT WHICH IS BEHIND IS CLEAN.²⁰ THE HOOK OF A BED- FRAME IS SUSCEPTIBLE TO UNCLEANNESS BUT THAT OF BED POLES²¹ IS CLEAN. [THE HOOK OF] A CHEST IS SUSCEPTIBLE TO UNCLEANNESS BUT THAT OF A FISH TRAP IS CLEAN. THAT OF A TABLE IS SUSCEPTIBLE TO UNCLEANNESS BUT THAT OF A WOODEN CANDLESTICK IS CLEAN. THIS IS THE RULE: ANY HOOK THAT IS ATTACHED TO A SUSCEPTIBLE VESSEL²² IS SUSCEPTIBLE TO UNCLEANNESS, BUT ONE THAT IS ATTACHED TO A VESSEL THAT IS INSUSCEPTIBLE TO UNCLEANNESS IS CLEAN. ALL THESE, HOWEVER, ARE BY THEMSELVES²³ CLEAN.²⁴

MISHNAH 3. THE METAL COVER OF A BASKET OF HOUSEHOLDERS, RABBAN GAMALIEL DECLARES, IS SUSCEPTIBLE TO UNCLEANNESS,¹⁹ AND THE SAGES HOLD THAT IT IS CLEAN;²⁵ BUT THAT OF PHYSICIANS²⁶ IS SUSCEPTIBLE TO UNCLEANNESS. THE DOOR²⁷ OF A CUPBOARD OF HOUSEHOLDERS IS CLEAN BUT THAT OF PHYSICIANS²⁸ IS SUSCEPTIBLE TO UNCLEANNESS. TONGS²⁹ ARE SUSCEPTIBLE TO

UNCLEANNES BUT FIREBARS ARE CLEAN. THE SCORPION [-SHAPED] HOOK IN AN OLIVE-PRESS IS SUSCEPTIBLE TO UNCLEANNES BUT THE HOOKS FOR THE WALLS³⁰ ARE CLEAN.³¹

MISHNAH 4. A BLOOD-LETTERS' LANCET IS SUSCEPTIBLE TO UNCLEANNES BUT [THE STYLE] OF A SUNDIAL IS CLEAN. R. ZADOK RULES THAT IT IS SUSCEPTIBLE TO UNCLEANNES. A WEAVER'S PIN IS SUSCEPTIBLE TO UNCLEANNES; THE CHEST OF A GRIST-DEALER, R. ZADOK RULES, IS SUSCEPTIBLE TO UNCLEANNES, BUT THE SAGES RULE THAT IT IS CLEAN. IF ITS WAGON WAS MADE OF METAL IT IS SUSCEPTIBLE TO UNCLEANNES.

MISHNAH 5. IF A NAIL³² WAS ADAPTED TO OPEN OR TO SHUT A LOCK IT IS SUSCEPTIBLE TO UNCLEANNES, BUT ONE THAT IS ONLY USED AS A SAFEGUARD³³ IS CLEAN. IF A NAIL WAS ADAPTED TO OPEN A JAR, R. AKIBA RULES THAT IT IS SUSCEPTIBLE TO UNCLEANNES, AND THE SAGES RULE THAT IT IS CLEAN UNLESS IT WAS FORGED ANEW. A MONEY-CHANGER'S NAIL³⁴ IS CLEAN,³⁵ BUT R. ZADOK RULED THAT IT IS SUSCEPTIBLE TO UNCLEANNES.³⁶ THERE ARE THREE THINGS WHICH R. ZADOK HOLDS TO BE SUSCEPTIBLE TO UNCLEANNES AND THE SAGES HOLD CLEAN: THE NAIL OF A MONEY-CHANGER, THE CHEST OF A GRIST-DEALER AND THE STYLE OF A SUNDIAL. R. ZADOK RULES THAT THESE ARE SUSCEPTIBLE TO UNCLEANNES AND THE SAGES RULE THAT THEY ARE CLEAN.

MISHNAH 6. THERE ARE FOUR THINGS WHICH RABBAN GAMALIEL DECLARES TO BE SUSCEPTIBLE TO UNCLEANNES, AND THE SAGES DECLARE CLEAN: THE METAL COVER OF A BASKET OF HOUSEHOLDERS, THE HANGER OF A STRIGIL, UNFINISHED METAL VESSELS, AND AN EARTHEN SLAB³⁷ THAT WAS BROKEN INTO TWO EQUAL PARTS. THE SAGES, HOWEVER, AGREE WITH RABBAN GAMALIEL THAT WHERE A SLAB WAS BROKEN INTO TWO PARTS, ONE LARGE AND THE OTHER SMALL, THE LARGER IS SUSCEPTIBLE TO UNCLEANNES AND THE SMALLER IS CLEAN.

MISHNAH 7. IF A DENAR THAT HAD BEEN INVALIDATED³⁸ WAS FASHIONED FOR HANGING AROUND A YOUNG GIRL'S NECK IT IS SUSCEPTIBLE TO UNCLEANNES. SO, TOO, IF A SELA THAT HAD BEEN INVALIDATED WAS ADAPTED FOR USE AS A WEIGHT, IT IS SUSCEPTIBLE TO UNCLEANNES. HOW MUCH MAY IT³⁹ DEPRECIATE WHILE ONE IS STILL PERMITTED TO KEEP IT? AS MUCH AS TWO DENARS⁴⁰ IF ITS VALUE IS LESS IT MUST BE CUT UP.⁴¹

MISHNAH 8. A PENKNIFE, A WRITING PEN, A PLUMMET, A WEIGHT, PRESSING PLATES, A MEASURING-ROD, AND A MEASURING-TABLE ARE SUSCEPTIBLE TO UNCLEANNES. ALL UNFINISHED WOODEN VESSELS ALSO ARE SUSCEPTIBLE TO UNCLEANNES, EXCEPTING THOSE MADE OF BOXWOOD.⁴² R. JUDAH RULED: ONE MADE OF AN OLIVE-TREE BRANCH IS ALSO CLEAN UNLESS IT WAS FIRST HEATED.⁴³

(1) Like any other ornaments worn by men.

(2) Only ornaments for men are susceptible to uncleanness.

(3) Plated with iron and used as a target.

(4) Cf. supra XI, 8.

(5) Used as a foot- stock.

(6) Since it is immovable.

(7) Which is carried about when the prisoner moves from place to place, and is, therefore, considered a 'vessel'.

(8) Being regarded as a vessel.

(9) Attached by one end to the wall, and by the other to a measure or weight.

- (10) A mere ornament.
- (11) Only ornaments for men are susceptible to uncleanness.
- (12) Lit., 'when, at the time'.
- (13) The chain of householders.
- (14) Lit., 'top'; by which the chain is attached to the wall or door.
- (15) Being then regarded as a vessel.
- (16) Though it was made of wood.
- (17) Which are metal and susceptible to uncleanness.
- (18) Or spice dealers.
- (19) Because it forms a receptacle.
- (20) Since its receptacle is not used.
- (21) Fixed at the head and at the foot of the bed.
- (22) One that is susceptible to uncleanness.
- (23) Sc. when detached from the vessel.
- (24) Since they are not independent vessels but mere parts of others.
- (25) Because a cover cannot be considered a vessel.
- (26) Which is used as a receptacle for medicinal drugs.
- (27) Of metal.
- (28) On which medical instruments are hung.
- (29) Wherewith smelters hold the crucible over the fire.
- (30) Since they are attached to a permanent building structure.
- (31) Even before they have been attached.
- (32) Which is insusceptible to uncleanness.
- (33) To detect whether anybody had entered the house.
- (34) Whereby his shop's shutters (or his balances) are supported.
- (35) Not intended to be moved about it cannot be considered a vessels.
- (36) Since sometimes, when repairs are needed, it is moved from its position.
- (37) Having a rim.
- (38) Or 'became defective'.
- (39) A sela'.
- (40) Sc. half a sela' or fifty per cent.
- (41) To prevent unscrupulous people from passing it on as a good coin.
- (42) Whose bark is very thick. Only after the bark has been removed by polishing can the vessel be considered finished.
- (43) To extract its moisture. Cf. prev. n. mut. mut.

Mishna - Mas. Kelim Chapter 13

MISHNAH 1. THE SWORD, KNIFE, DAGGER, SPEAR, HAND-SICKLE, HARVEST-SICKLE, CLIPPER,¹ AND BARBERS' SCISSORS, EVEN THOUGH THEIR COMPONENT PARTS WERE SEPARATED, ARE SUSCEPTIBLE TO UNCLEANNESS. R. JOSE RULED: THE PART THAT IS NEAR THE HAND² IS SUSCEPTIBLE TO UNCLEANNESS, BUT THAT WHICH IS NEAR THE TOP³ IS CLEAN. IF THE TWO PARTS OF SHEARS WERE SEPARATED R. JUDAH RULES THAT THEY ARE STILL SUSCEPTIBLE TO UNCLEANNESS⁴ BUT THE SAGES RULE THAT THEY ARE CLEAN.

MISHNAH 2. A SHOVEL-FORK⁵ WHOSE SHOVEL⁶ HAS BEEN REMOVED IS STILL SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS FORK;⁷ IF ITS FORK HAS BEEN REMOVED IT IS STILL SUSCEPTIBLE ON ACCOUNT OF ITS SHOVEL. A KOHLSTICK⁸ WHOSE [EAR-] SPOON IS MISSING IS STILL SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS POINT; IF ITS POINT WAS MISSING IT IS STILL SUSCEPTIBLE ON ACCOUNT OF ITS [EAR-] SPOON. A STYLUS WHOSE WRITING POINT IS MISSING IS STILL SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS ERASER;⁹ IF ITS ERASER

IS MISSING IT IS SUSCEPTIBLE ON ACCOUNT OF ITS WRITING POINT. A SOUP-LADLE¹⁰ WHOSE SPOON IS LOST IS STILL SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS FORK; IF ITS FORK IS LOST IT IS STILL SUSCEPTIBLE ON ACCOUNT OF ITS SPOON. SO ALSO IS THE LAW IN REGARD TO THE PRONG OF A MATTOCK.¹¹ THE MINIMUM SIZE¹² FOR ALL THESE INSTRUMENTS IS ONE THAT WOULD SUFFICE FOR THE DUE PERFORMANCE OF THEIR USUAL WORK.

MISHNAH 3. A COULTER THAT IS DAMAGED¹³ REMAINS SUSCEPTIBLE TO UNCLEANNESS UNTIL ITS GREATER PART IS LOST, BUT IF ITS SHAFT-SOCKET IS BROKEN IT IS CLEAN. A HATCHET-HEAD WHOSE CUTTING EDGE IS LOST REMAINS SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS SPLITTING EDGE; IF ITS SPLITTING EDGE IS LOST IT REMAINS SUSCEPTIBLE ON ACCOUNT OF ITS CUTTING EDGE. IF ITS SHAFT-SOCKET IS BROKEN IT IS CLEAN.

MISHNAH 4. A SHOVEL WHOSE BLADE WAS MISSING IS STILL SUSCEPTIBLE TO UNCLEANNESS, SINCE IT IS STILL LIKE A HAMMER; SO R. MEIR. BUT THE SAGES RULE THAT IT IS CLEAN. A SAW WHOSE TEETH ARE MISSING ONE IN EVERY TWO¹⁴ IS CLEAN, BUT IF AN HASIT¹⁵ LENGTH OF CONSECUTIVE TEETH¹⁶ REMAINED IT IS SUSCEPTIBLE TO UNCLEANNESS. AN ADZE, SCALPEL, PLANE, OR DRILL THAT WAS DAMAGED REMAINS SUSCEPTIBLE TO UNCLEANNESS, BUT IF ITS SHARP EDGE WAS MISSING IT IS CLEAN. IN ALL THESE CASES, HOWEVER, IF AN INSTRUMENT WAS SPLIT INTO TWO PARTS BOTH REMAIN SUSCEPTIBLE TO UNCLEANNESS, EXCEPTING THE DRILL. THE BLOCK OF A PLANE BY ITSELF¹⁷ IS CLEAN.

MISHNAH 5. A NEEDLE WHOSE EYE OR POINT WAS MISSING IS CLEAN. IF IT WAS SUBSEQUENTLY ADAPTED AS A STRETCHING-PIN IT IS SUSCEPTIBLE TO UNCLEANNESS. A PACK-NEEDLE WHOSE EYE WAS MISSING IS STILL SUSCEPTIBLE TO UNCLEANNESS SINCE ONE WRITES WITH IT.¹⁸ IF ITS POINT WAS MISSING IT IS CLEAN. A STRETCHING-PIN IS IN EITHER CASE¹⁹ SUSCEPTIBLE TO UNCLEANNESS. A NEEDLE THAT HAS BECOME RUSTY IS CLEAN IF THIS HINDERS IT FROM SEWING, BUT OTHERWISE IT REMAINS SUSCEPTIBLE TO UNCLEANNESS. A HOOK THAT WAS STRAIGHTENED OUT IS CLEAN. IF IT IS BENT BACK IT RESUMES ITS SUSCEPTIBILITY TO UNCLEANNESS.

MISHNAH 6. WOOD THAT SERVES [AS A SUBSIDIARY PART OF] A METAL VESSEL IS SUSCEPTIBLE TO UNCLEANNESS BUT METAL THAT SERVES AS A SUBSIDIARY PART OF A WOODEN VESSEL IS CLEAN. FOR INSTANCE,²⁰ IF A LOCK IS OF WOOD AND ITS CLUTCHES ARE OF METAL, EVEN IF ONLY ONE OF THEM IS SO, IT IS SUSCEPTIBLE TO UNCLEANNESS; BUT IF THE LOCK IS OF METAL AND ITS CLUTCHES ARE OF WOOD, IT IS CLEAN. IF A RING WAS OF METAL AND ITS SEAL OF CORAL, IT IS SUSCEPTIBLE TO UNCLEANNESS, BUT IF THE RING WAS OF CORAL AND ITS SEAL OF METAL, IT IS CLEAN. THE TOOTH IN THE PLATE OF A LOCK OR IN A KEY IS SUSCEPTIBLE TO UNCLEANNESS BY ITSELF.²¹

MISHNAH 7. IF ASHKELON GRAPPLING-IRONS WERE BROKEN BUT THEIR HOOKS REMAINED, THEY REMAIN SUSCEPTIBLE TO UNCLEANNESS. IF A PITCH-FORK, WINNOWING-FAN, OR RAKE (AND THE SAME APPLIES TO A HAIR²² -COMB) LOST ONE OF ITS TEETH²³ AND IT WAS REPLACED BY ONE OF METAL, IT IS SUSCEPTIBLE TO UNCLEANNESS. AND CONCERNING ALL THESE R. JOSHUA REMARKED: THE SCRIBES HAVE HERE INTRODUCED A NEW PRINCIPLE OF LAW,²⁴ AND I HAVE NO EXPLANATION TO OFFER.²⁵

MISHNAH 8. IF THE TEETH OF A FLAX-COMB WERE MISSING BUT TWO REMAINED, IT IS STILL SUSCEPTIBLE TO UNCLEANNESS. IF ONLY ONE, HOWEVER, REMAINED IT IS CLEAN. AS REGARDS ALL THE TEETH²⁶ EACH ONE INDIVIDUALLY²⁷ IS SUSCEPTIBLE TO UNCLEANNESS. IF OF A WOOL-COMB ONE TOOTH OUT OF EVERY TWO IS MISSING²⁸ IT IS CLEAN. IF THREE CONSECUTIVE TEETH²⁹ REMAINED, IT REMAINS SUSCEPTIBLE TO UNCLEANNESS. IF THE OUTERMOST TOOTH³⁰ WAS ONE OF THEM, THE COMB IS CLEAN. IF TWO TEETH WERE REMOVED FROM THE COMB AND MADE INTO A PAIR OF FORCEPS, THEY ARE SUSCEPTIBLE TO UNCLEANNESS. EVEN IF ONLY ONE WAS REMOVED BUT IT WAS ADAPTED TO BE USED FOR A LAMP OR AS A STRETCHING-PIN, IT IS SUSCEPTIBLE TO UNCLEANNESS.

(1) Or 'razor'.

(2) Since it is used in holding the instrument.

(3) Which, owing to its proximity to the blade and the danger of cutting one's hand, is never used when the instrument is handled.

(4) Since each part can still be used.

(5) An instrument having at one end a fork, wherewith meat or bread is taken out from an oven, and at its other end a flat disk to shovel coals or ashes.

(6) Lit., 'spoon'.

(7) Lit., 'tooth'.

(8) Having at one end a point wherewith stibium is applied to the eyelids (to blacken them) while its other end is wider and is used to clean out the ears.

(9) Its flat end wherewith the wax written upon is smoothed over.

(10) Having at one end a spoon and at the other a fork.

(11) One end of which is used for digging and the other for crushing rubble. If one end is lost the instrument is still susceptible to uncleanness on account of the use of its other end.

(12) Of what must remain if it is still to be unclean or susceptible to uncleanness.

(13) On the side of its cutting edge.

(14) No three consecutive teeth remaining. Lit., 'one from between (two)'.

(15) The distance between the tips of the thumb and the forefinger when outstretched; according to Maim. the distance between the outstretched fore and middle fingers.

(16) Lit., 'in one place'.

(17) Having lost the blade.

(18) On a wax tablet.

(19) Whether its eye or point is missing.

(20) Lit., 'how'.

(21) Since it can be used independently.

(22) Lit., 'head'.

(23) Which are of wood.

(24) Since, as flat wooden vessels, the instruments mentioned should be exempt from uncleanness

(25) Lit., 'I do not know what to answer (when asked for an explanation)'.

(26) Lit., 'and they all'.

(27) Since it can be used then for writing on a wax tablet, as supra 5.

(28) No three consecutive teeth remaining. Lit., 'one from between (two)'.

(29) Lit., 'in one place'.

(30) At the end of the row of teeth, which is wider than the others and, therefore, unsuitable for combing.

Mishna - Mas. Kelim Chapter 14

MISHNAH 1. WHAT IS THE MINIMUM SIZE¹ OF METAL VESSELS?² A BUCKET MUST BE OF SUCH A SIZE AS ONE CAN DRAW WATER WITH; A KETTLE MUST BE SUCH AS WATER CAN BE HEATED IN IT; A BOILER, SUCH AS CAN HOLD SELA'S; A CAULDRON,

SUCH AS CAN HOLD JUGS; JUGS, SUCH AS CAN HOLD PERUTAHS; WINE-MEASURES, SUCH AS CAN MEASURE WINE; AND OIL-MEASURES, SUCH AS CAN MEASURE OIL. R. ELIEZER RULED: THE SIZE PRESCRIBED FOR ALL THESE IS A CAPABILITY TO HOLD PERUTAHS. R. AKIBA RULED: A VESSEL THAT LACKS TRIMMING³ IS SUSCEPTIBLE TO UNCLEANNESS, BUT ONE THAT LACKS POLISHING IS⁴ CLEAN.⁵

MISHNAH 2. A STAFF⁶ TO THE END OF WHICH IS ATTACHED A METAL KNOB IN THE SHAPE OF A CHESTNUT BUR IS SUSCEPTIBLE TO UNCLEANNESS.⁷ IF THE STAFF WAS STUDED WITH NAILS IT IS ALSO UNCLEAN. R. SIMEON RULED: THIS APPLIES ONLY WHERE THREE ROWS⁸ WERE PUT IN. IN ALL CASES, HOWEVER, WHERE THEY ARE PUT IN FOR ORNAMENTATION THE STAFF IS CLEAN.⁹ IF A TUBE¹⁰ WAS ATTACHED TO ITS END, AND SO ALSO IN THE CASE OF A DOOR,¹¹ IT IS CLEAN.¹² IF IT¹³ WAS ONCE AN INDEPENDENT VESSEL AND THEN IT WAS FIXED TO THE STAFF, IT REMAINS SUSCEPTIBLE TO UNCLEANNESS.¹⁴ WHEN DOES IT ATTAIN CLEANNESS? BETH SHAMMAI RULED: WHEN IT IS DAMAGED; AND BETH HILLEL RULED: WHEN IT IS JOINED ON.¹⁵

MISHNAH 3. THE AUGER OF A BUILDER AND THE PICK OF A CARPENTER ARE SUSCEPTIBLE TO UNCLEANNESS.¹⁶ TENT-PEGS AND SURVEYORS' PEGS ARE SUSCEPTIBLE TO UNCLEANNESS.¹⁷ A SURVEYOR'S CHAIN IS SUSCEPTIBLE TO UNCLEANNESS, BUT ONE USED FOR FAGGOTS¹⁸ IS CLEAN.¹⁹ THE CHAIN OF A BIG BUCKET [IS SUSCEPTIBLE TO UNCLEANNESS TO A LENGTH OF] FOUR HANDBREADTHS,²⁰ AND THAT OF A SMALL ONE [TO A LENGTH OF] TEN HANDBREADTHS.²⁰ A BLACKSMITH'S JACK IS SUSCEPTIBLE TO UNCLEANNESS. A SAW²¹ THE TEETH OF WHICH WERE INSERTED²² IN A HOLE²³ IS UNCLEAN,²⁴ BUT IF THEY WERE TURNED FROM BELOW UPWARDS²⁵ IT IS CLEAN.²⁶ ALL COVERS ARE CLEAN²⁷ EXCEPT THAT OF A BOILER.²⁸

MISHNAH 4. THE PARTS OF A WAGON THAT ARE SUSCEPTIBLE TO UNCLEANNESS ARE THE FOLLOWING: THE METAL YOKE,²⁹ THE CROSS-BAR, THE SIDE-PIECES THAT HOLD THE STRAPS, THE IRON BAR UNDER THE NECKS OF THE CATTLE, THE POLE-PIN, THE METAL GIRTH, THE TRAYS, THE CLAPPER, THE HOOK, AND ANY NAIL THAT HOLDS ANY OF ITS PARTS TOGETHER.

MISHNAH 5. THE CLEAN PARTS OF A WAGON ARE THE FOLLOWING: THE YOKE³⁰ THAT IS ONLY PLATED [WITH METAL]. SIDE-PIECES MADE FOR MERE ORNAMENTATION, TUBES THAT GIVE OUT A NOISE,³¹ THE LEAD AT THE SIDE OF THE NECKS OF THE CATTLE, THE RIM OF THE WHEEL, THE PLATES³² AND MOUNTINGS,³² AND ALL OTHER NAILS.³³ ALL THESE ARE CLEAN. METAL SHOES OF CATTLE ARE SUSCEPTIBLE TO UNCLEANNESS AND THOSE MADE OF CORK ARE CLEAN. WHEN DOES A SWORD BECOME SUSCEPTIBLE TO UNCLEANNESS? WHEN IT HAS BEEN POLISHED. AND A KNIFE? WHEN IT HAS BEEN SHARPENED.

MISHNAH 6. A METAL BASKET-COVER³⁴ WHICH WAS TURNED INTO A MIRROR IS, R. JUDAH RULES, CLEAN;³⁵ AND THE SAGES RULE THAT IT IS SUSCEPTIBLE TO UNCLEANNESS.³⁶ A BROKEN MIRROR, IF IT DOES NOT REFLECT THE GREATER PART OF THE FACE, IS CLEAN.

MISHNAH 7. METAL VESSELS MAY REMAIN UNCLEAN³⁷ AND BECOME CLEAN³⁸ EVEN WHEN BROKEN;³⁹ SO R. ELIEZER. R. JOSHUA RULED: THEY CAN BE MADE CLEAN ONLY WHEN THEY ARE WHOLE.⁴⁰ IF THEY WERE SPRINKLED UPON⁴¹ AND ON THE SAME DAY THEY WERE BROKEN AND THEN THEY WERE RECAST⁴² AND

SPRINKLED UPON ON THE SAME DAY, THEY ARE CLEAN;⁴³ SO R. ELIEZER. R. JOSHUA RULED: THERE CAN BE NO EFFECTIVE SPRINKLING EARLIER THAN ON THE THIRD⁴⁴ AND THE SEVENTH DAY⁴⁵ RESPECTIVELY.

MISHNAH 8. A KNEE-SHAPED KEY THAT WAS BROKEN OFF AT THE KNEE⁴⁶ IS CLEAN.⁴⁷ R. JUDAH RULES THAT IT IS UNCLEAN BECAUSE ONE CAN OPEN WITH IT FROM WITHIN.⁴⁸ A GAMMA-SHAPED KEY,⁴⁹ HOWEVER, THAT WAS BROKEN OFF AT ITS SHORTER⁵⁰ ARM⁵¹ IS CLEAN.⁵² IF IT⁵³ RETAINED THE TEETH AND THE GAPS IT REMAINS UNCLEAN. IF THE TEETH WERE MISSING IT IS STILL UNCLEAN ON ACCOUNT OF THE GAPS; IF THE GAPS WERE BLOCKED UP IT IS UNCLEAN ON ACCOUNT OF THE TEETH. IF THE TEETH WERE MISSING AND THE GAPS WERE BLOCKED UP, OR IF THEY WERE MERGED INTO ONE ANOTHER,⁵⁴ THE KEY BECOMES CLEAN. IF IN A MUSTARD-STRAINER⁵⁵ THREE HOLES IN ITS BOTTOM WERE MERGED INTO ONE ANOTHER THE STRAINER BECOMES CLEAN;⁴⁷ BUT A METAL MILL-FUNNEL⁵⁶ IS⁵⁷ UNCLEAN.⁵⁸

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- (1) That is still susceptible to, or retains its former uncleanness.
 - (2) When they were broken.
 - (3) Var lec., 'its cover'.
 - (4) Like all 'unshaped' vessels.
 - (5) Whereas the latter work requires special skill, the former can be done by the householder.
 - (6) Of wood.
 - (7) The wooden part being subsidiary to the metal knob the entire staff is subject to the restrictions of a metal vessel.
 - (8) Of nails.
 - (9) Since the metal ornamentation is only subsidiary to the wooden staff.
 - (10) Of metal.
 - (11) Where such a tube serves as a pivot.
 - (12) Since the metal ornamentation is only subsidiary to the wooden object.
 - (13) The metal tube.
 - (14) Its new use does not deprive it of its former status of a vessel.
 - (15) To the staff, with nails.
 - (16) Since their wooden handles are merely subsidiary to the metal parts.
 - (17) Though they are inserted in the ground they are not regarded as fixed to it, since they are there only temporarily.
 - (18) To bind them together.
 - (19) Since, like other metal objects that are subsidiary to wooden ones, it is insusceptible to uncleanness.
 - (20) From the bucket; since such a length is used when the bucket is handled.
 - (21) That was unclean.
 - (22) To serve as a door jamb.
 - (23) Of a door, the teeth turning outwards.
 - (24) Lying in a position that might injure passers-by it is not likely to remain there long and cannot consequently be regarded as a fixture in the ground.
 - (25) And sunk in the lintel.
 - (26) Since it is regarded as a permanent fixture in the ground (cf. prev. n. mut. mut.). Alternative rendering: A saw in which the teeth are set in sockets is susceptible, but if they were put in upside down it is not susceptible (Danby according to Maimonides).
 - (27) Because they are not used by themselves.
 - (28) Which, independently of the boiler, is also used by itself.
 - (29) Above the necks of the drawing horses or oxen.
 - (30) V. p. 70, n. 16.
 - (31) To drive on the cattle.
 - (32) Of metal.
 - (33) Which serve as were ornamentation.

- (34) For domestic use which (cf. supra XII, 6) is (in does not agreement with the Sages) clean.
- (35) Because its conversion into a mirror does not alter its former status of uncleanness.
- (36) A mirror they hold, has the status of a valid vessel.
- (37) If they were unclean before they were broken and were re-made into proper vessels after they were broken. If they came in contact with a man or a vessel while in their broken condition, uncleanness is conveyed retrospectively after they have been re-made (cf. L.).
- (38) If the prescribed sprinkling had been performed while they were broken.
- (39) Though they were afterwards re-made into proper vessels (Elijah Wilna).
- (40) Cur. edd. insert 'how', which is deleted by Elijah Wilna.
- (41) For the first time, on the third day, in accordance with Num. XIX, 17ff.
- (42) And made into proper vessels.
- (43) As if they had been duly sprinkled upon on the seventh day. Their broken condition that intervened between their first and their second sprinkling is deemed to be equivalent to the interval of the three days that must elapse between the usual first sprinkling on the third day and the second one on the seventh.
- (44) For the first sprinkling.
- (45) For the second.
- (46) Sc. the part that is inserted in the lock was partly broken off.
- (47) Since it can no longer serve its original purpose.
- (48) Where a shorter length of key (cf. n. 5) would also reach the lock.
- (49) In which the arm that is inserted in the lock is much shorter than in the knee- shaped key.
- (50) Lit., 'its gamma'.
- (51) Sc. the part that is inserted in the lock was partly broken off.
- (52) Even according to R. Judah, since owing to its shortness (cf. n. 8.) it can no longer be used at all.
- (53) The part that remained.
- (54) The teeth having been bent into the gaps.
- (55) That was unclean.
- (56) Although it has no bottom at all.
- (57) In a similar condition.
- (58) As a valid vessel, since it bears an independent name.

Mishna - Mas. Kelim Chapter 15

MISHNAH 1. OF¹ VESSELS OF WOOD, LEATHER, BONE OR GLASS THOSE THAT ARE FLAT ARE CLEAN² AND THOSE THAT FORM A RECEPTACLE ARE SUSCEPTIBLE TO UNCLEANNESS. IF THEY ARE BROKEN THEY BECOME CLEAN AGAIN. IF ONE REMADE THEM INTO VESSELS THEY ARE SUSCEPTIBLE TO UNCLEANNESS HENCEFORTH.¹ A CHEST, A BOX, A CUPBOARD, A STRAW BASKET,³ A REED BASKET,³ OR THE TANK OF AN ALEXANDRIAN SHIP,⁴ THAT HAVE FLAT BOTTOMS AND CONTAIN A MINIMUM OF FORTY SE'AH IN LIQUID MEASURE WHICH REPRESENT TWO KOR IN DRY MEASURE, ARE CLEAN.⁵ ALL OTHER VESSELS, HOWEVER, WHETHER THEY CONTAIN THE MINIMUM⁶ OR DO NOT CONTAIN IT, ARE SUSCEPTIBLE TO UNCLEANNESS;⁷ SO R. MEIR. R. JUDAH RULED: THE TUB OF A WAGON, THE FOOD CHESTS OF KINGS, THE TANNERS TROUGH, THE TANK OF A SMALL SHIP, AND AN ARK,⁸ EVEN THOUGH THEY CONTAIN THE MINIMUM,⁶ ARE SUSCEPTIBLE TO UNCLEANNESS, SINCE THEY ARE INVARIABLY INTENDED TO BE MOVED ABOUT WITH THEIR CONTENTS. AS TO ALL OTHER VESSELS, THOSE THAT CONTAIN THE MINIMUM⁶ ARE CLEAN AND THOSE THAT CANNOT CONTAIN IT ARE SUSCEPTIBLE TO UNCLEANNESS. THE ONLY PRACTICAL DIFFERENCE BETWEEN THE RULING OF R. MEIR⁹ AND THAT OF R. JUDAH¹⁰ IS THE RULING CONCERNING A DOMESTIC BAKING TROUGH.¹¹

MISHNAH 2. BAKERS' BAKING-BOARDS ARE SUSCEPTIBLE TO UNCLEANNESS.¹²

THOSE IN DOMESTIC USE¹³ ARE CLEAN, BUT IF THEY WERE COLOURED RED OR SAFFRON THEY ARE SUSCEPTIBLE TO UNCLEANNESS. IF A BAKERS' SHELF¹⁴ WAS FIXED TO A WALL, R. ELIEZER RULES THAT IT IS CLEAN¹⁵ AND THE SAGES RULE THAT IT IS SUSCEPTIBLE TO UNCLEANNESS.¹⁶ THE BAKERS' FRAME¹⁷ IS SUSCEPTIBLE TO UNCLEANNESS BUT ONE IN DOMESTIC USE IS CLEAN. IF A RIM WAS MADE ON ITS FOUR SIDES IT IS SUSCEPTIBLE TO UNCLEANNESS, BUT IF ONE SIDE WAS OPEN IT IS CLEAN. R. SIMEON RULED: IF IT WAS SO SHAPED THAT ONE CAN CUT THE DOUGH UPON IT, IT IS SUSCEPTIBLE TO UNCLEANNESS.¹⁸ A ROLLING-PIN IS SIMILARLY SUSCEPTIBLE TO UNCLEANNESS.¹⁹

MISHNAH 3. THE CONTAINER OF THE FLOUR-DEALERS' SIFTER IS SUSCEPTIBLE TO UNCLEANNESS, BUT THE DOMESTIC ONE²⁰, IS CLEAN. R. JUDAH RULED: ALSO ONE THAT IS USED BY A HAIRDRESSER IS SUSCEPTIBLE TO UNCLEANNESS AS A SEAT,²¹ SINCE GIRLS SIT IN IT WHEN THEIR HAIR IS DRESSED.

MISHNAH 4. ALL HANGERS²² ARE SUSCEPTIBLE TO UNCLEANNESS, EXCEPTING THOSE OF A SIFTER AND A RIDDLE THAT ARE FOR DOMESTIC USE;²³ SO R. MEIR. BUT THE SAGES RULED: ALL HANGERS ARE CLEAN, EXCEPTING THOSE OF A SIFTER OF FLOUR-DEALERS, OF A RIDDLE USED IN THRESHING-FLOORS, OF A HAND-SICKLE AND OF AN EXCISEMAN'S STAFF, SINCE THEY AFFORD AID WHEN THE INSTRUMENT IS IN USE.²⁴ THIS IS THE GENERAL RULE: [A HANGER] THAT IS INTENDED TO AFFORD AID WHEN THE INSTRUMENT IS IN USE IS SUSCEPTIBLE TO UNCLEANNESS AND ONE INTENDED TO SERVE ONLY AS A HANGER IS CLEAN.

MISHNAH 5. THE GRIST-DEALERS' SHOVEL IS SUSCEPTIBLE TO UNCLEANNESS²⁵ BUT THE ONE USED IN GRAIN STORES²⁶ IS CLEAN. THE ONE USED IN WINE- PRESSES IS SUSCEPTIBLE TO UNCLEANNESS²⁵ BUT THAT USED IN THRESHING- FLOORS²⁶ IS CLEAN. THIS IS THE GENERAL RULE: [A SHOVEL] THAT IS INTENDED TO HOLD ANYTHING IS SUSCEPTIBLE TO UNCLEANNESS BUT ONE INTENDED ONLY TO HEAP STUFF TOGETHER IS CLEAN.

MISHNAH 6. ORDINARY HARPS²⁷ ARE SUSCEPTIBLE TO UNCLEANNESS,²⁸ BUT THE HARPS OF THE SONS OF LEVI²⁹ ARE CLEAN.³⁰ ALL LIQUIDS³¹ ARE SUSCEPTIBLE TO UNCLEANNESS, BUT THE LIQUIDS³² IN THE SHAMBLES³³ ARE CLEAN. ALL BOOKS³⁴ CONVEY UNCLEANNESS TO THE HANDS,³⁵ EXCEPTING THE SCROLL OF THE TEMPLE COURT.³⁶ A WOODEN TOY HORSE³⁷ IS CLEAN.³⁸ THE LUTE, THE NIKTIMON³⁹ AND THE DRUM ARE SUSCEPTIBLE TO UNCLEANNESS. R. JUDAH RULED: THE DRUM IS UNCLEAN AS A SEAT⁴⁰ SINCE THE WAILING WOMAN SITS ON IT. A WEASEL-TRAP IS SUSCEPTIBLE TO UNCLEANNESS,⁴¹ BUT A MOUSE- TRAP⁴² IS CLEAN.

(1) For notes v. supra II, 1.

(2) Pentateuchally. Some of these are Rabbinically unclean.

(3) Which is subject to the law applicable to wooden vessels.

(4) Name given to large ships that serve for long distances.

(5) Being heavy they are not moved about when full as when empty and, having flat bottoms, they come under the category of stationary wooden vessels which are insusceptible to uncleanness.

(6) Of forty se'ah.

(7) Since they are moved about when full as when empty.

(8) Or large chest. Aliter: coffin.

(9) Who enumerated the vessels that are clean and gave a general ruling that all others are susceptible to uncleanness.

(10) Who mentioned those that are susceptible to uncleanness, ruling that all the others are clean.

(11) Which neither mentioned. According to the former it is susceptible to uncleanness while according to the latter it is

clean.

(12) Rabbinically; since, despite their flat shape, they have the form of a vessel.

(13) Since they have not the shape of a vessel (cf. prev. n.).

(14) Of metal.

(15) As any 'vessel' that is fixed to the ground.

(16) Once it had the status of a vessel the fixing of it to a wall cannot deprive it of that status unless it was damaged (cf. supra XIV, 2).

(17) Or 'small trough'.

(18) Even though it had no rim.

(19) Rabbinically; because flat vessels that serve men and their needs are susceptible to uncleanness. In this case the vessels are of service to the man and to his dough.

(20) Which has no proper receptacle.

(21) If a zab sat on it.

(22) Being adjuncts to vessels.

(23) Since these hangers are not always attached to the vessels mentioned.

(24) When fatigued from work one's hand is put on the hanger to facilitate the handling of the instrument.

(25) Because it forms a receptacle.

(26) Which has no proper receptacle.

(27) Lit., 'harps of song'.

(28) On account of the receptacle beneath their strings wherein one places any coins collected from the audience.

(29) Used in the temple.

(30) Since the receptacles in these harps are not intended to contain any objects.

(31) Sc. blood, water, dew, wine, oil, milk and honey.

(32) Water and blood.

(33) Of the Temple, v. 'Ed. VIII, 4.

(34) Or 'scrolls', of Scripture.

(35) That touched them. This is a Rabbinical measure to prevent holy books from being placed near foodstuffs where mice that attack the food would also destroy them. By the enactment that hands that touch the books contract a second grade of uncleanness any terumah that would come in contact with such hands would become unclean, and care would, therefore, be taken to keep terumah (and similarly unconsecrated food) away from the books; v. Yad. IV, 5.

(36) In which the High Priest read on the Day of Atonement. Being very highly esteemed there is no likelihood of its ever being put together with foodstuffs. Var. lec., 'the scroll of Ezra'.

(37) Aliter: The wooden arm of a harp.

(38) Sc. it is not subject to midras uncleanness since it is not intended for riding upon. One merely pretends to sit on the horse while in reality it is dragged along, the so-called rider merely walking or running.

(39) A musical instrument. Aliter: 'a mask', v. Shab. 66b.

(40) If a zab sat on it.

(41) Because it has a receptacle for the animal whose skin is of use.

(42) Which has no receptacle (cf. prev. n.), its only purpose being to crush the mouse. Even if it has a receptacle it is disregarded since a mouse serves no useful purpose.

Mishna - Mas. Kelim Chapter 16

MISHNAH 1. ANY WOODEN VESSEL THAT WAS BROKEN INTO TWO PARTS¹ BECOMES CLEAN,² EXCEPTING A FOLDING TABLE,³ A DISH WITH COMPARTMENTS FOR [DIFFERENT KINDS OF] FOOD,⁴ AND A DOMESTIC FOOTSTOOL.⁵ R. JUDAH RULED: A DOUBLE DISH³ AND A BABYLONIAN TRAY ARE SUBJECT TO THE SAME LAW.⁶ AT WHAT STAGE⁷ DO WOODEN VESSELS BEGIN TO BE SUSCEPTIBLE TO UNCLEANNESS? A BED AND A COT, AFTER THEY ARE RUBBED OVER WITH FISHSKIN.⁸ IF THE OWNER DETERMINED NOT TO RUB THEM OVER THEY ARE SUSCEPTIBLE TO UNCLEANNESS [FORTHWITH].⁹ R. MEIR RULED: A BED BECOMES SUSCEPTIBLE TO UNCLEANNESS AS SOON AS THREE ROWS OF MESHES HAVE BEEN KNITTED IN IT.

MISHNAH 2. WOODEN BASKETS [BECOME SUSCEPTIBLE TO UNCLEANNESS] AS SOON AS THEIR RIMS ARE BOUND ROUND AND THEIR ROUGH ENDS ARE SMOOTHED OFF; BUT THOSE THAT ARE MADE OF PALM-BRANCHES [BECOME SUSCEPTIBLE TO UNCLEANNESS] EVEN THOUGH THEIR ENDS WERE NOT SMOOTHED OFF ON THE INSIDE, SINCE THEY ARE ALLOWED TO REMAIN IN THIS CONDITION. A BASKET [OF REED-GRASS¹⁰ BECOMES SUSCEPTIBLE TO UNCLEANNESS] AS SOON AS ITS RIM IS BOUND AROUND IT, ITS ROUGH ENDS ARE SMOOTHED OFF, AND ITS HANGER IS FINISHED. A CASE OF WICKERWORK FOR FLAGONS OR FOR CUPS [IS SUSCEPTIBLE TO UNCLEANNESS] EVEN IF THE ROUGH ENDS WERE NOT SMOOTHED OFF ON THE INSIDE, SINCE THESE ARE ALLOWED TO REMAIN IN THIS CONDITION.

MISHNAH 3. SMALL REED BASKETS AND WOMEN'S WORK BASKETS [ARE SUSCEPTIBLE TO UNCLEANNESS] AS SOON AS THEIR RIMS ARE BOUND ROUND AND THEIR ROUGH ENDS SMOOTHED OFF; LARGE REED BASKETS AND LARGE HAMPERS, AS SOON AS TWO CIRCLING BANDS HAVE BEEN MADE ROUND THEIR WIDE SIDES; THE CONTAINER OF A SIFTER OR A SIEVE AND A CUP OF THE BALANCES, AS SOON AS ONE CIRCLING BAND HAS BEEN MADE ROUND THEIR WIDE SIDES; A WILLOW¹¹ BASKET, AS SOON AS TWO TWISTS HAVE BEEN MADE AROUND ITS WIDE SIDES; AND A RUSH¹² BASKET,¹³ AS SOON AS ONE TWIST HAS BEEN MADE ROUND IT.

MISHNAH 4. AT WHAT STAGE¹⁴ DO LEATHER VESSELS BECOME SUSCEPTIBLE TO UNCLEANNESS? A SHEPHERD'S BAG, AS SOON AS ITS HEM HAS BEEN STITCHED, ITS ROUGH ENDS TRIMMED AND ITS THONGS SEWN ON. R. JUDAH RULED: SO SOON AS ITS EARS¹⁵ HAVE BEEN SEWN ON. A LEATHER APRON¹⁶ [BECOMES SUSCEPTIBLE TO UNCLEANNESS] AS SOON AS ITS HEM HAS BEEN STITCHED, ITS ROUGH ENDS TRIMMED AND ITS STRINGS SEWN ON. R. JUDAH RULED: AS SOON AS ITS LOOPS HAVE BEEN SEWN ON. A LEATHER BED COVER¹⁷ [BECOMES SUSCEPTIBLE] AS SOON AS ITS HEM HAS BEEN STITCHED AND ITS ROUGH ENDS TRIMMED. R. JUDAH RULED: AS SOON AS ITS THONGS HAVE BEEN SEWN ON. A LEATHER CUSHION OR MATTRESS¹⁸ [BECOMES SUSCEPTIBLE] AS SOON AS ITS HEM HAS BEEN STITCHED AND ITS ROUGH ENDS TRIMMED. R. JUDAH RULED: SO, SOON AS IT HAS BEEN SEWN UP AND LESS THAN FIVE HANDBREADTHS REMAINED OPEN.¹⁹

MISHNAH 5. A WILLOW BASKET²⁰ IS SUSCEPTIBLE TO UNCLEANNESS BUT A THORN BASKET²¹ IS CLEAN.²² MATS²³ MADE OF LEAVES ARE CLEAN, BUT THOSE MADE OF TWIGS ARE SUSCEPTIBLE TO UNCLEANNESS. THE WICKER WRAPPING [IN WHICH DATES ARE LEFT]²⁴ AND INTO WHICH THEY CAN BE EASILY PUT²⁵ AND FROM WHICH THEY CAN EASILY BE TAKEN OUT²⁵ IS SUSCEPTIBLE TO UNCLEANNESS, BUT IF THIS CANNOT BE DONE WITHOUT TEARING IT OR UNDOING IT, IT IS CLEAN.

MISHNAH 6. THE LEATHER GLOVE²⁶ OF WINNOWER, TRAVELLERS, OR FLAX WORKERS IS SUSCEPTIBLE TO UNCLEANNESS;²⁷ BUT THE ONE FOR DYERS OR BLACKSMITHS²⁸ IS CLEAN. R. JOSE RULED: THE SAME LAW APPLIES ALSO TO THE GLOVE²⁶ OF GRIST DEALERS. THIS IS THE GENERAL RULE: THAT WHICH IS MADE FOR HOLDING ANYTHING IS SUSCEPTIBLE TO UNCLEANNESS, BUT THAT WHICH ONLY AFFORDS PROTECTION AGAINST PERSPIRATION IS CLEAN.

MISHNAH 7. THE DUNG BAG OF A BULLOCK²⁹ AND ITS MUZZLE, A BEE-SMOKER, AND A FAN ARE CLEAN.³⁰ THE COVER OF A CASKET IS SUSCEPTIBLE TO UNCLEANNESS; THE COVER OF A CLOTHES-CHEST IS CLEAN. THE COVER OF A BOX, THE COVER OF A BASKET, A CARPENTER'S VICE, A CUSHION³¹ UNDER A BOX³² OR ITS

ARCHED COVER,³³ A READING-DESK FOR A BOOK, A BOLT-SOCKET, A LOCK-SOCKET, A MEZUZAH CASE, A LYRE CASE, A VIOLIN CASE, THE BLOCK OF THE TURBAN-MAKERS, A WOODEN MUSICAL TOY HORSE, THE CLAPPERS OF A WAILING WOMAN, A POOR MAN'S PARASOL,³⁴ BED STRUTS, A TEFILLIN MOULD, AND THE CLOAK-MAKER'S BLOCK — ALL THESE ARE CLEAN. THIS, SAID R. JOSE, IS THE GENERAL RULE: ALL OBJECTS³⁵ THAT SERVE AS A PROTECTION TO OBJECTS THAT A MAN USES, BOTH WHEN THE LATTER ARE IN USE AND WHEN THEY ARE NOT IN USE,³⁶ ARE SUSCEPTIBLE TO UNCLEANNESS; BUT THOSE THAT SERVE THEM AS A PROTECTION ONLY WHEN THE LATTER ARE IN USE ARE CLEAN.³⁷

MISHNAH 8. THE SHEATH OF A SWORD, A KNIFE OR A DAGGER, THE CASE FOR SCISSORS, OR SHEARS OR A RAZOR, THE CASE OF KOHL-STICKS AND THE KOHL-BOX, THE STYLUS CASE, THE INKPOT CASE,³⁸ THE TABLET CASE, THE LEATHER APRON,³⁹ A QUIVER AND A JAVELIN CASE⁴⁰ — ALL THESE ARE SUSCEPTIBLE TO UNCLEANNESS. THE CASE FOR A DOUBLE FLUTE IS SUSCEPTIBLE TO UNCLEANNESS IF THE INSTRUMENT IS PUT IN FROM ABOVE,⁴¹ BUT IF IT IS PUT IN FROM THE SIDE, IT⁴² IS CLEAN. A CASE FOR PIPES, R. JUDAH RULES, IS CLEAN BECAUSE THESE ARE PUT IN FROM THE SIDE.⁴³ THE COVERING OF A CLUB, A BOW OR A SPEAR IS CLEAN. THIS IS THE GENERAL RULE: THAT WHICH SERVES AS A CASE IS SUSCEPTIBLE TO UNCLEANNESS, BUT THAT WHICH IS MERELY A COVERING IS CLEAN.

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- (1) While it was unclean.
 - (2) And also insusceptible to future uncleanness.
 - (3) Consisting of two sound and independent parts.
 - (4) Cf. prev. n.
 - (5) Made up of sections.
 - (6) Viz., though they were broken into two parts they remain unclean.
 - (7) In their manufacture.
 - (8) Which gives them their smooth surface.
 - (9) Even though their surface is rough.
 - (10) Aliter: Of fruit.
 - (11) Cf. Danby.
 - (12) Or 'cork'.
 - (13) Which is not so deep as the basket previously mentioned.
 - (14) In their manufacture.
 - (15) The flaps by which it is carried.
 - (16) Scortea, or 'leather coat', 'leather table cover', 'leather bed sheet'.
 - (17) Or 'leather table cover'.
 - (18) Or 'bolster'.
 - (19) To admit the packing.
 - (20) In which figs or dates are kept. Aliter: A fig or date basket.
 - (21) For rubbish. Aliter: Provision basket.
 - (22) Because it is much too large to be carried about and consequently is not considered a vessel.
 - (23) Aliter: Little fruit baskets.
 - (24) Until they are ripened.
 - (25) Without tearing the wrapper.
 - (26) Or 'head gear', or 'apron', or 'overall'.
 - (27) Since it forms a 'receptacle' for the dust or chaff.
 - (28) Which forms no receptacle, its purpose being merely to absorb the man's perspiration.
 - (29) For receiving its excrements while at work.
 - (30) Since they have not the shape of a 'vessel'.
 - (31) Var. lec., a chair.

- (32) To protect it from dampness.
 (33) To protect the chest against rain.
 (34) Or 'the poor man's collecting-bag'.
 (35) Though they are flat and form no receptacle.
 (36) As, for instance, a cover or a book's case.
 (37) If they are flat. Those that are concave and thus form a receptacle are in either case susceptible to uncleanness.
 (38) Or 'a box with many compartments'.
 (39) Or 'leather coat', or 'leather table-cover'.
 (40) Or 'catapult'.
 (41) Sc. when the case is long and forms a proper receptacle.
 (42) Since it can only be regarded as a mere cover.
 (43) Cf. prev. n.

Mishna - Mas. Kelim Chapter 17

MISHNAH 1. ALL [WOODEN] VESSELS¹ THAT BELONG TO HOUSEHOLDERS² [BECOME CLEAN IF THERE APPEARED IN THEM HOLES OF] THE SIZE OF POMEGRANATES.³ R. ELIEZER RULED: [THE SIZE OF THE HOLE DEPENDS] ON THE USE TO WHICH A VESSEL IS PUT.⁴ GARDENERS' VEGETABLE BASKETS [BECOME CLEAN IF THE HOLES IN THEM ARE OF] THE SIZE OF BUNDLES OF VEGETABLES;⁵ BASKETS OF HOUSEHOLDERS [BECOME CLEAN IF] THE SIZE [OF THE HOLES WILL ADMIT] BUNDLES OF STRAW [TO DROP THROUGH]; THOSE OF BATH-KEEPERS, IF BUNDLES OF SHAVINGS [WILL DROP THROUGH]. R. JOSHUA RULED: [THE SIZE]⁶ IN THE CASE OF ALL THESE IS THAT OF POMEGRANATES.³

MISHNAH 2. A SKIN BOTTLE [BECOMES CLEAN IF THE HOLES IN IT ARE OF] A SIZE THROUGH WHICH WARP-CLEWS⁷ [WILL DROP OUT]. IF [WOOF-CLEWS ARE USUALLY KEPT IN IT AND NOW]⁸ IT CAN NOT HOLD WARP-CLEWS BUT CAN STILL HOLD⁹ WOOF ONES¹⁰ IT REMAINS UNCLEAR.¹¹ A DISH HOLDER¹² THAT CANNOT HOLD DISHES BUT¹³ CAN STILL HOLD TRAYS REMAINS UNCLEAR.¹¹ A CHAMBER- POT¹⁴ THAT CANNOT HOLD LIQUIDS BUT CAN STILL HOLD EXCREMENTS REMAINS UNCLEAR.¹⁵ R. GAMALIEL RULES THAT THE LAST MENTIONED POT IS CLEAN SINCE PEOPLE DO NOT USUALLY KEEP ONE THAT IS IN SUCH A CONDITION.

MISHNAH 3. BREAD-BASKETS [ATTAIN CLEANNESS IF] THE SIZE [OF THEIR HOLES IS SUCH] THAT LOAVES OF BREAD [WOULD FALL THROUGH]. FRAMES FOR HANGINGS, THOUGH REEDS WERE FASTENED TO THEM FROM THE BOTTOM UPWARDS TO STRENGTHEN THEM, ARE CLEAN.¹⁶ IF TO SUCH A FRAME HANDLES OF ANY KIND WERE FIXED IT IS UNCLEAR. R. SIMEON RULED: IF IT CANNOT BE LIFTED UP BY THESE HANDLES¹⁷ IT IS CLEAN.

MISHNAH 4. THE POMEGRANATES OF WHICH THE RABBIS HAVE SPOKEN¹⁸ ARE THREE ATTACHED TO ONE ANOTHER.¹⁹ R. SIMEON B. GAMALIEL RULED: IN A SIFTER OR A SIEVE [THE SIZE OF THE HOLE MUST BE SUCH THAT A POMEGRANATE WILL DROP OUT] WHEN ONE TAKES IT²⁰ UP AND WALKS ABOUT WITH IT;²¹ IN A HAMPER IT MUST BE SUCH [AS WOULD ALLOW A POMEGRANATE] TO FALL THROUGH WHILE A MAN HANGS THE HAMPER BEHIND HIM;²² AND AS REGARDS ALL OTHER VESSELS WHICH²³ CANNOT HOLD POMEGRANATES AS, FOR INSTANCE, THE QUARTER KAB MEASURE AND THE HALF QUARTER KAB MEASURE, AND SMALL BASKETS, THE SIZE [OF THEIR HOLES MUST BE] SUCH AS WOULD EXTEND OVER THE GREATER PART OF THEM; SO R. MEIR. R. SIMEON RULED: [THE HOLE IS MEASURED] WITH OLIVES.²⁴ IF THEIR SIDES WERE BROKEN²⁵ [THE SIZE OF THEIR HOLE MUST BE] SUCH AS OLIVES

WOULD DROP THROUGH. IF THEY ARE WORN AWAY THE SIZE [OF THEIR HOLES] MUST BE SUCH AS WOULD ALLOW THE OBJECTS WHICH ARE USUALLY KEPT IN THEM [TO DROP THROUGH].²⁶

MISHNAH 5. THE POMEGRANATE OF WHICH THEY HAVE SPOKEN²⁷ REFERS TO ONE THAT IS NEITHER SMALL NOR BIG BUT OF MODERATE SIZE. AND FOR WHAT PURPOSE²⁸ WERE THE POMEGRANATES OF BADDAN²⁹ MENTIONED?³⁰ THAT WHATEVER THEIR QUANTITY THEY³¹ CAUSE [OTHER POMEGRANATES]³² TO BE FORBIDDEN: SO R. MEIR. R. JOHANAN B. NURI SAID: THAT THEY ARE TO BE USED AS A MEASURE FOR HOLES IN VESSELS.³³ R. AKIBA SAID: THEY WERE MENTIONED FOR BOTH REASONS: THAT THEY ARE TO BE USED AS A MEASURE FOR HOLES IN VESSELS²⁶ AND THAT WHATEVER THEIR QUANTITY THEY CAUSE [OTHER POMEGRANATES]³² TO BE FORBIDDEN. R. JOSE³⁴ SAID: THE POMEGRANATES OF BADDAN AND THE LEEKS OF GEBA³⁵ WERE MENTIONED ONLY TO INDICATE THAT THEY MUST BE TITHED EVERYWHERE AS BEING CERTAINLY UNTITHED.³⁶

MISHNAH 6. THE SIZE OF AN EGG WHICH THEY PRESCRIBED³⁷ IS THAT OF ONE THAT IS NEITHER BIG NOR SMALL BUT OF MODERATE SIZE. R. JUDAH RULED: THE LARGEST AND THE SMALLEST³⁸ MUST BE BROUGHT AND PUT IN WATER AND THE DISPLACED WATER IS THEN DIVIDED.³⁹ SAID R. JOSE: BUT WHO CAN TELL ME WHICH IS THE LARGEST AND WHICH IS THE SMALLEST?⁴⁰ ALL RATHER DEPENDS ON THE OBSERVER'S ESTIMATE.

MISHNAH 7. THE SIZE OF A DRIED FIG WHICH THEY PRESCRIBED⁴¹ IS THAT OF ONE THAT IS NEITHER LARGE NOR SMALL BUT OF MODERATE SIZE. R. JUDAH STATED: THE BIGGEST⁴² IN THE LAND OF ISRAEL IS LIKE ONE OF MODERATE SIZE IN OTHER LANDS.

MISHNAH 8. THE SIZE OF AN OLIVE WHICH THEY PRESCRIBED⁴³ IS THAT OF ONE THAT IS NEITHER LARGE NOR SMALL BUT OF A MODERATE SIZE, VIZ., ONE THAT IS FIT FOR STORAGE.⁴⁴ THE SIZE OF A BARLEYCORN WHICH THEY PRESCRIBED⁴⁵ IS THAT OF ONE THAT IS NEITHER LARGE NOR SMALL BUT OF MODERATE SIZE, VIZ., THE KIND THAT GROWS IN THE WILDERNESS. THE SEIZE OF THE LENTIL WHICH THEY PRESCRIBED⁴⁶ IS THAT OF ONE THAT IS NEITHER LARGE NOR SMALL BUT OF MODERATE SIZE, VIZ., THE EGYPTIAN KIND. 'ANY⁴⁷ MOVABLE OBJECT CONVEYS UNCLEANNESS⁴⁸ IF IT IS OF THE THICKNESS OF AN OX GOAD', REFERS TO ONE THAT IS NEITHER LARGE NOR SMALL BUT OF MODERATE SIZE. WHAT IS MEANT BY 'ONE OF MODERATE SIZE'? ONE WHOSE CIRCUMFERENCE IS JUST A HANDBREADTH.

MISHNAH 9. THE STANDARD OF THE CUBIT WHICH THEY PRESCRIBED⁴⁹ IS ONE OF THE MODERATE SIZE.⁵⁰ THERE WERE TWO STANDARD CUBITS IN THE PALACE OF SHUSHAN,⁵¹ ONE IN THE NORTH-EASTERN CORNER AND THE OTHER IN THE SOUTH-EASTERN CORNER. THE ONE IN THE NORTH-EASTERN CORNER EXCEEDED⁵² THAT OF MOSES⁵³ BY HALF A FINGERBREADTH, WHILE THE ONE IN THE SOUTH-EASTERN CORNER EXCEEDED⁵² THE OTHER BY HALF A FINGERBREADTH, SO THAT THE LATTER EXCEEDED THAT OF MOSES BY A FINGERBREADTH. BUT WHY DID THEY PRESCRIBE A LARGER AND A SMALLER CUBIT? ONLY FOR THIS REASON: THAT THE CRAFTSMEN⁵⁴ MIGHT TAKE THEIR ORDERS ACCORDING TO THE SMALLER CUBIT AND RETURN THEIR FINISHED WORK ACCORDING TO THE LARGER CUBIT,⁵⁵ SO THAT THEY MIGHT NOT BE GUILTY OF ANY POSSIBLE MAL-APPROPRIATION.⁵⁶

MISHNAH 10. R. MEIR STATED: ALL CUBITS⁵⁷ WERE OF THE MODERATE LENGTH⁵⁰

EXCEPT THAT FOR THE GOLDEN ALTAR, THE HORNS,⁵⁸ THE CIRCUIT⁵⁸ AND THE BASE.⁵⁸ R. JUDAH STATED: THE CUBIT USED FOR THE BUILDING⁵⁹ WAS ONE OF SIX HANDBREADTHS AND THAT FOR THE VESSELS ONE OF FIVE HANDBREADTHS.

MISHNAH 11. SOMETIMES, HOWEVER, THEY PRESCRIBED A SMALLER MEASURE: THE LIQUID AND DRY MEASURES⁵⁹ WERE PRESCRIBED TO BE OF THE ITALIAN STANDARD WHICH IS THE ONE THAT WAS USED IN THE WILDERNESS.⁶⁰ SOMETIMES, AGAIN,⁶¹ THEY PRESCRIBED A MEASURE THAT VARIED ACCORDING TO THE INDIVIDUAL CONCERNED, AS IS THE CASE OF ONE WHO TAKES THE HANDFUL OF A MEAL-OFFERING,⁶² ONE WHO TAKES BOTH HANDS FULL OF INCENSE,⁶³ ONE WHO DRINKS A MOUTHFUL ON THE DAY OF ATONEMENT,⁶⁴ AND THE PREPARATION OF FOOD FOR TWO MEALS IN CONNECTION WITH AN 'ERUB,⁶⁵ THE QUANTITY BEING THE FOOD ONE EATS ON WEEKDAYS AND NOT ON THE SABBATH,⁶⁶ SO R. MEIR. R. JUDAH RULED: AS ON THE SABBATH AND NOT AS ON WEEKDAYS.⁶⁷ AND BOTH INTENDED TO GIVE THE MORE LENIENT RULING.⁶⁸ R. SIMEON RULED:⁶⁹ TWO THIRDS OF A LOAF, THREE OF WHICH ARE MADE OF A KAB.⁷⁰ R. JOHANAN B. BEROKA RULED:⁶⁹ NOT LESS THAN A LOAF THAT IS PURCHASED FOR A DUPONDIIUM WHEN THE PRICE OF WHEAT IS FOUR SE'AH FOR A SELA'.⁷¹

MISHNAH 12. AND SOMETIMES⁷² THEY PRESCRIBED A LARGE MEASURE: 'A LADLEFUL OF CORPSE MOULD'⁷³ REFERS TO THE BIG LADLE OF PHYSICIANS; THE 'SPLIT BEAN' IN THE CASE OF LEPROSY⁷⁴ REFERS TO THE CILICIAN KIND; 'ONE WHO EATS ON THE DAY OF ATONEMENT A QUANTITY OF THE BULK OF A LARGE DATE',⁷⁵ REFERS TO THE SIZE OF ITSELF AND ITS STONE; IN THE CASE OF SKINS OF WINE AND OIL [THE HOLES]⁷⁶ MUST BE AS BIG AS THEIR LARGE STOPPER; IN THE CASE OF A LIGHT HOLE THAT WAS NOT MADE BY MAN'S HANDS⁷⁷ THE PRESCRIBED SIZE OF WHICH⁷⁸ IS THAT OF A LARGE FIST, THE REFERENCE IS TO THE FIST OF BEN BATIAH⁷⁹ (R. JOSE STATED: AND IT IS AS BIG AS A LARGE HUMAN HEAD), AND IN THE CASE OF ONE⁸⁰ MADE BY MAN'S HANDS THE PRESCRIBED SIZE⁷⁸ IS THAT OF THE LARGE DRILL IN THE TEMPLE CHAMBER WHICH IS THE SIZE OF THE ITALIAN DUPONDIIUM OR THE NERONIAN SELA'⁸¹ OR LIKE THE HOLE IN A YOKE.

MISHNAH 13. ALL THAT LIVE IN THE SEA ARE⁸² CLEAN,⁸³ EXCEPT THE SEA-DOG BECAUSE IT SEEKS REFUGE⁸⁴ ON DRY LAND; SO R. AKIBA. IF ONE MADE VESSELS FROM WHAT GROWS IN THE SEA AND JOINED TO THEM ANYTHING THAT GROWS ON LAND, EVEN IF ONLY A THREAD OR A CORD, PROVIDED IT IS SUSCEPTIBLE TO UNCLEANNESS, THEY ARE UNCLEAN.

MISHNAH 14. THE LAWS OF UNCLEANNESS CAN APPLY TO WHAT WAS CREATED ON THE FIRST DAY.⁸⁵ THERE CAN BE NO UNCLEANNESS IN WHAT WAS CREATED ON THE SECOND DAY.⁸⁶ TO WHAT WAS CREATED ON THE THIRD DAY⁸⁷ THE LAWS OF UNCLEANNESS CAN APPLY.⁸⁸ NO UNCLEANNESS APPLIES TO WHAT WAS CREATED ON THE FOURTH DAY⁸⁹ AND ON THE FIFTH DAY,⁹⁰ EXCEPT⁹¹ TO THE WING OF THE VULTURE OR AN OSTRICH-EGG THAT IS PLATED.⁹² R. JOHANAN B. NURI OBJECTED: WHY SHOULD THE WING OF A VULTURE BE DIFFERENT FROM ALL OTHER WINGS? TO ALL THAT WAS CREATED ON THE SIXTH DAY⁹³ THE LAWS OF UNCLEANNESS CAN APPLY.⁹⁴

MISHNAH 15. IF ONE MADE A RECEPTACLE, WHATEVER ITS SIZE⁹⁵ IT IS SUSCEPTIBLE TO UNCLEANNESS. IF ONE MADE A COUCH OR A BED, WHATEVER ITS SIZE,⁹⁶ IT IS SUSCEPTIBLE TO UNCLEANNESS. IF ONE MADE A PURSE FROM UNTANNED HIDE OR FROM PAPYRUS, IT IS SUSCEPTIBLE TO UNCLEANNESS. A

POMEGRANATE, AN ACORN AND A NUT WHICH CHILDREN HOLLOWED OUT TO MEASURE DUST THEREWITH OR FASHIONED THEM INTO A PAIR OF SCALES, ARE SUSCEPTIBLE TO UNCLEANNESS, SINCE IN THE CASE OF CHILDREN AN ACT⁹⁷ IS VALID THOUGH AN INTENTION IS NOT.⁹⁸

MISHNAH 16. THE BEAM OF A BALANCE AND A STRIKE THAT CONTAIN A RECEPTACLE FOR METAL,⁹⁹ A CARRYING-YOKE THAT HAS A RECEPTACLE FOR MONEY,¹⁰⁰ A BEGGAR'S CANE THAT HAS A RECEPTACLE FOR WATER,¹⁰¹ AND A STICK THAT HAS A RECEPTACLE FOR A MEZUZAH AND FOR PEARLS¹⁰² ARE SUSCEPTIBLE TO UNCLEANNESS. ABOUT ALL THESE R. JOHANAN B. ZAKKAI REMARKED: 'WOE TO ME IF I SHOULD SPEAK OF THEM; WOE TO ME IF I SHOULD NOT SPEAK'.¹⁰³

MISHNAH 17. THE BASE OF THE GOLDSMITHS' ANVIL¹⁰⁴ IS SUSCEPTIBLE TO UNCLEANNESS, BUT THAT OF THE BLACKSMITHS¹⁰⁵ IS CLEAN. A WHET-BOARD WHICH HAS A RECEPTACLE FOR OIL IS SUSCEPTIBLE TO UNCLEANNESS, BUT ONE THAT HAS NONE IS CLEAN. A WRITING-TABLET THAT HAS A RECEPTACLE FOR WAX IS SUSCEPTIBLE TO UNCLEANNESS, BUT ONE THAT HAS NONE IS CLEAN. A STRAW MAT OR A TUBE OF STRAW, R. AKIBA RULES, IS SUSCEPTIBLE TO UNCLEANNESS,¹⁰⁶ BUT R. JOHANAN B. NURI RULES THAT IS IT CLEAN. R. SIMEON RULED: THE HOLLOW STALK OF COLOCYNTH¹⁰⁷ IS SUBJECT TO THE SAME LAW.¹⁰⁸ A MAT OF REEDS OR RUSHES IS CLEAN. A REED-TUBE THAT WAS CUT FOR HOLDING ANYTHING REMAINS CLEAN UNTIL ALL THE PITH HAS BEEN REMOVED.

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- (1) Which have contracted an uncleanness.
 - (2) Those belonging to craftsmen become clean even if only smaller holes have appeared (v. infra).
 - (3) Sc. holes big enough for pomegranates to fall through.
 - (4) Lit., 'in what they are'. If big objects are kept in it the hole must be big enough to allow such objects to drop through; and if the objects are small, holes corresponding to their size suffice to render the vessel clean.
 - (5) Sc. that such bundles will drop through them.
 - (6) That renders a vessel clean.
 - (7) Which are smaller than woof-clews.
 - (8) Cf. L.
 - (9) Lit., 'although'.
 - (10) Which are bigger than warp-clews (cf. supra n. 7).
 - (11) Because it can still serve its original purpose.
 - (12) Used for trays.
 - (13) Lit., 'although'.
 - (14) For excrements.
 - (15) V. p. 81, n. 11.
 - (16) Since they are flat objects that have not the shape of a vessel.
 - (17) On account of their frail texture or weak connection with the frame.
 - (18) Supra Mishnah 1.
 - (19) A hole through which one of such three pomegranates would drop must be bigger than one through which a single pomegranate would drop (Tosaf. Y.T.).
 - (20) The sifter or the sieve.
 - (21) A smaller hole than one through which the fruit could drop out without the shaking of the vessel.
 - (22) Across his shoulders (cf. prev. n. mut. mut.).
 - (23) Owing to their small capacity.
 - (24) If it is one through which olives can pass, the vessel, though it can still hold bigger sized fruit, becomes clean.
 - (25) The holes previously spoken of were those in the bottom of a vessel.
 - (26) 'The size (is determined) by what they are', i.e., by the character of the vessels. Aliter: They are regarded as vessels as long as they hold any object.

- (27) Supra Mishnah 1.
- (28) In connection with prescribed sizes.
- (29) In Samaria.
- (30) Cf. 'Or. III, 7.
- (31) If they are 'orlah or otherwise forbidden.
- (32) With which they are mixed.
- (33) Sc. wherever a pomegranate is given in connection with the prescribed size of a hole that renders a vessel clean a pomegranate of Baddan is meant.
- (34) Var. lec., Judah.
- (35) In Samaria.
- (36) Since they are the products of Samaritan localities and the Samaritans are known to disregard the laws of tithing.
- (37) In connection with the uncleanness of foodstuffs.
- (38) Of eggs.
- (39) To obtain the size of the average egg.
- (40) Sc. there might somewhere be eggs that are much bigger or much smaller than any egg that can be obtained in one's locality.
- (41) In connection with carrying on the Sabbath (cf. Shab. VII, 4, 'Er. VII, 8).
- (42) Var. lec. (Wilna, 1907, Berlin 1862), 'smallest'.
- (43) Frequently (cf. Ber. 39a, Hal. I, 2).
- (44) Aliter: Of a specially good quality. Aliter: An olive that retains its oil. Aliter: Whose oil is collected like wine in the grape.
- (45) Cf. supra I, 4; 'Ed. VI, 3.
- (46) Cf. Oh. I, 7; Mik. VI, 7.
- (47) A citation from Oh. XVI, 1, which is presently explained.
- (48) To the man that carries it (Bert.); from place to place which it overshadows (L.).
- (49) For various ritual measurements (cf. 'Er. I, 1; Suk. I, 1; Oh. XVI, 3).
- (50) Six handbreadths. The larger cubit measured six and a sixth handbreadths, while the smaller one measured only five handbreadths.
- (51) A mural sculpture above the eastern gate of the Temple (cf. Mid. I, 3) representing that palace (cf. Est. I, 2).
- (52) In length.
- (53) The cubit of six handbreadths which he used in the wilderness in the construction of the Tabernacle and its furniture.
- (54) Engaged in Temple work.
- (55) Thus making sure that they neither appropriated any material that belonged to the Temple nor received payment for labour they had not performed.
- (56) Cf. prev. n.
- (57) Used in the Temple.
- (58) Of the brazen altar. These were measured by the smaller cubit of five handbreadths.
- (59) Of the Temple.
- (60) By Moses.
- (61) When the thing measured was not a vessel but a part of the human body.
- (62) Cf. Lev. II, 2.
- (63) Cf. Lev. XVI, 12.
- (64) When drinking is forbidden (cf. Yoma VIII, 2).
- (65) Cf. 'Er. VIII, 2.
- (66) When more is eaten than on the working days of the week.
- (67) Holding that on weekdays more is eaten in each meal than on Sabbath when three meals are prescribed.
- (68) Sc. to reduce the prescribed size of the 'erub (cf. 'Er., Sonc. ed., p. 576, n. 3).
- (69) In determining the quantity of bread required for two meals.
- (70) Of wheat. Thus two ninths of a kab suffice for two meals. When three loaves are made from a kab $\frac{2}{3}$ of each loaf = $\frac{1}{3} \times \frac{2}{3} = \frac{2}{9}$ kab.
- (71) As four se'ah are equal to 4×6 kab = $24 \times 2 = 48$ half-kab, and as a sela' contains 4 denars = 4×6 ma'ah = 4×6

X 2 = 48 dupondia, each loaf must weigh half a kab; but as the shopkeeper who buys at the price mentioned (1/2 a kab for a dupondium) sells at a higher price, allowing himself a profit of fifty per cent of the purchase price, he sells for each dupondium 1/2 of a half a kab — 1/4 of a kab. Each loaf, therefore, weighs 1/4 of a kab. Cf. 'Er., Sonc. ed., pp. 576-578 and notes.

- (72) Cf. prev. Mishnah ab init.
- (73) A citation from Oh. II, 1.
- (74) Cf. Neg. VI, 1.
- (75) Is culpable (Yoma VIII, 2).
- (76) That render them insusceptible to uncleanness.
- (77) Oh. XIII, 1.
- (78) That would enable uncleanness to spread through it from one room into another.
- (79) A Palestinian giant in the time of the destruction of the Temple; v. Lam. Rab. I, 5.
- (80) A light-hole.
- (81) A sela' named after the Emperor Nero.
- (82) Unlike animals on land.
- (83) Even when dead. Hence vessels made of their skins are insusceptible to uncleanness.
- (84) Lit., 'Bees'.
- (85) The earth (Gen. I, 1). Earthen vessels are subject to the laws of uncleanness.
- (86) The heathens (Gen. I, 6f).
- (87) The trees and plants (Gen. I, 11f).
- (88) Wooden vessels are subject to uncleanness.
- (89) The luminaries (Gen. I, 14ff).
- (90) Birds and fishes (Gen. I, 20ff).
- (91) According to Rabbinic Law, though not Pentateuchally.
- (92) With metal. It is not clear whether this refers to both wing and egg or to the latter only.
- (93) Land animals and man (Gen. I, 24ff).
- (94) To animals and men when dead, and to the latter under certain circumstances even when alive.
- (95) Lit., 'in every place (case)'. Sc. however little its capacity may be.
- (96) Even if one can only lean on it.
- (97) As in the cases mentioned.
- (98) If they only intended to turn the fruits mentioned into receptacles their intention is disregarded.
- (99) By secretly inserting the metal into the beam the scales can be made to turn either in favour of the seller or in that of the buyer. Similarly with the strike, when the metal is inserted the strike levels the measure much lower and benefits the seller. By removing the metal the strike exerts less pressure and the benefit is the buyer's.
- (100) In which the carrier stealthily throws the money he received for his labour and claims a second payment.
- (101) From which he drinks or into which he secretly pours any wine or oil he is able to steal.
- (102) A device to evade customs duties.
- (103) Cf. B.B. 89b: 'Should I speak of them, knaves might learn them; and should I not speak, the knaves might say, "the scholars are unacquainted with our practice", and will deceive us still more'.
- (104) In which chippings of gold are collected.
- (105) Whose function is not the collection of the chippings of metal but the protection of the blacksmith from the falling sparks.
- (106) Though the capacity of either is very little.
- (107) Or 'wild cucumbers' or 'small bitter water melons'.
- (108) As the tube of straw (cf. n. 4).

Mishna - Mas. Kelim Chapter 18

MISHNAH 1. A WOODEN CHEST,¹ BETH SHAMMAI RULED, IS MEASURED² ON THE INSIDE³ AND BETH HILLEL RULED: ON THE OUTSIDE.⁴ BOTH, HOWEVER, AGREE THAT THE THICKNESS OF THE LEGS AND THE THICKNESS OF THE RIM ARE NOT INCLUDED IN THE MEASUREMENT. R. JOSE STATED: BOTH AGREE THAT THE

THICKNESS OF THE LEGS AND THE THICKNESS OF THE RIM ARE INCLUDED IN THE MEASUREMENT, BUT THE SPACE BETWEEN THEM⁵ IS NOT INCLUDED. R. SIMEON SHEZURI RULED: IF THE LEGS ARE ONE HANDBREADTH HIGH THE SPACE BETWEEN THEM⁵ IS NOT INCLUDED IN THE MEASUREMENT, OTHERWISE⁶ IT IS INCLUDED.

MISHNAH 2. ITS⁷ CARRIAGE,⁸ IF IT CAN BE SLIPPED OFF, IS NOT REGARDED AS A CONNECTIVE,⁹ NOR IS IT INCLUDED IN ITS MEASUREMENT,¹⁰ NOR DOES IT AFFORD PROTECTION TOGETHER WITH IT IN THE TENT OF A CORPSE,¹¹ NOR MAY IT BE DRAWN ALONG ON THE SABBATH IF IT CONTAINED MONEY.¹² IF, HOWEVER, IT CANNOT BE SLIPPED OFF, IT IS REGARDED AS A CONNECTIVE, IT IS INCLUDED IN ITS MEASUREMENT, IT AFFORDS PROTECTION TOGETHER WITH IT IN THE TENT OF A CORPSE, AND IT MAY BE DRAWN ALONG ON THE SABBATH EVEN IF IT CONTAINS MONEY. ITS¹³ ARCHED TOP, IF IT IS FIXED, IS A CONNECTIVE AND IS MEASURED WITH IT, BUT IF IT IS NOT FIXED IT IS NO CONNECTIVE AND IS NOT MEASURED WITH IT. HOW IS IT¹⁴ MEASURED? AS AN OX-HEAD.¹⁵ R. JUDAH RULED: IF IT¹³ CANNOT STAND BY ITSELF¹⁶ IT IS CLEAN.¹⁷

MISHNAH 3. IF ONE OF THE LEGS WAS MISSING FROM A CHEST, A BOX OR A CUPBOARD, EVEN THOUGH IT IS STILL CAPABLE OF HOLDING [OBJECTS],¹⁸ IT IS CLEAN, SINCE IT CANNOT¹⁹ HOLD THEM IN THE USUAL MANNER;²⁰ BUT R. JOSE RULED: IT IS SUSCEPTIBLE TO UNCLEANNESS. THE POLES OF A BED, ITS BASE, AND [ITS] WRAPPER²¹ ARE CLEAN.²² ONLY THE BED ITSELF AND ITS FRAME ARE SUSCEPTIBLE TO UNCLEANNESS. THE BED FRAMES OF THE SONS OF LEVI,²³ HOWEVER, ARE CLEAN.²⁴

MISHNAH 4. A BED FRAME THAT WAS PUT ON PROPS,²⁵ R. MEIR AND R. JUDAH RULE, IS SUSCEPTIBLE TO UNCLEANNESS BUT R. JOSE AND R. SIMEON RULE THAT IT IS CLEAN. R. JOSE ARGUED: WHEREIN DOES THIS²⁶ DIFFER FROM THE BED FRAMES OF THE SONS OF LEVI WHICH ARE CLEAN?²⁷

MISHNAH 5. IF A BED THAT HAD CONTRACTED MIDRAS UNCLEANNESS LOST A SHORT SIDE AND TWO LEGS IT STILL REMAINS UNCLEAN,²⁸ BUT IF A LONG SIDE AND TWO LEGS WERE LOST IT BECOMES CLEAN. R. NEHEMIA RULED: IT IS UNCLEAN. IF TWO PROPS AT OPPOSITE CORNERS WERE CUT OFF, OR IF TWO LEGS AT OPPOSITE CORNERS WERE CUT OFF,²⁹ OR IF THE BED³⁰ WAS REDUCED TO A LEVEL OF LESS THAN A HANDBREADTH,³¹ IT BECOMES CLEAN.

MISHNAH 6. IF A BED HAD CONTRACTED MIDRAS UNCLEANNESS AND A LONG SIDE OF IT WAS BROKEN AND THEN IT WAS REPAIRED, IT STILL RETAINS ITS MIDRAS UNCLEANNESS BUT IF THE SECOND SIDE WAS ALSO BROKEN,³² THOUGH IT WAS ALSO REPAIRED, IT BECOMES FREE FROM MIDRAS UNCLEANNESS BUT IS UNCLEAN FROM CONTACT WITH MIDRAS UNCLEANNESS.³³ IF BEFORE ONE COULD MANAGE TO REPAIR THE FIRST SIDE THE SECOND ONE WAS BROKEN THE BED BECOMES CLEAN.

MISHNAH 7. IF A [BED] LEG THAT HAD CONTRACTED MIDRAS UNCLEANNESS WAS JOINED TO A BED, ALL THE BED CONTRACTS MIDRAS UNCLEANNESS. IF IT WAS SUBSEQUENTLY TAKEN OFF, IT RETAINS ITS MIDRAS UNCLEANNESS WHILE THE BED IS UNCLEAN FROM CONTACT WITH MIDRAS. IF A BED LEG THAT WAS SUBJECT TO A SEVEN-DAY UNCLEANNESS³⁴ WAS JOINED TO A BED, ALL THE BED CONTRACTS SEVEN-DAY UNCLEANNESS. IF IT WAS SUBSEQUENTLY TAKEN OFF IT REMAINS SUBJECT TO SEVEN-DAY UNCLEANNESS WHILE THE BED IS ONLY SUBJECT TO

EVENING-UNCLEANNES.³⁵ IF A LEG THAT WAS SUBJECT TO EVENING UNCLEANNES WAS JOINED TO A BED, ALL THE BED CONTRACTS EVENING UNCLEANNES. IF IT WAS SUBSEQUENTLY TAKEN OFF IT IS STILL SUBJECT TO EVENING UNCLEANNES WHILE THE BED BECOMES CLEAN.³⁶ THE SAME LAW APPLIES ALSO TO THE PRONG OF A MATTOCK.³⁷

MISHNAH 8. A PHYLACTERY³⁸ IS REGARDED AS CONSISTING OF FOUR VESSELS. IF THE FIRST COMPARTMENT WAS UNLOOSED,³⁹ AND THEN IT WAS MENDED IT RETAINS ITS CORPSE UNCLEANNES. SO IS IT ALSO THE CASE WITH THE SECOND AND THE THIRD.⁴⁰ IF THE FOURTH WAS UNLOOSED⁴¹ IT BE COMES FREE FROM CORPSE UNCLEANNES BUT IS STILL UNCLEAN FROM CONTACT WITH CORPSE UNCLEANNES.⁴² IF SUBSEQUENTLY THE FIRST COMPARTMENT WAS AGAIN UNLOOSED AND MENDED IT REMAINS UNCLEAN FROM CONTACT.⁴³ SO ALSO IN THE CASE OF THE SECOND COMPARTMENT.⁴⁴ IF THE THIRD COMPARTMENT WAS SUBSEQUENTLY UNLOOSED AND MENDED IT BECOMES CLEAN, SINCE THE FOURTH IS UNCLEAN FROM CONTACT,⁴⁵ AND WHAT IS UNCLEAN FROM CONTACT CANNOT CONVEY UNCLEANNES BY CONTACT.

MISHNAH 9. A BED THE HALF OF WHICH IS STOLEN OR LOST, OR ONE WHICH BROTHERS OR JOINT OWNERS DIVIDED BETWEEN THEMSELVES, BECOMES CLEAN.⁴⁶ IF IT WAS RESTORED⁴⁷ IT IS SUSCEPTIBLE TO UNCLEANNES HENCEFORTH.⁴⁸ A BED MAY CONTRACT UNCLEANNES AND BE RENDERED CLEAN⁴⁹ ONLY WHEN ALL ITS PARTS ARE BOUND TOGETHER; SO R. ELIEZER. BUT THE SAGES RULED: IT CAN CONTRACT UNCLEANNES AND BE RENDERED CLEAN⁴⁹ EVEN IN SINGLE PARTS.⁵⁰

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- (1) Which (cf. supra XV, 1) is insusceptible to uncleanness if it has a capacity of no less than forty se'ah.
 - (2) To ascertain its capacity.
 - (3) Since the walls cannot be included in the capacity of the chest.
 - (4) The main reason for the uncleanness being the heavy weight of the chest, the walls also, which add to its weight may be included.
 - (5) Between the legs and between the bottom of the chest and the ground.
 - (6) Lit., 'and if not', if the height of the legs was less than a handbreadth.
 - (7) The chest's (cf. prev. Mishnah ab init.).
 - (8) Lit., 'machine', a contrivance under a chest to facilitate movement from place to place.
 - (9) And the chest and the carriage are independently susceptible or insusceptible to uncleanness.
 - (10) To supplement the prescribed minimum of forty se'ah.
 - (11) Only vessels within the chest (provided its capacity is forty se'ah and its cover is tightly fitting) are protected from the uncleanness, but not those within the carriage since the latter is itself susceptible to uncleanness.
 - (12) Being an independent object it becomes a base to the money and, therefore, forbidden like it to be moved about on the Sabbath (cf. Shab. XXI, 2).
 - (13) The chest's (cf. prev. Mishnah ab init.).
 - (14) The arched top that was fixed.
 - (15) Sc. straight lines are drawn from the highest point in the arched cover to the vertical sides of the chest and all the space contained between the arch of the cover and the lines is included in the measurement.
 - (16) But requires support.
 - (17) Even if its capacity is less than forty se'ah.
 - (18) Sc. no hole was made in the vessel.
 - (19) Var. lec., 'and that which cannot . . . manner R. Jose . . . unclean'.
 - (20) It being necessary to prop it up.
 - (21) Or 'its covering', denoting any bed decorations (Maim.).
 - (22) Even if they are made of metal.
 - (23) Who take them on their journey when going to Jerusalem to serve their turn in the Temple.

- (24) Because they are easily detachable and quite independent of the bed.
- (25) Lit., 'tongues', sc. it did not rest on the bed legs themselves.
- (26) Which is easily detachable.
- (27) V. p. 91, n. 12.
- (28) Since it is still useable as a couch.
- (29) Var lec., 'to the extent of a handbreadth square.'
- (30) By cutting away parts of each of its four legs.
- (31) From the ground.
- (32) Even if this happened after the first one was already repaired.
- (33) Since it came in contact with the bed that was suffering midras uncleanness.
- (34) Having been in contact with a vessel that contracted corpse uncleanness (cf. Oh. I, 2).
- (35) Sc. it is unclean until sunset only.
- (36) Since the leg (which was subject only to a derived uncleanness) cannot impart any uncleanness to the bed which, as a 'vessel', can contract uncleanness from a 'father of uncleanness' only.
- (37) Which stand respectively in the same relationship as the leg and the bed.
- (38) Sc. Tefillah, sing. of tefillin (v. Glos.). Of the head, which consists of four compartments.
- (39) After the phylactery had contracted corpse uncleanness.
- (40) If either was unloosed and then mended it retains its corpse uncleanness.
- (41) So that none of the original compartments remained intact.
- (42) Since it came in contact with the other compartments which are subject to corpse uncleanness which is a 'father of uncleanness'.
- (43) With the second which is still a 'father of uncleanness'.
- (44) Since it came in contact with the third which, like the second, was still a 'father of uncleanness' (cf. prev. n.).
- (45) With the third which was a 'father of uncleanness' before it was unloosed and mended the second time.
- (46) Since the two parts are not likely ever to be joined again.
- (47) The two parts again forming one whole.
- (48) But free from all former uncleanness.
- (49) By immersion in a ritual bath and/or by ritual sprinkling.
- (50) Provided it was intended to bind them together again.

Mishna - Mas. Kelim Chapter 19

MISHNAH 1. IF A MAN DISMANTLED A BED IN ORDER THAT HE MIGHT IMMERSE IT,¹ ANY ONE WHO TOUCHES THE ROPES² REMAINS CLEAN.³ WHEN⁴ DOES THE ROPE⁵ BEGIN TO CONSTITUTE A CONNECTIVE WITH THE BED? AS SOON AS THREE ROWS OF MESHES OF IT HAVE BEEN KNOTTED.⁶ AND [IF AN OTHER ROPE WAS TIED TO THIS ONE] ANY PERSON WHO TOUCHES IT FROM THE KNOT INWARDS BECOMES UNCLEAN; BUT IF FROM THE KNOT OUTWARDS HE REMAINS CLEAN. AS TO THE LOOSE ENDS OF THE KNOT, ANY ONE THAT TOUCHES THAT PART WHICH IS NEEDED FOR IT⁷ BECOMES UNCLEAN. AND HOW MUCH IS NEEDED FOR IT?⁷ R. JUDAH STATED: THREE FINGERBREADTHS.

MISHNAH 2. A ROPE THAT HANGS OVER FROM [THE NETTING OF] A BED⁸ IS CLEAN⁹ IF IT IS SHORTER THAN FIVE HANDBREADTHS, BUT UNCLEAN IF IT IS FROM FIVE TO TEN HANDBREADTHS LONG, WHILE THAT PART WHICH IS OVER THE TEN HAND BREADTHS IS CLEAN; FOR IT IS ONLY WITH THE FORMER¹⁰ THAT PASCHAL LAMBS WERE TIED¹¹ AND BEDS SUSPENDED.¹²

MISHNAH 3. IF A PART OF A BED-GIRTH HANGS OVER, IT IS UNCLEAN¹³ WHATEVER ITS LENGTH;¹⁴ SO R. MEIR. R. JOSE RULED: ONLY THAT WHICH IS SHORTER THAN TEN HANDBREADTHS.¹⁵ THE REMNANT OF A BED-GIRTH¹⁶ REMAINS UNCLEAN IF THE LENGTH IS NO LESS THAN SEVEN HANDBREADTHS FROM WHICH AN ASS'S

GIRTH CAN BE MADE.¹⁷

MISHNAH 4. IF A ZAB WAS CARRIED ON A BED AND ON ITS GIRTH,¹⁸ THE LATTER¹⁹ CAUSES AN UNCLEANNESS OF TWO GRADES²⁰ AND AN UNFITNESS²¹ OF ONE GRADE;²² SO R. MEIR. R. JOSE RULED: IF A ZAB WAS CARRIED ON A BED AND ON ITS GIRTH¹⁸ THE PART THAT IS SHORTER THAN TEN HANDBREADTHS CAUSES AN UNCLEANNESS OF TWO GRADES¹⁸ AND AN UNFITNESS²¹ OF ONE GRADE,²² BUT THAT WHICH IS OVER THE TEN HANDBREADTHS²³ CAUSES ONLY AN UNCLEANNESS OF ONE GRADE²⁴ AND AN UNFITNESS²¹ OF ONE GRADE.²² IF HE WAS CARRIED ON THE BED-GIRTH, [ON THE OVERHANGING PART] THAT WAS SHORTER THAN TEN HANDBREADTHS, IT BECOMES UNCLEAN,²⁵ BUT IF ON THE PART THAT WAS LONGER THAN TEN HANDBREADTHS IT REMAINS CLEAN.²⁶

MISHNAH 5. IF AROUND A BED THAT HAD CONTRACTED MIDRAS UNCLEANNESS ONE WRAPPED A BED-GIRTH, THE WHOLE BECOMES SUBJECT TO MIDRAS UNCLEANNESS; IF IT WAS SUBSEQUENTLY REMOVED, THE BED REMAINS SUBJECT TO MIDRAS UNCLEANNESS BUT THE BED-GIRTH IS UNCLEAN ONLY FROM CONTACT WITH MIDRAS. IF THE BED WAS SUBJECT TO A SEVEN-DAY UNCLEANNESS AND A BED-GIRTH WAS SUBSEQUENTLY WRAPPED AROUND IT, THE WHOLE BECOMES SUBJECT TO A SEVEN-DAY UNCLEANNESS; IF IT WAS REMOVED, THE BED REMAINS SUBJECT TO A SEVEN-DAY UNCLEANNESS BUT THE BED-GIRTH IS SUBJECT ONLY TO EVENING UNCLEANNESS. IF THE BED WAS SUBJECT TO EVENING UNCLEANNESS AND AROUND IT WAS SUBSEQUENTLY WRAPPED A BED-GIRTH, THE WHOLE BECOMES SUBJECT TO EVENING UNCLEANNESS; IF IT WAS REMOVED, THE BED REMAINS SUBJECT TO EVENING UNCLEANNESS BUT THE BED-GIRTH BECOMES CLEAN.

MISHNAH 6. IF A BED-GIRTH WAS WRAPPED AROUND A BED AND A CORPSE TOUCHED THEM, THEY ARE SUBJECT TO A SEVEN-DAY UNCLEANNESS;²⁷ IF THEY ARE TAKEN APART THEY²⁸ ARE STILL SUBJECT TO A SEVEN-DAY UNCLEANNESS. IF A [DEAD] CREEPING THING TOUCHED THEM THEY ARE SUBJECT TO AN EVENING UNCLEANNESS; IF THEY ARE TAKEN APART THEY²⁸ ARE STILL SUBJECT TO EVENING UNCLEANNESS. IF FROM A BED²⁹ THE TWO LONGER SIDES WERE REMOVED³⁰ AND TWO NEW ONES WERE PREPARED FOR IT BUT THE ORIGINAL SOCKETS WERE NOT CHANGED, IF THE NEW SIDES WERE BROKEN THE BED²⁹ RETAINS ITS UNCLEANNESS,³¹ BUT IF THE OLD ONES WERE BROKEN IT BECOMES CLEAN, SINCE³² ALL DEPENDS ON THE OLD ONES.³³

MISHNAH 7. A BOX WHOSE OPENING IS AT THE TOP IS SUSCEPTIBLE TO CORPSE UNCLEANNESS.³⁴ IF IT WAS DAMAGED ABOVE IT IS STILL SUSCEPTIBLE TO CORPSE UNCLEANNESS. IF IT WAS DAMAGED BELOW, IT³⁵ BECOMES CLEAN. THE COMPARTMENTS³⁶ WITHIN IT REMAIN UNCLEAN AND ARE NOT REGARDED AS A CONNECTIVE WITH IT.³⁷

MISHNAH 8. IF A SHEPHERD'S BAG³⁸ WAS DAMAGED, THE POCKET WITHIN IT RETAINS ITS UNCLEANNESS AND IS NOT REGARDED AS A CONNECTIVE WITH IT. IF THE TESTICLE BAGS IN A SKIN³⁹ SERVE ALSO⁴⁰ AS RECEPTACLES⁴¹ AND THEY WERE DAMAGED, THEY BECOME CLEAN,⁴² SINCE THEY⁴³ WILL NO LONGER SERVE THEIR ORIGINAL PURPOSE.⁴⁴

MISHNAH 9. A BOX WHOSE OPENING IS AT THE SIDE IS SUSCEPTIBLE TO BOTH MIDRAS UNCLEANNESS⁴⁵ AND CORPSE UNCLEANNESS. R. JOSE STATED: WHEN DOES

THIS APPLY? WHEN IT IS LESS THAN TEN HANDBREADTHS IN HEIGHT⁴⁶ OR WHEN IT HAS NOT A RIM ONE HANDBREADTH DEEP.⁴⁵ IF IT WAS DAMAGED ABOVE IT IS STILL SUSCEPTIBLE TO CORPSE UNCLEANNESS.⁴⁷ IF IT WAS DAMAGED BELOW, R. MEIR RULES THAT IT IS SUSCEPTIBLE TO UNCLEANNESS,⁴⁸ BUT THE SAGES RULE THAT IT IS CLEAN BECAUSE WHERE THE PRIMARY FUNCTION⁴⁹ CEASES⁵⁰ THE SECONDARY ONE⁵¹ ALSO CEASES.

MISHNAH 10. A DUNG-BASKET THAT WAS SO DAMAGED⁵² THAT IT WILL NOT HOLD POMEGRANATES, R. MEIR RULES, IS STILL SUSCEPTIBLE TO UNCLEANNESS,⁵³ BUT THE SAGES RULE THAT IT IS CLEAN BECAUSE WHERE THE PRIMARY FUNCTION⁵⁴ CEASES THE SECONDARY ONE⁵⁵ ALSO CEASES.

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- (1) In agreement with the Sages in the previous Mishnah.
 - (2) That make up the netting in the bed frame.
 - (3) Even though the bed was a 'father of uncleanness' from which a man contracts an uncleanness of the first grade. The ropes do not constitute a part of the bed after the latter had been dismantled.
 - (4) In the case of a new bed.
 - (5) Cf. n. 2.
 - (6) Though the rope is much longer all of it is unclean since one part contracts uncleanness from the other.
 - (7) The knot, sc. the part without which the knot would be undone.
 - (8) After the required netting in the frame had been duly completed.
 - (9) Even when the bed is unclean.
 - (10) Lit., 'for with it', with the part of the rope that was from five to ten handbreadths long.
 - (11) To the bed's legs. A ceremonial that preceded the offering of the lamb.
 - (12) When, for instance, they were to be immersed in a ritual bath.
 - (13) If the bed was unclean.
 - (14) It being invariably regarded as a connective with the bed.
 - (15) That which is longer cannot be regarded as a connective and, therefore, remains clean.
 - (16) That was worn away.
 - (17) A lesser length, which is entirely useless, becomes clean.
 - (18) Sc. while the girth was around the bed, though the girth did not come in direct contact with the zab.
 - (19) Which, like the bed, becomes a 'father of uncleanness'.
 - (20) Sc. the object that touches it contracts an uncleanness of the first grade, and any foodstuffs that touch this object contract one of the second grade.
 - (21) In the case of terumah. The term 'unfit' in connection with uncleanness denotes that the uncleanness contracted cannot be carried to a further remove.
 - (22) The third. Any terumah that comes in contact with a second grade of uncleanness becomes 'unfit' as having contracted a third grade of uncleanness.
 - (23) Which cannot be treated as a connective with the bed and which, as being in contact with a 'father of uncleanness', is subject only to a first grade of uncleanness.
 - (24) Sc. a second grade.
 - (25) Because it is regarded as part of the bed.
 - (26) Cf. prev. n. According to another reading the uncleanness and cleanness apply to the bed.
 - (27) Even according to R. Jose. Only in regard to midras uncleanness does he dispute the connection of the girth with the bed.
 - (28) Since neither can in consequence be regarded as broken.
 - (29) That was unclean.
 - (30) But they were still useable and capable of restoration to the bed.
 - (31) Since the old sides can still be restored (cf. prev. n.).
 - (32) The new sides having changed the bed's entire character from old to new.
 - (33) Cf. prev. two notes.
 - (34) Though, owing to its unsuitability as a seat, it is free from midras uncleanness.

- (35) As a broken vessel.
- (36) Or 'drawers', that were undamaged.
- (37) Cf. supra II, 7.
- (38) V. p. 97, n. 3.
- (39) E.g. of a sheep.
- (40) Lit., 'with it', with the skin.
- (41) Sc. they also are filled when the liquid is poured into the skin.
- (42) Though independently of the skin they can still hold some liquid.
- (43) Not being capable of receiving the liquid from the skin.
- (44) Lit., 'they do not receive in their usual way'.
- (45) Since one can sit on it without interfering with its normal uses.
- (46) Because then one can conveniently sit on it.
- (47) But not to that of midras, since it can no longer be used as a seat.
- (48) Midras uncleanness; since it is still possible to sit on it.
- (49) To serve as a receptacle.
- (50) On account of the damage below.
- (51) That of being used as a seat.
- (52) After it had contracted uncleanness.
- (53) Midras uncleanness; since it is still possible to sit on it.
- (54) V. p. 98, n. 16.
- (55) V. p. 98, n. 18.

Mishna - Mas. Kelim Chapter 20

MISHNAH 1. BOLSTERS, PILLOWS, SACKS AND PACKING CASES THAT WERE DAMAGED¹ ARE STILL SUSCEPTIBLE TO MIDRAS UNCLEANNESS.² A FODDER-BAG THAT CAN HOLD FOUR KAB, A SHEPHERD'S BAG THAT CAN HOLD FIVE KAB, A TRAVELLING BAG THAT CAN HOLD A SE'AH, A SKIN THAT CAN HOLD SEVEN KAB (R. JUDAH RULED: ALSO A SPICE-BAG AND A FOOD WALLET THAT CAN HOLD THE SMALLEST QUANTITY) ARE STILL SUSCEPTIBLE TO MIDRAS UNCLEANNESS.³ IF ANY OF THEM, HOWEVER, WAS DAMAGED IT BECOMES CLEAN, SINCE WHERE THE PRIMARY FUNCTION⁴ CEASES⁵ THE SECONDARY FUNCTION⁶ ALSO CEASES.

MISHNAH 2. A BAGPIPE IS NOT SUSCEPTIBLE TO MIDRAS UNCLEANNESS⁷ A TROUGH FOR MIXING MORTAR, BETH SHAMMAI RULES, IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS⁸ , AND BETH HILLEL RULES THAT IT IS SUSCEPTIBLE TO CORPSE UNCLEANNESS ONLY.⁹ IF A TROUGH OF A CAPACITY FROM TWO LOG TO NINE KAB IS SPLIT, IT BECOMES SUSCEPTIBLE TO MIDRAS UNCLEANNESS.¹⁰ IF IT WAS LEFT IN THE RAIN AND IT SWELLED¹¹ IT IS SUSCEPTIBLE TO CORPSE UNCLEANNESS ALONE.¹² [IF IT WAS LEFT OUT] DURING THE EAST WIND AND IT SPLIT, IT IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS.¹³ IN THIS RESPECT THE LAW IS MORE RESTRICTED IN THE CASE OF REMNANTS OF WOODEN VESSELS THAN IN [THAT OF SUCH VESSELS] IN THEIR ORIGINAL CONDITION.¹⁴ IT IS ALSO MORE RESTRICTED IN REGARD TO THE REMNANTS OF WICKER VESSELS THAN [TO SUCH VESSELS] AS ARE IN THEIR ORIGINAL CONDITION, FOR WHEN THEY ARE IN THEIR ORIGINAL CONDITION THEY ARE INSUSCEPTIBLE TO UNCLEANNESS UNTIL THEIR RIM IS FINISHED, BUT AFTER THEIR RIM HAS BEEN FINISHED, EVEN THOUGH THEIR EDGES FELL AWAY LEAVING ONLY THE SLIGHTEST TRACE OF THEM, THEY ARE UNCLEAN.

MISHNAH 3. IF A STICK WAS USED¹⁵ AS A HAFT FOR A HATCHET, IT¹⁶ IS REGARDED AS A CONNECTIVE¹⁷ FOR UNCLEANNESS AT THE TIME OF USE. A YARN WINDER IS REGARDED AS A CONNECTIVE¹⁸ FOR UNCLEANNESS AT THE TIME OF ITS USE. IF IT

WAS FIXED TO A POLE IT IS SUSCEPTIBLE TO UNCLEANNESS,¹⁹ BUT THE LATTER CANNOT BE REGARDED AS A CONNECTIVE WITH IT. IF THE POLE ITSELF WAS²⁰ CONVERTED INTO A YARN WINDER, ONLY THAT PART²¹ WHICH IS NEEDED FOR USE IS SUSCEPTIBLE TO UNCLEANNESS. A SEAT THAT WAS FIXED TO THE POLE IS SUSCEPTIBLE TO UNCLEANNESS, BUT THE LATTER IS NOT REGARDED AS A CONNECTIVE WITH IT. IF THE POLE WAS TURNED INTO A SEAT, ONLY THE PLACE OF THE SEAT IS SUSCEPTIBLE TO UNCLEANNESS. A SEAT THAT WAS FIXED TO THE BEAM OF AN OLIVE-PRESS IS SUSCEPTIBLE TO UNCLEANNESS, BUT THE LATTER IS NOT CONNECTIVE WITH IT. IF THE END OF A BEAM WAS TURNED INTO A SEAT IT REMAINS CLEAN, BECAUSE PEOPLE WOULD TELL HIM,²² 'GET UP AND LET US DO OUR WORK'.²³

MISHNAH 4. IF A LARGE TROUGH WAS SO DAMAGED THAT IT COULD NO LONGER HOLD POMEGRANATES AND IT WAS ADAPTED AS A SEAT, R. AKIBA RULES THAT IT BECOMES SUSCEPTIBLE TO UNCLEANNESS, BUT THE SAGES RULE THAT IT REMAINS CLEAN UNLESS ITS ROUGH PARTS HAVE BEEN SMOOTHED.²⁴ IF IT WAS TURNED INTO A CRIB FOR CATTLE, EVEN IF IT WAS FIXED TO A WALL, IT IS SUSCEPTIBLE TO UNCLEANNESS.²⁵

MISHNAH 5. A BLOCK²⁶ THAT WAS FIXED TO A COURSE OF A WALL, WHETHER IT WAS ONLY FIXED AND NOT BUILT UPON OR BUILT UPON AND NOT FIXED, IS SUSCEPTIBLE TO UNCLEANNESS.²⁷ IF IT WAS FIXED AND ALSO BUILT UPON, IT²⁸ IS CLEAN.²⁹ MATTING THAT WAS SPREAD OVER THE ROOF-BEAMS,³⁰ WHETHER IT WAS FIXED AND NO PLASTERWORK WAS LAID OVER IT OR WHETHER PLASTERWORK WAS LAID OVER IT AND IT WAS NOT FIXED, IT IS SUSCEPTIBLE TO UNCLEANNESS.³¹ IF IT WAS FIXED AND PLASTERWORK WAS LAID OVER IT, IT IS CLEAN.²⁹ A DISH THAT WAS FIXED TO A CHEST, BOX OR CUPBOARD IN SUCH A MANNER AS TO HOLD ITS CONTENTS IN THE USUAL WAY³² IS SUSCEPTIBLE TO UNCLEANNESS,³¹ BUT IF IT WAS IN A MANNER THAT IT CANNOT HOLD IT IN THE USUAL WAY³³ IT IS CLEAN.²⁹

MISHNAH 6. IF A SHEET THAT WAS SUSCEPTIBLE TO THE UNCLEANNESS OF MIDRAS WAS MADE INTO A CURTAIN,³⁴ IT BECOMES INSUSCEPTIBLE TO MIDRAS UNCLEANNESS BUT³⁵ IS SUSCEPTIBLE TO CORPSE UNCLEANNESS. WHEN DOES IT BECOME INSUSCEPTIBLE TO UNCLEANNESS?³⁶ BETH SHAMMAI RULED: WHEN IT HAS BEEN CUT UP.³⁷ BETH HILLEL RULED: WHEN THE LOOPS HAVE BEEN TIED TO IT. R. AKIBA RULED: WHEN IT HAS BEEN FIXED.³⁸

MISHNAH 7. A MAT³⁹ PROVIDED WITH REEDS THAT STRETCHED LENGTHWISE IS INSUSCEPTIBLE TO UNCLEANNESS;⁴⁰ BUT THE SAGES RULE: ONLY IF THEY LAY IN THE SHAPE OF [THE GREEK LETTER] CHI.⁴¹ IF THEY WERE LAID ALONG ITS WIDTH AND THERE WAS A DISTANCE OF LESS THAN FOUR HANDBREADTHS⁴² BETWEEN ANY TWO REEDS, IT IS INSUSCEPTIBLE TO UNCLEANNESS.⁴⁰ IF IT WAS DIVIDED ALONG ITS WIDTH, R. JUDAH RULES THAT IS CLEAN.⁴³ SO ALSO, WHERE THE END KNOTS⁴⁴ ARE UNTIED, IT IS CLEAN.⁴³ IF IT WAS DIVIDED ALONG ITS LENGTH⁴⁵ BUT THREE END-KNOTS REMAINED INTACT ACROSS A STRETCH OF SIX HANDBREADTHS,⁴⁶ IT IS SUSCEPTIBLE TO UNCLEANNESS. WHEN DOES A MAT BECOME SUSCEPTIBLE TO UNCLEANNESS? WHEN ITS ROUGH ENDS ARE TRIMMED, THIS BEING THE COMPLETION OF ITS MANUFACTURE.

(1) So that they can no longer be used as receptacles.

(2) Because they can still be used as seats which was one of their original functions.

(3) Since they can be used as seats without interfering in any way with their functions as receptacles.

- (4) To serve as receptacles.
- (5) On account of the damage.
- (6) Their use as seats.
- (7) Even if one sat or lay on it; since it is not intended for such use.
- (8) Since labourers sometimes sit on it.
- (9) It is free from midras since most people would not sit on such a muddy trough.
- (10) If, however, its capacity was smaller it is exempt.
- (11) So that the split was closed up and the trough was again suitable for its original use.
- (12) It is exempt from midras since, owing to its suitability for its original use, one would not be allowed to sit on it.
- (13) Because it is no longer used for its original purpose and might well be used as a seat.
- (14) The former are free from midras while the latter are susceptible to it.
- (15) Occasionally.
- (16) Though it is a flat wooden vessel which elsewhere is insusceptible to uncleanness.
- (17) With the hatchet.
- (18) With the metal cross-pieces which are temporarily attached to it.
- (19) Even when not in use, since in that case the metal cross-pieces remain permanently fixed.
- (20) By fixing the metal ends directly on it.
- (21) Of the pole.
- (22) Who would sit on it.
- (23) For which a beam is intended.
- (24) Sc. the adaptation was accomplished by a specific act and not by mere intention.
- (25) Of a corpse or dead creeping thing, like a movable vessel. Only a vessel that was originally intended to be fixed to the ground (even before it was fixed) and one that is used only when fixed to the ground is insusceptible to uncleanness.
- (26) Of wood or any other material that is suitable for the making of a seat.
- (27) Of midras, if a zab sat even only on the structure above the block; because it can easily revert to its former use.
- (28) As a part of the wall.
- (29) As any 'vessel' that is permanently fixed to a building and is regarded as a part of the ground.
- (30) Of a top floor.
- (31) Cf. supra n. 6 mut. mut.
- (32) Sc. with its bottom downwards.
- (33) With its bottom upwards.
- (34) Which is not used as a seat.
- (35) Since it might still be used as a wrapper and must in consequence be regarded as a 'vessel'.
- (36) Of midras.
- (37) To the size required for the curtain; var. lec., 'sewn up', 'joined'.
- (38) In its position as a curtain.
- (39) Which is sometimes strengthened by the insertion of reeds across its width, at distances of four handbreadths from each other.
- (40) Of midras; because reeds in the position mentioned render the mat unsuitable for lying upon.
- (41) Sc. crosswise. If they only stretch lengthwise one can still use the mat by lying between the reeds, and it is, therefore, susceptible to uncleanness.
- (42) Cf. n. 7.
- (43) Since it would no longer be used as a mat. It would rather be discarded.
- (44) Which keep the plaiting together.
- (45) So that the reeds running along its width were broken.
- (46) The minimum size of a mat.

Mishna - Mas. Kelim Chapter 21

MISHNAH 1. A MAN WHO TOUCHES THE UPPER BEAM,¹ THE LOWER BEAM,¹ THE HEDDLES, THE SLEY, THE THREAD THAT IS DRAWN² OVER PURPLE MATERIAL,³ OR A SPOOL WHICH IS NOT TO BE SHOT BACK,⁴ REMAINS CLEAN.⁵ IF HE TOUCHES THE WOOF, THE STANDING WARP,⁶ THE DOUBLE THREAD THAT IS DRAWN OVER PURPLE MATERIAL⁷ OR A SPOOL WHICH IS TO BE SHOT BACK,⁴ HE BECOMES UNCLEAN.⁸ IF A MAN TOUCHES THE WOOL THAT IS ON THE DISTAFF, OR ON THE SPOOL, HE REMAINS CLEAN. IF HE TOUCHES THE SPINNER BEFORE IT WAS LAID BARE⁹ HE BECOMES UNCLEAN, BUT IF HE TOUCHES IT AFTER IT WAS LAID BARE¹⁰ HE REMAINS CLEAN.

MISHNAH 2. IF A MAN TOUCHED THE YOKE,¹¹ THE CROSSBAR, THE COLLAR-PIECE, OR THE THICK ROPES,¹² EVEN AT THE TIME THEY ARE USED, HE REMAINS CLEAN.¹³ IF HE TOUCHED THE TAIL PIECE, KNEE OR HANDLE,¹² HE BECOMES UNCLEAN. IF HE TOUCHED THE METAL RINGS,¹² THE GUIDES,¹² OR THE FLANKS,¹² HE BECOMES UNCLEAN. R. JUDAH RULES THAT HE REMAINS CLEAN IF HE TOUCHED THE GUIDES, SINCE THEY ONLY SERVE TO INCREASE THE SOIL.¹⁴

MISHNAH 3. IF A MAN TOUCHED THE HANDLE OF A SAW¹⁵ AT EITHER END¹⁶ HE BECOMES UNCLEAN;¹⁷ BUT IF HE TOUCHED ITS STRING,¹⁸ CORD,¹⁸ CROSS-PIECE OR SIDE-PIECES, A CARPENTER'S PRESS,¹⁹ OR THE BOW-HANDLE OF A BOW-DRILL,²⁰ HE REMAINS CLEAN.²¹ R. JUDAH RULED: ALSO HE WHO TOUCHES THE FRAME OF A LARGE SAW¹⁵ REMAINS CLEAN. IF A MAN TOUCHED THE BOW-STRING²² OR THE BOW, EVEN THOUGH IT WAS STRETCHED, HE REMAINS CLEAN.²³ A MOLE-TRAP IS CLEAN.²⁴ R. JUDAH RULED: WHILE IT IS SET THE SEPARATE PARTS ARE [REGARDED AS] CONNECTED.

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- (1) Of a loom in which a piece of material that was partially woven had contracted corpse uncleanness.
 - (2) Temporarily.
 - (3) For its protection from dirt.
 - (4) In the web on the loom.
 - (5) Because none of the objects mentioned can be regarded as a connective with the material and, therefore, cannot contract its uncleanness.
 - (6) Before it was woven.
 - (7) And which is to be woven into the material.
 - (8) Since all the objects enumerated are connectives with the material and, therefore, contract uncleanness from it.
 - (9) When it is regarded as a part of the spindle and subject to its uncleanness.
 - (10) Cf. prev. n. mut. mut.
 - (11) Of the wagon.
 - (12) Of a plough.
 - (13) Even if the ploughshare is unclean; because the objects enumerated are not regarded as connections with it.
 - (14) And are not concerned with the main process of ploughing. Var. lec., 'to break up the soil'.
 - (15) Whose blade was unclean.
 - (16) Of the saw.
 - (17) Since the handle at either end is regarded as a part of the instrument and subject to its uncleanness.
 - (18) Which joins the two handles and strengthens the saw.
 - (19) Whose metal part is unclean.
 - (20) The bow-shaped handle of a borer.
 - (21) Because the parts enumerated are not regarded as connectives.
 - (22) Of a bow.
 - (23) Because these are not regarded as connectives of the arrow and are not affected by its uncleanness.
 - (24) The wooden part remains clean even if the metal part was unclean.

Mishna - Mas. Kelim Chapter 22

MISHNAH 1. IF A TABLE¹ OR A SIDE-BOARD² WAS DAMAGED OR COVERED WITH MARBLE³ BUT ROOM⁴ WAS LEFT ON IT WHERE CUPS COULD BE SET, IT REMAINS UNCLEAR. R. JUDAH RULED: THERE MUST BE ROOM ENOUGH⁵ FOR PIECES OF FOOD.⁶

MISHNAH 2. A TABLE⁷ ONE OF WHOSE LEGS WAS LOST BECOMES CLEAN.⁸ IF A SECOND LEG WAS LOST IT IS STILL CLEAN. BUT IF A THIRD WAS LOST⁹ IT BECOMES UNCLEAR WHERE THE OWNER HAS THE INTENTION OF USING IT.¹⁰ R. JOSE RULED: NO INTENTION IS NECESSARY.¹¹ THE SAME LAW APPLIES ALSO TO THE SIDE-BOARD.¹²

MISHNAH 3. A BENCH¹³ ONE OF WHOSE LEGS WAS LOST BECOMES CLEAN.¹⁴ IF ITS SECOND LEG ALSO WAS LOST IT¹⁵ IS STILL CLEAN. IF, HOWEVER, IT¹⁵ WAS ONE HANDBREADTH HIGH¹⁶ IT REMAINS UNCLEAR. A FOOTSTOOL¹⁷ ONE OF WHOSE LEGS WAS LOST REMAINS UNCLEAR;¹⁸ AND THE SAME LAW APPLIES TO THE STOOL IN FRONT OF A CATHEDRA.¹⁹

MISHNAH 4. IF A BRIDE'S STOOL LOST ITS SEATBOARDS,²⁰ BETH SHAMMAI RULE THAT IT IS STILL SUSCEPTIBLE TO UNCLEANNESS,²¹ AND BETH HILLEL RULE THAT IT IS CLEAN.²² SHAMMAI RULED: EVEN THE FRAME OF THE STOOL²³ IS SUSCEPTIBLE TO UNCLEANNESS. IF A STOOL WAS FIXED TO A BAKING-TROUGH,²⁴ BETH SHAMMAI RULE THAT IT²⁵ IS SUSCEPTIBLE TO UNCLEANNESS.²⁶ AND BETH HILLEL RULE THAT IT IS CLEAN.²⁷ SHAMMAI RULED: EVEN ONE²⁸ MADE OUT OF IT²⁹ IS SUSCEPTIBLE TO UNCLEANNESS.²⁶

MISHNAH 5. IF THE SEAT BOARDS³⁰ OF A STOOL DID NOT PROJECT³¹ AND THEY WERE REMOVED, IT³² IS STILL SUSCEPTIBLE TO UNCLEANNESS, FOR IT IS USUAL³³ TO TURN IT ON ITS SIDE AND TO SIT ON IT.

MISHNAH 6. IF THE MIDDLE SEAT BOARD OF A STOOL WAS LOST BUT THE OUTER ONES³⁴ REMAINED IT IS STILL SUSCEPTIBLE TO UNCLEANNESS. IF THE OUTER ONES³⁴ WERE LOST AND THE MIDDLE SEAT BOARD REMAINED IT IS ALSO SUSCEPTIBLE TO UNCLEANNESS. R. SIMEON RULED: ONLY IF IT³⁵ WAS A HANDBREADTH WIDE.³⁶

MISHNAH 7. IF THE TWO ADJACENT SEAT BOARDS OF A STOOL WERE LOST, R. AKIBA RULED, IT IS SUSCEPTIBLE TO UNCLEANNESS; AND THE SAGES RULE THAT IT IS CLEAN. SAID R. JUDAH: ALSO IF THE SEAT BOARDS OF A BRIDE'S STOOL WERE LOST,³⁷ THOUGH THE RECEPTACLE UNDER REMAINED,³⁸ IT IS CLEAN, SINCE WHERE THE PRIMARY FUNCTION HAS CEASED³⁷ THE SECONDARY ONE³⁹ ALSO CEASES.

MISHNAH 8. A CHEST⁴⁰ WHOSE TOP PART⁴¹ WAS LOST IS STILL SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS BOTTOM; IF ITS BOTTOM WAS LOST IT IS STILL SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS TOP PART.⁴² IF BOTH THE TOP PART AND THE BOTTOM WERE LOST, R. JUDAH RULES THAT IT IS SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS SIDES,⁴³ AND THE SAGES RULE THAT IT IS CLEAN. A STONECUTTER'S SEAT⁴⁴ IS SUBJECT TO MIDRAS UNCLEANNESS.⁴⁵

MISHNAH 9. IF A [WOODEN] BLOCK WAS PAINTED RED OR SAFFRON, OR WAS POLISHED, R. AKIBA RULES THAT IT IS SUSCEPTIBLE TO UNCLEANNESS,⁴⁶ BUT THE

SAGES⁴⁷ RULE THAT IT REMAINS CLEAN UNLESS IT WAS HOLLOWED OUT.⁴⁸ A SMALL BASKET OR A BIG ONE THAT WAS FILLED WITH STRAW OR FLOCKING REMAINS CLEAN⁴⁹ IF IT WAS PREPARED AS A SEAT,⁵⁰ BUT IF IT WAS PLAITED OVER WITH REED-GRASS OR WITH A CORD⁵¹ IT BECOMES SUSCEPTIBLE TO UNCLEANNESS.⁵²

MISHNAH 10. A NIGHT STOOL⁵³ IS SUBJECT TO BOTH MIDRAS AND CORPSE UNCLEANNESS. IF THE LEATHER SEAT WAS SUNDERED,⁵⁴ THE LEATHER⁵⁵ IS SUBJECT TO MIDRAS UNCLEANNESS AND THE IRON⁵⁶ IS SUBJECT ONLY TO CORPSE UNCLEANNESS. A TRIPOD STOOL WHOSE COVER IS OF LEATHER IS SUBJECT TO BOTH MIDRAS AND CORPSE UNCLEANNESS. IF IT WAS TAKEN APART, THE LEATHER⁵⁵ IS SUBJECT TO MIDRAS UNCLEANNESS WHILE THE TRIPOD⁵⁷ IS ALTOGETHER CLEAN. A BATH-HOUSE BENCH⁵⁸ THAT HAS TWO WOODEN LEGS IS⁵⁹ SUSCEPTIBLE TO UNCLEANNESS.⁶⁰ IF ONE LEG WAS OF WOOD AND THE OTHER OF STONE IT⁶¹ IS CLEAN. IF BOARDS IN A BATH-HOUSE WERE JOINED TOGETHER,⁶² R. AKIBA RULES THAT THEY ARE SUSCEPTIBLE TO [MIDRAS] UNCLEANNESS,⁶³ BUT THE SAGES RULE THAT THEY ARE CLEAN, SINCE THEY ARE MADE ONLY FOR THE WATER TO FLOW UNDER THEM.⁶⁴ A FUMIGATION-CAGE THAT CONTAINS A RECEPTACLE FOR GARMENTS IS SUSCEPTIBLE TO UNCLEANNESS,⁶⁵ BUT ONE THAT IS MADE LIKE A BEE-HIVE⁶⁶ IS CLEAN.

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- (1) That was unclean.
 - (2) Delphim, a three-legged side table on which food is placed.
 - (3) Which, as a stone vessel, should not be susceptible to uncleanness.
 - (4) Undamaged and uncovered with marble respectively.
 - (5) If the table or side-board is to remain unclean.
 - (6) Which are of direct service to man. It is not enough that there is room for cups alone which only serve objects that serve man.
 - (7) That was three-legged and unclean.
 - (8) Since it can no longer serve its original purpose.
 - (9) So that, having no legs at all, it can be used as a low table.
 - (10) In its present condition.
 - (11) The fact that it can be used (cf. supra n. 9) is sufficient to subject it to uncleanness.
 - (12) If all its legs were missing.
 - (13) That has two wide legs, one at each end of a board that is used as a seat and is unclean.
 - (14) Since the bench, being lop-sided, can no longer be used as a seat.
 - (15) The board (cf. n. 13).
 - (16) Either on account of its thickness, though it rests on the ground, or in account of the remnants of its legs which are one handbreadth high.
 - (17) Cf. supra n. 13 mut. mut.
 - (18) Since it can still be used for its original purpose.
 - (19) A chair with back.
 - (20) Lit., 'its coverings'.
 - (21) V. foll. n.
 - (22) Because, though it may still be used as a seat, it is not useable as a bride's stool.
 - (23) That never had a proper seat.
 - (24) Which is not susceptible to midras uncleanness since its main use is not for sitting.
 - (25) The stool.
 - (26) Because its identity is not merged in the trough.
 - (27) Cf. prev. n. mut. mut.
 - (28) A stool.
 - (29) The troughs, sc. a stool that never had a separate existence.

- (30) These were three in number, v. next Mishnah.
- (31) Beyond its sides.
- (32) Sc. the stool.
- (33) Owing to the absence of the projections.
- (34) Sc. its sides.
- (35) The centre seat board.
- (36) If it was not so wide it is insusceptible to uncleanness.
- (37) So that it was no longer useable as a seat.
- (38) The receptacle under the seat boards of a bride's stool for the reception of things.
- (39) Its use as a receptacle.
- (40) Containing less than forty se'ah, which is consequently susceptible to uncleanness.
- (41) Its cover.
- (42) Which also forms a kind of receptacle.
- (43) On which one can sit.
- (44) A small block of wood on which he sits when engaged in his work.
- (45) As a proper seat.
- (46) Since it may be used as a seat.
- (47) Regarding it as a mere block of wood.
- (48) To provide it with a seat.
- (49) Sc. it is not susceptible to midras uncleanness.
- (50) Since most people do not use it as a seat his eccentric act must be disregarded.
- (51) To prevent the straw or the flocking from falling out.
- (52) Sc. to midras uncleanness, since it might well be used as a seat.
- (53) Having a square iron frame and a leather seat.
- (54) From the iron frame.
- (55) Which can still be used as a seat.
- (56) Which can be used for various purposes other than that of sitting.
- (57) Since it has no receptacle to be regarded as a vessel and since, on account of its smallness, it is useless as a seat.
- (58) Of stone.
- (59) On account of its wooden legs.
- (60) Of midras.
- (61) The bench.
- (62) Aliter: planed.
- (63) Because they are used for sitting on.
- (64) But not for sitting purposes.
- (65) Though its bottom is perforated with holes larger than the size of a pomegranate.
- (66) Without a bottom.

Mishna - Mas. Kelim Chapter 23

MISHNAH 1. IF A BALL, A SHOE-LAST, AN AMULET OR TEFILLIN¹ WERE TORN,² HE THAT TOUCHES THEM BECOMES UNCLEAN,³ BUT HE THAT TOUCHES THEIR CONTENTS⁴ REMAINS CLEAN. IF A SADDLE WAS TORN,² HE THAT TOUCHES ITS CONTENTS⁵ BECOMES UNCLEAN, BECAUSE THE STITCHING JOINS THEM.⁶

MISHNAH 2. THE FOLLOWING ARE SUSCEPTIBLE TO UNCLEANNESS⁷ AS OBJECTS THAT ARE FIT FOR RIDING UPON:⁸ AN ASHKELON GIRTH, A MEDIAN MORTAR,⁹ A CAMEL'S PACK-SADDLE, AND A HORSE-CLOTH.¹⁰ R. JOSE RULED: A HORSE-CLOTH¹⁰ IS ALSO SUSCEPTIBLE TO UNCLEANNESS⁷ AS A SEAT,¹¹ SINCE PEOPLE STAND ON IT¹² IN THE ARENA;¹³ BUT A SADDLE OF A FEMALE CAMEL IS SUSCEPTIBLE TO UNCLEANNESS.¹⁴

MISHNAH 3. WHAT IS THE PRACTICAL DIFFERENCE BETWEEN [THE UNCLEANNESS AS AN OBJECT USED FOR] RIDING UPON AND [AS ONE USED FOR] SITTING UPON? IN THE CASE OF THE FORMER THE EFFECT OF CONTACT WITH IT¹⁵ IS DIFFERENT FROM THE EFFECT OF CARRYING IT,¹⁶ BUT IN THE CASE OF THE LATTER THERE IS NO DIFFERENCE BETWEEN THE EFFECT OF COMING IN CONTACT WITH IT OR CARRYING IT.¹⁷ THE PACK-FRAME OF AN ASS ON WHICH A ZAB HAS SAT REMAINS CLEAN;¹⁸ BUT IF THE SIZE OF THE SPACES¹⁹ HAS BEEN CHANGED²⁰ OR IF THEY HAVE BEEN BROKEN ONE INTO ANOTHER²⁰ IT IS SUSCEPTIBLE TO UNCLEANNESS.²¹

MISHNAH 4. THE BIER, THE MATTRESS AND THE PILLOW OF A CORPSE ARE SUSCEPTIBLE TO THE UNCLEANNESS OF MIDRAS.²² A BRIDE'S STOOL, A MIDWIFE'S TRAVAILING STOOL, AND A FULLER'S STOOL ON WHICH HE PILES²³ THE CLOTHES, R. JOSE RULED, CANNOT BE REGARDED AS A SEAT.²⁴

MISHNAH 5. A FISHING NET IS SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF ITS BAG.²⁵ NETS, SNARES, BIRD-TRAPS, SLINGS AND FISHERMEN'S²⁶ SKEINS ARE SUSCEPTIBLE TO UNCLEANNESS.²⁷ A FISH-TRAP, A BIRD-BASKET AND A BIRD- CAGE ARE NOT SUSCEPTIBLE TO UNCLEANNESS.

(1) All these are leather objects, filled either with some stuffing or (as in the case of the last two) with parchment rolls.

(2) At the seams, after contracting corpse uncleanness.

(3) Since only their seams were torn they are still useable as receptacles.

(4) Which, not being joined to them, cannot be regarded as connectives.

(5) Not only he who touches its leather case (cf. n. 3 mut. mut.).

(6) The contents and the casing, to form one object.

(7) Of midras.

(8) Lit., 'riding object'.

(9) Or 'saddle'.

(10) Or 'saddle-cushion'.

(11) But not as an object fit for riding upon.

(12) Which in the case of zab is equivalent to sitting.

(13) Campus.

(14) As an object that is used for riding upon, the ruling being that of R. Jose. Aliter: As a seat, according to the first Tanna.

(15) On the part of a clean person.

(16) One who carries it causes, while still carrying it, the uncleanness of clothes and vessels while one who only comes in contact with it conveys uncleanness to foodstuffs alone.

(17) Both convey uncleanness to clothes and vessels.

(18) Since it is not usual for people to sit on it.

(19) Lit., 'holes'.

(20) To facilitate the sitting on it.

(21) As a 'seat' because it may be regarded as a proper seat.

(22) Since the mourning women sit on them while lamenting the dead.

(23) Aliter: Folds and presses.

(24) That is subject to midras uncleanness. These objects, being reserved for special uses, cannot properly serve as a zab's seat even if he did sit on them.

(25) In its lower parts, which is closely woven and has the status of a garment.

(26) Lit., 'makers of water locks (for fishing purposes)'.

(27) Of a corpse or a dead creeping thing: not to that of midras.

Mishna - Mas. Kelim Chapter 24

MISHNAH 1. THREE¹ DIFFERENT LAWS² ARE APPLICABLE TO SHIELDS: THE BENT SHIELD³ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS;⁴ THE SHIELD WITH WHICH COMBATANTS PLAY IN THE ARENA IS SUSCEPTIBLE TO CORPSE UNCLEANNESS;⁵ AND THE TOY-SHIELD OF THE ARABS⁶ IS FREE FROM ALL UNCLEANNESS.

MISHNAH 2. THREE DIFFERENT LAWS ARE APPLICABLE TO WAGONS: ONE MADE LIKE A CATHEDRA⁷ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS;⁴ ONE MADE LIKE A BED IS SUSCEPTIBLE TO CORPSE UNCLEANNESS,⁵ AND ONE FOR [THE TRANSPORT OF] STONES IS FREE FROM ALL UNCLEANNESS.

MISHNAH 3. THREE DIFFERENT LAWS ARE APPLICABLE TO BAKING-TROUGHS: IF A BAKING-TROUGH OF A CAPACITY FROM TWO LOG TO NINE KAB WAS SPLIT⁸ IT IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; IF IT WAS WHOLE IT IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND IF IT HOLDS THE PRESCRIBED MEASURE⁹ IT IS FREE FROM ALL UNCLEANNESS.

MISHNAH 4. THREE DIFFERENT LAWS APPLY TO BOXES: A BOX WHOSE OPENING IS AT THE SIDES¹⁰ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; IF IT IS ON THE TOP IT IS SUSCEPTIBLE TO CORPSE UNCLEANNESS;¹¹ AND IF IT HOLDS THE PRESCRIBED MEASURE⁹ IT IS FREE FROM ALL UNCLEANNESS.

MISHNAH 5. THREE DIFFERENT LAWS ARE APPLICABLE TO LEATHER COVERS.¹² THAT OF BARBERS IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS;¹³ THAT ON WHICH PEOPLE EAT IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND THAT FOR [SPREADING¹⁴ OUT] OLIVES IS FREE FROM ALL UNCLEANNESS.¹⁵

MISHNAH 6. THREE DIFFERENT LAWS ARE APPLICABLE TO BASES: ONE WHICH LIES BEFORE A BED OR BEFORE A SCRIVENER¹⁶ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; ONE FOR A SIDE-BOARD IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND ONE FOR A CUPBOARD IS FREE FROM ALL UNCLEANNESS.

MISHNAH 7. THREE DIFFERENT LAWS APPLY TO WRITING TABLETS: THAT OF PAPYRUS¹⁷ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; THAT WHICH HAD A RECEPTACLE FOR WAX IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND THAT WHICH IS POLISHED IS FREE FROM ALL UNCLEANNESS.

MISHNAH 8. THREE DIFFERENT LAWS APPLY TO BEDS: ONE THAT IS USED FOR LYING UPON IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; ONE USED BY GLASS MAKERS¹⁸ IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND ONE USED BY HARNESS MAKERS IS FREE FROM ALL UNCLEANNESS.

MISHNAH 9. THREE DIFFERENT LAWS APPLY TO REFUSE BASKETS: ONE FOR DUNG¹⁹ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; ONE FOR STRAW IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND A CAMEL'S ROPE BAG²⁰ IS FREE FROM ALL UNCLEANNESS.

MISHNAH 10. THREE DIFFERENT LAWS APPLY TO MATS: ONE USED FOR SITTING UPON IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; ONE USED BY DYERS²¹ IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND ONE USED IN WINE-PRESSES IS FREE FROM ALL UNCLEANNESS.

MISHNAH 11 THREE DIFFERENT LAWS APPLY TO WATER SKINS AND THREE

DIFFERENT LAWS APPLY TO SHEPHERDS WALLETS: THOSE THAT CAN HOLD THE PRESCRIBED QUANTITY²² ARE SUSCEPTIBLE TO MIDRAS UNCLEANNESS; THOSE THAT CANNOT HOLD THE PRESCRIBED QUANTITY ARE SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND THOSE MADE OF FISH SKIN ARE FREE FROM ALL UNCLEANNESS.²³

MISHNAH 12. THREE DIFFERENT LAWS APPLY TO HIDES: THAT WHICH IS USED AS A RUG²⁴ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; THAT WHICH IS USED AS A WRAPPER FOR VESSELS²⁵ IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND THAT WHICH IS INTENDED FOR STRAPS AND SANDALS IS FREE FROM ALL UNCLEANNESS.²⁶

MISHNAH 13. THREE DIFFERENT LAWS APPLY TO SHEETS: ONE USED FOR LYING UPON IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; ONE USED AS A CURTAIN IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND ONE USED AS A MURAL DECORATION²⁷ IS FREE FROM ALL UNCLEANNESS.

MISHNAH 14. THREE DIFFERENT LAWS APPLY TO NAPKINS: THAT FOR THE HANDS IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS;²⁸ THAT FOR BOOKS²⁹ IS SUSCEPTIBLE TO CORPSE UNCLEANNESS;³⁰ AND THAT WHICH IS USED AS A SHROUD AS WELL AS THAT USED FOR THE HARPS OF THE LEVITES IS FREE FROM ALL UNCLEANNESS.

MISHNAH 15. THREE DIFFERENT LAWS APPLY TO LEATHERN GLOVES: THOSE USED BY THE HUNTERS OF ANIMALS AND BIRDS ARE SUSCEPTIBLE TO MIDRAS UNCLEANNESS; THOSE USED BY LOCUST-CUTTERS ARE SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND THOSE USED BY FRUIT-PICKERS³¹ ARE FREE FROM ALL UNCLEANNESS.

MISHNAH 16. THREE DIFFERENT LAWS APPLY TO HEADNETS: A GIRL'S IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS; AN OLD WOMAN'S IS SUSCEPTIBLE TO CORPSE UNCLEANNESS; AND A HARLOT'S³² IS FREE FROM ALL UNCLEANNESS.

MISHNAH 17. THREE DIFFERENT LAWS APPLY TO STORE-BASKETS: IF A WORN-OUT BASKET IS PATCHED ON TO A SOUND ONE,³³ ALL IS DETERMINED BY THE SOUND ONE;³⁴ IF A SMALL BASKET IS PATCHED ON TO A LARGE ONE³⁵ ALL IS DETERMINED BY THE LARGE ONE;³⁶ IF THEY ARE EQUAL ALL IS DETERMINED BY THE INNER ONE.³⁶ R. SIMEON RULED: IF THE CUP OF A BALANCE³⁷ WAS PATCHED ON TO THE BOTTOM OF A BOILER ON THE INSIDE, THE LATTER BECOMES UNCLEAN; BUT IF ON THE OUTSIDE IT REMAINS CLEAN. IF IT WAS PATCHED ON TO THE SIDE, WHETHER ON THE INSIDE OR THE OUTSIDE. THE LATTER REMAINS CLEAN.

(1) Lit., 'there are three shields'. The general principles underlying the laws throughout this chapter are the following: An object that is normally used for lying, sitting or leaning upon is susceptible to midras uncleanness. An earthenware is excluded since it cannot attain cleanness through immersion. A mat, though it cannot attain cleanness through immersion, is (by an inference from a Pentateuchal amplification) susceptible to midras uncleanness provided it had not been reduced to less than six by six handbreadths. An object that is not intended for lying upon is susceptible to corpse uncleanness unless it cannot be regarded as a proper vessel when it is free from all uncleanness.

(2) Cf. Bert.

(3) Which protects the warrior on three sides, and which in a war is used by him for lying upon.

(4) And much more so to corpse uncleanness.

(5) And much more so to that of a dead creeping thing and nebelah, but not to that of midras.

(6) Used for the entertainment of children.

- (7) A chair with back.
- (8) So that it can no longer be used as a baking trough.
- (9) Forty se'ah of liquid.
- (10) Thus being capable of use as a seat as well as for its normal use
- (11) V. p. 112, n. 5.
- (12) Or 'cases'.
- (13) Since they sit on it.
- (14) Or 'pressing'.
- (15) Because it is not a vessel used for objects that serve men.
- (16) Which is used as a seat.
- (17) Which is big and suitable for sitting upon.
- (18) For the placing of their wares.
- (19) V. 113, n. 9.
- (20) Which has big holes and is unsuitable either for sitting upon or for any other human use.
- (21) For wrapping up the articles that are to be dyed.
- (22) Supra XX, 1; and much more so if they can hold more.
- (23) Cf. supra XVII, 13.
- (24) To sit on.
- (25) Knives, for instance.
- (26) Since its manufacture is not yet completed. Finished straps and sandals, however, are susceptible to uncleanness.
- (27) Lit., 'of figures' or 'forms', one on which ornamental figures are painted which, being used to decorate a wall, is deemed to be a part of it.
- (28) Since it is also used sometimes as a rest for the head when lying down.
- (29) Used as a cover.
- (30) Because it is folded in the shape of a receptacle.
- (31) Aliter: Those that dry figs. Var. lec., those that gather thorns.
- (32) Lit. 'that goes out'.
- (33) To strengthen it.
- (34) If the latter is clean the combination is clean; and if it is unclean, the combination also becomes unclean.
- (35) Irrespective of whether both were worn out or sound.
- (36) V. p. 115, n. 8.
- (37) That was unclean.

Mishna - Mas. Kelim Chapter 25

MISHNAH 1. ALL VESSELS ARE SUBJECT¹ TO DIFFERENT LAWS² IN REGARD TO THEIR OUTER AND INNER SIDES RESPECTIVELY,³ AS, FOR INSTANCE, CUSHIONS, BOLSTERS, SACKS AND PACKING-BAGS;⁴ SO R. JUDAH. R. MEIR RULED: ANY ARTICLE THAT HAS HANGERS⁵ IS SUBJECT TO DIFFERENT LAWS IN ITS OUTER AND INNER SIDES RESPECTIVELY,⁶ BUT ONE THAT HAS NO HANGERS⁷ IS NOT SUBJECT TO DIFFERENT LAWS IN REGARD TO OUTER AND INNER SIDES.⁸ A TABLE AND A SIDE-BOARD⁹ ARE SUBJECT TO DIFFERENT LAWS IN REGARD TO THEIR OUTER AND INNER SIDES RESPECTIVELY; SO R. JUDAH. R. MEIR RULED: THEY ARE NOT SUBJECT TO THE LENIENT LAW IN REGARD TO THEIR OUTER SIDES.⁵ THE SAME LAW ALSO APPLIES TO A RIMLESS TRAY.

MISHNAH 2. AN OX-GOAD¹⁰ IS SUBJECT¹ TO DIFFERENT LAWS² IN ITS OUTER AND INNER PARTS RESPECTIVELY,³ [THE FORMER BEING THAT SECTION OF THE SHAFT THAT LIES BETWEEN] SEVEN HANDBREADTHS FROM THE BROAD BLADE¹¹ AND FOUR HANDBREADTHS FROM THE POINT;¹¹ SO R. JUDAH. R. MEIR RULED: IT IS NOT [SUBJECT TO SUCH DISTINCTION],¹² THE FOUR AND THE SEVEN HANDBREADTHS HAVING BEEN MENTIONED ONLY IN REGARD TO ITS REMNANTS.¹³

MISHNAH 3. MEASURES OF WINE OR OIL, A SOUP-LADLE, A MUSTARD-STRAINER AND A WINE-FILTER ARE SUBJECT¹⁴ TO DIFFERENT LAWS IN REGARD TO THEIR OUTER AND INNER SIDES RESPECTIVELY;¹⁵ SO R. MEIR. R. JUDAH RULED: THEY ARE NOT [SUBJECT TO THESE DISTINCTIONS].¹⁶ R. SIMEON RULED: THEY ARE [SUBJECT TO DIFFERENT LAWS]. FOR IF THEIR OUTER PARTS CONTRACTED UNCLEANNESS THEIR INNER PARTS REMAIN CLEAN;¹⁷ THOUGH¹⁸ IMMERSION¹⁹ IS REQUIRED.

MISHNAH 4. IF [IN A MEASURE CONSISTING OF] A QUARTER [OF A LOG] AND HALF A QUARTER [OF A LOG]²⁰ THE QUARTER MEASURE CONTRACTED UNCLEANNESS THE HALF-QUARTER MEASURE DOES NOT BECOME UNCLEAR, AND IF THE HALF QUARTER CONTRACTED UNCLEANNESS THE QUARTER DOES NOT BECOME UNCLEAR. THE STUDENTS ARGUED BEFORE R. AKIBA:²¹ SINCE THE HALF QUARTER MEASURE IS THE OUTER PART OF THE QUARTER MEASURE, SHOULD NOT THE OUTER SIDE OF THE VESSEL WHOSE INNER SIDE CONTRACTED UNCLEANNESS BECOME UNCLEAR? HE ANSWERED THEM: DOES IT²² THEN BELONG TO THE CLASS THAT TAKES PRECEDENCE?²³ IT IS EQUALLY POSSIBLE THAT THE QUARTER IS TO BE REGARDED AS THE OUTER SIDE OF THE HALF QUARTER AND, SURELY, THE INNER SIDE OF A VESSEL DOES NOT BECOME UNCLEAR IF THE OUTER SIDE CONTRACTED UNCLEANNESS.

MISHNAH 5. IF THE QUARTER²⁴ CONTRACTED UNCLEANNESS, THE QUARTER AND ITS OUTER SIDE ARE UNCLEAR;²⁵ BUT THE HALF QUARTER AND ITS OUTER SIDE REMAIN CLEAN.²⁶ IF THE HALF QUARTER CONTRACTED UNCLEANNESS, THE HALF QUARTER AND ITS OUTER SIDE ARE UNCLEAR,²⁶ BUT THE QUARTER AND ITS OUTER SIDE REMAIN CLEAN. IF THE OUTER SIDE OF THE QUARTER CONTRACTED UNCLEANNESS, THE OUTER SIDE OF THE HALF QUARTER REMAINS CLEAN. SO R. MEIR. BUT THE SAGES RULED: THE OUTER SIDE CANNOT BE DIVIDED.²⁷ WHEN HOWEVER IMMERSION IS PERFORMED²⁸ THE WHOLE OF THE VESSEL MUST BE IMMERSSED.

MISHNAH 6. IF ON THE BASES, RIMS, HANGERS OR HANDLES OF VESSELS THAT HAVE A RECEPTACLE UNCLEAR LIQUID FELL ONE MERELY DRIES THEM AND THEY REMAIN CLEAN. BUT [IF UNCLEAR LIQUID FELL] ON A PART OF ANY OTHER VESSEL (WHICH CANNOT HOLD POMEGRANATES)²⁹ IN WHICH NO DISTINCTION IS MADE³⁰ BETWEEN ITS OUTER AND INNER SIDES,³¹ THE WHOLE BECOMES UNCLEAR. IF THE OUTER SIDE OF A VESSEL CONTRACTED UNCLEANNESS FROM A LIQUID, ONLY ITS OUTER SIDE IS UNCLEAR BUT ITS INNER SIDE, RIM, HANGER AND HANDLES REMAIN CLEAN. IF ITS INNER SIDE CONTRACTED UNCLEANNESS THE WHOLE IS UNCLEAR.

MISHNAH 7. ALL VESSELS ARE³² SUBJECT TO DIFFERENT LAWS³³ IN REGARD TO THEIR OUTER AND INNER SIDES RESPECTIVELY³⁴ AND ALSO IN REGARD TO THE PART BY WHICH THEY ARE HELD.³⁵ R. TARFON RULED: THIS³⁶ APPLIES ONLY TO A LARGE WOODEN BAKING TROUGH. R. AKIBA RULED: IT APPLIES ALSO TO CUPS. R. MEIR RULED: IT APPLIES ONLY TO UNCLEAR AND CLEAN³⁷ HANDS. R. JOSE STATED: THEY SPOKE ONLY OF CLEAN HANDS.³⁷

MISHNAH 8. IN WHAT MANNER?³⁸ IF ONE'S HANDS WERE CLEAN AND THE OUTER SIDE OF A CUP WAS UNCLEAR, A MAN MAY HOLD IT BY ITS HOLDING-PLACE AND NEED HAVE NO SCRUPLES LEST HIS HANDS HAVE CONTRACTED UNCLEANNESS FROM THE OUTER SIDE OF THE CUP. IF³⁹ HE WAS DRINKING FROM A CUP WHOSE OUTER SIDE WAS UNCLEAR HE NEED HAVE NO SCRUPLES LEST THE LIQUID IN HIS

MOUTH CONTRACTED UNCLEANNESS FROM THE OUTER SIDE OF THE CUP AND THAT IT THEN⁴⁰ CONVEYED UNCLEANNESS TO THE CUP. IF A KETTLE⁴¹ WAS BOILING ONE NEED HAVE NO SCRUPLES LEST LIQUID SHOULD ISSUE FROM IT AND TOUCH ITS OUTER SIDE AND RETURN AGAIN WITHIN IT.

MISHNAH 9. HOLY VESSELS ARE NOT SUBJECT TO DIFFERENT LAWS⁴² IN REGARD TO THEIR OUTER AND INNER SIDES OR IN REGARD TO THE PART BY WHICH THEY ARE HELD,⁴³ NOR MAY VESSELS THAT ARE WITHIN ONE ANOTHER BE IMMersed⁴⁴ IF THEY ARE TO BE USED FOR HALLOWED THINGS.⁴⁵ ALL VESSELS BECOME SUSCEPTIBLE TO UNCLEANNESS BY MERE INTENTION,⁴⁶ BUT THEY CANNOT BE RENDERED INSUSCEPTIBLE EXCEPT BY A CHANGE-EFFECTING ACT;⁴⁷ FOR AN ACT⁴⁸ DISANNULS AN EARLIER ACT AS WELL AS AN EARLIER INTENTION, WHILE AN INTENTION ANNULS NEITHER AN EARLIER ACT NOR AN EARLIER INTENTION.

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- (1) In respect to uncleanness contracted from liquids, which in the case of vessels is only Rabbinical.
 - (2) In order to distinguish the Rabbinical uncleanness from that which is Pentateuchal.
 - (3) If the inner side of a vessel contracted uncleanness from a liquid the outside also becomes unclean, but if the outer side contracted uncleanness the inner side remains clean.
 - (4) Though each of these objects can be turned inside out when its outer side becomes its inner one and vice versa.
 - (5) Which distinguished its outer, from its inner side.
 - (6) Since (cf. prev. n.) the outer side can never become an inner one.
 - (7) So that the outer may become an inner side.
 - (8) The outer side or part being subject to the same restriction as the inner one.
 - (9) Cf. n. 4 mut. mut.
 - (10) Consisting of a wooden shaft of the thickness of a third of a handbreadth at the one end of which is a broad blade for cutting away roots, and at its opposite end is a pointed piece of metal wherewith the animal is goaded on when ploughing.
 - (11) Cf. p. 117, n. 10.
 - (12) But the outer side or part is subject to the same restriction as the inner one.
 - (13) Sc. if an ox-goad was broken and so much as seven handbreadths from the shaft remained with the broad blade, or four handbreadths of it remained with the pointed end, it is still susceptible to uncleanness.
 - (14) V. p. 117, n. 1.
 - (15) V. p. 117, n. 3.
 - (16) But, having a kind of receptacle at the back, their outer and inner sides are independent of each other and the uncleanness of the one does not affect the other.
 - (17) In agreement with R. Meir.
 - (18) Contrary to R. Meir's view.
 - (19) Of the vessel whose outer part contracted an uncleanness.
 - (20) The receptacle proper of the utensil measuring a quarter log, and its concave bottom a half quarter; or the double measure consisting of two receptacles side by side like a double inkpot.
 - (21) Against the first ruling.
 - (22) The quarter log.
 - (23) To be regarded in consequence as the inner side of the utensil. Aliter: 'This question has been asked already by an earlier group of students who received the reply that follows'.
 - (24) Cf. prev. Mishnah and nn.
 - (25) Except the outer side of its bottom, which is the inner side of the half quarter, that remains clean.
 - (26) Cf. prev. n. mut. mut.
 - (27) Sc. if the part of the side that belongs to the quarter contracted uncleanness the part of the side belonging to the half quarter is also unclean and vice versa.
 - (28) In the case dealt with in the first clause.
 - (29) Cf. supra XVII, 8.
 - (30) In respect to uncleanness contracted from liquids, which in the case of vessels is only Rabbinical.

- (31) Cf. Mishnah I and nn. supra.
- (32) V. p. 119, n. 9.
- (33) In order to distinguish the Rabbinical uncleanness from that which is Pentateuchal.
- (34) V. supra, p. 217, n. 3.
- (35) Sc. if the outer side contracted uncleanness this part remains clean and vice versa, v. Hag. 22b.
- (36) Cf. prev. n.
- (37) This is explained in the following Mishnah.
- (38) Cf. prev. n.
- (39) The following is an independent ruling, having no bearing on the question with which our Mishnah began.
- (40) From its inner side.
- (41) Whose outer side was unclean.
- (42) In respect to uncleanness contracted from liquids, which in the case of vessels is only Rabbinical.
- (43) Sc. whichever part contracted uncleanness the entire vessel is unclean.
- (44) After an uncleanness.
- (45) Because the weight of the inner vessels upon the outer one may prevent the access of the water to all its parts.
- (46) A ring, for instance, which is used for an animal (and is not susceptible to uncleanness) becomes susceptible if it was intended to be used for a man.
- (47) Cf. prev. n. mut. mut.
- (48) That is change-effecting.

Mishna - Mas. Kelim Chapter 26

MISHNAH 1. THE SANDAL OF IMKI¹ AND A LACED-UP BAG² (R. JUDAH RULED: ALSO AN EGYPTIAN BASKET;³ R. SIMEON B. GAMALIEL RULED: THE SAME LAW APPLIES ALSO TO A LAODICEAN SANDAL)² CAN BE MADE SUSCEPTIBLE TO UNCLEANNESS⁴ AND AGAIN BE MADE INSUSCEPTIBLE⁵ WITHOUT THE AID OF A CRAFTSMAN. SAID R. JOSE: 'BUT CANNOT ALL VESSELS BE MADE SUSCEPTIBLE TO UNCLEANNESS AND BE RENDERED INSUSCEPTIBLE WITHOUT THE AID OF A CRAFTSMAN?'⁶ BUT THESE, EVEN WHEN THEY ARE UNLACED, ARE SUSCEPTIBLE TO UNCLEANNESS SINCE A LAYMAN IS ABLE TO RESTORE THEM'.⁷ THEY⁸ SPOKE ONLY OF AN EGYPTIAN BASKET³ WHICH EVEN A CRAFTSMAN CANNOT [EASILY]⁹ RESTORE.

MISHNAH 2. A LACED-UP BAG WHOSE LACES WERE REMOVED¹⁰ IS STILL SUSCEPTIBLE TO UNCLEANNESS; BUT IF IT WAS MADE FLAT¹¹ IT BECOMES INSUSCEPTIBLE TO UNCLEANNESS. IF A STRIP OF LINING HAS BEEN PUT ON IT BELOW,¹² IT REMAINS SUSCEPTIBLE. IF A BAG WAS WITHIN ANOTHER BAG AND ONE OF THEM CONTRACTED UNCLEANNESS FROM A LIQUID, THE OTHER DOES NOT BECOME UNCLEAN.¹³ A PEARL POUCH IS SUSCEPTIBLE TO UNCLEANNESS. AS TO A MONEY POUCH, R. ELIEZER RULES THAT IT IS SUSCEPTIBLE TO UNCLEANNESS, AND THE SAGES RULE THAT IT IS INSUSCEPTIBLE.¹⁴

MISHNAH 3. THE HAND-COVER OF THORN-PICKER¹⁵ IS INSUSCEPTIBLE TO UNCLEANNESS.¹⁶ A BELT¹⁷ AND LEG GUARDS¹⁷ ARE SUSCEPTIBLE TO UNCLEANNESS. SLEEVES¹⁷ ARE SUSCEPTIBLE TO UNCLEANNESS BUT LEGGINGS¹⁷ ARE NOT SUSCEPTIBLE. ANY FINGER-STALL IS INSUSCEPTIBLE TO UNCLEANNESS EXCEPT THAT OF FRUIT¹⁸ -PICKERS, SINCE THE LATTER HOLDS THE SUMACH BERRIES.¹⁹ IF IT²⁰ WAS TORN, IT IS INSUSCEPTIBLE TO UNCLEANNESS, PROVIDED IT CANNOT HOLD THE GREATER PART OF A SUMACH BERRY.

MISHNAH 4. A SANDAL²¹ ONE OF WHOSE STRAPS WAS TORN OFF BUT WAS MENDED AGAIN, RETAINS ITS MIDRAS UNCLEANNESS.²² IF A SECOND STRAP WAS TORN OFF, THOUGH IT WAS MENDED AGAIN, IT²³ BECOMES FREE FROM MIDRAS

UNCLEANNES BUT IS UNCLEAN FROM CONTACT WITH MIDRAS.²² IF THE SECOND STRAP WAS TORN OFF BEFORE THE FIRST COULD BE MENDED, IT²³ BECOMES CLEAN.²² IF ITS HEEL WAS TORN OFF, OR IF ITS TOE-PIECE WAS REMOVED, OR IF IT²³ WAS TORN IN TWO, IT²³ BECOMES CLEAN.²⁴ A HEEL-LESS SLIPPER¹⁷ THAT WAS TORN ANYWHERE BECOMES CLEAN. A SHOE THAT WAS DAMAGED BECOMES CLEAN IF IT CANNOT CONTAIN THE GREATER PART OF THE FOOT. A SHOE THAT IS STILL ON THE LAST, R. ELIEZER RULES, IS INSUSCEPTIBLE TO UNCLEANNES,²⁵ BUT THE SAGES RULE THAT IT IS SUSCEPTIBLE. ALL WATER SKINS WHOSE HOLES²⁶ HAVE BEEN TIED UP ARE INSUSCEPTIBLE TO UNCLEANNES,²⁷ EXCEPT THOSE OF THE ARABS.²⁸ R. MEIR RULES: IF THEY ARE TIED UP FOR A WHILE, THEY ARE CLEAN; BUT IF THEY ARE TIED WITH A PERMANENT KNOT²⁹ THEY ARE UNCLEAN. R. JOSE RULED: ALL TIED UP WATER SKINS³⁰ ARE CLEAN.

MISHNAH 5. THE FOLLOWING HIDES ARE SUSCEPTIBLE TO MIDRAS UNCLEANNES: A HIDE WHICH IS INTENDED FOR USE AS A RUG,³¹ A HIDE USED AS A TANNER'S APRON, A HIDE USED AS THE LOWER COVERING OF A BED, A HIDE USED AS AN APRON BY AN ASS-DRIVER,³² BY A FLAX-WORKER, BY A PORTER OR BY A PHYSICIAN,³³ A HIDE USED FOR A COT, A HIDE PUT OVER A CHILD'S HEART,³⁴ A HIDE OF A CUSHION OR A BOLSTER. ALL THESE ARE SUSCEPTIBLE TO MIDRAS UNCLEANNES. A HIDE FOR WRAPPING UP COMBED WOOL AND A HIDE WORN BY A WOOL-COMBER, R. ELIEZER RULES, IS SUSCEPTIBLE TO MIDRAS, BUT THE SAGES RULE THAT IT IS SUSCEPTIBLE TO CORPSE UNCLEANNES ONLY.³⁵

MISHNAH 6. A BAG³⁶ OR WRAPPER³⁶ FOR GARMENTS IS SUSCEPTIBLE TO MIDRAS. A BAG OR WRAPPER FOR PURPLE WOOL, BETH SHAMMAI RULE, IS SUSCEPTIBLE TO MIDRAS, BUT BETH HILLEL RULE THAT³⁷ IT IS ONLY SUSCEPTIBLE TO CORPSE UNCLEANNES.³⁸ IF A HIDE IS USED AS A COVERING FOR VESSELS IT IS NOT SUSCEPTIBLE TO UNCLEANNES, BUT IF IT IS USED AS A COVERING FOR WEIGHTS³⁹ IT IS SUSCEPTIBLE. R. JOSE IN THE NAME OF HIS FATHER RULES THAT IT IS INSUSCEPTIBLE.

MISHNAH 7. WHENEVER NO ACT IS LACKING⁴⁰ INTENTION⁴¹ ALONE⁴² CAUSES AN ARTICLE TO BE SUSCEPTIBLE TO UNCLEANNES, BUT WHEREVER AN ACT IS LACKING⁴⁰ INTENTION⁴¹ ALONE DOES NOT RENDER IT SUSCEPTIBLE TO UNCLEANNES, EXCEPT FUR SKINS.⁴³

MISHNAH 8. THE HIDES OF A HOUSEHOLDER BECOME SUSCEPTIBLE TO UNCLEANNES BY INTENTION,⁴⁴ BUT THOSE THAT BELONG TO A TANNER⁴⁵ DO NOT BECOME SUSCEPTIBLE BY MERE INTENTION. THOSE TAKEN BY A THIEF⁴⁶ BECOME SUSCEPTIBLE BY INTENTION,⁴⁷ BUT THOSE TAKEN BY A ROBBER⁴⁸ DO NOT BECOME SUSCEPTIBLE BY MERE INTENTION.⁴⁹ R. SIMEON STATED: THE RULE IS TO BE REVERSED; THOSE TAKEN BY A ROBBER⁵⁰ BECOME SUSCEPTIBLE BY MERE INTENTION, BUT THOSE TAKEN BY A THIEF⁵¹ DO NOT BECOME SUSCEPTIBLE BY INTENTION, SINCE IN THE LATTER CASE THE OWNER DOES NOT ABANDON THE HOPE FOR RECOVERY.⁵²

MISHNAH 9. IF A HIDE HAD CONTRACTED MIDRAS UNCLEANNES AND ITS OWNER THEN INTENDED IT TO BE USED FOR STRAPS OR SANDALS⁵³ IT BECOMES CLEAN AS SOON AS HE PUT THE KNIFE INTO IT; SO R. JUDAH. BUT THE SAGES RULED: IT DOES NOT BECOME CLEAN UNTIL HE HAS REDUCED ITS SIZE TO LESS THAN FIVE HANDBREADTHS. R. ELIEZER SON OF R. ZADOK RULED: EVEN IF ONE MADE A NAPKIN FROM THE HIDE⁵⁴ IT⁵⁵ REMAINS UNCLEAN,⁵⁶ BUT IF FROM A BOLSTER IT

BECOMES CLEAN.⁵⁷

- (1) From Kefar Imki or Amiku, north-east of Acre. Aliter: 'Worn in valleys'.
- (2) These objects are flat (and, therefore, insusceptible to uncleanness), but they can be laced or sewn up to form a kind of receptacle which is susceptible to uncleanness.
- (3) Aliter: A basket of palm- twigs.
- (4) By being laced or sewn up.
- (5) By unlacing or unsewing them.
- (6) Of course they can. What then is the difference between these and the others?
- (7) To their laced condition.
- (8) The Sages in laying down that when unlaced it is clean.
- (9) V. Shab. 58b and 83b.
- (10) From the loops, but are still suspended from the bag. Aliter: (according to R. Judah) Whose laces are missing.
- (11) Thus forming no receptacle.
- (12) So that a receptacle remains even when the bag is made flat.
- (13) The uncleanness that vessels contract from liquids being only Rabbinical, the law has been relaxed. In the case of a Pentateuchal uncleanness the one bag causes the uncleanness of the other.
- (14) Since it is continually opened to take money out, it is not regarded as a valid receptacle.
- (15) A flat piece of leather which covers the palm of the hand and protects it against the thorns.
- (16) Since it forms no receptacle.
- (17) Made of leather.
- (18) Or 'thorn'.
- (19) Thus forming a receptacle.
- (20) The latter.
- (21) That contracted midras uncleanness.
- (22) Cf. nn. supra XVIII, 6.
- (23) The sandal.
- (24) From its former uncleanness. It is, however, susceptible to future uncleanness.
- (25) Since its manufacture has not yet been completed.
- (26) That appeared in them after they had contracted an uncleanness and that have rendered them clean.
- (27) Since the knots may be easily undone.
- (28) Whose knots cannot be easily undone.
- (29) Cf. prev. n. mut.mut.
- (30) Even if the knot was permanent.
- (31) To sit upon. V. nn. supra XXIV, 12.
- (32) Var. lec., 'a hide of (to protect) an ass.'
- (33) As a protection against the spurting of blood.
- (34) To protect it against the bite of a cat.
- (35) But not to that of midras.
- (36) Of leather.
- (37) Since, on account of the high value of the purple, it would not be used as a seat.
- (38) But not to midras.
- (39) Which cause a depression and give it the shape of a receptacle.
- (40) To complete its manufacture.
- (41) To use it for a particular purpose.
- (42) Even before it was actually used.
- (43) Which become susceptible to uncleanness by mere intention to use them, even before they have been trimmed, since they can be used without any trimming.
- (44) To use them; even before actual use.
- (45) Who, before manufacture is completed, might change his mind.
- (46) Since the owner, not knowing the thief, abandons all hope of recovery.
- (47) Of the thief who steals secretly. As the owner abandoned hope the thief is regarded as the legal owner.

- (48) Who steals openly and is known to the owner who, in consequence, does not abandon the hope for recovery.
- (49) Of the robber who (cf. prev. n.) cannot be regarded as legal owner.
- (50) Who is much stronger than a thief and recovery from whom is impossible.
- (51) A weaker man from whom recovery of the article is quite possible.
- (52) Cf. prev. n.
- (53) Cf. supra XXIV, 12.
- (54) That had contracted midras uncleanness.
- (55) Since it may be regarded as a small rug on which one can sit.
- (56) Since the change is but slight.
- (57) Though it is susceptible to future uncleanness.

Mishna - Mas. Kelim Chapter 27

MISHNAH 1. CLOTH IS SUSCEPTIBLE TO¹ FIVE FORMS² OF UNCLEANNESS; SACKING³ IS SUSCEPTIBLE TO¹ FOUR; LEATHER TO¹ THREE; WOOD TO TWO; AND AN EARTHEN VESSEL TO ONE. AN EARTHEN VESSEL⁴ IS SUSCEPTIBLE TO UNCLEANNESS [ONLY] AS A RECEPTACLE.⁵ ANY EARTHEN VESSEL THAT HAS NO INNER PART IS NOT SUSCEPTIBLE TO UNCLEANNESS FROM⁶ ITS OUTER PART.⁷ WOOD IS SUBJECT TO AN ADDITIONAL FORM OF UNCLEANNESS IN THAT IT IS ALSO SUSCEPTIBLE TO UNCLEANNESS⁸ AS A SEAT.⁹ SIMILARLY A TABLET WHICH HAS NO RIM IS SUSCEPTIBLE TO UNCLEANNESS IF IT IS A WOODEN OBJECT AND INSUSCEPTIBLE IF IT IS AN EARTHEN ONE. LEATHER IS SUSCEPTIBLE TO AN ADDITIONAL FORM OF UNCLEANNESS IN THAT IT IS ALSO SUSCEPTIBLE TO THE UNCLEANNESS OF OHEL.¹⁰ SACKING HAS AN ADDITIONAL FORM OF UNCLEANNESS IN THAT IT IS SUSCEPTIBLE TO UNCLEANNESS AS WOVEN WORK.¹¹ CLOTH HAS AN ADDITIONAL FORM OF UNCLEANNESS IN THAT IT IS SUSCEPTIBLE TO UNCLEANNESS WHEN IT IS ONLY THREE BY THREE FINGERBREADTHS.¹²

MISHNAH 2. CLOTH IS SUSCEPTIBLE TO UNCLEANNESS OF MIDRAS WHEN IT IS¹³ THREE HANDBREADTHS SQUARE, AND TO CORPSE UNCLEANNESS¹⁴ WHEN IT IS THREE FINGERBREADTHS SQUARE.¹⁵ SACKING WHEN IT IS FOUR HANDBREADTHS SQUARE, LEATHER FIVE HANDBREADTHS SQUARE AND MATTING SIX HANDBREADTHS SQUARE ARE EQUALLY SUSCEPTIBLE TO BOTH MIDRAS AND CORPSE UNCLEANNESS. R. MEIR RULED: WHAT REMAINS OF SACKING IS SUSCEPTIBLE TO UNCLEANNESS IF IT IS FOUR HANDBREADTHS, BUT WHEN IN ITS FIRST CONDITION IT BECOMES SUSCEPTIBLE ONLY AFTER ITS MANUFACTURE IS COMPLETED.

MISHNAH 3. IF ONE MADE UP A PIECE OF MATERIAL FROM TWO HANDBREADTHS OF CLOTH AND ONE OF SACKING, OR OF THREE OF SACKING AND ONE OF LEATHER OR FOUR OF LEATHER AND ONE OF MATTING, IT IS NOT SUSCEPTIBLE TO UNCLEANNESS.¹⁶ IF, HOWEVER, THE PIECE OF MATERIAL WAS MADE UP OF FIVE HANDBREADTHS OF MATTING AND ONE OF LEATHERS OR FOUR OF LEATHER AND ONE OF SACKING, OR THREE OF SACKING AND ONE OF CLOTH IT IS SUSCEPTIBLE TO UNCLEANNESS. THIS IS THE GENERAL RULE: IF THE MATERIAL ADDED IS SUBJECT TO GREATER RESTRICTIONS¹⁷ IT¹⁸ IS SUSCEPTIBLE TO UNCLEANNESS,¹⁹ BUT IF THE MATERIAL ADDED WAS SUBJECT TO LESSER RESTRICTIONS²⁰ IT¹⁸ IS NOT SUSCEPTIBLE.²¹

MISHNAH 4. IF FROM ANY OF THESE²² A PIECE ONE HANDBREADTH SQUARE WAS CUT OFF²³ IT IS SUSCEPTIBLE TO UNCLEANNESS.²⁴ [IF A PIECE] ONE HANDBREADTH SQUARE²³ [WAS CUT OFF] FROM THE BOTTOM OF A BASKET IT IS SUSCEPTIBLE TO

UNCLEANNES.²⁴ [IF IT WAS CUT] FROM THE SIDES OF THE BASKET, R. SIMEON RULES THAT IT IS NOT SUSCEPTIBLE TO UNCLEANNES, BUT THE SAGES RULE THAT WHEREVER A SQUARE HANDBREADTH IS CUT OFF²⁵ IT IS SUSCEPTIBLE TO UNCLEANNES.

MISHNAH 5. WORN-OUT PIECES OF A SIFTER OR A SIEVE THAT WERE ADAPTED FOR USE AS A SEAT, R. AKIBA RULES ARE SUSCEPTIBLE TO UNCLEANNES, BUT THE SAGES RULE THAT THEY ARE NOT SUSCEPTIBLE UNLESS THEIR ROUGH ENDS WERE CUT OFF.²⁶ A CHILD'S STOOL THAT HAS LEGS, EVEN THOUGH IT IS LESS THAN A HANDBREADTH HIGH, IS SUSCEPTIBLE TO UNCLEANNES.²⁷ A CHILD'S SHIRT, R. ELIEZER RULES, IS SUSCEPTIBLE TO UNCLEANNES HOWEVER SMALL IT MAY BE; BUT THE SAGES RULED: IT IS SUSCEPTIBLE ONLY IF IT IS OF THE PRESCRIBED SIZE²⁸ AND MEASURED WHEN DOUBLED.²⁹

MISHNAH 6. THE FOLLOWING ARE MEASURED³⁰ WHEN DOUBLED:²⁹ SOCKS, LONG STOCKINGS, DRAWERS, A CAP AND A MONEY-BELT. AS REGARDS A PATCH SEWN ON THE HEM,³¹ IF IT WAS UNDOUBLED³² IT IS MEASURED UNDOUBLED,³³ BUT IF IT WAS DOUBLED IT IS MEASURED WHEN DOUBLED.³⁴

MISHNAH 7. IF A PIECE OF CLOTH WAS WOVEN TO THE EXTENT OF THREE [HANDBREADTHS] SQUARE, WHEN IT CONTRACTED MIDRAS UNCLEANNES, AND AFTER THE ENTIRE PIECE WAS COMPLETED ONE REMOVED³⁵ A SINGLE THREAD FROM THE ORIGINAL PART,³⁶ IT³⁷ IS RELEASED FROM MIDRAS UNCLEANNES BUT³⁸ IS STILL UNCLEAN FROM CONTACT WITH MIDRAS UNCLEANNES. IF A THREAD WAS REMOVED FROM THE ORIGINAL PART AND THEN ALL THE CLOTH WAS FINISHED, IT³⁹ IS STILL UNCLEAN FROM CONTACT WITH MIDRAS UNCLEANNES.

MISHNAH 8. SIMILARLY⁴⁰ IF A PIECE OF CLOTH WAS WOVEN TO THE EXTENT OF THREE [FINGER BREADTHS] SQUARE, WHEN IT CONTRACTED CORPSE UNCLEANNES, AND AFTER THE ENTIRE PIECE WAS FINISHED ONE REMOVED⁴¹ A SINGLE THREAD FROM ITS ORIGINAL PART,⁴² IT³⁷ IS RELEASED FROM CORPSE UNCLEANNES⁴³ BUT⁴⁴ IS STILL UNCLEAN FROM CONTACT WITH CORPSE UNCLEANNES. IF A THREAD WAS REMOVED FROM THE ORIGINAL PART⁴² AND THEN ALL THE CLOTH WAS FINISHED IT REMAINS CLEAN, FOR THE SAGES HAVE RULED: IF A PIECE OF THREE [FINGERBREADTHS] SQUARE IS LESSENERD IT BECOMES CLEAN,⁴⁵ BUT IF ONE OF THREE HAND BREADTHS SQUARE IS LESSENERD, EVEN THOUGH IT IS RELEASED FROM MIDRAS, IT IS STILL SUSCEPTIBLE TO ALL OTHER FORMS OF UNCLEANNES.

MISHNAH 9. IF A SHEET THAT HAD CONTRACTED MIDRAS UNCLEANNES WAS MADE⁴⁶ INTO A CURTAIN, IT IS RELEASED FROM MIDRAS UNCLEANNES BUT IS STILL UNCLEAN FROM CONTACT WITH MIDRAS UNCLEANNES. SAID R. JOSE: BUT WHAT MIDRAS UNCLEANNES HAS THIS⁴⁷ TOUCHED!⁴⁸ ONLY IF A ZAB HAD TOUCHED IT⁴⁹ IS IT UNCLEAN FROM CONTACT WITH A ZAB.

MISHNAH 10. IF A PIECE OF CLOTH THREE [HANDBREADTHS] SQUARE⁵⁰ WAS DIVIDED,⁵¹ IT IS RELEASED FROM THE MIDRAS UNCLEANNES BUT IS STILL UNCLEAN FROM CONTACT WITH MIDRAS UNCLEANNES. SAID R. JOSE: BUT WHAT MIDRAS UNCLEANNES HAS THIS TOUCHED!⁵² ONLY IF A ZAB HAD TOUCHED IT IS IT UNCLEAN FROM CONTACT WITH A ZAB.

MISHNAH 11. IF A PIECE OF CLOTH THREE [HANDBREADTHS] SQUARE [WAS

FOUND] ON A RUBBISH HEAP IT MUST⁵³ BE BOTH SOUND AND CAPABLE OF WRAPPING UP SALT;⁵⁴ BUT [IF IT WAS FOUND] IN THE HOUSE IT NEED ONLY BE⁵⁵ EITHER SOUND OR CAPABLE OF WRAPPING UP SALT. HOW MUCH SALT MUST IT BE CAPABLE OF WRAPPING UP? A QUARTER OF A KAB. R. JUDAH STATED: THIS REFERS TO FINE SALT, BUT THE SAGES STATED: IT REFERS TO COARSE SALT. BOTH INTENDED TO RELAX THE LAW.⁵⁶ R. SIMEON RULED: THE LAW CONCERNING A PIECE OF CLOTH THREE [HANDBREADTHS] SQUARE ON A RUBBISH HEAP IS THE SAME AS THAT FOR A PIECE OF CLOTH THAT WAS THREE [FINGERBREADTHS] SQUARE IN A HOUSE.⁵⁷

MISHNAH 12. [A PIECE OF CLOTH] THREE [HANDBREADTHS] SQUARE THAT WAS TORN⁵⁸ BECOMES INSUSCEPTIBLE TO UNCLEANNESS IF ON BEING PUT ON A STOOL ONE'S FLESH⁵⁹ WOULD⁶⁰ TOUCH THE STOOL; OTHERWISE IT REMAINS SUSCEPTIBLE TO UNCLEANNESS. [A PIECE OF CLOTH] THREE [FINGERBREADTHS] SQUARE ONE THREAD OF WHICH WAS WORN AWAY, OR ON WHICH A KNOT WAS FOUND, OR IN WHICH TWO THREADS RAN ALONGSIDE EACH OTHER, IS NOT SUSCEPTIBLE TO UNCLEANNESS. [A PIECE OF CLOTH] THREE [FINGERBREADTHS] SQUARE THAT WAS CAST ON THE RUBBISH HEAP BECOMES INSUSCEPTIBLE TO UNCLEANNESS. IF IT WAS TAKEN BACK AGAIN IT BECOMES SUSCEPTIBLE TO UNCLEANNESS. THROWING IT AWAY INVARIABLY RENDERS IT INSUSCEPTIBLE TO UNCLEANNESS AND TAKING IT BACK AGAIN RENDERS IT SUSCEPTIBLE TO UNCLEANNESS,⁶¹ EXCEPT WHEN IT IS OF PURPLE OR FINE CRIMSON.⁶² R. ELIEZER RULED: A PATCH OF NEW CLOTH IS ALSO SUBJECT TO THE SAME LAW. R. SIMEON RULED: ALL THESE MATERIALS⁶³ BECOME INSUSCEPTIBLE;⁶⁴ AND THE LATTER⁶⁵ HAVE BEEN MENTIONED [AS DISTINGUISHABLE FROM OTHERS] ONLY IN CONNECTION WITH THE RETURN OF LOST PROPERTY.⁶⁶

(1) Lit., 'on account of'.

(2) Lit., 'names'.

(3) Made of goats' hair and the like.

(4) Here begins the illustration of the general statements just made.

(5) However small it might be. Otherwise it is not susceptible to any form of uncleanness.

(6) Lit., 'it has not'.

(7) Even though its bottom is concave.

(8) Even though it forms no receptacle.

(9) On which a zab might sit. It must, however, have no less an area than three handbreadths square.

(10) Whereby, if it forms the ohel, it becomes a 'father of uncleanness', however small its size (Elijah Wilna and L. contra Bert.).

(11) However small its size might be; provided there was no intention to extend the texture. If it was intended to extend it the size must be no less than four handbreadths square.

(12) Even if it was not woven.

(13) Lit., 'on account of'.

(14) And also to any uncleanness other than midras.

(15) This, however, applies only to the remnant of a cloth made of wool or flax. For one made of other materials a remnant having a minimum of three handbreadths square is required even in the case of corpse uncleanness. New cloth is susceptible to all forms of uncleanness other than midras whatever its size.

(16) Of midras. If, however, the piece of material came in contact with corpse uncleanness it remains clean if the contact was with the sacking only (since it is smaller than the prescribed minimum), but if the contact was with the cloth, only the sacking remains clean while the cloth contracts the uncleanness.

(17) Than the material to which it was added.

(18) The piece of combined materials.

(19) Since the latter may well make up the minimum prescribed for the former.

- (20) Than the material to which it was added.
- (21) Because the latter whose prescribed minimum is greater cannot be effective when the total area of the material is less than that minimum.
- (22) Four materials mentioned in the previous Mishnah.
- (23) For use as a seat. (If it was cut off for the purpose of lying upon, the minimum area for susceptibility to uncleanness is three handbreadths).
- (24) As a seat (cf. prev. n.).
- (25) Even if from the sides of a basket.
- (26) To render them fit for a seat.
- (27) An adult's stool must be no less than one handbreadth high if it is to be susceptible to uncleanness.
- (28) As laid down supra Mishnah 2.
- (29) So as to allow the prescribed length of material both for the front and the back.
- (30) To ascertain whether they are of the prescribed size of three fingerbreadths square in respect of corpse uncleanness or three handbreadths square in respect of midras.
- (31) Around the neck.
- (32) Having been patched on one side of the hem only.
- (33) The prescribed size being the one in Mishnah 2 supra.
- (34) The length required being twice the size prescribed (cf. p. 129 n. 8.).
- (35) Var. lec. inserts here 'the cloth, all the cloth is susceptible to midras; if one removed'.
- (36) The three handbreadths square which have contracted the midras uncleanness.
- (37) The entire cloth.
- (38) Since it was in contact with midras uncleanness.
- (39) As a connective.
- (40) Cf. prev. Mishnah.
- (41) Var. lec. inserts here 'the cloth, all the cloth is susceptible to corpse uncleanness; if one removed'.
- (42) The three fingerbreadths square which have contracted corpse uncleanness.
- (43) Since less than the prescribed minimum remained.
- (44) Having come in close contact with corpse uncleanness.
- (45) Since it can no longer serve any useful purpose.
- (46) By some adaptation which effected a change in it (cf. supra XX, 6.).
- (47) The curtain.
- (48) Obviously none, since the previous uncleanness of the sheet has disappeared with its change into a curtain. Hence it should be free from all uncleanness.
- (49) The curtain (Bert.), the sheet (L.).
- (50) That has contracted midras uncleanness.
- (51) And each part was smaller than the prescribed minimum.
- (52) Cf. supra n. 3 mut. mut.
- (53) It is to be susceptible to midras uncleanness.
- (54) Sc. the texture must be closely woven.
- (55) If it is to be susceptible to midras uncleanness.
- (56) R. Judah insists on a closely woven texture which can hold fine salt, while the Sages insist on a sound material which can wrap up coarse salt.
- (57) Both being susceptible to corpse, but not to midras uncleanness.
- (58) But the parts were not completely severed.
- (59) That of the man who sits on it.
- (60) Owing to the width of the tear.
- (61) Irrespective of the number of times this may have been repeated.
- (62) Being valuable materials they remain susceptible to uncleanness even when thrown on the rubbish heap.
- (63) Even the last mentioned.
- (64) If thrown on the rubbish heap.
- (65) Purple and fine crimson.
- (66) Being of greater value than other materials the finding of them even on a rubbish heap must be duly announced in

order to afford the loser an opportunity of claiming them; v. B.M. II, 1.

Mishna - Mas. Kelim Chapter 28

MISHNAH 1. [A PIECE OF CLOTH] THREE [FINGERBREADTHS] SQUARE THAT¹ WAS STUFFED INTO A BALL OR WAS ITSELF MADE INTO A BALL BECOMES CLEAN.² BUT [A PIECE OF CLOTH] THREE [HANDBREADTHS] SQUARE THAT³ WAS STUFFED INTO A BALL REMAINS UNCLEAN.⁴ IF THE LATTER³ WAS ITSELF MADE INTO A BALL IT BECOMES CLEAN⁵ BECAUSE THE SEWING REDUCES ITS SIZE.

MISHNAH 2. [A PIECE OF CLOTH] LESS THAN THREE [HANDBREADTHS] SQUARE THAT WAS ADAPTED FOR THE PURPOSE OF STOPPING UP A HOLE IN A BATH HOUSE,⁶ OF EMPTYING A COOKING-POT⁷ OR OF WIPING WITH IT THE MILL STONES, WHETHER IT WAS OR WAS NOT KEPT IN READINESS FOR ANY SUCH USE,⁸ IS SUSCEPTIBLE TO UNCLEANNESS; SO R. ELIEZER. R. JOSHUA RULED: WHETHER IT WAS OR WAS NOT KEPT IN READINESS IT IS NOT SUSCEPTIBLE TO UNCLEANNESS. R. AKIBA RULED: IF IT WAS KEPT IN READINESS IT IS SUSCEPTIBLE, AND IF IT WAS NOT KEPT IN READINESS IT IS NOT SUSCEPTIBLE.

MISHNAH 3. IF A PLASTER IS MADE OF CLOTH OR LEATHER IT IS NOT SUSCEPTIBLE TO UNCLEANNESS.⁹ A¹⁰ POULTICE IS INSUSCEPTIBLE TO UNCLEANNESS IF IT IS ON CLOTH,¹¹ BUT IF ON LEATHER IT IS SUSCEPTIBLE.¹² RABBAN SIMEON B. GAMALIEL RULED: EVEN IF IT WAS ON CLOTH THE LATTER REMAIN SUSCEPTIBLE TO UNCLEANNESS BECAUSE THE FORMER¹³ CAN BE SHAKEN OFF.¹⁴

MISHNAH 4. SCROLL WRAPPERS, WHETHER THEY ARE ORNAMENTED WITH [EMBROIDERED] FIGURES OR NOT, ARE SUSCEPTIBLE TO UNCLEANNESS ACCORDING TO THE VIEW OF BETH SHAMMAI. BETH HILLEL RULED: THOSE THAT ARE ORNAMENTED WITH FIGURES ARE INSUSCEPTIBLE TO UNCLEANNESS,¹⁵ BUT THOSE THAT ARE NOT ORNAMENTED ARE SUSCEPTIBLE. RABBAN GAMALIEL RULED: BOTH THE FORMER AND THE LATTER ARE INSUSCEPTIBLE.

MISHNAH 5. IF A HEAD-WRAP THAT¹⁶ HAD CONTRACTED MIDRAS UNCLEANNESS WAS WRAPPED AROUND A SCROLL, IT IS RELEASED FROM MIDRAS UNCLEANNESS¹⁷ BUT REMAINS SUSCEPTIBLE TO CORPSE UNCLEANNESS. A SKIN¹⁸ THAT WAS MADE INTO A RUG¹⁹ OR A LEATHER RUG THAT WAS MADE INTO A SKIN¹⁸ BECOMES CLEAN.²⁰ A SKIN¹⁸ THAT WAS MADE INTO A [SHEPHERD'S] WALLET OR A [SHEPHERD'S] WALLET THAT WAS MADE INTO A SKIN; OR A CUSHION COVER THAT WAS MADE INTO A SHEET OR A SHEET THAT WAS MADE INTO A CUSHION COVER; OR A BOLSTER COVER THAT WAS MADE INTO A PLAIN SHEET OR A PLAIN SHEET THAT WAS MADE INTO A BOLSTER COVER, REMAINS UNCLEAN. THIS IS THE GENERAL RULE: ANY OBJECT THAT HAS BEEN CHANGED INTO ONE OF THE SAME CLASS²¹ REMAINS UNCLEAN, BUT IF INTO ONE OF ANOTHER CLASS IT BECOMES CLEAN.

MISHNAH 6. IF A PATCH²² WAS SEWN ON TO A BASKET,²³ THE LATTER²⁴ CONVEYS²⁵ ONE GRADE OF UNCLEANNESS²⁶ AND²⁷ ONE OF UNFITNESS.²⁸ IF IT WAS SEVERED FROM THE BASKET, THE LATTER CONVEYS ONE GRADE OF UNCLEANNESS AND ONE OF UNFITNESS, BUT THE PATCH²⁹ BECOMES CLEAN.³⁰ IF IT WAS SEWN ON TO CLOTH³¹ THE LATTER³² CONVEYS TWO GRADES OF UNCLEANNESS³³ AND ONE OF UNFITNESS.²⁷ IF IT WAS SEVERED FROM THE CLOTH, THE LATTER³⁴ CONVEYS²⁵ ONE GRADE OF UNCLEANNESS²⁶ AND²⁷ ONE OF UNFITNESS, WHILE THE PATCH CONVEYS

TWO GRADES OF UNCLEANNESS AND ONE OF UNFITNESS.³⁵ THE SAME LAW³⁶ APPLIES ALSO WHERE A PATCH WAS SEWN ON TO SACKING OR LEATHER; SO R. MEIR. R. SIMEON RULES THAT THEY³⁷ ARE CLEAN.³⁸ R. JOSE RULED: IF IT WAS SEWN ON LEATHER IT BECOMES CLEAN; BUT IF ON SACKING IT REMAINS UNCLEAN, SINCE THE LATTER IS A WOVEN MATERIAL.³⁹

MISHNAH 7. THE PRESCRIBED MINIMUM OF THREE [FINGERBREADTHS] SQUARE OF WHICH THEY HAVE SPOKEN⁴⁰ IS EXCLUSIVE OF THE HEM; SO R. SIMEON. BUT THE SAGES RULED: EXACTLY THREE [FINGERBREADTHS] SQUARE.⁴¹ IF A PATCH⁴² WAS SEWN ON TO A CLOTH BY ONE SIDE ONLY,⁴³ IT CANNOT BE REGARDED AS A CONNECTIVE.⁴⁴ IF IT WAS SEWN ON BY TWO OPPOSITE SIDES, IT IS A CONNECTIVE.⁴⁵ IF IT WAS SEWN ON THE SHAPE OF A GAMMA,⁴⁶ R. AKIBA RULES THAT THE CLOTH IS UNCLEAN, BUT THE SAGES RULE THAT IT IS CLEAN. R. JUDAH STATED: THIS⁴⁷ APPLIES ONLY TO A CLOAK,⁴⁸ BUT IN THE CASE OF A SHIRT⁴⁹ THE PATCH IS REGARDED AS A CONNECTIVE IF IT WAS SEWN ON ONLY BY ITS UPPER SIDE,⁵⁰ BUT IF BY ITS LOWER SIDE IT IS NO CONNECTIVE.⁴⁶

MISHNAH 8. POOR MEN'S CLOTHES, THOUGH MADE UP OF PIECES NONE OF WHICH MEASURES THREE [FINGERBREADTHS] SQUARE ARE SUSCEPTIBLE TO MIDRAS UNCLEANNESS,⁵¹ IF A CLOAK BEGAN TO BE TORN, AS SOON AS ITS GREATER PART IS AFFECTED [THE FRAGMENTS] ARE NOT REGARDED AS JOINED.⁵² EXCEPTIONALLY THICK OR THIN MATERIALS⁵³ ARE NOT GOVERNED BY THE PRESCRIBED MINIMUM OF THREE [FINGERBREADTHS] SQUARE.⁵⁴

MISHNAH 9. A PORTER'S PAD⁵⁵ IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS. A WINE FILTER⁵⁶ IS NOT SUSCEPTIBLE TO UNCLEANNESS AS A SEAT.⁵⁷ AN OLD WOMAN'S HAIR-NET⁵⁸ IS SUSCEPTIBLE TO UNCLEANNESS AS A SEAT.⁵⁹ A HARLOT'S SHIRT WHICH IS WOVEN LIKE NET WORK IS NOT SUSCEPTIBLE TO UNCLEANNESS.⁶⁰ A GARMENT MADE OF A FISHING NET IS NOT SUSCEPTIBLE TO UNCLEANNESS,⁶⁰ BUT ONE MADE OF ITS NET WORK BAG IS SUSCEPTIBLE. R. ELIEZER B. JACOB RULED: EVEN IF A GARMENT IS MADE OUT OF A FISHING NET BUT IS MADE DOUBLE IT IS SUSCEPTIBLE TO UNCLEANNESS.⁶¹

MISHNAH 10. A HAIR-NET THAT ONE BEGAN TO MAKE FROM ITS HEM REMAINS INSUSCEPTIBLE TO UNCLEANNESS UNTIL ITS BOTTOM SECTION IS FINISHED; AND IF ONE BEGAN FROM ITS BOTTOM SECTION, IT REMAINS INSUSCEPTIBLE TO UNCLEANNESS UNTIL ITS HEM IS FINISHED. ITS HEAD BAND IS SUSCEPTIBLE TO UNCLEANNESS IN ITSELF.⁶² ITS STRINGS ARE SUSCEPTIBLE TO UNCLEANNESS AS CONNECTIVES.⁶³ A HAIR-NET THAT IS TORN BECOMES INSUSCEPTIBLE TO UNCLEANNESS IF IT CANNOT CONTAIN THE GREATER PART OF THE HAIR.

(1) Having contracted corpse uncleanness.

(2) Since it lost the status of cloth by becoming a ball or part of a ball.

(3) After contracting midras uncleanness.

(4) Owing to its comparatively large size its identity cannot be merged into that of the ball.

(5) From midras uncleanness, but not from any other. Aliter: From all uncleanness (Rabad).

(6) To prevent the escape of heat.

(7) By holding it with the rag.

(8) It was hung up on a nail to be ready for use, v. Shab. 29b.

(9) Since the greasy substances with which it is smeared render it unfit for sitting on or for any other use.

(10) Some edd. in parenthesis read, 'R. Jose ruled: On leather it is insusceptible to uncleanness'.

(11) Since the greasy substances with which it is smeared render it unfit for sitting on or for any other use.

- (12) Because leather can be used even after a poultice has been on it.
- (13) The ingredients of the poultice when they dry up.
- (14) From the cloth which in consequence can again be used.
- (15) Since the embroidered figures are sufficient evidence that the wrapper was intended for the ornamentation only and not for any man's personal use, v. supra XVI, ad finem.
- (16) Being suitable to sit upon; cf. supra XXIV, 16.
- (17) If it was set aside for exclusive use with the scroll.
- (18) Intended for the holding of liquids.
- (19) By being cut open and spread out for the purpose of sitting on it.
- (20) Sc. it is released from any midras uncleanness it may have contracted, because the adaptation is regarded as the breaking up of the former vessel. It remains, however, susceptible to future midras uncleanness.
- (21) Lit., 'to his name'; a skin and a wallet, for instance, are used for similar purposes and so also is a cushion cover and a sheet.
- (22) That contracted midras uncleanness.
- (23) Which, not being suitable for midras, cannot contract such an uncleanness.
- (24) As a first grade of uncleanness owing to its contact with the patch that was (before it was sewn on to it) suffering from midras uncleanness.
- (25) To foodstuffs.
- (26) Rendering them unclean in the second grade.
- (27) If the second grade came in contact with terumah.
- (28) I.e., the uncleanness is not carried over to a further remove.
- (29) As any other part that is severed from the basket.
- (30) If it was not intended for sitting on. If it was so intended it is again susceptible in the future to midras uncleanness.
- (31) Which is itself susceptible to midras.
- (32) The cloth as well as the patch on it, since the use of the patch has not been changed to one of a different class, having first been a piece of cloth and being now again part of a piece of cloth.
- (33) Being a 'father of uncleanness' it causes a first grade of uncleanness which, in turn, causes a second grade.
- (34) V. supra n. 3.
- (35) As laid down supra XVIII, 7.
- (36) That is applicable to a patch on cloth.
- (37) Sacking and leather.
- (38) Since they are not of the same kind of material as the patch they are to be treated under the law that applies to a basket on which a patch was sewn.
- (39) And is thus of the same kind as the patch.
- (40) In regard to cloth that came in contact with a dead creeping thing or carrion, or that was leprous.
- (41) Inclusive of the hem.
- (42) That was three handbreadths square and had contracted midras uncleanness.
- (43) The other three sides remaining unsewn and detached from the cloth.
- (44) And the larger cloth remains clean.
- (45) Cf. prev. n. mut. mut.
- (46) Sc. by two adjacent sides.
- (47) That if the patch was sewn on by one side only it is no connective.
- (48) Which may also be put on upside down so that the patch falls back and exposes the tear.
- (49) Which cannot be worn upside down.
- (50) Since in this case the patch always remains in position and covers up the tear.
- (51) Because the garment as a whole measures no less than three handbreadths square.
- (52) If one of them, e.g., contracts an uncleanness the other remains clean.
- (53) Felt or silk, for instance.
- (54) Their prescribed minimum in regard to corpse uncleanness being three handbreadths square, as pieces of lesser size cannot in their case be put to any use.
- (55) Used as a protection for his shoulders or back.
- (56) Made of a textile.

(57) Being soiled with lees no one is likely to sit on it.

(58) That is also in regular use for sitting upon.

(59) If, however, it is not intended for sitting upon it is not susceptible.

(60) Of midras; though one can sit on it. As, owing to its holes, it is not suitable for its primary function (a proper article of dress) it loses also its secondary function (seat).

(61) Because the doubling prevents the exposure of the body, and the garment can be properly worn.

(62) Since it can be removed from one hair-net to another.

(63) If the net contracts uncleanness the strings are equally affected, and vice versa.

Mishna - Mas. Kelim Chapter 29

MISHNAH 1. THE FRINGES¹ OF A SHEET, A SCARF, A HEAD-WRAP AND A FELT CAP ARE REGARDED AS CONNECTIVES² UP TO A LENGTH OF SIX FINGERBREADTHS;³ THOSE OF AN UNDERGARMENT UP TO TEN [FINGERBREADTHS]. THE FRINGES OF A THICK CLOAK, A VEIL, A SHIRT, OR A LIGHT CLOAK ARE REGARDED AS CONNECTIVES UP TO A LENGTH OF THREE FINGERBREADTHS. THE FRINGES¹ OF AN OLD WOMAN'S HEAD-WRAP, OF THE FACE WRAPS OF THE ARABS, OF THE CILICIAN GOAT'S-HAIR CLOTH, OF A MONEY-BELT, OF A TURBAN OR OF A CURTAIN ARE REGARDED AS CONNECTIVES WHATSOEVER THEIR LENGTH MAY BE.

MISHNAH 2. THREE WOOLLEN BOLSTER-COVERS⁴, SIX LINEN ONES,⁴ THREE SHEETS,⁴ TWELVE HANDKERCHIEFS,⁴ TWO ARM-CLOTHS,⁴ ONE SHIRT,⁵ ONE CLOAK,⁵ OR ONE WINTER-CLOAK,⁵ ARE REGARDED AS CONNECTIVES IN RESPECT OF BOTH UNCLEANNESS⁶ AND SPRINKLING.⁷ IF THEY EXCEED THIS NUMBER THEY ARE REGARDED AS CONNECTIVES IN RESPECT OF UNCLEANNESS⁶ BUT NOT IN RESPECT OF SPRINKLING.⁸ R. JOSE RULED, NOT EVEN IN RESPECT OF UNCLEANNESS.⁹

MISHNAH 3. THE CORD OF [THE COMMON] PLUMMET¹⁰ IS REGARDED AS A CONNECTIVE¹¹ UP TO A LENGTH OF TWELVE [CUBITS];¹² THAT OF THE CARPENTERS' PLUMMET, UP TO EIGHTEEN [CUBITS];¹² AND THAT OF THE BUILDERS' PLUMMET¹³ UP TO FIFTY CUBITS. THE PARTS THAT EXCEED THESE LENGTHS, EVEN IF IT WAS DESIRED TO RETAIN THEM,¹⁴ REMAIN INSUSCEPTIBLE TO UNCLEANNESS.¹⁵ THE CORD OF THE PLUMMET OF PLASTERERS OR MOULDERS IS REGARDED AS A CONNECTIVE WHATSOEVER ITS LENGTH.

MISHNAH 4. THE CORD OF THE BALANCES OF GOLDSMITHS¹⁶ OR THE WEIGHERS OF FINE PURPLE IS REGARDED AS A CONNECTIVE UP TO A LENGTH OF THREE FINGERBREADTHS,¹⁷ THE SHAFT OF AN AXE BEHIND THE GRIP, UP TO A LENGTH OF THREE FINGERBREADTHS.¹⁵ R. JOSE RULED: IF THE LENGTH BEHIND THE GRIP IS NO LESS THAN ONE HANDBREADTH THE ENTIRE SHAFT IS UNSUSCEPTIBLE TO UNCLEANNESS.¹⁸

MISHNAH 5. THE CORD OF THE BALANCES OF SHOPKEEPERS¹⁶ OR HOUSEHOLDERS IS REGARDED AS A CONNECTIVE UP TO A LENGTH OF ONE HANDBREADTH;¹⁷ THE SHAFT OF AN AXE IN FRONT OF THE GRIP, UP TO ONE HANDBREADTH; THE PROJECTION¹⁹ OF THE SHAFT OF A PAIR OF COMPASSES, UP TO ONE HANDBREADTH; THAT OF THE SHAFT OF THE STONE-MASONS' CHISEL, ONE HANDBREADTH.

MISHNAH 6. THE CORD OF THE BALANCES OF WOOL DEALER²⁰ OR OF GLASS-WEIGHERS IS REGARDED AS A CONNECTIVE UP TO A LENGTH OF TWO HANDBREADTHS; THE SHAFT OF A MILLSTONE CHISEL, UP TO A LENGTH OF TWO HANDBREADTHS; THE SHAFT OF THE BATTLE-AXE OF THE LEGIONS, UP TO A

LENGTH OF TWO HANDBREADTHS; THE SHAFT OF THE GOLDSMITHS' HAMMER, UP TO A LENGTH OF TWO HANDBREADTHS; AND THAT OF THE BLACKSMITHS' HAMMER, UP TO THREE HANDBREADTHS.

MISHNAH 7. THE REMNANT OF THE SHAFT OF AN OX-GOAD²¹ AT ITS UPPER END²² IS REGARDED AS A CONNECTIVE TO A LENGTH OF FOUR [HANDBREADTHS];²³ THE SHAFT OF A SPADE, TO A LENGTH OF FOUR [HANDBREADTHS]; THE SHAFT OF A WEEDING-SPADE, TO FIVE HANDBREADTHS; THE SHAFT OF A SMALL HAMMER, TO FIVE HANDBREADTHS; THAT OF A COMMON HAMMER, TO SIX HANDBREADTHS; THE SHAFT OF AN AXE USED FOR SPLITTING WOOD OR OF ONE USED FOR DIGGING, TO SIX [HANDBREADTHS]; AND THE SHAFT OF THE STONE-TRIMMERS' AXE, UP TO SIX HANDBREADTHS.

MISHNAH 8. THE REMNANT OF THE SHAFT OF AN OX-GOAD²¹ AT ITS LOWER END²⁴ IS REGARDED AS A CONNECTIVE TO A LENGTH OF SEVEN HANDBREADTHS; THE SHAFT OF THE TROWEL OF HOUSEHOLDERS — BETH SHAMMAI RULED: TO A LENGTH OF SEVEN [HANDBREADTHS], AND BETH HILLEL RULED: TO ONE OF EIGHT [HANDBREADTHS]; THAT OF THE PLASTERERS — BETH SHAMMAI RULED: NINE [HANDBREADTHS] AND BETH HILLEL RULED: TEN [HANDBREADTHS]. ANY PARTS EXCEEDING THESE LENGTHS, IF IT WAS DESIRED TO RETAIN IT, IS ALSO SUSCEPTIBLE TO UNCLEANNESS.²⁵ THE SHAFTS OF FIRE INSTRUMENTS²⁶ ARE SUSCEPTIBLE TO UNCLEANNESS WHATSOEVER THEIR LENGTH.

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- (1) Sc. the loose threads of the warp hanging from the ends or the garments enumerated.
 - (2) So that where the fringe contracted uncleanness the main garment also contracts it, and vice versa.
 - (3) Beyond this length the fringes are insusceptible to uncleanness and, therefore, they neither convey to, nor contract from the garment any uncleanness.
 - (4) That were stitched together by the fuller or kept together in the weaving by the threads of the warp.
 - (5) However large it may be.
 - (6) If one of them contracted it, all become unclean.
 - (7) At the conclusion of a period of uncleanness. If only one of them was sprinkled upon (cf. Num. XIX, 18) all become clean.
 - (8) Cf. prev. n. mut. mut. Only the one that was sprinkled upon becomes clean.
 - (9) Sc. they are always treated as separate and independent units.
 - (10) Used in the construction of small buildings.
 - (11) With the plummet. If the plummet contracted uncleanness only the length of use given also becomes unclean; but if uncleanness touches any part beyond this length, the main portion of the plummet remains clean.
 - (12) Aliter: Handbreadths.
 - (13) Used in the construction of big buildings.
 - (14) For practical use.
 - (15) Since only that part which is essential for ordinary use may be regarded as a connective.
 - (16) Whereby the beam is suspended or held.
 - (17) If the balance contracted uncleanness that length of cord also becomes unclean.
 - (18) Since such a shaft renders the axe useless for work and would eventually be entirely discarded.
 - (19) Lit., 'remnants'.
 - (20) Whereby the beam is suspended or held.
 - (21) That was broken.
 - (22) The part adjacent to the pointed end of the goad (cf. supra XXV, 2).
 - (23) Beyond that and beyond seven handbreadths from the broad blade the shaft is insusceptible to all uncleanness.
 - (24) That part that is adjacent to the broad blade (cf. n. 3).
 - (25) As a connective.
 - (26) A spit, for instance.

Mishna - Mas. Kelim Chapter 30

MISHNAH 1. AMONG GLASS-WARE THOSE THAT ARE FLAT ARE NOT SUSCEPTIBLE TO UNCLEANNESS AND THOSE THAT FORM RECEPTACLES ARE SUSCEPTIBLE.¹ AFTER THEY ARE BROKEN THEY BECOME CLEAN;² AND IF ONE AGAIN MADE UTENSILS OF THEM THEY BECOME HENCEFORTH SUSCEPTIBLE TO UNCLEANNESS. A GLASS TRAY OR A FLAT DISH IS NOT SUSCEPTIBLE TO UNCLEANNESS. IF THEY HAVE A RIM THEY ARE SUSCEPTIBLE. THE CONCAVE BOTTOM OF A GLASS³ BOWL OR PLATE³ WHICH WAS ADAPTED FOR USE REMAINS INSUSCEPTIBLE TO UNCLEANNESS.⁴ IF THEY WERE POLISHED OR SCRAPED WITH A FILE THEY BECOME SUSCEPTIBLE TO UNCLEANNESS.⁵

MISHNAH 2. A MIRROR IS INSUSCEPTIBLE TO UNCLEANNESS. A TRAY⁶ THAT WAS MADE INTO A MIRROR REMAINS SUSCEPTIBLE, BUT IF IT WAS ORIGINALLY MADE TO SERVE AS A MIRROR⁷ IT IS INSUSCEPTIBLE.⁸ A SPOON⁶ THAT IS LAID ON A TABLE IS SUSCEPTIBLE TO UNCLEANNESS IF IT CAN HOLD ANYTHING WHATSOEVER; BUT IF IT CANNOT DO SO,⁹ R. AKIBA RULES THAT IT IS SUSCEPTIBLE,¹⁰ AND R. JOHANAN B. NURI RULES THAT IT IS INSUSCEPTIBLE.¹¹

MISHNAH 3. A CU⁶ THE GREATER PART OF WHICH IS BROKEN OFF IS INSUSCEPTIBLE TO UNCLEANNESS. IF IT WAS BROKEN IN THREE PLACES¹² EXTENDING OVER ITS GREATER PART IT IS ALSO INSUSCEPTIBLE TO UNCLEANNESS. R. SIMEON RULED: IF IT LETS THE GREATER PART OF THE WATER LEAK OUT IT IS INSUSCEPTIBLE TO UNCLEANNESS. IF A HOLE APPEARED IN IT AND IT WAS MENDED WITH TIN OR PITCH IT IS STILL INSUSCEPTIBLE TO UNCLEANNESS.¹³ R. JOSE RULED: IF WITH TIN IT IS SUSCEPTIBLE TO UNCLEANNESS,¹⁴ BUT IF WITH PITCH IT IS INSUSCEPTIBLE.

MISHNAH 4. A SMALL FLASK WHOSE NECK¹⁵ WAS REMOVED REMAINS SUSCEPTIBLE TO UNCLEANNESS,¹⁶ BUT A LARGE ONE WHOSE NECK WAS REMOVED BECOMES INSUSCEPTIBLE.¹⁷ ONE OF SPIKENARD OIL WHOSE NECK¹⁵ WAS REMOVED BECOMES INSUSCEPTIBLE TO UNCLEANNESS, SINCE IT¹⁸ SCRATCHES THE HAND. LARGE FLAGONS¹⁹ WHOSE NECKS WERE REMOVED REMAIN SUSCEPTIBLE TO UNCLEANNESS, SINCE THEY ARE ADAPTED FOR THE USE OF HOLDING PICKLED FOODSTUFFS. A GLASS MILL-FUNNEL IS CLEAN.²⁰ R. JOSE OBSERVED: 'BLESSED ART THOU, O KELIM; FOR, THOUGH THOU DIDST ENTER WITH UNCLEANNESS,²¹ THOU ART GONE FORTH IN CLEANNESS'.²²

(1) Cf. supra II, 1; XV, 1.

(2) Even where they were formerly unclean.

(3) That was broken.

(4) Since the rough edges of the broken sides constitute a source of danger.

(5) Cf. prev. n. mut. mut.

(6) Of glass.

(7) Even though it had a receptacle.

(8) Since the receptacle was not intended to hold anything.

(9) When its bottom, for instance, is concave.

(10) Because this is the manner of its use.

(11) As it cannot hold anything it cannot be regarded as a valid receptacle.

(12) Var. lec., 'a third'.

(13) Because neither sticks for long to glass.

(14) Being a metal.

(15) Lit., 'mouth'.

(16) Since it can be easily carried on one hand without risk of injury it continues to be used as a receptacle for liquids.

(17) Having to be carried with both hands there is the danger of receiving a cut from the broken edges in consequence of which the flask is unusable.

(18) By being carried, owing to the smallness of its size, within the hollow of one hand.

(19) V. p. 141, n. 6.

(20) Sc. insusceptible to uncleanness. Being open at the bottom it forms no valid receptacle.

(21) 'FATHERS OF UNCLEANNES' (supra I, 1).

(22) 'MILL-FUNNEL IS CLEAN', the last ruling in the tractate. A moral lesson to man to endeavour to achieve purity of life before his time comes to depart from this world.

Mishna - Mas. Oholoth Chapter 1

MISHNAH 1. [SOMETIMES] TWO [SERIES OF OBJECTS CAN] BE DEFILED THROUGH A CORPSE,¹ ONE BEING DEFILED WITH A SEVEN [DAYS'] DEFILEMENT AND ONE BEING DEFILED WITH A DEFILEMENT [LASTING TILL THE] EVENING.² [SOMETIMES] THREE [SERIES CAN] BE DEFILED THROUGH A CORPSE, TWO BEING DEFILED WITH A SEVEN [DAYS'] DEFILEMENT AND ONE WITH A DEFILEMENT [LASTING TILL THE] EVENING. [SOMETIMES] FOUR [SERIES CAN] BE DEFILED THROUGH A CORPSE, THREE BEING DEFILED WITH A SEVEN [DAYS'] DEFILEMENT AND ONE WITH A DEFILEMENT [LASTING TILL THE] EVENING. HOW [IS THE CASE OF] TWO [SERIES TO BE PRESENTED]? A PERSON WHO TOUCHES A CORPSE IS DEFILED WITH A SEVEN [DAYS'] DEFILEMENT AND A PERSON WHO TOUCHES HIM IS DEFILED WITH A DEFILEMENT [LASTING TILL THE] EVENING.³

MISHNAH 2. HOW [IS THE CASE OF] THREE [SERIES TO BE PRESENTED]? VESSELS TOUCHING A CORPSE⁴ AND [OTHER] VESSELS [TOUCHING THESE] VESSELS ARE DEFILED WITH A SEVEN [DAYS'] DEFILEMENT, THE THIRD [SERIES]. WHETHER [CONSISTING OF] PERSONS OR VESSELS, IS DEFILED WITH A DEFILEMENT [LASTING TILL THE] EVENING.

MISHNAH 3. HOW [IS THE CASE OF] FOUR [SERIES TO BE PRESENTED]? VESSELS TOUCHING A CORPSE, A PERSON [TOUCHING THESE] VESSELS, AND [OTHER] VESSELS [TOUCHING THIS] PERSON,⁵ ARE DEFILED WITH A SEVEN [DAYS'] DEFILEMENT. THE FOURTH [SERIES], WHETHER [CONSISTING OF] PERSONS OR VESSELS, IS DEFILED WITH A DEFILEMENT [LASTING TILL THE] EVENING. R. AKIBA SAID: I HAVE [A CASE OF] A FIFTH SERIES, [IF] A PEG⁶ WAS FIXED IN A TENT, THE TENT,⁷ THE PEG,⁸ A PERSON TOUCHING THE PEG⁹ AND VESSELS [TOUCHING] THE PERSON¹⁰ ARE DEFILED WITH A SEVEN [DAYS'] DEFILEMENT. THE FIFTH [SERIES], WHETHER [CONSISTING OF] PERSONS OR VESSELS, IS DEFILED WITH A DEFILEMENT [LASTING TILL THE] EVENING. [THE SAGES] SAID TO HIM: THE TENT IS NOT RECKONED.¹¹

MISHNAH 4. [BOTH] PERSONS AND VESSELS CAN BE DEFILED THROUGH A CORPSE.¹² A GREATER STRINGENCY [APPLIES IN SOME CASES] TO PERSONS THAN TO VESSELS AND [IN OTHER CASES] TO VESSELS THAN TO PERSONS; FOR WITH VESSELS [THERE CAN BE] THREE [SERIES OF DEFILEMENT].¹³ WHEREAS WITH PERSONS [THERE CAN BE ONLY] TWO.¹⁴ A GREATER STRINGENCY APPLIES TO PERSONS, FOR WHENEVER THEY FORM AN INTERMEDIATE [SERIES] THERE CAN BE FOUR [SERIES].¹⁵ WHEREAS WHEN THEY DO NOT FORM AN INTERMEDIATE [SERIES] THERE CAN BE [ONLY] THREE.

MISHNAH 5. [BOTH] PERSONS AND GARMENTS CAN BE DEFILED BY A ZAB.¹⁶ A GREATER STRINGENCY [APPLIES IN SOME CASES] TO PERSONS THAN TO GARMENTS AND [IN OTHER CASES] TO GARMENTS THAN TO PERSONS; FOR A PERSON WHO TOUCHES A ZAB CAN DEFILE GARMENTS,¹⁷ WHEREAS GARMENTS THAT TOUCH A ZAB¹⁸ CANNOT DEFILE [OTHER] GARMENTS. A GREATER STRINGENCY [APPLIES] TO GARMENTS, IN AS MUCH AS GARMENTS WHICH FORM THE SUPPORT OF A ZAB CAN DEFILE PERSONS,¹⁹ WHEREAS A PERSON WHO FORMS THE SUPPORT OF A ZAB CAN NOT DEFILE²⁰ [OTHER] PERSONS.

MISHNAH 6. A PERSON CAN NOT DEFILE [AS A CORPSE] UNTIL HIS SOUL IS GONE FORTH, SO THAT EVEN IF HE HAS HIS ARTERIES SEVERED OR EVEN IF HE IS IN HIS

LAST AGONIES HE²¹ [STILL] MAKES LEVIRATE MARRIAGE OBLIGATORY²² AND LIBERATES FROM LEVIRATE MARRIAGE.²³ QUALIFIES [HIS MOTHER]²⁴ FOR EATING TERUMAH²⁵ AND DISQUALIFIES [HIS MOTHER]²⁶ FROM EATING TERUMAH. SIMILARLY IN THE CASE OF CATTLE OR WILD ANIMALS, THEY CANNOT DEFILE UNTIL THEIR SOUL IS GONE FORTH. IF THEIR HEADS HAVE BEEN CUT OFF, EVEN THOUGH THEY ARE MOVING CONVULSIVELY, THEY ARE UNCLEAN;²⁷ [MOVING. THAT IS TO SAY.] LIKE A LIZARD'S TAIL, WHICH MOVES CONVULSIVELY.

MISHNAH 7. MEMBERS²⁸ [OF THE BODY] HAVE NO [RESTRICTION AS TO] SIZE: EVEN LESS THAN AN OLIVE-SIZED PORTION OF A CORPSE. OR LESS THAN AN OLIVE-SIZED PORTION OF CARRION, OR LESS THAN A LENTIL-SIZED PORTION OF A REPTILE CAN DEFILE,²⁹ [EACH AFTER THE MANNER OF] THEIR RESPECTIVE DEFILEMENTS.³⁰

MISHNAH 8. THERE ARE TWO HUNDRED AND FORTY-EIGHT MEMBERS IN A HUMAN BODY: THIRTY IN THE FOOT, [THAT IS] SIX TO EVERY TOE,³¹ TEN IN THE ANKLE, TWO IN THE SHIN, FIVE IN THE KNEE, ONE IN THE THIGH, THREE IN THE HIP,³² ELEVEN RIBS, THIRTY IN THE HAND, [THAT IS] SIX TO EVERY FINGER, TWO IN THE FORE-ARM, TWO IN THE ELBOW, ONE IN THE UPPER ARM AND FOUR IN THE SHOULDER, [THUS MAKING] ONE HUNDRED AND ONE ON THE ONE SIDE [OF THE BODY] AND ONE HUNDRED AND ONE ON THE OTHER; THEN EIGHTEEN VERTEBRAE IN THE SPINE, NINE [MEMBERS] IN THE HEAD, EIGHT IN THE NECK, SIX IN THE KEY OF THE HEART,³³ AND FIVE IN THE GENITALS. EACH ONE [OF THESE MEMBERS] CAN DEFILE BY CONTACT, CARRIAGE OR OVERSHADOWING. WHEN IS THIS SO? WHEN THEY HAVE UPON THEM [THEIR] APPROPRIATE FLESH,³⁴ BUT IF THEY HAVE NOT [THEIR] APPROPRIATE FLESH UPON THEM, THEY³⁵ CAN DEFILE BY CONTACT AND CARRIAGE BUT CANNOT DEFILE³⁶ BY OVERSHADOWING.³⁷

(1) In concatenation, the first series of objects being defiled directly by the corpse, the second by the first after this has ceased to be in contact with the corpse, and so on.

(2) These two periods of defilement are mentioned in Num. XIX, 11 and 22.

(3) A corpse possesses the highest power of defiling, being regarded as the originating source, the 'father of fathers' of defilement (אבי אבות הטומאה). It can confer a generating defilement 'a father of defilement (אב הטומאה) on objects with which it comes into connection. Both these degrees of defilement require a cleansing period of seven days and hence are sometimes referred to as טומאת שבעה . The generating defilement can, in turn, confer a generated defilement (ולד הטומאה) of the first grade (ראשון לטומאה). This requires a cleansing period lasting only till sundown and hence is referred to as טומאת ערב . In our case, the first person acquires a generating defilement from the corpse and the second person a generated defilement from the first.

(4) Vessels, apart from those of earthenware, (according to a special rule deduced from Num. XIX, 16 in Naz. 53b) acquire the same degree of defilement as the source which defiles them; v. 'Ed., Sonc. ed., p. 10, n. I. Here the first series becomes אבי אבות הטומאה and the second אב הטומאה and not until the third series do we get ולד הטומאה .

(5) These latter vessels become אב הטומאה through contact with the preceding person who has that degree of defilement.

(6) שפוד Lit., 'a metal spit', explained by Bert. as a tent-peg and by Maim. as a tent-pole.

(7) In which there is a corpse. The tent, if made of wool or tax, becomes אבי אבות הטומאה .

(8) Also אבי אבות הטומאה even that portion of it outside the tent, because the peg is overshadowed by a tent containing a corpse.

(9) He becomes a 'father of defilement'.

(10) These too become like the source from which they contracted uncleanness, i.e., 'fathers of defilement'.

(11) The peg, being in the tent containing a corpse, is to be regarded as acquiring its defilement, not from the tent, but directly from the corpse. Thus there are four series only.

- (12) This Mishnah summarizes the result of the three previous Mishnahs.
- (13) V.p. 149. n.2.
- (14) V.p. 149, n. I end.
- (15) V.p 149, n. 3.
- (16) A person who has a flux. The laws of a zab are given in Lev. XV, 1-15. As a 'father of defilement' he defiles persons (v. 7) and vessels (v. 12) by contact and other means.
- (17) I.e., the garments he is wearing when he touches the zab, according to an explicit statement in Lev XV. 7.
- (18) Becoming thereby 'generated defilement', they cannot confer defilement on other garments, since no garments can acquire defilement of a lesser grade than the first.
- (19) Lev. XV, 10. Garments upon which a zab rides can defile persons. i.e., they are **זב**. This applies to any garments upon which a zab is supported. i.e., upon which he stands, sits or lies, by which he is balanced or against which he leans, v. Zab II. 4. This is called midras (pressure-) defilement.
- (20) They themselves are only 'generated defilement'.
- (21) Even though he is manifestly dying, he is still not accounted a corpse and unclean, but living and possessing the full legal implications of a living man as in the four following cases.
- (22) On his childless brother's widow (v. Deut. XXV, 5). Until he actually passes away, or grants her halizah (v. Deut. XXV, 9), she cannot marry another person.
- (23) If he is the sole son, he can liberate his widowed mother from the obligation of marrying her levir.
- (24) If she, being herself the daughter of a non-priest, is the widow of a priest, since she may continue to eat terumah as long as she has a son (a priest).
- (25) Heave-offering, permitted to be eaten only by priests and their families.
- (26) If she, being the daughter of a priest, is the widow of a non-priest. since she is precluded from returning to her father's house to eat terumah as long as she has a son (a non-priest).
- (27) The movement is not a sign of life.
- (28) A unit part of the body having flesh, sinew and bone.
- (29) If these portions form complete members (v. p. 153. n. 4).
- (30) A member of a corpse by contact, carriage and overshadowing (v. p. 153. n. 4), that of carrion by contact and carriage (v. Kel. I, 2) and of a dead reptile by contact only (v. Kel. I, I).
- (31) Reckoning from the ankle to the tip of the toe and in the case of the hand, from the wrist to the finger tips.
- (32) Socket of the hip bone.
- (33) The chest, so called according to Maim, because by its movements it causes the lungs to breathe upon the heart, opening the way for fresh air.
- (34) Defined (Kel. 1.5) as sufficient to form the basis of a growth of healing flesh if the member were part of a living organism.
- (35) But not members of a dead animal or reptile. which, if they have not sufficient flesh upon them, are clean.
- (36) For defilement by overshadowing, either a whole corpse or a whole member of a corpse is required (deduced from Nun., XIX, 14, v. Maim.).
- (37) For a detailed account of the criticism to which this Mishnah has been subjected from a medical point of view and for an anatomical commentary on the terminology v. Katzenelsohn, I. L. Talmud und Medizin (Berlin 1928) pp. 234-303. On p. 257 he states, 'The Rabbinical numeration accords exactly with the number of bones in a seventeen year old male'. That the anatomical knowledge of the Rabbis was based on practical experiments by dissection is known from Bek. 45a.' 'The disciples of R. Ishmael dissected the body of a prostitute who had been condemned to death by the government. By examination they found two hundred and fifty-two members'. Four were deducted as being found in the female but not in the male body, thus obtaining the figure 248. V. also J.E. VIII, p. 410 and Preuss, Biblische u. Talmudische Medizin, pp. 66f., who criticizes Katzenelsohn's views.

Mishna - Mas. Oholoth Chapter 2

MISHNAH 1. THESE THINGS DEFILE¹ BY OVERSHADOWING: A CORPSE,² AN OLIVE-SIZED [PORTION OF FLESH] OF A CORPSE, AN OLIVE-SIZED [PORTION] OF NEZEL,³ A LADLEFUL⁴ OF CORPSE-MOULD,⁵ THE SPINE OR THE SKULL,⁶ [ANY] MEMBER OF A CORPSE, OR [ANY] MEMBER [SEVERED] FROM A LIVING PERSON, A

QUARTER⁷ [OF A KAB] OF BONES COMPRISING THE STRUCTURAL MAJORITY⁸ OR NUMERICAL MAJORITY, THE STRUCTURAL MAJORITY OR NUMERICAL MAJORITY [OF THE BONES] OF A CORPSE EVEN THOUGH THEY DO NOT AMOUNT TO A QUARTER [OF A KAB]; [ALL THESE] ARE UNCLEAN. HOW MANY [BONES] FORM THE NUMERICAL MAJORITY? ONE HUNDRED AND TWENTY-FIVE.

MISHNAH 2. [THE FOLLOWING LIKEWISE DEFILE:] A QUARTER⁹ [OF A LOG] OF BLOOD,¹⁰ A (QUARTER [OF A LOG] OF MIXED BLOOD¹¹ FROM ONE CORPSE. R. AKIBA SAYS: EVEN FROM TWO CORPSES.¹² [WITH REGARD TO] THE BLOOD OF A CHILD THAT HAS COMPLETELY FLOWED FORTH, R. AKIBA SAYS: [IT DEFILES] BE IT OF ANY QUANTITY SOEVER,¹³ BUT THE SAGES SAY: [THERE MUST BE] A QUARTER [OF A LOG].¹⁴ [WITH REGARD TO] AN OLIVE-SIZED [PORTION] OF [CORPSE] WORMS WHETHER ALIVE OR DEAD, R. ELIEZER DECLARES [IT] UNCLEAN, LIKE THE FLESH [WHENCE IT COMES], BUT THE SAGES DECLARE [IT] CLEAN. [WITH REGARD TO] THE ASHES OF CREMATED PERSONS, R. ELIEZER DECLARES ITS [MINIMUM] QUANTITY [FOR DEFILEMENT TO BE] A QUARTER [OF A KAB], BUT THE SAGES DECLARE [THEM TO BE] CLEAN. A LADLEFUL AND [A LITTLE] MORE¹⁵ OF GRAVE-DUST¹⁶ IS UNCLEAN. R. SIMEON DECLARES [IT TO BE] CLEAN. A LADLEFUL OF CORPSE-MOULD KNEADED WITH WATER IS NOT [REGARDED AS] JOINED [INTO ONE MASS] FOR [THE PURPOSES OF] DEFILEMENT.¹⁷

MISHNAH 3. THE FOLLOWING DEFILE BY CONTACT AND CARRIAGE BUT NOT BY OVERSHADOWING: A BONE OF BARLEYCORN SIZE,¹⁸ EARTH FROM A FOREIGN COUNTRY,¹⁹ A BETH PERAS,²⁰ A MEMBER OF A CORPSE, OR A MEMBER [SEVERED] FROM A LIVING PERSON WHICH HAS NO LONGER ITS APPROPRIATE FLESH, A SPINE OR A SKULL WHICH IS DEFICIENT. HOW MUCH IS [CONSIDERED] A DEFICIENCY IN THE SPINE? BETH SHAMMAI SAY: TWO VERTEBRAE, BUT BETH HILLEL SAY: EVEN ONE VERTEBRA. AND IN THE SKULL? BETH SHAMMAI SAY: [THE SIZE OF A] HOLE [MADE] BY A DRILL, BUT BETH HILLEL SAY: AS MUCH AS IF IT WERE TAKEN FROM A LIVING PERSON, HE WOULD DIE.²¹ OF WHAT DRILL DID THEY SPEAK? OF THE SMALL ONE [USED] BY PHYSICIANS.²² [THIS] IS THE OPINION OF R. MEIR, BUT THE SAGES SAY: OF THE LARGE ONE IN THE TEMPLE-CHAMBER.²³

MISHNAH 4. THE COVERING STONE²⁴ AND THE BUTTRESSING²⁵ STONE [OF A GRAVE] DEFILE BY CONTACT AND OVERSHADOWING²⁶ BUT NOT BY CARRIAGE.²⁷ R. ELIEZER SAYS: THEY DO DEFILE BY CARRIAGE. R. JOSHUA SAYS: IF THERE IS GRAVE DUST BENEATH THEM, THEY DEFILE BY CARRIAGE, BUT IF NOT THEY DO NOT DEFILE BY CARRIAGE. WHAT IS THE BUTTRESSING STONE? THAT UPON WHICH THE COVERING STONE IS SUPPORTED. THE STONE THAT SERVES AS BUTTRESS TO THE BUTTRESSING STONE, HOWEVER, IS CLEAN.

MISHNAH 5. THESE ARE CLEAN IF THEY ARE DEFICIENT²⁸ AN OLIVE-SIZED [PORTION] OF A CORPSE, AN OLIVE-SIZED [PORTION] OF NEZEL, A LADLEFUL OF CORPSE-MOULD, A QUARTER [OF A LOG] OF BLOOD, BONE OF THE SIZE OF A BARLEY-CORN, AND A MEMBER [SEVERED] FROM A LIVING PERSON, THE BONE OF WHICH [MEMBER] IS DEFICIENT.

MISHNAH 6. A BACKBONE OR A SKULL [MADE UP FROM THE BONES] OF TWO CORPSES, A QUARTER [OF A LOG] OF BLOOD FROM TWO CORPSES, A QUARTER [OF A KAB] OF BONES FROM TWO CORPSES, A MEMBER OF A CORPSE FROM TWO CORPSES, AND A MEMBER [SEVERED] FROM A LIVING PERSON, [SUCH A MEMBER BEING MADE UP] FROM TWO PERSONS, THESE R. AKIBA DECLARES UNCLEAN BUT THE SAGES

DECLARE CLEAN.

MISHNAH 7. A BONE THE SIZE OF A BARLEY-CORN THAT IS DIVIDED INTO TWO, R. AKIBA DECLARES UNCLEAN BUT R. JOHANAN B. NURI DECLARES CLEAN. R. JOHANAN B. NURI SAID: THEY DID NOT SAY 'BONES' THE SIZE OF A BARLEY-CORN, BUT 'BONE' THE SIZE OF A BARLEY-CORN. A QUARTER [OF A KAB] OF BONES CRUSHED SO FINE THAT THERE IS NOT A SINGLE [BONE] OF BARLEY-CORN SIZE, R. SIMEON DECLARES CLEAN BUT THE SAGES UNCLEAN. A MEMBER [SEVERED] FROM A LIVING PERSON, WHICH [MEMBER] HAS BEEN DIVIDED INTO TWO IS CLEAN. R. JOSE DECLARES [IT] UNCLEAN; BUT HE AGREES THAT IF IT IS TAKEN FROM THE LIVING PERSON BY HALVES IT IS CLEAN.²⁹

(1) Cf. Nab. VII, 2.

(2) Explained in Naz. 50a as being that of an abortion, of less than olive-size.

(3) Possibly from nazal, 'to melt'; explained in Naz. 50a as 'the flesh of a corpse that has coagulated, and liquid secretions from a corpse that has been heated and has congealed'.

(4) Tarwad; Syrian 'large spoon or ladle'. 'Aruch on Kel. XVII, 12: 'the large ladle of physicians'.

(5) Dust known to have originated solely from a corpse. e.g dust from a corpse buried naked in a marble coffin (v. Naz. 51a).

(6) Either of these, even if they had not their appropriate flesh. They are recognisably part of a human skeleton (Bert.).

(7) One kab = four logs = twenty-four eggs, roughly equivalent to two litres.

(8) Bones which make up the greater part of the skeleton's structure e.g.. two shin bones and a thigh bone (Bek. 45a).

(9) One log (cf. Lev. XIV, 10) = six eggs, roughly, equivalent to half a litre.

(10) That has flowed forth after death.

(11) That has flowed forth partly here and partly after death (v. III, 5).

(12) For the reasons the dispute between R. Akiba and the Sages v. Hul. 72a.

(13) Making the case of blood analogous to that of bones, the majority of the skeleton defiling whatever size it be (v. supra 9).

(14) Because one cannot tell, as one can in the case of bones, when the whole amount is present.

(15) According to the text in most Mishnah editions. But the text printed in the Vilna editions of the Talmud read: 'A ladleful of corpse-mould and some grave-dust'. V. Nid. 27b where the same disputants differ over a case of a ladleful of corpse-mould and some (ordinary) dust.

(16) Dust, mixed with blood and cadaverous secretions, from a marble coffin A ladleful and more of this dust is presumed to contain a ladleful of mould.

(17) So that if only a part of his ladleful vote overshadowed, it could not convey tent-defilement. Human agency cannot effect a connection For defilement (v. Infra III, 4).

(18) Katzenelsohn (op. cit , p. 234, n. I) suggests that this size may have been chosen because the ossa sesamoidea, the smallest human bones, are of barleycorn size.

(19) Clods of foreign earth brought in to Palestine were decreed unclean by Jose b. Jo'ezer and Jose b. Johanan (Shab. 15a; v. also Naz. 54b).

(20) A grave-area; a field into which human bodies have been ploughed (v. infra XVIII, 1ff.). Peras according to Bert. from the root meaning 'to break' and according to Maim. from the meaning 'to spread' (viz, the area of uncleanness).

(21) Explained in Bek. 37b as a portion the size of a sela' (a silver coin worth approx. four shillings).

(22) The trepan.

(23) An instrument making a hole the size of a dupondium (Roman penny): v. Kel. XVII, 12.

(24) Golel. Maim. (in comment. on the M.) 'the stone (or wooden board etc.) covering a grave'. Rashi (on Keth. 4b) 'the cover of a coffin'. Perhaps from גלל 'to roll', hence a stone too heavy for lifting and needing to be rolled into position. Cf. אבן גלל Ezra V, 8.

(25) Dofek, from root 'to strike, knock against', hence 'frame against which the golel knocks'. Preuss however (op. cit. p. 609) explains golel as the great rolling stone blocking the entrance to a cave tomb and dofek as the wedge holding it in position.

(26) The grave is expressly included with the corpse in Num. XIX, 16 for defilement by contact, in the passage

following the one giving rules for defilement by overshadowing.

(27) Defilement by carriage is not taught in Scripture directly in connection with a corpse but is derived by the Rabbis a fortiori from carrion (v. Sifre on Num. XIX, 16). The Rabbis applied it to a corpse but not to the grave-stones. R. Eliezer here applies it even to the grave-stones

(28) I.e., if they fall short of the prescribed measure.

(29) Because the member has never been of the size to acquire uncleanness

Mishna - Mas. Oholoth Chapter 3

MISHNAH 1. [WITH REGARD TO] ALL¹ OBJECTS DEFILING BY OVERSHADOWING,² IF THEY³ WERE DIVIDED AND BROUGHT INTO A HOUSE, R. DOSA B. HARKINAS DECLARES CLEAN [WHATSOEVER IS IN THE HOUSE],⁴ BUT THE SAGES DECLARE [IT] UNCLEAN. HOW [IS THIS DIFFERENCE OF OPINION TO BE UNDERSTOOD]? IF [A PERSON] TOUCHES TWO [PORTIONS] OF CARRION,⁵ EACH OF THE SIZE OF HALF AN OLIVE, OR CARRIES THEM, OR, IN THE CASE OF A CORPSE, IF HE TOUCHES [A PORTION] OF THE SIZE OF HALF AN OLIVE AND OVERSHADOWS [ANOTHER PORTION] OF THE SIZE OF HALF AN OLIVE, OR IF HE TOUCHES [A PORTION] OF THE SIZE OF HALF AN OLIVE AND [ANOTHER PORTION] OF THE SIZE OF HALF AN OLIVE OVERSHADOWS HIM, OR IF HE OVERSHADOWS TWO [PORTIONS, EACH] OF THE SIZE OF HALF AN OLIVE, OR IF HE OVERSHADOWS [A PORTION] OF THE SIZE OF HALF AN OLIVE AND [ANOTHER PORTION] OF THE SIZE OF HALF AN OLIVE OVERSHADOWS HIM, R. DOSA B. HARKINAS DECLARES HIM CLEAN, AND THE SAGES DECLARE HIM UNCLEAN. BUT IF HE TOUCHES [A PORTION] OF THE SIZE OF HALF AN OLIVE AND [HAS] ANOTHER OBJECT⁶ OVERSHADOWING HIM AND [ANOTHER PORTION] OF THE SIZE OF HALF AN OLIVE, OR IF HE OVERSHADOWS [A PORTION] OF THE SIZE OF HALF AN OLIVE AND [HAS] ANOTHER OBJECT OVERSHADOWING HIM AND [ANOTHER PORTION] OF THE SIZE OF HALF AN OLIVE, HE IS CLEAN.⁷ (R. MEIR SAID: EVEN HERE R. DOSA B. HARKINAS DECLARES HIM CLEAN AND THE SAGES DECLARE HIM UNCLEAN. EVERY [CASE] IS UNCLEAN⁸ EXCEPT [A CASE OF] CONTACT [COMBINED] WITH CARRIAGE OR OF CARRIAGE [COMBINED] WITH OVERSHADOWING). THIS IS THE GENERAL PRINCIPLE:⁹ EVERY OBJECT [WHOSE DEFILEMENT] PROCEEDS FROM ONE CAUSE¹⁰ IS UNCLEAN, FROM TWO CAUSES IS CLEAN.

MISHNAH 2. IF A LADLEFUL OF CORPSE-MOULD WAS SCATTERED ABOUT IN A HOUSE, THE HOUSE IS UNCLEAN¹¹ BUT R. SIMEON DECLARES IT CLEAN.¹² IF A QUARTER [OF A LOG] OF BLOOD WAS ABSORBED IN [THE GROUND] OF A HOUSE, THE HOUSE IS CLEAN. [IN THE CASE OF] IT BEING ABSORBED BY A GARMENT, IF THIS IS WASHED AND A QUARTER [OF A LOG] OF BLOOD EMERGES FROM IT,¹³ IT IS UNCLEAN,¹⁴ IF NOT, IT IS CLEAN,¹⁵ SINCE ANYTHING ABSORBED THAT CANNOT EMERGE IS CLEAN.¹⁶

MISHNAH 3. [IN THE CASE OF] IT¹⁷ BEING POURED OUT IN THE OPEN AIR, IF THE PLACE [WHERE IT FELL] WAS AN INCLINE AND [A PERSON] OVERSHADOWED PART OF IT, HE [REMAINS] CLEAN.¹⁸ IF IT WAS A CAVITY,¹⁹ OR IF THE BLOOD CONGEALED,²⁰ HE [BECOMES] UNCLEAN. IF IT WERE POURED OUT ON A THRESHOLD WHICH INCLINED EITHER INWARDS OR OUTWARDS AND THE HOUSE OVERSHADOWED IT,²¹ [THE HOUSE] IS CLEAN.¹⁸ IF THERE WAS A CAVITY,²² OR IF IT CONGEALED, [THE HOUSE BECOMES] UNCLEAN. EVERYTHING APPERTAINING TO A CORPSE IS UNCLEAN EXCEPT THE TEETH, HAIR AND NAILS;²³ BUT WHEN THEY ARE JOINED [TO THE CORPSE], THEY ARE ALL UNCLEAN.

MISHNAH 4. HOW IS THIS²⁴ [TO BE ILLUSTRATED]? IF THE CORPSE WERE OUTSIDE

AND ITS HAIR INSIDE, THE HOUSE IS UNCLEAN. [WITH REGARD TO] A BONE WHICH HAD UPON IT AN OLIVE-SIZED PORTION OF FLESH, IF ONE BROUGHT PART OF IT WITHIN, SO THAT THE HOUSE WAS OVERSHADOWING IT, [THE HOUSE] IS UNCLEAN.²⁵ [WITH REGARD TO] TWO BONES WHICH HAD UPON THEM TWO PORTIONS²⁶ OF FLESH, [EACH] OF THE SIZE OF HALF AN OLIVE, IF ONE BROUGHT PART OF THEM WITHIN SO THAT THE HOUSE WAS OVERSHADOWING THEM, [THE HOUSE] IS UNCLEAN. BUT IF [THE PIECES OF FLESH] WERE FIXED IN POSITION BY HUMAN AGENCY, THE HOUSE IS CLEAN SINCE CONNECTIONS EFFECTED BY HUMAN AGENCY ARE NOT [REGARDED AS BEING] CONNECTED.²⁷

MISHNAH 5. WHAT IS 'MIXED BLOOD'?²⁸ 'THE BLOOD OF A CORPSE OF WHICH AN EIGHTH [OF A LOG] ISSUED DURING LIFETIME AND AN EIGHTH AFTER DEATH. THIS IS THE OPINION OF R. AKIBA. R. ISHMAEL SAYS: [WE MUST IMAGINE] A QUARTER [OF A LOG TO HAVE ISSUED] DURING LIFETIME AND A QUARTER AFTER DEATH, [THEN IT IS] A QUARTER TAKEN FROM BOTH OF THESE. R. ELEAZAR SON OF R. [JUDAH]²⁹ SAYS: BOTH OF THESE³⁰ ARE AS WATER. WHAT THEN IS 'MIXED BLOOD'? IT IS THAT OF A CRUCIFIED PERSON WHOSE BLOOD IS STREAMING FORTH AND UNDER WHOM IS FOUND A QUARTER [OF A LOG] OF BLOOD. IT IS UNCLEAN.³¹ THAT, HOWEVER, OF A CORPSE WHOSE BLOOD DRIPS FORTH AND UNDER WHOM IS FOUND A QUARTER [OF A LOG] OF BLOOD, IS CLEAN.³² R. JUDAH SAYS: NOT SO, BUT THAT WHICH STREAMS FORTH IS CLEAN³³ AND THAT WHICH DRIPS FORTH³⁴ IS UNCLEAN.

MISHNAH 6. FOR AN OLIVE-SIZED PORTION OF A CORPSE, AN OPENING [IN THE ROOM IN WHICH IT IS FOUND] OF ONE HANDBREADTH [SQUARE], AND FOR A [WHOLE] CORPSE, AN OPENING OF FOUR HANDBREADTHS [SQUARE, SUFFICES] TO PREVENT THE UNCLEANNESS FROM [SPREADING TO THE OTHER] OPENINGS;³⁵ BUT FOR ALLOWING THE UNCLEANNESS TO COME FORTH,³⁶ AN OPENING OF ONE HANDBREADTH [SQUARE SUFFICES].³⁷ [A PORTION] GREATER THAN THE SIZE OF AN OLIVE IS RECKONED AS A [WHOLE] CORPSE. R. JOSE SAYS: [ONLY]³⁸ THE SPINE AND THE SKULL ARE RECKONED AS A [WHOLE] CORPSE.

MISHNAH 7. [AN OBJECT] ONE HANDBREADTH SQUARE³⁹ [STANDING] ONE HANDBREADTH HIGH⁴⁰ CAN BRING UNCLEANNESS⁴¹ AND SCREEN⁴² FROM UNCLEANNESS. HOW DOES IT [SCREEN]?⁴³ IN THE CASE OF AN ARCHED-UP⁴⁴ DRAIN BENEATH A HOUSE, IF THERE WAS A SPACE OF A HANDBREADTH WIDE⁴⁵ THEREIN AND ITS OUTLET⁴⁶ WAS A HANDBREADTH WIDE, WHEN THERE IS UNCLEANNESS⁴⁷ INSIDE IT, THE HOUSE REMAINS CLEAN;⁴⁸ AND WHEN THERE IS UNCLEANNESS IN THE HOUSE, THAT WHICH IS WITHIN [THE DRAIN] REMAINS CLEAN, FOR THE MANNER OF THE UNCLEANNESS IS TO GO OUT AND NOT TO GO IN. IF THERE WAS A SPACE OF ONE HANDBREADTH WIDE THEREIN BUT ITS OUTLET WAS NOT ONE HANDBREADTH WIDE, WHEN THERE IS UNCLEANNESS THEREIN, THE HOUSE BECOMES UNCLEAN;⁴⁹ BUT WHEN THERE IS UNCLEANNESS IN THE HOUSE, THAT WHICH IS WITHIN IT REMAINS CLEAN, FOR THE MANNER OF THE UNCLEANNESS IS TO GO OUT⁵⁰ AND NOT TO GO IN.⁵¹ IF THERE WAS NOT A SPACE OF ONE HANDBREADTH WIDE THEREIN AND ITS OUTLET WAS NOT ONE HANDBREADTH WIDE,⁵² WHEN THERE IS UNCLEANNESS WITHIN IT, THE HOUSE BECOMES UNCLEAN; AND WHEN THERE IS UNCLEANNESS IN THE HOUSE, IT [ALSO] BECOMES UNCLEAN. IT IS ONE [AND THE SAME IF THE SPACE IS] A CAVITY EXCAVATED BY WATER OR BY VERMIN OR IF IT HAD BEEN EATEN OUT BY A SALINE SUBSTANCE; AND SIMILARLY [IF IT IS IN] A ROW⁵³ OF STONES OR A PILE⁵⁴ OF BEAMS. R. JUDAH SAYS: ANY 'TENT' NOT MADE BY HUMAN AGENCY⁵⁵ IS NOT CONSIDERED A TENT'. BUT HE AGREES THAT CREVICES AND CRAGS [CAN BE CONSIDERED AS 'TENTS'].

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- (1) Cf. 'Ed. III, 1.
 - (2) Mentioned supra II, 1f.
 - (3) I.e., a portion of the minimum quantity for defilement.
 - (4) In their divided state they cannot combine to convey defilement by overshadowing.
 - (5) The dispute apparently also included defilement by carrion.
 - (6) A board, etc.
 - (7) Even according to the Sages. The reason is discussed in Hul. 125b.
 - (8) R. Meir, continuing his exposition of the opinion of the Sages. According to him they hold that two quantities may combine to form the minimum quantity in any mixed case of contact and overshadowing (regarded as one and the same cause), but not in any other mixed case arising from two causes.
 - (9) Resuming the view of the first Tanna interrupted by the exposition of R. Meir.
 - (10) The object is being affected by two portions which together form the minimum quantity, and which both defile through the same cause, either contact, carriage or overshadowing.
 - (11) The scattered Portions are regarded as combining.
 - (12) Maintaining that since it Presumably is now mixed with the dust of the house, it is just like that corpse-mould originating from a mixture of corpse matter and non-cadaverous dust which does not defile (v. supra II, 1, n. 5).
 - (13) This fact is ascertained by mingling a quarter of a log of blood with a quantity of water equal to that used in washing the garment and comparing the colours of the two mixtures (Bert.).
 - (14) And renders the house in which it is brought unclean by overshadowing.
 - (15) In so far as it does not render the house unclean.
 - (16) v. Nid. 62b.
 - (17) A quarter log of blood from a corpse.
 - (18) The incline cannot be regarded as a connective, holding the full quarter of a log together.
 - (19) The equivalent word in Arabic means 'swamp'. 'gathering together of waters'.
 - (20) Even on an incline.
 - (21) I.e., part of it.
 - (22) In the threshold.
 - (23) Either because they change their substance continually or because they did not exist at the time the person was created.
 - (24) The last fact mentioned in the previous Mishnah.
 - (25) The bone forms the handle (**ט**) for the flesh in transmitting the uncleanness; v. 'Uk. I, 1.
 - (26) One portion upon each bone.
 - (27) Hence the bone, in this last instance, cannot be considered as forming the 'handle' for the flesh in transmitting uncleanness.
 - (28) . Referred to in supra II, 2.
 - (29) Sometimes known as R. Eleazar of Bertotha (v. Ab. III, 7).
 - (30) Definitions of 'mixed blood' according to R. Akiba and R. Ishmael.
 - (31) Such blood, streaming forth continually, is regarded as containing that drop issuing forth at the moment of death and also as containing at least half its bulk of unclean blood, issued after death.
 - (32) Each drop of unclean cadaverous blood is regarded as being neutralised as it falls into the greater bulk of non-cadaverous blood.
 - (33) Since it is regarded as possible that the drop of blood issuing from the crucified man at the moment of death did not fall into the quarter of a log but remained on the cross (Bert.).
 - (34) The slow rate at which the blood issues proving that it is cadaverous (Maim.). The question is discussed in Nid. 71a. V. also Preuss (op. cit.) p. 242.
 - (35) As explained infra VII, 3, corpse uncleanness through overshadowing extends beyond the room to the doors thereof, and even if they are closed, to the objects beneath their lintels, because it is assumed that the corpse is due to be removed through any one of them. Where, however, it is known that a definite exit will be used, that exit alone becomes unclean and all the rest, provided the doors be closed, remain clean. The Mishnah gives the minimum size of such an exit.
 - (36) And proceed to an adjacent space.

- (37) Even for a whole corpse.
- (38) So Wilna Gaon.
- (39) At least one handbreadth in length and breadth.
- (40) Above the uncleanness.
- (41) To other objects in the same space.
- (42) The object forming the roof protects other things above it from being defiled. If, however, the roof is less than one handbreadth high, the uncleanness will cleave its way upward and downward (v. infra VI, 6).
- (43) So Bert. and most comm., the screening effect being the novel aspect that needs illustrating.
- (44) קמור The word is akin to Gr. ** and Latin camera, 'a vaulted space'.
- (45) I.e., a space one handbreadth cube.
- (46) Carrying the waste out into the street.
- (47) An olive-sized portion of a corpse, a greater quantity necessitating an outlet of four handbreadths.
- (48) Since the uncleanness proceeds by the outlet into the street. The drain, by being of the stipulated size, thus screens the house from uncleanness.
- (49) There being no outlet for the uncleanness, the drain becomes a 'closed grave' whose uncleanness cleaves upwards and downwards.
- (50) To the street.
- (51) To the drain.
- (52) The dimensions of the outlet in this case are really immaterial, the drain in any case being reckoned as part of the ground of the house.
- (53) מרבך The word occurs in the quotation from this Mishnah in Suk. 20b as מרבך . which is, no doubt, from the same root as נרבך , Ezra VI, 4. The root רבך may possibly be the same as רבך 'to join together', hence a 'course of stones'. If one stone falls out a shelter can be formed.
- (54) סואר (also found as סור). Explained in 'Aruch from the cognate Arabic as 'pile'. Possibly from a root similar to 'to collect'.
- (55) The reason of R. Judah's statement is given in Suk. 21a. He considers that 'tent' should be similar in manner to the 'Tent of Meeting', the tabernacle of the wilderness, made by human agency.

Mishna - Mas. Oholoth Chapter 4

MISHNAH 1. [WITH REGARD TO] A CUPBOARD¹ STANDING IN THE OPEN AIR, IF THERE IS UNCLEANNESS WITHIN IT, VESSELS IN THE [NICHE² IN THE] THICKNESS [OF ITS WALLS] REMAIN CLEAN.³ IF THERE IS UNCLEANNESS IN [THE NICHE IN] ITS THICKNESS, VESSELS INSIDE [THE CUPBOARD] REMAIN CLEAN. R. JOSE SAYS: HALF AND HALF.⁴ WHEN IT IS STANDING INSIDE A HOUSE, IF THERE IS UNCLEANNESS INSIDE [THE CUPBOARD]. THE HOUSE BECOMES UNCLEAR;⁵ IF THERE IS UNCLEANNESS IN THE HOUSE, THAT WHICH IS WITHIN [THE CUPBOARD] REMAINS CLEAN,⁶ FOR THE MANNER OF UNCLEANNESS IS TO GO OUT⁷ AND NOT TO GO IN.⁸ [WITH REGARD TO] VESSELS WHICH ARE BETWEEN [THE CUPBOARD] AND THE GROUND, OR BETWEEN IT AND THE WALL, OR BETWEEN IT AND THE ROOFBEAMS, IF THERE IS A SPACE OF ONE CUBIC HANDBREADTH THERE, THEY BECOME UNCLEAR⁹ BUT IF NOT THEY REMAIN CLEAN.¹⁰ IF THERE IS UNCLEANNESS THERE,¹¹ THE HOUSE BECOMES UNCLEAR.¹²

MISHNAH 2. [WITH REGARD TO] A DRAWER OF THE CUPBOARD, WHICH IS OF ONE CUBIC HANDBREADTH, BUT WHOSE OUTLET IS NOT A SQUARE HANDBREADTH IN SIZE, IF THERE IS UNCLEANNESS THEREIN, THE HOUSE BECOMES UNCLEAR; BUT IF THERE IS UNCLEANNESS IN THE HOUSE, THAT WHICH IS WITHIN [THE DRAWER] REMAINS CLEAN, FOR THE MANNER OF UNCLEANNESS IS TO GO OUT AND NOT TO GO IN. R. JOSE DECLARES [THE HOUSE]¹³ CLEAN, SINCE HE CAN REMOVE [THE UNCLEANNESS] BY HALVES¹⁴ OR BURN IT WHERE IT STANDS.¹⁵

MISHNAH 3. [IN THE CASE WHERE] THE CUPBOARD IS STANDING IN THE DOORWAY AND IS OPENED OUTWARD, IF THERE IS UNCLEANNESS THEREIN, THE HOUSE REMAINS CLEAN. IF THERE IS UNCLEANNESS IN THE HOUSE, THAT WHICH IS WITHIN [THE CUPBOARD] BECOMES UNCLEAN.¹⁶ FOR THE MANNER OF UNCLEANNESS IS TO GO OUT AND NOT TO GO IN. IF ITS WHEELED BASE¹⁷ PROTRUDED THREE FINGERBREADTHS BEHIND IT¹⁸ AND THERE WAS UNCLEANNESS THEREIN¹⁹ UNDER THE ROOF-BEAMS, THE HOUSE REMAINS CLEAN.²⁰ WHEN DOES THIS RULING APPLY? WHEN THERE IS A SPACE THEREIN OF ONE CUBIC HANDBREADTH,²¹ WHEN IT IS NOT DETACHABLE,²² AND WHEN THE CUPBOARD IS OF THE STIPULATED SIZE.²³

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- (1) Of wood, with a cubic content of forty se'ahs. According to Kel. XV, 1 such a cupboard cannot receive uncleanness.
 - (2) These niches, of less than a cubic handbreadth in size, go right through the thickness of the walls and open inwards and outwards.
 - (3) The niches are reckoned as pertaining to the open air.
 - (4) The outside half of the niche is reckoned as pertaining to the open air and the inside half to the cupboard.
 - (5) Even if the cupboard doors are closed because the uncleanness must eventually proceed into the house.
 - (6) If the cupboard doors are closed.
 - (7) From the cupboard to the house.
 - (8) From the house to the cupboard.
 - (9) When there is a corpse in the house.
 - (10) The uncleanness not being able to penetrate.
 - (11) The space being less than a cubic handbreadth.
 - (12) The cupboard, though forming a 'tent' within a 'tent', cannot prevent the uncleanness from escaping, just as a sealed cover cannot do it (cf. Kel. VIII, 6).
 - (13) In the former case.
 - (14) So that the uncleanness going forth would be of less than the prescribed minimum size.
 - (15) So that the uncleanness would never go out.
 - (16) The text in Hul. 125b apparently followed by Bert. reads: 'clean'. This reading regards the uncleanness as going out of the house and missing the cupboard. The reading in this Mishnah is explained by Tosaf. Y.T. as applying to the case where the cupboard occupies almost the whole of the doorway. The uncleanness being unable to emerge. has to force its way through the cupboard walls.
 - (17) מוֹכְנֵי Gr. **, machine (v. Kel. XVIII, 2).
 - (18) I.e., as the cupboard was standing in the doorway.
 - (19) In a container in the base.
 - (20) The base is regarded as belonging to the cupboard.
 - (21) The uncleanness is then not in a confined space and cannot cleave upwards.
 - (22) The base forms part of the cupboard.
 - (23) Forty se'ahs, v. Mishnah I, n. 1.

Mishna - Mas. Oholoth Chapter 5

MISHNAH 1. [WITH REGARD TO] AN OVEN WHICH STOOD IN A HOUSE, WITH ITS OUTLET¹ CURVED TO THE OUTSIDE [OF THE HOUSE]. IF CORPSE-BEARERS OVERSHADOWED IT,² BETH SHAMMAI SAY: ALL BECOMES UNCLEAN.³ BETH HILLEL SAY: THE OVEN BECOMES UNCLEAN, BUT THE HOUSE REMAINS CLEAN. R. AKIBA SAYS: EVEN THE OVEN REMAINS CLEAN.⁴

MISHNAH 2. [WITH REGARD TO] A HATCHWAY⁵ BETWEEN THE HOUSE AND THE UPPER STOREY, IF THERE WAS A POT PLACED OVER IT AND THIS WAS PERFORATED [BY A HOLE OF SUFFICIENT SIZE] TO ADMIT LIQUID,⁶ BETH SHAMMAI SAY: ALL BECOMES UNCLEAN.⁷ BETH HILLEL SAY: THE POT BECOMES UNCLEAN⁸ BUT THE

UPPER STOREY REMAINS CLEAN. R. AKIBA SAYS: ALL REMAINS CLEAN.

MISHNAH 3. IF [THE POT]⁹ WAS WHOLE, BETH HILLEL SAY: IT PROTECTS ALL [FROM UNCLEANNESS]. BETH SHAMMAI SAY: IT PROTECTS ONLY FOOD, DRINK AND EARTHENWARE VESSELS.¹⁰ BETH HILLEL RETRACTED AND TAUGHT AS BETH SHAMMAI.

MISHNAH 4. [WITH REGARD TO] A FLAGON,¹¹ FULL OF LIQUID, THE FLAGON IS DEFILED WITH A DEFILEMENT OF SEVEN [DAYS' DURATION] BUT THE LIQUID REMAINS CLEAN.¹² BUT IF ONE Poured IT OUT INTO ANOTHER VESSEL,¹³ IT BECOMES UNCLEAR.¹⁴ IF A WOMAN WAS KNEADING [IN THE UPPER STOREY.] AT A TROUGH, THE WOMAN AND THE TROUGH BECOME UNCLEAR, BUT THE DOUGH REMAINS CLEAR. BUT IF ONE TURNED IT OUT INTO ANOTHER VESSEL, IT BECOMES UNCLEAR. BETH HILLEL RETRACTED AND TAUGHT AS BETH SHAMMAI.¹⁵

MISHNAH 5. IF [LYING OVER THE HATCHWAY] THERE WERE VESSELS OF [BAKED] ORDURE,¹⁶ VESSELS OF STONE, OR VESSELS OF [UNBAKED] EARTH,¹⁷ ALL [IN THE UPPER STOREY] REMAINS CLEAR. IF IT WAS A VESSEL KNOWN TO BE CLEAR FOR HOLY THINGS OR FOR [THE WATER OF] PURIFICATION,¹⁸ ALL REMAINS CLEAR,¹⁹ EVERYONE²⁰ BEING TRUSTED WITH [REGARD TO MATTERS OF] PURIFICATION;²¹ FOR CLEAR VESSELS AND EARTHENWARE VESSELS THAT ARE [KNOWN TO BE] CLEAR²² PROTECT IN ASSOCIATION WITH THE WALLS OF 'TENTS'.²³

MISHNAH 6 HOW [IS THE CASE TO BE IMAGINED]? IF THERE WAS A CISTERN OR A CELLAR²⁴ IN A HOUSE²⁵ AND AN OLIVE-BASKET²⁶ WAS PLACED OVER IT, [THE CONTENTS OF THE CISTERN OR CELLAR] REMAIN CLEAR. BUT IF IT WAS A WELL [WITH ITS UPPER EDGE] LEVEL [WITH THE GROUND]. OR A DEFICIENT²⁷ BEEHIVE. UPON WHICH THE OLIVE-BASKET WAS PLACED, [THE CONTENTS] BECOME UNCLEAR.²⁸ IF IT WAS A SMOOTH BOARD OR A KNEADING BOARD²⁹ WITHOUT RIMS, [THE CONTENTS] REMAIN CLEAR.³⁰ FOR VESSELS CANNOT PROTECT ALONG WITH WALLS OF SHELTERS UNLESS THEY THEMSELVES HAVE WALLS. HOW MUCH MUST THE WALL BE? A HANDBREADTH. IF THERE WAS HALF A HANDBREADTH ON ONE AND HALF A HANDBREADTH ON THE OTHER,³¹ IT IS NOT [CONSIDERED] A WALL, AS THERE MUST BE A WHOLE HANDBREADTH ON ONE OBJECT.

MISHNAH 7. JUST AS THEY³² PROTECT INSIDE [A 'TENT'] SO DO THEY PROTECT OUTSIDE. HOW SO? IN THE CASE OF AN OLIVE-BASKET SUPPORTED ON PEGS³³ ON THE OUTSIDE [OF A 'TENT']. IF THERE WAS UNCLEANNESS BENEATH IT, VESSELS IN THE OLIVE-BASKET REMAIN CLEAR.³⁴ BUT IF IT WAS [NEXT TO] THE WALL OF A COURTYARD OR OF A GARDEN, IT DOES NOT AFFORD PROTECTION.³⁵ [IN THE CASE OF] A BEAM³⁶ PLACED ACROSS FROM ONE WALL TO AN OTHER,³⁷ WITH A POT HANGING FROM IT,³⁸ IF THERE WAS UNCLEANNESS BENEATH IT,³⁹ R. AKIBA DECLARES THE VESSELS INSIDE IT TO BE CLEAR,⁴⁰ BUT THE SAGES DECLARE THEM UNCLEAR.⁴¹

(1) Of one handbreadth square (v. Kel. VIII, 7). The reference is to an earthenware pot.

(2) With the corpse.

(3) The uncleanness penetrating the house by way of the outlet.

(4) Since only the outlet was overshadowed, not the oven itself.

(5) Of one handbreadth square.

(6) For the prescribed test to determine this fact, v. Nid. 49a.

(7) When there is a corpse in the house. The earthenware pot, because it is defective, is considered on its own and not as

a continuation of the roof of the house. It cannot protect its own contents from uncleanness since it no longer has the equivalent of a tightly fitting lid between itself and the defiling source. Hence it cannot protect the objects in the upper storey.

- (8) A precautionary measure of the Sages, but really it is clean and therefore can protect the upper storey.
- (9) This Mishnah deals with the case of a pot belonging to an 'am ha-arez, a person negligent of Rabbinic law (Bert.). V. 'Ed. I, 14, Sonc. ed., p. 8, for the full argument.
- (10) These objects, if they belonged to all 'am ha-arez would not, in any case, be used by a haber, a scrupulous observer of Rabbinic law, without due precaution. Other vessels, however, might be used unless they were definitely declared unclean.
- (11) 'Flagon', here of metal or wood. The flagon is in the upper storey, with the pot set over the hatchway.
- (12) Being protected by the pot, according to Beth Shammai in supra 3.
- (13) Of wood or metal, in the upper storey, which had thus already suffered corpse uncleanness.
- (14) Food and drink are only protected when they are in their original container.
- (15) V. 'Ed. I, 14.
- (16) אר"ח ובר' 'Aruch and Bert. 'cattle dung'. but Rashi (on Shab. 16b) 'marble'.
- (17) All these vessels being insusceptible to uncleanness and affording protection to everything, even wood or metal vessels.
- (18) Cf. Par. V, 1; Num. XIX, 17. It was the water used for compounding the ashes of the red heifer.
- (19) Cf. n. 7.
- (20) Even an 'am ha-arez
- (21) Cf. Par. V, 1.
- (22) Such as those mentioned in this Mishnah.
- (23) As in the case of the pot over the hatchway. No such protection can, however, be afforded by these vessels on their own as is explained in the next Mishnah.
- (24) A cistern or chamber with walls of masonry situated beneath a house. Both cistern and cellar have walls projecting at least one handbreadth above the floor.
- (25) In which there is a corpse.
- (26) A large basket in which olives were placed in order to become soft. Having a capacity of more than forty Se'ahs, it is insusceptible to uncleanness, cf. Kel. XV, I.
- (27) A beehive of more than forty se'ahs' capacity which had been broken and had not been stopped up with straw or the like. Var. lec., 'open'. i.e., at both ends.
- (28) In neither case are there any walls that could be associated with the walls of the olive-basket to protect from the uncleanness.
- (29) So Bert. Maim.: a perforated board, colander.
- (30) Not being regarded as vessels, they require no 'tent' walls with which to be associated.
- (31) I.e., half a handbreadth on the vessel and half on the projecting wall.
- (32) Vessels in association with 'tent walls.
- (33) The basket standing one handbreadth above the ground.
- (34) The basket touching the wall of the 'tent' is associated with it to protect its own contents.
- (35) The walls not being themselves made to serve as 'tent' walls.
- (36) One handbreadth broad, one handbreadth above the ground.
- (37) In the open air.
- (38) At a distance from the beam of less than a handbreadth.
- (39) The beam.
- (40) Just as in a room, where uncleanness is not able to penetrate into a space of less than a handbreadth.
- (41) The pot, not being directly associated with the walls of any 'tent', cannot protect its own contents.

Mishna - Mas. Oholoth Chapter 6

MISHNAH 1. BOTH PERSONS AND VESSELS CAN FORM¹ 'TENTS' TO BRING UNCLEANNESS, BUT NOT TO [PROTECT OBJECTS SO THAT THEY] REMAIN CLEAN.² HOW [CAN THIS BE ILLUSTRATED]? [BY THE CASE OF] FOUR PERSONS CARRYING³ A

BLOCK OF STONE.⁴ IF THERE IS UNCLEANNESS BENEATH IT, VESSELS UPON IT BECOME UNCLEAR.⁵ IF THERE IS UNCLEANNESS UPON IT, VESSELS BENEATH IT BECOME UNCLEAR. R. ELIEZER DECLARES THEM CLEAN.⁶ [IN THE CASE OF THE LARGE STONE] BEING PLACED UPON FOUR VESSELS, EVEN IF THEY BE VESSELS OF [BAKED] ORDURE, VESSELS OF STONE, OR VESSELS [UNBAKED] OF EARTH,⁷ IF THERE IS UNCLEANNESS BENEATH [THE STONE], VESSELS UPON IT BECOME UNCLEAR. IF THERE IS UNCLEANNESS BENEATH IT, VESSELS UPON IT BECOME UNCLEAR. [IN THE CASE OF THE LARGE STONE] BEING PLACED ON FOUR STONES OR ON ANY LIVING CREATURE, IF THERE IS UNCLEANNESS BENEATH IT, VESSELS UPON IT REMAIN CLEAN.⁸ IF THERE IS UNCLEANNESS UPON IT VESSELS BENEATH IT REMAIN CLEAN.

MISHNAH 2. IN THE CASE WHERE THE CORPSE-BEARERS WERE PASSING ALONG A PORTICO⁹ AND ONE OF THEM¹⁰ SHUT A DOOR¹¹ AND¹² LOCKED IT WITH A KEY, IF THE DOOR CAN REMAIN IN ITS POSITION ON ITS OWN,¹³ [THE CONTENTS OF THE HOUSE]¹⁴ REMAIN CLEAN, BUT IF NOT, THEY BECOME UNCLEAR. SIMILARLY [IN THE CASE OF] A BARREL¹⁵ OF DRIED FIGS OR A BASKET OF STRAW¹⁶ PLACED IN A WINDOW,¹⁷ IF THE DRIED FIGS OR THE STRAW CAN REMAIN IN THEIR POSITION ON THEIR OWN, [THE CONTENTS OF THE ROOM] REMAIN CLEAN, BUT IF NOT THEY BECOME UNCLEAR. [IN THE CASE OF] A HOUSE PARTITIONED OFF BY WINE-JARS, WHICH HAD BEEN PLASTERED WITH CLAY,¹⁸ IF THE CLAY CAN REMAIN IN ITS POSITION ON ITS OWN, [THE SPACE PARTITIONED OFF] REMAINS CLEAN, BUT IF NOT, IT BECOMES UNCLEAR.

MISHNAH 3. A WALL SERVING A HOUSE IS TREATED BY HALVES. HOW SO? [IN THE CASE OF] A WALL LOOKING TOWARDS AN OPEN SPACE, HAVING UNCLEANNESS WITHIN IT, IF THIS IS IN THE INWARD HALF, THE HOUSE BECOMES UNCLEAR, BUT WHAT IS ABOVE [THE WALL]¹⁹ REMAINS CLEAN.²⁰ IF IT IS IN THE OUTWARD HALF, THE HOUSE REMAINS CLEAN, BUT WHAT IS ABOVE [THE WALL] BECOMES UNCLEAR.²¹ IF IT IS EXACTLY IN THE MIDDLE, THE HOUSE BECOMES UNCLEAR, AND AS FOR WHAT IS ABOVE, R. MEIR DECLARES IT UNCLEAR, BUT THE SAGES CLEAN.²² R. JUDAH SAYS: THE WHOLE OF THE WALL²³ APPERTAINS TO THE HOUSE.

MISHNAH 4. [IN THE CASE OF] A WALL BETWEEN TWO HOUSES,IF THERE IS UNCLEANNESS WITHIN IT, THE HOUSE NEARER TO THE UNCLEANNESS IS UNCLEAR, AND THE HOUSE NEARER TO THE CLEAN PART IS CLEAN. IF [THE UNCLEANNESS] IS IN THE MIDDLE, BOTH ARE UNCLEAR. IF THERE IS UNCLEANNESS IN ONE OF THE [HOUSES] AND THERE ARE VESSELS IN [THE THICKNESS OF] THE WALL, THOSE IN THE HALF NEARER THE UNCLEANNESS ARE UNCLEAR, THOSE IN THE HALF NEARER THE CLEAN [HOUSE] ARE CLEAN, AND THOSE IN THE MIDDLE ARE UNCLEAR. [WITH REGARD TO THE] PLASTER-WORK BETWEEN THE HOUSE AND THE UPPER STOREY, IF THERE IS UNCLEANNESS THEREIN IN THE LOWER HALF, THE HOUSE [BELOW] IS UNCLEANNESS AND THE UPPER STOREY IS UNCLEAR AND THE HOUSE IS CLEAN: BUT IF IT IS IN THE MIDDLE, BOTH ARE UNCLEAR. IF THERE IS UNCLEANNESS IN EITHER [THE] HOUSE OR THE UPPER STOREY] AND THERE ARE VESSELS INSIDE THE PAYMENT, THOSE IN THE HALF NEARER THE UNCLEANNESS ARE UNCLEAR, AND THOSE IN THE HALF NEARER THE CLEAN [SPACE] ARE CLEAN. IF THEY ARE IN THE MIDDLE, THEY ARE UNCLEAR. R. JUDAH SAYS: ALL THE PLASTER-WORK [IS RECKONED] TO APPERTAIN TO THE UPPER STOREY.

MISHNAH 5. [IN THE CASE OF] UNCLEANNESS AMONG THE ROOF-BEAMS, [WITH A COVERING] BENEATH IT THIN AS GARLIC-SKIN,²⁴ IF THERE IS A SPACE WITHIN²⁵ OF A

CUBIC HANDBREADTH, EVERYTHING BECOMES UNCLEAN.²⁶ IF THERE IS NOT A SPACE OF A CUBIC HANDBREADTH, THE UNCLEANNESS IS CONSIDERED PLUGGED UP.²⁷ IF THE UNCLEANNESS WAS VISIBLE WITHIN THE HOUSE, IN EITHER CASE THE HOUSE BECOMES UNCLEAN.

MISHNAH 6. A HOUSE SERVING [TO FORM] A WALL²⁸ IS SUBJECT TO THE PRINCIPLE OF GARLIC-SKIN. HOW SO? [IN THE CASE OF] A WALL BETWEEN TWO TOMB-NICHES OR TWO CAVERNS, IF THERE IS UNCLEANNESS IN THESE SPACES AND IN THE WALLS ARE VESSELS, OVER WHICH THERE IS A COVERING THIN AS GARLIC-SKIN, THEY REMAIN CLEAN. IF THE UNCLEANNESS IS IN THE WALL AND THE VESSELS ARE IN THE SPACE, AND THERE IS A COVERING THIN AS GARLIC-SKIN OVER THE UNCLEANNESS, THEY REMAIN CLEAN. IF THERE IS UNCLEANNESS BENEATH A PILLAR, THE UNCLEANNESS²⁹ CLEAVES UPWARDS AND DOWNWARDS.

MISHNAH 7. VESSELS BENEATH THE CAPITAL³⁰ [OF A PILLAR] REMAIN CLEAN.³¹ R. JOHANAN B. NURI DECLARES THEM UNCLEAN. [IN THE CASE OF] THE UNCLEANNESS AND THE VESSELS BEING [TOGETHER] BENEATH THE CAPITAL, IF THERE IS A SPACE OF ONE CUBIC HANDBREADTH THERE, [THE VESSELS] BECOME UNCLEAN; IF NOT, THEY REMAIN CLEAN.³² [IN THE CASE OF] TWO WALL-CUPBOARDS,³³ ONE BESIDE THE OTHER, OR ONE ABOVE THE OTHER,³⁴ IF ONE OF THEM WERE OPENED, BOTH IT AND THE HOUSE BECOME UNCLEAN, BUT ITS COMPANION REMAINS CLEAN.³⁵ THE WALL-CUPBOARDS ARE CONSIDERED³⁶ AS IF PLUGGED UP,³⁷ AND ARE SUBJECT TO THE PRINCIPLE OF HALVES³⁸ FOR CONVEYING UNCLEANNESS INTO THE HOUSE.

(1) Either by they themselves overshadowing or else by supporting a 'tent' as explained further in this Mishnah.

(2) As can clean vessels in association with the walls of 'tents' (v. supra v, 5).

(3) In the open air.

(4) נִדְבָךְ . Bert. renders the word here 'a large and broad stone'. The reading adopted by the 'Aruch, however, is rendered 'bier'. If this reading is adopted, it is of course understood that there is no corpse on the bier.

(5) The stone overshadows all beneath it, causing all to be unclean, but cannot act as a 'tent' to prevent anything upon it from acquiring uncleanness from the source beneath.

(6) In both cases (so Bert.), R. Eliezer regarding persons and vessels as forming 'tents', valid for all purposes.

(7) These vessels are insusceptible to uncleanness but are too small (less than forty se'ahs) to afford protection.

(8) The stones not being vessels, they serve as valid sides of a 'tent' for all purposes.

(9) Exedra, a covered walk in front of a house.

(10) Of those who followed in the procession (Bert.).

(11) Leading directly from the portico to a house.

(12) L. suggests 'or', The man either keeping The door closed by his own weight or with a key.

(13) Without support of the key. or (L.) of the man.

(14) To which the door gives access.

(15) Of earthenware, with its mouth turned outwards.

(16) These foods, being spoiled beyond all possibility of edible value even for cattle are, of their own, insusceptible to uncleanness (Bert.).

(17) Not less than one handbreadth square and communicating between a clean and unclean space.

(18) There being uncleanness on one side of the partition.

(19) Even if directly above The uncleanness.

(20) The uncleanness being considered as belonging for all purposes to the house alone and not as 'compressed'. with powers of cleaving upwards and downwards.

(21) As compressed uncleanness cleaves upwards.

(22) Whereas R. Meir considers the wall to appertain both to the house and to the open space, the Sages hold that it belongs entirely to the house.

(23) Even the half towards the open space.

- (24) Preventing the uncleanness from being visible within the house (v. Kel. IX, 1).
- (25) Where the uncleanness is.
- (26) The space becomes a 'closed grave' defiling all its surroundings, in this case both the house and the upper storey.
- (27) Compressed uncleanness, cleaving upwards and downwards.
- (28) I.e., the wall has been formed by the excavation of two adjacent houses or caves.
- (29) Being compressed beneath the pillar in this vault (cf. supra III, 7, n. 6).
- (30) Lit., 'flower', hence applied to the flower-like decoration on the capital of a pillar.
- (31) Even when there is 'compressed' uncleanness beneath another part of the capital, since this kind of uncleanness does not spread sideways.
- (32) Less than one handbreadth being insufficient to convey uncleanness by overshadowing.
- (33) פּרדסִים , Aramaic 'wall-cupboard'. Perhaps some form from Gk. ** 'a tower', hence 'tower-like structure'.
- (34) With uncleanness beneath one of them. Each has a content of less than a cubic handbreadth '(L.)', a space of greater size constituting a closed grave. (V. Mishnah 5, n. 5).
- (35) The uncleanness is not considered as 'compressed' but Follows the law of uncleanness in a wall. When the companion cupboard is closed, it cannot receive the uncleanness.
- (36) When they are closed.
- (37) Forming part of the solid wall.
- (38) When the uncleanness lies beneath them (v. Mishnah 3).

Mishna - Mas. Oholoth Chapter 7

MISHNAH 1. IF THERE IS UNCLEANNES IN A WALL [IN A FREE] SPACE OF ONE CUBIC HANDBREADTH, ALL UPPER STOREYS ABOVE IT, EVEN IF THERE ARE TEN OF THEM,¹ ARE UNCLEAN.² IF THERE WAS A SINGLE UPPER STOREY [BUILT] OVER TWO HOUSES,³ THAT ONE BECOMES UNCLEAN BUT ALL UPPER STOREYS ABOVE IT REMAIN CLEAN.⁴ [IN A] BEACH-⁵ WALL, UNCLEANNES CLEAVES UPWARDS AND DOWNWARD.⁶ [WITH REGARD TO] A SOLID TOMB MONUMENT,⁷ A PERSON WHO TOUCHES IT FROM THE SIDE REMAINS CLEAN, SINCE [ITS] UNCLEANNES CLEAVES UPWARDS AND DOWNWARDS.⁸ BUT IF THERE WAS A [FREE] SPACE OF A CUBIC HANDBREADTH IN THE PLACE WHERE THE UNCLEANNES WAS, A PERSON TOUCHING IT ANYWHERE BECOMES UNCLEAN, BECAUSE IT IS LIKE A CLOSED GRAVE. IF BOOTHS WERE PLACED ADJACENT TO [THE MONUMENT] THEY BECOME UNCLEAN.⁹ R. JUDAH DECLARES THEM CLEAN.¹⁰

MISHNAH 2. ALL SLOPING [PARTS] OF 'TENTS' ARE RECKONED AS 'TENTS'.¹¹ [IN THE CASE OF] A 'TENT' [WHOSE SIDES] SLOPED DOWNWARDS AND FINISHED OFF [WITH A ROOF]¹² OF ONE FINGERBREADTH, IF THERE IS UNCLEANNES IN THE 'TENT',¹³ VESSELS BENEATH THE SLOPE BECOME UNCLEAN. IF THERE IS UNCLEANNES BENEATH THE SLOPE, VESSELS IN THE 'TENT' BECOME UNCLEAN. IF THERE HAD BEEN¹⁴ UNCLEANNES WITHIN, A PERSON WHO TOUCHES [THE TENT] FROM THE INSIDE ACQUIRES A SEVEN [DAYS'] DEFILEMENT,¹⁵ BUT FROM THE OUTSIDE, A DEFILEMENT [LASTING TILL] EVENING.¹⁶ IF THERE HAD BEEN UNCLEANNES OUTSIDE, A PERSON WHO TOUCHES THE 'TENT' FROM THE OUTSIDE ACQUIRES A SEVEN [DAYS'] DEFILEMENT, BUT FROM THE INSIDE, A DEFILEMENT [LASTING TILL] EVENING. IF THERE WAS [A PORTION OF UNCLEANNES] OF THE SIZE OF HALF AN OLIVE [TOUCHING IT] FROM WITHIN AND HALF AN OLIVE FROM WITHOUT,¹⁷ A PERSON WHO TOUCHES [THE 'TENT'] EITHER FROM WITHIN OR WITHOUT ACQUIRES A DEFILEMENT [LASTING TILL] EVENING.¹⁸ IF A PART [OF THE 'TENT' SIDE] TRAILED ALONG THE GROUND, WHEN THERE IS UNCLEANNES BENEATH OR ABOVE [THIS PART]. THE UNCLEANNES [THEREOF] CLEAVES UPWARDS AND DOWNWARDS. [IN THE CASE OF] A 'TENT' ERECTED IN AN UPPER STOREY, WITH A PORTION [OF ITS SIDE] TRAILING OVER THE HATCHWAY BETWEEN

THE HOUSE AND THE UPPER STOREY, R. JOSE SAYS: IT PROTECTS.¹⁷ R. SIMEON SAYS: IT DOES NOT PROTECT UNLESS IT BE STRETCHED OUT AFTER THE USUAL MANNER OF ERECTING 'TENTS.

MISHNAH 3. IF A CORPSE IS IN A HOUSE IN WHICH THERE ARE MANY DOORS, THEY ALL BECOME UNCLEAN.¹⁹ IF ONE OF THEM WAS OPENED, THAT ONE BECOMES UNCLEAN BUT ALL THE REST REMAIN CLEAN. IF IT WAS INTENDED TO CARRY OUT THE CORPSE THROUGH ONE OF THEM OR THROUGH A WINDOW OF FOUR HAND BREADTHS SQUARE, THAT PROTECTS ALL THE OTHER DOORS.²⁰ BETH SHAMMAI SAY: THE INTENTION MUST HAVE BEEN FORMED BEFORE THE PERSON DIED.²¹ BETH HILLEL SAY: EVEN AFTER HE DIED.²² IF [A DOOR] WAS BLOCKED UP AND IT WAS DECIDED TO OPEN IT, BETH SHAMMAI SAY: [IT IS EFFECTIVE]²³ AS SOON AS [A SPACE] FOUR HANDBREADTHS SQUARE HAS BEEN OPENED UP. BETH HILLEL SAY: AS SOON AS [THE PROCESS] HAS BEGUN. THEY AGREE, HOWEVER, THAT WHEN MAKING AN OPENING FOR THE FIRST TIME, FOUR HANDBREADTHS MUST BE OPENED UP.

MISHNAH 4. IF A WOMAN WAS IN HARD TRAVAIL AND WAS CARRIED FROM ONE HOUSE TO ANOTHER,²⁴ THE FIRST HOUSE BECOMES UNCLEAN BECAUSE OF DOUBT²⁵ AND THE SECOND OF A CERTAINTY. R. JUDAH SAID: WHEN IS THIS SO? WHEN SHE IS CARRIED OUT [SUPPORTED] BY THE ARMPITS, BUT IF SHE WAS ABLE TO WALK, THE FIRST HOUSE REMAINS CLEAN, FOR AFTER THE TOMB'²⁶ HAS BEEN OPENED THERE IS NO POSSIBILITY OF WALKING. STILLBORN CHILDREN ARE NOT [DEEMED TO HAVE] OPENED THE 'TOMB' UNTIL THEY PRESENT A HEAD ROUNDED LIKE A SPINDLE-KNOB.²⁷

MISHNAH 5. IF [AT THE BIRTH OF TWINS] THE FIRST PROCEEDED FORTH DEAD AND THE SECOND ALIVE, THE [LIVE ONE] IS CLEAN.²⁸ IF THE FIRST WAS ALIVE AND THE SECOND DEAD, THE [LIVE CHILD] IS UNCLEAN.²⁹ R. MEIR SAYS: IF THEY WERE IN ONE MEMBRANE, [THE LIVE CHILD] IS UNCLEAN,³⁰ BUT IF THERE WERE TWO MEMBRANES, IT REMAINS CLEAN.³¹

MISHNAH 6. IF A WOMAN IS IN HARD TRAVAIL, ONE CUTS UP THE CHILD IN HER WOMB AND BRINGS IT FORTH MEMBER BY MEMBER, BECAUSE HER LIFE COMES BEFORE THAT OF [THE CHILD]. BUT IF THE GREATER PART HAS PROCEEDED FORTH, ONE MAY NOT TOUCH IT, FOR ONE MAY NOT SET ASIDE ONE PERSON'S LIFE FOR THAT OF ANOTHER.³²

(1) All connected with this wall by having their floor beams fixed into it.

(2) The wall is regarded as a closed grave, defiling all around.

(3) And this unclean wall between the two houses supports the upper storey.

(4) The first upper storey affording them complete protection.

(5) שונית Bert.: a wall built in the place to which the sea comes in rough weather levelling out all free (hollow) spaces. Var. lec. (followed by L.) is שנית, 'rock'.

(6) The wall is regarded as part of the earth, in which no uncleanness is ever treated as a 'closed grave'. According to var. lec., the reason is because the principle of 'free space' applies only to a wall made by human agency (Wilna Gaon).

(7) Lit., 'resting place'. i.e., tomb (cf. Shek. II, 5).

(8) Like compressed uncleanness and not like a closed grave.

(9) Being regarded as 'tents' over corpses.

(10) Since they are placed against the sides.

(11) I.e., spaces under the sloping sides are considered as part of the 'tent' itself.

(12) So Bert. Cf. Shab. 138b where it is implied that the minimum size for the roof of a 'tent' must be a handbreadth. In

spite of this rule, for the purpose of conveying uncleanness, a smaller size does not prevent this 'tent' from being constituted.

(13) I.e., under the roof.

(14) In the past. However the uncleanness was not present when the 'tent' was touched.

(15) The inner side and the outer side of the 'tent' being reckoned as two vessels (Bert.). The inner side, having come into contact with the corpse, acquires its degree of uncleanness, **אבי אבות הטומאה** (cf. supra I, 2 n. 4) and confers both upon the person and the outer side of the 'tent' a generating defilement.

(16) The outer side conferring a generated defilement on the person touching it.

(17) In which case the 'tent' acquires a seven days' defilement, the two half olives combining on the view of the Sages, supra III, 1.

(18) The sides, in relation to those who touch them, being regarded as two vessels. (8) Although it is formed of a substance which is susceptible to uncleanness because it is part of a tent.

(19) V. Supra III, 6, n. 7.

(20) That are closed. Henceforth objects placed underneath them do not become unclean.

(21) After which, only a positive action can avail to afford protection from uncleanness.

(22) Nevertheless, vessels already in position at the time of death remain unclean.

(23) To protect other doors. V. Preuss op. cit. p. 458.

(24) And gave birth there to a dead child. V. also Preuss p. 236.

(25) Perhaps the womb had opened there and the child's head had protruded.

(26) I.e., the opening of the womb.

(27) Cf. Bek. 22a.

(28) If the dead child had been removed from the house. Uncleanness cannot be contracted in the womb.

(29) Having passed through an opening through which uncleanness is due to pass.

(30) Since it presumably touched the dead child outside the womb. On the membrane (**שפיר**) v. Preuss p. 456.

(31) On the theory that the dead child does not defile until it is out of the womb.

(32) On this principle v. Preuss p. 607.

Mishna - Mas. Oholoth Chapter 8

MISHNAH 1. SOME THINGS FORM A PASSAGE¹ FOR UNCLEANNESS AND [ALSO] A SCREEN [AGAINST IT]; [SOME] FORM A PASSAGE FOR UNCLEANNESS BUT NOT A SCREEN; [SOME] FORM A SCREEN BUT NOT A PASSAGE; [AND SOME] FORM NEITHER A PASSAGE NOR A SCREEN. THE FOLLOWING FORM [BOTH] A PASSAGE AND A SCREEN: A CHEST,² A BOX, A CUPBOARD, A BEEHIVE OF STRAW, A BEEHIVE OF REEDS, OR THE WATER-TANK OF AN ALEXANDRIAN³ SHIP, SUCH OF WHICH [OBJECTS] HAVE [FLAT] BOTTOMS⁴ AND A CONTENT OF [AT LEAST] FORTY SEAH⁵ LIQUID MEASURE OR TWO KORS⁶ DRY MEASURE.⁷ [FURTHER] A CURTAIN, A LEATHERN APRON,⁸ A LEATHERN UNDERCOVER,⁹ A SHEET, A MATTING UNDERLAY¹⁰ OR A MAT¹¹ WHEN MADE INTO 'TENTS';¹² A HERD OF CATTLE,¹³ UNCLEAN OR CLEAN, PACKS¹⁴ OF WILD ANIMALS OR BIRDS, A RESTING BIRD,¹⁵ A [SHADY] PLACE THAT [A WOMAN] MAKES FOR HER SON AMONGST THE EARS OF CORN; THE IRIS,¹⁶ THE IVY,¹⁷ ASS HERBS,¹⁸ GREEK GOURDS¹⁹ AND CLEAN FOODSTUFFS.²⁰ R. JOHANAN B. NURI DID NOT AGREE WITH REGARD TO CLEAN FOODSTUFFS EXCEPT IN THE CASE OF A CAKE OF DRIED FIGS.²¹

MISHNAH 2. [FURTHER.] PROJECTING CANOPIES,²² BALCONIES,²³ DOVE-COTES, CREVICES AND CRAGS,²⁴ GROTTOS,²⁵ [OVERHANGING] PINNACLES, INTERLACED BOUGHS AND PROTRUDING STONES SUCH AS ARE CAPABLE OF SUSTAINING THIN PLASTER-WORK; ACCORDING TO R. MEIR. BUT THE SAGES SAY A MEDIUM PLASTER-WORK. THE FOLLOWING IS A CASE OF INTERLACED BOUGHS': A TREE WHICH THROWS SHADE OVER THE GROUND. PROTRUDING STONES' ARE [STONES] THAT PROJECT FROM A WALL.

MISHNAH 3. THE FOLLOWING FORM A PASSAGE BUT NOT A SCREEN: A CHEST, A BOX, A CUPBOARD, A BEEHIVE OF STRAW, A BEEHIVE OF REEDS, OR THE WATERTANK OF AN ALEXANDRIAN SHIP, SUCH OF WHICH [OBJECTS] HAVE NOT [FLAT] BOTTOMS OR HAVE NOT A CONTENT OF FORTY SE'AH'S LIQUID MEASURE OR TWO KORS DRY MEASURE.²⁶ [FURTHER.] A CURTAIN, A LEATHERN APRON, A LEATHERN UNDERCOVER, A SHEET, A MATTING UNDERLAY OR A MAT WHEN NOT MADE INTO 'TENTS',²⁶ CATTLE OR WILD ANIMALS WHEN THEY ARE DEAD, AND FOODSTUFFS THAT ARE [LIABLE TO BECOME] UNCLEAN.²⁷ IN ADDITION TO THESE, A MILL [WORKED BY] MAN-POWER.²⁸

MISHNAH 4. THE FOLLOWING FORM A SCREEN BUT NOT A PASSAGE: A LOOM [WITH A WEB] SPREAD OUT,²⁹ THE ROPEWORK OF A BED, REFUSE BASKETS,³⁰ AND WINDOW-LATTICES.³¹

MISHNAH 5. THE FOLLOWING FORM NEITHER A PASSAGE NOR A SCREEN: SEEDS, PLANTS [STILL] ATTACHED TO THE SOIL, EXCEPT FOR THE PLANTS MENTIONED ABOVE,³² A LUMP³³ OF HAIL, SNOW, FROST, ICE AND SALT. [FURTHER ANYTHING] THAT HOPS FROM ONE PLACE TO ANOTHER, OR LEAPS FROM ONE PLACE TO ANOTHER, A FLYING BIRD, A LOOSELY-FLAPPING GARMENT,³⁴ OR A SHIP FLOATING [FREELY] ON THE WATER. IF THE SHIP WERE TIED WITH SOMETHING THAT CAN KEEP IT STEADY, OR A STONE WERE [PLACED SO AS] TO HOLD DOWN THE GARMENT, THEY CAN FORM A PASSAGE FOR THE UNCLEANNESS. R. JOSE SAYS: A HOUSE ON A SHIP CANNOT FORM A PASSAGE FOR UNCLEANNESS.³⁵

MISHNAH 6. IF TWO JARS CONTAINING TWO PORTIONS [ONE IN EACH] OF A CORPSE OF THE SIZE OF HALF AN OLIVE, AND SEALED WITH TIGHTLY FITTING LIDS³⁶ WERE LYING IN A HOUSE, THEY REMAIN CLEAN,³⁷ BUT THE HOUSE BECOMES UNCLEAN.³⁸ IF ONE OF THEM WAS OPENED, THAT [JAR] AND THE HOUSE BECOME UNCLEAN, BUT ITS COMPANION REMAINS CLEAN. A SIMILAR RULE APPLIES TO TWO ROOMS THAT OPEN INTO A HOUSE.³⁹

(1) Cf. supra III, 7.

(2) Heb. Shiddah. This word is frequently found (cf. Shab. 120a, Naz. 55a etc) in connection with tebah and migdal, the two words rendered here 'box' and 'cupboard'. Hence it probably means something similar to them. Kel. XVIII, 1 and 2 contains a description of certain parts of a 'shiddah' from which Rashi (on Shab. 44a) infers that it is a wheeled cart used for carrying people. Bert. and L. describe it as a larger version of tebah. 'Aruch suggests the word is possibly derived from late Gk. **, a chair. Perhaps it means a 'wheeled box chair'.

(3) Grain ships going from Alexandria to Rome.

(4) So that they can rest in stable equilibrium.

(5) One se'ah = six kabs, roughly twelve litres.

(6) Cf. 'Uk V, 2. One kor = thirty se'ahs, roughly three hundred ninety-three litres = nearly eleven bushels.

(7) These dimensions are given in connection with the above vessels in Kel. XV, 1, where it is explained that vessels of such a size are unsusceptible to uncleanness.

(8) Lat. scortea, 'a leathern article'. Bert., 'workman's apron'; Maim., 'bedcover'.

(9) Gk. **, something 'thrown over' the bed, as an undercover.

(10) Cf. Kel. XXIV, 10; XXVII, 2; B.K. 25b. Perhaps from נפץ 'to spread'.

(11) מַחְצֵלֶת. Cf. Kel. XVII, 17; XX, 7. 'Aruch quotes the cognate Arabic meaning 'slender twigs' from which mats are woven.

(12) These articles, of their own, are susceptible to uncleanness. When forming 'tents', however, they can convey and screen in the normal manner.

(13) Standing in one place, packed tightly together (Bert.).

- (14) **מכונות** Maim. 'packs'. The word is usually taken to mean 'habitation' and here might well be rendered 'stalls', 'coops' (last.). The context, however, suggests a parallel with 'herd of cattle'.
- (15) According to Bert., a captive bird, tied to the place.
- (16) Cf. Kil. V, 8.
- (17) Cf. Kil. l.c.
- (18) **ירקות חמור** a kind of wild gourd. 'cucumis aqrestis'.
- (19) All the above-mentioned plants are regarded as having broad leaves (Bert.). or as being evergreen (L.). Moreover the reference is to such as are still connected with the soil, so that they form a suitable 'tent' and are unsusceptible to uncleanness.
- (20) I.e., such as are unsusceptible to uncleanness, not having come in contact with any liquid of the seven kinds, v. Maksh. VI, 4.
- (21) Which he regards as the only foods likely to be used as a shelter.
- (22) Zizirt. 'Aruch quotes the cognate Arabic root meaning 'to project'. Cf. B.B. III, 6 and also Oh. XIV, 2 for the distinction between this and the following word.
- (23) **גזריות**. A similar word, **גזזטרא** (Mid. 11,5; Shab. 96a etc.) is taken by 'Aruch from Gk. **' 'gallery'. Our word may be a Hebraized form of this word.
- (24) V. supra III end.
- (25) **גהרים** corrected by 'Aruch to **גהרים**, quoting cognate Arabic 'grotto'. Maim.: from **גהר**, 'to stretch' (I. Kings XVIII, 42) hence 'projecting rock'. Bert.: 'light-holes'.
- (26) Thereby being susceptible to uncleanness.
- (27) Through the process mentioned in Maksh. VI, 4.
- (28) Not by animal power. A portable mill is susceptible to uncleanness.
- (29) The web, consisting of the warp threads alone, spread over a hatchway.
- (30) Cf. Kel. XXIV, 9. 'Aruch connects the word with **זבל** 'dung'.
- (31) All the articles in this Mishnah have holes in their structure. These holes, however, are less than one square handbreadth in area and therefore form valid screens (cf. Rashi on Hul. 125b).
- (32) V. supra I end.
- (33) Lit., 'a stone'.
- (34) Flying loose through the air.
- (35) If it sheltered over a corpse in the sea and vessels on the ship (L.).
- (36) The tightly fitting lid (Num. XIX, 15) forms a screen for an earthenware jar.
- (37) Each containing only half an olive's bulk of a corpse.
- (38) Since It contains an olive-sized portion of a corpse, a tightly fitting lid, while it serves as a screen for what is contained in an earthenware jar, does not prevent any uncleanness in the vessel from penetrating beyond it and defiling what is outside; v. Kel. VIII, 6.
- (39) If two sealed rooms each contain a portion of a corpse of half an olive size, they remain clean, but the house through which the uncleanness must pass becomes unclean.

Mishna - Mas. Oholoth Chapter 9

MISHNAH 1. WITH REGARD TO A BEEHIVE¹ [LYING] IN THE DOORWAY² WITH ITS MOUTH [POINTING] OUTSIDE, IF AN OLIVE-SIZED [PORTION] OF A CORPSE WERE PLACED BELOW THAT [PART OF THE HIVE] WHICH IS OUTSIDE [THE HOUSE]. EVERYTHING DIRECTLY³ BELOW OR ABOVE THAT OLIVE-SIZED [PORTION] BECOMES UNCLEAN;⁴ BUT EVERYTHING THAT IS NOT DIRECTLY [BELOW OR ABOVE] THAT OLIVE-SIZED [PORTION]. OR THAT IS WITHIN [THE HIVE]⁵ OR WITHIN THE HOUSE, REMAINS CLEAN. [IF THE UNCLEANNESS IS] WITHIN THE HOUSE, NOTHING BECOMES UNCLEAN EXCEPT THAT WHICH IS WITHIN THE HOUSE.⁶ [IF THE UNCLEANNESS IS] WITHIN [THE HIVE] EVERYTHING BECOMES UNCLEAN.⁷

MISHNAH 2. [IN THE CASE OF THE HIVE] BEING ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BELOW IT OR IN THE HOUSE OR ABOVE IT,

EVERYTHING BECOMES UNCLEAN⁸ EXCEPT THAT WHICH IS WITHIN [THE HIVE]. [IF THE UNCLEANNESS IS] WITHIN THE HIVE EVERYTHING BECOMES UNCLEAN.

MISHNAH 3. WHEN DO THESE RULES APPLY? WHEN [THE HIVE RETAINS THE STATUS OF] A VESSEL AND IS PERFORATED.⁹ [IN THE CASE OF ITS] BEING DEFECTIVE, ALTHOUGH [ITS DEFICIENCY MAY BE] STOPPED UP WITH STRAW¹⁰ OR BLOCKED UP¹¹ (WHAT IS [CONSIDERED] 'BLOCKED UP?' ANYTHING WHICH HAS NO [LONGER AN OPENING OF] ONE HANDBREADTH [SQUARE] IN ONE PLACE). IF AN OLIVE-SIZED [PORTION] OF A CORPSE IS PLACED BELOW IT, [EVERYTHING] DIRECTLY [BELOW THE PORTION] TO THE NETHERMOST DEEP BECOMES UNCLEAN;¹² [IF PLACED] ABOVE [THE HIVE EVERYTHING] DIRECTLY ABOVE TO THE SKY BECOMES UNCLEAN. [IF THE UNCLEANNESS IS] IN THE HOUSE, NOTHING BECOMES UNCLEAN EXCEPT THE HOUSE. [IF THE UNCLEANNESS IS] WITHIN [THE HIVE]. NOTHING BECOMES UNCLEAN EXCEPT THAT WHICH IS WITHIN [THE HIVE].

MISHNAH 4. [IN THE CASE OF SUCH A HIVE] BEING [PLACED] ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BELOW IT OR IN THE HOUSE, [THE SPACE] BELOW IT AND THE HOUSE BECOME UNCLEAN,¹³ BUT [THE SPACE] ABOVE AND WITHIN REMAINS CLEAN.¹⁴ [IF THE UNCLEANNESS IS] WITHIN, NOTHING IS UNCLEAN EXCEPT WHAT IS WITHIN; IF ABOVE [THE HIVE]. WHAT IS DIRECTLY ABOVE UP TO THE SKY BECOMES UNCLEAN.

MISHNAH 5. WHEN DO THESE RULES APPLY? WHEN THE MOUTH [OF THE HIVE IS POINTING] OUTWARDS. IN THE CASE OF THE MOUTH [POINTING] INWARDS, IF AN OLIVE-SIZED PORTION OF THE CORPSE IS PLACED BELOW OR ABOVE [THAT PART OF THE HIVE WHICH IS] OUTSIDE, EVERYTHING DIRECTLY BELOW OR ABOVE¹⁵ THAT OLIVE-SIZED PORTION BECOMES UNCLEAN, AND EVERYTHING NOT DIRECTLY [BELOW OR ABOVE IT]. AND WHAT IS WITHIN [THE HIVE] AND THE HOUSE, REMAINS CLEAN. [IF THE UNCLEANNESS IS] WITHIN THE HIVE OR THE HOUSE, EVERYTHING BECOMES UNCLEAN.¹⁶

MISHNAH 6. [IN THE CASE OF THE HIVE IN THIS POSITION] BEING ONE HANDBREADTH HIGH OFF THE GROUND, IF THE UNCLEANNESS IS BELOW IT OR IN THE HOUSE OR WITHIN [THE HIVE] OR ABOVE IT, EVERYTHING BECOMES UNCLEAN.

MISHNAH 7. WHEN DO THESE RULES APPLY? WHEN [THE HIVE RETAINS THE STATUS OF] A VESSEL AND IS PERFORATED. [IN THE CASE OF ITS] BEING DEFECTIVE, ALTHOUGH [ITS DEFICIENCY MAY BE] STOPPED UP WITH STRAW OR BLOCKED UP (WHAT IS CONSIDERED BLOCKED UP? ANYTHING WHICH HAS NO [LONGER AN OPENING OF] ONE HANDBREADTH [SQUARE] IN ONE PLACE), IF AN OLIVE-SIZED [PORTION] OF A CORPSE IS PLACED BELOW IT, [EVERYTHING] DIRECTLY [BELOW THE PORTION] TO THE NETHERMOST DEEP BECOMES UNCLEAN; [IF PLACED] ABOVE [THE HIVE, EVERYTHING] DIRECTLY [ABOVE] TO THE SKY BECOMES UNCLEAN. [IF THE UNCLEANNESS IS PLACED] WITHIN [THE HIVE] OR IN THE HOUSE, EVERYTHING BECOMES UNCLEAN.¹⁷

MISHNAH 8. [IN THE CASE OF SUCH A HIVE IN THIS POSITION] BEING ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BELOW IT OR IN THE HOUSE OR WITHIN [THE HIVE]. EVERYTHING¹⁸ BECOMES UNCLEAN EXCEPT WHAT IS ABOVE IT. IF THE UNCLEANNESS IS ABOVE IT, [EVERYTHING] DIRECTLY [ABOVE] TO THE SKY BECOMES UNCLEAN.

MISHNAH 9. [IN THE CASE WHEN THE HIVE] OCCUPIES ALL THE HOUSE AND THERE WAS NOT A SPACE OF A HANDBREADTH BETWEEN IT¹⁹ AND THE ROOF BEAMS, IF THERE IS UNCLEANNESS WITHIN [THE HIVE], THE HOUSE BECOMES UNCLEAN; BUT IF THERE IS UNCLEANNESS IN THE HOUSE, WHAT IS WITHIN [THE HIVE] REMAINS CLEAN, FOR THE MANNER OF THE UNCLEANNESS IS TO GO OUT AND NOT TO GO IN.²⁰ [THIS APPLIES] WHETHER [THE HIVE] IS STANDING UPRIGHT, OR LYING ON ITS SIDE, WHETHER THERE IS ONE [HIVE] OR TWO.²¹

MISHNAH 10. [IN THE CASE WHERE THE NON-DEFECTIVE HIVE] WAS STANDING UPRIGHT IN THE DOORWAY AND THERE WAS NOT A SPACE OF ONE HANDBREADTH BETWEEN IT AND THE LINTEL, IF THERE IS UNCLEANNESS WITHIN IT, THE HOUSE REMAINS CLEAN; BUT IF THERE IS UNCLEANNESS IN THE HOUSE, WHAT IS WITHIN [THE HIVE] BECOMES UNCLEAN,²² FOR THE MANNER OF THE UNCLEANNESS IS TO GO OUT AND NOT TO GO IN.²³

MISHNAH 11. [IN THE CASE WHERE] IT²⁴ WAS LYING ON ITS SIDE IN THE OPEN AIR, IF AN OLIVE-SIZED [PORTION] OF A CORPSE WAS PLACED BELOW IT OR ABOVE IT, EVERYTHING DIRECTLY BELOW OR ABOVE THE OLIVE-SIZED [PORTION] BECOMES UNCLEAN; BUT EVERYTHING THAT IS NOT DIRECTLY BELOW OR ABOVE, AND WHAT IS WITHIN [THE HIVE] REMAINS CLEAN. [IF THE UNCLEANNESS IS] WITHIN [THE HIVE] EVERYTHING BECOMES UNCLEAN.

MISHNAH 12. [IN THE CASE WHERE THIS HIVE IN THE OPEN AIR] WAS ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BELOW IT OR ABOVE IT, EVERYTHING BECOMES UNCLEAN EXCEPT WHAT IS WITHIN THE HIVE]. [IF THE UNCLEANNESS IS] WITHIN, EVERYTHING BECOMES UNCLEAN. WHEN DO THESE RULES APPLY? WHEN [THE HIVE RETAINS THE STATUS OF] A VESSEL. [IN THE CASE OF ITS] BEING DEFECTIVE, ALTHOUGH [ITS DEFICIENCY MAY BE] STOPPED UP WITH STRAW, OR ACCORDING TO THE SAGES,²⁵ [IN THE CASE OF IT] CONTAINING FORTY SE' AHS, IF AN OLIVE-SIZED [PORTION] OF A CORPSE WERE PLACED BELOW IT, [EVERYTHING] DIRECTLY [BELOW] UNTO THE NETHERMOST DEEP BECOMES UNCLEAN; ABOVE IT, [EVERYTHING] DIRECTLY ABOVE TO THE SKY BECOMES UNCLEAN. [IF THE UNCLEANNESS IS] WITHIN [THE HIVE]. NOTHING IS UNCLEAN EXCEPT THAT WHICH IS WITHIN. [IN THE CASE WHERE] IT WAS ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE WAS UNCLEANNESS BELOW IT, WHAT IS BELOW BECOMES UNCLEAN;²⁶ [IF THE UNCLEANNESS] WAS WITHIN IT, WHAT IS WITHIN BECOMES UNCLEAN; ABOVE IT, [EVERYTHING] DIRECTLY [ABOVE] TO THE SKY BECOMES UNCLEAN.

MISHNAH 13. [IN THE CASE WHERE] IT WAS RESTING ON ITS BOTTOM AND [RETAINED THE STATUS OF] A VESSEL, IF THERE IS UNCLEANNESS BELOW IT, WITHIN IT OR ABOVE IT,²⁷ THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS.²⁸ [IN THE CASE WHERE] IT WAS ONE HANDBREADTH HIGH OFF THE GROUND OR COVERED²⁹ OR INVERTED [SO AS TO STAND] UPON ITS MOUTH, IF THERE IS UNCLEANNESS BELOW IT, WITHIN IT OR ABOVE IT, EVERYTHING BECOMES UNCLEAN.

MISHNAH 14. WHEN DO THESE RULES APPLY? WHEN [THE HIVE RETAINS THE STATUS OF] A VESSEL. [IN THE CASE OF ITS] BEING DEFECTIVE, ALTHOUGH [THE DEFICIENCY MAY BE] STOPPED UP WITH STRAW, OR ACCORDING TO THE SAGES, [IN THE CASE OF IT] CONTAINING FORTY SE' AHS, IF THE UNCLEANNESS IS BELOW IT, WITHIN IT OR ABOVE IT, THE UNCLEANNESS CLEAVES UPWARDS AND

DOWNWARDS. R. ELIEZER AND R. SIMEON SAY: UNCLEANNESS CAN NEITHER ASCEND INTO [THE DEFECTIVE HIVE] NOR DESCEND FROM IT.³⁰ [IN THE CASE WHERE] IT WAS ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BELOW IT, WHAT IS BELOW BECOMES UNCLEAN; WITHIN IT OR ABOVE IT, [EVERYTHING] DIRECTLY [ABOVE] IT TO THE SKY BECOMES UNCLEAN.

MISHNAH 15. WITH REGARD TO A COFFIN³¹ WHICH IS BROAD BELOW AND NARROW ABOVE, AND HAD A CORPSE WITHIN, A PERSON TOUCHING IT BELOW³² REMAINS CLEAN; BUT ABOVE, BECOMES UNCLEAN.³³ IF IT IS BROAD ABOVE AND NARROW BELOW, A PERSON TOUCHING IT ANYWHERE BECOMES UNCLEAN. IF IT WAS THE SAME [ABOVE AND BELOW], A PERSON TOUCHING IT ANYWHERE BECOMES UNCLEAN. THIS IS THE OPINION OF R. ELIEZER, BUT R. JOSHUA SAYS: A HANDBREADTH AND MORE³⁴ BELOW IS CLEAN,³⁵ BUT FROM THAT HANDBREADTH UPWARDS IS UNCLEAN. IF IT IS MADE LIKE A CLOTHES-CHEST,³⁶ A PERSON TOUCHING IT ANYWHERE BECOMES UNCLEAN. IF IT WAS MADE LIKE A CASE,³⁷ A PERSON TOUCHING IT ANYWHERE AT THE PLACE WHERE IT OPENS, REMAINS CLEAN.

MISHNAH 16. [WITH REGARD TO] A JAR³⁸ RESTING ON ITS BOTTOM IN THE OPEN AIR, IF AN OLIVE-SIZED [PORTION] OF A CORPSE IS PLACED BENEATH IT OR WITHIN IT DIRECTLY [ABOVE] ITS BOTTOM, THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS,³⁹ AND THE JAR BECOMES UNCLEAN.⁴⁰ [IF THE UNCLEANNESS IS] OUTSIDE BELOW THE SIDE, THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS,⁴¹ BUT THE JAR REMAINS CLEAN.⁴² [IN THE CASE WHERE THE UNCLEANNESS IS] WITHIN [THE JAR] AND BENEATH THE SIDES,⁴³ IF THERE IS WITHIN THE [CAVITY OF] THE SIDES A SPACE OF A CUBIC HANDBREADTH EVERYTHING⁴⁴ [WITHIN THE CAVITY] BECOMES UNCLEAN, BUT WHAT LIES DIRECTLY [BELOW] THE MOUTH REMAINS CLEAN. IF THERE IS NOT [A SPACE OF A CUBIC HANDBREADTH]. THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS. WHEN DO THESE RULES APPLY? WHEN THE JAR IS CLEAN.⁴⁵ [IN THE CASE WHERE IT WAS CAPABLE OF BECOMING] UNCLEAN,⁴⁶ OR WAS ONE HANDBREADTH HIGH OFF THE GROUND,⁴⁷ OR COVERED,⁴⁸ OR INVERTED [SO AS TO STAND] ON ITS MOUTH,⁴⁹ IF THERE IS UNCLEANNESS BENEATH IT, WITHIN IT OR ABOVE IT, EVERYTHING BECOMES UNCLEAN.⁵⁰

(1) A wooden cylinder open at one end (its mouth) for the collection of honey, and perforated at the closed end to give ingress to the bees. It is less than forty se'ahs in content and therefore is to be considered a vessel and not a valid 'tent' on its own; but the fact that it has perforations renders it unsusceptible to uncleanness (L.).

(2) Part inside and part outside the house.

(3) In a vertical line.

(4) Being a vessel, the hive can afford no protection (supra VI, 1).

(5) Being unsusceptible to uncleanness, the hive can protect its own contents.

(6) The contents of the hive remain clean, the uncleanness not entering by the perforations. regarded as being loosely stopped up.

(7) The uncleanness going out by the perforations.

(8) A 'tent' is thereby formed and the uncleanness is carried into the house.

(9) **מהלחלת**. Some commentators, basing their interpretation of these words on Kel. X, 3, render 'lying loosely in the doorway'. But there seem to be two qualities required here. Firstly the hive must be a useable vessel and not defective. Secondly, it must have perforations that are free and not blocked up. L. and Bert. both render 'perforated'.

(10) The straw cannot restore it to the status of a vessel.

(11) **אפוצה**. Some commentators, taking this word to be the opposite of **מהלחלת**, and basing their interpretation on a passage in J. Pes. I, 27c (where these two words appear as contrasts) render 'fixed tightly in the entrance'. 'Aruch

from Arabic 'to compress', whence Bert. 'with the perforations blocked up'.

(12) But all else remains clean. Not being a vessel, the hive can protect.

(13) The uncleanness being transferred from one space to another.

(14) The hive protecting.

(15) Some texts add 'or within (the hive)'.

(16) Even within the hive, the uncleanness entering its mouth.

(17) Only in this respect does this Mishnah differ from Mishnah 3.

(18) cf Mishnah 5 end n. 2.

(19) The hive is regarded as resting on its bottom so that there is not a handbreadth's space between the mouth and the roof beams.

(20) Cf. supra III, 7.

(21) The one standing on top of the other.

(22) Var. lec., clean. V. Rashi.

(23) For this reason if the uncleanness is within the hive the house is clean.

(24) The unbroken hive.

(25) Who maintain, as against R. Meir (v. Tosef. Kel. pt. II, V, 1) that certain articles when they are of the size of forty se'ahs, no longer retain the status of a vessel, but take on that of a 'tent'. V. also Kel. XV, 1.

(26) All below, the object acting as a 'tent'.

(27) Above the opening.

(28) Even when the uncleanness is within, since the open mouth is in direct communication with the air above.

(29) With another vessel, which cannot protect what is within the hive from uncleanness.

(30) Being defective, it can, in their opinion, afford protection.

(31) Excavated from the living rock.

(32) I.e., touching a portion of the rock not directly beneath the inner wall-surface of the tomb but outside it. Not immediately supporting the covering stone (supra II, 4) it is clean, being reckoned part of the ordinary rock.

(33) Touching the covering stone.

(34) Measured from the lower base of the hollow of the coffin.

(35) Being reckoned part of the ordinary rock.

(36) 'A box' (cf. Kel. XVI. 7). The cover lies over the thickness of the sides (Bert.).

(37) גַּלְוִים קוּם perhaps from Gr. ** (the LXX rendering For ἡ ἄρκα II Chron. XXIV. 8) 'a case'. The cover sinks in within the sides, not touching their thicknesses. It therefore resembles the first case in our Mishnah (Bert.).

(38) Made of a substance insusceptible to uncleanness. It is narrow above and below, bulging in the middle.

(39) Cf. Mishnah 13. n. 4.

(40) I.e., what is within the jar in a direct line with the uncleanness.

(41) In a direct line. There is not a space of one cubic handbreadth below the bulge of the jar, hence the uncleanness is compressed.

(42) Being insusceptible to uncleanness from the outside.

(43) I.e., in the cavity formed by the bulge.

(44) Reckoned a 'tent'.

(45) Insusceptible to uncleanness.

(46) And consequently unable to serve as a screen to protect the contents in the jar where the uncleanness is outside beneath the bulge.

(47) In this case the jar forms a 'tent' which conveys uncleanness and does not serve as a screen (v. supra VI, I). spreading consequently the uncleanness in every case to the jar and its contents.

(48) Whilst they would not affect the case where the uncleanness was outside under the bulge of the jar, where it was placed beneath the jar or within it directly above its bottom or beneath the sides, the contents of the jar become unclean because a tightly fitting cover does not serve as a screen against compressed uncleanness (v. Kel. X. 2). with the result that the cover itself forms a 'tent' defiling the contents of the jar.

(49) Cf. previous note mut. mut.

(50) The cases vary in detail (L.). V. nn. 12-13.

Mishna - Mas. Oholoth Chapter 10

Mishna - Mas. Oholoth Chapter 10

MISHNAH 1. [WITH REGARD TO] A HATCHWAY IN A HOUSE,¹ WHICH [HATCHWAY] HAS AN OPENING OF A [SQUARE] HANDBREADTH, IF THERE IS UNCLEANNESS IN THE HOUSE,² WHAT IS DIRECTLY [BELOW] THE HATCHWAY REMAINS CLEAN.³ IF THE UNCLEANNESS IS DIRECTLY [BELOW] THE HATCHWAY, THE HOUSE REMAINS CLEAN. IF THE UNCLEANNESS IS EITHER IN THE HOUSE OR DIRECTLY [BELOW] THE HATCHWAY, AND A PERSON PLACED HIS FOOT ABOVE [THE HATCHWAY]. HE HAS COMBINED⁴ [WITH THE ROOF TO BRING] UNCLEANNESS. IF PART OF THE UNCLEANNESS IS IN THE ROOM AND PART OF IT DIRECTLY [BELOW] THE HATCHWAY,⁵ THE HOUSE BECOMES UNCLEAN AND WHAT IS DIRECTLY [AGAINST] THE UNCLEANNESS BECOMES UNCLEAN.⁶

MISHNAH 2. [IN THE CASE WHERE] THE HATCHWAY HAS NOT AN OPENING OF A [SQUARE] HANDBREADTH, IF THERE IS UNCLEANNESS IN THE HOUSE, WHAT IS DIRECTLY [BELOW] THE HATCHWAY REMAINS CLEAN. IF THE UNCLEANNESS IS DIRECTLY [BELOW] THE HATCHWAY, THE HOUSE REMAINS CLEAN.⁷ [IN THE CASE WHERE] THE UNCLEANNESS IS IN THE HOUSE, IF HE PLACED HIS LEG ABOVE [THE HATCHWAY]. HE REMAINS CLEAN.⁸ [IN THE CASE WHERE] THE UNCLEANNESS IS DIRECTLY [BELOW] THE HATCHWAY, IF HE PLACED HIS LEG ABOVE IT, R. MEIR DECLARES [HIM] UNCLEAN, BUT THE SAGES SAY: IF THE UNCLEANNESS WAS [IN POSITION] BEFORE HIS LEG, HE BECOMES UNCLEAN,⁹ BUT IF HIS LEG WAS [IN POSITION] BEFORE THE UNCLEANNESS, HE REMAINS CLEAN.¹⁰ R. SIMEON SAYS: [IN THE CASE WHERE] TWO [MEN'S] LEGS, ONE ABOVE THE OTHER, WERE [IN POSITION] BEFORE THE UNCLEANNESS. IF THE FIRST PERSON WITHDREW HIS LEG AND THE OTHER PERSON'S LEG WAS STILL THERE, [THE SECOND] REMAINS CLEAN, BECAUSE THE FIRST PERSON'S LEG WAS [IN POSITION] BEFORE THE UNCLEANNESS.¹¹

MISHNAH 3. IF PART OF THE UNCLEANNESS IS IN THE HOUSE AND PART DIRECTLY [BELOW] THE HATCHWAY,¹² THE HOUSE BECOMES UNCLEAN, AND WHAT IS DIRECTLY [ABOVE] THE UNCLEANNESS BECOMES UNCLEAN.¹³ THIS IS THE OPINION OF R. MEIR. R. JUDAH SAYS: THE HOUSE BECOMES UNCLEAN BUT WHAT IS DIRECTLY [ABOVE] THE UNCLEANNESS REMAINS CLEAN.¹⁴ R. JOSE SAYS: IF THERE IS SUFFICIENT¹⁵ OF THE UNCLEANNESS FOR IT TO BE DIVIDED SO THAT [ONE PART] DEFILES THE HOUSE AND [THE OTHER PART] DEFILES WHAT IS DIRECTLY [ABOVE] THE UNCLEANNESS,¹⁶ [BOTH SPACES] BECOME UNCLEAN; IF NOT, THE HOUSE BECOMES UNCLEAN BUT WHAT IS DIRECTLY [ABOVE] THE UNCLEANNESS REMAINS CLEAN.

MISHNAH 4. [IN THE CASE OF] MANY HATCHWAYS, ONE ABOVE THE OTHER,¹⁷ HAVING AN OPENING OF ONE HANDBREADTH [SQUARE], IF THERE IS UNCLEANNESS IN THE HOUSE,¹⁸ WHAT IS DIRECTLY [BELOW] THE HATCHWAYS REMAINS CLEAN. IF THE UNCLEANNESS IS DIRECTLY [BELOW] THE HATCHWAYS, THE HOUSE REMAINS CLEAN. [IN THE CASE] WHERE THE UNCLEANNESS IS EITHER IN THE HOUSE OR DIRECTLY [BELOW] THE HATCHWAYS, IF AN ARTICLE SUSCEPTIBLE TO UNCLEANNESS WERE PLACED EITHER IN THE UPPER OR THE LOWER [HATCHWAY], ALL BECOMES UNCLEAN.¹⁹ IF THE ARTICLE IS INSUSCEPTIBLE TO UNCLEANNESS, WHAT IS BELOW BECOMES UNCLEAN,²⁰ BUT WHAT IS ABOVE REMAINS CLEAN.²¹

MISHNAH 5. [IN THE CASE] WHERE THE HATCHWAYS HAVE NOT AN OPENING OF A SQUARE HANDBREADTH, IF THERE IS UNCLEANNESS IN THE HOUSE, WHAT IS DIRECTLY [BELOW] THE HATCHWAYS REMAINS CLEAN. IF THERE IS UNCLEANNESS DIRECTLY [BELOW] THE HATCHWAYS, THE HOUSE REMAINS CLEAN. [IN THE CASE]

WHERE THE UNCLEANNESS IS IN THE HOUSE,²² IF AN ARTICLE WHETHER SUSCEPTIBLE TO UNCLEANNESS OR INSUSCEPTIBLE TO UNCLEANNESS WAS PLACED EITHER IN THE UPPER OR THE LOWER [HATCHWAY], NOTHING BECOMES UNCLEAN EXCEPT THE LOWER STOREY.²³ [IN THE CASE] WHERE THE UNCLEANNESS IS DIRECTLY [BELOW] THE HATCHWAYS, IF AN ARTICLE SUSCEPTIBLE TO UNCLEANNESS WERE PLACED EITHER IN THE UPPER OR LOWER [HATCHWAY], EVERYTHING BECOMES UNCLEAN.²⁴ IF THE ARTICLE IS INSUSCEPTIBLE TO UNCLEANNESS, WHETHER [IT IS PLACED] IN THE UPPER OR LOWER [HATCHWAY], NOTHING BECOMES UNCLEAN EXCEPT THE LOWER STOREY.²⁵

MISHNAH 6. [WITH REGARD TO] A HATCHWAY IN A HOUSE WITH A POT SO PLACED BELOW IT THAT, IF IT WAS RAISED, ITS RIMS WOULD NOT TOUCH THE [EDGES OF THE] HATCHWAY, IF THERE IS UNCLEANNESS BELOW, WITHIN OR ABOVE [THE POT], THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS.²⁶ [IN THE CASE] WHERE [THE POT] WAS ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BELOW IT OR IN THE HOUSE, WHAT IS BELOW IT AND IN THE HOUSE BECOMES UNCLEAN,²⁷ BUT WHAT IS WITHIN [THE POT] OR ABOVE IT, REMAINS CLEAN.²⁸ [IF THE UNCLEANNESS IS] WITHIN OR ABOVE [THE POT], EVERYTHING BECOMES UNCLEAN.²⁹

MISHNAH 7. [IN THE CASE WHERE THE POT WAS] SO PLACED ON THE SIDE OF THE THRESHOLD³⁰ SO THAT IF IT WAS RAISED IT WOULD TOUCH THE LINTEL OVER A [SPACE OF A SQUARE] HANDBREADTH,³¹ IF THERE IS UNCLEANNESS BELOW, WITHIN OR ABOVE [THE POT], THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS. [IN THE CASE] WHERE IT WAS ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BELOW IT OR IN THE HOUSE, WHAT IS BELOW IT AND IN THE HOUSE BECOMES UNCLEAN. IF THE UNCLEANNESS IS WITHIN OR ABOVE [THE POT], EVERYTHING BECOMES UNCLEAN.³² [IN THE CASE WHERE THE POT] IF RAISED WOULD NOT TOUCH THE LINTEL OVER A [SPACE OF A SQUARE] HANDBREADTH, OR IS JOINED TO THE LINTEL,³³ IF THERE IS UNCLEANNESS BELOW IT, NOTHING IS UNCLEAN EXCEPT WHAT IS BELOW [THE POT].³⁴

(1) In the roof, giving access to the open air.

(2) under the roof away from the hatchway.

(3) Not being overshadowed.

(4) Cf. supra VI, 1. The man's foot has combined with the roof to form a 'tent' For the uncleanness and everything in the room, even what is directly below the hatchway, is unclean.

(5) Although the whole does not exceed an olive's hulk, so that neither part has sufficient to convey uncleanness.

(6) Since vessels overshadowing but a portion of the prescribed minimum of uncleanness present (cf. supra III, 4) become unclean.

(7) These rules are the same as in Mishnah 1.

(8) No uncleanness escapes through a hole less than a square handbreadth in area (Tosef. XI, 7) but all the house becomes unclean as in Mishnah 1 by combination of Foot with roof.

(9) because it overshadowed uncleanness.

(10) Because his leg had already combined to Form a complete 'tent' before the uncleanness had come, and the latter cannot escape now through a hole of less than a square handbreadth in a valid 'tent'.

(11) He is not regarded as coming into position after the uncleanness.

(12) Of less than a square handbreadth in size.

(13) V. Mishnah 1, n. 6.

(14) Any continuation of a portion of uncleanness not being able to defile through an opening of less than a handbreadth.

(15) I.e., a minimum of twice the size of an olive.

(16) Though they are not so divided in fact.

- (17) One in the ceiling of the ground floor and the other in the roof, vertically above the first.
- (18) Not under the hatchways.
- (19) Including whatever is in the house, the article placed over the hatchway forming a 'tent' overshadowing all. Even if the article was only in the lower hatchway the upper storey would become unclean, seeing that the article is susceptible to uncleanness and cannot therefore screen the upper storey, and hence is regarded as being in the upper hatchway (Bert.). ‘
- (20) Being overshadowed by the article.
- (21) It forms a valid screen.
- (22) In the lower storey.
- (23) The uncleanness being unable to escape through an opening of less than a square handbreadth.
- (24) As in Mishnah 4.
- (25) Where the uncleanness is, the article screening.
- (26) Even penetrating the earthenware pot which normally cannot be defiled from its outside.
- (27) Since the pot combines with the roof and brings the uncleanness by overshadowing.
- (28) The pot screening in conjunction with the walls of the house (cf. supra V, 5).
- (29) I.e., the pot, which consequently cannot serve as a screen, and hence all else in the house as in Mishnah 4.
- (30) I.e., on the outer side of the house where also the uncleanness was.
- (31) It is a case where the pot was wider below and getting narrower towards the opening, so that when it is raised the opening would be entirely outside the lintel, whereas the bottom part would still be covering the lintel over the space of a handbreadth.
- (32) As in Mishnah 6, n. 4.
- (33) In such a manner as not to touch a handbreadth of the lintel,
- (34) Since there is no handbreadth under the lintel the uncleanness does not pass into the house and consequently what is within and above the pot is clean.

Mishna - Mas. Oholoth Chapter 11

MISHNAH 1. [WITH REGARD TO] A HOUSE, [WHOSE ROOF] HAS BEEN SPLIT [INTO TWO].¹ IF THERE IS UNCLEANNESS IN THE OUTER [PART].² VESSELS IN THE INNER [PART] REMAIN CLEAN.³ IF THE UNCLEANNESS IS IN THE INNER [PART]. VESSELS IN THE OUTER [PART ARE DECLARED CLEAN]. ACCORDING TO BETH SHAMMAI, WHEN THE SPLIT IS FOUR HANDBREADTHS WIDE;⁴ BUT BETH HILLEL SAY: [WHEN THE SPLIT IS OF] ANY SIZE.⁵ R. JOSE SAYS IN THE NAME OF BETH HILLEL: [WHEN IT IS] ONE HANDBREADTH WIDE.

MISHNAH 2. [WITH REGARD TO] A PORTICO WHICH HAS BEEN SPLIT [INTO TWO]. IF THERE IS UNCLEANNESS ON THE ONE SIDE,⁶ VESSELS ON THE OTHER SIDE REMAIN CLEAN.⁷ IF A PERSON PLACED HIS LEG OR A REED ABOVE [THE SPLIT],⁸ HE HAS COMBINED [WITH THE ROOF TO BRING THE] UNCLEANNESS.⁹ IF HE PLACED THE REED ON THE GROUND,¹⁰ IT DOES NOT FORM A PASSAGE FOR THE UNCLEANNESS, [NOR CAN IT DO SO] UNTIL IT IS ONE HANDBREADTH OFF THE GROUND.¹¹

MISHNAH 3. A THICK WOOLLEN BLANKET OR A THICK WOODEN BLOCK¹² CANNOT FORM A PASSAGE FOR UNCLEANNESS¹³ UNLESS THEY ARE ONE HANDBREADTH HIGH OFF THE GROUND. IF [GARMENTS] ARE FOLDED ONE ABOVE THE OTHER THEY CANNOT FORM A PASSAGE FOR THE UNCLEANNESS UNLESS THE UPPERMOST IS ONE HANDBREADTH HIGH OFF THE GROUND.¹⁴ IF A PERSON WERE PLACED THERE,¹⁵ BETH SHAMMAI SAY: HE CANNOT FORM A PASSAGE FOR THE UNCLEANNESS. BUT BETH HILLEL SAY: A MAN IS HOLLOW AND HIS UPPERMOST SURFACE FORMS A PASSAGE FOR THE UNCLEANNESS.

MISHNAH 4. IF A PERSON WAS LOOKING OUT OF A WINDOW AND OVERSHADOWED A FUNERAL PROCESSION,¹⁶ BETH SHAMMAI SAY: HE DOES NOT FORM A PASSAGE FOR THE UNCLEANNESS.¹⁷ BUT BETH HILLEL SAY: HE DOES FORM A PASSAGE FOR THE UNCLEANNESS. THEY AGREE THAT IF HE WAS DRESSED IN HIS CLOTHES OR IF THERE WERE TWO PERSONS, ONE ABOVE THE OTHER, THESE¹⁸ FORM A PASSAGE FOR THE UNCLEANNESS.¹⁹

MISHNAH 5. [IN THE CASE] WHERE THE PERSON WAS LYING ON THE THRESHOLD AND THE FUNERAL PROCESSION OVERSHADOWED HIM,²⁰ BETH SHAMMAI SAY: HE DOES NOT FORM A PASSAGE FOR THE UNCLEANNESS.²¹ BUT BETH HILLEL SAY: HE DOES FORM A PASSAGE FOR THE UNCLEANNESS.

MISHNAH 6. [IN THE CASE] WHERE THE UNCLEANNESS WAS IN THE HOUSE AND CLEAN PERSONS OVERSHADOWED HIM,²² BETH SHAMMAI DECLARE THEM CLEAN, BUT BETH HILLEL DECLARE THEM UNCLEAN.²³

MISHNAH 7. [WITH REGARD TO] A DOG WHICH HAD EATEN THE FLESH OF A CORPSE, HAD [SUBSEQUENTLY] DIED²⁴ AND WAS LYING OVER THE THRESHOLD, R. MEIR SAYS: IF ITS NECK HAS A THICKNESS OF ONE HANDBREADTH IT CAN FORM A PASSAGE FOR THE UNCLEANNESS, BUT IF NOT, IT CANNOT FORM A PASSAGE FOR THE UNCLEANNESS. R. JOSE SAYS: WE [EXAMINE TO] SEE WHERE THE UNCLEANNESS IS. [IF IT LIES FROM BENEATH] THE LINTEL INWARDS, THE HOUSE BECOMES UNCLEAN; [FROM BENEATH] THE LINTEL OUTWARDS, THE HOUSE REMAINS CLEAN. R. ELIEZER SAYS: IF ITS MOUTH [POINTS] INWARDS, THE HOUSE REMAINS CLEAN; IF ITS MOUTH [POINTS] OUTWARDS, THE HOUSE BECOMES UNCLEAN, SINCE THE UNCLEANNESS PROCEEDS FORTH THROUGH ITS HINDER

PARTS. R. JUDAH B. BATHYRA SAYS: WHETHER THE ONE [CONDITION] OR THE OTHER [APPLIES]. THE HOUSE BECOMES UNCLEAN.²⁵ HOW LONG SHOULD [THE UNCLEANNESS] HAVE REMAINED IN ITS ENTRAILS?²⁶ THREE WHOLE DAYS.²⁷ [IN THE CASE OF THE UNCLEANNESS BEING IN THE ENTRAILS] OF FISHES OR BIRDS, AS LONG AS [IT TAKES FOR THE UNCLEANNESS] TO FALL IN THE FIRE AND BE CONSUMED; SO R. SIMEON. R. JUDAH B. BATHYRA SAYS: IN THE CASE OF FISHES OR BIRDS, TWENTY-FOUR HOURS.

MISHNAH 8. WITH REGARD TO A CELLAR²⁸ IN A HOUSE,²⁹ WITH A CANDLESTICK [STANDING] THEREIN WHOSE CALYX³⁰ PROTRUDES³¹ AND [SUPPORTS] AN OLIVE-BASKET SO PLACED THAT IF THE CANDLESTICK IS TAKEN AWAY THE OLIVE-BASKET WOULD STILL REMAIN OVER THE MOUTH OF THE CELLAR,³² BETH SHAMMAI SAY: THE CELLAR REMAINS CLEAN³³ BUT THE CANDLESTICK BECOMES UNCLEAN.³⁴ BETH HILLEL SAY: THE CANDLESTICK ALSO REMAINS CLEAN. BUT THEY AGREE THAT IF THE OLIVE-BASKET WOULD FALL [INTO THE CELLAR] IF THE CANDLESTICK WAS TAKEN AWAY, ALL WOULD BECOME UNCLEAN.

MISHNAH 9. VESSELS [THAT ARE] BETWEEN THE RIMS OF THE OLIVE-BASKET³⁵ AND THE RIMS OF THE CELLAR, EVEN TO THE NETHERMOST DEEP,³⁶ REMAIN CLEAN.³⁷ IF THERE IS UNCLEANNESS IN THE CELLAR, THE HOUSE BECOMES UNCLEAN.³⁸ IF THERE IS UNCLEANNESS IN THE HOUSE, VESSELS IN THE WALLS OF THE CELLAR³⁹ REMAIN CLEAN, IF THE PLACE WHERE THEY ARE HAS A CONTENT OF ONE CUBIC HANDBREADTH;⁴⁰ IF NOT, THEY BECOME UNCLEAN. IF THE WALLS OF THE CELLAR ARE WIDER [APART]⁴¹ THAN THOSE OF THE HOUSE, IN EITHER CASE THE VESSELS REMAIN CLEAN.⁴²

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- (1) Two separate 'tents' thus being formed.
 - (2) Nearer the exit of the house.
 - (3) Because the uncleanness goes out by the exit and not into the inner portion. however narrow the split.
 - (4) The uncleanness can be taken out through the wide split.
 - (5) Subject to a minimum thickness of a plumb-line (Tosef.).
 - (6) Of the split.
 - (7) Cf. n. 3 mut. mut.
 - (8) Either in the case of the house or portico.
 - (9) Cf. supra X, 1.
 - (10) Directly below the split.
 - (11) And thus forming a common 'tent' with the roof connecting both parts of the house.
 - (12) **כופת** from **כפת** 'to invert', a wooden block used as a low seat.
 - (13) Even though one handbreadth high and placed directly below the split.
 - (14) Rather: they form a passage for the uncleanness if only the uppermost is one handbreadth high from the ground (Wilna Gaon).
 - (15) Directly under the object. V. 'Ed. IV, 12.
 - (16) And the corpse.
 - (17) Sc. into the house from which he was looking out. because he is not one handbreadth high above the sill. Beth Shammai differ from Beth Hillel and do not regard the man as being hollow, and his body forms a partition between the corpse and the house.
 - (18) The garments or the upper person.
 - (19) Since these are one handbreadth above the sill.
 - (20) And the corpse.
 - (21) To bring it into the house, as in Mishnah 4.
 - (22) The person described in Mishnah 5.
 - (23) Each school in accordance with its respective view in Mishnahs 4 and 5.

- (24) If the dog was alive, any uncleanness that it had swallowed would not defile (v. Hul. 71b).
- (25) For notes on this Mishnah v. Hul., Sonc. ed., p. 126a.
- (26) Before the dog died so that it would have time to be digested.
- (27) V. Shab. 155b for a Talmudic statement based upon this observation.
- (28) **הדות** The same word as **דוֹת** supra V, 6.
- (29) In which there is a corpse.
- (30) **פֶּרֶחַ** Cf. Kei. XI, 7. The flower-shaped structure which holds the lamp.
- (31) Into the house.
- (32) I.e., it would not fall down into the cellar.
- (33) Being protected by the olive-basket.
- (34) Being made of metal and protruding into the house.
- (35) That was not supported by the candlestick.
- (36) I.e., even those in the ground.
- (37) The basket affording protection otherwise the corpse uncleanness In the house would spread to the vessels in the ground of the cellar, v. infra XV, 5.
- (38) Cf. supra IV, 1.
- (39) I.e., those parts which are not covered by the basket, the basket being round, whereas the cellar is square, so that the corners of the opening the latter remain uncovered.
- (40) V. supra III, 7.
- (41) So that the cellar walls are not the continuation of the walls of the house.
- (42) In this case the walls of the cellar are not regarded at all as part of the house.

Mishna - Mas. Oholoth Chapter 12

MISHNAH 1. [WITH REGARD TO] A BOARD PLACED OVER THE MOUTH OF A NEW¹ OVEN,² OVERLAPPING IT ON ALL SIDES TO THE EXTENT OF A HANDBREADTH, IF THERE IS UNCLEANNESS BENEATH [THE BOARD]. VESSELS ABOVE IT REMAIN CLEAN; IF THERE IS UNCLEANNESS ABOVE IT, VESSELS BENEATH IT REMAIN CLEAN.³ IN THE CASE OF AN OLD OVEN, THEY BECOME UNCLEAR.⁴ R. JOHANAN B. NURI DECLARES THEM CLEAN.⁵ [IN THE CASE WHERE THE BOARD] IS PLACED OVER THE MOUTH OF TWO [OLD] OVENS, IF THERE IS UNCLEANNESS BETWEEN THEM, THEY BECOME UNCLEAR. R. JOHANAN B. NURI DECLARES THEM CLEAN.

MISHNAH 2. [WITH REGARD TO] A COLANDER⁶ PLACED⁷ OVER THE MOUTH OF AN OVEN, [SO THAT THIS IS] CLOSED WITH A SEALED LID,⁸ IF THERE IS UNCLEANNESS BELOW OR ABOVE IT, EVERYTHING BECOMES UNCLEAR; BUT WHAT IS DIRECTLY [ABOVE] THE AIR-SPACE OF THE OVEN REMAINS CLEAN.⁹ IF THERE IS UNCLEANNESS DIRECTLY [ABOVE] THE AIR-SPACE OF THE OVEN, EVERYTHING DIRECTLY ABOVE IT EVEN TO THE SKY BECOMES UNCLEAR.

MISHNAH 3. [IN THE CASE WHERE] THE BOARD PLACED OVER THE MOUTH OF AN OLD OVEN PROJECTS FROM EITHER [END] TO THE EXTENT OF ONE HAND BREADTH BUT NOT FROM THE SIDES, IF THERE IS UNCLEANNESS UNDER ONE END [OF THE BOARD]. VESSELS [UNDER] THE OTHER END REMAIN CLEAN.¹⁰ R. JOSE DECLARES THEM UNCLEAR.¹¹ A BATH¹² DOES NOT FORM A PASSAGE FOR UNCLEANNESS.¹³ IF THERE WAS A BRACKET¹⁴ IN IT, R. ELIEZER SAYS: IT [STILL] DOES NOT FORM A PASSAGE FOR THE UNCLEANNESS. R. JOSHUA SAYS: THE BATH IS REGARDED AS NOT BEING THERE, AND THE BRACKET ABOVE FORMS A PASSAGE FOR THE UNCLEANNESS.

MISHNAH 4. [WITH REGARD TO] THE SHOE¹⁵ OF A CRADLE,¹⁶ FOR WHICH A HOLE HAD BEEN MADE [IN THE CEILING TO BRING IT] INTO THE HOUSE [BELOW],¹⁷ IF [THE

HOLE] IS ONE HANDBREADTH SQUARE, EVERYTHING¹⁸ BECOMES UNCLEAN;¹⁹ BUT IF IT WAS NOT [ONE HANDBREADTH SQUARE]. ITS [UNCLEANNES] IS COMPUTED AS ONE RECKONS WITH [CASES OF CONTACT WITH] A CORPSE.²⁰

MISHNAH 5. [WITH REGARD TO] THE ROOF BEAMS²¹ OF THE HOUSE AND OF THE UPPER STOREY WHICH HAVE NO CEILING-WORK UPON THEM AND ARE IN A LINE, [THE UPPER ONES EXACTLY ABOVE THE LOWER]. IF THERE IS UNCLEANNES BENEATH ONE OF THEM, ALL BENEATH THAT ONE BECOMES UNCLEAN. IF IT IS BETWEEN A LOWER AND AN UPPER [BEAM]. WHAT IS BETWEEN THEM BECOMES UNCLEAN. IF IT IS ABOVE THE UPPER [ROOF BEAMS], WHAT IS DIRECTLY ABOVE TO THE SKY BECOMES UNCLEAN. [IN THE CASE] WHERE THE UPPER [ROOF BEAMS] WERE [OVER THE GAPS] BETWEEN THE LOWER [ROOF BEAMS],²² IF THERE IS UNCLEANNES BENEATH ONE OF THEM, WHAT IS BENEATH ALL OF THEM BECOMES UNCLEAN; IF ABOVE THEM, WHAT IS DIRECTLY ABOVE TO THE SKY BECOMES UNCLEAN.

MISHNAH 6. [WITH REGARD TO] A BEAM WHICH IS PLACED ACROSS FROM ONE WALL TO ANOTHER AND WHICH HAS UNCLEANNES BENEATH IT, IF IT IS ONE HANDBREADTH WIDE, IT CONVEYS THE UNCLEANNES TO ALL BENEATH IT; IF IT IS NOT [ONE HANDBREADTH WIDE], THE UNCLEANNES CLEAVES UPWARDS AND DOWNWARDS. HOW MUCH MUST ITS CIRCUMFERENCE BE SO THAT ITS WIDTH SHOULD BE ONE HANDBREADTH? IF IT IS ROUND, ITS CIRCUMFERENCE MUST BE THREE HANDBREADTHS; IF SQUARE, FOUR HANDBREADTHS, SINCE A SQUARE HAS A [CIRCUMFERENCE] ONE QUARTER GREATER THAN [THAT OF] A CIRCLE.²³

MISHNAH 7. [WITH REGARD TO] A PILLAR LYING [ON ITS SIDE] IN THE OPEN AIR, IF ITS CIRCUMFERENCE IS TWENTY-FOUR HANDBREADTHS, IT FORMS A PASSAGE FOR UNCLEANNES FOR ALL BENEATH ITS SIDE;²⁴ BUT IF IT IS NOT, THE UNCLEANNES CLEAVES UPWARDS AND DOWNWARDS.

MISHNAH 8. IF AN OLIVE-SIZED PORTION OF A CORPSE ADHERES TO THE THRESHOLD,²⁵ R. ELIEZER DECLARES THE HOUSE UNCLEAN. R. JOSHUA DECLARES IT CLEAN. IF IT WAS PLACED BENEATH THE THRESHOLD, THE [CASE] IS JUDGED BY THE HALF [IN WHICH THE UNCLEANNES IS].²⁶ IF IT IS ADHERING TO THE LINTEL, THE HOUSE BECOMES UNCLEAN. R. JOSE DECLARES IT CLEAN. IF IT WAS IN THE HOUSE, A PERSON TOUCHING THE LINTEL BECOMES UNCLEAN.²⁷ [AS FOR] A PERSON TOUCHING THE THRESHOLD, R. ELIEZER DECLARES HIM UNCLEAN. R. JOSHUA SAYS: [IF HE TOUCHES IT AT A POINT] BELOW A HANDBREADTH [FROM THE UPPER SURFACE]. HE REMAINS CLEAN; ABOVE THAT HANDBREADTH HE BECOMES UNCLEAN.²⁸

(1) One not yet kindled (v. Kel. V, 1). It is not reckoned a vessel and is unsusceptible to uncleanness; hence it can protect against uncleanness.

(2) Standing in the open air,

(3) The board and new oven serving as a screen.

(4) Heated ovens are vessels susceptible to uncleanness and hence (v. supra VI, 2) serve as 'tents' to bring uncleanness, but not to protect against it.

(5) Ovens differing, in his opinion, from other vessels in respect of the law laid down in VI, 1, being completely attached to the ground.

(6) Cf. supra V, 6.

(7) In the same position as the board in Mishnah 1.

(8) As in Kel. IX. 7.

- (9) Since the air-space itself remains clean because of the sealed lid.
- (10) The board affording no passage for the uncleanness and the oven serving as partition between the two 'tents' formed by each projection.
- (11) In his view the oven forms no partition.
- (12) Attached to the ground, **בטה** Some readings have **אבטה** 'Aruch gives a cognate Arabic root meaning 'a bath' or 'sill', whence Bert. renders 'bath' and Maim. 'windowsill'.
- (13) If there is a board placed over it projecting at both ends.
- (14) **י"ז** found also in supra VIII, 2 meaning 'wall-projection'. The bracket overlies the whole length of the bath and the board is over the bracket.
- (15) **סנדל** 'sandal', explained as metal shoe placed under the cradle legs for protection or adornment.
- (16) Placed in the upper storey.
- (17) Where there is a corpse.
- (18) In the upper storey. Var. lec.: it forms a passage for the uncleanness.
- (19) The shoe affording no protection.
- (20) The shoe and cradle acquiring seven-day uncleanness, and the child in it uncleanness lasting till evening (v. supra I, 2).
- (21) Each of one handbreadth in width.
- (22) And were of the same size as those gaps.
- (23) Of a diameter equal to the side of the square. The circumference of the square is four handbreadths and of the circle, three, using the simplified calculation employed in the Talmud here and elsewhere ('Er. I, 5; Suk. 7b).
- (24) Such a pillar has, according to the Rabbinic reckoning, a diameter of eight handbreadths. When a circle of this size is inscribed in a square, there is sufficient space in the corners between the circle and the square to inscribe a smaller square with a side of one handbreadth. Therefore under a pillar of these dimensions a space of one cubic handbreadth, the minimum size of a shelter for uncleanness, can be found. Mathematically computed, the side of the smaller square inscribed in the corner between a circle and the circumscribed square has a relation to the side of the larger square of $1:4+2/2$. The circle thus has a circumference Gr. $4+2/2$ times the side of the smaller square. If that side was one handbreadth, the circumference would be approximately twenty-one and a half handbreadths. The measurement in our Mishnah is thus slightly too large. V. figure given by Hoffmann (Itzkowski-Kanel ed. Mishnah VI, 2 p. 210).
- (25) Outside the door jamb and not under the lintel.
- (26) Only the inner half of the threshold being reckoned with the inside of the house.
- (27) cf. supra VII, 3.
- (28) Cf. supra IX, 15.

Mishna - Mas. Oholoth Chapter 13

MISHNAH 1. [WITH REGARD TO] A LIGHT HOLE NEWLY MADE, ITS MINIMUM SIZE¹ IS THAT OF A HOLE MADE BY THE LARGE DRILL OF THE TEMPLE CHAMBER.² [IN THE CASE OF] THE RESIDUE OF A LIGHT-HOLE³ [THE SIZE IS] TWO FINGERBREADTHS HIGH BY A THUMB-BREADTH BROAD. THE FOLLOWING IS CONSIDERED A RESIDUE OF A LIGHT-HOLE A WINDOW THAT A PERSON HAD BLOCKED UP BUT HAD NOT BEEN ABLE TO FINISH. [IN THE CASE OF A HOLE] BORED BY WATER, OR BY REPTILES. OR EATEN AWAY BY SALTPETRE. THE MINIMUM SIZE IS THAT OF A FIST.⁴ IF THE HOLE HAD BEEN INTENDED FOR [DOMESTIC] USE, ITS MINIMUM SIZE IS ONE HANDBREADTH SQUARE; FOR LIGHTING. ITS MINIMUM SIZE IS THAT OF A HOLE MADE BY THE DRILL. THE HOLES IN GRATING⁵ OR LATTICE-WORK⁶ MAY BE JOINED TOGETHER TO FORM [AN OPENING] THE SIZE OF A HOLE MADE BY THE DRILL, ACCORDING TO THE OPINION OF BETH SHAMMAI. BETH HILLEL SAY: [NOTHING CAN BE RECKONED] UNLESS THERE IS A HOLE OF THE SIZE MADE BY THE DRILL IN ONE PLACE. [THE FOREGOING SIZES APPLY] FOR PURPOSES OF ALLOWING THE UNCLEANNESS TO COME IN OR TO GO OUT.⁷ R. SIMEON SAYS: ONLY FOR ALLOWING THE UNCLEANNESS TO COME IN; BUT FOR ALLOWING THE UNCLEANNESS TO GO OUT [THE MINIMUM SIZE] IS ONE HANDBREADTH SQUARE.

MISHNAH 2. [WITH REGARD TO] A WINDOW MADE FOR LETTING IN AIR, ITS MINIMUM SIZE IS THAT OF A HOLE MADE BY THE DRILL. IF A HOUSE WAS BUILT OUTSIDE IT, ITS MINIMUM SIZE BECOMES ONE HANDBREADTH SQUARE. IF THE ROOF⁸ WAS PLACED AT THE HEIGHT OF THE MIDDLE OF THE WINDOW, THE MINIMUM SIZE OF THE LOWER PART IS ONE HANDBREADTH SQUARE AND OF THE UPPER PART THAT OF A HOLE MADE BY THE DRILL.

MISHNAH 3. [WITH REGARD TO] A HOLE IN THE DOOR, ITS MINIMUM SIZE IS THAT OF A FIST. THIS IS THE OPINION OF R. AKIBA. R. TARFON SAYS: ONE HANDBREADTH SQUARE. IF THE CARPENTER HAD LEFT A SPACE AT THE BOTTOM OR THE TOP [OF THE DOOR]. OR IF ONE HAD SHIFT [THE DOOR] BUT NOT CLOSED IT TIGHTLY,⁹ OR IF THE WIND BLEW IT OPEN, THE MINIMUM SIZE IS THAT OF A FIST.

MISHNAH 4. IF A PLACE¹⁰ WAS MADE FOR A ROD, A STAVE,¹¹ OR A LAMP, THE MINIMUM SIZE IS WHATEVER IS NEEDFUL, ACCORDING TO THE OPINION OF BETH SHAMMAI. BETH HILLEL SAY: ONE HANDBREADTH SQUARE. [IF IT WAS MADE] FOR A PEEP-HOLE,¹² FOR SPEAKING THROUGH TO HIS FELLOW, OR FOR [DOMESTIC] USE, THE MINIMUM SIZE IS ONE HANDBREADTH SQUARE.

MISHNAH 5. THE FOLLOWING [OBJECTS SERVE TO] REDUCE [THE AREA OF A SQUARE] HANDBREADTH:¹³ [A PORTION] OF LESS THAN AN OLIVE-SIZE OF FLESH [OF A CORPSE] REDUCES [THE OPENING FOR UNCLEANNESS THAT IS] CAUSED BY A QUARTER OF A KAB OF BONES¹⁴ [FROM A CORPSE]; [A PORTION] OF LESS THAN A BARLEY-CORN SIZE OF BONE REDUCES [THE OPENING FOR UNCLEANNESS THAT IS] CAUSED BY AN OLIVE-SIZED PORTION OF FLESH; LESS THAN AN OLIVE-SIZED PORTION OF A CORPSE,¹⁵ LESS THAN AN OLIVE-SIZED PORTION OF CARRION, LESS THAN A LENTIL-SIZED PORTION OF REPTILE, LESS THAN AN EGG-SIZED PORTION OF FOOD, A PLANT GROWING AGAINST THE WINDOW,¹⁶ A COBWEB¹⁷ HAVING SUBSTANCE, THE CARCASE OF A CLEAN BIRD THAT HAVE NOT BEEN INTENDED [FOR FOOD],¹⁸ AND THE CARCASE OF AN UNCLEAN BIRD THAT HAD BEEN INTENDED [FOR FOOD] THAT HAD NOT BEEN RENDERED SUSCEPTIBLE [TO UNCLEANNESS], OR WHICH HAD BEEN RENDERED SUSCEPTIBLE [TO UNCLEANNESS] BUT HAD NOT BEEN INTENDED [FOR FOOD].¹⁹

MISHNAH 8. THE FOLLOWING CANNOT REDUCE [THE AFORESAID AREA]: BONE CANNOT REDUCE [THE AREA] FOR [OTHER] BONES;²⁰ NOR [CORPSE] FLESH FOR [OTHER] FLESH; NOR AN OLIVE-SIZED [PORTION] OF A CORPSE, NOR AN OLIVE-SIZED PORTION OF CARRION, NOR A LENTIL-SIZED PORTION OF REPTILE, NOR AN EGG-SIZED PORTION OF FOOD, NOR A PLANT GROWING IN THE WINDOWS,²¹ NOR A COBWEB HAVING NO SUBSTANCE, NOR THE CARCASE OF A CLEAN BIRD WHICH HAD BEEN INTENDED [FOR FOOD], NOR THE CARCASE OF AN UNCLEAN BIRD WHICH HAD BEEN INTENDED [FOR FOOD] AND HAD BEEN RENDERED SUSCEPTIBLE TO UNCLEANNESS, NOR WARP AND WOOF THREADS SMITTEN WITH PLAGUE,²² NOR A BRICK FROM A BETH PERAS.²³ [THIS LAST IS] THE OPINION OF R. MEIR,²⁴ BUT THE SAGES SAY: THE BRICK CAN REDUCE, BECAUSE THE DUST [OF THE BETH PERAS] IS CLEAN.²⁵ THIS IS THE GENERAL RULE: WHAT IS CLEAN REDUCES [THE AREA], AND WHAT IS UNCLEAN DOES NOT REDUCE IT.

(1) For giving passage to the uncleanness.

(2) V. supra II, 3.

(3) Already made but partially blocked.

- (4) Of a giant called Ben Batiah (Kel. XVII, 12).
- (5) V. supra VIII, 4. Such as are used for the doors of food safes (Bert.).
- (6) רפפות from the root רפף 'to shake', hence 'loosely-moving shutters'. (Tosef. XIV, 3, those of summer houses).
- (7) Some commentators refer the ease of going out to that in supra VII, 3.
- (8) Of the adjacent house.
- (9) מירקה, from מרק 'to finish'.
- (10) I.e., a hole.
- (11) The staff with which the weaver beats together the newly spun woof-threads.
- (12) לזון את עיניו 'to feast his eyes'. i.e., to allow of a look-out. Preuss, however, p. 329. translates 'to nourish the eyes'. i.e., to effect a cure on them.
- (13) Making the opening too small to allow passage for the uncleanness.
- (14) But nor for an olive-sized portion of flesh, in which case the two portions would combine to convey the uncleanness.
- (15) This has already been mentioned, but is repeated here to teach that it reduces the opening in, respect of all things enumerated in II, 1-2, as conveying uncleanness by overshadowing.
- (16) But planted some little distance away (according to L. three handbreadths away).
- (17) כריי 'Aruch quotes a cognate Arabic word meaning 'spider's web' (so Bert.). In Mel, XVII, 17 the same word, as is shown by the context, means 'reed-pith'.
- (18) And is therefore not yet susceptible to uncleanness. The law's concerning a clean bird are detailed in Toh. I, 1.
- (19) Unclean birds require both conditions to be fulfilled, intention for food and predisposition by moisture (Maksh.) as in Toh. 1, 3
- (20) V. supra 5, n. 7.
- (21) In a part where such a growth is undesirable and would ultimately be removed (Bert).
- (22) Which are unclean (Neg. XI, 8).
- (23) V. Supra II, 3; infra XVII, 1.
- (24) He holds that such bricks are unclean.
- (25) When the original clod has been broken up.

Mishna - Mas. Oholoth Chapter 14

MISHNAH 1. A CANOPY¹ FORMS A PASSAGE FOR THE 'UNCLEANNES,² BE IT OF WHATSOEVER WIDTH;³ BUT A BALCONY OR ROUNDED [PROJECTION⁴ ONLY] WHEN THEY ARE ONE HANDBREADTH WIDE. WHAT IS A CANOPY? THAT [PROJECTION] WHOSE [MAIN] SURFACE FACES DOWNWARDS, WHILE A BALCONY HAS ITS [MAIN] SURFACE FACING UPWARDS. IN WHAT [CIRCUMSTANCES] WAS IT SAID THAT A CANOPY FORMED A PASSAGE FOR UNCLEANNES BE IT OF WHATSOEVER WIDTH? WITH REGARD TO A CANOPY WHICH IS THREE COURSES,⁵ OR TWELVE HANDBREADTHS, ABOVE THE DOORWAY. WHEN HIGHER THAN THAT, IF FORMS A PASSAGE FOR UNCLEANNES ONLY IF IT IS ONE HANDBREADTH WIDE. CORNICES⁶ AND CARVINGS FORM A PASSAGE FOR THE UNCLEANNES WHEN THEY ARE ONE HANDBREADTH WIDE.

MISHNAH 2. A CANOPY THAT IS ABOVE A DOORWAY FORMS A PASSAGE FOR THE UNCLEANNES WHEN IT IS ONE HANDBREADTH WIDE;⁷ IF ABOVE A WINDOW TWO FINGERBREADTHS HIGH OR THE SIZE OF A HOLE MADE BY A DRILL,⁶ WHEN OF ANY WIDTH WHATSOEVER. R. JOSE SAYS: WHEN OF EQUAL SIZE [TO THE PARTICULAR WINDOW].

MISHNAH 3. A ROD ABOVE A DOORWAY⁸ EVEN IF ONE HUNDRED CUBITS HIGHER,⁹ FORMS A PASSAGE FOR THE UNCLEANNES WHEN IT IS OF ANY WIDTH. THIS IS THE OPINION OF R. JOSHUA. R. JOHANAN B. NURI SAYS: LET NOT THIS CASE BE MORE STRINGENT THAN THAT OF A CANOPY.

MISHNAH 4. [IN THE CASE OF] A CANOPY¹⁰ GOING ALL ROUND THE HOUSE, OCCUPYING SPACE ABOVE THE DOORWAY TO THE EXTENT OF [BUT] THREE FINGERBREADTHS, IF THERE IS UNCLEANNESS IN THE HOUSE, VESSELS BENEATH [THE CANOPY] BECOME UNCLEAN.¹¹ IF THE UNCLEANNESS IS BENEATH [THE CANOPY]. R. ELIEZER DECLARES THE HOUSE UNCLEAN,¹² BUT R. JOSHUA DECLARES IT CLEAN. A SIMILAR [RULE APPLIES] TO A COURTYARD SURROUNDED BY A PORTICO.¹³

MISHNAH 5. [WITH REGARD TO] TWO CANOPIES, ONE [DIRECTLY] ABOVE THE OTHER, HAVING [EACH] A WIDTH OF ONE HANDBREADTH AND THERE BEING A SPACE OF ONE HANDBREADTH BETWEEN THEM, IF THERE IS UNCLEANNESS BENEATH THEM,¹⁴ WHAT IS BENEATH THEM BECOMES UNCLEAN; IF IT IS BETWEEN THEM, WHAT IS BETWEEN THEM BECOMES UNCLEAN; ABOVE THEM,¹⁵ EVERYTHING DIRECTLY [ABOVE] TO THE SKY BECOMES UNCLEAN. [IN THE CASE WHERE] THE UPPER [CANOPY] OVERLAPPED THE LOWER TO THE EXTENT OF ONE HANDBREADTH, IF THERE IS UNCLEANNESS BENEATH OR BETWEEN THEM, WHAT IS BENEATH AND BETWEEN THEM BECOMES UNCLEAN;¹⁶ IF IT IS ABOVE THEM, WHAT IS DIRECTLY [ABOVE] TO THE SKY BECOMES UNCLEAN. [IN THE CASE WHERE] THE UPPER [CANOPY] OVERLAPPED THE LOWER TO AN EXTENT OF LESS THAN A HANDBREADTH, IF THERE IS UNCLEANNESS BENEATH THEM, WHAT IS BENEATH AND BETWEEN THEM BECOMES UNCLEAN; IF IT IS BETWEEN THEM OR BENEATH THE OVERLAPPING [PART]. R. ELIEZER SAYS: WHAT IS BENEATH THEM AND BETWEEN THEM BECOMES UNCLEAN. R. JOSHUA SAYS: WHAT IS BETWEEN THEM AND BENEATH THE OVERLAPPING [PART] BECOMES UNCLEAN, BUT WHAT IS BENEATH [THE LOWER ONE] REMAINS CLEAN.

MISHNAH 6. [IN THE CASE WHERE] THEY HAD A WIDTH OF A HANDBREADTH BUT THERE WAS NOT A SPACE OF A HANDBREADTH BETWEEN THEM, IF THERE IS UNCLEANNESS BENEATH THEM, WHAT IS BENEATH BECOMES UNCLEAN; IF IT IS BETWEEN THEM¹⁷ OR ABOVE THEM, EVERYTHING DIRECTLY [ABOVE] TO THE SKY BECOMES UNCLEAN.¹⁸

MISHNAH 7. [IN THE CASE WHERE] THEY DID NOT HAVE A WIDTH OF A HANDBREADTH, WHETHER THERE IS A SPACE OF A HANDBREADTH BETWEEN THEM OR WHETHER THERE IS NOT, IF THERE IS UNCLEANNESS BENEATH, BETWEEN OR ABOVE THEM, THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS. A SIMILAR [RULE APPLIES] TO TWO CURTAINS,¹⁹ [THE LOWER ONE OF WHICH IS] ONE HANDBREADTH HIGH OFF THE GROUND.²⁰

(1) V. supra VIII, 2, n. 9. Here it seems to be a kind of ornamental moulding going round the house.

(2) Beneath it, transferring it to the house.

(3) Since it is joined to the house (L.).

(4) גבליִת . The cognate Arabic word means 'hill'. The Tosef. XIV explains it as a balcony rounded off at both ends. The word may be similar to גבן 'humpy'.

(5) Sc. of bricks. נדבך . Cf. supra VI. I, n. 4.

(6) עטרות , ornaments in the shape of a crown (corona hence cornice) above doorways and windows.

(7) This rule seems to contradict that in the previous Mishnah. Bert. explains this case to apply when the door is closed; L. when the canopy extends over the doorway alone. (8) V. supra XIII, 1.

(8) Placed parallel to the top of the entrance.

(9) In contradistinction to a canopy where there is the limit of twelve handbreadths.

(10) One handbreadth wide (Bert.).

- (11) Rendered so by the ultimately emerging uncleanness.
- (12) Because of the stringency of the laws applying to canopies of even less than a handbreadth in width (Bert.).
- (13) Whose roofed portion extends for three fingerbreadths over the door of a house in the courtyard.
- (14) Beneath the lower canopy, and so elsewhere.
- (15) Above the upper canopy, and so elsewhere.
- (16) The overlapping combining the upper and lower canopies to form a passage for the uncleanness.
- (17) Being in a space of less than a cubic handbreadth, the uncleanness cleaves upwards and downwards.
- (18) A variant followed by Bert. reads as follows: (In the case where) the canopies had a width of a handbreadth but the spaces were not a handbreadth wide, if there is uncleanness beneath or between them, what is beneath or between them becomes unclean; if it is above, what is directly (above) to the sky becomes unclean. The spaces referred to are those between the canopies and between the lower canopy and the ground. The lower canopy, since there is not a space of a handbreadth below or above it, is treated as non-existent.
- (19) Stretched horizontally.
- (20) The upper curtain being one handbreadth above the lower.

Mishna - Mas. Oholoth Chapter 15

MISHNAH 1. A THICK WOOLLEN BLANKET OR A THICK WOODEN BLOCK DO NOT FORM A PASSAGE FOR UNCLEANNESS UNLESS THEY ARE ONE HANDBREADTH HIGH OFF THE GROUND. IF [THE GARMENTS] ARE FOLDED ONE ABOVE THE OTHER THEY DO NOT FORM A PASSAGE FOR THE UNCLEANNESS UNLESS THE UPPERMOST IS ONE HANDBREADTH HIGH OFF THE GROUND.¹ TABLETS OF WOOD [PLACED] ONE ABOVE THE OTHER DO NOT FORM A PASSAGE FOR THE UNCLEANNESS UNLESS THE UPPERMOST IS ONE HANDBREADTH HIGH OFF THE GROUND; BUT IF THEY WERE OF MARBLE, THE UNCLEANNESS² CLEAVES UPWARDS AND DOWNWARDS.³

MISHNAH 2. [WITH REGARD TO] WOODEN TABLETS TOUCHING EACH OTHER AT THEIR CORNERS,⁴ AND ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BENEATH ONE OF THEM, [A PERSON] TOUCHING THE SECOND [TABLET]⁵ BECOMES DEFILED WITH A SEVEN-DAY DEFILEMENT. VESSELS UNDER THE FIRST [TABLET] BECOME UNCLEAN; BUT THOSE UNDER THE SECOND REMAIN CLEAN.⁶ A TABLE CANNOT FORM A PASSAGE FOR UNCLEANNESS UNLESS IT CONTAINS A SQUARE? OF ONE HANDBREADTH.

MISHNAH 3. [WITH REGARD TO] JARS STANDING ON THEIR BOTTOMS OR LYING ON THEIR SIDES IN THE OPEN AIR AND TOUCHING ONE ANOTHER TO THE EXTENT OF A HANDBREADTH,⁷ IF THERE IS UNCLEANNESS BENEATH ONE OF THEM, THE UNCLEANNESS CLEAVES UPWARDS AND DOWNWARDS.⁸ WHEN DOES THIS RULE APPLY? WHEN THE [JARS] ARE CLEAN.⁹ BUT IN THE CASE WHERE THEY WERE UNCLEAN¹⁰ OR ONE HANDBREADTH HIGH OFF THE GROUND, IF THERE IS UNCLEANNESS BENEATH ONE OF THEM, WHAT IS BENEATH ALL BECOMES UNCLEAN.

MISHNAH 4. [WITH REGARD TO] A HOUSE,¹¹ PARTITIONED OFF BY BOARDS OR CURTAINS FROM THE SIDES OR FROM THE ROOF BEAMS,¹² IF THERE IS UNCLEANNESS IN THE HOUSE, VESSELS BEYOND THE PARTITION REMAIN CLEAN.¹³ IF THERE IS UNCLEANNESS BEYOND THE PARTITION, VESSELS IN THE HOUSE BECOME UNCLEAN.¹⁴ [WITH REGARD TO] THE VESSELS BEYOND THE PARTITION,¹⁵ IF THERE IS A SPACE OF A [CUBIC] HANDBREADTH THERE, THEY BECOME UNCLEAN, BUT IF NOT, THEY REMAIN CLEAN.¹⁶

MISHNAH 5. [IN THE CASE WHERE] IT WAS PARTITIONED OFF FROM THE FLOOR, IF

THERE IS UNCLEANNESS BENEATH THE PARTITION, VESSELS IN THE HOUSE BECOME UNCLEAR.¹⁷ [IN THE CASE WHERE] THE UNCLEANNESS IS IN THE HOUSE, VESSELS BENEATH THE PARTITION, IF THERE IS A SPACE THERE OF ONE CUBIC HAND BREADTH, REMAIN CLEAN; BUT IF NOT, THEY BECOME UNCLEAR, SINCE THE FLOOR OF THE HOUSE IS RECKONED AS THE HOUSE EVEN TO THE NETHERMOST DEEP.

MISHNAH 6. [WITH REGARD TO] A HOUSE FILLED WITH STRAW, WITHOUT A SPACE OF A HANDBREADTH [BEING LEFT] BETWEEN [THE STRAW] AND THE ROOF BEAMS, IF THERE IS UNCLEANNESS WITHIN [THE STRAW] VESSELS AT THE EXIT¹⁸ BECOME UNCLEAR.¹⁹ [IN THE CASE WHERE] THE UNCLEANNESS WAS OUTSIDE,²⁰ THE VESSELS WITHIN, IF THEY ARE IN A SPACE OF A CUBIC HANDBREADTH, REMAIN CLEAN, BUT IF NOT THEY BECOME UNCLEAR.²¹ IF THERE IS A SPACE OF A HAND BREADTH BETWEEN THE STRAW AND THE ROOF BEAMS, IN EITHER CASE THE VESSELS BECOME UNCLEAR.²²

MISHNAH 7. [WITH REGARD TO] A HOUSE FILLED WITH EARTH²³ OR PEBBLES WHICH HAD BEEN DEEMED VALUELESS,²⁴ ON SIMILARLY A HEAP OF PRODUCE OR A MOUND OF PEBBLES EVEN AS ACHAN'S MOUND,²⁵ EVEN IF THE UNCLEANNESS IS BY THE SIDE OF THE VESSELS, THE [IN CLEANNESS CLEAVES UPWARDS AND DOWNWARDS].²⁶

MISHNAH 8. [WITH REGARD TO] THE FORECOURT OF A TOMB, A PERSON STANDING THEREIN REMAINS CLEAN AS LONG AS THERE IS A SPACE OF FOUR CUBITS SQUARE, ACCORDING TO THE OPINION OF BETH SHAMMAI. BETH HILLEL SAY: FOUR HANDBREADTHS [IS THE MINIMUM SIZE]. [WITH REGARD TO] A ROOF BEAM WHICH HAD BEEN USED AS A COVERING STONE²⁷ FOR A TOMB, WHETHER IT IS STANDING UPRIGHT²⁸ OR LYING ON ITS SIDE, NOTHING BECOMES UNCLEAR EXCEPT WHAT IS OPPOSITE THE OPENING OF THE GRAVE. IF THE END [OF THE BEAM] WERE MADE THE COVERING STONE OF A GRAVE, ONLY [THAT PART] UP TO FOUR HANDBREADTHS [FROM THE GRAVE] BECOMES UNCLEAR. [THIS APPLIES] WHEN [THE BEAM] IS GOING TO BE CUT. R. JUDAH SAYS: ALL THE BEAM IS REGARDED AS BEING ONE.

MISHNAH 9. [WITH REGARD TO] A JAR FULL OF CLEAN LIQUID AND SEALED WITH A TIGHTLY FITTING LID,²⁹ WHICH HAD BEEN MADE THE COVERING STONE OF A TOMB, A PERSON TOUCHING IT CONTRACTS SEVEN-DAY UNCLEANNESS BUT THE JAR AND THE LIQUID REMAIN CLEAN.³⁰ [IN THE CASE OF] A BEAST³¹ THAT HAD BEEN USED AS A COVERING STONE, A PERSON TOUCHING IT CONTRACTS SEVEN-DAY UNCLEANNESS. R. MEIR SAYS: NOTHING POSSESSING THE BREATH OF LIFE CAN CONVEY UNCLEANNESS ON ACCOUNT OF [ITS BEING USED AS] A COVERING STONE.³²

MISHNAH 10. IF A PERSON TOUCHES A CORPSE AND [SUBSEQUENTLY]³³ TOUCHES VESSELS, OR OVERSHADOWS A CORPSE AND [SUBSEQUENTLY]³³ TOUCHES VESSELS, THESE BECOME UNCLEAR. IF HE OVERSHADOWS A CORPSE AND OVERSHADOWS VESSELS,³² OR TOUCHES A CORPSE AND OVERSHADOWS VESSELS,³⁴ THESE REMAIN CLEAN. IF HIS HAND HAS A SURFACE OF A HANDBREADTH SQUARE, THEY BECOME UNCLEAR. [WITH REGARD TO] TWO HOUSES CONTAINING TWO PORTIONS OF CORPSE-FLESH OF HALF AN OLIVE SIZE [ONE IN EACH], IF A PERSON STRETCHED BOTH HIS HANDS INTO THEM, AND HIS HANDS WERE EACH ONE HAND BREADTH SQUARE, HE CONVEYS THE UNCLEANNESS;³⁵ BUT IF [THEY WERE] NOT [ONE

HANDBREADTH SQUARE], HE DOES NOT CONVEY THE UNCLEANNES.

- (1) Repeated from supra XI, 3.
- (2) Beneath them.
- (3) The uncleanness under the marble tablets being regarded as compressed, though the upper is more than a handbreadth high off the ground.
- (4) But to the extent of 'less than a handbreadth.
- (5) Which has contracted אֲבֵי אֲבוֹת הַטּוֹמְאָה from direct contact with the 'tent' over the uncleanness (v. supra I, 1 n. 3; 3, n. 3).
- (6) The uncleanness can only be conveyed from the first by contact, not by overshadowing, as the connection between the two tablets is less than one square handbreadth in area. (7) Explained by L. as the minimum area of a square that can be inscribed in a circular table.
- (7) This proviso is mentioned on account of the final clause.
- (8) Being regarded as 'compressed'.
- (9) And are therefore treated like marble tablets.
- (10) Since unclean vessels cannot serve as a screen they are treated like wooden tablets, and the upper parts of the vessels touching each other (as stated) form a 'tent' to spread the uncleanness to all vessels.
- (11) Consisting of a single room.
- (12) I.e., vertically or horizontally.
- (13) The partition serving as a screen, cf. supra VI, 2.
- (14) Through the emerging uncleanness, since a partition like a closely fitted cover can afford protection only against the entrance of uncleanness; but it does not prevent its egress, v. Kel. VIII, 6.
- (15) In which was the uncleanness.
- (16) The uncleanness cleaving upwards and downwards only.
- (17) V. n. 8, and supra III, 7.
- (18) The space left free near the exit.
- (19) As in Mishnah 4 where the vessels in the house become unclean through the uncleanness in the part partitioned off.
- (20) I.e., in the above-mentioned free space.
- (21) As is the case with the vessels beyond the partition where the uncleanness was in the house.
- (22) In this case the straw is regarded not as a partition but as contents of the house and not able to offer protection
- (23) Var. lec., straw
- (24) Lit., 'and he abandoned it'.
- (25) V. Josh. VII, 26.
- (26) And the vessels remains clean.
- (27) V. supra II, 4, n. 4.
- (28) I.e., sloping, its lower end resting on the tomb and the upper leaning on some other object.
- (29) V. Kel. X, 2.
- (30) An earthen jar being insusceptible to uncleanness on its outer surface and its contents being protected by the tightly fitting lid.
- (31) A live one, tied to its place.
- (32) Agreeing with his decision in 'Er. I, 7.
- (33) L.
- (34) Even at the same time, as long as the same part of the body is not performing the two actions (L.).
- (35) Into both houses, since he joins the two portions into one.

Mishna - Mas. Oholoth Chapter 16

MISHNAH 1. ALL MOVABLE THINGS FORM A PASSAGE FOR THE UNCLEANNES¹ WHEN THEY ARE OF THE THICKNESS OF AN OX-GOAD.² R. TARFON SAID: MAY I [SEE THE] RUIN³ OF MY SONS IF THIS IS [NOT] A RUINED HALACHAH⁴ WHICH SOMEONE [DEDUCED FROM THE FOLLOWING CASE WHICH HE HAD] HEARD AND MISUNDERSTOOD. A FARMER WAS PASSING BY AND OVER HIS SHOULDER WAS AN

OX-GOAD, ONE END OF WHICH OVERSHADOWED A GRAVE. HE WAS DECLARED UNCLEAN ON ACCOUNT [OF CARRYING] VESSELS THAT WERE OVERSHADOWING A CORPSE.⁵ R. AKIBA SAID: I CAN AMEND [THE HALACHAH] SO THAT THE WORDS OF THE SAGES CAN EXIST [AS THEY ARE]: ALL MOVABLE THINGS FORM A PASSAGE FOR THE UNCLEANNESS TO COME UPON A PERSON CARRYING THEM, WHEN THEY ARE OF THE THICKNESS OF AN OX-GOAD; UPON THEMSELVES. WHEN THEY ARE OF WHATSOEVER THICKNESS;⁶ AND UPON OTHER MEN OR VESSELS [WHICH THEY OVERSHADOW]. WHEN THEY ARE ONE HANDBREADTH WIDE.⁷

MISHNAH 2. HOW [CAN THIS RULE BE ILLUSTRATED]? [BY THE CASE OF] A SPINDLE⁸ FIXED INTO THE WALL., WITH [A PORTION OF CORPSE FLESH] OF HALF AN OLIVE-SIZE ABOVE IT AND [A PORTION OF CORPSE FLESH] OF HALF AN OLIVE-SIZE BELOW IT. EVEN THOUGH ONE [PORTION] IS NOT DIRECTLY [ABOVE] THE OTHER, [THE SPINDLE] BECOMES UNCLEAN.⁹ HENCE IT IS FOUND THAT [A MOVABLE OBJECT] FORMS A PASSAGE FOR THE UNCLEANNESS TO COME UPON ITSELF WHATSOEVER ITS THICKNESS. IF A POT SELLER PASSES BY A GRAVE WHEN HE HAS ON HIS SHOULDER HIS CARRYING-YOKE,¹⁰ ONE END OF WHICH OVERSHADOWS A GRAVE, VESSELS ON THE OTHER SIDE REMAIN CLEAN. IF THE YOKE IS ONE HANDBREADTH WIDE, THEY BECOME UNCLEAN.¹¹

MOUNDS WHICH ARE NEAR TO A CITY OR TO A ROAD, WHETHER THEY ARE NEW OR OLD, ARE UNCLEAN.¹² [AS FOR THOSE THAT ARE] AFAR OFF, NEW ONES ARE CLEAN BUT OLD ONES ARE UNCLEAN.¹³ WHICH [MOUND IS ACCOUNTED] NEAR? ONE FIFTY CUBITS [AFAR OFF]. AND OLD? ONE SIXTY YEARS OLD. [THIS IS] THE OPINION OF R. MEIR. R. JUDAH SAYS: 'NEAR' [MEANS] THERE IS NONE NEARER THAN IT, AND OLD' [MEANS] THAT NO ONE REMEMBERS [WHEN IT WAS MADE].

MISHNAH 3. IF ONE FINDS¹⁴ A CORPSE UNEXPECTEDLY.¹⁵ LYING IN ITS NATURAL POSITION,¹⁶ HE MAY REMOVE IT ALONG WITH THE [BLOOD-] SATURATED EARTH¹⁷ [ROUND ABOUT].¹⁸ IF HE FINDS TWO, HE MAY REMOVE THEM ALONG WITH THE [BLOOD-] SATURATED EARTH [ROUND ABOUT]. [IN THE CASE WHERE] HE FINDS THREE, IF THERE IS A SPACE OF FROM FOUR TO EIGHT CUBITS BETWEEN THE FIRST AND THE LAST, THAT IS, THE SPACE OF A BIER AND ITS BEARERS,¹⁹ THEN IT MUST BE ACCOUNTED A GRAVEYARD,²⁰ AND HE MUST SEARCH [THE GROUND] FOR TWENTY CUBITS²¹ FROM THAT POINT. IF HE FOUND [ANOTHER CORPSE] AT THE END OF THOSE TWENTY CUBITS, HE MUST SEARCH FOR A FURTHER TWENTY CUBITS FROM THAT PLACE, SINCE THERE ARE ALREADY GROUNDS FOR BELIEF²² [THAT THIS IS A GRAVEYARD], IN SPITE OF THE FACT THAT IF HE HAD FOUND THIS [LONE GRAVE] IN THE FIRST CASE, HE COULD HAVE REMOVED IT WITH THE [BLOOD-] SATURATED EARTH [ROUND ABOUT].

MISHNAH 4. HE WHO SEARCHES²³ MUST DO SO OVER A SQUARE CUBIT AND THEN LEAVE A CUBIT, [DIGGING DOWN]²⁴ UNTIL HE REACHES ROCK OR VIRGIN SOIL. [A PRIEST]²⁵ CARRYING OUT EARTH FROM A PLACE OF UNCLEANNESS MAY EAT OF HIS TERUMAH,²⁶ BUT IF HE IS CLEARING AWAY A RUIN,²⁷ HE MAY NOT EAT OF HIS TERUMAH.

MISHNAH 5. IF HE WAS SEARCHING AND CAME TO A RIVER BED, A POOL²⁸ OR A PUBLIC ROAD, HE MAY DISCONTINUE [HIS SEARCH]. [WITH REGARD TO] A FIELD WHERE MEN HAVE BEEN SLAIN, THE BONES MAY BE GATHERED TOGETHER ONE BY ONE, AND ALL [THE AREA] MAY BE ACCOUNTED CLEAN.²⁹ IF A PERSON IS REMOVING A GRAVE FROM HIS FIELD, HE MAY GATHER TOGETHER THE BONES ONE

BY ONE, AND ALL MAY BE ACCOUNTED CLEAN. [WITH REGARD TO] A PIT INTO WHICH ABORTIONS OR PEOPLE THAT HAD BEEN SLAIN USED TO BE THROWN, THE BONES MAY BE GATHERED TOGETHER ONE BY ONE, AND ALL MAY BE ACCOUNTED CLEAN. R. SIMEON SAYS: IF IN THE FIRST PLACE IT HAD BEEN PREPARED AS A GRAVE, THERE IS [THE QUESTION OF BLOOD-] SATURATED EARTH [TO BE CONSIDERED].³⁰

(1) By acting as temporary 'tents'.

(2) Defined as having a circumference of one handbreadth, which is less than the minimum handbreadth in width required with immovable things (Bert.).

(3) **אִקְפָּה** 'to destroy'. 'cut off'. The phrase the equivalent of 'May I bury my sons', was a common one of H. Tarfon's. v. B.M. 85a.

(4) Rule.

(5) Which vessels rendered the bearer unclean through carriage. But the person reporting the halachah at the beginning of the Mishnah thought (wrongly according to R. Tarfon) that the man was deemed unclean because he had been overshadowed by a goad simultaneously overshadowing a corpse.

(6) No standard being fixed for the defilement of objects which themselves form a 'tent'.

(7) For further notes v. Shab. Sonc. ed., p. 16b.

(8) **כּוֹשׁ** Jast. 'something hollow', 'reed', cf. **כּוֹם כּוֹם**. Here 'spindle', cf. Kel. IX, 6. Its size is less than a handbreadth.

(9) Both combine to form an olive's bulk according to the view of the Sages, supra III. 2.

(10) **מֵל**. Probably, as Kel. XVII, 16. **אִמְלָ** from Gk. ** 'a carrying-yoke'.

(11) The carrying-yoke forming a 'tent' overshadowing the vessels on both sides.

(12) Since they may have been used for the secret burial of abortions.

(13) Since they may have been near when newly made.

(14) Whilst ploughing the field. This Mishnah occurs in Naz. 64b, Sonc. ed., p. 244. where it is discussed in the ensuing Gemara. V. loc. cit. for notes: v. also B.B. 101b.

(15) **בְּתַחֲלָה**, Lit 'in the first place'. I.e. without knowing before that there was a corpse lying there. The word is missing in the version of B B. loc. cit.

(16) Showing that there had been a normal burial.

(17) C.f. supra III, 5.

(18) The field being thereby restored to a state of cleanliness.

(19) This explanation of the distance is missing from Naz. loc. cit. but appears in the B.B. version. The size of the intervening space is evidence of a regular graveyard.

(20) The graves must then not be disturbed.

(21) The reason for this size is given in B.B.

(22) Lit., 'the matter has legs'.

(23) The prescribed area.

(24) So Bert.

(25) Who may, in the case of emergency, occupy himself with such work.

(26) **דְּמֵעוֹ** Ex. XXII, 28. The word is referred by Rabbinic commentators to *terumah*. V. Rashi ad loc. **דְּמֵעוֹ** 'tear', 'liquor'.

(27) Of a house that has fallen on a man who may have died.

(28) **שְׁלוּלִית** 'pool'. V. B.K. 61a for the possible meanings and suggested derivations of this word.

(29) No account being taken of blood-saturated earth either in this or the succeeding cases.

(30) no note.

Mishna - Mas. Oholoth Chapter 17

MISHNAH 1. IF A GRAVE IS PLOUGHED [INTO A FIELD] THIS MAKES IT A BETH PERAS.¹ TO WHAT EXTENT IS IT SO MADE? FOR THE LENGTH OF A FURROW OF A HUNDRED CUBITS,² [THAT IS TO SAY, OVER] AN AREA OF FOUR SE'AH.³ P. JOSE

SAYS: AN AREA OF FIVE [SE'AHs]. [THIS⁴ APPLIES WHEN THE PLOUGH IS DRIVEN] ON A DOWNWARD SLOPE;⁵ BUT WHEN ON AN UPWARD SLOPE, A QUARTER [OF A KAB] OF VETCH SEED SHOULD BE PLACED ON THE KNEE⁶ OF THE PLOUGH,⁷ AND THE SPACE UNTIL WHERE [THE LAST] THREE VETCHES GROW NEXT TO EACH OTHER⁸ IS MADE INTO A BETH PERAS. R. JOSE SAYS: [A BETH PERAS IS ONLY MADE BY A PLOUGH GOING] DOWNWARDS BUT NOT UPWARDS.

MISHNAH 2. IF A PERSON WAS PLOUGHING⁹ AND STRUCK AGAINST A ROCK OR A FENCE, OR IF HE SHOOK THE PLOUGHSHARE,¹⁰ [ONLY] TO THAT PLACE IS THE BETH PERAS FORMED. R. ELIEZER SAYS: ONE BETH PERAS CAN FORM ANOTHER BETH PERAS.¹¹ R. JOSHUA SAYS: SOMETIMES IT CAN, BUT AT OTHER TIMES IT CANNOT. HOW SO? IF HE PLOUGHED FOR HALF A FURROW'S LENGTH¹² AND THEN RETURNED AND PLOUGHED A [FURTHER] HALF, OR SIMILARLY [IF HE PLOUGHED] TO THE SIDE, HE MAKES A BETH PERAS. IF HE PLOUGHED A FULL FURROW'S LENGTH AND THEN RETURNED AND PLOUGHED FROM THAT POINT BEYOND, HE DOES NOT MAKE THIS¹³ A BETH PERAS.

MISHNAH 3. IF A PERSON PLOUGHS FROM A QUARRY,¹⁴ OR FROM A HEAP OF BONES,¹⁵ OR FROM A FIELD IN WHICH A GRAVE HAD BEEN LOST,¹⁶ OR IN WHICH A GRAVE WAS SUBSEQUENTLY FOUND,¹⁷ OR IF HE PLOUGHS A FIELD WHICH WAS NOT HIS OWN,¹⁸ OR IF A GENTILE PLOUGHED, THIS DOES NOT MAKE IT A BETH PERAS; FOR THE RULE OF BETH PERAS DOES NOT APPLY [EVEN] TO SAMARITANS.

MISHNAH 4. [IN THE CASE WHERE] THERE WAS A BETH PERAS ABOVE A CLEAN FIELD, IF RAIN WASHED DOWN SOIL FROM THE BETH PERAS TO THE CLEAN FIELD, EVEN WHERE THIS WAS REDDISH AND THE [OTHER SOIL] TURNED IT WHITE, OR WHERE THIS WAS WHITE AND THE OTHER TURNED IT RED,¹⁹ THIS DOES NOT MAKE IT A BETH PERAS.²⁰

MISHNAH 5. [WITH REGARD TO] A FIELD IN WHICH A GRAVE HAD BEEN LOST, AND IN WHICH A HOUSE HAD BEEN BUILT WITH AN UPPER STOREY ABOVE IT, IF THE DOOR OF THE UPPER ROOM WAS DIRECTLY ABOVE THE DOOR OF THE HOUSE, THE UPPER STOREY REMAINS CLEAN;²¹ BUT IF NOT THE UPPER STOREY BECOMES UNCLEAR.²² [WITH REGARD TO] SOIL FROM A BETH PERAS, OR SOIL FROM A FOREIGN COUNTRY²³ THAT CAME IN WITH VEGETABLES, [SCATTERED PARTICLES ARE REGARDED AS] COMBINING TOGETHER [TO FORM A PORTION] THE SIZE OF A PACKING-BAG²⁴ SEAL.²⁵ THIS IS THE OPINION OF R. ELIEZER; BUT THE SAGES SAY: THERE MUST BE ONE PORTION OF THE SIZE OF A PACKING-BAG SEAL. R. JUDAH SAYS: IT HAPPENED ONCE THAT LETTERS CAME FROM OVERSEAS FOR THE SONS OF THE HIGH PRIESTS²⁶ AND THEY HAD ON THEM ABOUT A SE'AH OR TWO SE'AHs OF SEALS,²⁷ BUT THE SAGES DID NOT HAVE ANY SCRUPLES ON ACCOUNT OF UNCLEANNESs.²⁸

(1) V. supra II, 3. n. 8.

(2) Each way, length and breadth. So Bert. but Tosef XVII, I has 'in every direction'. The plough is presumed to carry bones with it to that extent.

(3) In which four seeks of seed can be sown. According to 'Er. 23b, the tabernacle area, one hundred cubits by fifty, could be sown by two se'ahs. One se'ah==six kabs (v. supra II, I, n. 7).

(4) Area of four se'ahs.

(5) Or on the level (Bert.). the hones in these cases being likely to be carried the full distance.

(6) בִּוּרְךָ V. Kel. XXI, 2. A knee-shaped receptacle in the plough sometimes used for containing seed which is gradually shaken out in decreasing number on to the field by the movement of the implement.

- (7) Which is then driven upwards.
- (8) I.e. where no more than three had fallen together out of the knee, thus indicating that practically all the seeds (and hence also bones) have been shaken off.
- (9) Over a grave.
- (10) So as to free it of soil. All these processes tend to remove any bones that may have been attached to the plough.
- (11) If one begins to plough from a point within the original area.
- (12) Fifty cubits.
- (13) Outer portion.
- (14) **מלטמיה** Possibly Gk. ** ‘quarry’, presumably one containing bones. Bert. **מלא טמיה** ‘(pit) filled with bones’.
- (15) Treated leniently because of the unlikelihood of such a procedure.
- (16) Doubt existing as to whether any bones have actually been touched and even then, as to whether they have been scattered.
- (17) He acted unwittingly.
- (18) And therefore which he cannot render unclean by any doubtful action.
- (19) Proving definitely that soil had been transferred.
- (20) The land of a Beth Peres applies only to solid soil not to washed down soil.
- (21) Even if the grave is under the entrance, the uncleanness proceeds into the house and not to the upper storey.
- (22) The grave might possibly be directly under the entrance.
- (23) Cf. supra II, 3, n. 7.
- (24) **מרצופין** ‘packing-bags’, from **רצה** ‘to pack’, ‘pave’. It is mentioned in connection with shipping in B.B. V, 1, and may well have been the common Levantine trade term for the object. As such it was possibly adopted by the Greeks as Gr.**. (Lat. marsupium, Eng. marsupial).
- (25) The minimum size for uncleanness for a clod.
- (26) Cf. Keth. XIII, I.
- (27) Sc. of clay.
- (28) No single seal attaining the minimum size.

Mishna - Mas. Oholoth Chapter 18

MISHNAH 1. ROW CAN THE GRAPES OF A BETH PERAS BE GATHERED?¹ THE MEN AND THE VESSELS MUST BE SPRINKLED [ONCE]² AND THEN A SECOND TIME.³ THEREUPON THEY GATHER THE GRAPES AND TAKE THEM OUT OF THE BETH PERAS. OTHERS⁴ THEN RECEIVE [THE GRAPES] AND TAKE THEM TO THE WINEPRESS.⁵ IF THE LATTER SET [OF PERSONS] CAME INTO CONTACT WITH THE FORMER, THEY BECOME UNCLEAN. THIS IS ACCORDING TO THE OPINION OF BETH HILLEL. BETH SHAMMAI SAY: [THE GATHERER] MUST HOLD THE SICKLE WITH BAST,⁶ OR MUST CUT OFF THE GRAPES WITH A SHARP FLINT,⁷ LETTING [THE GRAPES FALL] INTO AN OLIVE-BASKET,⁸ AND THEN HE TAKES [THEM] TO THE WINEPRESS.⁹ R. JOSE SAID: WHEN DO THESE RULES APPLY? [ONLY] IN THE CASE OF A VINEYARD WHICH SUBSEQUENTLY BECAME A BETH PERAS; BUT A PERSON WHO PLANTS [VINES] IN A BETH PERAS MUST SELL [THE GRAPES] IN THE MARKET.¹⁰

MISHNAH 2. THERE ARE THREE [KINDS OF] BETH PERAS:¹¹ A FIELD INTO WHICH A GRAVE HAS BEEN PLOUGHED MAY BE PLANTED WITH ANY KIND OF PLANT,¹² BUT MUST NOT BE SOWN WITH ANY KIND OF SEED,¹³ EXCEPT WITH SEED [YIELDING PRODUCE] WHICH IS REAPED. IF [SUCH PRODUCE] WERE PLUCKED, THE THRESHING-FLOOR MUST BE PILED UP IN [THE FIELD] ITSELF,¹⁴ AND THE [GRAIN] SIFTED THROUGH TWO SIEVES.¹⁵ THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY: GRAIN [MUST BE SIFTED] THROUGH TWO SIEVES, BUT PULSE THROUGH THREE SIEVES.¹⁶ THE STUBBLE AND THE STALKS MUST BE BURNED.¹⁷ [SUCH A FIELD] CONVEYS UNCLEANNESS BY CONTACT AND CARRIAGE BUT DOES NOT CONVEY

UNCLEANNES BY OVERSHADOWING.¹⁸

MISHNAH 3. A FIELD IN WHICH A GRAVE HAS BEEN LOST¹⁹ MAY BE SOWN WITH ANY KIND OF SEED,²⁰ BUT MUST NOT BE PLANTED WITH ANY KIND OF PLANT,²¹ NOR MAY ANY TREES BE PERMITTED TO REMAIN THERE EXCEPT SHADE-TREES WHICH DO NOT PRODUCE FRUIT.²² [SUCH A FIELD] CONVEYS UNCLEANNES BY CONTACT, CARRIAGE AND OVERSHADOWING.

MISHNAH 4. A MOURNERS' FIELD²³ MAY NEITHER BE PLANTED NOR SOWN,²⁴ BUT ITS EARTH IS REGARDED AS CLEAN AND OVENS MAY BE MADE OF IT FOR HOLY USE.²⁵ [WITH REGARD TO THE FIRST²⁶ CASE OF A BETH PERAS] BETH SHAMMAI AND BETH HILLEL AGREE THAT IT IS EXAMINED²⁷ FOR ONE WHO WOULD PERFORM THE PASCHAL SACRIFICE,²⁸ BUT IS NOT EXAMINED FOR ONE WHO WOULD EAT TERUMAH.²⁹ [WITH REGARD TO A] NAZIRITE,³⁰ BETH SHAMMAI SAY: IT IS EXAMINED,³¹ BUT BETH HILLEL SAY: IT IS NOT EXAMINED.³² HOW IS IT EXAMINED? THE EARTH THAT IS ABLE TO BE MOVED IS TAKEN,³³ PLACED INTO A SIEVE WITH FINE MESHES, AND CRUMBLED. IF A BONE OF BARLEY-CORN SIZE IS FOUND THERE [THE PERSON PASSING THROUGH THE FIELD] IS DEEMED UNCLEAN.

MISHNAH 5. HOW IS A BETH PERAS³⁴ RENDERED CLEAN? [SOIL TO A DEPTH OF] THREE HANDBREADTHS³⁵ IS REMOVED FROM IT, OR³⁶ [SOIL TO A HEIGHT OF] THREE HANDBREADTHS IS PLACED UPON IT. IF FROM THE ONE HALF [SOIL TO A DEPTH OF] THREE HANDBREADTHS WAS REMOVED, AND UPON THE OTHER HALF [SOIL TO A HEIGHT OF] THREE HANDBREADTHS WAS PLACED, IT BECOMES CLEAN. R. SIMEON SAYS: EVEN IF ONE HANDBREADTH AND A HALF WAS REMOVED³⁷ AND ONE HANDBREADTH AND A HALF FROM ANOTHER PLACE WAS PLACED UPON IT, IT BECOMES CLEAN. IF A BETH PERAS IS PAVED WITH STONES THAT CANNOT [EASILY] BE MOVED, IT BECOMES CLEAN. R. SIMEON SAYS: EVEN IF [THE SOIL OF] A BETH PERAS IS BROKEN UP IT BECOMES CLEAN.

MISHNAH 6. A PERSON WHO WALKS THROUGH A BETH PERAS³⁸ ON STONES THAT CANNOT [EASILY] BE MOVED, OR [WHO RIDES] ON A MAN OR BEAST WHOSE STRENGTH IS GREAT, REMAINS CLEAN; [BUT IF HE WALKS] ON STONES THAT CAN [EASILY] BE MOVED, OR [RIDES] UPON A MAN OR BEAST WHOSE STRENGTH IS SMALL,³⁹ HE BECOMES UNCLEAN.⁴⁰ A PERSON WHO TRAVELS IN THE LAND OF THE GENTILES OVER MOUNTAINS OR ROCKS, BECOMES UNCLEAN;⁴¹ BUT IF [HE TRAVELS] BY THE SEA OR ALONG THE STRAND,⁴² HE REMAINS CLEAN. WHAT IS [MEANT BY] 'THE STRAND'? ANY PLACE TO WHICH THE SEA RISES WHEN IT IS STORMY.

MISHNAH 7. IF ONE BUYS A FIELD IN SYRIA NEAR TO THE LAND OF ISRAEL, IF IT CAN BE ENTERED IN CLEANNESS,⁴³ IT IS DEEMED CLEAN AND IS SUBJECT TO [THE LAWS OF] TITHES AND SABBATICAL YEAR [PRODUCE];⁴⁴ BUT IF IT CANNOT BE ENTERED IN CLEANNESS, IT [IS DEEMED] UNCLEAN, ALTHOUGH IT IS STILL SUBJECT TO [THE LAWS OF] TITHES AND SABBATICAL YEAR [PRODUCE].⁴⁵ THE DWELLING-PLACES OF HEATHENS⁴⁶ ARE UNCLEAN.⁴⁷ HOW LONG MUST [THE HEATHEN] HAVE REMAINED IN [THE DWELLING-PLACES] FOR THEM TO REQUIRE EXAMINATION? FORTY DAYS,⁴⁸ EVEN IF THERE WAS NO WOMAN WITH HIM. IF, HOWEVER, A SLAVE⁴⁹ OR [AN ISRAELITE] WOMAN WATCHED OVER [THE DWELLING-PLACE], IT DOES NOT REQUIRE EXAMINATION.

MISHNAH 8. WHAT DO THEY EXAMINE? DEEP DRAINS AND EVIL-SMELLING

WATERS. BETH SHAMMAI SAY: EVEN ASH-HEAPS AND CRUMBLED EARTH.⁵⁰ BETH HILLEL SAY: ANY PLACE WHERE A PIG OR A WEASEL⁵¹ CAN GO REQUIRES NO EXAMINATION.⁵²

MISHNAH 9. COLONNADES⁵³ ARE NOT [SUBJECT TO THE LAWS] OF HEATHEN DWELLING' PLACES.⁵⁴ R. SIMEON B. GAMALIEL SAYS: A HEATHEN CITY⁵⁵ THAT HAS BEEN DESTROYED IS NOT [SUBJECT TO THE LAWS] OF HEATHEN DWELLING-PLACES. THE EAST [SIDE] OF CAESAREA⁵⁶ AND THE WEST [SIDE] OF CAESAREA⁵⁷ ARE GRAVEYARDS. THE [NATURE OF THE] EAST [SIDE] OF ACRE WAS DOUBTFUL,⁵⁸ BUT THE SAGES DECLARED IT CLEAN. RABBI AND HIS LAW COURT VOTED [TO DECIDE] ABOUT KENI⁵⁹ AND DECLARED IT CLEAN.

MISHNAH 10. [THE FOLLOWING] TEN PLACES ARE NOT [SUBJECT TO THE LAWS] OF HEATHEN DWELLING-PLACES: ARABS' TENTS,⁶⁰ FIELD-HUTS, LEAN-TO SHEDS, FRUIT-SHELTERS,⁶¹ SUMMER SHELTERS,⁶² A GATE-HOUSE, THE OPEN SPACES OF A COURTYARD, A BATH-HOUSE, AN ARMOURY⁶³ AND THE PLACE WHERE THE LEGIONS [CAMP].⁶⁴

(1) So that they remain clean and can be used for making wine without rendering unclean by virtue of the law of Lev. XI, 38.

(2) On the third day (Num. XIX, 18f) notice of the gathering having been given.

(3) The sprinkling serves as a precaution, reminding the gatherers of the laws of uncleanness appertaining to a Beth peras and thereby preventing carelessness. Although the grapes have been rendered susceptible to uncleanness by virtue of the gathering (v. Shab. 14a), they are not affected by the uncleanness of Beth Peras 'which is only Rabbinical, and the method whereby they have been rendered susceptible also being only Rabbinical.

(4) Who did not enter the Beth Peras.

(5) Once taken to the winepress they become susceptible to uncleanness by virtue of Biblical law, and to such the uncleanness of Beth Peras applies, hence they must be taken to the winepress by others.

(6) **סִיב** 'fibre', palm-bast'. (perhaps from **סָבַב** 'to be hairy'). East is insusceptible to uncleanness and therefore protects the sickle and hence also the grapes against uncleanness.

(7) Insusceptible to uncleanness.

(8) Cf. supra V, 6.

(9) Having taken these precautions, he will be reminded of the laws of Beth Peras even whilst in the winepress.

(10) As a penalty he is not allowed to use the methods enabling wine to be made.

(11) Enumerated respectively in Mishnahs 2, 3 and 4.

(12) Because its fruit cannot become unclean, as the law of overshadowing does not apply to such a field (v. end of Mishnah).

(13) The roots of such plants are sometimes pulled out with the produce and they may have been in contact with a portion of bone.

(14) So as not to spread the uncleanness abroad.

(15) To detect any portion of bone.

(16) More earth being found in association with this type of produce.

(17) On the field.

(18) The field owes its uncleanness to the possible presence of a barleycorn-sized portion of bone and therefore has the same laws as that object (v. supra II, 3).

(19) The exact location of the grave being unknown. This is the second type of Beth Peras.

(20) Because the roots could not reach as far as the grave (Maim). Tosef. XVIII, 11, however, has the reading, in the name of R. Judah. 'may not be sown', and this is read also in our Mishnah by Beth. and others.

(21) Because the roots would reach to the grave (Maim.). Bert.: Otherwise people might be attracted to the field and thus contract defilement by overshadowing.

(22) Such may be planted at the outset (Bert.).

(23) **שְׂדֵה בּוֹכִיִן** Lit. 'field of those who bewail'. This is the third type of Beth Peras. It is explained in M.K. 5b as a

- field in which final leave is taken of the departed before the burial. It was close to the cemetery. Tosef. XVII, 12 reads **כוכין** 'tomb niches'.
- (24) Because the owner has given up hope of ever using the field again, and it now becomes common property. v. M.K. loc. cit. Maim. explains the prohibition as a precaution lest a corpse may possibly be concealed therein, since it is in proximity to the cemetery.
- (25) The field differs in this respect from the two former types.
- (26) So Bert.
- (27) To determine whether it is unclean or not.
- (28) Who must definitely be clean (Num. IX, 6).
- (29) The neglect to eat terumah is not as grave as in the case of the paschal lamb.
- (30) Who passed through such a field.
- (31) B. Sh. afford the Nazirite an opportunity of having himself declared clean.
- (32) The Nazirite is considered unclean and must perform the rites prescribed in Num. VI, 9-12.
- (33) I.e., loose earth.
- (34) Of the first type.
- (35) The depth to which a ploughshare penetrates (cf. B.B. II. 12).
- (36) Some texts prefix 'Rabbi (Judah the Patriarch) says'.
- (37) From the surface of the whole field.
- (38) Of the first type
- (39) As defined in B.M. 105b.
- (40) By his own weight he may have moved a bone.
- (41) Earth from the neighbouring regions may have collected there and it is unclean (supra II, 3).
- (42) **שונית**. V. supra VII, 1. Possibly from **שן** 'rock'.
- (43) No gentile land intervening.
- (44) It is considered part of the Land of Israel.
- (45) The laws of Sabbatical year produce applied in Syria (v. Tosef. Kel. BK I, 5).
- (46) **כנענים**. I.e., heathens living in the Land of Israel.
- (47) Because of the heathen practice of burying abortions in their houses (Bert.).
- (48) The time of the formation of the child in the womb. V. Nid. III, 7.
- (49) Of an Israelite.
- (50) The crumbling may be an indication of a burial.
- (51) **הולדה** Bert. reads instead **ברדלם** ('hyena' or 'marten') which is found together with **הולדה** in the Tosef. XVI, 13.
- (52) The animals would have discovered and devoured the uncleanness.
- (53) **אצטונית**. From Gk. **, 'colonnade'.
- (54) As no abortions are likely to be buried there.
- (55) Situated in the Land of Israel.
- (56) Maritima, the Roman capital of Palestine.
- (57) **קסרין** In a variant version **קסריון** the district of Caesarea (Phillipi). in the north of Palestine, near the headwaters of the Jordan. It was a less important city than C. Maritima, hence the diminutive form.
- (58) According to one opinion as to whether it was on Israelite territory (cf. Git. I, 1), and to another as to whether it was a graveyard.
- (59) Neubauer's Geographie du Talmud p. 276 suggests an identification with Wady Kanah (in Samaria). Perhaps Cana (of Galilee), five miles from Sepphoris, the seat of Rabbi's court.
- (60) Of the nomadic Bedouin who move their tents from one place to another. The place on which they stand is only temporarily occupied.
- (61) According to Bert. a field-shelter in which the fruit was kept in order to guard it from rain (v. Ma'as. III, 7 where the word is found along with the other agricultural buildings mentioned here).
- (62) **אלקטיות** 'Aruch quotes Aramaic **קיטא** 'summer'. Bert. describes the structure as one which has a roof but no walls.
- (63) Lit., 'the place of the arrows'.
- (64) All these places are only temporarily occupied and hence no fear is entertained lest abortion had been buried in

them.

Mishna - Mas. Nega'im Chapter 1

MISHNAH 1. THE COLOURS OF LEPROSY SIGNS¹ ARE TWO² WHICH, IN FACT, ARE³ FOUR.⁴ THE BRIGHT SPOT IS BRIGHT WHITE LIKE SNOW; SECONDARY TO IT IS THE LEPROSY SIGN AS WHITE AS THE LIME OF THE TEMPLE.⁵ THE RISING IS AS WHITE AS THE SKIN OF AN EGG; SECONDARY TO IT IS THE LEPROSY SIGN AS WHITE AS WOOL.⁶ SO R. MEIR. BUT THE SAGES RULED: THE RISING IS AS WHITE AS WHITE WOOL AND SECONDARY TO IT IS THE LEPROSY SIGN AS WHITE AS THE SKIN OF AN EGG.⁷

MISHNAH 2. THE VARIEGATION⁸ OF THE SNOW-LIKE WHITENESS⁹ IS LIKE WINE MINGLED WITH SNOW.¹⁰ THE VARIEGATION⁸ OF THE LIME-LIKE WHITENESS IS LIKE BLOOD¹¹ MINGLED WITH MILK.¹² SO R. ISHMAEL. R. AKIBA RULED: THE REDDISHNESS¹³ IN EITHER OF THEM IS LIKE WINE MINGLED WITH WATER, ONLY THAT IN THE SNOW-LIKE WHITENESS THE COLOUR IS BRIGHT WHILE IN THAT OF LIME-LIKE WHITENESS IT IS DULLER.

MISHNAH 3. THESE¹⁴ FOUR COLOURS¹⁵ ARE COMBINED WITH EACH OTHER¹⁶ IN RESPECT OF DECLARING A SIGN FREE FROM UNCLEANNESS, OF CERTIFYING¹⁷ IT AS UNCLEAR, OR OF CAUSING IT TO BE SHUT UP.¹⁸ 'OF CAUSING IT TO BE SHUT UP',¹⁹ WHEN IT²⁰ CONTINUED UNCHANGED²¹ BY THE END OF THE FIRST WEEK;²² 'OF DECLARING A SIGN FREE FROM UNCLEANNESS', WHEN IT²⁰ CONTINUED UNCHANGED²¹ BY THE END OF THE SECOND WEEK;²³ 'OF CERTIFYING IT AS UNCLEAR', WHEN IT²⁰ HAD PRODUCED QUICK FLESH OR WHITE HAIR IN THE BEGINNING,²⁴ BY THE END OF THE FIRST WEEK,²⁵ BY THE END OF THE SECOND WEEK²⁵ OR AFTER IT HAD BEEN DECLARED FREE [FROM UNCLEANNESS]. [OR AGAIN] 'OF CERTIFYING IT AS UNCLEAR', WHEN A SPREADING HAS ARISEN IN IT BY THE END OF THE FIRST WEEK,²⁵ BY THE END OF THE SECOND WEEK,²⁶ OR AFTER IT HAD BEEN DECLARED FREE FROM UNCLEANNESS; [ALSO] 'OF CERTIFYING IT AS UNCLEAR', WHEN ALL ONE'S SKIN TURNED WHITE AFTER THE SIGN²⁶ HAD BEEN DECLARED FREE FROM UNCLEANNESS; OF DECLARING A SIGN FREE FROM UNCLEANNESS' ALSO, WHEN ALL THE SKIN TURNED WHITE AFTER THE SIGN HAD BEEN CERTIFIED UNCLEAR OR AFTER IT HAD BEEN SHUT UP. THESE²⁷ ARE THE COLOURS OF LEPROSY SIGNS WHEREON DEPEND ALL DECISIONS CONCERNING LEPROSY SIGNS.²⁸

MISHNAH 4. R. HANINA, THE SEGAN²⁹ OF THE PRIESTS, RULED: THE COLOURS OF LEPROSY SIGNS ARE SIXTEEN.³⁰ R. DOSA B. HARKINAS RULED: THE COLOURS OF LEPROSY SIGNS ARE THIRTY-SIX.³¹ AKABIAH B. MAHALALEEL RULED SEVENTY-TWO.³² R. HANINA, THE SEGAN OF THE PRIESTS, RULED: LEPROSY SIGNS MAY NOT BE INSPECTED FOR THE FIRST TIME ON A SUNDAY,³³ SINCE THE END OF THAT WEEK³⁴ WILL FALL ON THE SABBATH;³⁵ NOR ON A MONDAY, SINCE THE END OF THE SECOND WEEK³⁶ WILL FALL ON THE SABBATH; NOR ON A TUESDAY, IN THE CASE OF HOUSES, SINCE THE END OF THE THIRD WEEK WILL FALL ON THE SABBATH.³⁷ R. AKIBA RULED: THEY MAY BE INSPECTED AT ALL TIMES, AND IF THE TIME FOR THE SECOND INSPECTION³⁸ FALLS ON A SABBATH IT IS POSTPONED TO THE SUNDAY; AND THIS PROCEDURE LEADS SOMETIMES TO A RELAXATION OF THE LAW³⁹ AND SOMETIMES TO RESTRICTIONS.³⁹

MISHNAH 5. HOW DOES IT⁴⁰ LEAD TO A RELAXATION OF THE LAW? IF THE LEPROSY SIGN HAD⁴¹ WHITE HAIRS⁴² AND⁴³ THESE WHITE HAIRS DISAPPEARED;⁴⁴ IF THEY WERE WHITE⁴² AND THEN⁴³ TURNED BLACK; IF ONE HAIR WAS WHITE AND THE OTHER BLACK, AND⁴³ BOTH TURNED BLACK;⁴⁵ IF THEY WERE LONG⁴² AND

THEN⁴³ THEY BECAME SHORT;⁴⁴ IF⁴¹ ONE WAS LONG AND THE OTHER SHORT AND⁴³ BOTH BECAME SHORT;⁴⁵ IF⁴¹ A BOIL ADJOINED BOTH HAIRS⁴⁶ OR ONE OF THEM;⁴⁶ IF THE BOIL ENCOMPASSED⁴³ BOTH HAIRS OR ONE OF THEM,⁴⁷ OR IF THEY WERE⁴³ SEPARATED FROM EACH OTHER BY A BOIL, THE QUICK FLESH OF A BOIL, A BURNING, OR THE QUICK FLESH OF A BURNING, OR A TETTER;⁴⁷ IF IT HAD⁴¹ QUICK FLESH⁴² AND THIS QUICK FLESH DISAPPEARED;⁴³ IF IT WAS⁴³ FOUR SIDED⁴⁸ AND THEN⁴¹ BECAME ROUND⁴⁹ OR LONG;⁴⁹ IF IT⁵⁰ WAS⁴¹ ENCOMPASSED⁵¹ AND THEN⁴¹ SHIFTED TO THE SIDE; IF IT WAS⁴¹ UNITED⁵² AND THEN⁴³ IT WAS DISPERSED, OR A BOIL APPEARED⁴³ AND MADE ITS WAY INTO IT;⁵⁰ IF IT WAS⁴³ ENCOMPASSED, PARTED OR LESSENED BY A BOIL, THE QUICK FLESH OF A BOIL, A BURNING, THE QUICK FLESH OF A BURNING, OR A TETTER; IF IT HAD⁴¹ A SPREADING AND THEN⁴³ THE SPREADING DISAPPEARED; IF THE FIRST SIGN ITSELF DISAPPEARED OR WAS SO LESSENED THAT BOTH⁵³ ARE LESS THAN THE SIZE OF A SPLIT BEAN; OR IF A BOIL, THE QUICK FLESH OF A BOIL, A BURNING, THE QUICK FLESH OF A BURNING, OR A TETTER, FORMED A DIVISION BETWEEN THE FIRST SIGN AND THE SPREADING-BEHOLD THESE LEAD TO A RELAXATION OF THE LAW.

MISHNAH 6. HOW DOES IT⁵⁴ LEAD TO RESTRICTIONS? IF THE LEPROSY SIGN HAD⁵⁵ NO WHITE HAIRS⁵⁶ AND THEN⁵⁷ WHITE HAIRS APPEARED,⁵⁸ IF THEY WERE⁵⁸ BLACK⁵⁴ AND THEN⁵⁷ TURNED WHITE;⁵⁸ IF⁵⁵ ONE HAIR WAS BLACK AND THE OTHER WHITE AND BOTH TURNED⁵⁷ WHITE;⁵⁸ IF THEY WERE⁵⁵ SHORT⁵⁴ AND THEY BECAME⁵⁷ LONG;⁵⁸ IF⁵⁵ ONE WAS SHORT AND THE OTHER LONG AND BOTH BECAME⁵⁷ LONG;⁵⁸ IF⁵⁵ A BOIL ADJOINED BOTH HAIRS OR ONE OF THEM,⁵⁶ IF⁵⁵ A BOIL ENCOMPASSED BOTH HAIRS OR ONE OF THEM⁵⁶ OR IF⁵⁵ THEY WERE PARTED FROM ONE ANOTHER BY A BOIL, THE QUICK FLESH OF A BOIL, A BURNING, OR THE QUICK FLESH OF A BURNING, OR A TETTER, AND THEN⁵⁷ THEY DISAPPEARED;⁵⁸ IF⁵⁵ IT HAD NO QUICK FLESH⁵⁶ AND THEN QUICK FLESH APPEARED;⁵⁸ IF IT WAS⁵⁵ ROUND OR LONG⁵⁶ AND THEN⁵⁷ BECAME FOUR SIDED;⁵⁸ IF IT WAS⁵⁴ AT THE SIDE⁵⁶ AND THEN⁵⁷ IT BECAME ENCOMPASSED;⁵⁸ IF IT WAS⁵⁵ DISPERSED⁵⁶ AND THEN⁵⁷ IT BECAME UNITED⁵⁸ OR A BOIL APPEARED⁵⁷ AND MADE ITS WAY INTO IT;⁵⁸ IF IT WAS⁵⁵ ENCOMPASSED,⁵⁸ PARTED OR LESSENED BY A BOIL, THE QUICK FLESH OF A BOIL, A BURNING, THE QUICK FLESH OF A BURNING OR A TETTER,⁵⁸ AND THEN⁵⁷ THEY DISAPPEARED;⁵⁸ IF⁵⁵ IT HAD NO SPREADING⁵⁶ AND THEN⁵⁷ A SPREADING APPEARED;⁵⁸ IF A BOIL, THE QUICK FLESH OF A BOIL, A BURNING, THE QUICK FLESH OF A BURNING, OR A TETTER FORMED A DIVISION⁵⁵ BETWEEN THE FIRST SIGN AND THE SPREADING⁵⁶ AND THEN⁵⁷ THEY DISAPPEARED⁵⁸ — BEHOLD THESE LEAD TO RESTRICTIONS.

(1) V. Lev. XIII-XIV on which the laws in this tractate are based.

(2) VII., those of the bright spot and the rising (Lev. XIII, 2).

(3) By the addition of another two colours derived by a Rabbinical deduction from sappahath (ibid.) which signifies 'attachment', 'addition' (E.v. scab).

(4) One secondary colour added to each of the two mentioned (cf. supra n. 2).

(5) Cf. Mid. III, 4.

(6) Of a lamb one day old that was duly washed.

(7) Which is the dullest of the four shades of white mentioned. Whiter than the skin of an egg is white wool, whiter than the wool is the lime of the Temple, and whiter than the lime is snow.

(8) With red. Lit., mixture.

(9) Which (cf. Lev. XIII, 19) is another colour of leprosy.

(10) In the proportion of one of wine to two of snow.

(11) Var. lec. wine.

(12) One of blood to two of milk.

(13) Sc. the variegation spoken of supra (cf. n. 8).

- (14) Var. lec. '(some) of these' (cf. Bert. and L.).
- (15) Cf. supra MISHNAH 1.
- (16) To make up the prescribed minimum of the size of a split bean.
- (17) Lit., 'to determine'.
- (18) Cf. Lev. XIII, 4.
- (19) For a second week (cf. infra n. 9).
- (20) Lit., 'that which'.
- (21) In size and colour.
- (22) Since its appearance. The colours are similarly combined on its first appearance when it is to be shut up for a week.
- (23) If, for instance, a bright spot of the size of two split beans was shut up and found at the end of the second week to have the colour of the bright spot extending over an area of the size of one split bean and that of rising over the other, the two colours are regarded as combined and the sign is deemed to be unchanged.
- (24) When it was first shown to the priest.
- (25) Since it was shut up.
- (26) Having continued unchanged for two weeks.
- (27) The four colours and their variegations enumerated supra.
- (28) On the human body.
- (29) Deputy High Priest, and chief of the priests; v. Glos.
- (30) Viz., the four simple colours given supra (MISHNAH 1), the three colours obtained by the combination of that of the bright spot with each of the other three, the one colour which is a combination of lime and the skin of an egg, and another eight colours consisting of the variegations of each of these eight. Some texts omit the entire sentence from 'R. Hanina' to 'sixteen'.
- (31) The four simple colours and their four variegations in the leprosy signs of the skin, the eight corresponding colours of the boil and the burn, the eight leprosy signs on the baldness of the scalp and the forehead, the eight of the scall, two of greenishness and reddishness in garments and similar two in houses.
- (32) The thirty-six colours enumerated in the previous note, (when a leprosy sign makes its first appearance) and another thirty-six corresponding colours when a leprosy sign has been shut up for a week or two weeks in the case of men or for three weeks in the case of houses.
- (33) Lit., 'after the Sabbath'.
- (34) During the seven days of which the leprosy sign might have to be shut up.
- (35) On which no leprosy signs are examined.
- (36) The second period of seven days which begins on the following Sunday, that day being counted both as the last day of the first week and as the first day of the second week.
- (37) Cf. prev. n. mut. mut.
- (38) The seventh day after the first inspection.
- (39) As will be explained in the MISHNAH following.
- (40) Cf. the final clause of the prev. MISHNAH .
- (41) On the Sabbath when the second inspection (after the first period of seven days) was due.
- (42) Which are a sign of uncleanness.
- (43) On the Sunday which the inspection took place.
- (44) Thus exempting the man from the sacrifices and shaving.
- (45) This instance seems purposeless, since the leprosy sign is clean in either case.
- (46) Which is no sign of uncleanness; while on the Sabbath when the inspection was due the hairs were within the leprosy sign and constituted uncleanness.
- (47) Cf. prev. n. mut. mut.
- (48) And just of the size of a split bean which is the minimum prescribed for an unclean leprosy sign.
- (49) Which, being of the minimum size (cf. prev. n.), is no sign of uncleanness.
- (50) The quick flesh.
- (51) By the bright spot.
- (52) Which is a sign of uncleanness.
- (53) The first sign and the spreading.
- (54) Cf. MISHNAH 4.

(55) V. p. 236, n. 1.

(56) Which is a sign of cleanness.

(57) V. p. 236, n. 11.

(58) V. p. 236, n. 12.

Mishna - Mas. Nega'im Chapter 2

MISHNAH 1. THE BRIGHT SPOT IN A GERMAN¹ APPEARS AS DULL WHITE,² AND THE DULL WHITE ONE IN AN ETHIOPIAN³ APPEARS AS BRIGHT WHITE.⁴ R. ISHMAEL⁵ STATED: THE CHILDREN OF ISRAEL⁶ (MAY I BE AN ATONEMENT FOR THEM!)⁷ ARE LIKE BOXWOOD, NEITHER BLACK NOR WHITE BUT OF AN INTERMEDIATE SHADE'.⁸ R. AKIBA STATED: PAINTERS HAVE MATERIALS WHEREWITH THEY PORTRAY FIGURES IN BLACK, IN WHITE, AND IN AN INTERMEDIATE SHADE; LET, THEREFORE, A PAINT OF AN INTERMEDIATE SHADE BE BROUGHT AND APPLIED ROUND THE LEPROSY SIGN FROM WITHOUT, AND IT WILL THEN APPEAR AS ON A SKIN OF INTERMEDIATE SHADE. R. JUDAH RULED: IN DETERMINING THE COLOURS OF LEPROSY SIGNS THE LAW IS TO BE RELAXED BUT NEVER TO BE RESTRICTED; LET, THEREFORE, THE LEPROSY SIGN OF THE GERMAN BE INSPECTED ON THE COLOUR OF HIS OWN BODY⁹ SO THAT¹⁰ THE LAW IS THEREBY RELAXED, AND LET THAT OF THE ETHIOPIAN BE INSPECTED AS IF IT WERE ON THE INTERMEDIATE SHADE¹¹ SO THAT¹⁰ THE LAW IS THEREBY ALSO RELAXED. THE SAGES, HOWEVER, RULED: THE ONE AS WELL AS THE OTHER IS TO BE TREATED AS IF THE LEPROSY SIGN WERE ON THE INTERMEDIATE SHADE.¹²

MISHNAH 2. LEPROSY SIGNS MAY NOT BE INSPECTED IN THE EARLY MORNING OR IN THE EVENING, NOR WITHIN A HOUSE, NOR ON A CLOUDY DAY, BECAUSE THEN THE DULL WHITE APPEARS LIKE BRIGHT WHITE; NOR MAY IT BE INSPECTED AT NOON, BECAUSE THEN THE BRIGHT WHITE APPEARS LIKE DULL WHITE. WHEN ARE THEY TO BE INSPECTED? DURING THE THIRD, FOURTH, FIFTH,¹³ EIGHTH OR NINTH HOUR;¹⁴ SO R. MEIR. R. JUDAH RULED: DURING THE FOURTH, FIFTH, EIGHTH OR NINTH HOUR.¹⁴

MISHNAH 3. A PRIEST WHO IS BLIND IN ONE EYE OR THE LIGHT OF WHOSE EYES IS DIM MAY NOT INSPECT LEPROSY SIGNS; FOR IT IS WRITTEN, AS FAR AS APPEARETH IN THE EYES OF THE PRIEST.¹⁵ IN A DARK HOUSE¹⁶ ONE MAY NOT OPEN UP WINDOWS IN ORDER TO INSPECT ITS LEPROSY SIGN.¹⁷

MISHNAH 4. IN WHAT POSTURE IS A LEPROSY SIGN TO BE INSPECTED? A MAN IS INSPECTED IN THE POSTURE OF ONE THAT HOES¹⁸ AND ONE THAT GATHERS OLIVES;¹⁸ AND A WOMAN IN THAT OF ONE WHO ROLLS OUT DOUGH¹⁹ AND²⁰ ONE WHO SUCKLES HER CHILD, AND ONE THAT WEAVES AT AN UPRIGHT LOOM²¹ IF THE LEPROSY SIGN WAS WITHIN THE RIGHT ARMPIT. R. JUDAH RULED: ALSO IN THE POSTURE OF ONE THAT SPINS FLAX²² IF IT WAS WITHIN THE LEFT ARMPIT. THE SAME POSTURE THAT A MAN ADOPTS¹⁶ IN THE CASE OF HIS LEPROSY SIGN HE IS ALSO TO ADOPT IN THE CASE OF THE CUTTING OFF OF HIS HAIR.²³

MISHNAH 5. A MAN MAY EXAMINE ALL LEPROSY SIGNS²⁴ EXCEPT HIS OWN. R. MEIR RULED: NOT EVEN THE LEPROSY SIGNS OF HIS RELATIVES.²⁵ A MAN²⁶ MAY ANNUL ALL VOWS EXCEPT HIS OWN. R. JUDAH RULED: NOT EVEN THOSE VOWS OF HIS WIFE²⁷ THAT AFFECT RELATIONSHIPS BETWEEN HER AND OTHERS.²⁸ A MAN MAY EXAMINE ALL FIRSTLINGS²⁹ EXCEPT HIS OWN FIRSTLINGS.

- (1) Whose skin is bright white.
- (2) Hence it must be pronounced clean.
- (3) Who is dark.
- (4) And must be shut up; each case being determined according to the individual concerned.
- (5) Differing from the ruling just enunciated.
- (6) With whose leprosy signs the law is concerned.
- (7) An expression of love and homage. 'May I be the victim making atonement for any punishment that may have to come upon them'.
- (8) A leprosy sign is, therefore, to be determined by its appearance on such an intermediate shade.
- (9) Which causes the leprosy sign to appear dull white.
- (10) He being as a result pronounced clean.
- (11) As a result of which the leprosy sign would appear duller than on his own dark skin.
- (12) Though this, in the case of a German, would result in a restriction.
- (13) Some texts add 'seventh'.
- (14) Of the day, beginning with sunrise, each hour being equal to one twelfth of the day.
- (15) Lev. XIII, 12, emphasis on 'appeareth' and 'eyes'
- (16) One that had no windows.
- (17) Cf. Lev. XIV, 34ff.
- (18) In such a position he exposes some of the concealed parts of his body while others still remain concealed. Only a leprosy on the latter is deemed to be 'concealed' and, therefore, clean. (7) Cf. prev. n. mut. mut.
- (19) If the leprosy sign is under the breast.
- (20) When the right arm is raised.
- (21) Who raises her left arm.
- (22) Lit., 'as he is seen'.
- (23) Lev. XIV, 9. Concealed hair need not be cut off.
- (24) Sc. even those of his nearest relatives whose lawsuits he may not try.
- (25) Cf. prev. n. mut. mut.
- (26) Who possesses the required authority; a Sage.
- (27) May one annul.
- (28) But do not affect him.
- (29) To ascertain whether they have a permanent blemish (cf. Bek. VI, 1ff).

Mishna - Mas. Nega'im Chapter 3

MISHNAH 1. ALL CAN CONTRACT LEPROSY UNCLEANNESS, EXCEPT A HEATHEN AND A RESIDENT ALIEN.¹ ALL² ARE QUALIFIED TO INSPECT LEPROSY SIGNS, BUT ONLY A PRIEST³ MAY DECLARE THEM UNCLEAN OR CLEAN. HE⁴ IS TOLD,⁵ 'SAY: UNCLEAN', AND HE REPEATS 'UNCLEAN', OR SAY: CLEAN, AND HE REPEATS 'CLEAN'. TWO LEPROSY SIGNS MAY NOT BE INSPECTED SIMULTANEOUSLY WHETHER IN ONE MAN OR IN TWO MEN; BUT THE ONE MUST BE INSPECTED FIRST AND SHUT UP, CERTIFIED UNCLEAN OR PRONOUNCED CLEAN, AND THEN THE SECOND IS INSPECTED. ONE WHO IS SHUT UP⁶ MAY NOT⁷ BE SHUT UP AGAIN⁸ NOR MAY ONE WHO IS CERTIFIED UNCLEAN⁶ BE CERTIFIED⁷ UNCLEAN AGAIN.⁸ ONE WHO IS CERTIFIED UNCLEAN⁶ MAY NOT⁷ BE SHUT UP⁸ NOR MAY ONE WHO IS SHUT UP⁶ BE CERTIFIED⁷ UNCLEAN.⁸ BUT IN THE BEGINNING,⁹ OR AT THE END OF A WEEK,¹⁰ HE¹¹ MAY SHUT UP ON ACCOUNT OF THE ONE LEPROSY SIGN AND SHUT UP ON ACCOUNT OF ANOTHER ONE ALSO; THE MAN¹¹ WHO CERTIFIES ONE SIGN UNCLEAN MAY ALSO CERTIFY THE OTHER UNCLEAN; HE MAY SHUT UP THE ONE SIGN AND DECLARE THE OTHER CLEAN, OR CERTIFY THE ONE UNCLEAN AND DECLARE THE OTHER CLEAN.

MISHNAH 2. A BRIDEGROOM ON WHOM A LEPROSY SIGN HAS APPEARED IS GRANTED EXEMPTION FROM INSPECTION DURING THE SEVEN DAYS OF THE

MARRIAGE FEAST IN RESPECT OF HIS OWN PERSON; AND ALSO IN RESPECT OF HIS HOUSE AND HIS GARMENT.¹² SIMILARLY DURING A FESTIVAL, ONE¹³ IS GRANTED EXEMPTION FROM INSPECTION DURING ALL THE DAYS OF THE FESTIVAL.

MISHNAH 3. THE SKIN OF THE FLESH¹⁴ BECOMES UNCLEAN FOR TWO WEEKS¹⁵ AND BY ONE OF THE FOLLOWING THREE TOKENS:¹⁶ BY WHITE HAIR OR BY QUICK FLESH OR BY A SPREADING. 'BY WHITE HAIR OR BY QUICK FLESH IN THE BEGINNING,¹⁷ AT THE END OF THE FIRST WEEK,¹⁸ AT THE END OF THE SECOND WEEK,¹⁸ OR AFTER IT¹⁹ HAD BEEN PRONOUNCED CLEAN. 'OR BY A SPREADING', AT THE END OF THE FIRST WEEK,¹⁸ AT THE END OF THE SECOND WEEK,¹⁸ OR AFTER IT¹⁹ HAD BEEN PRONOUNCED CLEAN. IT BECOMES UNCLEAN FOR TWO WEEKS WHICH ARE ONLY THIRTEEN DAYS.²⁰

MISHNAH 4. A BOIL OR A BURNING BECOMES UNCLEAN FOR ONE WEEK²¹ AND BY ONE OF THE FOLLOWING TWO TOKENS:¹⁶ BY WHITE HAIR OR BY A SPREADING. BY WHITE HAIR, IN THE BEGINNING,¹⁷ BY THE END OF THE WEEK,¹⁸ OR AFTER IT¹⁹ HAS BEEN PRONOUNCED CLEAN. 'OR BY A SPREADING. AT THE END OF THE WEEK,¹⁸ OR AFTER IT¹⁹ HAD BEEN DECLARED CLEAN. THEY BECOME UNCLEAN FOR A WEEK WHICH REPRESENTS SEVEN DAYS.

MISHNAH 5. SCALLS BECOME UNCLEAN FOR TWO WEEKS²² AND BY ONE OF THE FOLLOWING TWO TOKENS:²³ BY YELLOW THIN HAIR OR BY A SPREADING. BY YELLOW THIN HAIR IN THE BEGINNING,²⁴ AT THE END OF THE FIRST WEEK,²⁵ AT THE END OF THE SECOND WEEK,²⁵ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. 'OR BY A SPREADING', AT THE END OF THE FIRST WEEK,²⁵ AT THE END OF THE SECOND WEEK²⁵ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. THEY BECOME UNCLEAN FOR TWO WEEKS WHICH ARE ONLY THIRTEEN DAYS.²⁶

MISHNAH 6. SCALP BALDNESS OR FOREHEAD BALDNESS BECOME UNCLEAN FOR TWO WEEKS²² AND BY ONE OF THE FOLLOWING TOKENS:²³ BY QUICK FLESH OR BY A SPREADING. 'BY QUICK FLESH', IN THE BEGINNING,²⁴ AT THE END OF THE FIRST WEEK,²⁵ AT THE END OF THE SECOND WEEK,²⁵ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. 'OR BY A SPREADING', AT THE END OF THE FIRST WEEK,²⁵ AT THE END OF THE SECOND WEEK,²⁵ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. THEY BECOME UNCLEAN FOR TWO WEEKS WHICH ARE ONLY THIRTEEN DAYS.²⁶

MISHNAH 7. GARMENTS BECOME UNCLEAN FOR TWO WEEKS²² AND BY ONE OF THREE TOKENS:²³ BY A GREENISH COLOUR OR BY A REDDISH COLOUR OR BY A SPREADING. 'BY A GREENISH COLOUR OR BY A REDDISH COLOUR', IN THE BEGINNING,²⁴ AT THE END OF THE FIRST WEEK,²⁵ AT THE END OF THE SECOND WEEK,²⁵ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. 'OR BY A SPREADING', AT THE END OF THE FIRST WEEK,²⁵ AT THE END OF THE SECOND WEEK,²⁵ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. THEY BECOME UNCLEAN FOR TWO WEEKS WHICH ARE BUT THIRTEEN DAYS.²⁶

MISHNAH 8. HOUSES BECOME UNCLEAN FOR THREE WEEKS²⁷ AND BY ONE OF THE FOLLOWING THREE TOKENS:²⁸ BY A GREENISH COLOUR OR BY A REDDISH COLOUR OR BY A SPREADING. 'BY A GREENISH COLOUR OR BY A REDDISH COLOUR', IN THE BEGINNING,²⁹ AT THE END OF THE FIRST WEEK,³⁰ AT THE END OF THE SECOND WEEK,³⁰ AT THE END OF THE THIRD WEEK,³⁰ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. 'OR BY A SPREADING', AT THE END OF THE FIRST WEEK,³⁰ AT

THE END OF THE SECOND WEEK,³⁰ AT THE END OF THE THIRD WEEK,³⁰ OR AFTER THEY HAVE BEEN PRONOUNCED CLEAN. THEY BECOME UNCLEAN FOR THREE WEEKS WHICH ARE BUT NINETEEN DAYS.³¹ NONE OF THE LEPROSY SIGNS IS SHUT UP FOR LESS THAN A WEEK³² OR FOR MORE THAN THREE WEEKS.³³

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- (1) Ger Toshab, a heathen who acquired Palestinian citizenship on condition that he renounced idolatry and undertook to observe the seven Noachian laws (cf. G. F. Moore, *Judaism I*, 338ff).
- (2) Even an unlearned priest under the guidance of an Israelite scholar (v. *infra*).
- (3) Cf. *prev. n.*
- (4) The unlearned priest.
- (5) By the Israelite scholar who accompanies him.
- (6) On account of a leprosy sign.
- (7) Before the conclusion of the prescribed period.
- (8) On account of a second leprosy sign that appeared.
- (9) Sc. if the second leprosy sign appeared before the first had received attention.
- (10) During which one was shut up on account of a first leprosy sign.
- (11) Sc. the priest.
- (12) If a leprosy sign appeared on either.
- (13) Any person on whom a leprosy sign appeared.
- (14) On which there appeared a leprosy sign.
- (15) At least, if there was no change in the sign; since in consequence it has to be shut up for no less than two periods of seven days, making a total of two weeks.
- (16) Which render it unclean even earlier.
- (17) When the sign is first inspected.
- (18) During which it was shut up.
- (19) The leprosy sign.
- (20) Since the last day of the first week is counted also as the beginning of the second week.
- (21) Even in the absence of any token of uncleanness, since it must invariably be shut up for a week.
- (22) At least, if there was no change in the sign; since in consequence it has to be shut up for no less than two periods of seven days, making a total of two weeks.
- (23) V. p. 242, n. 5.
- (24) V. p. 242, n. 6.
- (25) V. p. 242, n. 7.
- (26) V. p. 242, n. 9.
- (27) Cf. p. 243, n. 1 *mut. mut.*
- (28) V. p. 242, n. 5.
- (29) V. p. 242, n. 6.
- (30) V. p. 242, n. 7.
- (31) Cf. p. 242, n. 9 *mut. mut.*
- (32) The boil and the burning.
- (33) The leprosy of houses.

Mishna - Mas. Nega'im Chapter 4

MISHNAH 1. CERTAIN RESTRICTIONS APPLY TO THE WHITE HAIR THAT DO NOT APPLY TO THE SPREADING, WHILE OTHER RESTRICTIONS APPLY TO THE SPREADING AND DO NOT APPLY TO THE WHITE HAIR. WHITE HAIR NAMELY CAUSES UNCLEANNESS AT THE BEGINNING,¹ IT CAUSES UNCLEANNESS WHATEVER THE STATE OF ITS WHITENESS,² AND IT IS NEVER A TOKEN OF CLEANNESS.³ 'OTHER RESTRICTIONS APPLY TO THE SPREADING', FOR THE SPREADING CAUSES UNCLEANNESS HOWEVER SMALL ITS EXTENT,⁴ IT CAUSES UNCLEANNESS IN ALL FORMS OF LEPROSY SIGNS⁵ AND ALSO WHERE IT IS OUTSIDE THE SIGN,⁶ WHICH

RESTRICTIONS DO NOT APPLY TO THE WHITE HAIR.⁷

MISHNAH 2. CERTAIN RESTRICTIONS APPLY TO THE QUICK FLESH THAT DO NOT APPLY TO THE SPREADING, WHILE OTHER RESTRICTIONS APPLY TO THE SPREADING AND DO NOT APPLY TO THE QUICK FLESH. QUICK FLESH NAMELY CAUSES UNCLEANNESS AT THE BEGINNING,¹ IT CAUSES UNCLEANNESS WHATEVER ITS COLOUR,⁸ AND IT IS NEVER A TOKEN OF CLEANNESS.³ 'OTHER RESTRICTIONS APPLY TO THE SPREADING', FOR THE SPREADING CAUSES UNCLEANNESS HOWEVER SMALL ITS EXTENT, IT CAUSES UNCLEANNESS IN ALL FORMS OF LEPROSY SIGNS⁹ AND ALSO WHERE IT IS OUTSIDE THE LEPROSY SIGN,¹⁰ WHICH RESTRICTIONS DO NOT APPLY TO THE QUICK FLESH.¹¹

MISHNAH 3. CERTAIN RESTRICTIONS APPLY TO WHITE HAIR THAT DO NOT APPLY TO THE QUICK FLESH, WHILE OTHER RESTRICTIONS APPLY TO QUICK FLESH AND NOT TO WHITE HAIR. WHITE HAIR NAMELY CAUSES UNCLEANNESS IN A BOIL AND IN A BURNING, WHETHER GROWING TOGETHER OR DISPERSED,¹² AND WHETHER ENCOMPASSED¹³ OR UNENCOMPASSED. 'OTHER RESTRICTIONS APPLY TO QUICK FLESH', FOR QUICK FLESH CAUSES UNCLEANNESS IN SCALP BALDNESS AND IN FOREHEAD BALDNESS, WHETHER IT WAS TURNED¹⁴ OR WAS NOT TURNED,¹⁵ IT¹⁶ HINDERS THE CLEANNESS OF ONE WHO IS ALL TURNED WHITE,¹⁷ AND CAUSES UNCLEANNESS WHATEVER ITS COLOUR, WHICH RESTRICTIONS DO NOT APPLY TO WHITE HAIR.¹¹

MISHNAH 4. IF THE TWO HAIRS¹⁸ WERE BLACK AT THE ROOT AND WHITE AT THE TIP THE MAN IS CLEAN. IF THEY WERE WHITE AT THE ROOT AND BLACK AT THE TIP THE MAN IS UNCLEAN. HOW MUCH OF WHITENESS MUST THERE BE?¹⁹ R. MEIR RULED: ANY. R. SIMEON RULED: ENOUGH TO BE CUT WITH A PAIR OF SCISSORS. IF IT WAS SINGLE AT THE ROOT BUT SPLIT AT THE TIP, HAVING THE APPEARANCE OF TWO HAIRS, THE MAN IS CLEAN. IF A BRIGHT SPOT HAD [TWO] WHITE HAIRS AND²⁰ BLACK HAIR THE MAN IS UNCLEAN. THERE IS NO NEED TO CONSIDER THE POSSIBILITY THAT THE PLACE OF THE BLACK HAIR²¹ LESSENED THE SPACE OF THE BRIGHT SPOT,²² SINCE THE FORMER²³ IS OF NO CONSEQUENCE.²⁴

MISHNAH 5. IF A BRIGHT SPOT WAS OF THE SIZE OF A SPLIT BEAN AND A STREAK EXTENDED FROM IT, THE LATTER, PROVIDED IT WAS TWO HAIRS IN BREADTH, SUBJECTS IT²⁵ TO THE RESTRICTIONS IN RESPECT OF WHITE HAIR AND SPREADING,²⁶ BUT NOT TO THAT IN RESPECT OF ITS QUICK FLESH.²⁷ IF THERE WERE TWO BRIGHT SPOTS AND A STREAK EXTENDED FROM ONE TO THE OTHER, PROVIDED IT WAS TWO HAIRS IN BREADTH, IT COMBINES THEM;²⁸ OTHERWISE IT DOES NOT COMBINE THEM.

MISHNAH 6. IF A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN HAD WITHIN IT QUICK FLESH OF THE SIZE OF A LENTIL AND THERE WAS WHITE HAIR WITHIN THE QUICK FLESH, IF THE QUICK FLESH DISAPPEARED²⁹ THE SPOT BECOMES UNCLEAN ON ACCOUNT OF THE WHITE HAIR; IF THE WHITE HAIR DISAPPEARED³⁰ IT BECOMES UNCLEAN ON ACCOUNT OF THE QUICK FLESH. R. SIMEON RULES THAT³¹ IT IS CLEAN, SINCE IT WAS NOT THE BRIGHT SPOT³² THAT CAUSED THE HAIR TO TURN WHITE.³³ IF A BRIGHT SPOT TOGETHER WITH THE QUICK FLESH IN IT WAS OF THE SIZE OF A SPLIT BEAN AND THERE WAS WHITE HAIR WITHIN THE SPOT, IF THE QUICK FLESH DISAPPEARED³⁴ THE SPOT IS UNCLEAN ON ACCOUNT OF THE WHITE HAIR; IF THE WHITE HAIR DISAPPEARED IT IS UNCLEAN ON ACCOUNT OF THE (QUICK FLESH. R. SIMEON RULES THAT³⁴ T³⁵ IS CLEAN, SINCE IT WAS NOT A BRIGHT

SPOT OF THE SIZE OF A SPLIT BEAN THAT CAUSED THE HAIR TO TURN WHITE. HE AGREES, HOWEVER, THAT IT IS UNCLEAN IF IT WAS OF THE SIZE OF A SPLIT BEAN³⁶ WHERE THE WHITE HAIR WAS.

MISHNAH 7. WITH REGARD TO A BRIGHT SPOT³⁷ WITHIN WHICH WAS³⁸ QUICK FLESH AND A SPREADING,³⁹ IF THE QUICK FLESH DISAPPEARED IT IS UNCLEAN ON ACCOUNT OF THE SPREADING; IF THE SPREADING DISAPPEARED IT IS UNCLEAN ON ACCOUNT OF THE QUICK FLESH. SO ALSO IN THE CASE OF WHITE HAIR AND A SPREADING.⁴⁰ IF A LEPROSY SIGN³⁷ DISAPPEARED⁴¹ AND APPEARED AGAIN AT THE END OF THE WEEK,⁴² IT IS REGARDED AS THOUGH IT HAD REMAINED AS IT WAS.⁴³ IF IT REAPPEARED AFTER IT⁴⁴ HAD BEEN PRONOUNCED CLEAN, IT MUST BE INSPECTED AS A NEW ONE.⁴⁵ IF IT HAD BEEN BRIGHT WHITE BUT WAS NOW DULL WHITE, OR IF IT HAD BEEN DULL WHITE BUT WAS NOW BRIGHT WHITE,³⁴ T⁴⁶ IS REGARDED AS THOUGH IT HAD REMAINED AS IT WAS, PROVIDED THAT IT DOES NOT BECOME LESS WHITE THAN THE FOUR PRINCIPAL COLOURS.⁴⁷ IF IT⁴⁸ CONTRACTED AND THEN SPREAD, OR IF IT SPREAD⁴⁹ AND THEN CONTRACTED, R. AKIBA RULES THAT IT IS UNCLEAN,⁵⁰ BUT THE SAGES RULE THAT IT IS CLEAN.⁵¹

MISHNAH 8. IF A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN⁵² SPREAD TO THE EXTENT OF HALF A SPLIT BEAN, WHILE OF THE ORIGINAL SPOT THERE DISAPPEARED AS MUCH AS HALF A SPLIT BEAN, R. AKIBA RULED: IT MUST BE INSPECTED AS A NEW ONE,⁵³ BUT THE SAGES RULE THAT IT IS CLEAN.⁵⁴

MISHNAH 9. IF A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN SPREAD TO THE EXTENT OF HALF A SPLIT BEAN AND A LITTLE MORE, WHILE AS MUCH AS HALF THE SIZE OF A SPLIT BEAN DISAPPEARED FROM THE ORIGINAL SPOT, R. AKIBA RULES THAT IT IS UNCLEAN,⁵⁵ BUT THE SAGES RULE THAT IT IS CLEAN.⁵⁶ IF THE BRIGHT SPOT WAS OF THE SIZE OF A SPLIT BEAN AND IT SPREAD TO THE EXTENT OF A SPLIT BEAN AND A LITTLE MORE, WHILE THE ORIGINAL SPOT DISAPPEARED, R. AKIBA RULES THAT IS IT UNCLEAN,⁵⁷ BUT THE SAGES RULE THAT IT SHOULD BE INSPECTED AS A NEW ONE.⁵⁸

MISHNAH 10. IF A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN SPREAD⁵⁹ TO THE EXTENT OF A SPLIT BEAN, AND IN THE SPREADING THERE APPEARED QUICK FLESH OR WHITE HAIR, WHILE THE ORIGINAL SPOT DISAPPEARED, R. AKIBA RULES THAT IT IS UNCLEAN,⁶⁰ BUT THE SAGES RULE THAT IT MUST BE INSPECTED AS A NEW ONE.⁶¹ IF IN A BRIGHT SPOT OF THE SIZE OF HALF A SPLIT BEAN NOTHING ELSE⁶² APPEARED, AND THEN THERE APPEARED⁶³ A BRIGHT SPOT OF THE SIZE OF HALF A SPLIT BEAN AND IN IT THERE GREW ONE HAIR, SUCH A SPOT MUST BE SHUT UP. IF A BRIGHT SPOT OF THE SIZE OF HALF A SPLIT BEAN HAD ONE HAIR AND THEN THERE APPEARED⁶³ ANOTHER SPOT OF THE SIZE OF HALF A SPLIT BEAN WHICH ALSO HAD ONE HAIR, SUCH A SPOT MUST BE SHUT UP.⁶⁴ IF A BRIGHT SPOT OF THE SIZE OF HALF A SPLIT BEAN HAD TWO HAIRS AND ANOTHER SPOT OF THE SIZE OF HALF A SPLIT BEAN APPEARED⁶³ WITH ONE HAIR,⁶⁵ SUCH A SPOT MUST BE SHUT UP.⁶⁶

MISHNAH 11. IF IN A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN THERE WAS NOTHING ELSE, AND THEN THERE APPEARED⁶³ A BRIGHT SPOT OF THE SIZE OF HALF A SPLIT BEAN HAVING TWO HAIRS, SUCH MUST BE CERTIFIED UNCLEAN,⁶⁷ BECAUSE IT HAS BEEN LAID DOWN: IF THE BRIGHT SPOT PRECEDED THE WHITE HAIR THE MAN IS UNCLEAN; IF THE WHITE HAIR PRECEDED THE BRIGHT SPOT HE IS CLEAN; AND IF THIS IS A MATTER OF DOUBT HE IS UNCLEAN. R. JOSHUA REGARDS THIS AS UNSOLVABLE.⁶⁸ .

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- (1) When a leprosy sign is first inspected.
 - (2) Even if it is dimmer than any of the four principal colours.
 - (3) A spreading, however, may be one when it extended over the whole body.
 - (4) White hair is subject to a minimum of two hairs of a prescribed length.
 - (5) Even in those of garments and houses.
 - (6) White hair, however, is no token of uncleanness unless it appeared within the leprosy sign.
 - (7) Cf. prev. nn.
 - (8) While the spreading causes uncleanness only if it has one of the four principal colours.
 - (9) Quick flesh, however, causes uncleanness only if it is of the prescribed size and only on skin, flesh, scalp baldness and forehead baldness.
 - (10) But quick flesh is a cause of uncleanness only if it appears within the leprosy sign.
 - (11) Cf. prev. nn.
 - (12) One hair at one side of the leprosy sign and another at the other side.
 - (13) By the leprosy sign.
 - (14) Cf. Lev. XIII, 13. V. foll. n.
 - (15) Sc. whether the quick flesh appeared after the bright spot or whether the latter appeared after the former. In the case of white hair if it preceded the bright spot no uncleanness is caused.
 - (16) If its size is no less than that of a lentil.
 - (17) Cf. Ibid. XIII, 12ff. White hair in such a case causes no uncleanness.
 - (18) In a leprosy sign.
 - (19) On the hairs to be regarded as turned white.
 - (20) Var. lec. 'or'.
 - (21) According to var. lec. (in previous note) add 'or the white hair'.
 - (22) In consequence of which the bright spot may have been reduced to less than the prescribed minimum of a split bean.
 - (23) The hair follicles whose size is almost imperceptible.
 - (24) Lit., 'substance', 'reality'.
 - (25) The bright spot.
 - (26) If either of these signs appear in the streak the spot is deemed unclean.
 - (27) Which must be encompassed by the bright spot.
 - (28) The two bright spots. Both are in all respects regarded as one unit to make up the prescribed minimum of a split bean and to combine the two hairs if one grew on the one and the other on the other side of the spot.
 - (29) The leprosy sign having spread over its place.
 - (30) Having fallen off or turned black.
 - (31) In the first case.
 - (32) But the quick flesh from which it grew.
 - (33) The first Tanna, however, maintains that in this respect the quick flesh is regarded as a part of the bright spot.
 - (34) The leprosy sign having spread over its place.
 - (35) V. p. 247, n. 12.
 - (36) Without the addition of the quick flesh.
 - (37) Of the prescribed size of a split bean that had been shut up for a week.
 - (38) At the end of the week (cf. prev. n.).
 - (39) In consequence of which it was certified unclean.
 - (40) If one disappeared it is still unclean on account of the other that remained.
 - (41) During the week.
 - (42) Or if it disappeared at the end of the week on the day of inspection and appeared again later on the same day.
 - (43) And is to be shut up again for a second week. It is not to be treated as a new leprosy sign to be possibly shut up for two weeks.
 - (44) Having been diminished in size.
 - (45) Lit., 'as at the beginning'. Var lec., 'in the beginning'.
 - (46) Since its size still conformed to the minimum prescribed.
 - (47) Enumerated supra I, 1. If It did become less white it must be pronounced clean.

- (48) A leprosy sign of the size of a split bean.
- (49) At the end of the first or the second week.
- (50) In his opinion the spreading, in either case, is a mark of uncleanness.
- (51) The spreading, they maintain, may be disregarded, since the size of the leprosy sign is now the same as it was originally.
- (52) That was shut up.
- (53) Because, of the original, less than the prescribed minimum remained, while the remainder together with the extension conform to the prescribed minimum.
- (54) Since the original spot had been reduced to half the prescribed minimum it must be regarded as clean. Its clean remainder, therefore, cannot be added to the extension to constitute a new leprosy sign.
- (55) Because the spreading exceeded the size of half a split bean.
- (56) Since, owing to the disappearance of half of the original spot, the new one (only slightly bigger than half a split bean) is less than the prescribed minimum.
- (57) Since the spot is now bigger than it was originally.
- (58) Because the original spot had entirely disappeared.
- (59) After it had been pronounced clean.
- (60) The spreading taking the place of the original spot.
- (61) Hence two sacrifices will have to be brought, one for each spot.
- (62) Neither quick flesh nor white hair.
- (63) At its side.
- (64) Since the first hair preceded the second half of the spot.
- (65) And much more so if it had no hair at all.
- (66) Since the full sized spot did not precede the first two hairs.
- (67) Provided that it is known that the second half of the spot preceded the two hairs.
- (68) Aliter: Doubtful; alter: Demurred; aliter: Rejected, v. Nid. 19b.

Mishna - Mas. Nega'im Chapter 5

MISHNAH 1. ANY CONDITION OF DOUBT IN LEPROSY SIGNS IS REGARDED AS CLEAN, EXCEPT THIS CASE¹ AND ONE OTHER. WHICH IS THAT? IF A MAN HAD A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN AND IT WAS SHUT UP, AND BY THE END OF THE WEEK IT WAS AS BIG AS A SELA', AND IT IS DOUBTFUL WHETHER IT IS THE ORIGINAL ONE² OR WHETHER ANOTHER HAS ARISEN IN ITS PLACE, THE MAN MUST BE REGARDED AS UNCLEAR.

MISHNAH 2. IF A MAN HAD BEEN CERTIFIED UNCLEAN ON ACCOUNT OF WHITE HAIR, AND THE WHITE HAIR DISAPPEARED AND OTHER WHITE HAIR APPEARED, AND SO ALSO IN THE CASE OF QUICK FLESH³ AND A SPREADING,³ WHETHER THIS⁴ OCCURRED IN THE BEGINNING,⁵ AT THE END OF THE FIRST WEEK, AT THE END OF THE SECOND WEEK, OR AFTER THE MAN HAD BEEN RELEASED FROM UNCLEANNESS, HE⁶ IS REGARDED AS BEING IN THE SAME POSITION AS BEFORE.⁷ IF HE HAD BEEN CERTIFIED UNCLEAN ON ACCOUNT OF QUICK FLESH, AND THE QUICK FLESH DISAPPEARED AND OTHER QUICK FLESH APPEARED, AND SO ALSO IN THE CASE OF WHITE HAIR⁸ AND A SPREADING,⁸ WHETHER THIS⁴ OCCURRED IN THE BEGINNING,⁵ AT THE END OF THE FIRST WEEK, AT THE END OF THE SECOND WEEK, OR AFTER THE MAN HAD BEEN RELEASED FROM UNCLEANNESS, HE⁶ IS REGARDED AS BEING IN THE SAME POSITION AS BEFORE.⁷ IF HE HAD BEEN CERTIFIED UNCLEAN ON ACCOUNT OF A SPREADING, AND THE SPREADING DISAPPEARED AND ANOTHER SPREADING APPEARED, AND SO ALSO IN THE CASE OF WHITE HAIR,⁹ WHETHER THIS¹⁰ OCCURRED AT THE END OF THE FIRST WEEK, AT THE END OF THE SECOND WEEK, OR AFTER THE MAN HAD BEEN RELEASED FROM UNCLEANNESS, HE¹¹ IS IN THE SAME POSITION AS BEFORE.¹²

MISHNAH 3. DEPOSITED HAIR, AKABIAH B. MAHALALEEL HOLDS TO BE UNCLEAN. BUT THE SAGES HOLD IT TO BE CLEAN. WHAT IS 'DEPOSITED HAIR'?¹³ IF A MAN HAD A BRIGHT SPOT WITH WHITE HAIR IN IT, AND THE BRIGHT SPOT DISAPPEARED LEAVING THE WHITE HAIR IN POSITION AND THEN IT REAPPEARED AKABIAH B. MAHALALEEL HOLDS THE MAN TO BE UNCLEAN,¹⁴ BUT THE SAGES HOLD HIM TO BE CLEAN. R. AKIBA OBSERVED: IN THIS CASE I ADMIT THAT THE MAN IS CLEAN; BUT WHAT IS 'DEPOSITED HAIR'?¹⁵ IF A MAN HAD A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN WITH TWO HAIRS IN IT, AND A PART THE SIZE OF A HALF SPLIT BEAN DISAPPEARED LEAVING THE WHITE HAIR IN THE PLACE OF THE WHITE SPOT AND THEN IT REAPPEARED.¹⁶ THEY¹⁷ SAID TO HIM: AS THEY¹⁸ REJECTED THE RULING OF AKABIAH SO IS THERE NO VALIDITY IN YOUR RULING.¹⁹

MISHNAH 4. ANY CONDITION OF DOUBT IN LEPROSY SIGNS IN THE BEGINNING IS REGARDED AS CLEAN BEFORE UNCLEANNESS HAS BEEN ESTABLISHED, BUT AFTER UNCLEANNESS HAS BEEN ESTABLISHED A CONDITION OF DOUBT IS REGARDED AS UNCLEAN. IN WHAT MANNER? IF TWO MEN CAME TO THE PRIEST ONE HAVING A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN AND THE OTHER HAVING ONE OF THE SIZE OF A SELA', AND AT THE END OF THE WEEK THAT OF EACH WAS OF THE SIZE OF A SELA, AND IT IS NOT KNOWN ON WHICH OF THEM THE SPREADING HAD OCCURRED (WHETHER THIS OCCURRED WITH ONE MAN²⁰ OR WITH TWO MEN). EACH ONE IS CLEAN. R. AKIBA RULED: IF ONE MAN IS INVOLVED HE IS UNCLEAN,²¹ BUT IF TWO MEN ARE INVOLVED EACH IS CLEAN.

MISHNAH 5. 'BUT AFTER UNCLEANNESS HAS BEEN ESTABLISHED A CONDITION OF DOUBT IS REGARDED AS UNCLEAN'.²² IN WHAT MANNER? IF TWO MEN CAME TO THE PRIEST, ONE HAVING A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN AND THE OTHER HAVING ONE OF THE SIZE OF A SELA' AND AT THE END OF THE WEEK THAT OF EACH WAS OF THE SIZE OF A SELA' AND A LITTLE MORE, BOTH ARE UNCLEAN; AND EVEN THOUGH BOTH RESUMED THE SIZE OF A SELA' BOTH ARE UNCLEAN, AND REMAIN SO UNLESS BOTH RESUME THE SIZE OF A SPLIT BEAN. IT IS THIS THAT WAS MEANT WHEN IT WAS LAID DOWN, 'BUT AFTER UNCLEANNESS HAS BEEN ESTABLISHED A CONDITION OF DOUBT IS REGARDED AS UNCLEAN'.

(1) The last mentioned (supra IV, 11).

(2) That had spread.

(3) That appeared in the place of the white hair.

(4) The certification as unclean.

(5) When the first inspection took place.

(6) So MS.M. Var. lec., 'it'.

(7) He is unclean and there is no need again to certify his uncleanness.

(8) Appearing in place of the quick flesh.

(9) 'Quick flesh' is omitted since under certain circumstances it is a cause of cleanness.

(10) V. p. 251, n. 4.

(11) V. p. 251, n. 6.

(12) V. p. 251, n. 7.

(13) This is explained presently.

(14) As the bright spot reappeared where it was originally it is regarded as the original spot which preceded the white hair and which was certified unclean.

(15) That is a token of uncleanness.

(16) Only in such a case is the man unclean.

(17) His colleagues.

(18) The Sages.

(19) Since a leprosy sign that is less than half a split bean is deemed to be non-existent.

(20) Who had two bright spots.

(21) Since one of the spots at least is unclean.

(22) Cf. prev. MISHNAH .

Mishna - Mas. Nega'im Chapter 6

MISHNAH 1. THE MINIMUM SIZE¹ OF A BRIGHT SPOT² MUST BE THAT OF A CILICIAN SPLIT BEAN SQUARED.³ THE SPACE COVERED BY A SPLIT BEAN EQUALS THAT OF NINE LENTILS, THE SPACE COVERED BY A LENTIL EQUALS THAT OF FOUR HAIRS;⁴ THUS THE SIZE OF A BRIGHT SPOT MUST BE NO LESS THAN THAT OF THIRTY-SIX HAIRS.

MISHNAH 2. IF A BRIGHT SPOT WAS OF THE SIZE OF A SPLIT BEAN AND IN IT THERE WAS QUICK FLESH OF THE SIZE OF A LENTIL,⁵ IF THE BRIGHT SPOT GREW LARGER⁶ IT IS UNCLEAN,⁷ BUT IF IT GREW SMALLER IT IS CLEAN. IF THE QUICK FLESH GREW LARGER IT IS UNCLEAN,⁸ AND IF IT GREW SMALLER IT IS CLEAN.

MISHNAH 3. IF A BRIGHT SPOT WAS OF THE SIZE OF A SPLIT BEAN AND IN IT THERE WAS QUICK FLESH LESS IN SIZE THAN A LENTIL, IF THE BRIGHT SPOT GREW LARGER IT IS UNCLEAN,⁷ BUT IF IT GREW SMALLER IT IS CLEAN. IF THE QUICK FLESH GREW LARGER IT IS UNCLEAN, BUT IF IT GREW SMALLER,⁹ R. MEIR RULES THAT IT IS UNCLEAN;¹⁰ BUT THE SAGES RULE THAT IT IS CLEAN, SINCE A LEPROSY SIGN CANNOT BE DEEMED TO SPREAD WITHIN ITSELF.¹¹

MISHNAH 4. IF A BRIGHT SPOT WAS LARGER IN SIZE THAN A SPLIT BEAN AND IN IT THERE WAS QUICK FLESH LARGER IN SIZE THAN A LENTIL, IRRESPECTIVE OF WHETHER THEY INCREASED OR DECREASED, THEY ARE UNCLEAN, PROVIDED THAT THEY DO NOT DECREASE TO LESS THAN THE PRESCRIBED MINIMUM.¹²

MISHNAH 5. IF A BRIGHT SPOT WAS OF THE SIZE OF A SPLIT BEAN, QUICK FLESH OF THE SIZE OF A LENTIL ENCOMPASSING IT, AND OUTSIDE THE QUICK FLESH THERE WAS ANOTHER BRIGHT SPOT, THE INNER ONE MUST BE SHUT UP AND THE OUTER ONE MUST BE CERTIFIED UNCLEAN.¹³ R. JOSE RULED: THE QUICK FLESH IS NO TOKEN OF UNCLEANNESS FOR THE OUTER ONE, SINCE THE INNER BRIGHT SPOT IS WITHIN IT.¹⁴ IF¹² T¹⁵ DECREASED OR DISAPPEARED, RABBAN GAMALIEL RULED: IF ITS DESTRUCTION WAS ON ITS INNER SIDE¹⁶ IT IS A TOKEN OF A SPREADING OF THE INNER BRIGHT SPOT¹⁷ WHILE THE OUTER ONE IS CLEAN,¹⁸ BUT IF ITS DESTRUCTION WAS ON ITS OUTER SIDE,¹⁹ THE OUTER ONE IS CLEAN²⁰ WHILE THE INNER ONE²¹ MUST BE SHUT UP. R. AKIBA RULED: IN EITHER CASE²² IT²³ IS CLEAN.²⁴

MISHNAH 6. R. SIMEON²⁵ STATED: WHEN IS THIS THE CASE?²⁶ WHEN THE QUICK FLESH WAS EXACTLY THE SIZE OF A LENTIL;²⁷ BUT IF IT EXCEEDED THE SIZE OF A LENTIL THE EXCESS IS A TOKEN OF SPREADING OF THE INNER ONE,²⁸ AND THE OUTER ONE IS UNCLEAN.²⁹ IF THERE WAS THERE³⁰ A TETTER LESS IN SIZE THAN A LENTIL, IT³¹ IS A TOKEN OF THE SPREADING³² OF THE INNER BRIGHT SPOT³³ BUT IT IS NO TOKEN OF SPREADING OF THE OUTER ONE.³⁴

MISHNAH 7. THERE ARE TWENTY-FOUR TIPS OF LIMBS IN THE HUMAN BODY THAT DO NOT BECOME UNCLEAN ON ACCOUNT OF QUICK FLESH:³⁵ THE TIPS OF THE FINGERS AND THE TOES, THE TIPS OF THE EARS, THE TIP OF THE NOSE, THE TIP OF

THE MEMBRUM; AND ALSO THE NIPPLES OF A WOMAN. R. JUDAH RULED: THOSE OF A MAN ALSO. R. ELIEZER RULED: ALSO WARTS AND WENS DO NOT BECOME UNCLEAN ON ACCOUNT OF QUICK FLESH.³⁶

MISHNAH 8. THE FOLLOWING PLACES IN MEN³⁷ DO NOT BECOME UNCLEAN ON ACCOUNT OF A BRIGHT SPOT:³⁸ THE INSIDE OF THE EYE, THE INSIDE OF THE EAR, THE INSIDE OF THE NOSE AND THE INSIDE OF THE MOUTH, WRINKLES,³⁹ WRINKLES IN THE NECK, UNDER THE BREAST⁴⁰ AND THE ARMPIT,⁴¹ THE SOLE OF THE FOOT,⁴² THE NAILS, THE HEAD AND THE BEARD;⁴³ AND A BOIL, A BURNING AND A BLISTER⁴⁴ THAT ARE FESTERING. ALL THESE DO NOT BECOME UNCLEAN ON ACCOUNT OF LEPROSY SIGNS NOR ARE THEY COMBINED⁴⁵ WITH OTHER LEPROSY SIGNS,⁴⁶ NOR IS A LEPROSY SIGN DEEMED TO SPREAD INTO THEM,⁴⁷ NOR DO THEY BECOME UNCLEAN ON ACCOUNT OF QUICK FLESH,⁴⁸ NOR ARE THEY⁴⁹ A HINDRANCE⁵⁰ WHERE A PERSON IS ALL TURNED⁵¹ WHITE.⁵² IF SUBSEQUENTLY A BALD SPOT AROSE IN THE HEAD OR BEARD,⁵³ OR IF A BOIL, A BURNING OR A BLISTER FORMED A SCAR, THEY MAY BECOME UNCLEAN BY LEPROSY SIGNS THOUGH THEY CANNOT BE COMBINED WITH OTHER LEPROSY SIGNS,⁵⁴ NOR IS A LEPROSY SIGN DEEMED TO SPREAD INTO THEM,⁴⁷ NOR DO THEY BECOME UNCLEAN ON ACCOUNT OF QUICK FLESH. THEY ARE, HOWEVER, A HINDRANCE⁵⁰ WHERE⁴⁹ A PERSON IS ALL TURNED WHITE.⁵² THE HEAD AND THE BEARD BEFORE THEY HAVE GROWN HAIR, AND WENS ON THE HEAD OR THE BEARD, ARE⁵⁵ TREATED AS THE SKIN OF THE FLESH.

(1) Lit., 'body'.

(2) That is to be pronounced unclean.

(3) Sc. each of its four sides must be as long as a Cilician split bean.

(4) Growing on the body other than the head or face.

(5) Thus reducing its size to less than the prescribed minimum.

(6) Extending outwards.

(7) On account of the spreading.

(8) Var. lec., 'clean', since the bright spot decreased where the quick flesh had spread.

(9) The bright spot having spread in that direction.

(10) An extension within being as unclean as one without.

(11) Only an external expansion is regarded as a spreading that causes uncleanness.

(12) Viz., quick flesh of the size of a lentil surrounded on all sides by a bright spot of the size of a lentil.

(13) On account of the quick flesh within it.

(14) Only quick flesh that is encompassed by a bright spot is a token of uncleanness. The quick flesh in this case is not only encompassed, but also broken up by a bright spot.

(15) The quick flesh under discussion.

(16) The inner bright spot having covered up the quick flesh.

(17) And it must be certified as unclean.

(18) Since its quick flesh disappeared or decreased to less than the prescribed minimum.

(19) The outer bright spot having covered it up.

(20) Because its quick flesh was destroyed and its spreading inwards is of no consequence.

(21) Having retained its size.

(22) Whether the reduction or disappearance was on the inner or the outer side.

(23) The inner bright spot.

(24) In the former case, because, as stated, the spreading of the outer one inwards is of no consequence; and in the latter case, because the spreading of the inner one into the outer spot is similarly of no consequence.

(25) Referring to R. Akiba's ruling in the previous MISHNAH ad fin.

(26) That the outer one is clean.

(27) Lit., 'like a lentil brought' or 'applied'.

(28) If it spread over that excess.

- (29) On account of the quick flesh.
- (30) Between the inner bright spot and the quick flesh around it.
- (31) The extension of the inner bright spot.
- (32) And of uncleanness.
- (33) Because a tetter that is less than the prescribed minimum may be disregarded.
- (34) Because its quick flesh was destroyed and its spreading inwards is of no consequence.
- (35) Because, owing to their convexity it is usually impossible to see at once the prescribed minimum of quick flesh and the leprosy sign.
- (36) Cf. prev. n.
- (37) Which are either not included in the expression, 'skin of his flesh' (Lev. XIII, 2) or are concealed parts of the body.
- (38) Or any other of the four colours (supra I, 1).
- (39) In any part of the body.
- (40) Of a suckling woman, which is covered when the child is nursed.
- (41) Which is concealed when the person is in the posture of one plucking olives (cf. supra II, 4).
- (42) Its hardened part which cannot be regarded as normal skin.
- (43) Where the only unclean leprosy sign is the scall (cf. Lev. XIII, 29ff).
- (44) That was due to an external cause.
- (45) To make up the prescribed minimum.
- (46) Even though their greater part is on the normal skin.
- (47) Sc. even if there was a spreading it is no sign of uncleanness.
- (48) That appeared in a leprosy sign on them.
- (49) If they did not turn white.
- (50) To cleanness.
- (51) Except for any of these places.
- (52) Which is a mark of cleanness (cf. Lev. XIII, 13).
- (53) Thus assuming the character of normal skin of the body.
- (54) E.g. one on the head with one on the beard.
- (55) In all respects.

Mishna - Mas. Nega'im Chapter 7

MISHNAH 1. THE FOLLOWING BRIGHT SPOTS ARE CLEAN: THOSE THAT ONE HAD BEFORE THE TORAH WAS GIVEN,¹ THOSE THAT A HEATHEN HAD WHEN HE BECAME A PROSELYTE OR A CHILD WHEN IT WAS BORN, OR THOSE THAT WERE IN A CREASE² AND WERE SUBSEQUENTLY LAID BARE. IF THEY WERE ON THE HEAD OR THE BEARD, ON A BOIL, A BURNING OR BLISTER THAT IS FESTERING, AND SUBSEQUENTLY THE HEAD OR THE BEARD BECAME BALD, AND THE BOIL, BURNING OR BLISTER TURNED INTO A SCAR, THEY ARE CLEAN. IF THEY WERE ON THE HEAD OR THE BEARD BEFORE THESE GREW HAIR,³ AND THEY THEN GREW HAIR⁴ AND SUBSEQUENTLY BECAME BALD,³ OR IF THEY WERE ON THE BODY BEFORE THE BOIL, BURNING OR BLISTER WAS FORMED⁵ AND THEN THESE⁶ FORMED A SCAR⁷ OR WERE HEALED,³ R. ELIEZER B. JACOB RULES THAT THEY ARE UNCLEAR SINCE AT THE BEGINNING AND AT THE END THEY WERE UNCLEAR, BUT THE SAGES RULE THAT THEY ARE CLEAN.⁸

MISHNAH 2. IF THEIR COLOUR⁹ CHANGED,¹⁰ WHETHER THE CHANGE WAS A CAUSE OF LENIENCY OR ONE OF RESTRICTION — (HOW IS IT A 'CAUSE OF LENIENCY'? IF, FOR INSTANCE, A BRIGHT SPOT HAD BEEN¹¹ AS WHITE AS SNOW AND¹² IT BECAME WHITE AS THE LIME OF THE TEMPLE, AS WHITE WOOL OR AS THE SKIN OF AN EGG. OR IF A RISING¹³ HAS ASSUMED A SECONDARY SHADE,¹⁴ OR IF ONE AS WHITE AS SNOW HAS ASSUMED A SECONDARY SHADE.¹⁴ HOW IS IT 'ONE OF RESTRICTION'? IF, FOR INSTANCE, ITS COLOUR WAS¹⁵ THAT OF THE SKIN OF AN EGG AND IT

ASSUMED¹² THAT OF WHITE WOOL, THE LIME OF THE TEMPLE OR SNOW) — R. ELIEZER¹⁶ B. AZARIAH RULES THAT THEY ARE CLEAN. R. ELIEZER¹⁶ HISMA RULED: IF THE CHANGE WAS A CAUSE OF LENIENCY¹⁷ THE BRIGHT SPOT IS CLEAN, BUT IF IT WAS ONE OF RESTRICTION THE SPOT MUST BE INSPECTED AS IF IT WERE A NEW ONE. R. AKIBA RULED: WHETHER THE CHANGE WAS A CAUSE OF LENIENCY OR ONE OF RESTRICTION THE SPOT MUST BE INSPECTED AS IF IT WERE A NEW ONE.

MISHNAH 3. A BRIGHT SPOT IN WHICH¹⁸ THERE WERE NO SIGNS OF UNCLEANNESS¹⁹ AT THE BEGINNING,²⁰ OR AT THE END OF THE FIRST WEEK, MUST BE SHUT UP; AT THE END OF THE SECOND WEEK OR AFTER IT HAD BEEN PRONOUNCED CLEAN, IT MUST HENCEFORTH BE HELD TO BE CLEAN. IF WHILE THE PRIEST WAS ABOUT TO SHUT IT UP OR TO PRONOUNCE IT CLEAN TOKENS OF UNCLEANNESS²¹ APPEARED IN IT, HE MUST CERTIFY IT AS UNCLEAR. A BRIGHT SPOT IN WHICH APPEARED¹⁸ TOKENS OF UNCLEANNESS MUST BE CERTIFIED AS UNCLEAR. IF WHILE THE PRIEST WAS ABOUT TO CERTIFY IT AS UNCLEAR THE TOKENS OF UNCLEANNESS DISAPPEARED EITHER AT THE BEGINNING,²⁰ OR AT THE END OF THE FIRST WEEK, IT MUST BE SHUT UP; BUT IF THEY DISAPPEARED AT THE END OF THE SECOND WEEK OR AFTER THE SPOT HAD BEEN PRONOUNCED CLEAN,²² IT MUST HENCEFORTH BE HELD TO BE CLEAN.

MISHNAH 4. A MAN WHO PLUCKS OUT TOKENS OF UNCLEANNESS²³ OR CAUTERIZES QUICK FLESH TRANSGRESSES A NEGATIVE COMMANDMENT.²⁴ AND AS REGARDS CLEANNESS, IF THEY WERE PLUCKED OUT BEFORE THE MAN CAME TO THE PRIEST, HE IS CLEAN; BUT IF AFTER HE HAD BEEN CERTIFIED AS UNCLEAR, HE REMAINS UNCLEAR. SAID R. AKIBA: I ASKED RABBAN GAMALIEL AND R. JOSHUA WHEN THEY WERE ON THE WAY TO NADWAD,²⁵ ‘WHAT IS THE RULING IF THE PLUCKING OCCURRED WHILE IT WAS SHUT UP?’ THEY SAID TO ME, ‘WE HEARD NO SUCH RULING, BUT WE HAVE HEARD THAT IF THEY WERE PLUCKED BEFORE THE MAN CAME TO THE PRIEST HE IS CLEAN, AND IF AFTER HE HAD BEEN CERTIFIED AS UNCLEAR HE REMAINS UNCLEAR’. I BEGAN TO BRING THEM PROOFS²⁶ TO THE EFFECT THAT, WHETHER THE MAN STANDS BEFORE THE PRIEST²⁷ OR WHETHER HE IS THEN²⁷ SHUT UP, HE IS CLEAN UNLESS THE PRIEST HAD PRONOUNCED HIM UNCLEAR. WHEN DOES HE²⁸ ATTAIN CLEANNESS? R. ELIEZER RULED: AFTER ANOTHER LEPROSY SIGN HAS ARISEN IN HIM AND HE HAS ATTAINED CLEANNESS AFTER IT; BUT THE SAGES RULED: ONLY AFTER ANOTHER LEPROSY SIGN HAS SPREAD OVER HIS WHOLE BODY OR AFTER HIS BRIGHT SPOT HAS BEEN REDUCED TO LESS THAN THE SIZE OF A SPLIT BEAN.

MISHNAH 5. IF A MAN HAD A BRIGHT SPOT AND IT WAS CUT OFF, HE BECOMES CLEAN; BUT IF HE CUT IT OFF INTENTIONALLY, R. ELIEZER RULED: HE BECOMES CLEAN ONLY AFTER ANOTHER LEPROSY SIGN HAS ARISEN IN HIM AND HE HAS ATTAINED CLEANNESS AFTER IT; BUT THE SAGES RULED: ONLY AFTER IT HAS SPREAD OVER ALL HIS BODY. IF IT²⁹ WAS ON THE TIP OF ONE'S FORESKIN, CIRCUMCISION³⁰ IS PERMITTED.³¹

(1) Though they continued after it was given.

(2) Of the body.

(3) Which, being like the normal skin of the body, would be a cause of uncleanness.

(4) Normally a cause of cleanness.

(5) ‘A scar’ is, with some texts, to be deleted.

(6) The boil, burning or blister, a bright spot on which is clean.

(7) A bright spot on which is unclear.

- (8) Because there was an interval of cleanness between the two phases of uncleanness.
- (9) That of the clean bright spots spoken of in the previous MISHNAH .
- (10) During the periods of their uncleanness.
- (11) While the man for instance was still a heathen.
- (12) After he became a proselyte.
- (13) Whose colour is white as white wool.
- (14) That of lime of the Temple or the skin of an egg, which is dimmer than its first colour.
- (15) V. p. 258, n. 11.
- (16) Var. lec., 'Eleazar'.
- (17) Sc. if a bright colour assumed a dimmer shade.
- (18) When inspected by the priest.
- (19) Lit., 'nothing', neither quick flesh nor white hair.
- (20) When it was first submitted to the priest's inspection.
- (21) White hair or quick flesh.
- (22) Sc. tokens of uncleanness that appeared after it had been pronounced clean disappeared before the priest had certified it as unclean.
- (23) E.g. white hair from a leprosy sign on a normal skin.
- (24) Cf. Deut. XXIV, 8.
- (25) Var. lec., Narwad, Nadabath.
- (26) These are given in Tosef. Neg. III, 4.
- (27) When his tokens of uncleanness were plucked out.
- (28) The man whose tokens of uncleanness were plucked after he had been certified unclean.
- (29) The spreading of the leprosy sign.
- (30) Even when it is performed later than the prescribed eighth day after birth. Circumcision on the eighth day, which overrides the Pentateuchal prohibition against work on the Sabbath, obviously overrides that against the removal of a leprosy sign which is but a Rabbinical prohibition.
- (31) Since the positive commandment of circumcision overrides the negative one of removing a token of uncleanness.

Mishna - Mas. Nega'im Chapter 8

MISHNAH 1. IF LEPROSY BROKE OUT ABROAD¹ WHEN A MAN WAS UNCLEAN,² HE BECOMES CLEAN;³ BUT IF ONLY THE ENDS OF HIS MEMBERS⁴ REAPPEARED,⁵ HE BECOMES UNCLEAN⁶ UNTIL THE BRIGHT SPOT IS REDUCED TO LESS THAN THE SIZE OF A SPLIT BEAN. [IF IT BROKE OUT ABROAD] WHEN HE WAS [DECLARED] CLEAN,⁷ HE BECOMES UNCLEAN;⁸ BUT IF THE ENDS OF HIS MEMBERS REAPPEARED, HE REMAINS UNCLEAN UNTIL HIS BRIGHT SPOT RESUMES ITS FORMER SIZE.

MISHNAH 2. IF A BRIGHT SPOT OF THE SIZE OF A SPLIT BEAN IN WHICH WAS QUICK FLESH OF THE SIZE OF A LENTIL BROKE OUT ABROAD COVERING A PERSON'S ENTIRE SKIN AND THEN THE QUICK FLESH DISAPPEARED, OR IF THE QUICK FLESH DISAPPEARED AND THEN⁹ THE BRIGHT SPOT BROKE OUT ABROAD COVERING ALL HIS SKIN, HE IS CLEAN.¹⁰ IF QUICK FLESH AROSE SUBSEQUENTLY HE IS UNCLEAN.⁶ IF HE GREW WHITE HAIR, R. JOSHUA RULES THAT HE IS UNCLEAN,¹¹ BUT THE SAGES RULE THAT HE IS CLEAN.¹²

MISHNAH 3. IF A BRIGHT SPOT IN WHICH GREW WHITE HAIR¹³ BROKE OUT ABROAD COVERING A MAN'S ENTIRE SKIN, EVEN THOUGH THE WHITE HAIR REMAINED IN ITS PLACE,¹⁴ HE IS CLEAN. IF A BRIGHT SPOT IN WHICH THERE WAS A SPREADING¹⁵ BROKE OUT ABROAD COVERING A MAN'S ENTIRE SKIN, HE IS CLEAN. BUT IN THE CASE OF ALL THESE¹⁶ IF THE ENDS OF THE MAN'S MEMBERS REAPPEARED,¹⁷ THE MAN IS UNCLEAN. IF THE LEPROSY BROKE OUT ABROAD COVERING A PART¹⁸ OF THE MAN'S SKIN HE IS UNCLEAN; IF IT BROKE OUT ABROAD

COVERING ALL HIS SKIN HE IS CLEAN.

MISHNAH 4. IN ALL CASES OF BREAKING OUT ABROAD AND COVERING THE ENDS OF THE MEMBERS WHEREBY THE UNCLEAN HAVE BEEN PRONOUNCED CLEAN, IF THEY¹⁹ REAPPEARED²⁰ THESE²¹ BECOME UNCLEAN AGAIN. IN ALL CASES OF REAPPEARANCE OF THE ENDS OF THE MEMBERS²⁰ WHEREBY THE CLEAN HAVE BEEN PRONOUNCED UNCLEAN, IF THEY¹⁹ WERE COVERED AGAIN THESE²¹ BECOME CLEAN AGAIN. IF SUBSEQUENTLY THEY BECOME UNCOVERED THESE²¹ ARE UNCLEAN, EVEN IF THIS OCCURS A HUNDRED TIMES.

MISHNAH 5. ANY PART [OF THE BODY] THAT CAN BE SUBJECT TO THE UNCLEANNESS OF A LEPROSY SIGN²² OF A BRIGHT SPOT MAY²³ PREVENT THE EFFECTIVENESS²⁴ OF THE BREAKING OUT ABROAD, AND ANY PART THAT CANNOT BE SUBJECT TO THE UNCLEANNESS OF A LEPROSY SIGN OF THE BRIGHT SPOT DOES NOT PREVENT THE EFFECTIVENESS²⁴ OF THE BREAKING OUT ABROAD. FOR INSTANCE: IF IT²⁵ BROKE OUT ABROAD, COVERING ALL ONE'S SKIN, BUT NOT THE HEAD OR THE BEARD,²⁶ OR A FESTERING BOIL, BURNING OR BLISTER,²⁶ AND THEN THE HEAD OR THE BEARD BECAME BALD,²⁷ OR THE BOIL, BURNING OR BLISTER TURNED INTO A SCAR,²⁷ THE MAN IS NEVERTHELESS CLEAN.²⁸ IF IT BROKE OUT ABROAD, COVERING ALL ONE'S SKIN, EXCEPT A SPOT OF THE SIZE OF HALF A LENTIL²⁹ NEAR THE HEAD OR BEARD, OR NEAR A BOIL, BURNING OR BLISTER, AND THEN THE HEAD OR THE BEARD BECAME BALD, OR THE BOIL, BURNING OR BLISTER TURNED INTO A SCAR, EVEN THOUGH THE PLACE OF THE QUICK FLESH³⁰ BECAME³¹ A BRIGHT SPOT, THE MAN IS UNCLEAN³² UNLESS IT BREAKS OUT ABROAD COVERING ALL HIS BODY.

MISHNAH 6. IF THERE WERE TWO BRIGHTS SPOTS, THE ONE UNCLEAN AND THE OTHER³³ CLEAN, AND LEPROSY BROKE OUT FROM ONE TO THE OTHER, AND THEN IT BROKE OUT ABROAD COVERING ALL THE MAN'S SKIN, HE BECOMES CLEAN.³⁴ IF THE BRIGHT SPOTS³⁵ WERE RESPECTIVELY ON HIS UPPER LIP AND LOWER LIP, ON TWO OF HIS FINGERS, OR ON HIS TWO EYELIDS, EVEN THOUGH THEY CLEAVE TOGETHER AND APPEAR AS ONE,³⁶ HE IS CLEAN. IF IT³⁷ BROKE OUT ABROAD COVERING ALL HIS SKIN EXCEPT A TETTER,³⁸ HE IS UNCLEAN. IF³⁹ THE ENDS OF THE MEMBERS REAPPEARED IN THE COLOUR OF A TETTER, HE IS CLEAN.⁴⁰ IF THE ENDS OF THE MEMBERS REAPPEARED TO THE EXTENT OF LESS THAN A LENTIL, R. MEIR RULES THAT HE IS UNCLEAN, BUT THE SAGES RULE THAT A TETTER [OR SKIN],⁴¹ LESS IN SIZE THAN A LENTIL, IS A TOKEN OF UNCLEANNESS IN THE BEGINNING,⁴² BUT IS NO TOKEN OF UNCLEANNESS AT THE END.⁴³

MISHNAH 7. A MAN WHO CAME⁴⁴ WITH ALL HIS BODY WHITE MUST BE SHUT UP. IF SUBSEQUENTLY⁴⁵ WHITE HAIR GREW, HE MUST BE CERTIFIED UNCLEAN. IF BOTH HAIRS OR ONE OF THEM TURNED BLACK,⁴⁶ IF BOTH OR ONE OF THEM BECAME SHORT, IF A BOIL ADJOINED BOTH OR ONE OF THEM, OR IF A BOIL ENCOMPASSED BOTH OR ONE OF THEM, OR IF A BOIL, THE QUICK FLESH OF A BOIL, A BURNING, THE QUICK FLESH OF A BURNING, OR A TETTER SUNDERED THEM,⁴⁷ AND THEN⁴⁸ THERE AROSE QUICK FLESH OR WHITE HAIR, HE IS UNCLEAN; BUT IF NEITHER QUICK FLESH NOR WHITE HAIR AROSE HE IS CLEAN. IN ALL THESE CASES, HOWEVER, IF THE ENDS OF THE MEMBERS REAPPEARED THE MAN⁴⁹ REMAINS AS HE WAS BEFORE.⁵⁰ IF THE LEPROSY THEN⁵¹ BROKE OUT ABROAD, COVERING A PART OF THEM,⁵² HE IS UNCLEAN.⁵³ IF SUBSEQUENTLY⁵⁴ IT BROKE OUT ABROAD COVERING ALL OF THEM, HE IS CLEAN.⁵⁵

MISHNAH 8. IF⁵⁶ LEPROSY BROKE OUT ABROAD COVERING ALL A MAN'S SKIN AT ONCE, HE IS UNCLEAN IF THIS ORIGINATED IN A CONDITION OF CLEANNESSE,⁵⁷ AND CLEAN IF IT ORIGINATED IN A CONDITION OF UNCLEANNESSE.⁵⁷ THE MAN WHO ATTAINS CLEANNESSE AFTER HE WAS SHUT UP IS EXEMPT FROM THE OBLIGATION OF LOOSENING THE HAIR AND RENDING THE CLOTHES,⁵⁸ FROM CUTTING OFF THE HAIR⁵⁹ AND FROM BRINGING THE BIRDS.⁶⁰ IF HE ATTAINS CLEANNESSE AFTER HE HAD BEEN CERTIFIED UNCLEAN, HE IS LIABLE TO ALL THESE. BOTH, HOWEVER, CONVEY UNCLEANNESSE⁶¹ BY ENTERING.⁶²

MISHNAH 9. IF A MAN CAME⁶³ WITH HIS WHOLE BODY WHITE, AND ON IT THERE WAS QUICK FLESH TO THE EXTENT OF A LENTIL,⁶⁴ AND THEN⁶⁵ THE LEPROSY BROKE OUT ABROAD COVERING ALL HIS SKIN,⁶⁶ AFTER WHICH⁶⁷ THE ENDS OF THE MEMBERS REAPPEARED, R. ISHMAEL RULED: THE LAW IN THIS CASE IS THE SAME AS WHEN THE ENDS OF THE MEMBERS REAPPEAR IN THAT OF A LARGE BRIGHT SPOT.⁶⁸ R. ELIEZER⁶⁹ B. AZARIAH RULED: AS WHEN THE ENDS OF THE MEMBERS REAPPEARED IN A SMALL BRIGHT SPOT.⁷⁰

MISHNAH 10. SOME MAN MIGHT SHOW HIS LEPROSY SIGN TO THE PRIEST AND THEREBY GAIN ADVANTAGE, WHILE ANOTHER MIGHT SHOW HIS AND LOSE THEREBY. IN WHAT MANNER? IF A MAN WAS CERTIFIED UNCLEAN AND THE TOKENS OF HIS UNCLEANNESSE DISAPPEARED, AND BEFORE HE COULD SHOW IT TO THE PRIEST THE LEPROSY BROKE OUT ABROAD COVERING ALL HIS SKIN, HE IS CLEAN; WHEREAS IF HE HAD SHOWN IT TO THE PRIEST⁷¹ HE WOULD HAVE BEEN UNCLEAN.⁷² IF HE HAD A BRIGHT SPOT IN WHICH THERE WAS NOTHING ELSE, AND BEFORE HE COULD SHOW IT TO THE PRIEST IT BROKE OUT ABROAD COVERING ALL HIS SKIN, HE IS UNCLEAN;⁷³ WHEREAS IF HE HAD SHOWN IT TO THE PRIEST⁷⁴ HE WOULD HAVE BEEN CLEAN.⁷⁵

(1) And covered all his skin. Cf. Lev. XIII, 12.

(2) Either after certification or even only when shut up.

(3) Ibid. 13.

(4) Though quick flesh on these is no cause of uncleanness.

(5) Sc. were freed from the leprosy.

(6) Ibid. 14.

(7) Either after being shut up or after the termination of a certified uncleanness, cf. *infra* p. 263.

(8) As the Biblical text refers only to a case where the plague broke out abroad in one who had been declared unclean.

(9) Before the priest could pronounce the man clean.

(10) On the same principle as in MISHNAH 1.

(11) As if quick flesh arose.

(12) Since the text speaks only of quick flesh.

(13) And consequently had been declared unclean by the priest.

(14) And much more so if it fell off and the priest had not yet pronounced the man to be clean.

(15) V. p. 262 n. 13.

(16) That were ruled *supra* (MISHNAH 2 and 3) to be clean.

(17) V. p. 262 n. 5.

(18) Even if it was the greater part.

(19) The ends of the members.

(20) After they and all the man's skin had been covered by bright spot.

(21) The cases of bright spot.

(22) Cf. *supra* VI, 8.

(23) If any part of it remained free from leprosy.

(24) Sc. as a cause of cleanness.

- (25) The bright spot.
- (26) Which is not subject to the uncleanness of bright spot.
- (27) When it is subject as a rule to the uncleanness of bright spot like the normal skin of the body.
- (28) Because at the time the bright spot first covered the body these were not subject to its uncleanness.
- (29) Which was covered by quick flesh.
- (30) Cf. prev. n.
- (31) Subsequently.
- (32) Since the leprosy did not break out abroad, covering all parts that can be affected, either before or now.
- (33) Having remained unchanged for two weeks.
- (34) Even where the breaking out began from the clean one, since its merging with the unclean one subjects it to the same status.
- (35) Each being of the size of half a split bean.
- (36) Of the size of a split bean.
- (37) The leprosy.
- (38) Bohak, a spot on the skin dimmer than any of the four principal colours; Lev. XIII, 39.
- (39) After the tetter too had been covered with the leprosy, and thus pronounced clean.
- (40) Since it is not 'quick flesh'.
- (41) Cf L.
- (42) These prevent the effectiveness of the breaking out abroad to make the leper clean.
- (43) When the small space mentioned reappeared after the entire skin had been covered.
- (44) To the priest, for a first inspection.
- (45) Having been shut up.
- (46) After the certification.
- (47) The two hairs.
- (48) Having in virtue of these been released from the uncleanness of the white hair.
- (49) Who COMES WITH ALL HIS BODY WHITE.
- (50) If, for instance, he was to be shut up for a week and during that time the ends of the members reappeared, he must be shut up again for a similar period. If, on the other hand, they reappeared after he had been pronounced clean he remains clean (v. L. and cf. Bert.).
- (51) After the ends of the members have reappeared.
- (52) Of the ends of the members.
- (53) On account of the spreading.
- (54) After a part had been covered and the man had become unclean.
- (55) Since the breaking out arose from a condition of uncleanness (cf. next MISHNAH).
- (56) As set forth in previous MISHNAH .
- (57) This is taken as the continuation of the preceding MISHNAH . One comes with his whole body white and is subjected to the various regulations set forth, and then the ends of members reappear only subsequently to be again affected with leprosy.
- (58) Cf. Lev. XIII, 45.
- (59) Cf. Ibid. XIV, 8.
- (60) Cf. Ibid. XIV, 4.
- (61) To all that is in a room.
- (62) The room (cf. prev. n.).
- (63) To the priest, for a first inspection.
- (64) So that, quick flesh being a token of uncleanness at a first inspection, the man should have been pronounced unclean.
- (65) Before the priest pronounced him unclean (cf. prev. n.).
- (66) As a result of which he must be shut up (cf. supra VII, 3).
- (67) Having been shut up.
- (68) Sc. it is regarded as though the whole body is still white, as in MISHNAH 7.
- (69) Var. lec., 'Eleazar'.
- (70) I.e., one confined to a part of the skin and unclean as in MISHNAH 3 (Bert.).

- (71) Who would have pronounced it clean.
- (72) Since the breaking out would have begun in a condition of cleanness.
- (73) Sc. it must be shut up.
- (74) Who would have shot him up for a week.
- (75) Because the breaking out would have begun from a leprosy that was shut up.

Mishna - Mas. Nega'im Chapter 9

MISHNAH 1. A BOIL¹ OR A BURNING¹ MAY BECOME UNCLEAN IN A WEEK² AND BY TWO TOKENS, VIZ., BY WHITE HAIR OR BY A SPREADING.³ WHAT EXACTLY IS A 'BOIL'? AN INJURY RECEIVED FROM WOOD, STONE, OLIVE PEAT, OR THE WATER OF TIBERIAS,⁴ OF FROM ANY OTHER OBJECT WHOSE HEAT IS NOT DUE TO FIRE IS A BOIL. WHAT EXACTLY IS A 'BURNING'? A BURN CAUSED BY A LIVE COAL, HOT EMBERS, OR ANY OBJECT WHOSE HEAT IS DUE TO FIRE IS A BURNING.

MISHNAH 2. A BOIL AND A BURNING CANNOT BE COMBINED,⁵ NOR CAN THEY EFFECTIVELY⁶ SPREAD FROM ONE TO THE OTHER, FROM THEM TO THE SKIN OF THE FLESH, OR FROM THE SKIN OF THE FLESH TO THEM.⁷ IF THEY FESTERED THEY ARE CLEAN.⁸ IF THEY FORMED A SCALE AS THICK AS GARLIC PEEL, SUCH IS THE SCAR OF THE BOIL THAT IS SPOKEN OF IN THE TORAH.⁹ IF THEY WERE SUBSEQUENTLY HEALED, EVEN THOUGH THERE WAS A CICATRIX IN THEIR PLACE, THEY ARE REGARDED AS 'THE SKIN OF THE FLESH'.¹⁰

MISHNAH 3. R. ELIEZER WAS ASKED, 'WHAT IS THE RULING WHERE A BRIGHT SPOT OF THE SIZE OF A SELA' AROSE ON THE INSIDE OF ONE'S HAND AND COVERED UP¹¹ THE SCAR OF A BOIL?'¹² HE REPLIED: 'IT MUST BE SHUT UP'. THEY SAID TO HIM, 'FOR WHAT PURPOSE, SEEING THAT IT IS NEITHER CAPABLE OF GROWING WHITE HAIR¹³ NOR CAN IT EFFECTIVELY¹⁴ SPREAD¹⁵ NOR DOES QUICK FLESH¹⁶ CAUSE IN IT ANY UNCLEANNESS?' HE REPLIED, 'IT IS POSSIBLE THAT IT WILL CONTRACT¹⁷ AND THEN SPREAD AGAIN'.¹⁸ THEY SAID TO HIM, 'BUT WHAT ABOUT WHEN ITS EXTENT BE ONLY THAT OF A SPLIT BEAN?'¹⁹ 'I HAVE NOT HEARD THE REASON', HE REPLIED.²⁰ SAID R. JUDAH B. BATHYRA TO HIM, 'I WOULD SUBMIT AN ARGUMENT ON IT'. THE OTHER REPLIED, 'IF YOU WOULD THEREBY CONFIRM THE RULING OF THE SAGES, WELL AND GOOD'. HE SAID, 'IT IS POSSIBLE THAT ANOTHER BOIL WOULD ARISE OUTSIDE IT? AND THE LATTER²¹ WOULD THEN SPREAD TO THE FORMER,²² 'YOU ARE A GREAT SAGE', THE OTHER EXCLAIMED, 'FOR YOU HAVE CONFIRMED A RULING OF THE SAGES.

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- (1) V. supra, III, 4.
 - (2) If there appeared a bright spot.
 - (3) During which the sufferer is shut up.
 - (4) Flowing from its hot springs.
 - (5) To make up the prescribed size of a split bean.
 - (6) To be a cause of uncleanness.
 - (7) Only a spreading on the boil or burning itself is effective.
 - (8) Though covered by a bright spot.
 - (9) Lev. XIII, 23.
 - (10) Lev. XIII, 3.
 - (11) Lit., 'and its place'.
 - (12) So that nothing of the scar is visible.
 - (13) Since no hair grows on the inside of a hand.
 - (14) To be a cause of uncleanness.

(15) As stated supra MISHNAH 2.

(16) Which is not one of its two tokens of uncleanness (supra MISHNAH 1).

(17) To the size of a split bean.

(18) Over the scar; and thus cause uncleanness.

(19) 'For what purpose should it then be shut up?' For were it to contract it would be less than the minimum size and would become altogether clean.

(20) Though the ruling in the latter case also is that the sufferer is to be shut up.

(21) The one already there that is to be shut up.

(22) And this would, of course, be a cause of uncleanness.

Mishna - Mas. Nega'im Chapter 10

MISHNAH 1. SCALLS¹ MAY BECOME UNCLEAR FOR TWO WEEKS² AND BY TWO TOKENS, VIZ., BY YELLOW THIN³ HAIR OR BY A SPREADING. BY YELLOW THIN HAIR', MEANS SO DISEASED THAT IT IS SHORT; SO R. AKIBA. R. JOHANAN B. NURI SAID: EVEN THOUGH IT IS LONG.⁴ R. JOHANAN B. NURI ARGUED: WHAT IS THE MEANING OF THE EXPRESSION WHEN PEOPLE SAY, 'THIS STICK IS THIN', OR 'THIS REED IS THIN'? DOES 'THIN' IMPLY THAT IT IS STUNTED⁵ AND SHORT AND NOT⁶ STUNTED, AND LONG?⁷ R. AKIBA REPLIED: BEFORE WE LEARN FROM THE REED LET US LEARN FROM THE HAIR. IN 'SO AND SO'S HAIR IS THIN', 'THIN' MEANS THAT IT IS STUNTED⁵ AND SHORT AND NOT STUNTED AND LONG.

MISHNAH 2. YELLOW THIN HAIR CAUSES UNCLEANNESS WHETHER IT IS CLUSTERED TOGETHER⁸ OR DISPERSED, WHETHER IT IS ENCOMPASSED⁹ OR UNENCOMPASSED, OR WHETHER IT CAME AFTER THE SCALL¹⁰ OR BEFORE IT; SO R. JUDAH. R. SIMEON RULED: IT CAUSES UNCLEANNESS ONLY WHEN IT CAME AFTER THE SCALL. R. SIMEON ARGUED: THIS IS A LOGICAL INFERENCE: IF WHITE HAIR,¹¹ AGAINST WHICH OTHER HAIR AFFORDS NO PROTECTION,¹² CAUSES UNCLEANNESS ONLY WHEN IT COMES AFTER THE SCALL,¹⁰ HOW MUCH MORE THEN SHOULD YELLOW THIN HAIR, AGAINST WHICH OTHER HAIR DOES AFFORD PROTECTION,¹³ CAUSE UNCLEANNESS ONLY WHEN IT COMES AFTER THE SCALL? R. JUDAH REPLIED: WHENEVER IT WAS NECESSARY TO SAY, 'IF IT COMES AFTER'¹⁴ SCRIPTURE HAS SAID, 'IF IT COMES AFTER', BUT THE SCALL, SINCE ABOUT IT SCRIPTURE SAID, THERE BE IN IT NO YELLOW HAIR,¹⁵ CAUSES UNCLEANNESS WHETHER IT CAME BEFORE OR AFTER IT.

MISHNAH 3. [BLACK HAIR]¹⁶ THAT GROWS UP¹⁷ AFFORDS PROTECTION AGAINST YELLOW HAIR AND AGAINST A SPREADING,¹⁸ WHETHER IT WAS CLUSTERED TOGETHER OR DISPERSED, WHETHER IT WAS ENCOMPASSED OR UNENCOMPASSED. AND THAT WHICH IS LEFT¹⁹ AFFORDS PROTECTION AGAINST YELLOW HAIR AND AGAINST A SPREADING, WHETHER IT IS CLUSTERED TOGETHER OR DISPERSED, AND ALSO WHEN ENCOMPASSED, BUT IT AFFORDS NO PROTECTION WHERE IT IS AT THE SIDE²⁰ UNLESS IT IS DISTANT FROM THE STANDING HAIR BY THE PLACE OF TWO HAIRS. IF ONE HAIR²¹ WAS YELLOW AND THE OTHER BLACK, OR IF ONE WAS YELLOW AND THE OTHER WHITE,²² THEY AFFORD NO PROTECTION.

MISHNAH 4. YELLOW HAIR THAT PRECEDED A SCALL IS CLEAN. R. JUDAH RULES THAT IT IS UNCLEAR. R. ELIEZER B. JACOB EXPLAINED:²³ IT NEITHER CAUSES UNCLEANNESS NOR DOES IT AFFORD PROTECTION. R. SIMEON EXPLAINED:²³ ANY GROWTH IN A SCALL THAT IS NOT A TOKEN OF UNCLEANNESS IS IPSO FACTO A TOKEN OF CLEANNESS.

MISHNAH 5. HOW IS ONE SHAVED WHO HAS A SCALL?²⁴ THE SPACE OUTSIDE IT IS SHAVED WHILE NEXT TO IT TWO HAIRS ARE LEFT²⁵ IN ORDER THAT IT MAY BE NOTICED WHETHER IT SPREADS. IF IT WAS CERTIFIED UNCLEAN ON ACCOUNT OF YELLOW HAIR, AND THEN THE YELLOW HAIR DISAPPEARED AND OTHER YELLOW HAIR APPEARED, AND SO ALSO IF THERE WAS A SPREADING,²⁶ IRRESPECTIVE OF WHETHER THE CERTIFICATION²⁷ TOOK PLACE AT THE BEGINNING,²⁸ AT THE END OF THE FIRST WEEK, AT THE END OF THE SECOND WEEK OR AFTER THE RELEASE FROM UNCLEANNESS, THE MAN REMAINS AS HE WAS BEFORE.²⁹ IF THE MAN WAS CERTIFIED UNCLEAN ON ACCOUNT OF A SPREADING, AND THE SPREADING DISAPPEARED AND THEN REAPPEARED, AND SO ALSO IF THERE WAS YELLOW HAIR,³⁰ IRRESPECTIVE OF WHETHER THE CERTIFICATION TOOK PLACE AT THE END OF THE FIRST WEEK, AT THE END OF THE SECOND WEEK OR AFTER RELEASE FROM UNCLEANNESS, THE MAN REMAINS AS HE WAS BEFORE.²⁹

MISHNAH 6. IF THERE WERE TWO SCALLS³¹ SIDE BY SIDE AND A LINE OF HAIR INTERVENED BETWEEN THEM, IF A GAP APPEARED³² IN ONE PLACE THE MAN IS UNCLEAN,³³ BUT IF IT APPEARED IN TWO PLACES HE IS CLEAN.³⁴ HOW BIG SHOULD THE GAP³⁵ BE?³⁶ THE SPACE OF TWO HAIRS. IF THERE WAS A GAP IN ONE PLACE, EVEN THOUGH IT IS AS BIG AS A SPLIT BEAN, THE MAN IS UNCLEAN.³⁷

MISHNAH 7. IF THERE WERE TWO SCALLS ONE WITHIN THE OTHER AND A LINE OF HAIR INTERVENED BETWEEN THEM, IF³⁸ THERE APPEARED A GAP IN ONE PLACE THE INNER ONE IS UNCLEAN,³⁹ BUT IF IN TWO PLACES IT IS CLEAN.⁴⁰ HOW BIG MUST THE GAP⁴¹ BE?⁴² THE SPACE OF TWO HAIRS. IF THERE WAS A GAP IN ONE PLACE OF THE SIZE OF A SPLIT BEAN⁴³ THE MAN IS CLEAN.⁴⁴

MISHNAH 8. A MAN WHO HAS A SCALL WITH YELLOW HAIR WITHIN IT IS UNCLEAN.⁴⁵ IF SUBSEQUENTLY BLACK HAIR GREW IN IT, HE IS CLEAN; EVEN IF THE BLACK HAIR DISAPPEARED AGAIN⁴⁶ HE REMAINS CLEAN. R. SIMEON B. JUDAH CITING R. SIMEON RULED: ANY SCALL THAT HAS ONCE BEEN PRONOUNCED CLEAN CAN NEVER AGAIN BE SUBJECTED TO UNCLEANNESS.⁴⁷ R. SIMEON RULED: ANY YELLOW HAIR THAT HAS ONCE BEEN PRONOUNCED CLEAN CAN NEVER AGAIN BE SUBJECTED TO UNCLEANNESS.⁴⁸

MISHNAH 9. IF A MAN HAD A SCALL OF THE SIZE OF A SPLIT BEAN AND IT SPREAD⁴⁹ OVER ALL HIS HEAD⁵⁰ HE BECOMES CLEAN.⁵¹ THE HEAD AND THE BEARD ARE NOT INTERDEPENDENT;⁵² SO R. JUDAH. R. SIMEON RULED: THEY ARE INTERDEPENDENT. R. SIMEON ARGUED: IS NOT THIS A LOGICAL INFERENCE: IF THE SKIN OF THE FACE AND THE SKIN OF THE BODY, BETWEEN WHICH SOMETHING⁵³ INTERVENES, ARE NEVERTHELESS INTERDEPENDENT, IS THERE NOT MORE REASON TO ASSUME THAT THE HEAD AND THE BEARD, BETWEEN WHICH NOTHING INTERVENES, SHOULD BE INTERDEPENDENT? THE HEAD AND THE BEARD⁵⁴ CANNOT BE COMBINED,⁵⁵ NOR IS A SPREADING⁵⁶ FROM ONE TO THE OTHER EFFECTIVE.⁵⁷ WHAT EXACTLY COUNTS AS THE BEARD? THE HAIR FROM THE JOINT OF THE JAW⁵⁸ TO THE THYROID CARTILAGE.⁵⁹

MISHNAH 10. SCALP BALDNESS OR FOREHEAD BALDNESS⁶⁰ MAY BECOME UNCLEAN⁶¹ FOR TWO WEEKS⁶² AND BY TWO TOKENS, VIZ., BY QUICK FLESH OR BY A SPREADING. WHAT CONSTITUTES BALDNESS? IF A MAN HAD EATEN NESHEM⁶³ OR SMEARED HIMSELF WITH NESHEM OR HAD A WOUND FROM WHICH HAIR CAN NO LONGER GROW. WHAT IS THE EXTENT OF SCALP BALDNESS? FROM THE CROWN SLOPING BACKWARDS TO THE PROTRUDING CARTILAGE OF THE NECK. WHAT IS

THE EXTENT OF FOREHEAD BALDNESS? FROM THE CROWN SLOPING FORWARDS TO THE REGION FACING THE HAIR ABOVE.⁶⁴ SCALP BALDNESS AND FOREHEAD BALDNESS CANNOT BE COMBINED,⁶⁵ NOR IS A SPREADING FROM ONE TO THE OTHER EFFECTIVE.⁵⁷ R. JUDAH RULED: IF THERE IS HAIR BETWEEN THEM THEY CANNOT BE COMBINED,⁶⁵ BUT IF THERE IS NONE THEY MUST BE COMBINED.

(1) Cf. Lev. XIII, 30ff.

(2) During which the sufferer is shut up, and is in consequence in a condition of uncleanness even though no token of uncleanness had made its appearance.

(3) Dak (Lev. XIII, 30).

(4) 'Thin' (dak) referring to sparseness only.

(5) In thickness.

(6) Var. lec., 'or'.

(7) The answer, of course, is that the latter meaning is also included.

(8) Sc. a minimum of two yellow hairs in one place.

(9) By the leprosy sign.

(10) Lit., 'turned over'.

(11) In a leprosy sign on the normal skin.

(12) Even the presence of black hair does not nullify the effect of the white hair which are a token of uncleanness.

(13) Two black hairs in a scall nullify the effect of the yellow hair.

(14) V. p. 270 n. 10.

(15) Lev. XIII, 32.

(16) No less than two hairs.

(17) In a scall.

(18) If, for instance, the scall was certified unclean on account of any of these tokens and then black hair grew up the man becomes clean.

(19) Of the black hair which was there before the scall.

(20) Of the scall.

(21) That came before the scall and caused no uncleanness.

(22) Two white hairs, however, like two black ones, afford protection (Elijah Wilna).

(23) The ruling of the first Tanna.

(24) Cf. Lev. XIII, 33.

(25) All round the scall, so that a circle of two hairs in depth is formed around it.

(26) After the yellow hair disappeared, though no other yellow hair has made its appearance.

(27) As unclean, on account of the yellow hair.

(28) When the priest first inspected the scall.

(29) Sc. unclean.

(30) After the spreading had disappeared, no other spreading appearing.

(31) Each of the size of a split bean.

(32) In the line of hair.

(33) Since the scall has spread.

(34) Because black hair is now encompassed by the scall and provides protection.

(35) In each place.

(36) That it should be capable of offering protection.

(37) Because the black hair is unencompassed.

(38) During the week it was shut up.

(39) Since it spread and the black hair growing at its side is not encompassed. The outer scall, however, remains clean since black hair that is left and is encompassed affords protection (cf. MISHNAH 3 supra).

(40) Because both scalls are regarded as merged into one and the hair encompassed affords protection to both.

(41) In each place.

(42) That it should be capable of affording protection.

(43) A gap that causes the two scalls, to be regarded as one.

- (44) Cf. supra n. 3.
- (45) Since yellow hair is a token of uncleanness at all times.
- (46) Only the yellow hair remaining.
- (47) Even though subsequently there was a spreading or other yellow hair grew up.
- (48) It is unclean, however, where other yellow hair grew or a new spreading appeared after the black hair disappeared.
- (49) After it had been pronounced unclean on account of one of the tokens of uncleanness.
- (50) Or beard.
- (51) As a bright spot that breaks out abroad and covers all one's skin.
- (52) Sc. if the scall spread all over one and not over the other the man is nevertheless clean.
- (53) The hair off the chin.
- (54) In respect of scalls.
- (55) A scall on the former cannot be combined with a scall on the latter to form the prescribed size if either is less than that minimum.
- (56) Of a scall.
- (57) To be a cause of uncleanness.
- (58) The upper one.
- (59) Or (with Danby) 'the knob of the windpipe'.
- (60) Cf. Lev. XIII, 40ff.
- (61) If they have a bright spot of one of the four colours enumerated supra I, n. 1.
- (62) Cf. supra p. 270, n. 2.
- (63) A drug that causes the hair to fall out.
- (64) Excluding the eyebrows.
- (65) To constitute the prescribed minimum.

Mishna - Mas. Nega'im Chapter 11

MISHNAH 1. ALL GARMENTS¹ MAY CONTRACT THE UNCLEANNESS OF LEPROSY EXCEPT THOSE OF GENTILES.² IF GARMENTS [WITH LEPROSY SIGNS] ARE BOUGHT FROM GENTILES THEY³ MUST BE INSPECTED AS IF THE SIGNS HAD THEN FIRST APPEARED. THE HIDES [OF THE ANIMALS] OF THE SEA CANNOT CONTRACT THE UNCLEANNESS OF LEPROSY. IF ONE JOINED TO THEM ANYTHING OF THAT WHICH GROWS ON LAND, EVEN IF IT IS ONLY A THREAD OR A CORD,⁴ PROVIDED IT IS OF A MATERIAL THAT IS SUSCEPTIBLE TO UNCLEANNESS, THEY ALSO BECOME SUSCEPTIBLE TO UNCLEANNESS.

MISHNAH 2. CAMEL'S HAIR AND SHEEP'S WOOL THAT HAVE BEEN HACKLED TOGETHER⁵ ARE NOT SUSCEPTIBLE TO LEPROSY UNCLEANNESS IF THE GREATER PART IS CAMEL'S HAIR; BUT IF THE GREATER PART IS SHEEP'S WOOL THEY ARE SUSCEPTIBLE TO LEPROSY UNCLEANNESS. IF EACH REPRESENTS A HALF⁶ THEY ARE ALSO SUSCEPTIBLE TO LEPROSY UNCLEANNESS. AND THE SAME LAW APPLIES ALSO TO FLAX AND HEMP THAT HAVE BEEN HACKLED TOGETHER.⁵

MISHNAH 3. COLOURED⁷ HIDES AND GARMENTS ARE NOT SUSCEPTIBLE TO LEPROSY UNCLEANNESS. HOUSES,⁸ WHETHER THEY ARE COLOURED OR NOT COLOURED, ARE SUSCEPTIBLE TO LEPROSY UNCLEANNESS; SO R. MEIR. R. JUDAH RULED: HIDES ARE [SUBJECT TO THE SAME RESTRICTIONS] AS HOUSES. A. SIMEON RULED: THOSE THAT ARE NATURALLY⁹ [COLOURED] ARE SUSCEPTIBLE TO UNCLEANNESS BUT THOSE THAT ARE ARTIFICIALLY¹⁰ [DYED] ARE NOT SUSCEPTIBLE TO UNCLEANNESS.

MISHNAH 4. IN A GARMENT WHOSE WARP WAS COLOURED AND WHOSE WOOF WAS WHITE, OR WHOSE WOOF WAS COLOURED AND WHOSE WARP WAS WHITE, ALL DEPENDS ON WHAT IS THE MORE APPARENT. GARMENTS CONTRACT UNCLEANNESS IF THEY ARE AN INTENSE GREEN OR AN INTENSE RED. IF A LEPROSY SIGN WAS GREEN¹¹ AND IT SPREAD OUT¹² RED, OR IF IT WAS RED AND IT SPREAD OUT GREEN, IT IS UNCLEAN. IF ITS COLOUR CHANGED¹² AND THEN IT SPREAD, OR IF IT CHANGED AND IT DID NOT SPREAD, IT IS REGARDED AS IF IT HAD NOT CHANGED.¹³ R. JUDAH RULED: LET IT BE INSPECTED AS IF IT THEN APPEARED FOR THE FIRST TIME.¹⁴

MISHNAH 5. [A LEPROSY SIGN] THAT REMAINED UNCHANGED DURING THE FIRST WEEK¹⁵ MUST BE WASHED¹⁶ AND SHUT UP AGAIN. ONE THAT REMAINS UNCHANGED DURING THE SECOND WEEK MUST BE BURNED. ONE THAT SPREAD DURING THE FIRST OR THE SECOND WEEK MUST BE BURNED. IF IT BECOMES DIMMER IN THE BEGINNING,¹⁷ R. ISHMAEL RULED: IT SHOULD BE WASHED AND BE SHUT UP. BUT THE SAGES RULED: THIS IS NOT REQUIRED.¹⁸ IF THE LEPROSY SIGN BECAME DIMMER DURING THE FIRST WEEK IT MUST BE WASHED AND SHUT UP. IF IT BECAME DIMMER DURING THE SECOND WEEK IT MUST BE TORN OUT, AND THAT WHICH IS TORN OUT MUST BE BURNT, BUT IT IS NECESSARY FOR A PATCH TO BE PUT ON.¹⁹ R. NEHEMIAH RULED: A PATCH IS NOT NECESSARY.

MISHNAH 6. IF THE LEPROSY SIGN HAS REAPPEARED ON THE GARMENT,²⁰ THE PATCH IS PROTECTED;²¹ IF IT REAPPEARED ON THE PATCH THE GARMENT MUST BE BURNT.²² IF FROM THE MATERIAL OF A GARMENT THAT WAS SHUT UP²³ A PATCH WAS MADE ON A CLEAN GARMENT AND THE LEPROSY SIGN REAPPEARED ON THE GARMENT,²⁴ THE PATCH MUST BE BURNT; BUT IF IT REAPPEARED ON THE PATCH, THE FIRST GARMENT²⁴ MUST BE BURNT, AND THE PATCH SERVES THE SECOND

GARMENT WHILE THE TOKENS ARE UNDER OBSERVATION.²⁵

MISHNAH 7. IN A SUMMER GARMENT THAT HAD COLOURED AND WHITE STRIPES²⁶ A LEPROSY SIGN MAY EFFECTIVELY SPREAD²⁷ FROM ONE OF THE LATTER TO THE OTHERS.²⁸ R. ELIEZER WAS ASKED: BUT SUPPOSE THERE WAS ONLY ONE WHITE STRIPE?²⁹ HE REPLIED: I HAVE HEARD NO RULING ON THIS QUESTION. SAID R. JUDAH B. BATHYRA TO HIM: 'I WOULD SUBMIT AN ARGUMENT ON THIS'. THE OTHER REPLIED, IF THIS WOULD CONFIRM THE WORDS OF THE SAGES, WELL AND GOOD'. 'IT IS POSSIBLE', EXPLAINED THE FIRST, 'THAT IT WOULD REMAIN ON IT IN AN UNCHANGED CONDITION FOR TWO WEEKS, AND THAT WHICH REMAINS UNCHANGED ON GARMENTS FOR TWO WEEKS IS UNCLEAN'.³⁰ 'YOU ARE', THE OTHER EXCLAIMED, 'A GREAT SAGE, FOR YOU HAVE CONFIRMED THE WORDS OF THE SAGES'. A SPREADING THAT ADJOINS [A FIRST LEPROSY SIGN IS EFFECTIVE]³¹ HOWEVER SMALL IT MAY BE; ONE THAT IS Distant³² [IS EFFECTIVE' ONLY] IF IT IS OF THE SIZE OF A SPLIT BEAN; AND ONE THAT REAPPEARS³³ [IS ALSO EFFECTIVE³¹ IF IT IS] OF THE SIZE OF A SPLIT BEAN.³⁴

MISHNAH 8. THE WARP AND THE WOOF MAY FORTHWITH³⁵ CONTRACT THE UNCLEANNESS OF LEPROSY SIGNS. R. JUDAH RULED: THE WARP, ONLY AFTER IT HAD BEEN BOILED; BUT THE WOOF, FORTHWITH; AND BUNDLES OF FLAX,³⁶ AFTER THEY HAVE BEEN BLEACHED. HOW MUCH MUST THERE BE IN A COIL³⁷ FOR IT TO BE CAPABLE OF CONTRACTING THE UNCLEANNESS OF LEPROSY SIGNS? AS MUCH AS TO WEAVE FROM IT A PIECE OF THREE FINGERBREADTHS SQUARE, EITHER WARP OR WOOF, THOUGH IT IS ALL WARP OR ALL WOOF. IF IT³⁸ CONSISTED OF BROKEN THREADS³⁹ IT DOES NOT CONTRACT THE UNCLEANNESS OF LEPROSY SIGNS. R. JUDAH RULED: EVEN IF THE THREAD WAS BROKEN ONLY IN ONE PLACE, THOUGH IT WAS KNOTTED TOGETHER, IT DOES NOT CONTRACT THE UNCLEANNESS OF LEPROSY SIGNS.

MISHNAH 9. IF A THREAD WAS WOUND FROM ONE COIL TO ANOTHER,⁴⁰ OR FROM ONE SPOOL TO ANOTHER,⁴⁰ OR FROM THE UPPER BEAM⁴¹ TO THE LOWER BEAM,⁴⁰ AND SO ALSO IN THE CASE OF THE TWO WINGS OF A SHIRT,⁴² IF A LEPROSY SIGN APPEARED ON THE ONE, THE OTHER REMAINS CLEAN. IF IT APPEARED ON THE SHEDDED WEFT OR ON THE STANDING WARP, THESE MAY FORTHWITH CONTRACT THE UNCLEANNESS OF LEPROSY. R. SIMEON RULED: THE WARP MAY CONTRACT UNCLEANNESS ONLY IF IT IS CLOSELY ORDERED.

MISHNAH 10. [IF A LEPROSY SIGN] APPEARED ON THE STANDING WARP THE WEB REMAINS CLEAN; IF IT APPEARED ON THE WEB THE STANDING WARP REMAINS CLEAN. IF IT APPEARED ON A SHEET THE FRINGES ALSO MUST BE BURNT; IF IT APPEARED ON THE FRINGES THE SHEET REMAINS CLEAN. A SHIRT ON WHICH A LEPROSY SIGN APPEARED AFFORDS PROTECTION TO ITS HEMS,⁴³ EVEN THOUGH THEY ARE OF PURPLE WOOL.⁴⁴

MISHNAH 11. ANY OBJECT THAT IS SUSCEPTIBLE TO CORPSE UNCLEANNESS, THOUGH INSUSCEPTIBLE TO MIDRAS UNCLEANNESS, MAY CONTRACT THE UNCLEANNESS OF LEPROSY SIGNS; AS, FOR INSTANCE, THE SAIL OF A SHIP, A CURTAIN, THE FOREHEAD BAND OF A HAIR-NET, THE WRAPPINGS OF SCROLLS, A GIRDLE, THE STRAPS OF A SHOE OR SANDAL; IF THESE ARE AS WIDE AS A SPLIT BEAN THEY MAY CONTRACT THE UNCLEANNESS OF LEPROSY SIGNS. A THICK CLOAK ON WHICH A LEPROSY SIGN APPEARED REMAINS CLEAN, R. ELIEZER B. JACOB RULED, UNLESS THE SIGN APPEARED ON THE TEXTURE AND ON THE SOFT

WOOL.⁴⁵ A SKIN BOTTLE OR A SHEPHERD'S LEATHER WALLET ARE INSPECTED IN THE POSITION IN WHICH THEY ARE USED,⁴⁶ AND A LEPROSY SIGN MAY EFFECTIVELY SPREAD⁴⁷ FROM ITS INNER SIDE TO ITS OUTER SIDE AND FROM ITS OUTER SIDE TO ITS INNER SIDE.

MISHNAH 12. IF A GARMENT⁴⁸ THAT HAD BEEN SHUT UP WAS MIXED UP WITH OTHERS,⁴⁹ ALL ARE CLEAN.⁵⁰ IF IT WAS CUT UP AND MADE INTO SHREDS,⁵¹ IT IS CLEAN, AND BENEFIT MAY BE DERIVED FROM IT; BUT IF A GARMENT THAT HAD BEEN CERTIFIED UNCLEAN WAS MIXED UP WITH OTHERS, ALL ARE UNCLEAN. IF IT WAS CUT UP AND MADE INTO SHREDS IT ALSO REMAINS UNCLEAN AND IT IS FORBIDDEN TO HAVE ANY BENEFIT FROM IT.⁵²

(1) Cf. Lev. XIII, 47ff.

(2) Cf. supra III, 1.

(3) However old the signs.

(4) Which, if not attached to the hide of a sea animal, is itself insusceptible to leprosy uncleanness unless it is of a prescribed length.

(5) And used in the manufacture of a garment.

(6) Of the mixture.

(7) Artificially or naturally.

(8) Cf. Lev. XIV, 34ff.

(9) Lit., 'by the hands of heaven'.

(10) Lit., 'by the hands of man'.

(11) And of the prescribed minimum.

(12) While it was shut up.

(13) Hence it is burned in the former case and shut up for a second week in the latter.

(14) A change, in his opinion causes the leprosy sign to be regarded as a new one.

(15) Of being shut up.

(16) Sc. the place of the sign alone is washed with the seven substances specified in Nid. IX, 6.

(17) When it was first submitted to the priest's inspection before he ordered its shutting up.

(18) The garment being clean in any case.

(19) Over the hole. The reason is apparent from the following MISHNAH.

(20) In a different spot.

(21) Sc. it need not be burned though the garment must be burned.

(22) The patch itself, if its size is of no less than three by three fingerbreadths, must be shut up again.

(23) Sc. a garment the colour of whose leprosy sign did not become dimmer until the second week when the place of the sign is torn out and burnt.

(24) That was shut up.

(25) The patch is shut up together with the garment as if the leprosy sign had been on the latter. The former, however, must ultimately be burnt even where the garment attained complete cleanness.

(26) Or 'checks'.

(27) To be a cause of uncleanness.

(28) The coloured stripes or checks forming no valid intervention.

(29) Which was completely covered by a leprosy sign, the rest of the garment being coloured. Why, then, should such a garment be shut up, seeing that the leprosy sign can never effectively spread?

(30) Cf. Lev. XIII, 55.

(31) To be a cause of uncleanness.

(32) From the first leprosy sign; but on the same side of the garment.

(33) After a leprosy sign that became dimmer during the second week had been torn out and the garment had been washed.

(34) In which case the entire garment must be burnt.

(35) Sc. as soon as they are woven even before they have been bleached.

- (36) The threads of which are of the same thickness for both the warp and the woof.
- (37) Of thread.
- (38) The coil.
- (39) That were not knotted together.
- (40) So that both are joined together by the threads.
- (41) Of the loom.
- (42) That are held together by a single thread.
- (43) Sc. they remain clean.
- (44) Much more so if they are of silk which cannot contract leprosy uncleanness.
- (45) The woolly hairs on the surface of the material.
- (46) So that a leprosy sign on parts that are joined together when in use is a cause of uncleanness though these parts are separated from each other when it is not in use.
- (47) To be a cause of uncleanness.
- (48) Which, e.g., had been dyed after it had contracted leprosy so that no leprosy sign on it is now distinguishable.
- (49) With other coloured garments not susceptible to leprosy uncleanness, v. supra XI, 13.
- (50) Since a doubtful uncleanness is regarded as clean.
- (51) Each smaller than three fingerbreadths square and all hanging to each other.
- (52) V. Lev. XIII, 52; the phrase 'a malignant leprosy' implying that it is forbidden for any use.

Mishna - Mas. Nega'im Chapter 12

MISHNAH 1. ALL HOUSES¹ MAY CONTRACT LEPROSY UNCLEANNESS,² EXCEPT THOSE OF GENTILES. IF ONE BOUGHT HOUSES FROM GENTILES,¹ ANY LEPROSY SIGNS IN THEM³ MUST BE INSPECTED AS IF THEY HAD THEN⁴ FIRST APPEARED. A ROUND HOUSE, A TRIANGULAR HOUSE, OR A HOUSE BUILT ON A SHIP,⁵ ON A RAFT⁵ OR ON FOUR BEAMS,⁵ DOES NOT CONTRACT LEPROSY UNCLEANNESS; BUT IF IT WAS FOUR-SIDED, EVEN IF IT WAS BUILT ON FOUR PILLARS,⁶ IT MAY CONTRACT UNCLEANNESS.

MISHNAH 2. A HOUSE ONE OF WHOSE WALLS IS COVERED WITH MARBLE,⁷ WITH ROCK,⁸ WITH BRICKS OR WITH EARTH,⁹ IS NOT SUSCEPTIBLE TO LEPROSY UNCLEANNESS.¹⁰ A HOUSE THAT HAD NOT IN IT¹¹ STONES, WOOD AND EARTH,¹² AND A LEPROSY SIGN APPEARED IN IT, THOUGH AFTERWARDS STONES, WOOD AND EARTH WERE INTRODUCED INTO IT, REMAINS CLEAN. SO ALSO A GARMENT IN WHICH THERE WAS NO WOVEN PART OF THREE FINGERBREADTHS SQUARE AND A LEPROSY SIGN APPEARED IN IT, THOUGH AFTERWARDS THERE WAS WOVEN INTO IT A PIECE OF THREE FINGERBREADTHS SQUARE, REMAINS CLEAN. A HOUSE DOES NOT CONTRACT LEPROSY UNCLEANNESS UNLESS THERE ARE IN¹ T¹¹ STONES, WOOD AND EARTH.¹²

MISHNAH 3. AND HOW MANY STONES MUST THERE BE IN IT?¹³ R. ISHMAEL RULED: FOUR.¹⁴ R. AKIBA RULED: EIGHT.¹⁵ FOR R. ISHMAEL USED TO RULE: A LEPROSY SIGN IS NO CAUSE OF UNCLEANNESS UNLESS IT APPEARED IN THE SIZE OF TWO SPLIT BEANS ON TWO STONES OR ON ONE STONE.¹⁶ R. AKIBA RULED: UNLESS IT APPEARS IN THE SIZE OF TWO SPLIT BEANS ON TWO STONES, AND NOT ON ONE STONE.¹⁷ R. ELIEZER SON OF R. SIMEON RULED: UNLESS IT APPEARS IN THE SIZE OF TWO SPLIT BEANS, ON TWO STONES, ON TWO WALLS IN A CORNER, ITS LENGTH BEING THAT OF TWO SPLIT BEANS AND ITS BREADTH THAT OF ONE SPLIT BEAN.

MISHNAH 4. THE QUANTITY OF WOOD¹⁸ MUST BE SUCH AS WOULD SUFFICE TO BE SET UNDER THE LINTEL. R. JUDAH RULED: IT MUST SUFFICE TO MAKE THE SUPPORT AT¹⁹ THE BACK OF THE LINTEL.²⁰ THE QUANTITY OF EARTH MUST BE SUCH AS

WOULD SUFFICE TO FILL UP THE SPACE BETWEEN ONE ROW OF STONES AND ANOTHER. THE WALLS OF A CATTLE-STALL OR THE WALLS OF A PARTITION²¹ DO NOT CONTRACT THE UNCLEANNESS OF LEPROSY SIGNS. A HOUSE IN JERUSALEM OR IN ANY PLACE OUTSIDE THE LAND OF ISRAEL DOES NOT CONTRACT UNCLEANNESS OF LEPROSY SIGNS.²²

MISHNAH 5. WHAT IS THE PROCEDURE IN THE INSPECTION OF A HOUSE?²³ THEN HE THAT OWNEETH THE HOUSE SHALL COME AND TELL THE PRIEST, SAYING, THERE SEEMETH TO ME TO BE AS IT WERE A PLAGUE IN THE HOUSE.²⁴ EVEN IF HE IS A LEARNED SAGE AND KNOWS THAT IT IS DEFINITELY A LEPROSY SIGN, HE MAY NOT SPEAK WITH CERTAINTY SAYING, 'A LEPROSY SIGN HAS APPEARED TO ME IN THE HOUSE', BUT ONLY, 'THERE SEEMETH TO ME TO BE AS IT WERE A PLAGUE IN THE HOUSE'. AND THE PRIEST SHALL COMMAND THAT THEY EMPTY THE HOUSE, BEFORE THE PRIEST GO IN TO SEE THE PLAGUE, THAT ALL THAT IS IN THE HOUSE BE NOT MADE UNCLEAN; AND AFTERWARD THE PRIEST SHALL GO IN TO SEE THE HOUSE;²⁵ EVEN BUNDLES OF WOOD²⁶ AND EVEN BUNDLES OF REEDS MUST BE REMOVED; SO R. JUDAH. R. SIMEON OBSERVED: THIS²⁷ IS A BUSINESS FOR AN IDLER ONLY.²⁸ SAID R. MEIR: BUT WHICH [OF HIS GOODS] COULD BECOME UNCLEAN? IF YOU WERE TO SAY, 'HIS ARTICLES OF WOOD, OF CLOTH OR OF METAL', THESE, SURELY, CAN BE IMMERSSED IN A RITUAL BATH WHEN THEY BECOME CLEAN. WHAT IS IT THAT THE TORAH HAS SPARED? HIS EARTHENWARE, EVEN HIS CRUSE AND HIS EWER.²⁹ IF THE TORAH THUS SPARED A MAN'S HUMBLE POSSESSIONS, HOW MUCH MORE SO WOULD IT SPARE HIS CHERISHED POSSESSIONS! IF FOR HIS MATERIAL POSSESSIONS SO MUCH CONSIDERATION IS SHOWN, HOW MUCH MORE SO FOR THE LIFE OF HIS SONS AND DAUGHTERS! IF FOR THE POSSESSIONS OF A WICKED MAN³⁰ SUCH CARE IS EXERCISED, HOW MUCH MORE SO FOR THE POSSESSIONS OF A RIGHTEOUS ONE!

MISHNAH 6. [THE PRIEST] MUST NOT GO INTO³¹ HIS OWN HOUSE TO SHUT UP,³² NOR MAY HE STAND WITHIN THE HOUSE WHEREIN IS THE LEPROSY SIGN TO SHUT IT UP. HE MUST RATHER STAND AT THE DOOR OF THE HOUSE WHEREIN IS THE LEPROSY SIGN, AND SHUTS IT FROM THERE;³³ FOR IT IS SAID, THEN THE PRIEST SHALL GO OUT OF THE HOUSE TO THE DOOR OF THE HOUSE, AND SHUT UP THE HOUSE SEVEN DAYS.³⁴ HE COMES AGAIN AT THE END OF THE WEEK AND INSPECTS THE SIGN. IF IT HAS SPREAD, THEN THE PRIEST SHALL COMMAND THAT THEY TAKE OUT THE STONES IN WHICH THE PLAGUE IS, AND CAST THEM INTO AN UNCLEAN PLACE WITHOUT THE CITY.³⁵ AND THEY SHALL TAKE OTHER STONES, AND PUT THEM IN THE PLACE OF THOSE STONES; AND HE SHALL TAKE OTHER MORTAR, AND SHALL PLASTER THE HOUSE.³⁶ HE MUST NOT TAKE STONES FROM THE ONE SIDE AND BRING THEM TO THE OTHER; NOR EARTH FROM THE ONE SIDE AND BRING IT TO THE OTHER; NOR LIME FROM ANYWHERE.³⁷ HE MUST NOT BRING ONE STONE TO REPLACE TWO, NOR TWO TO REPLACE ONE. HE MUST RATHER BRING TWO TO REPLACE TWO OR TO REPLACE THREE OR TO REPLACE FOUR. FROM THIS TEXT³⁸ IT HAS BEEN INFERRED: WOE TO THE WICKED,³⁹ WOE TO HIS NEIGHBOUR: BOTH⁴⁰ MUST TAKE OUT THE STONES,³⁵ BOTH MUST SCRAPE THE WALLS,⁴¹ AND BOTH MUST BRING THE NEW STONES.⁴² HE⁴³ ALONE, HOWEVER, BRINGS THE EARTH, FOR IT IS SAID, AND HE⁴⁴ SHALL TAKE OTHER EARTH,⁴⁵ AND PLASTER THE HOUSE;⁴² HIS NEIGHBOUR NEED NOT JOIN WITH HIM IN IN THE PLASTERING.

MISHNAH 7. HE⁴⁶ COMES AGAIN AT THE END OF THE WEEK⁴⁷ AND INSPECTS THE SIGN. IF IT HAS RETURNED, HE SHALL BREAK DOWN THE HOUSE, THE STONES OF IT, AND THE TIMBER THEREOF, AND ALL THE MORTAR OF THE HOUSE; AND HE SHALL

CARRY THEM FORTH OUT OF THE CITY INTO AN UNCLEAN PLACE.⁴⁸ A SPREADING THAT IS ADJOINING⁴⁹ IS EFFECTIVE⁵⁰ HOWEVER SMALL IT MAY BE; ONE THAT IS DISTANT MUST BE⁵⁰ NO LESS THAN THE SIZE OF A SPLIT BEAN; AND A LEPROSY SIGN THAT RETURNS IN HOUSES MUST BE⁵⁰ NO LESS THAN THE SIZE OF TWO SPLIT BEANS.⁵¹

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- (1) In Palestine.
 - (2) Cf. Lev. XIV, 34ff.
 - (3) However old.
 - (4) When they were bought.
 - (5) Since it is not resting on the ground.
 - (6) The walls being suspended in the air.
 - (7) Which is not susceptible to leprosy uncleanness.
 - (8) Primordial.
 - (9) In lumps.
 - (10) For each wall must be of stone, earth and wood.
 - (11) In each of its walls.
 - (12) Cf. Lev. XIV, 45.
 - (13) In a house that may be susceptible to leprosy uncleanness. Cf. prev. MISHNAH ad fin.
 - (14) One in each wall.
 - (15) Two stones in each of the four walls.
 - (16) Hence his ruling that four stones suffice for a house of four walls.
 - (17) He, therefore, ruled that for a house of four walls eight stones are required.
 - (18) In each wall of a house that may be susceptible to leprosy uncleanness.
 - (19) Lit., 'sandal'.
 - (20) A block of wood protecting the lintel against the knocking of the door.
 - (21) Used merely as screens against the sun.
 - (22) Since it is written, 'Which I give to you for a possession', Lev. XIV, 34, excluding lands outside Palestine; and as for Jerusalem, this was not divided for possession among the tribes.
 - (23) In which appeared a leprosy sign.
 - (24) Cf. Lev. XIV, 35.
 - (25) Cf. Ibid., 36.
 - (26) V. following note.
 - (27) The removal of the bundles mentioned which are not susceptible to uncleanness.
 - (28) Sc. they need not be removed, and remain clean (Bert.).
 - (29) Which if they remained in the house, would have become permanently unclean, as these cannot be made clean by immersion (cf. Ibid. XV, 12).
 - (30) Leprosy is a punishment for the sin of slander.
 - (31) Var. lec., 'stand within'.
 - (32) Sc. the house with a leprosy sign in it.
 - (33) I.e., by means of an agent or a long rope.
 - (34) Lev. XIV, 38.
 - (35) Ib. 40.
 - (36) Ib. 42.
 - (37) Since lime is not regarded as 'earth'.
 - (38) Ibid. XIV, 40-42, where the relevant verbs are in the plural, implying that if the wall with the leprosy sign served also the house of a neighbour the latter also must join the work (v. foll. n. but one).
 - (39) Leprosy is a punishment for the sin of slander.
 - (40) The owner of the leprous house and his neighbour on the other side of the wall (cf. prev. n. but one).
 - (41) Ibid. XIV, 42.
 - (42) Ib. 42.
 - (43) The owner of the leprous house.

- (44) Sing., the owner alone.
- (45) E.V. mortar.
- (46) The priest.
- (47) The second week during which the house was shut up after it had been replastered.
- (48) Lev. XIV, 45.
- (49) The original leprosy sign.
- (50) To cause uncleanness.
- (51) The same minimum that is prescribed for such a leprosy sign when it appears for the first time.

Mishna - Mas. Nega'im Chapter 13

MISHNAH 1. THERE ARE TEN [CASES OF LEPROSY IN] HOUSES: IF DURING THE FIRST WEEK A LEPROSY SIGN BECAME FAINT OR DISAPPEARED,¹ IT² MUST BE SCRAPED AND IS THEN CLEAN. IF DURING THE SECOND WEEK IT BECAME FAINT OR DISAPPEARED,³ IT² MUST BE SCRAPED AND THE OWNER MUST BRING THE BIRDS.⁴ IF IT SPREAD DURING THE FIRST WEEK, THE STONES MUST BE TAKEN OUT AND THE WALL SCRAPED AND⁵ PLASTERED, AND ANOTHER WEEK MUST BE ALLOWED.⁶ IF IT THEN RETURNED THE ENTIRE HOUSE MUST BE PULLED DOWN; IF IT DID NOT RETURN, THE BIRDS⁴ MUST BE BROUGHT.³ IF IT REMAINED UNCHANGED DURING THE FIRST WEEK BUT SPREAD DURING THE SECOND WEEK, THE STONES MUST BE TAKEN OUT AND THE WALL SCRAPED AND⁵ PLASTERED, AND ANOTHER WEEK MUST BE ALLOWED.⁶ IF IT THEN RETURNED, THE HOUSE MUST BE PULLED DOWN; IF IT DID NOT RETURN THE BIRDS⁴ MUST BE BROUGHT.³ IF IT REMAINED UNCHANGED IN BOTH WEEKS, THE STONES MUST BE TAKEN OUT, AND THE WALL SCRAPED AND⁵ PLASTERED, AND A WEEK MUST BE ALLOWED.⁶ IF IT THEN RETURNED THE HOUSE MUST BE PULLED DOWN; IF IT DID NOT RETURN, THE BIRDS⁴ MUST BE BROUGHT.³ IF BEFORE CLEANNESS WAS ATTAINED THROUGH THE BIRDS A NEW LEPROSY SIGN APPEARED, THE HOUSE MUST BE PULLED DOWN; BUT IF IT APPEARED AFTER CLEANNESS THROUGH THE BIRDS HAD BEEN ATTAINED, IT MUST BE INSPECTED AS IF IT HAD APPEARED FOR THE FIRST TIME.

MISHNAH 2. IN THE CASE OF A STONE IN A CORNER,⁷ WHEN THE STONE IS TAKEN OUT IT MUST BE TAKEN OUT WHOLLY; BUT WHEN [THE HOUSE IS] PULLED DOWN ITS OWNER PULLS DOWN HIS OWN [PART]⁸ AND LEAVES THAT WHICH BELONGS TO HIS NEIGHBOUR. THUS IT FOLLOWS THAT THERE ARE GREATER RESTRICTIONS FOR TAKING OUT⁹ THAN FOR PULLING DOWN.¹⁰ R. ELIEZER RULED: IF A HOUSE IS BUILT OF ROWS OF BIG STONES¹¹ AND SMALL STONES,¹² AND A LEPROSY SIGN APPEARED ON A BIG STONE,¹³ ALL OF IT¹⁴ MUST BE TAKEN OUT; BUT IF IT APPEARED ON THE SMALL STONES, HE¹⁵ TAKES OUT HIS STONES AND LEAVES THOSE OF HIS NEIGHBOUR.

MISHNAH 3. IF A HOUSE IN WHICH THERE APPEARED A LEPROSY SIGN HAD AN UPPER ROOM ABOVE IT, THE BEAMS¹⁶ ARE ALLOWED TO THE UPPER ROOM.¹⁷ IF THE LEPROSY SIGN APPEARED IN THE UPPER ROOM THE BEAMS¹⁶ ARE ALLOWED TO THE LOWER ROOM.¹⁸ IF THERE WAS NO UPPER ROOM ABOVE IT, ITS STONES AND WOOD AND EARTH MUST BE PULLED DOWN WITH IT. ONE MAY, HOWEVER, SAVE THE FRAMES¹⁹ AND THE WINDOW LATTICES. R. JUDAH RULED: A FRAME²⁰ THAT IS BUILT OVER THE HOUSE MUST BE PULLED DOWN WITH IT. ITS STONES AND WOOD AND EARTH CONVEY UNCLEANNESS IF THEY ARE OF THE MINIMUM SIZE OF AN OLIVE. R. ELIEZER HISMA RULED: WHATEVER THEIR SIZE.

MISHNAH 4. A HOUSE THAT IS SHUT UP²¹ CONVEYS UNCLEANNESS²² FROM ITS

INNER SIDE;²³ AND ONE THAT HAS BEEN CERTIFIED UNCLEAN, BOTH FROM ITS INNER SIDE AND FROM ITS OUTER SIDE. BOTH,²⁴ HOWEVER, CONVEY UNCLEANNESS IF ONE ENTERS IN.²⁵

MISHNAH 5. IF A MAN BUILDS STONES FROM A HOUSE THAT WAS SHUT UP²⁶ INTO A CLEAN ONE,²⁷ AND THE LEPROSY SIGN RETURNED TO THE [FORMER] HOUSE, THE STONES MUST BE TAKEN OUT. IF IT RETURNED TO THE STONES,²⁸ THE FIRST HOUSE MUST BE PULLED DOWN, AND THE STONES SERVE THE SECOND HOUSE WHILE THE TOKENS ARE UNDER OBSERVATION.²⁹

MISHNAH 6. IF A HOUSE OVERSHADOWED A LEPROUS HOUSE, AND SO ALSO IF A TREE OVERSHADOWED A LEPROUS HOUSE, ANY ONE WHO ENTERS THE OUTER [OF THE TWO] REMAINS CLEAN; SO R. ELEAZAR³⁰ B. AZARIAH. R. ELIEZER³¹ OBSERVED: IF ONE STONE OF IT³² CAUSES UNCLEANNESS BY ENTERING,³³ SHOULD NOT THE HOUSE ITSELF CAUSE UNCLEANNESS BY ENTERING?³⁴

MISHNAH 7. IF AN UNCLEAN MAN³⁵ STOOD UNDER A TREE AND A CLEAN MAN PASSED BY, THE LATTER BECOMES UNCLEAN. IF A CLEAN MAN STOOD UNDER A TREE AND AN UNCLEAN ONE³⁵ PASSED BY, THE FORMER REMAINS CLEAN IF THE LATTER STOOD STILL, THE FORMER BECOMES UNCLEAN. SIMILARLY IN THE CASE OF A LEPROUS STONE³⁶ HE³⁷ REMAINS CLEAN; BUT IF IT WAS SET DOWN³⁸ HE BECOMES UNCLEAN.

MISHNAH 8. IF A MAN WHO WAS CLEAN PUT HIS HEAD AND THE GREATER PART OF HIS BODY INSIDE AN UNCLEAN HOUSE,³⁹ HE BECOMES UNCLEAN; AND IF AN UNCLEAN MAN³⁹ PUT HIS HEAD AND THE GREATER PART OF HIS BODY INSIDE A CLEAN HOUSE HE CAUSES IT TO BE UNCLEAN. IF OF A CLEAN CLOAK A PART THAT WAS THREE FINGERBREADTHS SQUARE WAS PUT INSIDE AN UNCLEAN HOUSE, THE CLOAK BECOMES UNCLEAN; AND AN UNCLEAN [CLOAK], OF WHICH EVEN ONLY THE SIZE OF AN OLIVE WAS PUT INSIDE A CLEAN HOUSE, CAUSES THE LATTER TO BE UNCLEAN.

MISHNAH 9. IF A MAN ENTERED A LEPROUS HOUSE, CARRYING HIS CLOTHES UPON HIS SHOULDERS, AND HIS SANDALS AND RINGS IN HIS HANDS,⁴⁰ BOTH HE AND THEY BECOME UNCLEAN FORTHWITH.⁴¹ IF, HOWEVER, HE WAS WEARING HIS CLOTHES AND HAD HIS SANDALS ON HIS FEET AND HIS RINGS ON HIS HANDS, HE BECOMES UNCLEAN FORTHWITH, BUT THEY⁴² REMAIN CLEAN,⁴³ UNLESS HE STAYED AS MUCH TIME AS IS REQUIRED FOR THE EATING⁴⁴ OF HALF A LOAF⁴⁵ OF WHEATEN BREAD BUT NOT OF BARLEY BREAD,⁴⁶ WHILE IN A RECLINING POSTURE⁴⁷ AND EATING WITH SOME CONDIMENT.⁴⁸

MISHNAH 10. IF A MAN WAS STANDING WITHIN;⁴⁹ STRETCHING HIS HANDS OUTSIDE, WITH HIS RINGS ON HIS HANDS,⁵⁰ IF HE STAYED AS MUCH TIME AS IS REQUIRED FOR THE EATING OF HALF A LOAF, THEY BECOME UNCLEAN.⁵¹ IF HE WAS STANDING OUTSIDE, STRETCHING HIS HANDS INSIDE, WITH HIS RINGS ON HIS HANDS,⁵⁰ R. JUDAH RULES THAT THEY⁵² ARE UNCLEAN FORTHWITH, BUT THE SAGES RULED: ONLY AFTER HE STAYED THERE AS MUCH TIME AS IS REQUIRED FOR THE EATING OF HALF A LOAF.⁵³ THEY⁵⁴ SAID TO R. JUDAH: IF WHEN ALL HIS BODY IS UNCLEAN⁵⁵ HE DOES NOT RENDER THAT WHICH IS ON HIM UNCLEAN UNLESS HE STAYED THERE LONG ENOUGH TO EAT HALF A LOAF, IS THERE NOT MORE REASON THAT, WHERE NOT ALL HIS BODY IS UNCLEAN,⁵⁶ HE SHOULD NOT RENDER THAT WHICH IS ON HIM UNCLEAN UNLESS HE STAYED THERE LONG ENOUGH TO EAT

HALF A LOAF?⁵⁷

MISHNAH 11. IF A LEPER ENTERED A HOUSE ALL VESSELS IN IT, EVEN TO THE HEIGHT OF THE ROOF BEAMS, BECOME UNCLEAN. R. SIMEON RULED: ONLY TO A HEIGHT OF FOUR CUBITS.⁵⁸ VESSELS⁵⁹ BECOME UNCLEAN FORTHWITH. R. JUDAH RULED: ONLY IF THE LEPER STAYED THERE AS MUCH TIME AS IS REQUIRED FOR THE LIGHTING OF A LAMP.

MISHNAH 12. IF HE⁶⁰ ENTERS A SYNAGOGUE, A PARTITION TEN HANDBREADTHS HIGH AND FOUR CUBITS WIDE MUST BE MADE FOR HIM.⁶¹ HE MUST ENTER FIRST AND COME OUT LAST.⁶² ANY VESSEL THAT AFFORDS PROTECTION⁶³ BY HAVING A TIGHTLY FITTING COVER IN THE TENT OF A CORPSE⁶⁴ AFFORDS PROTECTION BY A TIGHTLY FITTING COVER IN A LEPROUS HOUSE; AND WHATSOEVER AFFORDS PROTECTION,⁶⁵ WHEN COVERED,⁶⁶ IN THE TENT OF A CORPSE⁶⁴ AFFORDS PROTECTION WHEN COVERED IN A LEPROUS HOUSE; SO R. MEIR. R. JOSE RULED: ANY VESSEL THAT AFFORDS PROTECTION BY HAVING A TIGHTLY FITTING COVER IN THE TENT OF A CORPSE AFFORDS PROTECTION WHEN COVERED⁶⁶ IN A LEPROUS HOUSE; AND WHATSOEVER AFFORDS PROTECTION WHEN COVERED IN THE TENT OF A CORPSE REMAINS CLEAN EVEN WHEN UNCOVERED IN A LEPROUS HOUSE.

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- (1) These are the first two cases.
 - (2) The place of the sign only.
 - (3) These represent another two cases, of the ten cases referred to above.
 - (4) Cf. Lev. XIV, 49.
 - (5) After other stones had been put in their place.
 - (6) For keeping the house shut under observation.
 - (7) Between two walls one of which has a leprosy sign and belongs to one man while the other belongs to the house of a neighbour.
 - (8) Although it forms part of his neighbour's house.
 - (9) A stone or stones.
 - (10) The entire house.
 - (11) Covering the full thickness of the walls and seen, therefore, from either side of the walls.
 - (12) That (cf. prev. n.) can be seen from one side of the walls only.
 - (13) In a wall between the houses of two neighbours.
 - (14) Even the part that faces the neighbour's house.
 - (15) Whose house is affected.
 - (16) Of the roof of the lower room which serves also as the floor of the upper room.
 - (17) Sc. they need not be dismantled when the lower room is pulled down; but may be pinned under and left in position.
 - (18) Cf. prev. n. mut. mut.
 - (19) Of the windows (or the tiles on the roof) if these are not built into the house.
 - (20) For holding the beams of the roof.
 - (21) On account of a leprosy sign in it.
 - (22) Even if only one limb of a person came in contact with it.
 - (23) But not from its outer side. The affected stone alone conveys uncleanness from both its sides.
 - (24) A house shut up as well as one that was certified unclean.
 - (25) With entire body or with its greater part and the head (cf. supra n. 2).
 - (26) For the second week, on account of a leprosy sign.
 - (27) Cf. supra XI, 6.
 - (28) While they were in the clean house.
 - (29) The second house being treated as if a leprosy sign appeared in it for the first time. After the condition of the house is duly determined the stones must be pulled out; cf. supra XI, 6.
 - (30) Var lec., Eliezer.

- (31) Var. Iec., Eleazar.
- (32) A house that is otherwise clean.
- (33) Sc. the one afflicted stone causes the uncleanness of the entire house
- (34) To the outer house or the tree.
- (35) Afflicted with leprosy.
- (36) That was carried by under the tree.
- (37) The clean person standing once the same tree.
- (38) Or If the man who carried it stood still.
- (39) V. p. 288, n. 15.
- (40) Sc. he did not wear them.
- (41) Since the clothes, sandals and rings were only carried by the man (and not worn) they, like himself, come under the Pentateuchal law of 'he that goeth into the house . . . shall be unclean' Lev. XIV, 46.
- (42) Since they were worn in the usual manner.
- (43) They are included in the category of 'clothes' which need only be washed (cf. Lev. XIV, 47 and the definition of 'eateth' in foll. n.).
- (44) This is the definition of 'eateth' (v. prev. n.).
- (45) The bulk of four eggs (Rashi) or three eggs (Maim).
- (46) The former is more tasteful than the latter and is eaten much quicker.
- (47) A position in which a man eats quicker than when he walks about (cf. prev. n.).
- (48) Cf. prev. n. mut. mut.
- (49) Within a leprous house.
- (50) In the manner they are usually worn.
- (51) Like himself, since his main body was within the house.
- (52) The man's hands and rings.
- (53) His hands, however, even according to the Sages, become unclean forthwith.
- (54) The Sages.
- (55) In the case where the man was standing within.
- (56) Where he stands outside.
- (57) R. Judah, however, maintains that in certain cases one who is unclean is subjected to lesser restrictions than one who is clean.
- (58) Any vessel above this height remains clean.
- (59) To the height of the beams according to the first Tanna, and to the height of four cubits according to R. Simeon.
- (60) A leper (cf. prev. MISHNAH).
- (61) One of smaller measurements constitutes no valid protection for the remainder of the synagogue.
- (62) Since otherwise, should he happen to stand still in his passage from the door to the partition, he would render the people in the synagogue unclean.
- (63) Cf. Kelim X, 1.
- (64) Sc. under a roof that overshadows a corpse.
- (65) Cf. Oh. V, 6.
- (66) Even when the cover was not tightly fitting.

Mishna - Mas. Nega'im Chapter 14

MISHNAH 1. HOW WAS A LEPER CLEANSED?¹ A NEW EARTHENWARE FLASK WAS BROUGHT AND A QUARTER OF A LOG OF LIVING WATER² WAS PUT IN IT. TWO UNDOMESTICATED³ BIRDS ARE ALSO BROUGHT. ONE OF THESE WAS SLAUGHTERED OVER THE EARTHENWARE VESSEL AND OVER THE LIVING WATER, A HOLE WAS DUG AND IT WAS BURIED IN HIS⁴ PRESENCE. THEREUPON CEDARWOOD, HYSSOP AND SCARLET WOOL WERE TAKEN AND BOUND TOGETHER WITH THE PROJECTING ENDS OF THE STRIP OF WOOL.⁵ NEAR TO THESE WERE BROUGHT THE TIPS OF THE WINGS AND THE TIP OF THE TAIL OF THE SECOND BIRD, AND ALL TOGETHER WERE DIPPED,⁶ AND THEREWITH THE BACK OF THE LEPER'S HAND WAS SPRINKLED UPON

SEVEN TIMES. SOME SAY THAT THE SPRINKLING WAS DONE UPON HIS⁴ FOREHEAD. IN THE SAME MANNER ONE SPRINKLED THE LINTEL OF A HOUSE⁷ FROM THE OUTSIDE.

MISHNAH 2. WHEN HE WAS ABOUT TO SET FREE THE LIVING BIRD,⁸ HE DID NOT TURN HIS FACE TOWARDS THE SEA OR TOWARDS THE CITY OR TOWARDS THE WILDERNESS, FOR IT IS SAID, BUT HE SHALL LET GO THE LIVING BIRD OUT OF THE CITY INTO THE OPEN FIELD.⁹ WHEN HE WAS ABOUT TO CUT OFF THE HAIR OF THE LEPER HE PASSED THE RAZOR OVER THE WHOLE OF HIS SKIN,¹⁰ AND THE LATTER WASHED HIS GARMENTS AND IMMERSSED HIMSELF. HE IS THEN CLEAN SO FAR AS NOT TO CONVEY UNCLEANNESS BY ENTERING IN,¹¹ BUT HE STILL CONVEYS UNCLEANNESS LIKE A [DEAD] CREEPING THING.¹² HE MAY ENTER WITHIN THE WALL,¹³ BUT MUST KEEP AWAY FROM HIS HOUSE FOR SEVEN DAYS, AND¹⁴ HE IS FORBIDDEN MARITAL INTERCOURSE.

MISHNAH 3. ON THE SEVENTH DAY HE CUT OFF HIS HAIR A SECOND TIME IN THE MANNER OF THE FIRST CUTTING, HE WASHED HIS GARMENTS AND IMMERSSED HIMSELF, AND THEN HE WAS CLEAN IN SO FAR AS NOT TO CONVEY UNCLEANNESS AS A DEAD CREEPING THING, BUT HE WAS STILL LIKE A TEBUL YOM.¹⁵ HE¹⁶ MAY EAT SECOND TITHE; AND AFTER HE HAD AWAITED SUNSET HE MAY ALSO EAT TERUMAH. AFTER HE HAD BROUGHT¹⁷ HIS OFFERING OF ATONEMENT, HE MAY ALSO EAT HALLOWED THINGS. THUS THERE ARE THREE GRADES IN THE PURIFICATION OF A LEPER¹⁸ AND THREE GRADES IN THAT OF A WOMAN AFTER CHILD BIRTH.¹⁹

MISHNAH 4. THREE CLASSES OF PERSONS CUT OFF THEIR HAIR,²⁰ AND THEIR CUTTING OF IT IS A COMMANDMENT: THE NAZIRITE,²¹ THE LEPER,²² AND THE LEVITES.²³ ALL THESE, FURTHERMORE, IF THEY CUT THEIR HAIR BUT NOT WITH A RAZOR, OR IF THEY LEFT BUT TWO HAIRS, THEIR ACT IS OF NO VALIDITY.

MISHNAH 5. THE TWO BIRDS²⁴ MUST, ACCORDING TO THE COMMANDMENT, BE ALIKE IN APPEARANCE, IN SIZE AND IN PRICE; AND THEY MUST BE PURCHASED AT THE SAME TIME. BUT THOUGH THEY ARE NOT ALIKE THEY ARE VALID; AND IF ONE WAS PURCHASED ON ONE DAY AND THE OTHER ON THE MORROW THEY ARE ALSO VALID. IF AFTER ONE OF THE BIRDS HAD BEEN SLAUGHTERED IT WAS FOUND THAT IT WAS NOT UNDOMESTICATED, A FELLOW MUST BE PURCHASED FOR THE SECOND, AND THE FIRST MAY BE EATEN. IF AFTER IT HAD BEEN SLAUGHTERED IT WAS FOUND TO BETREFAH, A FELLOW MUST BE PURCHASED FOR THE SECOND AND THE FIRST MAY BE MADE USE OF.²⁵ IF THE BLOOD²⁶ HAD BEEN Poured AWAY²⁷ THE BIRD THAT WAS TO BE LET GO²⁸ MUST BE LEFT TO DIE. IF THE ONE THAT WAS TO BE LET GO DIED, THE BLOOD²⁶ MUST BE Poured AWAY.

MISHNAH 6. THE PRESCRIBED MEASUREMENTS OF THE CEDARWOOD²⁴ ARE ONE CUBIT IN LENGTH, AND IN THICKNESS A QUARTER OF THAT OF THE LEG OF A BED, WHEN ONE LEG IS DIVIDED INTO TWO HALVES AND THESE TWO INTO FOUR.²⁹ THE PRESCRIBED KIND OF HYSSOP IS ONE THAT IS NEITHER THE GREEK HYSSOP NOR STIBIUM HYSSOP NOR ROMAN HYSSOP NOR WILD HYSSOP NOR ANY KIND OF HYSSOP THAT HAS A SPECIAL NAME.

MISHNAH 7. ON THE EIGHTH DAY³⁰ HE³¹ BROUGHT THREE BEASTS: A SIN-OFFERING, A GUILT-OFFERING AND A BURNT-OFFERING; AND A POOR MAN³² BROUGHT A SIN-OFFERING OF A BIRD AND A BURNT-OFFERING OF A BIRD.³³

MISHNAH 8. APPROACHING THE GUILT-OFFERING HE PUT HIS TWO HANDS ON IT AND THEN SLAUGHTERED IT. TWO PRIESTS RECEIVED ITS BLOOD, THE ONE IN A VESSEL AND THE OTHER IN HIS HAND.³⁴ HE WHO RECEIVED IT IN THE VESSEL PROCEEDED TO SPRINKLE IT ON THE WALL OF THE ALTAR, WHILE THE OTHER WHO RECEIVED IT IN HIS HAND APPROACHED THE LEPER. THE LEPER IN THE MEANTIME HAD IMMERSSED HIMSELF IN THE CHAMBER OF THE LEPERS,³⁵ AND CAME AND TOOK UP A POSITION AT THE NIKANOR GATE.³⁶ R. JUDAH STATED: HE DID NOT REQUIRE IMMERSION.³⁷

MISHNAH 9. [THE LEPER] PUT IN HIS HEAD³⁸ AND [THE PRIEST] APPLIED [THE BLOOD] TO THE TIP OF HIS EAR; [HE PUT IN] HIS HAND AND [THE PRIEST] APPLIED [THE BLOOD] TO THE THUMB OF HIS HAND; [HE PUT IN] HIS FOOT AND [THE PRIEST] APPLIED [THE BLOOD] TO THE GREAT TOE OF HIS FOOT. R. JUDAH STATED: HE PUT IN ALL THE THREE TOGETHER. IF HE HAD NO THUMB ON HIS HAND OR NO GREAT TOE ON HIS FOOT OR NO RIGHT EAR HE COULD NEVER ATTAIN CLEANNES.³⁹ R. ELIEZER RULED: [THE BLOOD] IS APPLIED TO THE PLACE WHERE THEY⁴⁰ WERE ORIGINALLY. R. SIMEON RULED: IF IT WAS APPLIED TO THE LEFT SIDE, THE OBLIGATION HAS BEEN FULFILLED.

MISHNAH 10. [THE PRIEST] THEN TOOK SOME [OF THE CONTENTS] OF THE LOG OF OIL⁴¹ AND POURED IT INTO HIS COLLEAGUE'S HAND;⁴² BUT EVEN IF HE POURED IT INTO HIS OWN HAND, THE OBLIGATION IS FULFILLED. HE THEN DIPPED [HIS RIGHT FOREFINGER] IN THE OIL AND SPRINKLED IT SEVEN TIMES TOWARDS THE HOLY OF HOLIES, DIPPING IT FOR EVERY SPRINKLING. HE THEN APPROACHED THE LEPER, AND TO THE SAME PLACES THAT HE APPLIED THE BLOOD HE NOW APPLIED THE OIL, FOR IT IS SAID, UPON THE PLACE OF THE BLOOD OF THE GUILT-OFFERING. AND THE REST OF THE OIL THAT IS IN THE PRIEST'S HAND HE SHALL PUT UPON THE HEAD OF HIM THAT IS TO BE CLEANSSED TO MAKE ATONEMENT.⁴³ THUS IF HE 'PUT UPON', ATONEMENT IS MADE, BUT IF HE DID NOT 'PUT UPON', NO ATONEMENT IS MADE; SO R. AKIBA. R. JOHANAN B. NURI RULED: THESE⁴⁴ ARE BUT THE RESIDUE OF THE PRECEPT⁴⁵ AND, THEREFORE, WHETHER HE PUT UPON OR DID NOT 'PUT UPON', ATONEMENT IS MADE,⁴⁶ ONLY TO HIM⁴⁷ IT IS ACCOUNTED AS IF HE MADE NO ATONEMENT.⁴⁸ IF ANY OIL WAS MISSING FROM THE LOG BEFORE IT WAS POURED OUT⁴⁹ IT MAY BE FILLED UP AGAIN; IF AFTER IT WAS POURED OUT, OTHER OIL⁵⁰ MUST BE BROUGHT ANEW; SO R. AKIBA. R. SIMEON RULED: IF ANY OIL WAS MISSING FROM THE LOG BEFORE IT WAS APPLIED,⁵¹ IT MAY BE FILLED UP; BUT IF AFTER IT HAD BEEN APPLIED, OTHER OIL⁵⁰ MUST BE BROUGHT ANEW.

MISHNAH 11. IF A LEPER BROUGHT HIS SACRIFICE AS A POOR MAN⁵² AND HE BECAME RICH, OR AS A RICH MAN⁵³ AND HE BECAME POOR, ALL DEPENDS ON THE SIN-OFFERING;⁵⁴ SO R. SIMEON. R. JUDAH RULED: ALL DEPENDS ON THE GUILT-OFFERING.⁵⁵

MISHNAH 12. A POOR LEPER WHO BROUGHT THE SACRIFICE OF A RICH MAN HAS FULFILLED HIS DUTY; BUT A RICH LEPER THAT BROUGHT THE SACRIFICE OF A POOR MAN HAS NOT FULFILLED HIS DUTY. A MAN⁵⁶ MAY BRING A POOR MAN'S SACRIFICE FOR HIS SON, HIS DAUGHTER, HIS BONDMAN OR BONDWOMAN, AND THEREBY ENABLE THEM TO EAT OF THE OFFERINGS.⁵⁷ R. JUDAH RULED:⁵⁸ FOR HIS WIFE ALSO⁵⁹ HE MUST BRING THE SACRIFICE OF A RICH MAN; AND THE SAME APPLIES TO ANY OTHER SACRIFICE TO WHICH SHE IS LIABLE.

MISHNAH 13. IF THE SACRIFICES OF TWO LEPERS WERE MIXED UP AND AFTER THE SACRIFICE OF ONE OF THEM HAD BEEN OFFERED ONE OF THE LEPERS DIED, — THIS⁶⁰ IS WHAT THE MEN OF ALEXANDRIA ASKED OF R. JOSHUA. HE ANSWERED THEM: LET HIM ASSIGN⁶¹ HIS POSSESSIONS TO ANOTHER PERSON,⁶² AND BRING THE POOR MAN'S SACRIFICE.⁶³

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- (1) Cf. Lev. XIV, 2ff.
 - (2) Sc. from an ever flowing spring.
 - (3) Lit., 'free'.
 - (4) The leper's.
 - (5) The strip of scarlet wool having been longer than the cedarwood and the hyssop.
 - (6) In the mixture of the blood and the water in the earthenware vessel.
 - (7) That was cleansed after a leprosy.
 - (8) Cf. Lev. XIV, 7, 53.
 - (9) Ibid. XIV, 53.
 - (10) Other than the concealed parts (cf. supra II, 4).
 - (11) A house; or by his bed and seat.
 - (12) Which conveys uncleanness to a man and vessels by contact only but not by carriage (cf. Lev. XI, 31).
 - (13) Of Jerusalem.
 - (14) So Elijah Wilna. Aliter: 'viz'. (Maim. Bert. and L.).
 - (15) Who disqualifies terumah.
 - (16) Like a tebul yom.
 - (17) On the day following.
 - (18) Viz., after the first hair cutting he no longer conveys uncleanness by entering in; after the second hair cutting and the sunset of that day he may also eat terumah; and after he had brought the prescribed offering he may also eat hallowed things.
 - (19) Cf. Lev. XII, 2ff. After seven days and fourteen days from the birth of a male and a female respectively she is clean for her husband; after immersion (fourty and eighty days after the birth of a male and a female respectively) and the sunset on that day she is also clean for terumah; and after she had brought her prescribed offering she may also eat hallowed things (Elijah Wilna).
 - (20) Before their full cleanness can be attained.
 - (21) Cf. Num. VI, 18.
 - (22) Cf. Lev. XIV, 8.
 - (23) Cf. Num. VIII, 7.
 - (24) Cf. Lev. XIV, 4.
 - (25) Though it may not be eaten.
 - (26) Of the first bird.
 - (27) Before the sprinkling.
 - (28) Cf. Ibid. XIV, 7.
 - (29) Sc. the thickness must be exactly one quarter, neither more nor less.
 - (30) If he had cut off his hair on the seventh (cf. Ibid. XIV, 9f.).
 - (31) The leper.
 - (32) Cf. Ibid. XIV, 21f.
 - (33) For a guilt-offering, however, he also must bring a beast.
 - (34) The left (Elijah Wilna).
 - (35) Cf. Mid. II, 5.
 - (36) Cf. Mid. II, 3.
 - (37) On the eighth day, since he had once immersed himself on the seventh.
 - (38) From the Nikanor Gate into the Court of the Israelites whither he was not yet allowed to enter.
 - (39) This, however, applies only where the limb was lost after he became unclean or (according to another opinion) after he reached the stage of undergoing the ceremonial of cleansing.
 - (40) The missing limbs.

- (41) Cf. Lev. XIV, 15.
- (42) A fellow priest's.
- (43) Lev. XIV, 28f.
- (44) The applications spoken of.
- (45) Sc. they are not essentials.
- (46) And the leper attains cleanness.
- (47) The priest.
- (48) Since he did not carry out the commandment in all its details.
- (49) Into the priest's hand.
- (50) To make up a full log.
- (51) To the prescribed limbs of the leper.
- (52) A bird. Cf. Ibid. XIV, 21.
- (53) A beast.
- (54) I.e., the condition of the man when he offered his sin-offering. If he was poor at the time and brought the sin-offering of a poor man (a bird), the burnt-offering that is brought after it must also be that of a poor man (a bird) although he became rich in the meantime. If he was rich at the time and brought the sin-offering of a rich man (a ewe lamb), the burnt-offering also must be that for a rich man (a he-lamb) although he became poor in the meantime. The guilt-offering does not come under consideration since it is the same for both rich and poor.
- (55) Which is the first to be offered. The condition of the man at that moment determines the value of the sin — and the burnt-offerings that follow it. Both R. Simeon and A. Judah derive their rulings from an interpretation of a Scriptural text.
- (56) Even if rich.
- (57) Cf. supra XIV, 3.
- (58) With reference to the ruling supra that a rich leper cannot fulfil his duty by bringing the sacrifice of a poor man.
- (59) A wife's condition being determined by that of her husband.
- (60) Sc. what is to be done by the surviving leper that he should attain his cleanness. He cannot attain it by the offering of the live sin-offering, since it might not be his but the dead man's; and he cannot rely upon the one that was offered, since that one might have been the dead man's and not his. He cannot bring another sin-offering, since the one that was already offered might possibly have been his, and the new animal brought as a sin-offering would in consequence remain unconsecrated and, therefore, forbidden to be offered on the altar.
- (61) Temporarily.
- (62) Thus becoming poor for the time being.
- (63) A bird; which, unlike a beast, even if it is only an uncertain offering may be offered up on the altar, v. Nid. 69b.

Mishna - Mas. Parah Chapter 1

MISHNAH 1. R. ELIEZER RULED: THE HEIFER¹ MUST BE NO MORE THAN ONE YEAR OLD AND THE RED COW² NO MORE THAN TWO YEARS OLD. BUT THE SAGES RULED: THE HEIFER¹ MAY BE EVEN TWO YEARS OLD AND THE RED COW² EVEN THREE OR FOUR YEARS OLD. R. MEIR RULED: EVEN FIVE YEARS OLD. ONE THAT IS OLDER IS VALID, BUT THEY DID NOT WAIT WITH IT SO LONG SINCE IT MIGHT IN THE MEANTIME GROW SOME BLACK HAIRS AND [THUS] BECOME INVALID.³ R. JOSHUA STATED: I ONLY HEARD⁴ OF [A COW] THAT WAS SHELASHETH.⁵ THEY SAID TO HIM: WHAT DOES THE EXPRESSION 'SHELASHETH' SIGNIFY? HE REPLIED: THUS HAVE I HEARD IT WITHOUT ANY EXPLANATION. BEN 'AZZAI SAID, I WILL EXPLAIN: IF YOU SAY SHELISHITH THE MEANING IS 'THE THIRD' IN NUMBER TO OTHERS,⁶ BUT WHEN YOU SAY SHELASHETH THE MEANING IS ONE THAT IS 'THREE YEARS OLD. SIMILARLY IT WAS SPOKEN OF A VINEYARD THAT IS REBA'I. THEY SAID TO HIM: WHAT DOES THE EXPRESSION REBA'I SIGNIFY? HE REPLIED: THUS HAVE I HEARD IT WITHOUT ANY EXPLANATION. BEN AZZAI SAID, I WILL EXPLAIN: IF YOU SAY 'REBI'¹ ' THE MEANING IS 'THE FOURTH IN NUMBER TO OTHERS, BUT WHEN YOU SAY 'REBA'I' THE MEANING IS ONE THAT IS FOUR YEARS OLD'. SIMILARLY IT WAS RULED: IF A MAN ATE⁷ IN A LEPROUS HOUSE HALF A LOAF, THREE⁸ OF WHICH ARE MADE OF A KAB, HE BECOMES UNCLEAN.⁹ THEY SAID TO HIM: SAY RATHER, 'EIGHTEEN⁸ OF WHICH ARE MADE OF A SE'AH'.¹⁰ HE REPLIED: THUS HAVE I HEARD IT WITHOUT ANY EXPLANATION. BEN'AZZAI SAID, I WILL EXPLAIN: WHEN YOU SAY, THREE OF WHICH ARE MADE OF A KAB THE LOAF WOULD CONTAIN NO DOUGH-OFFERING,¹¹ BUT IF YOU SAY, EIGHTEEN OF WHICH ARE MADE OF A SE'AH', THE LOAF¹² HAS BEEN REDUCED BY ITS DOUGH-OFFERING.¹³

MISHNAH 2. R. JOSE THE GALILEAN RULED: BULLOCKS¹⁴ MUST BE NO MORE THAN TWO YEARS OLD, FOR IT IS SAID, AND THE SECOND¹⁵ YOUNG BULLOCK SHALT THOU TAKE FOR A SIN-OFFERING.¹⁶ BUT THE SAGES RULED: THEY MAY BE EVEN THREE YEARS OLD. R. MEIR RULED: EVEN THOSE THAT ARE FOUR OR FIVE YEARS OLD ARE VALID, BUT OLD ANIMALS ARE NOT BROUGHT¹⁷ OUT OF RESPECT.¹⁸

MISHNAH 3. LAMBS¹⁴ MUST BE NO MORE THAN ONE YEAR OLD, AND RAMS¹⁴ NO MORE THAN TWO YEARS OLD; AND ALL THESE YEARS ARE RECKONED FROM DAY TO DAY.¹⁹ ONE THAT IS THIRTEEN MONTHS OLD IS NOT VALID EITHER AS A RAM OR AS A LAMB. R. TARFON CALLED IT PALGAS;²⁰ BEN 'AZZAI CALLED IT NUKAD;²¹ R. ISHMAEL CALLED IT PARAKDIGMA.²² IF A MAN OFFERED IT HE MUST BRING FOR IT THE DRINK-OFFERING OF A RAM,²³ BUT IT IS NOT COUNTED AS HIS OFFERING.²⁴ ONE THAT IS THIRTEEN MONTHS OLD AND A DAY IS REGARDED AS A RAM.

MISHNAH 4. THE SIN-OFFERINGS OF THE CONGREGATION AND THEIR BURNT-OFFERINGS,²⁵ THE SIN-OFFERING OF AN INDIVIDUAL,²⁶ THE GUILT-OFFERING OF A NAZIRITE²⁷ AND THE GUILT-OFFERING OF A LEPER²⁸ ARE VALID FROM THE THIRTIETH DAY²⁹ ONWARDS, AND ALSO ON THE THIRTIETH DAY. IF, HOWEVER, THEY WERE OFFERED ON THE EIGHTH DAY²⁵ THEY ARE VALID. VOW-OFFERINGS AND FREEWILL-OFFERINGS, FIRSTLINGS AND THE TITHE OF CATTLE AND THE PASCHAL LAMB ARE VALID FROM THE EIGHTH DAY²⁵ ONWARDS, AND ALSO ON THE EIGHTH DAY.

(1) Prescribed in Deut. XXI, 3ff.

(2) The red heifer, Num. XIX, 2ff.

(3) Var. lec. 'or (otherwise) became invalid'. By bearing the yoke or contracting a blemish (cf. Ibid. XIX, 2).

- (4) That it is valid.
- (5) This is explained presently.
- (6) One third born which was deemed specially good.
- (7) Or spent time enough to eat.
- (8) Whole loaves.
- (9) Cf. Neg. XIII, 9.
- (10) Since a se'ah contains six kab.
- (11) And, therefore, could wholly be eaten. Only a minimum of five quarters of a kab is liable to the dough-offering.
- (12) Being liable (cf. prev. n.) to the dough-offering, which must be given to the priest.
- (13) So that its size would be smaller than the other from which no dough-offering had been taken.
- (14) Prescribed as sacrifices.
- (15) 'Sheni' (E. V. another') which is superfluous, is rendered as 'two year old'.
- (16) Num. VIII, 8.
- (17) As sacrifices.
- (18) For the sanctity of the altar.
- (19) Sc. from the day in one calendar year to the corresponding one in the next calendar year.
- (20) Composed of 'pelag' and 'gas', 'a half of a grown up'. Aliter. Gr. ** lit., 'young person'.
- (21) (Or noked. Lit., 'a distinct coin' (Jast.); aliter: Noked, the term used in Amos I, I to denote a herdsman of a special kind of sheep.
- (22) (Or prokadeigma. Var. lec. 'parakarigma' Cf. Gr. ** 'counterfeit coin'.
- (23) A third of a hin.
- (24) If he was under an obligation to bring either a ram or a he-lamb.
- (25) For new moons and festivals, for instance, which consist of lambs and young goats.
- (26) If it is a lamb or a goat.
- (27) Which is a ewe lamb (cf. Num. VI, 14).
- (28) A he-lamb (cf. Lev. XIV, 12).
- (29) Of their birth; v. ibid XXII, 27.

Mishna - Mas. Parah Chapter 2

MISHNAH 1. R. ELIEZER RULED: A [RED] COW FOR THE SIN-OFFERING¹ THAT IS WITH YOUNG² IS VALID,³ BUT THE SAGES RULE THAT IT IS INVALID. R. ELIEZER RULED: IT⁴ MAY NOT BE BOUGHT FROM IDOLATERS,⁵ BUT THE SAGES RULE THAT SUCH A ONE IS VALID,⁶ AND NOT ONLY THIS, BUT ALL OFFERINGS OF THE CONGREGATION OR THE INDIVIDUAL MAY BE BROUGHT FROM THE LAND OF ISRAEL AND FROM OUTSIDE THE LAND, FROM NEW PRODUCE AND FROM THE OLD; EXCEPT THE OMER⁷ AND THE TWO LOAVES,⁸ WHICH MAY BE BROUGHT ONLY FROM NEW PRODUCE AND FROM WITHIN THE LAND.

MISHNAH 2. IF THE HORNS OR THE HOOFS OF THE [RED] COW ARE BLACK THEY ARE CHOPPED OFF.⁹ THE EYE BALL, THE TEETH AND THE TONGUE¹⁰ CAUSE NO INVALIDITY IN THE [RED] COW.¹¹ ONE THAT IS DWARF-LIKE IS VALID. IF THERE WAS ON IT A WEN AND THIS WAS CUT OFF, R. JUDAH RULES THAT IT IS INVALID.¹² R. SIMEON RULED: [ONLY] WHEREVER, IF REMOVED, NO RED HAIR GROWS IN ITS PLACE IS IT INVALID.

MISHNAH 3. ONE THAT IS BORN FROM THE SIDE,¹³ THE HIRE OF A HARLOT OR THE PRICE OF A DOG IS INVALID.¹⁴ R. ELIEZER RULES THAT IT IS VALID, FOR IT IS WRITTEN, THOU SHALT NOT BRING THE HIRE OF A HARLOT OR THE PRICE OF A DOG INTO THE HOUSE OF THE LORD THY GOD,¹⁵ WHILE THIS¹⁶ WAS NOT BROUGHT INTO THE HOUSE.¹⁷ ALL BLEMISHES THAT CAUSE CONSECRATED ANIMALS TO BE INVALID¹⁸ CAUSE ALSO THE [RED] COW TO BE INVALID. IF ONE HAD RIDDEN ON IT.¹⁶

LEANED ON IT, HUNG ON ITS TAIL, CROSSED¹⁹ A RIVER BY ITS HELP, DOUBLED ON ITS LEADING ROPE,²⁰ OR PUT ONE'S CLOAK ON IT, IT IS INVALID.²¹ BUT IF ONE HAD ONLY FASTENED IT BY ITS LEADING ROPE OR MADE FOR IT A SANDAL TO PREVENT IT FROM SLIPPING OR SPREAD ONE'S CLOAK ON IT BECAUSE OF FLIES, IT REMAINS VALID. THIS IS THE GENERAL RULE: WHEREVER ANYTHING IS DONE FOR ITS OWN SAKE, IT REMAINS VALID; BUT IF FOR THE SAKE OF ANY OTHER,²² IT BECOMES INVALID.

MISHNAH 4. IF A BIRD RESTED ON IT, IT REMAINS VALID. IF A MALE BEAST MOUNTED IT, IT BECOMES INVALID.²³ R. JUDAH RULED: IF THE MALE WAS MADE TO MOUNT, IT BECOMES INVALID; BUT IF IT DID SO OF ITSELF, IT REMAINS VALID.

MISHNAH 5. IF IT¹⁶ HAD TWO BLACK OR WHITE HAIRS GROWING WITHIN ONE FOLLICLE,²⁴ IT IS INVALID. R. JUDAH SAID, 'WITHIN²⁵ ONE KOS'.²⁶ IF THEY GREW WITHIN TWO FOLLICLES THAT WERE ADJACENT TO²⁷ ONE ANOTHER, IT IS INVALID. R. AKIBA RULED: EVEN IF THERE WERE FOUR OR EVEN FIVE BUT THEY WERE DISPERSED, THEY MAY BE PLUCKED OUT.²⁸ R. ELIEZER RULED: EVEN AS MANY AS FIFTY.²⁹ R. JOSHUA B. BATHYRA RULED: EVEN IF IT HAD BUT ONE ON ITS HEAD AND ONE ON ITS TAIL, IT IS INVALID. IF IT HAD TWO HAIRS³⁰ WITH THEIR ROOTS BLACK AND THEIR TIPS RED OR WITH THEIR ROOTS RED AND THEIR TIPS BLACK, ALL IS DETERMINED BY WHAT IS VISIBLE;³¹ SO R. MEIR. BUT THE SAGES RULED: BY THE ROOT.³²

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- (1) A phrase whereby the red cow is designated.
 - (2) Provided the covering was done without the owner's knowledge.
 - (3) Though the carrying of any other burden renders it invalid. The embryo being regarded as a part of the mother's body does not come under the category of 'burden'.
 - (4) The red cow.
 - (5) Since they may have subjected it to improper use.
 - (6) For reasons cf. Bert., L. and Elijah Wilna.
 - (7) Cf. Lev. XXIII, 10ff.
 - (8) Cf. Ibid. XXIII, 17.
 - (9) And the red cow is then valid.
 - (10) Though they are not red.
 - (11) Where no other is available (Elijah Wilna).
 - (12) As is the case with other sacrifices, v. Ibid. XXII, 22.
 - (13) By means of the caesarean cut.
 - (14) As a red cow, as it is invalid for any other sacrifice.
 - (15) Deut. XXIII. 19' emphasis on 'house'.
 - (16) The red cow.
 - (17) 'The house of the Lord'.
 - (18) As sacrifices.
 - (19) Aliter: Hung . . . tail and crossed.
 - (20) Placing it on its back.
 - (21) In accordance with Num. XIX, 2, and upon which never came yoke.
 - (22) Though it was for its own sake also.
 - (23) Because the latter is supposed to be with the approval of the owner.
 - (24) 'Guma' (v. next note but one).
 - (25) 'Even', in cur. edd. is to be deleted (Bert.).
 - (26) 'Follicle', kos in this context having the same meaning as 'guma' (follicle) used by the first Tanna (cf. prev. n. but one). The difference between R. Judah and the first Tanna lies only in the Hebrew and Aramaic terms they respectively use.

(27) Aliter: opposite.

(28) And the cow is valid even before they were plucked, the plucking being done only for appearance sake.

(29) Or even any larger number may be plucked (cf. prev. n.).

(30) In one follicle.

(31) Sc. the tips. If they were red the cow is valid; if they were black it is invalid.

(32) Cf. prev. n. mut. mut.

Mishna - Mas. Parah Chapter 3

MISHNAH 1. SEVEN DAYS BEFORE THE BURNING OF THE [RED] COW THE PRIEST WHO WAS TO BURN THE COW WAS REMOVED FROM HIS HOUSE TO A CHAMBER THAT WAS FACING THE NORTH-EASTERN CORNER OF THE BIRAH;¹ AND WHICH WAS CALLED THE STONE CHAMBER.² THROUGHOUT THE SEVEN DAYS³ HE WAS SPRINKLED UPON⁴ WITH [A MIXTURE⁵ OF] ALL THE SIN-OFFERINGS THAT WERE THERE.⁶ R. JOSE STATED: HE WAS SPRINKLED UPON ON THE THIRD AND THE SEVENTH DAYS ONLY. R. HANINA THE VICE-HIGH PRIEST STATED: ON THE PRIEST THAT WAS TO BURN THE COW THEY SPRINKLED ALL THE SEVEN DAYS, BUT ON THE ONE THAT WAS TO PERFORM THE SERVICE ON THE DAY OF ATONEMENT THEY SPRINKLED ON THE THIRD AND THE SEVENTH DAYS ONLY.

MISHNAH 2. COURTYARDS WERE BUILT IN JERUSALEM OVER A ROCK,⁷ AND BENEATH THEM WAS A HOLLOW WHICH SERVED AS A PROTECTION AGAINST A GRAVE IN THE DEPTHS,⁸ AND THEY USED TO BRING THERE PREGNANT WOMEN, AND THERE THEY GAVE BIRTH TO THEIR CHILDREN AND THERE THEY REARED THEM.⁹ AND¹⁰ THEY BROUGHT OXEN, UPON WHOSE BACKS WERE PLACED DOORS,¹¹ AND THE CHILDREN SAT UPON THEM WITH STONE CUPS¹² IN THEIR HANDS. WHEN THEY REACHED SILOAM¹³ THEY ALIGHTED AND FILLED THE CUPS WITH WATER¹⁴ AND THEN THEY ASCENDED AND SAT AGAIN ON THE DOORS.¹¹ R. JOSE SAID: EACH CHILD USED TO LET DOWN HIS CUP¹⁵ AND FILL IT FROM HIS PLACE.¹⁶

MISHNAH 3. HAVING ARRIVED¹⁷ AT THE TEMPLE MOUNT THEY ALIGHTED. BENEATH THE TEMPLE MOUNT AND THE COURTS¹⁸ WAS A HOLLOW WHICH SERVED AS A PROTECTION AGAINST A GRAVE IN THE DEPTHS,¹⁹ WHILE AT THE ENTRANCE OF THE COURT²⁰ THE JAR OF THE ASHES OF THE SIN-OFFERINGS²¹ WAS PROVIDED. A MALE FROM AMONG THE SHEEP WAS BROUGHT AND A ROPE WAS TIED BETWEEN ITS HORNS, AND A STICK OR²² A BUSHY TWIG WAS TIED AT THE OTHER END OF THE ROPE, AND THIS²³ WAS THROWN INTO THE JAR.²⁴ THE MALE [SHEEP] WAS THEN STRUCK SO THAT IT STARTED BACKWARDS²⁵ WHEN [A CHILD] TOOK THE ASHES AND MIXED²⁶ AS MUCH OF IT AS COULD BE VISIBLE ON THE WATER. R. JOSE SAID: DO NOT GIVE THE HERETICS²⁷ AN OPPORTUNITY TO CAVIL,²⁸ BUT [A CHILD] HIMSELF TOOK IT²⁹ AND MIXED IT.³⁰

MISHNAH 4. ONE MAY NOT BRING A SIN-OFFERING³¹ BY VIRTUE OF [THE PURIFICATIONS MADE FOR] ANOTHER SIN-OFFERING,³² NOR ONE CHILD³³ BY VIRTUE OF [THE PREPARATIONS MADE FOR] ANOTHER.³⁴ THE CHILDREN, FURTHERMORE, HAD TO BE SPRINKLED,³⁵ SO R. JOSE THE GALILEAN. R. AKIBA STATED: THEY HAD NO NEED TO BE SPRINKLED.³⁶

MISHNAH 5. IF THEY DID NOT FIND THE RESIDUE OF THE ASHES OF THE SEVEN [RED COWS]³⁷ THEY PERFORMED THE SPRINKLING WITH THOSE OF SIX, OF FIVE, OF FOUR, OF THREE, OF TWO OR OF ONE, AND WHO PREPARED THESE?³⁸ MOSES PREPARED THE FIRST, EZRA PREPARED THE SECOND, AND FIVE WERE PREPARED

SINCE EZRA; SO R. MEIR. BUT THE SAGES STATED: SEVEN WERE PREPARED SINCE THE DAYS OF EZRA. AND WHO PREPARED THEM? SIMEON THE JUST AND JOHANAN THE HIGH PRIEST PREPARED TWO ELIEHOENAI THE SON OF HA-KOF AND HANAMEL THE EGYPTIAN AND ISHMAEL THE SON OF PIABI PREPARED ONE EACH.³⁹

MISHNAH 6 A CAUSEWAY WAS MADE FROM THE TEMPLE MOUNT TO THE MOUNT OF OLIVES, BEING CONSTRUCTED OF ARCHES ABOVE ARCHES, EACH ARCH PLACED DIRECTLY ABOVE EACH PIER [OF THE ARCH BELOW] AS A PROTECTION⁴⁰ AGAINST A GRAVE IN THE DEPTHS,⁴¹ WHEREBY THE PRIEST WHO WAS TO BURN THE COW, THE COW ITSELF AND ALL WHO AIDED IN ITS PREPARATION WENT FORTH TO THE MOUNT OF OLIVES.

MISHNAH 7. IF THE COW REFUSED TO GO OUT, THEY MAY NOT TAKE OUT WITH IT A BLACK ONE LEST IT BE SAID, 'A BLACK [COW] HAS BEEN SLAIN' NOR ANOTHER RED [COW] LEST IT BE SAID, 'TWO HAVE BEEN SLAIN'. R. JOSE STATED: IT WAS NOT FOR THIS REASON BUT BECAUSE IT IS SAID IN SCRIPTURE AND HE SHALL BRING HER FORTH,⁴² BY HERSELF.⁴³ THE ELDERS OF ISRAEL USED TO PRECEDE THEM ON FOOT TO THE MOUNT OF OLIVES, WHERE THERE WAS A PLACE OF IMMERSION.⁴⁴ THE PRIEST THAT WAS TO BURN THE COW WAS (DELIBERATELY) MADE UNCLEAN ON ACCOUNT OF THE SEDDUCEES: IN ORDER THAT THEY SHOULD NOT SAY,⁴⁵ 'ONLY BY THOSE ON WHOM THE SUN HAS SET⁴⁶ MUST IT BE PREPARED'.

MISHNAH 8. THEY LAID THEIR HANDS UPON HIM⁴⁷ AND SAID,⁴⁸ MY LORD THE HIGH PRIEST,⁴⁹ PERFORM IMMERSION ONCE. HE THEREUPON WENT DOWN AND IMMERSED HIMSELF AND CAME UP AND DRIED HIMSELF. DIFFERENT KINDS OF WOOD WERE SET IN ORDER THERE: CEDAR 'WOOD, PINE, SPRUCE AND THE WOOD OF SMOOTH FIG TREES.⁵⁰ [THE PILE] WAS BUILT UP IN THE SHAPE OF A TOWER FURNISHED WITH AIR HOLES,⁵¹ AND ITS FORESIDE⁵² WAS TURNED TOWARDS THE WEST.⁵³

MISHNAH 9. IT⁵⁴ WAS BOUND WITH A ROPE OF BAST⁵⁵ AND PLACED ON THE PILE WITH ITS HEAD TOWARDS THE SOUTH AND ITS FACE TOWARDS THE WEST.⁵³ THE PRIEST STOOD IN THE EAST WITH HIS FACE TOWARDS THE WEST. HE SLAUGHTERED WITH HIS RIGHT HAND AND RECEIVED THE BLOOD WITH HIS LEFT. R. JUDAH SAID: HE RECEIVED THE BLOOD WITH HIS RIGHT HAND, PUT IT ON HIS LEFT HAND AND THEN SPRINKLED WITH HIS RIGHT. SEVEN TIMES HE DIPPED HIS FINGER IN THE BLOOD AND SPRINKLED IT TOWARDS THE HOLY OF HOLIES, DIPPING ONCE AGAIN FOR EACH SPRINKLING. HAVING FINISHED THE SPRINKLING HE WIPED HIS HAND ON THE BODY OF THE COW, CAME DOWN AND KINDLED THE FIRE WITH CHIPS. R. AKIBA SAID: WITH DRY BRANCHES OF PALM-TREES.

MISHNAH 10. WHEN IT⁵⁴ BURST⁵⁶ HE TOOK UP A POSITION OUTSIDE ITS PIT⁵⁷ AND TAKING HOLD OF CEDAR WOOD, HYSSOP AND SCARLET WOOL, HE SAID TO THE BYSTANDERS, 'IS THIS CEDARWOOD? IS THIS CEDARWOOD?' 'IS THIS HYSSOP? IS THIS HYSSOP' 'IS THIS SCARLET WOOL? IS THIS SCARLET Wool?' THREE TIMES HE REPEATED EACH QUESTION AND THEY ANSWERED HIM 'YEA, YEA!' — THREE TIMES TO EACH QUESTION.

MISHNAH 11. HE THEN WRAPPED THEM⁵⁸ TOGETHER WITH THE ENDS OF THE STRIP OF WOOL⁵⁹ AND CAST THEM INTO THE BURNING HEAP, WHEN IT WAS BURNT UP IT WAS BEATEN WITH RODS AND THEN⁶⁰ SIFTED WITH SIEVES. R. ISHMAEL STATED: THIS WAS DONE WITH STONE HAMMERS⁶¹ AND STONWARE SIEVES.⁶¹ A BLACK

CINDER ON WHICH THERE WERE SOME ASHES WAS CRUSHED BUT ONE ON WHICH THERE WERE NONE WAS LEFT BEHIND. A BONE WAS CRUSHED IN EITHER CASE. IT⁶² WAS THEN DIVIDED INTO THREE PARTS: ONE PART WAS DEPOSITED ON THE RAMPART, ONE ON THE MOUNT OF OLIVES, AND ONE WAS DIVIDED AMONG THE COURSES.⁶³

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- (1) The Temple (cf. I Chron. XXIX, 1). Aliter: The name of a place on the Temple mount (cf. Yoma 2a).
 - (2) So named because all services in connection with the red cow had to be performed only in vessels made either of baked ordure or of earthenware or of any material which, like stone, is insusceptible to uncleanness (cf. Yoma 2a).
 - (3) Except the fourth.
 - (4) As a precaution against the possibility of having contracted corpse uncleanness.
 - (5) So Elijah Wilna.
 - (6) From the days of Moses, when the first red cow was prepared, to date.
 - (7) That was primordial.
 - (8) Sc. the possibility of the existence of an unknown grave under the rock, טומאת התהום . unless there is a minimum space of a cubic handbreadth above it the uncleanness of the grave penetrates through the rock and beyond it; v. Suk. 21a.
 - (9) For the service of the red cow.
 - (10) When the water for the red cow had to be brought from Siloam.
 - (11) Which prevented any uncleanness below from penetrating to the children.
 - (12) Which are not susceptible to uncleanness.
 - (13) Heb. ha-Shiluah, the conduit near Jerusalem the completion of which is recorded on the famous Siloam inscription.
 - (14) In order to use them for sprinkling on the priest who was to burn the red cow.
 - (15) Without leaving his place on the door.
 - (16) As a precaution against the uncleanness of a possible grave in the depth near Siloam.
 - (17) On their return journey.
 - (18) Of the Temple.
 - (19) Cf. supra p. 309, n. 8. And therefore they could safely alight.
 - (20) Of the women, on a particular spot between it and the Rampart.
 - (21) In which were preserved ashes of all previously burnt red cows.
 - (22) Var. lec. 'and'.
 - (23) The stick or the twig.
 - (24) It is not permitted to put it there directly since the man who did it, if he were suffering from the uncleanness of a flux or the like, would, by hesset, (v. Glos.), have conveyed uncleanness to the ashes.
 - (25) And, as a result of his sudden movement, spilled the ashes collected on the stick.
 - (26) With water. Lit., 'sanctified'.
 - (27) Or 'Sadducees'.
 - (28) Or 'mock', at such excessive care and precaution.
 - (29) The ashes from the jar.
 - (30) With water. Lit., 'sanctified'.
 - (31) Sc. a red cow for which the necessary preparations in regard to cleanness have not been made.
 - (32) Which died or became invalid after all the necessary preparations for it have been completed.
 - (33) Even if he was kept in conditions of cleanness.
 - (34) Who died or became unclean after he has been duly prepared for a particular red cow for which the first mentioned child (cf. prev. n.) was not specifically prepared. it was necessary that the preparations be made solely and specifically for each particular red heifer and that a particular child also be specifically assigned for it.
 - (35) With the ashes of the red cow, In case any of them had become unclean through a dead creeping thing. They themselves performed the sprinkling upon one another since no one could possibly be cleaner than they. Bert. on the basis of the Tosef. explains that this complicated procedure was adopted by the exiles on their return From Babylon when they were all unclean as a result of corpse-uncleanness and had no other means of becoming clean, save through the medium of children and the ashes of the red cows of former generations that had been left in safe keeping when they went to exile. B. Jose states that there were still among them a few individuals who had kept themselves Free from

corpse-uncleanness all the time and they could have made the necessary preparations.

(36) They only required immersion as a precaution against the possibility of having become unclean through contact with a dead creeping thing.

(37) That had been burnt since the days of Moses to that day. The sprinkling had to be done with a compound of the ashes of all the seven cows (cf. supra III, I and nn).

(38) Seven cows.

(39) R. Meir disregards one cow of each pair since owing to invalidity it was entirely superseded by the other.

(40) For those who crossed the causeway.

(41) Whose corpse uncleanness would otherwise have penetrated (cf. supra p 309, n. 8).

(42) Num. XIX, 3, emphasis on 'her'.

(43) The practical difference between the first Tanna and R. Jose is the permissibility of taking out with it any other animal or beast. According to R. Jose even this is not permitted.

(44) Also built, like the causeway, over a hollow as a protection against a corpse uncleanness in the depths.

(45) Var. lec., 'because they used to say'.

(46) Sc. those only who are in all respects clean.

(47) The priest who was to horn the cow.

(48) If he happened to be a High Priest.

(49) V. infra IV, I.

(50) All these kinds of wood produce suitable ashes.

(51) Lit., 'and they opened windows in it'.

(52) The largest opening into which the fire was put.

(53) Where was the Holy of Holies.

(54) The red cow.

(55) Which is insusceptible to uncleanness.

(56) From the heat.

(57) In which it was being burnt.

(58) The cedarwood and the hyssop.

(59) Which, being longer than the cedarwood and the hyssop, projected downwards.

(60) When it had been pounded to dust.

(61) Which are insusceptible to uncleanness.

(62) The ashes of the red cow.

(63) The twenty-four courses of the priests that took the Temple services in turn, v. Glos. s. v. Mishmar.

Mishna - Mas. Parah Chapter 4

MISHNAH 1. IF A COW FOR THE SIN-OFFERING WAS SLAIN UNDER SOME OTHER NAME, OR IF ITS BLOOD WAS RECEIVED OR SPRINKLED UNDER SOME OTHER NAME, OR IF THIS¹ WAS DONE UNDER ITS OWN NAME AND UNDER SOME OTHER NAME, OR UNDER SOME OTHER NAME AND UNDER ITS NAME, IT IS INVALID.² R. ELIEZER RULES THAT IT IS VALID.³ IF THE SERVICE¹ WAS PERFORMED BY ONE WHOSE HANDS OR FEET WERE UNWASHED,⁴ IT IS INVALID; BUT R. ELIEZER RULES THAT IT IS VALID.³ IF IT⁴ WAS PERFORMED BY ONE WHO WAS NOT THE HIGH PRIEST, IT IS INVALID; BUT R. JUDAH RULES THAT IT IS VALID. IF IT WAS PERFORMED BY ONE WHO WAS NOT WEARING ALL THE PRESCRIBED GARMENTS,⁵ IT IS INVALID; AND IT WAS IN WHITE GARMENTS⁵ THAT IT WAS TO BE PREPARED.

MISHNAH 2. IF IT WAS BURNT OUTSIDE ITS PIT,⁶ OR IN TWO PITS,⁷ OR IF TWO COWS WERE BURNT IN THE SAME PIT, IT IS INVALID. IF [THE BLOOD] WAS SPRINKLED BUT NOT EXACTLY IN THE DIRECTION OF THE ENTRANCE OF THE HOLY OF HOLIES, IT IS INVALID. IF HE MADE THE SEVENTH SPRINKLING OUT OF THE SIXTH⁸ AND THEN SPRINKLED AGAIN A SEVENTH TIME, IT IS INVALID. IF HE SPRINKLED AN EIGHTH TIME OUT OF THE SEVENTH⁹ AND THEN SPRINKLED AGAIN AN EIGHTH TIME, IT IS

VALID.¹⁰

MISHNAH 3. IF IT WAS BURNT UP WITHOUT WOOD,¹¹ OR WITH ANY KIND OF WOOD,¹² AND EVEN IF ONLY WITH STRAW OR STUBBLE, IT IS VALID. IF IT WAS FLAYED AND CUT UP, IT IS VALID. IF IT WAS SLAIN WITH THE INTENTION OF EATING ITS FLESH OR DRINKING ITS BLOOD, IT IS VALID. R. ELIEZER RULED: NO [UNLAWFUL] INTENTION¹³ CAUSES IN VALIDITY IN THE RED COW.

MISHNAH 4. ALL WHO ARE ENGAGED IN THE PREPARATION OF THE [RED] COW, FROM THE BEGINNING UNTIL THE END, RENDER THEIR GARMENTS¹⁴ UNCLEAN, AND THEY ALSO RENDER IT¹⁵ INVALID BY [OTHER] WORK.¹⁶ IF SOME IN VALIDITY OCCURRED WHILE IT WAS BEING SLAIN, IT CONVEYS NO UNCLEANNESS TO GARMENTS. IF IT OCCURRED WHILE THE BLOOD WAS BEING SPRINKLED, FOR ALL WHO WERE ATTENDING TO IT BEFORE THE INVALIDITY OCCURRED, IT RENDERS GARMENTS UNCLEAN, BUT FOR THOSE WHO ATTENDED TO IT AFTER IT HAD BECOME INVALID IT DOES NOT RENDER GARMENTS UNCLEAN. THUS IT FOLLOWS THAT THE RESTRICTION¹⁷ TURNS INTO A RELAXATION.¹⁸ THE LAW OF SACRILEGE¹⁹ APPLIES TO IT THROUGHOUT.²⁰ WOOD MAY BE ADDED TO THE FIRE.²⁰ ITS SERVICES²¹ MUST BE PERFORMED BY DAY AND BY A PRIEST.²² WORK²³ RENDERS IT INVALID UNTIL IT BECOMES ASHES, AND WORK²³ CAUSES THE WATER TO BE INVALID UNTIL THE ASHES ARE PUT INTO IT.

(1) The slaying, receiving or sprinkling.

(2) Since Scripture described it as a 'sin-offering' the services mentioned must in their entirety be performed under that name alone; v. Zeb. 2a.

(3) Because, unlike other sin-offerings, the services mentioned were performed outside the Temple precincts.

(4) V. Ex. XXX, 19, 20.

(5) Worn by the officiating priest.

(6) The cavity on the Mount of Olives opposite the Holy of Holies in which the red cows were burnt.

(7) A portion in each.

(8) Sc. having dipped his finger for the sixth sprinkling he used the same blood for both the sixth and the seventh sprinklings. Aliter: 'Sprinkled the seventh instead of the sixth', having made a mistake in the counting.

(9) Cf. p. 315, n. 8 mut.mut.

(10) The one additional sprinkling cannot invalidate the heifer after the seven prescribed sprinklings have been duly performed.

(11) The fire having been set to the body of the cow itself.

(12) Other than those prescribed supra III, 8.

(13) However wrong the act intended.

(14) Or any utensils with which they may come in contact.

(15) The red cow.

(16) Done during the time one was engaged in the preparation of the red cow.

(17) Invalidity of the cow where one is engaged in other work.

(18) Exemption of the man's clothes from uncleanness.

(19) Me'ah (v. Glos.). cf. Lev. V, 15f.

(20) Until it is burnt into ashes.

(21) With the exception of the collection of the ashes, the filling of the jar with water and the mixing of the water and ashes which may also be done by night and by a non-priest.

(22) V Yoma, 42a.

(23) Other than that connected with the service of the cow.

Mishna - Mas. Parah Chapter 5

MISHNAH 1. HE WHO BRINGS THE EARTHEN VESSEL FOR THE SIN-OFFERING¹ MUST PERFORM IMMERSION,² AND SPEND THE NIGHT³ BY THE FURNACE.⁴ R. JUDAH RULED: HE MAY ALSO BRING IT FROM THE HOUSE⁵ AND IT IS VALID,⁶ FOR ALL ARE DEEMED TRUSTWORTHY IN REGARD TO THE SIN-OFFERING.⁷ IN THE CASE OF TERUMAH⁸ ONE MAY OPEN THE FURNACE⁹ AND TAKE OUT [THE VESSEL]. R. SIMEON RULED: FROM THE SECOND ROW.¹⁰ R. JOSE RULED: FROM THE THIRD ROW.¹¹

MISHNAH 2. IF A MAN IMMERSED A VESSEL FOR THE SIN-OFFERING¹² IN WATER THAT IS NOT FIT FOR THE MIXING¹³ HE MUST DRY IT;¹⁴ IF IN WATER THAT IS FIT FOR THE MIXING HE NEED NOT DRY IT,¹⁵ BUT IF [HE INTENDED]¹⁶ TO COLLECT IN IT¹⁷ WATER THAT WAS ALREADY MIXED WITH THE ASHES, HE MUST DRY IT IN EITHER CASE.¹⁸

MISHNAH 3. IF A PUMPKIN SHELL¹⁹ WAS IMMERSED²⁰ IN WATER THAT WAS NOT FIT FOR THE MIXTURE,²¹ IT IS PERMISSIBLE²² TO MIX IN IT THE ASHES WITH THE WATER,²³ PROVIDED IT HAD NEVER BEFORE CONTRACTED UNCLEANNESS. IF IT HAS CONTRACTED AN UNCLEANNESS, IT IS NOT PERMISSIBLE²⁴ TO MIX IN IT THE ASHES WITH THE WATER.²⁵ R. JOSHUA ARGUED: IF ONE IS ALLOWED TO MIX IN IT THE ASHES AND WATER AT THE BEGINNING,²⁶ ONE SHOULD ALSO²⁷ BE ALLOWED TO DO SO AT THE END;²⁸ AND IF ONE IS NOT ALLOWED²⁹ TO DO THIS AT THE END²⁸ ONE SHOULD NOT BE ALLOWED²⁹ TO DO IT AT THE BEGINNING.²⁶ IN³⁰ EITHER CASE³¹ IT IS NOT PERMISSIBLE TO COLLECT IN IT¹⁷ WATER THAT WAS ALREADY PREPARED.³²

MISHNAH 4. A REED PIPE THAT WAS CUT³³ [FOR USE AS A CONTAINER] FOR [THE WATER OR ASHES OF] THE SIN-OFFERING, R. ELIEZER RULED, MUST³⁴ BE IMMERSED FORTHWITH.³⁵ R. JOSHUA RULED: IT MUST FIRST BE RENDERED UNCLEAR AND THEN IT IS IMMERSED.³⁶ ALL ARE ELIGIBLE TO PREPARE THE MIXTURE,³⁷ EXCEPT A DEAF MUTE, AN IMBECILE AND A MINOR. R. JUDAH HOLDS A MINOR TO BE ELIGIBLE, BUT DISQUALIFIES A WOMAN AND A HERMAPHRODITE.

MISHNAH 5. THE MIXTURE³⁷ MAY BE PREPARED IN ALL KINDS OF VESSELS, EVEN IN VESSELS MADE OF CATTLE DUNG, OF STONE OR OF EARTH.³⁸ THE MIXTURE³⁵ MAY ALSO BE PREPARED IN A SHIP.³⁹ IT MAY NOT BE PREPARED IN THE SIDES OF VESSELS,⁴⁰ OR IN THE FLANKS OF A LADLING JAR, OR IN THE BUNG OF A JAR, OR IN ONE'S CUPPED HANDS, FOR THE WATER OF THE SIN-OFFERING MAY BE DRAWN IN, MIXED IN, AND SPRINKLED FROM A VESSEL ONLY. PROTECTION⁴¹ BY A TIGHTLY FITTING COVER⁴² CAN BE AFFORDED ONLY BY VESSELS, AS PROTECTION AGAINST AN UNCLEANNESS WITHIN AN EARTHEN VESSEL CAN BE AFFORDED ONLY BY VESSELS.⁴³

MISHNAH 6. THE POTTERS' EGG⁴⁴ IS FIT [AS A VESSEL].⁴⁵ R. JOSE HOLDS THAT IT IS UNFIT. A HEN'S EGG, R. MEIR AND R. JUDAH RULE, IS FIT [AS A VESSEL]; BUT THE SAGES RULE THAT IT IS UNFIT.

MISHNAH 7. IN A TROUGH THAT IS [HEWN] IN A ROCK⁴⁶ IT IS NOT PERMISSIBLE TO COLLECT THE WATER,⁴⁷ OR TO PREPARE THE MIXTURE,⁴⁸ NOR MAY THE SPRINKLING BE DONE FROM IT. IT, FURTHERMORE, NEEDS NO TIGHTLY FITTING COVER,⁴⁹ AND IT DOES NOT RENDER A RITUAL BATH⁵⁰ INVALID.⁵¹ IF IT WAS FIRST A MOVABLE VESSEL AND IT WAS SUBSEQUENTLY JOINED TO THE GROUND WITH LIME, IT IS PERMISSIBLE TO COLLECT THE WATER⁴⁷ IN IT, TO PREPARE THE MIXTURE IN IT AND TO SPRINKLE FROM IT. IT ALSO NEEDS A TIGHTLY FITTING COVER⁵² AND RENDERS A RITUAL BATH INVALID.⁵³ IF THERE WAS A HOLE IN IT⁵⁴

BELOW, AND IT WAS STOPPED UP WITH A RAG, THE WATER IN IT IS INVALID,⁵⁵ SINCE⁵⁶ IT IS NOT WHOLLY ENCLOSED BY THE VESSEL. IF THE HOLE WAS IN THE SIDE⁵⁷ AND IT WAS STOPPED UP WITH A RAG, THE WATER IN IT IS VALID, SINCE IT IS WHOLLY ENCLOSED BY THE VESSEL. IF THE VESSEL WAS PROVIDED WITH A BRIM OF CLAY AND THE WATER HAD RISEN TO THAT SPOT, IT⁵⁸ IS INVALID; BUT IF IT⁵⁹ WAS FIRM ENOUGH FOR THE VESSEL TO BE MOVED WITH IT,⁶⁰ THE WATER REMAINS VALID.

MISHNAH 8. IF THERE WERE TWO TROUGHS IN ONE STONE⁶¹ AND THE MIXTURE⁶² WAS PREPARED IN ONE OF THEM, THE WATER IN THE OTHER IS NOT PREPARED THEREBY.⁶³ IF A HOLE OF THE SIZE OF THE SPOUT OF A WATER SKIN⁶⁴ WAS PASSING FROM ONE TO THE OTHER, OR IF THE WATER OVERFLOWED BOTH,⁶⁵ EVEN IF ONLY [TO A DEPTH OF] THE THICKNESS OF GARLIC PEEL, AND THE MIXTURE⁶⁶ WAS PREPARED IN ONE OF THEM, THE WATER IN THE OTHER IS ALSO PREPARED THEREBY.⁶⁷

MISHNAH 9. IF TWO STONES WERE PLACED CLOSE TO ONE ANOTHER AND MADE INTO A TROUGH,⁶⁸ AND SO ALSO IN THE CASE OF TWO KNEADING TROUGHS,⁶⁹ AND SO ALSO IN THE CASE OF A TROUGH THAT WAS SPLIT,⁷⁰ THE WATER BETWEEN THEM⁷¹ IS NOT DEEMED TO BE PREPARED.⁷² IF THEY WERE JOINED TOGETHER WITH LIME OR GYPSUM AND THEY CAN BE MOVED TOGETHER, THE WATER BETWEEN THEM⁷¹ IS DEEMED TO HAVE BEEN DAILY PREPARED.

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- (1) In which the ashes are mixed with water for the sprinkling.
 - (2) Cleansing himself thereby from any possible uncleanness.
 - (3) That follows the immersion.
 - (4) Where the earthen vessels are burnt. As vessels become susceptible to uncleanness only after their manufacture has been completed by being burnt in the furnace, he has to stand by all the time so that no unclean person may open the furnace to see whether the vessel is done, and render it unclean by contact.
 - (5) Of the potter.
 - (6) Even if the potter is an 'am-ha-arez who is usually careless in matters of uncleanness.
 - (7) This was a special provision intended to prevent the 'am ha-arez class from preparing separate red cows for themselves.
 - (8) Sc. if a vessel is required for foodstuffs of terumah.
 - (9) At any time, even though no watch was kept after the vessels have been duly burnt and because susceptible to uncleanness.
 - (10) May a vessel be taken for the purposes mentioned. It may not be taken from the first row where the 'am ha-arez may possibly, by opening first the furnace, have caused it to shake and thus rendered it unclean.
 - (11) Cf. prev. n. mut. mut.
 - (12) Sc. to draw the water with it or to mix in it the ashes with the water.
 - (13) Cf. prev. n. Only living or running water may be used.
 - (14) After the immersion, before he fills it with suitable water.
 - (15) Though they get mixed up with the water that he deliberately puts in subsequently for mixing it with the ashes. As he must have known in the course of the immersion that some of the water would cling to the vessel, this water may be regarded as having been put in deliberately.
 - (16) When immersing it.
 - (17) Var. lec. 'to add to it'.
 - (18) Sc. irrespective of whether the immersion took place in water that was, or water that was not fit for the mixing; for even in the former case the water would render invalid the water that was already mixed with the ashes (v. infra VI, 2.)
 - (19) That was clean and used for drawing water.
 - (20) As an extra precaution (cf. prev. n.).
 - (21) Of the ashes of the red cow with the water; var. lec. 'that was fit for the mixture'.

- (22) After it had been dried.
- (23) The possibility of its giving out some of the unfit water which it had previously absorbed is disregarded owing to the insignificance of its quantity which is neutralised in the fit water.
- (24) Even after immersion.
- (25) Since the smallest drop that it might give out would convey uncleanness to all its contents.
- (26) Sc. before it contracted uncleanness.
- (27) Since the re-issue of absorbed liquid is disregarded.
- (28) After uncleanness had been contracted.
- (29) On account of the possible re-issue of some absorbed liquid.
- (30) This is a continuation of the ruling of the first Tanna.
- (31) Whether the pumpkin-shell had contracted uncleanness before or not.
- (32) Lit., 'Sanctified'. Sc. in which the ashes of the red cow have been mixed with the water.
- (33) Directly from the ground where, as a growing plant, it was not susceptible to uncleanness.
- (34) Though clean.
- (35) And used before sunset (v. foll. n).
- (36) As a demonstration against the Sadducees (cf. supra III, 7). According to R. Eliezer the use before sunset (cf. prev. n.) is alone a sufficient demonstration.
- (37) Of the ashes and water of the sin-offering.
- (38) Sc. unbaked clay.
- (39) Though it is not regarded as a 'vessel' in respect of susceptibility to uncleanness.
- (40) That were broken.
- (41) Against uncleanness under the same roof beneath which lay a corpse.
- (42) For the contents under it. Cf. Kelim X, 1.
- (43) Cf. Kel. VIII, 3.
- (44) An egg-shaped lump of clay with a cavity in it runs which the pot is formed.
- (45) For the mixing if the ashes of the sin-offering with the water.
- (46) Which was fixed to the ground.
- (47) For mixing it with the ashes of the red cow.
- (48) because it is not considered a 'vessel'.
- (49) To afford protection to its contents under a roof over itself and a corpse. Having the same status as a pit or ditch any cover on it affords the same protection, v. Oh. V. 6.
- (50) That contained less water than the prescribed minimum.
- (51) If rain water that collected in it flowed into the bath. As the trough is an immovable fixture the water in it is not regarded as 'drawn water' which renders a ritual bath invalid.
- (52) If it is to protect its contents under a roof overshadowing it and a corpse.
- (53) Cf. supra n. 6 mut. mut.
- (54) A vessel that was fit for the preparation of the mixture of the water and ashes.
- (55) For mixing it with ashes of the red cow.
- (56) Owing to the interposition of the rag.
- (57) Of the vessel.
- (58) The water that reached the brim.
- (59) The brim.
- (60) When grasping the brim only.
- (61) That was movable.
- (62) Of the ashes of the red cow and the water.
- (63) And may not, therefore, be used for sprinkling.
- (64) Sc. one in which the two fingers nearest the thumb can be easily turned.
- (65) The separating partition between them being lower than the other sides.
- (66) v. p. 321, n. 17.
- (67) Provided that the quantity of the ashes put in was sufficient to be visible in both.
- (68) Some gap remaining between the two stones.
- (69) That were placed close together to form one large receptacle leaving some gap between them.

(70) Thus leaving some gap between the two halves.

(71) In the gaps (cf. prev. three nn.).

(72) Even where the main body of the water 'was duly mixed with the ashes of the red cow.

Mishna - Mas. Parah Chapter 6

MISHNAH 1. IF A MAN WAS ABOUT TO MIX THE ASHES WITH THE WATER¹ AND THE ASHES² FELL UPON HIS HAND OR UPON THE SIDE OF THE TROUGH³ AND THEN FELL INTO THE TROUGH, THE MIXTURE IS INVALID.⁴ IF THEY⁵ FELL⁶ FROM THE TUBE⁷ INTO THE TROUGH, THE MIXTURE IS INVALID. IF HE TOOK THE ASHES FROM THE TUBE⁷ AND THEN⁸ COVERED IT,⁹ OR SHUT A DOOR,¹⁰ THE ASHES¹ REMAIN VALID BUT THE WATER BECOMES INVALID.¹¹ IF⁸ HE PUT IT⁹ UP ERECT ON THE GROUND,¹² THE WATER BECOMES INVALID;¹³ IF IN HIS HAND, THE WATER IS VALID, SINCE¹⁴ IT IS POSSIBLE PROPERLY¹⁵ TO DO SO.¹⁶

MISHNAH 2. IF THE ASHES² FLOATED ON THE WATER, R. MEIR AND R. SIMEON RULED: ONE MAY TAKE SOME OF THEM¹⁷ AND USE THEM IN ANOTHER PREPARATION; BUT THE SAGES RULED: WITH ANY ASHES THAT HAVE TOUCHED WATER NO OTHER MIXTURE MAY BE PREPARED. IF THE WATER¹⁸ WAS EMPTIED OUT AND SOME ASHES¹⁹ WERE FOUND AT THE BOTTOM, R. MEIR AND R. SIMEON RULED: ONE MAY DRY THEM AND THEN USE THEM FOR ANOTHER PREPARATION; BUT THE SAGES RULED: WITH ANY ASHES THAT HAVE TOUCHED WATER NO OTHER MIXTURE MAY BE PREPARED.

MISHNAH 3. IF THE MIXTURE WAS PREPARED IN A TROUGH²⁰ WHILE A EWER WAS WITHIN IT, HOWEVER NARROW ITS NECK,²¹ THE WATER IN THE LATTER IS DEEMED TO USE DULY PREPARED. IF THERE WAS A SPONGE IN THE TROUGH, THE WATER IN IT²² IS INVALID.²³ HOW SHOULD ONE PROCEED?²⁴ ONE EMPTIES OUT THE WATER²⁵ UNTIL THE SPONGE IS REACHED.²⁶ IF ONE TOUCHED THE SPONGE,²⁷ HOWEVER MUCH THE WATER THAT WASHES OVER IT, THE WATER BECOMES INVALID.²⁸

MISHNAH 4. IF A MAN PLACED HIS HAND OR HIS FOOT OR LEAVES OF VEGETABLES²⁹ IN SUCH A MANNER AS TO ENABLE THE WATER TO RUN INTO A JAR, THE WATER IS INVALID.³⁰ IF HE USED³¹ LEAVES OF REEDS OR LEAVES OF NUTS³² THE WATER IS VALID. THIS IS THE GENERAL RULE: [WATER PASSING OVER] THAT WHICH IS SUSCEPTIBLE TO UNCLEANNESS IS INVALID, BUT [WATER PASSING OVER] THAT WHICH IS NOT SUSCEPTIBLE TO UNCLEANNESS IS VALID.

MISHNAH 5. IF A WELL WAS DIVERTED INTO A WINE VAT OR INTO CISTERNS, THE WATER³³ IS INVALID FOR ZABS³⁴ AND LEPERS;³⁵ AND ALSO FOR THE PREPARATION OF THE WATER OF THE SIN-OFFERING,³⁶ BECAUSE IT WAS NOT DRAWN INTO A VESSEL.³⁷

(1) Lit., 'sanctifying', mixing the ashes of the red cow with suitable water in a trough.

(2) Lit., 'sanctification'.

(3) That contained the water.

(4) Since the ashes must be put direct (cf. Num. XIX, 17) into the vessel. They must not fall into it of their own accord.

(5) The ashes.

(6) Of their own accord.

(7) In which they are kept.

(8) Before putting the ashes into the water.

(9) The tube.

- (10) Thus doing other 'work' while engaged in the preparation of the mixture.
- (11) As supra IV, 4 ad fin.
- (12) So as to prevent the ashes in the tube from spilling.
- (13) The act distracting his mind from the preparation of the mixture.
- (14) Being a very simple act.
- (15) Without distracting one's mind from the preparation of the mixture.
- (16) Hence it is not regarded as work. Var. lec. 'since it is impossible (to do otherwise)', if one is to prevent the ashes in the tube from spilling without covering 'it.
- (17) Of the floating ashes.
- (18) Of a mixture.
- (19) Lit., 'sanctification'.
- (20) Containing water.
- (21) Lit., 'mouth'.
- (22) The sponge.
- (23) Because a sponge cannot be regarded as a 'vessel.'
- (24) In the latter case, if all the water is not to become invalid.
- (25) From the trough into another vessel.
- (26) As the water above has not been in contact with the sponge it remains valid and may be used.
- (27) So that some of its absorbed contents might possibly have been squeezed out.
- (28) Since the water that issued from the sponge gets mixed up with that in the trough.
- (29) Under running water.
- (30) Because it has passed over an object that is susceptible to uncleanness.
- (31) Instead of his hand, foot or vegetable leaves.
- (32) Which are not susceptible to the uncleanness of food-stuffs.
- (33) In the vat or cistern since it can no longer be regarded as 'running' water.
- (34) Whose immersion must be performed in running water (Lev. XV, 13).
- (35) For whose sprinkling running water is required (Lev. XIV, 5).
- (36) Even in the vat or cistern itself.
- (37) Neither vat nor cistern can be regarded as a valid 'vessel'.

Mishna - Mas. Parah Chapter 7

MISHNAH 1. IF FIVE MEN FILLED¹ FIVE JARS TO PREPARE WITH THEM FIVE MIXTURES² [RESPECTIVELY]³ AND THEN THEY CHANGED THEIR MINDS TO PREPARE⁴ ONE MIXTURE FROM ALL OF THEM, OR IF THEY FILLED THE JARS TO PREPARE WITH THEM ONE MIXTURE AND THEN THEY CHANGED THEIR MINDS TO PREPARE WITH THEM FIVE MIXTURES,³ ALL THE WATER REMAINS VALID.⁵ IF ONE MAN FILLED¹ FIVE JARS INTENDING TO PREPARE FIVE [SEPARATE] MIXTURES, EVEN THOUGH HE CHANGED HIS MIND TO PREPARE ONE MIXTURE⁴ FROM ALL OF THEM, ONLY THE LAST⁶ IS VALID.⁷ IF HE⁸ INTENDED TO PREPARE ONE MIXTURE FROM ALL OF THEM AND THEN HE CHANGED HIS MIND TO PREPARE FIVE SEPARATE MIXTURES, ONLY THE WATER IN THE ONE THAT WAS MIXED FIRST IS VALID.⁹ IF HE⁸ SAID¹⁰ TO ANOTHER MAN, PREPARE MIXTURES¹¹ FROM THESE FOR YOURSELF', ONLY THE FIRST¹² IS VALID;¹³ BUT IF HE SAID, PREPARE A MIXTURE¹¹ FROM THESE FOR ME', ALL ARE VALID.¹⁴

MISHNAH 2. IF A MAN FILLED THE WATER WITH ONE HAND AND DID SOME OTHER WORK WITH THE OTHER HAND, OR IF HE FILLED THE WATER FOR HIMSELF AND FOR ANOTHER MAN,¹⁵ OR IF HE FILLED TWO JARS AT THE SAME TIME,¹⁶ THE WATER OF BOTH IS INVALID, FOR WORK¹⁷ CAUSES INVALIDITY WHETHER ONE ACTS FOR ONESELF OR FOR ANOTHER MAN.

MISHNAH 3. IF A MAN PREPARED THE MIXTURE¹⁸ WITH ONE HAND AND DID SOME OTHER WORK WITH THE OTHER HAND, THE MIXTURE IS INVALID¹⁹ IF HE PREPARED IT FOR HIMSELF, BUT IF HE PREPARED IT FOR ANOTHER MAN, IT IS VALID.²⁰ IF THE MAN PREPARED A MIXTURE¹⁸ BOTH FOR HIMSELF AND FOR ANOTHER MAN,²¹ HIS IS INVALID AND THAT OF THE OTHER MAN IS VALID.²² IF HE PREPARES MIXTURES FOR TWO MEN SIMULTANEOUSLY, BOTH ARE VALID.²²

MISHNAH 4. [IF A MAN SAID TO AN OTHER.]²³ 'PREPARE THE MIXTURE FOR ME AND I WILL PREPARE THE ONE FOR YOU, THE FIRST²⁴ IS VALID.²⁵ [IF HE SAID.] 'FILL IN THE WATER FOR ME AND I WILL FILL THE WATER FOR YOU', THAT OF THE LATTER IS VALID.²⁶ [IF HE SAID,] 'PREPARE THE MIXTURE FOR ME AND I WILL DRAW THE WATER FOR YOU', BOTH MIXTURES ARE VALID.²⁷ [IF HE SAID.] 'FILL THE WATER FOR ME AND I WILL PREPARE THE MIXTURE²⁸ FOR YOU',²⁹ BOTH MIXTURES ARE INVALID.³⁰

MISHNAH 5. IF A MAN IS DRAWING WATER FOR HIS OWN USE³¹ AND FOR THE MIXTURE OF THE SIN-OFFERING, HE MUST DRAW FOR HIMSELF FIRST AND FASTEN [THE BUCKET] TO THE CARRYING YOKE AND THEN HE DRAWS THE WATER FOR THE SIN-OFFERING. IF, HOWEVER, HE DREW FIRST THE WATER FOR THE SIN-OFFERING AND THEN HE DREW THE WATER FOR HIMSELF, IT IS INVALID. HE MUST³² PUT HIS OWN BEHIND HIM AND THAT FOR THE SIN-OFFERING BEFORE HIM,³³ AND IF HE PUT THAT FOR THE SIN-OFFERING BEHIND HIM IT IS INVALID.³⁰ IF BOTH WERE FOR THE SIN-OFFERING, HE MAY³² PUT ONE BEFORE HIM AND ONE BEHIND HIM AND BOTH ARE VALID, SINCE IT IS IMPOSSIBLE TO DO OTHERWISE.³⁴

MISHNAH 6. IF A MAN CARRIED THE ROPE³⁵ IN HIS HAND, [THE MIXTURE] IS VALID IF HE KEEPS TO HIS USUAL WAY; BUT IF HE GOES OUT OF HIS WAY, IT IS INVALID.³⁶ THE QUESTION WAS SENT ON TO JABNEH ON THREE FESTIVALS AND ON THE THIRD FESTIVAL.³⁷ IT WAS RULED THAT THE MIXTURE WAS VALID, AS A TEMPORARY MEASURE.³⁸

MISHNAH 7. IF A MAN COILS THE ROPE LITTLE BY LITTLE,³⁹ [THE MIXTURE] IS VALID;⁴⁰ BUT IF HE COILED IT AFTERWARDS,⁴¹ IT IS INVALID.⁴² R. JOSE STATED: THIS ALSO HAD BEEN RULED TO BE VALID AS A TEMPORARY MEASURE.

MISHNAH 8. IF A MAN PUT THE JAR⁴³ AWAY IN ORDER THAT IT SHALL NOT BE BROKEN, OR IF HE INVERTED IT IN ORDER TO DRY IT SO THAT HE MIGHT DRAW MORE WATER WITH IT,⁴⁴ [THE WATER HE HAD ALREADY DRAWN] IS VALID;⁴⁵ BUT IF HE INTENDED TO CARRY IN IT THE ASHES, IT IS INVALID.⁴² IF HE CLEARED POTSDHERDS FROM A TROUGH⁴⁶ IN ORDER THAT IT MAY HOLD MORE WATER, THE WATER IS VALID;⁴⁷ BUT IF IT WAS INTENDED THAT THEY SHOULD NOT HINDER HIM WHEN HE POURS OUT THE WATER,⁴⁸ IT IS INVALID.

MISHNAH 9. IF A MAN CARRYING HIS WATER ON HIS SHOULDER DECIDED A MATTER OF LAW, OR SHOWED OTHERS THE WAY, OR KILLED A SERPENT OR A SCORPION, OR TOOK FOODSTUFFS FOR STORAGE, IT IS INVALID; BUT [IF HE TOOK] FOODSTUFFS TO EAT, THEN IT IS VALID.⁴⁹ IF HE KILLED A SERPENT OR A SCORPION THAT HINDERED HIM, IT REMAINS VALID. R. JUDAH STATED: THIS IS THE GENERAL RULE: IN THE CASE OF ANY ACT THAT IS IN THE NATURE OF WORK, THE MIXTURE IS INVALID WHETHER THE MAN STOPPED⁵⁰ OR NOT, BUT IF IT WAS NOT IN THE NATURE OF WORK,⁵¹ THE MIXTURE IS INVALID IF HE STOPPED, BUT IF HE DID NOT STOP IT REMAINS VALID.

MISHNAH 10. IF A MAN ENTRUSTED⁵² HIS WATER⁵³ TO AN UNCLEAN MAN, IT IS INVALID;⁵⁴ BUT IF TO A CLEAN ONE IT IS VALID.⁵⁵ R. ELIEZER RULED: EVEN IF IT WAS ENTRUSTED TO AN UNCLEAN MAN IT IS VALID,⁵⁶ PROVIDED THE OWNER DID NO OTHER WORK IN THE MEANTIME.

MISHNAH 11. IF TWO MEN WERE DRAWING WATER FOR THE SIN-OFFERING AND ONE ASSISTED THE OTHER TO RAISE IT OR IF ONE PULLED OUT A THORN⁵⁷ FOR THE OTHER, IT IS VALID IF THERE IS TO BE ONLY ONE MIXTURE,⁵⁸ BUT IF THERE ARE TO BE TWO SEPARATE MIXTURES, IT IS INVALID.⁵⁹ R. JOSE RULED: EVEN IF THERE ARE TO BE TWO MIXTURES THE WATER IS VALID IF THE TWO MEN HAD MADE A MUTUAL AGREEMENT BETWEEN THEM.⁶⁰

MISHNAH 12. IF A MAN⁶¹ BROKE DOWN A FENCE⁶² WITH THE INTENTION OF PUTTING IT UP AGAIN,⁶³ THE WATER REMAINS VALID;⁶⁴ BUT IF HE PUT [A FENCE] UP,⁶⁵ THE WATER BECOMES INVALID. IF⁶⁶ HE ATE⁶⁷ FIGS INTENDING⁶⁸ TO STORE SOME OF THEM, THE WATER IS VALID,⁶⁹ BUT IF HE STORED FIGS⁷⁰ IT IS INVALID. IF⁶⁶ HE WAS EATING FIGS AND, LEAVING SOME OVER, THREW WHAT WAS IN HIS HAND UNDER THE FIG TREE OR AMONG DRYING FIGS IN ORDER THAT IT SHALL NOT BE WASTED, THE WATER BECOMES INVALID.⁷¹

(1) With suitable water.

(2) Of ashes of the red cow with the water.

(3) Each man his own mixture with the water he drew.

(4) In one vessel.

(5) Since no act of extraneous work intervened between the putting of the water in each jar and the mixing of it with the ashes.

(6) Between the filling of which and the mixing in it of the ashes no extraneous act of work intervened.

(7) The water in all the others is invalid since an act of extraneous work (the filling of the next jar or jars) intervened between the drawing of the water and the mixing of the ashes with it.

(8) The man who filled all the five jars.

(9) Because, all the five jars having been filled for one mixture, there is no intervention of extraneous work between the filling of the first jar and the mixing of its contents with the ashes. The mixtures of the other jars are invalid since the mixing of the first one, which is an act of work, intervened between the filling of them with the water and the mixing of that water with the ashes.

(10) After he filled the five jars intending to use them for one single mixture.

(11) Each jar separately.

(12) Between the filling of which and the mixing in it of the ashes no other act of work intervened.

(13) Cf. supra n. 9.

(14) Since the first man (who filled the jar) did no work between the filling and the mixing, while the second (who prepared the mixtures) cannot cause invalidity to that which does not belong to him.

(15) At the same time. The filling for the other man being an act of extraneous work.

(16) Cf. prev. n. mut. mut.

(17) Other than that necessitated for the preparation on which one is engaged.

(18) Of ashes of the red cow with the water.

(19) On account of the other work that was done by him while he was engaged in the preparation.

(20) Since that man did no other work. Only in the filling of the water is the act of an agent (who may be paid for his services and who derives benefit from his act) deemed to be identical with that of the owner, but in the preparation of the mixture (or which no fee may be paid) the act of the agent cannot be regarded as that of the owner.

(21) At the same time.

(22) Since the mixture that was not his could not be rendered invalid by his work.

(23) After each of them had already drawn his water.

- (24) Sc. the mixture that was prepared first.
- (25) The mixture that was prepared subsequently is invalid since its owner made an interruption between the filling of the vessels with the water for it and its mixing by the act of the preparation of the first mixture which in relation to it is extraneous work.
- (26) Since there was no interruption by other work on the part of the owner between the filling of the vessel and the mixing of the ashes. That old the first, however, is invalid since he had done an act of extraneous work, by filling the water for the other man, between the filling of the water for his own mixture, and the preparation of it.
- (27) Because in neither case was there any interruption by extraneous work.
- (28) 'With the water which you have drawn for yourself before I asked you to draw for me'.
- (29) 'Before I will prepare mine'.
- (30) Since in the case of both mixtures there was an interruption by other work done by their respective owners.
- (31) For his ordinary needs.
- (32) When carrying the two buckets of water.
- (33) Because, in accordance with Scripture, it has to be carefully guarded.
- (34) Var. lec. 'It is possible', Sc. it is possible in this case, since the bucket before him is for the sin-offering, to bestow equal care upon the bucket behind also.
- (35) Which he had borrowed for the purpose of drawing the water for mixing with the ashes and which he now returns to the lender.
- (36) The extra journey is regarded as 'other work' which causes invalidity.
- (37) V. Hul. 48a.
- (38) Having regard to the exigencies of the time.
- (39) While drawing water from the well.
- (40) The coiling being regarded as part of the work of the preparations for the red cow.
- (41) After the water had been drawn.
- (42) Cf. supra p. 328, n. 11 mut. mut.
- (43) After emptying the water he drew with it into the vessel, but prior to the mixing of the ashes.
- (44) For the same mixture.
- (45) Since the acts mentioned are the usual procedure they cannot be regarded as 'extraneous work'.
- (46) Between his drawing of the water and his mixing it with the ashes.
- (47) Since the act is part of the services in connection with the preparation of the mixture.
- (48) For the sprinkling after the mixing of the ashes.
- (49) As this serves to fortify him in his task it is not deemed extraneous work.
- (50) When the act was done.
- (51) As those mentioned in this Mishnah.
- (52) For safe keeping and protection against uncleanness.
- (53) For the mixture of the ashes of the red cow.
- (54) Because an unclean person cannot be trusted to exercise all the necessary care.
- (55) Even if the owner did some other work in the meantime. While the water is under the protection of the guardian it is deemed to be in his (and not in the owner's) possession, and only if the guardian did some other work does the water become invalid.
- (56) For, knowing that the guardian is unclean, the owner himself keeps his eye on it.
- (57) That happened to stick in his finger, in the interval between the drawing of the water and its mixing with the ashes.
- (58) Since the assistance afforded, which was essential for the joint effort, cannot be regarded as extraneous work.
- (59) Because the assistance given was not essential for the giver's mixture, it is extraneous work and causes invalidity.
- (60) To assist each other in all their preparations for the mixtures. As each one was entirely dependent on the other, any help rendered is deemed to be work on one's own preparation.
- (61) While carrying the water for the ashes of the red cow.
- (62) That was in his way.
- (63) And much more so if he had no intention of putting it up again.
- (64) Elijah Wilna: The destruction is not regarded as constructive work though it is preparatory to it.
- (65) On his own accord, before the water had been mixed with the ashes. According to the second interpretation (previous note). the reference is to the same fence, if he put it up.

(66) During the interval between the drawing of the water and the mixing of it with the ashes of the red heifer.

(67) V. Mishnah 9.

(68) Under compulsion by one who, otherwise, refused to allow him to eat.

(69) Even if the storing was done before the preparation of the mixture. Since the storing was an essential of his eating (cf. prev. n.) and the latter was a necessity for his drawing of the water, the storing is regarded as an act essential to the preparation.

(70) V. prev. n. mut. mut.

(71) Since the storing of foodstuffs is an act of extraneous work.

Mishna - Mas. Parah Chapter 8

MISHNAH 1. IF TWO MEN WERE KEEPING WATCH OVER THE TROUGH¹ AND ONE OF THEM CONTRACTED UNCLEANNESS, THE WATER² REMAINS VALID, SINCE IT IS STILL UNDER THE PROTECTION OF THE OTHER. IF THE FIRST BECAME CLEAN AND THE OTHER CONTRACTED UNCLEANNESS THE WATER IS STILL VALID SINCE IT IS UNDER THE PROTECTION OF THE FIRST. IF BOTH CONTRACTED UNCLEANNESS SIMULTANEOUSLY THE WATER BECOMES INVALID. IF ONE OF THEM DID³ SOME WORK,⁴ THE WATER REMAINS VALID SINCE IT IS UNDER THE PROTECTION OF THE OTHER. IF THE FIRST CEASED⁵ AND THE OTHER DID SOME WORK,⁴ THE WATER STILL REMAINS VALID SINCE IT IS UNDER THE PROTECTION OF THE FIRST. IF BOTH DID SOME WORK⁴ AT THE SAME TIME THE WATER BECOMES INVALID.

MISHNAH 2. THE MAN THAT PREPARES THE MIXTURE⁶ OF THE SIN-OFFERING⁷ MUST NOT WEAR HIS SANDALS, FOR WERE SOME OF THE LIQUID⁸ TO FALL ON A SANDAL THE LATTER WOULD BECOME UNCLEAN⁹ AND THUS CONVEY UNCLEANNESS TO HIM.¹⁰ WELL MAY HE SAY, 'THAT¹¹ WHICH MADE YOU UNCLEAN DID NOT MAKE ME UNCLEAN, BUT YOU HAVE MADE ME UNCLEAN IF SOME OF THE LIQUID FELL ON HIS SKIN¹² REMAINS CLEAN.¹³ IF IT FELL ON HIS GARMENT THE LATTER BECOMES UNCLEAN AND CONVEYS UNCLEANNESS TO HIM. WELL MAY HE SAY, THAT¹⁴ WHICH MADE YOU UNCLEAN DID NOT MAKE ME UNCLEAN, BUT YOU HAVE MADE ME UNCLEAN

MISHNAH 3. HE WHO BURNS THE RED COW¹⁵ OR THE BULLOCKS¹⁶ AND HE THAT LEADS AWAY THE SCAPEGOAT,¹⁷ RENDER GARMENTS¹⁸ UNCLEAN.¹⁹ THE RED COW, HOWEVER, AND THE BULLOCKS AND THE SCAPEGOAT DO NOT THEMSELVES CONVEY UNCLEANNESS TO GARMENTS.²⁰ WELL MAY IT²¹ SAY,²² 'THOSE²³ THAT CAUSE YOU TO BE UNCLEAN DO NOT CAUSE ME TO BE UNCLEAN, BUT YOU HAVE CAUSED ME TO BE UNCLEAN'.

MISHNAH 4. A MAN THAT EATS UP THE CARRION OF A CLEAN BIRD, WHILE IT IS YET IN HIS GULLET,²⁴ CAUSES GARMENTS TO BE UNCLEAN;²⁵ BUT THE CARRION ITSELF DOES NOT CAUSE GARMENTS TO BE UNCLEAN. WELL MAY IT²¹ SAY,²² 'THAT²⁶ WHICH CAUSED YOU TO BE UNCLEAN DID NOT CAUSE ME TO BE UNCLEAN, BUT YOU CAUSED ME TO BE UNCLEAN'.

MISHNAH 5. ANY DERIVED UNCLEANNESS CONVEYS NO UNCLEANNESS TO VESSELS, BUT [IT DOES CONVEY IT] TO A LIQUID. IF A LIQUID BECAME UNCLEAN IT CAN CONVEY UNCLEANNESS TO THEM.²⁷ WELL MAY THEY²⁷ SAY,²⁸ 'THAT'²⁹ WHICH CAUSED YOU TO BE UNCLEAN DID NOT CAUSE ME TO BE UNCLEAN, BUT YOU CAUSED ME TO BE UNCLEAN'.

MISHNAH 6. AN EARTHEN VESSEL CANNOT CONVEY UNCLEANNESS TO ANOTHER

SUCH VESSEL, BUT [CAN CONVEY IT] TO A LIQUID; AND WHEN THE LIQUID BECOMES UNCLEAN IT CAN CONVEY UNCLEANNESS TO THE VESSEL. WELL MAY IT³⁰ SAY,³¹ 'THAT³² WHICH HAS CALLED YOUR UNCLEANNESS COULD NOT CAUSE ME TO BE UNCLEAN, BUT YOU HAVE CAUSED ME TO BE UNCLEAN'.

MISHNAH 7. WHATSOEVER³³ CAUSES TERUMAH TO BE INVALID CAUSES LIQUID³⁴ TO BECOME UNCLEAN IN THE FIRST GRADE SO THAT THEY CAN CONVEY UNCLEANNESS³⁵ AT ONE REMOVE, AND RENDER UNFIT³⁶ AT ONE OTHER REMOVE,³⁷ EXCEPT ONLY A TEBUL YOM.³⁸ WELL MAY IT³⁹ SAY,⁴⁰ 'WHAT⁴¹ HAD CAUSED YOU TO BE UNCLEAN COULD NOT CAUSE ME TO BE UNCLEAN, BUT YOU HAVE CAUSED ME TO BE UNCLEAN'.

MISHNAH 8. ALL SEAS ARE⁴² ON A PAR WITH A RITUAL BATH,⁴³ FOR IT IS SAID, AND THE GATHERING OF THE WATERS CALLED HE SEAS;⁴⁴ SO R. MEIR. R. JUDAH RULED: ONLY THE GREAT SEA⁴⁵ IS ON A PAR WITH A RITUAL BATH,⁴⁶ 'SEAS'⁴⁷ HAVING BEEN STATED⁴⁴ ONLY BECAUSE THERE ARE IN IT⁴⁵ MANY KINDS OF SEAS. R. JOSE RULED: ALL SEAS⁴⁸ AFFORD CLEANNESS WHEN RUNNING,⁴⁹ AND YET THEY ARE UNFIT⁵⁰ FOR ZABS AND LEPERS AND FOR THE PREPARATION OF THE WATER OF THE SIN-OFFERING.⁵¹

MISHNAH 9. AFFECTED⁵² WATERS ARE UNFIT.⁵³ THE FOLLOWING ARE AFFECTED⁵² WATERS: THOSE THAT ARE SALTY OR LUKEWARM. WATERS THAT FAIL: ARE UNFIT.⁵³ THE FOLLOWING ARE WATERS THAT FAIL; THOSE THAT FAIL EVEN ONCE IN A SEPTENNIAL CYCLE. THOSE THAT FAIL ONLY IN TIMES OF WAR⁵⁴ OR IN YEARS OF DROUGHT ARE FIT.⁵³ R. JUDAH RULED: THEY ARE UNFIT.⁵³

MISHNAH 10. THE WATERS OF THE KERAMIYON AND THE WATERS OF PUGAH⁵⁵ ARE UNFIT,⁵³ BECAUSE THEY ARE MARSH WATERS.⁵⁶ THE WATERS OF THE JORDAN AND THE WATERS OF THE YARMUK⁵⁷ ARE UNFIT,⁵³ BECAUSE THEY ARE MIXED WATERS.⁵⁸ AND THE FOLLOWING ARE MIXED WATERS: A FIT KIND AND AN UNFIT KIND THAT WERE MIXED TOGETHER. IF TWO KINDS THAT ARE FIT WERE MIXED TOGETHER BOTH REMAIN FIT: R. JUDAH RULES THAT THEY ARE UNFIT.⁵⁹

MISHNAH 11. AHAB'S WELL AND THE POOL IN THE CAVE OF PAMIAS⁶⁰ ARE FIT.⁵³ WATER THAT HAS CHANGED ITS COLOUR AND THE CHANGE AROSE FROM ITSELF, REMAINS FIT. A WATER CHANNEL THAT COMES FROM A DISTANCE⁶¹ IS FIT, PROVIDED ONLY THAT IT IS WATCHED SO THAT NO ONE CUTS IT OFF.⁶² R. JUDAH RULED; THE PRESUMPTION ALWAYS⁶³ IS THAT IT IS IN A PERMITTED STATE. IF THERE FELL INTO A WELL SOME CLAY OR EARTH, ONE MUST WAIT⁶⁴ UNTIL IT BECOMES CLEAR; SO R. ISHMAEL. R. AKIBA RULED: IT IS NOT NECESSARY TO WAIT.

(1) That contained water for mixing with the ashes of the red cow

(2) Cf. prev. n.

(3) While he was supposed to keep watch over the water.

(4) That had no connection with the preparation of the the mixture of the ashes and the water.

(5) From his work.

(6) And likewise he that sprinkles it.

(7) Much more so the man who sprinkle it.

(8) Of the mixture.

(9) From the liquid which had become invalid the moment it dropped on the sandal and was no longer subjected to the special care prescribed for the mixture of the sin-offering.

(10) As a special measure enacted in connection with the preparations of the red cow mixture.

- (11) The liquid.
- (12) Lit., 'flesh'
- (13) As laid down *infra* IX, 8.
- (14) The liquid.
- (15) Cf. Num. XIX, 8.
- (16) That were not burnt on the altar (cf. Lev. IV, 12, 21; XVI, 27); and the same law applies also to certain he-goats (cf. Lev. XVI, 27f). Same edd. add, 'and the he-goat'.
- (17) cf. Lev. XVI, 26.
- (18) Which they wear or touch at the time.
- (19) Only men and earthen vessels do not contract uncleanness from such touch (cf. *prev. n.*).
- (20) Which they touched.
- (21) Each garment.
- (22) To the man.
- (23) The red cow, the bullocks and the Scapegoat.
- (24) Before he had swallowed it.
- (25) V. Toh. I, 1.
- (26) The carrion.
- (27) Vessels.
- (28) To the liquid.
- (29) A derived uncleanness.
- (30) The second vessel.
- (31) To the liquid.
- (32) The first vessel.
- (33) E.g. a second grade of uncleanness.
- (34) As a preventive measure.
- (35) To foodstuffs even if they are common hullin (v. *Glos.*).
- (36) To *terumah*, but not to common foodstuffs. To become 'unfit' denotes to contract an uncleanness without being able to convey it further.
- (37) But no more.
- (38) V. *Glos.* Though a *tebul* you renders *terumah* unfit, he cannot cause liquids, even if they are *terumah*, to become a first grade of uncleanness.
- (39) A foodstuff (cf. *supra* n. 6).
- (40) To the liquids.
- (41) The second grade of uncleanness.
- (42) In respect of ritual immersion.
- (43) Lit., 'a gathering (of water)'. They are not like a spring. They are consequently unfit for the immersion of a *zab* and a leper and far mixing with the ashes of the red heifer, and do not cleanse when running.
- (44) Gen. I, 10.
- (45) The Mediterranean.
- (46) Not the smaller inland seas.
- (47) The plural instead of the singular.
- (48) Including the Great Sea.
- (49) Like springs.
- (50) Like gathered water.
- (51) All of which require spring water.
- (52) Or 'harmful'. Lit., 'smitten'.
- (53) For use where running water is required.
- (54) When the passing troops consume much water.
- (55) Var. *lec.*, *Pigah*.
- (56) V. B.B., *Sonc. ed.*, p. 298, n. 10.
- (57) The great eastern tributary of the Jordan.
- (58) These rivers being fed by tributaries whose waters 'fail' or 'are affected'.

- (59) As a preventive measure against the possibility of using a mixture of two kinds of water one of which was unfit.
(60) Or 'Banias', one of the sources of the Jordan.
(61) Having its source in a spring.
(62) From its source. Should it be cut off, it can no longer be regarded as spring water.
(63) Even if it was not kept under watch.
(64) Before the water may be used.

Mishna - Mas. Parah Chapter 9

MISHNAH 1. IF A DROP¹ OF WATER FELL INTO A FLASK,² R. ELIEZER RULED, THE SPRINKLING MUST BE DONE TWICE;³ BUT THE SAGES RULE THAT THE MIXTURE IS INVALID.⁴ IF DEW DROPPED INTO IT,⁵ R. ELIEZER RULED: LET IT⁵ BE PUT OUT IN THE SUN AND THE DEW WILL RISE⁶ BUT THE SAGES RULE THAT THE MIXTURE IS INVALID. IF A LIQUID OR FRUIT JUICE FELL INTO IT,⁵ ALL THE CONTENTS MUST BE Poured AWAY AND IT IS ALSO NECESSARY TO DRY THE FLASK.⁷ IF ONLY INK, GUM OR COPPERAS, OR ANYTHING THAT LEAVES A MARK, FELL INTO IT,⁵ THE CONTENTS MUST BE Poured AWAY BUT IT IS NOT NECESSARY TO DRY THE FLASK.⁸

MISHNAH 2. IF INSECTS OR CREEPING THINGS FELL INTO IT,⁵ AND THEY BURST ASUNDER⁹ OR THE COLOUR OF THE WATER CHANGED, THE CONTENTS BECOME INVALID. A BEETLE¹⁰ CAUSES INVALIDITY IN ANY CASE,¹¹ BECAUSE IT IS LIKE A TUBE.¹² R. SIMEON AND R. ELIEZER B. JACOB RULED: A MAGGOT OR A WEEVIL OF THE CORN¹⁰ CAUSES NO INVALIDITY, BECAUSE IT CONTAINS NO MOISTURE.

MISHNAH 3. IF A BEAST OR A WILD ANIMAL DRANK FROM IT,¹³ IT BECOMES INVALID.¹⁴ ALL BIRDS¹⁵ CAUSE INVALIDITY, EXCEPT THE DOVE SINCE IT ONLY SUCKS UP THE WATER.¹⁶ ALL CREEPING THINGS CAUSE NO INVALIDITY, EXCEPT THE WEASEL SINCE IT LAPS UP THE WATER. R. GAMALIEL RULED: THE SERPENT ALSO¹⁷ BECAUSE IT VOMITS. R. ELIEZER RULED: THE MOUSE ALSO.¹⁷

MISHNAH 4. IF ONE INTENDED¹⁸ TO DRINK THE WATER OF THE SIN-OFFERING, R. ELIEZER RULED: IT BECOMES INVALID. R. JOSHUA RULED: ONLY WHEN ONE TIPS THE FLASK.¹⁹ R. JOSE STATED: THIS²⁰ APPLIES ONLY TO WATER THAT HAD NOT YET BEEN PREPARED,²¹ BUT IN THE CASE OF WATER THAT HAD BEEN PREPARED,²² R. ELIEZER RULED: IT BECOMES INVALID [ONLY] WHEN ONE TIPS THE FLASK;¹⁹ AND R. JOSHUA RULED: [ONLY] WHEN ONE DRINKS.²³ AND IF IT WAS Poured DIRECT INTO ONE'S THROAT,²⁴ IT REMAINS VALID.

MISHNAH 5. IF THE WATER OF THE SIN-OFFERING²⁵ BECAME INVALID IT MAY NOT BE STAMPED INTO THE MUD SINCE IT MIGHT BECOME A SNARE FOR OTHERS.²⁶ R. JUDAH RULED: IT²⁷ BECOMES NEUTRALISED.²⁸ IF A COW DRANK OF THE WATER OF THE SIN-OFFERING, ITS FLESH²⁹ BECOMES UNCLEAN FOR TWENTY-FOUR HOURS.³⁰ R. JUDAH RULED: IT BECOMES NEUTRALISED IN ITS BOWELS.³¹

MISHNAH 6. NO MAN MAY CARRY WATER OF THE SIN-OFFERING³² OR THE ASHES OF THE SIN-OFFERING³³ ACROSS A RIVER ON BOARD A SHIP,³⁴ NOR MAY ONE FLOAT THEM UPON THE WATER,³⁵ NOR MAY ONE STAND ON THE BANK ON ONE SIDE AND THROW THEM ACROSS TO THE OTHER SIDE.³⁵ A MAN³⁶ MAY, HOWEVER, CROSS OVER³⁷ WITH THE WATER UP TO HIS NECK. HE THAT IS CLEAN FOR THE SIN-OFFERING³² MAY CROSS [A RIVER]³⁸ CARRYING IN HIS HANDS AN EMPTY VESSEL THAT IS CLEAN FOR THE SIN-OFFERING³² OR WATER THAT HAS NOT YET BEEN DULY PREPARED.³⁹

MISHNAH 7. IF VALID ASHES⁴⁰ WERE MIXED [UP WITH WOOD ASHES,⁴¹ ONE IS GUIDED BY THE GREATER QUANTITY IN RESPECT OF THE CONVEYANCE OF UNCLEANNESS,⁴² BUT [THE MIXTURE]⁴³ MAY NOT BE PREPARED WITH IT.⁴⁴ R. ELIEZER RULED: THE MIXTURE⁴³ MAY BE PREPARED WITH ALL OF THEM.⁴⁵

MISHNAH 8. WATER OF THE SIN-OFFERING, EVEN IF IT IS INVALID,⁴⁶ CONVEYS UNCLEANNESS⁴⁷ TO A MAN WHO IS CLEAN FOR TERUMAH⁴⁸ [BY CONTACT] WITH HIS HANDS OR WITH HIS BODY; AND TO A MAN WHO IS CLEAN FOR THE SIN-OFFERING IT CONVEYS UNCLEANNESS NEITHER [BY CONTACT] WITH HIS HANDS NOR [BY CONTACT] WITH HIS BODY.⁴⁹ IF IT⁵⁰ BECAME UNCLEAR, IT CONVEYS UNCLEANNESS TO A MAN WHO IS CLEAN FOR TERUMAH [BY CONTACT EITHER] WITH HIS HANDS OR WITH HIS BODY, AND TO THE MAN WHO IS CLEAN FOR THE SIN-OFFERING IT CONVEYS UNCLEANNESS [BY CONTACT] WITH HIS HANDS BUT NOT [BY CONTACT] WITH HIS BODY.⁵¹

MISHNAH 9. IF VALID ASHES WERE PUT ON WATER THAT WAS UNFIT FOR THE PREPARATION,⁵² [THE LATTER] CONVEYS UNCLEANNESS TO HIM THAT IS CLEAN FOR TERUMAH [BY CONTACT] WITH HIS HANDS OR WITH HIS BODY, BUT TO HIM WHO IS CLEAN⁵³ FOR THE SIN-OFFERING IT CONVEYS UNCLEANNESS NEITHER [BY CONTACT] WITH HIS HANDS NOR WITH HIS BODY.

(1) Lit., 'any soever'.

(2) Zelohith, the vessel containing the mixture of the ashes of the red cow and the water, duly prepared for sprinkling.

(3) Thus making sure that one drop at least was valid water.

(4) V. Zeb. 80a.

(5) The flask.

(6) Leaving the mixture free from all dew.

(7) Before it can be used again for a valid mixture.

(8) For, had any of the foreign substance remained, a mark would have been left in the flask.

(9) The water penetrating them and carrying back some of the moisture of their body into the mixture.

(10) If it fell into the mixture.

(11) Whether it burst asunder or not and whether or not the colour of the water changed.

(12) Through which the water of the mixture passes and absorbs moisture from its body.

(13) The contents of the flask (cf. supra p. 336n. 10).

(14) Since spittle mixes with the water.

(15) If they drank from the mixture.

(16) Cf. supra n. 2 mut. mut.

(17) Causes invalidity if it drank from the mixture.

(18) Expressing his intention.

(19) To drink out of it. Intention alone does not suffice to cause invalidity.

(20) The ruling of R. Eliezer as well as that of R. Joshua just cited.

(21) By the mixture of the ashes.

(22) When it is evident that the water had been drawn only for that purpose.

(23) From the flask.

(24) So that no spittle could possibly have been mixed up with the contents that remained.

(25) The prepared mixture of the water and the ashes of the red cow.

(26) Who, unsuspecting the existence of the water in the mud, would touch the latter and contract uncleanness without being aware of it.

(27) On being mixed up with the mud.

(28) And no longer conveys any uncleanness.

(29) If the cow has been slain.

- (30) From the time of drinking.
- (31) And no longer conveys any uncleanness.
- (32) The prepared mixture of the water and the ashes of the red cow.
- (33) Even if it was not mixed with the water.
- (34) As a preventive measure. It once happened that a piece of a corpse was found stock in the deck of a ship on board of which the mixture of the water and ashes of the red heifer was carried, v. Hag. 28a.
- (35) Since this is similar to carrying them on board a ship.
- (36) Carrying the mixture or the ashes.
- (37) On foot.
- (38) Even in a ship.
- (39) By the mixture of the ashes, having only been drawn for the purpose.
- (40) Of the red cow.
- (41) That are unfit for sprinkling.
- (42) By touch. If the valid ashes constitute the greater quantity, one who touched it is unclean; and if the wood ashes constitute the greater quantity no uncleanness is conveyed.
- (43) Of the ashes with water.
- (44) Even where the greater quantity was valid ashes.
- (45) With both kinds of ashes whether the greater part was wood ashes or valid ashes. As no minimum quantity of ashes was prescribed for the sprinkling, and as each application would contain at least some fraction of the valid ashes, the entire mixture may be regarded as valid and used for the purpose.
- (46) Owing, for instance, to a change in colour that was due to an external cause.
- (47) Rabbinically.
- (48) But not to one who is only clean for common food; for, owing to the invalidity of the water it is no longer subject to Pentateuchal uncleanness.
- (49) So that, though he becomes unclean in certain other respects, he remains clean to draw the water, to mix it with the ashes of the red cow (the sin-offering), and to sprinkle it.
- (50) The water of the sin-offering.
- (51) Liquid uncleanness can generally be conveyed only by contact with the hands.
- (52) Which are thus on a par with water that became invalid.
- (53) Var. lec., 'the hands of him who is clean for terumah and the hands of him who is clean'.

Mishna - Mas. Parah Chapter 10

MISHNAH 1. ANY OBJECT THAT IS SUSCEPTIBLE TO MIDRAS UNCLEANNESS¹ IS FOR THE PURPOSE OF THE WATER OF THE SIN-OFFERING DEEMED TO BE UNCLEAN OF MIDDAF,² WHETHER IT WAS OTHERWISE UNCLEAN OR CLEAN.³ A MAN TOO⁴ IS SUBJECT TO THE SAME RESTRICTION.⁵ ANY OBJECT THAT IS SUSCEPTIBLE TO CORPSE UNCLEANNESS,⁶ WHETHER IT IS OTHERWISE UNCLEAN OR CLEAN, R. ELIEZER RULED, IS NOT DEEMED TO BE UNCLEAN OF MIDDAF;⁷ R. JOSHUA RULED: IT IS DEEMED TO BE UNCLEAN OF MIDDAF;⁸ AND THE SAGES RULED: THAT WHICH WAS UNCLEAN IS DEEMED TO BE UNCLEAN OF MIDDAF,³ AND THAT WHICH WAS CLEAN IS NOT DEEMED TO BE UNCLEAN OF MIDDAF.⁷

MISHNAH 2. IF A MAN WHO WAS CLEAN FOR THE WATER OF THE SIN-OFFERING TOUCHED WHAT WAS UNCLEAN OF MIDDAF,⁹ HE¹⁰ BECOMES UNCLEAN.¹¹ IF A FLAGON THAT WAS APPOINTED FOR THE WATER OF THE SIN-OFFERING TOUCHED A MIDDAF UNCLEANNESS,¹² IT BECOMES UNCLEAN. IF A MAN WHO WAS CLEAN FOR THE WATER OF THE SIN-OFFERING TOUCHED FOODSTUFFS OR LIQUIDS¹³ WITH HIS HAND, HE BECOMES UNCLEAN, BUT IF HE DID IT WITH HIS FOOT HE REMAINS CLEAN. IF HE SHIFTED THEM WITH HIS HAND,¹⁴ R. JOSHUA RULES THAT HE BECOMES UNCLEAN, AND THE SAGES RULE THAT HE REMAINS CLEAN.

MISHNAH 3. AN [EARTHEN] JAR OF THE WATER OF THE SIN-OFFERING THAT TOUCHED A [DEAD] CREEPING THING, REMAINS CLEAN.¹⁵ IF THE JAR WAS PUT ON IT,¹⁶ R. ELIEZER RULES THAT IT REMAINS CLEAN, AND THE SAGES RULE¹⁷ THAT IT BECOMES UNCLEAN. IF THE JAR TOUCHED FOODSTUFFS OR LIQUIDS¹⁸ OR THE HOLY SCRIPTURES,¹⁹ IT REMAINS CLEAN.¹⁵ IF IT WAS PUT ON THEM, R. JOSE RULES THAT IT REMAINS CLEAN,²⁰ AND THE SAGES RULE THAT IT BECOMES UNCLEAN.²¹

MISHNAH 4. A MAN WHO WAS CLEAN FOR THE WATER OF THE SIN-OFFERING THAT TOUCHED AN OVEN²² WITH HIS HAND BECOMES UNCLEAN,²³ BUT IF HE DID IT WITH HIS FOOT HE REMAINS CLEAN.²³ IF HE STOOD ON AN OVEN AND PUT OUT HIS HAND BEYOND THE OVEN WITH THE FLAGON²⁴ IN HIS HAND, AND SO ALSO IN THE CASE OF A CARRYING-YOKE WHICH WAS PLACED OVER THE OVEN AND FROM WHICH TWO JARS WERE SUSPENDED ONE AT EITHER END,²⁵ R. AKIBA RULES THAT THEY REMAIN CLEAN,²⁶ BUT THE SAGES RULE THAT THEY ARE UNCLEAN.²⁷

MISHNAH 5. IF HE WAS STANDING OUTSIDE AN OVEN AND HE STRETCHED FORTH HIS HAND TO A WINDOW WHEREFROM HE TOOK A FLAGON AND PASSED IT OVER THE OVEN, R. AKIBA RULES THAT IT IS UNCLEAN,²⁸ AND THE SAGES RULE THAT IT IS CLEAN. HE, HOWEVER, WHO WAS CLEAN FOR THE WATER OF THE SIN-OFFERING MAY STAND OVER AN OVEN WHILE HOLDING IN HIS HAND AN EMPTY VESSEL THAT IS CLEAN FOR THE WATER OF THE SIN-OFFERING OR ONE FILLED WITH WATER THAT HAS NOT YET BEEN MIXED WITH THE ASHES OF THE RED COW.

MISHNAH 6. IF A FLAGON CONTAINING THE WATER OF THE SIN-OFFERING TOUCHED A VESSEL CONTAINING CONSECRATED FOOD OR TERUMAH, THAT CONTAINING THE WATER OF THE SIN-OFFERING BECOMES UNCLEAN,²⁹ BUT THE ONE CONTAINING THE CONSECRATED FOOD OR THE TERUMAH REMAINS CLEAN.³⁰ IF HE HELD THE TWO VESSELS³¹ ONE IN EACH OF HIS TWO HANDS, BOTH BECOME UNCLEAN.³² IF THEY WERE BOTH WRAPPED IN SEPARATE PAPERS, THEY REMAIN CLEAN.³³ IF THE VESSEL OF THE WATER OF THE SIN-OFFERING WAS WRAPPED IN A PAPER WHILE THAT OF THE TERUMAH WAS HELD IN HIS HAND,³⁴ BOTH BECOME UNCLEAN.³⁵ IF THE ONE CONTAINING THE TERUMAH WAS HELD IN HIS HAND WRAPPED UP IN PAPER WHILE THAT CONTAINING THE WATER OF THE SIN-OFFERING WAS HELD IN HIS HAND, BOTH REMAIN CLEAN.³⁶ R. JOSHUA RULED: THAT CONTAINING THE WATER OF THE SIN-OFFERING BECOMES UNCLEAN. IF BOTH WERE PLACED ON THE GROUND AND A MAN TOUCHED THEM,³⁷ THAT OF THE SIN-OFFERING BECOMES UNCLEAN³⁸ BUT THAT OF THE CONSECRATED FOOD OR TERUMAH REMAINS CLEAN.³⁹ IF HE ONLY SHIFTED IT,⁴⁰ R. JOSHUA RULES THAT IT IS UNCLEAN, AND THE SAGES RULE THAT IT IS CLEAN.

(1) Sc. one that is appointed for use as a couch or a seat, v. Glos. s.v.

(2) A form of a minor or indirect uncleanness imposed Rabbinically (v. Glos. s.v.).

(3) Hence if a man who is clean for the purposes of the sin-offering shifted (hesset) any such object (unless it had been specially guarded for the purposes of the sin-offering) he becomes unclean and unfit for the services of the mixing or sprinkling of the water and ashes of the red cow as if he had shifted an actual midras uncleanness.

(4) Even if he was clean for holy things but not specially cleansed for the purposes of the sin-offering.

(5) As the objects mentioned. Hence if the man who is clean for the sin-offering water touched him he becomes equally unclean and unfit (cf. prev. n. but one).

(6) But not to midras.

(7) Hence a man who is clean for the water of the sin-offering does not become unclean by shifting it as when he shifted that which is subject to midras uncleanness.

(8) Even if the object shifted was clean.

- (9) Sc. the coverlet of a zab that was not in direct contact with the zab, (other coverlets having intervened) which is Rabbinically unclean as middaf.
- (10) Even if he did not touch it with his hand but only with his body.
- (11) Much more so if he touched the bedding under the zab, which is Pentateuchally a 'father of uncleanness.'
- (12) Cf. supra n. 2.
- (13) That were clean in regard to terumah and consecrated things, but not in regard to the water of the sin-offering.
- (14) Without touching them.
- (15) Since earthenware do not contract uncleanness from their outer sides.
- (16) The dead creeping thing.
- (17) On the strength of a deduction from Num. XIX, 9 according to which the container of the water of the sin-offering must be set in 'a clean place'.
- (18) That were unclean.
- (19) Which Rabbinically convey uncleanness to the hands or foodstuffs that touch them (cf. Yad. IV, 6).
- (20) Since it did not rest on a 'father of uncleanness'.
- (21) Because, in their view, it must rest in a place which is clean in all respects (cf. supra n. 6).
- (22) Even one that was clean for holy things.
- (23) As In the case of foodstuffs (supra X, 2).
- (24) For the water of the sin-offering.
- (25) Outside the oven.
- (26) Being outside and beyond the oven they may be regarded as resting on a clean place.
- (27) Since they are supported by the man, or the yoke that rests on the oven, they also are deemed to rest on a place that is unclean.
- (28) Passing in the air-space above the oven is in his opinion regarded as on a par with passing through the interior of the oven.
- (29) Even for common food. The flagon that contracted uncleanness from the vessel of the terumah conveys uncleanness to the water of the sin-offering within it, and this unclean water then renders the flagon itself unclean in the first degree.
- (30) Since it only touched an uncleanness of the first degree which cannot convey any uncleanness to vessels.
- (31) That of the water of the sin-offering and that of the consecrated food or terumah.
- (32) That of the sin-offering becomes unclean on account of its contact with the man's hand which has become unclean like all his body, when he touched that of the Terumah, while the vessel of terumah for consecrated food becomes unclean by contact with the man who was carrying the water of the sin-offering.
- (33) Because, though a vessel of paper (papyrus) may contract uncleanness, a scrap of paper does not, and it, therefore, forms an intervention between the uncleanness and the man.
- (34) With no paper wrapper around it.
- (35) Because, when the man had touched with his hand the vessel of the terumah, that of the sin-offering becomes unclean since the paper in this case constitutes no interposition. The man who becomes unclean because of his carrying of the invalid water of the sin-offering conveys uncleanness to the vessel of the terumah which he had touched with his hand.
- (36) That of the terumah remains clean because the paper constitutes an Interposition between the hand and the other vessel, and that of the water of the sin-offering remains clean since the uncleanness of the man, which was caused by this water, cannot be retransmitted to the water that caused it.
- (37) Simultaneously.
- (38) Since the man who became unclean by touching the flagon of the terumah conveys uncleanness to the water of the sin-offering which, in turn conveys uncleanness to the Hagon that contains them.
- (39) Since the man did not carry the invalid water but only touched its container which, being but a first grade of uncleanness, cannot convey any uncleanness to the man who is only susceptible to the uncleanness imparted by a 'father of uncleanness'.
- (40) But did not directly touch it.

Mishna - Mas. Parah Chapter 11

MISHNAH 1. A FLASK¹ THAT ONE HAS LEFT UNCOVERED AND ON RETURNING FOUND IT TO BE COVERED, IS INVALID.² IF ONE LEFT IT COVERED AND ON RETURNING FOUND IT TO BE UNCOVERED, IT IS INVALID IF A WEASEL³ COULD HAVE DRUNK FROM IT⁴ OR, ACCORDING TO THE RULING OF RABBAN GAMALIEL,⁵ A SERPENT, OR IF IT WAS POSSIBLE FOR DEW TO FALL INTO IT IN THE Night.⁶ THE WATER OF THE SIN-OFFERING⁷ IS NOT PROTECTED⁸ BY A TIGHTLY FITTING COVER;⁹ BUT WATER THAT HAD NOT YET BEEN MIXED WITH THE ASHES IS PROTECTED BY A TIGHTLY FITTING COVER.¹⁰

MISHNAH 2. ANY CONDITION OF DOUBT THAT IS REGARDED AS CLEAN IN THE CASE OF TERUMAH IS ALSO REGARDED AS CLEAN IN THE CASE OF THE WATER OF THE SIN-OFFERING. IN ANY CONDITION OF SUSPENSE WHERE TERUMAH IS CONCERNED¹¹ THE WATER OF THE SIN-OFFERING IS Poured AWAY. IF CLEAN THINGS WERE HANDLED¹² ON ACCOUNT OF IT,¹³ THEY MUST BE HELD IN SUSPENSE.¹⁴ WOODEN LATTICE WORK¹⁵ IS CLEAN IN RESPECT OF HOLY FOOD, TERUMAH, AND THE WATER OF THE SIN-OFFERING. R. ELIEZER RULED: LOOSELY FASTENED BOARDS¹⁶ ARE UNCLEAR¹⁷ IN THE CASE OF THE WATER OF THE SIN-OFFERING.¹⁸

MISHNAH 3. IF PRESSED FIGS OF TERUMAH FELL INTO THE WATER OF THE SIN-OFFERING AND WERE TAKEN OUT AND EATEN, THE WATER BECOMES UNCLEAR,¹⁹ AND HE WHO EATS OF THE FIGS INCURS DEATH²⁰ IF THEIR BULK WAS NO LESS THAN THE SIZE OF AN EGG,²¹ IRRESPECTIVE OF WHETHER THEY WERE UNCLEAR OR CLEAN. IF²² THEIR BULK WAS LESS THAN THE SIZE OF AN EGG, THE WATER REMAINS CLEAN BUT²³ HE WHO EATS OF THEM INCURS DEATH. R. JOSE RULED: IF THEY²⁴ WERE CLEAN THE WATER REMAINS CLEAN.²⁵ IF A MAN WHO WAS CLEAN FOR THE WATER OF THE SIN-OFFERING PUT IN HIS HEAD AND THE GREATER PART OF HIS BODY INTO THE WATER OF THE SIN-OFFERING, HE BECOMES UNCLEAR.²⁶

MISHNAH 4. ALL²⁷ THAT²⁸ REQUIRE IMMERSION IN WATER ACCORDING TO THE RULINGS OF THE TORAH CONVEY UNCLEANNESS TO CONSECRATED THINGS, TO TERUMAH, TO COMMON FOOD,²⁹ AND TO SECOND TITHE; AND³⁰ IS FORBIDDEN TO ENTER THE SANCTUARY. AFTER IMMERSION³¹ ONE³⁰ CONVEYS [UNCLEANNESS TO HOLY THINGS AND CAUSES TERUMAH TO BE UNFIT; SO R. MEIR. BUT THE SAGES RULED: HE³⁰ CAUSES CONSECRATED THINGS AND TERUMAH TO BE INVALID,³² BUT IS PERMITTED UNCONSECRATED FOOD AND SECOND TITHE; AND IF HE ENTERED THE SANCTUARY,³³ WHETHER BEFORE OR AFTER HIS IMMERSION, HE INCURS GUILT.³⁴

MISHNAH 5. ALL³⁵ THAT REQUIRE IMMERSION IN WATER IN ACCORDANCE WITH THE WORDS OF THE SCRIBES CONVEY UNCLEANNESS TO CONSECRATED THINGS AND CAUSE TERUMAH TO BE UNFIT, BUT³⁰ ARE PERMITTED UNCONSECRATED FOOD AND SECOND TITHE; SO R. MEIR. BUT THE SAGES FORBID³⁰ SECOND TITHE. AFTER IMMERSION³⁶ A MAN IS PERMITTED ALL THESE, AND IF HE ENTERED THE SANCTUARY, WHETHER BEFORE OR AFTER HIS IMMERSION, HE INCURS NO GUILT.

MISHNAH 6. ALL THAT REQUIRE IMMERSION IN WATER, WHETHER ACCORDING TO THE WORDS OF THE TORAH OR ACCORDING TO THE WORDS OF THE SCRIBES, CAUSE³⁷ WATER OF THE SIN-OFFERING, THE ASHES OF THE SIN-OFFERING, AND HIM

WHO SPRINKLED THE WATER OF THE SIN-OFFERING,³⁸ TO BECOME UNCLEAN EITHER THROUGH CONTACT OR THROUGH CARRYING; AND ALSO CAUSE THE HYSSOP THAT HAS BEEN RENDERED SUSCEPTIBLE TO UNCLEANNESS, THE WATER THAT HAD NOT YET BEEN PREPARED,³⁹ AND AN EMPTY VESSEL THAT IS CLEAN FOR THE SIN-OFFERING TO BECOME UNCLEAN THROUGH CONTACT AND CARRYING; SO R. MEIR. BUT THE SAGES RULED: ONLY BY CONTACT⁴⁰ BUT NOT BY CARRYING.

MISHNAH 7. ANY HYSSOP THAT BEARS A SPECIAL NAME IS INVALID⁴¹ ORDINARY⁴² HYSSOP IS VALID. GREEK HYSSOP, STIBIUM HYSSOP, ROMAN HYSSOP OR WILD HYSSOP IS INVALID. THAT OF UNCLEAN TERUMAH⁴³ IS INVALID; BUT THAT OF CLEAN TERUMAH⁴⁴ SHOULD NOT BE USED FOR SPRINKLING,⁴⁵ THOUGH IF ONE HAD USED IT FOR SPRINKLING IT IS VALID. THE SPRINKLING MUST NOT BE DONE EITHER WITH THE YOUNG SHOOTS OR WITH THE BERRIES.⁴⁶ NO GUILT IS INCURRED [AFTER THE SPRINKLING HAD BEEN DONE] WITH YOUNG SHOOTS FOR ENTERING THE SANCTUARY. R. ELIEZER RULED: NOR IF IT WAS DONE WITH THE BERRIES. THE FOLLOWING ARE REGARDED AS YOUNG SHOOTS: THE STALKS BEFORE THE BUDS HAVE RIPENED.

MISHNAH 8. THE HYSSOP THAT WAS USED FOR SPRINKLING [THE WATER OF THE SIN-OFFERING] IS ALSO FIT FOR CLEANSING THE LEPER.⁴⁷ IF IT⁴⁸ WAS GATHERED FOR FIREWOOD, AND LIQUID⁴⁹ FELL UPON IT, IT MAY BE DRIED AND IT BECOMES FIT.⁵⁰ IF IT⁴⁸ WAS GATHERED FOR FOOD, AND LIQUID⁵¹ FELL UPON IT, EVEN THOUGH IT WAS DRIED, IT IS INVALID.⁵² IF IT⁵³ WAS GATHERED FOR [THE SPRINKLING OF THE WATER OF] THE SIN-OFFERING, IT IS SUBJECT TO THE SAME LAW AS IF IT WERE GATHERED FOR FOOD. SO R. MEIR. R. JUDAH, R. JOSE AND R. SIMEON RULED: AS IF IT WERE GATHERED FOR FIREWOOD.

MISHNAH 9. THE PRESCRIBED RITE OF THE HYSSOP IS [THAT THE BUNCH⁵⁴ SHALL CONTAIN THREE STALKS BEARING THREE BUDS.⁵⁵ R. JUDAH RULED: STALKS BEARING THREE BUDS EACH. HYSSOP THAT CONSISTS OF A GROWTH OF THREE STALKS⁵⁶ SHOULD BE CUT UP⁵⁷ AND THEN BOUND TOGETHER. IF THE STALKS WERE SEVERED BUT WERE NOT BOUND TOGETHER, OR IF THEY WERE BOUND TOGETHER BUT WERE NOT SEVERED, OR IF THEY WERE NEITHER SEVERED NOR BOUND TOGETHER, THEY ARE NEVERTHELESS VALID. R. JOSE RULED: THE PRESCRIBED RITE OF THE HYSSOP IS THAT THE BUNCH SHALL CONTAIN THREE⁵⁸ BUDS, BUT ITS REMNANTS⁵⁹ NEED ONLY HAVE TWO, WHILE ITS STUMPS⁶⁰ MAY BE⁶¹ OF THE SMALLEST SIZE.

(1) Zelolith (cf. relevant n. supra IX, I) containing the water and the ashes of the red cow for sprinkling.

(2) Since it is obvious that someone had handled it and this one might have been unclean for the sin-offering, who thus conveyed uncleanness to it.

(3) Which vomits when it drinks.

(4) Because its spittle, mingling with the water, causes invalidity.

(5) supra IX, 3.

(6) Otherwise it is valid, since no man would be likely to uncover it (cf. supra n. 2).

(7) That was already mixed with the ashes; and the same applies to the ashes alone.

(8) From uncleanness, if it is with a corpse under the same roof.

(9) Though other objects are thereby protected (cf. Num. XIX, 25). The protection cannot be extended to the water of the sin-offering since under the same roof as the corpse it cannot be said to be set in a clean place (cf. Num. XIX, 9).

(10) Since the requirement to set in 'a clean place' (cf. prev. n) does not apply, to the water alone.

(11) Sc. when it is neither eaten nor burned.

(12) By a person who became clean (v. foll. n.).

- (13) Sc. after the water that had to be poured away was sprinkled upon him.
- (14) Cf. supra p. 344, n. 11.
- (15) Which is not susceptible to midras or corpse uncleanness.
- (16) Hare'adoth, 'which shake' when one leans on them.
- (17) As middaf.
- (18) Since they might be used to sit or lie upon and thus are susceptible to midras uncleanness, v. supra X, 1.
- (19) On account of its contact with the figs of terumah whose grade of cleanness is deemed to be an uncleanness in respect of the water of the sin-offering.
- (20) Sc. by the hands of Heaven; for eating terumah while his body is unclean on account of the water on it.
- (21) The minimum of foodstuffs required for conveying uncleanness.
- (22) Some edd. omit this sentence to 'death'.
- (23) 'But . . . death' is omitted in some edd. and by Elijah Wilna.
- (24) The pressed figs.
- (25) In his opinion the grade of uncleanness required for Terumah is not regarded as unclean in respect of the water of the sin-offering.
- (26) From the water in the vessel which being 'drawn' has a defiling effect, v. Zab. V, I. This water in turn, being sin-offering water, coming in contact with him is rendered unclean and assumes the restrictions of a 'father of uncleanness' which causes him in turn to be unclean in the first grade.
- (27) Men and vessels.
- (28) Having contracted uncleanness from a 'father of uncleanness' and became a first grade of uncleanness.
- (29) Since a first grade of uncleanness causes even ordinary food to become a second grade of uncleanness.
- (30) In the case of a man. According to Maim. this applies equally in vessels.
- (31) Before the sun had set over him when as a tebul yom he is still subject to a second grade of uncleanness.
- (32) Sc. even consecrated things do not become unclean (and thus capable of conveying uncleanness) but unfit only.
- (33) The Court of the Israelites.
- (34) No guilt, however, is incurred for entering the Court of the Women, though entry into it is forbidden.
- (35) Such as men who ate or drank what is unclean, or vessels that have touched unclean liquids.
- (36) Even before sunset.
- (37) Even after an immersion that was not intended as a preparation for the services of the sin-offering.
- (38) Sc. all who are clean for the sin-offering.
- (39) By mixing it with the ashes of the red cow.
- (40) Do these become unclean.
- (41) For the sprinkling of the water of the sin-offering.
- (42) Lit., 'this'.
- (43) Though it was less in bulk than the size of an egg which, in regard to the water of the sin-offering, is insusceptible to uncleanness.
- (44) That was duly prepared for the water of the sin-offering.
- (45) In case the water of the sin-offering might become invalid and thus convey uncleanness to the terumah.
- (46) Of the hyssop.
- (47) Cf. lev. XIV, 4ff.
- (48) The hyssop.
- (49) That was unfit for the water of the sin-offering.
- (50) For use in the sprinkling of the water of the sin-offering. Such use is forbidden while the liquid is upon it since the invalid liquid would cause invalidity to water of the sin-offering with which it mingles.
- (51) v. p. 347, n. 11.
- (52) Because the liquid caused the hyssop to be susceptible to uncleanness and at the same time (since it was unfit for the sin-offering) conveyed uncleanness to it.
- (53) V. p. 347, n. 10.
- (54) With which the sprinkling is done.
- (55) One bud on each stalk.
- (56) Growing from one root.
- (57) Into three separate stalks.

- (58) Some edd. insert 'stalks having three'.
(59) If one was lost in the course of sprinkling.
(60) Which must originally be a handbreadths in length.
(61) If the bunch was worn away from use.

Mishna - Mas. Parah Chapter 12

MISHNAH 1. HYSSOP THAT IS TOO SHORT¹ MAY BE MADE TO SUFFICE¹ WITH A THREAD AND A SPINDLE-REED. IT² IS THEN DIPPED AND BROUGHT UP AGAIN, WHEN ONE GRASPS THE HYSSOP ITSELF AND SPRINKLES WITH IT. R. JUDAH AND R. SIMEON RULED: AS THE SPRINKLING MUST BE DONE WITH THE HYSSOP ITSELF SO MUST THE DIPPING ALSO BE DONE WITH THE HYSSOP ITSELF.

MISHNAH 2. IF A MAN SPRINKLED³ AND IT IS DOUBTFUL. WHETHER THE WATER CAME FROM THE THREAD OR THE SPINDLE-REED OR THE BUDS, THE SPRINKLING IS INVALID.⁴ IF HE SPRINKLED UPON TWO VESSELS AND IT IS DOUBTFUL WHETHER HE SPRINKLED ON BOTH OR WHETHER SOME WATER FROM THE ONE HAD DRIPPED ON TO THE OTHER, IT IS IN VALID. IF A NEEDLE WAS FIXED TO AN EARTHENWARE AND THE MAN SPRINKLED UPON IT, AND IT IS DOUBTFUL WHETHER HE SPRINKLED ON THE NEEDLE OR WHETHER SOME WATER DRIPPED ON IT FROM THE EARTHENWARE, HIS SPRINKLING IS INVALID. IF THE FLASK⁵ HAS A NARROW MOUTH, ONE MAY DIP IN⁶ AND DRAW OUT IN THE USUAL WAY.⁷ R. JUDAH RULED: THIS MAY BE DONE ONLY FOR THE FIRST SPRINKLING.⁸ IF THE WATER OF THE SIN-OFFERING WAS DIMINISHED,⁹ ONE MAY DIP ONLY THE TIPS OF THE BUDS AND SPRINKLE, PROVIDED THE HYSSOP DOES NOT ABSORB [ANY OF THE MOISTURE ON THE SIDES OF THE FLASK].¹⁰ IF A MAN INTENDED TO SPRINKLE IN FRONT OF HIM AND HE SPRINKLED BEHIND HIM, OR BEHIND HIM AND HE SPRINKLED IN FRONT OF HIM, HIS SPRINKLING IS INVALID. IF HE INTENDED TO SPRINKLE IN FRONT OF HIM AND HE SPRINKLED TO THE SIDES IN FRONT OF HIM, HIS SPRINKLING IS VALID. IT IS PERMITTED TO SPRINKLE UPON A MAN WITH HIS KNOWLEDGE OR WITHOUT HIS KNOWLEDGE, AND IT IS PERMITTED TO SPRINKLE UPON A MAN AND VESSELS¹¹ EVEN THOUGH THERE ARE A HUNDRED OF THEM.

MISHNAH 3. IF A MAN INTENDED TO SPRINKLE UPON A THING THAT IS SUSCEPTIBLE TO UNCLEANNESS AND HE SPRINKLED UPON ONE THAT WAS NOT SUSCEPTIBLE TO UNCLEANNESS,¹² THERE IS NO NEED TO DIP AGAIN IF ANY OF THE WATER¹³ STILL REMAINED ON THE HYSSOP.¹⁴ [IF HE INTENDED TO SPRINKLE] UPON A THING THAT IS NOT SUSCEPTIBLE TO UNCLEANNESS AND HE SPRINKLED ON THAT WHICH IS SUSCEPTIBLE TO UNCLEANNESS, EVEN THOUGH THERE WAS STILL SOME WATER¹³ ON THE HYSSOP, HE MUST DIP AGAIN.¹⁵ [IF HE INTENDED TO SPRINKLE] UPON A MAN AND HE SPRINKLED UPON A BEAST, HE NEED NOT DIP¹⁵ AGAIN IF ANY OF THE WATER¹³ REMAINED ON THE HYSSOP; BUT [IF HE INTENDED TO SPRINKLE] UPON A BEAST AND HE SPRINKLED UPON A MAN, EVEN THOUGH THERE WAS STILL SOME WATER¹³ ON THE HYSSOP, HE MUST DIP AGAIN. THE WATER THAT DRIPS OFF¹⁶ IS VALID,¹⁷ AND THEREFORE IT CONVEYS UNCLEANNESS AS THE USUAL WATER OF THE SIN-OFFERING.

MISHNAH 4. IF ONE WAS SPRINKLING¹⁸ FROM A WALL-NICHE¹⁹ IN A PUBLIC DOMAIN AND [A MAN WHO WAS SO SPRINKLED UPON]²⁰ ENTERED THE SANCTUARY,²¹ AND THE WATER WAS FOUND TO BE INVALID, HE IS BLAMELESS;²² BUT IF THE SPRINKLING WAS DONE FROM A PRIVATE WALL-NICHE AND [A MAN WHO WAS SO SPRINKLED UPON]²⁰ ENTERED THE SANCTUARY,²¹ AND THE WATER

WAS FOUND TO BE INVALID, HE INCURS THE PENALTY.²³ A HIGH PRIEST, HOWEVER, IS EXEMPT,²⁴ WHETHER THE SPRINKLING UPON HIM WAS DONE FROM A PRIVATE WALL-NICHE OR FROM ONE IN A PUBLIC DOMAIN, FOR A HIGH PRIEST NEVER INCURS A PENALTY FOR ENTERING THE SANCTUARY. [THE PEOPLE] USED TO SLIP BEFORE A CERTAIN WALL-NICHE IN A PUBLIC DOMAIN,²⁵ AND MOREOVER²⁶ THEY TROD²⁷ [ON THAT SPOT] AND DID NOT REFRAIN [FROM ENTERING THE SANCTUARY]. BECAUSE IT WAS LAID DOWN THAT WATER OF THE SIN-OFFERING THAT SERVED ITS PURPOSE²⁸ CONVEYED NO UNCLEANNESS.

MISHNAH 5. A CLEAN PERSON MAY HOLD IN HIS SKIRT AN UNCLEAR AXE²⁹ AND SPRINKLE UPON IT;³⁰ AND ALTHOUGH THERE IS ON IT³¹ SUFFICIENT WATER FOR A SPRINKLING HE REMAINS CLEAN.³² OF WHAT QUANTITY MUST THE WATER CONSIST TO BE SUFFICIENT FOR A SPRINKLING? SUFFICIENT FOR THE TOPS OF THE BUDS TO BE DIPPED THEREIN AND FOR THE SPRINKLING TO BE PERFORMED.³³ R. JUDAH RULED: THEY³⁴ ARE REGARDED AS THOUGH THEY WERE ON A HYSSOP OF BRASS.³⁵

MISHNAH 6. IF THE SPRINKLING WAS DONE WITH UNCLEAR HYSSOP,³⁶ THE WATER BECOMES INVALID, AND THE SPRINKLING IS INVALID IF IT³⁷ WAS OF THE BULK OF AN EGG. IF IT WAS LESS THAN THE BULK OF AN EGG,³⁸ THE WATER REMAINS VALID BUT THE SPRINKLING IS INVALID.³⁹ IT⁴⁰ ALSO CONVEYS UNCLEANNESS⁴¹ TO OTHER HYSSOP,⁴² AND THAT OTHER HYSSOP TO OTHER, EVEN IF THEY BE A HUNDRED.⁴³

MISHNAH 7. IF THE HANDS⁴⁴ OF A MAN WHO WAS CLEAN FOR THE WATER OF THE SIN-OFFERING BECAME UNCLEAR, HIS BODY ALSO BECOMES UNCLEAR, AND HE CONVEYS UNCLEANNESS TO HIS FELLOW, AND HIS FELLOW TO HIS FELLOW, EVEN IF THEY BE A HUNDRED.

MISHNAH 8. SHOULD THE OUTER PART OF A FLAGON⁴⁵ BECOME UNCLEAR,⁴⁶ ITS INNER PART ALSO BECOMES UNCLEAR,⁴⁷ AND IT CONVEYS UNCLEANNESS TO AN OTHER FLAGON, AND THE OTHER TO ANOTHER, EVEN IF THEY ARE A HUNDRED. A BELL AND A CLAPPER ARE REGARDED AS CONNECTED.⁴⁸ IN THE CASE OF A SPINDLE USED FOR COARSE MATERIAL, ONE MUST NOT SPRINKLE ON ITS ROD⁴⁹ OR RING,⁴⁹ YET IF IT WAS SO SPRINKLED IT IS VALID; IN A SPINDLE USED FOR FLAX THEY⁵⁰ ARE REGARDED AS CONNECTED. IF A LEATHER COVER OF A COT IS FASTENED TO ITS KNOBS, BOTH⁵¹ ARE REGARDED AS CONNECTED.⁴⁸ THE BASE⁵² DOES NOT CONSTITUTE A CONNECTION⁵³ EITHER IN RESPECT OF UNCLEANNESS⁵⁴ OR CLEANNESS.⁵⁵ ALL DRILLED HANDLES OF UTENSILS⁵⁶ ARE REGARDED AS CONNECTIVES.⁵⁷ R. JOHANAN B. NURI RULES: ALSO THOSE⁵⁸ THAT⁵⁹ ARE WEDGED INTO HOLES IN THE UTENSILS.⁶⁰

MISHNAH 9. THE BASKETS OF A PACK-SADDLE,⁶¹ THE BED OF A BARROW,⁶² THE IRON⁶³ CORNER OF A BIER, THE [DRINKING] HORNS OF TRAVELLERS,⁶² A KEY CHAIN,⁶⁴ THE LOOSE STITCHES OF WASHERMEN,⁶⁵ AND A GARMENT STITCHED TOGETHER WITH KIL'AYIM ARE REGARDED AS CONNECTIVES⁶⁶ IN RESPECT OF UNCLEANNESS⁶⁷ BUT NOT IN THAT OF SPRINKLING.⁵⁵

MISHNAH 10. IF THE LID OF A KETTLE IS JOINED TO A CHAIN,⁶⁸ BETH SHAMMAI RULED: THESE⁶⁹ ARE REGARDED AS CONNECTED IN RESPECT OF UNCLEANNESS⁷⁰ BUT NOT IN RESPECT OF SPRINKLING.⁷¹ BETH HILLEL RULED: IF THE KETTLE⁷² WAS SPRINKLED UPON IT IS THE SAME AS IF THE LID⁷³ ALSO WAS SPRINKLED UPON; BUT IF THE LID ONLY⁷³ WAS SPRINKLED UPON IT IS NOT THE SAME AS IF THE KETTLE ALSO⁷² WAS SPRINKLED UPON. ALL⁷⁴ ARE ELIGIBLE TO SPRINKLE, EXCEPT A

TUMTUM,⁷⁵ A HERMAPHRODITE, A WOMAN, AND A CHILD THAT IS WITHOUT UNDERSTANDING. A WOMAN MAY ASSIST [A MAN] WHILE HE SPRINKLES, AND HOLD THE WATER⁷⁶ FOR HIM WHILE HE DIPS AND SPRINKLES. IF SHE HELD HIS HAND, EVEN IF ONLY AT THE TIME OF SPRINKLING,⁷⁷ IT IS INVALID.⁷⁸

MISHNAH 11. IF THE HYSSOP WAS DIPPEL⁷⁹ IN THE DAYTIME AND THE SPRINKLING ALSO WAS DONE ON THE SAME DAY, IT IS VALID.⁸⁰ IF ONE DIPPED IT IN THE DAYTIME AND SPRINKLED AT NIGHT, OR DIPPED AT NIGHT AND SPRINKLED ON THE FOLLOWING DAY, (OR DIPPED IN THE DAYTIME AND SPRINKLED ON THE FOLLOWING DAY),⁸¹ THE SPRINKLING IS INVALID.⁸² [THE MAN HIMSELF], HOWEVER, MAY PERFORM IMMERSION AT NIGHT AND DO THE SPRINKLING ON THE FOLLOWING DAY, FOR SPRINKLING IS NOT ALLOWED⁸³ UNTIL THE SUN IS RISEN,⁸⁴ YET IF ANY OF THESE WAS DONE AS EARLY AS THE RISE OF DAWN IT IS VALID.

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- (1) To reach the water of the sin-offering in the flask.
 - (2) Being held by the spindle.
 - (3) The water of the sin-offering.
 - (4) Since the man is under presumptive uncleanness. Only when it is certain that the water came from the hyssop is the sprinkling valid.
 - (5) Containing the water and the ashes of the red cow.
 - (6) The hyssop in the water.
 - (7) One need have no scruples lest the water on the hyssop would be squeezed out in its passage through the narrow neck.
 - (8) But not For a subsequent one when any water that would have been squeezed out from the first might have returned to the flask and tendered its contents invalid.
 - (9) Being insufficient for the proper dipping of the hyssop into it.
 - (10) The requirement being to dip into the water.
 - (11) Simultaneously, by one movement.
 - (12) This is explained presently.
 - (13) Of the sin-offering.
 - (14) From the first dip.
 - (15) The hyssop in the water.
 - (16) Into the flask From the hyssop that was dipped with the intention of sprinkling upon a thing that is insusceptible to uncleanness.
 - (17) For sprinkling.
 - (18) The water with the ashes of the red cow.
 - (19) A special niche with water of sin-offering was provided For the purification of the unclean.
 - (20) Having been unclean and requiring the performance of the rite.
 - (21) Not ascertaining beforehand whether the water was valid.
 - (22) Because, a doubtful condition of uncleanness in a public domain being regarded as clean, he was under no obligation to enquire after the validity of the water.
 - (23) Of a sacrifice. As a doubtful condition of uncleanness in a private domain is deemed to be unclean it was his duty to enquire after the validity of the water before he entered the Sanctuary.
 - (24) If he entered the Sanctuary after he had been sprinkled upon with water that was found to be invalid.
 - (25) On account of the abundance of the water of the sin-offering that was sprinkled there.
 - (26) Though such water would be expected to convey uncleanness
 - (27) Intentionally.
 - (28) Sprinkling.
 - (29) Though it was a 'Father of uncleanness'.
 - (30) Since the skirt which, owing to contact with the axe (cf. prev. n.), becomes only a first grade of uncleanness cannot convey any uncleanness to the man to whom only a 'Father of uncleanness' could convey uncleanness.
 - (31) The axe, after the sprinkling.

- (32) Having served their purpose they no longer convey uncleanness.
- (33) Sc. there must be as much water as to suffice For these as well as for the quantity of water absorbed by the buds.
- (34) The buds.
- (35) Which absorbs no water. Hence the water absorbed is added to what remains on the surface and a smaller quantity (cf. supra n. 2) suffices.
- (36) Sc. unclean for the water of the sin-offering though clean in other respects.
- (37) The hyssop having been gathered For Food (cf. supra XI, 8.)
- (38) The prescribed minimum for conveying uncleanness.
- (39) Since the hyssop was not clean for the sin-offering (cf. supra n. 5).
- (40) The unclean hyssop.
- (41) By contact.
- (42) Rendering consequently unclean him who touches it.
- (43) Rendering it unfit For sprinkling. Since in regard to the water of the sin-offering the conveyance of uncleanness is not limited to the third grade.
- (44) Or even only one hand.
- (45) Containing the water of the sin-offering.
- (46) From unclean liquids.
- (47) Contrary to the rule in other cases (cf. Kel. XXV, 9).
- (48) Both as regards uncleanness and sprinkling. Contact with or sprinkling upon one equally affects the other.
- (49) Alone; since they are not regarded as connected. The sprinkling must be done on the spindle-hook which is the principal part of the instrument.
- (50) Rod and ring.
- (51) Cot and cover.
- (52) On which the cot or a bed stands.
- (53) With the cot or bed.
- (54) If only one contracted uncleanness the other remains clean.
- (55) If one was sprinkled upon the other still remains unclean.
- (56) The handle of a knife, for instance, into the hole of which the blade is inserted and secured.
- (57) With the utensils.
- (58) Handles.
- (59) No hole being drilled in them.
- (60) Are connectives with the utensils.
- (61) That are joined together.
- (62) Consisting of detachable parts.
- (63) And detachable.
- (64) Holding a number of keys.
- (65) Whereby garments are held together and protected against loss.
- (66) The baskets with each other, the parts of the barrow, the iron corner and the bier, the parts of the drinking horns, the stitches and the garments, and the garment stitched together with kil'ayim.
- (67) If one part becomes unclean the other also becomes similarly unclean.
- (68) Which is attached to the kettle.
- (69) The lid and the kettle.
- (70) v. p. 353, n. 20.
- (71) V. p. 353, n. 8.
- (72) Which is the main vessel.
- (73) Which is only subsidiary to the kettle.
- (74) Even the uncircumcised.
- (75) V. Glos.
- (76) Of the sin-offering.
- (77) Much more so if she held it when he was dipping.
- (78) Since, according to Num. XIX, 18, a 'clean man' must perform these services.
- (79) In the water of the sin-offering.

(80) Though there may have been a long interval between the dipping and the sprinkling.

(81) Var. lec. omits.

(82) Cf. *ibid.* 19.

(83) In the night.

(84) Hence the sprinkling must be performed by day.

Mishna - Mas. Taharoth Chapter 1

MISHNAH 1. THIRTEEN RULINGS GOVERN THE CARRION OF A CLEAN BIRD: THERE MUST BE¹ INTENTION² BUT³ IT NEED NOT BE RENDERED SUSCEPTIBLE;⁴ IT CONVEYS FOOD UNCLEANNESS⁵ IF ITS MINIMUM BULK IS THAT OF AN EGG; AND IT CONVEYS UNCLEANNESS⁶ WHEN IN ONE'S GULLET⁷ IF ITS MINIMUM BULK IS THAT OF AN OLIVE; HE THAT EATS OF IT MUST WAIT⁸ UNTIL SUNSET;⁹ GUILT IS INCURRED ON ACCOUNT OF IT FOR ENTERING THE SANCTUARY;¹⁰ TERUMAH IS BURNT ON ACCOUNT OF IT;¹¹ HE WHO EATS A MEMBER OF IT WHILE IT IS ALIVE MUST SUFFER THE PENALTY OF FORTY STRIPES;¹² SLAUGHTERING IT¹³ OR WRINGING ITS NECK¹⁴ FREES IT FROM UNCLEANNESS EVEN WHEN IT IS TREFA.¹⁵ SO R. MEIR.¹⁶ R. JUDAH RULED: THEY DO NOT FREE IT FROM UNCLEANNESS. R. JOSE RULED: THE SLAUGHTERING¹³ DOES FREE IT FROM THE UNCLEANNESS BUT THE WRINGING OF ITS NECK¹⁴ DOES NOT.

MISHNAH 2. THE LARGE FEATHER¹⁷ AND THE DOWN¹⁸ CONTRACT UNCLEANNESS,¹⁹ AND²⁰ CONVEY UNCLEANNESS²¹ BUT DO NOT COMBINE [WITH THE FLESH TO CONSTITUTE THE PRESCRIBED MINIMUM].²² R. ISHMAEL RULED: THE DOWN DOES COMBINE [WITH THE FLESH]. THE BEAK²³ AND THE CLAWS²⁴ CONTRACT UNCLEANNESS¹⁹ AND²⁰ CONVEY UNCLEANNESS AND ALSO COMBINE [WITH THE FLESH TO CONSTITUTE THE PRESCRIBED MINIMUM].²² R. JOSE RULED: ALSO THE ENDS²⁵ OF THE WINGS AND THE END²⁵ OF THE TAIL COMBINE [WITH THE FLESH TO CONSTITUTE THE MINIMUM].²² SINCE THEY ARE LEFT UNPLUCKED ON FATTENED BIRDS.²⁶

MISHNAH 3. THE CARRION OF AN UNCLEAN BIRD NECESSITATES²⁷ INTENTION²⁸ AND²⁷ IT MUST BE RENDERED SUSCEPTIBLE;²⁹ IT CONVEYS FOOD UNCLEANNESS³⁰ IF ITS MINIMUM BULK³¹ IS THAT OF AN EGG; THE CONSUMPTION OF A HALF OF HALF A LOAF'S BULK³² OF IT³³ RENDERS ONE'S PERSON UNFIT TO EAT TERUMAH;³⁴ AN OLIVE'S BULK OF IT IN ONE'S GULLET CONVEYS NO UNCLEANNESS; HE WHO EATS OF IT NEED NOT WAIT FOR SUNSET;³⁵ NO GUILT IS INCURRED ON ACCOUNT OF IT³⁶ FOR ENTERING THE SANCTUARY;³⁷ BUT ON ACCOUNT OF IT³⁶ TERUMAH³⁸ MUST BE BURNT; HE WHO EATS A MEMBER OF IT WHILE IT IS ALIVE IS NOT SUBJECT TO THE PENALTY OF FORTY STRIPES,³⁹ BUT SLAUGHTERING IT DOES NOT IMMEDIATELY⁴⁰ RENDER IT FIT.⁴¹ THE LARGE FEATHERS AND THE DOWN CONTRACT UNCLEANNESS AND CONVEY UNCLEANNESS AND COMBINE WITH THE FLESH TO CONSTITUTE THE PRESCRIBED MINIMUM. THE BEAK AND THE CLAWS CONTRACT UNCLEANNESS AND CONVEY UNCLEANNESS AND COMBINE [WITH THE FLESH TO MAKE UP THE PRESCRIBED MINIMUM].

MISHNAH 4. IN THE CASE OF CATTLE, THE HIDE, GREASE, SEDIMENT, FLAYED-OFF FLESH, BONES, SINEWS, HORNS AND HOOFS COMBINE⁴² [WITH THE FLESH] TO CONVEY FOOD UNCLEANNESS⁴³ BUT NOT TO CONVEY CARRION UNCLEANNESS.⁴⁴ SIMILARLY, IF A MAN⁴⁵ SLAUGHTERED AN UNCLEAN BEAST FOR AN IDOLATER AND IT WAS STILL JERKING ITS LIMBS,⁴⁶ IT CONVEYS FOOD UNCLEANNESS;⁴⁷ BUT IT CONVEYS NO CARRION UNCLEANNESS UNTIL IT IS DEAD OR ITS HEAD IS CHOPPED OFF.⁴⁸ [SCRIPTURE THUS] LAID DOWN MORE RESTRICTIONS IN REGARD TO THE CONVEYANCE OF FOOD UNCLEANNESS THAN IN REGARD TO THE CONVEYANCE OF CARRION UNCLEANNESS.

MISHNAH 5. A FOODSTUFF THAT CONTRACTED UNCLEANNESS FROM A 'FATHER OF UNCLEANNESS' AND ONE THAT CONTRACTED UNCLEANNESS FROM A DERIVED

UNCLEANNES⁴⁹ MAY BE COMBINED TOGETHER⁵⁰ TO CONVEY UNCLEANNES ACCORDING TO THE LIGHTER GRADE OF THE TWO. HOW SO? IF THE BULK OF HALF AN EGG OF FOOD OF A FIRST GRADE OF UNCLEANNES AND THE BULK OF HALF AN EGG OF FOOD OF A SECOND GRADE OF UNCLEANNES WERE MIXED TOGETHER, THE TWO⁵¹ ARE REGARDED AS SUFFERING ONLY SECOND GRADE UNCLEANNES;⁵² AND IF THE BULK OF HALF AN EGG OF FOOD OF A SECOND GRADE OF UNCLEANNES AND THE BULK OF HALF AN EGG OF FOOD OF A THIRD GRADE OF UNCLEANNES WERE MIXED TOGETHER, THE TWO⁵¹ ARE REGARDED AS SUFFERING ONLY THIRD GRADE OF UNCLEANNES.⁵³ IF THE BULK OF AN EGG OF FOOD OF A FIRST GRADE OF UNCLEANNES AND THE BULK OF AN EGG OF FOOD OF A SECOND GRADE OF UNCLEANNES WERE MIXED TOGETHER, BOTH⁵¹ ARE REGARDED⁵⁴ AS SUFFERING FIRST GRADE UNCLEANNES;⁵⁵ BUT IF THEY WERE THEN DIVIDED, EACH PART⁵⁶ IS REGARDED AS SUFFERING ONLY A SECOND GRADE OF UNCLEANNES.⁵⁷ IF EACH PART⁵⁸ SEPARATELY FELL ON A LOAF OF TERUMAH, THEY CAUSE IT TO BECOME UNFIT,⁵⁹ BUT IF THE TWO FELL TOGETHER THEY CAUSE IT TO SUFFER SECOND GRADE OF UNCLEANNES.

MISHNAH 6. THE BULK OF AN EGG OF FOOD OF A SECOND GRADE OF UNCLEANNES AND THE BULK OF AN EGG OF FOOD OF A THIRD GRADE OF UNCLEANNES THAT WERE MIXED TOGETHER ARE⁵¹ REGARDED AS SUFFERING SECOND GRADE OF UNCLEANNES.⁶⁰ IF THEY WERE THEN DIVIDED, EACH PART⁶¹ IS REGARDED AS SUFFERING ONLY THIRD GRADE OF UNCLEANNES.⁶² IF EACH PART SEPARATELY FELL ON A LOAF OF TERUMAH THEY DO NOT RENDER IT INVALID,⁶³ BUT IF THE TWO FELL TOGETHER THEY CAUSE IT TO SUFFER THIRD GRADE OF UNCLEANNES. THE BULK OF AN EGG OF FOOD OF A FIRST GRADE OF UNCLEANNES AND THE BULK OF AN EGG OF FOOD OF A THIRD GRADE OF UNCLEANNES THAT WERE MIXED TOGETHER ARE⁶⁴ REGARDED AS SUFFERING FIRST GRADE OF UNCLEANNES,⁶⁵ BUT IF THEY WERE THEN DIVIDED, EACH PART IS REGARDED AS SUFFERING ONLY SECOND GRADE UNCLEANNES,⁶⁰ FOR EVEN THE THIRD GRADE THAT TOUCHED THE FIRST HAS BECOME ONLY A SECOND GRADE. IF THE BULK OF TWO EGGS OF FOOD OF THE FIRST GRADE OF UNCLEANNES AND THE BULK OF TWO EGGS OF FOOD OF THE SECOND GRADE OF UNCLEANNES WERE MIXED TOGETHER THEY ARE REGARDED AS SUFFERING FIRST GRADE OF UNCLEANNES. IF THEY WERE THEN DIVIDED, EACH PART IS STILL REGARDED AS SUFFERING FIRST GRADE OF UNCLEANNES. BUT IF THEY WERE DIVIDED INTO THREE OR FOUR PARTS, EACH IS REGARDED AS SUFFERING FROM SECOND GRADE. IF THE BULK OF TWO EGGS OF FOOD OF THE SECOND GRADE OF UNCLEANNES AND THE BULK OF TWO EGGS OF FOOD OF THE THIRD GRADE OF UNCLEANNES WERE MIXED TOGETHER, THEY ARE REGARDED AS SUFFERING SECOND GRADE OF UNCLEANNES. IF THEY WERE THEN DIVIDED, EACH PART IS STILL REGARDED AS SUFFERING SECOND GRADE OF UNCLEANNES. BUT IF THEY WERE DIVIDED INTO THREE OR FOUR PARTS, EACH IS REGARDED AS SUFFERING ONLY THIRD GRADE OF UNCLEANNES.

MISHNAH 7. IF PIECES OF DOUGH⁶⁶ CLUNG TO EACH OTHER⁶⁷ OR IF LOAVES ADHERED TO EACH OTHER,⁶⁸ AND ONE OF THEM CONTRACTED UNCLEANNES FROM A [DEAD] CREEPING THING,⁶⁹ THEY ALL BECOME UNCLEAN IN THE FIRST GRADE;⁷⁰ AND IF THEY WERE THEN SEPARATED THEY ARE STILL REGARDED AS SUFFERING FIRST GRADE OF UNCLEANNES. IF ONE OF THEM CONTRACTED UNCLEANNES FROM A LIQUID⁷¹ THEY ALL SUFFER SECOND GRADE OF UNCLEANNES;⁷⁰ AND IF THEY WERE THEN SEPARATED THEY ARE STILL REGARDED AS SUFFERING SECOND GRADE OF UNCLEANNES. IF ONE OF THEM CONTRACTED

UNCLEANNES FROM THE HANDS,⁷² THEY ALL BECOME UNCLEAN IN THE THIRD GRADE; AND IF THEY WERE THEN SEPARATED THEY ARE STILL REGARDED AS SUFFERING THIRD GRADE OF UNCLEANNES.

MISHNAH 8. IF TO A PIECE OF DOUGH⁷³ THAT WAS SUFFERING FIRST GRADE OF UNCLEANNES OTHERS WERE MADE TO ADHERE,⁶⁷ THEY ALL BECOME UNCLEAN IN THE FIRST GRADE;⁷⁰ AND IF IT WAS SEPARATED, IT STILL REMAINS UNCLEAN IN THE FIRST GRADE BUT ALL THE OTHERS ARE REGARDED AS SUFFERING ONLY SECOND GRADE OF UNCLEANNES.⁷⁴ IF TO A PIECE OF DOUGH⁷³ THAT WAS SUFFERING SECOND GRADE OF UNCLEANNES OTHERS WERE MADE TO ADHERE,⁶⁷ THEY ALL BECOME UNCLEAN IN THE SECOND GRADE;⁷⁰ AND IF IT WAS SEPARATED, IT STILL REMAINS UNCLEAN IN THE SECOND GRADE BUT ALL THE OTHERS ARE ONLY UNCLEAN IN THE THIRD GRADE OF UNCLEANNES. IF TO A PIECE⁷³ THAT WAS UNCLEAN IN THE THIRD GRADE OTHERS WERE MADE TO ADHERE,⁶⁷ IT REMAINS UNCLEAN IN THE THIRD GRADE BUT ALL THE OTHERS REMAIN CLEAN,⁷⁵ IRRESPECTIVE OF WHETHER THEY WERE SUBSEQUENTLY SEPARATED FROM IT OR WHETHER THEY WERE NOT SEPARATED.

MISHNAH 9. IF OF HOLY LOAVES⁷⁶ IN WHOSE HOLLOWES THERE WAS HOLY WATER⁷⁷ ONE CONTRACTED UNCLEANNES FROM A [DEAD]CREEPING THING, THEY ALL BECOME UNCLEAN.⁷⁸ IN THE CASE OF LOAVES OF TERUMAH,⁷⁹ UNCLEANNES IS CONVEYED TO TWO LOAVES⁸⁰ AND INVALIDITY TO ONE.⁸¹ IF THERE WAS DRIPPING LIQUID BETWEEN THEM,⁸² EVEN IN THE CASE OF TERUMAH ALL⁸² BECOME UNCLEAN.⁸³

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- (1) If it is to convey uncleanness.
 - (2) To use it as human food.
 - (3) Unlike other dry permitted foodstuffs.
 - (4) To uncleanness, by purposely bringing it in contact with a liquid.
 - (5) Sc. renders clean foodstuffs, which it touches, unclean in the second grade.
 - (6) To the man who eats it who becomes a 'father of uncleanness' and in turn conveys an uncleanness of the first grade to clothes or vessels with which he is then in contact.
 - (7) Even before it had been swallowed.
 - (8) Before he can attain cleanness.
 - (9) Immersion alone being insufficient.
 - (10) After eating of it.
 - (11) If it or the man who ate it came in contact with the terumah.
 - (12) A round figure for the prescribed thirty-nine.
 - (13) Outside the Temple.
 - (14) In the Temple, as a sacrifice (cf. Lev. I, 15).
 - (15) And forbidden as food.
 - (16) Whose nine (out of the thirteen) rulings have so far been enumerated. The other four follow in the next Mishnah anonymously and are likewise the rulings of R. Meir.
 - (17) Aliter: The small feathers.
 - (18) Of a clean bird
 - (19) In case the bird was not carrion and a dead creeping thing touched it.
 - (20) If the bird was carrion.
 - (21) To foodstuffs that touched them.
 - (22) Of an egg or an olive (cf. supra I, I ab init.) to convey uncleanness. These do not act as 'protection' to the flesh to serve as correctives, v. 'Uk. I, I.
 - (23) So much of it as is covered with flesh.
 - (24) Cf. prev. n.

- (25) Nearest the body.
- (26) Thus constituting a union with the flesh.
- (27) If it is to contract and convey uncleanness.
- (28) To use it as food.
- (29) To uncleanness, by purposely bringing it in contact with a liquid.
- (30) Renders foodstuffs that it touches unclean.
- (31) That touched a dead creeping thing.
- (32) The bulk of two eggs (Rashi) or one and a half eggs (Maim.).
- (33) When it was unclean.
- (34) Before performing immersion, though there is no need to wait for sunset.
- (35) But may eat terumah even before.
- (36) If a man ate the prescribed minimum after it had become unclean.
- (37) Since the uncleanness conveyed to the man is only Rabbinical.
- (38) That the man touched.
- (39) Because the relevant prohibition does not apply to forbidden creatures (v. Hul. 102a).
- (40) While it is still struggling and subject to the prohibition of a 'member from the living'.
- (41) For a Noachite who is permitted carrion but not a 'member from the living'.
- (42) To make up the prescribed minimum of the bulk of an egg.
- (43) If the flesh had contracted uncleanness from a dead creeping thing for instance.
- (44) To make up the bulk of an olive, for eating, touching or carrying, which is the prescribed minimum in the case of carrion.
- (45) An Israelite.
- (46) When to a Noachite it is still forbidden as a 'member of a living animal'.
- (47) Because the slaughtering performed by the Israelite, which renders a clean beast fit for consumption, also causes an unclean beast to be regarded as food both in respect of contracting uncleanness and of conveying it.
- (48) This is derived in Hul. 117b from Lev. XI, 39.
- (49) So that the former is subject to a first grade, and the latter only to a second grade of uncleanness.
- (50) To make up the prescribed minimum of the bulk of an egg.
- (51) While they are together.
- (52) Which causes no uncleanness to unconsecrated foodstuffs and only invalidity to terumah.
- (53) That causes no invalidity even to terumah.
- (54) Since the mixture contains the full prescribed minimum of this grade of uncleanness.
- (55) Which consequently causes unconsecrated food to be unclean.
- (56) Which contains only a half of the prescribed minimum of each grade.
- (57) As supra.
- (58) Which is suffering second grade of uncleanness.
- (59) Since terumah is rendered invalid by a second grade of uncleanness. The term 'unfit' in connection with uncleanness denotes that the uncleanness contracted is not capable of being conveyed a grade further.
- (60) V. p. 364, n. 4.
- (61) V. p. 364, n. 8.
- (62) V. p. 364, n. 9.
- (63) A third grade of uncleanness (unlike a second grade) cannot cause terumah to be invalid.
- (64) V. p. 364, n. 3.
- (65) V. p. 364, n. 7.
- (66) Of terumah.
- (67) To such an extent that it is impossible to separate one from the other without tearing away some dough from the one or the other.
- (68) Cf. prev. n.
- (69) Which is a 'father of uncleanness' and imparts a first grade of uncleanness.
- (70) Their adhesion causing them to be regarded as one.
- (71) Which is invariably subject to the first grade of uncleanness.
- (72) Which, unless especially taken care of, are always regarded as suffering second grade of uncleanness and impart

third grade of uncleanness.

(73) Of terumah.

(74) Imparted to them by the piece that is first grade of uncleanness.

(75) Since there is no fourth grade of uncleanness in terumah.

(76) E.g., Shewbread; and the loaves were touching each other.

(77) I.e., water that was prepared in purity under conditions of holiness.

(78) Since the first loaf that was touched by the creeping thing contracted a first grade of uncleanness; the second loaf contracted from the first one a second grade of uncleanness; the third loaf contracts from the second a third grade of uncleanness and (since in the case of holy things a third grade may cause a fourth grade of uncleanness) it also imparts uncleanness to the water on it which (in accordance with the uncleanness of liquids) becomes unclean in the first grade and causes the loaf to contract second grade of uncleanness and so impart to the next loaf third grade of uncleanness. The next loaf, for the same reason, imparts second grade of uncleanness to the one next to it, and so on ad infinitum. Var. lec.: If consecrated loaves lay in their hollows (i.e., the loaves were each lying in separate hollows of a board), and similarly holy water (in the hollows of a stone).

(79) Which, unlike holy things, never suffers fourth grade of uncleanness.

(80) First grade uncleanness is conveyed by the creeping thing to the first loaf which it touched, and second grade uncleanness is conveyed by the first loaf to the second one that touched it.

(81) The third loaf that was touched by the second. Since in terumah a third cannot make a fourth it becomes only invalid but not unclean. As the loaf in the third grade cannot convey uncleanness, the water on it remains clean so that neither it nor the water can convey uncleanness to the next loaf that touched it, which (like the next loaf that touched it and the one that touched the next, and so on) consequently remains clean.

(82) The loaves.

(83) The liquid between the first loaf and a second becomes, in accordance with the law of unclean liquids, unclean in the first grade and consequently conveys uncleanness of the second grade to the second loaf that touched it. Similarly the water between the second and the third loaves becomes unclean in the first grade and causes the third loaf to be unclean in the second grade, and so on ad infinitum.

Mishna - Mas. Taharoth Chapter 2

MISHNAH 1. IF A WOMAN WHO¹ WAS PRESERVING VEGETABLES² IN A POT TOUCHED³ A PROJECTING LEAF OUTSIDE THE POT ON A DRY SPOT,⁴ EVEN THOUGH THERE WAS AN EGG'S BULK⁵ IN THE LEAF,⁶ IT ALONE BECOMES UNCLEAR⁷ WHILE ALL THE REST⁸ REMAINS CLEAN.⁹ IF SHE TOUCHED IT¹⁰ AT A WET SPOT¹¹ AND THERE WAS AN EGG'S BULK⁵ IN THE LEAF,⁶ ALL¹² BECOMES UNCLEAR.¹³ IF THERE WAS NOT AN EGG'S BULK⁵ IN IT,¹⁴ IT ALONE BECOMES UNCLEAR BUT ALL THE REST REMAINS CLEAN. IF IT IS RETURNED INTO THE POT, ALL¹⁵ BECOMES UNCLEAR.¹⁶ IF THE WOMAN WAS UNCLEAR¹⁷ OWING TO CONTACT WITH ONE WHO CONTRACTED CORPSE UNCLEARNESS,¹⁸ AND SHE TOUCHED THE LEAF EITHER AT A WET SPOT OR AT A DRY SPOT, ALL¹⁹ BECOMES UNCLEAR IF THERE WAS AN EGG'S BULK IN THE LEAF;²⁰ BUT IF THERE WAS NOT AN EGG'S BULK²¹ IN IT, IT ALONE BECOMES UNCLEAR AND ALL THE REST REMAINS CLEAN. IF A WOMAN WHO WAS A TEBULATH YOM²² EMPTIED OUT THE POT WITH UNWASHED²³ HANDS,²⁴ AND SHE OBSERVED SOME LIQUID ON HER HANDS, AND IT IS UNCERTAIN WHETHER IT WAS SPLASHED FROM THE POT OR WHETHER A STALK²⁵ HAD TOUCHED HER HANDS, THE VEGETABLES ARE INVALID²⁶ BUT THE POT REMAINS CLEAN.²⁷

MISHNAH 2. R. ELIEZER RULED: HE WHO EATS FOOD OF FIRST[GRADE UNCLEARNESS²⁸ CONTRACTS] FIRST [GRADE UNCLEARNESS];[HE WHO EATS FOOD OF] SECOND [GRADE UNCLEARNESS²⁸ CONTRACTS] SECOND [GRADE UNCLEARNESS]; [IF IT WAS] THIRD[GRADE UNCLEARNESS HE CONTRACTS] THIRD [GRADE UNCLEARNESS]. R. JOSHUA RULED: HE WHO EATS FOOD OF FIRST[GRADE] OR OF SECOND [GRADE UNCLEARNESS CONTRACTS]SECOND [GRADE

UNCLEANNES]; [IF IT WAS] THIRD [GRADE UNCLEANNES, HE CONTRACTS] SECOND [GRADE UNCLEANNES] IN REGARD TO HOLY THINGS²⁹ BUT NOT IN REGARD TO TERUMAH.³⁰ ALL THIS APPLIES TO COMMON FOODSTUFFS THAT WERE PREPARED IN CONDITION OF CLEANNESS THAT ARE APPROPRIATE FOR TERUMAH.³¹

MISHNAH 3. FIRST [GRADE UNCLEANNES] IN COMMON FOOD IS UNCLEAN AND CONVEYS UNCLEANNES;³² SECOND [GRADE UNCLEANNES³³] CONVEYS INVALIDITY³⁴ BUT DOES NOT CONVEY UNCLEANNES;³⁵ AND THIRD [GRADE UNCLEANNES]³⁶ MAY BE EATEN IN A DISH MIXED WITH TERUMAH.³⁷

MISHNAH 4. FIRST [GRADE] AND SECOND [GRADE UNCLEANNES] IN TERUMAH ARE UNCLEAN AND CONVEY UNCLEANNES;³⁸ THIRD [GRADE UNCLEANNES]³⁹ CAUSES INVALIDITY⁴⁰ BUT CONVEYS NO UNCLEANNES; AND THE FOURTH [GRADE UNCLEANNES]⁴¹ MAY BE EATEN IN A DISH CONTAINING HOLY FOOD.⁴²

MISHNAH 5. FIRST, SECOND AND THIRD [GRADES OF UNCLEANNES] IN HOLY FOODSTUFFS ARE UNCLEAN AND CONVEY UNCLEANNES;⁴⁰ THE FOURTH [GRADE OF UNCLEANNES] IS INVALID⁴³ AND CAUSES NO UNCLEANNES; AND THE FIFTH [GRADE OF UNCLEANNES]⁴⁴ MAY BE EATEN IN A DISH CONTAINING CONSECRATED FOOD.

MISHNAH 6. SECOND [GRADE UNCLEANNES] IN COMMON FOOD CONVEYS UNCLEANNES TO UNCONSECRATED LIQUIDS⁴⁵ AND CAUSES INVALIDITY TO FOODSTUFFS OF TERUMAH. THIRD [GRADE OF UNCLEANNES] IN TERUMAH CONVEYS UNCLEANNES TO CONSECRATED LIQUIDS⁴⁵ AND CAUSES INVALIDITY TO HOLY FOODSTUFFS IF IT⁴⁶ WAS PREPARED IN CONDITIONS OF CLEANNESS APPROPRIATE TO HOLY FOOD; BUT IF IT WAS ONLY PREPARED UNDER CONDITIONS OF CLEANNESS APPROPRIATE TO TERUMAH, IT CONVEYS UNCLEANNES AT A FIRST AND AT A SECOND REMOVE, AND CAUSES INVALIDITY TO HOLY FOOD AT ONE ADDITIONAL REMOVE.⁴⁷

MISHNAH 7. R. ELIEZER OBSERVED: THE THREE OF THEM⁴⁸ ARE ON A PAR IN THE FOLLOWING CASES. THE FIRST GRADE OF UNCLEANNES IN HOLY FOOD, IN TERUMAH OR IN COMMON FOOD CONVEYS UNCLEANNES AT TWO REMOVES⁴⁹ AND CAUSES INVALIDITY AT ONE ADDITIONAL REMOVES IN THE CASE OF HOLY FOOD; IT CONVEYS UNCLEANNES AT ONE REMOVE⁵⁰ AND CAUSES INVALIDITY AT ONE ADDITIONAL REMOVE⁴⁷ IN THE CASE OF TERUMAH; AND IN COMMON FOOD IT ONLY CAUSES INVALIDITY. THE SECOND [GRADE OF UNCLEANNES] IN THE CASE OF ALL OF THEM⁴⁸ CONVEYS UNCLEANNES AT ONE REMOVE⁴⁷ AND CAUSES INVALIDITY AT ONE ADDITIONAL REMOVE⁵¹ AS REGARDS HOLY FOOD; IT CONVEYS UNCLEANNES TO COMMON LIQUIDS⁴⁵ AND CAUSES THE INVALIDITY OF FOODSTUFFS OF TERUMAH. THE THIRD GRADE [OF UNCLEANNES] IN THE CASE OF ALL THESE⁵² CONVEYS UNCLEANNES TO HOLY LIQUIDS⁵³ AND CAUSES INVALIDITY TO HOLY FOODSTUFFS.

MISHNAH 8. IF A MAN EATS FOOD OF A SECOND [GRADE OF UNCLEANNES]⁵² HE MUST NOT WORK IN AN OLIVE-PRESS.⁵⁴ COMMON FOODSTUFFS THAT WERE PREPARED UNDER CONDITIONS PROPER TO THE CLEANNESS OF CONSECRATED FOOD ARE STILL REGARDED AS COMMON FOOD.⁵⁵ R. ELIEZER SON OF R. ZADOK RULED: THEY ARE REGARDED AS TERUMAH TO CONVEY UNCLEANNES AT TWO REMOVES⁵⁶ AND TO RENDER TERUMAH INVALID AT ONE ADDITIONAL REMOVE.⁵⁷

- (1) When in a condition of cleanness.
- (2) Of terumah.
- (3) With her hands which, having been unwashed, are regarded as being in a state of second grade uncleanness.
- (4) Which, unlike the wet part of the leaf within the pot, had never come in contact with liquids and, therefore, has never been rendered susceptible to uncleanness.
- (5) The prescribed minimum for capability to convey uncleanness to others.
- (6) As a whole.
- (7) Strictly speaking, 'invalid'; i.e. in the third grade of uncleanness, having contracted it from the woman's hands (cf. supra n. 3).
- (8) Whose uncleanness could be derived only from contact with this leaf.
- (9) Because a third grade of uncleanness in terumah cannot convey uncleanness to others.
- (10) The leaf under discussion.
- (11) So that her hands (in accordance with the laws of uncleanness governing liquids) conveyed to the liquid a first grade of uncleanness.
- (12) The pot itself as well as its contents.
- (13) Because the water (cf. prev. n. but one) imparts to the leaf a second grade of uncleanness which in turn conveys to the water in the pot a first grade of uncleanness which conveys to the pot and its contents a second grade of uncleanness.
- (14) From 'ALL BECOMES UNCLEAN' to 'IT' is omitted from some edd.
- (15) The wet part of the leaf touched.
- (16) Even if the bulk of the leaf was less than that of an egg, because the smallest quantity of liquid on the leaf conveys uncleanness.
- (17) In the first grade.
- (18) The corpse being a 'father of the fathers of uncleanness'. the man who came in contact with it is a 'father of uncleanness', and imparts to the woman first grade uncleanness.
- (19) The pot as well as its contents.
- (20) Since the leaf which, owing to the moisture on it was susceptible to uncleanness, conveys an uncleanness of the first grade to the liquid in the pot and this in turn causes the pot and its contents to contract second grade uncleanness.
- (21) The prescribed minimum for capability to convey uncleanness to others.
- (22) Fem. of tebul yom; a tebul yom continues until sunset unclean in the second degree.
- (23) Lit., 'soiled'.
- (24) Which are regarded as suffering second grade uncleanness.
- (25) Of the wet vegetable.
- (26) As the uncleanness of a tebul yom is Pentateuchal any condition of doubt must be decided restrictively as certain uncleanness.
- (27) Since a tebul yom does not render liquids unclean in the first grade (cf. Parah VIII, 7) and the hands (whose uncleanness is but Rabbinical) are in this matter of doubt regarded as clean, there is nothing that could impart uncleanness to the pot.
- (28) A minimum of the bulk of two eggs (Rashi) or of one and a half eggs (Maim.).
- (29) Which may contract from it third grade uncleanness and convey to other consecrated things fourth grade of uncleanness.
- (30) Which he may consequently touch, though he must not eat it.
- (31) Otherwise common food cannot give rise to a third grade uncleanness; nor can it apply to actual terumah or to holy food which, if unclean, must not be eaten at all.
- (32) To terumah, which in turn can render other terumah 'invalid'. If it touched common food it only renders it 'invalid', but the latter can convey no uncleanness or even invalidity to other common food.
- (33) In common food.
- (34) To terumah.
- (35) Sc. the terumah it touched conveys neither uncleanness nor 'invalidity' to other terumah and much less so to common food.
- (36) Applicable to unconsecrated food that was kept under conditions of terumah cleanness.
- (37) If the mixing was accidental. Aliter: It may under certain conditions be intentionally mixed with it.
- (38) The first grade conveys uncleanness to terumah and the second grade conveys uncleanness to holy things only.

- (39) In terumah.
- (40) To holy food.
- (41) Applicable to terumah that was kept under conditions of cleanness appropriate to holy food.
- (42) Since in respect of terumah it is altogether clean.
- (43) Var. lec., 'causes invalidity'.
- (44) In the case of holy foodstuffs that were kept under conditions of cleanness proper to the ashes of the red heifer.
- (45) Rendering them unclean in the first grade.
- (46) The terumah.
- (47) A third.
- (48) Holy food, terumah and common food.
- (49) Second and third.
- (50) A second.
- (51) A fourth.
- (52) V. p. 371, n. 6.
- (53) V. p. 371 n. 3.
- (54) Where any oil of terumah would become invalid through contact with it.
- (55) Which cannot contract a third grade of uncleanness. The one particular man's fancy in treating them as consecrated food is disregarded in view of the common practice to treat them as common food.
- (56) First and second.
- (57) V. p. 371, n. 5.

Mishna - Mas. Taharoth Chapter 3

MISHNAH 1. GREASE, BEAN-MASH AND MILK,¹ WHEN IN A CONDITION OF FLUIDITY,² ARE³ UNCLEAN IN THE FIRST GRADE. IF⁴ THEY TURNED SOLID THEY⁵ BECOME UNCLEAN IN THE SECOND GRADE. IF THEY AGAIN TURNED INTO FLUIDITY THEY ARE CLEAN IF THEIR BULK WAS EXACTLY THAT OF AN EGG;⁶ BUT IF IT WAS MORE THAN THE BULK OF AN EGG THEY REMAIN UNCLEAN, FOR AS SOON AS THE FIRST DROP ISSUED FORTH IT BECAME UNCLEAN BY CONTACT WITH AN EGG'S BULK.⁷

MISHNAH 2. R. MEIR RULED: OIL¹ ALWAYS⁸ REMAINS UNCLEAN IN THE FIRST GRADE;⁹ AND THE SAGES RULED: HONEY ALSO.⁹ R. SIMEON OF SHEZUR RULED: ALSO WINE.⁹ IF A MASS OF OLIVES¹ FELL INTO AN OVEN THAT WAS HEATED¹⁰ THE LATTER REMAINS CLEAN IF THE BULK OF THE OLIVES WAS EXACTLY THAT OF AN EGG;¹¹ BUT IF IT WAS MORE THAN THAT OF AN EGG THE OVEN BECOMES UNCLEAN,¹² FOR SO SOON AS THE FIRST DROP ISSUED FORTH IT BECAME UNCLEAN BY CONTACT WITH AN EGG'S BULK. IF THE OLIVES WERE SEPARATED THE OVEN REMAINS CLEAN EVEN IF THERE WAS A SE'AH OF THEM.¹³

MISHNAH 3. IF A MAN WHO CONTRACTED CORPSE UNCLEANNESS PRESSED OUT¹⁴ THE JUICE OF OLIVES OR GRAPES¹⁵ WHOSE BULK WAS EXACTLY THAT OF AN EGG, THE JUICE REMAINS CLEAN¹⁶ PROVIDED HE DOES NOT TOUCH THE PLACE ON WHICH THE LIQUID IS; BUT [IF THE BULK WAS] MORE THAN THAT OF AN EGG, THE JUICE BECOMES UNCLEAN,¹⁷ FOR SO SOON AS THE FIRST DROP ISSUED FORTH IT BECAME UNCLEAN BY CONTACT WITH AN EGG'S BULK. IF THE PERSON¹⁸ WAS A ZAB OR A ZABAH [THE JUICE] BECOMES UNCLEAN EVEN IF ONLY ONE BERRY [WAS PRESSED OUT]. FOR SO SOON AS THE FIRST DROP ISSUED FORTH IT¹⁹ BECAME UNCLEAN²⁰ BY CARRYING.²¹ IF A ZAB MILKED A GOAT, THE MILK BECOMES UNCLEAN, FOR SO SOON AS THE FIRST DROP COMES FORTH IT¹⁹ BECOMES UNCLEAN²⁰ BY CARRYING.²¹

MISHNAH 4. IF AN EGG'S BULK²² OF FOODSTUFFS²³, WAS LEFT IN THE SUN AND IT

SHRANK,²⁴ AND SO ALSO IN THE CASE OF AN OLIVE'S BULK OF CORPSE,²⁵ AN OLIVE'S²² BULK OF CARRION,²⁵ A LENTIL'S BULK²² OF A DEAD CREEPING THING,²⁵ AN OLIVE'S²² BULK OF PIGGUL,²⁶ AN OLIVE'S BULK²² OF NOTHAR,²⁶ OR AN OLIVE'S BULK²² OF FORBIDDEN FAT²⁵ THEY BECOME CLEAN; NOR DOES ONE INCUR GUILT ON ACCOUNT OF THESE FOR TRANSGRESSING THE LAW OF PIGGUL, NOTHAR OR UNCLEANNESS.²⁷ IF THEY WERE THEN LEFT OUT IN THE RAIN AND THEY SWELLED, THEY²⁸ BECOME UNCLEAN AND GUILT IS INCURRED ON ACCOUNT OF THEM FOR TRANSGRESSING THE LAW OF PIGGUL, NOTHAR OR UNCLEANNESS.

MISHNAH 5. ALL DOUBTFUL CASES OF UNCLEANNESS ARE DETERMINED ACCORDING TO THEIR APPEARANCE AT THE TIME THEY ARE FOUND: IF THEY WERE THEN²⁹ UNCLEAN THEY ARE ASSUMED TO HAVE BEEN UNCLEAN [ALL THE TIME]³⁰ AND IF CLEAN²⁹ THEY ARE ASSUMED TO HAVE BEEN CLEAN [ALL THE TIME]; IF THEY WERE THEN²⁹ COVERED³¹ THEY ARE ASSUMED TO HAVE BEEN COVERED [ALL THE TIME] AND IF UNCOVERED²⁹ THEY ARE ASSUMED TO HAVE BEEN UNCOVERED [ALL THE TIME]; IF A NEEDLE WAS FOUND FULL OF RUST³² OR BROKEN,³² IT IS CLEAN,³³ FOR ALL DOUBTFUL CASES OF UNCLEANNESS ARE DETERMINED ACCORDING TO THEIR APPEARANCE AT THE TIME THEY ARE FOUND.

MISHNAH 6. IF A DEAF-MUTE, AN IMBECILE OR A MINOR WAS FOUND IN AN ALLEY WAY³⁴ THAT CONTAINED AN UNCLEANNESS, HE IS PRESUMED TO BE CLEAN;³⁵ BUT ANY ONE OF SOUND SENSES³⁶ IS PRESUMED TO BE UNCLEAN.³⁷ FURTHER MORE, WHATSOEVER LACKS UNDERSTANDING³⁸ TO BE INQUIRED OF IS IN A CASE OF DOUBTFUL UNCLEANNESS PRESUMED TO BE CLEAN.

MISHNAH 7. IF A CHILD³⁹ WAS FOUND AT THE SIDE OF A GRAVEYARD WITH LILIES IN HIS HAND, AND THE LILIES GREW ONLY IN A PLACE OF UNCLEANNESS, HE IS NEVERTHELESS CLEAN, FOR IT MAY BE ASSUMED THAT AN OTHER PERSON GATHERED THEM AND GAVE THEM TO HIM.⁴⁰ SO ALSO WHERE AN ASS WAS AMONG THE GRAVES⁴¹ HIS HARNESS REMAINS CLEAN.⁴²

MISHNAH 8. IF A CHILD⁴³ WAS FOUND⁴⁴ BESIDE DOUGH⁴⁵ WITH A PIECE OF DOUGH IN HIS HAND, R. MEIR RULES THAT THE DOUGH⁴⁶ IS CLEAN;⁴⁷ BUT THE SAGES RULE THAT IT IS UNCLEAN, SINCE IT IS THE NATURE OF A CHILD TO SLAP DOUGH.⁴⁸ IF A DOUGH⁴⁹ BORE TRACES OF HENS' PICKINGS AND THERE WAS UNCLEAN LIQUID IN THE SAME HOUSE, THE LOAVES⁵⁰ ARE DEEMED TO BE CLEAN IF THERE WAS DISTANCE ENOUGH BETWEEN THE LIQUID AND THE LOAVES FOR THE HENS TO DRY THEIR MOUTHS ON THE GROUND;⁵¹ AND, IN THE CASE OF A COW OR A DOG, IF THERE WAS DISTANCE ENOUGH⁵² FOR IT TO LICK ITS TONGUE;⁵³ AND, IN THE CASE OF ALL OTHER BEASTS, IF THERE WAS DISTANCE ENOUGH⁵² FOR THEIR TONGUE TO DRY. R. ELIEZER B. JACOB HOLDS THE DOUGH TO BE CLEAN IN THE CASE OF A DOG WHO IS SAGACIOUS; FOR IT IS NOT ITS HABIT TO LEAVE FOOD⁵⁴ AND GO AFTER THE WATER.⁵⁵

(1) That contracted any uncleanness.

(2) Capable also of moistening other foodstuffs.

(3) As is the rule of unclean liquids.

(4) After contracting uncleanness.

(5) Having been in contact, so to speak, with a liquid (their former shape) of the first grade of uncleanness.

(6) Because, when the first drop was formed, the solid part was thereby reduced to less than an egg's bulk and, therefore, became incapable of conveying any uncleanness to that drop (and much less to any subsequent drop) which, having assumed a new form of existence, has also passed into a state of cleanness.

- (7) Of the remaining solid. The rest of the liquified matter then contracts uncleanness from that drop since any quantity of liquid is capable of conveying uncleanness.
- (8) Even when congealed.
- (9) Like liquids, since it never changes into a proper solid.
- (10) The heat causing some liquid to flow out from the solid olives.
- (11) V. supra n. 6.
- (12) From contact with the liquid.
- (13) Since each olive is less than an egg's bulk.
- (14) In a container that was insusceptible to uncleanness.
- (15) Which he had touched before he pressed them.
- (16) V. p. 373, n. 6.
- (17) From contact with the unclean olives or grapes.
- (18) Who pressed out the juice.
- (19) Whatever its quantity.
- (20) In the first grade.
- (21) Or 'shaking' (hesset) on the part of the zab, even if there was no direct contact.
- (22) The minimum that can convey uncleanness.
- (23) That contracted uncleanness.
- (24) So that less than the prescribed minimum (cf. prev. n. but one) remained.
- (25) That shrank (cf. prev. n.).
- (26) V. Glos.
- (27) Var. lec. 'and forbidden fat'.
- (28) Consisting now of the prescribed minimum.
- (29) When found.
- (30) If, for instance, a body was touched in the dark, and it is unknown whether it was that of a live or of a dead person, but later in the daylight it was found to be a corpse, it is assumed that death had occurred by the time it was touched, and the man that touched it is, therefore, unclean.
- (31) In cases where such covering affords protection against uncleanness.
- (32) A condition in which uncleanness ceases.
- (33) Even after the rust is removed or the needle is repaired, it being assumed that it was already in a rusty or broken condition at the time contact with the unclean object had taken place.
- (34) Which has the status of a private domain where doubtful cases of uncleanness are deemed to be unclean.
- (35) Because, as stated infra, one who is incapable of giving sensible information in reply to an enquiry is, in cases of doubtful uncleanness, deemed to be clean even in a private domain.
- (36) About whom there is doubt whether he did or did not touch an uncleanness.
- (37) In a private domain. In a public domain doubtful cases of uncleanness are always presumed to be clean.
- (38) Not only the categories of person mentioned but also cattle and utensils.
- (39) Who 'lacks understanding to be inquired of' (cf. prev. Mishnah); v. Sot. 28aff.
- (40) Since the child accordingly was not in the graveyard, and since the lilies which suffered first grade uncleanness only cannot convey uncleanness to a human being, the child remains clean.
- (41) So that it is doubtful whether he did or did not overshadow a grave.
- (42) It being presumed that there was no overshadowing.
- (43) Who was unclean.
- (44) In a private domain.
- (45) That was clean.
- (46) At the side of which he was found.
- (47) Since some children (a minority) have not the habit of slapping dough and since the dough was in a presumptive state of cleanness the child in question (on the principle of minority plus presumption) may be assumed to belong to the class of children who do not slap dough, and the piece of dough in his hand may be presumed to have been given to him by some clean person.
- (48) As the majority of children do slap dough, the child in question must be presumed to be one of that class, and the dough that has presumably been touched by him must, therefore, be regarded as unclean.

(49) Made into loaves.

(50) Cf. prev. n.

(51) After drinking of the unclean liquid, as is their nature after a drink.

(52) Between the liquid and the dough.

(53) Cf. p. 376, n. 14.

(54) The dough, which is not easily procurable.

(55) Which he can get much more easily. Hence it may well be presumed that before drinking the water he had well finished with the dough.

Mishna - Mas. Taharoth Chapter 4

MISHNAH 1. IF AN UNCLEAN¹ OBJECT WAS THROWN FROM ONE PLACE TO ANOTHER:² A LOAF³ AMONG KEYS⁴ OR A KEY⁵ AMONG LOAVES,⁶ [THAT WHICH WAS CLEAN REMAINS] CLEAN.⁷ R. JUDAH⁸ RULED: IF A LOAF³ WAS THROWN AMONG KEYS⁴ THE FORMER BECOMES UNCLEAN, BUT IF A KEY⁵ WAS THROWN AMONG LOAVES⁶ THE LATTER REMAIN CLEAN.

MISHNAH 2. IF A DEAD CREEPING THING WAS HELD IN THE MOUTH OF A WEASEL THAT WAS PASSING OVER LOAVES OF TERUMAH AND IT IS DOUBTFUL WHETHER THE CREEPING THING DID OR DID NOT TOUCH THEM, SUCH CONDITION OF DOUBT IS DEEMED CLEAN.⁹

MISHNAH 3. IF A WEASEL HELD IN ITS MOUTH A [DEAD] CREEPING THING OR IF A DOG HAD CARRION IN ITS MOUTH AND THEY PASSED BETWEEN CLEAN [PERSONS] OR IF CLEAN PERSONS PASSED BETWEEN THEM,¹⁰ THEIR CONDITION OF DOUBT IS DEEMED CLEAN, SINCE THE UNCLEANNESS¹¹, HAD NO RESTING PLACE.¹² IF THEY¹³ WERE PICKING AT THEM¹⁴ WHILE THESE¹⁵ LAY ON THE GROUND,¹⁶ AND A PERSON STATED, 'I WENT TO THAT PLACE BUT I DO NOT KNOW WHETHER I DID OR DID NOT TOUCH IT',¹⁵ HIS CONDITION OF DOUBT IS DEEMED UNCLEAR, SINCE THE UNCLEANNESS HAD A RESTING PLACE.

MISHNAH 4. IF AN OLIVE'S BULK OF CORPSE WAS HELD IN A RAVEN'S MOUTH AND IT IS DOUBTFUL WHETHER IT OVERSHADOWED A MAN OR VESSELS IN A PRIVATE DOMAIN, THE MAN'S CONDITION OF DOUBT IS DEEMED TO BE UNCLEAR¹⁷ BUT THE VESSELS' CONDITION OF DOUBT IS DEEMED CLEAN.¹⁸ IF A MAN DREW WATER IN TEN BUCKETS¹⁹ AND A DEAD CREEPING THING WAS FOUND IN ONE OF THEM,²⁰ IT ALONE IS DEEMED UNCLEAR BUT ALL THE OTHERS REMAIN CLEAN.²¹ IF ONE Poured OUT FROM ONE VESSEL INTO ANOTHER AND A DEAD CREEPING THING WAS FOUND IN THE LOWER VESSEL, THE UPPER ONE REMAINS CLEAN.²²

MISHNAH 5. ON ACCOUNT OF SIX DOUBTFUL CASES OF UNCLEANNESS IS TERUMAH BURNT:²³ ON ACCOUNT OF THE DOUBT OF A BETH HA-PERAS [GRAVE AREA],²⁴ ON ACCOUNT OF EARTH²⁵ ABOUT WHICH THERE IS DOUBT WHETHER IT CAME FROM THE LAND OF THE GENTILES,²⁶ ON ACCOUNT OF A DOUBT ABOUT THE GARMENTS OF AN 'AM HA-AREZ,²⁷ ON ACCOUNT OF A DOUBT ABOUT VESSELS FOUND BY CHANCE,²⁸ ON ACCOUNT OF SPITTLE ENCOUNTERED BY CHANCE,²⁹ ON ACCOUNT OF A DOUBT ABOUT HUMAN URINE²⁹ THAT WAS NEAR THE URINE OF A BEAST.³⁰ ON ACCOUNT OF A CERTAINTY OF HAVING TOUCHED THESE, WHICH GIVES RISE TO THE DOUBTFUL UNCLEANNESS,³¹ TERUMAH IS BURNT. R. JOSE RULED: ALSO ON ACCOUNT OF THEIR DOUBTFUL CONTACT³² IN A PRIVATE DOMAIN;³³ BUT THE SAGES RULED: IN A PRIVATE DOMAIN THE TERUMAH IS ONLY HELD IN SUSPENSE³⁴ AND IN A PUBLIC DOMAIN IT IS DEEMED CLEAN.³⁵

MISHNAH 6. IN THE CASE OF TWO KINDS OF SPITTLE, ONE OF WHICH WAS [POSSIBLY] UNCLEAN³⁶ AND THE OTHER WAS DECIDEDLY CLEAN, [ANY TERUMAH] IS TO BE HELD IN SUSPENSE IF [TOUCHED BY ONE WHO] TOUCHED OR CARRIED OR SHIFTED [ONE OF THE TWO KINDS OF SPITTLE] WHILE THEY WERE IN A PRIVATE DOMAIN, OR, WHO TOUCHED ONE OF THEM IN A PUBLIC DOMAIN WHILE IT WAS STILL MOIST, OR WHO CARRIED IT IRRESPECTIVE OF WHETHER IT WAS MOIST OR DRY. IF THERE WAS BUT ONE [KIND OF POSSIBLY] UNCLEAN Spittle AND A MAN TOUCHED, CARRIED OR SHIFTED IT IN A PUBLIC DOMAIN, TERUMAH³⁷ IS BURNT ON ACCOUNT OF IT; AND IT IS STILL MORE EVIDENT THAT THIS IS THE CASE IF IT WAS³⁸ IN A PRIVATE DOMAIN.

MISHNAH 7. THE FOLLOWING CASES OF DOUBTFUL UNCLEANNESS THE SAGES DECLARED TO BE CLEAN:³⁹ A CONDITION OF DOUBT CONCERNING DRAWN WATER IN RESPECT OF A RITUAL BATH,⁴⁰ AND A CONDITION OF DOUBT CONCERNING AN OBJECT OF UNCLEANNESS THAT FLOATED UPON THE WATER.⁴¹ IN THE CASE OF A CONDITION OF DOUBT CONCERNING LIQUIDS AS TO WHETHER THEY HAVE CONTRACTED UNCLEANNESS IT IS DEEMED UNCLEAN, BUT IF IT WAS WHETHER UNCLEANNESS HAS BEEN CONVEYED IT IS DEEMED CLEAN. IF THERE IS DOUBT CONCERNING THE HANDS AS TO WHETHER THEY HAVE CONTRACTED UNCLEANNESS, HAVE CONVEYED UNCLEANNESS OR⁴² HAVE ATTAINED CLEANNESS, THEY ARE DEEMED CLEAN. [THE SAGES, MOREOVER, DECLARED AS CLEAN] A CONDITION OF DOUBT THAT AROSE IN A PUBLIC DOMAIN;⁴³ A CONDITION OF DOUBT CONCERNING AN ORDINANCE OF THE SCRIBES; A CONDITION OF DOUBT CONCERNING COMMON FOODSTUFFS;⁴¹ A CONDITION OF DOUBT CONCERNING CREEPING THINGS; A CONDITION OF DOUBT CONCERNING LEPROSY SIGNS; A CONDITION OF DOUBT CONCERNING A NAZIRITE VOW; A CONDITION OF DOUBT CONCERNING FIRSTLINGS; AND A CONDITION OF DOUBT CONCERNING SACRIFICES.

MISHNAH 8. ‘A CONDITION OF DOUBT CONCERNING AN OBJECT OF UNCLEANNESS THAT FLOATED UPON THE WATER’⁴⁴ [IS DEEMED CLEAN] WHETHER⁴⁵ THE WATER WAS IN VESSELS OR IN THE GROUND. R. SIMEON RULED: IF IN VESSELS IT IS DEEMED UNCLEAN⁴⁶ BUT IF IN THE GROUND IT IS DEEMED CLEAN.⁴⁷ R. JUDAH RULED: IF THE DOUBT⁴⁸ AROSE WHEN THE MAN WENT DOWN INTO THE WATER HE IS DEEMED UNCLEAN,⁴⁹ BUT IF WHEN HE CAME UP⁵⁰ HE IS DEEMED CLEAN. R. JOSE RULED: EVEN IF THE ROOM AVAILABLE⁵¹ WAS NO MORE THAN WHAT SUFFICED FOR THE MAN AND THE UNCLEANNESS THE FORMER REMAINS CLEAN.

MISHNAH 9. ‘IN THE CASE OF A CONDITION OF DOUBT CONCERNING LIQUIDS AS TO WHETHER THEY HAVE CONTRACTED UNCLEANNESS IT IS DEEMED UNCLEAN’.⁵² IN WHAT CIRCUMSTANCES? IF AN UNCLEAN PERSON STRETCHED HIS FOOT BETWEEN CLEAN LIQUIDS AND THERE IS DOUBT WHETHER HE TOUCHED THEM OR NOT, SUCH A CONDITION OF DOUBT IS DEEMED TO BE UNCLEAN. IF A MAN HAD AN UNCLEAN LOAF IN HIS HAND AND HE STRETCHED IT OUT⁵³ BETWEEN CLEAN LIQUIDS, AND THERE IS DOUBT WHETHER IT TOUCHED THEM OR NOT, SUCH A CONDITION OF DOUBT IS DEEMED TO BE UNCLEAN. ‘BUT IF IT WAS WHETHER UNCLEANNESS HAS BEEN CONVEYED, IT IS DEEMED CLEAN’.⁵² IN WHAT CIRCUMSTANCE? IF A MAN HAD IN HIS HAND A STICK ON THE END OF WHICH THERE WAS AN UNCLEAN LIQUID AND HE THREW IT AMONG CLEAN LOAVES AND THERE IS DOUBT WHETHER IT TOUCHED THEM⁵⁴ OR NOT, SUCH A CONDITION OF DOUBT IS DEEMED CLEAN.

MISHNAH 10. R. JOSE RULED: A CONDITION OF DOUBT⁵⁵ IN THE CASE OF LIQUIDS IS DEEMED UNCLEAN IN RESPECT OF FOODSTUFFS⁵⁶ AND CLEAN IN RESPECT OF VESSELS.⁵⁷ HOW SO? IF THERE WERE TWO JARS,⁵⁸ THE ONE UNCLEAN AND THE OTHER CLEAN, AND A DOUGH WAS PREPARED WITH THE CONTENTS OF ONE OF THEM AND A DOUBT AROSE AS TO WHETHER IT WAS PREPARED WITH THE CONTENTS OF THE UNCLEAN, OR OF THE CLEAN ONE, SUCH IS 'A CONDITION OF DOUBT IN THE CASE OF LIQUIDS [WHICH] IS DEEMED UNCLEAN IN RESPECT OF FOODSTUFFS AND CLEAN IN RESPECT OF VESSELS'.

MISHNAH 11. 'IF THERE IS DOUBT CONCERNING THE HANDS AS TO WHETHER THEY HAVE CONTRACTED UNCLEANNESS,⁵⁹ HAVE CONVEYED UNCLEANNESS⁶⁰ OR HAVE ATTAINED CLEANNESS, THEY ARE DEEMED CLEAN'.⁶¹ 'ANY CONDITION OF DOUBT⁶² THAT AROSE IN A PUBLIC DOMAIN'⁶¹ IS DEEMED CLEAN' 'A CONDITION OF DOUBT CONCERNING AN ORDINANCE OF THE SCRIBES'⁶¹ [NAMELY, IF A MAN IS UNCERTAIN WHETHER] HE ATE UNCLEAN FOODSTUFFS OR DRANK UNCLEAN LIQUIDS, WHETHER HE IMMERSED HIS HEAD AND THE GREATER PART OF HIS BODY IN DRAWN WATER,⁶³ OR WHETHER THERE FELL ON HIS HEAD AND THE GREATER PART OF HIS BODY THREE LOG OF DRAWN WATER,⁶⁴ SUCH A CONDITION OF DOUBT⁶⁵ IS DEEMED CLEAN. IF, HOWEVER, A CONDITION OF DOUBT AROSE CONCERNING A FATHER OF UNCLEANNESS EVEN THOUGH IT WAS ONLY RABBINICAL, IT IS DEEMED UNCLEAN.

MISHNAH 12. 'A CONDITION OF DOUBT CONCERNING COMMON FOODSTUFFS'⁶¹ REFERS TO THE CLEANNESS PRACTICED BY PHARISEES.⁶⁶ 'A CONDITION OF DOUBT CONCERNING CREEPING THING'⁶⁷ — [THIS IS DETERMINED] ACCORDING [TO THEIR CONDITION AT] THE TIME THEY ARE FOUND.⁶⁸ 'A CONDITION OF DOUBT CONCERNING LEPROSY SIGNS'⁶⁷ — [A LEPROSY SIGN]⁶⁹ IS DEEMED CLEAN IN THE BEGINNING BEFORE IT HAD BEEN DETERMINED TO BE UNCLEAN, BUT AFTER IT HAD BEEN DETERMINED TO BE UNCLEAN, A CONDITION OF DOUBT⁷⁰ IS DEEMED UNCLEAN. 'A CONDITION OF DOUBT CONCERNING A NAZIRITE VOW'⁶⁷ — [IN SUCH A CONDITION OF DOUBT⁷¹ THE MAN] IS PERMITTED [ALL THAT IS FORBIDDEN TO A NAZIRITE].⁷² 'A CONDITION OF DOUBT CONCERNING FIRSTLINGS'⁶⁹ — [IN SUCH A CASE ONE IS EXEMPT FROM GIVING THE FIRSTLINGS TO THE PRIEST] IRRESPECTIVE OF WHETHER THEY ARE FIRSTBORN OF MEN⁷³ OR FIRSTLINGS OF CATTLE,⁷⁴ WHETHER THE FIRSTLINGS OF AN UNCLEAN BEAST⁷⁵ OR A CLEAN ONE, FOR IT IS THE MAN WHO ADVANCES THE CLAIM⁷⁶ AGAINST HIS FELLOW THAT MUST PRODUCE THE PROOF.⁷⁷

MISHNAH 13. 'AND A CONDITION OF DOUBT CONCERNING SACRIFICES'⁶⁷ — IF A WOMAN HAS EXPERIENCED FIVE DOUBTFUL CASES OF MISCARRIAGE OR FIVE DISCHARGES OF DOUBTFUL ZIBAH SHE BRINGS ONLY ONE SACRIFICE⁷⁸ AND MAY THEN EAT OF THE SLAIN SACRIFICES, SHE BEING UNDER NO OBLIGATION TO BRING THE REMAINDER.⁷⁹

(1) Or clean (cf. foll. n.).

(2) So that a doubt arose whether it touched anything clean or whether the clean object (cf. prev. n.) touched anything unclean.

(3) That was clean (cf. prev. n. but one).

(4) That were unclean.

(5) That was unclean.

(6) That were clean.

(7) The assumption being that there was no contact after the haphazard throw between the clean and the unclean objects,

and furthermore because the clean object under consideration lacks understanding, v. supra III, 6.

(8) Drawing a distinction between an uncleanness at rest and one on the move.

(9) Because the uncleanness was on the move, and because the bread lacks understanding, v. Shek. II, 7.

(10) It being doubtful whether there was contact between the clean and the unclean.

(11) Which was on the move.

(12) This principle applying even to persons, though these do not lack understanding.

(13) Sc. the weasel or the dog.

(14) The creeping thing or the carrion.

(15) V. p. 378, n. 14.

(16) In a private domain.

(17) For overshadowing, which reaches to the ground, is on a par with a resting uncleanness, and the man affected is capable of answering an enquiry (cf. supra III, 6).

(18) Since vessels are not capable of answering an enquiry (cf. prev. n.).

(19) One after the other.

(20) A doubt thus arising whether the creeping thing was in the well and thus conveyed uncleanness to all the buckets.

(21) It being assumed that where the uncleanness was found there it was all the time; and, though it came in contact with the water in the well, it conveyed no uncleanness to it, since the latter is regarded as attached to the ground which is not susceptible to uncleanness.

(22) It is not assumed that the creeping thing was first in the upper vessel from which it subsequently dropped into the lower one.

(23) In all other cases of doubtful uncleanness terumah may not be burnt.

(24) Into which terumah was carried; on Beth ha-Peras, v. Glos.

(25) Which came in contact with terumah.

(26) In which case it would be unclean.

(27) It being uncertain whether he did or did not touch them. If he did, uncleanness would have been conveyed to them.

(28) Which might possibly be unclean ones.

(29) Which might be that of a zab or a menstruant and which would, therefore, convey uncleanness.

(30) And thus distinguishable from it. If one kind alone is encountered a double doubt arises: Whether (a) it is that of a man or a beast and, if it is that of a man, whether (b) that man was unclean or clean.

(31) Owing, as stated supra, to the doubtful nature of their uncleanness.

(32) With terumah; though in such a case a double doubt arises.

(33) Is terumah burnt.

(34) Owing to the double doubt involved (cf. prev. n. but one).

(35) For further notes on this Mishnah v. Shab. (Sonc. ed.) p. 156 notes.

(36) In the case of certain uncleanness the terumah, touched in a private domain by one who came in contact with the spittle, would have had to be definitely burnt.

(37) That the man subsequently touched.

(38) Lit., 'and there is no need to say' that the terumah is to be burnt.

(39) Irrespective of whether they occurred in a private or in a public domain.

(40) It being doubtful whether the drawn water had fallen into the ritual bath that contained less than the prescribed minimum of valid water or, if it was certain that it fell into it, whether its quantity was as much as three logs which constitute the minimum for invalidating a ritual bath.

(41) This and the following cases are explained infra.

(42) Having been unclean.

(43) Even concerning a Pentateuchally ordained uncleanness.

(44) Cf. prev. Mishnah.

(45) It being uncertain whether a man had touched the uncleanness.

(46) Sc. the man concerning whom a doubt arose as to whether he touched the unclean object is deemed unclean.

(47) Cf. p. 381, n. 8 mut. mut.

(48) Whether the man has touched the unclean object.

(49) Since it is in the nature of a floating object to be drawn towards one descending into the water.

(50) When the floating object naturally recedes from him.

- (51) In the water.
- (52) Supra IV, 7.
- (53) Var. lec. 'threw it' (cf. foll. n.).
- (54) After it had come to a rest.
- (55) As to their uncleanness.
- (56) Because, in his opinion, liquids convey uncleanness to foodstuffs according to a Pentateuchal law.
- (57) Whose contraction of uncleanness from liquids is but a Rabbinical ordinance.
- (58) Containing water.
- (59) From unclean foodstuffs or liquids.
- (60) To foodstuffs.
- (61) Supra IV, 7.
- (62) Of uncleanness.
- (63) Which renders the immersion invalid.
- (64) Which cause a clean person to become unclean.
- (65) As to whether he subsequently performed immersion and much more so if there is doubt as to whether uncleanness had at all been contracted.
- (66) Lit., 'the cleanness of separation'. To keep away from the clothes of those who are not so meticulous as oneself in the observance of the laws of cleanness and uncleanness. If a Pharisee is in doubt whether he came in contact with such cloths he may regard himself as clean and continue to eat his usual food that he keeps under conditions of cleanness.
- (67) Supra IV, 7.
- (68) Sc. if a creeping thing was thrown among clean foodstuffs but was not found touching any of them, they are deemed to be clean. It is not assumed that before it came to rest it touched them.
- (69) Concerning which there is doubt whether it increased in size.
- (70) Sc. whether it had diminished in size.
- (71) Where, for instance, a man made his vow dependent on an assertion that a heap of wheat contained a certain number of measures, and the heap was lost before the assertion could be checked.
- (72) The drinking of wine and shaving for instance.
- (73) Who are redeemed with five shekels which are given to the priest.
- (74) Which are the priest's due.
- (75) An ass.
- (76) The priest who claims the firstling or the redemption of the firstborn.
- (77) As there is doubt no proof is possible, and the father of the firstborn and the owner of the firstling are exempt.
- (78) A sin-offering of a bird, brought as doubtful offering.
- (79) V. Ker. 8a.

Mishna - Mas. Taharoth Chapter 5

MISHNAH 1. IF IN A PUBLIC DOMAIN THERE WAS A [DEAD] CREEPING THING¹ AND A FROG,² AND SO ALSO [IF THERE WAS THERE] AN OLIVE'S BULK OF A CORPSE³ AND AN OLIVE'S BULK OF CARRION,⁴ A BONE OF A CORPSE⁵ AND A BONE OF CARRION,² A CLOD OF CLEAN EARTH² AND A CLOD FROM A GRAVE AREA⁶ OR A CLOD OF CLEAN EARTH² AND A CLOD FROM THE LAND OF THE GENTILES,⁴ OR IF THERE WERE TWO PATHS, THE ONE UNCLEAN⁷ AND THE OTHER CLEAN, AND A MAN WALKED THROUGH ONE OF THEM BUT IT IS NOT KNOWN WHICH,⁸ OR OVERSHADOWED ONE OF THEM BUT IT IS NOT KNOWN WHICH,⁹ OR HE SHIFTED¹⁰ ONE OF THEM BUT IT IS NOT KNOWN WHICH,¹¹ R. AKIBA RULED THAT HE IS UNCLEAN,¹² BUT THE SAGES RULE THAT HE IS CLEAN.¹³

MISHNAH 2. WHETHER¹⁴ THE MAN SAID,¹⁵ 'I TOUCHED AN OBJECT ON THIS SPOT BUT I DO NOT KNOW¹⁶ WHETHER IT WAS UNCLEAN OR CLEAN', OR 'I TOUCHED ONE BUT I DO NOT KNOW WHICH OF THE TWO I TOUCHED', R. AKIBA RULES THAT HE IS UNCLEAN,¹⁷ BUT THE SAGES RULE THAT HE IS CLEAN.¹⁸ R. JOSE RULES THAT HE IS

UNCLEAN IN EVERY CASE¹⁹ AND CLEAN ONLY IN THAT OF THE PATH,²⁰ SINCE IT IS THE USUAL PRACTICE FOR MEN TO GO²¹ BUT IT IS NOT THEIR USUAL PRACTICE TO TOUCH.²²

MISHNAH 3. IF THERE WERE TWO PATHS,²³ THE ONE UNCLEAN²⁴ AND THE OTHER CLEAN,²⁵ AND A MAN WALKED BY ONE OF THEM AND THEN PREPARED CLEAN FOODSTUFFS²⁶ WHICH WERE SUBSEQUENTLY CONSUMED AND, HAVING BEEN SPRINKLED UPON ONCE AND A SECOND TIME²⁷ AND HAVING PERFORMED IMMERSION AND ATTAINED CLEANNES, HE WALKED BY THE SECOND PATH AND THEN PREPARED CLEAN FOODSTUFFS,²⁶ THE LATTER ARE DEEMED CLEAN.²⁸ IF THE FIRST FOODSTUFFS WERE STILL IN EXISTENCE BOTH MUST BE HELD IN SUSPENSE.²⁹ IF HE HAD NOT ATTAINED CLEANNES IN THE MEANTIME,³⁰ THE FIRST ARE HELD IN SUSPENSE³¹ AND THE SECOND MUST BE BURNT.³²

MISHNAH 4. IF THERE WAS A DEAD CREEPING THING AND A FROG IN A PUBLIC DOMAIN AND A MAN TOUCHED ONE OF THEM³³ AND THEN PREPARED CLEAN FOODSTUFFS³⁴ WHICH WERE SUBSEQUENTLY CONSUMED; AND THEN HE PERFORMED IMMERSION, TOUCHED THE OTHER AND THEN PREPARED CLEAN FOODSTUFFS,³⁴ THE LATTER ARE DEEMED CLEAN.³⁵ IF THE FIRST FOODSTUFFS WERE STILL IN EXISTENCE BOTH MUST BE HELD IN SUSPENSE.³⁶ IF HE DID NOT PERFORM IMMERSION IN THE MEANTIME,³⁷ THE FIRST ARE HELD IN SUSPENSE³⁸ AND THE SECOND MUST BE BURNT³⁹.

MISHNAH 5. IF THERE WERE TWO PATHS, THE ONE UNCLEAN AND THE OTHER CLEAN, AND A MAN WALKED BY ONE OF THEM AND THEN PREPARED CLEAN FOODSTUFFS,³⁴ AND SUBSEQUENTLY ANOTHER MAN CAME AND WALKED BY THE SECOND PATH AND THEN PREPARED CLEAN FOODSTUFFS,³⁴ R. JUDAH RULED: IF EACH BY HIMSELF ASKED FOR A RULING THEY ARE BOTH TO BE DECLARED CLEAN;⁴⁰ BUT IF THEY ASKED FOR A RULING SIMULTANEOUSLY,⁴¹ BOTH ARE TO BE DECLARED UNCLEAN. R. JOSE RULED: IN EITHER CASE THEY ARE BOTH UNCLEAN.

MISHNAH 6. IF THERE WERE TWO LOAVES, THE ONE UNCLEAN AND THE OTHER CLEAN, AND A MAN ATE ONE OF THEM AND THEN PREPARED CLEAN FOODSTUFFS, AND AFTERWARDS ANOTHER MAN CAME AND ATE THE SECOND LOAF AND THEN PREPARED CLEAN FOODSTUFFS, R. JUDAH RULED: IF EACH BY HIMSELF ASKED FOR A RULING THEY ARE BOTH TO BE DECLARED CLEAN,⁴⁰ BUT IF THEY ASKED FOR ONE SIMULTANEOUSLY⁴¹ BOTH ARE TO BE DECLARED UNCLEAN. R. JOSE RULED: IN EITHER CASE THEY ARE BOTH UNCLEAN.

MISHNAH 7. IF A MAN SAT IN A PUBLIC DOMAIN AND SOMEONE⁴² CAME AND TROD ON HIS CLOTHES, OR SPAT AND THE FORMER TOUCHED THE SPITTLE, ON ACCOUNT OF THE SPITTLE TERUMAH⁴³ MUST BE BURNT,⁴⁴ BUT ON ACCOUNT OF THE CLOTHES THE MAJORITY PRINCIPLE IS FOLLOWED.⁴⁵ IF A MAN SLEPT IN THE PUBLIC DOMAIN, WHEN HE RISES HIS GARMENTS SUFFER MIDRAS UNCLEANNES;⁴⁶ SO R. MEIR. BUT THE SAGES⁴⁷ RULE THAT THEY ARE CLEAN. IF A MAN TOUCHED SOMEONE IN THE NIGHT AND IT IS NOT KNOWN WHETHER IT WAS ONE WHO WAS ALIVE OR DEAD, BUT IN THE MORNING WHEN HE GOT UP HE FOUND HIM TO BE DEAD, R. MEIR RULES THAT HE⁴⁸ IS CLEAN, BUT THE SAGES RULE THAT HE IS UNCLEAN,⁴⁹ SINCE ALL DOUBTFUL CONDITIONS OF UNCLEANNES ARE [DETERMINED] IN ACCORDANCE WITH [THEIR APPEARANCE AT] THE TIME THEY ARE DISCOVERED.

MISHNAH 8. IF THERE WAS IN THE TOWN AN IMBECILE, A HEATHEN, OR A SAMARITAN WOMAN, ALL SPITTLE ENCOUNTERED IN THE TOWN IS DEEMED UNCLEAN.⁵⁰ IF A WOMAN TROD ON A MANS CLOTHES OR SAT WITH HIM IN A BOAT,⁵¹ HIS CLOTHES REMAIN CLEAN IF SHE KNEW HIM TO BE EATING TERUMAH,⁵² BUT IF NOT, HE MUST ASK HER.

MISHNAH 9. IF A WITNESS SAYS,⁵³ 'YOU HAVE CONTRACTED UNCLEANNESS', BUT HE SAYS, 'I HAVE NOT CONTRACTED ANY UNCLEANNESS', HE IS REGARDED AS CLEAN. IF TWO WITNESSES SAY,⁵³ 'YOU HAVE CONTRACTED UNCLEANNESS', AND HE SAYS, 'I HAVE NOT CONTRACTED ANY UNCLEANNESS', R. MEIR RULES THAT HE IS UNCLEAN,⁵⁴ BUT THE SAGES RULE: HE MAY BE BELIEVED ON HIS OWN EVIDENCE.⁵⁵ IF A WITNESS SAYS,⁵³ 'YOU HAVE CONTRACTED UNCLEANNESS', BUT TWO WITNESSES SAY, HE HAS NOT CONTRACTED ANY UNCLEANNESS, WHETHER IN A PRIVATE DOMAIN OR IN A PUBLIC DOMAIN, HE IS REGARDED AS CLEAN. IF TWO WITNESSES SAY, 'HE HAS CONTRACTED UNCLEANNESS', AND ONE WITNESS SAYS, 'HE HAS NOT CONTRACTED ANY UNCLEANNESS', WHETHER IN A PRIVATE DOMAIN OR IN A PUBLIC DOMAIN, HE IS REGARDED AS UNCLEAN. IF ONE WITNESS SAYS, 'HE HAS CONTRACTED UNCLEANNESS', AND ANOTHER SAYS, 'HE HAS NOT CONTRACTED ANY UNCLEANNESS', OR IF ONE WOMAN SAYS, 'HE HAS CONTRACTED UNCLEANNESS', AND ANOTHER WOMAN SAYS, 'HE HAS NOT CONTRACTED ANY UNCLEANNESS', HE IS REGARDED AS UNCLEAN IF THE EVIDENCE RELATES TO A PRIVATE DOMAIN,⁵⁶ BUT IF IT RELATED TO A PUBLIC DOMAIN HE IS REGARDED AS CLEAN.⁵⁷

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- (1) One of the eight enumerated in Lev. XI, 29, which are 'fathers of uncleanness' and convey uncleanness by contact.
 - (2) Which conveys no uncleanness whatsoever.
 - (3) Which conveys uncleanness (cf. prev. n. but one) by overshadowing also.
 - (4) That conveys uncleanness by contact and carrying only.
 - (5) Which conveys uncleanness by hesset (v. Glos.).
 - (6) Beth ha- Peras (v. Glos.). This conveys uncleanness by contact and carrying only.
 - (7) There having been a grave across its breadth which any one going through the path must pass over and thus overshadow it and contract uncleanness.
 - (8) Of the two paths.
 - (9) Whether the olive's bulk of corpse or that of the carrion.
 - (10) Or carried.
 - (11) Whether it was the bone of the corpse or that of the carrion.
 - (12) Because, in his opinion, only food which, if once unclean, cannot any more be rendered clean, is deemed to be clean in a case of doubt in a public domain, but not men and vessels which may attain cleanness through immersion and sprinkling. Aliter: A doubtful case of uncleanness is deemed clean, according to R. Akiba, in a public domain only when a number of people are involved but not, as in this case, where only an individual is concerned (Wilna Gaon).
 - (13) Cf. prev. n. mut. mut.
 - (14) This is a continuation of the previous rulings.
 - (15) In the case where there was in the public domain a creeping thing and a frog.
 - (16) Owing to the similarity of the frog and the creeping thing.
 - (17) V. p. 385, n. 12.
 - (18) V. p. 385, n. 13.
 - (19) Enumerated in this and in the preceding Mishnah.
 - (20) Supra V, 1.
 - (21) And the imposition of uncleanness in such a case would involve undue hardship. Hence the relaxation of the restriction.
 - (22) As uncleanness could, therefore, be avoided the restriction could well be maintained.
 - (23) In a public domain.

- (24) V. supra p. 385, n. 7.
- (25) But it was not known which was which.
- (26) Of terumah which must be kept in conditions of cleanness.
- (27) On the third and the seventh day respectively.
- (28) Because the doubt occurred in a public domain.
- (29) Since both have to be considered simultaneously and one at least is obviously unclean.
- (30) Between the preparation of the first and the second foodstuffs.
- (31) Neither eaten nor burnt. Var. lec., 'are clean'.
- (32) Since they are unclean in any case.
- (33) But did not know whether it was the clean or the unclean.
- (34) Of terumah which must be kept in conditions of cleanness.
- (35) Because the doubt occurred in a public domain.
- (36) Since both have to be considered simultaneously and one at least is obviously unclean.
- (37) Between the preparation of the first and the second foodstuffs.
- (38) Neither eaten nor burnt. Var. lec., 'are clean'.
- (39) Being unclean in any case.
- (40) Since neither can be declared unclean when his uncleanness is only a matter of doubt in a public domain.
- (41) When it is impossible to declare them both clean since one at least must be unclean.
- (42) Who could possibly be suspected of uncleanness.
- (43) Which the first man touched.
- (44) As a preventive measure against contact with spittle that was known to be unclean.
- (45) Sc. only if the greater number of people in the place were zabs is midras uncleanness (v. Glos.) imposed.
- (46) Since it is possible that most of the people have trodden on them and that among these was a zab.
- (47) Holding that even in a case like this a condition of doubt in a public domain is deemed clean.
- (48) The live man.
- (49) Provided the dead man was not seen alive in the previous evening.
- (50) Since the class of women mentioned do not exercise the necessary care when they are in their menstruation periods.
- (51) Where, if she was a menstruant, she would convey to him midras uncleanness (cf. Zab. III, 1).
- (52) Since in that case she would keep away from his clothes and would not enter the same boat when in her menstruation.
- (53) To any man.
- (54) Since two witnesses on whose evidence a man may be sent to death may well be relied upon in subjecting one to uncleanness which involves no greater liability than that of a sacrifice for entering the Sanctuary in an unclean state.
- (55) Because he could well claim, even if the witnesses' evidence is accepted, that he has subsequently attained cleanness through immersion.
- (56) As is the rule with any condition of doubtful uncleanness in such a domain.
- (57) Cf. prev. n. mut. mut.

Mishna - Mas. Taharoth Chapter 6

MISHNAH 1. IF A PLACE THAT WAS A PRIVATE DOMAIN HAS BECOME A PUBLIC DOMAIN¹ AND THEN WAS TURNED AGAIN INTO A PRIVATE DOMAIN, WHILE IT IS A PRIVATE DOMAIN ANY CONDITION OF DOUBT ARISING IN IT IS DEEMED UNCLEAN BUT WHILE IT IS A PUBLIC DOMAIN ANY CONDITION OF DOUBT ARISING IN IT IS DEEMED CLEAN. IF A MAN WHO WAS DANGEROUSLY ILL IN A PRIVATE DOMAIN WAS TAKEN OUT INTO A PUBLIC DOMAIN AND THEN BROUGHT BACK INTO A PRIVATE DOMAIN,² WHILE HE IS IN THE PRIVATE DOMAIN ANY CONDITION OF DOUBT ARISING THROUGH HIM³ IS DEEMED UNCLEAN⁴ BUT WHILE HE IS IN THE PUBLIC DOMAIN ANY CONDITION OF DOUBT ARISING THROUGH HIM³ IS DEEMED CLEAN.⁵ R. SIMEON RULED: THE PUBLIC DOMAIN CAUSES A BREAK.⁶

MISHNAH 2. FOUR CASES OF DOUBT, R. JOSHUA RULED, ARE DEEMED UNCLEAN

AND THE SAGES RULE THAT THEY ARE DEEMED CLEAN. FOR INSTANCE? IF AN UNCLEAN MAN⁷ STOOD⁸ AND A CLEAN MAN PASSED BY⁹ OR THE CLEAN MAN STOOD AND THE UNCLEAN ONE PASSED BY;⁹ OR IF AN UNCLEAN OBJECT WAS IN A PRIVATE DOMAIN AND A CLEAN ONE IN THE PUBLIC DOMAIN OR THE CLEAN OBJECT WAS IN THE PRIVATE DOMAIN AND THE UNCLEAN ONE IN THE PUBLIC DOMAIN, AND THERE IS DOUBT WHETHER THERE WAS CONTACT¹⁰ OR NOT, OR WHETHER THERE WAS OVERSHADOWING¹⁰ OR NOT, OR WHETHER THERE WAS SHIFTING¹¹ OR NOT, R. JOSHUA RULES THAT THE CLEAN BECOMES UNCLEAN,¹² BUT THE SAGES RULE THAT THE CLEAN REMAINS CLEAN.

MISHNAH 3. IF A TREE STANDING IN A PUBLIC DOMAIN HAD WITHIN IT AN OBJECT OF UNCLEANNESS AND A MAN CLIMBED TO THE TOP OF IT, AND THE DOUBT AROSE AS TO WHETHER HE DID OR DID NOT TOUCH THE OBJECT OF UNCLEANNESS. SUCH A CONDITION OF DOUBT IS DEEMED UNCLEAN.¹³ IF A MAN¹⁴ PUT HIS HAND INTO A HOLE IN WHICH THERE WAS AN OBJECT OF UNCLEANNESS AND THERE IS DOUBT WHETHER HE DID OR DID NOT TOUCH IT, SUCH A CONDITION OF DOUBT IS DEEMED UNCLEAN.¹³ IF A SHOP THAT WAS UNCLEAN WAS OPEN TOWARD A PUBLIC DOMAIN AND THERE IS DOUBT WHETHER A MAN DID OR DID NOT ENTER IT, SUCH A CONDITION OF DOUBT IS DEEMED CLEAN.¹⁵ IF THERE IS DOUBT WHETHER HE DID OR DID NOT TOUCH ANYTHING, SUCH A CONDITION OF DOUBT IS DEEMED CLEAN.¹⁶ IF THERE WERE TWO SHOPS, THE ONE UNCLEAN AND THE OTHER CLEAN, AND A MAN ENTERED INTO ONE OF THEM, AND A DOUBT AROSE AS TO WHETHER HE ENTERED THE UNCLEAN, OR THE CLEAN ONE, SUCH A CONDITION OF DOUBT IS DEEMED UNCLEAN.¹⁷

MISHNAH 4. HOWEVER MANY THE DOUBTS AND THE DOUBTS ABOUT DOUBTS THAT ONE CAN MULTIPLY, A CONDITION OF DOUBT IN A PRIVATE DOMAIN IS DEEMED UNCLEAN, AND IN A PUBLIC DOMAIN IT IS DEEMED CLEAN. FOR INSTANCE? IF A MAN ENTERED AN ALLEY¹⁸ AND AN UNCLEAN OBJECT WAS IN THE COURTYARD, AND A DOUBT AROSE AS TO WHETHER THE MAN DID OR DID NOT ENTER IT;¹⁹ OR IF AN OBJECT OF UNCLEANNESS WAS IN A HOUSE AND THERE IS DOUBT WHETHER A MAN ENTERED OR NOT; OR EVEN WHERE HE ENTERED, THERE IS DOUBT WHETHER THE UNCLEANNESS WAS THERE OR NOT; OR EVEN WHERE IT WAS THERE THERE IS DOUBT WHETHER IT CONSISTED OF THE PRESCRIBED MINIMUM OR NOT; OR EVEN WHERE IT CONSISTED OF THE PRESCRIBED MINIMUM, THERE IS DOUBT WHETHER IT WAS UNCLEAN OR CLEAN; OR, EVEN WHERE IT WAS UNCLEAN, THERE IS DOUBT WHETHER THE MAN HAD TOUCHED IT OR NOT, ANY SUCH CONDITION OF DOUBT IS DEEMED UNCLEAN. R. ELIEZER²⁰ RULED: ANY CONDITION OF DOUBT IN REGARD TO ENTERING IS DEEMED CLEAN, BUT ANY CONDITION OF DOUBT IN REGARD TO CONTACT WITH THE UNCLEANNESS IS DEEMED UNCLEAN.²¹

MISHNAH 5. IF A MAN ENTERED A VALLEY²² IN THE RAINY SEASON²³ AND THERE WAS AN UNCLEANNESS IN A CERTAIN FIELD, AND HE STATED, 'I WENT INTO THAT PLACE²⁴ BUT I DO NOT KNOW WHETHER I ENTERED THAT FIELD²⁵ OR NOT', R. ELIEZER RULES THAT HE IS CLEAN,²⁶ BUT THE SAGES RULE THAT HE IS UNCLEAN.²⁷

MISHNAH 6. A CONDITION OF DOUBT OCCURRING IN A PRIVATE DOMAIN IS DEEMED UNCLEAN UNLESS THE MAN CONCERNED CAN SAY, 'I DID NOT TOUCH THE UNCLEAN THING'. A CONDITION OF DOUBT IN A PUBLIC DOMAIN IS DEEMED CLEAN UNLESS THE MAN CONCERNED CAN SAY, 'I DID TOUCH THE UNCLEAN THING'. WHAT IS REGARDED AS A PUBLIC DOMAIN? THE PATHS OF BETH GILGUL²⁸ AND

SIMILAR PLACES ARE REGARDED AS A PRIVATE DOMAIN²⁹ IN RESPECT OF THE LAWS OF THE SABBATH, AND A PUBLIC DOMAIN IN RESPECT OF THOSE OF UNCLEANNESS.³⁰ R. ELIEZER³¹ STATED: THE PATHS OF BETH GILGUL WERE MENTIONED ONLY BECAUSE THEY ARE REGARDED AS A PRIVATE DOMAIN IN BOTH RESPECTS.³² PATHS THAT OPEN OUT TOWARDS CISTERNS, PITS, CAVERNS OR WINE-PRESSES ARE REGARDED AS A PRIVATE DOMAIN IN RESPECT OF THE LAWS OF THE SABBATH AND AS A PUBLIC DOMAIN IN RESPECT OF THOSE OF UNCLEANNESS.

MISHNAH 7. A VALLEY IN SUMMER TIME³³ IS REGARDED AS A PRIVATE DOMAIN IN RESPECT OF THE LAWS OF THE SABBATH, BUT AS A PUBLIC DOMAIN IN RESPECT OF THOSE OF UNCLEANNESS; AND IN THE RAINY SEASON³⁴ IT IS REGARDED AS A PRIVATE DOMAIN IN BOTH RESPECTS.³⁵

MISHNAH 8. A BASILICA³⁶ IS REGARDED AS A PRIVATE DOMAIN IN RESPECT OF THE LAWS OF THE SABBATH BUT AS A PUBLIC DOMAIN IN RESPECT OF THOSE OF UNCLEANNESS. R. JUDAH RULED: IF A MAN STANDING AT ONE DOOR CAN SEE THOSE THAT ENTER AND LEAVE AT THE OTHER DOOR, IT IS REGARDED AS A PRIVATE DOMAIN IN BOTH RESPECTS; OTHERWISE IT IS REGARDED AS A PRIVATE DOMAIN IN RESPECT OF THE SABBATH AND AS A PUBLIC DOMAIN IN RESPECT OF UNCLEANNESS.

MISHNAH 9. A FORUM³⁷ IS REGARDED AS A PRIVATE DOMAIN IN RESPECT OF THE SABBATH LAWS AND AS A PUBLIC DOMAIN IN RESPECT OF THE LAWS OF UNCLEANNESS; AND THE SAME APPLIES TO ITS SIDES.³⁸ R. MEIR RULED: THE SIDES ARE REGARDED AS A PRIVATE DOMAIN IN BOTH RESPECTS.³⁹

MISHNAH 10. COLONNADES⁴⁰ ARE REGARDED AS A PRIVATE DOMAIN IN RESPECT OF THE SABBATH LAWS AND AS A PUBLIC DOMAIN IN RESPECT OF THE LAWS OF UNCLEANNESS. A COURTYARD INTO WHICH MANY PEOPLE ENTER BY ONE DOOR AND LEAVE BY ANOTHER,⁴¹ IS REGARDED AS A PRIVATE DOMAIN IN RESPECT OF THE SABBATH LAWS AND AS A PUBLIC DOMAIN IN RESPECT OF THE LAWS OF CLEANNESS.

(1) A valley, for instance, is a private domain in the winter when on account of the growing crops people are kept out of it, and a public domain in the summer when many labourers carry on in it the various activities associated with the harvest.

(2) Where he was found to be dead.

(3) Sc. if there is doubt whether a person had touched him while he was still alive or when he was already dead.

(4) It being assumed that he was dead in the private domain before he was taken out into the public domain. Hence the man who touched him in the private domain, whether before or after he had been taken into the public domain, is deemed unclean.

(5) And any one who touched him in the public domain before he was brought back into the private domain remains clean.

(6) Between the first and the second presence in the private domain; sc. since the dead man is deemed to have been alive while he was in the public domain he cannot possibly have been dead prior to that. Hence any condition of doubt during his first presence in the private domain must be deemed clean.

(7) A leper.

(8) Under any form of roof.

(9) The doubt arising whether (a) there was contact between the two or (b) the man that walked remained stationary for a moment while under the roof (cf. prev. n.) and the clean man thus contracted uncleanness by overshadowing.

(10) Cf. prev. n.

(11) Of the unclean by the clean.

- (12) In his opinion a doubt involving both a private and a public domain is to be regarded as involving the former alone.
- (13) Because though, in respect of the Sabbath laws, a tree or a hole in a public domain is regarded as a public domain, in respect of uncleanness it is treated as a private domain.
- (14) While standing in the public domain.
- (15) The unclean shop in the public domain is on a par with a dead creeping thing lying in a public domain, and the doubt concerning entry into it is on a par with the doubt concerning the touching of the creeping thing; the former, therefore, like the latter are deemed clean (cf. supra V, If).
- (16) Cf. prev. n.
- (17) Since there is no doubt that he entered one private domain at least.
- (18) Which in this respect is like a private domain.
- (19) The courtyard.
- (20) Var. lec. Eleazar.
- (21) This is derived by analogy from the conditions governing a sotah, (v. Glos).
- (22) Comprising many fields.
- (23) When the fields are sown and, therefore, regarded as a private domain.
- (24) The valley.
- (25) Which contained the uncleanness.
- (26) Since the fields are separated from each other the condition of doubt is one relating to entry which is deemed clean.
- (27) Because the valley unites all the fields into one unit.
- (28) Which are not frequented by many people. On Beth Gilgul v. MGWJ 1921, p. 88 and 320.
- (29) Sc. not a public domain. They are in fact a karmelith (v. Glos).
- (30) Even if less than three men were present when the doubt arose. Where three men are present even a private domain proper is treated as a public domain in respect of the laws of uncleanness.
- (31) Var. lec. Eleazar.
- (32) The laws of the Sabbath and the laws of uncleanness.
- (33) When it is frequented by the labourers engaged in it in various harvesting activities.
- (34) When it is deserted.
- (35) V. p. 393, n. 9.
- (36) A large hall with doors opening in all directions, used as a public meeting place but not as a thoroughfare.
- (37) Faron, a building in the style of a basilica whose doors are directly opposite one another. Aliter: A house in the heart of a public domain.
- (38) On either side of the passage from one door to the other.
- (39) The laws of the Sabbath and the laws of uncleanness.
- (40) In front of shops, having behind them raised benches on which the traders sit or display their wares.
- (41) Though the doors are not directly opposite one another.

Mishna - Mas. Taharoth Chapter 7

MISHNAH 1. IF A POTTER¹ LEFT HIS POTS² AND WENT DOWN TO DRINK,³ THE INNERMOST POTS REMAIN CLEAN⁴ BUT THE OUTER ONES ARE DEEMED UNCLEAR.⁵ R. JOSE RULED: THIS APPLIES ONLY WHERE THEY ARE NOT TIED TOGETHER, BUT WHERE THEY ARE TIED TOGETHER, ALL THE POTS⁶ ARE DEEMED CLEAN.⁷ IF A MAN ENTRUSTED HIS KEY TO AN 'AM HA-AREZ THE HOUSE REMAINS CLEAN, SINCE HE ENTRUSTED HIM ONLY WITH THE GUARDING OF THE KEY.⁸

MISHNAH 2. IF A MAN LEFT AN 'AM HA-AREZ IN HIS HOUSE AWAKE AND⁹ FOUND HIM AWAKE, OR ASLEEP AND⁹ FOUND HIM ASLEEP, OR AWAKE AND⁹ FOUND HIM ASLEEP, THE HOUSE REMAINS CLEAN.¹⁰ IF HE LEFT HIM ASLEEP AND FOUND HIM AWAKE, THE HOUSE IS DEEMED UNCLEAR;¹¹ SO R. MEIR. BUT THE SAGES RULED: ONLY THAT PART IS UNCLEAR TO WHICH HE CAN STRETCH OUT HIS HAND AND TOUCH IT.¹²

MISHNAH 3. IF ONE LEFT CRAFTSMEN IN HIS HOUSE, THE HOUSE IS DEEMED UNCLEAN; SO R. MEIR. BUT THE SAGES RULED: ONLY THAT PART IS UNCLEAN TO WHICH THEY CAN STRETCH OUT THEIR HANDS AND TOUCH IT.¹³

MISHNAH 4. IF THE WIFE OF A HABER¹⁴ LEFT THE WIFE OF AN 'AM HA-AREZ GRINDING CORN IN HER HOUSE, THE HOUSE IS DEEMED UNCLEAN IF SHE CEASED FROM TURNING THE HANDMILL,¹⁵ BUT IF SHE DID NOT CEASE FROM TURNING THE HANDMILL, ONLY THAT PART OF THE HOUSE IS DEEMED UNCLEAN TO WHICH SHE CAN STRETCH OUT HER HAND AND TOUCH IT. IF THERE WERE TWO WOMEN,¹⁶ THE HOUSE IS UNCLEAN IN EITHER CASE,¹⁷ SINCE, WHILE THE ONE IS GRINDING, THE OTHER CAN GO ABOUT TOUCHING; SO R. MEIR. BUT THE SAGES RULED: ONLY THAT PART OF THE HOUSE IS UNCLEAN TO WHICH THEY CAN STRETCH OUT THEIR HANDS AND TOUCH IT.

MISHNAH 5. IF A MAN LEFT AN 'AM HA-AREZ IN HIS HOUSE TO GUARD IT, WHENEVER HE¹⁸ CAN SEE THOSE THAT ENTER AND LEAVE,¹⁹ ONLY FOODSTUFFS AND LIQUIDS AND UNCOVERED EARTHENWARE ARE DEEMED UNCLEAN,²⁰ BUT COUCHES AND SEATS AND EARTHENWARE THAT HAVE TIGHTLY FITTING COVERS REMAIN CLEAN; AND WHENEVER HE¹⁸ CANNOT SEE EITHER THOSE WHO ENTER OR THOSE WHO LEAVE,¹⁹ EVEN THOUGH THE 'AM HA-AREZ²¹ HAS TO BE LED AND EVEN THOUGH HE WAS BOUND, ALL IS DEEMED UNCLEAN.²²

MISHNAH 6. IF TAX COLLECTORS²³ ENTERED A HOUSE,²⁴ THE HOUSE²⁵ IS DEEMED UNCLEAN.²⁶ EVEN THOUGH AN IDOLATER WAS WITH THEM²⁷ THEY ARE BELIEVED IF THEY SAY,²⁸ 'WE HAVE ENTERED BUT TOUCHED NOTHING'.²⁹ IF³⁰ THIEVES ENTERED A HOUSE, ONLY THAT PART IN WHICH THE FEET OF THE THIEVES HAVE TRODDEN IS DEEMED UNCLEAN.²⁹ AND WHAT DO THEY CAUSE TO BE UNCLEAN? FOODSTUFFS AND LIQUIDS AND OPEN EARTHENWARE ONLY, BUT COUCHES AND SEATS AND EARTHENWARE THAT HAVE TIGHTLY FITTING COVERS REMAIN CLEAN. IF AN IDOLATER³¹ OR A WOMAN³², WAS WITH THEM, ALL IS DEEMED UNCLEAN.³³

MISHNAH 7. IF A MAN LEFT HIS CLOTHES IN A WALL-NICHE OF A BATH-HOUSE,³⁴ R. ELEAZAR B. AZARIAH RULES THAT THEY ARE DEEMED CLEAN,³⁵ BUT THE SAGES RULED: THEY CANNOT BE REGARDED AS CLEAN UNLESS HE GIVES HIM³⁶ THE KEY³⁷ OR THE SEAL³⁷ OR UNLESS HE LEFT SOME SIGN ON THEM. IF A MAN³⁸ LEFT³⁹ HIS CLOTHES⁴⁰ FROM ONE VINTAGE TO THE NEXT, HIS⁴¹ CLOTHES REMAIN CLEAN;⁴² BUT IF HE LEFT THEM WITH AN ISRAELITE⁴³ THE CLOTHES ARE DEEMED UNCLEAN UNLESS HE⁴⁴ DECLARES, 'I HAVE TAKEN GOOD CARE⁴⁵ TO GUARD THEM'.

MISHNAH 8. IF ONE⁴⁶ WHO WAS CLEAN HAD GIVEN UP THE THOUGHT OF EATING [HIS TERUMAH]. R. JUDAH RULES THAT IT⁴⁷ STILL⁴⁸ REMAINS CLEAN, SINCE IT IS USUAL FOR UNCLEAN PERSONS TO KEEP AWAY FROM IT.⁴⁹ BUT THE SAGES RULE THAT IT⁵⁰ IS DEEMED UNCLEAN.⁵¹ IF HIS HANDS WERE CLEAN AND HE HAD GIVEN UP THE THOUGHT OF EATING TERUMAH, EVEN⁵² THOUGH HE SAYS, 'I KNEW THAT MY HANDS HAVE CONTRACTED NO UNCLEANNESS', HIS HANDS ARE DEEMED UNCLEAN, SINCE THE HANDS ARE ALWAYS BUSY.⁵³

MISHNAH 9. IF A WOMAN WHO ENTERED HER HOUSE TO BRING OUT SOME BREAD FOR A POOR MAN AND, WHEN SHE CAME OUT, FOUND HIM STANDING AT THE SIDE OF LOAVES OF TERUMAH, AND SIMILARLY IF A WOMAN WHO WENT OUT FOUND HER NEIGHBOUR RAKING OUT COALS UNDER A COOKING POT OF TERUMAH, R. AKIBA RULES THAT THEY⁵⁴ ARE UNCLEAN, BUT THE SAGES RULE THAT THEY ARE

CLEAN. SAID R. ELIEZER B. PILA:⁵⁵ IS BUT WHY DOES R. AKIBA RULE THAT THEY ARE UNCLEAN AND THE SAGES RULE THAT THEY ARE CLEAN? ONLY FOR THIS REASON: THAT WOMEN ARE GLUTTONOUS AND EACH MAY BE SUSPECTED OF UNCOVERING HER NEIGHBOUR'S COOKING POT TO GET TO KNOW WHAT SHE IS COOKING.⁵⁶

- (1) Who was a haber (v. Glos).
- (2) In a public domain, and thereby caused obstruction on the road.
- (3) Thus losing sight of his wares which, in his absence, might be rendered unclean, v. n. 5.
- (4) V. next note.
- (5) Because the skirts of an 'am ha-arez might have been caught in the interior (air-space) of the pots. This is, however, not likely to happen with the inner pots, v. Keth. 24b.
- (6) Even the inner ones (cf. foll. n.).
- (7) Even the outer ones are clean, because when they are tied to the others the mouths of the pots are not sufficiently exposed upwards to catch in their interior the skirts of passers-by. Maim. reads: Unclean, because by moving the outer ones the 'am ha-arez might indirectly have moved the inner ones also to which they are tied.
- (8) The 'am ha-arez would not, therefore, venture to enter the house which was not placed under his care.
- (9) On returning.
- (10) For, having been left awake the 'am ha-arez would not dare to touch anything for fear that the master would return any moment. When he is left asleep and found asleep there is no need to suspect that he awoke in the meantime.
- (11) Since the 'am ha-arez is not afraid to move about the house touching its contents because he assumes that the owner who left him asleep would be in no hurry to return.
- (12) From where he lay, that is where the master found him on that same spot.
- (13) Without having to ascend or descend.
- (14) Who is trusted as much as the haber himself.
- (15) Before the haber's wife returned; since this would give her time to walk about the house and touch things.
- (16) Grinding the corn, each being the wife of an 'am ha-arez.
- (17) Whether grinding did or did not cease before the haber's wife returned.
- (18) The householder.
- (19) The house.
- (20) Since the 'am ha-arez might have touched them.
- (21) Being incapable of walking.
- (22) Since another person, capable of conveying uncleanness to these objects, may have visited the house and touched them.
- (23) Of the 'am ha-arez class.
- (24) To seize a pledge for unpaid taxes.
- (25) Sc. all the articles in it.
- (26) Because, when searching the house for a pledge, they may have touched the various objects in it.
- (27) In which case it might have been assumed that out of fear of him they would make a thorough search and, therefore, touch every article in the house.
- (28) Var. lec. inserts, 'we did not enter; but they are not believed if they say'.
- (29) V. Hag. 26a.
- (30) Var. lec., 'and so if'.
- (31) Who is considered as a zab.
- (32) Who might well have been a menstruant.
- (33) Since he or she may have touched all the objects in the house.
- (34) Odiarin; Aliter: A bath-attendant, Heb. Odiarin. (Var. lec., oriarin), cf. Lat. olearius.
- (35) Since no one would put his hands on them for fear of being suspected of stealing.
- (36) The bath- attendant or the bath, keeper (cf. prev. n. but one) to the owner of the clothes. Aliter: The owner of the clothes to the bath-attendant or bath-keeper.
- (37) Of the locker in which the clothes are kept.
- (38) An Israelite who was engaged in the vintage of an idolater's vineyard to prepare wine under conditions of purity.

- (39) With the idolater
 (40) That were clean.
 (41) Some edd. read, 'with an idolater, his'.
 (42) Since the idolater would not dare to touch them for fear of spoiling his vintage.
 (43) Who was an 'am ha-arez and who is not so conscientious in this respect.
 (44) The 'am ha-arez.
 (45) Lit., 'there was in my heart'.
 (46) A priest.
 (47) The terumah. Aliter: He (the priest).
 (48) Despite the priest's lack of interest in it. Aliter: Despite his decision not to eat terumah.
 (49) The terumah. Aliter: Him (the priest).
 (50) Aliter. he.
 (51) Cf. prev. n. but one mut. mut.
 (52) Var. lec. 'R. Judah rules even'.
 (53) And consequently might have touched an unclean object without the man's awareness of it.
 (54) The loaves and the contents of the pot.
 (55) I.e., Philo. Var. lec. Piabi.
 (56) In the case of the poor man, however, R. Akiba agrees with the Sages.

Mishna - Mas. Taharoth Chapter 8

MISHNAH 1. IF A MAN WHO DWELT IN THE SAME COURTYARD WITH AN 'AM HA-AREZ FORGOT SOME VESSELS IN THE COURTYARD, EVEN THOUGH THEY WERE JARS WITH TIGHTLY FITTING COVERS, OR AN OVEN WITH A TIGHTLY FITTING COVER, THEY ARE DEEMED UNCLEAN.¹ R. JUDAH RULES THAT AN OVEN² IS CLEAN WHENEVER IT HAS A TIGHTLY FITTING COVER. R. JOSE RULED: AN OVEN ALSO IS DEEMED UNCLEAN UNLESS IT WAS PROVIDED WITH A SCREEN TEN HANDBREADTHS HIGH.³

MISHNAH 2. IF A MAN DEPOSITED VESSELS WITH AN 'AM HA-AREZ THEY ARE DEEMED TO BE UNCLEAN WITH CORPSE UNCLEANNESS⁴ AND WITH MIDRAS UNCLEANNESS.⁵ IF THE LATTER KNEW HIM⁶ TO BE A CONSUMER OF TERUMAH,⁷ THEY ARE FREE FROM CORPSE UNCLEANNESS⁸ BUT⁹ ARE UNCLEAN WITH MIDRAS UNCLEANNESS.¹⁰ R. JOSE RULED: IF THE MAN⁶ ENTRUSTED HIM¹, WITH A CHEST FULL OF CLOTHES, THEY ARE DEEMED TO BE UNCLEAN WITH MIDRAS WHEN THEY ARE TIGHTLY PACKED,¹¹ BUT IF THEY ARE NOT TIGHTLY PACKED THEY ARE ONLY DEEMED TO BE UNCLEAN WITH MIDDAF,¹² EVEN THOUGH THE KEY IS IN THE POSSESSION OF THE OWNER.¹³

MISHNAH 3. IF AN ARTICLE WAS LOST DURING THE DAY AND WAS FOUND ON THE SAME DAY IT REMAINS CLEAN.¹⁴ IF IT WAS LOST DURING DAYTIME AND FOUND IN THE NIGHT, OR IF IT WAS LOST IN THE NIGHT AND FOUND DURING THE DAY¹⁵ OR IF IT WAS LOST ON ONE DAY AND FOUND ON THE NEXT DAY, IT IS DEEMED TO BE UNCLEAN.¹⁶ THIS IS THE GENERAL RULE: PROVIDED A NIGHT OR PART OF A NIGHT HAS PASSED OVER IT IT IS DEEMED UNCLEAN. IF CLOTHES HAVE BEEN SPREAD OUT¹⁷ IN A PUBLIC DOMAIN, THEY REMAIN CLEAN;¹⁸ BUT IF IN A PRIVATE DOMAIN THEY ARE DEEMED UNCLEAN.¹⁹ IF, HOWEVER, ONE KEPT WATCH OVER THEM, THEY REMAIN CLEAN.²⁰ IF THEY FELL DOWN AND HE²¹ WENT TO BRING THEM, THEY ARE DEEMED UNCLEAN.²² IF A MAN'S BUCKET FELL INTO THE CISTERN OF AN 'AM HA-AREZ AND HE WENT TO BRING SOMETHING WHEREWITH TO DRAW IT UP, IT IS DEEMED UNCLEAN, SINCE IT WAS LEFT FOR A TIME IN THE DOMAIN OF AN 'AM HA-AREZ.

MISHNAH 4. IF A MAN LEFT HIS HOUSE OPEN AND FOUND IT OPEN,²³ OR CLOSED AND FOUND IT CLOSED,²⁴ OR OPEN²³ AND FOUND IT CLOSED, IT REMAINS CLEAN;²⁵ BUT IF HE LEFT IT CLOSED AND FOUND IT OPEN, R. MEIR RULES THAT IT IS DEEMED UNCLEAN,²⁶ AND THE SAGES RULE THAT IT REMAINS CLEAN,²⁷ SINCE, THOUGH THIEVES HAD BEEN THERE, THEY MAY HAVE CHANGED THEIR MIND²⁸ AND GONE AWAY.

MISHNAH 5. IF THE WIFE OF AN 'AM HA-AREZ ENTERED A HABER'S HOUSE²⁹ TO TAKE OUT HIS SON OR HIS DAUGHTER OR HIS CATTLE, THE HOUSE REMAINS CLEAN, SINCE SHE HAD ENTERED IT WITHOUT PERMISSION.³⁰

MISHNAH 6. A GENERAL RULE HAS BEEN LAID DOWN CONCERNING CLEAN FOODSTUFFS: WHATEVER IS DESIGNATED AS FOOD FOR HUMAN CONSUMPTION IS SUSCEPTIBLE TO UNCLEANNESS UNLESS IT IS RENDERED UNFIT TO BE FOOD FOR A DOG; AND WHATEVER IS NOT DESIGNATED AS FOOD FOR HUMAN CONSUMPTION IS NOT SUSCEPTIBLE TO UNCLEANNESS UNLESS IT IS DESIGNATED FOR HUMAN CONSUMPTION. FOR INSTANCE? IF³¹ A PIGEON FELL INTO A WINE-PRESS³² AND ONE INTENDED TO PICK IT OUT FOR AN IDOLATER,³³ IT BECOMES SUSCEPTIBLE TO UNCLEANNESS; BUT IF HE INTENDED IT FOR A DOG IT IS NOT SUSCEPTIBLE TO UNCLEANNESS. R. JOHANAN B. NURI RULES THAT IT IS SUSCEPTIBLE TO UNCLEANNESS. IF A DEAF MUTE, AN IMBECILE OR A MINOR INTENDED IT AS FOOD,³⁴ IT REMAINS INSUSCEPTIBLE; BUT IF THEY PICKED IT UP³⁴ IT BECOMES SUSCEPTIBLE; SINCE ONLY AN ACT OF THEIRS³⁵ IS EFFECTIVE WHILE THEIR INTENTION IS OF NO CONSEQUENCE.

MISHNAH 7. THE OUTER PARTS OF VESSELS THAT HAVE CONTRACTED UNCLEANNESS FROM LIQUIDS, R. ELIEZER RULED, CONVEY UNCLEANNESS TO LIQUIDS³⁶ BUT³⁷ DO NOT RENDER FOODSTUFFS UNFIT.³⁸ R. JOSHUA RULED: THEY CONVEY UNCLEANNESS TO LIQUIDS³⁶ AND ALSO RENDER FOODSTUFFS³⁹ UNFIT. SIMEON THE BROTHER OF AZARIAH⁴⁰ RULED: THEY DO NEITHER THE ONE NOR THE OTHER,⁴¹ BUT LIQUIDS THAT CONTRACTED UNCLEANNESS FROM THE OUTER PARTS OF VESSELS CONVEY UNCLEANNESS⁴² AT ONE REMOVE AND CAUSE UNFITNESS AT A SECOND REMOVE.⁴³ IT⁴⁴ MAY THUS SAY,⁴⁵ 'THEY⁴⁶ THAT RENDERED YOU UNCLEAN DID NOT RENDER ME UNCLEAN BUT YOU HAVE RENDERED ME UNCLEAN'.

MISHNAH 8. IF A KNEADING TROUGH WAS SLOPING DOWNWARDS AND THERE WAS DOUGH⁴⁷ IN THE HIGHER PART AND DRIPPING MOISTURE IN THE LOWER PART, THEN THREE PIECES⁴⁸ THAT JOINTLY MAKE UP THE BULK OF AN EGG⁴⁹ CANNOT⁵⁰ BE COMBINED TOGETHER,⁵¹ BUT TWO⁵² ARE COMBINED.⁵³ R. JOSE RULED: THE TWO ALSO CANNOT BE COMBINED UNLESS THEY COMPRESS LIQUID BETWEEN THEM.⁵⁴ IF THE LIQUID, HOWEVER, WAS LEVEL,⁵⁵ EVEN THOUGH THE PIECE RESEMBLED MUSTARD SEED⁵⁶ THEY⁵⁷ ARE COMBINED TOGETHER.⁵³ R. DOSA RULED: CRUMBLED FOOD CANNOT BE COMBINED TOGETHER.⁵³

MISHNAH 9. IF A STICK IS COMPLETELY COVERED WITH UNCLEAN LIQUID⁵⁸ IT BECOMES CLEAN AS SOON AS IT⁵⁹ HAS TOUCHED THE [WATER IN THE] RITUAL BATH;⁶⁰ SO R. JOSHUA. BUT THE SAGES RULED: ONLY WHEN THE WHOLE OF IT⁶¹ IS IMMERSSED.⁶² A JET,⁶³ A SLOPE⁶⁴ OR DRIPPING MOISTURE⁶⁵ DOES NOT SERVE AS A CONNECTIVE⁶⁶ EITHER FOR UNCLEANNESS⁶⁷ OR FOR CLEANNESS.⁶⁸ A POOL OF WATER,⁶⁹ HOWEVER, SERVES AS A CONNECTIVE IN RESPECT BOTH OF

UNCLEANNES AND CLEANNESS.

- (1) Since the jars may have been shifted by his menstruant wife (v. Glos. s. v. hesset). The oven, even if attached to the ground, is deemed unclean as a preventive measure against confusing what is detached from the ground (which is unclean) with what is attached.
- (2) Which is attached to the ground (cf. prev. n.) and is consequently immovable.
- (3) Which could serve as a reminder to the household of the 'am ha-arez to keep away from it.
- (4) Requiring sprinkling with the ashes of the red heifer on the third and the seventh day.
- (5) So that any man that carried them or was carried on them becomes unclean.
- (6) The depositor.
- (7) I.e., a priest.
- (8) It is assumed that the 'am ha-arez will keep away from the terumah if he suffers from corpse uncleanness.
- (9) If the vessels are suitable for midras.
- (10) For, though the man might take care to keep them in a condition of cleanness in respect of corpse uncleanness, he cannot be sure that his wife did not sit on them during her menstruation uncleanness. (11) The 'am ha-arez.
- (11) Since one sitting on the lid would exercise pressure on all the clothes.
- (12) A minor grade of uncleanness that can be conveyed to foodstuffs and liquids only.
- (13) Since shifting (hesset) is possible in a closed chest also.
- (14) Had any man touched it he would also have picked it up.
- (15) Sc. on the next day.
- (16) With midras. In the darkness of the night a menstruant or an idolater may have trodden on the lost article without being aware of it.
- (17) To dry.
- (18) As any other condition of doubt in a public domain which is deemed clean. There is no need to provide, as is the case with a lost article, against the possibility of midras, since people as a rule do not tread on clothes that are spread out to dry.
- (19) As is the rule with a condition of doubt in such a domain.
- (20) Even in a private domain. There is no need to consider the possibility of an occasional lapse.
- (21) Having lost sight of them.
- (22) They might have contracted an uncleanness while they were out of sight.
- (23) Finding it open, a thief would be afraid to enter, knowing as he does that the owner might at any moment return.
- (24) In which case it is unlikely that a thief has dared and managed to open it, to touch the objects within, and also to close it.
- (25) Cf. prev. two notes.
- (26) A thief having apparently been there.
- (27) If nothing had been stolen.
- (28) Before they touched anything in the house.
- (29) Without his permission.
- (30) Though it was for the owner's benefit, she is afraid to remain in it long enough to touch its contents.
- (31) With reference to the last clause.
- (32) Where it died and deteriorated and thus became unfit for human consumption.
- (33) Who does not mind eating the bird even in its deteriorated condition.
- (34) For an idolater's consumption.
- (35) In this case the picking out.
- (36) Even if the latter are unconsecrated.
- (37) Since their uncleanness is only Rabbinical.
- (38) Even if they were terumah.
- (39) Of terumah.
- (40) V. Zeb. 2a.
- (41) Sc. they neither convey uncleanness to unconsecrated liquids nor to foodstuffs or terumah.
- (42) To terumah.
- (43) If the terumah they have rendered unclean touched other terumah.

- (44) The terumah.
- (45) To the liquids from which it contracted the uncleanness.
- (46) The outer parts of the vessels.
- (47) That was unclean.
- (48) Two of which are on the dry part of the trough and one within the liquid, the middle one touching the upper piece and the lower piece while separating them from each other.
- (49) The prescribed minimum for conveying uncleanness.
- (50) On account of the two pieces that do not directly touch each other (cf. prev. n. but one).
- (51) To convey uncleanness to the liquid which in turn would have conveyed uncleanness to the trough.
- (52) Sc. the middle one and the one below it in the liquid, if together they make up the bulk of an egg.
- (53) To constitute the prescribed minimum.
- (54) Sc. they are so close to each other that the liquid between them seems to be compressed.
- (55) Lit., 'standing', the trough lying level and the pieces of unclean dough floating in the liquid.
- (56) Small and numerous but together making up the bulk of an egg.
- (57) On account of the liquid that forms a connecting link.
- (58) Water. The ruling does not apply to any other liquids.
- (59) Sc. only one end of it.
- (60) Though the remainder of the stick was outside the water. The water on the stick, which forms a slope, serves as a connective.
- (61) The stick.
- (62) Only then does the water on the stick become clean.
- (63) Of water.
- (64) Water running down an incline.
- (65) With which one touching it could not moisten another object.
- (66) Between the clean vessel from which it comes and the unclean one into which it descends.
- (67) If the jet of water, for instance, came from a clean vessel, that vessel remains clean though the jet descended into an unclean vessel.
- (68) As, for instance, in the case of the stick, if the lower end alone touched the ritual bath the stick remains unclean.
- (69) Lit., 'a marsh', a collection of standing water.

Mishna - Mas. Taharoth Chapter 9

MISHNAH 1. AT WHAT STAGE DO OLIVES¹ BECOME SUSCEPTIBLE TO UNCLEANNESS?² WHEN THEY EXUDE THE MOISTURE [PRODUCED] BY [THEIR LYING IN] THE VAT³ BUT NOT THE ONE [PRODUCED WHILE THEY ARE STILL] IN THE BASKET.⁴ THIS IS ACCORDING TO THE VIEW OF BETH SHAMMAI. R. SIMEON RULED: THE MINIMUM TIME PRESCRIBED FOR PROPER EXUDATION⁵ IS THREE DAYS.⁶ BETH HILLEL RULED: AS SOON AS THREE OLIVES STICK TOGETHER.⁷ R. GAMALIEL RULED: AS SOON AS THEIR PREPARATION⁸ IS FINISHED;⁹ AND THE SAGES AGREE WITH HIS VIEW.

MISHNAH 2. IF A MAN HAD FINISHED THE GATHERING¹⁰ BUT INTENDED TO BUY SOME MORE,¹¹ OR IF HE HAD FINISHED BUYING BUT INTENDED TO BORROW¹² SOME MORE, OR IF¹³ A TIME OF MOURNING, A WEDDING FEAST OR SOME OTHER HINDRANCE BEFELL HIM¹⁴ THEN EVEN IF ZABS AND ZABAHS WALKED OVER THEM¹⁵ THEY¹⁵ REMAIN CLEAN.¹⁶ IF ANY UNCLEAN LIQUIDS FELL UPON THEM,¹⁵ ONLY THE PLACE WHERE IT TOUCHED THEM BECOMES UNCLEAN,¹⁷ AND ANY SAP THAT ISSUES FORTH FROM THEM¹⁸ IS¹⁹ CLEAN.²⁰

MISHNAH 3. WHEN THEIR PREPARATION IS FINISHED THE¹⁵ BECOME SUSCEPTIBLE TO UNCLEANNESS. IF AN UNCLEAN LIQUID FELL UPON THEM THEY²¹ BECOME UNCLEAN.²² THE SAP THAT ISSUES FROM THEM²³ R. ELIEZER RULES IS

CLEAN,²⁰ BUT THE SAGES²⁴ RULE THAT IT IS UNCLEAN. R. SIMEON STATED: THEY DID NOT DISPUTE THE RULING THAT SAP THAT ISSUES FROM OLIVES IS CLEAN; BUT ABOUT WHAT DID THEY DIFFER? ABOUT THAT WHICH COMES FROM THE VAT,²⁵ WHICH R. ELIEZER REGARDS AS CLEAN AND THE SAGES REGARD AS UNCLEAN.²⁶

MISHNAH 4. IF A MAN²⁷ HAD FINISHED [THE GATHERING OF HIS OLIVES] AND²⁸ PUT²⁹ ASIDE³⁰ ONE BASKETFUL, LET³¹ HIM GIVE IT TO A POOR³² PRIEST;³³ SO R. MEIR. R. JUDAH RULED: HE³⁴ MUST HAND HIM³⁵ OVER THE KEY FORTHWITH.³⁶ R. SIMEON RULED:³⁷ WITHIN TWENTY-FOUR HOURS.

MISHNAH 5. IF A MAN PUT HIS OLIVES IN A BASKET³⁸ , THAT THEY MIGHT BE SOFTENED SO THAT THEY BE EASY TO PRESS, THEY BECOME SUSCEPTIBLE TO UNCLEANNESS;³⁹ BUT IF TO BE SOFTENED SO THAT THEY MAY BE SALTED⁴⁰ BETH SHAMMAI RULED: THEY BECOME SUSCEPTIBLE. BETH HILLEL RULED: THEY DO NOT BECOME SUSCEPTIBLE.⁴¹ IF A MAN CRUSHED OLIVES⁴² WITH UNWASHED⁴³ HANDS⁴⁴ HE CAUSES THEM TO BE UNCLEAN.⁴⁵

MISHNAH 6. IF A MAN PUT HIS OLIVES ON A ROOF TO DRY, EVEN THOUGH THEY ARE PILED UP TO THE HEIGHT OF A CUBIT,⁴⁶ THEY DO NOT BECOME⁴⁷ SUSCEPTIBLE TO UNCLEANNESS.⁴⁸ IF HE PUT THEM IN THE HOUSE TO PUTRIFY, THOUGH HE INTENDS TO TAKE THEM UP ON THE ROOF,⁴⁹ OR IF HE PUT THEM ON THE ROOF THAT THEY MIGHT OPEN SO THAT THEY COULD BE SALTED,⁵⁰ THEY BECOME SUSCEPTIBLE TO UNCLEANNESS. IF HE PUT THEM IN THE HOUSE WHILE HE SECURED⁵¹ HIS ROOF⁵² OR UNTIL HE COULD TAKE THEM ELSEWHERE,⁵³ THEY DO NOT BECOME SUSCEPTIBLE TO UNCLEANNESS.⁴⁸

MISHNAH 7. IF THE MAN DESIRED TO TAKE FROM THEM⁵⁴ [A QUANTITY SUFFICIENT FOR] ONE PRESSING OR FOR TWO PRESSINGS,⁵⁵ BETH SHAMMAI RULED: HE MAY TAKE OFF [WHAT HE REQUIRES] IN A CONDITION OF UNCLEANNESS⁵⁶ , BUT MUST COVER UP [WHAT HE TAKES] IN A CONDITION OF CLEANNESS.⁵⁷ BETH HILLEL RULED: HE MAY ALSO COVER IT UP IN A CONDITION OF UNCLEANNESS.⁵⁸ R. JOSE RULED: HE MAY⁵⁹ DIG OUT [WHAT HE REQUIRES] WITH METAL AXES⁶⁰ AND CARRY IT TO THE PRESS IN A CONDITION OF UNCLEANNESS.⁶¹

MISHNAH 8. IF A [DEAD] CREEPING THING WAS FOUND IN THE MILLING STONES,⁶² ONLY THE PLACE THAT IT HAS TOUCHED BECOMES UNCLEAN; BUT IF THE MOISTURE WAS RUNNING,⁶³ ALL BECOMES UNCLEAN.⁶⁴ IF IT⁶⁵ WAS FOUND ON THE LEAVES,⁶⁶ THE OLIVE-PRESS MEN⁶⁷ SHALL BE ASKED⁶⁸ WHETHER THEY CAN SAY, 'WE DID NOT TOUCH IT'. IF IT⁶⁵ TOUCHED THE MASS [OF OLIVES], EVEN BY AS LITTLE AS THE BULK OF A BARLEY GRAIN, [THE MASS BECOMES] UNCLEAN.

MISHNAH 9. IF IT⁶⁵ WAS FOUND ON BROKEN OFF PIECES⁶⁹ BUT IT TOUCHED AS MUCH AS AN EGGS BULK,⁷⁰ [THE ENTIRE MASS] BECOMES UNCLEAN.⁷¹ IF IT WAS FOUND ON SEVERED PIECES THAT LAY UPON OTHER SEVERED PIECES,⁷² EVEN THOUGH IT TOUCHED⁷³ AS MUCH AS AN EGG'S BULK⁷⁰ ONLY THE PLACE⁷³ IT TOUCHED BECOMES UNCLEAN.⁷⁴ IF IT⁶⁵ WAS FOUND BETWEEN THE WALL AND THE OLIVES, THE LATTER REMAIN CLEAN.⁷⁵ IF IT WAS FOUND [ON OLIVES⁷⁶ THAT WERE LYING] ON THE ROOF [OF THE VAT],⁷⁷ [THE OLIVES IN] THE VAT REMAIN CLEAN.⁷⁵ IF IT⁶⁵ WAS FOUND IN THE VAT, [THE OLIVES ON] THE ROOF⁷⁶ ARE [ALSO] REGARDED AS UNCLEAN.⁷⁸ IF IT⁶⁵ WAS FOUND BURNT⁷⁹ UPON THE OLIVES, AND SO ALSO IN THE CASE OF A RAG⁸⁰ THAT WAS SCORCHED,⁸¹ [THE OLIVES REMAIN] CLEAN, BECAUSE ALL CASES OF UNCLEANNESS ARE DETERMINED IN ACCORDANCE WITH THEIR

APPEARANCE AT THE TIME THEY ARE FOUND.⁸²

- (1) That are intended for the manufacture of oil.
- (2) On account of the moisture they exude.
- (3) This liquid being desired and welcomed by the owner is, like all liquids that are deliberately put on foodstuffs or whose presence on the food is desired, capable of rendering the olives susceptible to uncleanness, v. Maksh. I, 1.
- (4) In which the olives are gathered and the moisture in which runs to waste through its holes. Such moisture is useless to the owner and, therefore, undesired by him (cf. prev. n.).
- (5) Before which time the moisture cannot be regarded as valid oil.
- (6) Only after the third day can the moisture be regarded as oil and thus render the olives susceptible to uncleanness. Seven kinds of liquids, of which oil is one, are capable of imparting such susceptibility to foodstuffs.
- (7) In the vat, owing to the moisture exuded.
- (8) Lit., 'their work'.
- (9) Sc. when no more olives are to be added to the batch of olives finally harvested and ready to be placed in the vat. It is then that exudation is desired and it is, therefore, then that the liquid is capable of rendering the olives susceptible to uncleanness.
- (10) Of his olives, from the tree.
- (11) To add to those in the vat; in consequence of which the exudation of the first batch is unwelcome, since by the time the second batch would begin to exude the first would be too soft and spoilt.
- (12) Var. lec. 'to gather'. Cf. prev. n.
- (13) Before he completed the packing of the vat.
- (14) So that he is compelled to complete the packing later, and the exudation of the first batch is consequently unwelcome to him (cf. prev. n. but two).
- (15) The olives.
- (16) Since the liquid, as stated supra, was undesired and, therefore, incapable of rendering the olives susceptible.
- (17) Because only that place that has been touched by the liquid has been rendered by it susceptible to uncleanness as well as unclean simultaneously.
- (18) Before the packing has been completed.
- (19) Since it is unwelcome.
- (20) Sc. it neither causes the olives to be susceptible to uncleanness nor does it itself contract any uncleanness.
- (21) Even the olives that have not been directly touched by the liquid.
- (22) Since the unclean liquid is mixed up with their sap.
- (23) Which, according to R. Eliezer, is no proper oil and cannot, therefore, be classed among the seven liquids that render foodstuffs susceptible to uncleanness.
- (24) Regarding the sap as one of the liquids that may cause susceptibility to the uncleanness of foodstuffs.
- (25) After the good oil had been removed.
- (26) Since some particles of good oil must remain in it.
- (27) Who was an 'am ha-arez and who, after the season of gathering, is not trusted to keep his olives in conditions of cleanness.
- (28) In order that it may not become susceptible to uncleanness like the others.
- (29) Var. lec. 'let him put'.
- (30) To keep it in conditions of cleanness so that terumah for the priest may be taken from it.
- (31) Var. lec., 'and let'.
- (32) Var. lec., 'in the presence of a'. The reading 'poor' does not exclude a wealthy priest; but the scanty terumah given after the season is usually allotted to a poor priest.
- (33) Who must himself press out the oil and take off the terumah under conditions of certain cleanness.
- (34) Who was an 'am ha-arez and who, after the season of gathering, is not trusted to keep his olives in conditions of cleanness.
- (35) The priest.
- (36) Sc. the same day on which the gathering of his olives had been finished; thus making sure that no uncleanness whatsoever could be conveyed to them.
- (37) With reference to the time within which the key must be given to the priest.

- (38) Var. lec., 'press'.
- (39) Owing to the exuding moisture which was welcomed by him.
- (40) And eaten in that condition.
- (41) Since the exuding moisture is not welcomed, the owner preferring it to remain in the olives.
- (42) Of terumah.
- (43) Lit., 'unclean'.
- (44) Which, unless washed, are always deemed to be unclean in the second grade and to convey invalidity to terumah and first grade uncleanness to liquids.
- (45) As the exuding moisture is welcomed by him it renders the olives susceptible to uncleanness and also unclean in the second grade, since the moisture that becomes unclean in the first grade conveys to the olives an uncleanness of the second grade.
- (46) So that the weight of the upper olives inevitably presses down on the lower ones and causes exudation.
- (47) Var. lec., 'behold they are'.
- (48) Since the exuding moisture is not welcomed, the owner preferring it to remain in the olives.
- (49) To dry.
- (50) Var. lec., 'that they might putrify or open'.
- (51) Aliter: While he prepares a watchman's hut on.
- (52) Where they are subsequently to be taken to dry.
- (53) Cf. prev. n.
- (54) The mass of olives that are not yet susceptible to uncleanness.
- (55) Sc. he is not taking the entire batch to which he intends to add some more olives.
- (56) And it nevertheless remains clean, since the olives are still insusceptible to uncleanness.
- (57) Since its separation from the mass constitutes the completion of its preparation for the olive-press and the exuding moisture renders it susceptible to uncleanness.
- (58) So long as the greater part of the mass remains in the basket incomplete.
- (59) Even when moving the entire mass.
- (60) Though such axes are subject to many restrictions of uncleanness.
- (61) In his opinion the olives remain insusceptible to uncleanness until the actual pressing had begun.
- (62) Of olives.
- (63) Thus connecting the creeping thing with the mass of olives.
- (64) From contact with the moisture that contracted uncleanness from the creeping thing.
- (65) The creeping thing.
- (66) That cover up the olives, and that are insusceptible to uncleanness.
- (67) Though they belong to the class of the 'am ha-arez.
- (68) Since in this matter even the word of an 'am ha-arez may be relied upon.
- (69) Of the main mass of olives, each piece being less than egg's bulk and lying on the main mass.
- (70) Made up of the broken off pieces.
- (71) On account of its contact with the egg's bulk of the small pieces that contracted uncleanness from the creeping thing.
- (72) The former being separated from the main mass by the latter.
- (73) Of the upper pieces.
- (74) The lower pieces remain clean since each in turn only touched an unclean piece above it that was smaller than the prescribed minimum. The pieces are not combined to constitute the required bulk.
- (75) It being assumed that it had never touched them.
- (76) Taken from the vat.
- (77) To dry.
- (78) As these olives were once in the vat it is assumed that the creeping thing was there with them before they were taken up to the roof.
- (79) When it no longer conveys any uncleanness.
- (80) Of a zab.
- (81) V. p. 408, n. 18.
- (82) Hence it is assumed that the creeping thing or the scorched rag was in that condition during all the time that it lay on

the olives.

Mishna - Mas. Taharoth Chapter 10

MISHNAH 1. IF A MAN LOCKED IN THE LABOURERS¹ IN THE OLIVE-PRESS² AND THERE WERE OBJECTS THEREIN SUFFERING MIDRAS UNCLEANNES, R. MEIR RULED: THE OLIVE-PRESS IS DEEMED TO BE UNCLEAN.³ R. JUDAH RULED: THE OLIVE-PRESS REMAINS CLEAN.⁴ R. SIMEON RULED: IF THEY⁵ REGARD THEM⁶ AS CLEAN, THE OLIVE-PRESS IS DEEMED UNCLEAN;⁷ BUT IF THEY REGARD THEM AS UNCLEAN,⁸ THE OLIVE-PRESS REMAINS CLEAN. SAID R. JOSE: WHY INDEED IS UNCLEANNES IMPOSED?⁹ ONLY BECAUSE THE 'AM HA-AREZ CLASS¹⁰ ARE NOT VERSED IN THE LAWS OF HESSET.¹¹

MISHNAH 2. IF THE LABOURERS IN AN OLIVE-PRESS¹² WENT IN AND OUT,¹³ AND IN THE OLIVE-PRESS¹⁴ THERE WAS UNCLEAN LIQUID, THE LABOURERS REMAIN CLEAN IF THERE IS SPACE ENOUGH BETWEEN THE LIQUID AND THE OLIVES FOR THEIR FEET TO BE DRIED¹⁵ ON THE GROUND.¹⁶ IF AN UNCLEANNES WAS FOUND IN A FRONT OF LABOURERS¹⁷ IN THE OLIVE-PRESS OR GRAPE HARVESTERS,¹⁷ THEY ARE BELIEVED IF THEY DECLARE, 'WE HAVE NOT TOUCHED IT'; AND THE SAME LAW APPLIES ALSO TO THE YOUNG CHILDREN¹⁸ AMONG THEM.¹⁹ THEY²⁰ MAY, FURTHERMORE, GO OUTSIDE THE DOOR OF THE OLIVE-PRESS AND RELIEVE THEMSELVES BEHIND THE WALL, AND STILL BE DEEMED CLEAN. HOW FAR MAY THEY GO AND STILL BE DEEMED CLEAN? AS FAR AS THEY CAN BE SEEN.²¹

MISHNAH 3. IF THE LABOURERS IN THE OLIVE-PRESS OR THE GRAPE HARVESTERS WERE ONLY BROUGHT WITHIN THE PRECINCTS OF THE CAVERN²² IT SUFFICES;²³ SO R. MEIR. R. JOSE RULED: IT IS NECESSARY THAT ONE²⁴ SHOULD STAND OVER THEM UNTIL IMMERSION IS PERFORMED.²⁵ R. SIMEON RULED: IF THEY REGARD THE VESSELS AS CLEAN, ONE MUST STAND OVER THEM UNTIL THEIR IMMERSION IS PERFORMED; BUT IF THEY REGARD THEM AS UNCLEAN, IT IS NOT NECESSARY FOR ONE TO STAND OVER THEM UNTIL IMMERSION IS PERFORMED.

MISHNAH 4. IF A MAN DESIRES TO PUT GRAPES [INTO THE WINE-PRESS] FROM THE BASKETS OR FROM WHAT WAS SPREAD OUT ON THE GROUND, BETH SHAMMAI RULED: HE MUST PUT THEM IN WITH CLEAN HANDS, FOR IF HE PUTS THEM IN WITH UNCLEAN HANDS HE RENDERS THEM UNCLEAN.²⁶ BETH HILLEL RULED: HE MAY PUT THEM IN WITH UNCLEAN HANDS AND YET HE MAY SET ASIDE HIS TERUMAH IN A CONDITION OF CLEANNESS.²⁷ [IF THEY ARE TAKEN] FROM THE GRAPE-BASKET²⁸ OR FROM WHAT WAS SPREAD OUT ON LEAVES,²⁹ ALL AGREE THAT THEY MUST BE PUT IN WITH CLEAN HANDS, FOR IF THEY ARE PUT IN WITH UNCLEAN HANDS THEY BECOME UNCLEAN.

MISHNAH 5. IF A MAN EATS GRAPES OUT OF THE BASKETS OR FROM WHAT IS SPREAD OUT ON THE GROUND, EVEN THOUGH THEY WERE BURST AND DRIPPED INTO THE WINE-PRESS, THE WINE-PRESS REMAINS CLEAN.²⁷ IF HE EATS THE GRAPES OUT OF THE GRAPE-BASKET²⁸ OR FROM WHAT WAS SPREAD OUT ON LEAVES, AND A SINGLE BERRY DROPPED INTO THE VAT, IF IT HAS A SEAL³⁰ ALL IN THE VAT REMAINS CLEAN;³¹ BUT IF IT HAS NO SEAL, ALL IN THE VAT BECOMES UNCLEAN.³² IF HE DROPPED³³ SOME OF THE GRAPES³⁴ AND TROD THEM³⁵ IN AN EMPTY PART OF THE WINE-PRESS,³⁶ THE CONTENTS OF THE LATTER REMAIN CLEAN IF THE BULK OF THE GRAPES WAS EXACTLY THAT OF AN EGG;³⁷ BUT IF IT WAS MORE THAN THE BULK OF AN EGG, THE CONTENTS BECOME UNCLEAN, FOR SO SOON AS THE FIRST

DROP ISSUED IT CONTRACTED UNCLEANNESS FROM THE REMAINDER WHOSE BULK IS THAT OF AN EGG.

MISHNAH 6. IF A MAN³⁸ WAS STANDING AND SPEAKING BY THE EDGE OF THE CISTERN³⁹ AND SOME SPITTLE⁴⁰ SPIRTED FROM HIS MOUTH, AND THERE ARISES THE DOUBT WHETHER IT REACHED THE CISTERN OR NOT, THE CONDITION OF DOUBT IS REGARDED AS CLEAN.⁴¹

MISHNAH 7. IF THE CISTERN³⁹ IS EMPTIED OUT⁴² AND A [DEAD] CREEPING THING WAS FOUND IN THE FIRST JAR, ALL THE OTHER JARS ARE DEEMED UNCLEAR;⁴³ BUT IF IT WAS FOUND IN THE LAST, ONLY THAT ONE IS UNCLEAR BUT ALL THE OTHERS⁴⁴ REMAIN CLEAR.⁴⁵ WHEN DOES THIS APPLY? ONLY WHEN THE WINE IS DRAWN DIRECTLY WITH EACH JAR, BUT IF IT WAS DRAWN WITH A LADLING- JAR⁴⁶ AND A [DEAD] CREEPING THING WAS FOUND IN ONE OF THE JARS, IT ALONE⁴⁴ IS UNCLEAR.⁴⁵ WHEN DOES THIS APPLY? ONLY WHEN THE MAN EXAMINED [THE JAR AND THE LADLING-JAR]⁴⁷ BUT DID NOT⁴⁸ COVER UP [THE CISTERN AND THE JAR],⁴⁹ OR COVERED THEM UP BUT DID NOT EXAMINE THEM;⁵⁰ BUT IF HE BOTH EXAMINED THEM AND COVERED THEM UP AND A [DEAD] CREEPING THING WAS FOUND IN ONE JAR, ALL THE CONTENTS OF THE CISTERN⁵¹ ARE DEEMED UNCLEAR; IF IT WAS FOUND IN THE CISTERN, ALL ITS CONTENTS ARE DEEMED UNCLEAR AND IF IT WAS FOUND IN THE LADLING-JAR AL THE CONTENTS OF THE CISTERN⁵¹ ARE DEEMED UNCLEAR.

MISHNAH 8. [THE SPACE] BETWEEN THE ROLLERS⁵² AND [THE PILE OF] GRAPE SKINS IS REGARDED⁵³ AS A PUBLIC DOMAIN.⁵⁴ A VINEYARD IN FRONT OF THE GRAPE HARVESTERS⁵⁵ IS DEEMED⁵³ TO BE A PRIVATE DOMAIN⁵⁶ AND THAT WHICH IS BEHIND THE HARVESTERS⁵⁷ IS DEEMED⁵³ TO BE A PUBLIC DOMAIN.⁵⁸ WHEN DOES THIS LAW⁵⁹ APPLY? ONLY WHEN THE PUBLIC ENTER AT ONE END AND GO OUT AT THE OTHER.⁶⁰ THE IMPLEMENTS OF THE OLIVE-PRESS, THE WINE-PRESS AND THE BASKET-PRESS,⁶¹ IF THEY ARE OF WOOD, NEED ONLY BE DRIED⁶² WHEN⁶³ THEY BECOME CLEAR; BUT IF THEY ARE OF REED GRASS⁶⁴ THEY MUST BE LEFT UNUSED⁶⁵ FOR TWELVE MONTHS, OR THEY MUST BE SCALDED IN HOT WATER.⁶⁶ R. JOSE RULED: IT SUFFICES IF THEY ARE IMMERSUED⁶⁷ IN THE CURRENT OF THE RIVER.⁶⁸

(1) Who belonged to the 'am ha-arez class and who are usually careless in the observance of the laws of cleanness and uncleanness but for whose cleansing he had especially arranged.

(2) Thus making sure that they would not come out and contract any uncleanness from without and that no unclear person would get in and convey uncleanness.

(3) The 'am ha-arez, in his opinion, cannot be trusted to keep away from the unclear objects even in such circumstances.

(4) Having been made clear for the purpose the labourers may be relied upon to keep away from all possible uncleanness.

(5) The labourers.

(6) The unclear objects in the olive-press.

(7) Since they would not mind handling those objects and thus contract and convey uncleanness.

(8) In which case they would avoid them.

(9) In the case under discussion.

(10) Who, contrary to the view of R. Meir, are not suspected of being so careless as actually to touch an unclear object.

(11) V. Glos. And, shifting one of the objects even without directly touching it, would unknowingly contract and convey uncleanness.

(12) Who were free from uncleanness.

(13) Walking with their bare feet on the ground.

(14) On the floor.

- (15) Before they reached the olives.
- (16) In such a case the liquid which, having dried up, does not come in contact with the olives, cannot possibly convey any uncleanness to them, while the labourers themselves are not affected by the liquid which conveys no uncleanness to men.
- (17) V. p. 410, n. 12.
- (18) Who are presumed to be unclean on account of their contact with menstruants who do not refrain from embracing them.
- (19) Sc. they are believed if they declare that they have not touched the children.
- (20) Who belonged to the 'am ha-arez class and who are usually careless in the observance of the laws of uncleanness and cleanness but for whose cleansing one had especially arranged.
- (21) By the owner, from his position at the press.
- (22) Containing the ritual bath for their immersion or that of the vessels which they are going to use.
- (23) To regard them as clean, even if the owner did not witness the actual immersion.
- (24) Who is versed in the laws of immersion.
- (25) Since they themselves are not familiar with these laws.
- (26) Since unclean hands convey uncleanness to exuding liquid and the liquid in turn conveys uncleanness to the grapes.
- (27) The exuding liquid, in their opinion, does not render the grapes susceptible to uncleanness since in a basket or on the ground it runs to waste and is, therefore, undesired and unwelcomed.
- (28) Lined with pitch to prevent the waste of any liquid.
- (29) In which cases the liquid is not wasted and, therefore, welcomed.
- (30) Sc. its stalk was still on it sealing it up, so that no liquid would come forth.
- (31) For, though the berry became susceptible to uncleanness when it was cut with the intention of putting it in the wine-press and, in consequence, contracted uncleanness from the man's hands, it nevertheless cannot convey uncleanness to the contents of the vat since (a) a foodstuff cannot convey uncleanness to another foodstuff and (b) it is smaller than the prescribed minimum.
- (32) Since the liquid in the berry contracted uncleanness from the man's hands and, there being no prescribed minimum for liquids, it conveys uncleanness to the contents of the wine-press.
- (33) Into the wine-press.
- (34) Of those whose stalks were still on them, that were cut with the intention of being put into the wine-press, and that in consequence became susceptible to uncleanness and then contracted uncleanness from the hands.
- (35) To press the wine out.
- (36) Sc. one on which there was no liquid.
- (37) For, as soon as the first drop exudes, there remains less than the minimum prescribed for the conveyance of uncleanness.
- (38) An 'am ha-arez.
- (39) In which the wine is gathered.
- (40) Which is deemed unclean and, in accordance with a Rabbinical law, conveys uncleanness to foodstuffs and liquids.
- (41) As is the case with any other unclean object that is thrown through space.
- (42) With a number of jars in succession.
- (43) It being assumed, since an uncleanness at one time may be presumed to have existed at an earlier time, that the unclean object was in the jar all the time and that it conveyed uncleanness to all the contents of the cistern when that jar was lowered into the water.
- (44) Since it is not presumed that an uncleanness found in one place was first present in another place.
- (45) The assumption being that the unclean object in the jar was never in the cistern.
- (46) Which draws the wine from the cistern and then empties it into the jar.
- (47) Before using them.
- (48) After each drawing of the wine.
- (49) To prevent any unclean object from falling into them. In such a case it may well be assumed that it was only then that the unclean object had fallen in.
- (50) So that it may well be presumed that the unclean object was in the jar all the time.
- (51) In which it must obviously have been first.
- (52) Beams kept for the purpose of placing upon the grape skins (after the main part of the juice had been pressed out) in

order to squeeze out any possible juice that still remained in them.

- (53) In respect of conditions of doubtful uncleanness which are deemed clean in public, and unclean in a private domain.
- (54) Since many men are required for the lifting up and the carrying of the beams from their position to the pile of grape skins.
- (55) Sc. a vineyard or a part of it that had not yet been harvested.
- (56) Since the public are kept out of it.
- (57) Sc. the part that had already been harvested.
- (58) Since the public freely use it.
- (59) The last mentioned.
- (60) Otherwise it must still be regarded as a private domain.
- (61) 'Ikal or 'Ekel, a basket or bale of some loose texture into which the pressed out olives are packed to undergo a further process of pressing.
- (62) After being washed with a mixture of ashes and water.
- (63) After due ritual immersion.
- (64) Which has a greater capacity for absorption.
- (65) Lit., 'he causes them to grow old'.
- (66) After which due ritual immersion restores them to cleanness.
- (67) For twelve hours.
- (68) Where the rapidity of the water current expels the absorbed moisture.

Mishna - Mas. Mikva'oth Chapter 1

MISHNAH 1. THERE ARE SIX DEGREES OF GATHERINGS OF WATER,¹ EACH SUPERIOR TO THE OTHER.² THE WATER OF PITS³ — IF AN UNCLEAR PERSON DRANK OF IT AND THEN A CLEAN PERSON DRANK OF IT, HE BECOMES UNCLEAR;⁴ IF AN UNCLEAR PERSON DRANK OF IT AND WATER WAS THEN DRAWN FROM IT IN A CLEAN VESSEL, [THE VESSEL] BECOMES UNCLEAR;⁴ IF AN UNCLEAR PERSON DRANK OF IT AND THEN A LOAF OF TERUMAH⁵ FELL IN AND WAS WASHED IN IT, IT BECOMES UNCLEAR; BUT IF IT WAS NOT WASHED IN IT, IT CONTINUES CLEAR.⁶

MISHNAH 2. IF ONE DREW WATER FROM IT IN AN UNCLEAR VESSEL AND THEN A CLEAN PERSON DRANK [OUT OF THE PIT]. HE BECOMES UNCLEAR;⁷ IF ONE DREW WATER [FROM IT] IN AN UNCLEAR VESSEL AND THEN DREW WATER FROM IT IN A CLEAN VESSEL, IT BECOMES UNCLEAR; IF ONE DREW WATER [FROM IT] IN AN UNCLEAR VESSEL AND A LOAF OF TERUMAH FELL IN AND WAS WASHED IN IT, IT BECOMES UNCLEAR; BUT IF IT WAS NOT WASHED IN IT, IT CONTINUES CLEAR.

MISHNAH 3. IF UNCLEAR WATER⁸ FELL INTO IT AND A CLEAN PERSON DRANK OF IT, HE BECOMES UNCLEAR; IF UNCLEAR WATER FELL INTO IT AND THEN WATER WAS DRAWN FROM IT IN A CLEAN VESSEL, IT BECOMES UNCLEAR; IF UNCLEAR WATER FELL INTO IT AND A LOAF OF TERUMAH FELL IN AND WAS WASHED IN IT, IT BECOMES UNCLEAR; BUT IF IT WAS NOT WASHED IN IT, IT CONTINUES CLEAR. R. SIMEON SAYS: IT BECOMES UNCLEAR⁹ WHETHER IT WAS WASHED IN IT OR WHETHER IT WAS NOT WASHED IN IT.

MISHNAH 4. IF A CORPSE FELL INTO IT OR AN UNCLEAR PERSON¹⁰ WALKED IN IT, AND A CLEAN PERSON DRANK OF IT, HE CONTINUES CLEAR. THE SAME RULE APPLIES TO THE WATER OF PITS, THE WATER OF CISTERNS,¹¹ THE WATER OF DITCHES,¹² THE WATER OF CAVERNS,¹³ THE WATER OF RAIN DRIPPINGS¹⁴ WHICH HAVE STOPPED,¹⁵ AND MIKWEHS¹⁶ OF LESS THAN FORTY SE'AHs: THEY ARE ALL CLEAR DURING THE TIME OF RAIN;¹⁷ WHEN THE RAIN HAS STOPPED THOSE NEAR TO A CITY OR TO A ROAD ARE UNCLEAR,¹⁸ AND THOSE DISTANT REMAIN CLEAR UNTIL THE MAJORITY OF PEOPLE PASS [THAT WAY].¹⁹

MISHNAH 5. WHEN ARE THEY ACCOUNTED CLEAR AGAIN? BETH SHAMMAI SAY: WHEN THEIR CONTENTS HAVE BEEN INCREASED²⁰ [BY MORE THAN THE ORIGINAL QUANTITY] AND THEY OVERFLOW.²¹ BETH HILLEL SAY: WHEN THEIR CONTENTS HAVE BEEN INCREASED²² [BY MORE THAN THEIR ORIGINAL QUANTITY] ALTHOUGH THEY DO NOT OVERFLOW. R. SIMEON SAYS: WHEN THEY OVERFLOW ALTHOUGH THEIR CONTENTS HAVE NOT BEEN SO²³ INCREASED. [ALL SUCH PIT- WATER]²⁴ IS VALID [FOR PREPARING DOUGH] FOR HALLAH²⁵ AND FOR THE WASHING OF THE HANDS.²⁶

MISHNAH 6. SUPERIOR TO SUCH [WATER] IS THE WATER OF RAIN DRIPPINGS WHICH HAVE NOT STOPPED.²⁷ IF AN UNCLEAR PERSON DRANK OF IT AND THEN A CLEAN PERSON DRANK OF IT, HE CONTINUES CLEAR;²⁸ IF AN UNCLEAR PERSON DRANK OF IT AND WATER WAS THEN DRAWN FROM IT IN A CLEAN VESSEL, IT CONTINUES CLEAR; IF AN UNCLEAR PERSON DRANK OF IT AND A LOAF OF TERUMAH FELL IN, EVEN IF IT WAS WASHED IN IT, IT CONTINUES CLEAR; IF ONE DREW WATER FROM IT IN AN UNCLEAR VESSEL AND THEN A CLEAN PERSON DRANK [OUT OF THE POOL]. HE CONTINUES CLEAR; IF ONE DREW WATER FROM IT IN AN UNCLEAR VESSEL AND A LOAF OF TERUMAH FELL [INTO THE POOL]. EVEN IF

IT WAS WASHED IN IT, IT CONTINUES CLEAN; IF UNCLEAN WATER FELL INTO IT AND A CLEAN PERSON DRANK OF IT, HE CONTINUES CLEAN; IF UNCLEAN WATER FELL INTO IT AND ONE DREW WATER FROM IT IN A CLEAN VESSEL, IT CONTINUES CLEAN; IF UNCLEAN WATER FELL INTO IT AND A LOAF OF TERUMAH FELL IN, EVEN IF IT WAS WASHED IN IT, IT CONTINUES CLEAN. [ALL SUCH WATER] IS VALID FOR TERUMAH²⁹ AND FOR THE WASHING OF THE HANDS.³⁰

MISHNAH 7. SUPERIOR TO SUCH [WATER] IS [THE WATER OF] THE MIKWEH CONTAINING FORTY SE'AHs,³¹ FOR IN IT PERSONS MAY IMMERSE THEMSELVES³² AND IMMERSE OTHERS.³³ SUPERIOR AGAIN IS [THE WATER OF] A FOUNTAIN WHOSE OWN WATER IS LITTLE BUT HAS BEEN INCREASED BY A GREATER QUANTITY OF DRAWN WATER; IT IS EQUIVALENT TO THE MIKWEH IN AS MUCH AS IT MAY RENDER CLEAN BY STANDING WATER,³⁴ AND TO AN [ORDINARY] FOUNTAIN IN AS MUCH AS ONE MAY IMMERSE IN IT WHATEVER THE QUANTITY OF ITS CONTENTS.³⁵

MISHNAH 8. SUPERIOR AGAIN ARE 'SMITTEN WATERS'³⁶ WHICH CAN RENDER CLEAN EVEN WHEN FLOWING. SUPERIOR AGAIN ARE 'LIVING WATERS'³⁷ WHICH SERVE FOR THE IMMERSION OF PERSONS WHO HAVE A RUNNING ISSUE³⁸ AND FOR THE SPRINKLING OF LEPERS,³⁹ AND ARE VALID FOR THE PREPARATION OF THE WATER OF PURIFICATION.⁴⁰

(1) **במקואות**, here used in the ordinary and more original sense of an assemblage of water, as in biblical Hebrew (e.g., Gen. I, 10). and not in the later technical sense of a ritual bathing-pool; cf. Introduction. The six degrees are: I, water of pits (mishna 1); II, water of rain drippings (mishna 6); III, the mikweh; IV, the fountain (mishna 7); V, smitten water; VI, living water (mishna 8).

(2) In their power of imparting and removing uncleanness.

(3) **נביאים**, cf. Isa. XXX, 14. The contents are less than 40 se'ahs. If the pit contains 40 se'ahs or more, it becomes a mikweh.

(4) The water taken up by the drinker in his mouth having become unclean, it may be feared that a drop of it fell from his mouth back' into the water of the pit, and was afterwards drunk by the clean person, or was taken up in the clean vessel.

(5) Heave-offering which, by reason of its sanctity, is susceptible to uncleanness more than ordinary food; cf. Zabim V, 12; Shab. 14a.

(6) The water in the pit is considered as joined to the ground, and as such is incapable of becoming unclean or of conveying uncleanness (cf Lev. XI, 36), until it is deliberately removed from the pit. Therefore, if the person did not wash the loaf, the unclean drop of water, which may have been absorbed by the loaf, was neutralized and its uncleanness rendered ineffective by the rest of the water in the pit. But when the person washed the loaf, he deliberately removed from the pit water absorbed by the loaf, which may have included the unclean drop. This drop, therefore, was not neutralized, but imparted its uncleanness to the loaf.

(7) The same rule obtains in the case of an unclean vessel as in the case of an unclean drinker. The vessel imparts uncleanness to the water it takes up from the pit. A drop of this unclean water may have fallen back from the vessel into the pit, and may have been taken up again by the drinker in his mouth.

(8) The rule applying to a drop falling back into the pit from an unclean drinker or from an unclean vessel applies also to unclean water which falls into the pit.

(9) In all the three cases discussed above. He holds that even when the loaf was not washed, we may suspect that it was the clean water alone which escaped from the loaf when lifted from the pit, and that the unclean water adhered to the loaf, and rendered it unclean.

(10) The corpse or the unclean person did not make the water unclean, because, as stated above p. 423, n. 6, water in a pit is considered joined to the ground, and is not susceptible to uncleanness unless it is deliberately separated from the pit.

(11) They are shaped round like wells.

(12) Shaped long and narrow.

(13) These are more or less square-shaped and roofed.

- (14) Pools formed by rain water running down from the hills.
- (15) To trickle down from the hills. If they have not stopped, they would neutralize an unclean drop falling into them.
- (16) Artificial pools designed for ritual immersion (cf. Introd.), somewhat rectangular in shape, but not roofed.
- (17) When wayfarers are few and drinking water is abundant. There is then no need to suspect that an unclean person had drunk from them, or that water had been drawn from them in an unclean vessel. And if by chance this did happen, the flowing rain water would have neutralized the unclean drop.
- (18) It may be suspected that an unclean wayfarer had drunk from them, or that water was drawn from them in an unclean vessel.
- (19) Among whom there may have been an unclean person who drank of the water, or a person who drew water in an unclean vessel.
- (20) By rain water.
- (21) So that it may be assumed that the unclean quantity had escaped.
- (22) The larger quantity of rain water is sufficient to neutralize the unclean quantity; cf. Maksh. II, 3.
- (23) Even if the new rain water was less than the original contents, but was sufficient to overfill the receptacle.
- (24) As defined Supra I, n. 3.
- (25) I.e. dough from which hallah, or dough-offering, has to be taken; cf. Num. XV, 20; Hal. I. 1.
- (26) Before eating of common food; cf. Hag. II, 5.
- (27) Cf. p. 425 nn. 3, 4.
- (28) A possible unclean drop falling back into the pool is neutralized by the fresh flow of water coming down from the hills.
- (29) For preparing in it food of heave-offering.
- (30) Even for eating terumah; cf. Hag. l.c.
- (31) Not filled by the hand of man; cf. Introd.
- (32) All persons who require purification by immersion, with the exception of persons with a running issue; cf. next Mishnah.
- (33) Unclean vessels and the hands before eating of the meat of sacrifices; cf. Hag. l.c.
- (34) Whereas a fountain with its water coming from under the ground can purify also when the water is flowing.
- (35) It does not require to have 40 se'ahs, but just sufficient for the complete immersion of persons or of utensils; cf. Introd.
- (36) Salty water or hot water from a spring.
- (37) Pure and sweet spring water.
- (38) Cf. Lev. XV, 13.
- (39) Ibid. XIV, 5-7.
- (40) Num. XIX, 17.

Mishna - Mas. Mikva'oth Chapter 2

MISHNAH 1. IF AN UNCLEAN MAN WENT DOWN TO IMMERSE HIMSELF AND IT IS DOUBTFUL WHETHER HE DID IMMERSE HIMSELF OR NOT,¹ OR EVEN IF HE DID IMMERSE HIMSELF,² IT IS DOUBTFUL WHETHER THE MIKWEH CONTAINED FORTY SE'AHS OR NOT, OR IF THERE WERE TWO MIKWEHS, ONE CONTAINING FORTY SE'AHS BUT NOT THE OTHER, AND HE IMMERSSED HIMSELF IN ONE OF THEM BUT HE DOES NOT KNOW IN WHICH OF THEM HE IMMERSSED HIMSELF, IN SUCH A DOUBT HE IS ACCOUNTED UNCLEAN.³

MISHNAH 2. IF A MIKWEH WAS MEASURED AND WAS FOUND LACKING [IN ITS PRESCRIBED QUANTITY],⁴ ALL THINGS WHICH HAD BEEN PURIFIED IN IT HITHERTO,⁵ WHETHER IN PRIVATE PREMISES OR IN PUBLIC PREMISES,⁶ ARE ACCOUNTED UNCLEAN. TO WHAT DOES THIS RULE APPLY?⁷ TO A SERIOUS UNCLEANNESS.⁸ BUT IN THE CASE OF A LESSER UNCLEANNESS,⁹ NAMELY IF ONE ATE UNCLEAN FOODS¹⁰ OR DRANK UNCLEAN LIQUIDS, OR IF HIS HEAD AND THE GREATER PART OF HIS BODY ENTERED INTO DRAWN WATER,¹¹ OR IF THREE LOGS OF DRAWN WATER FELL

ON HIS HEAD AND THE GREATER PART OF HIS BODY,¹² AND HE THEN WENT DOWN TO IMMERSE HIMSELF AND HE IS IN DOUBT WHETHER HE IMMERSSED HIMSELF OR NOT, OR EVEN IF HE DID IMMERSE HIMSELF THERE IS [STILL] A DOUBT WHETHER THE MIKWEH CONTAINED FORTY SE'AHS OR NOT, OR IF THERE WERE TWO MIKWEHS, ONE CONTAINING FORTY SE'AHS AND NOT THE OTHER, AND HE IMMERSSED HIMSELF IN ONE OF THEM BUT DOES NOT KNOW IN WHICH OF THEM HE IMMERSSED HIMSELF, IN SUCH A DOUBT HE IS ACCOUNTED CLEAN. R. JOSE CONSIDERS HIM UNCLEAR, FOR R JOSE SAYS: ANYTHING WHICH IS PRESUMPTIVELY UNCLEAR ALWAYS REMAINS IN A CONDITION OF UNFITNESS UNTIL IT IS KNOWN THAT IT HAS BECOME CLEAN;¹³ BUT IF THERE IS A DOUBT WHETHER A PERSON BECAME UNCLEAR¹⁴ OR CAUSED UNCLEANNESS,¹⁵ IT IS TO BE ACCOUNTED CLEAN.

MISHNAH 3. IN THE CASE OF A DOUBT ABOUT DRAWN WATER WHICH THE SAGES HAVE DECLARED CLEAN,¹⁶ WHEN THERE IS A DOUBT WHETHER [THREE LOGS OF DRAWN WATER] FELL INTO THE MIKWEH OR NOT, OR IF, THOUGH THEY DID FALL IN, THERE IS A DOUBT WHETHER [THE MIKWEH] CONTAINED FORTY SE'AHS OR NOT, OR IF THERE WERE TWO MIKWEHS OF WHICH ONE CONTAINED FORTY SE'AHS AND THE OTHER DID NOT, AND DRAWN WATER FELL INTO ONE OF THEM AND IT IS NOT KNOWN INTO WHICH OF THEM IT FELL, IN SUCH A DOUBT IT IS ACCOUNTED CLEAN,¹⁷ BECAUSE THERE EXISTS [A POSSIBILITY]¹⁸ ON WHICH WE MAY DEPEND [IN DECLARING IT CLEAN]. IF THEY BOTH CONTAINED LESS THAN FORTY SE'AHS, AND [DRAWN WATER] FELL INTO ONE OF THEM AND IT IS NOT KNOWN INTO WHICH OF THEM IT FELL, IN SUCH A DOUBT IT IS ACCOUNTED UNCLEAR, BECAUSE THERE EXISTS NO [POSSIBILITY]¹⁹ ON WHICH WE MAY DEPEND [IN DECLARING IT CLEAN].

MISHNAH 4. R. ELIEZER SAYS: A QUARTER-LOG OF DRAWN WATER IN THE BEGINNING²⁰ MAKES THE MIKWEH INVALID, AND THREE LOGS ON THE SURFACE OF THE WATER.²¹ BUT THE SAGES SAY: BOTH IN THE BEGINNING AND AT THE END, THE MEASURE [WHICH MAKES THE MIKWEH INVALID] IS THREE LOGS.

MISHNAH 5. IF THERE WERE THREE CAVITIES²² IN A MIKWEH²³ EACH HOLDING A LOG OF DRAWN WATER, IF IT IS KNOWN THAT THERE FELL THEREIN FORTY SE'AHS OF VALID WATER BEFORE REACHING THE THIRD CAVITY, [SUCH A MIKWEH IS]²⁴ VALID; OTHERWISE IT IS INVALID. BUT R. SIMEON DECLARES IT VALID, SINCE IT RESEMBLES A MIKWEH ADJOINING ANOTHER MIKWEH.²⁵

MISHNAH 6. IF THE MUD²⁶ HAD BEEN MOVED TO THE SIDES AND THEN THREE LOGS [OF WATER] WERE DRAWN OUT FROM IT, [THE MIKWEH IS STILL] VALID. BUT IF THE MUD HAD BEEN REMOVED AWAY²⁷ AND THREE LOGS WERE DRAWN FROM IT [INTO THE MIKWEH]. IT BECOMES INVALID.²⁸ BUT R. SIMEON PRONOUNCES IT VALID, SINCE THERE WAS NO INTENTION TO DRAW [THE WATER].²⁹

MISHNAH 7. IF ONE HAD LEFT WINE-JARS ON THE ROOF TO DRY³⁰ AND THEY BECAME FILLED WITH WATER,³¹ R. ELIEZER SAYS: IF IT WAS THE SEASON OF RAIN³² AND³³ THERE WAS [IN THE CISTERN] A LITTLE WATER, ONE MAY BREAK THE JARS,³⁴ OTHERWISE ONE MAY NOT BREAK THEM.³⁵ R. JOSHUA SAYS: IN EITHER CASE ONE MAY BREAK THEM OR TILT THEM OVER,³⁶ BUT ONE MAY NOT EMPTY³⁷ [THEM INTO THE CISTERN].

MISHNAH 8. IF A PLASTERER FORGOT HIS LIME-TUB IN A CISTERN AND IT BECAME FILLED WITH WATER, IF WATER FLOWED ABOVE IT HOWEVER LITTLE,³⁸ IT MAY BE BROKEN;³⁹ OTHERWISE IT MAY NOT BE BROKEN.⁴⁰ THIS IS THE OPINION OF R.

ELIEZER. BUT R. JOSHUA SAYS: IN EITHER CASE IT MAY BE BROKEN.⁴¹

MISHNAH 9. IF ONE HAD ARRANGED WINE-JARS IN A CISTERN⁴² AND THEY BECAME FILLED WITH WATER, EVEN THOUGH THE WATER OF THE CISTERN WAS ALL SOAKED UP,⁴³ THEY MAY BE BROKEN.⁴⁴

MISHNAH 10. IF A MIKWEH CONTAINED FORTY SE'AH'S OF WATER AND MUD⁴⁵ [COMBINED]. R. ELIEZER SAYS: ONE MAY IMMERSE OBJECTS IN THE WATER BUT ONE MAY NOT IMMERSE THEM IN THE MUD. BUT R. JOSHUA SAYS: IN THE WATER AND ALSO IN THE MUD. IN WHAT KIND OF MUD MAY OBJECTS BE IMMersed? MUD OVER WHICH WATER FLOATS.⁴⁶ IF THE WATER WAS ON THE ONE SIDE ONLY. R. JOSHUA ADMITS THAT OBJECTS MAY BE IMMersed IN THE WATER BUT MAY NOT BE IMMersed IN THE MUD.⁴⁷ OF WHAT KIND OF MUD HAVE THEY SPOKEN?⁴⁸ MUD INTO WHICH A REED WILL SINK OF ITSELF.⁴⁹ THIS IS THE OPINION OF R. MEIR. R. JUDAH SAYS: [MUD] IN WHICH⁵⁰ A MEASURING-ROD WILL NOT STAND UPRIGHT.⁵¹ ABBA ELEAZAR B. DULA'I SAYS: [MUD] INTO WHICH A PLUMMET WILL SINK. R. ELIEZER SAYS: SUCH AS WILL GO DOWN INTO THE MOUTH OF A JAR.⁵² R. SIMEON SAYS: SUCH AS WILL ENTER INTO THE TUBE OF A WATER- SKIN.⁵³ R. ELEAZAR B. ZADOK SAYS: SUCH AS CAN BE MEASURED IN A LOG MEASURE.⁵⁴

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- (1) Whether the immersion was carried out in accordance with the prescribed regulations.
 - (2) He is sure the immersion was carried out properly.
 - (3) The doubtful purification has not the power of undoing the certain state of a previous defilement.
 - (4) 40 se'ahs.
 - (5) Since the time it was known to have contained 40 se'ahs until it was measured.
 - (6) Although the rule is that a doubtful defilement in public premises is deemed clean (cf. Toh. IV, 7, 11; 'Ed. (Sonc. ed.) p. 11, n. 6; p. 19, n. 13.), because the doubt here is not about the defilement but about the purification of a previous certain defilement.
 - (7) In this and in the last Mishnah.
 - (8) Caused by a principal defilement (אב הטומאה; 'Ed. (Sonc. ed.) p. 10, n. 1), enacted by the Torah.
 - (9) Caused by a secondary defilement enacted by rabbinic law only.
 - (10) Of a secondary defilement of the first or second degree; cf. 'Ed. l.c.
 - (11) Immediately after immersion in a mikweh.
 - (12) All these acts cause secondary defilement in accordance with rabbinic law only, disqualifying the person from eating terumah; cf. Toh. IV, 11; Zabim V, 12; Shab. 13b.
 - (13) R. Jose makes no distinction between a defilement according to Mosaic law and a defilement according to rabbinic law. In either case when the defilement is certain and the purification doubtful, the defilement continues. Only when the doubt is about a defilement according to rabbinic law may it be deemed clean.
 - (14) By any of the named secondary defilements.
 - (15) After the person had become unclean by a secondary defilement, there arose a doubt whether he had conveyed uncleanness to terumah things.
 - (16) Cf. Toh. IV, 7.
 - (17) In both cases the mikwehs are valid when their contents are brought up to 40 se'ahs.
 - (18) Viz., that the three logs did not fall in at all, or that the mikweh did contain 40 se'ahs, or, finally, that the three logs fell into the mikweh containing 40 se'ahs.
 - (19) Since one of the two mikwehs was certainly rendered invalid, and as we do not know which of the two, both must be considered invalid.
 - (20) Before the mikweh became filled with rain water, a quarter-log of drawn water was put into it.
 - (21) Poured in after the mikweh had been filled with rain water, but with less than 40 se'ahs.
 - (22) One above the other in the wall of the mikweh.
 - (23) Which was empty.
 - (24) Because when the contents of the mikweh reached 40 se'ahs, the quantity of drawn water in it was still less than

three logs.

(25) The cavities are to be considered as distinct and separate from the main mikweh, and as if they were themselves mikwehs. But the validity of a mikweh is not affected by its contiguity with an invalid mikweh.

(26) In a mikweh holding less than 40 se'ahs.

(27) Out of the mikweh.

(28) The water from the mud is considered drawn water.

(29) The intention was only to remove the mud but not the water contained therein; therefore the water is deemed as still belonging to the mikweh.

(30) But if the intention was that they should be filled with water, the water would become equivalent to drawn water.

(31) Rain water.

(32) When the mikweh under the roof might be expected to be filled with nearly 40 se'ahs of rain water.

(33) Var. lec. 'or'.

(34) So that their water may flow into the mikweh below and make up 40 se'ahs.

(35) If it is not the rainy season and the mikweh cannot be expected to be filled with rain water, it may not, according to R. Eliezer, be filled with water from a receptacle, even though the water flows freely without human touch from the receptacle into the mikweh. Again, if the cistern had no water at all, it may be feared that a quarter-log of water would run over from the jars into the empty mikweh before the jars are broken, and this would invalidate the mikweh in accordance with R. Eliezer's opinion in Mishnah 4.

(36) So as to let the water flow freely from the jars into the mikweh below.

(37) By hand, for this would render the water in the jars drawn water.

(38) Its contents are then part of the contents of the cistern.

(39) And its contents allowed to mingle with the contents of the cistern which serves as a mikweh. But the tub must not be lifted from the cistern and emptied into the cistern, for its contents would then become drawn water.

(40) The contents of the tub are equivalent to drawn water.

(41) And let its contents flow into the cistern, because the water in the tub is not deemed drawn water.

(42) Which held water, in order that the porous sides of the wine-jars might become saturated with water and not be able afterwards to soak in any wine.

(43) In the soil, and there is no water left save that which is in the jars.

(44) And their contents may be used for making a mikweh in the cistern, because they are not deemed drawn water since it was not his intention for the water to fill the jars.

(45) Thin mud; cf. infra VII, 1.

(46) For the cavity formed by the immersed object becomes filled with water.

(47) Although the mud serves to make up the 40 se'ahs.

(48) That it may combine with water to form the 40 se'ahs, and that objects may be immersed in it.

(49) Without being pressed down by the hand. Of the opinions that follow, each assumes a thicker mud than the preceding opinion.

(50) Lit., 'a place'.

(51) But must be held by the hand.

(52) And so cannot serve as a stopper to the jar.

(53) Even if it can stop the mouth of a jar.

(54) Like a liquid.

Mishna - Mas. Mikva'oth Chapter 3

MISHNAH 1. R. JOSE SAYS: IF THERE ARE TWO MIKWEHS NEITHER OF WHICH CONTAINS FORTY SE'AHS, AND A LOG AND A HALF [OF DRAWN WATER] FELL INTO EACH, AND THEY ARE MINGLED TOGETHER, THEY REMAIN VALID, SINCE THEY HAD NEVER¹ BEEN EXPLICITLY ACCOUNTED AS INVALID; BUT IF THERE IS A MIKWEH HOLDING LESS THAN FORTY SE'AHS, AND THREE LOGS [OF DRAWN WATER] FELL INTO IT, AND IT WAS THEN DIVIDED INTO TWO,² IT IS INVALID, SINCE IT HAD ALREADY BEEN EXPLICITLY ACCOUNTED AS INVALID.³ R. JOSHUA DECLARES IT VALID; FOR R. JOSHUA USED TO SAY: ANY MIKWEH CONTAINING LESS THAN FORTY

SE'AH⁴ INTO WHICH THREE LOGS [OF DRAWN WATER] FELL AND FROM WHICH A KORTOB⁴ WAS WITHDRAWN BECOMES VALID, SINCE THE THREE LOGS HAVE ALSO BEEN DIMINISHED.⁵ BUT THE SAGES SAY: IT ALWAYS REMAINS INVALID UNTIL THE FORMER CONTENTS THEREOF ARE REMOVED AND A LITTLE MORE.⁶

MISHNAH 2. IN WHAT MANNER? IF THERE WAS A CISTERN⁷ IN A COURTYARD AND THREE LOGS [OF DRAWN WATER] FELL INTO IT, IT WILL ALWAYS REMAIN INVALID UNTIL THE WHOLE OF IT IS REMOVED AND A LITTLE MORE, OR UNTIL [ANOTHER MIKWEH CONTAINING] FORTY SE'AH⁸ IS PLACED IN THE COURTYARD,⁸ SO THAT THE HIGHER⁹ MIKWEH IS RENDERED VALID BY THE LOWER.¹⁰ R. ELIEZER B. AZARIAH DECLARES IT INVALID UNLESS THE [NEW MIKWEH] IS STOPPED UP.¹¹

MISHNAH 3. IF THERE WAS A CISTERN FULL OF DRAWN WATER AND A CHANNEL¹² LED INTO IT AND OUT OF IT, IT CONTINUES INVALID UNTIL IT CAN BE RECKONED THAT THERE DOES NOT REMAIN IN IT THREE LOGS OF THE FORMER [WATER].¹³ IF TWO MEN POURED¹⁴ EACH A LOG AND A HALF [OF DRAWN WATER] INTO A MIKWEH, OR IF ONE WRUNG OUT HIS CLOTHES AND SO POURED IN [WATER] FROM SEVERAL PLACES,¹⁵ OR IF ONE EMPTIED OUT A WATER-COOLER¹⁶ AND SO POURED IN [WATER] FROM SEVERAL PLACES, R. AKIBA DECLARES IT VALID,¹⁷ BUT THE SAGES DECLARE IT INVALID. R. AKIBA SAID: THEY¹⁸ DID NOT SAY 'IF THEY POURED IN', BUT 'IF ONE¹⁹ POURED IN'. BUT THEY SAID: THEY SAID NEITHER THUS NOR THUS, BUT ONLY IF THERE FELL THEREIN THREE LOGS²⁰ [OF DRAWN WATER]'.¹⁷

MISHNAH 4. [IF THE THREE LOGS OF DRAWN WATER FELL IN] FROM ONE VESSEL OR FROM TWO OR FROM THREE, THEY COMBINE TOGETHER;²¹ BUT IF FROM FOUR, THEY DO NOT COMBINE TOGETHER.²² IF A MAN WHO HAD A SEMINAL ISSUE WAS SICK AND NINE KABS OF WATER²³ FELL ON HIM, OR IF THERE FELL ON THE HEAD AND THE GREATER PART OF THE BODY OF A CLEAN PERSON THREE LOGS OF DRAWN WATER²⁴ FROM ONE VESSEL OR FROM TWO OR FROM THREE, THEY COMBINE TOGETHER; BUT IF FROM FOUR, THEY DO NOT COMBINE TOGETHER. IN WHAT CASE DOES THIS APPLY?²⁵ WHEN THE SECOND BEGAN BEFORE THE FIRST FINISHED. AND IN WHAT OTHER CASE DOES [THE OTHER STATEMENT]²⁶ APPLY? WHEN THERE WAS NO INTENTION TO INCREASE²⁷ IT. BUT IF THERE WAS AN INTENTION TO INCREASE IT, IF ONLY A KORTOB IN A WHOLE YEAR, THEY COMBINE TOGETHER TO ADD UP TO THE THREE LOGS.

(1) Before they became mingled, when the amount of drawn water which fell into each was less than three logs.

(2) And each had its contents increased to 40 se'ahs.

(3) Before it was divided into two.

(4) The smallest liquid measure, viz., one sixty-fourth of a two.

(5) The kortob which was withdrawn must have included also some portion of the drawn water.

(6) To make the mikweh valid a quantity of water must be withdrawn from it, which is equal to the quantity which the mikweh contained when the drawn water fell into it, and a little more to reduce the drawn water in the mikweh to less than three logs.

(7) Containing less than 40 se'ahs.

(8) One above the other and connected.

(9) Var. lec.: 'the lower'.

(10) Var. lec.: 'the higher'.

(11) קרפ, so that one has to come first to the old mikweh. Var. lec.: פדפ, until all its water is used up.

(12) Of rain water less than 40 se'ahs in quantity.

(13) That through the channel leading out of the cistern there flowed away the former contents of drawn water in the cistern, leaving of them less than three logs plus the quantity of fresh rain water which entered the cistern on the one side

and flowed out on the other side. This together will be considerably more than the former contents of the cistern, required in the last Mishnah, because there the former contents of the cistern consisted of valid water which only became invalid by the addition of three logs of drawn water, whereas here all the former contents were invalid water.

(14) Simultaneously; cf. next Mishnah.

(15) To the quantity of three logs.

(16) Containing a sieve-like filter within its neck; cf. Kelim II, 8.

(17) He holds that the three logs of water which invalidate the mikweh must all come from one receptacle.

(18) The Sages who formulated the rule regarding drawn water in a mikweh.

(19) Which wording implies that all the three logs must come from one vessel.

(20) Which may imply also pouring in from more than one vessel. Cf. 'Ed. I, 3. The dispute between R. Akiba and the Sages turns on the exact wording of the traditional formula of the rule.

(21) In accordance with the opinion of the Sages, provided each vessel contains one log.

(22) Because one of them must contain less than one log.

(23) Which is sufficient purification for a person with such a defilement who, owing to sickness, is unable to undergo full immersion in a mikweh, provided the defilement was unintentional. If, however, the defilement was intentional, he needs complete immersion before he can occupy himself with the study of the Torah; cf. Ber. 22b, and infra VIII, 1, n. 3.

(24) Which confers a defilement of the second degree, disqualifying a person from eating terumah; cf. Zabim V. 6; Shab. 13b.

(25) That three logs of drawn water derived from two or three vessels combine to invalidate the mikweh.

(26) That the contents of more than three vessels are not reckoned together to invalidate the mikweh.

(27) To increase the quantity of water in the mikweh by the addition of the drawn water.

Mishna - Mas. Mikva'oth Chapter 4

MISHNAH 1. IF ONE PUT VESSELS UNDER A WATER-SPOUT,¹ WHETHER THEY BE LARGE VESSELS² OR SMALL VESSELS³ OR EVEN VESSELS OF DUNG, VESSELS OF STONE OR EARTHEN VESSELS,⁴ THEY MAKE THE MIKWEH INVALID.⁵ IT IS ALL ALIKE WHETHER THEY WERE PUT THERE [PURPOSELY] OR WERE [MERELY] FORGOTTEN. THIS IS ACCORDING TO THE OPINION OF BETH SHAMMAI. BUT BETH HILLEL DECLARE IT CLEAN IN THE CASE OF ONE WHO FORGETS.⁶ R. MEIR SAID: THEY VOTED AND BETH SHAMMAI HAD A MAJORITY OVER BETH HILLEL;⁷ YET THEY AGREE⁸ IN THE CASE OF ONE WHO FORGETS [AND LEAVES VESSELS] IN A COURTYARD⁹ THAT THE MIKWEH REMAINS CLEAN.¹⁰ R. JOSE SAID: THE CONTROVERSY STILL REMAINS AS IT WAS.

MISHNAH 2. IF ONE PUT A BOARD UNDER A WATER-SPOUT AND IT HAD A RIM¹¹ TO IT, IT MAKES THE MIKWEH INVALID; OTHERWISE IT DOES NOT MAKE THE MIKWEH INVALID. IF HE MADE IT STAND UPRIGHT TO BE RINSED, IN NEITHER CASE DOES IT MAKE THE MIKWEH INVALID.

MISHNAH 3. IF ONE MAKES¹² A HOLLOW IN A WATER-SPOUT TO COLLECT THE GRAVEL,¹³ IT MAKES THE MIKWEH INVALID¹⁴ IN THE CASE OF A WOODEN [SPOUT] IF IT HOLDS HOWEVER LITTLE, BUT IN THE CASE OF AN EARTHENWARE [SPOUT] IF IT WILL HOLD A QUARTER-LOG.¹⁵ R. JOSE SAYS: ALSO IN THE CASE OF AN EARTHENWARE [SPOUT] IF IT HOLDS HOWEVER LITTLE: THEY HAVE SPOKEN OF 'A QUARTER-LOG'¹⁶ ONLY IN THE CASE OF BROKEN SHERDS OF AN EARTHENWARE UTENSIL. IF THE PIECES OF GRAVEL MOVED ABOUT INSIDE [THE HOLLOW]. IT MAKES THE MIKWEH INVALID.¹⁷ IF EARTH CAME DOWN INTO IT AND WAS PRESSED DOWN,¹⁸ [THE MIKWEH CONTINUES] VALID. IF THE SPOUT WAS NARROW AT EACH END AND WIDE IN THE MIDDLE, IT DOES NOT MAKE [THE MIKWEH] INVALID, BECAUSE IT¹⁹ HAD NOT BEEN FASHIONED FOR GATHERING [ANYTHING IN IT].²⁰

MISHNAH 4. IF DRAWN WATER AND RAIN WATER WERE MINGLED TOGETHER IN A COURTYARD OR IN A CAVITY OR ON THE STEPS OF A CAVE,²¹ IF THE GREATER PART WAS VALID,²² THE WHOLE IS VALID; AND IF THE GREATER PART WAS INVALID,²³ THE WHOLE IS INVALID. IF THEY WERE EQUAL IN QUANTITY. THE WHOLE IS INVALID. WHEN [DOES THIS APPLY]?²⁴ WHEN THEY WERE MINGLED TOGETHER BEFORE THEY ARRIVED AT THE MIKWEH. BUT IF THEY FLOWED [EACH ONE DIRECT] INTO THE WATER [OF THE Mikweh].²⁵ IF IT WAS KNOWN THAT THERE FELL IN FORTY SE'AHs OF VALID WATER BEFORE THERE CAME DOWN THREE LOGS OF DRAWN WATER, [THE MIKWEH IS] VALID; OTHERWISE IT IS INVALID.

MISHNAH 5. IN THE CASE OF A TROUGH²⁶ IN THE ROCK,²⁷ WATER MAY NOT BE GATHERED IN IT,²⁸ NOR MAY THE WATER OF PURIFICATION BE CONSECRATED²⁹ THEREIN, NOR MAY ONE SPRINKLE³⁰ THEREFROM; AND IT DOES NOT REQUIRE A TIGHTLY STOPPED-UP COVERING,³¹ AND IT DOES NOT MAKE THE MIKWEH INVALID.³² IF IT WAS A [MOVABLE] VESSEL³³ AND HAD BEEN JOINED TO THE GROUND WITH LIME, WATER MAY BE GATHERED IN IT, AND THE WATER OF PURIFICATION MAY BE CONSECRATED THEREIN, AND ONE MAY SPRINKLE THEREFROM, AND IT REQUIRES A TIGHTLY STOPPED-UP COVERING, AND IT MAKES THE MIKWEH INVALID. IF A HOLE WAS MADE IN IT BELOW OR AT THE SIDE SO THAT IT COULD NOT CONTAIN WATER IN HOWEVER SMALL A QUANTITY,³⁴ IT IS VALID.³⁵ AND HOW GREAT SHOULD BE THE HOLE? LIKE THE TUBE OF A WATER-SKIN. R. JUDAH B. BATHYRA SAID: IT HAPPENED IN THE CASE OF THE TROUGH OF JEHU³⁶ IN JERUSALEM THAT THERE WAS A HOLE IN IT LIKE THE TUBE OF A WATER-SKIN, AND IT WAS USED FOR ALL THINGS IN JERUSALEM WHICH NEEDED A STATE OF PURITY. BUT BETH SHAMMAI SENT AND BROKE IT DOWN, FOR BETH SHAMMAI SAY: [IT REMAINS A VESSEL] UNLESS THE GREATER PART OF IT IS BROKEN DOWN.

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- (1) Conveying rain water from the roof.
 - (2) Containing more than 40 se'ahs.
 - (3) Too small to become unclean; cf. Kelim II, 2.
 - (4) These are not susceptible to uncleanness.
 - (5) If their contents of three logs are emptied into a mikweh containing less than 40 se'ahs (so also below where this phrase occurs). For, unlike the case discussed in II, 7, these serve for the special purpose of receiving the water from the spout.
 - (6) Because there was no intention to collect water in them.
 - (7) And the controversy was settled in accordance with the opinion of Beth Shammai; cf. Shab. I, 4.
 - (8) Beth Shammai.
 - (9) Not under a water-spout.
 - (10) Since evidently there was no intention to collect the water.
 - (11) It is considered a receptacle, and the rain water passing from the roof along the board becomes drawn water.
 - (12) Before fixing the spout to the roof.
 - (13) Coming down in the rain water.
 - (14) The cavity becomes a receptacle for the water that passes through it into the mikweh. The spout itself is not deemed a receptacle, because it is open at both ends.
 - (15) If it holds less than a quarter-log, it is not considered a vessel; cf. Kelim II, 2.
 - (16) As the minimum capacity of a vessel.
 - (17) Though the gravel fills the cavity.
 - (18) Filling the cavity.
 - (19) The wide part in the middle.
 - (20) But only for facilitating the flow of the water.
 - (21) Containing a mikweh.
 - (22) The rain water exceeds in quantity the drawn water.

- (23) Consisting of drawn water.
- (24) That the mikweh is valid when rain water makes up the greater part of the mixture.
- (25) I.e., the drawn water flowed directly from the vessel into the mikweh.
- (26) Cf. Parah V, 7.
- (27) If filled with water from a fountain. Being naturally joined to the ground, it cannot be considered a vessel; cf. supra I, 1, n. 6.
- (28) For the Water of Purification, for which a vessel is required; cf. Num. XIX, 17.
- (29) By mixing in it the ashes of the Red Heifer.
- (30) If properly prepared Water of Purification is put on to it; *ibid.* XIX, 18.
- (31) *Ibid.* XIX, 15. It protects its contents against defilement from a corpse even if it has only an ordinary covering; cf. Ohol. V, 6.
- (32) If three logs of rain water flow from it into a mikweh containing less than 40 se'ahs.
- (33) The trough had been hollowed out in a movable stone.
- (34) It loses the character of a vessel and becomes like a channel.
- (35) The water which flows from it does not render the mikweh invalid.
- (36) The site of this trough is not known. The name Jehu occurs in Judah, I Chron. II, 38. etc. S. Klein conjectures that the trough belonged to a family which traced its descent from Jehu, King of Israel; cf. the Well of Ahab, Parah VIII, 11; v. ז"י, IV (Jerusalem, 1938), p. 40f.

Mishna - Mas. Mikva'oth Chapter 5

MISHNAH 1. [WATER FROM] A FOUNTAIN WHICH IS MADE TO PASS OVER INTO A TROUGH¹ BECOMES INVALID;² IF IT WAS MADE TO PASS OVER THE EDGE IN ANY QUANTITY, [WHAT IS] OUTSIDE [THE TROUGH] IS VALID,³ FOR [THE WATER OF] A FOUNTAIN PURIFIES HOWEVER LITTLE ITS QUANTITY.⁴ IF IT IS MADE TO PASS OVER INTO A POOL AND THEN IS STOPPED, THE POOL COUNTS AS A MIKWEH;⁵ IF IT IS MADE TO FLOW AGAIN,⁶ IT IS STILL INVALID FOR PERSONS WITH A RUNNING ISSUE AND FOR LEPERS AND FOR THE PREPARATION OF THE WATER OF PURIFICATION⁷ UNTIL IT IS KNOWN THAT THE FORMER [WATER] IS GONE.

MISHNAH 2. IF IT WAS MADE TO PASS OVER THE OUTSIDE OF VESSELS OR OVER A BENCH, R. JUDAH SAYS: LO, IT REMAINS AS IT WAS BEFORE.⁸ R. JOSE SAYS: LO, IT IS LIKE A MIKWEH,⁹ EXCEPT THAT ONE MAY NOT IMMERSE ANYTHING ABOVE THE BENCH.¹⁰

MISHNAH 3. IF [WATER FROM] A FOUNTAIN THAT FLOWS INTO MANY CHANNELS¹¹ WAS INCREASED¹² IN QUANTITY SO THAT IT WAS MADE TO FLOW IN ABUNDANCE, IT REMAINS AS IT WAS BEFORE.¹³ IF IT WAS A STANDING FOUNTAIN¹⁴ AND ITS QUANTITY WAS INCREASED¹⁵ SO THAT IT WAS MADE TO FLOW, IT BECOMES EQUAL TO A MIKWEH IN THAT IT CAN PURIFY IN STANDING WATER,¹⁶ AND TO A FOUNTAIN IN THAT ONE MAY IMMERSE [OBJECTS] THEREIN HOWEVER SMALL ITS QUANTITY.

MISHNAH 4. ALL SEAS¹⁷ ARE DEEMED VALID AS A MIKWEH,¹⁸ FOR IT IS WRITTEN, 'AND THE MIKWEH¹⁹ OF THE WATERS CALLED HE SEAS',²⁰ THIS IS THE OPINION OF R. MEIR. R. JUDAH SAYS: THE GREAT SEA²¹ ALONE IS A VALID MIKWEH, FOR THE REASON THAT SCRIPTURE SAYS 'SEAS' IS BECAUSE IN IT ARE MANY KINDS OF SEAS.²² R. JOSE SAYS: ALL SEAS PURIFY AS FLOWING WATERS,²³ BUT THEY ARE INVALID FOR PERSONS WITH A RUNNING ISSUE AND FOR LEPERS AND FOR THE PREPARATION OF THE WATER OF PURIFICATION.²⁴

MISHNAH 5. FLOWING WATER²⁵ IS AS WATER OF A FOUNTAIN AND DRIPPING WATER²⁶ IS AS A MIKWEH. R. ZADOK²⁷ TESTIFIED THAT IF FLOWING WATER

EXCEEDED DRIPPING WATER [WITH WHICH IT WAS MIXED] IT WAS VALID [AS FLOWING WATER].²⁸ IF DRIPPING WATER BECAME FLOWING WATER, ITS FLOW MAY BE BLOCKED²⁹ BY A STICK OR BY A REED OR EVEN BY A MAN OR A WOMAN WHO HAS A RUNNING ISSUE, AND THEN ONE MAY GO DOWN AND IMMERSE ONESELF THEREIN. THIS IS THE OPINION OF R. JUDAH. R. JOSE SAYS: ONE MAY NOT STOP THE FLOW OF WATER³⁰ WITH ANYTHING WHICH IS LIABLE TO UNCLEANNES.

MISHNAH 6. IF A WAVE WAS SEPARATED [FROM THE SEA] AND COMPRISED FORTY SE'AHs, AND IT FELL ON A MAN OR ON VESSELS,³¹ THEY BECOME CLEAN. ANY PLACE CONTAINING FORTY SE'AHs IS VALID FOR IMMERSING ONESELF AND FOR IMMERSING OTHERS.³² ONE MAY IMMERSE IN TRENCHES³³ OR IN DITCHES³⁴ OR EVEN IN A DONKEY-TRACK³⁵ THE WATER OF WHICH IS JOINED³⁶ [WITH A VALID MIKWEH] IN A VALLEY. BETH SHAMMAI³⁷ SAY: ONE MAY IMMERSE IN A RAIN TORRENT.³⁸ BUT BETH HILLEL SAY: ONE MAY NOT IMMERSE.³⁹ THEY⁴⁰ ADMIT, HOWEVER, THAT ONE MAY BLOCK ITS FLOW WITH VESSELS⁴¹ AND IMMERSE ONESELF THEREIN, BUT THE VESSELS WITH WHICH THE FLOW IS BLOCKED ARE NOT THEREBY [VALIDLY] IMMERSSED.⁴²

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- (1) Which had been hollowed out in a movable stone and then fixed to the ground; cf. supra IV, 5.
- (2) For immersion either in the trough itself or in the water that passes out of the trough, for since the trough is like a vessel, this water becomes drawn water.
- (3) For immersion.
- (4) Cf. supra I, 7.
- (5) And requires 40 se'ahs of standing water; cf. supra I, 7.
- (6) The flow from the fountain into the pool was restored. It then becomes valid for immersion even if its quantity is less than 40 se'ahs, but not for those who require for their purification 'living water'.
- (7) Cf. supra I, 8, and notes 5-7.
- (8) With the efficacy of a fountain.
- (9) And requires 40 se'ahs of standing water.
- (10) Or above the backs of the vessels, lest one may be led to immerse things in vessels.
- (11) Lit., 'is drawn out like a centipede'.
- (12) By pouring into it drawn water.
- (13) It retains the characteristics of a fountain.
- (14) I.e., a well or a lake.
- (15) By the addition of drawn water.
- (16) But not in its flowing water, since this is derived from drawn water.
- (17) Parah VIII, 8.
- (18) And require 40 se'ahs of standing water, and are invalid for those who need 'living water'.
- (19) 'The gathering together'; cf. Introd.
- (20) Gen. I. 10.
- (21) The Mediterranean, and likewise the oceans, to the exclusion of inland seas and lakes.
- (22) It gathers water from numerous sources.
- (23) Like fountains.
- (24) Because these require 'living water' and sea water being salty is 'smitten water', cf. supra I, 8.
- (25) Streams and rivers.
- (26) Rain water.
- (27) Cf. 'Ed. VII, 3. (Sonc. ed.) p. 42, and notes.
- (28) And is treated as a fountain.
- (29) So as to make it standing water, as required in a mikweh.
- (30) So most commentators explain the reading in the editions מוּחַלֵּיין, which being in the causative stem (hiph'il) should rather be rendered 'one may not cause to flow'. However, the Cambridge text (cf. Introd. n. 1). and MS.M. read מוּחַלֵּיין, which may be interpreted as a privative pi'el, to prevent or stay the flow.

- (31) Who were unclean, immersing them accidentally.
- (32) Vessels and the hands before eating sacrificial meat; cf. I, 7, n. 7.
- (33) Square-shaped like caverns, but not roofed over; cf. I, 4, n. 2.
- (34) Narrow at the top and wide at the bottom; cf. B.K. 5ob.
- (35) Or holes made by the feet of other animals.
- (36) Through a hole of the size prescribed infra VI, 1.
- (37) 'Ed. V, 2.
- (38) In the running water, though the whole stream contains no more than 40 se'ahs.
- (39) Except when the stream forms a pool of 40 se'ahs of standing water.
- (40) Beth Hillel.
- (41) So as to form standing water.
- (42) Because only one of their sides is immersed in standing water.

Mishna - Mas. Mikva'oth Chapter 6

MISHNAH 1. ANY [GATHERING OF WATER]. WHICH IS JOINED WITH [THE WATER OF] A MIKWEH IS AS VALID AS THE MIKWEH¹ [ITSELF]. ONE MAY IMMERSE IN HOLES OF A CAVERN² AND IN CREVICES OF A CAVERN² JUST AS THEY ARE;³ BUT ONE MAY NOT IMMERSE IN THE PIT⁴ OF A CAVERN EXCEPT IT HAD A HOLE AS BIG AS THE TUBE OF A WATER-SKIN. R. JUDAH SAID: WHEN [IS THIS THE CASE]? WHEN IT STANDS BY ITSELF;⁵ BUT IF IT DOES NOT STAND BY ITSELF, ONE MAY IMMERSE THEREIN JUST AS IT IS.⁶

MISHNAH 2. IF A BUCKET WAS FULL OF UTENSILS AND THEY WERE⁷ IMMERSED, LO, THEY BECOME CLEAN; BUT IF [THE BUCKET] WAS NOT IMMERSED [FOR ITS OWN SAKE]⁸ . THE WATER IN THE BUCKET IS NOT RECKONED AS JOINED⁹ [WITH THE WATER OF THE MIKWEH] UNLESS IT BE JOINED [BY MEANS OF THE NECK OF THE BUCKET WHICH IS AS BIG] AS THE TUBE OF A WATER-SKIN.

MISHNAH 3. IF THERE WERE THREE MIKWEHS, TWO OF WHICH HELD TWENTY SE'AHS [OF VALID WATER] AND THE THIRD HELD TWENTY SE'AHS OF DRAWN WATER, AND THAT HOLDING DRAWN WATER WAS AT THE SIDE. IF THREE PERSONS WENT DOWN¹⁰ AND IMMERSED THEMSELVES THEREIN AND [THE WATER OF THE THREE MIKWEHS] JOINED,¹¹ THE MIKWEHS ARE CLEAN¹² AND THEY THAT IMMERSED THEMSELVES BECOME CLEAN. IF THE ONE HOLDING THE DRAWN WATER WAS IN THE MIDDLE¹³ AND THREE PERSONS WENT DOWN AND IMMERSED THEMSELVES THEREIN AND [THE WATER OF THE THREE MIKWEHS] JOINED, THE MIKWEHS CONTINUE AS THEY WERE BEFORE¹⁴ AND THEY THAT IMMERSED THEMSELVES ARE AS THEY WERE BEFORE.¹⁵

MISHNAH 4. IF A SPONGE OR A BUCKET CONTAINING THREE LOGS OF WATER FELL INTO A MIKWEH,¹⁶ THEY DO NOT MAKE IT INVALID, BECAUSE THEY HAVE ONLY SAID:¹⁷ 'IF THREE LOGS FELL IN'.¹⁸

MISHNAH 5. ONE MAY NOT IMMERSE IN A COFFER OR IN A BOX¹⁹ WHICH IS IN THE SEA EXCEPT IT HAS A HOLE²⁰ AS LARGE AS THE TUBE OF A WATER-SKIN. R. JUDAH SAYS: IN THE CASE OF A LARGE VESSEL²¹ [THE HOLE SHOULD BE] FOUR HANDBREADTHS, AND IN A SMALL ONE [THE HOLE SHOULD BE AS LARGE AS] THE GREATER PART OF IT. IF THERE IS IN THE SEA A SACK OR A BASKET, ONE MAY IMMERSE THEREIN AS IT IS. SINCE THE WATER [IN THE SEA AND IN THE SACK OR BASKET] IS JOINED TOGETHER.²² IF THEY ARE PLACED UNDER A WATER-SPOUT, THEY DO NOT MAKE THE MIKWEH INVALID,²³ AND THEY MAY BE IMMERSED AND

BROUGHT OUT IN THE ORDINARY WAY.²⁴

MISHNAH 6. IF THERE WAS A DEFECTIVE [EARTHENWARE] VESSEL IN THE MIKWEH AND UTENSILS WERE IMMersed THEREIN, THEY BECOME CLEAN FROM THEIR [FORMER] UNCLEANNESS²⁵ BUT ARE AGAIN RENDERED UNCLEAN BECAUSE OF THE EARTHENWARE VESSEL;²⁶ BUT IF WATER FLOWED ABOVE IT IN ANY QUANTITY. THEY WILL REMAIN CLEAN.²⁷ IF [WATER OF] A FOUNTAIN ISSUED FROM AN OVEN²⁸ AND A MAN WENT DOWN AND IMMersed HIMSELF, HE IS CLEAN²⁹ BUT HIS HANDS BECOME UNCLEAN;³⁰ BUT IF [THE WATER WAS AS] HIGH ABOVE THE OVEN AS THE HEIGHT OF HIS HANDS,³¹ HIS HANDS ALSO ARE CLEAN.

MISHNAH 7. MIKWEHS CAN BE JOINED TOGETHER [AS ONE IF THEIR CONNECTION IS AS BIG] AS THE TUBE OF A WATER-SKIN IN THICKNESS AND IN CAPACITY, IN WHICH TWO FINGERS³² CAN BE TURNED ROUND IN FULL. IF THERE IS A DOUBT [WHETHER IT IS AS BIG] AS THE TUBE OF A WATER SKIN OR NOT, IT IS INVALID, BECAUSE [THE RULE CONCERNING IMMERSION] IS A COMMAND OF THE TORAH.³³ THE SAME APPLIES ALSO TO THE OLIVE'S BULK OF A CORPSE AND THE OLIVE'S BULK OF CARRION AND THE LENTIL'S BULK OF A CREEPING THING.³⁴ ANYTHING WHICH REMAINS³⁵ IN [THE SPACE MEASURING] THE TUBE OF A WATER-SKIN LESSENS [ITS MEASURE].³⁶ RABBAN SIMEON B. GAMALIEL SAYS: IF IT IS ANY WATER CREATURE³⁷ WHATSOEVER, [THE MIKWEHS] REMAIN CLEAN.

MISHNAH 8. MIKWEHS MAY BE MADE CLEAN [BY JOINING DRAWN WATER FROM] A HIGHER [MIKWEH TO VALID WATER] FROM A LOWER [MIKWEH OR DRAWN WATER FROM] A DISTANT [MIKWEH TO VALID WATER] IN A [MIKWEH] NEAR AT HAND. IN WHAT MANNER? ONE BRINGS A TUBE OF EARTHENWARE OR OF LEAD³⁸ AND PUTS HIS HAND BENEATH IT³⁹ TILL IT IS FILLED WITH WATER; THEN HE DRAWS IT ALONG TILL [THE TWO WATERS] TOUCH — EVEN IF IT BE BY A HAIR'S BREADTH IT IS SUFFICIENT. IF IN THE HIGHER [MIKWEH] THERE WERE FORTY SE'AHs AND NOTHING IN THE LOWER, ONE MAY DRAW WATER AND CARRY IT ON THE SHOULDER³⁷ AND PLACE IT IN THE HIGHER [MIKWEH] TILL FORTY SE'AHs HAVE FLOWED DOWN INTO THE LOWER [MIKWEH].⁴⁰

MISHNAH 9. IF A WALL BETWEEN TWO MIKWEHS⁴¹ HAD A PERPENDICULAR CRACK, [THEIR WATERS] MAY BE RECKONED TOGETHER [TO MAKE UP THE REQUIRED QUANTITY]; [IF IT WAS CRACKED] LENGTHWISE, THEY CANNOT BE RECKONED TOGETHER, UNLESS THERE IS AT ONE PLACE [A HOLE AS BIG] AS THE TUBE OF A WATER-SKIN. R. JUDAH SAYS: THE RULE IS JUST THE REVERSE. IF THERE IS A BREACH⁴² [ON THE TOP OF THE WALL] FROM ONE [MIKWEH] TO THE OTHER, [THEY CAN BE RECKONED TOGETHER] IF THE HEIGHT IS AS [THE THICKNESS OF] THE SKIN OF GARLIC AND THE BREADTH LIKE THE TUBE OF A WATER-SKIN.

MISHNAH 10. THE OUTLET⁴³ OF A BATH, IF IT IS IN THE CENTRE, RENDERS [THE BATH] INVALID⁴⁴ [AS A MIKWEH]; BUT IF IT IS AT THE SIDE, IT DOES NOT RENDER IT INVALID, BECAUSE THEN IT IS LIKE ONE MIKWEH ADJOINING ANOTHER MIKWEH. THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY: IF THE BATH- BASIN CAN CONTAIN A QUARTER-LOG BEFORE [THE WATER] REACHES THE OUTLET,⁴⁵ IT IS VALID; BUT IF NOT, IT IS NOT VALID.⁴⁶ R. ELEAZAR B. ZADOK SAYS: IF THE OUTLET CAN CONTAIN [WATER]. IT IS INVALID IN ANY POSITION WHATEVER.

MISHNAH 11. IF IN THE BATH'S 'PURIFIER'⁴⁷ THE BOTTOM [PIPE] WAS FULL OF DRAWN [WATER] AND THE TOP [PIPE] FULL OF VALID⁴⁸ [WATER]. IF [THE SPACE] IN

FRONT OF THE HOLE CAN CONTAIN THREE LOGS IT IS INVALID⁴⁹ [AS A MIKWEH]. HOW LARGE NEED THE HOLE BE TO CONTAIN THREE LOGS? A THREE-HUNDRED-AND-TWENTIETH PART⁵⁰ OF THE POOL. THIS IS THE OPINION OF R. JOSE. BUT R. ELEAZAR SAYS: EVEN THOUGH THE BOTTOM [PIPE] WERE FULL OF VALID [WATER] AND THE TOP [PIPE] FULL OF DRAWN [WATER] AND BY THE HOLE'S SIDE WERE THREE LOGS, [THE BATH IS] VALID, FOR THEY HAVE ONLY SAID: 'IF THREE LOGS FELL IN'.⁵¹

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- (1) It becomes part of the mikweh. One may immerse in it though it contains less than 40 se'ahs, and it may serve to make up 40 se'ahs in the mikweh itself.
 - (2) Forming a mikweh.
 - (3) Their water need not be joined by a hole to the water in the cavern.
 - (4) As explained by R. Judah in the following.
 - (5) It forms an independent pool separated by a wall from the pool in the cavern.
 - (6) It is part of the pool in the cavern, and need not have 40 se'ahs, nor be connected with the pool by a hole.
 - (7) Var. lec.: 'it was'. The bucket as well as the utensils needed immersion.
 - (8) Lit., 'if one did not immerse', i.e., the bucket itself was clean, and needed no immersion; cf. Hag. 22a.
 - (9) For the purpose of purifying the utensils. The text is very doubtful. Hag. l.c. and some commentators omit 'not'.
 - (10) Simultaneously.
 - (11) By overflowing through the immersion of the three persons.
 - (12) All the three mikwehs become valid. They are now considered as one mikweh containing 40 se'ahs of valid water to which were added 20 se'ahs of drawn water.
 - (13) Thus preventing the junction of the two with the valid water.
 - (14) They remain three separate mikwehs, two with valid water but of insufficient quantity, and one with invalid water.
 - (15) Unclean.
 - (16) Containing less than 40 se'ahs.
 - (17) Cf. supra III, 3, n. 13.
 - (18) Whereas here some portion of the three logs remained in the pores of the sponge or in the folds of the bucket.
 - (19) Even though they contain 40 se'ahs.
 - (20) Which joins their water to the water in the sea.
 - (21) Some nine handbreadths in height.
 - (22) Through their holes.
 - (23) The rain water from the spout flowing through them into the mikweh is not deemed drawn water as in supra IV, I, n. 5.
 - (24) And not bottom upwards as prescribed for a bolster or a cushion of leather, v. infra VII, 6.
 - (25) Because the water in the defective or broken earthenware vessel is considered as joined to the water in the mikweh through the breakage in the vessel.
 - (26) If it is unclean. For an earthenware vessel is not rendered clean by immersion in a mikweh (Lev. XI, 33), and though the water in it, as part of the mikweh, is clean, yet uncleanness remains in the air-space of the vessel above the water. Hence when utensils are immersed in such an earthenware vessel, the water which adheres to them renders them unclean as they are raised into the airspace of the earthenware vessel.
 - (27) Because the air-space of the unclean earthenware vessel is all covered by the clean water.
 - (28) Of earthenware, fixed to the ground and open at the top, and large enough to hold a man. The oven is unclean.
 - (29) Because a man's body is not rendered unclean by the air-space of an unclean vessel.
 - (30) Hands do become unclean by the air-space; cf. Yad, III, 1.
 - (31) The surface of the water covered his hands.
 - (32) Those near the thumb.
 - (33) And in the case of a doubt respecting the fulfillment of a Mosaic law we must abide by the more stringent alternative.
 - (34) These are the minimum quantities which cause defilement, and if there is a doubt whether they were of the required quantity or not, we must assume that they were, and that they did cause defilement.
 - (35) And not carried off by the water flowing through the opening which joins the two mikwehs.

- (36) And the two mikwehs remain separate.
- (37) It is considered part of the water.
- (38) Or of any other metal.
- (39) To shut the lower end of the tube.
- (40) I.e., fill the lower mikweh with drawn water through the higher one. For since the two mikwehs are reckoned as one, and the upper one has 40 se'ahs of valid water, no amount of drawn water can render either of them invalid.
- (41) One of which had less than 40 se'ahs.
- (42) Which forms a connecting channel between the two mikwehs.
- (43) In the shape of a receptacle, having a hole for the discharge of foul water with a stopper.
- (44) Because the outlet is then regarded as a receptacle and water which is made to flow over vessels is thus invalid.
- (45) The outlet is higher than the bottom of the bath-basin, so that water gathers in the bath-basin before any water reaches the outlet.
- (46) Even if the outlet is at the side.
- (47) An arrangement for a cold-water douche after a hot bath, consisting of two pipes one above the other with a hole in the upper pipe communicating with the lower one.
- (48) Less than 40 se'ahs.
- (49) The three logs of drawn water at the hole in the lower pipe render the water in the upper pipe invalid. It goes without saying that such would be the case also if the upper pipe contained drawn water and the lower pipe contained valid water.
- (50) This is the proportion of three logs to 40 se'ahs, since a se'ah consists of 24 logs; cf. *Introd.*, n. 2.
- (51) But here the drawn water does not fall into the valid water, but both, the valid water of one pipe and the drawn water of the other pipe, are mixed together in the mikweh; and since the valid water is more in quantity than the drawn water, the mikweh is valid as in the case discussed above, IV, 4.

Mishna - Mas. Mikva'oth Chapter 7

MISHNAH 1. SOME MATERIALS MAKE UP THE MIKWEH [TO THE REQUIRED QUANTITY]¹ AND DO NOT MAKE IT INVALID;² SOME MAKE IT INVALID AND DO NOT MAKE UP [THE REQUIRED QUANTITY] AND SOME NEITHER MAKE UP [THE REQUIRED QUANTITY] NOR MAKE IT INVALID. THESE MAKE UP THE REQUIRED QUANTITY AND DO NOT MAKE THE MIKWEH INVALID: SNOW, HAIL, HOARFROST, ICE, SALT, AND THIN³ MUD. R. AKIBA SAID: R. ISHMAEL ONCE ARGUED AGAINST ME SAYING; SNOW DOES NOT MAKE UP THE MIKWEH [TO ITS REQUIRED QUANTITY]. BUT THE MEN OF MADEBA⁴ TESTIFIED IN HIS NAME THAT HE HAD ONCE TOLD THEM: GO AND BRING SNOW AND WITH IT FROM THE FIRST⁵ PREPARE A MIKWEH. R. JOHANAN B. NURI SAYS: HAILSTONES ARE LIKE DRAWN WATER. IN WHAT MANNER DO THEY MAKE UP [THE REQUIRED QUANTITY] AND DO NOT RENDER IT INVALID? IF THE MIKWEH CONTAINED FORTY SE'AHS LESS ONE, AND A SE'AH⁶ OF THEM⁷ FELL IN AND MADE UP [THE REQUIRED QUANTITY], THEY THUS MAKE UP [THE REQUIRED QUANTITY] BUT DO NOT RENDER IT INVALID.

MISHNAH 2. THESE RENDER THE MIKWEH INVALID AND DO NOT MAKE UP [THE REQUIRED QUANTITY]: DRAWN WATER, WHETHER CLEAN OR UNCLEAR, WATER THAT HAS BEEN USED FOR PICKLING OR FOR SEETHING, AND GRAPE-SKIN⁸ WINE STILL UNFERMENTED.⁹ IN WHAT MANNER DO THEY MAKE THE MIKWEH INVALID AND DO NOT MAKE UP [THE REQUIRED QUANTITY]? IF A MIKWEH CONTAINED FORTY SE'AHS LESS A KORTOB,¹⁰ AND A KORTOB OF THESE FELL INTO IT, IT DOES NOT MAKE UP [THE REQUIRED QUANTITY]; AND IF THERE WERE THREE LOGS OF ANY OF THESE, THEY WOULD RENDER THE MIKWEH INVALID. BUT THE OTHER LIQUIDS,¹¹ AND THE JUICE OF FRUITS, BRINE, AND LIQUID IN WHICH FISH HAS BEEN PICKLED, AND GRAPE-SKIN WINE THAT HAS FERMENTED AT TIMES MAKE UP [THE REQUIRED QUANTITY] AND AT TIMES DO NOT MAKE IT UP.¹² HOW IS THIS? IF A

MIKWEH CONTAINED FORTY SE'AHS LESS ONE, AND A SE'AH OF ANY OF THESE FELL IN IT, THIS DOES NOT MAKE UP¹³ [THE REQUIRED QUANTITY]. BUT IF THE MIKWEH CONTAINED FORTY SE'AHS AND A SE'AH OF ANY OF THESE WAS PUT IN AND ONE SE'AH WAS REMOVED, LO, THE MIKWEH IS STILL VALID.¹⁴

MISHNAH 3. IF BASKETS OF OLIVES OR BASKETS OF GRAPES WERE WASHED IN THE MIKWEH AND THEY CHANGED ITS COLOUR, IT CONTINUES VALID. R. JOSE SAYS: DYE-WATER RENDERS IT INVALID BY A QUANTITY OF THREE LOGS,¹⁵ BUT NOT THROUGH CHANGING ITS COLOUR.¹⁶ IF WINE OR THE SAP OF OLIVES FELL INTO IT AND CHANGED ITS COLOUR, IT BECOMES INVALID.¹⁷ WHAT SHOULD ONE DO [TO MAKE IT VALID AGAIN]?¹⁸ ONE SHOULD WAIT WITH IT TILL THE RAIN FALLS AND THE COLOUR REVERTS TO THE COLOUR OF WATER. IF IT CONTAINED FORTY SE'AHS,¹⁹ WATER MAY BE DRAWN AND CARRIED ON THE SHOULDER AND PUT THEREIN UNTIL THE COLOUR REVERTS TO THAT OF WATER.

MISHNAH 4. IF WINE OR THE SAP OF OLIVES FELL INTO THE MIKWEH²⁰ AND CHANGED THE COLOUR OF A PORTION OF THE WATER,²¹ ONE MAY NOT IMMERSE ONESELF THEREIN IF IT HAS NOT FORTY SE'AHS WITH THE COLOUR OF WATER.

MISHNAH 5. IF A KORTOB OF WINE FELL INTO THREE LOGS OF WATER AND ITS COLOUR BECAME LIKE THAT OF WINE, AND THE WATER THEN FELL INTO A MIKWEH,²² IT DOES NOT RENDER IT INVALID.²³ IF THERE WERE THREE LOGS OF WATER LESS A KORTOB INTO WHICH A KORTOB OF MILK FELL, AND THEIR COLOUR REMAINED LIKE THE COLOUR OF WATER, AND THEN THEY FELL INTO A MIKWEH, THEY DO NOT RENDER IT INVALID.²⁴ R. JOHANAN B. NURI SAYS: ALL GOES BY THE COLOUR.²⁵

MISHNAH 6. IF A MIKWEH CONTAINED FORTY SE'AHS EXACTLY AND TWO PERSONS WENT DOWN AND IMMERSED THEMSELVES ONE AFTER THE OTHER, THE FIRST BECOMES CLEAN BUT THE SECOND REMAINS UNCLEAN.²⁶ R. JUDAH SAYS: IF THE FEET OF THE FIRST WERE STILL TOUCHING THE WATER,²⁷ THE SECOND ALSO BECOMES CLEAN. IF ONE IMMERSED A THICK CLOAK²⁸ AND WHEN HE DREW IT OUT A PART WAS STILL IN CONTACT WITH THE WATER [AND THEN ANOTHER PERSON IMMERSED HIMSELF IN THE MIKWEH], HE BECOMES CLEAN.²⁹ IF A BOLSTER OR A CUSHION OF LEATHER WAS IMMERSED, AS SOON AS IT IS TAKEN OUT OF THE WATER BY ITS OPEN ENDS THE WATER WHICH STILL REMAINS IN IT IS DRAWN WATER.³⁰ HOW SHOULD ONE DO IT? ONE SHOULD IMMERSE THEM AND DRAW THEM UP BY THEIR LOWER EDGES.³¹

MISHNAH 7. IF A BED WAS IMMERSED THEREIN,³² ALTHOUGH ITS FEET SINK INTO THE THICK MUD, IT STILL BECOMES CLEAN BECAUSE THE WATER TOUCHED THEM BEFORE [THE MUD].³³ IF THE WATER OF A MIKWEH³⁴ IS TOO SHALLOW,³⁵ ONE MAY PRESS DOWN EVEN BUNDLES OF STICKS, EVEN BUNDLES OF REEDS, SO THAT THE LEVEL OF THE WATER MAY RISE,³⁶ AND THEN GO DOWN AND IMMERSE ONESELF. IF AN [UNCLEAN] NEEDLE IS PLACED ON THE STEP³⁷ [LEADING DOWN TO A MIKWEH] IN A CAVERN, AND THE WATER IS PUT IN MOTION, ONCE A WAVE HAS PASSED OVER IT, [THE NEEDLE] BECOMES CLEAN.

(1) If they enter a mikweh containing less than 40 se'ahs.

(2) If three logs of them fall into a mikweh of less than 40 se'ahs.

(3) Lit., 'like spittle'.

(4) East of the Jordan, cf. Num. XXI, 30.

- (5) To make a new mikweh.
- (6) A quantity which when melted was equal to a se'ah.
- (7) Of the materials in the above list.
- (8) 'Tamed', an inferior wine made by steeping in water husks and stones of pressed grapes; cf. Ma'as. Sh. I, 3.
- (9) It is still considered water.
- (10) V. supra III, 1, n. 4.
- (11) The seven liquids enumerated in Maksh. VI, 4, including wine, oil, milk, etc.
- (12) Neither do these liquids render the mikweh invalid if they fall into it and do not change the colour of the water. These liquids thus form the third class of materials which neither make up the required quantity of the mikweh, nor render it invalid.
- (13) But neither does it render the water in the mikweh invalid.
- (14) Although the greater portion of the se'ah removed must have consisted of the valid water, so that now the mikweh must contain less than 40 se'ahs of its original water.
- (15) Like ordinary drawn water.
- (16) Because the dye is an artificial addition to the water.
- (17) Because the colour of wine or olives is natural to them and inseparable from them. A mikweh so coloured would appear to be not a mikweh of water, as prescribed by the Torah, but a mikweh filled with wine or with the sap of olives.
- (18) In the case of a mikweh containing less than 40 se'ahs which may not be increased by drawn water.
- (19) Which does not become invalid by the addition of any quantity of drawn water.
- (20) Holding less than 40 se'ahs.
- (21) At one side of the mikweh. That portion can no longer be reckoned as part of the mikweh.
- (22) Holding less than 40 se'ahs, and the colour of which was not changed.
- (23) Because the three logs are no longer considered as water.
- (24) Because milk cannot make up the required quantity of the three log of water.
- (25) And if the milk did not change the colour of the water, it combines with the water to make up three logs, and so renders the mikweh invalid.
- (26) Because some water must have adhered to the body of the first person, thus reducing the quantity of the mikweh to less than 40 se'ahs.
- (27) When the second person immersed himself, the whole of the body of the first person may thus be considered as if still in the water.
- (28) In a mikweh containing 40 se'ahs exactly.
- (29) The water absorbed by the cloak is considered as if still in the mikweh.
- (30) They form a receptacle, and if immersed in a mikweh of 40 se'ahs exactly, the water running down from them into the mikweh, if three logs in quantity, will render the mikweh invalid.
- (31) So that no water will be held inside them.
- (32) In a mikweh containing 40 se'ahs exactly.
- (33) Or, according to some commentators, because the water fills the holes in the mud before the feet of the bed sink in them.
- (34) Containing more than 40 se'ahs.
- (35) For the body to be completely covered by it.
- (36) Lit., 'swell up'.
- (37) The owner will not immerse the needle in the cavern for fear of its being lost.

Mishna - Mas. Mikva'oth Chapter 8

MISHNAH 1. THE LAND OF ISRAEL IS CLEAN¹ AND ITS MIKWEHS ARE CLEAN.² THE MIKWEHS OF THE NATIONS OUTSIDE THE LAND ARE VALID FOR THOSE WHO HAD A SEMINAL ISSUE³ EVEN THOUGH THEY ARE FILLED WITH A SWIPE-BEAM;⁴ THOSE IN THE LAND OF ISRAEL WHEN OUTSIDE THE ENTRANCE [TO THE CITY]⁵ ARE VALID ALSO FOR MENSTRUANTS,⁶ AND THOSE WITHIN THE ENTRANCE [TO THE CITY] ARE VALID FOR THOSE WHO HAD A SEMINAL ISSUE BUT INVALID FOR ALL [OTHERS] WHO ARE UNCLEAR.⁷ R. ELIEZER SAYS: THOSE WHICH ARE NEAR TO A CITY OR TO A

ROAD ARE UNCLEAR BECAUSE OF THE WASHING [OF CLOTHES⁸ THEREIN]; BUT THOSE AT A DISTANCE ARE CLEAN.

MISHNAH 2. THESE ARE THE PERSONS THAT HAD A SEMINAL ISSUE WHO REQUIRE IMMERSION: IF HE NOTICED THAT HIS URINE ISSUED IN DROPS OR WAS MUDDY, AT THE BEGINNING⁹ HE IS CLEAN;¹⁰ IN THE MIDDLE AND AT THE END, HE IS UNCLEAR;¹¹ FROM THE BEGINNING TO THE END, HE IS CLEAN.¹⁰ IF IT WAS WHITE AND VISCOUS, HE IS UNCLEAR.¹² R. JOSE SAYS: WHAT IS WHITE COUNTS LIKE WHAT IS MUDDY.¹³

MISHNAH 3. IF HE EMITTED THICK DROPS FROM THE MEMBER, HE IS UNCLEAR.¹² THIS IS THE OPINION OF R. ELEAZAR HISMA. IF ONE HAD IMPURE DREAMS IN THE NIGHT AND AROSE AND FOUND HIS FLESH¹⁴ HEATED, HE IS UNCLEAR.¹⁵ IF A WOMAN¹⁶ DISCHARGED SEMEN ON THE THIRD DAY,¹⁷ SHE IS CLEAN.¹⁸ THIS IS THE OPINION OF R. ELEAZAR B. AZARIAH. R. ISHMAEL SAYS: SOMETIMES THERE ARE FOUR 'ONAHs,¹⁹ AND SOMETIMES FIVE, AND SOMETIMES SIX. R. AKIBA SAYS: THERE ARE ALWAYS FIVE.

MISHNAH 4. IF A GENTILE WOMAN DISCHARGED SEMEN FROM AN ISRAELITE, IT IS UNCLEAR. IF AN ISRAELITE WOMAN DISCHARGED SEMEN FROM A GENTILE, IT IS CLEAN. IF A WOMAN HAD INTERCOURSE AND THEN WENT DOWN AND IMMERSED HERSELF BUT DID NOT²⁰ SWEEP OUT THE HOUSE,²¹ IT IS AS THOUGH SHE HAD NOT IMMERSED HERSELF.²² IF A MAN WHO HAD A SEMINAL ISSUE IMMERSED HIMSELF BUT DID NOT FIRST PASS URINE, HE AGAIN BECOMES UNCLEAR WHEN HE PASSES URINE.²³ R. JOSE SAYS: IF HE WAS SICK OR OLD HE IS UNCLEAR, BUT IF HE WAS YOUNG AND HEALTHY HE REMAINS CLEAN.²⁴

MISHNAH 5. IF A MENSTRUANT PLACED COINS IN HER MOUTH AND WENT DOWN AND IMMERSED HERSELF, SHE BECOMES CLEAN FROM HER [FORMER] UNCLEARNESS,²⁵ BUT SHE BECOMES UNCLEAR ON ACCOUNT OF HER SPITTLE.²⁶ IF SHE PUT HER HAIR IN HER MOUTH²⁷ OR CLOSED HER HAND²⁷ OR PRESSED HER LIPS TIGHTLY,²⁷ IT IS AS THOUGH SHE HAD NOT IMMERSED HERSELF.²⁸ IF A PERSON HELD ON TO ANOTHER MAN OR TO VESSELS AND IMMERSED THEM, THEY REMAIN UNCLEAR;²⁹ BUT IF HE HAD WASHED HIS HAND BEFORE IN THE WATER, THEY BECOME CLEAN.³⁰ R. SIMEON SAYS: HE SHOULD HOLD THEM LOOSELY THAT WATER MAY ENTER INTO THEM. THE SECRET³¹ AND WRINKLED PARTS OF THE BODY DO NOT NEED THAT WATER SHOULD ENTER INTO THEM.³²

(1) Even localities occupied by non-Jews.

(2) They are not suspected of having become invalid by drawn water.

(3) To purify them for the study of the Torah; cf. supra III, 4, n. 3. Such a defilement can be removed by immersion even in a mikweh with drawn water.

(4) Carrying drawn water.

(5) Where few people come, and one need not suspect the presence of drawn water in a mikweh.

(6) Even for such a severe defilement as that of menstruation; cf. Lev. XX, 18.

(7) Because such mikwehs are used for ordinary bathing and for washing clothes, and may be suspected of having been filled with drawn water.

(8) Even though they are filled with rain water, they may yet be suspected of having received three logs of water wrung out of the clothes washed in them and thus rendered drawn before they had 40 se'ahs of rain water.

(9) Of his urination.

(10) It is not semen.

(11) It is semen.

(12) V. p. 452, n. 11.

- (13) And it differs according as it is discharged at the beginning or in the middle and at the end.
- (14) A euphemism for the male member; cf. Lev. XV, 2, etc.
- (15) Even though he did not perceive a discharge.
- (16) Cf. Shab. IX, 3.
- (17) After intercourse. The number of days is derived from Ex. XIX, 15.
- (18) After such a time the semen loses its efficacy.
- (19) During which the discharge remains unclean. An 'onah (lit. 'period') is a day or a night, half an astronomical day. R. Ishmael holds that two full astronomical days (viz., a complete night and the day following it) must elapse to render the discharge clean. Thus if intercourse took place at the end of the first day and the discharge at the beginning of the fourth day, two complete days or four 'onahs intervening, it is clean. But if intercourse took place in the morning of the first day, the discharge will still not be clean till the beginning of the fourth day, a lapse of five 'onahs. Likewise, if intercourse took place in the evening (preceding) the first day, the discharge is not clean till the beginning of the fourth day, a lapse of six 'onahs.
- (20) Previous to immersion.
- (21) A euphemism; did not clean her private parts from any trace of semen.
- (22) Because she may have a discharge after her immersion.
- (23) The urine may carry a discharge of semen.
- (24) The original discharge must have been complete, leaving nothing behind for an additional discharge in the urine.
- (25) For fresh intercourse.
- (26) Before the immersion some spittle may have come on the coin in her mouth. This spittle does not become clean by the immersion like the rest of the spittle in her mouth, and conveys uncleanness to the woman.
- (27) Preventing their contact with the water.
- (28) Because the immersion was not complete.
- (29) The water in the mikveh did not cover the place held by the hand.
- (30) The water adhering still to his hand combines with the water of the mikveh to serve as immersion for the place held by the hand.
- (31) The inside of the mouth, ears, and nose.
- (32) But they must be left free for contact with the water.

Mishna - Mas. Mikva'oth Chapter 9

MISHNAH 1. THE FOLLOWING INTERPOSE¹ IN THE CASE OF A PERSON: THREADS OF WOOL AND THREADS OF FLAX AND THE RIBBONS ON THE HEADS OF GIRLS.² R. JUDAH SAYS: THOSE OF WOOL OR OF HAIR DO NOT INTERPOSE, BECAUSE WATER ENTERS THROUGH THEM.

MISHNAH 2. THE MATTED HAIR ON THE HEART AND ON THE BEARD AND ON A WOMAN'S³ SECRET PARTS; PUS OUTSIDE THE EYE, HARDENED PUS OUTSIDE A WOUND AND THE PLASTER OVER IT, DRIED-UP JUICE, CLOTS OF EXCREMENT ON THE BODY, DOUGH UNDER THE FINGER NAIL, SWEAT-CRUMBS, MIRY CLAY, POTTER'S CLAY, AND ROAD-CLAY. WHAT IS MEANT BY 'MIRY CLAY'? THIS MEANS THE CLAY IN PITS, FOR IT IS WRITTEN: 'HE BROUGHT ME UP OUT OF A HORRIBLE PIT, OUT OF THE MIRY CLAY'.⁴ 'POTTER'S CLAY' IS ACCORDING TO ITS LITERAL SENSE. R. JOSE DECLARES POTTER'S CLAY CLEAN,⁵ BUT CLAY FOR PUTTY UNCLEAN. 'ROAD-CLAY'⁶ IS CLAY WHICH BECOMES LIKE ROAD-SIDE PEGS.⁷ IN THESE [KINDS OF CLAY]⁸ ONE MAY NOT IMMERSE ONESELF NOR IMMERSE WITH THEM;⁹ BUT IN ALL OTHER CLAY ONE MAY IMMERSE WHEN IT IS WET. ONE MAY NOT IMMERSE ONESELF WITH DUST [STILL] ON ONE'S FEET.¹⁰ ONE MAY NOT IMMERSE A KETTLE WITH SOOT [ON IT] EXCEPT IT HAS BEEN SCRAPED.

MISHNAH 3. THE FOLLOWING DO NOT INTERPOSE: THE MATTED HAIR OF THE HEAD AND OF THE ARMPITS AND OF A MAN'S SECRET PARTS. R. ELIEZER SAYS: IT IS

THE SAME WITH A MAN OR A WOMAN: IF IT IS SOMETHING WHICH ONE FINDS ANNOYING, IT INTERPOSES; BUT IF IT IS SOMETHING WHICH ONE DOES NOT FIND ANNOYING, IT DOES NOT INTERPOSE.

MISHNAH 4. PUS WITHIN THE EYE, HARDENED PUS WITHIN A WOUND, JUICE THAT IS MOIST, MOIST EXCREMENT ON THE BODY, EXCREMENT INSIDE THE FINGER NAIL, AND A DANGLING FINGER NAIL.¹¹ THE DOWNY HAIR OF A CHILD IS NOT LIABLE TO UNCLEANNESS¹² AND DOES NOT CAUSE UNCLEANNESS. THE SKIN WHICH FORMS OVER A WOUND IS LIABLE TO UNCLEANNESS AND CAUSES UNCLEANNESS.

MISHNAH 5. IN THE CASE OF ARTICLES THE FOLLOWING INTERPOSE: PITCH AND MYRRH¹³ IN THE CASE OF GLASS VESSELS, WHETHER INSIDE OR OUTSIDE; THEY INTERPOSE [WHEN FOUND] ON A TABLE OR ON A BOARD OR ON A COUCH THAT ARE [USUALLY] KEPT CLEAN,¹⁴ BUT THEY DO NOT INTERPOSE [WHEN FOUND] ON THESE ARTICLES IF ALLOWED TO REMAIN DIRTY. THEY INTERPOSE IN THE CASE OF BEDS BELONGING TO HOUSEHOLDERS,¹⁵ BUT THEY DO NOT INTERPOSE ON BEDS BELONGING TO A POOR PERSON. THEY INTERPOSE ON THE SADDLE OF A HOUSE-HOLDER, BUT THEY DO NOT INTERPOSE ON THE SADDLE OF A DEALER IN WATER-SKINS. THEY INTERPOSE IN THE CASE OF A PACK-SADDLE.¹⁶ RABBAN SIMEON B. GAMALIEL SAYS: [ONLY IF THE STAIN IS AS BIG] AS AN ITALIAN ISSAR.¹⁷

MISHNAH 6. THEY DO NOT INTERPOSE [IF FOUND] ON CLOTHING ON ONE SIDE [ONLY]. BUT [IF FOUND] ON TWO SIDES¹⁸ THEY INTERPOSE. R. JUDAH SAYS IN THE NAME OF R. ISHMAEL: ON ONE SIDE ALSO. R. JOSE SAYS: IN THE CASE OF BANNA'IM¹⁹ THEY INTERPOSE ALSO IF ON ONE SIDE, BUT IN THE CASE OF THE UNCULTURED ONLY IF ON BOTH SIDES.

MISHNAH 7. THEY DO NOT INTERPOSE IN THE CASE OF APRONS BELONGING TO WORKERS IN PITCH, POTTERS, OR TRIMMERS OF TREES. R. JUDAH SAYS: THE SAME APPLIES ALSO TO SUMMER FRUIT-DRIERS. THIS IS THE GENERAL RULE: IF IT IS SOMETHING WHICH CAUSES ANNOYANCE, IT INTERPOSES; BUT IF IT IS SOMETHING WHICH DOES NOT CAUSE ANNOYANCE, IT DOES NOT INTERPOSE.

(1) Between the body and the water of the mikweh to render the immersion void if they are worn on the body while immersing; cf. supra VIII, 5. nn. 5-7, and Introd.

(2) If tied tightly or interlaced.

(3) A married woman only, who finds such hair annoying in intercourse with her husband.

(4) Psalms XL, 3. This shows that miry clay (טיט היין) is found in pits.

(5) Water can penetrate through this clay, but not through putty.

(6) גת יוני, of uncertain meaning and pointing (יוני); cf. Kohut, 'Aruch, II, p. 341.

(7) When it becomes dry and hard; cf. B.K. 81a.

(8) If any such clay is in the mikweh.

(9) If any such clay is sticking to the body.

(10) The dust may turn in the water into clay.

(11) This concludes the list of things which do not interpose.

(12) If it comes in contact with a defilement.

(13) וזהמור. Var. lec.: וזהמר, 'and bitumen'.

(14) And the stain causes annoyance.

(15) A rich person who is fastidious about the cleanness of his furniture.

(16) Some texts omit this sentence.

(17) The Roman As, a coin which was equal to 1/24 of a denar.

(18) When a stain causes annoyance.

(19) **בנאים**, 'builders' explained in Shab. 114a as scholars learned in the law who build up the world (cf. Ber. 64a). Another explanation given there is 'bath-attendants' (**בלנאים** or **בלנים**), but this does not correspond to the following 'uncultured' (**בגר**).

Mishna - Mas. Mikva'oth Chapter 10

MISHNAH 1. ANY HANDLES OF VESSELS WHICH HAVE BEEN FIXED NOT IN THEIR CUSTOMARY MANNER, OR, IF FIXED IN THEIR CUSTOMARY MANNER, HAVE NOT BEEN FIXED FIRMLY, OR, IF FIXED FIRMLY, HAVE BEEN BROKEN,¹ LO, THEY INTERPOSE.² IF A VESSEL IS IMMERSSED WITH ITS MOUTH DOWNWARDS, IT IS AS THOUGH IT HAD NOT BEEN IMMERSSED.³ IF IMMERSSED IN THE REGULAR MANNER BUT WITHOUT THE ATTACHMENT,⁴ [IT BECOMES CLEAN] ONLY IF TURNED ON ITS SIDE.⁵ IF A VESSEL IS NARROW AT EACH END AND BROAD IN THE CENTRE, IT BECOMES CLEAN ONLY IF TURNED ON ITS SIDE.⁵ A FLASK WHICH HAS ITS MOUTH TURNED INWARDS⁶ BECOMES CLEAN ONLY IF A HOLE IS MADE AT THE SIDE.⁵ AN INKPOT OF LAYMEN⁷ BECOMES CLEAN ONLY IF A HOLE IS MADE AT THE SIDE. THE INKPOT OF JOSEPH THE PRIEST HAD A HOLE AT ITS SIDE.⁸

MISHNAH 2. IN THE CASE OF A BOLSTER AND A CUSHION OF LEATHER IT IS NECESSARY THAT THE WATER ENTER INSIDE THEM;⁹ BUT IN THE CASE OF A ROUND CUSHION OR A BALL OR A BOOTMAKER'S LAST OR AN AMULET OR A PHYLACTERY,¹⁰ IT IS NOT NECESSARY THAT THE WATER ENTER INSIDE THEM. THIS IS THE GENERAL RULE: ANY ARTICLE THE FILLING OF WHICH IS NOT HABITUALLY TAKEN OUT AND PUT IN MAY BE IMMERSSED UNOPENED.

MISHNAH 3. THE FOLLOWING DO NOT REQUIRE THAT THE WATER SHALL ENTER INSIDE THEM: KNOTS [IN THE CLOTHES] OF A POOR MAN,¹¹ OR IN TASSELS, OR IN THE THONG OF A SANDAL, OR IN A HEAD-PHYLACTERY¹² IF IT IS FASTENED TIGHTLY, OR IN AN ARM-PHYLACTERY¹² IF IT DOES NOT MOVE UP OR DOWN, OR IN THE HANDLES OF A WATER-SKIN, OR IN THE HANDLES OF A WALLET.¹³

MISHNAH 4. THE FOLLOWING REQUIRE THAT WATER SHALL ENTER INSIDE THEM: THE KNOT IN AN UNDERGARMENT¹⁴ WHICH IS TIED TO THE SHOULDER, (LIKEWISE THE HEM OF A SHEET¹⁵ MUST BE STRETCHED OUT), AND THE KNOT OF A HEAD-PHYLACTERY IF IT IS NOT FASTENED TIGHTLY, OR OF THE ARM-PHYLACTERY IF IT MOVES UP AND DOWN, AND THE LACES OF A SANDAL. CLOTHES WHICH ARE IMMERSSED WHEN THEY HAVE JUST BEEN WASHED¹⁶ MUST BE KEPT IMMERSSED UNTIL THEY THROW UP BUBBLES,¹⁷ BUT IF THEY ARE IMMERSSED WHEN ALREADY DRY, THEY MUST BE KEPT IMMERSSED UNTIL THEY THROW UP BUBBLES AND THEN CEASE TO THROW UP BUBBLES.¹⁸

MISHNAH 5. ANY HANDLES OF VESSELS WHICH ARE TOO LONG AND WHICH WILL BE CUT SHORT, NEED ONLY BE IMMERSSED UP TO THE POINT OF THEIR PROPER MEASURE.¹⁹ R. JUDAH SAYS: [THEY ARE UNCLEAN] UNTIL THE WHOLE OF THEM IS IMMERSSED. AS FOR THE CHAIN OF A LARGE BUCKET, TO THE LENGTH OF FOUR HANDBREADTHS, AND A SMALL BUCKET, TO THE LENGTH OF TEN HANDBREADTHS; AND THEY NEED ONLY BE IMMERSSED UP TO THE POINT OF THEIR PROPER MEASURE.²⁰ R. TARFON SAYS: IT IS NOT CLEAN UNLESS THE WHOLE OF THE RING²¹ IS IMMERSSED. THE ROPE BOUND TO A BASKET IS NOT COUNTED AS A CONNECTION UNLESS IT HAS BEEN SEWN ON.²²

MISHNAH 6. BETH SHAMMAI SAY: HOT WATER²³ MAY NOT BE IMMERSSED IN COLD,

OR COLD IN HOT, FOUL IN FRESH OR FRESH IN FOUL.²⁴ BUT BETH HILLEL SAY: IT MAY BE IMMERSSED. IF ONE IMMERSSED A VESSEL FULL OF LIQUIDS.²⁵ IT IS AS THOUGH IT HAD NOT BEEN IMMERSSED;²⁶ IF IT WAS FULL OF URINE, THIS IS RECKONED AS WATER; IF IT CONTAINED WATER OF PURIFICATION,²⁷ [IT IS UNCLEAR] UNLESS THE WATER [OF THE MIKWEH WHICH ENTERS THE VESSEL] EXCEEDS THE WATER OF PURIFICATION. R. JOSE SAYS: EVEN IF A VESSEL WITH THE CAPACITY OF A KOR²⁸ CONTAINS BUT A QUARTER-LOG.²⁹ IT IS AS THOUGH IT HAD NOT BEEN IMMERSSED.

MISHNAH 7. ALL FOODS³⁰ COMBINE TOGETHER³¹ TO MAKE UP THE HALF OF A HALF-LOAF³² WHICH MAKES THE BODY UNFIT. ALL LIQUIDS COMBINE TOGETHER³³ TO MAKE UP THE QUARTER-LOG WHICH MAKES THE BODY UNFIT. THIS FORMS A RULE OF GREATER STRINGENCY IN THE CASE OF ONE WHO DRINKS UNCLEAR LIQUIDS THAN IN THE CASE OF THE MIKWEH, FOR IN HIS CASE THEY HAVE MADE ALL OTHER LIQUIDS LIKE WATER.³⁴

MISHNAH 8. IF ONE ATE UNCLEAR FOODS OR DRANK UNCLEAR LIQUIDS. AND HE IMMERSSED HIMSELF AND THEN VOMITED THEM UP,³⁵ THEY ARE STILL UNCLEAR BECAUSE THEY DID NOT BECOME CLEAR IN THE BODY.³⁶ IF ONE DRANK UNCLEAR WATER AND IMMERSSED HIMSELF AND THEN VOMITED IT UP, IT IS CLEAR BECAUSE IT BECAME CLEAR IN THE BODY.³⁷ IF ONE SWALLOWED A CLEAR RING AND THEN WENT INTO THE TENT OF A CORPSE,³⁸ IF HE SPRINKLED HIMSELF ONCE AND TWICE³⁹ AND IMMERSSED HIMSELF AND THEN VOMITED IT UP, LO, IT REMAINS AS IT WAS BEFORE.⁴⁰ IF ONE SWALLOWED AN UNCLEAR RING, HE MAY IMMERSSE HIMSELF AND EAT TERUMAH,⁴¹ IF HE VOMITED IT UP, IT IS UNCLEAR⁴² AND IT RENDERS HIM UNCLEAR.⁴³ IF AN ARROW WAS STUCK INTO A MAN, IT INTERPOSES SO LONG AS IT IS VISIBLE;⁴⁴ BUT IF IT IS NOT VISIBLE, HE MAY IMMERSSE HIMSELF AND EAT TERUMAH.⁴⁵

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- (1) In all these cases the handle cannot be considered a permanent or an essential part of the vessel.
 - (2) They prevent the water from covering that part of the vessel where the handle is attached.
 - (3) Because air remains in the vessel and prevents the water from filling it.
 - (4) The reading and meaning of this word are very doubtful. It is variously explained as an additional opening, or handle, or long neck, or saucer-like bottom.
 - (5) To enable the water to fill it completely.
 - (6) In order to prevent the escape of the liquid when the flask is turned upside down.
 - (7) Or 'private persons' who are not professional scribes. The inkpot was made in the same fashion with the rim of its mouth turned inwards. The Cambridge text (cf. Introd. n. 1.) omits 'of laymen'.
 - (8) In accordance with this rule.
 - (9) Because they are sometimes opened for a change of their filling.
 - (10) These are not usually opened.
 - (11) To tie up rents.
 - (12) Cf. Deut. VI, 8.
 - (13) They are permanent knots.
 - (14) It has a wide opening at the neck, which is drawn in and tied to the shoulder.
 - (15) Which serves as a curtain with folds at the top hem.
 - (16) And are full of folds and wrinkles.
 - (17) The bubbles show that the water still adhering to the clothes has mingled with the water of the mikweh, and has thus become part of the water of the mikweh. It is not necessary then for the water of the mikweh to penetrate into all the folds of the clothes.
 - (18) When we may be sure that the water of the mikweh has penetrated into all the folds and wrinkles of the clothes.
 - (19) As given in Kelim XXIX. The rest is not considered as belonging to the vessel.

- (20) Even if this ends in the middle of a ring. Cf. Kelim XIV, 3.
- (21) If the appointed measure ends in the middle of the ring.
- (22) Therefore when not sewn on, it must be undone before the basket is immersed.
- (23) Water can be rendered clean by filling it in a vessel in which it is immersed to the rim, when the water in the vessel establishes contact with the water of the mikweh.
- (24) The water to be immersed must be of the same kind as the water of the mikweh.
- (25) Other than water; cf. supra VII, 2, p. 449 n. 3.
- (26) These liquids do not mingle with the water of the mikweh, and therefore they interpose between the inside of the vessel and the water of the mikweh.
- (27) This water, on account of its importance, cannot be considered as mingled with the water of the mikweh, unless the latter exceeds it in quantity.
- (28) Cf. Ezek. XLV, 14. It is equal to thirty se'ahs.
- (29) Of liquid other than water or of Water of Purification.
- (30) Cf. Me'ilah IV, 5.
- (31) If a man ate small quantities of unclean foods of different kinds, these quantities may be reckoned together to make up the minimum quantity of unclean food which renders a person unfit for eating terumah.
- (32) A bulk of two eggs, (Rashi), or of an egg and a half, according to Maimonides.
- (33) If a person drank small quantities of unclean liquids of different kinds.
- (34) To combine with water in order to make up the required quantity, whereas in the case of the mikweh other liquids do not combine with water.
- (35) Before they had remained in the stomach sufficiently long for digestion.
- (36) Unclean foods and liquids except water cannot be purified by immersion.
- (37) Unclean water can be purified by immersion, cf. p. 460, n. 5.
- (38) Or any other premises with remains of a dead human body.
- (39) With Water of Purification, in accordance with the law in Num. XIX, 19.
- (40) The ring remains clean, because a swallowed article is not affected by the defilement of the person after swallowing it.
- (41) The ring had a principal defilement (**אב הטומאה**), and by coming in contact with it before swallowing it, the person received a secondary defilement of the first degree, and requires immersion for eating terumah.
- (42) It did not become clean by the person's immersion.
- (43) By coming in contact with the ring in the act of vomiting it out.
- (44) It sticks out of the body.
- (45) Even if the arrow is unclean, because an object enclosed in the body cannot convey uncleanness.

Mishna - Mas. Makshirin Chapter 1

MISHNAH 1. ANY LIQUID¹ WHICH WAS DESIRED AT THE BEGINNING² THOUGH IT WAS NOT DESIRED AT THE END, OR WHICH WAS DESIRED AT THE END THOUGH IT WAS NOT DESIRED AT THE BEGINNING, COMES UNDER THE LAW OF 'IF WATER BE PUT'.³ UNCLEAN LIQUIDS RENDER UNCLEAN⁴ WHETHER [THEIR ACTION] IS DESIRED OR IS NOT DESIRED.

MISHNAH 2. IF ONE SHOOK A TREE IN ORDER TO CAUSE FOOD OR AN UNCLEAN THING⁵ TO DROP DOWN FROM IT, [THE RAIN WATER DROPPING DOWN FROM IT] DOES NOT COME⁶ UNDER THE LAW OF 'IF WATER BE PUT'. IF [HE SHOOK THE TREE] IN ORDER TO CAUSE LIQUIDS TO DROP DOWN FROM IT, BETH SHAMMAI SAY: BOTH [THE LIQUIDS] THAT DROP DOWN AND [THE LIQUIDS] THAT REMAIN⁷ [ON THE TREE] COME UNDER THE LAW OF 'IF WATER BE PUT'. BUT BETH HILLEL SAY: [THE LIQUIDS] THAT DROP DOWN COME UNDER THE LAW OF 'IF WATER BE PUT', BUT [THE LIQUIDS] THAT REMAIN [ON THE TREE] DO NOT COME UNDER THE LAW OF 'IF WATER BE PUT', BECAUSE HIS INTENTION WAS THAT [THE LIQUIDS] SHOULD DROP DOWN FROM ALL THE TREE.⁸

MISHNAH 3. IF ONE SHOOK A TREE⁹ AND IT FELL¹⁰ ON ANOTHER TREE, OR A BRANCH AND IT FELL ON ANOTHER BRANCH, AND UNDER THEM WERE SEEDS OR VEGETABLES [STILL] JOINED TO THE GROUND, BETH SHAMMAI SAY: THIS COMES UNDER THE LAW OF 'IF WATER BE PUT'. BUT BETH HILLEL SAY: THIS DOES NOT COME¹¹ UNDER THE LAW OF 'IF WATER BE PUT'. R. JOSHUA SAID¹² IN THE NAME OF ABBA JOSE CHOLIKOFRI,¹³ A CITIZEN OF TIBEON:¹⁴ MARVEL AT THYSELF IF THERE IS ANYTHING IN THE TORAH ABOUT A LIQUID CAUSING SUSCEPTIBILITY TO UNCLEANNESS EXCEPT ONE PUT IT ON WITH INTENTION, FOR IT IS SAID: 'IF WATER BE PUT UPON THE SEED'.¹⁵

MISHNAH 4. IF ONE SHOOK¹⁶ A BUNDLE OF VEGETABLES AND [WATER] DROPPED DOWN FROM THE UPPER [SIDE] TO THE LOWER [SIDE], BETH SHAMMAI SAY: THIS COMES¹⁷ UNDER THE LAW OF 'IF WATER BE PUT'. BUT BETH HILLEL SAY: THIS DOES NOT COME¹⁸ UNDER THE LAW OF 'IF WATER BE PUT'. BETH HILLEL SAID TO BETH SHAMMAI: IF ONE SHAKES A STALK, DO WE APPREHEND LEST WATER DROPS FROM ONE LEAF ON THE OTHER LEAF?¹⁹ BETH SHAMMAI SAID TO THEM: A STALK IS ONLY ONE, BUT A BUNDLE HAS MANY STALKS.²⁰ BETH HILLEL SAID TO THEM: LO, IF ONE LIFTED²¹ A SACK FULL OF FRUIT AND PUT IT BESIDE THE RIVER,²² DO WE APPREHEND LEST WATER DROPS FROM THE UPPER [SIDE] TO THE LOWER [SIDE]?²³ IF, HOWEVER, HE LIFTED TWO SACKS AND PLACED THEM ONE UPON THE OTHER, THE LOWER [SACK] COMES²⁴ UNDER THE LAW OF 'IF WATER BE PUT'. R. JOSE SAYS: THE LOWER [SACK] ALSO REMAINS INSUSCEPTIBLE TO UNCLEANNESS.

MISHNAH 5. IF ONE RUBBED²⁵ A LEAK OR PRESSED HIS HAIR²⁶ WITH HIS GARMENT, R. JOSE SAYS: THE LIQUID WHICH CAME OUT COMES²⁷ UNDER THE LAW OF 'IF WATER BE PUT', BUT THE LIQUID THAT REMAINED DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT', BECAUSE HIS INTENTION WAS THAT THE LIQUID SHOULD COME OUT OF ALL OF IT.²⁸

MISHNAH 6. IF ONE BLEW ON LENTILS IN ORDER TO TRY WHETHER THEY WERE GOOD,²⁹ R. SIMEON SAYS: THIS DOES NOT COME³⁰ UNDER THE LAW OF 'IF WATER BE PUT'. BUT³¹ THE SAGES SAY: THIS DOES COME³² UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE ATE SESAME WITH HIS FINGER³³ AND LIQUID CAME ON HIS HAND, R.

SIMEON SAYS: THIS DOES NOT COME³⁴ UNDER THE LAW OF 'IF WATER BE PUT'. BUT THE SAGES SAY: THIS DOES COME³⁵ UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE HID HIS FRUIT IN WATER FROM THIEVES, IT DOES NOT COME³⁶ UNDER THE LAW OF 'IF WATER BE PUT'. ONCE IT HAPPENED THAT THE MEN OF JERUSALEM HID THEIR FIG CAKES IN WATER FROM THE ROBBERS,³⁷ AND THE SAGES DECLARED THAT THEY WERE NOT SUSCEPTIBLE TO UNCLEANNESS. IF ONE PUT HIS FRUIT IN THE STREAM OF A RIVER TO MAKE IT COME DOWN WITH HIM, IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'.

(1) Any one in the list given infra VI, 4-5.

(2) The moistening of the produce by the liquid first pleased the owner, but afterwards displeased him; or, on the contrary, it first displeased him and then pleased him. According to other commentators the meaning is that the owner was pleased with the beginning of the flow of the liquid for some other purpose, but was displeased when in the end the liquid settled on the produce, or the reverse.

(3) Lev. XI, 38; i.e., such a liquid when it has moistened the produce renders it capable of contracting an uncleanness by the touch of an unclean thing; cf. Introduction.

(4) When they moisten produce, they render it susceptible to uncleanness and at the same time make it unclean by their touch.

(5) Such as a piece from a dead creature left in the branches by a bird.

(6) If the rain water fell on produce, it does not render it capable of contracting an impurity, because he did not intend to shake down the rain water.

(7) If what remains in the tree afterwards falls on produce. His intention to bring down the rain water extends also to what remains in the tree.

(8) And since he left some behind in the tree, it follows that he did not attach any value to this remainder.

(9) To bring down its fruit.

(10) And the fruit fell from the second tree or from the second branch on to the ground into seed or vegetables which had water on them.

(11) Because he did not intend them to fall on the other tree or on the other branch. The text and the interpretation of this passage are very uncertain. The explanation given here follows Maimonides and Bertinoro.

(12) In support of Beth Hillel's opinion.

(13) So named after some unknown locality.

(14) A town in lower Galilee.

(15) And since in this case it was not put on with intention, it cannot render susceptible.

(16) To shake off some water.

(17) Because the water fell on the lower side by the owner's deliberate act.

(18) His intention was to shake off the water altogether, and not to wet the lower side.

(19) And render it susceptible to uncleanness. But if no susceptibility is caused in the case of a stalk, why should it be caused in the case of a bundle?

(20) Therefore in the case of a bundle it is like dropping liquid from one fruit to another fruit.

(21) From the river in which it had fallen accidentally.

(22) To let the water run out of the sack.

(23) No, because the fruit in the lower side of the sack does not become susceptible. Similarly, the lower stalk in a bundle of vegetables should not become susceptible by the water coming down upon it from the upper stalks of the same bundle.

(24) Because by placing one sack upon the other he must have intended that water should flow from the upper sack upon the lower sack.

(25) To remove its moisture.

(26) Which had become wet by rain.

(27) It renders produce susceptible to uncleanness, because it came out by his deliberate act.

(28) In accordance with the opinion of Beth Hillel, supra p. 470. n. 1.

(29) And his spittle fell upon the lentils and moistened them.

(30) The moistening was done without intention.

(31) Some texts omit this sentence.

(32) His blowing was done with intention, and the moistening is the direct act of the blowing.

(33) By wetting his finger so as to pick up easily the grains of the sesame, and thus transferring moisture to the sesames on the palm of his hand.

(34) His intention was only to wet his finger but not the palm.

(35) The moisture on the palm is a direct consequence of his wetting the finger.

(36) It was not his intention to moisten the fruit.

(37) **סיקרין**, Latin sicarii, armed terrorists who infested Jerusalem in the last days of the Second Temple. Another reading is **סיקרין**, confiscators of property; cf. Bik. I, 2; II, 3; Git. 55b.

Mishna - Mas. Makshirin Chapter 2

MISHNAH 1. THE EXUDATION OF HOUSES, OF CISTERNS, OF DITCHES AND CAVERNS¹ DOES NOT CAUSE² SUSCEPTIBILITY TO UNCLEANNESS. A MAN'S PERSPIRATION DOES NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS. IF A MAN DRANK UNCLEAN WATER AND PERSPIRED, HIS PERSPIRATION DOES NOT CAUSE³ SUSCEPTIBILITY TO UNCLEANNESS. IF HE ENTERED⁴ INTO DRAWN WATER AND PERSPIRED, HIS PERSPIRATION CAUSES⁵ SUSCEPTIBILITY TO UNCLEANNESS. IF HE DRIED HIMSELF AND THEN PERSPIRED, HIS PERSPIRATION DOES NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS.

MISHNAH 2. THE EXUDATION OF AN UNCLEAN BATH⁶ IS UNCLEAN,⁷ BUT THAT OF A CLEAN BATH⁸ COMES⁹ UNDER THE LAW OF 'IF WATER BE PUT'. IF THERE WAS A POOL IN A HOUSE WHICH CAUSED THE HOUSE TO EXUDE AND THE POOL WAS UNCLEAN, THE EXUDATION OF ALL THE HOUSE WHICH WAS CAUSED BY THE POOL¹⁰ IS UNCLEAN.

MISHNAH 3. IF THERE WERE TWO POOLS, THE ONE CLEAN AND THE OTHER UNCLEAN, WHAT EXUDES NEAR THE UNCLEAN POOL IS UNCLEAN, AND WHAT EXUDES NEAR THE CLEAN POOL IS CLEAN, AND WHAT IS AT EQUAL DISTANCE [FROM BOTH POOLS] IS UNCLEAN.¹¹ IF¹² UNCLEAN IRON¹³ WAS SMELTED WITH CLEAN IRON AND THE GREATER PART [CAME] FROM THE UNCLEAN IRON, IT IS UNCLEAN; IF THE GREATER PART [CAME] FROM THE CLEAN IRON, IT IS CLEAN; BUT IF THERE WAS HALF OF EACH, IT IS UNCLEAN. IF IN POTS WHICH ISRAELITES AND HEATHENS USED FOR PASSING WATER THE GREATER PART [OF THE CONTENTS CONSISTED] OF UNCLEAN [URINE],¹⁴ IT IS UNCLEAN; IF THE GREATER PART [OF THE CONTENTS CONSISTED] OF CLEAN [URINE],¹⁵ IT IS CLEAN; BUT IF THERE WAS HALF OF EACH, IT IS UNCLEAN. IF IN SLOP-WATER, IN WHICH RAIN HAD FALLEN, THE GREATER PART CONSISTED OF THE UNCLEAN WATER,¹⁶ IT IS UNCLEAN; IF THE GREATER PART CONSISTED OF CLEAN WATER,¹⁷ IT IS CLEAN; BUT IF THERE WAS HALF OF EACH, IT IS UNCLEAN. WHEN [IS THIS THE CASE]?¹⁸ WHEN THE SLOP-WATER CAME FIRST; BUT IF THE RAIN WATER CAME BEFORE [THE SLOP-WATER]. IT IS UNCLEAN¹⁹ WHATEVER THE QUANTITY [OF THE RAIN WATER].

MISHNAH 4. IF ONE SECURED HIS ROOF OR WASHED HIS GARMENT²⁰ AND RAIN CAME DOWN UPON IT,²¹ IF THE GREATER PART²² CONSISTED OF THE UNCLEAN WATER, IT IS UNCLEAN; IF THE GREATER PART CONSISTED OF THE CLEAN WATER, IT IS CLEAN; BUT IF THERE WAS HALF OF EACH, IT IS UNCLEAN. R. JUDAH SAYS: IF THE DRIPPING INCREASED,²³ [IT IS CLEAN].

MISHNAH 5. IF IN A CITY IN WHICH ISRAELITES AND HEATHENS DWELT TOGETHER THERE WAS A BATH WORKING²⁴ ON THE SABBATH, IF THE MAJORITY [OF

THE INHABITANTS] WERE HEATHENS, ONE MAY BATHE THEREIN IMMEDIATELY²⁵ [AFTER THE CONCLUSION OF THE SABBATH]; IF THE MAJORITY WERE ISRAELITES, ONE MUST WAIT UNTIL THE WATER CAN BE HEATED;²⁶ IF THEY WERE HALF AND HALF, ONE MUST [ALSO] WAIT UNTIL THE WATER CAN BE HEATED. R. JUDAH SAYS: IF THE BATH-BASIN WAS SMALL AND THERE WAS THERE A [HEATHEN] AUTHORITY, ONE MAY BATHE THEREIN IMMEDIATELY²⁷ [AFTER THE CONCLUSION OF THE SABBATH].

MISHNAH 6. IF ONE FOUND VEGETABLES SOLD THEREIN [ON THE SABBATH]. IF THE MAJORITY [OF THE INHABITANTS] WERE HEATHENS, ONE MAY BUY THEREOF IMMEDIATELY²⁸ [AFTER THE CONCLUSION OF THE SABBATH]; IF THE MAJORITY WERE ISRAELITES, ONE MUST WAIT UNTIL [VEGETABLES] CAN ARRIVE FROM THE NEAREST PLACE;²⁹ IF THEY WERE HALF AND HALF, ONE MUST [ALSO] WAIT UNTIL [VEGETABLES] CAN ARRIVE FROM THE NEAREST PLACE; BUT IF THERE WAS THERE A [HEATHEN] AUTHORITY, ONE MAY BUY IMMEDIATELY [AFTER THE CONCLUSION OF THE SABBATH].

MISHNAH 7. IF AN ABANDONED CHILD WAS FOUND THERE, IF THE MAJORITY [OF THE INHABITANTS] WERE HEATHENS, IT MAY BE DEEMED A HEATHEN;³⁰ IF THE MAJORITY WERE ISRAELITES, IT MUST BE DEEMED AN ISRAELITE; IF THEY WERE HALF AND HALF, IT MUST [ALSO] BE DEEMED AN ISRAELITE. R. JUDAH SAYS: WE MUST CONSIDER WHO FORM THE MAJORITY OF THOSE WHO ABANDON THEIR CHILDREN.³¹

MISHNAH 8. IF ONE FOUND THERE LOST PROPERTY, IF THE MAJORITY [OF THE INHABITANTS] WERE HEATHENS, HE NEED NOT PROCLAIM³² IT; IF THE MAJORITY WERE ISRAELITES, HE MUST PROCLAIM IT; IF THEY WERE HALF AND HALF, HE MUST [ALSO] PROCLAIM IT. IF ONE FOUND BREAD THERE, WE MUST CONSIDER WHO FORM THE MAJORITY OF THE BAKERS.³³ IF IT WAS BREAD OF PURE FLOUR,³⁴ WE MUST CONSIDER WHO FORM THE MAJORITY OF THOSE WHO EAT BREAD OF PURE FLOUR. R. JUDAH SAYS: IF IT WAS COARSE BREAD, WE MUST CONSIDER WHO FORM THE MAJORITY OF THOSE WHO EAT COARSE BREAD.³⁵

MISHNAH 9. IF ONE FOUND MEAT THERE, WE MUST CONSIDER WHO FORM THE MAJORITY OF THE BUTCHERS. IF IT WAS COOKED MEAT, WE MUST CONSIDER WHO FORM THE MAJORITY OF THOSE WHO EAT COOKED MEAT.

MISHNAH 10. IF ONE FOUND FRUIT BY THE WAYSIDE,³⁶ IF THE MAJORITY [OF THE INHABITANTS] GATHERED FRUIT FOR THEIR HOMES,³⁷ HE IS ABSOLVED [FROM TITHES];³⁸ IF [THE MAJORITY GATHERED IT] FOR SELLING IN THE MARKET,³⁹ HE IS LIABLE [TO TITHES]; BUT IF THEY WERE HALF AND HALF, THE FRUIT IS DEMAI.⁴⁰ IF THERE WAS A GRANARY INTO WHICH BOTH ISRAELITES AND HEATHENS LAID IN THEIR PRODUCE, IF THE MAJORITY WERE HEATHENS, [THE PRODUCE MUST BE CONSIDERED] CERTAINLY UNTITHED;⁴¹ IF THE MAJORITY WERE ISRAELITES, [IT MUST BE CONSIDERED] DEMAI;⁴² IF THEY WERE HALF AND HALF, [IT MUST BE CONSIDERED] CERTAINLY UNTITHED. THIS IS THE OPINION OF R. MEIR. BUT THE SAGES SAY: EVEN IF THEY WERE ALL HEATHENS, AND ONLY ONE ISRAELITE LAID HIS PRODUCE INTO THE GRANARY, [IT MUST BE CONSIDERED] DEMAI.⁴³

MISHNAH 11. IF THE FRUIT OF THE SECOND YEAR⁴⁴ EXCEEDED IN QUANTITY THE FRUIT OF THE THIRD YEAR, OR THE FRUIT OF THE THIRD YEAR EXCEEDED THE FRUIT OF THE FOURTH YEAR, OR THE FRUIT OF THE FOURTH YEAR EXCEEDED THE

FRUIT OF THE FIFTH YEAR,⁴⁵ OR THE FRUIT OF THE FIFTH YEAR EXCEEDED THE FRUIT OF THE SIXTH YEAR, OR THE FRUIT OF THE SIXTH YEAR EXCEEDED THE FRUIT OF THE SEVENTH YEAR,⁴⁶ OR THE FRUIT OF THE SEVENTH YEAR EXCEEDED THE FRUIT OF THE YEAR AFTER THE CONCLUSION OF THE SEVENTH YEAR,⁴⁷ WE MUST CONSIDER WHAT FORMS THE GREATER PART; IF THEY ARE HALF AND HALF, WE MUST DECIDE ACCORDING TO THE MORE STRINGENT ALTERNATIVE.⁴⁸

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- (1) From their walls. Cf. Mik. I, 4.
 - (2) Exudation and perspiration do not come within the category of liquids enumerated infra VI, 4ff; cf. *ibid.* 7.
 - (3) The water he drank was digested, and the perspiration is not the same as the water.
 - (4) Even without intention.
 - (5) Because the perspiration mingled with the water which adhered to his body, and which was drawn by a deliberate human act. But if he had entered without intention into a pool of water which had been filled automatically without human agency and perspired, his perspiration would not cause susceptibility, because there was no deliberate human act in connection with that water.
 - (6) A bath containing unclean drawn water; cf. Mik. Introduction.
 - (7) When it touches food it renders it both susceptible and unclean.
 - (8) Consisting of a spring or a pool of rain water.
 - (9) It renders produce susceptible if, namely, the exudation is acceptable to the owner.
 - (10) But what is not caused by the pool is like the exudation of houses spoken of in Mishnah 1.
 - (11) There being a doubt whether it came from the clean pool or from the unclean pool, we must adopt the stringent alternative.
 - (12) Cf. Kelim XI, 4. From here to the end of the chapter a series of cases is given to illustrate the principle that where is a doubt we must adopt the more stringent alternative.
 - (13) Derived from broken vessels which were unclean.
 - (14) Viz., of the heathens, whose urine is unclean according to a rabbinic enactment, like the urine of persons with a running issue (צִיָּה); cf. Shab. 17b.
 - (15) Of the Israelites.
 - (16) The presumption is that the slops are unclean.
 - (17) The rain water.
 - (18) That the slop-water is neutralized by the larger quantity of rain water.
 - (19) The unclean slop-water when poured into rain water rendered it unclean.
 - (20) With unclean slop-water.
 - (21) On the dripping roof or on the dripping garment.
 - (22) Of the mixture of dripping water.
 - (23) In frequency, though not in volume. The increased frequency proves that the rain water is more than the dirty water.
 - (24) And heated on the Sabbath for bathing. It is forbidden to make use of the work done on the Sabbath by a non-Jew for a Jew.
 - (25) The bath was heated on the Sabbath for the majority who are non-Jews.
 - (26) After the conclusion of the Sabbath, when one may presume that the bath was not heated for the Jews on the Sabbath.
 - (27) It is assumed that it was heated on the Sabbath for the non-Jewish authority for whom a bath must ever be ready.
 - (28) They were cut and brought into the city on the Sabbath for the non-Jewish majority.
 - (29) Where vegetables are grown for the market.
 - (30) And may be given food forbidden to an Israelite.
 - (31) And these as a rule are non-Jews.
 - (32) So that the owner may report himself and recover his lost property; cf. B.M. II, 1. In the case of the lost property of a heathen one is not bound to make an effort to trace its owner, because heathens do not restore lost property to its owner.
 - (33) If the majority are heathens, the bread is forbidden by a rabbinic enactment; cf. Shab. 17b.
 - (34) Lit., 'of dough'.
 - (35) This was the kind of bread generally in use in the place of R. Judah (Tosaf. Yom Tob).

- (36) On the way from the field to the city.
- (37) In such a case the fruit does not become liable to tithes till it is brought into the house.
- (38) And also from setting apart the priestly terumah. But only if he wants to make of the fruit a light meal; cf. Ma'as. I, 5.
- (39) In such a case the produce becomes liable to tithes and terumah as soon as it is gathered in the field.
- (40) 'Doubtful', like the produce of an 'am ha-arez, who is suspected of failing to tithe his produce; cf. Demai, Introduction. In such a case the produce is liable to tithes only, but not to terumah.
- (41) This Tanna being of the opinion that the produce grown on the soil of a heathen is liable to tithes.
- (42) Subject only to the rules regulating the produce of an 'am ha-arez, because it is assumed that there is an 'am ha-arez among the Israelites who stores his produce in the granary.
- (43) The Sages hold that the produce grown on the soil of a heathen is exempt from tithes and consequently, unless the granary is used also by at least one Israelite, there is no liability to tithes.
- (44) Of the Sabbatical cycle (שמיטה); cf. Lev. XXV, 2ff. In the first, second, fourth and fifth years of the cycle, produce was liable to the First Tithe given to the Levite, and to the Second Tithe which had to be consumed, itself or its value, in Jerusalem (cf. Deut. XIV, 23ff). In the third and sixth years of the cycle, produce was liable to the First Tithe of the Levite and to the Third Tithe which was given to the poor; cf. Demai, Introduction 2 (3). In the case of a mixture of the produce of the different years enumerated in the text, the question arises whether the mixture is liable, beside to the First Tithe, also to the Second Tithe or to the Third Tithe or to both.
- (45) Some texts omit this clause, since the fourth and fifth years are alike in their obligation respecting tithes.
- (46) The Sabbatical year, when produce was subject to the special regulations set out in Tractate Shebi'ith. Seventh year produce was exempt from all tithes.
- (47) Viz., the first year of the new Sabbatical cycle.
- (48) Viz., according to the rules governing both years. In the case of a mixture of the produce of the second and third years and of the fifth and sixth years, beside First Tithe, Second Tithe must be separated and its value given to the poor to be consumed in Jerusalem. In the case of a mixture of produce of the sixth and seventh years, First and Third Tithes must be given, and in a mixture of the seventh and first years. First and Second Tithes must be given, and in both these cases the regulations of seventh year produce must be observed.

Mishna - Mas. Makshirin Chapter 3

MISHNAH 1. IF A SACK FULL OF FRUIT WAS PUT BY THE SIDE OF A RIVER OR BY THE SIDE OF THE MOUTH OF A CISTERN¹ OR ON THE STEPS OF A CAVERN, AND [THE FRUIT] ABSORBED WATER, ALL [THE FRUIT] WHICH ABSORBED THE WATER COMES² UNDER THE LAW OF 'IF WATER BE PUT'. R. JUDAH SAYS: ALL [THE FRUIT] WHICH FACED³ THE WATER COMES UNDER THE LAW OF 'IF WATER BE PUT', BUT ALL [THE FRUIT] WHICH DID NOT FACE THE WATER DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 2. IF A JAR⁴ FULL OF FRUIT WAS PUT INTO LIQUIDS, OR IF A JAR FULL OF LIQUIDS WAS PUT INTO FRUIT AND [THE FRUIT] ABSORBED WATER, ALL [THE FRUIT] WHICH ABSORBED THE WATER COMES UNDER THE LAW OF 'IF WATER BE PUT'. OF WHAT LIQUIDS HAVE THEY SAID IT? OF WATER, WINE AND VINEGAR;⁵ BUT ALL THE OTHER LIQUIDS⁶ DO NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS. R. NEHEMIAH DECLARES PULSE INSUSCEPTIBLE,⁷ BECAUSE PULSE DOES NOT ABSORB [LIQUIDS].

MISHNAH 3. IF⁸ ONE DREW OFF⁹ HOT BREAD¹⁰ AND PUT IT UPON THE MOUTH OF A JAR OF WINE, R. MEIR DECLARES IT SUSCEPTIBLE TO UNCLEANNESS;¹¹ BUT R. JUDAH DECLARES IT INSUSCEPTIBLE.¹¹ R. JOSE DECLARES IT INSUSCEPTIBLE¹¹ IN THE CASE OF WHEATEN BREAD AND SUSCEPTIBLE IN THE CASE OF BARLEY BREAD, BECAUSE BARLEY ABSORBS [LIQUIDS].

MISHNAH 4. IF ONE SPRINKLED HIS HOUSE¹² [WITH WATER] AND PUT WHEAT

THEREIN AND IT BECAME MOIST, IF [THE MOISTURE CAME] FROM THE WATER, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF [THE MOISTURE CAME] FROM THE STONY FLOOR, IT DOES NOT COME¹³ UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE WASHED HIS GARMENT IN A TUB AND PUT WHEAT THEREIN¹⁴ AND IT BECAME MOIST, IF [THE MOISTURE CAME] FROM THE WATER,¹⁵ IT COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF [THE MOISTURE CAME] OF ITSELF,¹⁶ IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE MOISTENED [PRODUCE] WITH SAND, THIS COMES¹⁷ UNDER THE LAW OF 'IF WATER BE PUT'. IT HAPPENED WITH THE MEN OF MAHOZ¹⁸ THAT THEY USED TO MOISTEN [THEIR PRODUCE] WITH SAND, AND THE SAGES SAID TO THEM: IF YOU HAVE ALWAYS DONE THUS,¹⁹ YOU HAVE NEVER PREPARED YOUR FOOD IN PURITY.²⁰

MISHNAH 5. IF ONE MOISTENED [PRODUCE] WITH DRYING CLAY, R. SIMEON SAYS: IF THERE WAS STILL IN IT DRIPPING LIQUID, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF THERE WAS NOT, IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE SPRINKLED²¹ HIS THRESHING-FLOOR WITH WATER, HE NEED NOT APPREHEND LEST WHEAT BE PUT THERE AND IT BECOME MOIST.²² IF ONE GATHERED GRASS WITH THE DEW STILL ON IT IN ORDER TO MOISTEN WHEAT THEREWITH,²³ IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF HIS INTENTION WAS FOR THIS PURPOSE,²⁴ IT DOES COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE CARRIED WHEAT TO BE MILLED AND RAIN CAME DOWN UPON IT AND HE WAS GLAD OF IT, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'. R. JUDAH SAID: ONE CANNOT HELP BEING GLAD OF IT;²⁵ NAY, [IT COMES UNDER THE LAW] ONLY IF HE STOPPED [ON HIS WAY].²⁶

MISHNAH 6. IF HIS OLIVES WERE PUT ON THE ROOF AND RAIN CAME DOWN UPON THEM AND HE WAS GLAD OF IT, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'. R. JUDAH SAYS: ONE CANNOT HELP BEING GLAD; NAY, [IT COMES UNDER THE LAW] ONLY IF HE STOPPED UP THE RAIN-PIPE²⁷ OR IF HE SHOOK [THE OLIVES] THEREIN.

MISHNAH 7. IF ASS-DRIVERS WERE CROSSING A RIVER AND THEIR SACKS [FILLED WITH PRODUCE] FELL INTO THE WATER AND THEY WERE GLAD OF IT, IT COMES UNDER THE LAW OF 'IF WATER BE PUT'. R. JUDAH SAYS: ONE CANNOT HELP BEING GLAD OF IT; NAY, [IT COMES UNDER THE LAW] ONLY IF THEY TURNED OVER [THE SACKS].²⁸ IF ONE'S FEET WERE FULL OF CLAY (LIKewise, TOO, THE FEET OF HIS BEAST) AND HE CROSSED A RIVER AND HE WAS GLAD OF IT,²⁹ THIS COMES UNDER THE LAW OF 'IF WATER BE PUT'.³⁰ R. JUDAH SAYS: ONE CANNOT HELP BEING GLAD OF IT; NAY, [IT COMES UNDER THE LAW] ONLY IF HE STOPPED AND RINSED³¹ [THE FEET]. BUT IN THE CASE OF A MAN³² OR AN UNCLEAN BEAST³³ IT ALWAYS CAUSES³⁴ SUSCEPTIBILITY TO UNCLEANNESS.

MISHNAH 8. IF ONE LOWERED INTO WATER WHEELS OR GEAR OF OXEN AT THE TIME OF THE EAST WIND³⁵ IN ORDER THAT THEY MIGHT BECOME TIGHTENED, THIS COMES³⁶ UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE TOOK DOWN A BEAST TO DRINK, THE WATER WHICH CAME UP ON ITS MOUTH COMES³⁷ UNDER THE LAW OF 'IF WATER BE PUT', BUT THAT WHICH CAME UP ON ITS FEET DOES NOT COME³⁸ UNDER THE LAW OF 'IF WATER BE PUT'. IF, HOWEVER, HE INTENDED THAT ITS FEET SHOULD BE WASHED, ALSO THE WATER THAT CAME UP ON ITS FEET COMES UNDER THE LAW OF 'IF WATER BE PUT'. AT THE TIME OF FOOTSORENESS OR OF THRESHING³⁹ IT ALWAYS CAUSES SUSCEPTIBILITY TO UNCLEANNESS. IF A DEAF-MUTE OR AN IDIOT OR A MINOR TOOK IT DOWN, EVEN THOUGH HIS INTENTION WAS THAT ITS FEET SHOULD BE WASHED, IT DOES NOT COME UNDER

THE LAW OF 'IF WATER BE PUT', BECAUSE WITH THESE THE ACT ALONE COUNTS, BUT NOT THE INTENTION.⁴⁰

- (1) Containing a pool of water.
- (2) It becomes susceptible to uncleanness, because it is the owner's wish that the fruit should become fuller and heavier by the absorption of moisture.
- (3) And thus absorbed moisture direct from the water.
- (4) Of porous material like earthenware which absorbs water.
- (5) These are capable of being absorbed.
- (6) Of the list infra VI, 4.
- (7) Even if moistened by water, wine or vinegar.
- (8) Cf. Ter. X, 3.
- (9) From the sides of the baking-oven.
- (10) Which was kneaded in fruit juice. Bread kneaded in water becomes susceptible by the water before it is baked.
- (11) Or, according to another interpretation, unclean, clean. The bread had been kneaded in water, and was thus already susceptible before it was baked. But the wine was unclean, and the controversy turns on whether the exudation of the wine absorbed by the hot bread can render the bread unclean.
- (12) The floor to lay the dust.
- (13) Like the exudation of houses, supra II, 1.
- (14) After emptying the tub.
- (15) Which may have adhered to the inside of the tub.
- (16) From dampness in the air, or the like.
- (17) The sand contained some moisture.
- (18) Which was rich in sand dunes; cf. 'Ar. III, 2. It was probably situated near Jabneh.
- (19) Under the impression that the produce did not become susceptible.
- (20) It had become susceptible by the sand, and then may have contracted an impurity.
- (21) To lay the dust on it.
- (22) The floor is sure to get dry before the wheat is put there.
- (23) In the grass itself.
- (24) To use the moisture of the dew.
- (25) And on your view, the law should apply in any case.
- (26) To let the wheat get wet by the rain, thus showing by his action that he desired it. Mere intention without an attendant action does not impart, on the view of R. Judah, susceptibility to uncleanness (Bert.).
- (27) That the water should not escape from the roof.
- (28) To let them get wet on all sides.
- (29) That the water of the river had washed off the mud of his feet.
- (30) The water on the feet causes susceptibility to uncleanness.
- (31) The feet of a domestic animal like an ox which is used for rough work, and its owner is indifferent about the cleanliness of its feet. Therefore, water on its feet cannot be considered as desired by the owner, unless he stopped and rinsed its feet.
- (32) Who is fastidious about the cleanliness of his feet.
- (33) A domestic animal, the flesh of which is forbidden for food (Lev. XI, 2ff.; Deut. XIV, 4ff.), like a horse or an ass, which is used only for riding. The owner is anxious that the feet of a riding-animal should be clean.
- (34) One is particularly pleased when the feet of a man or of a riding-animal are washed in the river, therefore even R. Judah admits that the water falling from their feet after crossing a river can render produce susceptible to uncleanness.
- (35) Which causes wooden articles to crack by its dry heat; cf. Kelim XX, 2.
- (36) Water dripping from them causes produce to become susceptible, because the water came on these articles by the wish of the owner.
- (37) Because it is usual for its mouth to get wet, and is therefore considered as if intended by the owner.
- (38) Because it is not necessary that its feet should become wet when drinking, and is therefore not considered as if it was desired by the owner.
- (39) Because then the wetting of the feet is desired by the owner for the sake of the health of the animal, or for the

cleanliness of the corn.

(40) Cf. *infra* VI, 1; Toh. VIII, 6; Kelim XVII, 15.

Mishna - Mas. Makshirin Chapter 4

MISHNAH 1. IF ONE STOOPED DOWN TO DRINK,¹ THE WATER WHICH CAME UP ON HIS MOUTH OR ON HIS MOUSTACHE COMES UNDER THE LAW OF 'IF WATER BE PUT';² BUT [WHAT CAME UP] ON HIS NOSE OR ON HIS HEAD OR ON HIS BEARD³ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE DREW WATER WITH A JAR, THE WATER WHICH CAME UP ON THE BACK THEREOF, OR ON THE ROPE WHICH WAS WOUND ROUND ITS NECK, OR ON THE ROPE WHICH WAS NEEDED FOR ITS USE,⁴ COMES UNDER THE LAW OF 'IF WATER BE PUT'. HOW MUCH ROPE IS NEEDED FOR ITS USE? R. SIMEON B. ELEAZAR SAYS: A HANDBREADTH. IF HE PUT THE JAR UNDER THE RAIN-PIPE, IT⁵ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 2. IF RAIN CAME DOWN UPON A PERSON,⁶ EVEN IF HE WAS UNCLEAN WITH A PRINCIPAL DEFILEMENT,⁷ IT DOES NOT COME⁸ UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF HE SHOOK IT OFF, IT⁹ DOES COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE STOOD UNDER A RAIN-PIPE TO COOL HIMSELF OR TO WASH HIMSELF, [THE WATER FALLING ON HIM] IS UNCLEAN¹⁰ IF HE IS UNCLEAN; BUT IF HE IS CLEAN, IT [ONLY] COMES UNDER THE LAW OF IF WATER BE PUT.

MISHNAH 3. IF ONE INCLINED A DISH AGAINST A WALL THAT IT MIGHT BE RINSED,¹¹ IT COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF IN ORDER THAT THE WALL MIGHT NOT BE DAMAGED,¹² IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 4. IF DRIPPINGS [FROM A ROOF] FELL¹³ INTO A JAR,¹⁴ BETH SHAMMAI SAY: IT SHOULD BE BROKEN.¹⁵ BUT BETH HILLEL SAY: IT MAY BE EMPTIED OUT.¹⁶ BUT THEY¹⁷ AGREE THAT ONE MAY PUT OUT HIS HAND AND TAKE FRUIT THEREFROM AND LEAVE IT INSUSCEPTIBLE TO UNCLEANNESS.¹⁸

MISHNAH 5. IF DRIPPINGS [FROM A ROOF] FELL¹³ INTO A TUB, THE WATER WHICH SPLASHED OUT OR RAN OVER DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE MOVED THE TUB IN ORDER TO POUR OUT THE WATER, BETH SHAMMAI SAY: IT COMES¹⁹ UNDER THE LAW OF 'IF WATER BE PUT'. BUT BETH HILLEL SAY: IT DOES NOT COME²⁰ UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE PLACED THE TUB IN ORDER THAT THE DRIPPINGS [FROM THE ROOF] SHOULD FALL INTO IT,²¹ BETH SHAMMAI SAY: THE WATER THAT SPLASHES OUT OR RUNS OVER²² COMES UNDER THE LAW OF 'IF WATER BE PUT', BUT BETH HILLEL SAY: IT²³ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE MOVED THE TUB IN ORDER TO POUR OUT THE WATER, BOTH AGREE THAT IT²⁴ COMES UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE IMMERSED VESSELS OR WASHED HIS GARMENT IN A CAVERN,²⁵ THE WATER THAT CAME UP ON HIS HANDS²⁶ COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT WHAT CAME UP ON HIS FEET²⁷ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'. R. ELIEZER SAYS: IF IT WAS NOT POSSIBLE FOR HIM TO GO DOWN INTO THE CAVERN WITHOUT SOILING HIS FEET, WHAT CAME UP ON HIS FEET ALSO COMES²⁸ UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 6. IF A BASKET FULL OF LUPINES WAS PLACED IN A MIKWEH,²⁹ ONE MAY PUT³⁰ OUT HIS HAND AND TAKE LUPINES THEREFROM AND LEAVE THEM CLEAN.³¹ BUT IF HE LIFTED THEM³² OUT OF THE WATER, THOSE THAT TOUCH THE

BASKET ARE UNCLEAN,³³ BUT THE REST OF THE LUPINES ARE CLEAN.³⁴ IF THERE WAS A RADISH IN A CAVERN,³⁵ A MENSTRUANT WOMAN MAY RINSE IT AND LEAVE IT CLEAN.³⁶ BUT IF SHE LIFTED IT, HOWEVER LITTLE, OUT OF THE WATER, IT BECOMES UNCLEAN.³⁷

MISHNAH 7. IF FRUIT FELL INTO A CHANNEL OF WATER,³⁸ AND ONE WHOSE HANDS WERE UNCLEAN PUT OUT HIS HANDS AND TOOK IT, HIS HANDS BECOME CLEAN³⁹ AND THE FRUIT [ALSO] REMAINS CLEAN.⁴⁰ BUT IF HIS INTENTION WAS THAT HIS HANDS SHOULD BE RINSED, HIS HANDS BECOME CLEAN AND THE FRUIT COMES⁴¹ UNDER THE LAW OF 'IF WATER BE PUT.'

MISHNAH 8. IF A POT⁴² FULL OF WATER WAS PLACED IN A MIKWEH, AND A MAN WHO WAS UNCLEAN WITH A PRINCIPAL DEFILEMENT PUT HIS HAND INTO THE POT, IT BECOMES UNCLEAN.⁴³ BUT IF [HE WAS UNCLEAN] BY THE TOUCH OF A DEFILEMENT,⁴⁴ THE POT REMAINS CLEAN,⁴⁵ BUT ANY OF THE OTHER LIQUIDS⁴⁶ [CONTAINED IN THE POT] BECOMES UNCLEAN, FOR WATER CANNOT PURIFY THE OTHER LIQUIDS.⁴⁷

MISHNAH 9. IF ONE DREW WATER THROUGH A CHANNEL,⁴⁸ IT CAUSES⁴⁹ SUSCEPTIBILITY TO UNCLEANNESS FOR THREE DAYS. R. AKIBA SAYS: IF THE CHANNEL WAS DRIED, IT AT ONCE DOES NOT CAUSE⁵⁰ SUSCEPTIBILITY TO UNCLEANNESS; BUT IF IT WAS NOT DRIED, IT CAUSES SUSCEPTIBILITY EVEN FOR THIRTY DAYS.

MISHNAH 10. IF UNCLEAN LIQUIDS FELL UPON WOOD AND RAIN CAME DOWN UPON IT⁵¹ AND [THE RAIN WATER] EXCEEDED [THE LIQUIDS] IN QUANTITY. THEY BECOME CLEAN;⁵² BUT IF THE WOOD HAD BEEN TAKEN OUTSIDE IN ORDER THAT RAIN SHOULD COME DOWN UPON IT, THEY ARE UNCLEAN⁵³ EVEN THOUGH [THE RAIN WATER] EXCEEDED IN QUANTITY. IF [THE WOOD] HAD ABSORBED UNCLEAN LIQUIDS,⁵⁴ THEY BECOME CLEAN EVEN THOUGH THE WOOD HAD BEEN CARRIED OUTSIDE IN ORDER THAT RAIN SHOULD COME DOWN UPON IT.⁵⁵ BUT ONE MAY NOT LIGHT THE WOOD IN AN OVEN EXCEPT WITH CLEAN HANDS.⁵⁶ R. SIMEON SAYS: IF THE WOOD WAS FRESHLY-CUT WHEN IT WAS LIGHTED, AND THE LIQUIDS THAT CAME OUT OF IT⁵⁷ EXCEEDED IN QUANTITY THE LIQUIDS WHICH IT HAD ABSORBED, THEY BECOME CLEAN.⁵⁸

(1) From a river.

(2) Since the mouth and the moustache necessarily get wet when one is drinking, the water on them may be considered as desired by the drinker.

(3) These need not get wet, and therefore the water on them cannot be considered as desired by the drinker; cf. supra III, 8, nn. 8, 9.

(4) These necessarily get wet.

(5) Any water on the back of the jar or on its rope, since in this case they need not get wet.

(6) Accidentally.

(7) Cf. Kelim I, 1; 'Ed. (Sonc. ed.) p. 9, n. 4.

(8) Since the rain water fell on the unclean person without his wish, it does not become unclean (cf. infra VI, 8), and therefore does not come within the category of unclean liquids which render unclean and cause susceptibility even when not desired (supra I, 1, n. 4).

(9) The water that fell off, in accordance with the opinion of Beth Hillel, supra I, 2.

(10) And renders produce susceptible and unclean at the same time; cf. supra I, 1 n. 4.

(11) In the rain water coming down the wall.

(12) By the rain water, which is not wanted.

- (13) Against one's wishes.
- (14) Containing produce.
- (15) In order to get out the produce inside it; for if he tilts the jar over to empty it, the water running out together with the falling produce will render the produce susceptible.
- (16) By tilting over the jar, since he only wishes to empty the produce and not the water.
- (17) Beth Shammai.
- (18) Even though his hand may cause the water to come on the produce.
- (19) Since he poured the water away only when the tub was moved to another place, it may be said that he did not object to the water when the tub was in its original place.
- (20) His pouring away showed that he did not want the water even in the tub's original place.
- (21) And not in the courtyard.
- (22) And all the more so the water inside the tub.
- (23) Only what splashed out and what ran over, but not what is inside.
- (24) Even what splashed out and what ran over.
- (25) Containing a pool of water.
- (26) He is satisfied with this water.
- (27) This is against his wish.
- (28) Because he wishes his feet to be cleaned by the water.
- (29) A pool for the purification of a defilement by immersion; cf. Mikwaoth Introduction.
- (30) Even a person affected with a principal defilement; cf. supra 2, n. 7.
- (31) The water in the mikweh being joined to the ground cannot cause susceptibility to uncleanness; cf. Introduction.
- (32) The lupines together with the basket.
- (33) The basket becomes unclean with a secondary defilement of the first degree (ראשון לטומאה), and the lupines, having become susceptible by the water which adhered to them when lifted, contract a secondary defilement of the second degree (שני לטומאה); cf. 'Ed. (Sonc. ed.) p. 9, n. 4.
- (34) In spite of their contact with the unclean lupines of the second degree, for a second degree defilement cannot convey uncleanness to produce of a common character (חולין), like these lupines, but only to produce of priestly heave-offering (תרומה).
- (35) In a pool of water.
- (36) V. p. 486, n. 4.
- (37) The water on it when lifted makes it susceptible to contract uncleanness from the touch of the menstruant woman.
- (38) Joined to a valid mikweh.
- (39) Although this washing of the hands was unintentional, it suffices for handling produce of a common character.
- (40) Since it fell in accidentally, it did not become susceptible.
- (41) It becomes susceptible by the water on his hands.
- (42) Of earthenware.
- (43) An earthenware vessel becomes unclean by the entry into its air-space of a principal defilement, but cannot be made clean by the water of a mikweh; cf. Lev. XI, 33; Mik. (Sonc. ed.) VI, 6, n. 4.
- (44) He was unclean by a secondary defilement of the first degree after he had touched a principal defilement; cf. supra 6, nn. 13, 14.
- (45) An earthenware vessel cannot be rendered unclean except by a principal defilement. The water in the pot is also clean, by coming in contact with the water of the mikweh; v. Mik. (Sonc. ed.) X, 6, n. 5.
- (46) Enumerated infra VI, 4, 5.
- (47) Because they cannot mingle with the water of the mikweh; cf. Mik. (Sonc. ed.) X, 6, n. 8.
- (48) חולין, **. Maimonides and others explain it as a swape-pipe or bucket; cf. Mik. VIII, 1.
- (49) Any moisture in the channel.
- (50) The moisture cannot be from the water which had passed through the channel.
- (51) Unexpectedly.
- (52) The rain water neutralizes the unclean liquid.
- (53) Because the rain water, being expected and desired, becomes itself unclean by the liquid.
- (54) And the liquid disappeared from the surface of the wood.
- (55) Because there is no contact between the unclean liquid and the rain water.

(56) The hands may render the rain water on the wood unclean, and this may convey uncleanness to the oven.

(57) The natural sap of the wood.

(58) The unclean liquid is neutralized by the sap.

Mishna - Mas. Makshirin Chapter 5

MISHNAH 1. IF A MAN IMMERSED HIMSELF IN A RIVER¹ AND THERE WAS IN FRONT OF HIM ANOTHER RIVER AND HE CROSSED IT,² THE SECOND [WATER] PURIFIES³ THE FIRST [WATER]. IF HIS FELLOW WHO WAS INTOXICATED PUSHED HIM IN OR HIS BEAST,⁴ THE SECOND [WATER] PURIFIES THE FIRST [WATER]; BUT IF [HE DID IT] OUT OF PLAYFULNESS, IT COMES⁵ UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 2. IF A MAN SWAM IN WATER, THE WATER THAT SPLASHED OUT⁶ DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF IT WAS HIS INTENTION TO SPLASH HIS FELLOW, THIS COMES UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE MADE A 'Blrd'⁷ IN THE WATER, NEITHER [THE WATER] THAT SPLASHED OUT⁸ NOR WHAT REMAINED IN IT⁹ COMES UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 3. IF DRIPPINGS [FROM A ROOF] CAME DOWN INTO FRUIT AND IT WAS MIXED UP IN ORDER THAT IT MIGHT BECOME DRY¹⁰ [QUICKLY]. R. SIMEON SAYS: IT COMES¹¹ UNDER THE LAW OF 'IF WATER BE PUT'. BUT THE SAGES SAY: IT DOES NOT COME¹² UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 4. IF A CISTERN WAS MEASURED WHETHER FOR ITS DEPTH OF FOR ITS BREADTH, IT COMES¹³ UNDER THE LAW OF 'IF WATER BE PUT'. THIS IS THE OPINION OF R. TARFON. BUT R. AKIBA SAYS: IF [IT WAS MEASURED] FOR ITS DEPTH,¹⁴ IT COMES UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF FOR ITS BREADTH, IT DOES NOT COME¹⁵ UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 5. IF ONE PUT HIS HAND OR HIS FOOT OR A REED INTO A CISTERN IN ORDER TO ASCERTAIN WHETHER IT HAD ANY WATER, IT DOES NOT COME¹⁶ UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF TO ASCERTAIN HOW MUCH WATER IT HAD, THIS COMES¹⁷ UNDER THE LAW OF 'IF WATER BE PUT'. IF ONE THREW A STONE INTO A CISTERN TO ASCERTAIN WHETHER IT HAD ANY WATER, [THE WATER] THAT WAS SPLASHED DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT', AND ALSO [THE WATER] THAT IS ON THE STONE¹⁸ IS CLEAN.¹⁹

MISHNAH 6. IF ONE BEAT UPON A HIDE²⁰ OUTSIDE THE WATER, IT COMES²¹ UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF [HE BEAT IT] INSIDE THE WATER,²² IT DOES NOT COME²³ UNDER THE LAW OF 'IF WATER BE PUT'. R. JOSE SAYS: IT COMES UNDER THE LAW OF 'IF WATER BE PUT' ALSO IF [HE BEAT IT] INSIDE THE WATER, BECAUSE HIS INTENTION WAS THAT THE WATER SHOULD COME OFF TOGETHER WITH THE FILTH.²⁴

MISHNAH 7. THE WATER THAT COMES UP INTO A SHIP OR INTO THE BILGE OR ON THE OARS DOES NOT COME²⁵ UNDER THE LAW OF 'IF WATER BE PUT'. THE WATER THAT COMES UP IN SNARES, NETS, OR GINS, DOES NOT COME²⁵ UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF THEY WERE SHAKEN,²⁶ IT DOES COME²⁷ UNDER THE LAW OF 'IF WATER BE PUT'. IF A SHIP WAS LED OUT INTO THE GREAT SEA²⁸ IN ORDER TO TIGHTEN IT,²⁹ OR IF A NAIL³⁰ WAS TAKEN OUT INTO THE RAIN IN ORDER TO TEMPER IT. OR IF A BRAND WAS LEFT IN THE RAIN IN ORDER TO EXTINGUISH IT, THIS COMES³¹ UNDER THE LAW OF 'IF WATER BE PUT'.

MISHNAH 8. [WATER ON] THE COVERING OF TABLES OR ON THE MATTING OF BRICKS DOES NOT COME³² UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF THEY WERE SHAKEN, IT DOES COME³³ UNDER THE LAW OF 'IT WATER BE PUT'.

MISHNAH 9. ANY UNINTERRUPTED FLOW OF LIQUID³⁴ IS CLEAN,³⁵ EXCEPT [THE FLOW] OF HONEY OF ZIPHIM³⁶ AND OF BATTER.³⁷ BETH SHAMMAI SAY: ALSO [THE FLOW OF] THICK POTTAGE OF GRITS, OR OF BEANS, BECAUSE IT BOUNDS BACKWARDS.

MISHNAH 10. [THE FLOW] OF HOT WATER POURED³⁸ INTO HOT WATER, OF COLD WATER [POURED] INTO COLD WATER, OF HOT WATER [POURED] INTO COLD WATER REMAINS CLEAN; BUT [THE FLOW] OF COLD WATER [POURED] INTO HOT WATER BECOMES UNCLEAN.³⁹ R. SIMEON SAYS: ALSO [THE FLOW] OF NOT WATER POURED INTO NOT WATER BECOMES UNCLEAN IF THE STRENGTH OF THE HEAT OF THE LOWER [WATER] IS GREATER THAN THAT OF THE UPPER [WATER].⁴⁰

MISHNAH 11. IF A WOMAN WHOSE HANDS WERE CLEAN STIRRED⁴¹ AN UNCLEAN POT AND HER HANDS PERSPIRED, THEY BECOME UNCLEAN.⁴² IF HER HANDS WERE UNCLEAN AND SHE STIRRED A CLEAN POT AND HER HANDS PERSPIRED THE POT BECOMES UNCLEAN.⁴³ R. JOSE SAYS: ONLY IF HER HANDS DRIPPED.⁴⁴ IF GRAPES WERE WEIGHED IN THE SCALE OF A BALANCE, THE WINE⁴⁵ IN THE SCALE IS CLEAN⁴⁶ UNTIL IT IS POURED INTO A VESSEL.⁴⁷ LO, THIS IS LIKE BASKETS OF OLIVES AND GRAPES WHEN THEY ARE DRIPPING [WITH SAP].⁴⁸

(1) The water of this river which was still on his body could render produce susceptible, because he wished it to come on his body.

(2) Against his wish.

(3) I.e., neutralizes it, so that neither the water from the first river nor from the second river can cause susceptibility.

(4) Into a river after they had become wet with intention.

(5) The second water was also acceptable.

(6) Without the intention of the swimmer.

(7) A game for blowing bubbles by means of a tube placed in water; var. lec. 'a tube'.

(8) Without intention.

(9) In the tube.

(10) The owner mixed up the wet fruit with the dry fruit, so as to accelerate the drying of the moisture by spreading it over a wider space.

(11) The dry fruit was deliberately moistened by the owner's act.

(12) His intention was not to moisten any of the fruit, but to remove the moisture from the whole fruit as quickly as possible.

(13) The water of the measuring-rod.

(14) When the water on the measuring-rod is necessary, in order to indicate by its mark on the rod the exact depth of the water.

(15) In measuring the breadth the water on the measuring-rod is immaterial for ascertaining the extent of the cistern.

(16) The water on the hand or on the foot or on the rod is not wanted.

(17) The water on the hand or on the foot or on the rod is wanted, in order to show by its mark the exact quantity of water in the cistern.

(18) Even on the part of the stone above the surface of the water in the cistern.

(19) It cannot contract an uncleanness nor can it cause susceptibility to uncleanness.

(20) To remove the moisture after washing the hide in a pool.

(21) The moisture coming out of the hide causes susceptibility, because there is here the intention of removing the moisture, as in the case of a tree which is shaken in order to drop the rain water from its branches, supra I, 2.

- (22) The hide is beaten while inside the pool in order to remove its hair and its filth.
- (23) There can be no intention here of removing moisture, since the hide still remains in the water.
- (24) In order to get on it fresh clean water and complete its cleansing.
- (25) One is indifferent to such water.
- (26) To remove the water.
- (27) The removal was done by intention, as in p. 490. n. 10.
- (28) The Mediterranean, or into any other sea.
- (29) To tighten the wooden planks which had become loose while the boat was ashore.
- (30) Hot from the fire.
- (31) In all these cases the water is desired.
- (32) The water is not wanted.
- (33) Cf. p. 490, n. 10.
- (34) Poured from a clean vessel into an unclean vessel.
- (35) In the upper vessel; cf. Toh. VIII, 9; Yad. IV, 7.
- (36) According to an explanation in Sot. 58b the honey is so named after Ziph in the south of Judah; cf. Joshua XV, 55; Ps. LIV, 2.
- (37) **צִפְּהַת**. The meaning of this word is uncertain. It is usually taken as **צִפְּיָהִית**. Ex. XVI 31. Maim. explains it as honey from a place called Zappahath. These are thick liquids, and when the flow stops suddenly, it is likely to bound back from the unclean vessel into the clean vessel, and thus render it unclean.
- (38) From a clean vessel into an unclean vessel.
- (39) The hot water in the unclean vessel causes steam to rise which mixes with the water in the clean vessel and renders it unclean.
- (40) Thus forming steam in the lower unclean vessel, which rises into the cooler clean vessel.
- (41) With a ladle.
- (42) The perspiration caused by the steam of the unclean pot renders her hands unclean.
- (43) By the perspiration of her unclean hands.
- (44) But not by the steam of the hot sweat.
- (45) The sap that escapes from the grapes.
- (46) Nor can it cause susceptibility to uncleanness.
- (47) Only then can it be considered a liquid.
- (48) Which likewise is not considered a liquid until it is poured into a vessel; cf. infra VI, 8.

Mishna - Mas. Makshirin Chapter 6

MISHNAH 1. IF ONE CARRIED UP HIS FRUIT TO THE ROOF BECAUSE OF MAGGOTS,¹ AND DEW CAME DOWN UPON IT, IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT'; BUT IF HIS INTENTION WAS FOR THIS PURPOSE,² IT COMES UNDER THE LAW OF 'IF WATER BE PUT'. IF A DEAF-MUTE, OR AN IDIOT, OR A MINOR CARRIED IT UP, ALTHOUGH HE EXPECTED THAT DEW SHOULD COME DOWN UPON IT, IT DOES NOT COME UNDER THE LAW OF 'IF WATER BE PUT', BECAUSE WITH THESE THE ACT ALONE COUNTS, BUT NOT THE INTENTION.³

MISHNAH 2. IF ONE CARRIED UP TO THE ROOF BUNDLES [OF VEGETABLES] OR CAKES OF FIGS OR GARLIC SO AS TO KEEP THEM FRESH, IT DOES NOT COME⁴ UNDER THE LAW OF 'IF WATER BE PUT'. ALL BUNDLES [OF VEGETABLES] IN THE MARKET PLACES ARE UNCLEAN.⁵ R. JUDAH DECLARES THEM CLEAN IF THEY ARE FRESH.⁶ R. MEIR SAID: WHEREFORE HAVE THEY DECLARED THEM UNCLEAN? ONLY BECAUSE OF LIQUID FROM THE MOUTH.⁷ ALL COARSE AND FINE FLOURS OF THE MARKET PLACES ARE UNCLEAN.⁸ CRUSHED WHEAT, GROATS, AND PEARL- BARLEY⁹ ARE UNCLEAN EVERYWHERE.¹⁰

MISHNAH 3. ALL EGGS MAY BE PRESUMED CLEAN EXCEPT THOSE OF DEALERS IN

LIQUIDS;¹¹ BUT IF THEY SOLD WITH THEM DRY FRUIT, THEY ARE CLEAN.¹² ALL FISH MAY BE PRESUMED UNCLEAN.¹³ R. JUDAH SAYS: PIECES OF ILTITH,¹⁴ EGYPTIAN FISH WHICH ARRIVES IN A BASKET, AND SPANISH TUNNY, THESE MAY BE PRESUMED CLEAN.¹⁵ ALL KINDS OF BRINE MAY BE PRESUMED UNCLEAN. CONCERNING ALL THESE¹⁶ AN 'AM HA-AREZ¹⁷ MAY BE TRUSTED WHEN HE DECLARES THEM TO BE CLEAN, EXCEPT IN THE CASE OF FISH,¹⁸ SINCE THEY¹⁹ ARE USUALLY STORED WITH ANY 'AM HA-AREZ.²⁰ R. ELIEZER B. JACOB SAYS: CLEAN BRINE INTO WHICH WATER FELL IN ANY QUANTITY MUST BE DEEMED UNCLEAN.²¹

MISHNAH 4. THERE ARE SEVEN LIQUIDS²² DEW, WATER, WINE, OIL, BLOOD,²³ MILK AND BEES' HONEY. HORNETS' HONEY DOES NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS AND MAY BE EATEN.

MISHNAH 5.A SUB-SPECIES OF WATER²⁴ ARE THE LIQUIDS THAT COME FORTH FROM THE EYE, FROM THE EAR, FROM THE NOSE AND FROM THE MOUTH, AND URINE, WHETHER OF ADULTS OR OF CHILDREN,²⁵ WHETHER [ITS FLOW IS] CONSCIOUS OR UNCONSCIOUS. A SUB-SPECIES OF BLOOD ARE BLOOD FROM THE SLAUGHTERING OF CATTLE AND WILD ANIMALS AND BIRDS THAT ARE CLEAN, AND BLOOD FROM BLOOD LETTING FOR DRINKING.²⁶ WHEY IS DEEMED LIKE MILK, AND THE SAP OF OLIVES IS DEEMED LIKE OIL, SINCE IT IS NEVER FREE FROM OIL.²⁷ THIS IS THE OPINION OF R. SIMEON. R. MEIR SAYS: EVEN THOUGH IT CONTAINS NO OIL. THE BLOOD OF A CREEPING THING IS DEEMED LIKE ITS FLESH,²⁸ IT CAUSES UNCLEANNESS BUT DOES NOT CAUSE SUSCEPTIBILITY TO UNCLEANNESS, AND WE HAVE NOTHING LIKE IT.²⁹

MISHNAH 6. THE FOLLOWING CAUSE UNCLEANNESS AND ALSO SUSCEPTIBILITY³⁰ [TO UNCLEANNESS]; THE ISSUE³¹ OF A PERSON WHO HAS A RUNNING ISSUE, HIS SPITTLE, HIS SEMEN AND HIS URINE, A QUARTER-LOG FROM A CORPSE, AND THE BLOOD OF A MENSTRUANT WOMAN. R. ELIEZER SAYS: SEMEN DOES NOT CAUSE SUSCEPTIBILITY. R. ELEAZAR B. 'AZARIAH SAYS: THE BLOOD OF A MENSTRUANT WOMAN DOES NOT CAUSE SUSCEPTIBILITY. R. SIMEON SAYS: THE BLOOD OF A CORPSE DOES NOT CAUSE SUSCEPTIBILITY, AND IF IT FELL ON A GOURD, IT SHOULD BE SCRAPED OFF,³² AND IT REMAINS CLEAN.

MISHNAH 7.THE FOLLOWING CAUSE NEITHER UNCLEANNESS NOR SUSCEPTIBILITY TO UNCLEANNESS: SWEAT,³³ ILL-SMELLING SECRETION, EXCREMENT, BLOOD ISSUING WITH ANY OF THESE, LIQUID³⁴ [ISSUING FROM A STILL-BORN CHILD] OF EIGHT MONTHS (R. JOSE SAYS: EXCEPT ITS BLOOD).³⁵ [THE DISCHARGE FROM THE BOWELS OF] ONE WHO DRINKS THE WATER OF TIBERIAS³⁶ EVEN THOUGH IT COMES OUT CLEAN, BLOOD FROM THE SLAUGHTERING OF CATTLE AND WILD ANIMALS AND BIRDS THAT ARE UNCLEAN, AND BLOOD FROM BLOODLETTING FOR HEALING.³⁷ R. ELIEZER DECLARES THESE³⁸ UNCLEAN. R. SIMEON B. ELEAZAR SAYS: THE MILK OF A MALE IS CLEAN.³⁹

MISHNAH 8. A WOMAN'S MILK RENDERS UNCLEAN WHETHER [ITS FLOW IS] DESIRED OR IS NOT DESIRED,⁴⁰ BUT THE MILK OF CATTLE RENDERS UNCLEAN ONLY IF [ITS FLOW IS] DESIRED. R. AKIBA SAID: THE MATTER CAN BE PROVED BY AN INFERENCE FROM MINOR TO MAJOR: IF A WOMAN'S MILK, THE USE OF WHICH IS CONFINED TO INFANTS, CAN RENDER UNCLEAN WHETHER [ITS FLOW IS] DESIRED OR IS NOT DESIRED, ALL THE MORE SHOULD THE MILK OF CATTLE, THE USE OF WHICH IS COMMON TO INFANTS AND TO ADULTS, RENDER UNCLEAN BOTH WHEN [ITS FLOW IS] DESIRED AND WHEN IT IS NOT DESIRED. BUT THEY⁴¹ SAID TO HIM: NO;

A WOMAN'S MILK RENDERS UNCLEAN WHEN [ITS FLOW IS] NOT DESIRED, BECAUSE THE BLOOD ISSUING FROM HER WOUND IS UNCLEAN;⁴² BUT HOW COULD THE MILK OF CATTLE RENDER UNCLEAN WHEN [ITS FLOW IS] NOT DESIRED, SEEING THAT THE BLOOD ISSUING FROM ITS WOUND IS CLEAN? HE SAID TO THEM: I ADOPT A MORE RIGOROUS RULING IN THE CASE OF MILK THAN IN THE CASE OF BLOOD, FOR IF ONE MILKS FOR HEALING,⁴³ [THE MILK] IS UNCLEAN,⁴⁴ WHEREAS IF ONE LETS BLOOD FOR HEALING, [THE BLOOD] IS CLEAN.⁴⁵ THEY SAID TO HIM: LET BASKETS OF OLIVES AND GRAPES PROVE⁴⁶ IT; FOR LIQUIDS FLOWING FROM THEM ARE UNCLEAN ONLY WHEN [THE FLOW IS] DESIRED, BUT WHEN [THE FLOW IS] NOT DESIRED THEY ARE CLEAN.⁴⁷ HE SAID TO THEM: NO; IF YOU SAY [THUS] OF BASKETS OF OLIVES AND GRAPES WHICH ARE AT FIRST A SOLID FOOD AND AT THE END BECOME A LIQUID, COULD YOU SAY [THE SAME] OF MILK WHICH REMAINS A LIQUID FROM BEGINNING TO END?⁴⁸ THUS FAR WAS THE ARGUMENT.⁴⁹ R. SIMEON SAID: FROM THENCEFORWARD WE⁵⁰ USED TO ARGUE BEFORE HIM: LET RAIN WATER PROVE IT, FOR IT REMAINS A LIQUID FROM BEGINNING TO END, AND RENDERS UNCLEAN ONLY WHEN [ITS FLOW IS] DESIRED. BUT HE SAID TO US: NO; IF YOU SAY [THUS] OF RAIN WATER, IT IS BECAUSE MOST OF IT IS INTENDED NOT FOR MAN⁵¹ BUT FOR THE SOIL AND FOR TREES, WHEREAS MOST MILK IS INTENDED FOR MAN.

(1) To prevent the fruit from becoming wormy.

(2) To get the fruit damp by the dew.

(3) Cf. supra III, 8.

(4) If dew fell on the vegetables.

(5) Because the dealers are wont to sprinkle them with water to keep them fresh, thus rendering them susceptible to uncleanness, and then they are handled by unclean hands.

(6) Fresh vegetables are not sprinkled by the dealers, and thus have not become susceptible to uncleanness from unclean hands.

(7) R. Meir holds that the reason why vegetables in the market have been declared unclean is not because they are handled by unclean hands, but because the dealers, who may be affected by a running issue (cf. infra 6), undo the bundles with their teeth, and thus cause unclean spittle from their mouth to come upon the vegetables. Therefore there is no difference whether the vegetables are fresh or not.

(8) Because the wheat is damped before milling, and thus the flour has become susceptible to uncleanness by the contact of those who handle it.

(9) For the exact meaning of these kinds of grain, cf. M.K. 13b.

(10) Even not in the market place, because they are damped in the process of crushing, and are then handled by unclean hands.

(11) Who handle the eggs with liquid dripping from their hands and thus render them susceptible to become unclean by those who handle them.

(12) Because they are careful to keep their hands dry.

(13) Cf. 'Uk. III, 8. They have been rendered susceptible by the water shaken off from the nets.

(14) A species of large fish.

(15) These are spoiled by water, and have therefore been kept dry.

(16) Eggs, fruit and brine.

(17) **עַם הָאָרֶץ**. Lit., 'the people of the land', the untutored peasant, or any other person who is lax about the observance of the laws of purity and the laws of tithing produce, as distinguished from the learned **חֶבֶר**, or associate of those who are scrupulous about these laws. Cf. supra II, 10. n. 4; Demai, Introduction 3; 'Ed. I, 14 (Sonc. ed.) p. 8, n. 1.

(18) According to some commentators 'the brine of fish'. The 'am ha-arez is not to be trusted when he declares that fish (or the brine of fish) has not become susceptible.

(19) Var. lec. 'it', viz., fish.

(20) Which proves that he can be trusted.

(21) Water renders it susceptible, and it then becomes unclean by handling.

(22) Which render produce susceptible to uncleanness.

- (23) Human blood, v. next Mishnah.
- (24) That causes susceptibility under the heading of water.
- (25) According to other commentators: 'Whether liquid excrement or real urine'.
- (26) Its flow is desired.
- (27) It contains a proportion of oil.
- (28) It can be added to the flesh to make up a lentil's bulk which is the minimum quantity of a creeping thing to convey uncleanness; cf. Me'il. IV, 3.
- (29) That blood should be accounted as flesh.
- (30) Simultaneously.
- (31) Cf. Kelim I, 3.
- (32) Because blood is forbidden to be eaten.
- (33) Cf. supra II, 1.
- (34) Such as blood, urine, etc.
- (35) Its blood conveys impurity.
- (36) Which acts as a purgative.
- (37) Its flow is not desired.
- (38) The last two kinds of blood.
- (39) Like mere perspiration.
- (40) If it dripped from the breast automatically; cf. Kelim VIII, 11.
- (41) The Sages holding the opinion as given in the beginning of the Mishnah.
- (42) Like the blood of a corpse, and this blood flows from the wound automatically.
- (43) An animal to relieve its pain.
- (44) It is capable of becoming unclean, since its flow is desired.
- (45) As stated in the last Mishnah.
- (46) Animal's milk may be compared to the juice flowing from such baskets, since both serve as human food.
- (47) Cf. supra V, 11, n. 11.
- (48) Milk is more of a liquid than fruit juice.
- (49) Between R. Akiba and his colleagues.
- (50) R. Akiba's disciples.
- (51) The use of rain for man is limited, therefore rain cannot render human food susceptible to uncleanness unless a man desires its flow upon his food.

Mishna - Mas. Zavim Chapter 1

MISHNAH 1. IF A MAN HAS SEEN ONE ISSUE OF THE FLUX,¹ BETH SHAMMAI SAY: HE IS TO BE COMPARED TO [A WOMAN] WHO AWAITS DAY AGAINST DAY;² BUT BETH HILLEL SAY: HE IS TO BE COMPARED TO ONE WHO HAS SUFFERED [NOCTURNAL] POLLUTION.³ SHOULD HE SEE AN ISSUE [ONE DAY]. AND ON THE SECOND IT STOPPED, AND ON THE THIRD DAY HE SAW TWO [ISSUES], OR ONE [ISSUE] THAT WAS AS COPIOUS AS TWO,⁴ BETH SHAMMAI SAY: HE IS A REAL ZAB;⁵ BUT BETH HILLEL SAY: HE DEFILES THOSE OBJECTS ON WHICH HE SITS OR LIES, AND MUST ALSO OBTAIN IMMERSION IN RUNNING WATER, BUT HE IS EXEMPT FROM THE OFFERING.⁶ R. ELEAZAR B. JUDAH SAID: BETH SHAMMAI CONCUR THAT IN SUCH A CASE HE CANNOT BE DEEMED A REAL ZAB;⁷ WHERE THEY DO DISPUTE IS IN THE CASE OF ONE WHO HAD SUFFERED TWO [ISSUES], OR ONE [ISSUE] THAT WAS AS COPIOUS AS TWO [ON ONE DAY], AND STOPPED ON THE SECOND DAY, AND ON THE THIRD DAY HE SAW ANOTHER [ISSUE]. IN SUCH A CASE BETH SHAMMAI SAY: HE IS A REAL ZAB;⁸ BUT BETH HILLEL SAY: HE ONLY DEFILES THOSE OBJECTS ON WHICH HE SITS OR LIES, AND MUST OBTAIN IMMERSION IN RUNNING WATER, BUT IS EXEMPT FROM THE OFFERING.⁹

MISHNAH 2. IF ONE SUFFERS AN ISSUE OF SEMEN ON THE THIRD DAY OF COUNTING AFTER HIS FLUX,¹⁰ BETH SHAMMAI SAY: IT RENDERS VOID THE TWO CLEAN DAYS THAT HAVE PRECEDED;¹¹ BUT BETH HILLEL SAY: IT RENDERS VOID ONLY THAT DAY.¹² R. ISHMAEL SAYS: IF HE SUFFERED IT ON THE SECOND DAY,¹³ IT RENDERS VOID THE PRECEDING DAY;¹⁴ BUT R. AKIBA SAYS: IT MATTERS NOT WHETHER HE SUFFERED IT ON THE SECOND OR THIRD DAY¹⁵ — [IN EITHER CASE] BETH SHAMMAI SAY, IT RENDERS VOID THE TWO PRECEDING DAYS, AND BETH HILLEL SAY, IT RENDERS VOID ONLY THAT DAY ITSELF. BUT THEY¹⁶ CONCUR THAT IF HE SUFFERED IT ON THE FOURTH DAY [OF COUNTING] IT RENDERS VOID ONLY THAT DAY [OF THE COUNTING],¹⁷ PROVIDED IT WAS A DISCHARGE OF SEMEN; BUT IF IT HAD BEEN AN ISSUE OF FLUX, THEN EVEN IF THIS HAD OCCURRED ON THE SEVENTH DAY, IT RENDERS VOID ALL THE DAYS THAT HAD PRECEDED.¹⁸

MISHNAH 3. IF HE SAW ONE ISSUE ON ONE DAY AND TWO ON THE NEXT DAY, OR TWO ON ONE DAY AND ONE ON THE MORROW, OR THREE ON THREE [CONSECUTIVE] DAYS, OR THREE NIGHTS, HE IS DEEMED A REAL ZAB.¹⁹

MISHNAH 4. IF HE SAW ONE [ISSUE] AND A PAUSE TOOK PLACE OF SUFFICIENT DURATION TO ALLOW AN IMMERSION AND A DRYING,²⁰ AND AFTER THAT HE SAW TWO ISSUES, OR ONE AS COPIOUS AS TWO,²¹ OR IF HE SAW TWO [ISSUES] OR ONE AS COPIOUS AS TWO, AND AN INTERVAL TOOK PLACE OF SUFFICIENT DURATION TO ALLOW AN IMMERSION AND A DRYING, AND AFTER THAT HE AGAIN SAW AN ISSUE, HE IS A REAL ZAB.

MISHNAH 5. IF HE SAW ONE ISSUE WHICH WAS AS COPIOUS AS THREE, LASTING AS LONG [AS IT TAKES TO GO] FROM GAD-YAWAN²² TO SILOAH,²³ IN WHICH TIME ONE CAN BATHE AND DRY TWICE,²⁴ HE BECOMES A REAL ZAB. IF HE SAW ONE ISSUE WHICH WAS AS COPIOUS AS TWO, HE DEFILES [OBJECTS] ON WHICH HE LIES OR SITS AND MUST OBTAIN IMMERSION IN RUNNING WATER, BUT IS EXEMPT FROM BRINGING A SACRIFICE. R. JOSE SAID: THEY HAVE NOT SPOKEN OF ONE ISSUE AS COPIOUS UNLESS THERE WAS SUFFICIENT THEREIN TO MAKE UP THREE.²⁵

MISHNAH 6. IF HE BEHELD ONE ISSUE AT DAY-TIME AND ANOTHER AT TWILIGHT,

OR ONE AT TWILIGHT AND THE OTHER ON THE MORROW, THEN IF IT WERE KNOWN²⁶ THAT PART OF THE ISSUE²⁷ OCCURRED AT DAY-TIME AND PART THEREOF ON THE MORROW,²⁸ HIS STATUS IS CERTAIN IN RESPECT OF A SACRIFICE AND UNCLEANNESS;²⁹ BUT IF IT IS IN DOUBT WHETHER PART [OF THE ISSUE] OCCURRED DURING THE DAY AND PART THERE OF [ON WHAT IS] THE DAY FOLLOWING,³⁰ HE IS IN A STATUS OF CERTAINTY IN RESPECT OF DEFILEMENT,³¹ BUT IN ONE OF DOUBT IN RESPECT OF A SACRIFICE.³² IF HE HAD SEEN ISSUES ON TWO SEPARATE DAYS AT TWILIGHT,³³ HIS STATUS IS IN DOUBT BOTH IN RESPECT OF DEFILEMENT³⁴ AND IN RESPECT OF A SACRIFICE.³⁵ IF [HE HAD SEEN ONLY] ONE ISSUE AT TWILIGHT, THERE IS A DOUBT [ALSO] IN RESPECT OF [HIS] DEFILEMENT.³⁶

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- (1) A zab is one who is afflicted with gonorrhoea as distinct from a semen discharge.
 - (2) Who, though not treated as a real zabah until she has had three issues (as defined), nevertheless defiles objects on which she sits or lies after the first issue; cf. Nid. 39a. cf., however, *ibid.* 72b.
 - (3) Cf. Lev. XV, 16ff. Such a one does not convey uncleanness to objects lain or sat upon; neither does it defile by carriage but only by contact.
 - (4) I.e., the issue lasted as long as he could traverse during its duration a distance of fifty cubits. The measure of time usually employed is the time taken by man to immerse and dry himself.
 - (5) Subject to all laws enumerated in Lev. XV, 12-15. When one has seen two issues on one day, or on two consecutive days, he must begin to count seven clean days, but is exempt from bringing a sacrifice; but if he has suffered three issues on one day, or on three consecutive days, he becomes a real zab and he must count seven clean days and bring a sacrifice (Lev. XV, 2-3). In the case of a woman, however, these three issues had to occur on three consecutive days.
 - (6) The differentiating points of view between the two rival schools are these: Beth Shammai say a real zab is one who has beheld three issues, even if there was an interval of a fluxless day between the first and third, but according to Beth Hillel, the fluxless second day neutralizes the issue of the first.
 - (7) Since the fluxless second day neutralizes the issue beheld on the previous day.
 - (8) Maintaining that since the counting of seven clean days has begun with the appearance of two issues on the first day, the fluxless second day is of no account, and it is as if he had beheld three issues; accordingly a sacrifice must be brought.
 - (9) Due to the absence of issue on the second day, he cannot be pronounced as a real zab; hence no offering is brought.
 - (10) Having suffered two issues of flux and thereupon commenced the counting of seven clean days.
 - (11) And another counting of seven days must commence; Nid. 22a.
 - (12) On which he suffered an issue of semen, and only five further days are to be counted; the first two being included in the total of seven.
 - (13) I.e., he had counted one clean day and had beheld an issue of semen on the second day.
 - (14) Even Beth Hillel agree that in such a case the preceding day is rendered void.
 - (15) Maintaining that in such an instance the dispute holds good.
 - (16) Beth Shammai.
 - (17) Since three clean days had transpired.
 - (18) For the Bible lays emphasis on seven clean days; viz., until all the seven consecutive days are free from flux; v. Nid. 33b.
 - (19) V. *supra* I, 2.
 - (20) Less than this time is not accounted an interval, and the second flux is included with the first. To count it as two distinct issues, this lapse of time must ensue.
 - (21) I.e., there is sufficient time between the commencement and conclusion of the flux for immersion and drying the body.
 - (22) Gad (the God of Fortune) of the Greeks cf. Isa LXV, 11. Probably the name of a pool connected with Siloah, near Jerusalem; cf. Sanh. 63b. V. 'Er. 22b; Toh. VI, 6. Aliter: the shrine of a pagan idol (Bert.).
 - (23) Siloam; Isa. VIII, 6.
 - (24) I.e., in which a distance of one hundred cubits can be traversed.
 - (25) Only then was the sacrifice obligatory. According to R. Jose, no issue, copious as it was, could be deemed as more than one, unless quantitatively it contained the amount of three separate issues.

(26) I.e., theoretically, as in point of fact this can not be ascertained.

(27) Which was seen at twilight.

(28) Even if there be not the stipulated time of immersion and drying between; the reason being that twilight is at the parting of two distinct days a day dying and a day awaiting birth.

(29) Having witnessed three issues; for the one at twilight, being at the parting of two days, is deemed as two.

(30) For the issue may have terminated while it was yet day, or commenced only after nightfall.

(31) Having at least beheld two issues.

(32) Since it is questionable whether the issue at twilight is to be deemed one or two.

(33) The first issue was when twilight commenced, and the second when twilight ended. An Illustration: If he had seen an issue on Friday eve, with the appearance of twilight, and the second issue at the termination of the Sabbath — the Sabbath Day itself being issue-less — accordingly, he had not experienced two issues on two consecutive days. If, however, twilight is reckoned either as belonging to the day or night, there are two issues on two consecutive days, and the counting of seven clean days must commence, though no sacrifice is brought. On the other hand, if twilight be divided as partly belonging to day and partly to night, then the issue beheld is deemed as two, and together with the one witnessed in that day, constitute three issues, and sacrifice must be brought, though he must not eat thereof on account of doubt of its liability (Bert.).

(34) Lest one clear day had elapsed between the two issues.

(35) Since the twilight's issue may have been bipartite, belonging both to this day and the day following.

(36) Lest it be only of sufficiency for one issue.

Mishna - Mas. Zavim Chapter 2

MISHNAH 1. ALL PERSONS¹ BECOME UNCLEAN THROUGH A FLUX, ALSO PROSELYTES AND SLAVES WHETHER FREED OR NOT, A DEAF-MUTE, AN IMBECILE OR MINOR, A EUNUCH WHETHER [HE HAD BEEN EMASCULATED] BY MAN, OR WAS A EUNUCH FROM [THE TIME OF SEEING] THE SUN.² UPON ONE WHOSE SEX WAS UNKNOWN, OR UPON A HERMAPHRODITE,³ THE STRINGENCIES APPERTAINING TO BOTH MAN AND WOMAN ARE IMPOSED: THEY DEFILE THROUGH BLOOD LIKE A WOMAN, AND THROUGH FLUX⁴ LIKE A MAN. THEIR UNCLEANNESS, HOWEVER, STILL REMAINS IN DOUBT.⁵

MISHNAH 2. ALONG [THE FOLLOWING] SEVEN LINES IS A ZAB EXAMINED AS LONG AS HE HAD NOT ENTERED THE BOUNDS OF ZIBAH:⁶ [ENQUIRIES] AS TO [WHAT WAS] HIS FOOD,⁷ DRINK,⁸ AS [TO WHAT] HE HAD BORNE, WHETHER HE HAD JUMPED, WHETHER HE HAD BEEN ILL, WHAT HE HAD SEEN,⁹ OR [WHETHER HE HAD] OBSCENE REFLECTIONS. [IT DIFFERED LITTLE] WHETHER HE HAD REFLECTED [OBSCENELY] PRIOR TO SEEING [A WOMAN], OR WHETHER HE HAD SEEN [A WOMAN] PRIOR TO HIS [OBSCENE] REFLECTIONS.¹⁰ R. JUDAH ADDS: EVEN IF HE HAD WATCHED BEASTS, WILD ANIMALS OR BIRDS HAVING INTERCOURSE WITH EACH OTHER, AND EVEN WHEN HE HAD SEEN A WOMAN'S DYED GARMENTS. R. AKIBA ADDED: EVEN IF HE HAD EATEN ANY KIND OF FOOD, BE IT GOOD OR BAD, OR HAD DRUNK ANY KIND OF LIQUID.¹¹ WHEREUPON THEY EXCLAIMED TO HIM: [‘ACCORDING TO YOUR VIEW] THERE WILL BE NO ZABIM IN THE WORLD HENCEFORTH!’¹² HIS RETORT TO THEM WAS: YOU ARE NOT HELD RESPONSIBLE FOR THE EXISTENCE OF ZABIM!’¹³ AS SOON, HOWEVER, AS IT HAD ENTERED THE BOUNDS OF ZIBAH,¹⁴ NO FURTHER EXAMINATION TOOK PLACE.¹⁵ [HIS FLUX] RESULTING¹⁶ FROM AN ACCIDENT, OR THAT WAS AT ALL DOUBTFUL,¹⁷ OR AN ISSUE OF SEMEN, THESE ARE UNCLEAN,¹⁸ SINCE THERE IS WHEREON TO RELY.¹⁹ IF HE BEHELD A FIRST [ISSUE] HE IS EXAMINED; ON THE SECOND [ISSUE] HE IS EXAMINED,²⁰ BUT ON THE THIRD [ISSUE] NO EXAMINATION TAKES PLACE.²¹ R. ELIEZER SAYS: ALSO ON THE THIRD [ISSUE] HE IS EXAMINED TO ASCERTAIN HIS LIABILITY TO A SACRIFICE.

MISHNAH 3. IF ONE SUFFERED [A DISCHARGE OF] SEMEN HE DOES NOT CONVEY UNCLEANNESS BY REASON OF A FLUX²² FOR TWENTY-FOUR HOURS.²³ R. JOSE SAYS: [ONLY] THAT DAY. IF A GENTILE EXPERIENCED A DISCHARGE OF SEMEN, AND HE BECAME A PROSELYTE, HE BECOMES IMMEDIATELY UNCLEAN BY REASON OF A FLUX.²⁴ IF [A WOMAN] HAD [AN ISSUE] OF BLOOD,²⁵ OR HAD EXPERIENCED DIFFICULTY [IN CHILDBIRTH],²⁶ [THE TIME PRESCRIBED] IS TWENTY-FOUR HOURS.²⁷ IF ONE SMITES HIS SERVANT, THE 'DAY OR TWO'²⁸ IS TWENTY-FOUR HOURS. IF A DOG ATE A CORPSE'S FLESH, THE THREE DAYS [DURING WHICH IT CONTINUES WITHIN] IN A NATURAL STATE ARE OF TWENTY-FOUR HOURS.²⁹

MISHNAH 4. A ZAB³⁰ DEFILES THOSE OBJECTS ON WHICH HE LIES³¹ BY FIVE WAYS, WITH THE RESULT THAT THEY [IN TURN] DEFILE MEN AND GARMENTS.³² [THESE ARE:] BY STANDING, SITTING, LYING, LOUNGING OR LEANING. WHAT HE LIES UPON DEFILES MAN BY SEVEN WAYS, SO THAT HE [IN TURN] DEFILES GARMENTS.³² [THESE ARE:] BY STANDING, SITTING, LYING, LOUNGING, OR LEANING UPON IT, OR BY TOUCHING OR CARRYING IT.³³

(1) The term 'all' is always inclusive in sense; here it serves to include even a child of a day old.

(2) I.e., a eunuch by nature, v. Yeb. VIII, 4.

(3) Cf. Bik. IV.

(4) Lit., 'white'.

(5) As a man he should be clean on experiencing a flow of blood; as a woman he should be clean on suffering a discharge of flux. If, however, he experienced a flow of both (blood and flux) then he is certainly unclean; and if he had touched *terumah* it has to be burnt.

(6) If he had not yet suffered two issues that make it necessary for him to begin the seven days' counting, he is examined as to whether that second issue was not due to some accidental external cause, and hence treated like semen.

(7) Solid meals of oily foods often precipitated a discharge of semen.

(8) So did excessive drinking, and the carrying of heavy burdens.

(9) The mere sight of a very attractive woman would also often be a cause.

(10) For each independently could have been a cause of semen, and consequently it is not treated as flux.

(11) Even such that do not usually suffuse the body with a glow of warmth.

(12) Since few, if any, would as a result be declared as *zabim*.

(13) Who says there must be *zabim* in the world!

(14) I.e., after he had beheld two issues not accidentally.

(15) Even if the third issue resulted from accidental causes he has to bring the prescribed sacrifice on becoming clean. Similarly, if during the counting of the seven clean days he had beheld a flux, though accidental, the counting must commence anew.

(16) As enumerated above.

(17) Whether it was semen or a flux. V. Nazir 66a.

(18) Defiling also by contact, v. Kel. I, 3.

(19) Lit., 'the matter has feet (to stand on)'. No further evidence is necessary since we have already established the fact that he is a *zab*.

(20) Whether or not it was accidental and thereby determine his obligation to bring a sacrifice should he have two more issues. Even if the first issue was pronounced as a result of accidental causes, but the second was natural, he defiles objects on which he sits or lies, requires immersion in running water, and the counting of seven clean days.

(21) Neither for uncleanness nor for sacrifice.

(22) On the second issue.

(23) Attributing the flux to some external cause, as in Mishnah 2.

(24) A proselyte assumes the legal status of a newly-born child. Accordingly the flux beheld now that he is an Israelite has no connection with that experienced prior to his conversion.

(25) The following instances are not germane to our theme, but are cited here to include these instances in which twenty-four hours is a criterion.

- (26) Outside the period of menstruation such blood-issue is not unclean.
 (27) For the former case v. Nid. 2a, and for the latter, ibid 36b.
 (28) Ex. XXI, 21.
 (29) V. Ohol. XI, 7. The examples above by no means exhaust all cases of twenty-four hours.
 (30) The zab is cited but it refers to a menstruant, a leper, or one who has given birth to a child.
 (31) Or sits upon.
 (32) I.e., the men in turn defiling the garments which they touched while still in contact with the unclean object.
 (33) Viz., the object which the zab had used as a couch.

Mishna - Mas. Zavim Chapter 3

MISHNAH 1. IF A ZAB AND ONE THAT WAS CLEAN SAT TOGETHER IN A BOAT, OR ON A RAFT, OR RODE TOGETHER ON A BEAST, THEY,¹ THOUGH THEIR GARMENTS HAD NOT ACTUALLY TOUCHED,² SUFFER MIDRAS³ UNCLEANNES. IF THEY SAT TOGETHER ON A PLANK, A BENCH OR A BEDFRAME,⁴ OR ON A BEAM, WHEN THESE WERE NOT FIXED TIGHTLY,⁵ [OR] IF THEY HAD BOTH CLIMBED A TREE OF INFERIOR STRENGTH,⁶ OR [WERE SWAYING] ON A BRANCH OF INFERIOR STRENGTH⁷ OF A FIRM TREE; OR IF THEY WERE BOTH [CLIMBING] ON AN EGYPTIAN LADDER,⁸ NOT SECURED BY A NAIL,⁹ OR IF THEY SAT TOGETHER ON A BRIDGE, RAFTER OR DOOR, NOT SECURED BY CLAY, THEY¹⁰ ARE UNCLEAR. ACCORDING TO R. JUDAH THEY ARE CLEAN.

MISHNAH 2. IF THEY WERE BOTH¹¹ CLOSING OR OPENING [A DOOR], [HE THAT WAS CLEAN AND HIS GARMENTS BECOME UNCLEAR]. BUT THE SAGES SAY: [UNCLEANNES IS NOT CONVEYED]¹² UNLESS ONE WAS SHUTTING AND THE OTHER OPENING [IT].¹³ IF ONE WAS LIFTING THE OTHER OUT OF A PIT [UNCLEANNES IS CONVEYED]. BUT R. JUDAH SAID, ONLY IF HE THAT WAS CLEAN WAS PULLING OUT HIM THAT WAS UNCLEAR.¹⁴ IF THEY WERE TWISTING ROPES TOGETHER [UNCLEANNES IS CONVEYED]. BUT THE SAGES SAY, UNLESS THE ONE PULLED ONE WAY AND THE OTHER PULLED THE OTHER WAY. IF THEY WERE BOTH WEAVING TOGETHER, WHETHER THEY WERE STANDING OR SITTING, OR GRINDING WHEAT, [UNCLEANNES IS CONVEYED]. R. SIMEON DECLARES [THE CLEAN MAN] IN EVERY CASE UNDEFILED, EXCEPT WHERE THEY [BOTH] WERE GRINDING WITH A HAND-MILL. IF THEY [BOTH] WERE UNLOADING OR LOADING AN ASS, THEY¹⁵ ARE UNCLEAR IF THE LOAD WAS HEAVY, BUT CLEAN IF THE LOAD WAS LIGHT. IN BOTH CASES,¹⁶ HOWEVER, THEY ARE CLEAN FOR MEMBERS OF THE SYNAGOGUE,¹⁷ BUT ARE UNCLEAR FOR HEAVE-OFFERING.¹⁸

MISHNAH 3. IF THE ZAB AND THE CLEAN PERSON SAT TOGETHER IN A LARGE BOAT (WHAT IS A LARGE BOAT? R. JUDAH SAID: ONE THAT DOES NOT SWAY WITH A MAN'S WEIGHT), OR IF THEY SAT ON A PLANK, BENCH, BED-FRAME, OR BEAM WHEN THESE WERE FIRMLY SECURED;¹⁹ OR IF THEY BOTH CLIMBED A STRONG TREE, A FIRM BRANCH, OR A TYRIAN²⁰ LADDER, OR AN EGYPTIAN LADDER FIXED BY A NAIL; OR IF THEY SAT ON A BRIDGE, RAFTER OR DOOR, WHEN THESE WERE FASTENED WITH CLAY, IF ONLY AT ONE END, THEY REMAIN CLEAN. IF THE CLEAN MAN STRUCK THE UNCLEAR, HE STILL REMAINS CLEAN;²¹ BUT IF THE UNCLEAR STRUCK HIM THAT WAS CLEAN, HE BECOMES DEFILED; FOR [IN THAT CASE] IF HE THAT WAS CLEAN DREW BACK, THE UNCLEAR WOULD HAVE FALLEN.²²

(1) The clean man and his garments.

(2) The clean person, by his weight, causes the boat, raft or beast to sink to one side and rise at the other, thereby causing the zab to be lifted up or suspended by him.

(3) v. Glos.

(4) A frame on which a couch is spread; it used to be placed in a little bed-chamber and taken apart; or it was placed against the wall in day-time. Aliter: boards placed under a bed to prevent its rotting owing to the humidity of the ground below.

(5) With the result that they both swayed and each leaned against the other.

(6) The tree's strength was determined by ability to hollow out of its stem the size of a quarter of a kab (Bert.).

(7) Which could be hidden in the palm of a man's hand; B.M. 105a.

(8) Of the small variety; B.B. III, 6.

(9) With the result that it bent.

(10) The man that was clean and his garments.

(11) The zab and the clean person.

(12) From the zab to the clean man.

(13) At the same time. The clean person thus bearing the counter-weight of the zab.

(14) In that case, the clean person is bearing the weight of the zab. This would not be so if the reverse was the case.

(15) The man who was clean and his garments.

(16) Be the load heavy or light.

(17) Who eat hullin in purity, since doubt is attached if the clean person actually bore the weight of the zab.

(18) This being a Rabbinic injunction even in the case of uncertain defilement.

(19) Cf. supra III, 1.

(20) Of a larger variety than the Egyptian ladder; v. B.B. III, 6.

(21) From midras uncleanness, since he does not bear the weight of the zab. He and his garments do suffer hesset uncleanness, having been 'shifted' by the zab; v. infra V, 1.

(22) In his attempt to strike, hence it is as if the zab had actually leaned against him.

Mishna - Mas. Zavim Chapter 4

MISHNAH 1. R. JOSHUA SAID: IF A MENSTRUANT¹ SAT IN ONE BED WITH ONE THAT WAS CLEAN, [EVEN] THE CAP ON HER² HEAD SUFFERS MIDRAS UNCLEANNESS; AND IF SHE SAT IN A BOAT, THE VESSELS ON THE TOP OF THE MAST [ALSO] CONTRACT MIDRAS UNCLEANNESS.³ IF SHE TOOK A TUB FULL OF CLOTHES AND THEIR WEIGHT WAS HEAVY, THEY BECOME UNCLEAN,⁴ BUT IF THEIR WEIGHT WAS LIGHT, THEY REMAIN CLEAN. IF A ZAB KNOCKED AGAINST A BALCONY AND THEREBY CAUSED A LOAF OF TERUMAH TO FALL DOWN, IT REMAINS CLEAN.⁵

MISHNAH 2. IF HE KNOCKED AGAINST A JOIST, A RAFTER-FRAME, WATER-SPOUT, OR SHELF, THOUGH FIXED WITH ROPES,⁶ OR IF [HE KNOCKED AGAINST] AN OVEN, OR A FLOUR CONTAINER,⁷ OR THE LOWER MILL-STONE, OR THE JACK⁸ OF A HAND-MILL, OR THE SE'AH MEASURE⁹ OF AN OLIVE-GRINDER, [THE LOAF REMAINS CLEAN].¹⁰ R. JOSE ADDS: ALSO [IF HE KNOCKS] AGAINST THE BEAM OF THE BATH-KEEPER.¹¹ IT REMAINS CLEAN.

MISHNAH 3. IF HE KNOCKED AGAINST A DOOR, DOORBOLT,¹² LOCK, OAR,¹³ MILL-STONE FRAME,¹⁴ OR AGAINST A WEAK TREE, OR WEAK BRANCH OF A STRONG TREE, OR AGAINST AN EGYPTIAN LADDER UNSECURED BY NAILS, OR AGAINST A BRIDGE, BEAM OR DOOR, NOT MADE SECURE WITH CLAY, THEY BECOME UNCLEAN.¹⁵ [IF HE KNOCKED] AGAINST A CHEST,¹⁶ BOX OR CUPBOARD, THEY BECOME UNCLEAN. R. NEHEMIAH AND R. SIMEON, HOWEVER, PRONOUNCE THEM CLEAN IN SUCH CASES.¹⁷

MISHNAH 4. A ZAB WHO LAY LENGTHWISE ACROSS FIVE BENCHES, OR FIVE MONEY-BAGS, [MAKES THEM] UNCLEAN,¹⁸ BUT [IF HE LAY ACROSS] THEIR BREADTH, THEY ARE CLEAN.¹⁹ IF HE SLEPT [ON THEM],²⁰ AND IT WAS FEARED LEST

HE HAD TURNED HIMSELF ABOUT²¹ ON THEM, THEY ARE UNCLEAR. IF HE WAS LYING ON SIX SEATS, WITH TWO HANDS ON TWO [SEATS]. TWO FEET ON ANOTHER TWO, HIS HEAD ON ONE, WITH HIS BODY ON ANOTHER ONE, ONLY THAT ONE ON WHICH HIS BODY LAY²² IS RENDERED UNCLEAR. IF [A ZAB] STOOD ON TWO SEATS, R. SIMEON SAYS: IF THESE WERE DISTANT ONE FROM THE OTHER, THEY REMAIN CLEAN.²³

MISHNAH 5. IF THERE WERE PILED TEN CLOAKS ONE ON TOP OF THE OTHER AND HE SAT ON THE UPPERMOST ONE, ALL ARE UNCLEAR.²⁴ IF THE ZAB WAS IN ONE SCALE OF THE BALANCE AND IN THE OTHER SCALE OPPOSITE THERE WERE OBJECTS FIT TO SIT OR LIE UPON, AND THE ZAB OVERWEIGHED, THEY ARE CLEAN;²⁵ BUT IF THEY OVERWEIGHED, THEY ARE UNCLEAR. R. SIMEON SAYS:²⁶ IF THERE WAS BUT ONE [PLACE]²⁷ IT BECOMES UNCLEAR;²⁸ BUT IF THERE WERE MANY²⁹ THEY REMAIN CLEAN, SINCE NONE OF THEM HAD BORNE THE GREATER PART [OF THE ZAB'S WEIGHT].³⁰

MISHNAH 6. IF A ZAB [SAT] IN ONE SCALE OF THE BALANCE, WHILST FOOD AND LIQUIDS WERE IN THE OTHER SCALE, [THE LATTER BECOME] UNCLEAR;³¹ IN THE CASE OF A CORPSE,³² HOWEVER, EVERYTHING³³ REMAINS CLEAN,³⁴ SAVE A MAN.³⁵ THIS IS [AN EXAMPLE OF] THE GREATER STRINGENCY APPLYING TO A ZAB THAN TO A CORPSE; AND THERE IS ALSO ANOTHER INSTANCE OF GREATER STRINGENCY IN THE CASE OF A ZAB THAN A CORPSE.³⁶ FOR WHEREAS THE ZAB DEFILES ALL OBJECTS ON WHICH HE SITS OR LIES UPON, SO THAT THESE LIKEWISE CONVEY UNCLEANNESS TO MEN AND GARMENTS,³⁷ AND CONVEY, MOREOVER. TO WHAT IS ABOVE HIM A MIDDAF UNCLEANNESS,³⁸ SO THAT THESE IN TURN DEFILE FOOD AND LIQUIDS. IN THE CASE OF A CORPSE NO SUCH UNCLEANNESS TAKES PLACE.³⁹ GREATER STRINGENCY IS ALSO FOUND IN THE CASE OF A CORPSE, SINCE IT CAN CONVEY UNCLEANNESS BY OVERSHADOWING,⁴⁰ AND IMPOSES SEVEN DAYS' DEFILEMENT, WHEREAS IN THE CASE OF A ZAB NO SUCH UNCLEANNESS IS CONVEYED.

MISHNAH 7. IF HE SAT ON A BED AND THERE WERE FOUR CLOAKS UNDER THE FOUR LEGS OF THE BED, ALL BECOME UNCLEAR, SINCE THE BED CANNOT STAND ON THREE LEGS;⁴¹ BUT R. SIMEON DECLARES THEM CLEAN.⁴² IF HE RODE ON A BEAST⁴³ AND THERE WERE FOUR CLOAKS UNDER THE LEGS OF THE BEAST, THEY ARE CLEAN, SINCE THE BEAST CAN STAND UPON THREE LEGS.⁴⁴ IF THERE WAS ONE CLOAK UNDER ITS TWO FORELEGS OR ITS TWO HINDLEGS, OR UNDER A FORELEG AND A HINDLEG, IT BECOMES UNCLEAR.⁴⁵ R. JOSE SAYS: A HORSE CONVEYS UNCLEANNESS THROUGH ITS HINDLEGS. BUT AN ASS THROUGH ITS FORELEGS, SINCE A HORSE LEANS UPON ITS HINDLEGS AND AN ASS UPON ITS FORELEGS. IF HE⁴⁶ SAT ON A BEAM OF AN OLIVE-PRESS, THE VESSELS IN THE OLIVE-PRESS⁴⁷ ARE UNCLEAR; BUT IF HE SAT ON A FULLER'S PRESS, THE GARMENTS BENEATH IT ARE CLEAN;⁴⁸ R. NEHEMIAH, HOWEVER, DECLARES THEM UNCLEAR.⁴⁹

(1) Applies also to the zab and the clean person.

(2) The clean person.

(3) Defilement is contracted, though it be impossible for unclean persons to tread there.

(4) Cf. supra III, 2.

(5) Since its fall was not actually due to direct pressure of the zab, but to his vibration.

(6) I.e., not with nails, as is usually done, to secure more firmness.

(7) To collect the flour when wheat is ground.

(8) The receptacle which harbours the hand-mill.

- (9) A large measure fixed in the ground.
- (10) Being considered firm enough to withstand the knocking of the unclean person; and since the falling of the loaf is only due to vibration, no defilement takes place.
- (11) On which he sits.
- (12) A door-pin fitting into sockets top and bottom.
- (13) Cf Ezek. XXVII, 29.
- (14) A hopper to receive the flour dust. It was of a portable nature.
- (15) Being unsteady they bore the full weight of the zab.
- (16) A strong box; v. Git. 68a.
- (17) Referring to the last three objects, on account of their massive character.
- (18) Since the greater part of each had borne his weight as he lay on his back or stomach.
- (19) In this position his weight was not felt on each.
- (20) Across their breadth.
- (21) Lengthwise;
- (22) And which had borne his weight. The other seats also suffer minor uncleanness for having touched the zab, but they do not carry uncleanness to man and object.
- (23) For none had borne his full weight.
- (24) Not necessarily ten cloaks; for even if the zab sits on a large stone on top of one hundred cloaks, all the cloaks below become unclean, as objects on which the zab had sat.
- (25) I.e., from midras uncleanness, due to the absence of direct pressure from the zab; but they do contract minor uncleanness, middaf uncleanness (v. Glos.).
- (26) Following his view in Mishnah 4.
- (27) At the opposite end of the scale to sit or lie upon.
- (28) If that end went down the scales; in that case it bears the zab's full pressure.
- (29) Places opposite the zab fit to sit or lie upon.
- (30) Each of the places bearing only a minor part of his full weight.
- (31) Through pressure (hesset), regardless of the fact which overweighed the other, as above.
- (32) I.e., if a corpse was in one of the scales.
- (33) In the other scale, whether food, liquids, or objects serving as seats or couches.
- (34) A corpse does not defile through pressure.
- (35) Who is defiled when he overweighs a corpse at the other end of the scale; cf. Nid. 69a.
- (36) Var. lec.: 'and there is greater stringency in the case of a corpse than a zab'.
- (37) V. supra II, 4.
- (38) Heb. **הַדָּבָר** ('driving', 'breathing'). Hence slight or indirect contact. Middaf is not a 'father of uncleanness' but a minor grade, infecting only foods and liquids, but not men and vessels. Maimonides explains middaf as the stench arising from the corpse, thereby contaminating all surrounding objects.
- (39) The objects beneath the corpse do not defile man so that he should defile garments.
- (40) Levitical uncleanness arising from being under the same roof with, or forming a shelter over, a corpse.
- (41) Each leg, therefore, can be said to support the whole weight of the zab.
- (42) Cf. supra IV, 5.
- (43) The beast remaining at a standstill; for were it trotting along, the cloaks would become unclean. For the animal always has in trotting one leg up, and really stands on three legs.
- (44) Each foot being regarded only as a help, but not as essential to bear the full weight of the zab.
- (45) Since an animal cannot remain standing on two legs, the cloak bore at one time the full weight of the zab.
- (46) The zab.
- (47) **עֲקֵי** is variously explained as a rope-basket in which olives are kept during the pressing process (Bert.); or a basket into which the pressed olives are thrown (so Maim.); cf. Meg. I, 7; Toh X, 8.
- (48) By sitting on a corner of the press, the garments that are being creased within do not bear his full weight (v. Bert.).
- (49) For it is impossible that some of the garments should not bear his full weight.

Mishna - Mas. Zavim Chapter 5

MISHNAH 1. HE WHO TOUCHES A ZAB, OR WHOM A ZAB TOUCHES, WHO MOVES¹ OR WHOM A ZAB MOVES, DEFILES FOOD AND LIQUIDS AND VESSELS THAT ARE RINSED² BY TOUCH, BUT NOT BY CARRIAGE.³ THIS WAS THE GENERAL PRINCIPLE WHICH R. JOSHUA FORMULATED: ALL THOSE THAT DEFILE GARMENTS⁴ WHILE STILL IN CONTACT [WITH THEIR SOURCE OF UNCLEANNESS] ALSO DEFILE FOODS AND LIQUIDS SO AS TO BECOME [UNCLEAN] IN THE FIRST GRADE, AND THE HANDS⁵ SO THAT THEY BECOME [UNCLEAN] IN THE SECOND GRADE; BUT THEY DO NOT DEFILE MEN OR EARTHENWARE VESSELS. ONCE, HOWEVER, THEY HAVE BEEN SEPARATED FROM THEIR SOURCE OF UNCLEANNESS THEY DEFILE LIQUIDS SO AS TO BECOME [UNCLEAN] IN THE FIRST GRADE,⁶ AND FOOD AND THE HANDS SO THAT THEY BECOME [UNCLEAN] IN THE SECOND GRADE,⁷ BUT THEY DO NOT DEFILE GARMENTS.

MISHNAH 2. YET ANOTHER GENERAL PRINCIPLE DID THEY FORMULATE: ALL THAT IS CARRIED ABOVE A ZAB BECOMES DEFILED,⁸ BUT ALL THOSE THINGS ABOVE WHICH HE IS CARRIED ARE CLEAN;⁹ EXCLUDING SUCH OBJECTS ON WHICH HE CAN SIT OR LIE UPON,¹⁰ AND A MAN. HOW SO? IF A ZAB HAD HIS FINGER¹¹ BENEATH A LAYER OF STONES AND ONE THAT WAS CLEAN WAS ABOVE,¹² HE CONVEYS UNCLEANNESS AT TWO [REMOVES]. AND RENDERS UNFIT [TERUMAH] AT ONE [FURTHER REMOVE]. IF HE SEPARATED [FROM THE SOURCE OF UNCLEANNESS].¹³ HE STILL DEFILES WITH FIRST-GRADE UNCLEANNESS AND RENDERS [TERUMAH] UNFIT AT YET ONE [FURTHER REMOVE]. IF THE UNCLEAN WAS ABOVE, AND THE CLEAN PERSON BELOW,¹⁴ HE CONVEYS UNCLEANNESS AT TWO [REMOVES],¹⁵ AND RENDERS [TERUMAH] UNFIT AT YET ONE [FURTHER REMOVE]. IF HE SEPARATED [FROM THE SOURCE OF UNCLEANNESS], HE DEFILES AT ONE [REMOVE] AND RENDERS [TERUMAH] UNFIT AT YET ONE [MORE REMOVE]. IF FOODS OR LIQUIDS, OR OBJECTS ON WHICH HE COULD SIT OR LIE UPON OR OTHER ARTICLES¹⁶ WERE ABOVE,¹⁷ THEY DEFILE AT THE TWO REMOVES,¹⁸ AND RENDER [TERUMAH] UNFIT AT ONE [FURTHER REMOVE]. IF THEY HAD BECOME SEPARATED [FROM THE SOURCE OF UNCLEANNESS], THEY DEFILE AT ONE [REMOVE] AND RENDER [TERUMAH] UNFIT AT ONE [MORE REMOVE]. ALL OBJECTS FIT TO SIT OR LIE UPON THAT WERE BELOW¹⁹ DEFILE AT TWO [REMOVES], AND RENDER [TERUMAH] UNFIT AT ONE [MORE REMOVE]. FOODS AND LIQUIDS AND OTHER ARTICLES²⁰ THAT ARE BELOW, REMAIN CLEAN.²¹

MISHNAH 3. SINCE IT WAS SAID²² THAT WHATSOEVER CARRIES OR IS CARRIED BY OBJECTS ON WHICH ONE SITS OR LIES UPON REMAIN CLEAN, EXCLUDING THE CASE OF A MAN;²³ WHATSOEVER CARRIES OR IS CARRIED BY CARRION IS CLEAN,²⁴ SAVE HIM THAT MOVES IT.²⁵ R. ELIEZER ADDS: ALSO HE THAT CARRIES IT.²⁶ HE WHO CARRIES OR IS CARRIED UPON A CORPSE REMAINS CLEAN, SAVE WHEN OVERSHADOWING TAKES PLACE,²⁷ OR A MAN WHEN HE MOVES IT.²⁸

MISHNAH 4. IF PART OF AN UNCLEAN PERSON²⁹ RESTS UPON A CLEAN PERSON, OR PART OF A CLEAN PERSON RESTS UPON AN UNCLEAN PERSON, OR IF THE CONNECTIVES³⁰ OF AN UNCLEAN PERSON REST UPON A CLEAN PERSON, OR THE CONNECTIVES OF A CLEAN PERSON UPON ONE UNCLEAN, HE³¹ BECOMES UNCLEAN. R. SIMEON SAYS: IF PART OF AN UNCLEAN PERSON IS UPON A CLEAN PERSON, HE IS UNCLEAN;³² BUT IF PART OF A CLEAN PERSON IS UPON ONE THAT IS UNCLEAN, HE IS CLEAN.

MISHNAH 5. IF AN UNCLEAN PERSON³³ RESTS UPON PART OF AN OBJECT FIT TO LIE UPON, OR A CLEAN PERSON³³ RESTS UPON PART OF AN OBJECT FIT TO LIE

UPON,³⁴ IT BECOMES UNCLEAN.³⁵ IF PART OF AN UNCLEAN PERSON RESTS ON AN OBJECT FIT TO LIE UPON, OR PART OF A CLEAN PERSON RESTS UPON SUCH AN OBJECT,³⁴ IT REMAINS CLEAN.³⁶ THUS WE FIND THAT UNCLEANNESS IS CONTRACTED AND CONVEYED BY THE LESSER PART THEREOF.³⁷ SIMILARLY,³⁸ IF A LOAF OF TERUMAH WAS PLACED UPON AN OBJECT FIT TO LIE UPON [THAT WAS UNCLEAN]. AND THERE WAS A LAYER OF PAPER BETWEEN, WHETHER IT³⁹ WAS ABOVE OR BELOW, IT REMAINS CLEAN. SIMILARLY, IN THE CASE OF A STONE SMITTEN WITH LEPROSY⁴⁰ IT⁴¹ REMAINS CLEAN;⁴² BUT R. SIMEON PRONOUNCED SUCH A CASE UNCLEAN.⁴³

MISHNAH 6. HE WHO TOUCHES A ZAB, OR A ZABAH, A MENSTRUANT, OR A WOMAN AFTER CHILDBIRTH, OR A LEPER, OR ANY OBJECT ON WHICH THESE HAD BEEN SITTING OR LYING, CONVEYS UNCLEANNESS AT TWO [REMOVES]. AND RENDERS [TERUMAH] UNFIT AT ONE [FURTHER REMOVE].⁴⁴ IF HE HAD BECOME SEPARATED,⁴⁵ HE STILL CONVEYS UNCLEANNESS AT ONE [REMOVE], AND RENDERS [TERUMAH] UNFIT AT ONE [FURTHER REMOVE]. THIS IS THE CASE WHETHER HE HAD TOUCHED, OR HAD MOVED, OR HAD CARRIED, OR WAS CARRIED.⁴⁶

MISHNAH 7. IF ONE TOUCHES THE FLUX OF A ZAB, HIS SPITTLE, SEMEN OR URINE, OR THE BLOOD OF A MENSTRUANT, HE CONVEYS UNCLEANNESS AT TWO [REMOVES], AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE]; BUT IF HE BECAME SEPARATED,⁴⁷ HE DEFILES AT ONE [REMOVE] AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE]. THIS IS THE CASE WHETHER HE HAD TOUCHED OR MOVED IT.⁴⁸ R. ELIEZER SAID: ALSO IF HE HAD LIFTED IT.⁴⁹

MISHNAH 8. IF HE CARRIED THAT WHICH WAS RIDDEN UPON,⁵⁰ OR IF HE WAS CARRIED THEREON, OR HAD MOVED IT, HE DEFILES AT TWO [REMOVES], AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE]; BUT IF HE BECAME SEPARATED [FROM THE UNCLEANNESS], HE DEFILES AT ONE [REMOVE] AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE]. IF HE CARRIES CARRION, OR THE WATER OF THE SIN-OFFERING OF WHICH THERE WAS SUFFICIENT FOR A SPRINKLING,⁵¹ HE DEFILES AT TWO [REMOVES], AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE]; BUT IF HE BECAME SEPARATED,⁴⁷ HE DEFILES AT ONE [REMOVE] AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE].

MISHNAH 9. HE WHO ATE OF THE CARRION OF A CLEAN BIRD, AND IT STILL IS IN HIS GULLET,⁵² HE DEFILES AT TWO [REMOVES], AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE]. IF HE PUT HIS HEAD WITHIN THE AIR-SPACE OF AN OVEN,⁵³ BOTH HE AND THE OVEN ARE CLEAN;⁵⁴ BUT IF HE VOMITED OR SWALLOWED IT, HE DEFILES AT ONE [REMOVE] AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE].⁵⁵ BUT AS LONG AS IT IS STILL IN HIS MOUTH, THAT IS PRIOR TO SWALLOWING IT, HE REMAINS CLEAN.⁵⁶

MISHNAH 10. HE WHO TOUCHES A DEAD REPTILE, OR SEMEN, OR HIM THAT HAS SUFFERED CORPSE UNCLEANNESS, OR A LEPER DURING HIS DAYS OF COUNTING,⁵⁷ OR WATER OF SIN-OFFERING OF INSUFFICIENT QUANTITY WITH WHICH TO PERFORM THE SPRINKLING,⁵⁸ OR CARRION, OR AN OBJECT RIDDEN UPON,⁵⁹ DEFILES AT ONE [REMOVE] AND RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE].⁶⁰ THIS IS THE GENERAL PRINCIPLE: ALL WHO TOUCH ANY OBJECT REGARDED BY THE TORAH AS A 'FATHER OF UNCLEANNESS'⁶¹ DEFILE AT ONE [REMOVE] AND RENDER [TERUMAH] UNFIT AT ONE [MORE REMOVE], WITH THE EXCLUSION [OF THE CORPSE] OF A MAN.⁶² IF HE⁶³ HAD BECOME SEPARATED,⁶⁴ HE DEFILES AT ONE [REMOVE] AND

RENDERS [TERUMAH] UNFIT AT ONE [MORE REMOVE].

MISHNAH 11. HE WHO HAS SUFFERED A [NOCTURNAL] POLLUTION IS LIKE ONE WHO HAS TOUCHED A DEAD REPTILE,⁶⁵ AND HE THAT HAS HAD CONNECTION WITH A MENSTRUANT IS LIKE ONE WHO HAS SUFFERED CORPSE UNCLEANNESS.⁶⁶ HE WHO HAS HAD CONNECTION WITH A MENSTRUANT, HOWEVER, HAS THE MORE STRINGENT IMPOSITION IN THAT HE CONVEYS MINOR GRADES OF UNCLEANNESS TO WHAT HE LIES OR SITS UPON, SO AS TO MAKE FOODS AND LIQUIDS UNCLEAN.⁶⁷

MISHNAH 12. THE FOLLOWING RENDER TERUMAH UNFIT:⁶⁸ ONE WHO EATS FOODS OF FIRST OR SECOND GRADE UNCLEANNESS, AND WHO DRINKS UNCLEAN LIQUIDS,⁶⁹ AND THE ONE WHO HAS IMMERSED HIS HEAD AND THE GREATER PART OF HIM IN WATER WHICH HAD BEEN DRAWN,⁷⁰ AND A CLEAN PERSON UPON WHOSE HEAD AND GREATER PART OF HIM THERE FELL THREE LOGS OF DRAWN WATER,⁷¹ AND A SCROLL [OF SCRIPTURES],⁷² AND [UNWASHED] HANDS,⁷³ AND ONE THAT HAS HAD IMMERSION THAT SAME DAY,⁷⁴ AND FOODS AND VESSELS WHICH HAVE BECOME DEFILED BY LIQUIDS.⁷⁵

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- (1) By causing the board on which the zab stands to shake.
 - (2) Which need only to be rinsed (immersed) in order to regain levitical purity. Made usually of wood or metal; those of earthenware must be broken when defiled; Lev. XV, 12.
 - (3) If at the time of his contact with the zab he was carrying garments which had not been touched, they are clean.
 - (4) Viz., those that are in contact with a zab or zabah.
 - (5) Sc. of a clean person not touched by the zab.
 - (6) Liquids suffer first-grade uncleanness even when touched not by those who are 'fathers', on account of their susceptibility to defilement, unlike foodstuffs which require special preparation to render them susceptible.
 - (7) On account of their separation from the source.
 - (8) Including such things not usually borne above a zab, and even if there were many things blocking the way between them.
 - (9) Provided they are untouched.
 - (10) Specially designated for this purpose. Also objects on which he can ride.
 - (11) The bulk of the zab's body pressure being required only when he lies upon an object.
 - (12) With such a layer thickness, the clean person cannot be said to be exerting pressure on the zab; yet he is here deemed to be carried by the zab and becomes a 'father of uncleanness'.
 - (13) Either by removal of the zab's finger from beneath the layer of stones, or by the departure of the clean person from his stone seat. His uncleanness is then only of the first grade.
 - (14) Having only his finger beneath the layer.
 - (15) Since the zab is, as it were, carried by him.
 - (16) Heb. middaf, i.e., the uncleanness of objects arising from their indirect contact with sources of impurity; such uncleanness was deemed to be only of a minor degree. Hence other articles not fit for sitting or lying on.
 - (17) I.e., above the layer of stones beneath which was the zab's finger.
 - (18) Objects on which he sits or lies upon always being deemed 'fathers of uncleanness'.
 - (19) And that bore the brunt of the zab's pressure above.
 - (20) V. p. 517, n. 8.
 - (21) In accordance with the principle enunciated above which declared objects above which a zab was borne clean, save those things on which a man sits or lies.
 - (22) This Mishnah explains the rule laid down in the one preceding, and gives a reason for proclaiming clean the foods and liquids below the layer of stones under which the zab had his finger. Var. lec. delete the words SINCE IT WAS SAID.
 - (23) Who becomes defiled by carrying objects used for sitting purposes, even without touching or moving them.
 - (24) Even if it were a man who was the carrier.
 - (25) He becomes defiled.

- (26) Cf. Hul. 124b where this is emended to read: 'that is, if he carries it', and not just by moving it.
- (27) There can be a case of carrying without overshadowing, i.e., if there is a top storey intervening in which there are vessels weighing down boards of the ceiling of a room in which there is a corpse.
- (28) But if the corpse is not moved from its place, he is clean.
- (29) I.e., a zab, whose very finger defiles by the touch.
- (30) These are hair, nails or teeth.
- (31) Namely, the person that was clean. The point reemphasized is that the full pressure of the bulk of the zab's body is required only when he is lying on an object.
- (32) Maintaining that even in this case it is essential for the bulk of a zab's body to be upon the clean person, if defilement was to be the result.
- (33) Viz., the greater part of him.
- (34) Which was unclean.
- (35) Namely, that which had been clean.
- (36) Viz., the person or object hitherto clean.
- (37) Of what is fit to lie on.
- (38) In illustration of the first ruling in Mishnah 3.
- (39) I.e., the source of defilement.
- (40) Either below or above the loaf of bread separated by a piece of Paper.
- (41) The loaf.
- (42) The leprous stone does convey uncleanness through overshadowing only to objects that are under the same roofing as itself.
- (43) Maintaining that a leprous stone defiles through overshadowing in the same way as a corpse.
- (44) The five sources of uncleanness enumerated are of so rigid a nature that their mere touch is sufficient to cause the defilement of garments and vessels. They are all 'fathers of uncleanness'.
- (45) From the original course of uncleanness.
- (46) Even without touching; a law derived by the Rabbis from the Bible; cf. Pes. 67b, Shab. 3b.
- (47) From the source of uncleanness.
- (48) V. Mishnah 3, n. 5.
- (49) Bert. renders R. Eliezer's meaning thus: 'Provided he had lifted it', maintaining that touching and moving alone are insufficient. The halachah does not concur with his point of view.
- (50) By the unclean enumerated in Mishnah 6.
- (51) This water defiles garments by carrying, but not by touch. If it is of insufficient quantity, it defiles by contact and not by mere carrying.
- (52) I.e., as long as it remains in his gullet he is regarded as a 'father of uncleanness'; V. Toh. I. 1.
- (53) And the carrion is still in his gullet.
- (54) Though he defiles garments, he cannot contaminate man or earthenware vessels.
- (55) Since he is no longer a 'father of uncleanness'; cf. Shebu. 9b.
- (56) And not even the slightest uncleanness attaches to him; for the Bible makes the actual 'eating' the criterion; V. Lev. XXII, 8.
- (57) I.e., during the seven intermediate days between his first and second shaving.
- (58) Cf. Mishnah 8, n. 6.
- (59) By a zab.
- (60) All the things hitherto enumerated defile garments only with carrying, but not by touch; hence he who touches them, though still connected with the source of uncleanness, is not a 'father of uncleanness'.
- (61) I.e., a zab, menstruant, woman after childbirth, one who has suffered corpse-uncleanness and others not enumerated in the Mishnahs above.
- (62) He who touches it becomes a 'father of uncleanness' and remains so even after he had separated from the corpse, and consequently defiles at two removes, etc.
- (63) Sc. who touched a dead reptile etc.
- (64) From the source of defilement.
- (65) Who does not become a 'father of uncleanness' but suffers first-grade uncleanness only.
- (66) Who is a 'father of uncleanness' suffering seven days' defilement.

- (67) Unlike the case of one who suffers corpse-defilement. V. Lev. XV, 7 with its insistence that only the zab renders vessels which serve as a seat or couch unclean; cf. Kel. I, 3.
- (68) V. Shab. 13bff.
- (69) In these three instances second-grade uncleanness is contracted. The Rabbinic precaution was lest he eat of the terumah whilst these things are still in his mouth.
- (70) A further precaution lest the law of the ritual bath (mikweh) be forgotten from Israel.
- (71) For until he has obtained complete immersion his touch invalidates terumah.
- (72) Cf. Toh. XV, 6; Yad. III, 2.
- (73) A precautionary measure in favour of terumah, v. Shab. 24a.
- (74) He must await sunset to be wholly pronounced clean. If in the meantime he touches terumah it must be burnt.
- (75) Being more susceptible to contract uncleanness they became impure at a first remove.

Mishna - Mas. Tevul Yom Chapter 1

MISHNAH 1. IF ONE¹ HAD COLLECTED DOUGH-OFFERING² [PORTIONS] WITH THE INTENTION OF SEGREGATING THEM AFTERWARDS AGAIN, BUT IN THE MEANTIME THEY HAD BECOME STUCK TOGETHER,³ BETH SHAMMAI SAY: THEY SERVE AS CONNECTIVES⁴ IN THE CASE OF A TEBUL YOM. BUT BETH HILLEL SAY: THEY DO NOT SERVE AS CONNECTIVES. PIECES OF DOUGH⁵ THAT HAD BECOME STUCK TOGETHER, OR LOAVES⁵ THAT HAD BECOME JOINED, OR A BATTER-CAKE THAT HAD BEEN BAKED ON TOP OF ANOTHER BATTER-CAKE BEFORE IT COULD FORM A CRUST IN THE OVEN, OR IF THERE WAS FROTH⁶ ON THE WATER THAT WAS BUBBLING, OR THE FIRST SCUM⁷ THAT RISES WHEN BOILING GROATS OF BEANS, OR THE SCUM OF NEW WINE (R. JUDAH SAYS: ALSO THAT OF RICE) BETH SHAMMAI SAY: ALL SERVE AS CONNECTIVES IN THE CASE OF THE TEBUL YOM. BUT BETH HILLEL SAY: THEY DO NOT SERVE AS CONNECTIVES.⁸ THEY⁹ CONCUR, HOWEVER, [THAT THEY SERVE AS CONNECTIVES] IF THEY COME INTO CONTACT WITH OTHER KINDS OF UNCLEANNESS, WHETHER THEY BE OF MINOR¹⁰ OR MAJOR GRADES.¹¹

MISHNAH 2. IF ONE HAD COLLECTED PIECES OF DOUGH-OFFERING NOT WITH THE INTENTION OF SEGREGATING THEM AFTERWARDS, OR A BATTER-CAKE THAT HAD BEEN BAKED ON ANOTHER AFTER A CRUST HAD FORMED IN THE OVEN,¹² OR A FROTH HAD APPEARED IN THE WATER PRIOR TO ITS BUBBLING UP, OR THE SECOND SCUM THAT APPEARED IN THE BOILING OF GROATS OF BEANS, OR THE SCUM OF OLD WINE, OR THAT OF OIL OF ALL KINDS,¹³ OR OF LENTILS (R. JUDAH SAYS: ALSO THAT OF BEANS¹⁴) — ALL THESE ARE RENDERED UNCLEAN¹⁵ WHEN TOUCHED BY A TEBUL YOM. AND NEEDLESS TO SAY, [THIS IS THE CASE IF TOUCHED] BY OTHER SOURCES OF UNCLEANNESS.

MISHNAH 3. THE KNOB¹⁶ ON THE BACK OF THE LOAF, OR THE SMALL GLOBULE OF SALT,¹⁷ OR THE BURNT CRUST LESS THAN A FINGER'S BREADTH — R. JOSE SAYS: WHATSOEVER IS EATEN WITH THE LOAF BECOMES UNCLEAN [WHEN TOUCHED BY THE TEBUL YOM].¹⁸ AND NEEDLESS TO SAY, THIS IS SO [WHEN TOUCHED] BY OTHER UNCLEAN THINGS.

MISHNAH 4. A PEBBLE IN A LOAF OR A LARGE GLOBULE OF SALT, OR A LUPINE,¹⁹ OR A BURNT CRUST LARGER THAN A FINGER'S BREADTH,²⁰ [DO NOT SERVE AS CONNECTIVES]. BUT R. JOSE SAYS: [ONLY] WHATSOEVER THAT IS NOT EATEN WITH THE LOAF REMAINS CLEAN EVEN WHEN TOUCHED BY A FATHER OF UNCLEANNESS';²¹ AND NEED LESS TO SAY [IS THIS SO WHEN TOUCHED] BY A TEBUL YOM.

MISHNAH 5. UNSHELLED²² BARLEY OR SPELT, ROOT OF CROWFOOT,²³ ASAFOETIDA,²⁴ SILRHUM²⁵ (R. JUDAH SAYS: BLACK BEANS)²⁶ REMAIN CLEAN²⁷ EVEN [WHEN COMING INTO CONTACT] WITH A 'FATHER OF UNCLEANNESS', LET ALONE [IF TOUCHED] BY A TEBUL YOM. SO R. MEIR: BUT THE SAGES SAY: THEY ARE CLEAN IF TOUCHED BY A TEBUL YOM, BUT UNCLEAN [WHEN TOUCHED] BY OTHER SOURCES OF DEFILEMENT. IN THE CASE OF SHELLED BARLEY OR SPELT, OR WHEAT EITHER WITH THE HUSK ON OR WITHOUT IT, OR BLACK CUMMIN, OR SESAME OR PEPPER (R. JUDAH SAYS: ALSO WHITE BEANS), THEY BECOME UNCLEAN EVEN WHEN TOUCHED BY A TEBUL YOM,²⁸ LET ALONE [WHEN THEY HAVE COME INTO CONTACT] WITH OTHER SOURCES OF UNCLEANNESS.

(1) The priest made a house-to-house collection and piled the pieces of dough on top of each other.

(2) V. Num. XV, 18-21; v. Glos., s. v. Hallah.

(3) Lit., and they bit'.

(4) To hallah is attributed the same sanctity and the same degree of susceptibility to uncleanness as to terumah, and hence it becomes pasul' (unfit) if touched by the tebul yom. Even if only part were touched the whole becomes unclean; for it is regarded as one inseparable mass.

(5) Of terumah, and so in all that follows we are concerned with terumah.

(6) קרולית something hollow or round'; a hollow ball of water, bubble. The water needed for terumah shares it,' stringencies; hence if a tebul yom touches the froth or first scum, he conveys uncleanness to the whole, according to Beth Shammai.

(7) The first scum does not yet render the beans into one solid mass, yet Beth Shammai already regard it as a connective.

(8) The distinction between hallah and terumah is that whereas the former comprises only a Rabbinical injunction in these times, the latter even now enjoys the rank of a Biblical command, hence both cases had to be stated (L.).

(9) Beth Hillel. They dispute only in the case of a tebul yom, since he lacks only sunset to be wholly clean.

(10) Derived uncleanness.

(11) A 'father of uncleanness'

(12) For once a crust has formed it is hard to separate them, and the two cakes are considered as one.

(13) Lit., 'always'; i.e., both old or new oil.

(14) Or 'vetchlings'.

(15) If of terumah.

(16) The peg-shaped attachment to a loaf supposed to serve as a trade mark.

(17) That had become stuck to the loaf and baked with it.

(18) And since they are occasionally eaten with the loaf, they serve as connectives.

(19) On account of their extreme hardness lupines had to be cooked at least six times before they were fit to be eaten.

(20) These things served either as trade marks or marked the grades of the loaf. As such they were 'never eaten, and hence could not be deemed as connectives for bread, even when touched by a 'father of uncleanness' itself.

(21) Where they are eaten with the loaf even these serve as connectives.

(22) A state unfit for human consumption, accordingly not susceptible to uncleanness.

(23) Used as a spice, but considered noxious for beasts.

(24) An umbelliferous plant used as a resin, or in leaves, for a spice, or for medicinal purposes; cf. Shab. 14a, Hul. 58b.

(25) A mucilaginous plant; Lat. 'Alum', of the same species as asafoetida.

(26) Which were used specifically for medicinal purposes.

(27) Since only the smallest portion was placed in the food, they cannot be regarded as food and susceptible to uncleanness.

(28) Since they are all regular food ingredients.

Mishna - Mas. Tevul Yom Chapter 2

MISHNAH 1. LIQUIDS THAT ISSUE¹ FROM A TEBUL YOM ARE LIKE THOSE² WHICH HE HAS TOUCHED: NEITHER OF THEM HAS POWER TO DEFILE.³ WITH REGARD TO ALL OTHERS THAT ARE UNCLEAN, BE THEY OF MINOR⁴ OR MAJOR⁵ [DEGREE]. THE LIQUIDS ISSUING FROM THEM ARE LIKE THOSE THEY TOUCH; BOTH ARE CONSIDERED OF FIRST GRADE UNCLEANNESS.⁶ THE SOLE EXCEPTION BEING SUCH LIQUID THAT IS IN ITSELF A 'FATHER OF UNCLEANNESS'.⁷

MISHNAH 2. IF A POT WAS FULL OF LIQUID AND A TEBUL YOM TOUCHED IT, THE LIQUID BECOMES UNFIT IF IT IS TERUMAH, BUT THE POT IS CLEAN.⁸ BUT IF THE LIQUID IS COMMON FOOD [HULLIN] THEN ALL REMAINS CLEAN.⁹ IF HIS HANDS WERE SOILED, ALL BECOMES UNCLEAN.¹⁰ HERE GREATER STRINGENCY IS APPLIED TO SOILED HANDS THAN TO A TEBUL YOM; BUT GREATER STRINGENCY IS APPLIED TO A TEBUL YOM THAN TO SOILED HANDS, SINCE ANY DOUBT RESPECTING THE TEBUL YOM RENDERS TERUMAH UNFIT, BUT ANY DOUBT CONCERNING [SOILED] HANDS IS DEEMED CLEAN.¹¹

MISHNAH 3. IF THE PORRIDGE WAS OF TERUMAH AND THE GARLIC OR OIL [IT CONTAINED] WAS OF HULLIN, AND A TEBUL YOM TOUCHED PART OF THEM, THEN THE WHOLE BECOMES UNFIT;¹² BUT IF THE PORRIDGE WAS OF HULLIN AND THE GARLIC OR OIL IT CONTAINED WAS OF TERUMAH, AND A TEBUL YOM TOUCHED PART OF THEM, HE RENDERS UNFIT ONLY THE PART HE HAS TOUCHED.¹³ IF THE GREATER PART WAS GARLIC THEN THEY GO AFTER THE MAJORITY.¹⁴ WHEN IS IT SO?¹⁵ SAID R. JUDAH: WHEN IT¹⁶ FORMED ONE COHESIVE MASS IN THE POT, BUT IF IT WAS SCATTERED SMALL IN THE MORTAR, THEN IT IS CLEAN, SINCE IT IS HIS WISH THAT IT SHOULD BE SO SCATTERED.¹⁷ [SIMILARLY] WITH ALL OTHER MASHED FOODS WHICH WERE MASHED WITH LIQUIDS;¹⁸ THOSE, HOWEVER, WHICH ARE USUALLY MASHED¹⁹ WITH LIQUIDS AND YET WERE MASHED WITHOUT LIQUIDS, THOUGH²⁰ THEY FORMED ONE COHESIVE MASS IN THE POT, ARE REGARDED AS A CAKE OF PRESERVED FIGS.²¹

MISHNAH 4. IF THE PORRIDGE AND BATTER-CAKE²² WERE OF HULLIN AND THE OIL OF TERUMAH WAS FLOATING ABOVE THEM, AND A TEBUL YOM TOUCHED THE OIL, HE RENDERS UNFIT ONLY THE OIL. IF, HOWEVER, HE STIRRED IT ALTOGETHER, ALL THE PLACES WHITHER THE OIL GOES BECOME UNFIT.²³

MISHNAH 5. IF A FILM OF JELLY²⁴ HAD FORMED OVER THE FLESH OF HALLOWED THINGS, AND A TEBUL YOM HAD TOUCHED THE JELLY, THE SLICES [OF FLESH] ARE CLEAN;²⁵ BUT IF HE TOUCHED ONE OF THE SLICES, THAT SLICE AND ALL [THE JELLY] THAT COMES UP WITH IT²⁶ FORM A CONNECTIVE THE ONE WITH THE OTHER. R. JOHANAN B. NURI SAYS: THE TWO OF THEM SERVE AS CONNECTIVES TO EACH OTHER.²⁷ SIMILARLY, WITH [COOKED] BEANS THAT HAVE FORMED A LAYER OVER PIECES OF BREAD.²⁸ BEANS COOKED IN A POT, AS LONG AS THEY ARE STILL SEPARATE, DO NOT SERVE AS CONNECTIVES; BUT WHEN THEY BECOME A SOLID PULP,²⁹ THEY DO ACT AS CONNECTIVES. IF THEY FORMED SEVERAL SOLID PULPS,³⁰ THEY ARE TO BE COUNTED.³¹ IF OIL FLOATS ON WINE AND A TEBUL YOM TOUCHED THE OIL, ONLY THE OIL IS RENDERED UNFIT; BUT R. JOHANAN B. NURI SAYS: EACH SERVES AS A CONNECTIVE WITH THE OTHER.³²

MISHNAH 6. IF A JAR³³ HAD SUNK INTO A CISTERN CONTAINING WINE,³⁴ AND A TEBUL YOM TOUCHED IT, AND [HE TOUCHED IT] WITHIN THE RIM,³⁵ IT SERVES AS A CONNECTIVE;³⁶ BUT IF OUTSIDE THE RIM,³⁷ IT DOES NOT ACT AS A CONNECTIVE. R. JOHANAN B. NURI, HOWEVER, SAYS: EVEN THOUGH [THE LEVEL OF WINE IN THE CISTERN] IS THE HEIGHT OF A MAN³⁸ [ABOVE THE SUNKEN JAR], AND HE TOUCHED [THE WINE] DIRECTLY ABOVE THE MOUTH OF THE JAR, IT SERVES AS A CONNECTIVE.

MISHNAH 7. IF A JAR³⁹ HAD A HOLE EITHER AT ITS NECK,⁴⁰ BOTTOM OR SIDES, AND A TEBUL YOM TOUCHED IT [AT THE HOLE], IT BECOMES UNCLEAN.⁴¹ R. JUDAH SAYS: ONLY IF THE HOLE IS AT ITS NECK OR BOTTOM IT BECOMES UNCLEAN; BUT IF ON ITS SIDES, ON THIS SIDE OR ON THAT, IT REMAINS CLEAN.⁴² IF ONE Poured [LIQUID] FROM ONE VESSEL INTO ANOTHER, AND A TEBUL YOM TOUCHED THE STREAM, AND THERE WAS SOMETHING WITHIN THE VESSEL, THEN [WHATSOEVER HE TOUCHES] IS NEUTRALIZED IN A HUNDRED AND ONE.⁴³

MISHNAH 8. IF A BUBBLE⁴⁴ OF A JUG WAS PIERCED WITH HOLES ON ITS INNER SIDE AND ON ITS OUTER SIDE, WHETHER ABOVE OR BELOW,⁴⁵ [AND THE HOLES ARE] OPPOSITE ONE ANOTHER, IT BECOMES UNCLEAN [IF TOUCHED] BY A 'FATHER OF

UNCLEANNES';⁴⁶ AND IT [LIKEWISE] BECOMES UNCLEAN IF IT IS IN A TENT WHEREIN LIES A CORPSE.⁴⁷ IF THE INNER HOLE IS BELOW AND THE OUTER ABOVE, IT BECOMES UNCLEAN [IF TOUCHED] BY A 'FATHER OF UNCLEANNES', AND IT BECOMES UNCLEAN IN A TENT WHEREIN THERE IS A CORPSE; IF THE INNER HOLE IS ABOVE AND THE OUTER BELOW, IT REMAINS CLEAN IF TOUCHED BY A 'FATHER OF UNCLEANNES',⁴⁸ BUT IT BECOMES UNCLEAN IN A TENT WHEREIN THERE IS A CORPSE.⁴⁹

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- (1) Such as spittle, urine, tears, blood of a wound and milk from a woman (Bert.).
 - (2) Of terumah.
 - (3) Suffering only third grade uncleanness.
 - (4) When touched by a dead reptile.
 - (5) When coming into contact with a zab.
 - (6) Bestowing second and third grade respectively.
 - (7) As, for instance, the issue of a person with a flux, a zab.
 - (8) For it is only terumah, on account of its great sanctity that even a tebul yom can invalidate. Terumah that becomes unfit cannot in its turn convey uncleanness.
 - (9) Since a tebul yom cannot render unclean hullin or tithe-offerings.
 - (10) Soiled hands defile liquids (v. Parah VIII, 7); when liquids are thus defiled they become first grade uncleanness, making vessels second grade.
 - (11) Such as a doubt arising as to which of the two loaves of terumah lying before him the tebul yom has touched, when we pronounce both to be unclean. In the case, however, of soiled hands the loaves are clean; cf. Yad. II, 4.
 - (12) Even if he touched merely the oil and garlic, these as ingredients serve as connectives to the porridge.
 - (13) The porridge cannot serve as a connective to the garlic and oil.
 - (14) The porridge in this case can serve as a connective.
 - (15) That if he touches the garlic the whole porridge is rendered unclean.
 - (16) The garlic.
 - (17) To be used in small portions as ingredients; in which case it cannot be regarded as a connective for the other contents in the mortar.
 - (18) A distinction is made as to whether they are served whole in the pot or whether they are mashed in the mortar.
 - (19) Var. lec.: But with all other mashed . . . with liquids or that are usually mashed etc.
 - (20) V. L.
 - (21) In which case we do not say that if part thereof is touched, all becomes unclean; single figs are not regarded as connectives.
 - (22) This is the wafer that used to be placed into the jelly or porridge.
 - (23) Being impossible to separate oil.
 - (24) This jelly comprises all the pot ingredients which had become congealed.
 - (25) Not regarding the jelly as a connective.
 - (26) But the other jelly does not serve as a connective.
 - (27) Hence, even if he touches the film of the jelly, the slices of flesh become unclean.
 - (28) Which were usually spread with beans.
 - (29) The process of cooking first splits them, then forms them into a solid pulp.
 - (30) And then came into contact with a dead reptile.
 - (31) If the separate pups touched each other. That touched by a dead reptile becomes first grade unclean; the piece that touches that which is 'first grade' becomes second grade unclean.
 - (32) So that if the tebul yom touched the oil, the wine also is rendered unfit.
 - (33) Containing wine of terumah.
 - (34) Of hullin; and this wine flowing into the jar floats on the surface, forcing the terumah wine to the bottom of the jar.
 - (35) Touching the hullin wine floating on top.
 - (36) Though he did not come into contact with the terumah.
 - (37) I.e., he does not touch the wine inside the jar but only the hullin wine floating round the jar.
 - (38) Even if the wine in the cistern rises above the sunken jar up to a man's height, and he touches the wine directly

above the mouth of the jar, it serves as a connective and the whole jar's contents become unclean.

(39) Containing wine of terumah.

(40) Var. lec. omit.

(41) Since the hole causes the wine to flow into it, the part touched serves as a connective.

(42) His view-point being that only when the hole is at the neck or bottom may all the wine pass through it; but when it is at its sides, only a small portion of the wine will pass through. The portion he touches, which alone is invalidated, becomes neutralized in one hundred and one times the quantity; cf. Ter. V, 4.

(43) I.e., if the wine in the receiving vessel is a hundred times the quantity of that he had touched, maintaining that only the stream of liquid is defiled, and does not act as a connective. It is like a case of unclean terumah getting mixed with clean terumah, where neutralization is 1 : 101. In the case of major sources of uncleanness, the stream of liquid serves as a connective and defiles all the liquid in both vessels.

(44) An imperfection found in a clay jar formed while it was being baked. If pierced on the inner and outer side when the jar is filled the liquid penetrates the bubble through the inner hole and in its attempt to seek exit surges through the outer one.

(45) I.e., on top or at the bottom of the jar.

(46) And if he touched the hole on the outer side, all the wine in the jar becomes unclean.

(47) And even if the mouth of the jar was sealed with 'a tightly stopped-up cover'; cf. Kel. X, 2.

(48) A stream of liquid can serve as a connective only with what is below but not with what is above.

(49) The holes serving as a door for the uncleanness to penetrate into the vessel.

Mishna - Mas. Tevul Yom Chapter 3

MISHNAH 1. ALL [STALKS THAT SERVE AS] HANDLES TO FRUITS, WHICH COUNT AS CONNECTIVES WHEN TOUCHED BY A 'FATHER OF UNCLEANNESS', ALSO COUNT AS CONNECTIVES WHEN TOUCHED BY A TEBUL YOM. IF A FOODSTUFF WAS SEVERED YET A SMALL PART WAS STILL ATTACHED, R. MEIR SAYS: IF ONE TAKES HOLD OF THE LARGER PART AND THE SMALLER PART IS PULLED AWAY WITH IT, THEN THE LATTER IS REGARDED AS THE FORMER.¹ R. JUDAH. HOWEVER, SAYS: IF ONE TAKES HOLD OF THE SMALLER PART FIND THE GREATER IS ALSO PULLED AWAY WITH IT, THEN THE LATTER IS LIKE THE FORMER. R. NEHEMIAH SAYS: [THIS REFERS ONLY] TO THE CASE OF THE CLEAN PORTION,² BUT THE SAGES SAY: [IT REFERS ONLY] TO THE UNCLEAN PORTION.³ IN THE CASE OF ALL OTHER FRUITS,⁴ THOSE USUALLY HELD BY THE LEAF SHOULD BE TAKEN BY THE LEAF, AND THOSE USUALLY HELD BY THE STALK SHOULD BE TAKEN BY THE STALK.⁵

MISHNAH 2. IF A BEATEN EGG WAS ON TOP OF VEGETABLES OF TERUMAH,⁶ AND A TEBUL YOM TOUCHES THE EGG, THEN HE RENDERS UNFIT ONLY THAT STALK [OF THE VEGETABLES] THAT IS OPPOSITE THE PART [OF THE EGG] HE TOUCHED.⁷ R. JOSE, HOWEVER, SAYS: IT AFFECTS THE WHOLE OF THE UPPER LAYER;⁸ AND IF IT WAS ARRANGED LIKE A CAP⁹ IT DOES NOT SERVE AS A CONNECTIVE.

MISHNAH 3. THE STREAK OF AN EGG¹⁰ THAT HAD BECOME CONGEALED ON THE SIDE OF A PAN THAT HAD BEEN TOUCHED BY A TEBUL YOM WITHIN THE RIM [OF THE PAN]. SERVES AS A CONNECTIVE;¹¹ BUT IF OUTSIDE THE RIM, IT DOES NOT SERVE AS A CONNECTIVE. R. JOSE MAINTAINS THAT ONLY THE STREAK AND THE PART THAT CAN BE PEELED AWAY WITH IT [SERVES AS A CONNECTIVE].¹² THE SAME APPLIES TO BEANS THAT HAD FORMED A LAYER OF JELLY ON THE RIM OF THE POT.¹³

MISHNAH 4. DOUGH¹⁴ THAT HAD BEEN MIXED [WITH DOUGH OF TERUMAH]. OR THAT HAD BEEN LEAVENED WITH YEAST OF TERUMAH, IS NOT RENDERED UNFIT BY [THE TOUCH OF] A TEBUL YOM;¹⁵ R. JOSE AND R. SIMEON, HOWEVER,

PRONOUNCE IT UNFIT. DOUGH¹⁶ THAT HAD BECOME SUSCEPTIBLE [TO UNCLEANNESS] BY A LIQUID,¹⁷ AND IT WAS KNEADED WITH FRUIT JUICE,¹⁸ AND LATER TOUCHED BY A TEBUL YOM, R. ELEAZAR B. JUDAH OF BARTHOTHA SAYS IN THE NAME OF R. JOSHUA: IT BECOMES TOTALLY UNFIT.¹⁹ R. AKIBA, HOWEVER, SAYS IN HIS NAME: HE RENDERS UNFIT ONLY THE PART THAT HE TOUCHED.²⁰

MISHNAH 5. IF VEGETABLES OF HULLIN WERE COOKED WITH OIL OF TERUMAH AND A TEBUL YOM TOUCHED IT, R. ELEAZAR B. JUDAH OF BARTHOTHA SAYS IN THE NAME OF R. JOSHUA: IT BECOMES TOTALLY UNFIT.²¹ R. AKIBA, HOWEVER, SAYS IN HIS NAME: HE RENDERS UNFIT ONLY THE PART THAT HE TOUCHED.²²

MISHNAH 6. IF A CLEAN PERSON CHEWED FOOD AND IT FELL ON HIS GARMENTS AND ON A LOAF OF TERUMAH, IT²³ IS NOT RENDERED SUSCEPTIBLE TO UNCLEANNESS.²⁴ IF HE ATE CRUSHED OLIVES OR MOIST DATES WITH THE INTENTION OF SUCKING THE STONE THEREOF, AND IT FELL ON HIS GARMENTS AND ON A LOAF OF TERUMAH, [THE LATTER] BECOMES SUSCEPTIBLE TO UNCLEANNESS.²⁵ . IF, HOWEVER, HE ATE DRIED OLIVES, OR DRIED FIGS WITHOUT THE INTENTION OF SUCKING THE STONE THEREOF, AND THEY FELL ON HIS GARMENTS AND ON A LOAF OF TERUMAH, THE LATTER IS NOT RENDERED SUSCEPTIBLE TO UNCLEANNESS.²⁶ THIS IS THE CASE IRRESPECTIVE OF THE FACT WHETHER IT WAS A CLEAN MAN OR A TEBUL YOM [WHO WAS EATING]. R. MEIR SAYS: IN EITHER CASE IT BECOMES SUSCEPTIBLE TO UNCLEANNESS IN THE CASE OF A TEBUL YOM, SINCE LIQUIDS ISSUING FROM UNCLEAN PERSONS RENDER ANYTHING SUSCEPTIBLE REGARDLESS OF THE ACCEPTABILITY OF THEIR PRESENCE OR NOT. BUT THE SAGES SAY: A TEBUL YOM IS NOT REGARDED AS AN UNCLEAN PERSON.²⁷

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- (1) Serving as a connective, so that if the tebul yom touches one portion, the other, too, is affected.
 - (2) I.e., this estimation is only made of the part untouched by the tebul yom, and if it is pulled away with the part touched, whether it be larger or smaller, it becomes unclean; v. Hul. 227b.
 - (3) According to the Sages this estimation is only made of the part that had become unclean, and if it was pulled away with the clean part it becomes unclean.
 - (4) Vegetables.
 - (5) And if the whole becomes severed then each part serves as a connective. It is obvious that if the bigger portion is pulled away together with the smaller, it serves as a connective to the smaller.
 - (6) Within a pot. Were the egg whole, it would not have served as a connective.
 - (7) Though the egg is hullin, which cannot be defiled by a tebul yom, yet those vegetables exactly opposite the part of the egg touched are rendered unclean.
 - (8) Viz., the whole top layer of the stalk on which the egg lies is affected.
 - (9) In cooking the eggs get blown up, forming a helmet-shape over the vegetables with vacant space between it and the vegetables below. Since the egg does not, therefore, actually touch the vegetables, it cannot be counted among the connectives.
 - (10) Boiled with terumah that is liable to be invalidated by a tebul yom.
 - (11) Rendering all the contents unclean.
 - (12) Even if the streak of the egg is without the pan.
 - (13) Having the same ruling as eggs.
 - (14) Of hullin; cf. Hal. 1, 4.
 - (15) Since the tebul yom cannot defile the hullin in the dough. Though the mixture is forbidden to non-priests it is not deemed in this respect of the rank of terumah because the prohibition of the mixture is only due to Rabbinical injunction; for according to Biblical ruling it is neutralized in the proportion of 1: 2; v. 'Orlah II, 6.
 - (16) Of terumah.
 - (17) V. Lev. XI, 38. Edibles coming into contact with liquids become susceptible provided that such liquid was applied

purposively, or whose presence on the food was at least acceptable.

(18) Which was not one of the seven liquids enumerated in Maksh. VI, 4 that rendered foods susceptible. If the dough had not received water before, the fruit juice now does not make it susceptible.

(19) Contending that the fruit juice serves the dough as a connective.

(20) Maintaining that since fruit juice does not make the dough susceptible, it is deemed non-existent.

(21) Being of the opinion that oil renders susceptible and acts as a connective.

(22) Being of the opinion that fruit juice, even which renders susceptible, such as oil, does not serve as a connective with the dough to defile it, since the dough is hullin.

(23) The loaf.

(24) Lit., 'is clean'. Since this liquid was not dropped on purpose (Maim.).

(25) Since his intention was to extract juice, he should have known that some would fall on the loaf.

(26) For on no account could the moisture have been said to have been applied on purpose.

(27) Accordingly, he cannot make all liquids, whether acceptable or not, predisposed to uncleanness. Cf. Maksh. l.

Mishna - Mas. Tevul Yom Chapter 4

MISHNAH 1. IF FOOD THAT WAS TITHE-OFFERING HAD BEEN RENDERED SUSCEPTIBLE BY A LIQUID, AND A TEBUL YOM OR UNWASHED HANDS¹ TOUCHED IT, TERUMAH OF TITHE² MAY STILL BE SET APART FROM IT IN PURITY, SINCE IT ONLY SUFFERED THIRD GRADE UNCLEANNESS, AND THIRD GRADE UNCLEANNESS COUNTS AS CLEAN IN HULLIN.

MISHNAH 2. A WOMAN THAT HAD IMMERSERD HERSELF THE SAME DAY MAY KNEAD DOUGH, CUT OFF THE DOUGH-OFFERING,³ AND SET IT APART, BUT MUST PLACE IT ON AN INVERTED BASKET OF TWIGS,⁴ OR ON A TRAY⁵, AND THEN BRING IT NEAR⁶ AND DECLARE IT BY ITS NAME.⁷ FOR IT⁸ SUFFERED ONLY THIRD GRADE UNCLEANNESS,⁹ AND THIRD GRADE UNCLEANNESS IS DEEMED AS CLEAN IN HULLIN.

MISHNAH 3. IN A TROUGH WHICH HAD BEEN IMMERSERD THAT VERY DAY, ONE MAY KNEAD DOUGH AND CUT OFF THE PORTION FOR HALLAH AND BRING IT NEAR AND EVEN PRO NOUNCE IT BY NAME [AS HALLAH];¹⁰ FOR IT¹¹ SUFFERS ONLY THIRD GRADE UNCLEANNESS AND A THIRD GRADE COUNTS AS CLEAN IN HULLIN.

MISHNAH 4. IF A FLAGON THAT HAD BEEN IMMERSERD THE SAME DAY AND HAD BEEN FILLED OUT OF A CASK CONTAINING TITHES FROM WHICH THE HEAVE-OFFERING¹² HAD NOT YET BEEN TAKEN, AND ONE SAID, LET THIS BE HEAVE-OFFERING OF TITHE AFTER NIGHTFALL,¹³ IT BECOMES HEAVE-OFFERING OF TITHE. BUT IF HE SAID: LET THIS BE THE FOOD FOR THE [SABBATH] 'ERUB,¹⁴ HIS REMARKS ARE NOT VALID AT ALL.¹⁵ IF THE CASK WAS BROKEN,¹⁶ THE CONTENTS OF THE FLAGON STILL REMAIN TITHE FROM WHICH HEAVE-OFFERING HAD NOT YET BEEN TAKEN;¹⁷ IF THE FLAGON IS BROKEN,¹⁸ THEN WHAT IS IN THE CASK STILL REMAINS TITHE FROM WHICH HEAVE-OFFERING HAD NOT YET BEEN TAKEN.¹⁹

MISHNAH 5. FORMERLY THEY USED TO SAY: ONE MAY REDEEM²⁰ FOR THE PRODUCE OF AN AM HA-AREZ.²¹ LATER THEY RECONSIDERED AND SAID: ALSO FOR MONEY OF HIS.²² FORMERLY THEY USED TO SAY: IF A MAN IS LED OUT IN CHAINS²³ AND COMMANDS: WRITE A BILL OF DIVORCE FOR MY WIFE', IT HAD TO BE WRITTEN AND DELIVERED;²⁴ BUT AFTER CONSIDERATION THEY ADDED THE CASE OF A MAN UNDERTAKING A SEA VOYAGE, OR SETTING OUT WITH A CARAVAN.²⁵ R. SIMEON OF SHEZUR ADDED THE CASE OF ONE WHO WAS AT THE POINT OF DEATH.²⁶

MISHNAH 6. ASHKELON LEVERS²⁷ THAT HAD BECOME BROKEN, ONLY THEIR HOOKS STILL REMAINING, ARE SUSCEPTIBLE TO UNCLEANNESS.²⁸ A PITCH-FORK, WINNOWING-FAN, RAKE²⁹ [SO-TOO, A HAIR COMB]. WHICH HAD LOST ONE OF ITS TEETH, AND ANOTHER OF METAL WAS CONSTRUCTED FOR IT, ARE ALL SUSCEPTIBLE TO UNCLEANNESS.³⁰ CONCERNING ALL THESE,³¹ R. JOSHUA SAID: THIS IS A NEW THING WHICH THE SCRIBES HAVE MADE AND I HAVE NOTHING TO REPLY.³²

MISHNAH 7. IF ONE WAS TAKING TERUMAH³³ FROM A CISTERN AND SAID: 'LET THIS BE TERUMAH PROVIDED IT COMES UP SAFELY', [IT IS IMPLIED THAT HE MEANT] SAFELY FROM BEING BROKEN OR SPILLED,³⁴ BUT NOT FROM CONTRACTING UNCLEANNESS;³⁵ BUT R. SIMEON DECLARES: ALSO FROM UNCLEANNESS.³⁶ IF IT WERE BROKEN,³⁷ IT DOES NOT RENDER [THE CONTENTS OF THE CISTERN] SUBJECT TO THE RESTRICTIONS OF TERUMAH. HOW FAR AWAY³⁸ CAN IT BE BROKEN AND STILL NOT MAKE IT SUBJECT TO TERUMAH RESTRICTIONS? ONLY SO FAR THAT IF IT ROLLS BACK, IT CAN REACH THE CISTERN.³⁹ R. JOSE ADDS: EVEN IF ONE HAD THE INTENTION OF MAKING SUCH A STIPULATION, BUT DID NOT DO SO, AND IT GOT BROKEN, IT DOES NOT NEVERTHELESS MAKE IT SUBJECT TO TERUMAH RESTRICTIONS, FOR THIS IS A STIPULATION LAID DOWN BY THE BETH DIN.⁴⁰

(1) Both possessing second grade impurity only.

(2) Given to the priest by the Levite from the tithe received from the Israelites (Num. XVIII, 25ff.); this was regarded as hullin, which a tebul yom could not defile. Accordingly, this additional tithe could be taken therefrom.

(3) But without designating it as such; for once this is done it is no longer hullin.

(4) Not susceptible to uncleanness. This was stipulated in order that she may no longer touch the dough-offering.

(5) Which does not possess distinct receptacles and consequently is not susceptible to uncleanness. Neither of these two vessels is 'susceptible'.

(6) To the rest of the dough, of which it is to constitute a portion dedicated as hallah. For this requirement v. Hal I, 9.

(7) Hallah.

(8) I.e., the dough she had touched.

(9) Since the tebul yom possesses only second grade uncleanness.

(10) On account of an uncleanness it had contracted. From the tebul yom the Mishnah now turns to a vessel that had been immersed that very day. The point stressed is that we are not afraid lest it be exchanged for anything unclean.

(11) I.e., the dough which has touched the kneading-trough.

(12) The tithe which the Levite has to give to the priest from the tithe he receives.

(13) I.e., when the flagon becomes completely clean.

(14) Lit., 'mixture'. According to Sabbath law, the movements of people in a town are restricted on a Sabbath to two thousand cubits from the boundaries of a town. But if enough food for his meals is despatched in an accessible place on the eve of Sabbath, at the prescribed two thousand cubits' distance, this spot counts as a man's temporary abode, thereby allowing him a range of two thousand cubits beyond the common Sabbath limit. Similarly, an 'erub may be arranged as between various domiciles within a courtyard; for if all the occupants have a share in the deposit of food placed in a known place in the courtyard, they are all thereby given unrestricted access to the premises of the other occupants.

(15) Because an 'erub can only be made of such food that is ready to be eaten before sunset; but here nightfall is still needed to make it permissible for common use.

(16) Before nightfall.

(17) For when heave-offering could at last be taken therefrom, it was already non-existent.

(18) While yet day.

(19) Cf. n. 6.

(20) Second-tithe money in Jerusalem; Deut. XIV, 22ff. The owner had to take his money to Jerusalem, there to spend it, or else he had to 'redeem' it by putting aside coins of value (plus one fifth) in order to make that produce free for use as hullin; the coins themselves then count as second-tithe money, to which their sanctity is transferred, or to other coins for which they, in turn, may be exchanged. These coins were taken to Jerusalem, there to be exchanged for food, or

peace-offerings, and consumed in purity.

(21) Though one tithe could not be used in exchange for another, we do not suspect the 'am ha-arez of tithing his produce (Bert.).

(22) Without fearing that this money itself may be of second-tithe products (Bert.).

(23) As a prisoner; Git. VI, 5.

(24) Although he did not say 'deliver it', we surmise that his omission is due to the perturbed state of his mind.

(25) These expeditions in olden times used to be fraught with serious danger.

(26) There could be no greater perturbation of mind than this; moreover, in this state, breath is scarce and words must be used economically. (Though the last statement of the Mishnah is somewhat irrelevant to the main issue, yet the Mishnah follows the usual practice of citing other similar statements).

(27) With which pitchers used to be hooked out of the wells. Aliter. 'pitched stands' or water coolers'; Kel. XIII, 7.

(28) Since they can still serve their purpose they are still regarded as vessels.

(29) An agricultural implement with many teeth, forming a sort of sieve whereby to separate the grain from the chaff; Kel. Ibid.

(30) As metal utensils.

(31) Some opine that 'all these' refer to supra IV, 2.

(32) 'To those who would question their ruling'. Perhaps he was inclined himself to agree with the critics.

(33) Of wine or oil.

(34) A common fear; and if the wine or oil is spilled in the cistern, no terumah was taken.

(35) Accordingly, even if it becomes unclean it is still regarded as terumah.

(36) Being assumed that he meant also safe from contamination. The significance of his stipulation is the object of discussion.

(37) And the wine fell back into the cistern.

(38) From the cistern.

(39) For such a short distance is included in his stipulation.

(40) The Beth din took for granted that each person desires to make such stipulations, only is deterred from so doing by forgetfulness.

Mishna - Mas. Yadayim Chapter 1

MISHNAH 1. [A MINIMUM OF] A QUARTER [OF A LOG]¹ OF WATER MUST BE POURED² OVER THE HANDS³ [TO BE SUFFICIENT] FOR ONE [PERSON] AND IS EVEN [SUFFICIENT] FOR TWO;⁴ A MINIMUM OF HALF⁵ A LOG MUST BE POURED OVER THE HANDS [TO BE SUFFICIENT] FOR THREE OR FOUR PERSONS;⁶ ONE LOG OR MORE [IS SUFFICIENT] FOR FIVE, TEN, OR ONE HUNDRED PERSONS.⁷ R. JOSE SAYS: BUT PROVIDED ONLY THERE IS NOT LESS THAN A QUARTER OF A LOG LEFT FOR THE LAST PERSON AMONG THEM. MORE [WATER] MAY BE ADDED TO THE SECOND WATER,⁸ BUT MORE MAY NOT BE ADDED TO THE FIRST WATER.⁹

MISHNAH 2. WATER MAY BE POURED OVER THE HANDS OUT OF ANY KIND OF VESSEL, EVEN OUT OF VESSELS MADE OF ANIMAL ORDURE,¹⁰ OUT OF VESSELS MADE OF STONE¹⁰ OR OUT OF VESSELS MADE OF CLAY.¹⁰ WATER MAY NOT BE POURED FROM THE SIDES OF [BROKEN] VESSELS¹¹ OR FROM THE BOTTOM OF A LADLE¹¹ OR FROM THE BUNG OF A BARREL.¹² NOR MAY ANYONE POUR [WATER] OVER THE HANDS OF HIS FELLOW OUT OF HIS CUPPED HANDS BECAUSE ONE MAY NOT DRAW, NOR SANCTIFY,¹³ NOR SPRINKLE¹⁴ THE WATER OF PURIFICATION,¹⁵ NOR POUR WATER OVER THE HANDS EXCEPT IN A VESSEL. AND ONLY VESSELS CLOSELY COVERED WITH A LID PROTECT [THEIR CONTENTS FROM UNCLEANNES]¹⁶ AND¹⁷ ONLY VESSELS PROTECT [THEIR CONTENTS FROM UNCLEANNES] FROM EARTHENWARE VESSELS.¹⁸

MISHNAH 3. IF WATER HAS BECOME SO UNFIT¹⁹ THAT IT CANNOT BE DRUNK BY CATTLE, IF IT WAS IN A VESSEL IT IS INVALID,²⁰ BUT IF IT WAS IN THE GROUND²¹ IT IS VALID. IF THERE FELL INTO IT INK, RESIN,²² OR VITRIOL²³ AND ITS COLOUR CHANGED, IT IS INVALID.²⁴ IF A PERSON DID ANY WORK WITH IT²⁵ OR SOAKED HIS BREAD THEREIN, IT IS INVALID.²⁴ SIMEON OF TEMAN SAYS: EVEN IF HE INTENDED TO SOAK HIS BREAD IN ONE WATER AND IT FELL IN ANOTHER WATER [DO YOU STILL CONSIDER THE OTHER WATER TO BE INVALID? IN SUCH A CASE I CONSIDER THAT THE OTHER WATER] IS VALID.²⁶

MISHNAH 4. IF HE CLEANSED VESSELS THEREIN OR SCRUBBED²⁷ MEASURES THEREIN, [THE WATER] IS INVALID; IF HE RINSED THEREIN VESSELS WHICH HAD ALREADY BEEN RINSED OR NEW VESSELS, IT IS VALID. R. JOSE DECLARES IT TO BE INVALID IF THEY WERE NEW VESSELS.²⁸

MISHNAH 5. WATER IN WHICH THE BAKER DIPS GELUSK²⁰ N²⁹ IS INVALID;³⁰ BUT IF HE [MERELY] MOISTENED HIS HANDS THEREIN³¹ IT IS VALID. ALL ARE FIT TO POUR WATER OVER THE HANDS, EVEN A DEAF-MUTE, AN IMBECILE, OR A MINOR. A PERSON MAY PLACE THE BARREL BETWEEN HIS KNEES AND POUR OUT THE WATER³² OR HE MAY TURN THE BARREL ON ITS SIDE AND POUR IT OUT.³³ AN APE³⁴ MAY POUR WATER OVER THE HANDS. R. JOSE DECLARES THESE [LATTER] TWO CASES INVALID.³⁵

(1) A log is a liquid measure equal in quantity to the liquid contents of six eggs. Cf. B.B. 90a.

(2) Lit., 'they put (water) upon the hands'.

(3) I.e., in order to cleanse them.

(4) Even though there may not be as much as a quarter of a log of water remaining to be poured over the hands of the second person, it is nevertheless valid, as it originally formed part of the requisite quantity necessary to produce a condition of cleanness. Cf. Hul. 107a.

(5) Var. lec.: 'a half log or more'.

- (6) According to calculation, the minimum for three should be 3/8, nevertheless half a log was required for fear that each person in concern for those that follow him would economize in the use of water and not wash his hands properly (Bert.).
- (7) Not to be taken literally but meaning that a minimum of a log of water will suffice for any number as long as there is enough water remaining to be poured over the hands of the last person in the manner prescribed. Cf. Asheri ad loc. Maim. is of the opinion that this Mishnah refers to the water poured over the hands the second time and that a minimum of a quarter of a log must be poured over the hands of each person the first time. Cf. next note and infra II, 1.
- (8) Water must be poured over the hands twice to ensure that they become absolutely clean. Maim. explains that after water has been poured over the hands the first time the water becomes unclean through the hands, hence a second cleansing is necessary. The first pouring is designated the first water, the second, the second water.
- (9) The water must cover the hands as far as the wrist both times, hence if at the first pouring out the amount of water is insufficient to cover the hands as far as the wrist, they still remain unclean, and therefore the water may not be added to, but a fresh quantity of water must be used after first drying the hands.
- (10) Though vessels made of these materials are not susceptible to uncleanness (cf. Par. V, 5), they are nevertheless considered 'vessels' for the purpose of washing the hands.
- (11) Because they are not whole vessels but broken parts of a vessel.
- (12) A bung cannot itself be used as a vessel. But if it were shaped into a vessel it could be used to pour water over the hands. Cf. Tosef. ad loc. and Hul. 107a.
- (13) By mixing the ashes of the Red Heifer with the water.
- (14) By dipping hyssop into the water containing the ashes and sprinkling it over the unclean object. Cf. Num. XIX, 18.
- (15) The reference here is to the Red Heifer the ashes of which were mixed with running water in a vessel and sprinkled over the person or vessel which had become unclean through contact with a dead body or through being present in the tent where the dead body lay; cf. Num. XIX, 17.
- (16) In the tent where the dead body lay. Every open vessel which hath no covering close-bound upon it is unclean (Num. XIX, 15). Thus only whole vessels and not broken parts of a vessel protect their contents from contracting uncleanness in the Tent, when closely covered with a lid.
- (17) **שאיין** equivalent to **ואיין**. Cf. parallel passage in Par. V, 5.
- (18) For notes v. Par. (Sonc. ed.) V, 5.
- (19) I.e., unfit by reason of stench and putridity; cf. Zeb. 22a.
- (20) I.e., invalid to be used for pouring over the hands.
- (21) The water in the ground forms a ritual bath and is valid for the purpose of immersing the hands therein; cf. Tosef. ad loc. and Hul. 106a.
- (22) **קומום**, gum, resin, especially ink prepared with gum.
- (23) **קלקנתום** sometimes **קנקנתום**, vitriol, used as an ingredient of shoe-black and of ink.
- (24) Since the water is no longer in its natural state.
- (25) E.g., if he cooled wine in it (Asheri).
- (26) So Bert. Aliter: If he intended to soak his bread in one water and it fell in another it is invalid. Aliter: 'Even if he intended to soak his bread in one water and it fell in another it is valid', and needless to say, where there was no intention at all to soak the bread.
- (27) To remove the traces of anything which had adhered to the measure.
- (28) Because although they are clean it is customary to rinse them first before using them.
- (29) Round bread of fine meal. The reference here is to the dough before it is baked.
- (30) As he had done work with it. Cf. supra I, 3.
- (31) And then moistened the bread with his wet hands, it is valid because no work has been done with the actual water in the vessel.
- (32) The water must be poured out through human action, **כה גברא** (cf. Hul. 107a). By placing the barrel between his knees this requirement is considered fulfilled.
- (33) Once he has turned the barrel on to its side and the water is flowing he may even leave it and it is still considered valid as satisfying the above requirement.
- (34) This Tanna considers **כה גברא** to mean that the water must be poured out through someone's effort but not necessarily through human action.
- (35) R. Jose is of the opinion that 'human action' is essential and therefore an ape may not pour out the water.

Furthermore he considers that no human action comes into force on the actual washing of the hands if he merely turns the barrel on its side.

Mishna - Mas. Yadayim Chapter 2

MISHNAH 1. IF A PERSON POURS¹ WATER OVER ONE OF HIS HANDS WITH A SINGLE RINSING HIS HAND BECOMES CLEAN.² IF OVER BOTH HIS HANDS WITH A SINGLE RINSING, R. MEIR DECLARES THEM TO BE UNCLEAN UNTIL HE POURS A MINIMUM OF A QUARTER OF A LOG OF WATER OVER THEM.³ IF A LOAF OF TERUMAH⁴ FELL ON THE WATER THE LOAF IS CLEAN.⁵ R. JOSE DECLARES IT TO BE UNCLEAN.⁶

MISHNAH 2. IF HE POURED THE FIRST WATER⁷ OVER HIS HANDS [WHILST STANDING] IN ONE PLACE, AND THE SECOND WATER OVER HIS HANDS [WHILST STANDING] IN ANOTHER PLACE, AND A LOAF OF TERUMAH FELL ON THE FIRST WATER,⁸ THE LOAF BECOMES UNCLEAN. BUT IF IT FELL ON THE SECOND WATER IT REMAINS CLEAN.⁹ IF HE POURED THE FIRST AND THE SECOND WATER [WHILST STANDING] IN ONE PLACE, AND A LOAF OF TERUMAH FELL THEREON, THE LOAF BECOMES UNCLEAN.¹⁰ IF HE POURED THE FIRST WATER OVER HIS HANDS AND A SPLINTER OR A PIECE OF GRAVEL IS FOUND ON HIS HANDS, THEY REMAIN UNCLEAN,¹¹ BECAUSE THE LATTER WATER ONLY MAKES THE FIRST WATER ON THE HANDS CLEAN. R. SIMEON B. GAMALIEL. SAYS: IF ANY WATER-CREATURE [FALLS ON THE HANDS WHILST THEY ARE BEING CLEANED] THEY NEVERTHELESS BECOME CLEAN.¹²

MISHNAH 3. HANDS BECOME UNCLEAN AND ARE MADE CLEAN AS FAR AS THE WRIST. HOW SO? IF HE POURED THE FIRST WATER OVER THE HANDS AS FAR AS THE WRIST AND POURED THE SECOND WATER OVER THE HANDS BEYOND THE WRIST AND THE LATTER FLOWED BACK TO THE HANDS, THE HANDS NEVERTHELESS BECOME CLEAN.¹³ IF HE POURED THE FIRST AND THE SECOND WATER OVER THE HANDS BEYOND THE WRIST AND THEY FLOWED BACK TO THE HANDS, THE HANDS REMAIN UNCLEAN.¹⁴ IF HE POURED THE FIRST WATER OVER ONE OF HIS HANDS AND THEN CHANGED HIS MIND AND POURED THE SECOND WATER OVER BOTH HIS HANDS, THEY REMAIN UNCLEAN.¹⁵ IF HE POURED THE FIRST WATER OVER BOTH HIS HANDS AND THEN CHANGED HIS MIND AND POURED THE SECOND WATER OVER ONE OF HIS HANDS, HIS ONE HAND BECOMES CLEAN. IF HE POURED WATER OVER ONE OF HIS HANDS AND RUBBED IT ON THE OTHER HAND IT REMAINS UNCLEAN.¹⁶ IF HE RUBBED IT ON HIS HEAD OR ON THE WALL¹⁷ IT BECOMES CLEAN. WATER MAY BE POURED OVER THE HANDS OF FOUR OR FIVE PERSONS, EACH HAND BEING BY THE SIDE OF THE OTHER, OR BEING ONE ABOVE THE OTHER, PROVIDED THAT THE HANDS ARE HELD LOOSELY SO THAT THE WATER FLOWS BETWEEN THEM.

MISHNAH 4. IF THERE WAS A DOUBT WHETHER ANY WORK HAS BEEN DONE WITH THE WATER OR NOT,¹⁸ OR WHETHER THE WATER CONTAINS THE REQUISITE QUANTITY OR NOT, OR WHETHER IT IS UNCLEAN¹⁹ OR CLEAN, THEN WHERE THERE IS SUCH A DOUBT THE WATER IS CONSIDERED TO BE CLEAN. BECAUSE THEY²⁰ HAVE SAID IN A CASE OF DOUBT CONCERNING HANDS AS TO WHETHER THEY HAVE BECOME UNCLEAN OR HAVE CONVEYED UNCLEANNESS OR HAVE BECOME CLEAN, THEY ARE CONSIDERED TO BE CLEAN. R. JOSE SAYS: IN A CASE [OF DOUBT AS TO] WHETHER THEY HAVE BECOME CLEAN THEY ARE CONSIDERED TO BE UNCLEAN. HOW SO? IF HIS HANDS WERE CLEAN AND THERE WERE TWO UNCLEAN LOAVES BEFORE HIM AND THERE WAS A DOUBT WHETHER HE TOUCHED THEM OR NOT;²¹ OR IF HIS HANDS WERE UNCLEAN AND THERE WERE TWO CLEAN LOAVES²² BEFORE

HIM AND THERE WAS A DOUBT WHETHER HE TOUCHED THEM OR NOT; OR IF ONE OF HIS HANDS WAS UNCLEAN AND THE OTHER CLEAN AND THERE WERE TWO CLEAN LOAVES²² BEFORE HIM AND HE TOUCHED ONE OF THEM AND THERE WAS A DOUBT WHETHER HE TOUCHED IT WITH THE UNCLEAN HAND OR WITH THE CLEAN HAND; OR IF HIS HANDS WERE CLEAN AND THERE WERE TWO LOAVES BEFORE HIM ONE OF WHICH WAS UNCLEAN AND THE OTHER CLEAN AND HE TOUCHED ONE OF THEM AND THERE WAS A DOUBT WHETHER HE TOUCHED THE UNCLEAN ONE OR THE CLEAN ONE; OR IF ONE OF HIS HANDS WAS UNCLEAN AND THE OTHER CLEAN AND THERE WERE TWO LOAVES BEFORE HIM ONE OF WHICH WAS UNCLEAN AND THE OTHER CLEAN, AND HE TOUCHED BOTH OF THEM, AND THERE IS A DOUBT WHETHER THE UNCLEAN HAND TOUCHED THE UNCLEAN LOAF OR WHETHER THE CLEAN HAND TOUCHED THE CLEAN LOAF OR WHETHER THE CLEAN HAND TOUCHED THE UNCLEAN LOAF OR WHETHER THE UNCLEAN HAND TOUCHED THE CLEAN LOAF, THE HANDS REMAIN IN THE SAME STATE AS THEY WERE BEFORE AND THE LOAVES REMAIN IN THE SAME STATE AS THEY WERE BEFORE.

(1) **נטל** an elliptical expression for **נטל מים על ידיו** cf. Levy op. cit. According to Strack, Einleitung in Talmud und Midrash, elliptic for **נטילת כלי לתן על הידים** i.e., lifting the vessel in order to pour water over the hands. Some derive it from **נטלא**, the name for the vessel used for pouring out the water. Cf. Frankel, Aramaische Fremdwörter in Arabischen, p. 65. The root **נטל** however, occurs in Biblical Hebrew. Cf. B.D.B. p. 642, with the meaning, to lift; and cf. note to supra I, **נוטלין לידיים**.

(2) Even if there be less than a quarter of a log of water in the vessel. This is the case when he is not the first person to wash his hands from the water but washes them from the 'residue of the requisite quantity' necessary. Cf. supra I, 1. The one hand nevertheless becomes clean with a single rinsing and a second pouring out is unnecessary. But if he pours out the water over both his hands with a single rinsing, even though the water be the residue of the requisite quantity it is not sufficient and he must pour the water over his hands a second time as far as the wrist.

(3) R. Meir is of the opinion that a second pouring of water over the hands is only necessary if there was less than a quarter of a log of water poured out on the first occasion. Cf. Asheri ad loc.

(4) V. Glos.

(5) I.e., if he has poured out a quarter of a log over his hands the first time and the loaf of terumah fell in the water as it lay on the ground, or if he touched it whilst his hands were still wet, or before he poured the second water over his hands, the loaf is nevertheless clean since his hands have been cleansed by the first water which was a quarter of a log in quantity.

(6) Since the water itself is unclean.

(7) Being less than a quarter of a log in quantity. This is the case when the water is the residue of the 'requisite quantity'. v. supra I, 2. If it were more than a quarter of a log in quantity, the loaf of terumah would remain clean if it touched the first water. Cf supra II, 1.

(8) I.e., it fell on the spot where the first water had fallen.

(9) Because the second water is clean.

(10) Because the second water only makes the first water on the hands clean but not the water on the ground. V. infra.

(11) They are unclean even if he pours the second water over them, because the water on the splinter or on the piece of gravel becomes unclean by being in contact with the hands, and the second water only makes the first water clean and not the water on the splinter or on the piece of gravel, which consequently makes his hands unclean. Maim: The splinter or gravel forms an interposition and consequently the second water does not cleanse his hands.

(12) Water-creatures such as, for example, water-gnats are treated as water.

(13) All the regulations relating to the uncleanness of hands apply up to the wrist. Consequently in this case the second water makes the first water on the hands clean as far as the wrist only, and as the first water did not flow beyond the wrist the part of the second water beyond the wrist does not come into contact with it, nor does it become unclean by coming into contact with that part of the hand beyond the wrist, and therefore the hands become clean.

(14) Beyond the wrist the second water cannot cleanse the first water, and since the second water comes there into contact with the first water, the hands remain unclean; cf. Sot. 4b.

(15) I.e., if he poured the first water over each hand separately and then poured the second water over both hands held

together. The first water on each hand becomes unclean on coming into contact with the unclean water on the other hand, and so conveys uncleanness to each hand. The second water therefore does not cleanse them since each hand is still unclean. Maim. ad loc. explains that he poured the first water on one hand only and poured the second water over both hands held together. The second water becomes unclean on being poured over the other unclean hand, and therefore does not cleanse the hands.

(16) Since the other hand is unclean and therefore conveys uncleanness to the water on the hand when he touches it.

(17) In order to dry the hands.

(18) Cf. supra 1, 3.

(19) I.e., unclean for the purpose of pouring the water over the hands.

(20) I.e., the Sages; cf. Toh. IV. 7.

(21) Unclean food conveys uncleanness to the hands. Cf. infra III, 2.

(22) I.e., loaves of terumah which are rendered unfit if touched by the hands. Cf. infra III, 1.

Mishna - Mas. Yadayim Chapter 3

MISHNAH 1. IF A PERSON PUTS HIS HANDS INSIDE A HOUSE SMITTEN WITH LEPROSY,¹ HIS HANDS BECOME UNCLEAN IN THE FIRST DEGREE.² [THESE ARE] THE WORDS OF R. AKIBA. BUT THE SAGES SAY: HIS HANDS BECOME UNCLEAN IN THE SECOND DEGREE. WHOEVER CONVEYS UNCLEANNESSTO THE GARMENTS AT THE TIME WHEN HE TOUCHES [THE UNCLEANNESSTO]³ CONVEYS A FIRST DEGREE OF UNCLEANNESSTO THE HANDS.⁴ [THESE] ARE THE WORDS OF R. AKIBA. BUT THE SAGES SAY: IN SUCH A CASE HE CONVEYS A SECOND DEGREE OF UNCLEANNESSTO. THEY SAID TO R. AKIBA: WHERE DO WE FIND ANYWHERE THAT THE HANDS BECOME UNCLEAN IN THE FIRST DEGREE? HE SAID TO THEM: BUT HOW IS IT POSSIBLE FOR THEM TO BECOME UNCLEAN IN THE FIRST DEGREE WITHOUT HIS WHOLE BODY BECOMING UNCLEAN,⁵ SAVE ONLY IN THESE CASES?⁶ FOODSTUFFS AND VESSELS WHICH HAVE BEEN RENDERED UNCLEAN BY LIQUIDS CONVEY A SECOND DEGREE OF UNCLEANNESSTO THE HANDS. [THESE ARE] THE WORDS OF R. JOSHUA. BUT THE SAGES SAY: THAT WHICH HAS BEEN RENDERED UNCLEAN BY A FATHER OF UNCLEANNESSTO CONVEYS UNCLEANNESSTO THE HANDS, BUT THAT WHICH HAS BEEN RENDERED UNCLEAN BY AN OFFSPRING OF UNCLEANNESSTO⁷ DOES NOT CONVEY UNCLEANNESSTO THE HANDS. R. SIMEON B. GAMALIEL SAID: A PRACTICAL INSTANCE OCCURRED WHEN A CERTAIN WOMAN CAME BEFORE MY FATHER AND SAID TO HIM, MY HANDS PROTRUDED INTO THE AIR-SPACE INSIDE AN EARTHENWARE VESSEL.⁸ HE SAID TO HER: MY DAUGHTER, WHAT WAS THE CAUSE OF ITS UNCLEANNESSTO?⁹ BUT I DID NOT HEAR WHAT SHE SAID TO HIM. THE SAGES SAID: THE MATTER IS CLEAR. THAT WHICH HAS BEEN RENDERED UNCLEAN BY A 'FATHER OF UNCLEANNESSTO' CONVEYS UNCLEANNESSTO THE HANDS, BUT IF BY AN OFFSPRING OF UNCLEANNESSTO' IT DOES NOT CONVEY UNCLEANNESSTO THE HANDS.

MISHNAH 2. EVERYTHING WHICH RENDERS TERUMAH UNFIT¹⁰ CONVEYS A SECOND DEGREE OF UNCLEANNESSTO THE HANDS.¹¹ ONE [UNWASHED] HAND CAN CONVEY UNCLEANNESSTO THE OTHER HAND. [THESE¹¹ ARE] THE WORDS OF R. JOSHUA.¹¹ BUT THE SAGES SAY: THAT WHICH IS IN THE SECOND DEGREE OF UNCLEANNESSTO CANNOT CONVEY A SECOND DEGREE OF UNCLEANNESSTO. HE SAID TO THEM: BUT DO NOT THE HOLY SCRIPTURES WHICH ARE IN THE SECOND DEGREE OF UNCLEANNESSTO¹² RENDER UNCLEAN THE HANDS?¹³ THEY SAID TO HIM: THE LAWS OF THE TORAH MAY NOT BE ARGUED FROM THE LAWS OF THE SCRIBES, NOR MAY THE LAWS OF THE SCRIBES BE ARGUED FROM THE LAWS OF THE TORAH, NOR MAY THE LAWS OF THE SCRIBES BE ARGUED FROM [OTHER] LAWS OF THE SCRIBES.¹⁴

MISHNAH 3. THE STRAPS OF THE TEFILLIN¹⁵ [WHEN CONNECTED] WITH THE TEFILLIN RENDER UNCLEAN THE HANDS.¹⁶ R. SIMEON SAYS: THE STRAPS OF THE TEFILLIN DO NOT RENDER UNCLEAN THE HANDS.

MISHNAH 4. THE MARGIN ON A SCROLL¹⁷ WHICH IS ABOVE¹⁸ OR BELOW OR AT THE BEGINNING¹⁹ OR AT THE END RENDERS UNCLEAN THE HANDS. R. JUDAH SAYS: THE MARGIN AT THE END DOES NOT RENDER UNCLEAN [THE HANDS] UNTIL A HANDLE IS FASTENED TO IT.²⁰

MISHNAH 5. A SCROLL²¹ ON WHICH THE WRITING HAS BECOME ERASED AND EIGHTY-FIVE LETTERS REMAIN THEREON, AS MANY AS ARE IN THE SECTION BEGINNING, 'AND IT CAME TO PASS WHEN THE ARK SET FORWARD', ETC.²² RENDERS UNCLEAN THE HANDS. A SINGLE SHEET²³ ON WHICH THERE ARE WRITTEN EIGHTY-FIVE LETTERS, AS MANY AS ARE IN THE SECTION BEGINNING, 'AND IT CAME TO PASS WHEN THE ARK SET FORWARD', RENDERS UNCLEAN THE HANDS. ALL THE HOLY WRITINGS²⁴ RENDER UNCLEAN THE HANDS. THE SONG OF SONGS AND ECCLESIASTES RENDER UNCLEAN THE HANDS.²⁵ R. JUDAH SAYS: THE SONG OF SONGS RENDERS UNCLEAN THE HANDS, BUT THERE IS A DISPUTE ABOUT ECCLESIASTES.²⁶ R. JOSE SAYS: ECCLESIASTES DOES NOT RENDER UNCLEAN THE HANDS, BUT THERE IS A DISPUTE ABOUT THE SONG OF SONGS. R. SIMEON SAYS: [THE RULING ABOUT] ECCLESIASTES IS ONE OF THE LENIENCIES OF BETH SHAMMAI AND ONE OF THE STRINGENCIES OF BETH HILLEL.²⁶ R. SIMEON B. AZZAI SAID: I RECEIVED A TRADITION FROM THE SEVENTY-TWO²⁷ ELDERS ON THE DAY WHEN THEY APPOINTED R. ELEAZAR B. AZARIAH HEAD OF THE ACADEMY²⁸ THAT THE SONG OF SONGS AND ECCLESIASTES RENDER UNCLEAN THE HANDS. R. AKIBA SAID: FAR BE IT! NO MAN IN ISRAEL DISPUTED ABOUT THE SONG OF SONGS [BY SAYING] THAT IT DOES NOT RENDER UNCLEAN THE HANDS. FOR THE WHOLE WORLD IS NOT AS WORTHY AS THE DAY ON WHICH THE SONG OF SONGS WAS GIVEN TO ISRAEL; FOR ALL THE WRITINGS ARE HOLY BUT THE SONG OF SONGS IS THE HOLY OF HOLIES. SO THAT IF THEY HAD A DISPUTE, THEY HAD A DISPUTE ONLY ABOUT ECCLESIASTES. A. JOHANAN B. JOSHUA THE SON OF THE FATHER-IN-LAW OF R. AKIBA SAID: IN ACCORDANCE WITH THE WORDS OF BEN AZZAI SO THEY DISPUTED,²⁹ AND SO THEY REACHED A DECISION.³⁰

(1) V. Neg. XII-XIII.

(2) The house smitten with leprosy is a 'father of uncleanness' and therefore according to R. Akiba conveys uncleanness of the first degree to the hands.

(3) I.e., where one touches any of the uncleannesses specified in Zab. V. 7: e.g., the spittle of a zab.

(4) Although he who had come into contact with such uncleanness does not convey further uncleannesses to a man.

(5) For to suffer firstgrade uncleanness one must have contracted it from a 'father of uncleanness'; but if the hands had come into contact with such a grade of uncleanness the whole body becomes unclean.

(6) Which are exceptions.

(7) Liquids are 'offsprings of uncleanness'.

(8) Which had been rendered unclean.

(9) Was it rendered unclean by a 'father of uncleanness' or by an 'offspring of uncleanness', such as a liquid?

(10) Terumah is rendered unfit by anything which is in the second degree of uncleanness. Cf. Zab. V, 12 and supra III, 1, n. 2. They are enumerated in the eighteen decrees of Beth Shammai. Cf. Shab. 14a.

(11) Both statements are by R. Joshua.

(12) Among the eighteen decrees enacted by Beth Shammai was that the Holy Scriptures rendered terumah unfit on coming into contact with it; the reason being that the priests stored the terumah side by side with the Scrolls of the Holy Scriptures with the result that the mice which gnawed the terumah nibbled also at the Scrolls. The object of this decree was to prevent this desecration. Cf. Shab. 14a and Rashi loc. cit. Holy Scriptures were thus declared to be in the second

degree of uncleanness so as to render terumah unfit.

(13) In order to ensure that the Holy Scriptures would not be touched by the bare hands, it was further enacted that hands which touched a Scroll of the Scriptures became unclean in the second degree and therefore rendered terumah unfit. Cf. Shab. 14a and Tosaf. s. v. **הַשְּׂוֹתָהוּ**.

(14) The Scribes, i.e., Solomon, enacted that hands must be cleansed since they convey uncleanness, v. Introduction. The Scribes, i.e. the Rabbis, enacted that the Holy Scriptures convey uncleanness. Hence one cannot deduce that just as in the case of the Holy Scriptures a second degree of uncleanness conveys a second degree of uncleanness, so in the case of other defilements, a second degree of uncleanness conveys a second degree.

(15) V. Glos.

(16) The tefillin contain four sections of the Pentateuch. The Sages thus extend the principle that hands which have touched the Holy Scriptures render terumah unfit.

(17) I.e., a scroll of a Book of the Holy Scriptures.

(18) I.e., above the writing on the scroll. The width of the margin above must be three fingerbreadths and the width of that below must be one span. Cf. Men. 30a.

(19) At the beginning of the scroll there must be a margin sufficient in width for winding round the cylinder, and at the end there must be a margin sufficient for winding round the whole circumference of the scroll when it is rolled up; cf. B. B. 13a.

(20) R. Judah is of the opinion that until a handle is fastened to the scroll the margin at the end has no holiness attached to it, as it can be cut away if desired.

(21) Sc. of the Pentateuch.

(22) Num. X, 35-36. These two verses were considered to constitute a separate Book, of Shab. 116a.

(23) One of the sheets of a Pentateuch scroll. Lit., 'a scroll'.

(24) I.e., not only the Books of the Pentateuch but also the Prophetical Books and the Hagiographa.

(25) Since they are part of the Holy Scriptures.

(26) The earliest discussion as to whether Ecclesiastes should be regarded as a sacred book took place between Beth Shammai and Beth Hillel. According to the former, Ecclesiastes did not convey uncleanness to the hands, i.e., was not to be regarded as a sacred work and therefore not to be included in the Canon, but according to Beth Hillel it did convey uncleanness to the hands and therefore was to be included in the Canon; cf. 'Ed. V, 3. The basis of Beth Shammai's contention was evidently that recorded in Shab. 30b where it is stated that the Sages did not intend to include Ecclesiastes in the Canon of the Bible, because its statements seemed to contradict one another. They finally decided to include it because it begins and ends with words which indicate its sacred character. A further reason which supports the view of Beth Shammai is given by R. Simeon b. Menasyah who expressed the view that the Song of Songs conveyed uncleanness to the hands because it was inspired by the Holy Spirit, whereas Ecclesiastes was inspired solely by the Wisdom of Solomon himself. Cf. Tosef. ad loc. and Meg. 7a.

(27) The Greater Sanhedrin consisted of seventy-one members; of. Sanh. I, 6. Various suggestions have been made to account for the additional one member referred to in this Mishnah. According to Tosaf. Sanh. 16b s. v. **מִטְּוֹ** there was an additional member of the Sanhedrin known as the Mufla, i.e., the distinguished member of the Sanhedrin who was first in authority. Lauterbach suggests that the number seventy-two included both Rabban Gamaliel and K. Eleazar b. 'Azariah. Cf. J. E. s. v. Sanhedrin and Ber. 28a.

(28) V. Ber. 27b.

(29) About both the Song of Songs and Ecclesiastes.

(30) That both render unclean the hands.

Mishna - Mas. Yadayim Chapter 4

MISHNAH 1. ON THAT DAY¹ THE VOTES WERE COUNTED AND THEY DECIDED THAT A FOOTBATH HOLDING FROM TWO LOGS TO NINE KABS² WHICH WAS CRACKED COULD CONTRACT MIDRAS³ UNCLEANNESS. BECAUSE R. AKIBA SAID A FOOTBATH [MUST BE CONSIDERED] ACCORDING TO ITS DESIGNATION.⁴

MISHNAH 2. ON THAT DAY THEY SAID: ALL ANIMAL SACRIFICES⁵ WHICH HAVE BEEN SACRIFICED UNDER THE NAME OF SOME OTHER OFFERING⁶ ARE

[NEVERTHELESS] VALID,⁷ BUT THEY ARE NOT ACCOUNTED TO THEIR OWNERS AS A FULFILMENT OF THEIR OBLIGATIONS,⁸ WITH THE EXCEPTION OF THE PASCHAL-OFFERING⁹ AND THE SIN-OFFERING.⁹ [THIS APPLIES TO] THE PASCHAL-OFFERING IN ITS DUE TIME¹⁰ AND TO THE SIN-OFFERING AT ANY TIME. R. ELIEZER SAYS: [WITH THE EXCEPTION] ALSO OF THE GUILT-OFFERING.¹¹ [SO THAT THIS APPLIES TO] THE PASCHAL-OFFERING IN ITS DUE TIME AND TO THE SIN- AND GUILT-OFFERINGS AT ANY TIME. R. SIMEON B. AZZAI SAID: I RECEIVED A TRADITION FROM THE SEVENTY-TWO ELDERS ON THE DAY WHEN THEY APPOINTED R. ELEAZAR B. AZARIAH HEAD OF THE COLLEGE THAT ALL ANIMAL SACRIFICES WHICH ARE EATEN AND WHICH HAVE NOT BEEN SACRIFICED UNDER THEIR OWN NAME ARE NEVERTHELESS VALID, BUT THEY ARE NOT ACCOUNTED TO THEIR OWNERS AS A FULFILMENT OF THEIR OBLIGATIONS, WITH THE EXCEPTION OF THE PASCHAL-OFFERING AND THE SIN-OFFERING. BEN AZZAI ONLY ADDED [TO THESE EXCEPTIONS] THE BURNT-OFFERING, BUT THE SAGES DID NOT AGREE WITH HIM.

MISHNAH 3. ON THAT DAY THEY SAID: WHAT IS THE LAW APPLYING TO AMMON AND MOAB IN THE SEVENTH YEAR?¹² R. TARFON DECREED TITHE FOR THE POOR,¹³ AND R. ELEAZAR B. AZARIAH DECREED SECOND TITHE.¹⁴ R. ISHMAEL SAID: ELEAZAR B. 'AZARIAH, THE ONUS IS UPON YOU TO PRODUCE YOUR PROOF BECAUSE YOU ARE EXPRESSING THE STRICTER VIEW;¹⁵ FOR THE ONUS IS UPON THE PERSON WHO EXPRESSES A STRICTER VIEW TO PRODUCE THE PROOF. R. ELEAZAR B. AZARIAH SAID TO HIM: ISHMAEL, MY BROTHER, I HAVE NOT DEVIATED FROM THE SEQUENCE OF YEARS,¹⁶ TARFON, MY BROTHER, HAS DEVIATED THEREFROM AND THE ONUS IS UPON HIM TO PRODUCE THE PROOF. R. TARFON ANSWERED: EGYPT IS OUTSIDE THE LAND OF ISRAEL, AMMON AND MOAB ARE OUTSIDE THE LAND OF ISRAEL: JUST AS EGYPT MUST GIVE TITHE FOR THE POOR IN THE SEVENTH YEAR,¹⁷ SO MUST AMMON AND MOAB GIVE TITHE FOR THE POOR IN THE SEVENTH YEAR. R. ELEAZAR B. 'AZARIAH ANSWERED: BABYLON IS OUTSIDE THE LAND OF ISRAEL, AMMON AND MOAB ARE OUTSIDE THE LAND OF ISRAEL: JUST AS BABYLON MUST GIVE SECOND TITHE IN THE SEVENTH YEAR,¹⁸ SO MUST AMMON AND MOAB GIVE SECOND TITHE IN THE SEVENTH YEAR. R. TARFON SAID: ON EGYPT WHICH IS NEAR, THEY IMPOSED TITHE FOR THE POOR SO THAT THE POOR OF ISRAEL MIGHT BE SUPPORTED THEREBY DURING THE SEVENTH YEAR; SO ON AMMON AND MOAB WHICH ARE NEAR, WE SHOULD IMPOSE TITHE FOR THE POOR SO THAT THE POOR OF ISRAEL MAY BE SUPPORTED THEREBY DURING THE SEVENTH YEAR. R. ELEAZAR B. 'AZARIAH SAID TO HIM: BEHOLD, THOU ART LIKE A PERSON WHO WOULD BENEFIT THEM WITH GAIN, YET THOU ART REALLY AS ONE WHO CAUSES SOULS TO PERISH. WOULDST THOU ROB THE HEAVENS SO THAT DEW OR RAIN SHOULD NOT DESCEND?¹⁹ AS IT IS SAID, WILL A MAN ROB GOD? YET YE ROB ME. BUT YE SAY WHEREIN HAVE WE ROBBED THEE? IN TITHES AND HEAVE-OFFERINGS.²⁰ R. JOSHUA SAID: BEHOLD, I SHALL BE AS ONE WHO REPLIES ON BEHALF OF TARFON, MY BROTHER, BUT NOT IN ACCORDANCE WITH THE SUBJECT MATTER OF HIS ARGUMENTS. THE LAW REGARDING EGYPT IS A NEW ACT AND THE LAW REGARDING BABYLON IS AN OLD ACT, AND THE LAW WHICH IS BEING ARGUED BEFORE US IS A NEW ACT. A NEW ACT SHOULD BE ARGUED FROM [ANOTHER] NEW ACT, BUT A NEW ACT SHOULD NOT BE ARGUED FROM AN OLD ACT. THE LAW REGARDING EGYPT IS THE ACT OF THE ELDERS AND THE LAW REGARDING BABYLON IS THE ACT OF THE PROPHETS, AND THE LAW WHICH IS BEING ARGUED BEFORE US²¹ IS THE ACT OF THE ELDERS. LET ONE ACT OF THE ELDERS BE ARGUED FROM [ANOTHER] ACT OF THE ELDERS, BUT LET NOT AN ACT OF THE ELDERS BE ARGUED FROM AN ACT OF THE PROPHETS. THE VOTES WERE COUNTED AND THEY DECIDED THAT AMMON AND MOAB SHOULD GIVE TITHE FOR THE POOR IN THE

SEVENTH YEAR. AND WHEN R. JOSE B. DURMASKITH²² VISITED R. ELIEZER²³ IN LYDDA HE SAID TO HIM: WHAT NEW THING DID YOU HAVE IN THE HOUSE OF STUDY TO-DAY? HE SAID TO HIM: THEIR VOTES WERE COUNTED AND THEY DECIDED THAT AMMON AND MOAB MUST GIVE TITHE FOR THE POOR IN THE SEVENTH YEAR. R. ELIEZER WEPT AND SAID: THE COUNSEL OF THE LORD IS WITH THEM THAT FEAR HIM: AND HIS COVENANT, TO MAKE THEM KNOW IT.²⁴ GO AND TELL THEM: DO NOT HAVE ANY APPREHENSION ON ACCOUNT OF YOUR VOTING. I RECEIVED A TRADITION FROM R. JOHANAN B. ZAKKAI WHO HEARD IT FROM HIS TEACHER, AND HIS TEACHER FROM HIS TEACHER, AND SO BACK TO AN HALACHAH GIVEN TO MOSES FROM SINAI,²⁵ THAT AMMON AND MOAB MUST GIVE TITHE FOR THE POOR IN THE SEVENTH YEAR.

MISHNAH 4. ON THAT DAY JUDAH, AN AMMONITE PROSELYTE, CAME AND STOOD BEFORE THEM IN THE HOUSE OF STUDY. HE SAID TO THEM: HAVE I THE RIGHT TO ENTER INTO THE ASSEMBLY?²⁶ RABBAN GAMALIEL SAID TO HIM: THOU ART FORBIDDEN. R. JOSHUA SAID TO HIM: THOU ART PERMITTED. RABBAN GAMALIEL SAID TO HIM: THE SCRIPTURAL VERSE SAYS, AN AMMONITE OR A MOABITE SHALL NOT ENTER INTO THE ASSEMBLY OF THE LORD: EVEN TO THE TENTH GENERATION, ETC.²⁷ R. JOSHUA SAID TO HIM: BUT ARE THE AMMONITES AND MOABITES STILL IN THEIR OWN TERRITORY? SENNACHERIB, THE KING OF ASSYRIA, HAS LONG SINCE COME UP AND MINGLED ALL THE NATIONS, AS IT IS SAID: IN THAT I HAVE REMOVED THE BOUNDS OF THE PEOPLES, AND HAVE ROBBED THEIR TREASURES, AND HAVE BROUGHT DOWN AS ONE MIGHTY THE INHABITANTS.²⁸ RABBAN GAMALIEL SAID TO HIM: THE SCRIPTURAL VERSE SAYS, BUT AFTERWARD I WILL BRING BACK THE CAPTIVITY OF THE CHILDREN OF AMMON,²⁹ SO THAT THEY HAVE ALREADY RETURNED. R. JOSHUA SAID TO HIM: THE SCRIPTURAL VERSE SAYS, I WILL TURN THE CAPTIVITY OF MY PEOPLE ISRAEL AND JUDAH.³⁰ YET THEY HAVE NOT ALREADY RETURNED. SO THEY PERMITTED HIM TO ENTER THE ASSEMBLY.

MISHNAH 5. THE ARAMAIC SECTIONS IN EZRA AND DANIEL RENDER UNCLEAN THE HANDS.³¹ IF AN ARAMAIC SECTION WAS WRITTEN³² IN HEBREW, OR A HEBREW SECTION WAS WRITTEN³² IN ARAMAIC, OR HEBREW SCRIPT,³³ IT³⁴ DOES NOT RENDER UNCLEAN THE HANDS. IT NEVER RENDERS UNCLEAN THE HANDS UNTIL IT IS WRITTEN IN THE ASSYRIAN SCRIPT,³⁵ ON HIDE, AND IN INK.

MISHNAH 6. THE SADDUCEES SAY: WE COMPLAIN AGAINST YOU, O YE PHARISEES, BECAUSE YOU SAY THAT THE HOLY SCRIPTURES RENDER UNCLEAN THE HANDS,³⁶ BUT THE BOOKS OF HAMIRAM³⁷ DO NOT CONVEY UNCLEANNESS TO THE HANDS. R. JOHANAN B. ZAKKAI SAID: HAVE WE NOTHING AGAINST THE PHARISEES EXCEPTING THIS?³⁸ BEHOLD THEY SAY THAT THE BONES OF AN ASS ARE CLEAN, YET THE BONES OF JOHANAN³⁹ THE HIGH PRIEST ARE UNCLEAN.⁴⁰ THEY SAID TO HIM: PROPORTIONATE TO THE LOVE FOR THEM, SO IS THEIR UNCLEANNESS, SO THAT NOBODY SHOULD MAKE SPOONS OUT OF THE BONES OF HIS FATHER OR MOTHER. HE SAID TO THEM: SO ALSO THE HOLY SCRIPTURES; PROPORTIONATE TO THE LOVE FOR THEM, SO IS THEIR UNCLEANNESS. THE BOOKS OF HAMIRAM WHICH ARE NOT PRECIOUS DO NOT CONVEY UNCLEANNESS TO THE HANDS.⁴¹

MISHNAH 7. THE SADDUCEES SAY: WE COMPLAIN AGAINST YOU, O YE PHARISEES, THAT YOU DECLARE AN UNINTERRUPTED FLOW OF A LIQUID TO BE CLEAN.⁴² THE PHARISEES SAY: [DO] WE COMPLAIN AGAINST YOU, O YE SADDUCEES, THAT YOU DECLARE A STREAM OF WATER WHICH FLOWS FROM THE BURIAL-GROUND TO BE CLEAN?⁴³ THE SADDUCEES SAY: WE COMPLAIN AGAINST YOU, O YE PHARISEES, IN

THAT YOU SAY, MY OX OR ASS WHICH HAS DONE INJURY IS LIABLE,⁴⁴ YET MY MANSERVANT OR MAIDSERVANT WHO HAS DONE INJURY IS NOT LIABLE'.⁴⁵ NOW IF IN THE CASE OF MY OX OR MY ASS' FOR WHICH I AM NOT RESPONSIBLE IF THEY DO NOT FULFIL RELIGIOUS DUTIES,⁴⁶ YET I AM RESPONSIBLE FOR THEIR DAMAGE, IN THE CASE OF MY MANSERVANT OR MAIDSERVANT FOR WHOM I AM RESPONSIBLE TO SEE THAT THEY FULFIL RELIGIOUS DUTIES,⁴⁷ HOW MUCH MORE SO THAT I SHOULD BE RESPONSIBLE FOR THEIR DAMAGE? THEY SAID TO THEM: NO, IF YOU ARGUE ABOUT MY OX OR MY ASS' WHICH HAVE NO UNDERSTANDING, CAN YOU DEDUCE ANYTHING THEREFROM CONCERNING MY MANSERVANT OR MAIDSERVANT WHO HAVE UNDERSTANDING? SO THAT IF I WERE TO ANGER EITHER OF THEM THEY WOULD GO AND BURN ANOTHER PERSON'S STACK AND I SHOULD BE LIABLE TO MAKE RESTITUTION?⁴⁸

MISHNAH 8. A GALILEAN SADDUCEE⁴⁹ SAID: I COMPLAIN AGAINST YOU, O YE PHARISEES, THAT YOU WRITE THE NAME OF THE RULER AND THE NAME OF MOSES TOGETHER ON A BILL OF DIVORCEMENT.⁵⁰ THE PHARISEES SAID: [DO] WE COMPLAIN AGAINST YOU, O GALILEAN SADDUCEE, THAT YOU WRITE THE NAME OF THE RULER TOGETHER WITH THE DIVINE NAME ON A SINGLE PAGE? AND FURTHERMORE THAT YOU WRITE THE NAME OF THE RULER ABOVE AND THE DIVINE NAME BELOW? AS IT IS SAID, AND PHAROAH SAID, WHO IS THE LORD THAT I SHOULD HEARKEN UNTO HIS VOICE TO LET ISRAEL GO?⁵¹ BUT WHEN HE WAS SMITTEN WHAT DID HE SAY? THE LORD IS RIGHTEOUS.⁵²

(1) I.e., on the day when they appointed R. Eleazar b. 'Azariah head of the Academy after Rabban Gamaliel had been deposed. V. supra III, 4. Wherever the words **בו ביום** occur, this day is meant. V. Ed. (Sonc. ed.) Introduction.

(2) A kab is a measure of capacity equal in quantity to four logs.

(3) V. Glos. A footbath which was cracked and therefore could no longer hold any water was used for sitting on. Cf. Maim. on Kel. XX, 5. It therefore comes within the category of a 'utensil' and is thus liable to contract midras uncleanness. Cf. Lev. XV, 4.

(4) I.e. as a footbath only and does not come within the category of a 'utensil', and thus does not contract midras uncleanness.

(5) Cf. Zeb. I. 1.

(6) E.g., if an animal brought as a burnt-offering is offered as a peace-offering.

(7) I.e. the blood must nevertheless be sprinkled on the altar and the relevant portions burnt on the altar or eaten.

(8) He must still bring the offering which he vowed to offer; cf. Deut. XXIII, 24, That which is gone out of thy lips thou shalt observe and do. V. Zeb. 2a.

(9) Which if sacrificed under the name of another offering are invalid; v. Zeb. 7b.

(10) I.e., if the Paschal-offering is sacrificed on the eve of Passover under the name of another offering it is invalid; but if it be offered up before mid-day of the fourteenth of Nisan or after the eve of Passover it is considered a peace-offering and all the laws appertaining to peace-offerings apply. Cf. Zeb. 8a.

(11) Cf. Lev. VII, 1.

(12) I.e., which tithe must Israelites living in these countries give in the Sabbatical year? Tithe is payable from harvest reaped in the seventh year in countries outside the Land of Israel. Cf. Sheb. VI, 1. In the Land of Israel itself no harvest was permitted to be reaped in the seventh year (cf. Lev. XXV, 4ff.) and therefore no tithe was payable.

(13) Tithe given to the poor every third and sixth year of a cycle of seven years. Cf. Deut. XIV, 28ff.

(14) Tithe given every first, second, fourth and fifth year of a cycle of seven years. Second tithe had to be consumed in Jerusalem, (Deut. XIV, 22ff.) or redeemed by its equivalent in money plus one-fifth of its value (Lev. XXVII, 30f). The latter sum had to be spent on food and drink in Jerusalem (Deut. XIV, 26).

(15) Since second tithe is consecrated, being eaten only in Jerusalem, but tithe for the poor is unconsecrated. Cf. Maim. ad loc.'

(16) Second tithe is ordinarily given in the year following that in which tithe for the poor is given. Since tithe for the poor is given in the sixth year of the seven years' cycle, it follows that in countries outside the Land of Israel second

tithe should be given in the seventh year.

(17) An ordinance of the Elders who lived after the time of Ezra.

(18) An ordinance of the Prophets.

(19) Cf. Mal. III, 10.

(20) Ibid. III, 8.

(21) That of Ammon and Moab.

(22) I.e., of Damascus. Cf. A.T. 393ff.

(23) R. Eliezer had been placed under the ban (cf. B. M. 59b). He was thus unable to participate in the discussions which took place in the House of Study.

(24) Ps. XXV, 14.

(25) I.e., an ancient ordinance.

(26) I.e., can marry an Israelite woman? Cf. Yeb. VIII, 3.

(27) Deut. XXIII, 4.

(28) Isa. X, 13; said by the boastful king of Assyria. It can therefore no longer be said that anyone born in Ammon is a real Ammonite, as he is a descendant of mixed races.

(29) Jer. XLIX, 6.

(30) Jer. XXX, 3.

(31) Since they are part of the Holy Scriptures.

(32) I.e., translated.

(33) **כתב עברי** Hebrew Script. This is the name given to the older form of the Hebrew alphabet which was used by the Hebrews, Moabites, and Phoenicians. It was angular in shape, and can be seen on the Moabite stone and on various Hebrew inscriptions discovered in Samaria, Gezer and Siloam. The 'Hebrew Script' was replaced by the 'Assyrian Script' i.e., the square alphabet now in use. This was introduced by Ezra, and was so called because (a) it was brought back from Assyria, or (b) because its characters are straight in form, **שמאזשרת בכתב**. Cf. Sanh. 21b and 22a and notes in Sonc. ed. a. l.

(34) I.e., a book of the Holy Scriptures.

(35) I.e., the square characters.

(36) Cf. supra II, 2.

(37) The meaning of this word is obscure. The Mishnah is evidently referring to a well known example of secular writings. Aruch offers three explanations s. v. **מרום** viz., (a) heretical books, from **מור** to change: (b) the books of **מרום** the name of a heretic (so also Maim. and Rosh reading **מירם**): (c) books of Greek wisdom called in Greek, Homeros. Many scholars have suggested that it refers to the works of Homer. Kohut in the J. Q. R. Vol. III 546-548, who collects all the various conjectures, himself suggests pleasure, entertainment, i.e., books of entertainment.

(38) Speaking ironically.

(39) Evidently the Johanan referred to in Ber. 29a as having become a Sadducee after eighty years' service as High Priest.

(40) The Sadducees accepted the principle that the bones of an ass are clean whereas those of the human being are unclean.

(41) R. Johanan answered the Sadducees by using the principle which they themselves accepted.

(42) Cf. Maksh. V, 9. If a liquid is poured from a clean vessel into an unclean vessel, the liquid remaining in the former vessel remains clean, as the uninterrupted flow does not form a connective.

(43) Cf. Mik. I. 4. The Sadducees agreed that this was the case. On this controversy v. Finkelstein, The Pharisees II, p. 638.

(44) I.e., I am responsible for the damage they do. Cf. Ex. XXI, 35. The Sadducees did not dispute this, as it is expressly stated in the Torah.

(45) Cf. B.K. VIII, 4. Not being expressly 'stated in the Torah, the Sadducees did not accept this.

(46) Since the Torah does not enjoin religious duties on animals.

(47) E.g., to see that they do not work on the Sabbath.

(48) Hence the law provides that I should not be liable for the damage they do. On this controversy v. Finkelstein L. op. cit. II, p. 684.

(49) Var. lec. a Galilean min (v. Glos.). Finkelstein (op. cit. p. 645) holds the heretic involved to have been a Galilean Nationalist who opposed the recognition of the non-Davidic and of the Roman rulers in Jewish ceremonial.

(50) The bill of divorcement began with the date which stated the year of the rule of the reigning king. It ended with the words, 'in accordance with the religion of Moses and of Israel'. According to this Sadducee, the mention of both names on the one document was derogatory to Moses.

(51) Ex. V, 2. I.e., it is not in the least derogatory since in the Scriptures the name of the ruler is mentioned even before the Divine name.

(52) Ex. IX, 27. This is added so as to avoid ending the Tractate with the Previous verse which expresses defiance of God.

Mishna - Mas. Uktzin Chapter 1

MISHNAH 1. THAT WHICH SERVES AS A HANDLE,¹ THOUGH NOT ACTUALLY AS A PROTECTION,² BOTH CONTRACTS UNCLEANNESS³ AND CONVEYS UNCLEANNESS;⁴ BUT IT IS NOT INCLUDED.⁵ IF IT SERVES AS A PROTECTION THOUGH NOT AS A HANDLE,⁶ IT CONTRACTS AND CONVEYS UNCLEANNESS AND IS INCLUDED.⁷ IF IT SERVES NEITHER AS A PROTECTION NOR AS A HANDLE,⁸ IT NEITHER CONTRACTS NOR CONVEYS UNCLEANNESS.⁹

MISHNAH 2. ROOTS OF GARLIC, ONIONS OR LEEKS¹⁰ THAT ARE YET MOIST, OR THEIR TOP-PARTS,¹¹ BE THEY MOIST OR DRY, ALSO THE SCAPE THAT IS WITHIN THE EDIBLE PART,¹² THE ROOTS OF THE LETTUCE, THE RADISH AND THE TURNIP,¹³ [ARE INCLUDED]. SO R. MEIR. R. JUDAH SAYS: ONLY THE LARGE ROOTS OF THE RADISH ARE SO INCLUDED, BUT ITS FIBROUS ROOTS ARE NOT INCLUDED. THE ROOTS OF THE MINT, RUE,¹⁴ WILD HERBS AND GARDEN HERBS THAT HAVE BEEN UPROOTED IN ORDER TO BE PLANTED ELSEWHERE,¹⁵ AND THE SPINAL CORD OF AN EAR OF CORN TOGETHER WITH ITS HUSK,¹⁶ (R. ELEAZAR SAYS: ALSO THE COBWEB-LIKE COVERING OF FRUITS)¹⁷ ALL THESE THINGS CONTRACT AND CONVEY UNCLEANNESS¹⁸ AND ARE INCLUDED.¹⁹

MISHNAH 3. THE FOLLOWING BOTH CONTRACT AND IMPART UNCLEANNESS, BUT ARE NOT INCLUDED [TOGETHER WITH THE REST]: ROOTS OF GARLIC,²⁰ ONIONS OR LEEKS WHEN THEY ARE DRY, THE SCAPE THAT IS NOT WITHIN THE EDIBLE PART,²¹ THE TWIG OF A VINE,²² A HANDBREADTH LONG ON EITHER SIDE,²³ THE STEM OF THE CLUSTER, WHATSOEVER BE ITS LENGTH,²⁴ THE TAIL OF THE CLUSTER BEREFT OF GRAPES,²⁵ THE STEM OF THE 'BROOM'²⁶ OF THE PALM-TREE TO A LENGTH OF FOUR HANDBREADTHS,²⁷ THE STALK OF THE EAR [OF CORN] TO A LENGTH OF THREE HANDBREADTHS, AND THE STALK OF ALL THINGS THAT ARE CUT, TO THE LENGTH OF THREE HANDBREADTHS.²⁸ IN THE CASE OF THOSE THINGS NOT USUALLY CUT, THEIR STALKS AND ROOTS OF ANY SIZE WHATSOEVER.²⁹ AS FOR THE OUTER HUSKS OF GRAINS,³⁰ THEY BOTH CONTRACT AND IMPART UNCLEANNESS,³¹ BUT ARE NOT INCLUDED.³²

MISHNAH 4. THE FOLLOWING, HOWEVER, NEITHER CONTRACT NOR IMPART UNCLEANNESS, AND ARE NOT INCLUDED:³² THE ROOTS OF CABBAGE-STALKS,³³ YOUNG SHOOTS OF BEET GROWING OUT OF THE ROOT,³⁴ AND SUCH TURNIP-HEADS THAT ARE ORDINARILY CUT OFF BUT IN THIS CASE WERE PULLED UP [WITH THEIR ROOTS].³⁵ R. JOSE DECLARES THEM ALL SUSCEPTIBLE TO CONTRACT UNCLEANNESS,³⁶ BUT HE DECLARES INSUSCEPTIBLE CABBAGE-STALKS AND TURNIP-HEADS.³⁷

MISHNAH 5. STALKS OF ALL EDIBLES THAT HAVE BEEN THRESHED IN THE THRESHING-FLOOR ARE CLEAN;³⁸ BUT R. JOSE PRONOUNCES THEM UNCLEAR.³⁹ A SPRIG OF A VINE WHEN STRIPPED OF ITS GRAPES IS CLEAN,³⁸ BUT IF ONE GRAPE ALONE IS LEFT THEREON, IT IS UNCLEAR.⁴⁰ A TWIG OF A DATE-TREE STRIPPED OF ITS DATES IS CLEAN,⁴¹ BUT IF ONE DATE REMAINS THEREON, IT IS SUSCEPTIBLE, SIMILARLY, WITH PULSE:⁴² IF THE PODS WERE STRIPPED FROM THE STEM IT IS CLEAN, BUT IF EVEN ONE POD ALONE REMAINS, IT IS UNCLEAR. R. ELEAZAR B. 'AZARIAH DECLARES [THE STALK] OF THE BEAN CLEAN,⁴³ BUT DECLARES UNCLEAR THE STALK OF OTHER PULSE,⁴⁴ SINCE IT IS OF USE⁴⁵ WHEN [THE PULSE] IS HANDLED.⁴⁶

MISHNAH 6. STALKS OF FIGS AND DRIED FIGS, KELUSIM FIGS,⁴⁷ AND CAROBS BOTH CONTRACT AND IMPART UNCLEANNESS, AND ARE INCLUDED.⁴⁸ R. JOSE SAYS: ALSO THE STALKS OF THE GOURD,⁴⁹ OF PEARS AND PIPPINS,⁵⁰ QUINCES,⁵¹ AND CRAB-APPLES.⁵² THE STALKS OF THE GOURD⁵³ AND THE ARTICHOKE [TO THE LENGTH OF] ONE HANDBREADTH (R. ELEAZAR SON OF R. ZADOK SAYS: TWO HANDBREADTHS) — [ALL] THESE CONTRACT AND IMPART UNCLEANNESS; BUT ARE NOT INCLUDED.⁵⁴ AS FOR THE STALKS OF ALL OTHER FRUITS, THEY NEITHER CONTRACT NOR IMPART UNCLEANNESS.⁵⁵

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- (1) To fruit or plants, like the stalks of apples, grapes, plums, or a marrowless bone held in the hand in order to enjoy the meat thereon.
 - (2) Thus excluding that part of the stalk actually touching the fruit and attached to the kernel.
 - (3) For though the handle itself is not edible, but since it serves as a connective to the fruit, it is rendered unclean when the edible part suffers uncleanness.
 - (4) If the handle suffers uncleanness the edible part becomes also unclean. Derived from Lev. XI, 37 (v. Bert.).
 - (5) With the rest of the food to complete the egg's bulk necessary for the transmission of uncleanness.
 - (6) I.e., the husk of plant or fruit protecting it, which men do not grip hold of when eating; accordingly, it is regarded as part of the fruit itself.
 - (7) Which includes such things as wheat and barley in their husks used for the purpose of sowing. This is inferred from Lev. XI, 37, for were it to refer merely to the contraction and imparting of uncleanness, it would have been too obvious.
 - (8) Like the fibrous substance of fruits or vegetables.
 - (9) And, of course, cannot be included.
 - (10) With heads to them.
 - (11) The protuberance on blossom-end of fruits, having the appearance of a pestle seated in a mortar; hence the upper portion of fruit.
 - (12) I.e., the radical stem, bearing fructification, but no leaves. The scape is the central stalk of the onion, as far as it is surrounded by the edible part (v. L.).
 - (13) **רַבִּי**, a kind of radish resembling the carrot as to foliage, and the radish as to taste, cf. Kil. I, 3, 5.
 - (14) Cf Kil. I, 8: 'You must not graft rue on white cassia because it would be a combination of a herb with a tree'.
 - (15) With the result that he takes good care to see that the roots are plucked up with herbs, to which they serve as a protection.
 - (16) Which serves as a protection to the ear of corn.
 - (17) The downy growth on the tops of vegetables, resembling almost a spider's web, a view with which the halachah does not concur.
 - (18) As protection.
 - (19) To make up the required egg's bulk to impart uncleanness.
 - (20) Being dried up, they no longer serve as 'protection', but solely as 'handles'.
 - (21) V. p. 573 n. 12.
 - (22) From which a grape-cluster hangs.
 - (23) Were the branch less, it could not be called 'handle', being too slender to support a heavy cluster of grapes, and not of sufficient size of which to take a grip (L.).
 - (24) Even if this be very great. So Bert. According to L., however, even if it be smaller than a handbreadth.
 - (25) After the grapes had fallen off, the tail of the cluster need not be of the stipulated handbreadth.
 - (26) The fanshaped twig of the palm-tree which resembles a broom, with which it is possible to sweep the house; cf. Suk. 40a.
 - (27) But not more.
 - (28) The three handbreadths are thus explained: one of which the reaper takes hold, one that is left near the ears of corn, and one below, so that his hand does not receive a cut from the sickle.
 - (29) I.e., long or short, for once they have been uprooted he does not mind how much is left of the ear of corn.
 - (30) The glumes of the ears of corn; Hul. 119b.
 - (31) Since all are stalks whereby the fruit is held.
 - (32) Together with the rest to constitute the egg's bulk.

- (33) On top of the cabbage are leaves of helmet shape. These are usually thrown away.
- (34) Left in the soil when the beets are cut for others to grow.
- (35) All these serve neither as 'handles' nor as 'protection'.
- (36) Regarding them all as 'handles' to the food.
- (37) Which he agrees are of no purpose whatsoever.
- (38) Viz., not susceptible to defilement. Threshing used to be done with the aid of animals or sticks, thus rendering the stalks too weak to be considered after this as handles; Hul. 118a.
- (39) Namely susceptible to uncleanness; his contention being that they are liable to be upturned with the pitchfork together with the grain, hence they serve as handles; cf. Suk. 14a.
- (40) This one grape causes the sprig to be considered as a handle.
- (41) Not regarding this twig as a handle to the stalk of the broom.
- (42) Others render 'summer-fruits'.
- (43) Being of the large kind, they do not need the protection of the twig.
- (44) Being small, the twig of necessity acts as a kind of protection to them.
- (45) Lit., 'he desires'.
- (46) Accordingly, he wishes them to be attached to the sprig, which thus acts as a handle to them; Hul. 119a.
- (47) A species of dried figs, so Maim.; according to Rashi: a kind of pea or bean. Aliter: the fruit of the Judas tree. These were used for cooking purposes; Ned. 50a. Aliter: acorns.
- (48) To constitute the required egg's bulk, for occasionally they are eaten with the fruit.
- (49) A general name for cucumbers and pumpkins. These gourd-stalks are sometimes cooked together with the edible parts.
- (50) Kerustemilin. According to L., a kind of crab-apple; cf. Ma'as. I, 3 where it refers to the 'crustumian pear'.
- (51) Perishin (lit., 'set aside, excellent'); they are so called because there is no species of fruit so well adapted for cooking as this (J. Kil. I, 27a); cf. Suk. 31a.
- (52) Medlars, a small and shrunken fruit.
- (53) Bert. stresses that the Mishnah only refers to the Greek species of gourd; for the stalks of others are very tiny.
- (54) With the food to constitute the required amount to convey uncleanness.
- (55) Needless to say, they are not included with the rest to constitute the egg's bulk.

Mishna - Mas. Uktzin Chapter 2

MISHNAH 1. LEAVES OF OLIVES PICKLED¹ TOGETHER WITH THE OLIVES REMAIN CLEAN,² FOR THEIR PICKLING WAS ONLY FOR THE SAKE OF APPEARANCES.³ THE FIBROUS SUBSTANCE⁴ ON A CUCUMBER AND THE FLOWER-LIKE SUBSTANCE THEREIN ARE CLEAN;⁵ BUT R. JUDAH IS OF THE OPINION THAT AS LONG AS IT IS STILL LYING BEFORE THE MERCHANT, IT IS UNCLEAN.⁶

MISHNAH 2. ALL KINDS OF FRUIT-STONES BECOME UNCLEAN AND IMPART UNCLEANNESS BUT ARE NOT INCLUDED;⁷ BUT THE STONES OF FRESH DATES,⁸ EVEN WHEN DETACHED [FROM THE EDIBLE PART], ARE INCLUDED;⁹ BUT THOSE OF DRIED DATES ARE NOT INCLUDED. ACCORDINGLY, THE PERICARP¹⁰ OF DRIED DATES IS INCLUDED,¹¹ BUT THAT OF FRESH DATES IS NOT INCLUDED.¹² IF ONLY PART OF A FRUIT-STONE IS DETACHED, THEN ONLY THAT PART NEAR THE EDIBLE PORTION IS INCLUDED.¹³ [SIMILARLY] WITH A BONE ON WHICH THERE IS FLESH, ONLY THAT PART THAT IS CLOSE TO THE EDIBLE PART IS INCLUDED. [IF THE BONE] HAS FLESH ONLY UPON ONE SIDE THEREOF, R. ISHMAEL SAYS: WE TAKE IT AS THOUGH [THE FLESH] ENCOMPASSES IT LIKE A RING;¹⁴ BUT THE SAGES SAY: [ONLY] THAT PART CLOSE TO THE EDIBLE PART IS INCLUDED [AS IS THE CASE] FOR EXAMPLE WITH SAVORY,¹⁵ HYSSOP AND THYME.¹⁶

MISHNAH 3. IF A POMEGRANATE OR MELON HAS ROTTED IN PART, [WHAT IS ROTTEN] IS NOT INCLUDED;¹⁷ AND IF [THE FRUIT] IS SOUND AT EITHER END BUT

HAS ROTTEN IN THE MIDDLE, [WHAT IS ROTTEN] IS NOT INCLUDED.¹⁸ THE NIPPLE OF A POMEGRANATE IS INCLUDED, BUT THE FIBROUS SUBSTANCE THEREOF IS NOT INCLUDED. R. ELEAZAR SAYS: ALSO THE COMB¹⁹ [THEREOF] IS NOT SUSCEPTIBLE TO UNCLEANNES.²⁰

MISHNAH 4. ALL KINDS OF HUSKS CONTRACT AND IMPART UNCLEANNES, AND ARE INCLUDED.²¹ R. JUDAH SAYS: AN ONION HAS THREE SKINS: THE INNERMOST ONE WHETHER IT IS IN ITS ENTIRE STATE OR WHETHER IT BE PIERCED WITH HOLES²² IS INCLUDED; THE MIDDLE ONE WHEN IT IS IN A WHOLE STATE IS INCLUDED, BUT WHEN IT IS PIERCED WITH HOLES IT IS NOT INCLUDED;²³ THE OUTERMOST SKIN IS IN EITHER CASE REGARDED AS INSUSCEPTIBLE TO UNCLEANNES.²⁴

MISHNAH 5. IF ONE CHOPS UP [FRUIT] FOR COOKING PURPOSES, EVEN IF [THE CHOPPING HAD] NOT BEEN COMPLETELY FINISHED,²⁵ IT IS NOT REGARDED AS CONNECTED. IF HIS INTENTION, HOWEVER, HAD BEEN TO PICKLE²⁶ OR TO BOIL IT,²⁷ OR TO SET IT ON THE TABLE,²⁸ THEN IT IS REGARDED AS CONNECTED.²⁹ IF HE BEGAN TO TAKE [THE PIECES] APART, [ONLY] THAT PART OF THE FOOD WHICH HE BEGAN TO TAKE APART IS NOT CONSIDERED A CONNECTIVE.³⁰ NUTS THAT HAD BEEN STRUNG TOGETHER,³¹ OR ONIONS THAT HAD BEEN PILED TOGETHER, COUNT AS CONNECTIVES.³² IF HE BEGAN TO TAKE THE NUTS APART,³³ OR TO STRIP THE ONIONS, ONLY THAT [ON WHICH HE BEGAN] IS NOT DEEMED AS CONNECTIVE.³⁴ [SHELLS OF] NUTS AND ALMONDS ARE CONSIDERED AS CONNECTIVES [WITH THE EDIBLE PART] UNTIL THEY ARE CRUSHED.³⁵

MISHNAH 6. [THE SHELL OF] A ROASTED EGG³⁶ [IS CONSIDERED A CONNECTIVE]³⁷ UNTIL IT IS CRACKED;³⁸ THAT OF A HARD-BOILED EGG [IS CONSIDERED A CONNECTIVE] UNTIL IT IS ENTIRELY BROKEN UP.³⁹ A MARROW-BONE SERVES AS A CONNECTIVE⁴⁰ UNTIL IT IS WHOLLY CRUSHED;⁴¹ AND [THE RIND OF] A POMEGRANATE THAT HAS BEEN DIVIDED INTO HALVES SERVES AS CONNECTIVE UNTIL IT HAS BEEN KNOCKED WITH A STICK.⁴² SIMILARLY, LOOSE STITCHES OF LAUNDRY⁴³ OR A GARMENT THAT HAD BEEN STITCHED TOGETHER WITH THREADS OF MIXED STUFF,⁴⁴ SERVE AS CONNECTIVES UNTIL ONE BEGINS TO LOOSEN THEM.⁴⁵

MISHNAH 7. THE [OUTER] LEAVES OF VEGETABLES IF THEY ARE GREEN⁴⁶ ARE INCLUDED,⁴⁷ BUT IF THEY HAVE WHITENED⁴⁸ THEY ARE NOT INCLUDED. R. ELEAZAR B. ZADOK SAYS: THE WHITE LEAVES OF CABBAGE ARE INCLUDED BECAUSE THEY ARE EDIBLE. SO ALSO THOSE OF LETTUCES,⁴⁹ BECAUSE THEY PRESERVE THE EDIBLE PART.

MISHNAH 8. WITH REGARD TO THE LEEK-LIKE SPROUTS OR THE CENTRE SPROUTS OF ONIONS, IF THERE IS SAP IN THEM THEY ARE TO BE MEASURED AS THEY ARE;⁵⁰ IF THERE IS A VACUUM WITHIN THEM, IT MUST BE SQUEEZED TIGHTLY TOGETHER.⁵¹ SPONGY BREAD⁵² IS MEASURED AS IT IS,⁵⁰ BUT IF THERE IS A VACUUM WITHIN IT, IT MUST BE PRESSED FIRMLY. THE FLESH OF A CALF WHICH HAD SWOLLEN,⁵³ OR THE FLESH OF AN OLD [BEAST] THAT HAS SHRUNKEN IN SIZE, ARE MEASURED IN THE CONDITION THEY ARE IN.⁵⁴

MISHNAH 9. A CUCUMBER PLANTED IN A POT⁵⁵ WHICH SO GREW TILL IT REACHED OUT OF THE POT IS NOT DEEMED SUSCEPTIBLE.⁵⁶ R. SIMEON SAID: WHAT IS THEREIN TO MAKE IT CLEAN?⁵⁷ NO,⁵⁸ THAT WHICH HAS ALREADY BECOME UNCLEAN

CONTINUES IN ITS UNCLEANNESS,⁵⁹ AND ONLY THAT WHICH IS INSUSCEPTIBLE⁶⁰ CAN BE EATEN.

MISHNAH 10. VESSELS MADE OF CATTLE DUNG OR OF EARTH⁶¹ THROUGH WHICH THE ROOTS CAN PENE TRATE,⁶² DO NOT RENDER THE SEEDS SUSCEPTIBLE.⁶³ A PERFORATED PLANT-POT DOES NOT RENDER SEEDS SUSCEPTIBLE;⁶⁴ BUT IF IT HAS NO HOLE, THE SEEDS DO BECOME SUSCEPTIBLE.⁶⁵ WHAT SHOULD BE THE HOLE'S DIMENSION? SUCH THAT A SMALL ROOT CAN PUSH ITS WAY THROUGH. IF IT WAS FILLED WITH EARTH TO ITS BRIM,⁶⁶ IT IS DEEMED AS A BOARD WITHOUT AN EDGE.⁶⁷

(1) In wine or vinegar, or other preservative liquids.

(2) I.e., they are insusceptible to uncleanness, as they are regarded neither as handle nor protection to the olives.

(3) For when the leaves are still attached, the olives lend the appearance of having just been plucked, and serve as a guarantee for freshness. Thus his intention never was to eat the olive leaves, or to preserve the olives from getting spoiled.

(4) A parasitic growth on shrubs.

(5) Being neither handle nor protection.

(6) While still unsold, this fibrous substance gives the cucumber the appearance of having been just plucked and proves more attractive to the purchaser. Accordingly, they may be regarded as a kind of protection to the fruit. In addition, they prevent the cucumber from being soiled by the fingers of intending purchasers whose custom it is to feel the fruit before buying. In this wise, they differ from the case first cited in our Mishnah concerning the leaves of the olives, with the ruling on which R. Judah agrees.

(7) To constitute the required egg's bulk; these stones being considered as handles but not as protection.

(8) Containing sap, they can be sucked in the mouth.

(9) With the edible part, since their juice is acceptable.

(10) The membranous enclosure separating the stone of the date from the flesh.

(11) With the edible part. In dry dates, the skin is thing and can be eaten with the fruit.

(12) Being bitter, the husk is usually cast aside.

(13) Part of the fresh fig was left with the fruit-stone, and the part near the edible portion was regarded as a protection.

(14) And all that part which could be then encompassed is included.

(15) A plant classified with the hyssop; Ma'as. III, 9; Sheb. VIII, 1.

(16) The stalks close to the edible parts of these plants are included (Asheri).

(17) To form the egg's bulk, since the rotted part must be cast away.

(18) Since the rotted centre can in no wise be included as edible. V. L. for the necessity of adding this statement.

(19) The sprouting hairs on the nipple of the pomegranate bear a striking resemblance to a comb.

(20) For even when they are lopped off from the fruit, the fruit-stones are not revealed; hence, they cannot be regarded as a protection. In the case of the nipple, however, the fruit-stones are laid bare when that is cut off, and the fruit does suffer as a consequence.

(21) To form the required bulk. Bert. excludes from this general statement the moist outward shells of nuts at the time of their gathering, for these also are not a protection; cf. Hul. 119b on the subject.

(22) Though such a state can scarcely be regarded as a protection to the edible part of the onion.

(23) For unlike the innermost skin, it is not eaten.

(24) Regardless of the fact whether it is whole or pierced. This skin is very thin and peels off when only touched by the hand; accordingly it can be regarded neither as handle nor as protection.

(25) I.e., some of the pieces are still attached. Since in the process of cooking they will eventually become detached, they are already considered apart.

(26) In vinegar or pungent salt water.

(27) Lit., 'to seethe them'; i.e., to overboil them. For שליקה is a more intensive process than plain cooking, בישול. In the case of pickling and boiling intensively, they become hard again and do not fall apart as in the case of plain cooking.

(28) Without chopping them up, separating them just sufficiently to enable his guests to take up separate portions, being

content that they should be attached until such time as required.

(29) Each one serving as a handle to the other, and because they are considered as one pile, since the cutting has not been complete.

(30) And we do not surmise that since he began to separate some of them his intention was to do so to all.

(31) On a thread to dry whilst they are still in a tender state.

(32) Being considered as one pile.

(33) A few nuts began to break, leaving a portion still attached.

(34) For the others will soon follow suit.

(35) For the shells, even when cracked, still serve as a protection to the nuts.

(36) Or, 'lightly-boiled'.

(37) For the smallest hole therein enables one to sip the contents of the egg still in a liquid state.

(38) Cf. Hul. 92b. Once a crack has occurred, the liquid will find a way out through the hole, and the shell will no longer act as a protection.

(39) For the egg will still remain within the shell, even if the latter suffers a severe crack. It is, therefore, a protection until completely broken.

(40) With the marrow.

(41) When it cannot serve as protection to the marrow.

(42) To extract its edible seeds.

(43) It was their custom loosely to sew the garments together so that they should not get lost, and then to separate them.

(44) Cf. Par. XII, 9. His avowed intention was to unloose them later, for kil'ayim is forbidden in the Torah, but as long as they are sewn together they are counted as connectives.

(45) Hence should one of the garments contract uncleanness, the other also is affected. Once he begins to loosen the stitches which bind them together, they can no longer be deemed as one garment.

(46) When they are eaten.

(47) With the edible parts.

(48) I.e., when they have withered, a condition which renders them inedible.

(49) Which though not eaten still serve as a protection.

(50) Viz., without squeezing the core as in the case of the vacuum.

(51) In order to include the sap so as to obtain the egg's bulk necessary to impart uncleanness.

(52) I.e., bread blown up like a sponge.

(53) In the process of cooking, the flesh of the calf swells in dimension, whereas that of an old beast shrinks.

(54) Though the calf's flesh may have been less than the size of an egg prior to the cooking, or the flesh of an old beast more, still we estimate them in their present condition; cf. Toh. V, 7.

(55) Which has no hole beneath, with the result that the cucumber has not the legal ruling applied to things growing directly out of the soil (v. next Mishnah). Our Mishnah deals with a case where the cucumber had already received contact with liquid.

(56) Since the cucumber now reaches outside the pot, and only air separates it from the soil, even if that part of the cucumber within the pot had come into contact with defilement prior to its replanting, it now becomes clean, as is the law of all unclean seedlings that have been planted; v. Ter. IX, 7 (Bert.).

(57) Why should that part within the pot which had become unclean now be declared clean? Is it not enough to pronounce just that part outside the pot clean, but that within as unclean, since the pot has no hole beneath?

(58) R. Simeon is continuing his argument.

(59) Viz., that part within the pot.

(60) The part without the pot.

(61) Unbaked clay. There are three utensils which do not contract uncleanness neither according to Biblical nor Rabbinical injunction: vessels of stone, cattle-dung or unbaked clay.

(62) Though the vessels themselves are not actually perforated, yet their sides are so thin that their roots within can force their way out. Hence does the Mishnah omit stone vessels, the sides of which can obviously resist the drive of the roots outwards.

(63) For such vessels are accounted as if they had been part of the soil; hence the objects within are insusceptible to uncleanness.

(64) Being considered as if growing directly out of the soil. Having a hole, which connects the plant directly with the soil

beneath, the pot loses the status of a vessel.

(65) For then it is regarded as a vessel, and the plants therein have the same ruling as those that have already been plucked from the soil.

(66) The unperforated plant pot was filled with earth, and thus not accounted at all as a vessel.

(67) I.e., an edge, by which a flat utensil is made into a vessel-like receptacle. Because it has no such receptacle it cannot be considered susceptible, and is regarded as the soil itself from which it is separated on the four sides thereof only by air; cf. Kel. II, 3 where the general principle is laid down that 'those earthenware vessels which have no inner part, no regard is paid to their outward part'.

Mishna - Mas. Uktzin Chapter 3

MISHNAH 1. SOME THINGS NEED TO BE RENDERED SUSCEPTIBLE [TO UNCLEANNESS].¹ BUT THEY DO NOT NEED INTENTION,² [WHILST OTHERS NEED] INTENTION AND TO BE RENDERED SUSCEPTIBLE. [STILL OTHERS THERE ARE THAT] NEED INTENTION, BUT DO NOT NEED TO BE RENDERED SUSCEPTIBLE, [WHILST OTHERS THAT] NEED NEITHER TO BE RENDERED SUSCEPTIBLE NOR INTENTION. SUCH EDIBLES THAT ARE DESIGNATED AS HUMAN FOOD NEED TO BE RENDERED SUSCEPTIBLE, BUT DO NOT NEED INTENTION.³

MISHNAH 2. THAT WHICH HAS BEEN SEVERED FROM A MAN,⁴ BEAST, WILD ANIMAL, BIRD, OR FROM THE CARRION OF AN UNCLEAR BIRD,⁵ AND THE FAT IN VILLAGES,⁶ AND (ALL KINDS OF WILD VEGETABLES,⁷ SAVE TRUFFLES⁸ OR FUNGUS⁹ — R. JUDAH SAYS, SAVE FIELD-LEEKS,¹⁰ PURSLANE¹¹ AND THE ASPHODEL.¹² AND R. SIMEON SAYS, SAVE CARDOON,¹³ AND R. JOSE SAYS, SAVE ACORNS¹⁴ — BEHOLD ALL THESE¹⁵ NEED BOTH INTENTION AND TO BE RENDERED SUSCEPTIBLE [TO UNCLEANNESS].¹⁶

MISHNAH 3. THE CARRION OF AN UNCLEAR BEAST AT ALL PLACES,¹⁷ AND OF A CLEAN BIRD IN VILLAGES, NEED INTENTION¹⁸ BUT DO NOT NEED TO BE RENDERED SUSCEPTIBLE.¹⁹ THE CARRION OF A CLEAN BEAST IN ALL PLACES,²⁰ AND THAT OF A CLEAN BIRD, AND ALSO FAT²¹ IN THE MARKET PLACES, REQUIRE NEITHER INTENTION²² NOR TO BE RENDERED SUSCEPTIBLE.²³ R. SIMEON SAYS, ALSO²⁴ [THE CARRION OF] THE CAMEL, RABBIT, CONEY OR PIG.

MISHNAH 4. THE DILL²⁵ STALK AFTER HAVING GIVEN ITS TASTE TO A DISH IS NO LONGER SUBJECT TO THE LAWS OF TERUMAH,²⁶ AND ALSO NO LONGER IMPARTS FOOD UNCLEANNESS.²⁷ THE YOUNG SPROUTS OF THE SERVICE-TREE,²⁸ OF GARDEN CRESS,²⁹ OR LEAVES OF THE WILD ARUM,³⁰ DO NOT IMPART FOOD UNCLEANNESS UNTIL THEY ARE SWEETENED.³¹ R. SIMEON SAYS: ALSO [THE LEAVES OF] THE COLOCYNTH ARE LIKE THEM.

MISHNAH 5. COSTUS,³² AMOMUM,³³ PRINCIPAL SPICES, [ROOTS OF] CROWFOOT,³⁴ ASAFOETIDA,³⁵ PEPPER AND LOZENGES MADE OF SAFFRON³⁶ MAY BE BOUGHT WITH TITHE MONEY,³⁷ BUT THEY DO NOT CONVEY FOOD UNCLEANNESS.³⁸ SO R. AKIBA. SAID R. JOHANAN B. NURI TO HIM: IF THEY MAY BE BOUGHT WITH [SECOND] TITHE MONEY, THEN WHY SHOULD THEY NOT IMPART FOOD UNCLEANNESS? AND IF THEY DO NOT IMPART FOOD UNCLEANNESS, THEN THEY SHOULD ALSO NOT BE BOUGHT WITH [SECOND] TITHE MONEY.³⁹

MISHNAH 6. UNRIPE FIGS OR GRAPES, R. AKIBA SAYS, CONVEY FOOD UNCLEANNESS; BUT R. JOHANAN B. NURI SAYS: [THIS IS ONLY] WHEN THEY HAVE REACHED THE SEAS ON WHEN THEY ARE LIABLE TO TITHES.⁴⁰ OLIVES AND GRAPES

THAT HAVE HARDENED,⁴¹ BETH SHAMMAI SAY, BECOME SUSCEPTIBLE TO UNCLEANNESS,⁴² WHEREAS BETH HILLEL SAY: THEY ARE INSUSCEPTIBLE.⁴³ BLACK CUMMIN, BETH SHAMMAI SAY, IS NOT SUSCEPTIBLE, BUT BETH HILLEL SAY: IT IS SUSCEPTIBLE.⁴⁴ [THEIR DISPUTE ALSO EXTENDS] TO [THEIR LIABILITY TO] TITHES.⁴⁵

MISHNAH 7. THE TERMINAL BUD OF A PALM⁴⁶ IS LIKE WOOD IN EVERY RESPECT,⁴⁷ SAVE THAT IT MAY BE BOUGHT FOR [SECOND] TITHE MONEY.⁴⁸ UNRIPENED DATES⁴⁹ ARE CONSIDERED FOOD,⁵⁰ BUT ARE EXEMPT FROM TITHES.⁵¹

MISHNAH 8. WHEN DO FISH BECOME SUSCEPTIBLE TO UNCLEANNESS?⁵² BETH SHAMMAI SAY: AFTER THEY HAVE BEEN CAUGHT.⁵³ BETH HILLEL SAY: ONLY AFTER THEY ARE DEAD.⁵⁴ R. AKIBA SAYS: [IT ALL DEPENDS] IF THEY CAN STILL LIVE.⁵⁵ IF A BRANCH OF A FIG TREE WAS BROKEN OFF, BUT IT WAS STILL ATTACHED BY ITS BARK,⁵⁶ R. JUDAH SAYS: [THE FRUIT THEREON] IS STILL NOT SUSCEPTIBLE TO UNCLEANNESS; BUT THE SAGES SAY: [IT ALL DEPENDS] WHETHER THEY COULD STILL LIVE.⁵⁷ GRAIN THAT HAD BEEN UPROOTED, EVEN THOUGH IT BE ATTACHED TO THE SOIL BY THE SMALLEST OF ROOTS, IS NOT SUSCEPTIBLE TO UNCLEANNESS.⁵⁸

MISHNAH 9. THE FAT [OF THE CARCASE] OF A CLEAN BEAST IS NOT REGARDED AS UNCLEAR WITH CARRION UNCLEANNESS;⁵⁹ FOR THIS REASON IT MUST FIRST BE MADE SUSCEPTIBLE. THE FAT OF AN UNCLEAR BEAST, HOWEVER, IS REGARDED AS UNCLEAR WITH CARRION UNCLEANNESS;⁶⁰ FOR THIS REASON IT NEED NOT BE MADE AT FIRST SUSCEPTIBLE.⁶¹ AS FOR UNCLEAR FISH AND UNCLEAR LOCUSTS,⁶² INTENTION IS REQUIRED IN VILLAGES.⁶³

MISHNAH 10. A BEE-HIVE⁶⁴ SAYS R. ELIEZER, IS TREATED AS IF IT WERE IMMOVABLE PROPERTY;⁶⁵ HENCE A PROZBUL⁶⁶ MAY BE WRITTEN ON ITS SECURITY; IT IS ALSO NOT SUSCEPTIBLE TO UNCLEANNESS AS LONG AS IT REMAINS IN ITS OWN PLACE.⁶⁷ THE ONE WHO SCRAPES HONEY THEREFROM ON A SABBATH DAY BECOMES LIABLE TO A SIN-OFFERING.⁶⁸ BUT THE SAGES SAY: IT IS NOT TO BE TREATED AS IF IT WERE IMMOVABLE PROPERTY, AND HENCE NO PROZBUL MAY BE WRITTEN ON ITS SECURITY; IT IS SUSCEPTIBLE EVEN IF IT REMAINS IN ITS OWN PLACE; AND THE ONE WHO SCRAPES HONEY THEREFROM ON THE SABBATH IS EXEMPT [FROM A SIN-OFFERING].⁶⁹

MISHNAH 11. WHEN DO HONEYCOMBS BECOME SUSCEPTIBLE TO UNCLEANNESS ON ACCOUNT OF THEIR BEING REGARDED AS LIQUIDS?⁷⁰ BETH SHAMMAI SAY: FROM THE MOMENT HE BEGINS TO SMOKE⁷¹ THE BEES OUT; BUT BETH HILLEL SAY: FROM THE TIME AFTER [THE HONEYCOMB] HAS BEEN BROKEN.⁷²

MISHNAH 12. R. JOSHUA B. LEVI SAID: IN THE WORLD TO COME⁷³ THE HOLY ONE, BLESSED BE HE, WILL MAKE EACH RIGHTEOUS PERSON TO INHERIT THREE HUNDRED AND TEN WORLDS, FOR IT IS WRITTEN: 'THAT I MAY CAUSE THOSE THAT LOVE ME TO INHERIT YESH;⁷⁴ AND THAT I MAY FILL THEIR TREASURIES'.⁷⁵ R. SIMEON B. HALAFTA SAID: THE HOLY ONE, BLESSED BE HE, FOUND NO VESSEL THAT COULD CONTAIN BLESSING FOR ISRAEL SAVE THAT OF PEACE, AS IT IS WRITTEN: 'THE LORD WILL GIVE STRENGTH UNTO HIS PEOPLE; THE LORD WILL BLESS HIS PEOPLE WITH PEACE'.⁷⁶

(1) By coming in contact with any one of the seven liquids enumerated in Maksh. VI, 4.

(2) To be used as food so as to make them subject to rules of food uncleanness.

- (3) Since they will eventually be used for food, though not set aside for the purpose now. Even if such fruit had not been specifically plucked for human consumption, but had fallen of its own accord, it becomes unclean after having been rendered susceptible.
- (4) Only the entire limb from a living being makes objects unclean, but not the flesh. Hence both contact with liquid and intention are required. If the flesh had been cut off to throw to a dog to eat, it is deemed sufficient intention; cf. Ker. 21a.
- (5) For though dead, no major defilement attaches to it; Toh. I, 3. Accordingly it requires to be rendered susceptible both in town and village.
- (6) Where it is not usual for fat to be eaten, hence intention is required. In towns, however, where among the large throngs there are sure to be those who also eat fat, no specific intention is required; but in both places it needs to be rendered susceptible. (V. discussion in L.).
- (7) Growing of their own accord without having been sown; hence not specified for human food.
- (8) Heb. shemarka'im, 'a species of very acrid onions' (Maim.).
- (9) Though these two plants likewise grow wild, yet on account of their being occasionally served as human food, require contact with liquids, but no specific intention.
- (10) As also not requiring intention.
- (11) A low succulent herb used in salads.
- (12) A genus of lilaceous plants.
- (13) A composite kitchen garden plant allied to the artichoke; a species of edible thistles.
- (14) Heb. balosin. Jast. emends to bulbus, and renders 'a bulbous root, a delicious kind of onion'.
- (15) I.e., all enumerated things apart from those excepted by the three Rabbis, whose contention was that since they are sometimes eaten, no specific intention is required.
- (16) This intention must precede the contact with the liquid (v. L.).
- (17) For they are not usually eaten, even in towns.
- (18) To convey food uncleanness even where it is less than an olive's bulk, provided it was combined with some foodstuff of less than an egg's bulk, v. Ker. 21a.
- (19) Being already unclean per se; v. infra 9, n. 7. For the purpose of elucidation, this Rabbinic ruling must be cited: carrion, whether of wild animals, clean or unclean cattle, imparts uncleanness by contact and carrying. The carrion of a clean bird has but the one uncleanness — that when there is an olive's bulk thereof in the eater's gullet (v. Toh. I, 1). The carrion of an unclean bird, of fish, clean and unclean, and of locusts, have no uncleanness at all.
- (20) Bing regarded as food.
- (21) Sc. carrion fat of an unclean beast which defiles as the flesh does; v. however Rashi, Ker. 21a.
- (22) Since there are bound to be some people who occasionally eat such food.
- (23) Since it will later be the cause of major defilement (gullet uncleanness), contact with liquids is non-essential.
- (24) As not requiring intention in the towns, since there are bound to be some therein who eat even these things. Specific intention is only required in such cases where the food is not used for human consumption whatsoever. R. Simeon differs from the Tanna of our Mishnah who generalized that: 'the carrion of unclean beasts anywhere requires attention'.
- (25) Of terumah. An umbelliferous annual yellow-flowered herb; cf. Shab. 126b; M. K. 3a.
- (26) And, accordingly, a non-priest eating thereof is not deemed culpable.
- (27) For once it had been cooked all its taste departs and it becomes uneatable.
- (28) The interior of which is eaten as a relish, after they have been pickled.
- (29) Aliter: 'candy-tuft', a plant with white, pink or purple flowers in flat tufts.
- (30) A plant similar to colocasia, with edible leaves and not bearing beans; usually classified with onions and garlic.
- (31) And then they become edible.
- (32) The name of a fragrant root or shrub, forming one of the ingredients of frankincense.
- (33) An Indian spice; cf. Gen. R. XLV, where amomum is prescribed as a medicine for sterility.
- (34) Used as a spice, but considered poisonous for beasts.
- (35) An umbelliferous plant used as a resin, or in leaves for a spice and for medicinal purposes.
- (36) Or 'safflower', a thistlelike plant yielding red dye, used especially for rouge.
- (37) Refers to the second tithe, which the owner had to take to Jerusalem there to consume; or else he must redeem it by putting aside coins equivalent to their value plus one-fifth, after which that produce becomes free for ordinary use. The coins themselves assume the sanctity of the tithe and must also be taken to Jerusalem to buy therewith food or peace-offerings, and there to be consumed in cleanness.

- (38) Since they are not used for food but only for flavouring.
- (39) His argument being that since Deut. XIV, 26 stresses: 'And thou shalt bestow thy money . . . and thou shalt eat', the obvious implication is that only such things that can be eaten in their natural condition may be bought for the money.
- (40) Each fruit has a different season for tithing purposes; Ma'as. I, 1ff.
- (41) Prior to their ripening.
- (42) Still being regarded as food on account of the oil therein.
- (43) Not considered as food, since none will take the trouble of extracting the oil therefrom.
- (44) Cf. Ber. 40a.
- (45) According to Beth Shammai it will not be liable to tithes, since it is not susceptible to uncleanness, not being regarded as food.
- (46) Kor is the marrow or white heart of a palm or cabbage-tree. During the summer months it is soft and edible, but during the winter it hardens exceedingly.
- (47) V. 'Er. 28b; hence it is not susceptible to food uncleanness.
- (48) Being considered as food that had received its growth directly from the soil.
- (49) Kofniyoth is the inflorescence of palms, a date-berry in its early stages; cf. M. Sh. I, 14 where they are considered fruit in every respect.
- (50) For the purpose of imparting uncleanness.
- (51) Because the fruit has not yet ripened.
- (52) For as long as they are still alive they are not susceptible to, and cannot impart, uncleanness.
- (53) When they are already counted as dead, though still struggling in their nets. As fish do not require ritual slaughter, their death is only a matter of course.
- (54) Since nobody eats live fish, they can only be considered susceptible after they are dead.
- (55) I.e., if they can still survive after they have been taken out of the net and cast back into the sea, then they are not susceptible.
- (56) Thus the figs on the branch are still connected with the tree and regarded as rooted to the soil; cf. Hul. 126b. The same applies to other fruits, but the bark of the fig is mentioned on account of its thickness, and even when the bough is broken it still remains attached to the tree.
- (57) I.e., whether the fruit would grow again if fastened to the tree.
- (58) Maintaining that this is sufficient to make the grain sprout afresh.
- (59) This Mishnah is an explanation of supra III, 3. The guiding principle is that if eventually it will become a source of major defilement (so as to convey uncleanness to men and vessels), no preliminary contact with one of the seven liquids is required.
- (60) Provided, of course, it has the required egg's bulk. The Bible declared clean only the fat of the clean beast that afterwards became carrion (v. Lev. VII, 25), but the fat of an unclean beast defiles together with the flesh thereof.
- (61) Before it imparts food uncleanness; but there must be intention since it is not usually eaten; v. Mishnah 3, n. 11.
- (62) That are dead.
- (63) But not in the towns. Contact with liquids they must have everywhere, seeing that they do not carry with them any major defilement.
- (64) Cf. Shebi, X, 7.
- (65) And can, therefore, be acquired with the three legal procedures of money, document and usucaption.
- (66) Cf. Shebi. X, 6; Git. 37a; v. Glos.
- (67) Being then treated as if it were actually attached to the soil.
- (68) As in the case of plucking anything rooted to the soil on the Sabbath.
- (69) Thus regarding the bee-hive in every respect as something entirely detached from the soil. The reference is to a hive which is just lying on the ground, uncemented to the soil with lime.
- (70) For as long as the honey is in the hive it is regarded as food (v. previous Mishnah), and subject to the regulations of food uncleanness. As a liquid, however, it contracts first grade uncleanness if touched by anything unclean, v. Par. VIII, 7.
- (71) He sets twigs on fire to drive out bees from the hive. Maim.: 'He heats the honeycomb in order to make its honey sweeter'. Aliter: 'When he stirs up strife with the bees to drive them out'. Aliter: 'When he contemplates scraping out the honey'.
- (72) When he is about to scrape the honey out of the hive, he cuts it with a knife and extracts therefrom the honeycomb.

This act is described as a breaking of the honeycomb.

(73) Since this Mishnah sets the seal on the entire Talmud, it was thought appropriate to indicate the heavenly blessing to be meted out in the world to come as a reward of its long and arduous study. In some editions this last Mishnah is omitted.

(74) שׂוֹן , (E. V. 'substance') numerically equivalent to 310. This is a recognized Rabbinic exegetic device called Gematria; cf. Aboth III, 19. The pleasure awaiting him who has made the study of the Torah his 'chief delight' and his meditation day and night' will be 310 times greater than any kind of earthly pleasure.

(75) Prov. VIII, 21. The entire chapter is devoted to the importance of a study of the Torah.

(76) Ps. XXIX, 11.